

الباب 18: المجاز والتشبيه

Chapter 18: Figurative Usage and Simile

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثامن عشر في المجاز والتشبيه]

قال علي اختلف الناس في المجاز فقوم أجازوه في القرآن والسنة، وقوم منعوا منه، والذي نقول به، وبالله تعالى التوفيق: أن الاسم إذا تيقنا بدليل نص أو إجماع أو طبيعة أنه منقول عن موضوعه في اللغة إلى معنى آخر وجب الوقوف عنده، فإن الله تعالى هو الذي علم آدم الأسماء كلها، وله تعالى أن يسمي ما شاء بما شاء. وأما ما دمنا لا نجد دليلا على نقل الاسم عن موضوعه في اللغة فلا يحل لمسلم أن يقول: إنه منقول، لأن الله تعالى قال: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} فكل خطاب خاطبنا الله تعالى به أو رسوله صلى الله عليه وسلم فهو على موضوعه في اللغة ومعهوده فيها إلا بنص أو إجماع أو ضرورة حس، نشهد بأن الاسم قد نقله الله تعالى أو رسوله صلى الله عليه وسلم عن موضوعه إلى معنى آخر فإن وجد ذلك أخذناه على ما نقل إليه. قال علي: وهذا الذي لا يجوز غيره، ومن ضبط هذا الفضل وجعله نصب عينيه ولم ينسه، عظمت منفعته به جدا، وسلم من عظائم وقع فيها كثير من الناس. قال علي: فكل كلمة نقلها تعالى عن موضوعها في اللغة إلى معنى آخر، فإن كان تعالى تعبدنا بها قولا وعملا كالصلاة والزكاة والحج والصيام والربا وغير ذلك فليس شيء من هذا مجازا، بل هي تسمية صحيحة واسم حقيقي لازم مرتب من حيث وضعه الله تعالى، وأما ما نقله الله تعالى عن موضوعه في اللغة إلى معنى تعبدنا بالعمل به دون أن يسميه بذلك الاسم فهذا هو المجاز كقوله تعالى {وخفض لهما جناح لذل من لرحمة وقل رب رحمهما كما ربياني صغيرا} فإنما تعبدنا تعالى بأن نذل للأبوين ونرحمهما، ولم يلزمنا تعالى قط أن ننطق، ولا بد فيما بيننا بأن للذل جناحا، وهذا لا خلاف فيه، وليس كذلك الصلاة والزكاة والصيام، لأنه لا خلاف في أن فرضا علينا أن ندعو إلى هذه الأعمال

[Chapter Eighteen: Figurative Usage and Simile]

Ali said: People have disagreed concerning figurative usage: some have allowed it in the Quran and the Sunnah, while others have disallowed it. Our position—and through Allah Most High comes success—is that, when we know with certainty, on the evidence of a text, consensus, or the nature of things, that a term has been transferred from its established linguistic meaning to another meaning, we must adhere to that. For Allah Most High is the one who taught Adam all the names, and He, Most High, may name whatever He wills with whatever name He wills. But so long as we find no evidence that a term has been transferred from its established linguistic meaning, no Muslim may say that it has been transferred, because Allah Most High 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 whomever He wills and guides whomever He wills, and He is the Almighty, the Wise.' Thus every address with which Allah Most High or His Messenger, may Allah bless him and grant him peace ﷺ, has addressed us bears its established and customary linguistic meaning, unless, through a text, consensus, or the necessary evidence of sense perception, we attest that Allah Most High or His Messenger, may Allah bless him and grant him peace ﷺ, has transferred the term from its established meaning to another meaning. If that is found, we take it in the meaning to which it has been transferred. Ali said: This is the only permissible position. Whoever masters this excellence, keeps it before his eyes, and does not forget it will derive very great benefit from it and escape grave errors into which many people have fallen. Ali said: As for every word that He, Most High, has transferred from its established linguistic meaning to another meaning: if He, Most High, has required us to worship Him through it in speech and action—as with ritual prayer, obligatory almsgiving, pilgrimage, fasting, usury, and other such things—none of this is figurative usage. Rather, it is a valid designation and a literal, binding name, established in accordance with Allah Most High's assignment of it. But where Allah Most High has transferred something from its established linguistic meaning to a meaning in accordance with which He has required us to act in worship, without naming it by that name, this is figurative usage, as in His statement,

بهذه الأسماء بأعيانها ولا بد، وبالله تعالى التوفيق. واحتج من منع من المجاز بأن قال إن المجاز كذب والله تعالى ورسوله صلى الله عليه وسلم يبعدان عن الكذب قال علي فيقال له صدقت وليس نقل الله تعالى الاسم عما كان علقه عليه في موضع ما إلى موضع آخر كذبا، بل هو الحق بعينه، لأن الحق هو ما فعله تعالى والباطل هو ما لم يأمر به أو لم يفعله، ومن ظن أن هنا حقا هو عيار على الله تعالى، وزمام على أفعاله يلزمه عز وجل أن يجري أفعاله عليه فقد كفر، وقد تكلمنا في هذا في باب إثبات حجج العقول، ونستوعب الكلام فيه إن شاء الله تعالى في باب إبطال العلل من كتابنا هذا، وقد تكلمنا على ذلك أيضا في كتابينا الموسومين بالتقريب والفصل كلاما كافيا، وبالله تعالى التوفيق. وليست الأسماء موضوعة على المسميات، إلا إما بتوقيف وإما باصطلاح، ولا موقف إلا الله عز وجل، فإذا أوقع الموقف الأول جل وعز اسما ما على مسمى ما في مدة ما، أو في معنى ما، ثم نقل ذلك الاسم إلى معنى آخر، في مكان آخر، فلا كذب في ذلك، ولا للكذب ههنا مدخل، وإنما يكون كاذبا من نقل منا اسما عن موضوعه في اللغة إلى معنى آخر يلبس به بلا برهان، فهذا هو الكاذب الآفك الأثيم، وكذلك لو اصطلح اثنان على أن يسميا شيئا ما اسما ما مخترع من عندهما أو منقول عن شيء آخر يتفاهما به لا ليلبسا به فلا كذب في ذلك، فإذا جاز هذا فيما بيننا فهو للذي يلزم للجميع أن يعبدوه ويطيعوه ما أمكن، وهو بذلك تعالى أولى.

Most High, ‘And lower to them the wing of humility out of mercy, and say: My Lord, have mercy upon them, as they raised me when I was small.’ He, Most High, has required us only to humble ourselves before our parents and show them mercy. He, Most High, has never required us necessarily to say among ourselves that humility has a wing. There is no disagreement about this. Nor is the same with prayer, almsgiving, and fasting, because there is no disagreement that we are obliged to call people to these acts by these very names, necessarily. Success comes through Allah Most High.

Those who disallowed figurative usage argued: “Figurative usage is a lie, and Allah Most High and His Messenger ﷺ are far removed from lying.” Ali said: We say to him: You have spoken truly. But Allah Most High’s transferring a name from that to which He attached it in one place to another place is not a lie. Rather, it is truth itself, because truth is what He Most High has done, and falsehood is what He has not commanded or has not done. Whoever supposes that there is some truth that serves as a standard over Allah Most High and a bridle upon His acts, obliging Him, mighty and majestic, to conduct His acts according to it, has disbelieved. We have discussed this in the chapter establishing the proofs of reason, and, if Allah Most High wills, we shall discuss it exhaustively in the chapter invalidating explanatory causes in this book of ours. We have also discussed it sufficiently in our two books entitled Bringing Near and The Decisive Distinction. Success comes through Allah Most High.

Names are assigned to the things named only through either authoritative designation or convention. There is no authoritative designator except Allah, mighty and majestic. Thus, if the original Designator, majestic and mighty, applies a particular name to a particular named thing during a particular period or in a particular sense, and then transfers that name to another meaning elsewhere, there is no lying in that, nor does lying enter into it here. A liar is only someone among us who transfers a name from its established linguistic application to another meaning, using it to mislead without demonstration. Such a person is the lying, fabricating sinner. Likewise, if two people agree to call something by a particular name, invented by them or transferred from something else, so that they can understand one another through it, rather

than mislead through it, there is no lying in that. If this is permissible among us, then it is permissible for Him whom everyone is obliged to worship and obey to the extent possible, and He Most High has a greater right to it.[1][2][3]

L1276–1280 Misleading in this matter consists in someone saying: "Honey is lawful, and the intoxicating drink from a vessel of honey is honey, so it is lawful." This person is a liar: he has taken a substance that Allah, mighty and majestic, named wine—and wine is forbidden—and called it by something other than its name in order thereby to deem it lawful. The Messenger of Allah ﷺ warned of this. Abd Allah ibn Rabi al-Tamimi related to us, from Muhammed ibn Ishaq the judge, from Ibn al-Arabi, from Sulayman ibn Ashath, from Ahmad ibn Hanbal: Zayd ibn related to us, al-Hubab: Muawiyah ibn Salih related to us, from Hatim ibn Hurayth, from Malik ibn Abi Maryam: Abd al-Rahman ibn Ghanm related to us, saying: Abu Malik al-Ashari informed us, saying: I heard the Messenger of Allah ﷺ say: "People from my community will certainly drink wine, calling it by something other than its name." Abd Allah ibn Rabi related to us, from Muhammed ibn Muawiyah al-Marwani, from Ahmad ibn Shuayb: Muhammed ibn Abd al-Ala related to us: Khalid—that is, Ibn al-Harith—related to us, from Shubah: I heard Abu Bakr ibn Hafs say: I heard Ibn Muhayriz relate, from a man among the Prophet's Companions ﷺ, from the Prophet ﷺ, something to the same effect.

Ali said: We have now explained the nature of literal usage in this matter. Next, if Allah Most High wills, we shall mention some of the verses about which they disagreed, for a matter becomes easy to understand when illustrated by examples. Among these is His saying, mighty and majestic: "And ask the town in which we were, and the caravan with which we came; indeed, we are truthful." Some people said: Its meaning is, "Ask the inhabitants of the town, and ask the people of the caravan." Others said: Jacob was a

والتلبيس في هذا هو من قال: العسل حلال، والمسكر من مصراة عسل فهو حلال، فهذا كاذب، فإنه أتى إلى عين سماها الله عز وجل خمرا والخمر حرام فسماها بغير اسمها ليستحلها بذلك وقد أنذر بذلك رسول الله صلى الله عليه وسلم حدثنا عبد الله بن ربيع التميمي عن محمد بن إسحاق القاضي، عن ابن الأعرابي، عن سليمان بن أشعث، عن أحمد بن حنبل، ثنا زيد بن الحباب، ثنا معاوية بن صالح، عن حاتم بن حريث، عن مالك بن أبي مريم، ثنا عبد الرحمن بن غنم قال: أنبأ أبو مالك الأشعري قال سمعت رسول الله صلى الله عليه وسلم يقول ليشربن ناس من أمتي الخمر يسمونها بغير اسمها، ثنا عبد الله بن ربيع، عن محمد بن معاوية المرواني، عن أحمد بن شعيب ثنا محمد بن عبد الأعلى، ثنا خالد هو ابن الحارث عن شعبة، سمعت أبا بكر بن حفص يقول: سمعت ابن محيريز يحدث عن رجل من أصحاب النبي صلى الله عليه وسلم عن النبي صلى الله عليه وسلم بمثله قال علي فقد بينا وجه الحقيقة في هذا، ثم نذكر إن شاء الله تعالى طرفا من الآي التي تنازعوا فيها، فإن الشيء إذا مثل سهل فهمه فمن ذلك قوله عز وجل {وسأل لقرية لتي كنا فيها ولعير لتي أقبلنا فيها وإنا لصادقون} فقال قوم معناه واسأل أهل القرية، واسأل أهل العير، وقال آخرون: يعقوب نبي فلو سأل العير أنفسها والقرية نفسها لأجابته. قال علي وكلا الأمرين ممكن ومنه قوله تعالى {فنطلقا حتى إذآ أتيآ أهل قرية ستطعمآ أهلها فأبوا أن يضيفوهما فوجدا فيها جدارا يريد أن ينقض فأقامه قال لو شئت لاتخذت عليه أجرا} فقد علمنا بضرورة العقل أن الجدار لا ضمير له، والإرادة لا تكون إلا بضمير الحي هذه هي الإرادة المعهودة التي لا يقع اسم إرادة في اللغة على سواها فلما وجدنا الله تعالى، وقد أوقع هذه الصفة على

[1] **Translator's note (L1273):** The source reads 'this excellence' (al-faḍl), which is awkward in context. 'This section' (al-faṣl) may have been intended; the supplied reading is preserved.

[2] **Translator's note (L1275):** The opening continues the preceding segment's negation: the author is saying that prayer, almsgiving, and fasting differ from the preceding example. "Authoritative designation" renders tawqif, distinguished here from naming by convention.

[3] **Qur'an references (L1273):** Qur'an 14:4 (Ibrahim).

prophet, so if he had asked the caravan itself and the town itself, they would have answered him. Ali said: Both possibilities are possible.

Another is His saying, Most High: "So they went on until, when they came to the people of a town, they asked its people for food, but they refused to offer them hospitality. Then they found in it a wall that wanted to collapse, so he set it upright. He said: 'Had you wished, you could have taken payment for it.'" We know by rational necessity that a wall has no inner consciousness, and volition exists only through the inner consciousness of a living being. This is the familiar volition, to which alone the word 'volition' is applied in the language and to nothing else. Thus, when we found that Allah Most High had applied this attribute to a wall, which contains nothing warranting this designation, we knew with certainty that Allah, mighty and majestic, had transferred the word 'volition' in this passage to the wall's inclination, calling inclination volition. We have already stated that Allah Most High names whatever He wills by whatever He wills. Yet this does not entail transferring the realities that He Most High has ordered in His world from their respective positions, nor transferring that name anywhere other than the place in which the Creator, mighty and majestic, transferred it. Were it not for the necessity we mentioned, we would never have considered it permissible to judge that a name had been transferred from the thing it names at all. Concerning the transfer of the word 'volition' from its established linguistic application to something else, Abu Bakr Muhammed ibn Yahya al-Suli recited the words of al-Rai: "Restless are the axeheads, when they desire to slip free."

Abu Bakr al-Suli, may Allah have mercy on him, mentioned that Ibn Firas the secretary, who was an eternalist, asked him about this verse, and Abu Bakr answered with this line of poetry. Some people have said that He Most High is able to produce volition in a wall. Indeed, He is able to do whatever He wills and everything that can take shape in thought. But any claim that He Most High has, in some instance, breached the customary order established by His words, when no explicit text concerning it has reached us, is to be rejected as false, just as every claimant who does not bring evidence advances a false claim. Likewise is His saying, Most High: "And it was running with

الجدار الذي ليس فيه ما يوجب هذه التسمية، علمنا يقينا أن الله عز وجل قد نقل اسم الإرادة في هذا المكان إلى ميلان الحائط، فسمى الميل إرادة، وقد قدمنا أن الله تعالى يسمي ما شاء بما شاء، إلا أن ذلك لا يوجب نقل الحقائق التي رتب تعالى في عالمه عن مراتبها، ولا نقل ذلك الاسم في غير المكان الذي نقله فيه الخالق عز وجل، ولولا الضرورة التي ذكرنا ما استجزنا أن نحكم على اسم بأنه منقول عن مسماه أصلا، وقد أنشد أبو بكر محمد بن يحيى الصولي في نقل اسم الإرادة عن موضوعها في اللغة إلى غيره قول الراعي: قلق الفؤوس إذا أردن نضولا وذكر أبو بكر الصولي رحمه الله أن ابن فراس الكاتب، وكان دهريا سأله في هذه الآية، فأجاب أبو بكر بهذا البيت، وقد قال قوم: إنه تعالى قادر على أن يحدث في الجدار إرادة، وبلى هو قادر على ما يشاء، وكل ما يتشكل في الفكر، ولكن كل ما لم يأتنا نص أنه خرق تعالى فيه ما قد تمت به كلماته من المعهودات، فهو مكذب، كما أن لكل مدع ما لم يأت بدليل فهو مبطل وكذلك قوله تعالى {وهي تجري بهم في موج كلجبال ونادى نوح بنه وكان في معزل يبني ركب معنا ولا تكن مع لكافرين}

them through waves like mountains, and Noah called to his son, who was apart: ‘My son, board with us, and do not be among the disbelievers.’”[4][5][6][7][8]

L1281–1296 For He Most High called the ship’s movement ‘running,’ although the ship’s movement is compelled. This is an instance of what we have said: He Most High names whatever He wills by whatever He wills. He is the Creator of all names and all things named—far exalted is He; there is no deity except Him.

As for His saying, Most High: “And when We took your covenant and raised the Mount above you: ‘Take firmly what We have given you, and listen.’ They said: ‘We have heard and disobeyed.’ And they were made to drink the calf into their hearts because of their disbelief. Say: ‘Evil is what your faith commands you to do, if you are believers’”—He Most High meant only love of the calf, in accordance with what we have mentioned concerning omission, where another expression is made to stand in the omitted expression’s place.

As for His saying, Most High: “On the day We say to Hell: ‘Are you full?’ and it says: ‘Is there any more?’”—in our view this is literal, and He makes it speak. Some people have argued against us using the saying of Allah Most High: “Indeed, We offered the trust to the heavens and the earth and the

فإنه تعالى سمى حركة السفينة جريا، وحركة السفينة اضطرارية، وهذا مما قلنا من أنه تعالى يسمي ما شاء بما شاء، فهو خالق الأسماء والمسميات كلها، حاشاه لا إله إلا هو وأما قوله تعالى {وإذ أخذنا ميثاقكم ورفعنا فوقكم لطور خذوا ما آتيناكم بقوة وسمعوا قالوا سمعنا وعصينا وأشربوا في قلوبهم لعجل بكفرهم قل بئسما يأمركم به إيمانكم إن كنتم مؤمنين} فإنما عنى تعالى حب العجل، على ما ذكرنا من الحذف الذي أقيم لفظ غيره مقامه وأما قوله تعالى {يوم نقول لجهنم هل متلأت وتقول هل من مزيد} وهو عندنا حقيقة وإنطاق لها. وقد احتج علينا قوم بقول الله تعالى: {إنا عرضنا الأمانة على السماوات والأرض والجبال فأبين أن يحملنها وأشفقن منها وحملها الإنسان إنه كان ظلوما جهولا} قال علي: وهذا أيضا عندنا على الحقيقة، وأن الله تعالى وضع فيها التمييز إذ خيرها، فلما أبت حمل الشرائع وأشفقت من تحمل الأمانة سلبها إياه، وسقطت الكلف عنها، وممكن أن يكون على نقل اللفظ أيضا، والمراد بذلك أنها لم يحملها إذا لم يركب تعالى فيها قوة الفهم والعقل، ولا النفس المختارة المميزة. وهذا موجود في كلام العرب وأشعارها، فإن العرب تقول إذا أرادت أن تمدح: أبى ذلك سؤددك، وإذا أرادت الذم: أبى ذلك لؤمك، أي إن سؤددك غير قابل لهذه الفعلة لمضادتها له، وكذلك في الذم أي إن لؤمك غير قابل لهذه المكرمة لمضادتها له، فعلى هذا كانت إباية السموات والأرض لا على ما سواه إلا أن الأول أصح وبه نقول. وإنما فرقنا بين هذا في هذا الوجه، وبين ما قلنا آنفا في إنطاق جهنم، لأن كلام الله عز وجل كله عندنا بيان لنا، وجار على معهود ما أوجبه فهمنا بإدراك عقولنا

[4] **Translator’s note (L1276):** The wording من مصراة عسل is obscure. The translation provisionally understands مصراة as a vessel containing honey, with عسل thereafter serving as the predicate “is honey”; the transmitted wording may be corrupt. The final personal name continues in the next unit: Zayd ibn al-Hubab.

[5] **Translator’s note (L1278):** The Quranic quotations contain several irregular spellings and omitted initial alifs in the supplied transcription; these do not yield a distinct intelligible wording in English. “Literal usage” renders haqiqah, contrasted with figurative usage; “volition” renders iradah, also represented by “wanted” within the verse.

[6] **Translator’s note (L1279):** The poetic quotation continues in the next unit. “Restless are the axeheads” provisionally renders قلق الفؤوس; the fragment alone leaves the precise construction uncertain.

[7] **Translator’s note (L1280):** “Slip free” provisionally renders نضولا in the poetic fragment, understood as axeheads slipping from their hafts; the reading and precise imagery are uncertain. “Eternalist” renders dahri, a term for someone who attributes existence to an eternal temporal order. The wording كما أن لكل مدع is syntactically irregular; the translation gives the apparent sense while retaining the claim’s generality. The Quranic quotation contains irregular spellings and omitted initial alifs in the supplied transcription.

[8] **Qur’an references (L1276):** Qur’an 18:77 (Al-Kahf); Qur’an 11:42 (Hud).

[18] **Qur’an references (L1281):** Qur’an 2:63 (Al-Baqarah); Qur’an 2:93 (Al-Baqarah); Qur’an 33:72 (Al-Ahzab); Qur’an 32:9 (As-Sajdah); Qur’an 30:32 (Ar-Rum); Qur’an 2:74 (Al-Baqarah); Qur’an 19:42 (Maryam).

mountains, but they refused to bear it and were apprehensive of it, while the human being bore it. Indeed, he was greatly unjust and greatly ignorant."

Ali said: This too, in our view, is literal: Allah Most High placed discernment in them when He gave them the choice. Then, when they refused to bear the revealed laws and were apprehensive about undertaking the trust, He deprived them of it, and the obligations fell away from them. It is also possible that this involves a transferred expression, the intended meaning being that He did not burden them with it, since He Most High had not constituted within them the faculty of understanding and reason, nor a soul capable of choice and discernment. This occurs in the Arabs' speech and poetry. When the Arabs wish to praise, they say: "Your nobility refused that"; and when they wish to blame, they say: "Your baseness refused that." That is, your nobility does not admit this deed because the deed is contrary to it. Likewise with blame: your baseness does not admit this noble act because the act is contrary to it. On this interpretation, the refusal of the heavens and the earth was of this kind and no other. The first interpretation, however, is more correct, and it is the one we hold.

We distinguished between this matter under this interpretation and what we said earlier about making Hell speak only because, in our view, all the speech of Allah, mighty and majestic, is an exposition for us and proceeds according to the familiar understanding necessitated by the perceptions of our intellects and senses. We say this only because of the saying of Allah, mighty and majestic: "Then He fashioned him and breathed into him of His spirit, and made for you hearing, sight, and hearts. Little do you give thanks." He Most High urged us to think and reflect upon the Quran, and informed us that it is an exposition for us. All of that [cannot] occur except through what our intellects distinguish, rather than through what contradicts them. Thus, when all of that was established, and we were led by deliberation, sight, hearing, and reason to the conclusion that the heavens are inanimate things that do not reason and that the earth is likewise; that the definition of rational articulation is the discernment of things; that discernment occurs only in a living being; that a living being is that which senses and moves voluntarily; that a discerning being constitutes only a portion of living beings, not all of them;

وحواسنا، وإنما قلنا ذلك لقول الله عز وجل {ثم سواه ونفخ فيه من روحه وجعل لكم لسمع ولأبصار ولأفئدة قليلا ما تشكرون} وحضنا تعالى على التفكير والتدبر للقرآن، وأخبرنا بأنه بيان لنا، وكل ذلك يكون إلا بما تميزه عقولنا، لا بما يضادها، فلما صح ذلك كله، وأدانا التدبير والبصر والسمع والعقل إلى أن السموات جمادات لا تعقل، وأن الأرض كذلك، وأن حد النطق هو التمييز للأشياء، وأن التمييز لا يكون إلا في حي، وأن الحي هو الحساس المتحرك بإرادة، وأن المميز هو بعض الحي لا كله، وأن حد التمييز هو إمكان معرفة الأشياء على ما هي عليه، وإمكان التصرف في الصناعات والأعمال المختلفة بإرادة، وأيقنا أن كل هذه الصفات ليست الأرض، ولا الأفلاك، ولا الجبال له حاملة، علمنا أن هذه اللفظة، التي أخبرنا بها تعالى عن هذه التي ليست أحياء، لفظة منقولة عن معهودها عندنا إلى معان أخر من صفات هذه الأشياء المخبر عنها، الموجودة فيها على الحقيقة، ومن تعدى هذه الطريقة فقد لبس الأشياء، ورام إطفاء نور الله تعالى الموضوع فينا. وبالجملة فمن أراد إخراج الأمور عن حقائقها في المبادىء، ثم عن حقائقها في المعاهد فينبغي أن يتهم في دينه، وسوء أغراضه، فإن سلم من ذلك فلا بد من وصمة في عقله، أو قوة في جهله، إلا أن هذا كله لا يعترض على الوجه الأول، لأن الإنطاق الذي كان وضعه الله تعالى فيها حينئذ قد سلبها إياه، إذ أبت قبول الأمانة، وإنما يعترض بهذا كله على من يقول: إنها باقية على نطقها إلى اليوم، فهذا باطل لا شك فيه بما ذكرنا، وبالله تعالى التوفيق. وقد ذكر رجل من المالكيين يلقب خويز منداذ: أن للحجارة عقلا، ولعل تمييزه يقرب من تمييزها، وقد شبه الله قوما زاغوا عن الحق بالأنعام وصدق تعالى، إذ قضى أنهم أضل سبيلا منها، فإن الأنعام لا تعدوا ما رتبها ربها لها من طلب الغذاء، وإرادة بقاء النوع، وكراهة فسادها بعد كونها، وهؤلاء رتبهم خالقهم عز وجل ليعرفوا قدرته، وإنها بخلاف قدرة من خلق، وليعرفوا رتبة ما خلق على ما هي عليه، فبعدوا ذلك، فمن مشبه

and that the definition of discernment is the capacity to know things as they are and the capacity to engage voluntarily in different crafts and activities. Once we were certain that neither the earth, nor the celestial spheres, nor the mountains possess any of these attributes, we knew that this expression, by which He, exalted is He, described these things that are not alive, is an expression transferred from its familiar meaning among us to other meanings among the attributes of these things being described, attributes that actually exist in them. Whoever departs from this method has confused things and sought to extinguish the light of Allah, exalted is He, placed within us. In general, anyone who wishes to remove things from their true natures in first principles, and then from their true natures in familiar experience, ought to be suspected concerning his religion and the evil of his purposes. If he is free of that, there must nevertheless be some defect in his reason or some strength in his ignorance. None of this, however, constitutes an objection to the first interpretation, because the power of articulation that Allah, exalted is He, had placed in them at that time He subsequently stripped from them when they refused to accept the trust. All of this constitutes an objection only against someone who says that they retain their articulation to this day. This is undoubtedly false, for the reasons we have mentioned. Through Allah, exalted is He, comes success. A man among the Malikis, known as Khuwayz Mindadh, has stated that stones possess reason. Perhaps his discernment approaches theirs. Allah has compared people who deviated from the truth to livestock, and He, exalted is He, spoke truly when He judged that they were further astray in their path than livestock. Livestock do not go beyond what their Lord has assigned them: seeking nourishment, desiring the continuance of their kind, and disliking their own destruction after coming into existence. These people, however, were assigned their place by their Creator, mighty and majestic, so that they might recognize His power, and that it differs from the power of those He created, and so that they might recognize the rank of what He created as it actually is. Yet they departed far from that. Among them is one who likens the power of his Lord, exalted is He, to the judgment of his own reason, and thereby directs Him—exalted is Allah, far above what the people of wrongdoing say! Among them is one who corrupts the ranks of created things and strives to invalidate their definitions and corrupt the

قدرة ربه تعالى حكم عقله فيصرفه به، تعالى الله عما يقول أهل الظلم علوا كبيرا. ومن مفسد رتب المخلوقات، وساع في إبطال حدودها وإفساد الاستدلال بها على التوحيد {من لذين فرقوا دينهم وكانوا شيعا كل حزب بما لديهم فرحون} وسيرد الجميع إلى عالم الغيب والشهادة فيحكم بيننا فيما فيه نختلف، وتالله لتطولن ندامة من لم يجعل حظه من الدين والعلم إلا نصر قول فلان بعينه، ولا يبالي ما أفسد من الحقائق في تلك السبيل العضلة، وبالله تعالى نعوذ من الخذلان، فقال هذا الجاهل: إن من الدليل على أن الحجارة تعقل قوله تعالى {ثم قست قلوبكم من بعد ذلك فهي كلحجارة أو أشد قسوة وإن من لحجارة لما يتفجر منه لأنهار وإن منها لما يشقق فيخرج منه لمآء وإن منها لما يهبط من خشية لله وما لله بغافل عما تعملون} قال فقد أخبر تعالى أن منها ما يهبط من خشية الله، فدل ذلك على أن لها عقلا، أو كلاما هذا معناه. قال علي: ونحن نقول: إن من العجب العجيب استدلال هذا الرجل بعقله على أنه لا يخشى الله تعالى إلا ذو عقل، فهلا استدل بذلك العقل نفسه على ما شاهد بحسه من أن الحجارة لا عقل لها، وكيف يكون لها تمييز وعقل، والله تعالى قد شبه قلوب الكفار التي لم تنقد إلى معرفته عز وجل بالحجارة في أنها لا تذعن للحق الوارد عليها، فكذب الله تعالى في نفيه المعرفة عن الحجارة نصا، إذ جعلها تعالى بمنزلة قلوب الكفار في عنود تلك القلوب عن الطاعة له عز وجل، فكيف يكون للحجارة عقل أو تمييز بعد هذا. فإن قال قائل: فما وجه إضافة الخشية إلى الحجارة؟ قلنا له، وبالله تعالى التوفيق: قد قدمنا أن الله تعالى رتب الأسماء على المسميات، وجعل ذلك سببا للتفاهم، ولولا ذلك ما كان تفاهم أبدا، ولا فهمنا عنه تعالى شريعة، ولا علمنا مراده عز وجل في أمر ولا نهي، ولا في خبر أخبرنا به، وعرفنا تعالى بذلك التمييز الذي وضع فينا من صفات المخلوقات ما قد عرفناه، وجعل لتلك الصفات أسماء نعبر بها عنها ونفاهم بها الأخبار عنها. فكان مما رتب لنا من ذلك في اللغة العربية، إن سمينا تمييزا حال من

inference from them to divine oneness: "Among those who divided their religion and became factions, each party, in what they possess, rejoices." And all will be returned to the Knower of the unseen and the witnessed, and He will judge between us concerning that over which we differ. By Allah, long indeed will be the regret of anyone who has made his share of religion and knowledge nothing but championing the opinion of one particular person, caring nothing for whatever realities he corrupts along that difficult path. In Allah, exalted is He, we seek refuge from abandonment. This ignorant man said: "Among the proofs that stones possess reason is His saying, exalted is He: 'Then your hearts hardened after that, so that they were like stones, or harder still. Indeed, among stones are those from which rivers burst forth; and among them are those that split, so that water emerges from them; and among them are those that fall down out of fear of Allah. And Allah is not heedless of what you do.'" He said: "He, exalted is He, has thus stated that among them are those that fall down out of fear of Allah, and this indicates that they possess reason"—or words to this effect. Ali said: We say that it is astonishing indeed that this man should infer by his reason that only a being possessed of reason fears Allah, exalted is He. Why, then, did he not use that very same reason to draw an inference from what he witnessed with his senses: that stones have no reason? How could they possess discernment and reason when Allah, exalted is He, has compared the hearts of the unbelievers, which did not submit to knowing Him, mighty and majestic, to stones in their failure to yield to the truth presented to them? Thus he has contradicted Allah, exalted is He, in His explicit denial of knowledge to stones, since He, exalted is He, placed them on the same footing as the hearts of the unbelievers in those hearts' obstinate refusal to obey Him, mighty and majestic. How, after this, could stones possess reason or discernment? If someone says, "What, then, is the basis for attributing fear to stones?" we reply to him—and through Allah, exalted is He, comes success: We have already explained that Allah, exalted is He, assigned names to the things named and made this a means of mutual understanding. Without that, mutual understanding would never have existed, nor would we have understood any revealed law from Him, exalted is He, nor known His intention, mighty and majestic, in any command, prohibition, or report He communicated to us.

رأيناه يفهم ويتكلم ويسأل عن وجوه الأشياء المشكلة، فيجاب فيفهم، ويسأل عما علم منها فيجب ويحدث بما رأى وشاهد وسمع، ويؤمر بالكلام وينهى عن ضروب مختلفة من الأفاعيل، فيفهم ما يزاد منه كل ذلك. وكان مما رتب لنا أيضا عز وجل أن لم تكن فيه هذه الصفات سميناه غير مميز، فإن كان من الحيوان مما سوى الملائكة والجن والإنس سميناه حيا غير مميز، وإن كان من غير الحيوان سميناه جمادا غير حي، إن كان من الشجر أو الحجارة أو الأرض أو الماء أو النار أو الهواء أو غير ذلك. وأقر تعالى هذه الرتب في أنفسنا بما وضع فيها من التمييز إقرارا صار من أنكر شيئا منه ربما آل به إلى أن نسقط عنه الحدود، ولا يقتص منه إن قتل. وتسقط عنه الشرائع، ويصير في محل من لا يخاطب لعدم عقله وتمييزه، فإن زاد ذلك، لم يؤمن عليه أن يغل ويداوي دماغه الذي هو منبعث الحس والحركة، بأنواع كريهة من العلاج. فلما أيقنا أن تلك الصفات المسماة برتبة الله تعالى تمييزا ليست في الحجارة وجب ضرورة أن تسمى مميزة. وأيضا فقد قال تعالى مصدقا لإبراهيم خليله عليه السلام في قوله: {إذ قال لابيه يأبت لم تعبد ما لا يسمع ولا يبصر ولا يغني عنك شيئا} وإنما كان يعبد الحجارة. فصح بالنص أنها لا تفهم ولا تعقل. فلما رأيناه تعالى قد أوقع عليها خشية له، علمنا أن هذه اللفظة هنالك منقولة عن موضعها عندنا إلى صفة أخرى من صفات الحجارة، وهي تصريفه لها تعالى كيف شاء، لا تخرج تلك الخشية عن هذه الجملة التي فسرنا البتة. فهذا وجه إضافة الخشية إلى الحجارة، إذ الخشية المعهودة عندنا هي الخوف من وعيد الله عز وجل، والائتمار لأمره تعالى، والحجارة خالية بيقين من كل ذلك، وكيف يخشى من لم يؤمر ولا ينهى ولا كلف ولا وعد أم أي شيء يخشى غير العقاب ولا عقاب إلا على عاص، ولا عاصي إلا مأمور والحجارة ليست بمأمورة، فليست عاصية فلا عقاب عليها ولا خشية عليها نعني الخشية المعهودة فيما بيننا ولا مميز إلا حي، والحجارة ليست حية فليست مميزة. ومما ذكرنا من نقل بعض الأسماء إلى

Through that discernment which He placed within us, He, exalted is He, acquainted us with what we know of the attributes of created things. He assigned names to those attributes by which we express them and communicate reports about them to one another. Among what He thus established for us in the Arabic language was that we called 'discernment' the condition of someone whom we see understanding, speaking, and asking about aspects of perplexing things, receiving an answer and understanding it, and being asked about what he knows of them, whereupon it becomes incumbent and recounting what he has seen, witnessed, and heard, and being commanded to speak and forbidden from various kinds of actions, understanding all of what is added of him. Among what He, mighty and majestic, also established for us was that whoever lacks these attributes we call 'non-discerning.' If he is among living creatures other than angels, jinn, and human beings, we call him 'living but non-discerning.' If it is something other than a living creature, we call it 'inanimate and not alive,' whether it is a tree, a stone, earth, water, fire, air, or anything else. He, exalted is He, established these classifications within our souls through the discernment He placed in them, establishing them so firmly that someone who denies any of this may come to the point where we exempt him from the prescribed penalties, exact no retaliation from him if he kills, and release him from the obligations of revealed law. He comes to occupy the position of someone to whom no address is directed, because he lacks reason and discernment. If this increases, he may well be put in fetters and have his brain, which is the source of sensation and movement, treated with various unpleasant treatments. Once we were certain that those attributes designated 'discernment' by Allah's assignment, exalted is He, are absent from stones, it necessarily followed that they must be called discerning. Furthermore, He, exalted is He, has said, affirming the truth of His intimate friend Abraham, peace be upon him, in his statement: "When he said to his father, 'O my father, why do you worship that which neither hears nor sees nor avails you anything?'" What he worshipped was nothing but stones. It is therefore established by the explicit text that they neither understand nor possess reason. When we saw that He, exalted is He, had attributed fear of Him to them, we knew that this expression there had been transferred from its familiar application among us to another attribute

غير معهودها قول رسول الله صلى الله عليه وسلم في الفرس إن وجدناه لبحرا فأوقع عليه السلام لفظة بحر على الفرس الجواد وكذلك لما قال رسول الله صلى الله عليه وسلم ارفق بالقوارير يعني النساء كان ذلك نقلا لاسم القوارير عن موضوعه في اللغة عن الزجاج إلى النساء، وكذلك قوله تعالى: {قواريرا من فضة قدروها تقديرا} هو نقل أيضا للقوارير عن موضوعه في اللغة عن الزجاج إلى الفضة، إلا أنه لا يحل لمسلم أن يقول في لفظه لم يأت نص ولا ضرورة حس بأنها منقولة عن موضوعها إنها منقولة ولا يتعدى بكل ذلك ما جاء في نص أو ضرورة حس، ولا يصرف لفظ عن موضوعه إلا بأحد هذين الوجهين، وإلا فهي باقية في مرتبتها في اللغة، وليس لأحد أن يصرف عنه وجهه إذ لم يصرفه الله تعالى ولا رسوله صلى الله عليه وسلم وإن العجب ليكثر ممن يقول إن الشحم يسمى ندى فإذا سئل من أين قلت ذلك؟ أنشد قول أعرابي جلف: كثوب العداب الفرد يضربه الندى تعلى الندى في متنه وتحدرا فيكون ذلك قاطعا لخصمه، يستشهد أن الجواري يسمين القوارير وأن الفرس الجواد يسمى بحرا، وأن الخشية قد يسمى بها الوقوع تحت التدبير: بأن خالق اللغات والمتكلمين أوقع هذا الاسم على هذا المعنى، وبأن أفصح العرب سمى النساء قوارير، والفرس بحرا. ولعمري لو أنه عليه السلام يقول ذلك قبل بلوغه أربعين عاما، وقبل أن ينبأ لكان قوله أعظم حجة لفصاحته وعلمه بلغة قومه، وأنه من وسيطة قريش ومسترضع في بني سعد بن أبي بكر بن هوازن لجمع فصاحة الحيين: خندف وقيس أهل تهامة والحجارة العالية، الذين إليهم انتهت الفصاحة في اللغة العربية الإسماعيلية والذي لا شك فيه، فهو أنه عليه السلام أفصح من امرىء القيس، ومن الشماخ، ومن حسن البصري، وأعلم بلغة قومه من الأصمعي وأبي عبيدة، وأبي عبيد. فما في الضلال أبعد من أن يحتج في اللغة بألفاظ هؤلاء، ولا يحتج بلفظة فيها عليه السلام فكيف وقد أضاف ربه تعالى فيه إلى ذلك العصمة، ومن الخطأ فيها القول والتأييد الإلهي، والنبوة والصدق المقطوع

of stones: His directing them, exalted is He, however He wills. That fear in no way falls outside this general account we have explained. This, then, is the basis for attributing fear to stones. The fear familiar to us is fear of the threat of Allah, mighty and majestic, and compliance with His command, exalted is He. Stones are certainly devoid of all that. How could something fear when it has neither been commanded nor forbidden, neither charged with obligations nor given a promise? Or what would it fear other than punishment? There is no punishment except for one who disobeys, and no one disobeys except one who has been commanded. Stones have not been commanded, so they are not disobedient; therefore no punishment awaits them, nor is there any fear upon them—we mean the fear familiar among us. Moreover, only a living being can be discerning, and stones are not alive, so they are not discerning. Among the instances we have mentioned of transferring certain names beyond their familiar meanings is the saying of the Messenger of Allah ﷺ concerning a horse: "We certainly found him to be a sea." Thus he, peace be upon him, applied the expression 'sea' to a swift horse. Likewise, when the Messenger of Allah ﷺ said, "Be gentle with the glass vessels," meaning women, this constituted a transfer of the name 'glass vessels' from its established application in the language, namely glass, to women. Likewise, His saying, exalted is He, "Glass vessels of silver, which they have measured with precise measure," is likewise a transfer of "glass vessels" from its established linguistic application, from glass to silver. Yet no Muslim may say of an expression that it has been transferred from its established application when neither a text nor the necessary evidence of sense perception establishes that it has been so transferred. In all this, one must not go beyond what is established by a text or the necessary evidence of sense perception. No expression may be diverted from its established application except on one of these two grounds; otherwise, it remains in its linguistic position. No one may divert it from its proper sense when neither Allah Most High nor His Messenger ﷺ has diverted it. Indeed, there is much cause for astonishment at someone who says that fat is called "dew," and, when asked, "On what basis do you say that?" recites the words of a coarse Bedouin: "Like the garment of the solitary sand-flat, struck by dew; the dew rose along its back and flowed down." This then becomes decisive against his opponent.

على غيبه الذي صحبه خرق العادات والآيات والمعجزات، وفي أقل من هذا كفاية لمن كانت فيه حشاشة، فكيف أن يظن به عليه السلام أن يخبر عن ربه تعالى خبرا يكلفنا فهمه، وهو بخلاف ما يفهم ويعقل ويشاهد ويحس ما ينسب هذا إليه صلى الله عليه وسلم إلا ملحد في الدين كائد

[17] **Translator's note (L1295):** The phrase العصمة ومن الخطأ فيها القول is grammatically corrupt as supplied. Its words are retained in an awkward sequence; the apparent intended sense is protection from error in speech, but the text has not been silently repaired. The geographical expression الحجارة العالية literally means "the high stones" or "high rocky lands"; its intended regional designation is uncertain. The attachment of على غيبه is awkward. It is rendered as referring to his truthfulness concerning the unseen, while preserving the stated certainty.

He adduces as evidence that young women are called "glass vessels," that a swift horse is called a "sea," and that "fear" may designate being subject to governance, the fact that the Creator of languages and speakers applied this name to this meaning, and that the most eloquent of the Arabs called women "glass vessels" and a horse a "sea." By my life, had he, peace be upon him, said that before reaching forty years of age and before being made a prophet, his statement would have been a greater authority because of his eloquence and his knowledge of his people's language, and because he came from the very heart of Quraysh and was fostered among Banū Saʿd ibn Abī Bakr ibn Hawāzin. He thus combined the eloquence of the two tribal groups, Khindif and Qays, the inhabitants of Tihāmah and the high rocky lands, among whom eloquence in the Ishmaelite Arabic language reached its culmination. What admits of no doubt is that he, peace be upon him, was more eloquent than Imruʾ al-Qays, al-Shammākh, and Ḥasan al-Baṣrī, and more knowledgeable about his people's language than al-Aṣmaʿī, Abū ʿUbaydah, and Abū ʿUbayd. Nothing could go further astray than to cite these men's expressions as linguistic authorities while refusing to cite an expression of his, peace be upon him, as an authority in that language. How much more so when his Lord Most High added to this, in his case, immunity—and from error, concerning it, speech—and divine support, prophethood, and truthfulness concerning the unseen that is known with certainty, accompanied by departures from the customary course of things, signs, and miracles. In less than this there is enough for anyone who has a spark of life in him. How, then, could it be supposed of him, peace be upon him, that he would convey a report from his Lord Most High which we are charged with understanding, while it runs contrary to what is understood, apprehended by reason, witnessed, and per-

ceived by the senses? No one attributes this to him ﷺ except a scheming heretic in religion.[9]101112131415161718

[9]**Translator's note (L1281):** The calf quotation is translated with its literal wording, "made to drink the calf," preserving the wording on which the author's explanation of an omitted "love" depends. The Quranic quotations contain irregular spellings and omitted initial alifs in the supplied transcription. The unusual standalone حاشاه is rendered as an expression of Allah's exaltation.

[10]**Translator's note (L1282):** The phrase أنها لم يحملها is grammatically awkward. The translation understands the intended construction as "He did not burden them with it," while retaining the transmitted reading here. The supplied text reads وكل ذلك يكون إلا, literally "and all that occurs except," apparently omitting a negative such as لا. The supplied negative "[cannot]" makes the apparent argument intelligible and explicitly marks the intervention. The Quranic quotation contains omitted initial alifs in several words in the supplied transcription.

[11]**Translator's note (L1283):** The supplied word is التدبير, rendered "deliberation"; it has not been silently changed to التدبر, "reflection."

[12]**Translator's note (L1285):** The wording «فمن مشبه قدرة ربه تعالى حكم عقله فيصرفه به» is syntactically difficult and may be corrupt. The translation reflects its apparent polemical sense, but the relationship between the Lord's power and the judgment of human reason is not clearly expressed in the supplied text. The Quranic quotation begins «من لذين», apparently a defective transcription of «من الذين». The quotation continues in the next unit.

[13]**Translator's note (L1288):** The Quranic quotation contains several defective spellings, including «كلحجارة», «لحجارة», «لأنهار», «لمآء», and «لله» where the context calls for the corresponding forms with the definite article or the name Allah. These have been represented according to their evident readings without changing the quotation's substantive wording. The final word is «فيجب», 'whereupon it becomes incumbent,' rather than the contextually expected «فيجيب», 'whereupon he answers.' The supplied reading is retained, leaving the phrase awkward and incomplete.

[14]**Translator's note (L1290):** The supplied «ما يزاد منه», literally 'what is added of him,' is awkward in context. It may be a corruption of «ما يراد منه», 'what is wanted of him,' but that conjecture has not been substituted in the translation. The phrase «أن لم تكن فيه هذه الصفات» appears to lack an explicit relative or conditional element; the translation follows the evident connection with 'we call him non-discerning.'

وأعجب العجب أن هؤلاء القوم يأتون إلى الألفاظ اللغوية فينقلونها عن موضوعها بغير دليل، فيقولون: معنى قوله تعالى: {وثيابك فطهر} ليس للثياب المعهودة، وإنما هو القلب. ثم يأتون إلى ألفاظ قد قام البرهان الضروري على أنها منقولة عن موضعها في اللغة إلى معنى آخر، وهو إيقاع الخشية على الحجارة. فيقولون: ليس هذا اللفظ ههنا منقولا عن موضوعه مكابرة للعيان، وسعيا في طمس نور الحق، وإقرارا لعيون الملحدين الكائدين لهذا الدين، ويأبى الله إلا أن يتم نوره وبالله تعالى التوفيق

L1297 Most astonishing of all is that these people take linguistic expressions and transfer them from their established applications without evidence. They say that the meaning of His words, Most High, "And your garments—purify them," does not concern the familiar garments, but rather the heart. Then they take expressions for which necessary demonstration has established that they have been transferred from their linguistic application to another meaning—namely, the application of "fear" to stones—and say, "This expression has not been transferred here from its established application." This is obstinate denial of what is plainly witnessed, an effort to extinguish the light of truth, and a delight to the eyes of the heretics who scheme against this religion. Yet Allah refuses anything but to perfect His light. Through Allah Most High comes success.[19]

[فصل في التشبيه]

L1298 **[Section on Likening]**

قال علي التشبيه بين الأشياء المشتبهة حق مشاهد فإذا شبه الله عز وجل أو رسوله صلى الله عليه وسلم شيئا بشيء فهو صدق وحق وتنبيه على قدرة عظيمة لأنه ليس في العالم شيئان إلا وهما مشتبهان من وجه ما، وغير مشتبهين من وجه آخر وقد قال الله تعالى {لذي خلق سبع سماوات طباقا ما ترى في خلق لرحمن من تفاوت فرجع لبصر هل ترى من فطور} فهذا الذي قلنا هو ارتفاع التفاوت، لأن التماثل هو ضد التفاوت، وإذا بطل التفاوت صح التماثل، ولذلك افتقر الناس إلى معرفة حدود الكلام، وضبط الصفات التي تتفق فيها الموصوفات التي سعى قوم من النوكى في إبطالها، وهيهات من إبطال الحقائق. فإن قال قائل: إنه عليه السلام قد شبه ديون الله تعالى بديون الناس في وجوب قضائها، وأنتم لا تقولون بقضاء الصلاة عن الميت. فالجواب، وبالله تعالى التوفيق: إننا بتوفيق الله عز وجل لنا أهل الطاعة لهذا الحديث، وغيره، وقد نسب إلينا الباطل من ظن أننا نخص هذا الحديث أو غيره بلا نص، فنقول: يقضى الصوم والحج والصلاة المنذورة والمنسية والتي نيم عنها، وأما الصلاة المفروضة المتروكة عمدا، والصوم المفروض في رمضان المتروك عمدا، فإن الذي فرط فيها لا يقدر على قضائها

L1299–1300 ʿAlī said: Likening things that resemble one another is a truth that is witnessed. When Allah, Mighty and Majestic, or His Messenger ﷺ likens one thing to another, this is truthful and true, and draws attention to tremendous power. For there are no two things in the world that do not resemble one another in some respect and fail to resemble one another in another respect. Allah Most High has said: "Who created seven heavens in layers. You see no disparity in the creation of the All-Merciful. So return your gaze: do you see any fissures?" What we have described is the absence of disparity, for likeness is the opposite of disparity; when disparity is negated, likeness is established.

[15] **Translator's note (L1291):** The text says «وجب ضرورة أن تسمى مميزة», 'it necessarily followed that they must be called discerning,' which contradicts the immediately preceding argument and the continuation. An omitted negation is likely, but the supplied wording has been retained. The Quranic quotation contains defective spellings in «لابيه يأبت»; the translation follows their evident reading, 'to his father, O my father.'

[16] **Translator's note (L1294):** The verse is obscure as transmitted, especially كثوب العداب الفرد and تعلى الندى. The rendering retains "garment" for ثوب and treats العداب as a sandy tract or sand-flat; the wording may be corrupt. The transition from the Bedouin verse to يستشهد ("he adduces as evidence") is syntactically abrupt. The supplied text contains no explicit negative or adversative introducing the subsequent appeal to divine and prophetic usage.

[19] **Qur'an references (L1297):** Qur'an 74:4 (Al-Muddaththir).

أبدا، وليس عليه صيام يقضيه، ولا صلاة يقضيها، وإنما عليه إثم، أمره فيه إلى ربه تعالى، فلا يقضى عنه ذلك، وبالله تعالى التوفيق.

For this reason, people need to know the definitions of expressions and to determine precisely the attributes shared by the things described—attributes that a group of fools have sought to invalidate. How far they are from invalidating realities! If someone says, "He, peace be upon him, likened debts owed to Allah Most High to debts owed to people with respect to the obligation to discharge them, yet you do not hold that prayer is to be made up on behalf of the deceased," the answer—and through Allah Most High comes success—is this: Through the success Allah, Mighty and Majestic, has granted us, we are obedient to this report and others. Whoever supposes that we restrict the scope of this report or any other without a text has falsely accused us. We say that fasting and pilgrimage are to be performed in discharge of what is owed, as are prayers undertaken by vow, forgotten prayers, and prayers slept through. As for obligatory prayer deliberately abandoned and obligatory fasting in Ramadan deliberately abandoned, the person who was remiss in them can never make them up. He owes neither fasting that he can make up nor prayer that he can make up; rather, he bears a sin concerning which his affair rests with his Lord Most High. Thus these are not to be made up on his behalf. Through Allah Most High comes success.[2021]

قال علي: وهذه أيضا من عجائب هؤلاء القوم، فإنهم يأتون إلى أشياء لم يشبه الله تعالى ولا رسوله صلى الله عليه وسلم بعضها ببعض فيحكون لها بحكم واحد لادعائهم أنها مشتبهة فيقولون: لا يجوز للنكاح بأقل مما يقطع في اليد في السرقة، وقد علم كل ذي عقل أنه لا شبه بين السرقة والنكاح، ثم يأتون إلى ما أكد الله تعالى شبهه وساوى بينهما، فيبطلون التساوي فيهما فيقولون: إن ديون الناس تقضى عن الميت وديون الله تعالى لا تقضى عنه، فهل في تقحم الباطل أعظم من هذا؟ قال علي: وهذا الذي قلنا في المجاوز والتشبيه هو عين الحقيقة بالبراهين التي ذكرنا لم نترك فيه علقة لمتعقب منصف، وبالله تعالى التوفيق، فأما أهل الشغب فهم بمنزلة التائه في الفلوات، وإنما علينا بعون الله تعالى نهج الطريق القصد وإيضاحه، حتى لا يوجد بحول الله تعالى

L1301–1302 ʿAlī said: This too is among the astonishing things about these people: they take things that neither Allah Most High nor His Messenger ﷺ has likened to one another and assign them a single ruling because they claim that they resemble one another. Thus they say, "Marriage is not permissible for less than the amount for which amputation is imposed on the hand for theft." Every rational person knows that theft and marriage bear no resemblance to one another. Then they take things whose resemblance Allah Most High has emphatically affirmed and which He has placed on an equal footing, and invalidate their equality, saying, "Debts owed to people are discharged on

[20] **Translator's note (L1299):** The Qur'anic quotation has missing initial letters in لذي, لرحمن, فرجع, and لبصر. The translation follows the words evidently represented by these defective spellings; it does not reproduce their orthographic defects in English. The relative clause beginning التي سعى could grammatically refer to either the attributes or the things described. The translation takes it as referring to the attributes.

[21] **Qur'an references (L1299):** Qur'an 67:3 (Al-Mulk).

behalf of the deceased, but debts owed to Allah Most High are not discharged on his behalf." Could there be any greater plunge into falsehood than this? ʿAlī said: What we have said concerning figurative usages and likening is the very truth, established by the demonstrations we have mentioned. We have left no foothold in it for a fair-minded critic. Through Allah Most High comes success. As for the contentious, they are like someone wandering lost in the wilderness. Our task, with Allah Most High's help, is only to mark out the direct path and make it clear, so that, through Allah Most High's might and power, no clearer or shorter path can be found. Praise belongs to Allah, Lord of the worlds. Allah Most High grants success to whomever He wills by whatever He wills. Through Allah Most High comes success. He is sufficient for us, and an excellent Trustee is He.[22][23]

وقوته طريق أنهج ولا أخصر منه، والحمد لله رب العالمين ويوفق الله تعالى من يشاء بما يشاء، وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

[22]**Translator's note (L1301):** فيحكون is irregular in this context and appears to stand for "they judge" or "they assign a ruling." The translation gives that apparent sense. The Arabic لا يجوز للنكاح is grammatically awkward. The amount in question is the marriage payment, as indicated by the comparison with the monetary threshold for amputation for theft.

[23]**Translator's note (L1302):** المجاوز is unusual in this context. It is rendered "figurative usages" in light of the preceding discussion of transferring expressions from their established meanings; the transmitted form may be corrupt.



الباب 19: أفعال الرسول وإقراره

Chapter 19: Prophetic Acts and Tacit Approval

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Nineteen: The Acts of the Messenger of Allah ﷺ and Something That He, Peace Be upon Him, Sees or That Is Reported to Him, Which He Tacitly Approves by Remaining Silent about It, Neither Commanding nor Forbidding It]

L1303

L1304–1310 ʿAlī ibn Aḥmad, may Allah have mercy on him, said: Some Mālikīs said that his acts, peace be upon him, carry obligatory force and are more emphatic than his commands. Others, among them Ḥanafīs, said that acts are like commands. Others from both groups, and from the Shāfiʿīs, said that judgment concerning acts is suspended pending the evidence for them: where evidence establishes that an act is obligatory, that determination is adopted; where evidence establishes that an act is recommended or permissible, that determination is adopted. Among the Shāfiʿīs who held this view were Abū Bakr al-Ṣayrafī and Ibn Fūrak. The remaining Shāfiʿīs and all the adherents of the apparent meaning said: None of his acts, peace be upon him, is obligatory. We have only been encouraged to follow his example, peace be upon him, in them, and not to abandon them out of aversion to them, but rather as we leave aside other things that we have been encouraged to do: if we do them, we are rewarded, and if we leave them undone, we neither sin nor receive a reward. Excepted are those acts of his that explain a command or implement a ruling: these are then obligatory, because the command preceded them, and they explain the command. ʿAlī said: This is the correct position; no other is admissible. Those who said that his acts carry obligatory force and are more emphatic than commands adduced the following as evidence: Saʿīd al-Jaʿfarī related to us, saying: Abū Bakr ibn al-Udfuwī related to us: Abū Jaʿfar Aḥmad ibn Muhammed ibn Ismāʿīl ibn al-Naḥḥās, the grammarian, related to us, from Aḥmad ibn Shuʿayb al-Nasāʾī, from Saʿīd ibn ʿAbd al-Raḥmān: Sufyān—that is, Ibn ʿUyaynah—related to us, from al-Zuhrī. He said: Maʿmar subsequently confirmed it for me, from al-Zuhrī, from ʿUrwah ibn al-Zubayr, that Miswar ibn Makhramah and Marwān ibn al-Ḥakam, each adding details beyond the other's account, said: The Messenger of Allah ﷺ set out in the year of al-Ḥudaybiyyah. He then recounted the report, which is lengthy.

[الباب التاسع عشر في أفعال رسول الله صلى الله عليه وسلم وفي الشيء يراه عليه السلام أو يبلغه فيقره صامتا عليه لا يأمر به ولا ينهى عنه]

قال علي بن أحمد رحمه الله قال قوم من المالكيين: أفعاله عليه السلام على الوجوب، وهي آكد من أوامره؛ وقال آخرون منهم من الحنفيين: الأفعال كالأوامر، وقال آخرون من كلتا الطائفتين ومن الشافعيين: الأفعال موقوفة على دليلها، فما قام منها على أنه واجب صير إليه، وما قام دليل أنه منها ندب أو إباحة صير إليه، وممن قال بهذا من الشافعيين أبو بكر الصيرفي، وابن فورك، وقال سائر الشافعيين وجميع أصحاب الظاهر: ليس شيء من أفعاله عليه السلام واجبا، وإنما ندبنا إلى أن نتأسى به عليه السلام فيها فقط، وألا نتركها على معنى الرغبة عنها، ولكن كما نترك سائر ما ندبنا إليه مما إن فعلناه أجرنا، وإن تركناه لم نأثم ولم نؤجر، إلا ما كان من أفعاله بيانا لأمر أو تنفيذا لحكم، فهي حينئذ فرض، لأن الأمر قد تقدمها، فهي تفسير الأمر. قال علي: وهذا هو القول الصحيح الذي لا يجوز غيره. واحتج من قال: إنها على الوجوب، وإنها أوكد من الأوامر بما حدثنا سعيد الجعفري قال: ثنا أبو بكر بن الأدفوي، ثنا أبو جعفر أحمد بن محمد بن إسماعيل بن النحاس النحوي، عن أحمد بن شعيب النسائي، عن سعيد بن عبد الرحمن، حدثنا سفيان هو ابن عيينة عن الزهري، قال وثبتني معمر بعد عن الزهري، عن عروة بن الزبير أن مسور بن مخرمة، ومروان بن الحكم يزيد أحدهما على صاحبه قالا خرج رسول الله صلى الله عليه وسلم عام الحديبية فذكر الحديث وفيه طول فلما فرغ من قصة الكتاب قال رسول الله صلى الله عليه وسلم لأصحابه قوموا فانحروا ثم احلقوا قال فوالله ما قام منهم رجل، حتى قال ذلك ثلاث مرات، فلما لم يقم منهم أحد، قام فدخل على أم سلمة فذكر لها ما لقي من الناس فقالت أم سلمة:

When he had finished the account of the written agreement, the Messenger of Allah ﷺ said to his companions, “Rise, slaughter your sacrificial animals, and then shave your heads.” He said: By Allah, not one man among them rose, though he said this three times. When none of them rose, he got up and went in to Umm Salamah, and told her what he had encountered from the people. Umm Salamah said, “Messenger of Allah, do you wish this to happen? Go out, then speak to none of them until you have slaughtered your sacrificial animal and shaved your head.” So he went out, peace be upon him, so he slaughtered a sacrificial camel and summoned his barber. When they saw that, they rose and slaughtered their sacrificial animals, and began shaving one another, until they nearly killed one another out of distress. Ali said: We know of no argument more damning against them than this report which they themselves have adduced as evidence, because the one whom Allah has made it obligatory for us to obey and commanded us to follow is the Prophet ﷺ, who condemned their delay in doing what he had commanded them. He did not command us to follow those who disobeyed him until he himself did what he had commanded them to do, and who caused him apprehension until they made him complain of what he had experienced at their hands. Whoever adopts people’s conduct, abandons his Prophet’s ﷺ command, acts upon what he, peace be upon him, condemned, pays no heed to his Prophet’s ﷺ command, and pronounces correct the conduct of those who angered him, doing so deliberately, has indeed gone astray; and we cannot feel assured that he has not departed from Islam. Let everyone possessed of understanding know that this conduct of the people of al-Hudaybiyyah—may Allah be pleased with them—was an error and an act of disobedience. Nevertheless, they are forgiven, with the certainty afforded by the explicit text stating that no one who witnessed Badr and al-Hudaybiyyah will enter the Fire. Others do not have the same standing, and no Muslim may emulate them in this. Every virtuous person inevitably has a lapse, and every scholar a moment of confusion. Everyone among the elect has statements and actions that are accepted and others that are rejected, and much of what he says and does is to be shunned, except the Messenger of Allah ﷺ. Whoever emulates the people of al-Hudaybiyyah in this conduct, which the Messenger of Allah ﷺ condemned, has perished. They—may Allah be pleased with them—are

يا رسول الله أتحب ذلك، اخرج ثم لا تكلم منهم أحدا حتى تنحر وتحلق، فخرج عليه السلام فنحر بدنة ودعا بحالقه، فلما رأوا ذلك قاموا فنحروا، وجعل بعضهم يحلق بعضا حتى كاد بعضهم يقتل بعضا غما. قال علي: وما نعلم حجة أشنع عليهم من هذا الحديث الذي احتجوا به، لأن الذي أوجب الله علينا طاعته وأمرنا باتباعه هو النبي صلى الله عليه وسلم الذي أنكر عليهم التأخر عما أمرهم به ولم يأمر باتباع الذين خالفوه حتى فعل ما أمرهم به والذين أوهموه حتى جعلوه يشكوا ما لقي منهم ومن أخذ بفعل الناس وترك أمر نبيه صلى الله عليه وسلم وعمل بما أنكره عليه السلام ولم يلتفت إلى أمر نبيه صلى الله عليه وسلم وصوب فعل من أغضبه وتعمد ذلك فقد ضل ضلالا، ولم نأمن عليه مفارقة الإسلام. وليعلم كل ذي لب أن ذلك الفعل من أهل الحديبية رضي الله عنهم خطأ ومعصية، ولكنهم مغفور لهم بيقين النص في أنه لا يدخل النار أحد شهد بدرا والحديبية، وليس غيرهم كذلك، ولا يحل لمسلم أن يقتدي بهم في ذلك، فلا بد لكل فاضل من زلة. وكل عالم من وهلة، وكل أحد من الخيار فإنه يؤخذ من قوله وفعله، ويترك ويرغب من كثير من قوله وفعله إلا أن رسول الله صلى الله عليه وسلم ومن اقتدى بأهل الحديبية في هذا الفعل الذي أنكره رسول الله صلى الله عليه وسلم فقد هلك رضي الله عنهم مضمون لهم المغفرة في ذلك وغيره، ولم يضمن ذلك لغيرهم. وقد أقر بعضهم رضي الله عنهم على نفسه الخطأ العظيم في هذا الباب كما حدثنا عبد الله بن يوسف، عن أحمد بن فتح قال: ثنا عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو كريب محمد بن العلاء، ومحمد بن عبد الله بن نمير قالا: أنبأنا أبو معاوية، عن الأعمش، عن أبي وائل شقيق بن سلمة، قال: سمعت سهل بن حنيف بصفين يقول: اتهموا رأيكم على دينكم فلقد رأيتني يوم أبي

guaranteed forgiveness for this and other things; that has not been guaranteed to anyone else. Some of them—may Allah be pleased with them—have themselves acknowledged their grave error in this matter, as Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, who said: Abd al-Wahhab ibn Isa related to us, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Kurayb Muhammed ibn al-Ala and Muhammed ibn Abd Allah ibn Numayr related to us; both said: Abu Muawiyah informed us, from al-Amash, from Abu Wail Shaqiq ibn Salamah, who said: I heard Sahl ibn Hunayf saying at Siffin: "Distrust your own judgment concerning your religion. Indeed, I remember myself on the day of Abu Jandal: had I been able to reject the command of the Messenger of Allah ﷺ"—al-Amash said, from Abu Wail, from Sahl—"I would have rejected it." Ali said: The day of Abu Jandal was the day of al-Hudaybiyyah. Sahl thus acknowledged—may Allah be pleased with them—that their judgment on the day of al-Hudaybiyyah was faulty, to the point that, had they been able to reject the command of the Messenger of Allah ﷺ, they would have rejected it. Abu Said al-Jafari related to us: Ibn al-Udfuwi related to us: Abu Jafar ibn al-Saffar related to us, from al-Nasai, from Said ibn Abd al-Rahman: Sufyan ibn Uyaynah related to us, from al-Zuhri, who said: And my account was confirmed by Mamar, from al-Zuhri, from Urwah ibn al-Zubayr, from al-Miswar ibn Makhramah and Marwan ibn al-Hakam. They both recounted the report of al-Hudaybiyyah, which includes Umar ibn al-Khattab saying: "By Allah, I had never doubted since I embraced Islam except on that day. I went to the Prophet ﷺ and said, 'Are you not truly Allah's Prophet?' He said, 'Indeed I am.' I said, 'Are we not upon the truth, and our enemy upon falsehood?' He said, 'Indeed we are.' I said, 'Why, then, do we accept humiliation in our religion?' He said, 'I am Allah's Messenger. I do not disobey Him, and He will grant me victory.' I said, 'Did you not promise us that we would come to the House and circumambulate it?' He said, 'Indeed I did. But did I tell you that you would come to it this year?' I said, 'No.' He said, 'You will come to it and circumambulate it.'" He said: "Then I went to Abu Bakr and said, 'Abu Bakr, is this not truly Allah's Prophet?' He said, 'Indeed he is.' I said, 'Are we not upon the truth, and our enemy upon falsehood?' He said, 'Indeed we are.' I said, 'Why, then, do we accept humiliation?' He said, 'Man! He is Allah's Messenger. He does

جندل ولو أستطيع رد أمر رسول الله صلى الله عليه وسلم قال الأعمش عن أبي وائل عن سهل لرددته قال علي: ويوم أبي جندل هو يوم الحديبية، فقد أقر سهل رضي الله عنهم أنهم أساؤوا الرأي يوم الحديبية حتى لو استطاعوا رد أمر رسول الله صلى الله عليه وسلم لردوه حدثنا أبو سعيد الجعفري حدثنا ابن الأدفوي، ثنا أبو جعفر بن الصفار، عن النسائي، عن سعيد بن عبد الرحمن، حدثنا سفيان بن عيينة عن الزهري قال: وثبتني معمر عن الزهري، عن عروة بن الزبير، عن المسور بن مخرمة، ومروان بن الحكم فذكرا حديث الحديبية، وفيه أن عمر بن الخطاب قال: والله ما شككت مذ أسلمت إلا يومئذ فأتيت النبي صلى الله عليه وسلم فقلت ألست نبي الله حقا قال بلى قلت ألسنا على الحق وعدونا على الباطل؟ قال: بلى قلت: فلم نعطى الدنية في ديننا إذا؟ قال: إني رسول الله ولست أعصيه وهو ناصري قلت: أو ليس وعدتنا أنا سنأتي البيت فنطوف به؟ قال: بلى، أفأخبرتك أنك تأتيه العام؟ قلت: لا قال: إنك تأتيه وتطوف به قال فأتيت أبا بكر فقلت: يا أبا بكر أليس هذا نبي الله حقا؟ قال: بلى، قلت: ألسنا على الحق وعدونا على الباطل؟ قال: بلى، قلت فلم نعطى الدنية إذا؟ قال: أيها الرجل إنه رسول الله، وليس يعصي ربه وهو ناصره، فاستمسك بغرزه حتى تموت، فوالله إنه لعلى الحق. قلت: أو ليس كان يحدثنا أنا سنأتي البيت ونطوف به؟ قال: بلى، أفأخبرك أنك تأتيه العام؟ قلت: لا. قال: إنك ستأتيه وتطوف به. قال الزهري: قال عمر: فعملت لذلك أعمالا. قال علي لم يشك عمر قط مذ أسلم في صحة نبوة محمد صلى الله عليه وسلم ومعاذ الله من أن يظن ذلك به ذو مسكة ولكنه شك في وجوب اتباع ما أمرهم به من الحلق والنحر، وإمضاء القضية بينه وبين قريش، ثم ندم على ذلك كما ترى، وعمل لذلك أعمالا مستغفرا مما سلف منه، من الأمر الذي ينصره الآن من أضله الله تعالى بالتقليل الفاسد، ومثل هذا، من غير أهل الحديبية فسق شديد

not disobey his Lord, and He will grant him victory. So cling to his stirrup until you die, for, by Allah, he is assuredly upon the truth.' I said, 'Did he not tell us that we would come to the House and circumambulate it?' He said, 'Indeed he did. But did he tell you that you would come to it this year?' I said, 'No.' He said, 'You will indeed come to it and circumambulate it.'" Al-Zuhri said: Umar said, "I performed deeds on account of that." Ali said: Umar never once doubted the truth of Muhammed's ﷺ prophethood after embracing Islam. Allah forbid that anyone with a modicum of sense should think that of him! Rather, he doubted the obligation to comply with what he had commanded them concerning shaving, slaughtering their sacrificial animals, and implementing the agreement between him and Quraysh. He then regretted that, as you see, and performed deeds on account of it, seeking forgiveness for his previous conduct—the very conduct now defended, through corrupt minimization, by those whom Allah Most High has led astray. Such conduct, on the part of anyone other than the people of al-Hudaybiyyah, is grave iniquity. They, however, according to his ﷺ testimony, are forgiven: none of them will enter the Fire except the owner of the red camel alone.[1][2][3]

L1311–1316 Ali said: The Prophet ﷺ also clarified their religious standing in this matter, as Yahya ibn Abd al-Rahman related to us: Ibn Duhaym related to us: Ibrahim

ولكنهم بشهادته صلى الله عليه وسلم مغفور لهم لا يدخله النار منهم أحد إلا صاحب الجمل الأحمر وحده

قال علي وقد بين النبي صلى الله عليه وسلم دينهم في هذا الباب كما ثنا يحيى بن عبد الرحمن، ثنا ابن دحيم، ثنا إبراهيم بن حماد، ثنا إسماعيل بن إسحاق، ثنا نصر بن علي، ثنا وهب بن جرير، ثنا أبي، عن ابن إسحاق قال: ثنا عبد الله بن أبي نجيح، عن مجاهد، عن ابن عباس قال: حلق يوم الحديبية رجال وقصر آخرون فذكر ابن عباس أنه صلى الله عليه وسلم ترحم على المحلقين ثلاثا وعلى المقصرين واحدة، بعد أن ذكر بهم ثلاث مرات فقالوا ما بال المحلقين ظاهرت لهم الترحم فقال صلى الله عليه وسلم إنهم لم يشكوا قال علي لم يشكوا في وجوب تنفيذ أمره، وشك المترددون فعوقبوا كما ترى، وإن كانوا مغفورا لهم كلهم، وكذلك الذين فروا من الزحف يوم أحد، فأخبر تعالى أنه إنما استفزهم الشيطان ببعض ما كسبوا، ثم أخبر تعالى أنه عفا عنهم، فمن اقتدى بهم في الفرار من الزحف فهو غير حاصل على ما حصلوا عليه من العفو، بل يبوء

[1] **Translator's note (L1304):** The attribution وقال آخرون منهم من الحنفيين is awkward: literally, "others of them, from the Ḥanafīs." The translation retains the Ḥanafī attribution without treating these scholars as Mālikīs. The invocation "may Allah have mercy on him" accompanies the introduction of ʿAlī ibn Aḥmad and may belong to a transmitter or editor rather than to the author's own voice.

[2] **Translator's note (L1307):** The wording أوهموه is unusual here; it is rendered as "caused him apprehension," without substituting a conjectural reading. The source has إلا أن رسول الله, literally "except that the Messenger of Allah," where the syntax appears defective. The translation treats this as the intended exception, "except the Messenger of Allah."

[3] **Translator's note (L1310):** The source reads بالتقليل الفاسد, "through corrupt minimization." This is unusual in context and may be a transcription error for بالتعليل الفاسد, "through corrupt reasoning"; the supplied reading has been retained. The source's لا يدخله النار is grammatically irregular; the translation follows its apparent intended sense, "will not enter the Fire."

ibn Hammad related to us: Ismail ibn Ishaq related to us: Nasr ibn Ali related to us: Wahb ibn Jarir related to us: My father related to us, from Ibn Ishaq, who said: Abd Allah ibn Abi Najih related to us, from Mujahid, from Ibn Abbas, who said: Some men shaved their heads on the day of al-Hudaybiyyah, while others shortened their hair. Ibn Abbas mentioned that he ﷺ invoked mercy three times upon those who shaved their heads, and once upon those who shortened their hair, after being reminded of them three times. They said, "Why have you repeatedly invoked mercy upon those who shaved their heads?" He ﷺ said, "They did not doubt." Ali said: They did not doubt the obligation to carry out his command, whereas those who hesitated did doubt, and so were punished, as you see, even though they were all forgiven. The same applies to those who fled the battle on the day of Uhud: the Most High stated that Satan had only caused them to falter because of some of what they had earned; then the Most High stated that He had pardoned them. Whoever emulates them in fleeing battle does not thereby obtain the pardon they obtained; rather, he incurs anger from Allah Most High. Nothing is more astonishing than someone who emulates the people of al-Hudaybiyyah in a sin they committed, regretted, and acknowledged, yet forbids emulating them in an action they all performed that accorded with the good pleasure of Allah, Mighty and Majestic, and the good pleasure of His Messenger ﷺ: their slaughtering a sacrificial camel that day on behalf of seven people, and a cow on behalf of seven, at the command of the Messenger of Allah ﷺ, and their slaughtering seventy sacrificial camels on behalf of seven hundred people, apart from the cattle. These people say, "It is impermissible to emulate them in that," out of some uncritical adherence; then they urge emulating them in a sin they committed and from which they repented. Could there be anything more outrageous in the reversal of realities and the open proclamation of falsehood than these two positions? In Allah Most High we seek refuge from abandonment. Among the astonishing things that can be understood only as contempt for religion and shamelessness is the Maliki Ibn Khuwayz Mindadh's adducing, to establish that the actions of the Messenger of Allah ﷺ are obligatory duties, the report of the Ansari who kissed his wife while fasting and instructed her to ask Umm Salamah for a legal ruling about it. The Prophet ﷺ came and found the woman, and asked about her.

بغضب من الله تعالى. ولا عجب أعجب ممن يقتدي بأهل الحديبية في خطيئة وقعت منهم قد ندموا عليها، واعترفوا بها، وينهى عن الاقتداء بهم في فعل فعلوه كلهم موافق لرضا الله عز وجل ورضا رسوله صلى الله عليه وسلم في نحرهم البدنة في ذلك اليوم عن سبعة والبقرة عن سبعة بأمر رسول الله صلى الله عليه وسلم وأنهم نحروا سبعين بدنة عن سبعمائة إنسان ما سوى البقر، فيقول هؤلاء: لا يجوز الاقتداء بهم في ذلك تقليدا لما ثم يحض على الاقتداء بهم في خطيئة أخطؤوها قد تابوا منها، فهل في عكس الحقائق والمجاهرة بالباطل أشنع من هذين المذهبين وبالله تعالى نعوذ من الخذلان. ومن العجائب التي لا يفهم منها إلا الاستخفاف بالدين والخنا، احتجاج ابن خويز منداذ المالكي إيجاب أفعال رسول الله صلى الله عليه وسلم فرضا بحديث الأنصاري الذي قبل امرأته وهو صائم، فأمرها أن تستفتي في ذلك أم سلمة فأتى النبي صلى الله عليه وسلم فوجد المرأة فسأل عنها فأخبرته أم سلمة بخبرها فقال لها رسول الله صلى الله عليه وسلم ألا أخبرتها أني أفعل ذلك فقالت قد فعلت فزاده ذلك شرا وقال يحل الله لرسوله ما شاء فغضب رسول الله صلى الله عليه وسلم وقال أما والله إني لأتقاكم لله وأعلمكم بما أتقي. قال أبو محمد: وإن احتجاج ابن خويز منداذ بهذا الحديث، وهو لا يقول به، ولا يستحبه ولا يبيحه، بل يكره القبلة للصائم ويرغب عن فعل النبي صلى الله عليه وسلم في ذلك ويسخط الله تعالى ورسوله صلى الله عليه وسلم لرغبته عما كان عليه السلام يفعله لآية من الآيات الشنيعة، وهو لا يرى هذا الفعل واجبا ولا مستحبا ولا مطلقا ثم يحتج به في إيجاب أفعاله صلى الله عليه وسلم وليس العجب ممن يطلق لسانه بمثل هذا الخنا فإنه قد عدم الرقبة والحياء والخوف، ولا يبالي بالإثم ولا بالعار، وإنما العجب ممن يسمعه ثم يقبله، ويكتبه مصدقا له مستحسنا، وإنا لله وإنا إليه راجعون على دروس العلم وذهابه. وهذا الحديث الذي ذكر أعظم حجة في

Umm Salamah told him her story. The Messenger of Allah ﷺ said to her, "Did you not tell her that I do that?" She said, "I did." But that only made him worse, and he said, "Allah permits His Messenger whatever He wills." The Messenger of Allah ﷺ became angry and said, "Indeed, by Allah, I am the most mindful of Allah among you, and the most knowledgeable of you concerning what I must guard against." Abu Muhammed said: Ibn Khuwayz Mindadh's adducing this report—although he neither accepts its ruling, nor regards the action as recommended, nor permits it, but instead regards kissing as reprehensible for a fasting person, turns away from the Prophet's ﷺ conduct in this matter, and incurs the displeasure of Allah Most High and His Messenger ﷺ by turning away from what he, peace be upon him, used to do—is indeed one of the most outrageous marvels. He regards this action as neither obligatory, nor recommended, nor unrestricted, yet adduces it to establish the obligatory character of his ﷺ actions! The astonishing thing is not someone who gives his tongue free rein with such obscenity, for he has lost all sense of watchfulness, modesty, and fear, and cares neither about sin nor about disgrace. What is astonishing is someone who hears him, then accepts it and writes it down, believing him and approving of it. Indeed, we belong to Allah, and to Him we return, at the effacement of knowledge and its disappearance. This report that he mentioned is the strongest proof that his actions, peace be upon him, are not obligatory, but are recommended and encouraged: someone who abandons them out of aversion to them comes, just as Ibn Khuwayz Mandadh and his counterparts sin through their aversion to the Prophet's ﷺ practice of kissing while fasting. Someone who omits it while regarding it as recommended, without being averse to it, does not sin, nor is he rewarded either. As for someone who does it in emula-

أن أفعاله عليه السلام ليست على الوجوب، ولكنها مستحبة مندوب إليها، يأتي من تركها راغبا عنها، كما يأثم ابن خويز منداذ ونظراؤه في رغبتهم عن فعل النبي صلى الله عليه وسلم في التقبيل وهو صائم ولا يأثم من تركها مستحبا لها غير راغب عنها ولا يؤجر أيضا وأما من فعلها مؤتسيا فيها بالنبي صلى الله عليه وسلم فهو مأجور والحمد لله رب العالمين

tion of the Prophet ﷺ, he is rewarded. Praise belongs to Allah, Lord of all worlds.[456]

L1317–1319 Those who say that his actions, peace be upon him, are like his commands argued as follows: We have been commanded to follow him, peace be upon him, by the Exalted's words: {Say: O humankind, I am the Messenger of Allah to you all—He to whom belongs the dominion of the heavens and the earth. There is no deity but Him; He gives life and causes death. So believe in Allah and His Messenger, the unlettered Prophet, who believes in Allah and His words, and follow him, so that you may be guided.} They said: This makes it obligatory for us to follow him equally in his actions and his commands.

Ali said: In the language, "following" is never understood to mean imitating an action. It entails only compliance with his command, peace be upon him, and obedience to what he taught from his Lord, Mighty and Majestic. He, peace be upon him, explained this in his statement, "Whoever performs a deed that does not accord with our command, it is rejected," and in his statement ﷺ, "Everyone will enter Paradise except someone who refuses." He was asked, "Who would refuse, Messenger of Allah?" He said, "Whoever obeys me will enter Paradise, and whoever disobeys me has refused."

Ali said: Disobedience consists only in contravening a command, not in omitting to imitate an action. It has never been understood from the language

واحتج من قال: إن أفعاله عليه السلام كأوامره، بأن قال: قد أمرنا باتباعه عليه السلام بقوله تعالى {قل يأيها لناس إني رسول لله إليكم جميعا لذي له ملك لسماوات ولأرض لا إله إلا هو يحيي ويميت فآمنوا بلله ورسوله لنبي لأمي لذي يؤمن بلله وكلماته وتبعوه لعلكم تهتدون} قالوا وهذا إيجاب علينا اتباعه، في فعله وأمره سواء. قال علي: الاتباع لا يفهم منه محاكاة الفعل في اللغة أصلا، وإنما يقتضي الامتثال لأمره عليه السلام، والطاعة لما علم عن ربه عز وجل، وقد بين ذلك عليه السلام في قوله: من عمل عملا ليس عليه أمرنا فهو رد وبقوله صلى الله عليه وسلم كل أحد يدخل الجنة إلا من أبى قيل ومن يأبى يا رسول الله؟ قال: من أطاعني دخل الجنة، ومن عصاني فقد أبى. قال علي: والمعصية إنما هي مخالفة الأمر، لا ترك محاكاة الفعل، وما فهم قط من اللغة أن يسمى تارك محاكاة الفعل عاصيا إلا بعد أن يؤمر بمحاكاته، فإنما استثنى عليه السلام من دخول الجنة من خالف الأمر فقط، وبقي من لا يحاكي الفعل غير راغب عنه على دخول الجنة، فقد صح أنه ليس عاصيا، وإذا لم يكن عاصيا فلم يجتنب فرضا فقد صح أن محاكاة الفعل ليست فرضا، وأيضا فما فهم عربي قط من خليفة يقول: اتبعوا أمري هذا، أنه أراد افعلوا ما يفعل، وإنما يفهم من هذا امتثال أمره فقط وأيضا فإن أفعال النبي صلى الله عليه وسلم لا يختلف أحد في أنها غير فرض عليه بمجردها، ومن المحال أن يكون كذلك ويكون فرضا علينا، وهذا هو خلاف الاتباع حقا، وقد هذر قوم بأن قالوا من الحجة في ذلك قول الله عز وجل {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله شديد لعقاب} قال علي وهذا تخليط لأن الإيتاء في اللغة إنما هو الإعطاء،

[4]**Translator's note (L1313):** The source first gives seven people per sacrificial camel, then seventy camels for seven hundred people. These figures are inconsistent as stated and have been preserved. The phrase تقليدا لما is awkward and leaves the object of uncritical adherence unspecified; "out of some uncritical adherence" preserves that lack of specificity.

[5]**Translator's note (L1314):** In "that only made him worse," the pronoun refers back to the absent Ansari husband, although the supplied account does not explicitly narrate the woman's return or her conveying the answer to him.

[6]**Translator's note (L1315):** The transmitted الرقبة is uncertain in this context; "sense of watchfulness" is a contextual rendering, though the ordinary meaning of this spelling is "neck." The transmitted يأتي means "comes," as rendered. The argument and the following كما يأثم ("just as … sins") suggest that يأثم ("sins") may have been intended, but the text has not been silently corrected. The personal name Ibn Khuwayz Mandadh is divided between this unit and the next.

that someone who omits to imitate an action should be called disobedient, unless he has first been commanded to imitate it. Thus he, peace be upon him, excluded from entry into Paradise only someone who contravenes the command. Someone who does not imitate the action, without being averse to it, remains among those who will enter Paradise. It is therefore established that he is not disobedient. If he is not disobedient, then he has not avoided an obligatory duty. It is therefore established that imitating the action is not an obligatory duty.

Furthermore, no Arab has ever understood a caliph's saying, "Follow this command of mine," to mean, "Do what he does." Only compliance with his command is understood from this. Furthermore, no one disagrees that the Prophet's ﷺ actions, merely as such, are not obligatory duties upon him. It is impossible for that to be so while they are obligatory duties upon us. This would truly be the opposite of following.

Some people have babbled, saying that evidence for this lies in the words of Allah, Mighty and Majestic: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, to the Messenger, to near relatives, to orphans, to the needy, and to the traveler, so that it may not circulate among the wealthy among you And whatever the Messenger gives you, take it; and whatever he forbids you, desist from it. And fear Allah; indeed, Allah is severe in punishment.}

Ali said: This is muddled reasoning, because in the language "giving" means only bestowing, and an action is not bestowed. He gives us only his commands, particularly since he followed that with prohibition. Allah threatened punishment only for contravening the command in His words, Exalted is He: {Do not make the Messenger's calling among you like your calling one another. Allah certainly knows those of you who slip away, taking cover behind

والفعل لا يعطى، وإنما يعطينا أوامره فقط، ولا سيما وقد اتبع ذلك النهي، وإنما توعد الله على مخالفة الأمر بقوله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر الذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم}

others. So let those who contravene his command beware lest a trial befall them or a painful punishment befall them.}[7][8]

L1320–1322 Some of them said: The pronoun in "his command" refers to Allah, Mighty and Majestic.

Ali said: They should be told: That presents you with no difficulty. The command of the Messenger of Allah ﷺ is a command from Allah Himself, Mighty and Majestic, according to His words, Exalted is He: {And he does not speak from desire. * It is only a revelation revealed.} Thus all his speech is the command of Allah, Mighty and Majestic.

Ali said: The verse suffices to establish that what is binding is only the command, not the action, because Allah, Mighty and Majestic, stated only that the revelation coming from Him, Exalted is He, is speech, and speech is the command. An action, however, is never called speech. It is therefore established that all his action, peace be upon him, conveys permissibility and recommendation, not the imposition of obligation, except where it explains a command.

Ali said: Some of them said: The meaning of "his affair" here is his condition, as you say, "So-and-so's affair today is in a state of rectitude," or "His affair is crooked," meaning his condition.

Ali said: This is invalidated by the fact that this verse came only to make binding the command mentioned before it, which is speech. Allah, Mighty and Majestic, said: {Do not make the Messenger's calling among you like your calling one 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.} It is therefore established that this threat concerns his command to them to remain with him. Likewise, no call to prayer was made for any of his voluntary prayers,

وقال بعضهم: الضمير في أمره راجع إلى الله عز وجل. قال علي فيقال لهم لا عليكم أمر رسول الله صلى الله عليه وسلم هو أمر من الله عز وجل نفسه بقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فنطقه كله أمر الله عز وجل. قال علي: الآية كافية في أن اللازم إنما هو الأمر فقط لا الفعل، لأن الله عز وجل إنما أخبر أن الوحي من قبله تعالى هو النطق، والنطق إنما هو الأمر، وأما الفعل فلا يسمى نطقا البتة، فصح أن فعله عليه السلام كله إباحة وندب لا إيجاب، إلا ما كان منه بيانا لأمر. قال علي: وقال بعضهم: معنى أمره ههنا حاله، كما تقول أمر فلان اليوم على إقامة، أو أمره على عوج، يعني حاله. قال علي: وهذا يبطل بأن هذه الآية إنما جاءت بإيجاب ما ذكر قبلها من الأمر الذي هو النطق قال الله عز وجل {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فصح أن هذا الوعيد في أمره لهم بالبقاء معه، وكذلك كان عليه السلام لا يؤذن لشيء من صلوات التنفل كالعيدين والكسوف تفريقا بين الفعل والأمر، إذ لو دعوا إلى الصلاة لكان أمرا، والأمر فرض. وقد حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا زهير بن حرب، ثنا جرير، عن الأعمش، عن أبي الضحى، عن مسروق، عن عائشة أم المؤمنين قالت صنع رسول الله صلى الله عليه وسلم أمرا نترخص فيه فبلغ ذلك ناسا من أصحابه فكأنهم كرهوه وتنزهوا عنه، فبلغه ذلك فقام خطيبا فقال: ما بال رجال بلغهم عني أمر ترخصت فيه فكرهوه وتنزهوا عنه، فوالله لأنا أعلمهم بالله وأشدهم له خشية

[7] **Translator's note (L1319):** "The Messenger's calling" preserves the ambiguity of دعاء الرسول, which can refer either to his summoning others or to others calling upon him. The author's subsequent argument takes it as his summoning others.

[8] **Qur'an references (L1317):** Qur'an 7:158 (Al-A'raf); Qur'an 59:7 (Al-Hashr); Qur'an 24:63 (An-Nur).

peace be upon him, such as the prayers of the two festivals and the eclipse prayer, thereby distinguishing action from command: had they been summoned to prayer, that would have been a command, and a command imposes an obligatory duty.

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Zuhayr ibn Harb related to us: Jarir related to us, from al-Amash, from Abu al-Duha, from Masruq, from Aishah, Mother of the Believers, who said: "The Messenger of Allah ﷺ did something in which we avail ourselves of a concession. This reached some of his Companions, and it was as though they disliked it and scrupulously abstained from it. That reached him, so he stood up to address them and said: 'What is the matter with men who have heard about something in which I availed myself of a concession, but disliked it and scrupulously abstained from it? By Allah, I know Allah better than they do, and I fear Him more intensely than they do.'"[9][10][11][12]

L1323–1332 Ali said: This is an explicit, clear statement from the Messenger of Allah ﷺ. He did not rebuke them for omitting to do what he had done. It is therefore established that this was not obligatory; had it been obligatory, he would have rebuked its omission. He rebuked them only for disapproving of it and scrupulously abstaining from it, and this is exceedingly reprehensible. He did rebuke them for failing to follow his command. Thus the distinction

قال علي فهذا نص جلي عن رسول الله صلى الله عليه وسلم لم ينكر عليهم ترك فعل ما فعل فصح أنه ليس ذلك واجبا، ولو كان واجبا لأنكر تركه، وإنما أنكر عليهم إنكاره، والتنزه عنه، وهذا منكر جدا، وقد أنكر عليهم ترك أمره، فوضح الفرق بين الفعل والأمر لمن عقل، وبالله تعالى التوفيق. وبه إلى مسلم حدثنا محمد بن رافع، وعبيد الله بن معاذ، وابن أبي عمر، وقتيبة، ومحمد بن عبد الله بن نمير، وأبو كريب، وأبو بكر بن أبي شيبة، قال ابن رافع: ثنا عبد الرزاق، ثنا معمر، عن همام بن منبه، وقال ابن معاذ: ثنا أبي، ثنا شعبة، عن محمد بن زياد، وقال ابن أبي عمر: ثنا سفيان وهو ابن عيينة عن أبي الزناد، عن الأعرج، وقال قتيبة: ثنا المغيرة الخزامي، عن أبي الزناد، عن الأعرج، وقال ابن نمير: ثنا أبي، عن الأعمش، عن أبي صالح السمان. وقال ابن أبي شيبة، وأبو كريب: ثنا أبو معاوية، عن الأعمش، عن أبي صالح، ثم اتفق همام ومحمد بن زياد والأعرج وأبو صالح كلهم عن أبي هريرة أنه قال قال رسول الله صلى

[9] **Translator's note (L1320):** The Arabic أمر can mean either "command" or "affair"; the translation distinguishes these senses where the author explicitly discusses them. The unvocalized لا يؤذن can mean that he did not give permission or that no call to prayer was made. The subsequent reference to summoning people to prayer supports the latter reading adopted here.

[10] **Translator's note (L1321):** The transmitted نترخص is first-person plural, "we avail ourselves of a concession," as rendered. It is awkward after the preceding statement that the Messenger did something; a third-person or differently formulated reading might be expected, but has not been substituted.

[11] **Hadith references (L1320):** Sahih Muslim 2356a.

[12] **Qur'an references (L1320):** Qur'an 53:4 (An-Najm); Qur'an 24:63 (An-Nur).

between action and command is clear to anyone who understands. Through Allah, Exalted is He, comes success.

Through the same chain to Muslim: Muhammed ibn Rafi, Ubayd Allah ibn Muadh, Ibn Abi Umar, Qutaybah, Muhammed ibn Abd Allah ibn Numayr, Abu Kurayb, and Abu Bakr ibn Abi Shaybah related to us. Ibn Rafi said: Abd al-Razzaq related to us: Mamar related to us, from Hammam ibn Munabbih. Ibn Muadh said: My father related to us: Shubah related to us, from Muhammed ibn Ziyad. Ibn Abi Umar said: Sufyan—who is Ibn Uyaynah—related to us, from Abu al-Zinad, from al-Araj. Qutaybah said: Al-Mughirah al-Khurami related to us, from Abu al-Zinad, from al-Araj. Ibn Numayr said: My father related to us, from al-Amash, from Abu Salih al-Samman. Ibn Abi Shaybah and Abu Kurayb said: Abu Muawiyah related to us, from al-Amash, from Abu Salih. Then Hammam, Muhammed ibn Ziyad, al-Araj, and Abu Salih all agreed in transmitting from Abu Hurayrah that he said: The Messenger of Allah ﷺ said: "Leave me alone so long as I leave you alone. Those before you perished only through their many questions and their divergence from their prophets. Whatever I forbid you, avoid it; and whatever I command you, do as much of it as you can." This is the version of everyone we have mentioned. Hammam differed from them in nothing except that he said, "so long as I leave you alone."

Abu Muhammed said: This is a report transmitted from Abu Hurayrah by mass recurrent transmission. The Messenger of Allah ﷺ therefore imposed upon no one anything except as much as he could do of what he commanded, and avoidance of what he prohibited, only. In the Arabic language it is absolutely impermissible to say, "I commanded you to do what I did." He, peace be upon him, waived everything besides that and commanded them to leave him alone so long as he left them alone. And we know through the necessary evidence of sense perception and direct observation that he, peace be upon him, and every living being on earth are never, even for the blink of an eye, without some action: sitting, walking, standing, lying down, or sleeping or reclining, or any other action. He, peace be upon him, relieved us of all this and commanded us to leave it aside in his case, except only what he commanded or prohibited. Thus it has become clear with certainty

الله عليه وسلم ذروني ما تركتكم فإنما هلك الذين من قبلكم بكثرة مسائلهم واختلافهم عن أنبيائهم، ما نهيتكم عنه فاجتنبوه، وما أمرتكم به فافعلوا منه ما استطعتم. وهذه رواية كل من ذكرنا، ولم يخالفهم همام في شيء إلا أنه قال: ما تركتكم. قال أبو محمد:، وهذا خبر منقول نقل التواتر عن أبي هريرة فلم يوجب رسول الله صلى الله عليه وسلم على أحد إلا ما استطاع مما أمر به واجتناب ما نهى عنه فقط، ولا يجوز البتة في اللغة العربية أن يقال: أمرتكم بما فعلته، وأسقط عليه السلام ما عدا ذلك، وأمرهم بتركه ما تركهم. وقد علمنا بضرورة الحس والمشاهدة أنه عليه السلام، وكل حي في الأرض لا يخلو طرفة عين من فعل، إما جلوس أو مشي، أو وقوف أو اضطجاع، أو نوم أو اتكاء، أو غير ذلك من الأفعال، فأسقط عليه السلام عنا كل هذا، وأمرنا بتركه فيه، حاشا ما أمر به أو نهى عنه فقط، فوضح يقينا أن الأفعال كلها منه عليه السلام لا تلزم أحدا وإنما فيها الائتساء المتقدمة فقط. قال أبو محمد: وصح بالحديث الذي قبل هذا، أنه لا حجة في فعل أحد من الصحابة رضي الله عنهم أجمعين، ولا في قوله، لأن أولئك الذين كرهوا ما فعله عليه السلام، قصدوا بذلك الخير في اجتهادهم، وقد أنكر عليه السلام ذلك فصح أنه لا حجة إلا فيما جاء عنه عليه السلام فقط، والحمد لله رب العالمين. قال أبو محمد: وإنما حضنا الله تعالى في أفعاله عليه السلام على الائتساء به بقوله تعالى {لقد كان لكم في رسول لله أسوة حسنة لمن كان يرجو لله وليوم لآخر وذكر لله كثيرا} وما كان لنا فهو إباحة فقط لأن لفظ الإيجاب إنما هو علينا لا لنا، نقول: عليك أن تصلي الخمس، وتصوم رمضان، ولك أن تصوم عاشوراء، وتتصدق تطوعا، ولا يجوز أن يقول أحد في اللغة العربية: عليك أن تصوم عاشوراء وتتصدق تطوعا، ولك أن تصلي الخمس، وتصوم رمضان، هذا الذي لا يفهم سواه في اللغة التي بها خاطبنا الله تعالى بما ألزمنا من شرائعه. قال أبو محمد: وقال بعضهم:

that none of his actions, peace be upon him, is binding upon anyone; they involve only the emulation previously mentioned. Abu Muhammed said: The preceding report also establishes that neither the action nor the statement of any of the Companions, may Allah be pleased with them all, constitutes authoritative proof, because those who disapproved of what he did, upon him be peace, intended good by that in their exercise of independent judgment, yet he, peace be upon him, disapproved of it. It is therefore established that authoritative proof lies only in what has come from him, peace be upon him, alone. Praise belongs to Allah, Lord of the worlds.

Abu Muhammed said: Allah Most High merely encouraged us to emulate him in his actions, peace be upon him, through His statement, exalted is He: "Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much." Whatever is described as being "for us" signifies permission alone, because the expression imposing obligation is "upon us," not "for us." We say: "It is incumbent upon you to perform the five prayers and fast Ramadan," and "It is permissible for you to fast Ashura and give voluntary charity." No one may say in the Arabic language: "It is incumbent upon you to fast Ashura and give voluntary charity," and "It is permissible for you to perform the five prayers and fast Ramadan." No other meaning is understood in the language in which Allah Most High addressed us concerning the prescriptions of His law that He made binding upon us.

Abu Muhammed said: Some of them said: His statement, exalted is He, following the aforementioned verse, "Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much," explains that this is an obligation, because this is a threat.

Abu Muhammed said: This interpretation is erroneous, because the emulation encouraged in the aforementioned verse is only for the believers who hope for Allah and the Last Day. He Most High did not say that it is incumbent upon those who hope for Allah and the Last Day. As for the unbelievers who do not hope for Allah and the Last Day, they are averse to emulating him, peace be upon him. Likewise, his statement, may Allah bless him and

قوله تعالى بعقب الآية المذكورة {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} بيان أن ذلك إيجاب لأن هذا وعيد. قال أبو محمد: التأويل خطأ لأن الائتساء المندوب إليه في الآية المذكورة إنما هو للمؤمنين الذين يرجون الله واليوم الآخر، ولم يقل تعالى هو على الذين يرجون الله واليوم الآخر وأما الكفار الذين لا يرجون الله واليوم الآخر، فراغبون عن الائتساء به عليه السلام وكذلك قوله صلى الله عليه وسلم إني أصوم وأفطر وأنكح النساء فمن رغب عن سنتي فليس مني وصدق عليه السلام، أن من ترك شيئا من أفعاله راغبا عنها فهو كافر، وأما من تركها غير راغب عنها لكن اقتصارا على الفرض، وتخفيفا من التطوع، عالما بأنه يترك فضلا كثيرا، فقد أفلح كما قال عليه السلام للأعرابي الذي حلف لا يزيد على الأوامر الواجبات شيئا فقال عليه السلام: أفلح والله إن صدق دخل الجنة. قال أبو محمد: وفي هذا الحديث بيان كاف في أن الأوامر هي الفروض، وأن أفعاله عليه السلام ليست فرضا لأن الأعرابي إنما سأل رسول الله صلى الله عليه وسلم عما أمر به لا عما يفعل ثم حلف ألا يفعل غير ذلك فصوب رسول الله صلى الله عليه وسلم قوله وحسن فعله وهذا كاف لمن عقل إذ لم يلزمه عليه السلام اتباع أفعاله، وهذا ما لا إشكال فيه قال أبو محمد بل أنكر رسول الله صلى الله عليه وسلم على أصحابه رضي الله عنهم التزام المماثلة لأفعاله، كما حدث عبد الله بن ربيع، ثنا محمد بن معاوية القرشي، ثنا أبو خليفة، ثنا أبو داود الطيالسي هو هشام بن عبد الملك عن حماد بن سلمة، عن أبي نضلة السعدي، عن أبي نضرة، عن أبي سعيد الخدري قال صلى بنا رسول الله صلى الله عليه وسلم فلما صلى خلع نعليه فوضعهما يساره فخلع القوم نعالهم، فلما قضى صلاته قال: ما لكم خلعتم نعالكم؟ قالوا: رأيناك خلعت فخلعنا، قال: إني لم أضعهما من بأس، ولكن جبريل أخبرني أن فيهما قذرا وأذى، فإذا أتى أحدكم

grant him peace ﷺ: "I fast and break my fast, and I marry women. Whoever turns away from my way is not of me." He spoke truthfully, peace be upon him: whoever abandons any of his actions out of aversion to them is an unbeliever. But whoever leaves them without aversion to them, merely confining himself to what is obligatory and reducing his voluntary observances, knowing that he is forgoing much merit, has indeed succeeded. This is as he, peace be upon him, said concerning the Bedouin who swore that he would add nothing to the obligatory commands. He, peace be upon him, said: "He has succeeded, by Allah, if he has spoken truthfully; he will enter Paradise."

Abu Muhammed said: This report sufficiently explains that commands are obligatory duties and that his actions, peace be upon him, are not obligatory. For the Bedouin asked the Messenger of Allah, may Allah bless him and grant him peace ﷺ, only about what he had commanded, not about what he did. He then swore that he would do nothing beyond that, and the Messenger of Allah —may Allah bless him and grant him peace ﷺ—declared his statement correct and his conduct good. This suffices for anyone who understands, since he, peace be upon him, did not oblige him to follow his actions. There is no difficulty in this.

Abu Muhammed said: Indeed, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of his Companions, may Allah be pleased with them, committing themselves to matching his actions, as Abd Allah ibn Rabi reported: Muhammed ibn Muawiyah al-Qurashi narrated to us: Abu Khalifah narrated to us: Abu Dawud al-Tayalisi—who is Hisham ibn Abd al-Malik—narrated to us, from Hammad ibn Salamah, from Abu Nadlah al-Sadi, from Abu Nadrah, from Abu Said al-Khudri, who said: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, led us in prayer. When he prayed, he removed his sandals and placed them to his left, so the people removed their sandals. When he had completed his prayer, he said: 'Why did you remove your sandals?' They said: 'We saw you remove yours, so we removed ours.' He said: 'I did not put them aside because of any harm, but Gabriel informed me that there was filth and offensive matter on them. When one of you comes to the mosque, let him inspect his sandals; if there is offensive matter on them, let him wipe it off.'"

المسجد فلينظر في نعليه، فإن كان فيهما أذى فليمسحه. قال أبو محمد: فهذا عدل من الصحابة أبو سعيد الخدري شهد أن رسول الله صلى الله عليه وسلم أنكر عليهم التزام مماثلة أفعاله فبطل كل تعلل بعد هذا وصح ألا يلزم إلا أمره عليه السلام فقط. قال أبو محمد: وإنما تعلق بما ذكرنا قوم من أصحاب مالك، على أنهم أترك خلق الله لأفعاله عليه السلام، فقد تركوا فعله عليه السلام في صلاته بالناس وهم وراءه قيام أو جلوس، وتركوا فعله عليه السلام في دخوله وإمامته بالناس بعد ابتداء أبي بكر بالتكبير بهم والصلاة، وجوزوه في الاستخلاف حيث لم يأت به نص ولا إجماع، ورغبوا عن فعله عليه السلام في الصب على بول الصبي، واختاروا الصوم في رمضان في السفر، ورغبوا عن فعله عليه السلام في الفطر، ورغبوا عن فعله عليه السلام في التقبيل وهو صائم وقد غضب رسول الله صلى الله عليه وسلم على من رغب عن ذلك أو تنزه عنه وخطب الناس ناهيا عن ذلك، ورغبوا عن فعله عليه السلام في قراءته: {والطور} في المغرب، وتركوا فعله عليه السلام في تطيبه في حجة الوداع، وأخذوا بأمر له متقدم، لو كان على ما ظنوه كان منسوخا بآخر فعله عليه السلام، وتركوا فعله عليه السلام حكمه بالسلب للقاتل، وتركوا فعله عليه السلام في سجوده في سورة {والنجم} وفي: {إذا السماء انشقت} وتركوا فعل جميع الصحابة في هذين الموضعين، وكل من أسلم من الجن والإنس. قال أبو محمد: فأما ما كان من أفعاله عليه السلام تنفيذا لأمر فهو واجب، فمن ذلك قوله عليه السلام: صلوا كما رأيتموني أصلي، وخذوا عني مناسككم وهمه بإحراق منازل المتخلفين عن الصلاة في الجماعة، وجلده شارب الخمر، لأنه عليه السلام لما أخبر أن الأموال والأعراض حرام ثم أن ينتهك شر منها، أو بأنه يريد انتهاكها، علمنا أن ذلك حق، وأما بعد الأمر فواجب لا إباحة لأنه عليه السلام لا يهم إلا بأمر حق، وقد أمر بجلد الشارب ثم كان فعله بيانا للجلد الذي أمر به.

Abu Muhammed said: Here is a trustworthy Companion, Abu Said al-Khudri, testifying that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of their committing themselves to matching his actions. Thus invalidated is every attempt at justification after this, and it is established that only his command, peace be upon him, is binding.

Abu Muhammed said: Some followers of Malik have clung to what we have mentioned, although they abandon his actions, peace be upon him, more than any of Allah's creatures do. They have abandoned his practice, peace be upon him, of leading people in prayer while those behind him were standing or sitting. They have abandoned his practice, peace be upon him, of entering and taking over the leadership of the people in prayer after Abu Bakr had begun the opening declaration of Allah's greatness and the prayer with them, yet they have permitted this in the appointment of a replacement prayer leader, where neither a text nor a consensus has established it. They have turned away from his practice, peace be upon him, of pouring water over a young boy's urine. They have chosen fasting during Ramadan while traveling and have turned away from his practice, peace be upon him, of breaking the fast. They have turned away from his practice, peace be upon him, of kissing while fasting, although the Messenger of Allah, may Allah bless him and grant him peace ﷺ, became angry with anyone who turned away from that or considered himself above it, and addressed the people, forbidding that. They have turned away from his practice, peace be upon him, of reciting "By the Mount" during the sunset prayer. They have abandoned his practice, peace be upon him, of applying perfume during the Farewell Pilgrimage, and have adopted an earlier command of his which, if it meant what they supposed, would have been abrogated by his last action, peace be upon him. They have abandoned his action, peace be upon him—his ruling that the slain enemy's personal effects belong to his killer. They have abandoned his practice, peace be upon him, of prostrating in the chapter "By the Star" and in "When the sky is split apart." They have abandoned the practice of all the Companions at these two passages, and of everyone among the jinn and humankind who embraced Islam.

Abu Muhammed said: As for those actions of his, peace be upon him, that implement a command, they are obligatory. Included in this are his statements, peace be upon him, "Pray as you have seen me pray," and "Take your pilgrimage rites from me"; his intention to burn the homes of those who stayed away from congregational prayer; and his flogging of the wine drinker. For when he, peace be upon him, had declared that property and honor are inviolable, then that an evil among them be violated, or that he intends to violate their inviolability, we know that this is rightful. Furthermore, after the command, it is obligatory, not merely permissible, because he, peace be upon him, intends only something rightful. He had commanded that the drinker be flogged; his action then explained the flogging that he had commanded.[13][14][15][16][17][18]

L1333–1338 Likewise, whatever of his actions, peace be upon him, constitutes a prohibition of something or a command to do something entails obligation. An

وكذلك ما كان من أفعاله عليه السلام نهيا عن شيء أو أمرا بشيء فهو على الوجوب كإزالته صلى الله عليه وسلم ابن عباس عن يساره ورده إلى يمينه فهذا وإن كان فعلا فهو أمر لابن عباس للوقوف عن يمينه، ونهي له عن الوقوف عن يساره، وإنما الفعل المجرد هو الذي ليس فيه معنى الأمر. فإن قال قائل: فهلا قلتم إن همه عليه السلام بإحراق بيوت المتخلفين عن الصلاة، إباحة لا فرض، على أصلكم في انتقال الشيء إذا نسخ إلى أقرب المراتب منه لا إلى أبعدها عنه، قيل له وبالله تعالى التوفيق: كذلك نقول ما لم يأت دليل على أنه منقول إلى أبعد المراتب عنه، ولكن لما قال عليه السلام: أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله، فإذا قالوها عصموا مني دماءهم وأموالهم إلا بحقها، وحسابهم على الله، ثم أخبر عليه السلام أنه قد هم بحرق بيوت المتخلفين علمنا بالنص المذكور أن ذلك حق واجب إنفاذه، إذ قد نص أنه لا يستبيح دما ولا مالا إلا بحق، والحق فرض ما لم يأت دليل على أنه إباحة. قال أبو محمد: قد قلنا: إن القائلين بأن أفعاله عليه السلام على الوجوب هم أشد الناس خلافا لهذا الأصل الفاسد، فإن المالكيين يقولون إن خطبة الإمام يوم الجمعة خطبتين قائما يجلس بينهما ليست فرضا، وإنما الفرض خطبة واحدة وما روي قط أن النبي صلى

[13] **Translator's note (L1323):** The source gives al-Mughirah's designation as الخرامي, rendered "al-Khurami." It has not been silently changed to another designation. The purported variant attributed to Hammam, ما تركتكم, is identical in the supplied text to the wording already quoted. The apparent quotation problem has been preserved. "Mass recurrent transmission" renders the technical term tawatur, the author's characterization of the report's transmission.

[14] **Translator's note (L1325):** The final salutation is divided between this unit and the next.

[15] **Translator's note (L1326):** The opening completes the salutation divided across the preceding unit. The text says "following the aforementioned verse" but then repeats the entire same verse, rather than quoting a subsequent verse or only its concluding words. The repetition is retained.

[16] **Translator's note (L1329):** The transmission chain identifies "Abu Dawud al-Tayalisi" as "Hisham ibn Abd al-Malik." This appears to conflate Abu Dawud al-Tayalisi with Abu al-Walid al-Tayalisi, Hisham ibn Abd al-Malik. The supplied identification is retained.

[17] **Translator's note (L1331):** The wording "ثم أن ينتهك شر منها" is syntactically and semantically corrupt or incomplete; its literal sense is approximately "then that an evil among them be violated." The surrounding argument concerns the Prophet's declaring property and honor inviolable and subsequently violating, or intending to violate, that inviolability in a particular case. The defective wording has not been silently repaired.

[18] **Qur'an references (L1323):** Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 84:1 (Al-Inshiqaq).

example is his moving Ibn ʿAbbas from his left and placing him on his right, ﷺ. Although this was an action, it was a command to Ibn ʿAbbas to stand on his right and a prohibition against standing on his left. A mere action is only one that does not convey the meaning of a command. If someone says, "Why, then, did you not say that his intention, peace be upon him, to burn the houses of those who stayed away from prayer indicates permission, rather than obligation, according to your principle that, when something is abrogated, it passes to the nearest degree rather than the farthest?" he is answered—and success comes through Allah Most High: That is indeed what we say, unless evidence establishes that it has been transferred to the farthest degree. But when he said, peace be upon him, "I have been commanded to fight people until they say, 'There is no god but Allah.' When they say it, they protect their blood and property from me, except by its right, and their reckoning rests with Allah," and then reported, peace be upon him, that he had intended to burn the houses of those who stayed away, we knew from the aforementioned text that this was a right whose enforcement was obligatory. For he expressly stated that he does not deem blood or property lawful to take except by a right, and a right is obligatory unless evidence establishes that it is permissible. Abu Muhammed said: We have already said that those who maintain that his actions, peace be upon him, entail obligation are the people who most vigorously contradict this unsound principle. The Malikis say that the imam's delivering two sermons on Friday while standing, sitting between them, is not obligatory: only one sermon is obligatory. Yet it has never been transmitted that the Prophet ﷺ delivered anything but two sermons while standing, sitting between them. Thus they did not regard his action here, peace be upon him, as entailing obligation. They say that performing the ablution in sequence is not obligatory, although there is no doubt that the Prophet ﷺ performed his ablution in sequence and did not reverse it; no Muslim doubts this. They hold that performing the dawn prayer at Muzdalifah is not obligatory and that the pilgrimage of someone who omits it is not invalidated, although Allah's Messenger ﷺ performed it there and proclaimed that whoever did not reach it there had no pilgrimage. They hold that whoever performs the sunset prayer before reaching Muzdalifah on the night of sacrifice has performed a valid prayer, although

الله عليه وسلم خطب إلا خطبتين قائما يجلس بينهما فلم يروا فعله عليه السلام ههنا على الوجوب. ويقولون: إن ترتيب الوضوء ليس فرضا ولا شك في أن النبي صلى الله عليه وسلم كان يرتب وضوءه ولا ينكسه لا يشك مسلم في ذلك. ويرون أن الصلاة للصبح بمزدلفة ليس فرضا ولا يبطل حج من تركه ورسول الله صلى الله عليه وسلم صلاها هناك وآذن أن من لم يدركها هنالك فلا حج له، ويرون أن من صلى المغرب قبل مزدلفة ليلة النحر فصلاته تامة ورسول الله صلى الله عليه وسلم أخرها إلى المزدلفة فلم يصلها إلا فيها ولا يرون رمي جمرة العقبة فرضا ورسول الله صلى الله عليه وسلم قد رماها ولا يرون الضجعة بعد ركعتي الفجر قبل صلاة الصبح فرضا ورسول الله صلى الله عليه وسلم كان يفعلها دائما عليها مواظبا لها وكذلك فقهاء المدينة السبعة، وأهل المدينة، وكل هذه المسائل فجماهير الصحابة والتابعين والفقهاء يرونها فرضا وإنما أتينا بهذه المسائل لئلا يدعو إجماعا على أنها ليست فرضا، ومثل هذا لو تتبع كثير، وبالله تعالى التوفيق. قال أبو محمد: فإن تعارض فعل وقول، مثل أن يحرم عليه السلام شيئا ثم يفعله، فإن هذا إن علمنا أن الفعل كان بعد القول فهو نسخ له، وبيان أن حكم ذلك القول قد ارتفع، لأنه عليه السلام لا يفعل شيئا محرما، ولا يجوز أن يقال في شيء فعله عليه السلام أنه خصوص له إلا بنص في ذلك، لأنه عليه السلام قد غضب على من قال ذلك وكل شيء أغضب رسول الله صلى الله عليه وسلم فهو حرام وذلك مذكور في حديث الأنصاري الذي سأله عن قبلة الصائم، فأخبره عليه السلام أنه يفعل ذلك، فقال الأنصاري: يا رسول الله إنك لست مثلنا قد غفر الله لك ما تقدم من ذنبك وما تأخر فغضب رسول الله صلى الله عليه وسلم وقال والله إني لأتقاكم لله وأعلمكم بما آتي وما أذر أو كما قال عليه السلام. فلا يحل لأحد بعد هذا أن يقول في شيء فعله عليه السلام: إنه خصوص له، إلا بنص مثل النص الوارد في الموهبة

Allah's Messenger—may Allah bless him and grant him peace—delayed it until Muzdalifah and performed it only there. They do not regard stoning the ʿAqabah pillar as obligatory, although Allah's Messenger ﷺ stoned it. They do not regard lying down after the two prayer cycles of dawn, before the morning prayer, as obligatory, although Allah's Messenger ﷺ used to do it continually, persisting in it and observing it regularly, as did the seven jurists of Medina and the people of Medina. In all these matters, the great majority of the Companions, the Successors, and the jurists regard them as obligatory. We have cited these matters only so that they cannot claim a consensus that they are not obligatory. Many similar instances could be found if they were pursued. Success comes through Allah Most High. Abu Muhammed said: If an action and a statement conflict—for example, if he prohibits something, peace be upon him, and then does it—then, if we know that the action occurred after the statement, it abrogates it and makes clear that the ruling of that statement has been removed, because he does nothing prohibited, peace be upon him. Nor is it permissible to say of anything he did, peace be upon him, that it was exclusive to him, except on the basis of a text to that effect, because he became angry, peace be upon him, with someone who said this. Everything that angered Allah's Messenger ﷺ is prohibited. This is mentioned in the report of the Ansari who asked him about a fasting person's kissing. He informed him, peace be upon him, that he did that. The Ansari said, "O Messenger of Allah, you are not like us: Allah has forgiven your past and future sins." Allah's Messenger ﷺ became angry and said, "By Allah, I am the most fearful of Allah among you and the most knowledgeable among you about what I do and what I leave undone," or words to that effect, peace be upon him. After this, it is not lawful for anyone to say of anything he did, peace be upon him, that it was exclusive to him, except on the basis of a text, such as the text concerning a woman's offering herself, in His words, 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 offers herself to the Prophet,

بقوله 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 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 لله غفورا رحيما} ومثل وصاله عليه السلام في الصوم، وقوله ناهيا لهم: إني لست كهيئتكم، ومثل نومه عليه السلام وصلاته دون تجديد وضوء، فسئل عليه السلام عن ذلك، فقال: عيناي تنامان ولا ينام قلبي فما جاء فيه بيان كما ذكرنا فهو خصوص، وما لم يأت فيه نص كما قلنا فلنا أن نتأسى به عليه السلام، ولنا في ذلك الأجر الجزيل، ولنا أن نترك غير راغبين عن ذلك فلا نأثم ولا نؤجر. فمما جاء كما ذكرنا: نهيه عليه السلام عن الصلاة قائما، إذا صلى الإمام جالسا، ثم هو عليه السلام صلى جالسا في مرضه الذي مات فيه، وصلى أبو بكر مذكرا إلى جانبه قائما فأقر، فعلمنا أن ذلك نسخ لإيجاب الجلوس عن المذكر خاصة، فإن شاء صلى جالسا، وذلك أفضل عندنا، وإن شاء قائما، كل ذلك جائز حسن.

if the Prophet wishes to marry her—exclusively for you, to the exclusion of the believers. We know what We have prescribed for them concerning their wives and those whom their right hands possess, so that there should be no hardship for you. Allah is ever forgiving, merciful." Other examples are his continuing to fast without a break, peace be upon him, and his saying, when forbidding them to do so, "I am not constituted as you are"; and his sleeping—upon him be peace—and his praying without renewing his ablution. He was asked about that, peace be upon him, and said, "My eyes sleep, but my heart does not sleep." Whatever is accompanied by an explanation such as we have mentioned is exclusive to him. Wherever no text has come, as we have said, we may follow his example, peace be upon him, and receive abundant reward for doing so; and we may omit it without turning away from it in aversion, in which case we neither sin nor receive reward. Among the instances of what we have mentioned is his prohibition, peace be upon him, against praying standing when the imam prays seated. Then he himself, peace be upon him, prayed seated during the illness in which he died, while Abu Bakr prayed standing beside him as a prompter, and he approved this. We therefore knew that this abrogated the obligation to sit specifically for the prompter. If he wishes, he may pray seated—and this is preferable in our view—or, if he wishes, standing. All of that is permissible and good.[19][20][21][22]

وكذلك قلنا في حضه عليه السلام على صيام يوم عرفة، ثم أفطر عليه السلام فيه، فقلنا: صيامه أفضل للحاج وغيره، وإفطاره مباح حسن، وقد روت عائشة: أنه عليه السلام كان يترك الفعل وهو يحبه، خشية أن يفعله الناس فيفرض عليهم، كما فعل عليه السلام في قيام الليل في رمضان، قام ثم ترك خوفا أن يفرض علينا. وإنما قلنا هذا لئلا يقول جاهل: أيجوز أن يترك عليه السلام الأفضل، ويفعل الأقل فضلا؟ فأعلمناه عليه السلام يفعل ذلك رفقا منه، كما أخبر عليه السلام أنه لولا رجال من أصحابه لا يتخلفون عنه أصلا، وأنه لا يجد ما يحملهم عليه ما تخلف عن سرية يوجهها في سبيل الله، فأخبر عليه السلام أنه يتخلف عن الجهاد وهو أفضل، خوفا أن يشق على أمته، وهذا كثير.

L1339 We have said the same concerning his encouragement, peace be upon him, to fast on the Day of ʿArafah, although he subsequently refrained from fasting on it, peace be upon him. We therefore said that fasting on it is preferable for the pilgrim and others, while refraining from fasting on it is permissible and good. ʿA'ishah transmitted that he would refrain from an action he loved, peace be upon him, for fear that people would perform it and it would

[19] **Translator's note (L1337):** The final salutation is split between this unit and the next: "upon him" continues as "be peace."

[20] **Translator's note (L1338):** "Prompter" renders mudhakkir, apparently referring here to someone who repeats the imam's prayer utterances for the congregation to hear. The source expressly restricts this abrogation to that person.

[21] **Hadith references (L1333):** Jami at-Tirmidhi 3341; Sunan an-Nasai 3093; Sunan an-Nasai 3975.

[22] **Qur'an references (L1333):** Qur'an 33:50 (Al-Ahzab).

then be made obligatory upon them. This is what he did, peace be upon him, concerning night prayer in Ramadan: he performed it and then ceased, fearing that it would be made obligatory upon us. We have said this only lest an ignorant person say, "Is it permissible for him, peace be upon him, to leave what is more meritorious and do what is less meritorious?" We have thus informed him that he does so, peace be upon him, out of kindness. Likewise, he reported, peace be upon him, that, were it not for men among his Companions who would never stay behind him, and for his inability to find mounts for them, he would never stay behind an expedition he dispatched in Allah's path. He thus reported, peace be upon him, that he would stay behind from fighting in Allah's path, although it was more meritorious, for fear of imposing hardship upon his community. There are many such instances.

L1340–1341 Abu Muhammed said: When it is not known which of the two rulings came first, the command or the action, we adopt the additional restriction. This is what we did concerning his prohibition, peace be upon him, against drinking while standing, although it was transmitted of him, peace be upon him, that he drank standing; and concerning his prohibition, peace be upon him, against reclining on one's back and placing one leg over the other, although it was transmitted that he was seen, peace be upon him, reclining like that in the mosque. Here we adopted the additional restriction, namely the prohibition in both instances. For the original rule is permission to lie down in any position, to recline on one's back however one wishes, and to drink in any position. We therefore know with certainty that we were transferred from this permission to a prohibition of both practices, without any doubt about that. We then do not know whether that prohibition was abrogated or not. It is not lawful for a Muslim to abandon something he is certain has become binding upon him for the sake of something he does not know to be abrogating or otherwise. Certainty is not invalidated by doubt, and conjecture avails nothing against the truth. We therefore adhere to what has been soundly established for us as binding upon us until whoever claims its invalidity furnishes us with a demonstration establishing the validity of his claim. Otherwise, his claim falls. Success comes through Allah Most High. We have said the same concerning the report of Allah's Messenger

قال أبو محمد: وأما إذا لم يعلم أي الحكمين قبل: الأمر أم الفعل؟ فإنا نأخذ بالزائد، كما فعلنا في نهيه عليه السلام عن الشرب قائما، وروي عنه عليه السلام أنه شرب قائما، وفي نهيه عليه السلام عن الاستلقاء ووضع رجل على رجل، وروي عنه أنه عليه السلام رئي مضطجعا في المسجد كذلك، فأخذنا ههنا بالزائد، وهو النهي في كلا الموضوعين، لأن الأصل إباحة الاضطجاع على كل حال والاستلقاء كما يشاء، وإباحة الشرب على كل حال، فقد تيقنا أننا نقلنا عن هذه الإباحة إلى نهي عن كلا الأمرين بلا شك في ذلك، ثم لا ندري هل نسخ ذلك النهي أو لا؟ ولا يحل لمسلم أن يترك شيئا هو على يقين من أنه قد لزمه، لشيء لا يدري أهو ناسخ أم لا؟ واليقين لا يبطل بالشك، والظن لا يغني من الحق شيئا، فنحن على ما صح لدينا أنه قد لزمنا، حتى يقيم المدعي لبطلانه علينا البرهان في صحة دعواه، وإلا فهي ساقطة، وبالله تعالى التوفيق وهكذا قلنا في حديث رسول الله صلى الله عليه وسلم كل مما يليك مع ما قد صح من تتبعه الدباء من نواحي القصعة ولا فرق، على أن هذا الخبر ليس فيه أنه عليه السلام تناول الدباء مما لا يليه، بل يمكن تتبعه من نواحي الصحفة مما يليه وليس هكذا الأقوال فإنه صلى الله عليه وسلم إذا قال قولا فيه إباحة ثم جاء بعد

ﷺ "Eat from what is nearest you," together with the soundly established account of his seeking out pieces of gourd from the various parts of the bowl: there is no difference. Moreover, this report does not state that he took gourd, peace be upon him, from somewhere other than the part nearest him. He could have sought it out from the various parts of the dish nearest him. Statements, however, are not like this, for he—may Allah bless him and grant him peace—if he makes a statement conveying permission, and a general prohibition then follows, but the earlier permission can be excepted from it, both statements must be combined into one, and the lesser must be excepted from the greater. For a statement is an explicit clarification, whereas an action contains no clarification of what is intended, whether by specification or otherwise.[23][24]

L1342–1352 Abu Muhammed said: The upshot of this is that, when two statements conflict and one can be treated as an exception to the other, so that both are applied, no other course is permissible. This holds whether we know with certainty which came first or do not know with certainty. It is not permissible to assert abrogation in such a case except on the basis of a clear demonstration from a text, a consensus, or a conflict in which neither can be treated as an exception to the other. As for a statement and an act that conflict, if the act preceded the statement, or it is not known whether it preceded or followed it, the statement determines the ruling, and the act is then abrogated. It is not permissible to make the act an exception to the statement, because we do not know whether we are to restrict the statement to exclude the act's circumstances, its time, or its place: the act contains neither an indication of general scope nor an explanation of a defining limit. If the act followed the statement, then we restrict the statement to exclude those particular circumstances alone, with certainty, because we are certain of that, whereas we are not certain about restricting it to exclude the time and

عموم تحريم، إلا أنه ممكن استثناء إباحة قبل، فواجب ضم القولين جميعا إلى واحد، واستثناء الأقل من الأكثر، لأن القول بيان جلي، وليس في الفعل بيان المراد: لا بتخصيص ولا بغيره.

