الباب 11: الأخبار والسنن

Chapter 11: Transmitted Reports and the Sunnah

Ibn Ḥazm · Arabic–English parallel edition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[فصل فيه أقسام الإخبار عن الله تعالى]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[71] **Translator's note (L336):** The wording introducing the clause about Allah's proof is grammatically irregular, apparently through transcription. The translation follows its evident connection with the preceding claims without treating the irregular wording as a separate assertion.

[72] **Translator's note (L337):** "Given human constitution" renders an unusual expression literally referring to constitution or structure; in context, it concerns what is possible for human beings collectively.

[73] **Translator's note (L338):** The opening continues the preceding segment's phrase "the Messenger of Allah ﷺ." Its subject is every Companion who related reports from him; the author is describing the consequence of the position he rejects.

[74] **Qur'an references (L329):** Qur'an 4:59 (An-Nisa); Qur'an 59:7 (Al-Hashr); Qur'an 49:12 (Al-Hujurat).

is a departure from Islam. Or some of them are true and some false, but no one can ever have any means of distinguishing the true among them from the false. This declares false Allah Most High's statements that He preserves the revealed Reminder, that He has perfected the religion for us, and that He accepts from us only the religion of Islam and nothing else. It also entails the corruption of the religion and its admixture with things that He Most High never commanded, and that no one in the world can ever have any means of distinguishing what Allah Most High commanded him in his religion from what He did not command him, and that the reality of Islam and its revealed laws have certainly come to nothing. This is a departure from Islam. Or they are all true, their truth in the unseen being certain with Allah Most High, and all of them yielding knowledge, because Allah Most High has stated that He preserves the Reminder He has sent down; because He Most High has forbidden judging in religion on the basis of conjecture and saying concerning Him that of which we have no knowledge; and because He Most High has stated that He has made right guidance distinct from error. Right guidance is nothing other than what Allah Most High has sent down through the speech of His Prophet ﷺ and through his actions, while error is nothing other than what Allah Most High has not sent down through the speech of His Prophet ﷺ. This is our position, and praise belongs to Allah, Lord of the worlds.

ʿAlī said: Since this position has now been established with certainty, and everything other than it has been invalidated, let us, with Allah Most High's help, discuss its divisions. We say, seeking strength from Allah Most High: We are assured—and praise belongs to Allah—that no revealed law which the Messenger of Allah ﷺ commanded, recommended, or practiced, peace be upon him, can be lost without reaching anyone in his community, whether through recurrent transmission or through transmission by one trustworthy transmitter from another until the transmission reaches him ﷺ. We are also categorically assured that Allah Most High would not leave its transmission exclusively to upright transmitters whose transmission does not establish binding proof. We are also categorically assured that there can be no revealed law concerning which its trustworthy transmitter errs without a

علي: فإذا قد صح هذا القول بيقين، وبطل كل ما سواه، فلنتكلم بعون الله تعالى على تقسيمه فنقول وبالله تعالى نتأيد: إننا قد أمنا ولله الحمد أن تكون شريعة أمر بها رسول الله صلى الله عليه وسلم أو ندب إليها أو فعلها عليه السلام فتضيع ولم تبلغ إلى أحد من أمته إما بتواتر أو بنقل الثقة عن الثقة حتى تبلغ إليه صلى الله عليه وسلم وأمنا أيضا قطعا أن يكون الله تعالى يفرد بنقلها من لا تقوم الحجة بنقله من العدول، وأمنا أيضا قطعا أن تكون شريعة يخطىء فيها راويها الثقة، ولا يأتي بيان جلي واضح بصحة خطئه فيه، وأمنا أيضا قطعا أو يطلق الله عز وجل من قد وجبت الحجة علينا بنقله على وضع حديث فيه شرع يسنده إلى من تجب الحجة بنقله حتى يبلغ به إلى رسول الله صلى الله عليه وسلم وكذلك نقطع ونثبت بأن كل خبر لم يأت قط إلا مرسلا، أو لم يروه قط إلا مجهول أو مجرح ثابت الجرحة، فإنه خبر باطل بلا شك موضوع لم يقله رسول الله صلى الله عليه وسلم إذ لو جاز أن يكون حقا لكان ذلك شرعا صحيحا غير لازم لنا، لعدم قيام الحجة علينا فيها.

clear, manifest explanation establishing that he has indeed erred concerning it. And we are also categorically assured, or that Allah, Mighty and Majestic, allows someone whose transmission has established binding proof against us to fabricate a report containing a revealed law, attributing it through a chain to someone whose transmission establishes binding proof, until he traces it to the Messenger of Allah ﷺ. Likewise, we categorically affirm and establish that every report which has only ever come through a discontinuous transmission, or which has only ever been related by an unknown transmitter or by a discredited transmitter whose discrediting is established, is undoubtedly a false, fabricated report which the Messenger of Allah ﷺ did not utter. For if it could be true, that would constitute a valid revealed law which was not binding upon us, because binding proof concerning it had not been established against us.[75][76]

L342–344 ʿAlī said: This judgment which we have set forth applies only to what is transmitted by those whose uprightness is agreed upon, such as the Companions and the trustworthy Successors, and then such men as Shuʿbah, Sufyān, Sufyān, Mālik, and others among the leading authorities in their time and after them, down to us and until the Day of Resurrection; and to everyone whose discrediting has been established, such as al-Ḥasan ibn ʿUmārah, Jābir al-Juʿfī, and all the other discredited transmitters whose discrediting is established. As for someone concerning whom there is disagreement, with some declaring him upright and others discrediting him: if his uprightness is established for us, we affirm with certainty the soundness of his report; if his discrediting is established for us, we affirm with certainty the falsity of his report; and if neither of these is established for us, we suspend judgment

قال علي: وهذا الحكم الذي قدمنا إنما هو فيما نقله من اتفق على عدالته كالصحابة وثقات التابعين ثم كشعبة وسفيان وسفيان ومالك وغيرهم، من الأئمة في عصرهم وبعدهم إلينا وإلى يوم القيامة، وفي كل من ثبتت جرحته كالحسن بن عمارة وجابر الجعفي وسائر المجرحين الثابتة جرحتهم، وأما من اختلف فيه فعدله قوم وجرحه آخرون، فإن ثبتت عندنا عدالته قطعنا على صحة خبره، وإن ثبتت عندنا جرحته قطعنا على بطلان خبره، وإن لم يثبت عندنا شيء من ذلك وقفنا في ذلك، وقطعنا ولا بد حتما على أن غيرنا لا بد أن يثبت عنده أحد الأمرين فيه، وليس خطؤنا نحن إن أخطأنا، وجهلنا إن جهلنا، حجة على وجوب ضياع دين الله تعالى، بل الحق ثابت معروف عند طائفة وإن جهلته أخرى، والباطل كذلك أيضا، كما يجهل قوم ما نعلمه نحن أيضا، والفضل بيد الله يؤتيه من يشاء، ولا يصح الخطأ في خبر الثقة إلا بأحد ثلاثة أوجه: إما ثبت الراوي واعترافه بأنه أخطأ فيه، وإما شهادة عدل على أنه سمع الخبر مع راويه فوهم فيه فلان، وإما بأن توجب المشاهدة بأنه أخطأ. قال علي: وكذلك نقطع ونبت في كل خبرين صحيحين متعارضين، وكل آيتين متعارضتين، وكل آية وخبر صحيح متعارضين، وكل اثنين متعارضين، لم يأت نص بين بالتناسخ منهما،

[75] **Translator's note (L340):** "Their truth in the unseen being certain with Allah Most High" renders the unusual expression maqṭūʿ ʿalā ghaybihā ʿinda Allāh, which concerns the reports' actual truth as known to Allah. The ending reads "or that [He] allows" (aw yuṭliqu), where the construction appears to require "that [He] allows" (an yuṭliqa). The irregular "or" is retained; the verb continues in the next segment.

[76] **Translator's note (L341):** The opening completes the preceding segment's assurance that Allah would not permit such fabrication; the textual irregularity at that junction is noted there. "Discontinuous transmission" renders mursal, a technical description of a report with an omitted link in its transmission chain.

فإن الحكم الزائد على الحكم المتقدم من معهود الأصل هو الناسخ، وأن الموافق لمعهود الأصل المتقدم، وهو المنسوخ قطعا يقينا للبراهين التي قدمنا من أن الدين محفوظ، فلو جاز أن يخفى فيه ناسخ من منسوخ، أو أن يوجد عموم لا يأتي نص صحيح بتخصيصه، ويكون المراد به الخصوص، لكان الدين غير محفوظ، ولكانت الحجة غير قائمة على أحد في الشريعة؛ ولكنا متعبدين بالظن الكاذب المحرم، بل بالعمل بما لم يأمر الله تعالى قط به، وهذا باطل مقطوع على بطلانه. قال علي: فإن وجد لنا يوما غير هذا فنحن تائبون إلى الله تعالى منه، وهي وهلة نستغفر الله عز وجل منها، وإنا لنرجو ألا يوجد لنا ذلك بمن الله تعالى ولطفه

concerning it. Yet we necessarily and categorically affirm that one of these two determinations concerning him must be established for someone other than us. Our error, if we err, and our ignorance, if we are ignorant, are no proof that the religion of Allah Most High must be lost. Rather, the truth is established and known among one group even if another is ignorant of it; and the same also holds for falsehood, just as some people are ignorant of what we ourselves know. Bounty is in Allah's hand; He grants it to whomever He wills.

Error in a trustworthy transmitter's report can be established only in one of three ways: either the transmitter's verification and acknowledgment that he erred concerning it; or the testimony of an upright person that he heard the report together with its transmitter and that so-and-so made a mistake concerning it; or direct observation establishing that he erred.

ʿAlī said: Likewise, we categorically and decisively affirm, concerning every two conflicting sound reports, every two conflicting verses, every verse and sound report that conflict, and every two conflicting texts concerning which no explicit text has come clearly establishing abrogation between them, that the ruling which adds to the preceding ruling of the previously established original state is the abrogating ruling, and that the ruling which accords with the previously established original state is the abrogated ruling, categorically and certainly. This follows from the demonstrations we have already presented that the religion is preserved. For if it were possible for the distinction between an abrogating and an abrogated text within it to remain unknown, or for a general expression to exist without a sound text specifying its scope while a specific scope was intended by it, then the religion would not be preserved, binding proof in the revealed law would not be established against anyone, and we would be required to worship by following false, forbidden conjecture—indeed, by acting upon what Allah Most High never commanded. This is false, and its falsity is certain.

ʿAlī said: If anything other than this should one day be found in our writings, we repent of it to Allah Most High. It is a lapse for which we seek the forgiveness of Allah, Mighty and Majestic. We indeed hope that no such

thing will be found in our writings, through Allah Most High's grace and kindness.[77][78]

L345–350

The Qualities of One Whose Transmission of Reports Must Be Accepted

Abū Muḥammed said: We have additionally identified a decisive demonstration of the obligation to accept a solitary report: Allah Most High's account of Moses, peace be upon him, when there came to him: {And a man came running from the farthest part of the city. He said, "O Moses, the chiefs are consulting together about you, to kill you, so leave. I am indeed one of your sincere advisers."} {Then one of the two women came to him, walking bashfully. She said, "My father invites you, to reward you with the payment for having watered for us." Then, when he came to him and recounted the story to him, he said, "Do not fear. You have escaped the wrongdoing people."} Up to His saying, Most High: {He said, "I wish to marry you to one of these two daughters of mine, on condition that you work for me for eight years. If you complete ten, that will be of your own accord. I do not wish to make things difficult for you. You will find me, if Allah wills, among the righteous."} To the end of the account.

Moses, peace be upon him, believed the statement of the man who warned him and left his homeland on the strength of his statement, and Allah Most High approved this action of his. He believed the woman's statement that her father was inviting him, and went with her. He believed her father's statement that she was his daughter and, on the strength of his statement alone, deemed marriage to her and sexual intercourse with her lawful. Allah approved all of this. Thus what we have said is established with certainty: a solitary report is something one is compelled to believe with certainty. Praise belongs to Allah, Lord of the worlds.

صفة من يلزم قبوله نقل الأخبار قال أبو محمد واستدركنا برهانا في وجوب قبول الخبر الواحد قاطعا، وهو خبر الله تعالى عن موسى عليه السلام إذ جاءه {وجآء رجل من أقصى لمدينة يسعى قال يموسى إن لملأ يأتمرون بك ليقتلوك فخرج إني لك من لناصحين} {فجآءته إحداهما تمشي على ستحيآء قالت إن أبي يدعوك ليجزيك أجر ما سقيت لنا فلما جآءه وقص عليه لقصص قال لا تخف نجوت من لقوم لظالمين} إلى قوله تعالى {قال إني أريد أن أنكحك إحدى بنتي هاتين على أن تأجرني ثماني حجج فإن أتممت عشرا فمن عندك ومآ أريد أن أشق عليك ستجدني إن شاء الله من الصالحين} إلى آخر القصة، فصدق موسى عليه السلام قول المنذر له، وخرج عن وطنه بقوله، وصوب الله تعالى ذلك من فعله، وصدق قول المرأة التي أباها يدعوه فمضى معها، وصدق أباها في قوله إنها ابنته، واستحل نكاحها وجماعها بقوله وحده، وصوب الله ذلك كله، فصح يقينا ما قلنا بأن خبر الواحد ما يضطر إلى تصديقه يقينا والحمد لله رب العالمين قال علي وقد ذكرنا في الباب الذي قبل هذا وجوب قبول نذارة العدل النافر للتفقه في الدين، فإذا كان الراوي عدلا حافظا لما تفقه فيه، أو ضابطا له بكتابه وجب قبول نذارته، فإن كان كثير الغلط والغفلة غير ضابط بكتابه، فلم يتفقه فيما نفر للتفقه فيه، وإذا لم يتفقه فليس ممن أمرنا بقبول نذارته، ومن جهلنا حاله فلم ندر أفاسق هو أم عدل، وأغافل هو أم حافظ أو ضابط؟ ففرض علينا التوقف عن قبول خبره حتى يصح عندنا فقهه وعدالته وضبطه أو حفظه فيلزمنا حينئذ قبول نذارته، أو تثبت عندنا جرحته، أو قلة حفظه وضبطه فيلزمنا اطراح خبره. حدثنا عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا أبو عامر الأشعري، ثنا أبو أسامة هو حماد بن أسامة،

[77] **Translator's note (L342):** The two occurrences of Sufyān are retained as supplied; they can designate two distinct transmitters bearing that name.

[78] **Translator's note (L343):** "The transmitter's verification" follows the supplied tathabbut al-rāwī. The expression is awkward in this list but is retained alongside the explicit acknowledgment of error. The Arabic has an additional "and" before "is the abrogated ruling," producing a syntactically irregular clause. The translation preserves its evident predication without changing which ruling the author identifies as abrogated.

ʿAlī said: In the chapter preceding this one, we have mentioned the obligation to accept the warning of an upright person who goes forth to acquire understanding of the religion. If the transmitter is upright and retains in memory what he has acquired understanding of, or accurately preserves it in his written record, accepting his warning is obligatory. If he frequently errs and is inattentive, and does not accurately preserve it in his written record, then he has not acquired understanding of that for the understanding of which he went forth. If he has not acquired understanding, he is not among those whose warning we have been commanded to accept. As for someone whose condition is unknown to us, so that we do not know whether he is morally corrupt or upright, or whether he is inattentive or retains things in memory or preserves them accurately, we are obliged to refrain from accepting his report until his understanding, uprightness, and accuracy or retention in memory are established for us. We must then accept his warning. Or his discrediting, or the deficiency of his retention in memory and accuracy, becomes established for us, in which case we must discard his report.

ʿAbd Allāh ibn Yūsuf ibn Nāmī related to us: Aḥmad ibn Fatḥ related to us: ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad ibn Muhammed narrated to us: Ahmad ibn ʿAli narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu ʿAmir al-Ashʿari narrated to us: Abu Usamah—that is, Hammad ibn Usamah—narrated to us, from Burayd ibn ʿAbd Allah, from Abu Burdah, from Abu Musa, from the Prophet ﷺ, that he said: "The likeness of the guidance and knowledge with which Allah sent me is that of rain which fell upon some land. Part of it was good soil that absorbed the water and produced pasture and herbage in abundance. Part of it consisted of barren patches that retained the water, through which Allah benefited people: they drank from it, watered their animals, and grazed them. It fell upon another part that consisted only of flat expanses which neither retain water nor produce pasture. Such is the likeness of someone who gains understanding of Allah's religion through that with which Allah sent me, and thus learns and teaches; and the likeness of someone who pays no heed to it and does not accept Allah's guidance with which I was sent." And ʿAbd al-Rahman ibn ʿAbd Allah al-Hamdani narrated to us: Ibrahim ibn Ahmad al-Balkhi narrated to us:

عن بريد بن عبد الله عن أبي بردة عن أبي موسى عن النبي صلى الله عليه وسلم أنه قال إن مثل ما بعثني الله به من الهدى والعلم كمثل غيث أصاب أرضا فكانت منها طائفة طيبة قبلت الماء فأنبتت الكلأ والعشب الكثير، وكانت منها أجادب أمسكت الماء فنفع الله بها الناس فشربوا منها وسقوا ورعوا، وأصاب منها طائفة أخرى إنما هي قيعان لا تمسك ماء ولا تنبت كلأ. % فذلك مثل % من فقه في دين الله بما بعثني الله به فعلم وعلم ومثل من لم يرفع بذلك رأسا ولم يقبل هدى الله الذي أرسلت به. وحدثنا عبد الرحمن بن عبد الله الهمداني، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن العلاء، ثنا حماد بن أسامة عن يزيد فذكره بإسناده ولفظه، إلا أنه قال مكان طيبة: نقية، ومكان غيث: الغيث الكثير، ومكان ورعوا: وزرعوا، ومكان فقه: تفقه، ومكان قيعان قيعة واتفقا في كل ما عدا ذلك قال علي وليس اختلاف الروايات عيبا في الحديث إذا كان المعنى واحدا لأن النبي صلى الله عليه وسلم صح عنه أنه إذا كان يحدث بحديث كرره ثلاث مرات، فنقل كل إنسان بحسب ما سمع فليس هذا الاختلاف في الروايات مما يوهن الحديث إذا كان المعنى واحدا قال علي فقد جمع رسول الله صلى الله عليه وسلم في هذا الحديث مراتب أهل العلم دون أن يشذ منها شيء، فالأرض الطيبة النقية هي مثل الفقيه الضابط لما روى، الفهم للمعاني التي يقتضيها لفظ النص، المتنبه على رد ما اختلف فيه الناس إلى نص حكم القرآن وسنة رسول الله صلى الله عليه وسلم وأما الأجادب الممسكة للماء التي يستقي منها الناس، فهي مثل الطائفة التي حفظت ما سمعت أو ضبطته بالكتاب وأمسكته، حتى أدته إلى غيرها غير مغير، ولم يكن لها تنبه على معاني ألفاظ ما روت، ولا معرفة بكيفية رد ما اختلف الناس فيه إلى نص القرآن والسنن التي روت، لكن نفع الله تعالى بهم في التبليغ فبلغوه إلى من هو أفهم بذلك فقد أنذر رسول الله صلى

al-Firabri narrated to us: al-Bukhari narrated to us: Muhammed ibn al-ʿAlaʾ narrated to us: Hammad ibn Usamah narrated to us, from Yazid. He then related it with its chain of transmission and wording, except that, in place of "good," he said "pure"; in place of "rain," "abundant rain"; in place of "and grazed," "and cultivated"; in place of "gained understanding," "acquired understanding"; and in place of "flat expanses," "a flat expanse." The two agreed in everything else. ʿAli said: Differences between versions are no defect in a hadith when the meaning is one, because it is authentically established of the Prophet ﷺ that, when he related a hadith, he repeated it three times. Each person therefore transmitted according to what he heard. Such differences between versions do not weaken the hadith when the meaning is one. ʿAli said: In this hadith, the Messenger of Allah ﷺ encompassed the ranks of the people of knowledge, leaving none of them out. The good, pure soil is the likeness of the jurist who accurately retains what he transmits, understands the meanings entailed by the wording of the text, and is alert to referring matters over which people disagree back to the explicit ruling of the Quran and the Sunnah of the Messenger of Allah ﷺ. As for the barren patches that retain water, from which people draw water, these are the likeness of the group who memorized what they heard, or accurately preserved it in writing, and retained it until they conveyed it to others without alteration. They had no awareness of the meanings of the expressions they transmitted, nor any knowledge of how to refer matters over which people disagreed back to the text of the Quran and the prophetic traditions they transmitted. Yet Allah Most High benefited others through their conveying it, and they conveyed it to those who understood it better. The Messenger of Allah ﷺ gave notice of this when he said, "Many a person to whom something is conveyed comprehends it better than one who heard it," and as it is related from him ﷺ that he said, "Many a bearer of understanding is not himself a jurist." Abu Muhammed said: Thus, whoever neither memorizes what he hears nor accurately preserves it is neither like the good soil nor like the barren patches that retain water. Rather, he is deprived, whether excused or an object of displeasure, like the flat expanses that neither produce pasture nor

الله عليه وسلم بهذا إذ يقول فرب مبلغ أوعى من سامع وكما روي عنه عليه السلام أنه قال فرب حامل فقه ليس بفقيه قال أبو محمد: فمن لم يحفظ ما سمع ولا ضبطه، فليس مثل الأرض الطيبة ولا مثل الأجادب الممسكة للماء بل هو محروم معذور أو مسخوط بمنزلة القيعان التي لا تنبت الكلأ ولا تمسك الماء وفي هذا كفاية بيان وبالله تعالى التوفيق

retain water. This is sufficient clarification, and through Allah Most High comes success.[79][80][81][82]

L351–357 ʿAli said: Let whoever among you is able be like the good soil. If he is denied that, let him be among the barren patches. Beyond that there is no degree of merit or eminence. We seek refuge in Allah from being among the flat expanses. Yet whoever draws water from the barren patches and grazes upon the good soil has attained deliverance, and through Allah comes success. ʿAli said: When an upright transmitter relates a report from another like himself, and so on until he traces it to the Prophet ﷺ, it becomes obligatory to accept it, to obey it, and to affirm it with certainty, whether someone else transmits it with a gap in its chain or another stops its attribution short of the Prophet, or a liar among the people also transmits it; whether it is transmitted through another route or is transmitted only through that route; and whether its transmitter is a slave or a woman or neither. The only conditions are uprightness and acquired understanding. Indeed, there is much to marvel at in people who claim that they accept the authority of a solitary report, yet impugn those authentic hadiths that conflict with their doctrines by saying, "This is something transmitted only by so-and-so, and no source for it is known through any other route." Abu Muhammed said: This is profound ignorance and an extreme lapse, for they have agreed with us that accepting and acting upon a solitary report is obligatory, yet they constantly make its

قال علي فمن استطاع منكم فليكن من أمثال الأرض الطيبة، فإن حرم ذلك فمن الأجادب وليس بعد ذلك درجة في الفضل والبسوق، ونعوذ بالله من أن نكون من القيعان، لكن من استقى من الأجادب ورعى من الطيبة فقد نجا وبالله التوفيق قال علي فإذا روى العدل عن مثله كذلك خبرا حتى يبلغ به النبي صلى الله عليه وسلم فقد وجب الأخذ به ولزمت طاعته والقطع به سواء أرسله غيره أو أوقفه سواه، أو رواه كذاب من الناس، وسواء روي من طريق أخرى أو لم يرو إلا من تلك الطريق، وسواء كان ناقله عبدا أو امرأة أو لم يكن، وإنما الشرط العدالة والتفقه فقط، وإن العجب ليكثر من قوم من المدعين أنهم قائلون بخبر الواحد، ثم يعللون ما خالف مذاهبهم من الأحاديث الصحاح بأن يقولوا: هذا مما لم يروه إلا فلان، ولم يعرف له مخرج من غير هذا الطريق. قال أبو محمد: وهذا جهل شديد وسقوط مفرط، لأنهم قد اتفقوا معنا على وجوب قبول خبر الواحد والأخذ به، ثم هم دأبا يتعللون في ترك السنة بأنه خبر واحد، والعجب أنهم يأخذون بذلك إذا اشتهوا، فهذا محمد بن مسلم الزهري له نحو تسعين حديثا انفرد بها عن النبي صلى الله عليه وسلم لم يروها أحد من الناس سواه ليس أحد من الأئمة إلا وله أخبار انفرد بها، ما تعلل أحد من هؤلاء المحرمون في رد شيء منها بذلك، فليت شعري ما الفرق بين من قبلوا خبره ولم يروه أحد معه، وبين من ردوا خبره لأنه لم يروه أحد معه، وهل في الاستخفاف بالسنن أكثر من هذا؟. وأيضا فإن الخبر وإن روي من طرق ثلاثة أو أربعة أو أكثر من ذلك فهو كله خبر واحد، من أثبت شيئا من ذلك أثبت خبر الواحد، ومن نفى خبر الواحد نفى كل ذلك، لأن العلة عندهم في كل ذلك واحدة، وهي أن كل ما لا يضطر إلى التصديق عندهم ولم يوجب القطع على صحة مغيبة لديهم، فهو خبر واحد،

[79] **Translator's note (L345):** The first two Quranic quotations contain numerous defective spellings, including omitted initial alifs. Their identifiable wording is translated as supplied, without adding intervening verses. The heading's Arabic construction is awkward; it has been understood as describing the transmitter whose reports must be accepted.

[80] **Translator's note (L347):** The Arabic words for "guidance and knowledge" complete the phrase begun in the preceding segment; they are rendered there to preserve English word order.

[81] **Translator's note (L348):** The second chain reads "Yazid," whereas the preceding chain reads "Burayd." This apparent discrepancy is preserved. The supplied text contains percent signs around "such is the likeness"; these appear to be transcription or formatting artifacts. The unvocalized words rendered "learns and teaches" are علم وعلم; the context supports reading them as ʿalima wa-ʿallama.

[82] **Qur'an references (L345):** Qur'an 28:25 (Al-Qasas); Qur'an 28:27 (Al-Qasas); Qur'an 37:182 (As-Saffat).

being a solitary report a pretext for abandoning the Sunnah. The astonishing thing is that they accept it when they so desire. Here is Muhammed ibn Muslim al-Zuhri: he has some ninety hadiths from the Prophet ﷺ which he alone transmitted, and which no other person transmitted. There is no imam who does not have reports that he alone transmitted. None of these men who declare things forbidden has used that as a pretext for rejecting any of them. Would that I knew the difference between someone whose report they accept, although no one else transmitted it alongside him, and someone whose report they reject because no one else transmitted it alongside him! Could there be any greater disregard for the prophetic traditions than this? Furthermore, even if a report is transmitted through three or four routes, or more than that, it is all still a solitary report. Whoever affirms any of that affirms the solitary report, and whoever rejects the solitary report rejects all of that, because, according to them, the operative reason in all of it is one: everything that, in their view, does not compel assent and does not require certainty concerning the truth of its unseen content is a solitary report. According to them, this describes everything that has not been transmitted through mass transmission. They have therefore abandoned their doctrine without realizing it—or they realize it and do so deliberately, which is worse and uglier. We seek refuge in Allah from being forsaken. ʿAli said: As for a transmitter who conceals links in transmission, such transmitters fall into two categories. One is an upright transmitter with a retentive memory who sometimes transmits his hadith with a gap in its chain and sometimes gives its chain of transmission. Sometimes he relates it in the course of scholarly discussion, issuing a legal opinion, or disputation, without mentioning a chain for it; and sometimes he confines himself to mentioning some of its transmitters rather than others. This does not harm his remaining transmissions in any way, because it constitutes neither an impugning defect nor inattentiveness. However, we leave aside those hadiths of his which we know with certainty he transmitted with a gap in the chain, and those in which we know he omitted some member of the chain. We accept those hadiths of his concerning which we have no certainty of anything of that. Whether he says, “So-and-so informed us,” or says, “From so-and-so,” or says, “So-and-so, from so-and-so,” all of this must be accepted unless it is known with

وهذه عندهم صفة كل ما لم ينقل بالتواتر، فقد تركوا مذهبهم وهم لا يشعرون، أو يشعرون ويتعمدون، وهذه أسوأ وأقبح ونعوذ بالله من الخذلان قال علي وأما المدلس فينقسم إلى قسمين أحدهما حافظ عدل ربما أرسل حديثه وربما أسنده، وربما حدث به على سبيل المذاكرة أو الفتيا أو المناظرة، فلم يذكر له سندا، وربما اقتصر على ذكر بعض رواته دون بعض، فهذا لا يضر ذلك سائر رواياته شيئا، لأن هذا ليس جرحة ولا غفلة، لكنا نترك من حديثه ما علمنا يقينا أنه أرسله وما علمنا أنه أسقط بعض من في إسناده، ونأخذ من حديثه ما لم نوقن فيه شيئا من ذلك. وسواء قال: أخبرنا فلان، أو قال: عن فلان، أو قال: فلان عن فلان كل ذلك واجب قبوله، ما لم يتيقن أنه أورد حديثا بعينه إيرادا غير مسند، فإن أيقنا ذلك تركنا ذلك الحديث وحده فقط وأخذنا سائر رواياته. وقد روينا عن عبد الرزاق بن همام قال: كان معمر يرسل لنا أحاديث، فلما قدم عليه عبد الله بن المبارك أسندها له وهذا النوع منهم كان جلة أصحاب الحديث وأئمة المسلمين كالحسن البصري، وأبي إسحاق السبيعي، وقتادة بن دعامة، وعمرو بن دينار، وسليمان الأعمش، وأبي الزبير، وسفيان الثوري، وسفيان بن عيينة، وقد أدخل علي بن عمر الدارقطني فيهم مالك بن أنس، ولم يكن كذلك ولا يوجد له هذا إلا في قليل من حديثه أرسله مرة وأسنده أخرى. وقسم آخر: قد صح عنهم إسقاط من لا خير فيه من أسانيدهم عمدا، وضم القوي إلى القوي تلبيسا على من يحدث، وغرورا لم يأخذ عنه، ونصرا لما يريد تأييده من الأقوال، مما لو سمى من سكت عن ذكره لكان ذلك علة ومرضا في الحديث، فهذا رجل مجرح، وهذا فسق ظاهر واجب اطراح جميع حديثه، صح أنه دلس فيه أو لم يصح أنه دلس فيه، وسواء قال سمعت أو أخبرنا أو لم يقل، كل ذلك مردود غير مقبول لأنه ساقط العدالة، غاش لأهل الإسلام باستجازته ما ذكرناه، ومن هذا النوع كان الحسين بن عمارة وشريك بن عبد الله القاضي وغيرهما قال علي ومن صح أنه قبل التلقين ولو مرة سقط

certainty that he presented a particular hadith without a connected transmission chain. If we ascertain that, we leave aside that hadith alone and accept all his other narrations. We have transmitted from Abd al-Razzaq ibn Hammam that he said: "Maʿmar used to transmit hadiths to us with interrupted chains; then, when Abd Allah ibn al-Mubarak came to him, he supplied connected chains for them." This category included eminent hadith scholars and leaders of the Muslims, such as al-Hasan al-Basri, Abu Ishaq al-Sabiʿi, Qatada ibn Diʿama, Amr ibn Dinar, Sulayman al-Aʿmash, Abu al-Zubayr, Sufyan al-Thawri, and Sufyan ibn Uyayna. Ali ibn Umar al-Daraqutni included Malik ibn Anas among them, but he was not of this kind. This occurs in only a few of his hadiths, which he transmitted on one occasion with an interrupted chain and on another with a connected chain.

Another category consists of those who have been reliably shown deliberately to omit people in whom there is no good from their transmission chains, joining a strong transmitter to another strong transmitter in order to mislead those to whom they narrate, deceive those who take reports from them, and support the positions they wish to uphold—cases in which naming the person whose mention they suppressed would constitute a defect and an infirmity in the hadith. Such a man is impugned as a transmitter. This is manifest moral transgression, requiring that all his hadiths be discarded, whether or not it has been established that he concealed a defect in their transmission chains. Whether he says, "I heard," or "He informed us," or does not say either, all of it is rejected and unacceptable, because his uprightness has lapsed. He deceives the people of Islam by deeming permissible what we have mentioned. Al-Husayn ibn Umara, Sharik ibn Abd Allah the judge, and others belonged to this category.

Ali said: Anyone who has been reliably shown to have accepted prompting, even once, has all his hadiths disqualified, because he neither acquired understanding of the religion of Allah, Mighty and Majestic, nor retained what he heard. He ﷺ said: "May Allah make radiant a man who hears a hadith from us and retains it until he conveys it to someone else." He ﷺ thus commanded only the acceptance of what a person who retains it conveys. Prompting is when someone says to him, "So-and-so narrated such-and-such

حديثه كله لأنه لم يتفقه في دين الله عز وجل ولا حفظ ما سمع وقد قال عليه السلام نضر الله امرأ سمع منا حديثا حفظه حتى بلغه غيره فإنما أمر عليه السلام بقبول تبليغ الحافظ والتلقين هو أن يقول له القائل: حدثك فلان بكذا، ويسمي له من شاء من غير أن يسمعه منه، فيقول نعم، فهذا لا يخلو من أحد وجهين ولا بد من أحدهما ضرورة إما أن يكون فاسقا يحدث بما لم يسمع أو يكون من الغفلة بحيث يكون الذاهل العقل المدخول الذهن، ومثل هذا لا يلتفت له لأنه ليس من ذوي الألباب، ومن هذا النوع كان سماك بن حرب، أخبر بأنه شاهد ذلك منه شعبة الإمام الرئيس ابن الحجاج

to you," naming anyone he wishes, without his having heard it from that person, and he says, "Yes." This necessarily admits of only two possibilities, one of which must apply: either he is a morally transgressive person who narrates what he has not heard, or his heedlessness is such that his reason is distracted and his mind impaired. No attention is to be paid to someone like this, because he is not among those possessed of understanding. Simak ibn Harb belonged to this category. Shuʿba ibn al-Hajjaj, the foremost imam, reported that he had witnessed this in him.[8384]

L358–365 Ali said: Among the errors made by some hadith scholars is the statement, "So-and-so may be accepted concerning matters that soften the heart, but may not be accepted concerning legal rulings." Abu Muhammed said: This is false, because it is an invalid division for which there is no demonstration; indeed, demonstration invalidates it. Everyone on earth must be either morally transgressive or not morally transgressive. If he is not morally transgressive, he is upright, and there is no possibility of a third rank. The upright person falls into two categories: one who possesses understanding of the religion and one who does not. The upright person who possesses such understanding is accepted in everything, whereas the morally transgressive person is accepted in nothing. As for the upright person who does not retain what he hears, his warning in particular is not accepted in anything whatsoever, because the condition of acceptance explicitly stipulated by Allah Most High is absent in him. Whoever is upright in some of what he transmits is upright in all the rest of it. It is impossible that accepting some of his reports should be permissible while accepting the rest should be impermissible, except on the basis of an explicit text from Allah Most High or a consensus distinguishing

قال علي ومما غلط فيه بعض أصحاب الحديث أنه قال فلان يحتمل في الرقائق ولا يحتمل في الأحكام. قال أبو محمد: وهذا باطل لأنه تقسيم فاسد لا برهان عليه، بل البرهان يبطله وذلك أنه لا يخلو كل أحد في الأرض من أن يكون فاسقا أو غير فاسق، فإن كان غير فاسق كان عدلا ولا سبيل إلى مرتبة ثالثة فالعدل ينقسم إلى قسمين فقيه وغير فقيه فالفقيه العدل مقبول في كل شيء والفاسق لا يحتمل في شيء والعدل غير الحافظ لا تقبل نذارته خاصة في شيء من الأشياء، لأن شرط القبول الذي نص الله تعالى عليه ليس موجودا فيه. ومن كان عدلا في بعض نقله، فهو عدل في سائره، ومن المحال أن يجوز قبول بعض خبره، ولا يجوز قبول سائره إلا بنص من الله تعالى أو إجماع في التفريق بين ذلك، وإلا فهو تحكم بلا برهان وقول بلا علم وذلك لا يحل قال علي وقد غلط أيضا قوم آخرون منهم فقالوا فلان أعدل من فلان وراموا بذلك ترجيح خبر الأعدل على من هو دونه في العدالة قال علي وهذا خطأ شديد وكان يكفي من الرد عليهم أن نقول لهم: إنهم أبرك الناس لذلك، وفي أكثر أمرهم يأخذون بما روى الأول عدالة ويتركون ما روى الأعدل، ولعلنا سنورد من ذلك طرفا صالحا إن شاء الله تعالى، ولكن لا بد لنا بمشيئة الله تعالى من إبطال هذا القول بالبرهان الظاهر ولا حول ولا قوة إلا بالله العلي العظيم. فأول ذلك: أن الله عز وجل لم يفرق بين خبر عدل، وخبر عدل آخر أعدل من ذلك، ومن حكم في

[83] **Translator's note (L352):** "These men who declare things forbidden" renders المحرمون, an awkward reading in this context whose intended sense is uncertain. The supplied wording has not been silently emended.

[84] **Translator's note (L355):** The phrase «وغرورا لم يأخذ عنه» is syntactically defective as supplied. The translation understands the intended object as those who take reports from the transmitter, but the transmitted wording does not express this cleanly. The personal name «الحسين بن عمارة» is retained as supplied; it has not been silently changed to al-Hakam ibn Utayba's contemporary al-Hakam ibn Umara or to any other transmitter's name.

between them. Otherwise, it is arbitrary judgment without demonstration and speech without knowledge, and that is not lawful.

Ali said: Another group of them have also erred, saying, “So-and-so is more upright than so-and-so,” and seeking thereby to give preference to the report of the more upright person over that of someone beneath him in uprightness. Ali said: This is a grave error. It would suffice as a refutation of them for us to tell them that they are the most blessed of people in that regard, while in most of their practice they accept what the one who is first in uprightness has narrated and leave aside what the more upright person has narrated. Perhaps we shall present a substantial selection of such instances, if Allah Most High wills. Nevertheless, by the will of Allah Most High, we must invalidate this position through clear demonstration. There is neither power nor strength except through Allah, the Most High, the Magnificent. The first point is that Allah, Mighty and Majestic, has not distinguished between the report of one upright person and the report of another upright person who is more upright than that person. Whoever rules in religion without a command from Allah, Mighty and Majestic, or from His Messenger ﷺ, or a consensus known with certainty and conclusively established, transmitted from the Messenger of Allah ﷺ, has pursued that of which he has no knowledge. Whoever does that disobeys Allah, Mighty and Majestic, because He Most High has forbidden him to do so. He Most High has commanded only the acceptance of the warning of the one who goes forth and possesses understanding of the religion and uprightness, and only the acceptance of the testimony of upright people. Whoever adds a ruling has thus done something impermissible for him, discarded what Allah Most High did not command him to discard, and given precedence to what Allah, Mighty and Majestic, did not command him to give precedence to.

Ali said: Furthermore, someone of lesser uprightness may know what someone more complete in uprightness does not know. Abu Bakr and Umar did not know the grandmother’s inheritance entitlement, whereas al-Mughira ibn Shuʿba and Muhammed ibn Maslama knew it. There is a great distance between those two and Abu Bakr and Umar, although all of them are upright. Abu Bakr deferred to al-Mughira’s report on that matter, and Umar deferred

الدين بغير أمر من الله عز وجل أو من رسوله عليه السلام أو إجماع متيقن مقطوع به منقول عن رسول الله صلى الله عليه وسلم فقد قفا ما ليس له به علم وفاعل ذلك عاص لله عز وجل، لأنه قد نهاه تعالى عن ذلك، وإنما أمر تعالى بقبول نذارة النافر الفقيه العدل فقط، وبقبول شهادة العدول فقط، فمن زاد حكما فقد أتى بما لا يجوز له، وترك ما لم يأمره الله تعالى بتركه، وغلب ما لم يأمره الله عز وجل بتغليبه قال علي وأيضا فقد يعلم الأقل عدالة ما لا يعلمه من هو أتم منه عدالة، وقد جهل أبو بكر وعمر ميراث الجدة، وعلمه المغيرة بن شعبة ومحمد بن مسلمة وبينهما وبين أبي بكر وعمر بون بعيد إلا أنهم كلهم عدول، وقد رجع أبو بكر إلى خبر المغيرة في ذلك، ورجع عمر إلى خبر مخبر أخبره عن أملاص المرأة، ولم يكن ذلك عند عمر، وذلك المخبر بينه وبين عمر في العدالة درج، وأيضا فإن كل ما يتخوف من العدل فإنه متخوف من أعدل من في الأرض بعد رسول الله صلى الله عليه وسلم وأيضا فلو شهد أبو بكر وحده ما قبل قبولا لا يوجب الحكم بشهادته، ولو شهد عدلان من عرض الناس قبلا، فلا معنى للأعدل. وأيضا فإن العدالة إنما هي التزام العدل، والعدل هو القيام بالفرائض واجتناب المحارم والضبط لما روى وأخبر به فقط، ومعنى قولنا فلان أعدل من فلان أي أنه أكثر نوافل في الخير فقط، وهذه صفة لا مدخل لها في العدالة، إذ لو انفردت من صفة العدالة التي ذكرنا لم يكن فضلا ولا خيرا. فاسم العدالة مستحق دونهما كما هو مستحق معها سواء بسواء ولا فرق، فصح أنه لا يجوز ترجيح رواية على أخرى، ولا ترجيح شهادة على أخرى، بأن أحد الراوين أو أحد الشاهدين أعدل من الآخر، وهذا الذي تحكموا به إنما هو من باب طيب النفس، وطيب النفس باطل لا معنى له وشهوة لم يأذن بها الله تعالى ولا رسوله صلى الله عليه وسلم وإنما هو حق فسواء طابت النفس عليه أو كرهته فهو حرام عليها، وهذا من باب اتباع الهوى، وقد حرم الله تعالى ذلك قال عز وجل {وأما من خاف مقام ربه ونهى لنفس عن

to the report of an informant who informed him about a woman's miscarriage, knowledge of which Umar did not possess. There were degrees of difference in uprightness between that informant and Umar. Furthermore, everything that may be feared of an upright person may also be feared of the most upright person on earth after the Messenger of Allah ﷺ. Furthermore, if Abu Bakr alone were to testify, he would not be accepted—an acceptance that does not entail ruling on the basis of his testimony—whereas if two upright people from among ordinary people were to testify, they would be accepted. Thus, being more upright has no significance. Furthermore, uprightness consists only in adhering to right conduct, and right conduct consists only in performing obligatory duties, avoiding forbidden things, and accurately retaining what one narrates and reports. Our statement, "So-and-so is more upright than so-and-so," means only that he performs more supererogatory acts in reporting. This is a quality that has no bearing on uprightness, since, if it existed apart from the quality of uprightness we have mentioned, it would be neither merit nor goodness. The designation of uprightness is deserved without those two just as it is deserved with it, on precisely equal terms, with no difference. It is therefore established that one narration may not be given preference over another, nor one testimony over another, on the grounds that one of the two narrators or one of the two witnesses is more upright than the other. This arbitrary ruling of theirs belongs only to the category of feeling reassured, and feeling reassured is invalid and of no significance: it is a desire that neither Allah Most High nor His Messenger ﷺ has authorized. It is only a matter of truth; thus, whether the soul feels reassured by it or dislikes it, it is forbidden to it. This belongs to following desire, which Allah Most High has forbidden. He, Mighty and Majestic, said: {But as for him who feared standing before his Lord and restrained the soul from desire}. He Most High also said: {If they do not respond to you, then know that they follow only their desires. And who is further astray than one who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people}. Whoever rules in the religion of Allah, Mighty and Majestic, according to what he deems good and feels reassured by, without demonstration from an established text or a consensus, has no one further astray than himself. In Allah Most High

لهوى} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من الله إن الله لا يهدي لقوم لظالمين} فمن حكم في دين الله عز وجل بما استحسن وطابت نفسه عليه دون برهان من نص ثابت أو إجماع، فلا أحد أضل منه، وبالله تعالى نعوذ من الخذلان، إلا من جهل ولم تقم عليه حجة، فالخطأ لا ينكر، وهو معذور مأجور، ولكن من بلغه البيان وقامت عليه الحجة فتمادى على هواه فهو فاسق عاص لله عز وجل قال علي ووجدنا الله تعالى لم يرض في القبول في الشهادة بزنى الأمة إلا أربعة عدول لا أقل، وإنما في ذلك خمسون جلدة وتغريب نصف عام، ووجدنا كما قد وافقتمونا على القبول في إباحة دم المسلم ودماء الجماعة باثنين، وكذلك في القذف والقطع، فأين طيب النفس ههنا. فبهذا وغيره يجب قبول ما قام الدليل عليه وسواء طابت عليه النفس أو لم تطب قال علي والمرأة والرجل والعبد في كل ما ذكرنا سواء، ولا فرق ولم يخص تعالى عدلا من عدل ولا رجلا من امرأة ولا حرا من عبد قال علي وبما ذكرنا ههنا يبطل قول من قال هذا الحديث لم يرو من غير هذا الوجه ثم قال: إنما طلبنا كثرة الرواة على استطابة النفس، فإن اعترضوا بقول إبراهيم عليه السلام إذ يقول: {وإذ قال إبراهيم رب أرني كيف تحيي الموتى قال أولم تؤمن قال بلى ولكن ليطمئن قلبي قال فخذ أربعة من لطير فصرهن إليك ثم جعل على كل جبل منهن جزءا ثم دعهن يأتينك سعيا وعلم أن لله عزيز حكيم} الآية قيل لهم أفترون يقين الخليل عليه السلام كان مدخولا قبل أن يرى إحياء الطير فإن قلتم هذا كفرتم ولو لم يره الله تعالى ذلك كما لم ير موسى ما سأل ما تخالج إبراهيم شك في صحة إحياء الله تعالى الموتى، وكذلك نحن إن وجدنا الحديث مرويا من طرق كان ذلك أبلغ أن الحجة عند المخالف فقط وإن عدمناه فقد لزمنا القبول لنقل الواحد بالحجاج التي قدمنا، وبينا على أي وجه طلب إبراهيم ما طلب في كتابنا في الملل والنحل قال

we seek refuge from abandonment—except for someone who is ignorant and against whom no proof has been established: error is not denied, and he is excused and rewarded. But whoever has received the clarification and had the proof established against him, then persists in following his desire, is morally transgressive and disobedient to Allah, Mighty and Majestic.

Ali said: We find that Allah Most High has not been satisfied, for the acceptance of testimony concerning an enslaved woman's unlawful sexual intercourse, with fewer than four upright witnesses, although what is involved is only fifty lashes and banishment for half a year. And we find, as you have already agreed with us, to the acceptance of two witnesses for permitting the shedding of a Muslim's blood, or the blood of a group, and likewise in cases of accusations of unlawful sexual intercourse and amputation. Where, then, is personal satisfaction here? On these and other grounds, whatever is established by evidence must be accepted, whether one feels satisfied with it or not. Ali said: A woman, a man, and a slave are equal in everything we have mentioned; there is no distinction. The Exalted has not singled out one upright person over another, a man over a woman, or a free person over a slave. Ali said: What we have mentioned here invalidates the statement of someone who says, 'This hadith has not been transmitted through any other route,' and then says, 'We sought a greater number of transmitters only to obtain personal satisfaction.' If they object by citing the words of Abraham, peace be upon him, when he says, 'And when Abraham said, "My Lord, show me how You give life to the dead." He said, "Have you not believed?" He said, "Yes indeed, but so that my heart may be reassured." He said, "Then take four birds and draw them to yourself; then place a portion of them upon every mountain; then call them: they will come to you swiftly. And know that Allah is Mighty, Wise"'—the verse they are to be told: Do you suppose that the certainty of the Intimate Friend, peace be upon him, was impaired before he saw the birds brought to life? If you say this, you have disbelieved. Had Allah the Exalted not shown him that, just as He did not show Moses what he requested, no doubt would have stirred within Abraham concerning the reality of Allah the Exalted giving life to the dead. Likewise, if we find a hadith transmitted through several routes, that serves only to make the proof

علي ومن عدله عدل وجرحه عدل فهو ساقط الخبر والتجريح يغلب التعديل، لأنه علم زائد عند المجرح لم يكن عند المعدل، وليس هذا تكذيبا للذي عدل بل هو تصديق لهما معا، فإن قال قائل: فهلا قلتم بل عند المعدل علم لم يكن عند المجرح؟ قيل له: كذلك نقول ونصدق كل واحد منهما، فإذا صح خبرهما معا عليه فلا خلاف في أن كل من جمع عدالة ومعصية فأطاع في قصة وصلى وصام، وزكى وفسق في أخرى وزنى أو شرب الخمر أو أتى كبيرة أو جاهر بصغيرة، فإنه فاسق عند جميع الأمة بلا خلاف، ولا يقع عليه اسم عدل، ولو لم يفسق إلا من تمحص الشر ولا يعمل شيئا من الخير لما فسق مسلم أبدا، لأن توحيده خير وفضل وإحسان وبر، وفي صحة القول بأن فينا عدولا وفساقا بنص القرآن، ورضا وغير رضا، بيان ما قلنا، ولو أخذنا بالتعديل وأسقطنا التجريح لكنا قد كذبنا المجرح وذلك غير جائز وهكذا القول في الشهادة ولا فرق

more compelling to the opponent. If we do not find this, we are nevertheless bound to accept the transmission of a single person, on the grounds of the arguments we have already presented. We have explained the sense in which Abraham requested what he requested in our book on religions and sects. Ali said: If one upright person attests a person's uprightness and another upright person impugns him, his report is rejected. Impugning takes precedence over attestation of uprightness, because the person impugning him possesses additional knowledge that the person attesting his uprightness did not possess. This does not declare the person who attested his uprightness a liar; rather, it credits both of them as truthful. If someone says, 'Why do you not say instead that the person attesting his uprightness possesses knowledge that the person impugning him did not possess?' he is to be told: That is indeed what we say, and we credit each of them as truthful. Once both their reports concerning him are established as sound, there is no disagreement that anyone who combines uprightness and disobedience—obeying in one matter, praying, fasting, and paying the obligatory alms, while acting wickedly in another, committing unlawful sexual intercourse, drinking wine, committing a major sin, or openly committing a minor sin—is, according to the entire community without disagreement, a flagrant sinner, and the designation 'upright' does not apply to him. If no one were a flagrant sinner unless he were wholly given over to evil and performed no good at all, no Muslim would ever be a flagrant sinner, since his affirmation of Allah's oneness is goodness, excellence, beneficence, and righteousness. And in the soundness of the assertion that among us there are upright people and flagrant sinners, according to the explicit text of the Quran, and people who are acceptable and others who are unacceptable, lies a demonstration of what we have said. If we accepted the attestation of uprightness and discarded the impugning, we would thereby have declared the person impugning him a

liar, and that is impermissible. The same applies to testimony; there is no distinction.[85][86][87][88][90]

L366 Ali said: No one's statement impugning a person is accepted until he explains the grounds for its prohibition. Some people have impugned others for drinking wine, whereas they were only drinking the fermented beverage

قال علي ولا يقبل في التجريح قول أحد إلا حتى يبين وجه تحريمه، فإن قوما جرحوا آخرين بشرب الخمر، وإنما كانوا يشربون النبيذ المختلف فيه بتأويل منهم أخطؤوا فيه، ولم يعلموه حراما ولو علموه مكروها فضلا عن حرام ما أقدموا عليه ورعا وفضلا، منهم الأعمش وإبراهيم وغيرهما من الأئمة رضي الله عنهم، وهذا ليس جرحة لأنهم مجتهدون طلبوا الحق فأخطؤوه.

[85] **Translator's note (L358):** The expression «أبرك الناس لذلك» literally means "the most blessed of people in that regard," but is awkward in this polemical argument and may be corrupt. It has been retained rather than replaced with a conjectural reading. The supplied «الأول عدالة» means "the first in uprightness." Its contrast with "the more upright" is unclear; a reading meaning "the less upright" would fit the argument, but has not been substituted.

[86] **Translator's note (L361):** The clause «ما قبل قبولا لا يوجب الحكم بشهادته» contains an awkward additional negation: literally, "he would not be accepted, an acceptance that does not entail ruling on his testimony." Both negations have been retained; the surrounding comparison suggests a textual problem. The supplied «أكثر نوافل في الخبر» says "more supererogatory acts in reporting," an awkward expression. It may reflect a corruption of a phrase referring to goodness, but the supplied wording has been retained. The dual pronoun in «دونهما», rendered "without those two," has an uncertain antecedent; the following «معها» is feminine singular, rendered "with it." The inconsistency is retained.

[87] **Translator's note (L362):** The supplied sequence «فهو حرام عليها ... وإنما هو حق» says that it is a matter of truth and then that "it is forbidden to it." The pronoun's reference and the resulting argument are unclear. This apparent textual difficulty has been preserved. The Qur'anic quotations contain defective spellings, including «لنفس», «لهوى», «فعلم», and «لله». The translation follows the intelligible wording of the supplied quotations without adding any omitted continuation. The statement «فالخطأ لا ينكر», rendered "error is not denied," is awkward in context; it has not been silently changed into a statement that the person is not censured for his error.

[88] **Translator's note (L363):** The Quran quotation contains apparent transcription errors: 'from the birds,' 'then place,' 'then call them,' 'and know,' and the divine name are defectively written. The translation follows their apparent lexical sense. The wording translated 'draw them to yourself' can also be understood as 'cut them up'; the supplied unvocalized wording does not resolve that ambiguity.

[89] **Translator's note (L364):** 'The Intimate Friend' refers to Abraham. The wording translated 'make the proof more compelling to the opponent' is syntactically defective in the supplied Arabic, which reads approximately 'more effective that the proof with the opponent.' The translation gives the apparent intended sense.

[90] **Qur'an references (L358):** Qur'an 79:40 (An-Nazi'at); Qur'an 28:50 (Al-Qasas); Qur'an 2:260 (Al-Baqarah).

whose permissibility is disputed, on the basis of an interpretation in which they erred, without knowing it to be forbidden. Had they known it to be disapproved, let alone forbidden, they would not have ventured to do it, on account of their scrupulousness and excellence. Among them were al-Aʿmash, Ibrahim, and other leading authorities—may Allah be pleased with them. This is no ground for impugning them, because they exercised independent judgment, seeking the truth but missing it.[91]

L367–370 Transmitters of reports may be impugned only on one of four grounds, with no fifth: committing a major sin when an established text has made it clear to the person committing it that it is a major sin; second, committing something a person believes to be forbidden, even if he is mistaken about it, before proof has been established to him that he is mistaken; and third, openly committing minor sins when a text has made it clear to the person openly committing them that they are forbidden. These three grounds constitute grounds for impugning transmitters of reports, witnesses, and all testimony in judicial rulings. These are the characteristics of a flagrant sinner according to the text and the consensus of those who oppose us. We excluded the person who conceals his minor sins only because of the sound hadith concerning the man who kissed a woman, whom he, peace be upon him, informed that his prayer had expiated that for him, and because of His words, Mighty and Majestic: 'If you avoid the major sins you are forbidden, We shall expiate your evil deeds for you and admit you through an honourable entrance.' If Allah has forgiven someone, it is forbidden for us to hold against him what Allah the Exalted has forgiven him. Likewise, someone who repents of major sins, or of disbelief as well, is upright. This has nothing whatever to do with whether the prescribed punishment remains binding upon him, because blame is removed from the repentant person, while the prescribed punishment is not removed from him, in accordance with the hadith of Maʿiz: the Prophet ﷺ stoned him after his repentance, commanded that forgiveness be sought for

ولا يكون الجرح في نقلة الأخبار إلا بأحد أربعة أوجه لا خامس لها: الإقدام على كبيرة قد صح عند المقدم عليها بالنص الثابت أنها كبيرة. الثاني: الإقدام على ما يعتقد المرء حراما وإن كان مخطئا فيه قبل أن تقوم الحجة عليه بأنه مخطىء. والثالث: المجاهرة بالصغائر التي صح عند المجاهر بها بالنص أنها حرام، وهذه الأوجه الثلاثة هي جرحه في نقلة الأخبار وفي الشهود، وفي جميع الشهادات في الأحكام وهذه صفات الفاسق بالنص وبإجماع من المخالفين لنا، وإنما أسقطنا المستتر بالصغائر للحديث الصحيح في الذي 3 قبل امرأة فأخبره عليه السلام أن صلاته كفرت ذلك عنه ولقوله عز وجل {إن تجتنبوا كبآئر ما تنهون عنه نكفر عنكم سيئاتكم وندخلكم مدخلا كريما} فمن غفر الله له فحرام علينا أن نثبت عليه ما قد غفر الله تعالى له. وكذلك التائب من الكبائر ومن الكفر أيضا فهو عدل وليس هذا من باب ثبات الحد عليه في شيء لأن الملامة ساقطة عن التائب، والحد عنه غير ساقط على حديث ماعز فإن النبي صلى الله عليه وسلم رجمه بعد توبته وأمر بالاستغفار له ونهى عن سبه. وإنما قلنا: إن المجاهرة بالصغائر جرحة للإجماع المتيقن على ذلك، والنص الوارد من الأمر بإنكار المنكر، والصغائر من المنكر لأن الله تعالى أنكرها وحرمها ونهى عنها، فمن أعلن بها فهو من أهل المنكر فقد استحق التغيير عليه بقول رسول الله صلى الله عليه وسلم من رأى منكم منكرا فليغيره بيده فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه وذلك أضعف الإيمان ومن كان من أهل المنكر في الدين فهو فاسق لأن المنكر فسق والفاسق لا يقبل خبره. وصح

[91] **Translator's note (L366):** The supplied text says 'the grounds for its prohibition,' rather than the contextually expected 'the grounds for impugning him.' The translation preserves this reading. 'Fermented beverage' renders nabidh, a beverage made by steeping dates, raisins, or similar ingredients; the author distinguishes the disputed beverage here from wine.

him, and forbade reviling him. We have said that openly committing minor sins is a ground for impugning a person because of the certain consensus on this and the text commanding the denunciation of wrongdoing. Minor sins are wrongdoing, because Allah the Exalted has denounced them, forbidden them, and prohibited them. Whoever commits them publicly is therefore among those who engage in wrongdoing and has become deserving of intervention against him by virtue of the words of the Messenger of Allah ﷺ: 'Whoever among you sees wrongdoing, let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart, and that is the weakest faith.' Anyone who engages in wrongdoing in religion is a flagrant sinner, because wrongdoing is flagrant sin, and the report of a flagrant sinner is not accepted. What we have already presented establishes that someone who conceals his minor sins is not a flagrant sinner, and neither intervention against him nor denunciation of him is obligatory, because nothing has been seen from him that obliges us to intervene, denounce, or impose discretionary punishment. If a person were to testify against another that he conceals minor sins, the witness's testimony against him to that effect would be rejected, and the witness would be blameworthy. This could not be allowed to impugn the testimony of the person concealing those sins, for two reasons: first, no one escapes a minor sin; second, he is pardoned for it. If, however, someone testified against a person that he conceals a major sin, his testimony against him would be accepted, and the testimony of the person concealing it would be rejected, because it is forgiven only through repentance or through the preponderance of the balance when deeds are weighed on the Day of Resurrection. Ali said: The fourth ground applies exclusively to transmitters of reports, rather than witnesses in judicial rulings: the transmitter of hadith must possess understanding of what he transmits, meaning that he must retain it accurately. For the text concerning acceptance of the warning given by someone who goes forth to acquire understanding makes this conditional upon his acquiring understanding of knowledge. Someone who does not retain what he transmits has not acquired understanding; and if he has not acquired understanding, he is not among those whose warning we have been commanded to accept. This does not apply to testimony, because the sole condition for testimony, according to the explicit text of the

بما قدمنا أن المستتر بالصغائر ليس صاحبه فاسقا ولا يجب التغيير عليه، ولا الإنكار عليه، لأنه لم ير منه ما يلزمنا فيه تغيير ولا إنكار ولا تعزير، ولو أن امرأ شهد على آخر بأنه يتستر بالصغائر لكانت شهادة الشاهد عليه بذلك مردودة وكان ملوما، ولم يجز أن يقدح ذلك في شهادة المستتر بها لوجهين أحدهما أنه لا ينجو أحد من ذنب صغير والثاني أنه معفو عنه ولو شهد على أحد أنه يستتر بكبيرة لقبلت شهادته عليه، ولردت شهادة المستتر بها لأنها ليست مغفورة إلا بالتوبة، أو برجوح الميزان عند الموازنة يوم القيامة قال علي والوجه الرابع ينفرد به نقلة الأخبار دون الشهود في الأحكام وهو ألا يكون المحدث إلا فقيها فيما روى أي حافظا، لأن النص الوارد في قبول نذارة النافر للتفقه إنما هو بشرط أن يتفقه في العلم، ومن لم يحفظ ما روى فلم يتفقه، وإذا لم يتفقه فليس ممن أمرنا بقبول نذارته، وليس ذلك في الشهادة، لأن الشرط في الشهادة إنما هي العدالة فقط بنص القرآن، فلا يضر الشاهد أن يكون معروفا بالغفلة والغلط، ولا يسقط ذلك شهادته إلا أن تقوم بينة بأنه غلط في شهادة ما، فتسقط تلك التي غلط فيها فقط، ولا يضر ذلك شهادته في غيرها، لا قبل الشهادة ولا بعدها، بل هو مقبول أبدا، ولا يحل لأحد أن يزيد شرطا لم يأت به الله تعالى فقد قال عليه السلام كل شرط ليس في كتاب الله فهو باطل ولو كان مائة شرط. فمن شرط في العدل في الشهادة خاصة أن يكون غير معروف بالغلط، فقد زاد شرطا ليس في كتاب الله عز وجل، فهو مبطل فيه والتدليس الذي ذكرنا أنه يسقط العدالة هو إحدى الكبائر لقول رسول الله صلى الله عليه وسلم من غشنا فليس منا ولا غش في الإسلام أكبر من إسقاط الضعفاء من سند حديث ليوقع الناس في العمل به وهو غير صحيح ولقوله عليه السلام الدين النصيحة وواجب ذلك لله تعالى ولرسوله ولأئمة المسلمين وعامتهم ومن دلس التدليس الذي ذممنا فلم ينصح لله تعالى ولا لرسوله عليه السلام في تبليغه عنهما ولا نصح للمسلمين في التلبيس عليهم حتى يوقعهم فيما لا يجوز العمل به

Quran, is uprightness. It therefore does not harm a witness to be known for inattentiveness and error, nor does that invalidate his testimony, unless evidence establishes that he erred in some particular testimony. Only the testimony in which he erred is then invalidated. This does not harm his testimony in other matters, whether before that testimony or after it; rather, he remains acceptable at all times. No one may add a condition that Allah the Exalted has not imposed. He, peace be upon him, said: 'Every condition that is not in the Book of Allah is invalid, even if there are a hundred conditions.' Whoever stipulates, specifically concerning an upright person's testimony, that he must not be known for error has added a condition that is not in the Book of Allah, Mighty and Majestic, and his stipulation is therefore invalid. The concealment of defects in transmission that we have said invalidates uprightness is one of the major sins, because the Messenger of Allah ﷺ said: 'Whoever deceives us is not one of us.' There is no greater deception in Islam than omitting weak transmitters from a hadith's chain of transmission in order to induce people to act upon it when it is unsound. There are also his words, peace be upon him: 'Religion is sincere counsel.' This is owed to Allah the Exalted, His Messenger, the leaders of the Muslims, and their common people. Whoever practises the concealment of defects in transmission that we have condemned has not acted sincerely towards Allah the Exalted or His Messenger, peace be upon him, in conveying from them,

nor has he acted sincerely towards the Muslims when he misleads them so as to lead them into something upon which it is impermissible to act.[9293949596]

L371–374 Ali said: As for someone who undertakes something he believes permissible, concerning whose prohibition no proof has been established to him, he is excused and rewarded even if he is mistaken. The adherents of doctrinal passions—their Mu'tazilites, their Murji'ites, their Zaydis, and their Ibadis—are of this description, except someone whose caprice has taken him out of Islam into unbelief that is unanimously agreed to be unbelief—we have explained this in The Book of Distinctions—or someone against whom proof from a text or consensus has been established, but who persists and does not retract: he is morally unrighteous. The same applies to someone who contravenes a hadith of the Prophet ﷺ on account of unquestioning adherence to authority or analogy; there is no difference. It also applies to someone who reviles any of the Companions, may Allah be pleased with them, for that is partisan zeal, and partisan zeal is moral unrighteousness. Judge Abu Yusuf spoke truly when he was asked about the testimony of someone who reviles the righteous predecessors and said: "If it were established before me that a man reviled his neighbors, I would not accept his testimony. How, then, could I accept that of someone who reviles the most excellent members of the community?" An exception is someone so ignorant that the proof supplied by the text concerning their excellence and the prohibition against reviling them has not been established against him. In that case, his revil-

قال علي وأما من قدم على ما يعتقده حلالا مما لم يقم عليه في تحريمه حجة، فهو معذور مأجور وإن كان مخطئا، وأهل الأهواء معتزليهم ومرجئيهم، وزيديهم وأباضيهم بهذه الصفة إلا من أخرجه هواه عن الإسلام إلى كفر متفق على أنه كفر، وقد بينا ذلك في كتاب الفصل، أو من قامت عليه حجة من نص أو إجماع فتمادى ولم يرجع فهو فاسق وكذلك القول فيمن خالف حديث النبي صلى الله عليه وسلم لتقليد أو قياس ولا فرق أو من سب أحد الصحابة رضي الله عنهم، فإن ذلك عصبية والعصبية فسق وصدق أبو يوسف القاضي إذ سئل عن شهادة من يسب السلف الصالح فقال: لو ثبت عندي على رجل أنه يسب جيرانه ما قبلت شهادته، فكيف من يسب أفاضل الأمة؟ إلا أن يكون من الجهل بحيث لم تقم عليه حجة النص بفضلهم والنهي عن سبهم فهذا لا يقدح سبهم في دينه أصلا، ولا ما هو أعظم من سبهم لكن حكمه أن يعلم ويعرف، فإن تمادى فهو فاسق وإن عاند في ذلك الله تعالى أو رسوله صلى الله عليه وسلم فهو كافر مشرك ولو أن امرأ بدل القرآن مخطئا جاهلا، أو صلى لغير القبلة كذلك، ما قدح ذلك في دينه عند أحد من أهل الإسلام، حتى تقوم عليه الحجة بذلك، فإن تمادى فهو فاسق وإن عاند الله تعالى ورسوله صلى الله عليه وسلم فهو كافر مشرك قال علي وقد علل قوم أحاديث بأن رواها ناقلها عن رجل مرة وعن رجل مرة أخرى قال علي وهذا قوة للحديث وزيادة في دلائل صحته ودليل على جهل من جرح الحديث بذلك، وذلك نحو أن يروي الأعمش الحديث عن سهل عن أبي صالح عن أبيه عن أبي هريرة، ويرويه غير الأعمش عن سهيل عن أبيه عن أبي سعيد قال علي وهذا لا مدخل للاعتراض به لأن في الممكن أن يكون أبو صالح سمع الحديث من أبي هريرة ومن أبي سعيد، فيرويه مرة عن هذا ومرة عن هذا. ومثل هذا لا

[92] **Translator's note (L367):** An isolated numeral '3' appears before 'kissed a woman' in the supplied text. It appears to be an intrusive note marker or transcription artifact and has no evident grammatical function.

[93] **Translator's note (L368):** The phrase concerning someone who conceals minor sins contains an awkward redundant reference in the supplied Arabic, literally approximately 'the one concealing minor sins—its perpetrator is not a flagrant sinner.' The translation conveys its apparent sense.

[94] **Translator's note (L370):** 'Concealment of defects in transmission' renders tadlis, here specifically described as omitting weak transmitters from a chain of transmission. The hadith quotation reads 'Whoever deceives us is not one of us.' The translation preserves that wording.

[95] **Hadith references (L367):** Sahih Muslim 49a; Riyad as-Salihin 184.

[96] **Qur'an references (L367):** Qur'an 4:31 (An-Nisa).

ing them does not impair his religion at all, nor does anything graver than reviling them. Rather, the ruling concerning him is that he must be taught and informed. If he persists, he is morally unrighteous; if, in that matter, he knowingly defies Allah Most High or His Messenger ﷺ, he is an unbeliever and a polytheist. If someone were to alter the Quran mistakenly and ignorantly, or likewise pray in a direction other than the direction of prayer, that would not impair his religion according to anyone among the people of Islam until proof concerning it had been established against him. If he persists, he is morally unrighteous; if he knowingly defies Allah Most High and His Messenger ﷺ, he is an unbeliever and a polytheist.

Ali said: Some people have pronounced hadiths defective because their transmitter related them on one occasion from one man and on another occasion from another man. Ali said: This strengthens the hadith and adds to the indications of its authenticity; it is evidence of the ignorance of anyone who impugns the hadith on that account. An example is al-Aʿmash relating a hadith from Sahl, from Abu Salih, from his father, from Abu Hurayra, while someone other than al-Aʿmash relates it from Suhayl, from his father, from Abu Saʿid. Ali said: This affords no ground for objection, because it is possible that Abu Salih heard the hadith from both Abu Hurayra and Abu Saʿid, and therefore relates it on one occasion from this one and on another occasion from that one. Only an ignorant or obstinate person would invoke something like this as a defect in a hadith. We do this frequently ourselves, because we encounter a hadith through various transmission routes: in some places we relate it through one of its routes, and on another occasion we relate it through a second route. This strengthens the hadith rather than weakening it. All the defects they allege on grounds such as these and their like are claims for which there is no demonstration, and every claim without demonstration falls.[97]

[97] **Translator's note (L373):** The transmission chains are internally awkward as supplied: the first names Sahl, followed by Abu Salih and then "his father," whereas the second names Suhayl followed by "his father." The ensuing argument treats Abu Salih as having heard directly from both Companions. These differences have been preserved without repairing the chains.

يتعلل به في الحديث إلا جاهل أو معاند، ونحن نفعل هذا كثيرا، لأننا نرى الحديث من طرق شتى، فنرويه من بعض المواضع من أحد طرقه، ونرويه مرة أخرى من طريق ثانية، وهذا قوة للحديث لا ضعف وكل ما تعللوا به من مثل هذا وشبهه فهي دعاوى لا برهان عليها، وكل دعوى بلا برهان فهي ساقطة،

وكذلك ما رواه العدل عن أحد العدلين شك في أحدهما أيهما حدثه إلا أنه موقن أن أحدهما حدثه بلا شك، فهذا صحيح يجب الأخذ به مثل أن يقول الثقة: حدثنا أبو سلمة أو سعيد بن المسيب، عن أبي هريرة، فهذا ليس علة في الحديث البتة، لأنه أيهما كان فهو عدل رضا معلوم الثقة مشهور العدال. وأيضا فإن قالوا: إن الغفلة والخطأ

L375–376 The same applies to what an upright transmitter relates from one of two upright transmitters, being uncertain which of the two related it to him, while nevertheless being certain, without doubt, that one of them related it to him. This is authentic and must be accepted, as when a trustworthy transmitter says: "Abu Salama or Saʿid ibn al-Musayyab related to us, from Abu Hurayra." This is no defect whatsoever in the hadith, because whichever of the two it was, he is upright and approved, known to be trustworthy and renowned for uprightness. Furthermore, if they say that heedlessness and error are less likely in two people than in one, they should be told: They are also less likely in four than in three. Let them therefore accept only what four transmitters have related, and likewise with every further increase, until they join those who require mass transmission.[98]

من الاثنين أبعد منه من الواحد. قيل لهم: وهو من الأربعة أبعد منه من الثلاثة، فلا يقبلوا إلا ما رواه أربعة وهكذا فيما زاد حتى يلحقوا بالقائلين بالتواتر

L377–379 Section on Reports with an Omitted Transmitter

Abu Muhammed said: A hadith with an omitted transmitter (mursal) is one in which one or more transmitters have dropped out between one of its narrators and the Prophet ﷺ. It is also an interrupted report (munqatiʿ). It is unacceptable and establishes no proof, because it comes from an unknown person. We have already explained that, when someone's circumstances are unknown to us, we are obliged to withhold acceptance of his report and acceptance of his testimony until we know his circumstances. Whether or not the upright narrator says, "The trustworthy transmitter related to us," no heed should be paid to that, since he may regard as trustworthy someone concerning whose grounds for discrediting he does not know what another person knows. We have already explained that adverse assessment takes precedence over accreditation. Sufyan accredited Jabir al-Juʿfi, although Jabir's lying, moral unrighteousness, wickedness, and departure from Islam were well known. His situation, however, was hidden from Sufyan, who therefore spoke according to what had become apparent to him concerning Jabir. Reports with an omitted transmitter from Saʿid ibn al-Musayyab, al-Hasan al-Basri, and others are all alike: none of them is to be accepted.

فصل في المرسل قال أبو محمد المرسل من الحديث هو الذي سقط بين أحد رواته وبين النبي صلى الله عليه وسلم ناقل واحد فصاعدا وهو المنقطع أيضا وهو غير مقبول، ولا تقوم به حجة لأنه عن مجهول، وقد قدمنا أن من جهلنا حاله ففرض علينا التوقف عن قبول خبره، وعن قبول شهادته حتى نعلم حاله، وسواء قال الراوي العدل حدثنا الثقة أو لم يقل، لا يجب أن يلتفت إلى ذلك. إذ قد يكون عنده ثقة من لا يعلم من جرحته ما يعلم غيره، وقد قدمنا أن الجرح أولى من التعديل، وقد وثق سفيان جابرا الجعفي، وجابر من الكذب والفسق والشر والخروج عن الإسلام بحيث قد عرف، ولكن خفي أمره على سفيان فقال بما ظهر منه إليه، ومرسل سعيد بن المسيب، ومرسل الحسن البصري، وغيرهما سواء، لا يؤخذ منه بشيء، وقد ادعى بعض من لا يحصل ما يقول، أن الحسن البصري كان إذا حدثه بالحديث أربعة من الصحابة أرسله قال فهو أقوى من المسند قال أبو محمد وقائل هذا القول اترك خلق الله لمرسل الحسن، وحسبك بالمرء سقوطا أن يضعف قولا يعتقده ويعمل به، ويقوي قولا يتركه ويرفضه وقد توجه عن رسول الله صلى الله عليه وسلم رجل إلى قوم ممن يجاور المدينة فأخبرهم أن رسول الله صلى الله عليه وسلم أمره أن يعرس بامرأة منهم فأرسلوا إلى النبي صلى

[98] **Translator's note (L376):** The supplied العدال appears to be a defective spelling of a word denoting uprightness; the translation follows the immediate context.

Someone who does not understand what he is saying has claimed that, whenever four Companions related a hadith to al-Hasan al-Basri, he would transmit it with the intermediary omitted. He said: "It is therefore stronger than a report with a connected chain." Abu Muhammed said: The person who says this is, of all Allah's creatures, the most ready to abandon al-Hasan's reports with an omitted transmitter. It is sufficient evidence of a man's debasement that he should declare weak a position he believes and acts upon, and declare strong a position he abandons and rejects. A man once set out from the Messenger of Allah ﷺ to some people who lived near Medina, and informed them that the Messenger of Allah ﷺ had commanded him to consummate marriage with a woman from among them so they sent someone to the Prophet ﷺ who informed him of this. The Messenger of Allah ﷺ then dispatched a messenger to the man and commanded that he be killed if he was found alive, but the messenger found that he had died. As you see, this man lied about the Prophet ﷺ while he was alive. In the age of the Companions, may Allah be pleased with them, there were hypocrites and apostates. Thus, a hadith in which its narrator says, "From a man among the Companions," or "Someone who accompanied the Messenger of Allah ﷺ related to me," is not to be accepted until he names him and that person is known for virtuous companionship, being among those to whose excellence and good reward Allah Most High has testified. Allah, Mighty and Majestic, said: "Among the Bedouins around you are hypocrites, and among the people of Medina are those who have become hardened in hypocrisy. You do not know them; We know them. We shall punish them twice; then they will be returned to a tremendous punishment." Some who accompanied the Prophet ﷺ apostatized from Islam, such as ʿUyayna ibn Hisn, al-Ashʿath ibn Qays, al-Rajjal, and ʿAbd Allah ibn Abi Sarh.

Ali said: For a Successor to meet a man from among the lesser Companions is a great honor and source of pride. For what reason, then, would he refrain from naming him, if he were someone whose companionship was praiseworthy? His silence concerning him must have one of two explanations: either he does not know who he is and has not ascertained the truth of his claim to companionship, or he belonged to one of the categories we have mentioned.

الله عليه وسلم من أخبره بذلك فوجه رسول الله صلى الله عليه وسلم إليه رسولا وأمر بقتله إن وجده حيا فوجده قد مات فهذا كما ترى قد كذب على النبي صلى الله عليه وسلم وهو حي وقد كان في عصر الصحابة رضي الله عنهم منافقون ومرتدون. فلا يقبل حديث قال راويه فيه عن رجل من الصحابة أو حدثني من صحب رسول الله صلى الله عليه وسلم إلا حتى يسميه ويكون معلوما بالصحبة الفاضلة ممن شهد الله تعالى لهم بالفضل والحسنى قال الله عز وجل {وممن حولكم من لأعراب منافقون ومن أهل لمدينة مردوا على لنفاق لا تعلمهم نحن نعلمهم سنعذبهم مرتين ثم يردون إلى عذاب عظيم} وقد ارتد قوم ممن صحب النبي صلى الله عليه وسلم عن الإسلام كعيينة بن حصن والأشعث بن قيس، والرجال، وعبد الله بن أبي سرح. قال علي: ولقاء التابع لرجل من أصاغر الصحابة شرف وفخر عظيم، فلأي معنى يسكت عن تسميته لو كان ممن حمدت صحبته، ولا يخلو سكوته عنه من أحد وجهين: إما أنه لا يعرف من هو، ولا عرف صحة دعواه الصحبة، أو لأنه كان من بعض ما ذكرنا. حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا يحيى بن يحيى، حدثنا خالد بن عبد الله، عن عبد الملك، عن عبد الله مولى أسماء بنت أبي بكر رضي الله عنهما، وكان خالد ولد عطاء قال: أرسلتني أسماء إلى عبد الله بن عمر فقالت: بلغني أنك تحرم أشياء ثلاثة: العلم في الثوب، وميثرة الأرجوان، وصوم رجب كله، فأنكر ابن عمر أن يكون حرم شيئا من ذلك.

ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim ibn al-Hajjaj: Yahya ibn Yahya related to us: Khalid ibn ʿAbd Allah related to us, from ʿAbd al-Malik, from ʿAbd Allah, the freedman of Asmaʾ daughter of Abu Bakr, may Allah be pleased with them both—and Khalid was a son of ʿAtaʾ—who said: "Asmaʾ sent me to ʿAbd Allah ibn ʿUmar, saying: 'I have heard that you prohibit three things: the decorative stripe on a garment, a purple saddlecloth, and fasting throughout the whole of Rajab.'" Ibn ʿUmar denied having prohibited any of these things.[99][100]

L380–384 Here, then, is Asmaʾ, a woman Companion among the earliest Companions and among their women of excellence: someone told her a lie, and his report concerning Ibn ʿUmar troubled her until she investigated it, whereupon the informant's falsehood was established. Something similar has been related from Ibn Sirin concerning Ibn ʿUmar's divorce of his wife in the time of the Messenger of Allah ﷺ. Everyone is therefore obliged to accept reports only from someone whose name is known and whose uprightness and accuracy in retention are known.

Ali said: Those who oppose us by accepting reports with an omitted transmitter are the followers of Abu Hanifa and the followers of Malik. Yet they are, of all Allah's creatures, the most ready to abandon such a report when it conflicts with their master's doctrine and opinion. Malik rejected Abu al-ʿAliya's hadith concerning ablution on account of laughter during prayer, and the only fault they found with it was the omission of an intermediary, although Abu al-ʿAliya had lived to meet the Companions, may Allah be pleased with them. Al-Hasan, Ibrahim al-Nakhaʿi, and al-Zuhri also related it with an intermediary omitted. They also rejected Malik's hadith from Hisham ibn ʿUrwa, from his father, that the Prophet ﷺ prayed during the illness in which he died, leading the people while seated, with the people stand-

فهذه أسماء وهي صحابية، من قدماء الصحابة وذوات الفضل منهم، قد حدثها بالكذب من شغل بالها حديثه عن ابن عمر حتى استبرأت ذلك، فصح كذب ذلك المخبر، وقد ذكر عن ابن سيرين في أمر طلاق ابن عمر امرأته على عهد رسول الله صلى الله عليه وسلم نحو ذلك فواجب على كل أحد ألا يقبل إلا من عرف اسمه وعرفت عدالته وحفظه قال علي والمخالفون لنا في قبول المرسل هم أصحاب أبي حنيفة، وأصحاب مالك، وهم أترك خلق الله للمرسل إذا خالف مذهب صاحبهم ورأيه، وقد ترك مالك حديث أبي العالية في الوضوء من الضحك في الصلاة، ولم يعيبوه إلا بالإرسال، وأبو العالية قد أدرك الصحابة رضي الله عنهم، وقد رواه أيضا الحسن وإبراهيم النخعي والزهري مرسلا، وتركوا حديث مالك عن هشام بن عروة عن أبيه أن النبي صلى الله عليه وسلم صلى في مرضه مات فيه بالناس جالسا والناس قيام وترك مالك وأصحابه الحديث المروي من طريق الليث، عن عقيل بن خالد، عن الزهري، عن سعيد بن المسيب والقاسم وسالم وأبي سلمة بن عبد الرحمن بن عوف أن النبي صلى الله عليه وسلم فرض زكاة الفطر مدين من بر على كل إنسان مكان صاع من شعير، وذكر سعيد بن المسيب أن ذلك كان من عمل الناس أيام أبي بكر وعمر، وذكر غيره أنه حكم عثمان أيضا وابن عباس، وذكر ابن عمر أنه عمل الناس، فهؤلاء فقهاء المدينة

[99] **Translator's note (L379):** The Quranic quotation contains defective spellings in the words for "the Bedouins," "Medina," and "hypocrisy." Their meanings remain clear; the wording and sequence of the quotation have been retained. The parenthetical statement "and Khalid was a son of ʿAtaʾ" is awkward in this chain and may be corrupt. It has been translated as supplied without substituting another name or reconstructing the statement.

[100] **Qur'an references (L377):** Qur'an 9:101 (At-Tawbah).

ing. Malik and his companions abandoned the report transmitted through al-Layth, from ʿUqayl ibn Khalid, from al-Zuhri, from Saʿid ibn al-Musayyab, al-Qasim, Salim, and Abu Salamah ibn ʿAbd al-Rahman ibn ʿAwf, that the Prophet ﷺ prescribed the alms of breaking the fast as two mudds of wheat for every person in place of one saʿ of barley. Saʿid ibn al-Musayyab mentioned that this was the people's practice in the days of Abu Bakr and ʿUmar. Someone else mentioned that this was also the ruling of ʿUthman and Ibn ʿAbbas, and Ibn ʿUmar mentioned that it was the people's practice. Here, then, are the jurists of Medina transmitting this report with an omitted link to the Prophet, and reporting that it was accompanied by practice among them; yet Malik's companions abandoned it. Where, then, is their adherence to reports with an omitted link and their acceptance of them as sound? And where is their adherence to the transmission of the people of Medina and the imams' practice in accordance with it? The Hanafis abandoned the report of Saʿid ibn al-Musayyab from the Prophet ﷺ concerning the prohibition on selling a living animal in exchange for meat. This was also the practice of Abu Bakr al-Siddiq, may Allah be pleased with him. There are very many such examples. Were we to trace everything that both groups have abandoned, it would undoubtedly amount to more than two thousand reports. We shall collect whatever we can of these, if Allah Most High wills, in a book devoted to that purpose, if Allah Most High assists us with strength from Him and grants us a further span of life. What led them to accept reports with an omitted link was simply that they attached themselves to such reports in some of their legal questions, and consequently advocated accepting reports with an omitted link in those cases, but then abandoned them in other questions. These people's sole purpose is to vindicate the question presently at hand by whatever means are possible, false or true. They do not care if they thereby demolish a thousand of their own positions; nor do they subsequently care about invalidating what they accepted as sound in this question when they begin discussing another. We shall demonstrate much of this, if Allah Most High wills. We shall now mention enough of the defects of reports with an omitted link to suffice anyone who sincerely seeks his own good, if Allah Most High wills.

رووا هذا الحديث مرسلا، وأنه صحبه العمل عندهم، فترك ذلك أصحاب مالك. فأين اتباعهم المرسل وتصحيحهم إياه؟ وأين اتباعهم رواية أهل المدينة وعمل الأئمة بها؟. وترك الحنفيون حديث سعيد بن المسيب عن النبي صلى الله عليه وسلم في ألا يباع الحيوان باللحم وهو أيضا فعل أبي بكر الصديق رضوان الله عليه، ومثل هذا كثير جدا، ولو تتبعنا ما تركت كلتا الطائفتين لبلغت أزيد من ألفي حديث بلا شك، وسنجمع من ذلك ما تيسر إن شاء الله تعالى في كتاب مفرد لذلك إن أعان الله تعالى بقوة من عنده، وأمد بفسحة من العمر. فإنما أوقعهم في الأخذ بالمرسل، أنهم تعلقوا بأحاديث مرسلات في بعض مسائلهم فقالوا فيها بالأخذ بالمرسل، ثم تركوه في غير تلك المسائل، وإنما غرض القوم نصر المسألة الحاضرة بما أمكن من باطل أو حق، ولا يبالون بأن يهدموا بذلك ألف مسألة لهم، ثم لا يبالون بعد ذلك بإبطال ما صححوه في هذه المسألة إذا أخذوا في الكلام في أخرى، وسنبين من ذلك كثيرا إن شاء الله تعالى. ونحن ذاكرون من عيب المرسل ما فيه كفاية لمن نصح نفسه إن شاء الله تعالى. أخبرني أحمد بن عمر العذري حدثنا أبو ذر عبد بن أحمد الهروي، ثنا زاهر بن أحمد أبو علي السرخسي الفقيه، ثنا زنجويه بن محمد النيسابوري، ثنا محمد بن إسماعيل البخاري هو مؤلف الصحيح ثنا سليمان بن حرب، ثنا حماد بن زيد عن النعمان بن راشد، عن زيد بن أبي أنيسة أن رجلا أجنب فغسل فمات فقال النبي صلى الله عليه وسلم لو يمموه قتلوه قتلهم الله قال النعمان فحدثت به الزهري فرأيته بعد يروي عن النبي صلى الله عليه وسلم فقلت من حدثك قال أنت حدثتني عمن تحدثه قلت: عن رجل من أهل الكوفة،

Ahmad ibn ʿUmar al-ʿUdhri informed me: Abu Dharr ʿAbd ibn Ahmad al-Harawi related to us: Zahir ibn Ahmad, Abu ʿAli al-Sarakhsi, the jurist, related to us: Zanjuwayh ibn Muhammed al-Naysaburi related to us: Muhammed ibn Ismaʿil al-Bukhari—he is the compiler of the Sahih—related to us: Sulayman related to us, ibn Harb: Hammad ibn Zayd related to us, from al-Nuʿman ibn Rashid, from Zayd ibn Abi Unaysah, that a man entered a state of major ritual impurity, was washed, and died. The Prophet ﷺ said: "If only they had performed dry ablution on him! They killed him; may Allah kill them!" Al-Nuʿman said: "I related it to al-Zuhri, and afterward I saw him transmitting it from the Prophet ﷺ. I said: 'Who related it to you?' He said: 'You related it to me. From whom do you transmit it?' I said: 'From a man of the people of Kufa.'"[101][102][103][104]

L385–398 He said: "You have spoiled it. There is much corruption in the reports of the people of Kufa." Through the previously mentioned chain of transmission reaching al-Bukhari, he said: "Muʿadh said, from Ashʿath, from Ibn Sirin, from ʿAbd Allah ibn Shaqiq, from ʿA'ishah: 'The Prophet ﷺ would not pray in our undergarments.'" Al-Bukhari said: "Sulayman ibn Harb related to us: Hammad ibn Zayd related to us, from Saʿid ibn Abi Sadaqah: 'I said to Muhammed ibn Sirin: "From whom did you hear this report?" He said: "I heard it a long time ago. I do not know from whom I heard it, nor do I know whether it is established or not. So inquire about it."'"

Among the things Yusuf ibn ʿAbd Allah al-Namari wrote to me, he said: "Yahya ibn Saʿid al-Qattan said: 'Malik from Saʿid ibn al-Musayyab is prefer-

قال: أفسدته، في حديث أهل الكوفة دغل كثير. وبالاستناد المتقدم إلى البخاري قال: قال معاذ، عن أشعث، عن ابن سيرين عن عبد الله بن شقيق عن عائشة كان النبي صلى الله عليه وسلم لا يصلي في شعرنا قال البخاري ثنا سليمان بن حرب، ثنا حماد بن زيد، عن سعيد بن أبي صدقة، قلت لمحمد بن سيرين: ممن سمعت هذا الحديث؟ قال سمعته من زمان لا أدري ممن سمعته، ولا أدري أثبت أم لا، فسلوا عنه. وفيما كتب إلي به يوسف بن عبد الله النمري قال: قال يحيى بن سعيد القطان: مالك عن سعيد بن المسيب أحب إلي من الثوري عن إبراهيم. لو كان شيخ الثوري فيه رمق لبرح به وصاح وقال مرة أخرى: كلاهما عندي شبه الريح. قال أبو محمد: فإذا كان الزهري، ومحمد بن سيرين، وسفيان ومالك وهم من هم في التحفظ والحفظ والثقة، في مراسليهم ما ترى، فما أحد ينصح نفسه يثق بمرسل أصلا، ولو جمعنا بلايا المراسيل لاجتمع من ذلك جزء ضخم وفي هذا دليل على ما سواه وبالله تعالى التوفيق فصل في أقسام السنن قال أبو محمد السنن تنقسم ثلاثة أقسام قول من النبي صلى الله عليه وسلم أو فعل منه عليه السلام أو شيء رآه وعلمه فأقر عليه ولم ينكره فحكم أوامره عليه السلام الفرض والوجوب على ما نبينه إن شاء الله عز وجل في باب الأوامر

[101] **Translator's note (L381):** "Report with an omitted link" renders mursal, here a report attributed to the Prophet without a continuous chain reaching him. The mudd and saʿ are measures of capacity.

[102] **Translator's note (L382):** The final transmission formula precedes Sulayman's name in Arabic; its English placement anticipates the continuation of his name in the next segment.

[103] **Translator's note (L383):** The unvocalized "was washed" can also be read as "washed himself." The quotation continues in the next segment.

[104] **Translator's note (L384):** The supplied quotation reads "If only they had performed dry ablution on him," followed immediately by "They killed him." The conditional expression has no explicit consequence; it is rendered as a wish without supplying additional quoted wording.

able to me to al-Thawri from Ibrahim. If al-Thawri's shaykh had a spark of life in him, he would have assailed him and cried out.' On another occasion he said: 'To my mind, both are like the wind.'"

Abu Muhammed said: If al-Zuhri, Muhammed ibn Sirin, Sufyan, and Malik—being who they are in carefulness, retention, and trustworthiness—have in their reports with an omitted link what you see here, then no one who sincerely seeks his own good will trust any report with an omitted link at all. Were we to collect the calamities of reports with omitted links, a substantial volume would be assembled from them. What is here indicates what lies beyond it. Success comes through Allah Most High.

Section on the Categories of Prophetic Traditions

Abu Muhammed said: Prophetic traditions fall into three categories: a statement by the Prophet ﷺ; an act of his, peace be upon him; or something he saw and knew about, which he approved and did not condemn. The legal effect of his commands, peace be upon him, is prescription and obligation, as we shall explain, if Allah, Mighty and Majestic, wills, in the chapter on commands in this book, unless evidence establishes its departure from the category of obligation into the category of recommendation or the other forms of command. The legal effect of his action, peace be upon him, is that he is to be taken as an example in it; doing so is not obligatory unless the action implements a ruling or explains a command, as will appear in the discussion of his actions, peace be upon him, in this book. As for his approval, peace be upon him, of something he knew about, and his refraining from condemning it, this merely makes that thing permissible; it neither makes it obligatory nor recommends it, because Allah, Mighty and Majestic, imposed upon him the duty of conveying the message and informed him that He would protect him from people, and obliged him to explain to people what had been sent down to them. Whoever claims that he, peace be upon him, knew of something reprehensible but did not condemn it has disbelieved, because he has denied that he, peace be upon him, conveyed the message as commanded, has described him otherwise than his Lord Most High described him, and has declared him false in his saying, peace be upon him:

من هذا الكتاب ما لم يقم دليل على خروجه من باب الوجوب إلى باب الندب أو سائر وجوه الأوامر وحكم فعله عليه السلام الائتساء به فيه وليس واجبا إلا أن يكون تنفيذا لحكم، أو بيانا لأمر على ما يقع في باب الكلام في أفعاله عليه السلام من هذا الكتاب وأما إقراره عليه السلام على ما علم وترك إنكاره إياه فإنما هو مبيح لذلك الشيء فقط، وغير موجب له، ولا نادب إليه، لأن الله عز وجل افترض عليه التبليغ وأخبره أنه يعصمه من الناس وأوجب عليه أن يبين للناس ما نزل إليهم فمن ادعى أنه عليه السلام علم منكرا فلم ينكره فقد كفر لأنه جحد أن يكون عليه السلام بلغ كما أمر، ووصفه بغير ما وصفه به ربه تعالى وكذبه في قوله عليه السلام اللهم هل بلغت فقال الناس نعم فقال اللهم اشهد قال ذلك في حجة الوداع. فإن اعترض معترض بحديث جابر أنه سمع عمر رضوان الله عليهما يحلف بحضرة النبي صلى الله عليه وسلم على أن ابن صياد هو الدجال فلم ينكر ذلك رسول الله صلى الله عليه وسلم فلا حجة علينا في هذا لأن ابن صياد في أول أمره كان رسول الله صلى الله عليه وسلم شاكا في أمره أهو الدجال أم لا بذلك جاءت الأحاديث الصحاح ويبين ذلك قول عمر فيه دعني يا رسول الله أضرب عنقه فقال عليه السلام إن يكن هو فلن تسلط عليه أو نحو ذلك من الكلام، فخلف عمر على تقديره ومن حلف على ما لا يعلم ولا يوقن أنه باطل ولا حق فليس هو عندنا حانثا ولا آثما، إذا كان تقديره أنه كما حلف عليه، فهذا الحديث حجة لنا وليس فيه أيضا أن النبي صلى الله عليه وسلم صدق يمينه فإنا في الحديث أن أمر ابن صياد كان حينئذ ممكنا، والحالف على الممكن كما ذكرنا لم يأت منكرا فيلزم رسول الله صلى الله عليه وسلم تغييره قال علي وأما من قال إن أفعاله صلى الله عليه وسلم على الوجوب فقوله ساقط لأن الله تعالى لم يوجب علينا قط في شيء من القرآن والسنن أن نفعل مثل فعله عليه السلام بل قال تعالى {لقد كان لكم في

رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} وإنما أنكر عليه السلام على تنزه أن يفعل مثل فعله عليه السلام وهذا هو غاية المنكر كمن تنزه عن التقبيل في رمضان نهارا وهو صائم، أو تنزه أن يمشي حافيا حاسرا زاريا على من فعل ذلك وأما من ترك أن يفعل مثل فعله عليه السلام لا عن رغبة عنه فما أنكر ذلك رسول الله صلى الله عليه وسلم قط وهذا التارك للائتساء به صلى الله عليه وسلم غير راغب عن ذلك لا محسن ولا مسيء ولا مأجور ولا آثم والمؤتسي به عليه السلام محسن مأجور والراغب عن الائتساء به بعد قيام الحجة عليه إن كان زاريا على محمد صلى الله عليه وسلم فهو كافر وما نعلم لمن صحح عنه فعلا ثم رغب عنه وجها ينجو به من الشرك إلا أن يتعلق بفعل له عليه السلام آخر أو بأمر له آخر أو يكون لم يصح عنده ذلك الأمر الذي رغب عنه فإن تعلق بأنه خصوص له صلى الله عليه وسلم فهو أحد الكاذبين الفساق ما لم يأت على دعواه بدليل من نص أو إجماع قال علي وأما من ادعى أن أفعال رسول الله صلى الله عليه وسلم فرض علينا أن نفعل مثلها فقد أغفل جدا وأتى بما لا برهان له على صحته، وما كان هكذا فهو دعوى كاذبة، لأن الأصل ألا يلزمنا حكم حتى يأتي نص قرآن أو نص سنة بإيجابه، وأيضا فإنه قول يؤدي إلى ما لا يفعل، ولزمه أن يوجب على كل مسلم أن يسكن حيث سكن رسول الله صلى الله عليه وسلم وأن يجعل رجليه حيث جعلهما عليه السلام وأن يصلي حيث صلى عليه السلام وأن يصوم فرضا الأيام التي كان يصومها عليه السلام وأن يجلس حيث جلس وأن يتحرك مثل كل حركة تحركها عليه السلام وأن يحرم الأكل متكئا وعلى خوان والشبع من خبز البر مأدوما ثلاثا تباعا، وأن يوجب فرضا أكل الدباء ويتتبعها وهذا ما لا يوجبه مسلم، مع أن هذا يخرج إلى المحال، وإلى إرجاع ما لا سبيل إلى إرجاعه مما قد فات وبطل بالأكل والشرب منه عليه السلام فبطل

"O Allah, have I conveyed the message?" The people said: "Yes." He said: "O Allah, bear witness." He said this during the Farewell Pilgrimage.

If an objector raises Jabir's report that he heard ʿUmar, may Allah be pleased with them both, swear in the Prophet's ﷺ presence that Ibn Sayyad was the Antichrist, and that the Messenger of Allah ﷺ did not condemn this, there is no argument against us in it. At the beginning of Ibn Sayyad's affair, the Messenger of Allah ﷺ was uncertain about him: was he the Antichrist or not? This is what the sound reports relate. This is made clear by ʿUmar's statement concerning him: "Let me strike off his head, Messenger of Allah." He, peace be upon him, replied: "If he is the one, you will not be given power over him," or words to that effect. Thus ʿUmar swore according to his own assessment. Whoever swears concerning something which he does not know, and of which he is not certain whether it is false or true, is, in our view, neither a breaker of his oath nor a sinner, provided his assessment is that the matter is as he swore it to be. This report is therefore an argument for us. Nor does it state that the Prophet ﷺ confirmed the truth of his oath. For in the report, the matter of Ibn Sayyad was at that time a possibility; and someone who swears to something possible, as we have mentioned, has committed nothing reprehensible that the Messenger of Allah ﷺ would be obliged to change.

