الباب 34: الاحتياط وقطع الذرائع والمشتبه

Chapter 34: Precaution, Blocking the Means and Doubtful Matters

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Thirty-Four: Precaution, Blocking the Means, and Doubtful Matters]

L2328

L2329–2334 Abu Muhammed Ali ibn Ahmad, may Allah have mercy on him, said: Some people have held that certain things are prohibited on grounds of precaution and fear that they might serve as means of reaching what is outright unlawful. They argued for this on the basis of what 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: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Muhammed ibn Abd Allah ibn Numayr al-Hamdani narrated to us: My father narrated to us: Zakariyya narrated to us, from al-Shaʿbi, from al-Nuʿman ibn Bashir. He said: I heard him say: I heard the Messenger of Allah ﷺ say—and al-Nuʿman moved his two fingers toward his ears—"The lawful is clear, and the unlawful is clear. Between them are doubtful matters which many people do not know. Whoever guards against doubtful matters safeguards his religion and his honor; whoever falls into doubtful matters falls into the unlawful, like a shepherd grazing around a protected preserve who is on the point of grazing within it. Every owner has a protected preserve, and Allah's protected preserve consists of His prohibitions." He mentioned the remainder of the hadith.

Abu Muhammed said: This hadith has been transmitted in different wordings, as Abd al-Rahman ibn Abd Allah ibn Khalid narrated it to us: Ibrahim ibn Ahmad al-Balkhi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Muhammed ibn Kathir narrated to us: Sufyan reported to us, from Abu Farwa, from al-Shaʿbi, from al-Nuʿman ibn Bashir: The Prophet ﷺ said: "The lawful is clear, and the unlawful is clear. Between them are doubtful matters. Whoever leaves what is doubtful to him concerning sin will be still more ready to leave what is manifest. Whoever ventures upon what he doubts concerning sin is on the point of committing what is manifest. Acts of disobedience are Allah's protected preserve; whoever grazes around the protected preserve is on the point of entering it." Abd Allah ibn Rabiʿ narrated to us: Muhammed ibn Muʿawiya narrated to us: Ahmad ibn Shuʿayb narrated to us: Muhammed ibn Abd al-Aʿla narrated to us: Khalid ibn al-Harith narrated to us: Ibn Awn narrated to us—al-Shaʿbi said: I heard

[الباب الرابع والثلاثون في الاحتياط وقطع الذرائع والمشتبه]

قال أبو محمد علي بن أحمد رحمه الله ذهب قوم إلى تحريم أشياء من طريق الاحتياط، وخوف أن يتذرع منها إلى الحرام البحت. واحتجوا في ذلك بما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا محمد بن عبد الله بن نمير الهمداني، ثنا أبي، نا زكريا، عن الشعبي، عن النعمان بن بشير قال سمعته يقول سمعت رسول الله صلى الله عليه وسلم يقول وأهوى النعمان بأصبعيه 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، وإن لكل مالك حمى وإن حمى الله محارمه وذكر باقي الحديث. قال أبو محمد: هذا الحديث روي بألفاظ كما حدثناه عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن كثير، أنا سفيان، عن أبي فروة عن الشعبي عن النعمان بن بشير قال النبي صلى الله عليه وسلم الحلال بين والحرام بين وبينهما أمور مشتبهة، فمن ترك ما شبه عليه في الإثم كان لما استبان أترك، ومن اجترأ على ما يشك فيه من الإثم أوشك أن يواقع ما استبان والمعاصي حمى الله من يرتع حول الحمى يوشك أن يواقعه. حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا محمد بن عبد الأعلى، ثنا خالد بن الحارث، ثنا ابن عون الشعبي قال: سمعت النعمان بن بشير يقول سمعت رسول الله صلى الله عليه وسلم يقول إن الحلال بين وإن الحرام بين وإن بين ذلك أمورا مشتبهات، وسأضرب لكم في ذلك مثلا، إن الله عز وجل ذكره حمى، وإن حمى الله ما حرم، وإنه من يرتع حول الحمى يوشك أن

al-Nuʿman ibn Bashir say: I heard the Messenger of Allah ﷺ say: "The lawful is clear, and the unlawful is clear, and between these are doubtful matters. I shall give you an example of this: Allah—mighty and majestic is His remembrance—has a protected preserve, and Allah's protected preserve is what He has prohibited. Whoever grazes around the protected preserve is on the point of grazing within it, and whoever mingles with what arouses doubt is on the point of becoming bold."

Abu Muhammed said: This is Abu Farwa the Elder. As for Abu Farwa the Younger, he is Muslim ibn Salim al-Juhani. Both are trustworthy Kufans. This is therefore an exhortation from him ﷺ to scrupulousness, and an explicit, clear statement that what surrounds the protected preserve is not part of the protected preserve, and that those doubtful matters are not certainly among the unlawful. Since they are not among the unlawful things that have been set out in detail, they have the ruling of the lawful, by the saying of the Exalted: "What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has set out in detail for you what He has prohibited to you, except that to which you are compelled? Many indeed lead others astray by their desires without knowledge. Your Lord knows best those who transgress." Whatever has not been set out in detail is therefore lawful, by His saying, exalted is He: "He is the One who created for you everything on earth, then turned to heaven and fashioned them into seven heavens; He knows all things"; and by his saying ﷺ: "The person guilty of the greatest offense in Islam is one who asks about something that He had not prohibited, and it is then prohibited because of his question."

In the hadith we transmitted just above through Abu Farwa, from al-Shaʿbi, the Prophet ﷺ made clear that this is only recommended for the individual specifically concerning what is unclear to him, and that the ruling for someone to whom the matter has become clear is otherwise. Likewise, in the hadith we transmitted just above through Ibn Awn, from al-Shaʿbi, the Messenger of Allah ﷺ explained with complete clarity that what is feared for someone who engages in doubtful matters is only that he may afterward become bold enough to engage in the unlawful. This explanation thus establishes the correctness of its apparent meaning: the meaning of Zakariyya's

يرع فيه وإنه من يخالط الريبة يوشك أن يجسر قال أبو محمد: هذا هو أبو فروة الأكبر، وأما أبو فروة الأصغر فهو مسلم بن سالم الجهني وكلاهما كوفي ثقة فهذا حض منه صلى الله عليه وسلم على الورع ونص جلي على أن ما حول الحمى ليست من الحمى، وأن تلك المشتبهات ليست بيقين من الحرام، وإذا لم تكن مما فصل من الحرام فهي على حكم الحلال بقول تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فما لم يفصل فهو حلال بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وبقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرمه فحرم من أجل مسألته وقد بين النبي صلى الله عليه وسلم في الحديث الذي رويناه آنفا من طريق أبي فروة عن الشعبي، أن هذا إنما هو مستحب للمرء خاصة فيما أشكل عليه وأن حكم من استبان له الأمر بخلاف ذلك وكذلك بين رسول الله صلى الله عليه وسلم في الحديث الذي روينا آنفا من طريق ابن عون عن الشعبي بيانا جليا أن المخوف على من واقع الشبهات إنما هو أن يجسر بعدها على الحرام، فصح بهذا البيان صحة ظاهره، أن معنى رواية زكريا عن الشعبي التي يقول فيها: وقع في الحرام أنه إنما هو على معنى آخر وهو كل فعل أدى إلى أن يكون فاعله متيقنا أنه راكب حرام في حالته تلك، وذلك نحو ماءين كل واحد منها مشكوك في طهارته، متيقن نجاسة أحدهما بغير عينه، فإذا توضأ بهما جميعا كنا موقنين بأنه إن صلى صلى وهو حامل نجاسة، وهذا ما لا يحل، وكذلك القول في ثوبين أحدهما نجس بيقين لا يعرف بعينه، وسائر ألفاظ من ذكرنا على ما لا يتيقن فيه تحريم ولا تحليل. وأما ما يوقن تحليله فلا يزيله الشك عن ذلك، ولا معنى لقول من قال هذا على المقاربة كما قال الله تعالى {ولذين يتوفون منكم ويذرون

transmission from al-Shaʿbi, in which he says, "falls into the unlawful," is only a different meaning. It concerns every act that results in its doer being certain that he is committing something unlawful in that situation. An example is two quantities of water, each of which is of doubtful ritual purity, while it is certain that one of them is ritually impure, without its being identifiable. If he performs ablution with both of them, we are certain that, if he prays, he prays while bearing ritual impurity, and this is unlawful. The same applies to two garments, one of which is certainly ritually impure, without its being identifiable. The remaining wordings of those we have mentioned concern that whose prohibition or permissibility is not certain. As for that whose permissibility is certain, it is not removed from that status by doubt. There is no substance to the statement of someone who says that this refers to proximity, as Allah the Exalted said: "Those of you who die and leave wives behind—the women shall wait by themselves for four months and ten days. Then, when they have reached 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." For there is no disagreement that the meaning of this is not at the expiration of the waiting period, but when the term of the waiting period following divorce is reached. This is the only permissible interpretation, since it is impermissible to divert the verse from its apparent meaning by mere assertion.

Whoever transmitted, in the hadith of al-Nuʿman that we have mentioned, the expression "is on the point of" supplied something additional to what Zakariyya transmitted. An addition supplied by an upright transmitter is accepted. How much more so when this expression and its meaning were added by someone more eminent than Zakariyya and someone his equal, namely Ibn Awn and Abu Farwa. In this way the hadiths and their transmission routes are reconciled, and all the transmitters' statements can properly be applied. Success comes through Allah the Exalted.

If they invoke what our companion Ahmad ibn Umar ibn Anas al-Udhri narrated to us, saying: Ahmad ibn Ali al-Kisa'i reported to us in Mecca: Abu al-Fadl al-Abbas ibn Muhammed ibn Nasr al-Wafiqi reported to us: Hilal ibn al-Ala' al-Raqqi narrated to us: Ibrahim ibn Saʿid narrated to us: Abu

أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} إذ لا خلاف في أن معنى هذا ليس في انقضاء العدة، لكن إذا بلغ أجل العدة من الطلاق. وهذا هو الذي لا يجوز غيره، إذ لا يجوز صرف الآية عن ظاهرها بالدعوى. ومن روى في حديث النعمان الذي ذكرنا لفظه أوشك فهو زائد على ما رواه زكريا فزيادة العدل مقبولة، فكيف وقد زاد هذه اللفظة ومعناها من هو أجل من زكريا ومثله، وهما ابن عون وأبو فروة، وبهذا تتألف الأحاديث وطرقها، ويصح استعمال جيمع أقوال الرواة، وبالله تعالى التوفيق. فإن تعلقوا بما حدثناه صاحبنا أحمد بن عمر بن أنس العذري قال: أنا أحمد بن علي الكسائي بمكة، أنا أبو الفضل العباس بن محمد بن نصر الوافقي، ثنا هلال بن العلاء الرقي، ثنا إبراهيم بن سعيد، ثنا أبو النضر، ثنا أبو عقيل، عن عبد الله بن يزيد الدمشقي، عن ربيعة بن يزيد، وعطية بن قيس كلاهما، عن عطية السعدي وكانت له صحبة قال قال رسول الله صلى الله عليه وسلم لا يبلغ العبد أن يكون من المتقين حتى يدع ما لا بأس به حذرا لما به بأس. فالقول في هذا الحديث كالقول في حديث النعمان سواء بسواء، وإنما هو حض لا إيجاب. وقد علمنا أن من لم يجتنب المتشابه وهو الذي لا بأس به، فليس من أهل الورع، وأهل الورع هم المتقون، لأن المتقين جمع متق، والمتقي الخائف، ومن خاف مواقعه الحرام فهو الخائف حقا.

al-Nadr narrated to us: Abu Aqil narrated to us, from Abd Allah ibn Yazid al-Dimashqi, from Rabiʿa ibn Yazid and Atiyya ibn Qays, both from Atiyya al-Saʿdi, who had been a Companion. He said: The Messenger of Allah ﷺ said: "The servant does not attain the rank of the Allah-fearing until he leaves what is unobjectionable out of caution against what is objectionable." The discussion of this hadith is exactly the same as the discussion of al-Nuʿman's hadith. It is only an exhortation, not an imposition of obligation. We know that someone who does not avoid the doubtful—which is unobjectionable—is not among the scrupulous. The scrupulous are the Allah-fearing, because "the Allah-fearing" (al-muttaqūn) is the plural of "one who is Allah-fearing" (muttaqī), and one who is Allah-fearing is one who fears. Whoever fears falling into the unlawful is truly one who fears.[1][2][3][4][5]

L2335–2336 By my life, the people who have the strongest reason not to invoke this hadith are those who hold that Allah the Exalted's saying, "For divorced women there is provision in accordance with what is right—a duty upon the Allah-fearing," does not impose an obligation. Indeed, they said: "The provision is not obligatory." They have thus explicitly stated that a person is not obliged to be among the Allah-fearing, especially since this hadith conveys exhortation, not an imposition of obligation, whereas the verse we recited contains

ولعمري إن أولى الناس ألا يحتج بهذا الحديث من يرى قول الله تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} ليس فرضا بل قالوا المتعة ليست بواجبة، فقد صرحوا بأن كون المرء من المتقين ليس عليه بواجب، لا سيما وفي هذا الحديث معنى الحض لا الإيجاب، وفي الآية التي تلونا لفظ معنى الفرض بقوله تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} وكل مسلم لفظ بالتوحيد اتقى النار فهو متق، إلا أن لفظ المتقين لا يطلق إلا على المستكملين لدرجة الخوف.

[1] **Translator's note (L2330):** The transmission chain reads directly "Ibn Awn, al-Shaʿbi said," without a connecting "from" or another transmission formula between the two names.

[2] **Translator's note (L2331):** The wording "Allah—mighty and majestic is His remembrance—has a protected preserve" is grammatically incomplete in the supplied Arabic: a possessive construction or equivalent connective appears to be missing. Both Quranic quotations contain transcription defects, chiefly missing letters in words such as "name," "Allah," "compelled," "transgressors," "the One who," "earth," and "turned." The English renders the recognizable wording; no substantive clause has been added.

[3] **Translator's note (L2334):** The explanation following the Quranic quotation is internally problematic as supplied: it denies that the passage means expiration of the waiting period, then speaks of reaching the term of a waiting period following divorce, although the quoted verse concerns widows. This has been preserved without correction. The Quranic quotation contains orthographic transcription defects in "those who," "in accordance with what is right," and "Allah"; the recognizable wording is rendered in English.

[4] **Hadith references (L2329):** Mishkat al-Masabih 2775.

[5] **Qur'an references (L2329):** Qur'an 6:119 (Al-An'am); Qur'an 2:29 (Al-Baqarah); Qur'an 2:234 (Al-Baqarah).

wording conveying obligation in His saying, exalted is He: "For divorced women there is provision in accordance with what is right—a duty upon the Allah-fearing." Every Muslim who has uttered the profession of Allah's oneness has guarded himself against the Fire and is therefore one who guards himself. Nevertheless, the expression "the Allah-fearing" is applied without qualification only to those who have fully attained the degree of fear[6]

L2337 just as someone who acts righteously in a single one of his actions is righteous, and someone who performs an excellent deed is excellent by virtue of it. Nevertheless, without disagreement, a person is not given the designation "righteous" or "excellent" without qualification until he reaches the utmost extent of obedience and religious scrupulousness of which he is capable. Allah forbid that the Messenger of Allah ﷺ should have spoken the words mentioned in any sense other than this—if they are authentically reported from him. For if our opponents' supposition concerning this report were true, his express statement, peace be upon him, concerning abandoning that in which there is no harm would be the greatest judgment that he is among the greatest of people. For that in which there is no harm is something whose performance is permissible. Thus, on this corrupt supposition, what is permissible would be prohibited. This is corrupt: only an ignorant person or an unbeliever would suppose that the Prophet ﷺ would say it, because it attributes to the Prophet ﷺ the act of permitting something to people and forbidding them that same thing at the same time. This is impossible; no one is capable of it. Allah Most High said: "Allah does not burden any soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the unbelieving people." Treating something as permissible while making abstention from it obligatory at the same time is beyond any-

[6]**Translator's note (L2335):** Both occurrences of the Quranic quotation contain the same orthographic transcription defects in "in accordance with what is right" and "the Allah-fearing." Its repeated wording has been retained.

كما أن من صلح في فعلة واحدة من أفعاله فهو صالح، ومن فعل فضلا فهو به فاضل، إلا أنه بلا خلاف لا يطلق على المرء اسم صالح وفاضل إلا بعد أن يبلغ الغاية التي تمكنه من الطاعات والورع ومعاذ الله أن يقول رسول الله صلى الله عليه وسلم الكلام المذكور إلا على هذا الوجه هذا إن صح عنه لأنه لو كان ظن خصومنا في هذا الحديث حقا لكان نصه عليه السلام على ترك ما لا بأس به أعظم الحكم بأنه من أعظم الناس، لأن ما لا بأس به هو المباح فعله، فكان على هذا الظن الفاسد يكون المباح محظورا وهذا فاسد لا يظن أن النبي صلى الله عليه وسلم يقوله إلا جاهل أو كافر لأنه ينسب إلى النبي صلى الله عليه وسلم إباحة الشيء للناس ونهيهم عنه في وقت واحد، وهذا محال لا يقدر عليه أحد قال الله تعالى {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} وليس استباحة الشيء وإيجاب الامتناع منه في وقت واحد في وسع أحد، فالله تعالى قد أكذب من ظن هذا الظن. وصح أن معنى هذا الحديث لو صح إنما هو على الحض لا على الإيجاب. فلو كان المشتبه حراما وفرضا تركه لكان النبي صلى الله عليه وسلم قد نهى عنه ولكنه صلى الله عليه وسلم لم يفعل ذلك لكنه حض على تركه وخاف على مواقعه أن يقدم على الحرام ونظر ذلك صلى الله عليه وسلم بالراتع حول الحمى فالحمى هو الحرام وما حول الحمى ليس من الحمى، والمشتبهات ليس من الحرام، وما لم يكن حراما فهو حلال وهذا في غاية

one's capacity. Allah Most High has therefore declared false the supposition of anyone who supposes this. It is established that the meaning of this report, were it authentic, concerns encouragement alone, not obligation. If the doubtful were forbidden and abandoning it obligatory, the Prophet ﷺ would have prohibited it. But he ﷺ did not do that: he encouraged abandoning it and feared that someone who engaged in it might venture into the forbidden. He ﷺ likened this to an animal grazing around a protected enclosure. The protected enclosure is the forbidden; what surrounds the protected enclosure is not part of the protected enclosure. Doubtful matters are not part of the forbidden, and whatever is not forbidden is lawful. This is an explanation of the utmost clarity. This is the religious scrupulousness for which its practitioner is praised and rewarded, whereas someone who abandons it is neither blamed nor sinful, so long as he does not engage in what is plainly forbidden.[7][8]

البيان، وهذا هو الورع الذي يحمد فاعله ويؤجر، ولا يذم تاركه ولا يأثم، ما لم يواقع الحرام البين.

L2338–2339 As for the report of ʿAtiyyah al-Saʿdi that we mentioned just now, it should not be supposed that it contains any proof for those who advocate precaution and blocking the means to prohibited acts. For the Prophet ﷺ did not specify in it the harmless thing that a servant must abandon in order to be among the God-fearing. If this report were authentic and were taken in its apparent sense, it would make it obligatory to avoid everything lawful on earth, since everything lawful is harmless. Nor does that report specify which harmless things a servant must abandon in order to be among the God-fearing. Thus the weakness of that narration has become apparent. Its chain includes Abu ʿAqil, who is not someone whose reports may be adduced

وأما حديث عطية السعدي الذي ذكرنا آنفا، فلا يظن أن فيه حجة لمن قال بالاحتياط وقطع الذرائع لأن النبي صلى الله عليه وسلم لم يبين فيه الشيء الذي ليس به بأس الذي لا يكون العبد من المتقين إلا بأن يدعه، فلو كان هذا الحديث صحيحا وعلى ظاهره لوجب به أن يجتنب كل حلال في الأرض، لأن كل حلال فلا بأس به. ولا يحص في ذلك الحديث أي الأشياء التي لا بأس بها لا يكون العبد من المتقين لا بأن يدعها، فظهر وهي تلك الرواية وفيه أبو عقيل وليس بالمحتج به، وصح أنه لو صح لكان على الورع فقط.

[7] **Translator's note (L2337):** The wording about "the greatest judgment" and "the greatest of people" is apparently corrupt. The translation preserves the supplied wording rather than replacing "people" with a conjectured reference to sins. The supplied الإيحاب appears to be a transcription error for الإيجاب, "making obligatory"; the translation follows that apparent sense.

[8] **Qur'an references (L2337):** Qur'an 2:286 (Al-Baqarah).

as proof. It is established that, were it authentic, it would concern religious scrupulousness alone.[9]

L2340 If they appeal to what ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn Hatim ibn Maymun related to us: ʿAbd al-Rahman ibn Mahdi related to us: Muʿawiyah ibn Salih related to us, from ʿAbd al-Rahman ibn Jubayr ibn Nufayr, from his father, from al-Nawwas ibn Samʿan al-Ansari, who said: "I heard the Messenger of Allah ﷺ speak about righteousness and sin. He said: 'Righteousness is good character, and sin is what troubles your breast and what you would dislike people discovering.'" And if they appeal to what Ahmad ibn Muhammed al-Jusuri related to us: Ahmad ibn al-Fadl al-Dinawari related to us: Muhammed ibn Jarir al-Tabari related to us: Muhammed ibn ʿAwf al-Ta'i related to me: Muhammed ibn Ismaʿil related to us: my father related to us: Damdam related to us, from Shurayh ibn ʿUbayd, who said: "Ayyub ibn Mikraz asserted that a young man of al-Azd was addressed by the Messenger of Allah ﷺ, having come to ask him about the forbidden and the lawful. The Messenger of Allah ﷺ said to him: 'The lawful is that with which the soul is at ease, and sin is what troubles your breast and what you dislike, whatever legal opinions people may give you.'" As for the first report, its chain includes Muʿawiyah ibn Salih, who is strong.[10][11]

L2341–2343 The second contains unidentified transmitters, and its transmission chain is also interrupted. Allah forbid that the forbidden and the lawful should

فإن تعلقوا بما حدثنا 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 محمد بن حاتم بن ميمون، ثنا عبد الرحمن بن مهدي، ثنا معاوية بن صالح، عن عبد الرحمن بن جبير بن نفير، عن أبيه، عن النواس بن سمعان الأنصاري قال سمعت رسول الله صلى الله عليه وسلم يقول عن البر والإثم قال البر حسن الخلق والإثم ما حاك في صدرك وكرهت أن يطلع عليه الناس. وبما حدثناه أحمد بن محمد الجسوري، ثنا أحمد بن الفضل الدينوري، ثنا محمد بن جرير الطبري، حدثني محمد بن عوف الطائي، ثنا محمد بن إسماعيل، ثنا أبي، ثنا ضمضم، عن شريح بن عبيد قال: زعم أيوب بن مكرز أن غلاما من الأزد قال له رسول الله صلى الله عليه وسلم وقد أتاه يسأله عن الحرام والحلال فقال له رسول الله صلى الله عليه وسلم إن الحلال ما اطمأنت إليه النفس وإن الإثم ما حاك في صدرك وكرهته أفتاك الناس ما أفتوك. فالأول فيه معاوية بن صالح بالقوي،

وفي الثاني مجهولون وهو منقطع أيضا، ومعاذ الله أن يكون الحرام والحلال على ما وقع في النفس، والنفوس تختلف أهواؤها، والدين واحد لا اختلاف فيه قال الله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} ومن حرم المشتبه وأفتى بذلك وحكم به على الناس فقد زاد في الدين ما لم يأذن به الله تعالى وخالف النبي صلى الله عليه وسلم واستدرك على ربه تعالى بعقله أشياء من الشريعة. ويكفي من هذا كله إجماع الأمة كلها نقلا عصرا عن عصر أن من كان في عصره صلى الله عليه وسلم وبحضرته في المدينة إذا أراد شراء شيء مما يؤكل، أو ما يلبس، أو

[9] **Translator's note (L2339):** The supplied ولا يحص is defective; the translation takes its apparent sense to be that the report does not specify or delimit the things in question. The supplied لا بأن يدعها appears to lack the initial element of إلا, "except by abandoning them"; the translation reflects the construction established earlier in the passage. The supplied وهي is understood as وَهْي, "weakness," rather than the pronoun "and it."

[10] **Translator's note (L2340):** The final wording بالقوي is affirmative as supplied: "strong," meaning a strong transmitter. The surrounding criticism may suggest a missing negative, but none has been inserted.

[11] **Hadith references (L2340):** Sahih Muslim 2553a.

depend on what occurs in the soul! Souls differ in their desires, whereas religion is one and contains no disagreement. Allah Most High said: "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement in it." Whoever declares doubtful matters forbidden, issues legal opinions to that effect, and imposes that judgment upon people has added to religion something Allah Most High has not authorized, opposed the Prophet ﷺ, and used his own reason to supply his Lord Most High with things supposedly missing from the revealed law. Sufficient against all this is the consensus of the entire community, transmitted from generation to generation: anyone living in his ﷺ time and in his presence in Medina, when wishing to purchase something to eat, wear, have intercourse with, ride, employ in service, or possess—whatever it might be—would enter the Muslims' market or encounter a Muslim selling something and purchase it from him. He was entitled to purchase it unless he knew that particular thing to be forbidden, or unless the forbidden predominated over it to such an extent that the lawful became obscured. There is no doubt that the market contains things seized by force, stolen, and taken without right. All of that existed in the time of the Prophet ﷺ and ever since. Yet the Prophet ﷺ did not prohibit any of that, although this is precisely what is doubtful. His ﷺ statement when his Companions, may Allah be pleased with them, questioned him, saying, "Bedouins who have only recently left unbelief bring us slaughtered animals, and we do not know whether they pronounced the name of Allah Most High over them or not," whereupon he, blessings and peace be upon him, said, "Pronounce Allah's name and eat"—or words to this effect—removes the difficulty entirely in this matter. It has also been narrated that he ﷺ instructed anyone whose brother offered him something to eat to eat it and not ask questions. We therefore encourage people to exercise religious scrupulousness, just as the Prophet ﷺ encouraged them, recommend it to them, and advise a person to avoid what troubles his soul. But we do not impose that judgment upon anyone or issue a binding legal opinion requiring it, just as the Messenger of Allah ﷺ did not impose that judgment upon anyone. Some of them have argued concerning this from the words of Allah Most High: "O you who believe, do not say, 'Attend to us,' but say, 'Look toward us,' and listen. For the unbelievers there is a painful

يوطأ، أو يركب، أو يستخدم، أو يتملك أي شيء كان، أنه كان يدخل سوق المسلمين أو يلقى مسلما يبيع شيئا ويبتاعه منه، فله ابتياعه ما لم يعلمه حراما بعينه، أو ما لم يغلب الحرام عليه غلبة يخفي معها الحلال ولا شك أن في السوق مغصوبا ومسروقا ومأخوذا بغير حق وكل ذلك قد كان في زمن النبي صلى الله عليه وسلم إلى هلم جرا فما منع النبي صلى الله عليه وسلم من شيء من ذلك وهذا هو المشتبه نفسه وقوله صلى الله عليه وسلم إذ سأله أصحابه رضي الله عنهم فقالوا إن أعرابا حديثي عهد بالكفر يأتوننا بذبائح لا ندري أسموا الله تعالى عليها أم لا؟، فقال عليه الصلاة والسلام: سموا الله وكلوا أو كلاما هذا معناه، يرفع الإشكال جملة في هذا الباب وقد روي أنه صلى الله عليه وسلم أمر في من أطعمه أخوه شيئا أن يأكل ولا يسأل، فنحن نحض الناس على الورع كما حضهم النبي صلى الله عليه وسلم وندبهم إليه ونشير عليه باجتناب ما حاك في النفس، ولا نقضي بذلك على أحد ولا نفتيه به فتيا إلزام كما لم يقض بذلك رسول الله صلى الله عليه وسلم على أحد وقد احتج بعضهم في هذا بقول الله تعالى {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} قالوا فنهوا عن لفظة {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} لتذرعهم بها إلى سب النبي صلى الله عليه وسلم

punishment.” They said: “They were thus forbidden the expression ‘O you who believe, do not say, “Attend to us,” but say, “Look toward us,” and listen. For the unbelievers there is a painful punishment,’ because they used it as a means to insult the Prophet ﷺ.”[12][13][14]

L2344–2346 Abu Muhammed said: This contains no proof for them. For an authentic report has come stating that they used to say rāʿinā, intending the sense of foolishness. But this is not a report traced through a transmission chain to the Prophet; it is merely a Companion’s statement. Neither Allah Most High nor His Messenger ﷺ said, “You were forbidden to say rāʿinā only because you used it as a means to say rāʿinā.” And when no explicit text to that effect has come from Allah Most High or His Messenger ﷺ, in the statement of anyone other than him. Some of the Companions said concerning donkeys, “They were forbidden only because they were the people’s beasts of burden.” Others said, “They were forbidden only because they used to eat filth.” Neither statement is correct, because chickens eat filth that donkeys do not eat, yet he ﷺ never prohibited chickens. People had greater need of horses for warfare than of donkeys, yet he ﷺ permitted eating horses at the very time he prohibited donkeys. Both statements are therefore invalid. Likewise, whoever says that Allah Most High prohibited saying “and say” only lest they use it as a means to say rāʿinā—his statement carries no proof, because he has reported his own view and has not traced it to the Prophet ﷺ. This verse is proof against them, not for them. For when they were forbidden rāʿinā and commanded to say “and listen,” although the two expressions have the same meaning, it was established beyond doubt that it is not lawful to

قال أبو محمد وهذا لا حجة لهم فيه لأن الحديث الصحيح قد جاء بأنهم كانوا يقولون: راعنا من الرعونة، وليس هذا مسندا، وإنما هو قول لصاحب ولم يقل الله تعالى ولا رسوله صلى الله عليه وسلم إنكم إنما نهيتم عن قول راعنا لتذرعكم بذلك إلى قول راعنا، وإذا لم يأت بذلك نص عن الله تعالى ولا عن رسوله صلى الله عليه وسلم في قول أحد دونه وقد قال بعض الصحابة في الحمر، إنما حرمت لأنها كانت حمولة الناس، وقال بعضهم: إنما حرمت لأنها كانت تأكل القذر، وكلا القولين غير صواب، لأن الدجاج تأكل من القذر ما لا تأكل الحمير ولم يحرم قط صلى الله عليه وسلم الدجاج والناس كانوا أفقر إلى الخيل للجهاد منهم إلى الحمير وقد أباح صلى الله عليه وسلم أكل الخيل في حين تحريمه الحمير فبطل كلا القولين. وهكذا من قال: إن الله تعالى إنما نهى عن قول: {وقولوا} لئلا يتذرعوا بها إلى قول راعنا، فلا حجة في قوله، لأنه أخبر عما عنده ولم يسند ذلك إلى النبي صلى الله عليه وسلم وهذه الآية حجة عليهم لا لهم لأنهم إذ نهوا عن راعنا وأمروا بأن يقولوا {وسمعوا} ومعنى اللفظين واحد فقد صح بلا شك أنه لا يحل تعدي ظواهر الأوامر بوجه من الوجوه، وهذه حجة قوية في إبطال القول بالقياس وبالعلل، وبالله تعالى التوفيق. وأيضا فإنما أمر الله تعالى في نص القرآن بأن لا يقولوا {وقولوا} وأن يقولوا {وسمعوا} المؤمنين الفضلاء أصحاب رسول الله صلى الله عليه وسلم المعظمين له الذي لم يعنوا بقول {وقولوا} قط الرعونة، وأما المنافقون الذين كانوا يقولون: {وقولوا} يعنون من الرعونة، فما كانوا يلتفتون إلى أمر الله تعالى، ولا يؤمنون به، فظهر يقين فساد قولهم وتمويههم بهذه الآية. وقالوا: إنما منعنا من نكح في العدة ودخل بها أن ينكحها في الأبد، لأنه استعجل نكاحها قبل أوانه، قالوا:

[12] **Translator’s note (L2341):** The verb يوطأ can refer to something trodden or used underfoot, and also to a person with whom intercourse is had. The latter sense is adopted here in the list of things historically purchased.

[13] **Translator’s note (L2343):** The Arabic expressions rendered “Attend to us” and “Look toward us” are rāʿinā and the supplied نظرنا, apparently intended as unẓurnā. Their wording matters to the wordplay discussed in the following passage. After “the expression,” the supplied text repeats the entire Quranic quotation, rather than citing only rāʿinā. This apparent quotation error has been retained.

[14] **Qur’an references (L2341):** Qur’an 4:82 (An-Nisa); Qur’an 42:21 (Ash-Shuraa); Qur’an 2:104 (Al-Baqarah).

go beyond the apparent meanings of the commands in any respect whatsoever. This is a powerful argument invalidating advocacy of analogy and operative causes. Success comes through Allah Most High. Furthermore, in the express text of the Quran, Allah Most High commanded only the virtuous believers, the Companions of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—who revered him, not to say {and say}, but to say {and they heard}. They never intended foolishness by saying {and say}. As for the hypocrites who used to say {and say}, intending foolishness, they paid no attention to the command of Allah Most High and did not believe in Him. Thus the falsity of their position and their deceptive use of this verse have become certain. They said: "We prohibited someone who married a woman during her waiting period and consummated the marriage with her from ever marrying her because he hastened to marry her before its proper time." They said: "Likewise, we deprived a killer of inheritance because he hastened to obtain it before its proper time." Ali said: This is an operative cause that requires something to establish its validity, for it is an unsound assertion.[15][16][17]

وكذلك حرمنا القاتل الميراث لأنه استعجله قبل أوانه. قال علي: وهذه علة مفتقرة إلى ما يصححها، لأنها دعوى فاسدة

L2347–2351 They should be asked: Where do you get the proposition that someone who hastens to obtain something before its proper time is forbidden it for-

ويقال لهم: ومن أين لكم أن من استعجل شيئا قبل أوانه حرم عليه في الأبد؟ ثم لم يلبثوا أن تناقضوا أسخف تناقض فقالوا: من تزوج امرأة ذات زوج فدخل بها، فأتى زوجها لم تحرم عليه في الأبد، بل له نكاحها إن طلقها زوجها أو مات عنها. وهو قد استعجله قبل أوانه، ويلزمهم أن من سرق مالا لغيره أن يحرم عليه في ملكه في الأبد، لأنه استعجله قبل وقته، وأن من قتل آخر أو تحرم عليه أمته في الأبد، لأنه استعجل تحللها قبل أوانه، ويلزمهم أيضا ألا يرث ولاء موالي من قتل، لأنه استعجل استحقاقه قبل أوانه، وأن من قتل لا يدخل في حبس معقب عليه بعد موت مقتوله، وألا يرث من انتقل التعصيب له إليه بعد موت مقتوله، وهذا كثير جدا. فإن قالوا: قد يمكن أن يموت هو قبل مقتوله، قلنا: وقد يموت هو قبل موت مقتوله باعتباط ونحو ذلك ولا فرق. وأصحاب مالك يلزمون الطلاق ثلاثا من يشك أطلق ثلاثا أم أقل، ويفرقون بين من طلق إحدى امرأتيه، ثم لم يدر أيتهما المطلقة وبينهما معا،

[15] **Translator's note (L2344):** Rāʿinā normally means "attend to us"; the author links its abusive use to ruʿūnah, "foolishness." The repeated rāʿinā forms have been retained because the contrast concerns intended meaning rather than visibly different wording. The sentence beginning "And when no explicit text" is defective as supplied and lacks a main clause. Its fragmentary form has been retained. The supplied Quranic citation وقولوا means "and say." It appears to replace the expression under discussion erroneously; the translation preserves it.

[16] **Translator's note (L2345):** Rāʿinā means "attend to us." The supplied quotation وسمعوا is understood here as "and listen," but that does not have the same meaning as rāʿinā. The ensuing claim of identical meaning suggests that the intended quotation was unẓurnā, "look toward us"; the supplied quotation and the author's claim have both been preserved.

[17] **Translator's note (L2346):** The quoted expressions {وقولوا}, literally "and say," and {وسمعوا}, literally "and they heard," appear to be transcription errors. The surrounding discussion evidently concerns the Quranic prohibition on saying rāʿinā and the command to say unẓurnā in Quran 2:104. The supplied expressions have been translated without replacement. The singular relative الذي follows a plural description of the Companions; the translation follows the evident plural reference.

ever? Then they promptly contradicted themselves in the most ridiculous fashion, saying: "If someone marries a woman who already has a husband and consummates the marriage with her, and her husband then arrives, she is not forbidden to him forever. Rather, he may marry her if her husband divorces her or dies leaving her." Yet he has hastened to obtain her before her proper time. Their position also entails that someone who steals another person's property should be forbidden to own it forever, because he hastened to obtain it before its proper time; and that someone who kills another should have his slave woman forbidden to him forever, because he hastened to make her lawful before her proper time. It also entails that he should not inherit, through the bond of clientage, from the clients of someone he killed, because he hastened to acquire his entitlement before its proper time; that someone who kills should not become a beneficiary of an endowment settled upon successive beneficiaries after the death of the person he killed; and that he should not inherit from someone whose agnatic succession passes to him after the death of the person he killed. Such cases are very numerous. If they say, "He himself might die before the person he killed," we say: He himself might also die before the person he killed dies, through a sudden death or the like. There is no difference. Malik's followers impose a threefold divorce upon someone who is unsure whether he pronounced three divorces or fewer, and they separate a man who divorced one of his two wives and then did not know which one was divorced from both of them together: they divorce both his wives and prohibit much that is lawful for fear of committing what is forbidden. In this there is a lesson for anyone who takes heed. I wonder: just as you fear committing what is forbidden when declaring something permissible, do you not fear committing what is forbidden through their categorical declarations of prohibition and separation, by their prohibiting what Allah Most High has not prohibited? Everyone possessing religion knows that it is forbidden for a person to prohibit something whose prohibition has not been established for him. Thus they have undoubtedly fallen into precisely what they feared. It is astonishing that fear that someone else might commit what is forbidden—although perhaps he would not commit it—has certainly caused them to commit what is certainly forbidden, because they prohibited what Allah Most High did not prohibit. Someone

فيطلقون كلتا امرأتيه، ويحرمون حلالا كثيرا خوف مواقعة الحرام، وفي هذا عبرة لمن اعتبر، ليت شعري كما تشفقون في الاستباحة من مواقعة الحرام أما تشفقون في قطعهم بالتحريم وبالتفريق من مواقعة الحرام في تحريمهم ما لم يحرمه الله تعالى؟ وقد علم كل ذي دين أن تحريم المرء ما لم يصح تحريمه عنده حرام عليه، فقد وقعوا في نفس ما خافوا بلا شك، ومن العجيب أن خوف الحرام أن يقع فيه غيرهم ولعله لا يقع فيه قد أوقعهم يقينا في مواقعتهم يقين الحرام، لأنهم حرموا ما لم يحرمه الله تعالى، ومحرم الحلال كمحلل الحرام ولا فرق. والعجب كل العجب أنهم يحتاطون بزعمهم على هذا الذي جهل أي امرأتيه طلق خوف أن يواقع التي طلق وهو لا يعلمها، فيكون قد أوقع حراما لا يعلمه بعينه، ولا يتقون الله تعالى فيحتاطون على أنفسهم التي أمروا بالاحتياط عليها وقال لهم ربهم تعالى {يأيها لذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا هتديتم إلى لله مرجعكم جميعا فينبئكم بما كنتم تعملون} فيحرمون عليه الثانية التي هي امرأته بلا شك، ولم يطلقها قط فيخرجونها عن ملكه بغير إذن من الله تعالى، ويبيحون فرجها لمن لا شك في أنه حرام عليه من سائر من يتزوجها من الناس، وهي غير مطلقة ولا منفسخة ولا متوفى عنها، فيقعون في أعظم مما صانوا عنه غيرهم، لأن الشاك في الطلاق لو واقع ذلك الحرام لكان غير آثم، لأنه لا يعلمه حراما بعينه، وهم يبيحون شيئا لا شك في أنه حرام غير مباح، وقد كان الأولى بهم ألا يقدموا على إباحة المرأتين اللتين لم يطلق إحداهما بلا شك للأجنبيين، فصاروا محلين للفروج المحرمة بيقين. وأيضا فإنهم حكموا بالطلاق على امرأة لم تطلق من أجل غيرها طلقت والله تعالى يقول {قل أغير لله 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} ولا يحل لأحد أن يحتاط في الدين فيحرم ما لم يحرم الله تعالى، لأنه يكون

who prohibits what is lawful is like someone who permits what is forbidden: there is no difference. What is utterly astonishing is that they claim to exercise precaution on behalf of this man who does not know which of his two wives he divorced, fearing that he might have intercourse with the one he divorced without knowing which she is, and thus commit a forbidden act whose particular identity he does not know. Yet they do not fear Allah Most High and exercise precaution for their own souls, which they were commanded to safeguard. Their Lord Most High said to them: {O you who believe, attend to your own souls. Whoever goes astray will not harm you if you are rightly guided. To Allah is the return of you all, and He will inform you of what you used to do.} Thus they forbid him the second woman, who is unquestionably his wife and whom he has never divorced. They remove her from his marital possession without permission from Allah Most High and make sexual access to her lawful for any other man who marries her, although there is no doubt that it is forbidden to him, while she has neither been divorced, nor had her marriage dissolved, nor been widowed. Thus they fall into something graver than that from which they protected someone else. For if the man who is uncertain about the divorce were to commit that forbidden act, he would not be sinful, because he does not know that particular act to be forbidden. They, however, permit something that is unquestionably forbidden and impermissible. It would have been more fitting for them not to venture to make the two women lawful for two unrelated men, when he unquestionably had not divorced one of them. They have thereby become people who permit sexual access that is certainly forbidden. Furthermore, they have adjudged a woman divorced who was not divorced, on account of another woman who was divorced. Allah Most High says: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no burden-bearing soul bears the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.} No one is permitted to exercise precaution in religion by prohibiting what Allah Most High has not prohibited, because he would then be fabricating in religion. Allah Most High takes greater care for us than we take for one another. Our obligation, therefore, is to prohibit only what Allah Most High has prohibited, expressly

حينئذ مفتريا في الدين، والله تعالى أحوط علينا من بعضنا على بعض، فالفرض علينا ألا نحرم إلا ما حرم الله تعالى، ونص على اسمه وصفته بتحريمه، وفرض علينا أن نبيح ما وراء ذلك بنصه تعالى على إباحة ما في الأرض لنا، إلا ما نص على تحريمه، وألا نزيد في الدين شيئا لم يأذن به الله تعالى، فمن فعل غير هذا فقد عصى الله عز وجل ورسوله صلى الله عليه وسلم وأتى بأعظم الكبائر

identifying its name and description as forbidden. We are obliged to permit everything beyond that, because of His express declaration, Most High, that what is on earth is permissible for us, except what He expressly prohibited; and we must add nothing to religion for which Allah Most High has given no permission. Whoever does otherwise has disobeyed Allah, Mighty and Majestic, and His Messenger—may Allah bless him and grant him peace ﷺ—and has committed the gravest of major sins.[18][19][20][21][22]

L2352–2354 Then they turned around, abandoned precaution, and deliberately set about setting aside an obligation in the case of a man against whom four upright witnesses testified that he had emancipated this female servant of his a full year earlier, while he denies this and acknowledges having intercourse with her. They give effect to the witnesses' testimony from the time it is delivered, but do not inflict the prescribed punishment upon him for intercourse with a free woman without marriage. This is the utmost audacity in committing forbidden acts. Where, then, is precaution? What is astonishing is that they declare the witnesses false by failing to judge according to the express terms

ثم عطفوا فأسقطوا الاحتياط وتعمدوا إلى إسقاط الواجب في رجل شهد عليه أربعة عدول، بأنه أعتق خادمه هذه منذ عام كامل، وهو منكر لذلك، وهو مقر بوطئها، فيحكمون بشهادتهم، حين أدائها، ولا يحدونه على وطء حرة بلا إنكاح، فهذا غاية الإقدام على المحرمات فأين الاحتياط؟ والعجب أنهم يكذبون الشهود إذ لم يحكموا بنص شهادتهم، ولم يشهد القوم بأنها حررت الآن، وإنما شهدوا أنها حررت منذ عام. وكانوا غيبا إلى اليوم، وفي هذا من السقوط والإقدام غير قليل، ويقال لمن جعل الاحتياط أصلا يحرم به ما لم يصح بالنص تحريمه أنه يلزمك أن يحرم كل مشتبه يباع في السوق مما يمكن أن يكون حراما أو حلالا، ولا توقن بأنه حلال ولا بأنه حرام، ويلزمك أن تحرم معاملة من في ماله حرام وحلال، وهم لا يقولون بشيء من ذلك، وهذا نقض لأصولهم في الحكم بالاحتياط، ورفع الذريعة والتهمة، وقد تناقضوا في هذه المواضع. وقال بعضهم محتجا لأصولهم في الحكم بالاحتياط: إن الحرام يدخل بأرق سبب كتحريم الله تعالى نكاح ما نكح الآباء، فحرم ذلك بالعقد، وإن لم يكن وطىء قالوا: وأما التحليل فلا يدخل إلا بأقوى الأسباب، كتحليل المطلقة لزوجها ثلاثا لا تحل له بعقد زوج آخر حتى يطأ. قال أبو محمد: وهذا لا حجة لهم فيه، وإنما اتبعنا في كلا الموضعين النصين الواردين فيهما، وقولهم إن التحريم يدخل بأرق سبب، والتحليل لا يدخل إلا بأغلظ سبب، قول فاسد لا دليل عليه، لأنه لم يأت به نص ولا اتفق على صحته، ونحن نوجدهم تحريما لا يدخل بأغلظ سبب، وهو أن الله

[18] **Translator's note (L2347):** The wording وأن من قتل آخر أو تحرم عليه أمته is grammatically disrupted: أو means "or," where the argument appears to require a construction meaning "that." The translation conveys the apparent argument while recording the corruption here. The possessive reference in "his slave woman" is also unclear. The distinction between the two possibilities of dying before the victim is obscure in the supplied wording. Both statements have been retained.

[19] **Translator's note (L2348):** The Arabic shifts from direct address ("you fear") to third-person references ("their categorical declarations," "their prohibiting"). This shift has been preserved.

[20] **Translator's note (L2349):** The Quranic quotation, from 5:105, continues in the following unit. The supplied يأيها لذين has defective spelling, but its wording is identifiable.