قال أبو محمد: فالحاصل من هذا أن القولين إذا تعارضا، وأمكن أن يستثنى أحدهما من الآخر، فيستعملان جميعا لم يجز غير ذلك، وسواء أيقنا أيهما أول أو لم نوقن، ولا يجوز القول بالنسخ في ذلك، إلا ببرهان جلي من نص أو إجماع أو تعارض لا يمكن معه استثناء أحدهما من الآخر، وأما القول والفعل إذا تعارضا، فإن كان الفعل قبل القول، أو لم يعلم أقبله أم بعده فالحكم القول، ويكون الفعل حينئذ منسوخا، ولا يجوز أن يستثنى منه الفعل، لأننا لا ندري أحاله نخص أم زمانه أم مكانه؟ إذ ليس في الفعل بيان عموم ولا تفسير حد، وإن كان الفعل بعد القول، فحينئذ نخص تلك الحال بيقين فقط، لأننا من ذلك على يقين، ولسنا من تخصيص الزمان والمكان على يقين، ولا يجوز أن نحكم في الدين بالشك، كما فعلنا فيما قد صح من أن المرأة تقطع الصلاة ثم صح أن عائشة ذكرت أن رسول الله صلى الله عليه وسلم كان يصلي وهي بين يديه معترضة كاعتراض الجنازة فتكره أن تقعد فتؤذي رسول الله صلى الله عليه وسلم فتمسك كما هي فصح بهذا النص أن هذا الفعل كان بعد النهي، لأنها أخبرت أنها لو قعدت لآذت رسول الله صلى الله عليه وسلم بذلك ودل أيضا هذا الخبر على المداومة على ذلك، فاستثناء حال الاضطجاع من قطع المرأة الصلاة على سائر أحوالها، وبالله

[23] **Translator's note (L1340):** "The additional restriction" renders al-zāʾid, literally "the additional," which the author identifies here as the prohibition added to the original permission.

[24] **Translator's note (L1341):** The wording concerning "the earlier permission" is compressed: ibāḥah qabl, literally "permission before." It is understood here as the previously stated permission that can be excepted from the subsequent general prohibition.

تعالى التوفيق. قال أبو محمد لو كانت الأفعال على الوجوب، لكان ذلك تكليفا لما لا يطلق من وجهين ضروريين: أحدهما أنه كان يلزمنا أن نضع أيدينا حيث وضع صلى الله عليه وسلم يده وأن نضع أرجلنا حيث وضع عليه السلام رجله، وأن نمشي حيث مشى، وننظر إلى ما نظر إليه، وهذا كله خروج عن المعقول. والوجه الثاني: أن أكثر هذه الأشياء التي تصرف عليه السلام بأفعاله فيها فقد ثبت، فكنا من ذلك مكلفين ما لا نطيق، فبطل كل قول في هذا الباب حاشا ما ذكرنا من الائتساء به عليه السلام في أفعاله، وأما من قال: نطلب الدليل، فإن وجدنا دليلا على وجوب الفعل صرنا إليه، وإن لم نجد دليلا حملنا الأفعال على الائتساء فقط، فهي نفس قولنا، إلا أننا نحملها على الائتساء أبدا ما لم نجد دليلا على الوجوب، فإن وجدناه صرنا إليه، وبالله تعالى التوفيق. قال أبو محمد: وأما الشيء يراه عليه السلام أو يبلغه أو يسمعه، فلا ينكره ولا يأمر به فمباح لأن الله عز وجل وصفه عليه السلام فقال {الذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فلو كان ذلك الشيء منكرا لنهى عنه عليه السلام بلا شك، فلما لم ينه عنه لم يكن منكرا فهو مباح المباح معروف، وما عرفه عليه السلام فهو معروف، ولا معروف إلا ما عرف، ولا منكر إلا ما أنكر، فمن ذلك: غناء الجاريتين في بيته، وهو عليه السلام يسمع ولا ينكر فأنكر ذلك أبو بكر فأنكر النبي صلى الله عليه وسلم على أبي بكر إنكاره فصح بذلك ما ذكرنا نصا، ووجب الإنكار على كل ما أنكر ما علمه عليه السلام فأقره. ومن ذلك زفن السودان، فنهاهم عمر، فأنكر عليه السلام على عمر إنكاره عليهم، ومن ذلك اللعب التي رأى عليه السلام عند عائشة، وفيها فرس ذو أجنحة مع نهيه عليه السلام عن الصور، فكان ذلك إذا مستثنى مما نهى عنه،

place. It is not permissible for us to rule in religion on the basis of doubt. This is what we did concerning the established report that a woman interrupts prayer, followed by the established report that Aishah mentioned that the Messenger of Allah ﷺ used to pray while she lay crosswise before him, as a bier is placed crosswise. She would be reluctant to sit up and thereby disturb the Messenger of Allah ﷺ, and so would remain as she was. This text establishes that this act occurred after the prohibition, because she reported that, had she sat up, she would thereby have disturbed the Messenger of Allah ﷺ. This report also indicates that this was done repeatedly. Thus, the circumstance of lying down is excepted from a woman's interrupting prayer in all her other circumstances. Success comes through Allah Most High.

Abu Muhammed said: If acts entailed obligation, that would impose upon us something beyond our capacity, for two necessarily compelling reasons. The first is that we would be required to put our hands wherever he ﷺ put his hand, and to put our feet wherever he, peace be upon him, put his foot and to walk wherever he walked and look at whatever he looked at. All this departs from what is reasonable. The second reason is that most of these things with which he, peace be upon him, dealt through his acts have indeed been established and we would thereby have been charged with what we cannot bear. Thus every position on this subject is invalid except what we have stated concerning following his example, peace be upon him, in his acts. As for someone who says, 'We seek evidence: if we find evidence that the act is obligatory, we adopt that conclusion; if we find no evidence, we understand the acts as calling only for following his example,' this is precisely our position, except that we always understand them as calling for following his example unless we find evidence of obligation; if we find it, we adopt that conclusion. Success comes through Allah Most High.

Abu Muhammed said: As for something that he, peace be upon him, sees, that is reported to him, or that he hears, and which he neither disapproves of nor commands, it is permissible. For Allah, Mighty and Majestic, described him, peace be upon him, saying: '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 recognized as right and

forbids them what is disapproved as wrong; he makes good things lawful for them and forbids them foul things; and he removes from them their burden and the fetters 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.' If that thing were disapproved as wrong, he, peace be upon him, would undoubtedly have forbidden it. Since he did not forbid it, it was not disapproved as wrong, and so it is permissible. What is permissible is recognized as right; whatever he, peace be upon him, recognized as right is right. Nothing is recognized as right except what he recognized as right, and nothing is disapproved as wrong except what he disapproved of.

An example is the singing of the two young girls in his house while he, peace be upon him, listened without disapproving. Abu Bakr disapproved of it, whereupon the Prophet ﷺ reproved Abu Bakr for his disapproval. What we have stated is thus established explicitly, and it becomes obligatory to disapprove of every instance of disapproval directed at something that he, peace be upon him, knew of and permitted to stand. Another example is the dancing of the black Africans: Umar forbade them, whereupon he, peace be upon him, reproved Umar for his disapproval of them. Another is the toys that he, peace be upon him, saw with Aishah, among which was a horse with wings, despite his prohibition, peace be upon him, of images. That was therefore an exception to what he had forbidden. Likewise, he, peace be upon him, disapproved of the images on the curtain while permitting such a thing when it was a design on cloth, and excepting it from the images he had forbidden as a whole. When Aishah cut the curtain into two cushions, he, peace be upon him, reclined upon them and did not disapprove of them. It is thus established that hanging cloths bearing images is disfavored, neither forbidden nor recommended. Rather, whoever leaves them aside is rewarded, while whoever uses them incurs no sin. Here he chose —peace be upon him—the better course, and chose it for Aishah and Fatimah, may Allah be pleased with them both. It is thereby established that, when cloths bearing images are cushions, that is good and permissible, though not recommended. We do not dislike it at all; rather, we like it. Likewise, when he, peace be upon him, refrains from something without either forbidding or

ومثل إنكاره عليه السلام الصور في الستر، مع إباحته لذلك إذا كان رقما في ثوب، واستثناءه إياه من جملة ما نهى عنه من الصور، فلما قطعت عائشة الستر وسادتين، اتكأ عليه السلام عليهما ولم ينكرهما، فصح من ذلك أن المعلق من الثياب التي فيها الصور مكروه، ليس حراما ولا مستحبا، لكن من تركها أجر، ومن استعملها لم يأثم، واختار ههنا عليه السلام الأفضل، واختاره لعائشة وفاطمة رضي الله عنهما، وصح بذلك أن الثياب التي فيها الصور وإذا كانت وسائد فذلك حسن مباح ولا مستحب لا نكرهه أصلا بل نحبه. وكذلك الشيء إذا تركه عليه السلام ولم ينه عنه ولا أمر به، فهو عندنا مباح مكروه، ومن تركه أجر، ومن فعله لم يأثم ولم يؤجر، كمن أكل متكئا، ومن استمع زمارة الراعي، فلو كان ذلك حراما لما أباحه عليه السلام لغيره، ولو كان مستحبا لفعله عليه السلام، فلما تركه كارها له كرهناه ولم نحرمه فإن قال قائل فقد ناموا بحضرة رسول الله صلى الله عليه وسلم ثم صلوا ولم يأمرهم بإعادة الوضوء وأنتم لا ترون ذلك، قيل له وبالله التوفيق ما روى أحد قط أن رسول الله صلى الله عليه وسلم رآهم نياما ولا أعلم أنهم ناموا وإنما جاء الحديث: أنه عليه السلام أبطأ بالعشاء الآخرة حتى نام الناس، وسمع لهم غطيط، وصاح عمر: نام النساء والصبيان. فالحديث كما تسمع بين في أنهم ناموا وهو عليه السلام غائب غير حاضر، وإنما أعلمه عمر بنوم النساء والصبيان، وهذان الصنفان ليس عليهم حضور الصلاة في الجماعة فرضا، وأيضا فمن أين للمحتج بهذا أن يقول: ناموا قعودا نوما قليلا، بلا أن يرد ذلك في الحديث، ولعل فيهم من نام مستندا إلى صاحبه أو إلى الحائط أو مضطجعا نوما طويلا، ما يدري من لم يحضر نومهم كيف كان نومهم، ومثل هذا من الدعاوى لا يستجيزها ذو دين متهم بالصدق. فلما صح أنه عليه السلام كان غائبا، ولم يأتنا نص في أنه عليه السلام علم نومهم، وصح أمره عليه السلام في حديث صفوان بن عسال المرادي بالوضوء من النوم جملة: لزمنا ألا نزول عما أمرنا لأمر لا ندري أعلمه عليه السلام أم لم يعلمه؟ ولو

commanding it, we regard it as permissible but disfavored: whoever refrains from it is rewarded, while whoever does it neither incurs sin nor receives a reward, as with someone who eats while reclining or listens to the pipe of the shepherd. Had that been forbidden, he, peace be upon him, would not have permitted it to someone else; and had it been recommended, he, peace be upon him, would have done it. Since he refrained from it out of dislike, we regard it as disfavored without forbidding it. If someone says, 'They slept in the presence of the Messenger of Allah ﷺ, then prayed, and he did not command them to renew their ablution, yet you do not accept that,' he is answered—and success comes through Allah: No one has ever reported that the Messenger of Allah ﷺ saw them sleeping or was informed that they had slept. The report states only that he, peace be upon him, delayed the late evening prayer until the people fell asleep and their snoring could be heard, and Umar called out, 'The women and children have fallen asleep!' As you hear, the report plainly indicates that they slept while he, peace be upon him, was absent, not present. Umar informed him only that the women and children had slept, and these two groups are not obliged to attend congregational prayer. Furthermore, on what basis can someone invoking this as evidence say, 'They slept sitting up, for only a short time,' when that is not stated in the report? Perhaps some of them slept leaning against a companion or a wall, or lying down, for a long time. Someone who did not witness their sleep does not know how they slept. A religious person credited with truthfulness would not permit himself claims of this kind. Since it is established that he, peace be upon him, was absent, and no text has reached us stating that he, peace be upon him, knew of their sleep, while his command, peace be upon him, to perform ablution after sleep without qualification is established in the report of Safwan ibn Assal al-Muradi, we are obliged not to depart from what he commanded us on account of something of which we do not know whether he, peace be upon him, was aware or unaware. If it were established for us that he —peace be upon him—knew that they had slept and allowed them to proceed on that basis, we would adopt that position and dispense with ablution for everyone who had slept, without qualification, however they had slept. Even if it were established that Umar said in that report, 'The people have fallen asleep,' they

صح عندنا أنه عليه السلام علم أنهم ناموا وأقرهم على ذلك لقلنا به، ولأسقطنا الوضوء عمن نام جملة على أي حال نام، ولو صح في ذلك الخبر أن عمر قال: نام الناس، لما كان لهم فيه متعلق، لأنه كان يكون معناه نام الناس الذين ينتظرونه عليه السلام، وكيف وكل طائفة منهم تخالف هذا الخبر، لأنهم يخصون بعض أحوال النوم دون بعض، وليس بيننا في الخبر أصلا. فإن قال قائل أيجوز أن يخفى ذلك على رسول الله صلى الله عليه وسلم قيل له نعم كما جاز عندكم معاشر الشافعيين والمالكيين والحنفيين قول جابر: كنا نبيع أمهات الأولاد على عهد رسول الله. على أن بيع أمهات الأولاد أشهر من نوم قوم في الليل، والقوم في عوزة من المصابيح بركن المسجد. وكما يقول المالكيون: إنه خفي عليه ذبح آل أبي بكر الفرس وأكلهم إياه بالمدينة، وهذا أشيع من نوم قوم في ركن المسجد لقلة الخيل عندهم بالمدينة في أيامه صلى الله عليه وسلم ولشدة العيش عندهم وقلة الإدام وشدة امتزاج أهل بيت أبي بكر مع النبي صلى الله عليه وسلم ومجاورتهم له فكيف يخفى عليه أنهم ذبحوا فرسا فأكلوه، ولا يخفى عليه نوم قوم في ركن المسجد وهو غائب عنهم، ولو صح أنه عليه السلام كان حاضرا في المسجد لأمكن أن يختفي نوم من في ركن المسجد عنه، فكيف وقد صح أنه عليه السلام كان غائبا عنهم، مع أن تخصيص نومهم بأنهم كانوا قعودا لا مستندين ولا مضطجعين ولا متكئين كذب من أقدم عليه، وبالله التوفيق. قال أبو محمد: وفي باب القول بالأخبار من كتابنا في أول الباب المذكور أشياء قاطعة من الكلام في أفعال النبي صلى الله عليه وسلم وفي الشيء يعلمه فيقر عليه إذا استضافت إلى ما ههنا تم الكلام في ذلك وكرهنا تكرارها وبالله تعالى التوفيق

would have no foothold in it, because its meaning would have been, 'The people waiting for him, peace be upon him, have fallen asleep.' How could they, moreover, when every one of their groups contradicts this report, since they single out some circumstances of sleep to the exclusion of others, and there is nothing between us in the report at all? If someone says, 'Could that have remained unknown to the Messenger of Allah ﷺ?' he is answered: Yes, just as you, companies of Shafiis, Malikis, and Hanafis, allow this in the case of Jabir's statement, 'We used to sell slave women who had borne their masters children in the time of the Messenger of Allah,' even though selling such women is more publicly known than some people sleeping at night in a corner of the mosque, when the people were short of lamps. Likewise, the Malikis say that he was unaware that Abu Bakr's household slaughtered a horse and ate it in Medina. This would have been more widely known than some people sleeping in a corner of the mosque, because horses were scarce among them in Medina in his days ﷺ and because of the hardship of their living conditions, the scarcity of food to accompany their bread, the close association of Abu Bakr's household with the Prophet ﷺ, and their living near him. How, then, could their slaughtering and eating a horse escape his notice, while the sleeping of some people in a corner of the mosque did not escape his notice, when he was absent from them? Even if it were established that he, peace be upon him, was present in the mosque, the sleeping of those in a corner of the mosque could have escaped his notice. How much more so when it is established that he, peace be upon him, was absent from them! Moreover, specifying that they slept sitting, without resting against anything, lying down, or reclining, is a lie on the part of whoever ventures to assert it. Through Allah comes success.

Abu Muhammed said: At the beginning of the chapter on accepting reports in our book, there are decisive discussions concerning the actions of the Prophet ﷺ and concerning something of which he knows and which he allows to stand. When these are added to what is here, the discussion of this

matter is complete. We have preferred not to repeat them. Through Allah Most High comes success.[25][26][27][28][29][30][31]

[25]**Translator's note (L1343):** The supplied reading 'ما لا يطلق' literally concerns what cannot be released or uttered and is anomalous here. The translation follows the argument's evident sense, 'something beyond our capacity'; the expected reading would be 'ما لا يطاق'.

[26]**Translator's note (L1344):** The clause ending 'فقد ثبت' ('have indeed been established') is syntactically and argumentatively incomplete. The following supplied segment does not supply the expected completion, suggesting a lacuna or corruption.

[27]**Translator's note (L1346):** The Qur'anic quotation is identifiable as 7:157. Its supplied transcription repeatedly lacks initial alifs, but no substantive wording difference is evident. The unvocalized forms of 'عرف' permit some ambiguity between knowing or recognizing something and declaring it recognized as right. The translation preserves the author's wordplay with 'recognized as right' and 'disapproved as wrong'. The source reads 'على كل ما أنكر', literally 'against everything that disapproved'; its syntax is awkward. The translation understands this as disapproval directed against acts of censuring what the Prophet tacitly approved.

[28]**Translator's note (L1348):** The supplied 'ولا مستحب' is grammatically awkward in context; it is rendered 'though not recommended', preserving the explicit denial of recommended legal status despite the author's subsequent statement that he likes the practice.

[29]**Translator's note (L1349):** The phrase 'ذو دين متهم بالصدق' literally describes 'a religious person accused of truthfulness'. This is an unusual expression; 'credited with truthfulness' conveys its apparent intended sense without replacing the supplied Arabic reading. The supplied 'ألا نزول' is grammatically anomalous; the context calls for 'ألا نزولَ' only with an otherwise unsupported nominal construction, or more naturally 'ألا نزول' as a transcription error for 'نزول/ألا نزول' intended as 'ألا نزول' in the sense of not departing. The translation renders the clear contextual meaning, 'not to depart'.

[30]**Translator's note (L1350):** The supplied phrase 'وليس بيننا في الخبر أصلا' literally says 'and there is nothing between us in the report at all', but its intended sense is unclear. A possible reading is 'وليس بينا في الخبر أصلا', meaning that the distinction between circumstances of sleep is not stated clearly in the report; the translation retains the supplied reading. 'Slave women who had borne their masters children' renders the legal category 'أمهات الأولاد' (ummهات al-awlad), whose sale is the point at issue.

[31]**Translator's note (L1352):** The wording استضافت, rendered 'are added,' is unusual here; the context indicates joining the earlier discussion to the present one.



الباب 20: النسخ

Chapter 20: Abrogation

Ibn Ḥazm · Arabic–English parallel edition

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L1353 Chapter Twenty: Discussion of Abrogation

Abu Muhammed Ali ibn Ahmad said: The definition of abrogation is clarification that the period of the first command has ended, concerning that which does not recur. As for something attached to a particular time, when that time has elapsed or that act has been performed, the command to perform it lapses; this is not abrogation. If this were abrogation, prayer would be abrogated when its time elapsed, fasting would be abrogated through causing hardship and menstruation, and fasting and pilgrimage would be abrogated. This is something no one says. The conclusively established consensus that this is not to be called abrogation suffices to dispense with lengthy discussion of it. Through Allah Most High comes success. As for anyone who calls this abrogation, he must furnish a demonstration that it must be called abrogation. There is no way to establish that obligation, so it is false. He, Most High, said: 'And they said: None shall enter the Garden unless he is a Jew or a Christian. Those are their wishes. Say: Bring your demonstration, if you are truthful.'

Abu Muhammed said: Some earlier scholars have said that abrogation is the very deferral of clarification.

Abu Muhammed said: Abrogation, as we explained it previously, is one kind of deferring clarification, because deferring clarification falls into two divisions. The first is a collection of words whose intended meaning is not understood from the words themselves, such as His saying, Most High: 'And establish prayer and give the obligatory alms; whatever good you send ahead for yourselves, you will find it with Allah. Indeed, Allah sees what you do.' When the time comes for this obligation to apply, He clarifies for us, through another, explanatory expression, the ruling required of us in that indeterminate expression. The second division is an act commanded at a particular time, when it has already been present in the knowledge of Allah, Mighty and Majestic, that He will transfer us from it to something else at another time. When that time comes, He, Most High, clarifies for us what had been concealed from us concerning the transfer from that act to another. In general, the designation 'clarification' encompasses absolutely all the rulings of

الباب العشرون الكلام في النسخ قال أبو محمد علي بن أحمد حد النسخ أنه بيان انتهاء زمان الأمر الأول فيما لا يتكرر، وأما ما علق بوقت ما، فإذا خرج ذلك الوقت، أو أدى ذلك الفعل سقط الأمر به، فليس هذا نسخا، فلو كان هذا نسخا، لكانت الصلاة المنسوخة إذا خرج وقتها، والصيام منسوخا، بالإحراج والحيض والصيام والحج منسوخا، وهذا ما لا يقوله أحد بالإجماع المقطوع به على ألا يسمى نسخا، يكفي من الإطالة فيه وبالله تعالى التوفيق، مع من سمى هذا نسخا، فعليه البرهان على وجوب تسميته نسخا ولا سبيل إلى وجوبه فهو باطل قال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} قال أبو محمد: وقد قال بعض من تقدم: إن النسخ هو تأخير البيان نفسه. قال أبو محمد: والنسخ على ما فسرناه قبل، نوع من أنواع تأخير البيان، لأن تأخير البيان ينقسم قسمين: أحدهما: جماعة غير مفهومة المراد بذاتها مثل قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وما تقدموا لأنفسكم من خير تجدوه عند الله إن الله بما تعملون بصير} إذا جاء وقت تكليف ذلك، بين لنا الحكم المراد منا في ذلك اللفظ المجمل بلفظ آخر مفسر. والقسم الثاني: عمل مأمور به في وقت ما، وقد سبق في علم الله عز وجل أنه سيحيلنا عنه إلى غيره في وقت آخر، فإذا جاء ذلك الوقت بين لنا تعالى ما كان مستورا عنا من النقل عن ذلك العمل إلى غيره، وبالجملة فإن اسم البيان يعم جميع أحكام الشريعة كلها، لأنها كلها إعلام من الله تعالى لنا، وبيان المراد منا.

the revealed law, since all of them are information conveyed to us by Allah Most High and clarification of what is required of us.[1][2]

L1354–1355 If someone says, 'Abrogation is not a form of clarification, because clarification occurs in statements of fact, whereas abrogation does not occur in statements of fact,' he is told—and through Allah Most High comes success: We did not say that abrogation is clarification itself; we said only that it is one kind of clarification. Thus every abrogation is clarification, but not every clarification is abrogation. Some clarification occurs in statements of fact and in commands, while some occurs only in commands. Abrogation belongs to this kind that occurs in commands: it is the removal of a previous command. There may also be clarification occurring in commands which is not abrogation, but an explanation of an [unclear expression]. Nevertheless, no one may construe any clarification as abrogation removing a previous command except on the basis of an explicit text clearly stating this, consensus, or a necessary demonstration, as we shall explain later, if Allah Most High wills, in the chapter on how to distinguish what is abrogated from what remains in force.

Do you not see His saying, Most High: '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'? We do not say that He abrogated this

فإن قال قائل: ليس النسخ من البيان، لأن البيان يقع في الأخبار، والنسخ لا يقع في الأخبار، قيل له وبالله تعالى التوفيق: إننا لم نقل: إن النسخ هو البيان، وإنما قلنا: هو نوع من أنواع البيان، فكل نسخ بيان، وليس كل بيان نسخا، فمن البيان ما يقع في الأخبار وفي الأوامر، ومنه ما يقع في الأوامر فقط، فمن هذا النوع الواقع في الأوامر، النسخ هو رفع لأمر متقدم، وقد يكون أيضا بيان يقع في الأوامر ليس نسخا، لكنه تفسير لجلة، إلا أنه لا يجوز لأحد أن يحمل شيئا من البيان على أنه نسخ رافع لأمر متقدم، إلا بنص جلي في ذلك أو إجماع أو برهان ضروري، على ما نذكر بعد هذا إن شاء الله تعالى في باب كيفية معرفة المنسوخ من المحكم ألا ترى أن 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} فلسنا نقول إنه نسخ أهل الكتاب من هذا الحكم، لكنا نقول: إن المراد بقوله تعالى في هذه الآية {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} لله إنما هم من عدا أهل الكتاب، وبين ذلك تعالى في استثنائه أهل الكتاب في الآية الأخرى. وهكذا قولنا في آية الرضاع، وآية قطع السارق، وقوله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} فنقول بلا شك إن الله تعالى لم يرد بذلك كل رضاعة، ولا كل سارق ثم نسخ ذلك عن بعضهم وكذلك قوله تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} فإنه تعالى لم يرد بذلك العبيد والإماء، ثم نسخ خمسين

[1] **Translator's note (L1353):** The sequence concerning prayer, fasting, and pilgrimage is textually awkward. الصلاة المنسوخة literally has 'the abrogated prayer,' where the argument calls for 'prayer would be abrogated.' بالإحراج means 'through causing hardship'; it has not been silently changed to بالإحرام, 'through entering the consecrated state.' The subsequent repetition of fasting and mention of pilgrimage are retained. جماعة, rendered 'a collection of words,' is unusual in this technical context and may be a corruption of جملة, 'an expression' or 'a statement.' The first Quranic quotation writes لجنة where the context indicates الجنة, 'the Garden.' The Quranic quotations also repeatedly omit initial alifs, including in the divine name; their contextually identifiable words are translated, with these transcription defects recorded here.

[2] **Qur'an references (L1353):** Qur'an 2:111 (Al-Baqarah); Qur'an 2:110 (Al-Baqarah); Qur'an 73:20 (Al-Muzzammil).

ruling with respect to the People of the Book. Rather, we say that those intended by His saying, Most High, in this verse—'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'—[to Allah] are only those other than the People of the Book. He, Most High, clarified this by excepting the People of the Book in the other verse.

The same is our position regarding the verse on nursing, the verse on amputating the thief's hand, and His saying, Most High: 'And 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.' We say, without doubt, that Allah Most High did not intend by this every instance of nursing and every thief, and then abrogate it with respect to some of them. Likewise, regarding His saying, Most High: 'The woman who commits fornication and the man who commits fornication: flog each of them a hundred lashes, and let no pity for them seize you concerning Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment': He, Most High, did not intend male and female slaves by this and then abrogate fifty lashes with respect to them; nor did He intend a complete thousand years and then, Most High, make a subsequent correction by subtracting fifty years. Rather, He, Most High, intended, in everything that we have mentioned, what remained when He, Mighty and Majestic, made exceptions and specified particular cases out of all of that. The same is our position regarding His saying, Most High: 'And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. If any of you is ill or has an ailment of the head, then a ransom 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 days. That is for

عنهم ولا ألف سنة كاملة، ثم استدرك تعالى إسقاط الخمسين عاما، لكنه تعالى أراد في كل ما ذكرناه ما بقي عندما استثنى عز وجل وخص من كل ذلك وكذلك قولنا في 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 فإذآ أمنتم فمن تمتع بالعمرة إلى الحج فما ستيسر من الهدي فمن لم يجد فصيام ثلاثة أيام في الحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري المسجد الحرام وتقوا الله وعلموا أن الله شديد العقاب} أنه تعالى لم يرد كل ما يقع عليه اسم نسك أو صدقة أو صيام لكن أراد ما بينه النبي صلى الله عليه وسلم في حديث لكعب بن عجرة

someone whose family does not reside in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.' He, Most High, did not intend everything to which the designation 'sacrifice,' 'charity,' or 'fasting' applies. Rather, He intended what the Prophet ﷺ clarified in a report addressed to Kaʿb ibn Ujrah.[3][4][5]

L1356–1370 If someone says, 'Clarification occurs with its parts connected to one another, whereas abrogation does not occur in a connected form' The answer—and through Allah Most High comes success—is that we have already stated what applies to this: not every clarification is abrogation. Whatever clarification constitutes abrogation does not occur connected to the preceding statement. Whatever clarification is not abrogation, but an explanation of what He, Most High, intends in a particular expression, may occur connected to it, and may occur elsewhere in the Quran and the Sunnah. Through Allah Most High comes success.

In the language, 'abrogation' has two divisions. One is effacement. You say, 'So-and-so's dominion was effaced,' and 'I effaced the profit or the people,' meaning that I obliterated it entirely. The second division is reproducing something and multiplying its copies. You say, 'I copied the book many times.' The first division, which is effacement, is what we intend to discuss in this chapter; we do not intend the second division. We have mentioned it only so that it may be recognized and so that it may be known that we

فإن قال قائل إن البيان يقع موصولا بعضه ببعض، والنسخ لا يقع موصولا، فالجواب، وبالله تعالى التوفيق: إننا قد قلنا في هذا ما يقع فيه من أنه ليس كل بيان نسخا، فما كان من البيان نسخا لم يقع موصولا، وما كان منه غير نسخ لكن تفسيرا لمراده تعالى في جملة ما، فجائز أن يقع موصولا، وجائز أن يقع في مكان آخر من القرآن والسنة، وبالله تعالى التوفيق. والنسخ ينقسم في اللغة إلى قسمين: أحدهما: التعفية، تقول: انتسخت دولة فلان، ونسخت الريح أو القوم، أي عفته جملة، والقسم الثاني: تجديد الشيء وتكثير أمثاله، تقول: نسخت الكتاب نسخا كثيرة، فالقسم الأول الذي هو التعفية هو الذي قصدناه بالكلام في هذا الباب، ولم نقصد القسم الثاني، وإنما ذكرناه ليوقف عليه

[3] **Translator's note (L1354):** لجلة in تفسير لجلة is corrupt or incomplete. 'An [unclear expression]' marks the unresolved object of 'explanation'; the surrounding argument suggests an expression requiring clarification. A stray لله, literally 'to Allah' or 'belonging to Allah,' follows the second full quotation of the verse on the polytheists. It is represented in brackets because its syntactic connection is unclear. Both occurrences of the verse on the polytheists are retained in full. The Quranic quotations contain repeated omissions of initial alifs and other orthographic defects; the identifiable words have been translated without treating these defects as alternative Quranic readings.

[4] **Translator's note (L1355):** The Quranic quotation repeatedly omits initial alifs, including in the divine name, and has ستيسر where the context indicates استيسر, 'is readily available.' These are treated as transcription defects and explicitly recorded here.

[5] **Qur'an references (L1354):** Qur'an 9:5 (At-Tawbah); Qur'an 29:14 (Al-'Ankabut); Qur'an 24:2 (An-Nur); Qur'an 2:196 (Al-Baqarah).

[14] **Translator's note (L1368):** The supplied أبو هاشم means "Abu Hashim." In this example concerning the prohibition on receiving alms, "the descendants of Hashim" would be expected; the supplied name has been retained. The supplied الجزعة is an anomalous reading in this sacrificial example, where الجذعة, a young animal of a particular age class, would be expected. "A young animal" conveys the apparent intended reference without assigning a precise age to the corrupt form.

[15] **Translator's note (L1369):** The supplied التأبيد ordinarily means "support" or "strengthening"; the context calls for التأبيد, "perpetuity." The translation follows that apparent intended sense while recording the discrepancy here.

[16] **Translator's note (L1370):** The clause beginning لأن استثناء زمان is syntactically compressed and appears defective: the relationship between تخصيصه بالعمل and سائر الأزمان lacks an explicit connector. The translation gives the apparent sense, but the precise formulation is uncertain.

[17] **Hadith references (L1356):** Sahih Muslim 1048a.

[18] **Qur'an references (L1356):** Qur'an 2:106 (Al-Baqarah); Qur'an 4:15 (An-Nisa); Qur'an 2:184 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah); Qur'an 53:4 (An-Najm); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij).

do not intend to discuss it in this chapter, thereby removing confusion and obscurity, if Allah Most High wills.

Section on Commands: Their Abrogation and Retention

Abu Muhammed said: With respect to their abrogation and retention, commands fall into four divisions, with no fifth. One division has both its wording and its ruling retained. Another has both its ruling and its wording removed. Another has its wording removed while its ruling remains. Another has its ruling removed while its wording remains. Abrogation occurs in these last three divisions. As for the division with which we began, there is no abrogation in it at all.

As for the division whose ruling and wording have been removed, we have transmitted that a man recited a verse and memorized it, then wished to recite it but could not. He complained of this to the Messenger of Allah ﷺ, and he, peace be upon him, informed him that it had been removed. Among such instances are the ten instances of nursing that establish the prohibition of marriage. Another is the surah which Abu Musa al-Ashʿari mentioned that they used to recite in the time of the Messenger of Allah ﷺ. It was as long as Surah Baraʾah, and it was forgotten, disappearing from the memories of those who had memorized it, except for one verse from it, namely: 'If the son of Adam had two valleys of wealth, he would seek a third valley, and nothing fills the belly of the son of Adam except dust, and Allah turns in forgiveness to whoever repents.' And the surah which Abu Musa also mentioned, saying that it resembled one of the surahs beginning with glorification of Allah, and was forgotten and nothing of it was retained in memory except a verse that he mentioned. Allah Most High has expressly stated this, saying: {Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?} We have also transmitted that Allah's Messenger ﷺ recited a surah and omitted a verse from it. When he had pronounced the concluding salutation, he said, "Is Ubayy here?"—or words to that effect, as spoken by him, peace be upon him. Ubayy answered him, and Allah's Messenger ﷺ asked him what had prevented him from prompting him with the verse. Ubayy said, "I thought it had been withdrawn." He, peace be upon him, said, "It has not been

وليعلم أنا لا نقصده بالكلام في هذا الباب فيرتفع التخليط والإشكال إن شاء الله تعالى فصل في الأوامر في نسخها وإثباتها قال أبو محمد الأوامر نسخها وإثباتها تنقسم أقساما أربعة لا خامس لها، فقسم ثبت لفظه وحكمه، وقسم ارتفع حكمه ولفظه، وقسم ارتفع لفظه وبقي حكمه، وقسم ارتفع حكمه وبقي لفظه، ففي هذه الأقسام الثلاثة الأواخر يقع النسخ، وأما القسم الذي صدرنا به فلا نسخ فيه أصلا، وأما القسم الذي ارتفع حكمه ولفظه. فقد روينا أن رجلا قرأ آية وحفظها، ثم أراد قراءتها فلم يقدر فشكا ذلك إلى رسول الله صلى الله عليه وسلم فأخبر عليه السلام أنها رفعت ومن ذلك العشر الرضعات المحرمات، ومن ذلك السورة التي ذكر أبو موسى الأشعري أنهم كانوا يقرؤونها على عهد رسول الله صلى الله عليه وسلم وكانت في طول سورة براءة وأنها نسيت فارتفعت من الحفاظ، إلا آية منها وهي: لو كان لابن آدم واديان من مال لابتغى واديا ثالثا ولا يملأ جوف ابن آدم إلا التراب ويتوب الله على من تاب. والسورة التي ذكرها أيضا أبو موسى: أنها كانت تشبه إحدى المسبحات فنسيت، ولم يحفظ منها إلا آية ذكرها، وقد نص الله تعالى على ذلك إذ يقول: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} وقد روينا أن رسول الله صلى الله عليه وسلم قرأ سورة فأسقط منها آية فلما سلم قال أثم أبي، أو كما قال عليه السلام فأجابه فسأله رسول الله صلى الله عليه وسلم عما منعه أن يلقنه الآية فقال أبي ظننت أنها رفعت، فقال عليه السلام: لم ترفع فهذا بيان صحة ما ذكرنا من أنه يرفع لفظ الآية جملة. وأما القسم الذي رفع لفظه وبقي حكمه، فآية الرجم، وآية الخمس رضعات المحرمات، وقد تعلل قوم في رد هذا الحديث بقول عائشة رضي الله عنها فتوفي رسول الله صلى الله عليه وسلم وأنهما لمما يقرأ من القرآن قال أبو محمد: وهذا لا تعلل فيه، وإنما معناه، أنه يقرأ من القرآن الذي سقط رسمه وإثباته

withdrawn." This establishes the correctness of what we have said: that the wording of a verse may be withdrawn altogether.

As for the category whose wording has been withdrawn while its ruling remains, it includes the verse of stoning and the verse of the five breastfeedings that establish a prohibition of marriage. Some people have sought a pretext for rejecting this report in the statement of Aishah, may Allah be pleased with her: "Allah's Messenger ﷺ died while the two were among what was recited as Quran." Abu Muhammed said: There is no ground for such a pretext here. Its meaning is simply that it was recited as part of the Quran whose written form and inclusion in the codex had been removed. Aishah never said that it was part of the Quran recited in the codex. Their pretext is therefore invalid.

As for the category whose ruling has been withdrawn while its wording remains, it includes His saying, Most High: {Those of your women who commit an indecency: call four of you to testify against them. If they testify, confine them in the houses until death takes them or Allah makes a way for them}; and His saying, Most High: {A numbered few days. Whoever among you is ill or on a journey, then an equal number of other days. Those who are able to bear it owe a ransom: feeding a needy person. Whoever voluntarily does good, it is better for him; and that you should fast is better for you, if you know}; and very many other verses. As for that whose wording and ruling remain established, this comprises all the other unabrogated verses.

The commands conveyed by the command of Allah's Messenger ﷺ likewise fall into the four categories we have mentioned. Let no one suppose that this statement of ours contradicts our statement that no utterance of his, peace be upon him, has failed to reach us. For what we denied by this statement was that he, peace be upon him, should have an utterance whose ruling had not been abrogated, which then disappeared so that neither its wording nor its ruling reached us. This is what we denied altogether, on the basis of His saying, Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a predatory beast has eaten, except what you

في المصحف، ولم تقل قط عائشة إنه من القرآن المتلو في المصحف فبطل تعللهم، وأما القسم الذي رفع حكمه وبقي لفظه فقوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} وقوله تعالى {أياما معدودات فمن كان منكم مريضا أو على سفر فعدة من أيام أخر وعلى لذين يطيقونه فدية طعام مسكين فمن تطوع خيرا فهو خير له وأن تصوموا خير لكم إن كنتم تعلمون} وآيات كثيرة جدا، وأما الذي ثبت لفظه وحكمه، فسائر الآيات المحكمات والأوامر الواردة بأمر رسول الله صلى الله عليه وسلم منقسمة على الأقسام الأربعة التي ذكرنا أيضا، ولا يظن ظان أن قولنا هذا معارض لقولنا: إنه ليس له عليه السلام لفظ إلا قد بلغ إلينا، فإننا إنما نفينا بقولنا هذا أن يكون له عليه السلام لفظ لم ينسخ حكمه، فيسقط فلا يبلغ إلينا لا لفظه ولا حكمه. فهذا الذي نفينا جملة بقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وبقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وبقوله {إنا نحن نزلنا لذكر وانا له لحافظون} والحفظ يكون بتبليغ المعنى فكل حكم نقل إلينا كيفية فعله صلى الله عليه وسلم فيه وصفة حكمه ولم ينقل إلينا نص لفظه في ذلك، فهو مما ارتفع لفظه وبقي حكمه، وذلك نحو ما روي من قسمه عليه السلام مال البحرين، وحكمه بالتمييز مع الشاهد، ومساقاته ومزارعته أهل خيبر، وما أشبه ذلك، فهذا لا بد من أنه قد كان له من ذلك لفظ إلا أنه لم ينقل، ونقل الحكم فهم بمنزلة ما ذكرنا أنه رفع لفظه من التلاوة وبقي حكمه

have ritually slaughtered; and that which has been slaughtered upon sacrificial stones; and that you seek an allotment 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 a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful}; and His saying, Most High: {He does not speak from desire. * It is nothing but a revelation revealed}; and His saying: {Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it}. Preservation may be accomplished by conveying the meaning Thus every ruling for which the manner of his action ﷺ and the nature of his judgment have been transmitted to us, while the exact wording of his utterance concerning it has not been transmitted to us, belongs to that whose wording has been withdrawn while its ruling remains. Examples include the reports of his distribution, peace be upon him, of the wealth of Bahrain; his judgment on the basis of discrimination together with a witness; his agreements with the people of Khaybar for tending trees in return for a share of their yield and for cultivating land in return for a share of its produce; and similar matters. In these cases he must have uttered something concerning them, but it was not transmitted, whereas the ruling was transmitted. They therefore have the same status as what we have mentioned whose wording was withdrawn from recitation while its ruling remained: there is no difference. All of this is revelation from Allah Most High. As for that whose wording and ruling have both been abrogated, the obligation to know it, trace it, and seek it has been lifted from us.

Section on the Author's Refutation of Those Who Say This

Abu Muhammed said: One of those who advance such views, discussing abrogation and the withdrawal of abrogated wording, said: "This is one aspect of wisdom. It is possible that Allah Most High knew that withdrawing this wording would set right what would not be set right by its remaining. For when He Most High withdrew the whole of it, He knew that we would turn to the abrogating command and that doubts concerning it would not enter our minds. For Allah Most High knew that there would be people

ولا فرق، وكل ذلك وحي من الله تعالى، وأما المنسوخ لفظه وحكمه، فمرفوع عنا علمه ونتبعه وطلبه. فصل في رد المؤلف على القائلين قال أبو محمد: قال بعض القائلين وقد ذكر النسخ وارتفاع اللفظ المنسوخ فقال: وهذا وجه من وجوه الحكمة، يجوز أن يكون علم الله تعالى أن يرفع هذا اللفظ يصلح ما لا يصلح ببقائه، وذلك أنه إذا رفع تعالى الكل فقد علم أننا سنقبل على الأمر الناسخ، ولا نتداخلنا فيه الشكوك، لأن الله تعالى علم أن سيكون قوم من خلقه يبطلون النسخ، فكانوا يضلون ببقاء اللفظ المنسوخ فرفعه لهذا المعنى. قال أبو محمد: وهذا من أفسد قول في الأرض وأسقطه، ويقال لمن قال بهذا الهجر: أكان الله تعالى غير قادر من وجوه الصلاح على أكثر من أن يرفع بعض كلامه لئلا يضل به قوم من خلقه؟ أو كان قادرا على أن يكفيهم هذه المؤنة كلها، ويهديهم بأن يبين لهم المنسوخ بيانا جليا يرفع به عنهم الشكوك والحيرة؟ فإن قال: لم يقدر الله تعالى على أكثر، كفر ووصف نفسه من القدرة بأكثر مما وصف به خالقه عز وجل لأنه دائبا يشرح بزعمه، ويبين ليهدي الناس فيما يدعي، وإن قال: بل إنه تعالى قادر على ما ذكرت، قيل له: فقد فعل ما غيره أصلح لهم منه، وهذا ضد مذهبك الفاسد. ويقال له أيضا: إذا كانت الحكمة عندك رفع لفظ بعض المنسوخ جملة، لئلا يضل به قوم، فلأي شيء أبقى تعالى لفظا آخر منسوخا حتى ضل به جماعة أنت أحدهم؟ في أشياء كثيرة تدعي أنت فيها النسخ ويخالفك فيها غيرك، وأشياء كثيرة تدعي أنت أنها غير منسوخة ويدعي غيرك فيها النسخ، فأين تلك الحكمة التي تطالب بها ربك تعالى؟ وما الذي جعل رفع ما رفع أولى بالرفع من المنسوخ الذي أبقي لفظه، حتى تحيرت فيه طوائف من أهل الملة؟ وما الذي جعل إبقاء ما أبقي لفظه المنسوخ أولى بالإبقاء مما رفع لفظه من المنسوخ؟ وما الذي أوجب نقض الحكم بما كان أمس فرضا ثم حرم اليوم، أو ما كان حراما أمس ثم أبيح اليوم؟ وهل هذا

among His creatures who would deny abrogation, and they would go astray if the abrogated wording remained. He therefore withdrew it for this reason."

Abu Muhammed said: This is among the most corrupt and worthless statements on earth. Whoever utters this nonsense should be asked: Was Allah Most High incapable, among the means of setting things right, of doing anything more than withdrawing some of His speech lest some of His creatures go astray through it? Or was He capable of sparing them all this trouble and guiding them by explaining the abrogated material to them with a clear explanation that would remove from them doubts and bewilderment? If he says, "Allah Most High was incapable of anything more," he has disbelieved and attributed to himself greater power than he has attributed to his Creator, mighty and majestic, since he himself continually explains, as he alleges, and clarifies in order to guide people, as he claims. If he says, "Rather, He Most High is capable of what you have mentioned," he should be told: Then He has done something other than which would have been more beneficial for them. This contradicts your corrupt doctrine.

He should also be asked: If, in your view, wisdom consists in withdrawing the wording of some abrogated material altogether lest some people go astray through it, why did He Most High retain other abrogated wording, so that a group of people—you among them—went astray through it concerning many matters in which you claim abrogation while others disagree with you, and many matters that you claim are not abrogated while others claim abrogation concerning them? Where, then, is that wisdom that you demand of your Lord Most High? And what made the material that was withdrawn more deserving of withdrawal than the abrogated material whose wording was retained so that groups among the people of the religion became bewildered over it? And what made retaining the abrogated material whose wording was retained more deserving of retention than the abrogated material whose wording was withdrawn? And what necessitated overturning the ruling concerning something that was obligatory yesterday and then forbidden today, or something that was forbidden yesterday and then permitted today? Is there here some condition that has changed, or some nature that has been overturned, thereby necessitating the alteration of religious laws?

هنا حال استحالت أو طبيعة انتقضت، فأوجب ذلك تبديل الشرائع، إن هذا لهو الضلال البعيد، والغناء الشديد، والجهل المظلم، والقحة الزائدة، وما ههنا شيء أصلا إلا أن الله تعالى أراد أن يحرم علينا بعض ما خلق مدة ما، ثم أراد تعالى أن يحرمه علينا ولا علة لشيء من ذلك كما لا علة لبعثه محمدا عليه الصلاة والسلام في العصر الذي بعثه، دون أن يبعثه في العصر الذي كان قبله، وكما لا علة لكون الصلوات خمسا دون أن تكون ثلاثا أو سبعا فصل في قول الله تعالى ما ننسخ من آية قال أبو محمد قال الله تعالى {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} وقد قرىء أو ننسها ومعنى اللفظين مختلف فالنسخ قد بينا معناه وهو رفع الحكم وأما ننسها فمعناه من النسيان وهو رفع اللفظ جملة وأما ننسأها فهو من التأخير ومعناه أن يؤخر العمل بها إلى مدة معلومة ويفعل الله من كل ذلك ما شاء لا معقب لحكمه فصل في اختلاف الناس على النسخ اختلف الناس في النسخ على ما يقع أعلى الأمر أم على المأمور به؟ قال أبو محمد: والصحيح من ذلك أن النسخ إنما يقع على الأمر، ولا يجوز أن يقع على المأمور به أصلا، لأن المأمور به هو فعلنا، وفعلنا لا يخلو من أحد وجهين: إما أن يكون قد وقع منا بعد، وإما أن يكون لم يقع منا بعد، فإن كان قد وقع منا بعد فقد فني، لأن أفعالنا أعراض فانية، ولا يجوز أن ينهى عما قد فني، إذ لا سبيل إلى عودته أبدا. وكذلك لا يجوز أن يؤمر أيضا بما قد فني، لأنه لا يجوز أن يعود أيضا ولا أن يباح لنا ما قد فني أيضا، لأن كل هذا محال، وإن كان لم يقع منا، فكيف ينسخ شيء لم يكن بعد، فصح أن المرفوع إنما هو الأمر المتقدم، لا الفعل الذي لم تفعله بعد، فإذا قد صح أن الأمر هو المرفوع فهو المنسوخ، والنسخ إنما يقع في الآمر لا في الأمر ولا في المأمور به. وبالله تعالى التوفيق. وبرهان ما ذكرناه قوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} فأخبر تعالى أن الآية هي المنسوخة لا أفعالنا المأمور بها، والمنهي

This is indeed far-reaching error, extreme wealth, dark ignorance, and excessive insolence. There is absolutely nothing here except that Allah Most High willed to forbid us some of what He created for a certain period, then He Most High willed to forbid it to us. There is no cause for any of this, just as there is no cause for His sending Muhammed ﷺ in the age in which He sent him rather than sending him in the age before it, and just as there is no cause for the prayers being five rather than three or seven Section on Allah Most High's Saying: "Whatever Verse We Abrogate"

Abu Muhammed said: Allah Most High said: {Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?} It has also been read "or cause it to be forgotten." The meanings of the two expressions differ. We have already explained the meaning of abrogation: it is the withdrawal of a ruling. As for "cause it to be forgotten," it derives from forgetting and means withdrawing the wording altogether. As for "defer it," it derives from postponement and means postponing acting upon it until a specified time. Allah does whatever He wills of all this; none can overturn His judgment.

Section on People's Disagreement Concerning Abrogation

People have disagreed concerning what abrogation applies to: does it apply to the command or to the commanded act? Abu Muhammed said: The correct position is that abrogation applies only to the command; it cannot apply to the commanded act at all. For the commanded act is our action, and our action must fall into one of two categories: either it has already occurred on our part, or it has not yet occurred on our part. If it has already occurred on our part, then it has ceased to exist, because our acts are transient accidents. It is not possible to prohibit something that has already ceased to exist, since there is never any way for it to return. Likewise, it is also not possible to command something that has already ceased to exist, because it cannot return either; nor can something that has already ceased to exist be made permissible for us, since all this is impossible. If it has not occurred on our part, how can something that has not yet existed be abrogated? It is therefore established that what is withdrawn is only the preceding command, not the act that you have not yet performed. Since it has now been established that the

عنها والآية هي الأمر الوارد من قبله تعالى، بإيجاب ما أوجب أو تحريم ما حرم. وأما المأمور به فهي حركاتنا وأعمالنا من صلاة وصيام وإقامة حد وغير ذلك، فصح ما ذكرنا نصا وبالله تعالى التوفيق فصل في تشكيك قوم في معاني النسخ وقد تشكك قوم في معاني النسخ والتخصيص والاستثناء، فقوم جعلوها كلها نوعا واحدا. قال أبو محمد: وهذا خطأ لأن النسخ هو رفع حكم قد كان حقا، وسواء عرفنا أنه سيرفع عنها أو لم نعرف بذلك وقد أعلم الله تعالى موسى وعيسى عليهما السلام أنه سيبعث نبيا يسمى محمدا بشرائع مخالفة لشرائعهما، فهذا نسخ قد علمنا به، وأما التخصيص: فهو أن يخص شخص أو أشخاص من سائر النوع، كما خص عليه السلام بفرض التهجد، وإباحة تسع نسوة وكما خص أبو هاشم وبنو المطلب بتحريم الصدقة، وأبو بردة تجزىء عنه الجزعة في الأضحية. وأما الاستثناء: فهو ما جاء بلفظ عام، ثم استثني منه بعض ما يقع عليه ذلك اللفظ. كقوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} وما أشبه ذلك. إلا أن التخصيص إذا حقق فيه النظر فهو استثناء صحيح، والفرق بين النسخ والاستثناء هو أن الجملة المستثنى منها بعضها، ولم يرد قط تعالى إلزامنا إياها بعمومها، ولا أراد إلا ما بقي منها بعد الاستثناء. وأما النسخ: فالذي نهينا عنه اليوم قد كان مراد منا بالأمس بخلاف الاستثناء. وبالله تعالى التوفيق. فإن قال قائل: إن النسخ استثناء الزمان الثاني من إطلاق الفعل على التأبيد، قيل له وبالله تعالى التوفيق: ليس هذا مما نجعله مع الاستثناء المطلق نوعا واحدا لما ذكرنا من أن المستثنى لم يرد قط منا بوجه من الوجوه، وأن المنسوخ قد كلفناه، هذا فرق ظاهر بين، فإن كان هذا المخالف يريد أن يقول: إن النسخ نوع من أنواع الاستثناء، لأن استثناء زمان تخصيصه بالعمل سائر الأزمان لم نأب عليه ذلك، ويكون حينئذ صواب القول: إن كل نسخ استثناء وليس كل استثناء نسخا وهذا صحيح

command is what is withdrawn, it is what is abrogated. Abrogation occurs only in the issuer of the command, not in the command or in the commanded act. Success comes through Allah Most High. The demonstration of what we have stated is His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Have you not known that to Allah belongs power over everything?" He thus states, Most High, that the verse is what is abrogated, not our acts that are commanded or prohibited. And the verse is the command proceeding from Him, Most High, making obligatory what He has made obligatory or prohibiting what He has prohibited. As for the commanded acts, they are our movements and deeds, such as prayer, fasting, carrying out a prescribed punishment, and other things. What we have stated is thus established by the explicit text. Success comes through Allah Most High.

Section on Some People's Confusion concerning the Meanings of Abrogation

Some people have become confused concerning the meanings of abrogation, specification, and exception; some have made them all a single category. Abu Muhammed said: This is an error, because abrogation is the withdrawal of a ruling that had been valid, whether we knew that it would be withdrawn from those subject to it or did not know this. Allah Most High informed Moses and Jesus, peace be upon them both, that He would send a prophet named Muhammed with laws differing from their laws. This, then, is abrogation of which we had knowledge. Specification, however, is that one individual or several individuals should be singled out from the rest of the category, as he, peace be upon him, was singled out by the obligation of night prayer and permission to have nine wives; as Abu Hashim and the descendants of al-Muttalib were singled out by the prohibition on receiving alms; and as Abu Burdah was singled out in that a young animal suffices for him as a sacrificial offering. Exception, however, is where something is expressed in a general wording and some of what that wording applies to is then excepted from it, as in His saying, Most High: "Except with their wives or those whom their right hands possess, for they are not blameworthy," and similar instances. Except that specification, when examined closely, is a genuine exception. The difference between abrogation and exception is that, concerning the whole

from which a portion is excepted, He, Most High, never intended to bind us to it in its generality: He intended only what remained of it after the exception. With abrogation, however, what we are prohibited from doing today was indeed required of us yesterday, unlike exception. Success comes through Allah Most High. If someone says, "Abrogation is the exclusion of the subsequent period from the unrestricted prescription of the act in perpetuity," he is told—and success comes through Allah Most High—"This is not something that we place together with exception without qualification in a single category, for the reason we have mentioned: the excepted matter was never required of us in any respect, whereas the abrogated matter had been imposed upon us. This is a clear, evident distinction. If this opponent wishes to say that abrogation is one kind of exception, because excepting a period means specifying it for action to the exclusion of all other periods, we would not refuse him that. It would then be correct to say that every

abrogation is an exception, but not every exception is an abrogation. This is correct."[6][7][8][9][10][11][12][13][14][15][16][17][18]

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[6]**Translator's note (L1357):** The lexical example ونسخت الريح أو القوم is apparently corrupt. 'I effaced the profit or the people' is a tentative literal rendering of its supplied words, not a correction to a conjectured example about wind effacing traces. The unvocalized verb and its relation to the following nouns are uncertain. The 'ten instances of nursing' are presented by the author as an example of removed wording and ruling. The translation preserves this claim in his own voice.

[7]**Translator's note (L1359):** The opening continues the preceding account of a forgotten surah; its subject is supplied by the previous context. The first Quran quotation has an apparent transcription error: "أن لله" in place of the familiar wording "أن الله." The translation conveys the apparent intended sense while recording the discrepancy here. The quotations concerning confinement and fasting contain several apparent orthographic omissions, chiefly missing alifs. Their recoverable wording has been translated. Aishah's statement uses the dual, "the two," although the immediately preceding discussion mentions both the stoning verse and the five-breastfeedings verse without clarifying precisely which pair the quotation intends. The dual has been retained.

[8]**Translator's note (L1360):** The Quran quotation contains repeated orthographic omissions, chiefly missing alifs in definite articles. The recoverable words have been translated, and the quotation remains unfinished at the segment boundary.

[9]**Translator's note (L1361):** The Quran quotations contain repeated apparent orthographic omissions, chiefly missing alifs in definite articles. Their recoverable wording has been translated.

[10]**Translator's note (L1362):** The source reads "بالتمييز مع الشاهد," literally "on the basis of discrimination together with a witness." This is an apparent corruption, possibly for "باليمين مع الشاهد," meaning judgment on the basis of an oath together with a witness. The supplied reading has been retained in the translation. The source has the plural personal pronoun "فهم" where the surrounding discussion concerns rulings or examples. The translation retains the plural reference without supplying a different Arabic reading. The heading refers to "the author" in the third person and appears to be an editorial heading. Its expression "those who say" supplies no explicit object; "this" refers to the position discussed immediately afterward.

[11]**Translator's note (L1365):** The source reads "الغناء الشديد," translated literally as "extreme wealth." This is incongruous in the polemical list and may be a corruption of "العناء الشديد," "severe toil" or "great trouble." It has not been silently corrected. The source says that Allah first willed to "forbid" something and then willed to "forbid" it again. This apparent repetition or transcription error has been preserved; the second verb has not been changed to "permit."

[فصل في إمكان النسخ ثم إيجابه ثم امتناعه]

قال أبو محمد أنكر بعض اليهود النسخ جملة، وقد تكلمنا في هذا في كتابنا الموسوم بالفصل ونعيد ههنا منا ما يليق بغرض كتابنا هذا إن شاء الله تعالى. فنقول وبالله تعالى التوفيق: إن منكري النسخ قالوا: ليس من الحكمة أن يأمر الله تعالى بشيء أمس ثم ينهى عن مثله اليوم، وهذا من نظائر قول أصحابنا بالعلل، وهؤلاء قوم يتعقبون على ربهم تعالى، فيقال لهم: أخبرونا أي حكمة وجبت عليه تعالى أن يأمر أمس بما أمر به؟ أترى لو لم يأمر تعالى بما أمر به لكانت تبطل حكمته، أو لو أمر بغير ما أمر به لكانت تبطل حكمته؟ أو ترون إذ قدس الأرض المقدسة، ولعن أريحا، ولعن أورشليم أكان ذلك مفسدا لحكمته؟ وإذ حظر العمل في السبت وأباحه في الأحد، أرأيتم لو عكس الأمر أكان ذلك مبطلا لحكمته؟ فإن راموا فرقا بين شيء من ذلك لحقوا بالمجانين، وجاهروا بما لا يفهم وبما يعلم بطلانه.

L1371 **[Section on the Possibility of Abrogation, Then Its Necessity, Then Its Impossibility]**[19]

L1372 Abu Muhammed said: Some Jews have denied abrogation altogether. We have discussed this in our book entitled al-Fasl, and we shall repeat here such of it as suits the purpose of this book of ours, if Allah Most High wills. We say—and success comes through Allah Most High—that those who deny abrogation have said: "It is not consistent with wisdom for Allah Most High to command something yesterday and then prohibit its like today." This is comparable to what our associates say concerning explanatory causes. These are people who sit in judgment upon their Lord, Most High. They are therefore to be told: "Tell us: what wisdom made it incumbent upon Him, Most High, to command yesterday what He commanded? Do you suppose that, had He, Most High, not commanded what He commanded, His wisdom would have been invalidated? Or that, had He commanded something other than what He commanded, His wisdom would have been invalidated? Or do you think that, when He sanctified the Holy Land and cursed Jericho and cursed Jerusalem, that impaired His wisdom? And when He prohibited work on Saturday and permitted it on Sunday, tell us: had He reversed the matter, would that have invalidated His wisdom?" If they attempt to distinguish

[12]**Translator's note (L1366):** The Quran quotation again reads "أن لله" instead of the familiar "أن الله," an apparent transcription error. After the quotation, the source repeats the same written reading, "أو ننسها," although it announces a different reading. The subsequent explanation distinguishes "ننسها," causing to be forgotten, from "ننسأها," deferring. The repetition in the supplied text has been preserved rather than silently replaced. The section headings may be editorial additions, although their provenance is not explicit in this segment.

[13]**Translator's note (L1367):** The statement that abrogation occurs in "the issuer of the command" follows the supplied الآمر, although it directly contradicts the surrounding argument that abrogation affects the command. The supplied Quranic quotation has أن لله على كل شيء قدير rather than the standard أن الله على كل شيء قدير in Quran 2:106. The translation reflects the supplied wording; its Arabic construction is irregular.

[19]**Translator's note (L1371):** The heading is enclosed in square brackets in the supplied text, possibly indicating an editorially supplied heading.

between any of these things, they join the ranks of madmen and openly proclaim what cannot be understood and what is known to be false.[20]

L1373–1378 Then they are to be told: "Has Allah Most High not granted sovereignty to groups of unbelievers who are disobedient and unjust and established them in power, while humbling groups of unbelievers who are disobedient and unjust and giving others mastery over their necks? And has He not granted sovereignty to righteous, virtuous believers, established them in power, and extended their authority, while humbling righteous, virtuous believers and giving others mastery over their necks? And has He not prolonged the lives of groups of tyrannical unbelievers while cutting off others of them before they reached mature age, and done the like with groups of virtuous believers? And has He not enabled groups of rebellious, disobedient people to express themselves eloquently and discourse upon the sciences, until they led multitudes of created beings astray, while making others of them dull and stupid, and done precisely the same with believers? What, then, made this His judgment, rather than the reverse of all this? And what is the difference between these acts of His, Most High, and His commanding something today and then prohibiting its like tomorrow?" No one distinguishes between all the things mentioned except someone devoid of reason or someone shameless and foolish. If they say, "This is revision upon newly acquired knowledge," the same consequence follows for them in everything we have just mentioned: in His giving life to those to whom He gives life and then causing them to die; in His enriching those whom He enriches and then impoverishing them; in His making sound the body of someone whom He grants health and then making him ill; and in decrepitude after youth. If someone asks, "What is the difference between revision upon newly acquired knowledge and abrogation?" he is told—and success comes through Allah Most High—"The difference between them is evident. Revision upon newly acquired knowledge is to issue a command while its issuer does not know how the situation will turn out. Abrogation is to issue a command while its issuer knows that he will

[20]**Translator's note (L1372):** The supplied ونعيد ههنا منا is awkward; "we shall repeat here such of it" reflects the apparent intended reference to the earlier discussion, for which منه would be expected.

ثم يقال لهم: أليس الله تعالى قد ملك قوما من الكفار العصاة الظلمة ومكنهم وأذل قوما من الكفار العصاة الظلمة وملك غيرهم رقابهم، وملك قوما صالحين فضلاء مؤمنين، ومكنهم وبسط أيديهم، وأذل قوما صالحين فضلاء مؤمنين وملك غيرهم رقابهم، ومد أعمار قوم كفار طغاة، واخترم آخرين منهم قبل بلوغ الاكتهال، وفعل مثل ذلك بقوم مؤمنين أفاضل، ومكن قوما عصاة مردة من البيان والكلام في العلوم حتى أضلوا أمما من الخلق، وجعل آخرين منهم بلداء أغبياء، وفعل مثل ذلك أيضا بالمؤمنين سواء بسواء، فما الذي جعل هذا حكمه دون عكس كل ذلك؟ وما الفرق بين هذا من أفعاله تعالى وبين أن يأمر اليوم بأمر ثم ينهى عن مثله غدا؟ وما يفرق بين كل ما ذكر إلا عديم عقل أو وقح سخيف. فإن قالوا: إن هذا هو البداء لزمهم مثل ذلك في كل ما ذكرنا آنفا، وفي إحيائه من يحيي ثم إمانته، وفي إغنائه من يغني ثم إفقاره، وفي تصحيحه جسم من يرزقه العافية ثم يمرضه، وفي الهرم بعد الفتوة. فإن قال قائل: ما الفرق بين البداء والنسخ؟. قيل له وبالله تعالى التوفيق: الفرق بينهما لائح، وهو أن البداء هو أن يأمر بالأمر والأمر لا يدري ما يؤول إليه الحال، والنسخ هو أن يأمر بالأمر والأمر يدري أنه سيحيله في وقت كذا ولا بد، قد سبق ذلك في عمله وحتمه من قضائه، فلما كان هذان الوجهان معنيين متغايرين مختلفين، وجب ضرورة أن يعلق على كل واحد منها اسم يعبر به عنه غير اسم الآخر ليقع التفاهم، ويلوح الحق، فالبداء ليس من صفات الباري تعالى، ولسنا نعني الباء والدال والألف، وإنما نعني المعنى الذي ذكرنا من أن يأمر بالأمر لا يدري ما عاقبته، فهذا مبعد من الله عز وجل، وسواء سموه نسخا أو بداء أو ما أحبوا، وأما النسخ فمن صفات الله تعالى من جهة أفعاله كلها، وهو القضاء بالأمر قد علم أنه سيحيله بعد مدة معلومة عنده عز وجل، كما سبق في علمه تعالى. ولسنا نكابر على النون والسين والخاء، وإنما نعني

inevitably alter it at such-and-such a time: this has already preceded in His work, and He has made it an irrevocable part of His decree." Since these two cases constitute two distinct, differing meanings, it is necessarily obligatory to attach to each a name expressing it that differs from the other's name, so that mutual understanding may occur and the truth become apparent. Revision upon newly acquired knowledge is therefore not among the attributes of the Creator, Most High. We do not mean the letters bāʾ, dāl, and alif; rather, we mean the sense we have mentioned: issuing a command without knowing its outcome. This is excluded from Allah, Mighty and Majestic, whether they call it abrogation, revision upon newly acquired knowledge, or whatever they please. Abrogation, however, is among the attributes of Allah Most High with respect to all His acts, and it is decreeing a matter while already knowing that He will alter it after a period known to Him, Mighty and Majestic, as was already present in His knowledge, Most High. We do not insist on the letters nūn, sīn, and khāʾ; rather, we mean the sense we have explained, whether they call it abrogation, revision upon newly acquired knowledge, or whatever names they please. But its name among [us] is abrogation, and by this expression we convey this meaning, of which no act of Allah Most High is altogether devoid in the abode of trial. Every one of these things comes into being and passes away. This is abrogation, and it is one of the kinds of coming-to-be and passing-away that operate in the nature of the world through the determination of its Creator, Originator, Governor, and Perfecter—there is no deity except Him. The name we give the first attribute is "change of mind" (badāʾ); by this we express that meaning which belongs among the attributes of creatures possessing choice, whether humans, jinn, or all other animals. It is a blameworthy disposition, because it results from boredom, regret, and weariness. These dispositions are denied of the angels by the explicit text of the Quran; how much more, then, of the Creator, exalted is He! Thus the distinction between change of mind and abrogation has become clear. Praise belongs to Allah, Lord of the worlds, the All-Merciful, the Especially Merciful.

Abu Muhammed said: Abrogation before the arrival of the time at which Allah, mighty and majestic, knows that He will alter the state of affairs is

المعنى الذي بينا، وسواء سموه نسخا أو بداء أو ما أحبوا من الأسماء، ولكن اسمه عند النسخ، وبهذه العبارة نعبر عن هذا المعنى الذي لا يخلو الله تعالى فعل منه أصلا في دار الابتلاء، وكل شيء منها كائن فاسد، وهذا هو النسخ، وهو نوع من أنواع الكون والفساد الجاريين في طبيعة العالم بتقدير خالقه ومخترعه ومدبره ومتممه لا إله إلا هو. واسم الصفة الأولى عندنا البداء فيها، يعبر عن هذا المعنى الذي هو من صفات المختارين من الإنس والجن وسائر الحيوان، وهو خلق مذموم، لأنه نتيجة الملل والندم والسآمة، وهذه الأخلاق منفية عن الملائكة بنص القرآن، فكيف عن الباري تعالى فهذا فرق ما بين البداء والنسخ قد لاح، والحمد لله رب العالمين الرحمن الرحيم. قال أبو محمد: والنسخ قبل حلول الوقت الذي علم الله عز وجل أنه يحيل فيه الحال ممتنع في الوجود، لا في قدرته تعالى على ذلك، وهو عندنا في ظاهر الأمر ممكن. قال أبو محمد: وهو في وقت حلوله وبلوغ أمده الذي قدره تعالى كائنا فيه واجب وهو بعد أن علمنا الله عز وجل أنه لا نبي بعد محمد صلى الله عليه وسلم ممتنع لا سبيل إليه في الوجود لا على معنى أنه تعالى لا يوصف بالقدرة على ذلك بل نعوذ بالله من الفكر في هذا أو التشكيك بل هو عز وجل قادر الآن وأبدا على أن يبعث نبيا آخر بدين آخر، ولكنه أخبرنا أنه لا يفعل ذلك، مريدا لتركه وقوله الحق، فعلمنا أن كون ما لا يريد تعالى كونه، ممتنع أن يكون أبدا. ويقال لمن أبى النسخ: ما الفرق بين أن يأمرنا الله بشيء في وقت ما، ويبينه لنا، ويعلمنا أنه إذا أتى وقت كذا وجب الانتقال إلى شيء آخر، وبين أن يأمرنا ولا يعلمنا أنه سينقلنا إلى شيء آخر؟ وهذا ما لا سبيل إلى وجود فرق فيه أبدا لذي تمييز وعقل، لأنه ليس لنا على الله تعالى شرط، ولا عليه أن يطلعنا على علمه، ولا يتقمن مسارنا، ولا أن يأخذ آراءنا في شيء، ومدعي هذا ملحد في دين الله عز وجل، كافر به مفتر عليه وقد نص تعالى على ذلك بقوله تعالى {الله لا إله إلا هو الحي القيوم لا تأخذه سنة ولا نوم

impossible in existence, though not beyond His power, exalted is He; to us, judging by what is apparent, it is possible.

Abu Muhammed said: At the time of its arrival, when it reaches the term at which He, exalted is He, determined it would occur, it is necessary. After Allah, mighty and majestic, has informed us that there is no prophet after Muhammed—may Allah bless him and grant him peace ﷺ—it is impossible and has no avenue into existence. This does not mean that He, exalted is He, cannot be described as possessing the power to do that. Rather, we seek refuge in Allah from entertaining this thought or casting doubt upon it. He, mighty and majestic, has the power, now and forever, to send another prophet with another religion. But He has informed us that He will not do so, willing to leave it undone, and His word is the truth. We therefore know that the occurrence of something whose occurrence He, exalted is He, does not will is forever impossible.

One who rejects abrogation should be asked: What is the difference between Allah commanding us to do something at a certain time, explaining it to us, and informing us that, when such-and-such a time comes, it will be obligatory to move to something else, and His commanding us without informing us that He will transfer us to something else? No person possessing discernment and reason can ever find a difference here, because we have no condition to impose upon Allah, exalted is He, nor is He obliged to disclose His knowledge to us, nor to [attend to—reading uncertain] our course, nor to solicit our opinions about anything. Anyone who claims this deviates from the religion of Allah, mighty and majestic, disbelieves in Him, and fabricates lies against Him. He, exalted is He, has expressly stated this in His words,

له ما في لسماوات وما في لأرض من ذا لذي يشفع عنده إلا بإذنه يعلم ما بين أيديهم وما خلفهم ولا يحيطون بشيء من علمه إلا بما شآء وسع كرسيه لسماوات ولأرض ولا يؤوده حفظهما وهو لعلي لعظيم} وبقوله عز وجل {عالم لغيب فلا يظهر على غيبه أحدا * إلا من رتضى من رسول فإنه يسلك من بين يديه ومن خلفه رصدا} وهذا ما لا يخالفنا فيه إلا بعض اليهود، وأما أهل الإسلام فكلهم يجيزون النسخ، إلا بعض من منع من هذه اللفظة وأجاز المعنى، وهذا ما لا ننازعه فيه إذا سلم لنا الصفة المسماة، فلسنا ممن يشتغل بالاسم إلا حيث أوجب ذلك النص. وأما اليهود: فغير منكر من شدة جهلهم وضعف عقولهم، وعظيم بهتهم وكذبهم وتناقض أقوالهم وصلابة وجوههم، ورخاوة قلوبهم وفرط غيظهم على ربهم عز وجل، إذا أحل بهم من البلاء والذل والمهانة والخسة ما أحل، أن يدعوا أن لهم على ربهم شروطا أكثر من هذا، فهم يدعون لكلب من أخبارهم يسمى إشماعيل، لعنة الله عليه وعليهم أن الله تعالى عما يقول اليهود المشركون علوا كبيرا تعلق في خرب بيت المقدس بثياب إشماعيل، وهو يعنون ربهم يبكي ويئن كما تئن الحمامة، وأنهم يعنون ربهم رغب إلى إشماعيل هذا الرذل أن يبارك عليه. بمعنى أن ربهم طلب من إشماعيل البركة، فمن كان ربه عنده في نصاب من يطلب بركة إشماعيل لنفسه غير منكر أن يسفهوه فيما أحبوا، وهذه صفة جني لعب بعقولهم وسخر منهم، لا صفة الباري تعالى عز وجل، على أنه قد بين لهم في التوراة أمر رسول الله صلى الله عليه وسلم وأنذروا به فصح بذلك أن شريعتهم إنما علقت لهم بشرط ما لم يأت النبي صلى الله عليه وسلم المنتظر الذي هو رجاء الأمم والذي يستعلي من جبار فاران، ومعه ألوف من الصالحين، والذي يجعل الله تعالى كلامه في فمه، ومن عصاه انتقم منه، فصار ذلك بمنزلة ما أمروا به من

exalted is He: {To Allah—there is no deity except Him, the Ever-Living, the Self-Subsisting. Neither drowsiness nor sleep overtakes Him.[2122232425]

L1379–1382 To Him belongs whatever is in the heavens and whatever is on earth. Who is there who can intercede with Him except by His permission? He knows what is before them and what is behind them, and they encompass nothing of His knowledge except what He wills. His Footstool encompasses the heavens and the earth, and preserving them does not weary Him. He is the Most High, the Magnificent.} And in His words, mighty and majestic: {Knower of the unseen, He discloses His unseen to no one, * except a messenger whom He approves; then He places watchers before him and behind him.} No one disagrees with us about this except some Jews. As for the people of Islam, they all allow abrogation, except certain people who reject this expression while allowing its meaning. We do not dispute with them about this, provided they concede the attribute designated by the name, for we are not among

[21]**Translator's note (L1374):** "Revision upon newly acquired knowledge" renders البداء (badāʾ), which the author contrasts with abrogation undertaken with prior knowledge. The supplied والأمر in both definitions literally reads "and the command"; the context requires "while the issuer of the command," normally والآمر. The contextual reading is used and the discrepancy recorded here. The supplied في عمله means "in His work," which is retained. "In His knowledge," في علمه, would fit the argument and the following passage, but is not what the supplied text reads.

[22]**Translator's note (L1376):** The supplied عند النسخ is incomplete or corrupt. "Its name among [us] is abrogation" reflects the apparent intended عندنا النسخ; the supplied text lacks نا. The supplied الذي لا يخلو الله تعالى فعل منه has disordered syntax. The translation gives the apparent intended meaning that no act of Allah in the abode of trial is devoid of the described feature.

[23]**Translator's note (L1377):** The wording introducing the name of the first attribute is syntactically awkward. It is understood as naming that attribute "change of mind" (badāʾ) and explaining what this designation expresses.

[24]**Translator's note (L1378):** The verb in the clause rendered "attend to … our course" appears corrupt; its meaning cannot be established securely from the supplied text. The Quran quotation begins with a form meaning "to Allah" rather than the expected "Allah" in Quran 2:255. The supplied wording is retained, leaving the opening syntactically irregular.

[25]**Qur'an references (L1373):** Qur'an 2:255 (Al-Baqarah).

those who concern themselves with the name except where the revealed text makes that obligatory.

As for the Jews, given their intense ignorance, the weakness of their intellects, their enormous calumny and lying, the contradictions in their statements, their brazen faces, their feeble hearts, and their excessive rage against their Lord, mighty and majestic, because He has visited upon them such affliction, abasement, humiliation, and degradation as He has, it would be unsurprising for them to claim that they have conditions to impose upon their Lord exceeding even this. For they claim, concerning a dog among their rabbis called Ishmael—may Allah's curse be upon him and upon them—that Allah—exalted is He far above what the polytheistic Jews say—clung to Ishmael's garments amid the ruins of Jerusalem, while He—they mean their Lord—wept and moaned as a dove moans; and that He—they mean their Lord—entreated this vile Ishmael to bless Him, meaning that their Lord sought blessing from Ishmael. For anyone whose Lord, in his estimation, occupies the rank of one who seeks Ishmael's blessing for Himself, it would be unsurprising that they should impute foolishness to Him in whatever respects they please. This is the description of a jinn who has toyed with their minds and mocked them, not the description of the Creator, exalted, mighty, and majestic is He. Moreover, the matter of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—was already explained to them in the Torah, and they were forewarned of him. It is therefore established that their revealed law was made binding upon them only on the condition that the awaited Prophet—may Allah bless him and grant him peace ﷺ—had not yet come: he who is the hope of the nations, who rises on high from the mighty one of Paran with thousands of the righteous accompanying him, in whose mouth Allah, exalted is He, places His speech, and upon whose disobeyer He takes vengeance.

This thus became comparable to their being commanded to act according to certain commands during the Wandering, and according to other commands at the House and in Syria. Similar to it is their being commanded to work on days other than the Sabbath, followed by the prohibition of work on the Sabbath; likewise, fasting at one time and its prohibition at another; likewise,

العمل في التيه بأوامر ما، وفي البيت والشام بأوامر أخر، ومثله ما أمروا به من العمل في غير السبت، ثم تحريم العمل في السبت، وبمنزلة صيام وقت ما، والمنع منه في وقت آخر، ومثل إباحة الوطء في وقت ما، وتحريمه في وقت الحيض وسائر الشرائع المرتبطة بأوقات ما، فإذا عدمت تلك الأوقات انتقل حكم تلك الشرائع، وكل ذلك لا علة له ولا شيء يوجبه أصلا، لا مصلحة ولا غيرها، إلا أنه تعالى أراد ذلك، كما أراد خلق ما خلق من الخلائق المختلفات فقط، وبالله تعالى التوفيق. فكيف وفي توراتهم أن الله تعالى أباح لآدم وبنيه أكل حيوان حاشا الدم، وهذا خلاف شريعة موسى عليه السلام فقد صح النسخ عندهم.

permitting intercourse at one time and prohibiting it during menstruation; and all the other revealed ordinances connected with particular times. When those times cease to obtain, the ruling of those ordinances changes. All of this has no causal ground and nothing whatsoever that necessitates it—neither benefit nor anything else—except that He, exalted is He, willed it, just as He willed the creation of the different creatures He created, and nothing more. Through Allah, exalted is He, comes success. How much more so, when their Torah states that Allah, exalted is He, permitted Adam and his sons to eat animals, except for blood. This differs from the revealed law of Moses, peace be upon him. Abrogation is therefore established on their own premises.[26][27][28][29]

[Chapter on What Admits of Abrogation and What Does Not Admit of Abrogation]

L1383

L1384–1389

Abu Muhammed said: Abrogation is admissible only in speech whose meaning is a command or a prohibition. We have explained in our book entitled Bringing the Definitions of Logic within Reach that all speech falls into four categories: command, request, assertion, and question. Questions, assertions, and requests do not undergo abrogation. Withdrawing an assertion or a question is called rectification. All of this is denied of Allah, mighty and majestic, because withdrawing either of them amounts only to declaring false the assertion withdrawn and to acquiring knowledge of, and developing

[26] **Translator's note (L1380):** The word supplied for "their rabbis" has an unexpected consonant in this context; the conventional contextual reading is uncertain. The repetition "He—they mean their Lord" reflects the author's repeated parenthetical clarification.

[27] **Translator's note (L1381):** "The mighty one of Paran" follows the supplied wording. The reading is awkward in this description and may be corrupt; it has not been silently replaced with "the mountains of Paran." The descriptions presented as Torah testimony are preserved as the author's wording and claims, without substituting the wording of biblical passages.

[28] **Translator's note (L1382):** The attribution to Adam and his sons is retained. The apparent biblical reference concerning permission to eat animals with an exception for blood is Genesis 9:3–4, addressed to Noah and his sons.

[29] **Qur'an references (L1379):** Qur'an 2:255 (Al-Baqarah); Qur'an 72:26 (Al-Jinn); Qur'an 72:27 (Al-Jinn).

[فصل فيما يجوز النسخ فيه وفيما لا يجوز فيه النسخ]

قال أبو محمد: النسخ لا يجوز إلا في الكلام الذي معناه الأمر أو النهي، وقد بينا في كتابنا الموسوم بكتاب التقريب لحدود المنطق: أن الكلام كله ينقسم أربعة أقسام: أمر ورغبة وخبر واستفهام، فالاستفهام والخبر والرغبة لا يقع فيها نسخ، وإنما يسمى الرجوع عن الخبر وعن الاستفهام استدراكا، فكل ذلك منفي عن الله عز وجل، لأن الرجوع عنهما إنما هو تكذيب للخبر المرجوع عنه، ومعرفة وكراهية لما رجع عن الاستفهام عنه لعرض حدث أو لعلم بشيء كان يجهل. وأما الرجوع عن الرغبة فإنما يسمى استقالة أو تنزها عما انحط إليه قبل ذلك، وقد قدمنا أن المعاني إذا اختلفت فواجب أن يخالف بين أسمائها، لئلا يقع الإشكال، وليلوح البيان، ويصح الفهم والإفهام، فبقي الرجوع عن الأمر بإحداث أمر غيره فيسمى نسخا، وهو فعل من علم أن سيرفع أمره ويحيله. فإذا ورد الكلام لفظه لفظ الخبر، ومعناه معنى الأمر جاز النسخ فيه مثل قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا وصية لأزواجهم متاعا إلى لحول غير إخراج فإن خرجن فلا جناح عليكم في ما فعلن في أنفسهن من

an aversion to, that concerning which the question was withdrawn, owing to a circumstance that has arisen or knowledge of something previously unknown. As for withdrawing a request, it is called seeking release or disdaining that to which one had previously lowered oneself. We have already stated that, when meanings differ, their names must be differentiated, so that ambiguity does not arise, clarity becomes manifest, and understanding and the communication of understanding are sound. There remains, then, withdrawing a command by instituting another command in its place: this is called abrogation. It is the act of one who knew that he would revoke his command and change it.

When speech occurs whose wording is that of an assertion but whose meaning is that of a command, abrogation is admissible in it, as in His words, exalted is He: {Those among you who die and leave wives: a bequest for their wives, provision for a year without expulsion. But if they leave, there is no blame upon you for what they do concerning themselves in a recognized manner. Allah is Mighty, Wise.} It is in this kind of speech that disobedience on our part occurs, as in His words, 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 the people, whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds.} This is only a command to us to grant security to everyone who enters the station of Abraham. It is not an assertion. Were it an assertion, it would be false, because people have been killed around it unjustly and aggressively.

Abu Muhammed said: It occurs in every language that a command is expressed in the wording of an assertion or in the wording of a question, as when someone says to his slave, "Will you do such-and-such a thing, or will you see what befalls you?" This is because an assertion about something affirms what is asserted of it, while a command imposes the performance of what is commanded. This, then, is something shared by the assertoric form and the imperative form. Thus, if someone says, "It is incumbent upon you to rise and go to Zayd," this is an assertion correctly formed, whose meaning is, "Rise and go to Zayd." Likewise, His words, exalted is He: {In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the

معروف ولله عزيز حكيم} وفي هذا توجد منا المعصية مثل 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} فإنما هذا أمر لنا بأن نؤمن كل من دخل مقام إبراهيم، وليس هذا خبرا، ولو كان خبرا لكان كذبا لأنه قد قتل الناس حوله ظلما وعدوانا. قال أبو محمد: وموجود في كل لغة أن يرد الأمر بلفظ الخبر، وبلفظ الاستفهام كقول القائل لعبده: أتفعل أمر كذا، أو ترى ما يحل بك؟ وإنما ذلك أن الخبر عن الشيء إيجاب لما يخبر به عنه، والأمر إيجاب لفعل المأمور به، فهذا اشتراك بين صيغة الخبر وصيغة الأمر، فإذا قال قائل: حق عليك القيام إلى زيد، فهذا خبر صحيح البنية، معناه قم إلى زيد. وكذلك 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} معناه ليحج الناس منكم من استطاع، وكذلك إذا قال القائل: قد أوجبت عليك القيام إلى زيد، فهذا خبر صحيح البنية، معناه قم إلى زيد وكذلك قوله تعالى {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} معناه صوموا فما كان من الأخبار هكذا فالنسخ فيها جائز، وأما ما كان خبرا مجردا مثل: قام زيد وهذا عمرو، ووقع أمس خطب كذا، وزيد الآن قائم، وغدا يكون أمر كذا، فهو لا يجوز النسخ فيه البتة، لأنه تكذيب لهذا الخبر والله تعالى منزه عن الكذب بإخباره تعالى أن قوله الحق وبقوله تعالى {قال فلحق ولحق أقول} وهو موصوف بأنه ينسخ ويحيل ويبدل الأمور بقوله تعالى {يمحو لله ما يشآء ويثبت وعنده أم لكتاب} وبقوله تعالى {قل للهم مالك لملك تؤتي لملك من تشآء وتنزع لملك ممن تشآء وتعز من تشآء وتذل من تشآء بيدك لخير إنك على كل شيء قدير} وبقوله تعالى {قل للهم مالك لملك تؤتي لملك من تشآء وتنزع لملك ممن تشآء وتعز من تشآء وتذل

House is owed to Allah by the people, whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds.} Its meaning is, "Let those people among you who are able perform the pilgrimage." Likewise, when someone says, "I have "I have obligated you to rise and go to Zayd"—this is a statement sound in its construction, whose meaning is: "Rise and go to Zayd." Likewise, His saying, Most High, "O you who believe, fasting has been prescribed for you as it was prescribed for those before you, so that you may be mindful of Allah," means: "Fast." Abrogation is permissible in statements of this kind. As for a statement that is purely informative, such as "Zayd stood up," "This is ʿAmr," "Such-and-such an event occurred yesterday," "Zayd is standing now," or "Such-and-such a thing will happen tomorrow," abrogation is absolutely impermissible in it, because it would declare that statement false. Allah Most High is exalted above lying by virtue of His informing us, Most High, that His speech is the truth, and by His saying, Most High, "He said: 'The truth, then—and the truth I speak.'" He is described as abrogating, altering, and changing things, through His saying, Most High, "Allah effaces whatever He wills and establishes, and with Him is the Mother of the Book"; through His saying, Most High, "Say: 'O Allah, Owner of sovereignty, You give sovereignty to whomever You will and take sovereignty away from whomever You will; You exalt whomever You will and abase whomever You will. In Your hand is all good. Indeed, You have power over everything'"; through His saying, Most High, "Say: 'O Allah, Owner of sovereignty, You give sovereignty to whomever You will and take sovereignty away from whomever You will; You exalt whomever You will and abase whomever You will. In Your hand is all good. Indeed, You have power over everything'"; and through His informing us, Most High, that every day He is engaged in some affair. Our colleagues have disagreed concerning certain commands: is abrogation permissible in them or not? They said: "Whatever is known through reason cannot be abrogated, such as divine unity and the like." Abu Muhammed said: This is a corrupt assertion, because it groups together what is impermissible with what is impermissible. Rather, the person making this assertion should be questioned and asked: "What did you mean by saying that divine unity cannot be abrogated? If you mean that, after Allah Most High informed us that He would never abrogate

من تشآء بيدك لخير إنك على كل شيء قدير} بإخباره تعالى أنه كل يوم في شأن وقد اختلف أصحابنا في بعض الأوامر، أيجوز فيها النسخ أم لا، فقالوا: كل ما علم بالعقل فلا يجوز أن ينسخ مثل التوحيد وشبهه. قال أبو محمد: وهذا فاسد من القول، لأنه مجمل لما لا يجوز مع ما لا يجوز ولكن يسأل قائل هذا القول، فيقال: ما أردت بقولك لا يجوز نسخ التوحيد؟ فإن كنت تريد أنه بعد أن أعلمنا الله تعالى أنه لا ينسخ هذا الدين أبدا لا يجوز تبديله، وإن كنت تريد أنه لما سلف في سابق علم الله تعالى أنه لا ينسخه أبدا، علمنا أنه لا يجوز نسخه فنعم، هذا قوله صحيح، وهكذا إباحة الكبش، وتحريم الخنزير، وجميع شرائع الملة الحنيفة المستقرة، لا يجوز نسخ شيء منها أبدا، ولا فرق بين التوحيد وسائر الشرائع في ذلك البتة. وإن كنت تريد أنه تعالى غير قادر على نسخ التوحيد، أو أنه تعالى قادر على نسخه، والأمر بالتثنية أو التثليث، إلا أنه لو فعل ذلك لكان ظلما وعبثا، فاعلم أنك مخطىء ومفتر على الله تعالى، لأنك معجز له متحكم عليه، وقاض بأنك مدبر لخالقك عز وجل، وموقع له تحت رتب وقوانين بعقلك إن خالفها عبث وظلم.

this religion, it cannot be changed; and if you mean that, since it was already established in Allah Most High's prior knowledge that He would never abrogate it, we know that it cannot be abrogated—then yes, this assertion of his is correct. The same applies to the permissibility of the ram, the prohibition of swine, and all the established ordinances of the upright religion: none of them can ever be abrogated, and there is no difference whatsoever between divine unity and the other ordinances in this respect. But if you mean that He, Most High, is unable to abrogate divine unity, or that He, Most High, is able to abrogate it and command belief in two or three deities, but that, were He to do so, it would be injustice and purposelessness, then know that you are mistaken and fabricating lies against Allah Most High. For you are attributing incapacity to Him, imposing your dictates upon Him, and pronouncing yourself the governor of your Creator, Mighty and Majestic, subjecting Him, through your reason, to arrangements and laws which, if He contravenes them, He acts purposelessly and unjustly.[30][31][32]

L1390–1393 This is speech that leads to unalloyed unbelief and pure association of partners with Allah, besides the immense ignorance and madness it contains. Rather, we say that Allah, Mighty and Majestic, is able to abrogate divine unity and to command belief in two or three deities and the worship of idols; and that, were He, Most High, to do so, it would be wisdom, justice, and truth, while belief in divine unity would be unbelief, injustice, and purposelessness. But He, Most High, will never do that, because He has informed

وهذا كلام يؤول إلى الكفر المجرد، والشرك المحض، مع عظيم ما فيه من الجهل والجنون. بل نقول: إن الله عز وجل قادر على أن ينسخ التوحيد، وعلى أن يأمر بالتثنية والتثليث وعبادة الأوثان، وأنه تعالى لو فعل ذلك لكان حكمة وعدلا وحقا، ولكان التوحيد كفرا وظلما وعبثا، ولكنه تعالى لا يفعل ذلك أبدا، لأنه قد أخبرنا أن لا يحيل دينه الذي أمرنا به، فلما أمنا ذلك صار ما تبرأ الله منه كفرا وظلما وعبثا، وصار ما أمر به حقا وعدلا وحكمة فقط. وليس اعتقادنا التوحيد حقا ولا حكمة بذاته، دون أن يكون لله فيه أمر، ولكن إنما صار حقا وعدلا وحكمة، لأن الله تعالى أمر به ورضيه، وسماه حقا وعدلا وحكمة فقط. فهذا دين الله عز وجل الذي نص عليه بأن يفعل ما يشاء وأنه: {لا يسأل عما يفعل وهم يسألون} وأنه لو أراد أن يتخذ ولدا لاصطفى مما يخلق ما يشاء، وهذا هو القول الذي دلت العقول على صحته وبطلان ما عداه لأن العقل يشهد أن الله تعالى خلقه، وأنه كان تعالى حقا واحدا أولا، إذ لا نفس حيوانية ولا عقل مركب فيها ولا في غيرها، ولا جوهر ولا عرض، ولا عدد ولا معدود ولا رتبة من الرتب، وأنه تعالى خلق النفوس بعد أن

[30] **Translator's note (L1385):** The opening continues the preceding unit's explanation of withdrawing assertions and questions. Its syntax is compressed: knowledge and aversion appear to concern withdrawal of a question. "Seeking release" translates the technical designation for withdrawing a request; it denotes asking to be excused from or released from it.

[31] **Translator's note (L1388):** The quotation beginning "Say: 'O Allah, Owner of sovereignty'" occurs twice in the supplied text; the repetition is retained. The supplied wording says "what is impermissible with what is impermissible," repeating the same expression. This apparent textual error is retained. The first conditional clause, beginning "If you mean," has no explicit answer before the next conditional begins; the supplied syntax is preserved.

[32] **Qur'an references (L1384):** Qur'an 2:240 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 13:39 (Ar-Ra'd); Qur'an 3:26 (Ali 'Imran); Qur'an 66:8 (At-Tahrim).

us that He will not alter His religion, which He has commanded us to follow. Thus, once we were assured of that, what Allah disavowed became unbelief, injustice, and purposelessness, and what He commanded became truth, justice, and wisdom, solely on that account. Our belief in divine unity is neither true nor wise in itself, independently of there being a command from Allah concerning it. Rather, it became truth, justice, and wisdom only because Allah Most High commanded it, approved it, and called it truth, justice, and wisdom—solely on that account. This, then, is the religion of Allah, Mighty and Majestic, which He expressly declared: that He does whatever He wills; that "He is not questioned about what He does, while they are questioned"; and that, had He wished to take a child, He would have chosen whatever He willed from what He creates. This is the position whose correctness, and the invalidity of everything other than it, reason has demonstrated. For reason testifies that Allah Most High created it, and that He, Most High, truly existed as One and First when there was no animal soul, no intellect constituted within it or within anything else, no substance, no accident, no number, no numbered thing, and no arrangement of any kind. He, Most High, created souls after they had not existed, created intellects as they are after they had not existed, and established within them the arrangements they possess after none of those arrangements had existed. Had He wished to create intellects otherwise than as they are, and to arrange things within them differently from the way He arranged them, He would have done so, and that would not have been beyond His power. That would then have been truth, justice, and wisdom, and everything other than it would have been injustice, oppression, and purposelessness. None can overturn His judgment. Whoever claims otherwise has claimed that the arrangement of the unknown intellect within the soul existed when there was neither intellect nor soul. This is contradiction itself, derangement, absurdity, and impossibility. Anyone whose intellect Allah Most High has illuminated and directed so that he may receive light through it, and to whom the world's coming into existence after not existing has become conceivable, has attained an understanding of the correctness of what we have stated, has become certain of it, has witnessed it, and has known it by necessary knowledge, with absolutely no possibility of turning away from it. And anyone whose soul Allah Most High has joined with

لم تكن، وخلق العقول على ما هي عليه بعد أن لم تكن، ورتب فيها الرتب على ما هي عليه بعد أن لم يكن شيء منها، وأنه لو شاء أن يخلق العقول على غير ما هي عليه، وأن يرتب الأمور فيها على خلاف ما رتبها لفعله، ولما تعذر ذلك عليه ولكان حينئذ هو الحق والعدل والحكمة، وما عداه الظلم والجور والعبث، لا معقب لحكمه. ومن ادعى غير هذا، فقد ادعى أن رتبة العقل المجهول في النفس كانت موجودة، إذ لا عقل ولا نفس، وهذا عين التناقض والمحال والخلف والمحال، ومن أنار الله تعالى عقله وسيره لأن يستضيء به، وتصور له حدوث العالم بعد أن لم يكن، أشرف على صحة ما ذكرناه وأيقنه وشاهده وعلمه ضرورة، ولم يكن عنه له محيد أصلا، ومن أصحب الله تعالى نفسه والحيرة، وتمييزه الضعف، تحير وتصور الأمور بخلاف ما هي عليه، ولم يخرج إلى طرف وظن الظنون المردية، ولله تعالى الحمد على ما علم وهدى، لا إله إلا هو الرحمن الرحيم. قال أبو محمد: ومن بديع ما قطع أصحابنا على أنه لا يجوز نسخه، شكر المنعم، وأن كفر المنعم لا سبيل إلى إباحته في العقل أصلا. قال أبو محمد: فنسأل قائل هذا القول الفاسد فنقول له: ما تقول في رجل استنقذ طفلا قد أشرف الأسد على افتراسه فرباه ولا أب له ولا أم ولا مال فأحسن تربيته، ثم علمه العلوم وأكرمه وبره ولم يذله، ولا استخدمه، وموله وزوجه وخوله، ثم إن ذلك المحسن إليه زنى وهو محصن، وسرق وقذف، ثم تاب من كل ذلك وتعبد، ثم قامت عليه بذلك بينة عدل، وقدم إلى يتيمه وهو بعد حاكم من حكام المسلمين، فما ترى أن يفعل فيه أيشكر فيعفو عنه ولا سيما وقد تاب؟ أو يأمر بأن يوجع متناه بالسياط، ثم يقطع يده، ثم يأمر بشدخ هامته بالحجارة حتى يموت؟ فإن قال: أرى أن يعفو عنه، كفر إن اعتقد ذلك أو فسق إن أشار بذلك غير معتقد له، وإن قال: أرى أن يوقع به أنواع العذاب الذي ذكرنا فقد ترك مذهبه الفاسد في ألا يكفر إحسان المنعم. فإن قال: إن هذا الفعل هو شكره على الحقيقة. قال خلاف ما ادعى أن العقل يوجبه، وسمى غاية الإساءة

bewilderment, and whose discernment with weakness becomes bewildered, conceives of things otherwise than as they are, arrives at no definite outcome, and entertains ruinous suppositions. Praise belongs to Allah Most High for what He has taught and for the guidance He has given. There is no deity but Him, the All-Merciful, the Especially Merciful. Abu Muhammed said: Among the remarkable things that our colleagues have categorically declared incapable of abrogation is gratitude to a benefactor, asserting that reason allows absolutely no possibility of permitting ingratitude to a benefactor. Abu Muhammed said: We therefore question the person making this corrupt assertion, saying to him: "What do you say concerning a man who rescued a child when a lion was on the point of devouring him, then raised him when he had neither father, mother, nor wealth, and raised him well; then taught him the branches of knowledge, honored him, treated him kindly, neither humiliated him nor employed him as a servant, furnished him with wealth, married him off, and endowed him with possessions? Then this benefactor committed unlawful intercourse while possessing the legal status of a person subject to stoning, stole, and made an accusation of unlawful intercourse; then repented of all that and devoted himself to worship. Subsequently, the testimony of upright witnesses established these offenses against him, and he was brought before the orphan he had raised, who by then was one of the Muslim judges. What, in your view, should he do to him? Should he show gratitude and pardon him, especially since he has repented? Or should he order that the two sides of his back be made to suffer under the lash, then cut off his hand, then order that his head be crushed with stones until he dies?" If he says, "I think he should pardon him," he commits unbelief if he holds that as a belief, or acts wickedly if he recommends it without believing it. If he says, "I think he should inflict upon him the kinds of torment we have mentioned," he has abandoned his corrupt position that a benefactor's kindness must not be met with ingratitude. If he says, "This act is, in reality, gratitude to him," he has said the opposite of what he claimed reason requires, and has called the utmost injury kindness. If he returns to saying, "What reason regards as good is only gratitude to the benefactor whom Allah Most High has commanded us to thank, rather than gratitude to the benefactor whom Allah Most High has commanded us to harm and whose kindness He has

إحسانا، فإن رجع إلى أن يقول: إنما يحسن في العقول شكر المنعم الذي أمر الله تعالى بشكره، لا شكر المنعم الذي أمر الله تعالى بالإضرار به، وألا يقارض على إحسانه، رجع إلى الحق، وإلى أنه لا حسن إلا ما فعل الله تعالى، ولا قبيح إلا ما نهى الله عنه وهذا الذي لا يجوز غيره.

commanded us not to repay," he has returned to the truth: that nothing is good except what Allah Most High has done, and nothing is bad except what Allah has forbidden. This is the only position that is permissible.[33][34][35][36]

والعجب من ذهاب هؤلاء القوم عن نور الحق في هذه المسألة، وهم يسمعون الله تعالى يقول {لا تجد قوما يؤمنون بالله واليوم لآخر يوآدون من حآد لله ورسوله ولو كانوا آبآءهم أو أبنآءهم أو إخوانهم أو عشيرتهم أولئك كتب في قلوبهم لإيمان وأيدهم بروح منه ويدخلهم جنات تجري من تحتها لأنهار خالدين فيها رضي لله عنهم ورضوا عنه أولئك حزب لله ألا إن حزب لله هم لمفلحون}

L1394–1395 It is astonishing that these people stray from the light of truth in this question while hearing Allah Most High say: "You will not find a people who believe in Allah and the Last Day showing affection for those who oppose Allah and His Messenger, even if they are their fathers, their sons, their brothers, or their kin. Those are the ones in whose hearts He has inscribed faith and whom He has strengthened with a spirit from Him and whom He will admit into gardens beneath which rivers flow, abiding therein forever. Allah is pleased with them, and they are pleased with Him. Those are the party of Allah. Indeed, it is the party of Allah who are the successful."[37]

وقوله تعالى {يا أيها لذين آمنوا كونوا قوامين بلقسط شهدآء لله ولو على أنفسكم أو لوالدين ولأقربين إن يكن غنيا أو فقيرا فلله أولى بهما فلا تتبعوا لهوى أن تعدلوا وإن تلووا أو تعرضوا فإن لله كان بما تعملون خبيرا} فأوجب تعالى القيام عليهم بمر الحق، وإن أدى إلى صلبهم وقتلهم، وقطع أيديهم وأرجلهم وأعضائهم، وضربهم بالسياط، وشدخهم بالحجارة، وهتك أستارهم، وسبي نسائهم وذراريهم، وبيع أملاكهم وبيعهم مماليك وأخذ أموالهم، وإن كانوا آباءنا المحسنين إلينا إذا كفروا، فأين شكر المنعم، وبر الأب على الإطلاق؟ وهذا كله محال. وإنما الذي يجب فهو بر الوالدين الأبوين الذين أوجب الله برهما، وإنما الذي يجب أيضا فهو شكر المنعم الذي أمر الله بشكره، ولم يأمرنا الله تعالى ببر الوالدين لما وجب برهما ولا عقوقهما، ولو لم يأمرنا بشكر المنعم لما لزم شكره ولا كفره، كما لا يلزم بر الوالدين الحربيين أو المحاربين، وكذلك المنعم الحربي أو المحارب، ولو لم يأمرنا بالرحمة لما وجبت أيضا. كما أننا نضجع الخروف الصغير ونذبحه ونطبخ لحمه ونأكله ونفعل ذلك أيضا بالفصيل الصغير، ونثكل أمه إياه، ونولد عليها من الحنين والوله أمرا ترق قلوب سامعيه له، وتؤلم نفوس مشاهديها،

L1396–1399 And His saying, Most High: "O you who believe, be steadfast upholders of justice, witnesses for Allah, even against yourselves, or parents and close relatives. Whether one be rich or poor, Allah has a greater claim upon both. So do not follow desire, lest you depart from justice. And if you twist or turn away, Allah is fully informed of what you do." Thus He, Most High, obligated us to uphold the bitter truth against them, even if this leads to their crucifixion, their killing, the cutting off of their hands, feet, and other limbs, their being beaten with whips, their being crushed with stones, the exposure of what they conceal, the taking captive of their women and

[33] **Translator's note (L1391):** The supplied expression "the unknown intellect within the soul" (العقل المجهول في النفس) is awkward in context and may be corrupt. "Unknown" is retained rather than silently replacing it with a conjectured reading.

[34] **Translator's note (L1392):** The wording beginning ومن أصحب الله تعالى نفسه والحيرة وتمييزه is syntactically awkward and apparently corrupt. The translation gives a tentative sense, taking the following unit's "weakness" as paired with "discernment"; the Arabic itself does not express this coordination cleanly.

[35] **Translator's note (L1393):** "Possessing the legal status of a person subject to stoning" renders محصن, a technical legal status associated here with the prescribed punishment for unlawful intercourse. The text says "what Allah Most High has done" (ما فعل الله تعالى), rather than "what Allah has commanded"; that wording is retained.

[36] **Qur'an references (L1390):** Qur'an 21:23 (Al-Anbya); Qur'an 39:4 (Az-Zumar).

[37] **Qur'an references (L1394):** Qur'an 58:22 (Al-Mujadila).

offspring, the sale of their properties, their sale as slaves, and the taking of their wealth—even if they are our fathers who have treated us kindly, if they disbelieve. Where, then, is gratitude to the benefactor and dutifulness toward one's father without qualification? All this is untenable. What is obligatory is only dutifulness toward the two parents, father and mother, toward whom Allah has obligated dutifulness. Likewise, what is obligatory is only gratitude to the benefactor whom Allah has commanded us to thank. Had Allah, Most High, not commanded us to be dutiful toward our parents, neither dutifulness toward them nor undutifulness toward them would have been obligatory. Had He not commanded us to thank the benefactor, neither gratitude to him nor ingratitude toward him would have been binding, just as dutifulness toward parents belonging to an enemy polity or actively waging war is not binding; likewise with a benefactor belonging to an enemy polity or actively waging war. Had He not commanded us to show mercy, that too would not have been obligatory, just as we lay down the little lamb, slaughter it, cook its flesh, and eat it. We do this also to the young camel calf, bereave its mother of it, and bring upon her such yearning and anguish that the hearts of those who hear it are softened by it and the souls of those who witness her are pained. We have indeed witnessed how cattle bellow and behave when they find the blood of a bull that has been slaughtered. All this is lawful, without being commanded, and whoever does not regard it as lawful becomes an unbeliever, and his blood must consequently be shed. What difference, then, is there in rational judgments between this and slaughtering a human child, were that permitted to us? It has been related in some revealed laws that Moses, peace be upon him, commanded, concerning the people of Midian when he waged war against them, that all their male children be killed, from the first to the last. The Messenger of Allah ﷺ was asked about the children of the polytheists who are struck during a night attack, and he said: "They are of their fathers." Is there anything in all this other than the commands received from Allah, Mighty and Majestic? Some people have said: "When a command prescribing some religious observance comes, and there comes, for performing it, a promise, and for abandoning it, a threat, and that command is then abrogated, the promise and threat attached to it have thereby been abrogated." Abu Muhammed said: The reply to him—

وقد شاهدنا كيف خوار البقر وفعلها إذا وجدت دم ثور قد ذبح، وكل هذا حلال بلا مأمور به ويكفر من لم يستحله، ويجب بذلك سفك دمه، فأي فرق في العقول بين هذا وبين ذبح صبي آدمي لو أبيح لنا ذلك؟ وقد جاء في بعض الشرائع أن موسى عليه السلام أمر في أهل مدين إذا حاربهم بقتل جميع أطفالهم أولهم عن آخرهم من الذكور وقد سئل رسول الله صلى الله عليه وسلم عن أطفال المشركين يصابون في البيات فقال: هم من آبائهم فهل في هذا كله شيء غير الأمور الواردة من الله عز وجل. وقد قال قوم: إذا جاء أمر بشريعة ما، وجاء على فعلها وعد وعلى تركها وعيد ثم نسخ ذلك الأمر، فقد نسخ الوعد والوعيد عليه. قال أبو محمد: فيقال له وبالله تعالى التوفيق: لم ينسخ الوعد ولا الوعيد لأنهما إنما كانا متعلقين بثبات ذلك الأمر لا على الإطلاق، وإنما يصح النسخ فيها لو بقي ذلك الأمر بحبسه، ثم يأتي خبر بإسقاط ذلك الوعيد، وهذا ما لا سبيل إليه بعد ورود الخبر به. ولا نسخ في الوعد ولا في الوعيد البتة، لأنه كان يكون كذبا وإخلافا وقد تنزه الله تعالى عن ذلك، ولكن الآيات والأحاديث الواردة في ذلك مضموم بعضها إلى بعض، ولا يجوز أن نقتصر منها على بعض دون بعض، على ما بينا في كتاب الفصل، وبالله تعالى التوفيق. قال أبو محمد: وقد غلط قوم غلطا شديدا، وأتوا بأخبار ولدها الكاذبون والملحدون، منها أن الداجن أكل صحيفة فيها آية متلوة فذهب البتة،

and success comes through Allah, Most High—is: Neither the promise nor the threat has been abrogated, because they were only conditional upon that command's remaining in force, rather than being unconditional. Abrogation concerning them would be valid only if that command remained as it stood and a report then came removing that threat. This is something for which there is no possibility after the report concerning it has come. There is absolutely no abrogation of either a promise or a threat, for that would constitute falsehood and a failure to fulfill one's word, and Allah, Most High, is exalted above that. Rather, the verses and hadiths received concerning this must be considered together, and we may not confine ourselves to some of them to the exclusion of others, as we have explained in The Book of Distinction. Success comes through Allah, Most High. Abu Muhammed said: Some people have erred grievously and adduced reports fabricated by liars and heretics. Among them is that a domestic animal ate a sheet containing a recited verse, so that it disappeared altogether.[38][39][40][41]

L1400–1402 Among them is that ʿUthman took some Qurʾanic material on the testimony of two men and a single testimony. Among them is that readings that existed in the time of the Messenger of Allah ﷺ were discarded by ʿUthman, who

ومنها أن قرآنا أخذه عثمان بشهادة رجلين، وشهادة واحدة ومنها أن قراءات كانت على عهد رسول الله صلى الله عليه وسلم أسقطها عثمان وجمع الناس على قراءة واحدة. قال أبو محمد: وهذا كله ضلال نعوذ بالله منه ومن اعتقاده، وأما الذي لا يحل اعتقاد سواه فهو قول الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} فمن شك في هذا كفر ولقد أساء الثناء على أمهات المؤمنين ووصفهن بتضييع ما يتلى في بيوتهن، حتى تأكله الشاة فيتلف، مع أن هذا كذب ظاهر، ومحال ممتنع، لأن الذي أكل الداجن لا يخلو من أحد وجهين إما أن يكون رسول الله صلى الله عليه وسلم حافظا له أو كان قد أنسيه فإن كان في حفظه فسواء أكل الدواجن الصحيفة أو تركها وإن كان رسول الله صلى الله عليه وسلم قد أنسيه فسواء أكله الداجن أو تركه قد رفع من القرآن، فلا يحل إثباته فيه كما قال تعالى {سنقرئك فلا تنسى * إلا ما شآء لله إنه يعلم لجهر وما يخفى} فنص تعالى على أنه لا ينسى أصلا شيئا من القرآن إلا ما أراد تعالى رفعه بإنسائه. فصح أن حديث الداجن إفك وكذب وفرية، ولعن الله من

[38] **Translator's note (L1396):** The Qurʾanic quotation is identifiable as 4:135. The transcription repeatedly omits initial alifs and writes بلقسط as بالقسط; these orthographic defects do not materially obscure its wording. The source has بمر الحق, understood as بِمُرّ الحق, 'the bitter truth.' The source reads ولم يأمرنا الله تعالى ببر الوالدين لما وجب, literally beginning 'and Allah, Most High, did not command us…'. The consequence clause and the parallel conditional that follows indicate an apparently defective conditional construction; the translation renders that evident conditional sense without treating the transmitted wording as sound.

[39] **Translator's note (L1397):** The wording بلا مأمور به is grammatically awkward. It has been rendered as 'without being commanded'; a possible intended reading is بل مأمور به, 'indeed, commanded,' but that is not the supplied text.

[40] **Translator's note (L1399):** The source reads بحبسه in the phrase describing the command's remaining in force. This appears corrupt, possibly for بحاله, 'as it stood'; the translation gives the contextual sense while flagging the defective wording. The plural فيها, 'concerning them,' has an awkward antecedent after the dual references to promise and threat; it has been retained in sense rather than silently replaced in the source.

[41] **Qur'an references (L1396):** Qur'an 4:135 (An-Nisa).

united the people upon a single reading. Abu Muhammed said: All this is error; we seek refuge in Allah from it and from believing it. What alone may lawfully be believed is the saying of Allah, Most High: "Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it." Whoever doubts this has disbelieved. He has indeed spoken ill of the Mothers of the Believers and described them as neglecting what was recited in their houses until a sheep ate it and it perished. Moreover, this is an obvious lie and an impossible absurdity, because what the domestic animal ate must fall into one of two cases: either the Messenger of Allah ﷺ retained it in memory, or he had been made to forget it. If it was in his memory, it made no difference whether the domestic animals ate the sheet or left it. If the Messenger of Allah ﷺ had been made to forget it, it made no difference whether the domestic animal ate it or left it: it had been removed from the Qur'an, and it was therefore unlawful to establish it therein. As He, Most High, said: "We shall make you recite, and you shall not forget, except what Allah wills. Indeed, He knows what is spoken openly and what is hidden." Thus He, Most High, explicitly stated that he would never forget anything whatsoever of the Qur'an except what He, Most High, wished to remove by causing him to forget it. It is therefore established that the report of the domestic animal is a falsehood, a lie, and a fabrication. May Allah curse whoever considers this possible or believes it. Rather, everything that Allah removed —Most High—from the Qur'an, He removed only during the lifetime of the Prophet ﷺ, intending its removal and prohibiting its recitation if it had not been forgotten, or with it erased from all hearts. There is no possibility of any of this occurring after the death of the Messenger of Allah ﷺ, and no Muslim considers this possible, because it would contradict His saying, Most High: "Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it." And it would be also a contradiction of His saying, Most High: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter duly—and that which has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows. That is transgression. Today those

جوز هذا أو صدق به، بل كل ما رفعه الله تعالى من القرآن فإنما رفعه في حياة النبي صلى الله عليه وسلم قاصدا إلى رفعه ناهيا عن تلاوته إن كان غير منسي؛ أو ممحوا من الصدور كلها، ولا سبيل إلى كون شيء من ذلك بعد موت رسول الله صلى الله عليه وسلم ولا يجيز هذا مسلم لأنه تكذيب لقوله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} ولكان ذلك أيضا تكذيبا لقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} ولكان ما يرفع منه بعد موت رسول الله صلى الله عليه وسلم خرما في الدين ونقصا منه وإبطالا للكمال المضمون، ولكان ذلك مبطلا لهذه الفضيلة التي خصصنا بها، والفضائل لا تنسخ والحمد لله رب العالمين.

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." Whatever was removed from it after the death of the Messenger of Allah ﷺ would constitute a breach in the religion, a diminution of it, and a nullification of the guaranteed perfection. That would nullify this distinction with which we have been specially favored, and distinctions are not abrogated. Praise belongs to Allah, Lord of the worlds.[42][43][44][45]

L1403 As for ʿUthman's action—may Allah be pleased with him—the Messenger of Allah ﷺ did not die until the Qurʾan had been collected, arranged as it is, with no addition, diminution, or alteration. The readings that existed in the time of the Messenger of Allah ﷺ all remain as they were: nothing of them has been discarded, and it is unlawful to prohibit any of them, little or much. Allah, Most High, said: "Indeed, upon Us rests its collection and its recitation. Then, when We recite it, follow its recitation. Then, indeed, upon Us rests its explanation." The proper place for explaining this and examining the discussion of it exhaustively is in the chapter on consensus in this book of ours, if Allah, Most High, wills. Abu Muhammed said: Some people have said of the verse of stoning that it was not Qurʾan, and likewise of the verses concerning sucklings. Abu Muhammed said: We do not reject this, nor do

وأما فعل عثمان رضي الله عنه فلم يمت رسول الله صلى الله عليه وسلم إلا والقرآن مجموع كما هو مرتب لا مزيد فيه ولا نقص ولا تبديل والقراءات التي كانت على عهد رسول الله صلى الله عليه وسلم باقية كلها كما كانت لم يسقط منها شيء ولا يحل حظر شيء منها قل أو كثر. قال الله تعالى {إن علينا جمعه وقرآنه * فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} ولبيانه هذا وتقصي الكلام فيه مكانه من باب الإجماع من كتابنا هذا إن شاء الله تعالى. قال أبو محمد: وقد قال قوم في آية الرجم: إنها لم تكن قرآنا، وفي آيات الرضعات كذلك. قال أبو محمد: ونحن لا نأبى هذا، ولا نقطع أنها كانت قرآنا متلوا في الصلوات، ولكنا نقول: إنها كانت وحيا أوحاه الله تعالى إلى نبيه صلى الله عليه وسلم مع ما أوحى إليه من القرآن فقرىء المتلو مثبوتا في المصاحف والصلوات، وقرىء سائر الوحي منقولا محفوظا معمولا به، كسائر كلامه الذي هو وحي فقط ولسنا ننكر رفع آيات في عهد رسول الله صلى الله عليه وسلم من الصدور جملة لقوله تعالى {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} ولا نجيز ذلك بعد موته لقوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير}

[42] **Translator's note (L1400):** The phrase 'the testimony of two men and a single testimony' is awkward and does not identify whose testimony the latter was. The translation preserves the supplied wording without substituting a more familiar account. The Qurʾanic quotations are identifiable as 15:9 and 87:6–7; the transcription contains omissions of initial alifs but no evident substantive alteration of these quotations.

[43] **Translator's note (L1401):** The construction أو ممحوا من الصدور كلها, 'or erased from all hearts,' is syntactically awkward after the preceding clauses. The translation preserves its apparent alternative between prohibited recitation and universal erasure from memory. The quotation is identifiable as Qurʾan 15:9, with the same orthographic omission in لذكر as in the preceding unit.

[44] **Translator's note (L1402):** The quotation is identifiable as Qurʾan 5:3. The transcription frequently omits initial alifs and other orthographic elements, including in لأسلام, 'Islam'; its substantive sequence has been retained in full.

[45] **Qurʾan references (L1400):** Qurʾan 87:6 (Al-Aʿla); Qurʾan 5:3 (Al-Maʾidah).

we assert definitively that they were Qur'an recited in the prayers. Rather, we say that they were revelation that Allah, Most High, revealed to His Prophet ﷺ along with what He revealed to him of the Qur'an. Thus the recited revelation was read as established in the written Qur'anic codices and in the prayers, and the remainder of revelation was read as transmitted, preserved, and acted upon, like the rest of his speech, which is simply revelation. Nor do we deny the complete removal of verses from hearts during the time of the Messenger of Allah ﷺ, because of His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?" We do not consider this possible after his death, because of His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?"[46][47]

L1404–1406 For Allah, Most High, stipulated for us that their removal was conditional upon His bringing us something better than them or like them. This is something for which there is no possibility after the death of the Messenger of Allah ﷺ, because there is no possibility of bringing a verse after him, since revelation ceased with his death. Whoever considers that possible has considered prophethood after him possible; whoever considers that possible has disbelieved, and his blood and property have become lawful. There is no possibility that he, peace be upon him, could forget anything of the Qur'an before conveying it. Once he has conveyed it and secured its preservation for the people, however, we do not deny that he, peace be upon him, might forget it, because it is thereafter preserved and established. Something of this kind has indeed occurred in an authentic report: he heard a man reciting the Qur'an and prayed for him to receive mercy. He, peace be upon him, stated that the man had reminded him of a verse he had forgotten; and because he

فإنما اشترط الله تعالى لنا رفعها معلقا بأن يأتينا بخير منها أو مثلها وهذا ما لا سبيل إليه بعد وفاة رسول الله صلى الله عليه وسلم لأن الإتيان بآية بعده لا سبيل إليه إذ قد انقطع الوحي بموته، ومن أجاز ذلك فقد أجاز كون النبوة بعده، ومن أجاز ذلك فقد كفر وحل دمه وماله، ولا سبيل إلى أن ينسى عليه السلام شيئا من القرآن قبل أن يبلغه، فإذا بلغه وحفظه للناس فلسنا ننكر أن ينساه عليه السلام، لأنه بعد محفوظ مثبت، وقد جاء مثل ذلك في خبر صحيح، أنه سمع رجلا يتلو القرآن فدعا له بالرحمة، وأخبر عليه السلام أنه أذكره آية كان نسيها، ولأنه قد بلغه كما أمر. كما حدثنا 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 بكر بن أبي شيبة، وأبو كريب قالا: ثنا أبو أسامة، عن هشام بن عروة عن أبيه عن عائشة أن النبي صلى الله عليه وسلم سمع رجلا يقرأ من الليل فقال رحمه الله لقد أذكرني كذا وكذا آية كنت أسقطتها من سورة كذا وكذا ورواه عبدة وأبو معاوية عن هشام أذكرني آية كنت أنسيتها

[46] **Translator's note (L1403):** The quotation of Qur'an 2:106 occurs twice in the supplied text and has been retained twice. The quotation of Qur'an 75:17–19 has orthographic omissions in فتبع, understood as 'follow.' The source's مثبوتا is an unusual or defective form, rendered 'established.' The wording 'in the written Qur'anic codices and in the prayers' is itself somewhat awkward and has been preserved.

[47] **Qur'an references (L1403):** Qur'an 75:17 (Al-Qiyamah); Qur'an 75:19 (Al-Qiyamah); Qur'an 2:106 (Al-Baqarah).

had already conveyed it as he was commanded, as 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: Abu Bakr ibn Abi Shaybah and Abu Kurayb related to us; both said: Abu Usamah related to us, from Hisham ibn Urwah, from his father, from Aishah, that the Prophet ﷺ heard a man reciting during the night and said: "May Allah have mercy on him! He has reminded me of such-and-such verses that I had omitted from such-and-such a surah." Abdah and Abu Muawiyah transmitted it from Hisham with the wording: "He reminded me of a verse that I had been made to forget."

[Section: May an Abrogating Ruling Itself Be Abrogated?]

Abu Muhammed said: There is no difference between His, exalted is He, abrogating one ruling by another and His abrogating that second ruling by a third, and that third by a fourth, and so on, however many more there may be. All of this is possible when a demonstration establishing its validity is found. Some transmitted reports state: "Prayer was changed through three states, and fasting was changed through three states." Fasting on Ashura was obligatory; then its obligatory status was abrogated by fasting in Ramadan, subject to the condition that whoever wished could fast, and whoever wished could feed a needy person and himself refrain from fasting. Then that was abrogated by making fasting obligatory for the person who is present rather than travelling, capable, healthy, adult, and sane. Someone who had slept was not permitted to eat or have intercourse. Then that was abrogated by permitting all of that during the night and prohibiting fasting at night until dawn. In the Book of Marriage in our large compilation entitled al-Isal, we have presented, with the soundest chains of transmission, that Allah, exalted is He, permitted temporary marriage, then abrogated it, then permitted it, then abrogated it, then permitted it, then abrogated it until the Day of Resurrection.

[Section: Transitions Effected by Abrogation]

Abu Muhammed said: The classifications of commands throughout the revealed law are five, with no sixth: the forbidden, which is one extreme, and

[فصل هل يجوز نسخ الناسخ]

قال أبو محمد ولا فرق بين أن ينسخ تعالى حكما بغيره، وبين أن ينسخ ذلك الثاني بثالث، وذلك الثالث برابع، وهكذا كل ما زاد كل ذلك ممكن إذا وجد برهان على صحته، وقد جاء في بعض الآثار، أحيلت الصلاة ثلاثة أحوال، وأحيل الصيام ثلاثة أحوال، فكان عاشوراء فرضا، ثم نسخ فرضه بصيام رمضان، بشرط أن من شاء صام ومن شاء أطعم مسكينا وأفطر هو، ثم نسخ ذلك بإيجاب الصيام على الحاضر المطيق الصحيح البالغ العاقل، وكان من نام لا يحل له الأكل ولا الوطء، ثم نسخ ذلك بإباحة كل ذلك في الليل والحظر لصيام الليل إلى الفجر، وقد أوردنا في كتاب النكاح من ديواننا الكبير المسمى بالإيصال بأصح أسانيد أن نكاح المتعة أباحه الله تعالى، ثم نسخه، ثم أباحه ثم نسخه ثم أباحه ثم نسخه إلى يوم القيامة

[فصل في مناقل النسخ]

قال أبو محمد مراتب الأوامر في الشريعة كلها خمسة لا سادس لها، وهي: حرام: وهو الطرف الواحد، وفرض: وهو الطرف الثاني، وبين هذين الطرفين ثلاث مراتب، فيلي

the obligatory, which is the other extreme. Between these two extremes are three classifications. Adjacent to the forbidden is the classification of disapproval: things that it is better to leave undone than to do, although whoever leaves them undone is rewarded, while whoever does them incurs no sin. Examples include eating while reclining and drying oneself after ritual washing with a cloth prepared for that purpose, and similar things. Adjacent to the classification of obligation is the classification of recommendation: things that it is better to do than to leave undone, although whoever does them is rewarded, while whoever leaves them undone, without aversion to them, incurs no sin. All voluntary performance of good deeds falls within this category. Between these two classifications is the classification of unrestricted permissibility: that which is alike whether left undone or done. If someone does it, he is neither rewarded nor sinful; and if he leaves it undone, he is neither rewarded nor sinful. Examples include a person's sitting cross-legged or with one knee raised, dyeing his garment green or black, feeling something with his hand, and similar things. When an obligation is abrogated, one examines the matter. If this occurs through the wording "Do not do," after we have been commanded to do it, it passes into prohibition, because this is a formula expressing prohibition. If it is abrogated by His saying, {O you who believe, when believing women come to you as emigrants, examine them. Allah knows best their faith. Then, if you know them to be believing women, do not return them to the unbelievers. They are not lawful for them, nor are they lawful for these women. Give them what they have spent. There is no blame upon you if you marry these women when you have given them their bridal dues. Do not hold on to marriage bonds with unbelieving women. Ask for what you have spent, and let them ask for what they have spent. That is Allah's judgment; He judges between you. Allah is Knowing, Wise}, or through wording expressing an easing, or through an omission, or through an action, it passes only into the nearest classification, namely recommendation. Such is fasting on Ashura: when its obligatory status was abrogated, it passed into recommendation. Likewise, when prohibition is abrogated, if its abrogation occurs through the wording "Do," it passes into obligation, because this is a formula expressing obligation. If it is abrogated through "There is no blame," or through an eas-

الحرام مرتبة الكراهة، وهي الأشياء التي تركها خير من فعلها إلا أن من تركها أجر، ومن فعلها لم يأثم وذلك نحو الأكل متكئا، والتمسح من الغسل في ثوب معد لذلك، وما أشبه ذلك. ويلي مرتبة الفرض مرتبة الندب، وهي الأشياء التي فعلها خير من تركها، إلا أن من فعلها أجر، ومن تركها غير راغب عنها لم يأثم وفي هذا الباب يدخل التطوع كله بأفعال الخير وبين هاتين المرتبتين مرتبة المباح المطلق، وهو ما تركه وفعله سواء، إن فعله لم يؤجر ولم يأثم، وإن تركه لم يؤجر ولم يأثم، كجلوس الإنسان مربعا أو مرفوع الركبة الواحدة، وصباغة ثوبه أخضر أو أسود، وحسه الشيء بيده وما أشبه ذلك، فإذا نسخ الفرض نظر، فإن كان بلفظ لا تفعل بعد أن أمرنا بفعله فهو منتقل إلى التحريم، لأن هذه صيغة للتحريم وإن نسخ بأن قال {يأيها لذين آمنوا إذا جآء كم لمؤمنات مهاجرات فمتحنوهن لله أعلم بإيمانهن فإن علمتموهن مؤمنات فلا ترجعوهن إلى لكفار لا هن حل لهم ولا هم يحلون لهن وآتوهم مآ أنفقوا ولا جناح عليكم أن تنكحوهن إذآ آتيتموهن أجورهن ولا تمسكوا بعصم لكوافر واسألوا مآ أنفقتم وليسألوا مآ أنفقوا ذلكم حكم لله يحكم بينكم ولله عليم حكيم} أو بلفظ تخفيف أو بترك أو بفعل، لم ينتقل إلا إلى أقرب المراتب وهو الندب، وذلك مثل صيام عاشوراء، فإنه لما نسخ وجوبه انتقل إلى الندب، وكذلك إن نسخ التحريم فإن كان نسخه بلفظ افعل انتقل إلى الفرض، لأن هذه صيغة الفرض وإن نسخ بلا جناح أو بتخفيف، انتقل إلى أقرب المراتب إليه وهي الكراهة وإذا نسخت الكراهة أو الندب بلفظ افعل انتقل إلى أقرب المراتب إليه وهي الكراهة وإذا نسخت الكراهة أو الندب بلفظ افعل انتقلا إلى الفرض، فإن نسخا بلفظ لا تفعل انتقلا إلى التحريم، فإن نسخا بتخفيف، انتقلا إلى الإباحة المطلقة، لأن الإباحة أقرب إليهما من الفرض والتحريم، لأن المكروه والمندوب إليه مباحان، ولكنهما معلقان بشرط كما ترى، وقد نسخ تحريم وطء النساء بعد النوم في ليالي الصوم إلا الإباحة بالندب، ونسخ المنع من القتال

ing, it passes into the classification nearest to it, namely disapproval. When disapproval or recommendation is abrogated through the wording “Do,” it passes into the classification nearest to it, namely disapproval. When disapproval or recommendation is abrogated through the wording “Do,” they pass into obligation. If they are abrogated through the wording “Do not do,” they pass into prohibition. If they are abrogated through an easing, they pass into unrestricted permissibility, because permissibility is nearer to them than obligation and prohibition are: both the disapproved and the recommended are permissible, but they are qualified by a condition, as you see. The prohibition of intercourse with women after sleeping during the nights of fasting was abrogated—except permissibility through recommendation. The prohibition of fighting was abrogated by making it obligatory, and the obligation to face Jerusalem was abrogated by prohibition. An obligation has also been abrogated by another obligation, as when the confinement of women who commit unlawful sexual intercourse was abrogated in favor of flogging and stoning or flogging and banishment.[48][49][50]

بإيجابه ونسخ فرض استقبال بيت المقدس بالتحريم، وقد نسخ فرض بفرض آخر، كنسخ حبس الزواني إلى الجلد والرجم أو الجلد والتغريب

[Section: When Part of a Verse Is Abrogated, What Is the Status of the Rest?]