ʿAli said: As for anyone who says that his actions ﷺ entail obligation, his statement is untenable, because Allah Most High has never obliged us, anywhere in the Quran or the prophetic traditions, to do the like of his actions, peace be upon him. Rather, He Most High said: "Certainly you have in the Messenger of Allah a good example, for whoever hopes for Allah and the Last Day and remembers Allah much." He, peace be upon him, condemned only someone who considered himself too pure to do the like of his action, peace be upon him. This is the utmost in reprehensibility: someone, for example, who considers himself too pure to kiss during the daytime in Ramadan while fasting, or too pure to walk barefoot and bareheaded, disparaging anyone who does so. As for someone who refrains from doing the like of his action, peace be upon him, without aversion to it, the Messenger of Allah ﷺ never condemned that ever. Someone who thus refrains from taking him ﷺ

as an example, without aversion to doing so, is neither doing good nor doing wrong, neither rewarded nor sinful. Someone who takes him as an example, peace be upon him, is doing good and is rewarded. Someone who is averse to taking him as an example after the proof has been established against him is an unbeliever if he disparages Muhammed ﷺ. We know of no way for someone who has established an action as authentically attributable to him and then turns away from it to escape associating partners with Allah, unless he appeals to another action of his, peace be upon another act of his ﷺ, or another command of his, or unless that command from which he turned away has not been established as authentic in his judgment. If he appeals to the claim that it was exclusive to him ﷺ, then he is one of the lying, flagrantly disobedient people, unless he produces evidence for his claim from a text or consensus. Ali said: As for anyone who claims that it is obligatory for us to perform acts like those of the Messenger of Allah ﷺ, he has been exceedingly heedless and advanced something for whose correctness he has no demonstration. Anything of this kind is a false claim, because the default is that no ruling binds us until a text of the Quran or a text of the Sunnah comes imposing it. Moreover, this is a position that leads to what cannot be done. It would require its proponent to oblige every Muslim to live where the Messenger of Allah ﷺ lived, to place his feet where he ﷺ placed them, to pray where he ﷺ prayed, to fast as an obligation on the days on which he ﷺ used to fast, to sit where he sat, and to make a movement corresponding to every movement he ﷺ made. He would have to prohibit eating while reclining, eating at a dining tray, and eating one's fill of wheat bread with an accompaniment for three consecutive [days]; and he would have to make eating gourds and seeking out pieces of them an obligation. No Muslim imposes this, quite apart from its leading to the impossible and to bringing back things that there is no way to bring back, things that have passed away and ceased to exist through his ﷺ eating and drinking them. What we have mentioned therefore disproves the proposition that his ﷺ acts are obligatory for us, since no evidence has come establishing that. Indeed, evidence and demonstration have established that this is not obligatory, through the verse that we have mentioned. Everyone with even the slightest knowledge of the Arabic language knows that when something is described by saying, 'This

بما ذكرنا أن تكون أفعاله عليه السلام واجبة علينا إذ لم يأت على ذلك دليل بل قد قام الدليل والبرهان على أن ذلك غير واجب بالآية التي ذكرنا، وكل من له أقل علم باللغة العربية فإنه يعلم أن ما قيل فيه: هذا لك أنه غير واجب قبوله، بل مباح له تركه إن أحب كالمواريث وكل ما خيرنا فيه، وأن ما جاء بلفظ: عليك كذا فهذا هو الملزم لنا، ولا بد فلما قال تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم الآخر وذكر الله كثيرا} كنا مندوبين إلى ذلك وكنا مباحا لنا ألا نأتسي غير راغبين عن الائتساء به، لكن عالمين أن الذي تركنا أفضل والذي فعلنا مباح كجلوس الإنسان وتركه أن يصلي تطوعا، فليس آثما بذلك ولو صلى تطوعا لكان أفضل إلا أن يكون ترك التطوع راغبا عنها في الوقت المباح فيه التطوع، فهذا خارج عن الإسلام بلا خلاف لأنه شارع شريعة لم يأت بها إذن قال علي وإنما نازعنا في وجوب الأفعال بعض أصحاب مالك، على أنهم أترك خلق الله تعالى لأفعال رسول الله صلى الله عليه وسلم فمن ذلك أنه عليه السلام جلد في الخمر أربعين وهم يجلدون ثمانين وودى حضريا وهو عبد الله بن سهل ادعى قتله على حضريين وهم يهود خيبر بالإبل، فقالوا هم: لا يجوز ذلك ولا يودى إلا بالذهب أو الفضة. وصلى على قبر، فقالوا هم: لا نفعل ذلك، وصلى على غائب، فقالوا هم: لا نرى ذلك وقبل وهو صائم فقالوا هم نكره ذلك وصلى عليه السلام حاملا أمامة فقالوا نكره ذلك وصلى جالسا والناس وراءه وأبو بكر إلى جنبه قائم فقالوا لا يجوز ذلك ويعلم صحةمن صلى كذلك بطلت صلاته في كثير جدا اقتصرنا منه على ما ذكرنا. وبعضهم تعلق في هذه الأفعال بأنها خصوص له عليه السلام ومن فعل ذلك فقد تعرض لغضب رسول الله صلى الله عليه وسلم ومن تعرض لغضبه عليه السلام فقد تعرض لغضب الله عز وجل فقد غضب عليه السلام غضبا شديدا حين سأله الأنصاري عن قبلة الصائم فأخبر

is for you,' accepting it is not obligatory; rather, one is permitted to leave it if one wishes, as with inheritances and everything concerning which we have been given a choice. Whatever comes in the wording, 'Such-and-such is incumbent upon you,' is what necessarily binds us. Thus, when He, exalted, said, 'You have indeed had in the Messenger of Allah a good example, for whoever hopes for Allah and the Last Day and remembers Allah much,' we were being encouraged to do that, and we were permitted not to follow his example, without turning away in aversion from following his example, but knowing that what we have left undone is better and what we have done is permissible. This is like someone sitting and refraining from performing a voluntary prayer: he does not thereby sin, although it would have been better had he performed a voluntary prayer. The exception is if he refrains from voluntary prayer out of aversion to it at a time when voluntary prayer is permissible. Such a person is outside Islam, without disagreement, because he is instituting a religious law for which no authorization has come. Ali said: Only some of Malik's followers have disputed with us concerning the obligatoriness of the acts, even though they are the most neglectful of all the creatures of Allah, exalted, concerning the acts of the Messenger of Allah ﷺ. Among these is that he ﷺ administered forty lashes for wine-drinking, whereas they administer eighty. He paid the blood money for a town-dweller—Abd Allah ibn Sahl, whose killing was alleged against other town-dwellers, namely the Jews of Khaybar—in camels, whereas they say, 'That is not permissible; blood money may be paid only in gold or silver.' He performed the funeral prayer over a grave, whereas they say, 'We do not do that.' He performed the funeral prayer for someone absent, whereas they say, 'We do not consider that proper.' He kissed while fasting, whereas they say, 'We disapprove of that.' He ﷺ prayed while carrying Umamah, whereas they say, 'We disapprove of that.' He prayed sitting, with the people behind him and Abu Bakr standing beside him, whereas they say, 'That is not permissible,' and 'he knows the validity of—whoever prays in that manner, his prayer is invalid.' There are very many such instances; we have confined ourselves to those we have mentioned. Some of them have appealed, regarding these acts, to the claim that they were exclusive to him ﷺ. Whoever does that has exposed himself to the anger of the Messenger of Allah ﷺ, and

عليه السلام أنه يفعل ذلك فقال القائل لست مثلنا يا رسول الله أنت قد غفر لك ذنبك فغضب رسول الله صلى الله عليه وسلم حينئذ غضبا شديدا وأنكر هذا القول فمن أضل ممن تعرض لغضب الله عز وجل وغضب رسوله عليه السلام في تقليد إنسان لا ينفعه ولا يضره ولا يغني عنه من الله تعالى شيئا قال علي واحتجوا في تخصيص القبلة للصائم بقول عائشة رضي الله عنها وأيكم أملك لإربه من رسول الله صلى الله عليه وسلم قال أبو محمد وهذا القول منها رضي الله عنها، أعظم الحجة عليهم، لأنها لم تقل ذلك على ما توهموا، وإنما قالته إنكارا على من استعظم القبلة للصائم فأخبرهم أنه عليه السلام كان أورع منهم وأملك لإربه ولكنه مع ذلك لم يمتنع من التقبيل وهو صائم فكيف أنتم ويدل على صحة هذا التأويل دليلان بينان أحدهما أنها رضي الله عنها هكذا قالت في مباشرة الحائض أنه عليه السلام كان يأمرها فتتزر ثم يباشرها وأيكم أملك لإربه من رسول الله صلى الله عليه وسلم فيلزمهم أن يتركوا إباحة مباشرة الحائض، لقول عائشة، وأيكم أملك لإربه كما قالت في قبلة الصائم سواء بسواء. والثاني: أنهم رووا عنها أنها قالت لابن أخيها عبد الله بن عبد الرحمن وهو أشب ما كان: ألا تقبل زوجتك وتلاعبها؟ تعني عائشة بنت طلحة وهي بنت أختها وأجمل جواري أهل زمانها قاطبة فقال إني صائم فقالت لقد كان رسول الله صلى الله عليه وسلم يقبل وهو صائم فهي دأبا تحض الصائم الشاب على التقبيل للجارية الحسناء اقتداء برسول الله صلى الله عليه وسلم وائتساء به وهذا هو قولنا لا قولهم ففعلوا ما ترى فيما أخبر عليه السلام أنه عموم وغضب على من ادعى أنه خصوص ثم أتوا إلى ما أخبر عليه السلام أنه خصوص له دون سائر الناس وهو قتله بمكة من قتل الكفار وخطب عليه السلام الناس فنهاهم عن أن يسفك فيها أحد دما ثم لم يقنع عليه السلام بذلك حتى قال في خطبته تلك وإن أحد ترخص لقتال رسول الله صلى الله عليه وسلم فيها

فقولوا إن الله أحلها لنبيه صلى الله عليه وسلم ولم يحلها لكم وإنما أحلت لي ساعة من نهار ثم عادت لحرمتها بالأمس إلى يوم القيامة أو كلاما هذا معناه، فقالوا: هذا عموم وليس خصوصا. قال أبو محمد: فلو قيل لهؤلاء القوم اعكسوا الحقائق، ما زادوا على ما فعلوا، وأن هذا لعظائم لا ندري كيف استجاز من له أدنى ورع التقليد في مثل هذا، لمن قد أداه اجتهاده إلى الخطأ في ذلك، ممن قد بلغتهم الآثار، وقامت عليهم الحجة، وسقطت عنهم المعذرة، وإن الظن ليسوء جدا بمن هذا معتقده، ونعوذ بالله من كل حب رياسة تقود إلى مثل هذا وبالله تعالى التوفيق قال علي وإذا مدح الله تعالى أو رسوله صلى الله عليه وسلم أحدا على فعل ما كان ذلك الفعل مندوبا إليه، مستحبا يؤجر فاعله ولا يؤجر تاركه ولا يأثم، وليس ذلك الشيء فرضا لما قد أوردنا في الحجاج في أن الفرض ليس إلا ما جاء به الأمر فقط، وإن لم نؤمر به فمعفوا عنه، وأما ما ذمه الله تعالى فهو مكروه، وليس حراما إلا بدليل، لما ذكرناه في المدح ولا فرق، وقد ذم الله تعالى الشح، وليس حراما إذا أدى المرء فرائضه، ولكنه مذموم مكروه، وقد مدح الله تعالى المغتسلين بالماء للاستنجاء وليس فرضا ومدح النبي صلى الله عليه وسلم من لم يكتوا ولا استرقى وليس كل ذلك حراما، لكن إن قام دليل من أمر أو نهي على الشيء المذموم أو الممدوح صير فيه إلى دليل الأمر والنهي وبالله تعالى التوفيق

whoever exposes himself to his ﷺ anger has exposed himself to the anger of Allah, mighty and majestic. For he ﷺ became intensely angry when the Ansari asked him about a fasting person's kissing, and he informed him —ﷺ—that he did that. The speaker then said, 'You are not like us, Messenger of Allah; your sin has been forgiven you.' The Messenger of Allah ﷺ then became intensely angry and repudiated this statement. Who, then, is further astray than someone who exposes himself to the anger of Allah, mighty and majestic, and the anger of His Messenger ﷺ by blindly following a person who can neither benefit nor harm him and cannot avail him anything against Allah, exalted? Ali said: In restricting kissing while fasting to him alone, they cited Aishah's statement, may Allah be pleased with her: 'Which of you has greater control over his desire than the Messenger of Allah ﷺ?' Abu Muhammed said: This statement of hers, may Allah be pleased with her, is the strongest proof against them. She did not say it in the sense they imagined; she said it only to rebuke those who regarded kissing while fasting as a grave matter. She informed them that he ﷺ was more scrupulous than they were and had greater control over his desire, yet nevertheless did not refrain from kissing while fasting. What, then, of you? Two clear pieces of evidence establish the correctness of this interpretation. The first is that she, may Allah be pleased with her, said precisely this concerning intimate contact with a menstruating woman: that he ﷺ would instruct her to put on a waist-wrapper, then have intimate contact with her, and, 'Which of you has greater control over his desire than the Messenger of Allah ﷺ?' They would therefore have to abandon the permissibility of intimate contact with a menstruating woman because of the statement of Aishah, 'Which of you has greater control over his desire?'—exactly as she said concerning kissing while fasting. The second is that they themselves transmitted from her that she said to her brother's son, Abd Allah ibn Abd al-Rahman, when he was in the very prime of his youth, 'Will you not kiss your wife and play with her?' She meant Aishah bint Talhah, who was her sister's daughter and the most beautiful of all the young women of her time. He said, 'I am fasting.' She said, 'The Messenger of Allah ﷺ used to kiss while fasting.' Thus she persistently urges a fasting young man to kiss a beautiful young woman, following the Messenger of Allah ﷺ and taking him as an example. This is our position,

not theirs. They therefore acted as you see concerning something that he ﷺ declared to have general applicability, becoming angry with anyone who claimed that it was exclusive to him. Then they turned to something that he ﷺ declared was exclusive to him, to the exclusion of all other people: his killing in Mecca of those unbelievers whom he killed. He ﷺ addressed the people and forbade anyone to shed blood there. Nor did he ﷺ content himself with that, but went on to say in that sermon of his 'If anyone claims a dispensation on account of the Messenger of Allah's ﷺ fighting there, say: Allah made it lawful for His Prophet ﷺ and did not make it lawful for you. It was made lawful for me only for an hour of a day; then its inviolability returned to what it had been yesterday, until the Day of Resurrection'—or words to this effect. Yet they said, 'This has general applicability and is not exclusive.' Abu Muhammed said: Had these people been told, 'Reverse the realities,' they could have done no more than they have done. These are indeed enormities. We do not know how anyone with the slightest scrupulousness could consider it permissible, in a matter like this, to blindly follow someone whose independent legal reasoning has led him into error concerning it—when the transmitted reports have reached them, the proof has been established against them, and their excuse has fallen away. One's opinion of anyone who holds this belief becomes very bad indeed. We seek refuge in Allah from every love of leadership that leads to such things. Through Allah, exalted, comes success. Ali said: When Allah, exalted, or His Messenger ﷺ praises someone for some act, that act is recommended and desirable: its doer is rewarded, while whoever leaves it undone is neither rewarded nor sinful. That thing is not obligatory, for the reasons we have already presented in our argument that an obligation is only something for which a command has come. If we have not been commanded to do it, its omission is pardoned. As for what Allah, exalted, censures, it is disapproved but is not forbidden except upon evidence, for the reasons we mentioned concerning praise; there is no difference. Allah, exalted, has censured stinginess yet it is not forbidden if a person fulfills his obligations; rather, it is censured and disapproved. Allah, exalted, has praised those who wash themselves with water to cleanse themselves after relieving themselves, although this is not obligatory. The Prophet ﷺ praised those who did not undergo cauterization

or ask to have an incantation recited over them, although these things are not all forbidden. But if evidence in the form of a command or prohibition is established concerning the thing censured or praised, then the evidence of the command or prohibition is followed concerning it. Through Allah, exalted, comes success.[105][106][107][108][109][110][111][112][113][114]

L399 **[Section on a Companion's acting contrary to the transmitted report, and the adherents of falsehood using that as a pretext]**

L400–403 And concerning those matters which, they claimed, arise so frequently that

[فصل في خلاف الصاحب للرواية وتعلل أهل الباطل بذلك]

وفيما زعموا أن البلوى تكثر به فلا يقبل فيه إلا التواتر قال أبو محمد: ووجدنا الصاحب من الصحابة رضي الله عنهم يبلغه الحديث فيتناول فيه تأويلا يخرجه به عن ظاهره، ووجدناهم رضي الله عنهم يقرون ويعترفون بأنهم لم يبلغهم كثير من السنن، وهكذا الحديث المشهور عن أبي هريرة إن إخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن إخواني من الأنصار كان يشغلهم القيام على أموالهم. وهكذا قال البراء: حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عون، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى العنزي، ثنا أبو أحمد الزبيري وسفيان الثوري، عن أبي إسحاق السبيعي، عن البراء بن عازب قال أما كل ما تحدثتموه سمعناه من رسول الله صلى الله عليه وسلم ولكن حدثنا أصحابنا وكانت تشغلنا رعية الإبل. وهذا أبو بكر رضي الله عنه لم يعرف فرض ميراث الجدة، وعرفه محمد بن مسلمة، والمغيرة بن شعبة، وقد سأل أبو بكر رضي الله عنه عائشة في كم كفن رسول الله صلى الله عليه وسلم وهذا عمر رضي الله عنه يقول في حديث الاستئذان أخفي علي هذا من أمر رسول الله صلى الله عليه وسلم ألهاني الصفق في الأسواق وقد جهل أيضا أمر إملاص المرأة وعرفه غيره، وغضب على عيينة بن حصن حتى ذكره الحر بن قيس بن حصن بقوله تعالى {خذ لعفو وأمر بلعرف وأعرض عن لجاهلين} وخفي

[105] **Translator's note (L385):** "Our undergarments" interprets the unvocalized shuʿur as the plural of shiʿar, clothing worn next to the body; the same written form can otherwise denote hair. "He would have assailed him and cried out" renders an obscure, compressed expression whose precise intended force is uncertain.

[106] **Translator's note (L387):** The Quranic quotation, corresponding to 33:21, contains several defective written forms, including missing letters in "Allah" and "the Last." Its recoverable wording is translated here. The wording "For in the report" is syntactically awkward in the supplied Arabic; the translation preserves its apparent sense.

[107] **Translator's note (L388):** The opening Arabic completes the salutation begun in the preceding segment; that salutation is represented there by ﷺ.

[108] **Translator's note (L389):** The segment ends within the salutation and the sentence continues in the following context.

[109] **Translator's note (L390):** The opening continues a sentence from the preceding segment; 'act of his' is supplied from that context. The Arabic says 'three consecutively' without naming the unit; '[days]' makes the apparent intended reference explicit.

[110] **Translator's note (L391):** The Quran quotation contains apparent orthographic omissions in several occurrences of 'Allah' and in 'the Last Day'; the translation follows their evident lexical sense.

[111] **Translator's note (L393):** The wording immediately after 'That is not permissible' is corrupt or syntactically dislocated: it literally begins 'and he knows the validity of' and runs into 'whoever prays in that manner, his prayer is invalid.' The translation preserves this disruption rather than silently reconstructing a coherent statement.

[112] **Translator's note (L394):** The opening ﷺ completes the salutation begun in the preceding segment. 'Intimate contact' renders mubasharah here, distinguishing it from sexual intercourse.

[113] **Translator's note (L397):** The opening completes 'that sermon of his' from the preceding segment; its demonstrative is incorporated into that continuing reference.

only transmission by numerous independent routes establishing certainty may be accepted regarding them. Abu Muhammed said: We have found that a Companion of the Companions, may Allah be pleased with them, would receive a hadith and adopt an interpretation of it by which he diverted it from its apparent meaning. We have also found them, may Allah be pleased with them, acknowledging and admitting that many of the Prophetic practices had not reached them. Such is the well-known hadith from Abu Hurayrah: "My brothers among the Emigrants were occupied with trading in the markets, and my brothers among the Helpers were occupied with tending their property." Al-Baraʾ likewise said—Muhammed ibn Saʿid ibn Nabat related to us; Ahmad ibn ʿAwn related to us; Qasim ibn Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna al-ʿAnazi related to us; Abu Ahmad al-Zubayri and Sufyan al-Thawri related to us, from Abu Ishaq al-Sabiʿi, from al-Baraʾ ibn ʿAzib, who said: "Not everything that you have related did we hear from the Messenger of Allah ﷺ; rather, our companions related it to us. Tending the camels used to occupy us." Here is Abu Bakr, may Allah be pleased with him: he did not know the prescribed inheritance share of a grandmother, whereas Muhammed ibn Maslamah and al-Mughirah ibn Shuʿbah knew it. Abu Bakr, may Allah be pleased with him, also asked ʿA'ishah how many cloths the Messenger of Allah ﷺ had been shrouded in. Here is ʿUmar, may Allah be pleased with him, saying concerning the hadith about seeking permission to enter: "Was this command of the Messenger of Allah ﷺ hidden from me? Trading in the markets distracted me." He was also ignorant of the ruling concerning a woman's miscarriage, while someone else knew it. He became angry with ʿUyaynah ibn Hisn until al-Hurr ibn Qays ibn Hisn reminded him of the words of the Exalted: {Accept pardon, command what is right, and turn away from the ignorant.} The Messenger of Allah's ﷺ command to expel the Jews and Christians from the Arabian Peninsula remained unknown to him until the latter part of his caliphate. It had likewise remained unknown to Abu Bakr, may Allah be pleased with him, before him throughout his caliphate. When it reached ʿUmar, he ordered their expulsion and left none

عليه أمر رسول الله صلى الله عليه وسلم بإجلاء اليهود والنصارى من جزيرة العرب إلى آخر خلافته، وخفي على أبي بكر رضي الله عنه قبله أيضا طول مدة خلافته، فلما بلغ ذلك عمر أمر بإجلائهم فلم يترك بها منهم أحدا وخفي على عمر أيضا أمره عليه السلام بترك الإقدام على الوباء وعرف ذلك عبد الرحمن بن عوف. وسأل عمر أبا واقد الليثي عما كان يقرأ به رسول الله صلى الله عليه وسلم في صلاتي الفطر والأضحى وهذا وقد صلاهما رسول الله صلى الله عليه وسلم أعواما كثيرة ولم يدر ما يصنع بالمجوس حتى ذكره عبد الرحمن بأمر رسول الله صلى الله عليه وسلم فيهم ونسي قبوله عليه السلام الجزية من مجوس البحرين وهو أمر مشهور ولعله رضي الله عنه قد أخذ من ذلك المال حظا كما أخذ غيره منه ونسي أمره عليه السلام بأن يتيمم الجنب فقال لا يتيمم أبدا ولا يصلي ما لم يجد الماء، وذكره بذلك عمار، وأراد قسمة مال الكعبة حتى احتج عليه أبي بن كعب بأن النبي صلى الله عليه وسلم لم يفعل ذلك فأمسك وكان يرد النساء اللواتي حضن ونفرن قبل أن يودعن البيت حتى أخبر بأن رسول الله صلى الله عليه وسلم أذن في ذلك فأمسك عن ردهن وكان يفاضل بين ديات الأصابع حتى بلغه عن النبي صلى الله عليه وسلم أمره بالمساواة بينها فترك قوله وأخذ بالمساواة، وكان يرى الدية للعصبة فقط حتى أخبره الضحاك بن سفيان بأن النبي صلى الله عليه وسلم ورث المرأة من الدية فانصرف عمر إلى ذلك ونهى عن المغالاة في مهور النساء استدلالا بمهور النبي صلى الله عليه وسلم حتى ذكرته امرأة فرجع عن نهيه وأراد رجم مجنونة حتى أعلم بقول رسول الله صلى الله عليه وسلم رفع القلم عن ثلاثة فأمر ألا ترجم وأمر برجم مولاة حاطب حتى ذكره عثمان بأن الجاهل لا حد عليه، فأمسك عن رجمها، وأنكر على حسان الإنشاد في المسجد، فأخبره هو وأبو هريرة

[114] **Qur'an references (L385):** Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah).

of them there. Also unknown to ʿUmar was his command, peace be upon him, to refrain from advancing into an epidemic-stricken place; this was known to ʿAbd al-Rahman ibn ʿAwf. ʿUmar asked Abu Waqid al-Laythi what the Messenger of Allah ﷺ used to recite in the two prayers of the Festival of Breaking the Fast and the Festival of Sacrifice—even though the Messenger of Allah ﷺ had performed both for many years. He did not know how to deal with the Magians until ʿAbd al-Rahman reminded him of the Messenger of Allah's ﷺ command concerning them. He forgot his acceptance, peace be upon him, of the poll tax from the Magians of Bahrain, although this was a well-known matter. Perhaps he himself, may Allah be pleased with him, had received a share of that money, just as others had received some of it. He forgot his command, peace be upon him, that a person in a state of major ritual impurity perform dry ablution, and said: "He must never perform dry ablution, and must not pray unless he finds water." ʿAmmar reminded him of this. He intended to distribute the wealth of the Kaʿbah until Ubayy ibn Kaʿb argued against him on the grounds that the Prophet ﷺ had not done so, whereupon he desisted. He used to send back women who had menstruated and departed before bidding farewell to the House, until he was informed that the Messenger of Allah ﷺ had permitted this, whereupon he ceased sending them back. He used to assign different amounts of blood money for different fingers, until the Prophet's ﷺ command that they be treated equally reached him; he then abandoned his opinion and adopted equal treatment. He held that blood money belonged exclusively to the agnatic relatives, until al-Dahhak ibn Sufyan informed him that the Prophet ﷺ had given a wife an inheritance share of blood money; ʿUmar then adopted that position. He prohibited excessive marriage payments to women, adducing the Prophet's ﷺ marriage payments as evidence, until a woman reminded him, whereupon he withdrew his prohibition. He intended to stone an insane woman until he was informed of the Messenger of Allah's ﷺ saying, "The pen has been lifted from three," whereupon he ordered that she not be stoned. He ordered that a female client of Hatib be stoned, until ʿUthman reminded him that no prescribed punishment applies to one who is ignorant, whereupon he refrained from stoning her. He objected to Hassan's reciting poetry in the mosque, but Hassan and Abu Hurayrah informed him that he had recited poetry there

أنه قد أنشد فيه بحضرة رسول الله صلى الله عليه وسلم فسكت عمر وقد خفي على الأنصار وعلى المهاجرين كعثمان وعلي وطلحة والزبير وحفصة أم المؤمنين وجوب الغسل من الإيلاج إلا أن يكون أنزل، وهذا مما تكثر فيه البلوى، وخفي على عائشة، وأم حبيبة، أمي المؤمنين: وابن عمر، وأبي هريرة، وأبي موسى. وزيد بن ثابت، وسعيد بن المسيب، وسائر الجلة من فقهاء المدينة وغيرهم نسخ الوضوء مما مست النار

in the presence of the Messenger of Allah ﷺ, whereupon ʿUmar fell silent. The Helpers and such Emigrants as ʿUthman, ʿAli, Talhah, al-Zubayr, and Hafsah, Mother of the Believers, were unaware of the obligation to perform the full ritual bath following penetration unless he had ejaculated. This is one of the matters that arise frequently. ʿA'ishah and Umm Habibah, the two Mothers of the Believers, Ibn ʿUmar, Abu Hurayrah, Abu Musa, Zayd ibn Thabit, Saʿid ibn al-Musayyab, and the other eminent jurists of Medina and elsewhere were unaware of the abrogation of the requirement to perform ablution after consuming anything touched by fire.[115]

L404 All these are matters that arise extensively and affect people generally. All this, and what follows, invalidates the statement made by those Hanafis and Malikis who are heedless of what they say: that when a matter affects people generally, a solitary report concerning it is not accepted.

L405–413 What is astonishing is that both groups have accepted reports concerning matters that affect people generally, which others have opposed: for example, the Hanafis' acceptance of the requirement to perform ablution because of laughter, of which others were ignorant, and the Malikis' acceptance of an oath together with a witness, of which others were ignorant. There are very many such examples. Muhammed ibn Saʿid related to us; Ahmad bah ʿAbd al-Nasir related to us; Qasim ibn Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna related to us; ʿAbd al-Rahman ibn Mahdi related to us; Sakhr ibn Juwayriyah related to us; ʿAmir ibn ʿAbd Allah ibn al-Zubayr related to us that ʿAbd al-Rahman ibn al-Aswad informed him, saying: "I was sitting with my father at ʿArafah while Ibn al-Zubayr was addressing the people. Ibn al-Zubayr said: 'This is a day for declaring Allah's greatness, praising Him, and declaring His oneness; so declare Allah's greatness, praise Him, and declare His oneness.' My father stood up and made his way through until he reached him. He inclined

[115]**Translator's note (L400):** The Qur'anic quotation corresponds to 7:199, but the supplied transcription omits letters in several words. The translation follows its identifiable wording. The transmission chain as supplied joins Abu Ahmad al-Zubayri and Sufyan al-Thawri with "and," making both narrate from Abu Ishaq. This potentially problematic chain wording has been preserved.

وكل هذا تعظم البلوى به وتعم، وهذا كله وما بعد هذا يبطل ما قاله من لا يبالي بكلامه من الحنفيين والمالكيين. إن الأمر إذا كان مما تعم البلوى به لم يقبل خبر الواحد.

والعجب أن كلتا الطائفتين قد قبلت أخبارا خالفها غيرهم تعم البلوى، كقبول الحنفيين الوضوء من الضحك، وجهله غيرهم وكقبول المالكيين اليمين مع الشاهد، وجهله غيرهم، ومثل هذا كثير جدا. حدثنا محمد بن سعيد، ثنا أحمد به عبد النصير، حدثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا صخر بن جويرية، حدثنا عامر بن عبد الله بن الزبير، أن عبد الرحمن بن الأسود أخبره قال: كنت جالسا مع أبي بعرفة وابن الزبير يخطب الناس، فقال ابن الزبير: إن هذا يوم تكبير وتحميد وتهليل، فكبروا الله واحمدوه وهللوا، فقام أبي يحوس حتى انتهى إليه فأصغى إليه فقال: أشهد لسمعت عمر بن الخطاب على هذا المنبر يلبي، فقال ابن الزبير: لبيك اللهم لبيك وكان صيتا. قال أبو محمد: فقد خفي هذا كما ترى على ابن الزبير وغيره وهو مشهور عن النبي صلى الله عليه وسلم وقد نهى عمر أن يسمى بأسماء الأنبياء وهو يرى محمد بن مسلمة يغدو عليه ويروح وهو أحد الصحابة الجلة منهم، ويرى أبا أيوب الأنصاري، وأبا موسى الأشعري، وهما لا يعرفان إلا بكناهما من الصحابة، ويرى محمد بن أبي بكر الصديق وقد ولد بحضرة رسول الله صلى

his ear toward him, and my father said: 'I testify that I heard ʿUmar ibn al-Khattab on this pulpit uttering the pilgrimage response.' Ibn al-Zubayr then said: 'At Your service, O Allah, at Your service!' He had a loud voice." Abu Muhammed said: As you see, this was unknown to Ibn al-Zubayr and others, although it is well known as a practice of the Prophet ﷺ. ʿUmar prohibited naming people with the names of the prophets, although he saw Muhammed ibn Maslamah coming to him morning and evening, and he was one of the eminent Companions among them. He also saw Abu Ayyub al-Ansari and Abu Musa al-Ashʿari, who were known only by their parental appellations and were among the Companions. He also saw Muhammed ibn Abi Bakr al-Siddiq, who had been born in the presence of the Messenger of Allah ﷺ, during the Farewell Pilgrimage. When his mother gave birth to him, she asked him for a ruling about what she should do concerning her state of pilgrimage consecration while she was experiencing postpartum bleeding. It is known with certainty that the Prophet ﷺ unquestionably knew the names and parental appellations of those we have mentioned, approved their use, addressed them by them, and changed none of these, peace be upon him. When Talhah and Suhayb informed him that the Prophet ﷺ had permitted this, he ceased prohibiting it. He contemplated abandoning the brisk, short-stepped gait during the pilgrimage circumambulation, but then recalled that the Prophet ﷺ had done it, and said: "It is not incumbent upon us to abandon it." Here is ʿUthman, may Allah be pleased with him: they have related of him that he sent to al-Furayʿah, the sister of Abu Saʿid al-Khudri, asking her what ruling the Messenger of Allah ﷺ had given her concerning her waiting period, and that he adopted it. He ordered that a woman who had given birth at six months be stoned, but ʿAli reminded him of the Qurʾan and that a pregnancy could last six months, whereupon he withdrew the order to stone her. Here is ʿAli, may Allah's good pleasure be upon him, acknowledging that many of the Companions used to relate to him reports that were not that he did not possess, from the Prophet ﷺ; that he used to make them swear to this, except Abu Bakr, whom he did not make swear; and that Allah Most High would benefit him, as He willed, through what he heard of this that he had not previously possessed. Here is Talhah permitting the exchange of gold for silver on deferred terms until Umar reminded him. Here are Ibn Umar

الله عليه وسلم وفي حجة الوداع واستفتته أمه إذ ولدته ماذا تصنع في إحرامها وهي نفساء وقد علم يقينا أن النبي صلى الله عليه وسلم علم بأسماء من ذكرنا وبكناهم بلا شك وأقرهم عليها ودعاهم بها ولم يغير شيئا من ذلك عليه السلام فلما أخبره طلحة وصهيب عن النبي صلى الله عليه وسلم بإباحة ذلك أمسك عن النهي عنه وهم بترك الرمل في الحج ثم ذكر أن النبي صلى الله عليه وسلم فعله فقال لا يجب لنا أن نتركه وهذا عثمان رضي الله عنه فقد رووا عنه أنه بعث إلى الفريعة أخت أبي سعيد الخدري يسألها عما أفتاها به رسول الله صلى الله عليه وسلم في أمر عدتها وأنه أخذ بذلك وأمر برجم امرأة قد ولدت لستة أشهر، فذكره علي بالقرآن وأن الحمل قد يكون ستة أشهر، فرجع عن الأمر برجمها. وهذا علي رضوان الله عليه: يعترف بأن كثيرا من الصحابة كانوا يحدثونه بما ليس عنده عن النبي صلى الله عليه وسلم وأنه كان يستحلفهم على ذلك حاشا أبا بكر فإنه كان لا يستحلفه، وأن الله تعالى كان ينفعه بما شاء أن ينفعه مما سمع من ذلك مما لم يكن عنده قبل ذلك. وهذا طلحة: يبيح الذهب بالفضة نسيئة، حتى ذكره عمر. وهذا ابن عمر وابن عباس: يبيعان الدرهم بالدرهمين، حتى ذكرا فأمسكا، ثم رواه ابن عمر عن أبي سعيد الخدري عن النبي صلى الله عليه وسلم ذكره مسلم فرجع ابن عمر إلى ذلك وترك رأيه ثم رواه ابن عمر فقال هذا عهد نبينا إلينا ذكره مالك عن حميد عن مجاهد عن ابن عمر وصدق ابن عمر ونحن نقول في حديث النبي صلى الله عليه وسلم إذا بلغنا هذا عهد نبينا إلينا فهكذا نحمل أمر جميع ما روي من رواية الصاحب للحديث، ثم روي عنه مخالفته إياه أنه إنما أفتى بخلاف الحديث قبل أن يبلغه، فلما حدث بما بلغه، لا يحل أن يظن بالصاحب غير هذا، وهذا نص ما ذكرنا عن ابن عمر ببيان لا يخفى، وأنهم تأولوا فيما سمعوا من الحديث. ومن حمل ذلك على غير ما قلنا فإنه يوقع الصاحب ولا محالة تحت أمرين، وقد أعاذهم الله تعالى منهما،

and Ibn Abbas exchanging one dirham for two until they were reminded, whereupon they desisted. Then Ibn Umar transmitted it from Abu Sa'id al-Khudri, from the Prophet ﷺ—Muslim recorded it—and Ibn Umar returned to it and abandoned his own opinion. Then Ibn Umar transmitted it, saying, "This is our Prophet's charge to us." Malik recorded it from Humayd, from Mujahid, from Ibn Umar. Ibn Umar spoke the truth, and we too say of a hadith of the Prophet ﷺ, when it reaches us, "This is our Prophet's charge to us." Thus we understand every transmitted instance in which a Companion related a hadith and was then reported to have acted contrary to it: he gave the ruling contrary to the hadith only before it reached him; subsequently, he related what had reached him. It is not lawful to suppose anything else of the Companion. This is the explicit wording of what we have cited from Ibn Umar, with unmistakable clarity, and that they exercised interpretation concerning the hadiths they heard. Whoever understands this otherwise than we have stated inevitably places the Companion in one of two positions—Allah Most High has protected them from both—each of which is error and grave disobedience. Either they openly opposed the Prophet ﷺ, which is lawful for no one, and which it is not lawful to suppose of them; or they possessed knowledge that required them to act contrary to what they transmitted, in which case they were not at liberty to conceal it from us, relate the abrogated ruling, and conceal from us the abrogating ruling. Such conduct constitutes unbelief on the part of its perpetrator and deception concerning the religion. No one attributes this to them except someone whose heart has deviated, or an ignorant person blind of heart. Their corrupt supposition is therefore invalidated, and our statement is established as correct. Praise belongs to Allah, Lord of the worlds. There is absolutely no possible third explanation, unless they had at that time forgotten some of what they had previously transmitted. This too is possible. If they exercised interpretation, then the interpretation on their part—may Allah be pleased with them—is conjecture, whereas their transmission from the Prophet ﷺ is certainty. It is not lawful for a Muslim to abandon certainty for conjecture. Thus the difficulty throughout this chapter is entirely removed. Praise belongs to Allah, Lord of the worlds. As for them—may Allah's good pleasure be upon them—they are excused, because this was an exercise of independent judgment on their part,

كلاهما ضلال وفسق وهما إما المجاهرة بخلاف النبي صلى الله عليه وسلم وهذا لا يحل لأحد ولا يحل أن يظن بهم وإما أن يكون عندهم علم أوجب عليهن مخالفة ما رووا فما هم في حل أن يكتموه عنا ويحدثوا بالمنسوخ، ويكتموا عنا الناسخ. وهذه الصفة كفر من فاعلها وتلبيس في الدين، ولا ينسب هذا إليهم إلا زائغ القلب أو جاهل أعمى القلب، فبطل ظنهم الفاسد، وصح قولنا والحمد لله رب العالمين. ولا سبيل إلى وجه ثالث أصلا إلا أن يكونوا نسوا حينئذ بعض ما قد رووه قبل ذلك فهذا ممكن أيضا. فإن كانوا تأولوا فالتأويل منهم رضي الله عنهم ظن وروايتهم على النبي صلى الله عليه وسلم يقين ولا يحل لمسلم أن يترك اليقين للظن فارتفع الإشكال جملة هذا الباب، والحمد لله رب العالمين. وأما هم رضوان الله عليهم فمعذورون، لأنه اجتهاد منهم، مع أن ذلك منهم أيضا قليل جدا، وليس كذلك من يقلدهم بعد أن نبه على ما ذكرناه. وهذه عائشة وأبو هريرة رضي الله عنهما خفي عليهما المسح على الخفين، وعلى ابن عمر معهما وعلمه جرير ولم يسلم إلا قبل موت النبي صلى الله عليه وسلم بأشهر وأقرت عائشة أنها لا علم لها به وأمرت بسؤال من يرجى عنده علم ذلك وهو علي رضي الله عنه، وهذه حفصة أم المؤمنين سئلت عن الوطء يجنب فيه الواطىء، أفيه غسل أم لا؟ فقالت لا علم لي. وهذا ابن عمر توقع أن يكون حدث نهي من النبي صلى الله عليه وسلم عن كراء الأرض بعد أزيد من أربعين سنة من موت النبي صلى الله عليه وسلم فأمسك عنها وأقر أنهم كانوا يكرونها على عهد أبي بكر وعمر وعثمان، ولم يقل إنه لا يمكن أن يخفى على هؤلاء ما يعرف رافع وجابر وأبو هريرة. وهؤلاء إخواننا يقولون فيما اشتهوا: لو كان هذا حقا ما خفي على عمر. وقد خفي على زيد بن ثابت، وابن عمر وجمهور أهل المدينة إباحة النبي صلى الله عليه وسلم للحائض أن تنفر حتى أعلمهم بذلك ابن عباس وأم سليم، فرجعوا عن قولهم: وخفي على ابن عمر الإقامة

حتى يدفن الميت، حتى أخبره بذلك أبو هريرة وعائشة فقال: لقد فرطنا في قراريط كثيرة، وقيل لابن عمر في اختياره متعة الحج على الإفراد: إنك تخالف أباك. فقال: أكتاب الله أحق أن يتبع أم عمر؟ روينا ذلك عنه من طريق عبد الرزاق، عن معمر، عن الزهري، عن سالم، عن ابن عمر. وخفي على عبد الله بن عمر الوضوء من مس الذكر حتى أمرته بذلك عن النبي صلى الله عليه وسلم بسرة بنت صفوان فأخذ بذلك وخفي على ابن عباس النهي عن المتعة، وعن تحريم الحمر الأهلية، حتى أعلمه بذلك علي رضي الله عنه. وقال ابن عباس: ألا تخافون أن يخسف الله بكم الأرض أقول لكم قال رسول الله صلى الله عليه وسلم وتقولون قال أبو بكر وعمر وهؤلاء الأنصار نسوا قوله عليه السلام الأئمة من قريش وقد رواه أنس وقد روى عبادة بن الصامت ما يدل على ذلك وما كانوا يتركون اجتهادهم إلا لأمر بلغهم عن النبي صلى الله عليه وسلم وهذا أبو هريرة يذكر أنهم كانوا رضوان الله عليهم تشغلهم أموالهم ومتاجرهم وأنه هو كان يلازم رسول الله صلى الله عليه وسلم ويحضر ما لا يحضرون وقد ذكرنا هذا الحديث في باب الإجماع في ديواننا هذا في فصل ترجمته: إبطال قول من قال إن الجمهور إذا أجمعوا على قول وخالفهم واحد فإنه لا يلتفت إلى قوله فأغنى ذكرنا إياه هنالك عن ترداده ههنا.

although such instances among them were also very few indeed. The same does not apply to someone who follows them uncritically after his attention has been drawn to what we have mentioned. Here are Aishah and Abu Hurayrah—may Allah be pleased with them both—who were unaware of wiping over leather socks, as was Ibn Umar along with them, while Jarir knew of it, although he embraced Islam only months before the Prophet's ﷺ death. And Aishah acknowledged that she had no knowledge of it, and directed that someone who might be expected to know of it should be asked, namely Ali—may Allah be pleased with him. Here is Hafsah, Mother of the Believers, who was asked about intercourse in which the man engaging in it enters a state of major ritual impurity: does it require a ritual bath or not? She said, "I have no knowledge." Here is Ibn Umar, who, more than forty years after the Prophet's ﷺ death, entertained the possibility that a prohibition against leasing land had been issued by the Prophet ﷺ, and therefore refrained from it. He acknowledged that they had leased it during the times of Abu Bakr, Umar, and Uthman, and did not say that it was impossible for these men to be unaware of what Rafi', Jabir, and Abu Hurayrah knew. Yet these brethren of ours say, whenever it suits their desires, "If this were true, Umar would not have been unaware of it." Zayd ibn Thabit, Ibn Umar, and the majority of the people of Medina were unaware that the Prophet ﷺ had permitted a menstruating woman to depart, until Ibn Abbas and Umm Sulaym informed them of it, whereupon they retracted their position. Ibn Umar was unaware of remaining until the deceased was buried, until Abu Hurayrah and Aishah informed him of it. He then said, "We have indeed forfeited many qirats." When Ibn Umar preferred performing the lesser pilgrimage followed by the greater pilgrimage with release from consecration between them over performing the greater pilgrimage alone, he was told, "You are opposing your father." He said, "Is Allah's Book more entitled to be followed, or Umar?" We have transmitted this from him through Abd al-Razzaq, from Ma'mar, from al-Zuhri, from Salim, from Ibn Umar. Abd Allah ibn Umar was unaware of the requirement of ablution after touching the penis, until Busrah bint Safwan instructed him to do so on the authority of the Prophet ﷺ, and he adopted it. Ibn Abbas was unaware of the prohibition of temporary marriage and of the prohibition of domestic donkeys until Ali—may Allah be pleased

with him—informed him of it. Ibn Abbas said, "Do you not fear that Allah will cause the earth to swallow you up? I tell you, 'The Messenger of Allah ﷺ said,' and you say, 'Abu Bakr and Umar said'!" Here are the Helpers, who forgot his saying—peace be upon him—"The leaders are from Quraysh." Anas transmitted it, and Ubadah ibn al-Samit transmitted something indicating the same. They would not have abandoned their independent judgment except for something that had reached them from the Prophet ﷺ. Here is Abu Hurayrah mentioning that they—may Allah's good pleasure be upon them—were occupied by their property and trade, while he himself remained constantly with the Messenger of Allah ﷺ and attended occasions they did not attend. We have already cited this hadith in the chapter on consensus in this work of ours, in a section entitled "Invalidating the Statement of Those Who Say That, When the Majority Agree upon a Position and One Person Opposes Them, His Position Is to Be Disregarded." Our citation of it there therefore dispenses with repeating it here.[116][117][118][119][120][121]

[116]**Translator's note (L405):** The transmission chain reads "Ahmad bah ʿAbd al-Nasir." The connector "bah" is apparently corrupt, possibly for "ibn"; it has been retained rather than silently corrected. "Parental appellations" renders kunyas: names beginning with Abu or Umm, conventionally meaning "father of" or "mother of."

[117]**Translator's note (L406):** The statement translated "It is not incumbent upon us to abandon it" follows the supplied wording, la yajibu lana an natrukahu. Its force is awkward in context, where a statement that the practice should not be abandoned would be expected.

[118]**Translator's note (L409):** The text reads عليهن, a feminine plural pronoun, where the referents are the male Companions; the translation follows the evident reference.

[119]**Translator's note (L410):** The phrase جملة هذا الباب is syntactically awkward; it is understood as referring to the removal of the difficulty throughout this chapter.

[120]**Translator's note (L411):** The wording يجنب فيه الواطىء explicitly says that the man engaging in intercourse enters a state of major ritual impurity, although the question then asks whether a ritual bath is required. This apparent awkwardness is retained. The reference to more than forty years after the Prophet's death concerns Ibn Umar's consideration of the possibility, not the issuing of a new prophetic prohibition after his death.

[121]**Translator's note (L412):** "Qirats" here denotes measures of reward. The first occurrence of متعة concerns the pilgrimage arrangement described in the translation; the later occurrence concerns temporary marriage. The expression النهي عن المتعة وعن تحريم الحمر الأهلية literally coordinates "the prohibition of temporary marriage" with "the prohibition of domestic donkeys"; its awkward repeated construction is preserved in sense.

L414–420

And when we find that a Companion is unaware of the Sunnah, or that it reaches him and he subjects it to various interpretations, as they did concerning the prohibition of wine—for al-Bukhari transmitted that they differed, with some saying, “It was prohibited because they used to eat excrement,” others saying, “Because the fifth had not been set aside from them,” and others saying, “He feared the depletion of riding animals.” Some said, “Rather, they were then prohibited absolutely.” Ali said: All of this is false except the statement of those who said, “They were prohibited absolutely.” An explicit text has established their prohibition in themselves and because they are an abomination. Anas transmitted that. Once everything we have mentioned is established and uncritical adherence is invalidated altogether, it becomes obligatory to adopt a Companion’s opinion even when it is free of conflict with a transmitted report; how, then, when it is joined to conflict with a transmitted report? We have recorded in the chapter invalidating uncritical adherence in this book rulings that they gave—may Allah’s good pleasure be upon them—whereupon he, peace be upon him, stated that the matter was otherwise. Ali said: Whenever those who evade the realities cling to something of this sort or its like when bewilderment overwhelms them, they themselves are, of all Allah Most High’s creatures, the most ready to abandon it. Abu Hanifah’s followers clung to this only in opposing the Prophet’s ﷺ command to wash a vessel seven times after a dog has lapped from it. They said, “It has been transmitted that Abu Hurayrah ruled, on the basis of his own opinion, that it should be washed three times because of this.” Then they abandoned both Abu Hurayrah’s statement and the Messenger of Allah’s ﷺ statement. They thus opposed his transmission, which it is unlawful to oppose, and his opinion, which they had adduced as proof, and introduced a new religion, saying, “It is to be washed only once.” Here the Malikis criticized their own principles, and were granted success in this, saying, “It is to be washed seven times.” They adopted Abu Hurayrah’s transmission and abandoned his opinion. All of them also clung to this in connection with the hadith of Ibn Abbas and Aishah concerning fasting on behalf of the deceased, saying, “Ibn Abbas and Aishah gave rulings contrary to that.” The Malikis and Hanafis thus contradicted themselves here: they adopted the statements of Ibn Abbas and Aishah and abandoned their transmission,

وإذا وجدنا الصاحب تخفى عليه السنة، أو تبلغه فيتأول فيها التأويلات كما فعلوا في تحريم الخمر، فإن البخاري روى أنهم اختلفوا فمن قائل: حرمت لأنها كانت تأكل العذرة، ومن قائل: لأنها لم تخمس. ومن قائل: إنه خشي فناء الظهر وقال بعضهم بل حينئذ حرمت البتة قال علي وكل ذلك باطل إلا قول من قال حرمت البتة وقد جاء النص بتحريمها لعينها، ولأنها رجس، روى ذلك أنس. فلما صح كل ما ذكرنا وبطل التقليد جملة، وجب أن يؤخذ برأي صاحب، وإن تعرى من مخالفة الخبر فكيف إذا استضاف إلى مخالفة الخبر. وقد كتبنا في باب إبطال التقليد من هذا الكتاب ما أفتوا به رضوان الله عليهم فأخبر عليه السلام أنه ليس كذلك قال علي وكل ما تعلق به أهل اللواذ عن الحقائق عند غلبة الحيرة عليهم من مثل هذا وشبهه فهم أترك خلق الله تعالى له، وإنما تعلق بهذا أصحاب أبي حنيفة في خلافهم أمر النبي صلى الله عليه وسلم بغسل الإناء من ولوغ الكلب سبعا فقالوا قد روي أن أبا هريرة أفتى من رأيه بأن يغسل منه ثلاثا ثم تركوا قول أبي هريرة وقول رسول الله صلى الله عليه وسلم فخالفوا روايته التي لا يحل خلافها ورأيه الذي احتجوا به، وأحدثوا دينا حديثا، فقالوا: لا يغسل إلا مرة واحدة، ونقدها هنا المالكيون أصولهم ووفقوا في ذلك فقالوا: يغسل سبعا فأخذوا برواية أبي هريرة وتركوا رأيه، وتعلقوا كلهم بذلك أيضا في حديث ابن عباس وعائشة في الصوم عن الميت فقالوا: قد أفتى ابن عباس وعائشة بخلاف ذلك، فتناقض المالكيون والحنفيون ههنا، فأخذوا بقول ابن عباس وعائشة وتركوا روايتهما. وأخذ المالكيون آنفا برواية أبي هريرة، وتركوا قوله، ولا حجة للحنفيين في خلاف عائشة وابن عباس هذا الحديث، لأنه إن كان تركته عائشة، فقد رواه أيضا بريدة الأسلمي، ولم يخالفه، وأما ابن عباس فالأصح عنه أنه أفتى بما رواه عنه محمد بن عبد الرحمن بن ثوبان، وليس بالقوي، وروى سعيد بن جبير خلاف ذلك وهو أصح. وأما تعلقهم بأن عائشة رضي الله عنها خالفت في فتياها ما روت من الأمر بالصيام

whereas the Malikis had just adopted Abu Hurayrah's transmission and abandoned his statement. The Hanafis have no proof in Aishah's and Ibn Abbas's opposition to this hadith, because, even if Aishah abandoned it, Buraydah al-Aslami also transmitted it and did not oppose it. As for Ibn Abbas, the more authentic account from him is that he ruled in accordance with what was transmitted from him by Muhammed ibn Abd al-Rahman ibn Thawban, who is not strong. Sa'id ibn Jubayr transmitted the contrary, and that is more authentic. As for their reliance on the claim that Aishah—may Allah be pleased with her—contradicted in her legal ruling what she transmitted concerning the command to fast on behalf of the deceased, why do they not apply this corrupt principle consistently, when Aishah—may Allah be pleased with her—transmitted that prayer was prescribed as two units; the prayer during travel was retained as such, while the prayer during residence was increased. Yet she herself used to perform the full prayer during travel. They therefore accepted her transmission and abandoned her opinion and practice. Likewise, she transmitted that a marriage prohibition is established through a calf's milk, but then did not act upon that: men breastfed by her brothers' wives were not admitted into her presence, whereas men breastfed by her sisters' daughters were admitted into her presence. They therefore abandoned her opinion and accepted her transmission. Likewise, she transmitted, "Any woman who marries without her guardian's permission, her marriage is invalid," but then acted contrary to that and married her brother Abd al-Rahman's daughter to al-Mundhir ibn al-Zubayr while Abd al-Rahman was alive and away in Syria, on an absence at a nearby distance, without his knowledge or authorization. The Malikis therefore accepted her transmission and abandoned her opinion and practice. If they say, "She adopted an interpretation in all these cases," we say to them: Likewise, she adopted an interpretation in her ruling that fasting should not be performed on behalf of the deceased. Perhaps the woman on whose behalf she ruled that fasting should not be performed had no guardian, so Aishah, may Allah be pleased with her, did not consider that she should depart from the apparent meaning of the hadith she transmitted on that subject, since its wording is: "Whoever dies owing a fast, his guardian shall fast on his behalf." The Malikis acted likewise concerning the report from Umar that he considered a

عن الميت، فأين هم عن طرد هذا الأصل الفاسد؟ إذ روت عائشة رضي الله عنها أن الصلاة فرضت ركعتين، فأقرت صلاة السفر وزيد في صلاة الحضر، وكانت هي تتم في السفر، فأخذوا بروايتها وتركوا رأيها وعملها، وإذ روت التحريم بلبن العجل، ثم كانت لا تأخذ بذلك، ولا يدخل عليها من أرضعته نساء إخوتها، ويدخل عليها من أرضعته بنات أخواتها فتركوا رأيها، وأخذوا بروايتها، وإذ روت أن كل امرأة نكحت بغير إذن وليها فنكاحها باطل، فخالفت ذلك وأنكحت بنت أخيها عبد الرحمن المنذر ابن الزبير وعبد الرحمن حي غائب غيبة قريبة بالشام بغير علمه ولا أمره، فأخذ المالكيون بروايتها وتركوا رأيها وعملها. فإن قالوا: تأولت في كل هذا قلنا لهم: وهكذا تأولت في فتياها بألا يصام عن الميت، ولعل المرأة التي أفتت ألا يصام عنها كانت لا ولي لها، فلم تر عائشة رضي الله عنها أن تخرج من ظاهر الحديث الذي روت في ذلك لأن نصه من مات وعليه صيام صام عنه وليه. وهكذا فعل المالكيون فيما روي عن عمر أنه رأى للمبتوتة السكنى والنفقة، وبلغه حديث فاطمة بنت قيس فلم يأخذ به، فخالف المالكيون رأي عمر، وأخذوا بنصف حديث فاطمة فلم يروا للمبتوتة نفقة، فخالفوا الحديث وعمر في النصف الثاني فرأوا لها السكنى. وعمر قد قرأ الآية كما قرؤوها. وهكذا فعلوا في رواية ابن عباس في حديث: حد المكاتب وميراثه ودينه بمقدار ما أدى فقالوا: خالفه ابن عباس فأفتى بغير ذلك، ولا حجة لهم في هذا لأن هذا الحديث قد رواه أيضا علي بن أبي طالب رضي الله عنه، وأخذوا به وأفتي به. فلم كان ترك ابن عباس للحديث حجة على عمل علي به؟ وقد يحتمل ترك ابن عباس وغيره لما روي وجوها: منها أن يتأول فيه تأويلا كما ذكرنا آنفا، أو يكون نسيه جملة، أو يكون نسيه حين أفتى بهذه الفتيا المخالفة له كما ذكرنا آنفا فيمن أفتى منهم بخلاف القرآن وهو ناس لما في حفظه من ذلك، أو يكون لم يكن يبلغه حين أفتى بما أفتى به ثم بلغه الحديث بعد ذلك، فإن هذه الوجوه كلها موجودة فيما روي عنهم فلا يحل

لأحد ترك كلامه عليه السلام الفتيا جاءت عن صاحب فمن دونه مخالفة لما صح عنه عليه السلام ولو تتبعنا ما تركوا فيه روايات الصحابة وأخذوا بفتياهم، وما تركوا فيه فتيا الصحابة وأخذوا برواياتهم، لكثر ذلك جدا، لأن القوم إنما حسبهم ما نصروا به المسألة التي بين أيديهم فقط، وإن هدموا بذلك سائر مسائلهم. وفيما ذكرنا كفاية.

woman irrevocably divorced to be entitled to lodging and maintenance, and that the hadith of Fatimah bint Qays reached him but he did not accept it. The Malikis opposed Umar's opinion and accepted half of Fatimah's hadith, holding that an irrevocably divorced woman is not entitled to maintenance. In the second half, however, they opposed the hadith and Umar, holding that she is entitled to lodging. Umar had read the verse just as they had read it. They acted likewise concerning Ibn Abbas's transmission of the hadith about the prescribed punishment of a slave contracted to purchase his freedom, his inheritance, and his debt, in proportion to what he had paid. They said, "Ibn Abbas opposed it and issued a ruling otherwise." They have no proof in this, for Ali ibn Abi Talib, may Allah be pleased with him, also transmitted this hadith; they accepted it, and a ruling was issued in accordance with it. Why, then, should Ibn Abbas's abandonment of the hadith constitute a proof against Ali's acting upon it? Ibn Abbas's and others' abandonment of what was transmitted may admit of several explanations: he may have adopted an interpretation of it, as we mentioned just now; he may have forgotten it altogether; or he may have forgotten it when he issued this ruling contrary to it, as we mentioned just now concerning those among them who issued rulings contrary to the Quran while forgetting what they had memorized of it. Or it may not have reached him when he issued the ruling he issued, and the hadith subsequently reached him. All these explanations are found in what has been transmitted from them. Thus no one may abandon his words ﷺ on account of a ruling coming from a Companion or anyone below him that contradicts what has been authentically established from him ﷺ. If we were to trace the instances in which they abandoned the Companions' transmissions and accepted their rulings, and those in which they abandoned the Companions' rulings and accepted their transmissions, they would be exceedingly numerous. For these people are satisfied merely with whatever supports the issue

immediately before them, even if by doing so they demolish all their other positions. What we have mentioned suffices.[122][123][124][125][126][127]

L421 In general, the defect they invoke to challenge a Companion's transmission because he abandoned it in favor of his own opinion should more properly be directed at the report of his opposition to it than at the transmission that must be followed. This is a subject in which their inconsistency has become enormous. Here are Ibn Umar and Abu Barzah: both transmitted the hadith, "The two parties to a sale retain the option until they separate," and understood it as bodily separation. The Malikis and Hanafis opposed them, saying that the separation is through speech, and paid no attention to the

وبالجملة فصرف الداخلة التي يعترضون بها على رواية الصاحب لما ترك برأيه أولى أن يكون إلى النقل لمخالفته لذلك منه إلى الرواية التي يلزم اتباعها. وهذا باب قد عظم تناقضهم فيه، فهذا ابن عمر وأبو برزة هما رويا حديث: البيعان بالخيار ما لم يتفرقا فحملاه على تفرق الأبدان، فخالفهما المالكيون والحنفيون فقالوا: التفرق بالكلام ولم يلتفوا إلى ما حمل عليه الحديث الصاحبان اللذان رواياه. وهذا علي رضي الله عنه روى: الصلاة تحريمها التكبير، وتحليلها التسليم ثم روي عنه تركه وأنه أفتى بأنه إذ وقع رأسه من السجود فقد تمت صلاته فخالفه المالكيون ورأوا التسليم فرضا لا بد منه وتناقضهم في الباب عظيم جدا

[122] **Translator's note (L414):** The text says "wine" (الخمر), but the ensuing explanations concern domestic donkeys: their eating excrement, the failure to set aside the fifth, and the possible depletion of riding animals. The apparent mismatch is retained.

[123] **Translator's note (L415):** The supplied text reads وجب أن يؤخذ, "it becomes obligatory to adopt," although the argument appears to require a negation, "it becomes obligatory not to adopt." The supplied wording is retained. The reading ونقدها هنا المالكيون أصولهم is syntactically irregular. "Here the Malikis criticized their own principles" reflects نقد as supplied; a possible intended reading is نقض, "overturned" or "contravened," but this has not been substituted. The assertion that the more authentic account supports Ibn Abbas's ruling is retained as supplied, although the following text calls its transmitter weak and describes the contrary report as more authentic. "Ali said" is the author's self-reference, rather than a new quotation attributed to the Companion Ali ibn Abi Talib.

[124] **Translator's note (L417):** "Strong" refers to the preceding transmitter's reliability in transmitting hadith.

[125] **Translator's note (L418):** The supplied text reads "a calf's milk" (لبن العجل), an anomalous expression in this discussion of milk kinship. It may be a corruption of "the male's milk" (لبن الفحل), referring to the attribution of milk kinship to the man through whom the nursing woman became pregnant; the supplied reading has been retained. The expression describing Abd al-Rahman's absence as "nearby" is awkward alongside the specification that he was in Syria; both have been retained.

[126] **Translator's note (L419):** The supplied wording has the plural "they accepted it" followed by a form that can be read passively as "a ruling was issued in accordance with it." The subsequent argument concerns Ali's acting upon the hadith, but the preceding wording has not been silently changed to singular verbs referring to him.

[127] **Translator's note (L420):** The phrase rendered "on account of a ruling" lacks an explicit preposition in the supplied Arabic, which reads "abandon his words … the ruling." The translation supplies the minimal grammatical connection indicated by the argument.

interpretation given to the hadith by the two Companions who transmitted it. And here is Ali, may Allah be pleased with him: he transmitted, "As for prayer, its consecration is the declaration of Allah's greatness, and its release is the salutation of peace." Then it was transmitted from him that he abandoned this, and that he ruled that when his head fell from prostration, his prayer was complete. The Malikis opposed him and held the salutation of peace to be an indispensable obligation. Their inconsistency on this subject is exceedingly great.[128]

L422 Section on the Status of a Morally Upright Transmitter

Ali said: When we know that a morally upright transmitter lived contemporaneously with the morally upright person from whom he transmits, his transmission is presumed to rest upon meeting and direct hearing. For moral uprightness entails acceptance, and acceptance is incompatible with accusing him of falsely attributing to another person something he did not hear from him, unless evidence of such conduct on his part is established. It makes no difference whether he says, "He related to us," "He informed us," "From so-and-so," or "So-and-so said": all of this is understood as involving direct hearing from him. If we knew that any of them considered such misleading presentation permissible, his moral uprightness would be disqualified in people's judgment. The judgment concerning a morally upright person whose uprightness has become established is a presumption of scrupulousness and truthfulness, rather than transgression, suspicion, and the adverse conjecture forbidden by explicit text, until the contrary is authentically established. No Muslim disagrees with this general principle; those who have contradicted

فصل في حكم العدل قال علي وإذ علمنا أن الراوي العدل قد أدرك من روى عنه من العدول فهو على اللقاء والسماع، لأن شرط العدل القبول، والقبول يضاد تكذيبه في أن يسند إلى غيره ما لم يسمعه منه، إلا أن يقوم دليل على ذلك من فعله، وسواء قال حدثنا أو أنبأنا، أو قال عن فلان، أو قال: قال فلان، كل ذلك محمول على السماع منه ولو علمنا أن أحدا منهم يستجير التلبيس بذلك كان ساقط العدالة في حكم الناس، وحكم العدل الذي قد تبنت عدالته فهن على الورع والصدق لا على الفسق والتهمة وسوء الظن المحرم بالنص حتى يصح خلاف ذلك، ولا خلاف في هذه الجملة بين أحد من المسلمين، وإنما تناقض من تناقض في تفريع المسائل وبالله التوفيق

[128] **Translator's note (L421):** The supplied text reads "when his head fell from prostration" (إذ وقع رأسه من السجود), an awkward and apparently corrupt expression. It has been retained rather than silently changed to "when he raised his head from prostration." "Consecration" and "release" render the prayer's entry into and exit from the state in which otherwise permissible actions are forbidden; the corresponding ritual utterances are the opening declaration of Allah's greatness and the concluding salutation of peace.

themselves have done so only when deriving its particular applications. Success comes through Allah.[129]

[Section on the Conflict between Texts Alleged by Some People][130]

L423

L424–425 Ali said: When two hadiths, two verses, or a verse and a hadith conflict, as someone without knowledge supposes, every Muslim is obliged to give effect to all of them. For none of them has a greater claim to being given effect than another; no hadith is more binding than another hadith of the same standing, and no verse has a greater claim to obedience than another verse of the same standing. All are from Allah, Mighty and Majestic, and all are equal with respect to the obligation of obedience and application, without distinction. Abd Allah ibn Rabi al-Tamimi related to us, saying: Muhammed ibn Ishaq ibn al-Salim and Ahmad ibn Awn Allah informed us, saying: Ibn al-Arabi related to us, saying: Sulayman ibn al-Ashath al-Sijistani related to us: Muhammed ibn Isa related to us: Ashath ibn Shubah related to us: Artah ibn al-Mundhir informed us: I heard Abu al-Ahwas Hakim ibn Umayr relate from al-Irbad ibn Sariyah that he was present when the Messenger of Allah ﷺ addressed the people, saying: "Does one of you suppose, reclining on his couch—he may think—that Allah Most High has prohibited nothing except what is in the Quran? Take heed! By Allah, I have commanded, admonished, and forbidden things that are indeed like the Quran."[131]

L426–430 Ali said: The Prophet ﷺ spoke the truth: they are like the Quran, and there

[129] **Translator's note (L422):** The supplied wording يستجير التلبيس, rendered "considered such misleading presentation permissible," is unusual; يستجيز would be the expected verb in this context. The phrase تبنت عدالته فهن is apparently corrupt. The translation follows its evident contextual sense, that established moral uprightness warrants a presumption of scrupulousness and truthfulness, while noting that the supplied wording does not express this cleanly.

[130] **Translator's note (L423):** The heading is enclosed in square brackets in the supplied text, apparently indicating an editorially supplied heading.

[131] **Translator's note (L425):** The question contains the awkward combination "Does one of you suppose … he may think" (أيحسب أحدكم … قد يظن). Both expressions have been retained rather than silently reduced to a single verb.

[فصل فيما ادعاه قوم من تعارض النصوص]

قال علي إذا تعارض الحديثان أو الآيتان أو الآية والحديث، فيما يظن من لا يعلم، ففرض على كل مسلم استعمال كل ذلك، لأنه ليس بعض ذلك أولى بالاستعمال من بعض، ولا حديث بأوجب من حديث آخر مثله، ولا آية أولى بالطاعة لها من آية أخرى مثلها، وكل من عند الله عز وجل، وكل سواء في باب وجوب الطاعة والاستعمال ولا فرق. حدثنا عبد الله بن ربيع التيمي قال أنبأنا محمد بن إسحاق بن السليم، وأحمد بن عون الله، قال: حدثنا ابن الأعرابي، قال حدثنا سليمان بن الأشعث السجستاني، حدثنا محمد بن عيسى، حدثنا أشعث بن شعبة، أنبأنا أرطاة بن المنذر، سمعت أبا الأحوص حكيم بن عمير يحدث عن العرباض بن سارية أنه حضر رسول الله صلى الله عليه وسلم يخطب الناس وهو يقول أيحسب أحدكم متكئا على أريكته قد يظن أن الله تعالى لم يحرم شيئا إلا ما في القرآن ألا وإني والله قد أمرت ووعظت ونهيت عن أشياء إنها لمثل القرآن

قال علي صدق النبي صلى الله عليه وسلم هي مثل القرآن ولا فرق في وجوب طاعة كل ذلك علينا. وقد صدق الله تعالى هذا القول إذ يقول {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وهي أيضا مثل القرآن في أن كل ذلك وحي من عند الله تعالى قال الله عز وجل {وما ينطق عن لهوى * إن هو إلا وحي يوحى} قال علي ولا خلاف بين المسلمين في أنه لا فرق بين وجوب طاعة قول الله عز وجل {وأقيموا لصلاة وآتوا لزكاة وأطيعوا لرسول لعلكم ترحمون} وبين وجوب طاعة رسوله

صلى الله عليه وسلم في أمره أن يصلي المقيم الظهر أربعا والمسافر ركعتين، وأنه ليس ما في القرآن من ذلك بأوجب ولا أثبت مما جاء من ذلك منقولا نقلا صحيحا عن النبي صلى الله عليه وسلم وإن كانوا قد اختلفوا في كيفية الطريق التي بها يصح النقل فقط. قال علي: وقد روينا في هذا الحديث من بعض الطرق: إنها لمثل القرآن وأكثر قال علي ولا نكرة في هذا اللفظ لأنه صلى الله عليه وسلم إنما أراد بذلك اللفظ أنها أكثر عددا مما ذكر في القرآن، وهذا أمر تعلم صحته بالمشاهدة لأن الفرائض الواردة في كلامه صلى الله عليه وسلم بيانا لأمر ربه تعالى أكثر من الفرائض الواردة في القرآن. قال علي: فإذا ورد النصان كما ذكرنا، فلا يخلو ما يظن به التعارض منهما، وليس تعارضا من أحد أربعة أوجه لا خامس لها، إما أن يكون أحدهما أقل معاني من الآخر، أو يكون أحدهما حاظرا والآخر مبيحا، أو يكون أحدهما موجبا والثاني نافيا، فواجب ههنا أن يستثنى الأقل معاني من الأكثر معاني، وذلك مثل أمره عليه السلام ألا ينفر أحد حتى يكون آخر عهده بالبيت، وأذن للحائض أن تنفر قبل أن تودع فوجب استثناء الحائض من جملة النافرين وكذلك حديث نهي النبي صلى الله عليه وسلم عن الرطب بالتمر مع إباحة ذلك في العرايا فيها دون خمسة أوسق، ومثل أمر الله عز وجل بقطع يد السارق والسارقة جملة مع قوله عليه السلام لا قطع إلا في ربع دينار فصاعدا فوجب استثناء سارق أقل من ربع دينار من القطع، وبقي سارق ما عدا ذلك على وجوب القطع عليه، وكذلك تحريمه تعالى أمهات الرضاعة مع قوله صلى الله عليه وسلم لا تحرم الرضعة والرضعتان ونسخ العشر المحرمات بالخمس المحرمات، فوجب استثناء ما دون الخمس رضعات من التحريم، ويبقى الخمس فصاعدا على التحريم ومثل قوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} مع إباحته

is no distinction in our obligation to obey all of this. Allah Most High has confirmed this statement when He says, “Whoever obeys the Messenger has obeyed Allah; and whoever turns away, We have not sent you as a keeper over them.” They are also like the Quran in that all of this is revelation from Allah Most High. Allah, Mighty and Majestic, said: “Nor does he speak from desire. It is nothing but revelation revealed.” Ali said: There is no disagreement among Muslims that there is no distinction between the obligation to obey the words of Allah, Mighty and Majestic, “Establish prayer, give the obligatory alms, and obey the Messenger, so that you may receive mercy,” and the obligation to obey His Messenger ﷺ in his command that a resident perform the noon prayer as four units and a traveler as two units. Nor is what the Quran contains on this subject more binding or more firmly established than what has come concerning it through authentic transmission from the Prophet ﷺ, although they have disagreed solely over the nature of the means by which transmission is established as authentic. Ali said: Through some transmission routes we have related this hadith with the wording, “They are indeed like the Quran, and more.” Ali said: There is nothing objectionable in this wording, for by that expression he ﷺ meant only that they are more numerous than what is mentioned in the Quran. The truth of this is known through direct observation, because the obligations set forth in his words ﷺ as an exposition of his Lord Most High’s command are more numerous than the obligations set forth in the Quran. Ali said: When two texts occur as we have described, what is thought to constitute a conflict between them, although it is no conflict, must fall under one of four possibilities, with no fifth: either one encompasses fewer meanings than the other; or one prohibits while the other permits; or one affirms while the second negates. Here it is obligatory to except what encompasses fewer meanings from what encompasses more meanings. An example is his command ﷺ that no one depart until his last encounter has been at the House; and he permitted a menstruating woman to depart before making the farewell circumambulation. It was therefore obligatory to except the menstruating woman from the totality of those departing. Likewise, the report of the Prophet’s ﷺ prohibition of exchanging fresh dates for dried dates, together with his permission for this in transactions involving gifts of dates on the palms, where the quantity is

المحصنات من نساء أهل الكتاب بالزواج، فكن بذلك مستثنيات من جملة المشركات، وبقي سائر المشركات على التحريم ومثل قوله عليه السلام دماؤكم وأموالكم وأعراضكم عليكم حرام مع قوله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما عتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} وأمر على لسان نبيه صلى الله عليه وسلم بقتل من ارتد بعد إسلامه أو زنى بعد إحصانه، أو قتل نفسا، أو شرب خمرا بعد أن حد فيها ثلاثا، وأباح قتل من سعى في الأرض فسادا، وأمر بأخذ أموال معروفة في الزكوات والنفقات والكفارات، وأمر بتغيير المنكر باليد، فكان كل ذلك مستثنى من جملة تحريم الدماء والأموال والأعراض، وبقي سائرها على التحريم. فقد أرينا في هذه المسائل استثناء الأقل معاني من الأكثر معاني، وأرينا في ذلك إباحة من حظر، وحظرا من إباحة، وحديثا من آية، وآية من حديث، وآية من آية، وحديثا من حديث، ولا نبالي في هذا الوجه كما نعلم أي النصين ورد أولا أو لم نعلم ذلك، وسواء كان الأكثر معاني ورد أولا، أو ورد آخرا كل ذلك سواء، ولا يترك واحد منهما للآخر، لكن يستعملان معا كما ذكرنا

less than five camel-loads. Another example is Allah's, Mighty and Majestic, command to cut off the hand of the male thief and the female thief without qualification, together with his ﷺ saying, "There is no amputation except for a quarter of a dinar or more." It was therefore obligatory to except someone who steals less than a quarter of a dinar from amputation, while someone who steals anything beyond that remained subject to obligatory amputation. Likewise, His, Most High, prohibition of mothers through suckling, together with his ﷺ saying, "One suckling or two sucklings do not establish prohibition," and the abrogation of the ten sucklings establishing prohibition by the five sucklings establishing prohibition. It was therefore obligatory to except fewer than five sucklings from establishing prohibition, while five or more remain grounds for prohibition. Another example is His, Most High, saying, "Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed," together with His permitting marriage to chaste women from among the women of the People of the Scripture. They were thereby excepted from the totality of polytheistic women, while all other polytheistic women remained prohibited. Another example is his ﷺ saying, "Your blood, your property, and your honor are inviolable among you," together with His, Most High, saying, "The sacred month for the sacred month, and sacred things are subject to retaliation. So whoever transgresses against you, transgress against him to the same extent that he transgressed against you. And fear Allah, and know that Allah is with those who fear Him." Through the tongue of His Prophet ﷺ, He commanded the killing of someone who apostatizes after embracing Islam, or commits unlawful sexual intercourse after acquiring the status of marital chastity, or kills a person, or drinks wine after having received the prescribed punishment for it three times. He permitted the killing of someone who strives to spread corruption in the land, commanded the taking of specified property in obligatory alms, maintenance payments, and expiations, and commanded the changing of wrongdoing by hand. All of this

was excepted from the general inviolability of blood, property, and honor, and there remained all the rest subject to prohibition. In these cases we have thus shown the exception of what is narrower in scope from what is broader in scope. In doing so, we have shown a permission excepted from a prohibition, a prohibition from a permission, a hadith from a verse, a verse from a hadith, a verse from a verse, and a hadith from a hadith. In this approach, it makes no difference to us whether we know which of the two texts came first or do not know it. Whether the text broader in scope came first or came last, all of that is alike. Neither is set aside for the other; rather, both are applied together, as we have stated.[132][133][134][135]

L431 This, then, is one approach.

L432–436 The second approach is where one of the two texts makes obligatory some of what the other text makes obligatory, or prohibits some of what the other text prohibits. Some people suppose this to be a contradiction, and have become bewildered over it, spoken at length, and blundered about like a night-blind she-camel. Yet there is no contradiction in any of this. We have explained their error in this book in our discussion in the chapter on inference from what an utterance leaves unexpressed. An example is His, Mighty and Ma-

فهذا وجه.

والوجه الثاني أن يكون أحد النصين موجبا بعض ما أوجبه النص الآخر، أو حاظرا بعض ما حظره النص الآخر، فهذا يظنه قوم تعارضا، وتحيروا في ذلك فأكثروا وخبطوا العشواء، وليس في شيء من ذلك تعارض. وقد بينا غلطهم في هذا الكتاب في كلامنا في باب دليل الخطاب، وذلك قوله عز وجل {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} وقال في موضع آخر {إن الله يأمر بالعدل والإحسان وإيتآء ذي لقربى وينهى عن لفحشاء ولمنكر ولبغي يعظكم لعلكم تذكرون} وقال عليه السلام إن الله كتب الإحسان على كل شيء فكان أمره تعالى بالإحسان إلى الوالدين غير معارض للإحسان إلى سائر الناس وإلى البهائم المتمالكة والمقتولة بل هو بعضه وداخل في جملته ومثل نهيه عليه السلام أن يزني أحدنا بحليلة جاره مع عموم قوله تعالى {ولا تقربوا لزنى إنه كان فاحشة وسآء سبيلا} فليس ذكره عليه السلام امرأة الجار معارضا لعموم النهي عن الزنى، بل هو بعضه فغلط قوم في هذا الباب فظنوا قوله عليه السلام في سائمة الغنم كذا معارضا لقوله في مكان آخر في كل أربعين شاة شاة وليس كما ظنوا، بل الحديث الذي فيه ذكر السائمة هو بعض الحديث الآخر وداخل في عمومه، والزكاة واجبة في السائمة بالحديث الذي فيه ذكر السائمة وبالحديث الآخر معا والزكاة

[132] **Translator's note (L426):** The Quran quotations repeatedly omit the initial alif of the definite article in words such as "the Messenger," "Allah," "desire," "prayer," and "the obligatory alms." These apparent transcription defects have no distinct translatable sense; the English reflects the otherwise identifiable wording.

[133] **Translator's note (L429):** The segment begins and ends mid-sentence. The opening refers to making one's final observance at the Sacred House before departing. The date transaction is the technical exception known as ʿarāyā: gifts of dates on palms exchanged under specified conditions for dried dates. The measure awsuq, rendered "camel-loads," is the plural of wasq. The Quran quotations contain recurring omissions of the initial alif in the definite article; these have been treated as transcriptional spelling defects. "Acquiring the status of marital chastity" renders iḥṣān, a technical legal status, rather than merely personal sexual abstinence.

[134] **Translator's note (L430):** The wording كما نعلم ("as we know") is awkward before "or do not know it." The translation follows the alternative explicitly established by the surrounding argument, while flagging the irregular wording.

[135] **Qur'an references (L426):** Qur'an 4:80 (An-Nisa); Qur'an 53:4 (An-Najm); Qur'an 2:221 (Al-Baqarah).

jestic, saying, “Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one of them or both reach old age with you, do not say ‘Uff’ to them, and do not rebuke them, but speak gracious words to them.” He said elsewhere, “Allah commands justice, kindness, and giving to relatives, and forbids indecency, wrongdoing, and oppression. He admonishes you so that you may take heed.” And he ﷺ said, “Allah has prescribed kindness in everything.” Thus His, Most High, command to show kindness to parents does not contradict kindness to all other people and to animals held in ownership and those being killed. Rather, it is part of it and falls within its totality. Another example is his ﷺ prohibition of any one of us committing adultery with his neighbor’s wife, together with the generality of His, Most High, saying, “Do not approach unlawful sexual intercourse. It is indeed an indecency and an evil way.” His ﷺ mention of the neighbor’s wife does not contradict the general prohibition of unlawful sexual intercourse; rather, it is part of it. Some people have erred in this matter, supposing his ﷺ saying, “For grazing sheep, such-and-such,” to contradict his saying elsewhere, “For every forty sheep, one sheep.” It is not as they suppose. Rather, the hadith mentioning grazing animals is part of the other hadith and falls within its general scope. Obligatory alms are due on grazing animals by virtue of both the hadith mentioning grazing animals and the other hadith together; obligatory alms are due on animals that do not graze by virtue of the other hadith alone. Likewise, some people have also erred in supposing His, Most High, saying, “There is no blame upon you if you divorce women so long as you have not touched them or assigned them an obligatory bridal payment. And provide for them—the affluent according to his means and the straitened according to his means—a provision according to what is right, as a duty upon those who do good,” to contradict His, Most High, saying, “For divorced women there is a provision according to what is right, as a duty upon those who fear Allah.” The first verse is part of this one and falls within its totality, just as we said concerning the hadith about grazing animals; there is no difference. Likewise, other people have erred in supposing His, Most High, saying, “And horses, mules, and donkeys, for you to ride and as an adornment; and He creates what you do not know,” to contradict His, Most High, saying, “O people, eat of what is on the earth,

واجبة في غير السائمة بالحديث الآخر خاصة. وكذلك غلط قوم أيضا فظنوا قوله تعالى {لا جناح عليكم إن طلقتم لنسآء ما لم تمسوهن أو تفرضوا لهن فريضة ومتعوهن على لموسع قدره وعلى لمقتر قدره متاعا بلمعروف حقا على لمحسنين} معارضا لقوله تعالى {وللمطلقات متاع بلمعروف حقا على لمتقين} والآية الأولى بعض هذه وداخلة في جملتها كما قلنا في حديث السائمة ولا فرق وكذلك غلط قوم آخرون فظنوا قوله تعالى {ولخيل ولبغال ولحمير لتركبوها وزينة ويخلق ما لا تعلمون} معارضا لقوله تعالى {يأيها لناس كلوا مما في الأرض حلالا طيبا ولا تتبعوا خطوات لشيطان إنه لكم عدو مبين} ولقوله تعالى {ثم إن ربك للذين عملوا لسوء بجهالة ثم تابوا من بعد ذلك وأصلحوا إن ربك من بعدها لغفور رحيم} وظن قوم أن قوله تعالى {وكم أهلكنا من لقرون من بعد نوح وكفى بربك بذنوب عباده خبيرا بصيرا} معارضا لقوله عز وجل {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وليس كذلك على ما قدمنا قبل، لأنه ليس في شيء من النصوص التي ذكرنا نهي عما في الآخر، ليس في حديث السائمة نهي عن أن يزكي غير السائمة، ولا أمر بها فحكمها مطلوب من غير حديث السائمة، ولا في الأمر بتتيع المطلقة غير المحسوسة نهي عن تمتيع الممسوسة، ولا أمر به فحكمها مطلوب من موضع آخر، ولا في إخباره تعالى بأن خلق الخيل لتركب وزينة نهي عن أكلها وبيعها، ولا إباحة لهما فحكمها مطلوب من مكان آخر، ولا في تحريمه تعالى الدم المسفوح إخبارا بأن ما عدا المسفوح حلال، بل هو كله حرام بالآية الأخرى، كما قلنا إنه ليس في أمره تعالى بالإحسان إلى الآباء نهي عن الإحسان إلى غيرهم، ولا أمر به، فحكم الإحسان

lawful and wholesome, and do not follow the footsteps of Satan. He is indeed a manifest enemy to you," and His, Most High, saying, "Then indeed your Lord, toward those who did evil in ignorance, then repented after that and made amends—indeed your Lord thereafter is surely forgiving, merciful." Some people supposed His, Most High, saying, "How many generations We destroyed after Noah! Your Lord suffices as one fully aware of and seeing His servants' sins," to contradict His, Mighty and Majestic, saying, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten, except what you slaughter, and what has been sacrificed upon stone altars; and that you seek allotments by divining arrows. That is ungodliness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—indeed Allah is forgiving, merciful." It is not so, for the reasons we have already set out: none of the texts we have mentioned contains a prohibition of what is in the other. The hadith concerning grazing animals contains neither a prohibition of paying obligatory alms on animals that do not graze nor a command to pay them on those animals. Their ruling must therefore be sought outside the hadith concerning grazing animals. Nor does the command to provide for the divorced woman who has not been felt contain either a prohibition of providing for the woman who has been touched or a command to do so. Her ruling must therefore be sought elsewhere. Nor does His, Most High, declaration that He created horses to be ridden and as an adornment contain a prohibition of eating or selling them, or a permission for either. Their ruling must therefore be sought elsewhere. Nor does His, Most High, prohibition of outpoured blood constitute a declaration that blood other than outpoured blood is lawful. Rather, all of it is forbidden by the other verse, just as we said that His, Most High, command to show kindness to fathers contains neither a prohibition of showing kindness to others nor a command to do so. The ruling on showing kindness to those other than fathers must therefore be sought elsewhere. Whoever draws distinctions between any of the

إلى غير الآباء مطلوب من مكان آخر، ومن فرق بين شيء من هذا الباب فقد تحكم بلا دليل وتكلم بالباطل من غير علم ولا هدى من الله تعالى قال علي فهذا وجه ثان والوجه الثالث أن يكون أحد النصين فيه أمر بعمل ما، معلق بكيفية ما، أو بزمان ما، أو على شخص ما، أو في مكان ما، ويكون في النص الآخر نهي عن عمل ما، بكيفية ما، أو في زمان ما، أو مكان ما، أو عدد ما، أو عذر ما، ويكون في كل واحد من العملين المذكورين اللذين أمر بأحدهما ونهى عن الآخر شيء ما يمكن أن يستثنى من الآخر، وذلك بأن يكون على ما وصفنا في كل نص من النصين المذكورين حكمان فصاعدا، فيكون بعض ما ذكر في أحد النصين عاما لبعض ما ذكر في النص الآخر، ولا شيء آخر معه، ويكون الحكم الثاني الذي في النص الثاني عاما أيضا لبعض ما ذكر في هذا النص الآخر، ولا شيئا آخر معه.

matters in this category has ruled arbitrarily, without evidence, and spoken falsehood without knowledge or guidance from Allah, Most High. Ali said: This, then, is a second approach. The third approach is where one of the two texts contains a command to perform some act, conditional upon a particular manner, time, person, or place, while the other text contains a prohibition of some act in a particular manner, at a particular time or place, with a particular number, or under a particular excuse; and in each of the two acts mentioned —one of which is commanded and the other prohibited—there is something that can be excepted from the other. This occurs when, as we have described, each of the two texts mentioned contains two or more rulings, so that some of what is mentioned in one text applies generally to some of what is mentioned in the other text, with nothing else alongside it, while

the second ruling in the second text also applies generally to some of what is mentioned in this other text, with nothing else alongside it.[136][137][138][139][140]

L437 Ali said: This is among the most subtle, obscure, and difficult problems that scholars can encounter in reconciling texts. We shall give examples of it that will help, through Allah's power and might, in understanding this delicate point, so that the student of knowledge and anyone eager for it may know how to proceed in such cases, if Allah, Mighty and Majestic, wills. There is no power and no might except through Allah, the Most High, the Magnificent. We have found no one before us who devoted to this point the attention that this subject deserves, for errors and contradictions concerning it are exceedingly frequent, except among those whom Allah guides aright through His bounty and kindness. There is no deity except Him.

قال علي: وهذا من أدق ما يمكن أن يعترض أهل العلم من تأليف النصوص وأغمضه وأصعبه، ونحن نمثل من ذلك أمثلة تعين بحول الله وقوته على فهم هذا المكان اللطيف. وليعلم طالب العلم والحريص عليه وجه العمل في ذلك إن شاء الله عز وجل، ولا حول ولا قوة إلا بالله العلي العظيم، وما وجدنا أحدا قبلنا شغل باله في هذا المكان بالشغل الذي يستحقه هذا الباب، فإن الغلط والتناقض فيه يكثر جدا إلا من سدده الله بمنه ولطفه، لا إله إلا هو. قال علي: فمن ذلك قول الله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقال عليه السلام لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر إلا مع زوج أو ذي محرم منها ففي الآية عموم الناس وإيجاب عمل خاص عليهم وهو السفر إلى مكان واحد نفسه بعينه من سائر الأماكن، وهو مكة أعزها الله، فاضبط هذا، وفي الحديث المذكور تخصيص بعض الناس وهم النساء، ونهيهن عن عمل عام وهو السفر جملة، لم يخص بذلك مكان دون مكان. فاختلف الناس في كيفية استعمال هذين النصين. فقالت طوائف منهم: معنى ذلك ولله على الناس حج البيت حاشا النساء اللواتي لا أزواج لهن ولا ذا محرم، فليس عليهم حج إذا سافرت إليه سفرا قدره كذا، فاستثنوا كما ترى النساء من الناس. وقالت طوائف أخر: معنى ذلك لا يحل لامرأة تؤمن بالله واليوم الآخرأن تسافر إلا مع زوج أو ذي محرم، إلا أن يكون سفرا أمرت به كالحج أو ندبت إليه كالنظر في مالها، أو ألزمته كالتغريب، فإنها تسافر إليه دون زوج ودون ذي محرم، فاستثنوا كما ترى الأسفار الواجبة والمندوب إليها من جملة الأسفار المباحة كلها، وأبقوا على كل سفر مباح غير واجب ولا مندوب إليه على عموم التحريم على النساء إلا مع زوج أو ذي محرم.

[136] **Translator's note (L432):** "Inference from what an utterance leaves unexpressed" renders dalīl al-khiṭāb, here the disputed inference that expressly mentioning one case excludes unmentioned cases from the same ruling. The unusual reading المتمالكة is rendered provisionally as "held in ownership"; its precise form and intended meaning are uncertain. "Such-and-such" reproduces the author's abbreviated quotation, كذا ; no omitted alms assessment has been supplied. The final sentence and its argument continue into the next segment.

[137] **Translator's note (L433):** Both the sentence and the Quran quotation continue into the next segment.

[138] **Translator's note (L434):** The quotations concerning repentance after wrongdoing (Quran 16:119) and generations destroyed after Noah (Quran 17:17) are reproduced as supplied. Their relevance to the argument is unclear, especially since the subsequent discussion instead contrasts outpoured blood with blood generally. These appear to be quotation substitutions or transcription errors; no replacement verses have been supplied. غير المحسوسة literally means "who has not been felt/sensed," whereas the argument and the contrasting الممسوسة ("who has been touched") suggest an intended reference to a woman whose marriage has not been consummated. The irregular reading has been retained. "Fathers" follows الآباء in this segment, although the earlier formulation referred to both parents. The segment ends within the formulation of the third approach.

[139] **Translator's note (L435):** The account of reciprocal general scope is syntactically compressed, particularly "with nothing else alongside it." The wording has been retained without adding an explanatory restriction absent from the source.

[140] **Qur'an references (L432):** Qur'an 17:23 (Al-Isra); Qur'an 17:32 (Al-Isra); Qur'an 2:236 (Al-Baqarah); Qur'an 16:8 (An-Nahl); Qur'an 2:168 (Al-Baqarah); Qur'an 16:119 (An-Nahl); Qur'an 17:17 (Al-Isra); Qur'an 5:3 (Al-Ma'idah).

Ali said: One example is Allah Most High's statement: "In it are clear signs, the Station of Abraham; and whoever enters it is secure. Pilgrimage to the House is a duty owed to Allah by people—whoever can find a way to it. And whoever disbelieves, Allah has no need of the worlds." And he ﷺ said: "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry." The verse applies generally to people and imposes upon them a particular act: travel to one specific place, the very place itself, from among all places, namely Mecca—may Allah grant it might. Grasp this carefully. The aforementioned hadith singles out some people, namely women, and prohibits them from an act in general, namely travel altogether, without singling out one place rather than another.

People have therefore differed over how to apply these two texts. Some groups said that their meaning is: "Pilgrimage to the House is a duty owed to Allah by people, except women who have neither husbands nor male relatives whom they are permanently forbidden to marry; pilgrimage is not incumbent upon them if reaching it entails a journey of such-and-such a length." Thus, as you see, they excluded women from people. Other groups said that their meaning is: "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry, unless it is a journey she has been commanded to undertake, such as pilgrimage, or encouraged to undertake, such as attending to her property, or compelled to undertake, such as banishment. She may undertake such a journey without a husband and without a male relative whom she is permanently forbidden to marry." Thus, as you see, they excepted obligatory and recommended journeys from the entire body of permissible journeys, and retained the general prohibition upon women for every permissible journey that is neither obligatory nor recommended, unless accompanied by a husband or a male relative whom they are permanently forbidden to marry.[141]

L438–439 Ali said: Each of the two groups we have mentioned had nothing to offer beyond its own account of how its position arranged the application of the

[141] **Qur'an references (L437):** Qur'an 3:97 (Ali 'Imran).

two aforementioned texts. Neither of the two therefore has any stronger claim than the other. It is therefore necessary to seek evidence establishing the validity of one of the two exceptions, and to seek a demonstration establishing which of them must be adopted, from a source other than these two texts.

L440–443 Ali said: As for us, we favored excepting obligatory and recommended journeys from all other permissible journeys, and held that a woman must travel for the obligatory pilgrimage and minor pilgrimage, and for banishment. We also permitted her to undertake voluntary minor pilgrimage and pilgrimage, and to inspect her property, without a husband and without a male relative whom she is permanently forbidden to marry. This is because the Messenger of Allah ﷺ said: "For an unmarried person with an unmarried person: one hundred lashes and banishment for a year"; and because he ﷺ said: "Do not prevent Allah's female servants from Allah's mosques." Thus, as you see, the text concerning women states that it is not lawful to prevent them from attending mosques, and Mecca is among the mosques. This text therefore encompasses fewer matters than the hadith prohibiting women's travel altogether, and necessarily had to constitute an exception to it. We thereby arrived at the category we mentioned first. Otherwise, someone preventing them would be disobeying this hadith and abandoning it without evidence.

Ali said: Some proponents of the second exception have argued for it by citing a hadith in which, when he ﷺ prohibited a woman from traveling except with a husband or a male relative whom she is permanently forbidden to marry, a man of the Helpers said to him: "O Messenger of Allah, I have enrolled in such-and-such a military expedition, and my wife has set out on pilgrimage." He ﷺ said: "Perform pilgrimage with your wife."

Ali said: This hadith is an argument against them, because he ﷺ neither required her to return nor subjected her to a prohibition against pilgrimage. Rather, he ﷺ commanded her husband to perform pilgrimage with her. Thus every husband who refuses to perform pilgrimage with his wife is disobedient, and his disobedience does not relieve her of the obligation of pilgrimage. This is the wording of the hadith they have adduced as evidence,

قال علي: لم يكن بيد كل طائفة من الطائفتين اللتين ذكرنا، إلا وصفها ترتيب مذهبها في استعمال النصين المذكورين فليس أحدهما أولى من الثاني فلا بد من طلب الدليل على صحة أحد الاستثناءين، وابتغاء البرهان على الواجب منهما من مكان غيرهما.

قال علي: وأما نحن فإنما ملنا إلى استثناء الأسفار الواجبة والمندوب إليها من سائر الأسفار المباحة، وأوجبنا على المرأة السفر إلى الحج والعمرة الواجبتين، والتغريب، وأبحنا لها التطوع بالعمرة والحج، ومطالعة ما لها دون زوج ودون ذي محرم لقول رسول الله صلى الله عليه وسلم البكر بالبكر جلد مائة وتغريب سنة ولقوله عليه السلام لا تمنعوا إماء الله مساجد الله فجاء النص كما ترى في النساء بأنه لا يحل منعهن عن المساجد، ومكة من المساجد فكان هذا النص أقل معاني من حديث النهي عن سفر النساء جملة فوجب أن يكون مستثنى منه ضرورة، وخرجنا إلى القسم الذي ذكرنا أولا، وإلا صار المانع لهن عاصيا لهذا الحديث، تاركا له بلا دليل. قال علي: وقد احتج للاستثناء الثاني بعض القائلين به بحديث فيه أنه عليه السلام لما نهى عن أن تسافر المرأة إلا مع زوج أو ذي محرم قال له رجل من الأنصار يا رسول الله إني اكتتبت في غزوة كذا وإن امرأتي خرجت حاجة فقال عليه السلام حج مع امرأتك قال علي وهذا الحديث حجة عليهم لأنه عليه السلام لم يلزمها الرجوع ولا أوقع عليها النهي عن الحج ولكنه عليه السلام أمر زوجها بالحج معها فكل زوج أبى من الحج مع امرأته فهو عاص، ولا يسقط عنها لأجل معصيته فرض الحج، هذا نص الحديث الذي احتجوا به، وليس يفهم منه غير ذلك أصلا، لأن الأمر في هذا الحديث متوجه إلى الزوج لا إلى المرأة قال علي ومن هذا النوع أمره عليه السلام بالإنصات للخطبة وفي الصلاة مع قوله تعالى: {وإذا حييتم بتحية فحيوا بأحسن منها أو ردوها إن الله كان على كل شيء حسيبا} الآية فنظرنا في النصين المذكورين فوجدنا

and nothing else can be understood from it at all, because the command in this hadith is directed to the husband, not to the woman.

Ali said: Another instance of this kind is his ﷺ command to remain silent during the sermon and during prayer, together with Allah Most High's statement: "When you are greeted with a greeting, greet with one better than it, or return it. Indeed, Allah takes account of everything"—the verse. We examined the two aforementioned texts and found that the requirement of silence applies generally to all speech, whether a greeting of peace or anything else, and that this applies at a particular time, namely the time of the sermon and prayer. In the second text we found an obligation to return the greeting of peace, which is one kind of speech, in every circumstance generally. Thus some scholars said that the meaning is: "Remain silent, except for the greeting of peace that you have been commanded to spread and to return during the sermon." Others said: "Return the greeting of peace and initiate it, unless you are listening silently to the sermon or are engaged in prayer."

Ali said: Neither exception has any stronger claim than the other. Evidence must therefore be sought outside this level of consideration.

Ali said: We came to hold that the greeting of peace—returning the greeting of peace and initiating it—is obligatory during the sermon but not during prayer because a clear text has been transmitted concerning prayer: he ﷺ was greeted during it and did not return the greeting, after previously having returned it. When asked about this, he ﷺ said: "Allah introduces into His commands whatever He wills, and He has introduced the command that you are not to speak during prayer," or words to this effect.

