

الباب 12: الأوامر والنواهي

Chapter 12: Commands and Prohibitions

Ibn Ḥazm · Arabic–English parallel edition

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L759

[Chapter Twelve]

L760–765

On the Commands and Prohibitions Occurring in the Quran and the Speech of the Prophet ﷺ and on adhering to their apparent meaning, construing them as imposing obligation and immediate performance, and the invalidity of the position of anyone who diverts any of them to a non-apparent interpretation, deferred performance, recommendation, or suspension of judgment without demonstration or evidence.

Abu Muhammed said: What is understood from a command is that the commander intends what he commands to occur and has made that matter binding upon the person commanded. Some Hanafis, some Malikis, and some Shafiʿis have said that judgment concerning the commands and prohibitions of the Quran and the established practices is to be suspended until evidence establishes that they are to be construed either as imposing an obligation to act or a prohibition, or as expressing recommendation, permission, or disapproval. Some members of the groups we have mentioned, and all the adherents of the apparent meaning, have maintained that all of these impose a binding prohibition or obligation to act until evidence establishes that any of them should be diverted to recommendation, disapproval, or permission, whereupon it is construed accordingly.

ʿAli said: This is the only permissible position. We shall, if Allah Most High wills, set out the objections raised by our opponents and establish the invalidity of their contentious arguments through sound demonstrations. Then we shall mention the evidence establishing the correctness of our position. Success is through Allah Most High.

ʿAli said: The principal deceptive argument they advanced was to say: "If the imperative expression had been assigned to impose obligation, it would never occur except with that meaning. But since we find commands whose meaning is recommendation or permission—with no disagreement between you and us—and find prohibitions whose meaning is disapproval—with no disagreement between you and us— we must not assign expressions to some of the meanings they admit rather than others except on the basis of evidence." They said: "In our view, imperative expressions are equivocal ex-

[الباب الثاني عشر]

في الأوامر والنواهي الواردة في القرآن وكلام النبي صلى الله عليه وسلم والأخذ بظاهرها وحملها على الوجوب والفور وبطلان قول من صرف شيئا من ذلك إلى التأويل أو التراخي أو الندب أو الوقف بلا برهان ولا دليل قال أبو محمد: الذي يفهم من الأمر، أن الآمر أراد أن يكون ما أمر، وألزم المأمور ذلك الأمر، وقال بعض الحنفيين، وبعض المالكيين، وبعض الشافعيين: إن أوامر القرآن والسنن ونواهيهما على الوقف حتى يقوم دليل على حملها، إما على وجوب في العمل أو في التحريم، وإما على ندب، وإما على إباحة، وإما على كراهة، وذهب قوم من الطوائف التي ذكرنا، وجميع أصحاب الظاهر إلى القول: بأن كل ذلك على الوجوب في التحريم أو الفعل حتى يقوم دليل على صرف شيء من ذلك إلى ندب، أو كراهة، أو إباحة فتصير إليه. قال علي: وهذا هو الذي لا يجوز غيره، ونحن إن شاء الله تعالى ذاكرون ما اعترض به المخالفون، وبطلان شغبهم بالبراهين الصحيحة، ثم نذكر الأدلة على صحة ما ذهبنا إليه، وبالله تعالى التوفيق. قال علي: فعمدة ما موهوا به أن قالوا: لو كان لفظ الأمر موضوعا للإيجاب لم يوجد أبدا إلا كذلك، لكن لما وجدنا بلا خلاف منكم لنا أوامر معناها الندب أو الإباحة، ووجدنا نواهي بلا خلاف منكم لنا معناها الكراهة، وجب ألا نصرف الألفاظ إلى بعض ما تحتمله من المعاني دون بعض، إلا بدليل، قالوا: وألفاظ الأوامر عندنا من الألفاظ المشتركة التي لا تختص بمعنى واحد، لكنها بمنزلة عير ورجل ولون وعين، فإن قولك: رجل ليس هو بأن يوقع على العضو، أولى منه بأن يوقع على جماعة الجراد، وقولك: عير ليس بأن يوقع على الحمار أولى من أن يوقع على العظم الذي في القدم، وقولك: عين ليس بأن يوقع على يمين عين النظر، أولى من أن يوقع على عين الماء، وقولك: لون ليس بأن يوقع على الحمرة، أولى من أن يوقع على البياض، فكذلك قول القائل افعل لما وجد يراد به الندب، ووجد يراد به إيجاب، لم

pressions that are not exclusive to a single meaning. Rather, they are like ʿayr, rijl, lawn, and ʿayn. Your saying rijl is no more appropriately applied to the bodily member than to a swarm of locusts; your saying ʿayr is no more appropriately applied to the donkey than to the bone in the foot; and your saying ʿayn is no more appropriately applied to the right side of the seeing eye than it is applied to a water spring. Your saying lawn, 'color,' is no more appropriately applied to redness than to whiteness. Likewise, when someone says 'Do,' since this is found to intend recommendation and is found to intend the imposition of obligation, applying it to the imposition of obligation is no more appropriate than applying it to recommendation, except on the basis of evidence."

ʿAli said: This is invalid contentious argumentation. For we say—and success is through Allah Most High—that every named thing, whether an accident or a body, has a name peculiar to it, by which it is distinguished from other things, so that mutual understanding may occur through such names and the listener addressed may know the intention of the speaker addressing him. Were this not so, mutual understanding would never occur, and Allah Most High's address to us would be rendered ineffectual. Allah Most High has said: "We have sent no messenger except in the language of his people, so that he might make things clear to them. Then Allah leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise." If every meaning did not have a name exclusive to it, clarification could never be achieved, because the confusion of meanings is ambiguity itself. Thus, the original principle is what we have stated, by rational necessity and by the explicit text of the Quran. Then, since we find in the language instances of what they mentioned—names applying to various meanings—and also find names each of which is peculiar solely to its own referent, and know that the purpose of language is to convey understanding, not ambiguity, we must adhere to the original principle: each meaning has its own name, in which no other meaning shares, until it is established for us that a particular name is assigned otherwise and is one through which clarification is not achieved. Its clarification is then to be sought from something else.

يكن إيقاعه على الإيجاب أولى من إيقاعه على الندب إلا بدليل. قال علي: هذا شغب فاسد، وذلك أنا نقول وبالله تعالى التوفيق: إن لكل مسمى من عرض أو جسم اسما يختص به، يتبين به مما سواه من الأشياء ليقع بها التفاهم، وليعلم السامع المخاطب به مراد المتكلم المخاطب له، ولو لم يكن ذلك لما كان تفاهم أبدا، ولبطل خطاب الله تعالى لنا، وقد قال الله تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} ولو لم يكن لكل معنى اسم منفرد به لما صح البيان أبدا، لأن تخليط المعاني هو الإشكال نفسه، فإذن الأصل ما ذكرناه بضرورة العقل، وبنص القرآن، ثم وجدنا في اللغة أشياء مما ذكروا من أسماء تقع على معان شتى، ووجدناها أيضا أسماء يختص كل اسم منها بمسماه فقط، وعلمنا أن المراد باللغة إنما هو الإفهام لا الإشكال، لزمنا أن نلزم الأصل الذي هو اختصاص كل معنى باسمه دون أن يشاركه فيه غيره، حتى يصح عندنا أن هذا الاسم مرتب بخلاف هذه الرتبة، وأنه مما لا يقع به بيان فيطلب بيانه حينئذ من غيره. قال علي: والذي شبهوا به الأوامر من الأسماء المشتركة التي ذكروا، مثل لون وعير ورجل تشبيه فاسد ضرورة، وذلك أن المخاطب إذا خاطبنا بخبر ما عن رجل أو عن لون أو أمرنا بأمر ما في ذلك فممكن أن نحمل خبره وأمره على كل ما يقتضيه ما ذكر مثل أن يقول: لا تأكلوا عيرا فيجتنب كل ما يقع عليه اسم عير، وإن اختلفت أنواعه وكذلك قوله تعالى {وهو لذي أنزل من لسمآء مآء فأخرجنا به نبات كل شيء فأخرجنا منه خضرا نخرج منه حبا متراكبا ومن لنخل من طلعها قنوان دانية وجنات من أعناب ولزيتون ولرمان مشتبها وغير متشابه نظروا إلى ثمره إذآ أثمر وينعه إن في ذلكم لآيات لقوم يؤمنون} وكان ذلك واقعا على كل ثمر، وان اختلفت أنواعه، وكذلك قول القائل: الهواء لا لون له. فقد انتفى بذلك عنه البيأض والحمرة والسواد والخضرة والصفرة،

ʿAli said: Their comparison of commands to the equivocal names they mentioned, such as lawn, ʿayr, and rijl, is necessarily an invalid comparison. For when a speaker addresses us with some statement about a rijl or a color, or commands us to do something concerning them, it is possible to construe his statement and command as encompassing everything entailed by what he mentioned. For example, he may say: "Do not eat an ʿayr," in which case everything to which the name ʿayr applies is avoided, even if its kinds differ. Likewise is His saying, Most High: "It is He who sent down water from the sky; then with it We brought forth the growth of every thing, and from it We brought forth green growth from which We bring forth grain in close-set layers; and from the date palms, from their spathes, clusters hanging low, and gardens of grapevines, and olives and pomegranates, similar and dissimilar. Look at its fruit when it bears fruit, and at its ripening. Indeed, in that are signs for people who have faith." This applies to every fruit, even if its kinds differ. Likewise, when someone says, "Air has no color," whiteness, redness, blackness, greenness, and yellowness are thereby all denied of it. Thus, addressing people with these names remains informative, mutual understanding is possible, and construing them as encompassing what they

فالفائدة بالخطاب بهذه الأسماء قائمة، والتفاهم ممكن، وحملها على ما يقتضيه جائز حسن إلا أن يقوم دليل على تخصيص بعض ما تحتها فيصار إليه.

entail is permissible and sound, unless evidence establishes that some of what falls under them is to be singled out, in which case that is followed.[1][2][3][4]

L766–768 This is not possible with the commands that they wish to liken to the names we have mentioned. For if we are told, "Do," and this expression can intend obligation, but can also intend recommendation or permissibility, there is no way, within the constitution of nature, to construe it in all the senses we have mentioned. It is necessarily impossible for something to be binding, without exception, while its omission is permissible, at one time for one person. This is an impossibility: it cannot occur and cannot be accomplished. Their comparison is therefore invalid. It is established that, if the command were as they describe, compliance with it could never be within one's power. Were that so, commands would necessarily be invalidated altogether. Since it is established that commands have come from Allah, mighty and majestic, and that people communicate with one another through commands in language, we know that He, exalted, cannot address us with something that there is no way to comply with, or with impossibilities beyond our power. It is established that a command intends a meaning specific to its wording and

وهذا غير ممكن في الأوامر التي أرادوا أن يشبهوها بالأسماء التي ذكرنا، لأنه إذا قيل لنا: افعلوا، وكان هذا اللفظ ممكنا أن يراد به الإيجاب وممكنا به الندب أو الإباحة، فلا سبيل في بنية الطبيعة إلى حمله على كل الوجوه التي ذكرنا، إذ ممتنع بالضرورة أن يكون الشيء ملزما ولا بد، ومباحا تركه في وقت واحد لإنسان واحد، هذا محال لا يمكن ولا يقدر عليه، فيبطل تشبيههم، وصح أن الأمر لو كان كما ذكروا لكان غير مقدر على الائتمار له أبدا، ولو كان ذلك لبطل الأمر كله ضرورة، وإذ قد صح ورود الأمر من الله عز وجل، وصح التخاطب بالأوامر في اللغة بين الناس، علمنا أنه لا يجوز أن يخاطبنا تعالى بما لا سبيل إلى الائتمار له، وبالمحالات التي لا نقدر عليها، وصح أن الأمر مراد به معنى مختص بلفظه وبنيته وليس ذلك إلا كون ما خوطب به المأمور، وبالله تعالى التوفيق. قال علي: وإنما الذي ذكروا من أنهم قد وجدوا أوامر معناها الندب فصدقوا، والوجه في ذلك أننا قد وجدنا في اللغة ألفاظا نقلت على معهودها وعن موضوعها في اللسان، وعلقت على أشياء أخر، فعل ذلك خالق اللغة وأهلها الذي رتبها كيف شاء عز وجل، أو فعل في ذلك بعض أهل اللغة من العرب، أو فعل ذلك مصطلحان فيما بينها، كما نقل تعالى اسم الصلاة عن موضوعها في اللغة، عن الدعاء إلى استقبال الكعبة، ووقوف وركوع وسجود وجلوس، بصفات محدودة لا تتعدى، وكما نقل تعالى اسم الصيام عن الوقوف إلى امتناع الأكل والشرب والوطء في أيام معلومة، وكما نقل اسم الكفر عن التغطية إلى أقوال محدودة ونيات معلومة، فإذا قد وجدنا ذلك لزمنا، إذا قام دليل، على أن لفظا ما قد نقل عن موضوعه من اللغة، ورتب في مكان آخر أن يعتقد ذلك، وإما ما لم يقم دليل على نقله فلا سبيل إلى إحالته عن مكانه البتة، وقد قال بعض المفسدين للحقائق، المتكلمين بما لا يعقل، ليس هذا نقلا، إنما النقل ما لم يجز أن يبقى على ما نقل عنه. قال علي: وهذا تحكم

[1] **Translator's note (L762):** The Arabic examples require retention of their forms: rijl can denote a foot or leg and a swarm of locusts; ʿayr is illustrated here by a donkey and a bone in the foot; lawn means "color"; and ʿayn can mean "eye" or "spring." The supplied phrase على يمين عين النظر, rendered literally as "to the right side of the seeing eye," is awkward and appears corrupt. The surrounding argument contrasts the seeing eye with a water spring, but يمين, "right side" or "right," has not been silently omitted.

[2] **Translator's note (L763):** "Accident" renders the technical philosophical term ʿaraḍ, contrasted here with a body. The Quranic quotation, corresponding to 14:4, contains apparent transcriptional omissions in لله, لعزيز, and لحكيم, where the context indicates "Allah," "the Mighty," and "the Wise." The translation follows those identifiable words.

[3] **Translator's note (L764):** Rijl and ʿayr are retained because the argument depends on the multiple meanings of those Arabic expressions, illustrated in the preceding units. The Quranic quotation, corresponding to 6:99, has apparent transcriptional omissions in لذي, لسمآء, لنخل, لزيتون, لرمان, and نظروا. These have been rendered according to their identifiable contextual readings; نظروا is read as the imperative "Look," though its initial alif is absent in the supplied text.

[4] **Qur'an references (L760):** Qur'an 14:4 (Ibrahim); Qur'an 6:99 (Al-An'am).

form. This can only be the occurrence of that which the person commanded has been addressed to perform. Through Allah, exalted, comes success.

Ali said: As for their statement that they have found commands whose meaning is recommendation, they have spoken truthfully. The explanation is that we have found expressions in language transferred from their customary usage and their assigned meaning in the tongue and attached to other things. This was done by the Creator of language and its speakers, who arranged it however He willed, mighty and majestic; or it was done by some of the Arab speakers of the language; or it was done by two people establishing a convention between themselves. Thus He, exalted, transferred the term "prayer" from its assigned meaning in language, from supplication to facing the Kaaba, standing, bowing, prostrating, and sitting, in prescribed forms beyond which one must not go. Likewise, He, exalted, transferred the term "fasting" from standing still to abstaining from eating, drinking, and sexual intercourse on specified days. Likewise, He transferred the term "unbelief" from covering to specified utterances and known intentions. Since we have found this to be so, whenever evidence establishes that an expression has been transferred from its assigned meaning in language and assigned another place, we are obliged to believe that to be the case. As for an expression whose transfer has not been established by evidence, there is absolutely no way to displace it from its position. Some of those who subvert realities and speak unintelligibly have said: "This is not a transfer. A transfer is only that in which the expression cannot remain applicable to that from which it was transferred."

Ali said: This is an arbitrary stipulation unrecognized by speakers of the language. Rather, whenever a state is altered, its status is thereby transferred from what it previously was. When a name applies to one meaning, and Allah, exalted, also makes it apply to another meaning, He has transferred it from the status of applying to one meaning to the status of applying to two meanings. Furthermore, we are not disputing with them over the word

لا يعرفه أهل اللغة، بل كل حال أحيلت، فقد تنقل حكمها عما كان عليه، والاسم إذا وقع على معنى ما فأوقعه الله تعالى أيضا على معنى آخر، فقد نقله على حكم الوقوع على معنى واحد إلى حكم الوقوع على معنيين، وأيضا فلسنا نحاكرهم في لفظ النقل، وإنما نريد أن اللفظة كانت تقع في اللغة على معنى ما، فأوقعت أيضا على غير ذلك.

"transfer." We mean only that an expression used to apply in language to a particular meaning and was then made to apply to something else as well.[5][6]

L769–771 Ali said: We then say to them: What follows for you, if you uphold the argument you have mentioned, is this: you have found many verses and many reports that have been abrogated and that it is unlawful to act upon. You must therefore suspend judgment concerning every verse and every report, since each of them, considered in itself, could be abrogated, just as each command, considered in itself, could express recommendation. If you accept that consequence, you have disbelieved and departed from Islam. If you refuse to accept it, you are correct, and you have invalidated your argument that, because commands expressing recommendation have been found, judgment must be suspended concerning all commands until it is established whether they express obligation or recommendation.

Ali said: There is absolutely no difference between the suspension of judgment concerning every verse and report that we have imposed upon them as a consequence of their finding abrogated verses and abrogated reports, and the suspension of judgment concerning every command that they have accepted because they have found commands expressing recommendation. Rather, it is the very same thing. We do not say that it is like it; we say that the meaning in both cases is one. The explanation is that what is abrogated is that which it is not obligatory to apply, or which it is permissible to apply; and what is recommended is likewise that which it is not a prescribed duty to apply. The two thus coincide equally in the absence of an obligation to apply them. They differ only in that applying what is recommended is permissible, whereas applying what is abrogated is impermissible only in certain circumstances. Their obfuscation is therefore invalidated—and through Allah, exalted, comes success—by their own acknowledgment that our finding

قال علي: ثم نقول لهم ما يلزمكم إن صححتم دليلكم الذي ذكرتم، أنكم قد وجدتم آيات كثيرة، وأحاديث كثيرة منسوخات لا يحل العمل بها، أن تتوقفوا في كل آية، وفي كل حديث، لاحتمال كل شيء منها في نفسه أن يكون منسوخا، كاحتمال كل أمر في نفسه أن يكون ندبا فإن التزمتم ذلك كفرتم، وخرجتم عن الإسلام، وإن أبيتم التزامه أصبتم وكنتم قد أبطلتم دليلكم في أنه لما قد وجدت أوامر معناها الندب وجب التوقف عن جميع الأوامر حتى يصح أنها إما إيجاب أو ندب. قال علي: وليس بين ما ألزمناهم من التوقف عن كل آية، وحديث من أجل وجودهم آيات منسوخة وأحاديث منسوخات، وبين ما التزموا من التوقف عن كل أمر من أجل وجودهم أوامر معناها الندب فرق البتة، بل هو ذلك بعينه لسنا نقول: إن مثله بل نقول إن المعنى في ذلك واحد، وبيان ذلك: أن المنسوخ هو الذي لا يلزم أن يستعمل، أو يجوز أن يستعمل، والمندوب إليه هو الذي لا يلزم فرضا أن يستعمل أيضا، فقد اجتمعنا في سقوط وجوب الاستعمال اجتماعا مستويا، وإنما افترقا أن المندوب إليه مباح استعماله، والمنسوخ ليس مباحا استعماله في بعض الأحوال فقط، فبطل تمويههم وبالله تعالى التوفيق بإقرارهم أنه ليس من أجل وجودنا ألفاظا مصروفة عن مواضعها في اللغة، يجوز أن يتوقف في سائر الألفاظ خوف أن تكون مصروفة عن مواضعها، فقد بطل الاستدلال الذي أرادوا تحقيقه، وبالله تعالى التوفيق. وأيضا فإن لفظة أو ولفظة إن شئت مفهوم منهما التخيير بلا خلاف منا ومنهم، ومن جميع أهل اللغة وقد سمعناه تعالى يقول {وقل لحق من ربكم فمن شآء فليؤمن ومن شآء فليكفر إنا أعتدنا للظالمين نارا أحاط بهم سرادقها وإن يستغيثوا يغاثوا بمآء كالمهل يشوي لوجوه بئس لشراب وسآءت مرتفقا} سمعناه تعالى يقول {قل كونوا حجارة أو حديدا} وجدنا

[5] **Translator's note (L766):** The wording "transferred from their customary usage" corresponds to the supplied "نقلت على معهودها," whose preposition literally means "upon" rather than "from." The parallel phrase that follows suggests departure from customary usage, but the supplied wording is irregular.

[6] **Translator's note (L768):** In the phrase rendered "from the status of applying to one meaning," the supplied text has "على حكم," literally "upon the status," where the construction appears to require "from."

expressions diverted from their assigned meanings in language does not permit suspension of judgment concerning all other expressions for fear that they too have been diverted from their assigned meanings. The inference they sought to establish is therefore invalidated. Through Allah, exalted, comes success.

Furthermore, the expression “or” and the expression “if you wish” are understood to convey a choice, without disagreement between us, them, or any speakers of the language. Yet we have heard Him, exalted, say: “And say: The truth is from your Lord. So whoever wishes, let him believe, and whoever wishes, let him disbelieve. We have prepared for the wrongdoers a fire whose enclosing canopy surrounds them. If they seek relief, they will be relieved with water like molten metal, which scorches faces. Wretched is the drink, and evil is it as a resting place.” We have heard Him, exalted, say: “Say: Be stones or iron.” We have found that demonstrative proof establishes that these two verses depart from offering a choice to another meaning. Their unsound argument would consequently require them never to construe either the expression “or” or the expression “if you wish” as offering a choice, because they can be told, just as they themselves have said: “If the two expressions ‘or’ and ‘if you wish’ conveyed a choice, then whenever they occurred they would convey nothing but a choice. Since they have been found in several places conveying something other than a choice, their conveying a choice is disproved.”[7][8][9]

الدليل البرهاني قد قام على خروج هاتين الآيتين عن التخيير إلى معنى آخر، فيلزم على دليلهم الفاسد ألا يحملوا لفظة أو ولا لفظة إن شئت أبدا على التخيير، لأنه يقال لهم كما قالوا: لو كانت لفظتا أو وإن شئت على التخيير لكانت متى وجدت لما تكن إلا للتخيير، فلما وجدت لغير التخيير في عدة مواضع بطل أن تكون للتخيير.

L772–776 Ali said: This invalidates all speech, invalidates mutual understanding, and

قال علي: وفي هذا إبطال الكلام كله وإبطال التفاهم وفساد الحق والشرائع كلها والعلوم كلها، لأنه لا قول إلا وقد يوجد موضوعا في غير بنيته في اللغة، إما على المجاز أو الاتفاق بين المتخاطبين، فلو وجب من أجل ذلك أن يبطل حمل الأسماء على معانيها التي رتبت لها في اللغة لبطل كل ما ذكرنا، وكفى فسادا بكل قول أدى إلى إبطال الحقائق، وبالله تعالى التوفيق. قال علي: فإن قالوا: إنا لم نوافقكم على أن لفظ الأمر موضوعه في اللغة الوجوب، فيلزمنا ما ألزمتمونا، وإنما قلنا: إنه ليس موضوعه في اللغة الوجوب دون الندب، ولا الندب دون الوجوب. قال علي: فنقول وبالله تعالى

[7] **Translator’s note (L770):** The supplied description of what is abrogated reads “لا يلزم أن يستعمل أو يجوز أن يستعمل,” rendered literally as “it is not obligatory to apply, or ... it is permissible to apply.” The scope of the negation is unclear; the subsequent contrast with recommendation suggests that the author may intend the negation to extend to permissibility as well. The wording has not been silently repaired. The Quran quotation contains the defective spellings “لحق,” “كلمهل,” “لوجوه,” and “لشراب,” apparently lacking written alifs. Their recognizable words are reflected in the translation.

[8] **Translator’s note (L771):** The supplied “لما تكن” is grammatically irregular in context. It has been understood as the intended negative clause, “they would convey nothing but a choice.”

[9] **Qur’an references (L769):** Qur’an 18:29 (Al-Kahf); Qur’an 17:50 (Al-Isra).

corrupts truth, all revealed laws, and all branches of knowledge. For there is no utterance that cannot be found used outside its linguistic form's assigned meaning, whether figuratively or by agreement between those addressing one another. If that required that construing names according to the meanings assigned to them in language be invalidated, everything we have mentioned would be invalidated. It is sufficient proof of the unsoundness of any assertion that it leads to the invalidation of realities. Through Allah, exalted, comes success.

Ali said: If they say, "We have not agreed with you that the assigned meaning of the imperative expression in language is obligation, such that the consequences you have imposed upon us would follow. We have said only that its assigned meaning in language is neither obligation to the exclusion of recommendation nor recommendation to the exclusion of obligation"—

Ali said: We reply—and through Allah, exalted, comes success—that in this discussion we have disproved the possibility of the imperative expression applying to obligation and recommendation together. We have distinguished this from the application of shared expressions, such as "color" and "'ayr," to various meanings. We have explained that the latter is admissible, possible, and actually occurs, whereas the imperative expression's applying to obligation and recommendation together is impossible and precluded: there is no way for it to occur, and it is entirely inconceivable to the intellect. It is therefore necessarily established that either the imperative expression was originally assigned in language to obligation alone, and was then transferred, on the basis of evidence, in certain instances, as we have mentioned, to recommendation or to some meaning other than obligation among the other meanings that we shall explain, if Allah, exalted, wills; or it was originally assigned in language specifically to recommendation, or to some other meaning among those that have been expressed in the imperative form, and was then transferred to obligation on the basis of evidence. This is what is conceivable to the intellect. As for the possibility that the imperative expression applies to recommendation and obligation together at one time, this is false, because it entails that the occurrence of a command has no determinate reality at all and absolutely no meaning. This is more foolish than the assertion of the

التوفيق: قد أبطلنا في كلامنا هذا جواز وقوع لفظ الأمر على الوجوب وعلى الندب معا، وفرقنا بين ذلك وبين وقوع الألفاظ المشتركة مثل لون وعير على معان شتى، وبينا أن ذلك جائز ممكن موجود، وأن وقوع لفظ الأمر على الوجوب وعلى الندب معا محال ممتنع لا سبيل إليه، ولا يتشكل في العقل البتة فصح ضرورة أن لفظ الأمر موضوع في أصل اللغة، إما للوجوب فقط ثم نقل بدليل كما ذكرنا في بعض المواضع إلى الندب، أو إلى غير الوجوب من سائر المعاني التي سنبينها إن شاء الله تعالى، وإما أنه موضوع في أصل اللغة للندب خاصة، أو لمعنى ما من سائر المعاني التي قد وردت بلفظ الأمر، ثم نقل إلى الوجوب بدليل، فهذا هو الذي يتشكل في العقل، وأما احتمال وقوع لفظ الأمر على الندب والوجوب معا في وقت واحد، فهذا باطل لأنه يوجب أن ورود الأمر لا حقيقة له أصلا، ولا له معنى البتة، وهذا أحمق من قول السوفسطائية فهذا الذي أردنا أن نبين إحالته، وقد صح والحمد لله. ولا بد لكم من المصير إلى أحد الخبرين ضرورة، إما أن تقولوا: لفظ الأمر موضوع للوجوب في اللغة، حتى يصح دليل بنقله إلى غير الوجوب، وهذا قولنا، وإما أن تقولوا: لفظ الأمر موضوع لغير الوجوب في اللغة، حتى يصح دليل ينقله إلى الوجوب، فإن قلتم ذلك، سهل أمركم بقول وجيز بحول الله وقوته، وحسبنا أن قد قلعناكم بلطف الله عن مكان الشغب على الجهال، وذلك أن قول القائل: الأوامر كلها على غير الوجوب حتى يصح دليل نقلها إلى الوجوب، دخول في عظيمتين: إحداهما خرق الإجماع، فما قال بهذا أحد قط، وإنما شغب من شغب بالموقف، وبما قدمنا إبطاله من احتمال الأمرين. والثانية: إبطال فائدة العقل، لأنه يصير حينئذ قائلا: إن الموضوع في اللغة من لفظة افعل: لا تفعل إن شئت، وهذا خلاف فهم جميع أهل اللغات، لأن الثابت في فطرة العقل أن النهي عن الشيء غير الأمر به، وكفى، مع أن الإجماع على ترك هذا القول كاف عن تكلف دليل. وبرهان ضروري: وهو أنه إن كانت لفظة افعل موضوعة لغير

Sophists. This is what we wished to demonstrate to be impossible, and it has been established. Praise belongs to Allah. You must necessarily adopt one of the two assertions: either you say that the imperative expression is assigned in language to obligation until evidence establishes its transfer to something other than obligation—and this is our position—or you say that the imperative expression is assigned in language to something other than obligation until evidence establishes its transfer to obligation. If you say that, dealing with you becomes easy through a brief statement, by Allah's might and power. It is enough for us that, through Allah's graciousness, we have dislodged you from the position from which you confuse the ignorant with contentious argument. For the assertion of someone who says, "All commands are to be understood as conveying something other than obligation until evidence establishes their transfer to obligation," involves committing two grave errors. One is violating consensus, for no one has ever said this. Those who have raised contentious objections have done so only through suspension of judgment and through what we have previously the refutation of it concerning the possibility of the two alternatives. The second is the nullification of the usefulness of reason, because he would then be saying that the meaning assigned in language to the expression "Do" is "Do not do it, if you wish." This contradicts the understanding of all speakers of languages, for it is established in the innate constitution of reason that prohibiting something is different from commanding it. That suffices, although the consensus on abandoning this position is itself sufficient to dispense with the effort of adducing evidence and a necessary demonstration. The demonstration is this: if the expression "Do" is assigned a meaning other than imposing an obligation, unless evidence shifts it to imposing an obligation, and the expression "Do not do" is likewise assigned a meaning other than prohibition, unless evidence shifts it to prohibition, and both expressions convey "Do it, if you wish" or "Do not do it, if you wish," then necessarily what is understood from "Do not do" has become what is understood from "Do." No one with a shred of reason says this.

Ali said: They said: "By what does it indicate that it conveys obligation: by itself or by its evidence? If you say, 'By itself,' that is precisely what we

الإيجاب إلا بدليل يخرجها إلى الإيجاب، وكانت أيضا لفظة لا تفعل موضوعة لغير التحريم إلا بدليل يخرجها إلى التحريم، وكان كلتا اللفظتين تعطي: افعل إن شئت أو لا تفعل إن شئت، فقد صار ولا بد من المفهوم من لا تفعل هو المفهوم من افعل، وهذا لا يقوله ذو مسكة عقل. قال علي: قالوا: وبأي شيء يدل على أنه على الوجوب أبنفسه أم بدليله؟ فإن قلتم: بنفسه ففي ذلك اختلفنا وإن كان بدليله، فإذا لم يدل هو فدليله أحرى أن لا يدل. قال علي: وهذا شغب فاسد ضعيف جدا. تعلقوا إليه من قبل مبطلي الحقائق، فإنهم قد سألونا بهذا السؤال نفسه فقالوا: بماذا ثبت عندكم أن الأشياء حق؟ أبأنفسها ففيها اختلفنا، أم بغيرها فلا شيء في العالم يوجد من غير الأشياء الموجودة، وليس غير الأشياء إلا لا شيء؟ فإذا لم يدل الشيء على حقيقة نفسه فلا شيء أحرى ألا يدل، وتعلق أيضا بهذا السؤال مبطلو دلائل العقل فقالوا: بأي شيء علمتم صحة ما يدل عليه العقل؟ أبالعقل أم بغير العقل؟ ونحو هذا من الهذيان كثير، وهؤلاء القوم في شعبة من طريق مبطلي الحقائق ومبطلي مدركات العقل.

dispute. If it is by its evidence, then, if it does not itself indicate this, its evidence is all the more incapable of indicating it."

Ali said: This is invalid and exceedingly weak sophistry, which they have taken up from those who deny realities. For those people asked us this very question, saying: "By what has it been established for you that things are real? By the things themselves? That is precisely what we dispute. Or by something other than them? Nothing exists in the world apart from existing things, and other than things there is only nothing. If a thing does not indicate its own reality, then nothing is all the more incapable of indicating it." Those who deny the evidences of reason have also seized upon this question, saying: "By what did you know the soundness of what reason indicates: by reason or by something other than reason?" There is much delirious talk of this kind. These people are on a branch of the path followed by those who deny realities and those who deny what reason apprehends.[10][11][12]

L777–781 We turn this foolish question of theirs, which they have accepted as valid, back upon them. It binds them, not us, since we have not accepted it as valid. We say to them: "By what does a command indicate that judgment concerning it must be suspended: by itself or by its evidence? If you say, 'By itself,' that is precisely what we dispute. If it is by its evidence, then, if it does not itself indicate this, its evidence is all the more incapable of indicating it." Who, then, reasons more foolishly than someone whose evidence rebounds upon him and demolishes his own position? They are merely people who establish nothing; they are only engaged in confounding the weak, and they

ونعكس عليهم سؤالهم هذا السخيف الذي صححوه فهو لازم لهم لا لنا إذ لم نصححه ونقول لهم: بأي شيء يدل الأمر على أنه على الوقف، أبنفسه أم بدليله؟ فإن قلتم بنفسه ففي ذلك اختلفنا وإن كان بدليله، فإذا لم يدل هو فدليله أحرى ألا يدل، فمن أحمق استدلالا ممن دليله عائد عليه، وهادم لقوله؟ وإنما هم قوم لا يحققون شيئا، إنما هم في سبيل التشغيب على الضعفاء، وما يخدعون إلا أنفسهم. والجواب عن هذا السؤال السخيف وبالله تعالى التوفيق: أنا قد أخبرنا فيما خلا وفي سائر كتبنا بأننا مضطرون إلى معرفة أن الأشياء حقائق، وأنها موجودة على حسب ما هي عليه، وبأنه لا يدري أحد كيف وقع له ذلك وبينا أن هذه المعرفة التي اضطرنا إليها، وخلقها الباري تعالى في أنفسنا في أول أوقات فهمنا بعد تركيبها في الجسد، هي أصل لتمييز الحقائق من البواطن، وهي عنصر لكل معرفة، وإننا عرفنا إيجاب الأوامر ببديهة العقل وبالتمييز الموضوعين فينا، لنعرف بها الأشياء على ما هي عليه، فعلمنا أن الحجر صليب، وأن الماء سيال في طبعه، وإن انتقل إلى الجمود في بعض أحواله، وأن قول

[10] **Translator's note (L773):** "'Ayr" is retained as a transliterated example because the argument concerns one Arabic expression with multiple meanings, including "ass" and "caravan." No single English equivalent preserves that example.

[11] **Translator's note (L775):** The supplied "بالموقف" literally means "through the position" or "through the stopping place." In this argument it appears to refer to suspension of judgment, although the wording is unusual.

[12] **Translator's note (L776):** The opening continues a construction in the preceding segment; the wording concerning the refutation and the two alternatives is syntactically awkward. The first account of the meaning assigned to "Do" explicitly reads "Do not do it, if you wish." This has been retained, although the subsequent argument gives both permissive formulations.

deceive none but themselves. The answer to this foolish question—and success comes through Allah Most High—is that we have already explained, both earlier and in our other books, that we are compelled to know that things are realities and that they exist in accordance with what they are, and that no one knows how this knowledge came to him. We have explained that this knowledge, which we are compelled to possess and which the Creator Most High created in our souls at the earliest moments of our understanding, after their incorporation into the body, is a foundation for distinguishing realities from inward things, and is the basic element of every kind of knowledge. We recognized that commands impose obligations through the immediate intuition of reason and the discernment implanted in us so that through them we might know things as they are. Thus we knew that stone is hard; that water is fluid by its nature, even though in some of its states it changes into solidity; that someone's saying, "So-and-so is a fool," is blame, whereas his saying, "So-and-so is intelligent," is praise; and that a command is one of the constituent forms of speech, which are goodness, supplication, interrogation, and command. Once it was established in the soul that the commander's intention that the person commanded should do what he commands him to do is a meaning subsisting in souls, there necessarily had to be an expression through which mutual understanding of it could occur. We also knew this through explicit texts that we shall mention as we complete the refutation of the sophistries you have advanced, if Allah Most High wills. Through Allah we are strengthened, and His help we seek.

This is everything that the proponents of suspension of judgment have adduced, with nothing further. We have refuted it by necessary demonstration, through the guidance and instruction of Allah Most High; there is no deity but Him. However, Ibn al-Muntab the Maliki produced an enormity to which we are therefore obliged to draw attention, if Allah Most High wills. That is, he said that among the evidence that commands require suspension of judgment is the saying of Allah Most High, reporting about the speakers of the language, who are the Arabs: {And among them are those who listen to you, until, when they leave your presence, they say to those who have been given knowledge, "What did he say just now?" Those are the ones

القائل: فلان أحمق، ذم، وأن قوله: فلان عاقل مدح، وأن الأمر عنصر من عناصر الكلام التي هي خير ودعاء واستفهام وأمر، فلما استقر في النفس أن إرادة الأمر أن يفعل المأمور ما يأمره به، معنى قائم في النفوس لم يكن له بد من عبارة يقع بها التفاهم، وعلمنا ذلك أيضا بنصوص سنذكرها في تمام إبطال ما شغبتم به إن شاء الله تعالى، وبالله نتأيد وإياه نستعين. هذا كل ما احتج به القائلون بالوقف ولا مزيد، فقد أبطلناه بالبرهان الضروري بتوفيق الله تعالى وتعليمه لا إله إلا هو، إلا أن ابن المنتاب المالكي أتى بعظيمة فلزمنا التنبيه عليها إن شاء الله تعالى وذلك أنه قال: إن من الدليل على أن الأوامر على الوقف قول الله تعالى مخبرا عن أهل اللغة الذين هم العرب: {ومنهم من يستمع إليك حتى إذا خرجوا من عندك قالوا للذين أوتوا لعلم ماذا قال آنفا أولئك لذين طبع لله على قلوبهم وتبعوا أهوآءهم} قال فلو كانت الأوامر على الوجوب، والألفاظ على العموم، لما كان لسؤالهم عما قاله عليه السلام معنى إذ لو فهم الوجوب والعموم من نفس اللفظ لكان سؤالهم فاسدا. قال علي: لا يشبه هذا القول احتجاج مسلم، لأن الله تعالى حكى هذا الاعتراض عن قوم منافقين كفار، لم يرض فعلهم ولا سؤالهم، وإنما حكى الله عز وجل ذلك عنهم منكرا عليهم وقد قال تعالى {فأنجيناه وأصحاب لسفينة وجعلناها آية للعالمين} فأخبر تعالى أن ظاهر القرآن وتلاوته تكفي أن ذلك يجب قبوله على ظاهره حين وروده هذا نص الآية المذكورة، ووصية الله تعالى التي لا تحتمل غير ما ذكرنا، ولا أعجب من احتجاج من يدعي أنه مسلم في إسقاطه إيجاب طاعة الله عز وجل وطاعة رسوله صلى الله عليه وسلم بكلام قوم كفار منافقين مستهزئين بآيات الله عز وجل.

upon whose hearts Allah has set a seal, and they have followed their desires.} He said: "If commands conveyed obligation and expressions conveyed general applicability, their asking about what he, peace be upon him, had said would have had no meaning. For if obligation and general applicability were understood from the expression itself, their question would have been invalid."

Ali said: This statement does not resemble a Muslim's argument, because Allah Most High related this objection from people who were hypocrites and unbelievers. He approved neither their action nor their question. Allah, Mighty and Majestic, related it from them only in condemnation of them. And He Most High has said: {So We saved him and the companions of the ship, and We made it a sign for all the worlds.} Thus He Most High stated that the apparent meaning of the Quran and its recitation suffice: it must be accepted according to its apparent meaning when it is received. This is the explicit wording of the aforementioned verse and the injunction of Allah Most High, which admits of nothing other than what we have mentioned. Nothing is more astonishing than someone claiming to be a Muslim adducing the words of unbelieving hypocrites who mock the signs of Allah, Mighty and Majestic, in order to set aside the obligation to obey Allah, Mighty and Majestic, and to obey His Messenger, may Allah bless him and grant him peace ﷺ.[13][14][15][16]

[13] **Translator's note (L779):** The supplied text reads "inward things" (al-bawatin), an unusual counterpart to "realities" here; the wording may be corrupt. The enumeration of forms of speech reads "goodness" (khayr), rather than the expected "statement" or "report" (khabar). The supplied reading has been retained. In "the commander's intention," the unvocalized spelling is understood as referring to the person issuing the command; the surrounding syntax supports this reading.

[14] **Translator's note (L780):** The first Quranic quotation contains several defective spellings, including omitted initial alifs; the intended words remain identifiable. The final quotation is the beginning of Quran 29:15. Its apparent mismatch with the argument that follows is retained.

[15] **Translator's note (L781):** The claim about accepting the Quran's apparent meaning does not correspond to the immediately preceding quotation, Quran 29:15, concerning the ship. The apparent quotation or transmission error has not been repaired.

[16] **Qur'an references (L777):** Qur'an 47:16 (Muhammad).

وما نعرف لهذا الاحتجاج مثلا في الشنعة والفظاعة، إلا قول إسماعيل بن إسحاق في كتابه الخمس وهو كتاب مشهور معلوم، ولنا عليه فيه رد هتكنا عواره فيه، وفضحناه بحول الله وقوته، فإن قال في الكتاب المذكور لو كان ما أعطى النبي صلى الله عليه وسلم صناديد قريش من غنائم هوازن إثر يوم حنين من نصيبه من خمس الخمس، كما قال الشافعي، ما قالت الأنصار في ذلك ولا قال ذو الخويصرة ما قال. قال علي: فمن أضل ممن يحتج بكلام ذي الخويصرة ويتخذ ذا الخويصرة وليجة من دون الله تعالى ورسوله صلى الله عليه وسلم ويجعل إنكار كافر مشرك شر خلق الله هجور لرسول الله صلى الله عليه وسلم حجة على المؤمنين القائلين إن رسول الله صلى الله عليه وسلم إنما أعطى من أعطى نصيبه الذي فوض الله تعالى أمره إليه، لا مما جعله الله عز وجل لأقوام مسلمين معروفين، اللهم إنا نبرأ إليك من هذا الكلام، ومن نصر مذهب قاد إلى الاحتجاج بإنكار ذي الخويصرة على رسول الله صلى الله عليه وسلم وبقول المنافقين ماذا قال آنفا ونحن نقول قول إنصاف إذ قد اقتدى ابن المنتاب بالقائلين إذ خرجوا من عند رسول الله صلى الله عليه وسلم وقد استمعوا إليه ثم قالوا لأهل العلم وتبرأنا نحن منهم ومن مثل سؤالهم واقتدينا نحن بالذين قالوا {أولئك على هدى من ربهم وأولئك هم لمفلحون} فلله ما اختار وله إن شاء الله تعالى ما أعطى الله للذين اقتدى بهم إذ قال عز وجل يعقب حكاية قوله {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا

L782–784 We know of nothing comparable to this argument in ugliness and atrocity except the statement of Ismail ibn Ishaq in his Book of the Fifth, a well-known and familiar book. We have written a refutation of him concerning it, in which, through Allah's power and strength, we laid bare his defects and exposed him. For if he said in the aforementioned book: "Had what the Prophet, may Allah bless him and grant him peace ﷺ, gave the chieftains of Quraysh from the spoils of Hawazin after the day of Hunayn come from his own share of the fifth of the fifth, as al-Shafii said, the Ansar would not have said what they did about it, nor would Dhu al-Khuwaysirah have said what he said."

Ali said: Who is more astray than someone who adduces the words of Dhu al-Khuwaysirah as evidence, takes Dhu al-Khuwaysirah as a confidant apart from Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, and makes the objection of an unbeliever, an idolater, one of the worst of Allah's creatures, an abuser of Allah's Messenger, may Allah bless him and grant him peace ﷺ, an argument against the believers who say that Allah's Messenger, may Allah bless him and grant him peace ﷺ, gave those to whom he gave only from his own share, whose disposal Allah Most High had entrusted to him, and not from what Allah, Mighty and Majestic, had assigned to specific, known groups of Muslims? O Allah, we declare ourselves before You free of this speech and of supporting a doctrine that has led to adducing Dhu al-Khuwaysirah's objection to Allah's Messenger, may Allah bless him and grant him peace ﷺ, and the hypocrites' saying, "What did he say just now?" We speak a word of fairness: Ibn al-Muntab has taken as his exemplars those who, when they left the presence of Allah's Messenger, may Allah bless him and grant him peace ﷺ, after listening to him, then spoke to the people of knowledge. We have disavowed them and questions like theirs, and have taken as our exemplars those who said: {Those are upon guidance from their Lord, and those are the successful.} To Allah belongs what he chose, and he shall have, if Allah Most High wills, what Allah gave those whom he took as his exemplars, when He, Mighty and Majestic, said, following His account of his statement: {O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial

offerings, nor the garlands, nor those making their way to the Sacred House, seeking bounty from their Lord and approval. And when you have left the consecrated state, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, cause you to transgress. Cooperate in righteousness and reverence, and do not cooperate in sin and aggression. And be mindful of Allah; indeed, Allah is severe in punishment.} {O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial offerings, nor the garlands, nor those making their way to the Sacred House, seeking bounty from their Lord and approval. And when you have left the consecrated state, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment." "Among them are those who listen to you, until, when they leave your presence, they say to those who have been given knowledge, 'What did he say just now?' Those are the ones upon whose hearts Allah has set a seal, and they have followed their desires." Muhammed, 16. We hope that Allah, through His graciousness and bounty, will give us what He gave those whose example we have followed in their saying, "Those are upon guidance from their Lord, and those are the successful," since Allah Most High says, "The only saying of the believers, when they are summoned to Allah and His Messenger so that he may judge between them, is that they say, 'We hear and obey.' And those are the successful." Yes, indeed! Let the ignorant man who objects to the speech of Allah Most High and the speech of His Messenger ﷺ by invoking the sayings of the hypocrites and polytheists know that the saying of those who said to those given knowledge, "What did he say just now?" contains no

ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {ومنهم من يستمع إليك حتى إذا خرجوا من عندك قالوا للذين أوتوا لعلم ماذا قال آنفا أولئك لذين طبع لله على قلوبهم وتبعوا أهوآءهم} { محمد 16 ونحن راجون أن يعطينا الله بمنه وطوله ما أعطى من اقتدينا بهم في قولهم {أولئك على هدى من ربهم وأولئك هم لمفلحون} إذ يقول الله تعالى {إنما كان قول لمؤمنين إذا دعوا إلى لله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم لمفلحون} ونعم فليعلم الجاهل المعترض بأقوال المنافقين المشركين على كلام الله تعالى وكلام رسوله صلى الله عليه وسلم أن قول الذين قالوا للذين أوتوا العلم ماذا قال آنفا، لا معنى لسؤالهم هذا، ولا يعقل سؤالهم لأنه سؤال مجنون فاسد الدين ملعون

meaningful question, nor is their question intelligible, for it is the question of a madman, corrupt in religion and accursed.[17][18][19][20]

L785–787 Some of them raised a specious objection by invoking the saying of Allah Most High: “O you who believe, do not violate Allah’s sacred rites, nor the sacred month, nor the sacrificial animals, nor the garlands, nor those making for the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of consecration, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment.” “When the prayer has been concluded, disperse through the land and seek Allah’s bounty, and remember Allah much, so that you may prosper.” They said, “This is permission, without doubt.” We said: If you argue on this basis, you must say that all commands indicate recommendation until evidence establishes obligation. Yet this is not their position. As for these two verses, they were transferred from obligation to permission only by a demonstration. As for hunting, the Prophet ﷺ left the state of consecration by circumambulating the House and went down to Mina, without hunting.

[17] **Translator’s note (L782):** The introduction to Ismail’s quotation literally reads “for if he said,” leaving an awkward conditional construction. It has not been silently changed to “for he said.” “An abuser” renders the unusual supplied form hajur, understood here as describing someone who speaks abusively.

[18] **Translator’s note (L783):** The supplied wording says “To Allah belongs what he chose.” Its pronouns and connection with the following clause are awkward; it may contain a transcription error, but it has been retained. The text attributes “Those are upon guidance from their Lord…” to people who “said” it. This wording has been retained. The quotation of Quran 5:2 appears unrelated to the immediately preceding argument and is then repeated, with the second occurrence continuing into the next segment. Both occurrences have been translated as supplied. “Following His account of his statement” preserves an unclear pronoun reference in the supplied text.

[19] **Translator’s note (L784):** The opening continues a Qur’anic quotation begun in the preceding segment. The supplied transcription repeatedly omits initial alifs in the Qur’anic text; the recognizable wording is rendered accordingly. “Muhammed, 16” appears to be an editorial verse reference to Qur’an 47:16.

[20] **Qur’an references (L782):** Qur’an 2:5 (Al-Baqarah); Qur’an 31:5 (Luqman); Qur’an 5:2 (Al-Ma’idah); Qur’an 47:16 (Muhammad); Qur’an 24:51 (An-Nur).

وشغب بعضهم بقول الله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} قالوا وهذا إباحة بلا شك، فقلنا: يجب عليكم إذا احتججتم بهذا أن تقولوا: إن جميع الأوامر على الندب، حتى يقوم دليل على الوجوب وهذا ليس قولهم، وأما هاتان الآيتان فإنما خرجتا عن الوجوب إلى الإباحة ببرهان أما التصيد فإن النبي صلى الله عليه وسلم حل بالطواف بالبيت وانحدر إلى منى ولم يصطد، فصح أنه ليس فرضا بهذا النص الآخر وأما {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} فإن عبد الله بن ربيع قال حدثنا عمر بن عبد الملك، حدثنا ابن الأعرابي، ثنا علي بن عبد العزيز، ثنا القعنبي، ثنا مالك، عن أبي الزناد عن الأعرج عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال الملائكة تصلي على أحدكم ما دام في مصلاه الذي صلى فيه، ما لم يحدث: اللهم اغفر له اللهم ارحمه. قال أبو محمد: فندبنا إلى القعود في مصلانا بعد الصلاة، فصح بذلك أن الانتشار بعد الصلاة إباحة، فمن جاءنا في شيء من الأوامر ببرهان ينقله عن الفرض إلى الندب، وعن التحريم إلى الكراهية، صرنا إليه، وأما بالدعوة الكاذبة المحيلة للقرآن والسنن على موضوعها، فمعاذ الله من ذلك. واحتج على بعضهم بالخبر الثابت من طريق أنس أن رجلا اتهم بأم ولد رسول الله صلى الله عليه وسلم فأمر النبي عليه السلام علي بن أبي طالب أن يقتله فأتاه فوجده في ركي يتبرد، فأمره بالخروج فلما خرج فإذا هو مجبوب لا ذكر له

فتركه وعاد إلى رسول الله صلى الله عليه وسلم فأخبره وزاد بعض من لا يوثق به في هذا الخبر أن عليا قال له يا رسول الله أنفذ لأمرك كالسكة المحماة أم الشاهد يرى ما لا يرى الغائب فقال له بل الشاهد يرى ما لا يراه الغائب وقد ذكر هذا اللفظ أيضا في خبر بعثه عليه السلام عليا إلى خيبر وكلاهما لا يصح أصلا بل هما زيادتا كذب، لم يرو قط من طريق فيها خير، ويلزم من صحها أن يسقط من الصلاة ثلاث صلوات، أو من كل صلاة ركعة إن رأى ذلك أصلح، أو ينقل صوم رمضان إلى الربيع رفقا بالناس، إذ الشاهد يرى ما لا يرى الغائب، وأن يزيد في الحدود والزكاة، أو ينقص منها، وهذا كفر صريح فبطل التعلق بهذا اللفظ الموضوع

Thus this other text establishes that hunting is not obligatory. As for “When the prayer has been concluded, disperse through the land and seek Allah’s bounty, and remember Allah much, so that you may prosper,” ʿAbd Allah ibn Rabiʿ said: ʿUmar ibn ʿAbd al-Malik related to us; Ibn al-Aʿrabi related to us; ʿAli ibn ʿAbd al-ʿAziz related to us; al-Qaʿnabi related to us; Malik related to us, from Abu al-Zinad, from al-Aʿraj, from Abu Hurayra, that the Messenger of Allah ﷺ said: “The angels invoke blessings upon any one of you for as long as he remains in the place where he prayed, provided that he does not invalidate his ritual purity: ‘O Allah, forgive him! O Allah, have mercy upon him!’” Abu Muhammed said: Thus he recommended that we remain seated in our place of prayer after the prayer. This establishes that dispersing after prayer is permitted. Whoever brings us, concerning any command, a demonstration transferring it from obligation to recommendation, or from prohibition to disapproval, we shall accept it. But as for a false claim that displaces the Qur’an and the prophetic traditions from their established import—Allah forbid that! An argument was brought against some of them using the report established through Anas: a man was accused in connection with the slave woman who had borne the Messenger of Allah ﷺ a child, and the Prophet, peace be upon him, ordered ʿAli ibn Abi Talib to kill him. He went to him and found him in a well, cooling himself. He ordered him to come out, and when he came out, he proved to be a man whose penis had been cut off: he had no penis. So he left him and returned to the Messenger of Allah ﷺ and informed him. Some who are not trustworthy added to this report that ʿAli said to him, “O Messenger of Allah, shall I carry out your command like a heated ploughshare, or does the person present see what the absent person does not see?” He replied to him, “Rather, the person present sees what the absent person does not see.” This wording has also been mentioned in the report of his sending ʿAli to Khaybar, peace be upon him. Neither version is authentic at all. Rather, both are lying additions, never transmitted through any chain possessing any merit. Whoever authenticates it must consequently allow himself to remove three prayers from the prescribed prayers, or one unit from every prayer, if he considers that more beneficial; or to move the Ramadan fast to spring out of consideration for people, since the person present sees what the absent person does not

see; and to increase the prescribed punishments and the obligatory alms, or diminish them. This is outright unbelief. Thus reliance upon this fabricated wording is invalid.[21][22][23]

L788 Likewise, the report that he, peace be upon him, ordered Abu Bakr and ʿUmar to kill Dhu al-Khuwaysira, whereupon they returned and one of them said, "O Messenger of Allah ﷺ, I found him prostrating," while the other said, "I found him bowing," is a lying report that has never come through any transmission chain possessing merit.

L789 As for his command, peace be upon him, to kill that man, it admits of one of two explanations. Either people outwardly upright but inwardly hypocritical bore false witness before the Prophet, peace be upon him, that they had heard the man confess to that, so that he became liable to death for harming the Prophet ﷺ, and Allah then exposed their lie; or He Most High revealed to him the command to kill the man, knowing, Most High is He, that He would abrogate that command by making manifest the man's innocence and the informant's falsehood. Either explanation is sound, and success comes through Allah Most High. ʿAli said: Now that we have mentioned everything with which they raised specious objections, let us mention, if Allah Most High wills, the demonstrations establishing that all commands indicate obligation and all prohibitions indicate unlawfulness, except those excluded by evidence. Before that, we say: only someone whose reason has been dazzled by the radiance of truth, whose heart's sight has been struck by the flashing light of Allah Most High, and who has become entangled in his error, defending the corrupt positions to which he has grown accustomed and hoping to extinguish the inextinguishable light of truth, has resorted to suspending

وكذلك ما روي أنه عليه السلام أمر أبا بكر وعمر بقتل ذي الخويصرة فرجعا وقال أحدهما يا رسول الله صلى الله عليه وسلم وجدته ساجدا وقال الآخر وجدته راكعا فهو خبر كاذب لم يأت قط من طريق خير

وأما أمره عليه السلام بقتل ذلك الإنسان فيخرج على أحد وجهين إما أنه شهد عند النبي عليه السلام بذلك قوم عدول في الظاهر منافقون في الباطن كاذبون بأنهم سمعوه يقر بذلك فوجب عليه القتل لأذاه النبي صلى الله عليه وسلم ففضح الله كذبهم وأما أنه تعالى أوحى إليه بالأمر بقتله، وقد علم تعالى أنه سينسخ ذلك الأمر بإظهار براءته، وكذب الناقل، وكلا الأمرين وجه صحيح، وبالله تعالى التوفيق. قال علي: فإذا قد ذكرنا كل ما شغبوا به، فلنذكر إن شاء الله تعالى البراهين المصححة أن الأوامر كلها على الوجوب، والنواهي كلها على التحريم إلا ما خرج منها بدليل، ونقول قبل ذلك: إنما لجأ إلى القول بالوقف وتعلق بهذه العوارض، وسلك في هذه المضايق من بهر شعاع الحق عقله، والتمع نور الله تعالى بصر قلبه؛ وارتبك في غيه ناصرا لما قد ألفه من الأقوال الفاسدة، وطمعا في إطفاء ما لا ينطفىء من ضياء الحق، وإنما التزموا ذلك في مسائل يسيرة، ثم تناقضوا فأوجبوا أحكاما كثيرة، فرضا بنفس الأمر مما قد خالفهم فيها غيرهم، وفعلت كل طائفة منهم مثل ما فعلت الأخرى. قال أبو محمد: فأول ذلك أنه لا يعقل أحد من أهل كل لغة أي لغة كانت من لفظة افعل أو اللفظة التي يعبر بها في كل لغة عن معنى: افعل، ولا يفهم منها أحد لا تفعل، ولا يعقل أحد من لفظة لا تفعل، أو مما يعبر به عن معنى: لا تفعل، ولا يفهم منها أحد

[21] **Translator's note (L786):** The phrase rendered "displaces … from their established import" has the awkward supplied wording المحيلة للقرآن والسنن على موضوعها, with على, "upon," where the argument appears to require "away from." The accusation "in connection with" the slave woman is left implicit in the Arabic; the nature of the alleged misconduct is not expressly stated.

[22] **Translator's note (L787):** The opening completes "Some who are not trustworthy" from the preceding unit. "Like a heated ploughshare" preserves the report's unusual literal simile.

[23] **Qur'an references (L785):** Qur'an 5:2 (Al-Ma'idah).

judgment, clung to these incidental objections, and taken these constricted paths. They adhered to this only in a few questions, then contradicted themselves by making many rulings binding obligations on the strength of the command itself, in matters in which others disagreed with them. Each faction among them did just what the other did. Abu Muhammed said: The first point is that no speaker of any language, whatever that language may be, understands the expression 'Do,' or the expression used in each language to convey the meaning 'Do,' as 'Do not'; nor does anyone comprehend it that way. Nor does anyone understand the expression 'Do not,' or whatever is used to convey the meaning 'Do not,' as 'Do'; nor does anyone comprehend it that way. Whoever makes this claim about languages and their speakers is in a worse condition than soothsayers. He Most High has said: "Slain be the conjecturers!"[24][25]

افعل، ومدعي هذا على اللغات وأهلها في أسوأ من حال الكهان وقد قال تعالى: {قتل الخراصون}

L790–791 ʿAli said: They are to be asked, "By what means do you know that any of the commands which you acknowledge to be obligatory indicate obligation?" They answered this with two replies. One was that some of them said, "We know that a command indicates obligation when a threat accompanies it." Others said, "We do not renew the indications of obligation, and they are things that accompany commands intended to impose obligation, and we are unable to express them in words."[26]

قال علي: ويقال لهم: بأي شيء تعرفون أن في الأوامر شيئا على الوجوب مما تقرون فيه أنه واجب، فأجابوا عن ذلك بجوابين: أحدهما: إن قال بعضهم: نعرف أن الأمر على الوجوب إذا اقترن معه وعيد. وقال بعضهم: لسنا نجدد دلائل الوجوب، وهي أشياء تقترن بالأوامر التي يراد بها الإيجاب، ولسنا نقدر على العبارة عنها.

L792–794 Ali said: As for these people, they have acknowledged that their argument has broken down and that they are unable to explain their position. If something cannot be explained, then, with certainty, the inability to defend it is even more pronounced. Anyone who has a tongue but neither shame nor religious scruple can claim whatever he wishes, and then, when asked for

قال علي: أما هؤلاء فقد أقروا بالانقطاع وبالعجز عن بيان مذهبهم، وإذا كان شيء لا يقدر على بيانه، فباليقين أن العجز عن نصره أوجد وليس يعجز أحد له لسان، وليس له حياء ولا ورع، أن يدعي ما شاء فإذا سئل عن دليل قوله وبيانه قال: إني لا أقدر على بيانه، ولكنه شيء معلوم إذا وجد عرف. قال علي: ولسنا ممن يجوز عليه هذا الهذيان، ولكنا نقول لمن هذا: صف لنا حال نفسك في معرفتك ما عرفت أنه واجب، فإن عجزت عن ذلك بان كذبك وادعاؤك الباطل: لأن كل واحد يدعي حالا يستدل بها على حقيقة ليست من أوائل المعارف، فهو مميز لتلك الحال وإلا فهو مدع للباطل. قال أبو محمد: ويقال لمن قال: يعرف أن الأمر على الوجوب إذا اقترن به وعيد: اعلم أن الوعيد من الله عز وجل قد اقترن بجميع أوامر نبيه صلى الله عليه

[24] **Translator's note (L789):** The supplied wording of the two statements concerning "Do" and "Do not" is syntactically awkward. The translation treats "Do not" and "Do" respectively as the contrasting meanings rejected by both preceding verbs, while retaining the repetition.

[25] **Qur'an references (L789):** Qur'an 51:10 (Adh-Dhariyat).

[26] **Translator's note (L790):** The supplied نجدد means "we renew." In context, "we delimit" or "we specify" would make better sense, but would require a different reading; the supplied wording has been retained. The construction أحدهما إن قال is awkward; it is rendered as introducing the first of the two replies.

the evidence for his statement and its explanation, say: "I cannot explain it, but it is something known: when it occurs, it is recognized." Ali said: We are not people upon whom this delirious talk can be passed off. Rather, we say to someone who says this: Describe to us your own state when you recognize that something you have recognized is obligatory. If you cannot do so, your falsehood and your groundless claim become evident. For anyone who claims a state by which he infers a truth that is not among the primary objects of knowledge must be able to distinguish that state; otherwise, he is making a groundless claim. Abu Muhammed said: To anyone who says that a command is recognized as imposing an obligation when it is accompanied by a threat, it should be said: Know that a threat from Allah, mighty and majestic, has accompanied all the commands of His Prophet ﷺ in His statement, exalted is He: "Do not make the Messenger's summons among you like the summons of one of you to another. Allah certainly knows those of you who slip away, taking cover behind others. So let those who contravene his command beware lest a trial befall them or a painful punishment befall them." Thus, the warning of trial and the threat have been attached to everyone who contravenes his command, peace be upon him. Ali said: One of them objected to this, saying: "Since it is established that among his commands, peace be upon him, are some whose contravener is not afflicted by a painful punishment—namely, a command whose meaning is recommendation—we know that the threatened punishment against which warning is given concerns only those commands whose meaning is obligation, and that this verse does not require all his commands to be obligatory. If that is so, then it has ceased to constitute evidence for construing a command as imposing an obligation." Ali said: It should be said to him—and success comes through Allah, exalted is He—that those commands which cease to entail liability to the punishment expressly stated in the verse for neglecting them, because they have passed into the meaning of recommendation, are merely exceptions to the totality of what the verse conveys. They are comparable to an abrogated provision that has ceased to be obligatory: this does not invalidate the continued application of the rest of the revealed law. Likewise, the fact that certain commands pass, on the evidence pertaining to them, into recommendation does not invalidate the continuing liability to punishment

وسلم في قوله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم الله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فاقترن التحذير من الفتنة والوعيد بكل من خالف أمره عليه السلام قال علي واعترض بعضهم في ذلك بأن قال لما صح في أن أوامره عليه السلام ما لا يصيب مخالفه عذاب أليم وهو أمر كان معناه الندب، علمنا أن الوعيد المحذر منه إنما هو فيما كان من الأوامر معناه الوجوب فقط، وأن هذه الآية لا توجب كون جميع أوامره فرضا، وإن كان ذلك، فقد بطل أن يكون حجة في حمل الأمر على الوجوب. قال علي: فيقال له وبالله تعالى التوفيق: إن ما خرج من الأوامر عن استحقاق العذاب المنصوص في الآية على تركه، بخروجه إلى معنى الندب، إنما هو مستثنى من جملة ما جاءت الآية به، بمنزلة المنسوخ الخارج عن الوجوب، فلا يبطل ذلك بقاء سائر الشريعة على الاستعمال، وكذلك خروج ما خرج بدليله إلى الندب ليس بمبطل بقاء ما لا دليل على أنه ندب، على استحقاق العذاب على تركه، إلا أن الوعيد قد حصل مقرونا بالأوامر كلها، إلا ما جاء نص أو إجماع متيقن منقول إلى النبي صلى الله عليه وسلم بأنه لا وعيد عليه لأنه غير واجب ولا يسقط من كلام الله تعالى إلا ما أسقطه وحي له تعالى آخر فقط.

for neglecting those for which there is no evidence that they are recommendations. Nevertheless, the threat has indeed been attached to all commands, except those concerning which an explicit text or a consensus established with certainty and transmitted back to the Prophet ﷺ states that no threat attaches to them, because they are not obligatory. Nothing in the speech of Allah, exalted is He, is set aside except what another revelation from Him, exalted is He, has set aside, and nothing else.[27][28]

L795–807 Abd al-Rahman ibn Abd Allah al-Hamdani related to us: Abu Ishaq al-Balkhi related to us, from al-Firabri, from al-Bukhari: Muhammed ibn Sinan related to us: Fulayh related to us: Hilal ibn Ali related to us, from Ata ibn Yasar, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "All of my community will enter Paradise except those who refuse." They said: "Messenger of Allah, who would refuse?" He said: "Whoever obeys me will enter Paradise, and whoever disobeys me has refused." Ali said: Whoever says that commands are not construed as imposing an obligation except on the basis of evidence should be asked: What does disobedience mean? He must necessarily say: It is the commanded person's failure to do what the commander commanded him to do. Since this answer is unavoidable, anyone who considers it permissible to leave undone what Allah, exalted is He, or His Messenger ﷺ has commanded him has disobeyed Allah and His Messenger. Whoever disobeys them both has strayed far astray and deserves the Fire and exclusion from Paradise, according to the explicit wording of the speech of Allah and the speech of His Prophet ﷺ. Allah, exalted is He, said: "Except a conveyance from Allah and His messages. And whoever disobeys Allah and His Messenger, for him is the fire of Hell, abiding therein forever." Ali said: There is no greater disobedience than for Allah, exalted is He, and His Messenger ﷺ to say, "Do such-and-such a thing," and for the person commanded to say: "I will not do it unless I wish to do it, and I am permitted to leave undone what you both commanded me to do"; or for Allah, exalted

[27] **Translator's note (L792):** The expression translated as "someone who says this" is syntactically incomplete in the supplied Arabic, literally "someone who this." The objection contains the awkward wording "since it is established in that his commands"; the translation reflects the sense indicated by the ensuing argument.

[28] **Qur'an references (L792):** Qur'an 24:63 (An-Nur).

حدثنا عبد الرحمن بن عبد الله الهمداني، ثنا أبو إسحاق البلخي، عن الفربري، عن البخاري، ثنا محمد بن سنان، ثنا فليح ثنا هلال بن علي، عن عطاء بن يسار عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم كل أمتي يدخلون الجنة إلا من أبى قالوا يا رسول الله ومن يأبى قال من أطاعني دخل الجنة ومن عصاني فقد أبى قال علي: يسأل من قال: إن الأوامر لا تحمل على الوجوب إلا بدليل، ما معنى المعصية، فلا بد له من أن يقول: هي ترك المأمور أن يفعل ما أمره به الآمر، فإذا لا بد من ذلك. فمن استجاز ترك ما أمره به الله تعالى أو رسوله صلى الله عليه وسلم فقد عصى الله ورسوله ومن عصاهما فقد ضل ضلالا بعيدا واستحق النار، وألا يدخل الجنة بنص كلام الله وكلام نبيه صلى الله عليه وسلم قال الله تعالى {إلا بلاغا من لله ورسالاته ومن يعص لله ورسوله فإن له نار جهنم خالدين فيهآ أبدا} قال علي: ولا عصيان أعظم من أن يقول الله تعالى ورسوله صلى الله عليه وسلم افعل أمرا كذا فيقول المأمور لا أفعل إلا إن شئت أن أفعل، ومباح لي أن أترك ما أمرتماني به أو يقول الله تعالى أو رسوله صلى الله عليه وسلم لا تفعل أمرا كذا فيقول أنا أفعل إن شئت أن أفعله ومباح لي أن أفعل ما نهيتماني عنه قال علي ما يعرف أحد من العصيان غير هذا والحجة على هؤلاء القوم أبين في العقول بيانا وأقرب مأخذا منها على المشركين، لأن المشركين لا يقرون بوجوب طاعة الله تعالى وطاعة رسوله صلى الله عليه وسلم وإنما الكلام معهم

في إثبات ذلك وهؤلاء يقرون بطاعة الله تعالى وطاعة رسوله صلى الله عليه وسلم ثم يقولون لنا لا نطيع وليس الائتمار لهما بواجب إلا بدليل غير نفس أمرهما. نعوذ بالله من الخذلان ومن التمادي على الباطل بعد وضوحه. واحتج بعضهم بما حدثنا المهلب، عن ابن مناس عن ابن مسرور عن يونس بن عبد الأعلي عن ابن وهب أخبرني جرير بن حازم عن سليمان الأعمش قال قال رسول الله صلى الله عليه وسلم أعطيت القرآن على سبعة أحرف لكل حرف منها ظهر وبطن، وبه إلى ابن وهب أخبرني خالد بن حميد عن يحيى بن أبي أسيد أن رسول الله صلى الله عليه وسلم قال إن القرآن ذلول ذو وجوه فاتقوا ذله وكثرة وجوهه، وبه إلى ابن وهب، أنبأ مسلمة بن علي عن هشام عن الحسن أن رسول الله صلى الله عليه وسلم قال فذكر حديثا وذكر فيه القرآن وفيه وما منه آية إلا ولها ظهر وبطن، وما فيه حرف إلا وله حد ولكل حد مطلع. قال علي: هذه كلها مرسلات لا تقوم بها حجة أصلا، ولو صحت لما كان لهم في شيء منها حجة بوجه من الوجوه، لأنه لو كان كما ذكروا لكل آية ظهر وبطن، لكنا لا سبيل لنا إلى علم البطن منها بظن ولا بقول قائل لكن ببيان النبي صلى الله عليه وسلم الذي أمره الله تعالى بأن يبين للناس ما نزل إليهم فإن أوجدونا بيانا عن النبي صلى الله عليه وسلم بنقل الآية عن ظاهرها إلى باطن ما صرنا إليه طائعين وإن لم يوجدونا بيانا عن النبي صلى الله عليه وسلم فليس أحد أولى بالتأويل في باطن ما تحتمله تلك الآية من آخر من تأول أيضا. ومن الباطل المحال أن يكون للآية باطن لا يبينه النبي صلى الله عليه وسلم لأنه كان يكون حينئذ لم يبلغ كما أمر وهذا لا يقوله مسلم، فبطل ما ظنوه. وقد أتت الأحاديث الصحاح بحمل كل كلام على ظاهره كما حدثنا عبد الله بن ربيع التميمي قال: ثنا محمد بن معاوية المرواني، عن أحمد بن شعيب النسائي، ثنا محمد بن عبد الله بن المبارك، ثنا أبو هشام واسمه المغيرة بن سلمة المخزومي

is He, or His Messenger ﷺ to say, "Do not do such-and-such a thing," and for him to say: "I will do it if I wish to do it, and it is permissible for me to do what you both forbade me to do." Ali said: No one recognizes disobedience as anything other than this. The argument against these people is clearer to reason and more readily grasped than the argument against the polytheists, because the polytheists do not acknowledge the obligation to obey Allah, exalted is He, and to obey His Messenger ﷺ; discussion with them concerns establishing precisely that. These people, however, acknowledge obedience to Allah, exalted is He, and obedience to His Messenger ﷺ, and then say to us: "We do not obey, and compliance with their commands is not obligatory except on the basis of evidence other than their command itself." We seek refuge in Allah from being forsaken and from persisting in falsehood after it has become clear. Some of them adduced as evidence what al-Muhallab related to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn Abd al-Ala, from Ibn Wahb: Jarir ibn Hazim informed me, from Sulayman al-Amash, who said: The Messenger of Allah ﷺ said: "I was given the Quran in seven modes of revelation (ahruf), each mode having an outward and an inward aspect." Through the same chain to Ibn Wahb: Khalid ibn Humayd informed me, from Yahya ibn Abi Usayd, that the Messenger of Allah ﷺ said: "The Quran is tractable, possessing multiple aspects, so beware of its tractability and its many aspects." Through the same chain to Ibn Wahb: Maslamah ibn Ali informed us, from Hisham, from al-Hasan, that the Messenger of Allah ﷺ said—he then mentioned a report in which he mentioned the Quran, including the words: "There is no verse in it that does not have an outward and an inward aspect, and no letter in it that does not have a limit, and every limit has a point of access." Ali said: All these are reports with an omitted link to the Prophet (mursal); no evidentiary authority can be established by them at all. Even if they were authentic, none of them would provide these people with evidence in any respect. For if, as they have mentioned, every verse had an outward and an inward aspect, we would have no way of knowing its inward aspect through conjecture or through anyone's assertion, but only through the explanation of the Prophet ﷺ, whom Allah, exalted is He, commanded to explain to people what had been sent down to them. If they furnish us with an explanation from the Prophet ﷺ transferring a verse from

its outward meaning to some inward meaning, we shall willingly adopt it. If they do not furnish us with an explanation from the Prophet ﷺ, no one has a better claim to interpret an inward meaning that the verse may bear than anyone else who also offers an interpretation. It is an absurd falsehood that a verse should have an inward meaning which the Prophet ﷺ does not explain, for he would then have failed to convey the message as he was commanded, and no Muslim says this. Thus, what they supposed is invalid. Authentic reports have indeed come down requiring that all speech be construed according to its outward meaning, as Abd Allah ibn Rabi al-Tamimi related to us, saying: Muhammed ibn Muawiyah al-Marwani related to us, from Ahmad ibn Shuayb al-Nasai: Muhammed ibn Abd Allah ibn al-Mubarak related to us: Abu Hisham—whose name is al-Mughirah ibn Salamah al-Makhzumi, a trustworthy transmitter from Basra—related to us. Ali said: Abd Allah ibn Yusuf ibn Nami also informed us of it, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Zuhayr ibn Harb related to me: Yazid ibn Harun related to us. Ali said: The wording is al-Mughirah's. Al-Mughirah and Yazid said: Al-Rabi ibn Muslim related to us: Muhammed ibn Ziyad related to us, from Abu Hurayrah, who said: The Messenger of Allah ﷺ addressed the people, saying: "Allah, exalted is He, has imposed the pilgrimage upon you." A man stood up and said: "Every year?" He remained silent toward him until the man had repeated it three times. Then he said: "Had I said yes, it would have become obligatory; and had it become obligatory, you would not have fulfilled it. Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreements with their prophets. So when I command you to do something, undertake as much of it as you can; and when I forbid you something, avoid it." It has also been transmitted through authentic chains to al-Zuhri, from Abu Sinan, from Ibn Abbas, from the Prophet ﷺ. The Prophet's ﷺ command that we do what he commanded to the extent that we can, and that we avoid what he prohibited, through Abu Hurayrah, with a chain traced back to the Prophet ﷺ, by Abu Salamah ibn Abd al-Rahman, Saʿid ibn al-Musayyab, Abu Salih, al-Aʿraj, Hammam ibn Munabbih, and Muhammed ibn Ziyad, all of them transmitting from Abu Hurayrah, from the Prophet ﷺ. Maʿmar

بصري ثقة قال علي وأنبأناه أيضا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، حدثني زهير بن حرب. ثنا يزيد بن هارون، قال علي: واللفظ لفظ المغيرة، قال المغيرة ويزيد: ثنا الربيع بن مسلم، ثنا محمد بن زياد عن أبي هريرة قال خطب رسول الله صلى الله عليه وسلم الناس فقال إن الله تعالى قد فرض عليكم الحج فقام رجل فقال: أفي كل عام فسكت عنه حتى أعاده ثلاثا فقال لو قلت نعم لوجبت ولو وجبت ما قمتم بها ذروني ما تركتكم، فإنما هلك من كان قبلكم بكثرة سؤالهم واختلافهم على أنبيائهم فإذا أمرتكم بالشيء فخذوا منه ما استطعتم وإذا نهيتكم عن شيء فاجتنبوه. وقد روي أيضا من طرق صحاح إلى الزهري عن أبي سنان عن ابن عباس عن النبي صلى الله عليه وسلم وقد روي أمر النبي صلى الله عليه وسلم بأن نفعل ما أمر به ما نستطيع وأن نجتنب ما نهى عنه من طريق أبي هريرة مسندا إلى النبي صلى الله عليه وسلم أبو سلمة بن عبد الرحمن وسعيد بن المسيب وأبو صالح، والأعرج، وهمام بن منبه، ومحمد بن زياد كلهم عن أبي هريرة عن النبي صلى الله عليه وسلم رواه عن همام معمر ورواه عن الأعرج أبو الزناد، ورواه عن أبي صالح الأعمش، ورواه عن سعيد بن المسيب، وأبي سلمة الزهري، ورواه عن محمد بن زياد، عن أبي هريرة مسندا أيضا شعبة، والربيع بن مسلم ورواه عمن ذكرنا الثقات الأكابر قال علي فبين عليه السلام في هذا الحديث بيانا لا إشكال فيه أن كل ما أمر به فهو واجب، حتى لو لم يقدر عليه وهذا معنى قوله تعالى {في لدنيا ولآخرة ويسألونك عن ليتامى قل إصلاح لهم خير وإن تخالطوهم فإخوانكم والله يعلم لمفسد من لمصلح ولو شآء لله لأعنتكم إن لله عزيز حكيم} ولكنه تعالى رفع عنا الحرج ورحمنا فأمر على لسان نبيه صلى الله عليه وسلم كما تسمع أن ما أمر به عليه السلام فواجب أن يعمل به حيث انتهت الاستطاعة

transmitted it from Hammam; Abu al-Zinad transmitted it from al-Aʿraj; al-Aʿmash transmitted it from Abu Salih; al-Zuhri transmitted it from Saʿid ibn al-Musayyab and Abu Salamah; and Shuʿbah and al-Rabiʿ ibn Muslim also transmitted it from Muhammed ibn Ziyad, from Abu Hurayrah, with a chain traced back to the Prophet. The great, trustworthy transmitters transmitted it from those we have mentioned. Ali said: In this report he, peace be upon him, explained, with an explanation admitting of no uncertainty, that everything he commanded is obligatory, even if one is unable to perform it. This is the meaning of His saying, exalted is He: {Concerning this world and the Hereafter. They ask you about orphans. Say: Setting their affairs right is better; and if you mingle with them, they are your brothers. Allah knows the corrupter from the reformer. Had Allah willed, He would have put you to hardship. Indeed, Allah is Mighty, Wise.} But He, exalted is He, lifted hardship from us and showed us mercy. Thus, through the tongue of His Prophet ﷺ, He commanded, as you hear, that whatever he, peace be upon him, commanded must be carried out to the utmost extent of one's ability, and that nothing of it is waived except that which lies beyond one's ability alone; and that whatever he, peace be upon him, prohibited must be avoided. Abd Allah ibn Yusuf related to us, through the previously mentioned chain to Muslim, who said: Abd Allah ibn Abd al-Rahman al-Darimi related to us; Abu Ali al-Hanafi related to us; Malik ibn Anas related to us, from Abu al-Zubayr al-Makki, that Abu al-Tufayl Amir ibn Wathilah informed him that Muʿadh ibn Jabal informed him, saying: We set out with the Messenger of Allah ﷺ in the year of the expedition to Tabuk. The Messenger of Allah ﷺ said: "Tomorrow, Allah willing, you will come to the spring of Tabuk, and you will not reach it until the morning is well advanced. Whoever among you reaches it must not touch any of its water until I arrive." He said: We reached it, and two men had arrived there before us. The spring was like a sandal strap, oozing a little water. He said: Then the Messenger of Allah, may Allah bless him, asked the two of them and grant him peace: "Have you touched any of its water?" They said: "Yes." The Prophet ﷺ then reviled them and said to them what Allah willed him to say. He then related the remainder of the report, which includes the miraculous sign of the water gushing forth through his blessing ﷺ. Ali said: These two deserved to be reviled by the

وأنه لا يسقط من ذلك إلا ما عجزت عنه الاستطاعة فقط وأن ما نهى عليه السلام عنه فواجب اجتنابه ثنا عبد الله بن يوسف بالسند المذكور إلى مسلم قال: ثنا عبد الله بن عبد الرحمن الدارمي، ثنا أبو علي الحنفي، ثنا مالك بن أنس، عن أبي الزبير المكي، أن أبا الطفيل عامر بن وائله، أخبره أن معاذ بن جبل أخبره وقال خرجنا مع رسول الله صلى الله عليه وسلم عام غزوة تبوك فقال رسول الله صلى الله عليه وسلم إنكم ستأتون غدا إن شاء الله عين تبوك وإنكم لن تأتوها حتى يضحى النهار، فمن جاءها منكم فلا يمس من مائها شيئا حتى آتي قال: فجئناها وقد سبقنا إليها رجلان، العين مثل الشراك تبض بشيء من ماء قال فسألهما رسول الله صلى الله عليه وسلم هل مسستما من مائها شيئا قالا نعم فسبهما النبي صلى الله عليه وسلم وقال لهما ما شاء الله أن يقول ثم ذكر باقي الحديث وفيه الآية في نبعان الماء ببركته صلى الله عليه وسلم قال علي فهذان استحقا السب من النبي صلى الله عليه وسلم لخلافهما نهيه في مس الماء ولم يكن هناك وعيد متقدم، فثبت أن أمره على الوجوب كله إلا ما خصه نص، ولولا أنهما تركا واجبا ما استحقا سب رسول الله صلى الله عليه وسلم وبه إلى مسلم ثنا أبو بكر بن أبي شيبة ثنا أبو أسامة، ثنا عبيد الله هو ابن عمر عن نافع عن ابن عمر قال: لما توفي عبد الله بن أبي ابن سلول فقام رسول الله صلى الله عليه وسلم ليصلي عليه فقام عمر فقال يا رسول الله أتصلي عليه وقد نهاك الله أن تصلي عليه فقال رسول الله صلى الله عليه وسلم إنما أخبرني الله تعالى فقال {ستغفر لهم أو لا تستغفر لهم إن تستغفر لهم سبعين مرة فلن يغفر لله لهم ذلك بأنهم كفروا بالله ورسوله ولله لا يهدي القوم الفاسقين} وسأزيد على السبعين قال إنه منافق فصلى عليه رسول الله صلى الله عليه وسلم فأنزل الله عز وجل {ولا تصل على أحد منهم مات أبدا ولا تقم

Prophet ﷺ because they contravened his prohibition against touching the water, although there had been no prior threat of punishment. It is therefore established that all his commands entail obligation, except what a text specifically exempts. Had they not neglected an obligation, they would not have deserved the Messenger of Allah's ﷺ reviling. Through the same chain to Muslim: Abu Bakr ibn Abi Shaybah related to us; Abu Usamah related to us; Ubayd Allah—that is, Ibn Umar—related to us, from Nafi', from Ibn Umar, who said: When Abd Allah ibn Ubayy ibn Salul died, the Messenger of Allah ﷺ rose to perform the funeral prayer over him. Umar rose and said: "Messenger of Allah, will you pray over him when Allah has forbidden you to pray over him?" The Messenger of Allah ﷺ said: "Allah, exalted is He, merely informed me, saying: {Seek forgiveness for them, or do not seek forgiveness for them. If you seek forgiveness for them seventy times, Allah will never forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defiantly disobedient people.} And I shall exceed seventy." He said: "He is a hypocrite." The Messenger of Allah ﷺ nevertheless prayed over him. Then Allah, Mighty and Majestic, revealed: {Never pray over any of them who dies, nor stand at his grave. They disbelieved in Allah and His Messenger and died while defiantly disobedient.} Ali said: This report provides sufficient explanation for construing everything according to its apparent meaning. The Messenger of Allah ﷺ construed the wording expressed with "or" as granting a choice. When the unqualified prohibition came, he construed compliance with it as obligatory. This establishes that the wording of command and prohibition differs from the wording of choice and recommendation. His Messenger ﷺ was the most knowledgeable of all people concerning the Arabic language in which his Lord, exalted is He, addressed him. If someone says: "What, then, did Allah intend by the choice that the Messenger of Allah—may Allah bestow blessings upon him and grant him peace—construed as granting a choice, and by His mentioning, exalted is He, seventy times? Do you say that He, exalted is He, intended what Umar ibn al-Khattab said: that he should neither pray over them nor seek forgiveness for them, and that the other verse was then revealed to explain it?" The answer is that—and success comes through Allah, exalted is He—we do not say that, nor is it permissible for a Muslim to

على قبره إنهم كفروا بالله ورسوله وماتوا وهم فاسقون} قال علي ففي هذا الحديث بيان كاف في حمل كل شيء على ظاهره فحمل رسول الله صلى الله عليه وسلم اللفظ الوارد بأو على التخيير فلما جاء النهي المجرد حمله على الوجوب، وصح بهذا أن لفظ الأمر والنهي غير لفظ التخيير والندب ورسوله صلى الله عليه وسلم أعلم الناس بلغة العرب التي بها خاطبه ربه تعالى. فإن قال قائل: فما كان مراد الله بالتخيير الذي حمل رسول الله صلى الله عليه وسلم على التخيير وبذكره تعالى السبعين مرة أتقولون: إنه أراد تعالى ما قال عمر بن الخطاب من ألا يصلي عليهم ولا يستغفر لهم ثم نزلت الآية الأخرى مبينة؟. فالجواب: أننا وبالله تعالى التوفيق، لا نقول ذلك، ولا يسوغ لمسلم أن يقوله، ولا نقول إن عمر، ولا أحدا من ولد آدم عليه السلام فهم عن الله تعالى شيئا لم يفهمه عنه نبي الله صلى الله عليه وسلم وهذا القول عندنا كفر مجرد وبرهان ذلك أن الله تعالى لو لم يرض صلاة النبي على عبد الله بن أبي لما أقره عليها ولأنزل الوحي عليه لمنعه كما نهاه بعد صلاته عليه أن يصلي على غيره منهم، فصح أن قول عمر كان اجتهادا منه أراد به الخير فأخطأ فيه وأصاب رسول الله صلى الله عليه وسلم وأجر عمر في ذلك أجرا واحدا لكنا نقول إنه عز وجل خير نبيه صلى الله عليه وسلم في ذلك على الحقيقة فكان مباحا له صلى الله عليه وسلم أن يستغفر لهم ما لم ينه عن ذلك

say it. Nor do we say that Umar, or any descendant of Adam, peace be upon him, understood anything from Allah, exalted is He, that Allah's Prophet ﷺ did not understand from Him. In our judgment, this assertion is outright unbelief. The demonstration of this is that, had Allah, exalted is He, not approved of the Prophet's prayer over Abd Allah ibn Ubayy, He would not have allowed him to proceed with it, and would have sent down revelation to prevent him, just as, after his prayer over him, He forbade him to pray over any others among them. It is therefore established that Umar's statement was an exercise of independent judgment on his part, through which he intended good but erred, whereas the Messenger of Allah ﷺ was correct; and Umar received one reward for that. Rather, we say that He, Mighty and Majestic, truly gave His Prophet ﷺ a choice in the matter, so that it was permissible for him ﷺ to seek forgiveness for them so long as he had not been forbidden to do so.[29]303132333435

وأما ذكر السبعين فليس في الاقتصار عليه إيجاب أن المغفرة تقع لهم بما زاد على السبعين، ولا فيه أيضا منع من وقوع المغفرة لهم بما زاد على السبعين إلا أن رسول الله صلى الله عليه وسلم طمع ورجا إن زاد على السبعين أن يغفر لهم ولم يحقق أن المغفرة تكون بالزيادة، وهذا هو نفس قولنا بعينه، فلما أعلمه الله تعالى بما كان في علمه عز وجل، ولم يكن أعلمه قبل ذلك به علمه حينئذ نبيهصلى الله عليه وسلم ولم يكن علم قبل نزول المنع من الاستغفار لهم بالبت، أن ما زاد على السبعين غير مقبول، فدعا راج لم ييأس من المغفرة، ولا أيقن بها، وهذا بين في لفظ الحديث، وبالله تعالى التوفيق وقد سألت بريرة النبي صلى الله عليه وسلم إذ قال لها لو راجعتيه يعني النبي صلى الله عليه وسلم زوجها مغيثا فقالت أتأمرني يا رسول الله فقال لا إنما أشفع ففرق صلى الله عليه وسلم كما ترى بين أمره وشفاعته فثبت أن الشفاعة لا توجب على أحد فعل ما شفع فيه عليه السلام وأن أمره بخلاف ذلك وليس فيه إلا الإيجاب فقط وقال الله عز وجل {يأيها لرسول بلغ مآ أنزل إليك من ربك وإن لم تفعل فما بلغت

L808–813 As for the mention of seventy, restricting the statement to that number does not entail that forgiveness will be granted to them for anything beyond seventy; nor does it preclude forgiveness being granted to them for anything beyond seventy. Rather, the Messenger of Allah ﷺ hoped and entertained the expectation that, if he exceeded seventy, they would be forgiven. He

[29] **Translator's note (L795):** In the Quranic quotation, "whoever disobeys" is grammatically singular, while "abiding" is plural in the supplied Arabic; English does not reproduce this change of number.

[30] **Translator's note (L798):** "Tractable" and "tractability" preserve the unusual wording of the cited report; the intended warning appears to concern the text's susceptibility to being made to bear different interpretations. "Point of access" renders muttala, an ambiguous term that can also suggest a vantage point from which something is apprehended.

[31] **Translator's note (L803):** The salutation continues in the next unit.

[32] **Translator's note (L804):** The opening words complete the salutation begun in the preceding unit; they follow the reporting verb in that unit's English word order.

[33] **Translator's note (L805):** The first Quranic quotation begins with ستغفر rather than the usual استغفر. The translation follows the imperative sense required by the surrounding quotation, while recording the missing initial alif rather than silently correcting it. The final salutation continues in the next unit.

[34] **Hadith references (L795):** Sahih Muslim 706c; Sahih al-Bukhari 7280.

[35] **Qur'an references (L795):** Qur'an 72:23 (Al-Jinn); Qur'an 2:220 (Al-Baqarah); Qur'an 9:80 (At-Tawbah); Qur'an 9:84 (At-Tawbah).

did not establish as certain that forgiveness would result from the increase. This is precisely our own position. When Allah, exalted is He, informed him of what was in His knowledge, Mighty and Majestic is He, and of which He had not previously informed him, His Prophet ﷺ then knew it. Before the prohibition against seeking forgiveness for them was revealed, he had not known definitively that anything beyond seventy would be unacceptable. Thus he supplicated in hope, neither despairing of forgiveness nor possessing certainty of it. This is clear in the wording of the report, and success comes through Allah, exalted is He. Barirah also questioned the Prophet ﷺ when he said to her: "If only you would return to him"— the Prophet ﷺ meant her husband Mughith—and she said: "Are you commanding me, Messenger of Allah?" He said: "No; I am only interceding." Thus, as you see, he ﷺ distinguished between his command and his intercession. It is therefore established that intercession does not oblige anyone to do that for which he, peace be upon him, interceded, whereas his command differs from that and entails obligation alone. Allah, Mighty and Majestic, 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.} Ali said: This verse contains a clear explanation dispelling every doubt that whoever fails to do what he has been commanded has disobeyed. For He, exalted is He, explained that, if His Prophet ﷺ did not convey the message as commanded, he would not have done what he was commanded. This statement and this injunction have no meaning other than that contravening a command is disobedience, not compliance. Success comes through Allah, exalted is He. They admit against themselves that they do not do what they have been commanded until Abu Hanifah, Malik, and al-Shafi'i command them. He, exalted is He, said: {Thus it is established that He, exalted is He, did not desire acknowledgment alone from us, except together with acting upon what He commanded us to do alongside it. And He, exalted is He, said: {} Ali said: The ruling has become manifest through this verse, and no room for doubt remains, because recommendation grants a choice. It has been established that, with every command of Allah and His Messenger ﷺ, no one has any choice. Once choice is ruled out, obligation necessarily follows, because choice exists only

رسالته والله يعصمك من لناس إن الله لا يهدي لقوم لكافرين} قال علي في هذه الآية بيان جلي رافع لكل شك، في أن من لم يفعل ما أمر به فقد عصى لأنه تعالى بين أن نبيه صلى الله عليه وسلم إن لم يبلغ كما أمر فلم يفعل ما أمر به ولا معنى لهذا الخبر وهذا التقدم، إلا أن خلاف الأمر معصية لا موافقة، وبالله تعالى التوفيق وهم يقرون على أنفسهم أنهم لا يفعلون ما أمروا به حتى يأمرهم أبو حنيفة ومالك والشافعي وقال تعالى {فصح أنه لم يرد تعالى منا الإقرار وحده إلا مع العمل بما أمرنا معه وقال تعالى {} قال علي وانبلج الحكم بهذه الآية ولم يبق للشك مجال، لأن الندب تخيير وقد صح أن كل أمر لله ولرسوله صلى الله عليه وسلم فلا اختيار فيه لأحد وإذا بطل الاختيار فقد لزم الوجوب ضرورة، لأن الاختيار إنما هو في الندب والإباحة للذين لنا فيهما الخيرة، إن شئنا فعلنا، وإن شئنا لم نفعل، فأبطل الله عز وجل الاختيار في كل أمر يرد من عند نبيه صلى الله عليه وسلم وثبت بذلك الوجوب والفرض في جميع أوامرهما، ثم لم يدعنا تعالى في شك من القسم الثالث وهو الترك فقال تعالى {} قال علي وليس يقابل الأمر الوارد إلا بأحد ثلاثة أوجه، لا رابع لها نعلم ذلك بضرورة الطبيعة، وبديهة العقل: إما الوجوب وهو قولنا، وإما الندب والتخيير في فعل أو ترك وقد أبطل الله عز وجل هذا الوجه في قوله تعالى {} وأما الترك وهو المعصية فأخبر تعالى أن من فعل ذلك فقد ضل ضلالا مبينا، فارتفع الإشكال جملة وبطل كل شغب يأتون به وقال تعالى {} فنص تعالى على توبيخ من لم يكتف بالتلاوة، وهذا هو الحكم بالظاهر وحظر الانتقال إلى التأويل وقال تعالى {} وقال تعالى {} فصح أن لا بيان إلا نص القرآن ونص كلام رسول الله صلى الله عليه وسلم فإن قالوا فإنكم تحملون كثيرا من أوامره تعالى على التخيير والندب، فقد نقضتم هذا الحكم. قيل لهم وبالله تعالى التوفيق: ما فعلنا ما تقولون من النقض، لأننا إنما حملنا منها على التخيير

in recommendation and permissibility, in both of which we have the option: if we wish, we act, and if we wish, we do not do so. Thus Allah, mighty and majestic, invalidated choice in every matter proceeding from His Prophet ﷺ, thereby establishing obligation and binding duty in all their commands. Then He, exalted, did not leave us in doubt concerning the third category, namely, refraining from acting, for He, exalted, said: {}.

Ali said: A command that has been issued can be met in only one of three ways, with no fourth possibility. We know this by natural necessity and the immediate apprehension of reason. Either it entails obligation, which is our position; or it entails recommendation and a choice between acting and refraining—and Allah, mighty and majestic, has invalidated this possibility in His statement, exalted: {}; or it entails refraining, which is disobedience, and He, exalted, has declared that whoever does that has strayed into manifest error. Thus the difficulty is entirely removed, and every contentious objection they bring is invalidated. He, exalted, said: {}. Thus He, exalted, explicitly rebuked whoever does not find recitation sufficient. This is precisely judging according to the apparent meaning and prohibiting a move to an interpretive departure from it. He, exalted, said: {}; and He, exalted, said: {}. It is therefore established that there is no clarification except the explicit text of the Quran and the explicit wording of the Messenger of Allah ﷺ.

If they say, "Yet you construe many of His commands, exalted, as allowing choice or expressing recommendation, and have therefore contradicted this ruling," they are told—and through Allah, exalted, comes success: We have not committed the contradiction you allege. For whatever among them we construed as allowing choice, we construed thus by Allah's command, exalted, which we likewise understood as obligatory. When our Lord, mighty and majestic, explicitly states concerning something He has commanded that we may do it if we wish and leave it if we wish, He has necessarily made it obligatory for us to accept that explicit text according to its apparent meaning. We have therefore not departed from our principle, nor did we have any choice to divert it into an obligation attaching exclusively to one of its two alternatives rather than the other. Likewise, when He, exalted, or His Prophet ﷺ—whichever of the two is addressing us—confines the address

بأمر الله تعالى، حملناه أيضا على وجوبه، فإذا نص ربنا عز وجل في أمر قد أمر به على أننا إن شئنا فعلنا، وإن شئنا تركنا، فقد أوجب علينا قبول هذا النص على ظاهره ضرورة، فلم نخرج عن أصلنا، ولم يكن لنا خيرة في صرفه إلى الوجوب بأحد طرفيه دون الآخر فقط كما أنه تعالى أو نبيه صلى الله عليه وسلم إذا اقتصر المخاطب لنا منهما على لفظ لا تخيير معه، فلا خيرة لنا في صرفه عن أمره الذي اقتصر عليه، فكل أمر مفرد فواجب علينا حمله على انفراده، وكل أمر بتخيير فواجب علينا حمله على التخيير، فالقبول فرض علينا لما يرد من الألفاظ على ظواهرها، ولا خيرة لنا في شيء من ذلك، والإجماع إذا صح على حمل آية أو خبر على التخيير، فقد أيقنا أن أصل الإجماع توقيف من رسول الله صلى الله عليه وسلم فحملنا ذلك التوقيف أيضا على الوجوب فلم ننقض قولنا بحمد الله تعالى. قال علي: أفلا يستحي أن يتكلم في الدين من يسمع كلام الله تعالى في قسمة الصدقات يقول {} فيقول ليس ذلك فريضة وجائز للإمام أن يصرفها إلى ما يرى من وجوه البر، أو إلى بعض هذه الأصناف ثم يأتي إلى قول ابن عمر فرض رسول الله صلى الله عليه وسلم صدقة الفطر على كل حر أو عبد ذكر أو أنثى صغير أو كبير، صاعا من تمر أو صاعا من شعير، فيقول: ليس صدقة الفطر فريضة، ولا الشعير ولا التمر فيها أيضا فرضا ولا مستحبا بل البر الذي لم يذكره النبي صلى الله عليه وسلم أفضل ثم يأتي إلى قول رسول الله صلى الله عليه وسلم من صلى ههنا معنا وقد وقف قبل ذلك بعرفة ليلا أو نهارا فقد أدرك فقال: لا تخيير في ذلك، والفرض الوقوف ليلا ولا بد وإلا بطل الحج ويقول في قول الله تعالى {} إنه يفهم منه أن خطبة الجمعة فرض تبطل الصلاة بتركها. وأن ذكره تعالى للاعتكاف بعد ذكره لحكم الصيام، موجب أن يكون الصوم في الاعتكاف فرضا لا يجزي الاعتكاف إلا به. أيكون في عكس الحقائق ومجاهرة العقول الفهمة للغة العربية ومخالفة القرآن والسنة أكثر من هذا وقال تعالى {}

to wording that contains no allowance of choice, we have no choice to divert it from the command to which He confined it. Thus every standalone command must be construed by us according to its standalone wording, and every command allowing choice must be construed by us as allowing choice. We are therefore under a binding duty to accept the wording that reaches us according to its apparent meanings, and we have no choice in any of this. When a consensus is soundly established that a verse or a report is to be construed as allowing choice, we know with certainty that the foundation of that consensus is an authoritative instruction from the Messenger of Allah ﷺ. We therefore construed that authoritative instruction, too, as obligatory, and have not contradicted our position, praise be to Allah, exalted.

Ali said: Does someone not feel ashamed to speak about religion when he hears the words of Allah, exalted, concerning the distribution of alms, saying: {}, yet says, "That is not a binding duty, and the imam may direct them to whatever charitable purposes he considers appropriate, or to some of these categories"? Then he comes to Ibn Umar's statement, "The Messenger of Allah ﷺ prescribed as a binding duty the alms at the breaking of the fast for every free person or slave, male or female, young or old: one measure, a sa, of dates or one sa of barley," and says, "The alms at the breaking of the fast are not a binding duty; neither barley nor dates are obligatory or even recommended for them. Rather, wheat, which the Prophet ﷺ did not mention, is preferable." Then he comes to the statement of the Messenger of Allah ﷺ, "Whoever has prayed here with us, having previously stood at Arafat by night or by day, has attained it," and says, "There is no choice in this: standing by night is an indispensable binding duty; otherwise the pilgrimage is invalid." And he says concerning the statement of Allah, exalted, {}, that it is understood from it that the Friday sermon is a binding duty whose omission invalidates the prayer, and that His mention, exalted, of devotional retreat after His mention of the rule governing fasting requires fasting during devotional retreat to be a binding duty, without which the retreat is not valid. Could there be anything beyond this in reversing realities, brazenly defying

minds that understand the Arabic language, and contradicting the Quran and the Sunnah? He, exalted, said: {}.[36][37][38][39][40][41]

L814 Ali said: Here, then, is the language of warning in His statement, exalted, {}, coupled with contravening obedience. He, exalted, has thus informed us that abandoning obedience is turning away. No abandonment of obedience is greater than that of someone who considers himself permitted to leave undone what he has been commanded to do, or to do what he has been forbidden. He, exalted, 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 good things lawful for them and makes foul things unlawful for them, and relieves them of their burden and the shackles that were upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper." Thus it is established by the explicit text, as you see, that everything the Messenger of Allah ﷺ commanded is right, and everything he forbade is wrong, away from what is right. He, exalted, thus made clear that everyone who forbids what the Messenger of Allah ﷺ commanded is a hypocrite. Everyone who, concern-

قال علي فهذا لفظ الوعيد بقوله تعالى {} مقرونا بمخالفة الطاعة فأخبرنا تعالى أن ترك الطاعة تول، ولا تركا للطاعة أكثر ممن يستجيز أن يترك ما أمر به أو يفعل ما نهى عنه وقال تعالى {لذين 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} فصح بالنص كما ترى أن كل ما أمر به رسول الله صلى الله عليه وسلم فهو معروف وكل ما نهى عنه فهو منكر عن المعروف، فبين تعالى أن كل من نهى عما أمر به رسول الله صلى الله عليه وسلم فهو منافق وكل من قال في قوله تعالى افعل فقال هو لا تفعل إن شئت، فقد أباح تركه والنهي عنه نصا وقال تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} وقال تعالى {وليحكم أهل لإنجيل بما أنزل لله فيه ومن لم يحكم بما أنزل لله فأولئك هم لفاسقون} قال علي ومن أجاز لنفسه ترك العمل بما أنزل الله فهو فاسق ظالم بنص القرآن، وبنص تسمية الله عز وجل له فقد نصصنا كلام الله تعالى وكلام نبيه صلى الله عليه وسلم في إيجاب أوامرهما ونواهيهما فرضا وبطل بذلك قول من قال على الندب أو الوقف. قال علي: وقد فرق قوم بين أوامر الله عز وجل وأوامر رسوله صلى الله عليه وسلم وهذا بين الفساد فقد أنكر الله تعالى ذلك بقوله {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وإن العجب ليكثر من الحنفيين والمالكيين الذين يجعلون الخطبة يوم الجمعة فرضا، فإذا

[36] **Translator's note (L809):** The ending is corrupt or incomplete: an opening quotation brace after "He, exalted is He, said" is followed by apparent authorial commentary rather than a Quranic quotation, and a further citation contains empty braces. These defects are retained; no missing verses have been supplied.

[37] **Translator's note (L810):** "This verse" apparently refers to a quotation missing from the preceding unit. The source has للذين, literally "for those who," where the construction appears to require a dual relative referring to recommendation and permissibility. The translation gives that apparent intended connection while recording the irregular reading.

[38] **Translator's note (L811):** The source contains six empty brace pairs, apparently marking omitted Quranic quotations. Their contents have not been supplied. The opening and closing words continue sentences across segment boundaries.

[39] **Translator's note (L812):** This fragment continues the preceding segment and is completed by the following segment.

[40] **Translator's note (L813):** The source contains three empty brace pairs, apparently marking omitted Quranic quotations. The pilgrimage quotation leaves the object of "has attained" unstated; the translation retains that ellipsis.

[41] **Qur'an references (L808):** Qur'an 5:67 (Al-Ma'idah).

ing His saying, exalted, “Do,” says, “It means: Do not do it, if you wish,” has explicitly permitted leaving it undone and forbidding it.

He, exalted, said: “We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever forgoes it as charity, it is an expiation for him. Those who do not judge by what Allah has sent down—it is they who are the wrongdoers.” And He, exalted, said: “Let the people of the Gospel judge by what Allah has sent down therein. Those who do not judge by what Allah has sent down—it is they who are the defiantly disobedient.”

Ali said: Whoever permits himself to abandon acting upon what Allah has sent down is defiantly disobedient and a wrongdoer, according to the explicit text of the Quran and Allah’s explicit designation of him, mighty and majestic. We have thus set out the explicit words of Allah, exalted, and the words of His Prophet ﷺ establishing compliance with their commands and prohibitions as a binding duty. This invalidates the position of anyone who says that they express recommendation, or that judgment must be suspended.

Ali said: Some people have distinguished between the commands of Allah, mighty and majestic, and the commands of His Messenger ﷺ. This is plainly unsound, for Allah, exalted, has repudiated it in His statement: “Whoever obeys the Messenger has obeyed Allah. As for whoever turns away, We have not sent you as a guardian over them.” One’s astonishment indeed grows at the Hanafis and Malikis who make the sermon on Friday a binding duty. When asked for the demonstration of this, they say: The statement of Allah, mighty and majestic, “When they see merchandise or diversion, they disperse toward it and leave you standing. Say: What is with Allah is better than diversion and merchandise, and Allah is the best of providers.”[42][43]

L815–825 Ali said: We do not know what in this wording conveyed to them that

سئلوا عن البرهان في ذلك قالوا قول الله عز وجل {وإذا رأوا تجارة أو لهوا نفضوا إليها وتركوك قآئما قل ما عند الله خير من للهو ومن لتجارة والله خير لرازقين}

قال علي وما ندري ماذا تأدى إليهم في هذا اللفظ من إيجاب الخطبة. ويقولون إن الصيام في الاعتكاف فرض، إذا سئلوا عن برهان ذلك قالوا: ذكر الله تعالى الاعتكاف إثر ذكر الصيام، وعلى هذا فكل شريعة ففرض ألا تتم إلا بضم كل شريعة في القرآن إليها، فلا حج لمن لم يصل. ولا صلاة لمن أفطر في رمضان، ولا نكاح لمن لا يقسط

[42] **Translator’s note (L814):** The source begins with an empty brace pair, apparently marking an omitted Quranic quotation. The wording “wrong, away from what is right” renders the awkward sequence “منكر عن المعروف.” This may reflect a textual omission or corruption; no missing wording has been supplied.

[43] **Qur’an references (L814):** Qur’an 5:45 (Al-Ma’idah); Qur’an 5:47 (Al-Ma’idah); Qur’an 4:80 (An-Nisa); Qur’an 62:11 (Al-Jumu’ah).

the sermon is obligatory. They also say that fasting during devotional retreat is a binding duty. When asked for the demonstration of this, they say: "Allah, exalted, mentioned devotional retreat immediately after mentioning fasting." On this basis, every prescribed observance must necessarily be incomplete unless every prescribed observance in the Quran is joined to it. Thus there would be no valid pilgrimage for someone who did not pray, no valid prayer for someone who broke the fast in Ramadan, and no valid marriage for someone who did not deal equitably with orphans; his marriage to his wife would consequently be dissolved, because Allah, exalted, conjoined marriage with the matter of orphans, for He, exalted, said: {And if you fear that you will not deal equitably with 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 more likely to keep you from acting unjustly.} For all these are conjoined with one another. Then, concerning His saying, exalted: {And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. And 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 make compensation by fasting, charity, or sacrifice. Then, 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 anyone whose family does not reside near the Sacred Mosque. And fear Allah, and know that Allah is severe in punishment}, they said: "The lesser pilgrimage is not obligatory." Yet He, exalted, conjoined it with the pilgrimage in a conjunction that made it share with the pilgrimage in the requirement of completion. He did not conjoin devotional retreat with fasting, nor fasting with devotional retreat. He merely conjoined the prohibition of sexual contact during devotional retreat with the rulings on fasting, conjoining one sentence with another, rather than conjoining things so that they share a ruling. Then, concerning His saying, exalted, about the distribution of the fifth: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the way-

في اليتامى، فينفسخ نكاحه مع امرأته، لأن الله تعالى عطف النكاح على أمر اليتامى فقال 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} لأنها كلها معطوف بعضها على بعض ثم قالوا في 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} ليست العمرة فرضا وقد عطفها تعالى على الحج عطفا شركها به معه في الإتمام، ولم يعطف الاعتكاف في الصيام، ولا الصيام على الاعتكاف، وإنما عطف النهي عن المباشر في حال الاعتكاف على أحكام الصيام، عطف جملة على جملة، لا عطف اشتراك ثم قالوا في قوله تعالى في قسمة الخمس {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} فقالوا ليس هذا فرضا وللإمام أن يضع الخمس حيث رأى من مصالح المسلمين، هذا وهم يسمعون الله تعالى يقول في قسمة الخمس على من سمى {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} وقالوا في آية الصدقات وقد قال تعالى في آخرها {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل فريضة من لله ولله عليم حكيم} فقالوا ليست فريضة لهؤلاء فمن أضل ممن جعل الخطبة والصيام في الاعتكاف

farer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}, they said: "This is not obligatory; the imam may allocate the fifth wherever he considers that the Muslims' interests lie." This, while they hear Allah, exalted, say, concerning the distribution of the fifth among those He named: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the wayfarer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}. And concerning the verse on alms, at whose end He, exalted, said: {Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, for debtors, in Allah's path, and for the wayfarer—an obligation from Allah. And Allah is Knowing, Wise}, they said: "They are not obligatory for these recipients." Who, then, is more astray than someone who makes the sermon and fasting during devotional retreat obligatory, although no command or recommendation has prescribed this, and sets aside the obligatory character of what Allah, exalted, called an obligation, and concerning which He said: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the wayfarer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}. As for the Mālikīs, they argued for the emancipation of a brother owned by his brother on the basis of His saying, exalted: {He said: My Lord, I have power over none but myself and my brother; so separate us from the defiantly disobedient people}. No person of understanding has ever understood from this verse that emancipating a brother is obligatory, any more than he has understood from it that the noon prayer is obligatory. And through their own opinions they set aside the heir's obligation to provide maintenance, although He, exalted, said: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. And the father is responsible for their provision and clothing according to what is right. No soul is burdened beyond its capacity. No mother shall be harmed through her child, nor any father through his child, and the heir

فرضا ولم يأت به أمر، ولا ندب، وأسقط إيجاب ما سماه الله تعالى فريضة وقال فيه {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} وأما المالكيون فإنهم احتجوا في عتق الأخ يملكه أخوه بقوله تعالى {قال رب إني لا أملك إلا نفسي وأخي ففرق بيننا وبين لقوم لفاسقين} وما عقل قط ذو لب وجوب عتق الأخ من هذه الآية كما لم يعقل وجوب صلاة الظهر منها، وأسقطوا النفقة على الوارث بآرائهم وقد قال تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بالمعروف 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} ففرقوا بين مضارة الوالد بولده فأوجبوا فيها النفقة، وبين مضارة الوارث بموروثه، فلم يوجبوا فيها النفقة، وقد سوى الله عز وجل بينهما تسوية واحدة، ولا ضرر في التمييز والعقل، أعظم من ترك الوارث موروثه يسأل أو يموت جوعا، وهو ذو مال يغنيه، ويفضل عنه، وخالفوا في ذلك حكم عمر بن الخطاب وعمله. وقال المالكيون: أمر تعالى بالمكاتبة ندب، وأمره بإتيانهم من مال الله الذي آتاهم ندب، وأمره بالمتعة ندب ثم قالوا قوله تعالى {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} فرض فلو تدبروا هذه الفضائح التي يطلقون، لكان أولى بهم من معارضة أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم بهذيان لا يطردونه بل يتناقضون فيه في كل حين، فمرة يقولون في بعض الأوامر ليس فرضا، فإذا قيل لهم قد أمر الله تعالى بها، قالوا الأوامر موقوفة،

bears the same responsibility. If the two of them wish to wean by mutual consent and consultation, there is no blame upon them. And if you wish to have your children breastfed by others, there is no blame upon you, provided you hand over what you have agreed to give according to what is right. And fear Allah, and know that Allah sees what you do}. Yet they distinguished between a father's harming his child, in which case they made maintenance obligatory, and the harming by an heir of the person from whom he stands to inherit, in which case they did not make maintenance obligatory, although Allah, mighty and majestic, placed the two on precisely the same footing. In the judgment of discernment and reason, no harm is greater than an heir leaving the person from whom he stands to inherit to beg or die of hunger, while the heir possesses wealth sufficient to meet that person's needs and still have some left over. In this they opposed the judgment and practice of ʿUmar ibn al-Khaṭṭāb. The Mālikīs said: "His command, exalted, to conclude emancipation contracts is a recommendation; His command to give them some of the wealth of Allah that He has given them is a recommendation; and His command to provide a consolatory gift upon divorce is a recommendation." Then they said that His saying, exalted: {O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know}, is obligatory. If they reflected upon these disgraceful pronouncements they make, that would be more fitting for them than opposing the commands of Allah, exalted, and the commands of His Messenger ﷺ with nonsense that they do not apply consistently, but in which they contradict themselves at every turn. At one time, concerning certain commands, they say: "It is not obligatory." When they are told, "Allah, exalted, has commanded these things," they say: "Judgment concerning commands is suspended, and a command is not construed as imposing an obligation except on the basis of evidence." At another time they make commands obligatory without evidence or any contextual indicator, solely through arbitrary assertion and uncritical adherence. And through Allah, exalted, comes success.