L1414

[فصل في آية ينسخ بعضها ما حكم سائرها]

L1415–1416

Abu Muhammed said: When a verse or a hadith contains two or more rulings, and a text or consensus establishes the abrogation of one of the two rulings, the restriction of its general scope, or its transfer into recommendation, one must stop at that. It is not lawful for a Muslim to say that the other ruling is abrogated because of this ruling mentioned alongside it in the

قال أبو محمد إذا جمعت الآية أو الحديث حكمين فصاعدا، فجاء نص أو إجماع بنسخ أحد الحكمين، أو تخصيصه أو إخراجه إلى الندب، وقف عنده، ولم يحل لمسلم أن يقول: إن الحكم الآخر منسوخ من أجل هذا الحكم المذكور معه في الآية أو الحديث، ولا أنه مخصوص، ولا أنه ندب، بل يبقى على حكمه كما كان، وعلى ما يوجبه ظاهره لقول الله عز وجل {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} ومن ادعى أن هذا الحكم مرتبط بيانه أو نسخه بحكم آخر فقد افترى على الله عز وجل، وادعى ما لا دليل عليه، ولزمه أن متى وجد في سورة واحدة آية منسوخة، أن يقول: إن تلك السورة منسوخة كلها من أجل الآية المنسوخة منها، ولزمه ما هو أفحش من هذا، وهو أن يقول: إن القرآن كله منسوخ من أجل وجوده

[48] **Translator’s note (L1411):** The full Quranic quotation corresponds to 60:10. Its placement after “by His saying” is difficult to reconcile with the surrounding argument; the supplied quotation has been retained in full. The statement that disapproval or recommendation, when abrogated by “Do,” passes into disapproval appears to be a corrupt repetition. It is followed immediately by a statement that the same wording moves both into obligation. Both statements have been retained.

[49] **Translator’s note (L1412):** The wording rendered “except permissibility through recommendation” is syntactically corrupt or unclear. The supplied text has “except” where “to” might be expected, but the additional phrase “through recommendation” also leaves the intended statement uncertain. No correction has been silently adopted.

[50] **Qur’an references (L1410):** Qur’an 60:10 (Al-Mumtahanah).

verse or the hadith, or that its general scope is restricted, or that it is a recommendation. Rather, it retains its ruling as before, and what its apparent meaning requires, because Allah, mighty and majestic, says: {Do not pursue that of which you have no knowledge. Hearing, sight, and the heart—all of those will be questioned about.} Whoever claims that the clarification or abrogation of this ruling is linked to another ruling has fabricated a falsehood against Allah, mighty and majestic, and asserted something for which there is no evidence. He would then be bound, whenever he found an abrogated verse in a single surah, to say that the whole of that surah is abrogated because of the abrogated verse within it. He would be bound to something more outrageous than this: to say that the entire Quran is abrogated because he finds many abrogated rulings within it. There is no difference between joining one ruling to another and joining one verse to another; nor is there any difference between mentioning two rulings in a verse and mentioning them in a surah. Thus, if one of the two rulings mentioned in the verse must be abrogated, the same necessarily follows for all the rulings of the surah, because the ruling mentioned alongside them is also abrogated. There is no difference. This is the invalidation of the revealed law in its entirety and a departure from Islam. From Allah, exalted is He, we seek protection from that, and through Allah, exalted is He, comes success.[51]

فيه أحكاما كثيرة منسوخة. ولا فرق بين عطف حكم على حكم وبين عطف آية على آية، ولا فرق بين ذكر حكمين في آية، وبين ذكرهما في سورة، فإذا وجب أن يكون أحد الحكمين المذكورين في الآية منسوخا لزم مثل ذلك في أحكام السورة كلها، لأن الحكم المذكور معها منسوخ أيضا ولا فرق، وهذا إبطال للشريعة جملة وخروج عن الإسلام ومن الله تعالى العافية علينا من ذلك، وبالله تعالى التوفيق

L1417–1418 Abu Muhammed said: An example of this is His saying, exalted is He: {As for those of your women who commit the indecency, call four witnesses from among yourselves against them. If they testify, confine these women in the houses until death takes them or Allah makes a way for them.} Then He, exalted is He, abrogated confinement in houses and confirmed the calling of four witnesses. The Messenger of Allah ﷺ prohibited a prostitute's fee, a soothsayer's payment, a cupper's earnings, and the price of a dog. The cupper's earnings were removed from prohibition by his statement, peace be upon him: "Feed your slaves and your water-drawing camel with it." It would therefore follow that whoever disagrees with us must, on that account, permit a prostitute's fee and a soothsayer's payment. This is something no Muslim would say. Al-Tahawi has said that the prohibition of the price of

قال أبو محمد مثال ذلك قوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} ثم نسخ تعالى الإمساك في البيوت وأثبت استشهاد الأربعة وقد نهى رسول الله صلى الله عليه وسلم عن مهر البغي وحلوان الكاهن وكسب الحجام وثمن الكلب، فخرج كسب الحجام عن التحريم بحديثه عليه السلام أطعمه رقيقك وناضحك، فيلزم من خالفنا أن يبيح من أجل ذلك مهر البغي وحلوان الكاهن، وهذا ما لا يقوله مسلم، وقد قال الطحاوي: إن النهي عن ثمن الكلب منسوخ بنسخ إيجاب قتل الكلاب. قال أبو محمد: ولا أدري في أي عقل أم في أي نص وجد هذا الرجل أنه إذا حرم

[51] **Qur'an references (L1415):** Qur'an 17:36 (Al-Isra).

a dog was abrogated through the abrogation of the obligation to kill dogs. Abu Muhammed said: I do not know by what reasoning, or in what text, this man found that when killing an animal is forbidden, selling it becomes lawful. Do you suppose he was unaware that selling him, and selling every free person, is forbidden, and that killing him is forbidden unless he commits something that makes his blood lawful? This is indeed severe stupidity and ugly partisanship for his corrupt legal school.[52][53]

L1419 We seek refuge in Allah from uncritical adherence that leads to saying such things about Allah, exalted is He, without knowledge, guidance, or an illuminating book. Would that I knew what difference there is between him and someone who opposed him by saying: "Rather, when Allah prohibited eating them, He prohibited selling them."

L1420 **[Section: How the Abrogated and the Abrogating Are Distinguished from What Is Not Abrogated]**

L1421 Abu Muhammed said: It is not lawful for a Muslim who believes in Allah and the Last Day to say of anything in the Quran and the Sunnah, "This is abrogated," except with certainty, because Allah, mighty and majestic, says: {We have sent no messenger except that he should be obeyed by Allah's permission. If, when they wronged themselves, they had come to you and sought Allah's forgiveness, and the Messenger had sought forgiveness for them, they would have found Allah ever accepting repentance, Merciful.} And He, exalted is He, says: {Say: Who has forbidden Allah's adornment, which He has brought forth for His servants, and the good things of provision? Say: They are for those who believe in the life of this world, exclusively theirs on the Day of Resurrection. Thus We set out the signs in detail for people who know.} Thus, everything Allah, exalted is He, has sent down in the Quran or through the tongue of His Prophet must obligatorily be followed.[54]

قتل حيوان حل بيعه أتراه جهل أن يبيعه وبيع كل حر حرام وقتله حرام، ما لم يقترف ما حل دمه؟ إن هذه لغباوة شديدة وعصبية لمذهبه الفاسد قبيحة.

ونعوذ بالله من التقليد المؤدي إلى القول على الله تعالى بمثل هذا بغير علم ولا هدي ولا كتاب منير، وليت شعري ما الفرق بينه وبين من عارضه فقال: بل لما حرم الله أكلها حرم بيعها.

[فصل في كيف يعلم المنسوخ والناسخ مما ليس منسوخا]

قال أبو محمد: لا يحل لمسلم يؤمن بالله واليوم الآخر أن يقول في شيء من القرآن والسنة: هذا منسوخ إلا بيقين، لأن الله عز وجل يقول {وما أرسلنا من رسول ألا ليطاع بإذن الله ولو أنهم إذ ظلموا أنفسهم جاءوك فستغفروا الله وستغفر لهم لرسول لوجدوا الله توابا رحيما} وقال تعالى {قل من حرم زينة الله لتي أخرج لعباده والطيبات من لرزق قل هي للذين آمنوا في لحياة لدنيا خالصة يوم لقيامة كذلك نفصل لآيات لقوم يعلمون} فكل ما أنزل الله تعالى في القرآن أو على لسان نبيه ففرض اتباعه،

[52] **Translator's note (L1418):** The pronoun in "selling him" can refer to the man under discussion, with the argument then extended to every free person. Its abrupt shift from the preceding animal example makes the wording somewhat awkward, but it has been retained.

[53] **Qur'an references (L1417):** Qur'an 4:15 (An-Nisa).

[54] **Qur'an references (L1421):** Qur'an 4:64 (An-Nisa); Qur'an 7:32 (Al-A'raf).

L1422–1426

Whoever says of any of this that it is abrogated has thereby declared that that command must not be obeyed and has removed the obligation to follow it. This is outright disobedience to Allah Most High and manifest opposition, unless a demonstration establishes the correctness of his statement; otherwise, he is a fabricator advancing falsehood. Whoever considers departure from what we have said permissible holds a position that ultimately invalidates the entire revealed law, because there is no difference between his claim of abrogation concerning some verse or some hadith and another person's claim—and abrogation concerning some verse or some hadith and another person's claim of abrogation concerning another verse and another hadith. On this basis, nothing of the Quran and the Sunnah would remain valid. This is a departure from Islam. Whatever is established with certainty cannot be invalidated by conjectures. Nor may obedience to a command that Allah Most High and His Messenger have commanded us be set aside except through certainty of abrogation in which there is no doubt. Since this has now been established and confirmed, let us discuss the ways in which the abrogation of a verse or hadith can be established. Where none of those ways is present, the claim of anyone alleging abrogation concerning any verse or hadith is invalid. Abu Muhammed said: When all the scholars of the community agree, without dissent from a single one of them, upon the abrogation of a verse or a hadith, abrogation is then established. If they disagree, we examine the matter. If we find that the two prescriptions cannot both be applied, or find that one unquestionably came after the other, or find an explicit text identifying something as abrogated, and find a text concerning this consisting of a prohibition after a command, or a command after a prohibition, or a transfer from one degree to another, as we explained previously, then we have certainty of abrogation. An example is his saying, peace be upon him: "I forbade you to visit graves; now visit them. And I forbade you to steep beverages in waterskins; now steep them." He permitted the steeping of beverages in every vessel. Another example is Jabir's statement: "The later of the two practices of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, was to forgo ritual ablution after consuming what fire had touched." Another example is the report that he granted a concession permitting cupping for someone fasting. A concession can only come after a prohibition, and

فمن قال في شيء من ذلك إنه منسوخ. فقد أوجب ألا يطاع ذلك الأمر، وأسقط لزوم اتباعه، وهذه معصية لله تعالى مجردة، وخلاف مكشوف، إلا أن يقوم برهان على صحة قوله، وإلا فهو مفتر مبطل. ومن استجاز خلاف ما قلنا فقوله يؤول إلى إبطال الشريعة كلها، لأنه لا فرق بين دعواه النسخ في آية ما أو حديث ما، وبين دعوى غيره والنسخ في آية ما أو حديث ما، وبين دعوى غيره النسخ في آية أخرى، وحديث آخر، فعلى هذا لا يصح شيء من القرآن والسنة، وهذا خروج عن الإسلام، وكل ما ثبت بيقين فلا يبطل بالظنون، ولا يجوز أن تسقط طاعة أمر أمرنا به الله تعالى ورسوله إلا بيقين نسخ لا شك فيه، فإذا قد صح ذلك وثبت، فلنقل في الوجوه التي بها يصح نسخ الآية أو الحديث، فإذا عدم شيء من تلك الوجوه، فقد بطلت دعوى من ادعى النسخ في شيء من الآيات أو الأحاديث. قال أبو محمد: فإذا اجتمعت علماء الأمة كلهم بلا خلاف من واحد منهم على نسخ آية أو حديث فقد صح النسخ حينئذ، فإن اختلفوا نظرنا، فإن وجدنا الأمرين لا يمكن استعمالهما معا، أو وجدنا أحدهما كان بعد الآخر بلا شك، أو وجدنا نصا جليا على منسوخ، ووجدنا نصا في ذلك من نهي بعد أمر أو أمر بعد نهي أو نقل من مرتبة إلى مرتبة على ما قدمنا فقد أيقنا بالنسخ، مثل قوله عليه السلام: نهيتكم عن زيارة القبور فزوروها ونهيتكم عن الانتباذ في الأسقية فانتبذوا وأباح الانتباذ في كل ظرف، ومثل قول جابر كان آخر الأمرين من رسول الله صلى الله عليه وسلم ترك الوضوء مما مست النار ومثل ما روي أنه رخص في الحجامة للصائم، والترخيص لا يكون إلا بعد النهي، والحجامة هكذا فعل الحاجم والمحجوم معا، فهذان وجهان. أو نجد حالا قد أيقنا بإبطالها وارتفاعها، وحالا أخرى قد أيقنا بنزولها ووجوبها ورفعها للحال الأولى، ثم جاء نص من قرآن أو حديث موافق للحال المرفوعة التي قد سقطت بيقين، إلا أننا لا ندري هل جاء هذا النص الموافق لتلك الحال المرفوعة قبل مجيء الحال الرافعة أو بعدها؟ فإذا كان

cupping, as such, is the act of both the person performing the cupping and the person undergoing it together. These, then, are two ways. Or we find a state of affairs whose invalidation and removal we know with certainty, and another state of affairs whose revelation, obligatory force, and removal of the first state we know with certainty. Then a text from the Quran or a hadith comes to us that accords with the removed state, which has certainly ceased to apply, except that we do not know whether this text that accords with that removed state came before the advent of the state that removed it or afterward. When something of this kind occurs, it is obligatory not to abandon what we know with certainty to be obligatory upon us and whose binding force upon us has been established. It is forbidden for us to return to a state whose removal from us we know with certainty and whose invalidity has been established for us, except through an explicit text returning us to the first state and removing the second state from us. Whoever goes beyond this has pursued that of which he has no knowledge, abandoned truth and certainty, and employed doubt and conjectures. That is absolutely impermissible. How could it be otherwise, when the saying of Allah Most High, {Indeed, We Ourselves have sent down the Reminder, and indeed We shall preserve it}, and His saying, Most High, {There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in Allah has grasped the firmest handhold, which will never break. Allah is All-Hearing, All-Knowing}, and His saying, Most High, {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten—except what you slaughter—and what has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved for you Islam as a religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is All-Forgiving, Merciful}, are conclusive witnesses that it is utterly impossible that Allah Most High should have left us in blindness and error, in which we could never know

مثل هذا ففرض ألا يترك ما أيقنا بوجوبه علينا، وصح عندنا لزومه لنا، وحرم علينا أن نرجع إلى حال قد أيقنا بارتفاعها عنا، وصح عندنا بطلانها إلا بنص جلي راد لنا إلى الحالة الأولى، ورافع عنا الحالة الثانية. ومن تعدى هذا فقد قفا ما لا علم له به وترك الحق واليقين، واستعمل الشك والظنون، وذلك ما لا يحل أصلا فكيف وقول الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وقوله تعالى {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم} وقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} شواهد قاطعة بأنه لا يجوز البتة أن يكون الله تعالى تركنا في عمياء وضلالة لا ندري معها أبدا، هل هذا الحكم منسوخ أو غير منسوخ، هذا أمر قد أمنا وقوعه أبدا، إذ لو كان ذلك لكان الدين قد بطل أكثره، ولكننا في شك متصل لا ندري أنعمل بالباطل في نصوص كثيرة من القرآن والسنن، أم نعمل بالحق؟ وهل نحن في طاعات كثيرة لله تعالى ولرسوله صلى الله عليه وسلم على ضلال أو على هدى حاشا لله من هذا فصح يقينا أن حكم تيقنا بطلانه فهو باطل أبدا، بلا شك حتى يأتي نص ثابت بأنه قد عاد بعد بطلانه هكذا ولا بد، وإلا فلا، والحمد لله رب العالمين.

whether this ruling is abrogated or unabrogated. This is something whose occurrence we have been assured against forever. For were that so, most of the religion would have become invalid, and we would be in continual doubt, not knowing whether, in acting upon many texts of the Quran and the Sunnahs, we were acting upon falsehood or upon truth, or whether, in many acts of obedience to Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, we were in error or rightly guided. Far exalted is Allah above this! It is therefore established with certainty that a ruling whose invalidity we have ascertained remains invalid forever, without doubt, until an established text comes stating that it has returned after becoming invalid. It must be precisely so; otherwise, it does not return. Praise be to Allah, Lord of all worlds.[55][56][57][58]

L1427–1429 An instance of this category is our certain knowledge that permission to marry more than four women has been removed, and that marrying more than four is certainly forbidden to everyone after the Messenger of Allah, may Allah bless him and grant him peace ﷺ. A hadith has come concerning giving a man who embraces Islam while having more than four wives a choice. This hadith thus accords with the abrogated state of affairs in which marriage to more than four was not prohibited, and with the situation of those who embraced Islam while having more than four wives, because they had married those women when doing so was not forbidden to them. When the prohibition was revealed, they were given the choice of four of them. But anyone who newly contracted marriage with a fifth woman or more, or with more than four at once, or with two sisters, or with a mother and

فمن هذا الباب ما قد أيقنا من أن إباحة زواج أكثر من أربع نسوة قد ارتفعت، وأن نكاح أكثر من أربع حرام على كل أحد بعد رسول الله صلى الله عليه وسلم بيقين وقد جاء حديث بتخيير من أسلم وعنده أكثر من أربع فكان هذا الحديث موافقا لحال ما نسخ من ترك التحريم لزواج أكثر من أربع، وما كان عليه من أسلم وعنده أكثر من أربع، لأنهم نكحوهن وذلك غير محظور عليهم، فلما نزل التحريم خيروا في أربع منهن، وكان من ابتدأ نكح خامسا فصاعدا، وأكثر من أربع معا، أو أختين، أو أم وابنتها بعد نزول تحريم كل ذلك عاصيا لله عز وجل، وعاملا عملا ليس عليه أمره فهو رد ففعله ذلك كله مردود. وعقده ذلك فاسد مفسوخ محلول غير ماض أصلا، فصح بذلك ارتفاع التخيير، وأنه إنما كان ذلك للذين نكحوا أكثر من أربع قبل أن يحظر ذلك، وأيضا فلو صح تخيير من ابتدأ نكاح خمس في كفر بعد ورود النهي عن ذلك لما كان في ذلك إباحة تخيير من أسلم، وعنده أختان أو حريمتان، ومع ذلك أيضا: أننا قد أيقنا أنه قد كان في صدر الإسلام: إذا نام الرجل في ليل رمضان، حرم عليه الوطء والأكل والشرب، ثم نسخ ذلك وجاء حديث أبي هريرة عن الفضل

[55] **Translator's note (L1422):** The comparison beginning 'there is no difference' contains an apparent duplicated or disordered phrase in the supplied Arabic. Its repetition has been retained.

[56] **Translator's note (L1424):** The quoted prohibition names waterskins (الأسقية). This wording has been retained; it appears anomalous in relation to the familiar reports about prohibiting the steeping of beverages in particular other vessels.

[57] **Translator's note (L1426):** The supplied Arabic reads ولكننا, literally 'but we,' where the argument appears to require 'and we would be' or 'we would have been.' The translation follows the surrounding conditional argument; the wording may be corrupt.

[58] **Qur'an references (L1422):** Qur'an 5:3 (Al-Ma'idah).

her daughter, after the revelation of the prohibition of all this, would be disobedient to Allah, Mighty and Majestic, and would be performing an act not sanctioned by His command, so it is rejected. All of that action of his is therefore rejected, and that marriage contract of his is invalid, annulled, dissolved, and wholly without effect. It is thereby established that the option of choosing has been removed, and that it applied only to those who married more than four before that was prohibited. Furthermore, even if it were established that someone who, while an unbeliever, newly contracted marriage with five women after the prohibition of that had arrived was to be given a choice, this would not entail permission to give a choice to someone who embraced Islam while married to two sisters or two women whose concurrent marriage to him was prohibited. Moreover, we also know with certainty that in the early period of Islam, if a man slept during a night of Ramadan, sexual intercourse, eating, and drinking became forbidden to him. That was subsequently abrogated. Then came the hadith of Abu Hurayrah, from al-Fadl ibn Abbas, from the Prophet, may Allah bless him and grant him peace ﷺ, that whoever is overtaken by morning while in a state of major ritual impurity has broken his fast. This hadith accorded with that abrogated state of affairs. We know with certainty that it was removed and that sexual intercourse was permitted until the appearance of dawn became clear. There is therefore no way to return to the prohibition of sexual intercourse except through an explicit clarification. Another instance is that we know with certainty that making a bequest was not obligatory for a period in the early days of Islam. Then we know with certainty that the obligation to make a bequest for parents and close relatives was revealed. Then came the hadith of Imran ibn al-Husayn concerning the six slaves. This hadith accorded with the removed state of affairs in which a person was not obliged to make a bequest for his parents and close relatives. We therefore could not use it to remove the ruling of the verse that we know with certainty abrogated the first state, nor could we return to a state that we know with certainty was forbidden to us, except through an explicit text establishing that this hadith came after the revelation of the verse and that those slaves were not relatives of the person who bequeathed their emancipation. Nor is there any way of ever finding a clarification establishing that. Success is through Allah Most High. It is

بن عباس عن النبي صلى الله عليه وسلم بأن من أدركه الصبح وهو جنب فقد أفطر فكان هذه الحديث موافقا لتلك الحال المنسوخة، وقد أيقنا برفعها وبإباحة الوطء إلى تبين طلوع الفجر، فلا سبيل إلى الرجوع إلى حظر الوطء إلا ببيان جلي. ومن ذلك أننا قد أيقنا بأن الوصية لم تكن مدة من صدر الإسلام فرضا، ثم أيقنا نزول وجوب الوصية للوالدين والأقربين، ثم جاء حديث عمران بن الحصين في الستة الأعبد، فكان هذا الحديث موافقا للحال المرفوعة من ألا يلزم المرء أن يوصي لوالديه وأقربيه فلم يجز لنا أن نرفع به حكم الآية التي أيقنا أنها ناسخة للحال الأولى، ولا جاز لنا أن نرجع إلى حالة قد أيقنا أنها حظرت علينا إلا بنص جلي. إن هذا الحديث كان بعد نزول الآية، وبأن أولئك الأعبد لم يكونوا أقارب الموصي بعتقهم، ولا سبيل إلى وجود بيان بذلك أبدا، وبالله تعالى التوفيق. فصح أن كل ما كان في معنى الحال المتقدمة من إباحة ترك الوصية للوالدين والأقربين منسوخ بيقين، ولم يصح أنه عاد بعد أن نسخ، ولا يحل الحكم بالظنون،

thus established that everything corresponding to the earlier state of affairs, in which omitting a bequest for parents and close relatives was permitted, is certainly abrogated. It has not been established that it returned after being abrogated, and issuing rulings on the basis of conjectures is impermissible.[59]

L1430–1434 Furthermore, some Arabs owned their relatives as slaves, and indeed Harasa was the brother of ʿAntara, and Shaddad acknowledged ʿAntara as his son, while Harasa was his brother's slave. Among the women of the Companions, may Allah be pleased with them, there was also one whom her paternal uncle, her father's brother, sold: she was the mother of a child borne to her master, Abu al-Yasar al-Ansari. Abu Muhammed said: Whoever considers it permissible to abandon the certainty established by the aforementioned verse by saying, "Perhaps the report of ʿImran concerning the six slaves abrogated it," should accept from the followers of Abu Hanifa their statement, "Perhaps the ruling concerning sales of fresh dates on the palms in exchange for dried dates was abrogated by the prohibition of exchanging fresh produce on the trees for a measured quantity of dried produce," and their statement, "Perhaps retaliation by other means was abrogated by the prohibition of mutilation." Let them also adopt the position of those who prohibit wiping over leather socks and say, "Perhaps that was abrogated by the verse concerning ablution in al-Maʾida." Let them adopt Ibn ʿAbbas's position permitting one dirham in exchange for two dirhams and say, "Perhaps the prohibition of that was abrogated by his statement ﷺ, 'Usury lies only in deferment.'" Let them adopt ʿUthman al-Batti's position abolishing the liability of the kinship group responsible for blood money, and say, "Perhaps the ruling concerning the kinship group responsible for blood money was abrogated by His statement, exalted is He: {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 concerning that over which you used to differ.} {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 bur-

[59] **Translator's note (L1428):** حريمتان denotes two women whose concurrent marriage to the same man is prohibited; the precise relationship between them is not specified.

وأيضا فقد ملك قوم من العرب أقاربهم، وقد كان هراسة أخا عنترة، واستلحف شداد عنترة، وكان هراسة عبدا لأخيه، وقد كان في نساء الصحابة رضي الله عنهم من باعها عمها أخو أبيها، وهي أم ولد أبي اليسر الأنصاري. قال أبو محمد: ومن استجاز أن يترك اليقين من الآية المذكورة، بأن يقول: لعل حديث عمران في الأعبد الستة نسخها، فليقنعوا من أصحاب أبي حنيفة بقولهم: لعل حكم العرايا نسخ بالنهي عن المزابنة، وبقولهم: لعل القصاص بغير نسخ بالنهي عن المثلة، وليقولوا بقول من منع أن يمسح على الخفين، وقال: لعل ذلك نسخ بآية الوضوء التي بالمائدة، وليأخذوا بقول ابن عباس في إباحة الدرهم بالدرهمين، ويقولوا: لعل النهي عن ذلك نسخ بقوله عليه السلام: إنما الربا في النسيئة وليأخذوا بقول عثمان البتي في إبطال العاقلة، ويقولوا: لعل حكم العاقلة نسخ بقوله تعالى {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} {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} وليبطلوا السلم ويقولوا: لعله نسخ بنهيه عليه السلام عن بيع ما ليس عندك، ويستحلوا أكل الحمير والسباع ويقولوا: لعل النهي عنها منسوخ بقوله تعالى {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} فإن أبوا من كل ما ذكرنا، وقالوا: لا نقول في شيء من ذلك إنه منسوخ إلا بيقين فكذلك يلزمهم أن يقولوا أيضا بقول ابن عباس: إن الآية القصرى نسخت الآية الطولى فيوجبوا خلود القاتل من المسلمين في

den. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.}" Let them invalidate sales with advance payment for deferred delivery and say, "Perhaps they were abrogated by his prohibition ﷺ of selling what you do not have." Let them deem it lawful to eat donkeys and predatory beasts, and say, "Perhaps the prohibition of them was abrogated by His statement, exalted is He: {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 concerning that over which you used to differ.}" If they reject everything we have mentioned and say, "We do not say that any of that is abrogated except with certainty," then, by the same reasoning, they must also adopt Ibn ʿAbbas's statement that the shorter verse abrogated the longer verse, and consequently hold that a murderer among the Muslims will remain in the fire of Hell forever. If they refuse, the same consequence binds them concerning the verse on bequests, without any distinction. The same applies to anyone who says, concerning Salim's being breastfed, that since it was connected with adoption, and adoption was abrogated, the ruling attached to it became invalid through its invalidation, and whenever a cause becomes invalid, its effect undoubtedly becomes invalid. This too is an error, because no text, consensus, or directly observed necessity has established that this ruling is restricted specifically to adoption alone. Rather, it is general according to its apparent meaning, and it is impermissible to restrict its general scope by an assertion unsupported by a text or consensus. These, then, are the four ways: there is never any way to know that a verse or report has been abrogated except through them—either a consensus established with certainty; or a chronology establishing that one of the two provisions came after the other, together with an inability to apply both provisions; or an explicit text stating that this provision abrogates the first, and a command that we abandon it; or certainty that a particular condition has been changed, in which case this constitutes a change for everything corresponding to that condition, always and without doubt. Whoever claims abrogation by a means other than these four has fabricated a tremendous sin and committed manifest disobedience. Success comes through Allah, exalted is He. Among the things whose abrogation is made clear by an explicit text is

نار جهنم أبدا، فإن أبوا ألزمهم مثل ذلك في آية الوصية ولا فرق. وكذلك القول فيمن قال في رضاع سالم، فإنه لما كان مرتبطا بالتبني وكان التبني منسوخا، بطل حكم التعلق به لبطلانه، وكل سبب بطل فإن مسببه يبطل بلا شك، فإن هذا أيضا خطأ، لأنه لم يأت نص ولا إجماع ولا ضرورة مشاهدة بأن هذا الحكم مخصوص به التبني فقط، بل هو عموم على ظاهره ولا يجوز تخصيصه بالدعوى بلا نص ولا إجماع. فهذه الوجوه الأربعة لا سبيل إلى أن يعلم نسخ آية أو حديث بغيرها أبدا، إما إجماع متيقن، وإما تاريخ بتأخر أحد الأمرين عن الآخر مع عدم القوة على استعمال الأمرين، وإما نص بأن هذا الأمر ناسخ للأول وأمر نتركه، وإما يقين لنقل حال ما فهو نقلي لكل ما وافق تلك الحال أبدا بلا شك. فمن ادعى نسخا بوجه غير هذه الوجوه الأربعة فقد افترى إثما عظيما وعصى عصيانا ظاهرا، وبالله تعالى التوفيق. فمما تبين بالنص أنه منسوخ قوله تعالى: {وكذلك جعلناكم أمة وسطا لتكونوا شهدآء على لناس ويكون لرسول عليكم شهيدا وما جعلنا لقبلة لتي كنت عليهآ إلا لنعلم من يتبع لرسول ممن ينقلب على عقبيه وإن كانت لكبيرة إلا على لذين هدى لله وما كان لله ليضيع إيمانكم إن لله بلناس لرءوف رحيم} ثم قال تعالى {قد نرى تقلب وجهك في لسمآء فلنولينك قبلة ترضاها فول وجهك شطر لمسجد لحرام وحيث ما كنتم فولوا وجوهكم شطره وإن لذين أوتوا لكتاب ليعلمون أنه لحق من ربهم وما لله بغافل عما يعملون} فهذا تأخير لائح أن القبلة التي كانت قبل هذه منسوخة وأن التوجه إلى الكعبة كان بعد تلك القبلة. وهذا أيضا له إجماع، ومثل قوله تعالى {فمن تاب من بعد ظلمه وأصلح فإن لله يتوب عليه إن لله غفور رحيم} فنسخ بذلك النهي عن الوطء في ليل رمضان ومثل قوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا

His statement, exalted is He: {Thus We have made you a middle community, so that you may be witnesses over humankind and the Messenger may be a witness over you. We appointed the direction of prayer that you formerly faced only so that We might know who follows the Messenger from him who turns back on his heels. It was indeed burdensome except for those whom Allah guided. Allah would never let your faith go to waste. Indeed, Allah is compassionate and merciful toward humankind.} Then He said, exalted is He: {We have indeed seen the turning of your face toward heaven, so We shall surely turn you toward a direction of prayer that pleases you. Turn your face toward the Sacred Mosque; wherever you are, turn your faces toward it. Indeed, those who were given the Scripture know that it is the truth from their Lord. Allah is not heedless of what they do.} This is a clear indication of chronological succession: the direction of prayer preceding this one was abrogated, and facing the Kaʿba came after that direction of prayer. There is also consensus concerning this. Another example is His statement, exalted is He: {Whoever repents after his wrongdoing and makes amends—Allah will indeed turn toward him in acceptance of repentance. Indeed, Allah is forgiving and merciful.} By this, the prohibition of intercourse during the nights of Ramadan was abrogated. Another example is His statement, exalted is He: {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 must fast it; whoever is ill or on a journey must fast a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks.} By it He abrogated His statement, exalted is He: {A limited number of days. Whoever among you is ill or on a journey must fast a number of other days. For those who are able to bear it, there is a ransom: feeding a needy person. Whoever voluntarily does good, it is better for him; and that you fast is better for you, if you know.} This is a transmission traced to the Prophet ﷺ, by consensus—meaning the abrogation of the permission to refrain from fasting and to provide food, changing fasting from a recommended act to an obligation. Another example is the abrogation of standing in prayer at night: through

يريد بكم لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} نسخ به قوله تعالى: {أياما معدودات فمن كان منكم مريضا أو على سفر فعدة من أيام أخر وعلى لذين يطيقونه فدية طعام مسكين فمن تطوع خيرا فهو خير له وأن تصوموا خير لكم إن كنتم تعلمون} وهذا نقل مسند إلى النبي صلى الله عليه وسلم بإجماع يعني نسخ إباحة الفطر والإطعام من ندب إلى فرض ومثل نسخ قيام الليل، فإنه نسخ بالنص المنقول بإجماع من فرض إلى ندب

the transmitted explicit text, by consensus, it was changed from an obligation to a recommended act.[606162]

L1435–1445 Abu Muhammed said: Some people have claimed concerning His statement, exalted is He: {Now Allah has lightened your burden and knows that there is weakness in you. If there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. Allah is with the steadfast,} that it abrogates His statement, exalted is He: {O Prophet, urge the believers to fight. If there are twenty steadfast among you, they will overcome two hundred; and if there are a hundred among you, they will overcome a thousand of those who disbelieve, because they are a people who do not understand.} Abu Muhammed said: This is an error, because there is no consensus on it, nor is there any explicit indication of abrogation in it. In our view, there is no abrogation in these verses at all. They merely impose the obligation of going forth to confront the polytheists. Once the encounter

قال أبو محمد وقد ادعى قوم في قوله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} إنه نسخ لقوله تعالى {يأيها لنبي حرض لمؤمنين على لقتال إن يكن منكم عشرون صابرون يغلبوا مئتين وإن يكن منكم مئة يغلبوا ألفا من لذين كفروا بأنهم قوم لا يفقهون} قال أبو محمد: وهذا خطأ لأنه ليس إجماعا، ولا فيه بيان نسخ، ولا نسخ عندنا في هذه الآيات أصلا، وإنما هي فرض البراز للمشركين وأما بعد اللقاء فلا يحل لواحد منا أن يولي دبره جميع من على وجه الأرض من المشركين إلا متحرفا لقتال أو متحيزا إلى فئة على ما نبين في موضعه إن شاء الله تعالى أو من كان مريضا أو زمنا بقوله تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل والله غفور رحيم} فإن قالوا إن الضعيف القلب معذور لأنه دخل في جملة الضعفاء قيل لهم: هذا خطأ لأن من رضي أن يكون مع الخوالف لضعف قلبه، ملوم بالنص غير معذور، وأيضا فإن ضعف القلب قد نهينا عنه بقوله تعالى: {ولا تهنوا ولا تحزنوا وأنتم الأعلون إن كنتم مؤمنين} ولا يجوز أن يكون تعالى أراد وهن البدن، لأنه لا يستطاع دفعه أصلا والله تعالى لا يكلف إلا ما نطيق، وضعف القلب مقدور على دفعه ولو أراد الجبان أن يثبت لثبت، ولكنه آثر هواه والفرار على ما لا بد له من إدراكه من الموت الذي لا يعدو وقعه ولا يتقدم ولا يتأخر وهذا بين وبالله تعالى التوفيق. والعجب ممن يقول: إن هذه الآية مبيحة لهروب واحد أمام ثلاثة فليت شعري من أين وقع لهم ذلك؟ وهل في الآية التي ذكروا فرارا أو تولية دبر بوجه من الوجوه، أو إشارة إليه ودليل عليه؟ ما في الآية شيء من ذلك البتة، وإنما فيها أخبار عن الغلبة فقط، بشرط الصبر،

[60] **Translator's note (L1431):** The verb transcribed as istalḥafa is apparently corrupt; the translation follows the contextually likely reading istalḥaqa, meaning to acknowledge or claim someone as one's son. The phrase concerning retaliation contains the incomplete expression bi-ghayr, "by other …"; "by other means" preserves its indeterminate wording. The quotation corresponding to Quran 6:164 is repeated consecutively in the source; both occurrences are retained. The same quotation from Quran 6:164 is subsequently invoked concerning the consumption of donkeys and predatory beasts, although its supplied wording does not concern dietary prohibitions. This apparent quotation error is retained.

[61] **Translator's note (L1434):** The wording translated as "and a command that we abandon it" is syntactically awkward in the transcription; it appears to refer to abandoning the first provision. The fourth means contains the awkward wording fa-huwa naqlī, literally "it is my transmission/change." The translation follows the surrounding argument about a change of legal condition extending to corresponding cases, but the precise reading is uncertain. The quotation beginning "Whoever repents after his wrongdoing" corresponds to Quran 5:39. Its attachment to the abrogation of the prohibition of nighttime intercourse in Ramadan appears to be a quotation error. The supplied quotation is translated without replacement. In the discussion of fasting, the compressed phrase "from a recommended act to an obligation" is rendered as referring to fasting itself; the preceding Arabic explicitly mentions the abrogation of permission to refrain from fasting and provide food.

[62] **Qur'an references (L1430):** Qur'an 6:164 (Al-An'am); Qur'an 2:143 (Al-Baqarah); Qur'an 2:144 (Al-Baqarah); Qur'an 5:39 (Al-Ma'idah); Qur'an 2:185 (Al-Baqarah); Qur'an 2:184 (Al-Baqarah).

has begun, however, it is not lawful for any one of us to turn his back on all the polytheists on the face of the earth, except when maneuvering for battle or moving to join a body of troops, as we shall explain in its proper place, if Allah, exalted is He, wills; or for someone who is ill or chronically incapacitated, in accordance with His statement, 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. Allah is forgiving and merciful.} If they say, "The fainthearted person is excused because he is included among the weak," they are to be told: This is an error, because anyone who is content to remain with those who stay behind because of his faintheartedness is censured by the explicit text, not excused. Furthermore, we have been forbidden faintheartedness by His statement, exalted is He: {Do not lose heart and do not grieve; you will have the upper hand, if you are believers.} It is impossible that He, exalted is He, intended bodily weakness, because it cannot be warded off at all, and Allah, exalted is He, imposes upon us only what we can bear. Faintheartedness, however, can be warded off. If the coward wished to stand firm, he would stand firm; but he preferred his own desire and flight to the death that must inevitably overtake him, whose appointed occurrence he cannot escape and which comes neither earlier nor later. This is clear, and success comes through Allah, exalted is He. Astonishing is the person who says that this verse permits one man to flee before three! I wish I knew where they obtained that. Does the verse they cite contain flight or turning one's back in any form, or any allusion to it or evidence for it? There is absolutely nothing of that in the verse. It contains only statements about overcoming the enemy, conditional upon steadfastness, and glad tidings of victory accompanied by firmness. Those who ought to feel the greatest shame at invoking these verses to permit flight from three are the proponents of analogy who argue against us by Allah's statement, exalted is He: {Among the People of the Scripture is one who, if you entrust him with a great weight of wealth, will return it to you; and among them is one who, if you entrust him with a dinar, will not return it to you unless you remain standing over him. That is because they say, "There is no ground for proceeding against us concerning the unlettered," and they knowingly speak

وتبشير بالنصر مع الثبات. ولقد كان ينبغي أن يكون أشد الناس حياء من الاحتجاج بهذه الآيات في إباحة الفرار عن ثلاثة: أصحاب القياس المحتجين علينا بقول الله تعالى {ومن أهل لكتاب من إن تأمنه بقنطار يؤده إليك ومنهم من إن تأمنه بدينار لا يؤده إليك إلا ما دمت عليه قآئما ذلك بأنهم قالوا ليس علينا في لأميين سبيل ويقولون على الله لكذب وهم يعلمون} ويقول لنا إن ما فوق القنطار بمنزلة القنطار، فهلا جعلوا ههنا ما فوق الاثنين، بمنزلة الاثنين ولكن هكذا يفعل الله بمن ركب ردعه واتبع هواه وأضرب عن الحقيقة جانبا. وأما نحن فلو رأينا في الآيات المذكورة ذكر إباحة فرار لقلنا به، ولسلمنا لأمر ربنا، ولكنا لم نجد فيها لإباحة الفرار أثرا ولا دليلا بوجه من الوجوه، وإنما وجدنا فيها أننا إن صبرنا غلب المائة منا المائتين، وصدق الله عز وجل، فليس في ذلك ما يمنع أن يكون أقل من مائة أو أكثر من مائة يغلبون العشرة آلاف منهم وأقل وأكثر كما قال تعالى {فلما فصل طالوت بلجنود قال إن لله مبتليكم بنهر فمن شرب منه فليس مني ومن لم يطعمه فإنه مني إلا من غترف غرفة بيده فشربوا منه إلا قليلا منهم فلما جاوزه هو ولذين آمنوا معه قالوا لا طاقة لنا ليوم بجالوت وجنوده قال لذين يظنون أنهم ملاقوا لله كم من فئة قليلة غلبت فئة كثيرة بإذن لله ولله مع لصابرين} وهكذا كله إخبار عن فعل الله تعالى ونصره عز وجل لمن صبر منا فتلك الآية التي فيها أن المائة منا تغلب المائتين، وهي إخبار عن بعض ما في الآية التي فيها أن المائة منا تغلب الألف، وهاتان الآيتان معا هما إخبار عن بعض ما في الآية التي فيها {فلما فصل طالوت بلجنود قال إن لله مبتليكم بنهر فمن شرب منه فليس مني ومن لم يطعمه فإنه مني إلا من غترف غرفة بيده فشربوا منه إلا قليلا منهم فلما جاوزه هو ولذين آمنوا معه قالوا لا طاقة لنا ليوم بجالوت وجنوده قال لذين يظنون أنهم ملاقوا لله كم من فئة قليلة غلبت فئة كثيرة بإذن لله ولله مع لصابرين} فلم يخص في هذه الآية عددا من عدد، بل عم عموما تاما. فإن قال قليل التحصيل:

فأي معنى لتكرار ذلك وما فائدته؟. قيل له: قد ذكرنا الجواب عن هذا الفضول من السؤال السخيف، في باب دليل الخطاب من ديواننا هذا، ولكن لا بد من إيراد بعض ذلك، لورود هذا السؤال فيقول وبالله تعالى التوفيق: هذا اعتراض منك على الله عز وجل. والمعنى في ذلك والفائدة كالمعنى والفائدة في تكرار قصة موسى عليه السلام في عدة مواضع بعضها أتم في الخبر من بعض، وبعضها مساو لبعض، وكما كرر تعالى العنب والرمان والنخل بعد ذكر الفاكهة، وكما كرر تعالى: وأقيموا الصلاة والصلاة الوسطى، بعد ذكر المحافظة على جميع الصلوات. وكما كرر تعالى: {فبأي آلاء ربكما تكذبان} في سورة واحدة إحدى وثلاثين مرة: ولم يكررها ثلاثين مرة، لا ثمانية وعشرين مرة. ولا كررها أيضا في غير تلك السورة، وكما أخبر تعالى في مكان بأنه رب السموات والأرض وما بينهما في مكان آخر بأنه رب الشعرى، ولم يذكر معها غيرها. ولا يسأل رب العالمين عما قال ولا ما فعل، وإنما علينا الإيمان بكل ما أتى من عند الله وقبوله كما هو، واعتقاده في موجبه ولا نتعداه، ولنا الأجر على الإقرار به، وعلى تلاوته، وعلى قبوله كما ذكرنا. فأي حظ أعظم من هذا الحظ المؤدي إلى الجنة وفوز الأبد، وهل يبتغي أكثر من هذا الأمر إلا من لا عقل له ولا يسأل الله عما يفعل إلا ملحد أو جاهل أو سخيف أو فاسق، لا بد من أحد هذه، وما فيها حظ لمختار فإن قال قائل فما معنى قول الله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} في الآيات المذكورات وما هذا التخفيف؟ وهو شيء قد خاطبنا الله تعالى به وامتن به علينا فلا بد من طلب معناه والوقوف على مقدار النعمة علينا في ذلك، وما هذا الشيء الذي خفف عنا، لنحمد الله تعالى عليه، ونعرف وجه الفضل علينا فيه. فالجواب وبالله تعالى التوفيق: إن هذا السؤال صحيح حسن، ووجه ذلك أن أول الآية يبين وجه النعمة عليه وموضع التخفيف وهو قوله تعالى {يأيها لنبي حرض

falsehood against Allah.} One of them tells us that anything exceeding that great weight of wealth has the same status as that weight. Why, then, did they not treat anything exceeding two here as having the same status as two? But this is how Allah deals with someone who plunges headlong, follows his desire, and turns aside from the truth. As for us, had we found in the aforementioned verses any mention of permission to flee, we would have affirmed it and submitted to the command of our Lord. But we found in them no trace or evidence whatsoever permitting flight. We found only that, if we remain steadfast, a hundred of us will overcome two hundred—and Allah, mighty and majestic, has spoken truly. There is nothing in that to preclude there being fewer than a hundred or more than a hundred who overcome ten thousand of them, or fewer or more, as He, exalted, said: "When Saul set out with the troops, he said: 'Allah will test you with a river. Whoever drinks from it is not of me, and whoever does not taste it is of me, except someone who scoops up a handful with his hand.' But they drank from it, except a few of them. When he and those who believed with him had crossed it, they said: 'We have no strength today against Goliath and his troops.' Those who thought that they would meet Allah said: 'How many a small company has overcome a large company by Allah's permission! And Allah is with the steadfast.'" All of this likewise reports Allah's action, exalted is He, and His granting victory, mighty and majestic is He, to those of us who remain steadfast. Thus, the verse stating that a hundred of us will overcome two hundred reports part of what is contained in the verse stating that a hundred of us will overcome a thousand. Both these verses together report part of what is contained in the verse: "When Saul set out with the troops, he said: 'Allah will test you with a river. Whoever drinks from it is not of me, and whoever does not taste it is of me, except someone who scoops up a handful with his hand.' But they drank from it, except a few of them. When he and those who believed with him had crossed it, they said: 'We have no strength today against Goliath and his troops.' Those who thought that they would meet Allah said: 'How many a small company has overcome a large company by Allah's permission! And Allah is with the steadfast.'" In this verse He did not single out one number to the exclusion of another; rather, He expressed an entirely unrestricted generality. If someone of little understanding says,

“What meaning does repeating this have, and what is its benefit?” he is told: We have already answered this superfluous, foolish questioning in the chapter on implication from the wording in this work of ours. Nevertheless, since this question has arisen, some of that must be presented here. Thus he says—and success is through Allah, exalted: This is an objection on your part to Allah, mighty and majestic. Its meaning and benefit are like the meaning and benefit of repeating the account of Moses, peace be upon him, in several places, some giving a fuller account than others, and some being equal to others; and as He, exalted, repeated grapes, pomegranates, and date palms after mentioning fruit; and as He, exalted, repeated “Establish prayer” and “the middle prayer” after mentioning maintaining all the prayers; and as He, exalted, repeated “Which, then, of your Lord’s favors do you two deny?” thirty-one times within a single surah, and did not repeat it thirty times or twenty-eight times, nor did He repeat it in any other surah; and as He, exalted, declared in one place that He is the Lord of the heavens and the earth and what lies between them, and in another place that He is the Lord of Sirius, without mentioning anything else alongside it. The Lord of all worlds is not to be questioned about what He has said or what He has done. Our obligation is only to have faith in everything that has come from Allah, to accept it as it is, to hold as our belief what it entails, and not to go beyond it. We receive reward for affirming it, for reciting it, and for accepting it as we have described. What share could be greater than this share, which leads to Paradise and everlasting triumph? Would anyone seek more than this except someone devoid of reason? No one questions Allah about what He does except a heretic, an ignorant person, a fool, or a sinner: he must be one of these, and none of these offers a desirable share to anyone making a choice. If someone says, “Then what is the meaning of Allah’s statement, exalted is He: ‘Now Allah has lightened your burden, and He knows that there is weakness in you. So if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah’s permission. And Allah is with the steadfast,’ in the aforementioned verses? What is this lightening? It is something with which Allah, exalted, has addressed us and which He has bestowed upon us as a favor. We must therefore seek its meaning and ascertain

لمؤمنين على لقتال إن يكن منكم عشرون صابرون يغلبوا مئتين وإن يكن منكم مئة يغلبوا ألفا من لذين كفروا بأنهم قوم لا يفقهون} فكان في هذه الآية التحريض لنا على قتالهم، وإيجاب نهوضنا إليهم وهجومنا على ديارهم، ونحن في عشر عددهم، هذا هو ظاهر الآية ومفهومها الذي لا يفهم منها أحد غير ذلك ثم خفف عنا تعالى ذلك وجعلنا في سنة من ترك التعرض للقصد إلى محالهم، إذا كان المقاتلون من الجهة المقصودة أكثر من ضعيفنا، وكنا بالآية الأولى في حرج إن لم نغزهم ونحن في عشر عددهم، فنحن الآن في حرج إن لم نقصدهم إذا كان المقاتلون من الجهة المقصودة مثلينا فأقل، فإن كانوا ثلاثة أمثالنا فصاعدا فنحن في سعة من أن لا نقصدهم ما لم ينزلوا بنا، وما لم يستنفر الإمام أو أميره، إلا أن نختار النهوض إليهم وهم في أضعاف عددنا. فأي هذه الوجوه الثلاثة كان قد حرم علينا الفرار جملة، ولو أنهم جميع أهل الأرض والملاقي لهم مسلم واحد فصاعدا، فهذا هو وجه التخفيف. وبهذا تتآلف الآيات المذكورة مع قوله تعالى: {ومن يولهم يومئذ دبره إلا متحرفا لقتال أو متحيزا إلى فئة فقد بآء بغضب من لله ومأواه جهنم وبئس لمصير} ومع قول رسول الله صلى الله عليه وسلم فإذا استنفرتم فانفروا ومع إجماع الأمة على أنه إذا نزل العدو ساحتنا، ففرض علينا الكفاح والدفاع وأيضا فقول الله عز وجل {لآن خفف لله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن لله ولله مع لصابرين} يبين وجه التخفيف وانما هو عمن فيه ضعف فقط، فصار هذا التخفيف إنما هو عن الضعفاء فقط كقوله تعالى {لا يستوي لقاعدون من لمؤمنين غير أولي لضرر ولمجاهدون في سبيل لله بأموالهم وأنفسهم فضل لله لمجاهدين بأموالهم وأنفسهم على لقاعدين درجة وكلا وعد لله لحسنى وفضل لله لمجاهدين على لقاعدين أجرا عظيما} وكقوله 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}

the extent of the blessing bestowed upon us in it. What is this thing whose burden has been lightened for us, so that we may praise Allah, exalted, for it and recognize the nature of His favor toward us in it?" The answer—and success is through Allah, exalted—is that this question is sound and good. The explanation is that the beginning of the verse makes clear the nature of the blessing upon him and the point at which the burden is lightened, namely His statement, exalted is He: "O Prophet, urge the believers to fight. If there are twenty steadfast among you, they will overcome two hundred; and if there are a hundred among you, they will overcome a thousand of those who disbelieve, because they are a people who do not understand." This verse thus urged us to fight them and made it obligatory for us to advance against them and attack their lands while we numbered one-tenth of their number. This is the verse's apparent meaning and its understood import; no one understands anything else from it. Then He, exalted, lightened that burden for us and placed us under a practice of refraining from undertaking an advance against their settlements when the fighting men on the side to be attacked exceed twice our number. Under the first verse we incurred blame if we did not campaign against them while numbering one-tenth of their number. Now we incur blame if we do not advance against them when the fighting men on the side to be attacked number twice our number or fewer. If they number three times our number or more, we have latitude not to advance against them, provided that they do not descend upon us and that the imam or his commander does not call us to arms—unless we choose to advance against them when they number many times our number. Whichever of these three circumstances obtains, flight has been absolutely forbidden to us, even if they comprise all the people of the earth and the Muslims facing them number only one or more. This, then, is the nature of the lightening. In this way the aforementioned verses accord with His statement, exalted is He: "Whoever turns his back to them on that day, unless maneuvering for battle or joining another company, has incurred wrath from Allah, and his refuge is Hell—an evil destination"; with the statement of the Messenger of Allah ﷺ, "When you are called to arms, go forth"; and with the community's consensus that, when the enemy descends upon our territory, direct combat and defense become obligatory for us. Furthermore, the statement of Allah,

mighty and majestic, "Now Allah has lightened your burden, and He knows that there is weakness in you. So if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. And Allah is with the steadfast," makes clear the nature of the lightening: it applies only to those in whom there is weakness. Thus this lightening applies only to the weak, as in His statement, exalted is He: "Those believers who remain behind, other than those with disabilities, are not equal to those who strive in Allah's path with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain behind by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain behind with an immense reward"; and as in His statement, exalted is He: "No blame rests 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."[63][64][65][66][67][68]

L1446 An instance of abrogation made clear by the text is the statement of the Messenger of Allah ﷺ, transmitted by consensus: "There is no bequest for an heir." By this he abrogated the bequest for parents and close relatives who inherit, while the children and close relatives who do not inherit remained subject to the binding obligation that a bequest be made for them. Abu

ومن النسخ الذي بينه النص قول رسول الله صلى الله عليه وسلم المنقول بالإجماع لا وصية لوارث فنسخ بذلك الوصية للوالدين والأقربين الذين يرثون، وبقي الولدان والأقربون الذين لا يرثون على وجوب فرض الوصية لهم. قال أبو محمد: وقد بينا في كتابنا هذا في باب الكلام في الأخبار المأثورة عن النبي صلى الله عليه وسلم في فصل أفردناه للكلام فيما ادعاه قوم من تعارض الأخبار كلاما استغنينا عن تكراره ههنا، فيه بيان غلط قوم فيما ظنوه نسخا وليس بنسخ، ولكن اكتفينا بأن نبهنا عليه ههنا لأنه لا غنى بمزيد معرفة فقه النسخ عنه وبالله تعالى التوفيق

[63] **Translator's note (L1438):** The idiom rakiba radʿahu is unusual and potentially uncertain in this transcription; it is rendered contextually as "plunges headlong."

[64] **Translator's note (L1440):** "Implication from the wording" renders dalīl al-khiṭāb, the legal-theoretical term commonly used for an implication drawn from what a statement leaves unexpressed. The supplied text reads "Thus he says," although the surrounding first-person exposition would more naturally suggest "Thus we say." The supplied reading is retained.

[65] **Translator's note (L1441):** The reference to "Establish prayer" appears incongruous here: the sentence continues with mention of maintaining all the prayers, apparently referring to Quran 2:238, whose wording does not include "Establish prayer." The supplied wording is retained.

[66] **Translator's note (L1443):** The text says "the blessing upon him," although the surrounding discussion concerns the blessing upon "us." The pronoun is retained as supplied.

[67] **Translator's note (L1444):** The opening reads fī sunnatin, literally "under a practice," which is awkward in context. A reading meaning "in a position of latitude" would fit the argument, but the supplied wording is retained. The supplied form ḍaʿīfaynā is irregular in this construction. "Twice our number" follows the numerical argument explicitly developed in the subsequent sentences.

[68] **Qur'an references (L1435):** Qur'an 8:66 (Al-Anfal); Qur'an 8:65 (Al-Anfal); Qur'an 9:91 (At-Tawbah); Qur'an 3:139 (Ali 'Imran); Qur'an 3:75 (Ali 'Imran); Qur'an 2:249 (Al-Baqarah); 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 8:16 (Al-Anfal).

Muhammed said: In this book of ours, in the chapter discussing reports transmitted from the Prophet ﷺ, in a section we devoted to discussing what some people have claimed to be contradictions between reports, we have already given an explanation that makes its repetition here unnecessary. It explains the error of some people concerning what they supposed to be abrogation, although it is not abrogation. We have contented ourselves with drawing attention to it here, because anyone seeking greater knowledge of the jurisprudence of abrogation cannot dispense with it. And success is through Allah, exalted.[69]

L1447–1448 Section: It Does Not Matter That the Abrogated Verse Comes Earlier in the Arrangement

Abu Muhammed said: It does not matter that, in the arrangement of the written codex, in writing and recitation, the abrogated verse comes earlier, at the beginning of the surah or in a surah earlier in the arrangement, while the verse abrogating it occurs within the surah or in a surah later in the arrangement. For the verses and surahs of the Quran were not arranged according to their revelation, but as the Possessor of Majesty and Honor willed—He who revealed it, there is no deity but Allah, and arranged it, who entrusted its arrangement to no one other than Himself. The first of the Quran to be revealed was, "Read in the name of your Lord who created," then, "O you who are wrapped up." Both occur late, near the end of the written codex, in writing and recitation. The last to be revealed was the verse concerning a person leaving neither parent nor child, in Surat al-Nisa', and Surat Bara'ah; both occur toward the beginning of the written codex, in writing and recitation. Thus, in identifying what abrogates and what is abrogated, it is absolutely impermissible to take account of the order of compilation. Allah abrogated His words, exalted is He, "Those of you who die and leave wives behind: a bequest for their wives, provision for a year

[69] **Translator's note (L1446):** The supplied text has al-wildān, "the children," where the preceding reference to parents suggests that al-wālidān, "the parents," may have been intended. "Children" preserves the supplied wording. The expression translated "anyone seeking greater knowledge" is grammatically awkward as supplied; its contextual sense has been rendered without changing the legal argument.

فصل لا يضر كون الآية المنسوخة متقدمة في الترتيب قال أبو محمد ولا يضر كون الآية المنسوخة في ترتيب المصحف في الخط والتلاوة متقدمة في أول السورة أو في سورة متقدمة في الترتيب. وتكون الناسخة لها في السورة أو في سورة متأخرة في الترتيب، لأن القرآن لم ترتب آياته وسوره على حسب نزول ذلك، لكن كما شاء ذو الجلال والإكرام منزله. لا إله إلا الله. ومرتبه الذي لم يكل ترتيبه إلى أحد دونه فأول ما نزل من القرآن {} قرأ بسم ربك لذي خلق ثم {يأيها لمدثر} وهما متأخرتان قرب آخر المصحف في الخط والتلاوة، وآخر ما نزل آية الكلالة في سورة النساء، وسورة براءة، وهما في صدر المصحف في الخط والتلاوة، فلا يجوز مراعاة رتبة التأليف في معرفة الناسخ والمنسوخ البتة وقد نسخ الله قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا وصية لأزواجهم متاعا إلى لحول غير إخراج فإن خرجن فلا جناح عليكم في ما فعلن في أنفسهن من معروف ولله عزيز حكيم} بقوله 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} بإجماع الأمة كلها والناسخة في المصحف في الخط والتلاوة والترتيب والتأليف قبل المنسوخة وفي هذا كفاية وبالله تعالى التوفيق

without their being turned out. But if they leave, there is no blame upon you for whatever they do with themselves in an honorable manner. Allah is Mighty, Wise," by His words, exalted is He, "Those of you who die and leave wives behind: they shall wait by themselves for four months and ten. Then, when they have reached the end of their term, there is no blame upon you for whatever they do with themselves in an honorable manner. Allah is fully aware of what you do," by the consensus of the entire community. Yet the abrogating verse precedes the abrogated verse in the written codex, in writing, recitation, arrangement, and compilation. This is sufficient, and success comes through Allah, exalted is He.[70][71]

L1449 **[Section on Abrogating the Less Burdensome by the More Burdensome and the More Burdensome by the Less Burdensome][72]**

L1450–1461 Some of our companions and others have said: It is impermissible to abrogate the less burdensome by the more burdensome. Abu Muhammed said: Those who say this have erred. It is permissible to abrogate the less burdensome by the more burdensome, and the more burdensome by the less burdensome, and a thing by its equivalent. Allah does whatever He wills and is not questioned about what He does. If someone adduces as evidence Allah's words, exalted is He, "The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks"; and His

[70] **Translator's note (L1447):** The opening Quranic quotation is transcribed with empty braces followed by قرأ rather than the expected اقرأ, "Read." Its intended wording is clear, but the transcription is defective. Throughout these quotations, numerous initial alifs are also missing. "The verse concerning a person leaving neither parent nor child" renders آية الكلالة, referring to the inheritance verse concerning kalalah.

[71] **Qur'an references (L1447):** Qur'an 2:240 (Al-Baqarah); Qur'an 2:234 (Al-Baqarah).

[72] **Translator's note (L1449):** The heading is enclosed in square brackets in the supplied text, possibly indicating an editorially supplied heading.

[فصل في نسخ الأخف بالأثقل والأثقل بالأخف]

قال قوم من أصحابنا ومن غيرهم لا يجوز نسخ الأخف بالأثقل. قال أبو محمد: وقد أخطأ هؤلاء القائلون. وجائز نسخ الأخف بالأثقل والأثقل بالأخف، والشيء بمثله، ويفعل الله ما يشاء ولا يسأل عما يفعل، وإن احتج محتج بقوله الله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} وبقوله تعالى {يريد لله أن يخفف عنكم وخلق لإنسان ضعيفا} وبقوله تعالى {وجاهدوا في لله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} وبقوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم

words, exalted is He, “Allah desires to lighten your burden, and man was created weak”; and His words, exalted is He, “Strive for Allah with the striving due to Him. He has chosen you and has placed no constraint upon you in religion—the creed of your father Abraham. He named you Muslims before, and in this, so that the Messenger may be a witness over you and you may be witnesses over mankind. So establish prayer, give the obligatory alms, and hold fast to Allah. He is your Protector: how excellent a Protector and how excellent a Helper”; and His words, exalted is He, “The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”—none of that provides them with any proof. As for His words, exalted is He, “The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”; “Strive for Allah with the striving due to Him. He has chosen you and has placed no constraint upon you in religion—the creed of your father Abraham. He named you Muslims before, and in this, so that the Messenger may be a witness over you and you may be witnesses over mankind. So establish prayer, give the obligatory alms, and hold fast to Allah. He is your Protector: how excellent a Protector and how excellent a Helper”—yes indeed: Allah’s religion is entirely ease, while hardship and constraint are what cannot be borne; whatever can be borne is ease. As for His words, exalted is He, “Allah desires to lighten your burden, and man was created weak”—yes indeed. There is nothing light in the world that is not heavy in comparison with something lighter than it, and absolutely nothing heavy that is not light in comparison with something heavier than it. This is something known through sense perception and direct observation. No rational person doubts that the five prayers made obligatory upon us are less burdensome than fifty

لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} فلا حجة لهم في شيء من ذلك أما قوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد الله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} {وجاهدوا في الله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} فنعم دين الله كله يسر والعسر والحرج وهو ما لا يستطاع، إما ما استطيع فهو يسر وأما قوله تعالى {يريد الله أن يخفف عنكم وخلق لإنسان ضعيفا} فنعم ولا خفيف في العالم إلا وهو ثقيل بالإضافة إلى ما هو أخف منه، ولا ثقيل البتة إلا وهو خفيف بالإضافة إلى ما هو أثقل منه، هذا أمر يعلم حسا ومشاهدة، ولا يشك ذو عقل أن الصلوات الخمس المفروضة علينا أخف من خمسين صلاة، وأنها لو كانت صلاة واحدة كانت أخف علينا من الخمس، وقد خفف الله تعالى عن المسافر فجعلها ركعتين وعن الخائف فجعلها ركعة واحدة، ولو شاء ألا يكلفنا صلاة أصلا لكان أخف بلا شك. وقد نص الله تعالى في الصلاة على أنها كبيرة إلا على الخاشعين، ولا يشك ذو عقل وحس أن صيام شهر أخف من صيام عام، وأن صيام ساعة أخف من صيام يوم، فكل ما كلفنا الله تعالى فهو يسر وتخفيف بالإضافة إلى ما هو أشد مما حمله من كان قبلنا، كما قال الله تعالى آمرا لنا أن ندعوه فنقول {لا يكلف لله 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} وكما نص تعالى أنه وضع بنبيه صلى الله عليه وسلم الإصر الذي كان عليهم والأغلال التي كانوا يطوقونها

prayers, and that, had they been a single prayer, it would have been less burdensome for us than the five. Allah, exalted is He, has lightened the burden for the traveler by making it two units of prayer, and for the person in fear by making it one unit of prayer. Had He willed to impose no prayer upon us at all, that would undoubtedly have been less burdensome. Allah, exalted is He, has expressly stated concerning prayer that it is indeed burdensome except for the humble. No one possessing reason and sense perception doubts that fasting for a month is less burdensome than fasting for a year, and that fasting for an hour is less burdensome than fasting for a day. Thus everything Allah, exalted is He, has imposed upon us is ease and a lightening of the burden in comparison with the more severe obligations borne by those before us, as Allah, exalted is He, said, commanding us to supplicate Him and say: "Allah imposes upon no soul beyond its capacity. It shall have what it has earned, and bear what it has incurred. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not impose upon us 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." Likewise, He, exalted is He, expressly stated that through His Prophet, may Allah bless him and grant him peace ﷺ, He removed the burden that had been upon them and the shackles with which they had been encircled, when He said, exalted is He: "Those who follow the Messenger, the unlettered Prophet whom they find written down with them in the Torah and the Gospel, who commands them to what is right and forbids them what is wrong, makes good things lawful for them and foul things unlawful for them, and removes from them 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." This is ease itself, the very lightening of burdens and removal of constraint. How can what has been imposed upon us compare with what was imposed upon some of Moses' people: killing themselves with their own hands? Everything imposed upon us becomes easy beside this. Likewise, what is found in the laws of the Jews, that whoever passes over a dead body becomes impure for a day, until nightfall, and all the other burdensome things imposed upon them and things forbidden to them—all of

إذ يقول 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 والأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فهذا هو عين اليسر وعين التخفيف وإسقاط الحرج، وأين يقع ما كلفناه نحن مما كلفه بعض قوم موسى، من قتل أنفسهم بأيديهم، فكل شيء كلفناه يهون عند هذا، وكذلك ما في شرائع اليهود من أنه من خطر على ميت تنجس يوما إلى الليل، وسائر الثقائل التي كلفوا وحرم عليهم، وخفف عنا ذلك كله. ولله الحمد والمنة. وأما قوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} فإنما معناه بخير منها لكم، وكلام الله لا يتفاضل في ذاته، فمعناه أكثر أجرا. ولو احتج بهذه الآية من يستجيز أن يقول: لا ننسخ الأخف إلا بالأثقل لكنا أقوى شغبا ممن خالفه، لأنه لا خلاف أن الأثقل فاعله أعظم أجرا وقد قال عليه السلام لعائشة في العمرة: هي على قدر نصبك ونفقتك كانت الناسخة أعظم أجرا، فلا يكون ذلك إلا لثقلها، فهذه الآية عليهم لا لهم فسقط احتجاجهم بكل ما شغبوا به. ثم نقول: إن من قال: إن الله تعالى إنما يلزمنا أخف الأشياء: فإنه يلزمه إسقاط الشرائع كلها، لأنها كلها ثقال بالإضافة إلى ترك عملها، والاقتصار على عمل جزء من كل عمل منها، وهذا شيء يعلم بالحس والمشاهدة. فصار قول من خالفنا مؤديا إلى الخروج عن الإسلام جملة ولا عمل في الدنيا إلا وفيه كلفة ومشقة. وقد قال الشاعر: هل الولد المحبوب إلا تعلة وهل خلوة الحسناء إلا أذى البعل وفي الأكل والشرب مشقة، فلو أن الإنسان يصل إلى ذوق الطعوم المستطابة والشبع، دون تكلف تناول ومضغ وبلع، لكان أخف عليه وأقل مشقة وأيسر غررا، فرب مختنق بأكله كان في ذلك حتفه، أو الإشراف على الحتف. ورب متأذ بما يدخل من ذلك في جوفه، وبما يدخل بين أضراسه، ومغث لمعدته فيتقيأ فيألم لذلك،

that has been lightened for us. To Allah belong praise and favor. As for His words, exalted is He, "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?"—its meaning is only: better than it for you. Allah's speech does not vary in excellence in its own essence, so its meaning is: greater in reward. If someone who deemed it permissible to say, "We abrogate the less burdensome only by the more burdensome," were to adduce this verse as evidence, we would be stronger in contentious argument than whoever disagreed with him, because there is no disagreement that the person who performs the more burdensome act receives a greater reward. He, peace be upon him ﷺ, said to Aishah concerning the lesser pilgrimage: "It is in proportion to your exertion and expenditure." The abrogating prescription was greater in reward, and that can only be because of its burdensomeness. Thus this verse counts against them, in their favor it does not; their appeal to everything with which they have raised contentious objections therefore collapses. We then say: Whoever says that Allah, exalted is He, imposes upon us only the least burdensome things must consequently dispense with all the prescribed laws, because they are all burdensome in comparison with refraining from performing them and restricting oneself to performing a portion of each prescribed act. This is something known through sense perception and direct observation. Thus the position of those who disagree with us leads to departing from Islam altogether. There is no act in this world without effort and hardship. The poet said: "Is the beloved child anything but a diversion? And is seclusion with a beautiful woman anything but the husband's suffering?" Eating and drinking involve hardship. If a person could experience pleasant flavors and satiety without undertaking the effort of taking up food, chewing, and swallowing, it would be less burdensome for him, involve less hardship, and entail less danger. Many a person has choked on his food, meeting his death thereby or coming close to death; and many a person has suffered harm from what enters his belly and what lodges between his molars and something that nauseates his stomach, so that he vomits and suffers pain from it; and something that soils his garment with what falls from his hand. Were we to trace the difficulty and hardship involved in pleasures, this would become very lengthy indeed. What, then, of the acts imposed as obligations?

ومن ملوث لثوبه بما يسقط من يده ولو تتبعنا ما في اللذات من عسر ومشقة لطال ذلك جدا، فكيف بالأعمال المكلفة. ولكن العسر والمشقة تتفاضل، فإنما رفع الله عز وجل عنا في بعض المواضع ما لا نطيق، وخفف تعالى في بعضها تخفيفا أكثر من تخفيف آخر. وقد جاء في الأثر: حفت الجنة بالمكاره فبطل بهذا الحديث نصا قول من قال: إن الله تعالى لا ينسخ الأخف بالأثقل. وصح أن الله تعالى يفعل ما يشاء فينسخ الأخف بالأثقل، والأثقل بالأخف، والشيء بمثله، والشيء بإسقاطه جملة، ويزيدنا شريعة من غير أن يخفف عنا أخرى لا معقب لحكمه ولا يسأل عما يفعل فإن اعترضوا بقوله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} فهذه حجة عليهم بينة لا محيد عنها، لأن التخفيف لا يكون إلا بعد تثقيل، فإذا ثقل علينا تعالى أولا فما الذي يمنع من أن يثقل علينا آخرا إن شاء. وقد كنا برهة خالين من ذلك التثقيل الأول ثم ثقلنا به، فما المانع من أن يعود علينا ثانية كما كان أولا وأن نزاد تثقيلا آخر أشد منه، ويكفي من هذا كله وجودنا ما لا سبيل لهم إلى دفع نسخه تعالى أشياء خفافا بأشياء ثقال. فمن ذلك نسخه تعالى صيام يوم عاشوراء بصيام شهر رمضان، ونسخ إباحة الإفطار في رمضان، وإطعام مساكين بدل ما يفطر من أيامه بوجوب صيامه فرضا على كل حاضر صحيح بالغ عاقل عالم بالشهر، ولزوم الصيام فيه، ونسخ سقوط الغسل عن الموجل العامد الذاكر لطهارته بإيجاب الغسل عليه، ونسخ تعالى إباحة الكلام للمصلي بعد أن كان حلالا بتحريمه، وقد كان الكلام فيها فيما ناب الإنسان أخف بلا شك، ونسخ تعالى سقوط فرض الجهاد وبيعة المسلمين لرسول الله صلى الله عليه وسلم على بيعة النساء بإيجاب القتال وحرم الخمر بعد إحلالها وقال تعالى {كل لطعام كان حلا لبني إسرائيل إلا ما حرم إسرائيل على نفسه من قبل أن تنزل التوراة قل فأتوا بلتوراة فتلوها إن كنتم صادقين} فصح أنه تعالى حرم عليهم

أشياء كانت لهم حلالا وقد كان المنسوخ من كل ما ذكرنا أخف من الناسخ بالحس والمشاهدة. وقد بين الله تعالى ذلك بإخباره أن في الخمر والميسر منافع للناس، فأبطل تعالى علينا تلك المنافع ولا يشك ذو عقل أن عدم المنفعة أثقل من وجودها. ونسخ تعالى الأذى والحبس عن الزواني والزناة والرجم والتغريب، ولا شك عند من له عقل أن الحجارة والسياط أثقل من السب والسجن. وقد اعترض بعض من يخالف قولنا في هذه المسألة بأن قال في نسخ الحبس عن الزواني: إن الحبس لم يكن مطلقا، وإنما كان مقيدا بوقت منتظرا لقوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} قال أبو محمد وهذا الاعتراض ساقط من وجوه ثلاثة: أحدها: أنه لا يجد مثل هذا الشرط في أذى الزناة وتبكيتهم ولا في سائر ما ذكرنا من الخفائف المنسوخة بالثقائل. والثاني: أن كل نسخ في الدنيا فهذه صفته، وإنما هو مقيد عند الله تعالى بوقت محدود في علمه تعالى، كما قالت عائشة في فرض قيام الليل: إنه تعالى أمسك خاتمة الآية في السماء اثني عشر شهرا ثم أنزلها. ولا فرق بين أن يبدي إلينا ربنا تعالى أنه سينسخ ما يأمرنا به بعد مدة وبين ألا يبدي إلينا ذلك حتى ينسخه وكل ذلك نسخ ولا فرق بين معجل النسخ ومؤجله، في أن كل ذلك نسخ.

But difficulty and hardship vary in degree. Allah, mighty and majestic, has only removed from us, in certain instances, what we cannot bear; and in some instances He, exalted, has granted greater relief than in others. The transmitted report states: "Paradise is surrounded by disagreeable things." This hadith thus explicitly invalidates the statement of anyone who says that Allah, exalted, does not abrogate a lighter obligation with a heavier one. It is established that Allah, exalted, does whatever He wills: He abrogates the lighter with the heavier, the heavier with the lighter, a thing with its like, and a thing by abolishing it altogether; and He adds a religious prescription for us without lightening another for us. None can overturn His judgment, and He is not questioned about what He does. If they object by citing His words, exalted: "Now Allah has lightened your burden, and He knows that there is weakness in you. Thus, if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. And Allah is with the steadfast," this is clear evidence against them from which there is no escape, because lightening can occur only after a burden has been imposed. Thus, if He, exalted, initially imposed a burden upon us, what prevents Him from imposing a burden upon us later, if He wills? We had, for a time, been free of that initial burden, and then we were burdened with it. What, then, prevents it from returning upon us a second time, as it did the first, and our being given an additional burden more severe than it? Sufficient for all of this is our finding what they have no means of denying: His abrogation, exalted, of light obligations with heavy ones. Among these is His abrogation, exalted, of fasting on the day of Ashura with fasting during the month of Ramadan; and the abrogation of permission to refrain from fasting during Ramadan and to feed needy people in place of the days on which one does not fast, by making fasting it an obligatory duty upon every person who is resident, healthy, adult, of sound mind, and aware of the month, and by requiring fasting during it. Also, the abrogation of the exemption from the full ritual bath for a man who intentionally effects penetration while remembering his state of ritual purity, by requiring the full ritual bath of him. And He, exalted, abrogated permission for a person praying to speak, after it had been lawful, by prohibiting it; speaking during prayer about something that had

befallen a person had undoubtedly been easier. And He, exalted, abrogated the absence of an obligation of jihad, and the Muslims' pledge to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, on the terms of the women's pledge, by making fighting obligatory. He prohibited wine after having made it lawful. And He, exalted, said: "All food was lawful for the Children of Israel except what Israel forbade to himself before the Torah was sent down. Say: Bring the Torah, then, and recite it, if you are truthful." It is thus established that He, exalted, prohibited for them things that had been lawful for them. In everything we have mentioned, the abrogated ruling was lighter than the abrogating ruling, as sensory experience and observation attest. Allah, mighty and majestic, has explained this by informing us that wine and gambling contain benefits for people; He, exalted, then deprived us of those benefits. No rational person doubts that the absence of a benefit is more burdensome than its presence. And He, exalted, abrogated maltreatment and confinement for women and men who commit unlawful intercourse, and stoning and banishment. No one possessed of reason doubts that stones and whips are more burdensome than verbal abuse and imprisonment. Someone who disagrees with our position on this question objected, concerning the abrogation of confinement for women who commit unlawful intercourse, by saying: "Confinement was not unrestricted; rather, it was tied to a time that was awaited, because of His words, exalted: 'As for those of your women who commit the indecency, call four witnesses from among you against them. If they testify, confine them in the houses until death takes them or Allah makes a way for them.'" Abu Muhammed said: This objection fails on three grounds. The first is that he finds no such condition concerning the maltreatment and rebuking of men who commit unlawful intercourse, nor concerning the rest of what we have mentioned of lighter obligations abrogated by heavier ones. The second is that every abrogation in the world has this character: it is tied, with Allah, exalted, to a definite time within His knowledge, exalted, just as Aisha said concerning the obligation of standing in prayer at night: He, exalted, withheld the conclusion of the verse in heaven for twelve months and then sent it down. There is no difference between our Lord, exalted, disclosing to us that He will abrogate what He commands us after a period of time, and His not disclosing that to

us until He abrogates it. All of this is abrogation. Nor is there any difference between immediate abrogation and deferred abrogation in that all of it is abrogation.[7374757677787980]

L1462–1463 The third is that the way that was awaited for them is more burdensome than what had initially been imposed upon them, for it consists of being crushed with stones until death occurs, after suffering pain from the whip, or being banished in the land after suffering pain from the whip. Thus, the way imposed upon them was a way of destruction or affliction, and all of that is more severe than confinement. This is precisely what we have disputed: we have allowed it, and they have rejected it. One of them objected to the abrogation of the pledge on the terms of the women's pledge by the imposition

والثالث: أن السبيل الذي انتظر بهن هو أثقل مما كان عليهن أولا، لأنه شدخ بالحجارة حتى يقع الموت بعد الإيلام بالسوط، أو نفي في الأرض بعد الإيلام بالسوط، فكانت السبيل المحمولة لهن سبيل الهلاك أو البلاء وكل ذلك أشد من الحبس. وهذا نفس ما اختلفنا فيه فأجزناه نحن وأبوه هم. وقد اعترض بعضهم في نسخ البيعة على بيعة النساء بإيجاب القتال بأن قال: كان القتال أثقل علينا في صدر الإسلام لقلتنا، فلما كثر عددنا صار تركه أثقل. قال أبو محمد: ولو كان لهذا القائل علم بكيفيات الأسماء وحدود الكلام لم يأت بهذا الهذر. ويقال له: أخبرنا، أزاد الناس حين نزول آية إيجاب القتال زيادة قووا بها قوة ثانية أكثر مما كانوا أم لا؟ فإن قال: لا. نقص قوله وتبرأ منه وأخبر أن الحال بعد نزول هذه الآية الموجبة للقتال بعد أن كان غير واجب كالحال التي كانت قبل نزول إيجاب القتال. وبطل ما قدر من التفاضل في القوة الموجبة لنزول إيجاب القتال، وإن قال: نعم، جمع أمرين: أحدهما: أنه يقفو ما ليس له به علم ويكذب، والثاني: أنه لم يتخلص بعد من إلزامنا ويقال له: لا بد أنه قد كان بين بلوغهم العدد الذي بلغوه حين نزول آية إيجاب القتال عليهم، وبين نزول الآية وقت ما لا بد منه فقد كان العدد موجودا ولا قتال عليهم. ثم نسخ بإيجاب القتال. وأيضا فإنه ليس في المعقول أصلا، ولا في الوجود عدد إذا بلغته الجماعة قويت على محاربة أهل الأرض كلهم، وقد ألزم الله تعالى المسلمين إذا أمرهم بالقتال مجاهدة كل من يسكن معمور العالم من الناس، والمسلمون يومئذ لم يبلغوا الألف، وقد علم كل ذي عقل أنه لا فرق في القوة على محاربة أهل الأرض كلهم بين ألف وألفين وبين واحد واثنين. وإنما ههنا نزول النصر، فإذا أنزل الله تعالى على الإنسان الواحد قوي ذلك الواحد على محاربة أهل الأرض كلهم وعجزوا كلهم عنه كما قال تعالى لنبيه صلى الله

[73]**Translator's note (L1451):** The repeated full quotation concerning Ramadan is present in the supplied text and has been retained.

[74]**Translator's note (L1452):** The clause والعسر والحرج وهو ما لا يستطاع is grammatically awkward, using a singular pronoun after "hardship and constraint." The translation preserves its apparent sense.

[75]**Translator's note (L1454):** خطر على, translated "passes over," is an unusual expression in this context. The sentence continues in the next unit with "a dead body"; the precise action intended is uncertain.

[76]**Translator's note (L1455):** The supplied لكنا means "we would be," although the surrounding argument appears to require لكان, "he would be." The translation retains the supplied first-person plural; the sentence continues in the next unit.

[77]**Translator's note (L1456):** The transition after the saying to Aishah is syntactically abrupt: كانت الناسخة أعظم أجرا, "the abrogating prescription was greater in reward." The supplied text has been retained without inserting a missing conditional. The poem's تعلة can mean a diversion, consolation, or something with which one occupies oneself. Its خلوة الحسناء literally denotes seclusion with the beautiful woman; the compressed wording has been preserved.

[78]**Translator's note (L1459):** The qualification "while remembering his state of ritual purity" follows the supplied wording, which is unusual in this discussion of the full ritual bath.

[79]**Translator's note (L1460):** The supplied text says "and stoning and banishment," leaving their grammatical relationship to the abrogation unclear. The argument appears to require "with stoning and banishment," but that wording has not been silently substituted.

[80]**Qur'an references (L1450):** Qur'an 2:185 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:286 (Al-Baqarah); Qur'an 2:106 (Al-Baqarah); Qur'an 8:66 (Al-Anfal); Qur'an 3:93 (Ali 'Imran); Qur'an 4:15 (An-Nisa).

of fighting as an obligation, by saying: "Fighting was more burdensome for us in the early days of Islam because we were few; then, when our numbers increased, refraining from it became more burdensome." Abu Muhammed said: Had this speaker possessed knowledge of the characteristics of terms and the definitions of speech, he would not have produced this nonsense. He should be told: Tell us, did the people, when the verse making fighting obligatory was revealed, increase by a number through which they acquired a further strength greater than they had possessed, or not? If he says no, he has undone his own statement, disavowed it, and declared that the situation after the revelation of this verse making fighting obligatory, after it had not been obligatory, was like the situation before the revelation of the obligation to fight. The difference in strength that he supposed to have occasioned the revelation making fighting obligatory is thereby invalidated. If he says yes, he combines two things: first, he pursues that of which he has no knowledge and lies; second, he has still not escaped the binding force of our argument. He should be told: There must necessarily have been some interval between their reaching the number they had reached when the verse making fighting obligatory upon them was revealed, and the revelation of the verse. That number therefore existed while fighting was not obligatory upon them; then this was abrogated by making fighting obligatory. Moreover, neither in what is conceivable by reason nor in actual existence is there any number which, once a group reaches it, enables it to wage war against all the people of the earth. When Allah, exalted, commanded the Muslims to fight, He obliged them to wage jihad against every human inhabitant of the populated world, although the Muslims at that time had not reached a thousand. Every rational person knows that, in strength to wage war against all the people of the earth, there is no difference between a thousand and two thousand, or between one and two. What matters here is the sending down of victory. If Allah, exalted, sends it down upon a single person, that one person becomes capable of waging war against all the people of the earth, and all of them become powerless against him, as He, exalted, said to His Prophet, may Allah bless him and grant him peace ﷺ: "hā, hā, hā, hā; al-Ma'idah 67." And we

عليه وسلم {هههه المائدة 67 وأيقنا بذلك لو بارزوه كلهم لسقطوا أمامه، ولقدر على جميعهم.

are certain of this: were they all to confront him in combat, they would fall before him, and he would prevail over them all.[81][82]

L1464 Some who disagree with our position have said that patiently enduring fighting is more burdensome for a person of proud spirit.[83]

L1465–1468 Abu Muhammed said: Sufficient for us in refuting this assertion is Allah's, mighty and majestic, declaration of its falsity. For He, exalted, addressed the Companions—may Allah be pleased with them—who were the proudest of people in spirit and the most ardent in heart, and the loftiest in resolve—or He also addressed every Muslim who would come until the Day of Resurrection, although they are the proudest of nations in spirit and the most accepting of oppression, when He, exalted is He, said: {Fighting has been prescribed for you, although it is hateful to you. Perhaps you hate something while it is good for you, and perhaps you love something while it is bad for you. Allah knows, while you do not know.} He, mighty and majestic, has spared us disputation and toil, and has explained that the prescription is hateful to us. What is hateful is the most burdensome thing. He, glorified and exalted is He, has informed us that what is hateful, which is more burdensome, may contain more good for us than what is lighter. Allah, exalted is He, has thus given us a clear ruling on this question, such that, after hearing it, no one may utter a single word on this subject contrary to our position. Praise belongs to Allah, Lord of the worlds.

One of them objected, saying: "Wine was never permissible; rather, it was forbidden by reason, so its permissibility was not abrogated." Abu Muhammed said: We say—and success comes through Allah, exalted is He—that if this speaker had occupied himself with reading the hadith of the Prophet ﷺ, that would have been more fitting for him than speaking about

[81] **Translator's note (L1462):** "The way imposed upon them" renders the unusual supplied expression al-sabil al-mahmulah lahunna; its wording is awkward in context.

[82] **Translator's note (L1463):** The purported Quran quotation is corrupt: the supplied text contains only four repetitions of the Arabic letter hā followed by "al-Ma'idah 67," with no closing quotation brace. The missing verse has not been reconstructed.

[83] **Translator's note (L1464):** The supplied wording says "patiently enduring fighting." The surrounding argument suggests that patiently refraining from fighting may have been intended, but the text has been translated as supplied.

وقد قال بعض المخالفين لقولنا: إن الصبر على القتال أثقل لذي النفس الآنفة.

قال أبو محمد: ويكفينا من الرد على هذه المقالة تكذيب الله عز وجل لها، فإنه تعالى خاطب الصحابة رضي الله عنهم، وهم آنف الناس نفوسا، وأحماهم قلوبا، وأعزهم هممًا، أو خاطب أيضا كل مسلم يأتي إلى يوم القيامة وهم أعز الأمم نفوسا، وأقرها على الضيم بأن قال تعالى {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} وكفانا عز وجل الشغب والتعب وبين أن الكتاب مكروه عندنا. والمكروه أثقل شيء. وأخبرنا سبحانه وتعالى أن المكروه الذي هو أثقل قد يكون لنا فيه خير أكثر مما في الأخف، فقد حكم الله تعالى لنا في هذه المسألة حكما جليا، لا يسوغ لأحد أن يتكلم بعد سماعه في هذا المعنى بكلمة مخالفة لقولنا، والحمد لله رب العالمين. واعترض بعضهم بأن قال: لم تكن الخمر مباحة، بل كانت حراما بالعقل فلم ينسخ إباحتها. قال أبو محمد: فنقول وبالله تعالى التوفيق: إذ هذا القائل لو اشتغل بقراءة حديث النبي صلى الله عليه وسلم لكان ذلك أولى به من الكلام في الدين قبل النفقة فيه، وقد روينا في الحديث الصحيح تحليلها قبل أن تحرم، 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 قال: ثنا عبيد الله بن عمر القواريري، ثنا أبو همام عبد الأعلى، ثنا سعيد الجريري، عن أبي نضرة عن أبي سعيد الخدري قال سمعت رسول الله صلى الله عليه وسلم قال يا أيها الناس إن الله يعرض بالخمر ولعل الله سينزل فيها أمرا، فمن كان عنده منها شيء فليبعه ولينتفع به قال فما لبثنا إلا يسيرا حتى قال صلى الله عليه وسلم إن الله حرم الخمر فمن أدركته

religion before acquiring understanding of it. We have transmitted, in an authentic hadith, its being made lawful before it was forbidden. 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, who said: Ubayd Allah ibn Umar al-Qawariri related to us; Abu Hammam Abd al-Ala related to us; Said al-Jurayri related to us, from Abu Nadra, from Abu Said al-Khudri, who said: I heard the Messenger of Allah ﷺ say: "O people, Allah is making allusions concerning wine, and perhaps Allah will send down a command concerning it. Whoever has any of it should sell it and benefit from it." He said: We remained only a short while before he ﷺ said: "Allah has forbidden wine. Whoever this verse reaches while he has any of it must neither drink nor sell." We have also transmitted, through authentic hadith excerpts, accounts of its being drunk openly with the knowledge of the Messenger of Allah ﷺ, most of these concerning Hamza, Sad, and Abu Ubayda ibn al-Jarrah and Suhayl ibn Bayda, Abd al-Rahman ibn Awf, Abu Ayyub, Abu Talha, and Abu Dujana Simak ibn Kharasha, Ubayy ibn Kab, Muadh ibn Jabal, and others among the Emigrants and the Helpers—may Allah be pleased with them. How, then, can this ignoramus say that it was never lawful and that reason forbade it? And where does the reason of this madness, which in truth possesses no reason, stand beside the reason of the Messenger of Allah ﷺ, who used to see them drinking it without censuring them for that, for more than sixteen years after his commissioning as a prophet, peace be upon him? Wine was not forbidden until after Uhud, and Uhud took place in the third year of the emigration. The Companions' drinking together in Medina in the presence of the Messenger of Allah ﷺ, the drunken aggression some of them directed against others, the injuries inflicted upon Ali's two mature she-camels, and the confusion in prayer are too well known to be unknown to anyone acquainted with the reports. He, peace be upon him, knew of all this and did not censure it. No believer may say that he, peace be upon him, ever acquiesced in anything forbidden. Sufficient here is what we have already presented concerning his command,

هذه الآية وعنده شيء فلا يشرب ولا يبع. وروينا من الأطراف الصحاح شربها معلنا بعلم رسول الله صلى الله عليه وسلم أكثر ذلك عن حمزة وسعد وأبي عبيدة بن الجراح، وسهيل بن بيضاء، وعبد الرحمن بن عوف، وأبي أيوب، وأبي طلحة، وأبي دجانة سماك بن خرشة، وأبي بن كعب، ومعاذ بن جبل وغيرهم من المهاجرين والأنصار رضي الله عنهم، فكيف يقول هذا الجاهل: إنها لم تكن حلالا، وإن العقل حرمها، وأين عقل هذا الجنون العديم العقل على الحقيقة من عقل رسول الله صلى الله عليه وسلم الذي كان يراهم يشربونها ولا ينكر ذلك عليهم أزيد من ستة عشر عاما بعد مبعثه عليه السلام، فإن الخمر لم تحرم إلا بعد أحد. وأحد كانت في الثالث من الهجرة، وتنادم الصحابة في المدينة بحضرة رسول الله صلى الله عليه وسلم وما وقع لبعضهم من العربدة على بعض ومن الجنايات في شارفي علي، ومن التخليط في الصلاة أشهر من أن يجهله من له علم بالأخبار، وكل ذلك يعلمه ولا ينكره عليه السلام، ولا يحل لمؤمن أن يقول إنه عليه السلام أقر على حرام أصلا، ويكفي من هذا ما قدمنا من أمره عليه السلام يبيعها قبل أن تحرم، وبأن ينتفع بها، والشرب يدخل في الانتفاع وبالله التوفيق

peace be upon him, to sell it before it was forbidden and to benefit from it; drinking is included in benefiting. Success comes through Allah.[848586]

[Section on Abrogating Something before It Is Put into Practice]

L1469

L1470 Abu Muhammed said: Earlier scholars discoursed at length on this topic, although we do not know that a student of jurisprudence has any need for it. But, since they have spoken, we are obliged to explain the truth concerning it, through Allah's might and power. The correct position concerning it is that abrogation after something has been put into practice and before it has been put into practice is permissible in either case.[87]

L1471–1482 He, exalted is He, abrogated for us His imposition of forty-five prayers every day and night before anyone had performed them. Abu Muhammed said:

[84]**Translator's note (L1466):** The opening continues the description of the Companions from the preceding segment. The supplied وأقرها على الضيم means "the most accepting of oppression," although this sits awkwardly beside the description of their proud spirits; it has not been changed to its apparent opposite. The Qur'anic quotation corresponds to 2:216, but the supplied text has defective spellings, including لقتال and ولله. The translation follows the identifiable wording. The supplied الكتاب literally denotes writing or a written prescription; in this context القتال, "fighting," may have been intended. "The prescription" retains the supplied reading. قبل النفقة فيه literally refers to expenditure rather than understanding; the context strongly suggests a corruption of قبل التفقه فيه, reflected in the translation. الأطراف الصحاح has been rendered "authentic hadith excerpts"; الأطراف can designate the identifying portions or excerpts of hadith reports.

[85]**Translator's note (L1468):** The opening completes the name Abu Dujana Simak ibn Kharasha from the preceding segment. The supplied هذا الجنون means "this madness," producing the deliberately retained awkward expression "the reason of this madness." A word meaning "madman" may have been intended. The supplied من أمره عليه السلام يبيعها is syntactically irregular; the translation reflects the evident reference to his earlier instruction to sell the wine.

[86]**Qur'an references (L1465):** Qur'an 2:216 (Al-Baqarah).

[87]**Translator's note (L1470):** The supplied أن لطالب الفقه حاجة lacks an explicit complement identifying what the student needs; "for it" is supplied from context. ولكن ما تكلموا is awkward as supplied. The translation takes it in the contextual sense "but, since they have spoken," possibly reflecting an omitted ل in لما.

[فصل في نسخ الشيء قبل أن يعمل به]

قال أبو محمد أكثر المتقدمون في هذا الفصل وما ندري أن لطالب الفقه حاجة ولكن ما تكلموا ألزمنا بيان الحق في ذلك بحول الله وقوته، والصحيح من ذلك: أن النسخ بعد العمل به وقبل العمل به، جائز كل ذلك،

وقد نسخ تعالى عنا إيجابه خمسة وأربعين صلاة في كل يوم وليلة، قبل أن يعمل بها أحد. قال أبو محمد: ومن جعل هذا بداء فقد جعل النسخ بداء ولا فرق، وكل ما دخلوه في نسخ الشيء قبل أن يعمل به راجع عليهم في نسخه بعد أن يعمل به ولا فرق، والله تعالى يفعل ما يشاء، والذي نقدر أن الذي حداهم إلى الكلام في هذه المسألة مذهبهم الفاسد في المصالح، ونحن لا نقول بها، بل نفوض الأمر إلى الله عز وجل يفعل ما يشاء، ليس عليه زمام، ولا له متعقب، وسنبين ذلك في باب العلل من هذا الديوان إن شاء الله تعالى. فإن قال قائل: فماذا أراد الله عز وجل منا إذ قال: خمسين صلاة في كل يوم وليلة، ثم نسخها وردها إلى خمس قبل أن نصلي الخمسين؟ قيل له، وبالله تعالى التوفيق: إنه أراد منا الطاعة والانقياد والعزيمة على صلاتها، والاعتقاد لوجوبها علينا فقط، ولم يرد تعالى قط منا كون تلك الصلوات، ولا أن نعملها، ونحن لا ننكر أن يأمر تعالى بما لم يرد قط منا كونه، بل يوجب ذلك، ونقول: إنه تعالى أمر أبا طالب بالإيمان، ولم يرد قط تعالى كون إيمانه موجودا وقد نص تعالى على ذلك بقوله {يأيها لرسول لا يحزنك لذين يسارعون في لكفر من لذين قالوا آمنا بأفواههم ولم تؤمن قلوبهم ومن لذين هادوا سماعون للكذب سماعون لقوم

Whoever makes this a revision arising from newly acquired knowledge has thereby made abrogation itself such a revision; there is no difference. Every objection they introduce against abrogating something before it is put into practice rebounds upon them concerning its abrogation after it has been put into practice; there is no difference. Allah, exalted is He, does whatever He wills. What we suppose drove them to discuss this question is their corrupt doctrine concerning beneficial interests. We do not subscribe to it; rather, we entrust the matter to Allah, mighty and majestic. He does whatever He wills. No bridle restrains Him, and no one can overturn His decision. We shall explain this in the chapter on effective causes in this work, if Allah, exalted is He, wills. If someone says: "What, then, did Allah, mighty and majestic, will from us when He said, 'Fifty prayers every day and night,' and then abrogated them and reduced them to five before we had performed the fifty?" he is told—and success comes through Allah, exalted is He: He willed from us only obedience, submission, resolve to perform them, and belief that they were obligatory upon us. He, exalted is He, never willed from us the occurrence of those prayers or that we perform them. We do not deny that He, exalted is He, may command something whose occurrence He never willed from us; rather, He makes that obligatory. We say that He, exalted is He, commanded Abu Talib to have faith, but He, exalted is He, never willed that his faith should come into existence. He, exalted is He, expressly stated this in His saying: {O Messenger, do not let those who hasten into unbelief grieve you, among those who say, "We believe," with their mouths while their hearts do not believe, and among those who are Jews: listeners to falsehood, listeners to other people who have not come to you, altering words after their proper placements, saying, "If you are given this, take it; but if you are not given it, beware." Whoever Allah wills to put to trial, you can avail him nothing against Allah. Those are the ones whose hearts Allah did not will to purify. For them is disgrace in this world, and for them in the Hereafter is a tremendous punishment.} And His saying, exalted is He: {You do not guide whom you love, but Allah guides whom He wills, and He knows best those who are guided.} He, exalted is He, thus stated that He did not make Abu Talib's guidance obligatory, and that He willed not to guide certain people, although all of them were commanded to follow guidance.

آخرين لم يأتوك يحرفون لكلم من بعد مواضعه يقولون إن أوتيتم هذا فخذوه وإن لم تؤتوه فحذروا ومن يرد الله فتنته فلن تملك له من الله شيئا أولئك لذين لم يرد الله أن يطهر قلوبهم لهم في لدنيا خزي ولهم في لآخرة عذاب عظيم} وقوله تعالى {إنك لا تهدي من أحببت ولكن الله يهدي من يشآء وهو أعلم بلمهتدين} فأخبر تعالى أنه لم يجب هداية أبي طالب، وأنه أراد ألا يهدي قوما، وكلهم مأمور بالاهتداء، وقد بينا هذا في كتاب الفصل، ولو أنه تعالى لم ينسخها حتى نصليها لعلمنا حينئذ أنه تعالى أراد كونها منا، كما علمنا أنه تعالى أراد إسلام أبي بكر وعمر وسائر من أسلم، وإنما نعلم ما أراد تعالى كونه بعد ظهوره، أو أخبرنا الله تعالى بأنه سيكون والله أعلم، وهو الذي أطلعنا عليه من غيبه، ونحن كنا مأمورون بالصلاة. وقد يموت كثير من الناس قبل أن يتأتى عليه وقت صلاة بعد بلوغه، إنه تعالى إنما أراد من هؤلاء الانقياد والعزيمة فقط، والله تعالى لم يرد قط ممن مات قبل حلول وقت الصلاة أن يصليها. واحتج بعض من تقدم في إجازة نسخ الشيء قبل العمل به بحديث الزبير: إذ خاصم الأنصاري في سيل مهزور ومذينب وجعل الأمر الآخر منه عليه السلام ناسخا للأول. وأبطل قول من قال: كان الأمر الأول على سبيل الصلح وترك الزبير بعض حقه وقال: إن هذا لا يحل أن يقال، لأن حكمه عليه السلام كله حق واجب لقول الله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فلم يخص أمرا دون أمر، ولو ساغ ذلك في هذا الحديث، لساغ لكل أحد أن يقول في أي حكم حكم به رسول الله صلى الله عليه وسلم هذا على سبيل الصلح لا على سبيل الحقيق وهذا كفر من قائله. قال أبو محمد: وقد صدق هذا المحتج فيما قال. قال بعضهم: لو جاز النسخ قبل العمل لجاز قبل الاعتقاد. قال أبو محمد: وهذا قياس، والقياس باطل، ولو كان القياس حقا لكان هذا فاسدا، إذ ليس سقوط العقل موجبا لسقوط الاعتقاد، وقد

We have explained this in the Book of Distinction. Had He, exalted is He, not abrogated those prayers until we performed them, we would then have known that He, exalted is He, willed their occurrence from us, just as we know that He, exalted is He, willed the acceptance of Islam by Abu Bakr, Umar, and everyone else who accepted Islam. We know what He, exalted is He, willed to occur only after it becomes manifest, or when Allah, exalted is He, informs us that it will occur. Allah knows best, and that is what He has disclosed to us of His unseen knowledge. And we were commanded to pray, yet many people may die before the time of a prayer reaches them after they attain puberty. He, exalted is He, willed from these people only submission and resolve. Allah, exalted is He, never willed that someone who died before the time of the prayer arrived should perform it. Some earlier scholars argued for the permissibility of abrogating something before it is put into practice by citing the hadith of al-Zubayr, when he disputed with the man of the Helpers concerning the floodwater of Mahzur and Mudhaynib, and regarded his later command, peace be upon him, as abrogating the first. He rejected the statement of anyone who said that the first command was issued by way of settlement and that al-Zubayr relinquished part of his right. He said: "It is impermissible to say this, because every judgment of his, peace be upon him, is binding truth," because of Allah's saying, exalted is He: {Do not make the Messenger's calling among you like your calling one another. Allah certainly knows those among you who slip away, taking cover behind others. So let those who act contrary to his command beware lest a trial befall them or a painful punishment befall them.} He did not single out one command to the exclusion of another. If this were admissible concerning this hadith, it would be admissible for anyone to say concerning any judgment delivered by the Messenger of Allah ﷺ: "This was by way of settlement, rather than by way of establishing the actual right." This is unbelief on the part of whoever says it. Abu Muhammed said: This person advancing the argument has spoken truly in what he said. One of them said: "If abrogation before practice were permissible, it would be permissible before belief." Abu Muhammed said: This is analogy, and analogy is invalid. Even if analogy were valid, this particular analogy would be unsound, since the lapse of reason does not entail the lapse of belief. And someone may believe that a thing is obligatory

يعتقد وجوب الشيء وتصحيحه من لا يفعله من المسلمين العصاة، وقد يفعله من لا يعتقده من المنافقين والمرائين، وهذا أمر يعلم بالمشاهدة، فبطل أن يكون الاعتقاد مرتبطا بالعمل، وبطل ما موه به هذا المعترض من أنه لو جاز النسخ قبل العمل لجاز قبل الاعتقاد، فإن قالوا: لو جاز نسخ الشيء قبل العمل به لكان اعتقاده حسنا وطاعة، وفعله قبيحا ومعصية، وهذا محال. فالجواب: إن هذا شغب ضعيف لأنهم جمعوا بين حكم زمانين مختلفين، وإنما يكون اعتقاد الشيء حقا إن فعل إذا لم ينسخ، فأما إذا نسخ فإنما الواجب اعتقادا أنه معصية إن فعل، واعتقاد أنه قد كان طاعة في وقت آخر، وهذا ليس محالا فإن قالوا: الاعتقاد فعل قيل لهم: الاعتقاد فعل النفس منفردة لا شركة للجسد معها فيه، والعمل فعل النفس بتحريك الجسد، فهو شيء آخر غير الاعتقاد وقد فرق رسول الله صلى الله عليه وسلم بينهما بقوله صلى الله عليه وسلم العمل بالنيات فجعل النية وهي الاعتقاد غير العمل. قال أبو محمد: وقد احتج القدماء من القائلين بقولنا في هذه المسألة بحجج منها أمره تعالى إبراهيم عليه السلام بذبح ولده وقول إبراهيم عليه السلام {إن هذا لهو لبلاء لمبين} وقالوا هذا بيان جلي أن الذي أمر به نسخ قبل أن يكون، لأن قوما قالوا: إنما أمر بتحريك السكين على حلق ولده فقط، فأبطل تعالى قولهم بقول إبراهيم {إن هذا لهو لبلاء لمبين} ولو لم يؤمر بقتله لما كان في تحريك السكين على حلقه بلاء فصح بقول إبراهيم عليه السلام، أنه إنما أمر بقتل ولده وإمائته بالذبح، ثم نسخ ذلك قبل فعله. قال أبو محمد: وهذا احتجاج صحيح لا ينفك منه أصلا. فإن قال قائل: عرفونا ما الذي أراد الله تعالى منا إذا أمرنا بالشيء ثم نسخه قبل فعله، أراد العمل به ثم بدا له قبل فعله؟ أم أراد ألا يعمل به؟ والشيء إذا لم يرده تعالى فقد سخطه وكرهه ولم يرضه، فعلى قولكم إنه تعالى يأمرنا بما يكره ويسخط ويلزمنا ما لا يرضى كونه منا. قال أبو محمد: فيقال، وبالله تعالى التوفيق، إنه تعالى أمر بما أمر من ذلك ولا مراد له إلا الانقياد في المأمور فقط، ولم يرد قط وقوع الفعل،

and valid, as do disobedient Muslims who do not perform it; and hypocrites and those who act for show may perform it without believing in it. This is something known through observation. Thus it is false that belief is bound to action, and the specious argument advanced by this objector—that if abrogation before action were permissible, it would also be permissible before belief—is invalid. If they say, "If a thing could be abrogated before it was acted upon, believing in it would be good and an act of obedience, while performing it would be reprehensible and an act of disobedience; and this is impossible," the answer is that this is feeble disputation, because they have combined the rulings of two different times. Believing that a thing is right to perform is correct only if it has not been abrogated. Once it has been abrogated, however, what must be believed is that performing it would be an act of disobedience, and that it had been an act of obedience at another time. This is not impossible. If they say, "Belief is an act," they are told: Belief is an act of the soul alone, in which the body has no share with it, whereas action is an act of the soul through moving the body. It is therefore something other than belief. The Messenger of Allah ﷺ distinguished between the two by saying ﷺ, "Action is according to intentions." He thus made intention, which is belief, something other than action. Abu Muhammed said: Earlier proponents of our position on this question offered several arguments, including His—exalted is He—commanding Abraham—upon him be peace—to slaughter his son, and Abraham's saying, peace be upon him, "Indeed, this is surely the manifest trial." They said: This clearly demonstrates that what he was commanded to do was abrogated before it occurred. For some people said that he was commanded only to move the knife across his son's throat. But He, exalted is He, refuted their assertion through Abraham's saying, "Indeed, this is surely the manifest trial." Had he not been commanded to kill him, there would have been no trial in moving the knife across his throat. Thus Abraham's statement, peace be upon him, establishes that he was commanded to kill his son and put him to death by slaughtering him, and that this was then abrogated before he performed it. Abu Muhammed said: This is a sound argument from which there is absolutely no escape. If someone says, "Tell us what Allah, exalted is He, intended of us when He commanded us to do something and then abrogated it before it was performed. Did He intend

ونهانا عنه قبل أن يكون منا، ولا يسأل عما يفعل، ولسنا ننكر أن يأمرنا تعالى الآن بأمر قد علم أنه بعد مدة ينهى عنه ويسخطه، وإنما الذي ننكر أن يأمر تعالى بما هو ساخط له في حين أمره، فهذا لا سبيل إليه. وأما أن يأمرنا بأمر قد علم أنه سينهانا عنه في ثاني الأمر، ويسخطه بعد مرور وقت الأمر به، فهذا واجب وهذه صفة كل نسخ، وكل أمر مرتبط بكل وقت، وبالله تعالى التوفيق، وقد اعترض بعضهم في أمره تعالى بخمسين صلاة، ثم جعلها تعالى إلى خمس بأن قال: إنما يلزمنا الأمر إذا بلغنا، وكان ذلك الأمر لم يبلغ بعد إلى المسلمين، فأجاب بعض من سلف القائلين بقولنا: إنه تعالى قد أبلغ أمره بذلك إلى رسوله، فهو سيدنا وإمامنا فكان الخمسون اللازمة له لبلوغ الأمر إليه، ثم نسخت عنه قبل أن يعمل بها. قال أبو محمد: فإن قالوا: لم يرد الله تعالى قط بالخمسين إلا خمسا يعطي بكل واحدة عشر حسنات، واحتجوا بما في آخر الحديث من قوله تعالى: هي خمس وهي خمسون لا يبدل القول لدي فالجواب، وبالله تعالى التوفيق: إن هذا الكلام هو بيان قولنا لا قولهم، لأن الخمس لا تكون خمسين في العدد أصلا، وإنما هي خمسون في العدد، وخمسون في الأجل، وكنا ألزمنا أولا خمسين في العدد وهي خمسون في الأجر فقط، فأسقط عنا التعب وبقي لنا الأجر، فصح أن الساقط غير اللازم ضرورة، وبرهان ذلك حطه تعالى إلى خمس وأربعين وإلى أربعين، ثم إلى خمس وثلاثين ثم ثلاثين، وهكذا خمسا خمسا حتى بقيت خمسا، وهذا لا إشكال فيه، في أن الملزم غير المستقر آخرا، فبطل اعتراضهم، والحمد لله رب العالمين. ومن طريق ما اعترض به بعضهم أن قال: لعله عليه السلام قد صلى الخمسين صلاة قبل نسخها، أو لعل الملائكة صلتها قبل نسخها. قال أبو محمد: وهذا جهل شديد، ولو كان لقائل هذا أدنى علم بالأخبار لم يقل هذا الهجر، لأن الإسراء إنما كان في جوف الليل ولم يأت الصباح إلا وهو صلى الله عليه وسلم قد رجع إلى مكة وكان بها قبل مغيب الشفق وبعد غروب الشمس، وقبل طلوع الشمس من

that it be acted upon, and then change His mind before it was performed, or did He intend that it not be acted upon? Whatever He, exalted is He, does not intend, He disapproves of, hates, and does not accept. According to your position, then, He, exalted is He, commands us to do what He hates and disapproves of, and obliges us to do what He does not accept should occur on our part." Abu Muhammed said: The reply—and success comes through Allah, exalted is He—is that He, exalted is He, issued the command in question with no intention other than submission concerning what was commanded. He never intended the act to occur, and He forbade us to do it before it occurred on our part. He is not questioned about what He does. We do not deny that He, exalted is He, may now command us to do something while knowing that, after a period, He will forbid it and disapprove of it. What we deny is that He, exalted is He, should command something of which He disapproves at the very time He commands it: this is impossible. But that He should command us to do something while knowing that He will subsequently forbid it and disapprove of it after the time of commanding it has passed—this necessarily occurs. This is the character of every abrogation and every command associated with a particular time. Success comes through Allah, exalted is He. Some have objected concerning His—exalted is He—commanding fifty prayers and then reducing them to five, saying, "A command binds us only when it reaches us, and that command had not yet reached the Muslims." Some earlier proponents of our position answered that He, exalted is He, had conveyed His command concerning this to His Messenger, who is our master and our leader. The fifty prayers were therefore binding upon him because the command had reached him; they were then abrogated for him before he performed them. Abu Muhammed said: If they say, "By the fifty, Allah, exalted is He, never intended anything other than five, for each of which He awards ten good deeds," and adduce as evidence His—exalted is He—statement at the end of the report, "They are five, and they are fifty; the word is not changed with Me," the answer—and success comes through Allah, exalted is He—is that these words explain our position, not theirs. For five can never be fifty in number. Rather, they are fifty in number and fifty in the appointed term. We had initially been obliged to perform fifty in number, whereas they are fifty only in reward. The exertion

تلك الليلة؛ وإنما لزمت الخمسون في يوم وليلة. وأيضا فهو عليه السلام، يذكر بلفظه في الحديث: أنه لم ينفك راجعا وآتيا من ربه تعالى إلى موسى عليه السلام وأما الملائكة فلم يبعث رسول الله صلى الله عليه وسلم إليهم بل بعضهم هم الرسل من الله تعالى إليه، وإنما بعث إلى الجن والإنس الساكنين دون سماء الدنيا، وهذا ما لا خلاف فيه بين المسلمين مع النصوص الواردة في القرآن والحديث في خطاب هذين النوعين فقط، وإنما بعث إليهما فقط، والملائكة في مكان لا ليل فيه، وإنما هي في السموات التي هي الأفلاك، وفي الكرسي وتحت العرش وحوله، والليل إنما يبلغ إلى فلك القمر الذي هو سماء الدنيا فقط، والجن مرجومون بالشهب إذا دنوا منها بنص القرآن بقوله تعالى {ولقد زينا لسمآء لدنيا بمصابيح وجعلناها رجوما للشياطين وأعتدنا لهم عذاب لسعير} فصح يقينا أن الملائكة لا تلزمهم صلاتنا، لأنهم لا ليل عندهم ولا نهار، وإنما هو أنوار بسيطة صافية، وإنما تلزم الصلوات في أوقات الليل والنهار. وقد احتج في هذا بعض من تقدم بأن قال: يقال لمن أبى ذلك: ما الذي أنكرتم؟ أنسخ ما قد فعل؛ أم نسخ ما لم يفعل؛ أن نسخ الأمر الوارد بالفعل

was therefore removed from us, while the reward remained ours. It is thus necessarily established that what was removed is other than what remains binding. The demonstration of this is His—exalted is He—reducing them to forty- five, and to forty, then to thirty-five, then thirty, and so on, five at a time, until five remained. There is no difficulty here in recognizing that what was initially imposed differs from what was finally settled. Their objection is therefore invalid, and praise belongs to Allah, Lord of the worlds. Another objection some have raised is to say, "Perhaps he, peace be upon him, had performed the fifty prayers before their abrogation; or perhaps the angels had performed them before their abrogation." Abu Muhammed said: This is extreme ignorance. Had the person saying this possessed the slightest knowledge of the reports, he would not have uttered this nonsense. For the Night Journey took place in the middle of the night, and by the time morning came he ﷺ had already returned to Mecca. He was there before the twilight disappeared, after sunset, and before sunrise on that night. The fifty prayers were obligatory only over a day and a night. Moreover, in the report he himself, peace be upon him, expressly states that he continually went back and forth from his Lord, exalted is He, to Moses, peace be upon him. As for the angels, the Messenger of Allah ﷺ was not sent to them. Rather, some of them are messengers from Allah, exalted is He, to him. He was sent only to the jinn and human beings dwelling below the lowest heaven. There is no disagreement among Muslims about this, together with the texts occurring in the Quran and the reports that address these two kinds alone: he was sent only to these two. The angels are in a place where there is no night. They are in the heavens, which are the celestial spheres, and in the Footstool, beneath the Throne, and around it. Night reaches only as far as the sphere of the moon, which is the lowest heaven. The jinn are pelted with shooting stars when they approach it, according to the explicit Quranic text, in His—exalted is He—saying, "We have indeed adorned the lowest heaven with lamps, and made them missiles against the devils, and prepared for them the punishment of the Blaze." It is thus established with certainty that our prayers are not binding upon the angels, because they have neither night nor day; there are only simple, pure lights. Prayers become obligatory only at the times of night and day. Some earlier scholars also argued on this question by saying: Those

who reject this are to be asked, “What is it that you have denied: abrogating

what has already been performed, abrogating what has not been performed, or abrogating the command prescribing the act?”[8]889890919293949596

[88]**Translator’s note (L1471):** بداء is the technical notion of a revision consequent upon something newly becoming apparent, here rendered “a revision arising from newly acquired knowledge.” دخلوه is awkward in this construction; the translation takes it as introducing objections or grounds of criticism. المصالح, “beneficial interests,” refers here to the theological doctrine invoked to explain or constrain divine legislation.

[89]**Translator’s note (L1472):** The supplied بل يوجب ذلك reads “rather, He makes that obligatory.” The surrounding first-person argument may instead suggest نوجب, “we affirm that necessarily”; the supplied reading has been retained. The Qur’anic quotations correspond to 5:41 and 28:56. Their supplied spelling repeatedly omits letters, particularly in definite articles and the name Allah; the translation follows the identifiable wording and retains the repeated “listeners.” The supplied لم يجب هداية أبي طالب means “He did not make Abu Talib’s guidance obligatory.” The argument appears to call for لم يحب, “He did not love/desire Abu Talib’s guidance,” but that reading has not been silently substituted. كتاب الفصل is rendered “the Book of Distinction,” preserving the title as supplied.

[90]**Translator’s note (L1473):** The opening completes “we were commanded to pray” from the preceding segment. The supplied report locates the dispute at Mahzur and Mudhaynib. These place names are retained as supplied; their attribution to this particular al-Zubayr report may be an apparent conflation.

[91]**Translator’s note (L1475):** The Qur’anic quotation corresponds to 24:63. The supplied text contains defective spellings, particularly omitted letters in definite articles and the name Allah; the identifiable wording is translated. الحقيق is an unusual form here; “establishing the actual right” reflects its apparent contrast with settlement without replacing the supplied word. The supplied سقوط العقل means “the lapse of reason.” The following argument concerns the distinction between practice and belief, suggesting that سقوط العمل, “the lapse of practice,” may have been intended; the supplied reading is retained.

[92]**Translator’s note (L1476):** The opening continues the preceding segment’s verb, “may believe.” The final words begin a salutation completed in the next unit.

[93]**Translator’s note (L1480):** The source reads “fifty in number and fifty in the appointed term” (al-ajal). This is awkward in context and may be corrupt, but has not been silently changed to “reward” (al-ajr). The subsequent contrast between fifty in number and fifty only in reward is also preserved as supplied. The final number continues in the next unit: the Arabic expresses forty-five as “five and forty.” The English number is divided across the same unit boundary.

[94]**Translator’s note (L1481):** The opening completes “forty-five,” begun in the preceding unit.

ولا سبيل إلى قسم رابع، فإن قالوا: نسخ ما قد فعل، أحالوا، ولا سبيل إلى نسخ ما قد فعل، لأنه قد فعل وفني، فلا سبيل إلى رده؛ وإن قالوا: نسخ ما لم يفعل، فقد أثبتوا نسخ الشيء قبل فعله، وهذا هو نفس ما أبطلوا، لأن الذي لم يفعل هو غير الذي فعل ضرورة.

L1483–1484 There is no fourth possibility. If they say, "Abrogating what has already been performed," they assert an impossibility. What has already been performed cannot be abrogated, because it has been performed and has ceased to exist, so there is no way to reverse it. If they say, "Abrogating what has not been performed," they have affirmed the abrogation of a thing before its performance. This is precisely what they declared invalid, because what has not been performed is necessarily other than what has been performed.

فإن قالوا: نسخ الأمر فلا فرق بين نسخ الأمر قبل أن يفعل الناس ما أوجب ذلك الأمر، وبين نسخه بعد أن يفعل الناس ما أوجب ذلك الأمر، والفعل المأمور به على كل حال غير الأمر به، فلا يتعلق الأمر بالفعل لأنه غيره، لأن الأمر هو فعل الله مجردا، والفعل هو فعلنا نحن فبينهما فرق كما ترى. قال أبو محمد: وهذه حجة ضرورة لا محيد عنها. واحتج أيضا بأن قال: إن الأمر إذا ورد ففعله فاعلون ثم نسخ فلا خلاف في جواز ذلك، ولا شك في أنه قد بقي خلق كثير لم يعملوا به ممن لم يأت بعد، وقد كانوا مخاطبين بذلك الأمر حين نزوله، فقد نسخ قبل أن يعمل به الذين لم يعملوا به، ولا فرق بين أن يجوز نسخه قبل أن يعمل به بعض المأمور وبين نسخه قبل أن يعمل به أحد منهم. قال أبو محمد: وهذه أيضا حجة ضرورية لا محيد عنها. قال أبو محمد: وسألني سائل فقال: لو أمر الله تعالى بأمر فقال: اعملوا بهذا الأمر ثمانية متصلة، أو قال أبدا، أيجوز نسخ هذا أم لا؟ فقلت: إن النسخ جائز في هذه لأنه من باب نسخ الشيء قبل أن يعمل به، ولا فرق بين أن يأمرنا بخمسين صلاة نصليها، وبين أن يأمرنا بعمل ما أبدا، أو ثمانية أيام، ثم ينسخه عنا قبل أن يتم عمل ذلك، وليس الكذب في الأمر والنهي مدخل وإنما يدخل الكذب في الأخبار، فلو أن الأمر خرج بهذا التحديد بلفظ الخبر لم يجز نسخه، لأنه كان يكون كذبا مجردا، إذ في الأخبار يقع الكذب، وهذا بخلاف الأمر إذا خرج بلفظ الخبر غير مرتبط بتحديد وقت، فالنسخ جائز فيه، لأنه ليس يكون حينئذ كذبا، وإنما يكون النسخ حينئذ بيانا للوقت الذي

L1485–1487 If they say, "The command was abrogated," there is no difference between abrogating the command before people perform what that command made obligatory and abrogating it after people perform what that command made obligatory. In every case, the commanded act is distinct from the command to perform it. The command is therefore not dependent upon the act, because it is distinct from it: the command is exclusively Allah's act, while the act is our own act. There is thus a difference between them, as you see. Abu Muhammed said: This is a necessary argument from which there is no escape. He also argued as follows: When a command is issued, some people act upon it, and it is then abrogated, there is no disagreement that this is permissible. There is no doubt that many people remain who have not acted upon it, among those who have not yet come into existence, although they were addressed by that command when it was revealed. It has therefore been abrogated before those who did not act upon it acted upon it. There is no difference between permitting its abrogation before some of those commanded act upon it and its abrogation before any of them act upon it. Abu Muhammed said: This too is a necessary argument from which there is no escape. Abu Muhammed said: Someone asked me, "If Allah Most High were to issue a command and say, 'Act upon this command for eight consecutive days,' or say, 'Forever,' would its abrogation be permissible or

[95] **Translator's note (L1482):** The chronology supplied says both that the Night Journey occurred in the middle of the night and that he was in Mecca before twilight disappeared. This apparent inconsistency is retained. In the final threefold question, the source has "an" before the third alternative where "am" ("or") would be expected. The translation follows the enumeration made explicit by the next unit's reference to a fourth possibility.

[96] **Qur'an references (L1471):** Qur'an 5:41 (Al-Ma'idah); Qur'an 28:56 (Al-Qasas); Qur'an 24:63 (An-Nur); Qur'an 67:5 (Al-Mulk).

not?" I replied: Abrogation is permissible in this case, because it belongs to the category of abrogating something before it is acted upon. There is no difference between His commanding us to perform fifty prayers and His commanding us to perform some act forever or for eight days, and then abrogating it for us before its performance is complete. Falsehood has no place in commands and prohibitions; it enters only into statements of fact. If the command were expressed with this restriction in the form of a statement of fact, its abrogation would not be permissible, because it would be sheer falsehood, since falsehood occurs in statements of fact. This differs from a command expressed in the form of a statement of fact without being tied to a specified time: abrogation is permissible in its case, because it would not then constitute falsehood. Abrogation would then merely clarify the period during which that act was binding upon us. Whatever is expressed in the form of a statement of fact with an affirmation of perpetuity cannot be abrogated, as in Allah's saying, "They are five, and they are fifty; the word is not changed with Me." If it were changed, this statement would be false. Other examples are, "For ever and ever," "The lesser pilgrimage has entered into the pilgrimage until the Day of Resurrection," and the statement concerning temporary marriage: "It is forbidden by the prohibition of Allah and His Messenger until the Day of Resurrection." If these two rulings were abrogated, these two statements would be false, since its occurrence would invalidate the existence of what He informed us would exist until the Day of Resurrection. Success is through Allah Most High.[97][98][99]

لزمنا ذلك العمل، فما جاء بلفظ الخبر على التأبيد فلا يجوز نسخه قول الله: هي خمس وهي خمسون، لا يبدل القول لدي فلو بدل لكان هذا القول كذبا، ومنه لأبد الأبد دخلت العمرة في الحج إلى يوم القيامة، والقول في المتعة فهي حرام بحرمة الله ورسوله إلى يوم القيامة، فلو نسخ هذان الأمران لكان هذان القولان كذبا إذ كان يبطل وجوده ما أخبرنا بوجوده إلى يوم القيامة، وبالله تعالى التوفيق.