Ali said: The prohibition against returning the greeting of peace during prayer does not require that it also go unreturned during the sermon, because the sermon is not prayer, and neither facing the direction of prayer nor any of the other requirements of prayer has been made obligatory during it. As for the sermon, we examined its case and found that the established, original rule was the permissibility of speech altogether. Then came the prohibition against speech during the sermon, and the command making it obligatory to

الإنصات عاما لكل كلام، سلاما كان أو غيره، ووجدنا ذلك في وقت خاص وهو وقت الخطبة والصلاة، ووجدنا في النص الثاني إيجاب رد السلام وهو بعض الكلام في كل حالة على العموم. فقال بعض العلماء: معنى ذلك أنصت إلا عن السلام الذي أمرت بإفشائه ورده في الخطبة، وقال بعضهم: رد السلام وسلم إلا أن تكون منصتا للخطبة أو في الصلاة. قال علي: فليس أحد الاستثناءين أولى من الثاني، فلا بد من طلب الدليل من غير هذه الرتبة. قال علي: وإنما صرنا إلى إيجاب السلام رد السلام وابتدائه في الخطبة دون الصلاة لأن الصلاة قد ورد فيها نص بين بأنه عليه السلام سلم عليه فيها فلم يرد بعد أن كان يرد وأنه سئل عن ذلك فقال عليه السلام إن الله يحدث من أمره ما يشاء وإنه أحدث ألا تكلموا في الصلاة أو كلاما هذا معناه. قال علي: وليس امتناع رد السلام في الصلاة موجبا ألا يرد أيضا في الخطبة، لأن الخطبة ليست صلاة، ولم يلزم فيها استقبال القبلة ولا شيء مما يلزم في الصلاة، وأما الخطبة فإنا نظرنا في أمرها فوجدنا المعهود، والأصل إباحة الكلام جملة، ثم جاء النهي عن الكلام في الخطبة، وجاء الأمر برد السلام واجبا وإفشائه، فكان النهي عن الكلام زيادة على معهود الأصل، وشريعة واردة قد تيقنا لزومها، وكان رد السلام وإفشاؤه أقل معاني من النهي عن الكلام فوجب استثناؤه، فصرنا بهذا الترتيب الذي ذكرناه في القسم الأول آنفا

return the greeting of peace and to spread it. The prohibition against speech was therefore an addition to the established original rule and a revealed legal prescription whose binding force we had ascertained with certainty. Returning the greeting of peace and spreading it encompassed fewer matters than the prohibition against speech, so it had to be excepted. Through this arrangement, we thus arrived at what we mentioned just now in the first category.[142][143][144]

L444–453 Ali said: Another example is his ﷺ command that someone who sleeps through a prayer or forgets it should perform it when he remembers it, and his prohibition against prayer after the afternoon prayer, after the dawn prayer, and when the sun is at its zenith. Some scholars said that the meaning is: "Let him perform it when he remembers it, unless it is a time during which prayer is prohibited." Others said that the meaning is: "Do not pray after the afternoon prayer, after the dawn prayer, or when the sun is at its zenith, unless it is a prayer you slept through or forgot, or one you were commanded to perform by way of recommendation or obligation, or one you habitually performed."

Ali said: Neither exception has any stronger claim than the other except through a demonstration from outside the two texts. The procedure here, however, is to seek a demonstration establishing the more correct of the two aforementioned applications from another text besides them. If none is found, recourse is had to adopting the additional provision. Success comes through Allah.

Ali said: Another example is Allah Most High's statement: "O Children of Israel, remember My favor which I bestowed upon you and that I favored

قال علي ومن ذلك أمره عليه السلام من نام عن الصلاة أو نسيها أن يصليها إذا ذكرها، ونهيه عن الصلاة بعد العصر وبعد الصبح، وحين استواء الشمس، فقال بعض العلماء: معناه فليصلها إذا ذكرها إلا أن يكون وقتا منهيا عن الصلاة فيها. وقال آخرون: معناه لا تصلوا بعد العصر، ولا بعد الصبح ولا حين استواء الشمس، إلا أن تكون صلاة نمتم عنها أو نسيتموها أو أمرتم بها ندبا أو فرضا أو تعودتموها. قال علي: فليس أحد الاستثناءين أولى من الثاني إلا ببرهان من غيرهما، ولكن العمل في ذلك أن يطلب البرهان على أصح العملين المذكورين من نص آخر غيرهما، فإن لم يوجد صبر إلى الأخذ بالزيادة، وبالله التوفيق. قال علي ومن هذا قول الله تعالى {يابني إسرائيل ذكروا نعمتي لتي أنعمت عليكم وأني فضلتكم على لعالمين} ومع قوله تعالى لنا {كنتم خير أمة أخرجت للناس تأمرون بلمعروف وتنهون عن لمنكر وتؤمنون بلله ولو آمن أهل لكتاب لكان خيرا لهم منهم لمؤمنون وأكثرهم لفاسقون} فليس أحد النصين أولى بالاستثناء من الآخر، إلا بنص أو إجماع، لأنه جائز أن يقول قائل: معناه: كنتم خير أمة أخرجت للناس إلا بني إسرائيل الذين فضلهم الله على العالمين، وجائز أن يقول قائل معناه أني فضلتكم على العالمين إلا أمة محمد صلى الله عليه وسلم الذين هم خير أمة أخرجت للناس فلا بد من ترجيح أحد الاستثناءين على الآخر ببرهان آخر وإلا فليس أحدهما أولى من الثاني. قال علي: فنظرنا فوجدنا قوله تعالى {يابني إسرائيل ذكروا نعمتي لتي أنعمت عليكم وأني فضلتكم على لعالمين} وقد قام البرهان على أنه ليس

[142] **Translator's note (L440):** "The second exception" is retained as supplied, although the position defended by the ensuing argument appears to be the second position listed in 437:0 and also the author's own position. The quoted penalty uses البكر, a technical term for a person who has not previously consummated a valid marriage; "unmarried" here should be understood in that technical sense.

[143] **Translator's note (L443):** The Arabic redundantly reads "making the greeting obligatory, returning the greeting and initiating it"; the translation preserves the repetition through an explanatory insertion.

[144] **Qur'an references (L440):** Qur'an 4:86 (An-Nisa).

you above the worlds," together with His Most High's statement to us: "You were the best community brought forth for people: you command what is right, prohibit what is wrong, and believe in Allah. Had the People of the Scripture believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient." Neither of the two texts has any stronger claim to be made an exception than the other except by a text or consensus. For someone could say that its meaning is: "You were the best community brought forth for humankind, except for the Children of Israel, whom Allah favored above all beings." And someone could say that its meaning is: "I favored you above all beings, except for the community of Muhammed ﷺ, who are the best community brought forth for humankind." Thus one of these two exceptions must be given precedence over the other through a further demonstration; otherwise, neither has a greater claim than the other. Ali said: We therefore examined the matter and found His saying, exalted is He: {O Children of Israel, remember My favor which I bestowed upon you, and that I favored you above all beings}. Demonstration has established that this does not retain its general scope, because the angels are certainly superior to them. We stopped at this point, then examined His saying, exalted is He: {You were the best community brought forth for humankind: you enjoin what is right, forbid what is wrong, and believe in Allah. Had the People of the Scripture believed, it would have been better for them. Among them are believers, but most of them are transgressors}. No text or consensus has come establishing that this does not bear its apparent meaning. For the angels are included among "all beings," and the jinn have been excluded from the general scope of that by the texts concerning it; and they are not included among the communities brought forth for humankind. Since no other text or consensus has come establishing that this text does not retain its general scope, no one was permitted to restrict its scope. Since restricting its scope is not permissible, it is obligatory to construe it according to its general scope. Since that is obligatory, and we must restrict the scope of one of those two texts by the other, while restricting the scope of this one is impermissible, restricting the scope of the other has necessarily become obligatory, since one of them must have its scope restricted. This is a sound, necessary demonstration from the established report that our like-

على عمومه، لأن الملائكة أفضل منهم بيقين، فوقفنا على هذا، ثم نظرنا قوله تعالى {كنتم خير أمة أخرجت للناس تأمرون بالمعروف وتنهون عن لمنكر وتؤمنون بالله ولو آمن أهل لكتاب لكان خيرا لهم منهم لمؤمنون وأكثرهم لفاسقون} ولم يأت نص ولا إجماع بأنه ليس على ظاهره، لأن الملائكة يدخلون في العالمين، وقد خرج من عموم ذلك الجن بالنصوص في ذلك، ولا يدخلون في الأمم المخرجة للناس، فلما كان هذا النص لم يأت نص آخر ولا إجماع بأنه ليس على عمومه لم يجز لأحد بأن يخصه، فإذا لم يجز تخصيصه فالفرض الحمل له على عمومه؛ فإذا ذلك فرض، ولا بد من أن نخص أحد ذينك النصين من الآخر، ولم يجز تخصيص هذا، فقد وجب تخصيص الآخر ولا بد، إذ لا بد من تخصيص أحدهما، وهذا برهان ضروري صحيح من الخبر الثابت: بأن مثلنا مع من قبلنا كمن أجر أجراء فعملوا إلى نصف النهار بقيراط قيراط، ثم أجر آخرين فعملوا إلى العصر بقيراط قيراط، ثم أجر آخرين فعملوا إلى الليل بقيراطين قيراطين قال عليه السلام فأنتم أقل عملا وأكثر أجرا وبالله تعالى التوفيق. قال علي: ونقول قطعا إنه لا بد ضرورة في كل ما كان هكذا، من دليل قائم بين البرهان على الصحيح من الاستثناءين والحق من الاستعمالين، لأن الله تعالى قد تكفل بحفظ دينه فلو لم يكن ههنا دليل لائح، وبرهان واضح لكان ضمان الله تعالى خائسا، وهذا كفر ممن أجازه، فصح أنه لا بد من وجوده لمن يسره الله تعالى لفهمه، وبالله تعالى التوفيق. والوجه الرابع: أن يكون أحد النصين حاظرا لما أبيح في النص الآخر بأسره أي يكون أحدهما موجبا والآخر مسقطا لما وجب في هذا النص بأسره. قال علي: فالواجب في هذا النوع أن ننظر إلى النص الموافق لما كنا عليه لو لم يرد واحد منهما فنتركه ونأخذ بالآخر، لا يجوز غير هذا أصلا وبرهان ذلك أننا على يقين من أننا قد كنا على ما في ذلك الحديث الموافق لمعهود الأصل، ثم لزمنا يقينا للعمل بالأمر الوارد بخلاف ما كنا عليه بلا شك فقد صح عندنا يقينا إخراجنا عما كنا عليه، ثم لم يصح

ness in relation to those before us is that of someone who hired laborers, who worked until midday for one qirat each; then hired others, who worked until the afternoon for one qirat each; then hired others, who worked until nightfall for two qirats each. He ﷺ said: "Thus you do less work and receive a greater reward." Through Allah, exalted is He, comes success. Ali said: We state categorically that in every such case there must necessarily be established evidence whose demonstration makes clear which of the two exceptions is correct and which of the two applications is true. For Allah, exalted is He, has undertaken to preserve His religion. If there were no manifest evidence and clear demonstration here, Allah's guarantee, exalted is He, would have failed; and whoever allows that possibility commits unbelief. It is therefore established that it must be found by anyone whom Allah, exalted is He, enables to understand it. Through Allah, exalted is He, comes success. The fourth form is for one of the two texts to prohibit everything permitted in the other text; that is, for one of them to impose an obligation and the other to remove everything made obligatory in this text. Ali said: In this type of case, what is obligatory is to examine the text that accords with the state we would have been in had neither of them come, then set it aside and adopt the other. Absolutely nothing else is permissible. The demonstration of this is that we are certain that we had been in the state described in that report which accords with the previously established original state. Then we certainly became obliged to act upon the command that came contrary to our previous state, without doubt. Thus our removal from our previous state has been established for us with certainty. Yet the abrogation of that additional command, which came contrary to the previously established original state, has not been established for us. We are not permitted to abandon certainty for doubt, or to oppose the truth on account of conjecture. Allah, exalted is He, has forbidden that, saying: {They have no knowledge of it. They follow nothing but conjecture, and conjecture avails nothing against the truth}. And He said: {If you obey most of those on earth, they will lead you astray from Allah's path. They follow nothing but conjecture, and they do nothing but guess}. And He, exalted is He, said, condemning people who spoke while judging by their conjecture: {When it was said, "Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know

عندنا نسخ ذلك الأمر الزائد الوارد بخلاف معهود الأصل، ولا يجوز لنا أن نترك يقينا بشك، ولا أن نخالف الحقيقة للظن، وقد نهى الله تعالى عن ذلك فقال: {وما لهم به من علم إن يتبعون إلا الظن وإن الظن لا يغني من الحق شيئا} وقال {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال تعالى ذاما لقوم قالوا حاكمين بظنهم {وإذا قيل إن وعد لله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال رسول الله صلى الله عليه وسلم فإن الظن أكذب الحديث ولا يحل أن يقال فيما صح وورد الأمر به هذا منسوخ إلا بيقين، ولا يحل أن يترك أمر قد تيقن وروده خوفا أن يكون منسوخا، ولا أن يقول قائل: لعله منسوخ، وكيف ونحن على يقين مقطوع به من أن المخالف لمعهود الأصل هو الناسخ بلا شك ولا مرية عند الله تعالى، برهان ذلك ما قد ذكرناه آنفا من ضمان الله تعالى حفظ الشريعة والذكر المنزل، فلو جاز أن يكون ناسخ من الدين مشكلا بمنسوخ، حتى لا يدرى الناسخ من المنسوخ أصلا، لكان الدين غير محفوظ، والذكر مضيعا قد تلفت الحامق فيه، وحاش لله من هذا وقد صح بيقين لا إشكال فيه، نسخ الموافق لمعهود الأصل من النصين الناقل عن تلك الحال إذ ورد ذلك النص، فهذا يقين الذي أمر الله تعالى به وأقره، وأقام الحجة به وأثبت البرهان وجوبه، ومدعي خلاف هذا كاذب مقطوع بكذبه إذ لا برهان له على دعواه، إلا الظن والله تعالى يقول {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} فصح أن من لا برهان له على صحة قوله فليس صادقا فيه أصلا، وصح بهذا النص أن جميع دين الله تعالى، فإن البرهان قائم ظاهر فيه، وحرم القول بما عدا هذا، لأنه ظن من قائله بإقراره على نفسه، وقد حرم الله تعالى القول بالظن، وأخبر أنه خلاف الحق، وأنه أكذب الحديث، فوجب القطع على كذب الظن في الدين كله. وهذا أيضا برهان واضح في إبطال القول بالقياس،

what the Hour is. We merely conjecture, and we are not certain"}. And the Messenger of Allah ﷺ said: "For conjecture is the most false of speech." It is not lawful to say of something established as authentic and commanded, "This is abrogated," except with certainty. Nor is it lawful to abandon a command whose arrival is certain for fear that it might be abrogated, or for anyone to say, "Perhaps it is abrogated." How could that be, when we possess conclusive certainty that the text contrary to the previously established original state is the abrogating text, without doubt or uncertainty before Allah, exalted is He? The demonstration of this is what we have just mentioned concerning Allah's guarantee, exalted is He, to preserve the revealed law and the revealed Reminder. If it were possible for an abrogating provision of religion to be confused with an abrogated provision, so that the abrogating could not be distinguished from the abrogated at all, religion would be unpreserved and the Reminder neglected, with the fool turning about within it. Far exalted is Allah above this! It has been established with certainty admitting no ambiguity that, of the two texts, the one that accords with the previously established original state was abrogated by the one that transfers us from that state, when that text arrived. This, then, is the certainty which Allah, exalted is He, commanded, affirmed, and established as authoritative proof, and whose obligatory character demonstration has established. Anyone claiming the contrary is a liar whose falsehood is conclusively established, since he has no demonstration for his claim except conjecture. Allah, exalted is He, says: {They said, "None shall enter the Garden unless they are Jews or Christians." Those are their wishes. Say, "Bring your demonstration, if you are truthful"}. Thus it is established that anyone who has no demonstration establishing the soundness of his statement is not truthful in it at all. And it is established by this text that, throughout Allah's religion, exalted is He, demonstration stands manifest within it. Asserting anything beyond this is forbidden, because it is conjecture on the part of its speaker, by his own admission concerning himself. And Allah, exalted is He, has forbidden speaking on the basis of conjecture, and has stated that it is contrary to the truth and that it is the most false of speech. It is therefore obligatory to affirm categorically the falsehood of conjecture throughout religion. This is also a clear demonstration invalidating recourse to analogy, the assignment

والتعليل والاستحسان في جميع المسائل الجزئيات إلى الشريعة، وفي جملة القول بكل ذلك، لأن القول بكل ذلك ظن من قائله بلا شك، وبالله تعالى التوفيق. ومن ذلك الحديث الوارد: في ألا يغتسل من الإكسال والحديث الوارد في الغسل منه، فإن ترك الغسل منه موافق لمعهود الأصل، إذ الأصل أن لا غسل على أحد إلا أن يأمره الله تعالى بذلك، فلما جاء الأمر بالغسل وإن لم ينزل، علمنا يقينا أن هذا الأمر قد لزمنا، وأنه للحكم الأول بلا شك، ثم لا ندري، أنسخ بالحديث الذي فيه أن لا غسل على من أكسل أم لا، فلم يسعنا ترك ما أيقنا أننا أمرنا به إلا بيقين ومن ذلك أمره عليه السلام ألا يشرب أحد قائما وجاء حديث بأنه عليه السلام شرب قائما، فقلنا نحن على يقين من أنه كان الأصل أن يشرب كل أحد كما شاء من قيام أو قعود أو اضطجاع، ثم جاء النهي عن الشرب قائما، بلا شك، فكان مانعا مما كنا عليه من الإباحة السالفة. ثم لا ندري أنسخ ذلك بالحديث الذي فيه إباحة الشرب قائما أم لا؟ فلم يحل لأحد ترك ما قد تيقن أنه أمر به خوفا أن يكون منسوخا. قال علي: فإن صح النسخ بيقين صرنا إليه، ولم نبال زائدا كان على معهود الأصل أم موافقا له، كما فعلنا في الوضوء مما مست النار، فإنه لولا أنه روى جابر أنه كان آخر الأمرين من رسول الله صلى الله عليه وسلم ترك الوضوء مما مست النار لأوجبنا الوضوء من كل ما مست النار، ولكن لما صح أنه منسوخ تركناه، وكذلك فعلنا في حديث أبي هريرة: من أدركه الصبح جنبا فقد أفطر لأنه علمنا أنه موافق للحكم المنسوخ من ألا يأكل أحد ولا يشرب، ولا يطأ بعد أن ينام فنسخ ذلك بالإباحة بيقين، فصرنا إلى الناسخ.

of legal causes, and juristic preference in all particular questions pertaining to the revealed law, and recourse to all of these in general, because recourse to all of that is undoubtedly conjecture on the part of its proponent. Through Allah, exalted is He, comes success. An instance of this is the report stating that one should not perform the full ritual bath after intercourse without ejaculation, and the report stating that one should perform the full ritual bath on that account. Omitting the full ritual bath on that account accords with the previously established original state, since the original rule is that no one is obliged to perform a full ritual bath unless Allah, exalted is He, commands him to do so. When the command to perform the full ritual bath came, even without ejaculation, we knew with certainty that this command had become binding upon us and that it was for the first ruling, without doubt. Then we do not know whether it was abrogated by the report stating that no full ritual bath is required of someone who has intercourse without ejaculation, or not. Thus we could not abandon what we were certain we had been commanded to do except with certainty. Another instance is his command ﷺ that no one should drink standing, while a report came that he ﷺ drank standing. We therefore said: We are certain that the original state was that everyone could drink however he wished, whether standing, sitting, or lying down. Then the prohibition against drinking standing unquestionably came, prohibiting what had previously been permissible for us. Then we do not know whether that was abrogated by the report permitting drinking standing, or not. Thus it was not lawful for anyone to abandon what he was certain he had been commanded to do for fear that it might be abrogated. Ali said: If abrogation is established with certainty, we adopt it, regardless of whether it adds to the previously established original state or accords with it, as we did concerning ritual ablution after consuming what fire has touched. Had Jabir not reported that the later of the two practices of the Messenger of Allah ﷺ was to omit ritual ablution after consuming what fire has touched, we would have required ritual ablution after consuming anything fire has touched. But when it was established that this was abrogated, we abandoned it. We did likewise with Abu Hurayrah's report: "Whoever is overtaken by dawn in a state of major ritual impurity has broken his fast," because we knew that it accorded with the abrogated ruling that no one should eat, drink, or have

intercourse after sleeping. That was certainly abrogated by permission, so we adopted the abrogating provision.[145][146][147][148][149][150][151][152]

L454–455 Likewise, we adopted the report requiring ritual ablution after touching the private parts, because it adds to what is contained in Talq's report dispensing with ritual ablution on that account, since Talq's report accords with the previously established original state. As for someone who contradicts himself, at one time adopting a report whose like he has abandoned elsewhere, and adopting its opposite, he possesses a crumbling edifice that is

وكذلك أخذنا بالحديث الذي فيه إيجاب الوضوء من مس الفرج، لأنه زائد على ما في حديث طلق من إسقاط الوضوء منه، لأن حديث طلق موافق لمعهود الأصل. وأما من تناقض فأخذ مرة بحديث قد ترك مثله في مكان آخر، وأخذ بضده فذو بنيان هار يوشك أن ينهار به في مخالفة ربه عز وجل في قوله تعالى {إنما لنسيء زيادة في لكفر يضل به لذين كفروا يحلونه عاما ويحرمونه عاما ليواطئوا عدة ما حرم لله فيحلوا ما حرم لله زين لهم سوء أعمالهم ولله لا يهدي لقوم لكافرين}

[145] **Translator's note (L444):** The supplied صبر إلى الأخذ بالزيادة is awkward and appears corrupt. "Recourse is had to adopting the additional provision" reflects the likely intended صير إلى الأخذ بالزيادة; the supplied صبر would ordinarily mean "he endured" or "he waited."

[146] **Translator's note (L446):** The referent of "that" in the statement that the jinn have been excluded from its general scope is unclear. The translation preserves this ambiguity, including the subsequent ambiguous plural pronoun "they."

[147] **Translator's note (L448):** The opening بين البرهان is syntactically awkward without vocalization. It is understood here as describing the preceding evidence as clear in its demonstration.

[148] **Translator's note (L449):** The expression لزمنا يقينا للعمل is grammatically awkward; the translation follows its evident sense of becoming certainly obliged to act.

[149] **Translator's note (L450):** The phrase قد تلفت الحامق فيه, rendered "with the fool turning about within it," is anomalous in context and may be corrupt. The supplied wording has not been replaced with a conjectured reading. In the sentence about abrogation, the supplied Arabic lacks a clear grammatical link before الناقل, "the one that transfers." The translation supplies the relation "by" required by the surrounding argument. The supplied فهذا يقين الذي is grammatically irregular; it is rendered according to its apparent sense.

[150] **Translator's note (L452):** The wording المسائل الجزئيات إلى الشريعة is syntactically irregular. "Particular questions pertaining to the revealed law" represents the apparent sense without positing a specific correction.

[151] **Translator's note (L453):** The supplied وأنه للحكم الأول literally reads "and that it was for the first ruling." The context suggests that a word such as "abrogating" may be missing, but it has not been inserted into the translation. الإكسال denotes intercourse without ejaculation in this context. The wording لأنه علمنا is grammatically irregular; it is rendered according to the apparent intended sense, "because we knew."

[152] **Qur'an references (L444):** Qur'an 2:47 (Al-Baqarah); Qur'an 2:122 (Al-Baqarah); Qur'an 3:110 (Ali 'Imran); Qur'an 53:28 (An-Najm); Qur'an 6:116 (Al-An'am); Qur'an 45:32 (Al-Jathiyah); Qur'an 2:111 (Al-Baqarah).

liable to collapse with him as he disobeys his Lord, mighty and majestic, in His saying, exalted is He: {Postponement is only an increase in unbelief, by which those who disbelieve are led astray. They make it lawful one year and forbid it another year, to match the number of what Allah has forbidden, thereby making lawful what Allah has forbidden. The evil of their deeds has been made attractive to them, and Allah does not guide the unbelieving people.}[153][154]

L456–459 Ali said: If Allah grants us a longer life and strengthens us with help from Him, we shall compile, concerning texts whose apparent meanings conflict, books sufficient to dispense with others, if Allah, exalted is He, wills. There is neither power nor strength except through Him. These aspects, which contain some obscurity, we have thus explained through the enabling grace of Allah, mighty and majestic; there is no deity except Him.

Ali said: Here there is a fifth aspect that ignorant people have supposed to constitute a conflict, although it contains no conflict whatsoever and no difficulty. This occurs when one hadith conveys a certain ruling concerning a particular matter, and another hadith conveys another ruling concerning that very same matter. Some people have supposed this to constitute a conflict, but it is not so: both are accepted and acted upon. An example is what has been transmitted from the Prophet ﷺ through Ibn Masud concerning pressing the palms together between the knees while bowing, and what has been transmitted through Abu Humayd concerning placing the palms upon the knees. There is no conflict here, and both practices are permissible: whichever of them a person performs is good.

Ali said: Unless a command prescribing one of the two practices occurs, in which case it precludes the other practice. A command to place the palms upon the knees has indeed occurred, and thus precludes pressing the palms together between the knees, in accordance with our explanation that one

قال علي وإن أمدنا الله بعمر وأيدنا بعون من عنده فسنجمع في النصوص التي ظاهرها التعارض كتبا كافية من غيرها إن شاء الله تعالى، ولا حول ولا قوة إلا به، فهذه الوجوه التي فيها بعض الغموض قد بيناها بتوفيق الله عز وجل، لا إله إلا هو. قال علي: وها هنا وجه خامس، ظنه أهل الجهل تعارضا ولا تعارض فيه أصلا ولا إشكال، وذلك ورود حديث بحكم ما، في وجه ما وورود حديث آخر بحكم آخر في ذلك الوجه بعينه، فظنه قوم تعارضا وليس كذلك، ولكنهما جميعا مقبولان ومأخوذ بهما ونحو ذلك ما روي عن النبيصلى الله عليه وسلم من طريق ابن مسعود بالتطبيق في الركوع وروي من طريق أبي حميد الأكف على الركب فهذا لا تعارض فيه، وكلا الأمرين جائز، أي ذلك فعله المرء حسن. قال علي: إلا أن يأتي أمر بأحد الوجهين فيكون حينئذ مانعا من الوجه الآخر، وقد جاء الأمر بوضع الأكف على الركب، فصار مانعا من التطبيق على ما بينا من أخذ الزائد المتيقن في حال وروده، ومنعه ما كان مباحا قبل ذلك وقد وجدنا أمرا ثابتا عن رسول الله صلى الله عليه وسلم بالأخذ بالركب نخرج عن هذا الباب وصح أن التطبيق منسوخ بيقين على ما جاء عن سعد إنا كنا نفعله ثم نهينا عنه، وأمرنا بالركب لكن من هذا الباب اغتساله صلى الله عليه وسلم بين وطئه المرأتين من نسائه رضي الله عنهن، وتركه الاغتسال بينهما حتى يغتسل من آخرهن غسلا واحدا. فهذا كله مباح وهذا إنما هو في الأفعال منه عليه السلام لا في الأوامر المتدافعة ومثل ذلك ما روي عن نهيه عليه السلام عن الجمع بين المرأة وعمتها

[153] **Translator's note (L455):** The opening continues the preceding segment's description of someone who inconsistently adopts one report and then its opposite. The quotation of Qur'an 9:37 contains defective spellings, including لنسيء for النسيء and repeated omissions of the initial alif of the definite article; the wording remains identifiable.

[154] **Qur'an references (L454):** Qur'an 9:37 (At-Tawbah).

adopts the additional provision known with certainty when it occurs, and that it prohibits what had previously been permissible. We have found an established command from the Messenger of Allah ﷺ to take hold of the knees. This therefore falls outside this category, and it is established with certainty that pressing the palms together between the knees has been abrogated, in accordance with what has been transmitted from Sad: "We used to do it; then we were forbidden to do it and commanded to take hold of the knees." But what does belong to this category is his ﷺ bathing between having intercourse with two of his wives—may Allah be pleased with them—and his refraining from bathing between them until he performed a single bath after the last of them. All of this is permissible. This applies only to his actions, peace be upon him, rather than to mutually incompatible commands. Another example is what has been transmitted concerning his prohibition, peace be upon him, of being married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt, together with His saying, exalted is He, after He had mentioned those forbidden among women, and then said, exalted is He: {And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity rather than fornication. So, for whatever enjoyment you have had from them, give them their prescribed bridal payments. There is no blame upon you concerning what you mutually agree upon after the prescribed payment. Indeed, Allah is knowing, wise.} Thus the Prophet's ﷺ prohibition was additional to what Allah prohibited in this aforementioned verse. Another example is what Allah, exalted is He, prohibited through the words of His Prophet ﷺ concerning the flesh of donkeys, predatory beasts, and birds with talons, together with His saying, exalted is He: {Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of disobedience over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then indeed your Lord is forgiving, merciful.} The verse. Thus what Allah, exalted is He, prohibited through the words of His Prophet ﷺ was additional to what is in this verse and combined with it. Likewise, what has been transmitted concerning his

والمرأة وخالتها، مع قوله تعالى وقد ذكر ما حرم من النساء ثم قال تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فكان نهي النبي صلى الله عليه وسلم مضافا إلى ما نهى الله عنه في هذه الآية المذكورة ومثل ما حرم الله تعالى على لسان نبيه صلى الله عليه وسلم من لحوم الحمر والسباع وذوات المخالب من الطير، مع قوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير لله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} الآية فكان ما حرمه الله تعالى على لسان نبيه صلى الله عليه وسلم مضافا إلى ما في هذه الآية ومضموما معه وكذلك ما روي عن مسحه عليه السلام برأسه ثلاثا واثنتين وواحدة وعلى ناصيته وعمامته، وعلى عمامته فقط كل ذلك مضموم بعضه إلى بعض، وشرائع لازمة كلها، وقد سقط ههنا قوم أساؤوا النظر جدا، فقالوا: إن ذكر بعض ما قلنا في نص ما، وعدمه في نص آخر، دليل على سقوطه. قال علي: وهذا إقدام عظيم، وإسقاط لجميع الشرائع، ويجب عليهم من هذا أن كل شريعة لم تذكر في كل آية وفي كل حديث هي ساقطة وهذا كفر مجرد، لأنه لا فرق بين من قال لما قال الله تعالى {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن

wiping his head, peace be upon him, three times, twice, and once; his wiping his forelock and his turban; and his wiping his turban alone: all of these are combined with one another, and all are binding prescriptions. Here some people have fallen into error through exceedingly poor consideration, saying that the mention of some of what we have stated in one text, and its absence from another text, is evidence that it ceases to apply.

Ali said: This is an enormously audacious undertaking and a discarding of all the prescriptions of the revealed law. It necessarily follows for them from this that every prescription not mentioned in every verse and every hadith ceases to apply. This is unadulterated unbelief. For there is no difference between someone who says, "When Allah, exalted is He, said, {O you who believe, when you contract a debt with one another for a specified term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. But if the one who owes the obligation is foolish or weak, or cannot himself dictate, then let his guardian dictate with justice. Call upon two witnesses from among your men; but if they are not two men, then a man and two women from among those you approve as witnesses, so that if one of the two women errs, one may remind the other. Let the witnesses not refuse when they are summoned. Do not weary of writing it down, whether small or great, together with its term. That is more equitable before Allah, more upright for testimony, and likelier to prevent your doubting—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. Take witnesses when you transact sales with one another, and let neither scribe nor witness be harmed. If you do so, it is disobedience on your part. Fear Allah; Allah teaches you, and Allah knows all things}, He did not mention separation; and when he said, peace be upon him, 'If the two parties to a sale disagree, the statement to be accepted is what the seller says, or they return what each has received,' he did not mention separation. This indicates that the ruling concerning separation ceases to apply and that the sale is complete without it." There is no difference between this statement and someone who says, "Since

تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند الله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم} ولم يذكر الافتراق وقال عليه السلام إذا اختلف المتبايعان فالقول ما قال البائع أو يترادان فلم يذكر الافتراق، دل ذلك على سقوط حكم الافتراق، وعلى تمام البيع دونه، فلا فرق بين هذا الكلام وبين من قال لما لم يذكر الله تعالى ورسوله عليه السلام في الآية المذكورة النهي عن بيع الغرر وعن الملامسة والمنابذة، وعن بيع الخمر والخنازير، وجب أن يكون كل ذلك مباحا، ولما لم يذكر الله تعالى في قوله: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم}

Allah, exalted is He, and His Messenger, peace be upon him, did not mention, in the aforementioned verse, the prohibition of sales involving uncertainty, sales concluded by touching or tossing, and the sale of wine and swine, all of this must be permissible. And since Allah, exalted is He, did not mention, in His saying, {Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of disobedience over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then indeed your Lord is forgiving, merciful.}[155][156]

L460–464 the verse, that excrement is forbidden and that wine is forbidden, it must be lawful." This statement, besides being unbelief, is utterly unsound, because it is not necessary to repeat every prescription in every hadith. If that were necessary, all the prescriptions of the religion, from first to last, would be invalidated, because they are not mentioned in every verse or in every hadith.

Ali said: The soundness of our statement—that there is no conflict between any of the texts of the Qur'an, the texts of the Prophet's ﷺ speech, and what has been transmitted of his actions—is made clear by the saying of Allah, mighty and majestic, reporting concerning His Messenger, peace be upon him: {He does not speak from desire. * It is only a revelation revealed}; and His saying, exalted is He: {Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much.} He also said, exalted is He: {Do they not reflect upon the Qur'an? Had it been from anyone other than Allah, they would have found much discrepancy in it.} Thus He, mighty and majestic, informed us that His Prophet's ﷺ speech is revelation from Him, like the Qur'an in being revelation and in all of it being from Allah, mighty and majestic. He, exalted

الآية إن العذرة حرام وإن الخمر حرام وجب أن يكون حلالا، وهذا الكلام مع أنه كفر فهو ساقط جدا، لأنه لا يلزم تكرير كل شريعة في كل حديث، ولو لزم ذلك لبطلت جميع شرائع الدين أولها عن آخرها، لأنها غير مذكورة في كل آية ولا في كل حديث. قال علي: ويبين صحة ما قلنا من أنه لا تعارض بين شيء من نصوص القرآن ونصوص كلام النبي صلى الله عليه وسلم وما نقل من أفعاله قول الله عز وجل مخبرا عن رسوله عليه السلام {وما ينطق عن الهوى * إن هو إلا وحي يوحى} وقوله تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم الآخر وذكر الله كثيرا} وقال تعالى {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا} فأخبر عز وجل أن كلام نبيه صلى الله عليه وسلم وحي من عنده كالقرآن في أنه وحي وفي أنه كل من عند الله عز وجل وأخبرنا تعالى أنه راض عن أفعال نبيه صلى الله عليه وسلم وأنه موفق لمراد ربه تعالى فيها لترغيبه عز وجل في الائتساء به عليه السلام فلما صح أن كل ذلك من عند الله تعالى ووجدناه تعالى قد أخبرنا أنه لا اختلاف فيما كان من عنده تعالى صح أنه لا تعارض ولا اختلاف في شيء من القرآن والحديث الصحيح، وأنه كله متفق كما قلنا ضرورة، وبطل مذهب من أراد ضرب الحديث بعضه ببعض، أو ضرب الحديث بالقرآن، وصح أن ليس شيء من كل ذلك مخالفا لسائره، علمه من علمه، وجهله من جهله، إلا أن الذي ذكرنا من

[155] **Translator's note (L459):** "Separation" refers here to the two contracting parties physically parting after a sale, and to the legal consequences attached to that parting. "Sales concluded by touching or tossing" renders mulamasah and munabadhah, technical names for forms of sale in which touching or tossing an article effects the transaction. The passive reading of ولا يضار is grammatically ambiguous: it can prohibit harm to a scribe or witness, as translated here, or prohibit a scribe or witness from causing harm.

[156] **Qur'an references (L456):** Qur'an 4:24 (An-Nisa); Qur'an 6:145 (Al-An'am); Qur'an 2:282 (Al-Baqarah).

العمل هو القائم في بديهة العقل الذي يقود إليه مفهوم اللغة التي خوطبنا بها في القرآن والحديث، وبالله تعالى التوفيق، وكل ذلك كلفظة واحدة وخبر واحد موصول بعضه ببعض، ومضاف بعضه إلى بعض، ومبني بعضه على بعض، إما بعطف وإما باستثناء، وهذان الوجهان نعني العطف والاستثناء يوجبان الأخذ بالزائد أبدا وقد بين ذلك رسول الله صلى الله عليه وسلم في حلة عطارد إذ قال لعمر رضي الله عنه إنما يلبس هذه من لا خلاق له ثم بعث إلى عمر حلة سيراء فأتاه عمر فقال: يا رسول الله أبعثت إلي هذه وقد قلت في حلة عطارد ما قلت فقال عليه السلام إني لم أبعثها إليك لتلبسها وفي بعض الأحاديث إنما بعثتها إليك لتصيب بها حاجتك أو كلاما هذا معناه. ففي هذا الحديث تعليم عظيم لاستعمال الأحاديث والنصوص والأخذ بها كلها لأنه صلى الله عليه وسلم أباح ملك الحلة من الحرير وبيعها وهبتها وكسوتها النساء، وأمر عمر أن يستثني من ذلك اللباس المذكور في حديث النهي فقط، وألا يتعدى ما أمر إلى غيره وألا تعارض بين أحكامه عليه السلام قال علي وفي هذا الحديث إبطال القياس لأن عمر رضي الله عنه أراد أن يحمل الحكم الوارد في النهي عن اللباس على سائر وجوه الانتفاع به فأخبره رسول الله صلى الله عليه وسلم أن ذلك باطل وفيه أيضا أن حكمه عليه السلام في عين ما حكم على جميع نوع تلك العين لأنه إنما وقع الكلام على حلة سيراء كان يبيعها عطارد ثم أخبر عليه السلام أن ذلك حكم جار في كل حلة حرير وأخبر أن ذلك الحكم لا يتعدى إلى غير نوع اللباس، وهذا هو نص قولنا في عموم الحكم وإبطال القياس.

is He, also informed us that He is pleased with the actions of His Prophet ﷺ and that he is guided with what his Lord, exalted is He, wills in them, since He, mighty and majestic, encourages taking him ﷺ as an example. Once it was established that all this comes from Allah, exalted is He, and we found that He, exalted is He, had informed us that there is no disagreement in what comes from Him, exalted is He, it was established that there is neither conflict nor disagreement in anything in the Quran and authentic hadith, and that all of it is necessarily in agreement, as we have said. The position of anyone who sought to set hadiths against one another, or to set hadith against the Quran, was thereby invalidated. It was established that nothing in all this contradicts the rest, whether someone knows this or remains ignorant of it. Nevertheless, the procedure we have mentioned is what is established by the immediate apprehension of reason, to which the meaning of the language in which we are addressed in the Quran and hadith leads. Success is through Allah, exalted is He. All of this is like a single expression and a single report, its parts connected to one another, joined to one another, and built upon one another, either by conjunction or by exception. These two modes—we mean conjunction and exception—always require adopting the additional provision. The Messenger of Allah ﷺ explained this in the matter of ʿUtarid's suit of clothes, when he said to ʿUmar, may Allah be pleased with him, "Only someone who has no share wears this." He then sent ʿUmar a striped silk suit, and ʿUmar came to him and said, "O Messenger of Allah, have you sent this to me when you said what you said about ʿUtarid's suit?" He ﷺ replied, "I did not send it to you for you to wear it." In some hadiths: "I sent it to you only so that you could meet your need through it," or words to this effect. This hadith contains an important lesson in applying hadiths and scriptural texts and adopting all of them. For he ﷺ permitted owning the silk suit, selling it, giving it as a gift, and clothing women in it. He instructed ʿUmar to except from this only the wearing mentioned in the hadith containing the prohibition, and not to extend what he had commanded to anything else, and that there is no conflict between his ﷺ rulings. ʿAli said: This hadith also invalidates analogy, because ʿUmar, may Allah be pleased with him, wished to extend the ruling prohibiting wearing it to all the other ways of benefiting from it, but the Messenger of Allah ﷺ informed him that this was invalid.

It also establishes that his ﷺ ruling concerning a particular object is a ruling concerning the entire kind to which that object belongs. For the discussion concerned only a striped silk suit that ʿUtarid was selling; then he ﷺ explained that this ruling applies to every suit of silk, and explained that this ruling does not extend beyond the category of wearing. This is precisely our position concerning the general applicability of a ruling and the invalidation of analogy.[157][158][159]

L465–469 ʿAli said: Some people have applied certain modes that we have mentioned where they do not belong. We shall point this out and show a portion of it, so that the seeker of knowledge may recognize the rest when it comes before him, if Allah, mighty and majestic, wills. My success is only through Allah. We have said that two hadiths are to be applied, when one encompasses fewer meanings than the other, by excepting the narrower from the broader: the one encompassing fewer meanings is applied in its general scope, while the one encompassing more meanings is applied apart from what we have excluded from it through the aforementioned exception, as we explained previously. Now, a hadith of the Prophet ﷺ has been transmitted containing a prohibition against facing the direction of prayer or turning one's back toward it when urinating or defecating. A hadith has also been transmitted from Ibn ʿUmar that he looked out from a rooftop and saw the Messenger of Allah ﷺ sitting on two bricks to relieve himself, with his back toward the direction of prayer. ʿAli said: Some people therefore said, "We consider turning one's back toward the direction of prayer and facing it permissible inside buildings, and prohibit this in open country." ʿAli said: They erred in two respects. The first is their arbitrary distinction between buildings and elsewhere: neither hadith contains any explicit statement or evidence for this. Indeed, we find that Abu Ayyub al-Ansari, who was one of the trans-

قال علي: وقد استعمل قوم بعض الوجوه الذي ذكرنا في غير موضعه، ونحن نوقف على ذلك ونرى منه طرفا ليتنبه الطالب للعلم على سائره إذا ما ورد عليه إن شاء الله عز وجل، وما توفيقي إلا بالله. وذلك أننا قد قلنا باستعمال الحديثين إذا كان أحدهما أقل معاني من الآخر، بأن يستثنى الأقل من الأكثر، فيستعمل الأقل معاني على عمومه، ويستعمل الأكثر معاني حاشا ما أخرجنا منه بالاستثناء المذكور على ما بينا قبل فورد حديث النبي صلى الله عليه وسلم فيه النهي عن استقبال القبلة واستدبارها لبول أو غائط، وورد حديث عن ابن عمر أنه أشرف على سطح فنظر إلى رسول الله صلى الله عليه وسلم قاعدا لحاجته على لبنتين وهو مستدبر القبلة. قال علي: فقال قوم: نستبيح استدبار القبلة واستقبالها في البنيان، ونمنع منه في الصحارى. قال علي: وأخطؤوا من وجهين: أحدهما، تحكمهم في الفرق بين البنيان وغيره وليس في شيء من الحديثين نص ولا دليل على ذلك، بل وجدنا أبا أيوب الأنصاري وهو بعض رواة حديث النهي قد أنكر ذلك في البيوت، فلو عكس عاكس فقال: بل يستباح ذلك في الصحارى ولا يستباح في البنيان، هل كان يكون بينهم وبينه فرق؟ ومثل هذا في دين الله تعالى لا يستسله ولا يتمادى عليه بعد أن يوقف عليه ذو ورع لقوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} مع آيات كثيرة تزجر عن ذلك وليس في حديث ابن عمر أن النبيصلى الله عليه وسلم كان في بنيان بل قد وصفت عائشة رضي الله عنها أنهم كانوا يأنفون من

[157] **Translator's note (L460):** The singular "it must be lawful" follows the Arabic singular حلالا; the argument concerns both excrement and wine.

[158] **Translator's note (L462):** The opening continues the preceding segment's statement that the Prophet is guided to accord with his Lord's will in his actions. "A striped silk suit" renders ḥullah siyarāʾ, a technical garment designation.

[159] **Qur'an references (L460):** Qur'an 53:4 (An-Najm); Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 4:82 (An-Nisa).

mitters of the hadith containing the prohibition, objected to this in houses. If someone reversed their position and said, "Rather, this is permissible in open country and is not permissible inside buildings," would there be any difference between them and him? No person of religious scrupulousness would treat such a thing lightly in the religion of Allah, exalted is He, or persist in it after it had been pointed out to him, because of His saying, exalted is He: "Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about," together with many verses that forbid this. Nor does Ibn ʿUmar's hadith state that the Prophet ﷺ was inside a building. Rather, ʿA'ishah, may Allah be pleased with her, described how they disdained installing privies in houses and used to go outside their dwellings to relieve themselves. The authentic report states that when he ﷺ wished to relieve himself, he would go far away. No one can say that when Ibn ʿUmar looked out from the rooftop he saw him inside a building without engaging in conjectural divination. That is one respect. The second is that, even if it were established that he ﷺ was inside a building, that hadith concerns only turning one's back toward it. On what basis, then, did they deem facing the direction of prayer while defecating lawful, when they have no explicit text concerning it? If some of what is mentioned in a hadith is abrogated or rendered specific, it does not follow that the remainder must be abrogated or abandoned. If they say, "Rather, its remainder is to be abandoned," they would be ruling arbitrarily in religion and setting aside Allah's ordinances, exalted is He, without evidence. We shall discuss this matter exhaustively in the chapter on specificity or abrogation in this book of ours, if Allah, mighty and majestic, wills. They would also be obliged to say that, when the Prophet ﷺ prohibited a prostitute's fee, a soothsayer's payment, the price of a dog, and a cupper's earnings, and then permitted a cupper's earnings, the payment of a soothsayer, a prostitute's fee, and the price of a dog must be deemed permissible, because all this is mentioned in a single hadith; otherwise they would be contradicting themselves. ʿAli said: The way to apply these two hadiths is to adopt the additional provision. Undoubtedly, the original state was that everyone could sit as he wished to relieve himself. Ibn ʿUmar's hadith thus accords with what people were doing before the prohibition was transmitted. That prohibition then

اتخاذ الكنف في البيوت، وأنهم كانوا يتبرزون خارج المنازل والرواية الصحيحة أنه عليه السلام كان إذا أراد أن يتبرز أبعد وليس لأحد أن يقول: إن ابن عمر إذا أشرف من السطح رآه في بنيان إلا كان متكهنا فهذا وجه. والوجه الثاني: أنه حتى لو صح أنه عليه السلام كان في بنيان فليس في ذلك الحديث إلا الاستدبار وحده، فبأي شيء استحلوا استقبال القبلة بالغائط، ولا نص عندهم فيه؟ وليس إذا نسخ أو خص بعض ما ذكر في الحديث وجب أن ينسخ أو يترك سائره، فإن قالوا: بل يترك سائره كانوا متحكمين في الدين، ومسقطين لشرائع الله تعالى بلا دليل، وسنستوعب الكلام في هذا الفصل في باب الخصوص أو النسخ من كتابنا هذا إن شاء الله عز وجل ولزمهم أيضا أن يقولوا إن النبيصلى الله عليه وسلم لما نهى عن مهر البغي وحلوان الكاهن وثمن الكلب وكسب الحجام، ثم أباح كسب الحجام، أن يستباح حلوان الكاهن ومهر البغي وثمن الكلب، لأن كل ذلك مذكور في حديث واحد، وإلا كانوا متناقضين. قال علي: ووجه العمل في هذين الحديثين، هو الأخذ بالزائد، وقد كان الأصل بلا شك أن يجلس كل أحد لحاجته كما يشاء، فحديث ابن عمر موافق لما كان الناس عليه قبل ورود النهي، ثم صار ذلك النهي رافعا لتلك الإباحة بيقين، ولا يقين عندنا أنسخ شيء من ذلك النهي أم لا؟ فحرام أن نترك يقينا لشك، وأن نخالف حقيقة لظن، وليس لأحد أن يقول: إن حديث ابن عمر متأخر، إلا لكان لغيره، أن يقول بل حديث النهي هو المتأخر، لأنه قد رواه سليمان، وإسلامه في سنة الخندق، وأبو هريرة وإسلامه بعد انقضاء فتح خيبر، إلا أن النهي شريعة واردة رافعة لما كان الناس عليه من إباحة ذلك بيقين، ولا يقين عندنا في أن الإباحة عادت بعد ارتفاعها، ولو صح أن حديث ابن عمر كان متأخرا ما كان فيه إلا رفع النهي عن استدبار القبلة فقط وليبق استقبالها على التحريم

certainly superseded that permissibility. We have no certainty whether any part of that prohibition was abrogated or not. It is therefore forbidden for us to abandon certainty for doubt, or to depart from established truth on account of conjecture. No one can say that Ibn ʿUmar's hadith is later without someone else being equally entitled to say, "Rather, the hadith containing the prohibition is later, because Sulayman transmitted it, and his conversion to Islam was in the year of the Trench, as did Abu Hurayrah, whose conversion to Islam occurred after the conquest of Khaybar had concluded." Nevertheless, the prohibition is a transmitted ordinance that certainly supersedes the permissibility under which people had previously acted, whereas we have no certainty that permissibility returned after it had been removed. Even if it were established that Ibn ʿUmar's hadith was later, it would contain only the lifting of the prohibition against turning one's back toward the direction of prayer. Facing it would remain prohibited.[160][161][162]

L470 **[Section completing the discussion of conflict between scriptural texts]**

L471–477 ʿAli said: Some of our companions have adopted the position that both hadiths should be abandoned when one prohibits and the other permits, or when one imposes an obligation and the other removes it. The proponent says, "One then returns to the state we would have been in had those two hadiths not been transmitted." ʿAli said: This is erroneous in several respects. The first is that we have attained certainty that hadiths do not conflict, on the basis of His saying, exalted is He, which we have already cited: "Do they not reflect upon the Quran? Had it been from someone other than Allah, they would have found much disagreement in it," together with His informing us, exalted is He, that everything His Prophet ﷺ said is revelation. It

[160] **Translator's note (L466):** The form يستسله is awkward and appears defective; "would treat … lightly" reflects the likely intended sense of يستسهله. "Engaging in conjectural divination" preserves the polemical force of متكهنا, literally acting as a soothsayer.

[161] **Translator's note (L469):** The supplied text names سليمان, "Sulayman." This appears to be an error for Salman, but the supplied name has been retained. The accompanying statement about the date of his conversion is also retained as the author's claim.

[162] **Qur'an references (L465):** Qur'an 17:36 (Al-Isra).

[فصل في تمام الكلام في تعارض النصوص]

قال علي وذهب بعض أصحابنا إلى ترك الحديثين إذا كان أحدهما حاظرا والآخر مبيحا، أو كان أحدهما موجبا والآخر مسقطا. قال: فيرجع حينئذ إلى ما كنا نكون عليه لو لم يرد ذانك الحديثان قال علي وهذا خطأ من جهات أحدها أننا قد أيقنا أن الأحاديث لا تتعارض لما قد قدمنا من قوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} مع إخباره تعالى أن كل ما قال نبيه صلى الله عليه وسلم فإنه وحي فبطل أن يكون في شيء من النصوص تعارض أصلا، وإذا بطل التعارض فقد بطل الحكم الذي يوجبه التعارض، إذ كل شيء بطل سببه فالمسبب من السبب الباطل باطل بضرورة الحس والمشاهدة. والثاني: أنهم يتركون كلا الخبرين والحق في أحدهما بلا شك، فإذا تركوهما جميعا فقد تركوا الحق يقينا في أحدهما، ولا يحل لأحد أن يترك الحق اليقين أصلا. والثالث: أنهم لا يفعلون ذلك في الآيتين اللتين إحداهما حاظرة والأخرى مبيحة، أو إحداهما موجبة والثانية

is therefore untenable that there should be any conflict at all in any of the scriptural texts. Once conflict is ruled out, the ruling entailed by conflict is likewise ruled out, since whenever the cause of anything is invalidated, the effect arising from that invalid cause is itself invalid, as necessarily established by sense perception and observation. The second is that they abandon both reports, and the truth undoubtedly lies in one of them. Thus, when they abandon both together, they have certainly abandoned the truth in one of them; and it is never lawful for anyone to abandon certain truth. Third, they do not do this with two verses, one of which prohibits while the other permits, or one of which imposes an obligation while the second negates it. Instead, they adopt the additional ruling and except the lesser from the greater. We have already explained that there is no difference between the obligation to follow what occurs in the Quran and the obligation to follow what occurs in the speech of the Prophet ﷺ. Ali said: Their argument for this was that they said: "One of the two reports undoubtedly abrogates the other, but we do not know which one it is. Since we do not know it, we may not venture upon it without knowledge, thereby falling under His saying, exalted is He: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about it.}" Ali said: This argument is unsound in two respects. First, the same consequence would bind them concerning the two verses, yet they do not do that. Second, it is impermissible to say of any report or verse, "This is abrogated," except with certainty. Ali said: Sufficient to invalidate this argument of theirs is that we are certain that the ruling additional to the previously established original state removes the practice people followed before its arrival. It is therefore undoubtedly the abrogating ruling. We are uncertain whether that ruling has been abrogated by another ruling that returns us to our former state or not. It is therefore forbidden to abandon certainty for doubts. Through Allah Most High comes success. Ali said: The mind of Abu Bakr Muhammed ibn Dawud—may Allah have mercy on him—inclined toward the position we have adopted, but he—may Allah have mercy on him—was taken by death before examining it thoroughly. For he said in The Book of Attainment: "Acting upon two conflicting reports is like acting upon two verses; there is no difference." Ali said: Some adherents of analogy said: "We

نافية، بل يأخذون بالحكم الزائد ويستثنون الأقل من الأكثر، وقد بينا فيما سلف أنه لا فرق بين وجوب ما جاء في القرآن وبين وجوب ما جاء في كلام النبيصلى الله عليه وسلم قال علي كان حجتهم في ذلك أن قالوا إن أحد الخبرين ناسخ بلا شك، ولسنا نعلمه بعينه، فلما نعلمه لم يجز لنا أن نقدم عليه بغير علم فيدخل في قوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} قال علي وهذه الحجة فاسدة من وجهين أحدهما أنه يلزمهم مثل ذلك الآيتين وهم لا يفعلون ذلك. والوجه الثاني: أنه لا يجوز أن يقال في خبر ولا آية: إن هذا منسوخ إلا بيقين. قال علي: ويكفي من بطلان هذا الذي احتجوا به أننا على يقين من أن الحكم الزائد على معهود الأصل رافع لما كان الناس عليه قبل وروده، فهو الناسخ بلا شك، ونحن على شك من هل نسخ ذلك الحكم بحكم آخر يردنا إلى ما كنا عليه أو لا؟ فحرام ترك اليقين للشكوك. وبالله تعالى التوفيق. قال علي: وقد اضطرب خاطر أبي بكر محمد بن داود رحمه الله إلى ما ذهبنا إليه إلا أنه رحمه الله اخترم قبل إنعام النظر في ذلك، وذلك أنه قال في كتاب الوصول والعمل في الخبرين المتعارضين كالعمل في الآيتين ولا فرق. قال علي: وقال بعض أهل القياس: نأخذ بأشبه الخبرين بالكتاب والسنة. قال علي: وهذا باطل، لأنه ليس الذي ردوا إليه حكم هذين الخبرين أولى بأن يأخذ به من الخبرين المردودين إليه، بل النصوص كلها سواء في وجوب الأخذ بها، والطاعة لها، فإذ قد صح ذلك بيقين، فما الذي جعل بعضها مردودا وبعضها مردودا إليه، وما الذي أوجب أن يكون بعضها أصلا وبعضها فرعا، وبعضها حاكما وبعضها محكوما فيه؟ فإن قال: الاختلاف الواقع في هذين هو الذي حط درجتهما إلى أن يعرضا على غيرهما. قال علي: وهذه دعوى مفتقرة إلى برهان، لأنه ليس الاختلاف موجبا لكونهما معروضين على غيرهما، لأن الاختلاف باطل، فظنهم أنه اختلاف ظن فاسد يكذبه قول الله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله

adopt whichever of the two reports more closely resembles the Book and the Sunnah." Ali said: This is invalid, because that to which they have referred the determination of these two reports is no more entitled to be adopted than the two reports referred to it. Rather, all the texts are equal in the obligation to adopt them and to obey them. Since this has been established with certainty, what makes some of them subject to referral and others the authorities to which they are referred? What requires some to be foundational and others derivative, some to judge and others to be judged? If someone says, "The disagreement occurring between these two is what lowers their standing so that they must be submitted to other texts," Ali said: This is a claim requiring demonstration. Disagreement does not require that they be submitted to other texts, because the disagreement is invalid. Their supposition that there is disagreement is a corrupt supposition contradicted by the saying of Allah, mighty and majestic: {Do they not reflect upon the Quran? Had it been from other than Allah, they would have found much disagreement in it.} Since Allah Most High has invalidated the disagreement that they made the cause for submitting the two reports to another Sunnah or another verse, its effect, namely that submission, must necessarily be invalidated. This is a necessary demonstration. Through Allah Most High comes success. Ali said: Since all the texts are equal with respect to the obligation to adopt them, it is impermissible to strengthen one through another. That is merely a matter of putting the mind at ease, and this is invalid juristic preference, which some of them have condemned in others. Ali said: Some adherents of analogy have preferred one report over another on invalid grounds of preference. We shall mention them, if Allah Most High wills, and explain their errors concerning them through the might and power of Allah Most High. Among these is their statement: "If one of the two reports is acted upon and the other is not acted upon, we thereby prefer the report acted upon over the one not acted upon." Ali said: This is invalid for reasons we shall mention, if Allah Most High wills, later in a section refuting those who invoke the practice of the people of Medina as evidence. Here, however, we state in general: Before a report is acted upon, it must be either true and binding or false. If it is true and binding, acting upon it adds nothing to its strength, because one truth cannot be truer than another truth in respect of its being true. If it is false,

لوجدوا فيه ختلافا كثيرا} فإذ قد أبطل الله تعالى الاختلاف الذي جعلوه سببا لعرض الحديثين على سنة أخرى أو آية أخرى، فقد وجب ضرورة أن يبطل مسببه الذي هو العرض، وهذا برهان ضروري، وبالله تعالى التوفيق. قال علي: وإذا كانت النصوص كلها سواء في باب وجوب الأخذ بها، فلا يجوز تقوية أحدها بالآخر، وإنما ذلك من باب طيب النفس، وهذا هو الاستحسان الباطل وقد أنكره بعضهم على بعض. قال علي: وقد رجح بعض أصحاب القياس أحد الخبرين على الآخر بترجيحات فاسدة، نذكرها إن شاء الله تعالى، ونبين غلطهم فيها بحول الله تعالى وقوته. فمن ذلك أن قالوا: إن كان أحد الخبرين معمولا به والآخر غير معمول به رجحنا بذلك الخبر المعمول به على غير المعمول به. قال علي: وهذا باطل لما نذكره إن شاء الله تعالى بعد هذا في فصل فيه إبطال قوم من احتج بعمل أهل المدينة إلا أننا نقول ها هنا جملة: لا يخلو الخبر قبل أن يعمل به من أن يكون حقا واجبا أو باطلا، فإن كان حقا واجبا لم يزده العمل به قوة، لأنه لا يمكن أن يكون حق أحق من حق آخر في أنه حق، وإن كان باطلا فالباطل لا يحققه أن يعمل به. قال علي: واحتج بعضهم في وجوب ترجيح أحد الخبرين على الآخر.

acting upon falsehood does not make it true. Ali said: Some of them argued for the obligation to prefer one of the two reports over the other[163][164][165]

L478–479 by saying: “Just as we prefer one of two bodies of testimony over the other when they conflict, sometimes by drawing lots and sometimes on the basis of possession.” Ali said: This is applying one error to another error. We do not agree with them in preferring one body of testimony over another, whether on the basis of possession or by drawing lots, because neither a text nor consensus requires this. Furthermore, even if preferring one of two bodies of testimony over the other were valid, this would not be permissible with the two reports, because this is analogy, and analogy is invalid. Furthermore, even if preferring one of two bodies of testimony over the other were valid, and analogy were valid, preferring one of the two reports over the other would still be impermissible. For disagreement between the two reports is invalid, and conflict between them is excluded by His saying, exalted is He, which we have mentioned: {Do they not reflect upon the Quran? Had it been from other than Allah, they would have found much disagreement in it.} It is also excluded by His declaration, exalted is He, that the speech of His Prophet ﷺ is all revelation. As for the two bodies of testimony, conflict between them does occur, and disagreement between them is possible. Ali said: They said: “If one of the two reports prohibits and the other permits, we adopt the prohibiting report and leave the permitting report.” Ali said: This is an error, because it is arbitrary judgment without demonstration. If someone were to reverse it and say, “Rather, we adopt the permitting report

فقال: كما نرجح إحدى البينتين على الأخرى إذا تعارضتا مرة بالقرعة ومرة باليد. قال علي: وهذا هو عكس الخطأ على الخطأ ولسنا نساعدهم على ترجيح بينة على أخرى لا بيد ولا بقرعة، لأن ذلك لم يوجبه نص ولا إجماع. وأيضا: فحتى لو صح ترجيح إحدى البينتين على الأخرى لما جاز ذلك في الحديثين، لأن هذا قياس والقياس باطل، وأيضا فحتى لو صح ترجيح إحدى البينتين على الأخرى وكان القياس حقا، لكان ترجيح الحديثين أحدهما على الآخر لا يجوز لأن الاختلاف في الحديثين باطل، والتعارض عنهما منفي بما ذكرنا من قوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وبإخباره تعالى أن كلام نبيه صلى الله عليه وسلم وحي كله وأما البينتان فالتعارض فيهما موجود، والاختلاف فيهما ممكن. قال علي: وقالوا إن كان أحد الخبرين حاظرا والآخر مبيحا فإنما نأخذ بالحاظر وندع المبيح. قال علي: وهذا خطأ لأنه تحكم بلا برهان، ولو عكس عاكس فقال: بل نأخذ بالمبيح لقوله تعالى {وجاهدوا في لله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} ولقوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} ولقوله تعالى {يريد لله أن يخفف عنكم وخلق لإنسان ضعيفا} أما كان يكون قوله أقوى من قولهم؟ ولكنا لا نقول ذلك، بل نقول: إن كل أمر من الله تعالى لنا فهو يسر، وهو رفع الحرج، وهو التخفيف، ولا يسر ولا تخفيف ولا رفع

[163] **Translator’s note (L474):** The wording فلما نعلمه is syntactically awkward here. The translation follows the immediately preceding explicit statement that they do not know which report abrogates the other; the transmitted wording may be defective. The Quran quotation, corresponding to 17:36, contains apparent transcriptional omissions of initial alifs in several words. These do not alter its recoverable meaning. كتاب الوصول is rendered literally as “The Book of Attainment,” preserving the supplied title.

[164] **Translator’s note (L477):** “Juristic preference” renders الاستحسان, the technical term often transliterated as istiḥsān. The Quran quotation, corresponding to 4:82, contains apparent transcriptional omissions of initial alifs; its recoverable meaning is retained. The phrase إبطال قوم من احتج is grammatically awkward. It is understood here as a refutation of those who argue from the practice of the people of Medina.

[165] **Qur’an references (L471):** Qur’an 4:82 (An-Nisa); Qur’an 17:36 (Al-Isra).

because of His saying, exalted is He: {Strive for Allah with the striving due to Him. He has chosen you and has placed no hardship upon you in religion—the religion of your father Abraham. He named you Muslims before and in this, so that the Messenger might be a witness over you and you might be witnesses over the people. So establish prayer, give the prescribed alms, and hold fast to Allah. He is your Patron: how excellent the Patron and how excellent the Helper!} And because of His saying, exalted is He: {The month of Ramadan, in which the Quran was sent down as guidance for the people and clear proofs of guidance and the criterion. Whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that perhaps you may give thanks.} And because of His saying, exalted is He: {Allah desires to lighten your burden, and the human being was created weak}"—would his statement not be stronger than theirs? Yet we do not say this. Rather, we say that every command Allah Most High gives us is ease, the removal of hardship, and the lightening of burdens. No ease, lightening of burdens, or removal of hardship is greater than something that leads to Paradise and saves from Hell, whether it is a prohibition or a permission, even if it entails killing oneself, children, and fathers. Ali said: What they say is also invalidated by his saying ﷺ: "When I forbid you something, avoid it; and when I command you to do something, do as much of it as you can."[166][167][168]

حرج أعظم من شيء أدى إلى الجنة ونجى من جهنم، وسواء كان حظرا أو إباحة، ولو أنه قتل الأنفس والأبناء والآباء قال علي ويبطل ما قالوا أيضا بقوله عليه السلام إذا نهيتكم عن شيء فاجتنبوه وإذا أمرتكم بشيء فأتوا منه ما استطعتم

[166] **Translator's note (L478):** "Possession" renders اليد, literally "the hand," in its legal sense. عكس الخطأ على الخطأ is an unusual expression, literally suggesting turning or reflecting error upon error; the translation preserves its polemical sense of using one erroneous position to support another.

[167] **Translator's note (L479):** The Quran quotations correspond to 4:82, 22:78, 2:185, and 4:28. They contain numerous apparent transcriptional omissions of initial alifs, but no recoverable substantive wording has been replaced. In the quotation from 2:185, "then a number of other days" preserves the supplied elliptical wording without inserting an explicit command to fast. قتل الأنفس can mean killing persons or killing oneself; the latter is adopted here, but the Arabic does not explicitly supply a possessive.

[168] **Qur'an references (L478):** Qur'an 4:82 (An-Nisa); Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah).

L480–494

Ali said: Thus he ﷺ made obligatory, of action, as much as capacity extends to, and allowed nothing of it to be left undone except what lay beyond one's ability and what one was incapable of doing, and that alone. Some people have supposed that this report gives greater emphasis to prohibition than to command. Ali said: This is a corrupt supposition, because avoidance is refraining, and no one is incapable of refraining. As for action, it is a movement involving exertion, or abstention from the eating and drinking that nature demands. This involves effort, and a person may be incapable of much of it. We have therefore been charged with all of it that lies within our capacity, and nothing of it has been waived for us except what we lack the ability to perform. This is the explicit wording of the hadith for anyone who considers it carefully and does not divert it from the meaning of its words. Thus the equal standing of command and prohibition is established, as is the obligation to obey prohibition and permission alike. The prohibiting text is no more emphatic than the permitting text, nor is the permitting text more emphatic than the prohibiting text.

Ali said: They also said: "We give preference on the grounds that the transmitter of one of the two reports is more accurate in retention and more proficient."

Ali said: This too is erroneous, in view of our earlier refutation in this chapter of the position of anyone who sought to give preference to a report on the grounds that one person is more upright than another. That dispenses with repeating it. Here, however, we say that this that that they have said is a claim for which there is no demonstration from an authoritative text or consensus. Whatever is of this kind is invalid.

Ali said: They said: "We give preference to one of the two reports on the grounds that a group transmitted it, whereas one person transmitted the other."

Ali said: We have already refuted this earlier in this chapter: those who maintain it have abandoned the apparent meaning of the Quran, which all the inhabitants of the earth transmitted, for a report transmitted by one person. We illustrated this by their prohibition of marrying a woman together with

قال علي فأوجب عليه السلام من الفعل ما انتهت إليه الطاقة ولم يفسح في ترك شيء منه إلا ما خرج عن الاستطاعة، ووقع العجز عنه فقط، وقد ظن قوم أن هذا الحديث مؤكد للنهي عن الأمر. قال علي: وهذا ظن فاسد لأن الاجتناب ترك، والترك لا يعجز عنه أحد، وأما العمل فهو حركة لها كلفة أو إمساك عما تقتضيه الطبيعة من الأكل والشرب، وفي ذلك تكلف، وربما يعجز المرء عن كثير منه، فكلفنا من ذلك كل ما انتهى إليه الوسع، ولم يسقط عنا منه شيء إلا لم يكن بنا طاقة على فعله، هذا نص الحديث لمن تأمله ولم يحله عن مفهوم لفظه، فصح بذلك التسوية بين الأمر والنهي، وإيجاب الطاعة للحظر والإباحة على السواء، فليس الحاظر بأوكد من المبيح، ولا المبيح بأوكد من الحاظر. قال علي: وقالوا: نرجح أيضا بأن يكون راوي أحد الخبرين أضبط وأتقن. قال علي: هذا أيضا خطأ بما قد أبطلنا فيما سلف من هذا الباب قول من رام ترجيح الخبر بأن فلانا أعدل من فلان، فأغنى ذلك عن إعادته، ولكنا نقول ههنا: إن هذا الذي الذي قالوا دعوى لا برهان عليها من نص ولا إجماع وما كان كذلك فهو ساقط. قال علي: وقالوا نرجح أحد الخبرين بأن يكون رواه جماعة، وروى الآخر واحد. قال علي: وقد أبطلنا هذا فيما سلف من هذا الباب بأن القائلين بذلك قد تركوا ظاهر القرآن الذي نقله أهل الأرض كلهم لخبر نقله واحد، ومثلنا ذلك بتحريمهم الجمع بين المرأة وعمتها، وقطعهم السارق في ربع دينار ولا يقطعونه في أقل، ويرجمون المحصن ومثل هذا كثير، وبينا فيما خلا أن خبر الواحد وخبر الجماعة سواء في باب وجوب العمل بهما، وفي القطع بأنهما حق ولا فرق. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما قصد به بيان الحكم، والآخر لم يقصد به الحكم، ومثلوا ذلك بالنهي عن جلود السباع مع قوله عليه السلام إذا دبغ الإهاب فقد طهر قال علي أما هذا الترجيح فصحيح، لأن الحديث إذا لم يقصد به بيان الحكم فلا إشكال فيه في أنه خلاف الذي قصد به بيان الحكم، وأما الحديثان اللذان ذكروا فليسا واقعين تحت هذه

her paternal aunt, their cutting off the thief's hand for a quarter of a dinar while not cutting it off for less, and their stoning the person possessing protected marital status. There are many such examples. We have previously explained that a report transmitted by one person and a report transmitted by a group are equal with respect to the obligation to act upon them and to the certainty that both are true, without any difference.

They said: "We give preference to one of the two reports on the grounds that one was intended to explain the ruling, whereas the other was not intended to address the ruling." They illustrated this with the prohibition concerning the hides of predatory animals alongside his saying ﷺ: "When a hide has been tanned, it has become pure."

Ali said: This preference is sound, because when a hadith was not intended to explain the ruling, there is no difficulty in its differing from the one intended to explain the ruling. As for the two hadiths they mentioned, however, they do not fall under this category that they mentioned. Rather, each of the two hadiths mentioned is intended to explain the ruling. The correct parallel here is something like his command ﷺ that, when someone in a state of pilgrimage consecration dies, he should be shrouded in his two garments, should not come into contact with perfume, and should have neither his face nor his head covered. This was intended to explain the ruling governing the procedure for shrouding someone in a state of pilgrimage consecration. It therefore takes precedence over someone who prohibits that on the basis of the reported saying of his ﷺ: "When a human being dies, his deeds cease except for three." For this hadith was not intended to explain the ruling governing our own conduct toward someone who has died, whether in a state of pilgrimage consecration or otherwise. Furthermore, the hadith prohibiting the hides of predatory animals is not authentic. Even if it were authentic, when their hides have been tanned they would have to be excepted from all the other hides of predatory animals that have not been tanned, because the tanned ones are fewer than the untanned ones.

They said: "We give preference to one of the two reports on the grounds that the transmitter of one personally participated in the matter he reported, whereas the transmitter of the other did not participate in it. The transmis-

الجملة التي ذكروا، بل كل واحد من الحديثين المذكورين فهو مقصود به بيان الحكم والتنظير الصحيح ههنا هو مثل أمره صلى الله عليه وسلم بأن يكفن المحرم إذا مات في ثوبيه وألا يمس طيبا ولا يغطي وجهه ولا رأسه، فهذا قصد به بيان حكم العمل في تكفين المحرم فهو أولى من منع من ذلك بما روي من قوله صلى الله عليه وسلم إذا مات الإنسان انقطع عمله إلا من ثلاث لأن هذا الحديث لم يقصد به بيان حكم عملنا نحن فيمن مات من محرم أو غيره، وأيضا فحديث النهي عن جلود السباع لا يصح، ولو صح لكانت إذ دبغت جلودها يجب أن تستثنى من سائر الجلود السبعية التي لم تدبغ، لأن المدبوغة منها أقل من غير المدبوغة. وقالوا: ونرجح أحد الخبرين بأن يكون راوي أحدهما باشر الأمر الذي حدث به بنفسه وراوي الآخر لم يباشره، فتكون رواية من باشر أولى، ومثلوا ذلك بالرواية عن ميمونة نكحني رسول الله صلى الله عليه وسلم ونحن حلالان وبالرواية عن ابن عباس نكح رسول الله صلى الله عليه وسلم ميمونة وهو محرم قال علي وهذا ترجيح صحيح، لأنا قد تيقنا أن من لم يحضر الخبر إنما نقله غيره، ولا ندري عمن نقله، ولا تقوم الحجة بمجهول، ولا شك في أن كل أحد أعلم بما شاهد من أمر نفسه قال علي إلا أن قائل هذا قد نسي نفسه فتناقض، وهدم ما بنى في قوله: نرجح الخبر بأن يكون راويه أضبط وأتقن، وتركوا ذلك في هذا المكان، وقد قال الأكابر من أصحاب ابن عباس رحمة الله عليه إذ حدثوا بحديث ميمونة المذكور وإنما رواه عنها يزيد بن الأصم فقالوا: كلا لا نترك حديثا حدثناه البحر عبد الله بن العباس لحديث رواه أعرابي بوال على عقبيه. قال علي: فإن كان كون أحد الرواة أعدل واجبا أن نترك له رواية من دونه في العدالة، فليتركوا ها هنا رواية يزيد بن الأصم لرواية ابن عباس، فلا خلاف عند من له أدنى مسكة عقل أن البون بين ابن عباس وبين يزيد بن الأصم، كما بين السماء والأرض، وإن كان لا معنى لذلك،

sion of the participant therefore takes precedence." They illustrated this with the report from Maymunah: "The Messenger of Allah ﷺ married me while we were both outside a state of pilgrimage consecration," and the report from Ibn Abbas: "The Messenger of Allah ﷺ married Maymunah while he was in a state of pilgrimage consecration."

Ali said: This is a sound preference, because we know with certainty that someone who was not present at the event only transmitted it through someone else, and we do not know from whom he transmitted it. Proof cannot be established through an unidentified person. There is no doubt that everyone knows best what he personally witnessed concerning his own affairs.

Ali said: Yet the proponent of this has forgotten himself, contradicted himself, and demolished what he built when he said: "We give preference to the report on the grounds that its transmitter is more accurate in retention and more proficient." They abandoned that here. The foremost companions of Ibn Abbas—may Allah have mercy upon him—when told the aforementioned hadith of Maymunah, which Yazid ibn al-Asamm transmitted from her, said: "Certainly not! We will not abandon a hadith related to us by the ocean of learning, Abd Allah ibn al-Abbas, for a hadith transmitted by a Bedouin who urinates on his heels."

Ali said: If one transmitter's being more upright obliges us to abandon, on his account, the transmission of someone inferior to him in uprightness, then let them abandon here the transmission of Yazid ibn al-Asamm for the transmission of Ibn Abbas. No one possessing the slightest measure of reason disputes that the distance between Ibn Abbas and Yazid ibn al-Asamm is like that between heaven and earth. But if that has no significance, then do not give preference on the grounds that one of the two transmitters is more upright.

Abu Muhammed said: They also forgot themselves and abandoned the basis on which they gave preference here—favoring the transmission of someone who personally participated over that of someone who did not—in the statement of Anas: "I myself heard the Messenger of Allah ﷺ, with my knee touching his knee while I was beside him, riding behind Abu Talhah, as he

فلا ترجحوا بكون أحد الراويين أعدل. قال أبو محمد: ونسوا أنفسهم أيضا، فتركوا ما رجحوا به ها هنا من تغليب رواية من باشر على رواية من لم يباشر في قول أنس أنا سمعت رسول الله صلى الله عليه وسلم وركبتي تمس ركبته وأنا إلى جنبه رديف لأبي طلحة وهو عليه السلام يقول لبيك عمرة وحجا لبيك عمرة وحجا وفي قول البراء بن عازب إذ يقول سألت رسول الله صلى الله عليه وسلم عن كيفية حجه فقال له رسول الله صلى الله عليه وسلم إني سقت الهدي وقرنت وفي قول حفصة أم المؤمنين له لم تحل من عمرتك فصدقها النبي صلى الله عليه وسلم في ذلك وبين عليها لم فعل ذلك فتركوا ما سمع أنس بن مالك من لفظ رسول الله صلى الله عليه وسلم وما أخبر به رسول الله صلى الله عليه وسلم عن نفسه لكلام عن عائشة لم تدع أنها سمعته، وقد اضطرب عنها أيضا فيه، فروي عنها مثل ما قال أنس والبراء وحفصة رضي الله عن جميعهم، ولكلام عن جابر لم يدع أنه سمعه، وهو مع ذلك أيضا يحتمل التأويل، وقد اضطرب عنه أيضا في ذلك ولا شك عند ذي عقل أنه عليه السلام أعلم بأمر نفسه من جابر وعائشة وأن أنسا والبراء وحفصة الذين ذكروا أنهم سمعوا من لفظه صلى الله عليه وسلم ذلك وباشروه يقول ذلك أيقن من جابر فيما لم يدع أنه سمعه، ولكن هكذا يكون من اعتقد قولا قبل أن يعتقد برهانه {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقالوا نرجح أحد الخبرين بأن يكون أحدهما قولا لم يختلف فيه، والآخر فعلا مختلفا فيه، ومثلوا ذلك برواية عثمان رضي الله عنه: لا ينكح المحرم ولا ينكح ولا يخطب وبالرواية في نكاح ميمونة مرة بأنه عليه السلام كان حلالا ومرة بأنه عليه السلام كان محرما قال علي وهذا لا معنى له لأن العدل إذا روى شيئا قد بينا أنه لا يبطله خلاف من خالفه، ولا كثرة من خالفه، وليس العمل في الأخبار كدراهم قمار تلقى درهم بدرهم ويبقى الفضل للغالب، لكن خبر

ﷺ was saying: 'Here I am at Your service for a minor pilgrimage and a major pilgrimage; here I am at Your service for a minor pilgrimage and a major pilgrimage.'" And in the statement of al-Bara ibn Azib, when he says: "I asked the Messenger of Allah ﷺ about the manner of his pilgrimage," and the Messenger of Allah ﷺ said to him: "I brought the sacrificial animals and combined the two pilgrimages." And in the statement of Hafsah, Mother of the Believers, to him: "Why have you not left your state of consecration after your minor pilgrimage?" The Prophet ﷺ confirmed her statement in that respect and explained, concerning her, why he had done that. Thus they abandoned what Anas ibn Malik heard from the very words of the Messenger of Allah ﷺ, and what the Messenger of Allah ﷺ reported about himself, for a statement transmitted from Aishah which she did not claim to have heard from him. Moreover, the transmission from her on this matter is inconsistent: a report has been transmitted from her corresponding to what Anas, al-Bara, and Hafsah said—may Allah be pleased with them all. And they did so for a statement transmitted from Jabir which he did not claim to have heard from him, which, moreover, admits of interpretation, and concerning which the transmission from him is also inconsistent. No rational person doubts that he ﷺ knew his own affairs better than Jabir and Aishah, and that Anas and al-Bara and Hafsah, who stated that they heard that from his own words ﷺ and were personally present as he said it, possess greater certainty than Jabir concerning something he did not claim to have heard. But such is the conduct of someone who adopts a position before accepting its demonstration: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much inconsistency in it.}

They said: "We give preference to one of the two reports on the grounds that one is a statement about which there is no disagreement, whereas the other is an action about which there is disagreement." They illustrated this with the report of Uthman—may Allah be pleased with him—"Someone in a state of pilgrimage consecration shall neither marry, nor arrange a marriage, nor propose marriage," and with the reports concerning the marriage of Maymunah, one stating that he ﷺ was outside a state of pilgrimage consecration and another that he ﷺ was in a state of pilgrimage consecration.

واحد يستثنى منه أخبار كثيرة، ويستثنى هو من أخبار كثيرة، أو يؤخذ به إذا كان زائدا عليها، أو يؤخذ بها إن كانت زائدة عليه. لأن قائلها كلها وقائل ذلك واحد، أو فاعلها وفاعله، أو قائلها وفاعله أو فاعلها وقائله واحد وهو رسول الله صلى الله عليه وسلم عن واحد هو الله عز وجل وليس تكرار قوله بموجب منه ما لم يكن يجب لولا تكراره، وتركه تكرار ما لم يكرر لا يخرج ما لم يكرر عن وجوب الطاعة له، وإذا قال القول مرة واحدة فقد لزم فرضا كما لو كرره ألف مرة ولا مزيد، وإذا فعل الفعل مرة واحدة فالفضل في الائتساء به عليه السلام فيه كما لو فعله ألف مرة ولا مزيد ولا فرق ولم يخص الله تعالى إذا أمرنا بطاعة رسوله صلى الله عليه وسلم فيما كرر دون ما لم يكرر بل ألزمنا الطاعة لأمره، وأمره مرة يسمى أمرا كما لو كرره ألف مرة، كل ذلك يقع عليه اسم أمر، ولا خص لنا تعالى إذا حضنا على الائتساء بنبيه صلى الله عليه وسلم ما فعله مرات دون ما فعله مرة ولا ما فعله مرة دون ما فعله مرات بل إذا فعل عليه السلام الفعل مرة فقد وقع عليه اسم أنه فعله ألف ألف مرة، كل ذلك يقع عليه اسم فعل، ومن قال غير هذا فقد تعدى حدود الله عز وجل، وشرع ما لم يأذن به الله عز وجل، وقفا ما لا علم له به، واستحق اسم الظلم والوعيد، وبالله تعالى نعتصم. ونسأل أيضا من أتى بهذا الهوس فنقول له إذا سقط عندك ما صح أن رسول الله صلى الله عليه وسلم فعله مرة ثم لم يفعله بعدها ولا نهى عنه بأنه لم يعد إليه فما تقول فيما صح أنه عليه السلام فعله مرتين ثم لم يعد إليه ولا نهى عنه فإن تركه من أجل ترك العود، سألناه عما فعله ثلاث مرات ثم لم يعد إليه ولا نزال نزيده مرة بعد مرة حتى يبدو سخف قوله إلى قول إلى كل ذي فهم أو يترك قوله الفاسد ويرجع إلى الحق قال علي وإنما أخذنا بالمنع من نكاح المحرم برواية عثمان رضي الله عنه لأنها زائدة على معهود الأصل، لأن الأصل إباحة النكاح على كل

حال بقوله تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} فجاء النهي من طريق عثمان من أن ينكح المحرم فتيقنا ارتفاع الحالة الأولى بلا شك، واستثنينا النهي حالة الإحرام عن النكاح من جملة العموم بإباحة النكاح، وشككنا هل نسخ هذا النهي بعد وجوبه أو لا؟ فلم يجز لأحد ترك ما أيقن وجوبه بظن لم يصح، فصح يقينا لا مرية فيه أن حكم حديث ابن عباس في نكاح ميمونة قد نسخ وبطل بلا شك، ومن ادعى عود المنسوخ وبطلان الناسخ فقد كذب وأفك. ثم حتى لو شككنا هل نسخ هذا النهي بعد وجوبه أو لا؟ لم يجز لأحد ترك ما أيقن وجوبه بظن ولم يصح، وحتى ولو صح قول ابن عباس أنه نكحها وهو محرم دون أن تخبر ميمونة على أنه عليه السلام نكحها وهو محرم لما وجب بذلك ترك ما قد تيقناه من النهي عن نكاح المحرم الناسخ للإباحة المتقدمة لأمر لا ندري أقبله كان أم بعده، وترك اليقين للشك وتغليب الظن على الحقيقة باطل وحرام لا يحل وهذا ما لا يخيل على ذي لب، وبالله تعالى التوفيق.

Ali said: This has no significance, because we have explained that when an upright person transmits something, neither the disagreement of someone who disagrees with him nor the multitude of those who disagree with him invalidates it. Acting upon reports is not like gambling dirhams, with one dirham matched against another and the surplus remaining for the winner. Rather, many reports may be excepted from a single report, and it may itself be excepted from many reports; or it is adopted when it supplies something additional to them, or they are adopted when they supply something additional to it. For the speaker of all of them and the speaker of that one are one and the same; or the performer of those actions and the performer of that action, or the speaker of those statements and the performer of that action, or the performer of those actions and the speaker of that statement, are one and the same: the Messenger of Allah ﷺ, transmitting from One, who is Allah, Mighty and Majestic. His repetition of a statement does not impose through it anything that would not have been obligatory without its repetition. His refraining from repeating what he did not repeat does not remove what he did not repeat from the obligation to obey him. When he makes a statement once, it has become binding as an obligation, just as if he had repeated it a thousand times, without any addition. When he performs an action once, the merit of following his example ﷺ in it is just as if he had performed it a thousand times, without any addition or difference. When Allah Most High commanded us to obey His Messenger ﷺ, He did not single out what he repeated to the exclusion of what he did not repeat. Rather, He obligated us to obey his command. His commanding something once is called a command just as it would be if he repeated it a thousand times: all of that falls under the designation "command." Nor, when He Most High urged us to follow the example of His Prophet ﷺ, did He single out for us what he performed repeatedly to the exclusion of what he performed once, or what he performed once to the exclusion of what he did repeatedly. Rather, if he ﷺ performed an act once, the description that he performed it applies just as it does if he performed it a million times: all of that falls under the designation of an act. Whoever says otherwise has transgressed the limits of Allah, Mighty and Majestic, legislated what Allah, Mighty and Majestic, has not authorized, pursued that of which he has no knowledge, and deserved the

designation of wrongdoing and the threatened punishment. In Allah Most High we seek protection. We also question whoever has put forward this madness, saying to him: If, in your view, an act authentically established as having been performed once by the Messenger of Allah ﷺ, which he subsequently neither performed nor prohibited, loses its force because he did not repeat it, then what do you say about an act authentically established as having been performed twice by him ﷺ, which he subsequently neither repeated nor prohibited? If he abandons it because it was not repeated, we ask him about what he performed three times and then did not repeat. We continue adding one occasion after another until the absurdity of his statement becomes apparent to everyone with understanding, or he abandons his corrupt position and returns to the truth. Ali said: We adopted the prohibition against a person in the state of pilgrimage consecration contracting marriage on the basis of Uthman's report, may Allah be pleased with him, because it adds to the established original rule. The original rule is the permissibility of marriage in every circumstance, according to His statement, Most High: "If you fear that you will not deal equitably with the orphans, then marry such women as please you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly." Then the prohibition against a person in the state of pilgrimage consecration contracting marriage came through Uthman's transmission. We therefore knew with certainty, beyond doubt, that the former state of affairs had been superseded. By virtue of the prohibition, we excepted marriage during pilgrimage consecration from the general permission to marry. We were uncertain whether this prohibition had subsequently been abrogated after becoming binding. No one was therefore permitted to abandon what he knew with certainty to be binding on the basis of an unestablished conjecture. Thus it was established with unquestionable certainty that the ruling of the report of Ibn Abbas concerning the marriage to Maymuna had been abrogated and rendered invalid, beyond doubt. Whoever claims that the abrogated ruling has returned and that the abrogating ruling has become invalid has lied and fabricated falsehood. Moreover, even if we were uncertain whether this prohibition had been abrogated after becoming binding, no one would be permitted to abandon what

he knew with certainty to be binding on the basis of a conjecture that had not been established. Even if Ibn Abbas's statement that he married her while in the state of pilgrimage consecration were authentic, without Maymuna reporting that he ﷺ married her while in the state of pilgrimage consecration, that would not require abandoning what we have established with certainty concerning the prohibition against a person in pilgrimage consecration contracting marriage—a prohibition that abrogates the earlier permission—on account of something of which we do not know whether it occurred before or after it. Abandoning certainty for doubt and giving conjecture precedence over established truth is invalid and forbidden; it is not permissible. This

cannot deceive anyone possessed of understanding. Success comes through Allah Most High.[169][170][171][172][173][174][175][176][177][178]

L495 Furthermore, even if it were authentically established that his ﷺ marriage

وأيضا فحتى لو صح أن نكاحه عليه السلام ميمونة رضي الله عنها كان حرما وأنه كان بعد نهيه عن نكاح المحرم لما كان ذلك مبيحا لإنكاح المحرم غيره، ولا لخطبته على نفسه، وعلى غيره، ولكان نكاح المحرم حينئذ منسوخا مستثنى من النهي الوارد عن نكاحه وإنكاحه وخطبته، ولكان باقي الحديث واجبا لازما لا يحل مخالفته، وهذه كلها وجوه لائحة واضحة، والحمد لله رب العالمين. وقالوا: نرجح أحد الخبرين، بأن يكون أحدهما اختلف على راويه فيه، والآخر لم يختلفوا على راويه فيه، ومثلوا ذلك بحديث ابن عمر، فإن زادت الإبل على عشرين ومائة ففيها ثلاث بنات لبون، وبحديث علي فإن زادت الإبل على عشرين ومائة واحدة، ففي كل أربعين بنت لبون وفي خمسين حقة قال علي وهذا بين ليس من أجل الاختلاف فقد أبطلنا ذلك في الفصل الذي قبل هذا ولكن لأن حديث ابن عمر هو الزائد حكما على حديث علي رضي الله عنهما. وقالوا أيضا: نرجح أحد الخبرين بأن يكون أحدهما قد قيل فيه إنه من كلام الراوي، ولم يقل ذلك في الآخر، فأخذ بالذي لم يقل ذلك فيه، ومثلوا بحديث عتق الشقص الذي أحدهما من طريق ابن عمر دون أن يكون فيه ذكر الاستسعاء. والآخر من طريق أبي هريرة وفيه ذكر الاستسعاء. قالوا وقد قيل: إن الاستسعاء من لفظ سعيد بن أبي عروبة، لأن شعبة وهماما روياه عن قتادة ولم يذكر ذلك فيه وقد قيل إنه من لفظ قتادة

[169] **Translator's note (L481):** The supplied «مؤكد للنهي عن الأمر» is awkward: literally it reads approximately "reinforcing prohibition against command." The translation follows the comparative interpretation supported by the ensuing discussion, while flagging the apparent defect rather than silently treating the wording as regular.

[170] **Translator's note (L482):** The source repeats "that" in "this that that they have said"; the repetition is retained. "Protected marital status" renders muhsan, the technical legal status invoked here in connection with stoning.

[171] **Translator's note (L485):** The source awkwardly compares the precedence of the ruling with "someone who prohibits"; this construction is retained.

[172] **Translator's note (L486):** "Who urinates on his heels" is retained as the polemical insult in the source. The final "Abu" begins the name Abu Muhammed, which continues in the next segment.

[173] **Translator's note (L487):** The opening completes the name Abu Muhammed from the preceding segment. "Minor pilgrimage" and "major pilgrimage" render umrah and hajj respectively.

[174] **Translator's note (L488):** "Explained, concerning her" reflects the awkward source reading "bayyana alayha." The context appears to require "explained to her," but the supplied wording has not been silently corrected. Hafsah's unvocalized words are read as a question, "Why have you not left your state of consecration?", as the context indicates.

[175] **Translator's note (L489):** The Quran quotation corresponds to Quran 4:82, but the supplied transcription omits initial alifs in the words for "the Quran," "Allah," and "inconsistency." The translation conveys the identifiable wording while recording these transcription defects. The two unvocalized forms of the verb for marrying in Uthman's report are understood respectively as marrying oneself and arranging another person's marriage.

[176] **Translator's note (L492):** The phrase «إلى قول إلى» after «سخف قوله» is corrupt or redundant; its surrounding argument has been translated, but these words yield no coherent additional meaning. The Qur'anic quotation, corresponding to 4:3, has transcriptional omissions of initial alifs in «ليتامى» and «لنسآء»; these do not change the identifiable meaning. The phrase «واستثنينا النهي حالة الإحرام عن النكاح» is syntactically awkward; the translation reflects its apparent sense of excepting marriage during pilgrimage consecration from the general permission.

[177] **Translator's note (L493):** The wording «وهو محرم ... دون أن تخبر ميمونة على أنه» is awkward and repeats the claim that he was in pilgrimage consecration. It has been retained as supplied, without changing the second occurrence to its opposite.

[178] **Qur'an references (L480):** Qur'an 4:82 (An-Nisa); Qur'an 4:3 (An-Nisa).

to Maymuna, may Allah be pleased with her, took place while he was in pilgrimage consecration, and that it occurred after his prohibition against a person in pilgrimage consecration contracting marriage, that would not permit such a person to contract a marriage for someone else or to make a marriage proposal for himself or someone else. In that case, the marriage of a person in pilgrimage consecration would be abrogated, excepted from the prohibition transmitted concerning his contracting marriage, contracting marriage for another, and making a marriage proposal. The remainder of the report would be binding and obligatory, and contravening it would not be permissible. All these are manifest, clear considerations. Praise belongs to Allah, Lord of all worlds. They said: We give one of two reports preponderance when there is disagreement concerning what one transmitter reported, whereas there is no disagreement concerning what the other transmitter reported. They illustrated this with Ibn Umar's report: "If the camels exceed one hundred and twenty, then three female camels that have completed two years are due," and Ali's report: "If the camels exceed one hundred and twenty by one, then for every forty a female camel that has completed two years is due, and for fifty a female camel that has completed three years." Ali said: This is clear, but it is not on account of disagreement, for we have invalidated that in the section preceding this one. Rather, it is because Ibn Umar's report adds a ruling to Ali's report, may Allah be pleased with them both. They also said: We give one of two reports preponderance when it has been said of one that it consists of the transmitter's own words, whereas this has not been said of the other; thus the one of which this has not been said is adopted. They illustrated this with the report concerning the emancipation of a share in a slave: one version comes through Ibn Umar, without mentioning requiring the slave to work to pay for his remaining share, while the other comes through Abu Hurayra and mentions requiring him to work to pay for it. They said: It has been said that requiring the slave to work to pay for it comes from the wording of Said ibn Abi Aruba, because

Shuba and Hammam transmitted it from Qatada without mentioning that in it. It has also been said that it comes from Qatada's wording.[179]

L496–500 Ali said: This is an error. Jurayn ibn Hazim al-Azdi, Aban ibn Yazid al-Attar, Yazid ibn Zuray, Hajjaj ibn Hajjaj, and Musa ibn Khalaf corroborated Said in mentioning requiring the slave to work to pay for his remaining share; in all of them, requiring him to work to pay for it was not mentioned, on Qatada's authority, with a chain traced to the Prophet ﷺ. Adopting the requirement that the slave work to pay for it is therefore obligatory and may not be abandoned, because it is an established additional ruling. Nothing in Ibn Umar's report opposes or contradicts it. It merely says: "Whatever portion of him has been emancipated has been emancipated." The addition some have made to it, namely, "And whatever portion remains enslaved remains enslaved," is not authentic, nor has it come through any transmission routes that are authentic at all. Ali said: In their treatment of this report, the adherents of Malik and the adherents of Abu Hanifa contradicted themselves outrageously. The adherents of Abu Hanifa made his ﷺ mention of livestock that graze freely a ground for removing the obligation of alms from the livestock covered by the other report's general prescription of alms on all sheep and goats. Yet they did not make his ﷺ statement in the report of Ibn Umar, "Whatever portion of him has been emancipated has been emancipated," entail keeping the rest of him enslaved. They ought to have sought in his ﷺ statement, "Whatever portion of him has been emancipated has been emancipated," a meaning indicating that whatever portion of him had not been emancipated was not emancipated, just as they argued concerning livestock that graze freely. The adherents of Malik did not make the mention of freely grazing livestock a ground for removing the obligation of alms from livestock that do not graze freely, because of the general wording in Ibn Umar's report mentioning sheep and goats. Yet they made his ﷺ statement, "They have emancipated whatever portion of him has been emancipated," a

[179] **Translator's note (L495):** The reading «كان حرما» is grammatically irregular in this context; it has been understood as referring to his being in pilgrimage consecration. The supplied text says that the marriage itself would be «منسوخا», "abrogated," while also calling it an exception to the prohibition. This apparent inconsistency has been preserved; the text has not been changed to say that the prohibition would be abrogated.