ولا يحمل على الفرض إلا بدليل، ومرة يوجبون الأوامر فرضا بلا دليل ولا قرينة إلا التحكم والتقليد فقط، وبالله تعالى التوفيق. قال علي: وأما الموافقون لهم على الوقف من أصحاب الشافعي، فإنهم يقولون: إن لم نجد دليلا على أن الأمر على الندب أمضينا الأوامر على الوجوب. قال علي: وهذا ترك منهم لقولهم بالوقف، لأنهم راجعون إلى إمضاء الأوامر على الوجوب بمجردها بلا قرينة، إذا عدموا دليلا على الندب. قال علي: وهذا قولنا نفسه، ولم نخالفهم في أن الأمر إذا جاء نص أو إجماع على أنه ندب، فواجب أن يصار إلى أنه ندب وإنما خالفناهم في الوقف فقط قال علي ونسألهم ألهذا الوقف غاية فإن حدوا حدا كلفوا عليه البرهان ولا سبيل إليه، فإن لم يجدوا فيه حدا صار مدة العمر، فبطل العمل بشيء من الأوامر وهذا يؤدي إلى إبطال الشريعة. وقد احتج بعض من يقول بقولنا ممن سلف، فقال: لو كان الأمر لا يعلم بلفظه أنه على الوجوب، لكان لا يخلو من أن يعلم المراد فيه، إما بأمر آخر، أو بشيء يستخرج من الأمر، وكلا الأمرين فلا بد من الرجوع فيه إلى أمر، فالكلام في الأمر الثاني كالكلام في الأمر الأول، وهذا لا إلى غاية، فعلى هذا لا يثبت وجوب أمر أبدا. وقالوا أيضا محتجين عن أهل الوقف: المعصية في اللغة هي مخالفة الأمر، والطاعة هو تنفيذ الأمر وقال الله تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} 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} فثبت الوجوب في الأوامر ضرورة بحكم الله تعالى فالنار على من تركها. قال علي: ويقال لمن قال بالوقف: ماذا تصنع إن وجدت أوامر واردة من الله تعالى ومن رسوله صلى الله عليه وسلم خالية من قرينة بالجملة ولا دليل هناك يدل على أنها فرض، ولا على أنها ندب، فلا بد من أحد ثلاثة أوجه إما أن يقف أبدا، وفي هذا ترك استعمال

ʿAlī said: As for those followers of al-Shāfiʿī who agree with them on suspending judgment, they say: "If we find no evidence that a command conveys a recommendation, we apply commands as imposing obligation."

ʿAlī said: This is their abandonment of their position that judgment must be suspended, for they revert to applying commands as imposing obligation by themselves, without a contextual indicator, when they lack evidence of recommendation.

ʿAlī said: This is our very position. We have not disagreed with them that, when a text or consensus establishes that a command conveys a recommendation, it must be treated as a recommendation. We have disagreed with them only over suspending judgment.

ʿAlī said: We ask them: "Does this suspension have an endpoint?" If they specify a limit, they must be required to furnish demonstrative proof for it, and there is no way to do so. If they find no limit to it, it extends throughout a lifetime, and acting upon any command becomes impossible. This leads to the nullification of the revealed law. One of our predecessors who held our position advanced an argument, saying: "If a command were not known by its wording to impose obligation, then its intended meaning would necessarily be known either through another command or through something derived from the command. In either case, recourse must necessarily be had to a command. The discussion of the second command is thus the same as the discussion of the first, and this continues without end. On this basis, therefore, the obligatory character of a command could never be established." They also said, arguing on behalf of those who suspend judgment: "Disobedience, in the language, is contravening a command, and obedience is carrying out a command." Allah, exalted, said: {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to a Fire, abiding therein, and he shall have a humiliating punishment}. And He, exalted, said: {We 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 accepting of repentance, merciful}. Thus, by Allah's judg-

أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم وهذا هو نفسه ترك الديانة أو يحمل ذلك على الندب فيجمع وجهين أحدهما القول بلا دليل والثاني استجازة مخالفة الله ورسوله صلى الله عليه وسلم بلا برهان أو يحمل ذلك على الفرض وهذا قولنا، وفي ذلك ترك لمذهبه وأخذ بالأوامر فرضا بنفس لفظها دون قرينة، وبالله تعالى التوفيق قال علي فإن تعلقوا بما روي عن رسول الله صلى الله عليه وسلم أنه قال يوم بني قريظة لا يصلين أحد العصر إلا في بني قريظة فصلى قوم العصر قبلها وقالوا: لم يرد هنا هنا، وصلاها آخرون بعد العتمة فبلغ ذلك النبي صلى الله عليه وسلم فلم يعنف واحدة من الطائفتين قال علي هذا حجة لهم فيه أيضا، ولو شغب بهذا الحديث من يرى الحق في القولين المختلفين لكان أدخل في الشغب، مع أنه لا حجة لهم فيه أيضا. فأما احتجاج من حمل الأوامر على غير الوجوب، فلا حجة لهم فيه لأنه قد كان تقدم من رسول الله صلى الله عليه وسلم أمر في وقت العصر أنه مذ يزيد ظل الشيء على مثله إلى أن تصفر الشمس، وأن مؤخرها إلى الصفرة بغير عذر يفعل فعل المنافقين، فاقترن على الصحابة في ذلك اليوم أمران واردان، واجب أن يغلب أحدهما على الآخر ضرورة، فأخذت إحدى الطائفتين بالأمر المتقدم، وأخذت الطائفة الأخرى بالأمر المتأخر، إلا أن كل واحدة من الطائفتين حملت الأمر الذي أخذت به على الفرض والوجوب، وغلبته على الأمر الثاني. وقد ذكرنا هذا النوع من الأحاديث فيما خلا، وبينا كيفية العمل في ذلك،

ment, exalted, commands necessarily impose obligation, and the Fire awaits whoever neglects them.

ʿAlī said: One who holds that judgment must be suspended should be asked: "What will you do if you find commands coming from Allah, exalted, and from His Messenger ﷺ entirely devoid of any contextual indicator, with no evidence indicating either that they impose an obligation or that they convey a recommendation?" There must be one of three courses: either he suspends judgment forever—and this entails abandoning the implementation of the commands of Allah, exalted, and the commands of His Messenger ﷺ, which is itself the abandonment of religious observance—or he construes them as recommendations, thereby combining two things: first, making an assertion without evidence; and second, considering it permissible to contravene Allah and His Messenger ﷺ without demonstrative proof. Or he construes them as obligations, which is our position; in this he abandons his own doctrine and accepts commands as obligatory by virtue of their wording itself, without any contextual indicator. And through Allah, exalted, comes success.

ʿAlī said: If they appeal to what is related from the Messenger of Allah ﷺ, that on the day of Banū Qurayẓah he said, "Let no one perform the afternoon prayer except among Banū Qurayẓah," and some people performed the afternoon prayer before reaching it, saying, "He did not intend here, here." Others performed it after nightfall. This reached the Prophet ﷺ, and he did not rebuke either of the two groups. Ali said: This is also an argument for them in this matter. Were someone who considers both conflicting positions true to engage in contentious argument using this report, he would have greater scope for such contention, although they too have no argument in it. As for those who adduce it to support construing commands as conveying something other than obligation, they have no argument in it, because a command had already come from the Messenger of Allah ﷺ concerning the time of the afternoon prayer: that it extends from when an object's shadow exceeds its own length until the sun turns yellow, and that anyone who delays it until the yellowing without an excuse acts as the hypocrites act. Thus, for the Companions, on that day, two commands coincided, one of which necessarily had to be given precedence over the other. One of the

two groups adopted the earlier command, and the other group adopted the later command. Each group, however, construed the command it adopted as imposing a binding duty and obligation, and gave it precedence over the other command. We have previously discussed this kind of report and explained how to act upon it.[44][45][46][47][48][49]

L826–831 Had we been present on the day of Banu Qurayzah, we would have performed the afternoon prayer only there, even after midnight, in accordance with what we have explained concerning the order of applying all reports that appear to conflict but are in fact in agreement: accepting the additional provision and excepting that which covers fewer cases from that which covers more cases. These two reports combine both approaches. His command, peace be upon him, on that day that the afternoon prayer be performed only among Banu Qurayzah was a specific command concerning just one prayer on just one day in all time. It was therefore an exception to his general com-

ولو أننا حاضرون يوم بني قريظة لما صلينا العصر إلا فيها، ولو بعد نصف الليل، على ما قد بينا في رتبة العمل في جميع الأحاديث التي ظاهرها الاختلاف، وهي في الحقيقة متفقة من الأخذ بالزائد، ومن استثناء الأقل معاني من الأكثر معاني، وقد جمع هذان الحديثان كلا الوجهين معا فأمره عليه السلام في ذلك اليوم بألا يصلى صلاة العصر إلا في بني قريظة، أمر خاص في صلاة واحدة، من يوم واحد في الدهر فقط، فكان ذلك مستثنى من عموم أمره بأن يصلى كل عصر، من كل يوم في الأبد يخرج وقت الظهر إلى أن تصفر الشمس، وأما ما لم تغب للمضطر حاشى يوم عرفة وأيضا فإن أمره عليه السلام بألا يصلى العصر من ذلك اليوم إلا في بني قريظة، شريعة زائدة، وأمر وارد بخلاف الحكم السالف، وبخلاف معهود الأصل في حكم صلاة العصر قبل ذلك اليوم وبعده، فواجب طاعة ذلك الأمر الحادث، والشرع الطارىء، لما قدمنا من البراهين على وجوب القبول لكل ما أمرنا به رسول الله صلى الله عليه وسلم عن ربه تعالى وكان أمره بألا يصلى العصر في ذلك اليوم إلا في بني قريظة كقوله ليلة يوم النحر في الحج وقد ذكر بصلاة المغرب فقال عليه السلام الصلاة أمامك فكان ذلك عند جميع المسلمين ناقلا لوقت المغرب في تلك الليلة خاصة في الحج خاصة، في ذلك المكان خاصة، عن وقتها المعهود إلى وقت آخر. ولا فرق بين ورود ما أمر به في العصر يوم بني قريظة، وفي المغرب ليلة المزدلفة، وهذا بين لمن تأمله. قال أبو محمد: وأما إن احتج بهذا الحديث من يرى الحق في القولين المختلفين وقال ترك النبي صلى الله عليه وسلم أن يعنف كل واحدة من الطائفتين دليل على

[44] **Translator's note (L816):** The segment ends mid-sentence; the following segment completes "the matter of" with "orphans."

[45] **Translator's note (L817):** The supplied المباشر appears to be a defective form of المباشرة, here rendered "sexual contact."

[46] **Translator's note (L820):** The reference to a person from whom an heir stands to inherit concerns a prospective heir and a living relative; translating موروثه simply as "the deceased" would obscure the argument about maintenance. المتعة is understood here as the consolatory provision made upon divorce, in the context of the scriptural commands being discussed.

[47] **Translator's note (L822):** The supplied عن أهل الوقف means "on behalf of those who suspend judgment," although the ensuing argument appears to oppose their position. The wording has been retained rather than silently changed to "against."

[48] **Translator's note (L824):** The opening continues the preceding segment's statement that some people performed the afternoon prayer before reaching Banu Qurayzah. The wording "here, here" repeats هنا and appears defective; the intended object of "did not intend" is unclear. The supplied text affirmatively says "This is also an argument for them." This conflicts with the immediately following argument and may reflect an omitted negative; the affirmative wording has been preserved.

[49] **Qur'an references (L815):** Qur'an 4:3 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 8:41 (Al-Anfal); Qur'an 5:25 (Al-Ma'idah); Qur'an 2:233 (Al-Baqarah); Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf); Qur'an 4:14 (An-Nisa); Qur'an 4:64 (An-Nisa).

mand that every afternoon prayer, on every day for all time, be performed as the time of the noon prayer ends until the sun turns yellow—or, for someone under compelling necessity, so long as it has not set—with the exception of the Day of Arafah. Furthermore, his command, peace be upon him, that the afternoon prayer on that day be performed only among Banu Qurayzah constituted an additional legal prescription and a command differing from the previous ruling and from the established underlying rule governing the afternoon prayer before and after that day. Obedience to that newly issued command and newly introduced prescription is therefore obligatory, on account of the demonstrations we have already presented establishing the obligation to accept everything that the Messenger of Allah ﷺ commanded us on the authority of his Lord, Most High. His command that the afternoon prayer on that day be performed only among Banu Qurayzah was like his statement during the pilgrimage, on the night preceding the Day of Sacrifice, when he was reminded of the sunset prayer and said, peace be upon him, "The prayer lies ahead of you." All Muslims regard this as transferring the time of the sunset prayer, on that particular night, during the pilgrimage in particular, and in that particular place, from its established time to another time. There is no difference between the issuance of his command concerning the afternoon prayer on the day of Banu Qurayzah and his command concerning the sunset prayer on the night at Muzdalifah. This is clear to anyone who reflects upon it. Abu Muhammed said: If someone who considers both conflicting positions true adduces this report and says, "The Prophet's ﷺ refraining from rebuking either group is evidence that each was correct," he is to be told—and success comes through Allah: There is no evidence in it for what you have stated. Rather, it is clear evidence that one group was correct and received two rewards, while the other exercised independent judgment and received one reward, being excused for its error because it exercised independent judgment and did not deliberately disobey. He, Mighty and Majestic, has said: "Call them after their fathers; that is more equitable in Allah's sight. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for the mistakes you make in this, but only for what your hearts deliberately intend. And Allah is ever Forgiving, Merciful." He also said, peace be upon him, "Each person shall have

أن كل واحدة منهما مصيبة. قيل له، وبالله التوفيق: لا دليل فيه على ما ذكرت، ولكنه دليل واضح على أن إحدى الطائفتين مصيبة مأجورة أجرين، والأخرى مجتهدة مأجورة أجرا واحدا، معذورة في خطئها بالاجتهاد لأنها لم تتعمد المعصية وقد قال عز وجل {ادعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} وقال عليه السلام لكل امرىء ما نوى وكلا الطائفتين نوت الخير وقد نص عليه السلام على أن الحاكم إذا اجتهد فأخطأ فله أجر وكل متكلم في مسألة شرعية ممن له أن يتكلم على الوجه الذي أمر به من الاستدلال الذي لا يشوبه تقليد ولا هوى، فهو حاكم في تلك المسألة، لأنه موجب فيها حكما، وكل موجب حكما فهو حاكم، وهو داخل في استجلاب الأمر بالحديث المذكور فإن قال قائل فلم يأمر رسول الله صلى الله عليه وسلم الطائفة المخطئة عندكم بالإعادة إن كانت هي التي صلت العصر في وقتها المعهود، قبل البلوغ إلى بني قريظة، وإنما كان وقتها عندكم في ذلك اليوم بعد البلوغ إلى بني قريظة أي وقت بلغ البالغ إليهم أو لم يعنف الطائفة المؤخرة للعصر إلى بعد نصف الليل إن كانت هي المخطئة على تأخيرهم صلاة فرض عن وقتها؟. قيل له وبالله تعالى التوفيق: لسنا ندري في أي وقت بلغ خبر الطائفتين المذكورتين إلى رسول الله صلى الله عليه وسلم ولعل ذلك قد بلغه عليه السلام في اليوم التالي وبعد خروج وقت العصر جملة، ولا إعادة على تارك صلاة بتأول ممن له أن يتأول على الوجه المحمود لا بتقليد ولا بهوى، ولا إعادة على تارك صلاة عمدا بلا تأول ولا ضرورة حتى يخرج وقتها، وأما المتأول فمعذور ولا يكلف إلا ما علم، وأما العامد فذنبه أجل من أن نأمره نحن بكفارة أو بصلاة لم يأمره الله تعالى بها، ولا يحل لنا ولا لغيرنا تعدي حدود الله عز وجل بأن نلزمه فرضا لم يأذن به الله تعالى، ونسقط عنه بذلك فرضا قد أمره الله تعالى به، ونعوذ بالله تعالى من ذلك، وأمره إلى خالقه لا إلينا،

what he intended." Both groups intended good. He explicitly stated, peace be upon him, that when a judge exercises independent judgment and errs, he receives a reward. And everyone who speaks on a question of religious law, being qualified to speak in the prescribed manner of drawing inferences untainted by uncritical adherence to authority or personal inclination, is a judge in that question, because he establishes a ruling concerning it. Everyone who establishes a ruling is a judge, and he is included in invoking the command through the aforementioned report. If someone says, "Why, then, did the Messenger of Allah ﷺ not command the group that was mistaken according to you, to repeat the prayer, if it was the group that performed the afternoon prayer at its established time before reaching Banu Qurayzah, whereas according to you its time that day was after reaching Banu Qurayzah, at whatever time someone arriving there arrived? Or why did he not rebuke the group that delayed the afternoon prayer until after midnight, if it was the mistaken group, for delaying an obligatory prayer beyond its time?" He is to be told—and success comes through Allah Most High: We do not know at what time the report of the two groups mentioned reached the Messenger of Allah ﷺ. Perhaps it reached him, peace be upon him, on the following day, after the time for the afternoon prayer had entirely elapsed. Someone who omits a prayer on the basis of an interpretation, being qualified to interpret in a commendable manner, without uncritical adherence to authority or personal inclination, is not required to repeat it. Nor is someone who deliberately omits a prayer, without an interpretation or compelling necessity, until its time has elapsed required to repeat it. As for the person acting on an interpretation, he is excused and is charged only with what he knows. As for the person acting deliberately, his sin is too grave for us to command him to perform an expiation or a prayer that Allah Most High has not commanded him to perform. Neither we nor anyone else may transgress the limits of Allah, Mighty and Majestic, by imposing upon him an obligation that Allah Most High has not authorized and thereby relieving him of an obligation that Allah Most High has commanded him to fulfill. We seek refuge with Allah Most High from that. His affair belongs to his Creator, not to us. He will return to One possessed of vast forgiveness and possessed of painful punishment, where nothing belonging to him is lost and nothing is gathered

وسيرد على ذي مغفرة واسعة، وذي عقاب أليم، حيث لا يضيع له شيء، ولا يجمع عنده شيء، فعند الموازين يعرف كل امرىء ما له وما عليه، نسأل الله عفوه وغفرانه في ذلك الموقف آمين قال علي وقد أنكر رسول الله صلى الله عليه وسلم على أبي سعيد بن المعلى إذ ناداه فلم يستجب له وكان في صلاة فقال له رسول الله صلى الله عليه وسلم ألم يقل الله تعالى {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن لله يحول بين لمرء وقلبه وأنه إليه تحشرون}

with Him. At the scales, every person will know what stands to his credit and what stands against him. We ask Allah for His pardon and forgiveness at that standing. Amen. Ali said: The Messenger of Allah ﷺ did indeed rebuke Abu Sa'id ibn al-Mu'alla when he called him and he did not respond, because he was engaged in prayer. The Messenger of Allah ﷺ said to him, "Has Allah Most High not said: 'O you who believe, respond to Allah and to the Messenger when he calls you to that which gives you life, and know that Allah intervenes between a person and his heart, and that to Him you will be gathered'?"[5051525354]

L832–834 Ali said: In this there is a clear explanation that the commands of Allah Most High and the commands of His Prophet ﷺ are to be construed as imposing obligation and according to their apparent meaning. Among those commands is His command, Most High, that His Messenger, peace be upon him, be obeyed. His aforementioned statement to Abu Sa'id, peace be upon him, also clearly establishes the soundness of what we demonstrated earlier concerning excepting that which covers fewer cases from that which covers more cases and acting upon all the commands, because He, exalted is He, said: {O you who believe, respond to Allah and to the Messenger when he calls you

قال علي وفي هذا بيان جلي في حمل أوامر الله تعالى وأوامر نبيه صلى الله عليه وسلم على الوجوب وعلى الظاهر منها ومن تلك الأوامر أمره تعالى أن يطاع رسوله عليه السلام وفي قوله عليه السلام المذكور لأبي سعيد بيان جلي في صحة ما أثبتناه قبل، من استثناء الأقل معاني من الأكثر معاني واستعمال جميع الأوامر لأنه تعالى قال {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن لله يحول بين لمرء وقلبه وأنه إليه تحشرون} وقال تعالى {لذي جعل لكم لأرض مهدا وجعل لكم فيها سبلا لعلكم تهتدون} خص عليه السلام دون سائر الناس أن يكلمه المصلون إذا كلمهم، ولا يكون ذلك قاطعا لصلاتهم. وبهاتين الآيتين والحديث المذكور بطل قول من قال: بأن المصلين يكلمون الإمام إذا وهل في صلاته ورام أن يحتج في ذلك بحديث ذي اليدين، فبالنصوص التي ذكرنا أيقنا أن ذلك خاص للنبي صلى الله عليه وسلم دون من سواه وسبحان من يسر لإخواننا المالكيين، أن يجعلوا الخصوص في هذا المكان عموما وأن يجعلوا العموم الذي نص عليه السلام على أنه عموم وغضب على من أراد أن يجعله خصوصا، من القبلة في صيام رمضان، فجعلوه خصوصا كل ذلك بلا دليل وحسبنا الله ونعم الوكيل. قال أبو محمد: وأما من استجاز أن يكون ورود الوعيد على معنى التهديد، لا على معنى الحقيقة، فقد اضمحلت الشريعة بين يديه، ولعل وعيد الكفار أيضا كذلك، ومن بلغ هذا المبلغ فقد سقط الكلام معه، لأنه

[50]**Translator's note (L826):** The supplied phrase يخرج وقت الظهر, literally "the time of the noon prayer ends," is syntactically awkward here and appears to lack wording introducing the beginning of the prayer period. The translation preserves its apparent temporal sense. The phrase وأما ما لم تغب is also awkwardly transmitted. The translation takes it as introducing the extended time available to someone under compelling necessity.

[51]**Translator's note (L828):** "Clients" renders مواليكم in the Quranic quotation, referring to persons joined by a relationship of affiliation or patronage.

[52]**Translator's note (L829):** The phrase استجلاب الأمر بالحديث المذكور, rendered "invoking the command through the aforementioned report," is unusual and its precise sense is uncertain. In context, the author appears to include the qualified legal reasoner within the report's application.

[53]**Translator's note (L830):** The supplied wording ولا يجمع عنده شيء means "and nothing is gathered with Him," but its intended sense in this account of judgment is unclear and may reflect a transcription error. It has not been silently replaced with a more expected expression.

[54]**Qur'an references (L826):** Qur'an 33:5 (Al-Ahzab); Qur'an 8:24 (Al-Anfal).

to that which gives you life, and know that Allah intervenes between a person and his heart, and that to Him you will be gathered.} And He, exalted is He, said: {He who made the earth a resting place for you and made paths in it for you, so that you might be guided.} He, peace be upon him, was singled out, to the exclusion of all other people, in that those praying could speak to him when he spoke to them, without this interrupting their prayer. By these two verses and the aforementioned hadith, the assertion of those who say that people praying may speak to the imam when he errs in his prayer, and who seek to adduce the hadith of Dhu al-Yadayn as evidence for this, is invalidated. Through the texts we have mentioned, we have attained certainty that this is specific to the Prophet ﷺ, to the exclusion of everyone else. Glory be to Him who enabled our Maliki brethren to make what is specific in this instance general, and to make specific the general ruling concerning kissing while fasting in Ramadan, which he, peace be upon him, expressly declared to be general, becoming angry with anyone who wished to make it specific! All this without any evidence. Allah suffices us, and an excellent Trustee is He.

Abu Muhammed said: As for anyone who allows that a threat of punishment may be issued merely to intimidate, without its being meant literally, the revealed law has disintegrated before him. Perhaps the threat of punishment against the unbelievers is also like that! With anyone who reaches this point, discussion falls away, because he must allow the abandonment of the entire revealed law: perhaps it is merely a recommendation, and perhaps every threat of punishment that has been issued is only intimidation. Besides departing from reason, this is a departure from Islam, because it amounts to declaring Allah, mighty and majestic, untruthful. Through Allah, exalted is He, comes success. Among the things that make clear that all the commands of Allah, exalted is He, impose an obligation until a text or consensus establishes that it is not obligatory, is His saying, exalted is He: {May man be slain! How ungrateful he is! From what thing did He create him? From a drop of semen He created him, then determined his measure. Then He made the way easy for him. Then He caused him to die and had him buried. Then,

يلزمه تجويز ترك الشريعة كلها، إذ لعلها ندب، ولعل كل وعيد ورد إنما هو تهديد، وهذا مع فراقه المعقول خروج عن الإسلام؛ لأنه تكذيب لله عز وجل، وبالله تعالى التوفيق. ومما يبين أن أوامر الله تعالى كلها على الفرض حتى يأتي نص أو إجماع أنه ليس فرضا قوله تعالى {قتل لإنسان مآ أكفره * من أي شيء خلقه * من نطفة خلقه فقدره * ثم لسبيل يسره * ثم أماته فأقبره * ثم إذا شآء أنشره * كلا لما يقض مآ أمره}

when He wills, He will raise him. No indeed! He has not yet fulfilled what He commanded him.}[55][56]

L835–836 Ali said: Thus Allah, exalted is He, counted among man's acts of unbelief his failure to fulfill what He commanded him to do. Everyone who interprets commands as imposing something other than an obligation and allows their abandonment has failed to fulfill what He commanded him. In what we have mentioned there is sufficient evidence, and through Allah, exalted is He, comes success. He ﷺ distinguished an obligatory command from a command granting a choice by a distinction that leaves no room for contentious disputation thereafter. This is what was related to us from Abd Allah ibn Yusuf, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Kamil Fudayl ibn Husayn al-Jahdari related to us: Abu Awanah related to us, from Shayban, from Uthman ibn Abd Allah ibn Mawhab, from Jafar ibn Abi Thawr, from Jabir ibn Samurah, who said: A man asked the Messenger of Allah ﷺ, "Should I perform ablution after eating sheep meat?" He said, "If you wish, perform ablution, and if you wish, do not perform ablution." He asked, "Should I perform ablution after eating camel meat?" He said, "Yes; perform ablution after eating camel meat."

Ali said: He, peace be upon him, thus presented the ablution that was not obligatory for the man in wording that granted a choice, and presented the other solely in the wording of a command. Had their meanings been the same, he, peace be upon him, would not have explained to the questioner what he had asked about. This is something no Muslim would suppose. Allah is the Guide to the straight path. Allah suffices us, and an excellent Trustee is He.

L837 [Section on the Forms in Which a Command Occurs]

قال علي: فعدد الله تعالى في كفر الإنسان أنه لم يقض ما أمره به، وكل من حمل الأوامر على غير الفرض واستجاز تركها، فلم يقض ما أمره وفيما ذكرنا كفاية وبالله تعالى التوفيق وقد فرق صلى الله عليه وسلم بين أمر الفرض وأمر التخيير بفرق ولا مدخل للشغب فيه بعده، وهو ما حدثناه عن عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو كامل فضيل بن حسين الجحدري، ثنا أبو عوانة، عن شيبان، عن عثمان بن عبد الله بن موهب، عن جعفر بن أبي ثور عن جابر بن سمرة قال سأل رجل رسول الله صلى الله عليه وسلم أتوضأ من لحوم الغنم قال إن شئت فتوضأ وإن شئت فلا تتوضأ قال أتوضأ من لحوم الإبل قال نعم فتوضأ من لحوم الإبل قال علي فأورد عليه السلام الوضوء الذي ليس عليه واجبا بلفظ التخيير، وأورد الآخر بلفظ الأمر فقط ولو كان معناهما واحدا لما كان عليه السلام مبينا للسائل ما سأل عنه وهذا ما لا يظنه مسلم، والله الهادي إلى سواء السبيل وحسبنا الله ونعم الوكيل

[فصل في كيفية ورود الأمر]

قال علي الأوامر الواجبة ترد على وجهين أحدهما بلفظ افعل أو افعلوا والثاني بلفظ الخبر إما بجملة فعل وما يقتضيه من فاعل أو مفعول، وإما بجملة ابتداء وخبر. فأما الذي يرد بلفظ افعل أو افعلوا فكثير واضح مثل {وأقيموا لصلاة وآتوا لزكاة وركعوا

[55] **Translator's note (L832):** The salutation in "His aforementioned statement to Abu Sa'id, peace be upon him" refers to the Prophet, the speaker, rather than to Abu Sa'id.

[56] **Qur'an references (L832):** Qur'an 8:24 (Al-Anfal); Qur'an 43:10 (Az-Zukhruf); Qur'an 80:18 ('Abasa); Qur'an 80:19 ('Abasa); Qur'an 80:21 ('Abasa); Qur'an 80:22 ('Abasa); Qur'an 80:23 ('Abasa).

مع لراكعين} {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} وما أشبه ذلك

L838 Ali said: Obligatory commands occur in two forms. One uses the wording "Do!" addressed to one person or "Do!" addressed to several. The second uses the wording of a statement, either as a clause consisting of a verb and what it requires—a subject or an object—or as a clause consisting of a nominal subject and predicate. As for what occurs in the wording "Do!" addressed to one person or to several, it is abundant and clear, such as: {Establish prayer, give the obligatory alms, and bow with those who bow}; {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them. Your prayers are a reassurance to them, and Allah is All-Hearing, All-Knowing}; and other such instances.[57]

وأما الذي يرد بلفظ الخبر وبجملة فعل وما يقتضيه فكقوله 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} وكقوله تعالى {إن الله يأمركم أن تؤدوا لأمانات إلى أهلها وإذا حكمتم بين لناس أن تحكموا بلعدل إن الله نعما يعظكم به إن الله كان سميعا بصيرا} وكقوله تعالى {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} و {كتب عليكم لقتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم والله يعلم وأنتم لا تعلمون} {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن الله كان غفورا رحيما} و {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب الله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام

L839–842 As for what occurs in the wording of a statement, as a clause consisting of a verb and what it requires, an example is His saying, exalted is He: {Say: My Lord has forbidden only indecencies, those of them that are manifest and those that are hidden, sin, wrongful aggression, your associating with Allah that for which He has sent down no authority, and your saying about Allah what you do not know.} And His saying, exalted is He: {Allah commands you to render trusts to those entitled to them and, when you judge between people, to judge with justice. Excellent indeed is that with which Allah admonishes you. Allah is All-Hearing, All-Seeing.} And His saying, exalted is He: {O you who believe, fasting has been prescribed for you as it was prescribed for those before you, so that you might be mindful of Allah}; and: {Fighting has been prescribed for you, though it is hateful to you. You may hate something while it is good for you, and you may love something while it is bad for you. Allah knows, and you do not know.} {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and your joining two sisters in marriage, except what has already passed. Allah is All-Forgiving, Merciful.} And: {On the night

[57] **Qur'an references (L838):** Qur'an 9:103 (At-Tawbah).

of fasting, sexual intercourse with your wives has been made lawful for you. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's bounds, so do not approach them. Thus Allah makes His signs clear to people, so that they might be mindful of Him.} And: "I was commanded to prostrate upon seven bones," and other such instances.

Many of the commands we have mentioned occur, as you see, with an object whose agent is not named. But since He, mighty and majestic—and His speech is the truth—said concerning His Prophet ﷺ: {He does not speak from desire. It is only a revelation revealed}, we know with a certainty that leaves no room for doubt that he conveys no command or prohibition except from his Lord, exalted is He. Consequently, leaving the One who commands and prohibits, mighty and majestic, unnamed and mentioning Him explicitly are equivalent in establishing our sound understanding that the one intended by the rulings of the revealed law is Allah, exalted is He, alone, to the exclusion of anyone else.

As for instances of this that occur as a clause consisting of a nominal subject and predicate, an example 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 bind yourselves by. Its expiation is feeding ten needy people with food of the middling quality of what you feed your own 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 might give thanks.} {O you who believe, do not kill game while you are in a state of pilgrimage consecration. Whoever among you kills it intentionally must make recompense with livestock equivalent to what he killed, as determined by two just men from among you, as a sacrificial

إلى الليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود الله فلا تقربوها كذلك يبين الله آياته للناس لعلهم يتقون} وأمرت أن أسجد على سبعة أعظم وما أشبه ذلك، وكثير من الأوامر التي ذكرنا وردت كما ترى بمفعول لم يسم فاعله ولكن لما قال عز وجل وقوله الحق على نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} علمنا يقينا لا مجال للريب فيه، أنه لا ينقل أمرا ولا نهيا إلا عن ربه تعالى، فكان السكوت عن تسمية الآمر والناهي عز وجل وذكره سواء في صحة فهمنا أن المراد بأحكام الشريعة هو الله تعالى وحده لا من سواه. وأما ما ورد من هذا بجملة لفظ ابتداء وخبر فكقوله تعالى {لا يؤاخذكم الله 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 الله لكم آياته لعلكم تشكرون} {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا الله عما سلف ومن عاد فينتقم الله منه والله عزيز ذو نتقام} {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما} {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف والله بما تعملون خبير} {ولمطلقات يتربصن بأنفسهن ثلاثة قروء ولا يحل لهن أن يكتمن ما خلق الله في أرحامهن إن كن يؤمن بلله وليوم لآخر

offering reaching the Kaaba; or make expiation by feeding needy people, or the equivalent of that in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what has passed, but whoever repeats it, Allah will exact retribution from him. Allah is Mighty, Possessor of retribution.} {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and pay blood money to his family, unless they forgo it as charity. If he belongs to a people who are enemies to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be paid to his family and a believing slave freed. Whoever cannot find the means must fast two consecutive months, as repentance ordained by Allah. Allah is All-Knowing, Wise.} {Those of you who die and leave wives behind—the wives shall wait by themselves for four months and ten days. When they have reached the end of their term, there is no blame upon you for what they do concerning themselves in an acceptable manner. Allah is fully aware of what you do.} {Divorced women shall wait by themselves for three menstrual periods. It is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. Their husbands have a greater right to take them back during that time, if they desire reconciliation. Women have rights corresponding to their obligations, in an acceptable manner, and men have a degree over them. Allah is Mighty, Wise.} {In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who are able to find a

وبعولتهن أحق بردهن في ذلك إن أرادوا إصلاحا ولهن مثل لذي عليهن بلمعروف وللرجال عليهن درجة ولله عزيز حكيم} {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} ومثل هذا كثير

way to it. Whoever disbelieves—Allah has no need of the worlds.} There are many such instances.[58][59][60]

L843–846 Ali said: There is no way for commands and obligatory revealed laws to be conveyed except in these two forms alone. As for the essential form of command and prohibition, it is what is expressed in the wording “Do” or “Do not do.” This is a form not shared by a bare statement whose meaning is purely declarative, nor by an expression of wonder, nor by an oath. Only a request shares this form with it. Whatever such request is addressed to Allah, mighty and majestic, is supplication alone; whatever is addressed to someone below Him, exalted is He, is an entreaty. Supplication addressed to Allah, mighty and majestic, may also be called an entreaty. The term “supplication,” without qualification, is applied only to a request addressed to Allah, mighty and majestic; when its application to someone other than Allah, exalted is He, is permissible, it is qualified by an addition. Thus we say, “Call upon so-and-so,” meaning, “Call out to him.” Ali said: As for premises adopted to produce conclusions in disputation, their basic form is declarative wording, such as his saying ﷺ, “Every intoxicant is wine, and every wine is forbidden.” The conclusion is: “Therefore every intoxicant is forbidden.” However, when disputing with the people of our religion and our creed concerning matters over which we disagree, we have no need of that, because we agree that the expression “Do” is an accepted premise by which the proof is fully established between us. Ali said: What occurs among commands in declarative wording is distinguished from what occurs in declarative wording with a purely declarative meaning by rational necessity. For the saying of Allah,

قال علي فلا طريق لورود الأوامر والشرائع الواجبة إلا على هذين الوجهين فقط، فأما عنصر الأمر والنهي، فإنما هو ما ورد بلفظ: افعل أو لا تفعل، فهذه صيغة لا يشركه فيها الخبر المجرد الذي معناه معنى الخبر المحض، ولا يشركه فيها التعجب، ولا يشركه فيها القسم، وإنما يشركه في هذه الصيغة الطلبية فقط، فما كان منها إلى الله عز وجل فهو الدعاء فقط، وما كان منها إلى من دونه تعالى، فهو الرغبة. وقد يسمى الدعاء إلى الله عز وجل أيضا رغبة ولا يسمى الدعاء على الإطلاق إلا ما كان طلبة إلى الله عز وجل، حتى إذا جاز أضيف أن ينسب إلى غير الله تعالى، فنقول: ادع فلانا بمعنى ناده. قال علي: وأما المقدمات المأخوذة لإنتاج النتائج في المناظرة، فإنما الأصل فيها أن تصاغ بصيغة الخبر مثل قوله صلى الله عليه وسلم كل مسكر خمر وكل خمر حرام النتيجة فكل مسكر حرام. إلا أننا في مناظرتنا أهل ملتنا وأهل نحلتنا فيما تنازعنا فيه، قد غنينا عن ذلك، لاتفاقنا على أن لفظ افعل، مقدمة مقبولة تقوم بها الحجة فيما بيننا قياما تاما. قال علي: ويميز ما جاء في الأوامر بلفظ الأخبار، مما جاء بلفظ الخبر ومعناه الخبر المجرد، بضرورة العقل، فإن قول الله عز وجل: {ومن يقتل مؤمنا متعمدا فجزآؤه جهنم خالدا فيها وغضب لله عليه ولعنه وأعد له عذابا عظيما} هو بمنزلة قوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} في ظاهر ورود الأمر إلا أن أحد اللفظين خبر مجرد لفظه لفظ الخبر، ومعناه معنى الخبر، والآخر لفظه لفظ الخبر، ومعناه معنى الأمر، وإنما علمنا ذلك لأن الجزاء

[58] **Translator’s note (L841):** The grammatical expression “an object whose agent is not named” describes a passive construction; the author retains the term “object” for what functions as the passive verb’s grammatical subject.

[59] **Translator’s note (L842):** The term rendered “menstrual periods,” quru’, can also denote intervals of purity between menstruations; its interpretation here is a subject of juristic disagreement.

[60] **Qur’an references (L839):** Qur’an 6:151 (Al-An’am); Qur’an 7:33 (Al-A’raf); Qur’an 4:58 (An-Nisa); Qur’an 2:216 (Al-Baqarah); Qur’an 4:23 (An-Nisa); Qur’an 2:187 (Al-Baqarah); Qur’an 53:4 (An-Najm); Qur’an 5:89 (Al-Ma’idah); Qur’an 5:95 (Al-Ma’idah); Qur’an 4:92 (An-Nisa); Qur’an 2:234 (Al-Baqarah); Qur’an 2:228 (Al-Baqarah); Qur’an 3:97 (Ali ’Imran).

mighty and majestic, "Whoever kills a believer deliberately, his recompense is Hell, abiding therein forever; Allah is angry with him, has cursed him, and has prepared for him a tremendous punishment," is on the same footing as His saying, exalted is He, "It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake: the freeing of a believing slave and blood money delivered to his family, unless they remit it as charity. If he belongs to a people at enmity with you, while he is a believer: the freeing of a believing slave. If he belongs to a people between whom and you there is a covenant: blood money delivered to his family and the freeing of a believing slave. Whoever cannot find the means: fasting for two consecutive months, as repentance from Allah. Allah is all-knowing, wise," with respect to the apparent manner in which the command is conveyed. Yet one of the two expressions is a bare statement: its wording is declarative and its meaning is declarative. The other has declarative wording, but its meaning is a command. We know this only because recompensing someone with Hell cannot be something that we believe in, since that is not within our capacity, and Allah has assured us against His commanding us to do what is not within our capacity. Allah, mighty and majestic, said: "Allah burdens no soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the disbelieving people." As for freeing the slave and delivering the blood money, we know by rational necessity that these are within our power and are things that Allah, mighty and majestic, does not perform without the mediation of an agent from among us. In this way, a statement whose meaning is a command is distinguished from one that is purely declarative in both its meaning and its wording. Some of the heretics have raised an objection against us concerning His saying, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent

بجهنم لا يجوز أن نؤمن نحن به، لأن ذلك ليس في وسعنا، وقد أمننا الله من أن يأمرنا بما ليس في وسعنا قال الله عز وجل {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها 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} وأما التحرير للرقبة وتسليم الدية فبضرورة العقل علمنا أن ذلك من مقدوراتنا ومما لا يفعله الله عز وجل دون توسط فاعل منا، فبهذا يتميز ما كان الخبر معناه الأمر، وما كان منه مجردا للخبر في معناه ولفظه. وقد اعترض قوم من الملحدين علينا في قوله {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} وأرادوا أن يحملوا ذلك على أنه خبر في معناه ولفظه.

of all beings." They sought to construe this as declarative in both its meaning and its wording.[61][62]

L847–851 Ali said: This is an error, according to the explicit text of the Quran and the necessary evidence of observation. As for the explicit text of the Quran, it is His saying, exalted is He: "Kill them wherever you encounter them, and expel them from where they expelled you. Persecution is worse than killing. Do not fight them at the Sacred Mosque until they fight you in it. If they fight you, then kill them. Such is the recompense of the disbelievers." Thus the supposition of anyone who supposes that the saying of Allah, mighty and majestic, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent of all beings," is a declaration is dispelled. How could that be so, when He, exalted is He, has commanded the killing of those who fight us in it and at it? As for the necessary evidence of observation, it is what we know with certainty of the killings that occurred in it time after time at the hands of al-Husayn ibn Numayr, al-Hajjaj ibn Yusuf, Ibn al-Aftas the Alid, and their brethren the Qarmatians. Allah, exalted is He, speaks only the truth. It is therefore established, by the two necessary demonstrations we have already presented, that the meaning of His saying, exalted is He, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent of all beings," is a command alone. Likewise, we say that it is not lawful for a prescribed punishment to be inflicted upon anyone anywhere in the Sacred Precinct, in any manner whatsoever: neither by imprisonment, nor discretionary punishment, nor amputation, nor flogging,

قال علي: وهذا خطأ بنص القرآن، وبضرورة المشاهدة أما نص القرآن فقوله تعالى {وقتلوهم حيث ثقفتموهم وأخرجوهم من حيث أخرجوكم ولفتنة أشد من لقتل ولا تقاتلوهم عند لمسجد لحرام حتى يقاتلوكم فيه فإن قاتلوكم فقتلوهم كذلك جزآء لكافرين} فارتفع ظن من ظن أن قول الله عز وجل {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} خبر وكيف يكون ذلك وقد أمر تعالى بقتل من قاتلنا فيه وعنده. وأما ضرورة المشاهدة، فما قد تيقناه مما وقع فيه من القتل مرة بعد مرة، على يدي الحصين بن نمير، والحجاج بن يوسف، وابن الأفطس العلوي، وإخوانهم القرامطة، والله تعالى لا يقول إلا حقا، فصح أن معنى قوله 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} إنما هو أمر بالبرهانين الضروريين اللذين قدمناهما. وكذلك نقول: إنه لا يحل أن يقام في شيء من الحرم حد على أحد، بوجه من الوجوه، ولا بسجن، ولا تعزير ولا قطع، ولا جلد، ولا قصاص، ولا رجم، ولا قتل، لا في ردة، ولا في زنى، ولا في غير ذلك. حاشا من قاتلنا فيه فقط على نص القرآن وبهذا جاء الخبر عن رسول الله صلى الله عليه وسلم وأما من أجاز أن يخالف الله تعالى ورسوله صلى الله عليه وسلم ويقتدي بعمرو بن سعيد ويزيد والحجاج والحصين بن نمير، فيقيم فيه الحدود ويقتل فيه من استحق القتل عنده في غيره، فليفكر فيما يلزمه من تكذيب ربه، وله ما اختار من اتباع من اتبع وخلاف الله تعالى ورسوله صلى الله عليه وسلم ليتخلص من السؤال الذي ذكرناه آنفا ولو قدر على ذلك لما قدر على التخلص من عصيان نبيه صلى الله عليه وسلم في قوله إنها إنما أحلت لي ساعة من نهار ولم تحل لكم ثم عادت

[61] **Translator's note (L844):** The wording حتى إذا جاز أضيف أن ينسب is syntactically awkward. The translation takes it to mean that applying the term to someone other than Allah requires an explicit qualification. The supplied نؤمن نحن به means "we believe in it," but this conflicts with the argument about what lies within human capacity. A reading such as نؤمر نحن به, "we are commanded to do it," would fit the reasoning. The supplied reading has been retained.

[62] **Qur'an references (L843):** Qur'an 4:93 (An-Nisa); Qur'an 4:92 (An-Nisa); Qur'an 2:286 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran).

nor retaliation, nor stoning, nor execution, whether for apostasy, unlawful sexual intercourse, or anything else. The sole exception is someone who fights us in it, in accordance with the explicit text of the Quran. This is also what the report from the Messenger of Allah ﷺ conveys. As for anyone who permits himself to oppose Allah, exalted is He, and His Messenger ﷺ, and to follow the example of Amr ibn Said, Yazid, al-Hajjaj, and al-Husayn ibn Numayr, so that he carries out prescribed punishments in it and kills in it someone whom he considers to have become liable to execution elsewhere, let him reflect on the denial of his Lord's truthfulness that this entails for him. His is what he has chosen: following those whom he follows and opposing Allah, exalted is He, and His Messenger ﷺ, in order to escape the question we mentioned just now. Even if he could do that, he could not escape disobeying his Prophet ﷺ in his saying: "It was made lawful for me only for an hour of a day, and it was not made lawful for you. Then it returned to its inviolability of yesterday, until the Day of Resurrection. No blood is to be shed in it." He, peace be upon him, made clear through the explicit wording of his statement that no one may claim a dispensation in this matter on account of his fighting, peace be upon him, and explicitly stated that this was specific to him. Ali said: This is a declaration of perpetuity and an emphatic command; it is not permissible for abrogation ever to affect it, because of his explicit statement, peace be upon him, that this remains in force until the Day of Resurrection. Whoever allows that abrogation could occur in this has allowed the Messenger ﷺ to lie; and whoever allows that is an unbeliever and a polytheist whose blood and property are lawful to take. Glory be to Him who has made it easy for these people to reverse realities: they make general what an explicit text declares specific, and specific what an explicit text declares general. In Allah Most High we seek support. He, peace be upon him, shed therein only blood that was lawful to shed, and categorically forbade following his example in that. Our position on this is the position of ʿAbd Allah ibn ʿUmar, ʿAṭāʾ, and others. ʿAbd Allah ibn ʿUmar used to say: "Were I to encounter ʿUmar's killer therein, I would not drive him away."

كحرمتها بالأمس إلى يوم القيامة لا يسفك فيها دم وبين عليه السلام بنص كلامه أنه ليس لأحد أن يترخص في ذلك لأجل قتاله عليه السلام، ونص على أن ذلك خاص له. قال علي: وهذا خبر على التأبيد، وأمر على التأكيد لا يجوز أن يدخل فيه نسخ أبدا لنصه عليه السلام على أن ذلك باق إلى يوم القيامة فمن أجاز ورود نسخ لهذا فقد أجاز الكذب من الرسول صلى الله عليه وسلم ومن أجاز ذلك فهو كافر مشرك حلال الدم والمال، وسبحان من يسر لهؤلاء القوم عكس الحقائق، فيجعلون ما قد جاء النص فيه بأنه خاص عاما، وما جاء فيه النص بأنه عام خاصا وبالله تعالى نتأيد وإنما سفك عليه السلام فيها الدماء المباحة ونهى عن الاقتداء به ذلك جملة، وقولنا في هذا هو قول عبد الله بن عمر وعطاء وغيرهما، وكان عبد الله بن عمر يقول: لو لقيت فيها قاتل عمر، ما ندهته. قال علي: فما ورد من الأوامر والنواهي على الصفتين المذكورتين فهو فرض أبدا ما لم يرد نص أو إجماع على أنه منسوخ، أو أنه مخصوص، أو أنه ندب، أو أنه بعض الوجوه الخارجة عن الإلزام على ما سنفرد لها فصلا في آخر هذا الباب إن شاء الله تعالى، ولا حول ولا قوة إلا بالله العلي العظيم. قال علي: وأما صورة الندب، فهو أن يرد اللفظ أو بمدح الفاعل أو للفعل مثل قوله عليه السلام إذ قال يهلك الناس هذا الحي من قريش ثم قال عليه السلام لو أن الناس اعتزلوهم فكان هذا ندبا إلى ترك القتال مع التأولين منهم ومثل قوله عليه السلام لو اغتسلتم وإنما أوجبنا غسل الجمعة بحديث آخر فيه لفظ الايجاب، وأما المدح فمثل قوله تعالى {لا تقم فيه أبدا لمسجد أسس على لتقوى من أول يوم أحق أن تقوم فيه فيه رجال يحبون أن يتطهروا والله يحب لمطهرين} فكان ذلك حضا على مثل فعلهم وهو الاستنجاء بالماء ومثل إخباره صلى الله عليه وسلم أن لا حول ولا قوة إلا بالله كنز من كنوز الجنة وما أشبه ذلك. فما جاء باللفظ الذي ذكرنا فهو ندب لا إيجاب، يعلم

ʿAlī said: Whatever commands and prohibitions occur with the two characteristics mentioned remain obligatory forever, unless an explicit text or consensus establishes that they have been abrogated, are specific in application, constitute a recommendation, or fall under one of the other aspects that lie outside binding obligation. We shall devote a separate section to these at the end of this chapter, if Allah Most High wills. There is neither power nor strength except through Allah, the Most High, the Magnificent.

ʿAlī said: As for the form of recommendation, it is for the wording to occur, or through praise of the person performing the act or of the act itself. An example is his statement, peace be upon him, when he said: "This clan of Quraysh will bring people to destruction." Then he said, peace be upon him: "If only people would keep apart from them." This was a recommendation to refrain from fighting alongside those among them who act upon interpretations. Another example is his statement, peace be upon him: "If only you would bathe." We have held bathing on Friday obligatory only because of another report containing wording that imposes an obligation. As for praise, an example is His statement, Most High: {Never stand in it. A mosque founded upon reverence for Allah from the first day is more deserving that you stand in it. In it are men who love to purify themselves, and Allah loves those who purify themselves.} This was an encouragement to do as they did, namely, to cleanse oneself with water after relieving oneself. Another example is his declaration ﷺ that "There is neither power nor strength except through Allah" is a treasure among the treasures of Paradise, and similar statements. Whatever occurs with the wording we have mentioned constitutes recommendation, not obligation. This is known from the form of the language and its degrees of expression, with necessary knowledge that admits no other understanding.

ʿAlī said: As for a command conveying permission, it is expressed with the word "or," as in His statement, Most High: {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever is readily available of the sacrificial offering. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or suffers an affliction of the head must provide a compensation of fasting, char-

ذلك بصيغة اللغة ومراتبها، علم بضرورة لا يفهم سواه. قال علي: وأما أمر الإباحة فإنه يراد بلفظ أو مثل 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}

ity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must provide 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 in full. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.}[63][64][65][66]

L852–854 And likewise his statement, peace be upon him: "And he had previously stood at ʿArafah by night or by day." One can only be greatly astonished at someone who construed the account reporting that the Prophet ﷺ commanded the man who had intercourse during Ramadan to fast two months, or feed sixty needy people, or free a slave as allowing a choice—even though an authentic report prescribes a sequence in this matter—and then, on the basis of his own opinion, decided to construe his statement, peace be upon him, concerning standing at ʿArafah "by night or by day" as imposing an absolute obligation to stand there by night. Merely describing this position is sufficient.

ومثل قوله عليه السلام وقد وقف قبل ذلك بعرفة ليلا أو نهارا وأن العجب ليكثر ممن حمل ما روى النبي صلى الله عليه وسلم أنه أمر به الواطىء في رمضان من صيام شهرين، أو إطعام ستين مسكينا، أو تحرير رقبة على التخيير. وقد روى حديث صحيح بالترتيب في ذلك ثم رأى من رأيه أن يحمل قوله عليه السلام في الوقوف بعرفة ليلا أو نهارا على إيجاب الوقوف ليلا ولا بد، ويكفي هذا القول وصفه. وقد يرد أيضا لفظ الإباحة بلا حرج وبلا جناح مثل قوله تعالى {ليس على لأعمى حرج ولا على لأعرج حرج ولا على لمريض حرج ولا على أنفسكم أن تأكلوا من بيوتكم أو بيوت آبائكم أو بيوت أمهاتكم أو بيوت إخوانكم أو بيوت أخواتكم أو بيوت أعمامكم أو بيوت عماتكم أو بيوت أخوالكم أو بيوت خالاتكم أو ما ملكتم مفاتحه أو صديقكم ليس عليكم جناح أن تأكلوا جميعا أو أشتاتا فإذا دخلتم بيوتا فسلموا على أنفسكم تحية من عند الله مباركة طيبة كذلك يبين الله لكم لآيات لعلكم تعقلون} وقوله عليه السلام وقد سئل عن تقديم الرمي على الحلق وعلى النحر، وتقديم الحلق على النحر وعلى الرمي: لا حرج. لا حرج. قال علي وبهذا النص صح لنا أن قوله عز وجل {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

[63] **Translator's note (L848):** The attachment of ليتخلص, "in order to escape," is awkward in the supplied text. The translation preserves its apparent connection to the opponent's chosen course.

[64] **Translator's note (L850):** The opening continues the preceding unit's statement that abrogation cannot affect the ruling. The location referred to as "therein" is not named in this unit. The definition of recommendation reads "for the wording to occur, or through praise." This appears defective: the following examples suggest that the particle "if" or "if only" (law) may have been intended, but the supplied text reads "or" (aw). "Those ... who act upon interpretations" renders التأولين, an apparently defective spelling of a term referring to people acting on an interpretive position. In the definition of permission, يراد بلفظ أو is awkward; it has been understood as describing expression through the word "or," as the ensuing quotation illustrates. The Quranic quotation has recurrent omissions of initial alifs, including in words corresponding to "reverence for Allah," "Allah," and "those who purify themselves." These have been treated as transcription defects.

[65] **Translator's note (L851):** This continues the Quranic quotation begun in 850:0. The supplied transcription repeatedly omits initial alifs and has فا ستيسر for the wording corresponding to "whatever is readily available"; these have been treated as transcription defects.

[66] **Qur'an references (L847):** Qur'an 2:191 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 9:108 (At-Tawbah); Qur'an 2:196 (Al-Baqarah).

The wording of permission may also occur through “no impediment” and “no blame,” as in His statement, Most High: {There is no impediment for the blind, nor any impediment for the lame, nor any impediment for the sick, nor for yourselves, in eating from your houses, or your fathers’ houses, or your mothers’ houses, or your brothers’ houses, or your sisters’ houses, or your paternal uncles’ houses, or your paternal aunts’ houses, or your maternal uncles’ houses, or your maternal aunts’ houses, or those whose keys you possess, or your friend’s. There is no blame upon you whether you eat together or separately. When you enter houses, greet yourselves with a greeting from Allah, blessed and good. Thus Allah makes the signs clear to you, so that you may understand.} And his statement, peace be upon him, when asked about performing the stone-throwing before shaving and before slaughtering, and performing the shaving before slaughtering and before the stone-throwing: “There is no impediment; there is no impediment.”

ʿAlī said: Through this explicit text it is established for us that His statement, Mighty and Majestic, {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 appointed place. Whoever among you is ill or suffers an affliction of the head must provide a compensation of fasting, charity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must provide 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 in full. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.} does not mean the actual slaughter, but rather the arrival of the time for release from the consecrated state through slaughter. Moreover, our position accords with the apparent meaning of the verse, without straining to supply an interpretation unsupported by evidence. Another example is His statement, Most High: {Remember Allah during numbered days. Whoever hastens to depart in two days incurs no sin, and whoever delays incurs no sin, for whoever is mindful of Allah. Be mindful of Allah, and know that to Him you will be gathered.} Another example is

أن لله شديد لعقاب} أنه ليس المراد به النحر ولكن بلوغ وقت الإحلال بالنحر مع موافقة قولنا لظاهر الآية دون تكلف تأويل بلا دليل ومثل قوله تعالى {وذكروا لله في أيام معدودات فمن تعجل في يومين فلا إثم عليه ومن تأخر فلا إثم عليه لمن تقى وتقوا لله وعلموآ أنكم إليه تحشرون} ومثل قوله تعالى {إن لصفا ولمروة من شعآئر لله فمن حج لبيت أو عتمر فلا جناح عليه أن يطوف بهما ومن تطوع خيرا فإن لله شاكر عليم} ومثل قوله {وإن مرأة خافت من بعلها نشوزا أو إعراضا فلا جناح عليهمآ أن يصلحا بينهما صلحا ولصلح خير وأحضرت لأنفس لشح وإن تحسنوا وتتقوا فإن لله كان بما تعملون خبيرا} وقوله تعالى {ليس عليكم جناح أن تبتغوا فضلا من ربكم فإذآ أفضتم من عرفات فذكروا لله عند لمشعر لحرام وذكروه كما هداكم وإن كنتم من قبله لمن لضآلين} وقوله 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} يريد تعالى قبل تمام الحولين بنص الآية وقوله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقوله تعالى {فإن طلقها فلا تحل له من بعد حتى تنكح زوجا غيره فإن طلقها فلا جناح عليهمآ أن يتراجعآ إن ظنآ أن يقيما حدود لله وتلك حدود لله يبينها لقوم يعلمون} وقوله تعالى {ولا جناح عليكم فيما عرضتم به من خطبة لنسآء أو أكننتم في أنفسكم علم لله أنكم ستذكرونهن ولكن

لا تواعدوهن سرا إلا أن تقولوا قولا معروفا ولا تعزموا عقدة لنكاح حتى يبلغ لكتاب أجله وعلموا أن لله يعلم ما في أنفسكم فحذروه وعلموا أن لله غفور حليم}

His statement, Most High: {Indeed, al-Ṣafā and al-Marwah are among Allah's ritual landmarks. Whoever makes the pilgrimage to the House or performs the lesser pilgrimage incurs no blame for making the circuit between them. And whoever voluntarily does good, then Allah is appreciative, knowing.} Another example is His statement: {If a woman fears ill-treatment or aversion from her husband, there is no blame upon the two of them if they reach a settlement between themselves; settlement is better. Souls are attended by avarice. If you do good and are mindful of Allah, then Allah is fully aware of what you do.} And His statement, Most High: {There is no blame upon you in seeking bounty from your Lord. When you pour forth from ʿArafāt, remember Allah at the Sacred Landmark. Remember Him as He has guided you, though before it you were indeed among those astray.} And His statement, Most High: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. The father is responsible for their provision and clothing according to what is right. No soul is burdened beyond its capacity. No mother shall be harmed on account of her child, nor any father on account of his child. The heir has a corresponding obligation. If the two of them wish to wean the child by mutual consent and consultation, there is no blame upon them. If you wish to have your children breastfed by others, there is no blame upon you, provided that you hand over what you have given according to what is right. Be mindful of Allah, and know that Allah sees what you do.} He, Most High, means before the completion of the two years, according to the explicit wording of the verse.

And His statement, Most High: {Divorce is twice; then either retention according to what is right or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the wrongdoers.} And His statement, Most High: {If he divorces her, she is thereafter not lawful for him until she marries a husband other than him. If he divorces her, there is no blame upon

the two of them if they return to one another, provided that they think they can uphold Allah's limits. Those are Allah's limits, which He makes clear to people who know.} And His statement, Most High: {There is no blame upon you concerning an allusion you make to a proposal of marriage to women, or what you conceal within yourselves. Allah knows that you will mention them. But do not make secret promises to them, except that you speak words that are right. Do not resolve upon the marriage bond until the prescribed term reaches its end. Know that Allah knows what is within yourselves, so beware of Him. And know that Allah is forgiving, forbearing.}[67][68][69]

L855–857 And His saying, exalted is He: {There is no blame upon you if you divorce women before you have touched them or assigned them an obligatory bridal payment. Give them provision—the affluent according to his means and the straitened according to his means—a provision in accordance with what is right, as a duty upon those who do good.} And His saying, exalted is He: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. Their provision and clothing, in accordance with what is right, are incumbent upon the father. No soul is charged beyond its capacity. No mother shall be harmed on account of

وقوله 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} وقوله 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} وقوله 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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله 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 لله ويعلمكم لله ولله بكل شيء عليم} وقوله تعالى {ولمحصنات من لنسآء إلا ما

[67] **Translator's note (L853):** The opening completes the quotation begun in 852:0. The transmitted account of the Ramadan expiation is introduced by the awkward wording ما روى النبي ... أنه أمر به, literally suggesting "what the Prophet narrated ... that he commanded." The translation follows the apparent intended reference to an account reporting his command. The Quranic quotations repeatedly omit initial alifs and contain forms such as ستيسر for the wording corresponding to "readily available"; these have been treated as transcription defects. "No impediment" renders لا حرج, while "no blame" renders لا جناح, preserving the distinction between the two expressions.

[68] **Translator's note (L854):** The opening completes the Quranic quotation begun in 853:0. The Quranic quotations repeatedly omit initial alifs, including in the divine name and definite articles; these have been treated as transcription defects. "What you have given" preserves the supplied wording ما آتيتم in the breastfeeding verse rather than substituting an explanatory reference to agreed wages.

[69] **Qur'an references (L852):** Qur'an 24:61 (An-Nur); Qur'an 2:196 (Al-Baqarah); Qur'an 2:203 (Al-Baqarah); Qur'an 2:158 (Al-Baqarah); Qur'an 4:128 (An-Nisa); Qur'an 2:198 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 2:229 (Al-Baqarah); Qur'an 2:230 (Al-Baqarah); Qur'an 2:235 (Al-Baqarah).

her child, nor any father on account of his child. The heir bears the same obligation. If the two desire weaning by mutual consent and consultation, there is no blame upon them. If you wish to have your children breastfed by others, there is no blame upon you, provided you hand over what you have agreed to give, in accordance with what is right. Fear Allah, and know that Allah sees what you do.} And His saying, exalted is He: {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 justly. No scribe shall refuse to write as Allah has taught him; let him write, and let the person upon whom the obligation rests dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the person upon whom the obligation rests is of unsound judgment or weak, or cannot himself dictate, let his guardian dictate justly. Call two witnesses from among your men; if they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two women errs, one of them may remind the other. Witnesses shall not refuse when summoned. Do not tire of writing it down, whether small or large, together with its term. That is more equitable in Allah's sight, firmer for testimony, and more likely to prevent your doubting—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you for not writing it down. Take witnesses when you trade with one another. Neither scribe nor witness shall be harmed. If you do so, it is disobedience on your part. Fear Allah; Allah teaches you, and Allah knows all things.} And His saying, exalted is He: {And married women, except those whom your right hands possess: Allah's prescription upon you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity rather than fornication. For whatever enjoyment you have had of them, give them their bridal payments as an obligation. And there is no blame upon you concerning what you mutually agree upon after the obligatory payment. Indeed, Allah is ever Knowing, Wise.} Or His saying, exalted is He: {When you are among them and establish the prayer for them, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you. Let them take their precautions and their weapons. Those who disbelieve wish that you would neglect your

ملكت أيمانكم كتاب الله 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 الله كان عليما حكيما} أو قوله تعالى {وإذا كنت فيهم فأقمت لهم لصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورائكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن الله أعد للكافرين عذابا مهينا} قال علي وهذا هو المعهود في اللغة ومن أراد أن يجعل قوله تعالى {إن لصفا ولمروة من شعآئر الله فمن حج لبيت أو عتمر فلا جناح عليه أن يطوف بهما ومن تطوع خيرا فإن الله شاكر عليم} حجة في إيجاب الطواف بين الصفا والمروة فرضا على الحاج وعلى المعتمر، فقد أغفل جدا لأنه يلزمه مع مخالفة مفهوم اللغة أن يقول في الآيات التي تلونا آنفا: إن كل ما ذكر فيها فرض، فإن افتداء المرأة من زوجها فرض، وإن مراجعة المطلق ثلاثا للمطلقة بعد طلاق الزوج الثاني لها فرض، وإن قصر الصلاة فرض، وإن طلاق المرأة قبل أن تمس فرض، وإن تصالحهما على فطام الولد قبل الحولين فرض، وكذلك سائر ما في تلك الآية. قال علي: وإنما واجبنا السعي بينهما فرضا لحديث أبي موسى الأشعري، إذ أمره عليه السلام بالطواف بينهما، ولولا ذلك الحديث ما كان السعي بينهما فرضا، لا في عمرة ولا في حج، وبالله تعالى التوفيق. وإنما قلنا أيضا بوجوب القصر فرضا لقوله عليه السلام فاقبلوا صدقته وبأحاديث أخر صح بها وجوب قصرها.

weapons and your belongings, so that they might fall upon you in a single assault. There is no blame upon you if you are troubled by rain or are ill, should you lay down your weapons; but take your precautions. Indeed, Allah has prepared a humiliating punishment for the unbelievers.} Ali said: This is the established usage in the language. Whoever wishes to make His saying, exalted is He, {Indeed, al-Safa and al-Marwah are among Allah's sacred rites. Whoever performs the pilgrimage to the House or the lesser pilgrimage incurs no blame by going between them. Whoever voluntarily does good—indeed, Allah is Appreciative, Knowing,} an argument for imposing passage between al-Safa and al-Marwah as an obligation upon both the pilgrim and the person performing the lesser pilgrimage has been exceedingly inattentive. For, besides contradicting what the language conveys, he must say concerning the verses we have just recited that everything mentioned in them is obligatory: that a woman's ransoming herself from her husband is obligatory; that a man who has divorced a woman three times must take her back after her second husband divorces her; that shortening the prayer is obligatory; that divorcing a woman before she has been touched is obligatory; and that their mutually agreeing to wean the child before the two years is obligatory. The same applies to everything else in that verse. Ali said: We held passage between the two to be an obligatory duty only because of the report of Abu Musa al-Ash'ari, since he, peace be upon him, commanded him to go between them. Were it not for that report, passage between them would not be obligatory, either in the lesser pilgrimage or in the pilgrimage. Through Allah, exalted is He, comes success. We likewise held shortening the prayer to be an obligatory duty only because of his saying, peace be upon him, 'So accept His charitable gift,' and because of other reports through which the obligation to shorten it was established as authentic.[70][71]

L858 Every expression that occurs with 'incumbent upon you' indicates an obli-

وكل لفظ ورد بعليكم فهو فرض، وكل أمر ورد بلكم أو بأنه صدقة فهو ندب، لأن علينا إيجاب، ولنا صدقة إنما معناها الهبة، وليس قبول الهبة فرضا إلا أن يؤمر بقبولها فيكون حينئذ فرضا، ومما تحل به الأوامر على الندب أن يرد استثناء يعقبه في تخيير المأمور، مثل قوله تعالى في الديات: {ومن يقتل مؤمنا متعمدا فجزآؤه جهنم خالدا فيها

[70] **Translator's note (L857):** The supplied reading 'wajibna' in the sentence about passage between al-Safa and al-Marwah is grammatically awkward and appears corrupt. The translation follows the contextual sense, 'we held … obligatory.'

[71] **Qur'an references (L855):** Qur'an 2:236 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 2:282 (Al-Baqarah); Qur'an 4:24 (An-Nisa); Qur'an 4:102 (An-Nisa); Qur'an 2:158 (Al-Baqarah).

gation, and every command that occurs with ‘for you,’ or with a statement that it is a charitable gift, indicates recommendation. For ‘incumbent upon us’ imposes an obligation, whereas ‘a charitable gift for us’ means simply a gift. Accepting a gift is not obligatory unless one is commanded to accept it; then it becomes obligatory. Among the things by which commands are construed as recommendations is the occurrence of a subsequent exception giving the person commanded a choice, as in His saying, exalted is He, concerning blood-money payments: {Whoever kills a believer intentionally—his recompense is Hell, remaining therein forever; Allah is angry with him, has cursed him, and has prepared a tremendous punishment for him.} And concerning the obligation of the bridal payment: {If you divorce them before you have touched them, having assigned them an obligatory payment, then half of what you assigned is due, unless they waive it or the person in whose hand is the marriage tie waives it. Your waiving it is nearer to reverence for Allah. Do not forget generosity between yourselves. Indeed, Allah sees what you do.} And concerning repayment of debt: {If someone is in hardship, then grant a postponement until a time of ease. But that you give it as charity is better for you, if you only knew.} And other such instances. All of this is known through the established meanings of the language and its degrees of expression. Through Allah comes success.[72][73]

[Section on Construing Commands and Statements According to Their Apparent Meanings]

L859

L860–861

Ali said: Some people, who had become exhausted in their attempt to defend what Allah, exalted is He, had not authorized anyone to defend—corrupt uncritical adherence and the following of misleading desire—went so far as to say: ‘We do not construe the wording of commands and statements according to their apparent meanings; rather, judgment concerning them is suspended.’

[72] **Translator’s note (L858):** The quotation introduced as concerning blood-money payments is Quran 4:93, concerning intentional killing. It contains no exception granting a choice and does not fit the stated argument. The apparent quotation error has been preserved.

[73] **Qur’an references (L858):** Qur’an 4:93 (An-Nisa); Qur’an 2:237 (Al-Baqarah); Qur’an 2:280 (Al-Baqarah).

وغضب لله عليه ولعنه وأعد له عذابا عظيما} وفي وجوب الصداق: {وإن طلقتموهن من قبل أن تمسوهن وقد فرضتم لهن فريضة فنصف ما فرضتم إلا أن يعفون أو يعفوا لذي بيده عقدة لنكاح وأن تعفوا أقرب للتقوى ولا تنسوا لفضل بينكم إن لله بما تعملون بصير} وفي قضاء الدين {وإن كان ذو عسرة فنظرة إلى ميسرة وأن تصدقوا خير لكم إن كنتم تعلمون} وما أشبه ذلك، وهذا معلوم كله بموضوع اللغة ومراتبها وبالله التوفيق

[فصل في حمل الأوامر والأخبار على ظواهرها]

قال علي ذهب قوم ممن بلح عندما أراد من نصر ما لم يأذن الله تعالى بنصره من التقليد الفاسد، واتباع الهوى المضل إلى أن قالوا: لا نحمل الألفاظ من الأوامر والأخبار على ظواهرها، بل هي على الوقف وقال بعضهم وهو بكر البشري: إنما ضلت الخوارج بحملها القرآن على ظاهره، واحتج بعضهم أيضا بأن قال: لما وجدنا من الألفاظ ألفاظا مصروفة عن ظاهرها ووجدنا قول القائل: إنك سخي، وإنك جميل، قد تكون على الهزؤ، والمراد إنك قبيح، وإنك لئيم، علمنا أن الألفاظ لا تنبىء عن المعاني بمجردها. قال علي: هذا كل ما موهوا به، وهؤلاء هم السوفسطائيون حقا بلا مرية، وقد علم

One of them, Bakr al-Bishri, said: ‘The Kharijites went astray only through construing the Quran according to its apparent meaning.’ Some of them also argued: ‘Since we have found expressions diverted from their apparent meanings, and have found that someone’s saying “You are generous” and “You are beautiful” may be mockery, with “You are ugly” and “You are ignoble” being intended, we know that expressions do not, by themselves, convey meanings.’ Ali said: This is the entirety of what they have used to obscure the matter. These people are truly the sophists, without any doubt. Every rational person knows that Allah, mighty and majestic, established languages only so that clear communication might occur through them. Languages are nothing other than expressions combined to convey meanings, making clear the things they designate. Allah, exalted is He, said: {We have sent no messenger except in the tongue of his people, so that he might make things clear to them. Then Allah leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise.} ‘Tongue’ here means language, without disagreement. If speech does not make its meanings clear, what, then, can be understood by these forsaken men from their Lord, exalted is He, and from their Prophet, may Allah bless him and grant him peace ﷺ? Indeed, by what means do you understand one another? They should be told: ‘If what you have said is possible, by what means can we know what you intend by this speech of yours? Perhaps you intend by it something other than its apparent meaning. Perhaps you intend to establish what you have ostensibly refuted.’ Whatever answer they give is binding upon them regarding the enormity of the foolishness they have advanced. These are people who have invalidated realities altogether and precluded understanding entirely.[74][75]

كل ذي عقل أن اللغات إنما رتبها الله عز وجل ليقع بها البيان، واللغات ليست شيئا غير الألفاظ المركبة على المعاني، المبينة عن مسمياتها قال الله تعالى: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشاء ويهدي من يشاء وهو لعزيز لحكيم} { } واللسان هي اللغة بلا خلاف ههنا فإذا لم يكن الكلام مبينا عن معانيه. فأي شيء يفهم هؤلاء المخذولون عن ربهم تعالى وعن نبيهم صلى الله عليه وسلم بل بأي شيء يفهم به بعضكم بعضا ويقال لهم: إذا أمكن ما قلتم فبأي شيء نعرف مرادكم من كلامكم هذا؟ ولعلكم تريدون به شيئا آخر غير ما ظهر منه، ولعلكم تريدون إثبات ما أظهرتم إبطاله. فبأي شيء أجابوا به فهو لازم لهم في عظيم ما أتوا به من السخف، وهؤلاء قوم قد أبطلوا الحقائق جملة، ومنعوا من الفهم بالبتة،

L862–875 Thus, speaking with them would almost be a waste of effort, were it not for the multitude of weak people deceived by them. The Messenger of Allah ﷺ spoke truly when he warned that people would take ignorant leaders, who would go astray and lead others astray. As for Bakr’s statement that the Kharijites went astray only through following the apparent meaning, he

فيكاد الكلام يكون معهم عناء لولا كثرة من اغتر بهم من الضعفاء وصدق رسول الله صلى الله عليه وسلم إذ أنذر باتخاذ الناس رؤساء جهالا فيضلون ويضلون. وأما قول بكر: إن الخوارج إنما ضلت باتباعها الظاهر، فقد كذب وأفك وافترى وأثم. ما ضلت إلا بمثل ما ضل هو به، من تعلقهم بآيات ما وتركوا غيرها، وتركوا بيان الذي أمره الله عز وجل أن يبين للناس ما نزل إليهم كما تركه بكر أيضا وهو رسول الله

[74] **Translator’s note (L860):** The supplied text has an additional closing brace after the Quranic quotation; it has no translatable content.

[75] **Qur’an references (L860):** Qur’an 14:4 (Ibrahim).

has lied, uttered falsehood, fabricated, and sinned. They went astray only through the same thing through which he went astray: clinging to certain verses while abandoning others, and abandoning the explanation of the one whom Allah, mighty and majestic, commanded to explain to people what had been sent down to them—namely, the Messenger of Allah ﷺ—just as Bakr also abandoned it. Had they gathered together all the verses of the Quran and the words of the Prophet ﷺ, treated all of it as binding and as a single ruling, and followed it all, they would have been rightly guided. Indeed, the Kharijites have more excuse than he does and are less astray, because they did not commit themselves to accepting a solitary report, whereas he committed himself to its obligatory acceptance and then proceeded to deem disobedience to it lawful. The correct statement here is that the Rafidites went astray only through abandoning the apparent meaning and following what Bakr and his like followed: uncritical imitation and speaking according to desire, without knowledge, guidance from Allah, mighty and majestic, authority, or demonstration. Thus the Rafidites said, concerning, {And when Moses said to his people, 'Indeed, Allah commands you to slaughter a cow,' they said, 'Do you take us in mockery?' He said, 'I seek refuge in Allah from being among the ignorant'}: 'This is not according to its apparent meaning. Allah Most High never intended a cow at all; it is only Aishah'—may Allah Most High be pleased with her and curse whoever mistreats her. They said: 'The false object of worship and the transgressing power are not according to their apparent meanings; they are only Abu Bakr and Umar'—may Allah's good pleasure be upon them both, and may He curse whoever reviles them. They said, concerning, {On the day the heaven sways with a swaying, and the mountains move with a movement}: 'This is not according to its apparent meaning. The heaven is only Muhammed, and the mountains are his Companions.' And they said, concerning, {And your Lord revealed to the bees: 'Take dwellings in the mountains, and in the trees, and in what they erect'}: 'This is not according to its apparent meaning. The bees are only the descendants of Hashim, and what comes out of their bellies is knowledge.' Bakr and his like followed their path, saying, concerning, {And purify your garments}: 'The garments are not according to the apparent sense of the wording; it is only the heart.' And they said: '"The two parties to a sale have the option so

صلى الله عليه وسلم ولو أنهم جمعوا آي القرآن كلها وكلام النبي صلى الله عليه وسلم وجعلوه كله لازما وحكما واحدا ومتبعا كله لاهتدوا على أن الخوارج أعذر منه، وأقل ضلالا، لأنهم لم يلتزموا قبول خبر الواحد، وأما هو فالتزم وجوبه، ثم أقدم على استحلال عصيانه. والقول الصحيح ههنا: هو أن الروافض إنما ضلت بتركها الظاهر، واتباعها ما اتبع بكر، ونظراؤه من التقليد، والقول بالهوى بغير علم ولا هدى من الله عز وجل ولا سلطان ولا برهان فقال الروافض {وإذ قال موسى لقومه إن الله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بالله أن أكون من الجاهلين} قالوا ليس هذا على ظاهره ولم يرد الله تعالى بقرة قط، إنما هي عائشة رضي الله تعالى عنها، ولعن من عقها، وقالوا: الجبت والطاغوت، ليسا على ظاهرهما، إنما هما أبو بكر وعمر رضوان الله عليهما ولعن من سبهما وقالوا {يوم تمور لسمآء مورا * وتسير لجبال سيرا} ليس هذا على ظاهره إنما السماء محمد والجبال أصحابه وقالوا {وأوحى ربك إلى لنحل أن تخذي من لجبال بيوتا ومن لشجر ومما يعرشون} ليس هذا على ظاهره إنما النحل بنو هاشم، والذي يخرج من بطونها هو العلم. وسلك بكر ونظراؤه طريقهم، فقالوا: {وثيابك فطهر} ليس الثياب على ظاهر الكلام، إنما هو القلب. وقالوا: البيعان بالخيار ما لم يفترقا، ليس على ظاهره من تفرق الأبدان، إنما معناه ما لم يتفقا على الثمن وقالوا {يستفتونك قل لله يفتيكم في لكلالة إن مرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا ثنتين فلهما لثلثان مما ترك وإن كانوا إخوة رجالا ونسآء فللذكر مثل حظ لأنثيين يبين لله لكم أن تضلوا ولله بكل شيء عليم} ليس على ظاهره إنما هو ابن ذكر، وأما الأنثى فلا. وقالوا: {يا أيها الذين آمنوا شهادة بينكم إذا حضر أحدكم الموت حين الوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بالله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة

long as they have not separated" is not according to its apparent meaning of bodily separation. Its meaning is only: so long as they have not agreed upon the price.' And they said, concerning, {They ask you for a ruling. Say: 'Allah gives you a ruling concerning one who leaves neither parent nor child. If a man dies having no child, but having a sister, she shall have half of what he leaves; and he inherits from her if she has no child. If there are two sisters, they shall have two-thirds of what he leaves. If they are siblings, men and women, the male shall have the equivalent of the share of two females. Allah makes clear to you, lest you go astray, and Allah knows all things'}: 'It is not according to its apparent meaning. It is only a male child; as for a female, no.' And they said, concerning, {O you who believe, testimony among you, when death approaches one of you, at the time of making a bequest, shall be two just men from among you, or two others from outside your number, if you are travelling through the land and the calamity of death befalls you. Detain them after the prayer, and, if you doubt, let them both swear by Allah: 'We will not exchange it for a price, even if he is a relative, and we will not conceal the testimony of Allah; otherwise we would indeed be among the sinners'}: 'It is not according to its apparent meaning. He intended only: from outside your tribe.' Ali said: These people should be asked: Have expressions been assigned to meanings which they express, to the exclusion of other meanings, or not? If they say no, discussion with them falls away, and we must understand nothing from them, since their speech indicates no meaning and their expressions convey no reality. If they say yes, they have abandoned their corrupt position. Every objection we have brought against those who advocate suspension of judgment concerning commands applies to these people, and an additional objection applies to them: the invalidation of all speech, from beginning to end. Likewise, the objections applying to those who advocate suspension of judgment concerning general expressions also apply to them. We shall mention this in its chapter, if Allah Most High wills. There is no power except through Allah. If they say, 'By what do you recognize speech that has been diverted from its apparent meaning?' they should be told—and through Allah Most High comes success: We recognize this through another apparent meaning that informs us of it, or through a consensus known with certainty, transmitted from the Messenger of Allah ﷺ, establishing only that

لله إنآ إذا لمن لآثمين} ليس على ظاهره إنما أراد من غير قبيلتكم. قال علي: ويسأل هؤلاء القوم، أركبت الألفاظ على معان عبر بها عنها دون غيرها أم لا؟ فإن قالوا: لا سقط الكلام معهم، ولزمنا ألا نفهم عنهم شيئا، إذ لا يدل كلامهم على معنى، ولا تعبر ألفاظهم عن حقيقة. وإن قالوا نعم؟ تركوا مذهبهم الفاسد، وكل ما أدخلنا على من قال بالوقف في الأوامر، فهو داخل على هؤلاء. ويدخل على هؤلاء زيادة إبطال جميع الكلام، أوله عن آخره، وكذلك يدخل عليهم أيضا ما يدخل على القائلين بالوقف في العموم، وسنذكره في بابه إن شاء الله تعالى ولا قوة إلا بالله. فإن قالوا: بأي شيء تعرفون ما صرف من الكلام عن ظاهره؟ قيل لهم وبالله تعالى التوفيق: نعرف ذلك بظاهر آخر مخبر بذلك أو بإجماع متيقن منقول عن رسول الله صلى الله عليه وسلم وعلى أنه مصروف عن ظاهره فقط وسنبين ذلك في آخر باب الكلام في العموم والخصوص إن شاء الله عز وجل، وبالله تعالى التوفيق. وقد أكذب الله تعالى هذه الفرقة الضالة بقوله عز وجل ذاما لقوم يحرفون الكلم عن مواضعه {وإذ أخذنا ميثاقكم ورفعنا فوقكم لطور خذوا مآ آتيناكم بقوة وسمعوا قالوا سمعنا وعصينا وأشربوا في قلوبهم لعجل بكفرهم قل بئسما يأمركم به إيمانكم إن كنتم مؤمنين} لا بيان أجلى من هذه الآية في أنه لا يحل صرف كلمة عن موضعها في اللغة، ولا تحريفها عن موضعها في اللسان، وأن من فعل ذلك فاسق مذموم عاص، بعد أن يسمع ما قاله تعالى. قال عز وجل: {كذلك نقص عليك من أنبآء ما قد سبق وقد آتيناك من لدنا ذكرا * من أعرض عنه فإنه يحمل يوم لقيامة وزرا} فصح أن الوحي كله من يترك ظاهره فقد أعرض عنه، وأقبل على تأويل ليس عليه دليل. وقال تعالى: {أفتطمعون أن يؤمنوا لكم وقد كان فريق منهم يسمعون كلام لله ثم يحرفونه من بعد ما عقلوه وهم يعلمون} وكل من صرف لفظا عن مفهومه في اللغة فقد حرفه. وقد أنكر الله تعالى ذلك في كلام الناس بينهم فقال تعالى {فمن بدله بعدما سمعه فإنما إثمه على لذين يبدلونه إن

it has been diverted from its apparent meaning. We shall explain this at the end of the chapter discussing the general and the specific, if Allah, mighty and majestic, wills. Through Allah Most High comes success. Allah Most High has indeed shown the falsehood of this erring faction through His saying, mighty and majestic, in condemnation of people who distort words from their proper places: {And when We took your covenant and raised the Mount above you: 'Take what We have given you firmly, and listen.' They said, 'We have heard and disobeyed.' And the calf was made to permeate their hearts because of their unbelief. Say: 'Evil is what your faith commands you, if you are believers.'} No explanation is clearer than this verse that it is unlawful to divert a word from its place in the language or distort it from its place in speech, and that whoever does so is a sinful, blameworthy, disobedient person after hearing what He, Most High, has said. He, mighty and majestic, said: {Thus We relate to you some accounts of what has gone before, and We have given you a Reminder from Us. Whoever turns away from it shall indeed bear a burden on the Day of Resurrection.} Thus it is established that, concerning revelation in its entirety, whoever abandons its apparent meaning has turned away from it and turned toward an interpretation for which there is no evidence. He, Most High, said: {Do you then hope that they will believe you, when a group of them used to hear the speech of Allah and then distort it after understanding it, while knowing?} And everyone who diverts an expression from its understood meaning in the language has distorted it. Allah Most High has condemned this in people's speech with one another, saying, Most High: {Whoever changes it after hearing it, its sin rests only upon those who change it. Indeed, Allah is All-Hearing, All-Knowing.} Changing it is nothing other than diverting speech from its place and rank to another, without evidence from victory or from a consensus known with certainty to come from him ﷺ. He, Most High, said: {O you who believe, do not say, 'Attend to us,' but say, 'Look toward us,' and listen. For the unbelievers there is a painful punishment.} Thus it is established that following the apparent meaning is obligatory, and that it is absolutely unlawful to go beyond it. He, Most High, said: {O you who believe, do not prohibit the good things Allah has made lawful for you, and do not transgress. Indeed, Allah does not love the transgressors.} Transgression means going beyond what is

لله سميع عليم} وليس التبديل شيئا غير صرف الكلام عن موضعه ورتبته، إلى غيرها بلا دليل من نصر أو إجماع متيقن عنه صلى الله عليه وسلم وقال تعالى {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} فصح أن اتباع الظاهر فرض، وأنه لا يحل تعديه أصلا وقال تعالى {يأيها لذين آمنوا لا تحرموا طيبات مآ أحل لله لكم ولا تعتدوا إن لله لا يحب لمعتدين} والاعتداء هو تجاوز الواجب ومن أزاح اللفظ عن موضوعه في اللغة التي بها خوطبنا بغير أمر من الله تعالى أو رسوله صلى الله عليه وسلم فعداه إلى معنى آخر فقد اعتدى فليعلم أن الله لا يحبه، وإذا لم يحبه فقد أبغضه نعوذ بالله من ذلك وقال تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقال تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وقد أخبر تعالى أنه {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} فنص نصا جليا لا يحتمل تأويلا، على أنه علق كل مسمى اسما مخصوصا به، وكذلك من حدود الله تعالى التي قد أخبر أنه من تعداها فهو ظالم، وأنه يدخله نارا وأهل ذلك هم لإقدامهم على الباطل الذي لا يخفى على ذي لب، وبالله تعالى نعوذ من الخذلان، ونسأله التوفيق، فكل شيء يبدله لا إله إلا هو فلا موفق إلا من هدى ولا ضال إلا من خذل ولله تعالى في كل ذلك الحجة البالغة علينا ولا حجة لنا عليه ولا يسأل عما يفعل وهم يسألون وحسبنا الله ونعم الوكيل وقال تعالى {تبع مآ أوحي إليك من ربك لا إله إلا هو وأعرض عن لمشركين} فأمره باتباع الوحي النازل وهو المسموع الظاهر فقط وقال تعالى {أولم يكفهم أنآ أنزلنا عليك لكتاب يتلى عليهم إن

obligatory. Whoever displaces an expression from its assigned meaning in the language in which we were addressed, without a command from Allah Most High or His Messenger ﷺ, and carries it over to another meaning, has transgressed. Let him know that Allah does not love him; and if He does not love him, He hates him. We seek refuge in Allah from that. He, Most High, said: {Divorce is twice; then retention with propriety or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—those are the wrongdoers.} He, Most High, said: {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein, and he shall have a humiliating punishment.} He, Most High, has also stated that He {And taught Adam all the names, then presented them to the angels and said: 'Tell Me the names of these, if you are truthful.'} Thus He explicitly stated, with a clear statement admitting of no interpretation, that He attached to every named thing a name particular to it. Likewise, this is among Allah Most High's limits, concerning which He has stated that whoever transgresses them is a wrongdoer and that He will admit him into a Fire. They deserve that for their audacity in pursuing falsehood that is not hidden from anyone possessing understanding. In Allah Most High we seek refuge from abandonment, and we ask Him for success. For everything He changes—there is no god but He— so none is granted success except one whom He guides and none goes astray except one whom He abandons. In all of this Allah Most High has the conclusive argument against us, and we have no argument against Him. He is not questioned about what He does, while they are questioned. Allah suffices us, and an excellent Trustee He is. He, Most High, said: {Follow what has been revealed to you from your Lord. There is no god but He. And turn away from the polytheists.} Thus He commanded him to follow the revelation sent down, which is solely what is heard in its apparent meaning. He, Most High, said: {Does it not suffice them that We have sent down to you the Book, recited to them? Indeed, in that there are mercy and a reminder for people who believe.} He, Most High, has

في ذلك لرحمة وذكرى لقوم يؤمنون} أخبر تعالى أن الواجب علينا أن نكتفي بما يتلى علينا وهذا منع صحيح لتعديه إلى طلب تأويل غير ظاهره المتلو علينا فقط وقال تعالى آمرا لنبيه صلى الله عليه وسلم 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} إلى منتهى قوله تعالى. قال علي ولو لم يكن إلا هذه الآية لكفت لأنه عليه السلام قد تبرأ من الغيب وأنه إنما يتبع ما يوحى إليه فقط، ومدعي التأويل وتارك الظاهر تارك للوحي مدع لعلم الغيب، وكل شيء غاب عن المشاهد الذي هو الظاهر فهو غيب ما لم يقم عليه دليل من ضرورة عقل أو نص من الله تعالى أو من رسوله صلى الله عليه وسلم أو إجماع راجع إلى النص المذكور وقال تعالى {أفغير لله أبتغي حكما وهو لذي أنزل إليكم لكتاب مفصلا ولذين آتيناهم لكتاب يعلمون أنه منزل من ربك بلحق فلا تكونن من لممترين} فمن ابتغى حكما غير النصوص الواردة من الله تعالى في القرآن وعلى لسان نبيه صلى الله عليه وسلم فقد ابتغى غير الله حكما وبين تعالى أن الحكم هو ما أنزل في الكتاب مفصلا، وهذا هو الظاهر الذي لا يحل تعديه وقال تعالى: {يوم تشهد عليهم ألسنتهم وأيديهم وأرجلهم بما كانوا يعملون} فنص تعالى على أن الباطل إنما يمتحى، وأن الحق إنما يصح بكلماته تعالى، فثبت يقينا أن الكلمات معبرات عما وضعت له في اللغة، وأن ما عدا ذلك باطل، فصح اتباع ظاهر اللفظ بضرورة البرهان وقال تعالى {وإن كادوا ليفتنونك عن لذي أوحينآ إليك لتفتري علينا غيره وإذا لاتخذوك خليلا} قال علي: ومن ترك ظاهر اللفظ وطلب معاني لا يدل عليها لفظ الوحي فقد افترى على الله عز وجل، بنص الآية المذكورة. وقال تعالى: {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك لكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فنص تعالى على

البيان إنما هو القرآن وكلام النبي صلى الله عليه وسلم فقد فصح بذلك اتباع ما أوجب القرآن وكلامه عليه السلام، وبطلان كل تأويل دونهما وقال تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل لله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} قال علي ففي هذه الآية كفاية لمن عقل أن لغة النبي صلى الله عليه وسلم التي خاطبنا بها لا يحل أن نتعدى بألفاظها عن موضوعاتها إلى ما سواه أصلا. أخبرني يوسف بن عبد الله بن عبد البر النمري كتابا إلي، حدثنا سعيد بن نصر، حدثنا قاسم بن أصبغ، حدثنا محمد بن وضاح، حدثنا أبو بكر بن أبي شيبة، حدثنا خالد بن مخلد، حدثنا محمد بن جعفر قال: أخبرنا هشام، عن عروة، عن أبيه، قالت عائشة أم المؤمنين رضي الله عنها ما كان رسول الله صلى الله عليه وسلم يتأول شيئا من القرآن إلا آيا بعدد أخبره بهن جبريل عليه السلام قال علي فإذا كان النبي صلى الله عليه وسلم لا يتأول شيئا من القرآن إلا بوحي فيخرجه عن ظاهرة التأويل، فمن فعل خلاف ذلك فقد خالف الله تعالى ورسوله صلى الله عليه وسلم وقد نهى تعالى وحرم أن يقال عليه ما لم يعلمه القائل، وإذا كنا لا نعلم إلا ما علمنا، فترك الظاهر الذي علمناه وتعديه إلى تأويل لم يأت به ظاهر آخر حرام وفسق ومعصية لله تعالى، وقد أنذر الله تعالى وأعذر فمن أبصر فلنفسه ومن عمي فعليها. حدثنا حمام بن أحمد قال: حدثنا محمد بن يحيى بن مفرج، حدثنا ابن الأعرابي، حدثنا إسحاق بن إبراهيم، حدثنا عبد الرزاق، عن معمر عن جعفر بن برقان قال: قال أبو هريرة: يا ابن أخي إذا حدثت بالحديث عن رسول الله صلى الله عليه وسلم فلا تضرب له الأمثال وصدق أبو هريرة رضي الله عنه ونصح وبالله تعالى التوفيق

stated that our obligation is to be content with what is recited to us. This is a valid prohibition against going beyond it to seek an interpretation other than the apparent sense of what is recited to us alone. And the Exalted said, commanding His Prophet ﷺ to say: "Say: I do not tell you that I possess Allah's treasuries, 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?"—to the end of His statement, exalted is He. Ali said: Even if there were nothing but this verse, it would suffice, because he, peace be upon him, disclaimed knowledge of the unseen and declared that he follows only what is revealed to him. Whoever claims an interpretation and abandons the apparent sense abandons revelation and claims knowledge of the unseen. Everything hidden from what is observable, which is what is apparent, belongs to the unseen unless evidence for it is established by rational necessity, a text from Allah the Exalted or His Messenger ﷺ, or a consensus referring back to the aforementioned text. And the Exalted said: "Shall I seek a judge other than Allah, when it is He who has sent down to you the Book, set out in detail? Those to whom We have given the Book know that it is sent down from your Lord in truth; so do not be among the doubters." Whoever seeks a judge other than the texts received from Allah the Exalted in the Quran and through the tongue of His Prophet ﷺ has sought a judge other than Allah. The Exalted explained that the judgment is what He sent down in the Book, set out in detail. This is the apparent sense, which it is unlawful to go beyond. And the Exalted said: "On the day when their tongues, their hands, and their feet testify against them concerning what they used to do." Thus the Exalted expressly stated that falsehood is erased and truth established only through His words, exalted is He. It is therefore established with certainty that words express what they were assigned to signify in the language, and that anything beyond this is false. Following the apparent sense of the wording is thus established by the necessity of demonstration. And the Exalted said: "And indeed they nearly tempted you away from what We revealed to you, so that you would fabricate something else against Us; and then they would have taken you as a close friend." Ali said: Whoever abandons the apparent sense of the wording and seeks meanings that the wording of revelation does not indicate has thereby fabricated a lie

against Allah, mighty and majestic, according to the explicit statement of the aforementioned verse. And the Exalted said: "And on the day when We raise up in every community a witness against them from among themselves, and bring you as a witness against these, and We have sent down to you the Book as an explanation of everything, and as guidance, mercy, and glad tidings for those who submit." And the Exalted said: "With clear proofs and scriptures; and We have sent down to you the Reminder so that you may explain to the people what has been sent down to them, and so that they may reflect." Thus the Exalted expressly stated that the explanation consists only of the Quran and the speech of the Prophet ﷺ. It is thereby established that what the Quran and his speech, peace be upon him, require must be followed, and that every interpretation apart from them is invalid. And the Exalted said: "We have sent no messenger except in the language of his people, so that he may explain to them. Then Allah leads astray whomever He wills and guides whomever He wills, and He is the Mighty, the Wise." Ali said: This verse suffices for anyone who understands that, in the language in which the Prophet ﷺ addressed us, it is absolutely unlawful for us to take its expressions beyond their assigned meanings to anything else. Yusuf ibn Abd Allah ibn Abd al-Barr al-Namari informed me in a letter to me: Said ibn Nasr related to us: Qasim ibn Asbagh related to us: Muhammed ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Khalid ibn Makhlad related to us: Muhammed ibn Jafar related to us, saying: Hisham informed us, on the authority of Urwah, on the authority of his father: Aishah, Mother of the Believers, may Allah be pleased with her, said: "The Messenger of Allah ﷺ did not interpret anything of the Quran except a limited number of verses about which Gabriel, peace be upon him, informed him." Ali said: If the Prophet ﷺ did not interpret anything of the Quran except through revelation, taking it away from its apparent sense by interpretation, then whoever does otherwise has opposed Allah the Exalted and His Messenger ﷺ. The Exalted has forbidden and prohibited anyone from saying about Him what the speaker does not know. Since we know only what we have been taught, abandoning the apparent sense that we know and going beyond it to an interpretation for which no other apparent wording has come is unlawful, sinful transgression, and disobedience to Allah the Exalted. Allah the Exalted

has given warning and left no excuse: whoever sees does so for his own benefit, and whoever is blind is so to his own detriment. Hammam ibn Ahmad related to us, saying: Muhammed ibn Yahya ibn Mufarrij related to us: Ibn al-Arabi related to us: Ishaq ibn Ibrahim related to us: Abd al-Razzaq related to us, on the authority of Mamar, on the authority of Jafar ibn Burqan, who said: Abu Hurayrah said: "My brother's son, when you relate a report from the Messenger of Allah ﷺ, do not draw comparisons for it." Abu Hurayrah,

may Allah be pleased with him, spoke truthfully and gave sincere counsel. Success comes through Allah the Exalted.[7677787980818283]

[76]**Translator's note (L862):** The Quranic quotations repeatedly omit letters, especially the initial alif in the definite article and in forms of 'Allah.' These appear to be transcription defects; the recognizable words are translated accordingly. 'The false object of worship' and 'the transgressing power' render the distinct terms al-jibt and al-taghut; their precise lexical scope is broader than these English equivalents.

[77]**Translator's note (L864):** 'One who leaves neither parent nor child' renders the technical inheritance term al-kalalah. 'It is only a male child' refers to their restricting the verse's word 'child' to a son. The quotation contains recurring omissions of letters characteristic of the supplied transcription.

[78]**Translator's note (L865):** The opening continues the Quranic quotation from the preceding unit, Quran 5:106. The phrase 'and establishing only that it has been diverted from its apparent meaning' follows an awkward construction in the supplied Arabic; its attachment to the preceding consensus is the most natural reading.

[79]**Translator's note (L866):** The verse quoted after the reference to people 'who distort words from their proper places' is Quran 2:93; that phrase itself does not occur in the quoted verse. The apparent mismatch is retained. The Arabic at the end, continuing into the next unit, is syntactically defective: literally, 'Thus it is established that revelation, all of it, whoever abandons its apparent meaning…' The translation supplies a minimal connective construction without supplying additional substantive content.

[80]**Translator's note (L868):** The supplied Arabic reads 'victory' (nasr) in 'evidence from victory'; 'a text' (nass) would fit the argument, but that correction has not been silently made. The paired expressions in Quran 2:104 are ra'ina and unzurna. The translation conveys their ordinary senses; the Arabic wordplay and the potential abusive use of the former are not reproducible in these English equivalents. The transcription gives the latter with an omitted initial alif. The quotation about Adam begins with 'And,' producing an awkward junction with the author's preceding 'that He.' Both are retained. The final phrase reads literally 'for everything He changes' (fa-kullu shay'in yubaddiluhu), which is syntactically awkward in context. 'For everything is in His hand' would require a different Arabic reading; the supplied wording is retained.

[81]**Translator's note (L871):** The quotation about tongues, hands, and feet testifying corresponds to Quran 24:24. The subsequent argument about erasing falsehood and establishing truth through Allah's words appears to refer instead to Quran 42:24. The supplied quotation and the author's argument have both been retained.

[فصل في الأوامر أعلى الفور هي أم على التراخي]

قال القائلون: إن الأوامر على التراخي، وقال آخرون: فرض الأوامر البدار إلا ما أباح التراخي فيها نص آخر أو إجماع. قال علي: وهذا هو الذي لا يجوز غيره، لقول الله تعالى {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} وقال تعالى {ولكل وجهة هو موليها فستبقوا لخيرات أين ما تكونوا يأت بكم لله جميعا إن لله على كل شيء قدير} وقد قدمنا أن أوامر الله تعالى على الوجوب، فإذا أمرنا تعالى بالاستباق إلى الخيرات، والمسارعة إلى ما يوجب المغفرة، فقد ثبت وجوب البدار إلى ما أمرنا به ساعة ورود الأمر دون تأخر ولا تردد، وقد شغب بعض المخالفين فقال: ليس في قوله تعالى {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} حجة في أن الأوامر واجب البدار إليها، لأنه تعالى أمرنا بالمسارعة إلى المغفرة لا إلى الفعل. قال علي: وهذا مما يسر فيه هؤلاء القوم لعكس الحقائق وقد أيقنا بقوله تعالى {ومن جآء بلسيئة فكبت وجوههم في لنار هل تجزون إلا ما كنتم تعملون} أن أحدا لا يؤتى المغفرة إلا بعمل صالح يقتضي له وعد الله تعالى بالرحمة والمغفرة، وعلمنا ذلك يقينا أن مراد الله تعالى بقوله {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} إنما هو سارعوا إلى الأعمال الموجبة للمغفرة من ربكم إذ لا سبيل إلى المسارعة إلى المغفرة إلا بذلك، وهذا من الحذف الذي دلت عليه الحال، وإنما قلنا هذا لوجهين: أحدهما: النص الجلي الوارد في أنه لا يجزي أحد بمغفرة ولا غيرها إلا بحسب عمله. والثاني: النص الوارد بأن الله لا يكلف نفسا إلا وسعها، وليس في وسع أحد المسارعة إلى المغفرة المجردة دون توسط عمل صالح، فهذان الظاهران نصا أن في تلك الآية حذفا دلت عليه الحال، فما كان مرتبطا بوقت واحد كصيام رمضان فقد جاء النص بإيجاب

[Chapter on Commands: Must They Be Performed Immediately, or May They Be Deferred?]

L876

L877–885 Some have said that commands permit deferred performance. Others have said that the obligation imposed by commands is prompt performance, except where another text or a consensus permits their deferral. Ali said: This is the only permissible position, because Allah the Exalted says: “And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing.” And the Exalted said: “For each there is a direction toward which he turns; so race toward good deeds. Wherever you may be, Allah will bring you all together. Indeed, Allah has power over everything.” We have already established that Allah the Exalted’s commands impose obligation. Since the Exalted commands us to race toward good deeds and hasten toward what brings about forgiveness, the obligation to perform promptly what we have been commanded is established from the moment the command arrives, without delay or hesitation. One of our opponents raised a contentious objection, saying: His statement, exalted is He, “And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing,” contains no proof that commands must be performed promptly, because the Exalted commanded us to hasten toward forgiveness, rather than toward the act. Ali said: This

[82] **Translator’s note (L874):** The wording فقد فصح appears corrupt; the translation renders its apparent contextual sense, ‘it is thereby established.’ It may contain an extraneous ف. The transmission chain reads ‘Hisham, on the authority of Urwah, on the authority of his father.’ This anomalous sequence is retained without correction. The phrase فيخرجه عن ظاهرة التأويل is awkward as supplied. The translation takes التأويل as the agent of ‘taking it away’ and ظاهرة as referring to the Quran’s apparent sense; the reading is uncertain.

[83] **Qur’an references (L862):** Qur’an 2:67 (Al-Baqarah); Qur’an 74:4 (Al-Muddaththir); Qur’an 4:176 (An-Nisa); Qur’an 5:106 (Al-Ma’idah); Qur’an 2:63 (Al-Baqarah); Qur’an 2:93 (Al-Baqarah); Qur’an 20:99 (Taha); Qur’an 20:100 (Taha); Qur’an 2:75 (Al-Baqarah); Qur’an 2:181 (Al-Baqarah); Qur’an 2:104 (Al-Baqarah); Qur’an 5:87 (Al-Ma’idah); Qur’an 2:229 (Al-Baqarah); Qur’an 4:14 (An-Nisa); Qur’an 2:31 (Al-Baqarah); Qur’an 6:106 (Al-An’am); Qur’an 29:51 (Al-’Ankabut); Qur’an 6:50 (Al-An’am); Qur’an 6:114 (Al-An’am); Qur’an 24:24 (An-Nur); Qur’an 17:73 (Al-Isra); Qur’an 16:89 (An-Nahl); Qur’an 16:44 (An-Nahl); Qur’an 14:4 (Ibrahim).

is among the ways in which these people find it easy to invert realities. We have become certain, through His statement, exalted is He, "And whoever comes with an evil deed—their faces will be cast down into the Fire. Are you recompensed for anything except what you used to do?" that no one is granted forgiveness except through a righteous deed that entitles him to Allah the Exalted's promise of mercy and forgiveness. From this we know with certainty that what Allah the Exalted intends by His statement, "And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing," is simply: Hasten toward the deeds that bring about forgiveness from your Lord, since there is no way to hasten toward forgiveness except through this. This is an instance of ellipsis indicated by the circumstances. We have said this for two reasons. The first is the clear text stating that no one is recompensed with forgiveness or anything else except according to his deeds. The second is the text stating that Allah charges no soul beyond its capacity, and it is within no one's capacity to hasten toward forgiveness by itself, without the mediation of a righteous deed. These two apparent textual meanings expressly establish that the verse contains an ellipsis indicated by the circumstances. As for what is tied to a single time, such as fasting Ramadan, a text has established the obligation to defer it until its appointed time Once the time has elapsed, inability to perform it as we were commanded has been established, unless another text comes concerning any of this, in which case one must stop at what it stipulates. Where something is tied to a time allowing a period of latitude, the text has come permitting its postponement until the end of its time and requiring its postponement until the beginning of its time. Once that time has elapsed, everything we said concerning the preceding case applies, without any difference. Such are the times for prayer. Where something has not come tied to a time, the obligation concerning it is to hasten to perform it at the earliest possible opportunity. Nevertheless, the command to perform it does not lapse from the person commanded merely because he disobeys by delaying it. The same applies to something tied to a time with a specified beginning but no specified end, or something tied to a specified, recurring time. The first type is exemplified by a sick person's or traveler's making up the days of Ramadan fasting: this is binding at the earliest time he is able to

تأخيره إلى وقته، فإذا خرج الوقت فقد ثبت العجز عن تأديته كما أمرنا إلا بأن يأتي في شيء من ذلك نص آخر فيوقف عنده، وما كان مرتبطا بوقت فيه مهلة فقد جاء النص بإباحة تأخيره إلى آخر وقته، وإيجاب تأخيره إلى أول وقته، فإذا خرج الوقت فكل ما قلنا في الذي قبله ولا فرق، وذلك كأوقات الصلاة. وما لم يأت مرتبطا بوقت، ففرضه البدار في أول أوقات الإمكان، إلا أن الأمر به لا يسقط عن المأمور به لعصيانه في تأخيره، وكذلك ما كان مرتبطا بوقت له أول محدود لم يحد آخره، أو ما كان مرتبطا بوقت محدود متكرر. فالنوع الأول: كقضاء صيام المريض والمسافر لأيام رمضان، فذلك لازم في أول أوقات القدرة عليه، فإن بادر إليه فقد أدى ما عليه وإن أخره لغير عذر كان عاصيا بالتأخير وكان الأمر عليه ثابتا أبدا. والنوع الثاني: كوجوب الزكاة، فإن لوقتها أولا وهو انقضاء الحول، وليس قبل ذلك أصلا، وليس لآخر وقتها آخر محدود، بل هو باق أبدا إلى وقت العرض على الله عز وجل، لأن النص لم يأت في ذلك بانتهاء، والقول في المبادرة إلى أدائها وفي التأخير كما قلنا في النوع الذي قبله. والنوع الثالث: كالحج فإنه مرتبط بوقت من العام محدود، وليس ذلك على الإنسان في عام بعينه، بل هو ثابت على كل مستطيع إلى وقت العرض على الله عز وجل، والقول في البدار إليه أو تأخيره، كالقول في النوعين اللذين قبله. فإن قال قائل: فلم أجزتم صيام كفارة اليمين وقضاء رمضان غير متتابع، وكذلك صيام متعة الحج، وكذلك غسل الأعضاء في الوضوء، والغسل من الجنابة والجمعة، فأجزتم كل ذلك غير متتابع؟. قيل له، وبالله تعالى التوفيق: إنا لم نفارق أصلنا الذي ذكرنا، ولا خالفنا النص في شيء من ذلك، لأن الله تعالى إنما أوجب في الكفارة ثلاثة أيام، ومعنى ثلاثة أيام يوم ويوم ويوم، ولكل يوم حكمه. فإذا صام يوما فقد صام بعض فرضه، وأدى من ذلك فرضا قائما بنفسه، والصيام شيء آخر غير المبادرة، فإذا صام غير مبادر فقد أطاع في أداء الصوم، وعصى في ترك البدار، وهما فرضان متغايران لا

do it. If he hastens to do it, he has discharged what he owes; if he delays it without an excuse, he disobeys through that delay, while the command remains binding upon him indefinitely. The second type is exemplified by the obligation of the obligatory alms: its time has a beginning, namely the completion of the year, and it is not due at all before that. Its time has no specified final endpoint; rather, it remains indefinitely, until the time of presentation before Allah, mighty and majestic, because no text has come specifying an endpoint for it. What is to be said about hastening to pay it and about delaying it is what we said concerning the preceding type. The third type is exemplified by pilgrimage: it is tied to a specified time of year, but is not incumbent upon a person in one particular year. Rather, it remains binding upon everyone able to undertake it until the time of presentation before Allah, mighty and majestic. What is to be said about hastening to undertake it or delaying it is what is to be said concerning the two preceding types. If someone says, 'Why, then, have you permitted fasting for the expiation of an oath and making up Ramadan without consecutiveness, and likewise fasting for combining the lesser pilgrimage with pilgrimage, and likewise washing the bodily members in ablution and performing the full ritual bath for major ritual impurity and for Friday? You have permitted all of this without consecutiveness.' He is told—and success comes through Allah Most High—'We have neither departed from the principle we mentioned nor contradicted the text in any of this, because Allah Most High has required only three days in the expiation, and the meaning of three days is a day, and a day, and a day, and each day has its own ruling. Thus, when he fasts one day, he has fasted part of his obligation and has thereby discharged an independently existing obligation. Fasting is something distinct from acting promptly. Thus, if he fasts without acting promptly, he has obeyed by performing the fast and disobeyed by failing to act promptly. These are two distinct obligations, neither of which is invalidated by the invalidity of the other. This is simply like someone who prays but does not pay the obligatory alms: he bears the sin of neglecting the obligatory alms and receives the reward for obedience through prayer. No soul will be wronged in anything: 'Whoever does an atom's weight of good will see it, and whoever does an atom's weight of evil will see it.' One would be invalidated by neglecting the other only

يبطل أحدهما ببطلان الآخر، وإنما ذلك كمن صلى ولم يزك، فعليه معصية ترك الزكاة، وله أجر الطاعة بالصلاة، ولا تظلم نفس شيئا: {فمن يعمل مثقال ذرة خيرا يره * ومن يعمل مثقال ذرة شرا يره} وإنما كان يبطل أحدهما بترك الآخر، ولو جاء النص يربط أحدهما بالآخر، كربطه تعالى التتابع في صيام الظهار، وفي صيام كفارة القتل، فهذان إن لم يتابعا فلم يؤديا كما أمر الله تعالى، ولم يشترط التتابع في قضاء رمضان، ولا في الكفارات، ولا في متعة الحج، وأمر الله تعالى بالمسارعة إلى الطاعات، هو أمر بأن يكون فعلنا على تلك الصفة من المسارعة، فالمسارعة المأمور بها صفة لفعلنا، فمن تركها عصى وكان مؤديا لما أداه غير مسارع ما لم يشترط الوقت والتتابع، وأمره تعالى بالتتابع في صيام الظهار، وكفارة القتل، هو أمر بأن يكون ذلك الصيامان على هذه الصفة، فالمتابعة المأمور بها هنالك صفة للشهرين، فإذا لم يكونا متتابعين فليسا اللذين أمر الله تعالى بهما. وكذلك نقول في غسل الأعضاء في الوضوء وغسل الجنابة أنه غير مأمور بذلك، إلا إذا قام إلى الصلاة فقط، فمتى أراد صلاة تطوع أو صلاة فرض فهو قائم إلى الصلاة، ولم يخص تعالى بذلك القيام إلى الصلاة فرض دون القيام إلى صلاة تطوع، فله حينئذ أن يغتسل ويتوضأ، فإذا أتمها فله أن يؤخر التطوع ما شاء، وله تأخير الفرض بمقدار ما يدركها مع الإمام، أو كان ممن عليه فرض حضورها في الجماعة، أو إلى آخر وقتها، إن كان ممن لا يلزمه فرض حضورها في جماعة، ثم لا يحل له تأخيرها أصلا أكثر. وأما من لا يريد صلاة، ولا يمكنه صلاة كالحائض إثر الجماع فقد صح عن رسول الله صلى الله عليه وسلم أنه طاف على جميع نسائه واغتسل بين كل اثنتين منهن، فصح بهذا النص أن الغسل جائز تعجيله، وإن لم يرد الصلاة بعده، وبالله تعالى نتأيد فلما أبيح لنا ذلك كان المفرق والمتابع يقع على فعلهما اسم وضوء وغسل على السواء وقوعا مستويا، وكان في غسله عضوا من أعضائه بنية ما أبيح له من تعجله، مؤديا لفرض غسل ذلك العضو، ولكل عضو حكمه فمن فرق

غسله أو وضوءه ما لم يقم إلى الصلاة فلم يترك مسارعة أمر بها حتى إذا أراد القيام إلى الصلاة، إما مع الأمام، وإما في آخر وقتها، ففرض عليه المسارعة إلى إتمام وضوئه وغسله.

if a text came linking one to the other, as He Most High linked consecutiveness to the fasting for the repudiation of a wife by likening her to a forbidden female relative and to the fasting for expiation for killing. If these two fasts are not performed consecutively, they have not been performed as Allah Most High commanded. He did not stipulate consecutiveness in making up Ramadan, in expiations, or in fasting for combining the lesser pilgrimage with pilgrimage. Allah Most High's command to hasten to acts of obedience is a command that our action possess that quality of promptness. The promptness commanded is thus a quality of our action. Whoever neglects it disobeys, while still performing whatever he has performed without promptness, provided that timing and consecutiveness have not been stipulated. His command, Most High, to observe consecutiveness in the fasting for such repudiation and for expiation for killing is a command that those two fasts possess this quality. The consecutiveness commanded there is a quality of the two months: if they are not consecutive, they are not the two that Allah Most High commanded. Likewise, we say concerning washing the bodily members in ablution and performing the ritual bath for major ritual impurity that a person is commanded to do this only when he rises to pray. Whenever he intends a voluntary prayer or an obligatory prayer, he is rising to pray. He Most High did not restrict this to rising for an obligatory prayer to the exclusion of rising for a voluntary prayer. He may then perform the ritual bath and ablution. Once he has completed them, he may delay the voluntary prayer as long as he wishes. He may delay the obligatory prayer by an amount that allows him to catch it with the prayer leader, or if he is among those obliged to attend it in congregation, or until the end of its time if he is among those not obliged to attend it in congregation. Thereafter, it is absolutely impermissible for him to delay it any further. As for someone who does not intend to pray and cannot pray, such as a woman menstruating immediately after intercourse, it has been authentically reported from the Messenger of Allah ﷺ that he went round to all his wives and performed a ritual bath between every two of them. This text therefore establishes that it is permissible to perform the ritual bath in advance even if one does not intend to pray after it. Through Allah Most High we are strengthened. Since that has been permitted to us, the actions of both the person who separates

the washing into intervals and the person who performs it consecutively bear the names ‘ablution’ and ‘ritual bath’ equally, with equal applicability. In washing one of his bodily members with the intention of performing in advance what he has been permitted to perform in advance, he discharges the obligation to wash that member. Each member has its own ruling. Thus, someone who separates his ritual bath or ablution into intervals, so long as he has not risen to pray, has not neglected any promptness that he was commanded to observe. Then, when he intends to rise to pray, either with the prayer leader or at the end of its time, it becomes obligatory for him to hasten to complete his ablution and ritual bath.[848][586]

L886 Likewise, we have said concerning making up Ramadan that He Most High commanded only other days and did not stipulate consecutiveness in them. Whoever hastens to fast them has discharged the obligation of fasting and the obligation of acting promptly. Whoever does not act promptly but fasts has discharged the obligation of fasting and disobeyed by neglecting the obligation of haste. Likewise, we say concerning someone who does not hasten to pay his obligatory alms at the earliest time they become obligatory, and someone who delays pilgrimage beyond the earliest possible opportunity, that if he subsequently performs pilgrimage and pays the obligatory alms, he has discharged the obligation of the obligatory alms and pilgrimage, while bearing the sin of disobedience for neglecting haste. His performance of whatever he performs of these does not remove that sin from him, except in the weighing on the Day of Resurrection, the day when they find what they have done present, and your Lord wrongs no one. Ali said: Another thing

وكذلك قلنا في قضاء رمضان: إنه إنما أمر تعالى بأيام أخر، ولم يشترط فيها المتابعة، فمن بادر إلى صيامها فقد أدى فرض الصوم وفرض البدار، ومن لم يبادر وصام فقد أدى فرض الصوم، وعصى في ترك فرض المسارعة. وكذلك نقول فيمن لم يعجل تأدية زكاته في أول أوقات وجوبها، وفيمن أخر الحج عن أول أوقات الإمكان، أنه إن حج وزكى بعد ذلك فقد أدى فرض الزكاة والحج، وعليه إثم المعصية بترك المسارعة، لا يسقط ذلك الإثم عنه أداء ما أدى من ذلك إلا في الموازنة يوم القيامة، يوم وجدوا ما عملوا حاضرا ولا يظلم ربك أحدا. قال علي: ومما يوجب أيضا فرض المبادرة إلى الطاعة قول الله تعالى {ولسابقون لسابقون * أولئك لمقربون} وقد قال عليه السلام لا يزال قوم يتأخرون حتى يؤخرهم الله تعالى أو كلاما هذا معناه هذا وإن كان إنما أوجب أن يقول عليه السلام تأخر قوم عن الصف الأول لبعض الأمر المكروه، فهو محمول على ظاهره ومقتضى لفظه على ما قد أثبتنا وجوبه في الفصل الذي قبل هذا.