[97] **Translator's note (L1485):** The first occurrence of "eight consecutive" has no expressed noun; "days" is supplied from the subsequent explicit reference to eight days.

[98] **Translator's note (L1486):** The supplied text reads "with affirmation/support" (ʿalā al-taʾyīd), where the argument appears to require "in perpetuity" (ʿalā al-taʾbīd). The translation makes the contextual sense explicit without treating the transmitted reading as unproblematic. "For ever and ever" appears as an unattached fragment before the quotation about the lesser pilgrimage; its placement is retained. "They are five, and they are fifty; the word is not changed with Me" is presented as a single divine saying. It should not be understood as a continuous Quranic quotation.

[99] **Translator's note (L1487):** The Arabic construction is awkward. "Its occurrence" is understood as the occurrence of abrogation, which would invalidate the continuing existence of the ruling previously declared to endure.

[Section on the Abrogation of the Quran by the Sunnah and of the Sunnah by the Quran]

Abu Muhammed said: People disagreed about this after agreeing that the Quran may be abrogated by the Quran and that the Sunnah may be abrogated by the Sunnah. One group said: The Sunnah cannot be abrogated by the Quran, nor the Quran by the Sunnah. Another group said: All of this is permissible: the Quran may be abrogated by the Quran and by the Sunnah, and the Sunnah may be abrogated by the Quran and by the Sunnah. Abu Muhammed said: This is our position, and it is the correct one. In our view, the Sunnah transmitted through mass transmission and the Sunnah transmitted through individually transmitted reports are alike: all of these may abrogate one another, abrogate verses of the Quran, and be abrogated by verses of the Quran. The demonstration of this is what we explained in the chapter on reports in this book: obedience to what comes from the Prophet ﷺ is obligatory just as obedience to what comes in the Quran is obligatory, without any difference, and all of it comes from Allah Most High: "Nor does he speak from desire. It is nothing but revelation revealed." Since his speech is revelation from Allah, Mighty and Majestic, and the Quran is revelation, the abrogation of revelation by revelation is permissible, because all of it is alike in being revelation.[100][101]

Those who prohibited this argued from His saying, Most High: "When Our verses are recited to them as clear proofs, those who do not expect to meet Us say, 'Bring a Quran other than this, or change it.' Say, 'It is not for me to change it of my own accord. I follow only what is revealed to me. I fear, if I disobey my Lord, the punishment of a tremendous day.'" Abu Muhammed said: This provides them with no argument, because we have not said that the Messenger of Allah ﷺ changed it of his own accord; anyone who says this is an unbeliever. We say only that he, peace be upon him, changed it through revelation from Allah Most High, as He said, commanding him to

[100] **Translator's note (L1489):** The Quranic quotation, corresponding to 53:3–4, contains the malformed "lahawā" in place of the standard wording "al-hawā," meaning "desire." The translation gives the apparent intended sense.

[101] **Qur'an references (L1489):** Qur'an 53:4 (An-Najm).

[فصل في نسخ القرآن بالسنة والسنة بالقرآن]

قال أبو محمد: اختلف الناس في هذا بعد أن اتفقوا على جواز نسخ القرآن بالقرآن، وجواز نسخ السنة بالسنة، فقالت طائفة: لا تنسخ السنة بالقرآن ولا القرآن بالسنة، وقالت طائفة: جائز كل ذلك، والقرآن ينسخ بالقرآن وبالسنة والسنة تنسخ بالقرآن وبالسنة. قال أبو محمد: وبهذا نقول وهو الصحيح، وسواء عندنا السنة المنقولة بالتواتر والسنة المنقولة بأخبار الآحاد، كل ذلك ينسخ بعضه بعضا، وينسخ الآيات من القرآن، وينسخه الآيات من القرآن، وبرهان ذلك ما بيناه في باب الأخبار من هذا الكتاب من وجوب الطاعة لما جاء عن النبي صلى الله عليه وسلم كوجوب الطاعة لما جاء في القرآن ولا فرق وأن كل ذلك من عند الله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فإذا كان كلامه وحيا من عند الله عز وجل، والقرآن وحي، فنسخ الوحي بالوحي جائز، لأن كل ذلك سواء في أنه وحي.

واحتج من منع ذلك بقوله تعالى {وإذا تتلى عليهم آياتنا بينات قال لذين لا يرجون لقآءنا ئت بقرآن غير هذآ أو بدله قل ما يكون لي أن أبدله من تلقآء نفسي إن أتبع إلا ما يوحى إلي إني أخاف إن عصيت ربي عذاب يوم عظيم} قال أبو محمد: وهذا لا حجة لهم فيه لأننا لم نقل إن رسول الله صلى الله عليه وسلم بدله من تلقاء نفسه وقائل هذا كافر وإنما نقول: إنه عليه السلام بدله بوحي من عند الله تعالى، كما قال آمرا له 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} فصح بهذا نصا جواز نسخ الوحي بالوحي، والسنة وحي فجائز نسخ القرآن بالسنة، والسنة

say: “Say, ‘I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me.’ Say, ‘Are the blind and the sighted equal? Will you not then reflect?’” This therefore establishes by explicit text the permissibility of abrogating revelation by revelation. The Sunnah is revelation, so abrogating the Quran by the Sunnah and the Sunnah by the Quran is permissible. They also argued from His saying, Most High: “Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?”[102][103]

L1491–1493 They said: The Sunnah is neither like the Quran nor better than it. Abu Muhammed said: This too provides them with no argument, because neither are some portions of the Quran better than others. The meaning is simply, “We bring one better than it for you, or like it for you.” There is no doubt that acting upon the abrogating ruling is better than acting upon the abrogated ruling before it was abrogated. The reward for acting upon the abrogating ruling may equal the reward for acting upon the abrogated ruling before it was abrogated, and it may exceed it. The benefit conveyed by the verse, however, is that we are assured that acting upon the abrogating ruling will not bring less reward than acting upon the abrogated ruling before it was abrogated. Rather, it will bring either greater reward or the same reward; one of these two alternatives must obtain, as a favor to us from Allah Most High—there is no deity but He. Furthermore, the Sunnah is like the Quran in two respects. The first is that both come from Allah, Mighty and Majestic, as we recited just now from His saying, Most High: “Nor does he speak from desire. It is nothing but revelation revealed.” The second is that they are equal in the obligation to obey them, by His saying, Most High: “Whoever obeys the Messenger has obeyed Allah. As for whoever turns away, We have not sent you as a keeper over them”; and by His saying, Most High: “O

[102] **Translator’s note (L1490):** The Quranic quotations contain several apparent transcriptional omissions in articles and word openings, including forms corresponding to “those,” “Allah,” “the unseen,” “the blind,” and “the sighted.” Their intelligible intended senses are translated.

[103] **Qur’an references (L1490):** Qur’an 10:15 (Yunus); Qur’an 19:73 (Maryam); Qur’an 46:7 (Al-Ahqaf); Qur’an 6:50 (Al-An’am); Qur’an 2:106 (Al-Baqarah).

بالقرآن. واحتجوا أيضا بقوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن الله على كل شيء قدير}

قالوا والسنة ليست مثلا للقرآن ولا خيرا منه. قال أبو محمد: وهذا أيضا لا حجة لهم فيه، لأن القرآن أيضا ليس بعضه خيرا من بعض، وإنما المعنى نأت بخير منها لكم أو مثلها لكم، ولا شك أن العمل بالناسخ خير من العمل بالمنسوخ، قبل أن ينسخ، وقد يكون الأجر على العمل بالناسخ مثل الأجر على العمل بالمنسوخ قبل أن ينسخ، وقد يكون أكثر منه، إلا أن فائدة الآية أننا قد أمنا أن يكون العمل بالناسخ أقل أجرا من العمل بالمنسوخ قبل أن ينسخ، لكن إنما يكون أكثر منه أو مثله، ولا بد من أحد الوجهين، تفضلا من الله تعالى لا إله إلا هو علينا. وأيضا فإن السنة مثل القرآن في وجهين: أحدهما: أن كلاهما من عند الله عز وجل على ما تلونا آنفا من قوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والثاني استواؤهما في وجوب الطاعة بقوله تعالى {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وبقوله 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} وإنما افترقا في ألا يكتب في المصحف غير القرآن، ولا يتلى معه غيره مخلوطا به، وفي الإعجاز فقط. وليس في العالم شيئان إلا وهما يشتبهان من وجه ويختلفان من آخر لا بد من ذلك ضرورة ولا سبيل إلى أن يختلفا من كل وجه، ولا أن يتماثلا من كل وجه، وإذ قد صح هذا كله، فالعمل بالحديث الناسخ أفضل وخير من العمل بالآية المنسوخة،

you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finest in outcome." They differ only in that nothing other than the Quran may be written in the Quranic codex, that nothing else may be recited together with it, intermingled with it, and in miraculous inimitability alone. There are no two things in the world that do not resemble one another in one respect and differ in another. This must necessarily be so. There is no possibility that they should differ in every respect or be identical in every respect. Since all this has been established, acting upon the abrogating hadith is superior and better than acting upon the abrogated verse, and brings greater reward, as we said before, without any difference. He, Most High, has said: "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 verses clear to people, so that they may remember." Yet the polytheistic woman may be better than her in beauty, in certain qualities of character, and in similar respects, although the believing woman is better in the sight of Allah Most High. This is something known through sense perception and direct observation. Success is through Allah Most High.[104][105][106]

وأعظم أجرا كما قلنا قبل ولا فرق وقد قال 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} وقد تكون المشركة خيرا منها في الجمال وفي أشياء من الأخلاق ونحوها، وإن كانت المؤمنة خيرا عند الله تعالى، وهذا شيء يعلم حسا ومشاهدة، وبالله تعالى التوفيق

L1494 They also adduced His saying, exalted is He: {Allah effaces whatever He wills and confirms, and with Him is the Mother of the Book.} Abu Muhammed

واحتجوا أيضا بقوله تعالى {يمحو لله ما يشآء ويثبت وعنده أم لكتاب} قال أبو محمد وهذا لا حجة لهم فيه لأنه كل ما جاء عن النبي صلى الله عليه وسلم فالله عز وجل هو المثبت له وهو تعالى الماحي به لما شاء أن يمحو من أوامره، وكل من عند الله، وهذه الآية حجة لنا عليهم في أنه تعالى يمحو ما شاء بما شاء عن العموم، ويدخل في ذلك السنة والقرآن واحتجوا أيضا بقوله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} قالوا: والمبين لا يكون ناسخا. قال أبو محمد: وهذا خطأ من وجهين، أحدهما: ما قد بينا في أول الكلام في النسخ، من أن النسخ نوع من

[104] **Translator's note (L1491):** The quotation corresponding to Quran 53:3–4 repeats the malformed word for "desire" found in unit 1489:0. Other quotations also contain apparent omissions in articles and word openings; their intelligible senses are translated. The comparison between acting upon the abrogating ruling and acting upon the abrogated ruling explicitly includes "before it was abrogated" in the supplied text. This potentially surprising formulation is preserved.

[105] **Translator's note (L1492):** The Quranic quotation contains apparent omissions in the written articles of several words, including "polytheistic women," "polytheistic men," "the Fire," "Allah," "the Garden," and "forgiveness." Their intelligible senses are translated.

[106] **Qur'an references (L1491):** Qur'an 53:4 (An-Najm); Qur'an 4:80 (An-Nisa); Qur'an 4:59 (An-Nisa); Qur'an 2:221 (Al-Baqarah).

said: This provides them with no proof, because everything that has come from the Prophet ﷺ is confirmed by Allah, mighty and majestic; and through it He, exalted is He, effaces whatever He wills to efface of His commands. All is from Allah. This verse is proof for us against them that He, exalted is He, effaces whatever He wills by whatever He wills, in general terms encompassing both the Sunnah and the Quran. They also adduced His saying, exalted is He: {With clear proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect.} They said: That which explains cannot abrogate. Abu Muhammed said: This is erroneous on two counts. The first is what we have already explained at the beginning of the discussion of abrogation: abrogation is one kind of explanation, because it explains the removal of the abrogated command and explains the establishment of the abrogating command. The second is that their statement, "That which explains cannot abrogate," is a claim unsupported by any evidence. Every claim devoid of demonstration is unsound and falls away. They adduced His saying, exalted is He: {When We substitute one verse for another—and Allah knows best what He sends down—they say, "You are only a fabricator." Rather, most of them do not know.} Abu Muhammed said: This provides them with no proof, because He, exalted is He, did not say, "I substitute a verse only for another verse." He merely told us that He substitutes one verse for another. We have not denied this; indeed, we have affirmed it and said that He substitutes a verse and also does something else: substituting revelation other than that, recited, for a verse, as established by other demonstrations. Everything by which we have refuted their unsound statements concerning inference from the unspoken contrary also refutes their adducing this verse.[107] [108]

أنواع البيان، لأنه بيان ارتفاع الأمر المنسوخ، وبيان إثبات الأمر الناسخ، والثاني: أن قولهم: إن المبين لا يكون ناسخا دعوى لا دليل عليها، وكل دعوى تعرت من برهان فهي فاسدة ساقطة. واحتجوا بقوله تعالى {وإذا بدلنآ آية مكان آية والله أعلم بما ينزل قالوا إنمآ أنت مفتر بل أكثرهم لا يعلمون} قال أبو محمد: وهذا لا حجة لهم فيه، لأنه لم يقل تعالى: إني لا أبدل آية إلا مكان آية، وإنما قال لنا: إنه يبدل آية مكان آية، ونحن لم ننكر بل أثبتناه، وقلنا: إنه يبدل آية، ويفعل أيضا غير ذلك، وهو تبديل وحي غير ذلك، متلو مكان آية، ببراهين أخر، وكل ما أبطلنا به أقوالهم الفاسدة في دليل الخطاب، فهو مبطل لاحتجاجهم بهذه الآية

[107] **Translator's note (L1494):** The wording «وهو تبديل وحي غير ذلك متلو مكان آية» is syntactically disturbed. The translation retains its apparent wording, including «متلو», "recited." The surrounding argument suggests that non-recited revelation is intended, but the supplied text has not been silently repaired. "Inference from the unspoken contrary" renders «دليل الخطاب», the inference that a ruling stated for a specified case implies the contrary ruling for cases outside that specification.

[108] **Qur'an references (L1494):** Qur'an 13:39 (Ar-Ra'd); Qur'an 16:44 (An-Nahl); Qur'an 16:101 (An-Nahl).

L1495 They adduced His saying, exalted is He: {Exalted, then, is Allah, the King, the True. Do not hasten with the Quran before its revelation to you has been completed, and say, "My Lord, increase me in knowledge."} They said: If Allah, exalted is He, forbade him to explain the Quran before its revelation to him had been completed, then His prohibition against his abrogating it is all the stronger.[109]

L1496–1498 Abu Muhammed said: This is contentious misrepresentation and obfuscation, because we have never allowed that the Messenger, peace be upon him, might abrogate verses of the Quran before the revelation abrogating them has been conveyed to him. Whoever says that is, in our judgment, an unbeliever. We have said only that when his Lord, exalted is He, conveys to him, peace be upon him, non-recited revelation abrogating a verse, the Messenger of Allah ﷺ then makes it known to people in his own words. It thus constitutes a communicated Sunnah, a binding legal prescription, and transmitted revelation. It is no detriment to it that it should be called Quran and not be written in the written copy of the Quran, just as this was no detriment to all the other legal prescriptions established by the Sunnah for which there is no explanation in the Quran: the number of bowings in the prayers, the forms of obligatory almsgiving, the sales that are prohibited, and all the other rulings. All of this is from Allah, mighty and majestic. One of them adduced His saying, exalted is He: {Say: The Holy Spirit has brought it down from your Lord in truth, to make those who believe steadfast, and as guidance and glad tidings for the Muslims.} He said: This can be applied only to the Quran. Abu Muhammed said: All of this is a lie and a fabrication by the person saying it. Every revelation that came to the Prophet ﷺ with any legal prescription was brought down by the Holy Spirit from his Lord. The explicit wording of the hadith states that Gabriel, peace be upon him, descended and prayed, and the Messenger of Allah ﷺ prayed; then he prayed, and the Messenger of Allah ﷺ prayed; and so on until he had taught him the five prayers. This is not in the Quran, yet the Holy Spirit brought it down, as you see. Abu Muhammed said: Everything they adduced has thus been refuted. Through Allah, exalted is He, comes success. Al-Shafi'i, may

[109] **Qur'an references (L1495):** Qur'an 20:114 (Taha).

واحتجوا بقوله تعالى {فتعالى الله الملك الحق ولا تعجل بالقرآن من قبل إن يقضى إليك وحيه وقل رب زدني علما} قالوا فإذا منعه الله تعالى من أن يبين القرآن من قبل أن يقضي إليه وحيه، فهو من نسخه أشد منعا.

قال أبو محمد: وهذا شغب وتمويه، لأننا لم نجز قط أن يكون الرسول عليه السلام ينسخ الآيات من القرآن قبل أن يقضى إليه وحي نسخها، وقائل ذلك عندنا كافر، وإنما قلنا: إنه عليه السلام إذا قضى إليه ربه تعالى وحيا غير متلو بنسخ آية أبداه رسول الله صلى الله عليه وسلم إلى الناس حينئذ بكلامه فكان سنة مبلغة وشريعة لازمة ووحيا منقولا، ولا يضره أن يسمى قرآنا ولا يكتب في المصحف، كما لم يضر ذلك سائر الشرائع التي ثبتت بالسنة، ولا بيان لها في القرآن، من عدد ركوع الصلوات، ووجوه الزكوات، وما حرم من البيوع وسائر الأحكام، وكل ذلك من عند الله عز وجل واحتج بعضهم بقوله تعالى {قل نزله روح لقدس من ربك بلحق ليثبت لذين آمنوا وهدى وبشرى للمسلمين} قال وهذا لا يطلق إلا على القرآن. قال أبو محمد: وهذا كله كذب من قائله وافتراء وكل وحي أتى إلى النبي صلى الله عليه وسلم بشريعة من الشرائع فإذا نزل به الروح القدس من ربه، وقد جاء نص الحديث، بأن جبريل عليه السلام نزل فصلى فصلى رسول الله صلى الله عليه وسلم ثم صلى فصلى رسول الله صلى الله عليه وسلم هكذا حتى علمه الصلوات الخمس وليس هذا في القرآن، وقد نزله روح القدس كما ترى. قال أبو محمد: فبطل كل ما احتجوا به، وبالله تعالى التوفيق. وقد قال الشافعي رحمة الله عليه: إذا أحدث الله تعالى لنبيه عليه السلام أمرا برفع سنة تقدمت أحدث النبي عليه السلام سنة تكون ناسخة لتلك السنة الأولى. فأنكر عليه بعض أصحابه هذا القول فقال: لو جاز أن يقال في وحي نزل ناسخا لسنة تقدمت فعمل

بها النبي صلى الله عليه وسلم أن عمله هذا نسخ السنة الأولى لكان إذا عمل عليه السلام سنة فنسخ بها سنة سالفة له، فعمل بها الناس إن عمل الناس نسخ السنة الأولى، وهذا خطأ قال أبو محمد وهذا اعتراض صحيح والرسول صلى الله عليه وسلم مفترض عليه الانقياد لأمر ربه عز وجل فإنما الناسخ هو الأمر الوارد من الله عز وجل، لا العمل الذي لا بد منه، والذي إنما يأتي انقيادا لذلك الأمر المطاع.

Allah have mercy upon him, said: When Allah, exalted is He, introduces for His Prophet, peace be upon him, a command removing an earlier Sunnah, the Prophet, peace be upon him, introduces a Sunnah that abrogates that first Sunnah. One of his followers objected to this statement of his, saying: If it were permissible to say of a revelation that descended abrogating an earlier Sunnah, and upon which the Prophet ﷺ acted, that this action of his abrogated the first Sunnah, then, when he, peace be upon him, practiced a Sunnah by which he abrogated an earlier Sunnah of his, and people acted upon it, it would follow that the people's action abrogated the first Sunnah. This is erroneous. Abu Muhammed said: This is a valid objection. The Messenger ﷺ is obliged to submit to the command of his Lord, mighty and majestic. What abrogates is therefore the command coming from Allah, mighty and majestic, rather than the action that must necessarily follow and that comes only in submission to that command which is obeyed.[110]

قال أبو محمد: فيقال لمن خالفنا في هذه المسألة أيفعل الرسول صلى الله عليه وسلم أو يقول شيئا من قبل نفسه دون أن يوحى إليه به؟ فإن قال: نعم، كفر وكذبه ربه تعالى بقوله عز وجل {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وبقوله تعالى آمرا له 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} فلما بطل أن يكون فعله صلى الله عليه وسلم أو قوله إلا وحيا وكان الوحي ينسخ بعضه بعضا، كانت السنة والقرآن ينسخ بعضها بعضا. قال أبو محمد: ومما يبين نسخ القرآن بالسنة بيانا لا خفاء به قوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} ثم قال صلى الله عليه وسلم خذوا عني خذوا عني قد جعل الله لهن سبيلا البكر بالبكر جلد مائة وتغريب سنة، والثيب بالثيب جلد مائة والرجم فكان كلامه صلى الله عليه وسلم الذي ليس قرآنا ناسخا للحبس الذي ورد به القرآن. فإن قال قائل

L1499–1501 Abu Muhammed said: Whoever disagrees with us on this question should be asked: Does the Messenger ﷺ do or say anything on his own initiative without its being revealed to him? If he says yes, he has disbelieved, and his Lord, exalted is He, declares him a liar through His saying, mighty and majestic: {He does not speak from desire. It is only revelation revealed}; and through His saying, exalted is He, commanding him 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?} Since it is untenable that his action ﷺ or his speech should be anything other than revelation, and since one part of revelation abrogates another, the Sunnah and the Quran abrogate one another. Abu Muhammed said: Among the things that explain the abrogation of the Quran by the Sunnah with unmistakable clarity is His saying, exalted is He: {As for those of your women who commit an indecency, call four witnesses from among you against them. If they testify, confine them

[110]**Translator's note (L1496):** The supplied text says «ولا يضره أن يسمى قرآنا», "It is no detriment to it that it should be called Quran." This appears inconsistent with the surrounding description of non-recited revelation and may lack a negative before «يسمى». The translation preserves the supplied wording.

to the houses until death takes them or Allah makes a way for them.} Then he ﷺ said: "Take it from me, take it from me: Allah has made a way for them. An unmarried person with an unmarried person: one hundred lashes and banishment for a year. A previously married person with a previously married person: one hundred lashes and stoning." His speech ﷺ, which is not Quran, thus abrogated the confinement prescribed by the Quran. If someone says, "Nothing abrogated confinement except His saying, exalted is He: {The woman who commits unlawful sexual intercourse and the man who commits unlawful sexual intercourse: flog each of them one hundred lashes. Let no compassion for them seize you concerning Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}," he should be told: You are mistaken, because the explicit wording of this hadith requires that it preceded the revelation of the verse prescribing flogging: it explains the way that Allah, exalted is He, mentioned, and commands them to listen to that way. Moreover, the hadith contains banishment and flogging, and that is not in the verse you mentioned. The hadith is therefore what actually abrogates, especially if our opponent is among the followers of Abu Hanifah, al-Shafi'i, or Malik, for they do not prescribe flogging for a previously married person; they prescribe stoning alone. Their unsound position therefore entails that the verse mentioned has absolutely no part in abrogating the punitive mistreatment and confinement that had constituted the prescribed penalty for men and women who commit unlawful sexual intercourse. If one of them says, "Nothing abrogated the punitive mistreatment and confinement except what has been transmitted of what was once revealed, namely: 'The elderly man and the elderly woman: stone them both without fail,'" he should be told—and through Allah, exalted is He, comes success: You have abandoned your position and agreed with us that it is permissible to abrogate the recited Quran by something that is not like it in being recited, and that is not like it in being written in the written copy of the Quran. If you permit that, then likewise his speech ﷺ is, by the

ما نسخ الحبس إلا قوله تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} قيل له أخطأت لأن هذا الحديث يوجب بنصه أنه قبل نزول آية الجلد لأنه بيان السبيل الذي ذكر الله تعالى، وأمر لهم باستماع تلك السبيل، وأيضا فإن في الحديث التغريب والجلد، وليس ذلك في الآية التي ذكرت، فالحديث هو الناسخ على الحقيقة، لا سيما إذا كان خصمنا من أصحاب أبي حنيفة والشافعي أو مالك، فإنهم لا يرون على الثيب جلدا إنما يرون الرجم فقط، فوجب على قولهم الفاسد ألا مدخل للآية المذكورة أصل في نسخ الأذى والحبس الذي كان حد الزناة والزواني. فإن قال قائل منهم: ما نسخ الأذى والحبس إلا ما روي مما كان نازلا وهو: الشيخ والشيخة فارجموهما البتة، قيل له، وبالله تعالى التوفيق: قد تركت قولك ووافقتنا على جواز نسخ القرآن المتلو بما ليس مثله في التلاوة، وبما ليس مثله في أن يكتب في المصحف فإذا جوزت ذلك فكذلك كلامه صلى الله عليه وسلم بنص القرآن وحي غير متلو وليس ذلك بمانع من أن ينسخ به

explicit text of the Quran, non-recited revelation, and that does not prevent abrogation by means of it.[111][112][113][114]

[111] **Translator's note (L1499):** The author says that "banishment and flogging" are not in the cited verse, although the verse explicitly prescribes flogging. This may refer to the combined prescription, or may be a textual error; the supplied wording has been retained. "Previously married person" renders «الثيب», contrasted here with «البكر», "unmarried person"; the distinction concerns prior consummated marriage rather than merely present marital status.

[112] **Translator's note (L1500):** The supplied «أصل» appears grammatically irregular where an adverb meaning "at all" would be expected; "absolutely no part" conveys the apparent sense. The quotation begins with «الشيخ», literally "the elderly man," and continues in the next unit. Its literal wording is retained.

[113] **Hadith references (L1499):** Sunan Ibn Majah 2550.

[114] **Qur'an references (L1499):** Qur'an 53:4 (An-Najm); Qur'an 6:50 (Al-An'am); Qur'an 4:15 (An-Nisa); Qur'an 24:2 (An-Nur).

L1502–1505 Some of them have been at a loss here and said: He meant by His words, {The woman who commits unlawful sexual intercourse and the man who commits unlawful sexual intercourse: flog each of them one hundred lashes, and let no compassion for them seize you in Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}, only those who have not acquired protected marital status. He said: Just as the male slave and the female slave were excluded from this text, so too the man and woman possessing protected marital status were excluded from it.

Abu Muhammed said: He is to be told: If you allow one ruling to be excluded because another ruling has been excluded on the basis of evidence, then do not object to Abu Hanifah's statement that someone who marries his mother, knowing that she is his mother, and has intercourse with her falls outside the ruling governing those who commit unlawful sexual intercourse. Nor should we object to Malik's statement that someone who has intercourse with his paternal aunt or maternal aunt by right of ownership, knowing that both are forbidden to him, falls outside the ruling governing those who commit unlawful sexual intercourse. Yet you include among them the man who engages in anal intercourse with another man, although he is not mentioned among them. This is one of their errors: excluding from those who commit unlawful sexual intercourse someone to whom the designation of such an offender applies, and including among them someone to whom that designation does not apply. This is open disobedience to Allah Most High, opposition to His command, and arbitrary pronouncement concerning religion without evidence. We seek refuge in Allah from that.

Abu Muhammed said: Among the instances in which the Sunnah abrogated the Quran are His words, Mighty and Majestic: {O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows, and wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, purify 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 clean earth and wipe your faces and your hands with some of it. Allah does not wish to impose any hardship upon you, but He wishes to purify you and complete His blessing upon you, so that you may

وقد بلح بعضهم ههنا فقال إنما عنى بقوله {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين الله إن كنتم تؤمنون بالله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} غير المحصنين فقط وقال كما خرج العبد والأمة من هذا النص، فكذلك خرج المحصن والمحصنة منه. قال أبو محمد: فيقال له: إذا جوزت خروج حكم ما من أجل خروج حكم آخر بدليل، فلا ننكر على أبي حنيفة قوله: من تزوج أمه وهو يعلم أنها أمه فوطئها خارج عن حكم الزناة، ولا ننكر على مالك قوله: إن من وطىء عمته وخالته بملك اليمين، وهو يعلم أنهما محرمتان عليه خارج عن حكم الزناة، ولا تدخل أنت فيهم اللوطي ولا ذكر له فيهم، وهذا من غلطهم أن يخرجوا من الزناة من وقع عليه اسم زان، وأن يدخلوا فيهم من لا يقع عليه اسم زان، وهذا جهار بالمعصية لله تعالى وخلاف أمره، وتحكم في الدين بلا دليل نعوذ بالله من ذلك. قال أبو محمد: ومما نسخت فيه السنة القرآن قوله عز وجل {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين وإن كنتم جنبا فطهروا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد لله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} فإن القراءة بخفض أرجلكم وفتحها، كلاهما لا يجوز إلا أن يكون معطوفا على الرؤوس في المسح ولا بد، لأنه لا يجوز البتة أن يحال بين المعطوف والمعطوف عليه بخبر غير الخبر عن المعطوف عليه، لأنه إشكال وتلبيس وإضلال لا بيان، لا تقول: ضربت محمدا وزيدا، ومررت بخالد وعمرا، وأنت تريد أنك ضربت عمرا أصلا، فلما جاءت السنة بغسل الرجلين صح أن المسح منسوخ عنهما. وهكذا عمل الصحابة رضي الله عنهم، فإنهم كانوا يمسحون على أرجلهم حتى قال عليه السلام: ويل للأعقاب والعراقيب من النار وكذلك قال

give thanks}. For the reading with ‘your feet’ in the genitive and the reading with it in the accusative can both only have it coordinated with ‘heads’ in respect of wiping; this is unavoidable, because it is absolutely impermissible to separate a coordinated term from the term with which it is coordinated by a predicate other than the predicate concerning the term with which it is coordinated, because that would be obscurity, obfuscation, and misguidance, rather than clarification. You do not say, ‘I struck Muhammed and Zayd, and passed by Khalid and ʿAmr,’ intending at all that you struck ʿAmr. Thus, when the Sunnah prescribed washing the two feet, it became established that wiping them had been abrogated. This was also how the Companions acted, may Allah be pleased with them: they used to wipe their feet until he said, peace be upon him, ‘Woe to the heels and the Achilles tendons from the Fire!’ Ibn ʿAbbas likewise said: ‘The Quran was revealed prescribing wiping.’

Abu Muhammed said: Abrogation is the restriction of the applicability of a given ruling to certain times, to the exclusion of all other times. They allow the Sunnah to restrict applicability to certain individual instances, as in his statement, peace be upon him, ‘There is no amputation except for a quarter of a dinar or more,’ and similar statements. What, then, is the difference between permitting the restriction of applicability to certain individual instances through the Sunnah and permitting its restriction to certain times through it? And what necessitated that this should be forbidden, while that is found to occur? If they say, ‘Specification is not like abrogation, because specification does not remove the text, whereas abrogation removes the entire text,’ they are to be told: If removing part of a text through the Sunnah is permissible, and part of a text is itself a text, then there is no difference between that and removing part of another text through it. All of that is alike, and there is no difference between any of it.

Abu Muhammed said: They have acknowledged, and the transmitted report has established, that the written form of many verses was removed altogether. They cannot have been removed by a Quranic passage, since, had they been removed by a Quranic passage, that passage would exist and be recited. Yet nothing in what is recited contains any mention of the removal of such-and-such a verse among those that were removed altogether. It therefore

ابن عباس: نزل القرآن بالمسح. قال أبو محمد: والنسخ تخصيص بعض الأزمان بالحكم الوارد دون سائر الأزمان، وهم يجيزون بالسنة تخصيص بعض الأعيان، مثل قوله عليه السلام: لا قطع إلا في ربع دينار فصاعدا وما أشبه ذلك، فما الفرق بين جواز تخصيص بعض الأعيان بالسنة، وبين جواز تخصيص بعض الأزمان بها؟ وما الذي أوجب أن يكون هذا ممنوعا، وذلك موجودا؟ فإن قالوا: ليس التخصيص كالنسخ، لأن التخصيص لا يرفع النص، والنسخ يرفع النص كله. قيل لهم: إذا جاز رفع بعض النص بالسنة وبعض النص نص فلا فرق بين رفع بعض نص آخر بها، وكل ذلك سواء، ولا فرق بين شيء منه. قال أبو محمد: وقد أقروا وثبت الخبر، بأن آيات كثيرة رفع رسمها البتة، ولا يجوز أن ترفع بقرآن، إذ لو رفعت بقرآن لكان ذلك القرآن موجودا متلوا، وليس في شيء من المتلو ذكر رفع لآية كذا مما رفع البتة، فوجب ضرورة أن ما ارتفع، وهذا نفس ما أجزنا من نسخ القرآن بالسنة، فإن قالوا: إنما رفع بالإنساء، قيل لهم: الإنساء ليس قرآنا، وإنما ذلك هو فعل منه تعالى وأمر بألا يتلى. قال أبو محمد: ومما نسخ من القرآن بالسنة قوله تعالى {كتب عليكم إذا حضر أحدكم لموت إن ترك خيرا لوصية للوالدين ولأقربين بلمعروف حقا على لمتقين} نسخ بعضها قوله صلى الله عليه وسلم لا وصية لوارث

necessarily follows that what was removed— And this is precisely what we have allowed concerning the abrogation of the Quran by the Sunnah. If they say, 'It was removed only by being caused to be forgotten,' they are to be told: Causing something to be forgotten is not Quran; it is an act of His, Most High, and a command that it not be recited.

Abu Muhammed said: Among the passages of the Quran abrogated by the Sunnah are His words, Most High: {Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest for parents and close relatives according to what is right: an obligation upon the Allah-fearing}. Part of it was abrogated by his statement, may Allah bless him and grant him peace ﷺ: 'There is no bequest for an heir.'[1][2][3][4]

L1506 Some people have said that the verses on inheritance abrogated this verse. Abu Muhammed said: This is sheer error, because abrogation is the removal of the ruling that is abrogated and stands in opposition to it. There is nothing in the inheritance verse that prevents a bequest to parents and close relatives, since it is possible for them to inherit and also to receive a bequest from the third. Among the remarkable things that befall those who say that the Sunnah does not abrogate the Quran is that they forgot themselves and made the report of ʿImran ibn al-Husayn concerning the six slaves abrogate the bequest for parents and close relatives. They thus affirmed what they had denied

وقد قال قوم إن آيات المواريث نسخت هذه الآية. قال أبو محمد: وهذا خطأ محض، لأن النسخ هو رفع حكم المنسوخ ومضاد له، وليس في آية المواريث ما يمنع الوصية للوالدين والأقربين إذ جائز أن يرثوا ويوصى لهم مع ذلك من الثلث، ومن بديع ما يقع لمن قال: إن القرآن لا تنسخه السنة، أنهم نسوا أنفسهم، فجعلوا حديث عمران بن الحصين في الستة الأعبد، ناسخا لوصية الوالدين والأقربين، فأثبتوا ما نفوا وصححوا ما أبطلوا، وقد تكلمنا في بطلان ذلك فأغنى عن ترديده، ولا فرق بينهم في دعواهم لذلك وبين من قال: بل الآية نسخت حديث الستة الأعبد ومما نسخ من السنة بالقرآن صلحه صلى الله عليه وسلم أهل الحديبية إلى المدة التي كانت ثم نسخ الله تعالى ذلك في سورة براءة، ولم يجز لنا صلح مشرك إلا على الإسلام فقط، حاشا أهل الكتاب، فإنه تعالى أجاز صلحهم على أداء الجزية مع الصغار، وأبطل تعالى تلك الشروط كلها، وتلك المدة كلها وبالله تعالى التوفيق

[1] **Translator's note (L1502):** The Quranic quotations repeatedly omit written alifs and hamzahs in the transcription. The translations follow the discernible wording. 'Protected marital status' renders ihsan; the corresponding masculine and feminine terms are muhsan and muhsanah. The author argues that both grammatical readings of 'your feet' require wiping. The translation preserves his grammatical claim.

[2] **Translator's note (L1504):** The grammatical example marks ʿAmr with the accusative ending, ʿAmran, despite its position after 'I passed by Khalid.' The author's point depends on that case ending, which ordinary English does not display.

[3] **Translator's note (L1505):** The opening says literally 'forbidden and that existent'; 'found to occur' preserves the supplied reading mawj udan rather than silently replacing it with 'permitted.' The clause 'It therefore necessarily follows that what was removed' is incomplete in the supplied Arabic. The dash marks this apparent lacuna; no missing argument has been supplied.

[4] **Qur'an references (L1502):** Qur'an 24:2 (An-Nur); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah); Qur'an 2:180 (Al-Baqarah).

and declared valid what they had invalidated. We have already discussed the invalidity of that sufficiently to dispense with repeating it. There is no difference between their making this claim and someone saying: Rather, the verse abrogated the report concerning the six slaves.

Among the instances in which the Sunnah was abrogated by the Quran is his peace agreement, may Allah bless him and grant him peace ﷺ, with the people of al-Hudaybiyyah for the term that had been stipulated. Allah Most High then abrogated that in the surah Baraʾah, and permitted us to make peace with a polytheist only on the basis of acceptance of Islam, with the exception of the People of the Scripture: He, Most High, permitted peace with them on the basis of payment of the poll tax with abasement. He, Most High, invalidated all those conditions and that entire term. Through Allah Most High comes success.[5]

L1507 **[Section on the Abrogation of an Act by a Command and of a Command by an Act]**

L1508–1511 Abu Muhammed said: We have explained that everything he did, may Allah bless him and grant him peace ﷺ, concerning matters of religion, or said concerning them, is revelation from Allah, Mighty and Majestic, on the basis of His words, Most High: {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 then reflect?}, and His words, Most High: {He does not speak from desire. * It is only revelation revealed}. Allah Most High does whatever He wills. At one time He sends down His commands through revelation that is recited; at another, through revelation that is transmitted but not recited; at another, through revelation that is acted upon but neither recited nor transmitted, its written form having been removed while its ruling remains; at another, by showing His Prophet, may Allah bless him and grant him peace ﷺ, whatever He wills in his sleep; and at another, there comes to

[5] **Translator's note (L1506):** 'The third' means the one-third share of an estate available for bequests. The claims concerning the permissible terms of peace are the author's legal conclusions.

[فصل في نسخ الفعل بالأمر والأمر بالفعل]

قال أبو محمد قد بينا أن كل ما فعله صلى الله عليه وسلم من أمور الديانة أو قاله منها فهو وحي من عند الله عز وجل بقوله تعالى {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} وبقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والله تعالى يفعل ما يشاء فمرة ينزل أوامره بوحي يتلى، ومرة بوحي ينقل ولا يتلى، ومرة بوحي يعمل به ولا يتلى ولا ينقل، لكنه قد رفع رسمه وبقي حكمه ومرة أن يري نبيه صلى الله عليه وسلم في منامه ما شاء ومرة يأتيه جبريل بالوحي لا معقب لحكمه فجائز نسخ أمره صلى الله عليه وسلم بفعله وفعله بأمره وجائز نسخ القرآن بكل ذلك، وجائز نسخ كل ذلك بالقرآن وكل ذلك سواء ولا فرق وكذلك الشيء يراه رسول الله صلى الله عليه وسلم ويقره ولا ينكره وقد كان تقدم عنه تحريم جلي، فإن ذلك نسخ لتحريمه، لأنه مفترض عليه التبليغ، وإنكار المنكر، وإقرار المعروف، وبيان

him Gabriel with revelation. None can reverse His judgment. It is therefore permissible for his command, may Allah bless him and grant him peace ﷺ, to be abrogated by his act, and his act by his command. It is permissible for the Quran to be abrogated by all of that, and for all of that to be abrogated by the Quran. All of that is alike, and there is no difference.

Likewise, if the Messenger of Allah, may Allah bless him and grant him peace ﷺ, sees something and approves it without repudiating it, when a clear prohibition of it had previously come from him, that constitutes abrogation of his prohibition. For he is obligated to convey the message, repudiate what is wrong, approve what is right, and explain binding obligations. He is protected from people and from contravening what his Lord, Most High, has commanded him. Since everything we have mentioned is established, we know with certainty that, if he becomes aware of something he had prohibited, then knows of it and does not change it, the prohibition has been abrogated, and that thing has once again become rightful and permissible, something approved rather than repudiated.

If, however, there had previously been only an injunction against that thing, and he then saw it, may Allah bless him and grant him peace ﷺ, or knew of it and approved it, that merely makes clear that the injunction was solely by way of honor. For no one may say of any command, 'This is abrogated,' except on the basis of a clear demonstration, since obedience to all of them is obligatory. Whatever we know with certainty we are obligated to obey, we are forbidden to contravene merely because someone says, 'This is abrogated.' If it were permissible to accept that from someone asserting it without a demonstration, all the religious laws would fall away. For the statement of Zayd, ʿUmar, Malik, al-Shafiʿi, and Abu Hanifah, 'This is abrogated,' has no greater claim to acceptance than the statement of everyone on the face of the earth concerning what those we have mentioned put into practice: 'This too is abrogated.' He, Most High, has said: {They said: None will enter Paradise unless they are Jews or Christians. Those are their wishes. Say: Bring your demonstration, if you are truthful}. Whoever says concerning any of the commands of Allah Most High or the commands of His Messenger, may Allah bless him and grant him peace ﷺ, 'This is abrogated,' or 'This

اللوازم، وهو معصوم من الناس، ومن خلاف ما أمره به ربه تعالى، فلما صح كل ما ذكرنا أيقنا أنه إذا علم شيئا كان قد حرمه ثم علمه ولم يغيره: أن التحريم قد نسخ، وأن ذلك قد عاد حقا مباحا ومعروفا غير منكر. وأما إن كان قد تقدم في ذلك الشيء نهي فقط ثم رآه صلى الله عليه وسلم أو علمه فأقره فإنما ذلك بين أن ذلك النهي على سبيل الكرامة فقط، لأنه لا يحل لأحد أن يقول في شيء من الأوامر، إن هذا منسوخ إلا ببرهان جلي، إذ كلها على وجوب الطاعة لها، وما تيقنا وجوب طاعتنا له، فحرام علينا مخالفته لقول قائل: هذا منسوخ، ولو جاز قبول ذلك ممن ادعاه بلا برهان لسقطت الشرائع كلها، لأنه ليس قول زيد وعمر ومالك والشافعي وأبي حنيفة: هذا منسوخ، بأولى من قول كل من على ظهر الأرض فيما يستعمله من ذكرنا: هذا أيضا منسوخ وقد قال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} ومن قال في شيء من أوامر الله تعالى أو أوامر رسوله صلى الله عليه وسلم هذا منسوخ أو هذا متروك أو هذا مخصوص أو هذا ليس عليه العمل، فقد قال: دعوا ما أمركم به ربكم أو نبيكم ولا تعملوا به، وخذوا قولي وأطيعوني في خلاف ما أمرتم به. قال أبو محمد: فحق من قال ذلك أن يعصى، ولا يلتفت إلى كلامه، إلا أن يأتي ببرهان من نص أو إجماع، كما قدمنا في فصل كيفية معرفة المنسوخ من المحكم

is abandoned,' or 'This is subject to specification,' or 'This is not what is acted upon,' has thereby said: 'Leave aside what your Lord or your Prophet commanded you, and do not act upon it. Accept my statement and obey me in contravening what you were commanded.'

Abu Muhammed said: Anyone who says that deserves to be disobeyed and to have his words disregarded, unless he brings a demonstration from an authoritative text or consensus, as we explained earlier in the section on how to distinguish what is abrogated from what remains in force.[6][7][8]

L1512 Abu Muhammed said: Among the instances we have mentioned in which he ﷺ prohibited something and then saw it without disapproving of it is his prohibition against those praying behind someone seated remaining standing. Then, during the illness in which he died, he, peace be upon him, prayed seated while the people behind him stood, and he, peace be upon him, did not disapprove of that. It is therefore established that the earlier prohibition expressed a recommendation, except where someone does this to magnify the prayer leader: that is forbidden, as he, peace be upon him, explained on the occasion of his prayer when he had ridden Abu Talhah's horse and fallen.

L1513 [Section on When Abrogation Takes Effect][9]

L1514–1522 with respect to someone far from the place where revelation descends. Abu Muhammed said: Some people said: Abrogation takes effect when revelation descends, because, as we have explained, what is abrogated is only Allah's earlier command, not the actions of those commanded. Someone absent, however, incurs neither blame nor the threatened punishment until the

[6] **Translator's note (L1508):** The assertion that a category of revelation is acted upon but 'neither recited nor transmitted' follows the supplied text.

[7] **Translator's note (L1509):** The supplied text reads al-karamah, 'honor,' in 'solely by way of honor.' This is anomalous in the legal argument; al-karahah, 'disapproval,' may have been intended. The translation retains the supplied reading. The repetition 'becomes aware … then knows of it' is present in the Arabic.

[8] **Qur'an references (L1508):** Qur'an 6:50 (Al-An'am); Qur'an 53:4 (An-Najm); Qur'an 2:111 (Al-Baqarah).

[9] **Translator's note (L1513):** The opening words of the next unit appear to continue this heading, qualifying it as concerning someone far from the place where revelation descends.

قال أبو محمد ومما ذكرنا أنه نهى عنه صلى الله عليه وسلم ثم رآه فلم ينكره نهيه المصلين خلف الجالس عن القيام. ثم صلى عليه السلام في مرضه الذي مات فيه جالسا، والناس وراءه قيام، ولم ينكر عليه السلام ذلك، فصح أن ذلك النهي الأول ندب، إلا من فعل ذلك إعظاما للإمام، فهو حرام على ما بين عليه السلام يوم صلاته إذ ركب فرس أبي طلحة فسقط

[فصل في متى يقع النسخ]

عمن بعد عن موضع نزول الوحي قال أبو محمد قال قوم النسخ يقع حين نزول الوحي، لأن المنسوخ على ما بينا إنما هو أمر الله المتقدم لا أفعال المأمورين، إلا أن الغائب لا يقع عليه الملامة، ولا الوعيد إلا بعد بلوغ الأمر الناسخ إليه، وكذلك سائر الأوامر التي لم تنسخ هي لازمة لكل من قرب وبعد، ولكل من لم يخلق بعد، لكن الملامة والوعيد مرفوعان عمن لم يبلغه حتى يبلغه. فإذا بلغته فأطاع حمد وأجر وإن عصى ليم واستحق الوعيد وأجره على فعل ما نسخ مما لم يبلغه نسخه أجر واحد لأنه مجتهد مخطىء كما نص رسول الله صلى الله عليه وسلم في ذلك والذي نقول به إن النسخ لا يلزم إلا إذا بلغ وبين ما قلنا قوله 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

abrogating command reaches him. Likewise, all the other commands that have not been abrogated are binding upon everyone near and far, and upon everyone not yet created. But blame and the threatened punishment are withheld from anyone whom the command has not reached until it reaches him. When it reaches him, if he obeys, he is praised and rewarded; if he disobeys, he is blamed and deserves the threatened punishment. His reward for performing an abrogated act whose abrogation has not reached him is one reward, because he is someone who exercises independent judgment and errs, as the Messenger of Allah ﷺ expressly stated concerning this. Our position is that abrogation becomes binding only when it reaches a person. What we have said is clarified by His words, exalted is He: {Say: "What thing is greatest in testimony?" Say: "To Allah—a witness between me and you. This Qur'an has been revealed to me so that through 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 what you associate with Him."} Thus He made the ruling obligatory after its communication. So if someone far from the Messenger of Allah ﷺ had received the abrogated command, but the abrogating command had not subsequently reached him, and he ventured to abandon the abrogated command that had reached him, without knowing the abrogating command, and acted according to the abrogating command, he would bear the sin of someone who treats lightly the abandonment of an obligatory duty, not the sin of someone who abandons the obligatory duty. Indeed, someone who knows that the ruling has been abrogated may not enforce against him the ruling of what has reached him. The prohibition of applying the ruling to the ignorant person—it would not be permissible for him to judge him by the ruling applicable to someone who knows. An example is a man who encounters another man and kills him with the intention of committing brigandage, only for the person killed to turn out to be the killer of his killer's father, or for him to discover that the victim was a polytheist at war with the Muslims. This man does not bear the sin of someone who deliberately kills a believer, nor is he liable to retaliation or blood money, because he did not kill a believer whose blood was forbidden to him. He bears only the sin of someone intending deliberately to kill a believer, without having accomplished what

أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} فإما أوجب الحكم بعد البلوغ. فلو أن من بلغه المنسوخ ممن بعد عن رسول الله صلى الله عليه وسلم ثم لم يبلغه الناسخ أقدم على ترك المنسوخ الذي بلغه دون علم الناسخ وعمل بالناسخ، كان عليه إثم المستسهل لترك الفرض، لا إثم تارك الفرض: إنه لا يجوز لمن علم نسخ الحكم أن ينفذ عليه حكم ما بلغه تحريم الحكم على الجاهل، لم يجز له أن يحكم عليه بحكم العالم. مثال ذلك: رجل لقي رجلا فقتله على نية الحرابة، فإذا بذلك المقتول هو قاتل والد الذي قتله، أو وجده مشركا محاربا، فهذا ليس عليه إثم قاتل مؤمن عمدا، ولا قود عليه ولا دية، لأنه لم يقتل مؤمنا حرم الدم عليه، وإنما عليه إثم مريد قتل المؤمن عمدا ولم ينفذ ما أراد، وبين الإثمين بون كبير، لأن أحدهما هام، والآخر فاعل، وكإنسان لقي امرأة فظنها أجنبية فوطئها، فإذا بها زوجته، فهذا ليس عليه إثم الزنى، ومن قذفه حد حد القذف، لكن عليه إثم مريد الزنى. ولا حد عليه، ولا يقع عليه اسم فاسق بذلك وقد صح عن رسول الله صلى الله عليه وسلم من هم بسيئة فلم يعملها لم تكتب عليه ولو أن رجلا ممن بلغه فرض استقبال بيت المقدس ولم يبلغه نسخ ذلك، وصلى إلى الكعبة لكان مفسدا لصلاته بعبثه فيها، لا بصلاته إلى غير القبلة، ولأن الائتمار إنما يكون بعد العلم بالأمر اللازم له لا قبل، ولا تكون طاعة أصلا إلا بنية وقصد إلى عمل بعدما أمر به علمه بأنه لازم له، وإلا فهو عبث، لا يسمى ذلك في اللغة طائعا أصلا، ولكتب عليه اسم المستسهل للصلاة إلى غير القبلة، ومثاله الآن: بينما رجل في صحراء أداه اجتهاده إلى جهة ما فخالفها متعمدا، فوافق في الوجهة التي صلى إليها إن كانت القبلة على حق، فهذا عابث في صلاته فاسق، وليس مصليا إلى غير القبلة. قال أبو محمد: كذلك كانت صلاة أهل قباء، ومن كان بأرض الحبشة إلى بيت المقدس صلاة تامة، وإن كان النسخ قد وقع بالقبلة إلى الكعبة على من بلغه لأنهم لم يعلموا ذلك، ولكن أجرهم على صلاتهم كذلك أجران، وأما من بلغه ذلك ثم نسيه، أو

he intended. There is a great difference between the two sins, because one person intends the act and the other performs it. It is like someone who encounters a woman, supposes her to be a woman to whom he is not married, and has intercourse with her, only for her to turn out to be his wife. He does not bear the sin of unlawful intercourse, and anyone who accuses him of it is subjected to the prescribed punishment for making such an accusation. He does, however, bear the sin of someone intending unlawful intercourse; no prescribed punishment applies to him, and he is not designated a transgressor on that account. It is authentically established from the Messenger of Allah ﷺ: 'Whoever intends an evil deed but does not perform it, it is not recorded against him.' If a man had received the obligation to face Jerusalem, but its abrogation had not reached him, and he prayed toward the Kaaba, he would invalidate his prayer through his frivolous conduct in it, not through praying in a direction other than the direction of prayer. For compliance occurs only after knowledge of the command binding upon him, not before. There can be no obedience at all without an intention and a deliberate purpose to perform an act after being commanded to do it, knowing that it is binding upon him. Otherwise it is frivolity, and in the language such a person is not called obedient at all. The designation of someone who treats lightly praying in a direction other than the direction of prayer would be recorded against him. An example of this now is a man in a desert whose independent judgment leads him to a particular direction, but who deliberately turns away from it, and the direction toward which he prays happens actually to be the direction of prayer. Such a person is frivolous in his prayer and a transgressor, but he is not someone praying in a direction other than the direction of prayer. Abu Muhammed said: Likewise, the prayers of the people of Quba and those in the land of Abyssinia toward Jerusalem were complete prayers, even though abrogation had taken effect, requiring prayer toward the Kaaba for those whom it had reached, because they did not know of it. Indeed, their reward for praying in that manner is two rewards. As for someone whom it had reached, but who then forgot it or adopted an interpretation concerning it, their reward for his prayer in that manner is one reward, because they exercise independent judgment but have erred regarding what is with Allah, mighty and majestic, and they are commanded

تأول فيه فأجرهم على صلاته كذلك أجرا واحدا لأنهم مجتهدون أخطؤوا ما عند الله عز وجل، وهم مأمورون باستقبال الكعبة، ولكنهم غير ملومين ولا آثمين في ترك ذلك، لأنهم معذورون بالجهل، وهذا بين وبالله تعالى التوفيق، وليس كذلك أهل قباء، ومن كان بأرض الحبشة، لأن فرضهم البقاء على ما بلغهم، حتى ينتقل بلوغ النسخ إليهم. قال أبو محمد: وقد تبين بهذا ما قلناه في غير موضع من كتابنا، أن المخطىء أفضل عند الله من المقلد المصيب، وكذلك قلنا في جميع العبادات، فإن سأل سائل عن قولنا في الوكيل يعزله موكله أو يموت، فينفذ الوكيل ما كان وكل عليه بعد عزله، وهو يعلم أنه معزول، أو بعد موت الذي وكله وهو لا يعلم بموته قلنا له، وبالله تعالى التوفيق 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 9 صلى الله عليه وسلم دماؤكم وأموالكم وأعراضكم وأبشاركم عليكم حرام فكل أمر انفذه الوكيل بعد عزله وهو غير عالم فنافذ لأن عازله ولا يعلمه مضار وقد قال صلى الله عليه وسلم من ضار أضر الله به فهو منهي عن المضارة وأما ما أنفذ بعد موت موكله وهو عالم أو غير عالم فهو مردود منسوخ، لأنه كاسب على غيره بغير نص ولا إجماع، ولا يجوز القياس أصلا ولكل حكم حكمه، وليست هذه الأمور بابا واحدا فيستوي الحكم فيها، إلا أن يكون وكله على دفع وديعة أو دين أو حق لآخر فهذا نافذ، عزله أو علم الوكيل أنه عزله أو أنه مات، أو لم يعلم لأن الذي فعل حق للمدفوع إليه لا للدافع، فليس كاسبا على غيره بل فعل فعلا واجبا على كل أحد أن يفعله، أمر بذلك أو لم يؤمر لأنه قيام بالقسط قال الله تعالى {يا أيها لذين آمنوا كونوا قوامين بلقسط شهدآء لله ولو على أنفسكم أو لوالدين ولأقربين إن يكن غنيا أو فقيرا فلله أولى بهما فلا تتبعوا لهوى أن تعدلوا وإن تلووا أو تعرضوا فإن لله كان بما

to face the Kaaba. Yet they are neither blamed nor sinful for omitting this, because they are excused through ignorance. This is clear, and success comes through Allah, exalted is He. The people of Quba and those in the land of Abyssinia are not in the same position, because their obligation is to remain with what has reached them until word of the abrogation reaches them. Abu Muhammed said: This has made clear what we have said in several places in our book: that someone who errs is better in Allah's sight than someone who follows another's authority without independent examination and happens to be correct. We have said the same regarding all acts of worship. If someone asks about our position concerning an agent whose principal dismisses him or dies, whereupon the agent carries out what he had been commissioned to do after his dismissal, knowing that he has been dismissed, or after the death of the person who appointed him, without knowing of his death, we say to him—and success comes through Allah, exalted is He: Allah, mighty and majestic, 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 concerning that over which you used to differ.} And he ﷺ said: 'Your blood, your property, your honor, and your skins are inviolable among you.' Thus, every transaction the agent carries out after his dismissal, without knowing of it, is valid, because someone who dismisses him without informing him is causing harm. He ﷺ said: 'Whoever causes harm, Allah will cause harm to him.' He is therefore forbidden to cause harm. As for what the agent carries out after his principal's death, whether he knows of it or not, it is rejected and annulled, because he is earning liability against someone else without a scriptural text or consensus. Analogy is not permissible at all. Each ruling has its own determination; these matters do not constitute a single category such that their ruling must be identical. The exception is where the principal appointed him to hand over a deposit, discharge a debt, or deliver something due to another person. This is valid whether he dismissed him, whether the agent knew that he had dismissed him or that he had died, or whether he did not know. For what he did concerns a right belonging to the recipient, not the person making the payment. He is therefore not earning liability against someone else; rather, he has performed an act

تعملون خبيرا} وقال 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} ومن البر إيصال كل أحد حقه. وأما القاضي والأمين يعزله الأمير فليس للإمام أن يضيع أمور المسلمين فيبقيهم دون من ينفذ أحكامهم، لكن يكتب أو يوصي إلى القاضي أو الوالي إذا أتاك عهدي فاعتزل عملنا. فإن لم يفعل كذلك فكل حكم أنفذه المعزول قبل أن يعلم العزل بحق فهو نافذ، لأنه لم يكلف علم الغيب، وقد ظلم الإمام إذ عزله دون تقديم غيره، والظلم مردود، ومن باع مال غيره أو تأمر فحكم فوافق أن صاحب ذلك المال المبيع قد كان وكله قبل أن يبيع ما باع، ولم يعلم الوكيل بذلك، أو وافق أن الإمام قد كان ولاه ما تأمر عليه، ولم يعلم هو بذلك، فكل ما فعل فمردود منسوخ، لأنهما غير مطيعين بما فعلا، بل هما عاصيان لأن الطاعة عمل من الأعمال والأعمال بالنيات، ولا نية لهذين فيما فعلا لأنهما لم يفعلا كما أمرا بل كما لم يؤمرا.

obligatory for everyone to perform, whether commanded to do so or not, because it is the upholding of justice. Allah, exalted is He, said: {O you who believe, be steadfast upholders of justice, witnesses for Allah, even against yourselves, parents, and close relatives. Whether he be rich or poor, Allah has the greater claim upon them both. So do not follow desire, lest you depart from justice. If you twist or turn away, Allah is indeed fully aware of what you do.} And He, exalted is He, said: {O you who believe, do not violate Allah's sacred rites, nor the sacred month, nor the sacrificial offerings, nor the garlands, nor those making their way to the House Sacred, seeking bounty from their Lord and approval. When you leave the consecrated state, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and reverent fear, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment.} Delivering to everyone what is rightfully his is part of righteousness. As for a judge or a trustee whom the ruler dismisses, the leader may not neglect the Muslims' affairs by leaving them without anyone to enforce their judgments. Rather, he writes or sends instructions to the judge or governor: 'When my directive reaches you, withdraw from our service.' If he does not do this, every rightful judgment enforced by the dismissed official before learning of his dismissal is valid, because he was not required to know the unseen. The leader has acted unjustly by dismissing him without appointing someone else, and injustice is rejected. If someone sells another person's property, or assumes authority and issues a judgment, and it happens that the owner of the property sold had appointed him as his agent before he sold what he sold, without the agent knowing of this, or it happens that the leader had appointed him to the office whose authority he assumed, without his knowing of this, then everything he did is rejected and annulled. For neither of them is obedient through what he has done; rather, both are disobedient. Obedience is an act, and acts are according to intentions. These two had no intention in what they did, because they did

not act in accordance with what they had been commanded to do, but acted as they had not been commanded to do.[10][11][12][13][14][15]

[10]**Translator's note (L1514):** The Qur'anic quotation has قل لله شهيد, literally 'Say: To Allah—a witness,' where the familiar wording has قل الله شهيد, 'Say: Allah is a witness.' The supplied wording is retained, with its resulting grammatical awkwardness. The supplied فإما أوجب الحكم is syntactically problematic. The translation takes it in the apparent intended sense 'Thus He made the ruling obligatory'; the written فإما ordinarily introduces an alternative, 'then either.' The preceding heading and this unit's opening are grammatically awkward when joined: the source uses عمن where a phrase meaning 'with respect to someone' appears intended.

[11]**Translator's note (L1516):** The source is syntactically disjointed, particularly حكم ما بلغه تحريم الحكم على الجاهل. The translation preserves the abrupt phrasing rather than silently reconstructing it. The following unit continues with 'for him to judge him by the ruling applicable to someone who knows.'

[12]**Translator's note (L1517):** The wording بعدما أمر به علمه بأنه لازم له is grammatically awkward; it has been rendered according to its apparent connection between being commanded, knowing the obligation, and intending obedience. The desert example has an awkward conditional phrase, إن كانت القبلة على حق. It is rendered as the apparent sense that the direction chosen happens to be the actual direction of prayer. The final sentence shifts between singular and plural pronouns in the Arabic; that shift is retained in 'their reward for his prayer.'

[13]**Translator's note (L1520):** The question explicitly describes the dismissed agent as knowing of his dismissal, whereas the ensuing answer addresses an agent who does not know. This discrepancy is retained. An unexplained numeral '9' occurs before the salutation in وقال 9 صلى الله عليه وسلم. It appears to be a stray transcription or reference marker. The clause فهذا نافذ عزله أو علم الوكيل is awkward and lacks clear coordination. Its apparent list of alternatives is translated without changing the supplied dismissal verb into its negative. The Qur'anic quotations repeatedly omit the initial alif of the definite article in writing, as in لذين and بلقسط. These recognizable orthographic defects do not produce separate English meanings.

[14]**Translator's note (L1521):** 'House Sacred' continues the preceding unit's 'the House'; the source divides البيت الحرام across the units. As in the preceding unit, the Qur'anic quotation contains repeated omissions of the initial alif of the definite article.

[15]**Qur'an references (L1514):** Qur'an 6:19 (Al-An'am); Qur'an 6:164 (Al-An'am); Qur'an 4:135 (An-Nisa); Qur'an 5:2 (Al-Ma'idah).

كما قلنا قبل فيمن صلى إلى جهة ولا يشك أنها غير القبلة. فوافق أنها القبلة فصلاته فاسدة، لأنه لم ينو الطاعة المأمور بها، وكذلك من باع فوافق أنه ماله ولا يعلم، أو قد ورثه أو استحقه فبيعه ذلك مردود أبدا، وكذلك هبته وصدقته لو وهبه أو تصدق به. وكذلك لو كان عبدا فأعتقه. ويرد كل ذلك لأنه عمل لم يعمل بالنية التي أبيح له أن يعمله بها ولا عمل إلا بنية. وأما من لقي امرأة فظنها أجنبية فوطئها فإذا هي زوجته. فإنها تستحق بذلك جميع المهر وتحل لمطلقها ثلاثا، لأن الوطء لا يحتاج فيه إلى نية وقد رجم النبي صلى الله عليه وسلم بوطء في الكفر ولو تزوجها وهو عاقل ثم جن فوطأها في حال جنونه لاستحقت في ماله جميع الصداق بلا خوف، ويلحق به الولد بلا خوف فصح أن الوطء لا يحتاج فيه إلى نية بإجماع. وأما من صام رمضان وهو لا يدري فوافق رمضان فلا يجزيه. وكذلك الصلاة يصليها وهو لا يدري أدخل وقتها أم لا. لأن هذه الأعمال تقضي نية مرتبطة بها لا يصلح العمل إلا بها. فإن امتزجت بغير تلك النية أو عدمت ارتباط النية بها بطلت، وكذلك الصلاة خاصة. فإنها قد دخل فيها عمل يبطلها وهو العبث، وكذلك الزكاة يعطيها بغير نية أنها زكاة. قال أبو محمد: وموت الموكل عزل لوكيله البتة. وموت الإمام بخلاف ذلك،

L1523 As we said earlier concerning someone who prays in a direction while having no doubt that it is other than the prayer direction, but it happens to be the prayer direction: his prayer is invalid because he did not intend the obedience commanded of him. Likewise, someone who sells something and it happens to be his property, without his knowing it, or something he has inherited or acquired a rightful claim to: that sale of his is invariably rejected. The same applies to his gift and his charitable donation, if he gives it away or donates it, and likewise if it is a slave whom he emancipates. All of that is rejected because it is an act he did not perform with the intention on the basis of which he was permitted to perform it, and there is no act without an intention. As for someone who encounters a woman, thinks she is a woman who is not his wife, and has intercourse with her, only for her to turn out to be his wife: she thereby becomes entitled to the entire dower and becomes lawful for the man who divorced her three times, because intercourse does not require an intention. The Prophet ﷺ imposed stoning on account of intercourse committed in unbelief. If a man married her while sane and then became insane and had intercourse with her during his insanity, she would become entitled to the entire dower from his property, without fear, and the child would be attributed to him, without fear. Thus it is established by consensus that intercourse does not require an intention. As for someone who fasts without knowing that it is Ramadan, and his fasting happens to coincide with Ramadan, it does not discharge his obligation. The same applies to a prayer he performs without knowing whether its time has begun or not, because these acts require an intention connected with them, without which the act is not valid. If they become mingled with an intention other than that intention, or the connection of the intention with them is absent, they become invalid. The same applies particularly to prayer, for an act that invalidates it has entered into it, namely, purposeless activity. The same applies to the obligatory alms when someone gives them without intending them as obligatory alms. Abu Muhammed said: The death of the

principal definitively dismisses his agent, whereas the death of the imam is otherwise.[16]

L1524 His death does not dismiss his officials until the imam who assumes authority after him dismisses them. This is because the principal's property has passed into the inheritance of someone else, and Allah 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 the burden of another. Then to your Lord is your return, and He will inform you about that concerning which you used to differ.' Moreover, the Messenger of Allah ﷺ died while he had officials in Yemen, Bahrain, and elsewhere, and no two Muslims disagreed that his death ﷺ did not dismiss those whom he had appointed, until Abu Bakr dismissed whichever of them he dismissed. Analogy is invalid. These are two cases between which the revealed text and consensus have made a distinction, and there is no way to assimilate them to one another.[17]

L1525 [Section on Abrogation by Consensus]

L1526 Abu Muhammed said: Abrogation by consensus transmitted from the Prophet ﷺ is permissible, because consensus has its basis in instruction received from the Prophet ﷺ: either through an explicit Quranic text, or a demonstration established from verses of it taken together; or through an explicit text of the Sunnah, or a demonstration similarly established from it; or through an act of his, peace be upon him; or through his approval, peace be upon him, of something of which he had knowledge. Since consensus is of this character, abrogation by it is permissible. Abu Muhammed said: Some people have claimed that consensus has been established that execution for someone who drinks wine on the fourth occasion has been abrogated. Abu Muhammed said: This is a false claim, because Abd Allah ibn Umar and Abd

[16] **Translator's note (L1523):** The supplied text twice reads 'without fear' (بلا خوف). In this legal context, 'without disagreement' (بلا خلاف) appears likely to have been intended; the supplied reading has been retained. The verb تقضي is rendered contextually as 'require'; the wording is awkward and may be a transcription error for تقتضي.

[17] **Qur'an references (L1524):** Qur'an 6:164 (Al-An'am).

وليس موته عزلا لعماله حتى يعزلهم الإمام الوالي بعده، لأن مال الموكل قد انتقل إلى وراثة غيره وقد قال تعالى {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} ولأن رسول الله صلى الله عليه وسلم قد مات وله عمال باليمن والبحرين وغيرهما فلم يختلف مسلمان في أن موته صلى الله عليه وسلم لم يكن عزلا لمن ولى حتى عزل أبو بكر من عزل منهم. والقياس باطل وهاتان مسألتان قد فرق بينهما النص والإجماع ولا سبيل إلى الجمع بينهما

[فصل في النسخ بالإجماع]

قال أبو محمد النسخ بالإجماع المنقول عن النبي صلى الله عليه وسلم جائز لأن الإجماع أصله التوقيف من النبي صلى الله عليه وسلم إما بنص قرآن أو برهان قائم من آي مجموعة منه، أو بنص سنة أو برهان قائم منها كذلك، أو بفعل منه عليه السلام أو بإقرار منه عليه السلام لشيء علمه. فإذا كان الإجماع كذلك فالنسخ به جائز. قال أبو محمد: وقد ادعى قوم أن الإجماع صح على أن القتل منسوخ على شارب الخمر في الرابعة. قال أبو محمد: وهذه دعوة كاذبة، لأن عبد الله بن عمر، وعبد الله بن عمرو يقولان بقتله، ويقولان جيئونا به فإن لم نقتله فنحن كاذبان. قال أبو محمد: وبهذا القول نقول وبالله تعالى التوفيق

Allah ibn Amr both hold that he should be executed, and both say: 'Bring him to us; if we do not execute him, then we are liars.' Abu Muhammed said: This is the position we hold, and success comes through Allah Most High.

L1527 **[Section on the Author's Refutation of Those Who Permit the Abrogation of the Quran and the Sunnah by Analogy]**[18]

L1528–1531 Abu Muhammed said: Some people have permitted the abrogation of the Quran and the Sunnah by analogy. Abu Muhammed said: This is a statement that makes the skin shudder. Analogy is invalid, and discussion of its invalidation has a place in this work, if Allah Most High wills. Among the most astonishing things is that those who make this momentous assertion prohibit the abrogation of the Quran by the Sunnah. Could there be any greater inversion of realities than this? Since analogy is invalid, it is not lawful to employ what is invalid, nor to abandon established truths for its sake. Some people have permitted the abrogation of the Sunnah by the statement of a Companion. Abu Muhammed said: This constitutes unbelief on the part of whoever says it, and departure from Islam, because of His saying, Most High: 'Permitted to you on the night of fasting is sexual intimacy 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 in forgiveness and pardoned you. Now, therefore, 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 remaining 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.' And because of His saying, Most High: 'Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten, except what you slaughter

[18]**Translator's note (L1527):** The heading refers to 'the author' in the third person, suggesting an editorial or compiler's heading.

[فصل في رد المؤلف على من أجاز نسخ القرآن والسنة بالقياس]

قال أبو محمد: وقد أجاز قوم نسخ القرآن والسنة بالقياس. قال أبو محمد: وهذا قول تقشعر منه الجلود والقياس باطل، والكلام في إبطاله مكان من هذا الديوان إن شاء الله تعالى، ومن العجب العجيب أن القائلين بهذا الأمر العظيم يمنعون من نسخ القرآن بالسنة، فهل في عكس الحقائق أعظم من هذا. وإذا كان القياس باطلا فالباطل لا يحل استعماله، ولا ترك الحقائق له وقد أجاز قوم نسخ السنة بقول الصاحب. قال أبو محمد: وهذا كفر من قائله، وخروج عن الإسلام لقوله تعالى {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 إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} ولقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فهذا تكذيب للباري تعالى ومن كذب وأجاز لأحد أن يزيد في الدين أو يبدله أو ينقص منه فقد كفر فمن أضل ممن دان بأن غير رسول الله صلى الله عليه وسلم يبطل برأيه وإرادته دينا أتى به

duly; and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful.' This, then, is a declaration that the Creator Most High has spoken falsely. Whoever declares Him false and permits anyone to add to the religion or change it or subtract from it has disbelieved. Who, then, is further astray than someone who professes that anyone other than the Messenger of Allah ﷺ may, by his own opinion and will, invalidate a religion that the Prophet ﷺ brought from Allah, Mighty and Majestic? Success comes through Allah Most High. Furthermore, the community unanimously agrees, without disagreement, that no one may oppose a report transmitted from the Messenger of Allah ﷺ through recurrent transmission by means of speculative reasoning. An individually transmitted report, when authenticated, is, according to those who accept it, like a report transmitted from the Messenger of Allah ﷺ through recurrent transmission with respect to the obligation to obey it: there is no difference. Whoever permits its abrogation by speculative reasoning, or its being opposed by analogy, has contradicted himself and departed from consensus. This has the implications that it has, and success comes through Allah Most High.[19][20][21]

النبي صلى الله عليه وسلم عن الله عز وجل وبالله تعالى التوفيق وأيضا فإن الأمة مجمعة بلا خلاف على أن خبر التواتر عن رسول الله صلى الله عليه وسلم لا يحل لأحد أن يعارضه بنظر وخبر الواحد إذا صح عند القائلين به نكخبر التواتر عن رسول الله صلى الله عليه وسلم في وجوب الطاعة ولا فرق فمن أجاز نسخه بنظر أو معارضته بقياس، فقد تناقض وخرج عن الإجماع وفي هذا ما فيه وبالله تعالى التوفيق

[19] **Translator's note (L1529):** The Quranic quotations contain numerous apparent omissions of initial alifs, including in the divine name and definite articles. Their readily identifiable wording is reflected in the translation; these transcription defects are noted here rather than silently treated as distinct readings.

[20] **Translator's note (L1530):** The continuation of the Quranic quotation contains apparent omissions of initial alifs, as in the preceding unit.

[21] **Qur'an references (L1528):** Qur'an 2:187 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah).

الباب 21: المتشابه في القرآن والأحكام

Chapter 21: Ambiguity in the Qur’an and Legal Rulings

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الحادي والعشرون في المتشابه من القرآن والفرق بينه وبين المتشابه في الأحكام]

قال الله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} وأنبأنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا عبد الله بن مسلمة القعنبي، ثنا يزيد بن إبراهيم التستري، عن عبد الله بن أبي مليكة عن القاسم بن محمد عن عائشة قالت تلا رسول الله صلى الله عليه وسلم {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} قالت قال رسول الله صلى الله عليه وسلم إذا رأيتم الذين يتبعون ما تشابه منه فأولئك الذين سماهم الله تعالى فاحذروهم، وبه إلى مسلم قال: ثنا محمد بن عبد الله بن نمير الهمداني قال: حدثنا زكريا، عن الشعبي عن النعمان بن بشير قال سمعت رسول الله صلى الله عليه وسلم يقول وأهوى النعمان بأصبعه إلى أذنيه إن الحلال بين وإن الحرام بين، وبينهما مشتبهات لا يعلمهن كثير من الناس، فمن اتقى الشبهات استبرأ لدينه وعرضه ومن وقع في الشبهات وقع في الحرام، كالراعي يرعى حول الحمى يوشك أن يرتع فيه، ألا وإن حمى الله محارمه وقال تعالى: {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا} وقال تعالى: {وما كان المؤمنون لينفروا كآفة فلولا نفر

[Chapter Twenty-One: On the Ambiguous in the Quran and the Difference Between It and the Ambiguous in Legal Rulings]

Allah Most High said: ‘He is the One who sent down the Book to you. In it are verses firmly established in meaning, which are the foundation of the Book, and others that are ambiguous. As for those in whose hearts is deviation, they pursue what is ambiguous in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. Those firmly grounded in knowledge say: “We believe in it; all is from our Lord.” And none take heed except those possessed of understanding.’ Abd Allah ibn Yusuf informed us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Abd Allah ibn Maslamah al-Qa‘nabi related to us: Yazid ibn Ibrahim al-Tustari related to us, from Abd Allah ibn Abi Mulaykah, from al-Qasim ibn Muhammed, from Aishah, who said: ‘The following was recited by the Messenger of Allah ﷺ: “He is the One who sent down the Book to you. In it are verses firmly established in meaning, which are the foundation of the Book, and others that are ambiguous. As for those in whose hearts is deviation, they pursue what is ambiguous in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. Those firmly grounded in knowledge say: ‘We believe in it; all is from our Lord.’ And none take heed except those possessed of understanding.”’ She said: ‘The Messenger of Allah ﷺ said: “When you see those who pursue what is ambiguous in it, those are the ones Allah Most High has named, so beware of them.”’ Through the same chain to Muslim, who said: Muhammed ibn Abd Allah ibn Numayr al-Hamdani related to us; he said: Zakariyya related to us, from al-Sha‘bi, from al-Nu‘man ibn Bashir, who said: ‘I heard the Messenger of Allah ﷺ saying’—and al-Nu‘man gestured with his finger toward his ears—“‘What is lawful is clear, and what is unlawful is clear, and between them are doubtful matters that many people do not know. Whoever guards against doubtful matters secures his religion and his honor from reproach; whoever falls into doubtful matters falls into what is unlawful, like a herdsman pasturing his flock around a protected preserve, who is on the verge of pasturing

within it. Take heed: Allah's protected preserve consists of the things He has forbidden.'" And He, Most High, said: 'Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much discrepancy in it.' And He, Most High, said: 'The believers should not all go forth together. Why, then, should a group from every division of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, so that they may beware?'[1][2]

L1535–1543 Abu Muhammed said: We found that He, exalted is He, had urged reflection upon the Quran and made it obligatory to acquire understanding of it and to travel through the lands for that purpose. We found that He, exalted is He, had forbidden following its equivocal passages. We found that he, may Allah bless him and grant him peace ﷺ, had stated that the equivocal matters lying between what is plainly forbidden and what is plainly lawful are unknown to many people; this therefore constituted a distinction for those who knew them. We thus became certain that what He, mighty and majestic, forbade pursuing was different from what He commanded us to pursue, reflect upon, and acquire understanding of. We became certain, without doubt, that the doubtful matter whose knower he, may Allah bless him and grant him peace ﷺ, regarded as enviable was different from the equivocal matter against whose pursuit he warned. This is the only position that reason can sustain, since it is inadmissible that He should require us —exalted is He— to seek something and forbid us to seek it at the same time. Once we knew this, it became obligatory for us to seek the equivocal matters that we were commanded to seek, so that we might acquire understanding of them, and to identify which things constituted the equivocal matters whose pursuit we were forbidden, so that we might refrain from seeking them. We therefore examined the Quran and reflected upon it, as He, exalted is He, commanded us. We found that it contained various things, including the affirmation of Allah's oneness and the obligation to affirm it. This was among the things

من كل فرقة منهم طآئفة ليتفقهوا في الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون}

قال أبو محمد: فوجدناه تعالى قد حض على تدبر القرآن، وأوجب التفقه فيه، والضرب في البلاد لذلك ووجدناه تعالى قد نهى عن اتباع المتشابه منه ووجدناه صلى الله عليه وسلم قد أخبر بأن المتشابهات التي بين الحرام البين والحلال البين لا يعلمها كثير من الناس، فكان ذلك فضلا لمن علمها، فأيقنا أن الذي نهى عز وجل عن نتبعه، هو غير الذي أمر بتتبعه وتدبره والتفقه فيه وأيقنا بلا شك أن المشتبه الذي غبط صلى الله عليه وسلم عالمه هو غير المتشابه الذي حذر من نتبعه، هذا الذي لا يقوم في المعقول سواه، إذ لا يجوز أن يكلفنا تعالى طلب شيء، وينهانا عن طلبه في وقت واحد، فلما علمنا ذلك وجب علينا طلب المتشابه الذي أمرنا بطلبه، لنتفقه فيه، وأن نعرف أي الأشياء هو المتشابه الذي نهينا عن نتبعه فنمسك عن طلبه. فنظرنا في القرآن وتدبرناه، كما أمرنا تعالى فوجدناه جاء بأشياء منها التوحيد وإلزامه، فكان ذلك مما أمرنا باعتقاده والفكرة فيه، فعلمنا أنه ليس من المتشابه الذي نهينا عن نتبعه، ومنها صحة النبوة وإلزامنا الإيمان بها، فعلمنا أن ذلك ليس من المتشابه الذي نهينا عن نتبعه، ومنها الشرائع المفترضة والمحرمة والمندوب إليها والمكروهة والمباحة، وذلك كله مفترض علينا نتبعه وطلبه، فأيقنا أن ذلك مما أمرنا بالتفكير فيه بقوله تعالى: {أفلا ينظرون إلى الإبل كيف خلقت} وبقوله تعالى: {الذين يذكرون الله قياما وقعودا وعلى جنوبهم ويتفكرون في خلق السماوات والأرض ربنآ ما خلقت هذا باطلا سبحانك فقنا عذاب النار} مثنيا عليهم، فأيقنا أنه ليس من المتشابه. ومنها أخبار سالفة جاءت

[1] **Translator's note (L1533):** The Arabic ends with 'she said: [he] recited,' with the subject supplied at the beginning of the next unit. The English uses a passive construction to preserve that boundary.

[2] **Qur'an references (L1533):** Qur'an 3:7 (Ali 'Imran); Qur'an 4:82 (An-Nisa); Qur'an 9:122 (At-Tawbah).

we were commanded to believe and think about, so we knew that it was not among the equivocal matters whose pursuit we were forbidden. They also included the truth of prophethood and our obligation to believe in it, so we knew that this was not among the equivocal matters whose pursuit we were forbidden. They also included the legal prescriptions concerning what is obligatory, forbidden, recommended, disapproved, and permissible. We are obliged to pursue and seek all of this. We therefore became certain that this was among the things we were commanded to think about through His words, exalted is He: {Do they not look at the camels, how they were created?}, and through His words, exalted is He, praising them: {Those who remember Allah standing, sitting, and on their sides, and reflect upon the creation of the heavens and the earth: Our Lord, You did not create this in vain. Glory be to You! So protect us from the punishment of the Fire.} We therefore became certain that it was not among the equivocal matters. They also included accounts of past events conveyed for our admonition. These are among the things we were commanded to take lessons from through His words, exalted is He: {There was indeed in their accounts a lesson for people of understanding. It was no fabricated narrative, but a confirmation of what preceded it, a detailed exposition of everything, and guidance and mercy for people who believe.} We therefore became certain that this was not among the equivocal matters whose pursuit we were forbidden. They also included a promise that we were commanded and urged to act so as to deserve, and a threat against which we were warned. All of this is among what we were commanded to reflect upon, so that we might strive to seek Paradise and flee from the Fire. We therefore became certain that this was not among the equivocal matters whose pursuit we were forbidden. Once we knew that everything we had mentioned was not equivocal, and knew with certainty that the Quran contained only unequivocal and equivocal passages, and became certain that every unequivocal passage—once we necessarily became certain of this, we knew with certainty that whatever lay beyond what we had mentioned was the equivocal material. We therefore examined it to learn what it was, so that we might avoid it and not pursue it. We sought it only to learn what it was, not its manner of being or its meaning. We found nothing in the Quran other than what we had mentioned, except the disconnected

على معنى الوعظ لنا، وهي مما أمرنا بالاعتبار به بقوله تعالى: {لقد كان في قصصهم عبرة لأولي الألباب ما كان حديثا يفترى ولكن تصديق الذي بين يديه وتفصيل كل شيء وهدى ورحمة لقوم يؤمنون} فأيقنا أن ذلك ليس من المتشابه الذي نهينا عن تتبعه، ومنها وعد أمرنا وحضضنا على العمل لاستحقاقه، ووعيد حذرنا منه، وكل ذلك مما أمرنا به بالفكرة فيه لنجتهد في طلب الجنة، ونفر عن النار، فأيقنا أن ذلك ليس من المتشابه الذي نهينا عن تتبعه. فلما علمنا أن كل ما ذكرنا ليس متشابها، وعلمنا يقينا أنه ليس في القرآن إلا محكم ومتشابه، وأيقنا أن كل محكم فلما أيقنا ذلك ضرورة علمنا يقينا أن ما عدا ما ذكرنا هو المتشابه، فنظرنا لنعلم أي شيء هو فنجتنبه ولا نتتبعه وإنما طلبناه لنعلم ماهيته لا كيفيته ولا معناه، فلم نجد في القرآن شيئا غير ما ذكرنا، حاشا الحروف المقطعة التي في أوائل بعض السور، وحاشا الأقسام التي في أوائل بعض السور أيضا فعلمنا يقينا أن هذين النوعين هما المتشابه الذي نهينا عن اتباعه وحذر النبي صلى الله عليه وسلم من المتبعين له وكذلك وجدنا عمر رضي الله عنه، قد أوجع صبيا على سؤاله عن تفسير والذاريات. فصح ضرورة أن هذين القسمين هما المتشابه الذي نهينا عن ابتغاء تأويله، إذ لم يبق بعد ما ذكرنا مما أمرنا بتتبعه إلا هذان النوعان، فلم يبق غيرهما، فحرام على كل مسلم أن يطلب معاني الحروف المقطعة التي في أوائل السور. مثل: {كهيعص} و {حم عسق} و {ن} و {الم} و {ص} و {طسم} وحرام أيضا على كل مسلم أن يطلب معاني الأقسام التي في أوائل السور، مثل: {والنجم} و {الذاريات} {والطور} {والمرسلات عرفا} {والعاديات ضبحا} وما أشبه ذلك. قال أبو محمد: وقد قال قوم: إن المتشابه هو ما اختلف فيه من أحكام القرآن. قال أبو محمد: وهذا خطأ فاحش، لأن هذا القول دعوى ورأي من قائله لا برهان على صحته، وأيضا فإن ما اختلف فيه، فلا بد من أن الحق في بعض ما قيل فيه موجود واضح لمن طلبه برهان ذلك قوله تعالى: {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا

letters at the beginnings of some surahs and the oaths likewise occurring at the beginnings of some surahs. We therefore knew with certainty that these two kinds were the equivocal material that we were forbidden to follow, and that the Prophet, may Allah bless him and grant him peace, warned against those who followed it. Likewise, we found that Umar, may Allah be pleased with him, had inflicted pain upon a boy for asking about the interpretation of 'By those that scatter.' It was therefore necessarily established that these two categories were the equivocal material whose interpretation we were forbidden to seek, since, beyond what we had mentioned of the things we were commanded to pursue, only these two kinds remained; nothing else remained besides them. It is therefore forbidden for any Muslim to seek the meanings of the disconnected letters at the beginnings of the surahs, such as {Kaf Ha Ya Ayn Sad}, {Ha Mim, Ayn Sin Qaf}, {Nun}, {Alif Lam Mim}, {Sad}, and {Ta Sin Mim}. It is also forbidden for any Muslim to seek the meanings of the oaths at the beginnings of the surahs, such as {By the star}, {Those that scatter}, {By the Mount}, {By those sent forth in succession}, {By those that run, panting}, and the like. Abu Muhammed said: Some people have said that the equivocal material consists of those rulings of the Quran over which there is disagreement. Abu Muhammed said: This is a gross error, because this statement is an assertion and an opinion on the part of its speaker, with no demonstration of its correctness. Moreover, concerning anything over which there is disagreement, the truth must be present in some of what has been said about it, clear to whoever seeks it. The demonstration of this is His words, exalted is He: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much discrepancy in it}, and His words, exalted is He: {With clear proofs and scriptures. And We sent down to you the Reminder so that you might make clear to people what was sent down to them, and so that they might reflect.} Clarification is therefore guaranteed and exists; whoever seeks it correctly, Allah, exalted is He, grants him success. Moreover, it is obligatory for us to pursue the disputed rulings, seek their interpretation, seek the true ruling concerning them, attend to them, and act upon them. As for the equivocal material, the explicit text forbids us to pursue it and seek its meaning. It is thereby disproved that disputed material is equivocal. Once that is disproved, it is

فيه اختلافا كثيرا} وقوله تعالى: {بالبينات والزبر وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فالبيان مضمون موجود، فمن طلبه طلبا صحيحا وفقه الله تعالى، وأيضا فإن الأحكام المختلف فيها فرض علينا تتبعها، وابتغاء تأويلها، وطلب حكمها الحق فيها والعناية بها والعمل بها، وأما المتشابه فحرام علينا بالنص تتبعه وطلب معناه، فبطل بذلك أن يكون المختلف فيه متشابها. وإذا بطل ذلك صح أنه محكم، ولا يضر الحق جهل من جهل، ولا اختلاف من اختلف فيه. وقال آخرون: المتشابه هو ما تقابلت فيه الأدلة. قال أبو محمد: وهذا خطأ فاحش، لأنه دعوى من قائله بلا برهان، ورأي فاسد، ولأن تقابل الأدلة باطل، وشيء معدوم لا يمكن وجوده أبدا في الشريعة، ولا في شيء من الأشياء، والحق لا يتعارض أبدا. وإنما أتى من أتى في ذلك لجهله بيان الحق، ولإشكال تمييز البرهان عليه مما ليس ببرهان، وليس جهل من جهل في إبطال الحق. ودليل الحق ثابت لا معارض له أصلا. وقد بينا وجوه البراهين في كتابنا التقريب وكتابنا الموسوم بالفصل، وفي كتابنا هذا ولا سبيل إلى أن يأمرنا تعالى بطلب أدلة قد ساوى فيها بين الحق والباطل، ومن نسب هذا إلى الله تعالى فقد ألحد، وأكذبه ربه تعالى إذ يقول: {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك الكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وإذ يقول تعالى: {لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقى لا انفصام لها والله سميع عليم} وبقوله تعالى: {وما لكم ألا تأكلوا مما ذكر اسم الله عليه وقد فصل لكم ما حرم عليكم إلا ما اضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بالمعتدين} فصح أن متشابه الأحكام الذي ذكر صلى الله عليه وسلم أنها لا يعلمها كثير من الناس مبينة بالقرآن والسنة، يعلمها من وفقه الله تعالى لفهمه من الفقهاء الذين أمر عز وجل بسؤالهم إذ يقول تعالى: {وما أرسلنا من قبلك إلا رجالا نوحي إليهم

established that it is unequivocal. The truth is unharmed by the ignorance of those who are ignorant or the disagreement of those who disagree about it. Others have said: The equivocal material is that concerning which the evidences stand opposed. Abu Muhammed said: This is a gross error, because it is an assertion on the part of its speaker without demonstration and an opinion that is unsound; and because the opposition of evidences is false and nonexistent: it can never exist in the revealed Law or in anything whatsoever. The truth never conflicts with itself. Whoever falls into this error does so only because he is ignorant of the clarification of the truth and finds it difficult to distinguish demonstration from what is not demonstration. The ignorance of those who are ignorant does not invalidate the truth. The evidence for the truth stands firm, with absolutely nothing opposing it. We have explained the forms of demonstrations in our book The Approximation, in our book entitled The Distinction, and in this book of ours. It is impossible that He, exalted is He, should command us to seek evidences in which He has placed truth and falsehood on an equal footing. Whoever attributes this to Allah, exalted is He, has deviated from the faith, and his Lord, exalted is He, declares him false when He says: {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 exposition of everything, and as guidance, mercy, and glad tidings for the Muslims}; and when He, exalted is He, says: {There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in Allah has grasped the firmest handhold, which cannot break. Allah is All-Hearing, All-Knowing}; and through His words, exalted is He: {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 that to which you are compelled by necessity? Indeed, many lead others astray through their desires without knowledge. Your Lord knows best those who transgress.} It is thus established that the equivocal rulings which he, may Allah bless him and grant him peace ﷺ, mentioned as being unknown to many people are clarified by the Quran and the Sunnah. They are known by those jurists whom Allah, exalted is He, grants success in understanding it, and whom He, mighty and

فاسألوا أهل الذكر إن كنتم لا تعلمون} وقد قال قوم إن قوله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} معطوف على الله عز وجل. قال أبو محمد: وهذا غلط فاحش، وإنما هو ابتداء وخبره في: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} والواو لعطف جملة على جملة. وبرهان ذلك أن الله حرم نتبع ذلك المتشابه، وأخبر أن متبعه وطالب تأويله زائغ القلب مبتغي فتنة وحذر النبي صلى الله عليه وسلم ممن اتبعه ولا سبيل إلى علم معنى شيء دون نتبعه وطلب معناه، فإذا كان التتبع حراما فالسبيل إلى علمه مسدود، وإذا كانت مسدودة فلا سبيل إلى علمه أصلا، فصح أن الراسخين لا يعلمونه أبدا، وأيضا فإن فرضا على العلماء بيان ما علموا الناس كلهم يقول الله تعالى: {وإذ أخذ الله ميثاق الذين أوتوا الكتاب لتبيننه للناس ولا تكتمونه فنبذوه ورآء ظهورهم واشتروا به ثمنا قليلا فبئس ما يشترون} وبقوله عز وجل: {إن الذين يكتمون مآ أنزلنا من البينات والهدى من بعد ما بيناه للناس في الكتاب أولئك يلعنهم الله ويلعنهم اللاعنون}

majestic, commanded us to ask when He, exalted is He, says: {We sent before you only men to whom We revealed. So ask the people of the Reminder if you do not know.} Some people have said that His words, exalted is He, {He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. And those firmly grounded in knowledge say: We believe in it; all is from our Lord. None takes heed except people of understanding}, are coordinated with 'Allah,' mighty and majestic. Abu Muhammed said: This is a gross mistake. Rather, it is a subject beginning a new sentence, and its predicate is in {He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." And the conjunction "and" joins one sentence to another. The demonstration of this is that Allah has forbidden pursuing that which is equivocal, and has declared that whoever follows it and seeks its interpretation has a deviating heart and seeks discord. The Prophet ﷺ warned against those who follow it. There is no way to know the meaning of anything without pursuing it and seeking its meaning. Thus, if pursuing it is forbidden, the way to knowing it is closed; and if that way is closed, there is absolutely no way to know it. It is therefore established that those firmly grounded in knowledge never know it. Furthermore, scholars are obligated to explain what they know to all people. Allah Most High says: "And when Allah took the covenant of those who were given the Scripture: 'You shall certainly explain it to people and shall not conceal it.' But they cast it behind their backs and exchanged it for a paltry price. How evil is what they purchase!" And by His saying, Mighty and Majestic: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have

explained it to people in the Scripture—those are cursed by Allah and cursed by those who curse."[3][4][5][6][7][8]

L1544–1546 Abu Muhammed said: If those firmly grounded in knowledge knew it, they would be obligated to explain it to people. If they did not explain it, they would be accursed. If they explained it, people would know it; and if people knew it, it would be unequivocal, not equivocal, and those firmly grounded in knowledge and others would be equal with respect to it. This is contrary to what He, Most High, has said. Thus the assertion of whoever supposes that those firmly grounded in knowledge know it is invalidated. As for his censure, peace be upon him, of someone ignorant of those equivocal matters if he ventures into their vicinity, this is, according to the explicit wording

قال أبو محمد: فلو علمه الراسخون في العلم، لكان فرضا عليهم أن يبينوه للناس ولو لم يبينوه لكانوا ملعونين، ولو بينوه لعلمه الناس، ولو علمه الناس لكان محكما لا متشابها. ولتساوى فيه الراسخون وغيرهم، وهذا ضد ما قال تعالى، فبطل بذلك قول من ظن أن الراسخين يعلمونه وأما ذمه عليه السلام من جهل تلك المتشابهات إن وقع حولها، فإنما ذلك بنص الحديث خوف مواقعة الحرام البين، فصح أن تلك المتشابهات ليست حراما في ذاتها على من جهلها خاصة، ليست حراما عليه، إذ لم يبلغه تفصيل تحريمها عليه، ولكن الورع أن يتركها خوف وقوعه في الحرام البين. قال أبو محمد: وبين صحة قولنا في هذا الباب ما حدثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى بن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا عبد الله بن مسلمة بن قعنب، ثنا يزيد بن إبراهيم التستري، عن عبد الله بن أبي مليكة عن القاسم بن محمد عن عائشة قالت تلا رسول الله صلى الله عليه وسلم {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} قالت قال رسول الله صلى الله عليه وسلم إذا رأيتم الذين يتبعون ما تشابه منه فأولئك الذين سمى الله فاحذروهم. قال أبو محمد: فقد حذر عليه السلام ممن اتبع ما تشابه من القرآن، وقد علمنا أن اتباع أحكامه كلها فرض، فصح أن المتشابه هو غير ما أمرنا بتدبيره والتفقه فيه كما ذكرنا. وقد تأول قوم في قوله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند

[3] **Translator's note (L1535):** The passage distinguishes mutashābih, rendered 'equivocal,' from mushtabih, rendered 'doubtful,' while initially using the former expression for the matters between the plainly lawful and the plainly forbidden. This variation is preserved.

[4] **Translator's note (L1537):** The wording 'and became certain that every unequivocal passage' is grammatically incomplete in the supplied Arabic: no predicate follows 'every unequivocal.' The apparent omission is preserved rather than supplied.

[5] **Translator's note (L1538):** The salutation is divided between this unit and the next; only the portion present here is translated.

[6] **Translator's note (L1539):** The supplied صبيا means 'a boy.' It may be a corruption of the personal name Ṣabīgh, associated with the account of Umar's punishment for questions about Quranic passages; the supplied reading is retained. The Quranic excerpt ﴿الذاريات﴾ lacks the oath particle 'by' found in the opening of the surah. Its omission is retained. The salutation at the beginning completes the fragment in the preceding unit.

[7] **Translator's note (L1541):** The syntactic argument concerns whether 'those firmly grounded in knowledge' is coordinated with 'Allah,' thereby sharing knowledge of the interpretation, or begins a new sentence whose predicate is 'say.' The supplied text quotes the entire verse where the relevant phrase would be expected, then begins quoting the entire verse again after 'its predicate is in.' This awkward apparent quotation error is retained. The phrase translated 'the ignorance of those who are ignorant does not invalidate the truth' has awkward Arabic syntax; its apparent sense is rendered without adding a missing Arabic expression.

[8] **Qur'an references (L1535):** Qur'an 88:17 (Al-Ghashiyah); Qur'an 3:191 (Ali 'Imran); Qur'an 12:111 (Yusuf); Qur'an 77:1 (Al-Mursalat); Qur'an 100:1 (Al-'Adiyat); Qur'an 4:82 (An-Nisa); Qur'an 16:44 (An-Nahl); Qur'an 16:89 (An-Nahl); Qur'an 2:256 (Al-Baqarah); Qur'an 6:119 (Al-An'am); Qur'an 16:43 (An-Nahl); Qur'an 3:7 (Ali 'Imran); Qur'an 3:187 (Ali 'Imran); Qur'an 2:159 (Al-Baqarah).

of the report, only out of fear of committing what is plainly forbidden. It is therefore established that those equivocal matters are not forbidden in themselves specifically to someone ignorant of them: they are not forbidden to him, since the detailed declaration of their prohibition for him has not reached him. Pious restraint, however, consists in leaving them aside for fear of falling into what is plainly forbidden.

Abu Muhammed said: The soundness of our position in this chapter is made clear by what Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa ibn Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abd Allah ibn Maslamah ibn Qa'nab related to us: Yazid ibn Ibrahim al-Tustari related to us, from Abd Allah ibn Abi Mulaykah, from al-Qasim ibn Muhammed, from Aishah, who said: The Messenger of Allah ﷺ recited: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." She said: The Messenger of Allah ﷺ said: "When you see those who follow what is equivocal in it, those are the ones Allah has named, so beware of them."

Abu Muhammed said: He, peace be upon him, thus warned against whoever follows what is equivocal in the Quran. We know that following all its rulings is obligatory. It is therefore established that what is equivocal is something other than that which we have been commanded to consider and to acquire understanding of, as we have mentioned. Some people have interpreted His saying, Most High: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding," as having been revealed concerning a group of

ربنا وما يذكر إلا أولوا الألباب} إن ذلك نزل في قوم من المنافقين كانوا يعترضون على التنازل من القرآن ويقولون لعله سينزل غدا نسخه، فيحملون معنى تأويله على أنه مآله أي لا يعلم النازل من القرآن أينسخ أم لا إله إلا الله تعالى

hypocrites who used to object to the successive revelation of the Quran and say, “Perhaps its abrogation will be revealed tomorrow.” They accordingly take its “interpretation” to mean its eventual outcome; that is, no one knows whether what has been revealed of the Quran will be abrogated or not—“a deity except Allah Most High.”[9][10][11][12]

L1547 Abu Muhammed said: This is unsound, because it is an assertion without demonstration. Whatever is of this kind is certainly false, because Allah Most High says: “And they said, ‘None will enter Paradise unless he is a Jew or a Christian.’ Those are their wishes. Say: ‘Bring your demonstration, if you are truthful.’” And restricting what the speech of Allah Most High entails to something He did not say is a lie against Him. We seek refuge in Allah from this. Let this be a restriction of the verse without evidence; we have already invalidated restricting the apparent meanings without evidence in the preceding part of this book of ours. For we now know, concerning every verse in the Quran and other texts, what has been abrogated and what has never subsequently been abrogated.

Some people also said that the meaning of: “He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, ‘We believe in it; all is from our Lord.’ None takes heed except those possessed of understanding,” is: “None knows the explanatory cause of the revelation of the verses except Allah.”

قال أبو محمد وهذا فاسد لأنه دعوى بلا برهان، وما كان هكذا هو باطل بيقين. لقول الله تعالى: {وقالوا لن يدخل الجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} وتخصيص ما يقتضيه كلام الله تعالى ما لم يقل وكذب عليه، نعوذ بالله من هذا، وليكن هذا تخصيصا للآية بلا دليل. وقد أبطلنا تخصيص الظواهر بلا دليل فيما خلا من كتابنا هذا لأننا الآن قد علمنا ما لكل آية في القرآن وغيرها ما قد نسخ منها وما لم ينسخ بعد أبدا. وقال قوم أيضا: إن معنى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} أي وما يعلم علة نزول الآيات إلا الله. قال أبو محمد: وهذا أيضا فاسد كالذي قبله، لأنه دعوى بلا برهان وتقويل لله ما لم يقل، وإخبار عنه تعالى بما لم يخبر به عن نفسه، ولأنه لو كان كما ذكروا لكان لنزول الآيات علل لا يعلمها إلا الله عز وجل، وقد أبطلنا قول من قال: إن الله تعالى يفعل لعلة في باب إبطال العلل من كتابنا هذا وبالله تعالى التوفيق

[9] **Translator’s note (L1544):** The final word is tadbir, ordinarily meaning management or arrangement, rather than the expected tadabbur, reflection. “Consider” reflects the contextual sense, but the supplied reading is unusual.

[10] **Translator’s note (L1546):** The supplied al-tanazul, rendered “successive revelation,” is unusual in this context and may be a corruption of al-nazil, “what was revealed.” The ending reads ilah illa Allah, “a deity except Allah,” producing a broken sentence. The apparent intended wording is that none except Allah Most High knows whether a revelation will be abrogated, but the supplied wording has not been silently corrected.

[11] **Hadith references (L1544):** Sahih Muslim 2665.

[12] **Qur’an references (L1544):** Qur’an 3:7 (Ali ’Imran).

Abu Muhammed said: This too is unsound, like the preceding assertion, because it is an assertion without demonstration, an attribution to Allah of something He did not say, and a report about Him, Most High, of something He did not report about Himself. Moreover, if matters were as they describe, the revelation of the verses would have explanatory causes known only to Allah, Mighty and Majestic. We have already invalidated the assertion of whoever says that Allah Most High acts on account of an explanatory cause, in the chapter on invalidating explanatory causes in this book of ours. Success comes through Allah Most High.[13][14]

[13] **Translator's note (L1547):** The clause beginning "And restricting what the speech of Allah Most High entails" is syntactically defective in the supplied text; the translation follows its apparent argument without supplying additional substantive claims. "Let this be a restriction" follows the supplied wa-li-yakun, although this wording is awkward in the argument. The sentence about knowing the abrogation status of every verse and other texts is grammatically irregular, particularly ma li-kulli ayah and ba'du abadan. The translation gives the apparent sense while retaining its emphatic claim.

[14] **Qur'an references (L1547):** Qur'an 2:111 (Al-Baqarah); Qur'an 3:7 (Ali 'Imran).



الباب 22: الإجماع ونقله

Chapter 22: Consensus and Its Transmission

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Twenty-Two: On Consensus, What Consensus Is Based Upon, and How Consensus Is Transmitted]

Abu Muhammed said: We and all the people of Islam, their jinn and their humans, in every age, have agreed with sound and certain consensus that the Quran which Allah sent down to Muhammed, the Messenger of Allah ﷺ, and everything Muhammed ﷺ said, is truth binding upon everyone, and that it is the religion of Islam. They then disagreed concerning the path leading to His Messenger ﷺ. Know, then—may Allah have mercy upon you—that whoever follows the explicit text of the Quran and what is transmitted with a chain of transmission through trustworthy transmitters to the Messenger of Allah ﷺ has certainly followed consensus, and whoever turns aside from any of that has not followed consensus. Likewise, all the people of Islam, their jinn and their humans, in every age and every place, have a consensus that following the Sunnah is obligatory and that it is what the Messenger of Allah ﷺ instituted. Likewise, they have agreed that adhering to the community is obligatory. Know, then—may Allah have mercy upon you—that whoever follows what has been authentically transmitted through trustworthy transmitters with a chain of transmission to the Messenger of Allah ﷺ has certainly followed the Sunnah and adhered to the community: the Companions, may Allah be pleased with them, those who followed them in goodness, and the leading authorities who came after them. Whoever follows anyone to the exclusion of the Messenger of Allah ﷺ has followed neither the Sunnah nor the community, and is lying in claiming adherence to the Sunnah and the community. Thus we, the company of those who follow the transmitted reports and rely upon them, are truly the people of the Sunnah and the community, by necessary demonstration; and likewise we are the people of consensus. Praise be to Allah, Lord of the worlds. Then we and most of those who oppose us agreed that the consensus of the scholars of the people of Islam is an authoritative proof and a truth established with certainty in the religion of Allah, Mighty and Majestic. Then we disagreed and one group said: It is something other than the Quran and other than what has come from the Prophet ﷺ. Rather, it consists in the scholars

[الباب الثاني والعشرون في الإجماع وعن أي شيء يكون الإجماع وكيف ينقل الإجماع]

قال أبو محمد اتفقنا نحن وجميع أهل الإسلام جنهم وإنسهم في كل زمان إجماعا صحيحا متيقنا على أن القرآن الذي أنزله الله على محمد رسول الله صلى الله عليه وسلم وكل ما قاله محمد صلى الله عليه وسلم فإنه حق لازم لكل أحد وإنه دين الإسلام ثم اختلفوا في الطريق المؤدية إلى رسوله صلى الله عليه وسلم فاعلموا رحمكم الله أن من اتبع نص القرآن وما أسند من طريق الثقات إلى رسول الله صلى الله عليه وسلم فقد اتبع الإجماع يقينا وأن من عاج عن شيء من ذلك فلم يتبع الإجماع وكذلك إجماع أهل الإسلام كلهم جنهم وإنسهم في كل زمان وكل مكان على أن السنة واجب اتباعها وأنها ما سنه رسول الله صلى الله عليه وسلم وكذلك اتفقوا على وجوب لزوم الجماعة فاعلموا رحمكم الله أن ما اتبع ما صح برواية الثقات مسندا إلى رسول الله صلى الله عليه وسلم فقد اتبع السنة يقينا ولزوم الجماعة وهم الصحابة رضي الله عنهم والتابعون لهم بإحسان ومن أتى بعدهم من الأئمة وأن من اتبع أحدا دون رسول الله صلى الله عليه وسلم فلم يتبع السنة ولا الجماعة وأنه كاذب في ادعائه السنة والجماعة فنحن معشر المتبعين للحديث المعتمدين عليه أهل السنة والجماعة حقا بالبرهان الضروري، وأننا أهل الإجماع كذلك، والحمد لله رب العالمين. ثم اتفقنا نحن وأكثر المخالفين لنا على أن الإجماع من علماء أهل الإسلام حجة وحق مقطوع به في دين الله عز وجل. ثم اختلفنا، فقالت طائفة هو شيء غير القرآن وغير ما جاء عن النبي صلى الله عليه وسلم لكنه أن يجتمع علماء المسلمين على حكم لا نص فيه، لكن برأي منهم أو بقياس منهم عن منصوص. وقلنا نحن: هذا باطل ولا يمكن البتة أن يكون إجماع من علماء

of the Muslims agreeing upon a ruling for which there is no explicit text, doing so instead through an opinion of their own or through an analogy they draw from something addressed by an explicit text. We said: This is false. It is absolutely impossible for there to be a consensus of the scholars of the community without an explicit text from the Quran or a Sunnah from the Messenger of Allah ﷺ that makes clear which statement of those who disagree the truth lies. This is unavoidable. Thus, whoever accords with that text is the one who holds the truth and is rewarded twice: once for his independent legal reasoning and his search for the truth, and a second time for affirming the truth and following it. Whoever departs from that text, without considering departure from it permissible, but intending to reach the truth, is mistaken and receives one reward for seeking the truth; the sin is lifted from him if he did not deliberately intend it. It is established with certainty that Muslims will not disagree concerning some texts; rather, Allah, Almighty and Majestic, brings about their consensus concerning them, just as He, Most High, brings about disagreement among them concerning whichever texts He wills that they should disagree about.

The group opposing us argued by saying: Allah, Almighty and Majestic, said: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, 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.} They said: Allah made obedience to those vested with authority obligatory, just as He made obedience to His Messenger ﷺ obligatory, and just as He also made obedience to Himself, Almighty and Majestic, obligatory, without any distinction. If He, Almighty and Majestic, had made obedience to them obligatory only concerning what they transmit to us from the Messenger of Allah ﷺ, repeating the command to obey them would have had no meaning, since He, Almighty and Majestic, would have needed only to mention obedience to His Messenger ﷺ, because, according to your position, they have a single meaning. It is therefore established that He, Almighty and Majestic, made obedience to them obligatory concerning what they state on the basis of opinion or analogy, in

الأمة على غير نص من قرآن أو سنة عن رسول الله صلى الله عليه وسلم يبين في أي قول المختلفين هو الحق لا بد من هذا فيكون من وافق ذلك النص، هو صاحب الحق المأجور مرتين، مرة على اجتهاده وطلبه الحق، ومرة ثانية على قوله بالحق واتباعه له. ويكون من خالف ذلك النص غير مستجيز لخلافه، لكن قاصدا إلى الحق مخطئا مأجورا أجرا واحدا على طلبه للحق، مرفوعا عنه الإثم إذا لم يعمد له. وقد تيقن ألا يختلف المسلمون في بعض النصوص، ولكن يوقع الله عز وجل لهم الإجماع عليه كما أوقع تعالى بينهم الاختلاف فيما شاء أن يختلفوا فيه من النصوص. واحتجت الطائفة المخالفة لنا بأن قالت قال الله عز وجل {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} قالوا فافترض الله طاعة أولي الأمر كما افترض طاعة رسوله صلى الله عليه وسلم وكما افترض طاعة نفسه عز وجل أيضا ولا فرق. فلو كان عز وجل إنما افترض طاعتهم فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم لما كان لتكرار الأمر بطاعتهم بمعنى لأنه يكتفي عز وجل بذكر طاعة رسوله صلى الله عليه وسلم فقط لأنها على قولكم معنى واحد فصح أنه إنما افترض عز وجل طاعتهم فيما قالوه برأي أو قياس، مما ليس فيه نص عن الله تعالى ولا عن رسوله صلى الله عليه وسلم قال أبو محمد وجمعوا في استدلالهم بهذه الآية إلى تصحيح الإجماع، تصحيح القول بالرأي والقياس فيما ظنوا، وقالوا أيضا قال 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} قالوا وهذه كالتي قبلها وقالوا أيضا قال الله عز وجل {ومن يشاقق لرسول من بعد ما تبين له لهدى ويتبع غير سبيل لمؤمنين نوله ما تولى ونصله جهنم وسآءت مصيرا}

matters concerning which there is no text from Allah, Most High, or from His Messenger ﷺ.

Abu Muhammed said: In arguing from this verse, they combined the validation of consensus with the validation of pronouncing on the basis of opinion and analogy, as they supposed. They also said: He, Almighty and Majestic, said: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those vested with authority among them, those among them who draw it out by inference would have known it. Were it not for Allah's bounty toward you and His mercy, you would have followed Satan, except for a few.} They said: This is like the preceding verse. They also said: Allah, Almighty and Majestic, said: {Whoever opposes the Messenger after guidance has become clear to him and follows a way other than the way of the believers, We shall turn him toward what he has turned toward and make him enter Hell; and evil is the destination.} They said: Thus, the severest threat was pronounced against departing from the way of the believers. It is therefore established that following them is obligatory concerning whatever they reach consensus upon, on whatever basis they reach consensus upon it, because it is their way, which it is impermissible to cease following.[1][2][3]

L1554–1559 They cited what Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Sa'id ibn Mansur, Abu al-Rabi' al-Ataki, and Qutaybah related to us; they said: Hammad ibn Zayd related to us, from Ayyub al-Sakhtiyani, from Abu Qilabah, from Abu Asma' al-Rahbi, from Thawban, who said: The Messenger of Allah ﷺ said: "A group of my community will continue to prevail upon the

[1] **Translator's note (L1549):** In the second exhortation beginning "Know, then," the supplied text has ma, "what," where the syntax appears to require man, "whoever." The translation follows the apparent personal reference and records the irregularity here.

[2] **Translator's note (L1552):** The supplied فتوعدوا is grammatically awkward here: it appears to say 'they threatened' or 'they were threatened.' The translation follows the contextual argument that the verse pronounces a threat.

[3] **Qur'an references (L1549):** Qur'an 4:59 (An-Nisa); Qur'an 4:83 (An-Nisa); Qur'an 4:115 (An-Nisa).

قالوا: فتوعدوا على مخالفة سبيل المؤمنين أشد الوعيد، فصح فرض اتباعهم فيما أجمعوا عليه، من أي وجه أجمعوا عليه، لأنه سبيلهم الذي لا يجوز ترك اتباعه.

وذكروا ما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا سعيد بن منصور، وأبو الربيع العتكي، وقتيبة، قالوا: حدثنا حماد بن زيد، عن أيوب السختياني، عن أبي قلابة، عن أبي أسماء الرحبي عن ثوبان قال قال رسول الله صلى الله عليه وسلم لا تزال طائفة من أمتي ظاهرين على الحق لا يضرهم من خذلهم حتى يأتي أمر الله زاد العتكي وسعيد في روايتهما: وهم كذلك. وبه إلى مسلم حدثنا منصور بن أبي مزاحم، ثنا يحيى بن حمزة، عن عبد الرحمن بن يزيد بن جابر، حدثني عمير بن هاني، قال: سمعت معاوية على المنبر يقول سمعت رسول الله صلى الله عليه وسلم يقول لا تزال طائفة من أمتي قائمة بأمر الله لا يضرهم من خذلهم ولا من خالفهم حتى يأتي أمر الله وهم ظاهرون

truth. Those who forsake them will not harm them, until Allah's command comes." Al-Ataki and Sa'id added in their respective narrations: "while they remain thus."

Through the same chain to Muslim: Mansur ibn Abi Muzahim related to us: Yahya ibn Hamzah related to us, from Abd al-Rahman ibn Yazid ibn Jabir: Umayr ibn Hani related to me, saying: I heard Mu'awiyah saying from the pulpit: I heard the Messenger of Allah ﷺ say: "A group of my community will continue to uphold Allah's command. Neither those who forsake them nor those who oppose them will harm them, until Allah's command comes, while they prevail over the people."

Abd al-Rahman ibn Abd Allah ibn Khalid al-Hamdani related to us: Ibrahim ibn Ahmad related to us: al-Firayri related to us: al-Bukhari related to us: al-Humaydi related to us: al-Walid—that is, Ibn Muslim—related to us: Ibn Jabir—that is, Abd al-Rahman ibn Yazid ibn Jabir—related to us: Umayr ibn Hani related to me, saying: I heard Mu'awiyah say: I heard the Messenger of Allah ﷺ: "A group of my community will continue to uphold Allah's command. Those who forsake them will not harm them nor will those who oppose them, until Allah's command comes, while they remain in that state." They said: It is therefore established that the community of Muhammed ﷺ will never reach consensus upon anything other than the truth, because he ﷺ has given notice that someone among them will always continue to uphold the truth.

Abu Muhammed said: It has also been narrated that he, peace be upon him, said: "My community will not reach consensus upon misguidance." Although neither its wording nor its chain of transmission is sound, its meaning is sound on the basis of the two reports just mentioned.

Abu Muhammed said: This is everything they have adduced as evidence; they have absolutely no argument besides this.

Abu Muhammed said: All of this is true, and no Muslim denies it. We have not disagreed with them concerning the validity of consensus. We have disagreed with them only on two points in their position: first, their allowing consensus to be based on something other than a text; and second, their

على الناس. حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، ثنا إبراهيم بن أحمد، ثنا الفريري، ثنا البخاري، ثنا الحميدي، ثنا الوليد هو ابن مسلم، ثنا ابن جابر هو عبد الرحمن بن يزيد بن جابر حدثني عمير بن هاني قال سمعت معاوية يقول سمعت رسول الله صلى الله عليه وسلم لا تزال طائفة من أمتي قائمة بأمر الله لا يضرهم من خذلهم ولا من خالفهم حتى يأتي أمر الله وهم على ذلك قالوا فصح أنه لا تجتمع أمة محمد صلى الله عليه وسلم على غير الحق أبدا لأنه صلى الله عليه وسلم قد أنذر بأنه لا يزال منهم قائم بالحق أبدا. قال أبو محمد: وقد روي أنه عليه السلام قال: لا تجتمع أمتي على ضلالة وهذا وإن لم يصح لفظه ولا سنده فمعناه صحيح بالخبرين المذكورين آنفا. قال أبو محمد: هذا كل ما احتجوا به، ما لهم حجة غير هذا أصلا. قال أبو محمد: وكل هذا حق لا ينكره مسلم ونحن لم نخالفهم في صحة الإجماع، وإنما خالفناهم في موضعين من قولهم. أحدهما: تجويزهم أن يكون الإجماع على غير نص. والثاني: دعواهم الإجماع في مواضع ادعوا فيها الباطل، بحيث لا يقطع أنه إجماع بلا برهان. أما في مكان قد صح فيه الاختلاف موجودا، وإما في مكان لا نعلم نحن فيه اختلافا إلا أن وجود الاختلاف فيه ممكن، نعم، وقد خالفوا الإجماع المتيقن على ما تبين بعد هذا إن شاء الله تعالى، فإذا الأمر هكذا فلا حجة لهم في شيء من هذه النصوص أصلا فيما أنكرناه عليهم إنما الأخبار التي ذكرنا عن رسول الله صلى الله عليه وسلم فإنما فيها أن أمته عليه السلام لا تجتمع ولا ساعة واحدة من الدهر على باطل، بل لا بد أن يكون فيهم قائل بالحق وقائم بالحق وقائم به، وهكذا نقول، وهذا الخبر إنما فيه بنص لفظه وجود الاختلاف فقط، وأن مع الاختلاف فلا بد فيهم من قائل بالحق وأما قوله تعالى {ومن يشاقق لرسول من بعد ما تبين له لهدى ويتبع غير سبيل لمؤمنين نوله ما تولى ونصله جهنم وسآءت مصيرا} فإنها حجة قائمة عليهم، والحمد لله رب العالمين، وذلك أن الله تعالى لم يتوعد في هذه الآية متبع على غير سبيل المؤمنين فقط لا مع مشاقته

claiming consensus in cases in which they have made false claims, where one cannot declare definitively that there is consensus without a demonstration: either in a case where the existence of disagreement has been established, or in a case in which we know of no disagreement, although the existence of disagreement concerning it is possible. Indeed, they have even departed from consensus established with certainty, as will become clear hereafter, if Allah, Most High, wills. Since matters stand thus, none of these texts provides them with any argument whatsoever concerning what we have disputed with them. As for the reports we have cited from the Messenger of Allah ﷺ, all they contain is that his community, peace be upon him, will not reach consensus upon falsehood for even a single hour of time. Rather, there must be among them someone who affirms the truth, someone who upholds the truth, and someone who upholds it. This is precisely what we say. By its explicit wording, this report contains only the existence of disagreement and the fact that, amid disagreement, there must be someone among them who affirms the truth.

As for His saying, Most High: {Whoever opposes the Messenger after guidance has become clear to him and follows a way other than the way of the believers, We shall turn him toward what he has turned toward and make him enter Hell; and evil is the destination}, it is an established argument against them. Praise belongs to Allah, Lord of the worlds. For in this verse Allah, Most High, did not threaten merely someone who follows a way other than the way of the believers, without his also opposing the Messenger of Allah ﷺ after there had become clear the guidance. This is our very position, and praise belongs to Allah, Lord of the worlds. Know that the believers have absolutely no way except obedience to the Qur'an and the established traditions from the Messenger of Allah ﷺ. As for introducing legislation for which no text has come, that is not the way of the believers; rather, it is the way of unbelief. Allah, Most High, said: {The only saying of the believers, when they are called to Allah and His Messenger so that he may judge between them, is to say: "We hear and we obey." Those are the successful.}

لرسول الله صلى الله عليه وسلم بعد أن تبين الهدى وهذا نص قولنا والحمد لله رب العالمين. واعلم أنه لا سبيل للمؤمنين البتة إلا طاعة القرآن والسنن الثابتة على رسول الله صلى الله عليه وسلم وأما إحداث شرع لم يأت به نص فليس سبيل المؤمنين، بل هو سبيل الكفر قال الله تعالى {إنما كان قول لمؤمنين إذا دعوا إلى لله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم لمفلحون} قال أبو محمد هذه سبيل المؤمنين بنص كلام الله تعالى، لا سبيل لهم غيرها أصلا فعادت هذه الآية حجة لنا عليهم وأما قوله 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} وقوله 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} فإن هذا مكان قد اختلف الصدر الأول فيه في من هم أولي الأمر كما حدثنا أحمد بن محمد الطلمنكي، ثنا محمد بن مفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد الصائغ، ثنا سعيد بن منصور، ثنا أبو معاوية هو محمد بن خازم الضرير عن الأعمش، عن أبي صالح عن أبي هريرة في قوله 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} قال هم الأمراء.

Abu Muhammed said: This is the way of the believers according to the explicit wording of Allah's speech, Most High. They have absolutely no other way. Thus this verse becomes an argument for us against them.

As for His saying, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, 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}, and His saying, 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 vested with authority among them, those among them who draw it out by inference would have known it. Were it not for Allah's bounty toward you and His mercy, you would have followed Satan, except for a few}, this is a matter concerning which the earliest generation disagreed as to who those vested with authority are. Thus Ahmad ibn Muhammed al-Talamanki related to us: Muhammed ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn Ali ibn Zayd al-Sa'igh related to us: Sa'id ibn Mansur related to us: Abu Mu'awiyah—that is, Muhammed ibn Khazim, the blind man—related to us, from al-A'mash, from Abu Salih, from Abu Hurayrah, concerning His saying, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, 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}. He said: "They are the rulers."[456]

[4]**Translator's note (L1554):** The name الفريري is rendered 'al-Firayri' as supplied; it appears to be a transcription error for al-Firabri. In the final narration, the supplied Arabic proceeds directly from 'I heard the Messenger of Allah' to the quotation, without an explicit 'say.'

[5]**Translator's note (L1557):** The repetition 'someone who upholds the truth, and someone who upholds it' reproduces the supplied Arabic. The phrase متبع على غير سبيل المؤمنين فقط لا مع is syntactically awkward, especially متبع على and لا مع. The translation follows the apparent contextual sense that the threat concerns following another way together with opposing the Messenger; the supplied wording is irregular.

[6]**Qur'an references (L1554):** Qur'an 4:115 (An-Nisa); Qur'an 37:182 (As-Saffat); Qur'an 24:51 (An-Nur); Qur'an 4:59 (An-Nisa); Qur'an 4:83 (An-Nisa).