قال علي وهذا خطأ قد تابع سعيدا على ذكر الاستسعاء جرين بن حازم الأزدي، وأبان بن يزيد العطار، ويزيد بن زريع، وحجاج بن حجاج، وموسى بن خلف كلها لم يذكر فيه الاستسعاء عن قتادة مسندا إلى النبي صلى الله عليه وسلم فالأخذ بالاستسعاء واجب لا يجوز تركه لأنه حكم زائد ثابت، وليس في حديث ابن عمر ما يضاده ولا ينافيه، وإنما فيه: فقد عتق منه ما عتق ولا يصح ما زاد فيه بعضهم من قوله: وقد رق ما رق ولا أتى ذلك من طرق تصح أصلا قال علي وتناقض في هذا الخبر أصحاب مالك وأصحاب أبي حنيفة تناقضا فاحشا فجعل أصحاب أبي حنيفة ذكره عليه السلام السائمة مسقطا للزكاة عما في حديث الآخر من عموم الزكاة في جميع الغنم ولم يجعلوا قوله عليه السلام في حديث ابن عمر فقد عتق منه ما عتق موجبا لإرقاق سائره وقد كان يجب أن يطلبوا لقوله عليه السلام فقد عتق منه ما عتق فائدة تنبىء أن ما لم يعتق منه لم يعتق كما قالوا في السائمة، ولم يجعل أصحاب مالك ذكر السائمة مسقطا للزكاة في غير السائمة بالعموم الذي في حديث ابن عمر في ذكره الغنم، وجعلوا قوله عليه السلام: فقد عتقوا منه ما عتق مسقطا لعتق باقيه المذكور في حديث أبي هريرة بالاستسعاء. وقالوا: نرجح أحد الخبرين، بأن يكون أحدهما اجتمع فيه الأمر والفعل، وانفرد الآخر بأحدهما، فيكون الذي اجتمعا فيه أولى ومثلوا ذلك بما روي من أنه عليه السلام سعى وأمر بالسعي بين الصفا والمروة وبما روي من قوله عليه السلام الحج عرفة قال علي وهذا لا معنى له لأن الحديث الذي فيه إيجاب السعي إنما صح من طريق أبي موسى، وهو زائد على ما روي من أن الحج عرفة، فوجب الأخذ بالشريعة الزائدة، وليس في حديث: الحج عرفة ما يمنع من وجوب الإحرام والسعي بين الصفا والمروة والوقوف بمزدلفة قال علي وقد تناقضوا ههنا فأوجبوا السعي فرضا ولم يسقطوا وجوبه، لما روي من أن الحج عرفة ولم يوجبوا الوقوف بمزدلفة، وذكر الله عز وجل فيها، وقد

ground for excluding the emancipation of the rest of him mentioned in Abu Hurayra's report through requiring the slave to work to pay for it. They said: We give one of two reports preponderance when one combines a command and an act, while the other contains only one of them; the one in which both are combined is then more entitled to precedence. They illustrated this with the report that he ﷺ performed the ritual passage between al-Safa and al-Marwa and commanded its performance, and with the report of his ﷺ statement: "The pilgrimage is Arafa." Ali said: This has no meaning, because the report imposing the obligation of the ritual passage has been authentically established through Abu Musa's transmission, and it adds to the report that "The pilgrimage is Arafa." It is therefore obligatory to adopt the additional prescription. Nothing in the report "The pilgrimage is Arafa" precludes the obligation of entering pilgrimage consecration, performing the ritual passage between al-Safa and al-Marwa, and making the station at Muzdalifa. Ali said: They have contradicted themselves here: they imposed the ritual passage as an obligatory duty and did not remove its obligation on account of the report that "The pilgrimage is Arafa," yet they did not impose the station at Muzdalifa and the remembrance there of Allah, Mighty and Majestic, although authentic texts from the Qur'an and the Sunna prescribe that as an obligatory duty. As for the Qur'an, it is His statement, Most High: "There is no blame upon you for seeking bounty from your Lord. When you stream forth from Arafat, remember Allah at the Sacred Monument, and remember Him as He has guided you, although before it you were indeed among those astray." As for the Sunna, it is his ﷺ statement to Urwa ibn Mudarris: "Whoever catches the prayer here"—meaning at Muzdalifa—"with the people and the imam has attained it; otherwise, he has not attained it," or words to that effect from him ﷺ. The arbitrary pronouncements of the adherents of unquestioning adherence and the proponents of analogy are too numerous for anyone to count except their Creator, who has counted the raindrops, the leaves of the trees, and the measures of the seas. There is no deity but Him. They said: We give one of two reports preponderance when the practice of the people of Medina accords with it. Said Ali: This is invalid. We have devoted a separate section to it following this discussion of ours in this chapter. Success comes through Allah Most High. They illustrated this with

جاء النص الصحيح من القرآن والسنة بإيجاب ذلك فرضا، فأما القرآن فقوله تعالى: {ليس عليكم جناح أن تبتغوا فضلا من ربكم فإذآ أفضتم من عرفات فذكروا الله عند لمشعر لحرام وذكروه كما هداكم وإن كنتم من قبله لمن لضآلين} وأما السنة فقوله عليه السلام لعروة بن مضرس من أدرك الصلاة ههنا يعني بمزدلفة مع الناس والإمام فقد أدرك وإلا فلم يدرك أو كما قال عليه السلام وتحكم أصحاب التقليد وأهل القياس أكثر من أن يحصيه إلا خالقهم الذي أحصى عدد القطر وورق الشجر ومكايل البحار، لا إله إلا هو. وقالوا: نرجح أحد الخبرين بأن يوافقه عمل أهل المدينة قال علي وهذا باطل وقد أفردنا له فصلا بعد كلامنا هذا في هذا الباب وبالله تعالى التوفيق، ومثلوا ذلك بأخبار رويت في الأذان والإقامة قال علي ولا يصح في ذلك خبر مسند إلا حديث أنس بن مالك رضوان الله عليه: أمر بلال أن يشفع الأذان ويوتر الإقامة وبه نأخذ.

reports transmitted concerning the call to prayer and the announcement that prayer is commencing. Ali said: No report with a connected chain of transmission is authentic on this subject except the report of Anas ibn Malik, may Allah's good pleasure be upon him: "Bilal was commanded to recite the call to prayer in pairs and the announcement that prayer is commencing singly." This is what we adopt.[180][181][182][183]

[180]**Translator's note (L496):** The name is supplied as «جرين», rendered "Jurayn"; the reading may be corrupt. The clause «كلها لم يذكر فيه الاستسعاء» explicitly says that requiring the slave to work was not mentioned, contradicting both the preceding assertion that these transmitters corroborated its mention and the ensuing argument. The negative has been preserved rather than silently removed.

[181]**Translator's note (L498):** In the second quotation attributed to the adherents of Malik's argument, the text reads «فقد عتقوا منه ما عتق», with the plural verb "they have emancipated," rather than the earlier wording «فقد عتق منه ما عتق». This apparent quotation or transcription error has been retained.

[182]**Translator's note (L499):** The Qur'anic quotation, corresponding to 2:198, contains several transcriptional omissions of initial alifs; the identifiable words have been translated. The pilgrimage report is quoted approximately, as the author expressly acknowledges with "or words to that effect." Its supplied wording has been retained.

[183]**Qur'an references (L496):** Qur'an 2:198 (Al-Baqarah).

L501–506

They said: We give one of two reports preponderance when, in one of them, the ruling is attached to a designation, while in the other the ruling is attached to a meaning; the one in which the ruling is attached to a meaning then has the stronger claim. Ali said: This is meaningless, because it is an assertion without demonstration. If an opponent challenged them, saying, "Rather, the one in which the ruling is attached to a designation has the stronger claim," they would have no answer to him. They illustrated this with his saying ﷺ, "Whoever changes his religion, kill him," alongside his prohibition ﷺ against killing women. Ali said: We adopted the ruling that female apostates are to be killed only because the prohibition against killing women is general, while the command to kill whoever changes his religion is a specific exception to that generality, as we explained previously concerning the exclusion of what encompasses fewer meanings from what encompasses more meanings. Furthermore, the community has agreed that his prohibition ﷺ against killing women is not to be understood according to its apparent meaning. They have agreed that if a woman commits unlawful sexual intercourse while possessing protected marital status, she is to be killed, and that if she kills a Muslim, she is to be killed. Furthermore, his prohibition ﷺ against killing women falls within the comprehensive scope of his saying, "Your blood is inviolable among you"; it is part of that comprehensive statement. An exception is made for everyone concerning whom a command has come making his killing obligatory or permissible: a rebel, a wine drinker after the prescribed punishment for it has been imposed on him three times, a person who commits unlawful sexual intercourse while possessing protected marital status, an intentional killer, or an apostate. It is established that the prohibition against killing women concerns only female captives from among the inhabitants of the territory of war. They said: We give one of two reports preponderance when one is expressly attributed to the Prophet ﷺ, while the other is attributed to the Prophet ﷺ only by inference. Ali said: There is no difficulty in this. It is impermissible to adopt anything that is neither expressly stated to come from the Prophet ﷺ nor known with certainty to come from him through a demonstration admitting only one interpretation and precluding its coming from anyone else—unless there is consensus concerning some matter, in which case it is adopted. Con-

وقالوا: نرجح أحد الخبرين بأن يكون أحدهما قد علق الحكم فيه بالاسم، ويكون الآخر قد علق الحكم فيه بالمعنى، فيكون الذي علق الحكم فيه بالمعنى أولى قال علي وهذا لا معنى له لأنها دعوى بلا برهان وإذ لو عارضهم معارض فقال: بل الذي علق فيه الحكم بالاسم أولى لما انفصلوا منه ومثلوا ذلك بقوله عليه السلام من بدل دينه فاقتلوه مع نهيه عليه السلام عن قتل النساء قال علي وإنما أخذنا بقتل النساء المرتدات لأن النهي عن قتل النساء عموم، والأمر بقتل من غير دينه مخصوص من ذلك العموم، على ما قدمنا قبل من استثناء الأقل معاني من الأكثر معاني وأيضا فقد اتفقت الأمة على أن نهيه عليه السلام عن قتل النساء ليس على ظاهره واتفقوا أنها إن زنت وهي محصنة أنها تقتل، وإن قتلت مسلما أنها تقتل وأيضا فإن نهيه عليه السلام عن قتل النساء إنما هو داخل في جملة قوله دماؤكم عليكم حرام فهو بعض تلك الجملة، واستثنى كل من ورد أمر بإيجاب قتله أو إباحته من باغ أو شارب خمر بعد أن حد فيها ثلاثا، أو زان محصن، أو قاتل عمدا أو مرتد، وصح أن النهي عن قتل النساء إنما هو من الأسارى من أهل دار الحرب. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما منصوصا بنسبته إلى النبي صلى الله عليه وسلم والآخر إنما ينسب إلى النبي صلى الله عليه وسلم استدلالا قال علي وهذا لا إشكال فيه ولا يجوز أن يؤخذ بشيء لم ينص عليه أنه عن النبي صلى الله عليه وسلم أو يوقن بأنه عنه ببرهان لا يحتمل إلا وجها واحدا، ولا يجوز أن يكون عن غيره إلا أن يكون إجماع في شيء ما، فيؤخذ به، والإجماع أيضا راجع إلى التوقف منه عليه السلام لا بد من ذلك قال علي ومثلوا ذلك بالتشهد المروي عن عمر رضي الله عنه، أنه كان يعلمه الناس وهو على المنبر، وبالتشهد المروي عن ابن عباس وعائشة وأبي موسى وابن مسعود مسندا إلى النبي صلى الله عليه وسلم قال علي وليس في تعليم عمر رضي الله عنه الناس التشهد على المنبر ما يدل على

sensus, too, necessarily goes back to stopping at what comes from him ﷺ. Ali said: They illustrated this with the testimony recited in prayer reported from Umar, may Allah be pleased with him, which he used to teach people while on the pulpit, and with the testimony recited in prayer reported from Ibn Abbas, Aishah, Abu Musa, and Ibn Masud through chains of transmission reaching the Prophet ﷺ. Ali said: Nothing in Umar's teaching people the testimony recited in prayer from the pulpit, may Allah be pleased with him, indicates that it came from the Prophet ﷺ. Umar, may Allah be pleased with him, also prohibited excessive bridal payments to women while on the pulpit and taught people this, yet no one doubts that his prohibition of this did not come from the Prophet ﷺ, and that it was solely Umar's independent judgment. He himself, may Allah have mercy on him, acknowledged this at the time and withdrew his prohibition when it was pointed out that his prohibition contradicted what is in the Quran. As for the forms of the testimony recited in prayer reported from Ibn Abbas, Aishah, Ibn Masud, and Abu Musa, may Allah be pleased with them, these are the ones beyond which it is impermissible to go because their chains of transmission to the Prophet ﷺ are sound. Umar's son Abdullah, Ibn Masud, Ibn Abbas, Aishah, and other Companions, may Allah be pleased with them, disagreed with the testimony recited in prayer that Umar taught people from the pulpit, although they had witnessed him delivering it in his address. What these people claim for themselves to have understood—that it constituted a proof established by consensus—escaped those Companions, and they claim that it escaped them! This is as we see. They said: We give one of two reports preponderance when one has been established to have a restriction to specific cases, while the other has not been established to have such a restriction; we give the one for which no restriction has been established precedence over the one for which it has. They illustrated this with the verse prohibiting the combining of two sisters, alongside the verse permitting this through right-hand possession. Ali said: The verse permitting right-hand possession encompasses more meanings than the verses prohibiting intercourse with a woman forbidden by blood relationship or affinity, and than those prohibiting the combining of two sisters, or a mother and her daughter, intercourse with a jointly owned woman, intercourse with a menstruating woman, a fasting woman, a woman

أنه عن النبي صلى الله عليه وسلم وقد نهى عمر رضوان الله عليه وهو على المنبر عن المغالاة في مهور النساء، وعلم الناس ذلك، ولا شك عند أحد في أن نهيه عن ذلك ليس عن النبي صلى الله عليه وسلم وأن ذلك من اجتهاد عمر فقط وقد أقر رحمه الله بذلك في ذلك الوقت، ورجع عن النهي عنه، إذ ذكر أن نهيه مخالف لما في القرآن، وأما التشهدات المروية عن ابن عباس، وعائشة وابن مسعود، وأبي موسى رضوان الله عليهم، فهي التي لا يحل تعديها لصحة سندها إلى النبي صلى الله عليه وسلم وقد خالف تشهد عمر الذي علمه الناس على المنبر ابنه عبد الله، وابن مسعود وابن عباس وعائشة، وغيرهم من الصحابة رضوان الله عليهم، وقد شهدوه يخطب به، وغاب عنهم من أنه حجة إجماعية ما ادعى هؤلاء لأنفسهم من فهمه، ومن أنه يغيب عنهم، وهذا كما نرى. وقالوا: ونرجح أحد الخبرين بأن يكون أحدهما قد ثبت فيه الخصوص، والآخر لم يثبت فيه الخصوص، فغلب الذي لم يثبت فيه الخصوص، على الذي ثبت فيه، ومثلوا ذلك بآية النهي عن الجمع بين الأختين مع الآية التي فيها إباحة ذلك بملك اليمين قال علي الآية التي فيها إباحة ملك اليمين أكثر معاني من الآيات التي فيها النهي عن وطء الحريمة بنسب أو صهر، ومن التي فيها النهي عن الجمع بين الأختين، والأم وابنتها، والمرأة المشتركة، ووطء الحائض والصائمة والمحرمة والزانية، ووطء الذكور المماليك، والبهائم المملوكة والمشتركة، فوجب استثناء كل ذلك، لأنه أقل معاني مما أبيح بملك اليمين، نخرج كل ما ذكرنا بالتحريم، وتبقى الآية المسلمة التي ليس فيها شيء من الصفات التي ذكرنا على الإباحة، وكذلك الآية التي فيها {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} أكثر معاني من الآيات التي ذكرنا، فوجب استثناء كل ذلك بالتحريم، لأنه أقل معاني مما أبيح بالنكاح، فنكون على

in a state of ritual consecration, or a woman who commits unlawful sexual intercourse, and intercourse with enslaved males and with owned or jointly owned animals. All of these must therefore be excepted, because they encompass fewer meanings than what has been permitted through right-hand possession. Everything we have mentioned is thus excluded as forbidden, while the Muslim verse in which none of the attributes we have mentioned is present remains subject to permissibility. Likewise, the verse containing, "If you fear that you will not act equitably toward the orphans, then marry such women as seem good to you, two, three, or four; but if you fear that you will not act justly, then one, or those whom your right hands possess. That is likelier to keep you from acting unjustly," encompasses more meanings than the verses we have mentioned. All of these must therefore be excepted as forbidden, because they encompass fewer meanings than what has been permitted through marriage. We thus have certainty that we have applied all the transmitted texts, that we have contradicted none of them, and that we have not contradicted ourselves in restricting what we have restricted or excepting what we have excepted. Success comes through Allah Most High. They said: We give one of two reports preponderance when one was delivered as an answer, while the other was delivered without a preceding question; we therefore give the one delivered as an answer precedence over the one delivered without a preceding question.[1][2][3]

L507–513 Ali said: This is an error because, before anything else, it is an arbitrary judgment without demonstration. A demonstration establishing the invalidity of this judgment also exists: the Messenger of Allah ﷺ was sent as a

يقين من استعمالنا جميع النصوص الواردة، وأننا لم نخالف منها شيئا ولا تناقضنا في تخصيص ما خصصنا، واستثنائنا ما استثنينا، وبالله تعالى التوفيق. وقالوا: ونرجح أحد الخبرين بأن يكون أحدهما ورد جوابا، والآخر ورد ابتداء، فنغلب الذي ورد جوابا على الذي ورد ابتداء

قال علي هذا خطأ لأنه قبل كل شيء تحكم بلا برهان والبرهان أيضا على بطلان هذا الحكم قائم وذلك أن رسول الله صلى الله عليه وسلم بعث معلما وقد سئل عن شيء فأجاب عن أشياء كثيرة وقد سئل عن شحوم الميتة فأجاب عليه السلام عنها ولعن اليهود ونهى أيضا في ذلك الحديث عن بيع ما حرم من الميتات، ولم يكن سئل عن كل ذلك ومثل هذا كثير ولا فرق بين ما ورد قوله عليه السلام جوابا وبين ما ورد ابتداء وكل ذلك محمول على عمومه، وعلى ما فهم من لفظه لا يحل أن يقتصر به على بعض ما يقع عليه ذلك اللفظ دون بعض، إلا بنص أو إجماع، وكذلك القول فيما ورد من القرآن جوابا عن سؤال متقدم، وقد سئل عن اليتامى فأجاب تعالى فيهم

[1] **Translator's note (L502):** The text reads al-tawaqquf, "stopping" or "suspension of judgment," in the statement about the basis of consensus. Al-tawqif, authoritative instruction from the Prophet, may have been intended; the supplied reading has not been silently replaced.

[2] **Translator's note (L505):** "The Muslim verse" renders the supplied al-ayah al-muslimah, an apparently corrupt reading. The context appears to require al-amah al-muslimah, "the Muslim slave woman," but the Arabic has not been silently corrected. The Quran quotation corresponds to 4:3. Its supplied spelling omits letters in several words, including those for "the orphans," "then marry," and "the women"; their intended lexical readings remain clear.

[3] **Qur'an references (L501):** Qur'an 4:3 (An-Nisa).

teacher, and he was asked about one thing but answered concerning many things. He was asked about the fat of animals that had died without lawful slaughter, and he answered ﷺ concerning it, cursed the Jews, and also prohibited in that same report the sale of what was forbidden from animals that had died without lawful slaughter, although he had not been asked about all of that. There are many such instances. There is no distinction between a saying of his ﷺ delivered as an answer and one delivered without a preceding question. All of it is understood in its general scope and according to what its wording conveys. It is impermissible to restrict it to some of what that wording covers, to the exclusion of the rest, except on the basis of a text or consensus. The same applies to passages of the Quran delivered in answer to a preceding question. He was asked about orphans, and He Most High answered concerning them; then He, Mighty and Majestic, said, "If you fear that you will not act equitably toward the orphans, then marry such women as seem good to you, two, three, or four; but if you fear that you will not act justly, then one, or those whom your right hands possess. That is likelier to keep you from acting unjustly." He thus informed them about women in addition to what they had asked about. They said: We give one of two reports preponderance when one is transmitted by someone with particular involvement in that subject, while the other is transmitted by someone without such involvement. They illustrated this by giving Aishah's report, may Allah be pleased with her, concerning the full ritual bath after intercourse without ejaculation precedence over the report of someone who transmitted that no full ritual bath is required for it. Ali said: This is false, because those who transmit that no full ritual bath is required for it have particular involvement through intercourse with their wives, just as women have particular involvement; there is no distinction. Moreover, every scholar who sets out to acquire understanding of religion has a particular concern with asking about menstruation, just as a woman asks about it; there is no distinction. A scholar's eagerness to learn is like the eagerness of someone confronted with the particular occurrence about which he asks; there is no distinction. We have made the full ritual bath obligatory after intercourse without ejaculation only because of Abu Hurayrah's report, since it adds to the other reports. The original rule is that no full ritual bath is incumbent

ثم قال عز وجل {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} فأخبرهم عن النساء زائدا على ما سألوا عنه. فقالوا: ونرجح أحد الخبرين بأن يكون أحدهما من رواية من يختص بذلك المعنى، والآخر برواية من لا يختص به، ومثلوا ذلك برواية عائشة رضي الله عنها في الغسل من الإكسال على خبر من روى أن لا غسل منه قال علي وهذا باطل لأن الراوين أن لا غسل منه مختصون بالوطء لنسائهم كاختصاص النساء ولا فرق ولأن كل عالم نفر للتفقه فهو مختص بالسؤال عن الحيض كسؤال المرأة عنه ولا فرق، وحرص العالم على أن يتعلم كحرص الممتحن بالنازلة التي يسأل عنها ولا فرق، وإنما أوجبنا الغسل من الإكسال لحديث أبي هريرة لأنه زائد على سائر الأحاديث، لأن الأصل أن لا غسل على أحد، وجاء حديث أبي هريرة بإيجاب الغسل، فكان شريعة واردة زائدة بيقين، ثم لم يصح أنها نسخت، ولو لم يكن في ذلك إلا حديث عائشة رضي الله عنها لما وجب به الغسل لأنه ليس فيه إلا فعلت أنا ورسول الله صلى الله عليه وسلم فاغتسلنا وليس في هذا الحديث إيجاب الغسل، وإنما فيه أن الغسل فضل فقط وقد روي وصح أنه عليه السلام كان ربما اغتسل بين كل وطأتين وليس ذلك واجبا، فلو لم يكن هنا إلا قول عائشة رضي الله عنها لكان اغتساله عليه السلام من الإكسال كاغتساله بين كل وطأتين ولا فرق وإنما هو عمل يؤجر من ائتسى به عليه السلام ولا يأثم من لم يفعله غير راغب عنه وبالله تعالى التوفيق. وقالوا: نرجح أحد الخبرين على الآخر، بأن يكون أحد المختلفين استعمل كل واحد من الخبرين في موضع الخلاف، فيكون أولى ممن لا يستعملها ومثلوا ذلك بقوله صلى الله عليه وسلم كل امرأة نكحت بغير إذن وليها فنكاحها باطل مع قوله عليه السلام الأيم أحق بنفسها من وليها قال علي وهذا الذي ذكروا لا معنى

له بوجه من الوجوه هو كلام ساقط زائف، لأنه ليس عمل أحد الخصمين حجة على الآخر، إلا أن يأتي ببرهان يصحح عمله، وأما الحديثان اللذان ذكروا فإنما حملناهما على ظاهرهما فأبطلنا نكاح كل امرأة نكحت بغير إذن مواليها ثيبا كانت أو بكرا، على عموم الحديث. وظاهر لفظه المفهوم منه في بطلان نكاحها بغير إذنهم، وهو الذي لا يحل لأحد تعديه، وقلنا الأيم أحق بنفسها من وليها في اختيار نكاح من شاءت، والإذن فيه أورده فلا اعتراض لوليها في ذلك عليها، ولا على كل بالغ من بكر ذات أب أو يتيمة بأحاديث أخر وآي مضافة بعضها إلى بعض، فاستثنينا الإنكاح وحده وهو المنصوص عليه من سائر أحوالها، لأنه الأخص فاستثني من الأعم، وكانت أحق بنفسها في سائر أمورها كلها من وليها حاشا عقد الإنكاح وحده، وهذا هو لفظ الحديثين نصا بلا مزيد. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما يعضده قول الأئمة، والآخر يعضده قول غيرهم، فيكون الذي أيده قول الأئمة أولى، ومثلوا لذلك بالتكبير في العيدين سبعا في الأولى، وخمسا في الثانية، وبما روي من طريق حذيفة من تكبير ثلاث في الأولى قبل القراءة وأربع في الثانية بعد القراءة قال علي وهذا لا معنى له لما قد أبطلناه في باب إبطال الاحتجاج بعمل أهل المدينة من هذا الباب، وبما قد أبطلناه من القول بالتقليد في باب التقليد من هذا الكتاب، وإنما أخذنا بتكبير سبع وخمس، لأنه فعل في الخير زائد وذكر لله تعالى ولأن الخبر المروي في ذلك لا بأس به. وأما خبر حذيفة فليس يقوم بسنده حجة لما سنبينه في أمر موضعه من الكلام في أشخاص الأحاديث إن شاء الله. وقالوا: نرجح أحد الخبرين بأن يكون يميل إليه الأكثر من الناس

upon anyone; then Abu Hurayrah's report came imposing the full ritual bath, and thus constituted an additional revealed legal prescription with certainty. Subsequently, it has not been established that this prescription was abrogated. If there had been nothing on this matter except Aishah's report, may Allah be pleased with her, the full ritual bath would not have become obligatory through it, because it contains only, "The Messenger of Allah ﷺ and I did it, and then we took a full ritual bath." This report contains no imposition of the full ritual bath; it contains only the indication that the full ritual bath is merely a meritorious act. It has been transmitted through a sound report that he ﷺ would sometimes take a full ritual bath between successive acts of intercourse, although that is not obligatory. Thus, if there were nothing here except Aishah's statement, may Allah be pleased with her, his full ritual bath ﷺ after intercourse without ejaculation would be like his full ritual bath between successive acts of intercourse; there would be no distinction. It would merely be an act for which someone who followed his example ﷺ would be rewarded, while someone who did not perform it would incur no sin, provided that he was not turning away from his example. And through Allah Most High comes success. They said: We give one of two reports preponderance over the other when one of the disputants has applied each of the two reports at the point of disagreement, and thus has a stronger claim than someone who does not employ them. They illustrated this with his saying ﷺ, "Any woman who marries without her guardian's permission—her marriage is invalid," alongside his saying ﷺ, "A previously married woman has a greater right concerning herself than her guardian." Ali said: What they have mentioned is meaningless in every respect; it is worthless, spurious talk. The practice of either disputant is no proof against the other unless he supplies a demonstration establishing the correctness of his practice. As for the two hadiths they mentioned, we have simply understood both according to their apparent meanings. We therefore declared invalid the marriage of every woman who marries without her guardians' permission, whether previously married or a virgin, in accordance with the hadith's general scope and the apparent meaning understood from its wording concerning the invalidity of her marriage without their permission. No one is permitted to go beyond this. We also said that a previously married woman

has a greater right concerning herself than her guardian in choosing to marry whomever she wishes and in consenting to the marriage or rejecting it. Her guardian therefore has no right to oppose her in this, nor to oppose any adult woman, whether a virgin whose father is living or an orphan, on the basis of other hadiths and verses considered together. We excepted only the act of contracting her marriage, which is expressly stipulated, from all her other affairs, because it is the more specific provision and is therefore excepted from the more general one. She thus has a greater right concerning herself than her guardian in all her other affairs, apart from the marriage contract alone. This is precisely the express wording of the two hadiths, without anything added. They said: We give preference to one of two reports when one is supported by the statement of the imams and the other is supported by the statement of others; the one supported by the statement of the imams then has the stronger claim. They illustrated this with pronouncing "Allah is greatest" in the two Eid prayers seven times in the first prayer cycle and five times in the second, and with what was transmitted through Hudhayfah concerning pronouncing "Allah is greatest" three times in the first prayer cycle before the recitation and four times in the second after the recitation. Ali said: This is meaningless, in view of what we have already refuted in the section of this chapter invalidating appeals to the practice of the people of Medina as proof, and our refutation of adherence to authority without proof in the chapter on adherence to authority without proof in this book. We adopted seven and five pronouncements of "Allah is greatest" only because this is an additional good deed and a remembrance of Allah Most High, and because the report transmitted concerning it is unobjectionable. As for Hudhayfah's report, its chain of transmission does not establish a proof, as we shall explain in its proper place in the discussion of individual hadiths, Allah

willing. They said: We give preference to one of two reports on the grounds that the greater number of people incline toward it.[456]

L514–516 Ali said: This is meaningless, for reasons we shall explain in the chapter on consensus in this book, Allah Most High willing, and because the large number of those who hold an opinion does not make valid what was not valid before they held it, while the small number of those who hold an opinion does not invalidate what was true before anyone held it. We have explained this very thoroughly in the section refuting the position of those who give preference to a report on the basis of the practice of the people of Medina, at the end of this chapter. Furthermore, an opinion may acquire many adherents after having had few, and its adherents may become few after having been many. All the people of al-Andalus formerly followed the school of al-Awza'i, may Allah have mercy on him, and then turned to the school of Malik. The majority of the people of Ifriqiyah and Egypt formerly followed the school of Abu Hanifah, as did the people of Iraq. Then Malik's school prevailed in Ifriqiyah, and al-Shafi'i's school in Egypt and Iraq. On this reasoning, it would necessarily follow that when an opinion's adherents become numerous it becomes true, and when they become few, as we have mentioned, it becomes false again. This is sheer delirium. A Christian once argued against a Muslim on the basis of the great number of the inhabitants of Constantinople, maintaining that such numbers could not have agreed upon falsehood. This is not binding upon someone who gives preference to opinions on the basis of numerical strength. We declare ourselves clear before Allah Most High of this position. Rather, truth is truth even if no

قال علي وهذا لا معنى له لما سنبينه في باب الإجماع من هذا الكتاب إن شاء الله تعالى، ولأن كثرة القائلين بالقول لا تصحح ما لم يكن صحيحا قبل أن يقولوا به، وقلة القائلين بالقول لا تبطل ما كان حقا قبل أن يقول به أحد، وقد بينا هذا جدا في باب إبطال قول من رجح الخبر بعمل أهل المدينة في آخر هذا الباب، وأيضا فإن القول قد يكثر القائلون به بعد أن كانوا قليلا، ويقلون بعد أن كانوا كثيرا، فقد كان جميع أهل الأندلس على مذهب الأوزاعي رحمه الله، ثم رجعوا إلى مذهب مالك، وقد كان جمهور أهل إفريقية ومصر على مذهب أبي حنيفة، وكذلك أهل العراق، ثم غلب على إفريقية مذهب مالك، وعلى مصر والعراق مذهب الشافعي، فيلزم على هذا أن القول إذا كثر قائلوه صار حقا، وإذا قلوا كما ذكرنا عاد باطلا، وهذا هو الهذيان نفسه. وقد احتج نصراني على مسلم بكثرة أهل القسطنطينية، وأنهم لم يكونوا لتجتمع تلك الأعداد على باطل، وهذا لا يلزم لمن رجح الأقوال بالكثرة، ونحن نبرأ إلى الله تعالى من هذا القول، بل الحق حق وإن لم يقل به أحد، والباطل باطل ولو اتفق عليه جميع أهل الأرض قال علي ويكفي من كشف غمة من اغتر بالكثرة أن نقول له: لا تغتر بكثرة من ترى من أصحاب المذاهب، فإنما هم ثلاثة رجال فقط: مالك والشافعي وأبو حنيفة، ولا مزيد فقد حصلنا من كل ما نرى على ثلاثة رجال فقط، وبالله تعالى التوفيق. وهم يخالفون هذا كثيرا، لأنهم أخذوا بقول زيد في إبطال الرد على ذوي الأرحام، وتركوا قول عمر، وعثمان، وعائشة، وابن مسعود، وابن عباس رضي الله عنهم أجمعين في ذلك. وأخذوا بقول من قال: إن القرء هو الطهر، وإنما قال به نحو ثلاثة من الصحابة، والجمهور على أنه الحيض، وقد ترك أيضا، أصحاب أبي حنيفة قول الجمهور في أشياء كثيرة. وقالوا: نرجح أحد الخبرين بأن يعضد أحدهما خبر

[4]**Translator's note (L508):** The Quran quotation corresponds to 4:3 and contains the same evident spelling omissions as the quotation in 505:0. "He was asked about orphans" preserves the passive wording and its pronoun. The text then explicitly makes Allah the subject of the answer. "Intercourse without ejaculation" renders al-iksal, the technical expression used throughout this argument.

[5]**Translator's note (L511):** The transcription أورده appears to represent أو رده, "or rejecting it"; the translation follows that reading. "A previously married woman" renders الأيم in its contextual legal sense; the word can also denote a woman without a husband more generally.

[6]**Qur'an references (L507):** Qur'an 4:3 (An-Nisa).

one affirms it, and falsehood is falsehood even if all the inhabitants of the earth agree upon it. Ali said: To dispel the confusion of someone beguiled by numerical strength, it suffices to say to him: Do not be beguiled by the great number of adherents of the legal schools whom you see. They are only three men: Malik, al-Shafi'i, and Abu Hanifah, and no more. From everything we see, we have thus arrived at only three men. Success comes through Allah Most High. They frequently contradict this principle, for they adopted Zayd's opinion rejecting the return of the surplus estate to relatives by kinship, and abandoned the opinion of Umar, Uthman, A'ishah, Ibn Mas'ud, and Ibn Abbas—may Allah be pleased with them all—on this matter. They adopted the opinion of those who said that the menstrual interval means the period of purity, although only about three of the Companions held this opinion, while the majority held that it means menstruation. The followers of Abu Hanifah have likewise abandoned the majority's opinion in many matters. They said: We give preference to one of two reports when one is supported by a report with an omitted link in its transmission. Ali said: This is meaningless, because a report with an omitted link does not itself establish a binding proof. How, then, can something support another when it cannot stand on its own? They said: We give preference to one of two reports on the grounds that the transmitter of one is more exhaustive in his investigation of the hadith.[7][8]

L517 They illustrated this with Jabir's hadith, meaning the long hadith concerning the pilgrimage. Ali said: This is meaningless, because someone's having

مرسل قال علي وهذا لا معنى له لأن المرسل في نفسه لا تجب به حجة، فكيف يؤيد غيره ما لا يقوم بنفسه؟. وقالوا: نرجح أحد الخبرين، بأن يكون راوي أحدهما أشد تقصيا للحديث،

ومثلوا ذلك بحديث جابر يعني الحديث الطويل في الحج قال علي هذا لا معنى له لأن من حفظ أشياء كثيرة فليس ذلك بمانع أن يحفظ غيره بعض ما غاب عنه، مما جرى في تلك الأشياء التي حفظ أكثرها وقد سمع أنس والبراء وحفصة من فم النبي صلى الله عليه وسلم في تلك الحجة ما لم يسمع جابر وثقفوا ما لم يثقفه جابر، فالواجب قبول الزيادة التي عند هؤلاء على ما عند جابر، وقبول الزيادة التي عند جابر على ما عند هؤلاء، فنأخذ بروايتهم كلها ولا نترك منها شيئا، وكلهم عدل صادق، وهذا الذي لا يجوز غيره. وقالوا: نرجح أحد النصين، بأن يكون أحدهما مكشوفا، ويكون الآخر فيه حذف، فنأخذ بالمكشوف ومثلوا ذلك بقوله تعالى {وأتموا لحج ولعمرة لله فإن

[7] **Translator's note (L514):** The supplied text says وهذا لا يلزم, "This is not binding," although the surrounding argument appears to call for "This is binding." The translation preserves the supplied negation.

[8] **Translator's note (L515):** "The return of the surplus estate to relatives by kinship" renders الرد على ذوي الأرحام. The phrase is technically awkward because the return of an estate's surplus and inheritance by distant kindred are distinct inheritance questions; the supplied wording has been preserved. "Menstrual interval" renders القرء (qur'), whose disputed reference to menstruation or the period of purity is the point of the passage. "A report with an omitted link in its transmission" renders خبر مرسل, a mursal report, conventionally one attributed directly to the Prophet by a Successor without naming a Companion.

retained many things does not prevent someone else from retaining some of what escaped him among the events of which he retained the greater part. During that pilgrimage, Anas, al-Bara', and Hafsah heard from the Prophet's own mouth ﷺ things that Jabir did not hear, and apprehended things that Jabir did not apprehend. It is therefore obligatory to accept the additional material these transmitters possess beyond what Jabir possesses, and to accept the additional material Jabir possesses beyond what they possess. We therefore adopt all their narrations and leave nothing out of them. Every one of them is upright and truthful. No other course is permissible. They said: We give preference to one of two texts when one is explicit and the other contains an ellipsis, and we adopt the explicit one. They illustrated this with His saying, Most High: "And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return; those are ten complete days. That is for someone whose family are not residents in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," alongside His saying, Most High: "And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return; those are ten complete days. That is for someone whose

أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ الهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى الحج فما استيسر من الهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} مع قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب}

family are not residents in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment."[9][10]

L518–521 They said: Because this latter passage contains an ellipsis, as though He, Most High, had said, "But if you are prevented and then leave the state of pilgrimage consecration." Ali said: What they have mentioned is wrong, because the verse concerning prevention is more specific than the verse concerning completion: those prevented constitute a subset of those performing the lesser pilgrimage and the pilgrimage. It is therefore necessarily obligatory to except them from the latter, together with what has been transmitted from the Prophet ﷺ concerning this, namely his saying ﷺ: "Whoever suffers a fracture or becomes lame has become released from the state of ritual consecration." The omission they mention is something only an ignorant person would regard as significant, because what is known with certainty is frequently omitted in Arabic speech. An instance of this is His saying, exalted is He: {O you who believe, do not approach prayer while you are intoxicated until you know what you are saying, nor while in a state of major ritual impurity—except when passing through—until you wash yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and hands. Indeed, Allah is Pardoning, Forgiving.} No one in the community disputes that this verse contains an omission, as though He, exalted is He, had said: "Or on a journey, and you have incurred ritual impurity." For being ill or travelling does not make ablution obligatory for a person unless he incurs ritual impurity. Another instance is His saying, exalted is He: {Allah does not hold you accountable for inadvertent speech in your oaths, but He holds you accountable for the oaths you have solemnly bound yourselves

قالوا لأن هذه الأخيرة فيها حذف كأنه قال تعالى فإن أحصرتم فأحللتم قال علي وهذا الذي ذكروا خطأ لأن آية الإحصار أخص من آية الإتمام، لأن المحصرين هم بعض المعتمرين والحجاج، فواجب ضرورة أن يستثنوا منهم مع ما روي عن النبي صلى الله عليه وسلم في ذلك من قوله عليه السلام من كسر أو عرج فقد حل والحذف الذي ذكروا لا يعتد به إلا جاهل لأن ما تيقن فقد يحذف في كلام العرب كثيرا عن ذلك قوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} فلا خلاف بين أحد من الأمة في أن في هذه الآية حذفا كأنه قال تعالى: أو على سفر فأحدثتم، لأن كون المرء مريضا، أو مسافرا لا يوجب عليه وضوءا إلا أن يحدث ومن ذلك قوله تعالى {لا يؤاخذكم لله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم لأيمان فكفارته إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم إذا حلفتم وحفظوا أيمانكم كذلك يبين لله لكم آياته لعلكم تشكرون} لا يختلف مسلمان في أن في هذه الآية حذفا، وأن معناه: إذا حلفتم فحنثتم، أو أردتم الحنث، كلا المعنيين قد قال به قوم، لأن الحلف لا يوجب كفارة إلا بالحنث أو بإرادته ومن ذلك قوله عز وجل {وقطعناهم ثنتي عشرة أسباطا أمما وأوحينآ إلى موسى إذ ستسقاه قومه أن ضرب بعصاك لحجر فنبجست منه ثنتا عشرة عينا قد علم كل أناس مشربهم وظللنا عليهم لغمام وأنزلنا عليهم لمن ولسلوى كلوا من طيبات ما رزقناكم

[9] **Translator's note (L517):** The supplied text quotes the whole of Qur'an 2:196 twice, although the argument contrasts an explicit text with one containing an ellipsis. Both full quotations have been retained; the intended contrast appears to concern clauses within this verse. Both quotations contain numerous missing initial alifs, including لله where the context calls for the divine name الله in the final clause. These appear to be transcriptional spelling defects; the translation renders the identifiable wording, while preserving the complete repetition.

[10] **Qur'an references (L517):** Qur'an 2:196 (Al-Baqarah).

by. Its expiation is feeding ten needy people with the average of what you feed your families, or clothing them, or freeing a slave. Whoever cannot find the means must fast three days. That is the expiation of your oaths when you swear. Guard your oaths. Thus Allah makes His signs clear to you, so that you may give thanks.} No two Muslims disagree that this verse contains an omission, and that its meaning is: "When you swear and then break your oaths," or "intend to break them." Each of these two meanings has had its proponents, because swearing an oath does not make expiation obligatory except through breaking it or intending to do so. Another instance is His saying, mighty and majestic is He: {We divided them into twelve tribes, communities. We revealed to Moses, when his people asked him for water: "Strike the rock with your staff." Then twelve springs gushed from it. Each group knew its drinking place. We shaded them with clouds and sent down manna and quails upon them: "Eat of the good things We have provided you." They did not wrong Us, but they were wronging themselves.} {Then We revealed to Moses: "Strike the sea with your staff." Then it parted, and each part was like a mighty mountain.} There is no disagreement among anyone possessed of reason that both verses contain an omission, and that it is as though He, exalted is He, had said: "Then he struck, and it parted," and "You struck, and it gushed forth." Only an ignorant person, darkened by ignorance and knowing nothing of the usages of the language, would make an omission of this kind a pretext for objection in the speech of Allah, exalted is He, in the speech of His Messenger ﷺ, or in the speech of any speaker. It is exactly equivalent to something explicitly mentioned and not omitted. Another instance is His saying: {Everyone upon it will perish.} We ourselves say at all times, "He, exalted is He, said," and "He ﷺ said," without mentioning therein the name of Allah, exalted is He, or the name of His Prophet ﷺ, relying on the hearer's understanding and on the fact that this causes no confusion for him whatsoever. Likewise, He, exalted is He, said: {Then he said: "I have preferred love of good things over remembrance of my Lord, until it disappeared behind the veil."} He did not mention the sun, relying on the fact that the hearer necessarily knew what was intended. They said: "We give preponderance to one of two reports when one contains its ruling in its wording, while the other does not contain its ruling in its wording."

وما ظلمونا ولكن كانوا أنفسهم يظلمون} {فأوحينآ إلى موسى أن ضرب بعصاك لبحر فنفلق فكان كل فرق كلطود لعظيم} لا خلاف عند ذي عقل في أن في كلتا الآيتين حذفا، وأنه كأنه تعالى قال: فضرب فانفلق، وضربت فانبسجت، فمثل هذا الحذف لا يتعلل به في كلام الله تعالى وفي كلام رسوله صلى الله عليه وسلم وفي كلام كل متكلم إلا جاهل مظلم الجهل لا علم له بمواقع اللغة وهو كالمذكور الذي لم يحذف سواء بسواء. ومن ذلك أيضا قوله: {كل من عليها فان} ونحن نقول في كل وقت قال تعالى وقال عليه السلام ولا يذكر اسم الله تعالى في ذلك ولا اسم نبيه صلى الله عليه وسلم اكتفاء منا بفهم السامع وأن ذلك لا يخيل عليه البتة وكذلك قال تعالى {فقال إني أحببت حب لخير عن ذكر ربي حتى توارت بلحجاب} ولم يذكر الشمس اكتفاء بأن السامع قد علم المراد ضرورة. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما ورد في لفظه حكمه، والآخر لم يرد في لفظه حكمه، ومثلوا ذلك بقوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وقوله عليه السلام أن عليهم صدقة تؤخذ من أغنيائهم وقوله عليه السلام رفع القلم عن ثلاث فذكر الصبي حتى يحتلم والمجنون حتى يفيق قال علي ليس في قوله عليه السلام ورفع القلم عن ثلاث ما يوجب سقوط الحقوق عن أموالهم، وإنما فيه سقوط العبادات عن أبدانهم، وقد قالوا بإخراج الديات والأروش وزكاة ما خرج من الأرض من مال الصبي والمجنون، وهو داخل في جملة الأغنياء وأسقطوا عنه زكاة الناض تحكما بلا برهان، فهلا قاسوا وجوب زكاة الناض عليه بوجوب زكاة ما أخرجت ثماره، وبوجوب زكاة الفطر عليه؟ وهم يدينون الله تعالى بالقياس ويعصون أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم ولكن هكذا يتناقض من اتبع السبل فتفرقت بهم

They illustrated this with His saying, exalted is He: {Take from their property an alms offering by which you cleanse them and purify them, and pray for them. Indeed, your prayers are a source of tranquillity for them. Allah is Hearing, Knowing}; his saying ﷺ, "An alms obligation is incumbent upon them, to be taken from their wealthy"; and his saying ﷺ, "The pen has been lifted from three," where he mentioned the child until he reaches puberty and the insane person until he regains his reason. Ali said: His saying ﷺ, "The pen has been lifted from three," contains nothing requiring that claims against their property lapse. It contains only the lifting of acts of worship incumbent upon their persons. They themselves have held that blood-money payments, compensation for injuries, and the obligatory alms on what the land produces are to be paid out of the property of a child or an insane person, who is included among the wealthy. Yet they have exempted him from the obligatory alms on monetary wealth by arbitrary assertion, without demonstration. Why, then, did they not establish by analogy his obligation to pay the obligatory alms on monetary wealth from his obligation to pay the obligatory alms on the fruit his property produces and his obligation to pay the alms at the breaking of the fast? They profess to worship Allah, exalted is He, through analogy, yet disobey the commands of Allah, exalted is He, and the commands of His Messenger ﷺ. But this is how those who follow the paths contradict themselves, so that those paths separate them from the path of Allah. They said: "We give preponderance to one of two texts when it affects the ruling and the other does not." They illustrated this

عن سبيل الله. وقالوا: نرجح أحد النصين بأن يكون مؤثرا في الحكم، والآخر غير مؤثر، ومثلوا ذلك بالاختلاف في زوج بريرة أحرا كان أم عبدا

with the disagreement concerning Barirah's husband: was he a free man or a slave?[11][12][13][14]

L522–528 Ali said: This is unintelligible, because the effect they mention is an arbitrary assertion without evidence. His being a slave contains nothing that precludes granting her the choice when she is married to a free man. Even if all the transmitters agreed that he was a slave, that would not require denying the choice to a woman married to a free man if something establishing that choice were transmitted. The Prophet ﷺ expressly prescribed granting a married slave woman the choice when she is emancipated. He ﷺ did not say: "I granted her the choice only because she was married to a slave." Thus, the explicit text requires granting the choice to every married slave woman when she is emancipated, and we pay no regard to whom she was married. Someone who says that she was granted the choice because she was married to a slave has no stronger claim than someone who says, rather, that it was because she was black. All this is meaningless. How much more so when there is no disagreement among the reports and all of them are sound! The person who related that he was a slave reported his condition at the outset, while the person who related that he was free reported what he subsequently became. The latter was more deserving of acceptance, because he possessed knowledge of his emancipation beyond that possessed by someone who did not know of it. They said: "We give preponderance to one of two reports

قال علي وهذا لا يعقل لأن التأثير الذي ذكروا تحكم بلا دليل، وليس في كونه عبدا ما يمنع من تخييرها تحت الحر، وحتى لو اتفق النقلة كلهم على أنه كان عبدا لما أوجب ذلك ألا تخيير تحت حر إذا جاء ما يوجب ذلك وإنما نص النبي صلى الله عليه وسلم على تخيير الأمة المتزوجة إذا أعتقت ولم يقل عليه السلام إنما خيرتها لأنها تحت عبد فوجب بالنص تخيير كل أمة متزوجة إذا أعتقت، ولا نبالي تحت من كانت، وليس من قال: إنها خيرت لأنها كانت تحت عبد، بأولى ممن قال: بل لأنها كانت أسود، وكل هذا لا معنى له، فكيف ولا اختلاف في الروايات، وكلها صحيح، فالذي روى أنه كان عبدا أخبر عن حاله في أول أمره، والذي روى أنه كان حرا أخبر بما صار إليه، وكان ذلك أولى لأنه كان عنده علم من تحريره زائدا على من لم يكن عنده علم ذلك. وقالوا نرجح أحد الخبرين بأن يكون منقولا من طرق بألفاظ شتى، والآخر لم ينقل إلا من طريق واحد. ومثلوا ذلك بحديث وابصة بن معبد الأسدي في إعادة المنفرد خلف الصف، وبحديث أبي بكرة في تكبيره دون الصف وحديث ابن عباس في رده عليه السلام إياه عن شماله إلى يمينه وحديث صلاة جدة أنس منفردة خلف النبي صلى الله عليه وسلم قال علي أما كثرة الرواة فقد قدمنا إبطال الاحتجاج بها، لأنهم يتركون أكثر ما نقله أهل الأرض برهم وفاجرهم وهو ظاهر القرآن لما نقله واحد، فكيف يجوز لمن فعل ذلك أن يغلب ما نقله ثلاثة على ما نقله واحد؟ وليس في التناقض وقلب المعقول أكثر من هذا، وأما الأحاديث التي ذكروا فلا حجة لهم فيها، وبعضها حجة عليهم أما حديث أبي بكرة فقد نهاه النبي صلى الله عليه وسلم عن ذلك نصا وقال له زادك الله حرصا ولا تعد فنهاه عن العودة إلى التكبير خلف الصف وحده ولم يأمره عليه السلام بإعادة الصلاة قال قوم لأن أبا بكرة جهل الحكم في

[11] **Translator's note (L519):** The opening continues the preceding segment's introduction of a prophetic quotation. The Qur'anic quotations contain numerous missing initial alifs and other orthographic irregularities; the translation follows their intelligible wording.

[12] **Translator's note (L520):** The wording وضربت فانبسجت is irregular: ضربت can mean "I struck," "you struck," or "she struck," while فانبسجت appears to transpose consonants in the expected verb for gushing forth. "You struck, and it gushed forth" represents a possible reading without silently substituting the expected "he struck."

[13] **Translator's note (L521):** The Qur'anic quotation concerning the sun leaves its subject unexpressed, as the author explicitly observes; the translation preserves "it" rather than inserting "the sun." The term الناض denotes monetary wealth, particularly gold and silver in coin or ready-money form.

[14] **Qur'an references (L518):** Qur'an 4:43 (An-Nisa); Qur'an 5:89 (Al-Ma'idah); Qur'an 7:160 (Al-A'raf); Qur'an 2:57 (Al-Baqarah); Qur'an 55:26 (Ar-Rahman); Qur'an 38:32 (Sad); Qur'an 9:103 (At-Tawbah).

when it is transmitted through multiple routes in various wordings, while the other is transmitted through only one route." They illustrated this with the report of Wabisah ibn Maʿbad al-Asadi concerning the person praying alone behind the row repeating his prayer; the report of Abu Bakrah concerning his pronouncing the opening magnification before reaching the row; the report of Ibn Abbas concerning his being moved by him ﷺ from his left side to his right; and the report of Anas's grandmother praying alone behind the Prophet ﷺ. Ali said: As for the greater number of transmitters, we have already invalidated adducing it as proof. For they abandon what the greatest number of the earth's inhabitants, righteous and wicked alike, have transmitted—namely, the apparent meaning of the Qur'an—in favour of what one person has transmitted. How, then, can someone who does this give what three people transmit preponderance over what one person transmits? There can be no greater contradiction or inversion of reason than this. As for the reports they mention, they contain no proof for them, and some are proof against them. As for the report of Abu Bakrah, the Prophet ﷺ explicitly forbade him to do that, saying to him: "May Allah increase your eagerness, but do not do it again." Thus he forbade him to return to pronouncing the opening magnification alone behind the row. He ﷺ did not command him to repeat the prayer. Some people said: "This was because Abu Bakrah did not know the ruling on this before the Prophet ﷺ informed him that doing so was impermissible. He informed him by forbidding him to do it again, just as the Prophet ﷺ commanded the man who performed the prayer badly, in Rafi''s report, to repeat it time after time. When he said to him, 'O Messenger of Allah, by Allah, I know no other way than this, so teach me,' he taught him and did not then command him to repeat it." And if Abu Bakrah were to return to what the Messenger of Allah ﷺ had forbidden him, his prayer would undoubtedly be invalid, because he would then be performing a prayer he had not been commanded to perform, other than the prayer he had been commanded to perform, as follows necessarily from reason. He ﷺ said: "Whoever performs a deed that does not conform to our command, it is rejected." What we maintain—and success comes through Allah Most High—is that the report of Abu Bakrah accords with the established original rule permitting prayer wherever one wishes, and that it was at that point that

ذلك قبل أن يعلمه النبي صلى الله عليه وسلم أن فعله ذلك لا يجوز فأعلمه بنهيه إياه عن أن يعود لذلك كما أمر النبي صلى الله عليه وسلم الذي أساء الصلاة في حديث رافع بالإعادة مرة بعد مرة فلما قال له يا رسول الله والله ما أدري غير هذا فعلمني فعلمه ولم يأمره حينئذ الإعادة، ولو أن أبا بكرة يعود لما نهاه عنه رسول الله صلى الله عليه وسلم لبطلت صلاته بلا شك لأنه كان يكون مؤديا لصلاة لم يؤمر بها غير الصلاة التي أمر بها بحكم ضرورة العقل وقد قال عليه السلام من عمل عملا ليس عليه أمرنا فهو رد والذي نقول به، وبالله تعالى التوفيق: أن خبر أبي بكرة موافق لمعهود الأصل في إباحة الصلاة حيث شاء وأنه حينئذ ثبت الأمر بالمنع من الصلاة خلف الصف، فجازت صلاته الكائنة قبل ورود الأمر، ولزم النهي عنه في المستأنف، ولأن النهي عن الصلاة خلف الصف أمر وارد، وحكم زائد، وشرع حادث بلا شك، فهو ناسخ للإباحة المتقدمة بيقين وأما الذي علمه النبي صلى الله عليه وسلم الصلاة بعد قوله ارجع فصل فإنك لم تصل فإن الأمر بالصلاة ثابت عليه ولا بد، ولازم حتى يؤديه كما أمره عليه السلام وليس في ذلك الخبر أنه عليه السلام أسقط عنه لجهله ما كان أمره به من الصلاة ما دام وقتها قائما. فلا يجوز أن يسقط أمر متيقن بظن كاذب، وبالله تعالى التوفيق. وأما حديث جدة أنس بن مالك، فإنما ذلك حكم النساء، وهكذا نقول: إن حكم النساء في ذلك مخالف لحكم الرجال، وإن حكم المرأة والنساء ألا يصلين مع رجل في صفه، وهذا ما لا خلاف فيه، فأخذنا بحديث جدة أنس بن مالك في النساء، وبحديث وابصة في الرجال، لأنه جاء منصوصا في رجل صلى خلف الصف فأخذنا بكلا الحديثين وأطعنا أمره عليه السلام في جميع الوجهين ولم نعص شيئا من أحكامه عليه السلام ولا ضربنا بعضها ببعض ولا أبطلنا بعضها ببعض، ولم نجعل فيها اختلافا وليس من ترك حديث وابصة لحديث جدة أنس بأولى

من أن يكون مصيبا ممن ترك حديث جدة أنس لحديث وابصة، فأبطل ذلك على المرأة كإبطاله على الرجل، وكل ذلك لا يجوز، وليس أحد الحديثين أولى بالطاعة من الآخر، والغرض أن يستعملا جميعا فيما ورد فيه، فيؤمر الرجل الذي يصلي خلف الصف وحده بالإعادة، ولا تؤمر المرأة وأما حديث ابن عباس فإنه كبر مع النبي صلى الله عليه وسلم منفردا في مكان لا يصلح له الوقوف فيه وهو جاهل بذلك غير عالم بالسنة فيه فرده رسول الله صلى الله عليه وسلم إلى المكان الذي حقه أن يقف فيه ولم يبطل ما عمل متأولا بغير علم، وكذلك نقول في الرجل المأمور بالإعادة إنه لولا أن النهي من رسول الله صلى الله عليه وسلم كان قد تقدم عن ذلك لما أمر بالإعادة وقد اعترض بعضهم باعتراضين غثين فقالوا لعل أمر النبي صلى الله عليه وسلم لأبي بكر ألا يعود إنما كان من سعيه بالكد إلى الصلاة، فقيل لهم: نعم كذلك نقول إنه عليه السلام نهاه بقوله لا تعد عن كل عمل عمله على غير الواجب وكان من أبي بكرة رضي الله عنه في ذلك الوقت أعمال منهي عنها، أحدها سعيه إلى الصلاة، والثاني تكبيره دون الصف والثالث مشيه في الصلاة فعن كل ذلك نهاه عليه السلام بقوله ولا تعد لا سيما وقد روينا نص قولنا بلا إشكال. كما حدثنا عبد الله بن ربيع قال: ثنا عبد الله بن محمد بن عثمان الأسدي، ثنا أحمد بن جعفر، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال السلمي، حدثنا ملازم بن عمرو الحنفي، عن عبد الله بن بدر، عن عبد الرحمن بن علي بن شيبان عن أبيه علي بن شيبان قال صلينا مع رسول الله صلى الله عليه وسلم فقضى الصلاة ورجل فرد يصلي خلف الصف فوقف عليه رسول الله صلى الله عليه وسلم حتى قضى الرجل صلاته ثم قال له رسول الله صلى الله عليه وسلم استقبل صلاتك فإنه لا صلاة لفرد خلف الصف. والاعتراض الثاني أن قالوا: لعل

the command prohibiting prayer behind the row became established. His prayer performed before the command arrived was therefore valid, while the prohibition became binding for the future. Moreover, the prohibition of prayer behind the row is an incoming command, an additional ruling, and newly instituted legislation, without doubt; it therefore certainly abrogates the preceding permission.

As for the man whom the Prophet ﷺ taught how to pray after telling him, "Go back and pray, for you have not prayed," the command to pray unquestionably remained binding upon him, and necessarily continued to bind him until he performed it as he ﷺ had commanded him. Nothing in that report states that he ﷺ, on account of the man's ignorance, relieved him of the prayer he had commanded him to perform while its time still remained. A command established with certainty cannot therefore be set aside on the basis of a false conjecture. Success comes through Allah Most High.

As for the hadith concerning the grandmother of Anas ibn Malik, that is specifically the ruling for women. This is precisely what we maintain: the ruling for women in this matter differs from the ruling for men, and the ruling for a woman, or for women, is that they must not pray with a man in his row. There is no disagreement about this. We therefore applied the hadith concerning the grandmother of Anas ibn Malik to women, and the hadith of Wabisah to men, because it expressly concerns a man who prayed behind the row. We thus accepted both hadiths and obeyed his ﷺ command in both respects. We disobeyed none of his ﷺ rulings, did not set some against others, did not invalidate some by means of others, and did not introduce disagreement among them. Someone who abandons the hadith of Wabisah on account of the hadith concerning Anas's grandmother has no greater claim to being correct than someone who abandons the hadith concerning Anas's grandmother on account of the hadith of Wabisah, and consequently invalidates that prayer for a woman just as he invalidates it for a man. None of that is permissible. Neither hadith has a greater claim to obedience than the other; the aim is to apply both to the matters concerning which they were transmitted Thus, a man who prays alone behind the row is commanded to repeat the prayer, whereas a woman is not so commanded. As for the hadith

of Ibn Abbas, he pronounced the opening declaration of Allah's greatness with the Prophet ﷺ while alone in a position where it was not proper for him to stand, being ignorant of this and unaware of the established prophetic practice concerning it. The Messenger of Allah ﷺ therefore moved him back to the position where he ought to stand, and did not invalidate what he had done on the basis of an interpretation made without knowledge. We likewise say concerning the man commanded to repeat the prayer that, had the Messenger of Allah's ﷺ prohibition of that conduct not already preceded it, he would not have commanded him to repeat it. Some of them have raised two feeble objections. They said: "Perhaps the Prophet's ﷺ command to Abu Bakr not to do it again concerned only his hurrying strenuously to the prayer." They are answered: Yes, that is precisely what we say: by saying, "Do not do it again," he ﷺ forbade him every action he had performed otherwise than as required. At that time Abu Bakrah, may Allah be pleased with him, performed several forbidden actions: first, hurrying to the prayer; second, pronouncing the opening declaration of Allah's greatness short of the row; and third, walking during the prayer. He ﷺ forbade him all of these by saying, "And do not do it again." This is especially so since we have transmitted an explicit statement of our position, without any ambiguity, as follows: Abd Allah ibn Rabi narrated to us, saying: Abd Allah ibn Muhammed ibn Uthman al-Asadi narrated to us; Ahmad ibn Jafar narrated to us; Ali ibn Abd al-Aziz narrated to us; al-Hajjaj ibn al-Minhal al-Sulami narrated to us; Mulazim ibn Amr al-Hanafi narrated to us, from Abd Allah ibn Badr, from Abd al-Rahman ibn Ali ibn Shayban, from his father, Ali ibn Shayban, who said: "We prayed with the Messenger of Allah ﷺ. He completed the prayer while a man was praying alone behind the row. The Messenger of Allah ﷺ stood by him until the man completed his prayer. Then the Messenger of Allah ﷺ said to him: 'Begin your prayer anew, for there is no prayer for someone alone behind the row.'"

The second objection is their saying: "Perhaps he ﷺ commanded the man who was ordered to repeat the prayer to do so because of some action other

المأمور بالإعادة إنما أمره عليه السلام بذلك لعمل ما، غير انفراده في الصف. فقيل لهم: هذا تكهن لا دليل عليه،

than his being alone in the row." They are answered: This is divination for which there is no evidence.[15][16][17][18][19]

L529–533 The narrator among the Companions, may Allah be pleased with them, who transmitted this reported only that the reason for commanding him to repeat the prayer was his being alone, and mentioned nothing else. Allah Most High has said: "Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about." If this were admissible, it would be admissible for others to say: "Perhaps, in the reports that the Messenger of Allah ﷺ cursed someone who tattooed the face and someone who altered the boundary markers of the land, he cursed him for some matter other than these two actions. Perhaps he ﷺ flogged the slave woman who committed unlawful sexual intercourse, stoned Maiz, and stoned the Ghamidi woman for something other than unlawful sexual intercourse, and for some matter that has not been mentioned to us." An objection of this kind is nothing but manifest obstinacy and profound ignorance. And astonishment indeed becomes protracted at the followers of Abu Hanifah, who, when a woman prays beside a man, require that the man repeat the prayer, and at the followers of Malik, who require the imam, when he prays in an elevated place with the people below him, to repeat the prayer. If they are asked for the proof of this, they say: "Because the two of them prayed where

والراوي الذي نقل ذلك من الصحابة رضي الله عنهم إنما أخبر أن سبب أمره بالإعادة كان انفراده، ولم يذكر غير ذلك وقد قال تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} ولو ساغ هذا لساغ لغيرهم أن يقول لعل ما روي من لعن رسول الله صلى الله عليه وسلم من وشم في الوجه ومن غير منار الأرض إنما لعنه لأمر ما غير هذين الفعلين ولعله عليه السلام جلد الأمة التي زنت ورجم ماعزا ورجم الغامدية لغير الزنى، ولشيء ما لم يذكر لنا. ومثل هذا من الاعتراض فإنما هو عناد ظاهر وجهل شديد وإن العجب ليطول من أصحاب أبي حنيفة الذين يأمرون المرأة إذا صلت مع الرجل إلى جنبه أن يعيد الرجل، ومن أصحاب مالك الذين يأمرون الإمام إذا صلى في مكان مرتفع والناس تحته أن يعيد، فإن سئلوا عن الحجة في ذلك قالوا: لأنهما صليا حيث لم يبح لهما، ولا يأمرون المنفرد خلف الصف والمصلي في مكان مغصوب بالإعادة، وكلاهما قد صلى على الحقيقة في مكان لم يبح له بلا شك، وأما الإمام المصلي في المكان المرتفع، والرجل الذي صلت المرأة إلى جنبه بصلاته وهو غير راض بذلك فما صليا إلا كما أمر، وكما أبيح لهما، فلو عكس هؤلاء القوم أكثر مذاهبهم لأصابوا فكيف وقد صح نص قولنا عن النبي صلى الله عليه وسلم كما حدثنا عبد الله بن ربيع قال حدثنا محمد بن إسحاق بن السليم، حدثنا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا حميد بن مسعدة: أن يزيد بن زريع حدثهم قال: ثنا سعيد بن أبي عروبة، عن زياد الأعلم، قال: أنبأنا الحسن وهو البصري أن أبا بكرة حدثه قال إنه دخل المسجد ونبي الله صلى الله عليه وسلم راكع فركعت دون الصف فقال النبي صلى الله عليه وسلم زادك الله حرصا ولا تعد قال علي وحتى لو صح هذا الترجيح الفاسد الذي ذكرنا في أول كلامنا هذا، لكان

[15] **Translator's note (L522):** "The choice" refers to the emancipated woman's option to continue or dissolve her marriage.

[16] **Translator's note (L523):** The phrase لأنها كانت أسود literally says "because she was black," but uses a masculine adjective with a feminine verb. The surrounding argument may intend "because she was married to a black man"; the supplied wording is grammatically irregular and has not been silently repaired. "Opening magnification" renders the takbir that initiates prayer: declaring "Allah is greatest."

[17] **Translator's note (L524):** The supplied text attributes this report to Rafi‘; that attribution is retained as written.

[18] **Translator's note (L525):** This fragment continues the preceding conditional "And if" and is completed by the following segment.

[19] **Translator's note (L528):** The source says "Abu Bakr" in the proposed objection but "Abu Bakrah" in the response and surrounding discussion. The variation is retained. The objection says "alone in the row," although the preceding account concerns someone praying alone behind the row. The wording is retained.

they were not permitted to pray." Yet they do not command someone praying alone behind the row, or someone praying in a usurped place, to repeat the prayer, although both have in fact unquestionably prayed in a place where they were not permitted to pray. As for the imam praying in an elevated place, and the man beside whom a woman prayed, following his prayer while he did not consent to that, they prayed only as they were commanded and as they were permitted. If these people reversed most of their positions, they would be correct! How much more so when an explicit statement of our position has been authentically transmitted from the Prophet ﷺ, as follows: Abd Allah ibn Rabi narrated to us, saying: Muhammed ibn Ishaq ibn al-Salim narrated to us; Ibn al-Arabi narrated to us; Abu Dawud al-Sijistani narrated to us; Humayd ibn Masadah narrated to us that Yazid ibn Zuray narrated to them, saying: Said ibn Abi Arubah narrated to us, from Ziyad al-Alam, who said: al-Hasan—that is, al-Basri—informed us that Abu Bakrah narrated to him, saying that he entered the mosque while the Prophet of Allah ﷺ was bowing: "So I bowed short of the row." The Prophet ﷺ said: "May Allah increase your eagerness, and do not do it again."

Ali said: Even if this invalid preference between reports that we mentioned at the beginning of this discussion were sound, the hadith of Wabisah would still be the one that must be accepted, because the hadiths transmitted through numerous chains and in various wordings concerning the straightening of the rows, making that obligatory, and the severe threat against acting otherwise all support the hadith of Wabisah, agree with it, and invalidate the prayer of any man who fails to straighten the row. Everyone who prays alone, by himself behind the row, has failed to straighten the row. Those hadiths we mentioned were transmitted by Jabir ibn Salamah, Abu Masud al-Badri, Abu Said al-Khudri, Anas ibn Malik, al-Numan ibn Bashir, and Abu Hurayrah through chains of the utmost authenticity. This was also transmitted through Ibn Amr, Abu Malik al-Ashari, al-Irbad ibn Sariyah, and al-Bara ibn Azib, all of them from the Prophet ﷺ. We have already explained that the hadith of Abu Bakr agrees with the hadith of Wabisah. The hadith of Wabisah is therefore established, with nothing opposing it, and, owing to the large number of those we have mentioned who transmitted its meaning and the

حديث وابصة هو الذي يجب أن يؤخذ به، لأن الأحاديث الواردة من طرق جمة وألفاظ شتى في تسوية الصفوف وإيجاب ذلك، والوعيد الشديد على خلافه مؤيدة كلها لحديث وابصة وموافقة له، ومبطلة لصلاة من لم يقم الصف من الرجال، وكل من صلى وحده منفردا خلف الصف فلم يقم الصف، وتلك الأحاديث التي ذكرناها رواها جابر بن سلمة، وأبو مسعود البدري، وأبو سعيد الخدري، وأنس بن مالك، والنعمان بن بشير، وأبو هريرة من طرق في غاية الصحة. وروي ذلك أيضا من طريق ابن عمرو، وأبي مالك الأشعري، والعرباض بن سارية والبراء بن عازب كلهم عن النبي صلى الله عليه وسلم وقد ذكرنا أن حديث أبي بكر موافق لحديث وابصة، فثبت حديث وابصة لا معارض له، وصار بكثرة من ذكرنا من رواة معناه، والحكم الواجب فيه منقولا نقل التواتر، موجبا للعلم الضروري، لأنه رواه اثنا عشر صاحبا، منهم الكوفي والبصري والرقي والشامي والمدني من طرق شتى، وهذه صفة نقل الكافة، وبالله تعالى التوفيق. وقالوا: نرجح أحد النصين بأن يكون أحدهما أبعد من الشناعة ومثلوا ذلك بقوله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} الآية مع قوله عز وجل {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين}

ruling required in it, transmitted through recurrent mass transmission that necessitates immediate knowledge, because twelve Companions narrated it, including men from Kufa, Basra, Raqqa, Syria, and Medina, through various routes. This is the character of transmission by the multitude. Success comes through Allah Most High.

They said: We give one of the two texts preponderance when one is further removed from outrageousness. They illustrated this with His saying, Most High, {O you who believe, if an evildoer comes to you with a report, ascertain the truth, lest you harm a people in ignorance and then become remorseful for what you have done}—the verse—alongside His saying, Mighty and Majestic, {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will

we conceal the testimony of Allah; otherwise we would indeed be among the sinners."}[20][21][22][23][24][25]

L534–536 Ali said: This has no meaning. There is no outrageousness except opposing Allah and the Messenger of Allah ﷺ and arbitrarily imposing corrupt opinions upon what we have been commanded to do. This is the outrage besides which there is no other outrage. His saying, Most High, {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will we conceal the testimony of Allah; otherwise we would indeed be among the sinners"}, is an exception to the verse prohibiting acceptance of the report of a single evildoer. Thus no evildoer is accepted at all except solely in the matter of a bequest while traveling: in that case, two unbelievers specifically are accepted, to the exclusion of all

قال علي وهذا لا معنى له ولا شناعة إلا المخالفة لله ولرسول الله صلى الله عليه وسلم والتحكم بالآراء الفاسدة على ما أمرنا به، فهذه هي الشنعة التي لا شنعة غيرها وقوله تعالى {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين} مستثنى من آية النهي عن قبول خبر الواحد الفاسق فلا يقبل فاسق أصلا إلا في الوصية في السفر فقط، فإنه يقبل فيها كافران خاصة دون سائر الفساق، ولا شنعة أعظم ولا أفحش ولا أقبح ولا أظهر من بطلان قول من قال {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين} أي من غير قبيلتكم تعالى الله عن هذا الهذر علوا كبيرا، وليت شعري أي قبيلة خاطب الله عز وجل بهذا الخطاب خاصة دون سائر القبائل وقد قال تعالى في أول الآية {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} وما علمنا الذين أمنوا قبيلة بعينها. بل في الذين آمنوا: عرب، وفرس، وقبط، ونبط، وروم، وصقلب، وخزر، وسودان حبشة، وزنج، ونوبة، وبجاة، وبربر، وهند، وسند، وترك، وديلم، وكرد، فثبت بضرورة لا مجال للشك فيها، أن غير الذين آمنوا: هم الذين كفروا، ولا ينكر ذلك إلا من سفه نفسه، وأنكر عقله، وقال على ربه تعالى بغير علم ولا برهان؛ ولعمري لقد كان ينبغي أن يستحي قائلمن غيركم من غير قبيلتكم؛ من هذا التأويل الساقط الظاهر عواره؛ الذي

[20] **Translator's note (L529):** The Quranic quotation contains defective spellings of the words for hearing, sight, and heart; their intended readings are clear and are reflected in the translation.

[21] **Translator's note (L530):** The Arabic construction concerning the woman and the man is awkward: literally, it says that they "command the woman, when she prays with the man beside him, that the man repeat." The translation conveys the apparent intended ruling while flagging the syntactic irregularity.

[22] **Translator's note (L531):** The report shifts from third-person narration ("he entered") to first-person narration ("I bowed"). This shift is retained.

[23] **Translator's note (L532):** The source names "Jabir ibn Salamah," an apparently erroneous name that may be intended as "Jabir ibn Samurah." The supplied name is retained. The source here says "Abu Bakr," whereas the preceding report names Abu Bakrah. The supplied name is retained.

[24] **Translator's note (L533):** The opening continues the preceding segment's statement about the report of Wabisa and the ruling it entails. Both Quranic quotations contain transcriptional defects, chiefly missing letters and, in the first, a duplicated letter in the verb translated as "harm." Their recoverable wording has been translated; the second quotation is Quran 5:106.

[25] **Qur'an references (L529):** Qur'an 17:36 (Al-Isra); Qur'an 49:6 (Al-Hujurat); Qur'an 5:106 (Al-Ma'idah).

other evildoers. There is no outrage greater, more abominable, uglier, or more evident than the invalidity of the statement of someone who says that {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will we conceal the testimony of Allah; otherwise we would indeed be among the sinners"} means "from outside your tribe." Exalted is Allah far above this babble! Would that I knew which tribe Allah, Mighty and Majestic, addressed exclusively with this address, to the exclusion of all other tribes, when He, Most High, said at the beginning of the verse, {O you who believe, if an evildoer comes to you with a report, ascertain the truth, lest you harm a people in ignorance and then become remorseful for what you have done}. We have never known "those who believe" to be one particular tribe. Rather, among those who believe are Arabs, Persians, Copts, Nabataeans, Romans, Slavs, Khazars, and Black peoples—Abyssinians, Zanj, Nubians, and Beja—as well as Berbers, Indians, Sindhis, Turks, Daylamites, and Kurds. It is therefore established by necessity, leaving no room for doubt, that those outside the number of those who believe are those who disbelieve. None denies this except someone who has made a fool of himself, disowned his reason, and spoken about his Lord Most High without knowledge or demonstration. By my life, anyone who says that "from outside your number" means "from outside your tribe" ought indeed to be ashamed of this worthless interpretation, whose defect is manifest and upon which there is no trace of the light of truth. Astonishment grows at the followers of Abu Hanifa, who accept Jews and Christians as witnesses against one another in all matters of legal rights, although Allah Most High has forbidden them to accept evildoers, yet do not accept them in the matter of a bequest while traveling, even though the explicit text of the Quran prescribes accepting them in that matter. Allah suffices us. What more could possibly be said here than to describe this repulsive, outrageous, appalling position? Merely mentioning it suffices to spare one the trouble of refuting it. Success comes through Allah Most High.

ليس عليه من نور الحق أثر. والعجب يكثر من أصحاب أبي حنيفة الذين يقبلون اليهود والنصارى في جميع الحقوق بعضهم على بعض، وقد نهاهم الله تعالى عن قبول الفاسقين، ثم لا يقبلونهم في الوصية في السفر، وقد جاء نص القرآن بقبولهم فيها، وحسبنا الله وما عسى أن يقال في هذا المكان أكثر من وصف هذا القول البشيع الشنيع الفظيع، فإن ذكره كاف من تكلف الرد عليه، وبالله تعالى التوفيق. وقالوا: ونرجع بأن يكون الاشتقاق يؤيد أحد النصين، ومثلوا ذلك بالشفق وادعوا أن اشتقاقه يؤيد أنه الحمرة

They said: We revert on the ground that derivation supports one of the two texts. They illustrated this with twilight, claiming that its derivation supports its being the redness.[26][27][28][29]

L537 Ali said: We have neither heard this in the science of language nor known it, nor has any philologist ever heard that "twilight" is derived from "redness." We have only known poets to call the redness and whiteness mingled on the cheeks [reading uncertain] "twilight," solely by way of comparison. We say that the time of the later evening prayer begins with the disappearance of the redness because the redness is called "twilight" and the whiteness is called "twilight." Thus, whenever something to which the name "twilight" applies, whether redness or whiteness, has disappeared, twilight has disappeared and its time has begun, [according to] the report concerning this from the Prophet ﷺ. This is to adhere to the general scope and the apparent meaning.[30]

L538–539 As for someone who says, "Until everything called twilight has disappeared," he has restricted the hadith's scope without any reason or demonstration. He has claimed that what is intended by it is part of what is called twilight,

قال علي ما سمعنا هذا في علم اللغة ولا علمناه ولا سمع لغوي قط أن الشفق مشتق من الحمرة، وإنما عهدنا الشعراء يسمون الحمرة والبياض المختلطين في الجدود بالشفق على سبيل التشبيه فقط، وإنما قلنا: إن وقت العشاء الآخرة يدخل بمغيب الحمرة، لأن الحمرة تسمى شفقا والبياض يسمى شفقا، فمتى غاب ما يقع عليه اسم شفق من حمرة أو بياض فقد غاب الشفق ودخل وقتها الخبر في ذلك عن النبي صلى الله عليه وسلم وهذا هو القول بالعموم والظاهر

وأما من قال: حتى يغيب كل ما يسمى شفقا فقد خصص الحديث بلا معنى ولا برهان، وادعى أن المراد بذلك بعض ما يسمى شفقا وهو البياض، وأنه قد يغيب الشفق ولا يكون ذلك وقتا للعتمة؛ وذلك مغيب الحمرة. وهذا تخصيص للحديث بلا دليل؛ وإنما بينا هذا لئلا يموه مموه فيقول لنا: أنتم خصصتم الظاهر في هذا المكان؛ ولئلا يدعوا أنهم قالوا بعمومه في هذا المكان. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما يضيف إلى السلف نقصا والآخر لا يضف إليهم ذلك، فيكون الذي لا يضيف إليهم ذلك النقص أولى، ومثلوا ذلك بمثال لا يصح، فذكروا حديثين وردا في إعادة الوضوء من القهقهة في الصلاة؛ وفي إسقاط الوضوء منها وكلا الحديثين ساقط لا يصح. أحدهما رواه الحسن بن دينار وهو ضعيف، وروي مرسلا من طريق أبي العالية وقد بينا أن المرسل لا تقوم به حجة، والآخر رواه أبو سفيان عن جابر، وأبو سفيان طلحة بن نافع ضعيف. ولكنا نمثل في ذلك مثالا يصح، وذلك الحديث المروي أن امرأة مخزومية سرقت فشفع فيها أسامة ألا تقطع يدها فأنكر عليه السلام على أسامة رضي الله عنه وقال له يا أسامة أتشفع في حد من حدود الله تعالى. وروي أيضا: أن امرأة كانت تستعير المتاع وتجحده فأمر رسول الله صلى الله عليه وسلم بقطع يدها

[26] **Translator's note (L534):** Both repetitions of Quran 5:106 contain the same transcriptional defects, chiefly missing letters; the recoverable wording has been translated in full. The final question continues in the next segment.

[27] **Translator's note (L535):** The quotation supplied here is Quran 49:6, although the argument concerns the opening address of Quran 5:106. The apparent quotation mismatch is retained. The Quranic quotation has transcriptional defects, including missing letters and a duplicated letter in the verb translated as "harm." The unpunctuated sequence beginning with "Black peoples" permits some uncertainty about the grouping of the ethnonyms.

[28] **Translator's note (L536):** The supplied verb means "we revert" or "we return." In this discussion of giving one text preponderance, it appears to be a transcriptional error for "we give preponderance"; the supplied reading is retained. "Twilight" translates shafaq, the term whose application to the red or white glow after sunset is disputed.

[29] **Qur'an references (L534):** Qur'an 5:106 (Al-Ma'idah); Qur'an 49:6 (Al-Hujurat).

[30] **Translator's note (L537):** The supplied word at "cheeks" is al-judud, not the expected al-khudud ("cheeks"). The rendering reflects a likely reading, explicitly marked as uncertain; the transcription itself does not securely support it. The syntax immediately before "the report concerning this" is defective or elliptical. "[According to]" supplies a possible connection without treating the supplied Arabic as sound. "Later evening prayer" renders al-isha al-akhira. The distinction between the red and white glows, both called shafaq, is retained.

namely the whiteness, and that twilight may disappear without that being the time for the night prayer—namely, when the redness disappears. This is a restriction of the hadith's scope without evidence. We have explained this only so that no obfuscator may mislead by saying to us, "You have restricted the apparent meaning here," and so that they may not claim that they have adhered to its general scope here.

They said: We give one of two reports preponderance when one attributes a shortcoming to the predecessors and the other does not attribute that to them, so that the one that does not attribute that shortcoming to them is preferable. They illustrated this with an unsound example, mentioning two hadiths transmitted concerning the renewal of ablution because of loud laughter during prayer and the waiving of ablution on its account. Both hadiths are inadmissible and unsound. One was narrated by al-Hasan ibn Dinar, who is weak, and was also transmitted through Abu al-Aliya as a report with an omitted link to the Prophet. We have already explained that such a report cannot establish an authoritative proof. The other was narrated by Abu Sufyan from Jabir, and Abu Sufyan—Talha ibn Nafi—is weak. We, however, shall illustrate this with a sound example: the transmitted hadith that a woman of Makhzum stole, and Usama interceded on her behalf so that her hand would not be cut off. He, peace be upon him, expressed disapproval to Usama, may Allah be pleased with him, and said to him, "Usama, do you intercede concerning one of the prescribed penalties of Allah Most High?" It has also been transmitted that a woman used to borrow goods and deny having received them, and the Messenger of Allah ﷺ ordered her hand to be cut off; Usama then interceded on her behalf. Someone who gave one of the two versions preponderance on the ground we have mentioned said, "It is impossible that the Prophet ﷺ should rebuke Usama for interceding concerning a prescribed penalty and that he should then return to doing the same thing." They thus sought to establish that it was one incident and one woman and that her hand was cut off for theft, not for denying receipt of borrowed property. Ali said: This has no meaning and contains no authoritative proof, because we have not said that Usama, may Allah be pleased with

فشفع فيها أسامة فقال من رجح إحدى الروايتين بما ذكرنا محال أن يزجر النبي صلى الله عليه وسلم أسامة عن أن يشفع في حد ثم يعود لمثل ذلك فراموا أن يثبتوا بذلك أنها قصة واحدة وامرأة واحدة وأنها قطعت للسرقة لا لجحد العارية قال علي هذا لا معنى له ولا حجة فيه لأننا لم نقل إن أسامة رضي الله عنه أقدم على ذلك وهو يعلمه حدا، وليس في الحديث زجر، وإنما فيه تعليم

him, ventured to do that while knowing it to be a prescribed penalty. There is no rebuke in the hadith; there is only instruction.[31]

L540–541 And we do not object to Usamah or anyone else being ignorant of some provision of the revealed law until the Messenger of Allah ﷺ teaches it to him. Whoever says, concerning a report about a female thief and a report about a woman who borrowed something, that they are a single incident has obstinately denied the distinction, spoken without demonstration, and pursued that of which he has no knowledge. We, however, say with certainty, without doubt, that the situation of the woman who borrowed is different from that of the female thief, that borrowing and denying receipt are different from theft, and that these are undoubtedly two distinct cases. Nevertheless, we do not assert categorically that they involved two women, nor that they involved one woman, because either is possible. Even if it was one woman, it is possible that she stole on one occasion and had her hand cut off, then borrowed something and denied receipt and had her second hand cut off. Allah Most High knows best. We say only what we have transmitted and what has been established as authentic in our judgment. We do not add, on the basis of our own opinion, anything that we have neither heard nor had established by demonstration, thereby entering the bounds of falsehood—we seek refuge in Allah from that. We do, however, say that we have transmitted through an authentic chain of transmission that the Messenger of Allah ﷺ ordered the hand of a woman who borrowed goods and denied receipt to be cut off. We therefore cut off the hand of every borrower who denies receipt when testimony establishing this is produced against him, when the judge knows it, or when he himself confesses to it. We also say: We have transmitted that he ﷺ cut off the hand of someone who stole. We therefore cut off the hand of anyone who steals when any of the aforementioned means of proof is established against him. Moreover, the report about cutting off the borrowing woman's hand has been transmitted through a route other than that of ʿA'ishah, may Allah be pleased with her, with an authentic chain

ولسنا ننكر على أسامة وغير أسامة جهل شريعة ما حتى يعلمه إياها رسول الله صلى الله عليه وسلم ومن قال في خبر ورد في سارقة وخبر ورد في مستعيرة إنها قصة واحدة، فقد كان كابر وقال بغير برهان، وقفا ما ليس له به علم. وأما نحن فنقول يقينا بغير شك: إن حال المستعيرة غير حال السارقة، وإن العارية والجحود غير السرقة، وإنهما قضيتان متغايرتان بلا شك، ثم لسنا نقطع على أنهما امرأتان، ولا على أنها امرأة واحدة، لأن كل ذلك ممكن، وقد يمكن ولو كانت امرأة واحدة أن تكون سرقت مرة فقطعت يدها، ثم استعارت فجحدت فقطعت يدها الثانية، والله تعالى أعلم، وإنما نقول ما روينا وصح عندنا، ولا نزيد من رأينا ما لم نسمع، ولا قام به برهان، فنحصل في حد الكذب، ونعوذ بالله من ذلك، إلا أننا نقول: إنا قد روينا بالسند الصحيح أن رسول الله صلى الله عليه وسلم أمر بقطع يد امرأة استعارت المتاع وجحدته، فنحن نقطع يد كل مستعير جاحد إذا قامت عليه بذلك بينة، أو علم بذلك الحاكم أو أقر هو بذلك ونقول قد روينا أنه عليه السلام قطع يد من سرق فنحن نقطع يد من سرق إذا ثبت عليه شيء مما ذكرنا. هذا على أن حديث قطع المستعيرة قد روي من غير طريق عائشة رضي الله عنها بسند صحيح؛ ليس فيه ذكر شفاعة أسامة ولا شيء مما في حديث السارقة، وبالله تعالى التوفيق. قال أبو محمد: ولهم ترجيحات فاسدة جدا، والتي ذكرنا تستوعبها كلها، وقد بينا سقوطها بالبراهين الواضحة وبتعري دعاويهم من الأدلة، وعلى ذلك فكل ما رجحوا به في مكان ما فقد تركوه في أمكنة كثيرة، وقد بينا الوجوه التي بها يرفع التعارض المظنون عن النصوص من القرآن والحديث، بيانا لائحا والحمد لله رب العالمين ولا حول ولا قوة إلا بالله العلي العظيم.

[31] **Translator's note (L538):** "A report with an omitted link to the Prophet" renders mursal: a report attributed to the Prophet without a continuous transmission chain to him. "Prescribed penalty" consistently renders hadd in this discussion.

of transmission containing no mention of Usamah's intercession or anything else found in the report about the female thief. Success is through Allah Most High.

Abu Muhammed said: They have very many unsound grounds for preferring one text over another, and those we have mentioned encompass them all. We have demonstrated their invalidity through clear demonstrations and by exposing their claims as devoid of evidence. Furthermore, every ground on which they have preferred one text in one place they have abandoned in many other places. We have clearly explained the ways in which the supposed contradiction between texts of the Quran and hadith is removed. Praise belongs to Allah, Lord of all worlds, and there is neither power nor strength except through Allah, the Most High, the Magnificent.[32]

L542 **[Section concerning those who say that it is impermissible to restrict the general scope of the Quran]**[33]

L543–554 by a transmitted report, and the refutation of that position ʿAli said: Earlier, through the power and strength of Allah Most High, we explained how what occurs in hadith is excepted from what occurs in the Quran, and what occurs in the Quran from what occurs in hadith, and how whatever occurs in each of them as a specific provision is excepted from whatever occurs in them as a general provision; the basis for accepting the additional provision in all of this; and the confused floundering of those who oppose that method amid bewildering contradictions, with doubts prevailing over their statements. Something remains of the derangement of their position, which we shall mention here, if Allah Most High wills. It is that some of them thought fit to reject certain reports that had reached them from the Prophet ﷺ, although they had accepted comparable reports in the passages already explained. They said: "It is impermissible to restrict the general scope of the Quran by a report from the Prophet ﷺ." We have already explained that

[32]**Translator's note (L541):** The opening continues the preceding segment's ولسنا, "and we do not"; the negation is therefore not repeated in this segment's translation.

[33]**Translator's note (L542):** The heading continues in 543:0. The source places its closing bracket before that continuation.

[فصل فيمن قال لا يجوز تخصيص القرآن]

بالخبر والرد عليه قال علي قد بينا فيما قبل هذا بحول الله تعالى وقوته كيف يستثنى ما جاء في الحديث مما جاء في القرآن، وما جاء في القرآن مما جاء في الحديث، وما جاء في كل واحد منهما من خاص مما جاء فيهما من عام، ووجه الأخذ بالزائد في كل ذلك، وذكر تخبط من خالف تلك الطريقة في حيرة التناقض وغلبة الشكوك على أقوالهم، وبقي من خبال قولهم شيء نذكره ههنا إن شاء الله تعالى، وهو أن بعضهم رأى أن يرد بعض ما بلغه عن النبي صلى الله عليه وسلم مما قد أخذ بمثله فيما بين من المواضع فقال لا يجوز تخصيص القرآن بالخبر عن النبي صلى الله عليه وسلم وقد بينا فيما خلا أن القوم إنما حسبهم نصر المسألة التي بين أيديهم فقط، بأي شيء أمكنهم، وإن هدموا على أنفسهم ألف مسألة مما يحتجون به في هذه، ثم لا يبالون إذا تناولوا مسألة أخرى أن يحققوا ما أبطلوا في هذه ويبطلوا ما حققوا فيها، فهم أبدا كما ترى يحلونه عاما ويحرمونه عاما. ولقد كان ينبغي لمن ترك قول الله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا

these people concern themselves only with vindicating the particular position before them by whatever means they can, even if, through what they invoke in support of it, they demolish a thousand of their own positions. Then, when they address another question, they have no concern about establishing what they invalidated in this one and invalidating what they established in it. Thus, as you see, they are forever making it lawful one year and unlawful another.

Someone who abandoned the words of Allah Most High, {O you who believe, do not approach prayer while you are intoxicated, until you know what you are saying, nor while in a state of major ritual impurity, except when passing through, until you have washed yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and hands. Indeed, Allah is ever Pardoning, Forgiving}, on account of the report about performing ablution with forbidden, intoxicating nabidh—a report that is in no way authentic—and someone who abandoned the words of Allah Most High, {O you who believe, retaliation is prescribed for you concerning those killed: the free person for the free person, the slave for the slave, and the female for the female. But whoever has anything remitted to him by his brother, then there is to be pursuit in accordance with what is right and payment to him with good conduct. That is an alleviation from your Lord and a mercy. Whoever transgresses after that shall have a painful punishment}, saying instead, "Rather, he pursues him with lashes of the whip and banishment through the lands"—and there are many such examples—ought indeed to be ashamed to say: "I do not restrict the general scope of the Quran by an authentic hadith transmitted by trustworthy narrators."

There is indeed prolonged cause for astonishment at someone who refuses to accept a solitary report concerning judgment on the basis of an oath together with a witness, the validity of the fast of someone who eats forgetfully, the establishment of a marriage prohibition through five breastfeedings, and making up fasting on behalf of someone who died owing a fast, concerning the prohibition on applying funerary aromatics to a deceased person in the state of pilgrimage consecration, and concerning hundreds of rulings, yet who then has no shame in saying, "I do not flog a fornicator who has

عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} لحديث الوضوء بالنبيذ المسكر الحرام، وهو لا يصح أبدا ولمن ترك قول الله تعالى {يأيها لذين آمنوا كتب عليكم لقصاص في لقتلى لحر بالحر ولعبد بلعبد ولأنثى بلأنثى فمن عفي له من أخيه شيء فتباع بلمعروف وأدآء إليه بإحسان ذلك تخفيف من ربكم ورحمة فمن عتدى بعد ذلك فله عذاب أليم} فقال بل يتبعه بالضرب بالسياط والنفي في البلاد، ومثل هذا كثير أن يستحي من أن يقول: لا أخصص القرآن بالحديث الصحيح الذي نقله الثقات. وإن العجب ليطول ممن أبى قبول خبر الواحد في الحكم باليمين مع الشاهد وفي تمام صيام الآكل ناسيا، وفي التحريم بخمس رضعات، وفي قضاء الصيام عمن مات وعليه صوم، وفي ألا يحنط المحرم الميت، وفي مئين من الأحكام، ثم لا يستحي من أن يقول: لا أجلد الزاني المحصن. وقد جاء القرآن بجلد كل زان ولم يخص محصنا من غيره فقال تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} ولم يخص تعالى من ذلك إلا الإماء والعبيد فقط. فتركوا القرآن كما ترى والسنة الصحيحة من طريق عبادة في إيجاب الجلد على الزاني محصنا كان أو غير محصن، لظن ظنوه في أن ماعزا رجم ولم يجلد، وقد علمنا وجه قول المعتزلة لا نأخذ بالحديث إلا حتى نجد حكمه في القرآن، وما علمنا وجها لقول من قال لا نأخذ بالقرآن حتى يأتي حكمه في الحديث. وهذا هو نفس قول إخواننا، وفقهم الله في هذا المسألة وإنما روي أن رسول الله صلى الله عليه وسلم لم يجلد ماعزا من طريق ساقطة لا يقوم به حجة. وقد فعل مثل ذلك أيضا بعضهم، فسمع القرآن قد نزل بقوله تعالى {فإذا قرأت لقرآن فستعذ بلله من لشيطان لرجيم} فقالوا لا نستعيذ إذا قرأنا في الصلاة، لأنه لم يأت خبر بإيجاب الاستعاذة، فمرة يتركون الأخبار

consummated a valid marriage," although the Quran has prescribed flogging every fornicator, without distinguishing one who has consummated a valid marriage from anyone else. Thus He Most High said: {The female fornicator and the male fornicator: flog each of them one hundred lashes, and let no compassion for them overcome you in Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}. He Most High excepted from this only female and male slaves. Thus, as you see, they abandoned the Quran and the authentic Sunnah transmitted through ʿUbadah, which makes flogging obligatory for the fornicator, whether or not he has consummated a valid marriage, because of a supposition they entertained that Maʿiz was stoned and was not flogged. We understand the rationale of the Muʿtazilah's statement, "We do not accept hadith unless and until we find its ruling in the Quran," but we know of no rationale for the statement of someone who says, "We do not accept the Quran until its ruling occurs in hadith." Yet this is precisely the position of our brethren—may Allah grant them success—on this question. The report that the Messenger of Allah ﷺ did not flog Maʿiz has been transmitted only through a discredited route by which no proof is established.

Some of them have also done something similar: they heard that the Quran had been revealed with His words, Most High, {When you recite the Quran, seek refuge in Allah from Satan, the accursed}, yet they said: "We do not seek refuge when we recite during prayer, because no report has come making the seeking of refuge obligatory." At one time they abandon authentic reports because their rulings are not mentioned in the Quran, and at another they abandon the Quran because no report has brought its ruling. Where, then, is one to look for these people's positions? How do they permit themselves these monstrous enormities, which lack consistency, besides being erroneous, unsupported by proof, and demonstrably invalid?

Some of them have argued for omitting the seeking of refuge on the basis of what is reported from the Prophet ﷺ: that he would begin the Quran with "Praise belongs to Allah, Lord of all worlds."

ʿAli said: This is among their peculiar arguments. Would that I knew when we ever told them that seeking refuge was Quranic recitation, so that they

الصحاح لأنها لم تذكر أحكامها في القرآن، ومرة يتركون القرآن لأن حكمه لم يأت به خبر، فأين تطلب مذاهب هؤلاء القوم، وكيف يستجيزون هذه العظائم الشنيعة التي لا تطرد مع خطئها، وعدم الحجة عليها وقيام البرهان على بطلانها. وقد اعترض بعضهم في ترك الاستعاذة بما روي عن النبي صلى الله عليه وسلم كان يفتتح القرآن بالحمد لله رب العالمين قال علي وهذا من غريب احتجاجهم وليت شعري متى قلنا لهم إن الاستعاذة قراءة يحتجون علينا بها، وإنما قلنا لهم: إن الاستعاذة قبل القراءة، وبعد ما روي من التوجيه والدعاء أثر التكبير، وأما استفتاح القراءة فبالحمد لله رب العالمين بلا شك ولا نقول غير ذلك قال علي فإن قالوا لنا أتقولون إن ماعزا جلده النبي صلى الله عليه وسلم وأنه عليه السلام كان يستعيذ قبل القراءة في الصلاة قلنا لهم وبالله تعالى التوفيق: إنا نقول ونقطع أن الله عز وجل قد أمر بجلد كل زان على كل حال وأن رسول الله صلى الله عليه وسلم قد حكم على الزاني المحصن بالجلد مع الرجم وأنه عليه السلام لم يخالف ربه قط ولا شك عندنا في أن ماعزا جلد مع الرجم، ولا ندري إن كان أمره بعد ورود النص بالجلد مع الرجم وقد يمكن أن يكون رجمه قبل نزول آية الجلد، فقد روينا بأصح طريق أنه قيل لبعض الصحابة رضوان الله عليهم في رجم رسول الله صلى الله عليه وسلم المحصن والمحصنة أكان ذلك قبل نزول سورة النور أم بعد نزولها؟ فقال: لا أدري، فصح قولنا، وكذلك فعل علي بن أبي طالب رضي الله عنه بعد النبي صلى الله عليه وسلم فإنه جلد شراحة الهمدانية ثم رجمها وكذلك نقول أيضا إن الله عز وجل قد أمر كل قارىء بالاستعاذة وأن رسول الله صلى الله عليه وسلم لم يخالف أمر ربه قط ولا شك عندنا في وجوب الاستعاذة في الصلاة وقد استعاذ قبل القراءة جماعة من الصحابة. روينا ذلك عنهم بالسند الصحيح، وما روي إنكار ذلك عن أحد منهم، ولا يبطل ما صح بقول القائل لعله نسخ ولا بأن يروى أنه

could invoke this against us! We have only told them that seeking refuge comes before recitation and after the reported turning toward Allah and supplication following the declaration “Allah is greatest.” As for beginning the recitation, that is undoubtedly with “Praise belongs to Allah, Lord of all worlds,” and we say nothing else.