[84]**Translator’s note (L877):** The phrase مما يسر فيه هؤلاء القوم لعكس الحقائق is awkward and possibly corrupt. The translation takes يسر as conveying ease or facilitation, but its precise construction is uncertain.

[85]**Translator’s note (L883):** The conditional construction translated as ‘only if a text came’ is awkward in the supplied Arabic, which includes an apparently superfluous conjunction before ‘if.’ The reference to ‘expiations’ without a qualification is retained, although the author has just distinguished expiations requiring consecutive fasting. The prayer-delay sentence reads ‘or if he is among those obliged,’ producing a disrupted construction. This has been preserved rather than silently changed to ‘if he is among those obliged.’

[86]**Qur’an references (L877):** Qur’an 3:133 (Ali ’Imran); Qur’an 2:148 (Al-Baqarah); Qur’an 27:90 (An-Naml); Qur’an 99:7 (Az-Zalzalah); Qur’an 99:8 (Az-Zalzalah).

establishing the obligation to hasten to obedience is the saying of Allah Most High: 'And the foremost, the foremost—those are the ones brought near.' He, peace be upon him, also said, 'People will continue to hang back until Allah Most High puts them back,' or words to this effect. Although what occasioned his saying this, peace be upon him, was some people's hanging back from the first row for some objectionable reason, it is nevertheless to be understood according to its apparent sense and what its wording entails, in accordance with what we have already established as obligatory in the section preceding this one.[87]

L887 Ali said: Abu Bakr Muhammed ibn Dawud, may Allah have mercy upon him, asked those who permitted delaying pilgrimage: 'When did the person who delayed pilgrimage until he died become disobedient? During his lifetime? That is contrary to your position. Or after his death? Death does not establish against anyone a sin that was not incumbent upon him during his lifetime.' Ali said: We add to this question by saying: After death, no one incurs sin except someone who instituted an evil practice in which others follow his example. One of those who permitted this, namely Abu al-Hasan al-Qattan al-Shafi'i, answered him by saying: 'He was entitled to delay only on condition that he perform it before he died. When he died before performing it, we knew that delaying it had not been permissible for him.' Ali said: We say that Abu al-Hasan did not achieve a satisfactory answer. He would have gone further in contentious argument had he said that the man incurred sin in the last year in which he was able to perform pilgrimage but did not perform it, just as al-Shafi'i said concerning someone who swore an

قال علي: وقد سأل أبو بكر محمد بن داود رحمة الله عليه من أجاز تأخير الحج فقال: متى صار المؤخر للحج إلى أن مات عاصيا، أفي حياته فهذا غير قولكم أو بعد موته؟ فالموت لا يثبت على أحد معصية لم تكن لازمة في حياته. قال علي: ونحن نزيد في هذا السؤال فنقول: وبعد الموت لا يأثم أحد إلا من سن سنة سوء يقتدى به فيها. فأجابه بعض المجيزين لذلك وهو أبو الحسن القطان الشافعي بأن قال: إنما كان له في التأخير بشرط أن يفعل قبل أن يموت، فلما مات قبل أن يفعل علمنا أنه لم يكن له مباحا التأخير. قال علي: ونحن نقول: إن أبا الحسن لم يحقق الجواب الشافي، وكان أدخل في الشغب لو قال: إنه إثم في آخر عام قدر فيه على الحج ولم يحج، كما قال الشافعي فيمن حلف بالطلاق، إن لم يطلق امرأته، إنها لا تطلق إلا آخر أوقات صحته التي كان فيها قادرا على الطلاق.

[87] **Translator's note (L886):** The Quranic quotation corresponding to 56:10–11 omits initial alifs in several words in the supplied transcription. The identifiable wording and its repetition are retained in translation. The construction explaining what occasioned the prophetic saying is grammatically disrupted. The translation gives its apparent contextual sense without treating the supplied wording as a sound construction. The wording about finding deeds present and the Lord wronging no one echoes Quran 18:49, but the supplied text uses a past-tense construction, 'they found,' within its description of the future Day of Resurrection.

oath of divorce if he did not divorce his wife: she is not divorced until the last moments of his health during which he was capable of divorcing her.[88]

L888–895 Ali said: We shall answer both these responses together with a clear explanation, through Allah's power and strength. We say: Allah Most High said, "Allah burdens no soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people." Allah Most High holds someone guilty of sin only if he omits something which he does not know he is not permitted to omit, or concerning which a proof has been established against him; or if he does something which he knows he is not permitted to do, or concerning which a proof has been established against him. Allah has not disclosed to anyone the time of his death, nor informed him of the last moments of his ability. Nor has any proof been established against him at that time beyond what had already been established in all his previous circumstances, nor has any command newly become incumbent upon him beyond what had become incumbent before that time. Thus, if he is disobedient at that time, he was disobedient before that time; and if he was not disobedient before that time, he is not disobedient at that time, except on the basis of a text singling out that time, rather than any other, as the time at which sin is incurred. Whoever distinguishes between times without a text or consensus has spoken without knowledge, and that is forbidden. Furthermore, Allah Most High has not required anyone to know whether he will die before discharging what is incumbent upon him, thereby incurring sin, or to know that he will not die until he has discharged it, so that guilt is lifted from him. Al-Qattan's statement entails that people are required to know this. It also entails that those who are able to perform the pilgrimage but postpone it without an excuse are subject to different rulings, some of them being sinful

[88] **Translator's note (L887):** The conditional-divorce example is elliptically worded in the Arabic. It concerns an oath making divorce contingent on failure to divorce, but no fuller oath formula is supplied.

قال علي: ونحن نجيب في هذين الجوابين معا ببيان لائح بحول الله وقوته فنقول قال الله تعالى {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها 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} وإنما يلزم الله تعالى الإثم من ترك ما لم يعلم أنه ليس له تركه، أو قامت عليه بذلك حجة، أو عمل ما يعلم أنه ليس له أن يعمله، أو قامت عليه حجة بذلك، ولم يطلع الله أحدا على وقت منيته، ولا عرفه بآخر أوقات قدرته، ولا قامت عليه حجة في ذلك الوقت إلا ما قد قام في سائر الأحوال قبل ذلك، ولا حدث عليه من الأوامر إلا ما حدث قبل ذلك الوقت، فإن كان عاصيا في ذلك الوقت فهو عاص قبل ذلك الوقت، وإن لم يكن عاصيا قبل ذلك الوقت فليس عاصيا في ذلك الوقت، إلا بنص يخص ذلك الوقت، بوقوع المأثم فيه دون غيره، ومن فرق بين الأوقات بلا نص ولا إجماع، فقد قال بلا علم وذلك حرام. وأيضا فإن الله تعالى لم يكلف أحدا أن يعلم هل يموت قبل أن يؤدي ما عليه فيأثم، أو يعلم أنه لا يموت حتى يؤدي فيسقط عنه المأثم، وقول القطان يوجب أن الناس مكلفون ذلك، ويوجب أيضا أن يكون المستطيعون للحج المؤخرون له بلا عذر مختلفي الأحكام، فبعضهم آثم في تأخيره، وهذا مع ما فيه من التحكم بلا دليل، ومن تكليف المرء علم متى يموت، فمخالف لجملة مذاهب أصحابه في الفسخ في تأخير الحج جملة، وهو ممن لا يخالفها أصلا، ولولا ذلك لشكرناه على خلافها ولم نلمه وبالله تعالى التوفيق فبقي سؤال أبي بكر رحمة الله عليه بحسبه قال أبو محمد ومما يبين أن الأوامر على الفور قوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم

in postponing it. Besides involving arbitrary assertion without evidence and requiring a person to know when he will die, this contradicts the entirety of his companions' positions concerning annulment in the matter of postponing the pilgrimage altogether. He is someone who does not depart from those positions at all. Were that not so, we would have thanked him for departing from them and would not have blamed him. Success is through Allah Most High. Thus Abu Bakr's question—may Allah have mercy upon him—remains as it stood. Abu Muhammed said: Among the things demonstrating that commands require immediate compliance is His statement, Most High: "The believers should not go forth all together. Why, then, should a party from every group of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, that they may beware?" Thus He, Most High, made acceptance of the warning obligatory. And He, Most High, said, "O you who believe, if a morally corrupt person comes to you with news, ascertain the truth, lest you harm a people in ignorance and then become remorseful over what you have done." Thus He, Most High, commanded withholding acceptance of a morally corrupt person's report and excepted it from the acceptance of warnings. There is only withholding or immediate action; there is no possible third division except complete abandonment, and withholding is itself also abandonment. Since He singled out the morally corrupt person's report for withholding acceptance, thereby distinguishing it from the report of someone who is not morally corrupt, it necessarily became obligatory to act immediately upon the report of a person of probity. Immediate compliance is therefore obligatory by necessary demonstration, and suspension is invalid except in the case of a morally corrupt person's report. Ali said: Sufficient for this is what Abdullah ibn Yusuf, the righteous man, related to us. He said: Ahmad ibn Fath related to us; Abd al-Wahhab ibn Isa al-Baghdadi related to us, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Abdullah ibn Muadh al-Anbari related to us, and he said: My father related to us; Shubah related to us, from al-Hakam, who heard Ali ibn al-Husayn, from Dhakwan, the freedman of Aishah, that she said: The Messenger of Allah ﷺ arrived when four or five days of Dhu al-Hijjah had elapsed. The Messenger of Allah ﷺ came in to me while angry, and I said, "Who has angered you, O

لعلهم يحذرون} فأوجب تعالى قبول النذارة وقال تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} فأمر تعالى بالتوقف في قبول خبر الفاسق واستثناه من قبول النذارة، وليس إلا توقف أو بدار، ولا سبيل إلى قسم ثالث إلا الترك جملة، والتوقف هو أيضا ترك، فلما خص خبر الفاسق بالتوقف فيه، وأبانه بذلك عن خبر غير الفاسق، وجب البدار ضرورة إلى خبر العدل، فوجب الفور بالبرهان الضروري، وبطل الوقف إلا في خبر الفاسق. قال علي: ويكفي من ذلك ما حدثناه عبد الله بن يوسف الرجل الصالح، قال: ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى البغدادي، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا عبد الله بن معاذ العنبري وقال: ثنا أبي، ثنا شعبة، عن الحكم، سمع علي بن الحسين عن ذكوان مولى عائشة أنها قالت قدم رسول الله صلى الله عليه وسلم لأربع مضين من ذي الحجة أو خمس فدخل علي رسول الله صلى الله عليه وسلم وهو غضبان فقلت من أغضبك يا رسول الله أدخله الله النار قال أوما شعرت أني أمرت الناس بأمر فإذا هم يترددون، ولو أني استقبلت من أمري ما استدبرت ما سقت الهدي معي حتى أشتريه، ثم أحل كما حلوا قال علي فرفع هذا الحديث الشك جملة وبين عليه السلام أن أمره كله على الفرض وعلى الفور وإن التردد حرام لا يحل ونعوذ بالله العظيم من كل ما أغضب النبي صلى الله عليه وسلم فإن اعترضوا بمن بلغه المنسوخ ولم يبلغه الناسخ، قلنا: هو بمنزلة من لم يبلغه الأمر في أنه لم يلزم حكما فلا يلام على تركه حتى يبلغه، ولا يعذب على تركه حتى يعمله وبالله تعالى التوفيق بل حكمه الثبات على ما بلغه من المنسوخ، لأنه مأمور به جملة حتى يبلغه الناسخ لقوله 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

Messenger of Allah? May Allah admit him to the Fire!" He said, "Have you not realized that I gave the people a command, and there they are hesitating? Had I known at the outset of my affair what I came to know afterward, I would not have driven the sacrificial animals along with me; instead, I would buy them and then leave the state of ritual consecration as they have done." Ali said: This report removes doubt altogether. He, peace be upon him, made clear that all his commands impose an obligation and require immediate compliance, and that hesitation is forbidden and impermissible. We seek refuge in Allah the Magnificent from everything that angered the Prophet ﷺ. If they raise the objection of someone whom the abrogated ruling has reached but whom the abrogating ruling has not reached, we say: He is in the position of someone whom the command has not reached, in that he has not become bound by a ruling. He is therefore not blamed for omitting it until it reaches him, nor punished for omitting it until he performs it. Success is through Allah Most High. Rather, the ruling concerning him is that he must adhere to the abrogated ruling that has reached him, since he is commanded to follow it as a whole until the abrogating ruling reaches him, because of His statement, Most High: "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that by it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only One God, and I am free of whatever you associate with Him." It is thus established that whatever command of Allah Most High has reached him in the Quran or upon the tongue of the Messenger of Allah ﷺ is what binds him, because of His statement, Mighty and Majestic: "Obey Allah and obey the Messenger, and beware. If you turn away, know that Our Messenger is responsible only for clear conveyance." This remains so until the abrogating command reaches him. At that point the abrogated ruling ceases to bind him, and the abrogating ruling becomes binding upon him. As for their adducing his postponement of the pilgrimage, peace be upon him, he performed the pilgrimage before the Emigration. Jubayr ibn Mutim saw him standing at Arafat, and Jubayr found this objectionable because he—peace be upon him—was among the five who did not stand at Arafat. Sufficient in all this is that we are certain that Allah Most High commanded him to

بريء مما تشركون} فصح أن الذي بلغه من أمر الله تعالى في القرآن أو على لسان رسول الله صلى الله عليه وسلم هو اللازم لقوله عز وجل {وأطيعوا الله وأطيعوا لرسول وحذروا فإن توليتم فعلموا أنما على رسولنا لبلاغ لمبين} حتى يبلغه الأمر الناسخ فحينئذ يسقط عنه المنسوخ ويلزمه الناسخ وأما احتجاجهم بتأخيره عليه السلام الحج فقد حج عليه السلام قبل الهجرة ورآه جبير بن مطعم واقفا بعرفة فأنكر جبير ذلك لأنه كان عليه السلام من الخمسة الذين لا يقفون بعرفة ويكفي من هذا كله أنا على يقين من أن الله تعالى أمره بتأخير الحج، حتى يعهد إلى المشركين ألا يقربوا المسجد الحرام، وإنما قطعنا على ذلك لقول الله تعالى آمرا 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} فصح يقينا أنه عليه السلام لا يفعل إلا ما يوحي إليه ربه عز وجل فلما أخر الحج علمنا أنه فعل ذلك عليه السلام بوحي وكان عليه السلام قد أعلمه ربه تعالى أنه لا يقبضه حتى يتم التعليم، ويكمل التبليغ، ويدخل الناس في دين الله أفواجا، وهذا يقتضي أنه لا يموت حتى يعلم الناس مناسكهم وليس غيره عليه السلام كذلك وأيضا فلا ندري متى نزل فرض الحج عليه لعله إنما نزل عليه إذ حج عليه السلام حجة الوداع وهذا هو الأظهر لأنه لو نزل قبل ذلك لما آخر عليه السلام تعليم المناسك إلى حجة الوداع التي قال فيها: خذوا عني مناسككم لعلي لا ألقاكم بعد عامي هذا أو كما قال عليه السلام ويبين ذلك الحديث الطويل عن جابر ففي أوله ثم أذن رسول الله صلى الله عليه وسلم في العاشرة أن رسول الله صلى الله عليه وسلم حاج فلو فرض الحج قبل ذلك لما أخر الأذان في الناس بوجوبه عليهم. والحديث المأثور من طريق ابن عباس وأبي هريرة إذ خطب الناس فقال إن الله فرض عليكم الحج فقال له قائل وقيل إنه الأقرع بن حابس أفي كل عام يا رسول الله وهذا والله أعلم إنما كان في حجة الوداع وقد أخبرت عائشة

postpone the pilgrimage until he had given the polytheists notice that they were not to approach the Sacred Mosque. We assert this decisively only because of Allah Most High's statement, commanding him to say: "Say: I am no unprecedented one among the messengers, nor do I 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." Thus it is established with certainty that he, peace be upon him, does only what his Lord, Mighty and Majestic, reveals to him. Thus, when he postponed the pilgrimage, we knew that he did so, peace be upon him, by revelation. His Lord Most High had informed him, peace be upon him, that He would not take his soul until instruction was complete, conveyance had been fulfilled, and people entered the religion of Allah in multitudes. This entails that he would not die until he had taught people their pilgrimage rites. Others are not in the same position as he, peace be upon him. Furthermore, we do not know when the obligation of pilgrimage was revealed to him. Perhaps it was revealed to him only when he, peace be upon him, performed the Farewell Pilgrimage. This is the more apparent conclusion, because, had it been revealed before that, he, peace be upon him, would not have postponed teaching the rites until the Farewell Pilgrimage, during which he said, "Take your pilgrimage rites from me; perhaps I shall not meet you after this year of mine," or words to that effect, as he, peace be upon him, said. The lengthy report from Jabir makes this clear. At its beginning it says: "Then, in the tenth year, the Messenger of Allah ﷺ announced that the Messenger of Allah ﷺ would perform the pilgrimage." Had the pilgrimage been made obligatory before that, he would not have postponed announcing to the people that it was obligatory upon them. There is also the report transmitted through Ibn Abbas and Abu Hurayrah, when he addressed the people and said, "Allah has made the pilgrimage obligatory upon you." Someone said to him—and it is said that this was al-Aqra ibn Habis—"Every year, O Messenger of Allah?" This, and Allah knows best, occurred only during the Farewell Pilgrimage. Aishah, may Allah be pleased with her, related information indicating this: their departure for the pilgrimage that year while awaiting his command, peace be upon him, as revelation was descending upon him; the rulings revealed during that pilgrimage, including the abrogation of pilgrimage for someone who had not driven sacrificial an-

رضي الله عنها بما يدل على ذلك من خروجهم إلى الحج في ذلك العام ينتظرون أمره عليه السلام والوحي ينزل عليه والأحكام التي نزلت في تلك الحجة من نسخ الحج لمن لم يسق الهدي، وأن يحل بمتعة، ومن إيجاب القران على من ساق الهدي، وسائر ما نزل في تلك الحجة من بيان شرائع الحج مما لم يكن نزل قبل ذلك، وبالله تعالى التوفيق، وصلى الله على محمد نبي الرحمة وهادي الأمة وسلم

imals and his leaving the state of ritual consecration through a preliminary lesser pilgrimage followed by pilgrimage, and the imposition of combining the lesser pilgrimage and pilgrimage in one state of ritual consecration upon someone who had driven sacrificial animals; and all the other explanations of the ordinances of pilgrimage revealed during that pilgrimage which had not been revealed before then. Success is through Allah Most High. May Allah bless Muhammed, the Prophet of mercy and guide of the community, and grant him peace. ﷺ[89909192939495]

[89]**Translator's note (L888):** The wording "which he does not know he is not permitted to omit" follows the supplied لم يعلم أنه ليس له تركه. The negative makes the statement conflict with its apparent argument; it has not been silently removed. The Quranic quotation is 2:286. The supplied Arabic contains several defective spellings and omitted initial letters; these do not produce a distinct intelligible meaning in English.

[90]**Translator's note (L889):** The expression في الفسخ في تأخير الحج جملة, rendered "concerning annulment in the matter of postponing the pilgrimage altogether," is awkward and possibly corrupt. The supplied reading الفسخ means annulment or rescission; its intended reference here is unclear. The first Quranic quotation is 9:122; the second begins 49:6 and continues in the next unit.

[91]**Translator's note (L890):** The supplied Quranic quotation, continuing 49:6, has the malformed تصيببوا, with an extra consonant, where the meaning is "you harm."

[92]**Translator's note (L892):** The supplied حتى يعمله means "until he performs it," as translated. In this argument, "until he knows it" might have been intended, but that would require a different Arabic reading. The Quranic quotations are 6:19 and 5:92. The salutation at the end is divided between this unit and the next; its English rendering is likewise divided.

[93]**Translator's note (L893):** The supplied الخمسة means "the five," as translated. In this context it appears to be a corruption of الحمس, al-Hums, the designation of a group associated with Quraysh who did not stand at Arafat; that reading has not been substituted. The Quranic quotation is 46:9.

[94]**Translator's note (L895):** متعة is rendered as a preliminary lesser pilgrimage followed by pilgrimage, the arrangement technically called tamattu; القران is rendered as combining the lesser pilgrimage and pilgrimage in one state of ritual consecration, technically qiran. The supplied wording نسخ الحج, "the abrogation of pilgrimage," is retained. In context it concerns changing the pilgrimage undertaking of those without sacrificial animals into a lesser pilgrimage, followed by pilgrimage.

[95]**Qur'an references (L888):** Qur'an 2:286 (Al-Baqarah); Qur'an 9:122 (At-Tawbah); Qur'an 49:6 (Al-Hujurat); Qur'an 6:19 (Al-An'am); Qur'an 46:9 (Al-Ahqaf).

[فصل في الأمر المؤقت بوقت محدود الطرفين في الأمر المؤقت بوقت محدود الطرفين متى يجب أفي أوله أم في آخره؟ والأمر المرتبط به بصفة ما، والأمر المؤقت بوقت محدود الأول غير محدود الآخر]

L896 **[Section on a command assigned to a period with both endpoints defined; on a command assigned to a period with both endpoints defined: when does it become obligatory, at its beginning or at its end? And on a command linked to a particular attribute, and a command assigned to a period whose beginning is defined but whose end is undefined]**[96]

L897–908 It also contains additional points relating to the section we completed before this. Ali said: As for a command linked to a time within which there is no latitude, it is impermissible to advance its performance before its time nor delaying it beyond its time. This is what we mentioned previously concerning fasting the month of Ramadan. If a text prescribes making up for it and performing it at another time, one must abide by that text; this constitutes another act that has been commanded. If neither a text nor a consensus establishes this, no part of it may be performed outside its time. The same applies to every act tied to a period with two defined endpoints, such as the times of the prayers and anything comparable: no part of any such act may be performed before its time begins or after its time ends. Whoever likens this to debts owed to human beings must consequently permit fasting Ramadan in Shaʿban, by analogy with paying people's debts before their due dates. He must also permit performing the prayers before their times, by analogy with that and with their permission to pay obligatory alms before their time falls due. Some of them have said three years in advance; some, a year or less; and some, a month, two months, or thereabouts. Some have made arbitrary distinctions, permitting the obligatory alms on wealth to be paid a month or two before the completion of the year, while forbidding two and a half months; and permitting the obligatory alms at the breaking of the fast to be paid a day or two in advance, while forbidding three days. Merely hearing this position is sufficient to establish its invalidity, for it is a

[96] **Translator's note (L896):** The heading repeats "a command assigned to a period with both endpoints defined"; the repetition is retained. Its square brackets may indicate editorial presentation, but the supplied text does not establish who added them.

وفيه زيادات تتعلق بالفصل الذي أتممناه قبل هذا. قال علي: أما الأمر المرتبط بوقت لا فسحة فيه فغير جائز تعجيل أدائه قبل وقته، ولا تأخيره عن وقته، وذلكم ما ذكرنا قبل هذا من صيام شهر رمضان، فإن جاء نص بالتعويض منه وأدائه في وقت آخر، وقف عنده، وكان ذلك عملا آخر مأمورا به، وإن لم يأت بذلك نص ولا إجماع، فلا يجوز أن يؤدى بشيء منه في غير وقته. وكذلك كل عمل مرتبط بوقت محدود الطرفين، كأوقات الصلوات وما جرى هذا المجرى، فلا يجوز أداء شيء من ذلك قبل دخول وقته، ولا بعد خروج وقته، ومن شبه ذلك بديون الآدميين لزمه أن يجيز صيام رمضان في شعبان قياسا على تعجيل ديون الناس قبل حلول أوقاتها، ولزمه أن يجيز تقديم الصلوات قبل وقتها قياسا على ذلك، وعلى ما أجازوا من تعجيل الزكاة قبل حلول وقتها، فبعضهم قال: بثلاثة أعوام، وبعضهم قال: بعام فأقل، وبعضهم قال: الشهر والشهرين ونحو ذلك، وبعضهم فرق متحكما، فأجاز تعجيل الزكاة التي في الأموال قبل الحول بشهر أو شهرين، ومنع من شهرين ونصف، وأجاز في تعجيل زكاة الفطر اليوم واليومين ومنع من ثلاثة أيام، وهذا قول يكفي من بطلانه سماعه، لأنه حكم بلا إذن من الله عز وجل، وفرق بلا دليل. قال علي: ولا فرق بين ما أجاز أداء الأمر بعد انقضاء وقته، وبين من أجازه قبل دخول وقته هذا على أن بعضهم قد أجاز للمريض الذي يخاف تغير عقله تعجيل الصلاة قبل وقتها، فإذا ادعوا أن الإجماع منعهم من ذلك أكذبهم قول ابن عباس؛ فإنه يجيز أداء الصلاة قبل دخول

ruling without permission from Allah, mighty and majestic, and a distinction without evidence.

Ali said: There is no difference between one who permits performing the commanded act after its time has elapsed and one who permits it before its time begins. Moreover, some of them have permitted a sick person who fears an alteration in his mental faculties to perform the prayer before its time. If they claim that consensus prevented them from doing that, the position of Ibn Abbas gives the lie to them, for he permits performing the prayer before its time begins, and the noon prayer before the sun passes its zenith. In people's debts, there is no difference between paying them after their appointed time and maturity and paying them before their appointed time and maturity. Let them therefore say the same concerning all the ordinances of Allah Most High.

Ali said: The invalidity of this analogy is easy to establish. Even if analogy were valid, in this instance it would be utterly invalid, through Allah's power and might. We say, then—and success comes through Allah Most High—that no one may pay people's debts that have a fixed term before their due dates, or delay them beyond their due dates, except with the permission and consent of those to whom the debts are owed. There is no disagreement about this as a whole, although those who have contradicted themselves have done so concerning certain aspects of it. Nor is there any disagreement that, if someone is owed three debts by another person arising from three transactions, all of them having specified terms, and the creditor permits one particular debt to be paid before its due date, and the debtor consents to that, then permits another particular debt to be delayed beyond the arrival of its due date, this does not entail permission to pay early the debt whose early payment he has not permitted, nor does it authorize delaying it beyond its due date. No two people disagree about this. If people's permission concerning the early payment or deferment of those debts for which they have given permission does not require that the rest of their debts, concerning which they have remained silent, be treated by analogy with those whose early payment they have permitted, then there is still less justification for treating debts owed to Allah Most High, whose deferment or early discharge He has not permitted,

وقتها، وصلاة الظهر قبل زوال الشمس، ولا فرق في ديون الناس بين أدائها بعد وقتها وحلول أجلها، وبين أدائها قبل وقتها وحلول أجلها فليقولوا كذلك في جميع شرائع الله تعالى. قال علي: وبطلان هذا القياس سهل، فلو كان القياس حقا لكان في هذا المكان باطلا بحتا، بحول الله وقوته، فنقول وبالله تعالى التوفيق: إن ديون الناس التي إلى أجل، لا يجوز لأحد أداؤها قبل حلول أوقاتها، ولا تأخيرها عن حلول أوقاتها إلا بإذن الذين لهم الديون ورضاهم، ولا خلاف في ذلك جملة، ولكن تناقض من تناقض في بعض ذلك، ولا خلاف في أن من كان له على أحد ثلاثة ديون من ثلاث معاملات، وكلها إلى آجال محددة، فأذن الذي له الدين في تعجيل أحد تلك الديون بعينه قبل الأجل، ورضي بذلك الغريم ثم أذن في تأخير آخر من تلك الديون بعينه بعد حلول أجله، فليس ذلك بموجب جواز تعجيل الدين الذي لم يأذن بتعجيله، ولا بمجيز تأخيره عن أجله هذا ما لا خلاف بين اثنين فيه، فإذا لم يكن إذن الناس فيما أذنوا فيه من تعجيل ديونهم أو تأجيلها، موجبا أن يقاس ما سكتوا عنه من سائر ديونهم على ما أذنوا فيه من تعجيل ديونهم، فذلك أبعد من أن تقاس ديون الله تعالى التي لم يأذن في تأجيلها، ولا في تعجيلها على ما أذن الناس فيه من تعجيل ديونهم وتأجيلها. قال علي: وهذا ما لا خفاء به على من له مسكة عقل، وأيضا فلا خلاف بين اثنين في أن من له دين فأسقطه البتة، ورضي الغريم بذلك، فإن ذلك الدين ساقط، فيلزمهم إذا أجازوا تأخير ديون الله تعالى عن أوقاتها، وتعجيل بعضها عن أوقاتها وإن لم يأذن الله تعالى في ذلك قياسا على جواز تأخير ديون الناس، وجواز تعجيلها إذا أذنوا في ذلك بأن يجيزوا سقوط ديون الله تعالى بالبتة، وإن لم يأذن الله تعالى في ذلك، قياسا على سقوط ديون الناس بالبتة إذا أذنوا في ذلك وهذا أصح قياس وأشبه بقياسهم الذين حكوا، لو كان القياس حقا، والقياس بحمد الله تعالى باطل محض. قال علي: وأيضا فإن الزكوات والكفارات بالصدقات، وإن كان الله

by analogy with people's permission for the early payment and deferment of their debts.

Ali said: This is not obscure to anyone who possesses the slightest measure of reason. Furthermore, no two people disagree that, if someone to whom a debt is owed cancels it entirely, and the debtor consents to that, the debt is canceled. Thus, if they permit debts owed to Allah Most High to be delayed beyond their times, and some of them to be discharged before their times, even though Allah Most High has not permitted that, by analogy with the permissibility of delaying people's debts or paying them early when they give permission, they must consequently permit debts owed to Allah Most High to be canceled altogether, even though Allah Most High has not permitted that, by analogy with the complete cancellation of people's debts when they give permission. This would be a sounder analogy and more closely resemble the analogy they have related, if analogy were valid. But analogy, praise be to Allah Most High, is utterly invalid.

Ali said: Furthermore, although Allah Most High has assigned obligatory alms and expiations made through charitable payments to the needy, they do not fall under the rules governing people's debts in any respect whatsoever because the debts owed to people, to which they have sought to liken obligatory alms, belong to particular individuals. Their decisions concerning those debts are therefore valid, because these are assets specifically belonging to them and inherited from them. Obligatory alms and expiations, however, do not belong to particular needy individuals, nor are these needy individuals more entitled to them than other needy individuals. Where this is the case, those needy individuals who happen to be present have no authority to permit either early payment or deferment. They become entitled to them only by taking possession of them at their prescribed times, neither before nor afterward. The explanation of this is that these payments are not inherited from them before they take possession of them, and neither their decisions concerning them, nor their disposal of them, nor their release of the payer from liability is valid before taking possession of them. There is no disagreement about any of this. The Messenger of Allah ﷺ likened debts owed to people to debts owed to Allah Most High in only two respects, with no third:

تعالى قد جعلها للمساكين، فليست من حكم ديون الناس في ورد ولا صدر، لأن ديون الناس التي راموا تشبيه الزكوات بها، هي لأقوام بأعيانهم، فحكمهم جائز فيها، لأنها مال متعين لهم، وموروث عنهم، وأما الزكوات والكفارات فليست لقوم من المساكين بأعيانهم، ولا هؤلاء المساكين بأولى بها من غيرهم من المساكين، فما كان هكذا فلا إذن لمن حضر من المساكين فيها لا بتعجيل ولا بتأجيل، ولا يستحقونها إلا بقبضها في أوقاتها، لا قبل ذلك ولا بعده. وبيان ذلك أنها لا تورث عنهم قبل قبضهم لها، ولا يجوز حكمهم فيها، ولا تصرفهم ولا إبراؤهم قبل قبضها وكل هذا لا خلاف فيه وإنما شبه رسول الله صلى الله عليه وسلم ديون الناس بديون الله تعالى في شيئين لا ثالث لهما أحدها بقاء حكمها بعد الموت وبعد العجز والثاني أداء الولي لها عن الميت فعصوا الله تعالى أو من عصاه منهم ورسوله صلى الله عليه وسلم في الوجهين اللذين شبه رسول الله صلى الله عليه وسلم فيها ديون الناس بديون الله تعالى وتركوهما معا، فقالوا: من مات وعليه حج أو زكاة أو صيام أو كفارات، فقد سقط وجوبها فيما ترك، ولا يقضى عنه إلا أن يأمر بذلك فيقضى عنه الزكاة والحج خاصة من الثلث، ويطعم عنه إن أوصى بذلك في الصيام فقط. ثم شبهوا ديون الله بديون الناس فيما لا شبه فيه بينهما، وفيما لم يأذن به الله عز وجل، ومن شغب منهم بالحديث الذي روي من جمع زكاة الفطر في المسجد، ومبيت أبي هريرة عليها، فلا حجة لهم فيه، لأنه لا يخلو ذلك الجمع المذكور من أحد وجهين لا ثالث لهما: أحدهما: أن تكون جمعت ولم تفرق حتى يأتي يوم الفطر الذي هو وقت أدائها، وليس هذا مخالفا لقولنا، ولو جاء وقت أدائها لما حل لمسلم أن يظن بالنبي صلى الله عليه وسلم أنه أخر إعطاءها وهو عليه السلام إذ بقي عنده دينار لم يستحقه عليه أحد لم يأو إلى نسائه، ولا فارق المسجد ليلا ولا نهارا قلقا آسفا حتى يعطيه، فكيف يمنع أحدا حقا وقد وجب أداؤه ومن

the first is that their binding force remains after death and after incapacity; the second is that the deceased's guardian discharges them on his behalf. Yet they—or those among them who have disobeyed Him—disobeyed Allah Most High and His Messenger ﷺ regarding the two respects in which the Messenger of Allah ﷺ likened debts owed to people to debts owed to Allah Most High, abandoning both together. They said: If someone dies owing a pilgrimage, obligatory alms, fasting, or expiations, there lapses the obligation to discharge them from what he has left, and they are not discharged on his behalf unless he directs this. In that case, only the obligatory alms and pilgrimage are discharged on his behalf from one third of the estate; and food is provided on his behalf, if he has made a bequest to that effect, for fasting alone. Then they likened debts owed to Allah to debts owed to people in matters in which there is no resemblance between them, and concerning which Allah, mighty and majestic, has given no permission.

Those among them who raise specious objections by citing the report concerning the collection of the obligatory alms at the breaking of the fast in the mosque, and Abu Hurayra's spending the night guarding them, have no argument in it. For the collection mentioned must fall under one of two possibilities, with no third. The first is that the alms were collected but were not distributed until the day of the breaking of the fast arrived, which is their prescribed time of payment. This does not conflict with our position. Had their prescribed time of payment arrived, no Muslim would have been permitted to suppose that the Prophet ﷺ delayed giving them out. When a dinar remained with him to which no one had an enforceable claim against him, he, peace be upon him, would not retire to his wives or leave the mosque, by night or by day, remaining anxious and distressed until he gave it away so how could he withhold anyone's entitlement once its discharge had become obligatory? Whoever supposes this of the Prophet ﷺ has spoken delirious nonsense. Or the alms were paid out at their prescribed time, but those entitled to them were not present, so the Prophet ﷺ awaited their arrival, just as he used to do with the sheep and other livestock collected with him as obligatory alms, peace be upon him. It is not lawful for a believer to suppose anything concerning the Prophet ﷺ other than one of these two

ظن هذا بالنبي صلى الله عليه وسلم فقد هذي أو تكون أخرجت في وقتها ولا يحضر من يستحقها فانتظر النبي صلى الله عليه وسلم حضورهم كما كان يفعل بما اجتمع عنده عليه السلام من غنم الصدقة ونعمها ولا يحل لمؤمن أن يظن بالنبي صلى الله عليه وسلم غير أحد هذين الوجهين وبالله تعالى التوفيق، وليس في المذكور أنها أعطيت المساكين قبل يوم الفطر فبطل تشغيبهم به، وبالله تعالى التوفيق. قال علي: فإذا كان حكم الأموال والعبادات ما ذكرنا، فلا خلاف في أن الوقت إنما معناه زمان العمل وأنه لا يفهم من قول الله عز وجل ورسوله صلى الله عليه وسلم اعملوا عمل كذا في وقت كذا وصلوا صلاة كذا من حين كذا إلى حين كذا إلا أن هذا الزمان المحدود هو الذي أمرنا فيه بالعمل المذكور، فنقول حينئذ للمخالف: ما معنى خروج الوقت؟ فلا بد ضرورة من أنه انقضاء زمان العمل، فإذا ذهب زمان العمل، فلا سبيل إلى العمل، إذ لا يتشكل في العقول كون شيء في غير زمانه الذي جعله الله تعالى زمانا له، ولم يجعل له زمانا غيره، وهذا من أمحل المحال وأشد الامتناع الذي لا يدخل في الإمكان البتة. فإن قال قائل: كل وقت فهو لذلك العمل وقت أبطل حكم الله تعالى ورسوله صلى الله عليه وسلم في حدهما الوقت وتعدى حدودهما واستحق النار وقد قال تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وتعدي الحدود على الحقوق، هو أن يحد الله تعالى وقتا فيتعداه مخلوق من الناس دون نص ورد إلى وقت آخر، وهذا غاية البيان وبالله تعالى التوفيق.

possibilities. Success comes through Allah Most High. Nothing in the report mentioned states that the alms were given to the needy before the day of the breaking of the fast. Their specious objection based upon it is therefore invalid. Success comes through Allah Most High.

Ali said: Since the rules governing property and acts of worship are as we have stated, there is no disagreement that "the prescribed time" means simply the time for performing the act. Nor can anything be understood from the words of Allah, mighty and majestic, and His Messenger ﷺ, "Perform such-and-such an act at such-and-such a time," and "Perform such-and-such a prayer from such-and-such a time until such-and-such a time," except that this defined period is the one in which we have been commanded to perform the act mentioned. We then say to the opponent: What does the ending of the prescribed time mean? Necessarily, it can only mean the expiration of the time for performing the act. Once the time for performing the act has passed, there is no way to perform it, since the existence of something outside the time that Allah Most High has made its time, without assigning it any other time, is inconceivable to reason. This is among the most impossible of impossibilities and the strongest forms of impossibility, which cannot fall within the realm of possibility at all. Thus, if someone says, "Every time is a time for that act," he has nullified the ruling of Allah Most High and His Messenger ﷺ in their delimitation of the prescribed time, transgressed their limits, and deserved the Fire. Allah Most High has said: "Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to a Fire, abiding therein forever, and he shall have a humiliating punishment." And transgressing the limits with regard to rights consists in Allah Most High setting a time, and some human creature then exceeding it, moving to

another time without a revealed text authorizing this. This is the utmost clarity, and success comes through Allah Most High.[97][98][99][100][101]

L909–914 Moreover, they do not venture to declare without qualification that the time continues after the expressly stipulated time has expired. They are also to be asked: Tell us about this person who deliberately omitted the prayer until its time expired, whom you then commanded to repeat it: did you command him to perform it within the time Allah Most High assigned to it, or within a time that Allah Most High did not assign to it and associate with it? If they say, "Within its time, which Allah Most High assigned to it," they have disbelieved and openly uttered falsehood. If they say, "Rather, within its time," they have acknowledged that they commanded the prayer to be performed contrary to what Allah Most High commanded. Whoever does something contrary to what Allah Most High commanded him to do has not done what he was commanded; rather, he has done what he was not commanded to do. He is therefore disobedient a second time through that act. They are only commanding him to commit an act of disobedience and to do something unacceptable, because of his saying, peace be upon him: "Whoever performs an act that does not conform to our command, it is rejected." Thus, what we have mentioned establishes with manifest validity that anyone whom Allah Most High commanded to perform a particular act at a particular time, but who performs it at another time, has merely performed an act he was not commanded to perform. Whoever commands its performance has instituted

وأيضا فإنهم لا يقدمون على إطلاق تمادي الوقت بعد خروج الوقت المنصوص. ويقال لهم أيضا: أخبرونا عن هذا الذي تعمد ترك الصلاة حتى خرج وقتها فأمرتموه بإعادتها، أفي الوقت الذي رتبه الله تعالى أمرتموه بها أم في وقت لم يرتبه الله تعالى لها وقرنها به فإن قالوا في وقتها الذي رتبه الله تعالى لها، كفروا وكذبوا مجاهرة، وإن قالوا: بل في وقتها، أقروا بأنهم أمروا أن تؤدى الصلاة بخلاف ما أمر الله تعالى، ومن فعل شيئا بخلاف ما أمر الله تعالى به، فلم يفعل الذي أمر، بل فعل ما لم يؤمر به، فهو عاص في ذلك الفعل مرة ثانية، وإنما يأمرونه بمعصية وبأمر غير مقبول لقوله عليه السلام من عمل عملا ليس عليه أمرنا فهو رد فصح لما ذكرنا صحة جلية أن من أمره الله تعالى بأداء عمل ما، في وقت ما، فعمله في غير ذلك الوقت، فإنما عمل عملا لم يؤمر به، ومن أمر بعمله فقد شرع شريعة لم يأذن بها الله تعالى، بل قد نهى عنها، إذ نهى عن تعدي حدوده. ولا يشك ذو حس أن صوم غد هو غير صوم اليوم، فمن أمره الله بصيام اليوم فأفطر عامدا للمعصية، ثم صام غدا، فإنما صام يوما لم يأمره الله تعالى بصيامه، فلا يكون ذلك قاضيا ما أمر به، ولا يؤدي أحد ما أمر به إلا كما أمر به، لا كما نهى، ولا فرق بين هذا وبين ما أمره الله تعالى بحركة إلى مكان ما، كالحج إلى مكة في ذي الحجة، فحج هو إلى المدينة في ذي القعدة فأي فرق بين هذا وبين من أمر بصيام في رمضان، فصام هو في شوال؟ أو بصلاة ما بين زوال الشمس إلى زيادة الظل على مثل من يوم بعينه، فصلاها هو في وقت آخر من يوم آخر، وأي فرق بين هذا وبين من أمر أن يفعل فعلا في عين ما كنفقة على زوجة له مباح له وطؤها، ففعل هو ذلك الفعل في غير تلك المرأة، فهل هذا كله إلا غير الذي أمر به، وكل ذلك باب واحد، وطريق واحدة يجمعه كلها جمعا مستويا قوله تعالى {ومن

[97] **Translator's note (L899):** The wording corresponding to "one who permits performing the commanded act" reads ma ajaza, where the parallel construction appears to call for man ajaza, "whoever permits." The translation reflects the apparent intended comparison.

[98] **Translator's note (L902):** The wording translated as "the analogy they have related" contains an apparent grammatical irregularity: alladhina, a plural relative pronoun referring to persons, follows "their analogy." The intended construction appears to be "the analogy which they have related."

[99] **Translator's note (L907):** The Quranic quotation has li-llah, "to Allah," where the verse's wording is Allah as the direct object of "disobeys." The translation gives the evident intended sense while recording this apparent quotation or transcription error.

[100] **Translator's note (L908):** The opening continues the preceding segment's phrase about transgressing limits with respect to rights; its wording is awkward.

[101] **Qur'an references (L897):** Qur'an 4:14 (An-Nisa).

a law that Allah Most High has not authorized, but has indeed forbidden, since He forbade transgressing His limits. No one possessed of perception doubts that fasting tomorrow is different from fasting today. Thus, someone whom Allah commanded to fast today, but who deliberately breaks his fast in disobedience and then fasts tomorrow, has merely fasted on a day on which Allah Most High did not command him to fast. He has therefore not thereby discharged what he was commanded to do. No one performs what he was commanded to do except by doing it as he was commanded, not as he was forbidden. There is no difference between this and someone whom Allah Most High commanded to travel to a particular place—for example, to make the pilgrimage to Mecca in Dhu al-Hijjah—but who instead makes the pilgrimage to Medina in Dhu al-Qa'dah. What difference is there between this and someone who was commanded to fast in Ramadan but instead fasted in Shawwal, or to perform a prayer between the sun's passing the meridian and the shadow's exceeding one equivalent length on a particular day, but who instead performed it at a time other than that, on another day? And what difference is there between this and someone commanded to perform an act in relation to a particular individual—for example, to provide maintenance for a wife with whom intercourse is lawful for him—but who instead performs that act in relation to a woman other than that woman? Is all of this anything other than something different from what he was commanded to do? All of this belongs to one category and follows one course, brought together in its entirety, equally, by His saying, Most High: "Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein forever, and he shall have a humiliating punishment"; and by his saying, peace be upon him: "Whoever performs an act that does not conform to our command, it is rejected." What difference is there between a command's being attached to times and its being attached to particular individuals or things, or to one place rather than another? If they say, "We have found commands attached to a particular time for which performing that act at another time serves as a substitute," the reply to him is—and success comes through Allah—that when a revealed text or consensus establishes this, we know that Allah, Mighty and Majestic, extended that time, attached that command to that second time, and made it a time for its

يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وقوله عليه السلام من عمل عملا ليس عليه أمرنا فهو رد وأي فرق بين تعلق الأمر بالأزمان وبين تعلقه بالأعيان أو بمكان دون مكان؟. فإن قالوا: إنا قد وجدنا أوامر معلقة بزمان ينوب عنها تأدية ذلك العمل في زمان آخر. قيل له وبالله التوفيق: إذا جاء بذلك نص أو إجماع فقد علمنا أن الله عز وجل مد ذلك الوقت، وعلق ذلك الأمر، بذلك الزمان الثاني، وجعله وقتا له، ونحن لا ننكر هذا، بل نقر به إذا أمرنا به، لا إذا نهينا عنه، وقد جاء مثل ذلك في الأمكنة، كمن نذر صلاة في بيت المقدس، فإنه إن صلى بمكة أجزأه للنص في ذلك، ولا يجزي ذلك فيما لم يرد فيه نص، وكذلك من مات وعليه صيام لزم وليه أن يصوم عنه، للأمر الوارد في ذلك، وكذلك من لم يحج أحج عنه من رأس ماله للنصوص الواردة في كل ذلك. فإن قالوا لنا: ما تقولون في الصلاة المنسية؟ أو التي ينام عنها؟ أكل وقت لها وقت؟ قيل له، وبالله تعالى التوفيق: نعم كل وقت لها، ومتى ما صلاها فهو وقتها بنص كلام رسول الله صلى الله عليه وسلم وكذلك السكران لقوله 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} فإن قالوا فبأي شيء تأمرون من تعمد ترك صلاة حتى خرج وقتها، وتعمد ترك صوم رمضان في غير عذر من سفر أو مرض أو غير ذلك مما جاء فيه نص أو إجماع؟ قلنا لهم وبالله تعالى التوفيق: نأمرهم بما أمرهم به ربهم عز وجل إذ يقول {وأقم لصلاة طرفي لنهار وزلفا من لليل إن لحسنات يذهبن لسيئات ذلك ذكرى للذاكرين} وبما يقول لهم نبيهم صلى الله عليه وسلم إذ يقول إن من فرط في صلاة فرض جبرت يوم القيامة من تطوعه وكذلك الزكاة وكذلك سائر الأعمال، فأمره بالتوبة والندم والاستغفار والإكثار من التطوع،

performance. We do not deny this; rather, we acknowledge it when we are commanded to do it, not when we are forbidden to do it. Something similar has been transmitted concerning places: someone who vows to perform a prayer in Jerusalem discharges his obligation if he performs it in Mecca, because of the revealed text concerning this. This does not discharge the obligation in cases concerning which no revealed text has been transmitted. Likewise, if someone dies owing fasting, his guardian is obliged to fast on his behalf, because of the command transmitted concerning this. Likewise, if someone has not performed the pilgrimage, the pilgrimage is to be performed on his behalf from the principal of his estate, because of the revealed texts transmitted concerning all this. If they ask us, "What do you say about a forgotten prayer, or one through which a person sleeps? Is every time a time for it?" the reply to him is—and success comes through Allah Most High—"Yes, every time is a time for it, and whenever he performs it, that is its time, by the express wording of the Messenger of Allah, Allah bless him and grant him peace ﷺ." The same applies to the intoxicated person, because of His saying, 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 along a way, 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 your hands. Indeed, Allah is ever Pardoning, Forgiving." If they say, "Then what do you command someone who deliberately omitted a prayer until its time expired, and deliberately omitted fasting Ramadan without an excuse of travel, illness, or anything else concerning which a revealed text or consensus has been transmitted?" we say to them—and success comes through Allah Most High—"We command them to do what their Lord, Mighty and Majestic, commanded them to do when He says: 'Establish prayer at the two ends of the day and during the near portions of the night. Indeed, good deeds remove evil deeds. That is a reminder for those who remember'; and what their Prophet, Allah bless him and grant him peace ﷺ, tells them when he says: 'Whoever has been remiss concerning an obligatory prayer, it will be made good on the Day of Resurrection from his voluntary acts; likewise obligatory almsgiving, and

ليثقل ميزانه يوم القيامة، ويسد ما ثلم منه، وأما أن نأمره بأن يصلي صلاة ينوي بها ظهرا، لم يأمره الله عز وجل به أو عصرا لم يأت به نص، أو نأمره بصيام يوم على أنه من رمضان وهو من غير رمضان فمعاذ الله من ذلك. فإذن كنا نكون متعدين بين يدي الله تعالى ورسوله صلى الله عليه وسلم وآمرين له بأن يعمل غير ما أمره الله تعالى به بل ما قد نهاه عنه.

likewise all other deeds.'" Thus I command him to repent, to feel remorse, to seek forgiveness, and to perform abundant voluntary acts, so that his balance may weigh heavily on the Day of Resurrection and he may repair what has been damaged in it. But as for our commanding him to perform a prayer intending it as a noon prayer that Allah, Mighty and Majestic, did not command him to perform, or as an afternoon prayer for which no revealed text has been transmitted, or commanding him to fast a day as though it were part of Ramadan when it is outside Ramadan—Allah forbid that! We would then be transgressing by proceeding ahead of Allah Most High and His Messenger, Allah bless him and grant him peace ﷺ, and commanding him to do something other than what Allah Most High commanded him to do—indeed, something He had forbidden him to do.[102][103][104][105]

L915–917 Then we ask them, saying: This person who deliberately omitted a prayer or a fast, whom you then commanded to make it up—has he discharged what Allah Most High commanded him concerning it in the manner He commanded, or not? If they say yes, they have uttered falsehood, and they do not say that. If they say no, they have acknowledged that they commanded him to perform the act in a manner other than that in which Allah Most High commanded him to perform it. If they ask us the same concerning someone who forgets a prayer, someone who sleeps through it, or someone who breaks his fast because of travel or illness, we say to them: He has performed what Allah Most High commanded him to do in the manner He

ثم نسألهم فنقول: هذا الذي تعمد ترك صلاة أو صوم، ثم أمرتموه بقضائه أقضى ما أمره الله تعالى من ذلك كما أمر أم لا؟ فإن قالوا: نعم كذبوا، وهم لا يقولون ذلك، وإن قالوا: لا أقروا بأنهم أمروه أن يؤدي العمل على غير ما أمره الله تعالى به. فإن سألونا بمثل ذلك في ناسي الصلاة والنائم عنها، والمفطر لسفر أو مرض؟ قلنا لهم: قد أدى ما أمره الله تعالى به كما أمره، وفي الوقت الذي أمره الله تعالى به، ولا ندري أقبل منه أم لا؟ وكذلك كل عمل يعمله في وقته ولا فرق، ولو صح الحديث في إيجاب القضاء على عامد الإفطار لقلنا به، ولكنه لم يصح إنما رواه عبد الجابر بن عمر، ومن هو مثله في الضعف، فإن قالوا: أنتم تأمرون الولي بأن يصوم عنه إن مات، ولا توجبون عليه أن يصوم عن نفسه. قال علي: فنقول كذبتم إنما قلنا كما قال رسول الله صلى الله عليه وسلم من مات وعليه صيام صام عنه وليه ومعنى عليه صيام، عليه أن يصوم، لأن الصيام مصدر، تقول: صام يصوم صياما وصوما، فإنما هذا فيمن مات وعليه أن يصوم وإنما ذلك النادر والذي فرط في قضاء رمضان أفطره السفر أو مرض، فأما العامد للفطر بغير عذر فليس عليه صيام، وإنما عليه إثم ترك الصيام،

[102] **Translator's note (L909):** The second answer reads "Rather, within its time," repeating the substance of the first answer despite the opposing conclusion that follows. The apparent omission or corruption has been preserved. The expression "the shadow's exceeding one equivalent length" leaves the object of comparison unstated; it apparently refers to the length of the object casting the shadow.

[103] **Translator's note (L911):** The Quranic quotation has the nonstandard spelling "لله" in place of "الله" after "disobeys"; the intended divine name is clear.

[104] **Translator's note (L912):** The Quranic quotations contain several transcriptional omissions of the initial alif, including in the divine name; these have been read according to the clearly identifiable words. "Except when passing along a way" preserves the wording of the quotation without inserting an explicit reference to passing through a mosque.

[105] **Qur'an references (L909):** Qur'an 4:14 (An-Nisa); Qur'an 4:43 (An-Nisa).

commanded, and at the time at which Allah Most High commanded him to do it. We do not know whether it has been accepted from him or not. The same applies to every act he performs at its proper time, without distinction. Had the report imposing the obligation of making up the fast upon someone who deliberately breaks it been authentic, we would have adopted it. But it is not authentic: it was transmitted only by ʻAbd al-Jabir ibn ʻUmar and those like him in weakness. If they say, "You command the guardian to fast on his behalf if he dies, yet you do not oblige him to fast on his own behalf," ʻAli said: We reply: You have uttered falsehood. We have said only what the Messenger of Allah, Allah bless him and grant him peace ﷺ, said: "Whoever dies owing fasting, his guardian shall fast on his behalf." The meaning of "owing fasting" is "being obliged to fast," because "fasting" is a verbal noun: you say, "He fasted; he fasts; fasting," using either of the two verbal nouns ṣiyām and ṣawm. This therefore concerns only someone who dies while obliged to fast. That is only the rare individual and someone who was remiss in making up the Ramadan fast that he broke because of travel or illness. As for someone who deliberately breaks the fast without an excuse, he owes no fasting; he bears only the sin of omitting the fast. This suffices for anyone who understands, and success comes through Allah Most High. ʻAli said: Whenever a command is attached to some qualification without which the commanded act cannot be complete, and the person commanded does not perform it as he was commanded, he has not done what he was commanded to do, and it remains incumbent upon him as before, and he is disobedient through what he has done. Disobedience does not stand in place of obedience, and this presents no difficulty to the understanding of anyone possessed of reason. Examples include someone who prays in a ritually impure or usurped garment, knowing this and knowing that such an act is not lawful for him; or someone who prays in a place in which remaining is forbidden, such as a ritually impure place or a place usurped, or at a place where camels gather by water, or facing a grave; or someone who slaughters with a usurped knife, or slaughters another person's animal without its owner's permission, or performs ablution with usurped water, or with silver vessels, or with a gold vessel—in all these cases no obligatory duty is fulfilled. Whoever prays as we have described has not prayed; whoever

وفي هذا كفاية لمن عقل، وبالله تعالى التوفيق. قال علي: وكل أمر علق بوصف ما، لا يتم ذلك للعمل المأمور به إلا بما علق به فلم يأت به المأمور كما أمر، فلم يفعل ما أمر به فهو باق عليه كما كان، وهو عاص بما فعل، والمعصية لا تنوب عن الطاعة، ولا يشكل ذلك في عقل ذي عقل، فمن ذلك: من صلى بثوب نجس أو مغصوب وهو يعلم ذلك، ويعلم أنه لا يجوز له ذلك الفعل، أو صلى في مكان نهي عن الإقامة فيه كمكان نجس، أو مكان مغصوب، أو في عطن الإبل، أو إلى قبر، أو من ذبح بسكين مغصوبة، أو حيوان غيره بغير إذن صاحبه، أو توضأ بماء مغصوب، أو بآنية فضة، أو بإناء ذهب، فكل هذا لا يتأدى فيه فرض، فمن صلى كما ذكرنا فلم يصل، ومن توضأ كما ذكرنا فلم يتوضأ، ومن ذبح كما ذكرنا فلم يذبح وهي ميتة لا يحل لأحد أكلها لا لربها ولا لغيره، وعلى ذابحها ضمان مثلها حية لأنه فعل كل ذلك بخلاف ما أمر وقال عليه السلام من عمل عملا ليس عليه أمرنا فهو رد

performs ablution as we have described has not performed ablution; and whoever slaughters as we have described has not slaughtered. The animal is carrion, which no one may lawfully eat, neither its owner nor anyone else. Its slaughterer must compensate for it with a comparable living animal, because he did all this contrary to what he was commanded. He, peace be upon him, said: "Whoever performs an act that does not conform to our command, it is rejected."[106]

L918 Ali said: Allah Most High has forbidden him to use that knife, to slaughter another person's animal without its owner's permission, and to remain in the usurped place. He has commanded remaining in place for prayer and ritually slaughtering what may lawfully be eaten. By rational necessity we know that the commanded act is distinct from the forbidden act; nothing else is conceivable to reason. Thus, his slaughtering another person's animal, or slaughtering with a usurped knife, is not the commanded ritual slaughter. If he has not ritually slaughtered as commanded, that forbidden act has not made it lawful to eat something that may only lawfully be eaten through the commanded ritual slaughter. There is no doubt that his remaining in the usurped place is not the remaining in place commanded in prayer. Were it so, Allah, Mighty and Majestic, would be commanding and forbidding the same person to do it at the same time and in the same circumstances. The All-Wise, All-Knowing is far exalted above this, as He Most High declares that He burdens no soul beyond its capacity. Avoiding a thing and doing it at the same time is within no one's capacity. What we have said is therefore established, and success is through Allah. Some heedless people have raised an objection here by citing someone who divorces or emancipates a slave in a usurped place, dyes his beard with usurped henna, or learns the Quran from a usurped codex.

L919 Ali said: This objection reveals the ignorance of the person raising it, be-

قال علي: وقد نهاه الله تعالى عن استعمال تلك السكين، وعن ذبح حيوان غيره بغير إذن مالكه، وعن الإقامة في المكان المغصوب، وأمر بالإقامة للصلاة، وبتذكية ما يحل أكله، وبضرورة العقل، علمنا أن العمل المأمور به هو غير العمل المنهي عنه، ولا يتشكل في العقل غير ذلك، فذبحه حيوان غيره أو بسكين مغصوبة ليس هو التذكية المأمور بها، فإذا لم يذك كما أمر فلم يحل بذلك العمل المنهي عنه أكل ما لا يحل أكله إلا بالتذكية المأمور بها، ولا شك في أن إقامته في المكان المغصوب ليست الإقامة المأمور بها في الصلاة، ولو كان ذلك لكان الله عز وجل آمرا بها، ناهيا عنها إنسانا واحدا، في وقت واحد، في حال واحدة، وهذا مما قد تنزه الحكيم العليم في إخباره تعالى أنه لا يكلف نفسا إلا وسعها، وليس اجتناب الشيء والإتيان به في وقت واحد في وسع أحد، فصح ما قلنا، وبالله التوفيق. وقد عارض في هذا بعض أهل الإغفال بمن طلق أو أعتق في مكان مغصوب، أو صبغ لحيته بحناء مغصوبة، أو تعلم القرآن في مصحف مغصوب.

قال علي: وهذا الاعتراض يبين جهل المعترض به، لأن الطلاق والعتاق والبيع والعطايا والصدقات لفظ لا يقتضي إقامة مأمورا بها، بل مباح له أن يطلق ويفعل كل ذلك، وهو يمشي أو وهو يسبح في الماء، فليس مرتبطا بالإقامة في المكان، والصلاة لا بد لها من إقامة إلا في حالة المسابقة أو الضرورة، فمن اضطر إلى الإقامة في مكان مغصوب

[106] **Translator's note (L915):** The transmitter's name is given as "'Abd al-Jabir ibn 'Umar"; this has been preserved as supplied. The text reads "the rare individual" (al-nādir). The context strongly suggests a corruption of "the person who has made a vow" (al-nādhir), but the supplied reading has been retained. The final sentence contains the awkward wording "ذلك للعمل"; the translation follows its apparent grammatical sense without treating it as a separate technical expression.

cause divorce, emancipation, sale, gifts, and charitable donations are verbal expressions that do not entail any commanded remaining in place. Rather, he is permitted to divorce and do all these things while walking or swimming in water. They are therefore not bound to remaining in a place. Prayer, however, necessarily requires remaining in place, except in a case of racing or necessity. If someone is compelled to remain in a usurped place, his prayer there is valid, because he has not chosen to remain there. Once the henna has been removed, the person who has dyed himself with it is not at that moment using anything usurped. If, however, he were to pray while coated with it, his prayer would be invalid, because during it he would be doing something unlawful for him. As for learning the Quran, it is not bound to a codex as such: a person may learn through oral instruction. Moreover, while retaining it in memory he is not using anything usurped; the same applies when he recites what he has memorized during his prayer. And success is through Allah.[107]

فصلاته فيه تامة، لأنه ليس مختارا للإقامة هناك، والصابغ بالحناء بعد إزالة الحناء ليس هو مستعملا في تلك الحال لشيء مغصوب، وأما لو صلى وهو مختضب بها لبطلت صلاته لفعله فيها ما لا يحل له، وأما تعلم القرآن فليس مرتبطا بجنس المصحف، وقد يتعلم المرء تلقينا، ثم أيضا هو في حال حفظه غير مستعمل لشيء مغصوب، وكذلك في قراءاته ما حفظ في صلاته، وبالله التوفيق.

L920–921 In general, an act is only duly performed in the manner Allah Most High has commanded or permitted, not in a manner He has forbidden. And success is through Allah Most High. Every act whose validity depends upon the validity of something that is not valid can never be valid. Anything that can exist only after the existence of something that does not exist can never exist. Anything that can be attained only through an unlawful act is always unlawful. Anything whose indispensable cause is invalidated is itself always invalid. These are necessary demonstrations, known through immediate sensory perception and the self-evidence of reason. Whoever disputes them is a sophist who obstinately denies what is plainly seen. And success is through Allah.

وبالجملة فلا يتأدى عمل إلا كما أمر الله تعالى، أو كما أباح، لا كما نهى عنه، وبالله تعالى التوفيق، وكل عمل لا يصح إلا بصحة ما لا يصح، فإن ذلك العمل لا يصح أبدا، وكل ما لا يوجد إلا بعد وجود ما لا يوجد، فهو غير موجود أبدا، وكل ما لا يتوصل إليه إلا بعمل حرام فهو حرام أبدا، وكل شيء بطل سببه الذي لا يكون إلا به فهو باطل أبدا، وهذه براهين ضرورية معلومة بأول الحس، وبديهة العقل، ومن خالف فيها فهو سوفسطائي، مكابر للعيان، وبالله التوفيق.

L922–925 Ali said: Some of our brethren have suggested that no voluntary act of worship is accepted from someone who owes an obligatory duty. Ali said: Stated generally without explanation, this is—or an error. For a report has been authentically transmitted from the Prophet ﷺ that Allah Most High

قال علي: وقد أشار قوم من إخواننا إلى أنه لا يقبل تطوع من عليه فرض. قال علي: وهذا إذا أجمل دون تفسير أو خطأ وذلك أن الحديث قد صح عن النبي صلى الله عليه وسلم أن الله تعالى يجيز صلاة من لم يتم فرض صلاته بتطوع إن كان له وكذلك الزكاة، وكذلك سائر الأعمال. قال علي: والصحيح في هذا الباب أن كل فرض تعين

[107] **Translator's note (L919):** The supplied text reads "racing" (al-musābaqah). This is unusual in the discussion of exceptions to remaining in place during prayer; it has been retained without emendation.

accepts the prayer of someone who has not completed his obligatory prayer by means of voluntary prayer, if he has any; likewise obligatory alms and likewise all other acts. Ali said: The correct position on this matter is that whenever an obligatory duty becomes incumbent at a time that allows no latitude, performing something else during that time is not valid for anyone. An example is someone who wishes to fast in fulfillment of a vow he owes, or voluntarily, during the month of Ramadan, while resident and healthy: this is not valid for him. Another example is someone for whom only enough of the prayer's time remains to begin it. It is unlawful for him to perform a voluntary prayer, make up a prayer he owes, or perform a prayer he has vowed, until the prayer whose time has arrived is completed, without delay or latitude. If he then makes up a prayer he has missed, it is not valid for him, and he must make it up a second time. The same applies if he performs a prayer he has vowed. The case is different for someone who owes obligatory alms and has only enough of his wealth left to discharge what he owes of them, but who has means beyond that. It is valid for him to give whatever he wishes of that wealth in voluntary charity and to fulfill a vow from it, unlike the cases we mentioned earlier, because the obligatory alms are a liability incumbent upon him, not an obligation attached to the specific property in his possession. The same applies to someone whose debts to other people encompass all his wealth, except after death, because the revealed text prohibits that and allows neither a bequest nor an inheritance until after debt. But someone for whom the time of pilgrimage has arrived while he is able to undertake it cannot validly perform pilgrimage voluntarily or in fulfillment of a vow before discharging the obligatory pilgrimage. The same applies to the lesser pilgrimage, because the Prophet ﷺ said: "Whoever performs an act that does not conform to our command, it is rejected." Someone able to undertake pilgrimage is commanded to perform it at that time. Someone present when Ramadan arrives is commanded to fast it as Ramadan. Someone for whom only enough of his prayer's time remains to begin it is commanded to begin it. If he does something other than what he has been commanded, it is rejected by the explicit wording of the Messenger of Allah ﷺ. The case is different for someone whose remaining wealth in his possession amounts only to the obligatory alms or to his debts to other

في وقت لا فسحة فيه، فإنه لا يجزي أحدا أداه غيره في ذلك الوقت، وذلك كإنسان أراد صيام نذر عليه، أو تطوع في شهر رمضان وهو مقيم صحيح، فهذا لا يجزيه، أو كإنسان لم يبق عليه من وقت الصلاة إلا مقدار ما يدخل فيها فقط، فهذا حرام عليه أن يتطوع أو يقضي صلاة عليه، أو يصلي صلاة نذر عليه، حتى تتم التي حضر وقتها بلا مهلة ولا فسحة، فإن قضى حينئذ صلاة فائته لم تجزئه، وعليه قضاؤها ثانية، وكذلك إن صلى صلاة نذر عليه، وليس كذلك من لزمته زكاة، ولم يبق من ماله إلا قدر ما يؤدي ما وجب عليه منها فقط، إلا أن له غنى بعد ذلك، فهذا يجزئه أن يتصدق بما شاء منه تطوعا، وأن يؤدي منه نذرا، بخلاف ما ذكرنا قبل، لأن الزكاة في ذمته، لا في عين ما بيده. وكذلك من أحاطت بماله ديون الناس حاشا بعد الموت لأن النص منع من ذلك، ولم يجعل وصية ولا ميراثا إلا بعد الدين. ولكن من حضره وقت الحج وهو مستطيع، فلا يجزئه أن يحج تطوعا ولا نذرا قبل أداء الفرض وكذلك العمرة لأن النبي صلى الله عليه وسلم قال من عمل عملا ليس عليه أمرنا فهو رد فالمستطيع للحج مأمور بأدائه حينئذ، ومن حضر رمضان فهو مأمور بصيامه لرمضان، ومن لم يبق عليه من وقت صلاته إلا مقدار ما يدخل فيها فهو مأمور بالدخول فيها، فإذا فعل غير ما أمر به فهو رد بنص كلام رسول الله صلى الله عليه وسلم وليس كذلك من لم يبق بيده من ماله إلا مقدار الزكاة، أو مقدار ديون الناس، لأنه ليس مأمورا بأداء ذلك مما بيده، ولا بد لأنه لو استقرض مالا فأدى منه الزكاة التي عليه، وديون الناس التي عليه أجزأه ذلك بلا خلاف، ولم يجز للقاضي أن يلزمه الأداء من ماله ولا بد، والصلاة والحج والصيام في أوقاتها بخلاف ذلك. وأما إذا دخل وقت الصلاة وفيه مهلة بعد، فلا خلاف بين أحد من المسلمين في جواز التطوع حينئذ، وبهذا جاءت النصوص، وأما من سافر في رمضان، أو مرض فهو غير مأمور بصيامه لرمضان، وغير منهي عن صيامه لغير رمضان، فله أن يصومه لما شاء من نذر، أو

people, because he is not commanded to discharge these specifically from what is in his possession. If he borrowed money and used it to discharge the obligatory alms and the debts to other people that he owed, that would suffice without disagreement, and the judge would not be permitted to compel him to make payment specifically from his own wealth. Prayer, pilgrimage, and fasting within their appointed times are different. As for when the time for prayer has begun and some latitude still remains, there is no disagreement among any Muslims concerning the permissibility of voluntary worship at that time, and this is what the revealed texts prescribe. As for someone who travels during Ramadan or falls ill, he is not commanded to fast it as Ramadan, nor is he forbidden to fast it for a purpose other than Ramadan. He may therefore fast it for whatever he wishes: fulfillment of a vow, voluntary worship, or making up an obligatory fast. As for someone who owes prayers that he forgot or slept through, and owes days of Ramadan to be made up because he traveled or fell ill and consequently did not fast, the time for these prayers and the time for making up this fasting remain open indefinitely. If he delays making them up while able and without an excuse, he sins only by the delay. That does not release him from making up what he is obliged to make up. This case and that of a prayer whose time has begun are therefore alike. If he performs voluntary prayer or fasting, it will not be lost to him with Allah Most High, because the time for what he owes still remains open, so he does not miss it. And success is through Allah Most High. Among the things that make this clear is the report of Aishah, may Allah be pleased with her, that she said: "I would owe days of Ramadan to be made up"—meaning days missed during her menstruation—"and I could not make them up until Shaban because I was occupied with the Messenger of Allah ﷺ," or words to this effect.[108]

تطوع أو قضاء واجب، وأما من عليه صلوات نسيها أو نام عنها، وعليه قضاء رمضان سافر فيه أو مرض فأفطر، فإن وقت هذه الصلوات ووقت قضاء هذا الصوم ممتدا أبدا، فإن أخر قضاء ذلك وهو قادر غير معذور فهو عاص بالتأخير فقط، وذلك لا يسقط عنه قضاء ما لزمه قضاؤه من ذلك، فهذا والصلاة التي دخل وقتها سواء، فإن تطوع بصلاته أو صيام لم يضع له ذلك عند الله تعالى، لأن وقت ما لزمه ممتد بعد فلا يفوته. وبالله تعالى التوفيق، ومما يبين هذا حديث عائشة رضي الله عنها أنها قالت: كانت تكون على الأيام من قضاء رمضان، يعني من قضاء أيام حيضها، ولا أستطيع أن أقضيها إلا في شعبان لشغلي برسول الله صلى الله عليه وسلم أو كلاما هذا معناه

L926–928 Ali said: This is something we know with certainty that the Messenger of

قال علي وهذا مما قد أيقنا أن رسول الله صلى الله عليه وسلم علمه وأقر عليه لأنه لا يجوز أن تحيض إلا وهو يعلم ذلك، لأنها كانت لها ليلتان من تسع ولا يمكن أن يغفل عليه السلام أمرها بتعجيل القضاء لو كان الفرض لا يجزىء إلا بتعجيله، وقولها لا أستطيع، أوضح عذر، وهذا نص ما قلنا وبيانه. ومما يبين صحة ما قلنا آنفا، من أن

[108] **Translator's note (L922):** The wording "دون تفسير أو خطأ" is syntactically defective: literally, "without explanation or an error." The translation preserves the disruption; the apparent intended sense is that the unqualified statement is erroneous. The phrase "إلا أن له غنى بعد ذلك" is awkward in context. It has been rendered as indicating means beyond the wealth just described, without specifying their source or timing.

Allah ﷺ knew and approved, for she could not have menstruated without his knowing it, since she had two nights out of every nine. Nor could he, peace be upon him, have neglected to command her to make up the fast promptly if the obligation could only be discharged by doing so promptly. Her statement, "I cannot," is the clearest excuse. This expressly states and explains what we have said. Another thing that demonstrates the correctness of what we said earlier—that obligatory alms, debts owed to people, and all other financial obligations attach to a person's liability rather than to the actual property in his possession—is that, if they attached to the actual property in his possession and that property were then destroyed, those claims against him would lapse. This is false; moreover, it is something no Muslim would maintain. Since the aforementioned claims do not lapse with the loss of all the actual property, it is established with certainty that they attach to his liability. His property becomes another's only through one of four means established as binding by the revealed text: his paying it out of his property; the person entitled to a claim collecting his due from whatever of that person's property he obtains; the judge awarding his property to his creditors in respect of the claims binding upon him; or his death, and nothing else. Sufficient evidence for this would have been the authentic report from the Prophet ﷺ that he commanded the cooking pots to be overturned while they were boiling with meat from animals that his Companions, may Allah be pleased with them, had hastily slaughtered from the spoils before their division. Had eating that meat been permissible, he, peace be upon him, would not have commanded the pots to be overturned while they were boiling. It has also been transmitted through another route that he, peace be upon him, began covering it with earth, saying, "Indeed, plunder is no more lawful than carrion," or words to that effect. If they raise the objection of the report concerning the sheep about which he, peace be upon him, is reported to have said, "I can indeed taste meat taken without its owners' permission," or words to that effect—the narrator said: Then he, peace be upon him, ordered that it be fed to the captives—this report is not authentic, because it was transmitted only through an unnamed man of the Helpers and has not come through any other route whatsoever. Thus its use as evidence falls away. His pouring the meat from the pots onto the ground, despite his

الزكاة وديون الناس وسائر فرائض الأموال إنما هي واجبة في ذمة المرء، لا في عين ما بيده من المال، أنه لو كانت واجبة في عين ما بيده من المال، ثم تلف ذلك المال لسقطت عنه تلك الحقوق، وهذا باطل، وأيضا فإنه مما لا يقوله مسلم، فلما لم تسقط الحقوق المذكورة بذهاب جميع عين المال، صح يقينا أنها في ذمته، وإنما يصير ما له لغيره بأحد وجوه أربعة أوجبها النص وهي: أداؤه من ماله، أو قبض من له حق حقه مما ظفر منه من ماله، أو قضاء الحاكم بما له للغرماء فيما لزمه من الحقوق، أو بموته فقط. وكان يكفي من هذا الحديث الصحيح عن النبي صلى الله عليه وسلم بأمره بإكفاء القدور وهي تفور باللحم الذي عجل أصحابه رضي الله عنهم، فذبحوا من المغنم قبل القسمة فلو جاز أكل ذلك اللحم لما أمر عليه السلام بإكفاء القدور وهي تفور وقد روي من طريق أخرى أنه عليه السلام جعل يرمله بالتراب ويقول إن النهبة ليست بأحل من الميتة أو كلاما هذا معناه فإن اعترضوا بحديث الشاة التي روي أنه عليه السلام قال فيها إني لأجد طعم لحم أخذ بغير إذن أهله أو كلاما هذا معناه قال ثم أمر عليه السلام بإطعامه للأسارى فهذا حديث لا يصح لأنه إنما روي من طريق رجل من الأنصار، ولم يأت من غير هذه الطريق أصلا فسقط الاحتجاج به وهرقه عليه السلام اللحم من القدور في الأرض مع نهيه عليه السلام عن إضاعة المال دليل واضح على أنه لا يحل أكله وهذا نص قولنا, وبالله تعالى التوفيق.

prohibition, peace be upon him, against wasting property, is clear evidence that eating it is not lawful. This expressly establishes our position. Success comes through Allah Most High.

L929–934 Ali said: As for an act commanded within a period with a defined beginning and end, where a revealed text permits latitude in delaying it, it becomes obligatory at the beginning of the period. Nevertheless, one has been permitted to delay it and given a choice between doing so and performing it promptly. Whichever of these he does, he has discharged his obligation. He is, however, rewarded for prompt performance because he accomplishes the act and "he accused him of it." He incurs no sin by delaying, because he has done what was permitted to him. An example is a person's delaying the prayer until the end of its ample prescribed period. For this reason, we remove both blame and the requirement to make it up from a woman who delays the prayer beyond the beginning of its prescribed period and then menstruates: she has done what was permitted to her, and whoever does what is permitted to him has done well. Allah Most High said: "There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are sincere toward Allah and His Messenger. There is no way against those who do good, and Allah is forgiving, merciful." Thus blame falls away. He, peace be upon him, himself delayed the prayer until the end of its prescribed period, thereby establishing that this is permissible, allowed, and good, although prompt performance is better. The requirement that she make it up also lapses because the prescribed period has ended, since [no] act is performed except within its commanded time—just as our opponents, agreeing with us, remove the requirement to make up prayers from someone unconscious for more than five prayers, while some of them remove it from someone unconscious for one prayer or more. As for every act with a defined beginning but no defined end, the command to perform it remains established and is renewed from one time to the next. One is blameworthy for delaying it, since one has not been allowed that latitude. Whenever he delays it, the description of neglect and the sin of abandoning what he was commanded to do attach to him. If he performs it, the sin of abandonment falls away, but the sin of failing to act promptly has become

قال علي: وأما العمل المأمور به في وقت محدود الطرفين، قد ورد النص بالفسحة في تأخيره فإنه يجب بأول الوقت، إلا أنه قد أذن له في تأخيره، وكان مخيرا في ذلك وفي تعجيله، فأي ذلك أدى فقد أدى فرضه، إلا أنه يؤجر على التعجيل لتحصيله العمل، واتهمه به، ولا يأثم على التأخير لأنه فعل ما أبيح له، وذلك مثل تأخير المرء الصلاة إلى آخر وقتها الواسع، ولذلك أسقطنا الملامة والقضاء عن المرأة تؤخر الصلاة عن أول وقتها فتحيض، فعلت ما أبيح لها، ومن فعل ما أبيح له فقد أحسن وقال تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل ولله غفور رحيم} فسقطت الملامة وقد أخر عليه السلام الصلاة إلى آخر وقتها فصح بذلك أن ذلك جائز مباح حسن، وإن كان التعجيل أحسن، وسقط القضاء عنها لخروج الوقت، لأنه يؤدي عمل إلا في وقته المأمور به، كما أسقط خصومنا موافقين لنا القضاء عن المغمى عليه أكثر من خمس صلوات، وبعضهم أسقطها عن المغمى عليه صلاة فما فوقها. وأما كل عمل محدود الطرف الأول غير محدود الطرف الآخر، فإن الأمر به ثابت متجدد وقتا بعد وقت، وهو ملوم في تأخيره، لأنه لم يفسح له ذلك، وكلما أخره حصل عليه اسم التضييع، وإثم الترك لما أمر به. فإن أداه سقط عنه إثم الترك، وقد استقر عليه إثم ترك البدار. ولا يسقطه عنه إلا ربه تعالى بفضله إن شاء لا إله إلا هو كسائر ذنوبه التي لا بد من الموازنة فيها، لأن الأداء والتعجيل فعلان متغايران كما قدمناه، وقد يؤدي من لا يعجل، فصح أنهما شيئان متغايران، وكذلك القول في ديون الناس، فإن المماطل الغني آثم بالمطل، وآثم بمنع الحق، فإذا أدى الحق يوما ما سقط عنه المنع، وقد استقر إثم المطل عليه فلا يسقط عنه بالأداء، لأن المنع والمطل شيئان متغايران،

established against him. None can remove it from him except his Lord Most High, through His grace, if He wills—there is no god but Him—like the rest of his sins, which must undergo weighing. For performance and promptness are two distinct acts, as we explained earlier. Someone may perform an act without doing so promptly; thus it is established that they are two distinct things. The same applies to debts owed to people. A wealthy debtor who procrastinates sins through procrastination and sins through withholding what is due. If he pays what is due at some later date, the withholding falls away, but the sin of procrastination has become established against him and does not fall away through payment. For withholding and procrastination are two distinct things: someone who has procrastinated may pay and cease withholding. For this reason, we say of someone who usurped property and did not return it to its owner until the person from whom it was usurped died, and then returned it to his heirs, that the sin of usurping from the deceased remains upon him. Only the sin of usurping from the heir, who is the second person, has fallen away from him. For no rational person doubts that his wronging Zayd, the deceased whose property is inherited, differs from his wronging Amr, the living heir. Ownership of the property has passed to the heir, and the heir's ownership of that property differs from the deceased's ownership of it. This is something known by rational necessity and immediate sensory apprehension. If the usurper commits a second wrong against this living person, that is another act and a newly incurred sin. If he returns his property to him, the sin of wronging him falls away. Yet this usurper's treating Amr justly after Zayd's death does not extinguish the claim that accrued to Zayd during his lifetime. Likewise, if the usurper dies and his heir hands over the property, the sin falls away only from the heir who hands it over, not from the deceased usurper. For Zayd's act does not accrue to Amr except by a revealed text or consensus. Allah, mighty and majestic, said: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Each soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you of that concerning which you used to differ." And He Most High said: "And that man shall have only what he has striven for." Unless, O Allah, a revealed text should establish that Zayd's act accrues to Amr after his death or during his

وقد يؤدي ولا يمنع من قد مطل. ولذلك قلنا، فيمن غصب مالا فلم يؤده إلى صاحبه حتى مات المغصوب منه ثم أداه إلى ورثته: إنه باق عليه إثم الغصب من الميت، وإنما سقط عنه إثم الغصب من الوارث وهو الثاني، لأنه لا شك عند كل ذي عقل أن ظلمه لزيد الموروث غير ظلمه لعمرو الحي الوارث. وقد انتقل ملك المال إلى الوارث، وملك الوارث لذلك المال غير ملك المورث له، هذا شيء يعلم بضرورة العقل وبديهة الحس. فإن أحدث الغاصب ظلما ثانيا لهذا الحي، فهو عمل آخر، وإثم متجدد، فإن رد إليه ماله فقد سقط عنه إثم ظلمه إياه، ولا يسقط ما وجب لزيد من الحق في حياته إنصاف هذا الغاصب لعمرو بعد موت زيد، وكذلك لو مات الغاصب فصرف المال وارثه فإنما سقط ال 9 إثم عن الوارث الصارف لا عن الميت الغاصب، لأن عمل زيد لا يلحق عمرا إلا بنص أو إجماع قال الله عز وجل {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وقال تعالى: {وأن ليس للإنسان إلا ما سعى} اللهم إلا أن يرد نص بأن عمل زيد يلحق عمرا بعد موته أو في حياته، فنقر بذلك سامعين طائعين، كالصيام عن الميت والحج عنه وأداء ديونه، فلو أمر الميت أن يرد ما غصب في حياته كان قد تبرأ أو سقط عنه إثم الإمساك، وبقي عليه إثم المطل، لأن كل ذلك أعمال متغايرة، فلو تطوع امرؤ برد دين أو غصب عن ميت وجعل الأجر للميت لكان ذلك لاحقا بالميت ومرد عنه على حديث أبي قتادة، وإنما نقول ما قال لنا الله تعالى ورسوله صلى الله عليه وسلم ونعلم ما علمناه ولا مزيد وبالله التوفيق.

وأصحاب القياس يتناقضون في المسائل التي ذكرنا أقبح تناقض، فيجيزون قضاء الحج إذا وصى به، ولا يجيزون قضاء الصوم إذا أوصى به، ويجيزون تقديم الصلاة قبل وقتها للمريض إذا خشي على عقله، وفي ليلة المطر، ولا يقيسون على تقديم العتمة قبل ليلة المطر تقديم العصر قبل وقتها يوم المطر ولا تقديم الظهر قبل وقتها.

lifetime: then we acknowledge it, hearing and obeying, as with fasting on behalf of the deceased, performing pilgrimage on his behalf, and paying his debts. Thus, if the deceased had instructed that what he usurped during his lifetime be returned, he would have cleared himself, or the sin of retaining it would have fallen away from him, while the sin of procrastination would remain upon him, because all these are distinct acts. If someone voluntarily repaid a debt or returned usurped property on behalf of a deceased person and assigned the reward to the deceased, that would accrue to the deceased and be returned on his behalf, according to the report of Abu Qatadah. We say only what Allah Most High and His Messenger—may Allah bless him and grant him peace—have told us, and we know what He has taught us, and nothing beyond that. Success comes through Allah. The proponents of analogy contradict themselves in the matters we have mentioned with the most disgraceful inconsistency. They permit pilgrimage to be made up on someone's behalf if he has instructed this in his will, but do not permit fasting to be made up if he has instructed this in his will. They permit prayer to be brought forward before its prescribed time for a sick person if there is fear for his mental faculties, and on a rainy night. Yet they do not infer by analogy from bringing forward the late evening prayer before the rainy night that the afternoon prayer may be brought forward before its prescribed time

on a rainy day, or that the noon prayer may be brought forward before its prescribed time[109][110][111][112][113]

L935–936 If they say that the time is shared between the night prayer and the sunset prayer, they must consequently permit bringing the night prayer forward to the time of the sunset prayer without necessity, because it is its time, and whoever performs a prayer at its time has done well. They must also permit bringing the afternoon prayer forward to the time of the noon prayer without necessity, for the same reason. Ibn ʿAbbas and a group of the early generations, may Allah be pleased with them, held this position. We maintain it only on the Day of ʿArafah, because no textual warrant has come concerning this apart from that occasion. Thus the enormity of their inconsistency becomes apparent. I myself witnessed some of those who attended the mosques of the eastern side of Cordoba, during the days when the Berbers had gained control of it, seeking rulings from the Maliki shaykhs about hastening the night prayer before its time for fear of being killed. Berber robbers would lie in wait for them in the darkness along the routes to the mosque, and some-

فإن قالوا: الوقت مشترك بين العتمة والمغرب لزمهم أن يجيزوا تقديم العتمة إلى وقت المغرب لغير ضرورة، لأنه وقتها، ومن صلى الصلاة في وقتها فقد أحسن، ولزمهم تقديم العصر إلى الظهر بغير ضرورة لذلك أيضا، وقد قال بذلك ابن عباس وجماعة من السلف رضي الله عنهم، ولسنا نقول بذلك إلا في يوم عرفة فقط، لأنه لم يأت في ذلك نص غيره، فظهر عظم تناقضهم. ولقد شاهدت بعض أهل مساجد الجانب الشرقي بقرطبة أيام تغلب البربر عليها، يستفتون شيوخ المالكيين في تعجيل العتمة قبل وقتها خوف القتل، إذ كان متلصصة البرابر يقفون لهم في الظلام في طرق المسجد، فربما أوذوا إيذاء شديدا فما فسحوا لهم في ذلك، ولم يقيسوا ضرورة خوف الموت على ضرورة خوف بلل الثياب في الطين، وهذا كما ترى، وبالله تعالى التوفيق. وقال قوم: إن العمل المأمور به في وقت محدود الطرفين هو في أول الوقت ندب وفي آخره فرض. قال علي: وهذا خطأ فاحش لأنه لو كانت تأديته في أول الوقت ندبا لما أجزأه ذلك، لأن الندب غير الفرض، ولا ينوب عمل عن عمل آخر غيره من غير نوعه إلا بنص، ولكن هذا بمنزلة الأشياء المخير فيها في الكفارات أيها أدى فهو فرضه، وكذلك من صلى أول الوقت فقد أدى فرضه، وإن صلى في وسطه فقد أدى فرضه، وإن صلى في آخره فقد أدى فرضه، فإن قال الآمرون من تعمد ترك صلاة حتى خرج وقتها بالقضاء: إنما فعلنا ذلك قياسا على قضاء الصلاة المنسية، والتي نيم عنها. قيل لهم، وبالله تعالى التوفيق: أكثركم لا يرى على الحالف على الحنث عمدا كفارة، ولا على القاتل عمدا كفارة، قياسا على المخطىء غير المعتمد، وهذا تناقض منكم، وحتى لو طردتم خطأكم لكان ذلك زيادة في الخطأ، لأن القياس عن القائلين به إنما هو الحكم للشيء بحكم شيء آخر لعلة جامعة بينهما، ولا علة تجمع بين الناسي والعامد،

[109] **Translator's note (L929):** The phrase واتهمه به literally reads "and he accused him of it." It is awkward and apparently corrupt in this context; its literal wording is retained in quotation marks. The wording لأنه يؤدي عمل إلا lacks the negative needed for the apparent argument. "[No]" marks the supplied negative explicitly rather than silently repairing the transcription.

[110] **Translator's note (L932):** The transcription inserts ال 9 before إثم, apparently a stray numeral interrupting the word or phrase. It has no recoverable semantic content. The phrase ومرد عنه is awkward and possibly corrupt. "And be returned on his behalf" preserves its apparent wording without substituting an unexpressed claim about what is discharged. The salutation at the end continues in the next unit; only its supplied first portion is translated here.

[111] **Translator's note (L933):** The opening words complete the salutation begun in the preceding unit.

[112] **Translator's note (L934):** "He has taught us" reads علمناه in light of the preceding "we know what" as "what we have been taught." The unvocalized form also admits other grammatical readings. The source says "before the rainy night" (قبل ليلة المطر), although the surrounding argument appears to concern performing the late evening prayer before its prescribed time on a rainy night. The supplied wording is retained.

[113] **Qur'an references (L929):** Qur'an 9:91 (At-Tawbah); Qur'an 6:164 (Al-An'am); Qur'an 53:39 (An-Najm).

times they suffered severe harm. Yet the shaykhs granted them no latitude in this and did not draw an analogy between the necessity arising from fear of death and the necessity arising from fear of getting one's clothes wet in the mud. This is as you see; success comes through Allah Most High.

Some people said that an act commanded within a period bounded at both ends is recommended at the beginning of that period and obligatory at its end. ʿAli said: This is a gross error, because if performing it at the beginning of the period were recommended, that performance would not discharge his obligation: a recommended act is distinct from an obligatory act, and one act cannot stand in place of another, different act of a different kind except by a text. Rather, this resembles the alternatives among which one is given a choice in expiations: whichever one he performs is his obligatory duty. Likewise, whoever prays at the beginning of the period has performed his obligatory duty; if he prays in its middle, he has performed his obligatory duty; and if he prays at its end, he has performed his obligatory duty. If those who command someone who deliberately leaves a prayer until its time has elapsed to make it up say, "We have done this only by analogy with making up a forgotten prayer or one through which someone slept," they are told—and success comes through Allah Most High: Most of you do not consider an expiation incumbent upon someone who swears an oath and deliberately breaks it, nor an expiation incumbent upon someone who kills deliberately, by analogy with someone who errs without acting intentionally. This is an inconsistency on your part. Even if you applied your error consistently, that would merely add to the error, because analogy, according to those who advocate it, consists solely in assigning something the ruling assigned to something else on account of an effective cause common to both. There is no effective cause common to the forgetful person and the deliberate actor. This is drawing an analogy between something and its opposite, rather than

وهذا هو قياس الشي على ضده، لا على نظيره، وهذا خطأ عندكم وعند جميع الناس وبالله تعالى التوفيق

its counterpart, and this is erroneous according to you and according to all people. Success comes through Allah Most High.[114]

L937 **[Section on the Correspondence between the Meaning of a Command and the Meaning of a Prohibition]**

L938–941 ʿAli said: Prohibition corresponds to the meaning of command, because a prohibition is a command to refrain, and refraining from something is the opposite of doing it. Prohibiting something is not a command to do its specific alternative or its specific opposite. The explanation of a specific opposite is that it is opposed within the species; the explanation of a general opposite is that it is opposed within the genus. Thus, if you tell someone, "Do not move," you have necessarily required him to remain still, because there is no intermediate state between a general opposite and its opposite: whoever leaves one enters the other. This is what we called "the incompatible" in The Book of Approximation. But if you prohibit someone from one species of movement, that is not a command to do its opposite. An example is that if you tell another person, "Do not stand," you have not necessarily commanded him to sit, because between sitting and standing there are intermediate positions: reclining, bowing, prostrating, bending, and lying down. Whichever of these he does, he does not disobey you in your prohibition against his standing. Likewise, if someone is told, "Do not wear black," this does not necessarily require him to wear white. Rather, if he wears red, yellow, or green, he is not thereby disobedient; he is complying by refraining from black. Success comes through Allah Most High. As for a command, it is a prohibition against doing anything that differs from the commanded act, and against every opposite of it, specific or general. For when you command him to stand, you have prohibited him from sitting, lying down, reclining, bending, prostrating, and assuming any position other than standing. This is so only because refraining from many different acts at one time is nec-

[114] **Translator's note (L936):** The wording concerning the oath is awkward: literally, "one who swears to deliberate oath-breaking." The translation follows the apparent intended reference to deliberately breaking an oath. The supplied غير المعتمد literally means "not relying [on something]"; the context appears to require غير المتعمد, "not acting intentionally." The translation reflects that apparent intended reading.

[فصل في موافقة معنى الأمر لمعنى النهي]

قال علي النهي مطابق لمعنى الأمر لأن النهي أمر بالترك، وترك الشيء ضد فعله، وليس عن الشيء أمرا بخلافه الأخص، ولا بضده الأخص، وتفسير الضد الأخص أنه المضاد في النوع، وتفسير الضد الأعم أنه المضاد في الجنس، فإذا قلت للإنسان لا تتحرك فقد ألزمته السكون ضرورة، لأنه لا واسطة بين الضد الأعم، وبين ضده، فمن خرج من أحدهما دخل في الآخر، وهذا الذي سميناه في كتاب التقريب المنافي، وأما من نهيته عن نوع من أنواع الحركة فليس ذلك أمرا بضده، مثال ذلك: لو قلت لآخر: لا تقم فإنك لم تأمره بالجلوس ولا بد، لأن بين الجلوس والقيام وسائط من الاتكاء والركوع والسجود والانحناء والاضطجاع، فأيها فعل فليس عاصيا لك في نهيك إياه عن القيام، وكذلك لو قيل لإنسان: لا تلبس السواد فليس في ذلك إيجاب لباسه البياض ولا بد، بل إن لبس الحمرة والصفرة أو الخضرة، لم يكن بذلك عاصيا، بل مؤتمرا في تركه السواد، وبالله تعالى التوفيق. وأما الأمر: فهو نهي عن فعل كل ما خالف العمل المأمور، وعن كل ضد له خاص أو عام، فإنك إذا أمرته بالقيام فقد نهيته عن القعود والاضطجاع والاتكاء والانحناء والسجود، وعن كل هيئة حاشا القيام، وإنما كان هكذا لأن ترك أفعال كثيرة مختلفة في وقت واحد واجب موجود ضرورة، لأن من قام فقد ترك كل فعل خالف القيام كما أخبرنا في حال قيامه. وأما الإتيان بأفعال كثيرة في وقت واحد، وهي مختلفة متنافية ومتضادة، فمحال لا سبيل إليه ألا ترى من سافر فإنما يمشي إلى جهة واحدة وهو تارك لكل جهة غير التي توجه نحوها، ولا يمكنه أن يتوجه إلى جهتين في وقت واحد بفعله نفسه. وتخالف أيضا بنية النهي بنية الأمر في وجه آخر، وهو أن ما ورد نهيا بلفظ أو فهو نهي عن الجميع

essarily a fact that must obtain: someone who stands has refrained, while standing, from every act that differs from standing, as we have explained. As for performing many acts at one time when they are different, mutually incompatible, and opposed, that is impossible and cannot be done. Do you not see that someone who travels walks in only one direction, refraining from every direction other than the one toward which he has headed? He cannot head in two directions at one time through his own action. The construction of a prohibition also differs from the construction of a command in another respect: whatever occurs as a prohibition with the word "or" is a prohibition of all the alternatives, as in His words, Most High, "So be patient for the judgment of your Lord, and do not obey among them a sinner or an ingrate," and as when you say, "Do not kill Zayd or ʿAmr or Khalid": this entails a prohibition against killing any of them. Whatever occurs as a command with the word "or" grants a choice of one of the alternatives mentioned, as when you say, "Eat bread or dates or meat," and, "Take this or this." A prohibition entails avoiding what is prohibited, just as a command entails performing what is commanded. We have explained that prohibiting something is a command to refrain from it, and a command to refrain entails the obligation to refrain. We have also explained that commanding something is a prohibition against refraining from it; a prohibition against refraining therefore entails the act whose occurrence ends that refraining. Success comes through Allah Most High.

One of the contentious people raised an objection to this, saying, "If commanding something were a prohibition against refraining from it, or prohibiting something were a command to refrain from it, then knowledge of something would be ignorance of its opposite." ʿAli said: Merely relating this worthless statement dispenses with the trouble of refuting it, because he has attempted to establish a resemblance between things that bear no resemblance to one another. He is like someone who says, "If death were the opposite of life, hearing would be the opposite of sight." Anyone with a spark of life ought to consider himself above such rubbish. But someone who does not reckon his speech among his deeds produces much idle talk, and someone who feels no shame does whatever he wishes. As for knowledge of

مثل قوله تعالى {فصبر لحكم ربك ولا تطع منهم آثما أو كفورا} ومثل قولك لا تقتل زيدا أو عمرا أو خالدا، فهو يقتضي النهي عن قتلهم كلهم، وما ورد أمرا بلفظ، أو فهو تخيير في أحد الأقسام المذكورة مثل قولك: كل خبزا أو تمرا أو لحما، وخذ هذا أو هذا. والنهي يقتضي اجتناب المنهى عنه، كما أن الأمر يقتضي إتيان المأمور به، وقد بينا أن النهي عن الشيء أمر بتركه، والأمر بالترك يقتضي وجوب الترك، وبينا أن الأمر بالشيء نهي عن تركه، فالنهي عن الترك يقتضي الفعل الذي بوقوعه يرتفع تركه، وبالله تعالى التوفيق. وقد اعترض في هذا بعض أهل الشغب فقال: لو كان الأمر بالشيء نهيا عن تركه، أو كان النهي عن الشيء أمرا بتركه، لكان العلم بالشيء جهلا بضده. قال علي: وحكاية هذا الكلام الساقط تغني عن تكلف الرد عليه، لأنه رام التشبيه بين ما لا تشابه بينه، وهو بمنزلة من قال: لو كان الموت ضد الحياة لكان السمع ضد البصر، ومثل هذا من الغثائث ينبغي لمن كان به رمق أن يرغب بنفسه عنه، ولكن من لم يعد كلامه من عمله كثرت أهذاره، ومن لم يستح فعل ما شاء، وأما العلم بالشيء، فهو على الحقيقة عدم العلم بضده، لأن علمك بأن زيدا حي، وهو عدم العلم، وبطلان العلم بأنه ميت، وقول القائل: لا نأكل لا شك عند كل ذي حس أن معناه اترك الأكل ولا فرق وهذا من المتلائمات وقد أفردنا لهذا بابا في كتاب التقريب وبطل مما ذكرنا قول من قال: النهي نوع من أنواع الأمر، وقول من قال: الأمر نوع من أنواع النهي وصح أن كل أمر فهو أيضا نهي، وكل نهي فهو أيضا أمر. فإن قال قائل: قد يرد أمر ليس فيه نهي عن شيء أصلا، وهو أمر الإجابة. وقال آخر: قد يرد نهي ليس فيه معنى من الأمر أصلا، وهو نهي عن الاختيار للترك. قال علي: كلاهما مخطىء، أما الأمر بالإباحة فإنما معناه إن شئت افعل، وإن شئت لا تفعل، فليس مائلا إلى الأمر إلا كميله إلى النهي ولا فرق، وكذلك القول في نهي

something, it is in truth the absence of knowledge of its opposite, because your knowledge that Zayd is alive is the absence and invalidity of knowledge that he is dead. When someone says, “We do not eat,” no one possessing sense doubts that its meaning is “Refrain from eating,” with no difference. This belongs among mutually concomitant propositions, and we have devoted a separate chapter to it in The Book of Approximation. What we have mentioned invalidates the assertion of those who say that prohibition is a species of command, and the assertion of those who say that command is a species of prohibition. It is established that every command is also a prohibition, and every prohibition is also a command. If someone says, “A command may occur that contains no prohibition of anything whatsoever, namely a command to respond,” and another says, “A prohibition may occur that contains no meaning of command whatsoever, namely a prohibition concerning the choice to refrain,” ʿAli said: Both are mistaken. As for a command expressing permission, its meaning is simply, “If you wish, do it; and if you wish, do not do it.” It inclines toward command only as much as it inclines toward prohibition, with no difference. The same applies to a prohibition expressing the choice to refrain, which is disapproval, with no difference. So too with a command expressing recommendation, with no difference: the meaning of permission to refrain is present in it. Success comes through Allah Most High.[115][116][117][118]

الاختيار للترك، وهو الكراهية ولا فرق، وهكذا أمر الندب ولا فرق، وفيه معنى إباحة الترك موجود وبالله تعالى التوفيق

[115] **Translator’s note (L938):** The supplied وليس عن الشيء أمرا is grammatically defective and appears to omit النهي, “prohibition.” The translation gives the apparent intended sense, “Prohibiting something is not a command.”

[116] **Translator’s note (L939):** The Quranic quotation corresponds to 76:24, but the supplied فصبر is defective in place of فاصبر, “so be patient.” The translation renders the apparent intended imperative.

[117] **Translator’s note (L941):** The supplied لا نأكل means “we do not eat,” whereas the author’s proposed equivalent is an imperative, “refrain from eating.” This apparent mismatch is preserved. The objection reads أمر الإجابة, “a command to respond,” whereas the ensuing answer discusses الأمر بالإباحة, “a command expressing permission.” This apparent textual inconsistency is preserved. The phrase نهي عن الاختيار للترك is awkward and literally suggests “a prohibition concerning the choice to refrain.” The subsequent explanation treats it as a prohibition expressing nonbinding disapproval.

[فصل في الأمر هل يتكرر أبدا أو يجري منه ما يستحق به المأمور اسم فاعل لما أمر به]

قال علي: اختلف الناس في الأمر، إذا ورد بفعل ما، هل يخرج من فعله مرة عن اسم المعصية، أو يتكرر عليه الأمر أبدا فيلزمه التكرار له ما أمكنه، فبكلا القولين قال القائلون. قال علي: والصواب أن المطيع غير العاصي، ومحال أن يكون الإنسان مطيعا عاصيا من وجه واحد. فمن أمر بفعل ما ولم يأت نص بإيجاب تكراره، ففعله فقد استحق اسم مطيع، وارتفع عنه اسم عاص بيقين، وكل شيء بطل فلا يعود إلا بيقين من نص أو إجماع. وإنما تكلم في هذه المسألة القائلون بقول الشافعي رحمه الله في تكرار الصلاة على النبي صلى الله عليه وسلم في كل صلاة لأجل قوله تعالى {إن الله وملائكته يصلون على النبي يأيها لذين آمنوا صلوا عليه وسلموا تسليما} قال علي: ولو كان ما احتجوا به من وجوب التكرار صحيحا، لما كان موضع الجلوس الآخر من الصلاة أحق به من القيام والسجود وسائر أحوال الإنسان، وهم إنما أوجبوا ذلك بعد التشهد الأخير من الصلاة فقط. وقد ورد حديث في لفظه إبعاد لمن ذكر عنده رسول الله صلى الله عليه وسلم فلم يصل عليه فإن صح لقلت هو فرض متى ذكر عليه السلام وإن لم يصح فقد صح أن من صلى عليه مرة صلى الله عليه عشرا، ولا يزهد في هذا إلا محروم، والذي يوقن فهو أنه من يرغب عن الصلاة على رسول الله صلى الله عليه وسلم وعن السلام عليه فهو كافر مشرك ومن صلى عليه وسلم ثم ترك غير راغب عن ذلك، ولكن عالم بأنه مقصر باخس نفسه حظا جليلا فلا أجر له في ذلك ولا إثم عليه

L942 **[Section on Whether a Command Requires Repetition Forever, or Whether Performance Sufficient to Entitle the Person Commanded to Be Called a Doer of What He Was Commanded Suffices]**[119]

L943–944 ʿAli said: People have disagreed concerning a command that enjoins some act: does someone who performs it once cease to be described as disobedient, or does the command recur upon him forever, obliging him to repeat it as much as he can? Advocates have maintained both positions. ʿAli said: The correct position is that an obedient person is distinct from a disobedient person, and it is impossible for a person to be obedient and disobedient in one and the same respect. Thus, whoever is commanded to perform some act, when no text has come requiring its repetition and does it, he has thereby deserved the designation "obedient," and the designation "disobedient" has certainly ceased to apply to him. Anything that has ceased to apply does not apply again except through certainty established by a text or consensus. Those who discussed this question were the adherents of al-Shafiʿi's position—may Allah have mercy on him—concerning the repetition of invoking blessings upon the Prophet ﷺ in every prayer, on account of the Most High's statement: {Indeed, Allah and His angels invoke blessings upon the Prophet. O you who believe, invoke blessings upon him and salute him with a salutation.} ʿAli said: If their argument for the obligation of repetition were sound, the final sitting of the prayer would have no greater claim to it than standing, prostrating, or any of a person's other circumstances. Yet they require it only after the final testimony of faith in the prayer. A report has been transmitted whose wording invokes banishment upon someone in whose presence the Messenger of Allah ﷺ is mentioned but who does not invoke blessings upon him. If it is authentic, I would say that this is obligatory whenever he, peace be upon him, is mentioned. If it is not authentic, it has nevertheless been authentically established that whoever invokes blessings upon him once,

[118] **Qur'an references (L938):** Qur'an 76:24 (Al-Insan).

[119] **Translator's note (L942):** The supplied يجري, "runs" or "proceeds," is awkward here and may be a transcription error for يجزي, "suffices." The heading is translated according to that apparent intended sense.

Allah invokes blessings upon that person ten times. Only someone deprived of good would disdain this. What is certain is that anyone who turns away in aversion from invoking blessings and salutations upon the Messenger of Allah ﷺ is an unbeliever and a polytheist. Someone who invokes blessings and salutations upon him and then ceases, without aversion to doing so, but knowing that he is falling short and depriving himself of a splendid share, receives no reward for that omission and incurs no sin for it.[120][121]

L945–954 If they say, "What, then, do you say about jihad?" we reply: It has been established that jihad is obligatory upon us until none remains in the world except a believer or a person of the Book who pays the poll tax in a state of abasement. This follows from Allah the Most High's command to us to fight until there is no persecution and religion belongs entirely to Allah, all the polytheists believe, establish prayer, and give the prescribed alms, and the People of the Book pay the poll tax in a state of abasement. Fighting therefore remains incumbent upon us continually until what we have mentioned comes about. It suffices us that it is a collective obligation. For the capable person to abandon it is disapproved, unless he has the strength to confront the enemy or the imam calls him to arms. Whichever of these occurs, jihad becomes an individual obligation binding upon every capable person himself. What also invalidates the position of someone who maintains repetition is that, if his position were correct, it would oblige anyone who was greeted to keep returning the greeting continually and never cease repeating his response, because of the Most High's statement: {When you are greeted with a greeting, greet with a better one or return it. Indeed, Allah takes account of everything.} There is no disagreement that a single response discharges the obligation to return a greeting. As for commanding what is right and forbidding what is wrong, the wrong that one sees tomorrow is different from the wrong that one sees today, and we are obliged to change every wrong. The same applies to commanding what is right, because the right that one

فإن قالوا فما تقولون في الجهاد قلنا قد صح أن الجهاد فرض علينا إلى ألا يبقى في الدنيا إلا مؤمن أو كتابي يغرم الجزية صاغرا بأمر الله تعالى لنا أن نقاتل حتى لا تكون فتنة، ويكون الدين كله لله، ويؤمن المشركون كلهم، ويقيموا الصلاة ويؤتوا الزكاة، ويعطي أهل الكتاب الجزية وهم صاغرون. فالقتال ثابت علينا أبدا، حتى يكون ما ذكرنا، وحسبنا أنه فرض على الكفاية، وتركه للمطبق مكروه ما لم يقو للعدو، أو لم يستنفر الإمام، فأي ذلك كان، فالجهاد فرض على كل مطيق في ذات نفسه متعين عليه. ويبطل قول من قال بالتكرار: أنه لو كان قوله صحيحا، للزم من سلم عليه أن يرد أبدا، ولا يمسك عن تكرار الرد، لقوله تعالى: {وإذا حييتم بتحية فحيوا بأحسن منها أو ردوها إن الله كان على كل شيء حسيبا} ولا خلاف في أن بمرة واحدة يخرج من فرض الرد. وأما الأمر بالمعروف والنهي عن المنكر، فالمنكر الذي يرى غدا غير المنكر الذي يرى اليوم، وفرض علينا تغيير كل منكر، وكذلك القول في الأمر بالمعروف، لأن المعروف الذي يأمر به غدا غير الذي أمر به اليوم وقد جاء النص مبينا بقوله صلى الله عليه وسلم من رأى منكم منكرا فليغيره ومما يبطل قول من قال بالتكرار قوله تعالى: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما}

[120] **Translator's note (L944):** The Qur'anic quotation contains defective spellings, including لله for الله and لنبي for النبي. These have been treated as orthographic defects; the quotation's wording and repetition of blessings and salutations are preserved.

[121] **Qur'an references (L943):** Qur'an 33:56 (Al-Ahzab).

commands tomorrow is different from what one commanded today. The text has explicitly explained this in his statement ﷺ: "Whoever among you sees a wrong, let him change it." Among the things that invalidate the position of someone who maintains repetition is the Most High's statement: {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they remit it as charity. If he belongs to a people who are enemies to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance granted by Allah. Allah is All-Knowing, All-Wise.} His command, the Most High, to pay the prescribed alms, and similar commands, do not require repetition except where a text explicitly explains that repetition is obligatory. Otherwise, one fulfillment suffices, as do one payment of blood money and one slave. 'Ali said: Some of our predecessors who hold that the person commanded is discharged by doing the act once have argued against those who maintain repetition as follows: Since everyone agrees that repetition is not required to the point that a person must refrain from eating, sleeping, and attending to his affairs, and since this is established, someone who sets one limit in this matter has no stronger claim than someone who sets another limit. It follows necessarily that a person ceases to be disobedient by doing once what he was commanded to do. They also argued from his statement, peace be upon him, when he was asked about the pilgrimage, "Every year?" He, peace be upon him, replied: "Leave me alone as long as I leave you alone." They said: If a command required repetition, he, peace be upon him, would not have rebuked the person who asked about the pilgrimage, "Every year?" For he would then have been asking an appropriate question, or asking for a relaxation of what the wording entailed. Rather, the Messenger of Allah ﷺ feared that his question might occasion the revelation of an additional requirement beyond what the wording of the command to perform the pilgrimage entailed. That questioner would thus come within the category of those whom the Messenger of Allah ﷺ censured in his statement: "The person whose offense is greatest in Islam is someone who asked

وأمره تعالى بأداء الزكاة، وما أشبه ذلك، لا يلزم تكراره إلا ما جاء النص مبينا بإيجاب تكراره، وإلا فوفاء واحد يجزي، ودية واحدة، ورقبة واحدة. قال علي: وقد احتج على القائلين بالتكرار بعض من سلف، ممن يقول بأنه يخرج المأمور بذلك بفعله مرة واحدة، بأن قال لما أجمع الناس على أن التكرار لا يلزم حتى يمتنع المرء من الأكل والنوم والنظر في أسبابه، فلما صح ذلك لم يكن من حد في ذلك حدا أولى ممن حد حدا آخر، فوجب أنه يخرج من المعصية بفعل ما أمر بفعله مرة واحتجوا أيضا بقوله عليه السلام إذ سئل عن الحج أفي كل عام فقال عليه السلام دعوني ما تركتكم قالوا فلو كان الأمر يجب تكراره لما أنكر عليه السلام على السائل عن الحج أفي كل عام لأنه كان يكون واضعا للسؤال موضعه، أو سائلا تخفيفا عما يقتضيه اللفظ ولكن رسول الله صلى الله عليه وسلم خشي أن يكون سؤاله موجبا لنزول زيادة على ما اقتضاه لفظ الأمر بالحج، فيدخل ذلك السائل في جملة من ذم رسول الله صلى الله عليه وسلم بقوله أعظم الناس جرما في الإسلام من سأل عن أمر لم يحرم فحرم من أجل مسألته قال علي وهذا احتجاج صحيح ظاهر قال علي وقد تعلق بالتكرار من قال بإيجاب التيمم لكل صلاة. قال أبو محمد: وهذا خطأ، لأن نص الآية لا يوجب التيمم إلا على من أحدث بقوله 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} فلو تركنا ظاهر هذه الآية لوجب الوضوء فرضا على كل قائم إلى الصلاة، ولما وجب ذلك في التيمم. لأن نص الآية بإيجاب الوضوء على قائم إلى الصلاة، وليس فيه إيجاب التيمم إلا على من أحدث فقط، ولكن لما صلى عليه السلام الصلوات الخمس يوم الفتح بوضوء واحد،

about something that had not been prohibited, and it was then prohibited because of his question." ʿAli said: This is a sound and clear argument. ʿAli said: Those who hold that dry ablution is obligatory for every prayer have appealed to repetition. Abu Muhammed said: This is an error, because the explicit wording of the verse requires dry ablution only of someone who has incurred ritual impurity, in the Most High's statement: {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 along a way, 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 Ever-Pardoning, All-Forgiving.} If we abandoned the apparent meaning of this verse, ablution with water would necessarily be obligatory upon everyone rising to pray, while that would not be obligatory in the case of dry ablution. For the explicit wording of the verse requires ablution with water of someone rising to pray, whereas it requires dry ablution only of someone who has incurred ritual impurity. But when he, peace be upon him, performed the five prayers on the day of the Conquest with a single ablution, we knew that only someone who has incurred ritual impurity is commanded to perform ablution with water. As for repeating dry ablution, the explicit wording of the verse invalidates it. ʿAli said: Those who maintain repetition argued: "You agree with us that a prohibition is repeated, remains binding continually, and is renewed at every moment. Why, then, do you not say that the person prohibited is discharged from the prohibition merely by refraining for a single moment from what he was prohibited from doing, just as you say that by doing something once he is discharged from the command and that the command does not apply to him again?" ʿAli said: This is a subtle piece of sophistry. We have already explained above that a prohibition is a command to refrain; that refraining is possible for everyone, and no creature is incapable of refraining. Acting is different: some actions are possible, while others are beyond one's ability. We have already explained that a person's refraining from many actions at a single time is something that occurs and is necessary, whereas his performing actions is different. A person, while sleeping, eating, praying, and attending to his affairs, is refrain-

علمنا أن المأمور بالوضوء هو المحدث فقط، وأما تكرار التيمم فنص الآية يبطله. قال علي: واحتج القائلون بالتكرار بأن قالوا: وافقتمونا على أن النهي متكرر ثابت أبدا، وأنه متجدد كل وقت، فهلا قلتم إن المنهي يخرج عن النهي بترك ما نهي عنه ساعة من الدهر فقط، كما قلتم: إن يفعل مرة واحدة يخرج عن الأمر، وإن الأمر لا يعود عليه. قال علي: هذه شغبة دقيقة، وقد قدمنا فيما خلا أن النهي هو أمر بالترك، وأن الترك ممكن لكل أحد، وليس يمتنع الترك على مخلوق، والفعل بخلاف ذلك منه ممكن، ومنه ما لا يقدر عليه، وقدمنا أن ترك المرء لأفعال كثيرة في وقت واحد موجود واجب، وأن فعله بخلاف ذلك، وأن المرء في حال نومه وأكله وصلاته ونظره في أسبابه، تارك لكل ما نهي عن تركه إن أراد الترك، وليس الأمر كذلك، بل لا يقدر على أداء أكثر الأوامر في الأحوال التي ذكرنا، وقد أمرنا عليه السلام أن نجتنب ما نهانا عنه، وأمرنا أن نفعل ما أمرنا به ما استطعنا، ولم يقل عليه السلام: فأتوه ما استطعتم وكان حينئذ يلزم التكرار وإنما قال عليه السلام فأتوا منه ما استطعتم ومن إنما هي للتبعيض المقدور، فلما امتنع تكرار الأمر بما قدمنا قبل، من أن التكرار لوازم لكان تكليفا لما لا يطاق، وأنه لما بطل ذلك كان من اقتصر في ذلك على حد ما يجده، أو عدد من التكرار يوجبه، أو على وقت ما متحكما بلا دليل لم يلزم منه إلا ما اتفق عليه، وهو مرة واحدة يقع عليه بها اسم فاعل مطيع، ويرتفع بها عنه اسم عاص، وكان ذلك فرقا صحيحا بين ما لا يقدر عليه مما ذكرنا، وبين ما يقدر عليه من الترك في كل وقت، وفي كل حال، ومن أدى من الأمر ما استطاع فقد فعل ما أمر به، ومن فعل ما أمر فقد سقط عنه الأمر، وبالله تعالى التوفيق. والقائلون بالتكرار: إنما اضطروا إليه في مسألتين أو ثلاث، وهم في سائر مسائلهم تاركون له، وقد قدمنا أن القوم إنما حسبهم نص المسألة الحاضرة بما لا يبالون أن يهدموا به سائر مسائلهم، وبالله تعالى التوفيق. قال علي: وصحيح القول في هذه المسألة هو ما قلنا من أن يفعل

ing from everything he has been forbidden to refrain from, if he intends to refrain. The same does not hold for a command; rather, he is unable to carry out most commands in the circumstances we have mentioned. He, peace be upon him, commanded us to avoid what he prohibited us from doing, and commanded us to do what we have been commanded to do to the extent that we can. He, peace be upon him ﷺ, did not say, "Then perform it to the extent that you can," in which case repetition would have been required. Rather, he, peace be upon him ﷺ, said, "Then perform of it what you can." "Of" serves only to indicate the portion within one's capacity. Since repetition of the command was precluded by what we explained earlier—that repetition would entail imposing what cannot be borne—and since, once that was invalidated, anyone who restricted this to some limit that he set, some number of repetitions that he prescribed, or some particular time would be making an arbitrary determination without evidence, nothing was binding beyond what was agreed upon: a single performance, through which the designation of an obedient performer applies to him and the designation of a disobedient person is removed from him. This constituted a sound distinction between the things we have mentioned that one cannot do and the abstention that one can maintain at every time and in every circumstance. Whoever performs as much of the command as he can has done what he was commanded to do; and whoever has done what he was commanded to do is no longer subject to that command. Through Allah Most High comes success.