[21] **Translator's note (L2350):** The opening continues the Quran 5:105 quotation begun in the preceding unit. The supplied هتديتم إلى لله has defective spelling; its identifiable wording is translated. The later quotation is Quran 6:164. The supplied لله in أغير لله is orthographically defective; the identifiable name Allah has been translated accordingly. "Unrelated men" renders الأجنبيين here in its legal sense: men outside the existing marital relationship.

[22] **Qur'an references (L2347):** Qur'an 5:105 (Al-Ma'idah); Qur'an 6:164 (Al-An'am).

of their testimony. Those men did not testify that she was emancipated now; they testified only that she was emancipated a year ago, and they had been absent until today. In this there is no small degree of baseness and audacity. Someone who makes precaution a principle by which he prohibits what has not been established as forbidden by an explicit text should be told: Your position obliges you to prohibit every doubtful item sold in the market that might be forbidden or lawful, when you are not certain that it is lawful or that it is forbidden. It obliges you to prohibit dealings with anyone whose property contains both forbidden and lawful wealth. Yet they affirm none of this. This overturns their principles of ruling by precaution, eliminating the means to wrongdoing, and suspicion. They have contradicted themselves in these instances. One of them, arguing for their principles of ruling by precaution, said: "Prohibition takes effect through the slightest cause, as when Allah Most High prohibited marrying women whom fathers had married: this became forbidden through the marriage contract, even if there had been no intercourse." They said: "Permissibility, however, takes effect only through the strongest causes, as in making a woman divorced three times lawful for her husband: she does not become lawful for him through a marriage contract with another husband until that husband has intercourse with her." Abu Muhammed said: This provides them with no argument. In both instances we have simply followed the two explicit texts concerning them. Their statement that prohibition takes effect through the slightest cause, whereas permissibility takes effect only through the weightiest cause, is an unsound statement for which there is no proof: no explicit text has conveyed it, nor has there been agreement upon its validity. We can show them a prohibition that does not take effect through the weightiest cause: Allah Most High prohibited the stepdaughter whose mother a man has had intercourse with and who was in his care. The stepdaughter becomes forbidden only through the conditions by which Allah expressly declared her forbidden. We find, by agreement between us and them, that she does not become forbidden merely through contracting marriage with her mother. We also find that release from solemn oaths, made weighty and august by the name of Allah Most High, takes effect through feeding ten needy people, or through an exception consisting of a few words involving no trouble. If

تعالى حرم الربيبة التي دخل المرء بأمها، وكانت في حجره فالربيبة لا تحرم إلا بما نص الله على تحريمها به، ووجدناها باتفاق منا ومنهم لا تحرم بالعقد على أمها فقط. ووجدنا التحليل في الأيمان المغلظة المعظمة باسم الله تعالى يدخل بإطعام عشرة مساكين، أو بالاستثناء الذي هو كلمات يسيرة لا مؤونة فيها، فإن قالوا: إنما وجب هذان الحكمان بالنص، قلنا لهم: وكذلك تحريم ما نكح الآباء وتحليل المطلقة ثلاثة بوطء زوج آخر، إنما وجبا بالنص لا بما ادعيتم من رقة سبب وغلظة ووجدنا النبي صلى الله عليه وسلم قد حرم على نفسه ما أحل الله تعالى له فلم يحرم عليه بذلك ولا أغلظ من تحريم النبي صلى الله عليه وسلم فلم يدخل التحريم بذلك إذ لم يكن نزل بذلك عليه نص، وتحلل من تلك اليمين بكفارة، فدخل التحليل بأرق سبب وأهونه، فبطل ما ادعوا من ذلك. وأيضا فإن حجتهم بأن المطلقة لا تحل لزوجها الأول إلا بأغلظ سبب ثم أباحوها.

they say, “These two rulings became obligatory only through an explicit text,” we say to them: Likewise, the prohibition of marrying women whom fathers have married and making a woman divorced three times lawful through intercourse with another husband became obligatory only through the explicit text, not through your alleged slightness or weightiness of a cause. We also find that the Prophet—may Allah bless him and grant him peace ﷺ—prohibited for himself what Allah Most High had made lawful for him, yet it did not become forbidden to him by that act. There is nothing weightier than a prohibition pronounced by the Prophet—may Allah bless him and grant him peace ﷺ—yet prohibition did not take effect through it, since no explicit text concerning this had been revealed to him. He released himself from that oath through an expiation. Thus permissibility took effect through the slightest and easiest cause, invalidating what they alleged concerning this. Furthermore, their argument that a divorced woman does not become lawful for her first husband except through the weightiest cause, and then their permitting her[2324]

L2355–2358 Furthermore, their argument that a divorced woman does not become lawful for her first husband except through the weightiest cause, and then their permitting her through intercourse without ejaculation: they have thereby contradicted their principles in this matter and made permissibility take effect through a slight cause. For al-Hasan al-Basri, who is one of the leading authorities, says that she does not become lawful for the first husband unless the second husband has intercourse with her and ejaculates; otherwise, she does not become lawful. He makes ejaculation the completion of “tasting the sweetness,” whereas they do not hold that view. Furthermore, they permit a man to marry a woman with whom his father committed fornication, and they do not declare his wife forbidden to him if he commits

[23]**Translator’s note (L2353):** “An exception” renders الاستثناء, the technical expression for qualifying an oath, ordinarily by saying “if Allah wills.” The Arabic here does not state the qualifying formula.

[24]**Translator’s note (L2354):** The closing unfinished argument is repeated at the beginning of the following unit. The repetition has been preserved. The supplied ثلاثة is an irregular form in the expression for a woman divorced three times; the evident sense is translated.

وأيضا فإن حجتهم بأن المطلقة لا تحل لزوجها الأول إلا بأغلظ سبب ثم أباحوها بالوطء دون الإنزال، فقد نقضوا أصولهم في ذلك، وأدخلوا التحليل بسبب رقيق، لأن الحسن البصري وهو أحد الأئمة يقول: لا تحل للأول إلا بأن يطأها الثاني، وينزل وإلا فلا، وجعل الإنزال تمام ذوق العسيلة، وهم لا يقولون بذلك. وأيضا فإنهم يبيحون للمرء نكاح من زنى بها أبوه، ولا يحرمون عليه امرأته إن زنى بجريمتها، فهنا لا يدخلون التحريم بأرق سبب، بل بأغلظ سبب، وهو المتفق عليه في وطء الحلال، ويبيحون قتل المقر بالزنى مرة واحدة، فيدخلون التحليل على الدم الحرام الذي هو أغلظ الحرمات بأرق سبب، وغيرهم لا يبيح دمه إلا بإقرار أربع مرات يثبت عليها ولا يرجع عنها أصلا، وكل هذا تناقض منهم وهدم لما أصلوه من أن التحريم يدخل بأرق الأسباب، ولا يدخل التحليل إلا بأغلظ الأسباب. ومما يبطل قولهم غاية الإبطال قول الله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال

fornication with “her crime.” Here, then, they do not establish prohibition through the slightest cause, or even through the strongest cause, which is agreed upon in the case of lawful intercourse. They permit the killing of someone who confesses to unlawful sexual intercourse once, thus permitting the shedding of inviolable blood, whose inviolability is the gravest of all, through the slightest cause. Others do not permit his blood to be shed except upon four confessions in which he persists and from which he does not retract at all. All this is contradiction on their part and a demolition of the principle they established: that prohibition arises through the slightest causes, whereas permission arises only through the strongest causes. Among the things that utterly invalidate their position are the words of Allah Most High: {And do not say, concerning the falsehood your tongues describe, “This is lawful, and this is forbidden,” so as to fabricate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper}; and His words, Most High: {Say: Have you considered the provision Allah has sent down for you, some of which you have made forbidden and some lawful? Say: Has Allah given you permission, or do you fabricate against Allah?} These two verses establish that everyone who declares something lawful or forbidden without authorization from Allah Most High for its prohibition or permission has fabricated a lie against Allah. We are certain that Allah Most High has made lawful for us everything He created on earth, except what He has expressly detailed as forbidden to us in the text, because of His words, Most High: {What is the matter with you that you do not eat of that over which Allah’s name has been mentioned, when He has detailed for you what He has forbidden you, except that to which you are compelled? Indeed, many lead others astray through their desires, without knowledge. Indeed, your Lord knows best the transgressors.} These two clear texts thus invalidate anyone’s declaring anything forbidden out of precaution or fear that it might serve as a means. Furthermore, the Messenger of Allah ﷺ instructed someone who imagined that he had incurred a state of ritual impurity to pay no attention to that, but to continue his prayer and retain his legal status of ritual purity—this concerning prayer, which is among the most emphatically binding religious observances—until he heard a sound or smelled an odor. If adjudicating on the basis of precaution were correct, prayer would have

وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون} وقوله تعالى {قل أرأيتم مآ أنزل الله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على الله تفترون} فصح بهاتين الآيتين أن كل من حلل أو حرم ما لم يأت بإذن من الله تعالى في تحريمه أو تحليله فقد افترى على الله كذبا، ونحن على يقين من أن الله تعالى قد أحل لنا كل ما خلق في الأرض، إلا ما فصل لنا تحريمه بالنص لقوله تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فبطل بهذين النصين الجليين أن يحرم أحد شيئا باحتياط أو خوف تذرع وأيضا فإن رسول الله صلى الله عليه وسلم أمر من توهم أنه أحدث ألا يلتفت إلى ذلك وأن يتمادى في صلاته، وعلى حكم طهارته، هذا في الصلاة التي هي أوكد الشرائع، حتى يسمع صوتا أو يشم رائحة، فلو كان الحكم الاحتياط حقا لكانت الصلاة أولى ما احتيط لها، ولكن الله تعالى لم يجعل لغير اليقين حكما فوجب بما ذكرنا أن كل ما تيقن تحريمه فلا ينتقل إلى التحليل إلا بيقين آخر من نص أو إجماع، وكل ما تيقن تحليله فلا سبيل أن ينتقل إلى التحريم إلا بيقين آخر من نص أو إجماع، وبطل الحكم باحتياط.

the greatest claim to such precaution. But Allah Most High has accorded legal effect to nothing other than certainty. It therefore follows from what we have mentioned that everything whose prohibition is certain cannot pass into permissibility except through another certainty derived from an explicit text or consensus. Likewise, there is no way for anything whose permissibility is certain to pass into prohibition except through another certainty derived from an explicit text or consensus. Adjudication on the basis of precaution is thus invalidated,[25][26][27]

L2359–2367 and it is established that legal effect belongs to certainty alone. Precaution, in its entirety, consists in a person's declaring nothing forbidden except what Allah Most High has forbidden, and declaring nothing lawful except what Allah Most High has made lawful. This invalidates declaring a woman divorced from her husband when he doubts whether he has divorced her or not, for she is certainly his wife and therefore cannot become forbidden to him except through another certainty derived from an explicit text or consensus. Success comes through Allah Most High. Indeed, this corrupt principle has even led them to adjudicate many matters on the basis of suspicion, which is impermissible. Thus they have rejected the testimony of upright witnesses in favor of their fathers, sons, wives, and friends, suspecting them of false testimony and partiality. Adjudication on the basis of suspicion is forbidden and impermissible, because it is adjudication on the basis of conjecture. Allah Most High has reproached people who treated their conjectures as certain, saying: {Rather, you supposed that the Messenger and the believers would never return to their families, and that was made attractive in your hearts.

[25] **Translator's note (L2355):** The opening repeats the unfinished argument at the end of the preceding unit. It has been translated again as supplied.

[26] **Translator's note (L2356):** The expression rendered "with 'her crime'" reads bi-jarīmatihā in the supplied text and is anomalous in this context. It may be a corruption of bi-jāriyatihā, "with her slave woman," but that correction has not been silently adopted. "Tasting the sweetness" literally refers to tasting a little honey and is a sexual euphemism here. The Quran quotations contain repeated orthographic losses, particularly missing initial alifs in articles and in the name Allah. These have been understood as spelling defects where the intended word is clear.

[27] **Qur'an references (L2355):** Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 6:119 (Al-An'am).

وصح أن لا حكم إلا لليقين وحده، والاحتياط كله هو ألا يحرم المرء شيئا إلا ما حرم الله تعالى، ولا يحل شيئا إلا ما أحل الله تعالى، وبطل بهذا أن تطلق امرأة على زوجها إذ شك أطلقها أم لا، لأنها زوجة بيقين فلا تحرم عليه إلا بيقين آخر من نص أو إجماع، وبالله تعالى التوفيق. نعم حتى لقد أداهم هذا الأصل الفاسد إلا أن حكموا في أشياء كثيرة بالتهمة التي لا تحل، فأبطلوا شهادة العدول لآبائهم وأبنائهم ونسائهم وأصدقائهم تهمة لهم بشهادة الزور والحيف. والحكم بالتهمة حرام لا يحل، لأنه حكم بالظن، وقد قال تعالى عائبا لقوم قطعوا بظنونهم فقال تعالى {بل ظننتم أن لن ينقلب لرسول ولمؤمنون إلى أهليهم أبدا وزين ذلك في قلوبكم وظننتم ظن لسوء وكنتم قوما بورا} وقال تعالى عائبا قوما قالوا {وإذا قيل إن وعد لله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وقال تعالى {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل لله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقال رسول الله صلى الله عليه وسلم الظن أكذب الحديث قال أبو محمد فكل من حكم بتهمة أو باحتياط لم يستيقن أمره أو بشيء خوف ذريعة إلى ما لم يكن بعد، فقد حكم بالظن، وإذا حكم بالظن فقد حكم بالكذب والباطل، وهذا لا يحل وهو حكم بالهوى، وتجنب للحق نعوذ بالله من كل

مذهب أدى إلى هذا، مع أن هذا المذهب في ذاته متخاذل متفاسد متناقض، لأنه ليس أحد أولى بالتهمة من أحد، وإذا حرم شيئا حلالا خوف تذرع إلى حر فليخص الرجال خوف أن يزنوا، وليقتل الناس خوف أن يكفروا، وليقطع الأعناب خوف أن يعمل منها الخمر، وبالجملة فهذا المذهب أفسد مذهب في الأرض، لأنه يؤدي إلى إبطال الحقائق كلها، وبالله تعالى التوفيق فإن تعلق متعلق بقول النبي صلى الله عليه وسلم لعقبة بن الحارث إذ تزوج بنت أبي إهاب بن عزيز فأتت الأمة السوداء فقالت إني أرضعتكما فقال له رسول الله صلى الله عليه وسلم دعها عنك كيف بك وقد قيل فهذا لا يقوله رسول الله صلى الله عليه وسلم إلا وقد صح عنده وجوب الحكم بقول تلك الأمة السوداء، والخبر إذا صح عند الحاكم، والشهادة إذا ثبتت عنده لزمه أن يحكم بهما. فإن قال قائل: لم يكن ذلك من قول الأمة السوداء شهادة لوجهين أحدهما أنه لم تؤد ذلك عند رسول الله صلى الله عليه وسلم وإنما أخبرت بذلك عقبة بن الحارث وليس حكم الشهادة إلا أن تؤدى عند الحاكم والوجه الثاني أنه صلى الله عليه وسلم قد قال إن شهادة المرأة نصف شهادة رجل فلا سبيل إلى تعدي هذه القضية، ولا إلى أن تكون شهادة المرأة كشهادة رجل فكيف أن تكون كشهادة رجلين ولا سبيل إلى أن يكون النبي صلى الله عليه وسلم يأمر عقبة بأن يدع زوجه وينهاه عنها بالظن الذي قد أخبر النبي صلى الله عليه وسلم أنه أكذب الحديث هذا ما لا يظنه مسلم بالنبي صلى الله عليه وسلم لا سيما في الفراق بين الزوجين الذي عظمه الله تعالى بقوله عز وجل واصفا للسحرة {وتبعوا ما تتلوا لشياطين على ملك سليمان وما كفر سليمان ولكن لشياطين كفروا يعلمون لناس لسحر ومآ أنزل على لملكين ببابل هاروت وماروت وما يعلمان من أحد حتى يقولا إنما نحن فتنة فلا تكفر فيتعلمون منهما ما يفرقون به بين لمرء وزوجه وما هم بضآرين به من أحد إلا بإذن لله ويتعلمون ما يضرهم ولا

You entertained an evil supposition, and you were a ruined people.} And Allah Most High said, reproaching people who spoke thus: {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 are not certain."} And Allah Most High said: {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} And Allah Most High 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.} The Messenger of Allah ﷺ said: "Conjecture is the most false of speech." Abu Muhammed said: Everyone who adjudicates on the basis of suspicion, or of precaution concerning a matter of which he is not certain, or of something done for fear of a means leading to what has not yet occurred, has adjudicated on the basis of conjecture. When he adjudicates on the basis of conjecture, he has adjudicated on the basis of falsehood and invalidity. This is impermissible: it is adjudication on the basis of desire and an avoidance of truth. We seek refuge in Allah from every doctrine that leads to this. Moreover, this doctrine is inherently incoherent, unsound, and contradictory, for no one is more deserving of suspicion than anyone else. If someone forbids something lawful for fear that it may serve as a means to something forbidden, then let him castrate men for fear that they might commit fornication; let him kill people for fear that they might disbelieve; and let him cut down the grapevines for fear that wine might be made from them. In sum, this doctrine is the most corrupt doctrine on earth, because it leads to the invalidation of all realities. Success comes through Allah Most High. If someone appeals to the Prophet's ﷺ words to ʿUqbah ibn al-Harith, when he married the daughter of Abu Ihab ibn ʿAziz and the black slave woman came and said, "I suckled you both," whereupon the Messenger of Allah ﷺ said to him, "Leave her. What position are you in, now that this has been said?"—the one who would appeal to this says: this is something that would not be said by the Messenger of Allah ﷺ unless it had been established for him that it was obligatory to adjudicate on the basis of that black slave woman's statement. When a report is established as authentic before a judge, and testimony is established before him, he is obliged

to adjudicate on their basis. If someone says: “That statement by the black slave woman was not testimony, for two reasons. The first is that she did not deliver it before the Messenger of Allah ﷺ, but merely informed ʿUqbah ibn al-Harith of it, whereas testimony has legal effect only when delivered before the judge. The second is that he ﷺ said, ‘A woman’s testimony is half a man’s testimony.’ There is therefore no way to go beyond this ruling or to make a woman’s testimony equivalent to a man’s testimony, much less equivalent to that of two men. Nor is it possible that the Prophet ﷺ would instruct ʿUqbah to leave his wife and prohibit her to him on the basis of conjecture, which the Prophet ﷺ himself declared to be the most false of speech. No Muslim would think this of the Prophet ﷺ, especially concerning separation between spouses, the gravity of which Allah Most High emphasized through His words, Mighty and Majestic, describing sorcerers: {They followed what the devils recited concerning Solomon’s kingship. Solomon did not disbelieve, but the devils disbelieved, teaching people sorcery and what was sent down to the two angels in Babylon, Harut and Marut. They would teach no one until they had said, ‘We are only a trial, so do not disbelieve.’ They would learn from the two of them that by which they separate a man from his wife. Yet they harm no one with it except by Allah’s permission. They learn what harms them and does not benefit them. They certainly knew that whoever purchased it would have no share in the Hereafter. How evil was that for which they sold themselves, if only they knew!} Since it has thus been ruled out that the black slave woman’s account was testimony or an adjudication based on conjecture, there remains only that it was a report which the Prophet ﷺ accepted as true, whose authenticity he knew, and on the basis of which he ruled.” He is answered: As for your statement that she did not deliver it before the Messenger of Allah ﷺ, a trustworthy person did convey to him ﷺ their testimony concerning that and her statement; that person was the one to whom it had been said. In our view, the testimony of one woman transmitting the testimony of one woman is admissible. As for your statement that he ﷺ said, “A woman’s testimony is half a man’s testimony,” yes: he ﷺ is the one who said what you have mentioned, and he is the one who said to ʿUqbah ibn al-Harith, “Leave her.” Thus he ﷺ instructed him to separate from her on the testimony of the black woman.

ينفعهم ولقد علموا لمن شتراه ما له في لآخرة من خلاق ولبئس ما شروا به أنفسهم لو كانوا يعلمون} فإذ قد بطل أن يكون حديث الأمة السوداء شهادة أو حكما بالظن فلم يبق إلا أنه خبر صدقه النبي صلى الله عليه وسلم وعلم صحته فقضى به قيل له أما قولك لم تؤده عند رسول الله صلى الله عليه وسلم فقد أدى شهادتهما بذلك وقولها إليه صلى الله عليه وسلم الثقة وهو المقول له ذلك وشهادة واحدة على شهادة واحدة عندنا جائزة وأما قولك أنه صلى الله عليه وسلم قال شهادة المرأة نصف شهادة الرجل فنعم وهو صلى الله عليه وسلم القائل لما ذكرت وهو القائل لعقبة بن الحارث دعها عنك فهو صلى الله عليه وسلم أمره بفراقها بشهادة السوداء فالمرأة الواحدة مقبولة في هذا المكان بهذا الحديث، وأما في سواه فامرأتان مقام رجل بالنص الآخر الذي ذكرت، ولا يحل ترك أحدهما للآخر. هذا على أن المالكيين الحاكمين باحتياط وقطع الذرائع في العظائم التي لم يأذن بها الله تعالى لا يحكمون بقول امرأة لزوج وامرأته: إني قد أرضعتكما، ولا يفرقون بينهما بذلك، فهم يخالفون النصوص كما ترى حيث كان يكون لهم فيه متعلق، ويفرقون بالاحتياط حيث لم يأت فيه نص يتعلق به متعلق وبالله التوفيق. فإن احتجوا بما حدث أبو العباس أحمد بن عمر بن أنس العذري، أنا الحسن بن أحمد بن فراس، ثنا أحمد بن محمد بن سهل المعروف ببكير بن الحداد، ثنا أبو مسلم إبراهيم بن عبد الله الكجي، ثنا عمرو بن محمد العثماني، ثنا إسماعيل بن أبي أويس، عن حسين بن عبد الله بن ضميرة، عن أبيه عن جده عن تميم الداري أن رسول الله صلى الله عليه وسلم قال كل مشكل حرام وليس في الدين إشكال فهذا حديث لا تقوم به حجة لضعف سنده، لأن حسين بن عبد الله ضعيف وأبوه وجده غير مشهورين في أصحاب النقل. وأما كل أشياء أو شيئين أيقنا أن فيهما حراما لا نعلمه بعينه فحكمهما التوقف أو ترك التوقف، على ما قد قسمناه في غير هذا الموضع،

A single woman is therefore accepted in this instance on the basis of this hadith. As for other instances, two women take the place of one man on the basis of the other explicit text you mentioned. It is impermissible to abandon either of the two texts for the sake of the other. Furthermore, the Malikis, who adjudicate on the basis of precaution and blocking the means in grave matters for which Allah Most High has given no authorization, do not adjudicate on the basis of a woman's saying to a husband and his wife, "I have indeed "I have nursed you both," yet they do not separate the two on that account. Thus they contradict the texts, as you see, precisely where they would have something in them to rely upon, while they separate people on grounds of precaution where no text has come upon which anyone could rely. Success comes through Allah.

If they appeal to what Abu al-Abbas Ahmad ibn Umar ibn Anas al-Udhri related—al-Hasan ibn Ahmad ibn Firas informed us; Ahmad ibn Muhammed ibn Sahl, known as Bukayr ibn al-Haddad, related to us; Abu Muslim Ibrahim ibn Abd Allah al-Kajji related to us; Amr ibn Muhammed al-Uthmani related to us; Ismail ibn Abi Uways related to us, from Husayn ibn Abd Allah ibn Dumayrah, from his father, from his grandfather, from Tamim al-Dari, that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said, "Everything ambiguous is forbidden, and there is no ambiguity in religion"—this is a report that cannot establish a proof, because its chain of transmission is weak: Husayn ibn Abd Allah is weak, and his father and grandfather are not well known among the transmitters.

As for any collection of things, or two things, among which we are certain there is something forbidden but do not know which particular thing it is, the ruling concerning them is to suspend judgment or not to suspend judgment, according to the distinctions we have set out elsewhere, until the forbidden becomes distinguishable from the lawful. For here there is something certainly forbidden, avoidance of which is obligatory. This differs from something doubtful concerning which there is no certainty at all.

Muhammed ibn Said ibn Nabat related to us; Ahmad ibn Abd al-Basir related to us; Qasim ibn Asbagh related to us; Muhammed ibn Abd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna related to us; Abd

حتى يتبين الحرام من الحلال، لأن هذا المكان فيه يقين حرام يلزم اجتنابه فرضا، وهذا بخلاف المشكوك فيه الذي لا يقين فيه أصلا. حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عبد البصير، ثنا قاسم بن أصبغ، حدثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا سفيان الثوري، عن أبيه، عن تميم بن سلمة، عن ابن عمرة قال: إن الله يحب أن يؤتى مياسره كما يحب أن تؤتى عزائمه قال: فذكرت ذلك لعبد الرحمن الرحال فقال: قال ابن عباس: إن الله يحب أن تقبل رخصه كما يحب أن يؤتى حده وبه نصا إلى عبد الرحمن بن مهدي، عن سفيان الثوري، عن منصور بن المعتمر، عن مالك بن الحارث، عن عمرو بن شرحبيل قال: قال عبد الله بن مسعود: إن الله يحب أن تؤتى مياسره كما يحب أن تؤتى عزائمه. قال أبو محمد: فهذا يبين أنه لا يجوز التحري في اجتناب ما جاء عن الله تعالى على لسان نبيه صلى الله عليه وسلم وإن كانت رخصة وأن كل ذلك حق وسنة ودين فبطل ما تعلقوا به من الاحتياط الذي لم يأت به نص ولا إجماع. وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

al-Rahman ibn Mahdi related to us; Sufyan al-Thawri related to us, from his father, from Tamim ibn Salamah, from Ibn Umrah, who said: "Allah loves that His provisions of ease be acted upon just as He loves that His binding requirements be acted upon." He said: "I mentioned that to Abd al-Rahman al-Rahhal, and he said: 'Ibn Abbas said: Allah loves that His dispensations be accepted just as He loves that His prescribed limit be observed.'"

Through that same chain, with the wording transmitted as far as Abd al-Rahman ibn Mahdi, from Sufyan al-Thawri, from Mansur ibn al-Mutamir, from Malik ibn al-Harith, from Amr ibn Shurahbil, who said: "Abd Allah ibn Masud said: 'Allah loves that His provisions of ease be acted upon just as He loves that His binding requirements be acted upon.'"

Abu Muhammed said: This makes clear that it is not permissible to exercise scrupulous caution by avoiding what has come from Allah Most High through the tongue of His Prophet, may Allah bless him and grant him peace ﷺ, even if it is a dispensation, and that all of this is truth, Sunnah, and religion. Thus their reliance upon precaution for which neither a text nor consensus has

come is invalidated. Success comes through Allah Most High. He suffices us, and an excellent Trustee He is.[28][29][30][31][32][33][34]

[28]**Translator's note (L2359):** The supplied illā in "has even led them … to adjudicate" appears to be a transcription error for ilā; the contextual sense has been translated. The Quran quotations contain recurrent orthographic omissions, including missing initial alifs; their otherwise clear wording has been translated.

[29]**Translator's note (L2360):** The supplied ḥurr, literally "a free man" or "free," is anomalous after "a means to" and appears to be a truncated or corrupt word for something forbidden. The translation follows the contextual sense while flagging the defect. The unvocalized falyakhṣi is understood as "then let him castrate," as required by the continuation about preventing fornication.

[30]**Translator's note (L2361):** "The one who would appeal to this says" makes explicit the speaker of the argument that continues into the next segment; the Arabic introduces that argument without an express "he says."

[31]**Translator's note (L2362):** The objection introduced by "If someone says" continues into the next segment, where the author begins his response. The Quran quotation contains recurrent orthographic omissions, including missing initial alifs; its otherwise clear wording has been translated.

[32]**Translator's note (L2363):** The supplied shahādatahumā means "their testimony," with a dual pronoun, although the argument concerns the slave woman's testimony. This apparent textual anomaly is retained. "The testimony of one woman transmitting the testimony of one woman" follows the feminine forms in the supplied text. These are awkward alongside the preceding identification of the intermediary as ʿUqbah; the wording has not been silently changed to masculine forms.

[33]**Translator's note (L2365):** The opening continues a woman's statement to a husband and wife from the preceding segment. The wording attributed to Ibn Abbas has the singular "His prescribed limit" (ḥaddahu), rather than the "binding requirements" found in the adjacent reports; that distinction has been retained.

[34]**Qur'an references (L2359):** Qur'an 48:12 (Al-Fath); Qur'an 45:32 (Al-Jathiyah); Qur'an 53:28 (An-Najm); Qur'an 53:23 (An-Najm); Qur'an 2:102 (Al-Baqarah).

الباب 35: الاستحسان والاستنباط بالرأي

Chapter 35: Juristic Preference and Inference through Opinion

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الخامس والثلاثون في الاستحسان والاستنباط في الرأي وإبطال كل ذلك]

قال أبو محمد رحمه الله إنما جمعنا هذا كله في باب واحد، لأنها كلها ألفاظ واقعة على معنى واحد، لا فرق بين شيء من المراد بها وإن اختلفت الألفاظ وهو الحكم بما رآه الحاكم أصلح في العاقبة وفي الحال، وهذا هو الاستحسان لما رأى برأيه من ذلك، وهو استخراج ذلك الحكم الذي رآه. قال المالكيون بالاستحسان في كثير من مسائلهم، روى العتبي محمد بن أحمد قال: ثنا أصبغ بن الفرج قال: سمعت ابن القاسم يقول: قال مالك: تسعة أعشار العلم الاستحسان، قال أصبع بن الفرج: الاستحسان في العلم يكون أغلب من القياس، ذكر ذلك في كتاب أمهات الأولاد من المستخرجة. وأما الحنفيون فأكثروا فيه جدا، وأنكره الشافعيون، وأنكره من أصحاب مذهب أبي حنيفة أحمد بن محمد الطحاوي، فأما القائلون به فإننا نجدهم يقولون في كثير من مسائلهم إن القياس في هذه المسألة كذا، ولكنا نستحسن فنقول غير ذلك. قال أبو محمد: واحتج القائلون بالاستحسان بقول الله عز وجل {لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب}

[Chapter Thirty-Five: Juristic Preference and Inference through Personal Opinion, and the Invalidation of All of That]

L2368

L2369 Abu Muhammed, may Allah have mercy on him, said: We have gathered all of this into a single chapter only because these are all expressions denoting one meaning. There is no difference whatsoever in what is intended by them, even though the expressions differ: namely, ruling according to what the person giving the ruling considers more beneficial in its eventual outcome and in the present circumstances. This is juristic preference for what he has arrived at through his own opinion concerning that, and it is the extraction of that ruling which he has conceived.

The Malikis have advocated juristic preference in many of their legal questions. Al-Utbi, Muhammed ibn Ahmad, transmitted, saying: Asbagh ibn al-Faraj related to us, saying: I heard Ibn al-Qasim say: Malik said: "Nine-tenths of knowledge is juristic preference." Asba ibn al-Faraj said: "Juristic preference in knowledge is more predominant than analogy." He mentioned that in the Book of Slave Women Who Have Borne Their Masters Children in al-Mustakhrajah. As for the Hanafis, they have employed it very extensively. The Shafiis rejected it, and Ahmad ibn Muhammed al-Tahawi, one of the adherents of Abu Hanifah's school, also rejected it. As for those who advocate it, we find them saying in many of their legal questions: "Analogy in this question yields such-and-such, but we exercise juristic preference and say something else."

Abu Muhammed said: Those who advocate juristic preference have appealed to the saying of Allah, Mighty and Majestic: "Those who listen to speech and follow the best of it: those are the ones whom Allah has guided, and those are the possessors of understanding."[1]

[1] **Translator's note (L2369):** The transmitter's name is first written أصبغ (Asbagh), but later أصبع (Asba); the differing forms have been retained. The Quranic quotation corresponds to Quran 39:18; several initial alifs are absent in the transcription, without changing the identifiable wording.

قال أبو محمد وهذا الاحتجاج عليهم لا لهم، لأن الله تعالى لم يقل فيتبعون ما استحسنوا وإنما قال عز وجل {إن تكفروا فإن لله غني عنكم ولا يرضى لعباده لكفر وإن تشكروا يرضه لكم ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم تعملون إنه عليم بذات لصدور} وأحسن الأقوال ما وافق القرآن وكلام الرسول صلى الله عليه وسلم هذا هو الإجماع المتيقن من كل مسلم ومن قال غير هذا فليس مسلما وهو الذي بينه عز وجل إذ يقول {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ولم يقل تعالى فردوه إلى ما تستحسنون. ومن المحال أن يكون الحق فيما استحسنا دون برهان، لأنه لو كان ذلك لكان الله تعالى يكلفنا ما لا نطيق، ولبطلت الحقائق ولتضادت الدلائل، وتعارضت البراهين، ولكان تعالى يأمرنا بالاختلاف الذي قد نهانه عنه، وهذا محال لأنه لا يجوز أصلا أن يتفق استحسان العلماء كلهم على قول واحد، على اختلاف هممهم وطبائعهم وأغراضهم، فطائفة طبعها الشدة، وطائفة طبعها اللين، وطائفة طبعها التصميم، وطائفة طبعها الاحتياط، ولا سبيل إلى الاتفاق على استحسان شيء واحد مع هذه الدواعي والخواطر المهيجة، واختلافها واختلاف نتائجها وموجباتها، ونحن نجد الحنفيين قد استحسنوا ما استقبحه المالكيون، ونجد المالكيين قد استحسنوا قولا قد استقبحه الحنفيون، فبطل أن يكون الحق في دين الله عز وجل مردودا إلى استحسان بعض الناس، وإنما كان يكون هذا وأعوذ بالله لو كان الدين ناقصا، فأما وهو تام لا مزيد فيه، مبين كله منصوص عليه، أو مجمع عليه فلا معنى لمن استحسن شيئا منه أو من غيره، ولا لمن استقبح أيضا شيئا منه أو من غيره. والحق حق وإن استقبحه الناس، والباطل باطل وإن استحسنه الناس، فصح أن الاستحسان شهوة واتباع للهوى وضلال، وبالله تعالى نعوذ من الخذلان. وقد روى الفتيا بالرأي في مسائل عن الصحابة. فإن قال قائل: إذ قد ظهر

L2370–2373 Abu Muhammed said: This appeal is against them, not in their favor, because Allah Most High did not say, "And follow what they deem preferable." Rather, He, Mighty and Majestic, said: "If you disbelieve, Allah is indeed independent of you, and He does not approve disbelief for His servants. If you give thanks, He approves it for you. No bearer of burdens shall bear another's burden. Then to your Lord is your return, and He will inform you of what you used to do. Indeed, He knows what is within the breasts." The best speech is that which accords with the Quran and the speech of the Messenger, may Allah bless him and grant him peace ﷺ. This is the certain consensus of every Muslim. Whoever says anything other than this is not a Muslim. This is what He, Mighty and Majestic, clarified when He says: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome." He Most High did not say: "Refer it to what you deem preferable."

It is impossible for the truth to reside in what we deem preferable without demonstration. For if that were so, Allah Most High would be imposing upon us what we cannot bear; realities would be nullified; indications would contradict one another; demonstrations would conflict; and He Most High would be commanding us to engage in the disagreement that He has forbidden us. This is impossible, because it is altogether impossible for the preferences of all scholars to converge upon a single position, given the differences in their aspirations, temperaments, and purposes. One group is stern by temperament, another gentle, another resolute, and another cautious. There is no way to agree on deeming one thing preferable amid these motives and stirring thoughts, their differences, and the differences in their results and implications. We find that the Hanafis have deemed preferable what the Malikis have deemed objectionable, and we find that the Malikis have deemed preferable a position that the Hanafis have deemed objectionable. Thus it is invalid for the truth in the religion of Allah, Mighty and Majestic, to be referred to the preferences of certain people.

This could only have been so—I seek refuge in Allah—if religion were deficient. But since it is complete, admitting no addition, entirely elucidated,

and established by explicit texts or consensus, there is no significance to anyone's deeming preferable anything within it or outside it, nor to anyone's deeming objectionable anything within it or outside it. Truth is truth even if people deem it objectionable, and falsehood is falsehood even if people deem it preferable. It is therefore established that juristic preference is appetite, the pursuit of personal inclination, and error. In Allah Most High we seek refuge from abandonment.

The giving of legal opinions through personal opinion on certain questions has been transmitted from the Companions. If someone says, "Since giving legal opinions through personal opinion became manifest among the Companions, they reached a consensus approving it," he is told—and success comes through Allah Most High—"It is not as you say. Rather, if someone said that they, may Allah be pleased with them, reached a consensus condemning it, he would be correct. For those among them from whom legal opinions have been transmitted—may Allah be pleased with them—number one hundred and thirty-odd, and abundant legal opinions are preserved from only twenty of them. Moreover, it is not preserved from any one of those mentioned that he affirmed the correctness of pronouncing on the basis of personal opinion, or that it is religion, or that it is binding. Rather, most of them are reported to have condemned the personal opinion they expressed, and to have explained on what basis they issued a legal opinion through it: that it was not binding.[2][3][4]

L2374 Then the question is turned back upon them, and we ask them: Was anyone protected from error after the Prophet ﷺ? Their position, and that of all Muslims, is that no one was protected from error after the Prophet ﷺ, and that anyone below him may err or be correct. Since that is so, is it permissible for anyone to say that they reached a consensus upon error,

الفتيا بالرأي في الصحابة فقد أجمعوا على الرضا به. قيل له وبالله تعالى التوفيق: ليس كما تقول، بل لو قال قائل: إنهم رضي الله عنهم أجمعوا على ذمه لكان مصيبا، لأن الذين روى عنهم الفتيا منهم رضي الله عنهم مائة ونيف وثلاثون، لا يحفظ التكثير منهم من الفتيا إلا عن عشرين، ثم لا يحفظ عن أحد من هؤلاء المذكورين تصويب القول بالرأي، ولا أنه دين ولا أنه لازم، بل أكثرهم قد روي عنه ذم ما أخبر به من الرأي وعلى أي وجه أفتى به من أنه غير لازم.

ثم تعكس عليهم السؤال فنسألهم أعصم أحد من الخطأ بعد النبي صلى الله عليه وسلم فمن قولهم وقول جميع المسلمين إنه لم يعصم أحد من الخطأ بعد النبي صلى الله عليه وسلم وإن كان من دونه يخطىء ويصيب فإذ الأمر كذلك أفيسوغ لأحد أن يقول: إنهم قد أجمعوا على الخطأ؟ وأراد تصحيح الخطأ بذلك، وهذا ما لا يقوله أحد. وإنما يكون الإجماع صحيحا إذا أجمعوا على صحة القول بشيء ما، ولم يصح قط أحد منهم القول بالرأي، وأيضا فإنه ليس منهم أحد أفتى برأيه في مسألة إلا وقد أفتى غيره فيها بنص رواه، أو موافق لنص فإذ الأمر كذلك، فإن الواجب عرض تلك الأقوال على

[2] **Translator's note (L2370):** Following "Rather, He … said," the supplied text quotes Quran 39:7, although the argument concerns the wording of Quran 39:18 quoted immediately before. The apparent quotation mismatch has been retained rather than repaired.

[3] **Translator's note (L2373):** The phrase "and on what basis he issued a legal opinion through it" is syntactically compressed; "to have explained" makes its implied connection explicit.

[4] **Qur'an references (L2370):** Qur'an 39:7 (Az-Zumar); Qur'an 4:59 (An-Nisa).

القرآن والسنة، فالقرآن والسنة يشهدان بصحة قول من وافق قوله النص، لا من قال برأيه، وبالله تعالى التوفيق. واحتجوا في الاستحسان بقول يجري على ألسنتهم وهو: ما رآه المسلمون حسنا فهو عند الله حسن وهذا لا نعلمه ينسند إلى رسول الله صلى الله عليه وسلم من وجه أصلا وأما الذي لا شك فيه فإنه لا يوجد البتة في مسند صحيح وإنما نعرفه عن ابن مسعود، كما حدثنا المهلب التميمي عن محمد بن عيسى بن مناس، عن محمد بن مسرور، عن يونس بن عبد الأعلى، عن ابن وهب، أخبرني عبد الله بن يزيد، عن عبد الرحمن بن عبد الله عتبة، عن عاصم بن بهدلة، عن شقيق، عن عبد الله بن مسعود فذكر كلاما فيه، فما رآه المسلمون حسنا فهو عند الله حسن.

intending thereby to establish the correctness of error? No one says this. Consensus is valid only when they agree upon the correctness of affirming some particular thing, and none of them ever declared pronouncing on the basis of personal opinion to be correct. Moreover, there is not one of them who gave a legal opinion on a question on the basis of his personal opinion without someone else giving a legal opinion on it on the basis of a text that he transmitted, or one that accorded with a text. Since that is so, those statements must be submitted to the Quran and the Sunnah. The Quran and the Sunnah attest to the correctness of the statement of the person whose statement accords with the text, not of the person who speaks on the basis of his personal opinion. Through Allah Most High comes success.

In support of juristic preference, they have adduced a saying that circulates upon their tongues: "Whatever the Muslims deem good is good in Allah's sight." We know of no route of transmission whatsoever by which this is attributed to the Messenger of Allah ﷺ. What is beyond doubt is that it is nowhere to be found with a sound chain of transmission to him. We know it only from Ibn Masʿud, as al-Muhallab al-Tamimi related to us, from Muhammed ibn ʿIsa ibn Manas, from Muhammed ibn Masrur, from Yunus ibn ʿAbd al-Aʿla, from Ibn Wahb: "ʿAbd Allah ibn Yazid informed me, from ʿAbd al-Rahman ibn ʿAbd Allah ʿUtbah, from ʿAsim ibn Bahdalah, from Shaqiq, from ʿAbd Allah ibn Masʿud." He then mentioned a statement containing: "Whatever the Muslims deem good is good in Allah's sight."[5]

قال أبو محمد: وهذا لو أتى من وجه صحيح لما كان لهم فيه متعلق، لأنه إنما يكون إثبات إجماع المسلمين فقط، لأنه لم يقل ما رآه بعض المسلمين حسنا فهو حسن وإنما فيه: ما رآه المسلمون، فهذا هو الإجماع الذي لا يجوز خلافه لو تيقن، وليس ما رآه بعض المسلمين بأولى بالاتباع مما غيرهم من المسلمين، ولو كان ذلك لكنا مأمورين بالشيء وضده، وبفعل شيء وتركه معا، وهذا محال لا سبيل إليه، ثم يقال لهم: ما معنى قولكم: الاستحسان في هذه المسألة وجه كذا؟. فجوابهم في ذلك أحد جوابين: أحدهما: ما كانوا عليه فيما قارب عصر أبي حنيفة ومالك، وهو الذي يرونه أحوط أو

L2375–2378 Abu Muhammed said: Even if this had come through a sound route of transmission, it would afford them no support, because it would establish only the consensus of the Muslims. He did not say, "Whatever some Muslims deem good is good." Rather, its wording is, "Whatever the Muslims deem good." This, then, is the consensus that it would be impermissible to oppose, if it were known with certainty. What some Muslims deem good has no greater claim to be followed than what other Muslims deem good. Were that so, we

[5]**Translator's note (L2374):** The transmitter's name appears as "ʿAbd al-Rahman ibn ʿAbd Allah ʿUtbah," without a genealogical connector before "ʿUtbah"; the supplied form has been retained. The form ينسند is irregular; it has been understood as referring to attribution through a transmission chain.

would be commanded to do a thing and its opposite, and to do something and leave it undone simultaneously. This is impossible; there is no way for it to occur. Then they are to be asked: What do you mean by your statement, "Juristic preference in this question is such-and-such an approach"? Their answer to this is one of two answers. The first is the position they held around the time of Abu Hanifah and Malik: it is what they consider more cautious, less burdensome, closer to customary and familiar practice, or further removed from offensiveness. All of this ultimately comes down to whatever their own souls find agreeable. This is invalidated by His saying, Most High: "But as for him who feared standing before his Lord and restrained the soul from desire, Paradise shall indeed be the refuge"; and: "I do not acquit my own soul. Indeed, the soul insistently commands evil, except insofar as my Lord shows mercy. Indeed, my Lord is forgiving, merciful," and by His saying, Most High: "Rather, those who have done wrong have followed their desires without knowledge. Who, then, can guide someone whom Allah has led astray? They have no helpers." And He said, Most High: "If they do not respond to you, know that they follow only their desires. Who is further astray than someone who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people." These verses invalidate anyone's following what he deems good without a demonstration grounded in a text or consensus. No one can exercise greater care for the believing servants than Allah, their Creator, their Provider, and the One who sends messengers to them. All caution consists in following what Allah Most High has commanded, and all offensiveness consists in opposing Him. There is no [intelligible meaning here] in what hearts recoil from because they are unaccustomed to it. All of this consists of unsound conjectures, acceptable only to someone who has had no practice in knowing realities. Nothing is good except what Allah Most High [and] His Messenger ﷺ have commanded or what the two have permitted; and nothing is bad or offensive except what He, Most High, and His Messenger ﷺ have forbidden. They have a second answer, given by al-Karkhi, who said: "It is the subtler of the two analogies." Abu Muhammed said: This statement is invalidated by everything we shall present, if Allah wills, in the chapter invalidating analogy in this work of ours. Through Allah Most High comes success. They are to be told: If there is an

أخف أو أقرب من العادة والمعهود، أو أبعد من الشناعة، وهذا كله بالجملة راجع إلى ما طابت عليه أنفسهم، وهذا باطل بقوله تعالى {وأما من خاف مقام ربه ونهى لنفس عن لهوى * فإن لجنة هي لمأوى} {ومآ أبرىء نفسي إن لنف 4 س لأمارة بلسوء إلا ما رحم ربي إن ربي غفور رحيم} وبقوله تعالى {بل تبع لذين ظلموا أهوآءهم بغير علم فمن يهدي من أضل لله وما لهم من ناصرين} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} وفي هذه الآي إبطال أن يتبع أحد ما استحسن بغير برهان من نص أو إجماع، ولا يكون أحد أحوط على العباد المؤمنين من الله خالقهم ورازقهم، وباعث الرسل إليهم، والاحتياط كله اتباع ما أمر الله تعالى به والشناعة كلها مخالفته، ولا مني لما نافرته قلوب لم تعتده، وهذا كله ظنون فاسدة لا تجوز إلا عند من لم يتمرن بمعرفة الحقائق ولا حسن إلا ما أمر الله تعالى به رسوله صلى الله عليه وسلم أو أباحاه ولا قبيح ولا شنيع إلا ما نهى عنه تعالى ورسوله صلى الله عليه وسلم وجواب لهم ثان أجاب به الكرخي وهو أن قال هو أدق القياسين. قال أبو محمد: وهذا القول يبطله كل ما نورده إن شاء الله في باب إبطال القياس من ديواننا هذا. وبالله تعالى التوفيق. ويقال لهم: إن كان ههنا قياس يوجب ترك قياس آخر ويضاده ويبطله فقد صح بطلان دلالة القياس بإقراركم، وصح بالبرهان الضروري إبطال القياس كله جملة بهذا العمل، لأن الحق لا يتضاد ولا يبطل بعضه بعضا، ولا يضاد برهان برهانا أبدا، لأن معنى المضاد أن يبطل أحد المعنيين الآخر، والشيء إذا أبطله الحق فقد بطل، والباطل لا يكون حقا في حال كونه باطلا، وإذا أبطل بعض الشيء بعضا فواجب أن يكون كله باطلا، لما قلنا من أن الحق لا يبطل بعضه بعضا. فإذا شهد بعض القياس عندكم بإبطال بعض قياس آخر، فنوع القياس كله متفاسد، مبطل بعضه بعضا، فهو كله باطل. فإن قالوا: إن الحديث ينقض بعضه بعضا، وكذلك الآي

analogy here that requires abandoning another analogy, contradicts it, and invalidates it, then the invalidity of analogy's evidentiary force is established by your own admission. Through this procedure, the invalidity of analogy in its entirety is established by necessary demonstration. For truth does not contradict itself, nor does one part of it invalidate another. A demonstration never contradicts another demonstration, because contradiction means that one of two propositions invalidates the other. When truth invalidates something, that thing is invalid; what is false cannot be true while it is false. If one part of something invalidates another, all of it must be false, for the reason we have stated: one part of truth does not invalidate another. Thus, if in your view one analogy attests to the invalidity of another analogy, analogy as an entire category is mutually destructive, one part invalidating another, and it is all false. If they say: "Some hadith reports negate others, and likewise the verses, by way of abrogation, and likewise rational inquiry; yet this is no evidence for the invalidity of the Quran, hadith, and rational inquiry in their entirety"—[6][7][8][9]

على سبيل النسخ وكذلك النظر، وليس ذلك دليلا على بطلان جميع القرآن والحديث والنظر.