ʿAli said: If they say to us, “Do you say that the Prophet ﷺ flogged Maʿiz and that he ﷺ used to seek refuge before recitation during prayer?” we say to them—and success is through Allah Most High— We say and categorically affirm that Allah, Mighty and Majestic, commanded the flogging of every fornicator in every circumstance; that the Messenger of Allah ﷺ ruled that a fornicator who has consummated a valid marriage is to be flogged as well as stoned; and that he ﷺ never disobeyed his Lord. We have no doubt that Maʿiz was flogged as well as stoned, and we do not know whether his case occurred after the textual prescription of flogging together with stoning. It is possible that his stoning occurred before the revelation of the verse prescribing flogging. For we have transmitted through a most authentic route that one of the Companions—may Allah be pleased with them—was asked, concerning the Messenger of Allah’s ﷺ stoning of a man and a woman who had consummated valid marriages: “Was that before the revelation of Sūrat al-Nūr or after its revelation?” He replied, “I do not know.” Thus our position is established as correct. ʿAlī ibn Abī Ṭālib, may Allah be pleased with him, likewise acted in this manner after the Prophet ﷺ: he flogged Shurāḥah al-Hamdāniyyah and then stoned her. We likewise also say that Allah, Mighty and Majestic, has commanded every reciter to seek refuge, and that Allah’s Messenger ﷺ never disobeyed his Lord’s command. We have no doubt that seeking refuge is obligatory in prayer. A number of the Companions sought refuge before recitation; we have transmitted this from them through an authentic chain of transmission, and no objection to it has been transmitted from any of them. What has been authentically established is not invalidated by someone saying, “Perhaps it was abrogated,” nor by a report that he ﷺ repeated it. Likewise, if it is a command, it is not invalidated by the absence of a report that he ﷺ performed it. We have explained that a command becomes binding the moment it is issued, unless

عليه السلام كرره وكذلك إن كان أمرا فلا يبطل بألا يروى أنه عليه السلام فعله وقد بينا أن الأمر ساعة وروده يلزم ما لم يتيقن نسخه، ولو كان الأمر لا يصح إلا بأن يكرر للزم مثل ذلك في التكرار، وفي تكرار التكرار إلى ما لا نهاية له، وللزم مثل ذلك في الأفعال، فكان لا تصح شريعة أبدا. وهذا قول يؤدي إلى إبطال جميع الشرائع وإلى الكفر، وليس الأمر الثاني بأوكد من الأول أصلا قال علي ثم نعكس عليهم هذا السؤال الفاسد فنقول لمن كان منهم مالكيا أتقول إن رسول الله صلى الله عليه وسلم أخذ الزكاة من زيت الفجل ومن الفول والعلس ومن عروض التجارة، وقد كان ذلك موجودا بالمدينة، وكانت التجارة هي الغالبة على المهاجرين، ومعاش جميع أهل مكة لا نحاشي منهم أحدا في أيامه عليه السلام وهل حكم رسول الله صلى الله عليه وسلم بالشفعة في الثمار وقد كانت تتبايع على عهده بالمدينة بلا شك ونقول له إن كان حنفيا أتقول إنه عليه السلام أخذ الزكاة من القثاء والرمان والخضروات والقطن ونقول لمن كان منهم شافعيا هل تقول إنه عليه السلام بسمل ولا بد في كل ركعة قبل أم القرآن فإن قالوا: قد قام الدليل على كل ما ذكرنا ولا ينسب إلى رسول الله صلى الله عليه وسلم خلاف ما أوجبه القرآن وخلاف ما جاء به أمره، قلنا لهم: هذا قولنا نفسه في جلد ماعز وفي الاستعاذة فإن قالوا نعم قد فعل ذلك كله رسول الله صلى الله عليه وسلم قالوا ما لم يأت في شيء من الروايات أنه فعله عليه السلام فلا ينكروا هذا على من قاله فيما جاء به نص كلام الله عز وجل وإن قالوا لم يفعله عليه السلام ولكنا أوجبناه بالدلائل أقروا على أنفسهم بالكفر وبإحداث شريعة لم يأذن بها الله تعالى ولا علمها الرسول صلى الله عليه وسلم وصرحوا بأن النبي عليه السلام خالف أمر ربه جاهرا وضيع الواجب وأنهم استدركوا ذلك وعملوا بأمر ربهم، وهذا لا يقوله مسلم والله الموفق للصواب

its abrogation is known with certainty. If a command were valid only when repeated, the same requirement would necessarily apply to the repetition, and to the repetition of that repetition, without end. The same requirement would necessarily apply to actions, so that no religious law would ever be valid. This is a position that leads to the invalidation of all religious laws and to unbelief. The second command is in no respect more binding than the first.

ʿAlī said: We then turn this unsound question back upon them. To whichever of them is a Mālikī, we say: "Do you maintain that Allah's Messenger ﷺ collected obligatory alms from radish oil, broad beans, emmer wheat, and merchandise? These things existed in Medina, and trade was the predominant occupation of the Emigrants and the livelihood of all the people of Mecca, without a single exception, during his ﷺ lifetime. And did Allah's Messenger ﷺ rule that the right of pre-emption applied to fruit? Fruit was undoubtedly bought and sold in Medina during his lifetime." If he is a Ḥanafī, we say to him: "Do you maintain that he ﷺ collected obligatory alms from cucumbers, pomegranates, vegetables, and cotton?" To whichever of them is a Shāfiʿī, we say: "Do you maintain that he ﷺ invariably pronounced 'In the name of Allah' in every prayer cycle before the Mother of the Quran?" If they say, "Evidence has established everything we have mentioned, and Allah's Messenger ﷺ cannot be attributed with acting contrary to what the Quran has made obligatory or contrary to what his own command prescribed," we say to them: "That is precisely our position concerning the flogging of Māʿiz and seeking refuge." If they say, "Yes, all of that was done by Allah's Messenger ﷺ," they have asserted something that none of the transmitted reports states he ﷺ did. Let them therefore not object to someone asserting this concerning what the explicit wording of the speech of Allah, Mighty and Majestic, prescribes. If they say, "He ﷺ did not do it, but we have made it obligatory on the basis of the evidence," they have admitted against themselves that they have committed unbelief and introduced a religious law that Allah Most High did not authorize and that the Messenger ﷺ did not know. They have explicitly declared that the Prophet ﷺ openly disobeyed his Lord's command and neglected an obligation, and that they

rectified this and acted upon their Lord's command. No Muslim would say this. Allah grants success in attaining what is correct.[34353637383940414 2]

L555 **[Section: A report with an interrupted chain of transmis-**

[34]**Translator's note (L546):** The Quranic quotations contain recurring omissions of the alif in the definite article and similar orthographic irregularities; their wording remains intelligible. Nabidh is a drink made by steeping dates, raisins, or similar ingredients. The author explicitly describes the drink at issue here as intoxicating and forbidden. The wording فيما بين من المواضع is awkward; it is understood here as referring to passages already explained. The pronouns in "he pursues him with lashes …" are not expressly identified in this segment; the translation preserves that lack of explicit identification.

[35]**Translator's note (L547):** "A fornicator who has consummated a valid marriage" renders الزاني المحصن. The technical status muḥṣan can also apply to someone whose qualifying marriage has ended; it does not simply mean someone currently married.

[36]**Translator's note (L548):** The Quranic quotation contains recurring omissions of the alif in the definite article; its wording remains intelligible. The assertion that both female and male slaves are excepted is the author's own claim; "male slaves" has not been supplied from outside the source.

[37]**Translator's note (L549):** The Quranic quotation contains omissions of the alif in the definite article; its wording remains intelligible. التوجيه, rendered "turning toward Allah," refers here to the opening prayer formula associated with directing oneself toward Allah.

[38]**Translator's note (L550):** The source first categorically asserts that Maʿiz was flogged as well as stoned, then acknowledges uncertainty about the chronology and allows that his stoning may have preceded the verse prescribing flogging. This tension is preserved without correction.

[39]**Translator's note (L551):** "Nor by a report that he ﷺ repeated it" follows the supplied wording ولا بأن يروى أنه عليه السلام كره. In context, the absence of such a report might have been expected, but the supplied text does not say that.

[40]**Translator's note (L552):** "Emmer wheat" renders العلس, a cereal name whose identification can vary in historical usage. "The Mother of the Quran" is a designation for the opening surah, al-Fātiḥah.

[41]**Translator's note (L554):** The unvocalized علمها can mean "knew it" or, with a doubled middle consonant, "taught it." The translation adopts "knew it."

[42]**Qur'an references (L543):** Qur'an 4:43 (An-Nisa); Qur'an 2:178 (Al-Baqarah); Qur'an 24:2 (An-Nur).

[فصل وقد يرد خبر مرسل إلا أن الإجماع صح بما فيه متيقنا]

sion may be received, although consensus concerning its content has been established with certainty][43]

L556–557 ʿAlī said: A report with an interrupted chain of transmission may be received, although consensus concerning its content has been established with certainty and transmitted from generation to generation. If this is the case, we know that it has been transmitted by the community at large, like the transmission of the Quran, so mentioning its chain of transmission is unnecessary. Whether that report with an interrupted chain is received or is not received makes no difference whatsoever. Examples include "There is no bequest for an heir" and many of the signs of his ﷺ prophethood. Although some people have related them through authentic chains of transmission, they have been transmitted by the community at large: the splitting of the moon, which is also mentioned in the Quran; his feeding a large company with a small amount of food; his giving the army water to drink from a small amount of water in a cup; his pouring his ablution water into the well at Tabūk, whereupon it gushed forth with a great quantity of water; and his throwing dust into the eyes of the people of Ḥunayn, so that it struck them all—an event mentioned in the Quran.

As for a report with an interrupted chain concerning which there is no consensus, it is rejected, as we have explained, because there is absolutely no evidence for accepting it. It therefore falls within the category of statements that are accepted when there is consensus upon them and fall away when there is disagreement concerning them. These are all statements for which no text has supplied their particulars by name. Whoever asserts such a statement without demonstration disobeys the saying of Allah Most High: {Say: My Lord has forbidden only indecencies, those that are apparent and those that are hidden, and sin, and aggression without right, and that you associate with Allah that for which He has sent down no authority, and that you say about Allah what you do not know.}

قال علي: وقد يرد خبر مرسل إلا أن الإجماع قد صح بما فيه متيقنا منقولا جيلا فجيلا، فإن كان هذا علمنا أنه منقول نقل كافة كنقل القرآن، فاستغني عن ذكر السند فيه، وكان ورود ذلك المرسل، وعدم وروده سواء ولا فرق، وذلك نحو لا وصية لوارث وكثير من أعلام نبوته صلى الله عليه وسلم وإن كان قوم قد رووها بأسانيد صحاح فهي منقوله نقل الكافة كشق القمر مع أنه مذكور في القرآن، وكإطعامه النفر الكثير من الطعام اليسير، وكسقيه الجيش من ماء يسير في قدح وكصبه وضوءه في البئر فانثالت بماء عظيم بتبوك، وكرميه التراب في عيون أهل حنين، فأصابت جميعهم وهي مذكورة في القرآن. وأما المرسل الذي لا إجماع عليه فهو مطروح على ما ذكرنا، لأنه لا دليل عن قبوله البتة، فهو داخل في جملة الأقوال التي إذا جمع عليها قبلت، وإذا اختلفت فيها سقطت، وهي كل قولة لم يأت بتفصيلها باسمها نص. ومن قال بذلك دون برهان كان عاصيا لقول الله تعالى {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} قال علي وإن العجب ليكثر من الحنفيين، والمالكيين، فإنهم يأبون قبول خبر الواحد في عدة مواضع، ويقولون: قد جاء القرآن بخلافها، نعم ويتركونها والقرآن موافق لها على ما قد ذكرنا، ثم يتركون القرآن لنقل لا أحد، فإن قال قائل: وكيف ذلك؟ قلنا له وبالله تعالى التوفيق: إنهم يقولون كثيرا بالمرسل، وهو نقل لا أحد لأن المسكوت عن ذكره المجهول حاله هو ومن هو معدوم سواء وبالله تعالى التوفيق

[43] **Translator's note (L555):** The bracketed heading appears to be an editorial heading drawn from the opening of the following discussion. "Report with an interrupted chain of transmission" renders khabar mursal; the discussion concerns a report with an unnamed, omitted transmitter.

ʿAlī said: There is indeed much to occasion astonishment at the Ḥanafīs and Mālikīs. They refuse to accept a solitary report in a number of instances, saying, "The Quran has come with something contrary to it." Indeed, they abandon such reports even when the Quran agrees with them, as we have already mentioned. Then they abandon the Quran for a transmission from no one! If someone asks, "How is that?" we say to him, with Allah Most High granting success: They frequently adopt reports with interrupted chains, and this is transmission from no one, because someone whose mention is omitted and whose condition is unknown is equivalent to someone who does not exist. With Allah Most High is success.[44][45]

L558–564 Section: Some of our associates have allowed that an authentic hadith may be received

ʿAlī said: Some of our associates have allowed that an authentic hadith from the Prophet ﷺ may be received while consensus is contrary to it. He said, "That is evidence that it has been abrogated."

ʿAlī said: In our judgment, this is certainly a grievous error, for two necessary, demonstrative reasons. The first is that the occurrence of an authentic hadith to which consensus is contrary is nonexistent: it has never occurred and does not exist in the world. Whoever claims that it exists should cite it for us. By Allah, he will never have any means of finding it. The second is that Allah Most High has said: {Indeed, We Ourselves have sent down the Reminder, and indeed We shall preserve it.} Thus, for everyone who believes in Allah and the Last Day, it is guaranteed that whatever Allah, Mighty and Majestic, has undertaken to preserve will never be lost. No Muslim doubts this. All the speech of the Prophet ﷺ is revelation, by His saying, Most

فصل أجاز بعض أصحابنا أن يرد الحديث الصحيح قال علي وقد أجاز بعض أصحابنا أن يرد حديث صحيح عن النبي صلى الله عليه وسلم ويكون الإجماع على خلافه قال وذلك دليل على أنه منسوخ. قال علي: وهذا عندنا خطأ فاحش متيقن، لوجهين برهانيين ضروريين: أحدهما: أن ورود حديث صحيح يكون الإجماع على خلافه معدوم، لم يكن قط ولا هو في العالم فمن ادعى أنه موجود فليذكره لنا، ولا سبيل له والله إلى وجوده أبدا. والثاني أن الله تعالى قد قال {إنا نحن نزلنا لذكر وإنا له لحافظون} فمضمون عند كل من يؤمن بالله واليوم الآخر أن ما تكفل الله عز وجل بحفظه فهو غير ضائع أبدا لا يشك في ذلك مسلم وكلام النبي صلى الله عليه وسلم كله وحي بقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والوحي ذكر بإجماع الأمة كلها والذكر محفوظ بالنص فكلامه عليه السلام محفوظ بحفظ الله عز وجل ضرورة منقول كله إلينا لا بد من ذلك. فلو كان هذا الحديث الذي ادعى هذا القائل أنه مجمع على تركه، وأنه منسوخ كما ذكر لكان ناسخه الذي اتفقوا عليه قد ضاع ولم يحفظ، وهذا تكذيب لله عز وجل في أنه حافظ للذكر كله ولو كان ذلك لسقط كثير مما بلغ عليه السلام عن ربه وقد أبطل ذلك رسول الله صلى الله عليه وسلم في قوله في حجة الوداع اللهم

[44] **Translator's note (L556):** The supplied لا دليل عن قبوله is grammatically irregular; it is rendered according to the apparent sense, "no evidence for accepting it." The supplied إذا جمع عليها is irregular in this context; "when there is consensus upon them" reflects the surrounding argument. The Quran quotation contains defective spellings, including لفواحش، ولإثم، ولبغي، لحق، بلله، and على لله. Its recoverable wording is translated without adding substantive content.

[45] **Qur'an references (L556):** Qur'an 6:151 (Al-An'am); Qur'an 7:33 (Al-A'raf).

High: {He does not speak from desire. * It is only revelation revealed.} Revelation is a reminder by the consensus of the entire community, and the Reminder is preserved by the explicit text. His ﷺ speech is therefore necessarily preserved through the preservation of Allah, Mighty and Majestic, and all of it has been transmitted to us: this must be so. If this hadith—which this speaker claims there is consensus upon abandoning and which he claims is abrogated—were as he described, then the text abrogating it, upon which they agreed, would have been lost and would not have been preserved. This is to declare false the statement of Allah, Mighty and Majestic, that He preserves the entire Reminder. If that were so, much of what he ﷺ conveyed from his Lord would have been lost. Allah's Messenger ﷺ ruled that out by his words during the Farewell Pilgrimage: "O Allah, have I conveyed the message?"

ʿAlī said: We do not deny that an authentic hadith and a verse whose recitation is authentically established may be abrogated by another authentic hadith or by a recited verse, with agreement upon the aforementioned abrogation having been established. Indeed, such cases exist among what we possess. But we say that the text abrogating them must also exist among what we possess: transmitted to us, preserved among us, conveyed to us in its wording, its explicit text present with us. This must be so. What we have ruled out is only that the abrogated text should be preserved, transmitted and conveyed to us and its abrogating text may have been lost, its wording never having been transmitted to us. This, in our view, is false: there is no possibility of its ever existing in the world, for all eternity, because it is utterly nonexistent. By being something that cannot occur, it falls, in our view, within the category of the impossible and the inadmissible. Success comes through Allah Most High.

Section: Not Every Statement of a Companion Constitutes Attribution through a Chain of Transmission

Ali said: When a Companion says, "The established practice is such-and-such," or "We were commanded to do such-and-such," this does not constitute attribution through a chain of transmission, nor can it be asserted categorically that it comes from the Prophet ﷺ. No statement may be attributed

هل بلغت قال علي: ولسنا ننكر أن يكون حديث صحيح وآية صحيحة التلاوة منسوخين بحديث آخر صحيح، وإما بآية متلوة، ويكون الاتفاق على النسخ المذكور قد ثبت، بل هو موجود عندنا، إلا أننا نقول: لا بد أن يكون الناسخ لهما موجودا أيضا عندنا، منقولا إلينا محفوظا عندنا، مبلغا نحونا بلفظه، قائم النص لدينا، لا بد من ذلك، وإنما الذي منعنا منه فهو أن يكون المنسوخ محفوظا منقولا مبلغا إلينا، ويكون الناسخ له قد سقط ولم ينقل إلينا لفظه، فهذا باطل عندنا، لا سبيل إلى وجوده في العالم أبد الأبد، لأنه معدوم البتة، قد دخل بأنه غير كائن في باب المحال والممتنع عندنا وبالله تعالى التوفيق فصل ليس كل قول الصحابي إسنادا قال علي وإذا قال الصحابي السنة كذا وأمرنا بكذا، فليس هذا إسنادا ولا يقطع على أنه عن النبي صلى الله عليه وسلم ولا ينسب إلى أحد قول لم يرو أنه قاله ولم يقم برهان على أنه قاله، وقد جاء عن جابر بن عبد الله رضي الله عنه أنه قال: كنا نبيع أمهات الأولاد على عهد رسول الله صلى الله عليه وسلم حتى نهانا عمر فانتهينا وقد قال بعضهم السنة كذا، وإنما يعني أن ذلك هو السنة عنده على ما أداه إليه اجتهاده، فمن ذلك ما حدثناه حمام، ثنا الأصيلي، ثنا أبو زيد المروزي، ثنا الفربري، ثنا البخاري، ثنا أحمد بن محمد، ثنا عبد الله، أنبأ يونس، عن الزهري، أخبرني سالم بن عبد الله، قال كان ابن عمر يقول أليس حسبكم سنة نبيكم صلى الله عليه وسلم إن حبس أحدكم عن الحج طاف بالبيت وبالصفا وبالمروة، ثم حل من كل شيء حتى يحج عاما قابلا فيهدي أو يصوم إن لم يجد هديا. قال أبو محمد ولا خلاف بين أحد من الأمة كلها أن النبي صلى الله عليه وسلم إذ صد عن البيت لم يطف به ولا بالصفا والمروة، بل أحل حيث كان بالحديبية ولا مزيد وهذا الذي ذكره ابن عمر لم يقع قط لرسوله صلى الله عليه وسلم حدثنا حمام بن أحمد قال ثنا عياش بن أصبغ ثنا محمد بن عبد الملك بن أيمن قال: ثنا محمد بن إسماعيل الصايغ،

to anyone unless it has been transmitted that he said it, or a demonstration has established that he said it. It has been reported from Jabir ibn Abd Allah, may Allah be pleased with him, that he said: "We used to sell slave women who had borne their masters children during the time of the Messenger of Allah ﷺ, until Umar forbade us, whereupon we desisted." Some of them have said, "The established practice is such-and-such," meaning only that this is the established practice in their own judgment, according to the conclusion reached by their independent reasoning. An example is what Hammam related to us: al-Asili related to us: Abu Zayd al-Marwazi related to us: al-Firabri related to us: al-Bukhari related to us: Ahmad ibn Muhammed related to us: Abd Allah related to us: Yunus informed us, from al-Zuhri: Salim ibn Abd Allah informed me, saying: Ibn Umar used to say: "Is the established practice of your Prophet ﷺ not sufficient for you? If any of you is prevented from performing the pilgrimage, he circumambulates the House, and goes around al-Safa and al-Marwa, then is released from every restriction of consecration until he performs the pilgrimage the following year, when he offers a sacrificial animal, or fasts if he cannot find a sacrificial animal."

Abu Muhammed said: There is no disagreement among anyone in the entire community that, when the Prophet ﷺ was barred from the House, he did not circumambulate it or go around al-Safa and al-Marwa. Rather, he left consecration where he was, at al-Hudaybiya, and nothing more. What Ibn Umar mentioned never happened to His Messenger ﷺ.

Hammam ibn Ahmad related to us, saying: Ayyash ibn Asbagh related to us: Muhammed ibn Abd al-Malik ibn Ayman related to us, saying: Muhammed ibn Ismail al-Sa'igh related to us: Abd Allah ibn Bakr al-Sahmi related to us: Said ibn Abi Aruba related to us, from Matar, that is, al-Warraq, from Raja ibn Haywa, from Qabsa ibn Dhu'ayb, from Amr ibn al-As, who said: "Do not confuse the established practice of our Prophet ﷺ for us. The waiting period of a slave woman who has borne her master a child, when her master dies, is the waiting period of a free woman whose husband has died: four months and ten days."

ثنا عبد الله بن بكر السهمي، ثنا سعيد بن أبي عروبة عن مطر هو الوراق، عن رجاء بن حيوة، عن قبصه بن ذؤيب، عن عمرو بن العاص قال لا تلبسوا علينا سنة نبينا صلى الله عليه وسلم عدة أم الولد إذا توفي عنها سيدها عدة الحرة المتوفى عنها زوجها أربعة أشهر وعشرا. حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا محمد بن بشار بندار، ثنا يحيى هو ابن سعيد القطان، ثنا عبد المجيد بن جعفر، ثنا وهب بن كيسان قال: اجتمع عيدان على عهد ابن الزبير، فأخر الخروج حتى تعالى النهار، ثم خرج فخطب فأطال الخطبة، ثم نزل فصل ركعتين، ولم يصل للناس يومئذ الجمعة، فذكر ذلك لابن عباس، فقال: أصاب السنة. قال أبو محمد: وقد صح عن ابن عباس أنه قرأ أم القرآن على الجنازة في الصلاة وجهر، وقال: إنها سنة، كما حدثنا عبد الرحمن بن عبد الله بن خالد، ثنا أبو إسحاق البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن بشار، ثنا غندر، ثنا شعبة، عن سعد، عن طلحة، قال: صليت خلف ابن عباس على جنازة، فقرأ بفاتحة الكتاب قال: لتعلموا أنها سنة سعد هذا هو ابن إبراهيم بن عبد الرحمن بن عوف وطلحة هو ابن عبد الله بن عوف، وروي عن أنس: أنه أفطر في منزله في رمضان إذا أراد السفر قبل أن يخرج قال: إنها سنة. وخصومنا في هذا الموضع لا يقولون بشيء من هذا، فقد نقضوا أصلهم ومن أضل ممن لا يجعل قول هؤلاء: هي السنة سنة، ويجعل قول سعيد بن المسيب في دية أصابع المرأة: هي السنة سنة. قال أبو محمد: فلما وجدنا ذلك منصوصا عنهم لم يحل لنا أن ننسب إلى النبي صلى الله عليه وسلم شيئا لا نعمله فنكون قد دخلنا في نهي الله عز وجل إذ يقول {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} فمن أقدم على هذا فهو قليل الورع حاكم بالظن، والظن لا يغني من الحق شيئا، وهذا مذهب أهل الصدر الأول، كما حدثنا عبد الله بن ربيع التميمي، عن عبد الملك بن عمر الخولاني، عن محمد بن بكر المصري، عن سليمان بن الأشعث، ثنا عبد

Abd Allah ibn Rabi related to us: Muhammed ibn Muawiya related to us: Ahmad ibn Shuayb related to us: Muhammed ibn Bashshar related to us, Bundar: Yahya—that is, Ibn Said al-Qattan—related to us: Abd al-Majid ibn Jafar related to us: Wahb ibn Kaysan related to us, saying: "Two festivals coincided during the time of Ibn al-Zubayr. He delayed coming out until the day was well advanced. Then he came out and delivered a sermon, making the sermon lengthy; then he descended and prayed two units of prayer. He did not lead the people in the Friday prayer that day. This was mentioned to Ibn Abbas, and he said: 'He followed the established practice correctly.'"

Abu Muhammed said: It has also been authentically established that Ibn Abbas recited the Mother of the Quran aloud in the funeral prayer and said, "It is an established practice," as Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Muhammed ibn Bashshar related to us: Ghundar related to us: Shuba related to us, from Sad, from Talha, who said: "I prayed behind Ibn Abbas over a deceased person, and he recited the Opening of the Book. He said: 'So that you may know that it is an established practice.'" This Sad is Ibn Ibrahim ibn Abd al-Rahman ibn Awf, and Talha is Ibn Abd Allah ibn Awf. It is also related from Anas that, when he intended to travel during Ramadan, he broke his fast at home before setting out, saying, "It is an established practice." Our opponents on this question accept none of this; they have therefore overturned their own principle. Who is more astray than someone who does not treat these men's statement, "It is the established practice," as establishing a practice, yet treats Said ibn al-Musayyab's statement concerning the blood money for a woman's fingers, "It is the established practice," as establishing a practice?

Abu Muhammed said: Since we have found this expressly stated by them, it is not lawful for us to attribute to the Prophet ﷺ something upon which we do not act, thereby falling under the prohibition of Allah, Mighty and Majestic, when He says: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of all these will be questioned about it.} Whoever ventures to do this has little scrupulousness and judges by conjecture, and conjecture avails nothing against the truth. This is the position of

الله بن معاذ، أخبرني أبي، ثنا شعبة، عن عبد الرحمن بن القاسم بن محمد بن أبي بكر الصديق، عن أبيه عن عائشة أم المؤمنين رضي الله عنها قالت استحيضت امرأة على عهد رسول الله صلى الله عليه وسلم فأمرت أن تعجل العصر وتؤخر الظهر وتغتسل لهما غسلا، وأن تؤخر المغرب وتعجل العشاء، وتغتسل لهما غسلا، وتغتسل لصلاة الصبح غسلا فقلت لعبد الرحمن أعن النبي صلى الله عليه وسلم قال لا أحدثك عن النبي صلى الله عليه وسلم شيء

the people of the earliest generation, as Abd Allah ibn Rabi al-Tamimi related to us, from Abd al-Malik ibn Umar al-Khawlani, from Muhammed ibn Bakr al-Misri, from Sulayman ibn al-Ashath: Abd Allah ibn Muadh related to us: My father informed me: Shuba related to us, from Abd al-Rahman ibn al-Qasim ibn Muhammed ibn Abi Bakr al-Siddiq, from his father, from Aisha, Mother of the Believers, may Allah be pleased with her, who said: "A woman suffered nonmenstrual vaginal bleeding during the time of the Messenger of Allah ﷺ. She was instructed to bring the afternoon prayer forward and delay the noon prayer, and to perform one ritual bath for the two; to delay the sunset prayer and bring the night prayer forward, and to perform one ritual bath for the two; and to perform a ritual bath for the dawn prayer." I then said to Abd al-Rahman: "From the Prophet ﷺ?" He said: "I am not relating anything to you from the Prophet ﷺ."[46][47][48][49][50][51]

[46]**Translator's note (L558):** In the heading, the unvocalized يرد is understood as "may be received," as in the ensuing discussion, rather than "may be rejected." The Quran quotations contain the defective spellings لذكر and لهوى; these are rendered as "the Reminder" and "desire." The quoted Farewell Pilgrimage wording is the question "O Allah, have I conveyed the message?" The supplied text does not include the audience's response or any further words.

[47]**Translator's note (L560):** "Attribution through a chain of transmission" renders isnād here, specifically the attribution of a statement to the Prophet. "Established practice" renders sunna throughout these passages. The wording "His Messenger" follows the supplied li-rasūlihi; its possessive reference is not explicit in the immediate sentence.

[48]**Translator's note (L561):** The supplied name is written Qabsa ibn Dhu'ayb, apparently an error for Qabisa ibn Dhu'ayb; the supplied form has been retained.

[49]**Translator's note (L562):** "Two festivals" refers here to the coincidence of a festival prayer and the Friday prayer. The supplied text reads lā naʿmaluhu, "upon which we do not act," where the argument would suggest lā naʿlamuhu, "which we do not know." The supplied reading has been retained. The Quran quotation apparently intends 17:36, but its supplied forms for "hearing," "sight," and "the heart" omit the initial alifs of the definite articles. The translation follows the recoverable wording; the final pronoun's reference remains open as in the Arabic.

[50]**Translator's note (L564):** The supplied final shayʾ is grammatically irregular where shayʾan would be expected. The unpunctuated lā uḥaddithuka is rendered as a negation, consistent with the author's ensuing argument; it could also be punctuated, "No. I am relating to you …," though that would leave the intended qualification unclear.

قال علي فهذا عبد الرحمن يحكي أنها أمرت في عهد النبي صلى الله عليه وسلم ولم يستجز أن يقول ومن يأمر بهذا إلا النبي صلى الله عليه وسلم لا سيما في حياته عليه السلام وإنما أقدم على القطع في هذا من قل فهمه ورق ورعه، واشتغل بالقياسات الفاسدة عن مراعاة حديث النبي صلى الله عليه وسلم وألفاظ القرآن وقد قال بعضهم إذا جاء عن صاحب فتيا من قوله، إلا أن فيها شرع شريعة أو حدا محدودا، أو وعيدا، فإن هذا مما لا يقال بقياس، ولا يقال إلا بتوقيف فاستدل بذلك على أنه من رسول الله صلى الله عليه وسلم قال علي وقائل هذا القول الساقط يقر أنهم رتبوا في الخمر ثمانين برأيهم، وقد أعاذهم الله تعالى من ذلك، ونحن نجد أنهم رضي الله عنهم قالوا بكل ما ذكرنا بآرائهم ورسول الله صلى الله عليه وسلم حي وبعد موته فقد قال طائفة من الصحابة حبط عمل عامر بن الأكوع إذ ضرب نفسه بسيفه في الحرب فأكذب النبي صلى الله عليه وسلم ذلك وعمر قد قال دعني أضرب عنق حاطب فقد نافق فأبطل رسول الله صلى الله عليه وسلم قوله ذلك وفي قول عمر الذي ذكرنا إيجاب شرع في ضرب عنق امرىء مسلم، وإخبار بغيب في أنه منافق، ومثل هذا كثير مما سنذكره في باب إبطال التقليد إن شاء الله تعالى. وكل هذا فقد يقوله المرء مجتهدا متأولا ومستعظما لما يرى فمخطىء ومصيب

L565 Ali said: Here is Abd al-Rahman reporting that she was instructed during the time of the Prophet ﷺ, yet he did not consider himself entitled to say, "Who would issue such an instruction except the Prophet ﷺ, especially during his lifetime, peace be upon him?" Only someone whose understanding is slight and whose scrupulousness is weak, and who is distracted by invalid analogies from attending carefully to the reports of the Prophet ﷺ and the wording of the Quran, would venture to make a categorical assertion in this matter.

Some have said: "When a legal opinion is reported as a Companion's own statement, but it contains the institution of a legal rule, a specified prescribed punishment, or a threat of punishment, this is something that cannot be stated on the basis of analogy, and can be stated only on the basis of instruction received from revelation." He thus inferred that it came from the Messenger of Allah ﷺ.

Ali said: The person making this worthless assertion acknowledges that they fixed eighty lashes for wine drinking on the basis of their own opinion—though Allah Most High has protected them from that. We find that they, may Allah be pleased with them, expressed all the things we have mentioned on the basis of their own opinions, both while the Messenger of Allah ﷺ was alive and after his death. A group of the Companions said, "Amir ibn al-Akwa's deeds have come to nothing," when he struck himself with his sword in battle, but the Prophet ﷺ declared that assertion false. Umar said, "Let me strike off Hatib's head, for he has become a hypocrite," but the Messenger of Allah ﷺ invalidated that statement of his. Umar's statement that we have mentioned contains the imposition of a legal rule requiring the striking off of a Muslim man's head, and a report concerning the unseen, namely that he was a hypocrite. There are many such examples, which we shall mention in the chapter on invalidating uncritical adherence, if Allah Most High wills. A person may say all these things while exercising independent reasoning,

[51] **Qur'an references (L558):** Qur'an 9:99 (At-Tawbah); Qur'an 53:4 (An-Najm); Qur'an 17:36 (Al-Isra); Qur'an 10:36 (Yunus); Qur'an 53:28 (An-Najm).

interpreting, and regarding what he sees as something grave; he may be mistaken or correct.[52]

L566–570

There is indeed much to marvel at in someone who attributes everything we have mentioned to the Prophet ﷺ on the basis of his own invalid conjecture, yet denies that he, peace be upon him, flogged Maiz, although his ruling that a person possessing the legal status of chastity through marriage be flogged as well as stoned has been authentically established from him, peace be upon him, and the Quran came down prescribing flogging for all who commit unlawful sexual intercourse. Abu Hurayra related the report about providing maintenance for one's wife, child, and slave, and said at its end: "Your wife says, 'Provide for me or divorce me.'" He was asked, "Is this from the Messenger of Allah ﷺ?" He replied, "No; this is from Abu Hurayra's own purse." And one marvels at the person who says, "Something like this cannot be stated on the basis of analogy"—we mean something like the statement of Aisha, may Allah be pleased with her, to the slave woman who had borne Zayd ibn Arqam a child: "Convey to Zayd on my behalf that, unless he repents, he has nullified his striving alongside the Messenger of Allah ﷺ"—while he himself makes statements on the basis of analogy that are more outrageous than this. Some of them distinguish between a mouse or a sparrow falling into a well and dying there, and a hen or a cat dying in a well, requiring twenty bucketfuls to be drawn for the one and forty bucketfuls for the other. He permits the sale of one garment out of two or three, to be selected by the purchaser without its being individually specified, but does not permit the sale of one garment out of four garments or more, to be selected by the purchaser. And he holds that amputation is required for teak and reeds, but does not hold that it applies to other kinds of wood. Some of them distinguish between an advance-payment transaction involving one mule in exchange for two mules and an advance-payment transaction involving two mules in exchange for two mules, permitting one of the two arrangements and prohibiting the other. If their arbitrary rulings in religion

وإن العجب ليكثر ممن ينسب إلى النبي صلى الله عليه وسلم كل ما ذكرنا بظنه الفاسد وينكر أن يكون عليه السلام جلد ماعزا وقد صح عنه عليه السلام الحكم بالجلد على المحصن مع الرجم ونزل القرآن بجلد الزناة كلهم، وقد ذكر أبو هريرة حديث النفقة على الزوجة والولد والعبد، فقال في آخره: تقول امرأتك أنفق علي أو طلقني فقيل له أهذا عن رسول الله صلى الله عليه وسلم فقال لا ولكن هذا من كيس أبي هريرة والعجب من القائل: إن مثل هذا لا يقال بالقياس، نعني في مثل قول عائشة رضي الله عنها لأم ولد زيد بن أرقم: أبلغني زيدا أنه إن لم يتب فقد أبطل جهاده مع رسول الله صلى الله عليه وسلم وهو يقول بالقياس ما هو أشنع من هذا فبعضهم يفرق بين الفأرة والعصفورة الواقعين في البئر يموتان فيها، وبين الدجاجة والسنور يموتان في البئر فيوجب من أحدهما عشرين دلوا ومن الآخر أربعين دلوا، ويجيز بيع ثوب من ثوبين أو ثلاثة يختاره المشتري بغير عينه، ولا يجيز بيع ثوب من أربعة أثواب فصاعدا يختاره المشتري، ويرى القطع في الساج والقنا ولا يراه في سائر الخشب وبعضهم يفرق بين سلم بغل في بغلين، وبين سلم بغلين في بغلين، فيحل أحد الوجهين ويحرم الآخر، وتحكمهم في الدين لو جمع لقامت منه أسفار ونحن لا ننسب إلى النبي صلى الله عليه وسلم إلا ما صح عنه بالنقل أو صح أن ربه تعالى أمره به ولم ينسخه عنه فقد قال عليه السلام إن كذبا علي ليس ككذب على أحد فمن كذب علي متعمدا فليتبوأ مقعده من النار. قال علي: وليس في تعمد الكذب أكثر من أن تسمع كلاما لم يخبرك أحد نثق به أن رسول الله صلى الله عليه وسلم قاله ولا سمعته يقوله ولا علمت أن الله تعالى أمره به فتنسبه أنت برأيك وظنك إلى أن رسول الله صلى الله عليه وسلم قاله نعوذ بالله العظيم من ذلك فصل في قوم لا يتقون الله فيما ينسب إلى

[52] **Translator's note (L565):** The sentence introducing the opponent's rule contains the awkward connective illā anna, literally "except that." It has been rendered "but" without altering the substance. "Instruction received from revelation" renders tawqīf; "uncritical adherence" renders taqlīd.

were collected, they would fill volumes. We attribute to the Prophet ﷺ only what is authentically established from him through transmission, or what it is authentically established that his Lord Most High commanded him to do and did not subsequently abrogate for him. For he ﷺ said: "A lie about me is not like a lie about anyone else. Whoever deliberately lies about me, let him take his seat in the Fire." Ali said: Deliberately lying requires nothing more than that you hear words which no one you trust has informed you that the Messenger of Allah ﷺ said, which you have not heard him say, and which you do not know Allah Most High commanded him to say, and then, on the basis of your own opinion and conjecture, attribute them as something that the Messenger of Allah ﷺ said. We seek refuge in Allah the Magnificent from that.

Section on People Who Do Not Fear Allah Regarding What Is Attributed to the Prophet ﷺ

Ali said: People who do not fear Allah, Mighty and Majestic, have cited reports, some of which invalidate the ordinances of Islam, while others attribute lying to the Messenger of Allah ﷺ and permit lying about him. These include what al-Muhallab ibn Abi Sufrah related to us: Ibn Munas related to us: Muhammed ibn Masrur al-Qayrawani related to us: Yunus ibn Abd al-A'la related to us, from Ibn Wahb: Shamir ibn Numayr informed me, from Husayn ibn Abd Allah ibn Ubayd Allah ibn al-Abbas, from his father, from his grandfather, Ali ibn Abi Talib, that the Messenger of Allah ﷺ said: "People will come who relate reports from me. Whoever relates to you a report resembling the Quran, I said it; whoever relates to you a report that does not resemble the Quran, I did not say it: it is only a draught from the Fire." Abu Muhammed said: Al-Husayn ibn Abd Allah is discredited, accused of heresy. And through the same chain to Ibn Wahb: Amr ibn al-Harith informed me, from al-Asbagh ibn Muhammed Abu Mansur, that it reached him that the Messenger of Allah ﷺ said: "Reports from me are of three kinds. Any report from me that reaches you which you recognize by means of the Book of Allah Most High, accept it. Any report from me that reaches you for which you find nothing in the Quran by which to reject it, and whose place in it you do not recognize, accept it. And any report from me that reaches you

النبي صلى الله عليه وسلم قال علي وقد ذكر قوم لا يتقون الله عز وجل أحاديث في بعضها إبطال شرائع الإسلام وفي بعضها نسبة الكذب إلى رسول الله صلى الله عليه وسلم وإباحة الكذب عليه وهو ما حدثنا المهلب بن أبي صفرة حدثنا ابن مناس، ثنا محمد بن مسرور القيرواني، ثنا يونس بن عبد الأعلى، عن ابن وهب، أخبرني شمر بن نمير، عن حسين بن عبد الله بن عبيد الله بن العباس عن أبيه عن جده علي بن أبي طالب أن رسول الله صلى الله عليه وسلم قال سيأتي ناس يحدثون عني حديثا فمن حدثكم حديثا يضارع القرآن فأنا قلته، ومن حدثكم بحديث لا يضارع القرآن فلم أقله، فإنما هو حسوة من النار. قال أبو محمد: الحسين بن عبد الله ساقط منهم بالزندقة، وبه إلى ابن وهب، أخبرني عمرو بن الحارث، عن الأصبغ بن محمد أبي منصور أنه بلغه أن رسول الله صلى الله عليه وسلم قال الحديث عني على ثلاث فأيما حديث بلغكم عني تعرفونه بكتاب الله تعالى فاقبلوه، وأيما حديث بلغكم عني لا تجدون في القرآن ما تنكرونه به ولا تعرفون موضعه فيه فاقبلوه، وأيما حديث بلغكم عني تقشعر منه جلودكم وتشمئز منه قلوبكم وتجدون في القرآن خلافه فردوه

which makes your skins shudder and your hearts recoil, and for which you find something contrary in the Quran, reject it."[53][54][55][56]

L571–574 Abu Muhammed said: This is a report with an interrupted chain of transmission, and al-Asbagh is unknown. Ahmad ibn Umar related to us: Ibn Ya'qub related to us: Ibn Mahlun related to us: al-Maghami related to us: Abd al-Malik ibn Habib related to us, from Mutarrif ibn Abd Allah, from Malik, from Rabi'ah ibn Abi Abd al-Rahman, that the Messenger of Allah ﷺ said during his illness: "Let people hold nothing against me. I permit only what Allah has permitted in His Book, and I prohibit only what Allah has prohibited in His Book." This has an interrupted chain of transmission, but its meaning is sound, because in this report he ﷺ merely stated that he had said nothing on his own initiative without revelation concerning it from Allah Most High to him. In saying this, he referred to the words of Allah Most High in His Book: {Nor does he speak from caprice. It is nothing but revelation revealed.} Thus the explicit text of the Book of Allah Most High determines that everything he ﷺ said is from Allah Most High. Al-Muhallab also informed me, through the first chain to Ibn Wahb: Sulayman ibn Bilal related to me, from Amr ibn Abi Amr, from someone who is not suspected, from al-Hasan, that the Messenger of Allah ﷺ said: "I do not know; perhaps

قال أبو محمد هذا حديث مرسل والأصبغ مجهول حدثنا أحمد بن عمر ثنا ابن يعقوب ثنا ابن محلون، ثنا المغامي ثنا عبد الملك بن حبيب عن مطرف بن عبد الله، عن مالك عن ربيعة بن أبي عبد الرحمن أن رسول الله صلى الله عليه وسلم قال في مرضه لا يمسك الناس علي شيئا لا أحل إلا ما أحل الله في كتابه ولا أحرم إلا ما حرم الله في كتابه وهذا مرسل إلا أن معناه صحيح لأنه عليه السلام إنما أخبر في هذا الخبر بأنه لم يقل شيئا من عند نفسه بغير وحي من الله تعالى به إليه، وأحال بذلك على قول الله تعالى في كتابه {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فنص كتاب الله تعالى يقضي بأن كل ما قاله عليه السلام فهو عن الله تعالى وأخبرني المهلب بالسند الأول إلى ابن وهب، حدثني سليمان بن بلال، عن عمرو ابن أبي عمرو عمن لا يتهم عن الحسن أن رسول الله صلى الله عليه وسلم قال وإني لا أدري لعلكم أن تقولوا عني بعدي ما لم أقل، ما حدثتم عني مما يوافق القرآن فصدقوا به، وما حدثتم عني مما لا يوافق القرآن فلا تصدقوا به وما لرسول الله صلى الله عليه وسلم حتى يقول ما لا يوافق القرآن وبالقرآن هداه الله. قال أبو محمد: وهذا مرسل وفيه: عمرو بن أبي عمرو وهو ضعيف، وفيه أيضا مجهول، حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا حجاج بن المنهال، ثنا عبد الوهاب هو الثقفي سمعت يحيى بن سعيد قال: أخبرني ابن أبي مليكة أن ابن عمير حدثه أن رسول الله صلى الله عليه وسلم جلس في مرضه الذي مات فيه إلى جنب الحجر فحذر الفتن وقال إني والله لا يمسك الناس علي بشيء إني لا أحل إلا ما أحل الله في كتابه، ولا أحرم إلا ما حرم الله في كتابه. قال علي: وهذا مرسل لا يصح، وفيما أخذناه عن

[53] **Translator's note (L566):** "A person possessing the legal status of chastity through marriage" renders al-muḥṣan, a technical status relevant to the punishment under discussion. "From Abu Hurayra's own purse" preserves the metaphor for his own contribution rather than a transmitted prophetic statement.

[54] **Translator's note (L567):** The supplied ablignī Zaydan is awkward in this address: literally, "convey Zayd to me," whereas the following clause and context suggest conveying a message to Zayd on Aisha's behalf. The translation gives that contextual sense without treating the supplied wording as regular. "Amputation" renders al-qaṭʿ here in its legal sense, as confirmed by the following context concerning stolen kinds of wood.

[55] **Translator's note (L568):** The opening continues the preceding segment's discussion of cutting off a thief's hand for theft of particular kinds of wood. "Advance-payment transaction" renders salam, a contract involving advance payment for subsequent delivery.

[56] **Translator's note (L569):** The supplied منهم بالزندقة is corrupt or awkward. The translation provisionally understands it as متهم بالزندقة, "accused of heresy." The chain identifies Ali ibn Abi Talib as "his grandfather," although this does not align with the ancestry just supplied for Husayn. The apparent inconsistency is retained.

after me you will attribute to me what I did not say. Whatever you are told from me that agrees with the Quran, believe it; and whatever you are told from me that does not agree with the Quran, do not believe it. What could lead the Messenger of Allah ﷺ to say something that does not agree with the Quran, when Allah guided him through the Quran?" Abu Muhammed said: This has an interrupted chain of transmission. Its chain includes Amr ibn Abi Amr, who is weak, and also an unknown transmitter. Abd Allah ibn Rabi' related to us: Abd Allah ibn Muhammed ibn Uthman related to us: Ahmad ibn Khalid related to us: Ali ibn Abd al-Aziz related to us: Hajjaj ibn al-Minhal related to us: Abd al-Wahhab—that is, al-Thaqafi—related to us: I heard Yahya ibn Sa'id say: Ibn Abi Mulaykah informed me that Ibn Umayr related to him that the Messenger of Allah ﷺ sat beside the Hijr during the illness in which he died, warned against tribulations, and said: "By Allah, let people hold nothing against me. I permit only what Allah has permitted in His Book, and I prohibit only what Allah has prohibited in His Book." Ali said: This has an interrupted chain of transmission and is not authentic. Among what we received from some of our companions, from the judge Abd Allah ibn Muhammed ibn Yusuf, from Ibn al-Dakhil, from Muhammed ibn Amr al-Uqayli: Muhammed ibn Ayyub related to us: Abu Awn Muhammed ibn Awn al-Ziyadi related to us: Ash'ath ibn Bazzar related to us, from Qatadah from Abd Allah ibn Shaqiq, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "When you are told a report from me that agrees with the truth, accept it, whether I related it or did not relate it." Ali said: Ash'ath ibn Bazzar is a liar, discredited; his reports are not to be accepted. Al-Muhallab ibn Abi Sufrah also related to us: Ibn Munas related to us: Muhammed ibn Masrur related to us: Yunus ibn Abd al-A'la related to us, from Ibn Wahb: al-Harith ibn Nabhan informed me, from Muhammed ibn Abd Allah al-Arzami, from Abd Allah ibn Sa'id ibn Abi Sa'id, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "Whatever good saying reaches you from me which I did not say, I said it." Ali said: Al-Harith is weak, al-Arzami is weak, and Abd Allah ibn Sa'id is a notorious liar. This is precisely the attribution of lying to the Messenger of Allah ﷺ, because it is reported of him that he said: "I did not say it; I said it." How, then, can he say what he did not say? Would anyone consider this permissible except a lying, hereti-

بعض أصحابنا عن القاضي عبد الله بن محمد بن يوسف، عن ابن الدخيل، عن محمد بن عمرو العقيلي، حدثنا محمد بن أيوب، ثنا أبو عون محمد بن عون الزيادي، ثنا أشعث بن بزار، عن قتادة، عن عبد الله بن شقيق عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال إذا حدثتم عني بحديث يوافق الحق فخذوا به حدثت به أو لم أحدث. قال علي: وأشعث بن بزار كذاب ساقط لا يؤخذ حديثه، وحدثنا المهلب بن أبي صفرة، ثنا ابن مناس، ثنا محمد بن مسرور، ثنا يونس بن عبد الأعلى، عن ابن وهب، أخبرني الحارث بن نبهان، عن محمد بن عبد الله العرزمي، عن عبد الله بن سعيد بن أبي سعيد عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال ما بلغكم عني من قول حسن لم أقله فأنا قلته. قال علي: الحارث ضعيف، والعرزمي ضعيف، وعبد الله بن سعيد كذاب مشهور وهذا هو نسبة الكذب إلى رسول الله صلى الله عليه وسلم لأنه حكي عنه أنه قال لم أقله فأنا قلته فكيف يقول ما لم يقله هل يستجيز هذا إلا كذاب زنديق كافر أحمق؟ إنا لله وإنا إليه راجعون على عظم المصيبة، بشدة مطالبة الكفار لهذه الملة الزهراء، وعلى ضعف بصائر كثير من أهل الفضل، يجوز عليهم مثل هذه البلايا لشدة غفلتهم، وحسن ظنهم لمن أظهر لهم الخير.

cal, unbelieving fool? To Allah we belong, and to Him we return, in the face of the enormity of the calamity caused by the unbelievers' fierce pursuit of this radiant religion, and the weakness of discernment of many people of merit, upon whom such disastrous things can be passed off because of their extreme heedlessness and their good opinion of anyone who makes a show of goodness before them.[57][58][59][60]

L575–577 Ali said: Thus one of the two groups has invalidated the ordinances, and the other has permitted lying about the Messenger of Allah ﷺ. We disavow before Allah Most High both these groups and both these positions. We say to the first: The first thing we submit to the Quran is the report you have cited. When we submitted it, we found that the Quran contradicted it. Allah Most High said: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, to the Messenger, to near relatives, to orphans, to the needy, and to the traveler, so that it may not circulate among the wealthy among you. Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it. Fear Allah; indeed, Allah is severe in punishment.} And He Most High said: {Whoever obeys the Messenger has obeyed Allah; and whoever turns away—We have not sent you as a guardian over them.} And He Most High said: {We have sent down to you the Book in truth, so that you may judge between people by what Allah has shown you; and do not be an advocate for the treacherous.} We ask the proponent

قال علي: فإحدى الطائفتين أبطلت الشرائع والأخرى أباحت الكذب على رسول الله صلى الله عليه وسلم ونحن نبرأ إلى الله تعالى من كلتا هاتين الطائفتين وهاتين المسألتين. ونقول للأولى: أول ما نعرض على القرآن الحديث الذي ذكرتموه، فلما عرضناه وجدنا القرآن يخالفه قال الله تعالى {مآ أفآء الله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا الله إن الله شديد لعقاب} وقال تعالى {من يطع لرسول فقد أطاع الله ومن تولى فمآ أرسلناك عليهم حفيظا} وقال تعالى {إنآ أنزلنا إليك لكتاب بلحق لتحكم بين لناس بمآ أراك الله ولا تكن للخآئنين خصيما} ونسأل قائل هذا القول الفاسد: في أي قرآن وجد أن الظهر أربع ركعات، وأن المغرب ثلاث ركعات، وأن الركوع على صفة كذا، والسجود على صفة كذا، وصفة القراءة فيها والسلام، وبيان ما يجتنب في الصوم، وبيان كيفية زكاة الذهب والفضة، والغنم والإبل والبقر، ومقدار الأعداد المأخوذ منها الزكاة، ومقدار الزكاة المأخوذة، وبيان أعمال الحج من وقت الوقوف بعرفة، وصفة الصلاة بها وبمزدلفة ورمي الجمار، وصفة الإحرام، وما يجتنب فيه، وقطع يد السارق، وصفة الرضاع المحرم، وما يحرم من المآكل، وصفة الذبائح والضحايا وأحكام الحدود، وصفة وقوع الطلاق، وأحكام البيوع، وبيان الربا، والأقضية والتداعي والإيمان والأحباس، والعمرى، والصدقات، وسائر أنواع الفقه؟ وإنما في القرآن جمل لو تركنا وإياها، لم ندر كيف نعمل فيها، وإنما المرجوع إليه في كل ذلك النقل عن النبي صلى الله عليه وسلم وكذلك الإجماع إنما هو

[57] **Translator's note (L571):** "Report with an interrupted chain of transmission" renders mursal, here referring to a report attributed to the Prophet without a continuous chain reaching him. The Quran quotation reads عن لهوى, an apparently defective transcription of عن الهوى, "from caprice." The translation follows the intelligible sense while recording the defect. The Arabic does not explicitly mark whether the rhetorical question beginning "What could lead the Messenger…" belongs to the reported saying or to the surrounding discussion; it is retained within the quotation.

[58] **Translator's note (L572):** The unvocalized الحجر may mean the Hijr, the enclosure beside the Kaaba, or "the Stone," potentially the Black Stone. "The Hijr" is provisional.

[59] **Translator's note (L574):** The contradictory wording "which I did not say, I said it" is present in the supplied report and is the explicit target of the author's criticism. مطالبة الكفار لهذه الملة is awkward here; "the unbelievers' fierce pursuit of this radiant religion" preserves its apparent sense of hostile pursuit or pressure.

[60] **Qur'an references (L571):** Qur'an 53:4 (An-Najm).

of this unsound assertion: In which Quran did he find that the noon prayer consists of four units of prayer, that the sunset prayer consists of three units of prayer, that bowing is performed in such-and-such a manner and prostration in such-and-such a manner, and the manner of recitation therein and the concluding salutation, the explanation of what is to be avoided when fasting, and the explanation of how the obligatory alms on gold and silver are to be assessed and sheep and goats, camels, and cattle; the numbers of animals upon which zakat is levied and the amount of zakat collected; the explanation of the rites of pilgrimage, including the time of standing at ʿArafah, the manner of performing prayer there and at Muzdalifah, the casting of pebbles at the pillars, the manner of entering ritual consecration and what must be avoided during it; the amputation of the thief's hand; the nature of suckling that establishes marriage prohibitions; prohibited foods; the manner of slaughtering animals and offering sacrifices; the rules governing prescribed punishments; the manner in which divorce takes effect; the rules governing sales; the explanation of usury, judicial decisions, litigation, oaths, charitable endowments, grants of lifetime use, charitable gifts, and all other branches of jurisprudence. The Quran contains only general statements which, if we were left with them alone, would not tell us how to act upon them. In all this, recourse is exclusively to transmission from the Prophet ﷺ. Likewise, consensus concerns only a few questions, all of which we have collected in a single book entitled The Book of Ranks. Whoever wishes to examine them should seek them there. Recourse to hadith is therefore indispensable.[61][62][63]

L578–582 If someone were to say, "We accept only what we find in the Quran," he would be an unbeliever by the consensus of the community. He would be obliged to perform only one unit of prayer between the sun's decline and the

على مسائل يسيرة قد جمعناها كلها في كتاب واحد وهو المرسوم بكتاب المراتب فمن أراد الوقوف عليها فليطلبها هنالك فلا بد من الرجوع إلى الحديث ضرورة

ولو أن امرأ قال: لا نأخذ إلا ما وجدنا في القرآن لكان كافرا بإجماع الأمة، ولكان لا يلزمه إلا ركعة ما بين دلوك الشمس إلى غسق الليل، وأخرى عند الفجر، لأن ذلك هو أقل ما يقع عليه اسم صلاة، ولا حد للأكثر في ذلك. وقائل هذا كافر مشرك حلال الدم والمال، وإنما ذهب إلى هذا بعض غالية الرافضة ممن قد اجتمعت الأمة على كفرهم وبالله تعالى التوفيق. ولو أن امرأ لا يأخذ إلا بما اجتمعت عليه الأمة فقط، ويترك كل ما اختلفوا فيه مما قد جاءت فيه النصوص لكان فاسقا بإجماع الأمة، فهاتان المقدمتان توجب بالضرورة الأخذ بالنقل. وأما من تعلق بحديث التقسيم

[61] **Translator's note (L575):** The Quran quotations contain numerous missing initial alifs, including لله where الله is required by the surrounding syntax. Their intelligible readings are translated here, with these apparent transcription defects recorded rather than treated as distinct wording.

[62] **Translator's note (L577):** The supplied الإيمان ordinarily means "faith"; the legal context suggests الأيمان, "oaths," which is the reading reflected in the translation.

[63] **Qur'an references (L575):** Qur'an 59:7 (Al-Hashr); Qur'an 4:80 (An-Nisa).

darkness of night, and another at dawn, because that is the least to which the designation "prayer" applies, while there is no upper limit to it. Whoever says this is an unbeliever and a polytheist whose blood and property are lawful to take. Only some of the extremists among the Rejectionists, whose unbelief the community unanimously affirms, have adopted this position. Success is through Allah Most High.

If someone were to accept only what the community has unanimously agreed upon, abandoning everything over which they have disagreed despite the existence of revealed texts concerning it, he would be a flagrant sinner by the consensus of the community. These two premises necessarily require acceptance of transmission.

As for those who cling to the hadith of classification and say, "Whatever is in the Quran, we accept; whatever is not in the Quran, neither agreeing with it nor contradicting it, we accept; and whatever contradicts the Quran, we reject," they are told: Nothing in authentic hadith contradicts the Quran. If someone counts an addition as a contradiction, he must require amputation for a fals's worth of gold, because the Quran prescribes amputation in general terms. He must also declare human excrement lawful, because the Quran expressly states: "Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion or blood poured forth, or the flesh of swine—for it is filth—or an impious offering over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor exceeding the limit—then your Lord is forgiving, merciful." Human excrement is none of the things mentioned. If he says, "It is filth," he is told: Everything prohibited is filth—especially if the person we are addressing is someone who considers camels' urine and dung lawful. For what difference is there between the kinds of excrement, except through arbitrary assertion? He must also declare it lawful to be married simultaneously to a paternal aunt and her brother's daughter, because the Quran expressly names the prohibited women and then says: "And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, in marriage, not in fornication. For whatever enjoyment you

فقال: ما كان في القرآن أخذناه، وما لم يكن في القرآن لا ما يوافقه ولا ما يخالفه أخذناه، وما كان خلافا للقرآن تركناه، فيقال لهم: ليس في الحديث الذي صح شيء يخالف القرآن، فإن عد الزيادة خلافا لزمه أن يقطع في فلس من الذهب، لأن القرآن جاء بعموم القطع. ولزمه أن يحل العذرة، لأن في نص القرآن: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن اضطر غير باغ ولا عاد فإن ربك غفور رحيم} والعذرة ليست شيئا مما ذكر، فإن قال: هي رجس، قيل له: كل محرم فهو رجس، لا سيما إن كان مخاطبنا ممن يستحل أبوال الإبل وبعرها، فأي فرق بين أنواع المعذرات لولا التحكم، ولزمه أيضا، أن يحل الجمع بين العمة وبنت أخيها لأن القرآن نص على المحرمات ثم قال {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب الله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما استمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} فإن عد الزيادة خلافا، لزمه كما ذكرناه. وأما الطائفة الأخرى المبيحة للقول بما لم يأت نصا عن النبي صلى الله عليه وسلم وإباحة أن ينسب ذلك إليه فحسبنا أنهم مقرون على أنفسهم بأنهم كاذبون وقد صح عن رسول الله صلى الله عليه وسلم أنه قال من حدث عني بحديث وهو يرى أنه كذب فهو أحد الكاذبين. حدثنا أحمد بن محمد الجسوري قال: ثنا وهب بن مسرة، ثنا ابن وضاح، عن أبي بكر بن أبي شيبة، ثنا وكيع عن شعبة وسفيان، عن حبيب، عن ميمون بن أبي شبيب عن المغيرة بن شعبة عن النبي صلى الله عليه وسلم وقال عليه السلام لا تكذبوا علي فإنه من يكذب علي يلج النار وروينا هذا المعنى مسندا صحيحا من طريق علي وأبي هريرة وسمرة وأنس عن رسول الله صلى الله عليه وسلم قال علي وقال محمد بن عبد

have had from them, give them their due payments as an obligation. There is no blame upon you for what you mutually agree upon after the obligation. Indeed, Allah is knowing, wise." If he counts an addition as a contradiction, the consequences we have mentioned follow necessarily.

As for the other group, who permit saying things that have not come as an explicit text from the Prophet ﷺ and permit attributing them to him, it suffices us that they acknowledge themselves to be liars. It has been authentically transmitted from the Messenger of Allah ﷺ that he said: "Whoever relates a report from me while thinking it false is one of the liars." Ahmad ibn Muhammed al-Jasuri related to us, saying: Related to us by Wahb ibn Masarrah, who related to us from Ibn Waddah, from Abu Bakr ibn Abi Shaybah, who related to us from Waki', from Shu'bah and Sufyan, from Habib, from Maymun ibn Abi Shabib, from al-Mughirah ibn Shu'bah, from the Prophet ﷺ. He ﷺ also said: "Do not lie about me, for whoever lies about me enters the Fire." We have transmitted this meaning through authentic connected chains by way of 'Ali, Abu Hurayrah, Samurah, and Anas, from the Messenger of Allah ﷺ.

'Ali said: Muhammed ibn 'Abd Allah ibn Masarrah said: "Hadith falls into three categories: a hadith agreeing with what is in the Quran, acceptance of which is obligatory; a hadith adding to what is in the Quran, which is added to what is in the Quran and acceptance of which is obligatory; and a hadith contradicting what is in the Quran, which is discarded."

'Ali ibn Ahmad said: There is absolutely no possibility of an authentic report contradicting what is in the Quran. Every report conveying a rule of revealed law is either added and joined to what is in the Quran, explaining its general statement, or constitutes an exception to its general statement. There is no possibility of a third alternative. If they argue on the basis of hadiths prohibiting things that are not in the Quran, we say to them: Allah, mighty and majestic, has said: "Those who follow the Messenger, the unlettered Prophet, whom they find written down with them in the Torah and the Gospel: he commands them to do what is right and forbids them what is wrong, makes wholesome things lawful for them and foul things unlawful for them, and removes from them their burden and the fetters that were

الله بن مسرة الحديث ثلاثة أقسام: فحديث موافق لما في القرآن، فالأخذ به فرض، وحديث زائد على ما في القرآن، فهو مضاف إلى ما في القرآن، والأخذ به فرض، وحديث مخالف لما في القرآن فهو مطرح. قال علي بن أحمد: لا سبيل إلى وجود خبر صحيح مخالف لما في القرآن أصلا، وكل خبر شريعة، فهو إما مضاف إلى ما في القرآن ومعطوف عليه ومفسر لجملته، وإما مستثنى منه لجملته، ولا سبيل إلى وجه ثالث. فإن احتجوا بأحاديث محرمة أشياء ليست في القرآن قلنا لهم قد قال الله عز وجل {الذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فكل ما حرمه رسول الله صلى الله عليه وسلم مثل الحمار الأهلي وسباع الطير وذوات الأنياب، وغير ذلك فهو من الخبائث؛ وهو مذكور في الجملة المتلوة في القرآن ومفسر لها، والمعترض بها يسأل: أيحرم أكل عذرته أم يحلها، فإن أحلها خرج عن إجماع الأمة وكفر، وإن حرمها فقد حرم ما لم ينص الله تعالى على اسمه في القرآن فإن قال هي من الخبائث قيل له وكل ما حرم عليه السلام فهو كالخنزير وكل ذلك من الخبائث

upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper." Everything that the Messenger of Allah ﷺ prohibited, such as the domestic donkey, predatory birds, animals with fangs, and other things, therefore belongs among foul things. It is mentioned within the general statement recited in the Quran and explains it. Whoever raises an objection on this basis is asked whether he prohibits eating his own excrement or considers it lawful. If he considers it lawful, he departs from the consensus of the community and becomes an unbeliever. If he prohibits it, he has prohibited something that Allah Most High has not expressly named in the Quran. If he says, "It belongs among foul things," he is told: Everything that he ﷺ prohibited is like swine, and all of it belongs among foul things.[646][566][676][869]

L583–585 ʿAli said: If he says, "Consensus on its prohibition has been established," he is told: You have acknowledged that the community unanimously agrees on adding to the Quran the transmitted practices that have come from the Prophet ﷺ, alongside what has been authentically transmitted from the

قال علي: فإن قال: قد صح الإجماع على تحريمها، قيل له: قد أقررت بأن الأمة مجمعة على إضافة ما جاء عن النبي صلى الله عليه وسلم من السنن إلى القرآن مع ما صح على النبي صلى الله عليه وسلم من النهي عن ذلك كما حدثنا عبد الرحمن بن سلمة صاحب لنا قال: ثنا أحمد بن خليل قال: ثنا خالد بن سعيد، ثنا أحمد بن خالد، ثنا أحمد بن عمرو المكي وكان ثقة ثنا محمد بن أبي عمر العدني، ثنا سفيان هو ابن عيينة عن سالم أبي النضر عن عبيد الله بن أبي رافع عن أبيه قال قال رسول الله صلى الله عليه وسلم لا ألفين أحدكم متكئا على أريكته يأتيه الأمر مما أمرت به أو نهيت عنه فيقول: لا أدري ما وجدنا في كتاب الله تعالى اتبعناه فهذا حديث صحيح بالنهي عما تعلل به هؤلاء الجهال، وبالله تعالى التوفيق، مع ما قدمنا من أنه لا يختلف مسلمان في أن ما صح عن النبي صلى الله عليه وسلم فهو مضاف إلى ما في القرآن وأنهم إنما اختلفوا في الطرق التي بها يصح ما جاء عنه عليه السلام فقط وقد سألت بعض من يذهب هذا المذهب عن قول الله تعالى وقد ذكر النساء المحرمات في القرآن ثم قال تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم

[64] **Translator's note (L578):** A fals is a small coin; "a fals's worth of gold" renders the supplied فلس من الذهب, whose literal wording is "a fals of gold." The Quran quotation continues in the next unit.

[65] **Translator's note (L579):** The supplied Quran quotation has لله where الله is expected in "other than Allah"; it also has ضطر for اضطر. These appear to be transcription defects; the intended wording is reflected in the translation.

[66] **Translator's note (L580):** المعذرات is an unusual or corrupt form here; the context indicates kinds of excrement. The Quran quotation repeatedly omits initial alifs in such forms as ولمحصنات, لنسآء, لله, ستمتعتم, and لفريضة. The translation reflects the identifiable words while recording these transcription defects here. The unvocalized الكاذبين can be read as "the liars" or "the two liars"; the former is used here.

[67] **Translator's note (L581):** The wording وإما مستثنى منه بجملته is syntactically awkward; it is rendered as an exception to the Quran's general statement, in parallel with the preceding explanation of that statement.

[68] **Translator's note (L582):** The Quran quotation systematically omits initial alifs in numerous words, including those corresponding to "those," "the Messenger," "the Prophet," "the Torah," and "Allah's revealed light." These apparent transcription defects do not yield a distinct alternative meaning.

[69] **Qur'an references (L578):** Qur'an 6:145 (Al-An'am); Qur'an 4:24 (An-Nisa).

أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} ثم روى أبو هريرة وأبو سعيد أنه عليه السلام حرم الجمع بين المرأة وعمتها والمرأة وخالتها، وليس هذا إجماعا، فعثمان البتي وغيره يرون الجمع بين المرأة وعمتها، والمرأة وخالتها حلالا. فقال لي: ليس هذا الحديث خلافا للآية لكنه مضاف إليها، فقلت له: فعلى هذا لا سبيل إلى وجود حديث مخالف لما في القرآن أصلا، وكل حديث أتى فهو مضاف إلى ما في القرآن ولا فرق وبالله تعالى التوفيق فصل ليس كل من أدرك النبي صلى الله عليه وسلم ورآه صحابيا قال علي وليس كل من أدرك النبي صلى الله عليه وسلم ورآه صحابيا

Prophet ﷺ prohibiting that, as ʿAbd al-Rahman related to us, ibn Salamah, an associate of ours, who said: Ahmad ibn Khalil related to us, saying: Khalid ibn Saʿid related to us; Ahmad ibn Khalid related to us; Ahmad ibn ʿAmr al-Makki—who was trustworthy—related to us; Muhammed ibn Abi ʿUmar al-ʿAdani related to us; Sufyan—that is, Ibn ʿUyaynah—related to us, from Salim Abu al-Nadr, from ʿUbayd Allah ibn Abi Rafiʿ, from his father, who said: The Messenger of Allah ﷺ said: "Let me not find any of you reclining upon his couch when a matter concerning something I have commanded or forbidden reaches him, saying, 'I do not know. Whatever we find in the Book of Allah Most High, we follow.'" This is an authentic hadith prohibiting the very position these ignorant people invoke as their excuse. Success is through Allah Most High. This is in addition to what we have already stated: no two Muslims disagree that whatever is authentically transmitted from the Prophet ﷺ is added to what is in the Quran. They have disagreed only about the means by which what comes from him ﷺ is established as authentic.

I asked someone who adopts this position about the words of Allah Most High: after mentioning the prohibited women in the Quran, He Most High said: "And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, in marriage, not in fornication. For whatever enjoyment you have had from them, give them their due payments as an obligation. There is no blame upon you for what you mutually agree upon after the obligation. Indeed, Allah is knowing, wise." Yet Abu Hurayrah and Abu Saʿid transmitted that he ﷺ prohibited being married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt. This is not a matter of consensus: ʿUthman al-Batti and others consider it lawful to be married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt. He said to me: "This hadith does not contradict the verse; rather, it is added to it." I said to him: On this basis, there is absolutely no possibility of a hadith contradicting what is in the Quran. Every hadith that comes is added to what is in the Quran, and there is no difference. Success is through Allah Most High.

Section: Not Everyone Who Lived in the Prophet's ﷺ Time and Saw Him Is a Companion

ʿAli said: Not everyone who lived in the Prophet's ﷺ time and saw him is a Companion.[707172]

L586–587 Were that so, Abu Jahl would have been one of the Companions, because he saw the Prophet ﷺ, conversed with him, sat with him, and heard him. Nor is everyone who was alive in his time ﷺ but did not meet him, and then embraced Islam after his death ﷺ, or during his lifetime without having seen him, counted among the Companions. Were that so, everyone who lived in his time ﷺ would have been a Companion. No one disputes that ʿAlqamah and al-Aswad were not Companions, despite their eminent virtue, knowledge, and piety. They were already two distinguished scholars in the days of ʿUmar, and they embraced Islam in the days of the Prophet ﷺ. The Companions are only those concerning whom Allah Most High said: "Muhammed is a messenger for Allah, and those with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and approval. Their mark is on their faces from the effect of prostration. That is their likeness in the Torah; and their likeness in the Gospel is that of a crop that sends forth its shoots, strengthens them, grows thick, and stands upright upon its stalks, delighting the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and do righteous deeds forgiveness and a tremendous reward." If someone heard the Prophet ﷺ relate something while the hearer was an unbeliever, then embraced Islam and related it while possessing upright character, it is an authentic report with a connected chain of transmission, which must be accepted. There is no disagreement about

ولو كان ذلك لكان أبو جهل من الصحابة لأنه قد رأى النبي صلى الله عليه وسلم وحادثه وجالسه وسمع منه وليس كل من أدركه عليه السلام ولم يلقه ثم أسلم بعد موته عليه السلام أو في حياته إلا أنه لم يره معدودا في الصحابة ولو كان ذلك لكان كل من كان في عصره عليه السلام صحابيا ولا خلاف بين أحد في أن علقمة والأسود ليسا صحابيين، وهما من الفضل والعلم والبر بحيث هما، وقد كانا عالمين جليلين أيام عمر وأسلما في أيام النبي صلى الله عليه وسلم وإنما الصحابة الذين قال الله تعالى فيهم {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} ومن سمع النبي صلى الله عليه وسلم يحدث بشيء والسامع كافر ثم أسلم فحدث به وهو عدل فهو مسند صحيح واجب الأخذ به، ولا خلاف بين أحد من العلماء في ذلك، وإنما شرط العدالة في حين النذارة والمجيء بالخير، لا في حين مشاهدة ما أخبر به وقد كان في المدينة في عصره عليه السلام منافقون بنص القرآن وكان بها أيضا من لا ترضي حاله كهيت المخنث الذي أمر عليه السلام بنفيه والحكم الطريد وغيرهما فليس هؤلاء ممن يقع عليهم اسم الصحابة. حدثني أحمد بن قاسم قال: حدثني أبي قاسم بن محمد بن قاسم قال: حدثني جدي قاسم بن أصبغ قال: حدثنا إسحاق بن الحسن الحربي، ثنا زكريا بن

[70] **Translator's note (L583):** The referent of "prohibiting that" is awkward: grammatically it could refer to adding the transmitted practices to the Quran, whereas the following hadith prohibits rejecting a prophetic command on the ground that it is absent from the Quran. The supplied wording is retained without repair.

[71] **Translator's note (L584):** The Quran quotation repeats the omissions of initial alifs found in unit 580:0; the same wording is translated consistently. "ʿAbd al-Rahman ibn Salamah" spans the boundary between the preceding unit and this one.

[72] **Qur'an references (L583):** Qur'an 4:24 (An-Nisa).

this among any of the scholars. Upright character is stipulated only at the time of conveying the warning and bringing the information, not at the time of witnessing what one subsequently reports. In Medina during his time ﷺ there were hypocrites, as the Quran explicitly states. There were also people there whose condition was unsatisfactory, such as Hit, the effeminate man whom he ﷺ ordered banished, al-Hakam the outcast, and others. These are not among those to whom the designation "Companions" applies. Ahmad ibn Qasim related to me, saying: My father, Qasim ibn Muhammed ibn Qasim, related to me, saying: My grandfather, Qasim ibn Asbagh, related to me, saying: Ishaq ibn al-Hasan al-Harbi related to us: Zakariyya ibn ʿAdi related to us: ʿAli ibn Mushir related to us, from Salih ibn Hayyan, from Abu Buraydah, from his father, who said: There was a clan of Banu Layth two miles from Medina.[7374]

عدي، ثنا علي بن مسهر عن صالح بن حيان عن أبي بريدة عن أبيه قال: كان حي من بني ليث على ميلين من المدينة،

L588 He said: A man came to them wearing a suit of clothes and said: "The Messenger of Allah ﷺ clothed me in this suit and instructed me to adjudicate concerning your lives and property as I see fit." He said: During the pre-Islamic period, he had sought to marry a woman from among them, but they had refused to marry her to him. He then went and lodged with that woman.

قال فجاءهم رجل وعليه حلة فقال إن رسول الله صلى الله عليه وسلم كساني هذه الحلة وأمرني أن أحكم في دمائكم وأموالكم بما أرى قال: وقد كان خطب منهم امرأة في الجاهلية فلم يزوجوه، فانطلق حتى نزل على تلك المرأة

L589 They sent to the Prophet ﷺ, who said: "The enemy of Allah has lied." He then dispatched a man, saying: "If you find him alive—though I do not think you will find him so—strike off his head. If you find him dead, burn him with fire." ʿAli said: Here, as you see, was someone living in his time ﷺ who lied about him. Thus, no one is to be accepted unless he is named and his virtue is known. As for Qudamah ibn Mazʿun, Samurah ibn Jundub, al-Mughirah

فأرسلوا إلى النبي صلى الله عليه وسلم فقال كذب عدو الله ثم أرسل رجلا فقال إن وجدته حيا ولا أراك تجده فاضرب عنقه، وإن وجدته ميتا فاحرقه بالنار قال علي فهذا من كان في عصره صلى الله عليه وسلم يكذب عليه كما ترى فلا يقبل إلا من سمي وعرف فضله وأما قدامة بن مظعون، وسمرة بن جندب، والمغيرة بن شعبة، وأبو بكرة، رضوان الله عليهم، فأفاضل أئمة عدول.

[73] **Translator's note (L587):** The Quran quotation begins with «رسول لله», literally "a messenger for Allah," rather than the canonical «رسول الله», "the Messenger of Allah." The supplied wording is retained. Numerous definite articles elsewhere in the quotation have abbreviated or defective spelling. The supplied «المجيء بالخير» literally means "bringing good"; the transmission context suggests "bringing the information," normally «المجيء بالخبر». The translation follows that contextual sense while recording the apparent transcription error here. The transmission chain reads "Abu Buraydah, from his father"; this potentially problematic narrator designation is retained without emendation.

[74] **Qur'an references (L586):** Qur'an 48:29 (Al-Fath).

ibn Shuʿbah, and Abu Bakrah—may Allah be pleased with them—they are eminent men, leaders, and persons of upright character.

L590 As for Qudamah, he participated at Badr; he is certainly forgiven and enjoys Allah's approval. Whenever we know with certainty that Allah, Mighty and Majestic, has approved of someone and absolved him of blame, we are obliged to approve of him and not enumerate anything against him. He therefore possesses upright character by the necessary force of the demonstration establishing his upright character in the judgment of Allah, Mighty and Majestic, and in ours, and by his statement ﷺ: "Allah looked upon the people of Badr and said to them: 'Do whatever you wish, for I have forgiven you.'" As for al-Mughirah ibn Shuʿbah, he was among those who took the Pledge of Approval. He ﷺ has declared that no one who pledged allegiance beneath the tree will enter the Fire. Thus, what is said concerning him is the same as what is said concerning Qudamah. As for Samurah ibn Jundub, he participated at Uhud and attended the campaigns after Uhud, and so on. His case is the same as that of al-Mughirah ibn Shuʿbah. As for Abu Bakrah, it is possible that the matter was made to appear otherwise to him; al-Mughirah himself said this. Thus neither he nor al-Mughirah incurs sin. This is our position. Anything admitting of a possibility, whose outward appearance does not yield certainty, does not remove someone from the status previously known of him with certainty. The two therefore retain their established upright character, and certainty is not overturned by doubt. This is the presumption of the continuity of an existing state, which our opponents rejected, yet to which they return here in humiliation. Not one of them has refrained from transmitting from both al-Mughirah and Abu Bakrah; and Abu Bakrah was acting upon an interpretation.[75]

L591–602 As for Samurah, he too was acting upon an interpretation, and someone acting upon an interpretation is rewarded even when mistaken. Likewise, Qudamah interpreted the matter as entailing no blame upon him, and he

أما قدامة فبدري مغفور له بيقين مرضي عنه، وكل من تيقنا أن الله عز وجل رضي عنه، وأسقط عنه الملامة، ففرض علينا أن نرضى عنه، وأن لا نعدد عليه شيئا، فهو عدل بضرورة البرهان القائم على عدالته من عند الله عز وجل وعندنا وبقوله عليه السلام إن الله اطلع على أهل بدر فقال لهم اعملوا ما شئتم فقد غفرت لكم. وأما المغيرة بن شعبة فمن أهل بيعة الرضوان وقد أخبر عليه السلام ألا يدخل النار أحد بايع تحت الشجرة فالقول فيه كالقول في قدامة. وأما سمرة بن جندب فأحدي وشهد المشاهد بعد أحد وهلم جرا، والأمر فيه كالأمر في المغيرة بن شعبة. وأما أبو بكرة، فيحتمل أن يكون شبه عليه، وقد قال ذلك المغيرة، فلا يأثم هو ولا المغيرة، وبهذا نقول: وكل ما احتمل ولم يكن ظاهره يقينا فغير منقول عن متيقن حاله بالأمس، فهما على ما ثبت من عدالتهما. ولا يسقط اليقين بالشك وهذا هو استصحاب الحال الذي أباه خصومنا، وهم راجعون إليه في هذا المكان بالصغر منهم. فما منهم أحد امتنع من الرواية عن المغيرة وأبي بكرة معا، وأبي بكرة وهو متأول.

وأما سمرة فمتأول أيضا، والمتأول مأجور وإن كان مخطئا، وكذلك قدامة تأول أن لا جناح عليه وصدق لا جناح عليه عند الله تعالى في الآخرة بلا شك، وأما في أحكام الدنيا فلا، ولنا في الدنيا أحكام غير أحكام الآخرة. وكذلك كل من قاتل عليا رضوان الله عليه يوم صفين، وأما أهل الجمل فما قصدوا قط قتال علي رضوان

[75] **Translator's note (L590):** The wording «وكل ما احتمل ... فغير منقول عن متيقن حاله بالأمس» is syntactically awkward. The translation understands it, in light of the immediately following argument, as preserving a person's previously certain status when subsequent evidence remains uncertain.

spoke truly: without doubt, no blame attaches to him before Allah Most High in the Hereafter. As for the judgments of this world, however, that is not so. We have judgments in this world that differ from the judgments of the Hereafter. The same applies to everyone who fought ʿAli—may Allah be pleased with him—on the day of Siffin. As for the people of the Camel, they never intended to fight ʿAli—may Allah be pleased with him—nor did ʿAli—may Allah be pleased with him—intend to fight them. They assembled at Basra only to investigate the killers of ʿUthman—may Allah be pleased with him—and enforce Allah Most High's due against them. Those who feared that Allah Most High's prescribed punishment would be exacted from them hastened to act. They were a vast multitude, approaching thousands in number, and secretly instigated the fighting until each of the two parties was compelled to defend itself upon seeing swords striking among them. This has been explicitly transmitted in a report. How astonishing indeed is someone who permits Abu Hanifah, Malik, al-Shafiʿi, al-Awzaʿi, al-Layth, Sufyan, Ahmad, and Dawud—may Allah have mercy on them—to exercise independent legal judgment concerning bloodshed, sexual relations, and acts of worship, so that one sheds blood which he deems lawful through his independent legal judgment, while the foremost of those we have mentioned deems it forbidden; sexual access, which the other forbids; one deems property lawful, while the other deems it forbidden; one requires a prescribed punishment, while the other waives it; and one requires an obligation, while the other overturns it; one forbids an act, while the other permits it. They have never disagreed except concerning the matters we have mentioned. Thus he permits these men to adjudicate concerning what we have mentioned and excuses their disagreements over deeming bloodshed lawful and matters less grave than that. Yet all we know of them is that, so far as appears to us, they are virtuous Muslims whom we must honor and for whom we must seek forgiveness. Nevertheless, we do not assert with certainty that they will be in Paradise, or what their hidden convictions are, or that Allah, Mighty and Majestic, approves of them. Rather, we hope for that for them and fear for them, just as with all other virtuous Muslims, without distinction. Then we do not permit this for ʿAli, the Mother of the Believers, Talhah, al-Zubayr, ʿAmmar, Hisham ibn Hakim, Muʿawiyah, ʿAmr, al-Nuʿman, Samurah, Abu al-Ghadiyah, and

الله عليه، ولا قصد علي رضوان الله عليه قتالهم، وإنما اجتمعوا بالبصرة للنظر في قتلة عثمان رضوان الله عليه، وإقامة حق الله تعالى فيهم، فأسرع الخائفون على أنفسهم أخذ حد الله تعالى منهم وكانوا أعدادا عظيمة يقربون من الألوف فأثاروا القتال خفية حتى اضطر كل واحد من الفريقين إلى الدفاع عن أنفسهم، إذ رأوا السيف قد خالطهم، وقد جاء ذلك نصا مرويا. وإن العجب ليكثر ممن يبيح لأبي حنيفة ومالك والشافعي والأوزاعي، والليث وسفيان وأحمد وداود رحمهم الله أن يجتهدوا في الدماء، وفي الفروج وفي العبادات فيسفك هذا دما يحله باجتهاده، ويحرمه سائد من ذكرنا فرجا ويحرمه الآخر ويحل أحدهم مالا ويحرمه الآخر، ويوجب أحدهم حدا ويسقطه الآخر، ويوجب أحدهم فرضا وينقضه الآخر، ويحرم أحدهما عملا ويحله الآخر، ولم يختلفوا قط إلا فيما ذكرنا، فيجيز لهؤلاء الحكم فيما ذكرنا، ويعذرهم في اختلافهم في استباحة الدماء فما دونها، وليس عندنا من أمرهم إلا أنهم فيما بدا لنا مسلمون فاضلون، يلزمنا توقيرهم والاستغفار لهم، إلا أننا لا نقطع لهم بالجنة ولا بمغيب عقودهم، ولا برضى الله عز وجل عنهم، لكن نرجو لهم ذلك ونخاف عليهم كسائر أفاضل المسلمين ولا فرق، ثم لا نجيز ذلك لعلي وأم المؤمنين وطلحة والزبير وعمار وهشام بن حكيم ومعاوية وعمرو والنعمان وسمرة وأبي الغادية وغيرهم، وهم أئمة الإسلام حقا والمقطوع على فضلهم، وعلى أكثرهم، بأنهم في الجنة، وهذا لا يخيل إلا على مخذول وكل من ذكرنا من مصيب أو مخطىء فمأجور على اجتهاده، إما أجرين وإما أجرا، وكل ذلك غير مسقط عدالتهم وبالله تعالى التوفيق فصل في حكم الخبر عن النبي صلى الله عليه وسلم قال علي وحكم الخبر عن النبي صلى الله عليه وسلم أن يورد بنص لفظه لا يبدل ولا يغير إلا في حال واحدة، وهي أن يكون المرء قد ثبت فيه، وعرف معناه يقينا فيسأل فيفتي بمعناه وموجبه، أو يناظر فيحتج بمعناه

others, although they are truly the leaders of Islam, and those whose virtue is established with certainty, and concerning most of whom it is established with certainty that they will be in Paradise. This can deceive only someone forsaken. Everyone we have mentioned, whether correct or mistaken, is rewarded for his independent legal judgment, receiving either two rewards or one. None of this nullifies their upright character. Success comes through Allah Most High.

Section on the Ruling Governing Reports from the Prophet ﷺ

ʿAli said: The ruling governing a report from the Prophet ﷺ is that it must be presented in its exact wording, without substitution or alteration, except in one circumstance: a person has ascertained it and knows its meaning with certainty, and is then asked a question and gives a legal opinion according to its meaning and implications, or engages in disputation and adduces its meaning and implications as evidence. He may then say: "The Messenger of Allah ﷺ ruled such-and-such"; "He ﷺ commanded such-and-such"; "He ﷺ permitted such-and-such"; "He prohibited such-and-such"; "He forbade such-and-such"; or "What is obligatory in this case is what has been authentically established from the Prophet ﷺ, namely such-and-such." The same applies to rulings contained in the Quran, without distinction. A person may convey the implications and ruling of a verse without using its wording. No one disputes that this is permissible in the manner we have described. But someone who relates a report, attributes the statement to the Prophet ﷺ, and intends to convey what has reached him from the Prophet ﷺ is permitted only to strive to reproduce the expressions as he heard them, without substituting one word for another, even if the two have the same meaning, nor moving one word forward or another back. The same applies to someone intending to recite a verse, learn it, or teach it, without distinction. The demonstration of this is that the Prophet ﷺ taught al-Baraʾ ibn ʿAzib a supplication containing "and in Your Prophet whom You have sent." When al-Baraʾ wished to repeat that supplication before the Prophet ﷺ, he said, "and in Your Messenger whom You have sent." The Prophet ﷺ said, "No: 'and in Your Prophet whom You have sent.'" Thus, as you hear, he ﷺ instructed him not to put the word "Messenger" in place of the word

وموجبه فيقول حكم رسول الله صلى الله عليه وسلم بكذا وأمر عليه السلام بكذا وأباح عليه السلام كذا ونهى عن كذا وحرم كذا والواجب في هذه القضية ما صح عن النبي صلى الله عليه وسلم وهو كذا وكذلك القول فيما جاء من الحكم في القرآن ولا فرق، وجائز أن يخبر المرء بموجب الآية وبحكمها بغير لفظها وهذا ما لا خلاف فيه من أحد في أن ذلك مباح كما ذكرنا وأما من حدث وأسند القول إلى النبي صلى الله عليه وسلم وقصد التبليغ لما بلغه عن النبي صلى الله عليه وسلم فلا يحل له إلا أن يتحرى الألفاظ كما سمعها لا يبدل حرفا مكان آخر، وإن كان معناهما واحدا، ولا يقدم حرفا ولا يؤخر آخر، وكذلك من قصد تلاوة آية أو تعلمها وتعليمها ولا فرق وبرهان ذلك أن النبي صلى الله عليه وسلم علم البراء بن عازب دعاء وفيه ونبيك الذي أرسلت فلما أراد البراء أن يعرض ذلك الدعاء على النبي صلى الله عليه وسلم قال وبرسولك الذي أرسلت فقال النبي عليه السلام لا ونبيك الذي أرسلت فأمره عليه السلام كما تسمع ألا يضع لفظة رسول في موضع لفظة نبي وذلك حق لا يحيل معنى وهو عليه السلام رسول ونبي فكيف يسوغ للجهال المغفلين أو الفساق المبطلين أن يقولوا إنه عليه السلام كان يجيز أن توضع في القرآن مكان وهو يمنع من ذلك في دعاء ليس قرآنا والله يقول مخبرا عن نبيه صلى الله عليه وسلم {وإذا تتلى عليهم آياتنا بينات قال لذين لا يرجون لقآءنا ئت بقرآن غير هذآ أو بدله قل ما يكون لي أن أبدله من تلقآء نفسي إن أتبع إلا ما يوحى إلي إني أخاف إن عصيت ربي عذاب يوم عظيم} ولا تبديل أكثر من وضع كلمة مكان أخرى، أم كيف يسوغ لأهل الجهل والعمى إباحة القراءة المفروضة في الصلاة بالأعجمية مع ما ذكرنا، ومع إجماع الأمة على أن إنسانا لو قرأ أم القرآن فقدم آية على أخرى، أو قال: الشكر للصمد مولى الخلائق، وقال هذا هو القرآن المنزل لكان كافرا بإجماع ومع قوله تعالى: {ولقد نعلم أنهم يقولون إنما

"Prophet," although that is true and does not alter the meaning, and he ﷺ is both a Messenger and a Prophet. How, then, can heedless ignoramuses or wicked purveyors of falsehood deem it permissible to say that he ﷺ used to permit that be put in the Quran in place of—when he prohibits this in a supplication that is not Quran? Allah says, reporting concerning His Prophet ﷺ: {When Our clear signs are recited to them, those who do not hope to meet Us say, "Bring a Quran other than this, or change it." Say, "It is not for me to change it of my own accord. I follow only what is revealed to me. Indeed, if I disobey my Lord, I fear the punishment of a tremendous day."} No substitution could be greater than putting one word in place of another. Or how can people of ignorance and blindness deem it permissible to allow the obligatory recitation in prayer to be performed in a non-Arabic language, given what we have mentioned, and given the community's consensus that, if someone recited the Mother of the Quran, placing one verse before another, or said, "Thanks be to the Self-Sufficient, Master of created beings," and said, "This is the revealed Quran," he would be an unbeliever by consensus? And given His saying, exalted is He: {We certainly know that they say, "Only a human being teaches him." The tongue of the one to whom they allude is non-Arabic, whereas this is a clear Arabic tongue.} He, exalted is He, thus distinguished between the two and declared that the Quran consists specifically of Arabic wording, not non-Arabic wording. He commanded the recitation of the Quran in prayer; whoever recites in a non-Arabic language has therefore, without doubt, not recited the Quran. What is astonishing is that the person uttering this nonsense permits supplication in prayer only in words resembling those in the Quran, allowing neither the naming of those for whom supplication is made nor anything else, although the text has permitted supplication in it without qualification. He also says that, if someone sneezes during prayer and says, "Praise be to Allah, Lord of the worlds," moving his tongue with these words, his prayer is invalidated. Glory be to Him who has granted them success in opposing the truth on both counts! They permit recitation in prayer contrary to the Quran, invalidate prayer through the utterance of a verse from the Quran, and prohibit supplication in it except with what is in the Quran or resembles it—although, by the community's consensus, nothing in any speech resembles the Quran.

يعلمه بشر لسان لذي يلحدون إليه أعجمي وهذا لسان عربي مبين} ففرق تعالى بينهما، وأخبر أن القرآن إنما هو باللفظ العربي لا بالعجمي، وأمر بقراءة القرآن في الصلاة، فمن قرأ بالأعجمية فلم يقرأ القرآن بلا شك. والعجب أن قائل هذا الهجر لا يجيز الدعاء في الصلاة إلا بما يشبه ما في القرآن لا بتسمية المدعو لهم، ولا بغير ذلك، وقد جاء النص بإباحة الدعاء فيها جملة ويقول: إن من عطس في الصلاة فقال: الحمد لله رب العالمين، فحرك بها لسانه فقد بطلت صلاته، فسبحان من وفقهم لخلاف الحق في كلا الوجهين، فيجيزون القراءة في الصلاة بخلاف القرآن، ويبطلون الصلاة بذكر آية من القرآن، ويمنعون من الدعاء فيها إلا بما في القرآن أو ما يشبهه، ولا شبه للقرآن في شيء من الكلام بإجماع الأمة. واحتج بعضهم في ذلك بقوله تعالى {وإنه لفي زبر لأولين} وبخطابه تعالى لنا بالعربية حاكيا كلام موسى عليه السلام. قال علي: وهذا لا حجة لهم فيه، لأن الذي في زبر الأولين إنما هو معنى القرآن لا القرآن، ولو كان القرآن في زبر الأولين لما كان محمد صلى الله عليه وسلم مخصوصا به ولا كانت فيه آية وهذا خلاف النصوص والخروج عن الإسلام لأنه لو أنزل على غيره قبله لما كان محمد صلى الله عليه وسلم مخصوصا به وأما حكايته تعالى لنا كلام موسى وغيره بلغتنا فلم يلزمنا تعالى قراءة ألفاظهم بنصها، ولا نمنع من تلاوته في الصلاة، وإنما نمنع من تلاوته في القرآن، أو على سبيل التقريب بتلاوته إلى الله تعالى بغير اللفظ الذي أنزل به، لا بكلام أعجمي، ولا بغير تلك الألفاظ، وإن وافقتها في العربية، ولا بتقديم تلك الألفاظ بعينها ولا بتأخيرها، وإنما نجيز الترجمة التي أجازها النص على سبيل التعليم والإفهام فقط، لا على سبيل التلاوة التي نقصد بها القربة، وبالله تعالى التوفيق. وبلا خلاف من أحد من الأمة أن القرآن معجزة وبيقين ندري أنه إذا ترجم بلغة أعجمية أو بألفاظ عربية غير ألفاظه، فإن تلك الترجمة غير معجزة، وإذ هي غير معجزة فليست

Some of them adduced as evidence for this His saying, exalted is He, {Indeed, it is in the scriptures of the ancients}, and His addressing us in Arabic while recounting the words of Moses, peace be upon him. Ali said: There is no proof for them in this, because what is in the scriptures of the ancients is only the meaning of the Quran, not the Quran itself. Had the Quran been in the scriptures of the ancients, Muhammed ﷺ would not have been singled out for it, nor would there have been a miraculous sign in it. This contradicts the texts and constitutes departure from Islam, because, had it been revealed to someone else before him, Muhammed ﷺ would not have been singled out for it. As for His recounting to us, exalted is He, the words of Moses and others in our language, He, exalted is He, did not oblige us to recite their words verbatim. Nor do we prohibit reciting it in prayer. We prohibit only reciting it as part of the Quran, or with the aim of drawing near to Allah, exalted is He, through its recitation, in wording other than that in which it was revealed: neither in non-Arabic speech nor in words other than those words, even if they correspond to them in Arabic, nor by moving those very words forward or backward. We permit only the translation that the text has permitted, solely for teaching and imparting understanding, not as the recitation by which we intend an act of devotion. Success comes through Allah, exalted is He. There is no disagreement from anyone in the community that the Quran is a miracle. We know with certainty that, when it is translated into a non-Arabic language or into Arabic words other than its own words, that translation is not a miracle. Since it is not a miracle, it is not Quran. Whoever says of something that is not Quran that it is Quran has departed from consensus, declared Allah, exalted is He, false, and departed from Islam, unless he is ignorant. Whoever permits this, and against whom the proof has been established, yet does not retract, is an unbeliever, a polytheist, an apostate whose blood may lawfully be shed and whose property may lawfully be taken. We have absolutely no doubt of that. Furthermore, He, exalted is He, said, reporting concerning His Prophet ﷺ: {He does not speak from desire. * It is only revelation revealed.} Since it is established by the explicit text of the Quran that all his speech ﷺ is revelation, distorting revelation and altering its meaning are undoubtedly forbidden, just as they are forbidden with respect to the recited revelation, which is the Quran. There is no dif-

قرآنا. ومن قال فيما ليس قرآنا إنه قرآن فقد فارق الإجماع وكذب الله تعالى، وخرج عن الإسلام إلا أن يكون جاهلا، ومن أجاز هذا وقامت عليه الحجة، ولم يرجع فهو كافر مشرك مرتد حلال الدم والمال، لا نشك في ذلك أصلا وأيضا فقد قال تعالى مخبرا عن نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فلما صح بنص القرآن أن كلامه عليه السلام وحي كله حرم بلا شك تحريف الوحي وإحالته كما حرم ذلك في الوحي المتلو الذي هو القرآن ولا فرق. ومن حدث بحديث فبلغه إلى غيره كما بلغه إياه غيره، وأخذ عنه فليس عليه أن يكرره أبدا حتى يحصل في حد الهذيان، وقد أدى ما عليه بتبليغه. قال أبو محمد: وبهذا يبطل قول من رام توهين الحديث المسند، بأن فلانا أرسله إذ لو كان سكوت المرء في بعض الأحيان عن تأدية ما سمع مسقطا للاحتجاج به، إذ أداه في وقت آخر أو لم يؤده هو وأداه غيره، لكان إذا نام أو أكل أو وطىء أو اشتغل بصلاة أو مصلحة دنياه أو بشيء من أمر دينه، أو بتبليغ حديث آخر قد بطل الاحتجاج بما سكت عنه في الأحوال التي ذكرنا، وهذا جنون فادح ممن قاله، وكفى سقوطه بكل قول أخرج إلى الجنون، وأدى إلى المحال والممتنع، وبالله تعالى التوفيق.

ference. Whoever relates a report, conveying it to another just as someone else conveyed it to him and he received it from that person, is not obliged to repeat it forever until he reaches the point of babbling. By conveying it, he has discharged his obligation. Abu Muhammed said: This refutes the statement of anyone who seeks to weaken a report with a connected chain of transmission on the grounds that so-and-so transmitted it with a missing link. For if a person's silence at certain times about conveying what he heard invalidated its use as evidence when he conveyed it at another time, or when he did not convey it himself but someone else conveyed it, then, whenever he slept, ate, had intercourse, or occupied himself with prayer, an affair of his worldly life, or something pertaining to his religion, or with conveying another report, using as evidence what he left unmentioned during the circumstances we have described would become invalid. This is grave madness on the part of whoever says it. It is sufficient to establish the collapse of any

statement that it leads to madness and results in absurdity and impossibility. Success comes through Allah, exalted is He.[767778798081]

L603–607 As for grammatical error in a report: if it is something for which there is a valid basis in the language of some Arabs, let him transmit it as he heard it, without changing it or converting it into something more eloquent or into anything else. If it is something for which there is absolutely no valid basis in the language of the Arabs, then it is forbidden for any Muslim to transmit grammatically erroneous speech as coming from the Prophet ﷺ. If he does so, he is a liar deserving the Fire in the hereafter, for we are certain that he ﷺ never committed a grammatical error, just as we are certain that the sky surrounds the earth and that the sun rises in the east and sets in the west. Whoever transmits grammatically erroneous speech from the Prophet ﷺ has certainly transmitted a falsehood about him. He is obliged to correct it, scrape it out of his book, write it with correct grammatical

وأما اللحن في الحديث فإن كان شيئا له وجه في لغة بعض العرب، فليروه كما سمعه ولا يبدله ولا يرده إلى أفصح منه ولا إلى غيره، وإن كان شيئا لا وجه له في لغة العرب البتة فحرام على كل مسلم أن يحدث باللحن عن النبي صلى الله عليه وسلم فإن فعل فهو كاذب مستحق للنار في الآخرة لأنا قد أيقنا أنه عليه السلام لم يلحن قط كتيقننا أن السماء محيطة بالأرض، وأن الشمس تطلع من المشرق وتغرب من المغرب فمن نقل عن النبي صلى الله عليه وسلم اللحن فقد نقل عنه الكذب بيقين وفرض عليه أن يصلحه ويبشره من كتابه، ويكتبه معربا، ولا يحدث به إلا معربا. ولا يلتفت إلى ما وجد في كتابه من لحن ولا إلى ما حدث شيوخه ملحونا. ولهذا لزم لمن طلب الفقه أن يتعلم النحو واللغة، وإلا فهو ناقص منحط لا تجوز له الفتية في دين الله عز وجل.