Those who advocate repetition were driven to it only in two or three questions, while abandoning it in the rest of their questions. We have already explained that these people concern themselves only with supporting the question presently before them, without caring that by doing so they demolish the rest of their positions. Through Allah Most High comes success.

Ali said: The correct position on this question is what we have stated: by performing the act once, a person discharges what is incumbent upon him. He is not obliged to repeat the act, for the reasons we have mentioned, unless the circumstance in which that command applies ceases and then returns. In that case the command necessarily returns. Thus, when a Muslim becomes

مرة واحدة يؤدي المرء ما عليه، ولا يلزمه تكرار الفعل لما ذكرنا، إلا أن ترتفع تلك الحال التي فيها ذلك الأمر ثم تعود، فإن الأمر يعود ولا بد، كمرض المسلم تجب عيادته، فبمرة واحدة يخرج من الفرض ما دام في تلك العلة، فإن أفاق ثم مرض عاد حكم العيادة أيضا، وفك العاني متى صار عانيا وجب فكه، كإطعام الجائع متى عاد جوعه عاد وجوب إطعامه، وكالتعوذ متى قطع الإنسان القراءة ثم ابتدأ القراءة، وكالوضوء متى أحدث، وكالصلاة في كل يوم، ولا يلزم تكرار شيء من ذلك بعد فعله في حال واحدة، وبالله تعالى التوفيق. والقول بالتكرار باطل، لأنه تكليف ما لا يطاق، أو القول بلا برهان، وكلاهما باطل، لأننا نسألهم عن تكرار الأوامر المختلفة، وبعضها يقطع عن فعل بعض فلا بد ضرورة من ترك جميعها إلا واحدا، فأيها هو الواحد، وهذا هو القول بلا برهان، وكل ما كان هكذا فهو باطل بلا شك وبالله تعالى التوفيق

ill, visiting him is obligatory; a single visit discharges the obligation for as long as he remains in that illness. If he recovers and then becomes ill, the ruling requiring a visit returns as well. Likewise, freeing a captive: whenever he becomes a captive, freeing him becomes obligatory. The same applies to feeding a hungry person: whenever his hunger returns, the obligation to feed him returns; to seeking refuge with Allah whenever a person interrupts recitation and then begins reciting again; to ritual ablution whenever he incurs ritual impurity; and to prayer each day. None of these things must be repeated after being performed within a single continuing circumstance. Through Allah Most High comes success. Advocating repetition is invalid, because it either imposes what cannot be borne or makes an assertion without demonstration and both are invalid, because we ask them about repeating the different commands, when performing some prevents the performance of others so that necessarily all but one must be left unperformed. Which of them, then, is that one? This is assertion without demonstration, and every-

thing of this kind is undoubtedly invalid. Through Allah Most High comes success.[122][123][124][125][126][127]

[Section on the Granting of a Choice]

L955

L956–959 Ali said: They disagreed concerning things among which Allah, Mighty and Majestic, grants a choice, obliging the person granted that choice to select whichever he wishes and perform it: for example, expiation for oaths; expiation for shaving during pilgrimage before the Day of Sacrifice because of illness or an affliction of the head, and likewise during the lesser pilgrimage before its completion; compensation for game killed; and similar matters. Some people said: They are all obligatory, but when a person performs one of them, the rest cease to be incumbent.

[122]**Translator's note (L945):** The supplied للمطبق is anomalous in context; "for the capable person" follows the apparent intended reading للمطيق, supported by مطيق later in the passage. The wording ما لم يقو للعدو is awkward. It is rendered as having the strength to confront the enemy; the precise condition intended remains uncertain.

[123]**Translator's note (L946):** The Qur'anic quotations repeatedly spell الله as لله; these are treated as orthographic defects.

[124]**Translator's note (L949):** The supplied فلو تركنا ظاهر هذه الآية literally says "If we abandoned the apparent meaning of this verse." This is preserved, although the argument appears to call for "If we were left with the apparent meaning of this verse." The quoted verse concerns approaching prayer while intoxicated and dry ablution, but the subsequent argument refers to a verse commanding ablution with water upon rising to pray. The apparent mismatch between the quotation and the argument is preserved. The Qur'anic quotation contains defective spellings, including لله for الله; these are treated as orthographic defects.

[125]**Translator's note (L950):** The Arabic says "everything he has been forbidden to refrain from" (كل ما نهي عن تركه), which conflicts with the surrounding argument. This has been preserved rather than silently changed to "everything he has been forbidden to do."

[126]**Translator's note (L952):** The wording "أن التكرار لوازم لكان" is syntactically defective. The translation gives the apparent argument—that repetition would entail imposing what cannot be borne—without treating the transmitted wording as sound. The expression "حد ما يجده" is awkward; it has been understood as an arbitrarily determined limit.

[127]**Qur'an references (L945):** Qur'an 8:39 (Al-Anfal); Qur'an 4:86 (An-Nisa); Qur'an 4:92 (An-Nisa); Qur'an 4:43 (An-Nisa).

[فصل في التخيير]

قال علي واختلفوا في الأشياء إذا خير الله عز وجل بينها، وأوجب على المخير أن يقصد أيها شاء فيفعله ككفارة الأيمان، وكفارة الحلق في الحج قبل يوم النحر لمرض أو أذى من الرأس، وفي العمرة كذلك، قبل تمامها، وفي جزاء الصيد وما أشبه ذلك، فقال قوم: هي كلها واجبة فإذا فعل أحدها سقط سائرها قال علي وهذا خطأ فاحش لوجهين أحدهما أن أو لا توجب تساوي ما عطف بها واجتماعه، وإنما يوجب ذلك الواو والفاء وثم، هذا ما لا يجهله من له أدنى بصر باللغة العربية. والثاني: أنها لو وجبت كلها لما سقطت بفعل بعضها، وما لزم فرضا فإنما يسقط بأن يفعل، لا بأن يفعل غيره، وهذا شيء يعلم بالضرورة، لأن ما أوجب الله تعالى عليك عمله فلم يرد منك أن تقيم مقامه غيره إلا بنص وارد في ذلك، وإلا فأنت عاص، إن لم تفعل الذي أمرت به، فلو أوجب تعالى عليه عتق رقبة لم يخرج منها بكسوة، وهذا الذي لا يعقل سواه. وذهب قوم إلى أنه تعالى إنما أوجب في ذلك شيئا واحدا مما خير فيه تعالى لا بعينه، ولكن أيها شاء المخير، ونحن لا ننكر هذا، لأن عقولنا ليست عيارا على ربنا عز وجل، ولا في العقل ما يمنع من أن يريد الله تعالى إيجاب ما شاء إلى الموجب عليه، فإذا فعل المخير المكفر أي الكفارات التي خوطب بها شاء فقد أدى فرضه، وهو الذي سبق في علم الله عز وجل أنه به يسقط عنه الإثم والتخيير ينقسم قسمين أحدهما الذي ذكرنا وهو أن يلزم المرء أحد وجهين، أو أحد وجوه لا بد من أن يأتي ببعضها أيها شاء، فهذا فرضه الذي يأتي به مما خير فيه. والقسم الثاني أن يقال للمرء: إن شئت أن تفعل كذا، وإن شئت ألا تفعله أصلا، وهذا النوع لا يجوز أن يكون فرضا أصلا، ولا يكون إلا تطوعا، لأن كل شيء أبيح للمرء تركه جملة أو فعله

فهو تطوع بلا خلاف من أحد، وهذا لازم لمن قال إن المرء مخير في السفر بين إتمام الصلاة أو قصرها، لأن من قول هذا القائل أن الركعتين الزائدتين أن من تركهما لم يأثم، فهي إذن تطوع، وإذا كانتا تطوعا فغير جائز أن يصليهما بركعتي الفرض اللتين لا بد له من أن يأتي بهما، وليس يلزمهم هذا في قولهم في الصيام إن شاء صام في رمضان في السفر، وإن شاء أفطر، لأنهم لا يسقطون عنه الصيام جملة كما يسقطون عنه الركعتين اللتين تتم بهما الصلاة أربعا، لكن يقولون: إن شاء صام رمضان فيه، وإن شاء صامه في أيام أخر، ولا بد عندهم من صيامه، فإنما هذا تخيير في أحد الوقتين لا في ترك الصيام أصلا، وهناك خيروه في الإتيان بالركعتين أو تركهما البتة فافهم

Ali said: This is a grave error for two reasons. The first is that "or" does not require the things conjoined by it to have equal status and be combined; rather, that is required by "and," "and then," and "then." No one with the slightest understanding of the Arabic language is ignorant of this. The second is that, if they were all obligatory, performing some of them would not discharge the others. Whatever is binding as an obligation is discharged only by its being performed, not by something else being performed. This is something known by necessity, because, concerning whatever Allah Most High has obliged you to do, He has not intended you to substitute something else for it unless a revealed text provides for that. Otherwise, you are disobedient if you do not do what you were commanded to do. Thus, if He Most High obliged someone to free a slave, that person would not discharge that obligation by providing clothing. No other understanding is conceivable.

Some people held that, in such cases, He Most High has obliged only one of the things among which He Most High grants a choice—not one specifically identified, but whichever the person granted the choice wishes. We do not reject this, because our intellects are no measure by which to judge our Lord, Mighty and Majestic, and there is nothing in reason to preclude Allah Most High from intending to make obligatory whatever He wills, leaving the choice to the person upon whom the obligation is imposed. Thus, when the person granted a choice who is making expiation performs whichever he wishes of the expiations addressed to him, he has discharged his obligation. It is that act through which, as was already known in the knowledge of Allah, Mighty and Majestic, sin would be removed from him.

The granting of a choice divides into two kinds. The first is what we have mentioned: a person is bound to one of two alternatives, or one of several alternatives, and must perform some one of them, whichever he wishes. His obligation is thus the act he performs from among those between which he was granted a choice. The second kind is that a person is told, "If you wish, you may do such-and-such, and if you wish, you may refrain from doing it altogether." This kind cannot constitute an obligation at all; it can only be voluntary, because anything that a person is permitted either to omit entirely or to perform is voluntary, without disagreement from anyone. This

consequence is binding upon anyone who says that a person is granted a choice while traveling between performing the prayer in full or shortening it, because the position of the person who says this concerning the two units of prayer that are additional is that whoever omits them incurs no sin. They are therefore voluntary. If they are voluntary, it is impermissible to pray them together with the two obligatory units of prayer that he must perform. This consequence does not bind them regarding their position on fasting—that, if he wishes, he may fast during Ramadan while traveling, and, if he wishes, he may refrain from fasting—because they do not absolve him of fasting altogether as they absolve him of the two units through which the prayer is completed as four. Rather, they say: If he wishes, he may observe the Ramadan fast during that month, and, if he wishes, he may observe it on other days. In their view he must fast it. This is therefore a choice between two times, not a choice to abandon fasting altogether. In the other case, however, they granted him a choice between performing the two units of prayer and omitting them entirely. Understand this.[128][129]

[فصل في الأمر بعد الحظر ومراتب الشريعة]

L960

[Section on a Command Following a Prohibition and the Categories of the Revealed Law]

قال علي قد بينا في غير موضع أن مراتب الشريعة خمسة: حرام وفرض، وهذان طرفان، ثم يلي الحرام المكروه، ويلي الفرض الندب، وبين الندب والكراهة واسطة وهي الإباحة. فالحرام ما لا يحل فعله ويكون تاركه مأجورا مطيعا، وفاعله آثما عاصيا. والفرض ما لا يحل تركه ويكون فاعله مأجورا مطيعا، ويكون تاركه آثما. والمكروه هو ما إن فعله المرء لم يأثم ولم يؤجر، وإن تركه أجر. والندب هو ما إن فعله المرء أجر، وإن تركه لم يأثم ولم يؤجر. والإباحة هي ما إن فعله المرء لم يأثم ولم يؤجر، وإن تركه لم يأثم ولم يؤجر، كصبغ المرء ثوبه أخضر أو أصفر، فإذا نسخ الحظر نظرنا، فإن جاء نسخه بلفظ الأمر فهو فرض واجب فعله بعد أن كان حراما، وإن كان أتى فعل لشيء تقدم فيه النهي فهو منتقل إلى الإباحة فقط، والنهي باق على الاختيار، وكذلك الأمر إذا أتى بعده فعل بخلافه فهو منتقل إلى الإباحة والأمر باق على الندب كما

L961–963

Ali said: We have explained in more than one place that the categories of the revealed law are five: the prohibited and the obligatory, which are the two extremes; next to the prohibited comes the disfavored, and next to the obligatory comes the recommended. Between recommendation and disfavor lies an intermediate category, permissibility. The prohibited is that which it is unlawful to do, and the person who refrains from it is rewarded and obedient, while the person who does it is sinful and disobedient. The obligatory is that which it is unlawful to omit; the person who performs it is rewarded and obedient, while the person who omits it is sinful. The

[128] **Translator's note (L956):** The three Arabic conjunctions are wāw, fāʾ, and thumma, rendered respectively as "and," "and then," and "then"; their distinct Arabic forms are central to the grammatical argument.

[129] **Translator's note (L957):** The opening "ما شاء إلى الموجب عليه" is compressed and awkward. "Leaving the choice" supplies the apparent connective sense of "to the person upon whom the obligation is imposed."

disfavored is that which, if a person does it, he neither sins nor receives a reward, while, if he refrains from it, he is rewarded. The recommended is that which, if a person does it, he is rewarded, while, if he omits it, he neither sins nor receives a reward. The permissible is that which, if a person does it, he neither sins nor receives a reward, and, if he omits it, he neither sins nor receives a reward: for example, a person dyeing his garment green or yellow.

When a prohibition is abrogated, we examine the matter. If its abrogation comes in the wording of a command, performing the act is an obligatory duty after having been prohibited. If, however, an act is performed concerning something previously prohibited, it passes only into permissibility, while the prohibition remains as an expression of preference. Likewise, when a command is followed by an act contrary to it, the matter passes into permissibility, while the command remains as a recommendation. This is as we have said concerning his commanding the people, peace be upon him ﷺ, to pray seated behind their prayer leader when he prays seated. Then, during the illness in which he died, he, peace be upon him ﷺ, prayed seated with the people behind him and Abu Bakr standing beside him. We thus knew that his prohibition, peace be upon him ﷺ, of standing specifically for the admonisher expresses recommendation and preference—unless this is done to exalt the prayer leader, in which case it is prohibited—and we knew that standing for him is permissible. This applies only where we have certainty as to which came earlier and which later. As for cases in which it is not known which of the two reports came first, acting upon them consists in adopting the additional provision and the exception, as we explained earlier. Through Allah Most High comes success.[130][131]

قلنا في أمره عليه السلام الناس إذا صلى إمامهم جالسا أن يصلوا وراءه جلوسا ثم صلى عليه السلام في مرضه الذي توفي فيه جالسا والناس وراءه وأبو بكر إلى جنبه قائم فعلمنا أن نهيه عليه السلام عن القيام للمذكر خاصة ندب واختيار إلا أن يفعل ذلك تعظيما للإمام فهو حرام، وعلمنا أن الوقوف له مباح، وإنما هذا فيما تيقنا فيه للمتقدم والمتأخر، وأما ما لم يعلم أي الخبرين كان قبل، فالعمل بذلك الأخذ بالزائد، والاستثناء على ما قدمناه، وبالله تعالى التوفيق.

قال علي: وقد ادعى بعض من سلف أنه تقرأ الأوامر كلها الواردة بعد الحظر، فوجدها كلها اختيارا أو إباحة وذكر من ذلك قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد

[130] **Translator's note (L962):** The text reads "للمذكر," rendered "for the admonisher." This is unexpected in the discussion of a seated prayer leader and may be a corruption of "للمذكور," "for the aforementioned person"; the reading has not been silently corrected. The subject of the performed act in the abrogation discussion is not explicitly named in the Arabic; the ensuing example concerns the Prophet's practice.

[131] **Translator's note (L963):** The wording "تيقنا فيه للمتقدم والمتأخر" is grammatically awkward; its apparent sense is certainty concerning the chronological order.

L964 Ali said: One of our predecessors claimed that he had surveyed all the commands occurring after a prohibition and found that all of them expressed a choice or permission. Among the examples he mentioned were His words, Exalted is He: “O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial animals, nor the garlanded animals, nor those making their way to the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of pilgrimage consecration, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, lead you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment”; and: “They ask you about menstruation. Say: It is a hurt, so keep apart from women during menstruation, and do not approach them until they become clean. Then, when they have purified themselves, come to them from where Allah has commanded you. Indeed, Allah loves those who repeatedly repent, and He loves those who purify themselves”; and: “I forbade you to visit graves, so visit them; and [I forbade you] to prepare infusions in vessels, so prepare infusions”; and: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah’s limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.”[132]

L965–966 Ali said: This speaker has overlooked something. Allah, Exalted is He, has said: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and

[132]**Qur’an references (L964):** Qur’an 5:2 (Al-Ma’idah); Qur’an 2:222 (Al-Baqarah); Qur’an 2:187 (Al-Baqarah).

آلعقاب} {ويسألونك عن لمحيض قل هو أذى فعتزلوا لنسآء في لمحيض ولا تقربوهن حتى يطهرن فإذا تطهرن فأتوهن من حيث أمركم لله إن لله يحب لتوابين ويحب لمتطهرين} ونهيتكم عن زيارة القبور فزوروها، وعن الانتباذ في الظروف فانتبذوا {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون}

قال علي وقد أغفل هذا القائل قد قال الله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم

seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him." Breaking the fast by eating and drinking was therefore an indispensable obligatory duty. The prohibition of uninterrupted fasting made this clear. Likewise His saying, Exalted is He—"Allah," the verse up to His saying, Exalted is He: "O you who believe, do not enter the Prophet's houses unless permission is given to you for a meal, without waiting for it to be ready. But when you are invited, enter; and when you have eaten, disperse, without lingering for conversation. That was causing the Prophet distress, and he was shy of you, but Allah is not shy of the truth. When you ask them for an article, ask them from behind a screen. That is purer for your hearts and their hearts. You must not distress the Messenger of Allah, nor ever marry his wives after him. Indeed, that would be tremendous in Allah's sight." The dispersal mentioned in this verse means leaving the houses of the Prophet ﷺ, and it is an obligatory duty. They are not permitted to remain seated in them after eating the food they were invited to eat. As for the commands we mentioned earlier, the evidence supplied by the texts has established that they express recommendation. We do not refuse to acknowledge what a text brings; rather, we hasten to accept it. What we reject is ruling by corrupt opinions and deviant desires without a demonstration from Allah, Mighty and Majestic. As for His saying, Exalted is He: "O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial animals, nor the garlanded animals, nor those making their way to the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of pilgrimage consecration, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, lead you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment"—the Messenger of Allah ﷺ left the state of consecration for his lesser pilgrimage and for his pilgrimage, and did not hunt. We therefore know that this expresses recommendation and permission. As for His saying,

عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} فكان الفطر بالأكل والشرب فرضا لا بد منه، بين ذلك النهي عن الوصال وكذلك قوله تعالى لله الآية إلى قوله تعالى {يأيها لذين آمنوا لا تدخلوا بيوت لنبي إلا أن يؤذن لكم إلى طعام غير ناظرين إناه ولكن إذا دعيتم فدخلوا فإذا طعمتم فنتشروا ولا مستأنسين لحديث إن ذلكم كان يؤذي لنبي فيستحيي منكم ولله لا يستحيي من لحق وإذا سألتموهن متاعا فسألوهن من ورآء حجاب ذلكم أطهر لقلوبكم وقلوبهن وما كان لكم أن تؤذوا رسول لله ولا أن تنكحوا أزواجه من بعده أبدا إن ذلكم كان عند لله عظيما} فالانتشار المذكور في هذه الآية هو الخروج عن بيوت النبي صلى الله عليه وسلم وهو فرض لا يحل لهم القعود فيها بعد أن يطعموا ما دعوا إلى طعامه، وأما الأوامر التي ذكرنا قبل، فإن دلائل النصوص قد صحت على أنها ندب، ونحن لا نأبى الإقرار بما أتى به نص بل نبادر إلى قبوله، وإنما ننكر الحكم بالآراء الفاسدة والأهواء الزائغة بغير برهان من الله عز وجل أما قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} فإن رسول الله صلى الله عليه وسلم حل من عمرته ومن حجه ولم يصطد فعلمنا أنه ندب وإباحة وأما قوله تعالى {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} فقد صح عن النبي صلى الله عليه وسلم أن الملائكة لا تزال تصلي على المرء ما دام في مصلاه الذي صلى فيه ما لم يحدث، ولم يخص صلاة من صلاة، فصح أن الانتشار مباح إلا للحدث والنظر في مصالح نفسه وأهله فهو فرض

Exalted is He: “When the prayer has been completed, disperse through the land, seek some of Allah’s bounty, and remember Allah much, so that you may prosper”—it has been authentically established from the Prophet ﷺ that the angels continue to invoke blessings upon a person for as long as he remains in the place where he prayed, unless he incurs ritual impurity. He did not distinguish one prayer from another. Thus it is established that dispersing is permissible, except for relieving oneself and attending to his own interests and those of his family, for then it is an obligatory duty.[133][134][135]

L967 As for his saying, peace be upon him, concerning graves, “Visit them”: an obligatory duty must either be delimited, or the amount of it that a person performs must be left to him, or it must be governed by capacity and customary propriety. There is no text concerning visiting graves that specifies any of these forms. Moreover, even if it were an obligatory duty, someone who visited them once would have discharged his duty in that regard, because of what we have already presented in refutation of repetition. As for his saying, peace be upon him, “Prepare infusions”: he, peace be upon him, did not prepare infusions himself; rather, they were prepared for him. Thus it is established that preparing infusions is not an obligatory duty, but a permission. As for His saying, Exalted is He: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques.

وأما قوله عليه السلام في القبور فزوروها فإن الفرض لا يكون إلا محدودا، وإما موكولا إلى المرء ما فعل منه، أو محمولا على الطاقة والمعروف، وليس في زيارة القبور نص بشيء من هذه الوجوه، ثم لو كان فرضا لكان زائرها مرة واحدة قد أدى فرضه في ذلك لما قدمنا في إبطال التكرار وأما قوله عليه السلام فانتبذوا فإنه عليه السلام لم ينتبذ لكن كان ينتبذ له فصح أن الانتباذ ليس فرضا، لكنه إباحة وأما قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} والمباشرة من الرجل لزوجته فرض ولا بد، ولا يحل له هجرها في المضجع، ولا الامتناع من وطئها إلا بتجافيها له عن ذلك، على ما بينا في كتاب النكاح من كلامنا في الأحكام، والحمد لله رب العالمين.

[133] **Translator’s note (L965):** The ending, literally “Likewise His saying, Exalted is He, Allah, the verse up to His saying,” appears corrupt or to contain a displaced quotation reference. Its wording has been retained without supplying a missing verse.

[134] **Translator’s note (L966):** The final occurrence of al-ḥadath can denote ritual impurity or the bodily act that causes it. In this context of leaving the prayer place, it is rendered “relieving oneself.”

[135] **Qur’an references (L965):** Qur’an 2:187 (Al-Baqarah); Qur’an 33:53 (Al-Ahzab); Qur’an 5:2 (Al-Ma’idah).

These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him"—a man's having intercourse with his wife is an indispensable obligatory duty. He is not permitted to forsake her in bed or refrain from intercourse with her unless she relinquishes that to him, as we have explained in the Book of Marriage in our discussion of legal rulings. Praise belongs to Allah, Lord of the worlds.[136][137]

L968 Ali said: Some Malikis have held that there is something binding that is neither an obligatory duty nor a voluntary act. Ali said: This is corrupt delirium that makes no sense at all, because what is binding is that which must be done, whereas what is not binding is that which a person may do if he wishes and leave if he wishes. Nothing is known here that lies between these two extremes. If they take account of those things for which the wording "obligatory duty" occurs in the revealed law, they are the first to disobey what occurs in it. For Allah, Mighty and Majestic, says: "Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, for debtors, in the path of Allah, and for the traveler: an obligatory duty from Allah. Allah is Knowing, Wise." Yet they say: "This apportionment is not an obligatory duty. Rather, it is permissible to give some of the alms to people other than these, and permissible to allocate them to some of these categories to the exclusion of others." Ibn Umar said: "The Messenger of Allah ﷺ prescribed as an obligatory duty the alms of breaking the fast, incumbent upon every Muslim, young or old, male or female, free or enslaved: one measure—a ṣāʿ—of dates or one measure—a ṣāʿ—of barley."[138]

L969 But they said: "This is not an obligatory duty, nor is barley, nor are dates an obligatory duty in it." Thus we know of no one who has abandoned the wording "obligatory duty" occurring in the revealed law of them. Then they argued in various ways for the delirium they had asserted—that there

قال علي: وقد ذهب بعض المالكيين إلى أن ههنا واجبا ليس فرضا ولا تطوعا. قال علي: وهذا هذيان فاسد لا يعقل أصلا، لأن الواجب هو الذي لا بد من فعله، وغير الواجب هو ما إن شاء فعله المرء وإن شاء تركه، ولا يعرف ههنا شيء يتوسط هذين الطرفين، فإن راعوا ما ورد به لفظ الفرض في الشريعة فهم أول عاص لما ورد فيها لأن الله عز وجل يقول {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل فريضة من لله ولله عليم حكيم} فقالوا هم هذه القسمة ليست فريضة، بل جائز أن يعطى من الصدقات غير هؤلاء، وجائز أن توضع في بعض هذه الأصناف دون بعض وقال ابن عمر فرض رسول الله صلى الله عليه وسلم صدقة الفطر على كل صغير أو كبير ذكرا أو أنثى، حرا أو عبدا، من المسلمين صاعا من تمر أو صاعا من شعير

فقالوا: ليس هذا فرضا، ولا الشعير أيضا، ولا التمر فيها فرضا فما نعلم أحدا ترك لفظ الفرض الوارد في الشريعة منهم، ثم احتجوا في البرسام الذي ادعوه من وجوه أنه شيء واجب ليس فرضا ولا تطوعا، فقالوا: ذلك مثل الأذان والوتر وركعتي الفجر وصلاة العيدين والصلاة في جماعة ورمي الجمار للمبيت ليالي منى بمنى.

[136] **Translator's note (L967):** "In refutation of repetition" refers to the author's earlier rejection of the claim that a command in itself requires repeated performance.

[137] **Qur'an references (L967):** Qur'an 2:187 (Al-Baqarah).

[138] **Translator's note (L968):** "Binding" renders wājib, while "obligatory duty" renders farḍ or farīḍah, preserving the terminological distinction that the author disputes.

is something binding that is neither an obligatory duty nor a voluntary act. They said: "That is like the call to prayer, the odd-numbered prayer, the two prayer units before dawn, the prayer of the two festivals, prayer in congregation, and casting the pebbles for spending the nights of Mina at Mina."[139]

L970–971 Ali said: All of this is a corrupt claim. As for prayer in congregation, the call to prayer, and casting the pebbles, these are binding obligatory duties, and whoever abandons them disobeys, because the Prophet ﷺ commanded them. As for the prayer of the two festivals, the odd-numbered prayer, the two prayer units before dawn, and spending the nights of Mina at Mina, these are not obligatory duties. Rather, they are voluntary acts whose abandonment is disapproved. If someone deliberately abandoned them throughout his entire lifetime, he would neither incur sin nor disobey Allah, Mighty and Majestic, nor would that impair his moral probity. He, peace be upon him, said concerning the man who swore that he would add nothing to the five obligatory prayers: "By Allah, he will prosper if he speaks truthfully"; "He will enter Paradise if he speaks truthfully." This speaker had asked the Prophet ﷺ, when he described the five prayers to him: "O Messenger of Allah, am I under an obligation to perform any others?" He replied: "No, unless you perform voluntary acts." Thus the Prophet—may blessings Allah bless him and grant him peace—one who leaves every prayer other than the five successful, and did not rebuke him. He, peace be upon him, stated that every prayer other than the five is voluntary. It is therefore forbidden for anyone to oppose the Prophet ﷺ. Had the command to perform funeral prayers not been given, making them an indispensable obligation, they would have been voluntary. Among these practices, however, are things whose omission is disliked: whoever omits them incurs neither sin nor reward, while who-

قال علي: وكل هذا فدعوى فاسدة، أما الصلاة في جماعة والأذان ورمي الجمار ففرائض واجبة يعصي من تركها لأمر النبي صلى الله عليه وسلم بها وأما صلاة العيدين والوتر وركعتا الفجر والمبيت ليالي منى بمنى، فليست فرائض، ولكنها تطوع يكره تركها، فلو تركها، تارك دهره كله متعمدا ما أثم ولا عصى الله عز وجل ولا قدح ذلك في عدالته وقد قال عليه السلام في الذي حلف ألا يزيد على الصلوات الخمس الفرائض: أفلح والله إن صدق، دخل الجنة إن صدق وقد سأل هذا القائل النبي صلى الله عليه وسلم إذ وصف له الصلوات الخمس فقال يا رسول الله هل علي غيرها فقال لا إلا أن تطوع فسمى النبي صلى الله عليه وسلم تارك كل صلاة ما عدا الخمس مفلحا ولم يعنفه وأخبر عليه السلام أن كل صلاة ما عدا الخمس فهي تطوع فحرام على كل أحد خلاف النبي صلى الله عليه وسلم ولولا أن الأمر ورد بصلاة الجنائز فصارت فرضا لا بد منه، لكانت تطوعا، ولكن من هذه الخلال أشياء يكره تركها، فمن تركها لم يأثم ولم يؤجر، ومن فعلها أجر، فبطلت بما ذكرنا قسمتهم الفاسدة والحمد لله رب العالمين

[139] **Translator's note (L969):** The phrase ending "of them" is syntactically defective. A comparative such as "more than they have" may be missing, but it has not been supplied in the translation. The supplied wording connects casting the pebbles to spending the nights at Mina with "for." The following passage treats these as separate practices, suggesting a textual error here. "Delirium" renders barsām, a medical term used here as a polemical insult.

ever performs them is rewarded. What we have stated thus invalidates their unsound classification. Praise be to Allah, Lord of the worlds.[140][141]

L972 **[Section on Commands Expressed in Forms of Address to Males]**

L973–980 Ali said: People have disagreed. One group said: When a command occurs in the form of an address to males, it applies to males rather than females, unless evidence establishes that females are included in it. They argued: Every meaning has an expression that conveys it. The form of address to women is 'Do [feminine plural],' whereas the form of address to men is 'Do [masculine plural].' Thus an expression cannot be applied to anything other than that to which it has been assigned, except on evidence. Ali said: This is the position we adopt, and no other position is admissible. The evidence adduced by the first group is the strongest argument against them, and it is our evidence for invalidating their position. For every meaning necessarily has an expression that conveys it, as they said. There is no disagreement among any of the Arabs, or among those who have transmitted their language, from the first of them to the last, that when men and women, males and females, are gathered together and addressed or spoken about, the address and the statement take the same form as an address to, or statement about, males alone, without any difference, and that this is an invariably uniform rule It is thereby established that there is no separate expression exclusively for addressing males in the Arabic language distinct from the expression that includes both them and females, unless there comes an additional clarification that males rather than females are intended. Once this is established, an address cannot be construed as applying to some of what it encompasses to the exclusion of the rest, except by an explicit text or consensus. Since the expression 'Do [masculine plural],' the plural formed with wāw and nūn, and the broken plural apply to males and females together; since the Messenger

[140] **Translator's note (L970):** The segment ends after the opening word of a blessing upon the Prophet. "May blessings" preserves the incomplete salutation without supplying the words in the following segment.

[141] **Translator's note (L971):** The opening continues the salutation and the construction 'the Prophet called … successful' from the preceding segment.

[فصل في ورود الأمر بلفظ خطاب الذكور]

قال علي اختلف الناس فقالت طائفة إذا ورد الأمر بصورة خطاب الذكور، فهو على الذكور دون الإناث، إلا أن يقوم دليل على دخول الإناث فيه، واحتجوا بأن قالوا: إن لكل معنى لفظا يعبر عنه، فخطاب النساء افعلن، وخاطب الرجال: افعلوا، فلا سبيل إلى إيقاع لفظ على غير ما علق عليه إلا بدليل. قال علي: وبهذا نأخذ، وهو الذي لا يجوز غيره، والدليل الذي استدلت به الطائفة الأولى هو أعظم الحجة عليهم، وهو دليلنا على إبطال قولهم، لأن لكل معنى لفظا يعبر به كما قالوا ولا بد، ولا خلاف بين أحد من العرب، ولا من حاملي لغتهم أولهم عن آخرهم، في أن الرجال والنساء، وأن الذكور والإناث إذا اجتمعوا وخوطبوا أخبر عنهم، أن الخطاب والخبر يردان بلفظ الخطاب، والخبر عن الذكور إذا انفردوا ولا فرق، وأن هذا أمر مطرد أبدا على حالة واحدة، فصح بذلك أنه ليس لخطاب الذكور خاصة لفظ مجرد في اللغة العربية غير اللفظ الجامع لهم وللإناث، ألا أن يأتي بيان زائد بأن المراد الذكور دون الإناث، فلما صح لم يجز حمل الخطاب على بعض ما يقتضيه دون بعض إلا بنص أو بإجماع، فلما كانت لفظة افعلوا والجمع بالواو والنون وجمع التكسير يقع على الذكور والإناث معا وكان رسول الله صلى الله عليه وسلم مبعوثا إلى الرجال والنساء بعثا مستويا وكان خطاب الله تعالى وخطاب نبيه صلى الله عليه وسلم للرجال والنساء خطابا واحدا لم يجز أن يخص بشيء من ذلك الرجال دون النساء إلا بنص جلي أو إجماع لأن ذلك تخصيص الظاهر، وهذا غير جائز، وكل ما لزم القائلين بالخصوص فهو لازم لهؤلاء، وسيأتي ذلك مستوعبا في بابه إن شاء الله تعالى. فإن قالوا: فأوجبوا الجهاد فرضا على النساء قيل لهم، وبالله تعالى التوفيق لولا قول رسول الله صلى الله عليه وسلم لعائشة

of Allah ﷺ was sent equally to men and women; and since the address of Allah Most High and the address of His Prophet ﷺ constitute a single address to men and women, it is impermissible to restrict any of this to men to the exclusion of women except by a clear explicit text or consensus. For that would restrict the apparent meaning, and this is impermissible. Every consequence binding upon those who maintain specificity is equally binding upon these people. This will be treated fully in its appropriate chapter, Allah Most High willing. If they say, 'Then make armed striving an obligatory duty for women,' they are answered—and success comes through Allah Most High: Were it not for the Messenger of Allah's ﷺ saying to Aishah, when she sought his permission to engage in armed striving, 'For you women, however, the best armed striving is an accepted pilgrimage,' armed striving would have been an obligatory duty for them. Through this report, however, we know that armed striving is recommended for women, not obligatory. For he, peace be upon him, did not prohibit her from it, but informed her that pilgrimage was better for them than it. Further demonstrating the soundness of our position is that Aishah, who is an authority in the language, upon hearing the command to engage in armed striving, understood women to be included in that obligation, until the Prophet ﷺ explained to her that it was recommended for them, not obligatory, and that pilgrimage was better for them than it. We do not deny that an expression may be diverted from its assigned meaning in the language on the evidence of an explicit text, consensus, or a necessity inherent in nature indicating that it has been diverted from its assigned meaning. What is invalid is the claim of someone who asserts, without evidence, that an expression has been diverted from its assigned meaning in the language. The Prophet ﷺ did not therefore object to her construing the address expressed in the form used to address males as generally including women. This suffices for anyone who understands. If they say, 'Then oblige them to go forth to acquire understanding of the religion, to command what is right, and to forbid what is wrong,' we say—and success comes through Allah Most High: Yes, this is obligatory for them, just as it is obligatory for men. Expenditure in everything pertaining specifically to her is an obligatory duty for every woman, just as that is an obligatory duty for men. Thus every woman possessing wealth is obliged

إذ استأذنته في الجهاد لكن أفضل الجهاد حج مبرور لكان الجهاد عليهن فرضا، ولكن بهذا الحديث علمنا أن الجهاد على النساء ندب لا فرض لأنه عليه السلام لم ينهها عن ذلك ولكن أخبرها أن الحج لهن أفضل منه، ومما يبين صحة قولنا أن عائشة وهي حجة في اللغة لما سمعت الأمر بالجهاد قدرت أن النساء يدخلن في ذلك الوجوب حتى بين النبي صلى الله عليه وسلم لها أنه عليهم ندب لا فرض وأن الحج لهن أفضل منه، ونحن لا ننكر صرف اللفظ عن موضوعه في اللغة، بدليل من نص أو إجماع، أو بضرورة طبيعة تدل على أنه مصروف عن موضوعه، وإنما يبطل دعوى من ادعى صرف اللفظ عن موضوعه في اللغة بلا دليل فلم ينكر النبي صلى الله عليه وسلم عليها حملها الخطاب بلفظ خطاب الذكور على عموم دخول النساء في ذلك وفي هذا كفاية لمن عقل. فإن قالوا: فأوجبوا عليهن النفار للتفقه في الدين، والأمر بالمعروف والنهي عن المنكر. قلنا: وبالله تعالى التوفيق: نعم هذا واجب عليهن كوجوبه على الرجال وفرض على كل امرأة النفقة في كل ما يخصها كما ذلك فرض على الرجال ففرض على ذات المال منهن معرفة أحكام الزكاة، وفرض عليهن كلهن معرفة أحكام الطهارة والصلاة والصوم، وما يحل وما يحرم من المآكل والمشارب والملابس وغير ذلك كالرجال ولا فرق، ولو تفقهت امرأة في علوم الديانة للزمنا قبول نذارتها وقد كان ذلك فهؤلاء أزواج النبي صلى الله عليه وسلم وصواحبه قد نقل عنهن أحكام الدين وقامت الحجة بنقلهن، ولا خلاف بين أصحابنا وجميع أهل نحلتنا في ذلك فمنهن سوى أزواجه عليه السلام أم سليم وأم حرام وأم عطية وأم كرز وأم شريك، وأم الدرداء، وأم خالد، وأسماء بنت أبي بكر، وفاطمة بنت قيس، ويسرة، وغيرهن، ثم في التابعين عمرة، وأم الحسن، والرباب، وفاطمة بنت المنذر، وهند الفراسية، وحبيبة بنت ميسرة، وحفصة بنت سيرين، وغيرهن. ولا خلاف بين أحد من المسلمين قاطبة في أنهن مخاطبات بقوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} {شهر رمضان

to know the rulings of obligatory almsgiving, and all women are obliged to know the rulings of ritual purification, prayer, and fasting, and what is lawful and unlawful among foods, drinks, clothing, and other things, just like men, without any difference. If a woman acquired understanding of the religious sciences, we would be bound to accept her warning. This has indeed occurred: the rulings of religion have been transmitted from these wives of the Prophet ﷺ and his female Companions, and their transmission has established authoritative proof. There is no disagreement about this among our companions or any of the adherents of our religion. Among these women, besides his wives, peace be upon him, are Umm Sulaym, Umm Haram, Umm Atiyyah, Umm Kurz, Umm Sharik, Umm al-Darda, Umm Khalid, Asma bint Abi Bakr, Fatimah bint Qays, Yusrah, and others. Then, among the Successors, there are Amrah, Umm al-Hasan, al-Rabab, Fatimah bint al-Mundhir, Hind al-Farasiyyah, Habibah bint Maysarah, Hafsah bint Sirin, and others. There is no disagreement whatsoever among any Muslims that women are addressed by His saying, Most High: {Establish prayer, give obligatory alms, and bow with those who bow}; {The month of Ramadan, in which the Quran was sent down as guidance for humankind 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 an equal 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 you may give thanks}; and {O you who believe, be mindful of Allah and relinquish what remains of usury, if you are believers}; and {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 killed by goring, and that which a beast of prey has eaten, except what you duly slaughter; and what has been slaughtered upon sacrificial stones; and that you seek apportionment by divining arrows. That is transgression. 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—Allah is indeed forgiving, merciful}; and {Let those who cannot

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} و {يأيها لذين آمنوا تقوا لله وذروا ما بقي من لربا إن كنتم مؤمنين} و {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} و {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} و {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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله 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 لله ويعلمكم لله ولله بكل شيء عليم} و {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من

find the means to marry remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them from the wealth of Allah that He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking thereby the fleeting goods of this worldly life. Whoever compels them—Allah, after their compulsion, is indeed forgiving, merciful}; and {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. 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 be mindful of Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call two witnesses from among your men to witness. If they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. And let not the witnesses refuse when they are summoned. Do not weary of writing it down, whether small or large, together with its term. That is more equitable in Allah's sight, more reliable for testimony, and more conducive to your having no doubts, unless it is an immediate transaction that you conduct among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact a sale with one another. Let neither a scribe nor a witness be harmed. If you do so, it is transgression on your part. Be mindful of Allah; Allah teaches you, and Allah knows all things}; and {In it are clear signs—the standing place of Abraham—and whoever enters it is safe. Pilgrimage to the House is owed to Allah by people, by whoever is able to find a way to it. Whoever disbelieves—Allah is indeed independent of all the worlds}; and {Then depart from where the people depart, and seek Allah's forgiveness. Allah is indeed forgiving, merciful}; and {Satan desires only to sow enmity and hatred among you through wine and gambling, and to turn you away from the remembrance of Allah and from prayer. Will you then desist?}; and {Test the orphans until they reach marriageable age. Then, if you discern sound judgment in them, hand over their property to them. Do not consume it extravagantly and hastily, lest they grow up. Whoever is wealthy

ستطاع إليه سبيلا ومن كفر فإن الله غني عن لعالمين} و {ثم أفيضوا من حيث أفاض لناس وستغفروا الله إن الله غفور رحيم} و {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في لخمر ولميسر ويصدكم عن ذكر الله وعن لصلاة فهل أنتم منتهون} و {وبتلوا ليتامى حتى إذا بلغوا النكاح فإن آنستم منهم رشدا فدفعوا إليهم أموالهم ولا تأكلوهآ إسرافا وبدارا أن يكبروا ومن كان غنيا فليستعفف ومن كان فقيرا فليأكل بلمعروف فإذا دفعتم إليهم أموالهم فأشهدوا عليهم وكفى بلله حسيبا} وسائر أوامر القرآن وإنما من لجأ إلى هذه المضايق في مسألة أو مسألتين تحكموا فيها وقلدوا، فاضطروا إلى مكابرة العيان، ودعوى خروج النساء من الخطاب بلا دليل، ثم رجعوا إلى عمومهن مع الرجال، بلا رقبة ولا حياء.

should abstain, and whoever is poor should consume according to what is reasonable. When you hand over their property to them, take witnesses over them. Allah suffices as a reckoner}; and all the other commands of the Quran. Those who resorted to these straits did so only over one or two questions concerning which they made arbitrary rulings and followed others without proof. They were consequently driven to deny what is plainly evident and to claim, without evidence, that women are excluded from the address. Then they returned to including women generally together with men, without fear or shame.[142][143][144][145][146][147]

L981–987 Ali said: Allah Most High has said, {Indeed, it is a reminder for you and your

قال علي: وقد قال الله تعالى: {وإنه لذكر لك ولقومك وسوف تسألون} وقال أيضا {وأنذر عشيرتك لأقربين} فنادى عليه السلام بطون قريش بطنا بطنا ثم قال يا صفية بنت عبد المطلب، يا فاطمة بنت محمد، فأدخل النساء مع الرجال في الخطاب الوارد كما نرى فإن قال قائل فقد قال تعالى {يأيها لذين آمنوا لا يسخر قوم من قوم عسى أن يكونوا خيرا منهم ولا نسآء من نسآء عسى أن يكن خيرا منهن ولا تلمزوا أنفسكم ولا تنابزوا بلألقاب بئس لاسم لفسوق بعد لإيمان ومن لم يتب فأولئك هم لظالمون} وقال زهير وما أدري وسوف إخال أدري أقوم آل حصن أم نساء فالجواب وبالله تعالى التوفيق إن اللفظ إذا جاء مرادا به بعض ما يقع تحته في اللغة وبين ذلك دليل فلسنا ننكره فقد قال تعالى {يأيها لناس تقوا ربكم إن زلزلة لساعة شيء عظيم} فلا خلاف بين لغوي وشرعي أن هذا الخطاب متوجه إلى كل آدمي من ذكر أو أنثى ثم قال تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} فقام الدليل على أن المراد ههنا بعض الناس لا كلهم، فوجب الوقوف عند ذلك لقيام الدليل عليه، ولولا ذلك لما جاز أن يكون محمولا إلا على عموم الناس كلهم. قال أبو محمد وقد سأل عمرو بن العاص رسول الله صلى الله عليه وسلم أي الناس أحب إليك فقال عائشة قال ومن الرجال؟ قال: أبوها ثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد،

[142] **Translator's note (L973):** 'This is the position we adopt' appears to endorse the preceding restriction to males, although the ensuing argument rejects that restriction. The apparent inconsistency is retained. The wording 'are addressed or spoken about' interprets the awkward sequence 'were addressed, were spoken about' in accordance with the ensuing distinction between address and statement.

[143] **Translator's note (L976):** The unvocalized 'لكن' in the quoted report can be read either as 'however' or as 'for you women.' The translation reflects both possibilities in the context. In 'it was recommended for them,' the source uses a masculine plural pronoun despite referring to women; the referent is preserved. 'Armed striving' renders jihad here; the quoted report itself also applies the term to pilgrimage.

[144] **Translator's note (L977):** The supplied text reads 'expenditure' (al-nafaqah). The surrounding discussion strongly suggests 'acquiring understanding' (al-tafaqquh), but the supplied reading has been retained.

[145] **Translator's note (L979):** The opening salutation refers to the Prophet, whose wives were mentioned at the end of the preceding segment. The names Yusrah and Hind al-Farasiyyah follow the supplied transcription; their precise identification and vocalization are uncertain. The Quran quotations repeatedly omit initial alifs in the transcription. The recognizable words have been translated without reproducing these orthographic omissions. The final quotation continues into the next segment.

[146] **Translator's note (L980):** 'Let neither a scribe nor a witness be harmed' is grammatically ambiguous in the unvocalized Arabic: it can also mean 'Let neither a scribe nor a witness cause harm.' The supplied 'without fear' uses the unusual reading raqbah; a reading meaning 'regard' or 'watchfulness' may have been intended, but has not been substituted. As in the preceding segment, the Quran quotations contain repeated omissions of initial alifs in otherwise recognizable words.

[147] **Qur'an references (L973):** Qur'an 2:185 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah); Qur'an 24:33 (An-Nur); Qur'an 2:282 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 2:199 (Al-Baqarah); Qur'an 4:6 (An-Nisa).

people, and you will be questioned.} He also said, {And warn your nearest kinsfolk.} So he, peace be upon him, called out to the clans of Quraysh, clan by clan, then said, "O Safiyyah daughter of Abd al-Muttalib! O Fatimah daughter of Muhammed!" Thus he included women together with men in the address delivered, as we see. If someone says: Allah Most High has said, {O you who believe, let no people ridicule another people; perhaps they are better than them. Nor let women ridicule other women; perhaps they are better than them. Do not defame one another, and do not call one another by offensive nicknames. Evil is the designation of transgression after faith. Whoever does not repent—those are the wrongdoers.} And Zuhayr said, "I do not know—and I suppose I shall come to know— Are the people of Hisn men or women?"

The answer—and success comes through Allah Most High—is that, when an expression occurs with only some of what it encompasses in the language intended, and evidence makes this clear, we do not deny it. Allah Most High has said, {O people, fear your Lord. Indeed, the earthquake of the Hour is a tremendous thing.} There is no disagreement between a scholar of language and a scholar of revealed law that this address is directed to every human being, male or female. Then Allah Most High said, {Those to whom people said, "People have gathered against you, so fear them"—but it increased them in faith, and they said, "Allah is sufficient for us, and an excellent trustee is He."} Evidence establishes that what is intended here is some people, not all of them. We must therefore stop at that, because evidence establishes it. Were it not for that, it could only be understood as applying generally to all people.

Abu Muhammed said: Amr ibn al-As asked the Messenger of Allah ﷺ, "Which person is most beloved to you?" He replied, "Aishah." He said, "And among men?" He replied, "Her father." Abd Allah ibn Yusuf related it to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Yahya informed us: Khalid ibn Abd Allah related to us, from Khalid—that is, al-Hadhdha—from Abu Uthman—that is, al-Nahdi—who said: Amr ibn al-As informed me, from the Messenger of Allah ﷺ.

عن أحمد بن علي، عن مسلم بن الحجاج، أنبأ يحيى، ثنا خالد بن عبد الله، عن خالد هو الحذاء عن أبي عثمان هو النهدي قال أخبرني عمرو بن العاص عن رسول الله صلى الله عليه وسلم ورسول الله صلى الله عليه وسلم أعلم الناس باللغة التي بعث بها فحمل اللفظ على عمومه في دخول النساء مع الرجال حتى أخبره السائل أنه أراد بعض من يقع عليه الاسم الذي خاطب به فقبل ذلك منه عليه السلام وهذا هو نص مذهبنا وهو أن نحمل الكلام على عمومه، فإذا قام دليل على أنه أراد به الخصوص صرنا إليه، ولا خلاف بين المسلمين في أن 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} واقع على إناث الخنازير كوقوعها على ذكورها بنفس اللفظ للنوع كله. وقد اعترض بعضهم بحديث ذكروه من طريق أم سلمة رضي الله عنها فيه: أن النساء شكون وقلن ما نرى الله تعالى يذكر إلا الرجال فنزلت {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} قال علي وهذا حديث لا يصح البتة، ولا روي من طريق يثبت، حدثنا محمد بن سعيد بن نبات، قال أحمد بن عبد البصير: ثنا قاسم بن إصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن بشار بندار، ثنا أبو داود الطيالسي، ثنا شعبة، عن حصين قال: سمعت عكرمة يقول قالت أم عمار يا رسول الله يذكر الرجال في القرآن ولا يذكر النساء قال فنزلت {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} قال علي وهذا مرسل كما نرى لا تقوم به حجة، وثناه أيضا محمد بن سعيد النباتي، ثنا أحمد

The Messenger of Allah ﷺ was the most knowledgeable of people concerning the language in which he was sent. He therefore understood the expression in its general scope, including women together with men, until the questioner informed him that he intended only some of those to whom the designation he used in addressing him applied. He, peace be upon him, accepted that from him. This is precisely our position: that we understand speech in its general scope; then, if evidence establishes that a specific scope was intended by it, we adopt that. There is no disagreement among Muslims that His statement, Most High, {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 a pig—for it is filth—or a transgression over which a name other than Allah's has been invoked. But whoever is compelled, neither desiring it nor exceeding the limit—then your Lord is forgiving, merciful}, applies to female pigs just as it applies to male pigs, through the very same expression encompassing the entire species. Some have objected by citing a report they transmitted through Umm Salamah, may Allah be pleased with her, in which the women complained and said, "We see Allah Most High mentioning only men." Then there was revealed, {Indeed, the Muslim men and Muslim women, and the believing men and believing women, and the obedient men and obedient women, and the truthful men and truthful women, and the patient men and patient women, and the humble men and humble women, and the men who give charity and women who give charity, and the fasting men and fasting women, and the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a tremendous reward.}

Ali said: This report is not authentic at all, nor has it been transmitted through any chain that can be established as sound. Muhammed son of Said ibn Nabat related to us, saying: Ahmad ibn Abd al-Basir [said]: Qasim ibn Isbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Abu Dawud al-Tayalisi related to us: Shubah related to us, from Husayn, who said: I heard Ikrimah say: Umm Ammar said, "O Messenger of Allah, men are mentioned in the

بن عبد البصير، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا محمد بن المثنى، حدثنا مؤمل، ثنا سفيان، عن ابن أبي نجيح، عن مجاهد، قال: قالت أم سلمة يذكر الرجال في الهجرة ولا نذكر فنزلت {فستجاب لهم ربهم أني لا أضيع عمل عامل منكم من ذكر أو أنثى بعضكم من بعض فلذين هاجروا وأخرجوا من ديارهم وأوذوا في سبيلي وقاتلوا وقتلوا لأكفرن عنهم سيئاتهم ولأدخلنهم جنات تجري من تحتها لأنهار ثوابا من عند لله ولله عنده حسن لثواب} وقالت أم سلمة يا رسول الله لا نقطع الميراث ولا نغزو في سبيل الله فنقتل فنزلت {ولا تمنوا ما فضل لله به بعضكم على بعض للرجال نصيب مما كتسبوا وللنسآء نصيب مما كتسبن وسألوا لله من فضله إن لله كان بكل شيء عليما} وقالت أم سلمة يذكر الرجال ولا نذكر فنزلت {ورد لله لذين كفروا بغيظهم لم ينالوا خيرا وكفى لله لمؤمنين لقتال وكان لله قويا عزيزا} قال علي ويقال إن التفسير لم يسمعه ابن أبي نجيح من مجاهد، ثنا بذلك يحيى بن عبد الرحمن، عن أحمد بن دحيم، عن إبراهيم بن حماد، عن إسماعيل بن إسحاق، ولم يذكر مجاهد سماعا لهذا الخبر عن أم سلمة، ولا يعلم له منها سماع أصلا وإنما صح أنهن قلن يا رسول الله غلبنا عليك الرجال فاجعل لنا يوما فجعل لهن عليه السلام يوما وعظهن فيه وأمرهن بالصدقة وكذلك صح ما روي في خطبته عليه السلام في العيد وأمره النساء أن يشهدن ثم رأى عليه السلام أنه لم يسمعهن فأتاهن فوعظهن قائما أتاهن عليه السلام إذ خشي أنهن لم يسمعن وإلا فقد كان يكفيهن جملة كلامه على المنبر.

Quran, but women are not mentioned." He said: Then there was revealed, {Indeed, the Muslim men and Muslim women, and the believing men and believing women, and the obedient men and obedient women, and the truthful men and truthful women, and the patient men and patient women, and the humble men and humble women, and the men who give charity and women who give charity, and the fasting men and fasting women, and the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a tremendous reward.}

Ali said: This is a report with an omitted link to the Prophet, as we see; no authoritative proof can be established by it. Muhammed ibn Said al-Nabati also related it to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Muhammed ibn al-Muthanna related to us: Muammal related to us: Sufyan related to us, from Ibn Abi Najih, from Mujahid, who said: Umm Salamah said, "Men are mentioned in connection with emigration, but we are not mentioned." Then there was revealed, {Their Lord answered them: "I do not let the work of any worker among you go to waste, whether male or female; you are of one another. Those who emigrated, were driven from their homes, were harmed in My cause, fought, and were killed—I shall surely expiate their evil deeds for them and admit them into gardens beneath which rivers flow, as a reward from Allah. With Allah is the finest reward."} And Umm Salamah said, "O Messenger of Allah, we do not apportion the inheritance, nor do we go on military expeditions in Allah's cause and get killed." Then there was revealed, {Do not wish for that by which Allah has favored some of you over others. Men have a share of what they have earned, and women have a share of what they have earned. Ask Allah of His bounty. Indeed, Allah knows all things.} And Umm Salamah said, "Men are mentioned, but we are not mentioned." Then there was revealed, {Allah turned back those who disbelieved in their rage, having attained no good. Allah spared the believers the fighting, and Allah is strong, mighty.}

Ali said: It is said that the Quranic commentary was not heard by Ibn Abi Najih from Mujahid. Yahya ibn Abd al-Rahman related this to us, from Ahmad ibn Duhaym, from Ibrahim ibn Hammad, from Ismail ibn Ishaq.

Mujahid did not state that he heard this report from Umm Salamah, nor is he known to have heard anything from her at all. What is authentically established is only that the women said, “O Messenger of Allah, the men have taken up your time to our exclusion, so appoint a day for us.” So he appointed for them, peace be upon him, a day on which he admonished them and commanded them to give charity. Likewise, what has been transmitted concerning his sermon, peace be upon him, at the festival, and his command that women attend, is authentic. Then he, peace be upon him, thought that he had not made himself heard by them, so he went to them and admonished them while standing. He went to them, peace be upon him, because he feared that they had not heard; otherwise, the entirety of his speech from the pulpit would have sufficed for them.[148][149][150]

L988–992 Abu Muhammed said: The sound report concerning this is what Abdullah ibn Yusuf related to us, through the previously mentioned chain of transmission reaching Muslim: Yunus ibn Abd al-Aʿla al-Sadafi, Abu Maʿn al-Raqashi, Abu Bakr Nafiʿ, and Abdullah ibn Humayd related to us. These three said: Abu ʿAmir Abd al-Malik ibn ʿAmr al-ʿAqadi related to us: Aflah ibn Saʿid related to us: Abdullah ibn Rafiʿ related to us. Yunus ibn Abd al-Aʿla said: Abdullah ibn Wahb related to us: ʿAmr—that is, Ibn al-Harith—informed me that Bukayr related to him, from al-Qasim ibn Abbas al-Hashimi, from Abdullah ibn Rafiʿ, the client of the son of Umm Salama, from Umm Salama,

قال أبو محمد: والصحيح من هذا ما حدثناه عبد الله بن يوسف بالسند المتقدم ذكره إلى مسلم، حدثنا يونس بن عبد الأعلى الصدفي، وأبو معن الرقاشي، وأبو بكر نافع، وعبد الله بن حميد، قال هؤلاء الثلاثة: ثنا أبو عامر عبد الملك بن عمرو العقدي، ثنا أفلح بن سعيد، حدثنا عبد الله بن رافع، وقال يونس بن عبد الأعلى: ثنا عبد الله بن وهب، أخبرني عمرو هو ابن الحارث أن بكيرا حدثه عن القاسم بن عباس الهاشمي، عن عبد الله بن رافع مولى ابن أم سلمة عن أم سلمة زوج النبي صلى الله عليه وسلم أنها قالت كنت أسمع الناس يذكرون الحوض ولم أسمع ذلك من رسول الله صلى الله عليه وسلم فلما كان يوما من ذلك والجارية تمشطني فسمعت رسول الله صلى الله عليه وسلم يقول أيها الناس فقلت للجارية استأخري عني، قالت: إنما دعا الرجال ولم يدع النساء، فقلت إني من الناس، ثم ذكرت الحديث. قال علي: في هذا بيان دخول النساء مع الرجال في الخطاب الوارد بصيغة خطاب الذكور. قال أبو محمد واحتج بعضهم بقوله تعالى {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين

[148] **Translator’s note (L982):** The poem contrasts qawm, rendered here as “men,” with “women”; the argument concerns whether qawm necessarily excludes women. Elsewhere in the passage it is rendered “people” according to context.

[149] **Translator’s note (L985):** The chain reads “said: Ahmad ibn Abd al-Basir,” without an explicit transmission verb following that name; “[said]” supplies the implied link. The name Qasim ibn Isbagh appears later in this unit as Qasim ibn Asbagh; the source’s differing forms are retained. The wording la naqtaʿu al-mirath, rendered “we do not apportion the inheritance,” is unusual and its intended sense is uncertain; it has not been replaced with a conjectured reading. The final Quranic quotation is the wording of Quran 33:25, concerning the repulse of the disbelievers, although the preceding report concerns the explicit mention of women. This apparent quotation mismatch is retained.

[150] **Qur’an references (L981):** Qur’an 43:44 (Az-Zukhruf); Qur’an 49:11 (Al-Hujurat); Qur’an 6:145 (Al-An’am); Qur’an 3:195 (Ali ’Imran); Qur’an 4:32 (An-Nisa); Qur’an 33:25 (Al-Ahzab).

the Prophet's ﷺ wife, that she said: "I used to hear people mentioning the Cistern, but I had not heard that from the Messenger of Allah ﷺ. Then, one day, while the serving girl was combing my hair, I heard the Messenger of Allah ﷺ saying, 'O people!' I said to the serving girl, 'Move back from me.' She said, 'He has only called the men; he has not called the women.' I said, 'I am one of the people.'" Then she related the remainder of the report.

Ali said: This makes clear that women are included with men in an address delivered in the grammatical form used to address males.

Abu Muhammed said: Some of them argued from His saying, exalted is He: "Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the steadfast men and steadfast women, the humble men and humble women, the men who give charity and the women who give charity, the fasting men and fasting women, the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a mighty reward." The answer—and success comes through Allah—is that emphasis and repetition are not denied. Allah, exalted is He, has mentioned the angels and then said: "Whoever is an enemy to Allah, His angels, His messengers, Gabriel, and Michael—indeed, Allah is an enemy to the unbelievers." Yet those two are among the angels. Sufficient here are the Qur'anic commands we have already presented, concerning which it is agreed that both men and women are intended, without any other explicit text or any clarification beyond the wording itself. Likewise, His saying: "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; if they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two women errs, the other may remind her. Let the witnesses

لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} فالجواب وبالله التوفيق: أنه لا ينكر التأكيد والتكرار، وقد ذكر الله تعالى الملائكة ثم قال: {من كان عدوا لله وملائكته ورسله وجبريل وميكال فإن لله عدو للكافرين} وهما من الملائكة ويكفي من هذا ما قدمناه من أوامر القرآن المتفق على أن المراد بهذا الرجال والنساء معا بغير نص آخر، ولا بيان زائد إلا اللفظ وكذلك قوله {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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله 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 لله ويعلمكم لله ولله بكل شيء عليم} بيان جلي على أن المراد بذلك الرجال والنساء معا، لأنه لا يجوز في اللغة أن يخاطب الرجال فقط بأن يقال لهم {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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة

not refuse when they are called. Do not weary of writing it down, whether small or large, with its term. That is more equitable in Allah's sight, more effective in establishing testimony, and more likely to keep you from doubt, unless it is a transaction conducted on the spot that you carry out among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact with one another, and let neither scribe nor witness be harmed. If you do so, it is transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things"—is a clear explanation that what is intended thereby is men and women together. For it is not linguistically permissible to address men alone by saying to them: "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; if they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two women errs, the other may remind her. Let the witnesses not refuse when they are called. Do not weary of writing it down, whether small or large, with its term. That is more equitable in Allah's sight, more effective in establishing testimony, and more likely to keep you from doubt, unless it is a transaction conducted on the spot that you carry out among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact with one another, and let neither scribe nor witness be harmed. If you do so, it is transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things." Rather, it would have said, "from among yourselves."

If they say, "We are certain that men are intended by an address expressed in masculine wording, but we are not certain of that concerning women; therefore, suspension of judgment concerning them is obligatory," he is told: We are certain that the Messenger of Allah ﷺ was sent to them just as he was to men, and that the revealed law, which is Islam, binds them just as it

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} وإنما كان يقال من أنفسكم فإن قالوا: قد تيقنا أن الرجال مرادون بالخطاب الوارد بلفظ الذكور، ولم نوقن ذلك في النساء، فالتوقف فيهن واجب قيل له قد تيقنا أن رسول الله صلى الله عليه وسلم مبعوث إليهن كما هو إلى الرجال وإن الشريعة التي هي الإسلام لازمة لهن كلزومها للرجال، وأيقنا أن الخطاب بالعبادات والأحكام متوجه إليهن، كتوجهه إلى الرجال إلا ما خصهن أو خص الرجال منهن دليل، وكل هذا يوجب ألا يفرد الرجال دونهن بشيء قد صح اشتراك الجميع فيها إلا بنص أو إجماع وبالله تعالى التوفيق. قال علي: وإن العجب ليكثر ممن قال بخلاف قولنا من الحنفيين والمالكيين ثم هم يأتون إلى خطاب النبي صلى الله عليه وسلم للرجل الواطىء في رمضان بالكفارة فقالوا: الواجب على المرأة من مثل ذلك ما على الرجل، فأي مجاهرة أشنع من مجاهرة من يأتي إلى خطاب عام لجميع أهل الإسلام فيريد إخراج النساء منه، ثم يأتي إلى خطاب لرجل منصوص عليه لم يذكر معه غيره، فيريدون إلزامه النساء بلا دليل ثم تناقضوا في ذلك، فألزموا الموطوءة الواطىء ولا نص في الموطوءة، ولم يلزموا المظاهرة ما ألزموا المظاهر والعلة على قولهم واحدة وهي قوله {لذين يظاهرون منكم من نسآئهم ما هن أمهاتهم إن أمهاتهم إلا للائي ولدنهم وإنهم ليقولون منكرا من لقول وزورا وإن الله لعفو غفور} والمظاهرات قد قالت ذلك وقد أوجب عليها مثل ما يجب على المظاهر قوم كثير من العلماء، وهكذا أحكام من تعدى حدود الله عز وجل، واتبع الرأي والقياس وبالله تعالى التوفيق

binds men. We are certain that the address concerning acts of worship and legal rulings is directed to them just as it is directed to men, except where evidence singles them out or singles men out to their exclusion. All this requires that men should not be singled out to their exclusion in any matter when the participation of all has been established in it, except through an explicit text or consensus. Success comes through Allah, exalted is He.

Ali said: There is indeed much to marvel at in those Hanafis and Malikis who maintain a position contrary to ours, yet then turn to the Prophet's ﷺ address to the man who had intercourse during Ramadan, prescribing expiation, and say: "The obligation upon the woman in such a case is the same as that upon the man." What brazen conduct could be more outrageous than that of someone who takes an address general to all the people of Islam and seeks to exclude women from it, then takes an address to a man explicitly specified, with no one else mentioned alongside him, and seeks to impose it upon women without evidence? Then they contradicted themselves in this: they imposed upon the woman with whom intercourse was had the obligation imposed upon the man who had intercourse, although there is no explicit text concerning the woman with whom intercourse was had. Yet they did not impose upon a woman who pronounces the repudiation likening her spouse to a forbidden relative the obligation they imposed upon a man who pronounces that repudiation, although, according to their own position, the effective cause is one and the same, namely His saying: "Those among you who repudiate their wives by likening them to their mothers—their wives are not their mothers. Their mothers are only those who gave birth to them. Indeed, they utter a reprehensible saying and a falsehood. Indeed, Allah is surely pardoning, forgiving." Women who pronounce that repudiation have said that very thing. Many scholars have indeed imposed upon such a woman the same obligation that applies to a man who pronounces it. Such are the rulings of those who overstep the bounds set by Allah, mighty and

majestic, and follow personal opinion and analogy. Success comes through Allah, exalted is He.[151][152][153][154][155]

[Section on Whether a Given Address Applies Specifically to Free People to the Exclusion of Slaves, or Includes Slaves Alongside Them]

L993

L994–998 Ali said: Some people have maintained, concerning His saying, exalted is He: “When they reach the end of their appointed term, retain them honorably or part from them honorably, and call to witness two just persons from among you. Establish testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. Whoever fears Allah, He will make for him a way out,” that it applies to free people to the exclusion of slaves. They argued from His saying, exalted is He: “Marry off the unmarried among

[151]**Translator’s note (L988):** The transmission chain names four transmitters before saying “these three.” The numerical inconsistency is retained. The supplied text identifies Abdullah ibn Rafi‘ as “the client of the son of Umm Salama.” This unusual wording is retained without removing “the son of.” The Qur’anic quotations contain numerous missing initial alifs and related transcription irregularities; these do not generally obscure the wording translated here.

[152]**Translator’s note (L989):** The unvocalized phrase concerning harm to a scribe or witness can also be read actively: “let neither scribe nor witness cause harm.” The passive reading is used here. The quotation continues Qur’an 2:282 from the preceding unit; its repeated appearance in subsequent units is preserved.

[153]**Translator’s note (L990):** The author’s contrast is between “from among your men” in the verse and the hypothetical “from among yourselves.” The entire verse is repeated in the supplied text and has been translated in full. As in the preceding unit, the unvocalized clause about the scribe and witness permits either a passive or an active reading.

[154]**Translator’s note (L992):** The phrase “they imposed upon the woman with whom intercourse was had the man who had intercourse” is grammatically compressed or defective in the supplied text. The translation supplies “the obligation imposed upon” to convey the evident comparison. The repudiation discussed is ẓihār, a declaration likening one’s spouse to a relative forbidden in marriage. The author extends the discussion to women making the corresponding declaration. The supplied text shifts from the plural “women who pronounce that repudiation” to the singular verb “has said,” followed by singular feminine pronouns. The reference is rendered intelligibly in English without changing the argument.

[155]**Qur’an references (L988):** Qur’an 2:98 (Al-Baqarah); Qur’an 2:282 (Al-Baqarah); Qur’an 58:2 (Al-Mujadila).

[فصل في الخطاب الوارد هل يخص به الأحرار دون العبيد أم يدخل فيه العبيد معهم]

قال علي ذهب قوم إلى أن قوله تعالى {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم لآخر ومن يتق لله يجعل له مخرجا} أنه للأحرار دون العبيد واحتجوا بقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم لله من فضله ولله واسع عليم} قال ما ندري أيهما أشد إقداما على الله وجرأة أتخصيصهم الأحرار في الآية الأولى دون العبيد أم استشهادهم بالآية الثانية في ذلك فأول إبطال قولهم إن النبي صلى الله عليه وسلم بعث إلى العبيد والأحرار بعثا مستويا بإجماع جميع الأمة ففرض استواء العبيد مع الأحرار إلا ما فرق فيه النص بينهم كوجوب استواء العرب والعجم من قريش إلا ما فرق فيه النص بينهم من كون الخلافة لقريش دون العرب ومن تحريم الصدقة على بني هاشم وبني المطلب دون سائر قريش والعرب وكوجوب خمس الخمس لهم دون سائر قريش والعرب وإنما خاطبنا الله تعالى في آية الإنكاح لأنه عز وجل لم يجعل للعبد أن ينكح نفسه وجعله للحر وهذا مكان نص فيه على الفرق ثم نعارضهم بقول الله تعالى {وتقوا فتنة لا تصيبن لذين ظلموا منكم خآصة وعلموا أن لله شديد لعقاب} وبقوله {يأيها لذين آمنوا لا تتخذوا ليهود ولنصارى أوليآء بعضهم أوليآء بعض ومن يتولهم منكم فإنه منهم إن لله لا يهدي لقوم لظالمين} وبقوله تعالى {يأيها لذين آمنوا لا تتخذوا آبآءكم وإخوانكم أوليآء إن ستحبوا لكفر على لإيمان ومن يتولهم منكم فأولئك هم لظالمون} وبقوله تعالى {ومنهم

you and the righteous among your male slaves and female slaves. If they are poor, Allah will enrich them from His bounty. Allah is all-abounding, knowing." He said: We do not know which displays greater presumption and audacity toward Allah: their restricting the first verse to free people to the exclusion of slaves, or their citing the second verse as evidence for that. The first refutation of their position is that the Prophet ﷺ was sent equally to slaves and free people, by the consensus of the entire community. It is therefore obligatory that slaves stand on an equal footing with free people, except where the explicit text distinguishes between them, just as Arabs and non-Arabs must stand on an equal footing with Quraysh, except where the explicit text distinguishes between them, such as the caliphate belonging to Quraysh to the exclusion of the other Arabs, the prohibition of charitable alms for Banu Hashim and Banu al-Muttalib to the exclusion of the rest of Quraysh and the Arabs, and the obligatory entitlement of those two clans to one-fifth of the fifth, to the exclusion of the rest of Quraysh and the Arabs. Allah Most High addressed us in the verse concerning giving in marriage only because He, mighty and majestic, did not grant a slave the right to contract his own marriage, whereas He granted it to a free man. This is a case in which the textual provision explicitly establishes a distinction. We then counter their argument with the saying of Allah Most High: {And guard against a trial that will certainly not afflict exclusively those among you who have done wrong, and know that Allah is severe in punishment}; and His saying: {O you who believe, do not take the Jews and the Christians as allies. They are allies of one another. Whoever among you takes them as allies is indeed one of them. Indeed, Allah does not guide the wrongdoing people}; and His saying, Most High: {O you who believe, do not take your fathers and your brothers as allies if they prefer unbelief to faith. Whoever among you takes them as allies—it is they who are the wrongdoers}; and His saying, Most High: {Among them are those who hurt the Prophet and say, "He is an ear." Say, "An ear of good for you: he believes in Allah, trusts the believers, and is a mercy to those among you who believe." Those who hurt the Messenger of Allah shall have a painful punishment}; and His saying, Most High: {Make no excuses. You have disbelieved after your faith. If We pardon one group among you, We shall punish another group because they were

لذين يؤذون لنبي ويقولون هو أذن قل أذن خير لكم يؤمن بالله ويؤمن للمؤمنين ورحمة للذين آمنوا منكم ولذين يؤذون رسول لله لهم عذاب أليم} وبقوله تعالى {لا تعتذروا قد كفرتم بعد إيمانكم إن نعف عن طآئفة منكم نعذب طآئفة بأنهم كانوا مجرمين} وبقوله تعالى {كلذين من قبلكم كانوا أشد منكم قوة وأكثر أموالا وأولادا فستمتعوا بخلاقهم فاستمتعتم بخلاقكم كما استمتع الذين من قبلكم بخلاقهم وخضتم كلذي خاضوا أولئك حبطت أعمالهم في لدنيا ولآخرة وأولئك هم لخاسرون} وبقوله تعالى {سوآء منكم من أسر لقول ومن جهر به ومن هو مستخف بلليل وسارب بلنهار} وبقوله تعالى {ولقد علمنا لمستقدمين منكم ولقد علمنا لمستأخرين} وبقوله تعالى {ثم إذا كشف لضر عنكم إذا فريق منكم بربهم يشركون} وبقوله تعالى {ولله خلقكم ثم يتوفاكم ومنكم من يرد إلى أرذل لعمر لكي لا يعلم بعد علم شيئا إن لله عليم قدير} وبقوله تعالى {وإن منكم إلا واردها كان على ربك حتما مقضيا} هل خص بهذا لخطاب الأحرار دون العبيد أو عم الجميع فلا بد من أنه عموم للأحرار والعبيد فكل خطاب ورد فهو هكذا ولا فرق إلا ما فرق النص فيه بين الأحرار والعبيد

evildoers}; and His saying, Most High: {Like those before you: they were mightier than you in strength and more abundant in wealth and children. They enjoyed their allotted share, and you have enjoyed your allotted share just as those before you enjoyed their allotted share; and you plunged into discourse as they plunged into discourse. Those—their deeds have come to nothing in this world and the Hereafter, and those are the losers}; and His saying, Most High: {Alike among you are whoever conceals his speech and whoever speaks it openly, and whoever hides by night and goes abroad by day}; and His saying, Most High: {We have certainly known those among you who have gone before, and We have certainly known those who come afterward}; and His saying, Most High: {Then, when He removes the affliction from you, behold, a group among you associates partners with their Lord}; and His saying, Most High: {Allah created you, then He takes you in death; and among you is one who is returned to the most abject age, so that after knowledge he knows nothing. Indeed, Allah is knowing, powerful}; and His saying, Most High: {There is none among you but will come to it. This is, for your Lord, an inevitability decreed}. Did He single out free people in this address, to the exclusion of slaves, or did He include everyone generally? It must necessarily be general, encompassing free people and slaves. Every address that has been transmitted is thus, without distinction, except where the textual provision distinguishes between free people and slaves.[156][157][158]

L999 Likewise, regarding His saying, Most High: {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. Let no scribe refuse to write as Allah has taught him; let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord,

وكذلك قالوا في قوله 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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر

[156] **Translator's note (L995):** The supplied phrase literally reads "the equality of Arabs and non-Arabs from Quraysh," which is awkward in context. "With Quraysh" reflects the apparent intended comparison, supported by the exceptions that follow; the Arabic wording itself has not been silently treated as unproblematic.

[157] **Translator's note (L996):** "One-fifth of the fifth" is the specific fractional entitlement stated in the source and is preserved as such.

[158] **Qur'an references (L994):** Qur'an 65:2 (At-Talaq); Qur'an 24:32 (An-Nur); Qur'an 5:51 (Al-Ma'idah); Qur'an 9:23 (At-Tawbah); Qur'an 9:61 (At-Tawbah); Qur'an 9:66 (At-Tawbah); Qur'an 9:69 (At-Tawbah); Qur'an 13:10 (Ar-Ra'd); Qur'an 16:54 (An-Nahl); Qur'an 16:70 (An-Nahl); Qur'an 19:71 (Maryam).

and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call upon two witnesses from among your men to bear witness. If they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. Let the witnesses not refuse when they are called. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more upright for testimony, and more conducive to your having no doubts—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. Have witnesses when you transact with one another. Let neither a scribe nor a witness be harmed. If you do so, it is indeed transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things}—they said: "This applies to free people, to the exclusion of slaves."[159][160]

كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم{ فقالوا هذا للأحرار دون العبيد

[159]**Translator's note (L999):** The unvocalized wording ولا يضار كاتب ولا شهيد permits both "Let neither a scribe nor a witness be harmed" and "Let neither a scribe nor a witness cause harm." The former is used here and in the repeated quotation below.

[160]**Qur'an references (L999):** Qur'an 2:282 (Al-Baqarah).

L1000–1004

Ali said: This is an outrageous marvel! Do you suppose that slaves are not among our men? This is something of which one ought to be ashamed. Anyone who openly declares that slaves are not among our men ought to be shunned in discussion. Furthermore, the beginning of the aforementioned verse is: {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. Let no scribe refuse to write as Allah has taught him; let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call upon two witnesses from among your men to bear witness. If they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. Let the witnesses not refuse when they are called. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more upright for testimony, and more conducive to your having no doubts—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. Have witnesses when you transact with one another. Let neither a scribe nor a witness be harmed. If you do so, it is indeed transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things}. And the other verse is His saying: {O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor let them leave, unless they commit a manifest indecency. These are Allah's limits. Whoever transgresses Allah's limits has indeed wronged himself. You do not know: perhaps Allah will bring about some matter after that}—the verse. No one disputes that both verses are addressed to free people and slaves, and that this is a general ruling for those who transact with one another, whether free people or slaves, and for those who divorce, whether free people or slaves. Since this has been established, how can anyone possessed of reason and religion permissibly say that His saying, Most High, {from among your men}, and His saying, Most High, {among you}, apply specifically to free people, to the exclusion of

قال علي وهذه أعجوبة شنيعة أترى العبيد ليسوا من رجالنا إن هذا الأمر كان ينبغي أن يستحيي منه وأن من جاهر بأن العبيد ليسوا من رجالنا الواجب أن يرغب عن الكلام معه وأيضا فإن أول الآية المذكورة {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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله 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 لله ويعلمكم لله ولله بكل شيء عليم} والآية الأخرى من قوله {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} الآية ولا خلاف بين أحد في أنهما متوجهتان إلى الأحرار والعبيد وأن هذا حكم عام للمتبايعين من الأحرار والعبيد وللمطلقين من الأحرار والعبيد فإذا قد صح ذلك فكيف يسوغ لذي عقل ودين أن يقول إن قوله تعالى {من رجالكم} وقوله تعالى {منكم} مخصوص به الأحرار دون العبيد والآيتان كلتاهما لا خلاف منهم مخاطب بهما والأحرار والعبيد سواء فصل في أمره عليه السلام واحدا هل يكون أمرا للجميع قال علي قد أيقنا أنه صلى الله عليه وسلم بعث إلى كل من كان حيا في عصره في معمور الأرض، من إنسي أو جني، وإلى من ولد بعده إلى يوم القيامة،

slaves, when, in both verses, there is no dispute among them that free people and slaves are equally addressed?

Section on whether his commanding one individual—peace be upon him ﷺ—constitutes a command to everyone

Ali said: We have attained certainty that he—may Allah bless him and grant him peace ﷺ—was sent to everyone who was alive in his time throughout the inhabited earth, whether human or jinn, and to everyone born after him until the Day of Resurrection, and to give judgment concerning every substance and accident that He Most High creates until the Day of Resurrection. Since this has been established by the community's consensus, known with certainty and conclusively established, transmitted back to the Prophet—may Allah bless him and grant him peace ﷺ—and by the established textual provisions concerning what we have mentioned of the religion's remaining until the Day of Resurrection and its being binding upon humans and jinn, and since we know by the necessity of sensory perception that there is no way for him—peace be upon him ﷺ—to encounter directly those who come after him, his command —may Allah bless him and grant him peace ﷺ—to one member of a category, and concerning one member of a category, constitutes a command concerning the entire category and addressed to the entire category. What makes this clear is that whatever in the revealed law applied specifically to one individual or a group, he—peace be upon him ﷺ—explicitly explained and declared to be specific, as he did with Abu Burdah ibn Niyar concerning the young she-goat, informing him—peace be upon him—that it would not suffice on behalf of anyone after him. His command—peace be upon him ﷺ—to the woman experiencing nonmenstrual bleeding was a command to every woman experiencing nonmenstrual bleeding; and his positioning Ibn Abbas and Jabir on his right in prayer was a ruling governing everyone who prays alone with an imam. No one disputes that his command to his Companions—may Allah be pleased with them—while they were present is a command to everyone who comes until the Day of Resurrection. Our brethren, however, have been exceedingly inconsistent concerning this. Regarding his legal response—peace be upon him ﷺ—to the man who had intercourse in Ramadan, they said that this ruling applies

وليحكم في كل عين وعرض يخلقهما تعالى إلى يوم القيامة، فلما صح ذلك بإجماع الأمة المتيقن المقطوع به المبلغ إلى النبي صلى الله عليه وسلم وبالنصوص الثابتة بما ذكرنا من بقاء الدين إلى يوم القيامة. ولزومه الإنس والجن، وعلمنا بضرورة الحس أنه لا سبيل إلى مشاهدته عليه السلام من يأتي بعده كان أمره صلى الله عليه وسلم لواحد من النوع وفي واحد من النوع أمرا في النوع كله، وللنوع كله، وبين هذا أن ما كان من الشريعة خاصا لواحد أو لقوم فقد بينه عليه السلام نصا وأعلم أنه خصوص كفعله في الجذعة بأبي بردة بن نيار، وأخبره عليه السلام أنها لا تجزي عن أحد بعده وكان أمره عليه السلام للمستحاضة أمرا لكل مستحاضة وإقامته ابن عباس وجابرا عن يمينه في الصلاة، حكما على كل مصل وحده مع إمام، ولا خلاف بين أحد في أن أمره لأصحابه رضي الله عنهم وهم حاضرون، أمر لكل من يأتي إلى يوم القيامة. وأما إخواننا: فاضطربوا في هذا اضطرابا شديدا فقالوا في فتياه عليه السلام للواطىء في رمضان إن ذلك الحكم جار على كل واطىء، وأصابوا في ذلك، ثم لم يقنعوا بالصواب حتى تعدوه إلى الخطأ فقالوا: وذلك الحكم أيضا جار على كل مفطر بغير الوطء ثم لم يقنعوا بذلك حتى قالوا: هو على النساء كما هو على الرجال ثم أتوا إلى حكم النبي صلى الله عليه وسلم في محرم مات فأمر عليه السلام ألا يمس طيبا ولا يغطي وجهه ولا رأسه وأن يكفن في ثوبه فقالوا هو خصوص لذلك الواحد، وليس هذا حكم من مات وهو محرم، أفسمع السامعون بأعجب من هذا التحكم؟ واحتجوا في ذلك بابن عمر وقد تركوا ابن عمر في أزيد من مائة قضية، وتركوا في ذلك قول من خالف ابن عمر في ذلك من أصحابه، واحتجوا بانقطاع عمل الميت تمويها وشغبا، وليس هذا للميت ولكنه عمل الأحياء المأمورين بذلك كما أمروا بغسله ومواراته ولا عمل للميت في ذلك ولا فرق. فإن احتجوا في ذلك بقول علي رضي الله عنه نهاني رسول الله صلى الله عليه وسلم ولا أقول نهاكم فقد قال كعب بن عجرة في أمر فدية

to everyone who has intercourse, and in this they were correct. Then they were not content with being correct, but went beyond it into error, saying: "This ruling also applies to everyone who breaks the fast by something other than intercourse." Then they were not content with that, but said: "It applies to women just as it applies to men." Then they came to the ruling of the Prophet—may Allah bless him and grant him peace ﷺ—concerning a man in the state of ritual consecration who died: he—peace be upon him ﷺ—commanded that he not be touched with perfume, that neither his face nor his head be covered, and that he be shrouded in his garment. They said: "This was specific to that one individual; this is not the ruling for someone who dies while in the state of ritual consecration." Have those who hear ever heard anything more astonishing than this arbitrary pronouncement? They invoked Ibn Umar as evidence for this, although they have disregarded Ibn Umar in more than a hundred cases; and in this matter they disregarded the statement of those among his fellow Companions who disagreed with Ibn Umar about it. They invoked the cessation of the deceased's deeds as evidence, by way of obfuscation and contentiousness. Yet this is not an act of the deceased: it is the act of the living who are commanded to do it, just as they are commanded to wash and bury him. The deceased performs no act in that, and there is no difference. If they adduce as evidence in this matter the statement of Ali—may Allah be pleased with him—"The Messenger of Allah—may Allah bless him and grant him peace ﷺ—forbade me, and I do not say that he forbade you," then Kab ibn Ujrah said concerning the compensatory offering for shaving the head: "It was revealed specifically concerning me, but it applies generally to you." Furthermore, we have explained at the end of our book that uncritical adherence to another's authority is impermissible. Ali—may Allah be pleased with him—has himself made clear that this statement of his does not mean what someone might suppose that that prohibition did not extend beyond him. For he was asked, "Did the Messenger of Allah ﷺ entrust you with anything that he did not entrust to anyone else?" He replied, "No. The Messenger of Allah ﷺ singled me out for nothing except what is in this sheet." It contained provisions concerning blood money, certain wounds, and that a believer is not to be killed in retaliation for an unbeliever. Thus it is established that Ali's saying, "He forbade me,"

حلق الرأس نزلت في خاصة وهي لكم عامة. وأيضا فقد بينا في آخر كتابنا أنه لا يجوز التقليد، وقد بين علي رضي الله عنه أن قوله هذا ليس على ما ظن الظان، من أن ذلك النهي لا يتعداه ذلك إذ سئل أعهد إليك رسول الله صلى الله عليه وسلم بشيء لم يعهده إلى غيرك فقال لا ما خصني رسول الله صلى الله عليه وسلم بشيء إلا ما في هذه الصحيفة وكان فيها العقل وأشياء من الجراحات، ولا يقتل مؤمن بكافر فصح أن قول علي نهاني إنما هو تحر للفظه عليه السلام فقط وبالله تعالى التوفيق وهو الموفق للصواب

was simply an effort to adhere precisely to his wording, peace be upon him. Through Allah Most High comes success, and He grants success in reaching what is correct.[1][2][3][4][5][6]

L1005 **[Section on commands in which his ruling, peace be upon him, is mentioned, but the circumstances adjudicated are not stated in his own words, peace be upon him]**

L1006–1008 Ali said: When an authentic report is transmitted stating that the Messenger of Allah ﷺ saw such-and-such a matter and issued such-and-such a ruling concerning it, we must necessarily issue the same ruling concerning that matter, because it is like his other commands, whose obligatory force we have already established. Examples include the reports that he ﷺ saw a man praying alone behind the rows and commanded him to repeat the prayer; that he saw a man having himself cupped and said, "The cupper and the person cupped have broken their fast"; and that a drinker was brought to him and he flogged him. Some people objected, saying, "Perhaps he, peace be upon him, commanded him to repeat the prayer for some reason other than his praying alone," and that the cupper and the person cupped had been backbiting people.

[1] **Translator's note (L1000):** The clause beginning والآيتان كلتاهما لا خلاف منهم مخاطب بهما is syntactically irregular as supplied. The translation follows its apparent sense: the opponents acknowledge that both verses address free people and slaves equally.

[2] **Translator's note (L1001):** "Substance and accident" renders عين وعرض, distinguishing an independently existing entity from an attribute or occurrence inhering in it.

[3] **Translator's note (L1002):** الجذعة denotes a young female animal at a particular age stage; in this sacrificial context, the reference is to a young she-goat. The segment ends partway through the salutation عليه السلام; its completion appears at the beginning of the next unit.

[4] **Translator's note (L1003):** The opening "him" completes the salutation begun in the preceding unit. "Uncritical adherence to another's authority" renders تقليد, the acceptance of another person's position on that person's authority.

[5] **Translator's note (L1004):** The opening continues the preceding unit's account of a mistaken interpretation. The repeated demonstrative in "that prohibition did not extend beyond him" makes the supplied Arabic awkward.

[6] **Qur'an references (L1000):** Qur'an 2:282 (Al-Baqarah); Qur'an 65:1 (At-Talaq).

[فصل في أوامر ورد فيها ذكر حكمه عليه السلام ولم يأت فيها من لفظه عليه السلام السبب المحكوم فيه]

قال علي وإذا ورد خبر صحيح وفيه أن رسول الله صلى الله عليه وسلم رأى أمرا كذا فحكم فيه بكذا فإن الواجب أن نحكم في ذلك الأمر بمثل ذلك الحكم ولا بد، لأنه كسائر أوامره التي قدمنا وجوبها وذلك مثل ما روي أنه صلى الله عليه وسلم رأى رجلا يصلي منفردا خلف الصفوف فأمره بالإعادة. ورأى رجلا يحتجم فقال: أفطر الحاجم والمحجوم وأتي بشارب فجلده فاعترض قوم فقالوا لعله عليه السلام إنما أمره بالإعادة ليس من أجل انفراده ولكن لغير ذلك، وأن الحجام والمحجوم كانا يغتابان الناس قال علي وهذا لا يجوز لوجوه خمسة أحدها أنه عليه السلام مأمور بالتبليغ فلو أمر إنسانا بإعادة صلاة أبطلها عليه ولم يبين عليه السلام وجه بطلانها لكان عليه السلام غير مبلغ وقد نزهه الله تعالى عن ذلك ولكان غير مبين ومن نسب هذا إلى النبي صلى الله عليه وسلم فقد كفر والوجه الثاني أن يقول القائل لعله عليه السلام قد بين ذلك ولم يصل إلينا قال علي فمن قال ذلك أكذبه الله عز وجل بقوله {إنا نحن نزلنا لذكر وإنا له لحافظون} وبقوله تعالى عن نبيه عليه السلام {وما ينطق عن الهوى * إن هو إلا وحي يوحى} فصح أن كلامه كله صلى الله عليه وسلم وحي وأن الوحي محفوظ لأنه ذكر فلو بينه عليه السلام ولم ينقل إلينا لكان غير محفوظ وقد أكذب الله تعالى هذا القول، لأنه لم ينقل أحد أنه أمره بالإعادة لغير الانفراد. والوجه الثالث: أن أحاديث كثيرة ثبتت بفرض تسوية الصفوف فيها، وفيها إبطال صلاة من صلى منفردا، وقد ذكرناها في الفصل الذي فيه ترجيح الأحاديث في باب

Ali said: This is inadmissible for five reasons. The first is that he, peace be upon him, was commanded to convey the message. If he commanded someone to repeat a prayer that he had declared invalid, without explaining, peace be upon him, why it was invalid, he, peace be upon him, would have failed to convey the message—something from which Allah Most High has declared him free—and would have failed to explain it. Whoever attributes this to the Prophet ﷺ has disbelieved. The second reason concerns someone's saying, "Perhaps he, peace be upon him, explained it, but it has not reached us."

Ali said: Whoever says this is contradicted by Allah, Mighty and Majestic, in His statement, {Indeed, We ourselves have sent down the Reminder, and indeed We shall preserve it}, and in His statement, Most High, concerning His Prophet, peace be upon him, {And he does not speak from desire. * It is only revelation revealed.} Thus it is established that all his speech ﷺ is revelation, and that revelation is preserved because it is a reminder. If he, peace be upon him, had explained it and it had not been transmitted to us, it would not have been preserved. Allah Most High has declared this claim false, for no one has transmitted that he commanded him to repeat the prayer for any reason other than praying alone. The third reason is that numerous established hadiths prescribe straightening the rows and declare invalid the prayer of someone who prays alone. We have mentioned them in the section on weighing hadiths against one another in the chapter on reports in this book of ours. The fourth is that a trustworthy transmitter's report that he prayed alone and repeated the prayer is a transmission and a warning, from him, peace be upon him, of the invalidity of the prayer of someone praying alone, and must therefore be accepted. The fifth is that someone's saying, "Perhaps there was a reason there that has not been transmitted to us," is conjecture. Allah Most High has said, {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} And he, peace be upon him, said, "Conjecture is the most lying of speech." It is not lawful to abandon the transmission of trustworthy people for false conjectures.

As for the explanation advanced by those among them who claimed that the cupper and the person cupped had been backbiting people, they have

الأخبار من كتابنا هذا. والرابع: إن نقل الناقل الثقة أنه صلى منفردا فأعاد نقل وإنذار ببطلان صلاة المنفرد عنه عليه السلام فواجب قبوله والخامس أن قول القائل لعله كان هنالك سبب لم ينقل إلينا ظن. وقد قال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وقال عليه السلام الظن أكذب الحديث ولا يحل ترك نقل الثقات لظنون زائفات. وأما تخريج من خرج منهم: أن الحاجم والمحجوم كانا يغتابان الناس، فإنهم استجاروا من الرمضاء بالنار، وهم لا يرون إفطار الصائم بالغيبة، فقد عصوا على كل حال، ولولا أن الرخصة وردت صحيحة من الحجامة للصائم، لأوجبنا الإفطار بها، ولكن استعمال الأحاديث يوجب قبول الرخصة، لأنها متيقنة بعد النهي، إذ لا تكون لفظة الرخصة إلا عن شيء تقدم التحذير منه، ولهذا الحديث أجزنا الحجامة للصائم، وأن يكون حاجما ومحجوما على ظاهر لفظ الأحاديث لا بالحديث الذي يقول احتجم رسول الله صلى الله عليه وسلم وهو صائم لأنه ليس في ذلك الحديث دليل على أنه كان بعد النهي فهو موافق لمعهود الأصل ولا فيه بيان أيضا، أنه كان في صيام فرض لا يجوز الإفطار فيه، بل لعله كان في تطوع يجوز الإفطار فيه، أو في سفر كما جاء في بعض تلك الأحاديث أنه كان صائما محرما عليه السلام وبالله تعالى التوفيق

sought refuge from scorching ground in fire. They do not hold that backbiting breaks a fasting person's fast, so they have been disobedient in either case. Had an authentic concession concerning cupping for a fasting person not been transmitted, we would have held that it necessarily breaks the fast. Giving effect to the hadiths, however, requires accepting the concession, because it certainly came after the prohibition: the expression "concession" can apply only to something against which a warning had previously been issued. On account of this hadith we permit cupping for a fasting person, and permit him to be either the cupper or the person cupped, in accordance with the apparent wording of the hadiths—not on account of the hadith which says, "The Messenger of Allah ﷺ had himself cupped while he was fasting." That hadith contains no evidence that this occurred after the prohibition; it accords with the previously established original state. Nor does it explain that this occurred during an obligatory fast which it was impermissible to break. Perhaps instead he was observing a voluntary fast which it was permissible to break, or was travelling, as some of those hadiths state that he was fasting and in a state of ritual consecration, peace be upon him. Through Allah Most High comes success.[7][8][9]

L1009 **[Section on two rulings transmitted in wording indicating that they concern one matter rather than two]**

L1010–1013 Ali said: It is reported that a man came to the Messenger of Allah ﷺ during Ramadan, saying, "I am burned!" He explained that he had had intercourse with his wife while fasting, and the Messenger of Allah ﷺ commanded him to perform a specified expiation. Through that very same chain of transmis-

[7] **Translator's note (L1006):** The supplied quotation of Quran 15:9 writes "the Reminder" defectively as "لذكر"; the translation follows the identifiable wording. The final quotation continues into the next unit.

[8] **Translator's note (L1008):** The Quranic quotation, identifiable as 53:28, repeatedly omits the initial alif of the definite article in "conjecture" and "truth"; its identifiable wording is reflected in translation. "Sought refuge from scorching ground in fire" preserves the author's proverbial expression.

[9] **Qur'an references (L1006):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm); Qur'an 53:28 (An-Najm).

[فصل في ورود حكمين بنقل يدل لفظه على أنهما في أمر واحد لا أمرين]

قال علي روي أن رجلا أتى رسول الله صلى الله عليه وسلم في رمضان وهو يقول احترقت وأنه وصف أنه وطأ امرأته وهو صائم فأمره رسول الله صلى الله عليه وسلم بكفارة موصوفة وروي من تلك الطريق بعينها أن رجلا أفطر في رمضان فأمره عليه السلام بتلك الكفارة بعينها وذكر باقي الحديث الأول، فعلمنا بذلك أنهما حديث واحد، لأن الرواة لهذا هم أولئك الذين رووا بأي شيء كان الإفطار، وسياق الحديثين واحد، فصح أن بعض الرواة عن الزهري فسر القصة وهم: سفيان، ومعمر، والليث، والأوزاعي، ومنصور بن المعتمر، وعراك بن مالك، وأن بعضهم عن الزهري أجملها،

sion it is also reported that a man broke his fast during Ramadan, and he, peace be upon him, commanded him to perform that very same expiation; the remainder of the first hadith was then related. We thereby know that these are one hadith, because those transmitting this are the very people who transmitted what had caused the breaking of the fast, and the narrative sequence of the two hadiths is the same. Thus it is established that some transmitters from al-Zuhri related the account in detail—namely Sufyan, Maʿmar, al-Layth, al-Awzaʿi, Mansur ibn al-Muʿtamir, and ʿIrak ibn Malik—whereas others transmitting from al-Zuhri related it in general terms, namely Malik and Ibn Jurayj. All of them, however, transmit from al-Zuhri, from Humayd ibn Abd al-Rahman, from Abu Hurayrah.

Ali said: The hadith about the woman who stole and the woman who borrowed is not like this, because intercourse while fasting really does break the fast, and in the revealed law the designation "breaking the fast" applies to it in its literal sense. A thief can by no means be designated "a borrower who denies having borrowed," nor does the designation apply at all to a borrower who denies having borrowed. Moreover, Ibn Umar transmitted the hadith about amputating the hand of the woman who borrowed, and did not mention theft; the matter of theft was mentioned only in the report from Aishah. Thus it is established that these are two distinct hadiths. This is also what those who prohibit wiping over the turban seized upon in the hadith of al-Mughirah. They said, "His mention of wiping over the turban belongs to the same hadith as the one mentioning wiping over the forelock and the turban."

Ali said: This is an error, because he, peace be upon him, did not perform ablution just once; rather, he did so thousands of times. Whoever claims that all this was a single ablution at a single time has fallen into lying and speaking about what he does not know. This is not lawful for a Muslim. Moreover, wiping over the turban and the head covering was transmitted by people who made no mention whatsoever of wiping over the forelock: Salman, Bilal, Kaʿb ibn Ujrah, and Amr ibn Umayyah al-Damri. This applies especially to the Malikis, who prohibit restricting oneself to wiping only the forelock: they have no support whatsoever in the hadith of al-Mughirah,

وهم مالك، وابن جريج، إلا أنهم كلهم عن الزهري عن حميد بن عبد الرحمن عن أبي هريرة. قال علي: وليس هكذا حديث السارقة والمستعيرة، لأن الوطء في حال الصوم إفطار صحيح، يقع عليه في الشريعة اسم إفطار على الحقيقة، ولا يقع على السارق اسم مستعير جاحدا البتة، ولا يقع على المستعير الجاحد اسم البتة. وأيضا فقد روى حديث قطع المستعيرة ابن عمر، ولم يذكر سرقة وإنما ذكر أمر السرقة عن عائشة فصح أنهما حديثان متغايران، وهذا أيضا ما تعلق به المانعون من المسح على العمامة في حديث المغيرة فقالوا: ذكره المسح على العمامة هو حديث واحد مع الذي فيه ذكر المسح على الناصية والعمامة. قال علي: وهذا خطأ لأن الوضوء لم يكن مرة واحدة منه عليه السلام بل كانت آلافا من المرار فمن ادعى أن ذلك كله وضوء واحد في وقت واحد، فقد دخل تحت الكذب، والقول بما لا يعلم، وهذا لا يحل لمسلم. وأيضا فقد روى المسح على العمامة والخمار من لم يذكر مسحا على الناصية أصلا وهم: سلمان، وبلال، وكعب بن عجرة، وعمرو بن أمية الضمري، لا سيما المالكيين المانعين من الاقتصار على المسح للناصية فقط، فإنهم لا متعلق لهم بحديث المغيرة أصلا، وكل ما تعلقوا به بهذا الباب فهو حجة عليهم فصح بما ذكرنا أن حديث المغيرة وحديث من ذكرنا متغايران، وبالله تعالى التوفيق. فينبغي مراعاة هذا في النصوص. ومثل ذلك من القرآن قول الله عز وجل {براءة من الله ورسوله إلى لذين عاهدتم من لمشركين * فسيحوا في لأرض أربعة أشهر وعلموا أنكم غير معجزي الله وأن الله مخزي لكافرين} ثم قال تعالى في تلك السورة نفسها بعد يسير {وأذان من الله ورسوله إلى لناس يوم لحج لأكبر أن الله بريء من لمشركين ورسوله فإن تبتم فهو خير لكم وإن توليتم فعلموا أنكم غير معجزي الله وبشر لذين كفروا بعذاب أليم * إلا لذين عاهدتم من لمشركين ثم لم ينقصوكم شيئا ولم يظاهروا عليكم أحدا فأتموا إليهم عهدهم إلى مدتهم إن الله يحب لمتقين * فإذا نسلخ

and everything they have seized upon in this matter is evidence against them. Thus, through what we have mentioned, it is established that the hadith of al-Mughirah and the hadith of those we have named are distinct. Through Allah Most High comes success. This distinction should therefore be observed in the texts.

An example of this in the Quran is the statement of Allah, Mighty and Majestic: {A disavowal from Allah and His Messenger to those polytheists with whom you have made treaties. * Travel freely through the land for four months, and know that you cannot elude Allah, and that Allah will disgrace the unbelievers.} Then, a little later in that same surah, He, Most High, said: {And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is free of obligation to the polytheists, as is His Messenger. If you repent, it is better for you; but if you turn away, know that you cannot elude Allah. And announce to those who disbelieve a painful punishment. * Except those polytheists with whom you have made treaties and who have subsequently failed you in nothing and have supported no one against you: fulfil your treaty with them until their term. Indeed, Allah loves those who are mindful of Him. * Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful.}[10][11][12][13]

لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم}

قال علي فوجدناه تعالى قد جعل مدة من عاهدوا من المشركين أربعة أشهر، ثم وجدناه تعالى قد جعل مدة المشركين من يوم الحج الأكبر وهو يوم النحر بنص تسمية رسول الله صلى الله عليه وسلم بذلك انسلاخ الأشهر الحرم فليس بين الأمدين إلا خمسون يوما، فعلمنا يقينا أن هؤلاء المشركين الذين جعل أمدهم شهرين غير عشرة أيام، هم غير المشركين الذين عوهدوا أربعة أشهر، وهذا ينبغي أن يتفقد جدا، فإنه برفع الإشكال كثير وبالله تعالى التوفيق

[10] **Translator's note (L1011):** In "nor does the designation apply at all," the Arabic has "اسم" ("designation") without specifying the designation intended. The context suggests "thief," but that word is absent from the supplied text and has not been inserted.

[11] **Translator's note (L1012):** The Quranic quotations contain numerous defective spellings, particularly omitted initial alifs in definite articles and imperatives. The translation follows the identifiable wording of 9:1–2 and 9:3–5. The Arabic construction introducing the Malikis is syntactically awkward; the translation preserves its particular application to their argument.

[12] **Translator's note (L1013):** This continues the quotation of Quran 9:5. The supplied text has defective spellings, including omitted initial alifs in several words; the identifiable wording is reflected in translation.

[13] **Qur'an references (L1010):** Qur'an 9:3 (At-Tawbah); Qur'an 9:4 (At-Tawbah).

L1014 Ali said: We thus find that He, Most High, assigned a period of four months to those polytheists with whom treaties had been made. We then find that He, Most High, assigned the polytheists a period extending from the day of the greater pilgrimage—which is the Day of Sacrifice, according to the Messenger of Allah's ﷺ explicit designation of it as such—to the expiry of the sacred months. There are only fifty days between the two endpoints. We therefore know with certainty that these polytheists, whose term He made two months less ten days, are different from the polytheists with whom a treaty was made for four months. This should be examined very carefully, for it removes much difficulty. Through Allah Most High comes success.[14]

L1015 **[Section on joining commands to one another by conjunction]**

L1016–1017 Ali said: Obligatory commands may be conjoined with nonobligatory ones, and nonobligatory commands may be conjoined with obligatory ones. The fundamental rule here is that every command imposes an obligation, except what is excluded from this by the necessity of sensory evidence, an explicit text, or consensus. Thus, when commands are conjoined and some are excluded from obligation by one of the proofs we have mentioned, the rest retain the ruling understood from commands in general. We pay no regard to whether the command excluded from its customary ruling is mentioned first, last, or in the middle: all these cases are alike. This is equivalent to its being excluded through abrogation, for the rest remain subject to the ruling of obligation and obedience. An example is His saying, exalted is He: "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Were it not for consensus that eating the fruit is not obligatory, we would have said that it is obligatory. But since it was excluded from being obligatory

[14] **Translator's note (L1014):** The phrase rendered "for it removes much difficulty" is corrupt as supplied: "فإنه برفع الإشكال كثير." The translation reflects the apparent sense, but the wording does not grammatically express it as written.

[فصل في عطف الأوامر بعضها على بعض]

قال علي وقد يعطف أوامر مفروضات على غير مفروضات، ويعطف غير مفروضات على مفروضات، والأصل في ذلك: أن كل أمر فهو فرض إلا ما خرج عن ذلك بضرورة حس أو بنص أو إجماع، فإذا كانت أوامر معطوفات فخرج بعضها بأحد الدلائل التي ذكرنا عن الوجوب، بقي سائرها على حكم المفهوم من الأوامر في الجملة، ولا نبالي كان الخارج عن معهود حكمه هو الأول في الذكر، أو الآخر أو الأوسط. كل ذلك سواء، وهو بمنزلة ما لو خرج بنسخ، فإن سائرها يبقى على حكم الوجوب والطاعة فمن ذلك قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} فلولا الإجماع على أن الأكل من الثمر ليس فرضا لقلنا إنه فرض. ولكن لما خرج عن أن يكون فرضا بدليل الإجماع، بقي الفعل المعطوف عليه على حكم الوجوب وهو قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} قال علي

by the proof of consensus, the action conjoined with it retained the ruling of obligation, namely His saying, exalted is He: "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Ali said: We have only adduced what the followers of Malik, Abu Hanifah, and al-Shafi'i agree with us upon; otherwise, they have contradicted themselves in cases like this. Nevertheless, the truth is what we have stated, and success comes through Allah, exalted is He.[15]

L1018–1019 Other examples are: "Prepare infused drinks, and do not drink anything intoxicating," and "Visit them"—meaning graves—"and do not utter foul speech." The first command is a recommendation by consensus, and the second is obligatory. Success comes through Allah, exalted is He. Likewise, in His saying, "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know," hastening was specific to men, to the exclusion of women. That did not prevent the command to leave off selling from being obligatory—obligatory according to its apparent meaning—and general, applying to everyone, man or woman. The followers of Malik agreed with us on this. There are many such examples. Success comes through Allah, exalted is He. Allah is sufficient for us, and an excellent Trustee is He.[16][17][18]

L1020 [Section on the Self-Contradiction of Those Who Advocate Suspending Judgment]

L1021–1025 Here are some instances of the self-contradiction of those who advocate suspending judgment: their construing many commands as obligatory and away from their apparent meaning, without any contextual indicator or proof be-

[15] **Qur'an references (L1016):** Qur'an 6:141 (Al-An'am).

[16] **Translator's note (L1018):** The supplied phrase ندب الإجماع is grammatically irregular; it is rendered as "a recommendation by consensus," the sense indicated by the context.

[17] **Translator's note (L1019):** The repetition of فرضا, "obligatory," is retained.

[18] **Qur'an references (L1018):** Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf).

وإنما آتينا بما يوافقنا عليه أصحاب مالك وأبي حنيفة والشافعي، وإلا فقد تناقضوا في مثل هذا، إلا أن الحقيقة ما ذكرنا وبالله تعالى التوفيق.