L1560–1562

We have transmitted from Mujahid, al-Hasan, ʿIkrimah, and ʿAtaʾ that he said, "They are the jurists." We transmitted this through the aforementioned chain to Saʿid ibn Mansur, from Hushaym and Sufyan ibn ʿUyaynah. Hushaym said: "Abu Muʿawiyah, Mansur, and ʿAbd al-Malik ibn Muʿawiyah informed us, from al-Aʿmash, from Mujahid; and Mansur from al-Hasan; and ʿAbd al-Malik from ʿAtaʾ." Sufyan said: "From al-Hakam ibn Aban, from ʿIkrimah." Abu Muhammed said: Since no Quranic text has come explaining that they are the scholars who reach consensus, nor has any consensus to that effect been established as sound, the obligation is to take the two verses according to their apparent meaning. It is not lawful to restrict their scope by a claim without demonstration, because this also attributes to Allah, Mighty and Majestic, something He did not say. We affirm with certainty that He, Exalted, had He intended some of those vested with authority to the exclusion of others, would have explained that to us and would not have left us in uncertainty. Thus, what we have said is obligatory: the two verses must be taken in their general scope. We therefore say that those vested with authority are from among us. Since this is the truth, it is certainly false for anyone to say that Allah, Exalted, commanded us to accept obedience to rulers and scholars concerning something that neither Allah, Exalted, nor His Messenger ﷺ commanded. It is therefore established that obedience to scholars and rulers is obligatory upon us only in what they command us of that which Allah, Exalted, and His Messenger ﷺ have commanded. As for their assertion that, had Allah, Blessed and Exalted, intended this, He would have contented Himself with commanding obedience to the Messenger, peace be upon him, instead of mentioning those vested with authority, this is unsound speech. For they are to be told: If you say that His mentioning obedience to those vested with authority among us concerns what they say on the basis of personal opinion or analogy, rather than what they transmit to us from the Prophet ﷺ, on the grounds that His command to obey the Messenger has rendered its repetition unnecessary, then you are equally bound to say that His command to obey His Messenger ﷺ, after His command to obey Himself, Mighty and Majestic, is evidence that He, Mighty and Majestic, commanded us to obey the Messenger of Allah ﷺ only in what he said on his own initiative, rather than in what he brought us from his Lord,

وروينا عن مجاهد والحسن وعكرمة وعطاء قال: هم الفقهاء، وروينا ذلك بالسند المذكور إلى سعيد بن منصور، عن هشيم وسفيان بن عيينة، قال هشيم: أخبرنا أبو معاوية، ومنصور، وعبد الملك بن معاوية، عن الأعمش، عن مجاهد، ومنصور، عن الحسن، وعبد الملك، عن عطاء، وقال سفيان عن الحكم بن أبان عن عكرمة. قال أبو محمد: فإذا لم يأت قرآن ببيان أنهم العلماء المجمعون، ولا صح بذلك إجماع، فالواجب حمل الآيتين على ظاهرهما، ولا يحل تخصيصهما بدعوى بلا برهان، لأنه مع ذلك تقويل لله عز وجل ما لم يقل، ونحن نقطع بأنه تعالى لو أراد بعض أولي الأمر دون بعض لبينه لنا، ولم يدعنا في لبس فوجب ما قلناه من حمل الآيتين على عمومهما. فنقول: إن أولي الأمر منا، وإذ هذا هو الحق، فمن الباطل المتيقن أن يقول قائل: إن الله تعالى أمرنا بقبول طاعة الأمراء العلماء فيما لم يأمر به الله تعالى ولا رسوله صلى الله عليه وسلم فصح أن طاعة العلماء الأمراء إنما تجب علينا فيما أمرنا به مما أمر الله به تعالى ورسوله صلى الله عليه وسلم فقط وأما قولهم إن الله تبارك وتعالى لو أراد هذا لاكتفى بالأمر بطاعة الرسول عليه السلام على أن يذكر تعالى أولى الأمر فكلام فاسد، لأنه يقال لهم: إن قلتم إن ذكره تعالى طاعة أولي الأمر منا فيما قالوا برأي أو قياس لا فيما نقلوه إلينا عن النبي صلى الله عليه وسلم إذ قد أغنى أمره تعالى بطاعة الرسول عن تكراره: فيلزمكم سواء بسواء أن تقولوا أيضا إن أمره تعالى بطاعة رسوله صلى الله عليه وسلم بعد أمره بطاعة نفسه عز وجل دليل على أنه عز وجل إنما أمرنا بطاعة رسول الله صلى الله عليه وسلم فيما قاله من عند نفسه لا فيما أتانا به من عند ربه عز وجل، إذ قد أغنى أمر بطاعة نفسه عن تكراره لا فرق بين القولين. فإن أبيتم من هذا ظهر تناقضكم وتحكمكم بالباطل بلا برهان، وإن جسرتم وقلتموه أيضا كنتم أتيتم بعظائم مخالفة للقرآن وللرسول عليه السلام وللإجماع المتيقن إذ جوزتم أن يأتي

Mighty and Majestic, on the grounds that the command to obey Himself has rendered its repetition unnecessary. There is no difference between the two assertions. If you reject this, your inconsistency and your arbitrary assertion of falsehood without demonstration become apparent. If you venture to say this as well, you will have committed enormities contrary to the Quran, to the Messenger, peace be upon him, and to certain consensus, since you have allowed that the Messenger of Allah ﷺ could bring religious laws, none of which Allah, Exalted, had ever revealed to him. Allah, Exalted, has declared this assertion false by commanding him to say: "Say: I do not say to you that I possess the treasuries of Allah, nor do I know the unseen, nor do I say to 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 then reflect?"[7][8][9]

L1563–1565 And when He, Mighty and Majestic, says, speaking of him ﷺ: "Nor does he speak from desire. It is only a revelation revealed." He, Exalted, thus states that the Prophet ﷺ never speaks except through revelation revealed to him, and that he never follows anything except what Allah, Exalted, reveals to him alone. Whoever declares his Lord false, then, let him consider where his final abode will be. And when you allow that people may reach consensus upon religious laws they introduce, which Allah, Exalted, neither revealed to His Messenger ﷺ nor His Messenger ﷺ explained—Allah, Exalted, declares whoever says this false when He says: "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 killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten,

رسول الله صلى الله عليه وسلم بشرائع لم يوح الله تعالى بشيء منها إليه قط، والله تعالى قد أكذب هذا القول إذ أمره 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}

وإذ يقول عز وجل مخبرا عنه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فأخبر تعالى عن أن النبي صلى الله عليه وسلم لا ينطق البتة إلا بوحي يوحى إليه وأنه لا يتبع البتة إلا ما يوحي الله تعالى إليه فقط، فمن كذب ربه فلينظر أين مستقره. وإذا جوزتم أن يجمع الناس على شرائع يحدثونها لم يوح بها الله تعالى إلى رسوله صلى الله عليه وسلم ولا بينها رسوله صلى الله عليه وسلم والله تعالى يكذب من قال هذا إذ يقول {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فالدين قد كمل وما كمل فلا مزيد فيه أصلا. وأما تكرار الله تعالى الأمر بطاعة رسوله صلى الله عليه وسلم بعد أمره بطاعة نفسه تعالى وتكراره الأمر بطاعة أولي الأمر بعد أمره بطاعة الرسول صلى الله عليه وسلم وإن كان كل ذلك ليس فيه إلا طاعة ما أمر الله به فقط لا ما لم يأت

[7] **Translator's note (L1560):** The source uses the singular "he said" after naming four authorities; this has been retained. The transmission chains are compressed and interwoven in the source. Their stated names and connections have been retained without reconstructing a different chain.

[8] **Translator's note (L1561):** The phrase translated "instead of mentioning" reads literally "upon/over mentioning" (على أن يذكر); its syntax is awkward, but the contrast intended by the argument is clear. The source places "rulers" and "scholars" together without an explicit conjunction, and subsequently reverses their order. Both groups and the reversal have been retained.

[9] **Qur'an references (L1560):** Qur'an 6:50 (Al-An'am).

به الوحي منه عز وجل، فوجه ذلك واضح وهو بيان زائد، لولا مجيئه لالتبس على بعض الناس فهم ذلك الأمر، وذلك أنه لو لم يأمرنا الله تعالى إلا على الأمر بطاعته فقط، لتوهم بعض الجهال أنه لا يلزمنا إلا ما قاله تعالى في القرآن فقط وأنه لا يلزمنا طاعة رسوله صلى الله عليه وسلم فيما جاءنا به مما ليس في نص القرآن فلما أمر تعالى مع طاعته بطاعة رسوله صلى الله عليه وسلم ليظهر البيان ولم يمكن أن يمنع من طاعة رسول الله صلى الله عليه وسلم فيما أمرنا إلا معاند له ولو لم يأمرنا تعالى إلا على الأمر بطاعة أولي الأمر منا لأمكن أن يهم جاهل فيقول لا يلزمنا طاعة رسول الله صلى الله عليه وسلم إلا فيما سمعنا منه مشافهة فلما أمرنا تعالى بطاعة أولي الأمر منا ظهر البيان في وجوب طاعة ما نقله إلينا العلماء عن النبي صلى الله عليه وسلم فقط فبطل أن يكون لهاتين الآيتين متعلق والحمد لله رب العالمين. فإن قالوا لو كان هذا لما كان قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلا} معنى لأن ما جاءنا عن الله تعالى وعن النبي صلى الله عليه وسلم فواجب قبوله اتفق عليه أو اختلف فيه فأي معنى للفرق وبين أمره تعالى بطاعة أولي الأمر، ثم أمره بالرد عند الشارع إلى الله ورسوله

except what you slaughter duly; and that which has been slaughtered upon sacrificial stones; and that you seek allotments 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 a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is Forgiving, Merciful." Religion has therefore been perfected, and what has been perfected admits of no addition whatsoever. As for Allah's, Exalted, repeating the command to obey His Messenger ﷺ after His command to obey Himself, Exalted, and His repeating the command to obey those vested with authority after His command to obey the Messenger ﷺ, although all of this entails only obedience to what Allah has commanded, and not to anything for which revelation has not come from Him, Mighty and Majestic, the reason for this is clear. It is an additional clarification, without whose arrival some people would have been confused in understanding that command. For had Allah, Exalted, commanded us only with the command to obey Him alone, some ignorant people would have imagined that nothing bound us except what He, Exalted, said in the Quran alone, and that we were not bound to obey His Messenger ﷺ concerning what he brought us that is not in the express text of the Quran. So when He, Exalted, commanded obedience to His Messenger ﷺ together with obedience to Himself, so that there might become manifest the clarification, and no one could withhold obedience to the Messenger of Allah ﷺ in what he commanded us except someone obstinately opposing him. And had He, Exalted, commanded us only with the command to obey those vested with authority among us, an ignorant person could have erred and said: "We are bound to obey the Messenger of Allah ﷺ only concerning what we heard from him face to face." So when He, Exalted, commanded us to obey those vested with authority among us, the clarification became manifest concerning the obligation to obey only what the scholars transmit to us from the Prophet ﷺ. It is therefore invalid for these two verses to provide any basis for their contention. Praise be to Allah, Lord of all worlds. If they say: "Were this so, His saying, Exalted, '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 more excellent in outcome,' would have no meaning, because whatever has come to us from Allah, Exalted, and from the Prophet ﷺ must be accepted, whether it is agreed upon or disputed. What significance, then, is there in the distinction between His command, Exalted, to obey those vested with authority and His subsequent command to refer matters, in the presence of the Lawgiver, to Allah and His Messenger?"[10][11][12]

L1566–1567 We say: There is, in His saying, Exalted, "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 more excellent in outcome," no contradiction of His command, Exalted, to obey those vested with authority. Rather, all of this entails only obedience to the Quran and the prophetic traditions conveyed to us. But in His saying, Exalted, "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 more excellent in outcome," there is an additional meaning absent from the preceding part of the verse: His prohibition, Exalted, against uncritical adherence to anyone and following him, and the command to confine oneself exclusively to the

قلنا ليس في قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلا} خلاف لأمره تعالى بطاعة أولي الأمر، بل كل ذلك ليس فيه إلا طاعة القرآن والسنن المبلغة إلينا فقط ولكن في قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم تؤمنون بلله واليوم الآخر ذلك خير وأحسن تأويلا} معنى زائد ليس فيما تقدم من الآية، وهو نهيه تعالى عن تقليد أحد واتباعه، والأمر بالاقتصار على القرآن والسنة فقط ولا مزيد. وأيضا والكل من المسلمين متفقون على أن رسول الله صلى الله عليه وسلم أمرنا أن نصلي إلى بيت المقدس مدة ثم أمرنا بترك تلك القبلة وبالصلاة إلى مكة، فوجب ذلك، وأنه عليه السلام لو نهانا عن أن نصلي الخمس وعن صوم رمضان لحرم علينا أن نصليها أو نصومه، وهكذا في سائر الشرائع، أفهكذا القول عندكم وأمرنا بذلك بعد جميع أهل الأرض؟ فإن قالوا: نعم، كفروا، وإن قالوا: لا، فرقوا بين طاعته عليه السلام وطاعة أولي الأمر. فإن قالوا: هذا محال، لا يجوز أن يجمع الناس على ذلك لأنه كفر وضلال، قلنا: صدقتم وكذلك أيضا محال لا يجوز أن يجمعوا على إحداث شرع لم يأمر الله تعالى به ولا رسوله صلى الله عليه وسلم برأي أو بقياس ولا فرق فبطل أن يكون لهم في شيء من النصوص المذكورة متعلق بوجه من الوجوه والحمد لله رب كثيرا

[10] **Translator's note (L1564):** The opening "And when you allow…" has no clearly expressed consequent in the supplied syntax; the intervening refutation has been preserved without supplying one. The phrase "commanded us only with the command" renders the awkward source wording لم يأمرنا الله تعالى إلا على الأمر, without silently replacing its preposition. The final clause is syntactically awkward and continues into the next unit; its wording has not been completed here.

[11] **Translator's note (L1565):** The source says "had He…commanded us only…to obey those vested with authority," although the ensuing argument appears to require a statement about the absence of that command. The supplied wording has been retained. At the end, the source reads عند الشارع, "in the presence of the Lawgiver." The argument appears to call for عند التنازع, "when disputing," but that conjecture has not been substituted in the translation. The wording للفرق وبين is syntactically irregular; it has been rendered as "the distinction between" while retaining both objects of comparison.

[12] **Qur'an references (L1563):** Qur'an 53:4 (An-Najm); Qur'an 5:3 (Al-Ma'idah); Qur'an 4:59 (An-Nisa).

Quran and the Sunnah, with nothing further. Moreover, all Muslims agree that the Messenger of Allah ﷺ commanded us to pray toward Jerusalem for a time, then commanded us to abandon that direction of prayer and to pray toward Mecca, and that this consequently became obligatory. They also agree that, had he, peace be upon him, forbidden us to perform the five prayers and to fast Ramadan, it would have been forbidden for us to perform them or to fast it; and likewise with all the other religious laws. Is the position the same, according to you, if all the people of the earth afterward commanded us to do that? If they say yes, they have disbelieved. If they say no, they have distinguished between obedience to him, peace be upon him, and obedience to those vested with authority. If they say: "This is impossible; people cannot reach consensus upon that, because it is disbelief and error," we say: You have spoken truly. Likewise, it is also impossible, and inadmissible, for them to reach consensus upon introducing a religious law that neither Allah, Exalted, nor His Messenger ﷺ commanded, on the basis of personal opinion or analogy. There is no difference. It is therefore invalid for them to find any basis for their contention in any of the aforementioned texts, in any respect whatsoever. And abundant praise be to Allah, the Lord.[13][14]

وقالوا لو كان الإجماع لا يكون إلا عن نص وتوقيف لكان ذلك النص محفوظا لأن الله تعالى قال {إنا نحن نزلنا لذكر وإنا له لحافظون} فلما لم يوجد ذلك النص علمنا أن الإجماع ليس على نص. قال أبو محمد: وهذا كلام أوله حق وآخره كذب. ونحن نقول: لا إجماع إلا عن نص وذلك النص إما كلام منه صلى الله عليه وسلم فهو منقول ولا بد محفوظ حاضر وإما عن فعل منه عليه السلام فهو منقول أيضا كذلك، وإما إقراره إذ علمه فأقره ولم ينكره فهي أيضا حال منقولة محفوظة، وكل من ادعى إجماعا علمه على غير هذه الوجوه كلفناه تصحيح دعواه، في أنه إجماع لا سبيل إلى برهان على ذلك أبدا بأكثر من دعواه، وما كان دعوى بلا برهان فهو باطل، فإن لجأ إلى ما لا يعرف فيه خلاف فهو إجماع، قلنا له: وهذا تدبير من الكذب والدعوى الأفيكة بلا برهان وتمام هذه المسألة إن شاء الله تعالى في باب بعد هذا مفرد لبعض

L1568–1586 They said: "If consensus could arise only from a text and instruction received through revelation, that text would have been preserved, because Allah Most High said: {Indeed, We Ourselves sent down the Reminder, and indeed We shall preserve it.} Since that text is not found, we know that consensus is not based on a text." Abu Muhammed said: This is an argument whose beginning is true and whose end is a lie. We say that there is no consensus except on the basis of a text. That text is either a statement of his ﷺ, in which case it is necessarily transmitted, preserved, and available; or it concerns an action of his, peace be upon him, in which case it too is transmitted

[13] **Translator's note (L1567):** The source phrase وأمرنا بذلك بعد جميع أهل الأرض is awkward. The translation takes جميع أهل الأرض as the delayed subject of "commanded us" and بعد as "afterward"; the wording remains uncertain. The closing الحمد لله رب كثيرا is grammatically irregular and may be defective. The translation preserves both "Lord" and the expression of abundance without supplying an omitted complement.

[14] **Qur'an references (L1566):** Qur'an 4:59 (An-Nisa).

in the same way or it concerns his approval, when he knew of something and approved it without condemning it; this too is a transmitted and preserved circumstance. Whoever claims knowledge of a consensus on grounds other than these, we require him to substantiate his claim that it is a consensus. There is never any way to demonstrate that beyond his mere claim, and whatever is a claim without demonstration is invalid. If he resorts to saying that whatever is not known to involve disagreement constitutes consensus, we say to him: This is a contrivance of lies and a mendacious claim without demonstration. The full treatment of this question, if Allah Most High wills, will come in a subsequent chapter devoted to part of the argument of those who say that whatever is not known to involve disagreement constitutes consensus. There is no power except through Allah, the Most High, the Magnificent. How could it be otherwise, when what we have mentioned here—that it is a claim without demonstration—is sufficient? Abu Muhammed said: Now that everything they have advanced as an objection has been invalidated, let us, with the help of Allah Most High, proceed to present the demonstrations establishing the correctness of our position. He, Mighty and Majestic, said: {Follow what has been sent down to you from your Lord, and do not follow protectors besides Him. Little do you take heed.} Thus He Most High commanded us to follow what He sent down and categorically forbade us to follow anyone besides Him. This invalidates the correctness of any person's statement that does not accord with the text, and it invalidates thereby the possibility of consensus on anything other than a text, because the text is false, whereas consensus is true, and truth does not accord with falsehood. We have already mentioned His words, Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which has been sacrificed upon stone altars; and that you seek allotments by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe

قول من قال: إن ما لا يعرف فيه خلاف فهو إجماع ولا قوة إلا بالله العلي العظيم، فكيف وفيما ذكرنا ههنا من أنها دعوى بلا برهان كفاية. قال أبو محمد: وإذا قد بطل كل ما اعترضوا به، فلنقل بعون الله تعالى على إيراد البراهين على صحة قولنا قال عز وجل {تبعوا ما أنزل إليكم من ربكم ولا تتبعوا من دونه أولياء قليلا ما تذكرون} فأمرنا تعالى أن نتبع ما أنزل ونهانا عن أن نتبع أحدا دونه قطعا، فبطل بهذا أن يصح قول أحد لا يوافق النص، وبطل بهذا أن يكون إجماع على غير نص، لأن النص باطل، والإجماع حق، والحق لا يوافق الباطل وقد ذكرنا قوله تعالى {حرمت عليكم الميتة والدم ولحم الخنزير وما أهل لغير الله به والمنخنقة والموقوذة والمتردية والنطيحة وما أكل السبع إلا ما ذكيتم وما ذبح على النصب وأن تستقسموا بالأزلام ذلكم فسق اليوم يئس الذين كفروا من دينكم فلا تخشوهم واخشون اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم الإسلام دينا فمن اضطر في مخمصة غير متجانف لإثم فإن الله غفور رحيم} فصح أنه لا يحدث بعد النبي صلى الله عليه وسلم شيء من الدين وهذا باطل أن يجمع على شيء من الدين لم يأت به قرآن ولا سنة، ويصح بضرورة العقل أنه لا يمكن أن يعرف أحد ما كلفه الله تعالى عباده إلا بخبر من عنده عز وجل، وإلا فالخبر عنه تعالى بأنه أمر بكذا، ونهي عن كذا كاذب على الله عز وجل إلا أن يخبر بذلك عنه تعالى من يأتيه الوحي من عند ربه فقط. وصح أيضا بضرورة العقل، أن من أدخل في الدين حكما يقر بأنه لم يأت به وحي من عند الله تعالى عن رسوله صلى الله عليه وسلم فقد شرع من الدين ما لم يأذن به الله تعالى، وقد ذم الله تعالى ذلك وأنكره في نص القرآن فقال {أم لهم شركاء شرعوا لهم من الدين ما لم يأذن به الله ولولا كلمة الفصل لقضي بينهم وإن الظالمين لهم عذاب أليم} قال أبو محمد ومن طريق النظر الضروري الراجع إلى العقل والمشاهدة والحس أننا نسأل من أجاز أن

hunger, without inclining toward sin—then indeed Allah is Forgiving, Merciful.} It is thus established that nothing belonging to religion comes into being after the Prophet ﷺ. And this is invalid: that consensus should be reached on something belonging to religion that neither the Quran nor the Sunnah has brought. It is established by rational necessity that no one can know what Allah Most High has charged His servants with except through a report from Him, Mighty and Majestic. Otherwise, a report about Him Most High that He commanded such-and-such or forbade such-and-such is a lie against Allah, Mighty and Majestic, unless the one reporting this about Him Most High is exclusively someone to whom revelation comes from his Lord. It is also established by rational necessity that whoever introduces into religion a ruling while acknowledging that no revelation from Allah Most High concerning it has come through His Messenger ﷺ has legislated as religion something that Allah Most High has not authorized. Allah Most High has censured this and condemned it in the explicit text of the Quran, saying: {Or do they have partners who have legislated for them, as religion, that which Allah has not authorized? Were it not for the word of decisive judgment, judgment would have been passed between them. Indeed, the wrongdoers shall have a painful punishment.} Abu Muhammed said: By way of necessary reasoning grounded in reason, observation, and sensory perception, we ask anyone who allows that the scholars of the Muslims may reach consensus on something for which there is no text, such that it becomes a truth from which dissent is impermissible. We say to him—and success comes through Allah Most High: Do you consider it possible for the scholars of all Islam to assemble in one place, with not a single one of them absent, after the Companions, may Allah be pleased with them, dispersed throughout the regional cities? Or is this impossible, altogether incapable of occurring? If he says, "This is possible," he obstinately denies what is plainly observable. For the scholars of the people of Islam—the Companions, may Allah be pleased with them, dispersed in the time of the Messenger of Allah ﷺ—have, down to this day and onward, never assembled since they dispersed. Some came to be in Yemen, in its cities; some in Oman; some in Bahrain; some in al-Ta'if; some in Mecca; some in Najd; and some at the mountain of Tayy, and likewise throughout the other regions of Arabia. Then their dispersal grew more

يجمع علماء المسلمين على ما لا نص فيه فيكون حقا لا يسع خلافه، فنقول له، وبالله تعالى التوفيق: أفي الممكن عندك أن يجتمع علماء جميع الإسلام في موضع واحد، حتى لا يشذ عنهم منهم أحد بعد افتراق الصحابة رضي الله عنهم في الأمصار؟ أم هذا ممتنع غير ممكن البتة؟ فإن قال: هذا ممكن، كابر العيان، لأن علماء أهل الإسلام قد افترق الصحابة رضي الله عنهم في عصر رسول الله صلى الله عليه وسلم إلى اليوم وهلم جرا لم يجتمعوا مذ أن افترقوا، فصار بعضهم في اليمن في مدنها، وبعضهم في عمان، وبعضهم في البحرين، وبعض في الطائف، وبعض بمكة، وبعض بنجد. وبعض بجبل طيء، وكذلك في سائر جزائر العرب. ثم اتسع الأمر بعده عليه السلام، فصاروا من السند وكابل، إلى مغارب الأندلس، وسواحل بلاد البربر، ومن سواحل اليمن إلى ثغور أرمينية، فما بين ذلك من البلاد البعيدة واجتماع هؤلاء ممتنع غير ممكن أصلا لكثرتهم وتنائي أقطارهم. فإن قال: ليس اجتماعهم ممكنا، قلنا: صدقت. وأخبرنا الآن كيف الأمر إذا قال بعضهم قولا لا نص فيه، أتقطع على أنه حق، وأنت لا تدري أيجمع عليه سائرهم أم لا؟ أم تقف فيه؟ فإن قال: أقطع بأنه حق، قلنا: حكمت بالغيب وبما لا تدري، وحكمت بالباطل بلا شك، فإن قال: بل أقف فيه حتى يجمع عليه سائرهم قلنا: فإنما يصح إذ قال به آخر قائل منهم، فلا بد من نعم فيقال لهم: فلو خالفهم فعلى قولك لا يكون حقا، فمن قوله نعم فيقال له: فكيف يكون حقا ما يمكن أمس أن يكون باطلا، وهذا حكم على الله تعالى، وليس هذا حكم الله وكفى بهذا بيانا. وأيضا فإن اليقين قد صح بأن الناس مختلفون في هممهم، واختيارهم وآرائهم وطبائعهم الداعية إلى اختيار ما يختارونه، وينفرون عما سواه، متباينون في ذلك تباينا شديدا متفاوتا جدا فمنهم رقيق القلب يميل إلى الرفق بالناس، ومنهم قاسي القلب شديد يميل إلى التشديد على الناس، ومنهم قوي على العمل مجد إلى العزم والصبر والتفرد، ومنهم ضعيف الطاقة يميل إلى التخفيف، ومنهم جانح إلى لين العيش يميل

extensive after him, peace be upon him so that they extended from Sind and Kabul to the western reaches of al-Andalus and the coasts of the lands of the Berbers, and from the coasts of Yemen to the frontier districts of Armenia, including the distant lands between these. The assembly of all these people is impossible, altogether incapable of occurring, because of their great number and the remoteness of their regions from one another. If he says, "Their assembly is not possible," we say: You have spoken truly. Now tell us how matters stand when one of them advances a position for which there is no text: do you affirm categorically that it is true, although you do not know whether all the rest will reach consensus upon it, or do you suspend judgment on it? If he says, "I affirm categorically that it is true," we say: You have passed judgment concerning the unseen and concerning what you do not know, and you have undoubtedly passed a false judgment. If he says, "Rather, I suspend judgment on it until all the rest reach consensus upon it," we say: Then it becomes valid only when the last of them to express a position adopts it. He must necessarily answer yes. They are then told: Had he disagreed with them, then according to your position it would not be true. His answer is yes. He is then asked: How, then, can something be true when yesterday it could have been false? This is a judgment imposed upon Allah Most High; it is not Allah's judgment. This is sufficient clarification. Furthermore, it has been established with certainty that people differ in their aspirations, choices, opinions, and the natural dispositions that impel them to choose what they choose and recoil from everything else. In these respects they diverge sharply and differ very greatly. Among them is the tenderhearted person who inclines toward gentleness with people; among them is the hardhearted, stern person who inclines toward imposing strictness upon people. Among them is one strong in undertaking deeds, earnest in resolve, patience, and standing alone; among them is one of limited capacity who inclines toward easing burdens. Among them is one drawn toward an easy life who inclines toward comfort; among them is one inclined toward austerity who leans toward severity. Among them is one balanced in all these things, inclining toward moderation; among them is one quick to anger who inclines toward vehement condemnation; and among them is a forbearing person who inclines toward overlooking faults. It is altogether impossible

إلى الترفيه، ومنهم مائل إلى الخشونة مجنح إلى الشدة، ومنهم معتدل في كل ذلك إلى التوسط، ومنهم شديد الغضب يميل إلى شدة الإنكار، ومنهم حليم يميل إلى الإغضاء، ومن المحال اتفاق هؤلاء كلهم على إيجاب حكم برأيهم أصلا، لاختلاف دعاويهم ومذاهبهم فيما ذكرنا، وإنما يجمع ذو الطبائع المختلفة على ما استووا فيه من الإدراك بحواسهم، وعلموه ببدائة عقولهم فقط، وليست أحكام الشريعة من هذين القسمين فبطل أن يصح فيها إجماع على غير توقيف، وهذا برهان قاطع ضروري. وأما الإجماع على القياس، فيبطل من قرب، لأنهم لم يجمعوا على صحة القياس، فكيف يجمعون على ما لم يجمعوا عليه؟. قال أبو محمد: فاعترض فيها بعض المخالفين فقال: قد اختلف الناس في القول بخبر الواحد، وقد أجمع على بعض ما جاء به خبر الواحد. قال أبو محمد: وهذا باطل ومخرقة ضعيفة، لأن المسلمين لم يختلفوا قط في وجوب طاعة رسول الله صلى الله عليه وسلم وإنما اختلفوا في الطريق المؤدية إليه صلى الله عليه وسلم والذين لا يقولون بخبر الواحد ثم أجمعوا على حكم ما جاء من أخبار الآحاد فإنهم يقولون: إنما قلنا به لأنه نقل كافة، لا لأنه خبر واحد. فإن قلتم: إن من القياس ما يوافق النص، قلنا لكم: المتبع حينئذ إنما هو النص ولا نبالي وافقه القياس أو خالفه، فلم نتبع القياس قط وافق النص أو خالفه، وكذلك لا يجوز الإجماع على قول إنسان دون النبي صلى الله عليه وسلم لأنه لا أحد بعده إلا وقد خالفه طوائف من المسلمين في كثير من قوله. وأيضا فإن كان من بعده عليه السلام فممكن أن يصيب وأن يخطىء، فاتباع خطأ من أخطأ باطل وأما صواب المصيب في الدين، فإنما هو باتباع النص، فالنص هو المتبع حينئذ لا قول الذي اتبع النص، وإنما يجب اتباع النص سواء وافقه الموافق أو خالفه المخالف. وأيضا فإنه يقال لمن أجاز الإجماع على غير نص من قرآن أو سنة عن رسول الله صلى الله عليه وسلم أخبرونا عما جوزتم من الإجماع بعد رسول الله صلى الله عليه وسلم على غير نص هل يخلو من أربعة أوجه لا خامس لها إما أن يجمعوا

for all these people to agree, on the basis of their own opinions, upon making a ruling binding because their claims and positions differ in the matters we have mentioned. People of differing natural dispositions reach consensus only upon what they have equally apprehended through their senses and have known through the immediate intuitions of their reason alone. The rulings of the revealed law belong to neither of these two categories. Thus the validity of any consensus concerning them without instruction received through revelation is disproved. This is a demonstration conclusive and necessary. As for consensus concerning analogy, it is readily invalidated, because they have not agreed upon the validity of analogy. How, then, could they agree upon something on which they have not agreed?

Abu Muhammed said: One of our opponents raised an objection concerning this, saying: People have differed over accepting a solitary report, yet consensus has been reached on some of what a solitary report conveys.

Abu Muhammed said: This is false and a feeble piece of deception, because Muslims have never differed concerning the obligation to obey the Messenger of Allah ﷺ. They have differed only concerning the route leading to him ﷺ. Those who do not accept solitary reports, but subsequently agree upon a ruling conveyed in solitary reports, say: We accepted it only because it was transmitted by the community collectively, not because it was a solitary report. If you say that some analogy accords with the text, we reply: What is followed in that case is simply the text. We do not care whether analogy agrees with it or contradicts it. We have never followed analogy, whether it agrees with the text or contradicts it.

Likewise, consensus cannot legitimately be based upon the statement of any person other than the Prophet ﷺ, because there is no one after him whom groups of Muslims have not opposed concerning much of what he said. Furthermore, anyone after him, peace be upon him, may be right or wrong. Following the error of someone who errs is invalid. As for someone being right in religion, that occurs only through following the text. Thus, what is followed in that case is the text, not the statement of the person who followed the text. Following the text is obligatory, whether someone agrees with it or someone opposes it.

على تحريم شيء مات صلى الله عليه وسلم ولم يحرمه أو على تحليل شيء مات رسول الله صلى الله عليه وسلم وقد حرمه أو على إيجاب فرض مات رسول الله صلى الله عليه وسلم ولم يوجبه أو على إسقاط فرض مات رسول الله صلى الله عليه وسلم قد أوجبه وكل هذه الوجوه كفر مجرد وإحداث دين بدل به دين الإسلام، ولا فرق بين هذه الوجوه، وبين من جوز الإجماع على إسقاط الصلوات الخمس أو بعضها أو ركعة منها، أو على إيجاب صلوات غيرها أو ركوع زائدة فيها، أو على إبطال صوم رمضان أو على إيجاب صوم شهر رجب، أو على إبطال الحج إلى مكة، أو على إيجابه إلى الطائف، أو على إباحة الخنزير، أو على تحريم الكبش، كل هذا كفر صراح لا خفاء به. فإن قالوا: كل هذه نصوص، وإنما جوزنا الإجماع على ما لا نص فيه، قلنا: وكل ما ذكرنا لا نص فيه، وإنما هي شرائع زائدة في دين الله تعالى أو ناقصة منه هذه صفة ما لا نص فيه لا سبيل إلى أن يكون حكم لا نص فيه يخرج من أحد هذين الوجهين. فإن قالوا: هذا لا يجوز، رجعوا إلى قولنا من قرب، ومن أجاز شيئا من هذا كفر، وبالله تعالى التوفيق. وهذا أيضا برهان قاطع في إبطال القول بالقياس بالرأي والاستحسان لا مخلص منه. واعلموا أن قولهم: هذه المسألة لا نص فيها، قول باطل، وتدليس في الدين، وتطريق إلى هذه العظائم، لأن كل ما يحرمه الله تعالى على لسان نبيه صلى الله عليه وسلم إلى أن مات صلى الله عليه وسلم فقد حلله بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وقوله {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} وكل ما لم يأمر به عليه السلام فلم يوجبه، وهذه ضرورة لا يمكن أن يقوم في عقل أحد غيرها وأما كل ما نص يأمر به صلى الله عليه وسلم بالأمر به أو

النهي عنه فقد حرمه أو أوجبه فلا يحل لأحد مخالفته، فصح أنه لا شيء إلا وفيه نص جلي فصح أنه لا إجماع إلا على نص، ولا اختلاف إلا في نص كما ذكرنا، ولا قياس يوجب في نص إلا وهو زائد في الدين أو ناقص منه ولا بد. ثم نقول لهم أيضا: أخبرونا عن الإجماع جملة، هل يخلو من أحد ثلاثة أوجه لا رابع لها بضرورة العقل؟ أما أن يجمع الناس على ما لا نص فيه كما ادعيتم فقد أريناكم بطلان ذلك، وأنه محال ذلك وأنه محال وجوده لصحة وجود النصوص في كل شيء من الدين أو يكون إجماع الناس على خلاف النص الوارد من غير نسخ أو تخصيص له وردا قبل موت رسول الله صلى الله عليه وسلم فهذا كفر مجرد كما قدمنا أو يكون إجماع الناس على شيء منصوص فهذا قولنا هذه قسمة ضرورية لا محيد عنها أصلا، وإذ هو كما ذكرنا فاتباع النص فرض، سواء أجمع الناس عليه أو اختلفوا فيه، لا يزيد النص مرتبة في وجوب الاتباع أن يجمع الناس عليه، ولا يوهن وجوب اتباع اختلاف الناس فيه، بل الحق حق وإن اختلف فيه، وإن الباطل باطل وإن كثر القائلون به ولولا صحة النص عن النبي صلى الله عليه وسلم بأن أمته لا يزال منهم من يقوم بالحق ويقول به فبطل بذلك أن يجمعوا على باطل لقلنا: والباطل باطل وإن أجمع عليه، لكن لا سبيل إلى الإجماع على باطل. قال أبو محمد: فإذا الأمر كذلك فإنما علينا صلب أحكام القرآن والسنن الثابتة عن رسول الله صلى الله عليه وسلم إذ ليس في الدين سواهما أصلا ولا معنى لطلبنا هل أجمع على ذلك الحكم أو هل اختلف فيه لما ذكرنا وبالله تعالى التوفيق. فإن قيل: فقد صححتم الإجماع آنفا، ثم توجبون الآن أنه لا معنى له، قلنا: الإجماع موجود كما الاختلاف موجود، إلا أننا لم يكلفنا الله تعالى معرفة شيء من ذلك، إنما كلفنا اتباع القرآن وبيان رسول الله صلى الله عليه وسلم الذي نقله إلينا الأمر منا على ما بينا فقط، ولأن أحكام الدين كلها من القرآن والسنن لا تخلو

Furthermore, those who allow consensus without a text from the Quran or a practice transmitted from the Messenger of Allah ﷺ are to be asked: Tell us about the consensus without a text that you have deemed possible after the Messenger of Allah ﷺ. Can it fall outside four possibilities, with no fifth? Either they agree upon prohibiting something that he ﷺ had not prohibited when he died; or upon permitting something that the Messenger of Allah ﷺ had prohibited when he died; or upon imposing an obligatory duty that the Messenger of Allah, may Allah bless him and grant him peace, had not imposed when he died; or upon abolishing an obligatory duty that the Messenger of Allah ﷺ had imposed when he died. All these possibilities constitute sheer unbelief and the invention of a religion by which the religion of Islam is replaced. There is no difference between these possibilities and allowing consensus upon abolishing the five prayers, some of them, or one prayer cycle within them; or upon imposing other prayers or additional bowings within them; or upon abolishing the fast of Ramadan; or upon imposing fasting during the month of Rajab; or upon abolishing pilgrimage to Mecca; or upon imposing it to al-Ta'if; or upon permitting swine; or upon prohibiting the ram. All this is manifest unbelief, with nothing obscure about it.

If they say: All these matters have texts concerning them; we have allowed consensus only concerning that for which there is no text, we reply: There is no text for any of the things we have mentioned. They are simply enactments that add to the religion of Allah Most High or subtract from it. This is the description of that for which there is no text. A ruling for which there is no text cannot possibly fall outside one of these two possibilities. If they say that this is impermissible, they have readily returned to our position. Whoever permits any of this has committed unbelief. Through Allah Most High comes success.

This is also a conclusive demonstration invalidating the advocacy of analogy based on personal opinion and juristic preference, from which there is no escape. Know that their statement, "There is no text concerning this question," is a false statement, deception in religion, and a means of opening the way to these enormities. For everything that Allah Most High prohibits

من أحد وجهين لا ثالث لهما: إما وحي مثبت في المصحف، وهو القرآن وإما وحي غير مثبت في المصحف وهو بيان رسول الله صلى الله عليه وسلم قال تعالى {بالبينات والزبر وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} وقال تعالى: {وما ينطق عن الهوى * إن هو إلا وحي يوحى} ثم ينقسم كل ذلك ثلاثة أقسام لا رابع لها، إما شيء نقلته الأمة كلها عصرا بعد عصر، كالإيمان والصلوات والصيام ونحو ذلك، وهذا هو الإجماع ليس من هذا القسم شيء لم يجمع عليه، وإما شيء نقل نقل تواتر كافة عن كافة من عندنا كذلك إلى رسول الله صلى الله عليه وسلم ككثير من السنن وقد يجمع على بعض ذلك وقد يختلف فيه كصلاة النبي صلى الله عليه وسلم قاعدا بجميع الحاضرين من أصحابه وكدفعه خيبر إلى يهود بنصف ما يخرج منها من زرع أو تمر يخرجهم إذا شاء وغير ذلك كثير، وإما شيء نقله الثقة عن الثقة كذلك مبلغا إلى رسول الله صلى الله عليه وسلم فمنه ما أجمع على القول به ومنه ما اختلف فيه، فهذا معنى الإجماع الذي لا إجماع في الديانة غيره البتة، ومن ادعى غير هذا فإنما يخبط فيما لا يدري، ويقول ما لا علم له، ويقول بما لا يفهم، ويدين بما لا يعرف حقيقته. وبالله تعالى التوفيق، وبه نعوذ من التخليط في الدين بما لا يعقل

through the tongue of His Prophet ﷺ up to the time of his death ﷺ, He has permitted through His saying, Most High: “He is the One who created for you everything on earth, then turned to heaven and fashioned them into seven heavens, and He knows all things”; and His saying: “What is the matter with you that you do not eat of that over which the name of Allah has been mentioned, when He has detailed for you what He has forbidden you, except that to which you are compelled? Indeed, many lead others astray through their desires without knowledge. Indeed, your Lord knows best the transgressors.”

Everything that he, peace be upon him, did not command, he did not make obligatory. This is a necessary truth, and no alternative to it can be conceived in anyone’s intellect. As for everything that he ﷺ explicitly commands, by commanding it or prohibiting it, he has prohibited it or made it obligatory, and no one may oppose him. It is therefore established that there is nothing concerning which there is not a clear text. It is consequently established that consensus can concern only a text, and disagreement can concern only a text, as we have explained. Any analogy that establishes an obligation concerning a text necessarily adds to religion or subtracts from it.

We also say to them: Tell us about consensus as a whole. Can it fall outside one of three possibilities, with no fourth, by rational necessity? Either people agree upon something for which there is no text, as you have claimed—and we have shown you the invalidity of that, and that it is impossible, and that its existence is impossible, since the existence of texts concerning every matter of religion is established—or people’s consensus contradicts the transmitted text, without any abrogation or specification of it having been transmitted before the death of the Messenger of Allah ﷺ; this is sheer unbelief, as we stated previously. Or people’s consensus concerns something explicitly stated in a text; this is our position. This is a necessary division from which there is no escape at all. Since matters are as we have described, following the text is obligatory, whether people agree upon it or disagree concerning it. People’s agreement upon the text does not raise its standing in respect of the obligation to follow it, nor does people’s disagreement concerning it weaken the obligation to follow it. Rather, truth is truth even when it is disputed,

and falsehood is falsehood even when those who advocate it are numerous. Were it not for the authentic text from the Prophet ﷺ stating that there will always be members of his community who uphold the truth and profess it—thereby ruling out their agreement upon falsehood—we would have said: Falsehood is falsehood even if consensus is reached upon it. But consensus upon falsehood is impossible.

Abu Muhammed said: Since this is so, what is incumbent upon us is simply the substance of the rulings of the Quran and the practices authentically transmitted from the Messenger of Allah ﷺ, for there is absolutely nothing else in religion. There is no point in our investigating whether consensus has been reached upon a particular ruling or whether it is disputed, for the reasons we have mentioned. Through Allah Most High comes success.

If it is said: You affirmed consensus just now, yet now insist that it has no significance, we reply: Consensus exists just as disagreement exists. However, Allah Most High has not charged us with knowing any of that. He has charged us only with following the Quran and the explanation of the Messenger of Allah ﷺ that the authority among us transmitted to us, as we have explained, and nothing more. Moreover, all the rulings of religion derived from the Quran and the transmitted practices necessarily fall into one of two categories, with no third: either revelation recorded in the written Quran, which is the Quran, or revelation not recorded in the written Quran, which is the explanation of the Messenger of Allah ﷺ. He, Most High, said: "With clear proofs and scriptures; and We sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect." He, Most High, also said: "He does not speak from desire. It is nothing but revelation revealed."

All of this is then divided into three categories, with no fourth. Either it is something transmitted by the entire community, generation after generation, such as faith, the prayers, fasting, and similar matters. This is consensus: there is nothing in this category upon which consensus has not been reached. Or it is something transmitted through recurrent mass transmission, a multitude from a multitude, extending in this manner from our own time back to the Messenger of Allah ﷺ, as is the case with many transmitted prac-

tices. Consensus may be reached upon some of that, and it may be disputed, as with the Prophet's ﷺ leading all his Companions who were present in prayer while seated, and his handing Khaybar over to Jews in return for half the crops or dates it produced, with him expelling them whenever he wished. There are many other such examples. Or it is something transmitted by a trustworthy transmitter from a trustworthy transmitter, continuing in this manner back to the Messenger of Allah ﷺ. Some of this has been unanimously accepted, and some has been disputed. This, then, is the meaning of consensus, apart from which there is absolutely no consensus in religion. Whoever claims anything other than this merely flounders in what he does not know, says what he has no knowledge of, speaks of what he does not understand, and professes as religion something whose true nature he does not know. Through Allah Most High comes success, and in Him we seek

refuge from introducing confusion into religion through what is not understood.[15][16][17][18][19][20][21][22][23]

[15]**Translator's note (L1568):** In the Quran quotation, the supplied لذكر appears to omit the initial alif of the definite article in الذكر, rendered here as "the Reminder."

[16]**Translator's note (L1570):** The opening imperative of the Quran quotation is transcribed تبعوا rather than اتبعوا; it is rendered as "Follow" in accordance with the quotation's evident grammatical function.

[17]**Translator's note (L1571):** The supplied text explicitly says "because the text is false" (لأن النص باطل). This conflicts with the surrounding argument and appears corrupt; it has been translated as supplied, without inserting a negation or otherwise repairing it. The Quran quotation repeatedly omits the initial alif of definite articles and contains similar orthographic defects. Its words have been rendered without reproducing these spelling defects in English.

[18]**Translator's note (L1572):** The Quran quotation's كلمة الفصل is rendered "the word of decisive judgment"; the supplied wording contains no explicit reference to postponement.

[19]**Translator's note (L1573):** The clause beginning "For the scholars of the people of Islam" shifts awkwardly into "the Companions dispersed," leaving its syntax disrupted. The English preserves this interruption with dashes. The supplied جزائر العرب literally means "the islands of the Arabs." In this geographical enumeration it is rendered "regions of Arabia," though the plural wording is unusual.

[20]**Translator's note (L1574):** The supplied أمس means "yesterday" and has been retained, although the argument may be using it loosely for an earlier point in time. The phrase مجد إلى العزم is syntactically awkward; "earnest in resolve" reflects its apparent sense without replacing the supplied Arabic.

[21]**Translator's note (L1579):** The source uses a grammatically irregular expression for "additional bowings"; the intended sense is nevertheless clear.

[22]**Translator's note (L1580):** The source says "everything that Allah Most High prohibits … He has permitted." It apparently lacks the negative particle needed for "everything that Allah Most High has not prohibited," but the supplied wording has been retained. The Quran quotations contain several defective spellings and omitted initial alifs. Their identifiable wording has been translated without substituting a different passage. The wording translated "everything that he explicitly commands, by commanding it or prohibiting it" is syntactically awkward in the source: "نص يأمر به … بالأمر به أو النهي عنه." No unmarked emendation has been made.

[23]**Translator's note (L1581):** The source repeats its assertion of impossibility in an awkward construction; the repetition has been preserved.

L1587–1590

Section on People's Disagreement concerning Forms of Consensus

Abu Muhammed said: People have further disagreed concerning forms of consensus which there is no harm in our mentioning, if Allah Most High wills, although we have just explained that no one needs to seek out consensus or disagreement. Rather, what is obligatory upon everyone, and what all need, is solely knowledge of the rulings of the Quran and what is established from Allah's Messenger ﷺ. As we have explained, the scholars inclined toward acquiring knowledge of consensus solely so that they could emphasize the gravity of the opposition of anyone who opposed it and deter him from opposing it. Likewise, they inclined toward acquiring knowledge of people's disagreements solely to expose the falsehood of someone who, audaciously lying, thinks nothing of claiming consensus where disagreement exists, so that, by adducing that disagreement, they might deter him from persisting obstinately in his lie. Through Allah Most High comes success.

Abu Muhammed said: One group said: Consensus is the consensus of the Companions alone—may Allah be pleased with them. As for the consensus of those after them, it is not consensus. Another group said: The consensus of the people of every age is valid consensus. These then disagreed. One group among them said: Once the consensus of any particular age is established, it is valid consensus, and neither they nor anyone afterward may hold a contrary position. Another group among them said: Rather, that age must be kept under observation. If they all pass away without either all of them or any one of them introducing opposition to what they had agreed upon,

فصل في اختلاف الناس في وجوه من الإجماع قال أبو محمد ثم اختلف الناس في وجوه من الإجماع، لا علينا أن نذكرها إن شاء الله تعالى، وإن كنا قد بينا آنفا أنه لا حاجة بأحد إلى طلب إجماع أو اختلاف، وإنما الفرض على الجميع، والذي يحتاج إليه الكل، فهو معرفة أحكام القرآن وما ثبت عن رسول الله صلى الله عليه وسلم فقط كما بينا أن أهل العلم مالوا إلى معرفة الإجماع، ليعظموا خلاف من خالفه، ويزجروه عن خلافه فقط، وكذلك مالوا إلى معرفة اختلاف الناس، لتكذيب من لا يبالي بادعاء الإجماع جرأة على الكذب، حيث الاختلاف موجود فيردعونه بإيراده عن اللجاج في كذبه فقط، وبالله تعالى التوفيق. قال أبو محمد: فقالت طائفة: الإجماع إجماع الصحابة رضي الله عنهم فقط، وأما إجماع من بعدهم فليس إجماعا، وقالت طائفة: إجماع أهل كل عصر إجماع صحيح، ثم اختلف هؤلاء، فقالت طائفة منهم: إذا صح إجماع كل عصر ما فهو إجماع صحيح، وليس لهم ولا لأحد بعد أن يقول بخلافه. وقالت طائفة منهم أخرى: بل يجب مراعاة ذلك العصر، فإن انقرضوا كلهم ولم يحدثوا ولا أحد منهم خلافا لما أجمعوا عليه، فهو إجماع قد انعقد لا يجوز لأحد خلافه، وإن رجع أحد منهم عما أجمع مع أصحابه فله ذلك، ولا يكون ذلك إجماعا. وقالت طائفة: إذا اختلف أهل عصر في مسألة ما فقد ثبت الاختلاف، ولا ينعقد في تلك المسألة إجماع أبدا. وقالت طائفة: بل إذا اختلف أهل عصر ما في مسألة ما، ثم أجمع أهل العصر الذي بعدهم على بعض قول أهل العصر الماضي، فهو إجماع صحيح لا يسع أحدا خلافه أبدا، وقالت طائفة: إذا اختلف أهل العصر على عشرة أقوال مثلا أو أقل أو أكثر فهو اختلاف فيما اختلفوا فيه، وهو إجماع صحيح على ترك ما لم يقولوا به من الأقوال، فلا يسع أحدا الخروج على تلك الأقوال كلها، له أن يتخير منها ما أداه إليه اجتهاده.

[24] **Translator's note (L1583):** The source reads "صلب أحكام," rendered "the substance of the rulings." In context, "طلب أحكام," meaning "seeking the rulings," is a possible intended reading, but it has not been substituted. The expression "الأمر منا," rendered "the authority among us," is awkward as the subject of "transmitted." The supplied wording does not clearly identify the transmitter and may be corrupt. The source omits an expected pronoun in the expression concerning weakening the obligation to follow the text; its referent is clear from context.

[25] **Qur'an references (L1568):** Qur'an 7:3 (Al-A'raf); Qur'an 5:3 (Al-Ma'idah); Qur'an 42:21 (Ash-Shuraa); Qur'an 2:29 (Al-Baqarah); Qur'an 6:119 (Al-An'am); Qur'an 16:44 (An-Nahl); Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm).

then it is a consensus that has become binding, which no one may oppose. But if one of them retracts what he had agreed upon with his associates, he may do so, and that does not constitute consensus. One group said: If the people of an age disagree over any question, disagreement has become established, and consensus can never be formed on that question. Another group said: Rather, if the people of some age disagree over some question, and the people of the following age then agree upon one of the positions held by the people of the previous age, that is valid consensus which no one may ever oppose. One group said: If the people of an age disagree, holding ten positions, for example, or fewer or more, this constitutes disagreement concerning what they disagree about, and valid consensus upon abandoning the positions that they did not hold. Thus no one may depart from all those positions; he may choose from among them whichever his independent legal reasoning leads him to.

وقالت طائفة: ما لا يعرف فيه خلاف فهو إجماع صحيح لا يجوز خلافه لأحد، وقالت طائفة: ليس إجماعا، وقالت طائفة: إذا اتفق الجمهور على قول خالفهم واحد من العلماء فلا يلتفت إلى ذلك الواحد، وقول الجمهور هو إجماع صحيح، وهذا قول محمد بن جرير الطبري. وقالت طائفة: ليس هذا إجماعا. وقالت طائفة: قول الجمهور والأكثر إجماع، وإن خالفهم من هو أقل عددا منهم، وقالت طائفة ليس هذا إجماعا. وقالت طائفة: إجماع كل أهل المدينة هو الإجماع، وهذا قول المالكيين ثم اختلفوا، فقال ابن بكير منهم وطائفة معه: سواء كان عن رأي أو قياس أو نقلا، وقال محمد بن صالح الأبهري منهم وطائفة معه: إنما ذلك فيما كان نقلا فقط. وقالت طائفة: إجماع أهل الكوفة، وهذا قول بعض الحنفيين. وقالت طائفة: إذا جاء القول عن الصاحب الواحد أو أكثر من واحد من الصحابة ولم يعرف له مخالف منهم، فهو إجماع، وإن خالفه من بعد الصحابة رضي الله عنهم، وهو قول بعض الشافعيين وجمهور الحنفيين والمالكيين. وقال بعض الشافعيين: إنما يكون إجماعا إذا اشتهر ذلك القول فيهم وانتشر، ولم يعرف له منهم مخالف، وأما إذا لم يشتهر ولا انتشر فليس إجماعا، بل خلافه جائز. ثم ههنا

L1591–1593 One group said: Whatever is not known to be disputed constitutes valid consensus which no one may oppose. Another group said: It is not consensus. One group said: If the majority agree upon a position and a single scholar opposes them, no account is taken of that one scholar, and the majority's position constitutes valid consensus. This is the position of Muhammed ibn Jarir al-Tabari. Another group said: This is not consensus. One group said: The position of the majority and the greater number constitutes consensus, even if those fewer in number oppose them. Another group said: This is not consensus. One group said: The consensus of all the people of Medina is consensus. This is the position of the Malikis. They then disagreed: Ibn Bukayr, one of them, and a group with him said: Whether it arises from considered opinion, analogy, or transmission. Muhammed ibn Salih al-Abhari, one of them, and a group with him said: This applies only to what rests upon transmission. One group said: The consensus of the people of Kufa. This is the position of some Hanafis. One group said: If a position is reported from a single Companion, or from more than one of the Companions, and no opponent of it among them is known, it constitutes consensus, even if those who came after the Companions—may Allah be pleased with them—oppose it. This is the position of some Shafiʿis and the majority of the Hanafis and

Malikis. Some Shafiʿis said: It constitutes consensus only if that position becomes well known and widespread among them and no opponent of it among them is known. But if it has not become well known or widespread, it is not consensus; rather, opposing it is permissible. Then there are positions here that belong to the realm of madness, if their proponents are free of the intention of playing games with religion. Such is the statement of some Hanafis that no one may choose a legal position after Abu Hanifa, Zufar, Abu Yusuf, Muhammed ibn al-Hasan, and al-Hasan ibn Ziyad, and that the positions chosen by al-Shafiʿi, Ahmad ibn Hanbal, Ishaq ibn Rahawayh, Abu Thawr, Dawud ibn ʿAli, and the rest of the scholars are aberrations that violate consensus. Such too is the statement of Bakr ibn al-ʿAlaʾ al-Qushayri al-Maliki that after the year two hundred the matter had become settled, and no one may choose a legal position; and the statement of a person whom Abu Thawr mentioned in a treatise and refuted, whose position was that no one may depart from the positions chosen by al-Awzaʿi, Sufyan al-Thawri, ʿAbd Allah ibn al-Mubarak, and Wakiʿ ibn al-Jarrah.

Abu Muhammed said: The varieties of stupidity are more numerous than the varieties of dates. Sufficient to establish the invalidity of every religious position for which neither the Quran nor an established Sunna from the Messenger of Allah ﷺ provides authority is the saying of Allah Most High: {Divorce is twice; then retention on honorable terms 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—it is they who are the wrongdoers.} And His saying, Most High: {They said: "None will

أقوال هي داخلة في باب الهوس إن سلم أصحابها من القصد إلى التلاعب بالدين، كقول بعض الحنفيين: ليس لأحد أن يختار بعد أبي حنيفة وزفر وأبي يوسف ومحمد بن الحسن والحسن بن زياد، وأن اختيارات الشافعي وأحمد بن حنبل وإسحاق بن راهويه وأبي ثور وداود بن علي وسائر العلماء شذوذ خرق الإجماع. وكقول بكر بن العلاء القشيري المالكي: إن بعد سنة مائتين قد استقر الأمر، وليس لأحد أن يختار، وكقول إنسان ذكره أبو ثور في رسالة ورد عليه وكان قوله: إنه ليس لأحد أن يخرج عن اختيارات الأوزاعي وسفيان الثوري وعبد الله بن المبارك ووكيع بن الجراح. قال أبو محمد: أصناف الحمق أكثر من أصناف التمر، ويكفي في بطلان كل قول من الدين لم يأت به قرآن ولا سنة ثابتة عن رسول الله صلى الله عليه وسلم قول الله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافا ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} وقوله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين}

enter the Garden unless he is a Jew or a Christian." Those are their wishes. Say: "Bring your demonstration, if you are truthful."}[26][27]

L1594–1596 It is thus established that there is no demonstration in religion except what Allah Most High has defined, that Allah's limits are found solely in His speech and the explanation of Allah's Messenger ﷺ, and that whoever, in his statement concerning religion, fails to bring a demonstration from the Quran and [evidence] that a ruling rests upon an established attribution to Allah's Messenger ﷺ is not among the truthful. Rather, he is a liar, a fabricator, astray and leading others astray. Through Allah Most High comes success. Nevertheless, with the power of Allah Most High, the specious arguments supporting these corrupt positions must be explained: their proponents' error has become grave, and their followers numerous. Perhaps Allah Most High, through His guidance of us, will guide someone, and that will be better for us than red camels, as Allah's Messenger ﷺ said. Our success comes only through Allah; He is sufficient for me, and an excellent Trustee is He. Know that all these groups agree that the consensus of the Companions—may Allah be pleased with them—is valid consensus, and maintain that whatever became well known among them—may Allah be pleased with them—without any objection to it arising from them constitutes valid consensus. Know, then, that the consensus of these groups concerning what we have mentioned gives judgment in our favor against them and establishes that we are the followers of consensus, and that all our opponents oppose consensus by their own admission. Praise belongs to Allah, Lord of all worlds, as we shall explain in the chapter immediately following this one, if Allah Most High wills.

[26] **Translator's note (L1593):** The Quranic quotations correspond to 2:229 and 2:111, but the transcription repeatedly omits initial alifs: لطلاق, لله in the expressions concerning Allah's limits, لظالمون, and لجنة. The translation gives the identifiable intended words while recording these defects. In the first quotation, فتدت is defective for افتدت, 'she ransoms herself'; the translation follows that identifiable reading.

[27] **Qur'an references (L1591):** Qur'an 2:229 (Al-Baqarah); Qur'an 2:111 (Al-Baqarah).

فصح أنه لا برهان في الدين إلا ما حده الله تعالى، وأن حدود الله ليست إلا في كلامه وبيان رسول الله صلى الله عليه وسلم فقط وأن من لم يأت في قوله في الدين ببرهان من القرآن وأن حكم مستند ثابت إلى رسول الله صلى الله عليه وسلم فليس من الصادقين بل هو كاذب آفك ضال مضل وبالله تعالى التوفيق، إلا أنه لا بد بحول الله تعالى من بيان شبه هذه الأقوال الفاسدة، التي قد عظم خطأ أهلها وكثر اتباعها، لعل الله تعالى يهدي بهداه لنا أحدا فيكون خيرا لنا من حمر النعم كما قال رسول الله صلى الله عليه وسلم وما توفيقنا إلا بالله وهو حسبي ونعم الوكيل. واعلموا أن جميع هذه الفرق متفقة على أن إجماع الصحابة رضي الله عنهم إجماع صحيح، وقائلون بأن كل ما اشتهر فيهم رضي الله عنهم، ولم يقع منهم نكير له، فهو إجماع صحيح، فاعلموا أن إجماع هذه الفرق على ما ذكرنا، حاكم لنا عليهم، وموجب لنا أننا المتبعون للإجماع، وأن مخالفينا كلهم مخالفون للإجماع بإقرارهم، والحمد لله رب العالمين، كما نذكر في الباب المتصل بهذا إن شاء الله تعالى فصل ذكر الكلام في الإجماع إجماع من هو إجماع الصحابة رضي الله عنهم أم الأعصار بعدهم؟ وأي شيء هو الإجماع وبأي شيء يعرف أنه إجماع؟ قال أبو محمد: قال سليمان وكثير من أصحابنا: لا إجماع إلا إجماع الصحابة رضي الله عنهم، واحتج في ذلك بأنهم شهدوا التوقيف من رسول الله صلى الله عليه وسلم وقد صح أنه لا إجماع إلا عن توقيف وأيضا فإنهم رضي الله عنهم كانوا جميع المؤمنين لا مؤمن من الناس سواهم، ومن هذه صفته فإجماعهم هو إجماع المؤمنين، وهو الإجماع المقطوع به، وأما كل عصر بعدهم فإنما بعض المؤمنين لا كلهم، وليس إجماع بعض المؤمنين إجماعا، إنما الإجماع إجماع جميعهم، وأيضا

فإنهم كانوا عددا محصورا يمكن أن يحاط بهم وتعرف أقوالهم، وليس من بعدهم كذلك. قال أبو محمد: أما قوله إنهم شهدوا التوقيف من رسول الله صلى الله عليه وسلم فهو كما قال وهذا إنما هو حجة في أنه لا إجماع إلا عن توقيف ولا شك في أن إجماع الصحابة رضي الله عنهم إجماع صحيح، وإنما الكلام في الأعصار بعدهم، وقد عارضه مخالفوه بأن قالوا: قد يجوز أن يحمل أهل عصر بعدهم على دليل نص قرآن أو سنة، فهذا يدخل في التوقيف، وأما قوله: إن الصحابة رضي الله عنهم كانوا جميع المؤمنين، وإن من بعدهم إنما هو بعض المؤمنين فقول صحيح يعرف صدقه بالعيان والمشاهدة

Section: Discussion of Consensus—Whose Consensus Is It? Is It the Consensus of the Companions—May Allah Be Pleased with Them—or of the Ages after Them? What Is Consensus, and by What Is It Known to Be Consensus?

Abu Muhammed said: Sulayman and many of our associates said: There is no consensus except the consensus of the Companions—may Allah be pleased with them. He argued for this on the ground that they witnessed authoritative instruction from Allah's Messenger ﷺ, and it has been established that there is no consensus except on the basis of authoritative instruction. Furthermore, they—may Allah be pleased with them—constituted all the believers: there was no believer among mankind other than them. When people possess this description, their consensus is the consensus of the believers, and it is consensus known with certainty. As for every age after them, it comprises only some of the believers, not all of them, and the consensus of some of the believers is not consensus; consensus is only the consensus of all of them. Furthermore, they were a bounded number who could be comprehensively identified and whose positions could be known, whereas those after them are not so.

Abu Muhammed said: As for his statement that they witnessed authoritative instruction from Allah's Messenger ﷺ, it is as he said. This, however, is an argument only for the proposition that there is no consensus except on the basis of authoritative instruction. There is no doubt that the consensus of the Companions—may Allah be pleased with them—is valid consensus; the discussion concerns only the ages after them. His opponents have countered him by saying: The people of an age after them might be led to a position by the evidence of a text of the Quran or the Sunna, and this falls within authoritative instruction. As for his statement that the Companions—may Allah be pleased with them—constituted all the believers, and that those after them constitute only some of the believers, this is a correct statement whose truth is known through direct perception and observation.[28]

[28] **Translator's note (L1594):** The wording وأن حكم مستند ثابت إلى رسول الله is syntactically awkward in this context. The translation retains its apparent sense as 'and [evidence] that a ruling rests upon an established attribution to Allah's Messenger,' without silently replacing وأن with a conjectured alternative.

L1597–1606

His opponents did, however, challenge him on one point in this account. An opponent said: “If that is so, then ever since Khadijah—may Allah be pleased with her—or any of the earliest Companions—may Allah be pleased with them—died, those remaining have likewise constituted only some of the believers, not all of them. Then say that consensus is only the consensus of those among them who embraced Islam in Mecca before any of them died.” One of our companions responded to him by saying: “Yes, that is true. No text of the Quran or the Sunnah has ever called the agreement of those remaining after others have died ‘consensus.’” One of our companions said: “No; rather, we say that, concerning everyone among them who died—may Allah be pleased with them—we are certain and categorically assured that, had he been alive, he would have accepted the revelation sent down in the Quran or the explanation given by the Messenger of Allah ﷺ. For he died only as one who believed, without doubt, in everything that would be sent down to the Messenger of Allah ﷺ after his death. Those who came after them are not like this, because among their successors there arose people who do not accept a trustworthy individual’s report from the Messenger of Allah ﷺ. We therefore cannot categorically affirm that they would obey what he ﷺ ruled, unlike the Companions: any of them who died is included in the consensus on the foregoing basis.” The opponent challenged him, saying: “Even if the matter is as you describe, it would nevertheless have been possible for him to oppose revelation through an interpretation arrived at by his independent legal reasoning, as Umar, Khalid, Abu al-Sanabil, and others did. If this is not counted as disagreement because it was an error on the part of the person concerned, then no Muslim’s disagreement with the text should be counted when he opposes it through an interpretation arrived at by his independent legal reasoning. For every Muslim who has existed or will exist accepts what the Messenger of Allah ﷺ said and ruled, even if he subsequently opposes it through an interpretation arrived at by his independent legal reasoning, being mistaken while intending what he considers good. According to this position, then, every ruling has become a matter of consensus, and disagreement has ceased to exist.” Abu Muhammed said: This objection is unsound and does not invalidate what Abu Sulayman established, namely that those who came after the Companions constitute only some of

إلا أنه قد عارض مخالفوه في نكتة من هذه الجملة، وهو أنه قال: إن كان هكذا فإنه مذ ماتت خديجة رضي الله عنها، أو بعض قدماء الصحابة رضي الله عنهم، فإن الباقين منهم إنما هم بعض المؤمنين لا كلهم أيضا، فقل: إن الإجماع إنما هو إجماع من أسلم منهم بمكة قبل أن يموت منهم أحد، فعارضه بعض أصحابنا بأن قال: نعم، هذا حق، ما جاء قط نص قرآن ولا سنة بتسمية ما اتفق عليه من بقي من بعد من مات إجماعا. قال بعض أصحابنا: لا، ولكن نقول: إن كل من مات منهم رضي الله عنهم، فنحن موقنون قاطعون بأنه لو كان حيا لسلم الوحي المنزل من القرآن أو البيان من رسول الله صلى الله عليه وسلم لأنه لم يمت إلا مؤمنا بكل ما ينزل على رسول الله صلى الله عليه وسلم بعده بلا شك وليس كذلك من بعدهم لأنه حدث فيمن بعدهم من لا يقول بخبر الواحد الثقة عن رسول الله صلى الله عليه وسلم فلا نقطع عليهم بطاعة ما حكم به صلى الله عليه وسلم بخلاف الصحابة الذين من مات منهم فهو داخل في الإجماع بهذه الجملة. فعارضه المخالف فقال: إن الأمر وإن كان كذلك، فمع ذلك فقد كان يمكن أن يخالف الوحي متأولا باجتهاده كما فعل عمر وخالد وأبو السنابل وغيرهم، فإن لم يعتد هذا خلافا، لأنه وهم من صاحبه، فلا يعتد بخلاف أحد من أهل الإسلام للنص إذا خالفه متأولا باجتهاده لأن كل مسلم كان أو يكون فإنه مسلم لما قاله رسول الله صلى الله عليه وسلم وحكم به وإن خالف بعد ذلك متأولا باجتهاده مخطئا، قاصدا إلى الخير في تقديره فقد صار على هذا القول كل حكم إجماعا وبطل الاختلاف. قال أبو محمد: وهذا اعتراض غير صحيح، ولا يمنع مما أوجبه أبو سليمان من أن من بعد الصحابة إنما هم بعض المؤمنين لا كلهم لأن كل حكم نزل من الله تعالى بعد موت من مات من الصحابة رضي الله عنهم، فلم يكلفوا قط ألا يخالفوا ذلك الحكم، لأنه لم يبلغهم، وإنما يلزمهم الحكم بعد بلوغه قال عز وجل {قل أي شيء أكبر شهادة

the believers, not all of them, because every ruling sent down by Allah Most High after the death of those Companions who died—may Allah be pleased with them—was a ruling they were never charged with not opposing, because it had not reached them. A ruling becomes binding upon them only after it reaches them. He, Almighty and Majestic, said: "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. And this Quran has been revealed to me so that through 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 what you associate with Him." Their agreement upon it or disagreement with it would have been taken into consideration only if it had reached them. Those who came after them, when the ruling reaches them, are not in the same position. Rather, if they follow it, they have indeed agreed upon it; and if any of them opposes it through independent legal reasoning, disagreement concerning that ruling has thereby been established. As for his statement that the Companions—may Allah be pleased with them—were a circumscribed number, that it was possible to gather them together and record their statements, and that this is not true of those who came after them: this was so only when they were all in the presence of the Messenger of Allah ﷺ, before they dispersed throughout the lands. After their dispersal, however, the impossibility of comprehensively recording their statements was exactly the same as in the case of those who came after them, without any difference. This is something known through observation and necessary knowledge. Abu Muhammed said: As for someone who says that the consensus of the people of every age is a valid consensus of all, this is a false statement, for the reason we have mentioned: they constitute some Muslims, not all of them. Nevertheless, it is true on account of what we previously mentioned of the statement of the Messenger of Allah ﷺ: "A group of my community will continue to adhere to the truth until Allah's command comes." Abu Muhammed said: Allah willing, we shall explain the nature of consensus with a clear explanation attested by sense perception and necessary knowledge. Success is through Allah Most High. We say, then: Consensus that is certain consensus—and there is no other consensus—cannot validly be explained or claimed by mere assertion. Rather, it falls into two categories. The first is everything concerning which

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{ وإنما كان يراعي إجماعهم عليه، أو خلافهم له لو بلغهم، وليس من بعدهم إذا بلغ الحكم كذلك، بل إن اتبعوه لقد أجمعهم عليه، ومن خالفه منهم مجتهدا فقد وجب الاختلاف في ذلك الحكم. وأما قوله: إن عدد الصحابة رضي الله عنهم كان محصورا، ممكنا جمعه وممكنا ضبط أقوالهم، وليس كذلك من بعدهم، فإنما كان هذا إذا كانوا كلهم بحضرة رسول الله صلى الله عليه وسلم قبل تفرقهم في البلاد وأما بعد تفرقهم فالحال في تعذر حصر أقوالهم كالحال فيمن بعدهم سواء ولا فرق، هذا أمر يعرف بالمشاهدة والضرورة. قال أبو محمد: وأما من قال: إن إجماع أهل كل عصر فهو إجماع كل صحيح، فقول الباطل لما ذكرنا من أنهم بعض المسلمين لا كلهم لكنه حق لما ذكرنا قبل من قول رسول الله صلى الله عليه وسلم إنه لا تزال طائفة من أمتي على الحق إلى أن يأتي أمر الله. قال أبو محمد: ونحن إن شاء الله مبينون كيفية الإجماع بيانا ظاهرا يشهد له الحس والضرورة، وبالله تعالى التوفيق. فنقول: إن الإجماع الذي هو الإجماع المتيقن ولا إجماع غيره لا يصح تفسيره ولا ادعاؤه بالدعوى، لكن ينقسم قسمين: أحدهما: كل ما لا يشك فيه أحد من أهل الإسلام، في أن من لم يقل به فليس مسلما، كشهادة أن لا إله إلا الله وأن محمدا رسول الله: وكوجوب الصلوات الخمس، وكصوم شهر رمضان، وكتحريم الميتة والدم والخنزير، والإقرار بالقرآن، وجملة الزكاة، فهذه أمور من بلغته فلم يقر بها فليس مسلما، فإذا ذلك كذلك فكل من قال بها فهو مسلم، فقد صح أنها إجماع من جميع أهل الإسلام. والقسم الثاني: شيء شهده جميع الصحابة رضي الله عنهم من فعل رسول الله صلى الله عليه وسلم أو تيقن أنه عرفه كل من غاب عنه صلى الله عليه وسلم منهم كفعله في خيبر إذ أعطاها يهود بنصف

no Muslim doubts that whoever does not profess it is not a Muslim: for example, the testimony that there is no god but Allah and that Muhammed is the Messenger of Allah; the obligation of the five prayers; fasting the month of Ramadan; the prohibition of carrion, blood, and swine; acknowledgment of the Quran; and the general obligation of the obligatory alms. These are matters which, if they reach someone and he does not acknowledge them, mean that he is not a Muslim. Since that is so, everyone who professes them is a Muslim. It has thus been established that they constitute a consensus of all the people of Islam. The second category is something done by the Messenger of Allah ﷺ that all the Companions—may Allah be pleased with them—witnessed, or that it is certain became known to every one of them who was absent from him ﷺ. An example is what he did at Khaybar, when he gave it to the Jews in return for half of what it produced in crops or dates, with the Muslims entitled to expel them whenever they wished. Concerning this, no one doubts that there was no Muslim left in Medina who had not either witnessed the matter or received word of it; that befalls the group of women and weak children. Nor was there any Muslim left in Mecca or the distant lands who did not know of it and rejoice in it. Nevertheless, some people after the age of the Companions—may Allah be pleased with them—opposed this category of consensus, through misapprehension on their part, while intending good and erring in their independent legal reasoning. These, then, are the two categories of consensus. There is no way for consensus to fall outside them, or for consensus to be known without sound transmission relating to these two categories. No one can deny them, and anything beyond them is a false claim. And by Allah Most High. Whoever claims to know of a consensus outside these two kinds has lied about all the people of Islam. We seek refuge with Allah the Magnificent from anything like this. Abu Muhammed said: Muhammed ibn Sa'id ibn Umar ibn Nabat related to us; Muhammed ibn Ahmad ibn Mufarrij related to us; Ibn al-Ward related to us; Ahmad ibn Hammad Zughbah related to us; Yahya ibn Bukayr related to us; al-Layth ibn Sa'd related to us: Uqayl ibn Khalid related to me, from Ibn Shihab, who said: Anas ibn Malik informed me that he heard Umar ibn al-Khattab, on the following day, when the Muslims pledged allegiance to Abu Bakr in the mosque of the Messenger of Allah ﷺ. Abu Bakr had taken

ما يخرج منها من زرع أو تمر. يخرجهم المسلمون إذا شاؤوا. فهذا لا شك عند كل أحد في أنه لم يبق مسلم في المدينة إلا شهد الأمر أو وصل إليه، يقع ذلك الجماعة من النساء والصبيان الضعفاء. ولم يبق بمكة والبلاد النائية مسلم إلا عرفه وسر به. على أن هذا القسم من الإجماع قد خالفه قوم بعد عصر الصحابة رضي الله عنهم، وهما منهم وقصدا إلى الخير وخطأ باجتهادهم فهذان قسمان للإجماع ولا سبيل إلى أن يكون الإجماع خارجا عنهما، ولا أن يعرف إجماع بغير نقل صحيح إليهما. ولا يمكن أحدا إنكارهما، وما عداهما فدعوى كاذبة، وبالله تعالى ومن ادعى أنه يعرف إجماعا خارجا من هذين النوعين. فقد كذب على جميع أهل الإسلام، ونعوذ بالله العظيم من مثل هذا. قال أبو محمد: نا محمد بن سعيد بن عمر بن نبات، نا محمد بن أحمد بن مفرج، نا ابن الورد، نا أحمد بن حماد زغبة، نا يحيى بن بكير، نا الليث بن سعد، حدثني عقيل بن خالد عن ابن شهاب، قال أخبرني أنس بن مالك: أنه سمع عمر بن الخطاب الغد حين بايع المسلمون أبا بكر في مسجد رسول الله صلى الله عليه وسلم وقد استوى أبو بكر على المنبر ثم استوى يعني عمر فتشهد قبل أبي بكر فقال: أما بعد، فإني قلت لكم أمس مقالة وإنها لم تكن كما قلت، وإني والله ما وجدت المقالة التي قلت لكم في كتاب أنزله الله تعالى ولا في عهد عهده إلي رسول الله صلى الله عليه وسلم ولكني كنت أرجو أن يعيش رسول الله صلى الله عليه وسلم حتى يدبرنا فاختار الله لرسوله الذي عنده على الذي عندكم، وهذا الكتاب الذي هدى الله به رسوله فخذوا به تهتدوا بما هدي له رسول الله صلى الله عليه وسلم قال أبو محمد فهذا عمر رضي الله عنه على المنبر بحضرة جميع الصحابة رضي الله عنهم: يعلن ويعترف بأنه يقول القول لم يجده في قرآن ولا في سنة وأنه ليس كما قال. ولا ينكر ذلك أحد من الصحابة، ويأمر باتباع القرآن ولا يخالفه في ذلك أحد منهم، فصح أن قولنا بألا يتبع ما روي عن أحد من الصحابة إلا

his place on the pulpit; then he—that is, Umar—stood up and pronounced the testimony of faith before Abu Bakr, saying: "To proceed: Yesterday I made a statement to you, but the matter was not as I said. By Allah, I did not find the statement I made to you in a Book Allah Most High sent down, or in an instruction the Messenger of Allah ﷺ entrusted to me. Rather, I had hoped that the Messenger of Allah ﷺ would live until he outlasted us. But Allah chose for His Messenger what is with Him over what is with you. This is the Book through which Allah guided His Messenger, so hold fast to it, and you will be guided to that to which the Messenger of Allah ﷺ was guided." Abu Muhammed said: Here is Umar—may Allah be pleased with him—on the pulpit, in the presence of all the Companions—may Allah be pleased with them—publicly declaring and acknowledging that he makes a statement which he has found neither in the Quran nor in the Sunnah, and that the matter is not as he said; and none of the Companions objects to this. He commands that the Quran be followed, and none of them disagrees with him on that. It is thus established that our position—that nothing reported from any Companion is to be followed unless it is found in the Quran or the Sunnah—is the sound consensus of the Companions; that the obligation to follow the texts is the sound consensus, and this is our position, praise be to Allah, Lord of the worlds; and that whoever opposes these two positions has opposed sound consensus. Likewise, whoever follows a particular individual without independent evidence in all his statements, or was ignorant, his overriding concern being to adduce as proof all the statements of a particular individual—as the Hanafis, Malikis, and Shafi'is have done—constitutes a certain contravention of the entire generation of the Companions, the entire generation of the Successors, and the entire generation of the Successors' Successors, from their first to their last. Thus we, praise be to Allah, are the ones who follow consensus, while they are the ones who oppose certain

أن يوجد في قرآن أو سنة هو إجماع الصحابة الصحيح، وأن وجوب اتباع النصوص هو الإجماع الصحيح، وهو قولنا والحمد لله رب العالمين، وأن من خالف هذين القولين فقد خالف الإجماع الصحيح. وكذلك من قلد إنسانا بعينه في جميع أقواله، أو جهل وكده الاحتجاج بجميع أقوال إنسان بعينه، كما فعل الحنفيون والمالكيون والشافعيون: خلاف متيقن لجميع عصر الصحابة، ولجميع عصر التابعين، ولجميع عصر تابعي التابعين أولهم عن آخرهم، فنحن ولله الحمد المتبعون للإجماع، وهم المخالفون للإجماع المتيقن، نسأل الله تعالى أن يفيء بهم إلى الهدى وأن يثبتنا عليه

consensus. We ask Allah Most High to bring them back to guidance and to keep us steadfast upon it.[29][30][31][32]

[فصل في من قال إن الإجماع لا يجوز لأحد خلافه]

وأما من قال إن الإجماع لا يجوز لأحد خلافه، فقول صحيح. وضعوه موضع تلبيس، وأخرجوه مخرج تدليس، وصارت كلمة حق أريد بها باطل، وذلك أنهم أوهموا أن ما لا إجماع فيه، فإن الاختلاف فيه سائغ جائز.

[Section concerning those who say that no one may oppose consensus]

As for those who say that no one may oppose consensus, this is a sound statement which they have put to a misleading use and presented deceptively. It has become a true statement intended to serve falsehood, for they have given the impression that, where there is no consensus, disagreement is permissible and allowed.

قال أبو محمد: وهذا باطل، بل كل ما أجمع عليه أو اختلف فيه فهما سواء في هذا الباب، فهلا يحل لأحد خلاف الحق أصلا سواء أجمع عليه أو اختلف فيه، فإن قيل: فهلا عذرتم من خالف الإجماع كما عذرتم من خالف فيم فيه خلاف؟ قلنا: كلا، لعمري ما فعلنا شيئا مما تقولون، ولا فرق عندنا فيما نسبتم إلينا الفرق بينه، بل قولنا الذي ندين الله تعالى به هو أنه لا حق في الدين فيما جاء به كلام الله تعالى في القرآن أو بيان رسول الله صلى الله عليه وسلم للوحي المنزل إليه وأنه لا يحل لأحد خلاف شيء من ذلك، فمن جهل وأخطأ قاصدا إلى الخير، لم يتبين له الحق ولا فهمه، فخالف شيئا من ذلك فسواء أجمع عليه أو اختلف فيه، هو مخطىء معذور مأجور مرة، كمن أسلم ولم يبلغه فرض الصلاة، أو كمن أخطأ في القرآن الذي لا إجماع كالإجماع عليه، فأسقط آية أو بدل كلمة أو زادها غير عامد، لكنه مقدر أنه كذلك، فهذا لا إثم عليه ولا حرج. وهكذا في كل شيء ومن عمد فخالف ما صح عن النبي صلى الله عليه وسلم غير مسلم بقلبه أو بلسانه أنه كحكمه عليه السلام فهو كافر، سواء كان فيما أجمع عليه أو فيما اختلف فيه قال تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما}

L1607 L1608 L1609–1610

[29] **Translator's note (L1600):** The Quran quotation, corresponding to 6:19, has apparent transcription errors in لله, هذا لقرآن, and مع لله. The translation reflects their intelligible wording without reproducing the Arabic. The expression rendered "a valid consensus of all" is awkwardly transmitted as إجماع كل صحيح. The subsequent contrast between a false claim to represent all Muslims and a valid consensus supported by the prophetic report has been retained. The wording لقد أجمعهم عليه is grammatically awkward; the translation follows the apparent contextual sense, "they have indeed agreed upon it."

[30] **Translator's note (L1603):** The clause rendered "that befalls the group of women and weak children" is awkward and apparently corrupt: يقع ذلك الجماعة من النساء والصبيان الضعفاء. Its apparent intent is to include women and weak children among those reached by the news, but the transmitted wording does not clearly express that. The phrase وبالله تعالى, rendered "And by Allah Most High," appears to be an incomplete formula; no missing completion has been supplied. The transmission abbreviations نا have been expanded as "related to us."

[31] **Translator's note (L1605):** The wording أو جهل وكده is apparently corrupt and leaves the syntax uncertain. "Or was ignorant, his overriding concern being" preserves its transmitted elements; a possible intended reading would mean "or made it his overriding concern," but that correction has not been silently adopted.

[32] **Qur'an references (L1597):** Qur'an 6:19 (Al-An'am).

who takes an opposing position on a disputed matter?" we say: Certainly not! By my life, we have done none of what you say. We make no distinction between the things you allege that we distinguish. Rather, the position by which we worship Allah Most High is that there is no truth in religion in what the speech of Allah Most High in the Quran has brought, or in the Messenger of Allah's ﷺ explanation of the revelation sent down to him, and that no one is permitted to oppose any of that. Whoever is ignorant and errs while intending good, with the truth neither having become clear to him nor having been understood by him, and consequently opposes any of that, is—whether it is a matter of consensus or disagreement—mistaken, excused, and rewarded once. He is like someone who embraces Islam but has not learned of the obligation of prayer, or someone who makes a mistake in the Quran, upon which there is a consensus like no other consensus, and omits a verse, replaces a word, or adds one, without intending to do so, but supposing that this is how it stands. Such a person incurs neither sin nor blame. So it is with everything. Whoever deliberately opposes what is authentically established from the Prophet ﷺ, without acknowledging in his heart or with his tongue that it is as he, peace be upon him, ruled, is an unbeliever, whether the matter is one of consensus or disagreement. He Most High said: "But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, and then find within themselves no discomfort at what you have decided, and submit in full submission."[33][34]

L1611–1616 If, however, he knowingly opposes what he regards as authentically established of that, while submitting to it in his heart and with his tongue, he is a transgressing believer, like the fornicator, the wine-drinker, and all other

وإن خالف ما صح عنده من ذلك بعلمه، وسلم له بقلبه ولسانه، فهو مؤمن فاسق، كالزاني وشارب الخمر وسائر العصاة، سواء كان مما أجمع عليه أو مما اختلف فيه. فهذه الحقائق التي لا يقدر أحد على معارضتها، لا الأقوال المموهة وبالله تعالى التوفيق. فصل في من قال بمراعاة انقراض العصر في الإجماع وأما من قال بمراعاة انقراض العصر في الإجماع، فمن أحسن قول قيل، لأن عصر الصحابة رضي الله عنهم، اتصل مائة عام وثلاثة أعوام، لأن سمية أم عمار رضي الله عنها ماتت في أول الإسلام، ثم لم يزالوا يموت منهم من بلغ أجله، كأبي أمامة وخديجة وعثمان بن مظعون وقتلى

[33] **Translator's note (L1609):** The opening فهلا يحل is irregular in context; the translation takes it as introducing the prohibition expressed by لا يحل, rather than as the interrogative 'why not permit?' The wording 'there is no truth in religion in what …' translates the supplied لا حق في الدين فيما literally. The context strongly suggests a missing exception, such as 'except in what …', but the transcription has not been silently repaired. In فيم فيه خلاف, فيم appears to be a defective spelling of فيما.

[34] **Qur'an references (L1609):** Qur'an 4:65 (An-Nisa).

disobedient people, whether it concerns a matter of consensus or disagreement. These are the truths which no one can counter, rather than speciously embellished statements. Through Allah Most High comes success.

Section on Those Who Say That the Passing Away of a Generation Must Be Taken into Account in Consensus

As for those who say that the passing away of a generation must be taken into account in consensus, this is among the finest statements ever made, for the generation of the Companions, may Allah be pleased with them, extended over one hundred and three years, because Sumayyah, the mother of Ammar, may Allah be pleased with her, died at the beginning of Islam. Thereafter, those among them whose appointed time had come continued to die: Abu Umamah, Khadijah, Uthman ibn Maz'un, those killed at Badr and Uhud, those in the expeditions, year after year, and those who died in the intervening periods, until Anas died in the year ninety-one after the Hijrah. The generation of the Successors overlapped with the generation of the Companions, may Allah be pleased with them. For when the twelve men of the Helpers, may Allah be pleased with them, embraced Islam a full year and three months before the Hijrah—since they embraced Islam in Dhu al-Hijjah during the days of pilgrimage—they took Mus'ab ibn Umayr, may Allah be pleased with him, back with them to teach them the Quran and religion. They remained thus for a full year. Then seventy Muslim men and three Muslim women from among them performed the pilgrimage, each of whose name and lineage is known. These were the people of the Pledge of al-Aqabah. They left behind in Medina a large and widespread Muslim community, exceeding two hundred men and women. Then he ﷺ emigrated in Rabi' al-Awwal. There can therefore be no doubt that, during those fifteen months, some of their women and men had died, for their numbers were very great. All of these belong among the Successors, and they constitute the majority, except those among them who saw the Prophet ﷺ, who constitute the minority. The same applies to every Muslim who embraced Islam but did not meet the Prophet ﷺ throughout the Arabian Peninsula, such as the lands of Yemen, Bahrain, Oman, al-Ta'if, the lands of Egypt, Quda'ah, the rest of Rabi'ah, the two mountains of Tayy, and the Negus. Everyone among

بدر وأحد وأهل البعوث، عاما عاما. ومن مات في خلال ذلك، إلى أن مات أنس سنة إحدى وتسعين من الهجرة، وكان عصر التابعين مداخلا لعصر الصحابة رضي الله عنهم، لأنه لما أسلم الاثنا عشر رجلا من الأنصار رضي الله عنهم، قبل الهجرة بسنة وثلاثة أشهر كاملة لأنهم أسلموا في ذي الحجة في أيام الحج وحملوا مع أنفسهم مصعب بن عمير رضي الله عنه معلما لهم القرآن والدين، وبقوا كذلك تمام عام، ثم حج منهم سبعون مسلما وثلاث نسوة مسلمات كلهم يعرف اسمه وحسبه وهم أهل بيعة العقبة، وتركوا بالمدينة إسلاما كثيرا فاشيا، يتجاوز المائتين من الرجال والنساء ثم هاجر صلى الله عليه وسلم في ربيع الأول فلا شك في أنه قد مات في تلك الخمسة عشر شهرا منهم موتى من نساء ورجال، لأنهم أعداد عظيمة وكلهم من جملة التابعين وهم الجمهور إلا من شاهد منهم النبي صلى الله عليه وسلم وهم الأقل وهكذا كل مسلم ممن أسلم ولم يلق النبي صلى الله عليه وسلم من جميع جزيرة العرب كبلاد اليمن والبحرين، وعمان والطائف، وبلاد مصر وقضاعة، وسائر ربيعة وجبلي طيء والنجاشي فكل من لم يلق منهم النبي صلى الله عليه وسلم فهو من التابعين فلم يزل التابعون يموت منهم الواحد والاثنان والعشرات والمئون والآلاف من قبل الهجرة بسنة وشهرين إلى أن مات آخرهم في حدود ثمانين ومائة من الهجرة، كخلف بن خليفة الذي رأى عمرو بن حريث، وكمن ذكر عنه أنه رأى أنس بن مالك رضي الله عنه، فمن هذا الواهي دماغه الذي يتعاطى مراعاة انقراض أهل عصر، مقدار مائة عام وثلاثة أعوام، ثم عصر آخر مقدار مائة سنة وثمانين سنة، ويضبط أنفاسهم وإجماعهم، هل اختلفوا بعد ذلك أم لا؟ فكيف أن يوجب ذلك على الناس لا سيما وأهل ذينك العصرين متداخلان مضى كثير من أهل العصر الثاني، قبل انقراض العصر الأول بدهر طويل أكثر من مائة عام، وقد أفتى جمهورهم من الصحابة كعلقمة ومسروق وشريح وسليمان وربيعة وغيرهم ماتوا في عصر الصحابة. وهكذا تتداخل الأعصار إلى يوم القيامة وقد اعترض

them who did not meet the Prophet ﷺ is one of the Successors. Thus, among the Successors there continued to die one, two, tens, hundreds, and thousands, from a year and two months before the Hijrah until the last of them died around the year one hundred and eighty after the Hijrah, such as Khalaf ibn Khalifah, who saw Amr ibn Hurayth, and those reported to have seen Anas ibn Malik, may Allah be pleased with him. Who, then, is this feeble-brained person who undertakes to keep track of the passing away of the people of a generation lasting one hundred and three years, then another generation lasting one hundred and eighty years, and to keep account of their every breath and their consensus—whether they subsequently disagreed or not? How much more outrageous, then, that he should impose this upon people, especially since the people of those two generations overlap! Many of the people of the second generation passed away long before the first generation had passed away—more than a hundred years earlier. Most of them had already issued legal opinions from among the Companions, such as Alqamah, Masruq, Shurayh, Sulayman, Rabi'ah, and others who died during the generation of the Companions. Thus generations continue to overlap until the Day of Resurrection. Some have objected on this point by citing the statement of the Messenger of Allah ﷺ: "The best of you are the generation among whom I was sent, then those who follow them, then those who follow them." I said: The difference between these two matters is like that between light and darkness. What distinguished the aforementioned generations was a superiority in excellence unattainable by the later ones: a recognized superiority belonging to the later members of the generation of the Companions over the earlier members of the generation of the Successors. The permissibility of issuing legal opinions is not like that. For if a Successor were not permitted to issue legal opinions until the generation of the Companions had passed away, the legal opinions of those we have mentioned among the Successors who died during the generation of the Companions would not have been permissible. This is false. Alternatively, they say that the passing away of the generation of the Successors must be taken into account together with that of the generation of the Companions. This entails taking into account every generation until the Day of Resurrection together with the generation of the Companions, because the

بعضهم في هذا بقول رسول الله صلى الله عليه وسلم خيركم القرن الذي بعثت فيه ثم الذين يلونهم ثم الذين يلونهم فقلت: بين الأمرين فرق كما بين النور والظلمة لأن الذي تباينت به الأعصار المذكورة، هو شفوف في الفضل لا يلحقه الآخرون، معروف لمن تأخر من قرن الصحابة على من تقدم من قرن التابعين. وليس كذلك جواز الفتيا، لأنه إن لم تجز الفتيا لتابع حتى ينقرض عصر الصحابة، لم تجز فتيا من ذكرنا ممن مات من التابعين في عصر الصحابة، وهذا باطل، أو يقولون إنه يراعي انقراض عصر التابعين مع عصر الصحابة معا، ففي هذا مراعاة كل عصر إلى يوم القيامة مع عصر الصحابة لتداخل الأعصار، وهذا محال والذي يدخل هذا القول من الجنون أكثر من هذا، لأنه يجب على قولهم أنه إذا لم يبق من الصحابة إلا أنس وحده، فإنه كان له ولغيره من التابعين أن يرجعوا عما أجمعوا عليه قالها أنس. انسد عليهم هذا الباب وألقيت المعلقة فحرم عليهم من الرجوع ما كان مباحا لهم قبيل ذلك وكفى بهذا جنونا. وليت شعري متى يمكنه التطوف عليهم في آفاقهم، بل ألا يزايلهم إلى أن يموتوا ومتى جمعوا له في صعيد واحد، ما في الرعونة أكثر من هذا، ولا في الهزل والتدين بالباطل ما يفوق هذا ونعوذ بالله العظيم من الضلال

generations overlap. This is impossible. The madness entailed by this position goes further still. For their position necessarily entails that, when none of the Companions remained except Anas alone, he and the other Successors were entitled to retract what they had agreed upon; Anas said it, this door was closed to them, and the suspended thing was cast down. Retraction that had been permissible for them shortly beforehand thus became forbidden to them. This is madness enough! Would that I knew when he could possibly travel around to visit them in their far-flung regions—or rather, never leave them until they die! And when were they gathered for him on a single plain? There is nothing more foolish than this, nor in frivolity and the religious profession of falsehood is there anything that exceeds this. We seek refuge in Allah the Magnificent from error.[35][36][37]

L1617–1618 Section on When the People of a Particular Generation Disagree on a Particular Question

As for those who say, "When the people of a particular generation disagree on a particular question, disagreement has become established, and consensus can never be formed on that question," this is a corrupt statement. For disagreement admits of no ruling except that it be repudiated and prohibited, and that everyone be required to affirm only what Allah Most High has

فصل في ما إذا اختلف أهل عصر ما في مسألة ما وأما من قال إذا اختلف أهل عصر ما في مسألة ما فقد ثبت الاختلاف ولا ينعقد في تلك المسألة إجماع أبدا فإنه كلام فاسد لأن الاختلاف لا حكم له إلا الإنكار له والمنع منه وإيجاب القول على كل أحد بما أمر الله تعالى به في كتابه أو على لسان رسوله صلى الله عليه وسلم فقط ولا مزيد فالاختلاف لا يحل أن يثبت ولا يسع أحدا خلاف الحق أصلا لكن من خالفه جاهلا متأولا فهو مخطىء معذور مأجور أجرا واحدا كما ذكرنا آنفا. وفرض على كل من بلغه الحق أن يرجع إليه فإن عانده بقلبه أو بلسانه عالما بالحق فهو كافر وإن عانده بفعله عالما ففاسق كما قدمنا وبالله تعالى التوفيق فصل في اختلاف أهل عصر ما ثم إجماع أهل عصر ثان وأما من قال إذا اختلف أهل عصر ما ثم أجمع أهل عصر ثان على أحد الأقوال التي اختلف عليه أهل الماضي، فليس لأحد خلاف ما أجمع عليه أهل العصر الثاني، فقد قلنا في تعذر علم هذا بما قلنا آنفا، وسنزيد في ذلك بيانا لا يحيل إن شاء الله تعالى عن ذي لب، وقد قلنا: إنه لا معنى لمراعاة ما أجمع عليه مما اختلف فيه، إنما هو حق أو خطأ، والحق في الدين ليس إلا في كلام الله تعالى أو بيان رسول الله صلى الله عليه وسلم الثابت عنه بنقل الثقات مسندا فقط

[35] **Translator's note (L1611):** The supplied فمن أحسن قول قيل means 'among the finest statements ever made.' This appears incongruous with the ensuing denunciation; it may be sarcastic or reflect a corrupt reading.

[36] **Translator's note (L1612):** The supplied text explicitly reads 'the lands of Egypt' within a list introduced as encompassing the Arabian Peninsula; this geographical incongruity has been retained. The inclusion of the Negus alongside places and tribal territories follows the supplied wording.

[37] **Translator's note (L1614):** The phrase وقد أفتى جمهورهم من الصحابة is awkward as supplied. Its literal association of their issuing legal opinions with 'from among the Companions' conflicts with the surrounding identification of these figures as Successors. The irregularity has been retained. The supplied قالها أنس means 'Anas said it' and does not provide the expected transition concerning Anas's death. It appears corrupt; the translation does not replace it with that conjecture. وألقيت المعلقة literally refers to a feminine 'suspended' or 'hanging' thing being cast down. Its referent and intended sense are unclear, and the reading may be corrupt.

commanded in His Book or through the tongue of His Messenger ﷺ, and nothing further. Disagreement may not be established, and no one has any latitude at all to oppose the truth. But whoever opposes it ignorantly, on the basis of an interpretation, is mistaken, excused, and rewarded with a single reward, as we have just mentioned. Everyone whom the truth reaches is obliged to return to it. If he knowingly resists the truth in his heart or with his tongue, he is an unbeliever; if he knowingly resists it through his actions, he is a transgressor, as we have stated previously. Through Allah Most High comes success.

Section on the Disagreement of the People of One Generation Followed by the Consensus of the People of a Second Generation

As for those who say, "If the people of one generation disagree, and then the people of a second generation reach consensus on one of the positions over which the people of the preceding generation disagreed, no one may oppose what the people of the second generation have agreed upon," we have already said what we said above concerning the impossibility of knowing this. We shall explain it further in a way that, if Allah Most High wills, will not elude anyone possessed of understanding. We have said that there is no point in taking account of what has been agreed upon concerning matters that were disputed. It is simply either true or erroneous. Truth in religion is found only in the speech of Allah Most High or in the explanation of the Messenger of Allah ﷺ authentically established from him solely through the transmission of trustworthy narrators with a connected chain of transmission. No one has any latitude to oppose this, and it neither strengthens it nor increases it standing as truth through consensus being reached upon it, nor is it weakened by disagreement over it. Error is whatever contradicts the text. It is not lawful for anyone to err on the grounds that he is excused through his interpretation and ignorance, as we have explained previously; or he becomes an unbeliever through his obstinate opposition, or through his heart or his tongue, or becomes flagrantly sinful through contravening it by his actions alone. Success comes through Allah Most High. There is no possibility of the people of any age reaching consensus upon something contrary to an established text, because contradicting the text is falsehood,

وهذا لا يسع أحدا خلافه ولا يقويه ولا يزيده رتبة في أنه حق أن يجمع عليه ولا يوهنه أن يختلف فيه والخطأ هو خلاف النص، ولا يحل لأحد أن يخطىء لأنه يعذر بتأوله وجهله كما قدمنا أو يكفر بعناده أو بقلبه أو بلسانه أو يفسق بمخالفته بعمله فقط وبالله تعالى التوفيق. ولا سبيل إلى إجماع أهل عصر ما، على خلاف نص ثابت، لأن خلاف النص باطل، ولا يجوز إجماع الأمة على باطل لقول النبي صلى الله عليه وسلم لا تزال طائفة من أمتي على الحق فصح أن هذا القول الذي صدرنا في الباب فاسد

and the community cannot reach consensus upon falsehood, in view of the Prophet's ﷺ statement: "A group of my community will remain upon the truth." Thus the position with which we opened this chapter is demonstrably unsound.[38][39]

L1619–1623 Section concerning those who say: If the people of an age divide into many positions

As for the statement of those who say that, if the people of an age divide into very many positions, or more than one, their consensus upon abandoning whatever they have not advocated is thereby established: we have already discussed the impossibility of knowing and exhaustively determining this, and we shall also speak further, if Allah Most High wills. We have already said that, even so, it is impossible for the people of an age to reach consensus, for the blink of an eye or longer, mistakenly upon an error, because the Prophet ﷺ reported: "A group of my community will remain upon the truth." All these positions are therefore mutually incoherent, improperly formulated, and pass beyond possibility into impossibility. There is no reason to occupy oneself with anything of this kind.

Abu Muhammed said: Here they obscured the issue by saying: "The consensus of the Companions, may Allah be pleased with them, after the Messenger of Allah ﷺ upon prohibiting the sale of slave women who had borne their masters children has been established, although selling them was lawful in his ﷺ lifetime. Their consensus upon flogging the wine drinker with eighty lashes has also been established, although this did not exist in his ﷺ lifetime. Their consensus upon discarding six of the seven modes of revelation that existed in the lifetime of the Messenger of Allah ﷺ has also been established."

فصل في من قال إن افترق أهل عصر على أقوال كثيرة وأما قول من قال إن افترق أهل العصر على أقوال كثيرة جدا أو أكثر من واحد، فإن ما لم يقولوه قد صح الإجماع منهم على تركه، فقد قلنا في تعذر معرفة ذلك وحصره، ونقول أيضا إن شاء الله تعالى وقد قلنا، إنه لا يمكن مع ذلك أن يجمع أهل عصر طرفة عين فما فوقها خطأ على خطأ لإخبار النبي صلى الله عليه وسلم بأنه لا تزال طائفة من أمتي على الحق فهذه الأقوال كلها متخاذلة غير موضوعة وضعا صحيحا خارجة عن الإمكان إلى الامتناع وما كان هكذا فلا وجه للاشتغال به. قال أبو محمد: فموهوا ههنا بأن قالوا: قد صح الإجماع من الصحابة رضي الله عنهم بعد رسول الله صلى الله عليه وسلم على المنع من بيع أمهات الأولاد وكان بيعهم على عهده صلى الله عليه وسلم حلالا وقد صح إجماعهم على جلد شارب الخمر ثمانين جلدة ولم يكن ذلك على عهده صلى الله عليه وسلم وقد صح إجماعهم على إسقاط ستة أحرف من جملة الأحرف السبعة التي كانت على عهد رسول الله صلى الله عليه وسلم قلنا كذبتم وأفكتم أما جلد شارب الخمر ثمانين فيعيذ الله تعالى عمر من أن يشرع حدا لم يأت به وحي من الله تعالى ورسوله صلى الله عليه وسلم ونحن نسألكم ما الفرق بين ما تدعونه بالباطل من إحداث حد لم يشرعه رسول الله صلى الله عليه وسلم في الخمر وبين إثبات حد في اللياطة بقطع الذكر أو في الزنى بجلد مائتين أو بقطع يد الغاصب؟ أو بقلع أضراس آكل الخنزير؟ وما الفرق بين هذا كله وبين إسقاط صلاة وزيادة أخرى، وإبطال صوم رمضان وإحداث شهر آخر، ومن أجاز هنا فقد خرج عن الإسلام، وكفر كفرا صراحا،

[38] **Translator's note (L1617):** The supplied عن ذي لب ... لا يحيل is unusual in this context. The translation renders its apparent intended sense, 'will not elude anyone possessed of understanding,' while noting that the reading may be corrupt.

[39] **Translator's note (L1618):** The opening continues the preceding segment's statement that consensus neither strengthens truth nor raises its standing. The wording concerning error, excuse, and unbelief is syntactically awkward. In particular, "or through his heart or his tongue" follows "through his obstinate opposition" in the supplied text; this apparent redundancy has been retained.

We say: You have lied and fabricated falsehood! As for flogging the wine drinker with eighty lashes, Allah Most High preserve Umar from instituting a prescribed punishment for which no revelation came from Allah Most High and His Messenger may Allah bless him and grant him peace ﷺ. We ask you: What difference is there between your false claim that a prescribed punishment for wine was introduced which the Messenger of Allah ﷺ had not instituted, and establishing a prescribed punishment for anal intercourse by cutting off the penis, or for unlawful sexual intercourse by administering two hundred lashes, or cutting off the hand of someone who forcibly appropriates property, or pulling out the molars of someone who eats pork? What difference is there between all this and abolishing one prayer and adding another, or annulling the fast of Ramadan and instituting another month? Whoever permits this has departed from Islam, committed outright unbelief, and joined the esotericists, the extremist Rejecters, and the Jews and Christians who altered their religion. Umar administered the additional forty lashes only as discretionary discipline, as it is authentically reported of him that, when someone who repeatedly drank wine was brought to him, he gave him eighty lashes; and when someone whose involvement was only a first lapse or something similar was brought to him, he gave him forty lashes. You people who feel no shame about lying: where is the consensus you claim, when it has been authentically established that Uthman, Ali, and Abd Allah ibn Ja'far administered forty lashes for wine drinking in the presence of the Companions after Umar's death, as Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Ishaq ibn Rahawayh related to us: Yahya ibn Hammad related to us: Abd al-Aziz ibn al-Mukhtar related to us: Abd Allah ibn al-Fayruz al-Danaj, the client of Ibn Amir, related to us: Husayn ibn al-Mundhir, Abu Sasan, related to us, saying: "I was present with Uthman when al-Walid was brought, with two men testifying against him: one of them, Humran, testified that he had drunk wine, and the second that he had vomited it. Uthman said: 'Ali, get up and flog him.' Ali said: 'Hasan, get up and flog him.' Al-Hasan said: 'Entrust its heat to the man who enjoyed its coolness.' He seemed to be angered with him. Ali then said: 'Abd Allah ibn Ja'far, get up and flog him.' He flogged him while

ولحق بالباطنية وغلاة الروافض واليهود والنصارى الذين بدلوا دينهم، وإنما جلد عمر الأربعين الزائدة تعزيرا، كما صح عنه أنه كان إذا أتي بمن تتابع في الخمر جلده ثمانين، وإذا أتي بمن لم يكن له منه إلا الوهلة ونحوها جلده أربعين. ويا معشر من لا يستحي من الكذب، أين الإجماع الذي تدعونه؟ وقد صح أن عثمان وعليا وعبد الله بن جعفر بحضرة الصحابة جلدوا في الخمر أربعين بعد موت عمر. كما حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا إسحاق بن راهويه، حدثنا يحيى بن حماد، ثنا عبد العزيز بن المختار، ثنا عبد الله بن الفيروز الداناج مولى ابن عامر ثنا حصين بن المنذر أبو ساسان قال: شهدت عثمان أتى الوليد يشهد عليه رجلان أحدهما حمران أنه شرب الخمر، والثاني أنه قاءها، قال عثمان: يا علي قم فاجلده، فقال علي يا حسن قم فاجلده، فقال الحسن: ول حارها من تولى قارها فكأنه وجد عليه، فقال علي: يا عبد الله بن جعفر قم فاجلده، فجلده، وعلي يعد حتى بلغ أربعين فقال أمسك جلد رسول الله صلى الله عليه وسلم أربعين وأبو بكر أربعين وعمر ثمانين وكل سنة. فإن كان ضرب الثمانين إجماعا، فعثمان وعلي وأبي جعفر والحسن ومن حضرهم خالفوا الإجماع، ومخالف الإجماع عندهم كافر. فانظروا فيما تقحمهم آراؤهم. وحاشا للأئمة الصحابة رضي الله عنهم من الكفر، ومن مخالفة الحق، ومن إحداث شرع لم يأذن به الله تعالى. فإن قيل: فما معنى قول علي: وكل سنة. قلنا. صدق لأن التعزير سنة، فإن قيل: إن التعزير عندكم لا يتجاوز عشر جلدات. قلنا يمكن أن يجلده عمر لكل كأس عشر جلدات تعزيرا، فهذا جائز، وقد تعلل في هذا الخبر بعض من لا يبالي بما أطلق به لسانه في نصر ضلاله، فإن ذكر ما حدثناه عبد الرحمن بن عبد الله الهمداني، حدثنا أبو إسحاق البلخي، ثنا الفربري، ثنا عبد الله بن عبد الوهاب، ثنا خالد بن الحارث، حدثنا سفيان الثوري، عن أبي حصين أنه حدث قال: سمعت ابن سعد النخعي قال: سمعت علي بن أبي طالب قال:

Ali counted, until he reached forty. Then he said: 'Stop. The Messenger of Allah ﷺ administered forty lashes, and Abu Bakr forty, and Umar eighty; each is an established practice.'" If administering eighty lashes constituted consensus, then Uthman, Ali, Abu Ja'far, al-Hasan, and those present with them contradicted consensus; and, according to them, anyone who contradicts consensus is an unbeliever. Consider, then, what their opinions plunge them into! Far be it from the leading Companions, may Allah be pleased with them, to commit unbelief, contradict the truth, or introduce legislation which Allah Most High has not authorized.

If it is said: "What, then, does Ali's statement 'Each is an established practice' mean?" we say: He spoke the truth, because discretionary discipline is an established practice. If it is said: "According to you, discretionary discipline does not exceed ten lashes," we say: Umar could have administered ten lashes as discretionary discipline for each cup. This is permissible.

Someone who cares nothing about what he lets his tongue utter in support of his error has sought to impugn this report. For he cited what Abd al-Rahman ibn Abd Allah al-Hamdani related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: Abd Allah ibn Abd al-Wahhab related to us: Khalid ibn al-Harith related to us: Sufyan al-Thawri related to us, from Abu Husayn, who related, saying: "I heard Ibn Sa'd al-Nakha'i say: 'I heard Ali ibn Abi Talib say: "I would not administer a prescribed punishment to anyone who then died and feel distress within myself, except in the case of the wine

ما كنت لأقيم حدا على أحد فيموت فأحد نفسي إلا صاحب الخمر فإنه لو مات وديته وذلك أن رسول الله صلى الله عليه وسلم لم يسنه

drinker. If he died, I would pay his blood money, because the Messenger of Allah ﷺ did not institute it.”””[40][41][42][43]

L1624–1627 Abu Muhammed said: Marvel at this man’s blindness! He impugns an authentic report, in which there is nothing to criticize, by means of a report full of defects. The first is that its transmitter’s identity is disputed: at one time he is Umayr ibn Sa‘id, at another Umayr ibn Sa‘d; at one time al-Nakha‘i, at another al-Hanafi. Then comes the greatest calamity: how can this deluded man take as proof something in which Ali reports of himself that he experiences an inward distress which he does not experience with the other prescribed punishments? If it were right and an established practice, why would he experience inward distress to the point of paying the man’s blood money if he died from that flogging? Why would he not experience such distress concerning someone who died under the other prescribed punishments? This is sufficient. Moreover, Allah forbid that Ali should establish in religion something which he, peace be upon him, had not instituted. Then, even if the report were authentic, its meaning would be clear: he felt dis-

قال أبو محمد فاعجبوا لعمى هذا الإنسان، يعلل حديثا صحيحا لا مغمز فيه، بحديث مملوء عللا أولها: أن راويه مختلف فيه، مرة عمير بن سعيد، ومرة عمير بن سعد، ومرة نخعي، ومرة حنفي. ثم الطامة الكبرى كيف يجعل هذا المفتون حجة شيئا يخبر علي عن نفسه أنه يجد في نفسه ما لا يجد من سائر الحدود، فإن كان حقا وسنة، فلم يجد في نفسه أذى حتى يؤدي ديته إن مات من ذلك الجلد، وهلا وجد في نفسه ممن مات في سائر الحدود، وفي هذا كفاية، ثم معاذ الله أن يثبت علي في الدين ما لم يسنه عليه السلام، ثم لو صح لكان وجهه بينا، وهو أنه إنما يجد في الأربعين الزائدة التي جلدوها تعزيرا. ثم نقول لهم: لو ادعى عليكم ههنا خلاف الإجماع: لصدق مدعي ذلك عليكم، لأنكم تقرون أن عمر أول من جلد في الخمر ثمانين، وقد كان استقر الإجماع قبله على أربعين، فقد أقررتم على أنفسكم بخلاف الإجماع، ونسبتم عمر إلى خلاف الإجماع، وقد أعاذه الله تعالى من ذلك، وأما أنتم فأنتم أعلم بأنفسكم، وإقراركم على أنفسكم لازم لكم، فإن لجأتم إلى مراعة انقراض العصر لزمكم مثله في جلد عثمان وعلي في الخمر أربعين بعدهم ولا فرق. وأما أمهات الأولاد فكذبه في ذلك أفحش من كل كذب. لأن عبد الله بن الربيع قال: ثنا محمد بن إسحاق بن السليم، ثنا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا موسى بن إسماعيل، ثنا حماد بن سلمة عن قيس بن سعد، عن عطاء بن أبي رباح، عن جابر بن عبد الله الأنصاري قال بعنا أمهات الأولاد على عهد رسول الله صلى الله عليه وسلم وأبي بكر فلما كان عمر نهانا فانتهينا فهذا عمل الناس أيام رسول الله صلى الله عليه وسلم وأيام أبي بكر أنبأنا محمد بن سعيد بن ثابت، أنبأنا أحمد بن عون الله، أنبأنا قاسم بن أصبغ أنبأنا محمد بن عبد السلام الخشني، أنبأنا محمد بن بشار، أنبأنا محمد بن جعفر غندر أنبأنا محمد بن سعيد بن الحكم بن عتيبة، عن

[40] **Translator’s note (L1619):** The supplied phrase “mistakenly upon an error” contains an awkward repetition of “error,” retained in translation. “Modes of revelation” renders ahruf, distinguished here from individual Quranic readings. “Slave women who had borne their masters children” renders ummahat al-awlad, a technical category of enslaved women.

[41] **Translator’s note (L1620):** “A first lapse” renders al-wahlah, whose precise sense here is uncertain; the context contrasts it with repeated drinking. “The extremist Rejecters” renders ghulat al-Rawafid, retaining the author’s polemical designation.

[42] **Translator’s note (L1622):** The proverb “Entrust its heat to the man who enjoyed its coolness” contrasts bearing an affair’s unpleasant consequences with enjoying its benefits. Its literal imagery has been retained. The supplied wording at the start of the report, “I was present with Uthman when al-Walid was brought,” is grammatically compressed; this translation follows its apparent contextual sense.

[43] **Translator’s note (L1623):** The supplied text names “Abu Ja‘far” here, whereas the preceding report names Abd Allah ibn Ja‘far. The discrepancy has been retained. The supplied “qalba” where the argument requires a response appears corrupt; it has been interpreted as “we say.” The phrase introducing the second report reads literally “if he cited,” without a clear corresponding clause. “For he cited” represents its apparent function in the argument. The transmission chain and the narrator’s abbreviated name “Ibn Sa‘d al-Nakha‘i” are retained as supplied.

tress only concerning the additional forty lashes which they administered as discretionary discipline.

We then say to them: If someone accused you here of contradicting consensus, that accusation against you would be true, because you acknowledge that Umar was the first to administer eighty lashes for wine drinking, whereas consensus had already become established before him upon forty. You have thus acknowledged that you yourselves contradict consensus and have attributed contradiction of consensus to Umar, although Allah Most High has preserved him from that. As for you, you know yourselves best, and your acknowledgment against yourselves is binding upon you. If you resort to taking the passing away of the generation into account, the same consequence binds you concerning Uthman and Ali administering forty lashes for wine drinking after them: there is no difference.

As for slave women who had borne their masters children, his lie concerning this is more outrageous than any lie, because Abd Allah ibn al-Rabi‘ said: Muhammed ibn Ishaq ibn al-Salim related to us: Ibn al-A‘rabi related to us: Abu Dawud al-Sijistani related to us: Musa ibn Isma‘il related to us: Hammad ibn Salamah related to us, from Qays ibn Sa‘d, from Ata ibn Abi Rabah, from Jabir ibn Abd Allah al-Ansari, who said: “We sold slave women who had borne their masters children in the lifetime of the Messenger of Allah ﷺ and of Abu Bakr. When Umar came to power, he forbade us, and we desisted.” This, then, was the people’s practice in the days of the Messenger of Allah ﷺ and in the days of Abu Bakr.

Muhammed ibn Sa‘id ibn Thabit informed us: Ahmad ibn Awn Allah informed us: Qasim ibn Asbagh informed us: Muhammed ibn Abd al-Salam al-Khushani informed us: Muhammed ibn Bashshar informed us: Muhammed ibn Ja‘far, Ghundar, informed us: Muhammed ibn Sa‘id ibn al-Hakam ibn Utaybah informed us, from Zayd ibn Wahb, who said: “A man and I went to Abd Allah ibn Mas‘ud to ask him about a slave woman who had borne her master a child. We found him praying, with two men standing on either side of him. When he had finished praying, the two questioned him. He said

زيد بن وهب. قال: انطلقت أنا ورجل إلى عبد الله بن مسعود نسأله عن أم الولد، فإذا هو يصلي ورجلان قد اكتنفاه، فلما صلى سألاه فقال لأحدهما: من أقرأك قال اقرأنيها أبو عبدة أو أبو الحكم المزني.

to one of them: “Who taught you to recite?” He said: “Abu Abdah—or Abu al-Hakam al-Muzani—taught me to recite it.”[44][45]

L1628–1633 The other said, “Umar ibn al-Khattab taught me to recite it.” Ibn Mas‘ud wept until he wetted the pebbles with his tears, and said, “Recite as Umar taught you to recite, for he was a mighty fortress for Islam: people entered it and did not leave it. When Umar was struck down, the fortress was breached, and people left Islam.” He said, “I also asked him about a slave woman who had borne her master a child, and he said, ‘She is emancipated from her child’s share.’”

Hammam related to us; Ibn Mufarrij related to us; Ibn al-A‘rabi related to us; al-Dabari related to us; Abd al-Razzaq related to us; Sufyan ibn ‘Uyaynah related to us, from al-A‘mash, from Zayd ibn Wahb, who said: “A man of ours died, leaving a slave woman who had borne him a child. Al-Walid ibn ‘Uqbah wanted to sell her to pay his debt. We went to Ibn Mas‘ud and found him praying, so we waited until he finished his prayer and then mentioned this to him. He said, ‘If you must, then assign her to her child’s share.’”

Through the same chain to Abd al-Razzaq, from Ibn Jurayj, who related to him, saying: “Ata ibn Abi Rabah informed us that Ibn al-Zubayr included Umm Habbi, the slave woman who had borne Muhammed ibn Suhayb a child, in her son’s property, assigning her to his share. Her son was called Khalid.” Ata said, “And Abbas said, ‘A slave woman who has borne her master a child is not emancipated until her master pronounces her emancipation.’”

Ahmad ibn Muhammed al-Talamanki related to us; Muhammed ibn Ahmad ibn Mufarrij related to us; Ibrahim ibn Ahmad ibn Firas related to us; Muhammed ibn Ali ibn Zayd related to us; Sa‘id ibn Mansur related to us; Hushaym related to us: Mughirah ibn Miqsam informed us, from al-Sha‘bi,

[44] **Translator’s note (L1625):** “He, peace be upon him” refers to the Prophet; the supplied salutation is “peace be upon him,” rather than the fuller blessing. The last transmission chain presents “Muhammed ibn Sa‘id ibn al-Hakam ibn Utaybah” as a single name. Its potentially corrupt wording has been retained without reconstructing additional transmitters.

[45] **Translator’s note (L1627):** The object of “recite it” is not specified in this segment; the following context indicates a discussion of Quranic recitation. The uncertainty between the two names is present in the supplied text.

وقال الآخر: أقرأنيها عمر بن الخطاب، فبكى ابن مسعود حتى بل الحصى بدموعه وقال: اقرأ كما أقرأك عمر، فإنه كان للإسلام حصنا حصينا يدخل الناس فيه ولا يخرجون منه، فلما أصيب عمر انثلم الحصن فخرج الناس من الإسلام وقال: وسألته عن أم الولد فقال: تعتق من نصيب ولدها. نا حمام، نا ابن مفرج، نا ابن الأعرابي، نا الدبري، نا عبد الرزاق، نا سفيان بن عيينة، عن الأعمش عن زيد بن وهب. قال: مات رجل منا وترك أم ولد، فأراد الوليد بن عقبة بيعها في دينه، فأتينا ابن مسعود فوجدناه يصلي، فانتظرناه حتى فرغ من صلاته فذكرنا ذلك له، فقال: إن كنتم لا بد فاجعلوها في نصيب ولدها. وبه إلى عبد الرزاق، عن ابن جريج أنه حدثه قال: أخبرنا عطاء بن أبي رباح، أن ابن الزبير أقام أم حبي أم ولد محمد بن صهيب في مال ابنها وجعلها من نصيبه ويسمى ابنها خالدا. قال عطاء وقال عباس: لا تعتق أم الولد حتى يلفظ سيدها بعتقها. نا أحمد بن محمد الطلمنكي، نا محمد بن أحمد بن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا هشيم أخبرنا مغيرة بن مقسم، عن الشعبي، عن عبيدة السلماني أن عمر بن الخطاب، وعلي بن أبي طالب أعتقا أمهات الأولاد قال علي بن أبي طالب: فقضى بذلك عمر حتى أصيب، ثم قضى بذلك عثمان حتى أصيب، فلما وليت رأيت أن أرقهن. قال أبو محمد: وهذا قول زيد بن ثابت وغيره، فيقال لهؤلاء الذين قد أعمى الله تعالى أبصارهم أتقرون أن عمر هو أول من منع من بيعهن فمن قولهم: نعم، ويدعونه إجماعا من كل من معه من الصحابة رضي الله عنهم، فيقال لهم: قد أقررتم أن عمر قد خالف الإجماع بهذا الفعل، إذا قلتم إن المسلمين كانوا على بيعهن حتى نهاهم عمر، فهل في خلاف الإجماع أكثر من هذا، أو كذبتم إذ قلتم إن عمر أول من حرم بيعهم لا بد من إحداهما. وقد أعاذ

from ‘Abidah al-Salmani, that Umar ibn al-Khattab and Ali ibn Abi Talib emancipated slave women who had borne their masters children. Ali ibn Abi Talib said, “Umar continued to rule accordingly until he was struck down. Then Uthman continued to rule accordingly until he was struck down. When I assumed authority, I considered that I should keep them enslaved.”

Abu Muhammed said: This is also the position of Zayd ibn Thabit and others. These people, whose eyes Allah Most High has blinded, are therefore to be asked: “Do you acknowledge that Umar was the first to prohibit their sale?” Their answer is, “Yes,” and they claim that this constituted a consensus of all the Companions who were with him, may Allah be pleased with them. They are then to be told: “You have acknowledged that Umar contravened consensus by this action, since you say that the Muslims continued selling them until Umar prohibited them. Could there be any greater contravention of consensus than this? Alternatively, you lied when you said that Umar was the first to prohibit their sale. It must be one of the two.” Allah has indeed protected Umar from contravening consensus. As for you, you are best acquainted with yourselves, and your admission of this against yourselves is binding upon you. Moreover, even if you could establish that Umar, may Allah be pleased with him, and all those who agreed upon that so that it became a consensus, it would follow, on your premises, that Ibn Mas‘ud, Ali ibn Abi Talib, Ibn Abbas, Ibn al-Zubayr, and Zayd ibn Thabit contravened consensus—and contravening consensus, according to you, is unbelief. Consider, then, what narrow straits you plunge into, and from what precipices you tumble! It must be either this or that you have lied in claiming consensus upon Umar’s ruling to that effect. There is no escaping one of these two alternatives.

As for us, claiming consensus in such a matter is, in our view, fabrication, falsehood, and an audacious persistence in openly lying about all the people of Islam. We do not rule out a lapse in independent legal reasoning or an error, despite an intention to seek truth and goodness, on the part of anyone after the Messenger of Allah ﷺ. We pronounce on no matter of religion except on the basis of a text of the Quran or an established prophetic practice

الله عمر من خلاف الإجماع، وأما أنتم فأعلم بأنفسكم، وإقراركم بذلك على أنفسكم لازم لكم، ثم لو صح لكم أن عمر رضي الله عنه وكل من أجمعوا على ذلك فصار إجماعا للزمكم أن ابن مسعود، وعلي بن أبي طالب، وابن عباس، وابن الزبير، وزيد بن ثابت، خالفوا الإجماع وخلاف الإجماع عندكم كفر، فانظروا أي مضايق تقتحمون ومن أي أحواف تتساقطون؟ ولا بد من هذا أو من كذبكم في دعوى الإجماع على حكم عمر بذلك لا مخرج من أحدهما. وأما نحن فدعوى الإجماع عندنا في مثل هذا إفك وكذب، وجرأة على التجليح بالكذب على جميع أهل الإسلام، ولا ينكر الوهم بالاجتهاد، والخطأ مع قصد إلى طلب الحق والخير على أحد بعد رسول الله صلى الله عليه وسلم ولا نقول في شيء من الدين إلا بنص قرآن أو سنة ثابتة عن رسول الله صلى الله عليه وسلم ولا نبالي من خالف في ذلك ولا نتكثر بمن ولولا، وما، نا أحمد بن قاسم قال: نا أبو قاسم بن محمد بن قاسم، نا جدي قاسم بن أصبغ، نا مصعب بن محمد، نا عبيد الله بن عمر الرقي، عن عبد الكريم الجزري، عن عكرمة، عن ابن عباس قال لما ولدت مارية إبراهيم قال النبي صلى الله عليه وسلم أعتقها ولدها مع دلائل من نصوص أخرى ثابتة قد ذكرناها في كتاب الإيصال. ما قلنا إلا ببيع أمهات الأولاد، لكن السنة الثابتة لا يحل خلافها، وما نبالي خلاف ابن عباس لروايته، فقد يخالفها متأولا أنه خصوص، أو قد ينسى ما روي وما كلفنا الله تعالى قط أن نراعي أقوال القائلين، إنما أمرنا بقبول رواية النافرين ليتفقهوا في الدين المنذرين لمن خلفهم المؤمنين مما بلغهم وصح عنهم عن رسول الله صلى الله عليه وسلم وبالله تعالى التوفيق وأما دعواهم أن عثمان رضي الله عنه أسقط ستة أحرف من جملة الأحرف السبعة المنزل بها القرآن من عند الله عز وجل فعظيمة من عظائم الإفك والكذب، ويعيذ الله تعالى عثمان رضي الله عنه من الردة بعد الإسلام. ولقد أنكر أهل التعسف على

transmitted from the Messenger of Allah ﷺ. We do not care who disagrees concerning that, nor do we seek strength in numbers through those who do.

Were it not for what Ahmad ibn Qasim related to us, saying: Abu Qasim ibn Muhammed ibn Qasim related to us; my grandfather Qasim ibn Asbagh related to us; Mus'ab ibn Muhammed related to us; 'Ubayd Allah ibn Umar al-Raqqi related to us, from Abd al-Karim al-Jazari, from 'Ikrimah, from Ibn Abbas, who said: "When Mariyah gave birth to Ibrahim, the Prophet ﷺ said, 'Her child has emancipated her'"—together with evidence from other established texts which we have mentioned in The Comprehensive Exposition—we would have maintained only that slave women who had borne their masters children could be sold. But it is unlawful to contravene established prophetic practice, and we attach no importance to the disagreement of Ibn Abbas with his own transmitted report. He may disagree with it by interpreting it as specifically applicable, or he may forget what he transmitted. Allah Most High has never charged us with attending to the statements of those who express opinions. He has commanded us only to accept the reports of those who go forth to acquire understanding in religion and warn the believers whom they have left behind, conveying what has reached them and has been authentically transmitted through them from the Messenger of Allah ﷺ. Success is through Allah Most High.