ثنا يونس بن عبد الله، ثنا أحمد بن عبد الله بن عبد الرحيم، ثنا أحمد بن خالد، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن بشار بندار ثنا عمرو بن محمد بن أبي رزين، ثنا سفيان الثوري، عن عبيد الله بن عمر، عن نافع، عن ابن عمر أنه كان يضرب ولده على اللحن. قال علي اللحن المحكي عن الله تعالى ورسوله عليه السلام كذب والكذب واجب أن يضرب آتيه وقد روي عن شعبة أو عن حماد بن سلمة الشك مني أنه قال: من حدث عني بلحن فقد كذب علي، ونحن نقول ذلك وكان شعبة وحماد وخالد بن الحارث وبشر بن المفضل والحسن البصري لا يلحنون البتة وبالله تعالى التوفيق فصل في زيادة العدل قال علي وإذا روى العدل زيادة على ما روى غيره فسواء انفرد بها أو شاركه فيها غيره مثله أو دونه أو فوقه، فالأخذ بتلك الزيادة فرض، ومن خالفنا في ذلك فإنه يتناقض أقبح تناقض، فيأخذ بحديث رواه واحد ويضيفه إلى ظاهر القرآن الذي نقله أهل الدنيا كلهم، أو يخصه به وهم بلا شك أكثر من رواة الخبر

[76] **Translator's note (L592):** The sequence «ويحرمه سائد من ذكرنا فرجا ويحرمه الآخر» is apparently corrupt or incomplete. «سائد» has been rendered "the foremost," and the disconnected accusative «فرجا» as "sexual access." The text appears to lack wording in the transition from bloodshed to sexual access; no missing assertion has been supplied.

[77] **Translator's note (L593):** The text shifts from the singular "he permits" to the first-person plural "we do not permit." That shift is retained.

[78] **Translator's note (L594):** The supplied «يناطر» appears to be a transcription error for «يناظر», "engages in disputation"; the translation follows that apparent intended reading. Here «حرف» is rendered "word," in light of the ensuing example contrasting "messenger" with "prophet"; the term can also denote a letter or an expression.

[79] **Translator's note (L597):** The opening is defective: "in place of" has no stated complement, and the thing being substituted is also unstated across the segment boundary. The translation preserves this incompleteness. "Thanks be to the Self-Sufficient, Master of created beings" is the author's deliberately altered wording of the Quran's opening praise, not a Quranic quotation.

[80] **Translator's note (L600):** "Nor do we prohibit reciting it in prayer" is translated as supplied. Its pronoun has an uncertain referent, and the statement appears to sit awkwardly with the surrounding prohibition; the text has not been emended. "With a missing link" renders arsalahu, contrasting a mursal transmission with the preceding musnad report; the precise point of omission is not specified here.

[81] **Qur'an references (L591):** Qur'an 10:15 (Yunus); Qur'an 19:73 (Maryam); Qur'an 46:7 (Al-Ahqaf); Qur'an 16:103 (An-Nahl); Qur'an 53:4 (An-Najm).

inflections, and transmit it only with correct grammatical inflections. He must pay no heed either to grammatical errors he finds in his book or to what his teachers have related with grammatical errors. For this reason, whoever seeks jurisprudential knowledge must learn grammar and the Arabic language. Otherwise, he is deficient and debased, and it is not permissible for him to issue legal opinions concerning the religion of Allah, mighty and majestic. Yunus ibn Abd Allah related to us: Ahmad ibn Abd Allah ibn Abd al-Rahim related to us: Ahmad ibn Khalid related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Amr ibn Muhammed ibn Abi Razin related to us: Sufyan al-Thawri related to us, from Ubayd Allah ibn Umar, from Nafiʿ, from Ibn Umar, that he used to beat his children for grammatical errors. Ali said: Grammatical error attributed to Allah, exalted is He, and His Messenger ﷺ is a lie, and whoever commits a lie must be beaten. It has been related from Shuʿbah or from Hammad ibn Salamah—the uncertainty is mine—that he said, "Whoever relates something from me with a grammatical error has lied about me." We say the same. Shuʿbah, Hammad, Khalid ibn al-Harith, Bishr ibn al-Mufaddal, and al-Hasan al-Basri never committed grammatical errors at all. Success comes through Allah, exalted is He.

Section on an Addition Transmitted by an Upright Narrator

Ali said: When an upright narrator transmits an addition beyond what someone else has transmitted, it makes no difference whether he alone transmits it or someone else of equal, lesser, or greater standing joins him in transmitting it: accepting that addition is obligatory. Whoever disagrees with us about this contradicts himself in the most disgraceful manner: he accepts a report transmitted by one person and adds it to the apparent meaning of the Quran, which all the people of the world have transmitted, or uses it to restrict that meaning to a specific scope. They are undoubtedly more numerous than the transmitters of the report to which another narrator added a ruling that no one else transmitted. There is such ugliness in this contradiction as their taste would not permit, nor would a person of scrupulous piety An example of this is their abandoning Allah Most High's statement, "As for the male thief and the female thief, cut off their hands as a recompense for what they have

الذي زاد عليهم آخر حكما لم يروه غيره، وفي هذا التناقض من القبح ما لا يستجيزه ذوقهم وذو ورع وذلك كتركهم قول الله تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} لحديث انفردت به عائشة رضي الله عنها ولم يشاركها فيه أحد. وهو: لا قطع إلا في ربع دينار فصاعدا، ويترك قوله تعالى في الآيات التي ذكر فيها المحرمات من النساء ثم قال تعالى بعد ذكر من ذكر {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فحرموا الجمع بين المرأة وعمتها، وليس ذلك مذكورا في آية التحريم، بل فيها إحلال كل ما لم يذكر في الآية، فتركوا ذلك لحديث انفرد به أبو هريرة وأبو سعيد وحدهما. وليس ذلك إجماعا، فإن عثمان البتي يبيح الجمع بين المرأة وعمتها، ثم يعترضون على حكم رواه عدل بأن عدلا آخر لم يرو تلك الزيادة، وأن فلانا انفرد بها. قال علي: وهذا جهل شديد، وقد ترك أصحاب أبي حنيفة الزيادة التي روى مالك في حديث زكاة الفطر وهي: من المسلمين فقالوا: انفرد بها مالك. وترك أصحاب مالك الاستسعاء الذي رواه سعيد بن أبي عروبة، وقالوا: انفرد بها سعيد فكلا الطائفتين عابت ما فعلت، وأنكرت ما أتت به، مع أنه قد شورك من ذكرنا هاتين الزيادتين ولو انفردا بها ما ضر ذلك شيئا. ولا فرق بين أن يروي العدل الراوي العدل حديثا، فلا يرويه أحد غيره، أو يرويه غيره مرسلا، أو يرويه ضعفاء، وبين أن يروي الراوي العدل لفظة زائدة لم يروها غيره من رواة الحديث، وكل ذلك سواء واجب قبوله بالبرهان الذي قدمناه في وجوب قبول خبر الواحد العدل الحافظ، وهذه الزيادة وهذا الإسناد هما خبر واحد عدل حافظ، ففرض قبولهما،

earned, as a deterrent from Allah; and Allah is Mighty, Wise," on account of a report transmitted exclusively by ʿA'ishah, may Allah be pleased with her, in whose transmission no one else joined her: "There is no amputation except for a quarter of a dinar or more." They also abandon His statement, Most High, in the verses in which He mentions the women forbidden in marriage. After mentioning those whom He mentions, He says, Most High: "And married women, except those whom your right hands possess. This is Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking marriage and not fornication. For whatever enjoyment you have had from them, give them their prescribed bridal payments. There is no blame upon you for whatever you mutually agree upon after the prescribed payment. Indeed, Allah is Knowing, Wise." Yet they prohibited marrying a woman and her paternal aunt together. This is not mentioned in the verse of prohibition; rather, it declares lawful everything not mentioned in the verse. They abandoned that on account of a report transmitted exclusively by Abu Hurayrah and Abu Saʿid, those two alone. Nor is this a matter of consensus, for ʿUthman al-Batti permits marrying a woman and her paternal aunt together. Then they object to a ruling transmitted by an upright narrator on the grounds that another upright narrator did not transmit that addition, and that so-and-so alone transmitted it.

ʿAli said: This is profound ignorance. The followers of Abu Hanifah rejected the addition transmitted by Malik in the report concerning the alms due at the breaking of the fast, namely, "from among the Muslims," saying, "Malik alone transmitted it." The followers of Malik rejected the requirement that a slave work to pay for his emancipation, transmitted by Saʿid ibn Abi ʿArubah, saying, "Saʿid alone transmitted it." Thus, each group censured what it itself had done and repudiated what it itself had practiced, even though others joined those whom we have mentioned in transmitting these two additions. Even if those two had transmitted them alone, that would have done no harm whatsoever. There is no difference between an upright narrator transmitting a report that no one else transmits, or that someone else transmits with a discontinuity in its chain, or that weak narrators transmit, and an upright narrator transmitting an additional expression that none of the

report's other narrators transmits. All of these cases are alike: acceptance is obligatory, by the demonstration we have already presented establishing the obligation to accept the report of a single upright narrator with accurate retention. This addition and this chain of transmission are each the report of a single upright narrator with accurate retention; accepting both is therefore obligatory.[82][83][84][85][86]

L608–611 We do not care whether anyone besides those two transmitted the like of this or whether no one else transmitted it. Whoever disagrees with us has entered into the rejection of solitary reports, joined those among the Muʿtazilah who do so, and contradicted his own position. An upright narrator's exclusive transmission of an expression is like his exclusive transmission of an entire report: there is no difference.

ʿAli said: If the additional expression diminishes the meaning, then precedence belongs to the more extensive meaning, not to the additional expression. For the greater extent of meaning consists in generality, and that is what truly constitutes the addition in such a case: it is the additional ruling, the revealed legislation, and the newly introduced command. Moreover, the Prophet ﷺ was sent precisely to legislate, to declare lawful, and to declare

ولا نبالي روى مثل ذلك غيرهما أو لم يروه سواهما، ومن خالفنا فقد دخل في باب ترك قبول الخبر الواحد ولحق بمن أتى ذلك من المعتزلة وتناقض في مذهبه، وانفراد العدل باللفظة كانفراده بالحديث كله، ولا فرق. قال علي: فإن كانت اللفظة الزائدة ناقصة من المعنى، فالحكم للمعنى الزائد لا للفظة الزيادة، لأن زيادة المعنى هو العموم، وهو الزيادة حينئذ على الحقيقة وهو الحكم الزائد والشرع الوارد والأمر الحادث ولأن النبي صلى الله عليه وسلم إنما بعث شارعا ومحلالا ومحرما وهكذا قال ابن عباس إذ ذكر عنده الضب. فإذا روى العدل لفظة لها حكم زائد لم يروها غيره، أو رواها غيره، أو روى العدل عموما فيه حكم زائد، وروى آخرون لفظة فيها إسقاط ذلك الحكم، فالفرض أن يؤخذ بالحكم الزائد أبدا، لأنه شريعة واردة قد تيقنا لزومها لنا، وأننا مأمورون بها ولم نتيقن نسخها ولا سقوطها، ولا يجوز ترك يقين لظن. فمن ادعى تلك الشريعة التي قد صح أمر الله عز وجل لنا بها قد سقطت عنا، وأن الحكم قد رجع إلى ما كنا عليه قبل ورود تلك الشريعة، فهو مفتر على الله عز وجل إلا أن يأتي ببرهان من نص أو إجماع على دعواه، ولا يحل لمسلم يخاف الله عز وجل أن يترك يقينا لما لعله ليس كما يظن. قال علي: ونمثل من ذلك مثالا فنقول روى بعض العدول عن رسول الله صلى الله عليه وسلم النهي عن آنية الفضة هكذا مجملا وروى بعضهم النهي عن الشرب في آنية الفضة، فكانت هذه اللفظة يعني الشرب ناقصة عن معنى الحديث الآخر الذي فيه إجمال النهي عن آنية الفضة نقصانا عظيما، ومبيحة لعظائم في عموم ذلك الحديث إيجاب تحريمها من الأكل فيها، والاغتسال فيها، والوضوء فيها، فهذه

[82] **Translator's note (L603):** "Scrape it out" takes the supplied yabshuruhu in the sense of scraping or removing writing; the wording is unusual but has not been replaced with a conjectural correction. "The uncertainty is mine" is an aside in the source concerning whether the saying is attributed to Shuʿbah or Hammad ibn Salamah.

[83] **Translator's note (L605):** The supplied phrase "their taste and a person of scrupulous piety" is grammatically awkward and may be corrupt. The translation retains its apparent sense without silently substituting a conjectural Arabic reading.

[84] **Translator's note (L606):** The Qur'anic quotations contain repeated orthographic omissions of alif, including in their opening words and imperatives. The translation follows the recognizable wording without reproducing these spelling defects in English. The requirement concerning a slave's work is istisʿāʾ: requiring a partly emancipated slave to earn the payment for the remaining unfreed share of his value.

[85] **Translator's note (L607):** The Arabic repeats al-ʿadl ("upright") in the phrase describing the narrator. Its syntactically redundant repetition has no clear separate English function. "With a discontinuity in its chain" renders mursal, an attribution that omits an intermediary in the transmission.

[86] **Qur'an references (L603):** Qur'an 5:38 (Al-Ma'idah); Qur'an 4:24 (An-Nisa).

unlawful. This is likewise what Ibn ʿAbbas said when the spiny-tailed lizard was mentioned in his presence. Thus, if an upright narrator transmits an expression entailing an additional ruling, whether or not someone else transmits it, or if an upright narrator transmits a general formulation containing an additional ruling while others transmit an expression that removes that ruling, it is always obligatory to adopt the additional ruling. For it is revealed legislation whose binding force upon us, and whose being commanded of us, we know with certainty, whereas we have no certainty that it has been abrogated or has ceased to apply. It is impermissible to abandon certainty for conjecture. Whoever claims that this legislation, which Allah, Mighty and Majestic, has demonstrably commanded us to follow, has ceased to bind us, and that the ruling has reverted to our situation before that legislation was revealed, fabricates a falsehood against Allah, Mighty and Majestic, unless he supplies a demonstration for his claim from a text or consensus. It is not lawful for a Muslim who fears Allah, Mighty and Majestic, to abandon something certain for something that may not be as he supposes.

ʿAli said: We shall illustrate this with an example. We say: Some upright narrators transmitted from the Messenger of Allah ﷺ a prohibition concerning silver vessels, expressed comprehensively in this manner. Others transmitted a prohibition against drinking from silver vessels. This expression—meaning "drinking"—thus falls far short of the meaning of the other report, which contains a comprehensive prohibition concerning silver vessels. It permits grave matters whose prohibition is required by the general scope of that report: eating from them, bathing from them, and performing ritual ablution from them. Thus, although this expression adds something in sound and writing, it diminishes the meaning. Although the other report contains fewer words, it is more extensive in its ruling and meanings, so it is the one that must not be adopted, because the report mentioning drinking contains only part of what the other report contains. This resembles what we said concerning the two reports on zakat on sheep, where mention was made in one of them of freely grazing sheep, while this was not mentioned in the other. It was therefore obligatory to adopt the general formulation, applying to freely grazing sheep and others. Whoever adopts the general re-

اللفظة وإن كانت زائدة في الصوت والخط فهي ناقصة من المعنى، والحديث الآخر وإن كان ناقص اللفظ فهو زائد في الحكم والمعاني، فهو الذي لا يجب الأخذ به، لأن الحديث المذكور فيه الشرب هو بعض ما في الحديث الآخر. وهذا نحو ما قلنا في الحديثين في زكاة الغنم اللذين ذكر في أحدهما السائمة ولم يذكر في الآخر، فوجب الأخذ بالعام للسائمة وغيرها لأن من أخذ بالحديث العام كان آخذا بالخاص أيضا، لأنه إذا اجتنب آنية الفضة جملة كان قد اجتنب الشرب في جملة ما اجتنب أيضا، وإذا زكى الغنم كلها كان زكى السائمة أيضا. فكان آخذا بكلا الأمرين، وغير عاص لشيء من النصين، وكان من آخذ بالحديث الأخص وحده عاصيا للحديث الآخر، تاركا له بلا دليل، إلا التحكم والدعوى بغير علم، لأنه إذا زكى السائمة وحدها، فقد ترك زكاة غير السائمة، وخالف ما أوجبه الحديث الآخر،

port also adopts the specific one, since, if he avoids silver vessels altogether, he has also avoided drinking from them among all the things he has avoided. If he pays zakat on all the sheep, he has also paid it on the freely grazing sheep. He has thus adopted both commands and disobeyed neither of the two texts. Whoever adopts only the more specific report disobeys the other report and abandons it without any evidence, relying solely on arbitrary assertion and a claim made without knowledge. For if he pays zakat on freely grazing sheep alone, he has omitted zakat on sheep that do not graze freely and has contravened what the other report makes obligatory.[87]

L612–614 And if he avoids only drinking from silver vessels, he has disobeyed what is in the other text and treated as permissible what Allah Most High has forbidden in it. This is not lawful, because neither text has a greater claim to obedience than the other, and neither negates or invalidates the other. Another example is the report that the Messenger of Allah ﷺ contracted with the people of Khaybar for half of what it produced. This was general, covering everything it produced, whether field crops, vegetables, or fruit. Some transmitted this very same report, saying, "of the fruit of the date palms." Whoever accepts a crop-sharing arrangement for tending and watering date palms specifically, while prohibiting it for anything else, thereby contradicts the practice of the Messenger of Allah ﷺ as transmitted in the general wording. The wording of the person who said "of the fruit of the date palms" does not invalidate the possibility that he also entered into arrangements with them for tending and watering, for working the land, and for agricultural crop-sharing concerning produce other than the fruit of date palms. Rather, this narrator mentioned some of what their agreement covered and remained silent about some, while another narrator included generally everything covered by the agreement. This report certainly abrogated the report prohibiting agricultural crop-sharing, because it was undoubtedly his final practice, peace be upon him, which he maintained until he died. The report prohibiting agricultural crop-sharing undoubtedly preceded it. We therefore

[87] **Translator's note (L610):** The supplied text reads "it is the one that must not be adopted" (fa-huwa alladhi la yajibu al-akhdhu bihi). This appears to contradict both the preceding argument and the following explanation. The negation has been preserved rather than silently removed.

وكان إذا اجتنب الشرب في آنية الفضة وحدها كان قد عصى ما في النص الآخر والاستباح ما حرم الله تعالى فيه، وذلك لا يحل، لأنه ليس أحد النصين أولى بالطاعة من الآخر، وليس أحدهما نافيا للآخر ولا مبطلا له ومن ذلك أيضا ما روي أن رسول الله صلى الله عليه وسلم عامل أهل خيبر على نصف ما يخرج منها فكان هذا عاما لكل ما يخرج منها زرعا أو خضرا أو ثمارا، وروى بعضهم هذا الحديث بعينه فقال: من ثمر النخل، فمن أخذ بالمساقاة في ثمر النخل خاصة وحظر ما سوى ذلك كان مخالفا لفعل رسول الله صلى الله عليه وسلم المنقول في لفظ العموم وليس قول من قال في ثمر النخل بمبطل أن يكون ساقاهم وعاملهم وزارعهم أيضا في غير ثمر النخل، ولكن هذا الراوي ذكر بعض ما عوملوا عليه وسكت عن بعض، وعم غيره كل ما وقعت فيه المعاملة، وكان هذا الحديث ناسخا لحديث النهي عن المزارعة بيقين لأنه آخر فعله عليه السلام بلا شك الذي ثبت عليه إلى أن مات وحديث النهي عن المزارعة كان قبله بلا شك، فلذلك قطعنا أنه منسوخ ولولا هذا البيان ما استجزنا ذلك. قال علي: ومن هذا الباب أن يشهد عدلان أن زيدا طلق امرأته، وقال سائر من حضر المجلس وهم عدول. لم يطلقها البتة، فلا نعلم خلافا في وجوب الحكم عليه بالطلاق. وإنفاذ شهادة من شهد به، لأن عندهما علما زائدا شهدا به لم يكن عند سائر من حضر المجلس، وهذا نفسه هو قبول زيادة العدل ولا فرق، وإن انفرد بها، وإنها كسائر نقله، وليس

declared categorically that it was abrogated. Without this clarification, we would not have considered ourselves entitled to do so.

ʿAli said: Another instance of this is that two upright witnesses testify that Zayd divorced his wife, while everyone else present at the gathering, all of them upright, says, "He did not divorce her at all." We know of no disagreement that it is obligatory to rule that the divorce has taken place and to give effect to the testimony of those who testified to it, because those two possess additional knowledge to which they testified that the others present at the gathering did not possess. This itself is acceptance of an upright narrator's addition, with no difference, even if he alone transmits it; it is like everything else he transmits. The ignorance of someone who does not know is no evidence against the knowledge of someone who knows. Nor does the silence of one upright person invalidate the statement of another upright person. There is no difference between exclusively transmitting an entire report and exclusively transmitting an expression within it or an additional ruling in it. Those who dispute with us concerning this matter have agreed with us in accepting reports transmitted exclusively by an upright narrator, yet have disagreed with us over accepting an addition, with no evidence beyond arbitrary assertion through mere claims. One of them, however, attempted to offer an argument and made himself laughable. He said: "We have agreed with you in accepting a report when it is free of an addition transmitted exclusively by some of its narrators, of its transmission with a discontinuity in the chain by a narrator other than this one, and of contradiction by someone more upright than he and more accurate in retaining its wording. We have disagreed with you in accepting it when it contains any of these features."

ʿAli said: He is to be told—and success comes through Allah Most High—this resembles the obfuscation of the Jews when they say: "We have agreed with you in accepting the prophethood of Moses ﷺ, the binding force of his revealed law, and refraining from work on the Sabbath, and that Allah Most

جهل من جهل حجة على علم من علم، ولا سكوت عدل مبطلا لكلام عدل آخر، ولا فرق بين أن ينفرد بالحديث كله وبين أن ينفرد بلفظة منه أو بحكم زائد فيه. وقد وافقنا من يخاصم في هذا المعنى على قبول ما انفرد به العدل من الأخبار، وخالفونا في قبول الزيادة بلا دليل إلا التحكم بالدعوى فقط، إلا أن بعضهم رام أن يحتج فأضحك من نفسه، وذلك أنه قال: قد وافقناكم على قبول الخبر إذا سلم من الزيادة انفرد بها بعض الرواة، ومن إرسال غير هذا الراوي له، ومن مخالفة من هو أعدل منه وأحفظ في لفظه، وخالفناكم في قبوله إذا كان فيه شيء من هذه المعاني. قال علي: فيقال له وبالله تعالى التوفيق: هذا يشبه تمويه اليهود، إذ يقولون قد وافقناكم على قبول نبوة موسى صلى الله عليه وسلم ووجوب شريعته وترك العمل في السبت وأن ذلك كله قد أمر به الله تعالى وخالفناكم في قبول نبوة محمد صلى الله عليه وسلم ووجوب شريعته

High commanded all of this. We have disagreed with you in accepting the prophethood of Muhammed ﷺ and the binding force of his revealed law."[88]

L615 Ali said: This is the argument of someone who has no proof, and a feeble deception. We did not accept the prophethood of Moses ﷺ because they agreed with us about it, nor do we care whether they agree with us about it or disagree, just as we paid no heed to the Magians, Manichaeans, and Sabians denying the prophethood of Moses, peace be upon him. Rather, we accepted his prophethood, peace be upon him, because demonstrations established its soundness. Those very same demonstrations make it obligatory to accept the prophethood of Muhammed ﷺ, without any distinction. Once the demonstration of a truth is established, the acceptance of those who accept it is immaterial and adds nothing to its soundness. The opposition of those who oppose it is likewise immaterial and does it no harm. The opponent harms himself; he does not harm the truth. Likewise, when no demonstration establishes something's soundness, the acceptance of those who accept it is immaterial and does not make it sound. Similarly, we did not accept a solitary report because the Hanafis and Malikis agreed with us in accepting it. We do not care whether they agree or disagree, just as we paid no heed to their disagreement with us concerning analogy and uncritical adherence to authority, or to the disagreement of those Muʿtazilites and others who opposed us concerning acceptance of a solitary report. Rather, we accepted a solitary report because demonstration established the obligation to affirm it. Those very same proofs and demonstrations make it obligatory to discard the grounds by which they sought to accept an addition, a report transmitted with a disconnected chain by one upright transmitter and with a connected chain by another upright transmitter, and a report whose transmitter was contradicted. That same demonstration makes it obligatory to accept an addition even when an upright transmitter alone transmits it, and to authenticate what an upright transmitter relates with a connected chain even if someone else transmits it with a disconnected chain, whether the

قال علي وهذا احتجاج من لا حجة له، وتمويه ضعيف وذلك أننا لم نقبل نبوة موسى صلى الله عليه وسلم لأجل موافقتهم لنا عليهم ولا نبالي وافقونا عليها أم خالفونا، كما لم نبال بتكذيب المجوس والمنانية والصابئين لنبوة موسى عليه السلام وإنما أخذنا بقبول نبوته عليه السلام لقيام البراهين على صحتها، وبمثل تلك البراهين نفسها وجب قبول نبوة محمد صلى الله عليه وسلم ولا فرق والحق إذا ثبت برهانه فلا معنى لقبول من قبله، ولا يزيده ذلك صحة، ولا معنى لمخالفة من خالفه، ولا يضره ذلك شيئا ونفسه ضر المخالف ولم يضر الحق. وكذلك الشيء إذا لم يقم على صحته برهان، فلا معنى لقبول من قبله ولا يصححه ذلك، وكذلك قبول خبر الواحد لم نأخذ به، لأن الحنفيين والمالكيين وافقونا على قبوله، وما نبالي وافقونا أم خالفونا، كما لم نبال بخلافهم لنا في القياس والتقليد، وكما لم نبال بخلاف من خالفنا من المعتزلة وغيرهم في قبول خبر الواحد، وإنما أخذنا بقبول خبر الواحد لقيام البرهان على وجوب القول به. وبتلك الدلائل والبراهين بأعيانها، وجب اطراح العلل التي راموا بها الأخذ بالزيادة، وبما أرسله عدل وأسنده عدل، وما خولف فيه راويه، وبذلك البرهان نفسه وجب قبول الزيادة وإن انفرد بها العدل وتصحيح ما أسنده العدل وإن أرسله غيره، وسواء كان أعدل منه أو أحفظ أو مثله أو دونه، وصح أن ما خالف هذا الحكم هذيان لا معنى له، وإنما يلزم الاحتجاج بما موهوا به غير موضعه، ففي حكم لم نراع فيه غير الإجماع المتيقن به إذا ثبت، وفيما لولا الإجماع المذكور لم نقل به، مما قد أمرنا باتباع الإجماع المتيقن المقطوع به فيه مما لم يأت فيه نص محفوظ اللفظ، وإن كان أصل ذلك الإجماع لا يمكن البتة أن يكون إلا عن نص، وذلك مثل المسائل التي وجدنا فيها خلافا من واحد فما فوقه لم نقل بها ولا برهان عندنا فيها إلا الإجماع وحده،

[88] **Translator's note (L612):** "A crop-sharing arrangement for tending and watering" renders musaqah. The author subsequently distinguishes this from agricultural crop-sharing, muzaraʿah.

latter is more upright than he, more retentive, his equal, or his inferior. It is thus established that whatever contradicts this ruling is meaningless babble. The argument they deceptively employed out of place is binding only in a ruling in which we take account of nothing but consensus known with certainty, when it is established: a matter we would not affirm were it not for the aforementioned consensus, in which we have been commanded to follow consensus known with certainty and established conclusively, and concerning which no text with preserved wording has reached us—even though the basis of that consensus cannot possibly be anything other than a text. Such are the questions concerning which, if we found disagreement from even one person or more, we would not affirm them, and for which we have no demonstration except consensus alone.[89]

وذلك مثل القراض الذي لولا الإجماع على جوازه لاتصال نقل الأعصار به عصرا بعد عصر بأنه كان القراض في الجاهلية مشهورا وأن النبي صلى الله عليه وسلم أقره ولم ينه عنه وهو يعلمه فاشيا في قريش، وكانوا أهل تجارة ولا عيش لهم إلا منها لم نجزه، ولو وجدنا واحدا من العلماء يقول بإبطاله لوافقناه ولقلنا بقوله، إذ لا نص في إباحته، ولأنه شرط لم يأت به نص، وكل شرط هذه صفته فإن لم يتفق على صحته فهو باطل بقوله عليه السلام كل شرط ليس في كتاب الله تعالى فهو باطل فما كان من هذا النوع فإنا نراعي في مسائله الإجماع، فما أجمعوا عليه منها قلنا به.

L616–617 An example is the profit-sharing investment contract: were it not for consensus on its permissibility, based on the uninterrupted transmission through successive ages, age after age, that the profit-sharing investment contract was well known in the pre-Islamic age of ignorance, and that the Prophet ﷺ approved it and did not prohibit it, although he knew it was widespread among Quraysh, who were people of trade and had no livelihood except through it, we would not permit it. If we found even one scholar declaring it invalid, we would agree with him and adopt his position, since there is no text permitting it, and because it is a contractual stipulation for which no text has come. Every stipulation of this description, unless its validity is agreed upon, is invalid by virtue of his saying, peace be upon him: "Every stipulation that is not in the Book of Allah Most High is invalid." In questions of this kind, therefore, we take consensus into account: whatever they unanimously agree upon among them, we affirm,

وما اختلف فيه أسقطناه بالبتة، لأنه قد بطل الإجماع فيه، والإجماع هو برهان صحته الذي لا برهان لصحته سواه، وما بطل برهان صحته فقد بطل القول به، وأما ما قام برهان على صحته من غير الإجماع. فلا ينبغي أن يلتفت من وافق عليه، ولا من خالف، ولا يتكثر بمن وافق فيه كائنا من كان، ولا يستوحش ممن خالف فيه كائنا من كان. ولو كان ما ذكر هذا المغفل حجة لساغ للحنيفي أن يقول: قد وافقتموني على

L618–621 and whatever they disagree about, we reject absolutely, because consensus concerning it has ceased to hold. Consensus is the demonstration of

[89] **Translator's note (L615):** The source has "'alayhim" ("concerning them") after "their agreement with us," where the reference appears to be to Moses's prophethood; the translation follows that apparent reference. The wording literally says that they sought "acceptance of the addition" through these grounds, although the surrounding argument concerns restrictions on accepting additions. This apparent textual difficulty has been preserved rather than silently changing acceptance to rejection.

its validity, and there is no other demonstration of its validity. Once the demonstration of its validity has ceased to hold, affirming it is invalid. As for something whose soundness is established by a demonstration other than consensus, no attention should be paid to who agrees with it or who disagrees. One should neither seek strength in the numbers of those who agree, whoever they may be, nor feel disquiet because of those who disagree, whoever they may be. If what this heedless fellow mentioned were a proof, a Hanafi could legitimately say: "You have agreed with me that the hand of someone who steals something worth ten dirhams must be cut off, while I have disagreed with you about cutting off the hand of someone who steals less than that. Thus, only what we agree upon is binding upon me, not what we disagree about." He could also legitimately say: "You have agreed with me that shortening the prayer applies to journeys of three days or more, whereas we disagree about anything shorter. Thus, only what we agree upon is obligatory." He could also legitimately say: "You have agreed with me that the bridal dower may be ten dirhams, while I have disagreed with you concerning less than that. Thus, only what we agree upon is valid, not what we disagree about." A Maliki could legitimately say: "You have agreed with me that when someone performing the ritual bath rubs his body, his bath is complete, while I have disagreed with you about it when he does not rub his body. Thus, only what we agree upon is obligatory, to the exclusion of what we disagree about. And you have agreed with me that someone who stands at ʿArafah at night has performed a valid standing, while I have disagreed with you concerning someone who stands there by day and departs before sunset. Thus, only what we agree upon is valid, to the exclusion of what we disagree about." He could also legitimately say: "I have agreed with you that a fast is complete if it is free of eating through forgetfulness, while I have disagreed with you about its completeness when eating through forgetfulness occurs during it. Thus, only what we agree upon is complete, to the exclusion of what we disagree about." A Shafiʿi could legitimately say to the two of them: "You have both agreed with me that the prayer of someone who recites {And how can you take it, when you have gone in unto one another and they have taken from you a solemn covenant?} during his prayer is complete, while I have disagreed with you about the completeness of the prayer of someone

وجوب قطع يد من سرق ما يساوي عشرة دراهم، وخالفتكم في قطع من سرق أقل من ذلك، فلا يلزمني إلا ما اتفقنا عليه، لا ما اختلفنا فيه. ولساغ له أن يقول: قد وافقتموني على أن القصر يكون من ثلاثة أيام فصاعدا، واختلفنا في أقل، فلا يجب إلا ما اتفقنا عليه. ولساغ له أن يقول: قد وافقتموني على أن الصداق يكون عشرة دراهم، وخالفتكم في أقل من ذلك، فلا يصح إلا ما اتفقنا عليه، لا ما اختلفنا فيه. ولساغ للمالكي أن يقول: قد وافقتموني على أن المغتسل إذا تدلك تم غسله، وخالفتكم فيه إذا لم يتدلك، فلا يجب إلا ما اتفقنا عليه دون مما اختلفنا فيه ووافقتموني على أن من وقف بعرفة ليلا أن وقوفه صحيح، وخالفتكم فيمن وقف نهارا ودفع قبل غروب الشمس، فلا يصح إلا ما اتفقنا عليه دون ما اختلفنا فيه. ولساغ له أن يقول: قد وافقتكم على أن الصوم إذا سلم من الأكل بالنسيان تام، وخالفتكم في تمامه إذا وقع فيه أكل بنسيان، فلا يتم إلا ما اتفقنا عليه دون ما اختلفنا فيه. ولساغ للشافعي أن يقول لهما: قد وافقتماني على أن من قرأ: {وكيف تأخذونه وقد أفضى بعضكم إلى بعض وأخذن منكم ميثاقا غليظا} في صلاته أنها تامة، وخالفتكم في تمام صلاة من لم يقرأها، ووافقتماني على تمام صلاة من صلى على رسول الله صلى الله عليه وسلم في آخر تشهده وخالفتكم في تمام صلاة من لم يصل عليه صلى الله عليه وسلم ووافقتماني في جواز صيام من بيته كل ليلة، وخالفتكم في صيام من لم يبيته، فلا يصح إلا ما اتفقنا عليه دون ما اختلفنا فيه. وللزمهم أن يكتفوا منا بأن نقول لهم: قد وافقتمونا على قبول النصوص والإجماع، وخالفناكم في القول بالقياس فلا يلزم إلا ما اتفقنا عليه دون ما اختلفنا فيه، ومثل هذا كثير جدا، يقوم منه عشرات ألوف من المسائل، فلما لم يكن كل ما ذكرنا حجة، لأنه كلام موضوع في غير موضعه، سقط شغب من قال: قد اتفقنا عن قبول الخبر إذا عري من زيادة أو مخالفة، واختلفا في قبول الزيادة وبحكم العقل ندري أن كل من رضي لنفسه على خصمه بما لا يرضى على نفسه لخصمه،

who does not recite it. You have both agreed with me on the completeness of the prayer of someone who invokes blessings upon the Messenger of Allah ﷺ at the end of his testimony of faith, while I have disagreed with you about the completeness of the prayer of someone who does not invoke blessings upon him ﷺ. And you have both agreed with me on the validity of the fast of someone who forms the intention for it each night, while I have disagreed with you about the fast of someone who does not form that intention at night. Thus, only what we agree upon is valid, to the exclusion of what we disagree about." And they would be obliged to accept our merely saying to them: "You have agreed with us on accepting the texts and consensus, while we have disagreed with you about affirming analogy. Thus, only what we agree upon is binding, to the exclusion of what we disagree about." There are very many such examples, yielding tens of thousands of questions. Since none of what we have mentioned constitutes a proof, because it is speech employed out of place, the contentious argument of someone who says, "We have agreed on accepting a report when it contains neither an addition nor a contradiction, and the two disagreed about accepting the addition," falls away. By the judgment of reason, we know that anyone who approves for himself, against his opponent, what he will not approve against himself for his opponent is ignorant, mad, or shameless. He must fall under one of these descriptions, all of which are conditions of abasement; we seek refuge in Allah the Magnificent from them. Unless, O Allah, his opponent has accepted a particular ruling: he may then bind him to it, even if it is not binding upon himself. And through Allah Most High comes success.[909192]

L622 **[Section on invalidating the preferential weighting of a**

[90]**Translator's note (L619):** The supplied Qur'anic quotation is 4:21. Its appearance here, in an argument about recitation required for a valid prayer, is apparently a quotation or transcription error. The supplied verse has been translated without substitution.

[91]**Translator's note (L621):** The source reads "agreed ʿan accepting," with an irregular preposition; the intended sense appears to be "agreed on accepting." It then has the third-person dual "the two disagreed," rather than the expected "we disagreed." This shift has been retained.

[92]**Qur'an references (L618):** Qur'an 4:21 (An-Nisa).

فجاهل أو مجنون أو وقاح لا بد له من أحد هذه الوجوه، وهي كلها خطط خسف، ونعوذ بالله العظيم منها، اللهم إلا أن يكون خصمه رضي بحكم ما فله أن يلزمه حينئذ إياه، وإن لم يلزمه هو وبالله تعالى التوفيق

[فصل في إبطال ترجيح الحديث بعمل أهل المدينة وإبطال الاحتجاج بعملهم أيضا]

hadith on the basis of the practice of the people of Medina, and also invalidating the use of their practice as proof]

L623–642 And explaining the cause of the disagreement that occurred among our predecessors, the leading scholars at the beginning of this community, and refuting those who condemned transmitting hadith in abundance.

Malik's followers held that it is impermissible to act upon a report unless practice accompanies it. Ali said: This is among the most corrupt and utterly unsound positions. To begin with, concerning this practice they mention, our predecessors among the Hanafis, Shafi'is, and those of our associates who follow hadith have been asking them for two hundred and forty-odd years: whose practice is this practice they mention? Yet they have not identified whose practice they mean. Nothing is more astonishing than people's ignorance of the meaning of their own assertions and the explanation of their own words. We shall explain this after the opening portion of our discussion in this section, if Allah Most High wills. And through Allah comes success. To someone who says, "I do not accept a report unless practice accompanies it," one should say: "Does this practice have a beginning, or does it have no beginning?" If he says that it has no beginning, he has openly proclaimed a falsehood and joined the eternalists. If he says that it has a beginning, one should say to him—and through Allah Most High comes success: "According to your position, that first practice must be invalid and impermissible to follow, because it began by acting upon a report that had not previously been acted upon, whereas a report may not be followed until it has been acted upon. This practice therefore occurred before the report had been acted upon, so it is invalid according to your corrupt ruling, which leads to babble and to acting upon any report never being valid." Sufficient unsoundness lies in a position that leads to what cannot be understood. Much of what they venture into is like this, such as their statements about the meaning of the Messenger of Allah's ﷺ saying, "The two parties to a sale retain the option so long as they have not parted," and their statements that the second prayer cycle in the prayer of someone completing a prayer of which he caught one prayer cycle with the imam is before the first, and the third before the second. As you can see, this is unintelligible. Allah is sufficient for us, and He

وبيان السبب في الاختلاف الواقع بين سلفنا من الأئمة في صدر هذه الأمة والرد على من ذم الإكثار من رواية الحديث ذهب أصحاب مالك: إلى أنه لا يجوز العمل بالخبر حتى يصحبه العمل. قال علي: وهذا من أفسد قول وأشده سقوطا، فأول ذلك أن هذا العمل الذي يذكرون، قد سألهم من سلف من الحنفيين، والشافعيين، وأصحاب الحديث من أصحابنا، منذ مائتي عام ونيف وأربعين عاما، عمل من هو هذا العمل الذي يذكرون؟ فما عرفوا عمل من يريدون، ولا عجب أعجب من جهل قوم بمعنى قولهم، وشرح كلامهم. وسنبين هذا بعد صدر من كلامنا في هذا الفصل إن شاء الله تعالى، وبالله التوفيق. ويقال لمن قال: لا أقبل الخبر حتى يصحبه العمل، أللعمل أول أم لا أول له؟ فإن قال: لا أول له، جاهر بالكذب ولحق بالدهرية، وإن قال: له أول. قيل له، وبالله تعالى التوفيق: يجب على قولك أن ذلك العمل الأول باطل لا يجوز اتباعه، لأنه ابتدىء فيه بعمل بخبر لم يعمل به قبل ذلك، والخبر لا يجوز اتباعه حتى يعمل به، فهذا العمل قد وقع قبل أن يعمل بالخبر فهو باطل على حكمكم الفاسد المؤدي إلى الهذيان، وإلى ألا يصح عمل بخبر أبدا، وكفى سقوطا بقول أدى إلى ما لا يعقل، وكثير مما يقتحمون مثل هذا كقولهم في معنى قول رسول الله صلى الله عليه وسلم البيعان بالخيار ما لم يتفرقا وكقولهم في أن الركعة الثانية من صلاة من يقضي صلاة أدرك منها ركعة مع الإمام، هي قبل الأولى، والثالثة قبل الثانية، وهذا كما ترى لا يعقل، وحسبنا الله ونعم الوكيل. وإذا كان ما ذكروا من أنه لا يجوز أن يعمل بخبر حتى يعمل به قبل هذا العمل، وكان الخبر قد وجد وقتا من الدهر قبل أن يعمل له، فلا يجوز أن يصح العمل بخبر أبدا، وإذا كان ذلك فكل عمل بخبر من

[102] **Qur'an references (L623):** Qur'an 5:38 (Al-Ma'idah).

is the best trustee. If what they have stated is so—that a report may not be acted upon until it has been acted upon before this act—and the report existed for some period before it was acted upon, then acting upon any report can never be valid. If that is so, every act based upon any report is invalid. What is invalid neither validates the truth nor makes falsehood true, and nothing is established by it. They should also be asked: Tell us about an authentic report with a connected chain of transmission: before it is acted upon, is it true or false? It must be one of these two. If they say, "True," then it makes no difference whether it is acted upon or not. Acting upon the truth does not increase its degree of truth, nor does abandoning action upon it invalidate it. If all the inhabitants of the earth unanimously agreed to disobey Muhammed ﷺ, that would not remove the obligation to obey him. They did precisely that at the beginning of his mission ﷺ, yet that did not invalidate the soundness of his statement. Had all the inhabitants of the earth believed in him and obeyed him, his statement, peace be upon him, would not have gained any higher degree of soundness than it possessed before anyone accepted it or acted upon it. The person who abandons acting upon the truth harms only himself; he does not harm the truth at all. Likewise, if all the inhabitants of the earth unanimously agreed that Musaylimah—may Allah curse him—was a prophet, that would not make his claim true. And when they unanimously disbelieve in him, that does not increase the falsehood of his statement beyond what it possessed when he uttered it. If they say, "The report is false before it is acted upon," acting upon falsehood does not make it true, and through acting upon falsehood Allah increases nothing but error and disgrace. Thus it is established by necessary demonstration that there is no significance to practice, and it should neither be attended to nor given any weight. All the inhabitants of the earth unanimously agreed to follow the religious laws of unbelief before the mission of Muhammed ﷺ, yet that did not validate them. Ali said: This is an expression that Satan cast into their hearts and placed upon their tongues, reinforced by ignorance and ruinous partisanship. In Allah we seek refuge from affliction, and Him we ask for help in attaining what is correct. Success comes through Allah Most High. We then ask them: When did Allah establish acting upon an authentic report: before it was acted upon, or after it was acted upon? If they say, "Be-

الأخبار فهو باطل، والباطل لا يصحح الحق، ولا يحقق الباطل، ولا يثبت به شيء. ويقال لهم أيضا: أرأيتم الخبر المسند الصحيح قبل أن يعمل به أحق هو أم باطل ولا بد من أحد هذين فإن قالوا حق فسواء عمل به أو لم يعمل به ولولا يزيد الحق درجة في أنه حق أن يعمل به،؛ ولا يبطله أن يترك العمل به، أن أهل الأرض كلهم أصفقوا على معصية محمد صلى الله عليه وسلم ما كان ذلك مسقطا لوجوب طاعته وقد فعلوا ذلك في أول مبعثه صلى الله عليه وسلم فما كان ذلك مبطلا لصحة قوله ولو آمن به جميع أهل الأرض وأطاعوه ما زاد قوله عليه السلام منزلة في الصحة على ما كان عليه قبل أن يقبله أو يعمل به أحد من الناس، ونفسه ضر تارك العمل بالحق، ولم يضر الحق شيئا، وكذلك لو أصفق أهل الأرض كلهم على نبوة مسيلمة لعنه الله ما حققها ذلك، وإذا أجمعوا على الكفر به ما زاد ذلك في قوله في البطلان على ما كان عليه حين نطقه به. وإن قالوا: الخبر باطل قبل العمل به؛ فالباطل لا يحققه العمل له، ولا يزيد الله بالعمل بالباطل إلا ضلالا وخزيا، فثبت بالبرهان الضروري أن لا معنى للعمل، ولا ينبغي أن يلتفت إليه ولا يعبأ به، وقد أصفق أهل الأرض كلهم على العمل بشرائع الكفر قبل مبعث محمد صلى الله عليه وسلم فما صححها ذلك قال علي وهذه لفظة قذفها الشيطان في قلوبهم، وطرحها على ألسنتهم، وأيد ذلك الجهل والعصبية المردية، وبالله نستعيذ من البلاء وإياه نستعين على إدراك الصواب، وبالله تعالى التوفيق. ثم نقول لهم: متى أثبت الله العمل بالخبر الصحيح أقبل أن يعمل به أم بعد أن يعمل به فإن قالوا قبل أن يعمل به فهو قولنا وإن قالوا بعد أن يعمل به لزمهم أن العاملين به هم الذين شرعوا تلك الشريعة، وهذا كفر من قائله. ولم يبق لهم إلا أن يقولوا: لما ترك العمل بالخبر علمنا أنه منسوخ وهذا هو باب الإلهام الذي ادعته الروافض لأنفسها لأنه قول بلا برهان. قال علي: وإنما هذا كله بعد أن يعرفوا عمل

من يريدون، وأما وهم لا يدرون عمل من يعنون، فلسنا نحتاج أن نبلغ معهم ههنا، وقد حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، عن يزيد بن إبراهيم التستري، ثنا زريق وكان عاملا لعمر بن عبد العزيز على أيلة قال: كتبت إلى عمر بن عبد العزيز في عبد آبق سرق، وذكرت أن أهل الحجاز لا يقطعون العبد الآبق إذا سرق قال: فكتب إلي: كتبت إلي في عبد آبق سرق، وذكرت أن أهل الحجاز لا يقطعون الآبق إذا سرق وإن الله تعالى يقول {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} الآية فإن كان قد سرق قدر ما يبلغ ربع دينار فاقطعه به. وبه إلى حجاج بن المنهال، ثنا الربيع بن صبيح قال: سألت نافعا مولى ابن عمر، أو سأله رجل وأنا شاهد على الرهن والقبيل في السلف والورق والطعام إلى أجل مسمى؟ قال: لا أرى بذلك بأسا. فقلت له: إن الحسن يكرهه، قال: لولا أنكم تزعمون أن الحسن يكرهه ما رأيت به بأسا، فأما إذا كرهه الحسن فهو أعلم به، فهذا عمر بن عبد العزيز لم يبال بعمل أهل الحجاز إذ وجد القرآن بخلاف، وهذا نافع مولى ابن عمر من كبار فقهاء أهل المدينة توقف في فتياه إذ خالفه الحسن وهو عراقي. ثم نسألهم فنقول لهم عمل من تريدون أعمل أمة محمد صلى الله عليه وسلم كلهم أم عمل عصر دون عصر أم عمل محمد صلى الله عليه وسلم أم عمل أبي بكر أم عمل عمر أم عمل عثمان ولم يكن في المدينة إمام غير هؤلاء أم عمل صاحب من سكان المدينة بعينه؟ أم عمل جميع فقهاء المدينة؟ أم عمل بعضهم؟ ولا سبيل إلى وجه غير ما ذكرنا فإن قالوا عمل أمة محمد صلى الله عليه وسلم كلها بان كذبهم لأن الخلاف بين الأمة أشهر من ذلك، وهم دأبا إنما يتكلمون على من يخالفهم، فإن كانت الأمة مجمعة على قولهم فمع من يتكلمون إذا، وإن قالوا عصرا ما دون سائر الأعصار، بان كذبهم أيضا إذ كل عصر فالاختلاف بين

fore it was acted upon," that is our position. If they say, "After it was acted upon," it necessarily follows from their position that those who acted upon it were the ones who instituted that religious law. To say this is unbelief. Their only remaining option is to say, "When acting upon the report was abandoned, we knew that it had been abrogated." This is the very avenue of inspiration that the Rafidites claimed for themselves, since it is an assertion without demonstration. Ali said: All this applies only after they have identified whose practice they mean. As long as they do not know whose practice they mean, we have no need to go this far with them. Abd Allah ibn Rabi related to us: Abd Allah ibn Muhammed ibn Uthman related to us: Ahmad ibn Khalid related to us: Ali ibn Abd al-Aziz related to us: al-Hajjaj ibn al-Minhal related to us, from Yazid ibn Ibrahim al-Tustari: Zurayq, who was Umar ibn Abd al-Aziz's governor over Aylah, related to us, saying: "I wrote to Umar ibn Abd al-Aziz concerning a runaway slave who had stolen, mentioning that the people of the Hijaz do not cut off a runaway slave's hand when he steals." He said: "He wrote back to me: 'You wrote to me concerning a runaway slave who had stolen, mentioning that the people of the Hijaz do not cut off a runaway's hand when he steals. Yet Allah Most High says, {As for the male thief and the female thief, cut off their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}—the verse. If he has stolen an amount reaching a quarter of a dinar, cut off his hand for it.'" Through the same chain to Hajjaj ibn al-Minhal: al-Rabi ibn Sabih related to us, saying: "I asked Nafi, the freedman of Ibn Umar—or a man asked him while I was present—about collateral and a guarantor in an advance transaction, and silver and foodstuffs payable at a specified term. He said, 'I see no harm in that.' I said to him, 'Al-Hasan disapproves of it.' He said, 'Were it not that you claim that al-Hasan disapproves of it, I would have seen no harm in it. But since al-Hasan disapproves of it, he knows better about it.'" Here, then, is Umar ibn Abd al-Aziz paying no regard to the practice of the people of the Hijaz when he found the Qur'an to the contrary. And here is Nafi, the freedman of Ibn Umar, one of the leading jurists of the people of Medina, suspending his legal opinion when al-Hasan disagreed with him, although al-Hasan was an Iraqi. We then question them, saying: Whose practice do you mean? The practice of the entire community

of Muhammed ﷺ? Or the practice of one age rather than another? Or the practice of Muhammed ﷺ? Or the practice of Abu Bakr? Or the practice of Umar? Or the practice of Uthman—there having been no imam in Medina other than these? Or the practice of one particular Companion residing in Medina? Or the practice of all the jurists of Medina? Or the practice of some of them? There is no possible alternative beyond those we have mentioned. If they say, "The practice of the entire community of Muhammed ﷺ," their falsehood becomes evident, since disagreement within the community is too well known for that. Indeed, they are continually arguing against those who disagree with them. If the community unanimously agrees with their position, with whom, then, are they arguing? If they say, "One particular age, to the exclusion of all other ages," their falsehood likewise becomes evident, since disagreement among the jurists of every age exists, is transmitted, and is well known. There is no possibility of finding a question upon which the people of some age agreed, without any preceding disagreement over it, and over which people subsequently disagreed. Such a thing is never found. If they say, "The practice of the Messenger of Allah ﷺ," we shall show them that they abandon his practice, peace be upon him, more than anyone else does—indeed, even his final practice. They themselves have related that his final practice was to break the fast while travelling in Ramadan and to prohibit fasting during it, yet they say, "Fasting is preferable." His final practice, peace be upon him, was to lead the people in prayer while seated, with those behind him being in sound health, either seated according to our position or standing according to the position of others. Yet they say, "The prayer of anyone who prays in that manner is invalid." They have related in al-Muwatta that when he ﷺ performed the full ritual washing for major ritual impurity, he poured water over his body. Yet they say, "The purification of anyone who purifies himself in that manner is invalid until he rubs his body." They have also related that he ﷺ used to raise his hands in prayer when he bowed and when he rose. Yet they say, "Practice does not accord with this." They have related that he ﷺ prayed and recited By the Mount in the sunset prayer, and Those Sent Forth, and that this was near the end of his life ﷺ. Yet they say, "Practice does not accord with this." They have related that when he ﷺ led the people and completed the Mother of the Qur'an,

فقهائه موجود منقول مشهور، ولا سبيل إلى وجود مسألة اتفق عليها أهل عصر ما، ولم يكن تقدم فيها خلاف قبلهم، ثم اختلف فيها الناس. هذا ما لا يوجد أبدا فإن قالوا عمل رسول الله صلى الله عليه وسلم أريناهم أنهم أترك الناس لعمله عليه السلام بل لآخر عمله فإنهم رووا أن آخر عمله كان الإفطار في رمضان في السفر، والنهي عن صيامه فقالوا هم الصوم أفضل وكان آخر عمله عليه السلام الصلاة بالناس جالسا وهم أصحاء وراءه إما جلوس على قولنا، وإما قيام على قول غيرنا. فقالوا هم: صلاة من صلى كذلك باطل ورووا في الموطأ أنه صلى الله عليه وسلم كان إذا اغتسل من الجنابة أفاض الماء على جسده، فقالوا هم: طهور من تطهر كذلك باطل حتى يتدلك ورووا أنه صلى الله عليه وسلم كان يرفع يديه في الصلاة إذا ركع وإذا رفع فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى فقرأ بالطور في المغرب وبالمرسلات وكان ذلك في آخر عمره صلى الله عليه وسلم فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم كان إذا أم الناس فأتم أم القرآن قال آمين قالوا ليس عليه العمل ورووا أنه عليه السلام سجد في {إذا لسمآء نشقت} فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى بالناس جالسا وهم جلوس وراءه فقالوا: صلاة من صلى كذلك باطل، وليس عليه العمل، ورووا أن أبا بكر الصديق، رضي الله عنه ابتدأ بالصلاة بالناس فأتى النبي صلى الله عليه وسلم فدخل فجلس إلى جنب أبي بكر رضي الله عنه فأتم عليه الصلاة بالناس، فقالوا: ليس عليه العمل، ومن صلى هكذا بطلت صلاته ومن البديع أن بعضهم قال صلاته عليه السلام في غزوة تبوك خلف عبد الرحمن بن عوف ناسخة لهذا العمل. قال علي: وهذا كلام لو قيل لقائله أسف ما شئت واجتهد ما قدر بأن يأتي بأكثر مما أتى به لوجهين: أحدهما: أن صلاته عليه السلام خلف عبد الرحمن بن عوف التي ادعوا أنها ناسخة كانت في تبوك وصلاته عليه السلام إلى جنب

he said, “Amen.” They say, “Practice does not accord with this.” They have related that he, peace be upon him, prostrated during {When the heaven is split open}. Yet they say, “Practice does not accord with this.” They have related that he ﷺ led the people in prayer while seated, with them seated behind him. Yet they say, “The prayer of anyone who prays in that manner is invalid, and practice does not accord with this.” They have related that Abu Bakr al-Siddiq, may Allah be pleased with him, began leading the people in prayer; then the Prophet ﷺ came, entered, and sat beside Abu Bakr, may Allah be pleased with him, and completed the prayer over him, leading the people. Yet they say, “Practice does not accord with this, and anyone who prays in this manner has invalidated his prayer.” One of their remarkable assertions is that some of them have said that his praying, peace be upon him, behind Abd al-Rahman ibn Awf during the expedition of Tabuk abrogated this practice. Ali said: This is a statement whose speaker, had he been told, “Sink as low as you wish, and exert yourself,” could not have managed to produce anything exceeding what he has already produced, for two reasons. The first is that his prayer, peace be upon him, behind Abd al-Rahman ibn Awf, which they claimed was abrogating, took place at Tabuk, whereas his prayer, peace be upon him, beside Abu Bakr, which they claimed was abrogated, took place only five nights before his death, peace be upon him. It was the last prayer in which the Messenger of Allah ﷺ led the people. How, then, can an event that occurred months before his death, peace be upon him, abrogate an event occurred five nights before his death, peace be upon him? Would anyone with a shred of reason utter this? Or is someone whose knowledge and reason amount to this entitled to speak concerning the religion of Allah, Mighty and Majestic? The Messenger of Allah ﷺ spoke truly when he said: “Allah does not wrench knowledge away after having given it to them; rather, He takes it from them by taking the scholars away together with their knowledge. Ignorant people then remain, who are asked for legal opinions and give opinions according to their own judgment, going astray and leading others astray.” Ali said: The second ground for the collapse of this ignorant man’s argument is that, even if his prayer, peace be upon him, behind Abd al-Rahman had followed his prayer behind Abu Bakr, it would not have abrogated it, because his prayer behind Abd al-Rahman

أبي بكر التي ادعوا أنها منسوخة كانت قبل موته عليه السلام بخمس ليال فقط وهي آخر صلاة صلاها رسول الله صلى الله عليه وسلم بالناس فكيف ينسخ أمر كان قبل موته عليه السلام بأشهر أمرا كان قبل موته عليه السلام بخمس ليال أيفوه بهذا من له مسكة عقل أو يحل لمن هذا مقدار علمه وعقله أن يتكلم في دين الله عز وجل وصدق رسول الله صلى الله عليه وسلم إذا يقول إن الله لا ينزع العلم بعد إذ أعطاهموه انتزاعا، ولكن ينزعه منهم مع قبض العلماء بعلمهم فيبقى ناس جهال يستفتون فيفتون برأيهم فيضلون ويضلون. قال علي: والوجه الثاني من سقوط كلام هذا الجاهل أنه حتى لو كانت صلاته عليه السلام خلف عبد الرحمن بعد صلاته خلف أبي بكر ما كان فيها نسخ لها، لأنه ليس في صلاته خلف عبد الرحمن نهي عما في صلاته خلف أبي بكر ولا مخالفة، بل هو حكم آخر، وعلم آخر، وفي الاحتجاج المذكور عبرة لمن اعتبر، ولهم مثله كثير. ورووا أنه عليه السلام: جمع بين الظهر والعصر في غير خوف ولا سفر، فقال مالك: أرى ذلك كان من مطر. فقالوا: ليس عليه العمل لا في مطر ولا في غيره ورووا أنه عليه السلام أتي بصبي فبال على ثوبه فدعا بماء فأتبعه إياه ونضحه ولم يغسله. فقالوا: ليس عليه العمل، وهذا لا يطهر الثوب، ومن صلى بثوب هذا صفته صلى بنجس فعلموا نبيهم صلى الله عليه وسلم ما لم يكن في علمه وجعلوه مصليا بثوب نجس، تعالى الله عما يقولون علوا كبيرا ورووا أنه عليه السلام صلى بالناس وهو يحمل أمامة بنت أبي العاص على عنقه، فقالوا: ليس عليه العمل، وهذا إسقاط للخشوع. قال علي: هذا كلام من قاله منهم ناسبا لسقوط الخشوع إلى رسول الله صلى الله عليه وسلم فقد كفر وارتد وحل دمه وماله ولحق باليهود والنصارى ومن نسب ذلك إلى المقتدي بالنبي صلى الله عليه وسلم ولم ينسبه إلى المقتدي به فقد توقح ما شاء وتخف، وهما خطتا خسف لا بد من إحداهما. وأظرف من كل ظريف، أنهم احتجوا بهذا الحديث نفسه في أن الصلاة لا تبطل على من صلاها وهو حامل

contains neither a prohibition of anything in his prayer behind Abu Bakr nor anything contrary to it. Rather, it is another ruling and another piece of knowledge. In the argument just mentioned there is a lesson for anyone who takes heed, and they have many similar arguments. They related that he, peace be upon him, combined the noon and afternoon prayers when there was neither fear nor travel. Malik said: "I think that was because of rain." Yet they said: "Established practice does not follow this, whether in rain or otherwise." They related that a little boy was brought to him, peace be upon him, and urinated on his garment, whereupon he called for water, applied it to the urine, and sprinkled the garment without washing it. Yet they said: "Established practice does not follow this. This does not purify the garment, and anyone who prays in a garment in this condition prays with an impurity." Thus they taught their Prophet ﷺ something he had not known and represented him as praying in an impure garment. Exalted is Allah, far above what they say! They related that he, peace be upon him, led the people in prayer while carrying Umamah daughter of Abu al-As on his neck. Yet they said: "Established practice does not follow this. This amounts to abandoning reverent attentiveness." Ali said: Whoever among them says these words while attributing the abandonment of reverent attentiveness to the Messenger of Allah ﷺ has disbelieved, apostatized, forfeited the inviolability of his blood and property, and joined the Jews and Christians. Whoever attributes this to the person following the Prophet's ﷺ example but does not attribute it to the one whose example is followed has displayed the utmost shamelessness and foolishness. These are two courses of degradation, one of which is unavoidable. More amusing than anything amusing is their invoking this very report as proof that the prayer of someone who performs it while carrying an impurity is not invalidated. Thus they disobeyed the report concerning what it actually addresses and openly resorted to falsehood to use it to permit something it does not contain. They have many similar instances. They related that he, peace be upon him, used to recite in the festival prayer the surah "Qaf. By the glorious Quran" and "The Hour has drawn near, and the moon has split." Yet they said: "Established practice does not follow this." They related that he, peace be upon him, used to kiss during the daytime in Ramadan. Yet they said: "We disapprove of that for a young man, and

نجاسة، فعصوا الحديث فيما ورد فيه، وجاهروا بالكذب في أن يستبيحوا به ما ليس فيه ولهم مثله كثير ورووا أنه عليه السلام كان يقرأ في صلاة العيد بسورة {ق ولقرآن لمجيد} {قتربت لساعة ونشق لقمر} فقالوا ليس عليه العمل ورووا أنه عليه السلام كان يقبل في رمضان نهارا فقالوا نكره ذلك لشاب وليس عليه العمل ورووا أنه عليه السلام صلى على سهيل بن بيضاء في المسجد فقالوا ليس عليه العمل وقال شيخ منهم كبير عندهم، صغير في الحقيقة هذا إدخال الجيف في المسجد فنعقب عاقبة الله على نبيه صلى الله عليه وسلم ورووا أنه صلى الله عليه وسلم صلى على النجاشي وهو غائب وأصحابه رضي الله عنهم خلفه صفوف فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى على قبر فقالوا ليس عليه العمل ثم احتجوا بهذا الحديث في إباحة الصلاة إلى القبور فعصوا الله تعالى ورسوله صلى الله عليه وسلم في نهيهم عما جاء به العمل الصحيح وافتروا في الحديث ما ليس فيه، وراموا بذلك إبطال نهي صحيح قد ثبت لا يحل خلافه ورووا أنه عليه السلام أعطى القاتل السلب وقضى بذلك فقالوا ليس عليه العمل إلا أن يرى الإمام ذلك ورووا أنه عليه السلام أباح النكاح بخاتم حديد فقالوا ليس عليه العمل، وهذا نكاح لا يجوز، ولا بد من ربع دينار، تحكما من آرائهم الفاسدة، وقياسا على ما تقطع فيه اليد عندهم، فهلا قاسوه على ما يستباح به الظهر من جرعة خمر لا تساوي فلسا، على أن إيلام الظهر أشبه باستباحة الفرج من قطع اليد باستباحة الفرج، لأن الفرج والظهر عضوان مستوران والظهر والفرج لا يقطعان، واليد تقطع وتبان فأحاط الخطأ بهم من كل وجه ورووا أنه عليه السلام أنكح رجلا امرأة بسورة من القرآن فقالوا ليس عليه العمل وهذا لا يجوز ورووا أنه صلى الله عليه وسلم قضى في الجنين بغرة عبد أو أمة فقالوا ليس عليه العمل، ولكن إن كان جنين حرة ففيه خمسون دينارا، وإن كان جنين أمة ففيه عشر قيمة أمة، قياسا على بيضة النعامة يكسرها المحرم فأخطؤوا في خلافهم حكم الله تعالى ورسوله

established practice does not follow it." They related that he, peace be upon him, performed the funeral prayer over Suhayl ibn Bayda in the mosque. Yet they said: "Established practice does not follow this." One of their shaykhs, great in their estimation but small in reality, said: "This is bringing carcasses into the mosque." Thus he found fault with Allah's disposition concerning His Prophet ﷺ. They related that he ﷺ performed the funeral prayer for the Negus in his absence, with his Companions, may Allah be pleased with them, standing in rows behind him. Yet they said: "Established practice does not follow this." They related that he ﷺ performed a funeral prayer over a grave. Yet they said: "Established practice does not follow this." Then they invoked this report as proof that praying toward graves is permissible. Thus they disobeyed Allah Most High and His Messenger ﷺ by prohibiting what sound practice had established, fabricated in the report something it does not contain, and sought thereby to invalidate an authentic, established prohibition that it is unlawful to contravene. They related that he, peace be upon him, gave the slain combatant's personal spoils to the man who killed him and ruled accordingly. Yet they said: "Established practice does not follow this unless the ruler sees fit." They related that he, peace be upon him, permitted marriage with an iron ring as the dower. Yet they said: "Established practice does not follow this. Such a marriage is impermissible; there must be a quarter of a dinar." This is an arbitrary stipulation arising from their corrupt opinions and an analogy with the amount for which, according to them, the hand is amputated. Why, then, did they not draw an analogy with what makes the back liable to flogging: a mouthful of wine not worth a single copper coin? Inflicting pain on the back is more analogous to making sexual access lawful than amputating the hand is to making sexual access lawful, since the private parts and the back are two covered bodily parts, and neither the back nor the private parts is amputated, whereas the hand is amputated and severed. Thus error has encompassed them on every side. They related that he, peace be upon him, married a man to a woman in exchange for a surah of the Quran. Yet they said: "Established practice does not follow this, and this is impermissible." They related that he ﷺ ruled that compensation for a fetus was a slave, male or female. Yet they said: "Established practice does not follow this. Rather, if it is the fetus of a free woman, fifty dinars

عليه السلام وأخطؤوا في شرعهم ما لم يأذن به الله تعالى، وتحكموا في القيمة بلا برهان ولا هدى من الله تعالى، وأخطؤوا في تفريقهم بين جنين الحرة وجنين الأمة بلا دليل، في قياس جنين الأمة على بيضة النعامة خطأ يضحك، في إيجابهم في بيضة النعامة عشر البدنة، وهم لا يرون الاشتراك في الهدي، وكل ذلك بلا دليل وبالله تعالى التوفيق وروي أن رسول الله صلى الله عليه وسلم ودى عبد الله بن سهل وهو حضري مدني مائة من الإبل فقالوا: ليس عليه العمل، ولا يودي بالإبل إلا أهل البادية، وأما أهل الحاضرة فلا يودون إلا بالدنانير والدراهم، وتعلقوا في ذلك بعمر، وهم قد خالفوا عمر في هذا المكان نفسه، لأن عمر كما جعل على أهل الذهب الذهب وعلى أهل الفضة الفضة، وكذلك جعل على أهل البقر مائتي بقرة وعلى أهل الغنم ألفي شاة، وعلى أهل الحلل مائتي حلة فقالوا: ليس على فعل عمر العمل في البقر والغنم والحلل. وإنما نفعل فعله في الذهب والورق والإبل خاصة ورووا أن رسول الله صلى الله عليه وسلم جعل القسامة في قتيل وجد بخيبر فقالوا ليس عليه العمل، ولا يعجز أحد عن أن يلقي قتيلا قتله في دور قوم آخرين فخالفوا رسول الله صلى الله عليه وسلم وخالفوا عمل عمر في القسامة أيضا واحتج إسماعيل في ذلك ببقرة بني إسرائيل، فأتى بحديث لم يأت به قرآن ولا خبر عن النبي وإنما هي خرافة في خرافات أهل الكتاب ولو صح قولهم لكانت آية معجزة عظيمة، لا يقدرون على مثلها أبدا، وتلك الآية لم يكن فيها قسامة، فقد خالفوا عمل بني إسرائيل أيضا وقالوا: إنما القسامة في دعوى المريض أن فلانا قتله وقد أبطل النبي صلى الله عليه وسلم أن يقبل قول أحد في ادعائه دم أحد أو ماله فقبلوا دعواه في الدم ولم يتهموه؛ وأبطلوا دعاواه في المال واتهموه وكفى بذكر هذا عن تكلف رد عليه ورووا أنه عليه السلام رجم يهوديين زنيا فقالوا ليس عليه العمل ولا يجوز رجمهم، وأتى بعضهم في ذلك بعظيمة تخرج عن الإسلام

are due for it; and if it is the fetus of a slave woman, one tenth of the value of a slave woman is due for it," by analogy with an ostrich egg broken by someone in the state of pilgrimage consecration. They erred in contravening the ruling of Allah Most High and His Messenger, peace be upon him; they erred in legislating what Allah Most High had not authorized; they arbitrarily fixed the value without demonstration or guidance from Allah Most High; and they erred in distinguishing between the fetus of a free woman and that of a slave woman without evidence. In their analogy between the fetus of a slave woman and an ostrich egg there is a laughable error in their requiring, for an ostrich egg, one tenth of a sacrificial camel, although they do not permit sharing in a sacrificial offering. All of this is without evidence. Success comes through Allah Most High. It is related that the Messenger of Allah ﷺ paid blood money of one hundred camels for Abd Allah ibn Sahl, who was a townsman of Medina. Yet they said: "Established practice does not follow this. Only the people of the desert pay blood money in camels. As for townspeople, they pay blood money only in dinars and dirhams." In this they appealed to Umar, although they contradicted Umar on this very point. For just as Umar required gold from those whose wealth was in gold, and silver from those whose wealth was in silver, he likewise required two hundred cattle from those whose wealth was in cattle, two thousand sheep from those whose wealth was in sheep, and two hundred suits of clothing from those whose wealth was in suits of clothing. Yet they said: "Established practice does not follow Umar's action regarding cattle, sheep, and suits of clothing. We follow his action only regarding gold, silver, and camels." They related that the Messenger of Allah ﷺ prescribed the procedure of collective oaths in a homicide case concerning a slain man found at Khaybar. Yet they said: "Established practice does not follow this. Anyone can throw a man he has killed into the dwellings of another people." Thus they contradicted the Messenger of Allah ﷺ and also contradicted Umar's practice concerning collective homicide oaths. Ismail argued for this by invoking the cow of the Children of Israel, producing an account found neither in the Quran nor in any report from the Prophet. It is merely a fable among the fables of the People of the Book. If what they said were true, it would have been a mighty miraculous sign, the like of which they could never produce.

وذلك أن قال إنما رجمهما رسول الله صلى الله عليه وسلم تنفيذا لما في التوراة فجعلوه عليه السلام منفذا لأحكام اليهود وصانوا أنفسهم الدنية الساقطة عن ذلك

[101] **Translator's note (L642):** "The procedure of collective oaths in a homicide case" renders القسامة (qasamah), subsequently shortened to "collective homicide oaths." The source calls the claimant a "sick man" and then gives his allegation as "so-and-so killed him"; that wording is retained.

That sign involved no collective homicide oaths, so they have also contradicted the practice of the Children of Israel. They said: "Collective homicide oaths apply only when a sick man claims that so-and-so killed him." Yet the Prophet ﷺ invalidated accepting anyone's word when he makes a claim to another person's blood or property. They accepted his claim concerning blood without suspecting him, but rejected his claims concerning property and suspected him. Merely mentioning this suffices without taking the trouble to refute it. They related that he, peace be upon him, stoned two Jews who had committed unlawful sexual intercourse. Yet they said: "Established practice does not follow this, and stoning them is impermissible." One of them advanced an enormity in this matter that takes one outside Islam, saying: "The Messenger of Allah ﷺ stoned them only to enforce what is in the Torah." Thus they represented him, peace be upon him, as an enforcer of the

rulings of the Jews, while shielding their own base, contemptible selves from that.[939495969798991001011102]

[93]**Translator's note (L623):** The first sentence continues the section heading in the preceding unit. "Eternalists" renders al-dahriyya, those associated here with the claim that the world or temporal succession has no beginning.

[94]**Translator's note (L626):** The opening continues an example from the preceding segment concerning the order of prayer units in a prayer completed after joining the imam late. The sequence "أن أهل الأرض ... ولولا يزيد" is syntactically defective. The translation reflects its evident argumentative sense: acting upon truth does not increase its truth, and universal disobedience would not remove the obligation to obey. This requires understanding the stray "ولو" as belonging with the later conditional clause rather than silently treating the transmitted syntax as sound. The statement that Allah increases nothing but error and disgrace has no explicit object identifying whom He increases in these things. The translation preserves that omission.

[95]**Translator's note (L629):** The Qur'anic quotation corresponds to 5:38, but the supplied text repeatedly omits letters in such forms as "ولسارق" and "لله." The translation renders the identifiable wording; these transcription defects are not reproduced as invented English errors. The wording "في السلف والورق والطعام إلى أجل مسمى" leaves the relationship between the advance transaction, silver, and foodstuffs unclear. "Advance transaction" renders salaf without deciding whether a loan or a forward-purchase transaction is intended; "guarantor" renders the uncommon legal term qabil.

[96]**Translator's note (L632):** The salutation following "he" is divided between this segment and the next; it is rendered at the beginning of the next translation.

[97]**Translator's note (L633):** "By the Mount" and "Those Sent Forth" are the titles of surahs 52 and 77; "the Mother of the Qur'an" denotes the opening surah. The quoted opening of surah 84 is transcribed as "إذا لسماء نشقت," with missing letters. Its identifiable wording is rendered in translation. The phrase "فأتم عليه الصلاة بالناس" is awkward: literally, he "completed over him the prayer with the people." The translation retains "over him" to indicate the apparent assumption of leadership over Abu Bakr without silently replacing the supplied wording.

[98]**Translator's note (L636):** In the contrast between the follower and the person followed, the supplied text writes المقتدي به, literally "the one following him," where the argument appears to require المقتدى به, "the one whose example is followed." The translation follows that apparent intended contrast. "Established practice does not follow this" renders the recurring legal formula ليس عليه العمل.

L643–646 Allah Most High protects His Prophet, His chosen one from humankind, from ruling by anything other than what Allah commanded him. Allah Most High commanded him to say: “Say: I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not reflect?” They related that he, peace be upon him, sentenced an offender who had committed unlawful sexual intercourse without having the status of a previously consummated lawful marriage to banishment. Yet they said: “We do not banish a slave, because that harms his master.” In banishing a free man, however, they paid no regard to the harm to his wife, his children, his property, and his parents, if he had parents. They related that he, peace be upon him, underwent cupping while in the state of pilgrimage consecration. Yet they said: “Established practice does not follow this.” They related that he, peace be upon him, applied perfume in preparation for his pilgrimage consecration before entering that state. Yet they said: “Established practice does not follow this.” And they related that he—peace ﷺ applied perfume upon his release from consecration before circumambulating the House, yet they said, “Established practice does not follow this.” They transmitted that he ﷺ ruled that every condition absent from the Book of Allah, Mighty and Majestic, was invalid, yet they permitted more than a thousand conditions, not one of which is in the Book of Allah. Among these is stipulating that the inhabitants of the territory of war may enter the territory of Islam with Muslim prisoners and captive Muslim women, having intercourse with those women and taking them back to the

ويعيذ الله تعالى نبيه وخيرته من الإنس أن يحكم بغير ما أمره الله به، وقد أمره الله تعالى أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} ورووا أنه عليه السلام قضى بالتغريب على الزاني غير المحصن فقالوا: لا نغرب العبد لأنه ضرر بسيده، ولم يراعوا في تغريب الحر الضرر بزوجته وولده وماله وأبويه إن كان له أبوان ورووا أنه عليه السلام احتجم وهو محرم فقالوا ليس عليه العمل ورووا أنه عليه السلام تطيب لإحرامه قبل أن يحرم فقالوا ليس عليه العمل ورووا أنه عليه السلام تطيب لحله قبل أن يطوف بالبيت فقالوا ليس عليه العمل ورووا أنه عليه السلام قضى بإبطال كل شرط ليس في كتاب الله عز وجل، فأجازوا أزيد من ألف شرط ليس منها واحد في كتاب الله. منها من شرط لأهل دار الحرب النزول في دار الإسلام بأسرى المسلمين وسبايا المسلمات يطؤونهن ويردونهن إلى بلاد الكفر، ويستخدمونهم ويهبونهم ويبيعونهم وهذا شرط لا يجيزه إلا إبليس ومن اتبعه ورووا أنه عليه السلام قسم خيبر فقالوا ليس عليه العمل وتركوا ذلك لإيقاف عمر الأرض مع إقرارهم بأنهم لا يعرفون كيف عمل عمر في ذلك، أفيكون أعجب من ترك عمل مشهور متيقن على النبي صلى الله عليه وسلم مع جميع أصحابه لعمل مجهول لا يدرون كيف وقع بإقرارهم من عمل عمر؟ وقد خالفه في ذلك الزبير وبلال وغيرهما ورووا أنه عليه السلام قضى بإيجاب الولاء لمن أعتق فقالوا من أعتق سائبة فلا ولاء له قال علي فهذا ما تركوا فيه عمل رسول الله صلى الله عليه وسلم من روايتهم في الموطأ خاصة ولو تتبعنا ذلك من رواية غيرهم لبلغ أضعاف ما ذكرنا وما خالفوا فيه أوامره عليه السلام من روايتهم ورواية غيرهم أضعاف ذلك ولعل ذلك يتجاوز الألوف، فقد بطل كما ترى ما ادعوه من اتباع عمل النبي صلى الله عليه وسلم وثبت أنهم أترك خلق

[99]**Translator’s note (L637):** The Quranic openings are transcribed defectively as ق ولقرآن لمجيد and اقتربت لساعة ونشق لقمر, with several initial alifs omitted. Their identifiable wording is translated here; the supplied transcription has not been treated as an exact Quranic quotation.

[100]**Translator’s note (L639):** The wording فنعقب عاقبة الله على نبيه is apparently corrupt. “Thus he found fault with Allah’s disposition concerning His Prophet” is a tentative contextual rendering; the precise wording cannot be established from the supplied text. The final clause beginning “In their analogy” is syntactically awkward in the Arabic; its accusation of a laughable error has been retained without supplying a missing connective. The technical compensation term غرة is rendered as the slave, male or female, specified immediately after it in the source.

lands of unbelief, employing the prisoners as servants, giving them away, and selling them. This is a condition that none but Iblis and his followers would permit. They transmitted that he ﷺ divided Khaybar, yet they said, "Established practice does not follow this." They abandoned this because Umar withheld the land from distribution, while admitting that they do not know how Umar acted in this matter. Could anything be more astonishing than abandoning a well-known practice, established with certainty as that of the Prophet ﷺ together with all his Companions, for an unknown practice of Umar whose manner of occurrence they admittedly do not know, and in which al-Zubayr, Bilal, and others opposed him? They transmitted that he ﷺ ruled that the bond of patronage belongs as a right to the person who emancipates a slave, yet they said, "Whoever emancipates a slave without retaining any claim over him has no bond of patronage." Ali said: These, then, are the instances in which they abandoned the practice of the Messenger of Allah ﷺ, drawn solely from their own transmissions in al-Muwatta. Were we to trace this through the transmissions of others, it would amount to many times what we have mentioned. The instances in which they have opposed his ﷺ commands, as transmitted both by themselves and by others, are many times that number; perhaps they exceed several thousand. Thus, as you see, their claim to follow the practice of the Prophet ﷺ has been disproved, and it has been established that, of all Allah's creation, they are the most neglectful of the practice of the Prophet of Allah ﷺ, then of his latest practice, and of the practice of the leaders after him. If they say, "The practice of Abu Bakr," we say to them—and through Allah comes success: In al-Muwatta you have transmitted only ten cases from Abu Bakr, may Allah be pleased with him, and you have opposed him in eight of them. They transmitted that he prayed two prayer cycles with al-Baqarah, with the Emigrants and the Helpers from among the people of Medina behind him, yet they said, "Established practice does not follow this." They transmitted that, in the third prayer cycle of the sunset prayer, after the Mother of the Quran, he recited the verse, "Our Lord, do not cause our hearts to deviate after You have guided us, and grant us mercy from Yourself; indeed, You are the Bestower," yet they said, "Established practice does not follow this." They transmitted that he instructed a commander whom he dispatched to Syria

الله لعمل نبي الله صلى الله عليه وسلم ثم لآخر عمله ولعمل الأئمة بعده فإن قالوا عمل أبي بكر قلنا لهم وبالله التوفيق لم تروا في الموطأ عن أبي بكر رضي الله عنه إلا عشر قضايا، خالفتموه منها في ثمان. ورووا عنه أنه صلى بالبقرة ركعتين ووراءه المهاجرون والأنصار من أهل المدينة، فقالوا: ليس عليه العمل. ورووا عنه أن قرأ في الثالثة من المغرب بعد أم القرآن: {ربنا لا تزغ قلوبنا بعد إذ هديتنا وهب لنا من لدنك رحمة إنك أنت لوهاب} الآية فقالوا ليس عليه العمل ورووا عنه أنه أمر أميرا له وجهه إلى الشام ألا يقطع شجرا مثمرا، فقالوا: ليس عليه العمل وجائز قطع الشجرة المثمر في دار الحرب.

not to cut down any fruit-bearing trees, yet they said, “Established practice does not follow this, and cutting down fruit-bearing trees in the territory of war is permissible.”[103][104][105][106]

L647–653 They transmitted that he instructed him not to slaughter a sheep or a camel except for his food, yet they said, “Established practice does not follow this, and slaughtering them in the territory of war for purposes other than his food is permissible.” This is among the matters in which they opposed the ruling of both the Prophet ﷺ and Abu Bakr on account of their own opinions. They transmitted that he forbade him to destroy inhabited places, yet they said, “Established practice does not follow this, and there is no harm in destroying them.” They transmitted that he began leading the people in prayer and pronounced the opening declaration of Allah’s greatness; then the Prophet ﷺ arrived and made his way through the rows. The people clapped, so Abu Bakr stepped back and the Prophet ﷺ stepped forward and completed the prayer as their leader. Yet they said, “This is an invalid prayer, and established practice does not follow this.” Thus, as you see, on the basis of one of their corrupt opinions they opposed the practice of the Prophet ﷺ, the practice of Abu Bakr, and the practice of all the Emigrants and Helpers present at that event, who were the learned people of Medina. They transmitted that he instructed a Jewish woman to recite a healing incantation over Aishah, may Allah be pleased with her, yet they said, “Established practice

ورووا أنه أمره ألا يعقر شاة ولا بعيرا إلا لمأكله. فقالوا: ليس عليه العمل، وجائز عقرها في دار الحرب لغير مأكله وهذا مما خالفوا فيه قضاء النبي صلى الله عليه وسلم وأبي بكر معا لآرائهم ورووا أنه نهاه عن تخريب العامر فقالوا: ليس عليه العمل ولا بأس بتخريبه. ورووا عنه أنه ابتدأ الصلاة بالناس فكبر ثم أتى النبي صلى الله عليه وسلم فتخلل الصفوف فصفق الناس فتأخر أبو بكر وتقدم النبي صلى الله عليه وسلم فأتم الصلاة بالناس فقالوا هذه صلاة لا تجوز، وليس عليه العمل فخالفوا كما ترى عمل النبي صلى الله عليه وسلم وعمل أبي بكر وعمل جميع من حضر ذلك من المهاجرين والأنصار، وهم أهل العلم من أهل المدينة، برأي من آرائهم الفاسدة. ورووا أنه أمر يهودية أن ترقي عائشة رضي الله عنها. فقالوا: ليس عليه العمل، ونكره رقى أهل الكتاب. هذا من روايتهم في الموطأ، وأما من رواية غيرهم فكثير. ومما خالفوه أيضا: سبيه نساء أهل الردة وصبيانهم، وعمله بذلك في المدينة مع المهاجرين والأنصار إلا من خالفه في ذلك منهم فقالوا: ليس عليه العمل. فإن قالوا: عمل عمر، قيل لهم وبالله تعالى التوفيق: رويتم عن عمر رضوان الله عليه أنه قرأ في صلاة الصبح بسورة الحج وسورة يوسف ووراءه أهل المدينة من الأنصار والمهاجرين فقالوا ليس عليه العمل ورووا أنه سجد في الحج سجدتين فقالوا ليس عليه العمل ورووا أنه سجد في سورة النجم سجدة فقالوا ليس عليه العمل وهذا مما خالفوا فيه عمل النبي صلى الله عليه وسلم وعمر وجميع الصحابة وادعوا في ذلك علما خفي عنهم. ورووا أنه نزل عن المنبر يوم الجمعة وهو يخطب، فسجد وسجد معه المهاجرون والأنصار ثم رجع إلى خطبته فقالوا ليس عليه العمل ورووا أمر أبيا وتميما أن يقوما للناس بإحدى عشرة ركعة

[103] **Translator’s note (L644):** The Quranic quotation has defective spellings, including لغيب, خزآئن لله, and لأعمى ولبصير, apparently omitting alifs from the familiar wording. The identifiable wording is translated, with the transcription defects noted here. “Without having the status of a previously consummated lawful marriage” renders غير المحصن, a technical distinction governing the penalty for unlawful sexual intercourse. The segment ends partway through the salutation عليه السلام; its continuation belongs to the following segment.

[104] **Translator’s note (L645):** The segment begins within a salutation and ends within another. The opening salutation is represented by ﷺ; the closing salutation continues in the next segment. The emancipation described as sā’ibah is emancipation without retaining claims over the freed person; the disputed technical consequence here concerns the bond of patronage, walā’.

[105] **Translator’s note (L646):** The opening ﷺ completes the salutation begun in the preceding segment. “The Mother of the Quran” designates the opening chapter, al-Fatihah.

[106] **Qur’an references (L643):** Qur’an 6:50 (Al-An’am); Qur’an 3:8 (Ali ’Imran).

في ليالي رمضان، فقالوا: ليس عليه العمل. ورووا أن الناس كانوا يقومون أيام عمر بثلاث وعشرين ركعة في ليالي رمضان، فقالوا: ليس عليه العمل، فخالفوا قضاء عمر، وعمل أبي بن كعب، وتميم الداري، والمهاجرين والأنصار بالمدينة لدعوى زائغة وعمل مجهول، وقالوا: العمل في القيام على تسعة وثلاثين ركعة. ورووا أنه صلى المغرب بالناس ومعه أهل المدينة والمهاجرون والأنصار فلم يقرأ فيها شيئا، فأخبر بذلك فلم يعد الصلاة، ولا أمر بإعادتها، فقالوا: ليس عليه العمل، وقد بطلت صلاة من صلى هكذا. ورووا أنه كتب إلى عماله أن يأخذوا من سائمة الغنم الزكاة، فقالوا: السائمة وغير السائمة سواء. ورووا أنه شرب لبنا فأعجبه. فأخبر أنه من نعم الصدقة فتقيأه، فقالوا: ليس عليه العمل، ورووا أنه كان يقرد بعيره في طين بالسقيا وهو محرم، فقالوا: ليس عليه العمل، فلا ندري أجعلوا القردان صيدا منهيا عنه في الإحرام، أم جعلوا على البعران إحراما أم كيف وقع لهم هذا؟. ورووا عنه أنه قضى في الأرنب بعناق قالوا: ليس عليه العمل. وقد وافقه على ذلك غيره من الصحابة رضوان الله عليهم، وافترض تعالى في جزاء الصيد ما حكم به ذوا عدل، ولا عدول أعدل من الصحابة، فقد خالفوا ههنا القرآن، وفعل الصحابة، وتركوا الحق بيقين. ورووا أنه حكم في اليربوع بجفرة، فقالوا ليس عليه العمل، وهذا كالذي قبله. وروي أنه حلف لئن أتي بمسلم أمن مشركا ثم قتله ليقتلن ذلك المسلم، فقالوا: ليس عليه العمل، ولا يقتل مؤمن بكافر، فمرة يتركون الحديث لقول عمر، ويقولون عمر كان أعلم منا، ومرة يتركون قول عمر: ويقولون الحديث أحق أن يتبع، وفي هذا من التناقض ما فيه. ثم رأوا من رأيهم أن يخالفوا الحديث المذكور الذي له تركوا قول عمر، فقال يقتل المؤمن بالكافر إذا قتله قتل غيلة. ورووا عنه أنه جعل القراض مضمونا على عبد الله ابنه. فقالوا: لا يجوز وليس عليه العمل، فتركوا عمل عمر وعبد الله بن عمر وقضاءه بحضرة المهاجرين والأنصار. ورووا عنه أنه قضى فيمن تزوج امرأة فوجد بها جنونا أو جذاما أو برصا

does not follow this, and we disapprove of the healing incantations of the People of the Book." This is from their own transmissions in al-Muwatta; as for the transmissions of others, there are many. Among the other matters in which they opposed him was his taking the women and children of the apostates captive, and his acting upon this in Medina together with the Emigrants and Helpers, except those among them who opposed him in this matter. Yet they said, "Established practice does not follow this." If they say, "The practice of Umar," they are told—and through Allah Most High comes success: You transmitted from Umar —may Allah's good pleasure be upon him—that he recited the chapter al-Hajj and the chapter Yusuf in the dawn prayer, with the people of Medina, both Helpers and Emigrants, behind him, yet they said, "Established practice does not follow this." They transmitted that he performed two prostrations in al-Hajj, yet they said, "Established practice does not follow this." They transmitted that he performed a prostration in the chapter al-Najm, yet they said, "Established practice does not follow this." This is among the matters in which they opposed the practice of the Prophet ﷺ, Umar, and all the Companions, claiming in this matter knowledge that had been hidden from them. They transmitted that, while delivering the sermon on Friday, he descended from the pulpit and prostrated, and the Emigrants and Helpers prostrated with him; then he returned to his sermon. Yet they said, "Established practice does not follow this." They transmitted that he instructed Ubayy and Tamim to lead the people in eleven prayer cycles on the nights of Ramadan, yet they said, "Established practice does not follow this." They transmitted that, in Umar's days, the people used to perform twenty-three prayer cycles on the nights of Ramadan, yet they said, "Established practice does not follow this." Thus they opposed Umar's ruling and the practice of Ubayy ibn Kab and Tamim al-Dari, and of the Emigrants and Helpers in Medina, for a deviant claim and an unknown practice. They said, "Established practice in the night prayers is thirty-nine prayer cycles." They transmitted that he led the people in the sunset prayer, with the people of Medina, the Emigrants and the Helpers, praying with him, and recited nothing in it. He was informed of this, but neither repeated the prayer nor ordered that it be repeated. Yet they said, "Established practice does not follow this, and the prayer of anyone who prays in this manner is invalid."

فسها، فلها صداقها كاملا، ويرجع به الزوج على وليها، فقالوا: لا يغرم الولي شيئا إلا أن يكون أبا أو أخا، فأما إن كان من العشيرة فلا غرم عليه، لكن تغرم هي الصداق إلى ربع دينار. ورووا عنه: أنه إذا أرخيت الستور فقد وجب الصداق، فقالوا: إن طال نعم وإلا فلا. ورووا عنه: أنه قضى بأنه لو تقدم في نكاح السر لرجم فيه، فقالوا: ليس عليه العمل ولا رجم فيه، هذا مع فسخهم نكاح السر وإبطالهم إياه وتحريمهم له.

They transmitted that he wrote to his officials instructing them to collect obligatory alms from sheep and goats that graze freely, yet they said, "Those that graze freely and those that do not are alike." They transmitted that he drank some milk and liked it, but was informed that it came from livestock collected as obligatory alms, so he vomited it up. Yet they said, "Established practice does not follow this." They transmitted that he used to remove ticks from his camel in mud at al-Suqya while in a state of consecration, yet they said, "Established practice does not follow this." We do not know whether they have made ticks into game that it is forbidden to hunt during consecration, or have imposed consecration upon camels, or how they arrived at this. They transmitted that he ruled that the compensation for a hare was a young female goat, yet they said, "Established practice does not follow this." Other Companions, may Allah's good pleasure be upon them, agreed with him on this. The Most High made obligatory, as compensation for game, what two just men determine, and no just men are more just than the Companions. Here, then, they have opposed the Quran and the action of the Companions, and have certainly abandoned the truth. They transmitted that he ruled that the compensation for a jerboa was a young she-goat, yet they said, "Established practice does not follow this." This is like the preceding instance. It was transmitted that he swore that, if a Muslim who had granted a polytheist safe-conduct and then killed him were brought before him, he would certainly put that Muslim to death. Yet they said, "Established practice does not follow this, and a believer is not put to death for an unbeliever." Thus, at one time they abandon the hadith for Umar's statement, saying, "Umar knew better than we do," and at another they abandon Umar's statement, saying, "The hadith has a greater right to be followed." This contains the contradiction that it contains. Then, on the basis of their own opinion, they saw fit to oppose the very hadith for whose sake they had abandoned Umar's statement, and he said, "A believer is put to death for an unbeliever if he kills him treacherously." They transmitted that he held his son Abd Allah liable for the capital of a profit-sharing investment, yet they said, "This is impermissible, and established practice does not follow this." Thus they abandoned the practice of Umar and Abd Allah ibn Umar, and his ruling in the presence of the Emigrants and Helpers. They transmitted that he ruled concerning

someone who married a woman, found that she had insanity, leprosy, or a depigmenting skin disease, and had intercourse with her: she is entitled to her full marriage payment, and the husband recovers it from her marriage guardian. Yet they said, "The guardian pays no compensation unless he is a father or a brother; if he is a member of the clan, no compensation is due from him; instead, she repays the marriage payment down to a quarter of a dinar." They transmitted from him that, when the curtains have been lowered, the marriage payment becomes due, yet they said, "Yes, if it lasts a long time; otherwise, no." They transmitted that he ruled that, had he previously issued a prohibition concerning secret marriage, he would have imposed stoning for it, yet they said, "Established practice does not follow this, and there is no stoning for it." This is despite their dissolving secret marriage, declaring it invalid, and prohibiting it.[107][108][109][110]

L654 They transmitted from him that he ruled concerning temporary marriage that, had he previously issued a prohibition concerning it, he would have imposed stoning, yet they said, "Established practice does not follow this, and there is no stoning for it." Some of them have said, "This was merely a threat from Umar, with no reality behind it." Thus they attributed to him the lying from which Allah has declared him free. Nor is this surprising, for some of them have said the same about his ﷺ statement when he intended

وروا عنه: أنه قضى في المتعة لو تقدم فيها لرجم، فقالوا: ليس عليه العمل ولا رجم فيها. وقد قال بعضهم: إنما هذا من عمر وعيد لا حقيقة، فنسبوا إليه الكذب الذي قد نزهه الله عنه ولا غرو فقد قال ذلك بعضهم في قوله عليه السلام إذ هم بحرق بيوت المتخلفين عن الصلاة مثل ذلك وتلك التي تستك منها المسامع

[107] **Translator's note (L650):** The final quotation continues in the following segment.

[108] **Translator's note (L651):** "In mud at al-Suqya" follows the supplied wording في طين بالسقيا, whose precise connection to the removal of ticks is unclear.

[109] **Translator's note (L652):** The source changes from plural "they" to singular "he said" at فقال; the translation preserves this shift without assigning the speaker. The two young-goat terms differ: the preceding segment has ʿanāq, whereas this segment has jafrah, a young she-goat of a more specific age or stage of growth. The profit-sharing investment is qirāḍ; the ruling makes Abd Allah answerable for its capital. The final quotation continues in the following segment.

[110] **Translator's note (L653):** "Down to a quarter of a dinar" renders إلى ربع دينار. In context, this appears to mean that she repays the marriage payment while retaining a quarter of a dinar, although the supplied phrasing is compressed. Lowering the curtains refers to the spouses' private seclusion. The subsequent "if it lasts a long time" leaves its subject implicit. "Had he previously issued a prohibition" renders لو تقدم: prior warning or an advance prohibition is understood, but its object is not expressed.

to burn down the houses of those who stayed away from prayer. That is a statement at which the ears are deafened.[111]

L655–663 They related from him that he summoned from Iraq to Mecca a man who had said to his wife, "Your rope is upon your withers," and made him swear concerning his intention in saying that. They said, "Practice is not based on this. No one is to be brought from Iraq to Mecca to swear an oath, nor is anyone to be questioned about his intention in this matter: it invariably constitutes three divorces." Thus they contradicted Umar's judgment on two points in this particular report. They related from him that he said, "There shall be no hoarding in our market." Yet they said, "There is nothing wrong with hoarding in the market." They related from him that, in Medina, in the presence of the Emigrants and the Helpers, he ruled against Muhammed ibn Maslamah, requiring him to allow al-Dahhak ibn Khalifah to run through his land an irrigation channel that he had brought there, although Muhammed objected to this. They said, "Practice is not based on this." They related from him that he ruled against the grandfather of Amr ibn Yahya al-Mazini, requiring him to allow Abd al-Rahman ibn Awf to move an irrigation channel of his within that Mazini's land from one place to another, although the Mazini objected. Thus they contradicted the judgment of Umar and Abd al-Rahman ibn Awf, delivered in Medina in the presence of the Emigrants and the Helpers, and said, "Practice is not based on this." Yet Ibn Nafi, Malik's companion, mentioned that report and said, "Practice is based on it." If only I knew whose practice this disputed practice is, which some of them assert and others deny! They related from him that he imposed financial liability upon Hatib for a she-camel belonging to a man of Muzaynah which slaves belonging to Hatib had slaughtered. He cut off their hands and asked the price of the she-camel, which was four hundred; he then doubled its value against Hatib and fined him two hundred dirhams. This took place in the presence of the Emigrants and the Helpers among the people of Medina. Yet they said, "Practice is not based on this." They related from him, or from Uthman, that

[111]**Translator's note (L654):** "Temporary marriage" renders mutʿah. As in the preceding segment, لو تقدم leaves the prior warning or prohibition implicit. The final expression is a polemical idiom conveying that the statement is shocking to hear.