L2379 Abu Muhammed said: We say to them—and through Allah Most High comes success—this is gross obfuscation. No verse can invalidate another verse, nor any hadith another hadith, except by way of abrogation, or where one of the

قال أبو محمد: فنقول لهم، وبالله تعالى التوفيق: هذا تمويه شديد، ولا يجوز أن تبطل آية آية أخرى، ولا حديث حديثا آخر، إلا من طريق النسخ، أو يكون أحد الحديثين ضعيف النقل، فليس داخلا حينئذ فيمال أمرنا بطاعته وكذلك النظر، لأن النظر الصحيح إنما هو البرهان، وإنما تأتي أغاليط وشبه بظن قوم أنها برهان، وليست برهانا فليس هذا داخلا في النظر، وليس ما قلتم في القياسين من هذا الباب في شيء، لأن القياس ليس فيه ناسخ ولا منسوخ، ولا قلتم: إن أحد القياسين مموه ليس قياسا، بل قلتم: هما معا قياس، فاستحسنا أدقهما، فتركتم أحد القياسين وأبطلتموه، وأنتم تقرون أنه قياس وإذا كان بعض النوع باطلا فهو كله باطل، ولا يجوز أن يجمع الحق والباطل نوع واحد أبدا.

[6] **Translator's note (L2375):** The comparison beginning مما غيرهم من المسلمين lacks an explicit verb. The translation supplies "deem good" from the preceding clause.

[7] **Translator's note (L2376):** The Quranic quotations contain defective spellings and missing letters. In the second quotation, the word النفس is broken by an intrusive numeral: س 4 لنف. The intended words remain identifiable; the numeral has no translatable linguistic meaning.

[8] **Translator's note (L2377):** The phrase ولا مني لما نافرته قلوب لم تعتده is corrupt or unintelligible at مني. The translation marks that points rather than silently replacing it with the plausible reading معنى, "meaning" or "significance." The source reads ما أمر الله تعالى به رسوله, without "and" before "His Messenger." The translation marks the supplied conjunction; the subsequent dual verb أباحاه, "the two permitted," supports this construction. The Quranic quotations contain defective spellings and missing letters, although their wording is identifiable.

[9] **Qur'an references (L2375):** Qur'an 79:40 (An-Nazi'at); Qur'an 12:53 (Yusuf); Qur'an 30:29 (Ar-Rum); Qur'an 28:50 (Al-Qasas).

two hadith reports is weak in transmission, in which case it does not fall within what we have been commanded to obey. The same applies to rational inquiry, because sound rational inquiry is nothing other than demonstration. What occurs is merely that fallacies and specious arguments arise which some people suppose to be demonstrations, although they are not demonstrations. This therefore does not fall within rational inquiry. What you have said concerning the two analogies has nothing whatsoever to do with this, because analogy contains neither an abrogating element nor an abrogated one. Nor have you said that one of the two analogies is a deceptive semblance that is not actually an analogy. Rather, you have said: "Both are analogies, so we preferred the subtler of them." You thus abandoned one of the two analogies and invalidated it while acknowledging that it is an analogy. If part of the category is false, all of it is false. Truth and falsehood can never be comprised within a single category.[10]

L2380–2381 Those who advocate invalidating juristic preference, taking refuge instead in assigning preponderance to effective causes and giving greater weight to the multiplicity of analogous cases, must not imagine that what they have resorted to frees them from this binding objection. In every case, they have invalidated the effective cause over which the other was given preponderance, and invalidated the legal effect of the smaller number of analogous cases. They have neither established a ruling through them nor validated an analogy through them. Rather, they have ruled that effective causes invalidate one another, and that certain analogous cases furnish no basis for a ruling, nor is a ruling made because of them, nor because of them with a single ruling; and that resemblance does not necessitate agreement in ruling through similarity and effective causes. The advocacy of analogy in its entirety is thereby invalidated. For every method of disputation in which one part invalidates another, one part gives the lie to another, and the parts contradict and undermine one another, is entirely unsound and false. Truth never opposes truth, and evidence can never establish the correctness of two contrary positions concerning a single matter. Malik—may Allah have

[10]**Translator's note (L2379):** The form فيمال appears to be a transcriptional corruption of فيما, "within what"; it has been translated accordingly.

ولا يظن القائلون بإبطال الاستحسان، الهاربون إلى القول بترجيح العلل وتغليب كثرة الأشباه، أنهم يتخلصون من هذا الإلزام بما فزعوا إليه، لأنهم على كل حال قد أبطلوا العلة المرجح عليها الأخرى، وأبطلوا حكم الأشباه القليلة، ولم يوجبوا بها حكما، ولا صححوا بها قياسا بل حكموا بأن العلل يبطل بعضها بعضا، وأن بعض الأشباه لا يحكم به، ولا من أجله يحكم به، ولا من أجله بحكم واحد، ولا يوجب الاشتباه اتفاقا في الحكم بالتشابه وبالعلل، وبطل بذلك القول بالقياس جملة، لأن كل طريق من الجدال أبطل بعضه بعضا، وكذب بعضه بعضا، وتناقض وتفاسد فهو كله فاسد باطل، والحق لا يعارض الحق أبدا، ولا يقوم دليل على صحة ضدين في معنى واحد أبدا. وقد اعترف مالك رحمه الله بالحق في هذا، وبرىء ممن قلده، كما حدثنا رجل من أصحابنا اسمه عبد الرحمن بن سلمة قال: ثنا أحمد بن خليل، ثنا خالد بن سعد، ثنا عبد الله بن يونس المرادي من كتابه، نا بقي بن مخلد، نا سحنون والحارث بن مسكين، عن ابن القاسم، عن مالك أنه كان يكثر أن يقول: إن نظن إلا ظنا وما نحن بمستيقنين. قال أبو محمد: ونحن نقول لمن قال بالاستحسان: ما الفرق بين ما استحسنت أنت

mercy on him—acknowledged the truth in this matter and disavowed those who followed him uncritically, as a man among our companions named ʿAbd al-Rahman ibn Salamah related to us. He said: "Ahmad ibn Khalil related to us; Khalid ibn Saʿd related to us; ʿAbd Allah ibn Yunus al-Muradi related to us from his book; Baqi ibn Makhlad related to us; Sahnun and al-Harith ibn Miskin related to us, from Ibn al-Qasim, from Malik, that he frequently used to say: 'We do nothing but conjecture, and we have no certainty.'" Abu Muhammed said: We say to whoever advocates juristic preference: What is the difference between what you deem good and someone else deems bad, and what someone else deems good and you deem bad? What makes either of the two courses more entitled to be considered true than the other? There is no escaping this. Through Allah Most High comes success.[11]

واستقبحه غيرك، وبين ما استحسنه غيرك واستقبحته أنت؟ وما الذي جعل أحد السبيلين أولى بالحق من الآخر؟ وهذا ما لا انفكاك منه، وبالله تعالى التوفيق.

L2382–2383 As for derivation, the advocates of analogy sometimes call their analogy "derivation." The term is taken from "I drew out water," meaning bringing it out of the earth, soil, and stones, although it is something other than these. Derivation, then, is extracting a ruling from an expression that is different from that ruling. This is false. It is astonishing that they have adduced, in support of establishing it, the saying of Allah, Mighty and Majestic: "When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those in authority among them, those among them who derive it would have known it. Were it not for Allah's favor upon you and His mercy, you would have followed Satan, except for a few." This is among their most flagrant displays of audacity, indicating the tenuous religious commitment of anyone who adduces this to establish derivation, deceiving whoever took him as a guide, and to deceive those who thought well of his words. This verse undoubtedly invalidates derivation, because "if" in the Arabic language in which the Quran was revealed is a particle indicating the nonoccurrence of the thing itself, not the nonoccurrence of something else. Thus He, exalted is He, explicitly states that, had those who

وأما الاستنباط فإن أهل القياس ربما سموا قياسهم استنباطا، وهو مأخوذ من أنبطت الماء، وهو إخراجه من الأرض والتراب والأحجار، وهو غيرها، فالاستنباط هو استخراج الحكم من لفظ هو خلاف لذلك الحكم، وهذا باطل، ومن العجب أنه احتجوا في ثباته بقول الله 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} وهذا من عظيم مجاهرتهم الدالة على رقة دين من احتج بهذا في إثبات الاستنباط غشا لمن اعتبر به، وتلبيسا على من أحسن الظن بكلامه. وهذه الآية مبطلة الاستنباط بلا شك، لأن لو في كلام العرب الذي نزل به القرآن حرف يدل على امتناع الشيء لا امتناع غيره، فنص تعالى على أن المستنبطين لو ردوه إلى الرسول وإلى أهل العلم الناقلين لسنن النبي صلى الله عليه وسلم لعلموا الحق فلم يردوه واتكلوا على استنباطهم، فلم يعلموا الحق، هذا شيء ظاهر لا يجوز أن يحتمل تأويلا غير ما ذكرنا، ولا حجة أعظم في إبطال الاستنباط من هذه الآية لو أنصفوا أنفسهم. وقد قال بعضهم: إن الضمير في قوله تعالى: راجع إلى الرسول وإلى أولي الأمر، لا إلى الضمير الذي في. قال أبو محمد: وهذا ليس بمخرج للفظ الآية عن

[11] **Translator's note (L2380):** The wording ولا من أجله يحكم به ولا من أجله بحكم واحد is repetitive and grammatically disrupted. Its repeated phrases have been retained; the final phrase lacks a clear governing verb. The quotation attributed to Malik echoes Quran 45:32, but here it is presented within a report of Malik's habitual words.

derive referred it to the Messenger and to the learned transmitters of the Prophet's ﷺ practices, they would have known the truth. They did not refer it, however, but relied on their own derivation, and so did not know the truth. This is something plain, admitting no interpretation other than the one we have mentioned. There is no greater proof invalidating derivation than this verse, if only they would deal fairly with themselves.

One of them has said that the pronoun in His saying, exalted is He, refers back to the Messenger and those vested with authority, rather than to the pronoun in . Abu Muhammed said: This does not remove the wording of the verse from invalidating the derivation they wish to defend. For, if matters are as they say, the meaning of the verse would then be that, had they referred it to the Messenger and to those among them vested with authority, those who derive it would have known the truth—that is, those who obtain knowledge of it from the Messenger and those vested with authority.

Abu Muhammed said: This is our position, not theirs, because every statement taken from the Prophet ﷺ and from consensus is undoubtedly true. What we object to in their position is only their extracting from the Prophet's ﷺ words and from the community's consensus a meaning that is neither understood from hearing those words nor entailed by their established meaning in the Arabic language.[12][13][14]

L2384–2386 This, then, is what they sought to defend and what we disputed with them, rather than what is taken from the Prophet ﷺ and from the leading authorities who transmit the ruling from him ﷺ. As for anyone who permits

إبطال الاستنباط الذي يريدون نصره، لأنه إن كان كما ذكروا فمعنى الآية حينئذ: إنهم لو ردوه إلى الرسول وإلى أولي الأمر منهم لعلم الحق الذين يستنبطونه أي يستخرجون علمه من عند الرسول وأولي الأمر. قال أبو محمد: وهذا قولنا لا قولهم لأن كل قول أخذ عن النبي صلى الله عليه وسلم وعن الإجماع فهو حق بلا شك وإنما ينكر عليهم أن يستخرجوا من كلام النبي صلى الله عليه وسلم ومن إجماع الأمة معنى لا يفهم من مسموع ذلك الكلام، ولا يقتضيه موضوعه في اللغة العربية،

فهذا الذي راموا نصره وخالفناهم فيه لا ما أخذ عن النبي صلى الله عليه وسلم وعن الأئمة الناقلين للحكم عنه صلى الله عليه وسلم ومن استجاز مثل هذا التمويه في دين الإسلام فلا يستجيزه من له دين أو حياء. فإن تعلقوا بحديث رويناه عن عمر في سبب نزول هذه الآية وفيه: أن عمر قال: فكنت أنا الذي استنبطت ذلك الأمر فلا حجة لهم فيه، بل هو عليهم لا لهم، وهو حديث حدثناه عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، حدثني زهير بن حرب، نا عمر بن يونس الحنفي، ثنا عكرمة بن عمار، عن سماك أبي زميل قال حدثني عبد الله بن العباس، حدثني عمر بن الخطاب فذكر حديث إيلاء النبي

[12] **Translator's note (L2382):** The Quranic quotation contains defective spellings and missing letters, although its wording is identifiable. The wording "those among them who derive it" preserves the expression on which the author's ensuing argument turns.

[13] **Translator's note (L2383):** The opening continues the preceding segment's accusation of deceiving those who rely on the person advancing the argument. The sentence discussing the pronoun is defective: the expressions that should follow "in His saying, exalted is He" and "the pronoun in" are absent. The missing quotations have not been supplied. The explanation of the conditional particle "if" follows the supplied wording, including its distinction between the nonoccurrence of the thing itself and that of something else.

[14] **Qur'an references (L2382):** Qur'an 4:83 (An-Nisa).

himself such deception in the religion of Islam, no one possessed of religion or shame would permit it.

If they appeal to a report we transmitted from Umar concerning the occasion of this verse's revelation, in which Umar said, "I was the one who derived that matter," it affords them no proof. Rather, it is evidence against them, not in their favor. It is a report that 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 me: Umar ibn Yunus al-Hanafi related to us: Ikrima ibn Ammar related to us, from Simak Abu Zamil, who said: Abd Allah ibn al-Abbas related to me: Umar ibn al-Khattab related to me. He then recounted the report of the Prophet's ﷺ oath to abstain from his wives, and that Umar said: "I said, 'Messenger of Allah, what troubles you about the women? If you have divorced them, Allah is with you, as are His angels, Gabriel, and Michael; and I, Abu Bakr, and the believers are with you.' Rarely did I utter any words—and I praise Allah—without hoping that Allah would confirm the words I spoke. Then the verse was revealed, the verse of granting the choice: 'If you two repent to Allah, your hearts have indeed inclined; but if you support one another against him, then Allah is his Protector, and Gabriel and the righteous among the believers; and the angels, after that, are a support. Perhaps his Lord, if he divorces you, will give him in exchange wives better than you: women who submit, believe, are devoutly obedient, repent, worship, and fast, previously married women and virgins.'"

Umar said: "I stood at the door of the mosque and called out at the top of my voice, 'The Messenger of Allah ﷺ has not divorced his wives!' Then this verse was revealed: 'When a matter concerning security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who derive it would have known it. Were it not for Allah's favor toward you and His mercy, you would have followed Satan, except for a few.'" Umar said: "I was the one who derived that matter, and Allah, mighty and majestic, revealed the verse of granting the choice."

صلى الله عليه وسلم من أزواجه وأن عمر قال فقلت يا رسول الله ما يشق عليك من شأن النساء فإن كنت طلقتهم فإن الله معك وملائكته وجبريل وميكائيل، وأنا وأبو بكر والمؤمنون معك، وقلما تكلمت وأحمد الله بكلام إلا رجوت أن يكون الله يصدق قولي الذي أقول ونزلت الآية آية التخيير {إن تتوبآ إلى لله فقد صغت قلوبكما وإن تظاهرا عليه فإن الله هو مولاه وجبريل وصالح المؤمنين والملائكة بعد ذلك ظهير * عسى ربه إن طلقكن أن يبدله أزواجا خيرا منكن مسلمات مؤمنات قانتات تائبات عابدات سائحات ثيبات وأبكارا} قال عمر: فقمت على باب المسجد فناديت بأعلى صوتي لم يطلق رسول الله صلى الله عليه وسلم نساءه ونزلت هذه الآية {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} قال عمر فكنت أنا الذي استنبطت ذلك الأمر وأنزل الله عز وجل آية التخيير. قال أبو محمد: وقبل كل شيء فهذا اللفظ إنما روي من هذه الطريق، وفيها عكرمة بن عمار وهو منكر الحديث جدا، وقد روينا من طريقه حديثا موضوعا مكذوبا من طريق هذا الإسناد نفسه، عكرمة بن عمار عن سماك أبي زميل، عن ابن عباس وهكذا لا شك فيه، ليس في سنده أحد متهم غيره.

Abu Muhammed said: Before anything else, this wording has been transmitted only through this route, which includes Ikrima ibn Ammar, whose reports are exceedingly objectionable. We have transmitted through him a fabricated, falsely invented report, through this very chain of transmission: Ikrima ibn Ammar, from Simak Abu Zamil, from Ibn Abbas. And this is so, beyond doubt: there is no one in its chain of transmission under suspicion other than him.[15][16]

L2387–2393 This is the report stating that, after Abu Sufyan ibn Harb embraced Islam, the Muslims used to avoid him, and that he asked the Prophet ﷺ to marry his daughter Umm Habiba, to employ his son Muawiya as a scribe, and to employ him—meaning himself—and appoint him to office.

Abu Muhammed said: This is sheer falsehood, because the Messenger of Allah's ﷺ marriage to Umm Habiba took place while she was in the land of Abyssinia as an emigrant, and Abu Sufyan was in Mecca, a long time before the conquest. Abu Sufyan did not embrace Islam until the night preceding the day of the conquest. Furthermore, what is authentically transmitted from him ﷺ is his saying, "We do not appoint to any office of ours someone who desires it." We transmitted this through Abu Musa al-Ashari. Thus the falsity of Ikrima ibn Ammar's narration has become apparent with a certainty admitting no ambiguity. This report necessarily allows only two possibilities: either Ikrima ibn Ammar fabricated it, or he took it from a liar who fabricated it and then concealed that intermediary in attributing it to Abu Zamil. Either possibility disqualifies his moral probity and invalidates his narration.

Moreover, even if it were authentic—and it is not authentic—it would constitute evidence against them, because it states that the verse of granting the

[15] **Translator's note (L2385):** The report calls the quoted passage "the verse of granting the choice," but the quotation is Quran 66:4–5; the passage ordinarily designated by that description is Quran 33:28–29. The supplied identification and its later repetition have been retained. The expression translated "whose reports are exceedingly objectionable" is a technical criticism of a transmitter, munkar al-hadith jiddan.

[16] **Qur'an references (L2384):** Qur'an 66:4 (At-Tahrim); Qur'an 66:5 (At-Tahrim); Qur'an 4:83 (An-Nisa).

وهذا الحديث الذي فيه أن أبا سفيان بن حرب بعد إسلامه كان المسلمون يجتنبونه وأنه سأل النبي صلى الله عليه وسلم أن يتزوج ابنته أم حبيبة وأن يستكتب ابنه معاوية وأن يستعمله يعني نفسه ويوليه. قال أبو محمد وهذا هو الكذب البحت لأن نكاح رسول الله صلى الله عليه وسلم أم حبيبة كان وهي بأرض الحبشة مهاجرة وأبو سفيان كان بمكة قبل الفتح بمدة طويلة، ولم يسلم أبو سفيان إلا ليلة يوم الفتح ولأن الصحيح عنه صلى الله عليه وسلم قوله إنا لا نستعمل على عملنا من أراده روينا ذلك من طريق أبي موسى الأشعري، فظهر كذب رواية عكرمة بن عمار بيقين، لا إشكال فيه، ولا يخلو ضرورة هذا الخبر من أن عكرمة بن عمار وضعه، أو أخذه عن كذاب وضعه، فدلسه هو إلى أبي زميل وكلتاهما مسقطة لعدالته مبطلة لروايته. ثم لو صح وهو لا يصح لكان حجة عليهم، لأن فيه أن آية التخيير نزلت يومئذ، وهي مخالفة لرأي عمر واستنباطه، فليس فيه صح إلا أن الذي استنبطه عمر ليس فيه ذكر التخيير لهن، ولا أشار إليه. ثم ليس فيه أيضا إلا أمر ظاهر منصوص عليه من قدرة الله تعالى أن يبدله خيرا منهن إن طلقن، وهذا أمر ظاهر لا يجهله مسلم، وأن الله تعالى معه والملائكة والمؤمنين، وهذا أيضا متيقن يدريه كل مسلم قبل أن يقوله عمر، وليس هذا هو الاستنباط الذي يشيرون إليه، ونمنعه نحن من إخراج حكم في شرع الدين ليس له نص في قرآن ولا سنة، فبطل تعلقهم بهذا الخبر جملة، والحمد لله رب العالمين. وأما الرأي فإنهم احتجوا في تصويب القول به بقول الله عز وجل {فبما رحمة من لله لنت لهم ولو

choice was revealed that day, and it conflicts with Umar's opinion and his derivation. Thus there is nothing in it—"authentic"—except that what Umar derived contains no mention of granting them the choice, nor did he allude to it. Furthermore, it contains only an evident matter expressly stated in the text: Allah's power, exalted is He, to give him better wives in exchange for them if they are divorced. This is an evident matter of which no Muslim is ignorant. Likewise, that Allah, exalted is He, is with him, as are the angels and the believers: this too is certain, something every Muslim knew before Umar said it. This is not the derivation to which they refer and which we prohibit: extracting a ruling in the religious law of the religion for which there is no explicit text in either Quran or Sunnah. Their appeal to this report is therefore wholly invalidated. Praise belongs to Allah, Lord of all worlds.

As for opinion, they have argued for the correctness of adopting it by citing the saying of Allah, mighty and majestic: "It was through mercy from Allah that you were gentle with them. Had you been harsh and hard-hearted, they would have dispersed from around you. So pardon them, seek forgiveness for them, and consult them in the matter. Then, when you have resolved, put your trust in Allah. Allah indeed loves those who put their trust in Him"; and His saying, exalted is He: "And those who respond to their Lord, establish prayer, conduct their affairs through consultation among themselves, and spend out of what We have provided them." From the reports, they cite the authentic account of the Prophet's ﷺ consultation with the Muslims about what they should use to signal the time for prayer before the call to prayer was revealed. Some said, "A fire"; some said, "A horn"; and some said, "A bell." They also cite what Ahmad ibn Umar ibn Anas related to us: Abu Dawud related to us: Abd Allah ibn Ahmad al-Sarakhsani related to us: Ibrahim ibn Khuzaym related to us: Abd ibn Humayd related to us: Abd al-Razzaq related to us: Mamar informed us, from al-Zuhri. He mentioned the report of the Prophet's ﷺ consultation with his Companions about fighting on the day of al-Hudaybiyya. Al-Zuhri said: Abu Hurayra used to say, "I have never seen anyone who consulted his companions more than the Messenger of Allah ﷺ."

كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على لله إن لله يحب لمتوكلين} وبقوله تعالى {ولذين ستجابوا لربهم وأقاموا لصلاة وأمرهم شورى بينهم ومما رزقناهم ينفقون} ومن الحديث بالأثر الصحيح في مشاورة النبي صلى الله عليه وسلم المسلمين فيما يعملون به لوقت الصلاة قبل نزول الأذان فقال بعضهم: نار، وقال بعضهم: بوق وقال بعضهم: ناقوس. وبما حدثناه أحمد بن عمر بن أنس، ثنا أبو داود، ثنا عبد الله بن أحمد السرخسني، ثنا إبراهيم بن خزيم، نا عبد بن حميد، نا عبد الرزاق، أنا معمر عن الزهري وذكر حديث مشاورة النبي صلى الله عليه وسلم أصحابه في القتال يوم الحديبية قال الزهري فكان أبو هريرة يقول: ما رأيت أحدا قط كان أكثر مشاور لأصحابه من رسول الله صلى الله عليه وسلم حدثنا المهلب ثنا ابن مناس بن مسرور نا يونس بن عبد الأعلى، نا ابن وهب، نا إبراهيم بن نشيط، عن عبد الله بن عبد الرحمن بن أبي حسين قال سئل رسول الله صلى الله عليه وسلم عن الحزم فقال تستشير الرجل ذا الرأي ثم تمضي إلى ما أمرك به. وبه إلى ابن وهب: أخبرني عبد العزيز بن محمد الدراوردي، عن عيسى الواسطي يرفعه قال: ما شقي عبد بمشورة، ولا سعد عبد استغنى برأيه حدثنا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا فرج بن فضالة، نا محمد بن عبد الأعلى، عن أبيه، عن عبد الله بن عمرو بن العاص، عن أبيه قال جاء خصمان يختصمان إلى رسول الله صلى الله عليه وسلم فقال لي يا عمرو اقض بينهما قلت أولى بذلك مني يا نبي الله، قال: وإن كان، قلت: على ماذا أقضي؟ قال: إن أصبت القضاء بينهما فلك عشر حسنات، وإن اجتهدت، فأخطأت فلك حسنة. قال سعيد بن منصور: وحدثناه فرج بن فضاله، عن ربيعة بن يزيد عن عقبة بن عامر عن رسول الله صلى الله عليه وسلم مثله إلا

Al-Muhallab related to us: Ibn Munas ibn Masrur related to us: Yunus ibn Abd al-Ala related to us: Ibn Wahb related to us: Ibrahim ibn Nashit related to us, from Abd Allah ibn Abd al-Rahman ibn Abi Husayn, who said: The Messenger of Allah ﷺ was asked about prudence, and he said, "You consult a man possessed of sound judgment, then proceed with what he directs you to do."

Through the same chain to Ibn Wahb: Abd al-Aziz ibn Muhammed al-Darawardi informed me, from Isa al-Wasiti, who attributed it to the Prophet: he said, "No servant has come to grief through consultation, nor has any servant prospered who deemed his own opinion sufficient."

Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn Ali ibn Zayd related to us: Said ibn Mansur related to us: Faraj ibn Fadala related to us: Muhammed ibn Abd al-Ala related to us, from his father, from Abd Allah ibn Amr ibn al-As, from his father, who said: Two litigants came bringing their dispute before Allah's Messenger ﷺ. He said to me, "O 'Amr, judge between them." I said, "You are more entitled to do that than I, O Prophet of Allah." He said, "Even so." I said, "On what basis shall I judge?" He said, "If you judge correctly between them, you will have ten good deeds credited to you; and if you exercise independent judgment and err, you will have one good deed credited to you." Sa'id ibn Mansur said: Faraj ibn Fadalah also related it to us, from Rabi'ah ibn Yazid, from 'Uqbah ibn 'Amir, from Allah's Messenger ﷺ, with the same wording, except that it reads: "If you are correct, you will have ten rewards; and if you err, you will have one reward." 'Abd Allah ibn Rabi' al-Tamimi related to us: 'Abd al-Malik ibn 'Umar al-Khawlani related to us: Muhammed ibn Bakr al-Basri related to us: Abu Dawud al-Sijistani related to us: Hafs ibn 'Umar related to us: Shu'bah related to us, from Abu 'Awn Muhammed ibn 'Ubayd Allah al-Thaqafi, from al-Harith ibn 'Amr, the nephew of al-Mughirah ibn Shu'bah, from some people of Homs who were companions of Mu'adh, that when Allah's Messenger ﷺ wished to send Mu'adh to Yemen, he said, "How will you judge when a case is presented to you?" He said, "I will judge by the Book of Allah, mighty and majestic." He said, "And if you do not find it in the Book of Allah?" He said, "Then by the

أنه إن أصبت فلك عشرة أجور وإن أخطأت فلك أجر واحد. حدثنا عبد الله بن ربيع التميمي، ثنا عبد الملك بن عمر الخولاني، نا محمد بن بكر البصري، نا أبو داود السجستاني، نا حفص بن عمر، نا شعبة عن أبي عون محمد بن عبيد الله الثقفي، عن الحارث بن عمرو بن أخي المغيرة بن شعبة عن أناس من أهل حمص من أصحاب معاذ أن رسول الله صلى الله عليه وسلم لما أراد أن يبعث معاذا إلى اليمن قال كيف تقضي إذا عرض لك القضاء؟ قال: أقضي بكتاب الله عز وجل، قال: فإن لم تجد في كتاب الله قال فبسنة رسول الله صلى الله عليه وسلم قال فإن لم تجد في سنة رسول الله ولا في كتاب الله قال أجتهد رأيي ولا آلو فضرب رسول الله صلى الله عليه وسلم صدره وقال الحمد لله الذي وفق رسول الله لما يرضي رسول الله.

Sunnah of Allah's Messenger ﷺ." He said, "And if you do not find it in the Sunnah of Allah's Messenger or in the Book of Allah?" He said, "I will exert my own judgment and spare no effort." Allah's Messenger ﷺ then struck his chest and said, "Praise be to Allah, who has guided Allah's messenger to that which pleases Allah's Messenger."[17][18][19][20][21]

L2394 Abu Dawud said: Musaddad also related it to us, saying: Yahya ibn Sa'id al-Qattan related to us: Shu'bah related to us: Abu 'Awn—namely, Muhammed ibn 'Ubayd Allah al-Thaqafi—related to us, from al-Harith ibn 'Amr, from some of Mu'adh's companions, from Mu'adh, that Allah's Messenger ﷺ sent him to Yemen; he then related its substance.

L2395–2396 He wrote to Yusuf ibn 'Abd Allah ibn 'Abd al-Barr al-Namari, who said: 'Abd al-Warith ibn Sufyan related to us: Qasim ibn Asbagh related to us: Muhammed ibn 'Abd al-Salam al-Khushani related to us, saying: Ibrahim ibn Abi al-Fayyad al-Barqi, the righteous shaykh, related to us: Sulayman ibn Buzaygh al-Iskandarani related to us: Malik ibn Anas related to us, from Yahya ibn Sa'id al-Ansari, from Sa'id ibn al-Musayyab, from 'Ali ibn Abi Talib, who said: I said, "O Messenger of Allah, a matter befalls us concerning which no Qur'an has been revealed and no Sunnah from you has previously been established." He said, "Gather for it the learned—or he said, the worshippers—among the believers, make it a matter of consultation among yourselves, and

قال أبو داود: وثناه مسدد قال: ثنا يحيى بن سعيد القطان، ثنا شعبة، ثنا أبو عون هو محمد بن عبيد الله الثقفي، عن الحارث بن عمرو، عن ناس من أصحاب معاذ عن معاذ أن رسول الله صلى الله عليه وسلم بعثه إلى اليمن فذكر معناه

كتب إلى يوسف بن عبد الله بن عبد البر النمري قال: ثنا عبد الوارث بن سفيان، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني قال: ثنا إبراهيم بن أبي الفياض البرقي الشيخ الصالح، ثنا سليمان بن بزيغ الإسكندراني، ثنا مالك بن أنس، عن يحيى بن سعيد الأنصاري، عن سعيد بن المسيب، عن علي بن أبي طالب قال: قلت: يا رسول الله، الأمر ينزل بنا لم ينزل فيه قرآن ولم يمض فيه منك سنة؟ قال: اجمعوا له العالمين أو قال العابدين من المؤمنين فاجعلوه شورى بينكم ولا تقضوا فيه برأي واحد. حدثنا عبد الله بن ربيع، حدثنا عبد الله بن محمد بن عثمان الأسدي، ثنا أحمد بن خالد، ثنا عبد العزيز، ثنا الحجاج بن المنهال السلمي، ثنا عبد الحميد بن بهرام، ثنا شهر بن حوشب حدثني ابن غنم أن رسول الله صلى الله عليه وسلم لما خرج إلى بني قريظة والنضير قال له أبو بكر وعمر: يا رسول الله إن الناس يزيدهم حرصا على الإسلام أن يروا عليك زيا حسنا من الدنيا، فانظر إلى الحلة التي أهداها لك سعد بن عبادة فالبسها فليرك اليوم المشركون أن عليك زيا حسنا، قال: أفعل، وأيم الله لو أنكما تتفقان لي على أمر واحد ما عصيتكما في مشورة أبدا ولقد ضرب لي ربي مثلا، فأمثالكما في الملائكة كمثل جبريل، وميكائيل فأما ابن الخطاب فمثله في الملائكة كمثل جبريل إن الله لم يدمر أمة قط إلا بجبريل، ومثله في الأنبياء كمثل نوح إذ قال {وقال نوح رب لا

[17] **Translator's note (L2388):** The wording fa-laysa fihi sahha illa is grammatically defective. The isolated word sahha, rendered here as "authentic," has been retained as a marked interruption rather than silently repaired. The intended construction may have been "Thus, even if authentic, it contains only …". Concealing an intermediary in the transmission chain renders the technical verb dallasa; the author alleges that Ikrima attributed the report to Abu Zamil while concealing a liar between them.

[18] **Translator's note (L2390):** The transmitter's geographical surname is supplied in the unusual form al-Sarakhsani; it has not been silently normalized to al-Sarakhsi.

[19] **Translator's note (L2391):** The name Ibn Munas ibn Masrur follows the supplied transcription, whose reading is uncertain. "Who attributed it to the Prophet" renders yarfa'uhu, indicating that the report is presented as a prophetic statement.

[20] **Translator's note (L2393):** The final sentence reads "Allah's messenger," rather than the commonly quoted "the messenger of Allah's Messenger." The supplied wording has been retained; in context, the first occurrence refers to Mu'adh.

[21] **Qur'an references (L2387):** Qur'an 3:159 (Ali 'Imran); Qur'an 42:38 (Ash-Shuraa).

do not decide it on the basis of one person's opinion." 'Abd Allah ibn Rabi' related to us: 'Abd Allah ibn Muhammed ibn 'Uthman al-Asadi related to us: Ahmad ibn Khalid related to us: 'Abd al-'Aziz related to us: al-Hajjaj ibn al-Minhal al-Sulami related to us: 'Abd al-Hamid ibn Bahram related to us: Shahr ibn Hawshab related to us: Ibn Ghanm related to me that when Allah's Messenger ﷺ went out against Banu Qurayzah and al-Nadir, Abu Bakr and 'Umar said to him, "O Messenger of Allah, seeing you dressed in fine worldly attire makes people more eager for Islam. So consider the suit of clothes that Sa'd ibn 'Ubadah gave you and wear it, so that the polytheists may see you today dressed in fine attire." He said, "I will do so. By Allah, if you two were to agree upon a single course for me, I would never go against you in any consultation. My Lord has indeed set forth a comparison for me: your counterparts among the angels are Gabriel and Michael. As for Ibn al-Khattab, his counterpart among the angels is Gabriel: Allah has never destroyed a nation except through Gabriel. His counterpart among the prophets is Noah, when he said, {And Noah said: My Lord, do not leave upon the earth a single inhabitant from among the unbelievers.} Ibn Abi Quhafah's counterpart among the angels is Michael, as he seeks forgiveness for those on earth; and his counterpart among the prophets is Abraham, when he said, {My Lord, they have led many people astray. Whoever follows me is of me; and whoever disobeys me—You are indeed forgiving, merciful.} If you two were to agree upon a single course for me, I would never go against you in any consultation. But your respective ways in consultation are something like those of Gabriel and Michael, and Noah and Abraham."[22][23]

تذر على لأرض من لكافرين ديارا} ومثل ابن أبي قحافة في الملائكة كمثل ميكائيل إذ يستغفر لمن في الأرض، ومثله في الأنبياء كمثل إبراهيم إذ قال {رب إنهن أضللن كثيرا من لناس فمن تبعني فإنه مني ومن عصاني فإنك غفور رحيم} ولو أنكما تتفقان لي على أمر واحد ما عصيتكما في مشاورة أبدا ولكن شأنكما في المشاورة شيء كمثل جبريل وميكائيل ونوح وإبراهيم.

L2397–2405 Abu Muhammed said: This is all the hadith material with which they have sought to give their position a deceptive appearance of validity. They said, "The revealed text requires obedience to those in authority among us in gen-

قال أبو محمد: هذا كل ما موهوا به من الحديث، وقالوا: قد جاء النص بوجوب طاعة أولي الأمر منا عموما فهو فيما قالوه برأيهم أيضا. وقالوا قد اتفقنا على وجوب تقديم الإمام إذا مات الإمام، ولا نص على إمام بعينه فثبت أنه إنما يقدم بالرأي والإمامة من قواعد الدين. وذكروا عن الصحابة ما حدثناه أحمد بن محمد الطلمنكي، حدثنا ابن مفرج، ثنا إبراهيم بن أحمد بن فراس، نا محمد بن علي، ثنا سعيد بن منصور، نا سفيان بن عيينة وأبو معاوية هو محمد بن خازم الضرير كلاهما عن الأعمش، عن عمارة بن

[22] **Translator's note (L2395):** The opening literally reads "He wrote to Yusuf." In this transmission formula, "Yusuf … wrote to me" may have been intended, but that would require reading ilayya instead of the supplied ila. The first Qur'anic quotation includes "And Noah said" within what the preceding clause introduces as Noah's own speech. This apparent quotation mismatch is retained. Both Qur'anic quotations also contain defective spellings of definite articles; their identifiable words have been translated.

[23] **Qur'an references (L2395):** Qur'an 71:26 (Nuh); Qur'an 14:36 (Ibrahim).

eral, so this also applies to what they say on the basis of their own opinions." They said, "We have agreed that an imam must be appointed when the imam dies, although there is no revealed text specifying a particular imam. It is therefore established that he is appointed only on the basis of opinion, and the imamate is one of the foundations of religion." They cited reports from the Companions, including what Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʻAli related to us: Saʻid ibn Mansur related to us: Sufyan ibn ʻUyaynah and Abu Muʻawiyah—namely, Muhammed ibn Khazim the blind—related to us, both from al-Aʻmash, from ʻUmarah ibn ʻUmayrah, from ʻAbd al-Rahman ibn Yazid, who said: One day people pressed ʻAbd Allah ibn Masʻud with many questions, and he said, "There was a time when we did not judge cases and were not in that position. Allah Most High has decreed that we should reach the circumstances you now see. So whoever among you is presented with a case after today should judge by what is in the Book of Allah Most High. If a matter comes to him that is not in the Book of Allah, he should judge according to what His Prophet ﷺ ruled. If a matter comes to him that is not in the Book of Allah Most High or among the rulings of the Prophet ﷺ, he should judge according to what the righteous have ruled; then let him exert his own judgment and say, 'This is my opinion, and I am afraid.' For the lawful is clear and the unlawful is clear, and between them are ambiguous matters. So leave what causes you doubt for what does not cause you doubt." Hammam related to us: ʻAbd Allah ibn Muhammed ibn ʻAli al-Baji related to us: ʻAbd Allah ibn Yunus al-Muradi related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: Ibn Abi Zaʼidah related to us, from al-Aʻmash, from al-Qasim ibn ʻAbd al-Rahman ibn ʻAbd Allah ibn Masʻud, from his father, from ʻAbd Allah ibn Masʻud, the same report in its entirety, adding: "If a matter comes to him that he does not know, let him acknowledge it and feel no shame." Through the same chain to Ibn Abi Shaybah: Sufyan ibn ʻUyaynah related to us, from ʻUbayd Allah ibn Abi Yazid, from Ibn ʻAbbas, that when he was asked about a matter, if it was in the Qurʼan, he would state what it said. If it was not in the Qurʼan but something concerning it had been transmitted from Allah's Messenger ﷺ, he would state it. If there was nothing, then he would

عميرة، عن عبد الرحمن بن يزيد قال: أكثر الناس على عبد الله بن مسعود يوما فقال: إنه قد أتى علينا زمان لسنا نقضي، ولسنا هنالك إن الله تعالى قدر أن بلغنا من الأمور ما ترون، فمن عرض قضاء منكم بعد اليوم فليقض بما في كتاب الله تعالى، فإن جاءه أمر ليس في كتاب الله فليقض بما قضى به نبيه صلى الله عليه وسلم فإن جاءه أمر ليس في كتاب الله تعالى وليس فيما يقضي به النبي صلى الله عليه وسلم فليقض بما قضى به الصالحون فاجتهد رأيه وليقل إني أرى وأخاف، فإن الحلال بين، والحرام بين، وبين ذلك أمور متشابهات فدع ما يريبك إلى ما لا يريبك. حدثنا حمام: ثنا عبد الله بن محمد بن علي الباجي، ثنا عبد الله بن يونس المرادي، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، ثنا بن أبي زائدة، عن الأعمش، عن القاسم بن عبد الرحمن بن عبد الله بن مسعود، عن أبيه، عن عبد الله بن مسعود مثله بتمامه وزاد فيه: فإن أتاه أمر لا يعرفه فليقر ولا يستحي. وبه إلى ابن أبي شيبة، ثنا سفيان بن عيينة، عن عبيد الله بن أبي يزيد، عن ابن عباس أنه كان إذا سئل عن أمر فكان في القرآن أخبر به فإن لم يكن في القرآن فكان عن رسول الله صلى الله عليه وسلم أخبر به فإن لم يكن فعن أبي بكر وعمر فإن لم يكن قال برأيه، حدثنا أحمد بن محمد الطلمنكي، ثنا ابن المفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد، ثنا سعيد بن منصور، ثنا سفيان بن عيينة، حدثني عبيد الله بن أبي يزيد قال: شهدت ابن عباس إذا سئل عن شيء فإن كان في كتاب الله تعالى قال به فإن لم يكن في كتاب الله عز وجل وحدث به عن رسول الله صلى الله عليه وسلم قال به وإن لم يكن في كتاب الله ولا حدث به عن رسول الله صلى الله عليه وسلم ولا أخبر به عن أبي بكر وعمر واجتهد وقال برأيه. وبه إلى سعيد بن منصور: ثنا هشيم، أخبرنا سيار، عن الشعبي قال: لما بعث عمر شريحا على قضاء الكوفة قال: انظر ما تبين لك من كتاب الله فاتبع فيه السنة، وما لم يتبين

في السنة فاجتهد فيه برأيك. وبه إلى سعيد بن منصور: حدثنا سفيان بن عيينة، عن أبي إسحاق الشيباني، عن الشعبي قال: كتب عمر إلى شريح: إذا أتاك أمر في كتاب الله فاقض به ولا يلفتنك عنه الرجال، فإن لم يكن في كتاب الله فبما في سنة رسول الله صلى الله عليه وسلم فإن لم يكن في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به أئمة الهدى فإن لم يكن في كتاب الله عز وجل ولا في سنة رسول الله صلى الله عليه وسلم ولا فيما قضى به أئمة الهدى فأنت بالخيار: إن شئت أن تجتهد رأيك، وإن شئت أن تؤامرني، ولا أرى مؤامرتك إياي إلا خيرا لك. حدثنا حمام، ثنا الباجي، ثنا عبد الله بن يونس، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، ثنا علي بن مسهر، عن أبي إسحاق الشيباني، عن الشعبي، عن شريح أن عمر بن الخطاب كتب إليه: إذا جاءك شيء في كتاب الله فاقض به، ولا يلفتنك عنه الرجال، فإن جاء أمر ليس في كتاب الله فانظر سنة رسول الله صلى الله عليه وسلم فاقض بها فإن جاءك أمر ليس في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به أئمة الهدى فإن لم يكن في كتاب الله ولم يكن فيه سنة من رسول الله صلى الله عليه وسلم ولم يتكلم فيه أحد قبلك فاختر أي الأمرين شئت: إن شئت أن تجتهد رأيك وتقدم فتقدم، وإن شئت أن تؤخر فتأخر، ولا أرى التأخير إلا خيرا لك. قال أبو محمد: هذا كل ما موهوا به، ما نعلم لهم شيئا غيره، وكله لا حجة لهم في شيء منه أما قوله تعالى {فبما رحمة من الله لنت لهم ولو كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على الله إن الله يحب لمتوكلين} وقوله عز وجل {ولذين ستجابوا لربهم وأقاموا لصلاة وأمرهم شورى بينهم ومما رزقناهم ينفقون} فإن كل مخالف ومؤلف لا يمتري أن ذلك ليس في شرع شيء من الدين، ولو أن أحدا يقول: إن الصلاة فرضت برأي ومشورة، أو قال ذلك

draw on Abu Bakr and ʻUmar; and if there was nothing, he would speak on the basis of his own opinion. Ahmad ibn Muhammed al-Talamanki related to us: Ibn al-Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʻAli ibn Zayd related to us: Saʻid ibn Mansur related to us: Sufyan ibn ʻUyaynah related to us: ʻUbayd Allah ibn Abi Yazid related to me, saying: I observed Ibn ʻAbbas when he was asked about something: if it was in the Book of Allah Most High, he would speak according to it. If it was not in the Book of Allah, mighty and majestic, but a report concerning it had been transmitted from Allah's Messenger ﷺ, he would speak according to it. If it was not in the Book of Allah, nor had a report concerning it been transmitted from Allah's Messenger ﷺ, nor had anything concerning it been reported from Abu Bakr and ʻUmar—and he would exercise independent judgment and speak on the basis of his own opinion. Through the same chain to Saʻid ibn Mansur: Hushaym related to us: Sayyar informed us, from al-Shaʻbi, who said: When ʻUmar sent Shurayh to serve as judge of Kufa, he said: "Examine what has become clear to you from the Book of Allah, and follow the Sunnah concerning it. Whatever has not become clear in the Sunnah, exercise your own judgment concerning it."