ومن ذلك أيضا، فانتبذوا ولا تشربوا مسكرا وزوروها يعني القبور ولا تقولوا هجرا الأمر الأول ندب الإجماع والثاني فرض وبالله تعالى التوفيق وكذلك قوله {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} كان السعي خاصا للرجال دون النساء، ولم يمنع ذلك الأمر بترك البيع من أن يكون فرضا فرضا على ظاهره وعاما لكل أحد من رجل أو امرأة ووافقنا على ذلك أصحاب مالك، ومثل هذا كثير، وبالله تعالى التوفيق وحسبنا الله ونعم الوكيل

[فصل في تناقض القائلين بالوقف]

هاك نبذ من تناقض القائلين بالوقف وحملهم أوامر كثيرة على وجوبها وعن ظاهرها بغير قرينة ولا دليل، إلا مجرد الأمر، وصيغة اللفظ فقط، وما تعدوا فيه طريق الحق، إلى أن أوجبوا فرائض لا دليل على إيجابها، يدل على كثير تناقضهم وفساد قولهم. قال علي: إن القائلين بالوقف من المالكيين والشافعيين والحنفيين قد أوجبوا أحكاما كثيرة بأوامر وردت لا قرينة معها، فكان نقضا لمذهبهم في الوقف، وما قنعوا بذلك

yond the bare command and the verbal form alone; and the cases in which they transgressed the path of truth to the point of imposing obligations for whose imposition there is no proof. This indicates their many contradictions and the unsoundness of their position. Ali said: Those among the Malikis, Shafi'is, and Hanafis who advocate suspending judgment have imposed many rulings as obligatory on the basis of commands transmitted without any accompanying contextual indicator. This contradicted their doctrine of suspending judgment. Nor were they content with that: they went so far as to impose obligations without any commands at all. Who, then, is more astonishing than someone who does not regard Allah's command, exalted is He, as making the execution of what He commands obligatory, yet imposes rulings as obligatory without any command from Allah, exalted is He? An example is what the Malikis said concerning His saying, exalted is He: "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know." They invalidated a sale on the basis of this command alone. Nor were they content with that: they went so far as to invalidate marriage and authorization, which Allah, mighty and majestic, did not invalidate, transgressing His limits, exalted is He. Some of them have sought to justify this by arguing that the expression "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know" applies only to obligation. Ali said: This is something no Arab bearer of the language recognizes. He has indeed said, exalted is He: "They did not esteem Allah as He deserves to be esteemed when they said, 'Allah has not sent down anything to any human being.' Say: 'Who sent down the Book that Moses brought as a light and guidance for humankind, which you make into sheets, displaying them while concealing much? And you were taught what neither you nor your fathers knew.' Say: 'Allah.' Then leave them playing in their vain discourse." Do you suppose, then, that "leave" in this passage makes it obligatory to leave expiation without admonition, invitation to faith, the killing of Moses, or the imposition of tribute and abasement? And concerning His saying, exalted is He, "Fighting is prescribed for you, though it is hateful to you. It may be that you hate something that is good for you, and it may be that you love

حتى أوجبوا فرائض بلا أوامر أصلا، فمن أعجب ممن لم يوجب بأمر الله تعالى إنفاذ ما أمر به، وأوجب أحكاما بغير أمر من الله تعالى، فمن ذلك أن المالكيين قالوا في قوله تعالى {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} فأبطلوا البيع بمجرد هذا الأمر، ولم يقنعوا بذلك حتى أبطلوا ما لم يبطل الله عز وجل من النكاح، والإجازة تعديا لحدوده تعالى وقد تعلل بعضهم في هذا بأن لفظة {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} لا يقع إلا للفرض قال علي وهذا ما لا يعرفه حامل لغة من العرب وقد قال تعالى {وما قدروا لله حق قدره إذ قالوا مآ أنزل لله على بشر من شيء قل من أنزل لكتاب لذي جآء به موسى نورا وهدى للناس تجعلونه قراطيس تبدونها وتخفون كثيرا وعلمتم ما لم تعلموا أنتم ولا آباؤكم قل لله ثم ذرهم في خوضهم يلعبون} أفترى ذر في هذا المكان موجبة ترك الكفارة، دون وعظ ودعاء إلى الإيمان وقتل موسى وإغرام جزية وصغار وقال في قوله تعالى: {كتب عليكم القتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم ولله يعلم وأنتم لا تعلمون} و {يأيها لذين آمنوا كتب عليكم القصاص في لقتلى لحر بالحر ولعبد بلعبد ولأنثى بلأنثى فمن عفي له من أخيه شيء فتباع بالمعروف وأدآء إليه بإحسان ذلك تخفيف من ربكم ورحمة فمن عتدى بعد ذلك فله عذاب أليم} و {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} هذه فرائض وقالوا في قوله {كتب عليكم إذا حضر أحدكم لموت إن ترك خيرا لوصية للوالدين ولأقربين بلمعروف حقا على لمتقين} فقالوا ليس هذا فرضا مع أمره عليه السلام من عنده شيء يوصي فيه: أن لا يبيت ليلتين إلا ووصيته مكتوبة عنده، ففرقوا بلا دليل وقالوا في قوله تعالى {وأتموا لحج ولعمرة لله

something that is bad for you. Allah knows, and you do not know," and "O you who believe, prescribed for you is retaliation for those killed: the free person for the free person, the slave for the slave, and the female for the female. But whoever is pardoned anything by his brother, then pursuit shall be according to what is right, and payment to him shall be made graciously. That is an alleviation from your Lord and a mercy. Whoever transgresses after that shall have a painful punishment," and "O you who believe, fasting is prescribed for you as it was prescribed for those before you, so that you may be mindful of Allah," they said: "These are obligations." But concerning His saying, "Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest to parents and close relatives according to what is right—a duty incumbent upon those mindful of Allah," they said: "This is not obligatory," despite his command, peace be upon him, that anyone who possesses something concerning which he would make a bequest should not spend two nights without having his will written and kept with him. They thus made a distinction without proof. And concerning His saying, exalted is He, "Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed 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 interval between the lesser pilgrimage and the pilgrimage must offer whatever sacrificial animal 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 does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," they said: "This is obligatory." And concerning His saying, exalted is He, "Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed 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 interval between the lesser pilgrimage and the pilgrimage must offer whatever sacrificial animal is readily available. Whoever cannot find

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} هذا فرض وفي 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} قالوا هذا فرض وكذلك قالوا في هدي العمرة وجزاء الصيد، وقالوا بفرض التكبير في أول الصلاة والتسليم منها ذلك فرض، وقالوا في حكم المصراة ذلك فرض، وقالوا في التقويم على الشريك المعتق ذلك فرض، وأوجبوا الزكاة في أموال الصغار بعموم قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وبقوله عليه السلام إن عليهم صدقة تؤخذ من أغنيائهم ولم يوجبوا صدقة الفطر فرضا وقد جاء النص بأنه عليه السلام فرضها وهي داخلة في جملة قوله عليه السلام إن عليهم صدقة وفي جملة قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} وأجبوا الزكاة في الزيتون بقوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين}

one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," they said: "This is obligatory." They said the same concerning the sacrificial offering for the lesser pilgrimage and compensation for game killed. They affirmed the obligation of pronouncing "Allah is greatest" at the beginning of prayer and the salutation of peace that ends it, saying: "That is obligatory." Concerning the ruling on an animal whose milk has been allowed to accumulate in its udder, they said: "That is obligatory." Concerning valuation charged against a co-owner who emancipates his share, they said: "That is obligatory." They imposed the obligatory alms on minors' property by virtue of the general scope of His saying, exalted is He, "Take from their property charity by which you cleanse and purify them, and pray for them. Indeed, your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing," and his saying, peace be upon him, "They are subject to a charity taken from their wealthy." Yet they did not make the charity at the breaking of the fast obligatory, although the explicit text states that he, peace be upon him, prescribed it as obligatory. It is included within the general scope of his saying, peace be upon him, "They are subject to a charity," and within the general scope of His saying, exalted is He, "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." They imposed the obligatory alms on olives on the basis of His saying, exalted is He, "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Yet they did not consider it applicable to pomegranates, although He, exalted is He, mentioned both together in the verse. And they made washing

ولم يروها في الرمان وقد ذكرهما تعالى في الآية ذكرا واحدا، وأوجبوا غسل الإناء من ولوغ الكلب سبعا لو ورد الأمر بذلك فقط.

a vessel seven times after a dog has lapped from it obligatory, if only the command to that effect had been transmitted.[19][20][21][22][23][24]

L1026 As for the Hanafis, they held it obligatory that a woman not stand alongside a man in prayer, and they held it obligatory to require a slave to work to pay for his freedom. Yet they did not hold it obligatory to give a slave under a contractual emancipation agreement some of Allah's wealth, nor did they hold it obligatory to conclude such an agreement with someone who requests it, although all of this is commanded. They held it obligatory to provide a parting gift to a divorced woman with whom the marriage had not been consummated and for whom no bridal due had been stipulated, on the basis of His saying, "Then provide for them." Yet they did not hold this obligatory

وأما الحنفيون فإنهم رأوا ألا تقف المرأة مع الرجل في الصلاة فرضا، ورأوا الاستسعاء فرضا، ولم يروا الإيتاء من مال الله للمكاتب فرضا ولا مكاتبة من دعا إلى المكاتبة فرضا وكل ذلك مأمور به، ورأوا تمتيع المطلقة التي لم تمس ولم يفرض لها صداق فرضا بقوله: {فمتعوهن} ولم يروا ذلك فرضا لسائر المطلقات وقد قال تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} ومثل هذا كثير

[19] **Translator's note (L1021):** The phrase "and away from their apparent meaning" translates وعن ظاهرها as supplied. Its coordination with "as obligatory" is awkward and may reflect textual corruption. The supplied الإجازة means "authorization." The legal context may suggest الإجارة, "hire or lease," but the supplied reading has not been silently corrected. The text quotes the entire Friday-prayer verse when referring to "the expression." The immediate argument appears to concern ذروا, "leave off," but the full quotation is retained.

[20] **Translator's note (L1022):** The supplied الكفارة means "expiation." The context appears to call for الكفار, "the unbelievers"; the supplied reading is retained.

[21] **Translator's note (L1023):** The supplied قتل موسى means "the killing of Moses," an anomalous reading in this context. It may be a corruption of wording concerning killing or captivity, but it has not been corrected. The Arabic has the singular وقال, "and he said," although the following unit supplies the plural statement "these are obligations" as the jurists' position. The English leaves the attribution open across the segment boundary.

[22] **Translator's note (L1024):** The entire pilgrimage verse occurs twice in the supplied text; both occurrences are retained.

[23] **Translator's note (L1025):** The animal described as المصراة is one whose milk has deliberately been retained in its udder, typically to mislead a purchaser about its milk yield. "Valuation charged against a co-owner who emancipates his share" refers to assessing the remaining share of a jointly owned slave for compensation upon emancipation. The final clause has لو, "if," producing an awkward conditional construction. The context may suggest a reading meaning "because the command to that effect was transmitted," but the supplied wording is retained.

[24] **Qur'an references (L1021):** Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf); Qur'an 6:91 (Al-An'am); Qur'an 2:216 (Al-Baqarah); Qur'an 2:178 (Al-Baqarah); Qur'an 2:180 (Al-Baqarah); Qur'an 2:196 (Al-Baqarah); Qur'an 9:103 (At-Tawbah); Qur'an 6:141 (Al-An'am).

for other divorced women, although He has said, exalted is He, "For divorced women there is provision according to what is right—a duty incumbent upon those mindful of Allah." There are many such examples.[25]

L1027 The Shafiʿis regarded invoking blessings upon the Prophet—may Allah bless him and grant him peace ﷺ—during prayer as obligatory, but did not regard saying "Allah is greatest" when bowing and rising as obligatory, although a command to do so has been transmitted. They regarded intention in ritual ablution as obligatory, but did not regard expelling water from the nose as obligatory, although commands concerning all of these have been transmitted alike. They regarded the option to rescind a sale before the parties separate as obligatory, but did not regard having the sale witnessed as obligatory, although commands concerning all of these have been transmitted. There are many such examples. They regarded giving some of Allah's wealth to a slave under a contractual emancipation agreement as obligatory, but did not regard concluding such an agreement with those whom your right hands possess who request one as obligatory, although commands concerning both have been transmitted in exactly the same manner. What we have mentioned provides a sample from which the inconsistency of those who advocate suspension of judgment may be inferred. Success comes through Allah Most High. We have already mentioned the categories of commands in the Book of Approximation, making it unnecessary to repeat them. Allah Most High willing, we shall mention the proofs that divert a command from its established signification of imposing an obligation to its other categories in a section at the end of the chapter on generality that follows our discussion here, if Allah, Mighty and Majestic, wills. Success comes through Allah Most High. There is neither power nor strength except through Allah, the Most High, the Magnificent. Allah grants success in reaching what is correct.

ورأى الشافعيون الصلاة على النبي صلى الله عليه وسلم في الصلاة فرضا ولم يروا التكبير في الركوع والرفع فرضا، وقد جاء به الأمر، ورأوا النية في الوضوء فرضا، ولم يروا فعل الاستنثار فرضا، وبكل ذلك جاء الأمر سواء، ورأوا الخيار قبل التفرق في البيع فرضا، ولم يروا الإشهاد فيه فرضا، وبكل ذلك جاء الأمر. ومثل هذا كثير: ورأوا الإيتاء من مال الله للمكاتب فرضا ولم يروا كتابة من دعا إلى المكاتبة مما ملكت أيمانكم فرضا، وكلاهما جاء به الأمر مجيئا مستويا، وفيم ذكرنا طرف يستدل به على تناقض من قال بالوقف وبالله تعالى التوفيق. وقد ذكرنا أقسام الأوامر في كتاب التقريب فأغنى عن إعادتها، وسنذكر إن شاء الله تعالى الدلائل المخرجة للأمر عن موضوعه في الإيجاب إلى سائر أقسامه، في فصل آخر باب العموم التالي لكلامنا في هذا إن شاء الله عز وجل، وبالله تعالى التوفيق، ولا حول ولا قوة إلا بالله العلي العظيم والله الموفق للصواب

[25] **Translator's note (L1026):** "Require a slave to work to pay for his freedom" renders الاستسعاء, the legal procedure of requiring a partly emancipated slave to earn the value of the remaining share.



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 13: عموم الألفاظ

Chapter 13: The General Scope of Expressions

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثالث عشر في حمل الأمر وسائر الألفاظ كلها على العموم وإبطال قول من قال في كل ذلك بالوقفأو الخصوص إلا ما أخرجه عن العموم دليل حق]

قال علي اختلف الناس في هذا الباب فقالت طائفة لا تحمل الألفاظ إلا على الخصوص، ومعنى ذلك حملها على بعض ما يقتضيه الاسم في اللغة دون بعض. وقال بعضهم: بل نقف فلا نحملها على عموم ولا خصوص إلا بدليل. فالقول الأول هو لبعض الحنفيين، وبعض المالكيين، وبعض الشافعيين، والثاني لبعض الحنفيين، وبعض المالكيين وبعض الشافعيين. وقالت طائفة: الواجب حمل كل لفظ على عمومه، وهو كل ما يقع عليه لفظه المرتب في اللغة للتعبير عن المعاني الواقعة تحته، ثم اختلفوا على قولين، فقالت طائفة منهم: إنما يفعل ذلك بعد أن ينظر هل خص ذلك اللفظ شيء أم لا، فإن وجدنا دليلا على ذلك صرنا إليه، وإلا حملنا اللفظ على عمومه دون أن نطلب على العموم دليلا، وهذا قول بعض الشافعيين وبعض الحنفيين. وقالت طائفة الواجب حمل كل لفظ على عمومه، وكل ما يقتضيه اسمه دون توقف ولا نظر، لكن إن جاءنا دليل يوجب أن نخرج عن عمومه بعض ما يقتضيه لفظه صرنا إليه حينئذ، وهذا قول جميع أصحاب الظاهر، وبعض المالكيين، وبعض الشافعيين، وبعض الحنفيين، وبهذا نأخذ، وهو الذي لا يجوز غيره، وإنما اختلف من ذكرنا على قدر ما بحضرتهم من المسائل على ما قدمنا من أقوالهم فيما خلا، فإن وافقهم القول بالخصوص قالوا به. وإن وافقهم القول بالعموم قالوا به، فأصولهم معكوسة على فروعهم ودلائلهم مرتبة على ما توجبه مسائلهم. وفي هذا عجب: أن يكون الدليل على القول مطلوبا بعد اعتقاد القول، وإنما فائدة الدليل، وثمرته إنتاج ما يجب اعتقاده من الأقوال، فمتى يهتدي من اعتقد قولا بلا دليل ثم جعل يطلب الأدلة بشرط موافقة قوله، وإلا فهي مطرحة عنده. قال علي: وكل ما ذكرنا أنه

[Chapter Thirteen: Construing Commands and All Other Expressions as General, and Refuting Those Who Advocate Suspension of Judgment or Specificity in All of These, Except Where a Valid Proof Excludes Something from Generality]

ʿAli said: People have disagreed on this subject. One group said that expressions must be construed only as specific, meaning that they are applied to some, but not all, of what the designation encompasses in the language. Others said: Rather, we suspend judgment, construing them as neither general nor specific without proof. The first position is held by some Hanafis, some Malikis, and some Shafiʿis; the second by some Hanafis, some Malikis, and some Shafiʿis. Another group said: Every expression must be construed according to its generality, encompassing everything to which its wording applies, as established in the language to express the meanings falling under it. They then differed, taking two positions. One group among them said: This is done only after examining whether anything has restricted the scope of that expression. If we find proof of such restriction, we adopt it; otherwise, we construe the expression according to its generality without seeking proof of its generality. This is the position of some Shafiʿis and some Hanafis. Another group said: Every expression must be construed according to its generality and everything its designation encompasses, without suspension of judgment or examination. But if a proof reaches us requiring us to exclude from its generality some of what its wording encompasses, we adopt it at that point. This is the position of all the adherents of the apparent meaning, some Malikis, some Shafiʿis, and some Hanafis. This is the position we adopt, and no other is permissible. Those we have mentioned have differed only in accordance with the particular legal questions before them, as we explained previously when presenting their positions. If specificity suited them, they advocated it; if generality suited them, they advocated it. Their foundational principles are thus derived backwards from their subsidiary rulings, and their proofs are arranged according to what their particular legal positions require. It is astonishing that proof for a position should be sought after that position has already been adopted as a belief. The benefit and fruit of

proof consist solely in producing the positions that one must believe. When, then, will someone find guidance who adopts a position without proof and then begins seeking proofs on condition that they agree with his position, otherwise discarding them? ʿAli said: Every objection we have mentioned as applying to those who advocate suspension of judgment or interpretive diversion in turning commands away from obligation and expressions away from their apparent meanings applies even more forcefully to those who advocate suspension of judgment or specificity here. Additional objections also apply to them. ʿAli said: Those who maintain that an expression must not be construed according to its generality until proof of specificity has been sought, or without proof that it is general, argued as follows: Expressions do not entail generality by their forms; [if they did,] they would never be found otherwise, just as the designation "blackness" is not found applied to whiteness. Since we have found expressions whose apparent meaning is generality, while what is intended by them is specificity, we know that they must not be construed as general without proof. ʿAli said: We have already refuted this inference in our earlier discussion of obligation and the apparent meaning. Here we say that finding expressions transferred from their established meanings in the language does not require that every expression be invalidated and the application of designations to the things they designate be rendered unsound. If that were so, finding abrogated verses upon which it is impermissible to act would require refraining from acting upon any of all the remaining verses, except on the basis of proof, other than their own wording, requiring that they be acted upon. Whoever says this has disbelieved, by consensus; whoever does not say it has contradicted himself and demonstrated the unsoundness of his position. As for their statement, "Just as the designation 'blackness' is not applied to whiteness," the word 'aswad' may indeed be applied to something other than color: one says, "So-and-so is more eminent than so-and-so," using it in the sense of eminence. This does not invalidate the establishment of "blackness" as a designation for the absence of colors. A black person may also be called "Father of the White Woman," but this does not invalidate the establishment of "whiteness" as a designation for the color that disperses vision. Some earlier advocates of generality argued against them, saying: There is absolutely no way to es-

يدخل على القائلين بالوقف، أو التأويل في صرف الأوامر عن الوجوب، وصرف الألفاظ عن ظواهرها، فهو أدخل على من قال بالوقف أو الخصوص ههنا، ويدخل عليهم أيضا أشياء زائدة. قال علي: فما احتج به من ذهب إلى أن اللفظ لا يحمل على عمومه إلا بعد طلب دليل على الخصوص، أو إلا بدليل على أنه على العموم، أن قالوا: ليست الألفاظ مقتضية للعموم بصيغها لما وجدت أبدا إلا كذلك، كما لا يوجد اسم السواد على البياض، فلما وجدنا ألفاظا ظاهرها العموم والمراد بها الخصوص، علمنا أنها لا تحمل على العموم إلا بدليل. قال علي: وقد تقدم إفسادنا لهذا الاستدلال فيما خلا من القول بالوجوب وبالظاهر. ونقول ههنا: إنه ليس وجودنا ألفاظا منقولة عن موضوعها في اللغة بموجب أن يبطل كل لفظ، ويفسد وقوع الأسماء على مسمياتها، ولو كان ذلك لكان وجودنا آيات منسوخة، لا يجوز العمل بها موجبا لترك العمل بشيء من سائر الآيات كلها، إلا بدليل يوجب العمل بها من غير لفظها، ومن قال هذا فقد كفر بإجماع، ومن لم يقله فقد تناقض، ودل على فساد مذهبه. وأما قولهم: كما لا يوضع اسم السواد على البياض، فقد يوضع أسود على غير اللون، فيقال: فلان أسود من فلان من معنى السيادة، وليس ذلك بمبطل أن يكون السواد موضوعا لعدم الألوان، وقد يقال للأسود أبو البيضاء وليس ذلك بمبطل أن يكون البياض موضوعا للون المفرق للبصر. وقد احتج عليهم بعض من تقدم من القائلين بالعموم فقال ليس إلى وجود لفظ عام يراد به الخصوص سبيل البتة إلا بدليل وارد يبين أنه منقول عن مرتبته إلى غيرها، كالدليل على تخصيص قوله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فصح بالنص وبالظاهر وبمقتضى اللفظ أنها لم تدمر من الأشياء إلا ما أمرت بتدميره وهذا لفظ خصوص لبعض الأشياء، لا لفظ عموم لجميعها، لكنه عموم لما قصد به، قال: وكذلك كل لفظ عموم أريد به الخصوص، قال: فلما صح ذلك بطل ما احتجوا به من وجودهم لفظا

tablish that a general expression is intended specifically except through a transmitted proof showing that it has been transferred from its established scope to another, as with the proof restricting the scope of His words, Most High: {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people.} It is therefore established by the explicit text, the apparent meaning, and what the wording entails that it destroyed only those things it was commanded to destroy. This is wording specific to some things, rather than wording general to all of them, but it is general with respect to what was intended by it. He said: The same applies to every general expression intended specifically. He said: Once this was established, their argument from finding an expression whose apparent meaning is unrestricted generality, while specificity is intended by it, was invalidated. ʿAli said: They also argued by saying: We have never found any address that was not specific rather than general. It is therefore established that every address is intended specifically for those rational adults whom the address has reached, to the exclusion of others.[1][2][3]

ظاهره العموم المطلق ويراد به الخصوص. قال علي: واحتجوا أيضا فقالوا: لم نجد قط خطابا إلا خاصا لا عاما، فصح أن كل خطاب فإنما قصد به من بلغه الخطاب من العاقلين البالغين خاصة دون غيرهم.

L1034–1037

ʿAli said: This is the sophistry of an ignorant person speaking without knowledge. I wish I knew how he could have overlooked His words: {He is the One who created for you everything on earth, then turned to heaven and fashioned them as seven heavens; and He knows all things.} Furthermore, what he mentioned concerning the address being directed to adults of sound reason who know of the command, to the exclusion of others, is established

قال علي: هذا تشغيب جاهل متكلم بغير علم، ليت شعري أين كان عن قوله: {هو الذي خلق لكم ما في الأرض جميعا ثم استوى إلى السمآء فسواهن سبع سماوات وهو بكل شيء عليم} وأيضا فإن الذي ذكر من توجه الخطاب إلى البالغين العقلاء العالمين بالأمر دون غيرهم، فإنما ذلك بنص وارد فيهم، فهو عموم لهم كلهم، ولم نعن بقولنا بالعموم كل موجود في العالم، وإنما عنينا كل من اقتضاه اللفظ الوارد، وكل ما اقتضاه الخطاب، فعلى هذا قلنا بالعموم، وإنما أردنا حمل كل لفظ أتى على ما يقتضي، ولو لم يقتض إلا اثنين من النوع، فإن ذلك عموم لهما، وإنما أنكرنا تخصيص ما اقتضاه اللفظ بلا دليل أو التوقف فيه بلا دليل مثل قوله تعالى {ولا تقتلوا لنفس لتي حرم لله إلا بلحق ومن قتل مظلوما فقد جعلنا لوليه سلطانا فلا يسرف في لقتل إنه كان منصورا} فقلنا هذا عموم لكل نفس حرمها الله من إنسان ملي أو ذمي لم يأتنا ما يوجب القتل لهما، ومن قتل حيوانا نهي عن قتله، إما لتملك غيرنا له، أو لبعض

[1] **Translator's note (L1031):** The conditional argument appears to be defective as transcribed: a conditional particle such as "if" is apparently missing before the statement that such expressions would never be found otherwise. The supplied negation has been retained, and the inferred conditional connection is marked in brackets.

[2] **Translator's note (L1032):** The word 'aswad' supplies the author's wordplay: it ordinarily means "black" or "blacker," but is used in his example for greater eminence or lordship. "Father of the White Woman" renders the supplied epithet literally; the passage contrasts a personal appellation with the ordinary meanings of color terms. The Quranic quotation has defective definite-article spellings in its final phrase, corresponding to "the criminal people." These have been understood as orthographic defects; the quotation's wording and sequence are otherwise retained.

[3] **Qur'an references (L1029):** Qur'an 46:25 (Al-Ahqaf).

only by an explicit text concerning them. It is therefore general to all of them. By our advocacy of generality, we did not mean every existent thing in the world. We meant everyone encompassed by the transmitted wording and everything encompassed by the address. It is in this sense that we advocate generality. We intended only that every expression that occurs be construed as encompassing what it entails. Even if it encompassed only two members of a kind, it would be general to both. What we rejected was restricting the scope of what the expression encompasses without proof, or suspending judgment about it without proof. An example is His words, Most High: {Do not kill the soul Allah has made inviolable, except by right. Whoever is killed wrongfully, We have granted his legal guardian authority; so let him not exceed bounds in killing. Indeed, he has been given support.} We said: This is general to every soul Allah has made inviolable, whether a human being belonging to the religious community or a protected non-Muslim, where nothing requiring the killing of either has reached us, and to the killing of an animal whose killing has been prohibited, whether because someone else owns it or for some other reason. Another example is His words, Most High: {Do not marry those women whom your fathers married, except what has already passed. Indeed, it was an indecency, an object of abhorrence, and an evil way.} What we rejected was deeming a life lawful to take without proof, and marrying those whom fathers had married. Anyone who disagrees with us is bound not to enforce the prohibition against killing any soul without proof, and not to prohibit many of those whom fathers had married without proof other than this verse, specifying each individual in her own right. This leads to obsessive doubts, the destruction of mutual understanding, the invalidation of language, and the invalidation of religion. Another example is the saying of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—"Wheat for wheat is usury, except 'Here you are' and 'Here you are'; barley for barley is usury, except 'Here you are' and 'Here you are'; dates for dates are usury, except 'Here you are' and 'Here you are'; salt for salt is usury, except 'Here you are' and 'Here you are'; gold for gold is usury, except 'Here you are' and 'Here you are'; and silver for silver is usury, except 'Here you are' and 'Here you are.'" All of this must therefore be construed as applying to all wheat, all barley, all dates, all salt, all gold, and all silver.

الأمر، ومثل قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} فإنما أنكرنا استباحة نفس بلا دليل ونكاح ما نكح الآباء، ومن خالفنا لزمه ألا ينفذ تحريم قتل نفس إلا بدليل، وألا يحرم كثيرا مما نكح الآباء إلا بدليل من غير هذه الآية، مبين لكل عين في ذاتها، وهذا يخرج إلى الوسواس، وإلى إبطال التفاهم وبطلان اللغة وبطلان الدين ومثل قول رسول الله صلى الله عليه وسلم البر بالبر ربا إلا هاء وهاء والشعير بالشعير ربا، إلا هاء وهاء، والتمر بالتمر ربا، إلا هاء وهاء، والملح بالملح ربا إلا هاء وهاء، والذهب بالذهب ربا إلا هاء وهاء، والفضة بالفضة ربا إلا هاء وهاء فوجب حمل كل ذلك على كل بر، وكل شعير وكل تمر وكل ملح وكل ذهب وكل فضة وكقوله عليه السلام كل مسكر حرام فوجب أن يحمل على كل مسكر وكل من تعدى هذا فقد أبطل حكم اللغة، وحكم الديانة. قال علي: وشغبوا أيضا بآيات الوعيد مثل قوله تعالى {وإن لفجار لفي جحيم} {إنآ أنزلنا لتوراة فيها هدى ونور يحكم بها لنبيون لذين أسلموا للذين هادوا ولربانيون ولأحبار بما ستحفظوا من كتاب لله وكانوا عليه شهدآء فلا تخشوا لناس وخشون ولا تشتروا بآياتي ثمنا قليلا ومن لم يحكم بمآ أنزل لله فأولئك هم لكافرون} قالوا وهي غير محمولة على عمومها.

Likewise, his saying—peace be upon him— "Every intoxicant is forbidden." It is therefore obligatory to apply this to every intoxicant. Whoever goes beyond this has nullified the rule of language and the rule of religion. Ali said: They also raised specious objections using verses of warning, such as His saying, exalted is He, {And indeed the wicked are surely in a blazing fire}, and {Indeed, We sent down the Torah, containing guidance and light, by which the prophets who submitted judged for those who were Jews, as did the godly scholars and the learned men, by virtue of what they were entrusted to preserve of the Book of Allah, and they were witnesses over it. So do not fear people, but fear Me, and do not exchange My signs for a small price. Whoever does not judge by what Allah has sent down—it is they who are the unbelievers}. They said: These are not to be understood in their general scope.[4][5][6]

L1038–1040 Ali said: Were it not for the texts concerning the acceptance of repentance, the weighing of deeds against one another, and the forgiveness of evil deeds through avoiding major sins, it would necessarily be obligatory to understand the verses of warning according to their apparent meaning and general scope. But we have adopted the clarification supplied by another address. The same applies to the other verse and to every verse and every address, whether a hadith or a report. We do not deny restricting a general expression through evidence supplied by another text or through the necessity of sense perception. We deny only restricting it without evidence. Ali said: They also questioned us, saying: What do you believe when you first hear a verse or a hadith, before understanding it? The answer is: We believe it has general scope, and this is unavoidable. Nevertheless, when we first hear it, before

قال علي: ولولا النصوص الواردة بقبول التوبة، وبالموازنة، وبغفران السيئات باجتناب الكبائر لوجب ضرورة حمل آيات الوعيد على ظاهرها وعمومها، ولكن صرنا إلى بيان خطاب آخر، وكذلك القول في الآية الأخرى، وفي كل آية وخطاب حديث وخبر، ونحن لا ننكر تخصيص العموم بدليل نص آخر أو ضرورة حس، وإنما أنكرنا تخصيصه بلا دليل. قال علي: وسألونا أيضا فقالوا: تعتقدون في أول سماعكم الآية والحديث، قبل تفهمكم فالجواب: إننا نعتقد العموم ولا بد من ذلك، وإلا أننا في أول سماعنا وقبل تفقهنا لسنا مفتين ولا حكاما ولا منذرين، حتى نتفقه، فإذا تفقهنا حملنا حينئذ كل لفظ على ظاهره وعمومه وحكمنا بذلك، وأفتينا وتدينا إلا ما قام عليه دليل أنه ليس على ظاهره وعمومه فنصير إليه، ولو أن حاكما، أو مفتيا لم يبلغه تخصيص ما بلغه من العموم، لكان الفرض عليهما الحكم بالذي بلغهما من العموم والفتيا به، وإلا فهما فاسقان حتى يبلغهما الخصوص فيصير إليه. ثم نعكس عليهم هذا السؤال فنقول: ماذا تعتقدون في الآية والحديث إذا سمعتموها قبل تفقهكم، أتعتقدون في بطلان الطاعة لهما، وأنهما منسوخان، أو تعتقدون وجوب الطاعة لهما وأنهما مستعملان محكمان، ما لم يقم دليل على نسخهما؟ فإن قالوا: نعتقد أنهما منسوخان، وأنهما على الوقف فارقوا

[4] **Translator's note (L1035):** The Quranic quotations contain several defective spellings of definite articles; these have been understood as orthographic defects without changing the quoted wording. "Belonging to the religious community" renders 'millī,' here contrasted with a protected non-Muslim ('dhimmī'). The supplied wording does not explicitly name the community. The repeated exchange formula literally means "'Here you are' and 'Here you are,'" indicating immediate reciprocal delivery. The supplied quotation applies this formula to all six commodities; that wording and all its repetitions have been retained.

[5] **Hadith references (L1034):** Sahih al-Bukhari 2170.

[6] **Qur'an references (L1034):** Qur'an 2:29 (Al-Baqarah); Qur'an 17:33 (Al-Isra); Qur'an 4:22 (An-Nisa); Qur'an 5:44 (Al-Ma'idah).

acquiring an informed understanding, we do not act as issuers of legal opinions, judges, or warners until we acquire that understanding. Once we have acquired it, we then understand every expression according to its apparent meaning and general scope, judge accordingly, issue legal opinions accordingly, and observe it as religion, except where evidence establishes that it does not bear its apparent meaning and general scope; in that case we adopt what that evidence establishes. If a judge or an issuer of legal opinions had not received the restriction of a general expression that had reached him, it would be obligatory for both of them to judge and issue legal opinions according to the general expression that had reached them. Otherwise, they would both be defiantly disobedient, until the specific qualification reached them, whereupon they would adopt it. We then turn this question back upon them and say: What do you believe concerning a verse and a hadith when you hear them, before acquiring an informed understanding? Do you believe that obedience to them is invalid and that they are abrogated, or do you believe that obedience to them is obligatory and that they remain operative and unabrogated unless evidence of their abrogation is established? If they say, "We believe that they are abrogated and that judgment concerning them is suspended," they have departed from the position of all Muslims. This leads to nullifying all religious laws and departing from Islam, because the evidence sought to establish the absence of abrogation can only be another verse, a text, or a consensus. Suspending judgment concerning that other verse and that other hadith, or saying that they are abrogated, entails for them exactly what was entailed in the case of the first address, without any difference, and so on forever. They would also have to suspend judgment concerning their claim of consensus, since perhaps there is disagreement here. Thus religion would be nullified according to their position. This position would require that no one act upon anything in religion, since perhaps there is something that restricts it or something that abrogates it. This contradicts the religion of Islam, and before Allah, exalted is He, we disavow every position that leads to this. If, however, they say, "Rather, we regard them as unabrogated until evidence establishes that they are abrogated," they have returned to the truth. And this is binding upon them concerning the position of suspending judgment or adopting a specific scope, without any difference. Ali said: They

قول جميع المسلمين، وأدى ذلك إلى إبطال جميع الشرائع ومفارقة الإسلام، لأن الدليل الذي يطلب على بطلان النسخ ليس إلا آية أخرى، أو نصا أو إجماعا، ويلزمهم من الوقف في الآية الأخرى، وفي الحديث الآخر أو من القول بأنهما منسوخان ما لزم في الخطاب الأول، ولا فرق، وهكذا أبدا، ولزمهم الوقف أيضا في دعواهم الإجماع، لعل ههنا خلافا فبطلت الديانة على قولهم، ووجب بهذا القول ألا يعمل أحد بشيء من الدين إذ لعل ههنا شيئا خصه أو شيئا نسخه، وهذا خلاف دين الإسلام، ونحن نبرأ إلى الله تعالى من كل قول أدى إلى هذا، وإن قالوا: بل على أنهما محكمان حتى يقوم دليل على أنهما منسوخان رجعوا إلى الحق، وهذا يلزمهم في القول بالوقف أو الخصوص ولا فرق. قال علي: وشغبوا أيضا فقالوا: نحن في الخطاب الوارد كالحاكم، شهد عنده شاهدان، فلا بد له من السؤال عنهما والتوقف حتى تصح عدالتهما.

also raised a specious objection, saying: With respect to an address that has reached us, we are like a judge before whom two witnesses have testified: he must inquire about them and suspend judgment until their uprightness is established.[7]

L1041–1043 Ali said: This is a false comparison. If it had been established for us before the two witnesses testified that they were upright, they would continue to possess that uprightness. It would be impermissible to suspend judgment on their testimony, and the obligation would be to implement judgment on its basis the moment they testified. The same applies to whatever we know with certainty to be an address to us from Allah, exalted is He, or from His Messenger ﷺ. We suspend judgment concerning the two witnesses only when we do not know them. Likewise, we suspend judgment concerning a report when it has not been established for us that it is from the Prophet ﷺ, and we make no ruling on the basis of any such thing. Ali said: Among their arguments was that they said: Allah, exalted is He, said, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}. He, exalted is He, said, {It leaves nothing that it comes upon without making it like decayed remains}. And He, exalted is He, said, {Indeed, I found a woman ruling over them, and she has been given of everything, and she has a mighty throne}. We know that the wind destroys everything in the world, and that Bilqis was not given everything, because Solomon, peace be upon him, was given what she was not given. Ali said: None of this provides them with any proof. As for His saying, exalted is He, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}, we have already said that Allah, exalted is He, did not say that and stop there. Rather, He, exalted is He, said, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}. The general scope

[7] **Translator's note (L1038):** The question beginning "What do you believe" is elliptical in the supplied Arabic: it has "you believe" without an explicit interrogative word. The interrogative sense is supplied by the surrounding exchange.

قال علي: وهذا تشبيه فاسد، لأن الشاهدين لو صح عندنا قبل شهادتهما أنهما عدلان فهما على تلك العدالة، ولا يحل التوقف على شهادتهما، والفرض إنفاذ الحكم بها ساعة يشهدان، وكذلك ما أيقنا أنه خطاب الله تعالى أو خطاب رسوله صلى الله عليه وسلم لنا وإنما نتوقف في الشاهدين إذا لم نعلمهما، وكذلك نتوقف في الخبر إذا لم يصح عندنا أنه عن النبي صلى الله عليه وسلم فلا نحكم بشيء من ذلك قال علي ومما احتجوا به أن قالوا قال الله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} قال تعالى {ما تذر من شيء أتت عليه إلا جعلته كلرميم} وقال تعالى {إني وجدت مرأة تملكهم وأوتيت من كل شيء ولها عرش عظيم} وقد علمنا أن الريح تدمر كل شيء في العالم، وأن بلقيس لم تؤت كل شيء، لأن سليمان عليه السلام أوتي ما لم تؤت هي. قال علي: وهذا كله لا حجة لهم فيه أما قوله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فإنا قد قلنا إن الله تعالى لم يقل ذلك وأمسك، بل قال تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فصح بالنص عموم هذا اللفظ لأنه تعالى إنما قال: إنها دمرت كل شيء على العموم من الأشياء التي أمرها الله تعالى بتدميرها فسقط احتجاجهم بهذه الآية، وأما قوله {ما تذر من شيء أتت عليه إلا جعلته كلرميم} فهذه الآية مبطلة لقولهم لأنه إنما أخبر أنها دمرت كل شيء أتت عليه لا كل شيء لم تأت عليه فبطل تمويههم وأما قوله تعالى {إني وجدت مرأة تملكهم وأوتيت من كل شيء ولها عرش عظيم} فإنما حكى تعالى هذا القول عن

of this expression is therefore established by the text, because He, exalted is He, said only that it destroyed everything, generally, among the things that Allah, exalted is He, commanded it to destroy. Their argument from this verse thus falls away. As for His saying, {It leaves nothing that it comes upon without making it like decayed remains}, this verse invalidates their position, because He reported only that it destroyed everything it came upon, not everything it did not come upon. Their obfuscation is thus invalidated. As for His saying, exalted is He, {Indeed, I found a woman ruling over them, and she has been given of everything, and she has a mighty throne}, He, exalted is He, merely related this statement from the hoopoe. We do not adduce the hoopoe's statement as proof; we adduce as proof only what Allah, exalted is He, has said, reporting it to us from His knowledge, or what Allah, exalted is He, has confirmed of the report of someone whose report He has transmitted to us. He, exalted is He, has transmitted to us many statements from the Jews and Christians that are not sound. If someone says, "But Solomon, peace be upon him, said to the hoopoe, {He said: We shall see whether you have spoken truthfully or whether you are among the liars}," we say: Yes, but Allah, exalted is He, has not informed us that the hoopoe spoke truthfully in everything it mentioned. Thus they have no proof whatsoever in this verse.[89]

L1044–1046 Then we say to them—and success comes through Allah, exalted is He: If you adduce these verses as proof for understanding the Quran and the speech of the Prophet ﷺ as having specific rather than general scope, then adhere to that. We will not take you far from this verse that you have adduced as proof. We therefore put to you the saying of Allah, exalted is He: {And We certainly established them in that in which We have not established you, and We gave them hearing, eyesight, and hearts. Yet their hearing, their eyesight, and their hearts availed them nothing at all, since they were rejecting the

[8] **Translator's note (L1041):** The supplied text says that the wind "destroys everything in the world," although the objection appears to require "does not destroy everything in the world." The apparent missing negation has not been supplied in the translation. The complete quotation about the wind is repeated three times in this unit, including both before and after "did not say that and stop there." All repetitions are retained as supplied.

[9] **Qur'an references (L1041):** Qur'an 46:25 (Al-Ahqaf); Qur'an 51:42 (Adh-Dhariyat); Qur'an 27:23 (An-Naml); Qur'an 27:27 (An-Naml).

الهدهد، ونحن لا نحتج بقول الهدهد، وإنما نحتج بما قاله الله تعالى مخبرا به لنا عن علمه، أو ما حققه الله تعالى من خبر من نقل إلينا خبره، وقد نقل تعالى إلينا عن اليهود والنصارى أقوالا كثيرة، ليست مما تصح. فإن قال قائل: فإن سليمان عليه السلام قال للهدهد {قال سننظر أصدقت أم كنت من لكاذبين} قلنا نعم ولكن لم يخبرنا الله تعالى أن الهدهد صدق في كل ما ذكر، فلا حجة لهم في هذه الآية أصلا.

ثم نقول لهم، وبالله تعالى التوفيق: إذا احتججتم بهذه الآيات في حمل القرآن وكلام النبي صلى الله عليه وسلم على الخصوص لا على العموم فالتزموا ذلك ولسنا نبعدكم عن هذه الآية التي احتججتم بها، فنقول لكم، قول الله تعالى: {ولقد مكناهم فيما إن مكناكم فيه وجعلنا لهم سمعا وأبصارا وأفئدة فما أغنى عنهم سمعهم ولا أبصارهم ولا أفئدتهم من شيء إذ كانوا يجحدون بآيات لله وحاق به ما كانوا به يستهزئون} فأخبرونا على قوله تعالى، في هذه الآية، إن سمعهم وأبصارهم وأفئدتهم لم تغن عنهم شيئا أهو على عمومه أم يقولون إنها أغنت عنهم شيئا فإن قلتم كذبتم ربكم وإن لم تقولوا تركتم مذهبكم الفاسد، ومثل هذا في القرآن كثير جدا، بل هو الذي لا يوجد غيره أصلا في شيء من القرآن والكلام إلا في مواضع يسيرة قد قام الدليل على خصوصها،

signs of Allah; and what they used to mock encompassed him}. Tell us, then, concerning His saying, exalted is He, in this verse, that their hearing, eyesight, and hearts availed them nothing: does it have general scope, or do they say that these availed them something? If you say so, you have declared your Lord untruthful; and if you do not say so, you have abandoned your corrupt doctrine. There is very much of this kind in the Quran. Indeed, nothing else is found anywhere in the Quran or in speech, except in a few passages for which evidence establishing their specific scope has been furnished. Were it not for evidence establishing their specific scope, it would not be permissible for anyone to understand them as having anything but general scope. Success comes through Allah, exalted is He. Ali said: They also practiced obfuscation by invoking something that counts against them, rather than for them: the Children of Israel's hesitation concerning His command, exalted is He, that they slaughter the cow. Ali said: Whoever has only this measure of knowledge is forbidden to speak about it, because Allah, exalted is He, condemned them most severely for that suspension of action. Is it then permissible for a Muslim to strengthen his doctrine on the ground that it accords with something that Allah, mighty and majestic is He, condemned? Even if their hesitation had consisted of nothing more than their saying to Moses, peace be upon him, {And when Moses said to his people: Indeed, Allah commands you to slaughter a cow, they said: Do you take us in mockery? He said: I seek refuge in Allah from being among the ignorant}, in reply to his saying, {And when Moses said to his people: Indeed, Allah commands you to slaughter a cow, they said: Do you take us in mockery? He said: I seek refuge in Allah from being among the ignorant}. Whoever is addressed by a prophet with some command from Allah, mighty and majestic is He, and treats it as mockery has disbelieved. Ali said: Their following the example of the Jews who construed the speech of their Lord, exalted is He, as mockery is enough for them, and enough for us against them. They also adduced His saying, {The Originator of the heavens and the earth! How could He have a child when He has had no consort? He created everything, and He knows everything}, although He, mighty and majestic is He, is uncreated; and His saying, exalted is He, {Those to whom the people said: Indeed, the people have gathered against you, so fear them. But it increased them in faith, and

ولولا قيام الدليل على خصوصها لم يحل لأحد أن يحملها إلا على العموم، وبالله تعالى التوفيق. قال علي: وموهوا أيضا بما هو عليهم لا لهم، وهو تردد بني إسرائيل في أمره تعالى لهم بذبح البقرة. قال علي: ومن كان هذا مقداره في العلم فحرام عليه الكلام فيه، لأن الله تعالى ذمهم بذلك التوقف أشد الذم، أفيسوغ لمسلم أن يقوي مذهبه بأنه موافق لأمر ذمه الله عز وجل؟ ولو لم يكن في ترددهم إلا قولهم لموسى عليه السلام {وإذ قال موسى لقومه إن لله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بلله أن أكون من لجاهلين} جوابا لقوله {وإذ قال موسى لقومه إن لله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بلله أن أكون من لجاهلين} ومن خاطبه نبي عن الله عز وجل بأمر ما، فجعله المخاطب هزوا فقد كفر. قال علي: فحسبهم وحسبنا لهم اقتداؤهم باليهود الحاملين كلام ربهم تعالى على أنه هزء واحتجوا بقوله {بديع لسماوات ولأرض أنى يكون له ولد ولم تكن له صاحبة وخلق كل شيء وهو بكل شيء عليم} وهو عز وجل غير مخلوق وبقوله تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} قال علي وإنما قال ذلك لهم بعض الناس، وإنما كان الجامعون لهم بعض الناس لا كلهم.

they said: Allah is sufficient for us, and an excellent trustee is He}. Ali said: It was only some of the people who said that to them, and those gathering against them were only some of the people, not all of them.[10][11][12]

L1047–1071 Ali said: We do not deny that evidence may occur which takes certain expressions beyond the meanings assigned to them in the language; indeed, we have allowed this. In these two verses, necessary demonstration has established that what is meant by His, exalted is He, creating everything applies generally to everything other than Him, mighty and majestic is He. This is understood from the explicit text of the verse: since He, exalted is He, is the one who created everything, and since it is impossible for anyone to bring himself into existence, by the necessary force of demonstrations that we have rigorously established in The Book of Distinctions, it is established that the expression never included Allah, exalted is He, within the general scope of what He stated He had created. Likewise, those who informed these people, in the words, {Those to whom the people said, 'The people have gathered against you, so fear them,' but it increased them in faith, and they said, 'Allah suffices us, and an excellent trustee He is'}, were people other than the people gathering against them. The people gathering against them were other than the people informing them, and both groups were other than those against whom the gathering was directed. We therefore know that the expression intended only what was established in reason. What we deny is merely the claim that expressions are taken beyond their understood meanings without evidence. Likewise, we do not deny the abrogation of an entire command when evidence establishes this; we deny only the claim of abrogation without evidence. Ali said: They also resorted to obfuscation by saying: 'If generality

قال علي: نحن لا ننكر أن يرد دليل يخرج بعض الألفاظ عن موضوعها في اللغة، بل أجزنا ذلك، وهاتان الآيتان قد قام البرهان الضروري على أن المراد بخلقه تعالى كل شيء: أن ذلك في كل ما دونه عز وجل على العموم، وهذا مفهوم من نص الآية، لأنه لما كان تعالى هو الذي خلق كل شيء، ومن المحال أن يحدث أحد نفسه لضرورات براهين أحكمناها في كتاب الفصل، صح أن اللفظ لم يأت قط لعموم الله تعالى فيما ذكر أنه خلقه وكذلك لما كان المخبرون لهؤلاء بأن {لذين قال لهم لناس إن لناس قد جمعوا لكم نخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} ناسا غير الناس الجامعين وكان الناس الجامعون لهم غير الناس المخبرين لهم، وكانت الطائفتان معا غير المجموع لها، علمنا أن اللفظ لم يقصد به إلا ما قام في العقل، وإنما ننكر دعوى إخراج الألفاظ عن مفهومها بلا دليل، وكذلك لا ننكر نسخ الأمر كله بدليل يقوم على ذلك، وإنما ننكر دعوى النسخ بلا دليل. قال علي: وموهوا أيضا بأن قالوا: لو كان للعموم صيغة تقتضيه، ولفظ موضوع له، لما كان لدخول التأكيد عليه معنى، لأنه كان يكتفى في ذلك باللفظ الدال على العموم. قال علي: وهذا تعليم منهم لربهم أشياء استدركوها لا ندري ما ظنهم فيها، أنسيان أم فوات أم عمد؟ وكل هذا كفر، وهذا جري منهم على عادتهم في الحكم بالقياس في أشياء ادعوا أن ربهم تعالى لم يذكرها، ولا حكم فيها، ونحن نبرأ إلى الله تعالى من ذلك، ونقول: إنه لا علم لنا إلا ما علمنا، وأن التأكيد في اللغة موجود كثير، كتكراره تعالى ما كرر من الأخبار، وكتكراره عز وجل سورة واحدة: {فبأي آلاء ربكما تكذبان} وغيرها إحدى وثلاثين مرة {يثبت لله لذين آمنوا بلقول لثابت في لحياة لدنيا وفي لآخرة ويضل لله لظالمين ويفعل لله

[10] **Translator's note (L1044):** The Quranic quotation has the singular pronoun "him" in "encompassed him," where the familiar wording of Quran 46:26 has "them." The supplied singular is retained. The argument shifts from addressing the opponents as "you" to referring to them as "they" in the question about whether the faculties availed them something. That shift is retained.

[11] **Translator's note (L1045):** The complete wording of Quran 2:67 is supplied twice, first as what the Israelites said and then as what they answered. This makes the quotation structure awkward; both complete repetitions are retained.

[12] **Qur'an references (L1044):** Qur'an 46:26 (Al-Ahqaf); Qur'an 2:67 (Al-Baqarah); Qur'an 6:101 (Al-An'am).

had a form that entailed it and an expression assigned to it, there would be no point in adding emphasis to it, since the expression indicating generality would suffice.' Ali said: This is their teaching their Lord things they have discovered He omitted. We do not know what they suppose concerning them: was it forgetfulness, an oversight, or deliberate intent? All of this is unbelief. This follows their habitual practice of ruling by analogy concerning matters which they claim their Lord, exalted is He, neither mentioned nor ruled upon. We declare ourselves free of this before Allah, exalted is He, and say that we have no knowledge except what He has taught us, and that emphasis exists abundantly in the language: for example, His, exalted is He, repeating the accounts He has repeated, and His, mighty and majestic is He, repeating in a single surah, {Which, then, of your Lord's favors do you two deny?}, and other things, thirty-one times. {Allah makes those who believe steadfast through the steadfast word in the life of this world and in the Hereafter; and Allah leads the wrongdoers astray, and Allah does whatever He wills}; and {He is not questioned about what He does, while they are questioned}. This has the greatest benefit, because He, exalted is He, knew that among His creatures there would be people like them who would seek to invalidate realities. He therefore forestalled whatever claims of theirs He willed through emphasis, and so that He might thereby establish the proof against them; and He left emphasis aside wherever He willed so that they might go astray therein, and those among them who follow others unquestioningly and obstinately resist might deserve the painful punishment, while those who obey and submit might receive the abundant reward through His favor and bounty. There is no god but Him. Had He, exalted is He, not repeated what He repeated of the accounts of bygone nations, of His command, 'Establish prayer and give the alms,' in numerous places, of His command, exalted is He, to have faith and avoid unbelief in numerous surahs, and of His mention of the Fire and the Garden in numerous surahs, this would not have removed the binding force of anything among all these matters that was binding when He repeated it. It would have been binding through His mentioning it once, just as it is binding when mentioned a million times, without any difference. Doubting an account mentioned once, or denying it, would entail unbelief just as doubting what He repeated a thousand times entails unbelief, and just as denying it

ما يشآء} و {لا يسأل عما يفعل وهم يسألون} ولهذا أعظم الفائدة لأنه تعالى علم أنه سيكون في خلقه قوم أمثالهم يرومون إبطال الحقائق فحسم من دعاويهم ما شاء بالتأكيد، وليقيم بذلك الحجة عليهم وترك التأكيد فيما شاء، ليضلوا فيها ويستحق منهم من قلد وعاند العذاب الأليم، ويؤجر من أطاع وسلم الأجر الجزيل بمنه وطوله، لا إله إلا هو. ولو أنه تعالى لم يكرر ما كرر من أخبار الأمم السالفة، ومن أمره فأقيموا الصلاة وآتوا الزكاة، في غير ما موضع، ومن أمره تعالى بالإيمان واجتناب الكفر في غير ما سورة، ومن ذكر النار والجنة في غير ما سورة فما كان ذلك مسقطا لوجوب ما وجب من ذلك كله إذ كرره، ولكان ذلك واجبا بذكره مرة واحدة، كوجوبه إذا ذكر ألف ألف مرة ولا فرق، ولكان الشك في خبر ذكر مرة واحدة، أو تكذيبه يوجب الكفر، كوجوب الكفر بالشك فيما كرره ألف مرة، وكوجوب الكفر بتكذيبه ولا فرق، وقد ذكر تعالى قصة موسى عليه السلام في مواضع كثيرة من القرآن، ولم يذكر قصة يوسف عليه السلام إلا مرة واحدة، ولا فرق عند أحد من الأمة بين صحة قصة يوسف، وبين صحة قصة موسى عليهما السلام، ومن شك في ذلك فهو كافر مشرك حلال الدم والمال، فالتأكيد كالتكرار ولا فرق، ولو لم يؤكد تعالى ما أكد لكان واجبا وعاما، لا يقتضيه اسمه، كوجوبه مع التأكيد، ولا فرق، وإنما معنى التأكيد كمعنى قول القائل: أنا شهدت فلانا، ونظرت إليه بعيني هاتين، وهو يفعل أمر كذا، وقد علمنا أن النظر لا يكون إلا بالعينين، وكذلك يقول سمعت بأذني والسمع لا يكون إلا بالأذنين، ولو سكت عن ذلك لعلمنا من خبره كالذي علمنا إذا ذكر العينين والأذنين ولا فرق. وأيضا فإن الاستثناء جائز بعد التأكيد، كجوازه قبل التأكيد فنقول: رأيت الوجوه إلا فلانا، فلو كان التأكيد مخرجا للكلام عن الخصوص إلى العموم لما جاز فيه الاستثناء، فصح أنه بمنزلة التكرار ولا فرق. قال علي: ثم نعكس عليهم سؤالهم الفاسد، فنقول لهم: لو جاز أن تكون صيغة العموم للخصوص لما جاز أن يدخل عليها

entails unbelief, without any difference. He, exalted is He, has mentioned the story of Moses, peace be upon him, in many places in the Quran, whereas He has mentioned the story of Joseph, peace be upon him, only once. No one in the community makes any distinction between the truth of the story of Joseph and the truth of the story of Moses, peace be upon them both. Whoever doubts this is an unbeliever and a polytheist whose blood and property are lawful to take. Emphasis is therefore like repetition, without any difference. Had He, exalted is He, not emphasized what He emphasized, it would have been binding and general—its designation does not entail it—just as it is binding with emphasis, without any difference. The meaning of emphasis is simply like the meaning of someone's saying: 'I myself witnessed so-and-so and looked at him with these two eyes of mine while he was doing such-and-such a thing.' We know that looking occurs only with the two eyes. Likewise, someone says, 'I heard with my ears,' although hearing occurs only with the two ears. Had he said nothing about this, we would have learned from his report just what we learned when he mentioned the two eyes and the two ears, without any difference. Moreover, exception is permissible after emphasis just as it is permissible before emphasis. Thus we say, 'I saw the faces except so-and-so.' If emphasis took speech from specificity into generality, exception within it would not be permissible. It is therefore established that it has the status of repetition, without any difference. Ali said: We then turn their invalid objection back upon them and say to them: 'If it were permissible for the form of generality to convey specificity, it would not be permissible for emphasis to be added to it and thereby transfer it to generality.' This binds them, because they have accepted this objection as valid. Everyone who accepts a proposition as valid is bound by it, whereas it does not bind someone who accepts it as valid and did not initiate the objection. Ali said: If their statement were sound, it would follow that everything that passed from its state was false, and that this transition was evidence that what underwent the transition had not been true. For they are bound to hold that if a thing had been true, it would not have become false, nor would evidence of its falsity have arisen. Yet we find that a human being has life through the soul's connection with the body, and then that life departs and certainly ceases to exist. Thus, since they say, 'If generality were real, its expression would not

للتأكيد فينقلها إلى العموم، وهذا لهم لازم، لأنهم صححوا هذا السؤال، فكل من صحح القضية فهي لازمة له، وليست لازمة لمن يصححها ولا ابتدأ السؤال. قال علي: ولو صح قولهم لوجب أن يكون كل شيء انتقل عن حاله باطلا، وأن يكون ذلك الانتقال دليلا على أن المنتقل لم يكن حقا، لأنه يلزمهم أن الشيء لو كان حقا لما صار باطلا، ولما قام دليل على بطلانه، ونحن نجد الحياة للإنسان باتصال النفس في الجسد، ثم تذهب تلك الحياة وتبطل بيقين، فيلزمهم إذ قالوا: لو كان العموم حقا لما انتقل لفظه إلى خصوص، أن يقولوا: لو كانت الحياة حقا لما انتقل حاملها إلى الموت، هذا مع افتقار دليلهم هذا إلى دليل، وأنه دعوى مجردة ساقطة، لأن دعواهم أن انتقال الشيء عن مرتبته مبطل لكونها مرتبة لها دعوى ساقطة، يشبه سؤال السوفسطائية واليهود، وقد أبطلنا استدلالهم في ذلك في كتاب الفصل بحمد الله تعالى. قال علي: وقالوا أيضا: لو كان العموم حقا لما حسن الاستثناء منه، وصرفه بذلك إلى الخصوص. قال علي: وهذا غاية التمويه، لأن العموم صيغة ورود اللفظ الجامع لأشياء ركب ذلك اللفظ عليها، فإذا جاء الاستثناء، كان ذلك اللفظ مع الاستثناء معا صيغة للخصوص، وهذا نص قولنا، فورود الاستثناء عبارة عن الخصوص وعدم الاستثناء عبارة عن العموم. قال علي: ثم يعكس عليهم هذا السؤال نفسه فيقال لهم: لو كان للخصوص صيغة لما كان للاستثناء معنى، لأنه لم يكن يستفاد به فائدة أكثر مما يفهم من اللفظ قبل ورود الاستثناء، وقد قدمنا أنه إنما يلزم القضية من صححها وسأل بها، وأما نحن، فهذه كلها سؤالات فاسدة، ولكنها لهم لازمة إذا ابتدؤوا بالسؤال بها. وقالوا أيضا: لو كان اللفظ يقتضي العموم ما حسن فيه الاستفهام، أخصوصا أراد أم عموما؟ فلما حسن فيه الاستفهام علمنا أنه لا يقتضي العموم بنص لفظه. قال علي: وهذا كالأول، وإنما يحسن الاستفهام من جاهل بحدود الكلام، واستفهام المستفهم عن الآية أو الحديث مذموم وقد أنكر ذلك رسول الله صلى الله عليه وسلم وقال اتركوني ما تركتكم

pass into specificity,' they are bound to say, 'If life were real, its bearer would not pass into death.' This is quite apart from the fact that this evidence of theirs itself needs evidence, and that it is a bare, untenable assertion. For their claim that a thing's passing from its position invalidates that position's having been its position is an untenable claim resembling the objection of the Sophists and the Jews. We have invalidated their inference concerning this in The Book of Distinctions, praise be to Allah, exalted is He. Ali said: They also said: 'If generality were real, making an exception from it and thereby diverting it into specificity would not be proper.' Ali said: This is the utmost obfuscation, because generality is the form in which an expression occurs that comprehends things to which that expression has been assigned. When an exception occurs, that expression together with the exception constitutes a form of specificity. This is precisely our position: the occurrence of an exception expresses specificity, and the absence of an exception expresses generality. Ali said: Then this very objection is turned back upon them, and they are told: 'If specificity had a form, exception would have no meaning, because it would yield no additional benefit beyond what was understood from the expression before the exception occurred.' We have already explained that a proposition binds only someone who accepts it as valid and raises an objection on its basis. As for us, all these are invalid objections; nevertheless, they bind them when they initiate objections on their basis. They also said: 'If an expression entailed generality, it would not be proper to ask whether he intended specificity or generality. Since asking about it is proper, we know that it does not entail generality through its explicit wording.' Ali said: This is like the first argument. Such questioning is proper only from someone ignorant of the definitions of speech. A questioner's asking about a verse or a hadith is blameworthy. The Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of this and said: 'Leave me alone so long as I leave you alone.' We then turn this very objection back upon them and say to them: 'If specificity were understood from the expression, questioning would have no meaning.' They said: 'Do you not see that asking and questioning are not proper concerning a report about a single individual, because it is understood from its explicit wording?' Ali said: This is an error, because questioning is as proper concerning a single individual as it

ثم نعكس عليهم هذا السؤال نفسه فنقول لهم: لو كان اللفظ يفهم منه الخصوص، لما كان للاستفهام معنى. قالوا: ألا ترى أن السؤال والاستفهام لا يحسن في الخبر عن الواحد، لأنه مفهوم من نص لفظه. قال علي: وهذا خطأ، لأن الاستفهام يحسن في الواحد كحسنه في العموم، وذلك أن يقول القائل: أتاني اليوم زيد، فيقول السامع: أجاءك زيد نفسه؟ إما على سبيل الإكبار، وإما على سبيل السرور، أو على بعض الوجوه المشاهدة، وهذا أمر معلوم لا ينكره ذو عقل، وقد يحسن ذلك الشريعة أيضا من طالب راحة أو تخفيف، كما سأل ابن أم مكتوم إذ نزلت آية المجاهدين، فطلب أن يخرج له عذر من عموم اللفظ الوارد، وقد كان له كفاية في غير هذه الآية في قوله تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل ولله غفور رحيم} وما أشبه ذلك وكسؤال العباس في الإذخر فاستثنى من العموم في النهي عن أن يختلى خلا الحرم بمكة، وقد يحسن أيضا الاستفهام في العدد، كقول القائل: أتاني عشرة من الناس في أمر كذا فيقول له السامع: أعشرة فيقول نعم وذلك نحو قول الله عز وجل {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} فقد كنا نعلم لو لم يذكر تعالى العشرة إن ثلاثة وسبعة عشرة وقد كنا نعلم بقوله 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

is concerning generality. This occurs when someone says, 'Zayd came to me today,' and the listener says, 'Did Zayd himself come to you?'—whether out of amazement, out of joy, or in one of the other ways we observe. This is a known matter that no rational person denies. Such questioning may also be proper concerning the revealed law on the part of someone seeking relief or alleviation, as Ibn Umm Maktum asked when the verse concerning those who strive in battle was revealed: he sought to have an excuse established for him that would exclude him from the general scope of the expression that had been revealed. Yet he already had sufficient provision in something other than this verse, in His saying, exalted is He: {There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are sincere toward Allah and His Messenger. There is no ground for proceeding against those who do good, and Allah is Forgiving, Merciful}, and similar passages. Another example is al-Abbas's question concerning sweet rush, which was then excepted from the general prohibition against cutting the herbage of the Sacred Precinct in Mecca. A question may also appropriately be asked concerning a number, as when someone says, "Ten people came to me concerning such-and-such a matter," and the listener says to him, "Ten?" and he says, "Yes." This is comparable to the saying of Allah, mighty and majestic: {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 appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, 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. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment}. Even if He, exalted is He, had not mentioned the ten, we would have known that three and seven are ten. And we would have known, from His saying, exalted is He: {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

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} إنها عشرة ولكنه تعالى ذكر {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} 2 كما شاء فلما صح كل ما ذكرناه وحسن الاستفهام عن اسم واحد، وعن العدد وهو لا يحتمل صرفا عن وجهه أصلا، ولم يكن ذلك مجيزا لوقوع اسم الواحد على أكثر من واحد، وكذلك في العدد لم يكن أيضا وقوع الاستفهام في العموم، موجبا لإسقاط حمله على العموم، وبالله تعالى التوفيق. وقالوا أيضا: أرأيتم قولكم بالعموم؟ أبعموم قلتموه وعلمتم صحته، أم بغير عموم؟ قال علي: وهذا من الهذيان الذي قد تقدم إبطالنا إياه في كلامنا في حجة العقل، وهو سخف أتى به بعض السوفسطائيين القاصدين إبطال الحقائق، وهو ينعكس عليهم في قولهم بالخصوص وفي قولهم بالوقف، فيقال لهم: أرأيتم قولكم بالوقف، أبوقف قلتموه وعلمتموه أم بغير وقف؟ وأرأيتم قولكم بالخصوص، أبخصوص قلتموه وعلمتموه أم بغير خصوص؟ والجواب الصحيح المبين لجهلهم: هو أننا نقول، وبالله تعالى التوفيق: إنما قلنا بالعموم استدلالا بضرورة العقل الحاكم بأن اللغة إنما هي رتبت لكل معنى في العالم، عبارة مبينة عنه موجبة للتفاهم بين المخاطب والمخاطب، ولأننا وجدنا الأجناس العامة للأنواع الكثيرة، ووجدنا الأنواع العامة للأشخاص الكثيرة يخبر عنها بأخبار، وترد فيها شرائع لوازم، فلا بد ضرورة من لفظ يخبر به عن الجنس كله، وهذا لا بد

offering reaches its appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, 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. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment}, that they are ten. Yet He, exalted is He, mentioned {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 appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, 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. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment} 2 as He willed. Since everything we have mentioned is established, and a question may appropriately be asked concerning a name denoting one individual and concerning a number, although it admits of no departure whatsoever from its meaning, and since this does not permit a name denoting one individual to apply to more than one—and likewise with a number—the occurrence of a question concerning a general expression likewise does not require abandoning its interpretation as general. Through Allah, exalted is He, comes success. They also said: "Tell us about your assertion of generality: was it through a general expression that you asserted it and knew its correctness, or without a general expression?" Ali said: This is part of the delirious talk that we have already refuted in our discussion of the authority of reason. It is foolishness introduced by certain sophists intent on nullifying realities. It turns back against them in their assertion of particularity and in their assertion that judgment must be suspended. They may therefore be asked: "Tell us about your assertion that judgment must be suspended: was it through suspension of judgment that you asserted it

منه، وإلا بطل الخبر عن الأجناس، وهذا ما لا سبيل إليه أصلا، ولا بد أيضا من لفظ يحضر به عن بعض ما تحت الجنس، ليفهم المخاطب بذلك ما يريد، ومبطل هذا مبطل للعيان، جاحد للضرورات. وسألوا أيضا فقالوا: إن كان قولكم بالعموم والظاهر حقا، فما قولكم فيمن سمع آية قطع يد السارق، وآية جلد الزناة، وآية تحريم المرضعات لنا، والراضعات معنا، ولم يسمع أحاديث التخصيص لكل ذلك، ولا آية التخصيص للإماء، أتأمرونه بقطع يد من سرق فلسا من ذهب، وبجلد الأمة والعبد مائة مائة إذا زنيا، وتحرمون من أرضعت رضعتين، وتقولون إنه مأمور من عند الله تعالى بذلك؟ فلزمكم القول بأنه مأمور بما لم يأمر به، والقول بأنه مأمور بالباطل أو تأمرونه بألا ينفذ شيئا من ذلك حتى يطلب الدليل فيتركون القول العموم بالظاهر. قال علي: فنقول، وبالله تعالى التوفيق: إن الله تعالى لم يأمر قط بقطع سارق أقل من ربع دينار ذهبا ولا حرم قط من أرضعت أقل من خمس رضعات، ولا أمر قط بجلد العبد والأمة أكثر من خمسين لأن الرسول عليه السلام قد بين كل ذلك وكلامه عليه السلام وكلام ربه سواء في أنه كله وحي وفي أنه كله لازمة طاعته، فالآيات التي ذكروا، والأحاديث المبينة، لها مضموم كل ذلك بعضه إلى بعض غير مفصول منه شيء عن آخر، بل هو كله كآية واحدة أو كلمة واحدة، ولا يجوز لأحد أن يأخذ ببعض النص الوارد دون بعض، وهذه النصوص وإن فرقت في التلاوة فالتلاوة غير الحكم ولم تفرق في الحكم قط بل بين النبي صلى الله عليه وسلم ذلك مع ورود الآي معا ولا يفرق بين قوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} مع قوله عليه السلام لا قطع في أقل من ربع دينارفصاعدا وبين قوله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} وكذلك لا فرق بين قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من

and knew it, or without suspension of judgment? And tell us about your assertion of particularity: was it through a particular expression that you asserted it and knew it, or without a particular expression?" The correct answer, which makes their ignorance evident, is that we say—and through Allah, exalted is He, comes success—we asserted generality by inference from the necessity of reason, which judges that language was arranged so that every meaning in the world has an expression that makes it clear and brings about mutual understanding between the speaker and the person addressed; and because we find genera encompassing many species, and species encompassing many individuals, and reports are made about them, and binding religious laws are laid down concerning them. There must therefore necessarily be an expression by which a report can be made about the entire genus. This is indispensable; otherwise, reporting about genera would be impossible, and that is altogether untenable. There must also be an expression by which something concerning some of what falls under a genus is brought before the person addressed, so that he understands thereby what the speaker intends. Whoever denies this denies what is plainly observed and repudiates necessary truths. They also asked, saying: "If your assertion of generality and the apparent meaning is correct, what do you say concerning someone who has heard the verse on amputating the thief's hand, the verse on flogging those who commit illicit sexual intercourse, and the verse prohibiting marriage to women who have nursed us and women who were nursed alongside us, but has not heard the reports specifying the scope of all these, nor the verse specifying the scope with respect to slave women? Do you instruct him to amputate the hand of someone who has stolen a fals of gold, to flog a slave woman and a male slave one hundred lashes each if they commit illicit sexual intercourse, and do you prohibit marriage to a woman who has nursed someone twice, saying that he has been commanded to do this by Allah, exalted is He? You would then be committed to saying that he is commanded to do what He has not commanded, and to saying that he is commanded to do what is false. Or do you instruct him not to carry out any of this until he seeks the evidence, so that they abandon the assertion of generality according to the apparent meaning?" Ali said: We say—and through Allah, exalted is He, comes success—that Allah, exalted is He, has

لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وبين نزول خمس رضعات محرمات ناسخة لعشر محرمات، وبين قول القائل: لا إله إلا الله، فلا يجوز أن يفصل شيء من ذلك في الحكم عن بيانه، كما لا يحل لأحد أن يأخذ القائل لا إله إلا الله في بعض كلامه دون بعض، فيقضي عليه بقوله: لا إله بالكفر، لكن نضم كلامه كله بعضه إلى بعض فنأخذه بكلامه. وكذلك إذا نزلت الآية المجملة أتى بعقبها الأحاديث المفسرات فكان ذلك مضمونا بعضه إلى بعض، ومستثنى بعضه من بعض، ومعطوفا بعضه على بعض، فبطل ما راموا أن يموهوا به، وصح أنه سؤال فاسد، وأن الذين خوطبوا بالآيات المذكورات خوطبوا ببيانها معا، وأما نحن فكل إنسان منا فلا يخلو من أحد وجهين: إما أن يكون لم يتفقه في الدين، أو يكون قد تفقه في الدين ولا سبيل إلى وجه ثالث، فالذي لم يتفقه في الدين وليس من الذين خاطبهم الله بقوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} ولا من الذين خوطبوا بالفتيا والحكم في تحريم المرضعات، ولا من المأمورين بجلد الزناة، وإنما أمر بذلك كله الفقهاء والحكام العالمون باللغة والفقه، بلا خلاف من أحد من المسلمين في ذلك وقد بين تعالى ذلك بقوله {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فصح بالنص أنه ليس كل أحد مأمورا بالتفقه في غير ما يخصه في نفسه. فصح بما ذكرنا أن المأمورين بتنفيذ الأحكام والفتيا في الدين الفقهاء الذين قد سمعوا النصوص كلها، وعرفوها وعرفوا الإجماع والاختلاف، وأن كل من كان بخلاف هذه الصفة، فلم يأمر قط بقطع من سرق جبالا من ذهب، ولا بأن يفتي في تحريم من أرضعت ألف رضعة، ولا بجلد زان حرا أو عبدا، وكل متفقه فقبل أن

never commanded the amputation of the hand of someone who steals less than a quarter of a dinar in gold; He has never prohibited marriage to a woman who has nursed someone fewer than five times; and He has never commanded that a male slave or a slave woman be flogged more than fifty lashes. For the Messenger ﷺ has explained all this. His words ﷺ and the words of his Lord are alike in that all are revelation and all must be obeyed. Thus, the verses they mentioned and the reports explaining them are all joined together, with no part separated from another. Rather, all of it is like a single verse or a single utterance. No one may act upon some of the revealed text to the exclusion of another part. Although these texts are separated in recitation, recitation is distinct from the legal ruling, and they have never been separated in their legal ruling. Rather, the Prophet ﷺ explained this together with the revelation of the verses. No distinction is to be drawn between His saying, exalted is He: {The male thief and the female thief: amputate their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}, together with his saying ﷺ, "There is no amputation for less than a quarter of a dinar and upward," and His saying, exalted is He: {We certainly sent Noah to his people, and he remained among them a thousand years less fifty years. Then the flood overtook them while they were wrongdoers} Likewise, there is no distinction between His saying, exalted is He: {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah is Forgiving, Merciful}, together with the revelation of five nursing sessions establishing a marriage prohibition, abrogating ten that established such a prohibition, and someone's saying, "There is no deity except Allah." None of this may be separated, in its legal ruling, from its explanation, just as no one may take someone who says, "There is no deity except Allah," at only part of his speech to the exclusion of the rest, and thus judge him guilty of unbelief

يكمل تعلم النصوص والإجماع فهو غير مأمور، ولا مخاطب بالحكم في شيء ولا بالفتيا في شيء، لكنه مأمور بالطلب والتعليم، فإذا فقه فحينئذ لزمه تنفيذ ما سمع على عمومه وظاهره، ما لم يأت نص بنسخ أو تخصيص أو تأويل، فبطل سؤالهم بطلانا ظاهرا، والحمد لله تعالى. ولكنا نقول: لو أن امرأ سمع هذه الآيات، ولم يسمع ما خصصها لكان حكى العمل بما يبلغه التخصيص، فيلزمه حينئذ كما قلنا في المنسوخ سواء بسواء وليس بعد النبي صلى الله عليه وسلم من أحاط بجميع العلم وإنما يلزم كل واحد ما بلغه، وقد رجم عثمان التي ولدت لستة أشهر، وقد أمر عمر برجم مجنونة حتى نهاه علي عن ذلك وأخبره بأن النبي صلى الله عليه وسلم أخبر أن القلم مرفوع عن المجنون قال علي وهم تناقضوا في هذه الآيات بلا دليل، فحملوا بعضها على العموم، وبعضها على الخصوص، فتركوا قولهم بالوقف، وحملوا على العموم ما قد صح الخصوص فيه، واعترضوا أيضا بأن قالوا: لما كان المعهود أن يقول القائلون: جاءني بنو تميم، وفسد الناس، ولا خير في واحد، وذهب الخلق وذهب الوفاء، ولا يكون ذلك كذبا، وقد تيقنا أنه لم يرد بذلك جميع بني تميم، ولا جميع الناس، ولا جميع الأحدين، ولا جميع الخير، ولا جميع الخلق ولا الوفاء كله صح الخصوص. قال علي: وهؤلاء القوم لا ندري مع من يتكلمون، ونحن لم ننكر أن يكون في اللغة ألفاظ يقوم الدليل على أنها مخصوصات، وكل ما ذكروا فقد قام الدليل على أنه ليس على عمومه كما قام الدليل، على أن آيات كثيرة أنها منسوخة لا يحل العمل بها، فلما لم يكن كل ذلك واجبا أن تحمل النسخ من أجله على سائر الآيات، لم يكن أيضا واجبا أن نحمل التخصيص على كل لفظ من أجل وجودنا ألفاظا كثيرة قد قام الدليل على أنها مخصوصة، ولكن القوم يسوموننا إذا وجدنا لفظا منقولا عن موضوعه في اللغة أن نحكم بذلك في كل لفظ، وفي هذا إبطال اللغة كلها، وإبطال التفاهم وإيجاب للحكم بلا دليل، والدليل الذي قام على تخصيص ما ذكروا، علمنا أنه لو أراد به العموم لكان كاذبا، وأما لو

because he said, “There is no deity.” Rather, we join all his speech together and hold him to what he says. Likewise, when a verse requiring clarification was revealed, the explanatory reports came immediately after it. These were thus joined together, some parts constituting exceptions to others and some being conjoined with others. What they sought to obscure the matter with is therefore invalidated, and it is established that theirs is an unsound question, and that those addressed by the verses mentioned were addressed by their explanation at the same time. As for us, each person among us must fall into one of two cases: either he has not acquired understanding of religion, or he has acquired understanding of religion. There is no possible third case. A person who has not acquired understanding of religion is not among those whom Allah addressed in His saying, exalted is He: {The male thief and the female thief: amputate their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}; nor is he among those addressed concerning the issuing of legal opinions and judgments about the prohibition of marriage to nursing women; nor is he among those commanded to flog people who commit illicit sexual intercourse. All this was commanded only of jurists and judges knowledgeable in the language and jurisprudence, without disagreement concerning this from any Muslim. He, exalted is He, has made this clear in His saying: {The believers should not all go forth together. Why, then, should a group from every contingent of them not go forth to acquire understanding of religion and to warn their people when they return to them so that they may beware.” Thus the text establishes that not everyone is commanded to acquire understanding of religion in matters other than those that concern him personally. What we have mentioned therefore establishes that those commanded to implement legal rulings and issue legal opinions concerning religion are the jurists who have heard all the texts, know them, and know the matters of consensus and disagreement; and that Allah has never commanded anyone who does not possess these qualifications to cut off the hand of someone who has stolen mountains of gold, to issue a legal opinion establishing the marriage prohibition arising from a woman who has breastfed a thousand times, or to flog a fornicator, whether free or enslaved. Every student of jurisprudence, before completing his study of the texts and consensus, is neither commanded nor

أمكن أن يكون صادقا لما انتقل عن عمومه إلا بدليل. قال علي: وقالوا أيضا: قد اتفقنا على وجوب استعمال الخطاب على بعض ما اقتضاه، واختلفنا في سائره، فلا يلزمنا إلا ما اتفقنا عليه. قيل لهم وبالله تعالى التوفيق: هذا اعتراض فاسد من وجوه كثيرة أحدها: أنه خلاف النصوص والعقول والإجماع، لأن الأمة مجمعة، والعقول قاضية، والنصوص من القرآن والسنن واردة كل ذلك متفق أن ما قام عليه دليل برهاني فواجب المصير إليه، وإن اختلف الناس فيه وواجب ألا نقتصر على ما أجمع عليه دون ما اختلف فيه إلا في المسائل التي لا دليل عليها إلا الإجماع المجرد المنقول إلى النبي صلى الله عليه وسلم وأيضا فقد قال 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} فأمر تعالى عند التنازع بالرد إلى القرآن والسنة ودلائلهما قد قامت بوجوب حمل الألفاظ على موضوعها في اللغة. وأيضا فإن هذا من سؤالات اليهود إذ قالوا: قد وافقتمونا على نبوة موسى عليه السلام وخالفناكم في نبوة محمد صلى الله عليه وسلم وهذا سؤال فاسد لأن الدلائل التي أوجبت تصديق موسى عليه السلام هي التي أوجبت تصديق محمد صلى الله عليه وسلم فإن لم يجب بها تصديق نبوة محمد صلى الله عليه وسلم لم يجب بها تصديق نبوة موسى عليه السلام وكذلك الدلائل التي دلت على حمل لفظ الخصوص هي التي دلت على حمل العموم على العمل، والدلائل التي دلت على حمله على سائره الذي خالفتمونا فيه، ولا فرق. وأيضا، فإنهم مناقضون لهذا القول، لأنه كان يلزمهم على ذلك ألا يقتلوا مشركا إلا مشركا اتفقوا على قتله، وهم لا يفعلون، لأن قائل هذا إن كان مالكيا فقد ناقض، لأنه لم يقتل المرأة المرتدة، ولم يتفق على قتلها، ويقتل ولد المرتد الحادث له الردة إذا بلغ ولم يسلم، وابن ابنه كذلك، ولم يتفق على قتلهم ويقتل المشرك إذا سب النبي صلى الله عليه وسلم ولم يتفق على قتله وإن كان شافعيا فكذلك أيضا. ويقتل زائدا على من

addressed with an obligation to adjudicate anything or issue a legal opinion on anything. Rather, he is commanded to seek knowledge and to teach. Once he has acquired understanding of jurisprudence, he is then obliged to implement what he has heard according to its general scope and apparent meaning, unless a text establishes abrogation, specification, or an alternative interpretation. Their objection is thus manifestly invalid, and praise belongs to Allah Most High. Nevertheless, we say that if someone heard these verses without hearing what specified their scope, he would have "recounted acting according to what reaches him of specification," which would then become binding upon him, exactly as we said concerning an abrogated text. After the Prophet ﷺ, no one has encompassed all knowledge; each person is bound only by what has reached him. Uthman stoned the woman who gave birth after six months, and Umar ordered the stoning of an insane woman until Ali forbade him to do so and informed him that the Prophet ﷺ had stated that the pen is lifted from the insane person.

Ali said: They have contradicted themselves concerning these verses without any evidence: they construed some as general and others as specific, thereby abandoning their position of suspending judgment, and construed as general that whose specific scope has been established. They also objected, saying: Since people customarily say, "The Banu Tamim came to me," "People have become corrupt," "There is no good in anyone," "Good character has vanished," and "Faithfulness has vanished," without this being a lie, and since we know with certainty that the speaker did not mean all the Banu Tamim, all people, every single individual, all goodness, all good character, or all faithfulness, the specific scope is established.

Ali said: We do not know whom these people are addressing. We have never denied that language contains expressions for which evidence establishes a specific scope. Evidence has established that everything they have mentioned is not general in scope, just as evidence has established that many verses are abrogated and may not lawfully be acted upon. Since none of that made it obligatory to apply abrogation to all the remaining verses on its account, neither was it obligatory to apply specification to every expression on account of our finding many expressions for which evidence has established a specific

ذكرنا من خرج من اليهودية إلى النصرانية، ومن خرج من النصرانية إلى اليهودية إلا أن يسلم، وإن كان حنفيا، فهم يقتلون المسلم المختلف في قتله، إذا قتل كافرا بعموم قوله تعالى {وكتبنا عليهم فيها أن النفس بالنفس والعين بالعين والأنف بالأنف والأذن بالأذن والسن بالسن والجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل الله فأولئك هم الظالمون} وأن من تورع عن قتل كافر قد أباح الله تعالى قتله، وجاء النص بقتله، وأقدم على قتل مسلم قد حرم الله دمه عموما وخصوصا بعموم آية لم نخاطب بها، ولا ألزمنا الحكم بما فيها، لعظيم الجرم قليل الورع مقدم على أكبر الكبائر، وبالله تعالى التوفيق.

[24] **Qur'an references (L1047):** Qur'an 55:13 (Ar-Rahman); Qur'an 55:16 (Ar-Rahman); Qur'an 55:18 (Ar-Rahman); Qur'an 55:21 (Ar-Rahman); Qur'an 55:23 (Ar-Rahman); Qur'an 55:25 (Ar-Rahman); Qur'an 55:28 (Ar-Rahman); Qur'an 55:30 (Ar-Rahman); Qur'an 55:32 (Ar-Rahman); Qur'an 55:34 (Ar-Rahman); Qur'an 55:36 (Ar-Rahman); Qur'an 55:38 (Ar-Rahman); Qur'an 55:40 (Ar-Rahman); Qur'an 55:42 (Ar-Rahman); Qur'an 55:45 (Ar-Rahman); Qur'an 55:47 (Ar-Rahman); Qur'an 55:49 (Ar-Rahman); Qur'an 55:51 (Ar-Rahman); Qur'an 55:53 (Ar-Rahman); Qur'an 55:55 (Ar-Rahman); Qur'an 55:57 (Ar-Rahman); Qur'an 55:59 (Ar-Rahman); Qur'an 55:61 (Ar-Rahman); Qur'an 55:63 (Ar-Rahman); Qur'an 55:65 (Ar-Rahman); Qur'an 55:67 (Ar-Rahman); Qur'an 55:69 (Ar-Rahman); Qur'an 55:71 (Ar-Rahman); Qur'an 55:73 (Ar-Rahman); Qur'an 55:75 (Ar-Rahman); Qur'an 55:77 (Ar-Rahman); Qur'an 21:23 (Al-Anbya); Qur'an 9:91 (At-Tawbah); Qur'an 2:196 (Al-Baqarah); Qur'an 5:38 (Al-Ma'idah); Qur'an 29:14 (Al-'Ankabut); Qur'an 4:23 (An-Nisa); Qur'an 9:122 (At-Tawbah); Qur'an 4:59 (An-Nisa); Qur'an 5:45 (Al-Ma'idah).

scope. These people, however, demand of us that, whenever we find an expression transferred from its established linguistic meaning, we pass the same judgment on every expression. This nullifies the whole of language, nullifies mutual understanding, and requires a judgment without evidence. The evidence establishing the specific scope of what they mentioned is our knowledge that, had the speaker intended general scope, he would have been lying. If, however, it were possible for him to be speaking truthfully, the expression would not depart from its general scope except on the basis of evidence.

Ali said: They also said, "We have agreed that the address must be applied to some of what it entails, but we disagree concerning the rest; therefore, only what we have agreed upon is binding upon us." They are to be told—and success comes through Allah Most High: This objection is invalid in many respects. One is that it contradicts the texts, reason, and consensus, for the community unanimously agrees, reason determines, and the texts from the Quran and the transmitted Prophetic practices declare—all of these concur—that whatever is established by demonstrative evidence must be accepted, even if people disagree about it. We must not confine ourselves to what is unanimously agreed upon to the exclusion of what is disputed, except in questions for which there is no evidence other than bare consensus transmitted back to the Prophet ﷺ. Furthermore, Allah Most High has said: "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 fairest in outcome." Thus, in cases of dispute, He Most High commanded referral to the Quran and the Sunnah, and the evidence supplied by both has established the obligation to construe expressions according to their established linguistic meanings.

Furthermore, this is one of the objections of the Jews, when they said: "You have agreed with us concerning the prophethood of Moses, peace be upon him, while we disagree with you concerning the prophethood of Muhammed ﷺ." This is an invalid objection, because the proofs that required belief in Moses, peace be upon him, are the very proofs that required belief in

Muhammed ﷺ. If those proofs did not require belief in the prophethood of Muhammed ﷺ, they would not require belief in the prophethood of Moses, peace be upon him. Likewise, the proofs that indicated construing the expression of specific scope are the very proofs that indicated putting the general expression into practice, and the proofs that indicated applying it to the rest of its scope, concerning which you disagree with us; there is no difference. Furthermore, they contradict this position, because it would require them to execute no polytheist except one concerning whose execution they agreed, whereas they do not do this. If the person advancing this position is a Maliki, he has contradicted himself, because he did not execute the female apostate, and there was no agreement concerning her execution; yet he executes the child born to an apostate after his apostasy, once the child reaches adulthood and does not embrace Islam, and likewise his son's son, although there was no agreement concerning their execution. He executes the polytheist who insults the Prophet ﷺ, although there was no agreement concerning his execution. If he is a Shafi'i, the same applies; in addition to those we have mentioned, he executes anyone who leaves Judaism for Christianity, and anyone who leaves Christianity for Judaism, unless he embraces Islam. If he is a Hanafi, they execute a Muslim whose execution is disputed when he has killed an unbeliever, on the basis of the general scope of His Most High's words: "And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever relinquishes it as charity, it is an expiation for him. Whoever does not judge by what Allah has sent down—those are the wrongdoers." Indeed, someone who scrupulously refrains from executing an unbeliever whose execution Allah Most High has permitted and whose execution the text has prescribed, yet ventures to execute a Muslim whose blood Allah has declared inviolable both generally and specifically, on the basis of the general scope of a verse that was not addressed to us and whose contents we were not obliged to enforce, is guilty of a tremendous offense, possesses

little scrupulousness, and ventures upon the greatest of major sins. Success comes through Allah Most High.[13][14][15][16][17][18][19][20][21][22][23][24]

[13]**Translator's note (L1048):** The wording concerning repetition literally has 'a single surah' without the preposition 'in'; the translation supplies that relation. The placement of 'and other things' before 'thirty-one times' is awkward, and has been preserved rather than silently regularized.

[14]**Translator's note (L1050):** The clause 'its designation does not entail it' renders the supplied لا يقتضيه اسمه. This wording is difficult to reconcile with the surrounding argument; a textual error is possible, but it has not been silently corrected.

[15]**Translator's note (L1051):** The example literally reads 'I saw the faces except so-and-so.' It contains no explicit emphatic term, despite occurring in an argument about exception after emphasis.

[16]**Translator's note (L1052):** The supplied wording says 'someone who accepts it as valid' in both sides of the contrast. The argument appears to require 'someone who does not accept it as valid' in the second clause, but the missing negation has not been silently supplied.

[17]**Translator's note (L1056):** The supplied وقد يحسن ذلك الشريعة omits a preposition before 'the revealed law'; the translation renders the apparent intended relation as 'concerning the revealed law.'

[18]**Translator's note (L1058):** The isolated numeral "2" appears to be an editorial reference marker; no corresponding note is supplied. The source repeats the entire pilgrimage verse where the argument focuses on the words concerning ten. All repetitions have been retained.

[19]**Translator's note (L1060):** The source reads يحضر, "brings before" or "makes present," where the parallel preceding clause has يخبر, "reports." The translation preserves the supplied reading; a copying or transcription error is possible. The phrase "a fals of gold" is unusual: fals ordinarily denotes a copper coin. The supplied wording has been retained. The objection shifts from addressing "you" to saying "they abandon," and the wording connecting generality with the apparent meaning is grammatically irregular. This irregularity is retained.

[20]**Translator's note (L1062):** The reported saying combines "less than a quarter of a dinar" with "and upward," producing an apparent contradiction. The translation retains this wording without correcting it.

[21]**Translator's note (L1063):** The source reads مضمونا, ordinarily "guaranteed" or "contained," where the context appears to require مضموما, "joined together." The translation follows the contextual sense while recording the apparent textual error.

وكذلك إن قال: لا أقطع إلا سارقا اتفق على قطعه، فهم أيضا ينكرون ذلك لأنهم نعني المالكيين يقطعون في أقل من عشرة دراهم، وليس متفقا عليه، ويقطعون في الزرنيخ والنورة والفاكهة واللحم، وليس القطع في ذلك إجماعا، والحنفيون يقطعون من سرق شيئا مغصوبا من مال الغاصب، وليس قطعهم إجماعا، ويلزمهم بهذا القول إلا يقولوا إلا بما أجمع عليه. قال علي: وهم لا يفعلون ذلك البتة، فقد أفسدوا دليلهم وبالله تعالى التوفيق، فإنه يقال لهم: أبنص صح عندكم هذا القول أم بإجماع؟ فإن قالوا: بنص، أو ذكروا دليلا ما، كذبوا، وادعوا ما لا يجدون أبدا، وكانوا مع كذبهم قد تركوا قولهم بألا يقولوا إلا بما أجمع عليه، لأنهم يقولون بالنص، وإن خالف الإجماع، وإن قالوا: قلنا ذلك بإجماع كذبوا وجاهروا. وبالجملة فهذا مذهب لم يخلق له معتقد قط، وهو ألا يقول القائل بالنص حتى يوافقه الإجماع، بل قد أصبح الإجماع على أن قائل هذا القول معتقدا له كافل بلا خوف لرفضه القول بالنصوص التي لا خلاف بين أحد في وجوب طاعتها. قال علي: وقالوا أيضا: إن على المراد بالكلام دلائل تدل على الرضا والسخط، من تغيير اللون، وحدة الأمر والنجه والبشر. قيل لهم وبالله تعالى التوفيق: ليس هذا مما نحن فيه، ولا كون هذه الأحوال مما يمنع من إخراج الأمر على العموم، ثم نعكس عليهم هذا في قولهم بالخصوص والوقف فيلزمهم الوقف إلى أن يجتمعوا بالنبي صلى الله عليه وسلم يوم القيامة وفي هذا إبطال الدين والخروج عن الإسلام، وتشبه هذه التساؤلات أن تكون سؤالات ملحد جاهل قليل الحياء. وقالوا أيضا: إنكم اعتقدتم العموم فيما أراد الله تعالى به الخصوص، فقد خالفتموه عز وجل، قيل لهم وأنتم إن أردتم الخصوص فيما أراد الله تبارك وتعالى العموم، فقد خالفتموه عز وجل، وإن اعتقدتم الوقف فيها حكم الله تعالى فيه بما حكم، من عموم أو خصوص فلا بد من أحدهما فقد خالفتم الله عز وجل بيقين لا شك فيه، ولا

L1072–1074 Likewise, if someone says, “I will cut off the hand of no thief except one concerning whose amputation there is agreement,” they reject that too. For they—by which we mean the Malikis—amputate for less than ten dirhams, although this is not agreed upon; and they amputate for arsenic, lime, fruit, and meat, although there is no consensus concerning amputation for these things. The Hanafis amputate the hand of someone who steals something wrongfully appropriated from the property of the wrongful appropriator, although there is no consensus concerning their amputation. This position would oblige them to maintain only what is unanimously agreed upon.

Ali said: They do not do that at all. They have thus invalidated their own proof, and success comes through Allah Most High. They are to be asked: “Has this position been established for you by a text or by consensus?” If they say, “By a text,” or mention some proof, they have lied and claimed something they will never find. Along with their lying, they will have abandoned their own position that they say only what has been agreed upon by consensus, since they accept the text even if it conflicts with consensus. If they say, “We said this on the basis of consensus,” they have lied openly. In sum, this is a doctrine for which no believer has ever been created: that a person should not accept a text until consensus agrees with it. Indeed, consensus has now been established that anyone who states this position, believing it, is a guarantor without fear, because he rejects acceptance of texts concerning which no one disputes the obligation to obey them.

[22]**Translator’s note (L1066):** The wording لكان حكى العمل بما يبلغه التخصيص is syntactically and contextually problematic. The quoted English closely preserves its supplied wording rather than replacing it with the apparently intended claim that one must act on the general text until its specification reaches one. الخلق is unvocalized and can mean either ’creation/creatures’ or ’character.’ ’Good character’ is adopted here because of its pairing with faithfulness; the alternative remains possible.

[23]**Translator’s note (L1070):** The opening argument has awkward syntax in the supplied Arabic, particularly حمل العموم على العمل. Its references to construing specific scope and putting general scope into practice have been retained. The supplied لم يقتل means ’did not execute.’ This conflicts with the surrounding argument, which appears to require an example of execution despite disagreement. The negative has been preserved. الحادث له الردة is grammatically awkward. The translation takes it as describing a child born after the father’s apostasy, but the supplied wording does not express that relationship cleanly.

شك في أن الله تعالى لم يرد قط في شيء من أحكامه وقفا، بل أنفذ تعالى الحكم بما أنفذ.

Ali said: They also said, "There are indications of what is intended by speech that indicate approval and displeasure, such as a change of complexion, sharpness of command, harsh reception, and a cheerful countenance." They are told—and success comes through Allah Most High—"This has nothing to do with our present subject, nor does the existence of these circumstances prevent interpreting the command as general. Moreover, we turn this back upon them concerning their advocacy of specificity and suspension of judgment: they must then suspend judgment until they meet the Prophet ﷺ on the Day of Resurrection. This entails nullifying the religion and departing from Islam." These questions resemble the questions of an ignorant heretic with little shame.

They also said, "If you believe that something is general when Allah Most High intended it to be specific, you have opposed Him, Mighty and Majestic." They are told, "And if you intend specificity where Allah, Blessed and Most High, intended generality, you have opposed Him, Mighty and Majestic. If you adopt suspension of judgment concerning something upon which Allah Most High has ruled as He has ruled, whether generally or specifically—for it must be one of the two—then you have opposed Allah, Mighty and Majestic, with a certainty admitting of no doubt. There is no doubt that Allah Most High has never intended suspension of judgment in any of His rulings; rather, He Most High put the ruling into effect.[25][26]

وأيضا فنحن قاطعون على أن كل أمر لم يأت نص ولا إجماع بأنه ليس على عمومه، فهو على عمومه بلا شك ولا مرية، نقطع على ذلك عند الله عز وجل، ونقطع أيضا بأن كل من بلغه العموم ولم يبلغه الخصوص، أو بلغه المنسوخ ولم يبلغه الناسخ، فإن الله تعالى لم يلزمه قط إلا ما بلغه لا ما لم يبلغه 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} ونقطع بأن هذا كله هو الحق عند الله عز وجل لنصه تعالى، على أن عليه بيانه فما

L1075–1078

Furthermore, we affirm with certainty that every command concerning which neither a text nor consensus has established that it does not retain its general scope retains its general scope, without doubt or uncertainty. We

[25] **Translator's note (L1072):** The description of the Hanafi theft case is awkward: شيئا مغصوبا من مال الغاصب literally refers to 'something wrongfully appropriated from the property of the wrongful appropriator.' The translation preserves this wording without resolving the precise ownership relationship.

[26] **Translator's note (L1073):** The wording كافل بلا خوف literally means "a guarantor without fear" and is anomalous here. It appears to be a transcription corruption, possibly of كافر بلا خلاف, "an unbeliever without disagreement." The translation preserves the supplied reading. النجه is an unusual expression here, rendered "harsh reception" in light of its contrast with a cheerful countenance.

affirm this with certainty before Allah, Mighty and Majestic. We also affirm with certainty that whenever the general wording has reached someone but the specific qualification has not reached him, or the abrogated text has reached him but the abrogating text has not reached him, Allah Most High has never obligated him to follow anything except what has reached him, rather than what has not reached him. He Most High said, "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that I may warn you by it, and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only one God, and I am free of what you associate with Him." We affirm with certainty that all of this is the truth with Allah, Mighty and Majestic, because He Most High expressly states that its clarification rests with Him. Thus, whatever He has not explained as having a sense other than its apparent sense, we know with certainty is necessarily intended of us in accordance with what its wording entails.

Ali said: These, then, are all their objections. We have comprehensively presented them, refuted them, and explained the invalidity of them all and how, through their invalidity, they turn back against their proponents, praise be to Allah Most High. We now begin, through the success Allah Most High grants us and His assistance to us, to present the demonstrations establishing the invalidity of their position and the obligation to construe expressions in their general scope. Success comes through Allah Most High.

Ali said: A predecessor among those who maintain generality argued against those who disagree on this matter, saying: "If an address required suspension of judgment or a specific interpretation until proof established its generality, that proof would necessarily have to be one of two things, with no third possibility: either an expression conveyed in an address, or a meaning extracted from an address. If it were an address, the second address would be like the first, with no difference. If it indicated generality by itself, the first would do likewise; and if the first did not indicate by itself that it was general, the second would not indicate this either. If it were a meaning extracted from an address, the meaning extracted from the address could not be stronger than the address from which it was extracted. This would require an endless

لم يبين على غير وجهه، فقد تيقنا على أنه مراد منا على اقتضاء لفظه، ولا بد. قال علي: فهذه اعتراضاتهم كلها قد استوعبناها ونقضناها، وبينا فسادها كلها وانعكاسها عليهم من فسادها بحمد الله تعالى، ونحن الآن شارعون بتوفيق الله تعالى لنا وعونه إيانا في إيراد البراهين على بطلان قولهم ووجوب حمل الألفاظ على عمومها، وبالله تعالى التوفيق. قال علي: واحتج من سلف من القائلين بالعموم، المخالفين في ذلك فقال: لو كان الخطاب على الوقف أو الخصوص حتى يقوم الدليل على العموم، لكان ذلك الدليل لا ينفك ضرورة من أحد وجهين لا ثالث لهما: وإما أن يكون لفظا بخطاب أو معنى مستخرجا من خطاب، فإن كان خطابا فالخطاب الثاني كالأول، ولا فرق إن كان يدل بنفسه على العموم، فالأول مثله، وإن كان الأول لا يدل بنفسه على أنه على العموم، فالثاني لا يدل أيضا، وإن كان معنى مستخرجا من خطاب، فلا يجوز أن يكون المعنى المستخرج من الخطاب أقوى من الخطاب الذي منه استخرج وهذا يقتضي وجوب خطابات لا نهاية لها، وهذا ممتنع لا سبيل إليه، ويؤدي أيضا إلى إبطال فهم كل خطاب أصلا. وقالوا أيضا: إننا وجدنا في اللغة أسماء للواحد لا نتعداه كزيد وكرجل من شأنه وصفته فلا يعقل منه أكثر من واحد، ووجدنا فيها أسماء التثنية لا تقع على واحد ولا على أكثر من اثنين، ووجدنا أيضا لفظا للجمع الزائد على الاثنين، فكان ذلك واقفا على كل ما يقتضيه الجمع إلا أن يأتي بيان باستثناء أو بصفة أو بعدد يختص بذلك بعض الجمع دون بعض فتصير إليه.

succession of addresses, which is impossible and admits of no way of being realized. It would also lead to nullifying the understanding of any address whatsoever."

They also said, "We find in the language names for a single individual that do not extend beyond him, such as 'Zayd' and 'a man whose circumstances and attributes are such-and-such'; no more than one individual is understood from such an expression. We also find in it dual nouns that apply neither to one nor to more than two. We also find an expression for a plurality exceeding two; it therefore applies to everything encompassed by the plural, unless a clarification comes through an exception, an attribute, or a number, thereby singling out some members of the plurality to the exclusion of others, in which case you adopt it."[27][28]

L1079–1084 They said: Those who maintain specificity are asked, "What do you mean when you say, 'This is specific'?" Their only answer is to say, "It means applying the noun to some of what it encompasses to the exclusion of the rest." An example is His saying, Most High: "Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and sit in wait for them at every place of ambush. But if they repent, establish prayer, and give the alms, then let them go their way. Indeed, Allah is Forgiving, Merciful." They say, "This applies to some polytheists to the exclusion of others." They are then asked, "On what basis, according to you, did this subset to which you applied the expression deserve to have that expression applied to it, to the exclusion of all the others whom you excluded from it? What distinguishes you from someone who says, 'Rather, the expression applies to those whom you excluded from it, and does not apply to those to whom you applied it'?" If they say, "The proof is such-and-such," they have arrived at the position that specification occurred only through proof, which is different from applying an expression to some of what it encompasses to the exclusion of the rest without proof. We do not deny this

[27] **Translator's note (L1076):** The Quran quotation, corresponding to 6:19, contains apparent transcriptional omissions of initial alifs, including لله for الله and لقرآن for القرآن. The translation follows the intelligible wording without changing the quotation's content.

[28] **Qur'an references (L1075):** Qur'an 6:19 (Al-An'am).

وقالوا: يقال لمن قال بالخصوص: ما معنى قولكم هذا خصوص؟ فلا جواب لهم إلا أن يقولوا هو حمل للاسم على بعض ما يقتضيه دون بعض مثل قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} فيقولون هذا على بعض المشركين دون بعض، فيقال لهم فبأي شيء استحق عندكم هذا البعض الذي حملتم اللفظ عليه أن يكون محمولا عليه ذلك اللفظ دون سائر من أخرجتم عنه؟ وما الفرق بينكم وبين من قال: بل اللفظ محمول على الذي أخرجتم عنه أنتم، وغير محمول على الذين حملتموه أنتم عليه، فإن قالوا: الدليل كذا صاروا إلى أن التخصيص إنما كان بدليل غير حمل اللفظ على بعض ما يقتضيه دون بعض بغير دليل، وهذا الأمر لا ننكره، بل نقول متى قام الدليل على التخصيص صرنا إليه، وبطل بهذا حمل الاسم على بعض ما يقتضيه دون بعض بغير دليل، فذلك ما أردنا أن نبين، وهذا ترك منهم لمذهبهم الفاسد، وإن لم يكن بأيديهم إلا الاقتصار على التخصيص لمن خصوا بلا دليل، حصلوا على التحكم والدعوى، وكل دعوى بلا دليل فهي ساقطة وبالله تعالى التوفيق احتجوا على القائلين بالوقف فقالوا هذا القول إلى متى يكون؟ فإن

procedure; rather, we say that whenever proof establishes specification, we adopt it. This invalidates applying the noun to some of what it encompasses to the exclusion of the rest without proof. That is what we wished to explain, and it constitutes their abandonment of their invalid doctrine. If, however, all they have is to restrict its application to those whom they singled out without proof, they have arrived at arbitrary judgment and mere assertion. Every assertion without proof is void. Success comes through Allah Most High.

They argued against those who advocate suspension of judgment, saying, "How long is this position to continue?" If they set a limit, they would be judging arbitrarily without proof. If they say, "Until we examine the proofs of the Quran and the Sunnah," we ask them, "Then, if you find no proof of generality or specificity and find nothing except the expression that has been transmitted, what do you do?" If they say, "We suspend judgment forever," they acknowledge disobedience and contravention of the commands. Their position leads to the conclusion that Allah explains His intent, and that the Messenger ﷺ did not explain and did not convey it. This is unbelief. If they say, "If we find no proof of specificity, we adopt generality," they have returned to what they rejected and have acknowledged that they construed the speech as general solely on account of its form and wording and the absence of proof of specificity. This is precisely our position, which they initially rejected and to which they have soon returned. If someone says, "Such a case does not occur," they must face the question we first put to them when we asked, "Can the proof be anything other than another expression or a meaning extracted from an expression?" And he would oblige them perpetually to awaken mutual understanding. Furthermore, such a case does occur. He Most High has said, "Indeed, Allah commands you to deliver trusts to those entitled to them, and, when you judge between people, to judge with justice. Excellent indeed is that with which Allah admonishes you. Indeed, Allah is All-Hearing, All-Seeing." This has not been reinforced by anything at all, yet they construe it in its general scope. And He has said, the Exalted: {And do not marry those women whom your fathers married, except what has already passed. Indeed, it was an indecency, an abomination, and an evil

حدوا حدا كانوا متحكمين بلا دليل، وإن قالوا حتى ننظر في دلائل القرآن والسنة، سألناهم فقلنا لهم: فإن لم تجدوا دليلا على عموم ولا خصوص، ولم تجدوا غير اللفظ الوارد ماذا تصنعون؟ فإن قالوا: نقف أبدا أقروا بالعصيان ومخالفة الأوامر، وأدى قولهم إلى أن الله يبين مراده وأن الرسول صلى الله عليه وسلم لم يبين ولم يبلغ وهذا كفر وإن قالوا إن لم نجد دليل على الخصوص صرنا إلى العموم، فقد رجعوا إلى ما نكروا، وأقروا بأنهم إنما حملوا الكلام على العموم بصيغته ولفظه، وبعدم الدليل على الخصوص، وهذا هو نفس قولنا الذي أبوه أولا عادوا إليه من قريب، فإن قال قائل: إن هذا لا يوجد لزمهم السؤال الذي سألنا به أولا من قولنا لهم: هل يخلو الدليل من أن يكون لفظا آخر، أو معنى مستخرجا من لفظ؟ وألزمهم إيقاظ التفاهم أبدا وأيضا فإن ذلك موجود وقد قال تعالى {إن الله يأمركم أن تؤدوا لأمانات إلى أهلها وإذا حكمتم بين لناس أن تحكموا بلعدل إن الله نعما يعظكم به إن الله كان سميعا بصيرا} ولم تؤكد بشيء أصلا وهذا عندهم محمول على عمومه، وقد قال تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} ولم يأت بتوكيد زائد فحملوه على عمومه دون دليل غيره وارد اللفظ فقط، ومثل هذا كثير جدا، بل هو الأكثر في القرآن والسنة، وإنما ادعوا الخصوص في مسائل يسيرة، وليس هذا مكان احتجاجهم بقرينة الوعيد، لأننا إنما نكلمهم في عموم كل ما اقتضاه اللفظ لا في الوجوب وقد حمل مالك قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} على عموم جميع المساجد بنص اللفظ، لا بدليل زائد ولا بيان وارد وحمل قوله تعالى {ولذين

way.} He supplied no additional emphasis, yet they construed it as general without any evidence beyond the wording as delivered. Such instances are very numerous; indeed, they constitute the majority of what is in the Quran and the Sunnah. They have claimed specificity only in a few matters. This is no place for their appeal to the accompanying threat of punishment, because we are discussing with them the general applicability of everything entailed by the wording, rather than obligation. Malik construed His saying, the Exalted, {Permitted to you on the night of fasting is sexual intercourse with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you and pardoned you. So now have intercourse with them and seek what Allah has prescribed for you, and eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, that they may be mindful of Him}, as applying generally to all mosques, by the explicit wording, without additional evidence or any explanation having been supplied. He construed His saying, the Exalted, {And those who accuse their spouses and have no witnesses except themselves—the testimony of one of them shall be four testimonies by Allah that he is indeed among the truthful}, as applying to all spouses without additional evidence. None of this is a matter of consensus. He and Abu Hanifah construed His saying, the Exalted, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever forgiving, merciful}, as general in its application to marriage and intercourse through ownership by the right hand. All of them likewise construed His saying, the Exalted, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts,

يرمون أزواجهم ولم يكن لهم شهدآء إلا أنفسهم فشهادة أحدهم أربع شهادات بالله إنه لمن لصادقين} على جميع الأزواج بلا دليل زائد، وليس شيء من ذلك إجماعا. وحمل هو وأبو حنيفة قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} على عمومه في النكاح والوطء بملك اليمين. وحملوا كلهم أيضا قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} على عموم بلا دليل بل الدليل قام على خصوص ذلك، فأبوا من قبوله، فبان تناقضهم في ذلك، وبالله تعالى التوفيق. قال علي: ويلزمهم أيضا ألا يحكموا بالإجماع، إذ لعل ههنا خلافا لم يبلغهم ولا يحكموا بنص، إذ لعله منسوخ ولا يقاس لأن القياس لا يكون إلا على نص أو إجماع والوقف واجب في النقص والإجماع، فبطل الدين كله على قول هؤلاء القوم. قال علي: ويقال لهم: ما الفرق بينكم وبين من خص بالخطاب بعض الأزمان دون بعض، كما خصصتم أنتم بعض الأعيان دون بعض فإن قالوا إن محمدا صلى الله عليه وسلم إنما بعث ليحكم في كل زمان قيل لهم وكذلك أيضا بعث عليه السلام ليحكم على كل أحد في كل عين ولا فرق

your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever forgiving, merciful}, as general without evidence. Indeed, evidence established its specificity, but they refused to accept it. Their inconsistency in this has thus become clear. Success comes through Allah the Exalted. Ali said: It also follows necessarily for them that they must not rule on the basis of consensus, since there may be disagreement here that has not reached them; nor rule on the basis of a text, since it may have been abrogated; nor reason by analogy, because analogy can be based only on a text or consensus, and suspension of judgment is obligatory concerning deficiency and consensus. Thus the whole religion is invalidated according to the position of these people. Ali said: They should be asked: What distinguishes you from someone who restricts the address to certain times rather than others, just as you have restricted it to certain individual instances rather than others? If they say, "Muhammed ﷺ was sent to rule in every time," they should be told: Likewise, he, peace be upon him, was

sent to rule over everyone concerning every individual instance. There is no difference.[29][30][31][32]

L1085–1086 Ali said: We have explained in more than one place that language was instituted so that mutual understanding might occur through it. Every meaning must therefore have a designation specific to it. There must be a designation for the generality of genera, and a designation for the generality of each species, and so on continually, until each individual has its designation. Whoever endeavors to invalidate this is truly a sophist, overturning things as they stand and corrupting realities. Yet Allah insists upon perfecting His light. Ali said: There is no difference between statements and commands in all of this. Every designation entails the general inclusion of whatever falls under it and does not extend to anything that does not fall under it. Promises and threats in all of this are like the rest of the address, without distinction. The hadith and the Quran in their entirety are like a single expression. Judgment must therefore not be based on one verse to the exclusion of another, or on one hadith to the exclusion of another; rather, all of this must be joined together, since no part of it has a greater claim to be followed than another. Whoever

قال علي: وقد بينا في غير ما مكان أن اللغة إنما وضعت ليقع بها التفاهم، فلا بد لكل معنى من اسم مختص به: فلا بد لعموم الأجناس من اسم، ولعموم كل نوع من اسم، وهكذا أبدا إلى أن يكون لكل شخص اسمه، ومن سعى في إبطال هذا فهو سوفسطائي على الحقيقة، عاكس للأمور على وجوهها، مفسد للحقائق، ويأبى الله إلا أن يتم نوره. قال علي: ولا فرق بين الأخبار بالأوامر في كل ذلك وكل اسم فهو يقتضي عموم ما يقع تحته، ولا يتعدى إلى غير ما يقع تحته، والوعد والوعيد في كل ذلك كسائر الخطاب ولا فرق، والحديث والقرآن كله كاللفظة الواحدة، فلا يحكم بآية دون أخرى، ولا بحديث دون آخر، بل بضم كل ذلك بعضه إلى بعض، إذ ليس بعض ذلك أولى بالاتباع من بعض، ومن فعل غير هذا فقد تحكم بلا دليل. ويقال لهم: ما الفرق بينكم وبين من قال: لعل الخطاب الوارد إنما خص به الصحابة دون غيرهم؟ فكل ما قالوا ههنا فهو مردود عليهم في دعواهم خصوص بعض ما يقع عليه الخطاب دون بعض. ويقال لهم: بأي شيء استجزتم قتل من قتلتم من المشركين، وقطع من قطعتم من السراق، وجلدتم من جلدتم من الزناة، وحد من حددتم من القذفة، وخصصتموهم بإيقاع هذه الأحكام عليهم، دون سائر من يقع عليه اسم زان أو قاتل أو قاذف أو سارق، فهل ههنا إلا أنهم سرقوا وقتلوا وزنوا وقذفوا؟ فهكذا فعل غيركم ممن أخرجتموه من الخطاب، وأسقطتم عنه ما حملتم على هؤلاء، فلأي معنى خصصتم من أمضيتم عليه الحكم دون من لم تمضوه عليه؟ فإن قالوا: بدلائل دلت على ذلك، لم نأب ذلك، وقلنا لهم: هذا قولنا، وحسبنا أننا قد أزلناكم عن الحكم بالخصوص المجرد الذي هو الافتراء على الله عز وجل في الحكم عنه تعالى بما لم يأذن به، وقد رام قوم أن يفرقوا بين الأوامر والأخبار، واحتجوا بأنهم

[29] **Translator's note (L1079):** The Quran quotation, corresponding to 9:5, contains repeated apparent transcriptional omissions of alifs, including نسلخ for انسلخ and فقتلوا for فاقتلوا. It is rendered according to the intelligible intended wording; these defects are not treated as distinct Quranic readings. The supplied wording says "Allah explains His intent" (الله يبين مراده), although the argument appears to require "Allah did not explain His intent." The translation preserves the affirmative wording rather than silently supplying a negation.

[30] **Translator's note (L1081):** The phrase وألزمهم إيقاظ التفاهم أبدا, rendered "And he would oblige them perpetually to awaken mutual understanding," is anomalous in this argument. إيقاظ ("awakening") may be a transcription corruption, possibly of إبطال ("nullifying"), but the supplied wording has been preserved. The Quran quotation, corresponding to 4:58, contains apparent transcriptional omissions of alifs, including لله for الله, لأمانات for الأمانات, لناس for الناس, and بلعدل for بالعدل. The translation follows the intelligible wording.

[31] **Translator's note (L1083):** The supplied text reads "deficiency" (al-naqs) in the phrase about suspending judgment. The context strongly suggests a corruption of "the text" (al-nass); the supplied reading has been retained.

[32] **Qur'an references (L1079):** Qur'an 9:5 (At-Tawbah); Qur'an 4:58 (An-Nisa); Qur'an 4:22 (An-Nisa); Qur'an 2:187 (Al-Baqarah); Qur'an 24:6 (An-Nur); Qur'an 4:23 (An-Nisa).