As for their claim that Uthman, may Allah be pleased with him, discarded six modes of revelation out of the seven modes in which the Quran was sent down from Allah, Mighty and Majestic, this is an enormity among the enormities of fabrication and falsehood. May Allah Most High protect Uthman, may Allah be pleased with him, from apostasy after Islam! Those given to willful faultfinding reproached Uthman, may Allah be pleased with him, for things less than this, in which we see nothing objectionable at all. How would it have been, then, had they discovered him guilty of such an enormity? And may Allah protect us from that! To every rational person, discarding a reading revealed by Allah Most High and discarding a verse revealed by Allah Most High are the same: there is no difference. By Allah, if someone allows this out of heedlessness, then is made aware of it and of the demonstration that it is prohibited, yet persists, this is unquestionably a departure from

عثمان رضي الله عنه أقل من هذا، مما لا نكره فيه أصلا، فكيف لو ظفروا له بمثل هذه العظيمة، ومعاذ الله من ذلك، وسواء عند كل ذي عقل إسقاط قراءة أنزلها الله تعالى، أو إسقاط آية أنزلها الله تعالى، ولا فرق، وتالله إن من أجاز هذا غافلا ثم وقف عليه وعلى برهان المنع من ذلك وأصر، فإنه خروج عن الإسلام لا شك فيه، لأنه تكذيب لله تعالى في قوله الصادق لنا {إنا نحن نزلنا لذكر وإنا له لحافظون}

Islam, because it gives the lie to Allah Most High in His truthful statement to us: {Indeed, We Ourselves have sent down the Reminder, and indeed We shall surely preserve it}.[46][47][48][49][50]

L1634–1636 And in His truthful statement: {Indeed, upon Us rests its gathering and its recitation. * So when We recite it, follow its recitation. * Then indeed, upon Us rests its explanation}. Everyone is therefore commanded to follow its recitation, which Allah Most High sent down to him, and its gathering. Whoever permits anything contrary to that has permitted opposition to Allah Most High. This is actual apostasy, about which there is no doubt. The extremists among the Rejectionists and the people of godlessness who plot against Islam have sought only a portion of this.

This verse necessarily makes clear that the entire Quran, as it stands—with the arrangement of its letters, words, verses, and surahs, through to its being gathered as it stands—is the work of Allah, Mighty and Majestic, and the result of His undertaking its gathering. He revealed it to His Prophet, peace be upon him, and he, peace be upon him, explained it to the people. No

[46]**Translator's note (L1628):** The technical expression umm al-walad denotes a slave woman who has borne her master a child; its plural is rendered consistently by the corresponding English phrase. The source names "Abbas," not "Ibn Abbas," in Ata's report; this has been retained. The final reference to "their sale" uses a masculine Arabic pronoun, although the referents are the women discussed throughout.

[47]**Translator's note (L1630):** The wording concerning Umar and "all those who agreed" is syntactically incomplete or defective in the supplied text. The continuation has been left open rather than supplying an unexpressed verb or participants.

[48]**Translator's note (L1631):** The wording "nor do we seek strength in numbers through those who do" renders an apparently truncated expression ending with "through whom." Its precise intended completion is uncertain. The transition into "Were it not for what Ahmad ibn Qasim related" contains an anomalous conjunction in the supplied Arabic; its evident conditional structure has been conveyed. Abu Qasim is retained as supplied, without silently changing it to Abu al-Qasim. The book title translated as The Comprehensive Exposition is al-Isal.

[49]**Translator's note (L1632):** "Modes of revelation" renders ahruf, the plural of harf, and is distinguished from "reading," used for qira'ah in the following unit.

[50]**Translator's note (L1633):** The Quranic quotation corresponds to Quran 15:9, but the supplied Arabic has an apparent transcription error in the word for "the Reminder," omitting its initial letter. The intended word is reflected in the translation.

وفي قوله الصادق {إن علينا جمعه وقرآنه * فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} فالكل مأمورون باتباع قرآنه الذي أنزله الله تعالى عليه وجمعه. فمن أجاز خلاف ذلك فقد أجاز خلاف الله تعالى، وهذه ردة صحيحة لا مرية فيها، وما رامت غلاة الروافض وأهل الإلحاد الكائدون للإسلام إلا بعض هذا. وهذه الآية تبين ضرورة أن جميع القرآن كما هو من ترتيب حروفه وكلماته وآياته وسوره، حتى جمع كما هو، فإنه من فعل الله عز وجل وتوليه جمعه، أوحى به إلى نبيه عليه السلام، وبينه عليه السلام للناس، فلا يسع أحدا تقديم مؤخر من ذلك، ولا تأخير مقدم أصلا. ونحن نبين فعل عثمان رضي الله عنه ذلك بيانا لا يخفى على مؤمن، ولا على كافر، وهو أنه رضي الله عنه علم أن الوهم لا يعزى منه بشر، وأن في الناس منافقين يظهرون الإسلام ويكنون الكفر، هذا أمر يعلم وجوده في العالم ضرورة، فجمع من حضره من الصحابة رضي الله عنهم على نسخ مصاحف مصححة كسائر مصاحف المسلمين ولا فرق. إلا أنها نسخت بحضرة الجماعة فقط. ثم بعث إلى كل مصر مصحفا يكون عندهم، فإن وهم واهم في نسخ مصحف، وتعمد ملحد تبديل كلمة في المصحف، أو في القراءة، رجع إلى المصحف المشهور المتفق على نقله ونسخه. فعلم أن الذي فيه هو الحق، وكيف كان يقدر عثمان على ما ظنه أهل الجهل؟ والإسلام قد انتشر من خراسان إلى برقة، ومن اليمن إلى أذربيجان، وعند المسلمين أزيد من مائة ألف مصحف، وليست قرية ولا حلة ولا مدينة إلا والمعلمون للقرآن موجودون فيها، يعلمونه من تعلمه من صبي أو امرأة ويؤمهم به في الصلوات ي المساجد وقد حدثني يونس بن عبد الله بن مغيث قال: أدركت بقرطبة مقرئا يعرف بالقرشي، أحد مقرئين ثلاثة للعامة كانوا فيها، وكان هذا القرشي لا يحسن النحو فقرأ عليه قارىء يوما في

one may therefore move forward anything placed later in it, or move back anything placed earlier, at all.

We shall explain this action of Uthman, may Allah be pleased with him, in a manner that will be clear to believer and unbeliever alike. He, may Allah be pleased with him, knew that no human being is free from error, and that among the people there were hypocrites who outwardly professed Islam while concealing unbelief. The existence of this in the world is necessarily known. He therefore assembled those Companions who were present with him, may Allah be pleased with them, to copy out verified Quran codices like the other Quran codices of the Muslims. There was no difference except that these were copied in the presence of the assembled group. He then sent a codex to each provincial center to remain with them. Thus, if someone made an error in copying a codex, or a godless person deliberately changed a word in a codex or in a reading, reference would be made to the well-known codex whose transmission and copying were agreed upon, and it would be known that what it contained was the truth.

How could Uthman have been capable of what the ignorant supposed, when Islam had spread from Khurasan to Barqah and from Yemen to Azerbaijan, and the Muslims possessed more than one hundred thousand Quran codices? There was no village, settlement, or city without teachers of the Quran present in it, teaching it to whoever learned it, whether a boy or a woman, and leading them in the prayers in the mosques with its recitation.

Yunus ibn Abd Allah ibn Mughith related to me, saying: "In Cordoba I knew a Quran recitation teacher called al-Qurashi, one of three teachers of Quran recitation for the general public who were there. This al-Qurashi was not proficient in grammar. One day a reader recited to him in Surah Qaf: {And the stupor of death has come with the truth: that is what you used to evade}. Al-Qurashi corrected him, giving 'you evade' a final nunation. The reader disputed this with him, being proficient in grammar, but the recitation teacher persisted obstinately and insisted on the nunation. The report spread until it reached Yahya ibn Mujahid al-Fazari al-Albiri, who had no equal in asceticism, goodness, and intelligence, and who was a friend of this recitation teacher. He went to him, entered his home, greeted him, and asked how he

سورة ق: {وجاءت سكرة الموت بالحق ذلك ما كنت منه تحيد} فرده عليه القرشي تحيد التنوين، فراجعه القارىء وكان يحسن النحو، فلج المقرىء وثبت على التنوين وانتشر ذلك الخبر إلى أن بلغ إلى يحيى بن مجاهد الفزاري الألبيري، وكان منقطع القرين في الزهد والخير والعقل، وكان صديقا لهذا المقرىء، فمضى إليه فدخل عليه، وسلم عليه وسأله عن حاله. ثم قال له: إنه بعد عهدي بقراءة القرآن على مقرىء فأردت تجديد ذلك عليك، فسارع المقرىء إلى ذلك، فقال له الفزاري: أريد أن أبتدىء بالمفصل فهو الذي يتردد في الصلوات

was. Then he said to him, ‘It has been a long time since I recited the Quran to a recitation teacher, and I wanted to renew that practice with you.’ The recitation teacher readily agreed. Al-Fazari said to him, ‘I want to begin with the section of short, frequently divided surahs, since that is what is repeatedly recited in the prayers.’[51][52][53][54]

L1637 The recitation teacher said to him, “As you wish.” So he began reciting to him from the beginning of the Mufassal section. When he reached the surah Qaf and came to the verse mentioned, the recitation teacher corrected his recitation by giving it nunation. Yahya ibn Mujahid said to him, “Do not do that. It is unquestionably without nunation.” But the recitation teacher persisted. When Yahya ibn Mujahid saw his obstinacy, he said to him, “My brother, my only reason for reciting to you was to bring you back gently to the truth. This is a grave error into which your scant knowledge of grammar has led you, for verbs never take nunation at all.” The recitation teacher was bewildered, but he was still not convinced by this. Yahya ibn Mujahid therefore said, “Let the written copies of the Quran decide between you and me.” They sent for them, and a number of the neighbors’ copies of the Quran were brought. They found the word marked with vowel signs but without nunation, so the recitation teacher returned to the truth.

ف فقال له المقرىء ما شئت فبدأ عليه من أول المفصل، فلما بلغ سورة ق، وبلغ الآية المذكورة ردها عليه المقرىء بالتنوين، فقال له يحيى بن مجاهد: لا تفعل ما هي إلا غير منوتة بلا شك، فلج المقرىء. فلما رأى يحيى بن مجاهد لجاجه قال له: يا أخي إنه لم يحملني على القراءة عليك إلا لترجع إلى الحق في لطف، وهذه عظيمة أوقعك فيها قلة علمك بالنحو، فإن الأفعال لا يدخلها تنوين البتة، فتحير المقرىء إلا أنه لم يقنع بهذا، فقال يحيى بن مجاهد بيني وبينك المصاحف، فبعثوا فأحضرت جملة من مصاحف الجيران، فوجدوها مشكولة بلا تنوين، فرجع المقرىء إلى الحق. وحدثني حمام بن أحمد بن حمام قال: حدثني عبد الله بن محمد بن علي، عن اللخمي الباجي قال: نا محمد بن لبانة قال: أدركت محمد بن يوسف بن مطروح الأعرج يتولى صلاة الجمعة في جامع قرطبة، وكان عديم الورع، بعيدا عن الصلاح، قال: فخطبنا يوم الجمعة فتلا في خطبته: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} فقرأها بنونين عننتم. قال: فلما انصرف أتيناه وكنا نأخذ عنه رأي مالك، فذكرنا له قراءته للآية وأنكرناها، فقال: نعم، هكذا أقرأناها، وهكذا هي، فلج فحاكمناه إلى المصحف فقام ليخرج المصحف ففتحه في بيته وتأمله، فلما وجد الآية بخلاف ما قرأها عليه أنف الفاسق من رجوعه إلى الحق فأخذ القلم وألحق ضرسا زائدا؟ قال محمد بن عمر: فوالله لقد خرج إلينا والنون لم يتم بعد جفوف مدادها.

[51] **Translator’s note (L1634):** In the Quranic quotation, corresponding to Quran 75:17–19, the supplied word translated as “follow” lacks the initial alif of the standard spelling. The supplied wording literally uses a verb meaning “is attributed” where the argument requires “is free”: “no human being is free from error” reflects the apparent intended sense. The reading is defective as supplied. “Rejectionists” renders the polemical designation al-Rawafid, preserving the author’s voice.

[52] **Translator’s note (L1635):** The supplied text has a single letter where “in” is expected before “the mosques”; the evident intended preposition is reflected in the translation. The phrase describing the teacher’s correction appears to omit a preposition before “nunation.” Nunation, or tanwin, is the final n sound at issue: he incorrectly imposed it on tahid, “you evade,” a verb in the quoted verse, Quran 50:19.

[53] **Translator’s note (L1636):** “The section of short, frequently divided surahs” renders al-mufassal, the conventional designation for the final section of the Quran. The quotation continues in the following source segment.

[54] **Qur’an references (L1634):** Qur’an 75:17 (Al-Qiyamah); Qur’an 75:19 (Al-Qiyamah); Qur’an 50:19 (Qaf).

Hammam ibn Ahmad ibn Hammam related to me, saying: Abd Allah ibn Muhammed ibn Ali related to me, from al-Lakhmi al-Baji, who said: Muhammed ibn Lubana related to us, saying: I knew Muhammed ibn Yusuf ibn Matruh al-A'raj when he was in charge of the Friday prayer in the congregational mosque of Cordoba. He was devoid of scrupulousness and far removed from righteousness. He said: One Friday he delivered the sermon to us and recited in his sermon: "There has certainly come to you a messenger from among yourselves; grievous to him is what you suffer; he is solicitous for you, compassionate and merciful toward the believers." He read it with two nuns: "'anantum." He said: When he had finished, we went to him—we used to receive Malik's legal opinions from him—and mentioned his recitation of the verse, objecting to it. He said, "Yes, this is how we were taught to recite it, and this is how it is." He persisted, so we appealed to the written copy of the Quran to decide between us. He got up to bring out the copy, opened it inside his house, and examined it. When he found that the verse differed from what he had recited, the evildoer disdained returning to the truth. He took a pen and added an extra tooth-shaped stroke. Muhammed ibn Umar said: By Allah, he came out to us before the ink of the nun had even finished drying.[55][56]

L1638 Abu Muhammed said: The first was mistaken and heedless; the second was a wicked evildoer. Had written copies of the Quran not been so plentiful in people's hands, many people would have been thrown into doubt by something like this when they witnessed it from someone whom they supposed to possess goodness or knowledge, and both error and deliberate alteration would have remained concealed. It was something like this that Uthman,

قال أبو محمد: فالأول واهم مغفل، والثاني فاسق خبيث، فلولا كثرة المصاحف بأيدي الناس لتشكك كثير من الناس في مثل هذا إذا شاهدوه ممن يظنون به خيرا أو علما، ولخفي الخطأ والتعمد. فمثل هذا تخويف عثمان رضي الله عنه، ولقد عظمت منفعة فعله ذلك، أحسن الله جزاءه.

[55] **Translator's note (L1637):** The opening isolated letter fa appears to be a transcription remnant; the following connected fa is rendered through the narrative connection. The source reads "غير منوتة," apparently a corruption of "غير منونة," meaning "without nunation." The Mufassal is the section of predominantly shorter surahs near the end of the Quran. The erroneous "'anantum" adds a second nun to "'anittum," translated in the quoted verse as "you suffer." The added "tooth-shaped stroke" is the additional letter-stroke used to alter the written word. The final attribution is to Muhammed ibn Umar, although the preceding report is attributed to Muhammed ibn Lubana; this change of attribution is present in the source.

[56] **Qur'an references (L1637):** Qur'an 9:128 (At-Tawbah).

may Allah be pleased with him, feared. The benefit of that action of his was indeed immense; may Allah reward him well.[57]

L1639–1641 As for the seven modes of recitation, they remain as they were until the Day of Resurrection, established in the well-known readings from east to west, from south to north, and throughout the regions between them. For they are part of the revealed Reminder whose preservation Allah Most High has undertaken. Allah Most High's guarantee never fails, and His undertaking, exalted is He, cannot possibly come to nothing.

Among the demonstrations that the ignorant and the fabricators lie about Uthman, may Allah be pleased with him, concerning this is the report conveyed to us by Abd al-Rahman ibn Abd Allah ibn Khalid al-Hamdani: Ibrahim ibn Ahmad al-Balkhi related to us; al-Firabri related to us; al-Bukhari related to us; Umayya—that is, Ibn Bistam—related to us; Yazid ibn Rabi' related to us, from Habib ibn al-Shahid, from Ibn Mulayka, from Ibn al-Zubayr, who said: I said to Uthman, concerning "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 concerning themselves in accordance with what is right. Allah is fully aware of what you do": "The other verse has abrogated it, so why do you write it down—or leave it?" He said, "My brother's son, I will not move anything of it from its place."

Through the same chain to al-Bukhari: Musa ibn Isma'il related to us; Ibrahim related to us, reporting that Anas ibn Malik related to him that Hudhayfa ibn al-Yaman came to Uthman ibn Affan. He had been campaigning with the people of Syria in the conquest of Armenia and Azerbaijan, alongside the people of Iraq. Their disagreement over recitation alarmed Hudhayfa. Hudhayfa therefore said to Uthman, "Commander of the Faithful, come to this community's aid before they disagree about the Book as the Jews and Christians disagreed." Uthman sent to Hafsa, Mother of the Believers: "Send us the sheets so that we may transcribe them into copies of the

[57] **Translator's note (L1638):** The wording "تخويف عثمان" is awkward here. It is understood contextually as referring to what Uthman feared; literally, the verbal noun denotes frightening or causing fear.

وأما الأحرف السبعة، فباقية كما كانت إلى يوم القيامة، مثبوتة في القراءات المشهورة من المشرق إلى المغرب، ومن الجنوب إلى الشمال، فما بين ذلك، لأنها من الذكر المنزل الذي تكفل الله تعالى بحفظه، وضمان الله تعالى لا يخيس أصلا، وكفالته تعالى لا يمكن أن تضيع. ومن البرهان على كذب أهل الجهل وأهل الإفك على عثمان رضي الله عنه في هذا أنبأناه عبد الرحمن بن عبد الله بن خالد الهمداني، نا إبراهيم بن أحمد البلخي، نا الفربري، نا البخاري نا أمية هو ابن بسطام نا يزيد بن ربيع عن حبيب بن الشهيد عن ابن مليكة عن ابن الزبير قال قلت لعثمان {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} قال قد نسختها الآية الأخرى، فلم تكتبها أو تدعها؟ قال: يا ابن أخي: لا أغير شيئا منه من مكانه. وبه إلى البخاري، نا موسى بن إسماعيل، نا إبراهيم، حدثنا أن أنس بن مالك حدثه أن حذيفة بن اليمان قدم على عثمان بن عفان، وكان يغازي أهل الشام في فتح أرمينية وأذربيجان مع أهل العراق. فأفزع حذيفة اختلافهم في القراءة، فقال حذيفة لعثمان: يا أمير المؤمنين أدرك هذه الأمة قبل أن يختلفوا في الكتاب اختلاف اليهود والنصارى. فأرسل عثمان إلى حفصة أم المؤمنين، أن أرسلي إلينا بالصحف ننسخها في المصاحف، ثم نردها إليك، فأرسلت بهما إلى عثمان، فأمر زيد بن ثابت، وعبد الله بن الزبير، وسعيد بن العاص، وعبد الرحمن بن الحارث بن هشام فنسخوها في المصاحف. وقال عثمان للرهط القريشيين الثلاثة: إذا اختلفتم أنتم وزيد بن ثابت في شيء من القرآن فاكتبوه بلسان قريش، فإنما نزل بلسانهم ففعلوا، حتى إذا نسخوا الصحف في المصاحف، رد عثمان الصحف إلى حفصة وأرسل إلى كل أفق بمصحف مما نسخوا، وأمر بما سواه من القرآن في كل صحيفة أو مصحف أن يحرق. فهذان الخبران عن عثمان، إذا جمعا

Quran; then we shall return them to you." She sent them both to Uthman. He commissioned Zayd ibn Thabit, Abd Allah ibn al-Zubayr, Sa'id ibn al-'As, and Abd al-Rahman ibn al-Harith ibn Hisham, and they transcribed them into copies of the Quran. Uthman said to the three men of Quraysh, "If you disagree, you and Zayd ibn Thabit, concerning anything in the Quran, write it in the language of Quraysh, for it was revealed in their language." They did so. When they had transcribed the sheets into copies of the Quran, Uthman returned the sheets to Hafsa and sent to every region one of the copies they had transcribed. He ordered that every other Quranic text on any sheet or in any copy be burned.

When these two reports about Uthman are considered together, they establish the correctness of our position: that he did not move anything of the Quran from the place in which Allah Most High had revealed it, and that he burned everything else in which someone had made an error or which someone had deliberately undertaken to alter.

Abd Allah ibn al-Rabi' al-Tamimi related to us; Umar ibn Abd al-Malik al-Khawlani related to us; Abu Sa'id al-A'rabi al-'Izzi related to us; Sulayman ibn al-Ash'ath related to us; Muhammed ibn al-Muthanna related to us; Muhammed ibn Ja'far related to us; Shu'ba related to us, from al-Hakam, from Mujahid, from Abu Layla, from Ubayy ibn Ka'b: The Prophet ﷺ was at the pool of Banu Ghifar when Gabriel, peace be upon him, came to him and said, "Allah commands you to have your community recite according to one mode." He said, "I ask Allah for His granting of well-being and His forgiveness. My community cannot bear that." Then he came to him a second time, and he mentioned something similar, until he reached seven modes. He said, "Allah commands you to have your community recite according to seven modes; they have recited according to it and have been correct."

Through the same chain to Sulayman ibn al-Ash'ath: al-Qa'nabi related to us, from Malik, from Ibn Shihab, from Urwa ibn al-Zubayr, from Abd al-Rahman ibn Abd al-Qari, who said: I heard Umar ibn al-Khattab say: I heard Hisham ibn Hakim ibn Hizam reciting the surah al-Furqan differently from the way I recite it, although the Messenger of Allah ﷺ had taught me to recite it. I almost acted against him immediately, but then I let him continue

صححا قولنا وهو: أنه لم يحل شيئا من القرآن عن مكانه الذي أنزله الله تعالى عليه، وأنه أحرق ما سوى ذلك مما وهم فيه واهم، أو تعمد تبديله متعمد. نا عبد الله بن الربيع التميمي، نا عمر بن عبد الملك الخولاني، نا أبو سعيد الأعرابي العزي، نا سليمان بن الأشعث، نا محمد بن المثنى، نا محمد بن جعفر، نا شعبة عن الحكم عن مجاهد عن أبي ليلى عن أبي بن كعب أن النبي صلى الله عليه وسلم كان عند أضاة بني غفار فأتاه جبريل عليه السلام فقال له: إن الله يأمرك أن تقرأ أمتك على حرف. فقال: أسأل الله معافاته ومغفرته، إن أمتي لا تطيق على ذلك، ثم أتاه الثانية فذكر نحو هذا حتى بلغ سبعة أحرف، فقال: إن الله يأمرك أن تقرأ أمتك على سبعة أحرف قرؤوا عليه فقد أصابوا. وبه إلى سليمان بن الأشعث، نا القعنبي، عن مالك، عن ابن شهاب، عن عروة بن الزبير، عن عبد الرحمن بن عبد القاري قال: سمعت عمر بن الخطاب يقول: سمعت هشام بن حكيم بن حزام يقرأ سورة الفرقان على غير ما أقرؤها وكان رسول الله صلى الله عليه وسلم أقرأنيها فكدت أن أعجل عليه ثم أمهلته حتى انصرف ثم لففته بردائه فجئت به رسول الله صلى الله عليه وسلم فقلت يا رسول الله إني سمعت هذا يقرأ سورة الفرقان على غير ما أقرأتنيها فقال له رسول الله صلى الله عليه وسلم اقرأ القراءة التي سمعته يقرأ فقال رسول الله صلى الله عليه وسلم هكذا أنزلت ثم قال لي اقرأ

until he had finished. Then I wrapped him in his cloak and brought him to the Messenger of Allah ﷺ. I said, “Messenger of Allah, I heard this man reciting the surah al-Furqan differently from the way you taught me to recite it.” The Messenger of Allah ﷺ said to him, “Recite the reading that I heard him recite.” The Messenger of Allah ﷺ then said, “Thus it was revealed.” Then he said to me, “Recite.”[58][59][60][61]

L1642–1643 So I recited, and he said, “Thus it was revealed.” Then he ﷺ said, “The Quran was revealed according to seven modes, so recite whatever of it is easy.” Abu Muhammed said: It is therefore forbidden for anyone to suppose that, concerning something which the Messenger of Allah ﷺ stated his community could not bear, Uthman then came and compelled people to undertake it, and they were able to bear it. Whoever allows this has declared the Messenger of Allah ﷺ untruthful in his statement to Allah Most High that his community could not bear it, although neither Allah Most High nor Gabriel, peace be upon him, challenged him over that. Yet these criminals say that they can bear it and have indeed borne it! O Allah! O Muslims! Is

فقرأت فقال هكذا نزلت ثم قال صلى الله عليه وسلم إن القرآن نزل على سبعة أحرف فاقرؤوا ما تيسر منه. قال أبو محمد: فحرام على كل أحد أن يظن أن شيئا أخبر رسول الله صلى الله عليه وسلم أن أمته لا تطيق ذلك أتى عثمان فحمل الناس عليه فأطاقوه ومن أجاز هذا فقد كذب رسول الله صلى الله عليه وسلم في قوله لله تعالى إن أمته لا تطيق ذلك ولم ينكر الله تعالى عليه ذلك، ولا جبريل عليه السلام وقال هؤلاء المجرمون إنهم يطيقون ذلك، وقد أطاقوه فيا لله ويا للمسلمين أليس هذا اعتراضا مجردا على الله عز وجل مع التكذيب لرسوله صلى الله عليه وسلم فهل الكفر إلا هذا نعوذ بالله العظيم أن يمر بأوهامنا فكيف أن نعتقده.

[58] **Translator’s note (L1639):** “Modes of recitation” renders ahruf; “readings” renders qira’at. These distinct terms are retained throughout. The quoted verse is Quran 2:234. Its placement in this report appears erroneous: the exchange about retaining an abrogated verse ordinarily concerns 2:240. The supplied verse and the report’s claim have both been preserved. The names “Yazid ibn Rabi‘” and “Ibn Mulayka” reproduce the supplied forms; they have not been silently expanded or corrected. The source uses the dual pronoun in “she sent them both,” although the antecedent is the plural “sheets.” The wording introducing Ibrahim’s report contains a redundant transmission formula; all identifiable links in the chain have been preserved.

[59] **Translator’s note (L1641):** The source names the transmitter as “Abu Layla”; this has not been changed to “Ibn Abi Layla.” The ending of the seven-modes report, “قرؤوا عليه فقد أصابوا,” is syntactically abrupt and lacks an explicit expression meaning “whichever.” Its singular pronoun and supplied wording are retained in the translation. In the report about Hisham, the source reads “اقرأ القراءة التي سمعته يقرأ,” literally making “the reading that I heard him recite” part of the command. This appears to contain a quotation or transcription error, possibly omitting words introducing Hisham’s recitation. The supplied wording has been translated without silently restoring that missing action.

[60] **Hadith references (L1639):** Sahih al-Bukhari 4530.

[61] **Qur’an references (L1639):** Qur’an 2:234 (Al-Baqarah).

this not an outright objection against Allah, mighty and majestic, together with declaring His Messenger ﷺ untruthful? What is unbelief if not this? We seek refuge in Allah the Magnificent from its even passing through our minds, let alone our believing it.

L1644 Moreover, Allah Most High gave us those modes of recitation (aḥruf) as a distinction conferred upon us. Yet someone who does not grasp what he is saying declares that this distinction has ceased to exist. The calamity, then, has indeed befallen us! Far be Allah above this! Abu Muhammed said: I drew the attention of Makki ibn Abi Talib, the Quran reciter—may Allah have mercy on him—to this matter. On one occasion he followed this corrupt course, but when I showed him what it entailed, he retracted it. On another occasion he stated the truth concerning it, just as you say. And on another occasion he told me: "Whatever of the seven modes accords with the written form of the codex remains, while whatever of them conflicts with the written form of the codex has been withdrawn." I told him: "The calamity you fled from in the withdrawal of the seven modes remains to its corresponding extent when you allow the withdrawal of a single vowel marking from among all seven modes, let alone anything more than that. Furthermore, on what grounds did observing the written form of the codex become obligatory? It was not something taught by the Messenger of Allah, since he was unlettered, neither reading nor writing. Following the practice of anyone below him, without an express instruction from him—peace be upon him—provides no authoritative proof and need not be accepted. I have established the authenticity of the reading transmitted through Abu 'Amr ibn al-'Ala' al-Tamimi, with its chain traced back to the Messenger of Allah—may Allah bless him and grant him peace ﷺ—'Indeed, these two are surely sorcerers.' It conflicts with the written form of the codex, yet no Muslim has ever rejected it."[62][63]

وأيضا فإن الله تعالى آتانا تلك الأحرف فضيلة لنا، فيقول من لا يحصل ما يقول: إن تلك الفضيلة بطلت فالبلية إذا قد نزلت، حاشا لله من هذا. قال أبو محمد: ولقد وقفت على هذا مكي بن أبي طالب المقرىء رحمه الله، فمرة سلك هذه السبيل الفاسدة فلما وقفته على ما فيها رجع، ومرة قال بالحق في ذلك كما تقول، ومرة قال لي: ما كان من الأحرف السبعة موافقا لخط المصحف فهو باق، وما كان منها مخالفا لخط المصحف فقد رفع، فقلت له: إن البلية التي فررت منها في رفع السبعة الأحرف باقية بحسبها، في إجازتك رفع حركة واحدة من حركات جميع الأحرف السبعة أكثر من ذلك، فمن أين وجب أن يراعى خط المصحف، وليس هو من تعليم رسول الله لأنه كان أميا لا يقرأ ولا يكتب واتباع عمل من دونه من غير توقيف منه عليه السلام لا حجة فيه، ولا يجب قبوله، وقد صحت القراءة من طريق أبي عمرو بن العلاء التميمي مسنده إلى رسول الله صلى الله عليه وسلم {إن هذان لساحران} وهو خلاف خط المصحف وما أنكرها مسلم قط

فاضطرب وتلجلج. قال أبو محمد: وقد قال بعض من خالفنا في هذا إن الذين كانوا على عهد رسول الله صلى الله عليه وسلم كانوا عربا يصعب على كل طائفة منهم القراءة بلغة غيرهم، فلذلك فسح لهم في القراءة على أحرف شتى من بعدهم كذلك، فقلنا:

[62] **Translator's note (L1644):** The quoted Quranic wording is written here without vowel marks, so the particular grammatical reading being invoked cannot be fully represented from this transcription alone. The author's claim that it conflicts with the codex's written form has been preserved.

[63] **Qur'an references (L1644):** Qur'an 20:63 (Taha).

L1645–1652

He became unsettled and faltered. Abu Muhammed said: Some who disagree with us on this matter have said: "Those who lived in the time of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—were Arabs, and each group found it difficult to recite in the dialect of the others. They were therefore permitted latitude to recite according to various modes; those who came after them were likewise." We said: These people have lied twice: once about Allah Most High, and a second time about all people—a blatant, public lie concealed from no one. Their lie about Allah, Mighty and Majestic, consists in their reporting that He Most High only caused it to be recited according to various modes because of the difficulty a tribe experienced in moving to another tribe's dialect. Who, then, informed them of this on Allah Most High's authority: that it was for this reason that He decreed what He Most High is authentically established to have decreed? Would anyone possessing religion or a modicum of reason permit himself such a thing? Can Allah Most High's intention in this be known except through a report coming from Him, Mighty and Majestic? O Allah, we seek Your protection from such headlong plunging from a height into destruction! Whoever reports another's intention without that other having disclosed to him what is within himself is undoubtedly a liar. And lying about Allah Most High is graver than lying about His creatures. As for their lying about people, everyone knows through observation that the difficulty experienced by a non-Arab Muslim—from among the Turks, Persians, Romans, Nabataeans, Copts, Berbers, Daylamites, Kurds, and all the other peoples of the non-Arabs—in reciting in the language of the Arabs, in which the Quran was revealed, is undoubtedly harder to overcome than the difficulty of a Yemeni reciting in the dialect of someone from Mudar, or someone from Rabi'ah in the dialect of someone from Quraysh. And an Arab's learning the dialect of an Arab tribe other than his own is undoubtedly more attainable and easier than a non-Arab's learning Arabic. The situation now is many times more difficult than it was then. The need for the modes to remain now is therefore greater than it was then, according to the position of those who take lying lightly in the explanatory grounds they extract in support of their error, and because of their uncritical adherence to someone who erred, deliberately pursuing what contradicts the truth, and because of their following him; "and he has a

كذب هؤلاء مرتين، إحداهما على الله تعالى، والثانية على جميع الناس، كذبا مفضوحا جهارا لا يخفى على أحد. أما كذبهم على الله عز وجل فإخبارهم بأنه تعالى إنما جعله يقرأ على أحرف شتى لأجل صعوبة انتقال القبيلة إلى لغة غيرها، فمن أخبرهم بها عن الله تعالى أنه من أجل ذلك حكم بما صح أنه تعالى حكم به، وهل يستجيز مثل هذا ذو دين أو مسكة عقل؟ وهل يعلم مراد الله تعالى في ذلك إلا بخبر وارد من عنده عز وجل؟ اللهم عياذك من مثل هذا الترامي من حالق إلى المهالك. ومن أخبر عن مراد غيره بغير أن يطلعه ذلك المخبر عنه على ما في نفسه، فهو كاذب بلا شك، والكذب على الله تعالى أشد من الكذب على خلقه. وأما كذبهم على الناس، فبالمشاهدة يدري كل أحد صعوبة القراءة على الأعجمي المسلم من الترك والفرس والروم والنبط والقبط والبربر والديلم والأكراد وسائر قبائل العجم بلغة العرب التي بها نزل القرآن، أشد مراما من صعوبة قراءة اليماني على لغة المضري والربعي على لغة القرشي بلا شك، وأن تعلم العربي للغة قبيلة من العرب غير قبيلته أمكن وأسهل من تعلم الأعجمي للعربية بلا شك، والأمر الآن أشد مما كان حينئذ أضعافا مضاعفة، فالحاجة إلى بقاء الأحرف الآن، أشد منها حينئذ، على قول المستسهلين للكذب، في عللهم التي يستخرجونها نصرا لضلالهم، ولتقليدهم من غلط قاصد إلى خلاف الحق ولاتباعهم، وله عالم قد حدروا عنها، ونسأل الله تعالى العصمة والتوفيق. وبرهان كذبهم في دعواهم المذكورة أنه لو كان ما قالوه حقا، لم يكن لاقتضاء نزوله على سبعة أحرف معنى: بل كان الحكم أن تطلق كل قبيلة على لغتها، وبرهان آخر على كذبهم في ذلك أيضا أن المختلفين في الخبر المذكور الذي أوردناه آنفا أنهما قرآ سورة الفرقان بحرفين مختلفين كانا جميعا بني عم قرشيين من قريش البطاح من قبيلة واحدة جاران ساكنان في مدينة واحدة، وهي مكة، لغتهما واحدة وهما عمر بن الخطاب بن نفيل بن عبد العزى بن رياح بن عبد

scholar; they have descended from it." We ask Allah Most High for protection and success. The demonstration of their lying in the aforementioned claim is that, if what they said were true, there would be no point in requiring its revelation according to seven modes. Rather, the ruling would have been that each tribe be given unrestricted permission to use its own dialect. Another demonstration of their lying about this is that the two men who disagreed in the aforementioned report—which we cited a little earlier, stating that they recited Surat al-Furqan according to two different modes—were both cousins from Quraysh, from Quraysh al-Bitah, of a single tribe, neighbors living in a single city, namely Mecca, and speaking a single dialect. They were ʻUmar ibn al-Khattab ibn Nufayl ibn ʻAbd al-ʻUzza ibn Riyah ibn ʻAbd Allah ibn Qurayz ibn Razah ibn ʻAdi ibn Kaʻb, and Hisham ibn Hakim ibn Hizam ibn Khuwaylid ibn Asad ibn ʻAbd al-ʻUzza ibn Kilab ibn Murrah ibn Kaʻb. Both lineages converge at Kaʻb ibn Luʼayy, with only eight forefathers between each of them and Kaʻb ibn Luʼayy. Thus the falsehood of anyone claiming that the difference between the modes arose solely from differences between the dialects of the Arab tribes has become apparent. Your Lord insists upon establishing the truth, nullifying falsehood, and exposing the liar's lie. We seek refuge in Allah the Magnificent from error and partisan attachment to what is mistaken. Abu Muhammed said: Others among them have said: "The seven modes according to which the Quran was revealed are simply promise, threat, and ruling"; and they continued adding to this classification until they reached seven meanings. Abu Muhammed said: Those who adhere uncritically to others are like drowning people: whatever they find, they cling to. Abu Muhammed said: The falsehood of this statement is more apparent than the sun, because the report of Ubayy that we mentioned and the report of ʻUmar that we cited both testify to its falsehood, informing us that the modes consist solely in differences in the wording of the readings, without altering the Quran. It is impermissible to say of these divisions we have mentioned: "Whichever mode they recite according to, they have recited correctly." Moreover, they have no stronger claim to their classification than another person who confined himself to the primary principles of discourse and divided the Quran into only three divisions: report, determination, and command prescribing revealed law, placing promise and threat under the

الله بن قريظ بن رزاح بن عدي بن كعب، وهشام بن حكيم بن حزام بن خويلد بن أسد بن عبد العزى بن كلاب بن مرة بن كعب، ويجتمعان جميعا في كعب بن لؤي بين كل واحد منهما وبين كعب بن لؤي ثمانية آباء فقط فظهر كذب من ادعى أن اختلاف الأحرف إنما كان لاختلاف لغات قبائل العرب وأبى ربك إلا أن يحق الحق، ويبطل الباطل، ويظهر كذب الكاذب، ونعوذ بالله العظيم من الضلال والعصبية للخطأ. قال أبو محمد: وقال آخرون منهم: الأحرف السبعة التي أنزل القرآن عليها إنما هي وعد ووعيد وحكم، وزادوا من هذا التقسيم حتى بلغوا سبعة معان. قال أبو محمد: المقلدون كالغرقى، فأي شيء وجدوه تعلقوا به. قال أبو محمد: وكذب هذا القول أظهر من الشمس، لأن خبر أبي الذي ذكرنا وخبر عمر الذي أوردناه شاهدان بكذبه، مخبران بأن الأحرف إنما هي اختلاف ألفاظ القراءات لا تغير القرآن، ولا يجوز أن يقال في هذه الأقسام التي ذكرنا أيما حرف قرؤوا عليه فقد أصابوا، وأيضا فإنهم ليسوا في تقسيمهم هذا بأولى من آخر اقتصر على مبادىء الكلام الأول، فجعل القرآن ثلاثة أقسام فقط: خبرا، وتقديرا، وأمرا بشرع، وجعل الوعد والوعيد تحت قسم الخبر، ولا هم أيضا بأولى من آخر قسم الأنواع التي في اشخاص المعاني، فجعل القرآن أقساما كثيرة أكثر من عشرة فقال: فرض وندب ومباح ومكروه وحرام ووعد ووعيد، والخبر عن الأمم السالفة، وخبر عما يأتي من القيامة والحساب، وذكر الله تعالى وأسمائه، وذكر النبوة، ونحو هذا، فظهر فساد هذا، وأيضا فإن هذه الأقسام التي ذكروا هي في قراءة عمر، كما هي في قراءة هشام بن حكيم ولا فرق، فهذا بيان زائد في كذب هذا التقسيم. قال أبو محمد: فإن ذكر ذاكر الرواية الثابتة بقراءات منكرة صحت عن طائفة من الصحابة رضي الله عنهم، مثل ما روي عن أبي بكر الصديق رضي الله عنه: {وجاءت سكرة الموت بالحق ذلك ما كنت منه تحيد} ومثل ما صح عن عمر رضي الله عنه من قراءة {صراط لذين أنعمت عليهم غير لمغضوب عليهم ولا لضآلين}

division of report. Nor do they have a stronger claim than another person who classified the kinds found within particular instances of meanings, dividing the Quran into numerous divisions, more than ten, saying: obligation, recommendation, the permissible, the reprehensible, the forbidden, promise, threat, reporting about bygone nations, reporting about what is to come of the Resurrection and the reckoning, mentioning Allah Most High and His names, mentioning prophethood, and the like. The unsoundness of this has therefore become apparent. Moreover, these divisions they mentioned occur in 'Umar's reading just as they occur in Hisham ibn Hakim's reading, without any difference. This is additional clarification of the falsehood of this classification. Abu Muhammed said: If someone mentions the established transmission of objectionable readings authentically attributed to a group of the Companions—may Allah be pleased with them—such as what is related from Abu Bakr al-Siddiq—may Allah be pleased with him—"And the stupor of death has come with the truth: that is what you used to evade"; or such as the authentically transmitted reading of 'Umar—may Allah be pleased with him—"The path of those upon whom You have bestowed favor, other than those who have incurred wrath, nor those who go astray"; or that Ibn Mas'ud—may Allah be pleased with him—did not count the two surahs of seeking refuge as part of the Quran, whereas Ubayy—may Allah be pleased with him—counted the supplication of qunūt as part of the Quran, and similar things: we say that all this stops at the person from whom it is related; absolutely none of it is transmitted from the Prophet—may Allah bless him and grant him peace ﷺ. We do not deny that anyone below the Messenger of Allah—may Allah bless him and grant him peace ﷺ—can err; indeed, we have proclaimed this loudly. There is no authoritative proof in what is related from anyone below him—peace be upon him. Allah Most High has neither imposed upon us obedience to that person, nor commanded us to act upon it, nor undertaken to preserve it. Error therefore occurs in it, whether originating with a Companion or someone below him who transmitted from a Companion or a Successor. None of this constitutes an objection against us. Success comes through Allah Most High. This objection binds only those who advocate uncritical adherence to a Companion in preference to what is authentically established from the Messenger of Allah—may Allah bless him

ومن أن ابن مسعود رضي الله عنه لم يعد المعوذتين من القرآن، وأن أبيا رضي الله عنه كان يعد القنوت من القرآن ونحو هذا. قلنا: كل ذلك موقوف على من روى عنه شيء ليس منه عن النبي صلى الله عليه وسلم البتة ونحن لا ننكر على من دون رسول الله صلى الله عليه وسلم الخطأ فقد هتفنا به هتفا ولا حجة فيما روي عن أحد دونه عليه السلام، ولم يكلفنا الله تعالى الطاعة له ولا أمرنا بالعمل به، ولا تكفل بحفظه، فالخطأ فيه واقع فيما يكون من الصاحب فمن دونه ممن روى عن الصاحب والتابع، ولا معارضة لنا بشيء من ذلك، وبالله تعالى التوفيق. وإنما تلزم هذه المعارضة، من يقول بتقليد الصاحب على ما صح عن رسول الله صلى الله عليه وسلم وعلى القرآن فهم الذين يلزمهم التخلص من هذه المذلة، وأما نحن فلا، والحمد لله رب العالمين، إلا خبرا واحدا وهو الذي رويناه من طريق النخعي والشعبي، كلاهما عن علقمة بن مسعود وأبي الدرداء كلاهما عن رسول الله صلى الله عليه وسلم أنه أقرأهما {والليل إذا يغشى * والنهار إذا تجلى * وما خلق الذكر والأنثى}

and grant him peace—and in preference to the Quran. They are the ones obliged to extricate themselves from this humiliation; we are not. Praise belongs to Allah, Lord of all worlds. There is, however, one report: the one we transmitted through al-Nakhaʿi and al-Shaʿbi, both from ʿAlqamah ibn Masʿud and Abu al-Darda', both from the Messenger of Allah—may Allah bless him and grant him peace ﷺ—that he taught them both to recite: "By the night when it envelops, and by the day when it becomes manifest, and by what created the male and the female."[64][65][66][70]

L1653–1655 Abu Muhammed said: This is an authentic report with a continuous chain of transmission to the Prophet ﷺ. Abu Muhammed said: However, the two constitute an abrogated reading, because the well-known reading of ʿAsim, transmitted from Zirr ibn Hubaysh, from Ibn Masʿud, from the Prophet ﷺ,

قال أبو محمد وهذا خبر صحيح مسند عن النبي صلى الله عليه وسلم قال أبو محمد إلا أنهما قراءة منسوخة لأن قراءة عاصم المشهورة المأثورة عن زر بن حبيش عن ابن مسعود عن النبي صلى الله عليه وسلم وقراءة ابن عامر مسندة إلى أبي الدرداء عن رسول الله صلى الله عليه وسلم فيهما جميعا {وما خلق لذكر ولأنثى} فهي زيادة لا يجوز تركها وأنبأنا يونس بن عبد الله بن مغيث القاضي قال: حدثنا يحيى بن مالك بن عابد الطرطوشي، أخبرنا الحسن بن أحمد بن أبي خليفة، أخبرنا أبو جعفر أحمد بن محمد الطحاوي، نا إبراهيم بن أبي داود، نا حفص بن عمر الحوضي، نا أيوب السختياني، عن أبي قلابة، عن أنس بن مالك قال: اختلفوا في القراءات على عهد عثمان بن عفان، حتى اقتتل الغلمان والمعلمون، فبلغ ذلك عثمان فقال: عندي تكذبون به وتختلفون فيه، فما تأبى عني كان أشد تكذيبا وأكثر لحنا، يا صحابة محمد: اجتمعوا فاكتبوا للناس، قال: فكتبوا قال: فحدثني أنهم كانوا إذا تراودوا في آية قالوا هذه أقرأها رسول الله صلى الله عليه وسلم فلانا فيرسل إليه وهو على ثلاثة من المدينة فيقول كيف أقرأك رسول الله صلى الله عليه وسلم فيقول كذا وكذا فيكتبونها وقد تركوا لها مكانا. قال أبو محمد: فهذه صفة عمل عثمان رضي الله عنه، بحضرة الصحابة رضي الله عنهم في نسخ المصاحف، وحرق ما حرق منها مما غير عمدا وخطأ، ومن العجب أن جمهرة من المعارضين لنا، وهم المالكيون، قد صح عن صاحبهم ما ناه المهلب بن أبي صفرة

[64] **Translator's note (L1645):** The clause rendered "those who came after them were likewise" contains no negation in the supplied text. Its relationship to the opponent's argument is awkward; a missing negation is possible, but none has been supplied in translation.

[65] **Translator's note (L1647):** The sequence beginning "and because of their following him" and continuing through "and he has a scholar; they have descended from it" is apparently corrupt. The latter words give a tentative literal rendering of an incoherent passage; its intended syntax and meaning cannot be securely recovered from the supplied text.

[66] **Translator's note (L1648):** The genealogy and the assertion about the number of intervening forefathers are reproduced as supplied, including the name Qurayz.

[67] **Translator's note (L1650):** "Determination" renders taqdīr as supplied. Its intended technical sense in this classification is uncertain; the text has not been emended to another term.

[68] **Translator's note (L1651):** The quotation attributed to Abu Bakr appears here in the familiar wording of Quran 50:19, although it is introduced as an objectionable reading. This apparent quotation problem has not been repaired. The quotation attributed to 'Umar writes the words corresponding to "those," "those who have incurred wrath," and "those who go astray" with unusual omissions of initial alifs. The English conveys the recoverable meaning; it cannot reproduce these orthographic or pronunciation differences.

[69] **Translator's note (L1652):** The chain names "'Alqamah ibn Masʿud" as supplied; this appears to conflate or omit names, but it has not been corrected. The quotation includes "and by what created," although the following context treats the reported reading as abrogated because of the addition of those words in other transmissions. This apparent quotation error has been preserved.

[70] **Qur'an references (L1645):** Qur'an 50:19 (Qaf); Qur'an 92:1 (Al-Layl); Qur'an 92:2 (Al-Layl); Qur'an 92:3 (Al-Layl).

and the reading of Ibn ʿAmir, transmitted with a chain to Abu al-Darda', from the Messenger of Allah ﷺ, both contain: {And that which created the male and the female}. This is an addition that may not be omitted. Yunus ibn ʿAbd Allah ibn Mughith, the judge, informed us, saying: Yahya ibn Malik ibn ʿAbid al-Turtushi related to us; al-Hasan ibn Ahmad ibn Abi Khalifah informed us; Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi informed us; Ibrahim ibn Abi Dawud related to us; Hafs ibn ʿUmar al-Hawdi related to us; Ayyub al-Sakhtiyani related to us, from Abu Qilabah, from Anas ibn Malik, who said: They disagreed over the readings during the time of ʿUthman ibn ʿAffan, until the boys and the teachers fought one another. This reached ʿUthman, who said: In my presence you deny it and disagree over it; those farther away from me must be more vehement in denial and more frequent in faulty recitation. O Companions of Muhammed, assemble and write it out for the people. He said: So they wrote it out. He said: He related to me that whenever they discussed a verse with one another, they would say: The Messenger of Allah ﷺ taught so-and-so to recite this. They would send for him, though he was three days' journey from Medina, and ask: How did the Messenger of Allah ﷺ teach you to recite it? He would say: In such-and-such a way. They would then write it down, having left a space for it. Abu Muhammed said: This describes what ʿUthman, may Allah be pleased with him, did in the presence of the Companions, may Allah be pleased with them, in copying the Quran codices and burning those of them that he burned, containing alterations made deliberately or by mistake. It is astonishing that a large body of our opponents, namely the Malikis, have an authentically transmitted report from their master, which al-Muhallab ibn Abi Sufrah al-Asadi al-Tamimi related to us. He said: Ibn Munas related to us; Ibn Masrur related to us; Yahya related to us; Yunus ibn ʿAbd al-Aʿla related to us; Ibn Wahb related to us: Ibn Anas related to me, saying: ʿAbd Allah ibn Masʿud taught a man to recite: {Indeed, the tree of Zaqqum * is the food of the sinful}. The man kept saying: The food of the orphan. Ibn Masʿud therefore said to him: The food of the wicked. Ibn Wahb said: I said to Malik: Do you consider that one may recite it in this way? He said: Yes, I consider that permissible. Malik was then asked: Do you consider that one may recite something like what ʿUmar ibn al-Khattab recited: 'Then proceed to the remembrance of Allah'? Said

الأسدي التميمي، قال ابن مناس: نا ابن مسرور، نا يحيى، نا يونس بن عبد الأعلى، نا ابن وهب، حدثني ابن أنس قال أقرأ عبد الله بن مسعود رجلا {إن شجرة لزقوم * طعام لأثيم} فجعل الرجل يقول طعام اليتيم فقال له ابن مسعود: طعام الفاجر. قال ابن وهب: قلت لمالك: أترى أن يقرأ كذلك؟ قال: نعم أرى ذلك واسعا فقيل لمالك: أفترى أن يقرأ بمثل ما قرأ عمر بن الخطاب فامضوا إلى ذكر الله قال مالك ذلك جائز قال رسول الله صلى الله عليه وسلم أنزل القرآن على سبعة أحرف فاقرؤوا منه ما تيسر مثل: تعلمون يعلمون، قال مالك: لا أرى في اختلافهم في مثل هذا بأسا، ولقد كان الناس ولهم مصاحف، والستة الذين أوصى لهم عمر بن الخطاب كانت لهم مصاحف. قال أبو محمد: فكيف يقولون مثل هذا؟ أيجيزون القراءة هكذا فلعمري لقد هلكوا وأهلكوا، وأطلقوا كل بائقة في القرآن أو يمنعون من هذا، فيخالفون صاحبهم في أعظم الأشياء وهذا إسناد عنه في غاية الصحة وهو مما أخطأ فيه مالك مما لم يتدبره، لكن قاصدا إلى الخير، ولو أن أمرا ثبت على هذا وجازه بعد التنبيه له على ما فيه، وقيام حجة الله تعالى عليه في ورود القرآن بخلاف هذا لكان كافرا، ونعوذ بالله من الضلال. قال أبو محمد: فبطل ما قالوه في الإجماع بأوضع بيان والحمد لله رب العالمين

Malik: That is permissible. The Messenger of Allah ﷺ said: 'The Quran was sent down in seven forms of recitation (ahruf), so recite whatever of it is easy,' such as 'you know' and 'they know.' Malik said: I see no harm in their differing over something like this. People indeed had Quran codices, and the six men for whom 'Umar ibn al-Khattab made testamentary provision had Quran codices. Abu Muhammed said: How, then, can they say something like this? Do they permit recitation in this way? By my life, they have indeed perished, caused others to perish, and given free rein to every outrage against the Quran! Or do they prohibit this, thereby opposing their master in the gravest of matters? This chain of transmission from him is of the highest authenticity. This is among Malik's errors, among the things he did not consider carefully, though he intended good. If a man persisted in this and permitted it after his attention had been drawn to what it entails, and after Allah Most High's proof had been established against him that the Quran has come down otherwise, he would be an unbeliever. We seek refuge in Allah from misguidance. Abu Muhammed said: Thus what they said concerning

consensus has been invalidated by the plainest exposition. Praise be to Allah, Lord of all worlds.[717273]

L1656 **[Chapter concerning those who say that whatever is not known to be disputed constitutes consensus, and an extended discussion of what constitutes consensus and what does not]**

L1657–1661 Abu Muhammed said: We have previously mentioned the two categories of consensus, apart from which there is absolutely no consensus in the world. They are: either something without belief in which a person cannot be a Muslim, such as testifying that there is no god but Allah and that Muhammed is the Messenger of Allah, and disavowing every religion that contradicts the religion of Islam; likewise the Quran as a whole, the five prayers, and fasting the month of Ramadan. For no believer nor unbeliever doubts that the Messenger of Allah ﷺ called people to this testimony, accorded the designation of Islam and its legal status to whoever responded to his call to

[71] **Translator's note (L1653):** The opening dual pronoun, literally 'the two,' refers back to the preceding discussion of transmitted readings. The preceding context as supplied already includes 'and that which created the male and the female,' which makes the claim that these words are an addition to the earlier reading appear inconsistent. The supplied quotation has been retained. The wording فما تأبى عني is obscure and appears corrupt. 'Those farther away from me' is a contextual interpretation. 'Three days' journey' interprets the elliptical phrase 'at three from Medina'; the unit of distance or travel time is not stated. The Quran quotations have irregularly transcribed definite articles in لذكر, لزقوم, and لأثيم. They have been understood as 'the male,' 'Zaqqum,' and 'the sinful,' respectively.

[72] **Translator's note (L1654):** 'Then proceed' preserves the reported variant فامضوا; it has not been replaced with the familiar Quran wording فاسعوا, 'then hasten.' The final reporting formula continues into the next unit with the speaker's name, Malik.

[73] **Translator's note (L1655):** The examples 'you know' and 'they know' follow the prophetic quotation without explicit punctuation in the Arabic; their exact attribution is unclear. The supplied أمرا appears to be a defective spelling of امرأ, 'a man,' which is the reading reflected in the translation. The supplied بأوضع بيان literally suggests 'by the lowest exposition.' 'By the plainest exposition' reflects the likely intended بأوضح بيان; the apparent transcription error is flagged here rather than left unacknowledged.

[فصل فيمن قال ما لا يعرف فيه خلاف فهو إجماع، وبسط الكلام فيما هو إجماع، وفيما ليس إجماعا]

قال أبو محمد: قد ذكرنا قبل قسمي الإجماع الذي لا إجماع في العالم غيرهما أصلا، وهما: إما شيء لا يكون مسلما من لا يعتقده، كشهادة أن لا إله إلا الله وأن محمدا رسول الله، والبراءة من كل دين يخالف دين الإسلام، كجملة القرآن وكالصلوات الخمس وصوم شهر رمضان. فإنه لا يشك مؤمن ولا كافر في أن رسول الله صلى الله عليه وسلم دعا الناس إلى هذه الشهادة وحكم باسم الإسلام وحكمه لمن أجابه إليها، وحكم باسم الكفر وحكمه لمن لم يجبه إليه، وأن أهل الإسلام بعده عليه السلام جروا على هذا إلى يومنا هذا ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم صلى الصلوات الخمس بكل من حضره خمس مرات كل يوم وليلة، وصلاها النساء وأهل العذر في البيوت كذلك، وصلاها أهل كل محلة، وأهل كل قرية، وأهل كل محلة في كل مدينة فيها إسلام، في كل يوم من عهده عليه السلام إلى يومنا هذا، لا يختلفون في ذلك، وكذلك الأذان والإقامة والغسل من الجنابة والوضوء ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم صام شهر رمضان الذي بين شوال وشعبان في كل عام، وصامه كل مسلم بالغ حاضر من رجل أو امرأة معه وفي زمانه وبعده في كل مكان، وفي كل عام إلى يومنا هذا ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم حج إلى مكة في ذي الحجة وحج معه من لا يحصي عددهم إلا خالقهم عز وجل، ثم حج الناس إلى يومنا هذا كل عام إلى مكة في ذي الحجة. وهكذا جملة القرآن لا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم أتى به وذكر أن الله تعالى أوحاه

it, and accorded the designation of unbelief and its legal status to whoever did not respond to his call to it; and that the people of Islam after him, peace be upon him, have continued upon this until our present day. No believer or unbeliever doubts that he ﷺ performed the five prayers with everyone present with him, five times every day and night; that women and those with an excuse likewise performed them in their homes; and that the people of every locality, the people of every village, and the people of every quarter in every city in which Islam exists have performed them every day, from his time, peace be upon him, until our present day, without differing over this. The same applies to the call to prayer, the announcement that prayer is commencing, the full ritual washing following major ritual impurity, and ritual ablution No believer or unbeliever doubts that he ﷺ fasted the month of Ramadan, which lies between Shawwal and Shaʿban, every year; and that every adult Muslim who was resident, whether man or woman, fasted it with him, during his time and after him, in every place and every year until our present day. No believer or unbeliever doubts that he ﷺ made the pilgrimage to Mecca in Dhu al-Hijjah, and that people whose number none but their Creator, mighty and majestic, can count made the pilgrimage with him; then people continued making the pilgrimage to Mecca every year in Dhu al-Hijjah until our present day. The same applies to the Quran as a whole: no believer or unbeliever doubts that he ﷺ brought it and stated that Allah Most High had revealed it to him. The same applies to the prohibition of the mother, daughter, grandmother, maternal aunt, paternal aunt, sister, sister's daughter, brother's daughter, swine, carrion, and much besides this. Every believer and unbeliever therefore knows with certainty that he ﷺ made this known and taught it to the Muslims, and that Muslims have known it, generation after generation, in every age and every place, with certainty, except those whose ignorance is extreme and whom this has not reached, whether a Bedouin or someone brought from among the unbelievers. There is no disagreement that, if he learns it and assents to it, he is a Muslim, and if he does not assent to it, he is not a Muslim. Among some matters of this kind are things concerning which disagreement arose after consensus upon them had been soundly established and known with certainty, such as wine, armed religious struggle, and other things. Some people have held that one

إليه وكذلك تحريم الأم والابنة والجدة والخالة والعمة والأخت وبنت الأخت وبنت الأخ، والخنزير والميتة وكثير سوى هذا فقطع كل مؤمن وكافر أنه صلى الله عليه وسلم وقف عليه وعلمه المسلمين وعلمه المسلمون جيلا في كل زمان وكل مكان قطعا، إلا من أفرط جهله ولم يبلغه ذلك من بدوي أو مجلوب من أهل الكفر. ولا يختلف في أنه إذا علمه فأجاب إليه فهو مسلم، وإن لم يجب إليه فليس مسلما، وأن في بعض ما جرى هذا المجرى أمورا حدث فيها خلاف بعد صحة الإجماع وتيقنه عليها، كالخمر والجهاد وغير ذلك، فإن بعض الناس رأى ألا يجاهد مع أئمة الجور. وهذا يعذر لجهله وخطأه ما لم تقم عليه الحجة، فإن قامت عليه الحجة وتمادى على التدين بخلاف رسول الله صلى الله عليه وسلم فهو كافر مشرك حلال الدم والمال لقوله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} فإن قيل فقد قال رسول الله صلى الله عليه وسلم لا يزني الزاني حين يزني وهو مؤمن ولا يسرق السارق حين يسرق وهو مؤمن، ولا يشرب الخمر حين يشربها وهو مؤمن فهلا أخرجتم بهذه الأشياء من الإيمان كما أخرجتم من الإيمان بوجود الحرج مما قضى صلى الله عليه وسلم وترك تحكيمه قلنا لأنه صلى الله عليه وسلم أتى بالزاني والسارق والشارب فحكم فيهم بالحكم في المسلمين لا بحكم الكافر فخرجوا بذلك من الكفر، وبقي من لم يأت بإخراجه عن الكفر على الكفر، والخروج عن الإيمان كما ورد فيه النص، فهذا أحد قسمي الإجماع.

should not engage in armed religious struggle under unjust rulers. Such a person is excused on account of his ignorance and error so long as there has not been established against him the proof. If the proof has been established against him and he persists in professing a religious position contrary to the Messenger of Allah ﷺ, he is an unbeliever and a polytheist whose blood and property are lawful to take, because of His saying, Most High: {But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, then find within themselves no distress at what you have decided, and submit in full submission}. If it is said: The Messenger of Allah ﷺ said: 'The fornicator does not commit fornication while being a believer at the time he commits it; the thief does not steal while being a believer at the time he steals; and he does not drink wine while being a believer at the time he drinks it.' Why, then, have you not excluded people from faith on account of these things, just as you have excluded them from faith on account of finding distress at what he ﷺ decided and failing to make him judge? We say: Because the fornicator, thief, and drinker were brought before him ﷺ, and he passed judgment upon them according to the ruling applicable to Muslims, rather than the ruling applicable to an unbeliever. They were thereby excluded from unbelief, while whoever he did not exclude from unbelief remained in unbelief and outside faith, as the text states concerning him. This, then, is one of the two categories of consensus.[74][75][76][77]

والثاني: شيء يوقن بالنقل المتصل الثابت أن رسول الله صلى الله عليه وسلم علمه وفعله جميع من بحضرته ومن كان مستضعفا أو غائبا بغير حضرته، كفتح خيبر وإعطائه إياها بعد قسمتها على المسلمين لليهود على أن يعملوها بأموالهم وأنفسهم، ولهم نصف ما يخرج منها من زرع أو تمر، على أن المسلمين يخرجونهم متى شاؤوا. وهكذا كل ما جاء هذا المجيء، فهو إجماع مقطوع على صحته من كل مسلم علمه أو بلغه، على أنه قد خالف في هذا بعد ذلك من وهم أو خطأ، فعذر لجهله ما لم تقم عليه الحجة، وكما ذكرنا قبل ولا فرق فلا إجماع في الإسلام إلا ما جاء هذا المجيء، ومن ادعى

L1662–1667 The second is something known with certainty, through established, uninterrupted transmission, to have been taught by the Messenger of Allah ﷺ and put into practice by everyone in his presence, as well as those who were oppressed or absent from his presence. An example is the conquest of Khay-

[74] **Translator's note (L1659):** The prohibited female relatives are listed without explicitly saying 'marriage to'; the elliptical list is preserved. The supplied علمه المسلمون جيلا is syntactically awkward. 'Muslims have known it, generation after generation' reflects the apparent intended sense without treating the transmitted wording as unproblematic.

[75] **Translator's note (L1660):** The unvocalized أتى has been understood as the passive 'were brought before,' as required by the evident context.

[76] **Hadith references (L1657):** Sahih Muslim 57a.

[77] **Qur'an references (L1657):** Qur'an 4:65 (An-Nisa).

bar and his handing it over to the Jews, after dividing it among the Muslims, on condition that they cultivate it with their own property and labor and receive half of whatever crops or dates it produces, with the stipulation that the Muslims could expel them whenever they wished. Everything transmitted in this manner likewise constitutes a consensus whose validity is definitively established on the part of every Muslim who knew of it or to whom it reached. Nevertheless, someone who was mistaken or in error subsequently disagreed about this and was excused on account of his ignorance, so long as the proof had not been established against him, just as we mentioned previously; there is no difference. There is therefore no consensus in Islam except what comes in this manner. Whoever claims a consensus concerning anything other than what we have mentioned is a liar, a deceiver, fabricating accusations against all Muslims and attributing to them something of which he has no knowledge. The Exalted has said: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about it.} The Exalted has also said, censuring people who said: {And when it was said, "Indeed, Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know what the Hour is. We merely conjecture, and we possess no certainty."} The Exalted has said: {They are only names that you and your fathers have named, for which Allah has sent down no authority. They follow only conjecture and what their souls desire, although guidance has certainly come to them from their Lord.} And the Exalted has said: {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} Thus it is established by the explicit wording of the speech of Allah the Exalted, from which no Muslim turns away, that conjecture is other than the truth. Since it is other than the truth, it is undoubtedly falsehood and a lie, for there is no possibility of a third category. The Messenger of Allah ﷺ said: "Beware of conjecture, for conjecture is the most lying form of speech." Abu Muhammed said: This is the truth that whoever hears it cannot deflect. Then, after the fourth century, a faction arose that cared little about what its tongues uttered concerning the religion of Allah the Exalted and gave no thought to what it reported concerning Allah, Mighty and Majestic, His Messenger ﷺ, or all Muslims, confining itself to the uncritical imitation of those who could

إجماعا فيما عدا ما ذكرنا فهو كاذب آفك مفتر على جميع المسلمين، قائل عليهم ما لا علم له به وقد قال تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وقال تعالى ذاما لقوم قالوا {وإذا قيل إن وعد الله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال تعالى: {إن هي إلا أسمآء سميتموها أنتم وآبآؤكم ما أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} فصح بنص كلام الله تعالى الذي لا يعرض عنه مسلم أن الظن هو غير الحق وإذ هو غير الحق فهو باطل وكذب بلا شك إذ لا سبيل إلى قسم ثالث وقال رسول الله صلى الله عليه وسلم إياكم والظن فإن الظن أكذب الحديث قال أبو محمد: فهذا هو الحق الذي لا يحيل عليه من سمعه، ثم حدث بعد القرن الرابع طائفة قلت مبالاتها بما تطلق به ألسنتها في دين الله تعالى، ولم تفكر فيما تخبر به عن الله عز وجل ولا عن رسوله صلى الله عليه وسلم ولا عن جميع المسلمين قصرا لتقليد من لا يغني عنهم من الله شيئا، من أبي حنيفة ومالك والشافعي رحمهم الله، الذين قد برئوا إليهم عما هم عليه من التقليد، فصاروا إذا أعوزهم شغب ينصرون به فاحش خطأهم في خلافهم نص القرآن ونص حكم رسول الله صلى الله عليه وسلم وبلحوا وبلدوا ونطحت أظفارهم في الصفا الصلد أرسلوها إرسالا فقالوا: هذا إجماع، فإذا قيل لهم: كيف تقدمون على إضافة الإجماع إلى من لم يروا عنه في ذلك كله؟ أما تتقون الله؟ قال أكابرهم: كل ما انتشر في العلماء واشتهر ممن قالته طائفة منهم، ولم يأت على سائر خلاف له، فهو إجماع منهم لأنهم أهل الفضل والذين أمر الله تعالى بطاعتهم، فمن المحال أن يسمعوا ما ينكرونه ولا ينكرونه، فصح أنهم راضون به، هذا كل ما موهوا به ما لهم متعلق

avail it nothing against Allah: Abu Hanifah, Malik, and al-Shafi'i—may Allah have mercy on them—who had expressly disavowed to these followers the uncritical imitation they practiced. Thus, whenever they lacked contentious argument with which to defend their egregious error in opposing the explicit wording of the Quran and the explicit ruling of the Messenger of Allah ﷺ, and were exhausted and bewildered, their fingernails striking against hard, smooth rock, they let the assertion fly unchecked and said: "This is a consensus." When they were asked, "How do you dare attribute consensus to people from whom you have transmitted nothing concerning any of this? Do you not fear Allah?" their leading figures said: "Anything that has spread among the scholars and become well known, having been stated by a group of them, and for which no disagreement has been reported from the remainder, constitutes their consensus. For they are people of merit and those whom Allah the Exalted has commanded us to obey. It is impossible that they should hear something they disapprove of without expressing their disapproval. It is therefore established that they approve of it." This is the whole of their deceptive argument; they have absolutely nothing else to cling to. That this is deception on their part is established by clear demonstrations containing no obscurity, which we shall present, if Allah, Mighty and Majestic, wills; His assistance we seek. Abu Muhammed said: The first thing we ask you is this: "Concerning this matter in which you know of no disagreement, is it possible that there is a dissenting view from a Companion, a Successor, or a scholar after them that has not reached you, or is that altogether impossible?" If they then say, "If a scholar makes this statement, it constitutes a consensus; if someone who is not a scholar makes it, it does not constitute a consensus," we say to them: "You have retreated one step, and our question still applies to that scholar, as appropriate to his case, exactly as we posed it." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about it might exist." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about

أصلا بغير هذا، وهذا تمويه منهم ببراهين ظاهرة لا خفاء بها، نوردها إن شاء الله عز وجل وبه نستعين. قال أبو محمد: أول ما نسألكم عنه أن نقول لكم، هذا لا تعلمون فيه خلافا، أيمكن أن يكون فيه خلاف من صاحب أو تابع أو عالم بعدهم لم يبلغكم أم لا يمكن ذلك البتة؟ فإن قالوا عند ذلك: إن قال هذا القول عالم كان ذلك إجماعا، وإن قاله غير عالم لم يكن ذلك إجماعا. قلنا لهم: قد نزلتم درجة وسؤالنا باق لذلك العالم بحسبه، كما أوردناه سواء بسواء، فإن قالوا: بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل لا يمكن أن يكون في ذلك خلاف. قلنا: ومن أين لكم بأن ذلك العالم أحاط بجميع أقوال أهل الإسلام؟ ونحن نبدأ لكم بالصحابة رضي الله عنهم فنقول: بالضرورة ندري يقينا لا مرية فيه بأنهم كانوا عشرات ألوف فقد غزا صلى الله عليه وسلم حنينا في اثني عشر ألف إنسان وغزا تبوك في أكثر من ذلك، وحج حجة الوداع في أضعاف ذلك، ووفد عليه من كل بطن من بطون قبائل العرب وفودا أسلموا وسألوه عن الدين، وأقرأهم القرآن، وصلوا معه، كلهم يقع عليه اسم الصحابة. ولقد تقصينا من روى عنه فتيا في مسألة واحدة فأكثر، فلم نجدهم إلا مائة وثلاثة وخمسين، بين رجل وامرأة فقط، مع شدة طلبنا في ذلك وتهممنا وليس منهم مكثرون إلا سبعة فقط وهم: عمر وابنه عبد الله، وعلي وابن عباس وابن مسعود وأم

it might exist." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about it might exist." If they say, "Rather, it is impossible that there is any disagreement concerning this," we say: "How do you know that this scholar has encompassed all the statements of the people of Islam?" We shall begin for you with the Companions—may Allah be pleased with them—and say: We know necessarily, with a certainty admitting no doubt, that they numbered tens of thousands. He ﷺ campaigned at Hunayn with twelve thousand people, campaigned at Tabuk with more than that, and performed the Farewell Pilgrimage with several times that number. Delegations came to him from every subdivision of the Arab tribes; they embraced Islam, asked him about the religion, received instruction from him in reciting the Quran, and prayed with him. All of them fall under the designation of Companions. We have exhaustively investigated those from whom a legal opinion on one or more questions has been transmitted, and we have found only one hundred and fifty-three men and women, despite our intense search and attention to this matter. Of these, only seven gave a large number of legal opinions: ʻUmar, his son ʻAbd Allah, ʻAli, Ibn ʻAbbas, Ibn Masʻud, the Mother of the Believers ʻA'ishah, and Zayd

المؤمنين عائشة وزيد بن ثابت، والمتوسطون فهم ثلاثة عشر فقط، يمكن أن يوجد في فتيا كل واحد منهم جزء صغير.

ibn Thabit. Those who gave a moderate number are only thirteen; the legal opinions of each one of them could fill a small fascicle[7879808182]

L1668 Thus these number only twenty. The remainder gave very few: from some of them only a legal opinion on a single question has been transmitted, from others opinions on two questions or more. The legal opinions of all of them together would fill a single fascicle closer to small than large. Do you then suppose that all the others gave no legal opinion on even a single question? This, by Allah, is sheer lying, falsehood, and brazen fabrication. Then there is what Allah the Exalted has explicitly stated in His Quran: that groups of jinn embraced Islam. He said: {Say: It has been revealed to me that a company of jinn listened and said, "We have heard a wondrous Quran, which guides to right conduct, so we have believed in it, and we shall never associate anyone with our Lord."} The Exalted also said, reporting that they said: {Among us are the righteous, and among us are those otherwise; we have followed

فهؤلاء عشرون فقط، والباقون مقلون جدا، فيهم من لم يرو عنه إلا فتيا في مسألة واحدة فقط، ومنهم في مسألتين وأكثر من ذلك، يجتمع من فتيا جميعهم جزء واحد، هو إلى أصغر أقرب منه الكبر، أفترى سائرهم لم يفت ولا مسألة إلا هذا والله هو الكذب البحت والإفك والبهت، ثم ما قد نص الله تعالى في قرآنه من أن طوائف من الجن أسلموا قال {قل أوحي إلي أنه ستمع نفر من لجن فقالوا إنا سمعنا قرآنا عجبا * يهدي إلى لرشد فآمنا به ولن نشرك بربنآ أحدا} وقال تعالى حاكيا عنهم أنهم قالوا {وأنا منا لصالحون ومنا دون ذلك كنا طرآئق قددا} وأنهم قالوا {وأنا منا لمسلمون ومنا لقاسطون فمن أسلم فأولئك تحروا رشدا}

[78] **Translator's note (L1662):** The Quranic quotations contain recurrent omissions of alifs in words and articles. Their wording remains identifiable, and the English reflects that wording. In the quotation about the Hour, the supplied introductory wording says that Allah censures people 'who said,' although the quotation itself begins with what was said to them; this framing is preserved.

[79] **Translator's note (L1663):** The phrase 'cannot deflect' renders the unusual expression la yuhilu ʿalayhi. Its precise force here is uncertain; the context suggests that the hearer cannot evade or overturn this truth. The construction rendered 'confining itself to the uncritical imitation' is compressed in the Arabic and could also convey doing this solely for the sake of such imitation.

[80] **Translator's note (L1665):** The image of fingernails striking hard, smooth rock expresses the futility of their efforts; the physical image is retained. The wording rendered 'for which no disagreement has been reported from the remainder' is syntactically irregular in the supplied Arabic. This translation gives its apparent contextual sense without treating the reading as secure. The unvocalized verb in 'from whom you have transmitted nothing' is understood as referring to transmission, as the surrounding argument requires.

[81] **Translator's note (L1666):** The same exchange about the possibility of unreported disagreement occurs three times in succession in the supplied text. All three occurrences are preserved.

[82] **Qur'an references (L1662):** Qur'an 17:36 (Al-Isra); Qur'an 45:32 (Al-Jathiyah); Qur'an 53:23 (An-Najm); Qur'an 53:28 (An-Najm).

divergent ways.} And that they said: {Among us are those who submit, and among us are the unjust. Those who submit have sought right conduct.}[83][84]

L1669 It is also authentically established from the Prophet ﷺ that he reported that a delegation of jinn came to him, embraced Islam, pledged allegiance to him, and were taught the Quran by him. It is therefore established that among them are righteous, rightly guided Muslims who belong to the finest of the Companions. No Muslim denies this; whoever denies it has disbelieved, and his blood becomes lawful to shed. You people! Suppose you have dared to claim knowledge of the views of tens of thousands of human Companions, although not a word from them has reached you concerning the matters on which you claim their consensus. Do you suppose you can dare to claim the consensus of those Companions among the jinn concerning what, on the basis of your lying conjecture, you claim to be a matter of consensus? If the unjust among the devils of the jinn have emboldened you to do this, and you have submitted to them, the disgrace of your lying will surely be redoubled, and your falsehood will become plain to everyone, young and old. If, on the other hand, something restrains you from doing so, your claim of consensus will surely be invalidated. There is no escape from this, for, like the rest of the Companions, they are believers subject to commands and prohibitions, given promises and warnings; there is no difference. If they say, "Their revealed laws differ from our revealed laws," we say: "You have lied. Rather, our revealed laws and theirs are the same, because Allah the Exalted has affirmed the truth of their statement: {Among us are those who submit, and among us are the unjust. Those who submit have sought right conduct.} Islam is one, except where an authentic text establishes that a particular provision applies specifically to them, just as particular provisions also apply specifically to groups of human beings, such as Quraysh with respect to supreme leadership,

وصح عن النبي صلى الله عليه وسلم بأنه أخبر بأن وفدا من الجن أتوه وأسلموا وبايعوه وعلمهم القرآن، فصح أن منهم مسلمين صالحين راشدين من خيار الصحابة، هذا لا ينكره مسلم، ومن أنكره كفر وحل دمه، فيا هؤلاء هبكم جسرتم على دعوى العلم بقول عشرات ألوف من الناس من الصحابة وإن لم يبلغكم عنهم فيما ادعيتم إجماعهم عليه كلمة أتراكم يمكنكم الجسر على دعوى إجماع أولئك الصحابة من الجن على ما تدعون بظنكم الكاذب الإجماع عليه، لئن أقدمكم على ذلك القاسطون من شياطين الجن فانقدتم لهم لتضاعفن فضيحة كذبكم وليلوحن إفككم لكل صغير وكبير، ولئن ردعكم عن ذلك رادع ليبطلن دعواكم الإجماع. وهذا لا مخلص منه، فإنهم كسائر الصحابة، مأمورون منهيون، مؤمنون موعودون متوعدون، ولا فرق. فإن قالوا: إن شرائعهم غير شرائعنا قلنا: كذبتم، بل شرائعنا وشرائعهم سواء لتصديق الله تعالى لهم في قولهم {وأنا منا لمسلمون ومنا لقاسطون فمن أسلم فأولئك تحروا رشدا} والإسلام واحدا إلا ما جاء به نص صحيح بأنهم خصوا به، كما خصوا أيضا طوائف من الناس كقريش بالإمامة، وبني عبد المطلب بالخمس من الخمس، ونحو ذلك.

[83] **Translator's note (L1668):** The phrase rendered 'closer to small than large' is grammatically defective in the supplied text, but its intended comparison is apparent.

[84] **Qur'an references (L1668):** Qur'an 72:1 (Al-Jinn); Qur'an 72:2 (Al-Jinn); Qur'an 72:11 (Al-Jinn); Qur'an 72:14 (Al-Jinn).

the descendants of ʻAbd al-Muttalib with respect to a fifth of the fifth, and similar cases."[85][86]

L1670–1671

Then the age of the Companions—may Allah be pleased with them—passed, and the age of the Successors came. They filled the earth: the lands of Khurasan, comprising many great cities and villages that none but their Creator, mighty and majestic, can number; Kabul; Persia; Isfahan; al-Ahwaz; al-Jibal; Kirman; Sijistan; Makran; the lands of the Blacks; Iraq; Mosul; al-Jazira; Diyar Rabiʻa; Armenia; Azerbaijan; the Hijaz; Yemen; Syria; Egypt; the islands; Ifriqiya; the lands of the Berbers; and the land of al-Andalus. There was no large village among them without someone issuing legal opinions, and no city without people issuing legal opinions. So who is the ignorant man of little shame who claims to have enumerated the opinions of every person issuing legal opinions throughout all these lands, from the time they began issuing them until they died? Everyone necessarily knows that he is a liar, a fabricator, weak in religion and lacking in shame. Thus the claim of consensus is invalid, just as every alleged impossibility is invalid, except solely in the cases we mentioned previously. If they say, "A person merely says, 'This is consensus in my estimation,'" we reply: This statement of his amounts to no statement at all. For if it is consensus in his estimation but is not consensus in someone else's estimation, it is impossible for something simultaneously to be agreed upon and not agreed upon. Furthermore, his statement, "This is consensus in my estimation," is invalid because he is forbidden to assert his conjecture categorically. His statement means only that he conjectures there is consensus. Discussion of the prohibition against making categorical assertions on the basis of conjecture has already preceded. Allah Most High said, "When you receive it with your tongues and say with your mouths that of which you have no knowledge, and consider it a slight matter, while with Allah it is tremendous"—the verse. And He Most High said, "Here you are: you have disputed concerning that of which you have knowledge; why, then, do you dispute concerning that of which you have no knowledge? Al-

ثم انقضى عصر الصحابة رضي الله عنهم، وأتى عصر التابعين، فملؤوا الأرض بلاد خراسان وهي مدن عظيمة كثيرة وقرى لا يحصيها إلا خالقها عز وجل، وكابل، وفارس، وأصبهان، والأهواز، والجبال وكرمان وسجستان ومكران، والسودان، والعراق، والموصل، والجزيرة وديار ربيعة وأرمينية وأذربيجان والحجاز واليمن والشام، ومصر والجزائر وإفريقية وبلاد البربر، وأرض الأندلس ليس فيها قرية كبيرة إلا وفيها من يفتي، ولا فيها مدينة إلا وفيها مفتون، فمن الجاهل القليل الحياء المدعي إحصاء أقوال كل مفتي في جميع هذه البلاد، مذ أفتوا إلى أن ماتوا؟ إن كل واحد يعلم ضرورة أنه كذاب آفك ضعيف الدين، قليل الحياء فبطل دعوى الإجماع كما بطل كل محال مدعي إلا حيث ذكرنا قبل فقط. فإن قالوا: إنما يقول المرء: هذا إجماع عندي فقط، قلنا: قوله هذا كلا قول لأن الإجماع عنده إذا لم يكن إجماعا عند غيره، فمن الباطل أن يكون الشيء مجمعا عليه عند غير مجمع عليه معا. وأيضا فإن قوله: هذا إجماع عندي باطل لأنه منهي عن القطع بظنه، فمعنى قوله هذا إنما هو أنه يظن إجماع، وقد مضى الكلام في المنع من القطع بالظن، وقال تعالى: {إذ تلقونه بألسنتكم وتقولون بأفواهكم ما ليس لكم به علم وتحسبونه هينا وهو عند الله عظيم} الآية وقال تعالى {هأنتم هؤلاء حاججتم فيما لكم به علم فلم تحآجون فيما ليس لكم به علم والله يعلم وأنتم لا تعلمون} وهذا مالك يقول في موطئه إذ ذكر وجوب رد اليمين على المدعي إذا نكل المدعى عليه ثم قال: هذا ما لا خوف فيه عن أحد من الناس ولا في بلد من البلدان. قال أبو محمد: وهذه عظيمة جدا، وإن القائلين بالمنع من رد اليمين أكثر من القائلين بردها. ونا أحمد بن محمد بن الجسور، نا وهب بن مسرة، نا ابن وضاح، نا سحنون، نا ابن القاسم قال: نا مالك: ليس كل أحد يعرف أن اليمين ترد ذكر هذا في كتاب السرقة من المدونة.

[85] **Translator's note (L1669):** The supplied accusative form in 'Islam is one' is syntactically irregular; the apparent sense is retained. 'A fifth of the fifth' refers to a share within the one-fifth allocation of spoils; the nested fraction is preserved exactly as stated.

[86] **Qur'an references (L1669):** Qur'an 72:14 (Al-Jinn).

lah knows, and you do not know." Here is Malik, speaking in his Muwattaʾ when he mentions the obligation to transfer the oath to the claimant if the defendant declines to swear. He then says, "This is something concerning which there is no fear from anyone among the people, nor in any land." Abu Muhammed said: This is an exceedingly grave matter. Those who maintain that the oath must not be transferred are more numerous than those who maintain that it should be transferred. Ahmad ibn Muhammed ibn al-Jasur related to us; Wahb ibn Masarra related to us; Ibn Waddah related to us; Sahnun related to us; Ibn al-Qasim related to us, saying: Malik related to us, "Not everyone knows that the oath is transferred." He mentioned this in the Book of Theft in al-Mudawwana.[87][88][89]

L1672–1678 Here is al-Shafiʿi saying concerning the obligatory alms on cattle: "For thirty, a yearling calf; for forty, a two-year-old cow. I know of no disagreement concerning this." Yet disagreement on this matter transmitted from Jabir ibn ʿAbd Allah, Saʿid ibn al-Musayyab, Qatada, and Ibn al-Zubayr's officials in Medina, and then from Ibrahim al-Nakhaʿi and Abu Hanifa, is far too well known for anyone who engages in learning to be ignorant of it. They have very many other instances like this. However, whoever says, "I know of no disagreement," has spoken truthfully about himself and incurs no blame. Distress, disgrace, and the Fire fall only upon the person who ventures to lie openly and claims consensus when he knows of no disagreement. They have claimed that there is consensus that shortening the prayer over a distance of less than forty-six miles is invalid. By Allah, those among the Companions and the Successors who maintain that the prayer may be shortened over less

هذا الشافعي يقول في زكاة البقر: في الثلاثين تبيع، وفي الأربعين مسنة لا أعلم فيه خلافا، وإن الخلاف في ذلك عن جابر بن عبد الله، وسعيد بن المسيب وقتادة، وعمال ابن الزبير بالمدينة، ثم عن إبراهيم النخعي، وعن أبي حنيفة: لأشهر من أن يجهله من يتعاطى العلم، إلى كثير لهم جدا من مثل هذا إلا من قال لا أعلم خلافا، فقد صدق عن نفسه، ولا ملامة عليه، وإنما البلبلة والعار والنار على من أقدم على الكذب جهارا، فادعى الإجماع إذ لم يعلم خلافا. وقد ادعوا أن الإجماع على أن القصر في أقل من ستة وأربعين ميلا غير صحيح وبالله إن القائلين من الصحابة والتابعين بالقصر في أقل من ذلك لأكثر أضعافا من القائلين منهم بالقصر في ستة وأربعين ميلا ولو لم يكن لهؤلاء الجهال الذين لا علم لهم بأقوال الصحابة والتابعين، إلا الروايات عن مالك بالقصر في ستة وثلاثين ميلا، وفي أربعين ميلا، وفي اثنين وأربعين ميلا، وفي خمسة وأربعين ميلا، ثم قوله: من تأول فأفطر في ثلاثة أميال في رمضان لا يجاوزها فلا شيء عليه إلا القضاء فقط. وادعوا الإجماع على أن دية اليهودي والنصراني تجب فيها ثلث دية المسلم لا أقل، وهذا باطل. روينا عن الحسن البصري بأصح طريق أن ديتهما كدية المجوسي ثمانمائة درهم، وادعوا الإجماع أنه يقبل في القتل شاهدان. وقد

[87] **Translator's note (L1670):** Al-Sudan literally means "the Blacks" and here denotes their lands. Al-Jazaʾir literally means "the islands"; identifying it with the modern state of Algeria would impose a later geographical usage.

[88] **Translator's note (L1671):** The wording "agreed upon and not agreed upon" corresponds to a syntactically defective Arabic phrase containing an apparently intrusive عند; the intended opposition remains apparent. The quotation attributed to Malik reads لا خوف, "no fear," rather than the contextually expected لا خلاف, "no disagreement." The supplied reading is retained. The two Quranic quotations correspond to 24:15 and 3:66. The transcription contains orthographic defects in the expressions for "with Allah" and "Allah knows"; these do not materially obscure their meaning.

[89] **Qur'an references (L1670):** Qur'an 24:15 (An-Nur); Qur'an 3:66 (Ali 'Imran).

than that distance are many times more numerous than those among them who maintain that it may be shortened over forty-six miles. Even if these ignorant men, who have no knowledge of the opinions of the Companions and the Successors, had nothing but the reports from Malik permitting shortening over thirty-six miles, forty miles, forty-two miles, and forty-five miles, and then his statement, "Whoever, on the basis of an interpretation, breaks his fast during Ramadan on a journey of three miles, going no farther, owes nothing except making up the fast alone"— They have also claimed consensus that the blood money for a Jew or a Christian must be one-third of the blood money for a Muslim, and no less. This is false. We have transmitted from al-Hasan al-Basri, through a most sound chain, that the blood money for either of them is like that for a Magian: eight hundred dirhams. They have claimed consensus that two witnesses are admissible in a homicide case, whereas we have transmitted from al-Hasan al-Basri, through a most sound chain, that no fewer than four are admissible in a homicide case, just as in unlawful sexual intercourse. They have very many instances like this, such as their claim of consensus that five camels are obligatory compensation for a wound exposing the bone, and very many other things. Indeed, we have brought against Abu Hanifa, al-Shafiʿi, and Malik many hundreds of questions on which each of them expressed an opinion that we know of no Muslim having expressed before him. Marvel at this! They then said: "We say this only when an opinion has spread among the people and no objection to it from any scholar has been preserved. Only then do we say that it is consensus, because of what we have mentioned: that they acquiesce in what they disapprove of. It is just as we say concerning the adherents of al-Shafiʿi's school, the adherents of Malik's school, and the adherents of Abu Hanifa's school, even if this has not been transmitted to us from a single one of them, and just as we say this concerning the inhabitants of lands in which specious doctrines, the Rejecters, Muʿtazilism, and the doctrine of the Kharijites, or the school of Malik, al-Shafiʿi, or Abu Hanifa have become predominant, even if this has not been transmitted to us from every individual inhabitant." We said to them: You have not escaped from this statement—which is enough for you—one of them in your book and its end, except by means of two lies additional to your lie in claiming consensus, whose con-

روينا عن الحسن البصري بأصح طريق: أنه لا يقبل في القتل إلا أربعة كالزنى، ومثل هذا لهم كثير جدا، كدعواهم الإجماع على وجوب خمس من الإبل في الموضحة، وغير ذلك كثير جدا، ولقد أخرجنا على أبي حنيفة والشافعي ومالك مئين كثيرة من المسائل، قال فيها كل واحد منهم بقول، لا نعلم أحدا من المسلمين قاله قبله، فاعجبوا لهذا. فقالوا: إنما نقول ذلك، إذا انتشر القول في الناس فلم يحفظ عن أحد من العلماء إنكار ذلك، فحينئذ نقول: إنه إجماع لما ذكرنا من أنهم يقرون على ما ينكرون كما نقول في أصحاب مذهب الشافعي وأصحاب مذهب مالك وأصحاب مذهب أبي حنيفة، وإن لم يرو لنا ذلك عن واحد منهم، وكما نقول ذلك في أهل البلاد التي غلبت عليها الشبه والروافض، والاعتزال ومذهب الخوارج، أو مذهب مالك، أو الشافعي أو أبي حنيفة، وإن لم يرو لنا ذلك عن كل واحد من أهلها. قلنا لهم: لم تخلصوا من هذا القول الذي هو حسبكم واحد منهم في كتابكم وآخرها إلا على كذبتين زائدتين على كذبكم في دعوى الإجماع، كنتم في غنى عن اختفائهما إحداهما: قولكم إنكم تقولون ذلك إذا انتشر قول طائفة من الصحابة أو من بعدهم فقالوا ههنا: فمن هذا نسألكم من أين علمتم بانتشار ذلك القول؟ ومن أين قطعتم بأنه لم يبق صاحب من الجن والإنس إلا علمه؟ ولا يفتي في شرق الأرض ولا غربها عالم إلا وقد بلغه ذلك القول؟ فهذه أعجوبة ثانية، وسوأة من السوءات لا يجيزها إلا ممخرق يريد أن يطبق عين الشمس نصرا لتقليده، وتمشية لمقولته المنحلة عما قريب، ثم يندب حين لا تنفعها الندامة. والكذبة الأخرى قولكم: فلم ينكروها؟ فحتى لو صح لكم أنهم كلهم علموها، فمن أين قطعتم بأنهم لم ينكروها، وأنهم رضوها؟ وهذه طامة أخرى. ونحن نوجدكم أنهم قد علموا ما أنكروا، وسكنوا عن إنكاره لبعض الأمر. نا يحيى بن عبد الرحمن بن مسعود، نا أحمد بن دحيم بن خليل، نا إبراهيم بن حمادة نا إسماعيل بن إسحاق القاضي، نا علي بن عبد الله هو ابن المديني نا يعقوب بن إبراهيم بن سعد، نا أبي عن محمد بن

cealment you could have done without. The first is your statement that you say this when the opinion of a group of the Companions or those after them has spread. They then spoke here; on this basis we ask you: How did you know that this opinion had spread? How did you establish categorically that not a single Companion among jinn or humans remained without knowing it, and that no scholar issuing legal opinions in the east or west of the earth had failed to receive that opinion? This is a second marvel and one of the disgraces that none would countenance except a charlatan who wishes to shut the very eye of the sun in support of his uncritical adherence and to promote his position, which will soon unravel; then he will lament when regret for it is of no avail. The other lie is your statement, "They did not object to it." Even supposing it were established for you that they all knew of it, how did you establish categorically that they did not object to it and that they approved of it? This is another calamity. We shall show you that they knew of things they disapproved of, yet refrained from objecting to them for some reason. Yahya ibn ʿAbd al-Rahman ibn Masʿud related to us; Ahmad ibn Duhaym ibn Khalil related to us; Ibrahim ibn Hamada related to us; Ismaʿil ibn Ishaq the judge related to us; ʿAli ibn ʿAbd Allah—that is, Ibn al-Madini—related to us; Yaʿqub ibn Ibrahim ibn Saʿd related to us; my father related to us, from Muhammed ibn Ishaq, al-Zuhri, Muhammed ibn Muslim ibn Shihab, from ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud, that he and Zufar ibn Aws ibn al-Hadathan came to ʿAbd Allah ibn ʿAbbas, who informed them of his position rejecting the proportional reduction of inheritance shares and his disagreement with ʿUmar ibn al-Khattab on that matter. He said: Zufar then asked him, "What prevented you, Ibn ʿAbbas, from advising him of this opinion?" He replied, "I was in awe of him." Hammam ibn Ahmad related to us; Ibn Mufarrij related to us; Ibn al-Aʿrabi related to us; al-Dabari related to us; ʿAbd al-Razzaq related to us, from Maʿmar, from Ibn Tawus, from his father, that Abu Ayyub al-Ansari used to perform two units of prayer after the afternoon prayer before ʿUmar's caliphate. When ʿUmar became caliph, he abandoned them, and when ʿUmar died, he performed those two units again. He was asked, "What is this?" He replied, "'Umar used to beat people for performing them." Jahm related to us; Ibn Mufarrij related to us; Ibn al-Aʿrabi, al-Dayri; ʿAbd al-Razzaq related to us, from Maʿmar: Hisham ibn

إسحاق الزهري محمد بن مسلم بن شهاب عن عبيد الله بن عبد الله بن مسعود أنه وزفر بن أوس بن الحدثان أتيا عبد الله بن عباس فأخبرهما بقوله في إبطال العول وخلافه لعمر بن الخطاب في ذلك، قال، فقال له زفر: فما منعك يا ابن عباس أن تشير عليه بهذا الرأي؟ قال: هبته. نا حمام بن أحمد، نا ابن مفرج، نا ابن الأعرابي، ثنا الدبري، نا عبد الرزاق، عن معمر، عن ابن طاوس، عن أبيه أن أبا أيوب الأنصاري كان يصلي قبل خلافة عمر ركعتين بعد العصر، فلما استخلف عمر تركهما، فلما توفي عمر ركعهما، قيل له، ما هذه؟ قال: إن عمر كان يضرب الناس عليهما. نا جهم، نا ابن مفرج، نا ابن الأعرابي الديري، نا عبد الرزاق، عن معمر، أخبرني هشام بن عروة، عن أبيه: أن يحيى بن عبد الرحمن بن حاطب، جاء عمر بن الخطاب بأمة سوداء كانت لحاطب، فقال: إن العتاقة أدركت وقد أصابت فاحشة وقد أحصنت، فدعاها عمر فسألها عن ذلك.

ʿUrwa informed me, from his father, that Yahya ibn ʿAbd al-Rahman ibn Hatib brought to ʿUmar ibn al-Khattab a Black slave woman who had belonged to Hatib. He said, “The freedwoman has reached maturity, has committed an indecent act, and has been married.” ʿUmar summoned her and questioned her about that[909192939495]

L1679–1681 and she said, “Yes, with Marʿush, for two dirhams.” At that time she was mentioning it without seeing anything wrong with it. ʿUmar said to ʿAli, ʿAbd al-Rahman, and ʿUthman, “Advise me.” ʿAli and ʿAbd al-Rahman said, “We think you should stone her.” ʿUmar said to ʿUthman, “Give your advice.” He replied, “Your two brothers have already advised you.” He said, “I adjure

فقالت: نعم من مرعوش بدرهمين، وهي حينئذ تذكر ذلك لا ترى به بأسا، فقال عمر لعلي وعبد الرحمن وعثمان: أشيروا علي، فقال علي وعبد الرحمن: نرى أن ترجمها، فقال عمر لعثمان: أشر، فقال: قد أشار عليك أخواك، قال: عزمت عليك إلا أشرت علي برأيك، قال: فإني لا أرى الحد إلا على من علمه، وأراها تستهل به كأنها لا ترى به بأسا، فقال عمر: صدقت والذي نفسي بيده، ما الحد إلا عمن علمه. فضربها عمر مائة وغربها عاما. وبه عبد الرزاق، نا ابن جريج، أخبرني هشام بن عروة، عن أبيه أن يحيى بن عبد الرحمن بن حاطب حدثه، قال: توفي عبد الرحمن بن حاطب وأعتق من صلى من رقيقه وصام، وكانت له نوبية قد صلت وصامت وهي أعجمية لم تفقه، فلم يرعها إلا حبلها وكانت ثيبا فذهب إلى عمر بن الخطاب رضي الله عنه فحدثه فأرسل إليها عمر فسألها فقال: أحبلت؟ فقال: نعم من مرعوش بدرهمين، وإذا هي تستهل به لا تكتمه فصادف عنده علي بن أبي طالب وعبد الرحمن بن عوف وعثمان، فقال: أشيروا علي، وكان عثمان جالسا فاضطجع، فقال علي وعبد الرحمن: قد وقع عليها الحد، فقال عمر: أشر علي يا عثمان، قال: قد أشار عليك أخواك، قال: أشر علي أنت. قال عثمان: أراها تستهل به كأنها لا تعلمه، وليس الحد إلا على من علمه، فأمر بها عمر فجلدت مائة وغربها، ثم قال لعثمان: صدقت، والذي نفسي بيده ما الحد إلا على من علمه. فهذا ابن عباس يخبر أنه منعته الهيبة من الإنكار على عمر فيما يقطع ابن عباس أنه الحق، ويدعو فيه إلى المباهلة عند الحجر الأسود وهذا أبو أيوب رجل صاحب رسول الله صلى الله عليه وسلم يدعي الإنكار على عمر ضربه على

[90] **Translator’s note (L1673):** The conditional beginning “Even if these ignorant men … had nothing but” has no explicit concluding clause in the supplied text; the translation leaves this interruption visible. The supplied wording says “they acquiesce in what they disapprove of.” This conflicts with the apparent argument, which would require a negation such as “they do not acquiesce”; no negation has been inserted.

[91] **Translator’s note (L1674):** The supplied الشبه means “specious arguments” or “doubt-producing doctrines.” It may be a defective reading of a sectarian designation, but has not been replaced. “The Rejecters” renders the polemical designation al-Rawafid.

[92] **Translator’s note (L1675):** The wording الذي هو حسبكم واحد منهم في كتابكم is corrupt or dislocated. The translation preserves its recoverable words without supplying an unattested reconstruction. The syntax remains broken across the following segment.

[93] **Translator’s note (L1676):** The opening continues the corrupt wording of the preceding segment. “Whose concealment” translates اختفائهما as supplied; the context would more naturally suggest “whose fabrication,” but that reading has not been substituted. The phrase فقالوا ههنا, rendered “They then spoke here,” is awkward and may be corrupt. In “when regret for it is of no avail,” the feminine pronoun supplied in the Arabic has an uncertain referent. The transmission chain supplies “Muhammed ibn Ishaq, al-Zuhri, Muhammed ibn Muslim ibn Shihab” without an explicit transmission link separating Ibn Ishaq from al-Zuhri. The names are preserved without silently inserting one.

[94] **Translator’s note (L1677):** The proportional reduction of inheritance shares renders al-ʿawl: reducing the allotted shares proportionately when their nominal total exceeds the estate.

[95] **Translator’s note (L1678):** The chain reads “Ibn al-Aʿrabi, al-Dayri” without a transmission formula between the names. Al-Dayri also differs from al-Dabari in the preceding chain; neither wording has been silently corrected. العتاقة is an unusual designation here, rendered “the freedwoman.” أدركت is understood as reaching maturity, and أحصنت as having been married, in the legal context of the report.

you to give me your own opinion." He replied, "I consider the prescribed punishment applicable only to someone who knows of it. I see her speaking openly of it, as though she sees nothing wrong with it." ʿUmar said, "You have spoken truly. By Him in whose hand is my soul, the prescribed punishment is only from someone who knows of it." So ʿUmar gave her one hundred lashes and banished her for a year. Through the same chain, ʿAbd al-Razzaq related to us: Ibn Jurayj related to us: Hisham ibn ʿUrwa informed me, from his father, that Yahya ibn ʿAbd al-Rahman ibn Hatib related to him, saying: ʿAbd al-Rahman ibn Hatib died and freed those of his slaves who prayed and fasted He had a Nubian slave woman who had prayed and fasted. She was a non-Arab who had not acquired understanding, and nothing alerted her until her pregnancy. She had previously been married. He went to Umar ibn al-Khattab, may Allah be pleased with him, and told him about her. Umar sent for her and questioned her, saying, "Have you become pregnant?" She said, "Yes, by Mar'ush, for two dirhams." She was openly announcing it, concealing nothing. Ali ibn Abi Talib, Abd al-Rahman ibn Awf, and Uthman happened to be with him, and he said, "Advise me." Uthman had been sitting, but lay down. Ali and Abd al-Rahman said, "She has incurred the prescribed punishment." Umar said, "Advise me, Uthman." He said, "Your two brothers have already advised you." He said, "Give me your own advice." Uthman said, "I see her openly announcing it, as though she does not know about it. The prescribed punishment applies only to someone who knows about it." Umar ordered that she be given one hundred lashes and banished her. He then said to Uthman, "You have spoken the truth. By Him in whose hand is my soul, the prescribed punishment applies only to someone who knows about it." Here, then, is Ibn Abbas reporting that awe prevented him from objecting to Umar concerning something Ibn Abbas categorically held to be the truth, and concerning which he called for mutual invocation of Allah's curse upon the liar at the Black Stone. And here is Abu Ayyub, a man who accompanied the Messenger of Allah ﷺ, claiming to object to Umar when he struck him for praying after the afternoon prayer, and shortly after he struck him. And here is Uthman remaining silent, although he had seen something he disapproved of concerning one of the most atrocious and momentous matters: inviolable blood being shed without justification. Umar asked him, but he persisted in

الصلاة بعد العصر وبعيد ضربه، وهذا عثمان سكت وقد رأي أمرا أنكره في أشنع الأشياء وأعظمها وهو دم حرام يسفك بغير واجب، سأله عمر فتمادى على سكوته إلى أن عزم عليه وقد يسكت المرء، لأنه لم يلح له الحق، أو يسكت موافقا ثم يبدو له وجه الحق، أو رأى آخر بعد مدة فينكر ما كان يقول ويرجع عنه، كما فعل علي في بيع أمهات الأولاد، وفي التخيير بعد موافقته لعمر على كلا الأمرين أو ينكر فلا يبلغنا إنكاره، ويبلغ غيرنا في أقصى المشرق وأقصى المغرب، أو أقصى اليمين، أو أقصى إرمينية.

his silence until Umar insisted upon his answering. A person may remain silent because the truth has not become apparent to him; or he may remain silent in agreement, and then, after some time, the true position or another opinion becomes apparent to him, so that he repudiates what he used to say and retracts it—as Ali did concerning the sale of slave women who had borne their masters children, and concerning granting a wife the choice, after agreeing with Umar on both matters. Or he may object, but his objection does not reach us, while it reaches someone else in the farthest east, the farthest west, the farthest Yemen, or the farthest Armenia.[969798]

L1682–1685 As for your drawing a parallel with the adherents of the schools of al-Shafi'i, Malik, and Abu Hanifa, and with the countries in which some particular opinion has become prominent and predominant, this is the strongest argument against you, for no two people disagree that the body of those professing the school of any man you have mentioned has never been without disagreement with its master on one issue, two issues, or several issues. Likewise, the countries mentioned have never been without someone who disagreed with the school of their inhabitants. No predominance could exceed that of Malik's school in al-Andalus and Ifriqiya, yet there were groups of scholars who disagreed with him entirely, adhering to hadith, the school of the apparent meaning, or al-Shafi'i's school. This is something observable at every time. Nor could any predominance exceed that of Islam in the countries where it has become predominant—praise be to Allah—although

وأما تنظيركم بأهل مذهب الشافعي ومالك وأبي حنيفة، والبلاد التي ظهر فيها وغلب عليها قول ما، فهذا أعظم حجة عليكم لأنه لا يختلف اثنان أن جمهور القائلين بمذهب رجل ممن ذكرتم لم يخلو قط من خلاف لصاحبهم في المسألة والمسألتين والمسائل وكذلك لم تخل قط البلاد المذكورة من مخالف لمذهب أهلها ولا أكثر من غلبة مذهب مالك على الأندلس وإفريقية، وقد كان طوائف علماء مخالفون له جملة، قائلون بالحديث، أو بمذهب الظاهر، أو مذهب الشافعي. وهذا أمر مشاهد في كل وقت، ولا أكثر من غلبة الإسلام على البلاد التي غلب عليها، ولله الحمد، وإن فيها مع ذلك يهود ونصارى وملحدين كثيرا جدا. فظهر فساد تنظيرهم عيانا، وعاد ما موهوا به مبطلا لدعواهم، وثبت بهذا حتى لو انتشر القول وعرفه جميع العلماء، وإن في الممكن أن يخالفه جمهورهم أو بعضهم، ثم هذا عمر قد جلد التي لم يرد عليها الرجم لجهلها، وهي محصنة مائة وغربها عاما، بحضرة علي وعبد الرحمن، وعثمان، ولم ينكروا عليه ذلك فإن كان عندهم إجماعا فيقولوا به، وليس من خصومنا الحاضرين أحد يقول بهذا، وإن كان سكوتهم ليس موافقة ولا رضى، فليتركوا هذا الأصل الفاسد المهلك في الدين لمن تعلق به، ولا بد من أحدهما بالتلاعب بدين الله عز وجل، وقد أريناهم سكوتهم رضي الله عما يقولون به، فمن الجاهل المنكر لهذا؟ حتى لو صح لهم أنهم عرفوه، فكيف وهذا لا يصح أبد الأبد على ما بينا. فإن قال قائل: فإذ

[96] **Translator's note (L1679):** Mar'ush is treated as a personal name, as supplied. 'Umar's statement has عمن, "from someone," where the preceding statement has على من, "applicable to someone." The anomalous preposition is preserved rather than silently corrected.

[97] **Translator's note (L1680):** The phrase describing the woman's discovery of her pregnancy is awkward: literally, "nothing startled her except her pregnancy." The wording يدعي الإنكار in the Abu Ayyub sentence reads "claims to object," which sits uneasily with the surrounding argument about silence. The adjacent wording about Umar's striking him is also syntactically compressed. These readings have not been silently repaired.

[98] **Translator's note (L1681):** The source reads اليمين, ordinarily "the right" or "the oath," where the geographical sequence suggests Yemen. "Yemen" is a contextual interpretation of an apparently corrupt reading. "Granting a wife the choice" refers to the technical marital procedure of giving her a choice concerning continuation of the marriage; the source supplies no further detail here.

هو كما قلتم، فمن أين قطعتم بالخلاف فيه وإن لم يبلغكم وهلا أنكرتم ذلك على أنفسكم كما أنكرتموه علينا إذ قلنا: إنه إجماع قلنا: نعم؟ فقلنا ذلك لبرهانين ضروريين قاطعين. أحدهما: أن الأصل من الناس وجود الاختلاف في آرائهم، لما قدمنا قبل اختلاف أغراضهم وطبائعهم، والثاني لأن الله تعالى بذلك قضى إذ يقول {ولو شآء ربك لجعل لناس أمة واحدة ولا يزالون مختلفين * إلا من رحم ربك ولذلك خلقهم وتمت كلمة ربك لأملأن جهنم من لجنة ولناس أجمعين} فصح إن الأصل هو الاختلاف الذي أخبر تعالى أننا لا نزال عليه، والذي له خلقنا، إلا من استثنى من الأقل. وبرهان ثالث: وهو الذي لا يسع أحدا خلافه، وهو أن ما ادعيتم فيه الإجماع بالظن الكاذب كما قدمنا، لا يخلو ضرورة من أحد وجهين لا ثالث لهما أصلا.

they nevertheless contain very many Jews, Christians, and atheists. Thus the invalidity of their parallel has become plainly apparent, and what they used to mislead has turned into a refutation of their claim. This establishes that even if an opinion became widespread and all scholars knew of it, it would still be possible for most or some of them to disagree with it. Furthermore, here is Umar, who gave one hundred lashes to the woman for whom he did not consider stoning appropriate because of her ignorance, although she possessed the marital status qualifying her for stoning, and banished her for a year in the presence of Ali, Abd al-Rahman, and Uthman. They did not object to his doing so. If this constitutes consensus in their view, let them adopt it; yet not one of our present opponents holds this position. If their silence constitutes neither agreement nor approval, let them abandon this corrupt principle, which brings religious ruin upon whoever clings to it. One of the two is unavoidable, through playing games with the religion of Allah, mighty and majestic. We have already shown them their silence—may Allah be pleased—concerning what they maintain. Who, then, is the ignorant person who denies this? This is so even if they could establish that those people knew of it; how much more so when that can never, ever be established, as we have explained. If someone says, "If matters are as you say, on what basis have you categorically asserted the existence of disagreement concerning it, even though it has not reached you? Why have you not raised this objection against yourselves, as you raised it against us when we said that it was consensus?" we say: Yes; we said this on the basis of two necessary, decisive demonstrations. The first is that the default among people is the existence of disagreement in their opinions, because of the differences in their aims and dispositions that we discussed earlier. The second is that Allah Most High has decreed this, saying, "Had your Lord willed, He would have made humankind one community; but they will continue to disagree, except those upon whom your Lord has mercy, and for that He created them. And the word of your Lord has been fulfilled: 'I shall assuredly fill Hell with jinn and humankind all together.'" Thus it is established that the default is disagreement, concerning which He Most High has told us that we continually remain in it, and for which we were created, except those few whom He excepted. There is a third demonstration, which no one may oppose: that

what you claim to be the subject of consensus on the basis of false conjecture, as we explained earlier, must necessarily fall into one of two cases, with absolutely no third possibility:[99][100]

L1686–1689 Either you claim it concerning a matter that accords with the explicit text of the Quran or the established Sunna transmitted through a chain of narrators. This is a matter concerning which we do not care whether there is agreement or disagreement. The sole purpose is that the explicit text be followed in that matter, whether people agree unanimously or disagree. There is then no point in adducing a claim of consensus concerning it as evidence, since the proof stands through the explicit text transmitted concerning it. There is therefore absolutely no need to make a categorical assertion on the basis of false conjecture by claiming consensus. Or you claim it concerning a matter supported by neither an explicit Quranic text nor an authentic Sunna transmitted through a chain of narrators, but which instead contradicts their general scope or their apparent meaning, seeking to validate it through your false claim that it is consensus. This is one of the major sins, and an attempt on your part to reject certainty through conjectures and to oppose Allah Most High and His Messenger ﷺ through a false, fabricated claim. This is unlawful. If it belongs to this category, then we categorically assert and affirm that there must be established disagreement concerning what you have claimed to be consensus, because Allah Most High has protected the community of His Prophet ﷺ from reaching consensus upon falsehood and error by opposing the Quran and the judgment of the Messenger of Allah ﷺ. You were not content with lying about the entire community, but went so far as to attribute to them consensus upon error in opposing the Quran

إما أن تدعوه في أمر موافق لنص القرآن أو السنة الثابتة المسندة، فهذا أمر لا نبالي اتفق عليه أم اختلف فيه، إنما الغرض أن يؤخذ بالنص في ذلك، سواء أجمع الناس أم اختلفوا، ولا معنى حينئذ للاحتجاج بدعوى الإجماع عليه والحجة قائمة بالنص الوارد فيه، فلا حاجة إلى القطع بالظن الكاذب في دعوى الإجماع البتة، وإما أن تدعوه في أمر لا يوافقه نص قرآن ولا سنة صحيحة مسندة بل هو مخالف لها في عمومها أو ظاهرهما، لتصححوه بدعواكم الكاذبة في أنه إجماع فهذه كبيرة من الكبائر، وقصد منكم إلى رد اليقين بالظنون وإلى مخالفة الله تعالى ورسوله صلى الله عليه وسلم بدعوى كاذبة مفتراة وهذا لا يحل وإذا كان هذا القسم، فنحن نقطع حينئذ، ونثبت أنه لا بد من خلاف ثابت فيما ادعيتموه إجماعا لأن الله تعالى قد أعاذ أمة نبيه صلى الله عليه وسلم من الإجماع على الباطل والضلال لمخالفة القرآن وحكم رسول الله صلى الله عليه وسلم فأنتم لم تقتنعوا بأن كذبتم على جميع الأمة حتى نسبتم إليهم الإجماع على الخطأ في مخالفة القرآن والسنة الثابتة، وهذه من العظائم التي نعوذ بالله العظيم من مثلها، وليس ههنا قسم ثالث أصلا، لما قد أوردنا من البراهين على أنه لا يمكن وقوع نازلة لا يكون حكمها منصوصا في القرآن وبيان النبي صلى الله عليه وسلم إما باسمها الأعم وإما باسمها الأخص قال أبو محمد: واعلموا أن إقدام هؤلاء القوم، وجسرهم على معنى الإجماع، حيث وجد الاختلاف، أو حيث لم يبلغنا ولكنه ممكن أن يوجد أو مضمون أن يوجد فإنه قول خالفوا فيه الإجماع حقا، وما روي قط عن صاحب ولا عن تابع القطع بدعوى الإجماع حتى أتى هؤلاء الذين جعلوا الكلام في دين الله تعالى مغالبة ومجاذبة، وتحققا بالرياسة على مقلدهم وكفى بهذا فضيحة. وأيضا قد

[99] **Translator's note (L1683):** The passage beginning ولا بد من أحدهما بالتلاعب and continuing through سكوتهم رضي الله عما يقولون به is apparently corrupt. Its uncertain syntax and the incomplete invocation رضي الله have been retained in a correspondingly awkward English rendering; no missing wording has been supplied. In the Quran quotation, لناس occurs for الناس and لجنة for الجنة. The translation interprets these as defective spellings of "humankind" and "the jinn," respectively; the supplied text has not been treated as an exact transcription of the Quran.

[100] **Qur'an references (L1682):** Qur'an 11:118 (Hud); Qur'an 11:119 (Hud).

and the established Sunna. This is one of those enormities from the like of which we seek refuge in Allah the Magnificent. There is absolutely no third category here, because of the demonstrations we have already presented that no case can arise whose ruling is not explicitly stated in the Quran and the Prophet's ﷺ elucidation, either under its more general designation or under its more specific designation. Abu Muhammed said: Know that these people's audacity and boldness in asserting consensus where disagreement exists, or where it has not reached us but may exist or is guaranteed to exist, is a position in which they have truly opposed consensus. No categorical claim of consensus was ever transmitted from a Companion or a Successor, until these people came, who made discussion of the religion of Allah Most High a contest for mastery, a tug-of-war, and a means of securing leadership over those who follow them unquestioningly. This is disgrace enough. Furthermore, the Muslims' consensus has been established with certainty that no one may assert certainty concerning what he conjectures. This, then, is another consensus that they have opposed in this issue. Ahmad ibn Muhammed ibn Abd Allah al-Talamanki narrated to us; Ibn Mufarrij narrated to us; Ibrahim ibn Ahmad ibn Firas narrated to us; he said: narrated to us Muhammed ibn Ali ibn Zayd; Sa'id ibn Mansur narrated to us; Sufyan ibn Uyayna narrated to us, from Mis'ar ibn Kidam, from Ma'n ibn Abd al-Rahman ibn Abd Allah ibn Mas'ud, who said: A man said to Ibn Mas'ud, "Give me comprehensive words of counsel." Ibn Mas'ud said to him, "Worship Allah and associate nothing with Him. Move with the Quran wherever it moves. Whoever brings you truth, accept it from him, even if he is distant and hateful; and whoever brings you falsehood, reject it, even if he is close and beloved."[101] [102]

تيقن إجماع المسلمين على أنه لا يحل لأحد أن يقطع بظنه اليقين فيه، فهذا إجماع آخر، فقد خالفوه في هذه المسألة، نا أحمد بن محمد بن عبد الله الطلمنكي، نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا سفيان بن عيينة، عن مسعر بن كدام، عن معن بن عبد الرحمن بن عبد الله بن مسعود، قال: قال رجل لابن مسعود: أوصني بكلمات جوامع، فقال له ابن مسعود: اعبد الله ولا تشرك به شيئا، وزل مع القرآن حيث زال، ومن أتاك بحق فاقبل منه، وإن كان بعيدا بغيضا، ومن أتاك بالباطل فارددده وإن كان قريبا حبيبا.

L1690 Abu Muhammed said: These are comprehensive principles of truth: following the Quran, which includes following the Messenger's explanation;

قال أبو محمد: هذه جوامع الحق، اتباع القرآن وفيه اتباع بيان الرسول، وأخذ الحق ممن أتى به، ولئن كان لا خير فيه، وممن يجب بغضه وإبعاده، وألا يقلد خطأ فاضل، وإن كان محبوبا واجبا تعظيمه. نا حمام بن أحمد، نا عبد الله بن محمد بن علي الباجي، نا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا معاوية بن هشام، نا سفيان هو الثوري عن جبلة بن عامر بن مطر، قال: قال لي حذيفة في

[101] **Translator's note (L1686):** The phrase على معنى الإجماع is unusually worded, literally "concerning the meaning of consensus"; "in asserting consensus" reflects its function in this argument.

[102] **Translator's note (L1688):** The wording يقطع بظنه اليقين فيه is syntactically awkward; it has been understood as categorically asserting certainty concerning a matter held only conjecturally. The final transmission formula introduces the narrator named at the beginning of the next unit.

accepting the truth from whoever brings it, even if there is no good in him and he is someone whom one must hate and keep at a distance; and refraining from following a distinguished person's error through uncritical imitation, even if he is beloved and must be honored.

Hammam ibn Ahmad narrated to us; Abd Allah ibn Muhammed ibn Ali al-Baji narrated to us; Abd Allah ibn Yunus al-Muradi narrated to us; Baqi ibn Makhlad narrated to us; Abu Bakr ibn Abi Shaybah narrated to us; Muawiyah ibn Hisham narrated to us; Sufyan—that is, al-Thawri—narrated to us, from Jabalah ibn Amir ibn Matar, who said: Hudhayfah said to me in the course of a conversation: "Hold fast to what you follow today, for it is the clear path. How will you fare, Amir ibn Matar, when people take another path? Which of the two will you follow?" Amir said: I told him, "The Quran: with the Quran I shall live, and with the Quran I shall die." Hudhayfah said to him, "Then you will indeed be yourself."

Abu Muhammed said: O Allah, I say what Amir said: By Allah, I shall remain with the Quran, living in adherence to it and dying, if Allah wills, in adherence to it. I care nothing for whoever follows a path other than the Quran's, even if they should comprise everyone on earth except me.

Abu Muhammed said: Here is Hudhayfah commanding that people's path be abandoned and the Quran's path followed when people oppose it.

Ahmad ibn Muhammed al-Talamanki narrated to us; Ibn Mufarrij narrated to us; Ahmad ibn Faris narrated to us; Muhammed ibn Ali ibn Zayd narrated to us; Said ibn al-Mansur narrated to us; Hushaym narrated to us; Mughirah informed us, from al-Shabi, from Abidah al-Salmani, that Umar ibn al-Khattab and Ali emancipated slave women who had borne their masters children. Abidah said: Ali said, "Umar ruled accordingly until he was struck down. Then Uthman assumed authority and ruled accordingly until he was struck down. When I assumed authority, I considered that I should hold them as slaves."

Abu Muhammed said: Here is Ali ibn Abi Talib, may Allah be pleased with him: he did not regard Umar's ruling, followed by Uthman's ruling—which was famous, widespread, and generally disseminated, and with which he had

كلام: فأمسك بما أنت عليه اليوم، فإنه الطريق الواضح، كيف أنت يا عامر بن مطر، إذا أخذ الناس طريقا مع أيهما تكون؟. قال عامر فقلت له: مع القرآن، أحيا مع القرآن وأموت، قال له حذيفة: فأنت إذا أنت. قال أبو محمد: اللهم إني أقول كما قال عامر: أكون والله مع القرآن أحيا متمسكا به، وأموت إن شاء الله متمسكا به، ولا أبالي بمن سلك غير طريق القرآن، ولو أنهم جميع أهل الأرض غيري. قال أبو محمد: وهذا حذيفة يأمر بترك طريق الناس، واتباع طريق القرآن إذا خالفه الناس. نا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا أحمد بن فريس، نا محمد بن علي بن زيد، نا سعيد بن المنصور، نا هشيم، أخبرنا مغيرة، عن الشعبي عن عبيدة السلماني، أن عمر بن الخطاب وعليا أعتقا أمهات الأولاد، قال عبيدة: قال علي: فقضى بذلك عمر حتى أصيب، ثم ولي عثمان فقضى بذلك حتى أصيب فلما وليت رأيت أن أرقهن. قال أبو محمد: هذا علي بن أبي طالب رضي الله عنه، لم ير حكم عمر ثم حكم عثمان المشتهر المنتشر الفاشي، والذي وافقهما عليه إجماعا بل سارع إلى خلافه إذ أراه اجتهاده الصواب في خلافه، ولعمر الله، إن أقل من هذا بدرجات ليقطع هؤلاء المجرمون بأنه إجماع. والسند المذكور قيل إلى سعيد بن منصور، نا عيسى بن يونس بن أبي إسحاق السبيعي، نا عبد الملك بن سليمان، عن أبي إسحاق السبيعي، عن الشعبي قال: أحرم عقيل بن أبي طالب في موردتين، فقال له عمر: خالفت الناس، فقال له علي: دعنا منك، فإنه ليس لأحد أن يعلمنا السنة.

agreed—as a consensus. Rather, he promptly opposed it when his independent legal reasoning showed him that correctness lay in opposing it. By my life, these criminals would assuredly declare something many degrees less than this to be a consensus!

And through the aforementioned chain, said to extend to Said ibn Mansur: Isa ibn Yunus ibn Abi Ishaq al-Sabii narrated to us; Abd al-Malik ibn Sulayman narrated to us, from Abu Ishaq al-Sabii, from al-Shabi, who said: Aqil ibn Abi Talib entered the state of pilgrimage consecration wearing two rose-colored garments. Umar told him, "You have acted contrary to the people." Ali told him, "Leave us alone! No one has any business teaching us the Sunnah."[103]

فقال له عمر: صدقت فهذا علي وعقيل لم ينكرا خلاف الناس، ورجع عمر عن قوله إلى ذلك إذ لم يكن ما أضافه إلى الناس سنة يجب اتباعها، بل السنة خلافه، فلا ينكر خلاف جمهور الناس للسنة. وبه إلى سعيد بن منصور، نا سفيان بن عيينة، عن ابن أبي نجيح، عن عطاء بن أبي رياح قال: قلت لابن عباس، إن الناس لا يأخذون بقولي ولا بقولك، ولو مت أنا وأنت ما اقتسموا ميراثنا على ما نقول. قال ابن عباس: فليجتمعوا فلنضع أيدينا على الركن ثم نبتهل فنجعل لعنة الله على الكاذبين، ما حكم الله بما قالوا. قال أبو محمد: فهذا ابن عباس بأصح إسناد عنه، لا يلتفت إلى الناس ولا إلى ما اشتهر عندهم، وانتشر من الحكم بينهم، إذا كان خلافا لحكم الله تعالى.

L1691 Umar then told him, "You have spoken truly." Thus Ali and Aqil saw nothing objectionable in acting contrary to the people, and Umar withdrew his statement in favor of that position, since the practice he had attributed to the people was not a Sunnah that had to be followed; rather, the Sunnah was contrary to it. Acting contrary to the majority of people in accordance with the Sunnah is therefore not to be condemned.

And through the same chain to Said ibn Mansur: Sufyan ibn Uyaynah narrated to us, from Ibn Abi Najih, from Ata ibn Abi Riyah, who said: I told Ibn Abbas, "People do not accept either my opinion or yours. If you and I died, they would not divide our estates according to what we say." Ibn Abbas said, "Let them assemble, and let us place our hands upon the Corner. Then let us earnestly invoke Allah and lay Allah's curse upon the liars. Allah has not ruled as they say."

[103]**Translator's note (L1690):** The chain reads "Jabalah ibn Amir ibn Matar," but the ensuing account identifies the speaker as Amir ibn Matar. A missing transmission link is possible; the supplied genealogy has been retained. The wording "the aforementioned chain, said to extend to Said ibn Mansur" contains the awkward قيل ("it was said"). It has been represented rather than silently changed. "Slave women who had borne their masters children" renders the legal category ummahat al-awlad. The subsequent statement concerns their legal status as slaves. "Two rose-colored garments" renders موردتين; the particular coloring or dye is not specified.

Abu Muhammed said: Here is Ibn Abbas, in a report transmitted from him through a thoroughly sound chain, paying no heed to the people or to rulings that have become famous among them and widespread in their dealings when these contradict the ruling of Allah Most High.[104]

L1692 In a matter like this, someone who cares nothing about lying claims a consensus.

And through the same chain to Said ibn Mansur: Sufyan ibn Uyaynah narrated to us, from Abd Allah ibn Abi Zayd, that he heard Ibn Abbas say concerning the words of Allah, Mighty and Majestic: "O you who believe, let those whom your right hands possess and those among you who have not reached puberty ask your permission at three times: before the dawn prayer, when you lay aside your clothes at midday, and after the night prayer—three times of privacy for you. There is no blame upon you or upon them beyond these times, as you circulate among one another. Thus Allah makes the signs clear to you, and Allah is Knowing, Wise." Ibn Abbas said: "Most people have not believed in this verse. I certainly command this one to ask permission before entering upon me"—meaning a slave girl of his.

Abu Muhammed said: This is like the preceding example.

Yahya ibn Abd al-Rahim narrated to us; Ahmad ibn Duhaym narrated to us; Ibrahim ibn Hammad narrated to us; Ismail ibn Ishaq narrated to us; Ali ibn al-Madini narrated to us; Sufyan ibn Uyaynah narrated to us; Musab ibn Abd Allah ibn al-Zubayr narrated to us, from Abu Mulaykah, from Ibn Abbas, who said: "There is a practice that is neither in the Book of Allah, Mighty and Majestic, nor in the judgment of Allah's Messenger ﷺ, yet you will find it among all the people: a sister inheriting alongside a daughter."

Thus Ibn Abbas did not regard all the people as constituting authoritative proof against him, requiring him to rule according to something he had found neither in the Quran nor in the Sunnah.

[104]**Translator's note (L1691):** The supplied name is "Ata ibn Abi Riyah," retained here rather than silently changed to the familiar form "Ata ibn Abi Rabah." "The Corner" refers to the Corner of the Kaaba; the source does not name it more explicitly.