Through the same chain to Saʻid ibn Mansur: Sufyan ibn ʻUyaynah related to us, from Abu Ishaq al-Shaybani, from al-Shaʻbi, who said: "ʻUmar wrote to Shurayh: 'When a matter comes before you that is in the Book of Allah, judge according to it, and do not let men turn you away from it. If it is not in the Book of Allah, then judge according to what is in the Sunnah of the Messenger of Allah ﷺ. If it is neither in the Book of Allah nor in the Sunnah of the Messenger of Allah ﷺ, judge according to what the leaders of guidance have adjudicated. If it is neither in the Book of Allah, mighty and majestic, nor in the Sunnah of the Messenger of Allah ﷺ, nor among what the leaders of guidance have adjudicated, then you have a choice: if you wish, exercise your own judgment; and if you wish, consult me. I consider your consulting me to be nothing but good for you.'"

Hammam related to us: al-Baji related to us: ʻAbd Allah ibn Yunus related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: ʻAli ibn Mushir related to us, from Abu Ishaq al-Shaybani, from al-Shaʻbi,

from Shurayh, that ʿUmar ibn al-Khattab wrote to him: “When something comes before you that is in the Book of Allah, judge according to it, and do not let men turn you away from it. If a matter comes that is not in the Book of Allah, examine the Sunnah of the Messenger of Allah —may Allah bless him and grant him peace ﷺ—and judge according to it. If a matter comes before you that is neither in the Book of Allah nor in the Sunnah of the Messenger of Allah ﷺ, judge according to what the leaders of guidance have adjudicated. If it is not in the Book of Allah, there is no Sunnah concerning it from the Messenger of Allah ﷺ, and no one before you has spoken about it, choose whichever of the two courses you wish. If you wish to exercise your own judgment and proceed, then proceed; and if you wish to defer, then defer. I consider deferral to be nothing but good for you.”

Abu Muhammed said: This is everything with which they have sought to mislead; we know of nothing else they have. In all of it, there is nothing that provides them with an authoritative proof. As for His saying, exalted is He, {It was through a mercy from Allah that you were gentle with them. Had you been harsh and hard of heart, they would have dispersed from around you. So pardon them, ask forgiveness for them, and consult them in the matter. Then, when you have resolved, place your trust in Allah. Indeed, Allah loves those who place their trust in Him}, and His saying, mighty and majestic, {And those who have responded to their Lord, established prayer, whose affair is consultation among themselves, and who spend from what We have provided them}: every opponent and conciliator is in no doubt that this does not concern legislating anything in religion. If someone were to say that prayer was made obligatory through opinion and consultation, or were to say this about fasting, pilgrimage, or anything in religion, he would be a liar, a fabricator, and, in addition, an unbeliever. How could this be, given the saying of Allah, exalted is He, {Do not say, concerning the falsehood your tongues describe, “This is lawful and this is forbidden,” so as to fabricate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper}, and His saying, exalted is He, {Say: “Have you considered what Allah has sent down for you as provision, of which you have made some forbidden and some lawful?” Say: “Has Allah given you permission, or are

في الصيام أو الحج، أو في شيء من الدين، لكان كاذبا آفكا كافرا مع ذلك. وكيف يكون هذا مع قول الله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون} وقوله تعالى {قل أرأيتم مآ أنزل الله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على الله تفترون} وقوله تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} وقوله {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ 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} فصح يقينا أنه لم يجعل الله قط إلى الصحابة تحريما ولا تحليلا، فقد صح أنه لم يأمره الله تعالى قط بمشورتهم في شيء من الدين لا سيما مع قوله تعالى {فبما رحمة من لله لنت لهم ولو كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على لله إن لله يحب لمتوكلين} فصح أنه ليس في الآية التي شغبوا بها قبول رأيهم أصلا بل رد تعالى الأمر إلى نبيه صلى الله عليه وسلم فيما يعزم عليه مع التوكل على الله وكيف يسع مسلما أن يخطر هذا الجنون بباله مع قول الله عز وجل {وآعلموا أن فيكم رسول لله لو يطيعكم في كثير من لأمر لعنتم ولكن لله حبب إليكم لأيمان وزينه في قلوبكم وكره إليكم لكفر ولفسوق ولعصيان أولئك هم لراشدون} فكيف يجوز قبول رأي قوم لو أطاعهم لوقع العنت عليهم في أكثر الأمر أم كيف يدخل في عقل ذي عقل أن النبي صلى الله عليه وسلم تجب عليه طاعة أصحابه هذا هو الكفر المحض والسخف البين، بل طاعته هي الفرض عليهم التي لا يصح لهم إيمان إلا بها. قال الله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا

you fabricating against Allah?"}, and His saying, exalted is He, {Follow what has been sent down to you from your Lord, and do not follow protectors apart from Him. Little do you remember!}, and His saying, {Divorce is twice; then retention on fair 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 the limits of Allah. If you fear that the two will not uphold the limits of Allah, there is no blame upon either of them concerning what she gives to ransom herself. Those are the limits of Allah, so do not transgress them. Whoever transgresses the limits of Allah—those are the wrongdoers}.

It is thus established with certainty that Allah never entrusted the Companions with declaring anything forbidden or lawful. It is therefore established that Allah, exalted is He, never commanded him to consult them concerning anything in religion, especially given His saying, exalted is He, {It was through a mercy from Allah that you were gentle with them. Had you been harsh and hard of heart, they would have dispersed from around you. So pardon them, ask forgiveness for them, and consult them in the matter. Then, when you have resolved, place your trust in Allah. Indeed, Allah loves those who place their trust in Him}. It is thus established that the verse with which they have stirred up contention contains no requirement whatsoever to accept their opinion. Rather, He, exalted is He, referred the matter back to His Prophet ﷺ concerning whatever he resolves upon, while placing his trust in Allah. How can a Muslim allow this madness to enter his mind, given the saying of Allah, mighty and majestic, {And know that among you is the Messenger of Allah. Were he to obey you in much of the matter, you would suffer hardship. But Allah has made faith beloved to you and adorned it in your hearts, and has made unbelief, transgression, and disobedience hateful to you. Those are the rightly guided}? How, then, can it be permissible to accept the opinion of people who, if he obeyed them, would suffer hardship in most matters? Or how can any rational person conceive that the Prophet ﷺ is obliged to obey his Companions? This is sheer unbelief and manifest foolishness. Rather, obedience to him is the obligation incumbent upon them, without which their faith cannot be valid. Allah, exalted is He, said: {But no, by your

تسليما} ثم إن وجوه الحمق في هذه المقالة جملة بادية، ليت شعري كيف كان يكون الأمر لو اختلفوا عليه في الشرع فإن قيل: لا يلزم إلا باتفاقهم، خرجنا إلى الكلام في الإجماع، وبطل الكلام في الرأي، وقد كتبنا في دعوى الإجماع ما فيه كفاية، ولله تعالى الحمد. وأيضا فلا فرق بين جواز شرع شريعة من إيجاب أو تحريم أو إباحة بالرأي لم ينص تعالى عليه ولا رسوله صلى الله عليه وسلم وبين إبطال شريعة شرعها الله على لسان رسوله صلى الله عليه وسلم بالرأي

Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, and then find within themselves no distress concerning what you have adjudicated, and submit in full submission}.

Moreover, the various aspects of folly in this assertion are all apparent. Would that I knew how matters would stand if they disagreed before him concerning religious law! If it is said that he is bound only by their agreement, we have moved into a discussion of consensus, and the discussion of opinion has fallen away. We have written enough concerning the claim of consensus; praise belongs to Allah, exalted is He. Furthermore, there is no difference between permitting the enactment, through opinion, of a religious law imposing an obligation, a prohibition, or a permission that neither He, exalted is He, nor His Messenger ﷺ has expressly stipulated, and invalidating, through opinion, a religious law that Allah has enacted through the tongue of His Messenger ﷺ.[24][25][26][27][28][29]

[24]**Translator's note (L2399):** The final conditional statement about Ibn ʿAbbas has an awkward additional "and" before "he would exercise independent judgment," leaving its grammatical conclusion irregular. This feature of the supplied wording is retained.

[25]**Translator's note (L2400):** The opening continues the preceding segment's statement that ʿUmar sent Shurayh. The first report explicitly says to follow the Sunnah concerning what becomes clear from the Book of Allah. This unusual wording has been retained.

[26]**Translator's note (L2401):** The supplied مؤلف means a conciliator or someone who brings people together; the expected expression may be مخالف ومؤالف, "opponent and ally." The supplied reading has not been silently replaced. The Qur'anic quotations contain numerous missing alifs and malformed definite articles, including لله for الله. Their intelligible wording is translated; the transcriptional defects are not treated as distinct theological wording.

[27]**Translator's note (L2402):** The Qur'anic quotation has transcriptional omissions in such forms as لكذب, لله, and لذين. The intelligible wording is translated without supplying any additional clause.

[28]**Translator's note (L2403):** The Qur'anic quotations repeatedly omit alifs or portions of definite articles: for example, تبعوا for اتبعوا, لطلاق for الطلاق, فتدت for افتدت, and لأيمان for الإيمان. The intelligible readings are translated, with these transcriptional defects explicitly noted.

[29]**Qur'an references (L2397):** Qur'an 3:159 (Ali 'Imran); Qur'an 42:38 (Ash-Shuraa); Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 7:3 (Al-A'raf); Qur'an 2:229 (Al-Baqarah); Qur'an 49:7 (Al-Hujurat); Qur'an 4:65 (An-Nisa).

والمفرق بين هذين العملين متحكم بالباطل مفتر، وكلاهما كفر لا خفاء به. فصح يقينا أن الذي أمره الله تعالى بمشاورتهم فيه، وغبطهم بأن يكون أمرهم فيه شورى بينهم، إنما هو ما أبيح لهم التصرف فيه كيف شاؤوا فقط فتشاورهم من يولي على بني فلان، وأي الطرق إلى من يغزو من القبائل أفضل وأسهل وآمن، وأين يكون النزول فقط. وهذا كمشاورة المرء منا جاره إلى أي خياط أدفع ثوبي، وأي لون ترى لي أن أصبغه، ومثل هذا ولا مزيد، وقد يكون عند الصحابة من المعرفة بالطرق المسلوكة والمياه ما ليس عنده صلى الله عليه وسلم وأما ما لا يؤخذ من الدين إلا من الوحي فلا ولا كرامة لأحد بعده أن يكون لسواه حظ في ذلك معه ولا بعده، وبالله تعالى التوفيق. فظهر فساد تمويههم بالآيتين.

L2406 Whoever distinguishes between these two acts makes an arbitrary assertion based on falsehood and is a fabricator. Both are unmistakable unbelief. It is thus established with certainty that what Allah, exalted is He, commanded him to consult them about, and commended them for making a matter of consultation among themselves, consists solely of those things in which they were permitted to act however they wished. Thus consultation with them concerns only whom he should appoint over such-and-such a clan, which routes to the tribes he intends to raid are better, easier, and safer, and where to encamp. This is like one of us consulting his neighbor: "To which tailor should I give my garment? What color do you think I should dye it?" It concerns things like this, and nothing beyond them. The Companions may have possessed knowledge of traveled routes and water sources that he ﷺ did not possess. But as for those matters of religion that can be derived only from revelation—no! No one after him is entitled to the distinction of anyone other than him having a share in that alongside him or after him. Success is through Allah, exalted is He. Thus the invalidity of their misleading use of the two verses has become apparent.[30]

وأما المشاورة التي كانت قبل نزول الأذان فأعظم حجة عليهم، أول ذلك أن الأمر حينئذ كان مباحا كل ما قالوه، ولم ينزل في شيء منه إيجاب ولا تحريم، وهذا لا ننكر فيه المشاورة إلى اليوم ثم إنه لم يأخذ صلى الله عليه وسلم في ذلك بشيء من آرائهم بل بما صوبه الوحي مما أريه في منامه عبد الله بن زيد ولولا أن النبي صلى الله عليه وسلم أمر بالأذان ما جاز الالتفات إلى رؤيا عبد الله بن زيد، ولا إلى رؤيا غيره، فصح أن آراءهم رضي الله عنهم لا يلزم قبولها، فكيف أراء من بعدهم؟. وأما الخبر عن أبي هريرة: ما رأيت أحدا كان أكثر مشورة لأصحابه من رسول الله صلى الله عليه وسلم بعقب ذكرى الزهري لمشاورته صلى الله عليه وسلم أصحابه في القتال يوم الحديبية فهو نفس كلامنا هذا، على أن كلا الخبرين مرسل، لأن الزهري لم يلق أبا هريرة قط، ولا سمع منه كلمة، ولم ينكر أن يشاورهم في مكايد الحروب وتعجيلها وتأخيرها.

L2407–2408 As for the consultation that took place before the call to prayer was revealed, it is a most powerful proof against them. The first point is that, at that time, everything they proposed in the matter was permissible, and no obligation or prohibition had been revealed concerning any of it. To this day, we do not reject consultation about such things. Furthermore, he ﷺ did not adopt any of their opinions in that matter; rather, he adopted what revelation endorsed of what ʿAbd Allah ibn Zayd had been shown in his sleep. Had the Prophet ﷺ not commanded the call to prayer, it would not have been permissible to pay heed to the dream of ʿAbd Allah ibn Zayd or to anyone else's dream. It is thus established that accepting their opinions—may Allah be pleased

[30] **Translator's note (L2406):** The form فتشاورهم is syntactically awkward in context; it is rendered as introducing the subjects of consultation with them. The emphatic phrase ولا كرامة لأحد بعده is awkwardly attached to the following clause. The translation retains both its denial of any such distinction to another person and the explicit contrast between participation alongside the Prophet and after him.

with them—is not obligatory. How, then, could it be obligatory to accept the opinions of those after them?

As for the report from Abu Hurayrah, "I have never seen anyone who consulted his Companions more than the Messenger of Allah ﷺ," following al-Zuhri's mention of his ﷺ consulting his Companions about fighting on the day of al-Hudaybiyyah, this is precisely what we ourselves say. Moreover, both reports have interrupted transmission chains omitting an intermediary (mursal), for al-Zuhri never met Abu Hurayrah or heard a single word from him. Nor has it been denied that he might consult them about stratagems of war and whether to hasten or postpone wars.

As for the report containing the question, "What is prudence?" to which he replied, "That you consult a man of sound judgment and then proceed with what he instructs you to do," it too has an interrupted transmission chain. Furthermore, it is far removed from the Prophet ﷺ, because two men of sound judgment may give you conflicting advice: which of the two, then, will you follow? Allah forbid that the Messenger of Allah—may Allah bless him and grant him peace—such falsehood. As for the report, "No servant has ever come to grief through consultation," it is a report with an interrupted chain of transmission (mursal), and an interrupted report constitutes no proof. We do not reject consultation concerning matters outside religion, just as we reject—indeed, declare an unbeliever—anyone who consults others about whether he should perform the five prayers or not, or whether he should fast Ramadan or not. We affirm categorically that no Muslim disagrees with us about this.[31][32]

L2409–2413 As for the hadith of ʿAmr ibn al-ʿAs, it is the strongest proof against them,

[31] **Translator's note (L2407):** The supplied ذكرى الزهري is grammatically awkward; it is understood as referring to al-Zuhri's mention of the consultation. Mursal denotes a report with a transmission chain omitting an intermediary; the author's specific reason for applying that description here is retained in full. The final salutation ends at صلى الله عليه. Only that fragment is translated; the continuation is not supplied.

[32] **Translator's note (L2408):** The opening completes a salutation begun in the preceding segment; "such falsehood" completes the preceding statement that Allah forbid His Messenger should utter it.

وأما الخبر الذي فيه: ما الحزم؟ فقال: أن تستشير الرجل ذا الرأي ثم تمضي لما أمرك به فمرسل ثم هو بعيد عن النبي صلى الله عليه وسلم لأنه قد يختلف عليك الرجلان ذوا الرأي فلأيهما تمضي حاش الله أن ينطق رسول الله صلى الله عليه وسلم بهذا الباطل وأما الخبر ما شقي عبد بمشورة فمرسل، ولا حجة في مرسل، ونحن لا ننكر المشورة في غير الدين، كما أننا ننكر بل نكفر من يشاور أيصلي الخمس أم لا؟ أيصوم رمضان أم لا؟ ونقطع أن مسلما لا يخالفنا في هذا.

وأما حديث عمرو بن العاص فأعظم حجة عليهم، لأن فيه أن الحاكم المجتهد يخطىء ويصيب، فإذ ذلك كذلك فحرام الحكم في الدين بالخطأ، وما أحل الله تعالى قط إمضاء الخطأ، فبطل تعلقهم به. وأما خبر علي فموضوع مكذوب، ما كان قط من حديث علي، ولا من حديث سعيد بن المسيب، ولا من حديث يحيى بن سعيد، ولا من حديث مالك ولم يروه قط أحد عن مالك إلا سليمان بن يزيع الإسكندراني وهو مجهول ولا يخلو ضرورة من أنه وضعه أو دلسه عمن وضعه. وهذا خبر لا يحل لأحد

because it states that a judge exercising independent judgment (ijtihad) both errs and judges correctly. Since this is so, issuing an erroneous judgment in religion is forbidden, and Allah Most High has never permitted giving effect to error. Their reliance upon it is therefore invalid. As for the report of ʿAli, it is fabricated, a lie: it was never part of the reports transmitted by ʿAli, nor of those transmitted by Saʿid ibn al-Musayyab, nor of those transmitted by Yahya ibn Saʿid, nor of those transmitted by Malik. No one ever transmitted it from Malik except Sulayman ibn Yaziʿ al-Iskandarani, who is an unidentified transmitter. Necessarily, he either fabricated it or concealed the person who fabricated it in transmitting it from him. This is a report that no one may lawfully transmit. Lying is not beyond the abilities of someone who does not fear Allah Most High. The demonstration that this hadith is a lie and a fabrication is that it is utterly impossible for the Prophet, may Allah bless him and grant him peace ﷺ, to say anything allowing that people might encounter a matter requiring a religious ruling for which there is neither anything in the Quran nor any explanation from the Prophet, may Allah bless him and grant him peace ﷺ, given his saying, may Allah bless him and grant him peace ﷺ: "Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreements with their prophets. When I command you to do something, do as much of it as you can; and when I forbid you something, leave it." And given the saying of Allah Most High: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, animals strangled, beaten to death, killed by a fall, gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which is slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is iniquity. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." Thus, by commanding us to leave alone whatever he neither commanded nor forbade us, he, may Allah bless him and grant him peace ﷺ, excluded anything concerning which he gave no explicit command or prohibition from the categories of obligation,

أن يرويه، والكذب لا يعجز عنه من لا يتقي الله تعالى، وبرهان كذب هذا الحديث ووضعه أنه لا يجوز البتة أن يقول النبي صلى الله عليه وسلم كلاما يصح نزول حكم في الدين بالناس لا قرآن فيه ولا بيان فيه من النبي صلى الله عليه وسلم مع قوله صلى الله عليه وسلم دعوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم، فإذا أمرتكم بشيء فأتوا منه ما استطعتم، وإذا نهيتكم عن شيء فاتركوه ومع قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فقد أخرج صلى الله عليه وسلم ما لم ينص فيه بأمر أو بنهي عن الفرض والندب والتحريم والكراهة، وبأمره بترك ما لم يأمرنا أو ينهانا، وأبقاه في جملة المباح المطلق، فصار من المحال الممتنع وجود نازلة لا حكم لها في النصوص. وأما حديث ابن غنم ففيه ثلاث بلايا: إحداها أنه مرسل، والثانية: عبد الحميد بن بهرام وهو ضعيف، والثالثة: شهر بن حوشب وهو متروك، ثم لو صح لما كان لهم فيه متعلق، لأنه ليس فيه إلا قبول رأي أبي بكر وعمر فقط لا قبول رأي غيرهما، وهذا خلاف عمل أهل الرأي كلهم اليوم، ثم فيه قبولهما إلا في لبس حلة، وهذا مباح لا يمنع من قبول رأي خادم أو عبد أو جار إن شاء الذي أشير عليه بذاك، ثم فيه اختلافهما فبطل التعلق برأي خالفه رأي آخر. وأما احتجاجهم بوجوب طاعة أولي الأمر منا، فقد قلنا في ذلك قبل بما أغنى وإنه لا يخلو رأيهم من أن يوجد فيه اختلاف بينهم أو لا يوجد، فإن وجد اختلاف منهم فليس بعضهم يقول رأيه أولى من بعض، وإن لم يوجد فيه اختلاف فقد قلنا: إن القطع بأنه إجماع

أولي الأمر باطل ممتنع لا سبيل إليه مع أن قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} مبطل لدعوى من ادعى أنه تعالى أمرنا بطاعتهم فيما ليس فيه نص، أو في خلاف النص، لأنه شرع شريعة لم يشرعها الله تعالى، أو إبطال شريعة شرعها الله تعالى وكلا الأمرين كفر لا يجوز البتة إجماع العلماء عليه وقد يجوز الوهم في هذا على الطائفة فصح أننا إنما أمرنا بطاعتهم فيما بلغوه إلينا عن رسول الله صلى الله عليه وسلم فقط وأما ما قالوه في الإمامة فقد نص صلى الله عليه وسلم على أن الأئمة من قريش وأمرنا بأن نفي ببيعة الأول فالأول، وأن نتعاون على البر والتقوى، وأن نسمع ونطيع لمن قادنا، بكتاب الله عز وجل، فهذه صفة إذا وجدت في أي عين وجدت فطاعته واجبة بالنص لأنه صلى الله عليه وسلم بعث إلى كل من يأتي إلى يوم القيامة فلا معنى للأسماء المعلقة على أعيان الرجال في ذلك أصلا، وهذا كالعتق في الكفارات والصدقة على المساكين، وكالضحايا، وغير ذلك من سائر الشريعة، وكأمره تعالى في بني إسرائيل بذبح بقرة ولم يميز بقرة بعينها، وإنما نرد الأحكام في الأنواع الجامعة للأشخاص. ثم في أي شخص نفذ الحق فقد أجزأ، وهذا لا خلاف فيه من أحد، وكالنص على الماء، فبأي ماء تطهر أجزأ، وإنما يبطل الرأي في شرع الشريعة بما لا نص فيه، فظهر تمويههم بهذا في الرأي.

recommendation, prohibition, and disapproval, and left it within the category of unrestricted permissibility. It therefore becomes utterly impossible for there to be a case for which the texts contain no ruling. As for the hadith of Ibn Ghanm, it has three grave defects. The first is that it is a report with an interrupted chain of transmission; the second is ʿAbd al-Hamid ibn Bahram, who is a weak transmitter; and the third is Shahr ibn Hawshab, whose reports are rejected. Even if it were authentic, moreover, they would have no basis for relying upon it, because it contains only acceptance of the opinions of Abu Bakr and ʿUmar alone, not acceptance of anyone else's opinion. This runs contrary to the practice of all the adherents of opinion today. Furthermore, it contains acceptance of the opinions of those two except concerning wearing a suit of clothes. This is a permissible matter, in which there is no impediment to accepting the opinion of a servant, a slave, or a neighbor, if the person receiving that advice wishes. Furthermore, it contains their disagreement, so reliance upon an opinion opposed by another opinion is invalid. As for their argument from the obligation to obey those vested with authority among us, we have already said enough about that. Their opinions must either contain disagreement among them or contain none. If there is disagreement among them, none has a greater claim than another to have his opinion followed. If there is no disagreement, we have already said that categorically asserting that this is the consensus of those vested with authority is invalid and impossible: there is no way to establish it. Moreover, the saying of Allah Most High, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, animals strangled, beaten to death, killed by a fall, gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which is slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is iniquity. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful," invalidates the claim of anyone who claims that He Most High commanded us to obey them in matters for which there is no explicit text, or in opposition to an explicit

text. For that would be instituting a religious law that Allah Most High did not institute, or nullifying a religious law that Allah Most High instituted. Both things are unbelief, concerning which a consensus of the scholars is utterly impossible, although a group may conceivably fall into error about this. It is therefore established that we were commanded to obey them only in what they conveyed to us from the Messenger of Allah, may Allah bless him and grant him peace ﷺ. As for what they said concerning the imamate, he, may Allah bless him and grant him peace ﷺ, explicitly stated that the imams are from Quraysh. He commanded us to fulfill the pledge of allegiance to the first, then the next in order; to cooperate in righteousness and piety; and to hear and obey whoever leads us by the Book of Allah, mighty and majestic. This, then, is a qualification which, whenever it is found in any particular individual, makes obedience to him obligatory by the explicit text. For he, may Allah bless him and grant him peace ﷺ, was sent to everyone who will come into existence until the Day of Resurrection. Names attached to particular men therefore have no significance whatsoever in this matter. This is like freeing slaves in expiations, giving charity to the needy, sacrificial animals, and other matters throughout the religious law. It is also like His command, Most High, to the Children of Israel to slaughter a cow: He did not single out a particular cow. We merely refer rulings to the kinds that encompass particular individuals; then, in whichever individual the required duty is fulfilled, that suffices. No one disputes this. It is also like the explicit text concerning water: whichever water someone uses to purify himself suffices. Opinion is invalid only in instituting religious law concerning matters

for which there is no explicit text. Their obfuscation in using this to support opinion has thus become evident.[333][435]

L2414–2422 As for the report of Muʿadh, it is unlawful to adduce it as proof because it is disqualified. This is because it has never been transmitted except through al-Harith ibn ʿAmr, who is an unidentified transmitter: no one knows who he is. Ahmad ibn Muhammed al-ʿUdhri related to me: Abu Dharr al-Harawi related to us: Zahir ibn Ahmad the jurist related to us: Zanjuwayh ibn Muhammed al-Naysaburi related to us: Muhammed ibn Ismaʿil al-Bukhari—the compiler of the Sahih—related to us. He mentioned the chain of transmission of this hadith and said, "He attributed it to the Prophet concerning independent judgment by opinion." Al-Bukhari said, "Al-Harith is known only through this, and it is not authentic." These are al-Bukhari's exact words, may Allah have mercy upon him, in his Middle History. Furthermore, it is transmitted from men of Hims whose identities are unknown. Furthermore, it was never known in the age of the Companions, nor did any of them mention it. Furthermore, no one ever knew it in the age of the Successors until Abu ʿAwn alone received it from someone whose identity is unknown. Then, when the adherents of opinion found it with Shuʿbah, they flew with it to every destination and spread it throughout the world, although it is false and has no foundation. Abu Ishaq al-Shaybani also transmitted it from Abu ʿAwn, differing in it from Shuʿbah; and Abu Ishaq is likewise a trustworthy transmitter. Thus Hammam and Abu ʿUmar al-Talamanki related to us. Hammam said: Abu Muhammed al-Baji related to us: ʿAbd Allah ibn Yunus related to us: Baqi related to us: Abu Bakr ibn Abi Shaybah related to us. And al-Talamanki said: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn

وأما خبر معاذ فإنه لا يحل الاحتجاج به لسقوطه، وذلك أنه لم يرو قط إلا من طريق الحارث بن عمرو وهو مجهول لا يدري أحد من هو، حدثني أحمد بن محمد العذري، ثنا أبو ذر الهروي، نا زاهر بن أحمد الفقيه، نا زنجويه بن محمد النيسابوري، نا محمد بن إسماعيل البخاري هو مؤلف الصحيح فذكر سند هذا الحديث، وقال: رفعه في اجتهاد الرأي، قال البخاري: ولا يعرف الحارث إلا بهذا ولا يصح. هذا نص كلام البخاري رحمه الله في تاريخه الأوسط ثم هو عن رجال من أهل حمص لا يدري من هم. ثم لا يعرف قط في عصر الصحابة، ولا ذكره أحد منهم، ثم لم يعرفه أحد قط في عصر التابعين حتى أخذه أبو عون وحده عمن لا يدري من هو، فلما وجده أصحاب الرأي عند شعبة طاروا به كل مطار، وأشاعوه في الدنيا وهو باطل لا أصل له. ثم قد رواه أيضا أبو إسحاق الشيباني، عن أبي عون فخالف فيه شعبة، وأبو إسحاق أيضا ثقة كما حدثنا حمام وأبو عمر الطلمنكي قال حمام: نا أبو محمد الباجي، نا عبد الله بن يونس، نا بقي، نا أبو بكر بن أبي شيبة، وقال الطلمنكي: نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، ثم اتفق ابن أبي شيبة وسعيد كلاهما عن أبي معاوية الضرير، نا أبو إسحاق الشيباني، عن محمد بن عبيد الله الثقفي هو أبو عون قال لما بعث رسول الله صلى الله عليه وسلم معاذا إلى اليمن قال يا معاذ بما تقضي قال: أقضي بما في كتاب الله. قال: فإن جاءك أمر ليس في كتاب الله قال أقضي بما قضي به نبيه صلى الله عليه وسلم قال فإن جاءك أمر ليس في كتاب الله ولم يقض به نبيه؟ قال: أقضي بما قضى به الصالحون. قال: فإن جاءك أمر ليس في كتاب الله ولم يقض به نبيه ولا قضى به الصالحون قال أؤم الحق جهدي فقال رسول الله صلى الله عليه وسلم الحمد لله الذي جعل رسول رسول الله يقضي بما

[33] **Translator's note (L2410):** The transmitter's name is rendered Yaziʿ in accordance with the supplied spelling. The Quran quotation contains numerous defective spellings, principally omitted alifs; the translation follows the intelligible wording without reproducing those orthographic defects.

[34] **Translator's note (L2412):** The wording translated "none has a greater claim than another to have his opinion followed" is syntactically awkward in the supplied text, which reads literally along the lines of "some of them, saying his opinion, are not more entitled than others." The repeated Quran quotation again contains numerous defective spellings, principally omitted alifs.

[35] **Qur'an references (L2409):** Qur'an 5:3 (Al-Ma'idah).

Firas related to us: Muhammed ibn ʿAli ibn Zayd related to us: Saʿid ibn Mansur related to us. Then Ibn Abi Shaybah and Saʿid agreed, both transmitting from Abu Muʿawiyah the blind: Abu Ishaq al-Shaybani related to us, from Muhammed ibn ʿUbayd Allah al-Thaqafi—who is Abu ʿAwn—who said: When the Messenger of Allah, may Allah bless him and grant him peace ﷺ, sent Muʿadh to Yemen, he said, "Muʿadh, by what will you judge?" He said, "I shall judge by what is in the Book of Allah." He said, "And if a matter comes to you that is not in the Book of Allah?" He said, "I shall judge by what His Prophet, may Allah bless him and grant him peace ﷺ, judged." He said, "And if a matter comes to you that is not in the Book of Allah and concerning which His Prophet has not judged?" He said, "I shall judge by what the righteous have judged." He said, "And if a matter comes to you that is not in the Book of Allah, concerning which neither His Prophet nor the righteous have rendered judgment?" He said, "I shall seek the truth to the utmost of my ability." The Messenger of Allah ﷺ said, "Praise be to Allah, who has made the messenger of the Messenger of Allah judge in a manner pleasing to the Messenger of Allah." Thus he did not mention "I shall exercise my own judgment" at all. His statement, "I shall seek the truth," means seeking the truth until he finds it in the only source from which the revealed law can be obtained: the Quran and the established practices of the Prophet ﷺ. Moreover, Ahmad ibn Muhammed Allah al-Talamanki related to us: Ahmad ibn Awn Allah related to us: Ibrahim ibn Ahmad ibn Firas related to us: Ahmad ibn Muhammed ibn Salim al-Naysaburi related to us, saying: Ishaq ibn Rahawayh related to us, saying: Sufyan ibn Uyaynah said, "The exercise of judgment means consulting the people of knowledge, not speaking on the basis of one's own opinion." Furthermore, they contradict what it contains and abandon it, since it states that he first judges according to what is in the Book of Allah; if he finds nothing in the Book of Allah, only then does he judge according to the Sunnah of the Messenger of Allah ﷺ. All of them act contrary to this. Indeed, they abandon the explicit text of the Quran, whether for an authentic Sunnah or for a corrupt report, just as they abandoned wiping the feet—which is the explicit text of the Quran—for a report prescribing washing, and just as they abandoned the bequest to parents and close relatives for a report stating, "There is no bequest for an heir,"

يرضى به رسول الله فلم يذكر أجتهد رأيي أصلا، وقوله: أؤم الحق هو طلبه للحق حتى يجده حيث لا توجد الشريعة إلا منه وهو القرآن وسنن النبي صلى الله عليه وسلم على أننا قد حدثنا أحمد بن محمد الله الطلمنكي، نا أحمد بن عون الله، نا إبراهيم بن أحمد بن فراس، نا أحمد بن محمد بن سالم النيسابوري قال: نا إسحاق بن راهويه قال: قال سفيان بن عيينة: اجتهاد الرأي هو مشاورة أهل العلم، لا أن يقول برأيه. وأيضا فإنه مخالفون لما فيه، تاركون له، لأن فيه أنه يقضي أولا بما في كتاب الله، فإن لم يجد في كتاب الله فحينئذ يقضي بسنة رسول الله صلى الله عليه وسلم وهم كلهم على خلاف هذا بل يتركون نص القرآن إما لسنة صحيحة، وإما لرواية فاسدة، كما تركوا مسح الرجلين، وهو نص القرآن لرواية جاء بالغسل، وكما تركوا الوصية للوالدين والأقربين لرواية جاءت: لا وصية لوارث وكما تركوا جلد المحصن، وهو نص القرآن لظن كاذب في تركه، ومثل هذا كثير، فكيف يجوز لذي دين أن يحتج بشيء هو أول مخالف له؟.

وبرهان وضع هذا الخبر وبطلانه هو أن من الباطل الممتنع أن يقول رسول الله: فإن لم تجد في كتاب الله ولا في سنة رسول الله وهو يسمع قول ربه تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} 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} وقوله تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد

and just as they abandoned flogging the legally married person—which is the explicit text of the Quran—on the basis of a false supposition that it should be abandoned. There are many such examples. How, then, can a person of religion legitimately invoke as evidence something that he himself is the first to contradict? The demonstration that this report is fabricated and invalid is that it is false and impossible that the Messenger of Allah should say, "If you find nothing in the Book of Allah or in the Sunnah of the Messenger of Allah," while hearing the words of his Lord, exalted is He: {Follow what has been sent down to you from your Lord, and do not follow protectors apart from Him. Little do you take heed!} And His words, exalted is He: {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—except what you slaughter—and what has been slaughtered upon sacrificial stones, and that you seek apportionment by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful.} And His words, exalted is He: {O Prophet, when you divorce women, divorce them for their prescribed waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their homes, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits. Whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about some new matter after that.} This is in addition to what is authentically established from him ﷺ concerning the prohibition of speaking on the basis of opinion in religion, in his statement ﷺ: "Then the people took ignorant leaders, who issued legal opinions on the basis of opinion, and so went astray and led others astray." Moreover, even if it were authentic, his statement, "I shall exercise my own judgment," would mean only, "I shall expend my utmost effort until I discern the truth in the Quran and the Sunnah, and I shall never cease seeking it." Furthermore, even if it were authentic, it would necessarily admit of one of two possibilities: either

ذلك أمرا} مع الثابت عنه صلى الله عليه وسلم من تحريم القول بالرأي في الدين من قوله صلى الله عليه وسلم فاتخذ الناس رؤوسا جهالا فأفتوا بالرأي فضلوا وأضلوا ثم لو صح لكان معنى قوله: أجتهد رأيي إنما معناه أستنفذ جهدي حتى أرى الحق في القرآن والسنة، ولا أزال أطلب ذلك أبدا. وأيضا فلو صح لكان لا يخلو من أحد وجهين: إما أن يكون ذلك لمعاذ وحده، فيلزمهم ألا يتبعوا رأي أحد إلا رأي معاذ، وهم لا يقولون بهذا. أو يكون لمعاذ وغيره، فإن كان ذلك فكل من اجتهد رأيه فقد فعل ما أمر به، وإذ الأمر كذلك فإن كل من فعل ما أمر به فهم كلهم محقون ليس أحد منهم أولى بالصواب من آخر، فصار الحق على هذا في المتضادات، وهذا خلاف قولهم، وخلاف المعقول، بل هذا المحال الظاهر، وليس حينئذ لأحد أن ينصر قوله بحجة، لأن مخالفه أيضا قد اجتهد رأيه، وليس في الحديث الذي احتجوا به أكثر من اجتهاد الرأي ولا مزيد، فلا يجوز لهم أن يزيدوا فيه ترجيحا لم يذكر في الحديث وأيضا فليس أحد أولى من أحد مع هذا، فلكل واحد منا أن يجتهد برأيه، فليس من اتبعوا أولى من غيره، ومن المحال البين أن يكون ما ظنه الجهال في حديث معاذ لو صح من أن يكون صلى الله عليه وسلم يبيح لمعاذ أن يحلل برأيه ويحرم برأيه ويوجب الفرائض برأيه ويسقطها برأيه وهذا ما لا يظنه مسلم، وليس في الشريعة شيء غير ما ذكرنا البتة وقد بين لنا رسول الله صلى الله عليه وسلم ما تقع فيه المشورة منه وفرق بينه وبين الدين، كما حدثنا أحمد بن محمد بن عبد الله الطلمنكي، نا أبو بكر بن مفرج القاضي، نا محمد بن أيوب الصموت الرقي، نا أحمد بن عمرو بن عبد الخالق البزار، نا عمرو بن علي، نا عفان بن مسلم، نا حماد بن سلمة، عن هشام بن عروة عن أبيه عن عائشة أن النبي صلى الله عليه وسلم سمع أصواتا فقال ما هذه الأصوات قالوا النخل يؤبرونه، فقال: لو لم يفعلوا لصلح فأمسكوا عنه فصار شيصا فذكروا ذلك للنبي صلى الله عليه وسلم

this was for Muadh alone, in which case they would be obliged to follow no one's opinion except Muadh's—and they do not maintain this—or it was for Muadh and others. If that were so, everyone who exercised his own judgment would have done what he was commanded to do. Since that is the case, all those who have done what they were commanded to do are in the right; none of them has any greater claim to correctness than another. On this basis, truth would lie in mutually contradictory things. This contradicts their own position and what reason admits; indeed, it is manifest impossibility. No one would then be entitled to support his position with an argument, because his opponent, too, has exercised his own judgment. The hadith they invoke as evidence contains nothing beyond the exercise of judgment, nothing more. They are therefore not entitled to add to it a preference for one position that is not mentioned in the hadith. Furthermore, on this basis no one has a greater claim than anyone else: each of us may exercise his own judgment, and the person they have followed has no greater claim than anyone else. What the ignorant suppose concerning the hadith of Muadh, were it authentic—that he ﷺ would permit Muadh to declare things lawful on the basis of his opinion, declare things unlawful on the basis of his opinion, impose obligations on the basis of his opinion, and waive them on the basis of his opinion—is a manifest impossibility. No Muslim would suppose this. There is absolutely nothing in the revealed law beyond what we have mentioned. The Messenger of Allah ﷺ has explained to us which matters are subject to consultation and distinguished them from religion, as Ahmad ibn Muhammed ibn Abd Allah al-Talamanki related to us: Abu Bakr ibn Mufarrij, the judge, related to us: Muhammed ibn Ayyub al-Samut al-Raqqi related to us: Ahmad ibn Amr ibn Abd al-Khaliq al-Bazzar related to us: Amr ibn Ali related to us: Affan ibn Muslim related to us: Hammad ibn Salamah related to us, from Hisham ibn Urwah, from his father, from Aishah, that the Prophet ﷺ heard sounds and said, "What are these sounds?" They said, "The date palms: they are pollinating them." He said, "If they did not do so, they would turn out well." So they refrained from doing it, and the fruit turned out poorly developed. They mentioned this to the Prophet ﷺ, and he said, "If it concerns a matter of your worldly affairs, attend to it yourselves; if it concerns a matter of your religion, refer it to me." Through

فقال إذا كان شيئا من أمر دنياكم فشأنكم وإن كان شيئا من أمر دينكم فإلي. وبه إلى البزاز: نا هدبة بن خالد، نا جهاد بن سلمة عن ثابت البناني عن أنس أن رسول الله صلى الله عليه وسلم سمع صوتا في النخل فقال ما هذا قال يؤبرون النخل قال: لو تركوها أصلحت، فتركوها فصارت شيصا، فأخبروه بذلك فقال: أنتم أعلم بما يصلحكم في دنياكم، وأما آخرتكم فإلي.

the same chain as far as al-Bazzaz: Hudbah ibn Khalid related to us: Jihad ibn Salamah related to us, from Thabit al-Bunani, from Anas, that the Messenger of Allah—may Allah bless him and grant him peace—heard a sound among the date palms and said, “What is this?” He said, “They are pollinating the date palms.” He said, “If they left them alone, they would turn out well.” So they left them alone, and their fruit turned out poorly developed. They informed him of this, and he said, “You know better what benefits you in your worldly affairs. As for your hereafter, refer it to me.”[36][37][38][39][40][41]

L2423–2431 Abu Muhammed said: Here Aishah and Anas have left no obscurity in their narration. They reported that he ﷺ informed us that we know better than he does what benefits us in our worldly affairs. It was concerning this that he would consult his Companions. They also reported that he ﷺ assigned the affair of our hereafter to himself, not to anyone else. The affair of the hereafter consists solely of religion and revealed law. He ﷺ did not assign that to anyone other than himself. Thus everyone’s opinion is invalidated, and speaking on the basis of opinion in religion is prohibited altogether. Success comes through Allah, exalted is He. This clarifies the meaning of

قال أبو محمد: فهذه عائشة وأنس لم يدعا في روايتها إشكالا وأخبرا أنه صلى الله عليه وسلم أعلمنا أننا أعلم بما يصلحنا في دنيانا منه ففي هذا كان يشاور أصحابه وأخبرا أنه صلى الله عليه وسلم جعل أمر آخرتنا إليه لا إلى غيره وأمر الآخرة هو الدين والشريعة فقط فلم يجعل ذلك صلى الله عليه وسلم إلى أحد سواه وبطل بذلك رأي كل أحد وحرم القول بالرأي جملة في الدين، وبالله تعالى التوفيق. وهذا يبين معنى قول الله عز وجل {وما ينطق عن الهوى * إن هو إلا وحي يوحى} إنما هو في أمر الدين فكل ما تكلم به النبي صلى الله عليه وسلم في شيء من تحريم أو تحليل أو إيجاب فهو عن الله تعالى بيقين وما كان من غير ذلك فكما قلنا لقوله صلى الله عليه وسلم إذ قيل له حاضت صفية فقال عقري حلقي وكقوله صلى الله عليه وسلم إني اتخذت عند الله عهدا أيما امرىء سببته أو لعنته في غير كنهه أو جلدته فاجعلها له طهرة أو كما قال صلى الله عليه وسلم ومثل قوله صلى الله عليه وسلم لذي اليدين لم تقصر ولا نسيت وهذا يبين فساد قول من اعترض بمثل هذا على سائر أوامره صلى الله عليه وسلم ليردها ناطقا في ذلك بلسان أهل الإلحاد المعترضين في الإسلام، ونعوذ بالله من الخذلان. حدثنا أحمد بن عمرو العذري، ثنا أبو ذر الهروي، ثنا عبد الله بن أحمد بن حمويه السرخسي، ثنا إبراهيم بن خزيم الشاشي، ثنا عبد الرزاق، ثنا سفيان الثوري، عن عبد الأعلى،

[36] **Translator’s note (L2414):** The terse phrase “He attributed it to the Prophet concerning independent judgment by opinion” uses the technical transmission term for raising a report to the Prophet; its subject is not expressly identified in this excerpt.

[37] **Translator’s note (L2417):** The transmitter’s name appears as “Ahmad ibn Muhammed Allah al-Talamanki,” an apparently defective reading. In unit 2420:0, the corresponding name is given as “Ahmad ibn Muhammed ibn Abd Allah al-Talamanki.”

[38] **Translator’s note (L2418):** “The legally married person” renders al-muhsan, a technical designation concerning marital status in the law of sexual offenses; it completes the reference to flogging in the preceding unit.

[39] **Translator’s note (L2420):** The name is written “al-Bazzaz” in the second chain, whereas the preceding chain has “al-Bazzar”; the difference is preserved. The second chain reads “Jihad ibn Salamah,” whereas the preceding parallel report has “Hammad ibn Salamah.” The supplied reading is preserved. “Poorly developed” renders shis, a term for inferior date fruit resulting from unsuccessful pollination.

[40] **Translator’s note (L2422):** The supplied text has the singular “He said” before “They are pollinating the date palms,” without identifying the speaker. The opening completes the salutation begun in unit 2421:0.

[41] **Qur’an references (L2414):** Qur’an 7:3 (Al-A’raf); Qur’an 5:3 (Al-Ma’idah); Qur’an 65:1 (At-Talaq).