مضطرون إلى العمل بالأوامر، وليست الأخبار كذلك. وقال علي: وهذا فرق فاسد، لأننا مضطرون إلى وجوب اعتقاد صحة الأخبار وإلى الإقرار بها وهي التي وردت بها النصوص كما نحن مضطرون إلى العمل بالأوامر، ولا فرق،

does otherwise has ruled arbitrarily without evidence. They should be asked: What distinguishes you from someone who says, "Perhaps the address that was delivered was restricted to the Companions, to the exclusion of others"? Whatever they say here can be turned back against them regarding their claim that the address applies specifically to some of what falls under it rather than the rest. They should also be asked: On what basis did you deem it permissible to kill those polytheists whom you killed, amputate the hands of those thieves whose hands you amputated, flog those fornicators whom you flogged, and inflict the prescribed punishment upon those accusers of unchastity upon whom you inflicted it, singling them out for the application of these rulings to the exclusion of everyone else to whom the designation fornicator, killer, accuser of unchastity, or thief applies? Is there anything here beyond their having stolen, killed, fornicated and made accusations of unchastity? Others besides you, whom you excluded from the address and relieved of what you imposed upon these people, have done just the same. On what grounds, then, did you single out those against whom you enforced the ruling, to the exclusion of those against whom you did not enforce it? If they say, "On the basis of evidence indicating this," we do not reject that. We tell them: This is our position, and it suffices us that we have dislodged you from ruling on the basis of bare specificity, which is to fabricate a lie against Allah, mighty and majestic, by issuing rulings on His behalf, the Exalted, for which He has given no permission. Some people have attempted to distinguish between commands and statements, arguing that they are compelled to act upon commands, whereas statements are not like that. Ali said: This distinction is unsound, because we are compelled to hold that it is obligatory to believe in the truth of statements and to acknowledge them—namely, those conveyed by the texts—just as we are compelled to act upon commands. There is no difference.[33][34]

[33] **Translator's note (L1085):** The phrase rendered "between statements and commands" has an irregular construction in the supplied Arabic, literally "between statements with commands." The surrounding argument makes the intended comparison clear.

[34] **Translator's note (L1086):** The supplied wording says "others besides you," although the argument concerns other offenders whom the interlocutors excluded from the rulings. This awkward shift of reference has been retained.

L1087–1090

Correct belief is the act of Allah the Exalted within the soul, while acknowledgment of what is believed is the soul's act through its moving the organs of speech: the tongue, the palate, and the articulation points of the letters. It must therefore either restrict its acknowledgment of what it believes or make it general. Fear of error in acting upon commands is like fear of error in believing statements in an impermissible manner. Believing falsehood is impermissible, just as acting upon falsehood is impermissible. It is thus established that statements are like commands, without distinction. One of the earlier proponents of generality argued against the proponents of specificity, saying: What do you say about His saying, the Exalted, {Allah, and the seal} of the prophets: does it refer to the Arabs to the exclusion of others, or is it general by virtue of the wording itself? If they say it is specific, they disbelieve; if they say it is general by virtue of the wording itself, they abandon their unsound doctrine. If they claim that this is a matter of consensus, it follows necessarily that they must affirm only what has been agreed upon by consensus. We have already demonstrated the invalidity of this position. Were they to adopt it, they would thereby depart from consensus, because the community unanimously agrees that restricting oneself to affirming only consensus, without complying with the texts even where disagreement has arisen concerning them, is forbidden: no Muslim does it, nor is any Muslim permitted to do it. The text of the Quran and the Sunnahs establishes the obligation to obey the Prophet —may Allah bless him and grant him peace ﷺ—and to make him the judge when contention and disagreement arise. Moreover, they themselves do not do that. Their appeal to it therefore fails in every respect, praise be to Allah the Exalted. If they say, "We know that he, peace be upon him, is the last of the prophets because of his saying ﷺ, 'There is no prophet after me,'" they should be told—and success comes through Allah the Exalted: This admits of the same specificity as all the other texts, without distinction. Perhaps he meant, "There is no prophet after me among the Arabs," or "in the Hijaz," or "for a hundred years," or something similar, as claimed by the Isawiyyah among the Jews, the Jarmadaniyyah who maintain the successive coming of messengers, and the extremists who asserted the prophethood of Ali, Nu zayʿ, al-Mughirah, Mansur al-Kisf in Kufa, Bayan, and Abu al-Khattab. Moreover, since consensus on this has been es-

والاعتقاد الصحيح فعل الله تعالى في النفس والإقرار بالمعتقد فعل النفس بتحريكها آلات الكلام من اللسان والحنك ومخارج الحروف، فلا بد لها من أن تخص بالإقرار بما اعتقدت أو تعم، وخوف الخطأ في العمل في الأوامر، كخوف الخطأ في الاعتقاد للأخبار على ما لا يجوز، واعتقاد الباطل لا يجوز، كما لا يجوز العمل بالباطل فصح أن الأخبار كالأوامر ولا فرق. واحتج بعض من سلف من القائلين بالعموم على القائلين بالخصوص فقال ما تقولون في قوله تعالى {لله وخاتم} للنبيين من العرب دون غيرهم أم عموم بنفس اللفظ؟ فإن قالوا: خصوص كفروا، وإن قالوا: عموم بنفس اللفظ، تركوا لمذهبهم الفاسد، فإن ادعوا أن ذلك إجماع، لزمهم ألا يقولوا إلا بما أجمع عليه فقط، وقد قدمنا إفساد هذا القول فإنهم لو قالوا لكانوا بذلك خارجين عن الإجماع، لأن الأمة مجمعة على أن الاقتصار على القول بالإجماع فقط دون الائتمار للنصوص وإن وقع فيها اختلاف حرام لا يفعله مسلم، ولا يسع مسلم فعله، والنص من القرآن والسنن جاء بوجوب طاعة النبي صلى الله عليه وسلم وتحكيمه عند التنازع والاختلاف وأيضا فهم لا يفعلون ذلك، فسقط تعلقهم بكل وجه بحمد الله تعالى فإن قالوا علمنا أنه عليه السلام آخر النبيين بقوله صلى الله عليه وسلم لا نبي بعدي قيل لهم وبالله تعالى التوفيق: وهذا يحتمل من الخصوص ما تحمله سائر النصوص، ولا فرق، ولعله أنه أراد لا نبي بعدي من العرب أو في الحجاز أو إلى مائة عام أو ما أشبه ذلك، كما زعمت العيسوية من اليهود والجرمدانية القائلون بتواتر الرسل والغالية التي قالت بنبوة علي ونزيع والمغيرة ومنصور الكسف بالكوفة، وبيان وأبي الخطاب، وأيضا فإن الإجماع إذ قد صح على ذلك فهو أعظم الحجج عليهم لإجماع الأمة على حمل هذا الخطاب على عمومه وكذلك يسألون عن قوله صلى الله عليه وسلم بعثت إلى الأحمر والأسود وهذا يحتمل من الخصوص ما احتمله {والسارق والسارقة فاقطعوا

tablished, it is the strongest of proofs against them, because the community unanimously agrees upon construing this address as general. They should likewise be questioned about his saying ﷺ, "I was sent to the red and the black." This admits of the same specificity as {And the male thief and the female thief: cut off their hands}, and as His saying, mighty and majestic, {And those who accuse chaste women and then do not bring four witnesses: flog them with eighty lashes.}[35][36][37]

L1091 For what reason, then, did you restrict one of the two statements to a specific application without evidence, while construing the other as general without any evidence except the wording itself? Some earlier proponents of general applicability argued against them by saying: "You agree that when an expression occurs with an emphatic qualification, it is construed as general." He said: "They should be told: An emphatic qualification admits of specific applicability just as the statement being emphasized does; there is no difference. An explicit text establishes this, for the Exalted said: {So the angels prostrated, all of them, altogether, except Iblis}. The exception thus came after two emphatic qualifications."[38]

L1092–1099 Ali said: The Exalted said: {But the word from Me has become binding: I shall surely fill Hell with jinn and humankind, altogether}. Then the exception came in His saying: {Indeed, those for whom the best reward has already gone forth from Us will be kept far from it. They will not hear its faintest sound, and they will abide forever amid what their souls desire}. And the Exalted said, addressing Iblis: {I shall surely fill Hell with you and with those of them who follow you, altogether}. Then the exception came concerning those who repented of following Iblis, and those whose good deeds equaled

أيديهما} وما احتمله قوله عز وجل {والذين يرمون المحصنات ثم لم يأتوا بأربعة شهدآء فاجلدوهم ثمانين جلدة}

فلأي معنى خصصتم أحد الخطابين بلا دليل وحملتم الآخر على عمومه بلا دليل إلا نفس اللفظ فقط؟ واحتج عليهم بعض من سلف من القائلين بالعموم بأن قال إنكم متفقون على أن اللفظ إذا ورد فيه تأكيد فإنه محمول على عمومه، قال: فيقال لهم: إن التأكيد يحتمل من الخصوص مثل ما يحتمل الخطاب المؤكد ولا فرق، وقد جاء النص بذلك، فقال تعالى: {فسجد الملائكة كلهم أجمعون إلا إبليس} فجاء الاستثناء بعد تأكيدين اثنين

قال علي قال تعالى {ولكن حق لقول مني لأملأن جهنم من لجنة والناس أجمعين} ثم جاء الاستثناء بقوله {إن الذين سبقت لهم منا الحسنى أولئك عنها مبعدون * لا يسمعون حسيسها وهم فيما اشتهت أنفسهم خالدون} وقال تعالى مخاطبا لإبليس: {لأملأن جهنم منك وممن تبعك منهم أجمعين} ثم جاء الاستثناء فيمن تاب عن اتباع إبليس، وفيمن تساوت حسناته وسيئاته التي اتبع فيها إبليس فجاء التخصيص كما ترى بعد التأكيد، فبطل احتجاجهم بالتأكيد، ولزمهم ألا يحملوا خطابا على عمومه أبدا، أكد أو لم يؤكد، ولزمهم الوقف أبدا وألا ينتفعوا بتأكيد ولا غيره. فإن قالوا: إنه يلزمهم إذا ورد الاستثناء، أن تقرروا بأن ذلك الخطاب أريد به الخصوص، قلنا لهم: وكذلك نقول: ولسنا معترضين على ربنا تعالى ولا على نبينا صلى الله عليه وسلم ولا نعلم إلا ما علمنا تعالى ولا ننكر صرفهما الألفاظ عن وجوهها ولا شرعهما الشرائع علينا،

[35] **Translator's note (L1088):** The Quranic quotation is corrupt or truncated in the supplied text: it reads only "Allah, and the seal," with "of the prophets" outside the quotation braces. This wording has been retained without supplying the missing verse text.

[36] **Translator's note (L1089):** The sect name rendered "Jarmadaniyyah" and the personal name supplied as "Nu zayʿ" have uncertain readings in this transcription; neither has been silently replaced with a conjectured identification. "The red and the black" preserves the wording of the reported saying.

[37] **Qur'an references (L1087):** Qur'an 5:38 (Al-Ma'idah); Qur'an 24:4 (An-Nur).

[38] **Qur'an references (L1091):** Qur'an 15:30 (Al-Hijr); Qur'an 38:73 (Sad).

their evil deeds in which they had followed Iblis. Restriction to a specific application thus came, as you see, after emphasis. Their argument from emphasis is therefore invalidated, and they are obliged never to construe any statement as general, whether emphasized or not. They are obliged always to suspend judgment and to derive no benefit from emphasis or anything else. If they say, "When an exception occurs, you are obliged to acknowledge that the statement was intended to have a specific application," we tell them: That is indeed what we say. We raise no objection to our Lord, exalted is He, or to our Prophet ﷺ. We know only what He, exalted is He, has taught us. We do not deny their diverting expressions from their proper senses, their prescribing laws for us, their forbidding what they have forbidden, or their permitting what they have permitted. Were they to command us to kill our fathers, mothers, and sons, we would hasten to do so immediately, or else refrain while acknowledging our disobedience, neither inviting others to error nor declaring our sins correct, but instead seeking Allah the Exalted's forgiveness for that and desiring repentance. Ali said: How greatly I fear that the person who introduced these two notions—advocating suspension of judgment concerning adherence to the apparent meaning, obligation, general applicability, and immediate performance; and advocating diverting expressions transmitted from Allah the Exalted and His Messenger ﷺ toward an interpretation without evidence, toward the removal of obligation without evidence, toward specific applicability without evidence, and toward deferred performance without evidence—is an unbeliever, a polytheist, a clandestine heretic deceiving the Muslims and striving to invalidate the religion. For this radiant, upright, accommodating religion has been plotted against from five directions; its ruin has been sought by various routes; snares have been laid for it along hidden paths; and obscure stratagems have been employed against it. The most grievous of these directions is the effort of someone who dresses as they do, assumes their name, and slips the venom of black serpents into honeycomb and cold water for them. He subtly induced them to oppose the Quran and the Sunnah, attaining what he desired among those whom Allah the Exalted willed to abandon. In Him, exalted is He, we seek refuge from affliction, and we ask Him, through His gracious bounty, to safeguard us. There is no god but He. People, think ill of anyone

ولا تحريم ما حرما، ولا تحليل ما حللا، ولو أمرانا بقتل آبائنا وأمهاتنا وأبنائنا لسارعنا إلى ذلك مبادرين، أو أمسكنا مقرين بالمعصية غير داعين إلى ضلالة، ولا مصوبين لذنوبنا، بل مستغفرين الله تعالى من ذلك، راغبين في التوبة. قال علي: وما أخوفني أن يكون ملقي هاتين النكتتين من القول بالوقف، في اتباع الظاهر وفي الوجوب، وفي العموم وفي الفور ومن القول بصرف الألفاظ الواردة عن الله تعالى ورسوله صلى الله عليه وسلم إلى تأويل بلا دليل وإلى سقوط الوجوب بلا دليل، وإلى الخصوص بلا دليل، وإلى التراخي بلا دليل كافرا مشركا زنديقا مدلسا على المسلمين، ساعيا في إبطال الديانة، فإن هذه الملة الزهراء الحنيفية السمحة كيدت من وجوه خمسة، وبغيت الغوائل من طرق شتى، ونصبت لها الحبائل من سبل خفية، وسعي عليها بالحيل الغامضة، وأشد هذه الوجوه سعي من تزيا بزيهم، وتسمى باسمهم، ودس لهم سم الأساود في الشهد والماء البارد، فلطف لهم في مخالفة القرآن والسنة، فبلغ ما أراد ممن شاء الله تعالى خذلانه، وبه تعالى نستعيذ من البلاء، ونسأله العصمة بمنه، لا إله إلا هو. فلتسؤ ظنونكم أيها الناس بمن يحسن لكم مفارقة ظاهر كلام ربكم تعالى أو كلام نبيكم صلى الله عليه وسلم بغير بيان منها أو إجماع من جميع الأمة وبمن يزين لكم التأخر عن طاعتها، ويسهل عليكم ترك الانقياد لهما، ويقرب لديكم التحكم في خطابهما، والفرق بينهما بطاعة بعض ومعصية بعض، وهذا هو التخصيص الذي يدعونه بلا دليل، وبالله نعتصم. قال علي: ويلزمهم إذا أجازوا تخصيص ألفاظ القرآن والسنن بلا دليل أو الوقف فيها، أن يجيزوا مثل ذلك في الأعداد ولا فرق، فيقفوا فيما أوجب الله تعالى من صيام شهرين متتابعين في كفارة الظهار، وكفارة القتل، وكفارة الواطىء في شهر رمضان، فلعله تعالى قد استثنى من الشهرين عشرة أيام في حديث لم يبلغهم، أو بقياس لم ينتبهوا له بعد كما استثنى تعالى من مدة نوح عليه السلام في قومه خمسين عاما بعد ذكره عز وجل ألف سنة، ومثل هذا لازم لهم

who makes it seem good to you to depart from the apparent meaning of your Lord the Exalted's words or your Prophet's ﷺ words without a clarification from them or a consensus of the entire community; and of anyone who embellishes delaying obedience to them, makes abandoning submission to them seem easy, and makes it seem acceptable to impose arbitrary judgments upon their statements and discriminate between them by obeying some and disobeying others. This is the restriction to specific applicability that they claim without evidence. To Allah we hold fast. Ali said: If they allow restricting the expressions of the Quran and the transmitted Sunnahs to specific applications without evidence, or suspending judgment concerning them, they must allow the same concerning numbers; there is no difference. They must therefore suspend judgment concerning Allah the Exalted's requirement to fast two consecutive months as expiation for declaring one's wife forbidden like one's mother, as expiation for killing, and as expiation for having intercourse during the month of Ramadan. Perhaps He, exalted is He, has excepted ten days from the two months in a report that has not reached them, or through an analogy they have not yet noticed, just as He, exalted is He, excepted fifty years from Noah's time among his people—peace be upon him—after mentioning a thousand years, mighty and majestic is He. The same consequence binds them concerning everything addressed to them. As we have already stated, this position amounts to nothing but invalidating the religion, along with their flagrant inconsistency and the fact that it is a claim they possess without evidence. If they say, "This is impermissible concerning numbers, because if the exception were not attached to them, they would constitute a falsehood," they should be told: Likewise, declarative statements, if they do not have general applicability and no other explicit text or consensus occurs restricting them to a specific application, would constitute a falsehood; there is no difference. Likewise, commands, if specific applicability is intended by them and no other explicit text or consensus occurs restricting them to a specific application, would constitute the imposition of hardship. Exalted is Allah above all that. Some earlier proponents of general applicability said to them: "If what the wording of every statement entails is not understood from that statement alone, then perhaps by your saying, 'We advocate suspension of judgment,' and by the saying of those among you

في جميع ما خوطبوا به، وهذا قول كما قدمنا ليس فيه إلا إبطال الديانة مع فاحش تناقضهم، وأنه دعوى بأيديهم بلا دليل. فإن قالوا: هذا لا يجوز في الأعداد، لأنه لو لم يكن الاستثناء متصلا بها لكانت كذبا قيل لهم: وكذلك الأخبار إن لم يكن على عمومها، ولم يأت نص آخر أو إجماع بتخصيصها كانت كذبا ولا فرق، وكذلك الأوامر إن كان المراد بها الخصوص، ولم يأت نص آخر، ولا إجماع بتخصيصها كانت تعنيتا، تعالى الله عن ذلك كله. قال لهم بعض من سلف القائلين بالعموم: فإذا لم يفهم من كل خطاب بمجرده ما اقتضاه لفظه فلعل قولك: نقول بالوقف: وقول من قال منكم نقول بالخصوص، إنما أردتم به في بعض المواضع دون بعض، ولعلكم أردتم غير ما ظهر إلينا من كلامكم، فإنكم تناظرونا دأبا في ألا نحمل الألفاظ على ظواهرها، ولا على عمومها، فأول ما ينبغي أن يستعمل هذا فيه، ففي كلامكم، فتجعلون في نصاب من لا يفهم عنهم مرادهم ولا يصح خطابهم، وصحت السفسطة بعينها عليهم. قال علي: وكذلك يقال أيضا للقائلين بالوقف أو الندب: أموجبون أنتم لحمل الأشياء الواردة من الله تعالى ونبيه صلى الله عليه وسلم على أنها غير واجبة وعلى الوقف فيها أم أنتم نادبون إلى ذلك؟ فإن قالوا: نحن موجبون لذلك قيل لهم: فما الذي جعل كلامكم محمولا على الوجوب؟ وكلام ربكم تعالى محمولا على غير الوجوب؟ وهذا كفر شديد ممن اعتقده، وضلال عظيم ممن تقلده، وإن قالوا: بل نحن نادبون إلى ذلك أقروا أنهم لا يلزمنا قبول قولهم، وبالله تعالى التوفيق. وأيضا قال علي: قولهم بحمل الألفاظ على الخصوص إنما معناه بحملها على بعض ما يقتضيه لفظها. قال علي: وهذا أمر ليس في طاقة أحد فهمه، والوقوف على حقيقته أبدا، لأنه لا ندري أي أبعاض تلك الجملة يقبل، ولا أيها يرد، وليس بعضها أولى بحمل الحكم عليه من بعض، فصار ذلك تكليفا لما ليس في الوسع، وهذه هي السفسطة نفسها وإبطال الحقائق جملة وقد أكذبهم تعالى بقوله {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ

who say, 'We advocate specific applicability,' you intended this only in some instances and not in others; and perhaps you intended something other than what is apparent to us from your words. For you continually debate with us, urging that we should not construe expressions according to their apparent meanings or their general applicability. The first thing to which this ought to be applied is therefore your own words. You would thus be placed among those whose intentions cannot be understood and whose discourse is not valid, and sophistry itself would be established against them." Ali said: Likewise, proponents of suspension of judgment or recommendation should also be asked: "Do you make it obligatory to construe the things transmitted from Allah the Exalted and His Prophet ﷺ as nonobligatory, and to suspend judgment concerning them, or do you recommend doing so?" If they say, "We make that obligatory," they should be told: "What makes your words construed as imposing an obligation, while your Lord the Exalted's words are construed as imposing no obligation?" This is grave unbelief on the part of anyone who believes it, and immense error on the part of anyone who adopts it. If they say, "Rather, we recommend doing so," they have acknowledged that we are not obliged to accept their position. Through Allah the Exalted comes success. Furthermore, Ali said: Their advocacy of construing expressions as having specific applicability means only construing them as applying to some of what their wording entails. Ali said: This is something that no one can ever comprehend or ascertain in its true nature, because we do not know which parts of that totality are to be accepted and which rejected. No part has a stronger claim than another to have the ruling applied to it. This therefore becomes the imposition of something beyond one's capacity. This is sophistry itself and the wholesale invalidation of realities. He, exalted is He, has declared them false in His saying: {Allah does not burden a soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people}. They should also be asked: "Consider Allah the Exalted's saying: {And He taught Adam the names, all of them, then

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} ويقال لهم أيضا أرأيتم قول الله تعالى {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} لهذا التعليم الذي امتن الله تعالى به على أبينا آدم عليه السلام فائدة؟ أم لا فائدة له؟ فإن قالوا: لا فائدة له كفروا، وكذبتم الملائكة في إقرارهم بأن ذلك علم عظيم لم يكن عندهم حتى علمهم إياه الخالق عز وجل، وإن قالوا: إن لذلك التعليم فائدة سئلوا ما هي؟ ولا سبيل إلى أن تكون تلك الفائدة إلا إيقاع الأسماء على مسمياتها، والفصل بين المسميات بالأسماء، ومعرفة صفات المسميات التي باختلافها وجب تخالف الأسماء، ليقع بذلك التفاهم بين النوع الذي أسكنه الله أرضه، وأرسل إليهم الأنبياء بالشرائع، ليهلك من هلك عن بينة ويحيى من حي عن بينة.

presented them to the angels and said: Tell Me the names of these, if you are truthful}. Does this teaching, with which Allah the Exalted favored our father Adam, peace be upon him, have a benefit, or does it have no benefit?" If they say, "It has no benefit," they have disbelieved, and you have contradicted the angels in their acknowledgment that this was great knowledge which they did not possess until the Creator, mighty and majestic, taught it to them. If they say that this teaching has a benefit, they should be asked what it is. There is no possibility that this benefit is anything other than applying names to the things they name, distinguishing the things named by their names, and knowing the attributes of the things named, whose differences necessitated the difference of the names, so that mutual understanding might thereby take place among the species whom Allah settled upon His earth and to whom He sent the prophets with the revealed laws, so that whoever perished might perish upon clear evidence[39][40][41][42][43][44]

L1100–1101 Since this has now been established and proved sound, anyone who wishes to establish that names do not convey their referents throughout the full general scope required by their wording, and that what they are applied to cannot be known through them, nullifies reason and the revealed Law together. Through Allah Most High comes success, and to Him belongs praise

وإذ قد ثبت هذا وصح فكل من أراد أن يثبت أن الأسماء لا تفهم منها مسمياتها على عموم ما يقتضيه اللفظ، ولا يعرف بها ما علقت عليه فهو مبطل للعقل والشريعة معا، وبالله تعالى التوفيق، وله الحمد على جميع نعمه لا إله إلا هو. ويلزمهم في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} أن يكون لعل ذلك في بعض الأمهات دون بعض، وفي بعض الأخوات والبنات دون بعض، أو لعل الذي حرم هو بيعه أو أكلهن دون جماعهن كما حملتم قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} عن بعض المشركين دون بعض فلم تبيحوا قتل الرهبان، ولا

[39] **Translator's note (L1092):** In the first Quranic quotation, "حق لقول" and "من لجنة" are defective forms of the wording concerning the binding word and the jinn. The translation gives their recoverable sense; the supplied Arabic is textually defective.

[40] **Translator's note (L1093):** "Clandestine heretic" renders zindīq, here used as a polemical designation for someone concealing unbelief beneath an outward profession of Islam.

[41] **Translator's note (L1094):** "Declaring one's wife forbidden like one's mother" renders ẓihār, the marital declaration for which the author mentions an expiation. The supplied "بيعه" later in the following context is outside this unit and has not been translated here.

[42] **Translator's note (L1097):** The Quranic quotations contain defective spellings, including "لله" for the divine name in the opening of the first quotation and several missing initial alifs. Their recoverable wording is rendered in English.

[43] **Translator's note (L1098):** The supplied text shifts from third person in "they have disbelieved" to second person in "you have contradicted." This grammatical shift is retained.

[44] **Qur'an references (L1092):** Qur'an 21:101 (Al-Anbya); Qur'an 38:85 (Sad); Qur'an 2:286 (Al-Baqarah); Qur'an 2:31 (Al-Baqarah); Qur'an 8:42 (Al-Anfal).

for all His blessings; there is no god but Him. Their position obliges them to allow, concerning His words, Most High, "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters under your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your loins, and that you join two sisters in marriage, except what has already passed. Indeed, Allah has been forgiving, merciful," that perhaps this concerns some mothers rather than others, and some sisters and daughters rather than others; or perhaps what was forbidden was selling them or eating them, rather than intercourse with them. This is just as you construed His words, Most High, "Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and sit in wait for them at every place of ambush. But if they repent, establish prayer, and give the alms, then let them go their way. Indeed, Allah is forgiving, merciful," as applying to some polytheists rather than others. Thus you did not permit killing monks, female apostates, or the children of apostates when they reach maturity as unbelievers. Likewise, in accusations of unlawful intercourse, you did not impose the prescribed punishment upon someone who accused an unbelieving woman or a Muslim slave woman; and likewise with everything else you construed as specific. The same consequence binds them in every address in the Quran and the transmitted prophetic practices. Through Allah Most High comes success.

To those among them who say that what indicates that expressions should be construed in their general scope is only the emphasis supplied, it should be said—Ali said: They should be told: If emphasis were as you describe, their statements would be contradictory, because we find emphasis occurring twice and three times. The first would serve to move the expression from specific to general application, and the second would do the same again. If it had to move the emphasized statement and the first emphasis from specific to general application, the first emphasis would be both specific and general

قتل المرتدات، ولا أولاد المرتدين إذا بلغوا كفارا، وكما فعلتم في القذف فلم تحدوا قاذف الكافرة والأمة المسلمة، وسائر ما حملتموه على الخصوص، ومثل هذا لازم لهم في كل خطاب في القرآن والسنن، وبالله تعالى التوفيق. ويقال لمن قال منهم: إن الذي يدل على حمل الألفاظ على عمومه إنما هو للتأكيد الوارد. قال علي: يقال لهم: لو كان التأكيد ما ذكرتم لكان كلامهم متناقضا، لأنا نجد التأكيد يأتي مرتين وثلاثا، الأول، يأتي لإخراج اللفظ من الخصوص إلى العموم، الثاني: مثله أيضا، ولو وجب أن يكون مخرجا للكلام المؤكد والتأكيد الأول عن الخصوص إلى العموم، فكان يكون التأكيد الأول خصوصا وعموما معا، وهذا ولا يعلل الصحيح في ذلك ما قدمناه من أن التأكيد إنما هو حسم لشغب أمثالهم فقط، وليس التأكيد مخرجا للكلام المؤكد عن خصوص إلى عموم أصلا وقد قال الله تعالى فسجد الملائكة كلهم أجمعون} وقد أجاب بعض القائلين بالوقف عن هذه المسألة فقال معنى قوله تعالى {فسجد الملائكة كلهم أجمعون} ي بعد ذكر {فسجد الملائكة كلهم أجمعون} ى هو غير المعنى في {فسجد الملائكة كلهم أجمعون} ى لأن {فسجد الملائكة كلهم أجمعون} ى هو مخرج لقوله تعالى {فسجد الملائكة كلهم أجمعون} وعن الخصوص إلى العموم و {فسجد الملائكة كلهم أجمعون} ي دال على أنهم سجدوا مجتمعين لا مفترقين

at once. And this is not explained. The correct account of this is what we have already stated: emphasis merely puts an end to the contentious objections of people like them. Emphasis does not move an emphasized statement from specific to general application at all. Allah Most High has said, “So the angels prostrated, all of them, altogether.” Some proponents of suspension of judgment answered this question by saying: The meaning of His words, Most High, “So the angels prostrated, all of them, altogether” [yāʾ], after the mention of “So the angels prostrated, all of them, altogether” [alif maqṣūrah], differs from the meaning in “So the angels prostrated, all of them, altogether” [alif maqṣūrah], because “So the angels prostrated, all of them, altogether” [alif maqṣūrah] moves His words, Most High, “So the angels prostrated, all of them, altogether,” from specific to general application, while “So the angels prostrated, all of them, altogether” [yāʾ] indicates that they prostrated together, rather than separately.[45][46][47]

L1102–1103 Ali said: This is profound ignorance and an outrageous falsehood, because “all” does not mean being gathered together, nor does it belong to that category. This is brazen defiance of the language, something its scholars do not recognize. No speaker of the language understands someone’s saying, “The people came to me, all of them,” to mean that he intended “together.” Rather, those who came may have been separate individuals. This is the very sophistry against which the ancients warned. The sum of the matter is that these people seized upon their finding expressions departing from their assigned linguistic meanings, either into figurative usage or into shared meanings. On that basis they thought fit to invalidate all literal meanings, to

قال علي: وهذا جهل شديد، وكذب مفرط، لأن جميعا ليس معناه الاجتماع، ولا هو من بابه، وهذه مجاهرة في اللغة، ولا يعرفها أهل اللغة، ولا يعرف أحد من أهل اللسان أن قول القائل: أتاني القوم أجمعون، أنه أراد مجتمعين، بل جائز أن يكون الذين أتوا أفرادا مفترقين، وهذه هي السفسطة التي حذر منها الأوائل، وجملة الأمران أن هؤلاء قوم تعلقوا بأنهم وجدوا ألفاظا خارجة عن موضوعها في اللغة إما إلى مجاز، وإما إلى معان مشتركة فرأوا بذلك إبطال الحقائق كلها، وإبطال وقوع الأسماء على مسمياتها، واختصاص كل اسم بمنعها، وعمومه لكل ما علق عليه كانوا بمنزلة من قال: لما وجدت في الكلام كذبا كثيرا فأنا أحمله كله على الكذب، ووجدت في الشريعة منسوخا كثيرا لا يحل العمل به، إذ لعله قصد به غير ما يعقل منه، ووجدنا العمل بجميعه، ولا فرق بين هذا وبين قولهم: وجدنا ألفاظا على غير ظاهرها، فنحن نقف في كل لفظ فلا نستعمله على مفهومه، إذ لعله قصد به غير ما يعقل منه، ووجدنا ألفاظا لا يراد بها عمومها، فنحن نقف في كل لفظ فلا نمضيه على ما علق عليه. قال علي: وقد قال بعض أهل الوقف، إذ سئل: فأي شيء نعرف بأن اللفظ على عمومه، بلفظ

[45] **Translator’s note (L1100):** The phrase “And this is not explained” renders the apparently corrupt wording وهذا ولا يعلل; the text does not supply a clear, complete argument at this point. The Quranic quotations contain numerous defective spellings and missing initial letters. Their recoverable wording has been translated without replacing either quotation with a differently worded standard translation.

[46] **Translator’s note (L1101):** The transcription repeatedly supplies the entire Quranic clause where the argument apparently requires individual expressions within it. All seven occurrences have been retained rather than silently reconstructed. Isolated ي and ى occur after several quotations. They are represented by their letter names in brackets; their intended function is unclear. The isolated و before عن is also syntactically anomalous.

[47] **Qur’an references (L1100):** Qur’an 4:23 (An-Nisa); Qur’an 9:5 (At-Tawbah).

invalidate names' application to their referents, each name's restriction to its "exclusion," and its general applicability to everything to which it is attached. They were like someone who said: "Since I have found much falsehood in speech, I construe all of it as falsehood. And I have found much in the revealed Law that is abrogated and may not lawfully be acted upon, since perhaps something other than what is understood from it was intended; and we have found acting upon all of it." There is no difference between this and their saying: "We have found expressions that do not bear their apparent meanings, so we suspend judgment concerning every expression and do not employ it according to its understood meaning, since perhaps something other than what is understood from it was intended. And we have found expressions whose general scope is not intended, so we suspend judgment concerning every expression and do not apply it to what it is attached to."

Ali said: One of the proponents of suspension of judgment, when asked, "By what, then, do we know that an expression has its general scope: by an expression or by a meaning?"—and when confronted with the consequence that the possibility of specification applies to the second just as it applies to the first, and so on indefinitely, and required to distinguish between the second expression and the first—was at a loss at that point, since there was no way to make a distinction. He said: "The things by which general scope becomes apparent cannot be defined or enumerated, and there is no way to explain them." Ali said: This is the mountain pass of argumentative exhaustion: whoever reaches it falls down weary, and it becomes known that he has no resource and possesses no strength. It is one of the signs of incapacity and weakness. Anyone who admits that he cannot explain his position has reached a position that anyone with a tongue can attain, if he permits himself such disgraceful conduct. No one is incapable of asserting whatever impossibilities and claims he wishes, then, when required to provide an explanation or evidence, saying: "This cannot be done." Ali said: This confounded fel-

أم بمعنى؟ وألزم أن احتمال التخصيص داخل في الثاني كدخوله في الأول، وهكذا أبدا، وكلف والفرق بين اللفظ الثاني والأول فبلح عند ذلك، إذ لا سبيل إلى فرق، فقال إن الأشياء التي بها يلوح العموم لا تحد ولا تحصر ولا سبيل إلى بيانها. قال علي: وهذه ثنية الانقطاع التي من بلغها سقط حسيرا، وعلم أنه لا حيلة عنده ولا قوة لديه، وهو دليل من دلائل العجز والضعف، وكل من أقر بأنه لا يقدر على بيان قوله، فقد حصل في محل لا يعجز عن مثله ذو لسان إذا استجاز لنفسه الفضائح، فلا يعجز أحد عن أن يدعي ما شاء من المحالات والدعاوى، فإذا كلف بيانا أو دليلا قال: هذا لا يطاق عليه. قال علي: ونظر ذلك هذا المبلح، بأن قال: كما أن العدد الذي وجب ضرورة العلم في الأخبار لا سبيل إلى حده.

low drew a parallel for this by saying: "Just as there is no way to define the number that necessitates immediate knowledge in transmitted reports."[48]

L1104–1105 Ali said: He has spoken falsely. Rather, that is defined, and we have explained it previously. It is this: when two people arrive from two different directions and relate their accounts separately, and it is known with certainty that they have neither met nor colluded, and they convey a lengthy account whose corroboration could not result from the coinciding thoughts of two people; and neither they nor those to whom they related it had any desire concerning what they related or its subject, nor fear, nor personal inclination; and they mention direct observation, or hearing from two or more who likewise, as we have described, witnessed it: then this is a report yielding immediate knowledge, which necessarily produces knowledge and certainty beyond doubt. Conversely, when tens of thousands are assembled and charged with conveying some report, and they have some desire, fear, or personal inclination in the matter, it is possible for them to agree to commit falsehood. We have witnessed this in praise and condemnation of rulers. Yet this does not remain concealed; rather, it is known necessarily through them, because although they agree upon what they were assembled for, every one of them tells his friend, his wife, and his neighbor, before being assembled and after dispersing from that gathering, the truth of the matter and the plain facts of the report. This is witnessed every day in people's circumstances and their transmission of news concerning a death, a birth, a marriage, a divorce, removal from office, appointment to office, a halt, or something similar. People have overlooked this only because few examine such matters and their like,

قال علي: وقد كذب، بل ذلك محدود، وقد بينا فيما خلا، وهو أنه إذا ورد اثنان من جهتين مختلفتين فحدثا غير مجتمعين، وقد تيقن أنهما لم يلتقيا ولا توطآ، فأخبرا بحديث طويل لا يمكن اتفاق خاطر اثنين على توكيده، ولم يكن هناك لهما ولا لمن حدثا رغبة فيما حدثا به وعنه، ولا رهبة ولا هوى وذكرا مشاهدة أو سماعا من اثنتين فصاعدا، كما وصفنا أيضا أنهما شاهدا، فهو خبر ضروي يوجب العلم واليقين بلا شك، وأن عشرات الألوف إذا حشدوا وكلفوا خبرا ما، ولهم في ذلك رغبة أو رهبة أو هوى فجائز اجتماعهم على فعل الكذب، وقد شاهدنا ذلك في شكر الولاة وذمهم، إلا أن هذا لا يخفى، بل هو معلوم ضرورة من قبلهم، لأنهم وإن اجتمعوا على ما جمعوا له فكلهم يخبر صديقه وامرأته وجاره قبل أن يجمع، وبعد أن ينفض من ذلك الجمع بحقيقة الأمر وجلية الخبر، وهذا مشاهد كل يوم من أحوال الناس ونقل أخبارهم من موت أو ولادة أو نكاح أو طلاق أو عزلة أو ولاية أو وقفة أو ما شبه ذلك، وإنما أغفل الناس هذا لقلة المتفقدين لمثل هذا وشبهه، ولكثرة من ينسى ما يمر عليه من ذلك وأصيخوا رحمكم الله إلى ما نقول لكم

[48] **Translator's note (L1102):** The text reads بمنعها, "to/by its exclusion," in the discussion of each name's particular meaning. This appears corrupt; a reading referring to its meaning would fit the argument, but has not been substituted. The quoted comparison involving abrogated material is syntactically and logically disrupted, especially ووجدنا العمل بجميعه, rendered "and we have found acting upon all of it." The supplied wording has been retained without inventing a missing negation or clause. The opening الأمران and the later وكلف والفرق also appear textually defective; their locally recoverable syntax is reflected in the translation.

and because many forget the instances of this that they encounter. Listen attentively—may Allah have mercy upon you—to what we tell you.[49][50]

[Section Explaining General and Specific Application]

L1106

L1107–1110 Ali said: Speech falls into three divisions. Some is specific, with specific application intended, as in saying "Zayd," "Amr," and the like; and some is general, with general application intended. The meaning of this is applying it to everything that its wording entails. Some such expressions are names of genera encompassing many species, as in His saying, Exalted is He: "Have those who disbelieve not seen that the heavens and the earth were joined together, then We split them apart, and We made every living thing from water? Will they then not believe?" The living things mentioned here include human beings, all species of birds, all species of four-footed animals, and all species of creeping creatures. The angels have been excluded from this general scope because the Messenger, may Allah bless him and grant him peace ﷺ, reported that they were created from light. As for the jinn, they are from fire according to the explicit text of the Quran, although we consider it unlikely that there should be any water in their composition, even though their element is fire, just as our composition includes water, fire, and air, even though our element is earth. Other such expressions are names of particular species, as in His saying, Exalted is He: "And horses, mules, and donkeys, for you to ride and as adornment; and He creates what you do not know." This has general scope over all horses, all mules, and all donkeys, to the exclusion of the other species. This is not specific, because what we mean by saying "general" is only what the wording entails, excluding what it entails. Whoever

[49] **Translator's note (L1104):** The wording على توكيده is rendered "whose corroboration"; its precise intended sense in describing independently matching accounts is awkward. The text has the feminine اثنتين, "two," without an expressed feminine referent. "Two or more" preserves the number without silently specifying a class of transmitters absent from the wording. ضروي appears to be a defective spelling of ضروري, here rendered through the technical distinction between immediate, necessary knowledge and knowledge reached by inference.

[50] **Translator's note (L1105):** وقفة literally means a stop, halt, or standing; its intended reference in this list of reported events is uncertain. It has not been silently changed to a different event.

[فصل في بيان العموم والخصوص]

قال علي الكلام ينقسم ثلاثة أقسام فمنه خصوص يراد به الخصوص بقوله: زيد وعمرو وما أشبه ذلك، وعموم يراد به العموم، ومعنى ذلك حمله على كل ما يقتضيه لفظه، فمنه ما يكون اسما لجنس يعم أنواعا كثيرة كقوله تعالى {أولم ير لذين كفروا أن لسماوات ولأرض كانتا رتقا ففتقناهما وجعلنا من لمآء كل شيء حي أفلا يؤمنون} فيقع تحت الحي المذكور الإنس وأنواع الطير كلها، وأنواع ذوات الأربع كلها، وأنواع الهوام كلها، وقد خرج من هذا العموم الملائكة لإخبار الرسول صلى الله عليه وسلم أنهم خلقوا من نور وأما الجن فمن النار بنص القرآن، إلا أننا نبعد أن يكون في تركيبهم شيء من الماء، وإن كان العنصر هو النار، كما في تركيبنا الماء والنار والهواء، وإن كان عنصرنا التراب، ومنها ما يكون اسما لنوع ما كقوله تعالى {ولخيل ولبغال ولحمير لتركبوها وزينة ويخلق ما لا تعلمون} فهذا عموم لجميع الخيل، ولجميع البغال والحمير، دون سائر الأنواع، وليس هذا خصوصا لأن معنى قولنا: عموم وإنما هو ما اقتضاه اللفظ فقط دون ما تقتضيه، فمن سمى هذا خصوصا فقد شغب وشبك. وإنما يسمى ما بقي من الجملة بعد أن يستثنى منها خصوصا، وما استثني منها مما بقي خصوصا، لأن العموم الذي ذكرنا قد ارتفع ضرورة، لأن اللفظ حينئذ ليس محمولا على كل ما يقتضيه لفظه، فلما بطل أن يسمى ذلك عموما سمي خصوصا لأنه خص منه بعضه دون بعض بالاستثناء وبالإبقاء، ومنه ما يقع لأهل صفة ما من النوع كقوله تعالى {ولذي لقربى} فلما كان هذا عموما لذوي القربى كلهم دون غيرهم وكان شاملا لكل ما وقعت عليه هذه التسمية بهذه الصفة وكقوله تعالى {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل

فريضة من الله والله عليم حكيم} الآية فكان ذلك عموما لكل صدقة فرض بدليل أخرج منها ما ليس فرضا، وكان ذلك عموما لكل مسكين، ولكل فقير، ولكل عامل عليها، ولكل مؤلف قلبه، ولكل ما سمي رقبة، إلا أن يخص شيئا من ذلك نص أو إجماع وكذلك قوله صلى الله عليه وسلم الأئمة من قريش

فهذا عموم لكل قرشي إلا من خصه نص أو إجماع من النساء والصبيان، وكذلك سائر النصوص. والقسم الثالث: عموم دل نص القرآن والسنة على أنه قد استثني منه شيء، فخرج ذلك المستثنى مخصوصا من الحكم الوارد بذلك اللفظ. قال علي: ومن العموم أن يكون لفظه مشتركا يقع على معان شتى، وقوعا مستويا في اللغة، ومعنى قولنا: مستو، أنه وقوع حقيقي، وتسمية صحيحة لا مجازية، فإذا كان ذلك فحملها واجب على كل معنى وقعت عليه، ولا يجوز أن يخص بها بعض ما يقع تحتها دون بعض بالبراهين التي أثبتنا آنفا في إيجاب القول بالعموم. قال علي: ومن خالف هذا من أصحاب الظاهرين،

calls this specific has engaged in contentiousness and entanglement. What is called specific is only what remains of a whole after an exception has been made from it; and what has been excepted from what remains is also called specific. For the general scope we mentioned has necessarily ceased to exist, since the wording is then no longer applied to everything its wording entails. Once it could no longer be called general, it was called specific, because some of it, to the exclusion of other parts, had been singled out through exception and retention. Some such expressions apply to those members of a species who possess a particular attribute, as in His saying, Exalted is He: "And to the near kinsman." Since this had general scope over all near kinsmen, to the exclusion of others, and encompassed everyone to whom this designation applied by virtue of this attribute; and as in His saying, Exalted is He: "Alms are only for the poor, the needy, those who administer them, those whose hearts are reconciled, for freeing slaves, those in debt, in the path of Allah, and the wayfarer: an obligation from Allah; and Allah is Knowing, Wise"—the verse. This had general scope over every obligatory alms payment, on the basis of evidence that excluded nonobligatory payments from it. And it had general scope over every needy person, every poor person, everyone administering them, and everyone whose heart is reconciled, and everything designated a slave, unless an explicit text or consensus specifies something within that scope as an exception. Likewise, his saying, may Allah bless him and grant him peace ﷺ: "The leaders are from Quraysh."[51][52][53]

L1111–1114 This has general scope over every Qurashi, except those whom an explicit text or consensus singles out as exceptions, namely women and children. The same applies to all other texts. The third category is a general expression

[51] **Translator's note (L1108):** The wording "excluding what it entails" translates دون ما تقتضيه as supplied. It appears corrupt, since the argument would call for "excluding what it does not entail." The supplied نبعد means "we consider it unlikely." The ensuing comparison with human composition might suggest a missing negation, but none has been inserted. The Quranic quotations contain transcriptional omissions of letters, particularly in definite articles; their recoverable wording has been translated.

[52] **Translator's note (L1109):** The Arabic literally says "everything called a neck"; "neck" here is the legal expression for a person to be freed from slavery.

[53] **Qur'an references (L1107):** Qur'an 21:30 (Al-Anbya); Qur'an 16:8 (An-Nahl).

concerning which an explicit text of the Quran or the Sunna indicates that something has been excepted from it; that exception is thus specifically excluded from the ruling conveyed by that wording. Ali said: Another instance of general scope is when its wording is shared by several different meanings, applying equally to them in the language. What we mean by "equally" is that its application is literal and its designation valid, rather than figurative. When this is so, it must be applied to every meaning to which it applies, and it is impermissible to restrict it to some of what falls under it to the exclusion of the rest, in view of the demonstrations we established just above concerning the obligation to uphold general scope. Ali said: Whoever among the adherents of the apparent meaning opposes this has contradicted himself. There is no difference between a name applying to three members of a species and upward, through to the entirety of that species—as when you say "needy people" and "poor people"—and a name applying to three or more things whose definitions differ, applying equally to them all, with none having a greater claim to it than another. For this reason we said, concerning His saying, Exalted is He: "The fornicator does not marry anyone but a fornicatress or a polytheist woman, and the fornicatress is married only by a fornicator or a polytheist man; and that has been forbidden to the believers," that the verse retains its general scope. It is not lawful for a Muslim man, whether a fornicator or chaste, to enter into a sexual union with a Muslim fornicatress, whether through intercourse or through a marriage contract. If a marriage occurs, it must invariably be annulled, unless she repents before the marriage contract is concluded with her. Nor is it lawful for a Muslim woman, whether a fornicatress or chaste, to marry a fornicator unless he repents. If the marriage occurs, it must invariably be annulled. We have permitted the fornicator, specifically, to marry only a chaste woman of the protected non-Muslim communities, because the text only prohibits that specifically to believers. Male and female fornicators are believers, so that has been forbidden to them by the explicit text. No prohibition of that for polytheists occurs here. This is an honor accorded to Muslim men and women, in which polytheists have no share, because their prescribed condition is abasement. Our companions have contradicted themselves on this matter: they have construed "marriage" here as intercourse alone, whereas in His saying, Exalted

فقد تناقض، ولا فرق بين وقوع اسم على ثلاثة من نوع فصاعدا إلى تمام جميع النوع كقولك: مساكين وفقراء، وبين وقوع اسم على ثلاثة أشياء فصاعدا مختلفة الحدود، يقع عليها كلها وقوعا مستويا، ليس بعضها أحق به من بعض ولهذا قلنا في قوله تعالى {الزاني لا ينكح إلا زانية أو مشركة ولزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على لمؤمنين} إن الآية على عمومها ولا يحل لمسلم زان أو عفيف أن ينكح زانية مسلمة لا بوطء ولا بعقد زواج، فإن وقع فسخ أبدا ما لم تتب قبل أن يعقد معها النكاح، ولا يحل لمسلمة زانية أو عفيفة أن تنكح زانيا ما لم يتب، فإن وقع الزواج فسخ أبدا، وأبحنا للزاني خاصة نكاح الذمية العفيفة فقط، لأن النص لم يأت إلا بتحريم ذلك على المؤمنين خاصة، والزناة والزواني مؤمنون، فقد حرم ذلك عليهم بالنص، ولم يأت في ذلك تحريم على المشركين، وهذه كرامة المسلم والمسلمة، لا يدخل فيها المشركون لأن حكمهم الصغار. وقد تناقض في هذا أصحابنا فحملوا النكاح ههنا على الوطء خاصة، وحملوه في قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} على العموم لكل ما يقع عليه اسم نكاح، وهذا كما ترى بلا دليل، وأما من ادعى أن قوله: {الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين} الآية منسوخة بقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم الله من فضله والله واسع عليم} فمغفل لوجهين أحدهما إجماع الأمة على أنه لا يحل لأحد أن يقول في آية أو حديث: إنهما منسوخان لا يجوز العمل بهما إلا بنص جلي أو إجماع والثاني أن قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} ليس فيه ما يرد قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم

is He: “And do not marry those women whom your fathers married, except what has already passed; indeed, it was an indecency, an object of abhorrence, and an evil way,” they have construed it as having general scope over everything to which the term “marriage” applies. This, as you see, is without evidence. As for whoever claims that His saying, “The fornicator does not marry anyone but a fornicatress or a polytheist woman, and the fornicatress is married only by a fornicator or a polytheist man; and that has been forbidden to the believers”—the verse—is abrogated by His saying, Exalted is He: “And marry off the unmarried among you and the righteous among your male slaves and your female slaves. If they are poor, Allah will enrich them from His bounty; and Allah is All-Encompassing, Knowing,” he is heedless on two counts. The first is the consensus of the community that it is not lawful for anyone to say of a verse or a hadith that they are abrogated and may no longer be acted upon, except on the basis of a clear explicit text or consensus. The second is that His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors,” contains nothing that overrides His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors,” just as it contains no permission to marry a sister or daughter, both of whom are forbidden, even if they are unmarried. Rather, one verse is joined to the other, so we marry the unmarried women among us provided they are not fornicatresses. Moreover, we consider it linguistically unlikely that the designation “unmarried person” should apply to a fornicatress. It is therefore obligatory to give effect to both verses together, because making exceptions from one by means of the other is possible. We have already established that it is never lawful to abandon one verse on account of another. Ali said: Likewise, we and all our companions said, concerning His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors”—all of us who uphold the apparent meaning, apart from some who suspended judgment without reaching a definite conclusion, held it obligatory and affirmed that the full

شهادة أبدا وأولئك هم لفاسقون} كما ليس فيها إباحة نكاح الأخت والبنت المحرمتين وإن كانتا من الأيامى ولكن إحدى الآيتين مضمومة إلى الأخرى فننكح الأيامى منا ما لم يكن زواني مع أنه يبعد عندنا في اللغة وقوع اسم أيم على الزانية، فالواجب استعمال الآيتين معا، لأن استثناء بعضها من بعض ممكن، وقد قدمنا أنه لا يحل ترك آية لأخرى أصلا. قال علي: وكذلك قلنا نحن وسائر أصحابنا إن قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} فأوجبنا كلنا معشر القائلين بالظاهر إلا قوما توقفوا دون قطع وقلنا بإيجاب حد القذف كاملا على كل قاذف محصنة بأي معنى وقع عليها اسم محصنة من عفاف أو إسلام أو زواج، فأوجبنا الحد على قاذف الأمة والكافرة والصغيرة، وكذلك أوجبنا الزكاة في القمح والشعير والتمر دون سائر الحبوب والثمار لقول رسول الله صلى الله عليه وسلم ليس فيما دون خمسة أوسق من حب أو تمر صدقة ولفظة دون في اللغة التي بها خوطبنا تقع على معنيين وقوعا مستويا حقيقيا لا مجازيا، وهما بمعنى أقل وبمعنى غير كما قال تعالى {أم تخذوا من دون لله شفعآء

prescribed penalty for an accusation of illicit sexual intercourse must be imposed on everyone who accuses a woman designated muḥṣana, in whichever sense that designation applies to her: chastity, Islam, or marriage. Thus we required the prescribed penalty for anyone who accuses a slave woman, an unbelieving woman, or a young girl. Likewise, we required zakat on wheat, barley, and dates, to the exclusion of all other grains and fruits, because of the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "There is no alms levy on what is dūna five wasqs of grain or dates." The word dūna, in the language in which we have been addressed, applies equally and literally, rather than figuratively, to two meanings: "less than" and "other than." As He, Exalted is He, said: "Or have they taken intercessors other than Allah?[54][55][56]

قل أولو كانوا لا يملكون شيئا ولا يعقلون} يريد غير الله تعالى وقوله تعالى {وأعدوا لهم ما ستطعتم من قوة ومن رباط لخيل ترهبون به عدو لله وعدوكم وآخرين من دونهم لا تعلمونهم لله يعلمهم وما تنفقوا من شيء في سبيل لله يوف إليكم وأنتم لا تظلمون} فذكر تعالى المجاهرين بالعداوة للمسلمين وآخرين من غيرهم مكاتمين بها فلم يكن حمل لفظة دون في الحديث المذكور على معنى أقل؛ أولى من حملها على معنى غير، فوجب حملها على كلا المعنيين جميعا،

L1115 Say: 'Even though they possess nothing and do not understand?'" He means other than Allah, Exalted is He. And His saying, Exalted is He: "And prepare against them whatever strength you can and tethered horses, by which you strike fear into the enemy of Allah and your enemy, and others besides them whom you do not know; Allah knows them. Whatever you spend in the path of Allah will be repaid to you in full, and you will not be wronged." He, Exalted is He, thus mentioned those who openly display enmity toward Muslims, and others besides them who conceal it. Accordingly, construing the word dūna in the aforementioned hadith as meaning "less than" had no

[54] **Translator's note (L1111):** The argument turns on nikāḥ applying both to intercourse and to a marriage contract; English "marry" does not by itself convey both senses. "The adherents of the apparent meaning" renders أصحاب الظاهرين, whose supplied form is unusual.

[55] **Translator's note (L1114):** The second argument repeats the same Quranic quotation about accusations against chaste women on both sides of "overrides." This is an apparent quotation or transcription error; both occurrences have been retained as supplied. Muḥṣana is retained because the author expressly distinguishes its senses of being chaste, Muslim, or married. Dūna is retained in the hadith because the argument requires both "less than" and "other than." A wasq is a measure of capacity. The sentence introducing the shared position of the author and his companions is syntactically awkward in the supplied Arabic; its resumptive wording has been retained in English.

[56] **Qur'an references (L1111):** Qur'an 24:3 (An-Nur); Qur'an 4:22 (An-Nisa); Qur'an 24:32 (An-Nur); Qur'an 24:4 (An-Nur); Qur'an 39:43 (Az-Zumar).

greater claim than construing it as meaning “other than”; it was therefore obligatory to apply it to both meanings together.[57]

L1116–1125 Our companions have contradicted themselves on this matter, for they have construed it only as meaning “less than” alone. Ali said: This is an abandonment on their part of their position in favor of general applicability. Construing the expression “short of” as meaning “other than” is more appropriate, because construing it as “other than” includes “less than” within its compass. This is the position in favor of general applicability, since less than five wasqs is also other than five wasqs. Success comes through Allah Most High.

Ali said: These, then, are the divisions of the meaning conveyed by speech. Some people have posited a fourth division, saying: “Specific wording by which general applicability is intended.” Ali said: This is erroneous, and such a thing does not exist in the language. We shall discuss this exhaustively, if Allah Most High wills, in the chapter discussing analogy and in the chapter on the implication of an utterance, through Allah’s power and strength.

If they raise against us reports concerning particular individuals whose rulings we then apply to all people, the matter is not as they suppose. Rather, all those reports contain rulings concerning circumstances that require their application to instances of those kinds of circumstances, following the wording of the ruling attached to the circumstance being adjudicated. We have explained that the Messenger of Allah ﷺ was not sent to rule only over the people of his own age, but over everyone who comes until the Day of Resurrection, and concerning every body or accident that comes into being until the world ends. There was no way for him to be kept alive until he could meet every individual. His ruling concerning a person in some circumstance that befell him or arose from him was therefore a ruling concerning the occurrence of that circumstance, as we have said.

The report containing the words, “He is Gabriel; he came to you to teach you your religion,” makes this supremely clear and explicit: every address by him ﷺ to an individual, concerning a legal opinion he gives him or some-

[57] **Qur’an references (L1115):** Qur’an 8:60 (Al-Anfal).

وقد تناقض في ذلك أصحابنا، فلم يحملوها إلا على معنى: أقل، فقط. قال علي: وهذا ترك منهم لقولهم بالعموم، وحمل لفظة دون على معنى غير أولى، لأن حملها على معنى غير يقضي في جملته أقل فهو القول بالعموم، لأن الأقل من خمسة أوسق هو أيضا غير الخمسة الأوسق، وبالله تعالى التوفيق. قال علي: فهذه أقسام مفهوم الكلام، وقد جعل قوم قسما رابعا: فقالوا: وخصوص يراد به العموم. قال علي: وهذا خطأ، وليس هذا موجودا في اللغة، وسنستوعب الكلام في هذا إن شاء الله تعالى في باب الكلام في القياس، وفي باب دليل الخطاب بحول الله وقوته، فإن اعترضوا علينا بأحاديث وردت في رجال بأعيانهم، ثم صار حكمها عندنا على جميع الناس، فليس ذلك بما ظنوا، ولكن جميع تلك الأحاديث فيها أحكام في أحوال توجب الأخذ بذلك في أنواع تلك الأحوال، اتباعا للفظ الحكم المعلق على المعنى المحكوم فيه وقد بينا أن رسول الله صلى الله عليه وسلم لم يبعث ليحكم على أهل عصره فقط لكن على كل من يأتي إلى يوم القيامة، وفي كل ما يحدث من جسم أو عرض إلى انقضاء الدنيا، ولا سبيل إلى أن يبقي عليه حيا إلى أن يلقى كل أحد، فكان حكمه على إنسان في حال ما، حدثت له أو منه، حكما في وقوع تلك الحال كما قلنا. ويبين ذلك الحديث الذي فيه: هو جبريل أتاكم يعلمكم دينكم أجل بيان وأوضحه في أن كل خطاب منه صلى الله عليه وسلم لواحد فيما يفتيه به ويعلمه إياه هو خطاب لجميع أمته إلى يوم القيامة، وتعليم منه عليه السلام لكل من يأتي إلى انقضاء الدنيا، لأن ذلك الحديث إنما خرج بلفظ تعليم الواحد في قوله صلى الله عليه وسلم أن تعبد الله كأنك تراه ويكفينا من هذا الحديث قوله عليه السلام أثر جوابه لجبريل عليه السلام إن هذا الذي ذكر تعليم

thing he teaches him, is an address to his entire community until the Day of Resurrection, and instruction from him, peace be upon him, for everyone who comes until the world ends. For that report was expressed in the wording of instruction addressed to an individual, in his saying ﷺ, "That you worship Allah as though you see Him." Sufficient for us in this report is his statement, peace be upon him, following his answer to Gabriel, peace be upon him: "Indeed, this which he mentioned is instruction for them." He thus referred to the preceding address to an individual. This is also made clear by His saying, Most High: "Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one or both of them reach old age with you, do not say 'Uff' to them, and do not rebuke them, but speak to them graciously." Thus He began with the group, then addressed an individual. It has been established that every Muslim is intended by this address. Rulings apply to designations: thus every designation concerning which he, peace be upon him, issued a ruling applies to everything within the kind to which that designation applies.

Ali said: They, of all people, have the greatest reason to flee from this objection. For they took the report concerning the man who had intercourse during Ramadan, who was commanded to perform the expiation required for that, and were not content to make it generally applicable to every man who has intercourse: they went further and applied it to every man who eats or drinks, and then to every woman who has intercourse, eats, or drinks. Yet they took the report concerning the man who died while in the state of consecration and said: "It does not extend beyond that particular deceased man." They took his command ﷺ concerning the washing of his daughter and said: "It is generally applicable to every deceased woman." They took his prayer over the poor woman's grave and said: "It is specific to that poor woman." They have more than a thousand rulings of this sort, all contradicting one another.

What is utterly astonishing is their drawing an analogy between one breaking of the fast and another: they imposed expiation for eating, just as for the man who has intercourse. Yet they did not draw an analogy between one fast and another: they held that no expiation is incumbent on someone

لهم، فأشار إلى الخطاب المتقدم للواحد، وبين ذلك أيضا قوله تعالى {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} فبدأ بالجماعة، ثم خاطب خطاب واحد، وقد صح أن المراد بهذا الخطاب كل مسلم، والحكم على الأسماء فكل اسم حكم فيه عليه السلام فهو على كل ما تحت ذلك النوع الذي يقع عليه ذلك الاسم. قال علي: وهم أولى الناس بالهروب عن هذا السؤال، لأنهم أتوا إلى حديث الواطىء في رمضان، وهو المأمور بما يجب في ذلك من الكفارة فلم يقنعوا بأن جعلوه عاما لكل واطىء حتى تعدوا فجعلوه على كل آكل وشارب، ثم على كل موطوءة وآكلة وشاربة من الناس، وأتوا إلى حديث الميت في إحرامه فقالوا: لا يتعدى به ذلك الميت بعينه وأتوا إلى أمره صلى الله عليه وسلم في غسل ابنته فقالوا هو عام لكل ميتة وأتوا إلى صلاته على قبر المسكينة فقالوا: هو خاص لتلك المسكينة ولهم من مثل هذا أزيد من ألف حكم كلها ينقض بعضها بعضا. والعجب كل العجب في قياسهم إفطارا على إفطار، فجعلوا في الأكل الكفارة كالواطىء، ولم يقيسوا صياما على صيام، فلم يروا على المفطر عمدا في قضاء رمضان كفارة ولا على المفطر في قضاء النذر أيضا، وليس شيء من ذلك إجماعا، لأن إبراهيم النخعي وسعيد بن جبير، لا يريان الكفارة على الواطىء، وأصحاب الشافعي كلهم لا يرون الكفارة على المفطر بغير الوطء، وقتادة يرى الكفارة على المفطر في قضاء رمضان كهي على المفطر في رمضان، ولا فرق لأنه فرض وفرض، وصوم وصوم، وفطر وفطر. وقد ادعى قوم في أحاديث وردت أنها خصوص، مثل حديث رضاع سالم. قال علي: وليس كما قالوا، بل كل رضاع فمحرم بظاهر القرآن، إلا ما استثني بالسنة، من الأربع رضعات فأقل، وأما رضاع سالم فقد قال قوم: إنما كان حكما في التبني والتبني قد نسخ بقوله تعالى {دعوهم لآبائهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح

who deliberately breaks a fast undertaken to make up for Ramadan, nor on someone who breaks a fast undertaken to make up for a vow. None of this is a matter of consensus. Ibrahim al-Nakha'i and Sa'id ibn Jubayr do not hold expiation to be incumbent on the man who has intercourse, and all the followers of al-Shafi'i hold that expiation is not incumbent on someone who breaks the fast by something other than intercourse. Qatadah holds that expiation is incumbent on someone who breaks a fast undertaken to make up for Ramadan, just as it is on someone who breaks the fast during Ramadan. There is no difference: each is an obligation, each is a fast, and each is a breaking of the fast.

Some people have claimed that certain transmitted reports are specific in their applicability, such as the report concerning Salim's suckling. Ali said: It is not as they say. Rather, every instance of suckling establishes a marriage prohibition according to the apparent meaning of the Quran, except what the Sunnah excludes: four sucklings or fewer. As for Salim's suckling, some people have said that it was only a ruling concerning adoption, and adoption was abrogated by His saying, Most High: "Call them after their fathers; that is more equitable before Allah. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for mistakes you make in this, but for what your hearts deliberately intend. Allah is ever forgiving, merciful." Thus, when adoption ceased to apply, the ruling attached to it ceased to apply. Since it is not known which of the two came first—the report concerning Salim or his saying ﷺ, "Suckling is on account of hunger"—it became obligatory to adopt what adds to the established original rule. His saying ﷺ, "Suckling is only on account of hunger," together with His saying, Most High, "Your wives are a field for you, so come to your field however you wish, and send ahead for yourselves; be mindful of Allah, and know that you will meet Him, and give glad tidings to the believers," added to the established original rule of prohibition through suckling in general. It was therefore obligatory to adopt what added to it.

Ali said: Rather, the report concerning Salim is what adds to it, and must therefore be adopted, because His saying, Most High, "Mothers shall suckle their children for two complete years, for whoever wishes to complete the

فيما أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} فلما سقط التبني سقط الحكم المرتبط به، ولما لم يعلم أي الأمرين كان قبل أحديث سالم أم قوله صلى الله عليه وسلم الرضاعة من المجاعة وجب الأخذ بالزائد على معهود الأصل وكان قوله صلى الله عليه وسلم إنما الرضاعة من المجاعة مع قوله تعالى {نسآؤكم حرث لكم فأتوا حرثكم أنى شئتم وقدموا لأنفسكم وتقوا الله وعلموا أنكم ملاقوه وبشر لمؤمنين} زائدا على معهود الأصل في التحريم بعموم الرضاع فوجب الأخذ بالزائد. قال علي: بل حديث سالم هو الزائد فيلزم الأخذ به لأن 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} مسقط لحكم ما زاد على الحولين، فصار حديث سالم زائدا على الآية، وحاكما بتمادي التحريم بالرضاعة أبدا وما ندري في المصائب أطم من قول من عصى النبي صلى الله عليه وسلم في التحريم برضاع سالم وسمع وأطاع لتحريم برضاع شهرين بعد الحولين فقط، ولتحريم أبي حنيفة برضاع ستة أشهر بعد الحولين فقط ولا حولا ولا قوة إلا بالله العلي العظيم قال علي ومما يبين قولنا قوله صلى الله عليه وسلم لأبي بردة في الأضحية بعناق جذعة تجزيك ولا تجزي جذعة عن أحد بعدك فبين صلى الله عليه وسلم أن هذا الحكم خصوصا لأبي بردة ولو كان فتياه لواحد لا يكون فتيا في نوع تلك الحال لما احتاج عليه السلام إلى بيان تخصيصه ومثله قوله تعالى {يأيها لنبي إنآ أحللنا لك أزواجك للاتي آتيت أجورهن وما ملكت يمينك مما أفآء لله عليك وبنات عمك وبنات عماتك وبنات خالك وبنات خالاتك للاتي هاجرن معك

suckling. The one to whom the child is born is responsible for their provision and clothing according to what is customary. No soul is burdened beyond its capacity. No mother shall be harmed on account of her child, nor shall the one to whom the child is born be harmed on account of his child. The heir has the same obligation. If the two wish to wean by mutual consent and consultation, there is no blame upon them. If you wish to have your children suckled by others, there is no blame upon you, provided you hand over what you have given according to what is customary. Be mindful of Allah, and know that Allah sees what you do," removes the legal effect of what exceeds the two years. The report concerning Salim thus adds to the verse and rules that the establishment of a marriage prohibition through suckling continues indefinitely. We know of no calamity more overwhelming than the position of someone who disobeys the Prophet ﷺ concerning the prohibition established through Salim's suckling, yet hears and obeys a prohibition established through suckling for only two months beyond the two years, and Abu Hanifah's prohibition established through suckling for only six months beyond the two years. There is no power and no strength except through Allah, the Most High, the Magnificent.

Ali said: Among the things that clarify our position is his saying ﷺ to Abu Burdah concerning the sacrifice of a young female goat: "It suffices for you, but a young goat will not suffice for anyone after you." He ﷺ thus made clear that this ruling was specific to Abu Burdah. Had a legal opinion he gave to an individual not constituted a legal opinion concerning that kind of circumstance, he, peace be upon him, would not have needed to explain its specific applicability.

Similar to this is His saying, Most High: "O Prophet, We have made lawful for you your wives to whom you have given their bridal dues, and those whom your right hand possesses from what Allah has granted you as spoils, and the daughters of your paternal uncle, the daughters of your paternal aunts, the daughters of your maternal uncle, and the daughters of your maternal aunts who emigrated with you, and a believing woman if she gives herself to the Prophet, if the Prophet wishes to marry her—exclusively for you, apart from the believers. We know what We have prescribed for them concerning their

ومرأة مؤمنة إن وهبت نفسها للنبي إن أراد لنبي أن يستنكحها خالصة لك من دون لمؤمنين قد علمنا ما فرضنا عليهم في أزواجهم وما ملكت أيمانهم لكيلا يكون عليك حرج وكان الله غفورا رحيما} نخرج عليه السلام في نكاحه في جملة قوله تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} ومثله أمره تعالى بقوله {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن الله يحول بين لمرء وقلبه وأنه إليه تحشرون} نخرج بذلك عليه السلام من جملة قوله صلى الله عليه وسلم إن هذه الصلاة لا يحل فيها شيء من كلام الناس. وقد تناقض أبو يوسف فرأى قوله تعالى: {وإذا كنت فيهم فأقمت لهم الصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورائكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن لله أعد للكافرين عذابا مهينا} خصوصا له عليه السلام، ولم ير قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} خصوصا له عليه السلام وهذا تناقض ظاهر وصلاة الخوف لازمة لنا لقوله صلى الله عليه وسلم صلوا كما تروني أصلي وأخذ الزكاة لازمة للأمة لقوله صلى الله عليه وسلم أرضوا مصدقيكم وبقوله عليه السلام فمن سألها عن وجهها فليعطها ومن سئل أكثر منها فلا يعطها فإذا سألها أولو الأمر المأمور في القرإن بطاعتهم 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} لزم فرض أدائها إليهم، وكذلك

wives and those whom their right hands possess, so that there should be no hardship upon you. Allah is ever forgiving, merciful." Thus he, peace be upon him, departed, in his marriage, within the general scope of His saying, Most High: "You have indeed had in the Messenger of Allah a fine example, for whoever hopes for Allah and the Last Day and remembers Allah much."

Similar to this is His command, Most High, in His saying: "O you who believe, respond to Allah and to the Messenger when he calls you to that which gives you life. Know that Allah intervenes between a person and his heart, and that to Him you will be gathered." By this he, peace be upon him, was excluded from the general scope of his saying ﷺ, "In this prayer, none of people's speech is lawful."

Abu Yusuf contradicted himself: he regarded His saying, Most High, "When you are among them and lead them in prayer, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you, taking their precautions and their weapons. Those who disbelieve wish that you would neglect your weapons and your equipment, so that they might attack you in a single onslaught. There is no blame upon you, if you are troubled by rain or are ill, in laying down your weapons, but take your precautions. Allah has prepared a humiliating punishment for the disbelievers," as exclusive to him, peace be upon him, yet did not regard His exalted saying, {Take from their wealth a charitable payment by which you purify them and cleanse them, and pray for them; indeed, your prayers are a reassurance to them, and Allah is All-Hearing, All-Knowing}, as exclusive to him, peace be upon him. This is an evident contradiction. The prayer in circumstances of fear is binding upon us because of his saying, may Allah bless him and grant him peace ﷺ, "Pray as you see me praying." The collection of obligatory alms is binding upon the community because of his saying, may Allah bless him and grant him peace ﷺ, "Satisfy your alms collectors," and because of his saying, peace be upon him, "Whoever is asked for it in its proper manner must give it, and whoever is asked for more than it must not give it." Thus, when those vested with authority request it—those whom the Quran commands us to obey in His exalted saying, {O you who

أمره تعالى بقتال المشركين حتى يعطوا الجزية موجب كل ذلك على الأئمة قبضها وإرسال السعاة والولاة فيها.

believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in its outcome}—the obligatory duty of delivering it to them becomes binding. Likewise, His exalted command to fight the polytheists

until they pay the poll tax: all of this obliges the leaders to collect it and to dispatch collectors and governors for that purpose.[5859606162636465]

[58]**Translator's note (L1117):** A wasq is a measure of capacity; the discussion concerns the scope of the Arabic expression dūna, rendered here as "short of," and whether it means "less than" or "other than." "The implication of an utterance" renders dalīl al-khiṭāb, a technical term for an inference concerning cases left unmentioned in an utterance. The wording introduced as a quotation at the end continues into the next unit and differs from the familiar wording of the Gabriel report; it has been retained as supplied.

[59]**Translator's note (L1118):** The opening completes the wording introduced as a quotation in the preceding unit. The unpunctuated Arabic also permits taking "is instruction for them" as the author's explanation rather than part of the quotation. The Quranic quotation addresses a plurality in "you worship," then an individual in "with you," "do not say," "do not rebuke," and "speak." Ordinary English "you" does not display this distinction.

[60]**Translator's note (L1120):** The Arabic distinguishes the man who has intercourse from the woman with whom intercourse takes place; the translation preserves the distinction in sex while using natural English. The prohibition established by suckling is a prohibition of marriage through milk kinship, not a prohibition against suckling itself.

[61]**Translator's note (L1121):** "Clients" renders mawālī, denoting persons joined by a relationship of patronage or affiliation. The Quranic quotation has minor transcriptional omissions in Arabic spelling; these do not create a substantive difference in meaning.

[62]**Translator's note (L1122):** The opening continues the argument attributed to unnamed opponents in the preceding unit; Ali's rebuttal begins at "Ali said." The quotation about wives being a field reproduces the supplied citation, Quran 2:223. Its relevance to the accompanying argument about suckling is not explained; it has not been replaced with another verse. "What you have given" follows the supplied Quranic wording, although the surrounding instruction to hand it over is awkward in English.

[63]**Translator's note (L1123):** The Arabic following the marriage verse reads "departed … within the general scope" (fa-kharaja … fī jumlat), which is syntactically awkward and appears contrary to the argument for an exception. The likely intended sense is exclusion from the general applicability of the exemplary conduct verse, but the supplied preposition has not been silently corrected. The sacrificial animal is described as an ʿanāq jadhaʿah, a young female goat at the jadhaʿ stage; the Arabic does not specify its age numerically. The statement about exclusion from the prohibition of speech in prayer concerns responding to the Prophet's call, as indicated by the preceding quotation.

[64]**Translator's note (L1125):** The opening continues an argument from the preceding segment; the person whose distinction is being criticized is not identified within this unit.

[65]**Qur'an references (L1116):** Qur'an 17:23 (Al-Isra); Qur'an 33:5 (Al-Ahzab); Qur'an 2:223 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 33:50 (Al-Ahzab); Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 8:24 (Al-Anfal); Qur'an 4:102 (An-Nisa); Qur'an 9:103 (At-Tawbah); Qur'an 4:59 (An-Nisa).

L1126 As for a term specific to one kind being intended to mean another kind, this is an error for which there is no admissible course. It is invalid according to nature, revealed law, and language. As for revealed law, there is His exalted saying, {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein, and he shall have a humiliating punishment}. His exalted limits are what He has explicitly declared prohibited, obligatory, or permissible. Whoever prohibits something other than what Allah Most High has explicitly declared prohibited, or makes obligatory something other than what Allah Most High has explicitly declared obligatory, has transgressed the limits of Allah Most High. As for nature, we know by necessary knowledge that names were instituted only to express the meanings to which they were attached and which were named by them, not things to which they were not attached and which were not named by them. Nothing else can be established in anyone's reason; anything beyond this is sophistry, confusion, and the corruption of the world and of the constitution of sense perception and reason. As for language, we ask anyone, learned or ignorant, 'What is burr?' He says, 'Wheat.' If we ask him about barley, 'What is this?' he says, 'Barley.' If we say, 'It is wheat,' he rejects that and mocks whoever says it. No one, from the east of the world to its west, differs over this. Yet when they come to religion, in which caution must be exercised and precise determination is obligatory, they assign barley the ruling of wheat, contradict what they have acknowledged to be the literal truth, and rule according to what both we and they have established to be false. They transgress the limits and apply names to things other than their named referents. Success comes through Allah Most High.[66]

وأما خصوص لفظ في نوع يراد به نوع آخر فهذا خطأ لا سبيل إليه، وهو باطل بالطبيعة والشريعة واللغة أما الشريعة فقوله تعالى {ومن يعص الله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وحدوده تعالى ما نص على تحريمه، أو إيجابه أو إباحته فمن حرم غير ما نص الله تعالى على تحريمه، أو أوجب غير ما نص الله تعالى على إيجابه، فقد تعدى حدود الله تعالى. وأما الطبيعة فقد علمنا علم ضرورة أن الأسماء إنما وضعت ليعبر بها عن المعاني التي علقت عليها وسميت بها، لا عما لم يعلق عليه ولا سمي بها، هذا ما لا يثبت في عقل أحد غيره، وما عداه فسفسطة وتخليط وإفساد للعالم ولبنية الحس والعقل. وأما اللغة فإنا نسأل كل عالم وجاهل: ما البر؟ فيقول: القمح، فإن قلنا له عن الشعير: ما هذا؟ قال شعير، فإن قلنا: هو بر، أنكر ذلك وهزأ بقائله، هذا ما لا يختلف فيه أحد من شرق الدنيا وغربها حتى إذا أتى الدين الذي هو المحتاط فيه الواجب تحقيقه حكموا للشعير بحكم البر، وخالفوا ما أقروا أنه الحقيقة وحكموا بما أثبتنا نحن وهم أنه باطل، وتعدوا الحدود وأوقعوا الأسماء على غير مسمياتها وبالله تعالى التوفيق

L1127–1141 Section on the ways in which names are transferred from their named referents, whereby a command passes from being obligatory to its other modes, from immediate performance to deferred performance, from its apparent meaning to an interpreted meaning, and from general application to everything it encompasses to the specification of some of it; and an account of the evidence indicating that names have been transferred from their named referents to what we have mentioned.

فصل في الوجوه التي تنقل فيها الأسماء عن مسمياتها، فيخرج بذلك الأمر عن وجوبه إلى سائر وجوهه، وعن الفور إلى التراخي، وعن الظاهر إلى التأويل وعن العموم لكل ما يقتضي إلى تخصيص بعضه وذكر الدلائل التي تدل على أن الأسماء قد انتقلت عن مسمياتها إلى ما ذكرناه قال علي: هذا باب كثر فيه التخليط، وعظمت فيه الأغاليط ولو قلنا: إنه أصل لكل خطأ وقع في الشرائع لم يبعد عن الصواب فلنقل بحمد الله

[66] **Qur'an references (L1126):** Qur'an 4:14 (An-Nisa).

وعونه فيه قولا يرفع إن شاء الله تعالى الإشكال فنقول وبالله تعالى التوفيق: إن الأسماء المنقولة عن معانيها تكون بأربعة أوجه: أحدها نقل الاسم عن بعض معناه الذي يقع دون بعض، وهذا هو العموم الذي استثني منه شيء ما فبقي سائر مخصوصا من كل ما يقع عليه كقوله تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا الله ونعم لوكيل} وكسائر ما ذكرنا والوجه الثاني نقل الاسم عن موضوعه في اللغة بالكلية، وإطلاقه على شيء آخر، كنقل الله تعالى اسم الصلاة عن الدعاء فقط، إلى حركات محدودة من قيام وركوع وسجود وجلوس وقراءة ما، وذكر ما، لا يتعدى شيء من ذلك إلى غيره. وكنقله تعالى اسم الزكاة عن التطهر من القبائح إلى إعطاء مال محدود بصفة محدودة لا يتعدى، وكنقله تعالى اسم الكفر عن التغطية إلى الجحد له عز وجل، أو لنبي من أنبيائه أو لشيء صح عن الله تعالى وعن رسول الله صلى الله عليه وسلم مع بلوغ كونه كذلك إلى الجاحد له وكنقل الأمر الوارد عن الوجوب إلى الندب أو الإباحة، لأن هذا هو وضع اللفظ المرتب للإيجاب في غير معناه، ونقل له عن موضوعه إلى الندب الذي هو غير معناه، بل له صيغة أخرى تدل على أنه التخيير، وكنقل الأمر عن إلزام العمل به إلى المهلة فيه. قال علي: فقد بان بما ذكرنا أن نقل الأمر عن الوجوب والفور إلى الندب والتراخي هو باب واحد، مع نقل اللفظ عما يقتضيه ظاهره إلى معنى آخر، وهذا الباب يسمى في الكلام وفي الشعر الاستعارة والمجاز ومنه قوله تعالى {ذق إنك أنت لعزيز لكريم} ومثل هذا كثير والوجه الثالث نقل خبر عن شيء ما إلى شيء آخر اكتفاء بفهم المخاطب كقوله تعالى: {قال بل سولت لكم أنفسكم أمرا فصبر جميل عسى لله أن يأتيني بهم جميعا إنه هو لعليم لحكيم} وإنما أراد تعالى أهل القرية وأهل العير، فأقام الخبر عن القرية والعير مقام الخبر عن أهلها وكقوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا

Ali said: This is a subject in which confusion has proliferated and errors have become grave. Were we to say that it is the root of every error that has occurred in religious laws, we would not be far from the truth. So, with praise to Allah and with His assistance, let us give an account of it that will, if Allah Most High wills, remove the difficulty. We say—and success comes through Allah Most High—that names transferred from their meanings occur in four ways. The first is transferring a name from part of its meaning to which it applies, while leaving another part. This is a general expression from which something has been excepted, so that the remainder is left as a specified portion of everything to which it applies, as in His exalted saying, {Those to whom the people said, "The people have gathered against you, so fear them," but it increased them in faith, and they said, "Allah is sufficient for us, and an excellent Trustee He is"}, and the other examples we have mentioned. The second way is transferring a name entirely from its established linguistic meaning and applying it to something else, as when Allah Most High transferred the name 'prayer' from supplication alone to prescribed movements consisting of standing, bowing, prostration, and sitting, together with some recitation and some remembrance, none of which may be extended to anything else; and as when He Most High transferred the name 'obligatory alms' from purification from reprehensible things to the giving of a prescribed amount of wealth in a prescribed manner that may not be exceeded; and as when He Most High transferred the name 'unbelief' from covering to denial of Him, Mighty and Majestic, or of one of His prophets, or of something authentically established as coming from Allah Most High and from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, when its being so has reached the person denying it. Another example is transferring an issued command from obligation to recommendation or permissibility, for this is placing an expression instituted to impose an obligation in a meaning other than its own, and transferring it from its established meaning to recommendation, which is other than its meaning and indeed has another formulation indicating that it grants a choice. Another example is transferring a command from requiring compliance with it to allowing time for it. Ali said: It has thus become clear from what we have mentioned that transferring a command from obligation and immediate

performance to recommendation and deferred performance belongs to the same category as transferring an expression from what its apparent meaning entails to another meaning. In discourse and poetry, this category is called metaphorical borrowing and figurative usage. An instance is His exalted saying, {Taste! Indeed, you are the mighty, the noble!} There are many such examples. The third way is transferring a statement about one thing to another, relying on the addressee's understanding, as in His exalted saying, {He said, "Rather, your souls have made a matter seem attractive to you. So, beautiful patience! Perhaps Allah will bring them all to me. Indeed, He is the All-Knowing, the All-Wise."} He Most High intended only the inhabitants of the town and the people of the caravan, so He substituted a statement about the town and the caravan for a statement about their people. Another example is His exalted saying, {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 along a way, 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 resort to ground that is clean, and wipe your faces and your hands. Indeed, Allah is Ever-Pardoning, Ever-Forgiving}. He thus substituted mention of travel and illness for mention of the report, because what is intended is 'and you have incurred ritual impurity.' Another example is His exalted saying, {Allah does not hold you accountable for inadvertent utterances in your oaths, but He holds you accountable for the oaths you have bound yourselves by. Its expiation is feeding ten needy people from the average of what you feed your families, or clothing them, or freeing a slave. Whoever cannot find the means must fast for 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}. He Most High thus attached the ruling to swearing, whereas it applies only to breaking the oath or intending to do so, not to swearing. There are many such examples. The fourth way is transferring an expression from being true and entailing its meaning to its utterance being false and prohibited. This is abrogation, as when He Most High transferred the command to pray toward Jerusalem to that being at all lawful today, deliberately and without necessity. Ali said: We have distin-

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 الله كان عفوا غفورا} فأقام ذكر السفر والمرض مقام الحديث، لأن المراد فأحدثتم وكقوله تعالى {لا يؤاخذكم الله 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 الله لكم آياته لعلكم تشكرون} فأوقع تعالى الحكم على الحلف، وإنما هو على الحنث أو إرادته لا على الحلف، ومثل هذا كثير. والوجه الرابع نقل لفظ عن كونه حقا موجبا لمعناه إلى قوله باطلا محرما، وهذا هو النسخ كنقله تعالى الأمر بالصلاة إلى بيت المقدس إلى أن يحل ذلك اليوم أصلا بالعمد لغير ضرورة. قال علي: وإنما فرقنا بين النسخ وبين نقل الأمر عن الوجوب إلى الندب أو غيره، وإن كان كل ذلك نقلا، لأن النسخ كان الأمر المنسوخ مرادا منا العمل به قبل أن ينسخ، وأما المحمول على الندب فلم يرد قط منا إلزامنا العمل به، وهذا فرق ظاهر. قال علي: وكل ما ذكرنا فلا يحل أن يتعدى به موضوعه، لأنه كما ترى أنواع يجمعها جنس النقل للأسماء على مراتبها، فمن استجاز منها واحدا بغير برهان لزمه أن يجيز جميعها، وفي ذلك القضاء بالنسخ على كل شريعة، وبأنه لا يفهم عن الله تعالى ولا عن رسوله صلى الله عليه وسلم لفظ أصلا إذ لعله قد نقل إلى معنى آخر وهذا خروج عن الإسلام. قال علي: وإذا قد ذكرنا وجود النقل للأسماء عن معانيها، ومثلنا منها أمثلة، تدل عليها، وتنبه على أمثالها مما لم نذكره بحول الله تعالى وقوته فلنذكر إن شاء الله تعالى بتوفيقه لنا وعونه إيانا الدلائل التي بها تعلم صحة الوجوه التي ذكرنا، وبها يثبت عندنا أن الاسم قد نقل إلى بعض الوجوه التي ذكرنا، والتي متى لم توجد لم يحل لمسلم أن يقول: إن هذا اللفظ على غير موجبه وبالله تعالى التوفيق، فلنقل وبالله

guished between abrogation and transferring a command from obligation to recommendation or something else, although all of that is transference, because, in abrogation, our acting upon the abrogated command was intended before it was abrogated. As for what is construed as a recommendation, it was never intended that we should be obliged to act upon it. This is an evident distinction. Ali said: With regard to everything we have mentioned, it is not lawful to take it beyond its proper scope, because, as you see, these are species united under the genus of transferring names, according to their respective levels. Whoever permits any one of them without demonstration is bound to permit them all. That would entail ruling that every religious law is abrogated, and that no expression whatsoever from Allah Most High or from His Messenger, may Allah bless him and grant him peace ﷺ, can be understood, since it may have been transferred to another meaning. This is a departure from Islam. Ali said: Now that we have mentioned the existence of the transference of names from their meanings, and, through the power and strength of Allah Most High, have given examples that indicate it and draw attention to similar instances that we have not mentioned, let us mention if Allah Most High wills, through His granting us success and His assistance to us, the proofs by which the validity of the forms we have mentioned is known, and by which it is established for us that a designation has been transferred to one of the forms we have mentioned—proofs without which no Muslim may say that this expression bears a meaning other than what it entails. Success comes through Allah Most High. Let us therefore say, seeking protection in Allah: the demonstration indicating the transfer we have mentioned divides into two divisions, with no third: either nature or revealed law. As for nature, it is that by virtue of which reason indicates that an expression has been transferred from its established meaning to one of the forms of transfer we presented earlier. An example is His saying, Most High: "Those to whom the people said, 'The people have gathered against you, so fear them,' but it increased them in faith, and they said, 'Allah is sufficient for us, and an excellent trustee is He.'" It is established by rational necessity that what is meant here is some of the people, because reason necessarily entails that all people were not assembled on a single plain to tell these people what they told them, and because reason necessarily entails

نعتصم: إن البرهان الدال على النقل الذي ذكرنا ينقسم قسمين لا ثالث لهما: إما طبيعة وإما شريعة. فالطبيعة هو ما دل العقل بموجبه على أن اللفظ منقول من موضوعه إلى أحد وجوه النقل الذي قدمنا مثل قوله تعالى {الذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا الله ونعم لوكيل} فصح بضرورة العقل أن المراد بذلك بعض الناس لأن العقل يوجب ضرورة أن الناس كلهم لم يحشروا في صعيد واحد، ليخبروا هؤلاء بما أخبرهم به، ولأن العقل يوجب ضرورة أن المخبرين لهم بأن الناس قد جمعوا لهم، غير الجامعين لهم، وغير المجموع لهم بلا شك، وأن الجامعين غير المخبرين بالجمع، وغير المجموع لهم بلا شك ومثل قوله تعالى {قل كونوا حجارة أو حديدا} {صلى الله عليه وسلم} الإسراء 50 علمنا بضرورة العقل أنه أمر تعجيز، لأنه لا يقدر أحد على أن يصير حجارة أو حديدا، ولو كان أمر تكوين لكانوا كذلك، فلما وجدهم العقل لم يكونوا حجارة ولا حديدا علم أنه تعجيز، وأما الشريعة فهي أن يأتي نص قرآن أو سنة، أو نص فعل منه عليه السلام، أو إقرار منه عليه السلام، أو إجماع على أحد وجوه النقل الذي ذكرنا كما دل الإجماع على أن اسم أب في قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} منقول عن الاقتصار على الأب وعلى الأجداد من الأب والأم وإن بعدوا، إلى الآباء من الرضاعة والأجداد من الرضاعة لقوله عليه السلام: يحرم من الرضاع ما يحرم من النسب كما دل نص أيضا على نقل اسم الأب إلى العم في قوله حاكيا عن القائلين {أم كنتم شهدآء إذ حضر يعقوب لموت إذ قال لبنيه ما تعبدون من بعدي قالوا نعبد إلهك وإله آبائك إبراهيم وإسماعيل وإسحاق إلها واحدا ونحن له مسلمون} وإنما كان إسماعيل عما لا أبا، ولم يجب من أجل هذا أن ننقل اسم أب في المواريث إلى الجد من الأم أصلا، وكما دل النقل المتواتر أيضا على نقل اسم ابن في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ

that those who informed them that the people had gathered against them were other than those gathering against them, and other than those against whom the gathering was directed, without doubt; and that those gathering were other than those reporting the gathering, and other than those against whom the gathering was directed, without doubt. Another example is His saying, Most High: "Say: Be stones or iron." {May Allah bless him and grant him peace ﷺ.} Al-Isra', 50. We know by rational necessity that this is a command intended to demonstrate inability, because no one is capable of becoming stones or iron. Had it been a command bringing something into existence, they would have become so Thus, when reason found that they had become neither stones nor iron, it knew that this was intended to demonstrate inability. As for revealed law, it consists in the occurrence of an explicit text of the Quran or the Sunnah, or an explicit textual account of an act of his, peace be upon him, or a tacit approval of his, peace be upon him, or a consensus establishing one of the forms of transfer we have mentioned. Thus consensus indicates that the designation "father" in His saying, Most High, "Do not marry those women whom your fathers married, except what has already passed; indeed, it was an indecency, an abhorrence, and an evil way," has been transferred from being restricted to the father and the grandfathers on the father's and mother's sides, however remote, to fathers through suckling and grandfathers through suckling. This is because of his saying, peace be upon him: "What is forbidden through lineage is forbidden through suckling." An explicit text likewise indicates the transfer of the designation "father" to the paternal uncle, in His saying, recounting the words of those who spoke: "Or were you witnesses when death came to Jacob, when he said to his sons, 'What will you worship after me?' They said, 'We shall worship your God and the God of your fathers, Abraham, Ishmael, and Isaac, one God, and to Him we submit.'" Ishmael was only a paternal uncle, not a father. Yet it did not follow from this that we should transfer the designation "father," in matters of inheritance, to the maternal grandfather at all. Likewise, transmission through numerous independent channels also indicates that the designation "son" in His saying, Most High, "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers

وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} عن الاقتصار على الابن وبني البنين وبني البنات، وإن بعدوا، إلى البنين من الرضاعة أيضا، ولم يجب من ذلك أن ننقل اسم الابن في المواريث إلى ابن الرضاعة، وبني البنات، ولا يحجب بابن الرضاعة ولا ببني البنات الأم عن الثلث ولا الزوج عن النصف، ولا الزوجة عن الربع إلى السدس والربع والثمن، ولم يوجب شيء مما ذكرنا أن ننقل اسم الأم عن الوالدات اللاتي حملن الإنسان في بطونهن في كل حكم إلى أمهات الرضاعة، لأن العلم واجب ضرورة بأن الناس ماتوا على عهد رسول الله صلى الله عليه وسلم ولهم بنو البنات والأجداد من قبل الأمهات، وكذلك من الرضاعة، فلم يرث أحد منهم شيئا بالنقل عن الكواف عصرا عصرا، وكم يجب إذا خص الجد من الأب والابن من الولادة، والأم من الولادة بالميراث أن يتعدى ذلك فيخص بعض الوالدات، وبعض الأبناء، وبعض الأجداد بلا دليل، ولذلك ورثنا الجد للأب إذا لم يكن هنالك أب دون الإخوة، ولأنه متفق على أنه في تلك الفرائض والإخوة مختلف فيهم ولا نص في ذلك، فلزم ألا نورث أحدا بلا نص ولا إجماع، وهم الإخوة، ولزم أن يورث الجد لأنه متفق على أنه يرث في تلك الفرائض مع النص على أنه أب، وكان يلزم من يقول بالخصوص أن يخرج بعض النبيين على أن يورثهم مع سائر النبيين قياسا على الإجماع في ألا يورث بنو البنات، لأنهم بنون، ولا يحرم على آباء أمهاتهم نكاح حلائلهم، ومن قال إن الجدة قيست على الأم في التحريم لزمه أن يقيسها عليها في التوريث، وإلا كان متناقضا، وبالله تعالى التوفيق. فصح بما ذكرنا أن إخراج الأسماء عن مواضعها إذا قام دليل من الأدلة التي ذكرنا واجب لأنه أخذ في كل ذلك بالظاهر الوارد وبالنص الزائد، فلم يخرج عن الظاهر في كل ذلك،

who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters under your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you join two sisters in marriage, except what has already passed. Indeed, Allah is ever forgiving, merciful," has been transferred from being restricted to the son, sons' sons, and daughters' sons, however remote, to sons through suckling as well. Yet it did not follow from this that we should transfer the designation "son," in matters of inheritance, to a son through suckling and to daughters' sons. Neither a son through suckling nor daughters' sons reduce the mother's share from one third, the husband's from one half, or the wife's from one quarter to one sixth, one quarter, and one eighth respectively. Nothing we have mentioned entails transferring the designation "mother," in every ruling, from the women who gave birth, who carried the person in their wombs, to mothers through suckling, because it is necessarily known that people died during the lifetime of the Messenger of Allah, may Allah bless him and grant him peace, and they had daughters' sons and grandfathers on their mothers' sides, and likewise relatives through suckling, yet none of these inherited anything, according to transmission from the multitudes, generation after generation. And how often must it follow, when the paternal grandfather, the son by birth, and the mother by birth are singled out for inheritance, that this be extended so that some birth mothers, some sons, and some grandfathers are singled out without evidence! For this reason we accorded inheritance to the paternal grandfather, when no father is present, to the exclusion of the brothers, and because it is agreed that he is included in those inheritance allocations, whereas the brothers are disputed, and there is no explicit text concerning that. It was therefore necessary that we accord inheritance to no one without an explicit text or consensus—and these are the brothers—and necessary that the grandfather be accorded inheritance, because it is agreed that he inherits in those inheritance allocations, together with the explicit text establishing that he is a father. Whoever advocates restriction to particular cases would have been obliged to exclude some of the prophets, while according them inheritance together with the rest of the prophets, by analogy with the con-

ووجب إذا عدم دليل منها ألا ينقل شيء من الخطاب عن ظاهره في اللغة، وأما من خصص الظاهر أو العموم بقياس، أو بدليل خطاب، أو بقول صاحبه، فذلك باطل، وسنبين ذلك في الأبواب المذكورة إن شاء الله تعالى وقد قال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلاح أن لا بيان إلا بنص أو بضرورة عقل كما قدمنا لأن رسول الله صلى الله عليه وسلم هو التالي علينا القرآن فهو المبين به وهو الآمر لنا بالسنن المبينة علينا، وهو الآمر باتباع القرآن والسنن والإجماع، وهو عليه السلام الذي نص علينا في القرآن إيجاب استعمال العقل والحس. وقد ذكرنا في باب الأخبار من هذا الكتاب كيف التخصيص بالآية للآي وللحديث، وبالحديث للآي وللحديث. قال علي: ومن التخصيص بالإجماع 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} فلما أجمعت الأمة بلا خلاف أن 9 هم إن بذلوا فلسا أو فلسين لم يجز بذلك حقن دمائهم، ولا خرجوا عن إيجاب قتلهم، وحتى لو كثر القائلون بذلك، واشتهر فضلهم ما وجب أن يعتد بهذا القول، لأنه لم يأت به قرآن ولا سنة ولكن لما قال 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} بالألف واللام وهما في اللغة التي بها نزل القرآن للعهد والتعريف علمنا أنه أراد تعالى جزية معلومة معهودة وبين ذلك بقوله 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} بالألف واللام والألف واللام في لغة العرب لا يقع إلا على معهود وصح أن النبي صلى الله عليه وسلم لما أمر بأخذ دينار من كل محتلم منهم ومحتلمة، علمنا أن ما دون الدينار ليس هو الجزية المحرمة لدمائهم وأموالهم، ولم يكن لأقصى الجزية

sensus concerning daughters' sons not being accorded inheritance, because they are sons, and their mothers' fathers are not forbidden to marry their wives. Whoever says that the grandmother was assimilated by analogy to the mother with respect to the marriage prohibition must assimilate her by analogy to the mother with respect to inheritance; otherwise he is inconsistent. Success comes through Allah Most High. What we have mentioned thus establishes that taking designations beyond their established applications, when one of the proofs we have mentioned is established, is obligatory, because in all of this one adheres to the apparent meaning that has been transmitted and to the additional explicit text. Thus one has not departed from the apparent meaning in any of this. When no such proof exists, it is obligatory that no part of the discourse be transferred from its apparent meaning in the language. As for someone who restricts the apparent meaning or the general scope by analogy, by an implication inferred from the discourse, or by the statement of a companion of his, that is invalid. We shall explain this in the chapters mentioned, if Allah Most High wills. He, Most High, has said: "With clear proofs and the scriptures; and We sent down to you the Reminder so that you might explain to the people what was sent down to them, and that they might reflect." It is therefore evident that there is no explanation except through an explicit text or rational necessity, as we stated earlier. For the Messenger of Allah, may Allah bless him and grant him peace ﷺ, is the one who recites the Quran to us, and thus explains by means of it; he is the one who commands us to observe the Sunnahs that explain matters to us; and he is the one who commands adherence to the Quran, the Sunnahs, and consensus. It is he, peace be upon him, who explicitly conveyed to us in the Quran the obligation to employ reason and sense perception. In the chapter on reports in this book, we have mentioned how restriction is effected by a verse upon verses and upon a hadith, and by a hadith upon verses and upon a hadith. Ali said: An instance of restriction by consensus is His saying, Most High: "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 Scripture, until they pay the tribute by hand, while they are humbled." Since the community unanimously agreed, without disagreement, that if they offered one or two

وأكثرها حد يوقف عنده فيدعى فيه وجوبه بالإجماع، فإن يحيى بن آدم وعطاء بن رباح، وعمرو بن دينار، وسفيان الثوري، كلهم يقول: ليس لأكثر الجزية حد، وإنما هو ما ترضوا به، فلما كان اسم الجزية يقع على الدينار وجب قبوله ممن لا يقدر على أكثر منه، ولزم المصالحين ما صالحوا عنه وهو أكثر من الدينار، ووجب أن يفرض على من يطيق أكثر من دينار من أهل العنوة ما أطاق، ما لا يجحف به. وأما نقل الأمر عن الوجوب إلى الندب فإنه لا مدخل للعقل فيه، وإنما يؤخذ من نص آخر أو إجماع فقط كما قلنا في قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} أنه إباحة لما ذكرنا في ذلك للإجماع على ذلك، وقلنا في الوتر: إنه ندب لقول الله تعالى له ليلة أسري به: هن خمس وهن خمسون لا يبدل القول لدي ولأنه عليه السلام كان ينتقل على البعير، فإذا أراد الفريضة نزل وكان يوتر على البعير. وأما النهي عن القران بين التمرتين في الأكل والإشهاد على التبايع وكتاب الديون، والانتشار بعد الصلاة للنوم والأكل وطلب الرزق، والأكل من الهدي والإطعام منه، ومن الأضحية والمكاتبة لمن طلبها ممن فيه خير من الرقيق، وإيتاؤهم من مالنا، ففرائض كلها، لأنه لا نص في إخراجها عن الوجوب، ولا إجماع، وأما أمره تعالى لأهل النار بالدخول فيها وأن يخسؤوا، وبصليها، فأمر اضطرار لا محيد لهم عنه، وأما أمره تعالى لأهل الجنة بالأكل وبالشرب وقبول النعيم فأمر إيجاب لا بد لهم من قبوله مختارين مغتبطين، كما تفعل الملائكة فيما يؤمرون به وبالله تعالى التوفيق

[79] **Qur'an references (L1127):** Qur'an 12:83 (Yusuf); Qur'an 4:43 (An-Nisa); Qur'an 5:89 (Al-Ma'idah); Qur'an 17:50 (Al-Isra); Qur'an 4:22 (An-Nisa); Qur'an 2:133 (Al-Baqarah); Qur'an 4:23 (An-Nisa); Qur'an 16:44 (An-Nahl); Qur'an 5:2 (Al-Ma'idah).

copper coins, this would not suffice to spare their lives or release them from being liable to be killed—even if those who said this became numerous and their excellence became renowned, this statement would not have to be given any weight, because neither the Quran nor the Sunnah brought it. Rather, when He, Most High, said, "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 Scripture, until they pay the tribute by hand, while they are humbled," with the alif and lam, which in the language in which the Quran was revealed indicate an already known referent and definiteness, we knew that He intended —Most High—a known, established tribute. He made this clear by His saying, Most High: "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 Scripture, until they pay the tribute by hand, while they are humbled," with the alif and lam; and in the language of the Arabs, the alif and lam apply only to an already known referent. It is established that when the Prophet, may Allah bless him and grant him peace ﷺ, commanded that a dinar be taken from each male and female among them who had reached puberty, we knew that anything less than a dinar was not the tribute that renders their lives and property inviolable. There was no limit for the maximum and greatest amount of tribute at which one must stop, such that its obligatory character could be claimed on the basis of consensus. For Yahya ibn Adam, Ata ibn Rabah, Amr ibn Dinar, and Sufyan al-Thawri all say: There is no limit to the greatest amount of tribute and it is simply whatever they mutually agree upon. Since the designation "tribute" applies to a dinar, it is obligatory to accept it from someone unable to afford more, while those who conclude a settlement are bound by the amount for which they settled, which is greater than one dinar. It is obligatory to assess those among the people conquered by force who can afford more than one dinar at whatever they can bear without being impoverished by it. As for transferring a command from obligation to recommendation, reason has no role in this; it is derived only from another text or consensus, as we have said concerning His saying, exalted is He: {O you who believe, do not violate the rites of Allah, nor the sacred month,

nor the sacrificial offerings, nor the garlands, nor those bound for the Sacred House, seeking bounty from their Lord and good pleasure. When you have left the state of consecration, then hunt. Let not hatred of a people, because they barred you from the Sacred Mosque, cause you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment}: it conveys permission, for the reasons we mentioned concerning it, because there is consensus on that. We have said that the odd-numbered prayer is recommended because Allah, exalted is He, said to him on the night when he was taken on the night journey, "They are five, and they are fifty; the word is not changed with Me"; and because he, peace be upon him ﷺ, used to move about on the camel, but when he intended to perform the obligatory prayer he dismounted, whereas he performed the odd-numbered prayer on the camel. As for the prohibition against combining two dates when eating, having witnesses to sales, recording debts, dispersing after prayer to sleep, eat, and seek a livelihood, eating from sacrificial offerings and feeding others from them and from the festival sacrifice, entering into a contractual emancipation agreement with slaves in whom there is good when they request it, and giving them some of our wealth—all these are obligatory duties, because there is neither a text nor consensus removing them from obligation. As for His command, exalted is He, to the inhabitants of the Fire to enter it, to be abased, and to burn in it, this is a command of compulsion from which they have no escape. As for His command, exalted is He, to the inhabitants of Paradise to eat, drink, and accept bliss, this is a command imposing an obligation that they must accept, willingly and joyfully, just as the angels do whatever they are commanded. Through Allah, exalted is He, comes success.[67][68][69][70][71][72][73][74][75][76][77][78][79]

[67] **Translator's note (L1128):** The wording فبقي سائر مخصوصا is grammatically awkward; the translation follows its apparent sense that the remaining scope of the general expression is restricted by the exception.

[68] **Translator's note (L1129):** The quotation supplied is Quran 12:83, whereas the ensuing explanation about the town and caravan evidently concerns Quran 12:82. The supplied quotation has been translated without replacement.

[78] **Translator's note (L1141):** The opening completes the preceding segment's phrase "more than one dinar." The supplied text reads "used to move about" (yantaqilu), although the contrast with obligatory prayer suggests an intended reading "used to perform voluntary prayers" (yatanaffalu). The supplied reading is retained. The Qur'anic quotation, 5:2, contains numerous defective spellings and missing initial letters in definite articles; the words remain identifiable.

L1142–1164

Section concerning a text part of which is specified: does the remainder retain its general scope, or is it not construed as general?

Ali said: As for a text concerning which demonstration establishes that it does not retain its general scope, some people have said, "The remainder re-

فصل في النص يخص بعضه هل الباقي على عمومه أم لا يحل على عمومه قال علي وأما النص الذي يصح البرهان على أنه ليس على عمومه، فقد قال قوم الباقي على عمومه،

[69]**Translator's note (L1130):** The source reads الحديث, 'the report' or 'discourse,' where the argument apparently requires الحدث, 'ritual impurity.' The supplied reading is retained in the translation and the apparent error is identified here.

[70]**Translator's note (L1131):** The source reads إلى أن يحل, 'to its being lawful,' although the argument concerning abrogation apparently requires إلى ألا يحل, 'to its no longer being lawful.' The contradictory supplied reading has been retained.

[71]**Translator's note (L1132):** The opening continues the preceding segment's "let us mention." The Quranic quotation, corresponding to 3:173, repeatedly omits written initial alifs in the transcription; its wording remains recognizable.

[72]**Translator's note (L1133):** The complete salutation appears anomalously between the Quranic quotation and its reference; it has been preserved rather than omitted or incorporated into the verse. "Al-Isra', 50" is an apparent editorial verse reference.

[73]**Translator's note (L1134):** The Quranic quotations correspond to 4:22 and 2:133. The transcription omits an initial alif in several recognizable words.

[74]**Translator's note (L1135):** The Quranic quotation corresponds to 4:23; several words have omitted initial alifs in the transcription. The final salutation is incomplete in this segment and continues in the next.

[75]**Translator's note (L1136):** The opening completes the preceding salutation. "And how often must it follow" translates the supplied وكم يجب, which is awkward in this argument and may be corrupt; it has not been silently changed to a negation. The supplied text twice reads النبيين, "the prophets," in a discussion of sons and inheritance. The reading is apparently corrupt, but "prophets" has been retained. The clause "it is agreed that he is included in those inheritance allocations" is elliptic in Arabic; the following sentence explicitly supplies the sense of inheriting.

[76]**Translator's note (L1138):** The transcription contains an intrusive numeral "9" between أن and هم; it has no discernible linguistic function. The passage beginning "Since the community unanimously agreed" has an awkward, apparently unfinished syntactic construction, preserved without supplying a missing conclusion. "A companion of his" renders صاحبه as supplied; the text does not read the usual technical expression "a Companion's statement." The Quranic quotations correspond to 16:44 and, twice, 9:29. Several words have omitted initial alifs in the transcription.

[77]**Translator's note (L1139):** The opening "Most High" qualifies "He" at the end of the preceding segment. The Quranic quotation repeats 9:29; several words have omitted initial alifs in the transcription.

[90]**Translator's note (L1158):** The opening continues a quotation of Quran 5:5 begun in the preceding segment. The full quotation of Quran 2:221 is repeated after the claim that it occurs "immediately afterward." This apparent quotation or transcription problem is preserved. The wording "we would be presenting something stronger than what they invoke as evidence" renders the awkward reading نبين بأقوى مما يحتاجون به. The supplied يحتاجون means "they need," although the context appears to require "they adduce as evidence." "A brother's emancipation" refers to the legal question of emancipation resulting from ownership of one's brother. The cited verse is retained as the author's argument. "The procedure of sworn oaths in a homicide case" renders the technical term qasāma.

[91]**Translator's note (L1159):** "Phrenitis" renders the historical medical condition implied by المبرسمين, characterized here by delirium. The opening completes the preceding segment's reference to an argument for qasāma drawn from the account of the cow of the Children of Israel.

[92]**Translator's note (L1160):** "Particularized" and "particularization" refer to restricting the scope of a general text. The lists of exclusions are preserved as supplied; the references to a paternal aunt and a maternal aunt do not expressly repeat the corresponding nieces. The Quranic quotation ends mid-clause and continues in the next segment.

[93]**Translator's note (L1161):** The quotation of Quran 2:221 is repeated in full after the quotation completed at the beginning of this segment. The repetition is preserved. "Married women" and "seeking chastity" render forms of the same Arabic root in Quran 4:24 according to their respective contexts.

[94]**Translator's note (L1162):** The supplied text says "and because of His statement, exalted is He" without supplying a subsequent quotation. This apparent lacuna is preserved. The final clause is syntactically awkward and continues with "the guarding of private parts" in the next segment; its apparent wording is preserved rather than repaired.

[95]**Translator's note (L1163):** "What encompasses fewer cases" renders الأقل معاني, literally "what has fewer meanings," in the author's discussion of the relative scope of texts. The statement "they invalidate analogy" is preserved as supplied, although its referent is unclear and the surrounding argument addresses proponents of analogy. The segment ends within ملك اليمين, rendered across the boundary as "right-hand possession."