ورووا عنه أنه أشخص رجلا قال لامرأته حبلك على غاربك من العراق إلى مكة، واستحلفه عن نيته في ذلك. قالوا: ليس عليه العمل، ولا يستجلب أحد من العراق إلى مكة لليمين، ولا ينوي أحد في ذلك، وهي ثلاث أبدا، فخالفوا قضاء عمر في موضعين من هذا الحديث خاصة. ورووا عنه أنه قال: لا حكرة في سوقنا، فقالوا: لا بأس بالحكرة في السوق. ورووا عنه أنه قضى بالمدينة بحضرة المهاجرين والأنصار على محمد بن مسلمة بأن يمر الضحاك بن خليفة في أرضه بخليج جلبه، ومحمد كاره لذلك. فقالوا: ليس عليه العمل. ورووا عنه أنه قضى على جد عمرو بن يحيى المازني بأن يحول عبد الرحمن بن عوف خليجا له في أرض ذلك المازني من مكان إلى مكان والمازني كاره، فخالفوا قضاء عمر وعبد الرحمن بن عوف بحضرة المهاجرين والأنصار بالمدينة وقالوا: ليس عليه العمل، وقال ابن نافع صاحب مالك وقد ذكر ذلك الخبر فقال عليه العمل، فليت شعري عمل من هو هذا العمل المتجاذب الذي يدعيه قوم منهم، وينكره آخرون. ورووا عنه: أنه أغرم حاطبا في ناقة لرجل من مزينة نحرها عبيد لحاطب فقطع أيديهم، وسأل عن ثمن الناقة فكان أربعمائة فأضعف القيمة على حاطب وأغرمه بمائتي درهم، وذلك بحضرة المهاجرين والأنصار من أهل المدينة فقالوا: ليس عليه العمل. ورووا عنه أو عن عثمان أنه قضى في أمة غرت من نفسها. فادعت أنها حرة فتزوجها رجل فولدت، فقضى عليه أن يفدي أولاده بمثلهم. فقالوا: ليس عليه العمل، ولا يقضى عليه بعبيد، لكن بالقيمة. ورووا عنه: أنه حكم في منبوذ وجده رجل، أن ولاءه للذي وجده، فقالوا: ليس عليه العمل، ولا ولاء للملتقط على اللقيط. ورووا عنه: أنه قضى في هبة الثواب، أنه على هبته يرجع فيها إن لم يرض منها فقال: ليس عليه العمل، وإن تغيرت الهبة عند الموهوب له بزيادة أو نقصان فلا رجوع للواهب فيها، وليس له إلا القيمة. ورووا عنه: أنه كانت الإبل الضوال

he ruled concerning a slave woman who had deceived someone about her own status, claiming that she was free, whereupon a man married her and she bore children. He ruled that the man must redeem his children with their equivalents in slaves. They said, "Practice is not based on this. He is not to be ordered to provide slaves, but rather their value." They related from him that he ruled concerning an abandoned child whom a man had found that the bond of clientage belonged to the man who found him. They said, "Practice is not based on this. The finder has no bond of clientage over the foundling." They related from him that he ruled concerning a gift made in expectation of recompense that the donor retained his claim to his gift and could reclaim it if he was dissatisfied with the recompense for it. But he said, "Practice is not based on this. If the gift has changed while in the recipient's possession, whether through increase or decrease, the donor may not reclaim it and is entitled only to its value." They related from him that there were stray camels left unattended in his days, with no one interfering with them. They said, "Practice is not based on this." Thus they contradicted Umar's practice in the presence of the Emigrants and the Helpers, although it also accorded with the command of the Messenger of Allah ﷺ. If they say, "Uthman took a different view," we shall show them the matters in which they contradict Uthman's practice. Moreover, what made Uthman more entitled to be followed than Umar, were it not for confusion and unsound opinion? They related from him that a man of Banu Sad ibn Layth made a horse run, and it trod upon the toe of a man of Juhaynah. The Juhani bled to death. Umar said to the men of Sad, "Will you swear fifty oaths by Allah that he did not die from it?" They felt scruples and refused. He then said to the men of Juhaynah, "You swear that he did indeed die from it." They refused, so he ruled that the men of Sad must pay half the blood money. They said, "Practice is not based on this; rather, the claimants are to begin." They also said, "Practice does not follow his imposition of half the blood money upon the killer's kin." Among the most astonishing things is that Malik contradicted this report on three points: first, having the defendants begin with the oath; second, imposing financial liability upon the defendants without an oath from the claimants; and third, imposing half the blood money upon them rather than all of it. Then, several leaves later in his book, he cited it as evidence for

مهملات لا يعرض لها أحد في أيامه فقالوا: ليس عليه العمل، فخالفوا عمل عمر بحضرة المهاجرين والأنصار مع موافقة ذلك لأمر رسول الله صلى الله عليه وسلم فإن قالوا عثمان رأى غير ذلك أريناهم ما يخالفوا فيه عمل عثمان، وأيضا فما الذي جعل عثمان أولى بأن يتبع من عمر؟ لولا التخليط وفساد الرأي. ورووا عنه: أن رجلا من بني سعد بن ليث أجرى فرسا فوطأ أصبع رجل من جهينة فنزف الجهني فمات، فقال عمر للسعديين: أتحلفون بالله خمسين يمينا ما مات منها، فتحرجوا وأبوا، فقال للجهنيين: احلفوا أنتم لمات منها فأبوا، فقضى على السعديين بنصف الدية، فقالوا: ليس عليه العمل، ولكن يبدأ المدعون وقالوا: ليس العمل على إغرامه أولياء القاتل نصف الدية. ومن العجب العجيب أن مالكا الذي خالف هذا الحديث في ثلاثة مواضع أحدها تبدئة المدعى عليهم في اليمين، وثانيها إغرام المدعى عليهم بلا يمين من المدعين، وثالثها إغرامهم نصف الدية لا كلها، ثم احتج به بعد أوراق من كتابه في إغرام الراكب والقائد والسائق وجعل أصله في ذلك فعل عمر بالسعديين، وهو قد خالفه في الحديث نفسه كما ترى، فليت شعري ما الذي جعل ربع حكم عمر في هذا الحديث حجة يوقف عندها، وثلاثة أرباعه مطرحا لا يعمل له؟ فلولا البلاء لما كان يقلد هؤلاء القوم هذه الأقوال ويتركون لها القرآن وكلام رسول الله صلى الله عليه وسلم ورووا عنه أنه قضى في الترقوة بجمل فقالوا ليس عليه العمل ورووا عنه أنه قضى في الضرس بجمل فقالوا ليس عليه العمل ورووا عنه أنه قضى في الضلع بجمل فقالوا: ليس عليه العمل، ورووا عنه: أنه جلد عبدا زنى وغربه. فقالوا: ليس عليه العمل ولا يغرب العبد، فخالفوا قضاء عمر وعمله بحضرة المهاجرين والأنصار بالمدينة ومعه سنة النبي صلى الله عليه وسلم لآرائهم الفاسدة ورووا عنه أنه أمر ثابت بن الضحاك وكان قد التقط بعيرا، بأنه يعرفه ثلاثا، ثم أمره بإرساله حيث وجده، فخالفوا قضاء عمر وعمل ثابت. فهذا ما خالفوا فيه عمر من روايتهم في الموطأ خاصة، وأما من رواية غيرهم

imposing financial liability upon the rider, the person leading an animal, and the person driving it, making Umar's treatment of the men of Sad his basis for this, although he had contradicted him within the very same report, as you see. If only I knew what made one quarter of Umar's ruling in this report a binding proof at which one must stop, while three quarters of it are discarded and given no effect! Were it not for affliction, these people would not be blindly followed in these statements, nor would the Quran and the words of the Messenger of Allah ﷺ be abandoned for their sake. They related from him that he awarded a camel for an injury to the collarbone. They said, "Practice is not based on this." They related from him that he awarded a camel for an injury to a molar tooth. They said, "Practice is not based on this." They related from him that he awarded a camel for an injury to a rib. They said, "Practice is not based on this." They related from him that he flogged a slave who had committed unlawful sexual intercourse and banished him. They said, "Practice is not based on this, and a slave is not to be banished." Thus, for the sake of their unsound opinions, they contradicted Umar's judgment and his practice in Medina in the presence of the Emigrants and the Helpers, with the Prophet's ﷺ established practice supporting him. They related from him that he instructed Thabit ibn al-Dahhak, who had taken up a stray camel, to announce it for three days; he then instructed him to release it where he had found it. Thus they contradicted Umar's judgment and Thabit's practice. These, then, are the matters in which they contradicted Umar according to their own transmissions in al-Muwatta alone. As for the transmissions of others, they amount to many times that number. If they say, "The practice of Uthman," they are to be told—and through Allah Most High comes success—that they related from Uthman that he used to perform the Friday prayer and then depart while the walls cast no shadow. They said, "Practice is not based on this. The prayer is not valid until after the sermon; the sermon is not to begin until after the call to prayer; and the call to prayer is not to begin until after the sun has passed its zenith." But once the sun has passed its zenith, the walls have acquired a shadow. They related from him that, from the pulpit, on a festival day that coincided with a Friday, he gave permission to those of the people of al-Aliyah who wished to return home to do so. They said, "Practice is not based on this, and we do not accept

فأضعاف ذلك. فإن قالوا: عمل عثمان قيل لهم وبالله تعالى التوفيق: إنهم رووا عن عثمان أنه كان يصلي الجمعة ثم ينصرف وما للجدران ظل. فقالوا: ليس عليه العمل ولا تجوز الصلاة إلا بعد الخطبة، ولا يبتدأ بالخطبة إلا بعد الأذان، ولا يبتدأ بالأذان إلا بعد الزوال، فإن زالت الشمس فقد حدث للجدران ظل. ورووا عنه: أنه أذن على المنبر لأهل العالية في يوم عيد وافق يوم جمعة في أن يرجع منهم من أحب. فقالوا: ليس عليه العمل، ولا نأخذ بإذن عثمان في ذلك، وهو قد قضى ذلك بحضرة المهاجرين والأنصار بالمدينة. ورووا عنه: أنه كان يغطي وجهه وهو محرم. فقالوا: ليس عليه العمل، ولا يغطي المحرم وجهه. ورووا عنه: أنه كان يخاطب أصحاب الديون من الذهب والفضة فيقول على المنبر: هذا شهر زكاتكم. فقالوا: ليس عليه العمل وليس للدنانير والدراهم شهر زكاة معروف. ورووا عنه: أنه نهى عن القران والمتعة ورووا عن عمر مثل ذلك. فقالوا: ليس عليه العمل ولا ينهى عن ذلك، فهلا فعلوا مثل ذلك في توريثه المطلقة ثلاثا من زوجها إذا طلقها وهو مريض، وهلا تركوا تقليده هنالك بلا دليل كما تركوه ههنا، فكانوا يوقفون في ذلك. ورووا عنه: أنه صلى بمنى أربع ركعات، فقالوا: ليس عليه العمل، وقالوا: القصر حق تلك الصلاة واحتجوا في ذلك بفعل النبي صلى الله عليه وسلم وأبي بكر وعمر وقد ذكرنا ما خالفوا فيه عمل كل من ذكرنا آنفا، وما تركوا فيه عمر لعثمان، ورووا: أنه كان يكثر من قراءة يوسف في صلاة الصبح. ورووا أيضا نعني قراءتها عن عمر فقالوا: ليس عليه العمل. ورووا عنه: من أصح طريق وأجلها، وهي رواية مالك عن عبد الله بن أبي بكر بن محمد بن عمرو بن حزم عن عبد الله بن عامر بن ربيعة قال: رأيت عثمان فذكر أنه رآه بالعرج وهو محرم ثم أتي بلحم صيد فقال لأصحابه: كلوا، فقالوا: ولا تأكل أنت، فقال: إني لست كهيئتكم، إنما صيد من أجلي، فقالوا: ليس عليه العمل ولا يجوز أن يأكل محرم ما صيد من أجل محرم غيره، ومحا مالك قول عثمان هذا وكرهه كراهة شديدة، هذا

Uthman's permission in this matter," although he had delivered this ruling in Medina in the presence of the Emigrants and the Helpers. They related from him that he used to cover his face while in the state of pilgrimage consecration. They said, "Practice is not based on this. A person in the state of pilgrimage consecration must not cover his face." They related from him that he used to address those owed debts in gold and silver, saying from the pulpit, "This is the month of your obligatory alms." They said, "Practice is not based on this. There is no designated month for the obligatory alms on dinars and dirhams." They related from him that he prohibited combining the major and minor pilgrimages under a single consecration and performing the minor pilgrimage followed by the major pilgrimage with release from consecration between them. They related the same from Umar. They said, "Practice is not based on this, and these are not to be prohibited." Why, then, did they not do the same concerning his granting a woman divorced three times inheritance from her husband when he divorced her during his illness? Why did they not abandon blindly following him there without evidence, just as they abandoned it here? They would then have been made to stop in that matter. They related from him that he prayed four prayer cycles at Mina. They said, "Practice is not based on this," and said, "Shortening is what is due for that prayer." They cited as evidence for this the actions of the Prophet ﷺ, Abu Bakr, and Umar. We have already mentioned the matters in which they contradicted the practice of each person just mentioned, and those in which they abandoned Umar for Uthman. They related that he frequently recited the chapter Yusuf in the dawn prayer. They also related this—meaning its recitation—from Umar. They said, "Practice is not based on this." They related from him through a most sound and eminent chain of transmission, namely Malik's transmission from Abd Allah ibn Abi Bakr ibn Muhammed ibn Amr ibn Hazm, from Abd Allah ibn Amir ibn Rabiah, who said, "I saw Uthman"—and he mentioned that he saw him at al-Arj while he was in the state of pilgrimage consecration. Then some game meat was brought to him, and he said to his companions, "Eat." They said, "And will you not eat?" He said, "My circumstances are not like yours: it was hunted specifically for my sake." They said, "Practice is not based on this. A person in the state of pilgrimage consecration may not eat anything hunted for the sake of another

نص الموطأ فأين العمل إن لم يكن عمل النبي صلى الله عليه وسلم وأبي بكر وعمر وعثمان بحضرة المهاجرين والأنصار. ورووا عنه، وعن عمر: النهي عن الحكرة. فقالوا: ليس عليه العمل ولا بأس بها. قال علي: وكذلك خالفوا عمل عائشة رضي الله عنها، وابن عمر وسائر الصحابة بالمدينة، لا نحاشي منهم أحدا، وكذلك خالفوا سعيد بن المسيب وسليمان بن يسار وسائر فقهاء المدينة، وأقرب ذلك خلافهم للزهري وربيعة في أشياء كثيرة جدا، منها أن الزهري كان يرى الزكاة في الخضر والتيمم إلى الآباط وغير ذلك.

person in that state." Malik erased this statement of Uthman and disliked it intensely. This is the wording of al-Muwatta. Where, then, is practice, if it is not the practice of the Prophet ﷺ, Abu Bakr, Umar, and Uthman in the presence of the Emigrants and the Helpers? They related from him and from Umar the prohibition of hoarding. They said, "Practice is not based on this, and there is nothing wrong with it." Ali said: Likewise, they contradicted the practice of Aishah, may Allah be pleased with her, Ibn Umar, and the rest of the Companions in Medina; we exempt none of them. Likewise, they contradicted Said ibn al-Musayyab, Sulayman ibn Yasar, and the rest of the jurists of Medina. Among the more recent instances of this is their disagreement with al-Zuhri and Rabiah on very many matters, including al-Zuhri's view that obligatory alms are due on vegetables, that dry ablution extends to the armpits, and other matters.[112][113][114][115][116]

L664–672 ʿAbd Allah ibn Rabiʿ also related to us: ʿAbd Allah ibn ʿUthman al-Asadi related to us: Ahmad ibn Khalid related to us: ʿAli ibn ʿAbd al-ʿAziz related to us: al-Hajjaj ibn al-Minhal related to us: ʿAbd Allah ibn ʿUmar al-Numayri related to us: Yunus ibn Yazid al-Abli related to us: I heard al-Zuhri say: "This is a copy of the document of the Messenger of Allah ﷺ which he wrote concerning obligatory alms. It is in the possession of the family of ʿUmar ibn al-Khattab." Al-Zuhri said: "Salim ibn ʿAbd Allah ibn ʿUmar had

وقد حدثنا عبد الله بن ربيع، ثنا عبد الله بن عثمان الأسدي، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، ثنا عبد الله بن عمر النميري، ثنا يونس بن يزيد الأبلي، سمعت الزهري قال هذه نسخة كتاب رسول الله صلى الله عليه وسلم الذي كتب في الصدقة وهي عند آل عمر بن الخطاب، قال الزهري: اقرأنيها سالم بن عبد الله بن عمر، فوعيتها على وجهها، وهي التي انتسخ عمر بن عبد العزيز من عبد الله بن عبد الله بن عمر وسالم بن عبد الله بن عمر، حين أمر على المدينة، فأمر عماله بالعمل بها، وكتب بها إلى الوليد بن عبد الملك، فأمر الوليد عماله بالعمل بها، ثم لم يزل الخلفاء يأمرون بذلك، ثم أمر هشام بن محمد بن هانىء عامله فنسخها إلى كل عامل من عمال المسلمين، وأمرهم بالعمل بما فيها، ولا يتعدونه، وذكر باقي الحديث. قال علي: فهذا عمل فاش كما ترى، وأصله صحيفة مرسلة غير مسندة كما ترى، ثم لم يفش العمل بها إلا بعد نحو ثمانين عاما من موت النبي صلى الله عليه وسلم وقد عمل عمال عثمان قبل ذلك بغير ذلك وعمال علي رضوان الله عليه بما جاءت به الرواية عن علي، وعمال ابن الزبير بغير ذلك، وعمال أبي بكر الصديق بغير ذلك، وعند آل حزم صحيفة أخرى

[112] **Translator's note (L655):** "Your rope is upon your withers" is a figurative expression of release whose intended legal effect as a divorce formula is disputed in the passage. The supplied text says that the camel was worth four hundred, that its value was doubled, and that Hatib was fined two hundred dirhams. These figures are inconsistent; they have been preserved as supplied.

[113] **Translator's note (L656):** The closing "he said" is singular in the supplied Arabic, although the surrounding objections repeatedly use "they said." The singular has been preserved.

[114] **Translator's note (L660):** The Arabic says only "for three," without specifying a unit; "days" is supplied from the context of announcing the stray animal.

[115] **Translator's note (L661):** The two pilgrimage arrangements are, respectively, qiran and tamattu. The wording فكانوا يوقفون في ذلك, rendered "They would then have been made to stop in that matter," is awkward and its intended sense is uncertain. It has not been silently emended.

[116] **Translator's note (L663):** "Ali said" marks the author's own voice. "Malik erased this statement" follows the supplied verb محا; the text does not specify what it was erased from.

me read it, and I retained it accurately. It is the document that ʿUmar ibn ʿAbd al-ʿAziz copied from ʿAbd Allah ibn ʿAbd Allah ibn ʿUmar and Salim ibn ʿAbd Allah ibn ʿUmar when he was appointed governor of Medina. He instructed his officials to act upon it and wrote concerning it to al-Walid ibn ʿAbd al-Malik. Al-Walid then instructed his officials to act upon it. Thereafter the caliphs continued to issue instructions to that effect. Then Hisham ibn Muhammed ibn Hani' instructed his official, who copied it for every official of the Muslims and instructed them to act according to its contents and not go beyond them." He then related the remainder of the report. ʿAli said: This, as you see, is a widespread practice, and its source, as you see, is a written document transmitted with a gap in its chain, without a connected chain of transmission. Moreover, acting upon it did not become widespread until approximately eighty years after the death of the Prophet ﷺ. Before that, ʿUthman's officials had acted otherwise; ʿAli's officials, may Allah be pleased with him, acted according to what was transmitted from ʿAli; Ibn al-Zubayr's officials acted otherwise; and Abu Bakr al-Siddiq's officials acted otherwise. The family of Hazm possesses another written document. What, then, has made the practice of the unjust al-Walid and those after him who deserve no consideration—with the sole exception of ʿUmar ibn ʿAbd al-ʿAziz—more worthy than the practice of Ibn al-Zubayr, the practice of ʿAli, the practice of ʿUthman, and the practice of Abu Bakr al-Siddiq? This is a dispute that requires referral to the Quran and to what is authentically established from the Prophet ﷺ through sound chains of transmission. That is found only in the report of Anas from Abu Bakr alone. It has thus been established that they have abandoned the practice of everyone whose practice could be taken into consideration or followed as an example. Our statement has also been established: they do not know whose practice they mean when they say, "This is not the established practice." If they say, "The practice of the majority," we have shown them that no group is more numerous than the people of the time of ʿUmar and ʿUthman, those who prayed with them, and those who agreed with them concerning the practices of those men which these people have abandoned. They have indeed abandoned the practice of the majority. This also establishes what some transmitters have mentioned: that they mean only the practice of the market inspector in Medina in Malik's

فما الذي جعل عمل الوليد الظالم ومن بعده من لا يعتد به حاش عمر بن عبد العزيز وحده أولى من عمل ابن الزبير وعمل علي، وعمل عثمان، وعمل أبي بكر الصديق، وهذا تنازع يوجب الرد إلى القرآن وما صح عن النبي صلى الله عليه وسلم بالأسانيد الصحيحة وليس ذلك إلا في حديث أنس عن أبي بكر وحده، فقد صح تركهم لعمل كل من له عمل يمكن أن يراعى أو يقتدى به، وصح ما قلنا من أنهم لا يدرون عمل من يعنون بقولهم: ليس عليه العمل. فإن قالوا عمل الأكثر، فقد أريناهم أنه لا أكثر من أهل عصر عمر وعثمان، ومن صلى معهم، ووافقهم على ما ترك هؤلاء من أعمال أولئك وأنهم قد تركوا عمل الأكثر. وثبت بهذا ما ذكره بعض الرواة، ومن أنهم إنما يعنون عمل صاحب السوق في المدينة في عصر مالك، وهذا كما ترى، وقد جمع عبد الرحمن بن زيد بن أسلم ما اتفق عليه فقهاء المدينة السبعة خاصة، فلم يبلغ ذلك إلا أوراقا يسيرة، هذا وعبد الرحمن من هو في الضعف والسقوط، ألا يحتج بروايته، وما جعل الله أولئك أولى بالقبول منهم من نظرائهم من أهل الكوفة، الذين هم أفضل منهم في ظاهر الأمر كعلقمة بن قيس، والأسود بن يزيد، وشريح القاضي، وعمرو بن ميمون، ومسروق، وأبي عبد الرحمن السلمي، وعبيدة السلماني، وعبد الرحمن بن أبي ليلى، وعبد الله بن عتبة بن مسعود، وعبد الرحمن بن يزيد الليثي، وسعيد بن جبير، ولا من نظرائهم من أهل البصرة كالحسن البصري، ومحمد بن سيرين، وجابر بن زيد، ومسلم بن يسار، وأبي قلابة، وبكر بن عبد الله المزني، وزرارة بن أوفى، وحميد بن عبد الرحمن، وأيوب، وابن عون، ويونس بن عبيد، وسليمان التيمي، ولا من نظرائهم من أهل الشام كعمر بن عبد العزيز، وأبي إدريس الخولاني، وقبيصة بن ذؤيب، وجبير بن نفير، ورجاء بن حيوة، ولا من نظرائهم من أهل مكة، كطاوس، وعطاء، ومجاهد، وعمر بن دينار، وعبيد بن عمير، وابنه عبد الله، وعبد الله بن طاووس، ومذ

time. This is as you see. ʿAbd al-Rahman ibn Zayd ibn Aslam collected the matters upon which the seven jurists of Medina specifically agreed, and these amounted to only a few sheets. This, despite ʿAbd al-Rahman being what he is in weakness and discredited standing, such that his transmission is not to be adduced as proof. Allah has not made those men more entitled to acceptance than their counterparts among the people of Kufa, who are, to outward appearances, superior to them, such as ʿAlqama ibn Qays, al-Aswad ibn Yazid, and Shurayh the judge, ʿAmr ibn Maymun, Masruq, Abu ʿAbd al-Rahman al-Sulami, ʿAbida al-Salmani, ʿAbd al-Rahman ibn Abi Layla, ʿAbd Allah ibn ʿUtba ibn Masʿud, ʿAbd al-Rahman ibn Yazid al-Laythi, and Saʿid ibn Jubayr; nor than their counterparts among the people of Basra, such as al-Hasan al-Basri, Muhammed ibn Sirin, Jabir ibn Zayd, Muslim ibn Yasar, Abu Qilaba, Bakr ibn ʿAbd Allah al-Muzani, Zurara ibn Awfa, Humayd ibn ʿAbd al-Rahman, Ayyub, Ibn ʿAwn, Yunus ibn ʿUbayd, and Sulayman al-Taymi; nor than their counterparts among the people of Syria, such as ʿUmar ibn ʿAbd al-ʿAziz, Abu Idris al-Khawlani, Qabisa ibn Dhuʾayb, Jubayr ibn Nufayr, and Rajaʾ ibn Haywa; nor than their counterparts among the people of Mecca, such as Tawus, ʿAtaʾ, Mujahid, ʿUmar ibn Dinar, ʿUbayd ibn ʿUmayr and his son ʿAbd Allah, and ʿAbd Allah ibn Tawus. Since the Companion-caliphs passed away, may Allah be pleased with them, no one like Shurayh, or like Muharib ibn Dithar, or like Zurara ibn Awfa, or like al-Shaʿbi, or like Abu ʿUbayda ibn ʿAbd Allah, or like ʿAbd Allah ibn ʿUtba has ever held the judgeship of Medina. They should also be asked: Has the practice of the people of Medina differed, or has it not differed? If they say, "It has not differed," al-Muwattaʾ and all the transmitted reports prove them liars. If they say, "It has differed," they should be asked: What has made following the practice of some of them more worthy of being followed than the practice of the rest of them? Allah has invalidated every practice in cases of disagreement except referral to the Book of Allah and the words of His Prophet ﷺ, through His statement, exalted is He: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome." Thus, whoever refers to anything other than these two has

مضى الصحابة الخلفاء رضوان الله عليهم فما ولي قضاء المدينة مثل شريح، ولا مثل محارب بن دثار، ولا مثل زرارة بن أوفى، ولا مثل الشعبي، ولا مثل أبي عبيدة بن عبد الله، ولا مثل عبد الله بن عتبة، أصلا. ويقال لهم أيضا هل اختلف عمل أهل المدينة أو لم يختلف؟ فإن قالوا: لم يختلف أكذبهم الموطأ وجميع الروايات، وإن قالوا: اختلف، قيل لهم: فما الذي جعل اتباع عمل بعضهم أولى بالاتباع من عمل سائرهم؟ وقد أبطل الله كل عمل عند الاختلاف حاشى الرد إلى كتاب الله وكلام نبيه صلى الله عليه وسلم بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فمن رد إلى غيرهما فقد عصى الله ورسوله، وضل ضلالا مبينا لقوله تعالى {وما كان لمؤمن ولا مؤمنة إذا قضى لله ورسوله أمرا أن يكون لهم لخيرة من أمرهم ومن يعص لله ورسوله فقد ضل ضلالا مبينا} وهم ينسبون إلى أبي بكر وعمر وعثمان وعلي رضوان الله عليهم بهذا الأصل الملعون أعظم الفرية، وأشد التضييع للإسلام، وقلة المبالاة به، وهذا لا يحل لمسلم أصلا أن يظنه، فكيف أن يعتقده، ويدعو إليه، وذلك لأن عمر رضي الله عنه مصر البصرة والكوفة ومصر والشام، وأسكنها المسلمين، وولى عليهم الصحابة كسعد بن أبي وقاص، والمغيرة بن شعبة، وأبي موسى الأشعري، وعتبة بن غزوان، وغيرهم وولى عثمان عليهم، ولاته أيضا كذلك، كمعاوية وعمرو بن العاص، وقد وليا لعمر أيضا مع عمار، وابن مسعود، وغيرهم ثم ولى علي البصرة عثمان بن حنيف، وعبد الله بن عباس، وولى مصر قيس بن سعد، أفترى عمر وعثمان وعليا وعمالهم المذكورين كتموا رعيتهم من أهل هذه الأمصار دين الله تعالى، والحكم في الإسلام والعمل بشرائعه؟ وما يفعل هذا مسلم، بل الذي لا شك فيه أنهم كلهم علموا رعيتهم كل ما يلزمهم كأهل المدينة ولا

disobeyed Allah and His Messenger and has gone manifestly astray, because of His statement, exalted is He: "It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, to have any choice in their affair. Whoever disobeys Allah and His Messenger has indeed gone manifestly astray." Through this accursed principle, they attribute to Abu Bakr, ʿUmar, ʿUthman, and ʿAli, may Allah be pleased with them, the greatest falsehood, the gravest neglect of Islam, and disregard for it. It is absolutely unlawful for a Muslim even to suppose this, so how could he hold it as a belief and call others to it? That is because ʿUmar, may Allah be pleased with him, established as garrison settlements Basra, Kufa, Egypt, and Syria, settled Muslims in them, and appointed Companions over them, such as Saʿd ibn Abi Waqqas, al-Mughira ibn Shuʿba, Abu Musa al-Ashʿari, ʿUtba ibn Ghazwan, and others. ʿUthman likewise appointed his governors over them, such as Muʿawiya and ʿAmr ibn al-ʿAs—both of whom had also held office under ʿUmar— along with ʿAmmar, Ibn Masʿud, and others. Then ʿAli appointed ʿUthman ibn Hunayf and ʿAbd Allah ibn ʿAbbas over Basra, and appointed Qays ibn Saʿd over Egypt. Do you suppose that ʿUmar, ʿUthman, ʿAli, and their aforementioned officials concealed from their subjects in these cities the religion of Allah Most High, judgment in Islam, and the observance of its laws? No Muslim would do this. Rather, what admits of no doubt is that all of them taught their subjects everything incumbent upon them, just as they taught the people of Medina, without any difference. Then ʿAli settled in Kufa. Do you suppose that he, may Allah be pleased with him, concealed from its inhabitants the laws of Islam and the obligatory rulings? By Allah, no Muslim would suppose this, nor would a discerning non-Muslim under Muslim protection who was acquainted with historical accounts. Since there is no doubt about this, there is no Sunnah in Medina that is not also present in all the other cities, without any difference. As for the period since that noble early generation passed away, may Allah be pleased with them, by Allah, none but wicked men have governed Medina or exercised authority in it, such as ʿAmr ibn Saʿid, al-Hajjaj ibn Yusuf, Tariq, Khalid ibn ʿAbd Allah al-Qasri, ʿAbd al-Rahman ibn al-Dahhak, ʿUthman ibn Hayyan al-Murri, and every enemy of Allah, with the exception of Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm, Aban ibn ʿUthman, and ʿUmar ibn ʿAbd al-ʿAziz, for each of

فرق. ثم سكن علي الكوفة أفتراه رضي الله عنه كتم أهلها شرائع الإسلام وواجبات الأحكام؟ والله ما يظن هذا مسلم ولا ذمي مميز بالسير، فإذ لا شك في هذا فما بالمدينة سنة إلا وهي في سائر الأمصار كلها ولا فرق، وأما مذ مضى هذا الصدر الكريم رضي الله عنهم فوالله ما ولي المدينة ولا حكم فيها إلا فساق الناس، كعمرو بن سعيد، والحجاج بن يوسف، وطارق، وخالد بن عبد الله القسري، وعبد الرحمن بن الضحاك، وعثمان بن حيان المري، وكل عدو لله حاشى أبي بكر بن محمد بن عمرو بن حزم، وأبان بن عثمان، وعمر بن عبد العزيز، فإنه كان كل واحد منهم فاضلا، وليها أبو بكر أربعة أعوام، عامين قاضيا وعامين أميرا لعمر بن عبد العزيز رضي الله عنه. فأي مزية لأهل المدينة على غيرهم في علم أو فضل أو رواية؟ لو نصحوا أنفسهم وتركوا هذا التخليط الذي لا يسلم معه دين من غلبة الهوى ونصر الباطل، وبالله تعالى نعوذ من الخذلان. وما أدرك مالك بالمدينة أعلى من نافع، وهو قليل الفتيا جدا، وربيعة وكان كثير الرأي قليل العلم بالحديث، وأبي الزناد وزيد بن أسلم، وكانا قليلي الفتيا، وأما الزهري فإنما كان بالشام، وما كتب عنه مالك إلا بمكة، وأما من القضاة فأبو بكر بن عمرو بن حزم، وابنه محمد، ويحيى بن سعيد الأنصاري، على أن أهل العراق يجاذبونه إياه، لأنه مات وهو قاض ببغداد،

them was virtuous. Abu Bakr held office there for four years: two years as judge and two years as governor under ʿUmar ibn ʿAbd al-ʿAziz, may Allah be pleased with him. What superiority, then, do the people of Medina possess over others in knowledge, virtue, or transmission? If only they would deal honestly with themselves and abandon this confusion, with which no one's religion remains sound, owing to the ascendancy of desire and the support of falsehood! In Allah Most High we seek refuge from abandonment. Malik encountered no one in Medina of higher standing than Nafiʿ, who issued very few legal opinions; Rabiʿa, who relied extensively on personal opinion and possessed little knowledge of hadith; Abu al-Zinad; and Zayd ibn Aslam, both of whom issued few legal opinions. As for al-Zuhri, he was in Syria, and Malik recorded material from him only in Mecca. As for the judges, there were Abu Bakr ibn ʿAmr ibn Hazm, his son Muhammed, and Yahya ibn

Saʿid al-Ansari—although the people of Iraq contend with him for the latter, because he died while serving as a judge in Baghdad.[117][118][119][120][121][122][123][124]

L673–680 As for Saʿd ibn Ibrahim, he was trustworthy, but Malik did not receive instruction from him. Then they are to be told: No scholar versed in historical reports disputes that Malik was born in the year ninety-three after the Hijrah, eighty-three years after the death of the Messenger of Allah ﷺ, and that more than thirty years of his life passed before his learning became widely known. Tell me, then: what school of thought did people follow before Ma-

وأما سعد بن إبراهيم فكان ثقة إلا أن مالكا لم يأخذ عنه. ثم يقال لهم لا خلاف بين أحد من أهل العلم بالأخبار أن مالكا ولد سنة ثلاث وتسعين من الهجرة بعد موت رسول الله صلى الله عليه وسلم بثلاث وثمانين سنة وأنه بقي أزيد من ثلاثين سنة، وما اشتهر علمه، فأخبروني على أي مذهب كان الناس قبل مالك، وطول المدة التي ذكرنا، وهي نحو مائة عام وعشرين عاما؟ كان فيها خيار أهل الأرض من الصحابة رضوان الله عليهم والتابعين رحمة الله عليهم، فإن قالوا: على مذهب مالك أكذبهم مالك في موطئه بما أورد فيه من الاختلاف القديم بين الصحابة والتابعين، وقد ذكرنا آنفا من ذلك طرفا صالحا. ويقال لهم أيضا: إن كان الأمر كما تقولون فما الذي جعل نسبة هذا المذهب إلى مالك أولى من نسبته إلى أبي بكر، أو عمر، أو عثمان، أو عائشة، أو ابن عمر، أو سعيد بن المسيب، أو سليمان بن يسار، أو عروة بن الزبير، أو ربيعة؟ ولم خصصتم مالكا وحده بأن تنسبوه إليه دون أن تنسبوه إلى من ذكرنا، وهم كانوا أفضل منه وأهيب في الصدور؟ فإن قالوا: لأن مالكا ثبت واختلف الناس، بان كذبهم بما أورده مالك في موطئه مما خالف فيه من كان قبلهم، وقيل لهم انفصلوا ممن عكس قولكم، فقال: بل الناس ثبتوا وانفرد مالك بمذهب أوجب أن ينسب إليه، وإنما تنسب المذاهب إلى محدثيها، لا إلى من اتبع غيره فيها. وإن قالوا: كان الناس على اختلاف في مذاهبهم وتحير، قيل لهم: فلا ترغبوا عما كان عليه السلف الصالح، فليس والله فيما حدث بعدهم شيء من الخير، يعني مما يكونوا عليه، ولا علمه ذلك الصدر فإن تكن الأمور بالدلائل، فالدلائل توضح أن ذلك الصدر كانوا على صواب في الاختيار والنظر، مختلفين في مذاهبهم متفقين على إبطال التقليد متفقين على الأخذ بحديث النبي صلى الله عليه وسلم إذا بلغهم وصح طريقه وإن لم يكن الأمر بالتقليد ونعوذ بالله

[117] **Translator's note (L664):** The name is transcribed as al-Abli (الأبلي); it has been retained without correction. The wording «ثم أمر هشام بن محمد بن هانىء عامله» is apparently corrupt or ambiguous. The translation follows its surface construction, taking Hisham ibn Muhammed ibn Hani' as the person issuing the instruction and «his official» as its recipient.

[118] **Translator's note (L665):** The document is described using two technical expressions: «مرسلة», indicating a gap in transmission, and «غير مسندة», indicating the absence of a connected chain. The wording «ما ذكره بعض الرواة ومن أنهم» is syntactically irregular; the translation renders its apparent sense while retaining the attribution to unnamed transmitters.

[119] **Translator's note (L666):** The unvocalized wording «ألا يحتج بروايته» is awkward in this construction. It is understood here as continuing the criticism of ʿAbd al-Rahman: his transmission is not admissible as proof.

[120] **Translator's note (L667):** The opening «منهم من نظرائهم» is syntactically awkward after the preceding segment. The translation follows the comparison with the Kufan counterparts indicated by the surrounding text.

[121] **Translator's note (L668):** The Quranic quotation corresponds to 4:59. Several words have irregular spellings or omitted alifs in the supplied transcription; these do not produce a distinct translatable meaning.

[122] **Translator's note (L669):** The Quranic quotation corresponds to 33:36. Its irregular spellings and omitted alifs have no distinct effect on the translated meaning. The final «مصر» is read as the verb maṣṣara, 'established as garrison settlements,' with its objects continuing in the next segment.

[123] **Translator's note (L672):** Here the supplied text names 'Abu Bakr ibn ʿAmr ibn Hazm and his son Muhammed,' whereas the preceding segment names Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm. The apparent genealogical inconsistency is retained. In the statement about the people of Iraq contending 'with him,' the pronoun apparently refers to Malik, in connection with counting Yahya ibn Saʿid among the Medinan authorities.

[124] **Qur'an references (L664):** Qur'an 4:59 (An-Nisa); Qur'an 33:36 (Al-Ahzab).

من ذلك فتقليد عمر وعثمان وسائر من تقدم أولى من تقليد من أتى بعدهم، اللهم إلا إذا كان العمل الذي يشيرون إليه من جنس ما حدثناه عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد الفقيه الأشقر، ثنا أحمد بن علي القلانسي، ثنا مسلم بن الحجاج، ثنا محمد بن حاتم، ثنا بهز، ثنا وهيب، ثنا موسى بن عقبة، عن عبد الواحد بن حمزة، عن عباد بن عبد الله بن الزبير يحدث عن عائشة أنها لما توفي سعد بن أبي وقاص أرسل أزواج النبي صلى الله عليه وسلم أن يمروا بجنازته فيصلين عليه ففعلوا فوقف به على حجرهن يصلين عليه، وأخرج به من باب الجنائز الذي كان إلى المقاعد فبلغهن أن الناس عابوا ذلك وقالوا ما كانت الجنائز يدخل بها المسجد فبلغ ذلك عائشة رضي الله عنها فقالت ما أسرع الناس إلى أن يعيبوا ما لا علم لهم به، عابوا علينا أن يمر بجنازة في المسجد وما صلى رسول الله صلى الله عليه وسلم على سهيل بن بيضاء إلا في جوف المسجد وبالسند المذكور إلى مسلم: ثنا محمد بن حاتم بن ميمون، ثنا سفيان بن عيينة، عن عمرو بن دينار، عن أبي المنهال قال: باع شريك لي ورقا بنسيئة إلى الموسم أو إلى الحج، فجاء إلي فأخبرني فقلت: هذا الأمر لا يصلح قال: قد بعته في السوق، فلم ينكر ذلك علي أحد، فأتيت البراء بن عازب فسألته فقال قدم النبي صلى الله عليه وسلم المدينة ونحن نبيع هذا البيع فقال ما كان يدا بيد فلا بأس به، وما كان نسيئة فهو ربا وائت زيد بن أرقم فإنه كان أعظم تجارة مني، فأتيته فسألته فقال مثل ذلك. وبالسند المذكور إلى مسلم: حدثنا الحسن بن علي الحلواني، ثنا أبو أسامة، ثنا محمد بن عمرو، ثنا عمر بن مسلم بن عمار الليثي قال: كنا في الحمام قبيل الأضحى فأطلي فيه ناس، فقال بعض أهل الحمام: إن سعيد بن المسيب يكره هذا وينهى عنه، فلقيت سعيد بن المسيب، فذكرت ذلك له، فقال: يا ابن أخي هذا حديث قد نسي وترك حدثتني أم سلمة زوج النبي صلى الله

lik, throughout the period we have mentioned—approximately one hundred and twenty years—during which there lived the finest people on earth, among the Companions, may Allah be pleased with them, and the Successors, may Allah have mercy upon them? If they say, "Malik's school," Malik himself gives the lie to them in his Muwaṭṭaʾ through the longstanding disagreements between the Companions and the Successors that he records there. We have just mentioned a substantial selection of these. They are also to be told: If matters are as you say, what makes attributing this school to Malik more appropriate than attributing it to Abu Bakr, ʿUmar, ʿUthman, ʿAʾishah, Ibn ʿUmar, Saʿid ibn al-Musayyab, Sulayman ibn Yasar, ʿUrwah ibn al-Zubayr, or Rabiʿah? Why have you singled out Malik alone for its attribution, instead of attributing it to those we have mentioned, although they were superior to him and commanded greater reverence in people's hearts? If they say, "Because Malik remained steadfast, while people differed," their falsehood becomes evident from what Malik records in his Muwaṭṭaʾ concerning matters in which he disagreed with those who preceded them. They are to be told: Answer someone who reverses your statement and says, "Rather, the people remained steadfast, while Malik alone adopted a school that required it to be attributed to him." Schools are attributed only to those who originate them, not to someone who follows another person in them. If they say, "People differed in their schools and were bewildered," they are to be told: Then do not turn away from the course followed by the righteous predecessors. By Allah, there is nothing good in what arose after them—meaning what they were upon and what that early generation did not know. If matters are determined by proofs, the proofs make clear that that early generation was correct in exercising choice and examination: differing in their schools, agreeing on the invalidity of uncritical adherence to authority, and agreeing on accepting the hadith of the Prophet ﷺ when it reached them and its route of transmission was sound. If the matter is not determined by uncritical adherence to authority—and we seek refuge in Allah from that—then uncritical adherence to ʿUmar, ʿUthman, and all the others who preceded them is more appropriate than uncritical adherence to those who came after them. Unless, O Allah, the practice to which they refer is of the same kind as what ʿAbd Allah ibn Yusuf ibn Nami narrated to us: Ahmad ibn Fath narrated to us:

ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad ibn Muhammed, the jurist al-Ashqar, narrated to us: Ahmad ibn ʿAli al-Qalansi narrated to us: Muslim ibn al-Hajjaj narrated to us: Muhammed ibn Hatim narrated to us: Bahz narrated to us: Wuhayb narrated to us: Musa ibn ʿUqbah narrated to us, from ʿAbd al-Wahid ibn Hamzah, from ʿAbbad ibn ʿAbd Allah ibn al-Zubayr, reporting from ʿA'ishah that, when Saʿd ibn Abi Waqqas died, the wives of the Prophet ﷺ sent word that his funeral bier should be brought past them so that they could offer the funeral prayer over him. They did so, stopping with him at their chambers while they offered the prayer over him. He was then taken out through the Gate of Funerals, which faced the seating places. Word reached them that people had criticized this, saying, "Funeral biers were not brought into the mosque." When this reached ʿA'ishah, may Allah be pleased with her, she said, "How quick people are to criticize what they know nothing about! They criticized us for having a funeral bier brought through the mosque, yet the Messenger of Allah ﷺ prayed over Suhayl ibn Bayda' only inside the mosque." And through the aforementioned chain of transmission to Muslim: Muhammed ibn Hatim ibn Maymun narrated to us: Sufyan ibn ʿUyaynah narrated to us, from ʿAmr ibn Dinar, from Abu al-Minhal, who said: "A partner of mine sold silver on deferred payment until the pilgrimage season—or until the pilgrimage. He came to me and informed me, and I said, 'This transaction is not permissible.' He said, 'I sold it in the market, and no one objected to it.' So I went to al-Bara' ibn ʿAzib and asked him. He said, 'The Prophet ﷺ arrived in Medina while we were conducting this kind of sale, and he said: "Whatever is exchanged hand to hand is unobjectionable, but whatever is deferred is usury." Go to Zayd ibn Arqam, for he conducted more trade than I did.' So I went to him and asked him, and he said the same." And through the aforementioned chain of transmission to Muslim: al-Hasan ibn ʿAli al-Hulwani narrated to us: Abu Usamah narrated to us: Muhammed ibn ʿAmr narrated to us: ʿUmar ibn Muslim ibn ʿAmmar al-Laythi narrated to us, saying: "We were in the bathhouse shortly before the Feast of Sacrifice, and some people applied depilatory there. One of those in the bathhouse said, 'Saʿid ibn al-Musayyab disapproves of this and forbids it.' I subsequently met Saʿid ibn al-Musayyab and mentioned this to him. He said, 'My brother's son, this is a hadith that has been forgotten and

عليه وسلم قالت قال رسول الله صلى الله عليه وسلم فذكرت من كان له ذبح يذبحه فإذا أهل هلال ذي الحجة فلا يأخذن من شعره ولا من أظفاره شيئا حتى يضحي، أو كلاما هذا معناه. قال علي: عمرو بن مسلم هذا هو ابن أكيمة الذي يروي عنه مالك وغيره. قال علي: فإن كان عمل أهل المدينة الذين يحتجون به ويتركون له كلام رسول الله صلى الله عليه وسلم من هذا الباب الذي ذكرنا فنحن نبرأ إلى الله تعالى من هذا العمل، ونحن متقربون إلى الله تعالى بعصيان هذا العمل ومضادته، ولا شك أنهم يريدون عمل الجمهور الذي وصفنا؛ من نحو إنكار عامة أهل المدينة على أزواج النبي صلى الله عليه وسلم المرور في المسجد وبيع أهل سوق المدينة الورق بالورق، أو بالذهب نسيئة، ولا ينكر ذلك أحد منهم ومثل تركهم ونسيانهم أمر النبي صلى الله عليه وسلم في ألا يمس الشعر والظفر من أراد أن يضحي إذا أهل ذو الحجة بشهادة سعيد بن المسيب فقيه أهل المدينة عليهم بذلك،

abandoned. Umm Salamah, the wife of the Prophet ﷺ, narrated to me, saying: "The Messenger of Allah ﷺ said"—and she related—"Whoever has an animal to slaughter, then, when the new crescent of Dhu al-Hijjah appears, let him take nothing from his hair or his nails until he offers the sacrifice," or words to this effect.'" ʿAli said: This ʿAmr ibn Muslim is Ibn Ukaymah, from whom Malik and others transmit. ʿAli said: If the practice of the people of Medina, which they invoke as authoritative proof and for whose sake they abandon the words of the Messenger of Allah ﷺ, belongs to the category we have mentioned, then we declare before Allah Most High that we disavow this practice, and we seek nearness to Allah Most High by disobeying this practice and opposing it. There is no doubt that they mean the practice of the general populace that we have described, such as the generality of the people of Medina objecting to the wives of the Prophet ﷺ over passage through the mosque; the people of Medina's market selling silver for silver or for gold on deferred payment, without any of them objecting to it; and their abandoning and forgetting the Prophet's ﷺ command that whoever intends to offer a sacrifice should not touch his hair or nails once Dhu al-Hijjah begins, as Saʿid ibn al-Musayyab, the jurist of the people of Medina, testified against them.[125][126][127][128]

L681–683 Since we have now explained that they do not rely on the practice of the

فإذا ما قد بينا أنهم لا يتعلقون بعمل النبي صلى الله عليه وسلم ولا بعمل أبي بكر وعمر وعثمان ولا بعمل أحد بعينه من الصحابة رضوان الله عليهم، فلم يبق بأيديهم شيء إلا العمل الذي وصفنا، ونعوذ بالله من التعلق بمثل هذا العمل فهو الضلال المبين، وحسبنا الله ونعم الوكيل. وقد فشا الشكوى بالعمال، وتعديهم في المدينة في أيام الصحابة رضوان الله عليهم، كما حدثنا حمام بن أحمد قال: ثنا عبد الله بن إبراهيم الأصيلي، ثنا أبو زيد المروزي، حدثنا الفربري، ثنا البخاري، ثنا قتيبة بن سعيد ثنا سفيان بن عيينة، عن محمد بن سوقة، عن منذر الثوري، عن محمد بن علي هو ابن الحنفية قال: جاء عليا ناس فشكوا سعاة عثمان، فقال لي علي: اذهب بهذه الصحيفة إلى عثمان فأخبره أنها صدقة رسول الله صلى الله عليه وسلم فمر سعاتك يعملون بها

[125] **Translator's note (L675):** The wording "meaning what they were upon" appears defective in context: مما يكونوا عليه seemingly lacks a negation. The supplied wording has been preserved rather than silently corrected. The supplied وإن لم يكن الأمر بالتقليد says "if the matter is not determined by uncritical adherence to authority," although the ensuing argument appears to require "if the matter is determined by uncritical adherence to authority." The negation has been retained.

[126] **Translator's note (L676):** "The seating places" renders المقاعد, which may designate a particular location by the mosque.

[127] **Translator's note (L678):** The chain names ʿUmar ibn Muslim, whereas the author's subsequent comment names ʿAmr ibn Muslim and identifies him as Ibn Ukaymah. These differing names and the identification have been preserved as supplied. The phrase فذكرت, rendered "and she related," interrupts the introduction of the quoted hadith; the supplied wording does not explicitly identify its speaker.

[128] **Hadith references (L673):** Sunan Abi Dawud 2791; Sahih Muslim 1977g; Sahih Muslim 1589a.

Prophet ﷺ, nor on the practice of Abu Bakr, ʿUmar, and ʿUthman, nor on the practice of any particular Companion, may Allah be pleased with them, nothing remains in their hands except the practice we have described. We seek refuge in Allah from relying on such practice, for it is manifest error. Allah is sufficient for us, and excellent is He as Trustee. Complaints about officials and their transgressions became widespread in Medina during the days of the Companions, may Allah be pleased with them, as Hammam ibn Ahmad narrated to us, saying: ʿAbd Allah ibn Ibrahim al-Asili narrated to us: Abu Zayd al-Marwazi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Qutaybah ibn Saʿid narrated to us: Sufyan ibn ʿUyaynah narrated to us, from Muhammed ibn Suqah, from Mundhir al-Thawri, from Muhammed ibn ʿAli—that is, Ibn al-Hanafiyyah—who said: "Some people came to ʿAli and complained about ʿUthman's alms collectors. ʿAli said to me, 'Take this document to ʿUthman and tell him that it contains the Messenger of Allah's ﷺ prescriptions for alms, so instruct your collectors to act in accordance with it.' I brought it to him, but he said, 'Spare us it.' I brought it back to ʿAli ibn Abi Talib, may Allah be pleased with him, and informed him. He said, 'Put it where you took it from.'" Thus, as you see, the invalidity of the claim of anyone who asserts authoritative proof in the practice of the people of Medina or anyone else has been established, and it necessarily follows that authoritative proof lies only in what is soundly transmitted from the Prophet ﷺ. ʿUmar, may Allah be pleased with him, objected to Hassan's reciting poetry in the mosque. But when he said to him, "I recited it there while someone better than you was there," and mentioned Allah's Messenger ﷺ to him, ʿUmar fell silent and went on his way. All this makes clear that, after the Prophet ﷺ, neither anyone's statement nor anyone's knowledge constitutes authoritative proof. If they say, "Malik came later and critically reviewed his predecessors," they are told: "Then following without independent examination someone who came after Malik and critically reviewed him is more appropriate—such as al-Shafiʿi, Ahmad ibn Hanbal, Dawud, and others—until the matter reaches us, and then those who come after us." ʿAli said: The correct account of this is that Abu Hanifah and Malik, may Allah have mercy on them both, exercised independent judgment, and were among those commanded to exercise independent judgment, since every Muslim is

فأتيته بها فقال أغنها عنا. فأتيت بها علي بن أبي طالب رضي الله عنه فأخبرته، فقال: ضعها حيث أخذتها. فقد صح كما ترى في بطلان قول من يدعي حجة بعمل أهل المدينة أو غيرهم ووجب أن لا حجة إلا فيما صح عن النبي صلى الله عليه وسلم وقد أنكر عمر رضي الله عنه على حسان إنشاده الشعر في المسجد، فلما قال له: قد أنشدت فيه وفيه من هو خير منك وذكر له رسول الله صلى الله عليه وسلم سكت عمر ومضى فهذا كله يبين أن لا حجة في قول أحد ولا في علمه بعد النبي صلى الله عليه وسلم فإن قالوا مالك أتى متأخرا فتعقب قيل لهم: فتقليد من أتى بعد مالك فتعقب عليه أولى، كالشافعي وأحمد بن حنبل وداود وغيرهم، إلى أن يبلغ الأمر إلينا، ثم إلى من بعدنا. قال علي: والصحيح من ذلك أن أبا حنيفة ومالكا رحمهما الله اجتهدا وكانا مما أمرا بالاجتهاد، إذ كل مسلم ففرض عليه أن يجتهد في دينه، وجريا على طريق من سلف في ترك التقليد، فأجرا فيما أصابا فيه أجرين، وأجرا فيما أخطآ فيه أجرا واحدا، وسلما من الوزر في ذلك على كل حال. وهكذا حال كل عالم ومتعلم غيرهما، ممن كان قبلهما، وممن كان معهما، وممن أتى بعدهما أو يأتي، ولا فرق، فقلدهما من شاء الله عز وجل، ممن أخطأ وابتدع وخالف أمر الله عز وجل وسنة النبي صلى الله عليه وسلم وإجماع المسلمين وما كان عليه القرون الصالحة وما توجبه دلائل العقل، واتبع هواه بغير آإعالى فضل وأضل. وكذلك المقلدون للشافعي رحمه الله، إلا أن الشافعي رضي الله عنه أصل أصولا الصواب فيها أكثر من الخطأ، فالمقلدون له أعذر في اتباعه فيما أصاب فيه، وهم ألوم وأقل عذرا في تقليدهم إياه فيما أخطأ فيه. وأما أصحاب الظاهر فهم أبعد الناس من التقليد، فمن قلد أحدا مما يدعي أنه منهم فليس منهم، ولم يعصم أحد من الخطأ، وإنما يلام من اتبع قولا لا حجة عنده به، وألوم من هذا من اتبع قولا وضح البرهان على بطلانه فتمادى ولج في غيه، وبالله تعالى التوفيق. وألوم

obliged to exercise independent judgment in his religion. They followed the path of their predecessors in abandoning uncritical imitation. They therefore received two rewards for what they got right, and one reward for what they got wrong, and in either case were free of sin in this. Such, without distinction, is also the condition of every other scholar and student, whether among those who preceded them, those who lived alongside them, or those who came after them or will come. There is no distinction. Then such people as Allah, Mighty and Majestic, willed followed them without independent examination: people who erred, introduced innovations, contravened the command of Allah, Mighty and Majestic, the Sunnah of the Prophet ﷺ, the consensus of the Muslims, the practice of the righteous generations, and what rational proofs require, and followed their own desires without [corrupt text], going astray and leading others astray. The same applies to those who uncritically imitate al-Shafiʿi, may Allah have mercy on him, except that al-Shafiʿi, may Allah be pleased with him, established foundational principles in which correctness predominates over error. Those who imitate him therefore have more excuse for following him where he was right, while they are more blameworthy and less excusable for imitating him where he was wrong. As for the adherents of the apparent meaning, they are the furthest of all people from uncritical imitation. Whoever imitates anyone who claims to belong to them does not belong to them. No one has been protected from error. Blame attaches only to someone who follows a statement for which he possesses no authoritative proof. More blameworthy still is someone who follows a statement whose invalidity has been established by clear demonstration, yet persists and obstinately continues in his error. Success comes through Allah Most High. More blameworthy than either of these, and more grievous in wrongdoing, is someone who persists in a position that he acknowledges to be forbidden. These are the uncritical imitators who imitate while acknowledging that uncritical imitation is forbidden, and who abandon the commands of the Prophet ﷺ while acknowledging that they are authentic and true. Who, then, is further astray than these people? We seek refuge

من هذين وأعظم جرما من يقيم على قول يقر أنه حرام، وهم المقلدون الذين يقلدون ويقرون أن التقليد حرام ويتركون أوامر النبي صلى الله عليه وسلم ويقرون أنها صحاح وأنها حق فمن أضل من هؤلاء؟ نعوذ بالله من الخذلان، ونسأله الهدى والعصمة، فكل شيء بيده لا إله إلا هو.

in Allah from being forsaken, and ask Him for guidance and protection from error. Everything is in His hand; there is no god but Him.[129][130]

L684–691 Abu Muhammed said: Some of them have said: "It has been authentically established that groups of the Companions and the Successors abandoned much of what reached them of the Prophet's ﷺ hadith. Either they abandoned it out of disdain for it—and this is unbelief on the part of whoever does it—or they abandoned it because of additional knowledge they possessed. This latter explanation is more fitting to suppose of them." ʿAli said: This is invalid on several grounds. One is that, if someone says, "Perhaps the hadith abandoned by those among them who abandoned it contained a defect," he is told: "Perhaps it is the report transmitted to the effect that such-and-such a Companion abandoned such-and-such a hadith that is defective. What makes it more appropriate to locate the defect among the transmitters of the hadith from the Prophet ﷺ than among the transmitters who reported its abandonment by those who abandoned it?" Furthermore, some of them abandoned certain hadiths, while others adopted those very hadiths that these people abandoned. What distinction is there between someone who says, "Those who abandoned it must have possessed knowledge on account of which they abandoned it," and someone who says, "Those who acted upon it must have possessed knowledge on account of which they acted upon it"? Every claim devoid of demonstration falls away. We have already explained that one should not be dismayed by anyone who abandons acting upon the truth, whether he abandons it through an excusable error or abandons it in sinful disobedience, nor should one seek strength in the numbers of those who act upon it, whoever they may be. Whether someone acts upon it or abandons it makes no difference, and everyone who

قال أبو محمد: وقد قال بعضهم: قد صح ترك جماعات من الصحابة والتابعين لكثير مما بلغهم من حديث النبي صلى الله عليه وسلم فلا يخلو من أن يكونوا تركوه مستخفين به وهذا كفر من فاعله. أو يكونوا تركوه لفضل علم كان عندهم فهذا أولى أن يظن بهم. قال علي: وهذا يبطل من وجوه، أحدها أنه قال قائل: لعل الحديث الذي تركه من تركه منهم فيه داخلة. قيل له: ولعل الرواية التي رويت بأن فلانا الصاحب ترك حديثا كذا هي المدخولة، وما الذي جعل أن تكون الداخلة في رواة الحديث عن النبي صلى الله عليه وسلم أولى من أن تكون في النقلة الذين رووا ترك من تركها، وأيضا فإن قوما منهم تركوا بعض الحديث، وقوما منهم أخذوا بذلك الحديث الذي ترك هؤلاء فلإن فرق بين من قال: لا بد من أنه كان عند من تركه علم من أجله تركه، وبين من قال: لا بد من أنه كان عند من عمل به علم من أجله عمل به، وكل دعوى عريت من برهان فهي ساقطة. وقد قدمنا أنه لا يستوحش لمن ترك العمل بالحق، سواء تركه مخطئا معذورا أو تركه عاصيا موزورا، ولا يتكثر بمن عمل به كائنا من كان، وسواء عمل به أو تركه وفرض على كل من سمعه أن يعمل به على كل حال. وأيضا فإن الأحاديث التي روي أنه تركها بعض من سلف، ليست في أكثر الأمر التي ترك هؤلاء المحتجون بترك من سلف لما تركوا منها، بل ترك هؤلاء ما أخذ به أولئك، وأخذ هؤلاء، بما تركه أولئك، فلا حجة لهم في ترك بعض ما سلف لما ترك من الحديث. لأنهم أول مخالف لهم في ذلك، وأول مبطل لذلك الترك. ولا أسوأ من احتجاج امرىء بما يبطل على من لا يحقق ذلك الاحتجاج بل يبطله كإبطال المحتج به له أو أشد. وأيضا فلو صح ما افتروه من أنه كان عند الصاحب التارك لبعض الحديث علم من أجله ترك ما ترك من الحديث، ونعوذ بالله العظيم من ذلك، ونعيذ

[129] **Translator's note (L682):** The opening continues the preceding segment's statement that Hassan mentioned Allah's Messenger ﷺ to ʿUmar. The wording وكانا مما أمرا بالاجتهاد is grammatically irregular; the translation gives its apparent sense, that both were commanded to exercise independent judgment.

[130] **Translator's note (L683):** The sequence بغير آإعالى is corrupt and does not yield a coherent reading; its missing or damaged content has not been reconstructed. The wording مما يدعي أنه منهم is irregular in its reference to a person; the translation follows the apparent contextual meaning.

hears it is obliged to act upon it in every circumstance. Furthermore, the hadiths that some predecessors are reported to have abandoned are, for the most part, not those abandoned by these people who invoke the predecessors' abandonment of certain hadiths as an argument. Rather, these people abandoned what those predecessors adopted, and adopted what those predecessors abandoned. Thus, the abandonment of certain hadiths by some predecessors affords them no authoritative proof, since they themselves are the first to oppose those predecessors in this and the first to invalidate that abandonment. Nothing is worse than a person's invoking as an argument something he himself invalidates, against someone who does not accept that argument but instead invalidates it just as much as the person invoking it does, or more strongly still. Furthermore, if their fabrication were true—that a Companion who abandoned certain hadiths possessed knowledge on account of which he abandoned those hadiths that he abandoned—and we seek refuge in Allah the Almighty from that, and seek protection for everyone of whom good is thought from anything like what they have attributed to the eminent members of this sanctified community— it would necessarily follow that whoever did that was accursed with the curse of Allah, Mighty and Majestic. Allah Most High said: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those are cursed by Allah and cursed by those who curse." We therefore say: May Allah curse anyone who possessed knowledge from Allah Most High and His Messenger ﷺ and concealed it from people, whoever he may be. Whoever attributes this to the Companions, may Allah be pleased with them, has attributed to them the introduction of alien elements into the religion and scheming against the revealed Law. This is unbelief in its most extreme form. I confronted al-Layth ibn Harfash al-ʿAbdi with an argument of this kind in the assembly of the judge ʿAbd al-Rahman ibn Ahmad ibn Bishr, may Allah have mercy on him, before a great gathering of Maliki jurists. Not one of them answered with a word of objection. Rather, they all remained silent, except for a few who answered me by affirming what I had said. I had said to him: "You have attributed to Malik, may Allah be pleased with him, something which, if it were true of him, would make him the most flagrantly sinful of people. For you describe him as having

كل من يظن به خيرا من مثل ما نسبوا إلى أفاضل هذه الأمة المقدسة لوجب أن يكون من فعل ذلك ملعونا بلعنة الله عز وجل قال الله تعالى {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون} فنحن نقول لعن الله كل من كان عنده علم من الله تعالى ورسوله صلى الله عليه وسلم وكتمه عن الناس كائنا من كان ومن نسب هذا إلى الصحابة رضوان الله عليهم، فقد نسبهم إلى الإدخال في الدين وكيد الشريعة وهذا أشد ما يكون من الكفر. وقد عارضت بنحو من هذا الكلام الليث بن حرفش العبدي في مجلس القاضي عبد الرحمن بن أحمد بن بشر رحمه الله، وفي حفل عظيم من فقهاء المالكيين، فما أحد منهم أجاب بكلمة معارضة، بل صمتوا كلهم، إلا قليل منهم أجابوني بالتصديق لقولي: وذلك أني قلت له: لقد نسبت إلى مالك رضي الله عنه ما لو صح عنه لكان أفسق الناس، وذلك أنك تصفه بأنه أبدى إلى الناس، المعلول والمتروك والمنسوخ من روايته، وكتمهم المستعمل والسالم والناسخ حتى مات ولم يبده إلى أحد، وهذه صفة من يقصد إفساد الإسلام والتدليس على أهله، وقد أعاذه الله من ذلك، بل كان عندنا أحد الأئمة الناصحين لهذه الملة، ولكنه أصاب وأخطأ، واجتهد فوفق وحرم، كسائر العلماء ولا فرق، أو كلاما هذا معناه، وقد افترض الله تعالى التبليغ على كل عالم وقد قال عليه السلام مخبرا إن من كتم علما عنده فسئل عنه ألجم يوم القيام بلجام من نار فإن قالوا بل ما كان عنده عن النبي صلى الله عليه وسلم خبر يصح إلا وقد أبداه ورواه للناس وبلغه كما يحق في علمه وروعه قلنا: صدقتم، وهذه صفته عندنا، ونحن على اتباع روايته ورواية غيره من العدول لأنه عدل، وقد أمرنا بقبول خبر العدل. ونحن على رفض رأيه ورأي غيره لقيام البرهان على تحريم التقليد، وهو أول الناس ينهى عن تقليده، والعجب من دعواهم أنهم أخذوا بالآخر من فعله صلى

disclosed to people the defective, the abandoned, and the abrogated portions of his transmitted reports, while concealing from them the operative, the sound, and the abrogating portions, until he died without disclosing them to anyone. This is the description of someone who intends to corrupt Islam and deceive its adherents. Allah has protected him from that. Rather, in our estimation he was one of the leading scholars who sincerely counseled this religious community. Yet he was right and he was wrong; he exercised independent judgment and was granted success or denied it, like the rest of the scholars, without distinction"—or words to this effect. Allah Most High has made conveying knowledge obligatory upon every scholar. He ﷺ stated: "Anyone who conceals knowledge he possesses, when asked about it, will be bridled on the Day of Resurrection with a bridle of fire." If they say, "Rather, he possessed no authentic report from the Prophet ﷺ without disclosing it, transmitting it to people, and conveying it, as his knowledge and conscience required," we say: "You have spoken the truth. This is how we regard him. We follow his transmitted reports and those of other upright transmitters, because he is upright, and we have been commanded to accept the report of an upright transmitter. We reject his personal opinion and that of others, because demonstration has established the prohibition of uncritical imitation. He himself was foremost in forbidding people to imitate him." And what is astonishing is their claim that they adopted the later of his ﷺ practices, although they adopted the earlier practice that it abrogated. Among the examples that come to mind in which they abandoned his ﷺ last practice and adopted the earlier, abrogated one is this: they did not permit the regular prayer leader to arrive after his deputy in leading the prayer had begun the prayer, and then for the regular prayer leader to enter and complete the prayer, with all those behind him continuing on the basis of the one behind whom they pronounced the opening declaration of Allah's greatness, while the prayer leader who began the prayer becomes a follower. Yet this was the last prayer Allah's Messenger ﷺ led for the people during the illness in which he died. They declared this prayer invalid, while permitting a prayer leader to leave the prayer because of an impediment that befell him and appoint a substitute to complete the people's prayer. Yet no revealed text or consensus has established this. They did not consider prayer behind a seated

الله عليه وسلم وأخذوا بالأول المنسوخ لذلك فما حضرنا ذكره مما تركوا فيه آخر فعله صلى الله عليه وسلم وأخذوا بالأول المنسوخ فإنهم لم يجيزوا أن يأتي الإمام المعهود، وقد بدأ خليفته على الصلاة بالصلاة، فدخل الإمام المعهود فيتم الصلاة ويبني سائر من خلفه على من كبروا في أول صلاتهم. ويصير الإمام الذي ابتدأ الصلاة مأموما وهذه آخر صلاة صلاها رسول الله صلى الله عليه وسلم بالناس في مرضه الذي مات فيه فأبطلوا هذه الصلاة. وأجازوا أن يخرج الإمام من الصلاة لعذر أصابه ويستخلف من يتم بالناس صلاتهم، وهذا ما لم يأت فيه نص ولا إجماع، ولم يروا الصلاة خلف الإمام القاعد، والأصحاء وراءه قعود أو قيام وهذه صفة آخر صلاة صلاها رسول الله صلى الله عليه وسلم وتعلقوا بحديث رواه الجعفي وهو كذاب عن الشعبي مرسلا: لا يؤمن أحد بعدي جالسا وهي رواية كوفية. وهم يردون الصحيح من رواية أهل الكوفة، ويتعلقون بهذه الرواية التي لا شك في كذبها من روايات أهل الكوفة. وكرهوا التكبير بتكبير الإمام، وأبطلوا في نص روايتهم صلاة المذكور، وهذه صفة آخر صلاة صلاها أبو بكر خلف رسول الله صلى الله عليه وسلم بحضرة جميع المهاجرين والأنصار إلا الأقل منهم، وتركوا إباحة الشرب لكل ما لا يسكر من المباحات في جميع الظروف وهو الناسخ، وأخذوا بالنهي عن الدباء والمزفت وهو منسوخ بالنص الجلي، وكان ذلك في أول الإسلام. وتركوا ما في سورة براءة وهي آخر سورة نزلت على رسول الله صلى الله عليه وسلم من أنه لا تؤخذ جزية إلا من كتابي وتركوا أيضا ما فيها من قوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون}

prayer leader permissible when the able-bodied people behind him are seated or standing, although this describes the last prayer Allah's Messenger ﷺ performed. They clung to a hadith transmitted by al-Juʿfi, who is a liar, from al-Shaʿbi, with the chain disconnected before the Prophet: "No one is to lead the prayer seated after me." This is a Kufan report. They reject authentic reports transmitted by the people of Kufa, yet cling to this report from the transmissions of the people of Kufa, whose falsity is beyond doubt. They disapproved of pronouncing the declaration of Allah's greatness in response to the prayer leader's declaration, and, according to the explicit wording of their own transmission, declared the prayer of the aforementioned person invalid. Yet this describes the last prayer Abu Bakr performed behind the Messenger of Allah ﷺ, in the presence of all the Emigrants and Helpers except a very few of them. They abandoned the permission to drink any permitted substance that does not intoxicate, in any kind of vessel—which is the abrogating ruling—and adopted the prohibition concerning gourds and pitch-coated vessels, which is abrogated by an unequivocal text and belonged to the beginning of Islam. They abandoned what is in Surat Baraʾah, the last surah revealed to the Messenger of Allah ﷺ: that the poll tax is to be taken only from a person belonging to the People of the Book. They also abandoned what it contains of the Exalted's words: "Fight those who do not believe in Allah or in the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, from among

those who were given the Book, until they pay the poll tax out of hand, while humbled."[131][132][133][134][135][136]

L692–693 And they clung to the report about giving a choice to someone who embraced Islam while having more than four wives, although there cannot be anyone who has married more than four in a legally valid marriage: the marriage of someone who marries a fifth wife today is invalid from the moment he contracts it, annulled and impermissible, even if the unbelievers permit it, because Allah the Exalted has forbidden it, and Allah the Exalted's prohibition extends to them and binds them. They abandoned the prohibition against fasting while travelling during Ramadan—which is the abrogating ruling—and adopted the permission to do so, which is abrogated. They abandoned the prohibition against speaking with the prayer leader to rectify the prayer—which is the abrogating ruling—and clung to the particularized, abrogated ruling. They abandoned reciting "By those sent forth" in the sunset prayer, although this was among his last practices ﷺ. They abandoned his applying

وتعلقوا بحديث تخيير من أسلم وعنده أكثر من أربع نسوة، لأنه لا يجوز أن يوجد أحد نكح أكثر من أربع نكاحا جائزا، لأن نكاح من نكح خامسة اليوم باطل حين عقده إياه، مفسوخ لا يجوز وإن جوزه الكفار لأن الله تعالى قد حرمه، وتحريم الله تعالى لاحق بهم لازم لهم. وتركوا النهي عن الصوم في السفر في رمضان، وهو الناسخ، وأخذوا بإباحة ذلك وهي منسوخة، وتركوا النهي عن الكلام مع الإمام في إصلاح الصلاة، وهو الناسخ، وتعلقوا بالمخصوص المنسوخ، وتركوا قراءة والمرسلات في المغرب وهو من آخر فعله صلى الله عليه وسلم وتركوا تطيبه صلى الله عليه وسلم لحله ولإحرامه قبل أن يطوف بالبيت وهو آخر فعله عليه السلام، وتعلقوا بالمنسوخ المخصوص الذي كان في الحديبية قبل حجة الوداع وتركوا إيجابه عليه السلام السلب للقاتل وكان في غزوة حنين وهو الناسخ وتعلقوا بما كان في غزوة مؤتة وهو منسوخ قبل حنين وتركوا ما في سورة براءة من ألا يهادن مشرك إلا على الإسلام ولا كتابي إلا على الصغار والجزية، وأخذوا بحديث أبي جندل، وهو منسوخ قبل براءة ومثل هذا كثير

[131] **Translator's note (L684):** The expression فلإن فرق is apparently corrupt. The translation renders the question demanded by the surrounding comparison: "What distinction is there …?"

[132] **Translator's note (L686):** The wording بعض ما سلف literally refers to "some of what preceded," but the surrounding argument concerns earlier people; the translation reflects this apparent reference.

[133] **Translator's note (L687):** The Quranic quotation corresponds to 2:159. Its transcription repeatedly omits the initial alif in the definite article; the translation follows the supplied wording, whose meaning remains clear.

[134] **Translator's note (L689):** The supplied wording وروعه is rendered as "and conscience," taking روع in the sense of the inward mind or heart. The context could suggest ورعه, "his scrupulousness," but that is not the supplied reading. The hadith has يوم القيام, an apparently truncated form of "the Day of Resurrection"; this has been translated according to its evident sense.

[135] **Translator's note (L690):** The wording وأخذوا بالأول المنسوخ لذلك is syntactically awkward; the translation takes لذلك as referring to the later practice's abrogation of the earlier one. The expression ويبني سائر من خلفه على من كبروا في أول صلاتهم is compressed. The translation preserves its reference to continuing the prayer on the basis of the leader under whom the opening declaration was pronounced.

[136] **Qur'an references (L684):** Qur'an 2:159 (Al-Baqarah).

perfume ﷺ upon release from ritual consecration and for entering ritual consecration, before circumambulating the House, although this was his last practice, peace be upon him. They clung to the abrogated ruling confined to the particular circumstances at al-Hudaybiyyah, before the Farewell Pilgrimage. They abandoned his awarding the slain combatant's personal effects to his killer, peace be upon him, which occurred during the expedition of Hunayn and is the abrogating ruling. They clung to what occurred during the expedition of Mu'tah, which was abrogated before Hunayn. They abandoned what is in Surat Bara'ah: that no truce is to be made with a polytheist except on the condition of accepting Islam, nor with a person belonging to the People of the Book except on the condition of submission and payment of the poll tax. They adopted the report of Abu Jandal, which was abrogated before Bara'ah. There are many instances like this.[137]

L694 **[Section explaining the cause of the disagreement that arose among the leading scholars in the early period of this community]**

L695–704 If it is said, "On what grounds, then, did he and those before him abandon many of the reports?" the answer is—and success comes through Allah—we have explained this previously, but we now introduce sections that require repeating what has already been mentioned, so it must be repeated. Malik and others are human beings who forget just as other people forget. You may find a man who has memorized a report, yet it does not come to mind, so that he issues a legal opinion contrary to it. This may even happen with verses of the Quran. While on the pulpit, 'Umar ordered that women's marriage payments should not exceed an amount he specified. A woman reminded him of Allah the Exalted's words: "If you wish to replace one wife with another and have given one of them a great sum, take nothing from it. Would you

[137] **Translator's note (L693):** The clause beginning "although there cannot be anyone" is introduced in the Arabic by "because"; its precise logical connection to the preceding criticism is awkward. "By those sent forth" identifies Surat al-Mursalat by its opening words. "Upon release from ritual consecration and for entering ritual consecration, before circumambulating the House" preserves the source's compressed wording and placement of the temporal phrase.

[فصل فيه بيان سبب الاختلاف الواقع بين الأئمة في صدر هذه الأمة]

فإن قيل فعلى أي وجه ترك هو ومن قبله كثيرا من الأحاديث؟ قيل له وبالله التوفيق: وقد بينا هذا فيما خلا، ولكن نأتي بفصول تقتضي تكرار ما قد ذكر فلا بد من تكراره، وذلك أن مالكا وغيره بشر ينسى كما ينسى سائر الناس، وقد تجد الرجل يحفظ الحديث ولا يحضره ذكره حتى يفتي بخلافه، وقد يعرض هذا في آي القرآن، وقد أمر عمر على المنبر بألا يزاد في مهور النساء على عدد ذكره، فذكرته امرأة بقول الله تعالى {وإن أردتم ستبدال زوج مكان زوج وآتيتم إحداهن قنطارا فلا تأخذوا منه شيئا أتأخذونه بهتانا وإثما مبينا} فترك قوله وقال: كل أحد أفقه منك يا عمر، وقال: امرأة أصابت وأمير المؤمنين أخطأ، وأمر برجم امرأة ولدت لستة أشهر فذكره علي بقول الله تعالى {ووصينا لإنسان بوالديه إحسانا حملته أمه كرها ووضعته كرها وحمله وفصاله ثلاثون شهرا حتى إذا بلغ أشده وبلغ أربعين سنة قال رب أوزعني أن أشكر نعمتك لتي أنعمت علي وعلى والدي وأن أعمل صالحا ترضاه وأصلح لي في ذريتي

take it through slander and manifest sin?" He then abandoned his statement and said, "Everyone has greater understanding of the law than you, O ʿUmar." He also said, "A woman was right, and the Commander of the Faithful was wrong." He ordered the stoning of a woman who had given birth after six months, but ʿAli reminded him of Allah the Exalted's words: "We have enjoined upon the human being kindness toward his parents. His mother carried him with hardship and delivered him with hardship; his gestation and weaning are thirty months. Then, when he reaches his full strength and reaches forty years, he says, 'My Lord, inspire me to give thanks for Your favor which You have bestowed upon me and upon my parents, and to do righteous deeds that please You; and make my offspring righteous for me. I have repented to You, and I am among those who submit.'" Together with His words, exalted is He: "Mothers shall nurse their children for two complete years, for whoever wishes to complete the nursing. The father shall provide their sustenance and clothing in accordance with what is customary. No soul is charged beyond its capacity. No mother shall be harmed on account of her child, nor any father on account of his child. The heir bears the like of that obligation. If the two desire weaning by mutual consent and consultation, there is no blame upon them. If you wish to have your children nursed by others, there is no blame upon you, provided you hand over what you have agreed to give in accordance with what is customary. Be mindful of Allah, and know that Allah sees what you do." He then withdrew the order to stone her. He intended to strike ʿUyaynah ibn Hisn when the latter said to him, "O ʿUmar, you do not give us generous gifts, nor do you judge justly among us." Al-Hurr ibn Qays ibn Hisn ibn Hudhayfah reminded him of Allah the Exalted's words: "Accept what comes readily, command what is right, and turn away from the ignorant." He said to him, "Commander of the Faithful, this man is one of the ignorant," and ʿUmar restrained himself. On the day the Messenger of Allah ﷺ died, he said, "By Allah, the Messenger of Allah ﷺ has not died, nor will he die until he is the last of us," or words to this effect, until the following was recited to him: "You will indeed die, and they will indeed die." The sword then fell from his hand, and he fell to the ground, saying, "By Allah, it is as though I had never read it at all." If this is possible with the Quran, it is still more possible with a report. He may

إني تبت إليك وإني من لمسلمين} مع قوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} فرجع عن الأمر برجمها. وهم أن يسطو بعيينة بن حصن، إذ قال له: يا عمر ما تعطينا الجزل، ولا تحكم فينا بالعدل. فذكره الحر بن قيس بن حصن بن حذيفة بقول الله تعالى {خذ لعفو وأمر بلعرف وأعرض عن لجاهلين} وقال له يا أمير المؤمنين هذا من الجاهلين فأمسك عمر وقال يوم مات رسول الله صلى الله عليه وسلم والله ما مات رسول الله صلى الله عليه وسلم ولا يموت حتى يكون آخرنا أو كلاما هذا معناه، حتى قرئت عليه: {إنك ميت وإنهم ميتون} فسقط السيف من يده وخر إلى الأرض وقال كأني والله لم أكن قرأتها قط فإذا أمكن هذا في القرآن فهو في الحديث أمكن، وقد ينساه البتة، وقد لا ينساه بل يذكره، ولكن يتأول فيه تأويلا فيظن فيه خصوما أو نسخا أو معنى ما، وكل هذا لا يجوز اتباعه إلا بنص أو إجماع، لأنه رأي من رأى ذلك، ولا يحل تقليد أحد ولا قبول رأيه. وقد علم كل أحد أن الصحابة رضوان الله عليهم كانوا حوالي رسول الله صلى الله عليه وسلم بالمدينة مجتمعين وكانوا ذوي معايش يطلبونها، وفي ضنك من القوت شديد قد جاء ذلك منصوصا وأن النبي صلى الله عليه وسلم وأبا بكر وعمر أخرجهم الجوع من بيوتهم فكانوا من متحرف في الأسواق ومن قائم على نخلة ويحضر رسول الله صلى الله عليه وسلم في كل وقت منهم الطائفة إذا وجدوا أدنى فراغ مما هم بسبيله، هذا ما لا يستطيع أحد أن ينكره وقد ذكر ذلك أبو هريرة فقال: إن إخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن

forget it altogether; or he may not forget it, but remember it and interpret it, supposing that it entails a restriction to particular cases, or abrogation, or some other meaning. None of this may be followed except on the basis of a text or consensus, because it is the opinion of the person who holds that view, and it is not lawful to follow anyone unquestioningly or to accept his opinion. Everyone knows that the Companions, may Allah be pleased with them, were gathered around the Messenger of Allah ﷺ in Medina, and that they had livelihoods to pursue and suffered severe scarcity of sustenance. This has been expressly reported, as has the fact that the Prophet— may Allah bless him and grant him peace— and Abu Bakr and ʿUmar were driven from their homes by hunger. Some of them therefore worked at trades in the markets, while others tended their date palms. At any given time, a group of them would attend the Messenger of Allah ﷺ whenever they found the slightest respite from their occupations. This is something no one can deny. Abu Hurayrah mentioned it, saying, "My brothers among the Emigrants were occupied with striking bargains in the markets, and my brothers among the Helpers were occupied with tending their date palms. I was a poor man who accompanied the Messenger of Allah ﷺ for enough to fill my belly." ʿUmar also acknowledged this, saying, "Something like this from the reports of the Messenger of Allah ﷺ escaped me; striking bargains in the markets distracted me." He mentioned this in the report about Abu Musa's asking permission to enter. The Messenger of Allah ﷺ would be asked about a question, issue a ruling, command something, or do something; whoever was present would retain it, while it would remain unknown to whoever was absent from him. When the Prophet ﷺ died and Abu Bakr, may Allah be pleased with him, assumed authority, the Companions began from that point to disperse for jihad against Musaylimah and the people of the apostasy, and to Syria and Iraq. Some remained in Medina with Abu Bakr, may Allah be pleased with him. Whenever a case arose concerning which he possessed no instruction from the Prophet ﷺ, he would ask the Companions present with him about it. If he found something with them, he referred to it; otherwise, he exercised independent judgment in ruling, and nothing further was incumbent upon him. When ʿUmar, may Allah be pleased with him, assumed authority, the cities were conquered, and the

إخواني من الأنصار كان يشغلهم القيام على نخلهم وكنت امرأ مسكينا أصحب رسول الله صلى الله عليه وسلم على ملء بطني وقد أقر بذلك عمر فقال فاتني مثل هذا من حديث رسول الله صلى الله عليه وسلم ألهاني الصفق في الأسواق ذكر ذلك في حديث استئذان أبي موسى فكان رسول الله صلى الله عليه وسلم يسأل عن المسألة ويحكم بالحكم ويأمر بالشيء ويفعل الشيء، فيعيه من حضره ويغيب بمن غاب عنه فلما مات النبي صلى الله عليه وسلم وولي أبو بكر رضي الله عنه فمن حينئذ تفرق الصحابة للجهاد، إلى مسيلمة وإلى أهل الردة، وإلى الشام والعراق، وبقي بعضهم بالمدينة مع أبي بكر رضي الله عنه. فكان إذا جاءت القضية ليس عنده فيها عن النبي صلى الله عليه وسلم أمر سأل من بحضرته من الصحابة عن ذلك فإن وجد عندهم رجع إليه وإلا اجتهد في الحكم، ليس عليه غير ذلك، فلما ولي عمر رضي الله عنه فتحت الأمصار، وزاد تفرق الصحابة في الأقطار، فكانت الحكومة تنزل في المدينة أو في غيرها من البلاد، فإن كان عند الصحابة الحاضرين لها في ذلك عن النبي صلى الله عليه وسلم أثر حكم به وإلا اجتهد أمير تلك المدينة في ذلك وقد يكون في تلك القضية حكم عن النبي صلى الله عليه وسلم موجود عند صاحب آخر في بلد آخر وقد حضر المديني ما لم يحضر المصري، وحضر المصري ما لم يحضر الشامي، وحضر الشامي ما لم يحضر البصري، وحضر البصري ما لم يحضر الكوفي، وحضر الكوفي ما لم يحضر المديني، كل هذا موجود في الآثار وفي ضرورة العلم بما قدمنا من مغيب بعضهم عن مجلس النبي صلى الله عليه وسلم في بعض الأوقات وحضور غيره ثم مغيب الذي حضر أمس وحضور الذي غاب فيدري كل واحد منهم ما حضر ويفوته ما غاب عنه وهذا معلوم ببديهة العقل وقد كان علم التيمم عند عمار وغيره وجهله عمر وابن مسعود فقالا لا يتيمم الجنب، ولو لم يجد الماء شهرين وكان حكم المسح عند علي وحذيفة رضي الله عنهما

Companions became still more widely dispersed throughout the regions. A case requiring adjudication would arise in Medina or elsewhere in the lands. If the Companions present for it possessed a transmitted report from the Prophet ﷺ concerning it, judgment was rendered according to that report; otherwise, the governor of that city exercised independent judgment concerning it. There might, however, be a ruling from the Prophet ﷺ on that case in the possession of another Companion in another land. The Medinan had witnessed what the Egyptian had not witnessed, and the Egyptian had witnessed what the Syrian; and the Syrian witnessed what the Basran did not witness, the Basran witnessed what the Kufan did not witness, and the Kufan witnessed what the Medinan did not witness. All this is found in the transmitted reports and is necessarily known from what we have already explained: some of them were absent from the Prophet's ﷺ gathering at certain times while others attended; then someone who had attended yesterday would be absent, while someone who had been absent would attend. Each of them thus knew what he had witnessed and missed what took place in his absence. This is known by the immediate judgment of reason. Knowledge of dry ablution was possessed by Ammar and others, whereas Umar and Ibn Masud did not know it. They therefore said that someone in a state of major ritual impurity should not perform dry ablution, even if he could find no water for two months. The ruling on wiping was known to Ali and Hudhayfa—may Allah be pleased with them both—and others, whereas Aisha, Ibn Umar, and Abu Hurayra did not know it, although they were Medinans. Ibn Masud knew that a son's daughter inherits alongside a daughter, whereas Abu Musa did not. The ruling on seeking permission to enter was known to Abu Musa and Abu Said, whereas Umar did not know it. The ruling permitting a menstruating woman to depart before performing the circumambulation was known to Ibn Abbas and Umm Sulaym, whereas Umar and Zayd ibn Thabit did not know it. The ruling prohibiting temporary marriage and domestic donkeys was known to Ali and others, whereas Ibn Abbas did not know it. The ruling on currency exchange was known to Umar, Abu Said, and others, whereas Talha, Ibn Abbas, and Ibn Umar did not know it. The ruling on expelling the people under a covenant of protection from the lands of the Arabs was known to Ibn Abbas and Umar. Umar then forgot it for years and left

وغيرهم، وجهلته عائشة وابن عمر وأبو هريرة، وهم مدنيون. وكان توريث بنت الابن مع البنت عند ابن مسعود، وجهله أبو موسى، وكان حكم الاستئذان عند أبي موسى، وعند أبي سعيد وجهله عمر. وكان حكم الإذن للحائض في أن تنفر قبل أن تطوف، عند ابن عباس وأم سليم، وجهله عمر وزيد بن ثابت، وكان حكم تحريم المتعة والحمر الأهلية عند علي وغيره، وجهله ابن عباس. وكان حكم الصرف عند عمر وأبي سعيد وغيرهما وجهله طلحة وابن عباس وابن عمر، وكان حكم إجلاء أهل الذمة من بلاد العرب، عند ابن عباس وعمر فنسيه عمر سنين فتركهم حتى ذكر فذكر، فأجلاهم. وكان علم الكلالة عند بعضهم، ولم يعلمه عمر، وكان النهي عن بيع الخمر عند عمر وجهله سمرة. وكان حكم الجدة عند المغيرة ومحمد بن مسلمة وجهله أبو بكر وعمر. وكان حكم أخذ الجزية من المجوس، وألا يقدم على بلد فيه الطاعون، عند عبد الرحمن بن عوف، وجهله عمر وأبو عبيدة وجمهور الصحابة رضوان الله عنهم وكان حكم ميراث الجد عند معقل بن سنان، وجهله عمر. ومثل هذا كثير جدا، فمضى الصحابة على ما ذكرنا، ثم خلف بعدهم التابعون الآخذون عنهم، وكل طبقة من التابعين في البلاد التي ذكرنا فإذا تفقهوا مع من كان عندهم من الصحابة، وكانوا لا يتعدون فتاويهم، لا تقليدا لهم، ولكن لأنهم إنما أخذوا ورووا عنهم، إلا اليسير مما بلغهم عن غير من كان في بلادهم من الصحابة رضي الله عنهم، كاتباع أهل المدينة في الأكثر فتاوى ابن عمر، واتباع أهل الكوفة في الأكثر فتاوى ابن مسعود واتباع أهل مكة في الأكثر فتاوى ابن عباس. ثم أتى بعد التابعين فقهاء الأمصار: كأبي حنيفة، وسفيان، وابن أبي ليلى بالكوفة، وابن جريج بمكة، ومالك وابن الماجشون بالمدينة، وعثمان البتي وسوار بالبصرة، والأوزاعي بالشام، والليث بمصر، فجروا على تلك الطريقة من أخذ كل واحد منهم عن التابعين من أهل بلده فيما كان عندهم، واجتهادهم فيما لم يجدوا عندهم وهو موجود عند غيرهم و {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها

them there until he was reminded; he then remembered and expelled them. Knowledge of inheritance where there is neither a parent nor a child was possessed by some of them, whereas Umar did not know it. The prohibition on selling wine was known to Umar, whereas Samura did not know it. The ruling concerning a grandmother was known to al-Mughira and Muhammed ibn Maslama, whereas Abu Bakr and Umar did not know it. The ruling on taking the poll tax from the Magians and on not entering a land in which there is plague was known to Abd al-Rahman ibn Awf, whereas Umar, Abu Ubayda, and the majority of the Companions—may Allah's good pleasure be upon them—did not know it. The ruling on a grandfather's inheritance was known to Maqil ibn Sinan, whereas Umar did not know it. Instances of this kind are exceedingly numerous. The Companions thus went their way as we have described. After them came the Successors, who received knowledge from them, with each generation of Successors in the lands we have mentioned. When they acquired understanding of the law with the Companions who were among them, they did not go beyond their legal opinions—not out of uncritical adherence to them, but because it was from them that they received and transmitted knowledge, apart from the little that reached them from Companions other than those who were in their lands—may Allah be pleased with them. Thus, the people of Medina followed Ibn Umar's legal opinions for the most part, the people of Kufa followed Ibn Masud's legal opinions for the most part, and the people of Mecca followed Ibn Abbas's legal opinions for the most part. Then, after the Successors, came the jurists of the provincial centers, such as Abu Hanifa, Sufyan, and Ibn Abi Layla in Kufa; Ibn Jurayj in Mecca; Malik and Ibn al-Majishun in Medina; Uthman al-Batti and Sawwar in Basra; al-Awzai in Syria; and al-Layth in Egypt. They proceeded according to that method: each received from the Successors of his own locality whatever knowledge they possessed, and exercised independent legal judgment concerning what he did not find with them, although it existed with others. And: {Allah does not burden a soul beyond its capacity. It shall have what it has earned, and against it shall be what it has earned. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden like that which You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon

ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين}

us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people.}[138][139][140][141][142][143]

L705–707 Everyone we have mentioned receives two rewards for those matters in which he arrives at the Prophet's ﷺ ruling, and one reward for those matters in which that ruling remained hidden from him. A man among those we have mentioned may receive two reports whose apparent meanings conflict, and incline toward one rather than the other by some form of giving preference that we have established as sound or invalidated earlier in this chapter. Someone else inclines toward the report that this man set aside, by some form of those same grounds for preference. Thus it is related of Uthman, concerning combining two sisters: "One verse prohibited them both, and another verse permitted them both." Likewise, Ibn Umar inclined toward prohibiting women of the People of the Scripture altogether, on the basis of

[138]**Translator's note (L697):** The word rendered "a restriction to particular cases" is written خصوما, which ordinarily means "adversaries" and is incongruous here. The context suggests خصوصا, referring to particular applicability; the translation follows that apparent intended reading while recording the supplied wording. The account connects ʿUmar's reaction at the Prophet's death with "You will indeed die, and they will indeed die" (Quran 39:30). This is the verse quoted in the source; it has not been replaced with the different verse commonly associated with that episode. The final salutation is split between this unit and the next; only its supplied first portion is translated here.

[139]**Translator's note (L698):** This is the concluding fragment of the salutation begun in the preceding unit.

[140]**Translator's note (L701):** "The Syrian" completes the comparison begun in the preceding segment. "Wiping" refers here to the ritual ruling on wiping over footwear; the Arabic leaves the object unstated.

[141]**Translator's note (L703):** "Inheritance where there is neither a parent nor a child" renders kalala; the precise scope of this technical inheritance term is itself disputed. The wording connecting "each generation of Successors" with "when they acquired understanding" is syntactically awkward in the supplied text. The source names Maqil ibn Sinan as the transmitter of the ruling concerning a grandfather; that attribution has been retained.

[142]**Translator's note (L704):** The quotation corresponds to Quran 2:286. Its supplied transcription repeatedly omits initial alifs in recognizable words, including the divine name and several articles and imperatives. The English follows the identifiable wording; these transcription defects are recorded here rather than silently left unacknowledged.

[143]**Qur'an references (L695):** Qur'an 4:20 (An-Nisa); Qur'an 46:15 (Al-Ahqaf); Qur'an 2:233 (Al-Baqarah); Qur'an 39:30 (Az-Zumar); Qur'an 2:286 (Al-Baqarah).

وكل ما ذكرنا مأجور على ما أصاب فيه حكم النبي صلى الله عليه وسلم أجرين ومأجور فيما خفي عنه منه أجرا واحدا، وقد يبلغ الرجل مما ذكرنا حديثان ظاهرهما التعارض، فيميل إلى أحدهما دون الثاني بضرب من الترجيحات التي صححنا أو أبطلنا قبل هذا في هذا الباب ويميل غيره إلى الحديث الذي ترك هذا بضرب من تلك الترجيحات كما روي عن عثمان في الجمع بين الأختين، حرمتهما آية، وأحلتهما آية، وكما مال ابن عمر إلى تحريم نساء أهل الكتاب جملة بقوله {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} قال ولا أعلم شركا أعظم من قول المرأة إن عيسى ربها. وغلب ذلك على الإباحة المنصوصة في الآية الأخرى، وكما جعل ابن عباس عدة الحامل آخر الأجلين من وضع الحمل، أو تمام أربعة أشهر وعشر، وكما تأول بعض الصحابة في الحمر الأهلية أنها إنما حرمت لأنها لم تخمس، وتأول آخر منهم أنها حرمت لأنها حمولة الناس، وتأول آخر منهم أنها حرمت لأنها كانت تأكل العذرة، وقال بعضهم: بل حرمت لعينها، وكما تأول قدامة في شرب الخمر قول الله تعالى {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا والله يحب لمحسنين} فعلى هذه الوجوه ترك مالك ومن كان قبله ما تركوا من الأحاديث والآيات، وعلى هذه الوجوه خالفهم نظراؤهم، فأخذ هؤلاء ما ترك أولئك، وأخذ أولئك ما ترك هؤلاء، فهي وجوه عشرة كما ذكرنا: أحدها: ألا يبلغ العالم الخبر فيفتي فيه بنص آخر بلغه، كما قال عمر في خبر الاستئذان خفي علي هذا من رسول الله صلى الله عليه وسلم ألهاني الصفق بالأسواق وقد أوردناه

His saying: {Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not give women in marriage to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and makes His signs clear to people, so that they may take heed.} He said: "I know of no association of partners with Allah greater than a woman's saying that Jesus is her Lord." He gave that precedence over the permission expressly stated in the other verse. Likewise, Ibn Abbas made a pregnant woman's waiting period the later of the two terms: delivery of the child or the completion of four months and ten days. Likewise, some of the Companions interpreted the prohibition of domestic donkeys as being solely because the one-fifth levy had not been taken from them. Another of them interpreted their prohibition as being because they were the people's beasts of burden. Another of them interpreted their prohibition as being because they ate excrement. Some of them said: "Rather, they were prohibited in themselves." Likewise, concerning drinking wine, Qudama interpreted the saying of Allah Most High: {There is no blame upon those who believe and do righteous deeds for what they have consumed, provided that they are mindful of Allah, believe, and do righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good; and Allah loves those who do good.} It was on these grounds that Malik and those before him set aside the reports and verses that they set aside. On these grounds their peers disagreed with them: these accepted what those set aside, and those accepted what these set aside. There are thus ten grounds, as we have mentioned. The first is that a report does not reach the scholar, so he gives a legal opinion on the matter according to another text that has reached him. Thus Umar said concerning the report on seeking permission to enter: "This from the Messenger of Allah ﷺ escaped my knowledge; trading in the markets distracted me." We have cited it elsewhere with its chain of transmission through al-Bukhari. The second is that it occurs to him that the report's transmitter did not retain it accurately and made a mistake, as Umar did with the report of Fatima bint Qays, and as Aisha did with the report that the deceased is punished because of his family's weeping. This is a supposition with no sub-

بإسناده من طريق البخاري في غير هذا المكان. وثانيها: أن يقع في نفسه أن راوي الخبر لم يحفظ، وأنه وهم كفعل عمر في خبر فاطمة بنت قيس، وكفعل عائشة في خبر الميت يعذب ببكاء أهله، وهذا ظن لا معنى له، إن أطلق بطلت الأخبار كلها وإن خص به مكان دون مكان كانت تحكما بالباطل. وثالثها: أن يقع في نفسه أنه منسوخ كما ظن ابن عمر في آية نكاح الكتابيات. ورابعها: أن يغلب نصا على نص بأنه أحوط وهذا لا معنى له، إذ لا يوجبه قرآن ولا سنة. وخامسها: أن يغلب نصا على نص لكثرة العاملين به أو لجلالتهم، وهذا لا معنى له لما قد أفدناه قبلا في ترجيح الأخبار. وسادسها: أن يغلب نصا لم يصح على نص صحيح وهو لا يعلم بفساد الذي غلب وسابعها أن يخصص عموما بظنه

stance: if applied without restriction, all reports would be invalidated; and if applied to one instance rather than another, it would be an arbitrary judgment based on falsehood. The third is that it occurs to him that it has been abrogated, as Ibn Umar supposed concerning the verse on marrying women of the Scripture. The fourth is that he gives one text precedence over another because it is more cautious. This has no substance, since neither the Quran nor the Sunna requires it. The fifth is that he gives one text precedence over another because of the large number of those who act upon it, or because of their eminence. This has no substance, for the reasons we have already explained concerning giving preference among reports. The sixth is that he gives a text whose authenticity has not been established precedence over an authentic text, without knowing the unsoundness of the one to which he has given precedence. The seventh is that he restricts the scope of a general expression on the basis of his supposition.[144][145][146]

L708–711 The eighth is that he adopts a general expression whose adoption was not required, and sets aside that which establishes the restriction of its scope. The ninth is that he interprets a report as meaning something other than its apparent meaning, without demonstration, on account of a cause he has conjectured without demonstration. The tenth is that he sets aside an authentic text because of a Companion's statement that has reached him, supposing that the Companion only set aside that text because of knowledge he possessed. These are suppositions that give rise to the disagreement which Allah—Mighty and Majestic—knew beforehand would occur. We ask Allah Most High, by His gracious favor, to keep us steadfast upon the truth. Amen. Then journeys to distant regions became numerous, people mingled

[144] **Translator's note (L705):** "Combining two sisters" concerns having sexual relations with two sisters held in ownership; the Arabic itself leaves that setting unstated. The quotation corresponds to Quran 2:221. The supplied transcription omits initial alifs in several words, including the divine name and definite articles.