Allah's words, mighty and majestic is He: {He does not speak from desire. * It is nothing but revelation revealed.} This concerns only the matter of religion. Everything the Prophet ﷺ said concerning any prohibition, permission, or imposition of obligation is, with certainty, from Allah, exalted is He. Whatever falls outside that is as we have stated, in view of his words ﷺ when he was told, "Safiyyah has begun menstruating," and he said, "May she be stricken with barrenness and have her head shorn!" And likewise his statement ﷺ: "I have taken a covenant with Allah: any person whom I have insulted or cursed without his deserving it, or flogged—make that a purification for him," or words to that effect, as he ﷺ said. Another example is his statement ﷺ to Dhu al-Yadayn: "It has neither been shortened, nor have I forgotten." This demonstrates the invalidity of the position of anyone who raises objections of this kind against all his other commands ﷺ in order to reject them, speaking thereby in the tongue of the people of heresy who raise objections against Islam. We seek refuge in Allah from abandonment. Ahmad ibn Amr al-Udhri related to us: Abu Dharr al-Harawi related to us: Abd Allah ibn Ahmad ibn Hammuyah al-Sarakhsi related to us: Ibrahim ibn Khuzaym al-Shashi related to us: Abd al-Razzaq related to us: Sufyan al-Thawri related to us, from Abd al-Ala, from Said ibn Jubayr, from Ibn Abbas, who said: The Messenger of Allah ﷺ said, "Whoever speaks concerning the Quran on the basis of his own opinion, let him take his seat in the Fire." Abd said: Ubayd Allah ibn Musa, Abu Nuaym, and Abu Sufyan al-Thawri also related it to us, from Abd al-Ala, from Said ibn Jubayr, from Ibn Abbas, from the Prophet ﷺ, who said, "Whoever speaks concerning the Quran without knowledge, let him take his seat in the Fire." Hammam ibn Ahmad related to us: Abd Allah ibn Muhammed ibn Ali al-Baji related to us: Muhammed ibn Abd al-Malik ibn Ayman related to us: Ahmad ibn Muslim related to us: Abu Thawr Ibrahim ibn Khalid al-Kalbi related to us: Waki related to us, from Hisham ibn Urwah, from his father, from Abd Allah ibn Amr ibn al-As, who said: The Messenger of Allah said, may Allah bless him and grant him peace ﷺ: "Allah does not remove knowledge from men's breasts; rather, He removes knowledge through the death of scholars. When no scholar remains, people take ignorant men as leaders, who speak on the basis of personal opinion, and thus go astray and lead others astray." ʿAbd

عن سعيد بن جبير عن ابن عباس قال قال رسول الله صلى الله عليه وسلم من قال في القرآن برأيه فليتبوأ مقعده من النار. قال عبد: وحدثناه أيضا عبيد الله بن موسى، وأبو نعيم، وأبو سفيان الثوري، عن عبد الأعلى عن سعيد بن جبير عن ابن عباس عن النبي صلى الله عليه وسلم قال من قال في القرآن بغير علم فليتبوأ مقعده من النار. حدثنا حمام بن أحمد، ثنا عبد الله بن محمد بن علي الباجي، نا محمد بن عبد الملك بن أيمن، ثنا أحمد بن مسلم، نا أبو ثور إبراهيم بن خالد الكلبي، ثنا وكيع عن هشام بن عروة، عن أبيه، عن عبد الله بن عمرو بن العاص قال قال رسول الله صلى الله عليه وسلم لا ينزع الله العلم من صدور الرجال ولكن ينزع العلم بموت العلماء، فإذا لم يبق عالم اتخذ الناس رؤوسا جهالا فقالوا بالرأي فضلوا وأضلوا. حدثنا عبد الرحمن بن عبد الله الهمذاني، نا أبو إسحاق البلخي، نا محمد بن يوسف الفربري، نا محمد بن إسماعيل البخاري، ثنا سعيد بن تليد، نا ابن وهب، حدثني عبد الرحمن بن شريح وغيره، وعن أبي الأسود، عن عروة قال: حج علينا عبد الله بن عمرو بن العاص فسمعته يقول سمعت النبي صلى الله عليه وسلم يقول إن الله لا ينزع العلم بعد أن أعطاهموه انتزاعا، ولكن ينتزعه منهم مع قبض العلماء بعلمهم فيبقى ناس جهال يستفتون فيفتون برأيهم فيضلون ويضلون. وأما ما رووه عن أبي مسعود من قوله، فليجتهد رأيه فهو خبر لا يصح، لأن محمد بن سعيد بن نبات حدثناه قال: ثنا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن أبي عدي، ثنا شعبة، نا الأعمش، عن عمارة بن عمير، عن حريث بن ظهير قال الأعمش: أحسبه قال. قال ابن مسعود: لقد أتى علينا حين وما نسأل وما نحن هناك. ثم ذكر بنصه، فصح أن الأعمش شك فيه أهو عن ابن مسعود أم لا. ثم لو صح لكان معناه: فليجتهد رأيه، أي ليجهد نفسه حتى يرى السنة في ذلك، يبين هذا قوله في الخبر نفسه: ولا

al-Rahman ibn ʿAbd Allah al-Hamadhani related to us: Abu Ishaq al-Balkhi related to us: Muhammed ibn Yusuf al-Firabri related to us: Muhammed ibn Ismaʿil al-Bukhari related to us: Saʿid ibn Talid related to us: Ibn Wahb related to us: ʿAbd al-Rahman ibn Shurayh and another related to me; and from Abu al-Aswad, from ʿUrwah, who said: "'Abd Allah ibn ʿAmr ibn al-ʿAs came among us on pilgrimage, and I heard him say: 'I heard the Prophet, may Allah bless him and grant him peace ﷺ, say: "Allah does not wrench knowledge away after having given it to them. Rather, He takes it from them by taking the scholars away together with their knowledge. Ignorant people then remain, who are asked for legal opinions and give legal opinions on the basis of their own opinions, and thus go astray and lead others astray."'" As for what they have transmitted from Abu Masʿud, namely his statement, "Let him exercise his judgment," this is a report that is not sound. For Muhammed ibn Saʿid ibn Nabat related it to us, saying: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Abi ʿAdi related to us: Shuʿbah related to us: al-Aʿmash related to us, from ʿUmarah ibn ʿUmayr, from Hurayth ibn Zuhayr. Al-Aʿmash said: "I think he said: 'Ibn Masʿud said: "There was a time when we were not asked questions, nor were we in a position to be asked."'" Then he cited it verbatim. It is therefore established that al-Aʿmash was uncertain whether it was from Ibn Masʿud or not. Moreover, even if it were sound, "Let him exercise his judgment" would mean: let him exert himself until he discerns the Sunnah concerning that matter. This is clarified by his statement in the report itself: "And let him not say, 'I fear, and I think.'" He thus forbade him to say, "I think," and this is a prohibition against issuing legal opinions on the basis of personal opinion. Likewise, his statement in that same report, "Leave what causes you doubt for what does not cause you doubt. The lawful is clear, and the unlawful is clear, and between them are doubtful matters." He thus commanded him only to exercise scrupulous restraint and to seek out the evidence. As for the transmission from ʿUmar, it expressly gives him the choice between exercising his judgment and refraining, and he considered refraining better for him. It is therefore established that he did not regard speaking on the basis of personal opinion as the truth, because

يقل إني أخاف وأرى، فنهاه عن أن يقول أرى، وهذا نهي عن الفتيا بالرأي وكذلك قوله فيه نفسه: فدع ما يريبك إلى ما لا يريبك، وإن الحلال بين وإن الحرام بين، وبينهما مشتبهات فإنما أمره بالتورع والطلب فقط. وأما الرواية عن عمر فإن فيها نصا تخييره بين اجتهد رأيه أو الترك، ورأى الترك خيرا له فصح أنه لم ير القول بالرأي حقا، لأن الحق لا خيار في تركه لأحد، ثم هم مخالفون لما فيه أيضا مما ذكرنا من أنهم لا يبدؤون بالطلب في القرآن كما في ذلك الخبر ثم بالسنن، بل يتركون القرآن لما يصح من السنن ولما لا يصح، وهذا خلاف أمر عمر في ذلك الخبر، فكيف يحتجون بشيء هم أول مخالف له، هذا مع أن ظاهر ذلك الخبر الانقطاع. وأما خبر عبيد الله بن أبي يزيد، عن ابن عباس، فليس فيه أن ابن عباس أخبر بذلك عن نفسه، ولا أنه أمر به، فإذا هو ظن من عبيد الله، والثابت عن ابن عباس النهي عن تقليد أبي بكر وعمر. ثم قصة خالفوا فيها ابن مسعود وعمر وابن عباس، فلو صح هذا عنهم لكان كبعض ما خالفوهم فيه، فليس بعض حكمهم أولى بالتقليد من بعض، مثل ما صح عن عمر وابن مسعود وابن عباس من القول بأن من تسحر يرى أنه ليل، فإذا به نهار، فصومه تام، ومثل قضائهم ثلاثتهم في اليربوع جفرة، ومثل هذا كثير. وأما ما رووه عن بعض الصحابة من الفتيا بالرأي، فإنما أفتى منهم من أفتى برأيهم على سبيل الإخبار بذلك أو الصلح، لا على أنه حكم بات، ولا على أنه لازم لأحد، فقال خصومنا: إنما ذموا الرأي الذي يحكم به على غير أصل، وأما الذي حكموا به فهو الرأي المردود إلى ما يشبه من قرآن أو سنة، فقلنا لهم: هذه دعوى منكم، فإن وجدتم عن أحد منهم تصحيحا فلكم مقال، وإلا فقد كذبتم عليهم، فنظرنا فلم نجد قط عن أحد من الصحابة كلمة تصح تدل على الفرق بين رأي مأخوذ عن شبه لما في القرآن والسنة وبين غيره من الآراء، إلا في رسالة مكذوبة عن عمر، ووجدنا قولهم في ذمهم الرأي جملة، وأنهم حكموا به على ما قلنا. كما حدثنا محمد بن سعيد بن نبات، نا أحمد

the truth is something that no one has the option of abandoning. Furthermore, they also contravene its contents in the respect we have mentioned: they do not begin by seeking in the Quran, as stipulated in that report, and then in the transmitted Sunnahs. Instead, they abandon the Quran for sound transmitted Sunnahs and for unsound ones alike. This contravenes ʿUmar's command in that report. How, then, can they invoke as proof something that they themselves are the first to contravene? This is in addition to the fact that the apparent state of that report is a break in its transmission chain. As for the report of ʿUbayd Allah ibn Abi Yazid from Ibn ʿAbbas, it does not state that Ibn ʿAbbas reported this about himself, or that he commanded it. It is therefore a supposition on ʿUbayd Allah's part. What is established from Ibn ʿAbbas is his prohibition against following Abu Bakr and ʿUmar without proof. Then there is an instance in which they disagreed with Ibn Masʿud, ʿUmar, and Ibn ʿAbbas. Even if this were soundly transmitted from them, it would be like some of the matters in which they disagreed with them: some of their rulings have no greater claim to being followed without proof than others. Examples include what is soundly transmitted from ʿUmar, Ibn Masʿud, and Ibn ʿAbbas, namely that if someone eats the predawn meal thinking that it is night, only to discover that it is daytime, his fast is complete; and the ruling of all three that a female goat kid is due for a jerboa. There are many such examples. As for what they have transmitted from some of the Companions concerning the issuing of legal opinions on the basis of personal opinion, those of them who issued opinions on that basis did so only by way of conveying that opinion or effecting a settlement, not as a definitive ruling or as something binding upon anyone. Our opponents said: "They condemned only personal opinion by which a ruling is made without any foundation. As for that by which they themselves ruled, it was personal opinion referred back to something resembling it in the Quran or Sunnah." We said to them: "This is a claim on your part. If you find an affirmation of it from any one of them, you will have grounds to speak; otherwise, you have attributed a lie to them." We examined the matter and never found a single soundly transmitted statement from any of the Companions indicating a distinction between an opinion derived from a resemblance to something in the Quran and Sunnah and other opinions, except in a letter

بن عون الله، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن أبي إسحاق السبيعي، عن حارثة بن مضرب قال: جاء ناس من أهل الشام إلى عمر بن الخطاب فقالوا: إنا أصبنا أموالا خيلا، ورقيقا، نحب أن يكون لنا فيها زكاة وطهور، فقال عمر: ما فعله صاحباي قبل فأفعله فاستشار أصحاب محمد صلى الله عليه وسلم فقال له علي هو حسن إن لم تكن جزية يؤخذون بها بعد راتبة. قال أبو محمد: فهذا نص ما قلنا من أنهم لا يرون ما حكموا فيه برأيهم أمرا راتبا، وأيضا فقد روينا عنهما وعن غيرهما في إبطال الرأي آثارا أصح مما شغبوا به، ولسنا نوردها احتجاجا بها إذ لا حجة في أحد إلا في رسول الله صلى الله عليه وسلم أو في إجماع متيقن لا خلاف فيه وإنما نوردها لتلزمهم ما أرادوا إلزامنا وهو لازم لهم، لأنهم يحتجون بمثله، ومن جعل شيئا ما حجة في مكان ما لزمه أن يجعله حجة في كل مكان، وإلا فهو متناقض متحكم في الدين بلا دليل.

falsely attributed to ʿUmar. We found their statements condemning personal opinion in its entirety, and found that their rulings based upon it were as we have said. Thus Muhammed ibn Saʿid ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn al-Muthanna related to us: ʿAbd al-Rahman ibn Mahdi related to us: Sufyan al-Thawri related to us, from Abu Ishaq al-Sabiʿi, from Harithah ibn Mudarrib, who said: "Some people from Syria came to ʿUmar ibn al-Khattab and said: 'We have acquired property—horses and slaves—and would like there to be alms and purification for us in respect of it.' ʿUmar said: 'My two predecessors did not do it before me, that I should do it.' He then consulted the Companions of Muhammed, may Allah bless him and grant him peace ﷺ. ʿAli said to him: 'It is good, provided that it does not become a regular tribute subsequently exacted from them.'" Abu Muhammed said: This explicitly states what we have said: they did not regard the matters in which they ruled on the basis of their own opinions as established, continuing requirements. Moreover, we have transmitted from those two and from others reports invalidating personal opinion that are sounder than those with which they have raised their objections. We do not cite them as proof, since no one constitutes an authority except the Messenger of Allah, may Allah bless him and grant him peace ﷺ, or a consensus known with certainty, concerning which there is no disagreement. We cite them only to hold them to what they sought to impose upon us. It is binding upon them because they invoke reports of this kind as proof. Whoever treats anything as proof in one instance is bound

to treat it as proof in every instance; otherwise, he contradicts himself and makes arbitrary pronouncements about religion without evidence.[42][43][44][45][46]

L2432–2438 Ahmad ibn ʿUmar related to us: Abu Dharr al-Harawi related to us: ʿAbd Allah ibn Ahmad al-Sarakhsi related to us: Ibrahim ibn Khuzaym related to us: ʿAbd ibn Humayd related to us: Abu Usamah related to us, from Nafiʿ ibn ʿUmar al-Jumahi, from Ibn Abi Mulaykah, who said: Abu Bakr al-Siddiq said: “What earth would bear me, and what sky would shelter me, if I were to say concerning a verse of Allah’s Book something other than what He intended?” Muhammed ibn Saʿid al-Nabati related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Ibn Abi ʿAdi related to us, from Shuʿbah, from al-Aʿmash, from ʿAbd Allah ibn Murrah, from Abu Maʿmar, from Abu Bakr al-Siddiq, who said: “What earth would bear me, and what sky would shelter me, if I were to speak

حدثنا أحمد بن عمر، ثنا أبو ذر الهروي، نا عبد الله بن أحمد السرخسي، نا إبراهيم بن خزيم، نا عبد بن حميد، ثنا أبو أسامة، عن نافع بن عمر الجمحي، عن ابن أبي مليكة قال: قال أبو بكر الصديق: أي أرض تقلني وأي سماء تظلني إن قلت في آية من كتاب الله بغير ما أراد. حدثنا محمد بن سعيد النباتي، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا ابن أبي عدي، عن شعبة، عن الأعمش، عن عبد الله بن مرة، عن أبي معمر، عن أبي بكر الصديق قال: أية أرض تقلني وأي سماء تظلني إن قلت في كتاب الله برأيي أو بما لا أعلم. حدثنا المهلب عن ابن مناس، نا محمد بن مسرور، نا يونس بن عبد الأعلى، ثنا ابن وهب، أخبرني يونس بن يزيد، عن ابن شهاب، عن عمر بن الخطاب قال وهو على المنبر: يا أيها الناس إنما الرأي إنما كان من رسول الله مصيبا، لأن الله عز وجل كان يريه، وإنما هو منا الظن والتكلف. وبه إلى ابن وهب: حدثنا عبد الله بن عياش، عن ابن عجلان، عن عبد الله بن عمر بن الخطاب قال: اتقوا الرأي في دينكم. كتب إلي النمري: حدثنا أحمد بن عبد الله بن محمد بن علي الباجي، وعبد الله بن محمد بن يوسف الأزدي القاضي قال أحمد: نا أبي، وقال القاضي: نا سهل بن إبراهيم، قال عبد الله الباجي وسهل: ثنا أحمد بن فطيس، نا أحمد بن يحيى الأودي الصوفي، نا عبد الرحمن بن شريك، حدثني أبي عن مجالد، عن الشعبي، عن عمرو بن حريث قال: قال عمر بن الخطاب: إياكم وأصحاب الرأي، فإنهم أعداء السنن، أعيتهم الأحاديث أن يحفظوها فقالوا بالرأي فضلوا وأضلوا. كتب إلي النمري: أخبرنا محمد بن خليفة، نا محمد بن الحسين البغدادي، نا أبو بكر بن أبي داود، نا محمد بن عبد الملك القزاز، نا أبو مريم، نا نافع بن يزيد، عن ابن الهاد، عن محمد بن إبراهيم قال: قال عمر بن الخطاب: إياكم والرأي فإن أصحاب

[42] **Translator’s note (L2423):** The supplied text has the singular possessive in “their narration,” literally “her narration,” despite naming both Aishah and Anas. “May she be stricken with barrenness and have her head shorn!” renders the conventional exclamation aqra halqa, here written aqri halqi. Its literal imprecatory wording is retained; in such usage it need not express a literal wish for those harms. “Without his deserving it” renders the unusual expression fi ghayr kunhihi; its exact force here is uncertain. The text attributes the final statement to “Abd” without giving the remainder of his name. The final transmitter is given as “Abu Sufyan al-Thawri.” This appears to be a defective reading: Sufyan al-Thawri, named earlier in the same unit, is ordinarily identified by the patronymic Abu Abd Allah. The supplied form is preserved.

[43] **Translator’s note (L2426):** The text first names Abu Masʿud but subsequently names Ibn Masʿud. This discrepancy has been retained. The transmission wording “ʿAbd al-Rahman ibn Shurayh and another … and from Abu al-Aswad” is syntactically awkward; the additional conjunction has been retained. The wording “nor were we in a position to be asked” renders the elliptical وما نحن هناك, literally “nor were we there.”

[44] **Translator’s note (L2429):** The phrase “Then there is an instance” renders the abrupt ثم قصة; the supplied wording provides no further specification at that point. The ruling concerning a jerboa refers elliptically to compensatory liability for game. The translation preserves the text’s omission of that setting.

[45] **Translator’s note (L2430):** “My two predecessors” renders صاحباي, literally “my two companions,” referring in context to the Prophet and Abu Bakr. The expression “those two” is retained: its intended pair is not explicitly identified in this sentence.

[46] **Qur’an references (L2423):** Qur’an 53:4 (An-Najm).

concerning Allah's Book on the basis of my personal opinion or of something I do not know?" Al-Muhallab related to us, from Ibn Munas: Muhammed ibn Masrur related to us: Yunus ibn ʿAbd al-Aʿla related to us: Ibn Wahb related to us: Yunus ibn Yazid informed me, from Ibn Shihab, from ʿUmar ibn al-Khattab, who said while on the pulpit: "O people, personal opinion—personal opinion was correct only when it came from the Messenger of Allah, because Allah, mighty and majestic, showed him. From us it is only supposition and strained conjecture." Through the same transmission chain to Ibn Wahb: ʿAbd Allah ibn ʿAyyash related to us, from Ibn ʿAjlan, from ʿAbd Allah ibn ʿUmar ibn al-Khattab, who said: "Guard against personal opinion in your religion." Al-Namari wrote to me: Ahmad ibn ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji and ʿAbd Allah ibn Muhammed ibn Yusuf al-Azdi, the judge, related to us. Ahmad said: My father related to us. The judge said: Sahl ibn Ibrahim related to us. ʿAbd Allah al-Baji and Sahl said: Ahmad ibn Futays related to us: Ahmad ibn Yahya al-Awdi al-Sufi related to us: ʿAbd al-Rahman ibn Sharik related to us: My father related to me, from Mujalid, from al-Shaʿbi, from ʿAmr ibn Hurayth, who said: ʿUmar ibn al-Khattab said: "Beware of the adherents of personal opinion, for they are the enemies of the transmitted Sunnahs. The hadiths proved too difficult for them to memorize, so they spoke on the basis of personal opinion, and thus went astray and led others astray." Al-Namari wrote to me: Muhammed ibn Khalifah informed us: Muhammed ibn al-Husayn al-Baghdadi related to us: Abu Bakr ibn Abi Dawud related to us: Muhammed ibn ʿAbd al-Malik al-Qazzaz related to us: Abu Maryam related to us: Nafiʿ ibn Yazid related to us, from Ibn al-Had, from Muhammed ibn Ibrahim, who said: ʿUmar ibn al-Khattab said: "Beware of personal opinion, for the adherents of personal opinion are the enemies of the transmitted Sunnahs. The hadiths proved too difficult for them to comprehend and escaped their grasp when they tried to memorize them, so they spoke about religion on the basis of their own opinions." Al-Muhallab related to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn ʿAbd al-Aʿla, from Wahb: Ibn Lahiʿah informed me, from Ibn al-Had, from Muhammed ibn Ibrahim al-Taymi, that ʿUmar ibn al-Khattab said: "The proponents of opinion have become enemies of the transmitted practices. These proved too difficult for them to comprehend and eluded

الرأي أعداء السنن، أعيتهم الأحاديث أن يعوها، وتفلت منهم أن يحفظوه، فقالوا في الدين برأيهم. حدثنا المهلب، عن ابن مناس، عن ابن مسرور، عن يونس بن عبد الأعلى، عن وهب، أخبرني ابن لهيعة، عن ابن الهاد، عن محمد بن إبراهيم التيمي أن عمر بن الخطاب قال: أصبح أصحاب الرأي أعداء السنن أعيتهم أن يعوها وتفلتت أن يرووها، فاستقوها بالرأي. حدثنا عبد الله بن ربيع، نا محمد بن إسحاق بن السليم، نا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا أبو كريب محمد بن العلاء، ثنا حفص بن غياث، ثنا الأعمش، عن أبي إسحاق، عن عبد خير، عن علي بن أبي طالب قال: لو كان الدين بالرأي لكان أسفل الخف أولى بالمسح من أعلاه وقد رأيت رسول الله صلى الله عليه وسلم يمسح على ظاهر الخفين حدثنا عبد الله بن ربيع عن عبد الله بن محمد بن عثمان، عن أحمد بن خالد، عن علي بن عبد العزيز، عن الحجاج بن المنهال، ثنا حماد بن سلمة، عن قتادة قال: قال علي: القضاء ثلاثة: رجل حاف فهو في النار، ورجل اجتهد برأيه فأخطأ فهو في النار، ورجل أصاب فهو في الجنة. حدثنا حمام بن أحمد، ثنا أبو محمد الباجي، ثنا عبد الله بن يوسف، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، نا شبابة بن سوار، عن شعبة، عن قتادة قال: سمعت رفيعا أبا العالية يقول: قال علي بن أبي طالب: القضاة ثلاثة: اثنان في النار وواحد في الجنة، رجل جار متعمدا فهو في النار، ورجل أراد الحق فأخطأ فهو في النار، ورجل أراد الحق فأصاب فهو في الجنة، قال قتادة: قلت لأبي العالية: أرأيت هذا الذي أراد الحق فأخطأ؟ قال: كان حقه إذا لم يعلم القضاء أن يكون قاضيا. حدثنا أحمد بن محمد الطلمنكي، ثنا ابن مفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد، نا سعيد بن منصور، نا فرج بن فضالة، عن مالك بن زياد، قال: سمعت عراك بن مالك وقال له عمر بن عبد العزيز: يا عراك ما قولك في القضاة؟ فقال: يا أمير المؤمنين القضاة ثلاثة: رجل ولي القضاء ولا علم له بالقضاء، فأحل حراما وحرم حلالا فهو في النار على أم رأسه،

their attempts to transmit them, so they sought to draw them forth through opinion."

ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Ishaq ibn al-Salim related to us: Ibn al-Aʿrabi related to us: Abu Dawud al-Sijistani related to us: Abu Kurayb Muhammed ibn al-ʿAlaʾ related to us: Hafs ibn Ghiyath related to us: al-Aʿmash related to us, from Abu Ishaq, from ʿAbd Khayr, from ʿAli ibn Abi Talib, who said: "If religion were based on opinion, the underside of the leather sock would have a better claim to being wiped than its upper side. Yet I saw the Messenger of Allah ﷺ wiping the upper surfaces of his two leather socks."

ʿAbd Allah ibn Rabiʿ related to us, from ʿAbd Allah ibn Muhammed ibn ʿUthman, from Ahmad ibn Khalid, from ʿAli ibn ʿAbd al-ʿAziz, from al-Hajjaj ibn al-Minhal: Hammad ibn Salamah related to us, from Qatadah, who said: ʿAli said: "Judgment is of three kinds: a man who acts unjustly, and he is in the Fire; a man who exercises independent judgment according to his opinion and errs, and he is in the Fire; and a man who reaches the correct judgment, and he is in Paradise."

Hammam ibn Ahmad related to us: Abu Muhammed al-Baji related to us: ʿAbd Allah ibn Yusuf related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: Shababah ibn Sawwar related to us, from Shuʿbah, from Qatadah, who said: I heard Rufayʿ, Abu al-ʿAliyah, say: ʿAli ibn Abi Talib said: "Judges are of three kinds: two are in the Fire and one is in Paradise. A man who deliberately acts unjustly is in the Fire; a man who intends the truth but errs is in the Fire; and a man who intends the truth and reaches it is in Paradise." Qatadah said: I said to Abu al-ʿAliyah: "What do you say about this man who intended the truth but erred?" He said: "His proper course, if he did not know how to adjudicate, was to be a judge."

Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʿAli ibn Zayd related to us: Saʿid ibn Mansur related to us: Faraj ibn Fadalah related to us, from Malik ibn Ziyad, who said: I heard ʿIrak ibn Malik, when ʿUmar

ورجل ولي القضاء وله علم بالقضاء فاتبع الهوى وترك الحق فهو في النار على أم رأسه،
ورجل ولي القضاء وله علم بالقضاء فاتبع الحق وترك الهوى فهو يستقام به ما استقام،
وإن هو مال سلك مسلك أصحابه

ibn ʿAbd al-ʿAziz said to him, "'Irak, what is your view concerning judges?" He replied: "Commander of the Faithful, judges are of three kinds: a man who assumes judicial office without knowledge of adjudication, then declares something forbidden lawful and something lawful forbidden: he is in the Fire, headfirst. A man who assumes judicial office with knowledge of adjudication, then follows desire and abandons the truth: he is in the Fire, headfirst. And a man who assumes judicial office with knowledge of adjudication, then follows the truth and abandons desire: through him matters are kept upright for as long as he remains upright; but if he deviates, he takes the path of his fellows."[47][48][49][50]

L2439–2441 Abu Muhammed said: This has also been transmitted from the Messenger of Allah ﷺ, as we transmitted through the aforementioned sound chain of transmission to Saʿid ibn Mansur: Khalaf ibn Khalifah related to us: Abu Hashim related to us, saying: Were it not for the report of Ibn Buraydah, from his father, that the Messenger of Allah ﷺ said, "Judges are of three kinds: two are in the Fire and one is in Paradise. A man who knows the truth and judges according to it is in Paradise; a man who judges between people in ignorance is in the Fire; and a man who knows the truth but falters is in the Fire," we would have said that, when a judge exercises independent judgment, no blame attaches to him.

قال أبو محمد وقد روي هذا عن رسول الله صلى الله عليه وسلم كما روينا بالسند الصحيح المذكور إلى سعيد بن منصور: نا خلف بن خليفة، ثنا أبو هاشم قال: لولا حديث ابن بريدة عن أبيه أن رسول الله صلى الله عليه وسلم قال القضاة ثلاثة اثنان في النار وواحد في الجنة: رجل عرف الحق فقضى به فهو في الجنة، ورجل قضى بين الناس بجهل فهو في النار، ورجل عرف الحق فجار فهو في النار، لقلنا: إن القاضي إذا اجتهد فليس عليه شيء. نعم، وعن عمر بن الخطاب كما روينا بالسند المذكور إلى سعيد بن منصور: نا يعقوب بن عبد الرحمن الزهري، نا موسى بن عقبة، قال: خطب عمر بن الخطاب بالجابية، فذكر الخطبة وفيها أن عمر قال: ليس لهالك هلك معذرة في تعمد ضلالة حسبها هدى، ولا في ترك حق حسبه ضلالا قال أبو محمد ليس هذا مخالفا لقول النبي صلى الله عليه وسلم إذا اجتهد الحاكم فأخطأ فله أجر لأن هذا فيمن لم يعرف بالحق، وسائر ما ذكرنا قيل فيمن عرف بالحق فلج مقدرا أنه على صواب، مغلبا لظنه الكاذب على يقين ما جاءه من الهدى والنور. ويه إلى سعيد بن منصور: حدثنا خالد بن عبد الله، عن أبي سنان، عن سعيد بن جبير، عن ابن عباس قال: من أفتا فتيا يعمى بها فإنهما عليه يعني يخطىء فيها فيخطىء آخذها منه. حدثنا عبد الله بن ربيع التميمي، نا محمد بن أحمد بن مفرج، نا سعيد بن السكن، نا الفربري، نا البخاري، نا موسى بن إسماعيل، نا أبو عوانة، عن الأعمش، عن أبي وائل قال: قال

[47] **Translator's note (L2433):** The repetition of "personal opinion" in ʿUmar's statement reflects the repeated إنما الرأي إنما in the supplied Arabic.

[48] **Translator's note (L2435):** The Arabic in "escaped their grasp when they tried to memorize them" shifts awkwardly in grammatical number: تفلت and يحفظوه do not agree straightforwardly with الأحاديث. The translation conveys the apparent sense without emending the source.

[49] **Translator's note (L2436):** The opening continues the transmission chain from the preceding segment; "Wahb" is retained as supplied rather than silently changed to "Ibn Wahb." The unusual expression "istaqawha" literally suggests drawing or obtaining water. "Sought to draw them forth through opinion" preserves its apparent metaphor without replacing the supplied reading. "Judgment is of three kinds" follows the supplied abstract noun; the subsequent enumeration describes three kinds of men.

[50] **Translator's note (L2437):** The statement that someone ignorant of adjudication should "be a judge" is translated as supplied. The context strongly suggests a missing negation, but none appears in the original.

سهل بن حنيف: يا أيها الناس اتهموا آراء على دينكم، لقد رأيتني يوم أبي جندل ولو أستطيع أن أرد أمر رسول الله صلى الله عليه وسلم لرددته حدثنا عبد الله بن يوسف نا أحمد بن فتح، نا أبو العلاء عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، حدثني إبراهيم بن سعيد الجوهري، نا أبو أسامة، عن مالك بن مغول، عن أبي حصين، عن أبي وائل شقيق بن سلمة قال: سمعت سهل بن حنيف بصفين يقول: اتهموا آراء كم على دينكم، فلقد رأيتني يوم أبي جندل لو أستطيع أن أرد أمر رسول الله صلى الله عليه وسلم لرددته

Indeed, this is also transmitted from ʿUmar ibn al-Khattab, as we transmitted through the aforementioned chain to Saʿid ibn Mansur: Yaʿqub ibn ʿAbd al-Rahman al-Zuhri related to us: Musa ibn ʿUqbah related to us, saying: ʿUmar ibn al-Khattab delivered a sermon at al-Jabiyah. He then recounted the sermon, which included ʿUmar's statement: "No one who perishes has any excuse for deliberately pursuing an error that he reckoned to be guidance, or for abandoning a truth that he reckoned to be error."

Abu Muhammed said: This does not contradict the Prophet's ﷺ statement, "When a judge exercises independent judgment and errs, he receives a reward," because this concerns someone who has not been acquainted with the truth, whereas everything else we have mentioned was said concerning someone who had been acquainted with the truth but persisted obstinately, supposing himself correct and giving his false conjecture precedence over the certainty of the guidance and light that had reached him.

And through it, to Saʿid ibn Mansur: Khalid ibn ʿAbd Allah related to us, from Abu Sinan, from Saʿid ibn Jubayr, from Ibn ʿAbbas, who said: "Whoever gives a legal opinion by which someone is led blindly astray bears responsibility for both"—meaning that he errs in it, and the person who takes it from him consequently errs.

ʿAbd Allah ibn Rabiʿ al-Tamimi related to us: Muhammed ibn Ahmad ibn Mufarrij related to us: Saʿid ibn al-Sakan related to us: al-Firabri related to us: al-Bukhari related to us: Musa ibn Ismaʿil related to us: Abu ʿAwanah related to us, from al-Aʿmash, from Abu Waʾil, who said: Sahl ibn Hunayf said: "People, regard opinions concerning your religion with suspicion. I remember myself on the day of Abu Jandal: had I been able to reject the Messenger of Allah's ﷺ command, I would have rejected it."

ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abu al-ʿAlaʾ ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Ibrahim ibn Saʿid al-Jawhari related to me: Abu Usamah related to us, from Malik ibn Mighwal, from Abu Hasin, from Abu Waʾil Shaqiq ibn Salamah, who said: I heard Sahl ibn Hunayf saying at Siffin: "Regard your opinions concerning

your religion with suspicion. I remember myself on the day of Abu Jandal: had I been able to reject the Messenger of Allah's ﷺ command, I would have rejected it."[5152]

L2442 Ahmad ibn ʿUmar related to us: Abu Dharr related to us: ʿAbd Allah ibn Ahmad related to us: Ibrahim ibn Khuzaym related to us: ʿAbd ibn Humayd related to us: Hasan ibn ʿAli al-Juʿfi, from Zaʾidah, from Layth, from Bakr, from Saʿid ibn Jubayr, from Ibn ʿAbbas, who said: "Whoever speaks about the Quran according to his own opinion, let him take his seat in Hell."

Al-Muhallab related to us: Ibn Munas related to us: Ibn Masrur related to us: Yunus ibn ʿAbd al-Aʿla related to us: Ibn Wahb related to us: Bishr ibn Bakr informed me, from al-Awzaʿi, from ʿAbdah ibn Abi Lubabah, from Ibn ʿAbbas, who said: "Whoever introduces an opinion that is not in the Book of Allah, mighty and majestic, and for which no transmitted practice from the Messenger of Allah ﷺ has established a precedent, will not know where he stands regarding it when he meets Allah, mighty and majestic."

Yunus ibn ʿAbd Allah the judge related to us: Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim related to us: Ahmad ibn Khalid related to us: Muhammed ibn ʿAbd Allah al-Khushani related to us: Muhammed ibn Bashshar related to us: Yunus related to us: ʿUbayd al-ʿUmari related to us: Mubarak ibn Fadalah related to us, from ʿUbayd Allah ibn ʿUmar, from Nafiʿ, from Ibn ʿUmar, from ʿUmar, who said: "People, regard your opinions concerning religion with suspicion. I remember myself opposing the Messenger of Allah's ﷺ command on the basis of an opinion at which I was striving to arrive; by Allah, I spared no effort. That was on the day of Abu Jandal, while the document was being written. He said, 'Write: In the name of Allah, the All-

حدثنا أحمد بن عمر ثنا أبو ذر نا عبد الله بن أحمد، نا إبراهيم بن خزيم، ثنا عبد بن حميد حسن بن علي الجعفي، عن زائدة، عن ليث، عن بكر، عن سعيد بن جبير، عن ابن عباس قال: من قال في القرآن برأيه فليتبوأ مقعده من جهنم. حدثنا المهلب، نا ابن مناس، نا ابن مسرور، نا يونس بن عبد الأعلى، نا ابن وهب، أخبرني بشر بن بكر، عن الأوزاعي، عن عبدة بن أبي لبابة، عن ابن عباس قال: من أحدث رأيا ليس في كتاب الله عز وجل لم تمض به سنة من رسول الله صلى الله عليه وسلم لم يدر على ما هو منه إذا لقي الله عز وجل حدثنا يونس بن عبد الله القاضي، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد بن خالد، نا محمد بن عبد الله الخشني، نا محمد بن بشار، نا يونس، نا عبيد العمري، ثنا مبارك بن فضالة، عن عبيد الله بن عمر، عن نافع عن ابن عمر، عن عمر أنه قال: يا أيها الناس اتهموا آراءكم على الدين فلقد رأيتني وإني لأرد أمر رسول الله صلى الله عليه وسلم برأي أجتهد والله ما آلو وذلك يوم أبي جندل والكتاب يكتب فقال اكتبوا: بسم الله الرحمن الرحيم، فقالوا نكتب باسمك اللهم فرضي رسول الله صلى الله عليه وسلم وأبيت فقال يا عمر تراني قد رضيت وتأبى قال أبو محمد: أما الرواية عن أبي بكر وعلي وسهل وابن عباس، والتي تورد بعد هذا عن عمر وابن مسعود: فصحاح ولا سبيل لهم إلى أن يأتوا برواية عن صاحب يثبت فيها التصويب للفتيا بالرأي، فأن وجد يوما ما فتيا عن أحدهم برأي فلا بد من أن يوجد عنه التبرؤ من ذلك. كما حدثنا عبد الله بن ربيع، حدثنا محمد بن معاوية، نا أحمد بن شعيب، أنا علي بن حجر، نا علي بن مسهر، عن داود بن أبي هند، عن الشعبي، عن علقمة، عن عبد الله بن مسعود: أتاه قوم فقالوا: إن رجلا منا تزوج امرأة ولم يفرض

[51] **Translator's note (L2439):** The quotation reads "fakhara," meaning "faltered" or "became weak," rather than the contextually expected "fajara," "acted wickedly," or "jara," "acted unjustly." The supplied wording is retained.

[52] **Translator's note (L2440):** "And through it" interprets the corrupt-looking "wayhi" as a reference to the previously mentioned chain of transmission; the wording appears to have lost a letter. The wording of Ibn ʿAbbas's statement is compressed: "both" apparently refers to the error of the person giving the legal opinion and that of the person following it, as the ensuing explanation indicates. The first quotation from Sahl reads simply "opinions," without the possessive "your" found in the following unit.

Merciful, the Ever-Merciful.' They said, 'We shall write: In Your name, O Allah.' The Messenger of Allah ﷺ accepted, but I refused. He said, "Umar, you see that I have accepted, yet you refuse?'"

Abu Muhammed said: The reports from Abu Bakr, ʿAli, Sahl, and Ibn ʿAbbas, and those that will be presented after this from ʿUmar and Ibn Masʿud, are sound. They have no way of producing a report from a Companion that establishes approval of issuing legal opinions on the basis of personal opinion. If, on any occasion, a legal opinion based on personal opinion is found from one of them, a disavowal of it must also be found from him, as ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Muʿawiyah related to us: Ahmad ibn Shuʿayb related to us: ʿAli ibn Hujr informed us: ʿAli ibn Mushir related to us, from Dawud ibn Abi Hind, from al-Shaʿbi, from ʿAlqamah, from ʿAbd Allah ibn Masʿud: Some people came to him and said, "A man among us married a woman without specifying a marriage payment, and died before bringing her to live with him." ʿAbd Allah said: "Since I parted from the Messenger of Allah ﷺ, I have never been asked about anything more difficult for me than this. Go to someone else." They continued coming back to him about it for a month.[53]

L2443–2447 Then, at the end of that period, they said to him: "Whom should we ask, when you are the mainstay of the Companions of the Messenger of Allah ﷺ in this town, and we do not find [it] with you?" He said: "I shall speak about it using the utmost effort of my own opinion. If it is correct, then it is from what Allah alone, who has no partner, has bestowed; but if it is wrong, then it is from me and from Satan, and Allah and His Messenger are free of responsibility." He then related the hadith, at the end of which it states that, when he—may Allah be pleased with him—was informed of the Sunnah from the Prophet ﷺ concerning this matter, in agreement with the ruling he had given, ʿAbd Allah was never seen as happy as he was that day except upon his acceptance of Islam. Through the same chain to Ah-

[53] **Translator's note (L2442):** The first transmission chain places Hasan ibn ʿAli al-Juʿfi directly after ʿAbd ibn Humayd without an explicit transmission formula connecting them. This omission is retained. "'Ubayd al-ʿUmari" is retained as supplied, distinct from the subsequent "'Ubayd Allah ibn ʿUmar."

صداقا ولم يجمعها إليه حتى مات؟ فقال عبد الله ما سئلت عن شيء مذ فارقت رسول الله صلى الله عليه وسلم أشد علي من هذا فأتوا غيري فاختلفوا إليه فيها شهرا،

ثم قالوا له في آخر ذلك من نسأل وأنت أخيه أصحاب رسول الله صلى الله عليه وسلم بهذا البلد ولا نجد عندك قال سأقول فيها بجهد رأيي، فإن كان صوابا فمن أتاه الله وحده لا شريك له، وإن كان خطأ فمني ومن الشيطان، والله ورسوله بريء فقد ذكر الحديث وفي آخره، أنه رضي الله عنه إذ أخبر بالسنة عن النبي صلى الله عليه وسلم في ذلك بوفاق ما أفتى به فما رئي عبد الله فرح فرحه يومئذ إلا بإسلامه. وبه إلى أحمد بن شعيب: أخبرنا عبد الله بن محمد بن عبد الرحمن الزهري، ثنا أبو سعيد عبد الرحمن بن عبد الله، عن زائدة عن منصور، عن إبراهيم عن علقمة والأسود قالا: أتى عبد الله بن مسعود في رجل تزوج امرأة ولم يفرض لها، فتوفي قبل أن يدخل بها، فقال عبد الله: سلوا هل تجدون فيها أثرا؟ وذكر باقي الحديث. حدثنا محمد بن سعيد بن نبات،

mad ibn Shuʿayb: ʿAbd Allah ibn Muhammed ibn ʿAbd al-Rahman al-Zuhri informed us; Abu Saʿid ʿAbd al-Rahman ibn ʿAbd Allah narrated to us, from Zaʾidah, from Mansur, from Ibrahim, from ʿAlqamah and al-Aswad, who said: "ʿAbd Allah ibn Masʿud was approached concerning a man who married a woman without stipulating a bridal due for her, then died before consummating the marriage with her. ʿAbd Allah said: 'Ask whether you can find a transmitted report concerning her case.'" He then related the remainder of the hadith. Muhammed ibn Saʿid ibn Nabat narrated to us, from ʿAbd Allah ibn Muhammed ibn Qasim al-Qalʿi: Muhammed ibn Ahmad al-Sawwaf narrated to us; Bishr ibn Musa ibn Salih al-Asadi narrated to us; ʿAbd Allah ibn al-Zubayr al-Humaydi narrated to us; Sufyan ibn ʿUyaynah narrated to us, from al-Aʿmash, from Muslim ibn Subayh, namely Abu al-Duha, from Masruq, who said: Ibn Masʿud said: "O people, whoever among you possesses knowledge should speak according to it, and whoever does not know should say, concerning what he does not know, 'I do not know,' for Allah taught man. Allah Most High said to His Prophet ﷺ: 'Say: I ask you for no payment for it, and I am not one of those who affect what is beyond them.'" Abu Muhammed said: This is of the utmost authenticity. Everything we have just transmitted from Ibn ʿUmar, Ibn Masʿud, and Ibn ʿAbbas explains what they intended by saying, "Let him exert himself in forming his judgment," if that is authentically transmitted from them. It has nothing whatsoever to do with speaking about religion on the basis of personal opinion; rather, it means exerting oneself until one sees the truth in the Qurʾan and the Sunnah. Hammam narrated to us; al-Baji narrated to us; ʿAbd Allah ibn Yunus narrated to us; Baqi ibn Makhlad narrated to us; Abu Bakr ibn Abi Shaybah narrated to us; Yazid ibn Harun narrated to us; Hammad ibn Salamah narrated to us, from Qatadah, that Abu Musa al-Ashʿari said: "A judge ought not to pass judgment until the truth becomes as clearly distinguishable to him as night is from day." This reached ʿUmar ibn al-Khattab, who said: "He has spoken truly." Abu Muhammed said: This establishes that they did not permit pronouncements based on personal opinion, which is merely conjecture,

عن عبد الله بن محمد بن قاسم القلعي، نا محمد بن أحمد الصواف، نا بشر بن موسى بن صالح الأسدي، نا عبد الله بن الزبير الحميدي، حدثنا سفيان بن عيينة عن الأعمش عن مسلم بن صبيح هو أبو الضحى، عن مسروق قال: قال ابن مسعود: يا أيها الناس من علم منكم علما فليقل به، ومن لم يعلم فليقل لم لا يعلم: لا أعلم، فإن الله علم المرء وقد قال الله تعالى لنبيه صلى الله عليه وسلم {قل ما أسألكم عليه من أجر وما أنا من المتكلفين} قال أبو محمد هذا في غاية الصحة. وكل ما رويناه الآن من ابن عمر وابن مسعود وابن عباس يبين مرادهم بقولهم: فليجتهد رأيه لو صح ذلك عنهم، وأنه ليس على القول في الدين بالرأي أصلا لكن بأن يجتهد حتى يرى الحق في القرآن والسنة. حدثنا حمام، نا الباجي، نا عبد الله بن يونس، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا يزيد بن هارون، نا حماد بن سلمة، عن قتادة أن أبا موسى الأشعري قال: لا ينبغي لقاض أن يقضي حتى يتبين له الحق كما يتبين له الليل عن النهار، فبلغ ذلك عمر بن الخطاب فقال: صدق. قال أبو محمد: هذا يبين أنهم لم يجيزوا القول بالرأي الذي إنما هو ظن، وبين أنهم كانوا يرون خبر الواحد يوجب العلم والقطع به ولا بد.

and establishes that they considered a report transmitted by a single narrator to entail knowledge and certainty concerning it, necessarily.[54][55][56][57]

أخبرني محمد بن سعيد بن نبات، ثنا أحمد بن عبد البصير، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا مؤمل بن إسماعيل الحميري، نا سفيان الثوري، نا أبو إسحاق الشيباني، عن أبي الضحى، عن مسروق قال: كتب كاتب لعمر بن الخطاب: هذا ما رأى الله ورأى عمر، فقال عمر: بئس ما قلت، إن يكن صوابا فمن الله، وإن يكن خطأ فمن عمر.

L2448 Muhammed ibn Saʿid ibn Nabat informed me; 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-Himyari narrated to us; Sufyan al-Thawri narrated to us; Abu Ishaq al-Shaybani narrated to us, from Abu al-Duha, from Masruq, who said: A scribe wrote for ʿUmar ibn al-Khattab: “This is what Allah has judged and what ʿUmar has judged.” ʿUmar said: “How ill you have spoken! If it is correct, it is from Allah; if it is mistaken, it is from ʿUmar.”