في مثل هذا يدعي من لا يبالي بالكذب الإجماع، وبه إلى سعيد بن منصور، نا سفيان بن عيينة، عن عبد الله بن أبي زيد. أنه سمع ابن عباس يقول في قول الله عز وجل {يأيها لذين آمنوا ليستأذنكم لذين ملكت أيمانكم ولذين لم يبلغوا لحلم منكم ثلاث مرات من قبل صلاة لفجر وحين تضعون ثيابكم من لظهيرة ومن بعد صلاة لعشآء ثلاث عورات لكم ليس عليكم ولا عليهم جناح بعدهن طوافون عليكم بعضكم على بعض كذلك يبين لله لكم لآيات ولله عليم حكيم} قال ابن عباس لم يؤمن بهذه الآية أكثر الناس، وإني لآمر هذه أن تستأذن علي يعني جارية له. قال أبو محمد: وهذا كالذي قبله، نا يحيى بن عبد الرحيم، نا أحمد بن دحيم، نا إبراهيم بن حماد، نا إسماعيل بن إسحاق، نا علي بن المديني، نا سفيان بن عيينة، نا مصعب بن عبد الله بن الزبير، عن أبي مليكة، عن ابن عباس. قال: أمر ليس في كتاب الله عز وجل ولا في قضاء رسول الله صلى الله عليه وسلم وستجدونه في الناس كلهم ميراث الأخت مع البنت. فهذا ابن عباس لم ير الناس كلهم حجة على نفسه، في أن يحكم بما لم يجد في القرآن ولا في السنة. نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب، نا أحمد بن محمد، نا محمد بن علي، نا مسلم بن الحجاج، نا يحيى بن يحيى.

Abd Allah ibn Yusuf narrated to us; Ahmad ibn Fath narrated to us; Abd al-Wahhab narrated to us; Ahmad ibn Muhammed narrated to us; Muhammed ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Yahya ibn Yahya narrated to us,[105][106]

L1693–1700 who said: I read aloud to Malik, from Said ibn Abi Said al-Maqburi, from Ubayd ibn Jurayj, that he said to Abd Allah ibn Umar: "Abu Abd al-Rahman, I have seen you do four things that I have not seen any of the Companions do." He said, "What are they, Ibn Jurayj?" He said, "I have seen that, of the Corners, you touch only the two Yemeni ones; and I have seen you wear sandals of tanned, hairless leather; and I have seen you dye with yellow; and I have seen that, when you are in Mecca, the people pronounce the pilgrimage invocation when they see the crescent moon, whereas you do not pronounce it until the Day of Watering." Ibn Umar told him: "As for the Corners, I never saw Allah's Messenger ﷺ touch any but the two Yemeni ones. As for sandals of tanned, hairless leather, I saw Allah's Messenger ﷺ wear sandals that had no hair on them and perform ablution while wearing them, so I like to wear them. As for yellow, I saw Allah's Messenger ﷺ dye with it, so I like to dye with it. As for pronouncing the pilgrimage invocation, I never saw the Messenger of Allah ﷺ pronounce it until his mount rose up with him."

Abu Muhammed said: Here is Ibn Umar, may Allah be pleased with him, in a report transmitted to him through a thoroughly sound chain: he did not regard his differing from all his companions as objectionable in matters in which he followed Allah's Messenger ﷺ, nor did he object to Ibn Jurayj's telling him that his companions acted differently from him. It is therefore established that he did not regard all his companions as models to be followed in a matter in which he conformed to Allah's Messenger ﷺ alone. This is the truth that no one is permitted deliberately to oppose.

قال: قرأت على مالك عن سعيد بن أبي سعيد المقبري، عن عبيد بن جريج أنه قال لعبد الله بن عمر: يا أبا عبد الرحمن رأيتك تصنع أربعا لم أر أحدا من الصحابة يصنعها. فقال: وما هن يا ابن جريج؟ قال: رأيتك لا تمس من الأركان إلا اليمانيين، ورأيتك تلبس النعال السبتية، ورأيتك تصبغ بالصفرة، ورأيتك إذا كنت بمكة أهل الناس إذا أروا الهلال ولم تهل أنت حتى يكون يوم التروية. فقال له ابن عمر أما الأركان فإني لم أر رسول الله صلى الله عليه وسلم يمس إلا اليمانيين وأما النعال السبتية فإني رأيت رسول الله صلى الله عليه وسلم يلبس النعال التي ليس فيها شعر ويتوضأ فيها، فأنا أحب أن ألبسها وأما الصفرة فإني رأيت رسول الله صلى الله عليه وسلم يصبغ بها فأنا أحب أن أصبغ وأما الإهلال فإني لم أر رسول الله صلى الله عليه وسلم يهل حتى تنبعث به راحلته قال أبو محمد فهذا ابن عمر رضي الله عنه بأصح إسناد إليه لم ينكر مخالفته لجميع أصحابه فيما اقتدى فيه برسول الله صلى الله عليه وسلم ولا أنكر على ابن جريج إخباره بأن أصحابه يخالفونه، فصح أنه لم ير أصحابه كلهم قدوة فيما وافق وحدانية رسول الله صلى الله عليه وسلم وهذا هو الحق الذي لا يسع أحدا القصد إلى خلافه. قال أبو محمد: ثم هذا أبو حنيفة يقول: ما جاء عن الله تعالى فعلى الرأس والعينين وما جاء عن رسول الله صلى الله عليه وسلم فسمعا وطاعة وما جاء عن الصحابة رضي الله عنهم، تخيرنا من أقوالهم ولم نخرج عنهم، وما جاء عن التابعين، فهم رجال ونحن رجال، فلم ينكر عن نفسه مخالفة التابعين، وإنما لم ير الخروج عن أقوال الصحابة توقيرا لهم. وهذا مالك: يفتي بالشفعة في الثمار ويقول إثر فتياه به وإنه

[105] **Translator's note (L1692):** The Quran quotation is 24:58. The transcription repeatedly drops the initial alif of the definite article and contains similar orthographic irregularities; the recoverable wording has been translated without treating these as different words. The chain reads "Abu Mulaykah," not "Ibn Abi Mulaykah"; the supplied reading has been retained.

[106] **Qur'an references (L1692):** Qur'an 24:58 (An-Nur).

لشيء ما سمعته ولا بلغني أن أحدا قاله: فهذا مالك لم ير القول بما لم يسمع عن أحد قال به خلافا للإجماع، كما يدعي هؤلاء الذين لا معنى لهم، وهذا الشافعي يقول في رسالته المصرية، ما لا يعلم فيه خلاف فليس إجماعا. قال حمام بن أحمد، ويحيى بن عبد الرحمن بن مسعود قال حمام: نا عباس بن أصبغ، وقال يحيى: نا أحمد بن سعيد بن حزم، ثم اتفق عباس وأحمد قالا جميعا، نا محمد بن عبد الملك بن أيمن، نا عبد الرحمن بن حنبل، قال: سمعت أبي يقول: ما يدعي فيه الرجل الإجماع هو الكذب، من ادعى الإجماع فهو كذاب لعل الناس قد اختلفوا ما بد به؟ ولم ينتبه إليه فليقل: لا نعلم الناس اختلفوا، دعوى بشر المريسي والأصم، ولكن يقول: لا نعلم الناس اختلفوا، أو لم يبلغني ذلك. قال أبو محمد: صدق أحمد ولله دره، وبئس القدوة بشر بن عتاب المريسي، وعبد الرحمن بن كيسان الأصم، ولعمري إنهما لمن أول من هجم على هذه الدعوى، وهما المرءان يرغب قولهما، نا يوسف بن عبد الله النمري، نا عبيد الله بن محمد، نا الحسن بن سلمون، نا عبد الله بن علي بن الجارود، نا إسحاق بن منصور، قال: سمعت إسحاق بن إبراهيم هو ابن راهويه وقد ذكر له قول أحمد بن حنبل في مسألة فقال إسحاق: أجاد، لقد ظننت أن أحدا لا يتابعني عليها، فهذا إسحاق لا ينكر القول بما يقع في تقديره أنه لا يتابعه أحد عليه، إذا رأى الحق فيما قاله به من ذلك. قال أبو إسحاق: فهؤلاء الصحابة والتابعون، ثم أبو حنيفة ومالك والشافعي وأحمد وإسحاق وداود، كلهم يوجب القول بما أداه إليه اجتهاده أنه الحق، وألا يعلم قائلا به قبله، فبمن تعلق هؤلاء القوم؟ ليت شعري بل بالمريسي والأصم، كما قال أحمد رحمه الله. قال أبو محمد: ولئن كان ما اشتهر من قول طائفة من الصحابة أو التابعين، ولم يعرف له خلاف إجماعا فيما في الأرض أشد خلافا للإجماع ممن قلدوه دينهم مالك والشافعي، وأبي حنيفة، ولقد أخرجنا لهم مئين من المسائل ليس منها مسألة إلا ولا يعرف أحد

Abu Muhammed said: Then here is Abu Hanifah saying: "Whatever comes from Allah Most High, we receive upon our heads and eyes; whatever comes from Allah's Messenger ﷺ, we hear and obey; whatever comes from the Companions, may Allah be pleased with them, we select from their opinions without going beyond them; and whatever comes from the Successors, they are men and we are men." He thus saw nothing objectionable in his own differing from the Successors. His only reason for considering that he should not go beyond the Companions' opinions was reverence for them.

Here is Malik issuing a legal opinion recognizing the right of preemption in fruit, and saying immediately after giving this opinion: "It is indeed something I have never heard, nor has any report reached me that anyone has said it." Thus Malik did not consider stating a position that he had never heard anyone maintain to be a violation of consensus, as these worthless people claim.

Here is al-Shafii saying in his Egyptian Epistle: "That concerning which no disagreement is known is not a consensus."

Hammam ibn Ahmad and Yahya said, ibn Abd al-Rahman ibn Masud. Hammam said: Abbas ibn Asbagh narrated to us. Yahya said: Ahmad ibn Said ibn Hazm narrated to us. Then Abbas and Ahmad agreed in their wording, both saying: Muhammed ibn Abd al-Malik ibn Ayman narrated to us; Abd al-Rahman ibn Hanbal narrated to us, saying: I heard my father say: "What a man claims to be a matter of consensus is a lie. Whoever claims a consensus is a liar. Perhaps people have disagreed without its becoming apparent to him, and he has failed to notice it. Let him say, 'We do not know that people have disagreed.' The claim of Bishr al-Marisi and al-Asamm! Rather, he should say, 'We do not know that people have disagreed,' or, 'No report of that has reached me.'"

Abu Muhammed said: Ahmad has spoken truly—may Allah reward his excellence! What a wretched model is Bishr ibn Attab al-Marisi and ʿAbd al-Rahman ibn Kaysan al-Asamm. By my life, those two were indeed among the first to venture this claim, and they are the two men whose views are sought. Yusuf ibn ʿAbd Allah al-Namari narrated to us; ʿUbayd Allah ibn

Muhammed narrated to us; al-Hasan ibn Salmun narrated to us; ʿAbd Allah ibn ʿAli ibn al-Jarud narrated to us; Ishaq ibn Mansur narrated to us, saying: I heard Ishaq ibn Ibrahim—that is, Ibn Rahawayh—when Ahmad ibn Hanbal's opinion on an issue was mentioned to him. Ishaq said: "He has done well. I had thought that no one would agree with me on it." Thus Ishaq does not disapprove of expressing an opinion that, in his estimation, no one else will share, when he considers the truth to lie in the position he has expressed on that matter. Abu Ishaq said: These, then, are the Companions and the Successors, followed by Abu Hanifah, Malik, al-Shafiʿi, Ahmad, Ishaq, and Dawud: all of them require a person to express whatever his independent legal reasoning has led him to regard as the truth, even though he knows of no one who expressed it before him. To whom, then, have these people attached themselves? Would that I knew! Rather, to al-Marisi and al-Asamm, as Ahmad, may Allah have mercy on him, said. Abu Muhammed said: If an opinion that has become widely known from a group of the Companions or Successors, with no known dissent from it, constitutes consensus, then no one on earth violates consensus more severely than those to whom they have entrusted their religion through unquestioning adherence: Malik, al-Shafiʿi, and Abu Hanifah. We have indeed produced for them hundreds of issues, not one of which has anyone known to have expressed that opinion before the one of these three who expressed it. How wretched, then, is the characterization they have attached to those to whom they have entrusted their religion through unquestioning adherence! Muhammed ibn Jarir al-Tabari has mentioned that he found four hundred issues on which al-Shafiʿi violated consensus. Exactly the same applies, word for word, to the opinions of Ibn Abi Layla, Sufyan, al-Awzaʿi, Zufar, Abu Yusuf, Muhammed ibn al-Hasan, al-Hasan ibn Ziyad, Ashhab, Ibn al-Majishun, al-Muzani, Abu Thawr, Ahmad, Ishaq, Dawud, and Muhammed ibn Jarir. There is not one of them from whom opinions in legal responsa have not been authentically established that no scholar is known to have expressed before the particular person we have named who expressed them. Most of this concerns matters whose circulation and widespread familiarity admit of no doubt. Then let them know that every legal response transmitted from a Successor, when there has not been transmitted from a Companion on that issue an opinion, means that

قال بذلك القول قبل الذي قاله من هؤلاء الثلاثة فبئس ما وسموا به من قلدوه دينهم.
وقد ذكر محمد بن جرير الطبري أنه وجد للشافعي أربعمائة مسألة خالف فيها الإجماع.
وهكذا القول حرفا حرفا في أقوال ابن أبي ليلى، وسفيان والأوزاعي وزفر وأبي يوسف ومحمد بن الحسن والحسن بن زيادة وأشهب وابن الماجشون والمزني وأبي ثور وأحمد وإسحاق وداود ومحمد بن جرير، ما منهم أحد إلا وقد صحت عنه أقوال في الفتيا لا يعلم أحد من العلماء قالها قبل ذلك القائل ممن سمينا. وأكثر ذلك فيما لا شك في انتشاره واشتهاره. ثم ليعلموا أن كل فتيا جاءت عن تابع لم يرو عن صاحب في تلك المسألة قول، فإن ذلك التابع قال فيها بقول، ولا يعرف أن أحدا قاله، فالتابعون على هذا القول الخبيث مخالفون للإجماع كلهم أو أكثرهم، ومخالف الإجماع عند هؤلاء الجهال كافر، فالتابعون على قولهم كفار، ونعوذ بالله العظيم من كل قول أدى إلى هذا.

this Successor expressed an opinion on it without anyone being known to have expressed it previously. Thus, according to this vile position, the Successors—all or most of them—violate consensus. And according to these ignorant people, anyone who violates consensus is an unbeliever. Thus the Successors, according to their position, are unbelievers. We seek refuge in Allah the Magnificent from every position that leads to this.[107][108][109][110][111][112]

L1701 Know that anyone who asserts and categorically claims consensus in a case like this is among the people most ignorant of people's opinions and disagreements. Allah is sufficient for us, and an excellent Trustee is He. Thus the falsehood of anyone who claims that whatever has no known dissent con-

واعلموا أن الذي يدعي ويقطع بدعوى الإجماع في مثل هذا، فإنه من أجهل الناس بأقوال الناس واختلافهم. وحسبنا الله ونعم الوكيل، فظهر كذب من ادعى أن ما لا يعرف فيه خلاف فهو إجماع، وبالله تعالى التوفيق. وأعجب شيء في الدنيا أنهم يدعون في مثله هذا أنه إجماع، ثم يأتون إلى الإجماع الصحيح المقطوع به المتيقن، فيخالفونه جهارا، وهو: أنه لا شك عند أحد من أهل العلم أنه لم يكن قط في عصر الصحابة رضي الله عنهم أحد أتى إلى قول صاحب أكبر منه، فأخذ به كله ورد لقوله نصوص القرآن وكلام رسول الله صلى الله عليه وسلم وجعل يحتال لنصره بكل ما أمكنه من حق أو باطل أو مناقضة. ثم لا شك عند أحد من أهل العلم في أنه لم يكن قط في عصر التابعين أحد أتى إلى قول تابع أكبر منه، أو إلى قول صاحب فأخذ به كله، كما ذكرنا، ثم لا خلاف بين أحد من أهل العلم في أنه لم يكن في القرن الثالث أحد أتى إلى قول تابع، أو قول صاحب فأخذ به كله، فهذا الإجماع المقطوع به المتيقن في ثلاثة أعصار متصلة، ثم هي الأعصار المحمودة، قد خالفها المقلدون الآخذون بأقوال أبي حنيفة فقط، أو بأقوال مالك فقط، أو بأقوال الشافعي فقط، وهو عمل محدث، مخالف للإجماع الصحيح، فلهذا أعجبوا فهو مكان العجب حقا أن يخالفوا الإجماع المتيقن جهارا، ثم يدعون الإجماع حيث لا إجماع ونعوذ بالله العظيم من الضلال

[107] **Translator's note (L1693):** "The two Yemeni ones" denotes the two Corners of the Kaaba referred to by that designation. The description of the sandals continues in the next unit.

[108] **Translator's note (L1694):** "Of tanned, hairless leather" translates السبتية, the adjective completing the preceding unit's "sandals." The supplied أروا in the crescent-moon clause is irregular; "when they see" represents its apparent intended sense. "The Day of Watering" translates yawm al-tarwiyah, the eighth day of Dhu al-Hijjah. The object of the dyeing is not specified in the Arabic.

[109] **Translator's note (L1695):** The phrase وحدانية رسول الله is unusual: literally, it refers to the Messenger's "singleness" or "being alone." The translation understands it as following the Messenger alone in the matter under discussion. "Upon our heads and eyes" preserves the Arabic expression of wholehearted honor and acceptance. The source ends after the beginning of Yahya's name; his remaining genealogy follows in the next unit.

[110] **Translator's note (L1696):** The fragment at the beginning completes Yahya's name from the preceding unit; its placement after "said" reflects the page division. The chain names "Abd al-Rahman ibn Hanbal," whereas the author subsequently identifies the quoted father as Ahmad. This apparent error in the transmitted name has been retained. The wording ما بد به is obscure and possibly corrupt. "Without its becoming apparent to him" is a tentative contextual rendering, not a secure reading. "The claim of Bishr al-Marisi and al-Asamm!" is syntactically disconnected in the supplied text. Its abruptness has been retained rather than supplying an unexpressed sentence.

[111] **Translator's note (L1697):** This fragment completes "Bishr ibn" in the preceding unit. The supplied patronymic "Attab" has been retained.

[112] **Translator's note (L1698):** The wording «وهما المرءان يرغب قولهما» is awkward. Its apparent surface sense, rendered here, is that their views are sought, but the polemical context suggests that their views are to be shunned; a preposition such as «عن» may be missing. The text has not been silently repaired.

stitutes consensus has become apparent. Through Allah Most High comes success. The most astonishing thing in the world is that they claim consensus in a case like this, then turn to sound, conclusively established, certain consensus and openly violate it. This is that no person of learning doubts that, in the age of the Companions, may Allah be pleased with them, there was never anyone who turned to the opinions of a Companion senior to himself, adopted them all, rejected on their account the explicit texts of the Quran and the words of the Messenger of Allah ﷺ, and set about contriving to support them by every means available to him, whether truth, falsehood, or contradiction. Likewise, no person of learning doubts that, in the age of the Successors, there was never anyone who turned to the opinions of a Successor senior to himself, or to those of a Companion, and adopted them all in the manner we have described. Likewise, there is no disagreement among people of learning that, in the third century, there was no one who turned to the opinions of a Successor or a Companion and adopted them all. This, then, is conclusively established, certain consensus throughout three successive ages—and these are the praised ages. Those who practice unquestioning adherence, adopting only the opinions of Abu Hanifah, or only the opinions of Malik, or only the opinions of al-Shafiʿi, have violated it. This is an innovated practice contrary to sound consensus. Marvel at this, then, for it truly warrants astonishment: that they openly violate certain consensus and then claim consensus where there is none. We seek refuge in Allah the Magnificent from error.

L1702 **[Section concerning those who say that the dissent of a single Companion, or of a single person after them, does not count as dissent, and that the opinion of everyone other than him constitutes consensus on the matter in which he disagreed with them]**[113]

[فصل في من قال بأن خلاف الواحد من الصحابة أو ممن بعدهم لا يعد خلافا وأن قول من سواه فيمن خالفهم فيه إجماع]

[113] **Translator's note (L1702):** The bracketed heading has the form of an editorial section heading, although its provenance cannot be established from this excerpt. The source reads «فيمن خالفهم فيه», literally referring to persons, where the context appears to require a matter in dispute; the translation reflects that contextual sense.

L1703–1713 Abu Muhammed said: Muhammed ibn Jarir al-Tabari held that the dissent of one person does not count as dissent. Abu Bakr Ahmad ibn ʿAli al-Razi, the Hanafi, related that Abu Hazim ʿAbd al-ʿAziz ibn ʿAbd al-Hamid, the Hanafi judge, annulled the judgment awarding the public treasury, by inheritance, what remained after the shares of the heirs entitled to prescribed portions, and said: "Zayd ibn Thabit does not count as dissenting against Abu Bakr, ʿUmar, ʿUthman, and ʿAli, may Allah be pleased with them." Abu Muhammed said: They should therefore be asked: What do you mean by saying, "It does not count as dissent"? Do you deny the existence of dissent? That is a lie refuted by observation and direct witnessing. Or do you say that Allah Most High commanded you not to call it dissent, or that His Messenger ﷺ commanded you to do so? This is worse than the first, because it is a lie against Allah Most High and against His Messenger ﷺ. Or do you say that the few who voice that dissent are so low in standing and so discredited among the Muslims, whether because of their grave disobedience or their ignorance, that the existence of their opinion is no different from its nonexistence? This has the implications it has, since they assign Zayd ibn Thabit, Ibn ʿAbbas, or others among the leading Successors to this rank. By my life, anyone who assigns a scholar among the Companions, may Allah be pleased with them, or among the Successors, or among the leading scholars of the Muslims, to this rank is himself more deserving of this description and has a stronger claim to it. Your statement cannot escape one of these three abominations, for there is no fourth. If they say, "We merely said that it is error and deviation," we say: We have already established that everyone who disagrees with someone has deviated from him, and every opinion that conflicts with the truth deviates from the truth. It necessarily follows that every error is a deviation from the truth, and every deviation from the truth is an error. Not every error, however, violates consensus; therefore not every deviation violates consensus, nor does every truth constitute consensus. We are addressing you here only concerning your statement that it is not dissent and that everything apart from it constitutes consensus. The falsehood and invalidity of their claim have thus become apparent. Praise belongs to Allah, Lord of the worlds. Abu Muhammed said: We found that they adduced as evidence an inauthentic report: "You must adhere to the

قال أبو محمد: ذهب محمد بن جرير الطبري إلى أن خلاف الواحد لا يعد خلافا، وحكى أبو بكر أحمد بن علي الرازي الحنفي: أن أبا حازم عبد العزيز بن عبد الحميد القاضي الحنفي فسخ الحكم بتوريث بيت المال ما فضل عن ذوي السهام وقال: إن زيد بن ثابت لا يعد خلافا على أبي بكر وعمر وعثمان وعلي رضي الله عنهم. قال أبو محمد: فيقال لهم: ما معنى قولكم لا يعد خلافا؟ أتنفون وجود خلاف؟ فهذا كذب تدفعه المشاهدة والعيان، أم تقولون: إن الله تعالى أمركم ألا تسموه خلافا أو رسوله صلى الله عليه وسلم أمركم بذلك فهذه شر من الأولى لأنه كذب على الله تعالى وعلى رسوله صلى الله عليه وسلم أم تقولون إن قليل ذلك الخلاف من الضعة والسقوط في المسلمين إما لفسقه وإما لجهله بحيث لا يكون وجود قوله إلا كعدمه ففي هذا ما فيه، إذ ينزلون زيد بن ثابت أو ابن عباس أو غيرهما من التابعين الأئمة في هذه المنزلة. ولعمري إن من أنزل عالما من الصحابة رضي الله عنهم أو من التابعين أو من أئمة المسلمين هذه المنزلة لأحق بهذه الصفة وأولى بها، ولا يخرج قولكم من إحدى هذه الثلاث قبائح، إذ لا رابع لها. فإن قالوا: إنما قلنا: إنه خطأ وشذوذ قلنا: قد قدمنا أن كل من خالف أحدا فقد شذ عنه، وكل قول خالف الحق فهو شاذ عن الحق، فوجب أن كل خطأ فهو شذوذ عن الحق، وكل شذوذ عن الحق فهو خطأ، وليس كل خطأ خلافا للإجماع، فليس كل شذوذ خلافا للإجماع، ولا كل حق إجماعا، وإنما نكلمكم ههنا في قولكم: ليس خلافا، ولكون ما عداه إجماعا، فقد ظهر كذب دعواهم وفسادها والحمد لله رب العالمين. قال أبو محمد: ووجدناهم احتجوا برواية لا تصح: عليكم بالسواد الأعظم ووجدنا من طريق محمد بن عبد السلام الخشني، عن المسيب بن واضح، عن المعتمر بن سليمان عن عبد الله بن دينار عن ابن عمر عن النبي صلى الله عليه وسلم قال لا تجتمع أمة محمد على ضلالة أبدا وعليكم بالسواد الأعظم فإنه من شذ شذ إلى النار. قال أبو محمد: المسيب بن واضح منكر الحديث لا يحتج به

روى المنكرات منها أنه أسند إلى النبي صلى الله عليه وسلم من ضرب أباه فاقتلوه وهذا لا يعرف ولو صح الخبر المذكور لكان معناه من شذ عن الحق، لا يجوز غير ذلك، وبما أنبأناه أحمد بن عمر بن أنس العذري، نا عبد الله بن الحسين، نا عقال، نا إبراهيم بن محمد الدينوري، نا محمد بن أحمد بن الجهم، نا أبو قلابة، نا وهب بن جرير بن حازم قال: سمعت عبد الملك بن عمير يحدث عن جابر بن سمرة قال: خطبنا عمر بن الخطاب فقال قام فينا رسول الله صلى الله عليه وسلم كقيامي فيكم فقال من أحب منكم بحبوحة الجنة فليلتزم الجماعة، فإن الشيطان مع الواحد وهو من الاثنين أبعد. نا عبد الله بن ربيع، نا محمد بن معاوية، نا أحمد بن شعيب، أخبرني إبراهيم بن الحسن، نا حجاج بن محمد، نا يوسف بن أبي إسحاق، عن عبد الملك بن عمير، عن عبد الله بن الزبير قال: قام عمر بن الخطاب أمير المؤمنين على باب الجابية فقال إن رسول الله صلى الله عليه وسلم قام فينا كقيامي فيكم فقال يا أيها الناس أكرموا أصحابي ثم الذين يلونهم ثم الذين يلونهم، ثم يفشو الكذب، حتى إن الرجل ليحلف قبل أن يستحلف، ويشهد قبل أن يستشهد، فمن سره أن ينال بحبوحة الجنة فعليه بالجماعة فإن يد الله فوق الجماعة، ولا يخلون رجل بامرأة، فإن الشيطان ثالثهما، ألا إن الشيطان مع واحد، وهو من الاثنين أبعد، من سائته سيئته وسرته حسنته فهو المؤمن. وبه إلى أحمد بن شعيب، نا الربع بن سليمان، نا إسحاق بن بكر، عن يزيد بن عبد الله، عن عبد الله بن دينار عن ابن عمر. قال: إن عمر بن الخطاب لما قدم الشام قام فقال رسول الله صلى الله عليه وسلم قام فينا كقيامي فيكم فقال أكرموا أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يظهر الكذب فيحلف الرجل ولا يستحلف ويشهد ولا يستشهد فمن أراد بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد وهو من الاثنين أبعد وبه إلى أحمد بن شعيب، نا إسحاق بن إبراهيم وهو ابن راهويه نا جرير هو ابن عبد الحميد عن عبد الملك بن مالك بن عمر، عن جابر بن سمرة قال: خطب عمر بن الخطاب الناس

great majority." We found, through the transmission of Muhammed ibn ʿAbd al-Salam al-Khushani, from al-Musayyab ibn Wadih, from al-Muʿtamir ibn Sulayman, from ʿAbd Allah ibn Dinar, from Ibn ʿUmar, from the Prophet ﷺ, that he said: "The community of Muhammed will never agree upon error. You must adhere to the great majority, for whoever deviates deviates into the Fire." Abu Muhammed said: Al-Musayyab ibn Wadih is a transmitter of objectionable hadith whose reports cannot be adduced as evidence. He transmitted objectionable reports, including one that he attributed through a chain to the Prophet ﷺ: "Whoever strikes his father, kill him." This is not known. Even if the report mentioned were authentic, its meaning would be whoever deviates from the truth; no other interpretation is admissible. And they adduced what Ahmad ibn ʿUmar ibn Anas al-ʿUdhri reported to us: ʿAbd Allah ibn al-Husayn narrated to us; ʿIqal narrated to us; Ibrahim ibn Muhammed al-Dinawari narrated to us; Muhammed ibn Ahmad ibn al-Jahm narrated to us; Abu Qilabah narrated to us; Wahb ibn Jarir ibn Hazim narrated to us, saying: I heard ʿAbd al-Malik ibn ʿUmayr relating from Jabir ibn Samurah, who said: ʿUmar ibn al-Khattab addressed us and said: "The Messenger of Allah ﷺ stood among us as I stand among you, and said: 'Whoever among you desires the spacious heart of Paradise should adhere to the community, for Satan is with the solitary person and is farther away from two.'" ʿAbd Allah ibn Rabiʿ narrated to us; Muhammed ibn Muʿawiyah narrated to us; Ahmad ibn Shuʿayb narrated to us: Ibrahim ibn al-Hasan informed me; Hajjaj ibn Muhammed narrated to us; Yusuf ibn Abi Ishaq narrated to us, from ʿAbd al-Malik ibn ʿUmayr, from ʿAbd Allah ibn al-Zubayr, who said: ʿUmar ibn al-Khattab, Commander of the Faithful, stood at the gate of al-Jabiyah and said: "The Messenger of Allah ﷺ stood among us as I stand among you and said: 'O people, honor my Companions, then those who follow them, then those who follow them. Then lying will become widespread, so that a man will swear an oath before he is asked to swear, and he gives testimony before being asked to testify. Whoever would be pleased to attain the spacious heart of Paradise must adhere to the community, for Allah's hand is above the community. No man must be alone with a woman, for Satan is their third. Indeed, Satan is with one person, and he is farther from two.

Whoever is distressed by his evil deed and delighted by his good deed is the believer.'"

And through the same chain to Ahmad ibn Shuʿayb: al-Rabʿ ibn Sulayman narrated to us; Ishaq ibn Bakr narrated to us, from Yazid ibn ʿAbd Allah, from ʿAbd Allah ibn Dinar, from Ibn ʿUmar, who said: "When ʿUmar ibn al-Khattab arrived in Syria, he stood and said: 'The Messenger of Allah ﷺ stood among us as I stand among you and said: "Honor my Companions, then those who follow them, then those who follow them. Then lying will appear, and a man will swear without being asked to swear, and give testimony without being asked to testify. Whoever desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two."'"

And through the same chain to Ahmad ibn Shuʿayb: Ishaq ibn Ibrahim, namely Ibn Rahawayh, narrated to us; Jarir, namely Ibn ʿAbd al-Hamid, narrated to us, from ʿAbd al-Malik ibn Malik ibn ʿUmar, from Jabir ibn Samura, who said: "'Umar ibn al-Khattab addressed the people at al-Jabiya and said: 'The Messenger of Allah ﷺ stood in a position like this position of mine and said: "Treat my Companions well, then those who follow them, then those who follow them. Then lying will appear, and a man will swear without being asked to swear, and give testimony without being asked to testify. Whoever among you desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two."'"

And through the same chain to Ahmad ibn Shuʿayb: narrated to us Ishaq ibn Ibrahim, namely Ibn Rahawayh; Jarir, namely Ibn ʿAbd al-Hamid, narrated to us, from ʿAbd al-Malik ibn ʿUmayr, from Jabir ibn Samura, who said: "'Umar ibn al-Khattab addressed the people at al-Jabiya and said: 'The Messenger of Allah ﷺ stood in a position like this position of mine and said: "Treat my Companions well, then those who follow them, then those who follow them. Then lying will become widespread, to the point that a man will swear an oath before being asked to swear, and give testimony before being asked to give that testimony. Whoever among you desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two. No man is to be alone with a woman, for their

بالجابية فقال رسول الله صلى الله عليه وسلم قام في مثل مقامي هذا فقال أحسنوا إلى أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يظهر الكذب فيحلف الرجل ولا يستحلف ويشهد ولا يستشهد فمن أراد منكم بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد وهو من الاثنين أبعد وبه إلى أحمد بن شعيب، نا إسحاق بن إبراهيم هو ابن راهويه نا جرير هو ابن عبد الحميد عن عبد الملك بن عمير، عن جابر بن سمرة قال: خطب عمر بن الخطاب الناس بالجابية فقال إن رسول الله صلى الله عليه وسلم قام في مثل مقامي هذا فقال أحسنوا إلى أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يفشو الكذب حتى إن الرجل ليحلف على اليمين قبل أن يستحلف ويشهد على الشهادة قبل أن يستشهد عليها، فمن أراد منكم بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد، وهو من الاثنين أبعد، لا يخلو رجل بامرأة فإن ثالثهما الشيطان ألا من كان منكم تسوءه سيئته وتسره حسنته فهو مؤمن. قال أبو محمد: هذا الخبر لم يخرجه أحد ممن اشترط الصحيح، ولكنا نتكلم فيه على علاته، فنقول وبالله تعالى نتأيد: إنه إن صح فإن ما ذكر فيه من الجماعة إنما هي بلا شك جماعة الحق. ولو لم يكونوا إلا ثلاثة من الناس، وقد أسلمت خديجة رضي الله عنها أم المؤمنين وسائر الناس كفار، فكانت على الحق وسائر أهل الأرض على ضلال. ثم أسلم زيد بن حارثة وأبو بكر رضي الله عنهم، فكانوا بلا شك هم الجماعة، وجميع أهل الأرض على الباطل وقد نبىء رسول الله صلى الله عليه وسلم وحده فكان على الحق واحدا وجميع أهل الأرض على الباطل والضلال وقد صح عن النبي صلى الله عليه وسلم أن زيد بن عمر بن نفيل يبعث يوم القيامة أمة وحده. قال أبو محمد: وذلك لأن زيدا آمن بالله تعالى وحده، وجميع أهل الأرض على ضلالة وقد صح عن رسول الله صلى الله عليه وسلم أنه قال إن هذا الدين بدأ غريبا وسيعود غريبا فطوبى للغرباء قيل: ومن هم يا رسول الله قال النزاع من القبائل وقال صلى الله عليه

third is Satan. Indeed, whoever among you is distressed by his evil deed and delighted by his good deed is a believer.""

Abu Muhammed said: No one who stipulated that his collection contain only authentic reports included this report. Nevertheless, we shall discuss it despite its defects, and say, seeking the support of Allah Most High: If it is authentic, then the community mentioned in it is undoubtedly only the community of the truth, even if they were only three people. Khadija, Mother of the Believers—may Allah be pleased with her—embraced Islam while all other people were unbelievers. Thus she followed the truth, while all the other inhabitants of the earth followed error. Then Zayd ibn Haritha and Abu Bakr embraced Islam—may Allah be pleased with them—and they were undoubtedly the community, while all the inhabitants of the earth followed falsehood. The Messenger of Allah ﷺ was made a prophet alone; he alone followed the truth, while all the inhabitants of the earth followed falsehood and error. It has been authentically reported from the Prophet ﷺ that Zayd ibn ʿUmar ibn Nufayl will be raised on the Day of Resurrection as a community unto himself.

Abu Muhammed said: That is because Zayd alone believed in Allah Most High, while all the inhabitants of the earth followed error. It has been authentically reported from the Messenger of Allah ﷺ that he said: "This religion began as something strange and will return to being strange, so blessed are the strangers." He was asked: "Who are they, Messenger of Allah?" He said: "Those who have departed from their tribes." And he ﷺ said: "People are like a hundred camels among which you cannot find a single suitable riding camel." And he ﷺ said: "The Hour will come only upon those in whom there is no good."

ʿAbd Allah ibn Yusuf narrated to us; Ahmad ibn Fath narrated to us; ʿAbd al-Wahhab ibn ʿIsa narrated to us; Ahmad ibn ʿAli narrated to us; Muslim ibn al-Hajjaj narrated to us; Muhammed ibn ʿAbbad and Ibn Abi ʿUmar narrated to us, both from Marwan ibn Muʿawiya al-Fazari, from Yazid ibn Kaysan, from Abu Hurayra, who said: "The Messenger of Allah ﷺ said: 'Islam began as something strange and will return to being strange as it began, so blessed are the strangers.'" And through the same chain to Muslim: al-Fadl ibn

وسلم الناس كإبل مائة لا تجد فيها راحلة وقال صلى الله عليه وسلم إن الساعة لا تقوم إلا على من لا خير فيهم نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن علي، نا مسلم بن الحجاج، نا محمد بن عباد وابن أبي عمر كلاهما، عن مروان بن معاوية الفزاري، عن يزيد بن كيسان عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم بدأ الإسلام غريبا وسيعود كما بدأ غريبا فطوبى للغرباء. وبه إلى مسلم، نا الفضل بن سهل، نا شبابة به سوار، نا عاصم هو ابن محمد العمري عن أبيه عن ابن عمر عن النبي صلى الله عليه وسلم قال إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ نا أحمد بن محمد بن الجسور، نا محمد بن أبي دليم، أخبرنا ابن وضاح، أخبرنا أبو بكر بن أبي شيبة، نا حفص بن غياث، عن الأعمش، عن أبي إسحاق السبيعي، عن أبي الأحوص عن عبد الله بن مسعود قال رسول الله صلى الله عليه وسلم إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ فطوبى للغرباء قيل ومن الغرباء قال النزاع من القبائل

Sahl narrated to us; Shababa bih Sawwar narrated to us; ʿAsim, namely Ibn Muhammed al-ʿUmari, narrated to us, from his father, from Ibn ʿUmar, from the Prophet ﷺ, who said: "Islam began as something strange and will return to being strange as it began."

Ahmad ibn Muhammed ibn al-Jasur narrated to us; Muhammed ibn Abi Dulaym narrated to us; Ibn Waddah informed us; Abu Bakr ibn Abi Shayba informed us; Hafs ibn Ghiyath narrated to us, from al-Aʿmash, from Abu Ishaq al-Sabiʿi, from Abu al-Ahwas, from ʿAbd Allah ibn Masʿud: "The Messenger of Allah ﷺ said: 'Islam began as something strange and will return to being strange as it began, so blessed are the strangers.' He was asked: 'Who are the strangers?' He said: 'Those who have departed from their tribes.'"[114][115][116][117][118]

L1714–1720 And through the previously given chain to Muslim: ʿAbd ibn Humayd narrated to us; ʿAbd al-Razzaq informed us, from Maʿmar, from Anas ibn Malik, from the Prophet ﷺ, who said: "The Hour will not come upon anyone who says: 'There is no god but Allah.'"

Allah, Mighty and Majestic, spoke, mentioning the people of truth, and said: {Strike with your foot: here is cool water for washing and drinking.} And He

[114]**Translator's note (L1705):** The expression «قليل ذلك الخلاف» is awkward; it has been understood here as the small number of people responsible for the dissent.

[115]**Translator's note (L1709):** The supplied name al-Rabʿ ibn Sulayman appears to be a corrupt reading of al-Rabiʿ ibn Sulayman; the supplied form is retained. The chain here reads ʿAbd al-Malik ibn Malik ibn ʿUmar, whereas the parallel report in the next unit reads ʿAbd al-Malik ibn ʿUmayr. The present wording has not been silently corrected.

[116]**Translator's note (L1711):** The supplied text names Zayd ibn ʿUmar ibn Nufayl; the customary form of the name is Zayd ibn ʿAmr ibn Nufayl. The supplied form is retained. "Those who have departed from their tribes" renders al-nuzzaʿ min al-qabaʾil, an expression for individuals separated from their tribes or living away from their own people.

[117]**Translator's note (L1712):** The supplied wording gives Shababa bih Sawwar, with bih ("with him" or "by it") where a patronymic connector would be expected. This appears to be a corruption of Shababa ibn Sawwar; the anomalous supplied form is preserved in transliteration.

[118]**Translator's note (L1713):** "Those who have departed from their tribes" renders al-nuzzaʿ min al-qabaʾil, referring to individuals separated from their tribes or living away from their own people.

وبالسند المتقدم إلى مسلم نا عبد بن حميد أخبرنا عبد الرزاق عن معمر عن أنس بن مالك عن النبي صلى الله عليه وسلم قال لا تقوم الساعة على أحد يقول لا إله إلا الله وقال الله عز وجل وذكر أهل الحق فقال {ركض برجلك هذا مغتسل بارد وشراب} وقال تعالى {وقال لذي شتراه من مصر لامرأته أكرمي مثواه عسى أن ينفعنآ أو نتخذه ولدا وكذلك مكنا ليوسف في لأرض ولنعلمه من تأويل لأحاديث ولله غالب على أمره ولكن أكثر لناس لا يعلمون} في سورة يوسف وقال تعالى {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال تعالى {ومآ أكثر لناس ولو حرصت بمؤمنين} وكلام الله تعالى حق وكلام رسوله صلى الله عليه وسلم حق والحق لا يتعارض وهذه النصوص التي أوردناها هي قرآن منزل، أو أثر في غاية الصحة منقول نقل التواتر، وكلاهما في غاية البيان، فالأقل في الدين هم أهل الحق، وأن أكثر الناس على ضلال وعلى جهل، وأن الواحد قد يكون هو المصيب، وجميع الناس هم على باطل، لا تحتمل هذه النصوص شيئا غير هذا البتة، فلو صحت تلك الآثار التي قدمنا، لوجب ضرورة أنها ليست في الدين، لكن في شيء آخر، وبالضرورة تدري أنها ليست على عمومها، لأن انفراد الرجل وحده

Most High said: {And the man from Egypt who bought him said to his wife: "Make his lodging honorable. Perhaps he will benefit us, or we may adopt him as a son." Thus We established Yusuf in the land, and so that We might teach him the interpretation of accounts. Allah prevails over His affair, but most people do not know}—in the surah of Yusuf. And He Most High said: {If you obey most of those on earth, they will lead you astray from Allah's path. They follow nothing but conjecture, and they do nothing but guess.} And He Most High said: {Most people, however eagerly you desire it, are not believers.}

The speech of Allah Most High is true, and the speech of His Messenger ﷺ is true, and truth does not contradict itself. These texts that we have cited are either revealed Qur'an or a report of the utmost authenticity, transmitted through mass transmission; both are supremely clear. Thus, in religion, the minority are the people of truth; most people follow error and ignorance; and a single individual may be the one who is correct while all other people follow falsehood. These texts admit absolutely no meaning other than this. Consequently, if those reports that we presented earlier were authentic, it would necessarily follow that they concern something other than religion. And you know by necessity that they do not apply in their full generality, because a man's being alone in his house is not objectionable. The Messenger of Allah ﷺ said: "May Allah have mercy on Abu Dharr: he walks alone, dies alone, and will be raised alone." There is a sufficient, decisive demonstration for anyone with the slightest understanding that he ﷺ never meant numerical abundance by the community mentioned; there can be no doubt about that. For the Christians are a community, the Jews are a community, and the Magians and worshippers of fire are a community. Do you suppose that he ﷺ intended these communities? Allah forbid such a thing! If they say: "He intended only all Muslims," we say: Those who affiliate themselves with Islam are divided into sects: the Kharijites are a community, the Rafidites are a community, the Murji'ites are a community, and the Mu'tazilites are a community. Do you suppose that he, peace be upon him, intended any of these communities? Far be it from him! If they say: "He intended only the people of the Sunna," we say: The people of the Sunna are divided into groups: the

في بيته غير منكر وقد قال رسول الله صلى الله عليه وسلم يرحم الله أبا ذر يمشي وحده ويموت وحده ويبعث وحده وبرهان كاف قاطع لكل من له أقل فهم في أنه صلى الله عليه وسلم لم يرد قط بالجماعة المذكورة كثرة العدد، لا يشك في ذلك، لأن النصارى جماعة واليهود جماعة والمجوس وعباد النار جماعة أفترونه صلى الله عليه وسلم أراد هذه الجماعات حاشا لله من هذا فإن قالوا: إنما أراد جميع المسلمين، قلنا: فإن المنتمين إلى الإسلام فرق، فالخوارج جماعة، والروافض جماعة، والمرجئة جماعة، والمعتزلة جماعة، أفترونه عليه السلام أراد شيئا من هذه الجماعات؟ حاشا له من ذلك. فإن قالوا: إنما أراد أهل السنة، قلنا: أهل السنة فرق، فالحنفية جماعة والمالكية جماعة والشافعية جماعة والحنبلية جماعة وأصحاب الحديث الذين لا يتعدونه جماعة فأي هذه الجماعات أراد صلى الله عليه وسلم وليس بعضها أولى بصحة الدعوى من بعض فصح يقينا قطعا كما أن الشمس طالعة من مشرقها أنه عليه السلام لم يرد قط إلا جماعة أهل الحق وهم المتبعون للقرآن ولما صح عن النبي صلى الله عليه وسلم من بيانه للقرآن بقوله وفعله وهذه هي طريق جميع الصحابة رضي الله عنهم، وخيار التابعين من بعدهم، حتى حدث التقليد المهلك، فإذا لا شك في كل هذا، وقد بينا أن أمره عليه السلام بلزوم الجماعة، إنما أراد يقينا أهل الحق، وإن كانوا أقل من أهل الباطل بلا شك، لم يرد كثرة العدد قط. فلنتكلم بعون الله تعالى وقوته على ما في تلك الآثار، من أن الشيطان مع الفذ أو الواحد، وهو من الاثنين أبعد. وقد أوضحنا بما لا إشكال فيه، أنه عليه السلام لم يرد بذلك الدين، بما لو أوردنا آنفا من النصوص، وببرهان آخر، وهو قوله: وهو من الاثنين أبعد فلو أراد الدين، لكان المنفرد بقوله مصاحبا للشيطان، فإن استضاف إليه آخر بعد عنه الشيطان، فعاد الباطل حقا بدخول إنسان فيه، وهذا باطل متيقن ليست هذه صفة الدين؛ بل الباطل باطل، وإن دخل فيه آلاف فصح بلا شك أنه لم يرد الدين، ولا عموم التوحيد بكل حال فقد صح أنه إنما عنى خاصا

من الأحوال بلا شك. فإذا ذلك كذلك فلا يجوز أن ينسب إلى النبي صلى الله عليه وسلم أنه أراد حال كذلك إلا بنص صحيح عنه بذلك وإن الناسب إليه صلى الله عليه وسلم ما لم يقل كاذب عليه وقد أخبر عليه السلام، أنه من كذب عليه فليتبوأ مقعده من النار. فإذا كان الأمر كما قلنا يقينا فقد صح عن النبي صلى الله عليه وسلم النهي أن يسافر المرء وحده وفي تلك الأخبار أنفسها، لا ينفرد رجل مع امرأة فإن الشيطان ثالثهما، فنحن على يقين من أنه ههنا نهي عن الوحدة، وأن الشيطان ههنا مع الواحد، فإن كان اثنين فقد خرج عن النهي، وبعد الشيطان عنهما، فبطل التعلق بتلك الآثار فيما ذهب إليه من ذهب، وأن خلاف الواحد لا يعد خلافا. واعلموا أنه لا يمكن البتة، للحنفيين ولا المالكيين ولا الشافعيين، أن يحتجوا بشيء من ذلك الأثر، لأن خلاف الواحد عندهم خلاف إلا من شذ منهم من مذاهب أصحابه، وقد قلنا إننا أخرجنا لكل واحد من أبي بكر ومالك والشافعي مئين من المسائل انفرد كل واحد منهم بقوله فيها، عن أن يعرف أحد قبله قاله بذلك القول. وبرهان ضروري أيضا، هو أنه قد بينا أن له لو صح ذلك القول عن النبي صلى الله عليه وسلم لعلمنا أنه لم يرد بذلك الدين أصلا لأن اليهود والنصارى والمجوس والملحدين ثم الرافضة والمعتزلة والمرجئة والخوارج، جماعات عظيمة، فالشيطان بعيد عنهم ومجانب لهم، لأنهم أكثر من واحد، يأبى الله تعالى هذا، وتالله ما عش الشيطان ولا بحبوحته إلا فيهم، وبلا شك أن أهل الباطل كلما كثروا فإن الشيطان أقوى فيهم منه مع المنفرد.

Hanafis are a community, The Malikis are a community, the Shafi'is are a community, the Hanbalis are a community, and the adherents of hadith who do not go beyond it are a community. Which of these communities, then, did he ﷺ mean? None has a better claim to the validity of its assertion than another. It is therefore established with certainty and conclusively, as surely as the sun rises from its place of rising, that he, peace be upon him, never meant anything other than the community of the people of truth. They are those who follow the Quran and what is authentically established from the Prophet ﷺ of his explanation of the Quran through his words and deeds. This is the way of all the Companions, may Allah be pleased with them, and the best of the Followers after them, until ruinous imitation arose. Since there is no doubt about any of this, and we have explained that, in commanding adherence to the community, he, peace be upon him, certainly meant the people of truth, even if they were fewer than the people of falsehood, and undoubtedly never meant numerical abundance, let us speak, with the help and strength of Allah Most High, about the statement in those reports that Satan is with the solitary person, or the individual, and is farther away from two. We have made it clear beyond any difficulty that he, peace be upon him, did not mean religion by this, through the texts we cited just now and through another demonstration: his statement, "And he is farther away from two." If he had meant religion, a person alone in holding his opinion would be accompanied by Satan; then, if another joined him, Satan would move away from him, and falsehood would become truth through a person's joining it. This is certainly false. Such is not the character of religion. Rather, falsehood remains falsehood even if thousands join it. It is thus established beyond doubt that he did not mean religion, nor the generality of professing Allah's oneness in every circumstance. It is therefore established beyond doubt that he meant only particular circumstances. Since that is so, it is impermissible to attribute to the Prophet ﷺ an intention to refer to any such circumstance except on the basis of an authentic text from him to that effect. Whoever attributes to him ﷺ something he did not say lies about him. He, peace be upon him, has declared that whoever lies about him should take his seat in the Fire. Since the matter is certainly as we have said, an authentic prohibition against a person's travelling alone has been transmitted from the

Prophet ﷺ. And in those very reports: "Let no man be alone with a woman, for Satan is the third of them." We are therefore certain that what is prohibited here is being alone, and that Satan here is with the individual. If there are two, he has passed beyond the scope of the prohibition, and Satan has moved away from them. Reliance upon those reports to support the position adopted by those who adopted it—that the dissent of one person does not count as dissent—is therefore invalid. Know that it is utterly impossible for the Hanafis, the Malikis, or the Shafiʿis to use anything from that report as an argument, because, according to them, the dissent of one person counts as dissent, except for those among them who depart from the positions of their fellow adherents. We have already said that we have adduced, for each of Abu Bakr, Malik, and al-Shafiʿi, hundreds of questions on which each held an opinion alone, without anyone before him being known to have expressed that opinion. There is also a necessary demonstration: we have explained that, even if that statement were authentically established from the Prophet ﷺ, we would know that he did not mean religion by it at all. For the Jews, the Christians, the Magians, and the unbelievers, and then the Rafidites, the Muʿtazilites, the Murjiʾites, and the Kharijites, are vast communities. Satan would therefore be far from them and keep apart from them because they number more than one! Allah Most High rejects this. By Allah, Satan's nest and his very heartland are nowhere but among them. Undoubtedly, the more

numerous the people of falsehood become, the stronger Satan is among them than he is with an individual alone.[119][120][121][122][123]

L1721–1723 Muhammed ibn Saʿid ibn Nabat narrated to us; Ahmad ibn ʿAbd al-Basir narrated to us; Qasim ibn Asbagh narrated to us; Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us; Muhammed ibn al-Muthanna narrated to us; Muʾammal ibn Ismaʿil al-Basri narrated to us; Sufyan al-Thawri narrated to us, from ʿAbd al-Malik ibn Abjar, from Talha ibn Musarrif, from ʿAbd Allah ibn ʿAmr ibn al-ʿAs, who said: "A quarter of the black peoples—those who do not wear clothes—are more numerous than all mankind." Through all this it is established with certainty, leaving no room for doubt, that he never means religion by this. Success comes through Allah Most High.

Furthermore, in those reports the Prophet ﷺ praised his Companions, the generation of the Followers, and then the third generation. Since he praised them, they are the community that ought not to be opposed, and whoever opposes them belongs to the people of falsehood, even if they were all the inhabitants of the earth. Those three generations are the ones who did not

نا محمد بن سعيد بن نبات، نا أحمد بن عبد البصير، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا مؤمل بن إسماعيل البصري، نا سفيان الثوري، عن عبد الملك بن أبجر، عن طلحة بن مصرف، عن عبد الله بن عمرو بن العاص، قال: ربع السودان من لا يلبس الثياب، أكثر من جميع الناس. فصح بكل هذا يقينا لا مجال للشك فيه أنه لا يرد قط بذلك الدين وبالله تعالى التوفيق وأيضا فإن النبي صلى الله عليه وسلم أثنى في تلك الأخبار على أصحابه وعلى قرن التابعين، ثم على القرن الثالث. فإذا أثنى عليهم فهم الجماعة التي لا ينبغي أن تخالف، وكل من خالفهم فهو أهل الباطل، ولو كانوا أهل الأرض تلك القرون الثلاثة هي التي لم تقلد أحدا، وإنما كانوا يطلبون القرآن والسنن فنحن معهم، والحمد لله رب العالمين. وكل من قلد إنسانا بعينه، فقد خالف الجماعة، والحمد لله رب العالمين. قال أبو محمد: وقد شغب بعضهم بأن قال لما أجمع نظراء هذا الواحد، وعلمنا أنهم مؤمنون يقينا بالجملة، وأنهم من الأمة بلا شك، ولم نقطع هذا الواحد المخالف لهم بأنه من الأمة، وكان واجبا علينا اتباع من نوقن أنهم من الأمة دون من لا نوقن أنه منها. قال أبو محمد: وهذا خطأ، لأن الله تعالى أمرنا عند التنازع بالرد إلى القرآن والسنة 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} ومخالفة الواحد تنازع في المشاهدة والعيان، ولم يقل تعالى فردوه إلى الأكثر، ولا إلى من لم يخالفهم إلا واحد فصار من رد إلى غير القرآن والسنة، عاصيا لله عز وجل، مخالفا لأمره. وقد حصل لذلك الواحد من ظاهر الإسلام في الحكم، كالذي لكل واحد من مخالفيه ولا فرق.

[119] **Translator's note (L1714):** The first Qur'anic quotation is the wording of Sad 38:42, concerning striking the ground with one's foot. Its placement after "mentioning the people of truth" appears incongruous with the argument about minorities. The supplied quotation is translated without substitution. The Qur'anic quotations contain several apparent transcriptional omissions of letters, especially initial alifs in articles and other words. The translation follows the identifiable wording; the initial word of the first quotation is likewise defective in the supplied spelling. "Accounts" renders al-ahadith in the Yusuf quotation; in this context it may refer specifically to dreams or their narration.

[120] **Translator's note (L1717):** The wording بما لو أوردنا آنفا is syntactically irregular. The translation follows its apparent reference to the texts cited immediately beforehand, without assigning a separate coherent sense to the intrusive لو.

[121] **Translator's note (L1719):** The author moves from the report about a man being alone with a woman, where Satan is said to be their third, to a statement that Satan moves away when there are two. This apparent tension is present in the Arabic and has been retained.

[122] **Translator's note (L1720):** The sequence أنه قد بينا أن له لو صح contains an awkward additional له. The translation conveys the apparent conditional argument while noting the irregular wording.

[123] **Qur'an references (L1714):** Qur'an 38:42 (Sad); Qur'an 12:21 (Yusuf); Qur'an 6:116 (Al-An'am).

imitate anyone; rather, they sought the Quran and the prophetic practices. We are therefore with them, and praise belongs to Allah, Lord of the worlds. Whoever imitates one particular person has opposed the community, and praise belongs to Allah, Lord of the worlds.

Abu Muhammed said: Some of them have also raised a specious objection, saying: "Since this one individual's peers have reached consensus, and we know with certainty that, collectively, they are believers and that they belong to the Muslim community beyond doubt, whereas we have not established conclusively that this one individual who opposes them belongs to the Muslim community, it is incumbent upon us to follow those whom we are certain belong to the Muslim community, rather than someone whom we are not certain belongs to it." Abu Muhammed said: This is erroneous, because Allah Most High commanded us, when disputing, to refer the matter back to the Quran and the Sunnah, in His words, Most High: {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 back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.} The dissent of one person is, observably and manifestly, a dispute. And He did not say, Most High, "Refer it back to the majority," nor "to those opposed by only one person." Thus, whoever refers it back to anything other than the Quran and the Sunnah disobeys Allah, Mighty and Majestic, and contravenes His command. Moreover, that one individual possesses, for purposes of legal

judgment, the same outward profession of Islam as each of his opponents, without any difference.[124][125][126]

L1724–1725 Abu Muhammed said: They have also argued from what we have transmitted through Ibn Wahb: Abu Fahd informed me: The Messenger of Allah ﷺ said, “Let the fewer follow the more numerous scholars.” Abu Muhammed said: This is a report with an omitted transmission link to the Prophet, of no worth, and undoubtedly false. The first reason is that it is impossible, and he, peace be upon him, does not command the impossible. For it is not possible to follow the fewer and the more numerous until it is possible to count them all. We have explained that counting them all is utterly impossible by any means whatsoever, and that none has the power to do so except the Creator alone, who has no partner. Another consideration is that the Companions, may Allah’s good pleasure be upon them, agreed immediately after the Prophet’s ﷺ death that the people of apostasy should not be fought and that Usama ibn Zayd’s expedition should not be dispatched. Abu Bakr alone opposed them, and he was in the right while they were in error. If they say, “They subsequently adopted his opinion,” we say: Yes, and this is our argument. We asked you only about the situation before they adopted Abu Bakr’s opinion on that matter.

Some of them have raised a specious objection using the report that “One is a devil, two are two devils, and three are a travelling party.” We say: In the wording of the report itself, this concerns travel alone. Otherwise, according to their position, someone performing a voluntary prayer alone would be a

قال أبو محمد: واحتجوا أيضا بما رويناه من طريق ابن وهب أخبرني أبو فهد قال رسول الله صلى الله عليه وسلم ليتبع الأقلون العلماء الأكثرين قال أبو محمد: وهذا مرسل لا خير فيه، وباطل بلا شك، أول ذلك أنه محال، وهو عليه السلام لا يأمر بالمحال، لأنه لا يمكن أن يتبع الأقل والأكثر إلا بعد إمكان عد جميعهم، وقد بينا أن عد جميعهم لا يمكن البتة بوجه من الوجوه، ولا يقدر عليه إلا الخالق وحده لا شريك له. ووجه آخر، وهو أن الصحابة رضوان الله عنهم قد أصفقوا أثر موت النبي صلى الله عليه وسلم على ألا يقاتل أهل الردة ولا ينفذ بعث أسامة بن زيد، وخالفهم أبو بكر وحده، فكان هو المحق وكانوا على الخطأ، فإن قالوا: قد رجعوا إلى قوله قلنا: نعم، وهذه حجتنا، وإنما سألناكم عن الحال قبل أن يرجعوا إلى قول أبي بكر في ذلك. وقد شغب بعضهم بما روي من أن الواحد شيطان، والاثنان شيطانان، والثلاثة ركب. قلنا: إنما هذا في نص الخبر نفسه في السفر فقط، وإلا فالمصلي النافلة وحده على قولهم شيطان، ومصلي الفريضة مع آخر شيطانان، وفي هذا ما فيه، نعوذ بالله العظيم من البلاء. ثم نسألكم: هل ذلك الواحد عندكم مخالف للإجماع أم لا؟ فإن قالوا: نعم، قلنا لهم: ومخالف الإجماع عندكم كافر، فمن قولهم: نعم، قلنا لهم، فعلى هذا فابن عباس كافر، وزيد بن ثابت عندكم كافر، إذ أقررتم أنهما خالفا الإجماع، وبالله إن نسب ذلك إليهما فهو والله أحق منهما، بل هما المؤمنان الفاضلان رضي الله عنهما، وإن أبوا من تكفير من خالف هذا النوع من الإجماع تناقضوا وظهر فساد قولهم، وبالله تعالى التوفيق.

[124] **Translator’s note (L1721):** The report beginning ربع السودان من لا يلبس الثياب is awkward and its intended population comparison is uncertain. The translation takes ربع as “a quarter” and the following phrase as identifying those who do not wear clothes; the unvocalized ربع could also refer to an abode or region. The apparently incongruous comparison with “all mankind” is retained. The present-tense wording لا يرد is rendered as “never means”; the surrounding argument elsewhere uses the past tense.

[125] **Translator’s note (L1722):** The Quran quotation, corresponding to 4:59, repeatedly lacks written alifs in such forms as لذين and لله where the context requires الذين and الله. These transcription defects are noted; the English reflects the intelligible wording of the supplied quotation.

[126] **Qur’an references (L1721):** Qur’an 4:59 (An-Nisa).

devil, and someone performing an obligatory prayer with one other person would be two devils. This has the implications it has. We seek refuge in Allah the Magnificent from affliction.

Then we ask you: In your view, does that one individual oppose consensus or not? If they say yes, we say to them: And in your view, is someone who opposes consensus an unbeliever? Their answer is yes. We say to them: On this basis, then, Ibn ʿAbbas is an unbeliever, and Zayd ibn Thabit is an unbeliever in your view, since you have acknowledged that they opposed consensus. By Allah, if someone attributes that to them, then, by Allah, he deserves it more than they do. Rather, they are the two virtuous believers, may Allah be pleased with them both. If, however, they refuse to declare someone who opposes this kind of consensus an unbeliever, they contradict themselves, and the unsoundness of their position becomes evident. Success comes through Allah Most High.[127]

L1726–1730 Abu Muhammed said: ʿAbd al-Rahman ibn Khalid al-Hamdani informed us; Ibrahim ibn Ahmad narrated to us, al-Balkhi: al-Fariri related to us: al-Bukhari related to us: Abd al-Aziz ibn Abd Allah related to us: Malik ibn Anas related to us, from Ibn Shihab, from al-Aʿraj, from Abu Hurayra, who said: "People say, 'Abu Hurayra has narrated a great deal.' Were it not for two verses in the Book of Allah Most High, I would not have narrated a single report." Then he recites: {Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those Allah curses, and those who curse curse them,

قال أبو محمد: أخبرنا عبد الرحمن بن خالد الهمداني، نا إبراهيم بن أحمد البلخي، حدثنا الفريرى، نا البخاري، نا عبد العزيز بن عبد الله، نا مالك بن أنس، عن ابن شهاب، عن الأعرج، عن أبي هريرة قال: إن الناس يقولون: أكثر أبو هريرة، ولو آيتان في كتاب الله تعالى ما حدثت حديثا ثم يتلو {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون * إلا لذين تابوا وأصلحوا وبينوا فأولئك أتوب عليهم وأنا التواب الرحيم} إلى قوله {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون * إلا لذين تابوا وأصلحوا وبينوا فأولئك أتوب عليهم وأنا التواب الرحيم} إن إخواننا من المهاجرين كان يشغلهم الصفق في الأسواق، وإن إخواننا من الأنصار يشغلهم العمل في أموالهم وإن أبا هريرة كان يلزم رسول الله صلى الله عليه وسلم لشبع بطنه ويحضر ما لا يحضرون ويحفظ ما لا يحفظون. قال أبو محمد: ففي هذا أن الواحد قد يكون عنده من السنن ما ليس عند الجماعة، وإذا كان عنده من السنة ما

[127] **Translator's note (L1724):** The report is described by the author as mursal: a report whose transmission omits the link to the Prophet. This is the author's assessment. The phrase أن يتبع الأقل والأكثر literally speaks of following "the fewer and the more numerous," although the surrounding argument concerns the fewer following the more numerous. The supplied wording is retained. The wording ومصلي الفريضة مع آخر شيطانان awkwardly makes "someone performing an obligatory prayer with another" the subject of the dual predicate "two devils." Its grammatical and argumentative awkwardness is retained. The clause وبالله إن نسب ذلك إليهما is compressed and leaves the subject of نسب unstated. The translation takes it conditionally, with "someone" supplied; "deserves it" refers to the accusation of unbelief.

* except those who repent, make amends, and make clear: to those I turn in forgiveness, and I am the Ever-Relenting, the Merciful}, up to His words: {Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those Allah curses, and those who curse curse them, * except those who repent, make amends, and make clear: to those I turn in forgiveness, and I am the Ever-Relenting, the Merciful}. "Our brothers among the Emigrants were occupied with striking bargains in the markets, and our brothers among the Helpers were occupied with working on their properties. Abu Hurayra, however, used to remain constantly with the Messenger of Allah ﷺ in return for filling his belly; he attended what they did not attend and memorized what they did not memorize." Abu Muhammed said: This shows that a single individual may possess knowledge of Prophetic practices that the group does not possess. When he possesses knowledge of the Prophetic practice that others do not possess, he, to the exclusion of the others, is correct in the legal opinion he gives on that basis. Abu Muhammed said: We know by direct observation that Muslims are fewer than others. The Messenger of Allah ﷺ said: "Among the nations before you, you are only like a white hair on a black bull." He—upon him be peace, blessing, and peace ﷺ—also mentioned that the contingent dispatched to the Fire consists of nine hundred and ninety-nine out of every thousand, with one going to Paradise. Then, by observation, we know that the righteous and the learned are fewer than the wicked and the ignorant, and that these latter two classes constitute the greater number and the majority. By observation, we know that the morally pure among the learned are fewer than the rest of them, contrary to what our opponent says. In the chapter on invalidating uncritical adherence, Ibn Mas'ud's statement has been mentioned: "Let none of you say, 'I am with the people.'" Before this, we mentioned Hudhayfa's statement: "How will you fare if the Quran takes one path and people take another path?" We have explained, both before and afterward, that the purpose is solely to follow the Quran and what the Messenger of Allah ﷺ has ruled. No one's statement apart from that carries any weight, whether those who uphold it are many or few. This is a matter against which one must guard oneself: the error caused by it has been great, and many have perished through it.

ليس عند غيره، فهو المصيب في فتياه بهذا دون غيره. قال أبو محمد: وبالعيان ندري أن المسلمين أقل من غيرهم قال رسول الله صلى الله عليه وسلم ما أنتم في الأمم قبلكم إلا كالشعرة البيضاء في الثور الأسود، وذكر عليه السلام الصلاة والسلام أن بعث النار من كل ألف تسعمائة وتسعة وتسعين وواحد إلى الجنة، ثم بالمشاهدة ندري أن الصالحين والعلماء أقل من الطالحين والجهال، وأن هذين الصنفين هم الأكثر، والجمهور، وبالمشاهدة ندري أن الزكي من العلماء هم أقل منهم بخلاف قول المخالف، وقد ذكر في باب إبطال التقليد قول ابن مسعود: لا يقول أحدكم أنا مع الناس. وذكرنا قبل هذا قول حذيفة: كيف أنت إذا سلك القرآن طريقا، وسلك الناس طريقا آخر؟ وبينا قبل وبعد أن العرض إنما هو اتباع القرآن وما حكم به رسول الله صلى الله عليه وسلم فإنه لا معنى لقول أحد دون ذلك كثر القائلون به أو قلوا، وهذا باب ينبغي أن يتقى فقد عظم الضلال به، وكثر الهالكون فيه، ونعوذ بالله العظيم من البلاء. قال أبو محمد: وكلامنا هذا كله تطوع منا، وإلا فلو اكتفينا من كل ذلك بما نذكره الآن إن شاء الله تعالى، وهو أن نقول لهم: إن كل من ادعى في أي قولة كانت لا نحاشي قولة من الأقوال أن العلماء كلهم أجمعوا عليها إلا واحدا خالفهم فقط أو إلا اثنين، أو إلا ثلاثة، أو أي عدد ذكروا، فإنه كذاب مفتر آفك قليل الحياء، لأنه لا سبيل بوجه من الوجوه إلى معرفة ذلك يقينا ولا إلى القطع به أصلا، لما قدمنا من تعذر إحصاء عدد المفتين من المسلمين، فوضح أن هذه مسألة فارغة ولا حجة للاشتغال بها أو كثرة من ضل بها

We seek refuge in Allah the Magnificent from affliction. Abu Muhammed said: All this discussion of ours is something we have undertaken voluntarily. Otherwise, we could have dispensed with all of it by confining ourselves to what we shall now mention, if Allah Most High wills, namely, to say to them: Whoever claims, concerning any position whatsoever— we exclude no position at all—that all the scholars have unanimously agreed upon it except for just one who disagreed with them, or except for two, or except for three, or whatever number they mention, is a liar, a fabricator, a purveyor of falsehood, and a person of little shame. For there is absolutely no way to know this with certainty or to assert it definitively at all, given what we have already explained about the impossibility of enumerating the Muslims who issue legal opinions. It is thus clear that this is an empty question, and there is no justification for occupying oneself with it, or for the multitude of those who have gone astray through it.[128][129][130][131]

L1731 **[Section on the Position of Those Who Say That the Majority's Position Constitutes Consensus and That the Minority's Position Is Disregarded]**

[فصل في قول من قال قول الأكثر هو الإجماع ولا يعتد بقول الأقل]

[128] **Translator's note (L1727):** The source reads ولو آيتان, apparently lacking the لا needed for 'were it not for two verses.' The translation follows the apparent intended construction and flags the omission here. The entire two-verse Quranic quotation is repeated after 'up to His words.' This apparent quotation error is retained in full. The transmitter's name is written الفريرى here; the differing form الفربري occurs in unit 1737:0. The supplied forms have been preserved as al-Fariri and al-Firabri respectively. The source has the unusual, repetitive salutation عليه السلام الصلاة والسلام; its repetition is retained in English. الزكي is grammatically singular despite the following plural pronoun. It is understood collectively as 'the morally pure.'

[129] **Translator's note (L1729):** The source reads العرض, 'presentation' or 'exposition,' where the context appears to require الغرض, 'purpose.' The translation adopts the apparent intended sense while recording the supplied reading.

[130] **Translator's note (L1730):** The closing wording ولا حجة للاشتغال بها أو كثرة من ضل بها is awkward: literally, 'and no justification for occupying oneself with it, or the multitude of those who have gone astray through it.' The translation preserves the supplied coordination, whose intended relationship is uncertain.

[131] **Qur'an references (L1726):** Qur'an 2:159 (Al-Baqarah); Qur'an 2:160 (Al-Baqarah).

L1732–1733 Abu Muhammed said: The preceding chapter contains the refutation of this proposition. There we mentioned everything with which they could raise contentious objections, making its repetition unnecessary. Here, however, there is a further question, namely, that we say to them: You have asserted an impossibility and introduced into your religion something false and something that cannot exist. This is because there is no way to give this judgment of theirs its full due without enumerating everyone who has spoken on that question, whether a Companion, a Successor, or anyone after them; then the transmitted trace must be ascertained, even if by one. Besides being impossible, this is foolishness and an assertion without demonstration. Furthermore, what distinguishes you from someone who says that the position of the group whose members are more excellent and more renowned for learning has greater claim to precedence, even if they are fewer in number? The two positions thus conflict, and both are invalid, because they are without evidence. Success comes through Allah Most High.[132]

L1734 [Section Invalidating the Position of Those Who Say That Consensus Is the Consensus of the People of Medina]

L1735–1738 Abu Muhammed said: This is a position that the Malikis have constantly repeated, in earlier and later times, and it is utterly unsound. In support of it they have adduced reports, some of them authentic, which they claim indicate that Medina is the best of all lands, and others lying fabrications transmitted by Muhammed ibn al-Hasan ibn Zabala and others. This is not the place to mention them, since our discussion in this book concerns only the comprehensive foundational principles governing questions of legal rulings, rather than an explanation of which land is best. We have examined those reports exhaustively in our book known as al-Isal, at the end of its

[132] **Translator's note (L1732):** The source reads سؤالا رائدا, literally 'a pioneering question,' where 'a further question' appears intended; زائدا may have been intended in place of رائدا. The supplied ثم يعرف الأثر ولو بواحد means approximately 'then the transmitted trace must be ascertained, even if by one,' but is obscure here. الأثر may be a corruption of الأكثر, which would yield 'then it must be determined which side is more numerous, even if by one person.' The translation retains the supplied reading.

قال أبو محمد: في الباب الذي قبل هذا نقض هذه المقالة، وفيه ذكرنا كل ما يمكن أن يشغبوا به، فأغنى عن إعادته، إلا أن هنا سؤالا رائدا، وهو أن نقول لهم: قلتم المحال وأتيتم في دينكم الباطل، والذي لا يمكن وجوده، وذلك إلى أنه لا سبيل إلى توفية حكمهم هذا حقه، إلا إحصاء عدد جميع من تكلم في تلك المسألة من صاحب وتابع فمن بعدهم، ثم يعرف الأثر ولو بواحد، وهذا مع أنه محال فهو حمق، وقول بلا برهان. وأيضا فما الفرق بينكم وبين من قال قول الطائفة التي هي أفضل وأشهر في العلم أولى، وإن كانوا أقل عددا، فحصل التعارض وبطل القولان لأنهم بلا دليل وبالله تعالى التوفيق

[فصل في إبطال قول من قال الإجماع هو إجماع أهل المدينة]

قال أبو محمد هذا قول لهج به المالكيون قديما وحديثا، وهو في غاية الفساد، واحتجوا في ذلك بأخبار منها صحاح، ادعوا فيها أنها تدل على أن المدينة أفضل البلاد، ومنها مكذوب موضوع في رواية محمد بن الحسن بن زبالة وغيره، ليس هذا مكان ذكرها، لأن كلامنا في هذا الكتاب إنما هو على الأصول الجامعة لقضايا الأحكام، لا لبيان أفضل البلاد، وقد تقصينا تلك الأخبار في كتابنا المعروف بالإيصال في آخر كتاب الحج منه، وتكلمنا على بيان سقوط ما سقط منها، ووجه ما صح منها بغاية البيان، والحمد لله رب العالمين. وبجمع ذلك أنهم قالوا: المدينة مهبط الوحي ودار الهجرة ومجتمع الصحابة ومحل سكنى النبي صلى الله عليه وسلم وأحكامها فأهلها أعلم بذلك ممن سواهم وهم شهداء آخر العمل من النبي صلى الله عليه وسلم وعرفوا ما نسخ وما لم ينسخ ثم اختلفوا فقالت طائفة منهم: إنما إجماعهم إجماع وحجة، فيما كان من جهة النقل فقط،

Book of Pilgrimage. There we discussed, with the fullest clarity, why those among them that fail are untenable and how those among them that are authentic are to be understood. Praise belongs to Allah, Lord of all worlds. The sum of their argument is that they say: Medina is the place where revelation descended, the abode of emigration, the gathering place of the Companions, and the place where the Prophet ﷺ resided, with its rulings. Its people therefore know more about that than others do. They witnessed the Prophet's ﷺ final practice and knew what had been abrogated and what had not been abrogated. Then they differed. One group of them said: Their consensus constitutes consensus and authoritative proof only in matters derived through transmission. Another group of them said: Their consensus constitutes consensus and authoritative proof whether derived through transmission or through independent legal reasoning, because they know more about the texts from which rulings are inferred and upon which analogies are based. Since they know more about that, their inference and analogy are sounder than the analogy of others and the inference of others. They said: It is impossible for the Prophet's ﷺ ruling to remain unknown to the majority, namely, those who stayed in Medina, while being known to the minority, namely, those who left Medina, despite their being occupied with armed struggle. They cited what Abd al-Rahman ibn Awf said to Umar ibn al-Khattab—may Allah be pleased with them—when he wished to stand up during the pilgrimage season because of the statement that had reached him from someone who said, "If Umar were to die, we would pledge allegiance to so-and-so." Umar said: "I shall certainly stand up this evening and warn the people against this band who wish to usurp their rights." Abd al-Rahman said: "I said, 'Commander of the Faithful, do not do so. The pilgrimage season brings together the rabble, and they will dominate your gathering. I fear that they will not interpret it properly and will fly off with it in every direction. Wait until you reach Medina, the abode of emigration and the abode of the Prophetic practice. Then you can meet privately with the Companions of the Messenger of Allah ﷺ, from among the Emigrants and the Helpers, and they will retain your words and interpret them properly.'" Abd al-Rahman ibn Abd Allah related this to us: Ibrahim ibn Ahmad related to us: al-Firabri related to us: al-Bukhari related to us: Musa ibn Isma'il related to us: Abd

وقالت طائفة منهم: إجماعهم إجماع وحجة، من جهة النقل كان أو من جهة الاجتهاد، لأنهم أعلم بالنصوص التي منها يستنبط وعليها يقاس، فإذا هم أعلم بذلك، فاستنباطهم وقياسهم أصح من قياس غيرهم واستنباط غيرهم وقالوا من المحال أن يخفى حكم النبي صلى الله عليه وسلم على الأكثر وهم الذين بقوا بالمدينة ويعرفه الأقل، وهم الخارجون عن المدينة، مع شغلهم بالجهاد، وذكروا قول عبد الرحمن بن عوف لعمر بن الخطاب رضي الله عنهم إذ أراد أن يقوم بالموسم الذي بلغه من قول القائل: لو قد مات عمر لقد بايعنا فلانا، فقال عمر: لأقومن بالعشية فلأحذرن الناس من هؤلاء الرهط يريدون يغصبونهم. فقال عبد الرحمن: فقلت: يا أمير المؤمنين لا تفعل فإن الموسم يجمع رعاع الناس، ويغلبون على مجلسك، فأخاف ألا ينزلوها على وجهها فيطيروا بها كل مطير، فأمهل حتى تقدم المدينة دار الهجرة ودار السنة فتخلو بأصحاب رسول الله صلى الله عليه وسلم من المهاجرين والأنصار ويحفظون مقالتك، وينزلوها على وجهها. نا بهذا عبد الرحمن بن عبد الله نا إبراهيم بن أحمد، حدثنا الفربري، نا البخاري، نا موسى بن إسماعيل، نا عبد الواحد، نا معمر عن الزهري، عن عبيد الله بن عتبة، قال: حدثني ابن عباس، قال: قال لي عبد الرحمن بن عوف: لو شهدت أمير المؤمنين أتاه رجل فقال له: إن فلانا يقول: لو قد مات عمر فبايعنا فلانا، ثم ذكر نصه كما أوردنا. قال أبو محمد: هذا كل ما شغبوا به، وكله لا حجة لهم في شيء منه، على ما تبين إن شاء الله عز وجل.

al-Wahid related to us: Ma'mar related to us, from al-Zuhri, from Ubayd Allah ibn Utba, who said: Ibn Abbas related to me, saying: Abd al-Rahman ibn Awf said to me: "If only you had been present with the Commander of the Faithful! A man came to him and said to him, 'So-and-so says, "If Umar were to die, we would then pledge allegiance to so-and-so."'" He then recounted its wording as we have presented it. Said Abu Muhammed: This is everything with which they have raised contentious objections. In all of it, there is nothing that provides them with any authoritative proof, as will become clear, if Allah, Mighty and Majestic, wills.[133][134]

L1739–1741 As for their claim that Medina is the best of all lands, this is a claim whose invalidity we have explained elsewhere. We have explained that Mecca is the best of all lands on the basis of the explicit text of the Quran, the established Prophetic traditions, and the statements of the Companions—may Allah be pleased with them. This is not the place to discuss that. We do, however, say to them: Suppose that matters were as you say, although they are not: what demonstration does its being the best of all lands provide that the consensus of its people constitutes consensus? Does someone who knows that his words are being written down feel no shame and that he will be called to account for it before Allah, mighty and majestic, of perpetrating this feeble deception? We say that Mecca is the best of lands, but this does not require following its inhabitants to the exclusion of others, or that their consensus alone, to the exclusion of the consensus of others, should count, or that they constitute an authoritative proof against others, since the excellence of a place entails none of this. Furthermore, no two Muslims disagree that there were

أما دعواهم أن المدينة أفضل البلاد، فدعوى قد بينا إبطالها في غير هذا المكان، وبينا أن مكة أفضل البلاد بنص القرآن، والسنن الثابتة، وأقوال الصحابة رضي الله عنهم، وليس هذا مكان الكلام في ذلك، لكن نقول لهم: هبكم أنه كما تقولون، وليس كذلك، فأي برهان في كونها أفضل البلاد على أن إجماع أهلها هو الإجماع؟ ألا يستحي من يدري أن كلامه مكتوب وأنه محاسب به بين يدي الله عز وجل، من أن يموه هذا التمويه البارد، ونحن نقول: إن مكة أفضل البلاد، وليس ذلك بموجب اتباع أهلها دون غيرهم، ولا أن إجماعهم دون إجماع غيرهم، ولا أنهم حجة على غيرهم، إذ ليس فضل البقعة موجبا لشيء من ذلك. وأيضا فإنه لا يختلف مسلمان في أنه قد كان في المدينة منافقون وهم شر الخلق قال تعالى {وممن حولكم من لأعراب منافقون ومن أهل لمدينة مردوا على لنفاق لا تعلمهم نحن نعلمهم سنعذبهم مرتين ثم يردون إلى عذاب عظيم} وقال تعالى {إن لمنافقين في لدرك لأسفل من لنار ولن تجد لهم نصيرا} وكان فيها فساق كما في سائر البلاد، وزناة وكذابون وشربة خمر وقذفة كما في سائر البلاد ولا فرق، وأهلها اليوم وإنا لله وإنا إليه راجعون غلاة الروافض الكفرة، أفترون لهؤلاء فضلا يوجب اتباعهم من أجل سكناهم المدينة؟ فمن قولهم: لا لكن إنما توجب الحجة بالفضلاء من أهل المدينة، قلنا لهم: ومن أين خصصتم فضلاء المدينة

[133] **Translator's note (L1736):** The source has وأحكامها, 'and its rulings,' with a feminine pronoun apparently referring to Medina. Its attachment within the sentence is awkward; the translation retains that reference without silently changing it to 'his rulings.' وبجمع ذلك is an awkward supplied reading, rendered according to its apparent sense, 'The sum of their argument.'

[134] **Translator's note (L1737):** The construction بالموسم الذي بلغه من قول القائل is syntactically awkward. The translation takes it to refer to Umar's intention to speak during the pilgrimage season in response to the statement reported to him. The second quotation reads فبايعنا, literally 'then we pledged allegiance,' within a hypothetical statement. It is rendered 'we would then pledge allegiance' to convey that construction.

hypocrites in Medina, and they are the worst of creation. He, exalted, said: {Among the Bedouins around you are hypocrites, and among the inhabitants of Medina are those who have become hardened in hypocrisy. You do not know them; We know them. We shall punish them twice; then they will be returned to a tremendous punishment.} And He, exalted, said: {Indeed, the hypocrites are in the lowest depth of the Fire, and you will never find a helper for them.} There were also flagrantly sinful people there, as in other lands, and adulterers, liars, wine drinkers, and those who make accusations of unchastity, as in other lands, with no difference. Its inhabitants today—and indeed we belong to Allah, and indeed to Him we return—are the unbelieving extremists among the Rejectionists. Do you consider these people to possess an excellence that requires following them because they reside in Medina? Their answer is: No; rather, authoritative proof is established only through the virtuous among the inhabitants of Medina. We say to them: On what basis have you singled out the virtuous of Medina to the exclusion of the virtuous of other lands? There is absolutely no way ever to produce a demonstration establishing the soundness of this. Moreover, Medina's excellence remains as it was: it has not changed and will never change, yet its inhabitants are the most flagrantly sinful of people. Thus, the claim that a place has any bearing on the obligation to follow its inhabitants is invalidated, and it is established that a virtuous person is virtuous wherever he may be, and a flagrantly sinful person is flagrantly sinful wherever he may be. As for their statement that the inhabitants of Medina know the rulings of the Messenger of Allah ﷺ better than anyone else, this is a lie and a falsehood. The truth is simply that the Companions of the Messenger of Allah ﷺ—and they are the ones knowledgeable about his rulings ﷺ—are alike, whether some of them remained in Medina or some of them departed. Remaining there did not increase the knowledge or excellence of the one who stayed in Medina

دون فضلاء غيرهم من البلاد؟ وهذا ما لا سبيل إلى وجود برهان على صحته أبدا.
وأيضا فالمدينة فضلها باق بحسبه، كما كان لم يتغير ولا يتغير أبدا، وأهلها أفسق الناس، فقد بطل أن تكون للبقعة حكم في وجوب اتباع أهلها، وصح أن الفاضل فاضل حيث كان، والفاسق فاسق حيث كان. وأما قولهم إن أهل المدينة أعلم بأحكام رسول الله صلى الله عليه وسلم ممن سواهم فهو كذب وباطل وإنما الحق أن أصحاب رسول الله صلى الله عليه وسلم وهم العالمون بأحكامه صلى الله عليه وسلم سواء بقي منهم من بقي بالمدينة أو خرج منهم من خرج، لم يزد الباقي بالمدينة بقاؤه فيها درجة في علمه وفضله، ولا حظ الخارج منهم عن المدينة خروجه عنها درجة من علمه وفضله

by a single degree, nor did departing from Medina lower the knowledge or excellence of the one who left it by a single degree.[135][136][137]

L1742–1745 As for their statement that they witnessed his final ruling ﷺ and knew what had been abrogated as distinct from what had not been abrogated, this is an outrageous deception and an obvious lie. Rather, those Companions who departed from Medina witnessed exactly as much of that as those of them who remained there witnessed, such as Ali, Ibn Masud, Anas, and others, with no difference. Lying is disgrace in this world and fire in the Hereafter. Thus, the invalidity of everything with which they have deceived people, which they have built upon this unsound principle and raised upon this collapsing foundation, has become evident. As for their statement that it is impossible for a ruling of the Messenger of Allah ﷺ to be unknown to the majority, namely those who remained in Medina, while the minority, namely those who departed from Medina, know it, this is an obvious deception and feeble contentiousness. It would only have been possible for them to deceive people by this means if they had found an issue transmitted through every Companion who remained in Medina—may Allah be pleased with them—and on which every Companion who remained in Medina had issued a legal opinion. But they will never find this, not even in a single issue. All that has been found is the legal opinion of one, two, three, or a similar number, and likewise their transmission. It is therefore possible for a ruling of the Prophet ﷺ to be unknown to a group of Companions while one or more of them know it. It is also possible that someone who witnessed that ruling departed from Medina, and possible that he remained there; the reverse is also possible, with no difference. The Companions dispersed throughout the lands only after the death of the Prophet ﷺ. As for the statement of Abd al-Rahman to Umar which we mentioned, concerning postponing

[135] **Translator's note (L1740):** The opening continues the preceding unit's question about being ashamed; its English syntax therefore depends on that preceding text. The Qur'anic quotations omit several written alifs in the supplied transcription, but their wording remains identifiable. "Rejectionists" renders the polemical designation al-Rawafid.

[136] **Translator's note (L1741):** The supplied حظ appears to be a transcription error for حط, "lowered"; the translation follows this apparent intended reading.

[137] **Qur'an references (L1739):** Qur'an 9:101 (At-Tawbah).

وأما قولهم إنهم شهدوا آخر حكمه صلى الله عليه وسلم وعلموا ما نسخ مما لم ينسخ فتمويه فاحش وكذب ظاهر، بل الخارجون من الصحابة عن المدينة شهدوا من ذلك كالذي شهده المقيم بها منهم سواء كعلي وابن مسعود وأنس وغيرهم ولا فرق، والكذب عار في الدنيا ونار في الآخرة، فظهر فساد كل ما موهوا به وبنوه على هذا الأصل الفاسد، وأسموه بهذا الأساس المنهار. وأما قولهم إن من المحال أن يخفى حكم رسول الله صلى الله عليه وسلم على الأكثر وهم الباقون بالمدينة وبعلمه الأقل، وهم الخارجون عن المدينة، فتمويه ظاهر، وشغب غث، وإنما كان ممكن أن يموهوا بذلك، لو وجدوا مسألة رويت من طريق كل من بقي بالمدينة من الصحابة رضي الله عنهم، وأفتى بها كل من بقي بالمدينة من الصحابة. وأما ولا يجدوا هذا أبدا، ولا في مسألة واحدة، وإنما وجد فتيا الواحد والاثنين والثلاثة ونحو ذلك وروايتهم كذلك فممكن أن يغيب حكم النبي صلى الله عليه وسلم عن النفر من الصحابة وبعلمه الواحد والأكثر منهم، وقد يمكن أن يكون الذي حضر ذلك الحكم يخرج عن المدينة، ويمكن أن يبقى بها، ويمكن خلاف ذلك أيضا، ولا فرق، وإنما تفرق الصحابة في البلاد بعد موت النبي صلى الله عليه وسلم وأما قول عبد الرحمن لعمر الذي ذكرنا في تأخير الأمر حتى يقدم المدينة فيخلو بوجوه الناس، وأهل الفقه وأهل العلم، فوالله ما أدرك مالك من هؤلائك أحدا، وإنما أخذ عنهم كما فعل أهل الأمصار سواء ولا فرق، وأيضا فما كل قول قاله عبد الرحمن، ووافقه عليه عمر رضي الله عنه حجة وقد علم جميع أهل الإسلام أن رسول الله صلى الله عليه وسلم لم يخطب الخطبة التي عهد فيها إلى الناس وجعلها كالوداع لهم وقررهم ألا هل بلغت، وأشهد الله تعالى عليهم، إلا في الموسم

أحفل ما كان في الأعراب وغيرهم ففعل رسول الله صلى الله عليه وسلم أولى من رأي رآه عبد الرحمن وعمر رضي الله عنهما. وبرهان ذلك أنه لو سلك الأئمة هذا الرأي ما تعلم جاهل شيئا أبدا، فصح أنه لا بد من مخاطبة الرعاع والجهال بما يلزم علمه، والعجب كله أنهم يموهون إجماع أهل المدينة، ثم لا يحصلون إلا على رأي مالك وحده، ولا يأخذون بسواه، وهم أترك الناس لأقوال أهل المدينة كعمر وابن عمر وعائشة وعثمان، ثم سعيد بن المسيب والقاسم وغيرهم.

the matter until he arrived in Medina and could meet privately with the leading people, the people of jurisprudence, and the people of knowledge—by Allah, Malik did not live to encounter a single one of those people. He merely received learning from them, just as the people of the other cities did, exactly, with no difference. Furthermore, not every statement that Abd al-Rahman made and with which Umar agreed—may Allah be pleased with him—constitutes an authoritative proof. All the people of Islam know that the Messenger of Allah ﷺ delivered the sermon in which he charged the people with his instructions, made it something like a farewell to them, called upon them to acknowledge, 'Have I conveyed the message?', and called Allah, exalted, to witness against them, only at the pilgrimage gathering when it was most crowded with Bedouins and others. The action of the Messenger of Allah ﷺ therefore has a greater claim to be followed than an opinion held by Abd al-Rahman and Umar—may Allah be pleased with them both. The demonstration of this is that, had the leaders followed this opinion, no ignorant person would ever have learned anything at all. It is therefore established that the rabble and the ignorant must be addressed concerning what they are obliged to know. What is utterly astonishing is that they deceptively invoke the consensus of the inhabitants of Medina, yet arrive at nothing but Malik's opinion alone and accept no other. They are the people most given to abandoning the statements of the inhabitants of Medina, such as Umar, Ibn Umar, Aishah, and Uthman, and then Said ibn al-Musayyab, al-Qasim, and others.[138]

ومن عجائب الدنيا التي لا نظير لها أن يتهالكوا على تقاليد رأي ابن القاسم المصري، وسحنون التنوفي من إفريقية، لأن ابن القاسم أخذ عن مالك، ولأن سحنون أخذ عن ابن القاسم المصري عن مالك، ولا يرون لأخذ مسروق والأسود وعلقمة عن عائشة أم المؤمنين، وعن عمر وعثمان رضي الله عنهما وجها ولا معنى، ثم لا يستحيون مع هذا من أهل التمويه بأهل المدينة، وإنما ذكرنا من أخذ عن هؤلاء المدنيين تنكيتا لهم، وكشفا لتناقضهم، وهم أترك خلق الله لإجماع أهل المدينة أجمعوا كلهم مع رسول

L1746–1754 Among the unparalleled wonders of the world is that they devote themselves so desperately to the unquestioning imitation of the opinion of Ibn al-Qasim the Egyptian and Sahnun al-Tanufi of Ifriqiyah, because Ibn al-Qasim received learning from Malik and because Sahnun received learning from Ibn al-Qasim the Egyptian, from Malik, yet they see neither justification nor sig-

[138] **Translator's note (L1743):** "Raised" takes وأسموه as a form meaning "raised it"; the unvocalized wording is awkward and may be corrupt. The supplied وبعلمه occurs twice where the context calls for ويعلمه, "while ... knows it"; the translation follows that apparent intended reading. The source says Malik encountered none of these people but nevertheless "received learning from them." The implied intermediary transmission is left implicit, as in the Arabic.

nificance in Masruq, al-Aswad, and Alqamah receiving learning from Aishah, the Mother of the Believers, and from Umar and Uthman—may Allah be pleased with them both. Then, despite this, they feel no shame in being practitioners of deception through invoking the inhabitants of Medina. We have mentioned those who received learning from these Medinans only to rebuke them and expose their inconsistency. They are, of all Allah's creation, the most given to abandoning the consensus of the inhabitants of Medina. All of them agreed, together with the Messenger of Allah ﷺ, to hand over their properties, which the Messenger of Allah ﷺ had apportioned among the conquerors of Khaybar, to the Jews, on condition that the latter work them with their own resources and labor, allowing them to remain for as long as Allah, exalted, allowed them to remain, and expelling them whenever they wished. This continued for four years until the Messenger of Allah ﷺ died, then throughout the time of Abu Bakr—may Allah be pleased with him—until the final year of the caliphate of Umar—may Allah be pleased with him. Yet those who claim to follow the school of the inhabitants of Medina said: 'This is an unsound contract and an invalid, annulled arrangement,' in unquestioning imitation of Malik's error. Ahmad ibn Muhammed ibn al-Jasur related to us: Wahb ibn Maysarah related to us: Ibn Waddah ibn Yahya related to us: Malik related to us, from Abu al-Zubayr, from Jabir ibn Abd Allah, who said: 'With the Messenger of Allah ﷺ, on the day of al-Hudaybiyah, we slaughtered a sacrificial camel on behalf of seven and a cow on behalf of seven.' Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn Hatim related to us: Yahya ibn Said related to us, from Ibn Jurayj, who said: Abu al-Zubayr informed me, from Jabir ibn Abd Allah, who said: 'That day we slaughtered ninety sacrificial camels, sharing one camel among every seven of us.' This, then, is truly the consensus of the inhabitants of Medina and their practice in the presence of the Messenger of Allah ﷺ, and truly the consensus of the Companions. Yet these people who profess to follow the inhabitants of Medina said: 'This is a practice that is impermissible and does not suffice to discharge the obligation,' in unquestioning imitation of Malik's error, in opposition to the inhabitants of

الله صلى الله عليه وسلم على إعطاء أموالهم التي قسمها رسول الله صلى الله عليه وسلم على مفتتحي خيبر إلى اليهود على أن يعملوها بأموالهم وأنفسهم يقرونهم ما أقرهم الله تعالى، ويخرجونهم متى شاؤوا وبقي كذلك إلى أن مات رسول الله صلى الله عليه وسلم مدة أربعة أعوام ثم مدة أبي بكر رضي الله عنه إلى آخر عام من خلافة عمر رضي الله عنه. فقال المدعون إنهم على مذهب أهل المدينة. هذا عقد فاسد وعمل باطل مفسوخ تقليدا لخطأ مالك. حدثنا أحمد بن محمد بن الجسور، نا وهب بن ميسرة، نا ابن وضاح بن يحيى، نا مالك، عن أبي الزبير، عن جابر بن عبد الله قال نحرنا مع رسول الله صلى الله عليه وسلم يوم الحديبية البدنة عن سبعة والبقرة عن سبعة. نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا محمد بن حاتم، نا يحيى بن سعيد، عن ابن جريج أخبرني أبو الزبير، عن جابر بن عبد الله، قال: نحرنا يومئذ تسعين بدنة اشتركنا كل سبعة في بدنة، فهذا إجماع أهل المدينة حقا وعملهم بحضرة رسول الله صلى الله عليه وسلم وإجماع الصحابة حقا فقال هؤلاء المنتسبون إلى اتباع أهل المدينة: هذا عمل لا يجوز، ولا يجزىء تقليدا لخطأ مالك، وخلافا لأهل المدينة وتمويها برواية عن ابن عمر قد جاء عنه خلافها. وتركوا عمل أهل المدينة كل من حضر منهم مع عمر في سجوده في {إذا لسمآء نشقت} وسجودهم مع عمر إذ قرأ السجدة وهو يخطب يوم الجمعة فنزل عن المنبر فسجد وسجدوا معه، ثم رجع إلى خطبته، فقال هؤلاء المنتمون إلى اتباع أهل المدينة. هذا لا يجوز، تقليدا لخطأ مالك في ذلك، ولا سبيل إلى أن يوجد عمل لأهل المدينة أعم من هذا، وتركوا إجماع أهل المدينة إذ صلوا مع رسول الله صلى الله عليه وسلم آخر صلاة صلاها بالناس فقالوا هذه صلاة فاسدة، تقليدا لخطأ مالك في ذلك. والعجب احتجاجهم كلهم في ترك إجماع أهل المدينة على هذا وعملهم برواية

Medina, and deceptively invoking a report from Ibn Umar, although the contrary has also been reported from him. They also abandoned the practice of the inhabitants of Medina—all of them who were present with Umar when he prostrated during {When the sky splits open} and their prostrating with Umar when he recited the prostration passage while delivering the sermon on Friday, whereupon he descended from the pulpit and prostrated, and they prostrated with him; then he returned to his sermon. Yet these people who profess to follow the people of Medina: "This is impermissible," in uncritical imitation of Malik's error concerning it. There is no possibility of finding a practice of the people of Medina more widespread than this. They also abandoned the consensus of the people of Medina when they prayed with the Messenger of Allah ﷺ the last prayer that he led the people in, saying, "This prayer is invalid," in uncritical imitation of Malik's error concerning it. What is astonishing is that all of them, in abandoning the consensus and practice of the people of Medina on this matter, invoke the report of al-Juʿfi, the Kufan liar, from al-Shaʿbi, that the Prophet ﷺ said: "No one after me shall lead the prayer while seated." This is a report more foul than anything in the reports of the people of Medina. Could anything be more astonishing than this? And they say that the consensus of the people of Kufa is the consensus, for the sound reports of the people of Kufa are defective. ʿAbd Allah ibn Rabiʿ narrated to us: Muhammed ibn Muʿawiya narrated to us: Ahmad ibn Shuʿayb narrated to us: Abu Ayyub ibn Muhammed al-Wazzan informed us: ʿAmr ibn Ayyub narrated to us: Aflah ibn Humayd narrated to us: Muhammed ibn Humayd narrated to us, from Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm, that Sulayman ibn ʿAbd al-Malik, in the year when he performed the pilgrimage, assembled some people of learning, among them ʿUmar ibn ʿAbd, Kharija ibn Zayd ibn Thabit, al-Qasim ibn Muhammed, Salim and ʿAbd Allah, the two sons of ʿAbd Allah ibn ʿUmar, Ibn Shihab, and Abu Bakr ibn ʿAbd al-Rahman ibn al-Harith ibn Hisham. He asked them about perfume before proceeding to the House for the circumambulation of departure from Mina, and all of them instructed him to use perfume. Al-Qasim said: "'A'isha informed me that she perfumed the Messenger of Allah ﷺ for his state of pilgrimage consecration when he entered it, and for his release from consecration when he became released, before he circumambu-

الجعفي الكذاب الكوفي عن الشعبي أن النبي صلى الله عليه وسلم قال لا يؤمن أحد بعدي جالسا وهذه رواية ليس في رواية أهل المدينة أنتن منها، فهل في العجب أكثر من هذا؟ وهم يقولون: إن إجماع أهل الكوفة هو الإجماع فإن روايات أهل الكوفة الصحاح مدخولة. حدثنا عبد الله بن ربيع، نا محمد بن معاوية، نا أحمد بن شعيب، أخبرنا أبو أيوب بن محمد الوزان، نا عمرو بن أيوب، نا أفلح بن حميد، نا محمد بن حميد، عن أبي بكر بن محمد بن عمرو بن حزم، أن سليمان بن عبد الملك عام حج جمع ناسا من أهل العلم فيهم عمر بن عبد وخارجة بن زيد بن ثابت والقاسم بن محمد وسالم وعبد الله ابنا عبد الله بن عمر، وابن شهاب، وأبو بكر بن عبد الرحمن بن الحارث بن هشام، فسألهم عن الطيب قبل الإفاضة، فكلهم أمره بالطيب. وقال القاسم أخبرتني عائشة أنها طيبت رسول الله صلى الله عليه وسلم لحرمه حين أحرم ولحله حين حل قبل أن يطوف بالبيت ولم يختلف عليه أحد منهم إلا أن عبد الله بن عبد الله قال: كان عبد الله رجلا حادا محدا كان يرمي الجمرة ثم يذبح ثم يحلق ثم يركب فيفيض قبل أن يأتي منزله، قال سالم: صدق. فهذه فتيا أهل المدينة وفقهائها عن سلفهم، فقال هؤلاء المدعون: إنهم يتبعون أهل المدينة، لا يجوز ذلك تقليدا لخطأ مالك، واحتجوا برواية كوفية ليست موافقة لقولهم أيضا، لكن موهوا بإيرادها. وذكر قيس بن مسلم، عن أبي جعفر محمد بن علي بن الحسين بن علي بن أبي طالب قال: ما بالمدينة أهل بيت هجرة إلا يزرعون على الثلث والربع، وزارع علي، وسعد بن أبي وقاص، وابن مسعود، وعمر بن عبد العزيز، والقاسم بن محمد بن أبي بكر، وعروة بن الزبير وآل أبي بكر وآل عمر وآل علي، وعامل عمر بن الخطاب الناس على أنه إن جاء عمر بالبذر فله الشطر، وإن جاؤوا بالبذر فلهم كذا وكذا، ورأى ذلك الزهري. قال أبو محمد: فهل يكون عمل يمكن أن يقال: إنه إجماع أظهر من هذا أو أفشى منه؟ فقال هؤلاء المموهون باتباع

lated the House." None of them differed with him, except that ʿAbd Allah ibn ʿAbd Allah said: "'Abd Allah was a brisk man who pressed on urgently: he would stone the pillar, then slaughter, then shave his head, then mount and proceed to the House before coming to his lodging." Salim said: "He has spoken truthfully." This, then, is the legal opinion of the people of Medina and their jurists, transmitted from their predecessors. Yet these people who claim that they follow the people of Medina said: "That is impermissible," in uncritical imitation of Malik's error. They invoked a Kufan report that does not agree with their position either, but they misled people by adducing it. Qays ibn Muslim related from Abu Jaʿfar Muhammed ibn ʿAli ibn al-Husayn ibn ʿAli ibn Abi Talib, who said: "There is no household of emigrants in Medina that does not cultivate land for a third or a quarter of the yield." ʿAli, Saʿd ibn Abi Waqqas, Ibn Masʿud, and ʿUmar ibn ʿAbd al-ʿAziz, al-Qasim ibn Muhammed ibn Abi Bakr, ʿUrwa ibn al-Zubayr, the family of Abu Bakr, the family of ʿUmar, and the family of ʿAli engaged in sharecropping. ʿUmar ibn al-Khattab contracted with people on the terms that, if ʿUmar supplied the seed, he would receive half, and if they supplied the seed, they would receive such-and-such. Al-Zuhri approved of that. Abu Muhammed said: Could there be a practice that might be called a consensus more evident or more widespread than this? Yet these people who make a misleading show of following the people of Medina said: "This is neither lawful nor permissible," in uncritical imitation of Malik's error concerning it. What is astonishing is that Malik claimed a consensus of the people of Medina on only forty-odd questions, yet these people deemed the pot lawful with a puff, and crammed all his opinions into the consensus of the people of Medina. Indeed, we belong to Allah, and indeed, to Him we return, on account of the prevalence of lying, the deception of the heedless, and being beguiled by falsehood. Furthermore, the aforementioned questions that Malik described as constituting the consensus of the people of Medina fall into two categories. The first, which is the smaller category, comprises matters on which no disagreement is known from anyone in any of the other cities. In the second, we have found disagreement, just as it exists outside Medina. Abu Muhammed said: We say to them: What you have claimed as the consensus of the people of Medina must derive either from instruction received from

أهل المدينة: هذا لا يحل ولا يجوز تقليدا لخطأ مالك في ذلك، والعجب أن مالكا لم يدع إجماع أهل المدينة إلا في نيف وأربعين مسألة فاستحل هؤلاء القدر بنفحة، وقحوا جميع آرائه في إجماع أهل المدينة، وإنا لله وإنا إليه راجعون على فشو الكذب واختداع أهل الغفلة والاغترار بالباطل. ثم إن المسائل المذكورة التي ذكر مالك أنها إجماع أهل المدينة تنقسم قسمين: أحدهما: لا يعلم فيه خلاف من أحد من الناس في سائر الأمصار، وهو الأقل. والثاني: قد وجدنا فيه الخلاف، كما هو موجود في غير المدينة. قال أبو محمد: ونقول لهم لا يخلو ما ادعيتموه من إجماع أهل المدينة من أن يكون عن توقيف من رسول الله صلى الله عليه وسلم أو يكون عن اجتهاد وقد تقدم إبطالنا لكل اجتهاد أدى إلى ما لا نص فيه، أو إلى خلاف النص. ثم لو صح لهم فمن أين جاز أن يكون اجتهاد أهل المدينة أولى من غيرهم؟ والنصوص التي يقيسون عليها معروفة عند غيرهم، كما هي عندهم إذ كتمانها محال غير ممكن، ولا فرق بين دعواهم هذه ودعوى غيرهم أو يكون إجماعهم عن توقيف من النبي صلى الله عليه وسلم ولم يبق إلا هذا الوجه فلا يخلو ذلك التوقيف من أن يكون علمه الخارجون من المدينة من الصحابة، أو جهلوه أو علمه من علمه من أهل المدينة سائر الناس أو كتموه، فإن كان علمه الخارجون من المدينة من الصحابة أو علمه من علمه ممن بقي في المدينة من سائر الناس، فقد استوى في العلم به أهل المدينة وغيرهم ضرورة، وإن كان من بقي في المدينة كتمه عن سائر أهل البلاد. فهذا محال غير ممكن، لأن كل سر جاوز اثنين شائع فكيف ما علمه جميع أهل المدينة بزعمهم؟ وحتى لو صح أنهم كتموه لسقطت عدالتهم قال الله عز وجل {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون}

the Messenger of Allah ﷺ or from independent legal reasoning. We have already invalidated every exercise of independent legal reasoning that leads to something for which there is no authoritative text, or to something contrary to the authoritative text. Then, even if such reasoning were valid for them, on what grounds could the independent legal reasoning of the people of Medina take precedence over that of others? The authoritative texts upon which they base their analogies are known to others just as they are known to them, since concealing those texts is impossible and cannot occur. There is no difference between this claim of theirs and the claim of others. Alternatively, their consensus derives from instruction received from the Prophet ﷺ, and only this possibility remains. That instruction must either have been known to the Companions who left Medina or have been unknown to them; and those among the people of Medina who knew it must either have taught it to everyone else or have concealed it. If the Companions who left Medina knew it, or those who knew it among the people who remained in Medina taught it to everyone else, then necessarily the people of Medina and others were equal in their knowledge of it. But if those who remained in Medina concealed it from all the other inhabitants of the lands, that is impossible and cannot occur, for every secret that passes beyond two people becomes public. How much more so, then, something that all the people of Medina knew, according to their claim! Even if it were established that they concealed it, their probity would be forfeited. Allah, Mighty and Majestic, said: "Indeed, those who conceal what We have sent down of clear proofs and guidance,

after We have made it clear to the people in the Book—those Allah curses, and those who curse curse them."[139][140][141][142][143][144][145][146][147]

[139] **Translator's note (L1746):** The supplied designation التنوفي is rendered "al-Tanufi"; it appears to be an error for Sahnun's usual designation al-Tanukhi and has not been silently corrected. The supplied transmission chain reads "Ibn Waddah ibn Yahya," as though this were one name. A transmission link may have been lost between Ibn Waddah and Yahya; the supplied chain is retained. The phrase من أهل التمويه بأهل المدينة is syntactically awkward; it is rendered as describing them as practitioners of deception through invoking Medina's inhabitants.

[140] **Translator's note (L1747):** The Qur'anic words are the opening of the surah during whose recitation Umar prostrated; the source leaves the surrounding sentence to continue in the next unit.

[141] **Translator's note (L1749):** The opening continues the preceding segment's sentence: "these … said." The assertion about the consensus of Kufa and the following statement that its sound reports are defective are awkwardly connected in the supplied Arabic; both have been retained without inserting a negation or otherwise repairing the text.

[142] **Translator's note (L1750):** The name "'Umar ibn ʿAbd" is incomplete as supplied; it has not been expanded conjecturally. The description حادا محدا is unusual. "Brisk … who pressed on urgently" conveys the apparent sense of haste or purposeful speed, without silently replacing the wording. الإفاضة here denotes proceeding from Mina to Mecca for the pilgrimage circumambulation, rather than departure from ʿArafat.

[143] **Translator's note (L1751):** "Cultivate land for a third or a quarter of the yield" refers to sharecropping. The following verb likewise means that the named people engaged in sharecropping; its English rendering continues in the next segment after the list of names.

[144] **Translator's note (L1752):** The expression فاستحل هؤلاء القدر بنفحة وقحوا جميع آرائه is obscure and may be corrupt. The translation retains the apparent literal imagery of القدر بنفحة, "the pot with a puff," and takes قحوا as conveying cramming or forcing something in. The apparent argument is that a limited number of claims of consensus were used to present all Malik's opinions as Medinan consensus.

[145] **Translator's note (L1753):** In the later conditional clause, the supplied wording علمه من سائر الناس من علمه ممن بقي في المدينة من سائر الناس is syntactically awkward: من سائر الناس does not fit the preceding construction clearly. The translation follows the parallel alternatives stated immediately before it, understanding the clause to concern teaching the instruction to everyone else; the textual difficulty is retained here explicitly.

[146] **Translator's note (L1754):** The Quranic quotation corresponds to 2:159. Its transcription repeatedly drops the initial alif from definite articles and related forms, including لذين, لبينات, لهدى, لكتاب, لله, and للاعنون. The translation reflects the identifiable wording; these transcription defects are flagged rather than treated as distinct lexical readings.

[147] **Qur'an references (L1746):** Qur'an 2:159 (Al-Baqarah).

ولقد أعاذهم الله من هذا فبطل ضرورة ما ادعوه من إجماع أهل المدينة.

وأيضا فإن الإجماع لا يصح نقله إلا بإجماع مثله، أو بنقل تواتر، وهم لا يرجعون في دعواهم الكاذبة لإجماع أهل المدينة إلا إلى إنسان واحد، وهو مالك، فهو نقل واحد كنقل غيره من العلماء ولا فرق. وأيضا فيقال لهم أخبرونا هل خص رسول الله صلى الله عليه وسلم بتبليغ أحكام الدين أو بعضها أو حكم واحد منها المقيمين بالمدينة من الصحابة رضي الله عنهم عمن علم الله عز وجل أنهم سيخرجون عن المدينة فإن قالوا نعم كفروا وكذبوا إذ جعلوه صلى الله عليه وسلم كتم شيئا من الدين عمن يلزمه من علم الديانة كالذي يلزم غيره، وصاروا إلى أقوال الروافض من كثب، وإن قالوا: لا، ثبت أن السنن هي بيان الدين في غير المدينة كما هي في المدينة ضرورة ولا فرق. وأيضا فإن من بقي بالمدينة من الصحابة رضي الله عنهم، كانوا يجاهدون ويحجون، ومن خرج عن المدينة منهم كانوا يفدون على عمر وعثمان فقد وجب التداخل بينهم. وهكذا صحت الآثار بنقل التابعين من سائر الأمصار عن أهل المدينة، وبنقل التابعين من أهل المدينة ومن بعدهم عن أهل الأمصار فقد صحب علقمة ومسروق عمر وعثمان وعائشة أم المؤمنين، واختصوا بهم وأكثروا الأخذ عنهم، وكذلك صحب عطاء عائشة أم المؤمنين، وصحب الشعبي وابن سيرين بن عمر، وصحب قتادة بن المسيب، وأخذ الزهري عن أنس، وأخذ مالك عن أيوب وحميد المكي، وأخذ عبيد الله بن عمر، عن ثابت البناني، وأخذ عبيد الله بن عبد الله بن عتبة عن ابن عباس. وأخبرني يوسف بن عبد الله النمري قال: نا عبد الوارث بن حسرون، نا قاسم بن أصبغ، نا أحمد بن زهير بن حرب، نا أحمد بن حنبل، نا عبد الرحمن بن مهدي، سمعت مالك بن أنس يقول: قال سعيد بن المسيب، إن كنت لأسير الأيام والليالي في طلب الحديث الواحد، فاستوى الأمر في المدينة وغيرها بلا شك.

L1755 Allah has indeed protected them from this. Thus, what they claimed concerning the consensus of the people of Medina is necessarily invalid.

L1756–1758 Furthermore, a consensus cannot be validly transmitted except through a corresponding consensus or through transmission by so many independent transmitters as to preclude collusion on falsehood. Yet in their false claim concerning the consensus of the people of Medina, they refer back to only one person, namely Malik. It is therefore the transmission of a single person, like the transmission of any other scholar, with no difference. Furthermore, they are to be asked: Tell us, did the Messenger of Allah ﷺ single out the Companions residing in Medina—may Allah be pleased with them—for the communication of the rulings of religion, or some of them, or a single ruling among them, to the exclusion of those whom Allah, Mighty and Majestic, knew would leave Medina? If they say yes, they have disbelieved and lied, since they have represented him ﷺ as concealing something of religion from people obliged to possess the same knowledge of religion as others are obliged to possess. They have come very close to the doctrines of the Rejecters. If they say no, then it is necessarily established that the Prophetic traditions explain religion outside Medina just as they do in Medina, without any difference. Furthermore, the Companions who remained in Medina—may Allah be pleased with them—used to undertake military campaigns and perform the pilgrimage, while those of them who left Medina used to come as visitors to ʿUmar and ʿUthman. Interaction among them was therefore inevitable. This is also how the transmitted accounts have been authentically established: through the transmission of the Successors from all the other cities on the authority of the people of Medina, and through the transmission of the Successors of Medina and those after them on the authority of the people of the other cities. Thus, ʿAlqama and Masruq associated with ʿUmar, ʿUthman, and ʿA'isha, Mother of the Believers, enjoyed close relations with them, and learned a great deal from them. Likewise, ʿAta' associated with ʿA'isha, Mother of the Believers; al-Shaʿbi and Ibn Sirin associated with Ibn ʿUmar; Qatada associated with Ibn al-Musayyab; al-Zuhri learned from Anas; Malik learned from Ayyub and Humayd al-Makki; ʿUbayd Allah ibn ʿUmar learned from Thabit al-Bunani; and ʿUbayd Allah ibn ʿAbd Allah ibn

ʿUtba learned from Ibn ʿAbbas. Yusuf ibn ʿAbd Allah al-Namari informed me, saying: ʿAbd al-Warith ibn Hasrun narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr ibn Harb narrated to us: Ahmad ibn Hanbal narrated to us: ʿAbd al-Rahman ibn Mahdi narrated to us: I heard Malik ibn Anas say: Saʿid ibn al-Musayyab said: "I would indeed travel for days and nights in pursuit of a single hadith." Thus the situation in Medina and elsewhere was the same, without doubt.[148]

L1759 We also say to them: Did Umar and Uthman, may Allah be pleased with them both, deliberately arrange to send people to teach the inhabitants of Basra, Kufa, Syria, and Egypt their religion and its rulings, or did they overlook this and neglect it, while their officials were traveling back and forth to these lands and delegations from these lands were coming to them every year? Or did they leave none of this undone, but teach them everything in religion that they were obliged to know? One of these alternatives must necessarily be the case. If they say, "We deliberately concealed the religion from them," or, "They neglected this," they have lied openly and attributed to the two excellent caliphs something from which Allah Most High has declared them free: conduct constituting the greatest injustice and the gravest iniquity—indeed, a casting off of Islam. If they say, "They left none of this undone; they taught them everything in religion that they were obliged to know and practice," we say: You have spoken the truth. This establishes that the people of Medina and others are equal in knowledge, learning, and uprightness, and exposes the invalidity of their false claim concerning the consensus of the people of Medina.

Muhammed ibn Said ibn Banat informed us: Ahmad ibn Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn Abd al-Salam al-Khushani narrated to us: Muhammed ibn Bashshar narrated to us: Muhammed ibn Jafar, Ghundar, narrated to us: Shubah narrated to us: Abu Ishaq al-Sabii narrated to us, saying: I heard Harithah ibn Mudarrib say: I read Umar ibn al-Khattab's letter to the people of Kufa: "I have sent Ammar

[148] **Translator's note (L1756):** "Rejecters" renders الروافض, the author's polemical designation for the Rafida. The forms بن عمر and بن المسيب occur without the usual initial alif in the supplied text; they are understood here as Ibn ʿUmar and Ibn al-Musayyab, respectively.

وأيضا فنقول لهم: هل تعمد عمر وعثمان رضي الله عنهما أن يبعثا من يعلم أهل البصرة والكوفة والشام ومصر دينهم وأحكامهم أم أغفلا ذلك وضيعاه؟ وعمالهما يترددون على هذه البلاد، ووفود هذه البلاد يفدون عليهما كل عام؟ أم لم يتركا ذلك، بل علماهم كل ما يجب علمه من الدين؟ ولا بد من أحد هذه الأقسام، فإن قالوا: تعمدنا كتمان الدين عنهم أو ضيعوا ذلك، كذبوا جهارا، ونسبوا الخليفتين الفاضلين إلى ما قد نزههما الله تعالى عنه، مما هو أعظم الجور وأشد الفسق، بل هو الانسلاخ من الإسلام، وإن قالوا: ما تركا ذلك، علماهم كل ما يجب علمه والعمل به من الدين. قلنا: صدقتم وقد ثبت بهذا أن أهل المدينة وغيرهم سواء في المعرفة والعلم والعدالة، وظهر فساد دعواهم الكاذبة في دعوى إجماع أهل المدينة. أنبأنا محمد بن سعيد بن بنات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر غندر، نا شعبة، نا أبو إسحاق السبيعي قال: سمعت حارثة بن مضرب قال: قرأت كتاب عمر بن الخطاب إلى أهل الكوفة: إني بعثت عليكم عمارا أميرا، وعبد الله معلما ووزيرا وهما من النجباء من أصحاب رسول الله صلى الله عليه وسلم من أهل بدر فخذوا عنهما واقتدوا بهما فإنني آثرتكم بعبد الله على نفسي إثرة. حدثني أحمد بن عمر بن أنس العدوي، نا عبد الله بن الحسين بن عقال، نا إبراهيم بن محمد الدينوري، نا محمد بن أحمد بن محمد بن الجهم، نا إسماعيل بن إسحاق القاضي، نا أحمد بن يونس، نا قيس بن أشعث، عن الشعبي قال: ما جاءك عن عمر فخذ به،

to you as governor and Abd Allah as teacher and adviser. Both are among the outstanding Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, among those who participated at Badr. So receive instruction from them both and follow their example, for I have expressly preferred you over myself by giving you Abd Allah."

Ahmad ibn Umar ibn Anas al-Adawi narrated to me: Abd Allah ibn al-Husayn ibn Iqal narrated to us: Ibrahim ibn Muhammed al-Dinawari narrated to us: Muhammed ibn Ahmad ibn Muhammed ibn al-Jahm narrated to us: Ismail ibn Ishaq the judge narrated to us: Ahmad ibn Yunus narrated to us: Qays ibn Ashath narrated to us, from al-Shabi, who said: "Whatever reaches you from Umar, accept it, for whenever he intended to undertake something, he consulted the Companions of Muhammed, may Allah bless him and grant him peace ﷺ. When they agreed unanimously upon something, he issued written instructions to that effect." This, then, is Umar teaching the inhabitants of the provincial cities the knowledge he possessed, so that the situation in Medina and elsewhere became equal.[149]

L1760–1763 We also say to them: If, according to you, the consensus of the people of Medina is the consensus and you maintain that whoever opposes the consensus is an unbeliever, do you declare everyone who opposes what you allege to be the consensus of the people of Medina an unbeliever, or not? If they say yes, they must declare Ibn Masud, Ali, and everyone from whom a legal opinion contrary to what they claim to be the consensus of the people of Medina has been transmitted an unbeliever, whether a Companion, a Successor, or someone of a later rank. This has the implications it has. But if they refuse to do that, we say to them: You have lied in claiming that their consensus is the consensus. Retract that claim and confine yourselves to saying that it is correct, or true, or something of that kind.

Abu Muhammed said: Furthermore, nothing is more manifest, more widely known, more public, clearer, or more widespread than the call to prayer, which occurs five times every day and night, with voices raised in the con-

[149]**Translator's note (L1759):** The supplied text reads "We deliberately concealed" (تعمدنا), shifting unexpectedly into the first-person plural, before returning to "they neglected." This inconsistency has been preserved.

فإنه كان إذا أراد أمرا استشار أصحاب محمد صلى الله عليه وسلم فإذا أجمعوا على شيء كتب به فهذا تعليم عمر ما عنده من العلم لأهل الأمصار، فصار الأمر في المدينة وغيرها سواء.

وأيضا فنقول لهم: إذا كان إجماع أهل المدينة عندكم هو الإجماع، ومن قولكم: إن من خالف الإجماع كافر، فتكفرون كل من خالف إجماع أهل المدينة بزعمكم أم لا؟ فإن قالوا: نعم لزمهم تكفير ابن مسعود وعلي، وكل من روي عنه فتيا مخالفة لما يدعون فيه إجماع أهل المدينة من صاحب أو تابع فمن دونهم، وفي هذا ما فيه، وإن أبوا من ذلك قلنا لهم: كذبتم في الدعوى إن إجماعهم هو الإجماع، فارجعوا عن ذلك واقتصروا على أن تقولوا صوابا أو حقا ونحو ذلك. قال أبو محمد: وأيضا فلا شيء أظهر ولا أشهر ولا أعلن ولا أبين ولا أفشى من الأذان، الذي هو كل يوم وليلة خمس مرات، برفع الأصوات في مساجد الجماعات في الصوامع المشرفات لا يبقى رجل ولا امرأة، ولا صبي، ولا عالم ولا جاهل إلا تكرر على سمعه كذلك، ولا يستعمله المسافرون كما يستعمله الحاضرون، ولا يطول به العهد فينسى، وفي المدينة فيه من الاختلاف كالذي خارج المدينة. صح عن ابن عمر أن الأذان وتر، وروي عنه وعن

gregational mosques, in the lofty minarets. There is no man, woman, child, learned person, or ignorant person whose ears it does not repeatedly reach in this manner. Travelers do not use it as residents use it, and no long interval passes such that it might be forgotten. Yet there is as much disagreement concerning it in Medina as there is outside Medina. It is authentically transmitted from Ibn Umar that the call to prayer consists of odd-numbered repetitions, and it is related from him and from Abu Umamah ibn Sahl ibn Hunayf that they both said in the call to prayer, "Come to the best of deeds."

Abd Allah ibn Rabi narrated to us: Abd Allah ibn Muhammed ibn Uthman narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn Minhal narrated to us: Hammad ibn Salamah narrated to us: Ayyub al-Sakhtiyani and Qatadah both narrated to us, from Muhammed ibn Sirin, from Ibn Umar, that he passed a caller to prayer and said to him: "Make the repetitions in your call to prayer odd in number."

Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-Arabi narrated to us: al-Dayri narrated to us: Abd al-Razzaq narrated to us, from Mamar, from Ayyub al-Sakhtiyani, from Nafi, from Ibn Umar, that he used to recite the call to prayer three times apiece. Through the same chain to Abd al-Razzaq, from Mamar, from Yahya ibn Abi Kathir, from a man, from Ibn Umar, that when he said in the call to prayer, "Come to success," he would say, "Come to the best of deeds."