[145] **Translator's note (L706):** The waiting period discussed is that of a pregnant widow; "widow" is supplied by the legal context, rather than explicitly stated in this segment. "The one-fifth levy had not been taken from them" refers to the allocation of one-fifth of war booty. The quotation corresponds to Quran 5:93. The supplied transcription omits initial alifs in several words, including the divine name and definite articles.

[146] **Qur'an references (L705):** Qur'an 2:221 (Al-Baqarah); Qur'an 5:93 (Al-Ma'idah).

وثامنها أن يأخذ بعموم لم يجب الأخذ به ويترك الذي يثبت تخصيصه. وتاسعها: أن يتأول في الخبر غير ظاهره بغير برهان لعله ظنها بغير برهان. وعاشرها: أن يترك نصا صحيحا لقول صاحب بلغه، فيظن أنه لم يترك ذلك النص إلا لعلم كان عنده. فهذه ظنون توجب الاختلاف الذي سبق في علم الله عز وجل، أنه سيكون، ونسأل الله تعالى التثبيت على الحق بمنه آمين. ثم كثرت الرحل إلى الآفاق، وتداخل الناس والتقوا وانتدب أقوام لجمع حديث النبي صلى الله عليه وسلم وضمه وتقييده ووصل من البلاد البعيدة إلى من لم يكن عنده وقامت الحجة على من بلغه شيء منه، وجمعت الأحاديث المبينة لصحة أحد التأويلات المتأول في الحديث، وعرف الصحيح من السقيم، وزيف الاجتهاد المؤدي إلى خلاف كلام رسول الله صلى الله عليه وسلم وإلى ترك عمله وسقط العذر عمن خالف ما بلغه من السنن بلوغه إليه، وقيام الحجة به عليه، فلم يبق إلا العناد والجهل، والتقليل والإثم. وعلى هذا الطريق كان الصحابة رضي الله عنهم، وكثير من التابعين يرحلون في طلب الحديث الواحد الأيام الكثيرة، وقد رحل أبو أيوب من المدينة إلى مصر، إلى عقبة بن عامر في حديث واحد. وكتب

and met, and groups undertook to collect the reports of the Prophet ﷺ, bring them together, and record them in writing. They reached, from distant lands, those who had not possessed them, and the proof became binding upon anyone whom any of them reached. The reports that clarified the soundness of one of the interpretations advanced concerning a report were collected, and the authentic was distinguished from the unsound, and the spuriousness of independent legal reasoning that leads to contradicting the words of the Messenger of Allah ﷺ and abandoning his practice became known. The excuse of anyone who contradicted the transmitted practices that had reached him fell away once they reached him and the proof was established against him through them. Nothing then remained but obstinacy, ignorance, belittlement, and sin. It was on this course that the Companions, may Allah be pleased with them, and many of the Followers would travel for many days in pursuit of a single hadith. Abu Ayyub traveled from Medina to Egypt, to ʿUqbah ibn ʿAmir, for a single hadith. Muʿawiyah wrote to al-Mughirah: "Write to me what you heard from the Messenger of Allah ﷺ." ʿAlqamah and al-Aswad traveled to ʿA'ishah and ʿUmar, may Allah be pleased with them both, and ʿAlqamah traveled to Abu al-Darda' in Syria. We have thus explained why those who abandoned some hadiths did so, removed the grounds for objection concerning this, and dispelled the difficulty altogether. There is neither power nor strength except through Allah, the Most High, the Magnificent.

Abu Muhammed said: Some of them have sought to mislead by saying that Ibn Masʿud would be asked about something and leave it until he came to Medina. ʿAli said: This occurred in only two questions. One was the question of marrying the mother of a woman with whom he had not consummated the marriage; ʿUmar disagreed with him, although a position like Ibn Masʿud's has been authentically transmitted from Zayd ibn Thabit, who was a Medinan. The second was his sale of the public treasury's refuse; he subsequently retracted that. ʿAli said: How could this be, when it is authentically established that Ibn Masʿud said, speaking of himself: "There is no surah in the Book of Allah Most High concerning which I do not know what occasioned its revelation, and if I knew the whereabouts of a man more knowledgeable

معاوية إلى المغيرة اكتب إلي ما سمعته من رسول الله صلى الله عليه وسلم ورحل علقمة والأسود إلى عائشة وعمر رضي الله عنهما، ورحل علقمة إلى أبي الدرداء بالشام. فقد بينا وجه ترك من ترك بعض الحديث وأزحنا العلة في ذلك، ورفعنا الإشكال جملة، ولا حول ولا قوة إلا بالله العلي العظيم. قال أبو محمد: وقد موه بعضهم بأن قال: إن ابن مسعود كان يسأل عن الشيء فيتركه حتى يأتي المدينة. قال علي: وإنما كان هذا في مسألتين فقط وهي: مسألة نكاح الأم التي لم يدخل بابنتها فخالفه عمر، وقد صح عن زيد بن ثابت وهو مدني مثل قول ابن مسعود. والثانية: بيعه نفاية بيت المال، ثم رجع عن ذلك. قال علي: وكيف يكون هذا والصحيح أن ابن مسعود قال مخبرا عن نفسه: ما من سورة من كتاب الله تعالى إلا وأنا أدري فيما نزلت، ولو أني أعلم مكان رجل أعلم مني بكتاب الله عز وجل تبلغني إليه الإبل لأتيته. فكيف يرجع إلى قول غيره من هذه صفته؟ ولقد صدق رضي الله عنه وهو الذي أمر رسول الله صلى الله عليه وسلم أن يتمسك بعهده وأن يؤخذ القرآن عنه وعن ثلاثة مذكورين معه، وقد صح أن عمر بن الخطاب أمر برجم مجنونة، فرده عن ذلك وهو كوفي وكذلك وجد عند المغيرة خبر إملاص المرأة وهو كوفي لم يكن عند أهل المدينة.

than I about the Book of Allah, Mighty and Majestic, whom camels could carry me to, I would go to him." How, then, could someone whose description is such defer to someone else's opinion? He certainly spoke truthfully, may Allah be pleased with him. He is the one whose injunction the Messenger of Allah ﷺ commanded people to hold fast to, and from whom he commanded them to learn the Quran, together with three others named alongside him. It is authentically established that ʿUmar ibn al-Khattab ordered an insane woman to be stoned, but he dissuaded him from that, although he was a Kufan. Likewise, the report concerning a woman's miscarriage was found with al-Mughirah, who was a Kufan; the people of Medina did not possess it.[147][148][149]

L712–729 ʿAli said: Some of them have sought to mislead by citing what ʿAbd Allah ibn Rabiʿ related to us: ʿUmar ibn ʿAbd al-Malik related to us; Muhammed ibn Bakr related to us; Abu Dawud related to us; Muhammed ibn al-Muthanna related to us; Sahl ibn Yusuf related to us, who said: Humayd reported to us, from al-Hasan, who said: Ibn ʿAbbas delivered a sermon near the end of Ramadan from the pulpit of Basra and said: "Pay the alms due for your fasting." It seemed that the people did not know, so he said: "Who here is from the people of Medina? Go to your brothers and teach them, for they do not know. The Messenger of Allah ﷺ prescribed these alms as one saʿ of dates or barley, or half a saʿ of wheat, for every free person or slave, male or female, young or old." Then, when ʿAli arrived and saw how cheap barley was, he said: "Allah has granted you abundance; why not make it a saʿ of everything?"

قال علي: وقد موه بعضهم بأن ذكر ما حدثناه عبد الله بن ربيع، ثنا عمر بن عبد الملك، ثنا محمد بن بكر، ثنا أبو داود، ثنا محمد بن المثنى، ثنا سهل بن يوسف، قال حميد: أنبأ عن الحسن قال: خطب ابن عباس في آخر رمضان على منبر البصرة فقال: أخرجوا صدقة صومكم، فكأن الناس لم يعلموا، فقال من ههنا من أهل المدينة؟ فقوموا إلى إخوانكم فعلموهم فإنهم لا يعلمون فرض رسول الله صلى الله عليه وسلم هذه الصدقة صاعا من تمر أو شعير أو نصف صاع من قمح على كل حر أو مملوك، ذكر أو أنثى، صغير أو كبير. فلما قدم علي رأى رخص الشعير، قال: قد أوسع الله عليكم فلو جعلتموه صاعا من كل شيء. قال علي: وهذا الحديث قبل كل شيء لا يصح، لوجوه ظاهرة: أولها: أن الكذب والتوليد والوضع فيه ظاهر كالشمس: لأنه لا خلاف بين أحد من أهل العلم بالأخبار، أن يوم الجمل كان لعشر خلون من جمادى الآخرة سنة ست وثلاثين، ثم أقام علي بالبصرة باقي جمادى الآخرة، وخرج راجعا إلى الكوفة في صدر رجب، وترك ابن عباس بالبصرة أميرا عليها، ولم يرجع علي بعدها إلى البصرة هذا ما لا خلاف فيه من أحد له علم بالأخبار. وفي الخبر المذكور ذكر تعليم ابن عباس أهل البصرة صدقة الفطر، ثم قدم علي بعد ذلك وهذا هو الكذب البحت الذي لا خفاء

[147] **Translator's note (L708):** In the ninth ground, the supplied reading لعله ظنها is awkward. The translation takes it as an apparent defective spelling of لعلة ظنها, "on account of a cause he conjectured." As written, لعله can instead mean "perhaps he," but that reading leaves the following feminine object pronoun without a clear antecedent.

[148] **Translator's note (L709):** The supplied التقليل means "belittlement" or "diminution." In this context it may be a transcription error for التقليد, "uncritical adherence to another's authority," but the supplied wording has been retained. The wording about marrying a mother is compressed: the daughter is the woman with whom the marriage had not been consummated.

[149] **Translator's note (L711):** The person who dissuaded ʿUmar is not named in the supplied sentence; the pronoun has been retained without inserting a name.

ʿAli said: Before anything else, this hadith is not authentic, for evident reasons. The first is that its falsehood, concoction, and fabrication are as plain as the sun. No one knowledgeable about historical reports disputes that the Day of the Camel occurred when ten days of Jumada al-Akhirah had elapsed in the year thirty-six. ʿAli then remained in Basra for the rest of Jumada al-Akhirah and departed, returning to Kufa, at the beginning of Rajab. He left Ibn ʿAbbas in Basra as its governor, and ʿAli never returned to Basra thereafter. No one with knowledge of historical reports disputes this. Yet the report cited mentions Ibn ʿAbbas teaching the people of Basra the alms of breaking the fast, and then ʿAli arriving afterward. This is sheer falsehood, with nothing obscure about it. A second reason is that al-Hasan heard nothing from Ibn ʿAbbas during his governorship of Basra. Al-Hasan was not even in Basra at that time; he was in Medina. No transmitter of hadith disputes this. There is also a third reason: it is a contrived hadith and is not authentic, because Basra was conquered and built in the year fourteen after the Emigration by ʿUtbah ibn Ghazwan al-Mazini, a participant at Badr and a Medinan. After him, al-Mughirah ibn Shuʿbah, Abu Musa, and ʿAbd Allah ibn ʿAmir governed it, all of them Medinans. Of the Medinan Companions, there settled in it more than three hundred men, including ʿImran ibn al-Husayn, Anas ibn Malik, Hisham ibn ʿAmir, al-Hakam ibn ʿAmr, and others. It was conquered in the days of ʿUmar ibn al-Khattab, and his governors succeeded one another there until Ibn ʿAbbas became its governor after a substantial initial portion of the year thirty-six after the Emigration had passed. Was there, then, no one among all these people to inform them of the obligatory alms of breaking the fast? Instead, did they neglect it, disregard it, treat it lightly, or remain ignorant of it for more than twenty-two years, throughout the caliphates of ʿUmar ibn al-Khattab and ʿUthman, may Allah be pleased with them, until Ibn ʿAbbas became their governor after the Day of the Camel? Do you suppose that ʿUmar and ʿUthman neglected to inform their subjects of this obligation? Do you suppose that the people of Basra neither performed the pilgrimage during the days of ʿUmar and ʿUthman nor entered Medina, so that the obligatory alms of breaking the fast remained unknown to them until after the Day of the Camel? This is indeed manifest error, fabricated falsehood, and the attribution of wrongdoing to

فيه. ووجه ثان: أن الحسن لم يسمع من ابن عباس أيام ولايته البصرة شيئا، ولا كان الحسن يومئذ بالبصرة، وإنما كان بالمدينة هذا ما لا خلاف فيه بين أحد من نقلة الحديث. وأيضا وجه ثالث: فإنه حديث مفتعل لا يصح، لأن البصرة فتحها وبناها سنة أربع عشرة من الهجرة عتبة بن غزوان المازني بدري مدني، ووليها بعده المغيرة بن شعبة، وأبو موسى، وعبد الله بن عامر، وكلهم مدنيون، ونزلها من الصحابة المدنيين أزيد من ثلاثمائة رجل، منهم عمران بن الحصين، وأنس بن مالك، وهشام بن عامر، والحكم بن عمرو، وغيرهم، وفتحت أيام عمر بن الخطاب، وتداولها ولاته إلى أن وليها ابن عباس بعد صدر كبير من سنة ست وثلاثين من الهجرة، فلم يكن في هؤلاء كلهم من يخبرهم بزكاة الفطر، بل ضيعوا ذلك وأهملوه واستخفوا به أو جهلوه مدة أزيد من اثنين وعشرين عاما، مدة خلافة عمر بن الخطاب، وعثمان رضوان الله عليهم، حتى وليهم ابن عباس بعد يوم الجمل. أترى عمر وعثمان ضيعا إعلام رعيتهما هذه الفريضة، أترى أهل البصرة لم يحجوا أيام عمر وعثمان، ولا دخلوا المدينة، فغابت عنهم زكاة الفطر إلى بعد يوم الجمل؟ إن هذا لهو الضلال المبين، والكذب المفترى، ونسبة البلاء إلى الصحابة رضوان الله عليهم، أن هذا الخبر ما يدخل تصحيحه في عقل سليم؟ وما حدث الحسن، والله أعلم بهذا الحديث إلا على وجه التكذيب له، لا يجوز غير ذلك. ثم نقول لهم: لو صح وهو لا يصح لكان حجة على المالكيين، لأنه خلاف مذهبهم في صدقة الفطر، لأنهم يرون أنه لا يجزي فيها من البر إلا صاع فعاد حجة عليهم، ولا أضل ممن يحتج بما لا يصح نعوذ بالله من الخذلان، وإنما يصح هذا الحديث بخلاف اللفظ المذكور، لكن كما حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا قتيبة بن سعيد، ثنا حماد هو ابن زيد عن أيوب السختياني، عن أبي رجاء هو العطاردي قال: سمعت ابن عباس يخطب على منبركم يعني منبر البصرة يقول: صدقة الفطر صاع من طعام. وقد موه بعضهم بأن قال: إن

the Companions, may Allah be pleased with them. No sound mind can entertain authenticating this report. Al-Hasan, and Allah knows best, can only have related this hadith in order to declare it false; no other possibility is admissible.

We then say to them: Even if it were authentic—and it is not authentic—it would be evidence against the Malikis, because it contradicts their position concerning the alms of breaking the fast: they hold that nothing less than a saʿ of wheat suffices for it. It thus turns into evidence against them. No one is more astray than someone who adduces an unauthentic report as evidence. We seek refuge in Allah from being forsaken. This hadith is authentic only with wording different from that cited, namely, as ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Muʿawiyah related to us; Ahmad ibn Shuʿayb related to us; Qutaybah ibn Saʿid related to us; Hammad—that is, Ibn Zayd—related to us, from Ayyub al-Sakhtiyani, from Abu Raja'—that is, al-ʿUtaridi—who said: I heard Ibn ʿAbbas delivering a sermon from your pulpit—meaning the pulpit of Basra—saying: "The alms of breaking the fast are a saʿ of food."

Some of them have sought to mislead by saying: "The people of Medina were the ones who witnessed the final practice of the Messenger of Allah ﷺ." ʿAli said: This is the statement of a man who is either ignorant or deceptive; he necessarily falls into one of the two categories. If he was ignorant, and this was the extent of his knowledge, he had no business issuing legal opinions concerning the religion of Allah, Mighty and Majestic. And if this man deemed deception permissible in the religion of Allah Most High, that is fouler and more putrid. ʿAli said: This statement is invalidated on two logically necessary grounds. The first is that we have already explained in this chapter that they are the people most given to abandoning the final practice of the Messenger of Allah ﷺ. The second is that the Companions, may Allah be pleased with them, were all Medinans throughout the time of the Messenger of Allah ﷺ and the time of Abu Bakr. They only settled in Syria, Basra, and Kufa during the early part of ʿUmar's caliphate, may Allah be pleased with him, and thereafter, because Syria and Egypt were in the hands of the Romans, while Iraq, where Kufa and Basra were built, was in the hands of the Persians. None of any of these territories was conquered,

أهل المدينة هم شهدوا آخر عمل رسول الله صلى الله عليه وسلم قال علي وهذا قول رجل جاهل أو مدلس لا بد له ضرورة من أحد الوجهين، فإن كان جاهلا وكان هذا مقداره من العلم فما كان في وسعه أن يفتي في دين الله عز وجل، وإن كان هذا مستحيلا للتلبيس في دين الله تعالى فهذا أخبث وأنتن قال علي وهذا كلام يبطل من وجهين ضروريين أحدهما أننا قد بينا في هذا الباب أنهم أترك الناس لآخر عمل رسول الله صلى الله عليه وسلم والثاني أن الصحابة رضي الله عنهم كانوا كلهم مدنيين طول مدة رسول الله صلى الله عليه وسلم ومدة أبي بكر وإنما سكنوا الشام والبصرة والكوفة في صدر خلافة عمر رضوان الله عليه فما بعد ذلك، لأن الشام ومصر كانت بأيدي الروم، والعراق حيث بنيت الكوفة والبصرة كانت بأيدي الفرس، ولم يفتتح شيء من كل ذلك ولا سكنه مسلم إلا بعد صدر إمارة عمر، هذا أمر لا يجهله من له أقل نصيب من العلم، وكل من كان بالعراق والشام ومصر من الصحابة فلم يفارقوا سكنى المدينة طوال حياة رسول الله صلى الله عليه وسلم ولم ينفرد قط برسول الله من بقي منهم بالمدينة دون من سكن بعد موته عليه السلام العراق أو الشام أو مصر فبطل كذب من موه بما ذكرنا، ولله الحمد ووجب بالضرورة أن من بقي بالمدينة من الصحابة رضي الله عنهم، ليس بأولى بحسن الظن بهم في الثبات على ما شهدوه من النبي صلى الله عليه وسلم من سائر الصحابة الذين بالأمصار ولا هم أولى بالعلم منهم، بل كلهم واجب الحق، موصوف بالعلم والدين والنصيحة للمسلمين. قال أبو محمد: وهذا الذي جرى عليه الناس، كما حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، ثنا يزيد بن أبي إبراهيم، ثنا رزيق وكان عاملا لعمر بن عبد العزيز على أيلة أنه كتب إلى عمر بن عبد العزيز في عبد أبق وسرق، وذكر أن أهل الحجاز لا يقطعون العبد إذا سرق، فكتب إليه، كتبت

nor did any Muslim settle there, until after the beginning of Umar's rule. This is something of which no one with the slightest share of knowledge is ignorant. All the Companions who were in Iraq, Syria, and Egypt had continued to reside in Medina throughout the life of the Messenger of Allah ﷺ. Those of them who remained in Medina never had exclusive access to the Messenger of Allah to the exclusion of those who, after his death, peace be upon him, settled in Iraq, Syria, or Egypt. Thus the falsehood of those who sought to mislead by what we have mentioned is exposed, and praise belongs to Allah. It necessarily follows that the Companions who remained in Medina, may Allah be pleased with them, have no greater claim to our thinking well of their steadfast adherence to what they witnessed from the Prophet ﷺ than the other Companions in the provincial cities, nor have they any greater claim to knowledge than those others. Rather, all of them have rights that must be honored and are characterized by knowledge, religious devotion, and sincere concern for the Muslims.

Abu Muhammed said: This is the practice people followed, as Abdullah ibn Rabi narrated to us: Abdullah ibn Muhammed ibn Uthman narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn al-Minhal narrated to us: Yazid ibn Abi Ibrahim narrated to us: Ruzayq, who was an official of Umar ibn Abd al-Aziz, narrated to us over Aylah, that he wrote to Umar ibn Abd al-Aziz concerning a slave who had absconded and stolen, mentioning that the people of the Hijaz do not cut off a slave's hand when he steals. He wrote back to him: "You wrote to me concerning a slave who absconded and stole, and it was mentioned that the people of the Hijaz do not cut off a runaway slave's hand when he steals. Yet Allah Most High says: 'If you stretch out your hand toward me to kill me, I shall not stretch out my hand toward you to kill you. Indeed, I fear Allah, Lord of the worlds.' If he has stolen an amount reaching a quarter of a dinar, then cut off his hand."

Ali said: Here Umar ibn Abd al-Aziz paid no regard to the practice of the people of the Hijaz and adopted the general applicability of the Quran, which it is impermissible to contravene.

Section on the Merit of Transmitting Prophetic Traditions Abundantly

إلي في عبد أبق وسرق، وذكر أن أهل الحجاز لا يقطعون الآبق إذا سرق، وأن الله تعالى يقول: {لئن بسطت إلي يدك لتقتلني مآ أنا بباسط يدي إليك لأقتلك إني أخاف لله رب لعالمين} فإن كان قد سرق قدر ما يبلغ ربع دينار فاقطعه. قال علي: فهذا عمر بن عبد العزيز لم يلتفت إلى عمل أهل الحجاز، وأخذ بعموم القرآن وهو الذي لا يجوز خلافه فصل في فضل الإكثار من الرواية للسنن قال علي واستغاث بعضهم إلى ذم الإكثار من الرواية، ونسبوا ذلك إلى عمر بن الخطاب، وذكروا الخبر عنه أنه لم يلتفت لرواية فاطمة بنت قيس في أن لا نفقة ولا سكنى للمبتوتة ثلاثا، وأنه قال: لا ندع كتاب ربنا وسنة نبينا لكلام امرأة لا ندري لعلها نسيت، وتوعد أبا موسى بضرب الظهر والبطن إن لم يأته بشاهد على ما حدث به من حكم الاستئذان. وإن أبا بكر الصديق لم يأخذ برواية المغيرة بن شعبة في ميراث الجدة. حتى شهد له بذلك محمد بن مسلمة، وأن عائشة أم المؤمنين لم تلتفت إلى قول أبي هريرة في المشي في خف واحد وقالت: لأحنثن أبا هريرة، ومشت في نعل واحدة. وأن عثمان حمل إليه محمد بن علي بن أبي طالب من عند أبيه كتاب حكم النبي صلى الله عليه وسلم في الزكاة فقال له أغنها عنا فرجع إلى أبيه فقال: ضع الصحيفة حيث وجدتها، وأن عمارا قال لعمر في حديث التيمم: أما والله يا أمير المؤمنين لئن شئت لما جعل الله لك علي من الحق ألا أحدث بذلك أبدا فعلت. فقال له عمر: لا، ولكن نوليك من ذلك ما توليت، وأن ابن عباس لم يلتفت لرواية أبي هريرة في الوضوء مما مست النار، ولا رواية الحكم بن عمرو الغفاري في الوضوء من فضل المرأة، ولا رواية علي في النهي عن المتعة، ولا رواية أبي سعيد الخدري في النهي عن الدرهم بالدرهمين يدا بيد، وابن عمر ذكرت له رواية أبي هريرة في كلب الزرع فقال: إن لأبي هريرة زرعا، وإن معاوية لم يلتفت لرواية عبادة بن الصامت، وأبي الدرداء في النهي عن الفضة بالفضة بتفاضل يدا بيد. فهؤلاء، أبو بكر وعثمان وعلي وعائشة وعمار وابن عباس وابن عمر ومعاوية ذكروا نحو

هذا أيضا عن نفر من التابعين. قال علي: وقولهم هذا دحض بالبرهان الظاهر، ولا حول ولا قوة إلا بالله العظيم، وهو أنه يقال لمن ذم الإكثار من الرواية أخبرنا عن الرواية لحديث رسول الله صلى الله عليه وسلم أخير هي أم شر ولا سبيل إلى وجه ثالث فإن قال: هي خير، فالإكثار من الخير خير، وإن قال: هي شر، فالقليل من الشر شر، وهم قد أخذوا منه بنصيب، فيلزمهم أن يعترفوا بأنهم يتعلمون الشر ويعلمون به، أما نحن فلسنا نقر بذلك، بل نقول: إن الإكثار منها لطلب ما صح هو الخير كله. وأيضا فنقول لهم: عرفونا حد الإكثار من الرواية المذمومة عندكم، لنعرف ما تكرهون، وحد غير الإكثار المستحب عندكم، فإن حدوا في ذلك حدا كانوا قد قالوا بالباطل {يأيها لذين آمنوا لا تتبعوا خطوات لشيطان ومن يتبع خطوات لشيطان فإنه يأمر بلفحشآء ولمنكر ولولا فضل لله عليكم ورحمته ما زكا منكم من أحد أبدا ولكن لله يزكي من يشآء ولله سميع عليم} وقالوا بلا برهان وبغير علم، وإن لم يحدوا في ذلك حدا كانوا قد حصلوا في أسخف منزلة، إذ لا يدرون ما ينكرون ولا يحسنون. وهذا هو الضلال ونعوذ بالله منه. وأيضا فيقال لهم: ما الذي جعل أن يكون ما رواه مالك من الحديث خيرا، ويكون ما رواه شرا دون أن تكون القصة معكوسة، ونحن نعوذ بالله من كل ذلك، بل الخير كله التفقه في الآثار والقرآن وضبط ما روي عن النبي صلى الله عليه وسلم وقد حض النبي صلى الله عليه وسلم على أن يبلغ عنه وهذا التفقه والنذرة التي أمر الله تعالى بها، وليت شعري، إذا كان الإكثار من الحديث شرا فأين الخير؟ أفي التقليد الذي لا يلزمه إلا جاهل أو فاسق؟ أم في التحكم في دين الله عز وجل بالآراء الفاسدة التي قد حذر الله تعالى منها وزجر النبي صلى الله عليه وسلم عنها وفخر بعضهم بأن مالكا كان يسقط من موطئه كل سنة وإنه لم يحدث بكثير مما كان عنده. قال علي: هذا فخر من يريد أن يمدح فيذم، ويريد أن يبني فيهدم، ولا يخلو ما حدث به

Ali said: Some of them resorted to condemning abundant transmission and attributed this to Umar ibn al-Khattab. They cited the report about him that he paid no regard to Fatimah bint Qays's transmission that a woman irrevocably divorced three times is entitled to neither maintenance nor lodging, and that he said: "We shall not abandon the Book of our Lord and the practice of our Prophet on account of the words of a woman—we do not know; perhaps she forgot." He also threatened Abu Musa with blows to his back and belly if he did not bring him a witness to what he had related concerning the ruling on seeking permission to enter; and that Abu Bakr al-Siddiq did not accept al-Mughirah ibn Shubah's transmission concerning a grandmother's inheritance until Muhammed ibn Maslamah testified to it in support of him; and that Aishah, Mother of the Believers, paid no regard to Abu Hurayrah's statement concerning walking in a single leather sock, saying, "I shall certainly cause Abu Hurayrah to break his oath," and walked in a single sandal; and that Muhammed ibn Ali ibn Abi Talib brought Uthman, from his father, a document containing the Prophet's ﷺ ruling on the obligatory alms, whereupon he said to him, "Spare us that." He returned to his father, who said, "Put the document where you found it." And that Ammar said to Umar, concerning the report about dry ablution: "By Allah, Commander of the Faithful, if you wish, in view of the right Allah has given you over me, I will never relate that again." Umar said to him: "No; rather, we leave you responsible for what you have undertaken." And that Ibn Abbas paid no regard to Abu Hurayrah's transmission concerning ablution after consuming what fire has touched, nor to al-Hakam ibn Amr al-Ghifari's transmission concerning ablution with water left over by a woman, nor to Ali's transmission concerning the prohibition of temporary marriage, nor to Abu Said al-Khudri's transmission concerning the prohibition of exchanging one dirham for two dirhams hand to hand. Ibn Umar was told of Abu Hurayrah's transmission concerning a dog kept for crops, and he said, "Abu Hurayrah has crops." And that Muawiyah paid no regard to the transmission of Ubadah ibn al-Samit and Abu al-Darda concerning the prohibition of exchanging silver for silver in unequal quantities hand to hand. Here, then, are Abu Bakr, Uthman, Ali, Aishah, Ammar, Ibn Abbas, Ibn Umar, and Muawiyah. They also related something similar about a number of the Successors.

مالك وما لم يحدث به من أن يكون حدث بالصحيح عنده، وترك ما لم يصح فقد أحسن. وكذا كل من حدث أيضا بما يصح عنده ممن ليس مالك بأعلم منه، ولا أروع كسفيان وشعبة والأوزاعي وأيوب وغيرهم، وأن يكون حدث بالسقيم وكتم الصحيح، وقد نزهه الله تعالى عن ذلك، لأن هذه صفة أفسق الفاسقين، أو يكون حدث بسقيم وصحيح، وكتم صحيحا وسقيما، فمن فعل ذلك فهو آثم وملعون لكتمانه علما صحيحا عنده، فبطل ما أرادوا يمدحوه به، وعاد ذما عظيما لو صح عليه ذلك، وأعوذ بالله من ذلك. وبرهان آخر يوضح كذب من قال هذا، وهو أن الموطأ ألفه مالك رضي الله عنه بعد موت يحيى بن سعيد الأنصاري بلا شك، ومات يحيى بن سعيد في سنة ثلاث وأربعين ومائة. ولسنا نقول هذا بظننا بل يقينا، فهكذا روينا بإسناد متصل إلى يحيى بن سعيد القطان أنه قال: لقينا مالكا قبل أن يصنف، ولقيناه سنة اثنتين وأربعين ومائة بعد موت موسى بن عقبة بسنة، ولم يزل الموطأ يروى عن مالك منذ ألفه، طائفة بعد طائفة، وأمة بعد أمة، وآخر من رواه عنه من الثقات أبو المصعب الزهري لصغر سنه، وعاش بعد موت مالك ثلاثا وستين سنة، وموطؤه أكمل الموطآت، لأنه فيه خمسمائة حديث وتسعين حديثا بالمكرر أما بإسقاط التكرار فخمسمائة حديث وتسعة وخمسون حديثا، وكان سماع ابن وهب للموطأ من مالك قبل سماع أبي المصعب بدهر، وكذلك سماع ابن القاسم، ومعن بن عيسى، وليس في موطأ ابن القاسم إلا خمسمائة حديث وثلاثة أحاديث، وفي موطأ ابن وهب كما في موطأ أبي المصعب ولا مزيد فبان كذب هذا القائل، والحمد لله رب العالمين قال علي ولئن كان جميع حديث النبي صلى الله عليه وسلم مذموما فإن مالكا لمن أول من فعل ذلك فإن أول من ألف في جمع الحديث فحماد بن سلمة، ومعمر، ثم مالك، ثم تلاهم الناس، وأما نحن فإننا نحمد ذلك من فعلهم. ونقول: إن لهم ولمن فعل فعلهم في ذلك أعظم الأجر لعظيم ما قيدوا من السنن، وكثيرا ما بينوا من الحق، وما رفعوا من الإشكال

Ali said: This argument of theirs is refuted by evident demonstration—and there is neither power nor strength except through Allah the Magnificent. It is this: one who condemns abundant transmission is to be asked, "Tell us about transmitting the reports of the Messenger of Allah ﷺ: is it good or evil?" There is no possible third alternative. If he says, "It is good," then an abundance of good is good. If he says, "It is evil," then even a little evil is evil. They themselves have taken a share of it, so they must acknowledge that they learn evil and teach it. As for us, we do not admit this. Rather, we say that abundant transmission in pursuit of what is authentic is entirely good. We also say to them: "Tell us the boundary of the abundant transmission you consider blameworthy, so that we may know what you disapprove of, and the boundary of the less abundant transmission you consider commendable." If they establish a boundary for this, they will have spoken falsely: "O you who believe, do not follow the footsteps of Satan. Whoever follows the footsteps of Satan—indeed, he commands indecency and wrongdoing. Were it not for Allah's bounty toward you and His mercy, not one of you would ever have become pure; but Allah purifies whom He wills, and Allah is All-Hearing, All-Knowing." And they will have spoken without demonstration and without knowledge. If they find no boundary for this, they will have landed in the most foolish position, since they do not know what they condemn or what they approve. This is error, and we seek refuge in Allah from it. They are also to be asked: "What makes the reports Malik transmitted good, and what he transmitted evil, rather than the case being reversed?" And we seek refuge in Allah from all of that. Rather, all good lies in acquiring understanding of the transmitted reports and the Quran, and accurately preserving what has been related from the Prophet ﷺ. The Prophet ﷺ urged that his words be conveyed on his authority, and this is the acquisition of understanding and the giving of warning that Allah Most High commanded. I would dearly like to know: if abundant transmission of reports is evil, where is the good? Is it in uncritical adherence, to which only an ignorant person or a flagrantly sinful person binds himself, or in making arbitrary judgments in the religion of Allah, Mighty and Majestic, through corrupt opinions against which Allah Most High has warned and which the Prophet ﷺ has forbidden?

Some of them boasted that Malik used to remove material from his Muwatta every year and that he did not transmit much of what he possessed.

Ali said: This is the boasting of someone who intends to praise but instead disparages, and intends to build but instead demolishes. What Malik transmitted and what he did not transmit must fall into one of the following cases. Either he transmitted what he regarded as authentic and left aside what was not authenticated, in which case he did well. So too did everyone else who transmitted what he regarded as authentic, among those than whom Malik was neither more knowledgeable nor more formidable, such as Sufyan, Shubah, al-Awzai, Ayyub, and others. Or he transmitted unsound material and concealed authentic material—something from which Allah Most High has kept him free, for this is the characteristic of the most flagrantly sinful of sinners. Or he transmitted both unsound and authentic material and concealed both authentic and unsound material. Whoever does that is sinful and accursed for concealing knowledge he regards as authentic. Thus what they intended to praise him for is invalidated and would amount to grave disparagement if that were established against him. I seek refuge in Allah from that.

There is another demonstration that makes clear the falsehood of whoever said this: Malik, may Allah be pleased with him, composed the Muwatta after the death of Yahya ibn Said al-Ansari, without doubt. Yahya ibn Said died in the year one hundred and forty-three. We do not say this on the basis of our conjecture, but with certainty. For this is how we have transmitted it through an uninterrupted chain of transmission to Yahya ibn Said al-Qattan, who said: "We met Malik before he composed and we met him in the year one hundred and forty-two, a year after the death of Musa ibn Uqbah." Ever since Malik composed the Muwatta, it has continued to be transmitted from him by group after group and community after community. The last trustworthy transmitter to relate it from him was Abu al-Musab al-Zuhri, owing to his youth, and he lived sixty-three years after Malik's death. His version of the Muwatta is the most complete of the versions of the Muwatta, because it contains five hundred and ninety hadiths, counting repetitions; with repetitions excluded, however, there are five hundred and fifty-nine hadiths. Ibn

في الدين، وما فرجوا بما كتبوا من حكم الاختلاف، فمن أعظم أجرا منهم، جعلنا الله بمنه ممن تبعهم في ذلك بإحسان آمين. وأما رد عمر رضي الله عنه لحديث فاطمة بنت قيس فقد خالفته فاطمة وهي من المبايعات المهاجرات للصواحب، فهو تنازع من أولي الأمر ليس قول أولى من قولها، ولا قولها أولى من قوله، إلا بنص والنص موافق لقول فاطمة، وعمر مجتهد مخطىء في رد ذلك، مأجور مرة ولا تعلق للمالكيين بهذا الخبر، لأنهم خالفوا رواية فاطمة وخالفوا قول عمر، فلم يتعلقوا بأحدهما. وأما ما ذكروا من نهي عمر رضي الله عنه في الإكثار من الحديث عن النبي صلى الله عليه وسلم فحدثنا محمد بن سعيد ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشن، ثنا بندار، ثنا عبد الرحمن بن مهدي، ثنا شعبة عن بيان عن الشعبي عن قرظة هو ابن كعب الأنصاري قال شيعنا عمر بن الخطاب رضي الله عنه إلى صرار فانتهى إلى مكان فتوضأ فيه فقال أتدرون لما شيعتكم قلنا لحق الصحبة قال إنكم ستأتون قوم تهتز ألسنتهم بالقرآن كاهتزاز النخل فلا تصدروهم بالحديث عن رسول الله صلى الله عليه وسلم وأنا شريككم قال قرظة فما حدثت بشيء بعد ولقد سمعت كما سمع الصحابي. فهذا لم يذكر فيه الشعبي أنه سمعه من قرظة، وما نعلم أن الشعبي لقي قرظة ولا سمع منه، بل لا شك في ذلك، لأن قرظة رضي الله عنه مات والمغيرة بن شعبة أمير الكوفة.

Wahb heard the Muwattaʾ from Malik long before Abu al-Musʿab heard it, and likewise Ibn al-Qasim and Maʿn ibn ʿIsa heard it earlier. Ibn al-Qasim's Muwattaʾ contains only five hundred and three hadiths, while Ibn Wahb's Muwattaʾ contains just what Abu al-Musʿab's Muwattaʾ contains, with nothing additional. Thus the falsehood of this speaker has become plain. Praise belongs to Allah, Lord of the worlds.

ʿAli said: If all the hadith of the Prophet ﷺ is indeed blameworthy, then Malik was certainly among the first to do that, for the first to compose works collecting hadith were Hammad ibn Salamah and Maʿmar, then Malik, and then people followed them. As for us, we praise them for doing this, and we say that they, and those who have done as they did in this respect, have the greatest reward, for the immense body of prophetic practices they recorded, the abundant truth they clarified, the difficulties in religion they removed, and the relief they afforded through the judgments concerning disagreement that they wrote down. Who, then, has a greater reward than they? May Allah, through His graciousness, make us among those who follow them in this with excellence. Amen.

As for ʿUmar's rejection—may Allah be pleased with him—of the hadith of Fatimah bint Qays, Fatimah disagreed with him, and she was among the women who pledged allegiance and emigrated, among the female Companions. This is therefore a dispute between persons vested with authority. His statement has no priority over hers, nor hers over his, except by an authoritative text. The authoritative text accords with Fatimah's statement, while ʿUmar exercised independent judgment and erred in rejecting it, receiving one reward. The Malikis have no grounds for appealing to this report, because they have contradicted both Fatimah's transmission and ʿUmar's statement: they have adhered to neither.

As for their mention of ʿUmar's prohibition—may Allah be pleased with him—against narrating many hadiths from the Prophet ﷺ, Muhammed ibn Saʿid related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: ʿAbd al-Rahman ibn Mahdi related to us: Shuʿbah related to us, from Bayan, from al-Shaʿbi, from Qarazah—that is, Ibn Kaʿb al-Ansari—who said: "'Umar ibn

al-Khattab, may Allah be pleased with him, accompanied us on our departure as far as Sirar. He reached a place and performed ablution there, then said: 'Do you know why I have accompanied you on your departure?' We said: 'Because of the obligation of companionship.' He said: 'You will come to a people whose tongues sway with the Quran as palm trees sway. Do not turn them away through narrating hadith from the Messenger of Allah ﷺ. I share responsibility with you.'" Qarazah said: "After that I narrated nothing, although I had heard just as the Companion had heard." Now, in this al-Shaʿbi did not state that he heard it from Qarazah. We do not know that al-Shaʿbi ever met Qarazah or heard from him. Indeed, there is no doubt about this,

because Qarazah, may Allah be pleased with him, died while al-Mughirah ibn Shuʿbah was governor of Kufah[150][151][152][153][154][155][156][157][158][159][160][161]

[150]**Translator's note (L712):** A saʿ is a measure of capacity; the Arabic unit has been retained to preserve the report's exact quantities. In the supplied transmission chain, قال حميد أنبأ has an awkward word order. It is rendered as "who said: Humayd reported to us," without altering the named transmitters.

[151]**Translator's note (L715):** The supplied مستحيلا للتلبيس is anomalous in context. The translation reflects the probable intended reading مستحلا للتلبيس, "deeming deception permissible"; the supplied form does not clearly express that meaning.

[152]**Translator's note (L718):** The Quranic quotation supplied is Quran 5:28, concerning one brother's refusal to kill the other. It does not concern theft or amputation, despite the argument surrounding it. The quotation has been translated as supplied without substitution.

[153]**Translator's note (L720):** "I shall certainly cause Abu Hurayrah to break his oath" renders لأحنثن أبا هريرة literally. No oath by Abu Hurayrah is stated in this passage.

[154]**Translator's note (L721):** The unvocalized ويعلمون به is read here as "and teach it," with به referring to the evil just mentioned; "and become knowledgeable in it" is also grammatically possible.

[155]**Translator's note (L722):** The supplied text inserts Quran 24:21 between "they will have spoken falsely" and "and they will have spoken without demonstration and without knowledge." Its placement is abrupt; it has been retained in full.

[156]**Translator's note (L723):** The supplied wording repeats "what he transmitted" without naming another transmitter or adding a qualification to distinguish the allegedly evil reports from Malik's reports. The apparent omission has not been repaired. The phrase ولا يحسنون is understood here as "or what they approve," parallel to "what they condemn"; it can also mean "nor do they do well."

[157]**Translator's note (L724):** The supplied أروع means "more formidable" or "more awe-inspiring." In this context "more scrupulous" would be expected, but that would require أورع; the supplied reading has not been silently corrected.

[158]**Translator's note (L726):** The report dates a meeting with Malik before his composition of the work to 142 AH. This does not by itself establish the preceding claim that he composed it after Yahya ibn Said al-Ansari's death in 143 AH; the dates and argument have been preserved as supplied.

L730–734 This is mentioned in the established report with a connected chain of transmission. The first person over whom ritual lamentation was performed in Kufah was Qarazah ibn Kaʿb, and on that occasion al-Mughirah mentioned a report concerning ritual lamentation, with a connected chain of transmission. Al-Mughirah unquestionably died in the year fifty, when al-Shaʿbi was still close to childhood. There is therefore no doubt that he never met Qarazah at all, and this report consequently falls. Indeed, some scholars of historical reports have mentioned that Qarazah ibn Kaʿb died while ʿAli, may Allah's good pleasure be upon him, was in Kufah. It is thus established with certainty that al-Shaʿbi never met Qarazah at all, nor understood a single word from him.

Ahmad ibn Muhammed ibn al-Jasur also related to us: Muhammed ibn ʿIsa ibn Rifaʿah related to us: ʿAli ibn ʿAbd al-ʿAziz related to us: Abu ʿUbayd related to us: Abu Bakr—that is, Ibn ʿAyyash—related to us, from Abu Hasin, who traces it back to ʿUmar, that when he dispatched the people to Iraq, he said: "Keep the Quran on its own, and narrate little from the Messenger of Allah ﷺ. I share responsibility with you."

Abu Muhammed said: Abu Hasin was not born until long after ʿUmar's death. The earliest authorities from whom he transmitted were Ibn ʿAbbas and al-Shaʿbi.

ʿAli said: It has also been transmitted concerning him, may Allah be pleased with him, that he detained Ibn Masʿud on account of narrating hadith from

هذا مذكور في الخبر الثابت المسند، وأول من نيح عليه بالكوفة قرظة بن كعب. فذكر المغيرة عنده ذلك خبرا مسندا في النوح، ومات المغيرة سنة خمسين بلا شك، والشعبي أقرب إلى الصبا، فلا شك في أنه لم يلق قرظة قط فسقط هذا الخبر، بل قد ذكر بعض أهل العلم بالأخبار أن قرظة بن كعب مات وعلي رضوان الله عليه بالكوفة فصح يقينا أن الشعبي لم يلق قط قرظة ولا عقل عنه كلمة، وحدثنا أيضا أحمد بن محمد بن الجسور، ثنا محمد بن عيسى بن رفاعة، ثنا علي بن عبد العزيز، ثنا أبو عبيد، ثنا أبو بكر هو ابن عياش عن أبي حصين، يرفعه إلى عمر أنه حين وجه الناس إلى العراق، قال جردوا القرآن وأقلوا الراوية عن رسول الله صلى الله عليه وسلم وأنا شريككم قال أبو محمد وأبو حصين لم يولد إلا بعد موت عمر بدهر، وأعلى من عنده ابن عباس والشعبي. قال علي: وروي عنه أيضا أنه رضي الله عنه: أنه حبس ابن مسعود من أجل الحديث عن النبي صلى الله عليه وسلم كما روينا بالسند المذكور إلى بندار ثنا غندر، ثنا شعبة عن سعد بن إبراهيم بن عبد الرحمن بن عوف، عن أبيه قال: قال عمر لابن مسعود، ولأبي الدرداء وأبي ذر ما هذا الحديث على رسول الله صلى الله عليه وسلم قال وأحسبه أنه لم يدعهم أن يخرجوا من المدينة حتى مات قال علي هذا مرسل ومشكوك فيه من شعبة فلا يصح ولا يجوز الاحتجاج به ثم هو في نفسه ظاهر الكذب والتوليد، لأنه لا يخلو عمر من أن يكون اتهم الصحابة، وفي هذا ما فيه، أو يكون نهى عن نفس الحديث وعن تبليغ سنن رسول الله صلى الله عليه وسلم إلى المسلمين وألزمهم كتمانها وجحدها وأن لا يذكروها لأحد، فهذا خروج عن الإسلام، وقد أعاذ الله أمير المؤمنين من كل ذلك، ولئن كان سائر الصحابة متهمين في الكذب على النبي صلى الله عليه وسلم فما عمر إلا واحد منهم وهذا قول لا يقوله مسلم أصلا، ولئن كان حسبهم وغيرهم متهمين لقد ظلمهم، فليختر المحتج لمذهبه الفاسد بمثل هذه

[159] **Translator's note (L727):** The opening count continues a sentence from the preceding segment. The supplied جميع حديث means "all the hadith," but the ensuing discussion of collecting hadith strongly suggests a transcription error for جمع حديث, "collecting hadith." The translation preserves the supplied reading. للصواحب is awkward in the description of Fatimah. "Among the female Companions" renders its apparent intended relationship without treating the wording as secure.

[160] **Translator's note (L728):** The supplied name الخشن is rendered al-Khushani, although its written form lacks the final letter normally found in that name. فلا تصدروهم is an unusual reading here. "Do not turn them away" gives its apparent contextual sense; the wording may be corrupt. The singular "the Companion" follows the supplied الصحابي, although its reference is unclear. The final phrase continues directly into the next segment.

[161] **Qur'an references (L712):** Qur'an 5:28 (Al-Ma'idah).

the Prophet ﷺ, as we transmitted through the aforementioned chain to Bundar: Ghundar related to us: Shuʿbah related to us, from Saʿd ibn Ibrahim ibn ʿAbd al-Rahman ibn ʿAwf, from his father, who said: "'Umar said to Ibn Masʿud, Abu al-Darda', and Abu Dharr: 'What is all this narration concerning the Messenger of Allah ﷺ?'" He said: "And I think that he did not allow them to leave Medina until he died."

ʿAli said: This has a disconnected chain of transmission, and Shuʿbah expresses doubt about it. It is therefore unsound, and it is not permissible to use it as evidence. Moreover, the report itself is plainly a lie and a fabrication, because ʿUmar must either have suspected the Companions—and that carries the implications it carries—or have prohibited narration itself and the communication of the practices of the Messenger of Allah ﷺ to the Muslims, obliging them to conceal and deny them and not mention them to anyone. This would constitute departure from Islam. Allah has protected the Commander of the Faithful from all of that. And if the rest of the Companions were suspected of lying about the Prophet ﷺ, then ʿUmar was only one of them and this is something no Muslim would ever say And if he deemed them and others suspect, he certainly wronged them. Let the person who adduces such accursed transmissions in support of his corrupt doctrine choose whichever of these two vile courses he wishes; he must necessarily adopt one of them. The meaning of ʿUmar's prohibition—may Allah be pleased with him—against narrating from the Messenger of Allah ﷺ, if it were authentic, is plain in the hadith we cited through Qarazah. He prohibited only the narration of reports about bygone nations and similar matters. As for narrating the practices of the Prophet ﷺ, prohibiting that is sheer—and this is something a Muslim may not suppose of ordinary Muslims below ʿUmar, so how could he suppose it of ʿUmar, may Allah be pleased with him?

The evidence for what we have said is that ʿUmar narrated many hadiths from the Prophet ﷺ. If narrating from him, peace be upon him, were reprehensible, then ʿUmar took a most abundant share of that. A Muslim may not suppose that ʿUmar, may Allah be pleased with him, prohibited something and then did it himself. For more than five hundred hadiths have been transmitted from him, may Allah's good pleasure be upon him, despite

الروايات الملعونة أي الطريقتين الخبيثتين شاء، ولا بد له من أحدهما، وإنما معنى نهي عمر رضي الله عنه من الحديث عن رسول الله صلى الله عليه وسلم لو صح فهو بين في الحديث الذي أوردناه من طريق قرظة، وإنما نهى عن الحديث بالأخبار عمن سلف من الأمم وعما أشبه وأما بالسنن عن النبي صلى الله عليه وسلم فإن النهي عن ذلك هو مجرد وهذا ما لا يحل لمسلم أن يظنه ممن دون عمر من عامة المسلمين، فكيف بعمر رضي الله عنه. ودليل ما قلنا أن عمر قد حدث بحديث كثير عن النبي صلى الله عليه وسلم فإن كان الحديث عنه عليه السلام مكروها فقد أخذ عمر من ذلك بأوفر نصيب ولا يحل لمسلم أن يظن بعمر رضي الله عنه أنه نهى عن شيء وفعله، لأنه قد روي عنه رضوان الله عليه خمسمائة حديث ونيف على قرب موته من موت النبي صلى الله عليه وسلم فصح أنه كثير الرواية والحديث عن النبي صلى الله عليه وسلم وما في الصحابة أكثر رواية عن النبي صلى الله عليه وسلم من عمر بن الخطاب إلا بضعة عشر منهم فقط فصح أنه قد أكثر الرواية عن النبي صلى الله عليه وسلم فصح بذلك التأويل الذي ذكرنا لكلامه رضي الله عنه، وهكذا القول فيما روي من ذلك عن معاوية رضي الله عنه، ولا فرق. وقد جاء ما قلناه عن عمر رضي الله نصا دون تأويل، كما أنبأ عبد الله بن ربيع، ثنا محمد بن معاوية القرشي، ثنا ابن خليفة الفضل بن الحباب الجمحي قال: ثنا أبو الوليد هشام بن عبد الملك الطيالسي، ثنا الليث بن سعد، عن يزيد بن أبي حبيب، عن بكير بن عبد الله بن الأشج أن عمر بن الخطاب قال: سيأتي قوم يجادلونكم بشبهات القرآن فخذوهم بالسنن، فإن أصحاب السنة أعلم بكتاب الله عز وجل. قال علي: وقد صح بهذا أن عمر أمر بتعليم السنن، وأخبر أنها تبين القرآن فصح ما قلناه يقينا بلا مرية، وارتفع اللبس، والحمد لله رب العالمين.

how close his death was to the death of the Prophet ﷺ. It is thus established that he transmitted and narrated abundantly from the Prophet ﷺ. Among the Companions, only some thirteen to nineteen of them transmitted more from the Prophet ﷺ than ʿUmar ibn al-Khattab. It is therefore established that he narrated abundantly from the Prophet ﷺ, and this establishes the interpretation we have given of his words, may Allah be pleased with him.

The same applies, without any difference, to what has been transmitted in this regard from Muʿawiyah, may Allah be pleased with him. What we have said has also come from ʿUmar, may Allah be pleased, in explicit wording requiring no interpretation, as ʿAbd Allah ibn Rabiʿ informed us: Muhammed ibn Muʿawiyah al-Qurashi related to us: Ibn Khalifah, al-Fadl ibn al-Hubab al-Jumahi, related to us, saying: Abu al-Walid Hisham ibn ʿAbd al-Malik al-Tayalisi related to us: al-Layth ibn Saʿd related to us, from Yazid ibn Abi Habib, from Bukayr ibn ʿAbd Allah ibn al-Ashajj, that ʿUmar ibn al-Khattab said: "People will come who dispute with you using ambiguous passages of the Quran. Hold them to the prophetic practices, for those versed in the prophetic practice know Allah's Book better, mighty and majestic is He."

ʿAli said: This establishes that ʿUmar commanded the teaching of the prophetic practices and stated that they explain the Quran. What we have

said is thus established with certainty, without doubt; the confusion is removed, and praise belongs to Allah, Lord of the worlds.[162][163][164]

L735–740 And more astonishing than all of this is that the Malikis who argue that ʿUmar, may Allah be pleased with him, detained Ibn Masʿud, Abu Musa, and Abu al-Dardaʾ in Medina for narrating hadith abundantly ought to call themselves to account and say: "If ʿUmar reproached Ibn Masʿud, Abu Musa, and Abu al-Dardaʾ for abundantly narrating hadith and imprisoned them for that, although they were among the greatest Companions and the upright men of the community, while Ibn Masʿud has only eight hundred and some additional hadiths, and Abu al-Dardaʾ only a hundred and some additional hadiths, and perhaps fewer than half of these two totals are authentically transmitted from them—what would he have done to Malik had he seen his Muwaṭṭaʾ, in which he collected eight hundred and thirty-odd hadiths, including reports with chains reaching the Prophet and reports omitting the Companion? How far do you imagine he would have gone with him, when, according to your lying allegation, he censured the Companions for fewer than this number? If these people had religion or reason, would it not have restrained them from venturing to censure the Companions, may Allah be pleased with them, for something of which they permit their own master an

وأعجب من هذا كله: أن المالكيين المحتجين بأن عمر رضي الله عنه حبس ابن مسعود، وأبا موسى وأبا الدرداء بالمدينة، على الإكثار من الحديث ينبغي لهم أن يحاسبوا أنفسهم فيقولوا: إذا أنكر عمر على ابن مسعود وأبي موسى وأبي الدرداء، الإكثار من الحديث، وسجنهم على ذلك، وهم أكابر الصحابة وعدول الأمة، وليس لابن مسعود إلا ثمانمائة حديث ونيف، وليس لأبي الدرداء إلا مائة حديث ونيف، لعله لا يصح عنهما إلا أقل من نصف هذين العددين ماذا كان يصنع بمالك لو رأى موطأه، قد جمع فيه ثمانمائة حديث ونيفا وثلاثين حديثا من مسند ومرسل؟ أين كنتم ترونه يبلغ به وهو ينكر على الصحابة بزعمكم الكاذب دون هذا العدد؟ فلو كان لهؤلاء القوم دين أو عقل أما كان يحجزهم عن الإقدام على الإنكار على الصحابة رضوان الله عليهم أمرا يجيزون لصاحبهم أكثر منه؟ إن هذا لعجب. وأما الحنفيون: فقد طردوا أصلهم ههنا، لأن صاحبهم أقل الحديث ولم يطلبه بكثرة خطئه وقلة حديثه، وحسبنا الله ونعم الوكيل، والرواية في حبس ابن مسعود في ذلك عنه ضعيفة، وإنما صح أنه تشدد في الحديث كما ذكرنا، وكان يكلف من حدثه بحديث أن يأتي بآخر سمعه معه، وإنما فعل ذلك اجتهادا منه، وقد أنكره عليه أبي، فرجع عمر عن ذلك، وذلك مذكور في حديث الاستئذان، وحتى لو صح ذلك عن عمر ومعاوية فقد خالفهما في ذلك أبي وعبادة، وبلغ ذلك بأحدهما إلى أن حلف ألا يساكنه في بلد واحد، فمن جعل قول معاوية أولى من قول عبادة وأبي الدرداء؟. وأما الرواية عن أبي بكر الصديق رضي الله عنه: أنه لم يقنع بقول المغيرة وروايته فمنقطعة لا تصح، ولو صحت لما كان لهم فيها حاجة. لأنهم يقولون بخبر الواحد إذا وافقهم ولا معنى لطلب راو آخر فالذي يدخل خبر الواحد يدخل خبر الاثنين، ولا فرق إلا أن يفرق بين ذلك نص فيوقف عنده. وأما

[162] **Translator's note (L731):** The source has the redundant construction "that he, may Allah be pleased with him, that he detained"; its repeated function is represented by a single English construction. مرسل is rendered "has a disconnected chain of transmission," reflecting the author's objection that the report does not establish direct transmission from ʿUmar.

[163] **Translator's note (L733):** حسبهم is read as "deemed them." The resulting argument overlaps awkwardly with the preceding alternative; the supplied reading has been retained. The final clause continues in the next segment.

[164] **Translator's note (L734):** هو مجرد, literally "is sheer" or "is bare," lacks a complement in the supplied text. The translation leaves this visibly incomplete rather than supplying a conjecture such as "unbelief." بضعة عشر denotes an unspecified number from thirteen to nineteen; the translation retains that range. The salutation رضي الله after ʿUmar is incomplete in the supplied text; its fragment is translated without adding "with him." The transmitter is supplied as ابن خليفة, "Ibn Khalifah." This appears to be an error for أبو خليفة, "Abu Khalifah," the designation of al-Fadl ibn al-Hubab, but the translation retains the supplied wording.

even greater amount? This is astonishing indeed! As for the Hanafis, they have applied their principle consistently here, for their master transmitted little hadith and did not seek it out, with his many errors and his few hadiths. Allah is sufficient for us, and an excellent Trustee He is.

The report from him concerning the imprisonment of Ibn Masʿud over this is weak. What is authentically established is only that he was exacting concerning hadith, as we have mentioned. He would require anyone who related a hadith to him to bring another person who had heard it with him. He did this only as an exercise of his own independent judgment. Ubayy objected to his doing so, and ʿUmar withdrew from it. This is mentioned in the hadith concerning seeking permission to enter. Even if this were authentically established concerning ʿUmar and Muʿawiyah, Ubayy and ʿUbadah opposed them in this, and the matter went so far with one of them that he swore he would not live in the same town as him. Who, then, made Muʿawiyah's statement more entitled to acceptance than the statement of ʿUbadah and Abu al-Darda'?

As for the report concerning Abu Bakr al-Ṣiddiq, may Allah be pleased with him, that he was not satisfied with al-Mughirah's statement and transmission, its chain is interrupted and it is not authentic. Even if it were deemed authentic, they would have no use for it, since they accept a solitary report when it agrees with them, and there is no point in seeking another transmitter. For whatever affects a report from one transmitter affects a report from two transmitters, and there is no difference unless a textual authority distinguishes between them, in which case one must stop at its limits. As for the report concerning ʿA'ishah, Mother of the Believers, they have merely created a misleading impression by adducing it, and it provides them with no proof. For she never said that she did not believe Abu Hurayrah, nor that she considered it permissible to reject the ruling of the Messenger of Allah, may Allah bless him and grant him peace. She was merely told that Abu Hurayrah forbade walking in a single sandal, and she said, "I shall certainly make Abu Hurayrah break his oath." She did well and acted rightly. Had there been nothing in this matter beyond Abu Hurayrah's own statement, accepting it would not have been obligatory.

الرواية عن عائشة أم المؤمنين، فإنما موهوا بإيرادها ولا حجة لهم فيها، لأنها لم تقل قط أنها لم تصدق أبا هريرة ولا أنها تستجيز رد حكم رسول الله صلى الله عليه وسلم وإنما ذكر لها أن أبا هريرة ينهى عن المشي في نعل واحد فقالت: لأحنث أبا هريرة وأحسنت وبرت. فلو لم يكن في هذا إلا قول أبي هريرة لما لزم الأخذ به وأما خبر عثمان فلا ندري على أي وجه أورده والذي نظن بعثمان أنه كان عنده عن النبي صلى الله عليه وسلم رواية في صفة الزكاة استغنى بها عما عند علي بل نقطع بهذا عليه قطعا، ولا وجه لذلك الخبر سوى هذا أو المجاهرة بخلاف النبي صلى الله عليه وسلم وقد أعاذه الله من ذلك فإن صاروا إلى توجيهنا، بطل تعلقهم بهذا الخبر. وإن وجهوه على هذا الوجه الآخر، لحقوا بالروافض ونسبوا إلى عثمان الكفر أو الفسق، وقد برأه الله من ذلك وأن من نسب إليه لأولى به من عثمان بلا شك. وأما قول عمار لعمر: فيعيذ الله عمارا من أن يستجيز جحد سنة عنده عن النبي صلى الله عليه وسلم موافقة لرأي عمر هذه صفة توجب الكفر لمن استحلها ويوجب الفسق لمن فعلها غير مستحل لها، لا يختلف في ذلك اثنان من أهل الإسلام، مع مجيء النص بذلك فيمن يكتم حكم الله تعالى أو يخالفه. وإنما قال ذلك عمار مبكتا لعمر إذ خالفه، بمعنى أترى لي أن أكتم هذا الخبر نعم إن شئت كما قال تعالى {إن لذين يلحدون في آياتنا لا يخفون علينآ أفمن يلقى في لنار خير أم من يأتي آمنا يوم لقيامة عملوا ما شئتم إنه بما تعملون بصير} أو غير هذا، وهو في الخبر ذكر أن عمر أجنب فلم يصل، فهذا الذي أراد عمار كتمانه، وأنه لا يحدث به أبدا لواجب حق عمر عليه وهذا مباح إذ ليس ذكر اسم عمر في ذلك من السنن، ولا له فائدة، لكن عمر رضي الله عنه لم يفسح له في ذلك بل ولاه من التصريح باسمه في ذلك ما تولى.

As for the report concerning ʿUthman, we do not know on what interpretation he adduced it. What we suppose concerning ʿUthman is that he possessed a transmission from the Prophet, may Allah bless him and grant him peace ﷺ, concerning the manner of paying obligatory alms, which rendered him independent of what ʿAli possessed. Indeed, we affirm this concerning him with complete certainty. There is no possible interpretation of that report except this, or openly opposing the Prophet, may Allah bless him and grant him peace ﷺ; and Allah has protected him from that. If they adopt our interpretation, their reliance on this report becomes invalid. If they interpret it in that other way, they join the Rejecters and attribute unbelief or grave disobedience to ʿUthman, although Allah has exonerated him of that. Whoever attributes it to him is, without doubt, more deserving of it than ʿUthman.

As for ʿAmmar's statement to ʿUmar, may Allah protect ʿAmmar from considering it permissible to deny a Prophetic practice he possesses from the Prophet, may Allah bless him and grant him peace ﷺ, in order to conform to ʿUmar's opinion. Such conduct entails unbelief for anyone who deems it lawful, and grave disobedience for anyone who does it without deeming it lawful. No two Muslims disagree about this, especially with the textual authority that has come concerning anyone who conceals Allah Most High's ruling or contravenes it. ʿAmmar said this only to rebuke ʿUmar when he disagreed with him, meaning: "Do you think I should conceal this report? Yes, if you wish!" This is like His saying, exalted is He: "Indeed, those who deviate concerning Our signs are not hidden from Us. Is someone cast into the Fire better, or someone who comes secure on the Day of Resurrection? Do whatever you wish; indeed, He sees what you do."

Or there is another interpretation: the report mentions that ʿUmar entered a state of major ritual impurity and did not pray. This was what ʿAmmar wished to conceal and never relate, because of the regard he owed ʿUmar. This is permissible, since mentioning ʿUmar's name in that connection is neither part of the transmitted Prophetic practices nor of any benefit. But ʿUmar, may Allah be pleased with him, did not allow him that; instead, he

left him responsible for such explicit mention of his name in that matter as he undertook.[165][166][167][168][169]

L741–748 As for Ibn ʿAbbas, he transmitted a report through Maymunah concerning the water left over by a woman and based his position upon it. Concerning temporary marriage, he transmitted a permission he had witnessed and maintained that position without examining the matter thoroughly. ʿAli ibn Abi Talib objected to this and spoke harshly to him. Concerning exchanging one dirham for two dirhams, a report was transmitted from Usamah, from the Prophet, may Allah bless him and grant him peace ﷺ, and he maintained his position on its basis. Abu Saʿid objected to this and spoke very harshly to him. He countered al-Ḥakam's report concerning the water left over by a woman with nothing more than his statement, "She has more delicate fingers and a more pleasant scent." This contains no rejection of the hadith or its ruling; rather, he spoke truthfully in that. Abu Hurayrah disagreed with him concerning performing ablution after consuming what fire has touched, and concerning washing the hand three times before putting it into the vessel,

وأما ابن عباس فإنه روى في فضل المرأة من طريق ميمونة خبرا بنى عليه وروى في المتعة إباحة شهدها فثبت عليها ولم يحقق النظر، وقد أنكر ذلك عليه علي بن أبي طالب وأغلظ عليه القول وروي في الدرهم بالدرهمين خبرا عن أسامة عن النبي صلى الله عليه وسلم فثبت عليه وأنكر عليه ذلك أبو سعيد وأغلظ له في القول جدا، ولم يعارض خبر الحكم في فضل المرأة بأكثر من أن قال: هي ألطف بنانا، وأطيب ريحا، فليس في هذا رد للحديث ولا لحكمه، بل صدق في ذلك، وقد خالفه في الوضوء مما مست النار، وفي غسل اليد ثلاثا قبل إدخالها في الإناء أبو هريرة وأغلظ له في القول فليت شعري من جعل قول ابن عباس أولى من قول علي وأبي هريرة والحكم بن عمرو وأبي سعيد؟. وأما قول ابن عمر: إن لأبي هريرة زرعا، فصدق وليس في هذا رد لرواية أبي هريرة أصلا، فإذا لم يبق من جميع ما اعترضوا به إلا اختلاف الصحابة في بعض ذلك مما صح وثبت، فالواجب الرد المفترض الذي لا يحل سواه هو الرد في ذلك إلى الله تعالى وإلى النبي صلى الله عليه وسلم إذ كان صاحب في ذاته فغير مبعد عنه الوهم لا سيما إذا اختلفوا فمضمون أن أحد القولين خطأ، فوجدنا الله تعالى قد أمر بالتفقه في الدين وإنذار الناس به وأمر بطاعة الرسول صلى الله عليه وسلم ولا سبيل إلى طاعته عليه السلام إلا بنقل كلامه وضبطه وتبليغه ولا سبيل إلى التفقه في الدين إلا بنقل أحكام الله تعالى وأحكام رسوله صلى الله عليه وسلم ووجدناه صلى الله عليه وسلم قد حض على تبليغ الحديث عنه وقال في حجة الوداع لجميع من حضر: ألا فليبلغ الشاهد الغائب فسقط قول من ذم الإكثار من الحديث. ثم العجب فيه إيرادهم لهذه الآثار التي ذكرنا عمن أوردوها عنه من الصحابة فوالله العظيم ما أدري غرضهم في ذلك ولا منفعتهم بها، ولا شك أنهم لا يدرون لماذا أوردوها، لأنهم إن كانوا أوردوها

[165] **Translator's note (L736):** This passage names Abu Musa, whereas the report quoted in unit 731:0 names Abu Dharr. The variation is preserved. The quotation and sentence continue in the following segment.

[166] **Translator's note (L737):** The wording connecting the Hanafis' master's failure to seek hadith with his many errors and few hadiths is syntactically awkward. The translation preserves the assertions without supplying a missing causal explanation. The numerical expression literally combines 'eight hundred,' an unspecified additional amount, and 'thirty'; 'eight hundred and thirty-odd' reflects that wording. 'Reports with chains reaching the Prophet' and 'reports omitting the Companion' render musnad and mursal respectively.

[167] **Translator's note (L739):** 'I shall certainly make Abu Hurayrah break his oath' translates la-uḥannithanna literally. No oath by Abu Hurayrah is stated in this passage, making the expression awkward in its supplied context.

[168] **Translator's note (L740):** 'The Rejecters' renders the polemical designation al-Rawāfiḍ. In 'whoever attributes it to him,' the supplied Arabic leaves the object of 'attributes' unstated; the preceding unbelief or grave disobedience supplies its sense. The Quranic quotation contains transcriptional spelling defects, particularly omitted initial alifs in several words. Its intelligible wording has been translated without adding or removing clauses. The final expression about responsibility for explicitly naming ʿUmar is compressed; it appears to mean that ʿUmar left ʿAmmar to bear responsibility for what he related.

[169] **Qur'an references (L735):** Qur'an 41:40 (Fussilat).

and spoke harshly to him. Would that I knew who made Ibn ʿAbbas's statement more entitled to acceptance than the statement of ʿAli, Abu Hurayrah, al-Ḥakam ibn ʿAmr, and Abu Saʿid!

As for Ibn ʿUmar's statement, "Abu Hurayrah has cultivated land," he spoke truthfully, and this contains absolutely no rejection of Abu Hurayrah's transmission. Thus, when nothing remains of all their objections except the Companions' disagreement concerning some of those matters that are authentically and firmly established, then the obligatory referral, the mandatory referral apart from which no other course is lawful, is to refer the matter to Allah Most High and to the Prophet, may Allah bless him and grant him peace ﷺ. For a Companion, considered in himself, is not beyond the possibility of error, especially when they disagree: it is assured that one of the two statements is mistaken. We find that Allah Most High has commanded acquiring understanding of religion and warning people through it, and has commanded obedience to the Messenger, may Allah bless him and grant him peace ﷺ. There is no way to obey him, peace be upon him, except by transmitting his words, preserving them accurately, and conveying them. There is no way to acquire understanding of religion except by transmitting the rulings of Allah Most High and the rulings of His Messenger, may Allah bless him and grant him peace ﷺ. We find that he, may Allah bless him and grant him peace ﷺ, urged conveying hadith from him, and said to everyone present at the Farewell Pilgrimage, "Let those present convey it to those absent." Thus the position of anyone who censures transmitting hadith abundantly falls away.

What is astonishing here is their adducing these transmitted accounts that we have mentioned from those Companions from whom they adduce them. By Allah the Magnificent, I do not know their purpose in this or what benefit they gain from them. There is no doubt that they do not know why they adduced them. For if they adduced them to impugn accepting a solitary report, that is not their position: rather, they all accept solitary reports. Furthermore, these are all solitary reports, and none of them constitutes proof for anyone who does not accept solitary reports. This is very astonishing! Or perhaps they adduced them to establish that a person may reject whatever

طعنا في القول بخبر الواحد فليس هذا قولهم، بل هم كلهم يقولون بخبر الواحد، وأيضا فهي كلها أخبار آحاد وليس شيء منها حجة عند من لا يقول بخبر الواحد، وهذا عجب جدا، أو يكونوا أوردوها على إباحة رد المرء ما لم يوافقه من خبر الواحد، وأخذ ما وافقه من ذلك، فهذا هوس عتيق، أول ذلك أنهم يردون بعض ما لم يرده من احتجوا به من الصحابة، ويأخذون ببعض ما رده من احتجوا به منهم، وأيضا فإن كان الأمر كذلك فقد اختلط الدين وبطل، لأن لخصومهم أن يردوا بهذا الباب نفسه ما أخذوا به، ويأخذوا ما ردوه هم منه ونعوذ بالله منه. قال علي: ولا أضل ولا أجهل ولا أبعد من الله عز وجل ممن يزجر عن تبليغ كلام النبي صلى الله عليه وسلم ويأمر بألا يكثر من ذلك أو يرد ما لم يوافقه مما صح عن النبي صلى الله عليه وسلم بنظره الملعون ورأيه الفاسد وهواه الخبيث، ودعواه الكاذبة، ثم يغني دهره في الإكثار من تبليغ آراء مالك وابن القاسم وسحنون وأبي حنيفة وأبي يوسف ومحمد بن الحسن، والتلقي بالقبول لجميعها على غلبة الفساد عليها، ألا إن ذلك هو الضلال البعيد. والفتيا بالآراء المتناقضة وبالله تعالى نعتصم. قال علي وأما من ظن أن أحدا بعد موت رسول الله صلى الله عليه وسلم ينسخ حديث النبي صلى الله عليه وسلم ويحدث شريعة لم تكن في حياته عليه السلام فقد كفر وأشرك وحل دمه وماله ولحق بعبدة الأوثان لتكذيبه قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقال تعالى {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة من لخاسرين} فمن ادعى أن شيئا مما كان

solitary reports do not agree with him and accept whatever does agree with him. This is age-old madness. To begin with, they reject some things that the Companions whom they cite as authorities did not reject, and accept some things that those Companions whom they cite as authorities did reject. Furthermore, if this is how matters stand, religion has become confused and invalid, since their opponents may, by this very same avenue, reject what they accepted and accept what they rejected of it. We seek refuge in Allah from that.

ʿAli said: No one is more astray, more ignorant, or further from Allah, Mighty and Majestic, than someone who discourages conveying the words of the Prophet, may Allah bless him and grant him peace ﷺ, and commands that one should not do so abundantly; or who rejects whatever authentically established reports from the Prophet, may Allah bless him and grant him peace ﷺ, do not agree with him, on the basis of his accursed reasoning, his corrupt opinion, his wicked desire, and his lying claim; and then spends his lifetime abundantly conveying the opinions of Malik, Ibn al-Qasim, Saḥnun, Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Ḥasan, and accepting all of them despite the predominance of corruption over them. Indeed, that is far-reaching error and the issuing of legal opinions based on contradictory personal opinions. In Allah Most High we seek protection.

Ali said: As for anyone who supposes that, after the death of the Messenger of Allah ﷺ, someone may abrogate a hadith of the Prophet ﷺ and introduce a law that did not exist during his lifetime, peace be upon him, he has disbelieved, associated partners with Allah, rendered his blood and property lawful, and joined the worshippers of idols, because he denies the statement of Allah Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor

في عصره عليه السلام على حكم ما ثم بدل بعد موته فقد ابتغى غير الإسلام دينا، لأن تلك العبادات والأحكام والمحرمات والمباحات والواجبات التي كانت على عهده عليه السلام هي الإسلام الذي رضيه الله تعالى لنا وليس الإسلام شيئا غيرها فمن ترك شيئا منها فقد ترك الإسلام، ومن أحدث شيئا غيرها فقد أحدث غير الإسلام، ولا مرية في شيء أخبرنا الله تعالى به أنه قد أكمله، وكل حديث أو آية كانا بعد نزول هذه الآية فإنما هي تفسير لما نزل قبلها، وبيان لجملتها، وتأكيد لأمر متقدم. وبالله تعالى التوفيق. ومن ادعى في شيء من القرآن أو الحديث الصحيح أنه منسوخ ولم يأت على ذلك ببرهان، ولا أتى بالناسخ الذي ادعى من نص آخر فهو كاذب مفتر على الله عز وجل داع إلى رفض شريعة قد تيقنت، فهو داعية من دعاة إبليس، وصاد عن سبيل الله عز وجل، نعوذ بالله قال الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} فمن ادعى أن الناسخ لم يبلغ، وأنه قد سقط فقد كذب ربه، وادعى أن هنالك ذكرا لم يحفظه الله بعد إذ أنزله. فإن قال قائل: الحديث قد يدخله السهو الغلط، قيل له: إن كنت ممن يقول بخبر الواحد، فاترك كل ما أخذت به منه، فإنه في قولك محتمل أن يكون دخل فيه السهو الغلط، وإن كنت مقلدا، فاترك كل من قلدت فإن السهو والغلط قد يدخلان عليه بالضمان. وقد يدخلان أيضا في الرواة عنهم الذين عنهم أخذت دينك وإلا فالرواة عن النبي صلى الله عليه وسلم أوثق من الرواة عن مالك وأبي حنيفة نعم ومن مالك وأبي حنيفة أنفسهما. وإن كنت ممن يبطل خبر الواحد جملة، فقد أثبتنا البرهان على وجوب قبوله، وما ثبت بيقين فلا يبطل بخوف سهو لم يتيقن، والحق لا تسقطه الظنون قال الله تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} ولزمه أن يسقط القبول لشهادة الشاهدين في الدماء والفروج والأموال، إذ يدخل عليهما السهو والغلط وتعمد الكذب وبالله تعالى التوفيق

upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful.} And He Most High said: {Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers.} Thus, whoever claims that something which was subject to a particular ruling in his time, peace be upon him, was subsequently changed after his death has sought something other than Islam as a religion, because those acts of worship, rulings, prohibitions, permissions, and obligations that existed in his time, peace be upon him, are the Islam that Allah Most High approved for us. Islam is nothing other than these. Whoever abandons any of them has abandoned Islam, and whoever introduces anything other than them has introduced something other than Islam. There is no doubt concerning anything that Allah Most High has told us He has perfected. Every hadith or verse that came after the revelation of this verse is merely an explanation of what was revealed before it, an elucidation of its general statements, and a confirmation of an earlier command. Through Allah Most High comes success.

Whoever claims that anything in the Quran or an authentic hadith is abrogated, without producing a demonstration of that or producing the abrogating text he claims from another explicit text, is a liar who fabricates against Allah, mighty and majestic, calling for the rejection of a law established with certainty. He is thus one of Iblis's propagandists and one who bars people from the path of Allah, mighty and majestic. We seek refuge in Allah. Allah Most High said: {Indeed, We have sent down the Reminder, and indeed We will preserve it.} Whoever claims that the abrogating text was not conveyed and has been lost has contradicted his Lord and claimed that there is a Reminder that Allah did not preserve after sending it down.

If someone says, "Inadvertence and error may enter into a hadith," he is told: If you are someone who accepts a solitary report, abandon everything you have accepted from it, since, according to your own statement, it is possible that inadvertence and error have entered into it. If you are an uncritical follower, abandon everyone you have followed uncritically, for inadvertence and error can assuredly affect him; they can also affect the transmitters re-

porting from them, from whom you have taken your religion. Otherwise, the transmitters reporting from the Prophet ﷺ are more trustworthy than the transmitters reporting from Malik and Abu Hanifah—indeed, more trustworthy than Malik and Abu Hanifah themselves. If you are someone who rejects solitary reports altogether, we have established the demonstration that accepting them is obligatory. What has been established with certainty is not invalidated by fear of an inadvertence that has not been established with certainty. Suppositions do not overturn the truth. Allah Most High said: {They have no knowledge of it. They follow nothing but supposition, and supposition avails nothing against the truth.} He would also be obliged to cease accepting the testimony of two witnesses in matters of bloodshed, sexual relations, and property, since inadvertence, error, and deliberate lying may affect them both. Through Allah Most High comes success.[170][171][172][173][174][175]

[Section on the Manner of Transmission]

L749

L750–755 Ali said: Transmission consists in a listener hearing a trustworthy transmitter relate a hadith, or several hadiths, from his book or from memory.

[170] **Translator's note (L741):** 'The water left over by a woman' renders faḍl al-mar'ah in its ritual-purification context; 'water' is implicit in the expression. The supplied form of the verb introducing the report from Usamah is passive ('was transmitted'), unlike the preceding active verbs. The translation retains that shift. 'Temporary marriage' interprets al-mut'ah in light of the reference to 'Ali's objection; the term itself is not further qualified in the supplied Arabic.

[171] **Translator's note (L742):** The wording 'a Companion, considered in himself' follows the supplied ṣāḥib fī dhātihi. The Arabic construction is awkward and may be textually defective; the following clause clearly concerns a Companion's susceptibility to error.

[172] **Translator's note (L744):** "Ali said' is the author's self-reference. The supplied yughni dahrahu, rendered 'spends his lifetime,' is awkward in this construction and may be a transcriptional error for yufni dahrahu, 'exhausts his lifetime.'

[173] **Translator's note (L745):** The opening continues the preceding segment's phrase about corruption predominating over the opinions in question.

[174] **Translator's note (L747):** The expression translated "can assuredly affect him" is literally "may affect him with a guarantee" (قد يدخلان عليه بالضمان), an awkward emphatic formulation.

[175] **Qur'an references (L741):** Qur'an 5:3 (Al-Ma'idah); Qur'an 3:85 (Ali 'Imran); Qur'an 53:28 (An-Najm).

[فصل في صفة الرواية]

قال علي الرواية هي أن يسمع السامع الناقل الثقة يحدث بحديث من كتابه أو من حفظه أو بأحاديث. فجائز أن يقول: حدثنا وحدثني، وأخبرنا وأخبرني، وقال لي وقال لنا، وسمعت وسمعنا، وعن فلان وكل ذلك سواء، وكل ذلك معنى واحد أو يقرأ الراوي عن الناقل حديثا أو أحاديث فيقول المروي عليه بها، ويقول: نعم هذه روايتي، وأن يسمعها تقرأ عليه ويقر بها المروي عنه، أو يناول المروي عنه الراوي كتابا فيه حديث أو أحاديث، أو ديوانا بأسره عظم أو صغر فيقول له: هذا ديوان كذا، كل ما فيه أخذته عن فلان عن فلان حتى يبلغه إلى مؤلفه، ويستثني شيئا إن كان فاته منه بعينه فإن لم يفته شيء فلا يستثني شيئا، أن يقول له: عن ديوان مشهور مقبول عند الناس نقل تواتر ليس في ألفاظه اختلاف، ديوان كذا أخذته عن فلان عن فلان حتى يبلغ إلى مؤلفه، فأي هذه الوجوه كان، فجائز أن يقول فيه القائل: حدثني وأخبرني، وهو محق في ذلك، وهو كله خبر صحيح، ونقل صادق ورواية تامة، لا داخلة فيها، كالقراءة والسماع ولا فرق. فإن سمعه يخاطب بذلك

He may then say, “He related to us,” “He related to me,” “He informed us,” “He informed me,” “He said to me,” “He said to us,” “I heard,” “We heard,” or “From so-and-so.” All of these are equivalent, and all have one meaning. Or the narrator may read a hadith or several hadiths to the transmitter from whom he narrates, and the person to whom they are read affirms them and says, “Yes, this is my transmission”; or he may hear them being read to him, with the person from whom they are narrated acknowledging them. Or the person from whom the report is narrated may hand the narrator a book containing one hadith or several hadiths, or an entire collection, large or small, and say to him, “This is such-and-such a collection. Everything in it I received from so-and-so, from so-and-so,” carrying the chain back to its compiler. He must specify an exception if he missed a particular part of it; if he missed nothing, he makes no exception. He may say to him, concerning a well-known collection accepted among people through recurrent mass transmission, with no variation in its wording, “Such-and-such a collection I received from so-and-so, from so-and-so,” carrying the chain back to its compiler.

Whichever of these forms occurs, the person may say concerning it, “He related to me” or “He informed me,” and he speaks truthfully in doing so. All of it is an authentic report, a truthful conveyance, and a complete transmission containing no defect, just like reading and hearing; there is no difference. If he hears him addressing someone else in this way, he should say, “I heard so-and-so report from so-and-so,” or “relate from so-and-so.” He must not then say “to us,” “to me,” “he informed us,” or “he informed me,” thereby lying. But if he says, “I heard so-and-so,” that is an authentic and complete transmission: let him relate it, and let people transmit it.

It makes no difference whether the person he heard gave him permission for this or did not give him permission, prohibited him from relating from him or allowed him to do so. All of that has no significance. No one may prevent the conveyance of a truth beneficial to people that the transmitter has heard, and no one may permit someone else to convey what he has not heard. Whoever transgresses Allah’s limits has wronged himself. It is simply either truth or falsehood. A truth benefiting even one Muslim or more must

غيره فليقل: سمعت فلانا يخبر عن فلان، أو يحدث عن فلان، ولا يقل حينئذ: نا، ولا ني، ولا أنا، ولا إني، فيكذب، ولكن إن قال سمعت فلانا، فهي رواية صحيحة تامة، فليحدث بها وليروها الناس. وسواء أذن له المسموع عنه في ذلك أو لم يأذن، حجر عليه الحديث عنه أو أباحه إياه، كل ذلك لا معنى له ولا يحل لأحد أن يمنع من نقل حق فيه خير للناس قد سمعه الناقل، ولا يحل لأحد أن يبيح لغيره نقل ما لم يسمع، ومن يتعد حدود الله فقد ظلم نفسه، وإنما هو حق أو كذب، فالحق الذي ينتفع به مسلم واحد فصاعدا واجب نقله، والكذب حرام نقله. وأما من كتب إلى آخر كتابا يوقن المكتوب إليه أنه من عنده، فيقول له في كتابه: ديوان كذا أخذته عن فلان كما وصفنا قبل، فليقل المكتوب إليه أخبرني في كتابه إلي ونحن نقول أنبأنا رسول الله صلى الله عليه وسلم وقال لنا رسول الله صلى الله عليه وسلم وأخبرنا الله تعالى وقال لنا الله تعالى وقال تعالى {ولذين آمنوا وعملوا لصالحات سندخلهم جنات تجري من تحتها لأنهار خالدين فيهآ أبدا وعد لله حقا ومن أصدق من لله قيلا} وقال تعالى {لله نزل أحسن لحديث كتابا متشابها مثاني تقشعر منه جلود لذين يخشون ربهم ثم تلين جلودهم وقلوبهم إلى ذكر لله ذلك هدى لله يهدي به من يشآء ومن يضلل لله فما له من هاد} وإنما ذلك لأنه تعالى خاطب بكتابه كل من يأتي من الإنس والجن إلى يوم القيامة وأمر نبيه صلى الله عليه وسلم بمخاطبة كل من يأتي إلى يوم القيامة من الإنس والجن أيضا، فليس منا أحد إلا وخطاب الله تعالى وخطاب رسوله صلى الله عليه وسلم يتوجهان إليه يوم القيامة وليس ذلك لمن دونهما أصلا، وإنما يخاطب كل من دون الله تعالى ودون رسوله صلى الله عليه وسلم من شافه أو من كتب إليه أو من سمع منه لفظه إذ لم يأمر الله تعالى أحدا من ولد آدم عليه السلام دون رسول الله صلى الله عليه وسلم بأن ينذر جميع أهل الأرض وإنما يصح من فعل كل واحد

be conveyed, while conveying falsehood is forbidden. As for someone who writes another person a letter, when its recipient is certain that it comes from him, saying in his letter, "Such-and-such a collection I received from so-and-so," as we described earlier, the recipient should say, "He informed me in his letter to me." And we say, "The Messenger of Allah ﷺ informed us," and "The Messenger of Allah ﷺ said to us," and "Allah Most High informed us," and "Allah Most High said to us." He Most High said: {Those who believe and do righteous deeds—We shall admit them into gardens beneath which rivers flow, abiding therein forever. Allah's promise is true, and who is more truthful in speech than Allah?} And He Most High said: {Allah has sent down the finest discourse: a Book, mutually resembling, oft-repeated, at which the skins of those who fear their Lord shiver; then their skins and their hearts soften to the remembrance of Allah. That is Allah's guidance, by which He guides whomever He wills. Whoever Allah leads astray has no guide.}

This is only because He Most High addressed through His Book everyone among humankind and jinn who will come into existence until the Day of Resurrection, and He commanded His Prophet ﷺ likewise to address everyone among humankind and jinn who will come into existence until the Day of Resurrection. There is therefore none of us to whom the address of Allah Most High and the address of His Messenger ﷺ are not directed on the Day of Resurrection. This does not apply at all to anyone beneath those two. Anyone beneath Allah Most High and His Messenger ﷺ addresses only someone he speaks to face to face, someone to whom he writes, or someone who hears his words from him. For Allah Most High did not command any descendant of Adam, peace be upon him, other than the Messenger of Allah ﷺ to warn all the inhabitants of the earth. Of each person's actions, only what accords with what He Most High commanded him is valid, not what conflicts with what Allah, mighty and majestic, commanded him. Whoever does what he has not been commanded to do, his action is invalid and rejected.

Ali said: As for the authorization to transmit that people employ, it is invalid. No one may authorize lying. Whoever tells another, "Transmit from me everything I narrate," without informing him of it collec-

ما وافق ما أمره تعالى به، لا ما خالف ما أمره الله عز وجل، ومن فعل ما لم يؤمر به ففعله باطل مردود. قال علي: وأما الإجازة التي يستعملها الناس، فباطل، ولا يجوز لأحد أن يجيز الكذب، ومن قال لآخر: ارو عني جميع روايتي دون أن يخبره بها ديوانا ديوانا، وإسنادا إسنادا، فقد أباح له الكذب، لأنه إذا قال حدثني فلان أو عن فلان فهو كاذب أو مدلس بلا شك، لأنه لم يخبره بشيء فهذه أربعة أوجه جائزة وهي: مخاطبة المحدث للآخذ عنه، أو سماع المحدث من الآخذ عنه، وقراره له بصحته، أو كتاب المحدث إلى الآخذ عنه، أو مناولته إياه كتابا فيه علم. وقوله: هذا أخبرني به فلان عن فلان وكل هذه الوجوه قد صحت عن رسول الله صلى الله عليه وسلم وعن جميع الصحابة فأما الأخبار فإخبار النبي صلى الله عليه وسلم بالسنن وإخبار الصحابة بعضهم بعضا فأبو بكر أخبره المغيرة، ومحمد بن مسلمة، وكذلك كل من بعده منهم، وأما قراءة الآخذ على المحدث فقد قال بعض الناس للنبي صلى الله عليه وسلم فأخبرني أهل العلم أن على ابني جلد مائة وتغريب عام وأن على امرأة هذا الرجم فصدق النبي صلى الله عليه وسلم وكذلك سأل الناس أصحابه عن الأحكام قصدقوا الحق وأنكروا الباطل

tion and chain of transmission by chain of transmission, has permitted him to lie. For if he says, "So-and-so related to me," or "From so-and-so," he is unquestionably lying or concealing the manner of transmission, because that person has informed him of nothing. These, then, are four permissible forms: the hadith transmitter addressing the person receiving from him; the hadith transmitter listening to the person receiving from him and confirming its correctness to him; the hadith transmitter writing to the person receiving from him; or his handing him a book containing knowledge and saying, "So-and-so informed me of this, from so-and-so." All these forms have been authentically established from the Messenger of Allah ﷺ and from all the Companions. As for informing, there is the Prophet's ﷺ informing people of the established prophetic practices, and the Companions' informing one another: al-Mughirah and Muhammed informed Abu Bakr ibn Maslamah, and likewise each of those among them who came after him. As for the recipient's reading aloud to the hadith transmitter, someone said to the Prophet ﷺ: "The people of knowledge informed me that my son was liable to one hundred lashes and a year's banishment, and that this man's wife was liable to stoning." The Prophet ﷺ confirmed this. Likewise, people asked his Com-

panions about legal rulings, and they affirmed what was true and rejected what was false.[176][177][178][179][180]

L756 As for written communication, the Prophet ﷺ wrote conveying the established practices to the kings of Yemen and to those kings of the earth who were absent from him, whom he called to faith. His Companions after him likewise wrote to their judges and governors. As for handing over a written text, the Messenger of Allah ﷺ wrote a document for ʿAmr ibn Hazm, and for ʿUmar and others when he dispatched them as governors, teaching them the established practices in these documents and commanding them to act according to their contents. He did likewise for ʿAbd Allah ibn Jahsh, giving him the document and commanding him to act according to its contents. Abu Bakr likewise did this with Anas. ʿAli sent a document with his son to ʿUthman and said: "These are the Messenger of Allah's ﷺ prescriptions for the obligatory alms, so command your officials to act according to them." As for authorization to transmit, it has never been reported from the Prophet ﷺ, nor from his Companions—may Allah be pleased with them—nor from any one of them, nor from any of the Successors, nor from any of the Succes-

وأما الكتاب فكتب النبي صلى الله عليه وسلم بالسنن إلى ملوك اليمن وإلى من غاب عنه من ملوك الأرض الذين دعاهم إلى الإيمان، وكذلك فعل أصحابه بعده إلى قضاتهم وأمرائهم وأما المناولة فقد كتب رسول الله صلى الله عليه وسلم كتابا لعمرو بن حزم ولعمر وغيره إذ بعثهم أمراء، يعلمهم فيها السنن، وأمرهم بالعمل بما فيها، وكذلك لعبد الله بن جحش، وأعطاه الكتاب وأمره بالعمل بما فيه، وكذلك فعل أبو بكر بأنس، وبعث علي كتابا مع ابنه إلى عثمان وقال هذه صدقة رسول الله صلى الله عليه وسلم فمر عمالك يعملون بها وأما الإجازة فما جاءت قط عن النبي صلى الله عليه وسلم ولا عن أصحابه رضي الله عنهم ولا عن أحد منهم، ولا عن أحد من التابعين ولا عن أحد من تابعي التابعين فحسبك بدعة بما هذه صفته وبالله تعالى التوفيق

[176] **Translator's note (L750):** The wording فيقول المروي عليه بها is syntactically awkward. "The person to whom they are read affirms them" reflects its apparent function before the explicit acknowledgment that follows. The transition أن يقول له, rendered "He may say to him," lacks an explicit coordinating "or" in the supplied text. The forms نا، ني، أنا، إني are abbreviated transmission formulas. They are rendered according to their function here: claims that the speaker was personally addressed or informed.

[177] **Translator's note (L753):** The supplied text says that the divine and prophetic addresses are directed to each person "on the Day of Resurrection" (يوم القيامة). The surrounding argument concerns their application until that day, but the supplied wording has been retained. "Authorization to transmit" renders الإجازة; "concealing the manner of transmission" renders مدلس, referring here to wording that obscures how the report was received.

[178] **Translator's note (L754):** The segment ends within the name Muhammed ibn Maslamah; only "Muhammed" occurs in this segment.

[179] **Translator's note (L755):** The opening continues the name "Muhammed ibn Maslamah" from the preceding segment. The transcription قصدقوا appears to be an error for فصدقوا, rendered "and they affirmed."

[180] **Qur'an references (L750):** Qur'an 4:57 (An-Nisa); Qur'an 4:122 (An-Nisa); Qur'an 39:23 (Az-Zumar).

sors' successors. That something has this character is sufficient to establish it as an innovation. Success is through Allah Most High.

L757 **[Section: Some people have alleged defects in sound hadiths, saying: "So-and-so transmitted this hadith with a connected chain, while so-and-so transmitted it with a missing link."]**[181]

L758 ʿAli said: This is meaningless, because if the person who transmitted it with a missing link had not transmitted it at all, or had never heard it whatsoever, that would not invalidate the acceptance of that hadith. How, then, could it do so when he transmits it with a missing link? Neither a transmitter's omitting a link from what another has transmitted with a connected chain, nor an ignorant person's ignorance of what another knows, constitutes an argument precluding acceptance of what upright transmitters have transmitted with connected chains. This is especially so if the person raising this objection is a Maliki or a Hanafi, for they consider a report with a missing link acceptable just like one with a connected chain. How, then, can they weaken a sound report by something they regard as agreeing with it, anomalous, and corroborative? This is indeed astonishing; this is indeed an extreme degree of ignorance and degradation. Their statement, "This is taken into consideration only when the transmitter who omits a link, or stops the report at a Companion, is more upright than the transmitter who supplies a connected chain," is meaningless. A report must be accepted when an upright transmitter relates it from an upright transmitter. Differences in degrees of uprightness are of no consequence, as we have already explained in this chapter, since there is no revealed text, consensus, or evidence requiring consideration of one upright person and another more upright than

[181] **Translator's note (L757):** "With a missing link" renders mursal, here contrasted with musnad, transmission with a connected chain.

[فصل وقد تعلل قوم في أحاديث صحاح بأن قالوا هذا حديث أسنده فلان وأرسله فلان]

قال علي: وهذا لا معنى له، لأن فلانا الذي أرسله لو لم يروه أصلا أو لم يسمعه البتة، ما كان ذلك مسقطا لقبول ذلك الحديث، فكيف إذا رواه مرسلا وليس في إرسال المرسل ما أسنده غيره، ولا في جهل الجاهل ما علمه غيره، حجة مانعة من قبول ما أسنده العدول، لا سيما إن كان المعترض بها مالكيا أو حنفيا، فإنهم يرون المرسل مقبولا كالمسند، فكيف يوهنون الصحيح بما يرونه موافقا له وشاذا ومؤيدا، إن هذا لعجيب وإن هذا لإفراط في الجهل والسقوط، ولا معنى لقولهم: إنما يراعى هذا إذا كان المرسل أو الموقف أعدل من المسند، فإنما يجب قبول الخبر إذا رواه العدل عن العدل، ولا معنى لتفاضل العدالة على ما قد ذكرنا في هذا الباب، إذ لا نص ولا إجماع ولا دليل على مراعاة عدل وأعدل منه، وإنما الواجب مراعاة العدالة فقط وبالله تعالى نتأيد ونعتصم

him. What must be considered is uprightness alone. Through Allah Most High we seek strength and protection.[182]

[182]**Translator's note (L758):** The supplied وشاذا means "and anomalous," which conflicts with the surrounding description "agreeing with it … and corroborative." It may be a corruption of وشادا, "and strengthening," but the supplied reading has been retained.