حدثنا يونس بن عبد الله، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد بن خالد، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا يحيى بن سعيد القطان، نا مجالد عن الشعبي، عن مسروق قال: قال عبد الله بن مسعود: يذهب العلماء ويبقى قوم يقولون برأيهم، قال الشعبي: لعن الله أرأيت. قال أبو محمد: والله ما أفتى قط أحد من الصحابة رضي الله عنهم باجتهاد رأيه إلا كما ترى، بعد أن يبحث عن السنة فتغيب عنه، وهي عند غيره بلا شك، ثم لا يجعل رأيه ذلك إلا مما يخاف الله تعالى فيه، ويشفق منه ويتبرأ من التزامه، وكذلك كان التابعون رحمهم الله، فأتى اليوم ناس يجعلونه دينا يبطلون به كلام الله تعالى وكلام رسوله صلى الله عليه وسلم نعوذ بالله من الخذلان وقد روينا أيضا عن ابن عمر، كما نا المهلب، نا ابن مناس، أنا ابن مسرور، نا يونس بن عبد الأعلى، نا ابن وهب، أخبرني عمر بن الحارث أن عمرو بن دينار أخبره: أن عبد الله بن عمر كان إذا لم يبلغه شيء في الأمر يسأل عنه قال: إن شئتم أخبرتكم بالظن. قال عمرو بن دينار: أخبرني بذلك طاوس عنه. قال أبو محمد: وهذا سند في غاية الصحة، وحدثنا يونس بن عبد الله، نا يحيى بن مالك بن عائذ عبد الرحمن بن إسماعيل أبو عيسى الخشاب، نا أبو جعفر أحمد بن محمد بن سلامة الطحاوي، نا يونس

L2449–2452 Yunus ibn ʿAbd Allah narrated to us; Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim narrated to us; Ahmad ibn Khalid narrated to us; Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us; Muhammed ibn Bashshar narrated to us; Yahya ibn Saʿid al-Qattan narrated to us; Mujalid narrated to us, from al-Shaʿbi, from Masruq, who said: ʿAbd Allah ibn Masʿud said: “The scholars will pass away, and people will remain who speak according to their personal opinions.” Al-Shaʿbi said: “May Allah curse ‘What do you think if …?’” Abu Muhammed said: By Allah, none of the Companions—may Allah be pleased with them—ever issued a ruling by exerting himself in forming his own judgment except as you see here: after searching for the Sunnah and

[54] **Translator’s note (L2443):** The supplied “akhiyyah,” written with a final h, is interpreted as “mainstay,” literally a tethering fixture. The spelling and intended reading are uncertain.

[55] **Translator’s note (L2444):** “We do not find [it] with you” follows the supplied wording, which leaves the object unstated. The context might suggest a reading such as “we find no one other than you,” but that is not what the supplied text says. The phrase rendered “from what Allah … has bestowed” is grammatically irregular as supplied: “fa-min atahu Allah.” The translation gives its apparent sense while flagging the uncertainty rather than silently replacing it with the expected “from Allah.”

[56] **Translator’s note (L2446):** The wording translated as “concerning what he does not know” is irregular as transcribed. “For Allah taught man” follows the supplied wording. The clause appears corrupt in context and does not clearly express the expected connection between acknowledging ignorance and possessing knowledge.

[57] **Qur’an references (L2443):** Qur’an 38:86 (Sad).

failing to find it, although it was undoubtedly known to someone else. Even then, he regarded that opinion of his only as something concerning which he feared Allah Most High, felt apprehensive, and disavowed any commitment to it. Such too were the Successors—may Allah have mercy on them. Yet today people have appeared who make it a religion by which they invalidate the words of Allah Most High and the words of His Messenger ﷺ. We seek refuge in Allah from being forsaken. We have also transmitted from Ibn ʿUmar, as follows: al-Muhallab narrated to us; Ibn Munas narrated to us; Ibn Masrur informed us; Yunus ibn ʿAbd al-Aʿla narrated to us; Ibn Wahb narrated to us: ʿUmar ibn al-Harith informed me that ʿAmr ibn Dinar informed him that, whenever nothing had reached ʿAbd Allah ibn ʿUmar concerning a matter about which he was asked, he would say: "If you wish, I will tell you on the basis of conjecture." ʿAmr ibn Dinar said: "Tawus informed me of that from him." Abu Muhammed said: This chain of transmission is of the utmost authenticity. Yunus ibn ʿAbd Allah also narrated to us; Yahya ibn Malik ibn ʿA'idh narrated to us; ʿAbd al-Rahman ibn Ismaʿil, Abu ʿIsa al-Khashshab; Abu Jaʿfar Ahmad ibn Muhammed ibn Salamah al-Tahawi narrated to us; Yunus ibn ʿAbd al-Aʿla narrated to us; Ibn Wahb informed us; ʿUmar ibn al-Harith informed us, saying: ʿAmr ibn Dinar said to me: Tawus informed me, from Ibn ʿUmar, that whenever he was asked about a matter concerning which nothing had reached him, he would say: "If you wish, I will tell you on the basis of conjecture." Abu Muhammed said: Yusuf ibn ʿAbd al-Barr al-Namari wrote to me, saying: Abu Yusuf Yaʿqub related ibn Shaybah: Muhammed ibn Hatim ibn Maymun narrated to us; Yaʿqub ibn narrated to me— Ibrahim ibn Saʿd al-Zuhri: My father narrated to us, from Ibn Ishaq: Yahya ibn ʿAbbad ibn ʿAbbad ibn ʿAbd Allah ibn al-Zubayr narrated to me, from ʿAbd Allah ibn al-Zubayr, who said: "By Allah, I was with ʿUthman ibn ʿAffan at al-Juhfah, and with him was a group of men from Syria, among them Habib ibn Maslamah al-Fihri, when ʿUthman said, after combining the lesser pilgrimage with the greater pilgrimage had been mentioned to him: 'Complete the greater pilgrimage and devote it exclusively to the months of the greater pilgrimage. If you postponed this lesser pilgrimage so that you visited this House twice, that would be better, for Allah has made ample provision for good.' ʿAli said to him: 'You have turned to a practice of Allah's Messenger

بن عبد الأعلى، أنا ابن وهب، أنا عمر بن الحارث قال: قال لي عمرو بن دينار: أخبرني طاوس عن ابن عمر: أنه كان إذا سئل عن أمر لم يبلغه فيه شيء قال: إن شئتم أخبرتكم بالظن. قال أبو محمد: كتب إلي يوسف بن عبد البر النمري قال: ذكر أبو يوسف يعقوب بن شيبة، نا محمد بن حاتم بن ميمون، حدثني يعقوب بن إبراهيم بن سعد الزهري، نا أبي عن ابن إسحاق، حدثني يحيى بن عباد بن عباد بن عبد الله بن الزبير، عن عبد الله بن الزبير قال: أنا والله لمع عثمان بن عفان بالجحفة ومعه رهط من أهل الشام، منهم حبيب بن مسلمة الفهري إذ قال عثمان وذكر له التمتع بالعمرة إلى الحج أن أتموا الحج وخلصوه في أشهر الحج، فلو أخرتم هذه العمرة حتى تزوروا هذا البيت زورتين كان أفضل، فإن الله قد أوسع في الخير فقال له علي عمدت إلى سنة رسول الله صلى الله عليه وسلم ورخصة رخص الله للعباد بها في كتابه تضيق عليهم فيها، وتنتهي عنها، وكانت لذي الحاجة ولنائي الدار. ثم أهل بعمرة وحج معا فأقبل عثمان على الناس فقال: وهل نهيت عنها؟ إني لم أنه عنها، إنما كان رأيا أشرت به، فمن شاء أخذه ومن شاء تركه. كتب إلي النمري: حدثنا أحمد بن سعيد، نا ابن أبي دليم، نا ابن وضاح، نا إبراهيم بن محمد بن يوسف الفريابي، نا ضمرة بن ربيعة عن عثمان بن عطاء هو الخراساني، عن أبيه قال: أضعف العلم علم النظر، أن يقول الرجل: رأيت فلانا يفعل كذا، ولعله قد فعله ساهيا. كتب إلي النمري قال: ذكر الحسن بن علي الحلواني، نا عامر، نا حماد بن زيد عن سعيد بن أبي صدقة عن ابن سيرين قال لم يكن أحد بعد النبي صلى الله عليه وسلمأهيب لما لا يعلم مع أبي بكر ولم يكن أحد أهيب لما لا يعلم بعد أبي بكر من عمر، وإن أبا بكر نزلت به قضية فلم يجد في كتاب الله تعالى منها أصلا، ولا في السنة أثرا فاجتهد رأيه ثم قال: هذا رأيي فإن يكن صوابا فمن الله عز وجل، وإن يكن خطأ فمني وأستغفر الله تعالى.

ﷺ and a concession Allah granted His servants in His Book, restricting it for them and refraining from it, although it was for those in need and those whose homes are distant.' He then entered the consecrated state for both a lesser and a greater pilgrimage together. ʿUthman turned to the people and said: 'Have I forbidden it? I have not forbidden it. It was merely an opinion I offered as advice: whoever wishes may adopt it, and whoever wishes may leave it.'" Al-Namari wrote to me: Ahmad ibn Saʿid narrated to us; Ibn Abi Dulaym narrated to us; Ibn Waddah narrated to us; Ibrahim ibn Muhammed ibn Yusuf al-Firyabi narrated to us; Damrah ibn Rabiʿah narrated to us, from ʿUthman ibn ʿAta', namely al-Khurasani, from his father, who said: "The weakest knowledge is knowledge based on observation: a man says, 'I saw so-and-so do such-and-such,' although he may have done it inadvertently." Al-Namari wrote to me, saying: Al-Hasan ibn ʿAli al-Hulwani related: ʿAmir narrated to us; Hammad ibn Zayd narrated to us, from Saʿid ibn Abi Sadaqah, from Ibn Sirin, who said: "After the Prophet ﷺ, no one was more apprehensive about what he did not know, alongside Abu Bakr; and after Abu Bakr, no one was more apprehensive about what he did not know than ʿUmar. A case came before Abu Bakr, and he found no basis for it in the Book of Allah Most High, nor any transmitted report in the Sunnah. He therefore exerted himself in forming his judgment, then said: 'This is my opinion. If it is correct, it is from Allah, Mighty and Majestic; if it is mistaken, it is from me, and I seek forgiveness from Allah Most High.'"[58][59][60][61]

[58] **Translator's note (L2449):** Al-Shaʿbi's expression "What do you think if …?" targets the formula used in posing hypothetical legal questions. The supplied chain places ʿAbd al-Rahman ibn Ismaʿil after Yahya ibn Malik ibn ʿA'idh without an explicit transmission formula. The missing connection has not been supplied.

[59] **Translator's note (L2450):** The segment ends within the narrator's name. Its final words mean "Yaʿqub son of"; the remainder of the name follows in the next segment. The English word order is interrupted accordingly.

[60] **Translator's note (L2451):** The repeated "ibn ʿAbbad" is present in the supplied text and has been retained. The segment ends within the name ʿAbd Allah.

[61] **Translator's note (L2452):** The supplied wording says "refraining from it." In context, a reading meaning "forbidding it" might be expected, but has not been substituted. "Alongside Abu Bakr" follows the supplied preposition, which makes the comparison grammatically awkward. The apparent intended sense is that Abu Bakr was the most apprehensive about matters he did not know.

كتب إلي النمري قال: قرأت على عبد الوارث بن سفيان أن قاسم بن أصبغ أخبرهم قال: نا بكر بن حماد، نا مسدد بن مسرهد، نا يحيى بن سعيد القطان، عن ابن جريج، حدثني سليمان بن عتيق، عن طلق بن حبيب، عن الأحنف بن قيس عن عبد الله بن مسعود عن النبي صلى الله عليه وسلم قال ألا هلك المتنطعون ألا هلك المتنطعون ألا هلك المتنطعون. كتب إلي النمري: حدثنا عبد الله بن محمد، نا عبد الله بن محمد القاضي بالقلزم، نا محمد بن إبراهيم بن زياد بن عبد الله الرازي، نا الحارث بن عبد الله بهمدان، نا عثمان بن عبد الرحمن الوقاص، عن الزهري، عن سعيد بن المسيب عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم تعمل هذه الأمة برهة بكتاب الله وبرهة بسنة رسول الله صلى الله عليه وسلم ثم يعملون بالرأي فإذا فعلوا ذلك فقد ضلوا. كتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الآجري، نا محمد بن الليث، نا جبارة بن المغلس، نا حماد بن يحيى الأبح، عن الزهري، عن سعيد بن المسيب عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم تعمل هذه الأمة برهة بكتاب الله ثم تعمل برهة بسنة رسول الله صلى الله عليه وسلم ثم تعمل بعد ذلك بالرأي فإذا أعملوا بالرأي ضلوا. كتب إلي النمري: أنا أبو زيد العطار، نا علي بن محمد بن مسرور، نا أحمد بن داود، نا سحنون، نا ابن وهب، أخبرني ابن لهيعة، عن عبد الله بن أبي جعفر قال: قال عمر بن الخطاب السنة ما سنه الله تعالى ورسوله صلى الله عليه وسلم لا تجعلونه خطأ الرأي سنة للأمة

L2453–2455 Al-Namari wrote to me, saying: I read to ʿAbd al-Warith ibn Sufyan that Qasim ibn Asbagh had informed them, saying: Bakr ibn Hammad narrated to us; Musaddad ibn Musarhad narrated to us; Yahya ibn Saʿid al-Qattan narrated to us, from Ibn Jurayj: Sulayman ibn ʿAtiq narrated to me, from Talq ibn Habib, from al-Ahnaf ibn Qays, from ʿAbd Allah ibn Masʿud, from the Prophet ﷺ, who said: "Indeed, those who go to extremes have perished! Indeed, those who go to extremes have perished! Indeed, those who go to extremes have perished!" Al-Namari wrote to me: ʿAbd Allah ibn Muhammed narrated to us; ʿAbd Allah ibn Muhammed, the judge at al-Qulzum, narrated to us; Muhammed ibn Ibrahim ibn Ziyad ibn ʿAbd Allah al-Razi narrated to us; al-Harith ibn ʿAbd Allah narrated to us at Hamadhan; ʿUthman ibn ʿAbd al-Rahman al-Waqqas narrated to us, from al-Zuhri, from Saʿid ibn al-Musayyab, from Abu Hurayrah He said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: "This community will act for a time according to the Book of Allah and for a time according to the practice of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Then they will act according to personal opinion. When they do that, they will have gone astray." Al-Namari wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Muhammed ibn al-Layth related to us; Jubarah ibn al-Mughallis related to us; Hammad ibn Yahya al-Abahh related to us, from al-Zuhri, from Saʿid ibn al-Musayyab, from Abu Hurayrah, who said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: "This community will act for a time according to the Book of Allah, then act for a time according to the practice of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Then, after that, it will act according to personal opinion. When they apply personal opinion, they will go astray." Al-Namari wrote to me: Abu Zayd al-ʿAttar informed us; ʿAli ibn Muhammed ibn Masrur related to us; Ahmad ibn Dawud related to us; Sahnun related to us; Ibn Wahb related to us: Ibn Lahiʿah informed me, from ʿAbd Allah ibn Abi Jaʿfar, who said: ʿUmar ibn al-Khattab said: "The normative practice is what Allah Most High and His Messenger, may

Allah bless him and grant him peace ﷺ, have instituted. Do not make it—the error of personal opinion—a normative practice for the community."[62]

L2456–2457

Al-Namari wrote to me: Ahmad ibn ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji related to us; al-Hasan ibn Ismaʿil al-Muhandis related to us; ʿAbd al-Malik ibn Bahr related to us; Muhammed ibn Ismaʿil related to us; Sunayd Dawud related to us; Yahya ibn Zakariyya—namely, Ibn Abi Zaʾidah—related to us, from Ismaʿil ibn Abi Khalid, from ʿAmir al-Shaʿbi, who said: Some people came to Zayd ibn Thabit and asked him about certain matters. He informed them about them, and they wrote them down. Then they said: "If only we were to tell him!" He said: They came to him and told him, whereupon he said: "An act of treachery? Perhaps everything I have told you is mistaken. I am merely exerting my judgment on your behalf." Through the same chain, with the wording transmitted verbatim, as far as Sunayd: Hammad ibn Zayd related to us, from ʿAmr ibn Dinar, who said: It was said to Jabir ibn Zayd: "They write down what they hear from you." He replied: "Indeed, we belong to Allah, and indeed, to Him we return! They write down an opinion that I may retract tomorrow." ʿAbd Allah ibn Rabiʿ related to us; Ibn Mufarrij related to us; Qasim ibn Asbagh related to us; Ibn Waddah related to us; Ibn Wahb related to us, from al-Layth ibn Saʿd, who said: Rabiʿah wrote to him, saying: "I consider that every woman bound in marriage and awaiting a husband who is absent is entitled to her maintenance. There may be someone upon whom, if that were imposed, it would bring ruin to his worldly affairs and his obligations. Thus, the married woman continues to receive her maintenance until her inheritance devolves upon her and her husband's death becomes evident. Someone does indeed trans-

كتب إلي النمري: حدثنا أحمد بن عبد الله بن محمد بن علي الباجي، نا الحسن بن إسماعيل المهندس، ثنا عبد الملك بن بحر، نا محمد بن إسماعيل، نا سنيد داود، نا يحيى بن زكريا، هو ابن أبي زائدة، عن إسماعيل بن أبي خالد، عن عامر الشعبي، قال: أتى زيد بن ثابت قوم، فسألوه عن أشياء فأخبرهم بها فكتبوها ثم قالوا: لو أخبرناه قال: فأتوه فأخبروه، فقال: أغدرا لعل كل شيء حدثتكم خطأ، إنما أجتهد لكم رأيي. وبه نصا إلى سنيد: نا حماد بن زيد، عن عمرو بن دينار قال: قال لجابر بن زيد: إنهم يكتبون ما يسمعون منك، فقال: إنا لله وإنا إليه راجعون يكتبون رأيا أرجع عنه غدا. حدثنا عبد الله بن ربيع، نا ابن مفرج، نا قاسم بن أصبغ، نا بن وضاح، نا ابن وهب، عن الليث بن سعد قال: إن ربيعة كتب إليه يقول: أرى أن كل محبوسة منتظرة زوجا في غيبة إن نفقتها لها، ورب من يكون لو حمل ذلك عليه لكانت فيه هلكة دنياه وذمته. فالمرأة ذات الزوج في نفقتها حتى يقع ميراثها، ويتبين هلاك زوجها، وإن قائلا ليأثر عن بعض الناس بالمدينة غير ذلك، وهذا رأينا، والسنة أملك بذلك.

[62] **Translator's note (L2455):** The final clause has an awkward pronominal construction: "Do not make it—the error of personal opinion—a normative practice." The translation retains this irregularity rather than silently replacing it with a smoother Arabic reading.

mit something different from certain people in Medina. This is our opinion, but the normative practice has greater authority in this matter."[63][64]

L2458–2468 Yunus ibn ʿAbd Allah related to us; Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim related to us; Ahmad related to us; Khalid related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn Bashshar, Bundar, related to us; Yahya ibn Saʿid al-Qattan related to us; Salih ibn Muslim related to us that ʿAmir al-Shaʿbi said to him, concerning a question about marriage that he had asked him, in the course of a report: "If I tell you my personal opinion, urinate on it." Al-Namari wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Jaʿfar ibn Muhammed al-Firyabi related to us; al-ʿAbbas ibn al-Walid ibn Mazyad related to us: My father informed us: I heard al-Awzaʿi say: "Hold fast to the transmitted reports of those who preceded you, even if people reject you. Beware of men's opinions, even if they embellish their speech for you." Al-Firyabi said: Ahmad ibn Ibrahim al-Dawraqi also related to us: I heard ʿAbd al-Rahman ibn Mahdi say: I heard Hammad ibn Zayd say: Ayyub al-Sakhtiyani was asked: "Why do you not examine personal opinion?" Ayyub replied: "The donkey was asked: 'Why do you not chew the cud?' It replied: 'I dislike chewing falsehood.'" Al-Namari wrote to me: ʿAbd al-Warith ibn Sufyan related to us; Qasim ibn Asbagh related to us; Ahmad ibn Zuhayr related to us; al-Hawti related to us; Ismaʿil ibn ʿAyyash related to us, from Sawadah ibn Ziyad and ʿAmr ibn Muhajir, from ʿUmar ibn ʿAbd al-ʿAziz, that he wrote to the people: "No one's personal opinion has any standing along-

حدثنا يونس بن عبد الله، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد، نا خالد، نا محمد بن عبد السلام الخشني، نا محمد بن بشار بندار، نا يحيى بن سعيد القطان، نا صالح بن مسلم أن عامرا الشعبي قال له في مسألة من النكاح سأله عنها في حديث: إن أخبرتك برأيي فبل عليه. كتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الأجري، نا جعفر بن محمد الفريابي، نا العباس بن الوليد بن مزيد، أنا أبي، سمعت الأوزاعي يقول: عليك بآثار من سلف وإن رفضك الناس، وإياك وآراء الرجال وإن زخرفوا لك القول. قال الفريابي: وحدثنا أحمد بن إبراهيم الدورقي، سمعت عبد الرحمن بن مهدي يقول: سمعت حماد بن زيد يقول: قيل لأيوب السختياني، ما لك لا تنظر في الرأي؟ فقال أيوب: قيل للحمار ما لك لا تجتر؟ فقال: أكره مضغ الباطل. كتب إلي النمري: حدثنا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا أحمد بن زهير، نا الحوطي، نا إسماعيل بن عياش، عن سوادة بن زياد، وعمرو بن مهاجر، عن عمر بن عبد العزيز، أنه كتب إلى الناس إنه لا رأي لأحد مع سنة سنها رسول الله صلى الله عليه وسلم وبه إلى قاسم حدثنا ابن وضاح نا يوسف بن عدي، نا عبيدة بن حميد، عن عطاء بن السائب قال: قال الربيع بن خيثم: إياكم أن يقول الرجل لشيء: إن الله حرم هذا أو نهى عنه، فيقول الله عز وجل: كذبت لم أحرمه ولم أنه عنه، أو يقول: إن الله تعالى أحل هذا وأمر به، فيقول الله تعالى: كذبت لم أحله ولم آمر به. وكتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الأجري، نا أبو بكر بن أبي داود السجستاني، نا أحمد بن سنان قال: سمعت الشافعي يقول: مثل الذي ينظر في الرأي ثم يتوب منه، مثل المجنون الذي قد عولج حتى برأ فأغفل ما يكون قد هاج به. وبه إلى ابن أبي داود السجستاني قال: سمعت أبي يقول: سمعت أحمد بن حنبل يقول: لا

[63] **Translator's note (L2456):** "Sunayd Dawud" is the name sequence supplied by the transcription; its relationship is unclear, and no missing patronymic has been inserted. "An act of treachery?" renders the unvocalized accusative aghadran as a reproachful question. The final statement continues into the next unit; "bound in marriage" interprets the literal "confined" in light of that continuation.

[64] **Translator's note (L2457):** The opening completes Rabiʿah's statement in the preceding unit. The construction concerning the absent husband and maintenance is awkward; the translation takes the woman to remain entitled to maintenance while awaiting him. "His obligations" renders dhimma, which can denote legal or moral responsibility. The referent of the person upon whom "that" would be imposed is not explicit. "Her inheritance devolves upon her" retains the supplied wording, which does not expressly identify the estate from which she inherits.

side a normative practice instituted by the Messenger of Allah, may Allah bless him and grant him peace ﷺ." Through the same chain as far as Qasim: Ibn Waddah related to us; Yusuf ibn ʿAdi related to us; ʿAbidah ibn Humayd related to us, from ʿAtaʾ ibn al-Saʾib, who said: Al-Rabiʿ ibn Khuthaym said: "Beware lest a man say of something, 'Allah has forbidden this or prohibited it,' and Allah, Almighty and Majestic, say: 'You have lied. I have neither forbidden it nor prohibited it'; or say, 'Allah Most High has permitted this and commanded it,' and Allah Most High say: 'You have lied. I have neither permitted it nor commanded it.'" Al-Namari also wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Abu Bakr ibn Abi Dawud al-Sijistani related to us; Ahmad ibn Sinan related to us, saying: I heard al-Shafiʿi say: "The likeness of someone who examines personal opinion and then repents of it is that of a madman who has been treated until he has recovered: at his most unsuspecting, madness has seized him." Through the same chain as far as Ibn Abi Dawud al-Sijistani, who said: I heard my father say: I heard Ahmad ibn Hanbal say: "You will scarcely see anyone who has examined this personal opinion without there being something corrupt in his heart." Al-Namari wrote to me: ʿAbd al-Rahman ibn ʿAbd Allah ibn Khalid al-Hamdani related to us; Yusuf son of Yaʿqub al-Najirami, in Basra, informed us: Al-ʿAbbas ibn al-Fadl informed us: I heard Salamah son of Shabib say: I heard Ahmad ibn Hanbal say: "Al-Shafiʿi's opinion, Malik's opinion, and Abu Hanifah's opinion are all personal opinion, and to me they are all alike. Authoritative proof consists only in transmitted reports." Al-Namari wrote to me, saying: Muhammed ibn Harith al-Khushani mentioned: Abu ʿAbd Allah Muhammed ibn ʿUthman al-Nahhas informed us: I heard Abu ʿUthman Saʿid ibn Muhammed ibn al-Haddad say: I heard Sahnun ibn Saʿid say: "I do not know what this personal opinion is, by which blood has been shed, sexual relations have been deemed lawful, and rights have been established, except that we saw him to be a righteous man and therefore followed him without independent proof." Al-Namari wrote to me: ʿAbd al-Rahman ibn Yahya informed us; Ahmad ibn Saʿid ibn Hazm related to us; ʿUbayd Allah ibn Yahya ibn Yahya related to us, from his father, Yahya ibn Yahya, that he used to visit Ibn Wahb, who would ask him: "Where have you come from?" He would reply: "From Ibn al-Qasim." He would say to him:

تكاد ترى أحدا نظر في هذا الرأي إلا وفي قلبه دغل. كتب إلي النمري: حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، نا يوسف بن يعقوب النجيرمي بالبصرة، أنا العباس بن الفضل، سمعت سلمة بن شبيب يقول: سمعت أحمد بن حنبل يقول: رأي الشافعي ورأي مالك ورأي أبي حنيفة كله رأي وهو عندي سواء وإنما الحجة الآثار. كتب إلي النمري قال: ذكر محمد بن حارث الخشني، أنا أبو عبد الله محمد بن عثمان النحاس، سمعت أبا عثمان سعيد بن محمد بن الحداد يقول: سمعت سحنون بن سعيد يقول: ما أدري ما هذا الرأي؟ سفكت به الدماء واستحلت به الفروج، واستحقت به الحقوق غير أنا رأيناه رجلا صالحا فقلدناه. كتب إلي النمري: أنا عبد الرحمن بن يحيى، ثنا أحمد بن سعيد بن حزم، ثنا عبيد الله بن يحيى بن يحيى عن أبيه يحيى بن يحيى أنه كان يأتي بن وهب فيقول له: من أين فيقول له: من عند ابن القاسم. فيقول له: اتق الله فإن أكثر هذه المسائل رأي. قال أبو محمد: فقد ثبت أن الصحابة رضي الله عنهم لم يفتوا برأيهم على سبيل الإلزام، ولا على أنه حق، لكن على أنه ظن يستغفرون الله تعالى منه، أو على سبيل صلح بين الخصمين، فلا يحل لمسلم أن يحتج بشيء أتى عنهم على هذه السبيل، وأما التابعون فقد ذكرنا منهم طرفا صالحا. وحدثنا أيضا يونس بن عبد الله القاضي قال: ثنا يحيى بن عائذ، ثنا هشام بن محمد بن قرة، عن أبي جعفر أحمد بن سلامة الطحاوي، ثنا إبراهيم بن مرزوق، ثنا مسلم بن إبراهيم، ثنا أبو عقيل، ثنا سعيد الجريري، عن أبي نضرة أنه قال: سمعت أبا سلمة بن عبد الرحمن بن عوف يقول للحسن بن أبي الحسن البصري وقد قصدته أنا والحسن، فقال أبو سلمة للحسن: بلغني أنك تفتي برأيك، فلا تفتي برأيك إلا أن يكون سنة عن رسول الله صلى الله عليه وسلم أو كتابا منزلا وبه إلى الطحاوي حدثنا سليمان بن شعيب، ثنا خالد بن عبد الرحمن، ثنا مالك بن مغول، عن الشعبي قال ما جاءكم به هؤلاء من أصحاب رسول

"Fear Allah, for most of these questions are matters of personal opinion." Abu Muhammed said: It has thus been established that the Companions, may Allah be pleased with them, did not issue legal opinions based on their own judgment as something binding, or on the grounds that it was the truth. Rather, they did so as a conjecture for which they sought Allah Most High's forgiveness, or as a means of settling a dispute between two litigants. It is therefore unlawful for a Muslim to adduce as authoritative proof anything transmitted from them in this manner. As for the Successors, we have already mentioned a substantial selection of them. Yunus ibn ʿAbd Allah, the judge, also related to us, saying: Yahya ibn ʿA'idh related to us; Hisham ibn Muhammed ibn Qurrah related to us, from Abu Jaʿfar Ahmad ibn Salamah al-Tahawi: Ibrahim ibn Marzuq related to us; Muslim ibn Ibrahim related to us; Abu ʿAqil related to us; Saʿid al-Jurayri related to us, from Abu Nadrah, who said: I heard Abu Salamah ibn ʿAbd al-Rahman ibn ʿAwf speaking to al-Hasan ibn Abi al-Hasan al-Basri, when al-Hasan and I had gone to see him. Abu Salamah said to al-Hasan: "I have heard that you issue legal opinions according to your personal opinion. Do not issue legal opinions according to your personal opinion, unless it is a normative practice transmitted from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, or a revealed Book." Through the same chain as far as al-Tahawi: Sulayman ibn Shuʿayb related to us; Khalid ibn ʿAbd al-Rahman related to us; there related to us Malik ibn Mighwal, from al-Shaʿbi, who said: "Whatever these men among the Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, bring you, accept it; and whatever comes from their personal opinions, throw it into the privy." Ahmad ibn ʿUmar related to us; Abu Dharr related to us; Zahir ibn Ahmad related to us; Zanjawayh ibn Muhammed related to us; Muhammed ibn Ismaʿil al-Bukhari related to us; Muhammed ibn Mahbub related to us; ʿAbd al-Wahid related to us; al-Zibriqan son of ʿAbd Allah al-Asadi, that Abu Wa'il Shaqiq ibn Salamah said to him: "Beware of sitting with someone who says, 'What if? What if?'" Abu Muhammed said: We have also transmitted from al-Shaʿbi that he said: "These 'what-if' people have made the mosque more hateful to me than the sweepings of my household." 'Abd al-Rahman ibn Salamah, a companion of ours, narrated to us; Ahmad ibn Khalil narrated to us; Khalid ibn Sa'd nar-

الله صلى الله عليه وسلم نخذوا به وما كان من رأيهم فاطرحوه في الحش. حدثنا أحمد بن عمر، ثنا أبو ذر، ثنا زاهر بن أحمد، نا زنجويه بن محمد، ثنا محمد بن إسماعيل البخاري، نا محمد بن محبوب، نا عبد الواحد، نا الزبرقان بن عبد الله الأسدي، أن أبا وائل شقيق بن سلمة قال له: إياك ومجالسة من يقول: أرأيت أرأيت. قال أبو محمد: وقد روينا عن الشعبي أنه قال: قد ترك هؤلاء الأرأيتيون المسجد أبغض إلي من كناسة أهلي. حدثنا عبد الرحمن بن سلمة صاحب لنا، ثنا أحمد بن خليل، نا خالد بن سعد، أخبرني محمد بن عمر بن لبابة، أخبرني أبان بن عيسى بن دينار وكان فاضلا عن أبيه، عن ابن القاسم، عن مالك، عن ابن شهاب قال: دعوا السنة تمضي لا تعرضوا لها بالرأي، قال أبان: وكان أبي قد أجمع على ترك الفتيا بالرأي، وأحب الفتيا بما روي من الحديث، فأعجلته المنية عن ذلك. حدثنا المهلب، ثنا بن مناس، نا ابن مسرور، نا يونس بن عبد الأعلى، ثنا ابن وهب، أخبرني سعيد بن أبي أيوب، عن أبي الأسود هو محمد بن عبد الرحمن بن نوفل يتيم عروة قال: سمعت عروة بن الزبير يقول: ما زال أمر بني إسرائيل معتدلا حتى نشأ المولدون أبناء سبايا الأمم، فأخذوا فيهم بالرأي فأضلوهم. وبه إلى ابن وهب: حدثني أبي لهيعة، أن رجلا سأل سالم بن عبد الله بن عمر عن شيء، فقال: لم أسمع في هذا شيئا، فقال له الرجل، فأخبرني أصلحك الله برأيك قال: لا، ثم عاد عليه فقال: إني أرضى برأيك، فقال له سالم، إني لعلي إن أخبرتك برأيي ثم تذهب فأوى بعد ذلك رأيا غيره فلا أجدك. حدثنا محمد بن سعيد بن نبات، ثنا عبد الله بن محمد القلعي، ثنا أبو علي محمد بن أحمد الصواف، عن بشر بن موسى الأسدي، ثنا عبد الله بن الزبير الحميدي قال: قال سفيان بن عيينة: ما زال أمر الناس معتدلا حتى غير ذلك أبو حنيفة بالكوفة، والبتي بالبصرة وربيعة بالمدينة. قال أبو محمد: هؤلاء النفر غفر الله لنا ولهم أول من فتح باب الرأي وعول عليه واعترض بالقياس على حديث رسول الله صلى الله عليه وسلم وتلك زلة عالم ووهلة فاضل سمح

rated to us: Muhammed ibn ʻUmar ibn Lubabah informed me: Aban ibn ʻIsa ibn Dinar, who was a virtuous man, informed me, from his father, from Ibn al-Qasim, from Malik, from Ibn Shihab, who said: "Let the Sunnah proceed; do not assail it with personal opinion." Aban said: My father had firmly resolved to abandon issuing legal opinions on the basis of personal opinion and wished to issue legal opinions on the basis of transmitted hadith, but death overtook him before he could do so. Al-Muhallab narrated to us; Ibn Munas narrated to us; Ibn Masrur narrated to us; Yunus ibn ʻAbd al-Aʻla narrated to us; Ibn Wahb narrated to us: Saʻid ibn Abi Ayyub informed me, from Abu al-Aswad—who is Muhammed ibn ʻAbd al-Rahman ibn Nawfal, the orphan under ʻUrwah's care—who said: I heard ʻUrwah ibn al-Zubayr say: "The affairs of the Children of Israel remained sound until the mixed offspring, the sons of captive women from other nations, arose. They then employed personal opinion among them and led them astray." Through the same chain to Ibn Wahb: My father, Lahiʻah, narrated to me that a man asked Salim ibn ʻAbd Allah ibn ʻUmar about something. He said: "I have heard nothing concerning this." The man said to him: "Then tell me your personal opinion, may Allah set you right." He said: "No." Then he asked him again, saying: "I am content with your personal opinion." Then Salim said to him: "Perhaps, if I tell you my personal opinion and you then leave, I may afterward turn to a different opinion and be unable to find you." Muhammed ibn Saʻid ibn Nabat narrated to us; ʻAbd Allah ibn Muhammed al-Qalʻi narrated to us; Abu ʻAli Muhammed ibn Ahmad al-Sawwaf narrated to us, from Bishr ibn Musa al-Asadi; ʻAbd Allah ibn al-Zubayr al-Humaydi narrated to us, saying: Sufyan ibn ʻUyaynah said: "People's affairs remained sound until Abu Hanifah changed that in Kufah, al-Batti in Basrah, and Rabiʻah in Medina." Abu Muhammed said: These men—may Allah forgive us and them—were the first to open the door to personal opinion, rely upon it, and use analogy to raise objections against the hadith of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. That was a scholar's lapse and a virtuous man's error. May Allah pardon everyone through His bounty. Amen. Al-Namari, Yusuf ibn ʻAbd Allah, wrote to me: ʻAbd Allah ibn Muhammed ibn ʻAbd al-Mu'min, who is Ibn al-Zayyat, informed us; Abu ʻAbd Allah Muhammed ibn Ahmad, the Maliki judge of Basrah, narrated to us; Musa ibn Ishaq narrated

الله للجميع بمنه آمين. كتب إلى النمري يوسف بن عبد الله: أنا عبد الله بن محمد بن عبد المؤمن هو ابن الزيات، ثنا أبو عبد الله محمد بن أحمد القاضي المالكي البصري، ثنا موسى بن إسحاق، نا إبراهيم بن المنذر، نا معن بن عيسى قال: سمعت مالك بن أنس يقول: أنا بشر أخطىء وأصيب، فانظروا في رأيي، فكل ما وافق الكتاب والسنة فخذوا به، وما لم يوافق الكتاب والسنة فاتركوه. أخبرني بعض أصحابنا محمد بن أبي نصر، عن أبي عمر وعثمان بن أبي بكر، حدثني أبو نعيم بأصبهان، ثنا عبد الله بن محمد بن عبد الكريم، ثنا الحسن بن منصور، ثنا الحنيني قال: قال مالك بن أنس: إياكم وأصحاب الرأي فإنهم أعداء السنن. وحدثني ابن أبي نصر، نا عثمان بن أبي بكر، نا أبو نعيم إبراهيم بن عبد الله، ثنا محمد بن إسحاق قال: سمعت عثمان بن صالح يقول: جاء رجل إلى مالك فسأله عن مسألة فقال له قال رسول الله صلى الله عليه وسلم كذا فقال الرجل أرأيت فقال مالك {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}

to us; Ibrahim ibn al-Mundhir narrated to us; Maʿn ibn ʿIsa narrated to us, saying: I heard Malik ibn Anas say: "I am a human being: I err and I am right. Examine my personal opinion: whatever agrees with the Book and the Sunnah, accept it; whatever does not agree with the Book and the Sunnah, leave it." One of our companions, Muhammed ibn Abi Nasr, informed me, from Abu ʿUmar and ʿUthman ibn Abi Bakr: Abu Nuʿaym narrated to me in Isfahan; ʿAbd Allah ibn Muhammed ibn ʿAbd al-Karim narrated to us; al-Hasan ibn Mansur narrated to us; al-Hun ayni narrated to us, saying: Malik ibn Anas said: "Beware of the adherents of personal opinion, for they are enemies of the transmitted practices." Ibn Abi Nasr also narrated to me; ʿUthman ibn Abi Bakr narrated to us; Abu Nuʿaym Ibrahim ibn ʿAbd Allah narrated to us; Muhammed ibn Ishaq narrated to us, saying: I heard ʿUthman ibn Salih say: A man came to Malik and asked him about a question. He said to him: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said such-and-such." The man said: "What if?" Malik then said: "Do not make the Messenger's calling among you like your calling of one another. Allah certainly knows those of 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.”[65]666768697071

L2469–2470

‘Abd al-Rahman ibn Salamah narrated to us; Ahmad ibn Khalil narrated to us; Khalid ibn Rasul narrated to us; ‘Abd Allah ibn Yunus al-Muradi narrated to us; Baqi ibn Makhlad narrated to us; Sahnun and al-Harith ibn Miskin narrated to us, from Ibn al-Qasim, from Malik, that he frequently used to say: “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 entertain nothing but conjecture, and we possess no certainty.’” Through the same chain to Khalid, who said: I heard Muhammed ibn ‘Umar Lubabah say:

حدثنا عبد الرحمن بن سلمة، ثنا أحمد بن خليل، ثنا خالد بن رسول، ثنا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا سحنون والحارث بن مسكين، عن ابن القاسم، عن مالك أنه كان يكثر أن يقول {وإذا قيل إن وعد الله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} ويه إلى خالد قال: سمعت محمد بن عمر لبابة يقول: أخبرني أبو خالد مالك بن علي القرشي القطني الزاهد وكان فاضلا خيرا مجتهدا في العبادة، قال: أخبرني القعنبي قال: دخلت على مالك بن أنس في مرضه الذي مات فيه، فسلمت ثم جلست فرأيته يبكي، فقلت: يا أبا عبد الله ما الذي يبكيك؟ فقال لي: يا ابن قعنب وما لي لا أبكي ومن أحق بالبكاء مني والله لوددت أني ضربت بكل مسألة أفتيت بها برأيي سوطا سوطا، وقد كانت لي السعة فيما قد سبقت إليه، وليتني لم أفت بالرأي أو كما قال.

[65] **Translator’s note (L2459):** The final phrase is syntactically compressed. It is understood as describing a sudden relapse when the recovered person is least on his guard; its last pronoun appears in the next unit.

[66] **Translator’s note (L2461):** The opening completes the name Yusuf ibn Yaʿqub from the preceding unit; “in Basra” identifies the location of the transmission.

[67] **Translator’s note (L2462):** In Sahnun’s statement, the man referred to by “him” is not identified in this excerpt. “Followed him without independent proof” renders the technical term taqlid. The name Ahmad ibn Salamah al-Tahawi follows the supplied transcription; it has not been silently changed to the better-known form Ahmad ibn Muhammed ibn Salamah. The formulation “unless it is a normative practice … or a revealed Book” retains the supplied wording despite the tension with the preceding prohibition of reliance on personal opinion.

[68] **Translator’s note (L2465):** The opening “Allah” completes the name “‘Abd Allah” begun in the preceding segment; it is not an independent invocation. The expression rendered “‘what-if’ people” is a polemical coinage derived from the repeated question “What if?” The supplied text reads “my father, Lahiʻah,” rather than the expected narrator’s name “Ibn Lahiʻah.” This anomalous reading is retained.

[69] **Translator’s note (L2466):** The verb rendered “turn to” is anomalous in the supplied text: literally it suggests taking refuge or resorting to something. The context suggests subsequently adopting or coming to see a different opinion; the wording has not been silently replaced with the more usual verb for “see.”

[70] **Translator’s note (L2468):** The supplied transmission chain reads “from Abu ‘Umar and ‘Uthman ibn Abi Bakr”; the coordination and the attachment of the ensuing “narrated to me” are unclear and have been retained. The narrator rendered “al-Hun ayni” is written without vowels; the name is commonly vocalized al-Hunayni. The Quranic quotation, corresponding to 24:63, repeatedly omits the initial alif of definite articles and of the divine name in the transcription. Its wording remains intelligible. “The Messenger’s calling” can refer either to his summoning people or to people addressing him.

[71] **Qur’an references (L2458):** Qur’an 24:63 (An-Nur).

Abu Khalid Malik ibn ʻAli al-Qurashi al-Qutni, the ascetic, informed me—he was virtuous, good, and diligent in worship—saying: Al-Qaʻnabi informed me, saying: I went in to Malik ibn Anas during the illness in which he died. I greeted him and then sat down. I saw him weeping, so I said: "Abu ʻAbd Allah, what makes you weep?" He said to me: "Ibn Qaʻnab, why should I not weep? Who has more right to weep than I? By Allah, I wish that I had been struck, for every question on which I issued a legal opinion on the basis of my personal opinion, with a lash, a lash. I had ample scope in what had already preceded me. If only I had not issued legal opinions on the basis of personal opinion!" Or words to that effect.[72][73][74]

L2471–2475 Through the same chain to Khalid: Ahmad ibn Khalid narrated to us; Yahya ibn ʻUmar informed us; al-Harith ibn Miskin informed us; Ibn Wahb informed us, saying: Malik said to me: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, was the leader of the Muslims and the master of all beings. He would be asked about something and would not answer until revelation came to him from heaven." Abu Muhammed said: Is it then lawful for anyone who has established this as authentic concerning the Prophet, may Allah bless him and grant him peace ﷺ—from whom we received our religion—subsequently to issue legal opinions on a basis other than what revelation brought him, and to employ personal opinion and analogy? Allah forbid that! Ahmad ibn ʻUmar informed us; Ahmad ibn Muhammed ibn ʻIsa narrated to us; Muhammed ibn Ghundar narrated to us; Khalaf ibn Qasim narrated to us; Abu al-Maymun ʻAbd al-Rahman ibn

وبه إلى خالد: حدثنا أحمد بن خالد، أنا يحيى بن عمر، أنا الحارث بن مسكين، أنا ابن وهب قال قال لي مالك كان رسول الله صلى الله عليه وسلم إمام المسلمين وسيد العالمين يسأل عن الشيء فلا يجيب حتى يأتيه الوحي من السماء. قال أبو محمد أفيحل لأحد صح هذا عنده عن النبي صلى الله عليه وسلم الذي عنه أخذنا ديننا ثم يفتي بعد ذلك بغير ما أتاه به الوحي ويستعمل الرأي والقياس، معاذ الله من ذلك. أخبرنا أحمد بن عمر، ثنا أحمد بن محمد بن عيسى، نا محمد بن غندر، نا خلف بن قاسم، نا أبو الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، نا أبو زرعة عبد الرحمن بن عمرو، نا أبو مسهر، نا سعيد بن عبد العزيز قال: كان إذا سئل لا يجيب حتى يقول: لا حول ولا قوة إلا بالله العلي العظيم، هذا رأيي والرأي يخطىء ويصيب. قال أبو محمد: ويقال لمن يقضي بالرأي في الدين فخلل به وحرم وأوجب: أخبرنا عنك في قولك بالرأي، هذا حرام أو هذا واجب عمن تخبر بأنه حرم هذا أو أوجب هذا أعنك أم عن الله تعالى ورسوله صلى الله عليه وسلم لله فإن كنت تخبر بذلك عن الله تعالى أو عن رسوله صلى الله عليه وسلم كنت كاذبا عليهما لأنك تقول عنهما ما لم يقله الله تعالى ولا نبيه صلى الله عليه وسلم وإن كنت تقول ذلك عن نفسك فقد صرت محللا ومحرما وشارعا،

[72] **Translator's note (L2469):** The Quranic quotation corresponds to 45:32; the transcription omits initial alifs in several words but presents no clear substantive change. The linking expression before "to Khalid" is corrupt in the supplied text; it has been understood as the recurrent formula "through the same chain." The text gives "Khalid ibn Rasul," whereas a nearby chain gives "Khalid ibn Sa'd." The supplied name is retained. "Muhammed ibn 'Umar Lubabah" lacks the additional "ibn" found in the nearby occurrence of "Muhammed ibn 'Umar ibn Lubabah"; it has not been inserted.

[73] **Translator's note (L2470):** "What had already preceded me" is compressed and somewhat ambiguous; in context it likely refers to previously transmitted teachings or precedents that would have sufficed. The translation preserves the unspecific wording. The repeated "a lash, a lash" is retained from the supplied text.

[74] **Qur'an references (L2469):** Qur'an 45:32 (Al-Jathiyah).