[96]**Qur'an references (L1142):** Qur'an 9:103 (At-Tawbah); Qur'an 2:29 (Al-Baqarah); Qur'an 24:30 (An-Nur); Qur'an 4:3 (An-Nisa); Qur'an 21:23 (Al-Anbya); Qur'an 4:59 (An-Nisa); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij); Qur'an 2:221 (Al-Baqarah); Qur'an 4:23 (An-Nisa); Qur'an 5:5 (Al-Ma'idah); Qur'an 62:11 (Al-Jumu'ah); Qur'an 5:25 (Al-Ma'idah); Qur'an 17:23 (Al-Isra); Qur'an 4:24 (An-Nisa); Qur'an 9:28 (At-Tawbah); Qur'an 9:5 (At-Tawbah).

tains its general scope." Another—Isa ibn Aban, the Hanafi judge of Basra—has said, "We accept from it only what is agreed upon." Ali said: The correct position concerning this is that, if it is one of those texts whose intended meaning would not be understood if we were left with its apparent wording alone, then we accept from it only what another text or consensus explains. Examples are "Establish prayer" and "Give the obligatory alms." Furthermore, Allah, exalted is He, expressly designated prayer and the obligatory alms for us with the definite article, alif and lam, and alif and lam refer only to something already known. The manner of performing the prayer and giving the obligatory alms incumbent upon us is not understood from this apparent wording, so their explanation must be sought from other texts or consensus. He, exalted is He, has informed us that He burdens no soul beyond its capacity. It is not within our capacity to understand facing the Kaaba, performing four units of prayer for the noon prayer, with two prostrations in each unit, and three for the sunset prayer, from His saying, exalted is He: {Establish prayer, give the obligatory alms, and bow with those who bow}. Nor is it within our capacity to understand giving one sheep for five camels, or what obligatory alms are due on cattle and sheep, from His saying, exalted is He: {Establish prayer, give the obligatory alms, and bow with those who bow}. Because of this text, we rule out His imposing upon us, exalted is He, what we cannot bear. Had He willed that, however, exalted is He, it would have been good according to reason. Had He, exalted is He, required us to drink the water of the sea in a single draught and then punished us if we did not do so, that would have been just and right. But He, exalted is He, has graciously favored us, assured us of safety from that, and has not required of us what we cannot bear. To Him belong praise and thanks; there is no deity but Him. Likewise, His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, contains no explanation of the manner of that alms offering, nor of when it is to be taken—every day, every month, every year, or once in a lifetime—nor of the amount to be taken, nor of which kind of wealth it is to be taken from. Thus, in His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for

وقال بعضهم وهو عيسى بن أبان الحنفي قاضي البصرة: لا نأخذ منه إلا ما اتفق عليه.
قال علي: والصحيح من ذلك أنه كان من النصوص التي لو تركنا وظاهرها لم يفهم منه المراد فإننا لا نأخذ منها إلا ما يبينه نص آخر أو إجماع، وذلك مثل: أقيموا الصلاة وآتوا الزكاة، وأيضا فإن الله تعالى نص لنا على الصلاة والزكاة بالألف واللام، والألف واللام إنما يقعان على معهود، ولا يفهم من هذا الظاهر كيفية الصلاة والزكاة الواجبين علينا فوجب أن يطلب بيانهما من نصوص أخر أو إجماع، وقد أخبرنا تعالى أنه لا يكلف نفسا إلا وسعها، وليس في وسعنا أن نفهم استقبال الكعبة والإتيان بأربع ركعات للظهر في كل ركعة سجدتان وثلاث للمغرب من قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} ولا في وسعنا أن نفهم إعطاء شاة من خمس من الإبل، وما يجب من الزكاة من البقر والغنم من قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} ولأجل هذا النص منعنا من أن يكون تعالى يكلفنا ما لا نطيق، وأما لو شاء ذلك تعالى لكان حسنا في العقل، ولو أنه تعالى كلفنا شرب ماء البحر في جرعة، ثم يعذبنا إن لم نفعل لكان ذلك عدلا وحقا، ولكنه تعالى قد تفضل علينا وآمننا من ذلك ولم يكلفنا ما لا نطيق، فله الحمد والشكر لا إله إلا هو. وكذلك قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} ليس فيها بيان كيفية تلك الصدقة، ولا متى تؤخذ أفي كل يوم أم في كل شهر أم في كل عام؟ أم مرة في الدهر؟ ولا مقدار ما يؤخذ ولا من أي مال، ففي قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} عمومان اثنان أحدهما الأموال، والثاني: الضمير الراجع إلى أرباب الأموال، فأما عموم الأموال: فقد صح الإجماع المنقول جيلا جيلا إلى رسول الله صلى الله عليه وسلم أنه لم يوجب الزكاة إلا في بعض الأموال دون بعض، مع أن نص الآية يوجب ذلك، لأنه إنما قال تعالى: {خذ من أموالهم صدقة

them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, there are two expressions of general scope: one is "wealth," and the second is the pronoun referring back to the owners of the wealth. As for the general scope of "wealth," consensus transmitted generation after generation back to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, has been established that he made the obligatory alms incumbent only upon certain kinds of wealth, to the exclusion of others. The wording of the verse itself also requires this, since He, exalted is He, said only: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}. The apparent wording therefore entails that whatever is taken, whether little or much, has been taken from their wealth as commanded. And his saying, peace be upon him ﷺ, when he was asked about donkeys, whether obligatory alms were due on them or not, that this wording does not mean all wealth. He, peace be upon him ﷺ, also said, "Your wealth is inviolable among you." He, peace be upon him ﷺ, said, "Everything belonging to a Muslim is inviolable to another Muslim: his blood, his wealth, and his honor." He, peace be upon him ﷺ, expressly stated that it was not lawful for him to take anyone's wealth except with that person's willing consent. The obligatory alms are not like that; rather, they are to be fought if they withhold them. Furthermore, the expression {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, in His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, serves only to indicate a part. Furthermore, if wealth were intended in its general scope, that would be impossible, because it would require taking something from every grain of wheat, every mustard seed, and every brand, since all of that is wealth. Once everything we have mentioned establishes that He, exalted is He, did not intend every kind of wealth, it becomes obligatory to seek knowledge of the kinds of wealth on which the obligatory alms are due, the amount to be taken from them, and when it is to be taken, from another

تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} فالظاهر يقتضي أن ما أخذ مما قل أو كثر فقد أخذ من أموالهم كما أمر، وقوله عليه السلام إذ سئل عن الحمير: أفيها زكاة أم لا على أن هذا اللفظ ليس مرادا به جميع الأموال، وقد قال عليه السلام: إن أموالكم عليكم حرام وقال عليه السلام: كل المسلم على المسلم حرام دمه وماله وعرضه، ونص عليه السلام على أنه لا يحل له أخذ مال أحد إلا بطيب نفسه وليست الزكاة كذلك، بل هم مقاتلون إن منعوها. وأيضا فإن لفظة: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} في قوله تعالى {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} إنما هي للتبعيض وأيضا فلو كانت الأموال مرادة على عمومها لكان ذلك ممتنعا، لأن ذلك كان يوجب الأخذ من كل برة، ومن كل خردلة، ومن كل سمة، لأن كل ذلك أموال، فلما صح بكل ما ذكرنا أنه تعالى لم يرد كل مال وجب طلب معرفة الأموال التي تجب فيها الزكاة، ومقدار ما يؤخذ منها، ومتى يؤخذ من نص آخر، أو من الإجماع إذ قد ثبت أن المأخوذ هو شيء من بعض ما يملكونه، فلا بد من بيان ذلك الشيء المراد، فإنه إذا أخذ شيء يقع عليه اسم شيء واحد من جميع أموالهم، فقد أخذ من أموالهم، وكان هذا أيضا موافقا للظاهر وغير مخالف له البتة، وليس إلا هذا الوجه، إلا أن يوجب أكثر منه نص أو إجماع، لأنه قد تعذر الوجه الثاني، وهو أن يؤخذ من كل مال جزء، وإذا لم يكن لشيء إلا قسمان فسقط أحدهما ثبت الآخر، فلو لم تأت نصوص وإجماع على الأخذ من المواشي والذهب والفضة والبر والشعير والتمر، لما وجب إلا ما يقع عليه اسم أخذ، لأجزأ إعطاء برة واحدة أو شعيرة واحدة، أو أي شيء أعطاه المرء، ولكن النصوص والإجماع على ما ذكرنا، فرض الوقوف عندهما. وأما العموم الثاني: وهو عموم أرباب

text or from consensus. For it has been established that what is taken is something from a portion of what they own, and the particular thing intended must therefore be explained. If something to which the designation "a single thing" applies is taken from the entirety of their wealth, then something has been taken from their wealth. This would also be in accordance with the apparent wording and would not conflict with it at all. There is only this interpretation, unless a text or consensus requires more than it, because the second interpretation—that a portion be taken from every item of wealth—has proved impossible. When something has only two possibilities and one is eliminated, the other is established. Had texts and consensus not come concerning taking from livestock, gold, silver, wheat, barley, and dates, nothing would have been obligatory except something to which the designation "taking" applies: giving a single grain of wheat, a single grain of barley, or anything a person gave would have sufficed. But adherence to the texts and consensus concerning what we have mentioned is obligatory. As for the second expression of general scope, namely the general inclusion of the owners of wealth, it is plain and clear: it means from every person possessing wealth. It must therefore be applied in its general scope once the amount to be taken, when it is to be taken, and what it is to be taken from are known. Nothing is excluded from that except what a text or consensus excludes, as we shall mention later, if Allah, exalted is He, wills. As for an explicit text whose meaning is understood from its wording, which we could have applied in its general scope even if nothing else had reached us, but then another text or consensus comes and specifies some of what falls under the designation, nothing is excluded from it except what the text and consensus exclude. The evidence for this consists of the same arguments by which we established the position affirming general scope at the beginning of this chapter, whose sections we are now discussing. Anyone who says, "I retain within it only what a text or consensus establishes as remaining within it," must permit the shedding of the blood of the entire community except those whose blood is agreed to be inviolable. For there is indeed agreement that his saying, peace be upon him ﷺ, "Your blood and your wealth are inviolable among you," does not retain its general scope; rather, many have been singled out from it, such as adulterers who have consummated a valid marriage, those who kill

الأموال فبين واضح، وهو من: كل إنسان ذي مال، فوجب استعماله على عمومه، إذ عرف مقدار ما يؤخذ، ومتى يؤخذ، ومما يؤخذ، فلا مخرج من ذلك إلا ما أخرجه نص أو إجماع على ما نذكر بعد هذا إن شاء الله تعالى. وأما النص المفسر الذي يفهم معناه من لفظه، وكان يمكننا استعماله على عمومه ولو لم يأتنا غيره، فأتى نص آخر أو إجماع، فخص منه بعض ما يقع عليه الاسم، فإنه لا يخرج منه إلا ما أخرج النص والإجماع، والحجة في ذلك هي الحجج التي أثبتنا بها القول بالعموم في أول هذا الباب الذي نحن الآن في فصوله، ويلزم من قال: لا أبقي منه إلا ما جاء نص أو إجماع في بقائه أن يبيح دماء جميع الأمة إلا ما اتفق على تحريم دمه، لأن قوله عليه السلام: دماؤكم وأموالكم عليكم حرام لقد اتفق على أنه ليس على عمومه، بل لخص منه كثير كالزناة المحصنين، وقتلة الأنفس وغيرهم، فيلزمهم أن يقتلوا شارب الخمر في الرابعة، هذا لو لم يأت فيه نص، ولكن على أصلهم الفاسد، وأن يقتل الساحر إن كان حنفيا أو شافعيا، وأن يقتل السيد بعبده، والمؤمن بالكافر إن كان مالكيا، وإلا فقد تناقضوا وأقروا بأن العموم الذي قد خص بعضه، فإن باقيه على العموم أيضا، إلا أن يخصه نص أو إجماع، ونحن نرى إن شاء الله تعالى مسألة فيها تخصيص مترادف مرآة لكيفية العمل فيما ذكرنا، وبالله تعالى التوفيق فنقول قال الله عز وجل {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} فلا نص أكثر معاني ولا أعلم من هذا، وفيه إباحة النساء والمآكل كلها، وكل ما في الأرض. وقال تعالى: {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن لله خبير بما يصنعون} فلا شيء بعد النص المذكور آنفا أعم ولا أكثر معاني من هذا النص الثاني. فلو لم يرد غيرهما لحرم النكاح جملة، والوطء بالبتة، ولكان النساء كلهن مستثنيات مما أبيح النص الأكثر المذكور آنفا، فلو

other persons, and others. They must therefore to kill the wine-drinker on the fourth occasion—this would follow if no text concerning it had come, but it follows according to their corrupt principle—and to kill the sorcerer, if one is a Hanafi or a Shafi'i, and to kill the master for his slave and the believer for the unbeliever, if one is a Maliki. Otherwise, they have contradicted themselves and acknowledged that, when part of a general expression has been specified, what remains of it also retains its general scope unless a text or consensus specifies it. And we shall present, if Allah Most High wills, a question involving successive specification as a mirror of how to proceed in what we have mentioned. Success comes through Allah Most High. We say: Allah, Mighty and Majestic, said: "He is the One who created for you everything that is on the earth; then He turned to heaven and fashioned them into seven heavens, and He knows all things." No text encompasses more meanings or conveys more knowledge than this. It includes the permissibility of women, all foods, and everything on earth. And He, Most High, said: "Tell the believing men to lower their gazes and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do." After the text just mentioned, nothing is more general or encompasses more meanings than this second text. Had nothing besides these two been transmitted, marriage would have been forbidden altogether, and intercourse absolutely, and all women would have been excepted from what the more comprehensive text mentioned just above permitted. Had nothing besides these two texts been transmitted, women would have been forbidden altogether. And He, Most High, said: "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 be just, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly." This thus permitted what the aforementioned text requiring the guarding of private parts prohibited. Had nothing besides these texts been transmitted, it would have been obligatory to adopt the prohibition, because the verse permitting marriage agrees with the more comprehensive text permitting everything in the world. It is merely confirmation and repetition, like all the other repetition and confirmation in the Quran, which Allah Most High introduced as He willed: "He is not questioned about what He does, while they are ques-

لم يرد غير هذين النصين لحرم النساء جملة وقال 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} فكان هذا مبيحا لما حظر النص المذكور الذي فيه حفظ الفروج، لو لم يرد غير هذه النصوص لوجب الأخذ بالتحريم، لأن الآية التي فيها إباحة النكاح موافقة للنص الأكثر الذي فيه إباحة كل ما في العالم، وإنما هي تأكيد وتكرار كسائر ما في القرآن من التكرار والتأكيد الذي أورده الله تعالى كما شاء، {لا يسأل عما يفعل وهم يسألون} كما كرر تعالى أخبار الأنبياء عليهم السلام {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} و {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} فكرر إباحة نكاح النساء كما شاء. ولسنا نقول: إن شيئا من هذه النصوص قبل كل شيء، ولا أن شيئا منها بعد شيء، وسواء نزل بعضها قبل بعض، أو نزلت معا، لا فرق عندنا بين شيء من ذلك، وليس شيء مما نزل بعد رافعا لشيء نزل قبل إلا بنص جلي في أنه رافع له، أو بإجماع على ذلك، وإلا فهو مضاف إليه ومعمول به معه ضرورة لا بد من ذلك، فلما صح ما قلنا من استثناء تحريم النكاح جملة مما أباح تعالى لنا، ووجدناه تعالى قد استثنى إباحة النكاح من حفظ الفروج استثناء تاما بقوله تعالى {ولذين هم لفروجهم حافظون * إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين * فمن بتغى ورآء ذلك فأولئك هم لعادون} فصح يقينا أن الزواج وملك اليمين مستثنى مما حرم من إهمال الفروج. ثم وجدها هذا الاستثناء يحتمل أن يؤخذ به على عمومه، فيخص به من آية التحريم أشياء كثيرة: منها الأختان بملك اليمين، والأم والابنة بملك اليمين، والكتابية بملك اليمين، والحائض والمحرمة والصائمة فرضا، والحريمة بصهر أو رضاع، ويحتمل ألا يخرج من النص الذي فيه تحريم إهمال الفروج جملة إلا ما خص نص جلي أو

tioned." Likewise, He, Most High, repeated the accounts of the prophets—peace be upon them—and: "Establish prayer, give the obligatory alms, and bow with those who bow," and: "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 best in outcome." Thus He repeated the permission for marrying women as He willed. We do not say that any of these texts precedes everything else, or that any of them follows anything else. Whether some were revealed before others or they were revealed together, none of that makes any difference to us. Nothing revealed later abrogates anything revealed earlier except through an explicit text stating that it abrogates it, or through consensus on that. Otherwise, it is added to it and necessarily acted upon together with it; there is no avoiding this. Thus, when what we said was established concerning excepting the prohibition of marriage altogether from what He, Most High, permitted us, and we found that He, Most High, had made a complete exception permitting marriage from the guarding of private parts, through His saying, Most High: "And those who guard their private parts, except with their spouses or those whom their right hands possess, for then they are not blameworthy. But whoever seeks beyond that—those are the transgressors," it was established with certainty that marriage and ownership by the right hand are excepted from the prohibition against leaving the private parts unguarded. Then we found that this exception admits of being adopted in its general scope, so that many things would thereby be specified as exceptions to the verse of prohibition, including two sisters through ownership by the right hand, a mother and daughter through ownership by the right hand, a woman of the People of the Book through ownership by the right hand, a menstruating woman, a woman in the state of ritual consecration, a woman observing an obligatory fast, and a woman forbidden through affinity or suckling. It also admits of nothing being excluded from the text prohibiting the leaving of private parts unguarded altogether except what an explicit text or a consensus known with certainty specifically excludes from it. If we excluded from the text prohibiting the leaving of private parts unguarded everything that could possibly be excluded, we would have set aside something whose obligatory force we knew with certainty on the strength of

إجماع متيقن على إخراجه منه، فلو أخرجنا من النص الذي فيه تحريم إهمال الفروج كل ما يحتمل إخراجه، لكنا قد أسقطنا ما تيقنا وجوبه بما شككنا في إباحته، ونحن إذا لم نخرج منه إلا ما جاء نص جلي، أو إجماع بإخراجه منه، كنا قد علمنا بما تيقنا لزومه لنا من النص المبيح للوطء، وعلمنا أيضا بما تيقنا وجوبه من النص الذي فيه التحريم، إذ في استعمالنا ما في إية إباحة الوطء كله رجوع إلى الأصل الأول الذي فيه إباحة كل ما في الأرض، وترك ما قد لزم إخراجه منه بيقين. فلو فعلنا ذلك لكنا متناقضين، لأنها ثلاثة نصوص كما ترى: نص عام، ثم آخر دونهما في العموم ثم ثالث دونهم معا في العموم. فإن قال قائل: بل نأخذ بالنص الأخص قلنا له وبالله التوفيق: إنك إن فعلت ذلك رجعت إلى قولنا، لأننا نوجد لا نصا أخص من النص الذي فيه إباحة الوطء فيلزمك أن تغلب هذا الأخص الذي هو نص رابع، وإلا نقضت قولك وهو قول الله 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} والمشركات من الكتابيات هن بعض من تملك أيماننا، وكذلك الأختان إذ ملكناهما. وأما أصحابنا القياسيون فتناقضوا تناقضا فاحشا ظاهر الخطأ، لأنهم عمدوا إلى قوله عز وجل: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} إلى قوله تعالى {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا

something whose permissibility we doubted. If, however, we excluded from it only what an explicit text or consensus had come to exclude, we would have known what we knew with certainty to be binding upon us from the text permitting intercourse, and would also have known what we knew with certainty to be obligatory from the text containing the prohibition. For applying everything in the verse permitting intercourse entails returning to the first principle, which permits everything on earth, and abandoning what it had become binding, with certainty, to exclude from it. If we did that, we would be contradicting ourselves, because these are three texts, as you see: a general text, then another below the two of them in generality, then a third below both of them together in generality. If someone says, "Rather, we adopt the most specific text," we say to him—and success comes through Allah—"If you do that, you return to our position, because we produce a text more specific than the text permitting intercourse. You must therefore give precedence to this more specific text, which is a fourth text; otherwise, you contradict your own position." It is the saying of Allah Most High: "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 remember." And polytheistic women among the women of the People of the Book are some of those whom our right hands possess, as are two sisters when we own them. As for our associates who advocate analogy, they have contradicted themselves outrageously, with manifest error, because they turned to His saying, Mighty and Majestic: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever For-

دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وإلى قوله سبحانه وتعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وهذه كما ترى آيات محرمات لنساء موصوفات، وعمدوا إلى قوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} فاستثنوا الأختين بملك اليمين، والأم وابنتها بملك اليمين، والعمة وبنت أخيها بملك اليمين، والخالة وبنت الخالة بملك اليمين، من الآية التي فيها إباحة ملك اليمين. إلا أن يكون أختان معا أو أم وابنة، أو عمة وبنت أخيها، فإن أولئك لا يحل وطؤهن، ثم إن يستثنوا الإماء الكتابيات بما أباحوه من ملك اليمين، فلو أن عاكسا عكس فأباح الأختين والأم والابنة بملك اليمين، وحرم الأمة الكتابية بقوله 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 ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} أي فرق كان يكون بينهم إلا التحكم بلا دليل؟. فإن قالوا: قد أبيحت الكتابية، قيل لهم: أخطأتم إنما أبيحت بالزواج لقوله تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} فإنما أباح المحصنات الكتابيات بشرط إيتائهن الأجور، وإيتاؤهن الأجور لا يكون إلا في الزواج لا في ملك اليمين، وهذا

giving, Merciful," up to His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever Forgiving, Merciful," and to His saying, Glorified and Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever Forgiving, Merciful." These, as you see, are verses prohibiting women with specified descriptions. And they turned to His saying, Most High: "Except with their spouses or those whom their right hands possess, for they are not blameworthy." Thus they excepted two sisters through ownership by the right hand, a mother and her daughter through ownership by the right hand, a paternal aunt and her brother's daughter through ownership by the right hand, and a maternal aunt and the maternal aunt's daughter through ownership by the right hand, from the verse permitting ownership by the right hand: unless there are two sisters together, or a mother and daughter, or a paternal aunt and her brother's daughter, for intercourse with those women is not lawful. Then, indeed, they except slave women of the People of the Book through what they have permitted of ownership by the right hand. If someone were to reverse their procedure, permitting two sisters and a mother and daughter through ownership by the right hand, and prohibiting a slave woman of the People of the Book on the basis of His saying, Most High: "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

ما لا شك فيه عند أحد، فبطل أن يكون المراد بالإباحة المذكورة الإماء الكتابيات، فبقين على أصل التحريم. ولو أننا رضينا لأنفسنا من الحجة بنحو ما يرضون به لأنفسهم لقلنا لهم إن 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} إنما قصد به الإماء لقوله تعالى في أثر ذلك {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} ولكنا في ذلك نبين بأقوى مما يحتاجون به في أكثر مسائلهم: مثل احتجاجهم في إيجاب الخطبة بقوله تعالى {وإذا رأوا تجارة أو لهوا نفضوا إليها وتركوك قآئما قل ما عند الله خير من للهو ومن لتجارة والله خير لرازقين} ومثل احتجاجهم في عتق الأخ بقوله تعالى {قال رب إني لا أملك إلا نفسي وأخي ففرق بيننا وبين لقوم لفاسقين} ومثل احتجاجهم في المنع من النفخ في الصلاة بقوله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبلوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهمآ أف ولا تنهرهما وقل لهما قولا كريما} ومثل احتجاجهم في القسامة ببقرة بني إسرائيل. ومثل هذا من التمويه البارد الفاسد الداخل في حدود هذيان المبرسمين، ولكن الله عز وجل قد أغنانا بالنصوص الظاهرة التي لا مجال للتأويل فيها، وبنصره تعالى لنا عن تكلف بنيات الطرق، وادعاء ما لا يصح، ومن أمكنته السيوف لم يفتقر إلى المحاربة بحطام التبن، ولا سيما من قال منهم: إن النص إذا خص بعضه لم يؤخذ من باقيه إلا ما أجمع عليه، فإنه يقال له في هذا المكان: إباحة ملك اليمين قد خرج منه بالنص بالإجماع أشياء كثيرة فمنها الذكور والبهائم، والأم من الرضاع والأخت من الرضاع، وكل حريمة بصهر ورضاع، وكل حائض، وكل صائمة

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 remember"—what difference would there be between them, except arbitrary assertion without evidence? If they say, "The woman of the People of the Book has been permitted," they are told: "You are mistaken. She has been permitted only through marriage, because of His saying, Most High: 'Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women among the believing women and chaste women among those who were given the Scripture before you, when you give them their bridal dues, seeking chastity, neither fornicating nor taking secret lovers. Whoever disbelieves in faith—his work has come to nothing, and in the Hereafter he will be among the losers.} He thus permitted chaste women of the People of the Scripture only on condition that they be given their bridal dues. Giving them their bridal dues occurs only in marriage, not in right-hand possession. No one doubts this. It is therefore invalid to suppose that the permission mentioned refers to slave women of the People of the Scripture; they consequently remain under the original prohibition. If we accepted for ourselves arguments of the sort they accept for themselves, we would say to them: His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, was intended only to refer to slave women, because He says, exalted is He, immediately afterward: {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}. Yet

فرض، وأخرجت أنت منه الأختين والأم والابنة والعمة والخالة، فيلزمك ألا تبيح مما بقي إلا ما اتفق عليه، ولم يتفق على إباحة الأمة الكتابية بملك اليمين، ولا جاء بها نص. فواجب عليك القول بتحريمها. ويقول لسائرهم: أنتم أهل القياس فقيسوا ما اختلفنا فيه من وطء الأمة الكتابية بملك اليمين على ما اتفقنا عليه من تحريم الأختين بملك اليمين، وسائر ما ذكرنا، ويقال للمالكيين منهم: أنتم تدخلون التحريم بأدق سبب ولا تدخلون التحليل إلا بأبين وجه، فحرموا الوطء للأمة الكتابية، إذ لا سبب معكم في تحليلها لا دقيق ولا جليل، ولكم في تحريمها أبين سبب فإن ادعوا إجماعا أكذبهم ابن عمر، فقد صح عنه تحريم الكتابيات جملة، وتلا الآية التي ذكرنا. قال علي: وأما جمهور أصحابنا الظاهريين، فإنهم سلكوا طريقة لهم في ترك ما ظاهره التعارض قد بينا بطلانها فجعلوا قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} {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 ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} {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 ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} معارضا لقوله 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

in doing so we would be presenting something stronger than what they invoke as evidence in most of their questions: for example, their argument for making the sermon obligatory from His statement, exalted is He, {When they see merchandise or amusement, they disperse toward it and leave you standing. Say: What is with Allah is better than amusement and merchandise, and Allah is the best of providers}; their argument for a brother's emancipation from His statement, exalted is He, {He said: My Lord, I have authority over none but myself and my brother; so separate us from the defiantly disobedient people}; their argument for prohibiting blowing during prayer from His statement, exalted is He, {Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one or both of them reach old age with you, do not say "Uff" to them, and do not rebuke them, but speak to them graciously}; and their argument concerning the procedure of sworn oaths in a homicide case from the cow of the Children of Israel, and similar insipid, corrupt obfuscation that falls within the bounds of the delirium of those suffering from phrenitis. But Allah, mighty and majestic, has spared us, through the evident texts that leave no room for interpretation and through His support for us, the need to strain after byways and make unsound claims. Anyone who has swords at his disposal has no need to fight with broken straw, especially those among them who say that, when part of a text has been particularized, nothing from the remainder is to be adopted except what is agreed upon by consensus. Such a person should be told here: Many things have been excluded from the permission of right-hand possession by explicit text and by consensus. These include males, beasts, a mother through nursing, a sister through nursing, every woman prohibited through affinity or nursing, every menstruating woman, and every woman observing an obligatory fast. You yourself have excluded from it two sisters, a mother and daughter, a paternal aunt, and a maternal aunt. You are therefore bound to permit nothing of what remains except what is agreed upon. There is no agreement on the permissibility of a slave woman of the People of the Scripture through right-hand possession, nor has any explicit text established it. You are therefore obliged to declare her prohibited. To the rest of them it should be said: You are proponents of analogy. So draw an analogy between the matter over which we disagree—intercourse with a slave woman of the

منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} ورجعوا إلى الأصل بالإباحة. قال علي: وهذا خطأ شديد من كل وجه، وحتى لو كان التعارض موجودا، وكان العمل صحيحا لكان ههنا باطلا، فكيف والتعارض غير موجود لقوله تعالى {يريد الله أن يخفف عنكم وخلق لإنسان ضعيفا} ولقوله تعالى والعمل المذكور عنهم فاسد بترك ما قد ثبت اليقين بوجوب الطاعة له. قال علي: ولو كان العمل المذكور صحيحا لكان الرجوع إلى قوله تعالى: {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن الله خبير بما يصنعون} أولى منه إلى إباحة قد خص منها حفظ الفروج، ولكن الصواب ما بينا من استثناء الأقل معاني من الأكثر والعجب كل العجب من تحريمهم الأمة الوثنية بملك اليمين بلا خلاف منهم بقوله 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} وإباحتهم لأمة الكتابية بملك اليمين بلا نص فيها أصلا ولا إجماع فخصوا 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} بلا دليل، وفرقوا بين الأمة الوثنية والكتابية بلا دليل فإن قالوا إن 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} إنما قصد به الزواج اخطؤوا من وجهين: أحدهما: تخصيص العموم بلا دليل، والثاني: تناقضهم وتحريمهم الأمة الوثنية بملك اليمين، وإنما جاء نص الإباحة من الكتابيات بالزواج فقط

فحرام أن يستثنى من تحريم المشركات بشيء غير الزواج وحده الذي استثني بالنص، ولا سيما وهم يبطلون القياس، إنما أباح الإماء بملك اليمين من أباحهن قياسا على الحرائر منهن في الزواج، والقياس باطل، فلم يبق إلا أن يقولوا: إن المشركات اسم لا يقع على الكتابيات، فإن قالوا هذا وكان القائل مالكيا أو شافعيا تناقض في أنهم حملوا قوله تعالى {يأيها لذين آمنوا إنما لمشركون نجس فلا يقربوا لمسجد لحرام بعد عامهم هذا وإن خفتم عيلة فسوف يغنيكم لله من فضله إن شآء إن لله عليم حكيم} على الكتابي كما حملوه على الوثني. وإن كان حنفيا تناقض في حمله قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} الآية على الكتابي كحملهم إياها على الوثني،

People of the Scripture through right-hand possession—and what we agree upon: the prohibition of two sisters through right-hand possession and all the other things we have mentioned. To the Malikis among them it should be said: You establish prohibition on the slightest ground, and establish permissibility only on the clearest basis. So prohibit intercourse with a slave woman of the People of the Scripture, since you have no ground for permitting it, slight or substantial, whereas you have the clearest ground for prohibiting it. If they claim consensus, Ibn Umar gives the lie to their claim, for it is authentically established that he prohibited women of the People of the Scripture altogether and recited the verse we have mentioned. Ali said: As for the majority of our fellow Zahirites, in setting aside texts whose apparent meanings conflict, they have followed a method of their own whose invalidity we have already explained. Thus they treated His statements, exalted is He, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you combine two sisters, except what has already occurred. Indeed, Allah is ever forgiving, merciful}, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, as conflicting with His statement, exalted is He, {And married women, except those whom

[89] **Translator's note (L1157):** The source reads "a maternal aunt and the maternal aunt's daughter," not the expected "a maternal aunt and her sister's daughter." The supplied relationship is retained. The phrase ثم إن يستثنوا is syntactically defective as supplied. The translation follows the apparent assertion that they except slave women of the People of the Book, without silently changing it to the possible conjecture ثم لم يستثنوا, "then they did not except." The restrictive clause beginning "unless there are two sisters together" awkwardly follows an already stated list of exceptions. Its repetition and position are retained.

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. For whatever enjoyment you have had from them, give them their bridal dues as an obligation. There is no blame upon you concerning whatever you mutually agree upon after the prescribed obligation. Indeed, Allah is ever knowing, wise}. And they reverted to the original presumption of permissibility. Ali said: This is a grave error in every respect. Even if the conflict existed and the procedure were sound, it would be invalid here. How much more so when no conflict exists, because of His statement, exalted is He, {Allah wishes to lighten your burden, and the human being was created weak}, and because of His statement, exalted is He—and the procedure reported of them is unsound, since it abandons that which it has been established with certainty must be obeyed. Ali said: Even if the procedure mentioned were sound, reverting to His statement, exalted is He, {Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do}, would be more appropriate than reverting to a permission from which there has been specifically excluded the guarding of private parts. But the correct position is what we have explained: excepting what encompasses fewer cases from what encompasses more. What is utterly astonishing is that they prohibit a pagan slave woman through right-hand possession, with no disagreement among themselves, on the basis of His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, while permitting a slave woman of the People of the Scripture through right-hand possession, with absolutely no explicit text concerning her and no consensus. Thus they particularized His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a

polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, without evidence, and distinguished between the pagan slave woman and the slave woman of the People of the Scripture without evidence. If they say that His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, was intended only to refer to marriage, they err in two respects. The first is particularizing a general expression without evidence. The second is their contradiction in prohibiting a pagan slave woman through right-hand possession. The explicit text permitting women of the People of the Scripture refers only to marriage. It is therefore forbidden to make any exception to the prohibition of polytheist women on any basis other than marriage alone, which is what the explicit text excepted—especially when they invalidate analogy. Those who permitted slave women through right-hand possession permitted them only by analogy with marriage to free women among them, and analogy is invalid. Thus nothing remains except for them to say that the designation "polytheist women" does not apply to women of the People of the Scripture. If they say this, and the speaker is a Maliki or a Shafi'i, he contradicts himself, in that they applied His statement, exalted is He, {O you who believe, the polytheists are indeed impure, so let them not approach the Sacred Mosque after this year of theirs. If you fear poverty, Allah will enrich you from His bounty if He wills. Indeed, Allah is knowing, wise}, to a person of the People of the Scripture just as they applied it to a pagan. If he is a Hanafi, he contradicts himself by applying His statement, exalted is He, {When the sacred months have passed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful}—the

verse—to a person of the People of the Scripture just as they applied it to a pagan.[80][81][82][83][84][85][86]

[80]**Translator's note (L1142):** The heading's supplied wording lā yaḥillu ʿalā ʿumūmihi is awkward. "Is it not construed as general?" reflects its apparent contextual sense without treating the reading as certain. The final "that, if it is" follows the conditional sense required by the continuation, although the supplied text reads annahu kāna rather than an explicit conditional formulation.

[81]**Translator's note (L1144):** Both occurrences of the Qur'anic quotation, 2:43, have defective spellings of definite articles in the supplied text; the identifiable wording and its repetition are retained.

[82]**Translator's note (L1145):** The three quotations of Qur'an 9:103 are retained, including the final quotation's interruption before "All-Knowing," which appears in the next unit. The supplied Qur'anic wording has defective spelling in the name Allah, but its identity is clear.

[83]**Translator's note (L1146):** The sentence beginning "And his saying … when he was asked about donkeys" is syntactically incomplete in the supplied Arabic: a connecting predicate appears to be missing before "that this wording does not mean all wealth." No missing statement or answer has been supplied. The supplied text reproduces the whole verse as the "expression" under discussion and then repeats it as its containing quotation. The continuation shows that the author is discussing the partitive force of "from," but the repeated full quotations have been retained without substitution. The opening completes the preceding unit's quotation of Qur'an 9:103.

[84]**Translator's note (L1147):** The supplied reading sima means a mark or brand and is anomalous in this list of tiny items of property. It may be a corruption of a word such as "sesame seed," but "brand" retains the supplied reading.

[85]**Translator's note (L1148):** The supplied reading lukhkhiṣa, "was summarized," in the clause rendered "have been singled out from it" is anomalous. The context indicates exclusion through specification, but the wording may be corrupt.

[86]**Translator's note (L1151):** The opening نرى can be read as "we see" or, with different vocalization, "we show." The latter sense is adopted to connect it with the preceding "And we." The Quranic quotations exhibit recurrent omission of initial alifs in such forms as لذي, لأرض, and لله. Their readily identifiable words are translated without treating these transcriptional omissions as substantive changes. ولا أعلم is rendered "or conveys more knowledge"; its unvocalized form also permits the awkward literal reading "nor more knowing."

L1165–1168 The demonstration of this is their acceptance of their conversion to Islam if they convert. The verse concerning warfare against the People of the Book contains only: {Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, from among those who were given the Book, until they pay the tribute by hand while humbled.} And through Allah comes success. Among the arguments advanced by ʿIsa ibn Aban for his position that, when anything in a text has been subjected to specification, all the remainder must be construed as specific, was his statement that this resembles two witnesses who have been impugned over some incident, so that this necessarily applies to all their testimony concerning everything. ʿAli ibn Ahmad said: This statement, besides its incoherence and its comparison of something to what does not resemble it, constitutes tremendous presumption against Allah, Mighty and Majestic, and against His Messenger, may Allah bless him and grant him peace ﷺ. Even if analogy were valid—and Allah Most High has protected us from that—this analogy would be the most foolish analogy on earth. How much more so, then, when analogy is entirely invalid! Praise belongs to Allah Most High. Thus ʿIsa should be told: Would that I knew what made the speech of Allah Most High and the speech of His Messenger, may Allah bless him and grant him peace ﷺ—whom Allah Most High has obliged us to revere and obey, and forbidden us to disobey—resemble the speech of two evildoers whose discrediting has been established and whose reports He Most High has commanded us not to accept! Rather,

وبرهان ذلك قبولهم إسلامهم إن أسلم وليس في آية حرب أهل الكتاب إلا {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} فقط وبالله التوفيق. ومما احتج به عيسى بن أبان في قوله: إن النص إذا خص منه شيء وجب حمل سائره على الخصوص أن قال: إن ذلك مثل شاهدين جرحا بقصة ما، فوجب على سائر شهادتهما في كل شيء. قال علي بن أحمد: وهذا القول فمع ما فيه من الاضطراب وتشبيه بشيء لا يشبهه إقدام عظيم على الله عز وجل وعلى رسوله صلى الله عليه وسلم ولو كان القياس حقا وقد أعاذ الله تعالى من ذلك لكان هذا القياس أحمق قياس في الأرض، فكيف والقياس كله باطل. ولله تعالى الحمد. فيقال لعيسى: ليت شعري ما الذي شبه كلام الله تعالى وكلام رسوله صلى الله عليه وسلم الذي ألزمنا الله تعالى توقيره والطاعة له، وحرم علينا معصيته بكلام فاسقين قد ثبت جرحتهما، وقد أمرنا تعالى ألا نقبل خبرهما. بل لقائل هذا القول المردود مثل السوء، ولله تعالى ولرسوله المثل الأعلى، وهلا قال إذ لم يوفقه الله تعالى لقبول الحق: إن النص الذي خص بعضه بمنزلة شاهدين عدلين شهدا لأبيهما فلم يقبلا على مذهبه الفاسد، فلا يكون ذلك موجبا لرد شهادتهما في سائر ما شهدا به لغير أبيهما، فهذا قياس أصح من قياسه لو كان القياس حقا، فكيف والقياس باطل كله فاسد، إلا أن الذي علمناهم أمثل لأننا مأمورون بقبول شهادة العدلين كما نحن مأمورون بقبول النص الوارد من الله تعالى ورسوله صلى الله عليه وسلم والعمل به فإذا سقط عنا قبول ما شهدا به لدليل قام على ذلك في بعض المواضع، لم يوجب ذلك سقوط سائر شهادتهما في سائر المواضع، وكذلك النص اللازم لنا قبوله إذا قام دليل على سقوط بعضه في بعض المواضع لم يكن ذلك موجبا لسقوط باقيه وسائره. فهذا أشبه مما قال، لأن الجرح الذي نظر به مسقط العدالة بالجملة، وليس خصوص النص بمسقط للعمل به جملة. ولو شبه الشاهد

[87] **Translator's note (L1154):** The opening وجدها is grammatically anomalous before هذا الاستثناء; "we found that this exception" follows the apparent construction intended, while the supplied word itself contains a feminine object suffix. The source twice reads علمنا, "we knew," where the argument appears to call for عملنا, "we acted upon." The translation retains the supplied reading. The source describes the second of three texts as دونهما, "below the two of them," and the third as دونهم معا, literally "below them together." The awkward comparison and pronoun sequence have been retained. The phrase لأننا نوجد لا نصا is corrupt or grammatically defective as supplied. "Because we produce a text" renders the apparent argument, but the intervening لا has no clear syntactic function.

[88] **Translator's note (L1156):** The source repeats the entirety of Quran 4:23 after "up to His saying" and again after "and to His saying," following its full quotation in the preceding unit. These apparent quotation or transcription errors are preserved in full.

the evil likeness belongs to the proponent of this rejected statement, while to Allah Most High and His Messenger belongs the highest likeness. Why did he not say, since Allah Most High did not grant him success in accepting the truth, that a text some of which has been subjected to specification is like two upright witnesses who testify on behalf of their father and whose testimony is therefore not accepted according to his corrupt doctrine? This would not require rejecting their testimony in all the other matters concerning which they testified on behalf of someone other than their father. This would be a sounder analogy than his, if analogy were valid. How much more so, then, when analogy is entirely invalid and unsound! Nevertheless, the example we have taught them is more fitting, because we are commanded to accept the testimony of two upright witnesses, just as we are commanded to accept and act upon the text transmitted from Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ. If our obligation to accept what they have testified to lapses in certain instances because evidence establishing this has arisen, that does not require the remainder of their testimony to lapse in all other instances. Likewise, when evidence establishes that part of a text which we are bound to accept ceases to apply in certain instances, that does not require the rest and remainder of it to cease to apply. This is a closer resemblance than what he proposed, because the impugning with which he drew his parallel eliminates upright standing altogether, whereas the specification of a text does not eliminate acting upon it altogether. Had he compared the witness whose upright standing has been impugned to what has been abrogated of dominion and revealed laws, and thereby required all of them to cease to bind us, he would have been more effective in obfuscation and subtler in drawing his comparison. Yet, despite their advocacy of analogy and their abandonment, for its sake, of the speech of Allah Most High and the speech of His Messenger, may Allah bless him and grant him peace ﷺ, you find them the most ignorant of creatures in arranging their falsehood and the most incoherent in it. Such is the character of whatever comes from someone other than Allah. Praise belongs to Allah for the success He has graciously granted. ʿAli said: ʿIsa forgot himself when he stated what we have mentioned: that when part of a text has been subjected to specification, nothing of its remainder is to be adopted except what is agreed

المجرح عدالته بالمنسوخ من الملك والشرائع فأوجب بذلك سقوط جميعها عنا، لكان أدخل في التمويه، وألطف في التشبيه، ولكنهم مع قولهم بالقياس وتركهم له كلام الله تعالى وكلام رسوله صلى الله عليه وسلم فإنك تجدهم أجهل الخلق بترتيب باطلهم وأشدهم اضطرابا فيه وهكذا يكون ما كان من عند غير الله. ولله الحمد على ما وفق بمنه. قال علي: ونسي عيسى نفسه إذ قال بما ذكرنا، من أن النص إذا خص بعضه لم يؤخذ من باقيه إلا ما اتفق على الأخذ به منه فهلا تذكر على هذا الأصل إذ قال في نهيه صلى الله عليه وسلم عن قتل النساء إن المرتدة لا تقتل

upon as being applicable. Why, then, did he not remember this principle when, concerning his prohibition, may Allah bless him and grant him peace ﷺ, of killing women, he said that a female apostate is not to be killed?[97][98]

L1169–1170 Yet this is a text from which the adulteress of legally protected marital status and the female killer have been excluded by specification. Why, then, did he not also exclude the female apostate from it, adopting from it only the agreed prohibition against killing captive women from the enemy? But these people merely champion whatever questions of theirs happen to come before them. They care neither about the principles they have established concerning this nor about the arguments they have advanced, and they feel no shame in contradicting it an hour later and nullifying it through a principle opposed to the first principle, according to whatever questions are presented to them. All this is in obedience to Malik, Abu Hanifa, Abu Yusuf, and Muhammed ibn al-Hasan, with little concern for contradicting the Quran and abandoning the speech of the Prophet, may Allah bless him and grant him peace ﷺ. We seek Allah Most High's help against being forsaken, and ask for further success. ʿAli said: There is no difference between subjecting part of a verse or hadith to specification when no specification has been transmitted concerning that part, merely because another part of either has been subjected to specification, and someone seeking on that basis to subject every verse and every hadith to specification because verses and hadiths subjected to specification have been found. All this is arbitrary assertion without evidence, or with unsound evidence, and it entails nullifying the revealed law. Whoever permits and approves what we have mentioned must hold that every verse is abrogated, because abrogated verses have been transmitted. This leads to nullifying Islam. They should be asked: What difference is there between you and someone who subjects an entire surah to specification, or declares

وهذا نص قد خص منه الزانية المحصنة والقاتلة، فهلا أسقط أيضا منه المرتدة، ولم يأخذ منه إلا ما اتفق عليه من المنع من قتل الحربيات المأسورات، ولكن القوم إنما هم ناصرون لما حضرهم من مسائلهم لا يبالون بما أصلوا في ذلك، ولا بما احتجوا، ولا يستحيون من نقضه بعد ساعة، وإبطاله بأصل مضاد للأصل الأول على حسب ما يرد عليهم من المسائل كل ذلك طاعة لمالك وأبو حنيفة وأبي يوسف ومحمد بن الحسن، وقلة مبالاة لمخالفة القرآن وترك كلام النبي صلى الله عليه وسلم وبالله تعالى نستعين من الخذلان ونسأل المزيد من التوفيق. قال علي: ولا فرق بين تخصيص بعض آية أو حديث لم يرد في ذلك البعض تخصيص، لكن لأنه قد خص بعض آخر منهما وبين من أراد من ذلك أن يخص كل آية وكل حديث، لأنه قد وجد آيات مخصوصات وأحاديث مخصوصة، وكل هذا تحكم بلا دليل، أو بدليل فاسد. وفي هذا إبطال الشريعة، ومن استجاز ما ذكرنا وصوبه، لزمه أن يقول بنسخ كل آية، لأنه قد وردت آيات منسوخات. وهذا يخرج إلى إبطال الإسلام، ويقال لهم: ما الفرق بينكم وبين من خص سورة بكمالها أو قال بنسخ كل ما فيها، لأنه وجد بعضها منسوخا ومخصوصا. وهذا ما لا يقولونه وهو موجب قولهم الفاسد. قال علي: واحتج بعض من ذهب هذا المذهب فقال: من حلف أن هذه الآية أو الحديث مخصوصا فيما قد قام الدليل على تخصيص بعضهما لم يحنث. قال علي: يقال له صدقت. ومن نازعك في هذا حتى تلحقه، ونحن نقر لك بأن هذا النص مخصوص إذا قام الدليل على خصوص بعضه، ولكن الباقي بعد ما خص مأخوذ على موجبه وعلى كل ما اقتضاه لفظه بعد ما خرج منه، ونحن على ما لزمنا من وجوب الطاعة له.

[97] **Translator's note (L1165):** The wording following the impugning of the two witnesses is syntactically incomplete: literally, 'so it became obligatory upon all the remainder of their testimony concerning everything.' The translation supplies the implied application of the adverse judgment.

[98] **Translator's note (L1167):** The supplied text reads 'dominion' (al-mulk). This is awkward alongside 'revealed laws' and may be a transcription error for a term such as 'religious communities' (al-milal); the supplied reading has been retained.

everything in it abrogated, because he has found some of it abrogated and subjected to specification? This is something they do not maintain, yet it is a necessary consequence of their corrupt position. ʿAli said: One of those who adopted this doctrine argued: Whoever swears that this verse or hadith is subject to specification, in a case where there has arisen evidence for specifying part of either, has not broken his oath. ʿAli said: He should be told: You have spoken truly. Who disputed this with you, that you should append it? We acknowledge to you that this text is subject to specification when evidence establishes the specific scope of part of it. But what remains after the specification is adopted according to what it requires and everything its wording entails after what has been excluded from it; and we remain bound by our obligation to obey it.[99]

L1171–1172 ʿAli said: Whoever maintains this must say: Whenever I find a number from which something has been excepted, I must discard it altogether; and whenever I find a person some of whose property must be taken, I will refrain from taking the remainder of it only if consensus prevents me from doing so. Whoever says this must say concerning the statement of Allah Most High, {We indeed sent Noah to his people, and he remained among them a thousand years less fifty years; then the Flood seized them while they were wrongdoers}: Perhaps another fifty were excluded from these by an exception, so that his stay among them was only nine hundred years, or less. This is corruption of reason and unbelief in Islam. If someone says: Al-Zubayr and ʿAbd al-Rahman were granted a concession concerning silk because of an itch affecting them both, and you said that this applies generally to everyone in a situation like theirs, he should be told: This is the explicit text of His statement, Most High: {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has detailed for you what He has forbidden you, except what you are compelled by necessity to consume? Many indeed lead others astray through their desires without knowledge. Your Lord indeed knows best those who

[99] **Translator's note (L1169):** 'Legally protected marital status' renders muhsana, a technical designation in the law of unlawful intercourse; it does not simply mean that the woman is presently married.

قال علي: ويلزم من قال بهذا أن يقول: متى وجدت عددا قد استثني منه شيء وجب أن أسقطه كله، ومتى وجدت إنسانا قد وجب أخذ بعض ماله، لم أمتنع من أخذ باقته إلا أن يمنعني منه إجماع، ومن قال هذا لزمه في قول الله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} أن يقول لعله قد خصت منها خمسون أخر بالاستثناء فيكون مقامه فيهم تسعمائة عام فقط أو أقل، وهذا فساد في العقل وكفر في الإسلام. فإن قال قائل: قد رخص للزبير وعبد الرحمن في الحرير لحكة كانت بهما فقلتم أنتم: هو عام لكل من كان في مثل حالهما. قيل له: هذا هو نص قوله تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فكل مضطر إلى محرم فهو له حلال وهذا الحديث الذي فيه إباحة الحرير لعبد الرحمن والزبير هو بعض الآية المذكورة، وهو بمنزلة مفت سمع أن اليمين على من ادعي عليه، فأوجب اليمين بذلك على زيد، وعلى عمرو، وعلى خالد، لأنهم مدعى عليهم، فأصاب في ذلك وكل هؤلاء قد اقتضاهم الحديث المذكور. فإن

transgress.} Thus, anything forbidden is lawful for anyone compelled by necessity to resort to it. This hadith permitting silk to ʿAbd al-Rahman and al-Zubayr is part of the aforementioned verse. It is like a legal adviser who hears that the oath is incumbent upon the person against whom a claim is brought, and accordingly requires Zayd, ʿAmr, and Khalid to take an oath because claims have been brought against them. He is correct in this, and all these people fall within what the aforementioned hadith entails. If someone says: Why, then, did you not apply generally the verse you mentioned, in His statement, {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has detailed for you what He has forbidden you, except what you are compelled by necessity to consume? Many indeed lead others astray through their desires without knowledge. Your Lord indeed knows best those who transgress.}, and thereby permit the rebel to eat carrion when compelled by necessity to do so, whereas you do not do this? He should be told—and through Allah Most High comes success: We prohibited it to him for only two reasons. The first is that the rebel is excepted from the totality of those compelled by necessity, and we have said that what has fewer referents must be excepted from what has more referents. The second reason is that the rebel is compelled by necessity, because, if he abandoned rebellion, his necessity would cease on that account. He therefore chooses his condition and is not compelled by necessity to eat carrion, because, if he wished to abandon rebellion, he would be able to do so, and carrion would then become lawful for him on account of a necessity, if he were suffering one. The person compelled by necessity is only someone unable to avert his necessity. Someone who takes a road while in rebellion, or fortifies himself in a fortress while in rebellion, chooses his inability to move about freely and is therefore not compelled by necessity. Thus he is not included among those for whom carrion has been made lawful. Through

قال قائل: فهلا عممتم الآية التي ذكرتم في قوله {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فأبحتم به أكل الميتة للباغي إذا اضطر إليها، وأنتم لا تفعلون ذلك؟ قيل له وبالله تعالى التوفيق: إنما منعناه لوجهين: أحدهما: أن الباغي مستثنى من جملة المضطرين، وقد قلنا: إنه يجب استثناء الأقل معاني من الأكثر معان. والوجه الثاني: أن الباغي مضطر، لأنه لو ترك البغي لارتفعت ضرورته من أجله، فهو مختار لحاله غير مضطر إلى الميتة، لأنه لو أراد ترك البغي لكان قادرا على ذلك، ولحلت له الميتة حينئذ لضرورة إن كانت به إنما المضطر الذي لا يقدر على دفع ضرورته، ومن سلك طريقا وهو باغ وتحصن في حصن وهو باغ فهو المختار لعدم التصرف فليس مضطرا، فليس له دخول في جملة من أبيحت له الميتة. وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

Allah Most High comes success. He is sufficient for us, and excellent is He as Trustee.[100][101][102]

[Section on Questions Concerning General and Specific Scope]

L1173

L1174–1178 Ali said: Among the matters in which those who advocate specifying the scope of texts by analogy have contradicted themselves is that they affirmed the general applicability of His statement, Most High: {Those of you who die and leave wives behind: they shall wait by themselves for four months and ten days. Then, when they have reached the end of their term, there is no blame upon you for what they do with themselves in an acceptable manner. Allah is fully aware of what you do.} They said that a woman whose marriage has been consummated and one whose marriage has not been consummated are alike. Yet they did not draw an analogy between a woman whose marriage has not been consummated in the case of death and a woman whose marriage has not been consummated in the case of divorce, as some of them drew an analogy between mourning for a woman divorced three times and mourning for a woman whose husband has died. If analogy is valid, let them employ it in every pair of similar cases; and if it is invalid, let them avoid it.

He said: Among the passages whose scope has been specified by consensus is His statement, Most High: {Allah enjoins you concerning your children: the male shall have the equivalent of the share of two females. If they are females, more than two, they shall have two-thirds of what he leaves; and if there is

[100] **Translator's note (L1171):** The supplied baqatihi, translated 'the remainder of it,' appears to be a transcription error for baqiyyatihi. 'Rebel' renders baghi here, following the subsequent discussion of abandoning rebellion and taking refuge in a fortress. 'What has fewer referents' renders al-aqall maʿani, referring here to the expression with the narrower scope.

[101] **Translator's note (L1172):** The supplied text says 'the rebel is compelled by necessity,' although the ensuing argument explicitly denies that he is compelled by necessity. A missing negative is possible; the contradiction has been retained rather than silently corrected. 'What has more referents' continues the preceding unit's comparison between expressions of narrower and broader scope.

[102] **Qur'an references (L1171):** Qur'an 29:14 (Al-'Ankabut); Qur'an 6:119 (Al-An'am).

[فصل في مسائل من العموم والخصوص]

قال علي ومما تناقض فيه القائلون بتخصيص النصوص بالقياس أن قالوا بعموم قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} فقالوا المدخول بها وغير المدخول بها سواء، ولم يقيسوا غير المدخول بها في الوفاة على غير المدخول بها في الطلاق، كما قاس بعضهم الإحداد على المطلقة ثلاثا، على الإحداد على المتوفى عنها زوجها، فإن كان القياس حقا فليستعملوه في كل مشتبهين، وإن كان باطلا فليجتنبوه. قال ومما خص بالإجماع قوله تعالى {يوصيكم لله في أولادكم للذكر مثل حظ لأنثيين فإن كن نسآء فوق ثنتين فلهن ثلثا ما ترك وإن كانت واحدة فلها لنصف ولأبويه لكل واحد منهما لسدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه لثلث فإن كان له إخوة فلأمه لسدس من بعد وصية يوصي بها أو دين آبآؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من لله إن لله كان عليما حكيما} فخص بنص السنة العبد بأنه لا يرث وخصت السنة أيضا الكافر بأنه لا يرث المسلم ولا المسلم الكافر وقال تعالى {دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيما أخطأتم به ولكن ما تعمدت قلوبكم وكان لله غفورا رحيما} وقال رسول الله صلى الله عليه وسلم رفع عن أمتي الخطأ والنسيان فخص الكتاب قائل الخطأ بوجوب الكفارة عليه، وخص الإجماع المنقول من أحدث ناسيا أنه منتقض الوضوء، وقد ادعى قوم أن حد العبد مخصوص بالقياس على حد الأمة. قال علي: وقد أفكوا في ذلك، بل جاء النص بأن

one, she shall have half. For his parents, each of the two shall have one-sixth of what he leaves, if he has a child. If he has no child and his parents inherit from him, his mother shall have one-third. If he has siblings, his mother shall have one-sixth, after any bequest he makes or debt. Your fathers and your sons—you do not know which of them is nearer to you in benefit. An obligation from Allah; surely Allah is All-Knowing, Wise.} Thus, an explicit text of the Sunna singled out the slave as one who does not inherit. The Sunna also singled out the unbeliever, establishing that he does not inherit from a Muslim, nor does a Muslim inherit from an unbeliever.

He, Most High, said: {Call them after their fathers; that is more equitable in Allah's sight. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended. Allah is Ever-Forgiving, Merciful.} Allah's Messenger ﷺ said: "Error and forgetfulness have been lifted from my community." Scripture thus singled out the person who speaks in error as being obliged to make expiation, and transmitted consensus singled out someone who, forgetfully, incurs a state of ritual impurity, establishing that his ablution is invalidated.

Some people have claimed that the prescribed punishment for a male slave is specified by analogy with the prescribed punishment for a female slave. Ali said: They have indeed spoken falsely in this. Rather, an explicit text establishes that the prescribed punishment for a male slave differs from that for a free man, in the report concerning the blood money of a slave under a contract of emancipation, transmitted through Ali, may Allah be pleased with him, and Ibn Abbas, may Allah be pleased with them both.

They also said, concerning His statement, Most High: {The sacrificial camels—We have made them for you among Allah's ritual symbols. In them there is good for you. So mention Allah's name over them as they stand in rows; then, when their sides have fallen, eat of them, and feed the contented poor person and the supplicant. Thus We have subjected them to you, so that you may give thanks.}—that the sacrifice offered as compensation for hunting was excluded from this by consensus, in that none of it may be eaten, and that the sacrificial offering for combining pilgrimage with the lesser pil-

حد العبد مخالف لحد الحر في حديث دية المكاتب من طريق علي رضي الله عنه، وابن عباس رضي الله عنهما وقالوا أيضا في قوله تعالى {ولبدن جعلناها لكم من شعائر لله لكم فيها خير فذكروا سم لله عليها صوآف فإذا وجبت جنوبها فكلوا منها وأطعموا لقانع ولمعتر كذلك سخرناها لكم لعلكم تشكرون} أنه خص منها جزاء الصيد في أنه لا يؤكل منه بالإجماع، وهدي المتعة قيس عليه. قال علي: هذا خطأ، إنما أمر تعالى بالأكل من التطوع ما لم يعطب قبل محله، وأما كل هدي واجب فقد قال تعالى: {يا أيها الذين آمنوا لا تأكلوا أموالكم بينكم بالباطل إلا أن تكون تجارة عن تراض منكم ولا تقتلوا أنفسكم إن لله كان بكم رحيما} فلما كانت هذه الواجبات كلها مأمورا بإخراجها من أموالنا، وكان ذلك مسقطا لملكنا عنها كانت قد انتقلت إما إلى ملك المساكين، وإما إلى ملك الله عز وجل، لا بد من أحد الوجهين المذكورين، وما خرج عن ملكنا فلا يحل لنا أن ننصرف فيه إلا بنص مبيح أو إجماع والعجب من حملهم أمر الله تعالى بالأكل منها والإطعام، على أن ذلك غير واجب، ثم أرادوا أن يخصموا منها بقياس لا يشبه ما أرادوا تشبيهه به، نعني هدي المتعة بهدي الجزاء، فهلا إذ قاسوا هدي المتعة على هدي الجزاء قاسوا صيام الجزاء على صيام المتعة، ولكن هذا في تناقضهم يسير جدا، وأيضا فلا إجماع في تحريم الأكل من جزاء الصيد، وقد روينا عن بعض التابعين إباحة الأكل منه. قال علي: وقال بعضهم: كيف تتركون ظاهر القرآن الذي من أنكره أو شك فيه كفر، لخبر واحد لا تكفرون ما خالفكم فيه، ولا تفسقونه؟ قال علي: فيقال لهم: وبالله تعالى التوفيق: القطع على وجوب الائتمار لهما معا واحد بالدلائل التي قد ذكرناها في باب إثبات العمل بخبر الواحد من هذا الكتاب، وكلاهم وحي من عند الله تعالى، والقطع في المراد منهما بالمغيب منهما معا إنما هو على حسب الظاهر منهما، وإنما يكفر من أنكر تنزيل القرآن أو تنزيل بعضه فقط، وأما إن أنكر

grimage was treated by analogy with it. Ali said: This is an error. He, Most High, commanded eating only from a voluntary offering, provided it does not become unfit before reaching its appointed place As for every obligatory sacrificial offering, He, Most High, has said: {O you who believe, do not consume your wealth among yourselves wrongfully, unless it be trade by mutual consent among you. And do not kill yourselves; surely Allah is merciful to you.} Since all these obligatory offerings are commanded to be removed from our wealth, and since that extinguishes our ownership of them, they must have passed either into the ownership of the poor or into the ownership of Allah, Mighty and Majestic. One of these two possibilities must obtain. Whatever has passed out of our ownership is not lawful for us to dispose of except through an explicit text permitting it or through consensus.

What is astonishing is that they construe Allah's command, Most High, to eat of them and feed others as not obligatory, and then seek to make exclusions from it by an analogy in which the thing they wish to compare bears no resemblance to that with which they compare it: we mean the sacrificial offering for combining pilgrimage with the lesser pilgrimage and the sacrificial offering of compensation. Why, then, when they drew an analogy between the sacrificial offering for combining pilgrimage with the lesser pilgrimage and the sacrificial offering of compensation, did they not draw an analogy between the fasting required as compensation and the fasting required for combining pilgrimage with the lesser pilgrimage? Yet this is a very minor instance of their contradictions. Furthermore, there is no consensus prohibiting eating from the compensation for hunting. We have transmitted from some of the Successors that eating from it is permissible.

Ali said: Some of them said: "How can you abandon the apparent sense of the Qur'an—which someone who denies it or doubts it thereby becomes an unbeliever—for a solitary report, when you neither declare someone who disagrees with you concerning it an unbeliever nor declare him morally transgressive?"

Ali said: They should be told—and success is through Allah Most High—that certainty concerning the obligation to obey both is one and the same, on the grounds of the proofs we have already mentioned in the chapter establishing

الأخذ بظاهره، وتأول في آياته تأويلات لا يخرج بها عن الإجماع، فإننا لا نكفره ما لم تقم الحجة عليه، كما لا نكفر من خالفنا في قبول خبر الواحد ما لم تقم الحجة عليه، وكلا الأمرين سواء، ولو أن امرأ يقول لا أقبل ما قال رسول الله صلى الله عليه وسلم لكان كافرا مشركا كمن أنكر القرآن أو شك فيه ولا فرق وبالله تعالى التوفيق

the obligation to act upon a solitary report in this book. Both are revelation from Allah Most High. Certainty concerning what is intended by them, with respect to what is hidden in both, is only according to their apparent sense. Only someone who denies the revelation of the Qur'an, or the revelation of some part of it, thereby becomes an unbeliever. But if someone rejects adherence to its apparent sense and interprets its verses in ways that do not take him outside consensus, we do not declare him an unbeliever unless the proof has been established against him, just as we do not declare someone who disagrees with us about accepting a solitary report an unbeliever unless the proof has been established against him. The two matters are alike. If a person were to say, "I do not accept what Allah's Messenger, may Allah bless him and grant him peace, said," he would be an unbeliever and a polytheist, like someone who denies the Qur'an or doubts it, without any difference. And success is through Allah Most High.[103][104][105][106]

L1179 **[Section of the Discussion of General Applicability]**

[103]**Translator's note (L1174):** The Qur'anic quotations contain numerous omitted initial alifs and other orthographic defects. Where the intended words remain clear, these have been represented by their meaning. The quotation corresponding to Qur'an 33:5 reads دعوهم rather than ادعوهم. The translation follows the evident quoted sense, "Call them," while noting that the supplied spelling can independently mean "Leave them." The text reads قائل الخطأ, "the person who speaks in error." The context of obligatory expiation strongly suggests a corruption of قاتل الخطأ, "one who kills by mistake"; the supplied reading has been retained.

[104]**Translator's note (L1175):** القانع can denote either a contented poor person who refrains from asking or a person who asks; المعتر denotes someone who approaches seeking assistance. The translation preserves one established distinction between the two.

[105]**Translator's note (L1177):** The supplied يخصموا literally suggests deducting or subtracting; in this discussion it appears to mean making exclusions from the command's scope, possibly reflecting a corruption of يخصوا. The clause بالمغيب منهما معا, rendered "with respect to what is hidden in both," is awkward and its precise connection to the surrounding argument is uncertain. The supplied ما خالفكم appears to stand for من خالفكم, "someone who disagrees with you." The salutation is divided between this unit and the next; only the portion present here has been translated.

[106]**Qur'an references (L1174):** Qur'an 2:234 (Al-Baqarah); Qur'an 4:11 (An-Nisa); Qur'an 33:5 (Al-Ahzab); Qur'an 22:36 (Al-Hajj); Qur'an 4:29 (An-Nisa).

[فصل من الكلام في العموم]

قال علي وإذا ورد أن رسول الله صلى الله عليه وسلم فعل فعلا كذا نظرنا فإن كان عرضا منتهكا أو دما مسفوحا، أو مالا مأخوذا، علمنا أن ذلك واجب، لأنه عليه السلام حرم الدماء والأموال والأعراض جملة إلا بحق، فما أخذ عليه السلام من ذلك علمنا أنه فرض أخذه، وأنه مستثنى من التحريم المذكور، من ذلك جلد الشارب، وهمه عليه السلام بإحراق بيوت المتخلفين عن الصلاة، وهو عليه السلام لا يهم إلا لحق واجب لو أصر عليه المهموم فيهم لأنفذه عليهم، لا يحل لأحد أن يظن غير ذلك، ومن قال: إنه عليه السلام يتوعد بما لا يفعل، فقد نسب إليه الكذب وناسب ذلك إليه كافر، ومثل ذلك القضاء باليمين مع الشاهدين وغير ذلك كثير

L1180 Ali said: When it is reported that Allah's Messenger ﷺ performed a certain act, we examine it. If it involved the violation of someone's honor, the shedding of blood, or the taking of property, we know that it was obligatory, because he, peace be upon him, prohibited bloodshed, the taking of property, and violations of honor in their entirety, except by right. Thus, whatever he, peace be upon him, took from these, we know that taking it was obligatory and that it was excepted from the aforementioned prohibition. Examples include flogging the drinker and his intention, peace be upon him, to burn down the houses of those who stayed away from prayer. He, peace be upon him, only contemplates such an act for an obligatory right: if those against whom he contemplated it persisted in their conduct, he would carry it out against them. It is not lawful for anyone to think otherwise. Whoever says that he, peace be upon him, threatens something he will not do has attributed lying to him, and anyone who attributes that to him is an unbeliever. Similar instances include adjudicating on the basis of an oath together with two witnesses, and there are many others.[107]

[فصل من العموم]

قال علي العموم قسمان منه مفسر ومنه مجمل، فالمجمل هو الذي لا يفهم من ظاهره معناه، والمفسر قد ذكرناه، وأما المجمل فلا بد من طلب المراد فيه من أحد موضعين: إما من نص آخر، وإما من إجماع، فإذا وجدنا تفسير تلك الكلمة في نص آخر قلنا به وصرنا إليه، ولم نبال من خالفنا فيه ولا استوحشنا منه كثروا أو قلوا صغروا أو جلوا، ولم نتكثر بمن وافقنا فيه كائنا من كان من قديم أو من حديث وقليل وكثير وليس ممن كان معه الله ورسوله صلى الله عليه وسلم قلة ولا ذلة ولا وحشة إلى أحد ولا فاقة إلى وفور عدد، فإذا لم نجد نصا آخر نفسر هذا المجمل، وجب علينا ضرورة فرض طلب المراد من ذلك المجمل في الإجماع المتيقن المنقول عن جميع علماء الأمة الذين قال تعالى فيهم {يا أيها الذين آمنوا أطيعوا الله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى الله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك

[Section on General Applicability]

L1181

L1182–1197 Ali said: General applicability is of two kinds: some expressions are explained, and others are indeterminate. An indeterminate expression is one whose meaning is not understood from its apparent wording. We have already discussed explained expressions. As for an indeterminate expression, its intended meaning must be sought from one of two sources: either another explicit text or consensus. When we find the explanation of that expression in another explicit text, we affirm it and adopt it. We pay no heed to whoever disagrees with us concerning it, nor are we dismayed by them, whether they are many or few, insignificant or eminent. Nor do we seek strength in the numbers of those who agree with us concerning it, whoever they may be, whether from earlier or later times, few or many. Whoever has Allah and His Messenger ﷺ with him suffers neither paucity nor humiliation, nei-

[107] **Translator's note (L1180):** The text explicitly reads "an oath together with two witnesses" (اليمين مع الشاهدين). This appears to be an error for the familiar formulation "an oath together with one witness"; the supplied wording has been retained.

ther loneliness that drives him to seek anyone's company nor need for great numbers. If we find no other explicit text by which to explain this indeterminate expression, it necessarily becomes an obligation upon us to seek its intended meaning in certain consensus transmitted from all the scholars of the community, concerning whom He, Most High, said concerning them: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome.} The manner of proceeding in this is to adopt what they have unanimously agreed upon concerning what is intended by the meaning of that unspecific text, and leave aside that concerning which they disagreed. This is the true substance of what we have been commanded to do: adhere to consensus and abandon every position for which no evidence has been established. This is what we call the presumption of the continuation of the existing state and the least amount proposed. If someone says, "These are two names with different meanings. What is the difference between them? Why have you adopted one in some places and the other in other places? What defines the cases in which you adopt the presumption of the continuation of the existing state, and what defines the cases in which you adopt the least amount proposed? You call what you do in both cases adherence to consensus and a valid consensus, yet you yourselves do not countenance an unspecific formulation that you cannot explain, and you criticize the proponents of analogy most severely for this." He is to be told—and through Allah Most High comes success: "You have spoken truly in your description and done well in your question. The answer to what you have asked is that the cases in which we have acted upon what we call the least amount proposed concern a ruling imposing a financial payment or an act involving a number, where no text has come specifying its amount. It is therefore strictly obligatory that we issue no ruling against anyone, where nothing overturning that has been transmitted concerning a ruling against him, except on the basis of consensus upon the ruling against him. The number whose obligatory character they have agreed upon is one for which consensus upon ruling by it has been established. Anything beyond that is a position without evidence from either a text or consensus, and it is forbidden for any Muslim to adopt

خير وأحسن تأويلا} وكيفية العمل في ذلك أن نأخذ بما أجمعوا عليه من المراد بمعنى ذلك المجمل، ونترك ما اختلفوا فيه، فهذا هو حقيقة ما أمرنا به من الأخذ بالإجماع، وترك كل قول لم يقم عليه دليل. وهذا الذي نسميه استصحاب الحال، وأقل ما قيل: فإن قال قائل: إن هذان اسمان مختلفان في المعنى، فما الفرق بينهما؟ ولم صرتم إلى أحدهما في بعض الأمكنة؟ وإلى الآخر في أمكنة أخرى، وما حد المواضع التي تأخذون فيها باستصحاب الحال، وما حد المواضع التي تأخذون فيها بأقل ما قيل؟ وأنتم تسمون فعلكم في كلا الموضعين اتباعا للإجماع، وإجماعا صحيحا، وأنتم لا تسمون من أنفسكم بإجمال لا تستطيعون تفسيره، وتعيبون بذلك أصحاب القياس أشد عيب قيل له، وبالله تعالى التوفيق. صدقت في صفتك وأحسنت في سؤالك، والجواب عما سألت عنه، إن الذي عملنا فيه بأن سميناه أقل ما قيل، فإنما ذلك في حكم أوجب غرامة مال أو عملا بعدد لم يأت في بيان مقدار ذلك نص، فوجب فرضا ألا نحكم على أحد لم يرد ناقض في الحكم عليه إلا بإجماع على الحكم عليه، وكان العدد الذي قد اتفقوا على وجوبه وقد صح الإجماع في الحكم به، وكان ما زاد على ذلك قولا بلا دليل، لا من نص ولا إجماع، فحرام على كل مسلم الأخذ به، وأما الذي عملنا فيه بأن سميناه استصحاب الحال، فكل أمر ثبت إما بنص أو إجماع فيه تحريم أو تحليل أو إيجاب، ثم جاء نص مجمل ينقله عن حاله فإنما ننتقل منه إلى ما نقلنا النص، فإذا اختلفوا ولم يأت نص ببرهان على أحد الوجوه التي اختلفوا عليه، وكانت كلها دعاوى، فإذا ثبت على ما قد صح الإجماع أو النص عليه، ونستصحب تلك الحال، ولا ننتقل عنها إلى دعاوى لا دليل عليها، وهذا القسم موجود كثيرا، فهذا الجواب مستوعب لبيان جميع الوجوه التي سألت عنها، ومبين للحد الذي سألت عنه، وللفرق الذي سألت عنه ولوجوب المصير إلى ما سألت عن دليل وجوب المصير إليه، وبيان كون كلا الوجهين إجماعا، وبالله تعالى التوفيق. قال علي: ومن خالف الطريق التي

it. As for the cases in which we have acted upon what we call the presumption of the continuation of the existing state, these concern every matter in which a prohibition, permission, or obligation has been established by either a text or consensus, and then an unspecific text comes transferring it from its existing state. We transfer it only to that to which the text transfers us. If they disagree, and no text comes furnishing a demonstration for any one of the alternatives over which they disagree, and all of them are claims, then we remain with what consensus or a text has established, presume the continuation of that state, and do not depart from it for claims unsupported by evidence. This category occurs frequently. This answer comprehensively explains all the aspects you have asked about, clarifies the defining limit you have asked about and the difference you have asked about, and explains the obligation to adopt that concerning which you asked about the evidence establishing the obligation to adopt it, and explains how both approaches constitute consensus. And through Allah Most High comes success. Ali said: Whoever opposes the method we have mentioned necessarily has no alternative but one of two courses, with no third: either he speaks on the basis of his own opinion without evidence concerning the religion of Allah, Almighty and Majestic, or he follows authority uncritically; and all of that is false, so he cannot avoid falsehood. Ali said: We shall give examples of this so that it may be clearer to the student. We say—and through Allah Most High comes success—that examples include His saying, Most High: “Fight those who do not believe in Allah or in the Last Day, who do not prohibit what Allah and His Messenger have prohibited, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand while abased.” Another example is His saying, Most High: “It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they forgo it as charity. If he belongs to a people who are enemies of yours, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance granted by Allah. And Allah is All-Knowing, All-Wise.” And His saying, Most

ذكرنا فلا بد له ضرورة من أحد وجهين لا ثالث لهما: إما أن يقول برأيه بلا دليل في دين الله عز وجل، وإما أن يقلد، وكل ذلك باطل، فلا بد له من الباطل. قال علي: ونحن نمثل من ذلك أمثله لتكون أبين للطالب، فنقول، وبالله تعالى التوفيق إن ذلك مثل 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} ومثل ذلك قوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} وقوله 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} وقوله تعالى {فمن لم يجد فصيام شهرين متتابعين من قبل أن يتمآسا فمن لم يستطع فإطعام ستين مسكينا ذلك لتؤمنوا بلله ورسوله وتلك حدود لله وللكافرين عذاب أليم} وقوله تعالى {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وقوله تعالى {للذين يؤلون من نسآئهم تربص أربعة أشهر فإن فآءوا فإن لله غفور رحيم} وقوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن

High: “Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed 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 animal is readily available. Whoever cannot find the means must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for one whose family does not reside in the vicinity of the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment.” And His saying, Most High: “Whoever cannot find the means must fast two consecutive months before the two touch one another. Whoever is unable must feed sixty needy people. That is so that you may believe in Allah and His Messenger. Those are Allah’s limits, and for the unbelievers there is a painful punishment.” And His saying, Most High: “Take from their wealth a charitable payment by which you cleanse them and purify them, and pray for them. Your prayers are a source of reassurance for them. And Allah is All-Hearing, All-Knowing.” And His saying, Most High: “For those who swear to abstain from their wives there is a waiting period of four months. If they return, then Allah is All-Forgiving, All-Merciful.” And His saying, Most High: “Let those who cannot find the means to marry remain chaste until Allah enriches them from His bounty. Those among whom your right hands possess who seek a contract of emancipation: conclude such a contract with them if you know goodness in them, and give them from the wealth of Allah that He has given you. Do not compel your slave women to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is All-Forgiving, All-Merciful.” And His saying, Most High: “O you who believe, do not kill game while you are in a state of pilgrimage consecration. Whoever among you kills it deliberately must recompense it with the equivalent of what he killed in livestock, as adjudged by two just men among you, as a sacrificial offering reaching the Kaaba; or offer an expiation by feeding needy people, or its equivalent in fasting, so that he may taste the evil consequence of his action. Allah has pardoned what is past. Whoever does it again, Allah will

أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} وقوله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} وقول رسول الله صلى الله عليه وسلم ما من صاحب إبل لا يؤدي حقها وما من صاحب بقر لا يؤدي حقها، وما من صاحب فضة أو ذهب لا يؤدي حقها إلا فعل به يوم القيامة كذا وكذا، وجاء النص بإيجاب النفقة على الزوجات وذوي الرحم وملك اليمين فأما 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} فإنه حكم في مشركين قد أمرنا بقتلهم وأخذ أموالهم وسبي نسائهم وأطفالهم، وأوجب كل ذلك علينا وصح بالنص إيجاب دينار على الواحد منهم، فصح أن من بذل منهم أقل من دينار لم يجز حقن دمائهم بذلك، فكان الدينار أقل ما قال قائلون إنه جزية يلزم قبولها بالنص، وليس في أكثر من ذلك حد ووقف عنده فيقول القائل: هو أكثر ما قيل، فلو لم يكن ههنا حد يوقف عنده لما وقع عقد ذمته أبدا، لأنهم كانوا يكونون إنما بذلوا شيئا طلب منهم أكثر، وهذا لا نهاية له، وليس من حد حدا بأولى ممن حد حدا آخر، فهذا لا ينضبط أبدا، فصح أن الحد الأول هو الواجب أخذه وهو الدينار إذا بذلوه ولم يطيقوا أكثر منه، وليس في النص لأخذ أكثر من الدينار ممن أطاقه، وبالله تعالى التوفيق. وأما زكاة البقر فقد قدمنا ذكر خبر معاذ رضي الله عنه، وأن مسروقا أدركه وحضر حكمه وشاهده، هذا ما لا شك فيه، ولم يكن أخذ زكاة البقر من عمل معاذ نادرا ولا خفيا، بل كان فاشيا ظاهرا معلنا مرددا كل عام كثيرا، فهذا غاية صحة النقل الموجب للعلم والعمل، وكذلك عمله ونقله في الجزية، فصح أن زكاة البقر والجزية مسندان صحيحان

exact vengeance upon him. And Allah is Almighty, Possessor of vengeance." And the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "There is no owner of camels who does not discharge what is due on them, and no owner of cattle who does not discharge what is due on them, and no owner of silver or gold who does not discharge what is due on it, but that such-and-such will be done to him on the Day of Resurrection." A text has also come imposing the obligation of maintenance for wives, blood relatives, and those whom one's right hand possesses. As for His saying, Most High, "Fight those who do not believe in Allah or in the Last Day, who do not prohibit what Allah and His Messenger have prohibited, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand while abased," this is a ruling concerning polytheists whom we have been commanded to kill, whose property we have been commanded to take, and whose women and children we have been commanded to take captive; all of this has been made obligatory upon us. The obligation of one dinar for each one of them has been established by the text. It is therefore established that, if any of them offers less than one dinar, it is impermissible to spare their blood on that basis. Thus one dinar is the least amount that proponents of a position have said constitutes tribute whose acceptance is obligatory by the text. There is no limit to any greater amount at which one might stop, such that someone could say, "It is the greatest amount proposed." If there were no limit here at which to stop, his covenant of protection would never be concluded, because whenever they offered something, more would be demanded of them. There is no end to this, and someone who sets one limit has no greater claim than someone who sets another limit. This would never be determinate. It is therefore established that the first limit is what must be taken, namely one dinar, if they offer it and cannot afford more. And in the text there is, for taking more than one dinar from someone who can afford it—And through Allah Most High comes success. As for the obligatory alms on cattle, we have already mentioned the report of Muʿadh—may Allah be pleased with him—and that Masruq met him, attended his adjudication, and witnessed him. This admits of no doubt. Muʿadh's collection of the obligatory alms on cattle was neither an infrequent nor a concealed

عن رسول الله صلى الله عليه وسلم من طريق معاذ وأما عدد الجزية ومقدارها فقد ذكرناه آنفا، فهو اللازم إلا أن يتفقوا معنا باختيارهم على أكثر، أو يتملكوا دون عهد فيلزموا ما يطيقون، ويحرم بذلك دماؤهم، وسبيهم. وأما الصغار عليهم، فإن النص قد ورد بإلزامه إياهم، فكل ما وقع عليه اسم صغار فنحن نأتيه فيهم، إلا ما منعنا منه نص أو إجماع فقط، ولذلك أبحنا دماءهم إن ركبوا فرسا أو حملوا سلاحا أو تكنوا بكنى المسلمين، أو تشبهوا بهم أو سبوا مسلما أو أهانوه أو خالفوا شيئا من الشروط التي قد جمعناها في كتاب ذي القواعد، لأنه عموم واجب أخذه كله وحمله على كل ما اقتضاه اسمه، وهذا بخلاف ما جاء عن المسلمين، فإن المسلمين قد جاء النص فيهم بتحريم دمائهم وأموالهم وأعراضهم والإضرار بهم، وأوجب الله علينا كرامة كل مسلم بنهينا عن التحاسد والتنازع، وأن يحقر أحدنا أخاه المسلم، وأمرنا بالتراحم والتعاطف وهذا بخلاف ما أمرنا به في المشركين، فلا يحل من مال مسلم ولا من عرضه ولا من دمه ولا من أذاه إلا ما صح بإيجابه، فلذلك قلنا في الدية المأخوذة من المسلمين بأقل ما قيل. ولما صح تحريم أموال أهل الذمة بالجزية المتفق على قبولها، وجب أيضا ألا نحكم عليهم بعد تيقنا تحريم دمائهم وأموالهم، وسبيهم، إلا بأقل ما قيل عليهم، واستصحابا للحال التي قد تيقنا وجوبها علينا فيهم، وإنما حرم بعد الجزية مال الذمي استصحابا للحال التي قد تيقنا وجوبها عليهم فيها، فلذلك لم نقل أيضا في الدية المأخوذة منهم في قتل بعضهم بعضا إلا بأقل ما قيل وذلك ثلثا عشر دية المسلم إما ثمانمائة درهم، وإما ستة أبعرة وثلثا بعير، ما لم ينقضوا ذمتهم فيعودوا بنقضها إلى ما كانوا عليه قبل الذمة بالإجماع والنص وبالله التوفيق وأما قوله تعالى {وأتموا الحج والعمرة لله فإن أحصرتم فما ستيسر من الهدي ولا تحلقوا رؤوسكم حتى يبلغ الهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذا أمنتم فمن

part of his work; rather, it was widespread, manifest, publicly proclaimed, and frequently repeated every year. This constitutes the utmost soundness of transmission, requiring knowledge and action. The same applies to his practice and his transmission concerning the poll tax. It is therefore established that the reports concerning the obligatory alms on cattle and the poll tax both have sound chains of transmission reaching the Messenger of Allah ﷺ through Muʿadh. As for the numerical assessment of the poll tax and its amount, we have mentioned this just now, and that is what is binding, unless they voluntarily agree with us to pay more, or come under our dominion without a covenant, in which case they are required to pay what they can bear, and this renders their blood inviolable and their capture forbidden. As for their subjection to abasement, the text has expressly required that it be imposed upon them. We therefore subject them to everything to which the designation 'abasement' applies, except only what a text or consensus prohibits us from doing. Accordingly, we have deemed their blood licit if they ride a horse, carry a weapon, adopt the teknonyms of Muslims, imitate them, revile a Muslim, demean him, or contravene any of the conditions we have collected in the Book Possessing Foundations. For this is a general expression that must be accepted in its entirety and applied to everything encompassed by its designation. This differs from what has been transmitted concerning Muslims: concerning Muslims, the text has declared their blood, property, and honor inviolable and prohibited harming them. Allah has required us to honor every Muslim by forbidding us to envy one another, dispute with one another, or have any of us despise his Muslim brother; and He has commanded us to show mutual mercy and affection. This differs from what we have been commanded concerning the polytheists. Thus nothing involving a Muslim's property, honor, or blood, or the infliction of harm upon him, is lawful except what has been soundly established as obligatory. Accordingly, concerning the blood money collected from Muslims, we have adopted the lowest amount proposed. Since the inviolability of the property of those under a covenant of protection is established through the poll tax whose acceptance is agreed upon, it is likewise obligatory that, once we have attained certainty that their blood and property are inviolable and their capture forbidden, we impose upon them only the lowest amount proposed concerning

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} فقد بين ذلك نص عن النبي صلى الله عليه وسلم جلي وأما قوله تعالى {فمن لم يجد فصيام شهرين متتابعين من قبل أن يتمآسا فمن لم يستطع فإطعام ستين مسكينا ذلك لتؤمنوا بلله ورسوله وتلك حدود لله وللكافرين عذاب أليم} فإننا صرنا في تفسير مقدار هذا الإطعام إلى نص ورد في الواطىء خاصة، وصرنا في كفارة الظهار إلى أقل ما قيل في ذلك، وهو موافق للنص الوارد في كفارة الواطىء. وأما قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} فإننا صرنا في ذلك إلى بيان نصوص وردت في ذلك، وتركنا ما لم يأت فيه نص من الأموال، فلم نأخذ منه شيئا، لما ذكرنا من تحريم أخذ مال مسلم بغير طيب نفسه، فحرم أن يؤخذ من مال مسلم شيء أصلا إلا بنص بين جلي أو إجماع، لأن قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} هو مستثنى من جملة تحريم أموالهم، فلا يخرج من ذلك النص الأكثر الأعم إلا ما بينه نص أو إجماع وأما 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} فإنما نأخذ في مقدار متعة المطلقة بما أوجبه البرهان قبل، استصحابا لما قلنا من تحريم مال المسلم جملة وأما قوله {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} فإنا لا نجبر السيد على قبول أقل من قيمة المكاتب، ولا

them, maintaining the continuity of the state of affairs whose binding force upon us in their regard we have ascertained with certainty. The property of the protected non-Muslim became inviolable after payment of the poll tax only through maintaining the continuity of the state of affairs whose binding force upon them in that regard we have ascertained with certainty. Accordingly, we have likewise adopted concerning the blood money collected from them when they kill one another, only the lowest amount proposed: namely, two-thirds of one-tenth of a Muslim's blood money, either eight hundred dirhams or six camels and two-thirds of a camel, so long as they do not breach their covenant of protection, thereby reverting, through its breach, to their condition before the covenant of protection, as established by consensus and the text. With Allah lies success. As for His saying, exalted is He, 'Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed place. Whoever among you is ill or has an ailment of his head must offer a ransom consisting of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage until the pilgrimage must offer whatever sacrificial animal 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 does not reside near the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment,' a clear text from the Prophet ﷺ has explained this. As for His saying, exalted is He, 'Whoever cannot find the means must fast two consecutive months before the two touch one another. Whoever is unable must feed sixty needy persons. That is so that you may believe in Allah and His Messenger. These are Allah's limits, and for the unbelievers there is a painful punishment,' in explaining the quantity of this feeding we have referred to a text transmitted specifically concerning the man who engaged in sexual intercourse. As for the expiation for declaring one's wife forbidden by likening her to one's mother's back, we have adopted the lowest amount proposed in that regard, which accords with the text transmitted concerning the expiation of the man who engaged in sexual intercourse. As for His saying, exalted is He, 'Take from their property an alms offering by which you cleanse and purify them,

نجبر المكاتب على أكثر مما يطيق، لإجماع القائلين بإيجاب ذلك وهم أهل الحق على إيجاب المقدار الذي ذكرناه وأما قوله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} فإنا صرنا في ذلك إلى مقتضى ظاهر الآية على ما بيناه في كتابنا في المسائل، لأن الأصل ما قد ذكرنا من تحريم مال المسلم جملة، ومن أنه لا يحل لأحد أن يفرض شريعة على أحد لا من صيام ولا من غيره إلا ما أوجبه نص، وأما قوله عليه السلام: ما من صاحب إبل وما من صاحب غنم، وما من صاحب بقر، وما من صاحب ذهب فإنا صرنا في بيان مقدار الإبل والغنم والبقر المأخوذ منها ومقدار الحق المأخوذ منها إلى نصوص واردة في ذلك مبينة بيانا جليا، ولذلك أوجبنا حلبها يوما وردها فرضا. وأما الذهب فإنه لا نص في مقدار ما يؤخذ منه الحق منها، ولا في مقدار الحق المأخوذ منها، فصرنا في ذلك إلى الإجماع ضرورة، وقد قدمنا أنه لا يحل من مال مسلم إلا ما أوجبه نص أو إجماع، فلم نوجب في الذهب إلا أقل ما قيل، فلم نأخذ أقل من أربعين دينارا من ذهب ولا من الزيادة حتى يبلغ أربعين دينارا أبدا بخلاف الفضة، لأن الفضة ورد فيها نص، فوجب حمله على عمومه بخلاف الذهب الذي لم يرد في مقدار ما يؤخذ منه نص يصح البتة، وبالله تعالى التوفيق. وأما حلي الذهب فإنه قد أجمعت الأمة على وجوب الزكاة في الذهب قبل أن يصاغ حليا إذا بلغ المقدار الذي ذكرنا ثم اختلفوا في سقوطها إذا صيغ فاستصحبنا الحال الذي أجمعنا عليها، ولم نسقط الاختلاف ما قد وجب باليقين والإجماع. وأما النفقات الواجبات فقد أوجبها تعالى بالمعروف، وأمرنا بالإحسان في ذلك، وهذا يقتضي الشبع والسكن والكفاية وستر العورة بما لا يكون شهرة ولا مثلة، فقد رأينا في هذا كله وجه العمل الذي من حفظه ووقف عليه كفي

and pray for them; your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing,' we have referred in this matter to the explanation supplied by the texts transmitted concerning it. We have left untouched those kinds of property concerning which no text has come, taking nothing from them, because of what we have mentioned concerning the prohibition against taking a Muslim's property without his willing consent. Thus it is absolutely forbidden to take anything from a Muslim's property except on the basis of a clear, manifest text or consensus. For His saying, exalted is He, 'Take from their property an alms offering by which you cleanse and purify them, and pray for them; your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing,' constitutes an exception to the comprehensive prohibition concerning their property. Nothing, therefore, is excluded from that more extensive and more general text except what a text or consensus explains. As for His saying, exalted is He, 'There is no blame upon you if you divorce women while you have not touched them or assigned them an obligatory bridal payment. 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,' we adopt only, concerning the amount of the provision for a divorced woman, what demonstration has previously established as obligatory, maintaining the continuity of what we have stated concerning the comprehensive inviolability of a Muslim's property. As for His saying, 'Let those who cannot find the means to marry remain chaste until Allah enriches them from His bounty. Those among the people whom your right hands possess who seek a written contract of emancipation—make such a contract with them if you know there is good in them, and give them some of the wealth of Allah that He has given you. Do not compel your slave girls to prostitution, if they desire chastity, in order to seek the fleeting goods of the life of this world. Whoever compels them—then Allah, after their being compelled, is All-Forgiving, Merciful,' we do not compel the master to accept less than the value of the slave entering the emancipation contract, nor do we compel the slave entering the emancipation contract to undertake more than he can bear. This is because those who hold this to be obligatory—and they are the people of truth—agree unanimously that the amount we have mentioned is obligatory.

تعبا عظيما، ولاح له الحق دون تخطيط ولا إشكال، بحول الله وقوته. قال علي: وأما إذا ورد لفظ لغوي فواجب أن يحمل على عمومه وعلى كل ما يقع في اللغة تحته، وواجب ألا ندخل فيه ما لا يفيده لفظه مثل قوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} فالخير في اللغة يقع على الصلاح في الدين وعلى المال، فلا يجوز أن نخص بهذا النص بعض ما يقع عليه دون بعض إلا بنص فلما قال تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} ولم يقل معهم، ولا قال تعالى عندهم، أنه إنما أراد الدين فقط، فلذلك قلنا: إنه لا يجوز مكاتبة كافر لأنه لا خير فيه البتة، وأما المسلم فقوله: لا إله إلا الله محمد رسول الله خير كثير ففيه خير على كل حال، ولم يقل تعالى خير، وبعض الخير خير، وبالله تعالى التوفيق. ومن ذلك قوله عليه السلام: ليس فيما دون خمسة أوسق من حب أو تمر صدقة،

[116] **Qur'an references (L1182):** Qur'an 4:59 (An-Nisa); Qur'an 8:20 (Al-Anfal); Qur'an 47:33 (Muhammad); Qur'an 4:92 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 58:4 (Al-Mujadila); Qur'an 9:103 (At-Tawbah); Qur'an 2:226 (Al-Baqarah); Qur'an 24:33 (An-Nur); Qur'an 5:95 (Al-Ma'idah); Qur'an 2:236 (Al-Baqarah).

As for His saying, exalted is He, 'O you who believe, do not kill game while you are in the state of pilgrimage consecration. Whoever among you kills it deliberately must make recompense with livestock equivalent to what he killed, as judged by two just men among you, as a sacrificial offering reaching the Kaaba; or make expiation by feeding needy persons; or the equivalent of that in fasting, so that he may taste the ill consequence of his deed. Allah has pardoned what is past; but whoever does it again, Allah will exact vengeance upon him. Allah is Almighty, Possessor of vengeance,' we have adopted in this matter what the apparent meaning of the verse entails, as we have explained in our book on legal questions. For the foundational rule is what we have already mentioned: the comprehensive inviolability of a Muslim's property, and the fact that no one may impose a religious ordinance upon anyone—whether fasting or anything else—except what a text has made obligatory. As for his saying, peace be upon him, 'There is no owner of camels, no owner of sheep and goats, no owner of cattle, and no owner of gold we have referred, in explaining the number of camels, sheep and goats, and cattle from which the due is collected, and the amount of the due collected from them, to texts transmitted on this matter that explain it with manifest clarity. Accordingly, we made milking her for one day and returning her obligatory. As for gold, there is no text specifying either the quantity of it from which the due is taken or the amount of the due taken from it. We therefore necessarily resorted to consensus concerning this. We have already established that nothing from a Muslim's property is lawful except what a text or consensus makes obligatory. We therefore imposed upon gold only the lowest amount stated: we did not take from less than forty dinars of gold, nor from any additional amount until it reached forty dinars, ever. This differs from silver, concerning which a text has been transmitted, making it obligatory to apply it in its generality. Gold is different: no authentic text whatsoever has been transmitted specifying the quantity from which the due is taken. Through Allah Most High comes success.

As for gold jewelry, the community has unanimously agreed that zakah is obligatory upon gold before it is fashioned into jewelry, when it reaches the quantity we have mentioned. They then disagreed over whether this

obligation lapses when it is fashioned into jewelry. We therefore presumed the continuance of the state upon which we had agreed, and did not allow disagreement to cancel what had become obligatory through certainty and consensus.

As for obligatory maintenance payments, He Most High has prescribed them according to what is recognized as proper, and has commanded us to act well in this regard. This entails satiety, accommodation, sufficiency, and covering the private parts with something that neither attracts notoriety nor disfigures. In all this, we have thus seen the proper manner of proceeding: whoever retains it and understands it is spared great toil, and the truth becomes apparent to him without elaborate delineation or difficulty, through Allah's power and might.

ʿAli said: When a linguistic expression occurs, it must be applied in its generality and to everything that falls under it in the language. We must not include within it anything its wording does not convey. An example is His saying, Most High: "Let those who find no means of marriage remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them of Allah's wealth which He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is forgiving, merciful." In the language, "good" applies both to uprightness in religion and to wealth. It is therefore impermissible to restrict this text to some of what the expression applies to, excluding the rest, except on the authority of a text. Thus, when He Most High said, "Let those who find no means of marriage remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them of Allah's wealth which He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is forgiving, merciful." He did not say "with them," nor did He Most High say "in their possession," so

that He intended religious uprightness alone. For this reason, we say that it is impermissible to conclude a contract of emancipation with an unbeliever, because there is no good in him whatsoever. As for the Muslim, his saying, "There is no god but Allah; Muhammed is the Messenger of Allah," is abundant good. There is therefore good in him in every case. He Most High did not say "good," and some good is good. Through Allah Most High comes success.

Another example is his saying, peace be upon him: "There is no obligatory charity on less than five load-measures of grain or dates."[108][109][110][111][112][113][114][115][116]

[108]**Translator's note (L1184):** The clause containing «لم يرد ناقض في الحكم عليه» is awkward: literally, it refers to no overturning or contradicting factor having been transmitted concerning the ruling against someone. The supplied wording has been retained without substituting an assumed reference to a text. «فإذا ثبت» is syntactically irregular in context. The translation follows the apparent continuation of the argument, that one remains with what has been established. The wording «وأنتم لا تسمون من أنفسكم بإجمال» is awkward; its apparent sense is that the interlocutors do not themselves countenance an unexplained, unspecific formulation.

[109]**Translator's note (L1188):** «حد ووقف عنده» is awkwardly transmitted. The translation renders its apparent sense as a limit at which one might stop.

[110]**Translator's note (L1189):** «وليس في النص لأخذ أكثر من الدينار ممن أطاقه» is grammatically incomplete: the negative construction supplies no clear predicate. The translation leaves the clause incomplete rather than supplying an assumed statement about permission, prohibition, or a limit.

[111]**Translator's note (L1190):** The work's designation, كتاب ذي القواعد, is unusual as transmitted; 'the Book Possessing Foundations' renders it literally rather than substituting another title. In the final sentence about maintaining continuity, the Arabic shifts from an obligation 'upon us in their regard' to one 'upon them in that regard.' This shift is retained.

[112]**Translator's note (L1193):** The Qur'anic quotations repeatedly omit the initial alif of the definite article and exhibit similar transcriptional spellings. These have no discernible effect on the English meaning. 'The man who engaged in sexual intercourse' renders الواطىء; the particular circumstances of that intercourse are not stated in this segment.

[113]**Translator's note (L1194):** The wording قبل is read adverbially as 'previously'; the unvocalized transcription permits some syntactic uncertainty. The final prophetic quotation is incomplete in the supplied passage; no completion has been supplied. The Qur'anic quotations contain recurring transcriptional omissions in the definite article, without a discernible change in meaning.

L1198–1199 It therefore became obligatory to construe “less than” according to everything it entails, both “less” and “other than.” Zakah consequently fell away from all vegetables, pulses, fruit, and all other produce, because they are other than grain and dates. It also became obligatory to apply “grain” to everything to which it applies in the language; it does not apply only to wheat and barley. Al-Kisa’i and others among the authorities on language, trustworthy in their learning and religion, mentioned this.

Another example is the report that he, peace be upon him, used to allocate surplus wealth to mounts and weapons. It therefore became obligatory to allocate it to everything called mounts and weapons. For this reason, it was impermissible to establish any property as an endowment except where a text had been transmitted concerning it, because this constitutes instituting a religious law, and it is not lawful to rule by such a law except on the authority of a text. We permitted a person to establish an endowment for himself because he falls within the generality of his saying, peace be upon him: “If you wish, retain the principal and give the yield in charity.” A person may therefore give charity to himself and to others, because all of it is giving

فوجب حمل دون على كل ما يقتضيه من أقل ومن غير، فسقت بذلك الزكاة عن الخضراوات كلها والقطاني والفاكهة وسائر الثمار كلها لأنها غير الحب والتمر، ووجب حمل الحب على ما يقع عليه في اللغة، لا يقع على القمح والشعير فقط، ذكر ذلك الكسائي وغيره من ثقات أهل اللغة في علمهم ودينهم. ومثل ما جاء أنه عليه السلام كان يجعل فضل المال في الكراع والسلاح، فوجب وضعه في كل ما يسمى كراعا وسلاحا، ولذلك لم يجز تحبيس شيء من الأموال إلا ما جاء فيه نص، لأنه شرع شريعة، فلا يحل الحكم بها إلا بنص، وأجزنا أن يحبس المرء على نفسه، لأنه داخل في عموم قوله عليه السلام: إن شئت حبست الأصل وتصدقت بالثمرة، فجائز للمرء أن يتصدق على نفسه وعلى غيره لأنه كله تصدق وقد صح عن النبي صلى الله عليه وسلم قوله ابدأ بنفسك فتصدق عليها قال أبو محمد: وذكر بعض أهل الكلام في هذا الباب حديثا رواه أبو عبيد في غريب الحديث، وهو أمره عليه السلام قوما من جهينة بإدفاء رجل كان أصابه البرد، والإدفاء في لغتهم القتل فقتلوه. قال علي: وهذا حديث مكذوب لا يصح البتة، بل نحن على يقين من كذب مفتري، لأنه عليه السلام أفصح العرب وأعرفهم في لغتهم، ومأمور بالبيان، وليس من البيان أن يأمرهم بكلام يقتضي عندهم غير مراده صلى الله عليه وسلم ولا حجة لهم في قصة عدي في الخيطين لأن عديا من قبله أتى سوء الفهم وقد كان لعدي في قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} كفاية في أن المراد خيط الفجر من خيط الليل،

[114]**Translator’s note (L1196):** The opening continues the preceding segment; the feminine pronoun refers to the animal mentioned there. The gold passage literally says that nothing was taken from less than forty dinars, and that additional amounts were not assessed until they reached forty dinars. This potentially problematic wording has been retained without substituting another threshold. The clause about disagreement canceling an established obligation is grammatically irregular as supplied; the translation follows its apparent argumentative sense. The unusual word translated as “elaborate delineation” is takhtit. It may be a transcription error, but has not been silently replaced. The Quranic quotation contains numerous defective spellings and omitted initial letters in the transcription. Its intelligible wording and full repetition have been retained.

[115]**Translator’s note (L1197):** The contrast between good “in them,” “with them,” and “in their possession” concerns the prepositions used in the quoted emancipation provision. The following inference that religious uprightness alone is intended is the author’s. The supplied text says, literally, “He Most High did not say ‘good,’ and some good is good,” although the preceding quotation does contain “good.” The wording appears defective or incomplete; no missing qualification has been supplied. “Load-measures” translates awsuq, the plural of wasq. The repeated Quranic quotation contains the same defective spellings as the preceding unit; an extra closing quotation delimiter has no corresponding verbal content.

charity. The Prophet's ﷺ saying has been authentically established: "Begin with yourself and give charity to yourself."

Abu Muhammed said: Some practitioners of speculative theology mentioned in this connection a report transmitted by Abu ʿUbayd in Unusual Expressions in Hadith. It concerns his ordering, peace be upon him, some people of Juhaynah to warm a man who had been afflicted by the cold. In their language, "warming" meant killing, so they killed him.

ʿAli said: This is a fabricated report, wholly unauthentic. Indeed, we are certain of the falsehood of its fabricator, because he, peace be upon him, was the most eloquent of the Arabs and the most knowledgeable of their language, and he was commanded to make things clear. It is no act of clarification to command them using words which, in their understanding, entail something other than what he ﷺ intended.

Nor does the story of ʿAdi concerning the two threads provide them with an argument, because ʿAdi's misunderstanding arose on his own part. For ʿAdi, His saying, Most High, provided sufficient indication: "Intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned to you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread, of dawn. Then complete the fasting until night. Do not have intercourse with them while you are in devotional retreat in the mosques. Those are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him." This was sufficient to indicate that what was intended was the thread of dawn as distinct from the thread of night. And there had subsequently been revealed [an unintelligible quotation fragment]. The rest of the Companions, may

وقد كان نزل بعد: {دد وقد فعل فعل عدي سائر الصحابة رضوان الله عليهم وهم أهل اللغة.

Allah be pleased with them, had done what ʿAdi did, although they were native authorities on the language,[117][118]

L1200 and they were correct in doing so until there was revealed [an unintelligible quotation fragment], and they moved from the earlier apparent meaning to the apparent meaning of what was revealed afterward. This is what no one may go beyond. Through Allah Most High comes success, and He is the One who grants success in reaching what is correct.[119]

وأصابوا في ذلك حتى نزل {لل وانتقلوا عن الظاهر الأول إلى الظاهر النازل بعده، وهذا هو الذي لا يجوز لأحد تعديه، وبالله تعالى التوفيق وهو الموفق للصواب

[117] **Translator's note (L1199):** The opening completes the preceding unit. The author argues from the range of meanings of duna, here rendered both "less than" and "other than." The verb rendered "fell away" is corrupt as supplied, appearing as fasaqat rather than the contextually expected fasaqatat. The apparent intended sense is represented and the defect recorded here. "Mounts" renders kuraʿ, a term used for riding animals, especially horses; the author explicitly argues for the full linguistic extension of the term. The dialect story depends on idfaʾ being understood as "warming" in the command and as "killing" by its recipients. The author rejects the report as fabricated. The Quranic quotation has numerous defective spellings. "Of dawn" retains the placement of the phrase in the supplied wording, which is central to the subsequent argument. After "there had subsequently been revealed," the source has an opening quotation mark followed by two occurrences of the Arabic letter dal. This does not yield intelligible wording and has not been reconstructed.

[118] **Qur'an references (L1198):** Qur'an 2:187 (Al-Baqarah).

[119] **Translator's note (L1200):** After "there was revealed," the source contains an opening quotation mark followed by two occurrences of the Arabic letter lam. No intelligible quotation survives, and none has been supplied.



الباب 14: أقل الجمع

Chapter 14: The Minimum Denoted by the Plural

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الرابع عشر في أقل الجمع]

قال علي اختلف الناس في أقل الجمع فقالت طائفة: أقل الجمع اثنان فصاعدا، وهو قول جمهور أصحابنا، وقالت طائفة: أقل الجمع ثلاثة، وهو قول الشافعي وبه نأخذ، واحتج أصحابنا لقولهم بأن قالوا: الجمع في اللغة ضم شيء إلى شيء آخر، فلما ضم الواحد إلى الواحد كان ذلك جمعا صحيحا. قال علي: هذا خطأ ولا حجة فيه، لأنه يلزمهم على ذلك أن يكون الجسم الواحد مخبرا عنه بالخبر عن الجمع واقعا عليه اسم الجمع لأنه جمع جزء إلى جزء وعضو إلى عضو، وليس المراد باسم الجمع الذي اختلفنا فيه هذا المعنى من معاني الضم، وإنما المقصود به ما عدا الإفراد والتثنية، وليس ذلك إلا ثلاثة أشخاص متغايرة فصاعدا بلا خلاف من أهل اللغة وحفاظ ألفاظها وضباط إعرابها واحتجوا أيضا بأن قالوا روي عن النبي صلى الله عليه وسلم الاثنان فما فوقهما جماعة قال علي لا حجة لهم فيه، لأنه حديث لم يصح، حدثني أحمد بن عمر بن أنس بن عبد الله بن حسين بن عقال، ثنا إبراهيم بن محمد الدينوري، ثنا محمد بن أحمد بن الجهم، ثنا بشير بن موسى، ثنا يحيى بن إسحاق، ثنا عليلة بن بدر هو الربيع بن بدر، عن أبيه، عن جده عن أبي موسى الأشعري قال قال رسول الله صلى الله عليه وسلم الاثنان فما فوقهما جماعة وبه إلى ابن الجهم قال: ثنا عبد الكريم بن الهيثم، حدثنا أبو توبة، ثنا مسلمة بن علي، عن يحيى بن الحارث عن القاسم عن أبي أمامة أن رسول الله صلى الله عليه وسلم قال اثنان فما فوقهما جماعة وقال أبو محمد رحمه الله: عليلة ساقط بإجماع، وأبوه مجهول، ومسلمة بن علي ضعيف بلا خلاف، وكذلك القاسم عن أبي أمامة، فسقط الحديثان، وإنما المعتمد عليه في حكم الصلاة قوله عليه السلام لمالك بن الحويرث وابن عمه: فأذنا وأقيما وليؤمكما أكبركما وبإمامته في النافلة صلى الله عليه وسلم ابن عباس

[Chapter Fourteen: The Minimum Number Denoted by the Plural]

ʿAli said: People have disagreed over the minimum number denoted by the plural. One group said that the minimum is two and upward; this is the position of the majority of our associates. Another group said that the minimum is three; this is al-Shafiʿi's position, and we adopt it.

Our associates argued for their position by saying: In the language, collecting means joining one thing to another. Thus, when one was joined to one, that was a genuine collection.

ʿAli said: This is erroneous and provides no argument, because it would oblige them to predicate of a single body what is predicated of a plural, and to apply the designation "plural" to it, since it consists of part joined to part and limb to limb. But this sense of joining is not what is intended by the designation "plural" over which we disagree. What is intended is whatever goes beyond the singular and the dual. That is nothing other than three distinct individuals and upward, without disagreement among the authorities on language, those who preserve its vocabulary, and those who precisely master its grammatical inflection.

They also argued by saying: It has been transmitted from the Prophet ﷺ: "Two and any number above them constitute a congregation."

ʿAli said: They have no argument in this, because it is a report whose authenticity has not been established. Ahmad ibn ʿUmar ibn Anas ibn ʿAbd Allah ibn Husayn ibn ʿIqal related to me: Ibrahim ibn Muhammed al-Dinawari related to us: Muhammed ibn Ahmad ibn al-Jahm related to us: Bashir ibn Musa related to us: Yahya ibn Ishaq related to us: ʿUlaylah ibn Badr related to us—he is al-Rabiʿ ibn Badr—from his father, from his grandfather, from Abu Musa al-Ashʿari, who said: The Messenger of Allah ﷺ said: "Two and any number above them constitute a congregation."

By the same chain back to Ibn al-Jahm, who said: ʿAbd al-Karim ibn al-Haytham related to us: Abu Tawbah related to us: Maslamah ibn ʿAli related to us, from Yahya ibn al-Harith, from al-Qasim, from Abu Umamah, that the

Messenger of Allah ﷺ said: “Two and any number above them constitute a congregation.”

Abu Muhammed, may Allah have mercy on him, said: ʿUlaylah is rejected by consensus, and his father is unknown. Maslamah ibn ʿAli is weak without disagreement, and likewise al-Qasim in his transmission from Abu Umamah. Thus both reports fall away. What is relied upon concerning the ruling on prayer is only his saying, peace be upon him, to Malik ibn al-Huwayrith and his cousin: “You two should give the call to prayer and the call announcing its commencement, and the elder of you should lead you both,” and his leading in voluntary prayer —may Allah bless him and grant him peace ﷺ—Ibn ʿAbbas alone They also argued by saying: The way two people speak about themselves is the same as the way many people speak about themselves, without any difference. Thus two people say, “We did” and “We made,” exactly as a group says them.[1][2][3]

L1206–1208 Ali said: They have no proof in this for their assertion, on this basis, that speaking about two must be like speaking about a group, because that is analogy, and analogy is invalid. Moreover, speaking about two differs from speaking about a group: of two we say, “They two did” (faʿalā), whereas of a group we say, “They did” (faʿalū). Moreover, two women speak about themselves as two men speak about themselves: the two women say, “We did” and “We made.” Yet this does not require that one speak about them as one speaks about two men, saying “They two did” (faʿalā) on the same footing as “We did” (faʿalnā). Analogy is inadmissible in language, by the consensus of

[1] **Translator’s note (L1202):** The argument turns on the shared Arabic root of “plural” and “collecting.” The translation distinguishes the grammatical category from the ordinary act of joining things. The identification of ʿUlaylah as al-Rabiʿ ibn Badr continues in the next unit.

[2] **Translator’s note (L1203):** The opening completes the transmitter’s name and identification in the preceding unit. “Rejected,” “unknown,” and “weak” are assessments of transmitters in hadith criticism. The last clause continues in the next unit, where Ibn ʿAbbas is identified as the sole person led in prayer.

[3] **Translator’s note (L1204):** This fragment completes the preceding unit’s reference to the Prophet leading Ibn ʿAbbas alone in voluntary prayer. The salutation interrupts that construction in the Arabic.

وحده واحتجوا أيضا بأن قالوا خبر الاثنين عن أنفسهما نخبر الكثير عن أنفسهم ولا فرق، فيقول الاثنان: فعلنا وصنعنا، كما يقول الجماعة سواء بسواء.

قال علي: لا حجة لهم في ذلك في إيجابهم بهذا أن يكون الخبر عن الاثنين كالخبر عن الجماعة، لأن ذلك قياس، والقياس فاسد، وأيضا فإن الخبر عن الاثنين بخلاف الخبر عن الجماعة، فنقول عن الاثنين: فعلا، وعن الجماعة: فعلوا، وأيضا فإن المرأتين تخبران عن أنفسهما، كما يخبر الرجلان عن أنفسهما، فتقول المرأتان فعلنا وصنعنا، وليس ذلك بموجب أن يخبر عنهما كما يخبر عن الرجلين فيقال: فعلا بمنزلة فعلنا، ولا يجوز في اللغة قياس بإجماع عن أهلها، وإنما هي مسموعة والضمائر مختلفة عن الغائب والحاضر، والمخبر عن نفسه، والتثنية والجمع والمؤنث والمذكر، وقد تتفق الضمائر أيضا في مواضع، فليس اتفاقها فيها بموجب لاتفاقها في كل موضع، ولا اختلافها في بعض المواضع بموجب اختلافها في كل موضع، بل كل ذلك مأخوذ عن أهل اللغة كما سمعوه عن العرب، وقد يخبر الواحد عن نفسه كما يخبر الاثنان، وكما يخبر الجماعة فيقول: فعلنا وصنعنا ونفعل ونصنع، ونحن نقول وهذا عندنا، وليس ذلك بموجب أن يكون الواحد جمعا، فبطل احتجاجهم بأن خبر الاثنين عن أنفسهما نخبر الجمع، وهو حجة في كون الاثنين جمعا. واحتجوا أيضا بقوله تعالى: {إن تتوبآ إلى الله فقد

its authorities; language is received only through what is heard. Pronouns differ according to whether they refer to an absent person, someone present, someone speaking about himself, the dual, the plural, the feminine, or the masculine. Pronouns may also coincide in certain places, but their coincidence there does not require their coincidence everywhere, nor does their difference in certain places require their difference everywhere. Rather, all this is taken from the authorities on the language as they heard it from the Arabs. A single person may speak about himself as two people speak, and as a group speaks, saying, "We did," "We made," "We do," "We make," "We say," and "This is our view." This does not require that one person be a plurality. Thus their argument that two people's speaking about themselves is like a group's speaking about itself, and that this constitutes proof that two are a plurality, is invalid.

They also argued from His saying, exalted is He: {If you two repent to Allah, your hearts have indeed inclined; but if you support one another against him, then Allah is his protector, and Gabriel, and the righteous among the believers; and the angels, after that, are a support.} Yet the two of them had only two hearts. Ali said: They have no proof in this, because this is an established usage confined specifically to bodily members. The grammarians have transmitted this usage, saying that whenever there are two things belonging to two persons or things, they are spoken of as a plurality. It is as though the Arabs counted the two things spoken about and then added them to the two things to which they belong, making four, so that the plural was appropriate. In illustration of this they recited: "And two barren wildernesses, two vast, desolate expanses—their two backs like the backs of two shields." This is a usage in which one may go only as far as what has actually been heard from the Arabs, and it is impermissible to reason by analogy from it. They also argued from His saying, mighty and majestic is He: {And David and Solomon, when they two were judging concerning the cultivated field

صغت قلوبكما وإن تظاهرا عليه فإن الله هو مولاه وجبريل وصالح المؤمنين والملائكة بعد ذلك ظهير} وإنما كان لهما قلبان. قال علي: ولا حجة لهم في هذا، لأن هذا باب محفوظ في الجوارح خاصة، وقد نقل النحويون هذا الباب وقالوا: إن كل اثنين من اثنين، فإنه يخبر عنهما كما يخبر عن الجمع، كأن العرب عدت الشيئين المخبر عنهما ثم أضافتهما إلى الشيئين اللذين هما منهما، فصارت أربعة، فصح الجمع، وأنشدوا في ذلك: ومهمهين فدفدين مرتين ظهراهما مثل ظهور الترسين وهذا باب لا يتعدى فيه مسموعه من العرب فقط، ولا يجوز أن يقاس عليه، واحتجوا أيضا بقوله عز وجل: {وداوود وسليمان إذ يحكمان في الحرث إذ نفشت فيه غنم القوم وكنا لحكمهم شاهدين}

when the people's sheep grazed in it by night, and We were witnesses to their judgment.}[45]

L1209–1216 Ali said: They have no proof in this, because, according to the rules of Arabic, a pronoun refers back to the nearest preceding referent. The nearest referent to the pronoun in His saying, exalted is He, {And David and Solomon, when they two were judging concerning the cultivated field, when the people's sheep grazed in it by night, and We were witnesses to their judgment}, is "the people." The people, David, and Solomon are undoubtedly a group. Thus it is as though He, exalted is He, said, "And We were witnesses to the judgment concerning the people in that matter," meaning the judgment passed upon them, just as you say, "This is the judgment of such-and-such a matter," meaning the judgment concerning it and upon it.

They also argued from His saying, exalted is He: {Has the account of the disputants reached you, when they scaled the wall of the sanctuary? When they entered upon David, he was alarmed by them. They said, "Do not fear. Two disputants: some of us have wronged others. Judge between us in truth, do not deviate, and guide us to the even path."} He, exalted is He, made clear that they were two by His saying: {He said, "He has certainly wronged you by asking for your ewe to add to his ewes. Indeed, many partners wrong one another, except those who have faith and do righteous deeds—and few are they." And David thought that We had only put him to the test, so he sought his Lord's forgiveness, fell down bowing, and turned in repentance}; and by one of them saying: {This is my brother. He has ninety-nine ewes, and I have one ewe. He said, "Entrust her to me," and he overpowered me in speech.}

Ali said: They have no proof in this, because "disputant" (al-khaṣm) applies equally to one, two, and a group. Likewise, "visitors" (al-zawr) applies to a

قال علي: وهذا لا حجة لهم فيه، لأن الضمير في حكم العربية أن يكون راجعا إلى أقرب مذكور إليه، وأقرب مذكور إلى الضمير قوله تعالى: {وداوود وسليمان إذ يحكمان في الحرث إذ نفشت فيه غنم القوم وكنا لحكمهم شاهدين} فالقوم وداود وسليمان جماعة بلا شك فكأنه تعالى قال: وكنا لحكم القوم في ذلك أي للحكم عليهم، كما تقول هذا حكم أمر كذا، أي الحكم فيه وعليه. واحتجوا أيضا بقوله تعالى: {وهل أتاك نبأ الخصم إذ تسوروا المحراب * إذ دخلوا على داوود ففزع منهم قالوا لا تخف خصمان بغى بعضنا على بعض فاحكم بيننا بالحق ولا تشطط واهدنآ إلى سوآء الصراط} وبين تعالى أنهما اثنان بقوله: {قال لقد ظلمك بسؤال نعجتك إلى نعاجه وإن كثيرا من الخلطآء ليبغي بعضهم على بعض إلا الذين آمنوا وعملوا الصالحات وقليل ما هم وظن داوود أنما فتناه فاستغفر ربه وخر راكعا وأناب} ويقول أحدهما: {إن هذآ أخي له تسع وتسعون نعجة ولي نعجة واحدة فقال أكفلنيها وعزني في الخطاب} قال علي: لا حجة لهم فيه، لأن الخصم يقع على الواحد والاثنين والجماعة وقوعا مستويا، وكذلك الزور على الزائر الواحد والاثنين والجماعة، وكذلك الإلب والحرب، تقول هو إلب علي وهو حرب علي، وهما حرب علي وإلب علي، وهم حرب علي وإلب علي، فلا يسوغ لأحد أن يقول إن المتسورين على داود صلى الله عليه وسلم كانا اثنين دون أن يقول بل كانوا جماعة وقد قال ذلك بعض المفسرين، وقال تعالى: {هذان خصمان اختصموا في ربهم فالذين كفروا قطعت لهم ثياب من نار يصب من فوق رءوسهم الحميم} وإنما نزلت في ستة نفر، علي، وحمزة، وعبيد بن الحارث رضي الله عنهم، وفي عتبة، وشيبة، والوليد بن عتبة، إذ تبارزوا يوم بدر، وقد أخبر تعالى في آخر الآية بما يبين أنهم جماعة يقول تعالى: {هذان خصمان اختصموا في ربهم فالذين كفروا قطعت لهم ثياب من نار يصب

[4] **Translator's note (L1206):** The argument concerns Arabic grammatical number. The transliterations distinguish the masculine dual faʿalā from the masculine plural faʿalū and the first-person plural faʿalnā, distinctions that ordinary English pronouns do not fully convey. The verse of poetry is syntactically fragmentary. Its relevance is the contrast between the dual "their two backs" and the plural "backs" attached to "two shields."