Whoever claims that the Companions in Kufa, Basra, and Mecca altered the call to prayer—a fellow unbeliever may make the same claim against the Companions in Medina. Both are lying and accursed. The due of the Companions of Medina, Kufa, and Basra is valid, obligatory, and prescribed equally for every Muslim, without distinction. Whoever makes that claim against the Successors in Kufa and Basra—a fellow evildoer may make that claim against the Successors in Medina, since there is no difference between them. Whoever makes that claim against the governors in Basra and Kufa—someone else may attribute the same thing to the governors in Medina. For Medina has been governed by evildoers like those who governed Basra and Kufa, such as al-Hajjaj, Khalid al-Qasri, Tariq, and Uthman ibn Hayyan al-Murri. Every one of them had effective authority over lives, property, and

أبي أمامة بن سهل بن حنيف قولهما في الأذان: حي على خير العمل. نا عبد الله بن ربيع، نا عبد الله بن محمد بن عثمان، نا أحمد بن خالد، نا علي بن عبد العزيز، نا الحجاج بن منهال، نا حماد بن سلمة، نا أيوب السختياني، وقتادة، كلاهما عن محمد بن سيرين، عن ابن عمر، أنه مر على مؤذن فقال له: أوتر أذانك، نا حمام، نا ابن مفرج، نا ابن الأعرابي، نا الديري، نا عبد الرزاق، عن معمر عن أيوب السختياني، عن نافع، عن ابن عمر أنه كان يقول: الأذان ثلاثا ثلاثا. وبه إلى عبد الرزاق، عن معمر، عن يحيى بن أبي كثير، عن رجل، عن ابن عمر أنه كان إذا قال في الأذان: حي على الفلاح، قال: حي على خير العمل. ومن ادعى أن الصحابة في الكوفة والبصرة ومكة بدلوا الأذان، فلكافر مثله، أن يدعي ذلك على الصحابة بالمدينة، وكلاهما كاذب ملعون، وحق صحابة المدينة والكوفة والبصرة جائز واجب فرض سواء على كل مسلم، ولا فرق من ادعى ذلك على التابعين بالكوفة والبصرة فالفاسق مثله أن يدعي على التابعين بالمدينة إذ لا فرق بينهم. ومن ادعى ذلك على الولاة بالبصرة والكوفة، فلغيره أن ينسب مثل ذلك إلى الولاة بالمدينة، فقد وليها من الفساق كالذين ولوا البصرة والكوفة كالحجاج وخالد القسري وطارق وعثمان بن حيان المري، وكلهم نافذ أمره في الدماء والأموال والأحكام، وموضعهم من الفسق بالدين بحيث لا يخفى فهذا أصل عظيم.

legal rulings, and their degree of religious iniquity is such that it cannot be concealed. This, then, is a major foundational point.[150]

L1764–1767

Then there is the obligatory alms: al-Zuhri holds that they are due on vegetables, whereas Malik does not. Ibn Umar holds that no obligatory alms are due on anything the earth produces except wheat, barley, dates, oil, and huskless barley, while Malik disagrees with him. And nothing, after the call to prayer, is more widely known than the practice of the obligatory alms. Ibn Umar allows only dates and barley for the alms at the breaking of the fast, while Malik disagrees with him. Ibn Umar, Said ibn al-Musayyab, al-Qasim ibn Muhammed, Salim ibn Abd Allah ibn Umar, Abu Sulayman, Abd al-Rahman ibn Awf, al-Zuhri, and Ubayd Allah ibn Abd Allah ibn Utbah ibn Masud said: "People reckoned two mudds of wheat as equivalent to one sa of barley for the alms at the breaking of the fast." This has also been related from Umar, Uthman, and Asma bint Abi Bakr. Yet Malik disagreed with them. Thus it is established that they are the people who most readily abandon the practice of the people of Medina.

Some of them said: "Those who left Medina became occupied with jihad." We said: Jihad does not prevent the teaching of religion; this assertion of yours is itself a struggle in the service of falsehood. They said: "Whenever Ibn Masud issued a legal opinion, he would come to Medina and ask about it. If a legal opinion contrary to his own was issued, he would return to Kufa and revoke what he had put into effect."

Abu Muhammed said: This is a lie. What has been transmitted is only that he issued legal opinions on just two questions, and Umar ordered those decisions revoked. Umar was the caliph, so he could not oppose him.

Yahya ibn Abd al-Rahman ibn Masud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us, saying: Ismail ibn Ishaq

[150]**Translator's note (L1762):** The supplied wording says that travelers "do not use it as residents use it" (ولا يستعمله المسافرون كما يستعمله الحاضرون). The negative has been retained despite its awkward fit with the surrounding argument about the call to prayer's ubiquity. The wording "the due of the Companions … is valid, obligatory, and prescribed" translates the awkward supplied sequence جائز واجب فرض … وحق صحابة without silently replacing جائز with another reading.

ثم الزكاة فالزهري يراها في الخضر، ومالك لا يراها وابن عمر لا يرى الزكاة مما أنبتت الأرض إلا في البر والشعير والتمر والزيت والسلت، ومالك يخالفه ولا شيء بعد الأذان بالصلاة أشهر من عمل الزكاة، وابن عمر لا يجيز في زكاة الفطر إلا التمر والشعير، ومالك يخالفه، وقال ابن عمر وسعيد بن المسيب، والقاسم بن محمد، وسالم بن عبد الله بن عمر، وأبو سليمان، وعبد الرحمن بن عوف، والزهري، وعبيد الله بن عبد الله بن عتبة بن مسعود عدل الناس بصاع شعير في صدقة الفطر مدين من بر، وروي ذلك أيضا عن عمر وعثمان وأسماء بنت أبي بكر فخالفهم مالك فصح أنهم أترك الناس لعمل أهل المدينة. وقال بعضهم: من خرج عن المدينة اشتغل بالجهاد، قلنا: لا يشغل الجهاد عن تعليم الدين فقولكم هذا مجاهدة بالباطل وقالوا: إن كان ابن مسعود إذا أفتى بفتيا أتى المدينة فيسأل عنها، فإن أفتى بخلاف فتياه رجع إلى الكوفة ففسخ ما عمل. قال أبو محمد: وهذا كذب إنما جاء أنه أفتى بمسألتين فقط، فأمر عمر بفسخ ذلك وعمر الخليفة فلم يمكنه خلافه. نا يحيى بن عبد الرحمن بن مسعود، نا أحمد بن دحيم، نا إبراهيم بن حماد، قال: نا إسماعيل بن إسحاق، نا حجاج بن المنهال، نا حماد بن سلمة، عن أبي إسحاق السبيعي، عن أبي عمرو الشيباني أن رجلا سأل ابن مسعود عن رجل طلق امرأته قبل أن يدخل بها أيتزوج أمها؟ قال: نعم، فتزوجها، فولدت له، فقدم على عمر فسأله، فقال: فرق بينهما، قال ابن مسعود: إنها ولدت، قال عمر: وإن ولدت عشرا ففرق بينهما. قال أبو محمد: والخلاف في هذا موجود بالمدينة، نا عبد الله بن ربيع، نا عبد الله بن محمد بن عنان، نا أحمد بن خالد، نا علي بن عبد العزيز نا الحجاج بن المنهال، نا حماد بن سلمة عن قتادة، عن سعيد بن المسيب أن زيد بن ثابت قال: إن طلق الابنة قبل أن يدخل بها تزوج أمها، وإن ماتت موتا لم يتزوج أمها. نا يحيى بن عبد

narrated to us: Hajjaj ibn al-Minhal narrated to us: Hammad ibn Salamah narrated to us, from Abu Ishaq al-Sabii, from Abu Amr al-Shaybani, that a man asked Ibn Masud about a man who had divorced his wife before consummating the marriage with her: could he marry her mother? He said: "Yes." So he married her, and she bore him a child. He then came to Umar and asked him, and he said: "Separate the two of them." Ibn Masud said: "She has borne a child." Umar said: "Even if she has borne ten, separate the two of them."

Abu Muhammed said: Disagreement on this exists in Medina. Abd Allah ibn Rabi narrated to us: Abd Allah ibn Muhammed ibn Annan narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn al-Minhal narrated to us: Hammad ibn Salamah narrated to us, from Qatadah, from Said ibn al-Musayyab, that Zayd ibn Thabit said: "If he divorces the daughter before consummating the marriage with her, he may marry her mother; but if she dies, he may not marry her mother."

Yahya ibn Abd al-Rahman ibn Masud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us: Ismail ibn Ishaq narrated to us: Ismail ibn Abi Uways narrated to us: narrated to us by Abd al-Rahman ibn Abi al-Mawal, from Abd al-Hakim ibn Abd Allah ibn Abi Farwah, that a man of Banu Layth called al-Ajda married a young woman. He would visit her and converse with her mother. His wife died before he had consummated the marriage with her, so he sought her mother's hand in marriage and asked some of the Prophet's Companions, may Allah bless him and grant him peace ﷺ, about that. Some of them permitted him to do so, while others forbade him.[151][152][153]

L1768–1769 Abu Muhammed said: Moreover, the question mentioned is expressly addressed in the Quran, which is available to everyone just as it is to the people of Medina. They cannot claim that there was divine guidance concerning it

الرحمن بن مسعود، نا أحمد بن دحيم، نا إبراهيم بن حماد، نا إسماعيل بن إسحاق، نا إسماعيل بن أبي أويس، نا عبد الرحمن بن أبي الموال، عن عبد الحكيم بن عبد الله بن أبي فروة أن رجلا من بني ليث يقال له الأجدع، تزوج جارية شابة فكان يأتيها فيتحدث مع أمها فهلكت امرأته، ولم يدخل بها فخطب أمها وسأل عن ذلك ناسا من أصحاب النبي صلى الله عليه وسلم فمنهم من رخص له ومنهم من نهاه

قال أبو محمد: هذا والمسألة المذكورة منصوصة في القرآن الذي هو عند جميع الناس كما هو عند أهل المدينة لا يمكن أن يدعوا فيها توفيقا حتى خفي عمن هو خارج المدينة، لكن من أباح ذلك حمل الأم على حكم الربيبة، ومن منع أخذ بظاهر الآية وعمومها وهو الحق فلا مزية ههنا لأهل المدينة على غيرهم أصلا، وقد صح أن عمر استفتى ابن مسعود بالبتة وأخذ بقوله، وهذا مدني إمام أخذ بقول كوفي وذكر غريبة تضحك

[151] **Translator's note (L1764):** "Huskless barley" renders السلت (sult), a cereal traditionally distinguished from ordinary barley.

[152] **Translator's note (L1765):** The supplied list includes "Abu Sulayman"; the name has been retained without conjectural correction. The sa and mudd are measures of capacity; their distinct names have been retained.

that remained hidden from those outside Medina. Rather, whoever permitted it applied the ruling concerning a stepdaughter to the mother, while whoever prohibited it adhered to the apparent meaning of the verse and its general scope, which is the truth. Thus, the people of Medina have absolutely no advantage over others here. It has been authentically established that Umar did indeed seek a legal opinion from Ibn Masud and adopt his opinion. Here, then, was a Medinan leader adopting the opinion of a Kufan. He also mentioned a strange tale that would make bereaved mothers laugh and that indicates the weakness of the obfuscator's religion and the scantiness of his intellect. This was their citation of the report about Ibn Umar: when he saw Sad wiping, he did not adopt his practice until he returned to Medina and asked his father. Abu Muhammed said: This counts against them, not in their favor, since Ibn Umar was a Medinan, yet he was unaware of the ruling on wiping, and Sad was a Medinan, yet Ibn Umar did not adopt his practice—unless they say that a Medinan's opinion may be adopted only when he is within the walls of Medina. This is foolishness that even someone with no sense would not utter. They also engaged in obfuscation by citing what Abd Allah ibn al-Rabi informed us of, saying: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Muhammed ibn al-Muthanna informed us; Khalid ibn al-Harith related to us; Humayd related to us, from al-Hasan, who said: Ibn Abbas, while governor of Basra, said at the end of the month: 'Pay the obligatory alms for your fast.' The people looked at one another, so he said: 'Those of you here who are from Medina, stand up and teach your brothers, for they do not know. Allah's Messenger, may Allah bless him and grant him peace ﷺ, imposed these obligatory alms upon every male or female, free person or slave: one sa of barley or dates, or half a sa of wheat.' Abu Muhammed said: This provides them with no proof, for several reasons. The first is that it is an inadmissible report with a disconnected transmission chain, which al-Hasan undoubtedly took from someone untrustworthy. That is because al-Hasan was not in Basra during the time when Ibn Abbas was governor on behalf of Ali ibn Abi Talib,

الثكالى ويدل على ضعف دين المموه، وقلة عقله: وهي أنهم ذكروا خبر ابن عمر إذ رأى سعدا وهو يمسح فلم يأخذ بعمله حتى رجع إلى المدينة فسأل أباه. قال أبو محمد: وهذا عليهم لا لهم لأن ابن عمر مدني، وقد خفي عليه حكم المسح وسعد مدني فلم يأخذ ابن عمر بفعله إلا أن يقولوا: إنه لا يجوز أن يؤخذ بقول مدني إلا إذا كان بين جدران المدينة. فهذا حمق لا يقوله من لا مسكة له. وموهوا بما أنبأنا عبد الله بن الربيع قال: نا محمد بن معاوية، نا أحمد بن شعيب، أخبرنا محمد بن المثنى، نا خالد بن الحارث، نا حميد عن الحسن قال: قال ابن عباس وهو أمير البصرة في آخر الشهر: أخرجوا زكاة صومكم، فنظر الناس بعضهم إلى بعض فقال: من هنا من أهل المدينة؟ قوموا فعلموا إخوانكم، فإنهم لا يعلمون أن هذه الزكاة فرضها رسول الله صلى الله عليه وسلم على كل ذكر أو أنثى حر أو مملوك صاعا من شعير أو تمر أو نصف صاع من قمح. قال أبو محمد: وهذا لا حجة لهم فيه لوجوه: أولها: أنه خبر ساقط منقطع أخذه الحسن بلا شك من غير ثقة ذلك، لأن الحسن لم يكن بالبصرة أيام ابن عباس أميرا لعلي بن أبي طالب رضي الله عنه، وإنما نزلها الحسن أيام معاوية لا خلاف في هذا.

[153] **Translator's note (L1766):** The final "narrated to us by" renders the transmission abbreviation نا whose narrator's name begins the next segment; it continues the chain rather than concluding it.

may Allah be pleased with him. Al-Hasan settled there only in the days of Muawiyah. There is no disagreement about this.[154][155]

L1770–1774 The second is that Basra was founded by Utbah ibn Ghazwan al-Mazini, of the descendants of Mazin ibn Mansur, the brother of Sulaym ibn Mansur. He was a participant at Badr, one of the eminent earliest Emigrants who endured trials for Allah Most High at the beginning of Islam. He founded it in the fourteenth year after the Emigration, early in the rule of Umar, may Allah be pleased with him. Ibn Abbas became its governor on behalf of Ali only at the end of the year thirty-six, after the Battle of the Camel, twenty-two years after its foundation. The Companions and the Successors, may Allah be pleased with them, settled there. Abu Musa al-Ashari governed it after Utbah ibn Ghazwan and al-Mughirah ibn Shubah and others, during Umar's rule and throughout Uthman's rule, may Allah be pleased with them both. The collection of its obligatory alms was administered by Anas ibn Malik in those days. How, then, could anyone with a shred of reason conceive that a city inhabited by tens of thousands of Muslims, including hundreds of Companions, may Allah be pleased with them, and governed successively by Companions appointed by Umar and Uthman, had no one among them to teach them the obligatory alms at the breaking of the fast, which women and children know in every city and every village because they recur each year at the festival following Ramadan—so that they remained for the period mentioned with no one among them knowing this, while the people of Medina knew it? How could something like this be concealed, when delegations from Basra used to visit the two caliphs in Medina? By Allah, this would indeed be a greater calamity for Umar, Uthman, and the people of Medina than for the people of Basra, since they would either have deliberately refrained from

[154]**Translator's note (L1768):** The text reads tawfiqan, rendered 'divine guidance.' In this argument, tawqifan, meaning an authoritative teaching received through revelation or transmission, may have been intended; the supplied reading has not been silently corrected. 'Wiping' refers here to the ritual wiping discussed in the report; the supplied passage does not specify what was being wiped.

[155]**Translator's note (L1769):** The unusual wording 'even someone with no sense would not utter' follows the supplied Arabic, which says man la muskata lahu. A sa is a measure of volume; the source specifies quantities in this measure without giving modern equivalents.

وثانيها: أن البصرة بناها عتبة بن غزوان المازني من بني مازن بن منصور أخي سليم بن منصور، وهذا بدري من أكابر المهاجرين الأولين الممتحنين في الله تعالى في أول الإسلام سنة أربع عشرة من الهجرة في صدر أيام عمر رضي الله عنه، وإنما وليها ابن عباس لعلي في آخر سنة ست وثلاثين بعد يوم الجمل بعد اثنتين وعشرين سنة من بنيانها، وسكنها الصحابة والتابعون رضي الله عنهم، ووليها أبو موسى الأشعري بعد عتبة بن غزوان، والمغيرة بن شعبة وغيرهما أيام عمر وطول أيام عثمان رضي الله عنهما، وولي قبض زكاتها أنس بن مالك في تلك الأيام. فكيف يدخل في عقل من له مسكة عقل، أن مصرا يسكنه عشرات الألوف من المسلمين منهم مئون من الصحابة رضي الله عنهم، تداوله الصحابة من قبل عمر وعثمان فلم يكن فيهم أحد يعلمهم زكاة الفطر التي يعلمها النساء والصبيان في كل مدينة وكل قرية لتكررها في كل عام في العيد إثر رمضان، حتى بقوا المدة المذكورة ليس فيهم أحد علم ذلك، وأهل المدينة يعرفونها، فكيف يكتم مثل هذا والوفود من البصرة يفدون على الخليفتين بالمدينة؟. وتالله إن هذه لمصيبة على عمر وعثمان وأهل المدينة أعظم منها على أهل البصرة إذ تعمدوا ترك تعليمهم أو ضيعوا ذلك وكل ذلك باطل لا يمكن البتة، وكذب لا خفاء به، ومحال ممتنع لما ذكرنا. وثالثها: أن المحتجين بهذا الخبر وهم المقلدون لمالك أول مبطل لحكم هذا الخبر، فلا يرون ما فيه من نصف صاع قمح مكان صاع شعير في زكاة الفطر، أفليس من الرزايا والفضائح والبلايا والقبائح من يموه بخبر يحتج به فيما ليس فيه منه شيء على من لا يراه حجة لو صح لأنه ليس من كلام النبي صلى الله عليه وسلم ثم المحتج به أول مخالف لما احتج به وأول مبطل ومكذب لما فيه، مما لو صح ذلك الخبر لما حل لأحد خلافه لأنه عن النبي صلى الله عليه وسلم نعوذ بالله العظيم من مثل

هذا المقال في الدنيا والآخرة. وإذ قد صححوا ههنا رواية الحسن عن ابن عباس فقد: نا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا محمد بن أيوب الرقي، نا أحمد بن عروة بن عبد الخالق البزار نا محمد بن المثنى، نا يزيد بن هارون، نا حميد الطويل، عن الحسن البصري، قال: خطبنا ابن عباس بالبصرة فقال فرض رسول الله صلى الله عليه وسلم صدقة الفطر على الصغير والكبير والحر والعبد، صاع من تمر أو صاع من شعير أو بنصف صاع من بر ومن أتى بدقيق قبل منه، ومن أتى بسويق قبل منه. وهم أول عاص لما في هذا الخبر، فيا للناس، مرة يصححون رواية الحسن عن ابن عباس إذا ظنوا أنهم يموهون به في إثبات باطل دعواهم، ومرة يبطلونهم ويكذبونها إذا خالفت رأي مالك فيزورون شاهدهم ويكذبون أنفسهم، ألا ذلك هو الضلال المبين. قال أبو محمد: وهذا خبر رواه ابن سيرين وأبو رجاء عن ابن عباس وهما حاضران لولايته فلم يذكروا فيه ما ذكر ابن عباس من القول: يا أهل المدينة قوموا علموا إخوانكم، فصح أنها زيادة من لا خير فيه.

teaching them or have neglected it. All of this is false, utterly impossible, an obvious lie, and an impossibility that cannot occur, for the reasons we have mentioned. The third is that those who adduce this report as proof, namely the uncritical followers of Malik, are the first to invalidate its ruling. They do not accept its provision allowing half a sa of wheat in place of a sa of barley for the obligatory alms at the breaking of the fast. Is it not among the calamities, scandals, afflictions, and abominations that someone should obfuscate by adducing a report as proof for something of which it contains nothing, against someone who would not regard that as proof even if it were authentic, since it is not among the words of the Prophet, may Allah bless him and grant him peace ﷺ; and that the person adducing it should then be the first to contradict what he adduces, and the first to invalidate and deny what it contains of matters that, were the report authentic, no one would be permitted to contravene, because they come from the Prophet, may Allah bless him and grant him peace ﷺ? We seek refuge with Allah the Magnificent from such discourse in this world and the Hereafter. Since they have here deemed al-Hasan's transmission from Ibn Abbas authentic, Ahmad ibn Muhammed al-Talamanki related to us; Ibn Mufarrij related to us; Muhammed ibn Ayyub al-Raqqi related to us; Ahmad ibn Urwah ibn Abd al-Khaliq al-Bazzar related to us; Muhammed ibn al-Muthanna related to us; Yazid ibn Harun related to us; Humayd al-Tawil related to us, from al-Hasan al-Basri, who said: Ibn Abbas addressed us in Basra and said: 'Allah's Messenger, may Allah bless him and grant him peace ﷺ, imposed the alms at the breaking of the fast upon the young and the old, the free person and the slave: a sa of dates, a sa of barley, or half a sa of wheat. Whoever brought flour, it was accepted from him; and whoever brought roasted-grain meal, it was accepted from him.' Yet they are the first to disobey what is in this report. O people! At one time they deem al-Hasan's transmission from Ibn Abbas authentic, when they think they can use it to obfuscate in establishing their false claim, and at another they invalidate it and declare it false when it contradicts Malik's opinion. Thus they discredit their own witness and give the lie to themselves. Indeed, that is manifest error. Abu Muhammed said: This is a report transmitted by Ibn Sirin and Abu Raja from Ibn Abbas, both of whom were present during his governorship, yet they did not mention in

it the statement attributed to Ibn Abbas: 'People of Medina, stand up and teach your brothers.' It is therefore established that this is an addition made by someone in whom there is no good.[156][157]

L1775–1778 Abu Muhammed said: Thus everything with which they engaged in obfuscation is invalidated. We are confident, and praise belongs to Allah, that had Allah wished to make the consensus of the people of Medina a binding proof, He would not have omitted to specify that through the tongue of His Messenger, may Allah bless him and grant him peace ﷺ. Since He did not do so, we affirm that He never made their consensus a binding proof against any of His creatures. This is assuming that a consensus among them on any legal ruling could actually be established. How, then, when there is never any way to establish such a thing except where all the other people of Islam agree upon it, or where the consensus of them all, their acceptance of that ruling, and their acquiescence to them have been transmitted? Otherwise, the claim that they reached consensus is a sheer lie against every one of them. We seek refuge with Allah the Magnificent from such a thing. Abu Muhammed said: Here is Malik saying in his Muwatta, which we have transmitted from him through several transmission routes, near the beginning of its Book of Sales, in a chapter entitled 'Defects in Slaves': Malik said: 'The matter agreed upon among us concerning someone who sells a male slave, a female slave, or an animal with a disclaimer of liability for defects is that he is absolved of liability for every defect, unless he knew of a defect in it and concealed it. If he knew of a defect in it and concealed it, his disclaimer does not benefit him, and what he sold is to be returned to him.' Abu Muhammed said: The position from his opinions that his associates and uncritical fol-

قال أبو محمد: فبطل كل ما موهوا به ونحن ولله الحمد على ثقة من أن الله لو أراد أن يجعل إجماع أهل المدينة حجة لما أغفل أن يعين ذلك على لسان رسوله صلى الله عليه وسلم فإذا لم يفعل فنحن نثبت بأنه لم يجعل قط إجماعهم حجة على أحد من خلقه، هذا لو صح وجود إجماع لهم في شيء من الأحكام، فكيف ولا سبيل إلى وجود ذلك أبدا، إلا حيث يجمع سائر أهل الإسلام عليه، أو حيث نقل إجماعهم كلهم ورضاهم بذلك الحكم وتسليمهم لهم. وإلا فدعوى إجماعهم كذب بحت على جميعهم ونعوذ بالله العظيم من مثل هذا. قال أبو محمد: وهذا مالك يقول في موطئه الذي رويناه عنه، من طرق في كتاب البيوع منه في أوله في باب ترجمته العيب في الرقيق قال مالك: الأمر المجتمع عليه عندنا فيمن باع عبدا أو وليدة أو حيوانا بالبراءة، فقد برىء من كل عيب إلا أن يكون علم في ذلك عيبا فكتمه، فإن كان علم في ذلك عيبا فكتمه لم تنفعه تبرئته، وكان ما باع مردودا عليه. قال أبو محمد: والذي عليه العمل عند أصحابه ومقلديه من قوله: هو أن حكم الحيوان مخالف لحكم الرقيق، وأن بيع البراءة لا يجوز البتة في الحيوان لكنه كالعروض لا يبرأ من عيب فيه، علمه أو لم يعلمه. قال أبو محمد: فإذا كان عند هؤلاء المجرمين إجماع أهل المدينة إجماعا لا يحل خلافه، وهذا مالك ههنا قد خالف ما ذكر أنه الأمر المجتمع عليه عندهم، فلا بد ضرورة من أحد حكمين لا ثالث لهما: أما إبطال تهويلهم بإجماع أهل المدينة وبخلافه وجواز مخالفته، وإما أن يلحقوا بمالك الذي قلدوه دينهم ما يلحق مخالف الإجماع الذي يقر أنه إجماع وهذا صعب ممن خالف ما يقر أنه إجماع، وفي هذا كفاية لمن له أدنى عقل، ومن أراد الله تعالى توفيقه. قال أبو محمد: والقوم كما ترى يموهون بإجماع أهل

[156] **Translator's note (L1772):** The final word is yubtilunahum, literally 'they invalidate them,' although the surrounding argument refers to a transmission and continues with a feminine singular pronoun in the next unit. 'They invalidate it' reflects that contextual reference; the supplied pronoun is irregular. The quotation shifts grammatically from 'a sa' to 'with half a sa.' The English preserves the stated quantities without reproducing this case irregularity.

[157] **Translator's note (L1773):** The unvocalized verb fayuzawwiruna is understood here as declaring their witness false or discrediting him; it can also suggest falsifying or fabricating their witness.

lowers put into practice is that the ruling concerning animals differs from the ruling concerning slaves: a sale with a disclaimer of liability for defects is absolutely impermissible in the case of animals. Rather, an animal is like merchandise: the seller is not absolved of liability for a defect in it, whether he knew of it or did not know of it. Abu Muhammed said: If, according to these evildoers, the consensus of the people of Medina is a consensus that it is impermissible to contravene, and here Malik has contravened what he stated was the matter agreed upon among them, then necessarily one of two judgments must follow, with no third possibility: either their intimidation by invoking the consensus of the people of Medina and its contravention must be invalidated, and contravening it must be permissible; or they must attach to Malik, to whom they have entrusted their religion through uncritical adherence, whatever attaches to someone who contravenes a consensus that he acknowledges to be a consensus. This is a grave matter on the part of someone who contravenes what he acknowledges to be a consensus. In this there is sufficient instruction for anyone who possesses the least intelligence, and for anyone whom Allah Most High wishes to guide aright. Abu Muhammed said: These people, as you see, engage in obfuscation by invoking the consensus of the people of Medina. But when their claim is subjected to scrutiny, all they can produce from all the people of Medina and their consensus is what was transmitted uniquely by Sahnun al-Qayrawani and Isa ibn Dinar al-Andalusi, from Ibn al-Qasim al-Misri, from Malik alone, as his own opinion and his conjecture. Much of that is Ibn al-Qasim's personal opinion, his juristic preference, and his analogical reasoning based on Malik's statements. Marvel, then, at these ugly matters: how can a person of religious scruple, or someone who knows that Allah will question him about his words and deeds, deem them acceptable? We seek refuge in Allah the Magnificent from abandonment. If they resort to obfuscation through what has been transmitted concerning the practice of the judges of Medina whom Malik encountered, let everyone possessed of understanding know that a case would arise in Medina or elsewhere, and neither the governor nor the judge would decide it until he had written to the caliph in Syria; he would then implement only what the caliph had instructed him to do. These, then, are merely the commands of Abd Allah, al-Walid, Sulayman, Yazid, Hisham,

المدينة، فإن حقق عليهم لم يحصلوا من جميع أهل المدينة ومن إجماعهم إلا على ما انفرد به سحنون القيرواني، وعيسى بن دينار الأندلسي، عن ابن القاسم المصري، عن مالك وحده، من رأيه وظنه، وكثير من ذلك رأي ابن القاسم واستحسانه وقياسه على أقوال مالك. فاعجبوا لهذه الأمور القبيحة كيف يستحسنها ذو ورع، أو من يدري أن الله سيسأله عن قوله وفعله، ونعوذ بالله العظيم من الخذلان. فإن موهوا بما روي من عمل قضاة المدينة الذين أدرك مالك، فليعلم كل ذي فهم أن النازلة كانت تقع في المدينة وغيرها فلا يقضي فيها الأمير ولا القاضي حتى يخاطب الخليفة بالشام، ثم لا ينفذ إلا من خاطبه به فإنما هي أوامر عبد الله والوليد وسليمان ويزيد وهشام والوليد بحسبكم والقليل من ذلك من عهد عمر بن عبد العزيز أقصر مدته هذا أمر مشهور في كتب الأحاديث

and al-Walid—enough for you! A small portion of that comes from the reign of Umar ibn Abd al-Aziz, whose tenure was the shortest. This is a matter well known in the books of hadith.[158][159]

L1779 **[Section concerning those who say that consensus is the consensus of the people of Kufa]**

L1780–1781 Abu Muhammed said: We discuss only a position whose proponent might disguise it with contentious argument whose deception escapes the ignorant, or a matter in which the truth might be obscure to some scholars because its indications are obscure or conflict with one another. As for something in which there is no semblance of an argument beyond foolishness and partisanship, we do not. There is no difference between the consensus of the people of Kufa, the consensus of the people of Basra, and the consensus of the people of al-Fustat. This applies if they mean the consensus of the Companions who were there, or of the Successors after them, or, granting them a concession, of those in the third generation. If we descend below that, however, there is no difference between the people of Kufa and the people of Awqaniyah, the people of Awtaniyah, and Fasawansa. If a man would only act sincerely in his own interest and desist from obscuring religion and misleading the poor, deluded people, occupy himself with the Quran, the speech of Allah Most High, and the exposition of His Messenger ﷺ, whom Allah Most High has made it obligatory for us to obey, and abandon partisan attachment to the statements of so-and-so and so-and-so, that would be safer for his return in the hereafter and would keep him further from disgrace in this present life. Our success comes only through Allah Most High.[160]

[158] **Translator's note (L1775):** The wording wa-bi-khilafihi, 'and by its contravention,' is awkward in the first alternative. The translation retains its reference to contravening the consensus rather than silently deleting or emending it. The phrase 'This is a grave matter on the part of someone…' renders the awkward supplied wording wa-hadha sabun mimman khalafa; its syntax is uncertain.

[159] **Translator's note (L1778):** The expression following the second occurrence of al-Walid is compressed; it is rendered as the exclamation "enough for you!" The following phrase concerning Umar ibn Abd al-Aziz's short tenure is also syntactically compressed.

[160] **Translator's note (L1780):** The place-names rendered Awqaniyah, Awtaniyah, and Fasawansa have uncertain identification and vocalization in the supplied text.

[فصل فيمن قال إن الإجماع هو إجماع أهل الكوفة]

قال أبو محمد: إنما نتكلم بما يمكن أن يموه قائله بشغب يخفى على الجهال أو فيما يمكن أن يخفى وجه الحق فيه على بعض أهل العلم لخفاء الدلائل أو لتعارضها، وإما ما لا شبه فيه غير الأحموقة والعصبية فلا، ولا فرق بين إجماع أهل الكوفة وإجماع أهل البصرة وإجماع أهل الفسطاط، هذا إن أرادوا إجماع من كان بها من الصحابة أو من بعدهم من التابعين، أو على أن يسمح لهم في العصر الثالث، وأما إن نزلنا عن ذلك فلا فرق بين أهل الكوفة وأهل أوقانية وأهل أوطانية وفساونسا. ولو أن امرأ نصح نفسه، فأقصر عن التلبيس في الدين، وإضلال المساكين المغترين وشغل نفسه بالقرآن كلام الله تعالى وبيان رسوله صلى الله عليه وسلم افترض الله تعالى علينا طاعته وترك التعصب لقول فلان وفلان كان أسلم لمعاده وأبعد له من الفضيحة في العاجلة وما توفيقنا إلا بالله تعالى

[فصل في إبطال قول من قال إن قول الواحد من الصحابة رضي الله عنهم إذا لم يعرف له]

مخالف فهو إجماع وإن ظهر خلافه في العصر الثاني

قال أبو محمد: قال بهذا طوائف من المالكيين والحنفيين، ثم أقحم هذا الشغب معهم الشافعيون، ثم اختلفوا فقالت طائفة: سواء انتشر أو لم ينتشر فهو إجماع،

وقالت طائفة إنما يكون إجماعا إذا اشتهر وانتشر، وأما إذا لم يشتهر ولا انتشر فلا يكون إجماعا. وقالت طائفة: إنما يكون إجماعا إذا كان من قول أحد الأئمة الأربعة، أبي بكر وعمر وعثمان وعلي رضي الله عنهم فقط وانتشر مع ذلك، وإلا فليس إجماعا وإن كان من قول غيرهم فلا يكون حجة وإن انتشر. وقالت طائفة: ليس شيء من ذلك إجماعا ولكنه حجة. قال أبو محمد: فإنما قال من قال منهم هذه الأقوال، عند ظفره بشيء منها مع انقطاع الحبل بيده وعدمه شيئا ينصر به خطأه وتقليده، ثم هم أترك الناس لذلك إذا خالف تقليدهم، لا مؤنة عليهم في إبطال ما صححوا وتصحيح ما أبطلوا في الوقت إنما حسب أحدهم نصر المسأل بينه وبين خصمه في حينه ذلك فإذا انتقلا إلى أخرى فأخف شيء على كل واحد منهم تصحيح ما أبطل في المسألة التي انقضى الكلام، وإبطال ما صحح فيها. فقد ذكر الأجهري محمد بن صالح المالكي عن ابن بكير وكل واحد منهم من جملة مذهب مالك ومقلديه: أنه كانت أصوله مبنية على فروعه، إذا خرج قوله في مسألة على العموم قال: من قولي العموم وإذا خرج قوله في أخرى على الخصوص، قال من قولي الخصوص. ولقد رأيت لعبد الوهاب بن علي بن نصر المالكي في كتابه المعروف بشرح الرسالة في باب من يعتق على المرء إذا ملكه فذكر قول داود: لا يعتق أحد على أحد، وذكر قول أبي حنيفة: يعتق كل ذي رحم

[Section refuting the assertion of those who say that the statement of a single Companion—may Allah be pleased with them—when no one is known to have][161]

opposed him, constitutes consensus, even if disagreement with it appears in the second generation

Abu Muhammed said: Groups among the Malikis and Hanafis have maintained this; then the Shafiis joined them in thrusting forward this contentious argument. They subsequently disagreed. One group said: Whether it became widespread or did not become widespread, it constitutes consensus.

Another group said: It constitutes consensus only if it became well known and widespread; if it became neither well known nor widespread, it does not constitute consensus. Another group said: It constitutes consensus only if it is a statement of one of the four leaders—Abu Bakr, Umar, Uthman, and Ali, may Allah be pleased with them—and also became widespread; otherwise, it is not consensus. If it is a statement of someone other than these, it does not constitute authoritative proof, even if it became widespread. Another group said: None of that constitutes consensus, but it does constitute authoritative proof. Abu Muhammed said: Those among them who voiced these assertions did so only when they happened upon something of this kind after the rope had snapped in their hands and they had nothing with which to support their error and their uncritical adherence to authority. Yet they are the readiest of people to abandon it when it conflicts with their uncritical adherence. They find no difficulty in invalidating what they have declared valid and declaring valid what they have invalidated, on the spot. All that concerns one of them is to win the disputed question against his opponent at that particular moment. Then, when the two move on to another question, nothing is easier for either of them than to declare valid what he invalidated in the question whose discussion has ended, and to invalidate what he declared valid in it. Al-Ajhari, Muhammed ibn Salih al-Maliki, related concerning Ibn Bukayr—each of them belonging to Malik's school and

[161] **Translator's note (L1782):** The heading continues in the next unit; its closing bracket occurs here in the supplied transcription.

being among his uncritical adherents—that his foundational principles were built upon his derivative rulings: if his statement on one question took a general form, he would say, "My position is general applicability"; and if his statement on another took a specific form, he would say, "My position is specific applicability." I have indeed seen Abd al-Wahhab ibn Ali ibn Nasr al-Maliki, in his book known as Commentary on the Epistle, in the chapter concerning those who become emancipated upon a person's acquiring ownership of them, mention Dawud's position, "No one becomes emancipated by virtue of another person's acquiring ownership of him," and Abu Hanifa's position, "Every blood relative within the prohibited degrees of marriage becomes emancipated." He then said: "Among our proofs against Dawud is the statement of the Messenger of Allah ﷺ: 'Whoever acquires ownership of a blood relative within the prohibited degrees of marriage, that relative is free.' This is an explicit text." Then, six lines later, he turned to Abu Hanifa's position and said: "If he adduces as proof what is transmitted from the Prophet ﷺ, 'Whoever acquires ownership of a blood relative within the prohibited degrees of marriage, that relative is free,' we say: 'This report is not authentic.'" I cannot count how often I have found the Hanafis, Malikis, and Shafiis declaring authentic the transmission of Ibn Lahi'ah and of Amr ibn Shuayb from his father, from his grandfather, when it contains something that agrees with their uncritical adherence on that particular question. Then, perhaps a page, a leaf, or several leaves later, their opponent adduces against them a transmission of Amr ibn Shuayb from his father, from his grandfather, or a transmission of Ibn Lahi'ah, and they say: "This is a written collection, and Ibn Lahi'ah is weak."[162][163]

L1788–1791 Abu Muhammed said: This is the conduct of someone who does not fear Allah, Mighty and Majestic, and whose conduct gives grounds for thinking ill of his inward belief. We seek refuge in Allah from abandonment. Allah Most

محرم فقال من حجتنا على داود قول رسول الله صلى الله عليه وسلم من ملك ذا رحم محرم فهو حر وهذا نص جلي ثم صار إلى قول أبي حنيفة بعد ستة أسطار فقال فإن احتج بما روي عن النبي صلى الله عليه وسلم من ملك ذا رحم محرم فهو حر قلنا هذا خبر لا يصح. ولا أحصي كم وجدت للحنفيين والمالكيين والشافعيين تصحيح رواية ابن لهيعة، وعمرو بن شعيب عن أبيه عن جده، إذا كان فيها ما يوافق تقليدهم في مسألتهم تلك، ثم ربما أتى بعدها بصفحة أو ورقة أو أوراق احتجاج خصمهم عليهم برواية عمرو بن شعيب عن أبيه عن جده، أو برواية ابن لهيعة، فيقولون: هذه صحيفة، وابن لهيعة ضعيف.

قال أبو محمد: وهذا فعل من لا يتقي الله عز وجل، ومن عمله يوجب سوء الظن بباطن معتقده، ونعوذ بالله من الخذلان قال الله تعالى {إنما لنسيء زيادة في لكفر يضل به لذين كفروا يحلونه عاما ويحرمونه عاما ليواطئوا عدة ما حرم لله فيحلوا ما حرم لله زين لهم سوء أعمالهم ولله لا يهدي لقوم لكافرين} وقال تعالى {يأيها لذين آمنوا لم تقولون ما لا تفعلون * كبر مقتا عند لله أن تقولوا ما لا تفعلون} وقال تعالى {ثم أنتم هؤلاء

[162] **Translator's note (L1785):** The supplied form rendered "the disputed question" appears to be a defective spelling of the word for a question or issue. The vocalization of the name rendered al-Ajhari is uncertain.

[163] **Translator's note (L1787):** "A written collection" renders sahifah, used here dismissively in assessing the transmitted material; the Arabic does not explicitly state the precise objection to its transmission.

High said: {Postponement is only an increase in unbelief, by which those who disbelieve are led astray. They permit it one year and forbid it another year, so as to correspond to the number of what Allah has forbidden, thereby permitting what Allah has forbidden. The evil of their deeds has been made attractive to them, and Allah does not guide the unbelieving people.} And He Most High said: {O you who believe, why do you say what you do not do? * It is greatly hateful in Allah's sight that you say what you do not do.} And He Most High said: {Then here you are, killing yourselves and expelling a group of your own from their homes, supporting one another against them in sin and aggression. Yet if they come to you as captives, you ransom them, although expelling them is forbidden to you. Do you then believe in part of the Book and disbelieve in part? What recompense is there for those among you who do that except disgrace in the life of this world? On the Day of Resurrection they will be returned to the severest punishment. Allah is not heedless of what you do.} Thus Allah Most High condemned those who declare something valid on one occasion and then invalidate it on another. Moreover, the positions of theirs that we have mentioned in this chapter are unsound assertions, without any demonstration or inference whatsoever, except for their statement, whose invalidity we have already established, that they would not acquiesce in falsehood. We said to them: "What assurance have you that they did not condemn it?"—together with everything else we mentioned there. We have written a substantial book refuting them on this subject and others, in which we exhaustively investigated their immense inconsistency and the outrageous contradictions between their arguments and statements. Here, if Allah Most High wills, we shall mention a little that points to much; for if one were to collect their contradictions, the resulting volume would be larger than this entire volume of ours. Indeed, they have gone beyond their unsound principle in this chapter, to the point of uncritically adhering to the statement of a Companion whom another Companion opposed on that very statement, or whose retraction of that statement has been authentically established; yet they adduce it as proof and claim consensus. One example is the Malikis' argument that a man who unknowingly marries a woman during her waiting period and consummates the marriage is forever forbidden to marry her, adducing as proof what has been trans-

تقتلون أنفسكم وتخرجون فريقا منكم من ديارهم تظاهرون عليهم بلإثم والعدوان وإن يأتوكم أسارى تفادوهم وهو محرم عليكم إخراجهم أفتؤمنون ببعض لكتاب وتكفرون ببعض فما جزآء من يفعل ذلك منكم إلا خزي في لحياة لدنيا ويوم لقيامة يردون إلى أشد لعذاب وما لله بغافل عما تعملون} فأنكر الله تعالى على من صحح شيئا مرة ثم أبطله أخرى مع أن أقوالهم التي ذكرنا في هذا الباب دعاوى فاسدة بلا برهان ولا استدلال أصلا، إلا ما تقدم إفسادنا له من قولهم: إنهم لا يقرون على باطل. فقلنا لهم: ومن لكم بأنهم لم ينكروا ذلك وسائر ما ذكرنا هنالك. وقد كتبنا في مناقضتهم في هذا الباب وغيره كتابا ضخما تقصينا فيه عظيم تناقضهم، وفاحش تضاد حجاجهم وأقوالهم، ونذكر هنا إن شاء الله تعالى يسيرا دالا على الكثير، إذ لو جمع تناقضهم لأتى منه ديوان أكبر من ديواننا هذا كله، نعم، وقد تعدوا عقدهم الفاسد في هذا الباب، إلى أن قلدوا قول صاحب قد خالفه غيره من الصحابة في قولهم ذلك، أو قد صح رجوع ذلك الصاحب عن ذلك القول، فاحتجوا به وادعوا إجماعا. فمن ذلك: احتجاج المالكيين في التحريم على الناكح جاهلا في العدة يدخل بها أن يتزوجها أبدا، احتجاجا بما روي عن عمر في ذلك، وقد صح عن علي خلافه، وصح رجوع عمر عن القول وكتعلقهم بما روي عن عمر في امرأة المفقودة. وقد خالفه عثمان وعلي في ذلك. وكتعليق الحنفيين بما روي عن ابن مسعود في جعل الآبق، وخالفوه في تلك القضية نفسها في تحديد المسافة، وكتوريثهم المطلقة ثلاثا في المرض، تعلقا بعمر وعثمان، وقد خالفهما ابن عباس وابن الزبير، وقد اختلف عمر وعثمان في ذلك أيضا. وكخلاف المالكيين والشافعيين عمر بن الخطاب، وتقليد الحنفيين له فيما صح عنه من طريق الشعبي عن شريح أنه كتب إليه أن يحكم في غير الدابة بربع ثمنها، وكتقليد المالكيين والحنفيين له في جلده في الخمر أربعين، وخالفه الشافعيون في ذلك، وقد صح عن عمر وعثمان وعلي وأبي بكر جلد أربعين في الخمر. وكتقليد المالكيين والحنفيين لعائشة أم المؤمنين،

mitted from Umar on that matter, although Ali's contrary position has been authentically established, as has Umar's retraction of that position. Another is their reliance on what has been transmitted from Umar concerning the wife of a missing person, although Uthman and Ali disagreed with him on that matter. Another is the Hanafis' reliance on what has been transmitted from Ibn Masud concerning the reward for recovering a runaway slave, although they disagreed with him in that very case concerning the specified distance. Another is their allowing a woman who has been divorced three times during her husband's illness to inherit, relying on Umar and Uthman, although Ibn Abbas and Ibn al-Zubayr disagreed with both of them, and Umar and Uthman also differed on that matter. Another is the Malikis' and Shafiis' disagreement with Umar ibn al-Khattab, and the Hanafis' uncritical adherence to him, concerning what has been authentically transmitted from him through al-Shaʿbi, from Shurayh, that he wrote to him instructing him to award, in the case of something other than a riding animal, one quarter of its price; and like the Malikis' and Hanafis' uncritical following of him in his administering forty lashes for wine, while the Shafiʿis disagreed with him on that, although the administration of forty lashes for wine has been authentically transmitted from ʿUmar, ʿUthman, ʿAli, and Abu Bakr; and like the Malikis' and Hanafis' uncritical following of ʿA'ishah, Mother of the Believers, concerning a report not authentically established from her, in her disapproval of selling something on deferred payment and then having its seller buy it back for less than that price, while al-Shafiʿi disagreed with her on that, as did Zayd ibn Arqam; and like their uncritical following of ʿUmar concerning the respite allowed an impotent husband, although ʿAli, Muʿawiyah, and al-Mughirah ibn Shuʿbah disagreed with him on that; and like the Hanafis' and Malikis' uncritical following of ʿUmar in assessing blood money in gold and silver, while al-Shafiʿi disagreed with him, and the Hanafis and Malikis themselves also disagreed with him in assessing blood money in cattle, sheep, and sets of garments; and like the Malikis' and Hanafis' uncritical following of what is related from Abu Bakr, ʿUmar, and ʿUthman concerning taking

في ما لم يصح عنها في إنكارها بيع شيء إلى أجل ثم يبتاعه البائع له بأقل من ذلك الثمن، وخالفها الشافعي في ذلك، وخالفها فيه أيضا زيد بن أرقم. وكتقليدهم عمر في أجل العنين وقد خالفه في ذلك علي ومعاوية والمغيرة بن شعبة، وكتقليد الحنفيين والمالكيين عمر في تقويم الدية بالذهب والفضة، وخالفه الشافعي، وخالفه الحنفيون والمالكيون أيضا في تقويم الدية بالبقر والغنم والحلل، وكتقليد المالكيين والحنفيين ما روي عن أبي بكر وعمر وعثمان في حيازة الهبات، وقد خالفهم ابن مسعود، وروي الخلاف في ذلك عن أبي بكر.

possession of gifts, although Ibn Masʿud disagreed with them, and a contrary position on that is also related from Abu Bakr[164][165][166][167]

L1792–1794 and like the Malikis' and Shafiʿis' uncritical following of ʿUmar concerning the repudiation of a wife on account of defects, while disagreeing with him concerning recovery of the bridal payment, although ʿAli and others disagreed with him on that; and like the Malikis' and Shafiʿis' disagreement with ʿUmar and Ibn Masʿud concerning their statement, "Whoever comes to own a blood relative whom he is forbidden to marry, that relative is free," although no Companion is known to have disagreed with the two of them on that; and like the Malikis' disagreement with al-Zubayr, Qudamah ibn Mazʿun, Abu al-Darda', and Ibn Masʿud concerning the permissibility of a sick person's marriage, although no Companion is known to have disagreed with them; and like the Hanafis' and Malikis' disagreement with Abu Bakr, ʿUmar, Khalid ibn al-Walid, Ibn al-Zubayr, ʿUthman, and ʿAli ibn Abi Talib—may Allah be pleased with them—concerning exacting retaliation for a slap and a broken thigh, although no Companion is known to have disagreed with them; like their disagreement concerning doubling the value in the case of the Muzani man's she-camel, although no Companion is known to have disagreed on that; and like their disagreement with ʿUmar concerning his judgment awarding a lamb for a collarbone and a lamb for a rib, although no Companion is known to have disagreed with him on that. They have

وكتقليد المالكيين والشافعيين لعمر في رد المنكوحة بالعيوب. وخالفوه في الرجوع بالصداق وخالفه في ذلك علي وغيره، وكخلاف المالكيين والشافعيين عمر وابن مسعود في قولهما: من ملك ذار رحم محرم فهو حر، ولا يعرف لهما مخالف من الصحابة في ذلك. وكخلاف المالكيين والزبير وقدامة بن مظعون وأبا الدرداء وابن مسعود في إباحة نكاح المريض ولا يعرف لهم من الصحابة مخالف وكمخالفة الحنفيين والمالكيين أبا بكر وعمر وخالد بن الوليد وابن الزبير وعثمان وعلي بن أبي طالب رضي الله عنهم في القود من اللطمة وكسر الفخذ لا يعرف لهم من الصحابة مخالف كخلافهم في إضعاف القيمة في ناقة المزني ولا يعرف من الصحابة مخالف في ذلك وكخلافهم عمر في قضائه في الترقوة بحمل وفي ضلع بحمل ولا يعرف له في ذلك مخالف من الصحابة ومثل هذا لهم كثير جدا جاوز المئين من القضايا قد جمعناها والحمد لله في كتابنا الموسوم بكتاب الإعراب عن الحيرة والالتباس الموجودين في مذاهب أهل الرأي والقياس. قال أبو محمد: وأما قول من قال منهم: إذا كان ذلك من فعل الإمام فهم أترك الناس لذلك، مع تعري قولهم من الدلالة، ومما حضر ذكره من ذلك احتجاجهم في جلد الشاهد بالزنى والشاهدين والثلاثة إذ لم يتموا أربعة حد القاذف، احتجاجا بجلد عمر أبا بكرة ونافعا وشبل بن معبد بحضرة الصحابة في ذلك المقام نفسه. إذ قال أبو بكرة لما تم جلده وقام: أشهد أن المغيرة زنى، فأراد عمر جلده فقال له علي: إن جلدته فارجم المغيرة فتركه، وكلهم يرى جلده ثانية إذا قالها بعد تمام جلده، أفلا حياء إذ لا تقوى، وهل سمع بأفحش من هذا العمل وأفصح منه؟ ومثل هذا لهم كثيرا جدا.

[164] **Translator's note (L1788):** The Quranic quotations correspond to 9:37, 61:2–3, and 2:85. The supplied transcription repeatedly omits initial alifs in words and articles within these quotations; these apparent orthographic defects do not yield a distinct translatable wording.

[165] **Translator's note (L1790):** The supplied expression for "the wife of a missing person" anomalously makes "missing" feminine. The context supports the conventional legal issue of a missing husband's wife, but the grammatical defect is retained here as an explicit textual note.

[166] **Translator's note (L1791):** The opening continues the preceding unit: ʿUmar is the person reported to have written to Shurayh. The supplied phrase 'in the case of something other than a riding animal' is obscure without the underlying case; its wording has been preserved.

[167] **Qur'an references (L1788):** Qur'an 9:37 (At-Tawbah); Qur'an 61:2 (As-Saf); Qur'an 61:3 (As-Saf); Qur'an 2:85 (Al-Baqarah).

very many such cases, exceeding several hundred judgments, which we have collected, praise be to Allah, in our book entitled The Book of Elucidating the Confusion and Ambiguity Found in the Schools of the Adherents of Opinion and Analogy. Abu Muhammed said: As for the statement of those among them who say, "If that was an act of the imam," they are the very people who most readily abandon that, quite apart from their assertion being devoid of evidence. Among the instances of this that come to mind is their argument for flogging a witness to unlawful sexual intercourse, or two witnesses, or three, when they fall short of four, with the prescribed punishment for someone who makes an accusation of unlawful sexual intercourse, citing as evidence ʿUmar's flogging of Abu Bakrah, Nafiʿ, and Shibl ibn Maʿbad in the presence of the Companions at that very gathering. When Abu Bakrah's flogging had been completed and he stood up, he said, "I testify that al-Mughirah committed unlawful sexual intercourse." ʿUmar wanted to flog him, but ʿAli said to him, "If you flog him, then stone al-Mughirah." So he left him alone. Yet all of them hold that he should be flogged a second time if he says this after his flogging has been completed! Is there no shame, when there is no piety? Has anything more outrageous than this conduct, or more eloquent than it, ever been heard of? They have very many such instances.[168][169]

L1795–1796 As for their claim and their assertions concerning being widely known and widely circulated, these are very curious indeed. They are simply people whose predecessors—such as Abu Hanifah, Abu Yusuf, Muhammed ibn al-Hasan, ʿIsa ibn Aban, and their peers; Malik, Ibn Wahb, Sahnun, Ismaʿil, and their peers; and al-Shafiʿi, al-Muzani, al-Rabiʿ, Ibn Shurayh, and their peers—

واما دعواهم وقولهم في الاشتهار والانتشار، فطريف جدا وإنما هم قوم أتى أسلافهم كأبي حنيفة وأبي يوسف ومحمد بن الحسن، وعيسى بن أبان ونظرائهم، وكمالك وابن وهب وسحنون وإسماعيل ونظرائهم وكالشافعي والمزني والربيع وابن شريح ونظرائهم فاحتجوا لما قاله الأول منهم بمرسل أو رواية عن صاحب نجدها في الأكثر لا تصح، أو تصح ونجد فيها خلافا من صاحب آخر، أو لا نجد فأشاعوها في أتباعهم فتلقاها الأتباع عنهم وتدارسوها وتهادوها بينهم، وأذاعوا عند القلة الآخذة عنهم فتداولوها على ألسنتهم ومجامعهم وفي تواليفهم. وفي مناظرتهم بينهم أو مع خصومهم فوسموها بالانتشار والاشتهار والتواتر، ونقل الكواف وهي في أصلها هباء منبث وباطل مولد، أو خامل في مبدئه وإن كان صحيحا لم يعرف منتشرا قط. فهذه صفة ما تدعون فيه

[168] **Translator's note (L1792):** The supplied 'dhar raḥim' is grammatically defective; the translation follows the evident sense, 'a blood relative whom one is forbidden to marry.' The clause concerning al-Zubayr has a syntactically irregular additional conjunction before his name. The translation reflects the apparent intended list of those whom the Malikis opposed. The unvocalized word rendered 'lamb' is read as ḥamal; its spelling also permits other readings.

[169] **Translator's note (L1794):** The supplied word 'afṣaḥ' means 'more eloquent' or 'more articulate.' It is awkward here, but has been retained rather than silently replaced with a conjectural reading.

came forward and supported what their earliest authority had said by citing a report omitting the Companion from its transmission chain, or a narration from a Companion. We find that in most cases such a narration is not authentic; or it is authentic and we find another Companion disagreeing with it; or we find no such disagreement. They then disseminated it among their followers, who received it from them, studied it together, passed it among themselves as gifts, and publicized it among the small number who learned from them. They circulated it in their speech, in their assemblies, in their writings, and in their debates among themselves or with their opponents. They then labeled it widely circulated, widely known, recurrently transmitted through numerous independent channels, and transmitted by the general body of transmitters, although at its origin it is scattered dust and fabricated falsehood, or something obscure at its inception which, even if authentic, was never known to have circulated widely. Such is the character of what you claim to be widely circulated and recurrently transmitted through numerous independent channels: for example, the report attributed to Muʿadh—may Allah be pleased with him—concerning the exercise of independent judgment through opinion. No one in the age of the Companions ever knew it, nor has it ever been related from any of them that he mentioned it, whether through an authentic transmission route or a weak one, a connected one or an interrupted one. Nor has it ever been related from any of the Successors that he knew it or mentioned it in an authentic narration or an unsound one, whether connected or broken, until Abu ʿAwn Muhammed ibn ʿUbayd Allah alone mentioned it. He had taken it only from an unknown person whom no one knows, who in turn took it from someone similarly unknown, according to what he claimed and what that unknown person also alleged. So far as has reached us, only two men took it from Abu ʿAwn: Shuʿbah and Abu Ishaq al-Shaybani. Then they also differed in transmitting from Abu ʿAwn concerning its entire wording and meaning. When the adherents of opinion found it in Shuʿbah's possession, they pounced on it and flew with it east and west, almost beating drums, until even someone who knew not a single word transmitted from the Messenger of Allah ﷺ—may Allah bless

الانتشار والتواتر، كالخبر المضاف إلى معاذ رضي الله عنه في اجتهاد الرأي فما عرفه قط أحد في عصر الصحابة، ولا جاء قط عن أحد منهم أنه ذكره لا من طريق صحيحة ولا من طريق واهية، ولا متصلة ولا منقطعة، ولا جاء قط عن أحد التابعين أنه عرفه ولا ذكره في رواية صحيحة ولا سقيمة لا موصولة ولا مقطوعة، حتى ذكره أبو عون محمد بن عبيد الله وحده. وإنما أخذه عن مجهول لا يعرفه أحد عن مثله فيما ادعى وزعم ذلك المجهول أيضا، فأخذه عن أبي عون فيما بلغنا رجلان فقط، شعبة وأبو إسحاق الشيباني، ثم اختلفوا أيضا في كافة لفظه ومعناه على أبي عون فلما ظفر القائلون بالرأي عند شعبة وثبوا عليه وطاروا به شرقا وغربا، وكادوا يضربون الطبول حتى عرفه من لا يعرف عن رسول الله صلى الله عليه وسلم كلمة وادعوا فيه التواتر

him and grant him peace—knew it. And they claimed that it was recurrently transmitted through numerous independent channels.[170]

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Allah forbid that this should be so! Its origin is nothing but obscure, its transmission source nothing but weak, and its emergence nothing but from falsehood and a concocted fabrication, invented by someone unknown, from someone unnamed. It was never known in the age of the Companions or in the age of the Successors, nor did any of them mention it except Abu ʿAwn ibn ʿUbayd Allah al-Thaqafi alone, as we have mentioned. Such is the character of most of what they claim to be recurrently transmitted through numerous independent channels and widely circulated—indeed, of all of it. Yet they turn to what is well known, widely circulated, and prevalent, and contradict it without trouble or effort: for example, the Prophet's ﷺ—may Allah bless him and grant him peace—leading the Companions in prayer while seated; his ﷺ—may Allah bless him and grant him peace—being our prayer leader in a prayer Abu Bakr had begun; an agreement to tend and irrigate trees in return for a share of their produce without a specified term; and other matters, such as ʿUmar's judgment requiring Hatib's slaves to pay double the value of the Muzani man's she-camel, and ʿUthman's doubling the blood money payable by someone who killed within the Sacred Precinct, and very many other things. Abu Muhammed said: Our discussion in the section we mentioned just now, in our discussion of consensus, in which we refuted the assertion of those who say that anything concerning which no disagreement is known constitutes consensus, also refutes their assertion in this matter. For if claiming consensus where no disagreement is known is invalid, then claiming consensus where great disagreement exists is more manifestly invalid and more outrageously untenable. Abu Muhammed said: There is no group among them that does not make the others laugh by means of this prohibition—meaning, the prohibition against opposing a Companion when no other Companion is known to have disagreed with him, may Allah be pleased with them. If this constitutes consensus, and someone who

ومعاذ الله من هذا فما أصله إلا مظلم ولا مخرجه إلا واه، ولا منبعثه إلا من باطل وتوليد موضوع مفتعل ممن لا يعرف عمن لم يسم ممن لم يعرف قط في عصر الصحابة ولا في عصر التابعين، ولا ذكره أحد منهم غير أبي عون بن عبيد الله الثقفي وحده كما ذكرنا، فهذه صفة جمهور ما يدعون فيه التواتر والانتشار، بل صفة جميعه، وأتوا إلى المشهور المنتشر الفاشي فخالفوه بلا كلفة ولا مؤنة كصلاة النبي صلى الله عليه وسلم قاعدا بالأصحاب وككونه صلى الله عليه وسلم إمامنا في صلاة ابتدأها أبو بكر وكالمساقاة إلى غير أجل، وغير ذلك من حكم عمر في إضعاف القيمة في ناقة المزني على رقيق حاطب وإضعاف عثمان الدية على القاتل في الحرم وغير ذلك كثير جدا. قال أبو محمد: وفي كلامنا في الفصل الذي ذكرنا آنفا في كلامنا في الإجماع الذي أبطلنا فيه قول من قال: إن ما لا يعرف فيه خلاف فهو إجماع إبطال لقولهم في

[170] **Translator's note (L1795):** The supplied name is Ibn Shurayh; it has been retained without emendation. The technical term 'mursal' is rendered as a report omitting the Companion from its transmission chain. 'Tawātur' is rendered as recurrent transmission through numerous independent channels, distinct from mere widespread circulation or renown.

[181] **Translator's note (L1817):** The supplied "Banu Hashim al-Khiyar" is plural, but is immediately followed by the singular "he was a Maliki." The mismatch has been retained; the personal or family name may be corrupt. "Has drawn near to us" follows the supplied qaruba ilayna; the transition is abrupt.

[182] **Translator's note (L1818):** "One of the companions" follows the supplied min ashab, which is grammatically incomplete here. A reading meaning "someone who is correct" would fit the argument, but has not been silently substituted. The sequence translated "some prohibiting, not some obligating" follows the awkward supplied min maniʿ la min mujib. Its precise construction is uncertain. "A demonstration from the text spoke" retains the supplied fa-qala burhan; the expected sense appears to be that a demonstration arose or was established, but the text has not been silently repaired. The phrase rendered "apart from what we have already mentioned" follows the awkward supplied wa-ghayr ma qaddamna and is understood as an exception in light of the argument.

[183] **Translator's note (L1819):** The wording connecting the discussion of consensus to crop-sharing irrigation and sharecropping contracts is syntactically awkward; the translation preserves the apparent argument without supplying an additional premise.

[184] **Qur'an references (L1797):** Qur'an 4:59 (An-Nisa); Qur'an 9:122 (At-Tawbah); Qur'an 7:3 (Al-A'raf); Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl); Qur'an 6:116 (Al-An'am); Qur'an 38:24 (Sad); Qur'an 3:14 (Ali 'Imran).

opposes consensus is, according to them, an unbeliever, then all of them are unbelievers on the basis of this corrupt principle. For there is no group among them that has not opposed a Companion in more than a hundred cases in which no other Companion is known to have disagreed with him, may Allah be pleased with them. They persist in these positions, despite their invoking this argument against one another and continually reproaching one another for it. This very same reasoning also obliges them to declare the eminent Successors unbelievers. They must necessarily either accept this or abandon their claim of consensus in this matter. The latter is more fitting for them, because it provides relief for themselves and an abandonment of a false claim. A single case suffices to constitute opposition to consensus once the proof establishing it has been made binding upon the person opposing it. How much more so when we have collected hundreds of such questions against each group of the Hanafis, the Malikis, and the Shafi'is. Success comes through Allah. As for the statement of those among them who say that the position of a Companion whom no other Companion is known to have opposed constitutes authoritative evidence, but does not constitute consensus, this too rebounds upon them in those matters in which they opposed someone whom no other Companion is known to have opposed. The response to this assertion will come in the chapter discussing the invalidation of uncritical following, if Allah—Mighty and Majestic—wills. We seek His assistance; there is no god but Him. It suffices to invalidate this that neither the Quran nor the Sunnah has come requiring uncritical adherence to a Companion who is not known to have been opposed by any of them, especially where that report from that Companion contradicts the explicit text of the Quran or the established Sunnah. It is on this point that we oppose them, not concerning a report from a Companion that agrees with the Quran or the Sunnah. Since neither Quran nor Sunnah has prescribed this, it is an unsound position and a false claim. The revealed text prescribes only following the Quran and the Prophet's ﷺ exposition, and declares that the religion has been perfected. Praise belongs to Allah, Lord of all worlds.

Section on Those Who Say That No One May Exercise Independent Choice after Abu Hanifah

هذا الباب، لأنه إذا بطل القول بدعوى الإجماع فيما لا يعرف فيه خلاف، والقول بدعوى الإجماع فيما يوجد فيه الخلاف العظيم أظهر بطلانا وأفحش سقوطا. قال أبو محمد: وليست منهم طائفة إلا وهي تضحك غيرها منهم بهذا الحجر يعني مخالفة الصاحب الذي لا يعرف له مخالف من الصحابة رضي الله عنهم، فإن كان هذا إجماعا ومخالف الإجماع عندهم كافر فكلهم كافر على هذا الأصل الفاسد. إذ ليس منهم طائفة إلا وقد خالفت صاحبا فيما لا يعرف له من الصحابة رضي الله عنهم مخالف، في أزيد من مائة قضية وتمادوا عليها مع احتجاج بعضهم على بعض بذلك وتنكيثهم لهم أبدا ويلزمهم تكفير فضلاء التابعين بمثل هذا نفسه، ولا بد لهم ضرورة من هذا أو من ترك دعواهم في هذا الفصل الإجماع، وهذا أولى بهم لأنه ترفيه عن أنفسهم، وترك لدعوى الكذب وقصة واحدة تكفي في خلاف الإجماع إذا قامت به الحجة على مخالفه، فكيف وقد جمعنا لهم من ذلك مئين من المسائل على كل طائفة من الحنفيين والمالكيين والشافعيين وبالله التوفيق. وأما قول من قال منهم: إن قول الصاحب الذي لا يعرف له من الصحابة مخالف حجة وليس إجماعا فهو أيضا عائد عليهم فيما خالفوا فيه الذي لا يعرف له منهم مخالف، وسيأتي الرد على هذا القول في باب الكلام في إبطال التقليد إن شاء الله عز وجل وبه نستعين، لا إله إلا هو ويكفي من إبطال ذلك أنه لم يأت قرآن ولا سنة بإيجاب تقليد الصاحب الذي لا يعرف له منهم مخالف لا سيما فيما خالف تلك الرواية عن ذلك الصاحب نص القرآن أو السنة الثابتة، وفي هذا خالفناهم لا في رواية عن صاحب موافقة للقرآن أو السنة وإذا لم يأت بذلك قرآن ولا سنة فهو قول فاسد ودعوى باطلة، وإنما جاء النص باتباع القرآن وبيان النبي صلى الله عليه وسلم فقط وبأن الدين قد كمل والحمد لله رب العالمين فصل في من قال ليس لأحد أن يختار بعد أبي حنيفة وأما من قال ليس لأحد أن يختار بعد أبي حنيفة، وأبي يوسف وزفر بن الهذيل العنبري ومحمد بن الحسن مولى بني شيبان،

والحسن بن زياد اللؤلؤي. وقول بكر بن العلاء: ليس لأحد أن يختار بعد التابعين من التاريخ. وقول القائل: ليس لأحد أن يختار بعد الأوزاعي وسفيان الثوري ووكيع بن الجراح الكلابي، وعبد الله بن المبارك مولى بني حنظلة فأقوال في غاية الفساد، وكيد الدين لا خفاء به، وضلال مغلق وكذب على الله تعالى، إذا نسبوا ذلك إليه أو دين جديد أتونا به من عند أنفسهم ليس من دين محمد صلى الله عليه وسلم في شيء وهي كما نرى متدافعة متفاسدة ودعاوى متفاضحة متكاذبة ليس بعضها بأولى من بعض ولا بعضها بأدخل في الضلالة والحمق من بعض. ويقال لبكر من بينهم فإذا لا يجوز الاختيار بعد المائتين عندك ولا غيرك، فمن أين ساغ لك وأنت لم تولد إلا بعد المائتين بنحو ستين سنة أن تختار قول مالك دون من هو أفضل منه من الصحابة والتابعين، أو من هو مثله من فقهاء الأمصار أو من جاء بعد متعقبا عليه وعلى غيره، ممن هو أعلم منه بالسنن وأصح نظرا أو مثله، كأحمد بن حنبل وإسحاق بن راهويه وغيرهما. ويقال له أيضا: إن قولك هذا السخيف الدال على ضلالة قائله وجهالته وابتداعه ما لم يقله مسلم قبله يوجب أن أشهب وابن الماجشون ومطرف بن عبد الله وأصبغ بن الفرج وسحنون بن سعيد وأحمد بن المعدل وهم أئمتك بإقرارك كان لهم أن يختاروا إلى أن انسلخ ذو الحجة من سنة مائتين، فلما استهل هلال المحرم من سنة إحدى ومائتين وغابت الشمس من تلك حرم عليهم في الوقت بلا مهلة ما كان مطلقا لهم قبل ذلك من الاختيار فهل سمع بأسخف من هذا الاختلاط وليت شعري ما الفرق بين سنة مائتين وبين سنة ثلاثمائة أو أربعمائة أو غيرها من سني التاريخ. ويقال للحنفيين: أليس من عجائب الدنيا تجويزكم الاختيار والقول في دين الله تعالى بالظن الكاذب، والرأي الفاسد، والشرع لما لم يأذن به الله تعالى لأبي حنيفة وأبي يوسف وزفر ومحمد بن الحسن واللؤلؤي على جهلهم بالسنن والآثار، وفساد رأيهم وقياساتهم التي لم يوفقوا منها إلا لكل بارد متخاذل، والتي هي في المضاحك أدخل منها في الجد، ويجعلون

As for those who say that no one may exercise independent choice after Abu Hanifah, Abu Yusuf, Zufar ibn al-Hudhayl al-Anbari, Muhammed ibn al-Hasan, the client of Banu Shayban, and al-Hasan ibn Ziyad al-Lu'lu'i; Bakr ibn al-Ala's statement that no one may exercise independent choice after the Successors in the chronology; and the statement of whoever says that no one may exercise independent choice after al-Awza'i, Sufyan al-Thawri, Waki' ibn al-Jarrah al-Kilabi, and Abd Allah ibn al-Mubarak, the client of Banu Hanzalah—these are utterly unsound positions, an unmistakable plot against religion, impenetrable error, and a lie against Allah Most High if they attribute this to Him; or else a new religion that they have brought us from themselves, having nothing whatsoever to do with the religion of Muhammed ﷺ. As we see, these positions repel and invalidate one another; they are mutually discrediting and contradictory claims. None has any greater claim to acceptance than another, nor is any more steeped in error and stupidity than another. Bakr, among them, is told: 'If, then, independent choice after the year two hundred is permissible neither for you nor for anyone else, on what grounds was it permissible for you, who were not born until some sixty years after the year two hundred, to choose Malik's position over that of someone superior to him among the Companions and the Successors, or someone equal to him among the jurists of the regional centers, or someone who came afterward and critically examined his positions and those of others, being more knowledgeable than he concerning the transmitted prophetic practices and sounder in reasoning, or his equal—such as Ahmad ibn Hanbal, Ishaq ibn Rahawayh, and others?' He is also told: 'This absurd statement of yours, which demonstrates its speaker's error and ignorance and his introduction of an innovation that no Muslim before him had stated, entails that Ashhab, Ibn al-Majishun, Mutarrif ibn Abd Allah, Asbagh ibn al-Faraj, Sahnun ibn Sa'id, and Ahmad ibn al-Mu'adhdhal—who are your imams by your own admission—were entitled to exercise independent choice until Dhu al-Hijjah of the year two hundred had elapsed; then, when the new moon of Muharram appeared in the year two hundred and one and the sun had set on that, what had previously been unrestricted for them in exercising independent choice became forbidden to them immediately, without delay! Has anything more absurd than this muddle ever been heard? I would dearly

like to know the difference between the year two hundred and the year three hundred or four hundred, or any other year in the chronology.' The Hanafis are told: 'Is it not one of the wonders of the world that you permit Abu Hanifah, Abu Yusuf, Zufar, Muhammed ibn al-Hasan, and al-Lu'lu'i to exercise independent choice, to pronounce upon the religion of Allah Most High on the basis of false conjecture and unsound opinion, and to legislate what Allah Most High has not authorized, despite their ignorance of transmitted prophetic practices and reports and the unsoundness of their opinions and analogies, in which they have achieved nothing but what is feeble and incoherent, and which belong more among things to laugh at than among serious matters? They make those unsound positions stand in opposition to the Quran and the transmitted practices of the Messenger of Allah ﷺ. Yet they do not permit al-Shafi'i, Ahmad ibn Hanbal, Ishaq ibn Rahawayh, Dawud ibn Ali, Abu Thawr, Muhammed ibn Nasr, and their peers to adopt the established transmitted prophetic practices, despite these men's extensive knowledge of those practices, their familiarity with the sound and unsound among them, and their profound mastery of knowledge of the positions of the Companions and the Successors, the reliability of their reasoning, the subtlety with which they draw out evidences, and the fact that, among those of them who employ analogy, their analogies are among the most pleasing, the furthest removed from manifest unsoundness, and those that proceed most consistently according to their effective cause; together with these men's intense scrupulousness, the believers' love for them that Allah Most High has bestowed upon them, the esteem in which Muslims, learned and ordinary alike, hold them, and Abu Hanifah and his companions' occupation of the foremost place in these ranks?' If they seek to mislead by invoking the earlier period of Abu Hanifah, and the Malikis seek to mislead by invoking the earlier period of Malik and the later period of those we have mentioned, we say: 'This is another wonder! We know, and you know, that between the end of Abu Hanifah's issuing legal opinions and the beginning of al-Shafi'i's doing so there were only some thirty years. Between Malik's final legal opinions and al-Shafi'i's first there was only a year or thereabouts; indeed, he may have issued legal opinions during Malik's lifetime. Al-Shafi'i issued legal opinions while Abu Yusuf, Muhammed ibn al-Hasan, and al-Lu'lu'i were alive. Like-

تلك الأقوال الفاسدة خلافا على القرآن وسنن رسول الله صلى الله عليه وسلم ثم لا يجيزون الأخذ بالسنن الثابتة للشافعي، ولا لأحمد بن حنبل، ولا لإسحاق بن راهويه، وداود بن علي، وأبي ثور، ومحمد بن نصر ونظرائهم، على سعة علم هؤلاء بالسنن، ووقوفهم على الصحيح منها والسقيم، وعلى تبحرهم في معرفة أقوال الصحابة والتابعين، وثقة نظرهم. ولطف استخراجهم للدلائل. وأن من قال منهم بالقياس فقياسه من أعذب القياس وأبعده من ظهور الفساد فيه وأجرأه على علته مع شدة ورع هؤلاء، وما منحهم الله تعالى من محبة المؤمنين لهم، وتعظيم المسلمين علمائهم وعامتهم لهم، وحلول أبي حنيفة وأصحابه في صدر هذه المنازل. فإن موهوا بتقدم عصر أبي حنيفة، وموه المالكيون بتقديم عصر مالك وتأخر عصر من ذكرنا، قلنا: هذا عجب آخر، وقد علمنا وعلمتم أنه لم يكن بين آخر وقت فتيا أبي حنيفة وأول أوقات الشافعي إلا نحو ثلاثين عاما، ولم يكن بين آخر فتيا مالك وبين أول فتيا الشافعي إلا عام أو نحوه ولعله قد أفتى في حياة مالك. وقد أفتى الشافعي، وأبو يوسف ومحمد بن الحسن واللؤلؤي أحياء وكذلك أفتى المغيرة وابن كنانة وابن القاسم وابن وهب وأشهب وابن الماجشون أحياء، ومات الشافعي وأشهب في شهر واحد، ومات الحسن بن زياد بعدهم بنحو عام ومات الماجشون ومطرف بعدهما بأعوام كثيرة. فليت شعري من المبيح لبعضهم ما حجزوه عن بعض؟ ثم لم يكن بين آخر فتيا مالك وأول وقت فتيا أحمد وإسحاق وأبي ثور إلا عشرين عاما أفي مدة عشرين عاما يغلق باب الاختبار؟ تعالى الله عن قول المجانين، وكل هؤلاء أفتى والحسن بن زياد حي. فما الذي أباح للحسن بن زياد ولابن القاسم من الفتيا، ما لم يبح لأحمد وإسحاق وأبي ثور؟ وبالله إن بينهم وبين ذينك من التفاوت في العلم أكثر مما بين المشرق والمغرب ثم أفتى داود بن علي ومحمد بن نصر ونظراؤهما مع أحمد وإسحاق وأبي ثور، ثم هكذا ينشأ العلماء ويموت العلماء عاما عاما،

wise, he issued legal opinions while al-Mughirah, Ibn Kinanah, Ibn al-Qasim, Ibn Wahb, Ashhab, and Ibn al-Majishun were alive. Al-Shafi'i and Ashhab died in the same month, and al-Hasan ibn Ziyad died about a year after them, while al-Majishun and Mutarrif died many years after those two. I would dearly like to know who permits some of them what they have withheld from others. Moreover, between Malik's final legal opinions and the beginning of Ahmad's, Ishaq's, and Abu Thawr's issuing legal opinions there were only twenty years. Is it within a span of twenty years that the door of examination is closed? Exalted is Allah above the statements of madmen! All these men issued legal opinions while al-Hasan ibn Ziyad was alive. What, then, permitted al-Hasan ibn Ziyad and Ibn al-Qasim to issue legal opinions when this was not permitted to Ahmad, Ishaq, and Abu Thawr? By Allah, the disparity in knowledge between these men and those two is greater than the distance between east and west. Then Dawud ibn Ali, Muhammed ibn Nasr, and their peers issued legal opinions alongside Ahmad, Ishaq, and Abu Thawr. Thus scholars continue to arise and scholars continue to die, year after year. It is only a night, then a week, then month following month and year following year, until Allah inherits the earth and all who are upon it. Whoever sets a limit, or confines independent choice to that limit and prohibits it thereafter, has acted foolishly, lied, invented a religion of error, and spoken without knowledge. We seek refuge in Allah the Magnificent from anything like this. Allah, Mighty and Majestic, said: 'O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairer in outcome.' And He Most High said: 'It is not for the believers to go forth all together. Why, then, should not a group from every division of them go forth, so that they may gain understanding in religion and warn their people when they return to them, that they may beware?' And He Most High said: 'Follow what has been sent down to you from your Lord, and do not follow protectors besides Him. Little do you take heed.' And He Most High said: 'We sent before you only men to whom We impart revelation. So ask the people of the Reminder if you do not know.' He, Mighty and Majestic, did not single out one age over another, or one person over another. Whoever opposes

وما هو إلا ليلة ثم جمعة ثم شهر إلى شهر وعام إلى عام، حتى يرث الله الأرض ومن عليها، فمن حد حدا أو وقف الاختيار عليه ومنعه بعده فقد سخف وكذب واخترع دين ضلالة وقال بلا علم، ونعوذ بالله العظيم من مثل هذا قال الله عز وجل {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} وقال تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} وقال تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} وقال تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} فلم يخص عز وجل عصرا من عصر، ولا إنسانا من إنسان. فمن خالف هذا فهو مضل داخل في أعداد النوكى لإطلاقه لسانه بالتخليط. والحق في هذا الذي لا يحل خلافه فهو إن خالف ما جاء به رسول الله صلى الله عليه وسلم عن ربه تعالى في القرآن وفي السنن المبينة للقرآن، لا يحل لأحد أصلا ولا يجوز أن يعد قول قائل كائنا من كان خلافا لذلك، بل يطرح على كل حال. وأما خلاف أبي حنيفة ومالك ففرض على الأمة، لا نقول مباح، بل فرض لا يحل تعديه، لأنهما لا يخلو أن في كل فتيا لهم من أحد وجهين لا ثالث لهما أصلا، إما موافقة النص من القرآن والسنة الثابتة، وإما مخالفة النص كذلك، فإن كانت فتياهما أو فتيا أحدهما موافقة نص القرآن أو السنة، فالمتبع هو القرآن والسنة لا قول أبي حنيفة ولا قول مالك، لأن الله تعالى لم يأمرنا قط باتباعهما فمتبعهما مخالف لله تعالى، وإن كانت فتياهما مخالفة للنص، فلا يحل لأحد اتباع ما خالف نص القرآن والسنة وهكذا نقول في كل مفت بعد رسول الله صلى الله عليه وسلم أنبأنا محمد بن سعيد بن نبات نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا عبد الرحمن بن مهدي،

this leads others astray and belongs among the fools, because he gives his tongue free rein to utter confusion. The truth in this matter, which it is unlawful to oppose, is that opposing what the Messenger of Allah ﷺ brought from his Lord Most High in the Quran and in the transmitted prophetic practices that explain the Quran is absolutely unlawful for anyone. Nor is it permissible to count the statement of any speaker whatsoever as a position legitimately opposing that; rather, it must be rejected in every case. As for opposing Abu Hanifah and Malik, it is obligatory upon the community. We do not say permissible, but obligatory: it is unlawful to depart from this obligation, because the two of them cannot escape one of two possibilities in every legal opinion they issue, with absolutely no third possibility: either agreement with the explicit text of the Quran and the established Sunnah, or disagreement with that explicit text. If their legal opinion, or that of either of them, agrees with the explicit text of the Quran or the Sunnah, then what is followed is the Quran and the Sunnah, not Abu Hanifah's statement or Malik's statement, because Allah Most High has never commanded us to follow them. Whoever follows them therefore opposes Allah Most High. And if their legal opinions contradicted the text, then no one may follow anything that contradicts the text of the Quran and the Sunnah. This is likewise what we say concerning every issuer of legal opinions after the Messenger of Allah ﷺ. Muhammed ibn Saʿid ibn Nabat informed us: Ahmad ibn ʿAwn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us: Muhammed ibn al-Muthanna narrated to us: ʿAbd al-Rahman ibn Mahdi narrated to us, from Sufyan al-Thawri, from ʿAbd Allah ibn Tawus, from his father, who said: Muʿawiyah said to Ibn ʿAbbas, "You follow the religious way of ʿAli." He replied, "Nor do I follow the religious way of ʿUthman. I follow the religious way of the Prophet ﷺ." Yunus ibn ʿAbd Allah ibn Mughith narrated to us: Yahya ibn ʿAbid narrated to us: al-Husayn ibn Ahmad ibn Abi Khalifah narrated to us: Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi narrated to us: Yusuf ibn Yazid al-Qaratisi narrated to us: Saʿid ibn Mansur narrated to us: Hushaym narrated to us, from al-Mughirah ibn Miqsam, from Ibrahim al-Nakhaʿi, who said: He used to dislike the expression "the Sunnah of Abu Bakr and ʿUmar," but instead [would say], "the Sunnah of Allah, mighty and majestic, and the Sunnah of

عن سفيان الثوري عن عبد الله بن طاوس عن أبيه قال: قال معاوية لابن عباس: أنت على ملة علي قال ولا على ملة عثمان أنا على ملة النبي صلى الله عليه وسلم نا يونس بن عبد الله بن مغيث نا يحيى بن عابد، نا الحسين بن أحمد بن أبي خليفة، نا أبو جعفر أحمد بن محمد الطحاوي، نا يوسف بن يزيد القراطيسي، نا سعيد بن منصور، نا هشيم عن المغيرة بن مقسم، عن إبراهيم النخعي قال: كان يكره أن يقال سنة أبي بكر وعمر ولكن سنة الله عز وجل وسنة رسوله صلى الله عليه وسلم نا حمام بن أحمد نا عبد الله بن محمد بن علي الباجي، نا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا محمد بن بشر، نا عبد الله بن الوليد، نا عبيد بن الحسين. قال: قالت الخوارج لعمر بن عبد العزيز: تريد أن تسير فينا بسيرة عمر بن الخطاب، قال عمر بن عبد العزيز: قاتلهم الله، ما أردت دون رسول الله إماما. فهؤلاء الصحابة والتابعون فيمن تعلق المخالفون؟ فإن موهوا، بكثرة أتباع أبي حنيفة ومالك وبولاية أصحابهما القضاء فقد قدمنا أن الكثرة لا حجة فيها ويكفي من هذا قول الله عز وجل {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال {قال لقد ظلمك بسؤال نعجتك إلى نعاجه وإن كثيرا من لخلطآء ليبغي بعضهم على بعض إلا لذين آمنوا وعملوا لصالحات وقليل ما هم وظن داوود أنما فتناه فستغفر ربه وخر راكعا وأناب} وقال رسول الله صلى الله عليه وسلم إن هذا الدين بدأ غريبا وسيعود غريبا فطوبى للغرباء وأنذر عليه السلام بدروس العلم وظهور الجهل. فلعمري لئن كان العلم ما هم عليه من حفظ رأي أبي حنيفة ومالك والشافعي فما كان العلم قط أكثر مما هو منه الآن، وهيهات: إذا هبطت نجران من رمل عالج فقولا لها ليس الطريق هنالك ولكن الحق والصدق هو ما أنذر به رسول الله صلى الله عليه وسلم من دروس العلم والذي درس هو اتباع القرآن والسنن، فهذا هو الذي

His Messenger ﷺ." Hammam ibn Ahmad narrated to us: ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji narrated to us: ʿAbd Allah ibn Yunus al-Muradi narrated to us: Baqi ibn Makhlad narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Muhammed ibn Bishr narrated to us: ʿAbd Allah ibn al-Walid narrated to us: ʿUbayd ibn al-Husayn narrated to us, saying: The Kharijites said to ʿUmar ibn ʿAbd al-ʿAziz, "Do you intend to govern us according to the conduct of ʿUmar ibn al-Khattab?" ʿUmar ibn ʿAbd al-ʿAziz said, "May Allah fight them! I have intended to take no leader short of the Messenger of Allah." These, then, are the Companions and Successors among those to whom our opponents appeal. If they seek to mislead by citing the multitude of Abu Hanifah's and Malik's followers, and their adherents' appointment to judicial office, we have already explained that multitude supplies no proof. Sufficient here is the saying of Allah, mighty and majestic: "If you obey most of those on earth, they will lead you astray from Allah's way. They follow nothing but conjecture, and they do nothing but guess." He also said: "He said: He has certainly wronged you by asking for your ewe to add to his ewes. Indeed, many partners transgress against one another, except those who believe and do righteous deeds—and few they are. And David thought that We had only tried him, so he sought his Lord's forgiveness, fell down bowing, and turned back in repentance." The Messenger of Allah ﷺ said, "This religion began as something strange, and it will return as something strange; so blessed are the strangers." He, peace be upon him, warned of the effacement of knowledge and the emergence of ignorance. By my life, if knowledge consists in what they occupy themselves with—memorizing the opinion of Abu Hanifah and Malik and al-Shafiʿi—then knowledge has never been more abundant than it is now. But far from it! "If you descend upon Najran from the sands of ʿAlij, then tell her, you two: The road is not there." Rather, the truth and the reality are what the Messenger of Allah ﷺ warned of: the effacement of knowledge. What has been effaced is adherence to the Quran and the transmitted Sunnahs. This is what has undoubtedly dwindled, and its adherents are the few strangers May Allah make us among them, never turn us away from them, establish us firmly in their number, and gather us among their company. Amen, amen. As for their appointment to judicial office, this is more disgraceful and more cause for regret. The patronage

قل بلا شك وأصحابه هم الغرباء القليلون، جعلنا الله منهم ولا عدا بنا عنهم، وثبتنا في عدادهم، وأحشرنا في سوادهم. آمين آمين. وأما ولايتهم القضاء فهذه أخزى وأندم، وما عناية جورة الأمراء، وظلمة الوزراء خلة محمودة ولا خصلة مرغوب فيها في الآخرة، وأولئك القضاة وقد عرفناهم إنما ولاهم الطغاة العتاة من ملوك بني العباس وبني مروان، بالعنايات والتزلف إليهم عند دروس الخير وانتشار البلاء وعودة الخلافة ملكا عضوضا وانبراء على أهل الإسلام وابتزازا للأمة أمرها بالغلبة والعسف، فأولئك القضاة هم مثل من ولاهم من المبطلين سنن الإسلام، المحيين لسنن الجور والمكر والقبالات وأنواع الظلم وحل عرى الإسلام، وقد علمنا أحوال أولئك القضاة الذين يأخذون دينهم عنهم، وكيف كانوا في مشاهدة إظهار البدع من المحنة في القرآن بالسيف والسياط والسجن والقيد والنفي ثم سائر ما كانوا يتشاهدونه معهم على ما استعانوا هم عليه من تسمية أمور ملكهم، فمثل هؤلاء لا يتكثر بهم وإنما كان أصل ذلك تغلب أبي يوسف على هارون الرشيد وتغلب يحيى بن يحيى على عبد الرحمن بن الحكم فلم يقلد للقضاء شرقا وغربا إلا من أشار به هذان الرجلان واعتنيا به، والناس حراص على الدنيا فتلمذ لهما الجمهور، لا تدينا لكن طلبا للدنيا، وولاية القضاء والفتيا، والتديك على الجيران في المدن والأرياض والقرى، واكتساب المال بالتسمي بالفقه. هذا أمر لا يقدر أحد على إنكاره فاضطرت العامة إليهم في أحكامهم وفتياهم وعقودهم ففشا المذهبان فشوا طبق الدنيا. قال الله عز وجل: {زين للناس حب الشهوات من النساء والبنين والقناطير المقنطرة من الذهب والفضة والخيل المسومة والأنعام والحرث ذلك متاع الحياة الدنيا ولله عنده حسن المآب} وقال رسول الله صلى الله عليه وسلم حفت الجنة بالمكاره وحفت النار بالشهوات وصار من خالفهم مقصودا بالأذى مطلوبا في دمه أو مهجورا مرفوضا إن عجزوا عن أذاه لمنزلة له عند السلطان أو لكفه للسانه وسده لبابه إذ وسعته التقية والصبر صبر. وكذلك إفريقية كان

of unjust rulers and oppressive ministers is neither a praiseworthy quality nor a trait desirable in the Hereafter. Those judges—and we have known them—were appointed only by the rebellious tyrants among the kings of the Abbasids and the descendants of Marwan, through patronage and by ingratiating themselves with them, when goodness was fading away, affliction was spreading, and the caliphate was becoming a fiercely grasping kingship, an assault upon the people of Islam, and a wresting of the community's authority from it through domination and oppression. Those judges are thus like those who appointed them: they nullify the established practices of Islam, revive the practices of injustice, deceit, tax-farming, and every kind of oppression, and undo the bonds of Islam. We know the circumstances of those judges from whom they take their religion, and how they stood by watching innovations being openly imposed, including the inquisition concerning the Quran, with swords, whips, imprisonment, shackles, and exile; then all the other things they witnessed together with them, in connection with what they themselves assisted in of naming the affairs of their kingship. People of this kind are no basis for boasting of greater numbers. The origin of this was simply Abu Yusuf's ascendancy over Harun al-Rashid and Yahya ibn Yahya's ascendancy over ʿAbd al-Rahman ibn al-Hakam. No one was appointed to judicial office in the east or the west except someone whom these two men recommended and patronized. People are eager for this world, so the multitude became pupils of the two of them, out of no religious devotion, but in pursuit of worldly gain, appointment to judicial office and the issuing of legal opinions, lording it over their neighbors in the cities, gardens, and villages, and acquiring wealth by assuming the title of jurist. This is something no one can deny. The common people were consequently compelled to resort to them for their judgments, legal opinions, and contracts, and the two schools spread so widely that they covered the world. Allah, mighty and majestic, said: "Made attractive to people is the love of desires: women and sons and heaped-up hoards of gold and silver, marked horses, livestock, and cultivated land. That is the enjoyment of the life of this world, and Allah—with Him is the good place of return." The Messenger of Allah ﷺ said, "Paradise is surrounded by hardships, and the Fire is surrounded by desires." Anyone who opposed them became a target of harm, with his blood sought, or was

الغالب فيها السنن والقرآن إلى أن غلب أسد بن الفرات بن أبي حنيفة، ثم ثار عليهم سحنون بن أبي مالك فصار القضاء فيهم دولا، يتصاولون على الدنيا تصاول الفحول على الشول إلى أن تولى القضاء بها بنو هاشم الخيار، وكان مالكيا فتوارثوا القضاء كما تورث الضياع فرجعوا كلهم إلى رأي مالك طمعا في الرياسة عند العامة فقط. هذا أمر لا يقدر أحد على إنكاره، قرب إلينا داء الأمم قبلنا كما قال رسول الله صلى الله عليه وسلم إننا سنركب سنن من قبلنا فقيل اليهود والنصارى يا رسول الله؟ قال: فمن إذا وهذا مما أنذر به رسول الله، فهو من معجزات نبوته وبراهينه عليه السلام، وهكذا قلدت هاتان الطائفتان أحبارهم وأساقفتهم فحملوهم على آرائهم. قال أبو محمد: وتكلموا أيضا في معنى نسبوه إلى الإجماع، وهو أن يختلف المسلمون في مسألتين على أقوال، فيقوم برهان من النص على صحة أحد تلك الأقوال في المسألة الواحدة. فقال أبو سليمان: إنه برهان على صحة قولهم في المسألة الأخرى، وخالفه في ذلك ابنه أبو بكر وأبو الحسن بن المغلس وجمهور أصحابنا، وقول أبي سليمان في هذه المسألة خطأ لا خفاء به، لأنه قول بلا برهان ثم يجب لو صح هذا أن يكون صواب من أصحاب في مسألة برهانا على أنه مصيب في كل مسألة قالها، وهذا لا يخفى على أحد بطلانه، وما ندري كيف وقع لأبي سليمان هذا الوهم الظاهر الذي لا يشكل؟. وتكلموا أيضا في معنى نسبة هذا الإجماع وهو أن يصح إجماع الناس، على أن حكم أمر كذا لحكم أمر كذا، ثم اختلفوا فمن مانع لا من موجب، ومن مبيح لكليهما، أو من موجب حكما في كليهما، فقال برهان من النص على حكم ما جاء في إحدى المسألتين، فواجب أن يكون حكم الأخرى لحكمها لصحة الإجماع على أن حكمهما سواء. قال أبو محمد: لو أمكن ضبط جميع أقوال علماء جميع أهل الإسلام، حتى لا يشذ منها شيء لكان هذا حكما صحيحا، ولكن لا سبيل لضبط ذلك البتة، وغير ما قدمنا مما لا يكون مسلما من لم يقل به، وحتى لو أمكن معرفة قول العالم، فقد كان يمكن رجوعه عن ذلك

القول إذا ولى عنه السائل ليعرف قول غيره فوضح أنه لا سبيل البتة، ولا إمكان أصلا في حصر أقوال جميع علماء أهل الإسلام في فتيا خارجة عن الجملة التي ذكرنا. قال أبو محمد: ونحن في غنى فائض ولله الحمد عن هذا التكلف. وفي مناديح رحبة في هذا التعسف بنصوص القرآن والسنة الثابتة عن رسول الله صلى الله عليه وسلم فلا سبيل إلى وجود شرع لم ينص على حكمه والحمد لله رب العالمين. والمتكلمون في هذه المسألة حكمهم فيها بالمساقاة والمزارعة على الثلث والربع فإنهم قالوا: قد اختلف الناس في ذلك، فمن مانع من المساقاة أو المزارعة جملة، ومن مبيح لها جملة، ثم صح النص بإباحتها عن النصف، وقد صح الإجماع على أن حكمها أقل من النصف، وأكثر من النصف كالحكم في النصف.

shunned and rejected if they were unable to harm him because of his standing with the ruler, or because he restrained his tongue and shut his door, since precautionary concealment was permissible for him—and patience is patience. Likewise in Ifriqiyah, the transmitted Sunnahs and the Quran predominated until Asad ibn al-Furat ibn Abi Hanifah gained ascendancy. Then Sahnun ibn Abi Malik rose against them, and judicial office circulated among them in turns, as they fought one another over worldly gain as breeding male camels fight over she-camels whose milk has dried up, until the Banu Hashim al-Khiyar assumed judicial office there, and he was a Maliki. They then inherited judicial office as landed estates are inherited. Thus they all returned to Malik's opinion, solely out of ambition for leadership among the common people. This is something no one can deny. The disease of the nations before us has drawn near to us, just as the Messenger of Allah ﷺ said: "We shall certainly follow the ways of those before us." He was asked, "The Jews and Christians, O Messenger of Allah?" He replied, "Who else, then?" This is among the things of which the Messenger of Allah warned, and thus it is among the miracles and demonstrations of his prophethood, peace be upon him. In this way these two groups blindly followed their rabbis and bishops, who induced them to adopt their opinions. Abu Muhammed said: They have also discussed a notion that they attributed to consensus: Muslims differ over two questions, holding various opinions, and then a demonstration from the text establishes the correctness of one of those opinions on one question. Abu Sulayman said that this is a demonstration of the correctness of their opinion on the other question. His son Abu Bakr, Abu al-Hasan ibn al-Mughallis, and the majority of our companions disagreed with him on this. Abu Sulayman's opinion on this question is an unmistakable error, because it is an assertion without demonstration. Moreover, if this were valid, it would necessarily follow that the correctness of one of the companions on one question would demonstrate that he is correct on every question on which he has pronounced. The invalidity of this is hidden from no one. We do not know how Abu Sulayman fell into this obvious, unmistakable error. They have also discussed a notion concerning the attribution of this consensus: that a consensus should be established among people that the ruling on such-and-such a matter is like the ruling on another such-and-such matter,

[180] **Translator's note (L1816):** The supplied names read "Asad ibn al-Furat ibn Abi Hanifah" and "Sahnun ibn Abi Malik." These have been retained rather than silently converted into statements of adherence to Abu Hanifah and Malik. The wording "and patience is patience" is repetitive and syntactically awkward in the supplied text; it has been retained.

after which they disagree, with some prohibiting, not some obligating, and some permitting both, or some imposing a ruling on both. Then a demonstration from the text spoke to the ruling concerning what occurs in one of the two questions; consequently, the ruling on the other must be the same, because a consensus has been established that their rulings are alike. Abu Muhammed said: If it were possible to record exhaustively all the opinions of the scholars of all the people of Islam, so that none escaped, this would be a valid judgment. But there is absolutely no way to record that exhaustively, apart from what we have already mentioned, which no one who does not affirm can be a Muslim. Even if it were possible to know a scholar's opinion, he might have retracted it once the questioner had turned away from him to ascertain someone else's opinion. Thus it has become clear that there is absolutely no way, and no possibility at all, of encompassing the statements of all the scholars of the people of Islam concerning a legal opinion outside the body of matters we have mentioned. Abu Muhammed said: We have more than sufficient means, praise be to Allah, to dispense with this strained undertaking, and ample room to avoid this arbitrary procedure, through the texts of the Quran and the Sunnah established from the Messenger of Allah ﷺ. There can therefore be no matter of revealed law whose ruling has not been expressly stated. Praise be to Allah, Lord of all worlds. Those discussing this question apply their ruling concerning it to crop-sharing irrigation contracts and sharecropping contracts for a third or a quarter. They say: People have differed concerning this: some prohibit crop-sharing irrigation contracts or sharecropping contracts altogether, while others permit them altogether. Then an authentic text established their permissibility for a half, and consensus has been established that the ruling concerning them

for less than a half or more than a half is the same as the ruling concerning a half.[171][172][173][174][175][176][177][178][179][180][181][182][183][184]

[171] **Translator's note (L1797):** The sequence of relative clauses after 'someone unnamed' is syntactically awkward. The translation takes the subsequent statements about never being known or mentioned as referring to the report.

[172] **Translator's note (L1798):** The supplied 'imāmanā' literally means 'our imam' or 'our prayer leader'; this unusual wording has been preserved. The unvocalized 'al-ḥ-j-r' is read as 'prohibition,' in light of the explanation that follows. The supplied 'tankīthihim' is unusual in the clause about the groups' treatment of one another; 'reproaching' represents its apparent contextual sense.

[173] **Translator's note (L1801):** The supplied wording attributes to Bakr a prohibition 'after the Successors in the chronology.' This is awkward and appears corrupt: the ensuing argument explicitly discusses a cutoff at the year 200. The translation preserves the supplied wording rather than substituting that date. 'Independent choice' renders ikhtiyar, here the exercise of a jurist's own judgment in choosing a legal position; 'uncritical adherence' renders taqlid.

[174] **Translator's note (L1804):** 'And the sun had set on that' preserves an elliptical expression whose feminine demonstrative has no explicit antecedent in the supplied text. The context concerns the sunset marking the transition between the two years. The Arabic shifts from addressing the Hanafis as 'you' to referring to them as 'they'; the translation retains that shift.

[175] **Translator's note (L1805):** The supplied text places Abu Hanifah and his companions 'in the foremost place in these ranks,' an apparent tension with the surrounding polemic. This wording has been preserved without correction. The phrase translated 'proceed most consistently according to their effective cause' is awkward in the supplied Arabic; it describes the relationship between an analogy and its effective cause. The text first names 'Ibn al-Majishun' and later 'al-Majishun'; that difference is preserved.

[176] **Translator's note (L1807):** The supplied text reads 'examination' (ikhtibar), whereas the surrounding argument repeatedly concerns 'independent choice' (ikhtiyar). This possible transcription error has not been silently corrected.

[177] **Translator's note (L1808):** The Quran quotations are recognizable as 4:59, 9:122, 7:3, and 16:43, but the transcription repeatedly omits letters, especially initial alifs. In 9:122 it supplies an irregular form for 'the believers' in place of the standard wording. These irregularities do not supply a distinct intelligible English meaning. At the beginning of the quotation of 7:3, the supplied form lacks the initial alif of the standard imperative 'Follow' and, in isolation, could instead be read as 'they followed.' The imperative rendering follows its quotation context and the parallel prohibition that follows. The Arabic construction introducing 'opposing what the Messenger … brought' is syntactically awkward; the translation expresses its evident argument without adding a new claim.

قال أبو محمد: ما نحتاج إلى هذه الشغاب الحرجة والدعاوى المعوجة بل نقول إن رسول الله صلى الله عليه وسلم أباح لأصحاب الضياع في تلك المعاملة النصف، والمعاملين النصف، فدخلها دون النصف ضرورة بالمشاهدة فيما جعل لكل طائفة من النصف، فإذا تراضى الفريقان على أن يترك أحدهما مما يجعل له أخذه جزءا مسمى، ويقتصر على بعضه. فذلك له، إذ كل أحد محكم في مثل ذلك مما جعل له كما لو وهب الوارث بعض ميراث لمن يشركه في الميراث أو لغيره، فإن قيل: فهلا أجزتم هذا بعينه في التراضي فيما يقع فيه الربا على خلاف التماثل؟ قلنا: لم يجز ذلك لأن النص الوارد في الربا مما عنى التماثل، وحظره وتوعدنا عليه، ولم يأت حكم نص المساقاة المزارعة والمواريث واشتراط مال المملوك المبيع والثمرة المأبورة بالمنع مما عدا ذلك، بل أباح الاشتراط للنصف أو الكل، ولم يمنع ما دخل في الإباحة المذكورة بالنص ما هو أقل من النصف أو الكل، وبالله التوفيق. قال أبو محمد علي: وكثيرا ما نحتج مع المخالفين بما أجمعوا عليه معنا، ثم ننكر عليهم الانتقال عنه إلى حكم آخر، كقولنا لمن حرم الماء وحكم بنجاسته في إبل حرام حله، فلم يغير لونه ولا طعمه ولا ريحه، ومثل هذا كثير جدا فعاب ذلك علينا من لم يحصل وقال: قد جمعتم في هذه الطريق وجهين من عظيمين، أحدهما الاحتجاج بإجماعهم معكم، وأنتم تنكرون دعوى معنى الإجماع، وتجعلونها كذبا على الأمر أن يقال لكم: فما الذي أنكرتم على اليهود إذ قالوا: قد أجمعتم معنا على نبوة موسى عليه السلام وصحة التوراة وحكم السبت وخالفناكم في نبوة محمد صلى الله عليه وسلم وصحة القرآن وشرائع دينكم قال أبو محمد فقلنا: ما تناقضنا في شيء من ذلك، وأما احتجاجنا على مخالفينا موافقتهم لنا على حكم ما، وإنكارنا عليه الخروج مما أجمع معنا عليه فإنما فعلنا ذلك لخروجه عما قد حكم بصحته إلى قول آخر بلا برهان من قرآن أو سنة فقط، فبينا عليهم القول في الدين بلا برهان، وهذا حرام ومعيب بالقرآن والسنة، ولم ندع إجماعا ولم نصححه، إنما ادعينا على الخصم ما ينكره من إجماعه

L1820–1825 Abu Muhammed said: We have no need of these constricted disputations and crooked claims. Rather, we say that the Messenger of Allah ﷺ permitted the owners of the estates half in that transaction, and those working them half. Necessarily, as is directly observable, less than a half was included within the half allotted to each party. Thus, if the two parties mutually agree that one of them will relinquish a specified portion of what he is entitled to take and content himself with some of it, he may do so, since everyone has authority over what has been allotted to him in such a case. It is like an heir giving some of an inheritance to someone who shares in the inheritance with him, or to someone else. If it is said, "Why, then, did you not permit precisely this through mutual agreement concerning things subject to usury, where equality is departed from?" we say: That was not permissible, because the text concerning usury is of that which intended equality, prohibited it, and threatened us over it. The ruling of the text concerning crop-sharing irrigation contracts, sharecropping contracts, inheritances, stipulating entitlement to the property of an enslaved person being sold, and pollinated fruit did not prohibit what lay beyond that. Rather, it permitted stipulating a half or the whole, and did not prohibit what falls within the permission expressly mentioned in the text, namely, what is less than a half or the whole. Success comes through Allah. Abu Muhammed Ali said: We frequently argue against our opponents on the basis of what they have agreed upon with us, and then object to their departing from it for another ruling. An example is what we say to someone who prohibits water and rules it impure "in camels whose being lawful is forbidden," without its color, taste, or smell having changed. There are very many such examples. Someone who had not grasped the matter criticized us for this and said: "You have combined in this method two grave aspects. One is arguing from their consensus with you, although you

[178] **Translator's note (L1812):** The verse shifts from an unmarked singular or plural addressee in "you descend" to an explicit dual in "tell her, you two." The feminine referent of "her" is not identified in this excerpt.

[179] **Translator's note (L1814):** The phrase "naming the affairs of their kingship" follows the supplied reading tasmi yat umur mulkihim, whose sense here is unclear and may reflect textual corruption. "Lording it over" renders the unusual expression al-tadayyuk, literally behaving like a cock. "Gardens" follows the supplied al-aryad; the geographical grouping is unusual.

معنا، بمعنى موافقته لنا فقط، فلاح الفرق بين الدعوى المكذوبة، وأما الذي أنكرناه على اليهود فإنه ضد المسألة التي تكلمنا فيها آنفا وهو امتناع اليهود من الإقرار بما ظهر البرهان بصحته وأقوى من برهانهم على ما ادعوا أننا أجمعنا معهم عليه، وأنكرنا على المذكورين آنفا أن قالوا قولا بلا برهان، وخروجهم عما قد صح البرهان بصحته، وأنكرنا على اليهود تركهم القول بما قد صح برهانه، وتماديهم على ما قد صح البرهان ببطلانه وسلكنا بين الطائفتين طريق الحق وشارع النجاة، والحمد لله رب العالمين، وهو الثبات مع البرهان إذا ثبت، والانتقال معه إذا نقل فقط وبالله تعالى التوفيق فصل في معنى نسبوه إلى الإجماع وتكلموا أيضا في معنى نسبوه إلى الإجماع وهو: أن ذكروا أن يختلف الناس على قولين فأكثر في مسألة، فيشهد النص من القرآن والسنة بصحة قول من تلك الأقوال، فيبطل سائرها، ثم تقع فروع من تلك المسألة، فقالوا: يجب أن يكون المقول به، هو ما قاله من شهد النص لصحه قوله في أصل تلك المسألة، ونظروا ذلك بالحكم العاقلة. قال بها قوم ولم يعرفها قوم، منهم عثمان البتي فصح النص بقول من صححها، فلما صرنا إلى من هم العاقلة، وجب أن ينظروا إلى من أجمع القائلون بالعاقلة على أنه من العاقلة، فيكون من العاقلة ومن اختلفوا فيه أهو من العاقلة أم لا ألا يكون من العاقلة؟

reject the claim of consensus in this sense and deem it a lie concerning the matter, that it should be said to you: "What, then, did you find objectionable in the Jews when they said: 'You have agreed with us on the prophethood of Moses, peace be upon him, the authenticity of the Torah, and the ruling concerning the Sabbath, whereas we have disagreed with you on the prophethood of Muhammed ﷺ, the authenticity of the Quran, and the ordinances of your religion'?" Abu Muhammed said: We replied: We have contradicted ourselves in none of this. As for our arguing against our opponents on the basis of their agreement with us on a particular ruling, and our objection to an opponent's departing from what he has agreed upon with us, we did this solely because he departed from something he had judged correct for another position without a demonstration from the Quran or Sunnah. We thus exposed their speaking about religion without a demonstration, and this is forbidden and condemned by the Quran and Sunnah. We neither claimed a consensus nor affirmed one as valid. We merely asserted against the opponent what he denies: his agreement with us, meaning only his concurrence with us. Thus the difference from the fabricated claim became clear. As for what we found objectionable in the Jews, it is the opposite of the question we discussed just now: namely, the Jews' refusal to acknowledge something whose correctness has been made manifest by a demonstration stronger than their demonstration for what they claimed we had agreed upon with them. We objected to those mentioned just now for stating a position without a demonstration and departing from something whose correctness had been established by demonstration. We objected to the Jews for failing to affirm something whose demonstration had been established, and for persisting in something whose falsity had been established by demonstration. Between the two groups, we followed the path of truth and the road to salvation—praise be to Allah, Lord of all worlds—which consists solely in remaining with the demonstration when it is established and moving with it when it moves. Success comes through Allah Most High.

Section on a Meaning They Attributed to Consensus

They also discussed a meaning they attributed to consensus. They stated that people might differ, holding two or more positions on a question, and that

a text from the Quran and Sunnah might attest to the correctness of one of those positions, thereby invalidating all the others. Subsidiary questions might then arise from that question. They said: The position that must be adopted is the one stated by those whose position concerning the fundamental question was attested as correct by the text. They illustrated this by the ruling concerning the blood-money liability group: some affirmed it, while others did not recognize it, among them Uthman al-Batti. The authentic text supported the position of those who affirmed it. Then, when we came to the question of who constitutes the blood-money liability group, it was necessary for them to consider those whom the proponents of the blood-money liability group unanimously agreed were members of the blood-money liability group, so that they would belong to the blood-money liability group; and anyone about whom they differed as to whether he belonged to the blood-money liability group or not was not to belong to the blood-money liability group.[185][186][187]

L1826 Abu Muhammed said: Our position here is the same as our earlier position: if it were possible to ascertain consensus concerning this, it would constitute authoritative evidence. But there is no way to enumerate them or encompass their statements, for the reasons we have already presented. We have ample means, praise be to Allah, to dispense with clinging to these tangled mountain

قال أبو محمد: وقولنا ههنا هو قولنا فيما سلف من أنه إذا أمكن أن يعرف الإجماع في ذلك لكان حجة، لكن لا سبيل إلى إحصائهم ولا إلى حصر أقوالهم لما قدمنا قبل، ونحن في سعة والحمد لله عن التعلق بهذه الثنايا الأشبة والتورط في هذه المضايق القشبة بما قد بينه لنا ربنا عز وجل ورسوله صلى الله عليه وسلم من النص الذي لا دين لنا فيه وما عداه فليس من دين الله تعالى ولا من عنده عز وجل وقد كتب رسول الله صلى الله عليه وسلم إلى كل بطن عقولة وألزم اليهودية من قتل بينهم لو اعترفوا أنه قتله بعضهم خطأ أو قام بذلك بينة، فوجب بذلك أن العاقلة هم بطن القاتل خطأ الذي ينتمي إليه حتى بلغ إلى القبيلة التي تقف عندها؛ وهكذا في كل شيء والحمد لله رب العالمين

[185] **Translator's note (L1820):** The usury clause literally says that the text "intended equality, prohibited it, and threatened us over it." The pronouns apparently yield a contradiction; the translation retains this rather than silently changing the wording to a prohibition of inequality. The phrase rendered "in camels whose being lawful is forbidden" is corrupt or severely defective in context. It does not provide an intelligible account of what entered the water; no missing substance or event has been supplied.

[186] **Translator's note (L1821):** The wording "two grave aspects" is grammatically defective and apparently lacks a noun identifying the two alleged faults. The transition rendered "concerning the matter, that it should be said to you" is syntactically disturbed. The supplied text does not clearly mark the second objection.

[187] **Translator's note (L1823):** "Thus the difference from the fabricated claim became clear" renders an incomplete construction: the Arabic says "the difference between the fabricated claim" without supplying the other term of the comparison. "Blood-money liability group" renders al-ʿāqilah, the group collectively liable for blood money in the cases under discussion.

passes and becoming embroiled in these foul constrictions, through what our Lord, Mighty and Majestic, and His Messenger ﷺ have made clear to us in the text, in which we have no religion. Whatever lies beyond it is not part of the religion of Allah Most High and does not come from Him, Mighty and Majestic. The Messenger of Allah ﷺ wrote, "To every clan, its blood-money obligation," and imposed upon the Jewish woman the person killed among them, if they acknowledged that one of them had killed him accidentally, or if evidence established that. It therefore follows that the blood-money liability group consists of the clan to which the accidental killer belongs, extending up to the tribe at which one stops. So it is with everything. Praise be to Allah, Lord of all worlds.[188]

L1827 **[Section: They Differed over Whether the Adherents of Sectarian Doctrines Are Included or Not]**[189]

L1828–1831 Abu Muhammed said: We have already made clear—praise be to Allah, Lord of all worlds—that consensus can arise only from a text transmitted from the Messenger of Allah ﷺ, never upon a falsehood that did not come from Allah Most High, whether the opinion of someone exercising opinion or the analogy of someone employing analogy, both judging by conjecture. Since that is so, the question remains: Do we accept the transmission and narration of the adherents of sectarian doctrines? Our position concerning this—and success comes through Allah Most High—is that whoever testifies with his heart and tongue that there is no god but Allah, that Muhammed

[188]**Translator's note (L1826):** "The text, in which we have no religion" follows the supplied wording, which appears corrupt and conflicts with the surrounding argument. No missing qualification has been inserted. The expression rendered "these foul constrictions" contains an unusual adjective; its precise intended sense here is uncertain. The wording rendered "imposed upon the Jewish woman the person killed among them" is grammatically and contextually defective. It appears to concern imposing blood-money liability upon the Jews, but the supplied text says "the Jewish woman" and does not explicitly state "blood money" in this clause. The short quotation about each clan's blood-money obligation is elliptical in the supplied text.

[189]**Translator's note (L1827):** The bracketed heading is preserved as supplied; its placement in brackets may reflect editorial presentation. "Adherents of sectarian doctrines" renders ahl al-ahwāʾ, literally "people of inclinations."

[فصل واختلفوا هل يدخل أهل الأهواء أم لا]

قال أبو محمد قد أوضحنا قبل والحمد لله رب العالمين أن الإجماع لا يكون البتة إلا عن نص منقول عن رسول الله صلى الله عليه وسلم لا على باطل لم يأت من عند الله تعالى من رأي ذي رأي، أو قياس من قائس يحكمان بالظن فإن ذلك كذلك والسؤال باق، وهل نقبل نقل أهل الأهواء وروايتهم؟ فقولنا في هذا وبالله تعالى التوفيق: إن من يشهد بقلبه ولسانه أنه لا إله إلا الله وأن محمدا رسول الله وأن كل ما جاء به حق وأنه بريء من كل دين غير دين محمد صلى الله عليه وسلم فهو المؤمن المسلم ونقله واجب قبوله إذا حفظ ما ينقل ما لم يمل عن إيمانه إلى كفر أو فسق وأهل الأهواء وأهل كل مقالة خالفت الحق، وأهل كل عمل خالف الحق، مسلمون أخطؤوا ما لم تقم عليهم الحجة فلا يكدح شيء من هذا في إيمانهم ولا في عدالتهم، بل هم مأجورون على ما دانوا به من ذلك وعملوا أجرا واحدا، إذا قصدوا به الخير ولا إثم عليهم في الخطأ لأن الله تعالى يقول {دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان

is the Messenger of Allah, that everything he brought is true, and that he disavows every religion other than the religion of Muhammed ﷺ, is the believing Muslim. His transmission must be accepted if he accurately retains what he transmits, so long as he does not turn away from his faith to unbelief or grave disobedience. The adherents of sectarian doctrines, the adherents of every position contrary to the truth, and those engaging in every practice contrary to the truth are Muslims who have erred, so long as the authoritative proof has not been established against them. None of this impugns their faith or their probity. Rather, they receive a single reward for the beliefs they have held and the deeds they have performed in these matters, if they intended good thereby, and they incur no sin for the error For Allah Most High says: "Call them after their fathers; that is more equitable before Allah. But if you do not know their fathers, they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but only for what your hearts deliberately intend. Allah is ever forgiving, merciful." Their transmission must be accepted as before, and likewise their testimony, until the authoritative proof concerning this is established against any one of them through a text of the Quran or a Sunnah, provided it has neither been restricted in scope nor abrogated. Then whoever persists in professing, as his religion, opposition to Allah, Mighty and Majestic, or opposition to His Messenger ﷺ, or voices that profession, is an unbeliever and an apostate, because Allah Most High says: "But no, by your Lord, they do not believe until they make you judge concerning what arises in dispute between them, then find within themselves no distress over what you have decided, and submit completely." If he neither professes that in his heart nor voices it with his tongue, but persists in acting contrary to the Quran and the Sunnah, he is sinful by his action, a believer by his rancor and his speech. It is not permissible to accept the transmission of an unbeliever or a sinful person, nor the testimony of either. Allah Most High says: "O you who believe, if a sinful person comes to you with a report, ascertain the truth, lest you harm people in ignorance and then become remorseful over what you have done." Some of the early authorities distinguished between one who advocates his doctrine and one who does not. Abu Muhammed said: This is a gross error and a statement without demonstration. Someone who opposes the truth must

لله غفورا رحيما} ونقلهم واجب قبوله كما كانوا، وكذلك شهادتهم، حتى إذا قامت على أحد منهم الحجة في ذلك من نص قرآن أو سنة ما لم تخص ولا نسخت، فأيما تمادى على التدين بخلاف الله عز وجل أو خلاف رسوله صلى الله عليه وسلم أو نطق بذلك فهو كافر مرتد لقول الله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} وإن لم يدن لذلك بقلبه ولا نطق به لسانه لكن تمادى على العمل بخلاف القرآن والسنة، فهو فاسق بعمله مؤمن بحقده، وقوله: ولا يجوز قبول نقل كافر ولا فاسق ولا شهادتهما قال الله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} وقد فرق بعض السلف بين الداعية وغير الداعية. قال أبو محمد: وهذا خطأ فاحش، وقول بلا برهان، ولا يخلو المخالف للحق من أن يكون معذورا بأنه لم تقم عليه الحجة، أو غير معذور لأنه قامت عليه الحجة فإن كان معذورا فالداعية وغير الداعية سواء كلاهما معذور مأجور، وإن كان غير معذور، لأنه قد قامت عليه الحجة، فالداعية وغير الداعية سواء، وكلاهما إما كافر كما قدمنا، وإما فاسق كما وصفنا، وبالله تعالى التوفيق. ولا فرق فيما ذكرنا بين من يخالف الحق بنحلة أو بفتيا إذا لم يفرق الله تعالى ولا رسوله صلى الله عليه وسلم بين ذلك إنما قال {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} عم عز وجل ولم يخص. قال بعضهم: إن الصحابة اختلفوا في الفتيا فلم ينكر بعضهم على بعض بل أنكروا على من خالف في ذلك، قلنا: ليس كما قلتم، إنما لم ينكروا على من لم تقم الحجة عليه في المسألة فقط.

either be excused because the authoritative proof has not been established against him, or be without excuse because the authoritative proof has been established against him. If he is excused, the advocate and the non-advocate are alike: both are excused and rewarded. If he is without excuse because the authoritative proof has been established against him, the advocate and the non-advocate are alike: each is either an unbeliever, as we stated earlier, or sinful, as we described. Success comes through Allah Most High. In what we have mentioned, there is no distinction between someone who opposes the truth through a religious doctrine and someone who does so through a legal opinion, since neither Allah Most High nor His Messenger ﷺ distinguished between these. He said only: "Follow what has been sent down to you from your Lord, and do not follow patrons apart from Him. Little do you take heed." He, Mighty and Majestic, made this general and did not restrict it to particular cases. Some of them said: The Companions differed over legal opinions without censuring one another; indeed, they censured those who took a contrary position in this matter. We say: It is not as you have said. They refrained from censuring only someone against whom the authoritative proof concerning the question had not been established[190][191]

L1832–1833 and censured most severely anyone who opposed it after the authoritative proof had been established against him. How could they have refrained from censure when they struck with swords those who opposed them over this? What censure could be more severe than that? Did not Umar say: "By Allah, the Messenger of Allah ﷺ has not died, nor will he die until he is the last of us to die. He will certainly return and cut off the hands and feet of some men"? This did not impugn his probity, since he spoke in error and then returned to the truth when he heard the Quran: "You will surely die,

[190] **Translator's note (L1830):** The text reads "by his rancor" (بحقده), an apparently corrupt reading in this context, likely for wording meaning "by his belief" or "by his inward conviction." The translation preserves the supplied reading. The Quranic quotations contain apparent transcription errors, including "عند لله," "تصيبوا," and "تبعوا." These are understood as defective spellings of the corresponding words in the quoted verses; the translation retains the quotations' supplied content and repetitions.

[191] **Qur'an references (L1828):** Qur'an 33:5 (Al-Ahzab); Qur'an 4:65 (An-Nisa); Qur'an 49:6 (Al-Hujurat); Qur'an 7:3 (Al-A'raf).

وأنكروا أشد الإنكار على من خالف بعد قيام الحجة عليه، وكيف لم ينكروا وقد ضربوا على ذلك بالسيوف من خالفهم فأي إنكار أشد من هذا أو ليس عمر قد قال والله ما مات رسول الله صلى الله عليه وسلم ولا يموت حتى يكون آخرنا موتا وليرجعن فليقطعن أيدي رجال وأرجلهم فما قدح هذا في عدالته، إذ قال مخطئا ثم رجع إلى الحق إذ سمع القرآن: {إنك ميت وإنهم ميتون} وإن المتمادي على هذا القول بعد قيام الحجة عليه كافر من جملة غالية السبائية، أو ليس ابن عباس يقول: أما تخافون أن يخسف الله بكم الأرض أقول لكم قال رسول الله صلى الله عليه وسلم وتقولون قال أبو بكر وعمر وكان إسحاق بن راهويه يقول فيما روى عنه محمد بن نصر المروزي في الإمام أنه سمعه يقول من صح عنده حديث عن النبي صلى الله عليه وسلم ثم خالفه يعني باعتقاده فهو كافر قال أبو محمد: صدق والله إسحاق رحمه الله تعالى، وبهذا نقول

and they will surely die." Someone who persists in this statement after the authoritative proof has been established against him is an unbeliever, one of the extremist Saba'iyyah. Did not Ibn Abbas say: "Do you not fear that Allah will cause the earth to swallow you? I tell you, 'The Messenger of Allah ﷺ said,' and you say, 'Abu Bakr and Umar said'"? Ishaq ibn Rahawayh used to say, according to what Muhammed ibn Nasr al-Marwazi transmitted from him in The Imam, that he heard him say: "Anyone for whom a report from the Prophet ﷺ has been established as authentic, who then opposes it"—meaning through his belief—"is an unbeliever." Abu Muhammed said: By Allah, Ishaq spoke the truth—may Allah Most High have mercy upon him—and this is what we affirm. It has also been related of Umar that he killed a man who rejected the judgment of the Messenger of Allah ﷺ and was content with Umar's judgment. What, then, if Umar and Ibn Abbas—may Allah be pleased with them both—and Ishaq—may Allah have mercy upon him—had encountered someone to whom we say, "Allah, Mighty and Majestic, said such-and-such, and the Messenger of Allah ﷺ said such-and-such," and who replies, "Sahnun rejected that"; or someone to whom we say, "This is the judgment of the Messenger of Allah ﷺ," and who replies, "I can dispense with it; I have no need of it when I have the scholars' statements"; or someone who says to us, "If I saw my shaykhs turning their backs to the direction of prayer while praying, I would not pray facing the direction of prayer"? By Allah, among the innovations of the people of innovation there is nothing that surpasses these. Would that I knew whether these people believe in Allah Most High, in the resurrection, and in their being made to stand for judgment, and that Allah will say to them: "Did I not command you to follow My revealed Book and My sent Prophet? Did I not forbid you to follow your fathers and your leaders? Did I not command you to refer whatever you disputed to Me and to My Messenger, having given you advance warning?" What answer have they prepared for that dreadful standing and that appalling occasion? By Allah, their remorse will be prolonged when remorse will avail

وقد روي عن عمر أنه قتل رجلا أبى عن حكم رسول الله صلى الله عليه وسلم ورضي بحكم عمر وكيف لو أدرك عمر وابن عباس رضي الله عنهما، وإسحاق رحمه الله من نقول له قال الله عز وجل كذا وقال رسول الله صلى الله عليه وسلم كذا قال أبى سحنون ذلك ومن قلنا له هذا حكم رسول الله صلى الله عليه وسلم فقال أنا في غنى عنه ما أحتاج إليه مع قول العلماء ومن قال لنا: لو رأيت شيوخي يستدبرون القبلة في صلاتهم ما صليت إلى القبلة. والله ما في بدع أهل البدع شيء يفوق هذه. وليت شعري إن كان هؤلاء القوم مؤمنون بالله تعالى وبالبعث، وبأنهم موقوفون وأن الله سيقول لهم: ألم آمركم باتباع كتابي المنزل، وبنبي المرسل، ألم أنهكم عن اتباع آبائكم ورؤسائكم، ألم آمركم برد ما تنازعتم فيه إلي وإلى رسولي، وقدمت إليكم الوعيد؟ فماذا أعدوا من الجواب لذلك الموقف الفظيع، والمقام الشنيع؟ والله لتطولن ندامتهم حين لا ينفعهم الندم، وكأن به قد أزف وحل.

them nothing. It is as though that occasion has already drawn near and arrived.[192][193][194]

L1834 We ask Allah to inspire us to give thanks for His favor to us in following His speech and the judgment of His Messenger ﷺ, and in making us detest following anyone apart from Him and His Messenger ﷺ. We ask Him to cause us to die adhering to that, and to bring the people of ignorance and error back to the right course. Amen, amen.

L1835 And may Allah bless our master Muhammed, the noble Prophet.[195]

نسأل الله أن يوزعنا شكر ما من علينا من اتباع كلامه وحكم رسوله صلى الله عليه وسلم ومن أن بغض إلينا اتباع من دونه ودون رسوله صلى الله عليه وسلم ونسأله أن يميتنا على ذلك وأن يفيء بأهل الجهالة والضلالة، آمين آمين

وصلى الله على سيدنا محمد النبي الكريم

[192] **Translator's note (L1832):** The supplied text names the work "The Imam" (الإمام). This may be a transcription error for "Faith" (الإيمان), but the title has not been silently corrected.

[193] **Translator's note (L1833):** "And My sent Prophet" renders the contextually apparent sense of the defective wording وبنبي المرسل; the supplied form does not express the possessive unambiguously.

[194] **Qur'an references (L1832):** Qur'an 39:30 (Az-Zumar).

[195] **Translator's note (L1835):** This is a blessing only; it does not contain the prayer for peace included in the full salutation ﷺ.