‘Abd Allah ibn ‘Umar ibn Rashid al-Bajali narrated to us; Abu Zur‘ah ‘Abd al-Rahman ibn ‘Amr narrated to us; Abu Mushir narrated to us; Sa‘id ibn ‘Abd al-‘Aziz narrated to us, saying: When he was asked, he would not answer until he said: “There is no power and no strength except through Allah, the Most High, the Magnificent. This is my personal opinion, and personal opinion can be wrong or right.” Abu Muhammed said: To someone who judges in religion by personal opinion, thereby declaring things lawful, forbidding things, and imposing obligations, it is said: “Tell us about yourself: when, on the basis of personal opinion, you say, ‘This is forbidden,’ or, ‘This is obligatory,’ whom are you reporting as having forbidden this or imposed this obligation? Yourself, or Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ? For Allah. If you are reporting this from Allah Most High or from His Messenger, may Allah bless him and grant him peace ﷺ, you are lying about them both, because you attribute to them what neither Allah Most High nor His Prophet, may Allah bless him and grant him peace ﷺ, said. If you are saying it on your own authority, you have become someone who declares things lawful, forbids things, and legislates. This has the implications that it has; we seek refuge in Allah from it. Furthermore, you become someone who passes judgment upon the Creator Most High and dictates to Him, by imposing within His religion—which no one but He has legislated—rulings that you yourself legislate. This demonstration is sufficient, and through Allah Most High we receive support.” Ahmad ibn ‘Umar ibn Anas narrated to us; al-Husayn ibn Ya‘qub narrated to us; Sa‘id ibn Fahlun narrated to us; Yunus ibn Yahya al-Mufami narrated to us; ‘Abd al-Malik ibn Habib narrated to us: Ibn al-Majishun informed me that he said: Malik ibn Anas said: “Whoever introduces something into this community today that its predecessors did not follow has thereby claimed that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, betrayed the message, because Allah Most High says: ‘ Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, 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 what has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is

وفي هذا ما فيه نعوذ بالله منه. وأيضا فإنك تصير قاضيا على الباري تعالى، ومتحكما عليه أن تلزم في دينه الذي لم يشرعه سواه أحكاما تشرعها أنت، وفي هذا البرهان كفاية. وبالله تعالى نتأيد. حدثنا أحمد بن عمر بن أنس، نا الحسين بن يعقوب، نا سعيد بن فحلون، نا يونس بن يحيى المفامي، نا عبد الملك بن حبيب، أخبرني بن الماجشون أنه قال: قال مالك بن أنس: من أحدث في هذه الأمة اليوم شيئا لم يكن عليه سلفها فقد زعم أن رسول الله صلى الله عليه وسلم خان الرسالة لأن الله تعالى يقول { حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فما لم يكن يومئذ دينا لا يكون اليوم دينا، وقد ذكر الطحاوي عن أبي حنيفة أنه قال: علمنا هذا رأي فمن أتانا بخير منه قبلناه. حدثنا محمد بن سعيد بن نبات، نا إسماعيل بن إسحاق البصري، نا خالد بن سعد، نا محمد بن إبراهيم بن حيون الحجاري، نا عبد الله بن أحمد بن حنبل قال: سمعت أبي يقول: الحديث الضعيف أحد إلينا من الرأي. حدثنا حمام، نا عباس بن أصبغ، نا محمد بن عبد الملك بن أيمن، نا عبد الله بن أحمد بن حنبل قال: سألت أبي عن الرجل يكون ببلد لا يجد فيه إلا صاحب حديث لا يعرف صحيحه من سقيمه، وأصحاب رأي، فتنزل به النازلة، من يسأل؟ فقال أبي: يسأل صاحب الحديث ولا يسأل صاحب الرأي، ضعيف الحديث أقوى من رأي أبي حنيفة. قال أبو محمد: صدق أحمد رحمه الله لأن من أخذ بما بلغه عن رسول الله صلى الله عليه وسلم وهو لا يدري ضعفه فقد أجر يقينا على قصده إلى طاعة رسول الله صلى الله عليه وسلم كما أمره الله تعالى وأما من أخذ برأي أبي حنيفة أو رأي مالك أو غيرهما، فقد أخذ بما لم يأمره الله تعالى قط بالأخذ به، وهذه

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 indeed Allah is forgiving, merciful.' Thus, whatever was not religion on that day cannot be religion today." Al-Tahawi has related from Abu Hanifah that he said: "This knowledge of ours is personal opinion. Whoever brings us something better than it, we accept it." Muhammed ibn Sa'id ibn Nabat narrated to us; Isma'il ibn Ishaq al-Basri narrated to us; Khalid ibn Sa'd narrated to us: Muhammed ibn Ibrahim ibn Hayyun al-Hijari narrated to us: 'Abd Allah ibn Ahmad ibn Hanbal narrated to us, saying: I heard my father say, "A weak hadith is dearer to us than personal opinion." Hammam narrated to us: 'Abbas ibn Asbagh narrated to us: Muhammed ibn 'Abd al-Malik ibn Ayman narrated to us: 'Abd Allah ibn Ahmad ibn Hanbal narrated to us, saying: I asked my father about a man who lives in a town where he finds only a hadith scholar who cannot distinguish its sound reports from its unsound ones, and proponents of personal opinion. When a case arises for him, whom should he ask? My father replied, "He should ask the hadith scholar and should not ask the proponent of personal opinion. Weak hadith is stronger than Abu Hanifah's personal opinion." Abu Muhammed said: Ahmad spoke truly—may Allah have mercy on him—for whoever adopts what has reached him from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, without knowing its weakness, has certainly been rewarded for his intention to obey the Messenger of Allah, may Allah bless him and grant him peace ﷺ, as Allah Most High commanded him. But whoever adopts Abu Hanifah's personal opinion, or Malik's personal opinion, or that of anyone else, has adopted something that Allah Most High never commanded him to adopt. This is disobedience, not obedience. Every one you see among the Companions, the Successors, and the jurists has disavowed personal opinion, regretted the opinions he had previously put forward, and disavowed anyone who followed him unquestioningly in any of them. Who, then, is more astray than someone who worships his Lord Most High according to an opinion whose proponent wished that he could receive one lash for each question on which he had expressed it—and these may number

معصية لا طاعة. وقد تبرأ كل من ترى من الصحابة والتابعين، ومن الفقهاء من الرأي، وندموا على ما قد قدموا منه، وتبرؤوا ممن قلدهم في شيء منه، فمن أضل ممن دان ربه تعالى برأي قد تمنى الذي رآه أن يضرب عن كل مسألة منه سوطا ولعلها أزيد من عشرة آلاف مسألة ومن أضل ممن دان ربه تعالى برأي من قال: من أتانا بخير من رأينا قبلناه ولا شك عند كل ذي مسكة عقل من المسلمين أن كلام الله تعالى وكلام محمد صلى الله عليه وسلم خير من رأي أبي حنيفة ومالك هذا مع ما قد أوردناه في هذا الباب من الأحاديث الصحاح عن رسول الله صلى الله عليه وسلم في تحريم الفتيا بالرأي ومن البراهين القاطعة في ذلك وحسبنا الله ونعم الوكيل

more than ten thousand questions? And who is more astray than someone who worships his Lord Most High according to the opinion of someone who said, "Whoever brings us something better than our opinion, we will accept it"? No Muslim with the slightest grasp of reason doubts that the speech of Allah Most High and the speech of Muhammed, may Allah bless him and grant him peace ﷺ, are better than the personal opinions of Abu Hanifah and Malik. This is in addition to the sound hadiths from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, that we have adduced in this chapter concerning the prohibition of issuing legal opinions on the basis of personal opinion, and the decisive demonstrations concerning that. Allah is sufficient for us, and an excellent Trustee is He.[75][76][77][78][79]

[75] **Translator's note (L2471):** The subject of "when he was asked" is not explicitly named in the supplied report; the pronoun is retained without assigning it to a particular narrator.

[76] **Translator's note (L2472):** The isolated "for Allah" after the first question translates an intrusive phrase in the supplied text. Its grammatical connection is unclear; it has not been omitted. The name rendered "al-Mufami" follows the supplied consonants and may be corrupt.

[77] **Translator's note (L2473):** The Quranic quotation corresponds to 5:3. The supplied transcription repeatedly omits initial alifs, including in the divine name and "Islam"; no substantive omission or alteration of the verse's wording is evident.

[78] **Translator's note (L2474):** The opening name, Saʿd, continues the preceding segment's transmission chain. The transcription reads أحد, literally "one" or potentially "sharper," where the comparison appears to require أحب, "dearer." The translation follows that apparent intended reading; the supplied wording is corrupt or uncertain.

[79] **Qur'an references (L2471):** Qur'an 5:3 (Al-Ma'idah).

الباب 36: إبطال التقليد

Chapter 36: Refutation of Unquestioning Adherence

Ibn Ḥazm · Arabic–English parallel edition

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[الباب السادس والثلاثون في إبطال التقليد]

قال أبو محمد علي علي بن أحمد علي اعتقاد المرء قولا من قولين فصاعدا ممن اختلف فيه أهل التمييز المتكلمون في أفانين العلوم، فإنه لا يخلو في اعتقاده ذلك من أحد وجهين: إما أن يكون اعتقده ببرهان صح عنده أو يكون اعتقده بغير برهان صح عنده، فإن كان اعتقده ببرهان صح عنده، يخلو أيضا من أحد وجهين: إما أن يكون اعتقده ببرهان حق صحيح في ذاته، وإما أن يكون اعتقده بشيء يظن أنه برهان وليس ببرهان، لكنه شغب وتمويه موضوع وضعا غير مستقيم. وقد بينا كل برهان حق صحيح في ذاته في كتابنا الموسوم بالتقريب وبينا في كتابنا هذا أن البرهان في الديانة إنما هو نص القرآن أو نص كلام صحيح النقل مسند إلى النبي صلى الله عليه وسلم أو نتائج مأخوذة من مقدمات صحاح من هذين الوجهين. وأما القسم الثاني الذي هو شغب يظن أنه برهان وليس برهانا، فمن أنواعه: القياس والأخذ بالمرسل، والمقطوع، والبلاغ، وما رواه الضعفاء والمنسوخ والمخصص وكل قضية فاسدة قدمت بالوجوه المموهة التي قد بيناها في كتاب التقريب. وأما ما اعتقده المرء بغير برهان صح عنده، فإنه لا يخلو من أحد وجهين: إما أن يكون اعتقده لشيء استحسنه بهواه، وفي هذا القسم يقع الرأي والاستحسان، ودعوى الإلهام، وإما أن يكون اعتقده لأن بعض من دون النبي صلى الله عليه وسلم قال وهذا هو التقليد وهو مأخوذ من قلدت فلانا الأمر، أي جعلته كالقلادة في عنقه، وقد استحى قوم من أهل التقليد من فعلهم فيه، وهم يقرون ببطلان المعنى الذي يقع عليه هذا الاسم، فقالوا: نقلد بل نتبع. قال أبو محمد: ولم يتخلصوا بهذا التمويه من قبيح فعلهم، لأن الحرم إنما هو المعنى، فليسموه بأي اسم شاؤوا، فإنهم ما داموا آخذين بالقول لأن فلانا قاله دون النبي صلى الله عليه وسلم فهم عاصون لله تعالى لأنهم اتبعوا من لم يأمرهم الله تعالى باتباعه.

[Chapter Thirty-Six: On Invalidating Unquestioning Adherence to Another's Authority]

Abu Muhammed ʿAli ʿAli ibn Ahmad ʿAli said: When a person adopts one position out of two or more concerning a matter disputed by discerning people who discourse on the various branches of knowledge, his adoption of it necessarily takes one of two forms: either he adopted it on the basis of a demonstration established as sound in his judgment, or he adopted it without a demonstration established as sound in his judgment. If he adopted it on the basis of a demonstration established as sound in his judgment, there are again two possibilities: either he adopted it on the basis of a true demonstration, sound in itself, or he adopted it on the basis of something he thinks is a demonstration, although it is no demonstration, but contentious sophistry and deception constructed in an unsound manner. We have explained every true demonstration that is sound in itself in our book entitled Bringing Near, and we have explained in this book of ours that demonstration in religion consists solely of the explicit text of the Quran, the explicit wording of a statement soundly transmitted with a chain of transmission leading to the Prophet, may Allah bless him and grant him peace ﷺ, or conclusions drawn from sound premises derived from these two sources. As for the second category—contentious sophistry that is thought to be demonstration but is no demonstration—its varieties include analogy; reliance on reports with an omitted link to the Prophet, reports terminating short of the Prophet, reports conveyed without a chain of transmission, and what weak transmitters have related; abrogated texts; texts whose scope has been restricted; and every unsound proposition advanced through the deceptive methods we have explained in Bringing Near. As for what a person adopts without a demonstration established as sound in his judgment, it necessarily takes one of two forms: either he adopted it because of something he deemed preferable through his own inclination—and personal opinion, juristic preference, and claims of inspiration fall into this category—or he adopted it because someone other than the Prophet, may Allah bless him and grant him peace ﷺ, said it. This is unquestioning adherence to another's authority, or taqlid. The word is derived from the expression 'I entrusted so-and-so

with the matter,' meaning that I placed it like a necklace around his neck. Some practitioners of unquestioning adherence have felt ashamed of their conduct in this regard, while acknowledging the invalidity of the meaning to which this name applies, and have said, "We adhere unquestioningly; rather, we follow." Abu Muhammed said: By this deception they have not escaped the ugliness of their conduct, because it is the substance of the act that is prohibited. Let them call it whatever name they wish: so long as they adopt a position because so-and-so, other than the Prophet, may Allah bless him and grant him peace ﷺ, said it, they are disobeying Allah Most High, because they have followed someone whom Allah Most High did not command them to follow.[1][2]

L2479 It is sufficient to establish the invalidity of unquestioning adherence to ask someone who adheres unquestioningly to one particular person: "What distinguishes you from someone who adheres unquestioningly to someone other than the person you follow—indeed, who follows someone who, by your own admission, is more learned and more excellent than he?" If he advocates unquestioning adherence to every scholar, he has left religion without restraint and made both of two contrary rulings simultaneously binding in the issuing of legal opinions. There is no escape from this. But they have resorted to contentious sophistry and prolonged their discourse, so their sophistry must be exhaustively investigated, since this book of ours is a book of exhaustive investigation, not a book of abridgment. From Allah Most High we seek support. Abu Muhammed said: We shall mention, if Allah wills, the deceptive

ويكفي من بطلان التقليد أن يقال لمن قلد إنسانا بعينه: ما الفرق بينك وبين من قلد غير الذي قلدته، بل قلد من هو بإقرارك أعلم منه وأفضل منه؟ فإن قال بتقليد كل عالم كان قد جعل الدين هملا، وأوجب الضدين معا في الفتيا، هذا ما لا انفكاك منه، لكن شغبوا وأطالوا، فوجب تقصي شغبهم، إذ كتابنا هذا كتاب تقص لا كتاب إيجاز وبالله تعالى نتأيد. قال أبو محمد: ونحن ذاكرون إن شاء الله ما موه به المتأخرون لنصر قولهم في التقليد، ومبينون بطلان كل ذلك بحول الله وقوته، ثم نذكر البراهين الضرورية الصحاح على إبطال التقليد جملة، وبالله تعالى التوفيق.

[1] **Translator's note (L2477):** The attribution contains repeated occurrences of ʿAli: علي علي بن أحمد علي. These have been retained rather than silently regularized. In the second division, the transcription has يخلو, "is free of," where the argument appears to require لا يخلو, "cannot fall outside." The translation conveys the two alternatives, while noting the apparent missing negation. Bringing Near translates the title al-Taqrib.

[2] **Translator's note (L2478):** The report categories are, respectively, mursal, maqtuʿ, and balagh. The translation preserves their distinctions through descriptive English. The supplied quotation reads نقلد بل نتبع, "We adhere unquestioningly; rather, we follow." A negation before نقلد appears to be missing, but has not been inserted. The transcription's الحرم is irregular in this context; the translation takes it as referring to prohibition.

arguments advanced by later scholars to support their position on unquestioning adherence, and explain the invalidity of all of them through Allah's power and strength. We shall then set out the sound, necessary demonstrations invalidating unquestioning adherence altogether. Success comes through Allah Most High.

L2480–2482 Among their contentious arguments is the assertion of some of them: "It is related that Ibn Masʿud used to adopt ʿUmar's position." Abu Muhammed said: This is false, because Ibn Masʿud's disagreements with ʿUmar are too well known to require the effort of adducing them. He agreed with him only as people who reason from evidence agree with one another, and nothing more. We know of no report that Ibn Masʿud deferred to ʿUmar's position except a weak, unauthentic report concerning a single question: the grandfather's sharing of the inheritance with the siblings, sometimes down to one-third and sometimes down to one-sixth. Perhaps, if reports comparable to this one were exhaustively investigated, they would not amount to four questions. Moreover, all that this report states is that Ibn Masʿud implemented the ruling according to ʿUmar's position because ʿUmar was the caliph and Ibn Masʿud was one of his officials, and nothing more. As for their disagreements, if exhaustively investigated, they would amount to more than a hundred questions. About two leaves after this, we have given the chain of transmission of the aforementioned report about Ibn Masʿud's following ʿUmar, and have explained the weakness and unreliability of that report. Among the instances that occur to us of Ibn Masʿud's disagreement with practice in the greatest and most famous of his rulings is what Muhammed ibn Saʿid al-Nabati narrated to 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 Bashshar narrated to us: Muhammed ibn Jaʿfar narrated to us: Shuʿbah narrated to us, from al-Hakam ibn ʿUtaybah, from Zayd ibn Wahb, who said: Another man and I went to ʿAbd Allah ibn Masʿud to ask him about a slave woman who had borne her master a child. There he was praying, with two men flanking him, one on his right and one on his left. When he had finished praying, the two asked him about al-Khattab. He said to one of them, "Who taught you to recite?" He replied, "Abu ʿAmrah,

فما شغبوا به أن قال بعضهم: روي أن ابن مسعود كان يأخذ بقول عمر. قال أبو محمد: وهذا باطل، لأن خلاف ابن مسعود لعمر أشهر من أن يتكلف إيراده، وإنما وافقه كما يتوافق أهل الاستدلال فقط، وما نعرف رواية أن ابن مسعود رجع إلى قول عمر إلا رواية ضعيفة لا تصح في مسألة واحدة، وهي في مقاسمة الجد الأخوة مرة إلى الثلث ومرة إلى السدس، ولعل نظائر هذه الرواية لو تقصيت لم تبلغ أربع مسائل، وإنما جاء فيها أيضا أن ابن مسعود أنفذها بقول عمر، لأن عمر كان الخليفة. وابن مسعود أحد عماله فقط. وأما اختلافهما فلو تقصي لبلغ أزيد من مائة مسألة، وقد ذكرنا بعد هذا بنحو ورقتين سند الحديث المذكور من اتباع ابن مسعود عمر، وبينا وهي تلك الرواية وسقوطها. ومما حضرنا ذكره من خلاف ابن مسعود لعمل في أعظم قضاياه، وأشهرها ما حدثناه محمد بن سعيد النباتي، نا أحمد بن عون الله، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر، نا شعبة، عن الحكم بن عتيبة، عن زيد بن وهب قال: انطلقت أنا ورجل إلى عبد الله بن مسعود نسأله عن أم الولد، وإذا هو يصلي ورجلان قد اكتنفاه عن يمينه وعن يساره، فلما صلى سألاه الخطاب. فقال لأحدهما: من أقرأك؟ قال: أقرأنيها أبو عمرة أو أبو حكم المزني، وقال الآخر: أقرأنيها عمر بن الخطاب، فبكى حتى بل الحصا بدموعه وقال له: اقرأ كما أقرأك عمر، فإنه كان للإسلام حصنا حصينا يدخل الناس فيه ولا يخرجون منه، فلما أصيب عمر انثلم الحصن فخرج الناس من الإسلام، قال: سألته عن أم الولد، فقال: تعتق من نصيب ولدها.

or Abu Hakam al-Muzani, taught me to recite it." The other said, "'Umar ibn al-Khattab taught me to recite it." He then wept until he wetted the pebbles with his tears and said to him, "Recite as ʿUmar taught you to recite, for he was a strongly fortified stronghold for Islam: people entered it and did not leave it. When ʿUmar was struck down, the stronghold was breached, and people left Islam." He said: I asked him about a slave woman who had borne her master a child, and he replied, "She is emancipated out of her child's share."[3][4]

L2483–2486 Abu Muhammed said: Here is Ibn Masʿud, through this remarkable chain of transmission, in which there is no point open to criticism, disagreeing with ʿUmar after ʿUmar's death—as indicated by the explicit mention of ʿUmar's death in this report—concerning slave women who have borne their masters children. He does not consider them free at the expense of their masters' principal estates, but rather from their children's shares, just as anyone's mother becomes free upon his acquiring ownership of her. Moreover, Ibn Masʿud continued until his death to press his palms together between his knees during prayer, whereas ʿUmar would place his hands on his knees and prohibit pressing the palms together. Ibn Masʿud would strike hands for being placed on the knees. Ibn Masʿud said concerning a declaration of prohibition, "It is an oath," whereas ʿUmar said, "It is a single divorce." Ibn Masʿud would say concerning a man who committed fornication with a woman and then married her, "They remain fornicators for as long as they remain together," whereas ʿUmar would command the fornicator to marry

[3] **Translator's note (L2480):** The grandfather's sharing arrangement is expressed elliptically: "sometimes down to one-third and sometimes down to one-sixth." The source does not spell out the calculation or its denominator here. The transcription reads لعمل, "with practice," where the context strongly suggests لعمر, "with ʿUmar." The translation retains the supplied reading; "his rulings" consequently has an uncertain antecedent. The phrase سألاه الخطاب, translated "the two asked him about al-Khattab," appears corrupt or incomplete. It does not clearly explain the subsequent question about who taught the men to recite. The uncertainty between Abu ʿAmrah and Abu Hakam al-Muzani is present in the transmitted wording.

[4] **Translator's note (L2482):** "Her child's share" refers to the child's share of the inheritance, as the following context clarifies.

قال أبو محمد: فهذا ابن مسعود بهذا السند العجيب الذي لا مغمز فيه بعد موت عمر على ما في نص هذا الحديث من ذكره موت عمر يخالفه في أمهات الأولاد، فلا يراهن حرائر من رأس مال سادتهن، ولكن من نصيب أولادهن كما تعتق على كل أحد أمه إذا ملكها. ومع ذلك أن ابن مسعود إلى أن مات كان يطبق في الصلاة، وعمر كان يضع اليدين على الركبتين وينهى عن التطبيق وكان ابن مسعود يضرب الأيدي لوضعها على الركب، وابن مسعود يقول في الحرم هي يمين، وعمر يقول: هي طلقة واحدة. وكان ابن مسعود يقول في رجل زنى بامرأة ثم تزوجها: لا يزالان زانيين ما اجتمعا، وعمر يأمر الزاني أن يتزوج التي زنى بها، وابن مسعود يقول بيع الأمة طلاقها، وعمر لا يرى بيعها طلاقا ويخالفه في قضايا كثيرة جدا. والعجب كله ممن يحتج بالكذب، من أن ابن مسعود كان يقلد عمر، وهم لا يرون تقليد عمر ولا ابن مسعود في كل أقوالهما، وإنما يقلدون من لم يقلده قط ابن مسعود ولا رآه، كأبي حنيفة ومالك والشافعي وحسبك بمقدار من يحتج بمثل هذا في الغباوة والجهل، وقوله مخالف لما احتج به. وكيف يجوز أن يقلد ابن مسعود عمر؟ وقد حدثنا عبد الله بن يوسف، حدثنا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، حدثنا مسلم بن الحجاج، نا إسحاق بن راهويه، نا عبدة بن سليمان، نا الأعمش عن أبي وائل شقيق بن سلمة الأسدي، عن عبد الله بن مسعود قال لقد علم أصحاب رسول الله صلى الله عليه وسلم أني أعلمهم بكتاب الله عز وجل ولو أعلم أن أحدا أعلم

به مني لرحلت إليه قال شقيق فجلست في حلق أصحاب محمد صلى الله عليه وسلم فما سمعت أحدا يرد ذلك عليه ولا يعيبه وبه إلى مسلم: نا أبو كريب، نا يحيى بن آدم، نا قطبة عن الأعمش، عن مسلم، عن مسروق، عن عبد الله بن مسعود قال: والذي لا إله غيره ما من كتاب الله تعالى سورة إلا أنا أعلم حيث نزلت، وما من آية إلا أنا أعلم فيما أنزلت، ولو أعلم أحدا هو أعلم بكتاب الله تعالى مني تبلغه الإبل لركبت إليه. قال أبو محمد وكان ابن مسعود من الملازمة لرسول الله صلى الله عليه وسلم بحيث قال أبو موسى الأشعري كنا حينا وما نرى ابن مسعود وأمه إلا من أهل بيت النبي صلى الله عليه وسلم من كثرة دخولهم ولزومهم له وقال ابن مسعود البدري وقد قام عبد الله بن مسعود ما أعلم رسول الله صلى الله عليه وسلم ترك بعده أعلم بما أنزل الله تعالى من هذا القائم، فقال أبو موسى: لقد كان يشهد إذا غبنا، ويؤذن له إذا حجبنا. روينا هذا السند المذكور إلى مسلم قال: حدثناه أبو كريب محمد بن العلاء الهمداني، نا يحيى بن آدم، نا قطبة، عن الأعمش، عن مالك بن الحارث، عن أبي الأحوص أنه سمع أبا مسعود وأبا موسى يقولان ذلك. قال أبو محمد: فمن كانت هذه صفته وهو يخبر أنه ما من آية في القرآن إلا وهو يعلم فيما أنزلت، أيجوز أن يظن به ذو عقل أنه يقلد أحدا من الناس؟

the woman with whom he had committed fornication. Ibn Masʿud said, "The sale of a slave woman constitutes her divorce," whereas ʿUmar did not consider her sale a divorce. He disagreed with him on very many cases.

Utterly astonishing are those who argue from the falsehood that Ibn Masʿud practiced uncritical adherence to ʿUmar's authority, although they themselves do not consider uncritical adherence to either ʿUmar or Ibn Masʿud obligatory in all their statements. They instead adhere uncritically to people whom Ibn Masʿud never followed uncritically, nor even saw, such as Abu Hanifah, Malik, and al-Shafiʿi. The stupidity and ignorance of someone who argues with something of this sort are sufficient indication of his worth, while his own position contradicts what he has adduced as an argument. How could Ibn Masʿud have adhered uncritically to ʿUmar, when ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Ishaq ibn Rahawayh related to us: ʿAbdah ibn Sulayman related to us: al-Aʿmash related to us, from Abu Waʾil Shaqiq ibn Salamah al-Asadi, from ʿAbd Allah ibn Masʿud, who said: "The Companions of the Messenger of Allah ﷺ certainly know that I am the most knowledgeable of them concerning the Book of Allah, Mighty and Majestic. Were I to know that anyone knew it better than I did, I would journey to him." Shaqiq said: "I sat in the circles of Muhammed's Companions ﷺ, and I never heard anyone reject this claim of his or find fault with it." Through the same chain to Muslim: Abu Kurayb related to us: Yahya ibn Adam related to us: Qutbah related to us, from al-Aʿmash, from Muslim, from Masruq, from ʿAbd Allah ibn Masʿud, who said: "By Him besides whom there is no deity, there is no chapter in the Book of Allah, Exalted is He, whose place of revelation I do not know, and there is no verse whose occasion of revelation I do not know. Were I to know anyone more knowledgeable than I concerning the Book of Allah, Exalted is He, whom camels could reach, I would ride to him."

Abu Muhammed said: Ibn Masʿud's constant attendance upon the Messenger of Allah ﷺ was such that Abu Musa al-Ashʿari said: "For a time, we thought Ibn Masʿud and his mother could only be members of the Prophet's

household ﷺ, so frequently did they enter and so constantly did they attend upon him." Ibn Masʿud al-Badri said, when ʿAbd Allah ibn Masʿud had stood up: "I do not know that the Messenger of Allah ﷺ left behind anyone more knowledgeable about what Allah, Exalted is He, revealed than this man standing here." Abu Musa then said: "He used to be present when we were absent, and he was granted permission to enter when we were barred." We transmitted this through the aforementioned chain to Muslim, who said: Abu Kurayb Muhammed ibn al-ʿAlaʾ al-Hamdani related it to us: Yahya ibn Adam related to us: Qutbah related to us, from al-Aʿmash, from Malik ibn al-Harith, from Abu al-Ahwas, that he heard Abu Masʿud and Abu Musa saying this.

Abu Muhammed said: Could any rational person suppose that someone of this description, who reports that there is no verse in the Quran whose occasion of revelation he does not know, would adhere uncritically to any human being?[5][6][7][8]

L2487–2488 This is impossible, inconceivable, and admits of no possibility. Only someone ignorant of the ruling concerning a case that arises adheres uncritically to another, accepting the statement of someone whom he supposes to know it. How could Ibn Masʿud have adhered uncritically to ʿUmar, when his situation was as Muhammed ibn Saʿid related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-

هذا محال ممتنع لا سبيل إليه، وإنما يقلد من يجهل الحكم في النازلة، فيأخذ بقول من يقدر أنه يعلمه، وكيف يمكن أن يقلد ابن مسعود عمر؟ وقد كان كما حدثنا محمد بن سعيد، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار بندار، نا محمد بن عدي، وأبو داود الطيالسي كلاهما عن شعبة، عن عمرو بن مرة، عن أبي عبيد الله بن عبد الله بن مسعود عن مسروق قال ما شهدت أصحاب النبي صلى الله عليه وسلم إلا بالإخاذ فالإخاذة تكفي الواحد والاثنين والثلاثة، والإخاذة تكفي الفئام من الناس، وإني أتيت عبد الله بن مسعود وعمر وعثمان فوجدت عبد الله كفاني، فلزمت عبد الله. قال أبو محمد: فقد بين مسروق أنه جربهم فوجد ابن مسعود لا يقصر عن عمر في العلم، بل كلام مسروق يدل على تقدم ابن مسعود عنده على عمر في العلم، ولذلك اكتفى به عنه، وقد ذكرنا في باب

[5] **Translator's note (L2483):** The source reads «الحرم», an unclear form in this context. It is rendered as a declaration of prohibition, apparently referring to a husband's declaring his wife forbidden to him; the Arabic reading has not been silently replaced with «الحرام». Pressing the palms together between the knees renders the prayer practice termed taṭbīq.

[6] **Translator's note (L2484):** The final personal name, ʿAbd Allah, is divided between this unit and the next.

[7] **Translator's note (L2485):** This unit begins with the second part of the personal name ʿAbd Allah and ends within the phrase 'the Book of Allah.' The English word order anticipates 'chapter' from the following context so that the translated segments join coherently.

[8] **Translator's note (L2486):** The source names the speaker 'Ibn Masʿud al-Badri,' but the chain later in the same unit names 'Abu Masʿud.' The apparent name error is preserved. The source reads «إذا حجبنا», which does not naturally mean 'when we were barred.' The translation reflects the apparent intended reading «إذا حجبنا»; the supplied wording is evidently problematic.

Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Muhammed ibn ʿAdi and Abu Dawud al-Tayalisi related to us, both from Shuʿbah, from ʿAmr ibn Murrah, from Abu ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud, from Masruq, who said: "I have only witnessed the Prophet's Companions ﷺ as pools of water: one pool suffices for one person, two, or three, while another pool suffices for large companies of people. I came to ʿAbd Allah ibn Masʿud, ʿUmar, and ʿUthman, and found that ʿAbd Allah sufficed for me, so I attached myself to ʿAbd Allah."

Abu Muhammed said: Masruq has thus explained that he tried them and found that Ibn Masʿud fell no short of ʿUmar in knowledge. Indeed, Masruq's words indicate that, in his estimation, Ibn Masʿud surpassed ʿUmar in knowledge; that is why he found him sufficient without recourse to ʿUmar. We have already mentioned, in the chapter on consensus in this book of ours, in the section concerning those who claim that consensus is the consensus of the people of Medina, the description of Ibn Masʿud's standing in knowledge in ʿUmar's estimation, as expressed in his letter to the people of Kufa.[9]

L2489–2491 Some of them argued by saying: "Uncritical adherence is unavoidable, because you go to the butcher and adhere uncritically to his assertion that he pronounced the name of Allah, Mighty and Majestic, although it is possible that he did not pronounce it. The same applies to everything."

Abu Muhammed said: Someone advancing this argument either has the ignorance of donkeys or is weak in religion, without shame and without fear of Allah, Mighty and Majestic. He should be told: If what you have mentioned counts, in your estimation, as uncritical adherence, then adhere uncritically to every flagrantly sinful person and everyone who makes a statement. Adhere uncritically to Jews and Christians and follow their religion, for we likewise buy meat from them and believe them when they say that they pronounced the name of Allah, Exalted is He, over the animals they slaughtered,

[9] **Translator's note (L2487):** The wording «ما شهدت ... إلا بالإخاذ» is awkward: literally, 'I only witnessed … with pools.' The translation preserves its apparent comparison of the Companions to pools of differing capacity. The transmitter names 'Muhammed ibn ʿAdi' and 'Abu ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud' are reproduced as supplied; their readings may be corrupt.

الإجماع من كتابنا هذا في باب من ادعى أن الإجماع هو إجماع أهل المدينة صفة منزلة ابن مسعود عند عمر في العلم في كتابه إلى أهل الكوفة.

واحتج بعضهم بأن قال: لا بد من التقليد، لأنك تأتي الجزار فتقلده في أنه سمى الله عز وجل، وممكن أن يكون لم يسم، وهكذا في كل شيء. قال أبو محمد: المحتج بهذا إما كان بمنزلة الحمير في الجهل، وإما كان رقيق الدين لا يستحي ولا يتقي الله عز وجل، فيقال له: إن كان ما ذكرت عندك تقليدا، فقلد كل فاسق وكل قائل، وقلد اليهود والنصارى فاتبع دينهم، لأنا كذلك نبتاع اللحم منهم. ونصدقهم أنهم سموا الله تعالى على ذبائحهم، كما نبتاعه من المسلم الفاضل، ولا فرق، ولا فضل بين ابتياعه من زاهد عابد، وبين ابتياعه من يهودي فاسق، ولا أثرة ولا فضيلة لذبيحة العالم الورع على ذبيحة الفاسق الفاجر، فقلد كل قائل على ظهر الأرض وإن اختلفوا، كما نأكل ذبيحة كل جزار من مؤمن أو ذمي. فإن قال بذلك خرج عن الإسلام وكفى مؤونته، ولزمه ضرورة ألا يقلد عالما بعينه دون من سواه، كما أنه لا يقلد جزارا بعينه دون من سواه، وإن أبى من ذلك فقد أبطل احتجاجه بتقليد الجزار وغيره، وسقط تمويهه.

just as we buy it from a virtuous Muslim. There is no difference or superiority between buying it from an ascetic worshipper and buying it from a flagrantly sinful Jew. Nor is there any preference or superiority attaching to the animal slaughtered by a scrupulously pious scholar over that slaughtered by a flagrantly sinful, wicked person. So adhere uncritically to everyone who makes a statement on the face of the earth, even if they disagree, just as we eat the animals slaughtered by every butcher, whether a believer or a non-Muslim under Muslim protection. If he accepts this, he has departed from Islam and spared us the trouble of dealing with him. It necessarily follows that he must not adhere uncritically to one particular scholar to the exclusion of others, just as he does not adhere uncritically to one particular butcher to the exclusion of others. If he refuses this, he has invalidated his own argument from uncritical adherence to the butcher and others, and his obfuscation collapses.

But let the ignorant person know that our believing the butcher, the craftsman, and the seller of a commodity in his possession—the matter with which this obfuscator has stirred up controversy—is not uncritical adherence at all. We believe them only because the authoritative text commands us to believe them. The Companions of the Messenger of Allah ﷺ asked about this very matter, saying: "O Messenger of Allah, people who have only recently left unbelief bring slaughtered animals, and we do not know whether they pronounced the name of Allah, Exalted is He, over them." He ﷺ said: "Pronounce Allah's name yourselves and eat"—or words to that effect from him ﷺ. He, Exalted is He, also commanded the eating of the food of the People of the Book and the animals they slaughter. If, concerning uncritical adherence to one particular man, they bring us an authoritative text making adherence to him obligatory, or a consensus making adherence to him obligatory, we shall accept it and follow them. It would then no longer be uncritical adherence, because demonstration would by then have established the obligation to follow him.

Some of them argued by saying: "It is related from ʿUmar that he said, 'I would indeed be ashamed before Allah, Mighty and Majestic, to disagree with Abu Bakr.'"

ولكن ليعلم الجاهل أن هذا الذي شغب به هذا المموه من تصديقنا الجزار والصانع وبائع سلعة بيده: ليس تقليدا أصلا، وإنما صدقناهم لأن النص أمر بتصديقهم وقد سأل أصحاب رسول الله صلى الله عليه وسلم عن هذه بعينها فقالوا يا رسول الله إنه يأتي قوم حديثو عهد بالكفر بذبائح لا ندري أسموا الله تعالى عليها فقال صلى الله عليه وسلم سموا الله أنتم وكلوا أو كما قال صلى الله عليه وسلم وأمر تعالى بأكل طعام أهل الكتاب وذبائحهم فإن أتونا في تقليد رجل بعينه بنص على إيجاب تقليده أو بإجماع على إيجاب تقليده صرنا إليه واتبعناهم، ولم يكن ذلك تقليدا حينئذ، لأن البرهان كان يكون حينئذ قد قام على وجوب اتباعه. واحتج بعضهم بأن قال: روي عن عمر أنه قال: إني لأستحي من الله عز وجل أن أخالف أبي بكر. قال أبو محمد: وهذا يبطل من خمسة أوجه: أولها: أن هذا حديث مكذوب محذوف، لا يصح منفردا هذا اللفظ كما أوردوه، وإنما جاء بلفظ إذا حقق فهو حجة عليهم، وسنورده عند الفراغ بذكر حججهم، ثم الابتداء بالاحتجاج عليهم في هذا الباب إن شاء الله تعالى.

Abu Muhammed said: This is invalid on five grounds. The first is that this is a falsified, truncated report: this wording, taken in isolation as they have presented it, is not authentic. It has come down only in a wording which, when properly examined, constitutes an argument against them. We shall present it when we have finished mentioning their arguments and then begin adducing arguments against them on this subject, if Allah, Exalted is He, wills.[10]

L2492–2495 The second is that ‘Umar’s disagreement with Abu Bakr is too well known to be unknown to anyone with even the slightest knowledge of transmitted reports. Among these is his disagreement with him over taking the people of the apostasy captive. Abu Bakr took them captive, and Umar’s disagreement with him went so far that he overturned his ruling on this matter and returned the women to their families as free women, except those among them who had borne children to their masters. Among these women was Khawlah al-Hanafiyyah, the mother of Muhammed ibn Ali. He also disagreed with him over dividing conquered land: Abu Bakr favored dividing it, whereas Umar favored retaining it undivided, and he did not divide it. He also disagreed with him over granting unequal stipends: Abu Bakr favored equality, whereas Umar favored differentiation, and he granted unequal amounts. Among the most immediately relevant instances is what Abd Allah ibn Rabi narrated to us: Umar ibn Abd al-Malik narrated to us: Muhammed ibn Bakr narrated to us: Sulayman ibn al-Ashath narrated to us: Muhammed ibn Dawud ibn Sufyan and Salamah ibn Shabib narrated to us, both saying: Abd al-Razzaq narrated to us: Mamar narrated to us, from al-Zuhri, from Salim, from Ibn Umar, who said: Umar said, “If I do not appoint a successor, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, did not appoint a successor; and if I appoint a successor, Abu Bakr did appoint a successor.” Ibn Umar said: “By Allah, as soon as he mentioned the Messenger of Allah, may Allah bless him and grant him peace ﷺ, and Abu Bakr, I knew that he would place no one on an equal footing with the Messenger of Allah, may Allah bless

والثاني: أن خلاف عمر لأبي بكر أشهر من أن يجهله من له أقل علم بالروايات، فمن ذلك خلافه إياه في سبي أهل الردة، سباهم أبو بكر، وبلغ الخلاف عن عمر له أن نقض حكمه في ذلك، وردهن حرائر إلى أهليهن إلا من ولدت لسيدها منهن، ومن جملتهن كانت خولة الحنفية أم محمد بن علي. وخالفه في قسمة الأرض المفتتحة، فكان أبو بكر يرى قسمتها، وكان عمر يرى إيقافها ولم يقسمها. وخالفه في المفاضلة أيضا في العطاء، فكان أبو بكر يرى التسوية، وكان عمر يرى المفاضلة وفاضل. ومن أقرب ذلك ما حدثناه عبد الله بن ربيع، ثنا عمر بن عبد الملك، ثنا محمد بن بكر، ثنا سليمان بن الأشعث، حدثنا محمد بن داود بن سفيان، وسلمة بن شبيب قالا: ثنا عبد الرزاق، ثنا معمر عن الزهري، عن سالم، عن ابن عمر قال قال عمر إني إن لا أستخلف فإن رسول الله صلى الله عليه وسلم لم يستخلف وإن استخلف فإن أبا بكر قد استخلف. قال ابن عمر فوالله ما هو إلا أن ذكر رسول الله صلى الله عليه وسلم وأبا بكر فعلمت أنه لا يعدل برسول الله صلى الله عليه وسلم أحدا وأنه غير مستخلف قال أبو محمد فهذا نص خلاف عمر لأبي بكر فيما ظن أنه فعل النبي صلى الله عليه وسلم وقد خالفه في فرض الجد وفي غير ذلك كثيرا بالأسانيد الصحاح، المبطلة لقول من قال: إنه كان لا يخالفه. والثالث: أن هذا لو صح كما أوردوه وموهوا به وهو لا يصح كذلك لكان غير موجب لتقليد مالك وأبي حنيفة، ولا يتمثل في عقل ذي عقل، إن في تقليد عمر لأبي بكر ما يوجب تقليد أهل زماننا لمالك وأبي حنيفة فبطل تمويههم بما ذكروا.

[10] **Translator’s note (L2491):** The source has the grammatically irregular «أبي بكر» after ‘disagree with’; the intended personal name is clear. ‘Falsified, truncated’ preserves both of the author’s descriptions, «مكذوب محذوف».

him and grant him peace ﷺ, and that he would not appoint a successor." Abu Muhammed said: This is an explicit statement of Umar's disagreement with Abu Bakr concerning what he believed to have been the Prophet's practice, may Allah bless him and grant him peace ﷺ. He also disagreed with him over the grandfather's prescribed inheritance share and over many other matters, as established through sound chains of transmission that invalidate the assertion of anyone who says that he did not disagree with him. Third: even if this were sound as they have presented it and used it to mislead—and it is not sound in that form—it would not entail uncritical imitation of Malik and Abu Hanifah. Nor can it be conceived in the mind of any rational person that Umar's uncritical imitation of Abu Bakr contains anything that requires the people of our time to imitate Malik and Abu Hanifah uncritically. Their misleading use of what they have mentioned is therefore invalid. Fourth: anyone who argues from what we have mentioned concerning Umar must be the most brazen and least bashful of people, because he has argued from something he himself contradicts and has sought support in something that refutes him, for he feels no shame over what Umar felt ashamed of. Those who argue in this way disagree with Abu Bakr and Umar in most of their statements. Earlier in our book we have mentioned the Malikis' disagreement with what they themselves transmitted in the Muwatta from Abu Bakr and Umar, making its repetition unnecessary. We explained that they transmitted six rulings from Abu Bakr and disagreed with him in five of them, and that they disagreed with Umar in approximately thirty rulings from among those they transmitted in the Muwatta alone.[11]

والرابع: أن المحتج بما ذكرنا عن عمر ينبغي أن يكون أوقح الناس، وأقلهم حياء، لأنه احتج بما يخالفه، وانتصر بما يبطله، لأنه لا يستحي مما استحى منه عمر، لأن المحتجين بهذا يخالفون أبا بكر وعمر في أكثر أقوالهم، وقد ذكرنا خلاف المالكيين لما رووا في الموطأ عن أبي بكر وعمر فيما خلا من كتابنا، فأغنى عن ترداده، وبينا أنهم رووا عن أبي بكر ست قضايا خالفوه منها من خمس، وخالفوا عمر في نحو ثلاثين قضية مما رووا في الموطأ فقط

L2496 Why, then, does this person advancing the argument not feel ashamed of what Umar felt ashamed of? He is obliged to imitate Abu Bakr and Umar uncritically; otherwise, he has admitted against himself that he has abandoned the truth, since he has abandoned Umar's statement while invoking that statement to establish uncritical imitation. Fifth: even if it were sound that Umar practiced uncritical imitation—and Allah has protected him from that—he and all the Companions who disagreed with him and rejected un-

فهلا استحيا هذا المحتج مما استحيا منه عمر ويلزمه أن يقلد أبا بكر وعمر، وإلا فقد أقر على نفسه بترك الحق، إذ ترك قول عمر، وهو يحتج بقوله في إثبات التقليد. والخامس: أنه لو صح أن عمر قلد وقد أعاذه الله من ذلك لكان هو وسائر من خالفه من الصحابة، وأبطلوا التقليد راجيا أن ترد أقوالهم إلى النص، فلأيها شهد النص أخذ به، والنص يشهد لقول من أبطل التقليد. واحتجوا بما حدثناه محمد بن سعيد، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر، ثنا شعبة، عن جابر بن يزيد

[11] **Translator's note (L2495):** The phrase rendered "in five of them" contains an apparently redundant preposition in the supplied text.

critical imitation would be hoping that their statements would be referred back to the authoritative text. Whichever of them the text supported would then be adopted, and the text supports the statement of those who rejected uncritical imitation. They also argued from what Muhammed ibn Said narrated to us: Ahmad ibn Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: al-Khushani narrated to us: Bundar narrated to us: Ghundar narrated to us: Shubah narrated to us, from Jabir ibn Yazid al-Jufi, from al-Shabi, that a statement by Ibn Masud concerning a question of prayer was mentioned to Jundab. Jundab said: "He is indeed a man whose statement I would not abandon for the statement of any other person." Through the same chain to al-Shabi, from Masruq, who said: "Six of the Prophet's Companions, may Allah bless him and grant him peace ﷺ, used to issue legal opinions to the people: Ibn Masud, Umar ibn al-Khattab, Ali, Zayd ibn Thabit, Ubayy ibn Kab, and Abu Musa al-Ashari. Three of them would abandon their own statements for the statements of three others: Abd Allah would abandon his statement for Umar's statement; Abu Musa would abandon his statement for Ali's statement; and Zayd would abandon his statement for Ubayy ibn Kab's statement."[12]

الجعفي، عن الشعبي، أن جندبا ذكر له قول في مسألة من الصلاة لابن مسعود، فقال جندب: إنه لرجل ما كنت لأدع قوله لقول أحد من الناس. وبه إلى الشعبي عن مسروق قال كان ستة من أصحاب النبي صلى الله عليه وسلم يفتون الناس ابن مسعود وعمر بن الخطاب وعلي، وزيد بن ثابت، وأبي بن كعب، وأبو موسى الأشعري، وكان ثلاثة منهم يدعون قولهم لقول ثلاثة: كان عبد الله يدع قوله لقول عمر، وكان أبو موسى يدع قوله لقول علي، وكان زيد يدع قوله لقول أبي بن كعب.