[5] **Qur'an references (L1206):** Qur'an 66:4 (At-Tahrim); Qur'an 21:78 (Al-Anbya).

single visitor, two visitors, and a group. The same holds for "a hostile force" (al-ilb) and "an enemy" (al-ḥarb): you say, "He is a hostile force against me," "He is an enemy to me," "They two are an enemy to me and a hostile force against me," and "They are an enemy to me and a hostile force against me." Thus no one is entitled to say that those who scaled the wall to reach David, may Allah bless him and grant him peace ﷺ, were two, without instead saying that they were a group. Some commentators have indeed said this. He, exalted is He, said: {These are two disputants who disputed concerning their Lord. As for those who disbelieved, garments of fire have been cut out for them; boiling water is poured over their heads.} This was revealed concerning six men: Ali, Hamzah, and Ubayd ibn al-Harith, may Allah be pleased with them, and Utbah, Shaybah, and al-Walid ibn Utbah, when they met in single combat on the day of Badr. At the end of the verse He, exalted is He, states what makes clear that they are a group. He, exalted is He, says: {These are two disputants who disputed concerning their Lord. As for those who disbelieved, garments have been cut out for them of fire; boiling water is poured over their heads}, through to the end of His saying: {Indeed, Allah admits those who have faith and do righteous deeds into gardens beneath which rivers flow. There they are adorned with bracelets of gold and pearls, and their clothing there is silk.} Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Muhammed ibn Isa, from Ibrahim ibn Muhammed ibn Sufyan, from Muslim ibn al-Hajjaj: Amr ibn Zurarah related to us: Hisham related to us, from Abu Hashim, from Abu Mijlaz, from Qays ibn Abbad, who said: I heard Abu Dharr swear an oath: {Indeed, Allah admits those who have faith and do righteous deeds into gardens beneath which rivers flow. There they are adorned with bracelets of gold and pearls, and their clothing there is silk.} It was revealed concerning those who came forward for single combat on the day of Badr: Ali, Hamzah, and Ubaydah, may Allah be pleased with them, and Utbah and Shaybah, the two sons of Rabiah, and al-Walid ibn Utbah.

Since no clear text has come establishing that the two disputants who brought their dispute before David, may Allah bless him and grant him peace ﷺ, were, when they scaled the wall, only two, with no third person accompa-

من فوق رءوسهم الحميم} إلى منتهى قوله: {إن الله يدخل الذين آمنوا وعملوا الصالحات جنات تجري من تحتها الأنهار يحلون فيها من أساور من ذهب ولؤلؤا ولباسهم فيها حرير} حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن محمد بن عيسى، عن إبراهيم بن محمد بن سفيان، عن مسلم بن الحجاج، ثنا عمرو بن زرارة، ثنا هشام، عن أبي هاشم، عن أبي مجلز، عن قيس بن عباد قال: سمعت أبا ذر يقسم قسما: {إن الله يدخل الذين آمنوا وعملوا الصالحات جنات تجري من تحتها الأنهار يحلون فيها من أساور من ذهب ولؤلؤا ولباسهم فيها حرير} إنها نزلت في الذين برزوا يوم بدر: علي وحمزة وعبيدة رضي الله عنهم، وعتبة وشيبة ابنا ربيعة، والوليد بن عتبة، وإذا لم يأت نص بين في أن الخصمين المختصمين إلى داود صلى الله عليه وسلم كان إذ تسورا اثنين فقط لا ثالث لهما فليس لأحد أن يحتج بذلك في إبطال ما قد صح في اللغة ولا في إثبات أمر لم يثبت بعد. واحتجوا أيضا بقوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من الله والله عزيز حكيم} قال علي: ولا حجة لهم في ذلك، وليس كما ظنوا، بل هذا جمع صحيح، لأن لكل واحد من السارقين يدان، فهي أربع أيد بيقين، وقطع يدي السارق جميعا واجب يدا بعد يد، إذا سرق سرقة بعد سرقة، بنص القرآن. واحتجوا أيضا بقوله تعالى: {يوصيكم الله في أولادكم للذكر مثل حظ الأنثيين فإن كن نسآء فوق اثنتين فلهن ثلثا ما ترك وإن كانت واحدة فلها النصف ولأبويه لكل واحد منهما السدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه الثلث فإن كان له إخوة فلأمه السدس من بعد وصية يوصي بها أو دين آباؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من الله إن الله كان عليما حكيما} قال علي: وهذا عليهم لا لهم، أنه لا يجوز أن تحط الأم عن الثلث إلى السدس عندنا إلا بثلاثة من الإخوة لا باثنين، وقولنا في ذلك هو قول

nying them, no one may invoke this to invalidate what has been established in the language, or to establish something that has not yet been established.

They also argued from His saying, exalted is He: {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. Allah is Mighty, Wise.} Ali said: They have no proof in this. It is not as they suppose; rather, this is a proper plural, because each of the two thieves has two hands, so there are certainly four hands. Cutting off both of a thief's hands, one hand after the other, if he commits one theft after another, is obligatory by the explicit text of the Quran.

They also argued from His saying, exalted is He: {Allah instructs you concerning your children: for the male, the equivalent of the share of two females. If they are women numbering more than two, they shall have two-thirds of what he leaves; if there is one, she shall have half. For his parents, each of them shall have one-sixth of what he leaves if he has a child. If he has no child and his parents inherit from him, his mother shall have one-third. If he has siblings, his mother shall have one-sixth, after any bequest he makes or debt. Your fathers and your sons—you do not know which of them is nearer to you in benefit. An obligation from Allah; indeed, Allah is Knowing, Wise.} Ali said: This is against them, not in their favor, because in our view it is impermissible to reduce the mother's share from one-third to one-sixth except on account of three siblings, not two. Our position on this is that of Ibn Abbas, whose standing in the language is such that only an ignorant person would be unaware of it. Whoever ruled that the mother's share should be reduced to one-sixth on account of two siblings did so either by analogy or by uncritical adherence to authority, and all of that is invalid. If it is said, "Uthman held this view," he is to be told: Ibn Abbas disagreed with him, objected to this, and demonstrated to him that the language was contrary to his ruling. Uthman was unable to deny this, and we did not respond beyond his saying, "I cannot reverse that according to which people have inherited from one another."

They argued from His saying, exalted is He, reporting Jacob's words, peace be upon him: {He said, "Rather, your own souls have made a matter seem

ابن عباس، وهو في اللغة بحيث لا يجهل محله إلا جاهل، وإنما حكم من حكم برد الأم إلى السدس باثنين من الإخوة، إما بقياس، وإما بتقليد، وكل ذلك فاسد فإن قيل: قد قال بذلك عثمان، قيل له: قد خالفه ابن عباس وأنكر عليه ذلك، وبين عليه أن اللغة خلاف ما يحكم به، فلم يقدر عثمان على إنكار ذلك، ولم نرد على أن قال: لا أقدر أن أرد ما قد توارث به الناس. واحتجوا بقوله تعالى حاكيا عن يعقوب عليه السلام في قوله: {قال بل سولت لكم أنفسكم أمرا فصبر جميل عسى الله أن يأتيني بهم جميعا إنه هو العليم الحكيم} قالوا: وإنما كان يوسف وأخاه. قال علي: هذا خطأ، بل ما كانوا إلا ثلاثة، يوسف وأخاه الذي حبس من أجل الصواع الذي وجد في رحله، والأخ الكبير الذي قال: {فلما استيأسوا منه خلصوا نجيا قال كبيرهم ألم تعلموا أن أباكم قد أخذ عليكم موثقا من الله ومن قبل ما فرطتم في يوسف فلن أبرح الأرض حتى يأذن لي أبي أو يحكم الله لي وهو خير الحاكمين * ارجعوا إلى أبيكم فقولوا يأبانا إن ابنك سرق وما شهدنآ إلا بما علمنا وما كنا للغيب حافظين} فلما فقد يعقوب ثلاثة من بنيه تمنى رجوعهم كلهم. واحتجوا أيضا بقوله تعالى: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} والطائفة تقع على الواحد وعلى الاثنين وعلى الأكثر، فأخبر تعالى عن الطائفتين مرة بلفظ الجمع بقوله: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} ومرة بلفظ الاثنين: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} وقال تعالى في الآية التالية لها: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم

attractive to you. So, beautiful patience! Perhaps Allah will bring them all to me. Indeed, He is the Knowing, the Wise."} They said: There were only Joseph and his brother. Ali said: This is an error. Rather, there were precisely three: Joseph, his brother who was detained on account of the measuring cup that was found in his baggage, and the eldest brother, who said: {When they despaired of him, they withdrew to confer privately. Their eldest said, "Do you not know that your father has taken from you a solemn pledge by Allah, and that before this you failed in your duty concerning Joseph? I shall therefore not leave this land until my father gives me permission or Allah judges for me, and He is the best of judges. Return to your father and say, 'Our father, your son has stolen. We testify only to what we know, and we could not guard against the unseen.'"} Thus, when Jacob had lost three of his sons, he wished for the return of them all.

They also adduced His saying, exalted is He: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} The term "group" applies to one, to two, and to more. Thus He, exalted is He, referred to the two groups once with a plural expression, in His saying: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} And once with a dual expression: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} And He, exalted is He, said in the verse following it: {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy.} He therefore commanded reconciliation between two just as He commanded reconciliation among a group.

Ali said: This provides them with no proof, because "group," as they mentioned, applies to one, two, and more. When the two are referred to with a

ترحمون} فأمر بالإصلاح بين الاثنين كما أمر بالإصلاح بين الجماعة. قال علي: وهذا لا حجة لهم فيه، لأن الطائفة كما ذكروا تقع على الواحد والاثنين والأكثر، فإذا أخبر عنهما بلفظ الجمع، فالمراد بهما الجمع، والمراد بالطائفتين في أول الآية المذكورة الكثير منهم، ومعنى قوله تعالى: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون} أي بين الجماعتين المقتتلتين، ثم علمنا تعالى وجوب الإصلاح بين الاثنين كوجوبه بين الكثيرين بقوله تعالى: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون} وحمل الآية على ما نقول هو الذي لا يجوز غيره، لأنه عموم لكيفية الإصلاح بين الكثير والقليل ولو كان ما ظن مخالفنا، لما علمنا فيها الإصلاح بين الاثنين فقط وهذا خطأ. واحتجوا بقوله تعالى لموسى وهارون عليهما السلام: {قال كلا فاذهبا بآياتنآ إنا معكم مستمعون} ولم يقل معكما. قال علي: وهذا لا حجة لهم فيه، لأنهم ثلاثة بلا شك، المرسلان وفرعون المكلم المرسل إليه، فالمستمعون ثلاثة بيقين. قال علي: فإن قد بطل احتجاجهم بكل ما احتجوا به، فلنقل في بيان صحة مذهبنا، وبالله تعالى التوفيق.

plural expression, what is intended by them is a plurality. What is intended by the two groups at the beginning of the verse mentioned is a large number of them. The meaning of His saying, exalted is He, {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy}, is: between the two groups that are fighting. Then He, exalted is He, taught us that reconciliation between two is obligatory just as it is obligatory among many, through His saying, exalted is He: {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy.} Interpreting the verse as we say is the only permissible interpretation, because it is general in its application to how reconciliation is to be effected among many and among few. If it were as our opponent supposed, we would have learned from it only reconciliation between two, and this is erroneous.

They also adduced His saying, exalted is He, to Moses and Aaron, peace be upon them both: {He said, "No indeed! Go, both of you, with Our signs. We are with you, listening."} He did not say "with you both." Ali said: This provides them with no proof, because they are unquestionably three: the two messengers and Pharaoh, the person addressed, to whom they were sent. Thus those listening are certainly three.

Ali said: Since their appeal to everything they have adduced has been invalidated, let us proceed to explain the soundness of our position. Through Allah, exalted is He, comes success.[6][7][8][9][10][11]

L1217 We therefore say: Expressions in a language are simply expressions of meanings. There is no disagreement among those near at hand that two have a form used in referring to them different from the form used for three and above, and that three and above, up to a number without limit, have a form different from the form used in referring to two: namely, the plural form. No speakers of the language disagree that it is impermissible to say "The Zayds stood up," using the masculine plural, when you mean two, or "The Hinds

فنقول: إن الألفاظ في اللغة إنما هي عبارات عن المعاني، ولا خلاف بين القرب في أن الاثنين لهما صيغة في الإخبار عنهما، غير الصيغة التي للثلاثة فصاعدا، وإن للثلاثة فصاعدا إلى ما لا نهاية له من العدد صيغة غير صيغة الخبر عن الاثنين، وهي صيغة الجمع، ولا خلاف بين أحد من أهل اللسان في أنه لا يجوز أن يقال قام الزيدون، وأنت تريد اثنين. ولا جاءني الهندات، وأنت تريد اثنتين، وضمير الغائب موضوع بلا خلاف بين أحد من أهل اللسان في موضع اسم الغائب ومبدل منه، فلا يجوز أن يبدل ضمير الجماعة إلا من الجماعة، ولا ضمير الاثنين إلا من الاثنين، ولو كان ذلك لوقع الإشكال وارتفع البيان، وكذلك المخاطبات لا يجوز البتة أن نقول لاثنين: قمتم وقعدتم، وإنما يقال: قمتما وقعدتما: ولا يقال لاثنين: قمتن، ولا يقال للنساء: قمتما، وإنما قال: قمتن، فصح ما قلنا بحكم ظاهر اللغة التي بها نزل القرآن وبها تكلم النبي صلى الله عليه وسلم وإلى مفهومها نرجع في أحكام الديانة إلا ما نقلنا عنه نص جلي وبالله تعالى التوفيق، وهذا ما لا يجوز خلافه والله الموفق للصواب

[6] **Translator's note (L1209):** The discussion depends on Arabic nouns that can retain the same form when applied to one person, two people, or a group; the transliterations identify those forms. The supplied text names "Ubayd ibn al-Harith"; the later report in unit 1212:0 gives "Ubaydah." The differing forms are preserved. The wording "without instead saying that they were a group" follows the supplied Arabic, whose formulation is awkward.

[7] **Translator's note (L1212):** The verse quoted within Abu Dharr's report is the verse beginning "Indeed, Allah admits those who have faith," rather than the earlier verse beginning "These are two disputants," to which the account of the six combatants would appear to refer. The supplied quotation is retained without correction.

[8] **Translator's note (L1213):** The supplied "and we did not respond" (wa-lam narudd) is awkward in a passage describing Uthman's response. It may be a corruption of wording meaning "and he said no more than," but the supplied first-person plural has been retained.

[9] **Translator's note (L1215):** The same complete verse is quoted three times in the source; all three repetitions are retained. The argument concerns its plural verb for fighting and its dual references to the two groups, distinctions that English does not reproduce morphologically. The opening introduces the eldest brother as one "who said," but the quotation begins with the Qur'anic narrator's words before reaching the brother's speech. This apparent imprecision is retained.

[10] **Translator's note (L1216):** In the quotation, "with you" represents the Arabic plural, contrasted by the author with the dual "with you both." The source explicitly says that "those listening" are three, although the preceding enumeration concerns Moses, Aaron, and Pharaoh as the persons addressed by "with you." This apparent inconsistency is retained.

[11] **Qur'an references (L1209):** Qur'an 21:78 (Al-Anbya); Qur'an 38:21 (Sad); Qur'an 38:22 (Sad); Qur'an 38:24 (Sad); Qur'an 38:23 (Sad); Qur'an 22:19 (Al-Hajj); Qur'an 22:23 (Al-Hajj); Qur'an 5:38 (Al-Ma'idah); Qur'an 4:11 (An-Nisa); Qur'an 12:83 (Yusuf); Qur'an 12:80 (Yusuf); Qur'an 12:81 (Yusuf); Qur'an 49:9 (Al-Hujurat); Qur'an 49:10 (Al-Hujurat); Qur'an 26:15 (Ash-Shu'ara).

came to me," using the feminine plural, when you mean two women. The third-person pronoun is placed, without disagreement among any speakers of the language, in the position of the noun denoting the absent person and substitutes for it. Thus a plural pronoun may substitute only for a plurality, and a dual pronoun only for two. Were that permissible, ambiguity would arise and clarity would disappear.

The same applies to forms of direct address. It is absolutely impermissible to say to two people, "You stood up" and "You sat down," using the masculine plural forms; one says only "You two stood up" and "You two sat down." Nor does one say to two people, "You stood up," using the feminine plural form. Nor does one say to women, "You two stood up"; one says only "You stood up," using the feminine plural form. What we have said is therefore established by the apparent sense of the language in which the Qur'an was revealed and in which the Prophet, may Allah bless him and grant him peace ﷺ, spoke. It is to the meaning understood from that language that we refer in the rulings of religion, except where a clear text transfers us away from it. Through Allah, exalted is He, comes success. This is something from which departure is impermissible, and Allah grants success in attaining what is correct.[12]

[Section on Discourse Expressed in the Plural Form]

L1218

L1219–1220 Ali said: When an expression occurs in a plural form and it is possible to encompass everything to which it applies, encompassing it all is necessarily required. Otherwise, disobedience and contravention of the command have certainly occurred. If that is not possible and there is no way to encompass it all, people hold two positions. One is that it is obligatory to perform as much

[12] **Translator's note (L1217):** The supplied text reads al-qurb, literally "nearness" or "those near at hand," in "no disagreement among …." This appears corrupt, with "the Arabs" a plausible intended reading; the supplied reading has not been silently replaced. The grammatical examples depend on Arabic distinctions between masculine plural, feminine plural, and dual forms that English does not express in its verbs. These distinctions are stated explicitly in the translation. The source has "he said" in the final grammatical example, where the surrounding argument suggests "one says." It is rendered impersonally to convey the example's function.

[فصل من الخطاب الوارد بلفظ الجمع]

قال علي وإذا ورد لفظ بصورة جمع وقدر على استيعابه، فلا بد من استيعابه ضرورة، وإلا فقد صحت المعصية وخلاف الأمر، فإن لم يقدر على ذلك ولم يكن إلى استيعابه سبيل، فللناس قولان: أحدهما، أنه واجب أن يؤدي من ذلك ما أمكن، وما انتهى إليه الوسع، ولا يسقط عنه إلا ما عجز عنه أو ما قام نص أو إجماع بسقوطه، وبهذا نأخذ، وقالت طائفة: لا يلزم من ذلك إلا أقل ما يقع عليه اسم ذلك الجمع، وهو ثلاثة فصاعدا، وما زاد على ذلك فليس فرضا. قال علي: والحجة للقول الأول هي حجتنا على القائلين بالخصوص أو الوقف، وقد لزم عموم ذلك الجمع بيقين، فلا يسقط بشك ولا

of it as is possible and as far as one's capacity extends; nothing is waived for a person except what he is incapable of doing, or what a text or consensus establishes as waived. This is the position we adopt. A group said: Nothing is binding of this except the minimum to which the designation of that plural applies, namely three and above; anything beyond that is not obligatory.

Ali said: The proof for the first position is our proof against those who maintain specific application or suspension of judgment. The general application of that plural has become binding with certainty, and so it is not waived by doubt or by a claim. What a person is incapable of doing is waived; what he is not incapable of doing remains subject to the obligation to obey it. This is clarified by the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "And when I command you to do something, perform as much of it as you are able."

L1221–1222 Ali said: Among the instances of this are the words of Allah, mighty and majestic: {Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, those burdened by debts, in Allah's path, and the wayfarer—an obligation imposed by Allah. Allah is all-knowing, wise}—the verse—and His saying, exalted is He: {Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest for parents and near relatives according to what is right: a duty upon those mindful of Allah.}

We therefore say: If the ruler is able to encompass all the Muslims' needy people, their poor people, their warriors, and the remaining named categories, then encompassing them all is obligatory upon him. As for anyone below him who is unable to do that, the community has reached consensus, without disagreement, that he may restrict himself to some rather than others. This is indicated by his saying, may Allah bless him and grant him peace ﷺ, to Zaynab, the wife of Abd Allah ibn Masud, when she asked him, "Will it suffice for me to give my husband and my children by him some of the alms?" He, peace be upon him, said, "Yes."

Ali said: It is through these texts that we have arrived at this ruling. Exhaustive inclusion and general application have the same meaning. All of

بدعوى، فأما ما عجز عنه فساقط، وأما ما لم يعجز عنه فباق على وجوب الطاعة له ويبين ذلك قول رسول الله صلى الله عليه وسلم وإذا أمرتكم بأمر فأتوا منه ما استطعتم

قال علي: فمن ذلك قول الله عز وجل: {إنما الصدقات للفقرآء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغارمين وفي سبيل الله وابن السبيل فريضة من الله والله عليم حكيم} الآية وقوله تعالى: {كتب عليكم إذا حضر أحدكم الموت إن ترك خيرا الوصية للوالدين والأقربين بالمعروف حقا على المتقين} فنقول إن الإمام القادر على استيعاب جميع مساكين المسلمين وفقرائهم وغازيتهم وسائر الأصناف المسماة، ففرض عليه استيعابهم، وأما من عجز عن ذلك فمن دونه، فقد أجمعت الأمة بلا خلاف على أن له أن يقتصر على بعض دون بعض ودل على ذلك قوله صلى الله عليه وسلم لزينب امرأة عبد الله بن مسعود إذ سألته أيجزي عني أن أتصدق على زوجي وولدي منه من الصدقة؟ فقال عليه السلام: نعم. قال علي: فبهذه النصوص صرنا إلى هذا الحكم، والاستيعاب والعموم معناهما واحد، وهذا كله من باب استعمال الظاهر، والوجوب، وقد رام قوم أن يفرقوا بين الاستيعاب والعموم، وهذا خطأ ولا يقدرون على ذلك أبدا، وقال هؤلاء القوم: العموم لبعض ما يقع عليه الاسم عموم ذلك الجزء الذي عم به. قال علي: فيقال لهم: وكذلك الاستيعاب لبعض ما

this falls under applying the apparent sense and obligation. Some people have attempted to distinguish between exhaustive inclusion and general application. This is erroneous, and they will never be able to do so. These people said: "General application to some of what a designation applies to is general application to that portion to which it was applied generally." Ali said: They should be told: "Likewise, exhaustive inclusion of some of what a designation applies to is exhaustive inclusion of that portion which was thereby encompassed. There is no difference."

Ali said: A plural in a definite form and one in an indefinite form are alike in requiring exhaustive inclusion, as in His saying, exalted is He: {Say, "Look at what is in the heavens and the earth." But signs and warnings avail nothing for a people who do not believe.} This is a general application to every people who do not believe, although it is in an indefinite form, as you see. Some people have supposed that when a plural occurs in an indefinite form, it does not entail general application. They said: "Your saying 'Men came' does not convey general application as your saying 'The men came' does."

Ali said: This is a false supposition for which there is no evidence. It is merely familiarity with what has settled in their minds through common habits they have employed in addressing one another, contrary to the language's actual established usage. We have invalidated this through the verse we mentioned just now. Through Allah, exalted is He, comes success.[13][14]

يقع عليه الاسم استيعاب لذلك الجزء الذي استوعب به ولا فرق. قال علي: والجمع بلفظ المعرفة والنكرة سواء في اقتضاء الاستيعاب، كقوله تعالى: {قل انظروا ماذا في السماوات والأرض وما تغني الآيات والنذر عن قوم لا يؤمنون} فهذا عموم لكل قوم لا يؤمنون، وهو بلفظ النكرة كما ترى، وقد ظن قوم أن الجمع إذا جاء بلفظ النكرة فإنه لا يوجب العموم، فقالوا: قولك جاء رجال لا يفهم منه العموم، كما يفهم من قولك جاء الرجال. قال علي: وهذا ظن فاسد لا دليل عليه، وإنما هو ألفه لما وقع في أنفسهم في عادات سواء استعملوها في تخاطبهم، وبخلاف معهود اللغة في الحقيقة، وقد أبطلنا ذلك بالآية التي ذكرنا آنفا وبالله تعالى التوفيق

[13] **Translator's note (L1222):** The phrase rendered "through common habits" reads fi adatin sawa' in the supplied text and is awkward in context. Sawa' can convey sameness or uniformity; the precise intended qualification of "habits" is uncertain.

[14] **Qur'an references (L1221):** Qur'an 9:60 (At-Tawbah); Qur'an 2:180 (Al-Baqarah); Qur'an 10:101 (Yunus).



الباب 15: الاستثناء

Chapter 15: Exception

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الخامس عشر في الاستثناء]

قال علي قد بينا في باب الأخبار وفي باب العموم والخصوص كيفية الاستثناء، ونحن الآن متكلمون إن شاء الله عز وجل بتأييده لنا في ماهية الاستثناء وأنواعه، فنقول وبالله تعالى التوفيق: إن الاستثناء هو تخصيص بعض الشيء من جملته، أو إخراج شيء ما مما أدخلت فيه شيء آخر، إلا أن النحويين اعتادوا أن يسموا بالاستثناء ما كان من ذلك بلفظ: حاشا، وخلا، وإلا، وما لم يكن، وما عدا، وما سوى، وأن يجعلوا ما كان خبرا من خبر كقولك: اقتل القوم ودع زيدا، مسمى باسم التخصيص لا استثناء، وهما في الحقيقة سواء على ما قدمنا. قال علي: واختلفوا في نحو من أنحاء الاستثناء، فقالت طائفة: لا يجوز أن يستثنى الشيء من غير جنسه أو نوعه المخبر عنه، وقالت طائفة: جائز أن يستثنى الشيء من غير جنس أو المخبر عنه، وبكلا هذين القولين قالت طوائف من أصحابنا الظاهرين، ومن إخواننا القياسيين. قال علي: ونحن نقول: إن استثناء الشيء من غير جنسه ونوعه المخبر عنه جائز، واسمه في العربية عند النحويين الاستثناء المنقطع، وهو حينئذ ابتداء خبر آخر كقائل قال: أتاني المسلمون إلا اليهود، فهذا جائز كأنه قال: إلا اليهود فإنهم لم يأتوني، وهذا لا ينكره نحوي ولا لغوي أصلا، إذا كان على الوجه الذي ذكرناه. قال علي: والبرهان القاطع في ذلك قوله تعالى {فسجد الملائكة كلهم أجمعون * إلا إبليس ستكبر وكان من لكافرين} وقال تعالى {وإذا قلنا للملائكة سجدوا لآدم فسجدوا إلا إبليس كان من لجن ففسق عن أمر ربه أفتتخذونه وذريته أولياء من دوني وهم لكم عدو بئس للظالمين بدلا} فلم يدع تعالى للشك ههنا مجالا إلا بينه، وأخبر أن إبليس كان من الجن، وقد حمل التهور قوما راموا نصر مذهبهم ههنا فقالوا: إن الملائكة يسمون جنا لاجتنانهم.

[Chapter Fifteen: On Exception]

Ali said: We have already explained, in the chapter on reports and the chapter on the general and the specific, how exception operates. We shall now speak, if Allah, Mighty and Majestic, wills, with His support for us, about the nature of exception and its kinds. We say, then—and success comes through Allah Most High—that exception is the specification of part of a thing from its entirety, or the exclusion of something from that into which you have included something else. Grammarians, however, have customarily called this an exception when it is expressed by "apart from" (ḥāshā), "excluding" (khalā), "except" (illā), "except what is not" (mā lam yakun), "excluding" (mā ʿadā), and "other than" (mā siwā). They call a statement separated from another statement—as when you say, "Kill the people and leave Zayd"—specification, rather than exception. In reality, the two are the same, as we have already explained. Ali said: They have disagreed about one form of exception. One group said: It is impermissible to except a thing from something of a different genus or species about which the statement is made. Another group said: It is permissible to except a thing from a different genus or from that about which the statement is made. Groups among our fellow adherents of the apparent meaning and among our brothers who advocate analogy have held each of these two positions. Ali said: We say that excepting a thing from something of a different genus and species about which the statement is made is permissible. Its name in Arabic among grammarians is a disconnected exception. It then begins another statement, as when someone says, "The Muslims came to me, except the Jews." This is permissible, as though he had said, "Except the Jews: they did not come to me." No grammarian or lexicographer whatsoever denies this when it takes the form we have described. Ali said: The decisive demonstration of this is His saying, Most High: "Then the angels prostrated, all of them, altogether—except Iblis; he acted arrogantly and was among the disbelievers." And He said, Most High: "And when We said to the angels, 'Prostrate yourselves before Adam,' they prostrated, except Iblis. He was of the jinn, and he departed from his Lord's command. Will you then take him and his offspring as allies instead of Me, while they are enemies to you? Wretched is the exchange for the wrongdo-

ers!" Thus He, Most High, left no room for doubt here without clarifying it, and stated that Iblis was of the jinn. Recklessness has driven some people who sought to vindicate their doctrine here to say that the angels are called jinn because they are concealed[1][2][3]

L1226 Ali said: This is an outrageous assertion on several grounds. The first and clearest is the saying of Allah, Mighty and Majestic, when He questioned the angels: "And on the day He gathers them all together, then says to the angels, 'Was it you that these people used to worship?'" The angels said: "They said, 'Glory be to You! You are our protector, to their exclusion. Rather, they used to worship the jinn; most of them believe in them.'" Thus He, Most High, distinguished the angels from the jinn, as you see. The second ground is his statement, peace be upon him, that the angels were created from light and the jinn were created from fire. He thereby distinguished the two species with a distinction whose denial constitutes disbelief. Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj, from Abd Allah ibn Humayd, from Abd al-Razzaq, from Maʿmar, from al-Zuhri, from Urwa, from Aisha, who said: The Messenger of Allah ﷺ, may Allah bless him and grant him peace, said: "The angels were created from light, the jinn were created from a smokeless flame of fire, and Adam was created from what has been described to you." The third is the consensus of the community that whoever calls Gabriel or Michael a jinni has disbelieved. The falsity of this corrupt assertion has thus become clear. The utmost that its proponents

قال علي: وهذا قول فاحش من وجوه، أحدها وأوضحها قول الله عز وجل، إذ سأل الملائكة: {ويوم يحشرهم جميعا ثم يقول للملائكة أهؤلاء إياكم كانوا يعبدون} فقالت الملائكة: {قالوا سبحانك أنت ولينا من دونهم بل كانوا يعبدون لجن أكثرهم بهم مؤمنون} ففرق تعالى بين الملائكة والجن فرقا كما ترى، والوجه الثاني إخباره عليه السلام: إن الملائكة خلقت من نور، والجن خلقت من نار، ففرق بين النوعين فرقا من خالفه كفر. 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، عن عبد الله بن حميد، عن عبد الرزاق، عن معمر، عن الزهري عن عروة عن عائشة قالت قال رسول الله صلى الله عليه وسلم خلقت الملائكة من نور وخلق الجان من مارج من نار، وخلق آدم مما وصف لكم. والثالث إجماع الأمة على أن من سمى جبريل أو ميكائيل جنيا فقد كفر، فقد ظهر بطلان هذا القول الفاسد، وكان أقصى ما احتج له القائلون به أن قالوا: الاجتنان هو الاستتار، ومن ذلك يسمى المجن مجنا، والجنة جنة، فالملائكة والجن مستترون عنا فهم جن.

[1] **Translator's note (L1224):** In the second group's position, "من غير جنس أو المخبر عنه" is syntactically defective and appears to lack words. The translation preserves its surviving wording rather than silently supplying "species." The expressions introducing exceptions are retained in transliteration because the argument concerns their grammatical use. The wording "ما لم يكن" literally means "what is not" or "what was not," with its precise force dependent on the construction.

[2] **Translator's note (L1225):** The Quranic quotations contain repeated transcriptional losses of initial alifs, including in "الملائكة," "استكبر," "الكافرين," "اسجدوا," and "الجن." The translation follows the words that remain identifiable. The second quotation begins "وإذا" ("and when"), whereas Quran 18:50 has "وإذ." The supplied wording is translated.

[3] **Qur'an references (L1224):** Qur'an 18:50 (Al-Kahf).

offered in its support was to say: “Concealment (ijtinān) means being hidden (istitār). Hence a shield is called a mijann and a garden a janna. The angels and the jinn are hidden from us, so they are jinn.”[4][5][6]

L1227–1228 Ali said: This is the delirious talk of some lexicographers, and among every people there is madness. If someone were to reverse their argument against them and say, “Concealment (ijtinān), meaning being hidden, was derived only from jinn,” how would they extricate themselves? Moreover, they should be asked: Even if your claim were sound that jinn was derived from ijtinān, from what was ijtinān derived? If they proceed in this way without end, this entails existing things that have no beginnings and whose number has no end. This is impossible and inadmissible, and constitutes agreement with the people of unbelief. If they say, “The expression from which it was derived has no derivation,” they should be asked: “What makes that expression more entitled to be original than this second one?” Even leading grammarians have fallen into this, among them Abu Jaʿfar al-Nahhas, who composed a book on the derivation of the names of Allah, Mighty and Majestic. Exalted indeed is Allah far above that! This commits them to maintaining that the names of Allah, Mighty and Majestic, came into existence, because everything derived is taken from that from which it was derived, and everything taken was, before it existed, not taken. Thus there was a time when the names, according to their principle, did not exist.[7]

L1229–1236 Discussion here would grow lengthy, branch into other matters, and take us

قال علي: وهذا هذيان لبعض أهل اللغة، وفي كل قوم جنون، فلو أن عاكسا عكس عليهم فقال: ما اشتق الاجتنان الذي هو الاستتار إلا من الجن، بماذا كانوا ينفصلون؟ وأيضا فيقال لهم: حتى لو صح قولكم: إن الجن اشتقوا من الاجتنان فمن أي شيء اشتق الاجتنان؟ فإن جروا هكذا إلى غير غاية، وهذا يوجب أشياء موجودات لا أوائل لها، ولا نهاية لعددها، وهذا محال ممتنع، وموافقة أهل الكفر، وإن قالوا: ليس للفظ الذي اشتق منه اشتقاق، قيل لهم: فما الذي جعل تلك اللفظة بأن تكون مبتدأة أولى من هذه الثانية. وقد سقط في هذا كبار النحويين منهم أبو جعفر النحاس: فإنه ألف كتابا في اشتقاق أسماء الله عز وجل تعالى الله عن ذلك علوا كبيرا، وهذا يلزمهم القول بحدوث أسماء الله عز وجل، لأن كل شيء مشتق فهو مأخوذ مما اشتق منه، وكل مأخوذ فقد كان قبل أن يوجد غير مأخوذ، فقد كانت الأسماء على أصلهم غير موجودة،

والكلام ههنا يطول ويتشعب، ويخرجنا عن غرض كتابنا، وأسماء الله عز وجل إنما هي أسماء أعلام كقولك زيد وعمرو، والمراد بها الله تعالى الذي لم يزل وحده لا شريك له ولا يزال خالق كل شيء لا إله إلا هو رب العرش العظيم، وأما الأصوات المسموعة المعبر بها فمخلوقة لم تكن ثم كانت. ومنهم أبو القاسم عبد الرحمن بن إسحاق الزجاجي، فإنه قال في نوادره: العشقة نبت يخضر ثم يصفر ثم يهيج ومنه سمي العاشق عاشقا أو ما علم هذا الرجل أن كل نبت في الأرض فهذه صفته، فهلا يسمى العاشق باقلا مشتقا من البقل الذي يخضر، ثم يصفر، ثم يهيج، فإن ركب هذا الطريق اتسع له جدا، وأخرجه ذلك إلى بعض خرق من أدركاه من أهل الجنون، وأدخله في باب

[4] **Translator’s note (L1226):** The second Quranic quotation retains the introductory “They said” even though the author has already introduced it with “The angels said.” The transcription “لجن” in the Quranic quotation lacks the initial alif of “الجن”; the intended noun remains identifiable.

[5] **Hadith references (L1226):** Sahih Muslim 2996; Mishkat al-Masabih 5701; Riyad as-Salihin 1846.

[6] **Qur’an references (L1226):** Qur’an 34:40 (Saba); Qur’an 34:41 (Saba).

[7] **Translator’s note (L1227):** The clause “فإن جروا هكذا إلى غير غاية وهذا يوجب” has an irregular transition: literally, “If they proceed thus without limit, and this entails.” Its argument is retained. The wording “وكل مأخوذ فقد كان قبل أن يوجد غير مأخوذ” is awkward: literally, “everything taken was, before it existed, not taken.” The translation does not silently replace it with a smoother claim about the prior existence of the source of derivation.

beyond the purpose of our book. The names of Allah, Mighty and Majestic, are simply proper names, like your saying "Zayd" and "Amr." What is meant by them is Allah Most High, who has eternally been alone, without partner, and ever remains the Creator of everything. There is no deity except Him, the Lord of the mighty Throne. As for the audible sounds by which He is expressed, they are created: they did not exist, then came to exist. Among them is Abu al-Qasim Abd al-Rahman ibn Ishaq al-Zajjaji, who said in his Nawādir: "The ʿashaqa is a plant that turns green, then turns yellow, then withers; from it the lover (ʿāshiq) was named ʿāshiq." Did this man not know that this is the description of every plant on earth? Why, then, should the lover not be called bāqil, derived from herbage (baql), which turns green, then turns yellow, then withers? If he takes this path, it will open very widely before him and lead him into some of the foolishness of the madmen we have encountered, and bring him into the realm of laughable things, pleasantries, and buffoonery. What we believe, affirm, and declare certainly sound is that all derivation is invalid, except solely the names of agents derived from their actions, and the names of things described that are taken from their bodily and psychological attributes. Even here, we do not know whether the names were taken from the attributes or the attributes were taken from the names; we are, however, certain that one was taken from the other. Examples are "striker" (ḍārib) from "striking" (ḍarb), "eater" (ākil) from "eating" (akl), "white" (abyaḍ) from "whiteness" (bayāḍ), "angry" (ghaḍbān) from "anger" (ghaḍab), and similar cases. As for all the other names applied to genera and species, they have no derivation whatsoever. None precedes another; rather, they are all together. I used to discuss this with our teacher Abu Abda Hassan ibn Malik, may Allah have mercy on him. He had the greatest command of the language of anyone we met, together with his intense attention to it, his trustworthiness, and his care in transmitting it. He used to say to me: "Many an early lexicographer has held the position you maintain." He named one to me, but I am now uncertain of his name because so much time has elapsed; I think it was Niftawayh. How can a rational person permit himself to call the angels jinn when he hears the saying of Allah, Mighty and Majestic: "Had We willed, We would have given every soul its guidance. But the word from Me has become binding: 'I shall assuredly fill Hell with jinn and human beings,

المضاحك والمطايب والمجون. والذي نعتقد ونقول ونقطع على صحته، أن الاشتقاق كله باطل حاشا أسماء الفاعلين من أفعالهم فقط، وأسماء الموصوفين المأخوذة من صفاتهم الجسمانية والنفسانية، وهذا أيضا لا ندري هل أخذت الأسماء من الصفات، أو أخذت الصفات من الأسماء؟ إلا أننا نوقن أن أحدهما أخذ من صاحبه، مثل ضارب من الضرب، ومثل آكل من الأكل، ومثل أبيض من البياض وغضبان من الغضب، وما أشبه ذلك. وأما سائر الأسماء الواقعة على الأجناس والأنواع كلها، فلا اشتقاق لها أصلا، وليس بعضها قبل بعض، بل كلها معا، وقد كنت أجري في هذا مع شيخنا أبي عبده حسان بن مالك رحمه الله، وكان أذكر من لقينا للغة مع شدة عنايته بها، وثقته وتحريه في نقلها، فكان يقول لي: قد قال بهذا الذي تذهب إليه كثير من أهل اللغة قديم وسماه لي، وشككت الآن في اسمه لبعد العهد وأظن أنه نفطويه. وكيف يسوغ لذي عقل أن يسمي الملائكة جنا، وهو يسمع قول الله عز وجل {ولو شئنا لآتينا كل نفس هداها ولكن حق لقول مني لأملأن جهنم من لجنة ولناس أجمعين} وما علمنا مسلما يقول إن أحدا من الملائكة يدخل جهنم وقد قال تعالى {قل أعوذ برب لناس * ملك لناس * إله لناس * من شر لوسواس لخناس * لذى يوسوس في صدور لناس * من لجنة ولناس} أفتراه تعالى أمر نبيه صلى الله عليه وسلم بأن يستعيذ من شر الملائكة هذا ما لا يظنه ذو عقل، وقد اعترض على بعض من كلمني في هذا المعنى بقوله تعالى {وجعلوا بينه وبين لجنة نسبا ولقد علمت لجنة إنهم لمحضرون} وقال إنهم كانوا يقولون الملائكة بنات الرحمن. قال علي: وهذا ليس بشيء، لأنه قد روي عن ابن عباس أن قريشا كانت تقول: سروات الجن هم بنات الرحمن، فإنما عنى تعالى الجن على الحقيقة في هذا المكان لا الملائكة، ونسأل من ذهب إلى هذا، أيجوز أن يقول قائل، والجن حافون من حول العرش؟ وهذا ما لا يجيزه مسلم، وقد أخبر تعالى أن الجن عن السمع لمعزولون، ودون السماء بالشهب

مقذوفون، وأن الملائكة بخلاف ذلك، ويلزم من سمى الجن جنا من أجل اجتنانهم أن يسمي دماغه جنيا ويسمي مصيره جنيا، لأن كل ذلك مجتن، وقد اعترض بعضهم بأن إبليس دخل مع الملائكة في الأمر بالسجود لآدم صلى الله عليه وسلم قال علي وهذا باطل لأن الله تعالى أخبر أنه كان من الجن، ولا تدخل الجن مع الملائكة فيما خصت به الملائكة، فلا بد أنه تعالى أمر إبليس أيضا بالسجود، وقد جاء النص بذلك فقال تعالى: {قال يإبليس ما منعك أن تسجد لما خلقت بيدي أستكبرت أم كنت من لعالين} فقد أيقنا أن الله تعالى أمره بالسجود كما أمر الملائكة، فقد وجدنا الله تعالى استثنى إبليس من غير نوعه، فلا مجال للشك في هذا المعنى بعد هذا، ووجدناه تعالى قد قال أيضا: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} أي لكن خطأ وقال تعالى {يا أيها لذين آمنوا لا تأكلوا أموالكم بينكم بلباطل إلا أن تكون تجارة عن تراض منكم ولا تقتلوا أنفسكم إن لله كان بكم رحيما} وقال تعالى {لا يذوقون فيها لموت إلا لموتة لأولى ووقاهم عذاب لجيم} فاستثنى عز وجل الموتة الأولى وليست الموتة فيما يذاق أصلا في الجنة واستثنى تعالى التجارة وهي حق من الباطل واستثنى تعالى الخطأ من القتل المحرم، وليس المخطىء قاتلا من العمد الحرم، واستثنى تعالى القول الطيب سلاما سلاما من قول الإثم، ومن هذا الباب لا إله إلا الله، واستثنى الله تعالى من جملة الآلهة التي عبدها من سوانا وليس تعالى من جنسها ولا نوعها، ولا له عز وجل نوع ولا جنس أصلا، وقد قال تعالى {وما لأحد عنده من نعمة تجزى * إلا بتغآء وجه ربه لأعلى} وقال النابغة الذبياني ولا عيب فيهم غير أن سيوفهم بهن فلول من قراع الكتائب فاستثنى الفخر من المعائب، وقال

all together'"? We know of no Muslim who says that any of the angels enters Hell. And He said, Most High: "Say: 'I seek refuge in the Lord of human beings, the King of human beings, the God of human beings, from the evil of the whisperer who withdraws, who whispers into the breasts of human beings, from among jinn and human beings.'" Do you suppose, then, that He, Most High, commanded His Prophet ﷺ, may Allah bless him and grant him peace, to seek refuge from the evil of the angels? No rational person would suppose this. Someone who discussed this matter with me raised an objection against me, citing His saying, Most High: "They established a kinship between Him and the jinn, yet the jinn certainly know that they will be brought forth." He said: "They used to say that the angels were the daughters of the All-Merciful." Ali said: This amounts to nothing, because it has been related from Ibn Abbas that Quraysh used to say: "The nobles of the jinn are the daughters of the All-Merciful." Thus He, Most High, meant the jinn in the literal sense in this passage, not the angels. We ask whoever adopts this position: Is it permissible for someone to say, "And the jinn encircling the Throne." This is something no Muslim permits. The Exalted has reported that the jinn are barred from hearing and are pelted with flaming projectiles below heaven, whereas the angels are otherwise. Anyone who calls the jinn "jinn" because they are concealed must also call his brain a jinni and call his intestine a jinni, because all these are concealed. Some have objected that Iblis was included with the angels in the command to prostrate before Adam, may Allah bless him and grant him peace ﷺ. Ali said: This is false, because Allah the Exalted has reported that he was one of the jinn, and the jinn are not included with the angels in what is particular to the angels. He, the Exalted, must therefore also have commanded Iblis to prostrate. An explicit text establishes this, for the Exalted said: {He said: O Iblis, what prevented you from prostrating before what I created with My two hands? Did you act arrogantly, or were you among the exalted?} We are thus certain that Allah the Exalted commanded him to prostrate, just as He commanded the angels. We have therefore found that Allah the Exalted made an exception of Iblis from a kind other than his own. After this, there is no room for doubt about this meaning. We have also found that He, the Exalted, said: {It is not for a believer to kill a believer except by mistake.

Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they remit it as charity. If he belonged to a people who are enemies to you, while he was a believer, then a believing slave must be freed. If he belonged to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance from Allah. Allah is All-Knowing, All-Wise.} That is, "but by mistake." The Exalted said: {O you who believe, do not consume your property among yourselves wrongfully, except that there be trade by mutual consent among you; and do not kill yourselves. Surely Allah is merciful toward you.} The Exalted said: {They will not taste death therein except the first death, and He has protected them from the punishment of Hellfire.} Thus He, Almighty and Majestic, excepted the first death, although death is not among the things tasted in Paradise at all. The Exalted excepted trade, which is rightful, from wrongful dealings; and the Exalted excepted mistaken killing from prohibited killing, although someone who kills by mistake does not kill with the prohibited deliberate intent. The Exalted excepted good speech—"Peace, peace"—from sinful speech. "There is no deity except Allah" belongs to this category: Allah the Exalted was excepted from the totality of deities worshipped by people other than us, although He, the Exalted, belongs neither to their genus nor to their species. Indeed, He, Almighty and Majestic, has no species or genus at all. The Exalted has said: {And no one has with him any favor to be repaid, except seeking the face of his Lord, the Most High.} Al-Nabighah al-Dhubyani said: "There is no fault in them except that their swords have notches from striking against battalions." Thus he excepted a source of pride from faults. He also said: "I stood there late in the afternoon, questioning it; it was unable to answer. There was no one in the encampment except the tethering places—only with difficulty could I distinguish them—and the encircling trench, like a basin, in the hard ground dug where it should not have been." Thus he excepted the hearthstones and the encircling trench from persons. Another poet said: "And a land in which there is no companion except the wild gazelles and except the pale camels." The Exalted said: {If We wished, We would surely take away what We have revealed to you; then you would find for yourself no trustee against

أيضا: وقفت فيها أصيلانا أسائلها عيت جوابا وما بالربع من أحد إلا الأواري لأيا ما أبينها والنؤى كالحوض بالمظلومة الجلد فاستثنى الأثافي والنؤى من الأحدين، وقال آخر: وبلدة ليس بها أنيس إلا اليعافير وإلا العيس وقال تعالى {ولئن شئنا لنذهبن بلذي أوحينا إليك ثم لا تجد لك به علينا وكيلا * إلا رحمة من ربك إن فضله كان عليك كبيرا} فاستثنى عز وجل رحمته من الوكيل عليه الذي لا سبيل إليه، فأي شيء قاله من أبى استثناء الشيء من غير جنسه في هذه الآيات وفي هذه الآي، فهو قولنا، وهو أنه استثناء منقطع، وعطف خبر على خبر، بمعنى لكن، أو حتى، وقد صح بلا ضرورة أن يخبر بخبر إيجاب عن واحد، وبخبر نفي عن آخر، ولا فرق بين أن يرد أحد الخبرين على الآخر بحرف العطف، وبين أن يرد بحرف الاستثناء، وقد جاء كل ذلك كما ذكرنا وبالله تعالى التوفيق

Us concerning it, except mercy from your Lord. Surely His favor toward you has been great.} Thus He, Almighty and Majestic, excepted His mercy from a trustee against Him, whom there is no way to obtain. Whatever those who reject excepting something from a different genus say concerning these verses and these Quranic passages is precisely what we say: it is a disconnected exception and the conjunction of one statement to another, with the meaning of "but" or "until." It is unquestionably valid, without any necessity compelling it, to make an affirmative statement about one thing and a negative statement about another. There is no difference between connecting one statement to the other with a conjunction and connecting

it with a particle of exception. All this has occurred as we have described. Success comes through Allah the Exalted.[8][9][10][11][12][13][14][15]

[8]**Translator's note (L1229):** The plant name "العشقة" is left as ʿashaqa because its proposed verbal relationship to ʿāshiq, "lover," is the subject of the argument. Likewise, bāqil preserves the author's proposed parallel with baql, "herbage."

[9]**Translator's note (L1230):** The unvocalized "كثير من أهل اللغة قديم" is grammatically awkward. It is rendered "many an early lexicographer," preserving both the plurality and the reference to earlier authorities. The Quranic quotations repeatedly omit initial alifs in such words as "القول," "الجنة," "الناس," "الوسواس," and "الخناس." The translation follows the identifiable wording and preserves the repeated references to human beings. "أسماء الفاعلين" means names designating agents and also evokes the grammatical category of active participles; the examples preserve that connection.

[10]**Translator's note (L1231):** The Quranic fragment contains the transcriptional forms "لذى," "لناس," and "لجنة," lacking initial alifs. The translation follows the identifiable words and continues the quotation begun in the preceding unit.

[11]**Translator's note (L1232):** The transcription "وقد اعترض على بعض من كلمني" lacks the written form expected for "against me" (عليّ). Its syntax and the following context support the reading translated, but the supplied spelling is irregular. The Quranic quotation twice writes "لجنة" without the initial alif of "الجنة." The reported claim "The nobles of the jinn are the daughters of the All-Merciful" is retained as supplied, including its incongruous masculine wording "هم ... سروات" alongside "daughters."

[12]**Translator's note (L1233):** The opening completes a hypothetical statement about the jinn in the preceding segment. The unvocalized مصيره is understood here as "his intestine," from the anatomical noun maṣīr, in keeping with the argument about concealed organs.

[13]**Translator's note (L1235):** The opening الحرم is an irregular or corrupt form in the phrase العمد الحرم; the translation takes it as qualifying deliberate intent as prohibited. The statement about Allah being excepted uses passive English to express the argument conveyed by the Arabic wording. The Quranic quotation is translated with its explicit "except," preserving the construction on which the author's argument depends.

[14]**Translator's note (L1236):** The verse has الأواري, understood as tethering places or their remains, but the author's subsequent explanation calls them الأثافي, "hearthstones." This apparent mismatch is preserved. The poetic phrase بالمظلومة الجلد is compressed and difficult: it describes hard ground subjected to digging where digging was inappropriate. "Disconnected exception" renders استثناء منقطع, an exception whose apparent exception term does not belong to the class previously mentioned.

[Section on Exception]

Ali said: They disagreed over one kind of exception: excepting the greater part of a totality so that the lesser part remains. Some permitted it; this is the position of all our companions, the adherents of the literal meaning, and we adopt it. The majority of the Shafi'is also held it. Others rejected it; this is the position of the majority of the Malikis. We know of no argument whatsoever these people have for prohibiting it, except that some of them say: "You have agreed with us that exception is permissible, whereas we do not agree with you that excepting the greater part is permissible." Ali said: This argument is valid only concerning something for which there is no explicit text, or concerning something for which no demonstration has been established.

As for anything for which a rational demonstration or a demonstration from revealed law has been established, we do not care who agrees with us about it or who disagrees with us. Demonstrations have established the permissibility of excepting the greater part of a totality, leaving only the lesser part thereafter. Allah, Almighty and Majestic, said: {Stand at night except a little: half of it, or diminish it a little, or add to it; and recite the Quran with measured recitation.} Thus the Exalted substituted "half" for "a little"; this is an explanatory substitution. No one has ever disputed that standing in prayer throughout the entire night was not made obligatory upon him; rather, standing in prayer during the night was made obligatory upon him. This substitute occupies the place of what it replaces. The understood meaning is therefore that the Exalted said: "Stand at night except half of it." Then Allah the Exalted gave us a further great benefit: half is little in relation to the whole. Ali said: If someone says, "How can you use this as an argument when you say that standing in prayer for more than one third of the night is impermissible, because the Prophet, may Allah bless him and grant him peace ﷺ, said that there is no standing in prayer beyond that of David, who would stand in prayer for one third of the night after sleeping for half

[15] **Qur'an references (L1229):** Qur'an 32:13 (As-Sajdah); Qur'an 38:75 (Sad); Qur'an 4:92 (An-Nisa); Qur'an 4:29 (An-Nisa); Qur'an 92:19 (Al-Layl); Qur'an 17:86 (Al-Isra); Qur'an 17:87 (Al-Isra).

[فصل من الاستثناء]

قال علي واختلفوا في نوع من أنواع الاستثناء، وهو أن يستثنى من الجملة أكثرها، ويبقى الأقل، فأجازه قوم وهو قول جميع أصحابنا أهل الظاهر، وبه نأخذ، وبه قال جمهور الشافعيين، وأباه قوم وهو قول جمهور المالكيين، ولا نعلم لهؤلاء القوم حجة أصلا في المنع من ذلك إلا أن يقول بعضهم: إنكم قد وافقتمونا على جواز استثناء، ولا نوافقكم على جواز استثناء الأكثر. قال علي: وهذه حجة إنما تصح فيما لا نص فيه، أو فيما لم يقم عليه برهان،

وأما كل ما قام فيه برهان عقلي أو شرعي فلا نبالي من وافقنا فيه، ولا من خالفنا، وقد قامت البراهين على جواز استثناء الأكثر من جملة لا يبقى منها بعد ذلك إلا الأقل قال الله عز وجل {قم لليل إلا قليلا * نصفه أو نقص منه قليلا * أو زد عليه ورتل لقرآن ترتيلا} فأبدل تعالى النصف من القليل، وهو بدل البيان، ولم يختلف قط أحد أنه لم يفرض عليه قيام الليل كله، وإنما فرض عليه القيام في الليل، وهذا البدل يحل محل المبدل منه فالمفهوم أنه قال تعالى: قم الليل إلا نصفه، ثم زادنا الله تعالى فائدة عظيمة، وهي أن النصف قليل بالإضافة إلى الكل. قال علي: فإن قال قائل: كيف تحتجون بهذا وأنتم تقولون إن قيام أكثر من ثلث الليل لا يجوز لقول النبي صلى الله عليه وسلم إنه لا قيام فوق داود وكان يقوم ثلث الليل بعد أن ينام نصفه ثم ينام سدسه؟ قيل له وبالله تعالى التوفيق معنى قوله تعالى {نصفه أو نقص منه قليلا * أو زد عليه ورتل لقرآن ترتيلا} إنما هو والله أعلم إعلام بوقت القيام لا بمقدار القيام، ليتفق معنى الآية والحديث، فكل من عند الله تعالى وما كان من عنده تعالى فلا اختلاف فيه

of it, then sleep for one sixth of it?" he is told—and success comes through Allah the Exalted—that the meaning of His statement, the Exalted, {Half of it, or diminish it a little, or add to it; and recite the Quran with measured recitation}, is only—and Allah knows best—to indicate the time for standing in prayer, rather than the amount of standing in prayer, so that the meaning of the verse and the hadith agree. All comes from Allah the Exalted, and whatever comes from Him, the Exalted, contains no disagreement.

L1240 Allah, Almighty and Majestic, said: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement in it.} It is thus established that the meaning of His statement, the Exalted, {Stand at night except a little}, is: "Stand during the night except during a little of it—during half of it." Likewise, His statement, the Exalted, {Your Lord knows that you stand for less than two thirds of the night, and half of it, and one third of it, as does a group of those with you. Allah determines the night and the day. He knew that you would not reckon it, so He turned toward you in mercy. Therefore recite whatever is easy of the Quran. He knew that there would be sick people among you, and others traveling through the land seeking Allah's bounty, and others fighting in Allah's path. Therefore recite whatever is easy of it, establish prayer, give the obligatory alms, and lend Allah a good loan. Whatever good you send ahead for yourselves, you will find it with Allah, better and greater in reward. Seek Allah's forgiveness; surely Allah is All-Forgiving, Merciful}, means only "during less than." His statement, the Exalted, {They used to sleep little of the night}, together with His prohibition, through the tongue of His Prophet, against standing in prayer for more than one third of the night, is a clarification that two thirds come before comparison with the whole, because they used to sleep a little, namely two thirds. It can also be construed by taking "ma" here as an outright negation, so that its meaning is: "They used not to sleep for a little of the night," namely one third or less. This too would be a sound interpretation, agreeing with what is authentically reported from the Prophet, may Allah bless him and grant him peace ﷺ, concerning standing in prayer for one third. Both interpretations agree, because if someone sleeps for two thirds and stands in prayer for one third,

قال الله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فصح أن معنى قوله تعالى {قم لليل إلا قليلا} قم في الليل إلا في قليل في نصفه. وهكذا قوله تعالى {إن ربك يعلم أنك تقوم أدنى من ثلثي لليل ونصفه وثلثه وطآئفة من لذين معك ولله يقدر لليل ولنهار علم ألن تحصوه فتاب عليكم فقرءوا ما تيسر من لقرآن علم أن سيكون منكم مرضى وآخرون يضربون في لأرض يبتغون من فضل لله وآخرون يقاتلون في سبيل لله فقرءوا ما تيسر منه وأقيموا لصلاة وآتوا لزكاة وأقرضوا لله قرضا حسنا وما تقدموا لأنفسكم من خير تجدوه عند لله هو خيرا وأعظم أجرا وستغفروا لله إن لله غفور رحيم} إنما معناه في أدنى وقوله تعالى {كانوا قليلا من لليل ما يهجعون} مع نهيه على لسان نبيه عن قيام أكثر من ثلث الليل، بيان أن الثلثين قبل الإضافة إلى الكل، لأنهم كانوا يهجعون قليلا وهو الثلثان. ويخرج أيضا على أن ما ههنا جحد محقق، فيكون معناه: كانوا ما يهجعون قليلا من الليل وهو الثلث فأقل، فيكون هذا أيضا حسنا موافقا لما صح عن النبي صلى الله عليه وسلم في قيام الثلث وكلا القولين متفق لأنه إذا هجع الثلثين وقام الثلث، فإن الثلثين قليل بالإضافة إلى الكل، والثلث أيضا كذلك، وبالله تعالى التوفيق

two thirds are little in relation to the whole, and one third is likewise. Success comes through Allah the Exalted.[16][17]

L1241–1242 If an objector objects by citing the saying of Allah's Messenger, may Allah bless him and grant him peace ﷺ, "One third is much," he is told: Allah's Messenger, may Allah bless him and grant him peace ﷺ, spoke the truth. One third is much in relation to what is less than it. The same applies to every number in the world: a thousand thousand is much in relation to ten thousand, and a thousand thousand is little in relation to ten thousand thousand. Ali said: We suppose that what plunged these people into this predicament was their permitting the person establishing an endowment to except less than one third, while not permitting him to except more than that. Their error thus led them to something still more erroneous. Those who most deserve to cover their faces when this hadith—which they used as an objection—is mentioned, namely the saying of Allah's Messenger, may Allah bless him and grant him peace ﷺ, "One third is much," are the Malikis, because they consider one third much in making an exception from an endowment, as we have mentioned. Then, in the ruling concerning a married woman's property, they regard it as little: they permit her to dispose of a third without her husband's approval, but prevent her from disposing of more than a third except with his approval. Then they regard a third as much in the case of a calamity that destroys a third or more of the fruit, and regard anything less than a third as little, carrying no legal consequence. Then they regard a third as little when a seller excepts from his sold orchard

فإن اعترض معترض بقول رسول الله صلى الله عليه وسلم الثلث كثير قيل له صدق رسول الله صلى الله عليه وسلم الثلث كثير بالإضافة إلى ما هو أقل منه وهكذا كل عدد من العالم فألف ألف كثيرا بالإضافة إلى عشرة آلاف، وألف ألف قليل بالإضافة إلى عشرة آلاف ألف. قال علي: ونقدر أن الذي أقحم هؤلاء القوم في هذه الورطة، تجويزهم للمحتبس استثناء أقل من الثلث، ولم يجوزوا له استثناء الأكثر من ذلك، فقادهم الخطأ إلى ما هو أشد خطأ منه، وإن أولى الناس بالتقنع إذا ذكر هذا الحديث الذي اعترضوا به من قول رسول الله صلى الله عليه وسلم الثلث كثير فالمالكيون لأنهم يجعلون الثلث كثيرا في الاستثناء من الحبس كما ذكرنا. ثم يجعلونه في حكم المرأة ذات الزوج في مالها قليلا، فيجوزون لها الثلث دون رأي زوجها، ويمنعونها من أكثر من الثلث إلا برأيه، ثم يجعلون الثلث كثيرا في الجائحة إذا أصابت من الثمرة ثلثها فصاعدا، ويجعلون ما دون الثلث قليلا لا حكم له، ثم يجعلون الثلث قليلا في استثناء البائع من حائطه المبيع، أو زرعه المبيع مكيلة تبلغ الثلث فأقل، ويجعلون ما زاد على الثلث في ذلك كثيرا ممنوعا.

[16] **Translator's note (L1240):** The supplied text reads أن الثلثين قبل الإضافة إلى الكل, literally "that two thirds [are] before comparison with the whole," leaving an awkward or incomplete assertion. The argument suggests that قبل may be a corruption of قليل, "little," but the translation preserves the supplied reading. The author offers two grammatical interpretations of ما in the quotation about sleeping at night. The second explicitly treats it as a negative particle; both interpretations are retained.

[17] **Qur'an references (L1240):** Qur'an 4:82 (An-Nisa); Qur'an 73:20 (Al-Muzzammil).

or his sold crop a measured quantity amounting to a third or less, and regard anything exceeding a third in that case as much and prohibited.[18]

L1243–1244 Then they regard a third as much when a sheep is sold and a number of pounds of it are excepted: they prohibit this if those pounds amount to a third, but permit it if they amount to less than a third. Then they regard a third as little when a house is rented and contains date palms whose fruit has not yet appeared, or has appeared but has not yet shown signs of ripeness: they permit that fruit to be included in the rental. They say: If it amounts to more than a third, that is not permissible. They regard a tenth as little, and anything exceeding it as much, in the case of someone who instructs another to buy him a slave girl for thirty, and the latter buys him a slave girl for thirty-three. They say: The purchase is binding on the person who gave the instruction; but if it is for more, it is not binding on him. They have also said that anything exceeding half a tenth is much in the case of someone who instructs another to buy him a male slave for one hundred dinars, and the latter buys him one for one hundred and five dinars: this is binding on him but it is not binding on him if he buys him for more. At another time they regard a half as little: in the case of someone to whom another owes a dinar, who exchanges half of it for dirhams and takes food for the other half, they hold that this is permissible. But if he exchanges more than half and takes something for the remainder, that is not permissible, because it is much. They say: If someone buys goods and finds that some of them are defective and cannot lawfully be sold, such as a dead sheep among ritually slaughtered animals and the like, then, if that portion is the principal object of the transaction and the part from which profit is expected, the entire transaction is rescinded. If it is less than that, the unlawful portion is rescinded and the contract takes effect for the lawful portion. They set the threshold for much in this case at seventy out of a hundred, thus regarding anything below three quarters as little. They regard the loss of half the ear

[18]**Translator's note (L1241):** The supplied المحتبس is unusual for the person establishing an endowment; the following context explicitly concerns exceptions from an endowment. The translation follows that contextual sense. "Cover their faces" renders التقنع, apparently used polemically to suggest shame.

ثم يجعلون الثلث كثيرا في الشاة تباع، ويستثنى منها أرطال فمنعوا من ذلك إن كانت الأرطال مقدار الثلث، وأجازوه إن كانت أقل من الثلث، ثم يجعلون الثلث قليلا في الدار تكترى وفيها نخل لم يظهر بعد فيه ثمرة، أو ظهرت ولم يبد صلاحها، فأجازوا دخول تلك الثمرة في الكراء. قالوا: فإن كانت أكثر من الثلث لم يجز ذلك ويجعلون العشر قليلا وما زاد عليه كثيرا، فيمن أمر آخر أن يشتري له جارية بثلاثين، فاشترى له جارية بثلاثة وثلاثين، قالوا: هي لازمة للآمر. فإن كان أكثر فهي غير لازمة للآمر، وقد قالوا أيضا: إن ما زاد على نصف العشر كثير، فيمن أمر آخر أن يشتري له عبدا بمائة دينار، فاشتراه له بمائة وخمسة دنانير، أنه يلزمه ولا يلزمه إن اشتراه بأكثر، ومرة يجعلون النصف قليلا، فيمن كان له عند آخر دينارا فصارفه في نصفه بدراهم، فأخذ بالنصف الثاني طعاما، أن ذلك جائز، فإن صارفه بأكثر من النصف وأخذ بالباقي لم يجز ذلك، لأنه كثير. وقالوا: من ابتاع سلعا فوجد بعضها فاسدة، لا يجوز بيعها كشاة ميتة بين مذكيات ونحو ذلك، فإن كان وجه الصفقة والذي يرجى فيه الربح، فسخت الصفقة كلها، وإن كان أقل من ذلك فسخ الحرام ونفذ العقد في الحلال، وحدوا الكثير في ذلك بالسبعين من المائة، فجعلوا ما دون الثلاثة الأرباع قليلا، وجعلوا نقص النصف من الأذن والذنب مانعا من جواز التضحية. ونرجح في الثلث فما فوقه إلى النصف، ثم يجعلون الثلث قليلا، في الحلي والسيف، والمصحف يكون فيه فضة تقع في ذلك قيمته ما هي فيه، فيجيزون بيعه كله أو بعضه، أو يكون فيه ذهب يقع في ثلث قيمة ما هو فيه، فيباع بالذهب. قالوا: فإن كان مقدار ذلك أكثر من الثلث مما هو فيه، لم يجز بيعه إن كان فضة بفضة أصلا، وإن كان ذهبا بذهب أصلا، قالوا: والسكين بخلاف الحلي والسيف المصحف في ذلك. قال علي: فمرة كما ترى يجعلونه الثلث قليلا، ومرة يجعلونه كثيرا، ومرة يجعلون النصف قليلا، ومرة يجعلون ما زاد على العشر كثيرا، تحكما بآرائهم الفاسدة بلا دليل،

or tail as precluding the permissibility of offering the animal as a sacrifice, and we favor this ruling for a third and anything above it up to a half. Then they regard a third as little in jewelry, a sword, or a copy of the Qur'an containing silver whose value falls, in that, within the value of what contains it; they permit the sale of all or part of it. Or it contains gold amounting to a third of the value of what contains it, and it is sold for gold. They say: If the amount of that exceeds a third of what contains it, it is absolutely impermissible to sell it for silver if it is silver, or for gold if it is gold. They say: A knife differs in this respect from jewelry, a sword, and a copy of the Qur'an. Ali said: Thus, as you see, at one time they regard a third as little and at another as much; at one time they regard a half as little, and at another they regard anything exceeding a tenth as much, arbitrarily imposing their corrupt opinions without evidence.[19][20]

L1245–1262 Indeed, hearing these corrupt rulings, which Allah, mighty and majestic, has not authorized, is a lesson for anyone who takes heed and a sign for anyone who reflects. Astonishment is redoubled at people who accepted this and adopted it as their religion, as you see, abandoning for its sake the proofs and explicit texts of the Qur'an and the Sunnah. Allah is sufficient for us, and an excellent Trustee is He. Ali said: The explicit text of the Qur'an contains an exception of the greater part from a whole, after which the lesser part remains; thus the statement of everyone who opposes this is invalidated. Allah, mighty and majestic, said to Iblis: "Indeed, My servants—you have no authority over them, except those who follow you from the ones who go astray." And the Messenger of Allah, may Allah bless him and grant him

[19]**Translator's note (L1243):** The Arabic uses pounds as a unit of weight without specifying a modern equivalent. The currency for the slave girl's price is not stated.

[20]**Translator's note (L1244):** The text says seventy out of a hundred, then describes the resulting threshold as below three quarters. This numerical discrepancy is retained. The supplied reading ونرجح means 'and we favor' or 'and we give preponderance'; it unexpectedly shifts to the first person within the account of the opponents' rulings. The translation retains that shift. The clause describing the silver's value, تقع في ذلك قيمته ما هي فيه, is grammatically disturbed. Its wording is rendered conservatively; the parallel gold clause and the ensuing ruling suggest a reference to one third of the containing object's value, but that fraction is not supplied in the silver clause.

وإن سماع هذه القضايا الفاسدة التي لم يأذن بها الله عز وجل لعبرة لمن اعتبر، وآية لمن تفكر، والعجب يتضاعف من قوم قبلوا ذلك ودانوا به كما ترى وتركوا له دلائل القرآن والسنة ونصوصهما، وحسبنا الله ونعم الوكيل. قال علي: وقد جاء في نص القرآن استثناء الأكثر من جملة يبقى منها الأقل بعد ذلك، فبطل كلام كل من خالفه، قال الله عز وجل لإبليس {إن عبادي ليس لك عليهم سلطان إلا من تبعك من لغاوين} وقد أخبر رسول الله صلى الله عليه وسلم أنا في الأمم التي تدخل النار كالشعرة السوداء في الثور الأبيض، وأنه عليه السلام يرجو أن يكون نصف أهل الجنة، وأن بعث أهل النار من كل ألف تسعمائة وتسعة وتسعون للنار، واحد إلى الجنة، هذا حكم جميع ولد آدم عليه السلام ويكفي من ذلك قوله تعالى {وما أكثر لناس ولو حرصت بمؤمنين} فقد استثنى الغاوين من جملة الناس وهم أكثر الناس، فاستثنى كما ترى ألفا غير واحد من ألف. قال علي: وأيضا فإن الاستثناء إنما هو إخراج للشيء المستثنى، مما أخبر به المخبر عن الجملة المستثنى منها، ولا فرق بين إخراجك من ذلك الأكثر، وبين إخراجك الأقل، وكل ذلك خبر يخبر به، فالخبر جائز عن الأكثر كجوازه عن

peace ﷺ, has reported that we, among the nations that enter the Fire, are like a black hair on a white bull, and that he, peace be upon him, hopes to constitute half the inhabitants of Paradise; and that, of every thousand, the contingent destined for the Fire is nine hundred and ninety-nine for the Fire, with one going to Paradise. This is the ruling concerning all the descendants of Adam, peace be upon him. Sufficient for this is His saying, exalted is He: "And most people, however eager you may be, are not believers." He has thus excepted those who go astray from the totality of people, and they are most people; so, as you see, He has excepted a thousand less one from a thousand. Ali said: Furthermore, an exception is simply the exclusion of the thing excepted from what the speaker has asserted about the whole from which the exception is made. There is no difference between your excluding the greater part from that and your excluding the lesser part. All of this is an assertion being made, and an assertion concerning the greater part is permissible just as one concerning the lesser part is permissible. Only a shameless, obstinate person or an ignorant person would prohibit this. Furthermore, there is no doubt, by the necessary exercise of discernment, that ten thousand is more than ten thousand except one. Since that is so, ten thousand less one is little in comparison with a complete ten thousand. Since that is so, excepting the little from the much is permissible and undisputed. Furthermore, there is no difference between someone's saying 'a thousand less nine hundred and ninety-nine' and his saying 'one'; nor is there any difference between someone's saying 'seven hundred and three hundred' and his saying 'a thousand.' All of these are equivalent expressions: different wordings with one meaning. Since that is so, there is no difference between excepting three hundred from a thousand, because it is part of the thousand, and excepting nine hundred and ninety-nine from the thousand, likewise because it is part of the thousand. There is no difference. If someone says, 'Your Lord is a thousand less nine hundred and ninety-nine, if that means "one,"' he is told—and success comes through Allah, exalted is He: If you understood the meaning of naming your Lord, exalted is He, you would not have demanded this of us. We hold it impermissible to say that Allah, exalted is He, is a solitary individual, or that He is a lone individual. We say only 'One' and 'Unpaired,' solely as the explicit text has stated. For all of that is naming, and it is impermissible

الأقل، ولا يمنع من ذلك إلا وقاح معاند أو جاهل، وأيضا فلا شك بضرورة التمييز أن عشرة آلاف أكثر من عشرة آلاف حاشا واحدا، فإذا كان ذلك فعشرة آلاف غير واحد قليل بالإضافة إلى عشرة آلاف كاملة، وإذا كان ذلك فاستثناء القليل من الكثير جائز لا تمانع فيه. وأيضا فإنه لا فرق بين قول القائل ألف غير تسعمائة وتسعة وتسعين، وبين قوله، واحد، ولا فرق بين قول القائل: سبعمائة وثلاثمائة، وبين قوله: ألف، وهذا كله من المتلائمات وهي ألفاظ مختلفة معناها واحد، وإذا كان ذلك فلا فرق بين استثناء ثلاثمائة من ألف لأنها بعض الألف، وبين استثناء تسعة وتسعمائة وتسعين من الألف أيضا لأنها بعض الألف ولا فرق. فإن قال قائل: إن ربك ألف غير تسعمائة وتسعة وتسعين إذا كان ذلك بمعنى واحد، قيل له وبالله تعالى التوفيق: لو عقلت معنى تسمية ربك تعالى لم تسمنا هذا، ونحن لا يحل عندنا أن نقول: إن الله تعالى فرد ولا أنه فذ، ولا نقول إلا واحد وتر كما جاء النص فقط، لأن كل ذلك تسمية، ولا يحل تسمية الباري تعالى بغير ما سمى به نفسه، ومن فعل ذلك فقد ألحد في أسمائه، وهو تعالى ليس عددا وإنما يسمى ما دونه واحدا على المجاز وإلا فليس في العالم واحد أصلا، لأن الواحد الذي لا يتكثر البتة، وليس هذا في العالم البتة حاشا الله تعالى وحده، وبالله تعالى التوفيق. فإن قال قائل: فأخر استثناء الجملة كلها، قيل له: هذا لا يجوز، لأنه كان يتكون أحد الخبرين مبطلا للآخر، ومكذبا له كله، لأنه إذا قال: أتاني إخوتك إلا إخوتك كأن قد قال: إتاني إخوتك لم يأتني إخوتك، وهذا تناقض وتكاذب وخلف من الكلام، ومحال لا يجوز أصلا، وليس هذا المحال موجودا في استثناء الأكثر من جملة يبقى منها الأقل، ولا في استثناء الشيء من غير جنسه، ألا ترى أنك إذا قلت: أتاني إخوتك، ولم يأتني بنو عمك، وأتاني إخوتك، ولم يأتوني كلهم لكن بعضهم، فهذان الخبران صدق إذا صدق فيهما، والإخبار بهما صحيح حسن، فهذا فرق ما بين استثناء الجملة كلها وبين استثناء أكثرها، واستثناء الشيء من غير جنسه. وقد قال قائلون: إن من لفظ بعموم في خبره، فلا بد له أن

to name the Creator, exalted is He, with anything other than what He has named Himself. Whoever does so has deviated concerning His names. He, exalted is He, is not a number. Anything other than Him is called 'one' only figuratively; otherwise, there is nothing truly one in the world at all, because the one is that which admits no multiplicity whatsoever, and this does not exist in the world at all, except for Allah, exalted is He, alone. Success comes through Allah, exalted is He. If someone says, 'Then defer the exception of the entire whole,' he is told: This is impermissible, because one of the two assertions would then invalidate the other and contradict it entirely. For if he says, 'Your brothers came to me, except your brothers,' it is as though he had said, 'Your brothers came to me; your brothers did not come to me.' This is contradiction, mutual falsification, incoherent speech, and an impossibility that is entirely inadmissible. This impossibility does not occur when the greater part is excepted from a whole of which the lesser part remains, nor when something is excepted from something of a different kind. Do you not see that, if you say, 'Your brothers came to me, and your paternal cousins did not come to me,' and 'Your brothers came to me, but not all of them came to me, only some of them,' these two assertions are true if the speaker speaks truthfully in them, and making them is sound and proper? This is the distinction between excepting the entire whole, excepting its greater part, and excepting something from something of a different kind. Some have said that anyone who uses a general expression in his assertion must, if he makes an exception of the same kind as that whole, leave something to which the designation of generality applies. They do not permit someone to say, 'Your brothers came to me; not all of them came to me, but one of them came to me.' They say: The person who came is not brothers, but a brother; therefore an exception may be made only if three or more remain. Ali said: This is meaningless, because 'a thousand years' does not correspond to nine hundred. If he says, 'It corresponds to nine hundred and fifty,' he is told: The coming of the one brother likewise corresponds to the failure of all of them except him to come; there is no difference. If someone says, 'Since you do not permit excepting the entire whole, how could you say that, if someone says, "I owe so-and-so one hundred dinars, except a male slave worth one hundred dinars," or says, "I owe so-and-so one hundred dinars, except one

يبقي إن استثنى من جنس تلك الجملة ما يقع عليه اسم عموم، ولم يجوزوا أن يقول القائل: أتاني إخوتك، لم يأتني كلهم ولكن أتاني واحد منهم، وقالوا: إن الآتي ليس إخوة ولكنه أخ، فلا يستثنى إلا بأن يبقى ثلاثة فصاعدا. قال علي: وهذا لا معنى له، لأن ألف سنة ليس مطابقا لتسعمائة، فإن قال: هو مطابق لتسعمائة وخمسين، قيل له: ومجيء الأخ الواحد مطابق لعدم مجيء جميعهم حاشاه ولا فرق، فإن قال قائل: فإذا لا تجوزون استثناء الجملة كلها، فكيف قلتم، إن من قال: لفلان عندي مائة دينار إلا عبدا قيمته مائة دينار، أو قال: لفلان عندي مائة دينار إلا مائة دينار. إن هذا الإقرار لا يحكم عليه بشيء منه ولا يقضى لذلك لفلان عليه بشيء، قيل له وبالله تعالى التوفيق: وهذا موافق لأصلنا، لأنه لما كان استثناء جميع الجملة محالا، وكان الناطق بذلك ناطقا بمحال لا يجوز، فكان كلامه ذلك باطلا، وإقراره فاسدا، والإقرار لا يجوز إلا صحيحا مجردا من كل ما يبطله، فلذلك لم نحكم عليه بهذا الإقرار، لأنه متناقض، وقد وافقنا خصومنا في ذلك على أن رجلا لو قال بحضرة عدول: إني زنيت الساعة أمامكم بامرأة كانت معنا، وقتلت الساعة بحضرتكم رجلا مسلما حرام الدم بلا سبب، وكذلك لو قال: رفعت رجلا مسلما إلى السحاب ثم أرسلته فسقط في البحر فمات، أو قال: أخذت عصا موسى عليه السلام وطعنت بها رجلا فقتلته، فإنه لا يؤخذ بشيء من ذلك، ولا يحكم عليه إلا بالهوس والجنون، ولا فرق بين ما ذكرنا وبين ما حكمنا نحن به من إسقاط كل إقرار فاسد متناقض يسقط آخره أوله ويبطله، ولا فرق بين إسقاط بعض الجملة المقر بها الاستثناء، وبين إسقاط جميعها بالتناقض أو بذكر البراء منها وبالله تعالى التوفيق فصل من الاستثناء قال علي وإذا وردت أشياء معطوفات بعضها على بعض، ثم جاء الاستثناء في آخرها فإن لم يكن في الكلام نص بيان على أن ذلك الاستثناء مردود على بعضها دون بعض، فواجب محله على أنه مردود على جميعها، والبرهان على ذلك: أنه ليس بعضها أولى بها من بعض، فإن قال قائل: فهلا قلتم: إنه مردود عن أقربها منه، لأن الألفاظ التي تقدمت

hundred dinars," this acknowledgment does not result in a judgment against him for any part of it, and nothing is awarded to that so-and-so against him?' he is told—and success comes through Allah, exalted is He: This accords with our principle. Since excepting the entire whole is impossible, and the person uttering that is uttering an inadmissible impossibility, that statement of his is void and his acknowledgment defective. An acknowledgment is admissible only when it is sound and free of everything that invalidates it. For that reason, we do not rule against him on the basis of this acknowledgment, because it is contradictory. Our opponents have agreed with us in this matter that, if a man were to say in the presence of upright witnesses, 'I have just committed unlawful sexual intercourse before you with a woman who was with us, and I have killed just now, in your presence, a Muslim man whose blood is inviolable, without cause." Likewise, if he said, "I lifted a Muslim man up to the clouds, then released him, and he fell into the sea and died," or said, "I took the staff of Moses, peace be upon him, and stabbed a man with it and killed him," he is not held accountable for any of that, and no judgment is passed upon him other than that he is deranged and insane. There is no difference between what we have mentioned and our own ruling that every invalid, contradictory acknowledgment whose ending cancels and invalidates its beginning is to be set aside. Nor is there any difference between setting aside part of the acknowledged total by an exception and setting aside all of it through contradiction or by mentioning release from it. Through Allah Most High comes success.

A Section on Exception

Ali said: When several things occur conjoined to one another, and an exception then comes at their end, if the discourse contains no explicit clarification that the exception applies to some of them rather than others, it must be construed as applying to them all. The demonstration of this is that none of them has any greater claim to it than another. If someone says, "Why, then, do you not say that it applies to the one nearest to it? For the preceding expressions have already acquired their general application, and one must therefore not depart from that except through an explicit text or consensus," the answer—and through Allah Most High comes success—is that whenever

قد حصلت على عمومها، فواجب ألا ينتقل عنه إلا بنص أو إجماع، فالجواب وبالله تعالى التوفيق: إن كل ألفاظ جمعت في حكم واحد فلم يكمل بعد أمرها حتى ينقضي الكلام، فإذا جاء بعقبها استثناء فقد صح الاستثناء يقينا، وإذا صح يقينا فقد حصل التخصيص بالنص، وصار الاقتصار به على بعض ما قبله دون بعض دعوى مجردة لا دليل عليه، فإن قال قائل: فإن رده على أقرب ما يليه يقين، ورده على كل ما قبله شك، قيل له وبالله تعالى التوفيق: ليس شكا إذا قام الدليل على صحته، بل هو يقين، وأيضا فظاهر اللفظ رده على كل ما قبله، وتخصيص الظاهر بلا دليل لا يجوز. قال علي وكذلك نقول في آية القذف في قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون * إلا لذين تابوا من بعد ذلك وأصلحوا فإن لله غفور رحيم} راجع إلى كل ما تقدم ومسقط للفسق عنهم، وموجب لقبول شهادتهم، فإن قال قائل: فهلا أسقطتم به الحد قلنا منع من ذلك قول النبي صلى الله عليه وسلم لقاذف امرأته البينة وإلا فحد في ظهرك لأنه عليه السلام لم يسقط الحد إلا ببينة لا بالتوبة، وقد حد حمله ومسطحا في قذفهم عائشة أم المؤمنين رضي الله عنها، ولا شك في توبتهم حين نزول الآية ببراءتها، ولو لم يتوبوا لارتدوا وكفروا ولحلت دماؤهم، فصح أنهم حدوا بعد يقين توبتهم. وكذلك قلنا في قوله تعالى: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} فلولا بيان الاستثناء أنه مردود إلى الأهل فقط، لسقطت به الرقبة ولكن لا حق للأهل في الرقبة ولا صدقة لهم فيها وقد قال تعالى {قل أغير لله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم

expressions are brought together under a single ruling, their import is not yet complete until the discourse ends. If an exception follows them, the exception is certainly valid. Once it is certainly valid, specification has been established by the explicit text, and restricting it to some of what precedes it rather than the rest becomes a bare claim for which there is no evidence. If someone says, "Applying it to the immediately preceding item is certain, whereas applying it to everything preceding it is doubtful," he is told—and through Allah Most High comes success—"It is not doubtful when evidence establishes its validity; rather, it is certain. Moreover, the apparent meaning of the wording applies it to everything preceding it, and specifying the apparent meaning without evidence is impermissible."

Ali said: We say the same concerning the verse on accusations of unlawful sexual intercourse, in His words, Most High: {And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept any testimony from them; those are the defiantly disobedient—except those who repent thereafter and make amends, for Allah is Forgiving, Merciful.} It applies to everything preceding it, removes their status as defiantly disobedient, and requires acceptance of their testimony. If someone says, "Why, then, did you not use it to waive the prescribed punishment?" we say: What prevented that was the statement of the Prophet, may Allah bless him and grant him peace, to the man who accused his wife of unlawful sexual intercourse: "Produce the evidence; otherwise, the prescribed punishment will fall upon your back." For he, peace be upon him, waived the prescribed punishment only on the basis of evidence, not repentance. He imposed the prescribed punishment upon Hamlah and Mistah for their accusation against Aishah, Mother of the Believers, may Allah be pleased with her. There is no doubt that they repented when the verse declaring her innocence was revealed. Had they not repented, they would have apostatized and disbelieved, and their blood would have become lawful to shed. It is thus established that the prescribed punishment was imposed upon them after their repentance was certain.

We likewise said concerning His words, Most High: {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must

إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وكذلك قلنا في قوله عز وجل {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} فهذا الاستثناء مردود على المخاطبين أنفسهم، وهذا القليل عندنا مستثنى من الفضل والرحمة، لا من اتباع الشيطان، والآية على ظاهرها دون تكلف تأويل، ومعناها: أن الله رحمكم وتفضل عليكم حاشا قليلا منكم لم يرحمهم ولا تفضل عليهم، وهم الكفار منكم والمنافقون الذين فيكم، فلم تتبعوا الشيطان بفضل الله تعالى ورحمته، وأما الذين لم يتفضل الله عليهم ولا رحمهم فاتبعوا الشيطان، وهذا الذي قلنا هو العيان المشهود والنص المسموع، فإن الأقل من المخاطبين الحاضرين مع الصحابة رضي الله عنهم كانوا منافقين خارجين عن الفضل والرحمة، متبعين الشيطان فهم القليل المستثنون بقوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} واستثنوا من جملة المتفضل عليهم والمرجومين والممتنعين بذلك من اتباع الشيطان، فهو راجع على كل من ذكر في الآية، وبالله تعالى التوفيق. وللناس في هذه الآية أقوال فقوم قالوا: هذا الاستثناء راجع إلى قوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} قال علي وهذا خطأ لأن رد الاستثناء إلى أبعد مذكور دعوى ساقطة فاسدة لم يقل بها قط أحد من النحويين وأهل اللغة الذين إليهم يرجع في مثل هذا، وإنما الناس على قولين

free a believing slave and pay blood money delivered to his family, unless they remit it as charity. If he belongs to a people hostile to you and is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance from Allah; and Allah is Knowing, Wise.} Were it not clear that the exception applies to the family alone, it would also waive the obligation to free the slave. But the family has no entitlement concerning the slave, and no charitable remission concerning it is theirs to make. He, Most High, has said: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you of that concerning which you used to differ.}

We likewise said concerning His words, Mighty and Majestic: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} This exception applies to the persons addressed themselves. In our view, these few are excepted from the bounty and mercy, not from following Satan. The verse retains its apparent meaning, without a strained interpretation. Its meaning is that Allah had mercy upon you and bestowed His bounty upon you, apart from a few of you upon whom He neither had mercy nor bestowed His bounty, namely the unbelievers among you and the hypocrites in your midst. Thus you did not follow Satan, through the bounty of Allah Most High and His mercy. As for those upon whom Allah neither bestowed His bounty nor had mercy, they followed Satan. What we have stated is what is visibly witnessed and what the heard text states. For the smaller number of those addressed who were present with the Companions, may Allah be pleased with them, were hypocrites, excluded from bounty and mercy, following Satan. They are the few excepted in His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to

كما قدمنا، قوم قالوا: الاستثناء مردود إلى أقرب مذكور، وقوم قالوا: إلى الجملة كلها، فإن وجد استثناء راجع إلى أبعد مذكور فلا يحمل غيره على حكمه، لأنه بمنزلة ما خرج عن معهود أصله، وكلفظ نقل عن موضوعه وقال بعضهم {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} راجع إلى قوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} أي أذاعوا به إلا قليلا. قال علي: ويبطل قول هؤلاء بما بطل به قول من ذكرنا قبلهم ولا فرق، وقال بعضهم: فضل الله ورحمته المذكوران في الآية هما محمد صلى الله عليه وسلم والقرآن أي لولاهما لكنتم كفارا متبعين الشيطان إلا قليلا ممن هديناه قبل ذلك كزيد بن عمرو بن نفيل، وقس بن ساعدة. قال علي: وهذا تأويل فاسد النية، لأن زيدا وقسا لولا فضل الله ورحمته لهما لاتبعا الشيطان، والاستثناء إنما هو مخرج لما استثنى من جملة ما استثنى منه، فلا يجوز أن يكون هذا الاستثناء إلا من الفضل والرحمة والامتناع من اتباع الشيطان، الذي ذكر كل ذلك في الآية، وبالله تعالى التوفيق. قال علي: وحتى لو لم يجز في الاستثناء إلا رده إلى أقرب مذكور، لما كان في ذلك ما يوجب ألا نقبل شهادة القاذف إذا تاب، لأن الفسق مرتفع عنه بالتوبة بنص الآية بإجماع الأمة، وإذا ارتفع الفسق ثبتت العدالة ضرورة، لأنه ليس في العالم من المخاطبين إلا فاسق أو عدل، وإذا ثبتت العدالة وجب قبول الشهادة لقوله تعالى {جزآؤهم عند ربهم جنات عدن تجرى من تحتها لأنهار خالدين فيهآ أبدا رضى لله عنهم ورضوا عنه ذلك لمن خشي ربه} فحرام علينا ألا نرضى عمن رضي الله عنه، وإذا كان حراما علينا، ففرضنا الرضا عنه، وإذا كان الرضا عنه فرضا ففرض

the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} They were excepted from the totality of those upon whom bounty was bestowed, those stoned, and those thereby refraining from following Satan. It therefore applies to everyone mentioned in the verse. Through Allah Most High comes success.

People hold various views concerning this verse. Some said: This exception refers back to His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.}

Ali said: This is an error, because referring the exception back to the most distant item mentioned is a worthless, invalid claim never advanced by any of the grammarians or authorities on language to whom reference is made in such matters. People hold only two positions, as we have already stated: some say that the exception applies to the nearest item mentioned, and others say that it applies to the whole statement. If an exception is found that applies to the most distant item mentioned, other instances are not to be assigned its ruling, because it is comparable to something that departs from the established usage of its original form, or to an expression transferred from its assigned meaning. Some said: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few} refers back to His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them

علينا قبول شهادته، لأنه ممن نرضى من الشهداء بنص القرآن في إيجاب شهادة {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 تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله 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 لله ويعلمكم لله ولله بكل شيء عليم} فقد صح أن سقوط الفسق عنه موجب لقبول شهادته. والعجب من أصحاب أبي حنيفة في تركهم ظاهر الآية وميلهم إلى رأيهم الفاسد، فإن نص الآية إنما يوجب ألا تقبل شهادته بنص القذف، وليس في ذلك أن شهادته لا تسقط إلا بعد أن يحد، وقالوا هم: إن شهادته لا تسقط إلا أن يحد، فزادوا في رأيهم ما ليس في القرآن، وخالفوا الآية في كل حال فقبلوا شهادته أفسق ما كان قبل أن يحد وردوها بعد أن ظهر الحد، وقد أخبر عليه السلام في كثير من الحدود أن إقامتها كفارة لفاعليها، وهم أهل القياس بزعمهم، فهلا قاسوا المحدود في القذف على المحدود في السرقة والزنى، وقد شاركهم المالكيون في بعض ذلك، فردوا شهادة المحدود فيما حد فيه وأجازوها فيما لم يحد فيه، وهذا كله افتراء على الله لم يأذن به، وحكم في الدين بغير نص. وبالله تعالى التوفيق قال علي وكذلك قوله عز وجل {ولذين لا يدعون مع لله إلها آخر ولا يقتلون لنفس لتي حرم لله إلا بلحق ولا يزنون ومن يفعل ذلك يلق أثاما * يضاعف له لعذاب يوم لقيامة ويخلد فيه مهانا

vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} That is, they broadcast it, except a few.

Ali said: Their position is invalidated by what invalidated the position of those we mentioned before them; there is no difference. Some said: Allah's bounty and His mercy mentioned in the verse are Muhammed, may Allah bless him and grant him peace ﷺ, and the Quran. That is, were it not for them both, you would have been unbelievers following Satan, except a few of those whom We had guided before that, such as Zayd ibn Amr ibn Nufayl and Quss ibn Saidah.

Ali said: This is an interpretation corrupt in intention, because, were it not for Allah's bounty and His mercy toward Zayd and Quss, they would have followed Satan. An exception only excludes what is excepted from the totality out of which it is excepted. This exception can therefore only be from the bounty, mercy, and refraining from following Satan—all of which He mentioned in the verse. Through Allah Most High comes success.

Ali said: Even if an exception could only refer back to the nearest preceding item mentioned, nothing in that would require us to refuse the testimony of someone who has accused another of unlawful sexual intercourse, once he repents. For his flagrant sinfulness is removed by repentance, according to the explicit wording of the verse and the consensus of the community. When flagrant sinfulness is removed, moral probity is necessarily established, because everyone in the world who is subject to the divine address is either flagrantly sinful or morally upright. When moral probity is established, testimony must be accepted, because of His saying, Most High: "Their reward with their Lord is Gardens of Eden beneath which rivers flow, abiding therein forever. Allah is pleased with them, and they are pleased with Him. That is for whoever fears his Lord." Thus it is forbidden for us to withhold our approval from someone with whom Allah is pleased. Since that is forbidden for us, our obligation is to approve of him. Since approving of him is obligatory, accepting his testimony is obligatory for us, because he is among the witnesses of whom we approve, according to the explicit wording of the Quran requiring testimony: "O you who believe, when you contract a debt

* إلا من تاب وآمن وعمل عملا صالحا فأولئك يبدل الله سيئاتهم حسنات وكان الله غفورا رحيما} إلى قوله تعالى فإن الاستثناء الذي في آخرها راجع بإجماع إلى كل ما تقدم.

[34] **Qur'an references (L1245):** Qur'an 15:42 (Al-Hijr); Qur'an 24:4 (An-Nur); Qur'an 3:89 (Ali 'Imran); Qur'an 24:5 (An-Nur); Qur'an 4:92 (An-Nisa); Qur'an 6:164 (Al-An'am); Qur'an 4:83 (An-Nisa); Qur'an 98:8 (Al-Bayyinah); Qur'an 2:282 (Al-Baqarah); Qur'an 25:68 (Al-Furqan); Qur'an 25:70 (Al-Furqan).

with one another for a specified term, write it down. Let a scribe write between you with justice, and 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. If the one who owes the obligation is of unsound judgment, or weak, or unable to dictate himself, then let his guardian dictate with justice. Call upon two witnesses from among your men; if they are not two men, then a man and two women from among those witnesses of whom you approve, so that if one of the two women errs, the other may remind her. Let the witnesses not refuse when they are summoned. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more conducive to sound testimony, and more likely to prevent your doubting—unless it is an immediately transacted trade 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, that is flagrant sinfulness on your part. Fear Allah; Allah teaches you, and Allah knows all things." It is thus established that the removal of his flagrant sinfulness requires the acceptance of his testimony.

What is astonishing about the followers of Abu Hanifah is their abandoning the apparent meaning of the verse and inclining toward their corrupt opinion. For the explicit wording of the verse requires only that his testimony not be accepted, by the explicit text concerning the accusation of unlawful sexual intercourse. There is nothing in it to the effect that his testimony is not disqualified until after he has undergone the prescribed punishment. Yet they say that his testimony is not disqualified unless he undergoes the prescribed punishment. Thus, through their opinion, they have added something that is not in the Quran, and they have contradicted the verse in every circumstance: they accepted his testimony when he was at his most flagrantly sinful, before he underwent the prescribed punishment, and rejected it after the prescribed punishment had become manifest. Yet he—peace be upon him ﷺ—stated concerning many prescribed punishments that their enforcement is an expiation for those who commit the offenses concerned. They are, by their own claim, proponents of analogy; why, then, did they not draw an

analogy between someone subjected to the prescribed punishment for accusing another of unlawful sexual intercourse and someone subjected to the prescribed punishment for theft or unlawful sexual intercourse? The Malikis have shared some of this position with them: they rejected the testimony of someone subjected to a prescribed punishment concerning the matter for which he was punished, but permitted it concerning matters for which he was not punished. All of this is a fabrication against Allah for which He has given no permission, and a ruling in religion without a revealed text. Through Allah Most High comes success.

Ali said: Likewise, His saying, Mighty and Majestic: "And those who do not invoke another god alongside Allah, and do not kill the soul that Allah has forbidden except by right, and do not commit unlawful sexual intercourse. Whoever does that shall meet a penalty. The punishment shall be multiplied for him on the Day of Resurrection, and he shall abide therein, humiliated. Except whoever repents, believes, and performs righteous deeds: those—Allah will replace their evil deeds with good deeds, and Allah is ever Forgiving, Merciful"—up to His saying, Most High. For the

exception at its end refers back, by consensus, to everything that preceded it.[21][22][23][24][25][26][27][28][29][30][31][32][33][34]

[21] **Translator's note (L1246):** The Qur'anic quotation has من لغاوين where the standard wording of Qur'an 15:42 has من الغاوين. The translation conveys the apparent sense while recording the defective supplied wording.

[22] **Translator's note (L1247):** The supplied report says that 'he … hopes to constitute half the inhabitants of Paradise,' although the expected referent would be the Muslim community. The singular wording has been retained. The quotation of Qur'an 12:103 has لناس in place of الناس; its apparent intended sense is translated. The sequence تسعة وتسعمائة وتسعين gives the components 'nine, nine hundred, and ninety' in an unusual order. It has been rendered as their total, nine hundred and ninety-nine.

[23] **Translator's note (L1248):** 'A solitary individual' renders فرد, distinguished here from فذ in the next segment and from the permitted designations واحد and وتر.

[24] **Translator's note (L1249):** 'A lone individual' renders فذ; 'One' and 'Unpaired' render واحد and وتر respectively. The author distinguishes these closely related terms on the basis of their textual authorization.

[25] **Translator's note (L1250):** The supplied فأخر means 'then defer.' The argument appears to require 'then permit,' perhaps فأجز, but the supplied wording has been retained. The phrase كان يتكون is syntactically awkward; it has been rendered according to its apparent sense that one assertion would invalidate the other. The discussion of a thousand years and nine hundred and fifty apparently alludes to Qur'an 29:14, without quoting that verse here.

[26] **Translator's note (L1253):** The opening continues the preceding segment's statement about killing a man; the verb itself is outside this segment. The supplied محله, literally 'its place,' is awkward here; the translation follows the apparent intended sense of construing the exception. The reading may be corrupt for حمله. The wording مردود عن أقربها is irregular in context; the translation understands it as referring the exception to its nearest antecedent, as the ensuing argument requires.

[27] **Translator's note (L1254):** The final salutation is incomplete in this segment and continues in the next; only its supplied portion is translated here.

[28] **Translator's note (L1255):** The opening completes the salutation begun in the preceding segment.

[29] **Translator's note (L1256):** The supplied name is حمله, rendered 'Hamlah'; it appears to be a corruption of حمنة, Hamnah. It has not been silently corrected.

[30] **Translator's note (L1258):** The supplied المرجومين means 'those stoned.' In context it appears corrupt for المرحومين, 'those shown mercy'; the supplied reading is retained in the translation. The complete Quranic quotation occurs twice consecutively in the source and is retained both times. Its repetition leaves the particular clause intended by the reported interpretation unclear.

L1263–1265 Ali said: Stipulating a condition has the same meaning as making an exception in everything we have said. An instance of this is His saying, Most High: “Whoever among you does not have the means to marry free believing women, then from those whom your right hands possess, your believing slave women. Allah knows best your faith; you are of one another. So marry them with their owners’ permission, and give them their marriage payments in a proper manner, as chaste women, neither engaging in fornication nor taking secret lovers. Then, when they have been taken in marriage, if they commit an indecency, they shall be subject to half the punishment imposed upon free women. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is Forgiving, Merciful.” This, as you see, is a valid exception for whoever fears falling into sin, together with all the conditions that preceded it, without mentioning whoever does not fear falling into sin.

Likewise, His saying, Most High: “Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the interval between the lesser pilgrimage and 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 does not reside in the vicinity of the Sacred Mosque. Fear

قال علي: والاشتراط هو معنى الاستثناء في كل ما قلنا من ذلك قوله تعالى {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات والله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن خشي لعنت منكم وأن تصبروا خير لكم والله غفور رحيم} فهذا كما تراه استثناء صحيح لمن خشي العنت مع كل ما تقدم من الشروط دون ذكر من لم يخش العنت وكذلك 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} في كفارات الأيمان فكان هذا الشرط عن عدم كل مذكور في الآية من رقبة وكسوة وإطعام لا على أقرب مذكور فيها وكذلك قوله تعالى في آية المحاربة {إلا لذين تابوا من قبل أن تقدروا عليهم فعلموا أن لله غفور رحيم} فكان ذلك راجعا على سقوط كل ما ذكر في الآية من قتل وصلب ونفي وقطع وخزي وعذاب، لا على بعض ذلك دون بعض بإجماع. فإن اعترض معترض بقوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وأننا نقول إنه راجع إلى أقرب مذكور. قال علي: وإنما

[31] **Translator’s note (L1259):** The full Quranic verse is quoted twice in the reported interpretation. Both occurrences are retained, although the subsequent explanation identifies only ‘they broadcast it’ as the intended antecedent. The supplied فاسد النية literally means ‘corrupt in intention,’ an awkward description of an interpretation. This wording is retained without emendation.

[32] **Translator’s note (L1261):** The wording “after the prescribed punishment had become manifest” translates the supplied ظهر الحد, an awkward expression in this context; it has not been silently replaced with “after the prescribed punishment had been enforced.”

[33] **Translator’s note (L1262):** The phrase “up to His saying, Most High” appears without any subsequent quotation specifying an endpoint. This apparent omission or displacement is preserved.

Allah, and know that Allah is severe in punishment"—concerning expiations for oaths. This condition thus concerned the unavailability of everything mentioned in the verse—a slave to be freed, clothing, and food—not the nearest preceding item mentioned in it. Likewise, His saying, Most High, in the verse concerning waging war: "Except those who repent before you gain power over them; know, then, that Allah is Forgiving, Merciful." This referred back to the removal of everything mentioned in the verse—killing, crucifixion, banishment, amputation, disgrace, and punishment—not to some of it to the exclusion of the rest, by consensus.

If an objector objects by citing His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful," and points out that we say it refers back to the nearest preceding item mentioned—

Ali said: This was required only by an evident necessity in that verse. Its explicit wording absolutely does not allow the condition to refer back to everything mentioned in it, because He, Most High, said: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful." Thus the mention of consummation formed part of the relative clause describing the wives who are the stepdaughters' mothers, rather than a description of the wives' mothers. For it is utterly impossible that He, Most High, should say, "And

وجب ذلك لضرورة بينة في تلك الآية، فإنه لا يجوز البتة في نصها أن يرد الشرط على كل مذكور فيها، لأنه تعالى قال: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} فكان ذكر الدخول من صلة وصف النساء اللواتي هن أمهات الربائب، لا بوصف أمهات النساء، إذ من المحال الممتنع أن يقول تعالى: وأمهات نسائكم من نسائكم اللاتي دخلتم بهن، لأنه كلام فاسد البتة لا يفهم فلما صح أن الدخول المذكور إنما هو مراد به أمهات ربائبنا ضرورة، لأنه من صلة اللاتي، واللاتي صفة للنساء اللواتي هن أمهات ربائبنا ضرورة، كان قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} مردودا إليهن ضرورة أيضا، لأنه أحد قسميهن اللذين هما دخول ولا دخول، وهو صلة الكلام المتصل به لا مما قبله. فإن قال قائل: أنتم تجيزون أن يستثنى الشيء من خير جنسه، فكيف تقولون فيمن باع بدينار إلا درهما، أو إلا قفيز قمح، أو ما أشبه هذا؟

your wives' mothers, born of your wives with whom you have consummated marriage," because that is altogether defective, unintelligible speech. Once it is established that the consummation mentioned necessarily concerns the mothers of our stepdaughters—because it belongs to the relative clause introduced by "with whom," and "with whom" necessarily qualifies the wives who are the mothers of our stepdaughters—His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful," necessarily refers back to those wives as well. For it is one of their two possible cases, namely consummation and non-consummation, and it is a continuation of the speech directly connected with it, rather than of what precedes that.

If someone says: You permit a thing to be excepted from the best of its own kind; what, then, do you say about someone who sells for a dinar less a dirham, or less a measure of wheat, or something similar?[35][36][37]

L1266 We say to him—and through Allah Most High comes success: In our view, this is inadmissible and forbidden in a sale, because it amounts to two sales in one sale. For, in our view, a dirham or an item of merchandise cannot

قلنا له وبالله تعالى التوفيق: هذا عندنا ممتنع في البيع حرام، لأنه يرجع إلى بيعتين في بيعة، لأن الدرهم والعرض، لا يستثنى من غير جنسه عندنا إلا على معنى الاستثناء المنقطع، كما بينا في أول هذا الباب، فإن كان ذلك فإنما مرجعه إلى القيمة، فإن كان ذلك في البيع فقد وجب أنه باعه بدينار إلا ما قابل صرف الدرهم من الدينار، وهذه بيعة أو ثمن مجهول، وكلاهما حرام في البيوع وهو جائز في الإقرار، لأنه أقر له بدينار، وذكر أن له عنده درهما، فخرج الدرهم أو قيمته مما أقر به. وكذلك لو قال مقر: له عندي دينار، ولي عنده ديناران، أو إلا دينارين لي عنده، لم يحكم عليه بشيء

[35] **Translator's note (L1263):** The supplied text quotes the pilgrimage verse, Quran 2:196, but immediately describes it as concerning expiations for oaths and discusses the unavailability of a slave to free, clothing, and food. Those subjects belong to the oath-expiation verse, Quran 5:89. The apparent quotation mismatch or omission is preserved.

[36] **Translator's note (L1265):** The final question reads خير جنسه, "the best of its own kind," although the examples and following response indicate that غير جنسه, "something of a different kind," was probably intended. The supplied reading is retained. The full quotation of Quran 4:23 is supplied here, although the argument specifically concerns its conditional clause, "but if you have not consummated marriage with them, there is no blame upon you." The quotation has been translated in full as supplied.

[37] **Qur'an references (L1263):** Qur'an 4:25 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 5:34 (Al-Ma'idah); Qur'an 4:23 (An-Nisa).

be excepted from something of a different kind except as a disconnected exception, as we explained at the beginning of this chapter. If that is the case, the reference can only be to its value. If this occurs in a sale, it necessarily follows that he sold it to him for one dinar less the portion of the dinar corresponding to the exchange value of the dirham. This is either an indeterminate sale or an indeterminate price, and both are forbidden in sales. It is permissible in an acknowledgment of indebtedness, however, because he acknowledged that he owed the other person one dinar and mentioned that the other person owed him one dirham; thus the dirham, or its value, was deducted from what he acknowledged. Likewise, if someone making an acknowledgment said, 'I owe him one dinar, and he owes me two dinars,' or, 'Except for two dinars that he owes me,' no judgment for anything at all would be entered against him, because, after acknowledging the debt to the other person, he introduced something that entirely canceled the acknowledgment at the time it was made. If this occurred in a sale, it would not be permissible according to any Muslim. And through Allah Most High comes success.

أصلا، لأنه بعد أن أقر له أتى بما سقط به عند الإقرار جملة، ولو كان ذلك في البيع لم يجز عند أحد من المسلمين وبالله تعالى التوفيق



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 16: الكناية بالضمير

Chapter 16: Pronoun Reference

Ibn Ḥazm · Arabic–English parallel edition

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[الباب السادس عشر في الكناية بالضمير]

قال علي والضمير راجع إلى أقرب مذكور لا يجوز غير ذلك، لأنه مبدل من مخبر عنه أو مأمور فيه، فلو رجع إلى أقرب مذكور لكان ذلك إشكالا رافعا للفهم، وإنما وضعت اللغات للبيان، فإذا كانت الأشياء المحكوم فيها أو المخبر عنها كثيرة، وجاء الضمير يعقبها ضمير جمع فهو راجع إلى جميعها كما قلنا في الاستثناء، ولا فرق ألا ترى أنك لو قلت: أتاني زيد وعمرو وخالد، فقتلته، أنه لا خلاف بين أحد من أهل اللغة في أن الضمير راجع إلى خالد، وأنه لا يجوز رده إلى زيد أو إلى عمرو، فإن وجد يوما ما في شيء من النصوص رجوع ضمير إلى أبعد مذكور، فهو بمنزلة ما ذكرنا من نقل اللفظ عن موضوعه في اللغة، ولو قال: أتاني زيد وعمرو وخالد وعبد الله ويزيد فقتلتهم، لكان راجعا بلا خلاف بين أحد من أهل اللغة إلى جميعهم وكلهم. قال علي: وما يبين أن الشرط في آية التحريم إنما هو في الربائب لا في أمهات النساء، ما ذكرنا من أن الضمير راجع إلى أقرب مذكور، والضمير بجمع المؤنث في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات الأخ وبنات الأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من الرضاعة وأمهات نسآئكم وربائبكم اللاتي في حجوركم من نسآئكم اللاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم الذين من أصلابكم وأن تجمعوا بين الاختين إلا ما قد سلف إن الله كان غفورا رحيما} راجع لما قدمنا إلى أقرب مذكور إليه لا يجوز غير ذلك، وأقرب مذكور إليه أمهات ربائبنا، فوجب أن يكون راجعا إليهن على ما قدمنا وبالله تعالى التوفيق

[Chapter Sixteen: Reference by Means of a Pronoun]

L1267

L1268–1269

Ali said: A pronoun refers back to the nearest-mentioned antecedent; no other reference is permissible, because it stands in place of something about which a statement is made or concerning which a command is given. If it referred back to the nearest-mentioned antecedent, that would create an ambiguity that prevents understanding, whereas languages were instituted only to make things clear. When the things concerning which a ruling or statement is made are numerous, and the pronoun that follows them is a plural pronoun, it refers back to all of them, as we said concerning exception; there is no difference. Do you not see that, if you said, 'Zayd, Amr, and Khalid came to me, and I killed him,' no one versed in the language would disagree that the pronoun refers back to Khalid and that it cannot be referred back to Zayd or Amr? If, on some occasion, a pronoun is found in any of the texts to refer back to the more distantly mentioned antecedent, that is comparable to what we have discussed concerning transferring an expression away from its established linguistic meaning. And if someone said, 'Zayd, Amr, and Khalid came to me, and Abd Allah and Yazid, and I killed them,' it would refer back to all of them, every one of them, without disagreement among those versed in the language. Ali said: What makes clear that the condition in the verse of prohibition concerns only stepdaughters, rather than wives' mothers, is what we have mentioned: that a pronoun refers back to the nearest-mentioned antecedent. The feminine plural pronoun in His statement, Most High, 'Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already passed. Indeed, Allah has ever been Forgiving, Merciful,' refers back, for the reasons we have already given, to its nearest-mentioned antecedent; no other reference is permissible. Its nearest-mentioned antecedent is the mothers of our stepdaughters. It must therefore

refer back to them, as we have already explained. And through Allah Most High comes success.[1][2]

[1]**Translator's note (L1268):** The source says, 'If it referred back to the nearest-mentioned antecedent,' contradicting the immediately preceding rule. The wording is preserved; 'other than the nearest-mentioned antecedent' may have been intended.

[2]**Qur'an references (L1268):** Qur'an 4:23 (An-Nisa).



الباب 17: الإشارة

Chapter 17: Demonstrative Reference

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[Chapter Seventeen: Demonstrative Reference]

L1271 Ali said: Demonstrative reference differs from pronominal reference: it refers back to the most distantly mentioned antecedent. This is its rule in the language when the reference is made by 'that' in the masculine or feminine, 'he,' 'those,' 'they' in the masculine, 'she,' or 'the two of them.' If it is made by 'this' in the masculine or feminine, it necessarily refers to something present and near. This is a matter on which no one versed in the language disagrees, and no grammarian recognizes any rule other than what we have mentioned. For this reason we have held that the period denoted by qur', in the ruling concerning the waiting period after divorce, must specifically be the interval of purity, rather than menstruation, even though in the language qur' applies to menstruation just as it applies to the interval of purity, without any difference. However, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said, 'Command him to take her back until she becomes pure, then menstruates, then becomes pure. That is the waiting period for which Allah Most High has commanded that women be divorced.' His expression, peace be upon him, 'that,' was thus a demonstrative requiring something distant, and the most distantly mentioned antecedent in the report is his expression, peace be upon him, 'becomes pure.' Once this report established that the interval of purity is the waiting period for which women are commanded to be divorced, it was established that this is the waiting period that must be kept track of in order to complete the waiting period. And through Allah Most High comes success.[1]

[1] **Translator's note (L1271):** The source includes forms ordinarily classified as personal pronouns among the expressions of demonstrative reference; this classification has been preserved. The report contains 'becomes pure' twice. The author calls it the most distantly mentioned antecedent without specifying which occurrence he means; the wording and repeated occurrences are preserved.

[الباب السابع عشر في الإشارة]

قال علي والإشارة بخلاف الضمير وهي عائدة إلى أبعد مذكور، وهذا حكمها في اللغة إذا كانت الإشارة بذلك أو تلك أو هو أو أولئك أو هم أو هي أو هما، فإن كانت بهذا أو هذه، فهي راجعة إلى حاضر قريب ضرورة، وهذا ما لا خلاف فيه بين أحد من أهل اللغة، ولا يعرف نحوي أصلا غير ما ذكرنا، ولذلك أوجبنا أن يكون القرء في حكم العدة هو الطهر خاصة دون الحيض، وإن كان القرء في اللغة واقعا على الحيض كوقوعه على الطهر ولا فرق ولكن لما قال رسول الله صلى الله عليه وسلم مره فليراجعها حتى تطهر ثم تحيض ثم تطهر فتلك العدة التي أمر الله تعالى أن تطلق لها النساء فكان قوله عليه السلام: تلك إشارة تقتضي بعيدا وأبعد مذكور في الحديث قوله عليه السلام: تطهر فلما صح أن الطهر بهذا الحديث هو العدة المأمور أن تطلق لها النساء صح أنه هو العدة المأمور بحفظها لإكمال العدة وبالله تعالى التوفيق