L2497–2499

Abu Muhammed said: This provides them with no proof, for several reasons. First: the transmitter of these two reports is Jabir al-Jufi, who is a liar, so invoking him as proof falls away. Second: the falsity of this last report is plain and manifest through something as conspicuous and soundly established as the sun: Ibn Masud's disagreement with Umar is too well known for one to trouble oneself to cite it, and Abu Musa's disagreement with Ali is likewise. Among the instances of his disagreement with him was his refusal to pledge allegiance to him or to attend his battles, and no disagreement is greater than this. Likewise, Zayd's disagreement with Ubayy concerning the Quranic readings, prescribed inheritance shares, and other matters is more widely known than anything else widely known. Thus Jabir's lying in this report of his has become clear. Third: even if all this were sound, it would

قال أبو محمد: وهذا لا حجة لهم فيه لوجوه: أحدها: أن راوي هذين الخبرين جابر الجعفي وهو كذاب، فسقط الاحتجاج به. والثاني: أنه كذب هذا الحديث الأخير بين ظاهر، بما هو في الشهرة والصحة كالشمس، وهو أن خلاف ابن مسعود لعمر أشهر من أن يتكلف إيراده، وخلاف أبي موسى لعلي كذلك، ومن جملة خلافه إياه امتناعه من بيعته ومن حضور مشاهده، وليس في الخلاف أعظم من هذا، وكذلك خلاف زيد لأبي في القراءات والفرائض وغير ذلك أشهر من كل مشتهر، فوضح كذب جابر في روايته هذه. والثالث: أنه لو صح كل هذا لكان عليهم لا لهم، لأن الذين كان هؤلاء المذكورون يقلدون بزعمهم، هم غير الذين يقلد هؤلاء المتأخرون اليوم، فلا حجة لمن قلد مالكا وأبا حنيفة والشافعي فيمن قلد عمر وعليا وأبيا، بل هو حجة عليهم لأنه إن كان تقليد هؤلاء حقا فتقليد مالك والشافعي وأبي حنيفة باطل، وإن كان تقليد من

[12] **Translator's note (L2496):** The supplied word rendered "would be hoping" is singular, although its apparent subject comprises Umar and the other Companions. The wording is grammatically awkward; the translation preserves its apparent sense.

count against them, not in their favor, because those whom the men mentioned supposedly imitated uncritically are different from those whom these later people imitate uncritically today. Thus those who imitate Malik, Abu Hanifah, and al-Shafii uncritically have no proof in the example of someone who imitated Umar, Ali, and Ubayy uncritically. Rather, it is proof against them, because if uncritical imitation of these men is right, then uncritical imitation of Malik, al-Shafii, and Abu Hanifah is invalid; and if uncritical imitation of those who came earlier is invalid, then uncritical imitation of those who came later is still more invalid. It is therefore an untenable impossibility that Ibn Masud should have imitated Umar or anyone else uncritically, given what al-Muhallab narrated to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn Abd al-Ala, from Ibn Wahb, who said: I heard Sulayman narrating, from Asim ibn Bahdalah, from Zirr ibn Hubaysh, from Abd Allah ibn Masud, that he used to say: "Go forth in the morning as a scholar or a learner, and never go forth as a mindless follower." Ibn Wahb said: Sufyan related to me, from Abu al-Zara, from Abu al-Ahwas, from Ibn Masud: "The mindless follower among you is the one who loads his religion onto men."[13]

[13]**Translator's note (L2499):** "Loads his religion onto men" preserves the report's metaphor of entrusting one's religion to other men as though placing a load upon them.

تقدم باطلا فتقليد من تأخر أبطل، فمن المحال الباطل أن يقلد ابن مسعود عمر أو غيره مع ما حدثناه المهلب، عن ابن مناس، عن ابن مسرور، عن يونس بن عبد الأعلى، عن ابن وهب قال: سمعت سليمان يحدث عن عاصم بن بهدلة، عن زر بن حبيش، عن عبد الله بن مسعود، أنه كان يقول: اغد عالما أو متعلما ولا تغدون إمعة، قال ابن وهب: فذكر لي سفيان، عن أبي الزعراء، عن أبي الأحوص، عن ابن مسعود: إنه الإمعة فيكم الذي يحقب دينه الرجال.

L2500–2502 They also argued from the case of a blind man being directed toward the direction of prayer, and that of a passenger aboard a ship whom the sailors direct toward the direction of prayer and inform about the time. Abu Muhammed said: This provides them with no proof, because it belongs to the category of accepting a report, not to that of accepting a legal opinion concerning religion without evidence, nor to that of prohibiting something that had been permissible, imposing an obligation that had not been obligatory, or removing an obligation that had become obligatory. What they have mentioned is not uncritical imitation; it is merely the communication of information. People agree unanimously on accepting a single transmitter's report concerning many things, including gifts, the circumstances of bringing a husband in to his wife, and accepting the statement of a woman, whether a non-Muslim under Muslim protection or a Muslim, that she is free of menstruation, so that intercourse with her becomes permissible after having been prohibited by menstruation, as well as other matters. A blind man's acceptance of the report of someone informing him about the time and the direction of prayer, when he comes to believe him through it, is something whose validity has been established by evidence. Indeed, most of these matters produce necessary knowledge through one's natural constitution. It is therefore invalid to regard what they have mentioned as uncritical imitation. Some of them argued from the saying of Allah Most High: "And who is better in religion than one who submits his face to Allah, doing good, and follows the religious way of Abraham, inclining to the true faith, and he took Abraham as an intimate friend for Allah?" Abu Muhammed said: What brazen impudence this is! For something Allah commands is not uncritical imitation; rather, it is a necessary demonstration. Uncritical imitation consists only in following someone whom He, mighty and majestic, has not commanded us to follow. The uncritical imitation over which we disagree with them consists specifically in accepting the statement of a man below the Prophet, may Allah bless him and grant him peace ﷺ, whom our Lord has not commanded us to follow, without evidence establishing the soundness of his statement, but merely because so-and-so said it. This is what is invalid. Yet someone who does not fear Allah, mighty and majestic—someone whom the truth has overwhelmed, who has become unable to support falsehood,

واحتجوا أيضا بالأعمى يدل على القبلة وبالراكب في السفينة يدله الملاحون على القبلة، وعلى الوقت. قال أبو محمد: وهذا لا حجة لهم فيه، لأنه من باب قبول الخبر، لا من باب قبول الفتيا في الدين بلا دليل، ولا من باب تحريم أمر كان مباحا، أو إيجاب فرض لم يكن واجبا أو إسقاط فرض قد وجب، وهذا الذي ذكروا ليس تقليدا، وإنما هو إخبار، والناس مجمعون على قبول خبر الواحد في أشياء كثيرة منها الهدية، وحال إدخال الزوج على الزوجة، وقبول قول المرأة الذمية والمسلمة إنها طاهر فيستباح وطؤها بعد تحريمه بالحيض وغير ذلك، فقبول الأعمى لخبر المخبر له عن الوقت والقبلة إذ وقع به تصديقه أمر قد قام الدليل على صحته، بل أكثر هذه الأمور توجب العلم الضروري بالجبلة، وبطل أن يكون ما ذكروا تقليدا، واحتج بعضهم بقول الله تعالى: {ومن أحسن دينا ممن أسلم وجهه لله وهو محسن واتبع ملة إبراهيم حنيفا وتخذ لله إبراهيم خليلا} قال أبو محمد وهذا من القحة ما هوا! لأن الشيء الذي يأمر به الله ليس تقليدا، ولكنه برهان ضروري، والتقليد إنما هو اتباع من لم يأمرنا عز وجل باتباعه. وإنما التقليد الذي نخالفهم فيه أخذ قول رجل ممن دون النبي صلى الله عليه وسلم لم يأمرنا ربنا باتباعه بلا دليل يصحح قوله، لكن فلانا قاله فقط، فهذا هو الذي يبطل، ولكن من لا يتقي الله عز وجل ممن قد بهره الحق وعجز عن نصره الباطل، وأراد استدامة سوقه، ولا يبالي إلى ما أداه ذلك أوقع على اعتقاد الحق الذي قد ثبت برهانه اسم التقليد، فسمى الانقياد لخبر الواحد تقليدا وسمى الإجماع تقليدا وسمى اتباع النبي صلى الله عليه وسلم فيما أمر باتباعه من ملة إبراهيم عليه السلام تقليدا.

who wishes to keep his trade going, and who does not care where that leads him—applies to belief in the truth whose demonstration has been established the name "uncritical imitation." Thus he calls submission to a single transmitter's report uncritical imitation, calls consensus uncritical imitation, and calls following the Prophet, may Allah bless him and grant him peace ﷺ, in what he was commanded to follow of the religious way of Abraham, peace be upon him, uncritical imitation.[1][2][3]

فإن أرادوا منا تصحيح هذه المعاني فهي صحاح، لقيام النص بوجوبها، وإن أرادوا أن يتطرقوا بذلك إلى تقليد مالك والشافعي وأبي حنيفة فذلك حرام وباطل، وليس في اتباع ملة إبراهيم ما يوجب اتباع مالك وأبي حنيفة والشافعي، لأنهم غير إبراهيم المأمور باتباعه، ولم نؤمر قط باتباع هؤلاء المذكورين، وإنما هذا بمنزلة من سمى الخنزير كبشا، وسمى الكبش خنزيرا فليس ذلك مما يحل الخنزير ويحرم الكبش وكذلك إنما نحرم اتباع من دون النبي صلى الله عليه وسلم بغير دليل ونوجب اتباع ما قام الدليل على وجوب اتباعه، ولا نلتفت إلى من مزج الأسماء، فسمى الحق تقليدا، وسمى الباطل اتباعا، وقد بينا قبل وبعد أن الآفة العظيمة إنما دخلت على الناس وتمكن بهم أهل الشر والفسق والتخليط والسفسطة ولبسوا عليهم دينهم فمن قبل اشتراك الأسماء واشتباكها على المعاني الواقعة تحتها. ولذلك دعونا في كتبنا إلى تمييز المعاني، وتخصيصها بالأسماء المخلفة، فإن وجدنا في اللغة اسما مشتركا حققنا المعاني التي تقع تحته، وميزنا كل معنى منها بحدوده التي هي صفاته التي لا يشاركه فيها سائر المعاني، حتى يلوح البيان، فيهلك من هلك عن بينة، ويحيا من حي عن بينة، والله تعالى يلبس على من على الناس وبالله تعالى التوفيق. واحتجوا بما حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر ثنا شعبة، ثنا عمرو بن مرة، عن حصين، عن ابن أبي ليلى قال: حدثنا أصحابنا أنهم كانوا إذا صلوا مع النبي صلى الله عليه وسلم فدخل الرجل أشاروا إليه فقضى ما سبق به فكانوا من بين

L2503–2505 If they mean that we should affirm the validity of these meanings, they are valid, because the revealed text establishes their obligatory character. But if they mean to use this as a means of arriving at uncritical following of Malik, al-Shafi'i, and Abu Hanifah, that is forbidden and false. Following the religion of Abraham entails nothing that obliges one to follow Malik, Abu Hanifah, and al-Shafi'i, because they are other than Abraham, whom we have been commanded to follow. We have never been commanded to follow these men mentioned. This is merely like someone calling a pig a ram and calling a ram a pig: that does not make the pig lawful or the ram forbidden. Likewise, we only forbid following anyone other than the Prophet ﷺ without evidence, and require following that which evidence establishes must be followed. We pay no attention to someone who confounds names, calling truth 'uncritical following' and falsehood 'following.' We have explained before and after this that the great affliction befell people, and people of evil, disobedience, confusion, and sophistry gained power over them and obscured their religion for them, precisely through the ambiguity of names and their entanglement with the meanings falling under them. For this reason, in our books we have called for distinguishing meanings and assigning them distinct names.

[1] **Translator's note (L2500):** The Quranic quotation apparently refers to Quran 4:125, but its final clause is corrupt as supplied: it has a preposition before "Allah" and lacks the usual initial alif in the verb. The awkward rendering "and he took Abraham as an intimate friend for Allah" follows the supplied wording rather than silently replacing it with the standard text.

[2] **Translator's note (L2501):** The expression rendered "unable to support falsehood" is awkward as transcribed. This rendering reads the supplied form as an apparent spelling of the verbal noun meaning "support"; another possible reading would make falsehood the agent of supporting him.

[3] **Qur'an references (L2500):** Qur'an 4:125 (An-Nisa).

If we find an ambiguous name in the language, we ascertain the meanings falling under it and distinguish each meaning by its defining limits—that is, its attributes in which the other meanings do not share—until the clarification becomes manifest, so that whoever perishes may perish upon clear evidence, and whoever lives may live upon clear evidence. And Allah Most High confounds for whoever … upon people. Success comes through Allah Most High. They adduced as evidence what Muhammed ibn Sa'id ibn Nabat related to us: Ahmad ibn 'Awn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Ghundar related to us: Shu'bah related to us: 'Amr ibn Murrah related to us, from Husayn, from Ibn Abi Layla, who said: 'Our companions related to us that, when they prayed with the Prophet ﷺ and a man entered, they would signal to him, and he would make up what he had missed. Thus some would be standing, some bowing, some sitting, and some praying with the Messenger of Allah ﷺ, until Mu'adh came and said, "Whatever posture I find him in, I shall join him in it." The Messenger of Allah ﷺ then said, "Mu'adh has indeed instituted for you a practice, so do likewise."'[4]

قائم وراكع وقاعد ومصل مع رسول الله صلى الله عليه وسلم حتى جاء معاذ فقال لا أراه على حال إلا كنت معه فقال رسول الله صلى الله عليه وسلم إن معاذا قد سن لكم سنة فكذلك فافعلوا

L2506–2509 Abu Muhammed said: This is a report in which, as you see, Ibn Abi Layla did not identify who related it to him. Nor is there anything establishing that the pronoun in 'they used to' refers to those who related it to Ibn Abi Layla. Rather, it may refer to Companions other than those who related it to Ibn Abi Layla. Facts are not established through doubts. Even if this report were authentic, it would contain no evidence for their position, for two reasons. The first is that those whom they follow uncritically are other than Mu'adh; thus, even if uncritical following of Mu'adh were valid, that would be nothing but an invalidation of uncritical following of Malik, Abu Hanifah, and al-Shafi'i. The second is that Mu'adh's action became an established practice only insofar as the Messenger of Allah ﷺ commanded it, and at the time

قال أبو محمد: وهذا حديث كما ترى، لم يذكر ابن أبي ليلى من حدثه به، والضمير الذي في كانوا لا بيان فيه أنه راجع إلى المحدثين لابن أبي ليلى، بل لعله راجع إلى الصحابة غير المحدثين لابن أبي ليلى، ولا تؤخذ الحقائق بالشكوك. وحتى لو صح هذا الحديث لما كانت فيه حجة لوجهين: أحدهما: أن الذين يقلدونهم غير معاذ، فلو صح تقليد معاذ ما كان ذلك إلا مبطلا لتقليد مالك وأبي حنيفة والشافعي. والثاني: أن فعل معاذ لم يصر سنة إلا حيث أمر به رسول الله صلى الله عليه وسلم وحين أمر به لا بفعل معاذ ويكون حينئذ معنى أن معاذا سن سنة، أي فعل فعلا جعله الله لكم سنة، فإنما صار سنة حين أمر به عليه السلام فقط، مع أنه حديث مرسل لا يحتج به. وقد روينا عن معاذ ما يبطل ظن الظان في هذا الحديث، وما يبطل به التقليد، وهو ما حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام

[4] **Translator's note (L2503):** The supplied word al-mukhlifah, rendered 'distinct,' is an awkward reading in the phrase about assigning names; it appears to be a corruption of a word meaning 'different' or 'differentiating.' The sentence rendered 'And Allah Most High confounds for whoever … upon people' is grammatically incomplete in the supplied text. It appears to have lost a verb, perhaps conveying that Allah confounds whoever confounds matters for people; that conjecture has not been inserted into the translation.

he commanded it, not through Mu‘adh’s action. The meaning of ‘Mu‘adh instituted a practice’ would then be that he performed an action which Allah made an established practice for you. It therefore became an established practice only when he, peace be upon him, commanded it. Moreover, it is a report with a disconnected chain of transmission, which cannot serve as evidence. We have transmitted from Mu‘adh something that invalidates the supposition made by anyone concerning this report and that invalidates uncritical following. It is what Muhammed ibn Sa‘id al-Nabati related to us: Ahmad ibn ‘Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ‘Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Ghundar related to us: Shu‘bah related to us, saying: ‘Amr ibn Murrah informed me, saying: I heard ‘Abd Allah ibn Salimah say: Mu‘adh ibn Jabal said: ‘O Arabs, how will you deal with three things: worldly life that cuts your necks, a scholar’s lapse, and a hypocrite’s disputation using the Quran?’ They remained silent. Mu‘adh then said: ‘As for the scholar, if he is rightly guided, do not entrust your religion to him through uncritical following; and if he succumbs to temptation, do not cease being patient with him, for the believer—or he said, the Muslim—succumbs to temptation and then repents. As for the Quran, it has markers like the markers of a road, which are not hidden from anyone. Whatever you know of it, do not ask anyone about it; and whatever you do not know, leave it to the one who knows it. As for worldly life, whoever has had Allah place his sufficiency in his heart has succeeded; whoever has not, his worldly life will not benefit him.’ Abu Muhammed said: May Allah have mercy on Mu‘adh! He certainly proclaimed the truth openly, prohibited uncritical following in everything, commanded following the apparent meaning of the Quran and paying no heed to whoever disagrees concerning it, and commanded withholding judgment concerning what is obscure. This is precisely our position. Success comes through Allah Most High. It is astonishing that they adduce this report as evidence, and no one knows why. If by this they intend uncritical following of Mu‘adh and to establish that he used to institute established practices, it has been transmitted from him that he used to allow a Muslim to inherit from an unbeliever: let them follow him uncritically, then! Otherwise, they have made a game of their religion. If they adduce it

الخشني، ثنا محمد بن بشار بندار، ثنا غندر، ثنا شعبة قال: أنبأني عمرو بن مرة قال: سمعت عبد الله بن سليمة يقول: قال معاذ بن جبل: يا معشر العرب كيف تصنعون بثلاث: دنيا تقطع أعناقكم، وزلة عالم، وجدال المنافق بالقرآن؟ فسكتوا، فقال معاذ: أما العالم فإن اهتدى فلا تقلدوه دينكم، وإن افتتن فلا تقطعوا منه أناتكم، فإن المؤمن أو قال المسلم يفتتن ثم يتوب، وأما القرآن فإن له منارا كمنار الطريق لا يخفى على أحد، فما علمتم منه فلا تسألوا عنه أحدا، وما لم تعلموا فكلوه إلى عالمه، وأما الدنيا فمن جعل الله غناه في قلبه فقد أفلح، ومن لا فليست بنافعته دنياه. قال أبو محمد: رحم الله معاذا، لقد صدع بالحق، ونهى عن التقليد في كل شيء، وأمر باتباع ظاهر القرآن، وألا يبالي من خالف فيه، وأمر بالتوقف فيما أشكل. وهذا نص مذهبنا. وبالله تعالى التوفيق. ومن العجب احتجاجهم بهذا الخبر، ولا يدري أحد لماذا؟ فإن كانوا أرادوا بذلك تقليد معاذ، وأنه كان يسن السنن، فقد جاء عنه أنه كان يورث المسلم من الكافر فيقلدوه، وإلا فقد لعبوا بدينهم، وإن كانوا يحتجون به في إيجاب تقليد أبي حنيفة ومالك والشافعي، فهذا حمق ما سمع بأظرف منه وأين تقليد معاذ من تقليد هؤلاء واحتج بعضهم بقوله تعالى {محمد رسول الله ولذين معه أشداء على لكفار رحماء بينهم تراهم ركعا سجدا يبتغون فضلا من الله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد الله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} وبقوله تعالى {لقد رضي الله عن لمؤمنين إذ يبايعونك تحت لشجرة فعلم ما في قلوبهم فأنزل لسكينة عليهم وأثابهم فتحا قريبا} وبقوله تعالى {لا يستوي لقاعدون من لمؤمنين غير أولي لضرر ولمجاهدون في سبيل الله بأموالهم وأنفسهم

فضل الله لمجاهدين بأموالهم وأنفسهم على لقاعدين درجة وكلا وعد الله لحسنى وفضل الله لمجاهدين على لقاعدين أجرا عظيما}

as evidence that uncritical following of Abu Hanifah, Malik, and al-Shafi'i is obligatory, this is foolishness more ludicrous than any ever heard of. What connection is there between uncritical following of Mu'adh and uncritical following of these men? Some of them adduced as evidence His saying, Most High: 'Muhammed is the Messenger of Allah, and those who are with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah, and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows stout and stands upright upon its stalks, pleasing the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and perform righteous deeds forgiveness and a tremendous reward.' And His saying, Most High: 'Allah was indeed pleased with the believers when they pledged allegiance to you beneath the tree. He knew what was in their hearts, so He sent down tranquility upon them and rewarded them with a near victory.' And His saying, Most High: 'Those believers who remain seated, other than those with a disability, are not equal to those who strive in the way of Allah with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain seated by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain seated with a tremendous reward.'[5][6][7][8]

[5] **Translator's note (L2507):** The technical term mursal is rendered 'a report with a disconnected chain of transmission'; here the author's objection concerns the unidentified intermediaries in Ibn Abi Layla's account. The supplied anatـم, rendered 'being patient with him,' is awkward in this construction. The precise sense of the instruction is uncertain.

[6] **Translator's note (L2508):** The Quran quotation, continuing in the next unit, contains repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. These have been understood according to the otherwise recognizable words; they do not yield a distinct coherent English reading.

[7] **Translator's note (L2509):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly.

[8] **Qur'an references (L2506):** Qur'an 48:29 (Al-Fath); Qur'an 48:18 (Al-Fath).

L2510–2512 And His saying, Mighty and Majestic: 'The first forerunners among the Emigrants and the Helpers, and those who followed them in excellence—Allah is pleased with them, and they are pleased with Him. He has prepared for them gardens beneath which rivers flow, abiding therein forever. That is the tremendous triumph.' They said: 'Anyone whom Allah Most High has praised has a statement farther from error and nearer to correctness.' They adduced as evidence his saying ﷺ: 'You must adhere to my established practice and the established practice of the rightly guided caliphs after me,' and what has been transmitted from him ﷺ in the report containing: 'Follow the example of the two after me, Abu Bakr and 'Umar.' They said: 'The Companions, may Allah be pleased with them, witnessed revelation, so they know best what they witnessed.' Some of them said: 'The statement of the caliphs among the Companions is a judgment, and their judgment must not be overturned.' They adduced as evidence His saying, Most High: 'O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.' And what has been transmitted: 'My Companions are like the stars: whichever of them you follow, you will be rightly guided.' Abu Muhammed said: None of this contains any evidence for their position. Rather, the verses we have mentioned are evidence against them. As for His saying, Most High: 'Muhammed is the Messenger of Allah, and those who are with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah, and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows stout and stands upright upon its stalks, pleasing the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and perform righteous deeds forgiveness and a tremendous reward'; and His saying: 'Allah was indeed pleased with the believers when they pledged allegiance to you beneath the tree. He knew what was in their hearts, so He sent down tranquility upon them and rewarded them with a near victory'; and His saying, Most High: 'Those believers who remain seated, other than those with a disability, are

وبقوله عز وجل {ولسابقون لأولون من لمهاجرين ولأنصار ولذين تبعوهم بإحسان رضي لله عنهم ورضوا عنه وأعد لهم جنات تجري تحتها لأنهار خالدين فيهآ أبدا ذلك لفوز لعظيم} فقالوا من أثنى الله تعالى عليه فقوله أبعد من الخطأ وأقرب من الصواب واحتجوا بقوله صلى الله عليه وسلم عليكم بسنتي وسنة الخلفاء الراشدين من بعدي وبما روي عنه صلى الله عليه وسلم من الحديث الذي فيه اقتدوا باللذين من بعدي أبي بكر وعمر وقالوا: إن الصحابة رضي الله عنهم شهدوا الوحي فهم أعلم بما شهدوا. وقال بعضهم: قول الخلفاء من الصحابة حكم، وحكمهم لا يجب أن ينقض واحتجوا بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي الأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وبما روى من أصحابي كالنجوم بأيهم اقتديتم اهتديتم قال أبو محمد كل هذا لا حجة لهم فيه بل الآيات التي ذكرنا حجة عليهم وأما قوله تعالى {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} وقوله {لقد رضي لله عن لمؤمنين إذ يبايعونك تحت لشجرة فعلم ما في قلوبهم فأنزل لسكينة عليهم وأثابهم فتحا قريبا} وقوله 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} وقوله تعالى {ولسابقون لأولون من لمهاجرين ولأنصار ولذين تبعوهم بإحسان رضي لله عنهم ورضوا عنه وأعد لهم جنات تجري تحتها لأنهار خالدين فيهآ أبدا ذلك لفوز لعظيم} فإنما هذا كله

not equal to those who strive in the way of Allah with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain seated by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain seated with a tremendous reward'; and His saying, Most High: 'The first forerunners among the Emigrants and the Helpers, and those who followed them in excellence—Allah is pleased with them, and they are pleased with Him. He has prepared for them gardens beneath which rivers flow, abiding therein forever. That is the tremendous triumph'—it is only All of this is praise of them—may Allah's good pleasure be upon them. We have not disputed the praise of them, and to Allah belongs all praise. Indeed, we hold them in greater reverence and know their due rights better than these people who invoke this verse outside its proper applications. For we have abandoned the statements of the Companions only for the statement of Muhammed ﷺ, whose rights over them impose the same obligations as his rights over us, without any difference, and whom they were obliged to obey just as we are obliged to obey him, on precisely equal terms. They, however, have abandoned the statements of the Companions, whose excellence they supported with the evidence we have mentioned, for the statements of Abu Hanifah, Malik, and al-Shafi'i.[9][10][11]

L2513–2514 We have only said that the obligation to praise them does not entail an obligation to follow them uncritically, since the Messenger of Allah ﷺ mentioned that Abu Bakr and 'Umar, who were the best of their men after the Messenger of Allah ﷺ, had erred. Thus Hammam ibn Ahmad related to us: 'Abd Allah ibn Ibrahim related to us: Abu Zayd al-Marwazi related to us:

ثناء عليهم رضوان الله عليهم، ولم ننازع في الثناء عليهم ولله الحمد، بل نحن أشد توقيرا لهم، وأعلم بحقوقهم من هؤلاء المحتجين بهذه الآية في غير مواضعها. لأننا نحن إنما تركنا أقوال الصحابة لقول محمد صلى الله عليه وسلم الذي يجب من حقه صلى الله عليه وسلم عليهم كالذي يجب من حقه علينا ولا فرق والذي ألزموا طاعته كما ألزمناها سواء بسواء، وهم إنما تركوا أقوال الصحابة الذين احتجوا في فضلهم بما ذكرنا، لقول أبي حنيفة ومالك والشافعي.

وإنما قلنا نحن: ليس وجوب الثناء عليهم بموجب أن يقلدوا إذ قد ذكر رسول الله صلى الله عليه وسلم أن أبا بكر وعمر اللذين هما أفضل رجالهم بعد رسول الله صلى الله عليه وسلم قد أخطأ كما حدثنا حمام بن أحمد ثنا عبد الله بن إبراهيم، نا أبو زيد المروزي، نا الفربري، نا البخاري، نا إبراهيم بن موسى، نا هشام بن يوسف، أن ابن جريج أخبرهم، عن ابن أبي مليكة، أن عبد الله بن الزبير أخبرهم أنه قدم ركب من بني تميم عن النبي صلى الله عليه وسلم فقال أبو بكر أمر القعقاع بن معبد بن زرارة، قال عمر: بل أمر الأقرع بن حابس. فقال أبو بكر: ما أردت إلا خلافي، قال عمر: ما أردت خلافك، فتماريا حتى ارتفعت أصواتهما فنزل في ذلك {يأيها لذين آمنوا لا

[9] **Translator's note (L2510):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly. The supplied argument says literally 'nearer from correctness,' using an awkward preposition. It has been rendered 'nearer to correctness,' while retaining the stated comparative argument.

[10] **Translator's note (L2511):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly.

[11] **Qur'an references (L2510):** Qur'an 9:100 (At-Tawbah); Qur'an 4:59 (An-Nisa); Qur'an 48:29 (Al-Fath); Qur'an 48:18 (Al-Fath).

al-Firabri related to us: al-Bukhari related to us: Ibrahim ibn Musa related to us: Hisham ibn Yusuf related to us that Ibn Jurayj informed them, on the authority of Ibn Abi Mulaykah, that ʻAbd Allah ibn al-Zubayr informed them that a mounted party from Banu Tamim arrived from the Prophet ﷺ. Abu Bakr said, "Appoint al-Qaʻqaʻ ibn Maʻbad ibn Zurarah as commander." ʻUmar said, "Rather, appoint al-Aqraʻ ibn Habis as commander." Abu Bakr said, "You intended only to oppose me." ʻUmar said, "I did not intend to oppose you." They disputed until their voices rose, whereupon the following was revealed concerning this: "O you who believe, do not raise your voices above the voice of the Prophet, nor speak loudly to him as you speak loudly to one another, lest your deeds come to nothing while you are unaware"—until it ended, meaning the verse. Al-Bukhari said: Muhammed ibn Muqatil related to us: Waki' related to us, on the authority of Nafi' ibn ʻUmar, on the authority of Ibn Abi Mulaykah, who said: Ibn al-Zubayr said, "Thereafter, whenever ʻUmar spoke to the Prophet ﷺ about something, he spoke to him like someone whispering confidentially; he could not hear him until he asked him to clarify." Al-Bukhari said: Busrah ibn Safwan ibn Jamil related to us: Nafi' ibn ʻUmar related to us, on the authority of Ibn Abi Mulaykah, who said: Ibn al-Zubayr said, "Thereafter, whenever ʻUmar spoke to the Prophet ﷺ about something, he spoke to him like someone whispering confidentially; he could not hear him until he asked him to clarify." Al-Bukhari said: Busrah ibn Safwan ibn Jamil related to us: Nafi' ibn ʻUmar related to us, on the authority of Ibn Abi Mulaykah, who said, "The two excellent men, Abu Bakr and ʻUmar, almost perished: they raised their voices in the presence of the Messenger of Allah ﷺ." Likewise, ʻAbd Allah ibn Rabi' related to us, on the authority of Muhammed ibn Ishaq ibn al-Salim, on the authority of Ibn al-Aʻrabi, on the authority of Abu Dawud, who said: Muhammed ibn Yahya ibn Faris related to us: ʻAbd al-Razzaq related to us—I copied it from his book—who said: Maʻmar informed us, on the authority of al-Zuhri, on the authority of ʻAbd Allah ibn ʻAbd Allah ibn ʻUtbah ibn Masʻud, on the authority of Ibn ʻAbbas, who said: Abu Hurayrah used to relate that a man came to the Prophet ﷺ and said, "I saw a dream last night." Abu Bakr interpreted it,

ترفعوا أصواتكم فوق صوت النبي ولا تجهروا له بالقول كجهر بعضكم لبعض أن تحبط أعمالكم وأنتم لا تشعرون} حتى انقضت، يعني الآية. قال البخاري: ثنا محمد بن مقاتل، ثنا وكيع، عن نافع بن عمر، عن ابن أبي مليكة قال: قال ابن الزبير فكان عمر بعد إذ حدث النبي صلى الله عليه وسلم بحديث حدثه كأخي السرار لم يسمعه حتى يستفهمه قال البخاري نا بسرة بن صفوان بن جميل، نا نافع بن عمر، عن ابن أبي مليكة قال: قال ابن الزبير فكان عمر بعد إذا حدث النبي صلى الله عليه وسلم بحديث حدثه كأخي السرار لم يسمعه حتى يستفهمه قال البخاري نا بسرة بن صفوان بن جميل، نا نافع بن عمر، عن ابن أبي مليكة قال: كاد الخيران يهلكان: أبو بكر وعمر رفعا أصواتهما عند رسول الله صلى الله عليه وسلم وكما حدثنا عبد الله بن ربيع عن محمد بن إسحاق بن السليم، عن ابن الأعرابي، عن أبي داود، وقال: نا محمد بن يحيى بن فارس، نا عبد الرزاق كتبته من كتابه قال: أنا معمر، عن الزهري، عن عبد الله بن عبد الله بن عتبة بن مسعود عن ابن عباس قال كان أبو هريرة يحدث أن رجلا أتى النبي صلى الله عليه وسلم فقال إني رأيت الليلة رؤيا فعبر لها أبو بكر فقال النبي صلى الله عليه وسلم أصبت بعضا وأخطأت بعضا

and the Prophet ﷺ said, “You were right about some of it and wrong about some of it.”[12][13][14]

L2515 He said, “I swear, O Messenger of Allah—may my father be your ransom—that you must tell me what I got wrong.” The Prophet ﷺ said, “Do not swear.”

L2516–2519 Abu Muhammed said: When someone has erred, it is impermissible to accept his statement without a demonstration establishing its correctness. As for the Prophet ﷺ, if something proceeded from him, by way of intending to convey information, that did not accord with the will of his Lord Most High, He Most High would not leave him to persist in it without making it clear to him. As for Abu Bakr—may Allah be pleased with him—he sought to have the Prophet ﷺ explain to him the nature of his error in what he had interpreted, but he ﷺ did not do so. As for their reliance on what is reported from him ﷺ, namely his statement to Abu Bakr and ‘Umar, “Were it not for your disagreement before me, I would not have disagreed with you,” the first point is that this report is not authentic. Even if it were authentic, it would be evidence invalidating uncritical adherence to the two of them, because the circumstance present in the two of them prevented the Messenger of Allah ﷺ from adopting their opinion in worldly affairs. We are therefore obliged to follow him ﷺ and not to adopt their statements in matters of the revealed law. This is clear. As for his statement ﷺ, “Adhere to my practice and the practice of the rightly guided caliphs,” we know that he ﷺ does not command what cannot be done. We have found that the rightly guided caliphs after him ﷺ disagreed vehemently. There must therefore be one of three possibilities, with no fourth. Either we adopt everything about which they disagreed, which is impossible and cannot be done, since it includes a thing

فقال أقسمت يا رسول الله بأبي أنت لتحدثني بالذي أخطأت فيه فقال النبي صلى الله عليه وسلم لا تقسم

قال أبو محمد فمن أخطأ فغير جائز أن يؤخذ قوله بغير برهان يصححه والنبي صلى الله عليه وسلم إذا كان منه على طريق إرادة الخبر ما لا يوافق إرادة ربه تعالى، لم يقره تعالى على ذلك حتى يبين له، وأما أبو بكر رضي الله عنه فقد رام من النبي صلى الله عليه وسلم أن يبين له وجه خطئه فيما عبر فلم يفعل صلى الله عليه وسلم وأما ما تعلقوا به بما روي عنه صلى الله عليه وسلم من قوله لأبي بكر وعمر لولا اختلافكما علي ما خالفتكما فأول ذلك أن هذا خبر لا يصح، ولو صح لكان حجة في إبطال تقليدهما لأن الأمر الموجود فيهما منع رسول الله صلى الله عليه وسلم من الأخذ برأيهما في أمور الدنيا ففرض علينا اتباعه صلى الله عليه وسلم وألا نأخذ بقولهما في أمور الشريعة وهذا بين وأما قوله صلى الله عليه وسلم عليكم بسنتي وسنة الخلفاء الراشدين فقد علمنا أنه صلى الله عليه وسلم لا يأمر بما لا يقدر عليه ووجدنا الخلفاء الراشدين بعده صلى الله عليه وسلم قد اختلفوا اختلافا شديدا فلا بد من أحد ثلاثة أوجه لا رابع لها: إما أن نأخذ بكل ما اختلفوا فيه، وهذا ما لا سبيل إليه، ولا يقدر عليه، إذ فيه الشيء وضده ولا سبيل إلى أن يورث أحد الجد دون الإخوة بقول أبي بكر وعائشة، ويورثه الثلث فقط، وباقي ذلك للإخوة على قول عمر، ويورثه السدس وباقيه للإخوة على مذهب علي. وهكذا في كل ما اختلفوا فيه، فبطل هذا الوجه، لأنه ليس في استطاعة الناس أن يفعلوه فهذا وجه. أو يكون مباحا لنا بأن نأخذ بأي ذلك شيئا، وهذا خروج عن الإسلام، لأنه يوجب أن يكون دين الله تعالى موكولا إلى اختيارنا،

[12] **Translator’s note (L2513):** The supplied text says that the party arrived “from the Prophet” (عن النبي), an awkward reading in this context. It has been retained rather than silently changed to “to the Prophet.”

[13] **Translator’s note (L2514):** The repeated report about ‘Umar speaking softly is present twice in the supplied text and has been retained. The transmitter’s name is supplied as Busrah ibn Safwan ibn Jamil. This appears to be an error for Bishr ibn Safwan ibn Jamil; the supplied form has been retained.

[14] **Qur’an references (L2513):** Qur’an 49:2 (Al-Hujurat).

and its opposite. There is no way for someone to grant the grandfather the inheritance to the exclusion of the siblings, in accordance with the statement of Abu Bakr and ‘A’ishah, and grant him only one-third, with the remainder going to the siblings, in accordance with the statement of ‘Umar, and grant him one-sixth, with the remainder going to the siblings, in accordance with the position of ‘Ali. The same applies to everything about which they disagreed. This possibility is thus invalid, because it is beyond people’s ability to do it. That is one possibility. Or we are permitted to adopt whichever of these positions we choose. This is a departure from Islam, because it entails that the religion of Allah Most High is entrusted to our choice: each of us would prohibit whatever he wishes and permit whatever he wishes, and one of us would prohibit what another permits. And the statement of Allah Most High, “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and what is sacrificed on sacrificial stones, and that you seek allotments by divining arrows. That is wickedness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful”; and His statement Most High, “Divorce is twice; then retention on equitable 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 statement Most High, “Obey Allah and His Messenger, and do not dispute, lest you lose heart and your strength depart. Be patient; Allah is with the patient”—invalidate this corrupt possibility and entail that whatever was forbidden then remains forbidden until the Day of Resurrection, whatever was obligatory then remains obligatory until the Day

فيحرم كل واحد منا ما يشاء، ويحل ما يشاء، ويحرم أحدنا ما يحله الآخر وقول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقوله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقوله تعالى {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} يبطل هذا الوجه الفاسد ويوجب أن ما كان حراما حينئذ فهو حرام إلى يوم القيامة، وما كان واجبا يومئذ فهو واجب إلى يوم القيامة، وما كان حلالا يومئذ فهو حلال إلى يوم القيامة.

of Resurrection, and whatever was lawful then remains lawful until the Day of Resurrection.[15][16]

L2520–2522 Moreover, if this were so, then whenever we adopted the opinion of one of them, we would necessarily have abandoned the opinion of another of them. We would therefore not be following their established practices, and we would have fallen into contravention of the aforementioned report—as would they, whether they liked it or not. This has indeed reminded us of a mufti we had in al-Andalus who was ignorant. His habit was to have two men precede him, upon whom the giving of legal opinions depended at that time, and he would write beneath their legal opinions, "I say what the two shaykhs have said." It happened that those two shaykhs disagreed. When he wrote beneath their legal opinions what we have mentioned, someone present said to him, "The two shaykhs have disagreed." He replied, "And I disagree in accordance with their disagreement."

Abu Muhammed said: Since these two interpretations have been invalidated, only the third interpretation remains: adopting that upon which they reached consensus. This can only concern matters upon which all the other Companions, may Allah be pleased with them, reached consensus together with them, and their following the established practices of the Prophet ﷺ and affirming them. Moreover, when the Messenger ﷺ commanded following the established practices of the rightly guided caliphs, this necessarily admits of only one of two interpretations. Either he ﷺ permitted them to institute established practices other than his own—and this is something no Muslim would say. Whoever permits this has disbelieved and apostatized, and his blood and property have become lawful to take. For everything in religion is either obligatory or nonobligatory, and either forbidden or lawful; there is absolutely no category in religion outside these categories. Whoever permits the rightly guided caliphs to have an established practice that the Messenger

وأيضا فلو كان هذا لكنا إذا أخذنا بقول الواحد منهم فقد تركنا قول الآخر منهم، ولا بد من ذلك فلسنا حينئذ متبعين لسنتهم، فقد حصلنا في خلاف الحديث المذكور، وحصلوا فيه شاؤوا أو أبوا. ولقد أذكرنا هذ مفتيا كان عندنا بالأندلس وكان جاهلا، فكانت عادته أن يتقدمه رجلان، كان مدار الفتيا عليهما في ذلك الوقت، فكان يكتب تحت فتياهما: أقول بما قاله الشيخان، فقضى أن ذينك الشيخين اختلفا، فلما كتب تحت فتياهما ما ذكرنا، قال له بعض من حضر: إن الشيخين اختلفنا؟ فقال: وأنا أختلف باختلافهما. قال أبو محمد: فإذ قد بطل هذان الوجهان فلم يبق إلا الوجه الثالث، وهو أخذ ما أجمعوا عليه، وليس ذلك إلا فيما أجمع عليه سائر الصحابة رضوان الله عليهم معهم وفي تتبعهم سنن النبي صلى الله عليه وسلم والقول بها وأيضا فإن الرسول صلى الله عليه وسلم إذا أمر باتباع سنن الخلفاء الراشدين لا يخلو ضرورة من أحد وجهين إما أن يكون صلى الله عليه وسلم أباح أن يسنوا سننا غير سننه فهذا ما لا يقوله مسلم، ومن أجاز هذا فقد كفر وارتد وحل دمه وماله لأن الدين كله إما واجب أو غير واجب، وإما حرام وإما حلال، لا قسم في الديانة غير هذه الأقسام أصلا، فمن أباح أن يكون للخلفاء الراشدين سنة لم يسنها رسول الله صلى الله عليه وسلم فقد أباح أن يحرموا شيئا كان حلالا على عهده صلى الله عليه وسلم إلى أن مات أو أن يحلوا شيئا حرمه رسول الله صلى الله عليه وسلم أو أن يوجبوا فريضة لم يوجبها رسول الله صلى الله عليه وسلم أو أن يسقطوا فريضة فرضها رسول الله صلى الله عليه وسلم ولم يسقطها إلى أن مات وكل هذه الوجوه من جوز منها شيئا فهو كافر مشرك بإجماع الأمة كلها بلا خلاف، وبالله تعالى التوفيق، فهذا الوجه قد بطل ولله الحمد. وأما أن يكون أمر باتباعهم في اقتدائهم بسنته صلى الله عليه وسلم فهكذا نقول ليس

[15] **Translator's note (L2516):** The supplied reading إرادة الخبر means "intending to convey information." In context it may be a transcription error for إرادة الخير, "intending good," but the supplied reading has been translated. The prayer for Abu Bakr begins here and continues in the next unit.

[16] **Qur'an references (L2516):** Qur'an 5:3 (Al-Ma'idah); Qur'an 2:229 (Al-Baqarah); Qur'an 8:46 (Al-Anfal).

of Allah ﷺ did not institute has thereby permitted them to forbid something that remained lawful during his ﷺ lifetime until he died, or to make lawful something that the Messenger of Allah ﷺ forbade, or to impose an obligation that the Messenger of Allah ﷺ did not impose, or to abolish an obligation imposed by the Messenger of Allah, may Allah bless him and grant him peace, and did not abolish before he died. Anyone who permits any of these possibilities is an unbeliever and a polytheist, by the consensus of the entire community, without disagreement. Success comes through Allah Most High. This interpretation has therefore been invalidated, and praise belongs to Allah. Or else he commanded following them in their emulation of his ﷺ established practice. This is precisely what we say: this report admits of absolutely no interpretation other than this. Some of them said, "We follow them only in matters concerning which there is no established prophetic practice." Abu Muhammed said: And since nothing remains except this, their contentious objection has collapsed. There is nothing in the world concerning which there is not an explicitly stated prophetic practice. We have explained this in the chapter on the invalidation of analogy in this book of ours. Success comes through Allah Most High.[17][18]

يحتمل هذا الحديث وجها غير هذا أصلا. وقال بعضهم: إنما نتبعهم فيما لا سنة فيه. قال أبو محمد: وإذ لم يبق إلا هذا فقد سقط شغبهم، وليس في العالم شيء إلا وفيه سنة منصوصة، وقد بينا هذا في باب إبطال القياس من كتابنا هذا، وبالله تعالى التوفيق.

L2523 They argued on the basis of what Abd Allah ibn Rabi informed us of, saying: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Muhammed ibn Bashshar informed us; Abu Umar related to us; Sufyan—that is, al-Thawri—related to us, from al-Shaybani—that is, Abu Ishaq—from al-Shabi, from Shurayh, that he wrote to Umar asking him, and Umar wrote to him: "Judge according to what is in the Book of Allah. If it is not in the Book of Allah, then according to the established practice of the Messenger of Allah ﷺ. If it is neither in the Book of Allah nor in the established practice of the Messenger of Allah ﷺ, then judge according to what the righteous

واحتجوا بما أخبرناه عبد الله بن ربيع قال: نا محمد بن معاوية، نا أحمد بن شعيب، أنا محمد بن بشار، نا أبو عمر، نا سفيان هو الثوري عن الشيباني هو أبو إسحاق عن الشعبي، عن شريح أنه كتب إلى عمر يسأله فكتب إليه: أن اقض بما في كتاب الله فإن لم يكن في كتاب الله فبسنة رسول الله صلى الله عليه وسلم فإن لم يكن في كتاب الله ولا في سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به الصالحون فإن لم يكن في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم ولم يقض فيه الصالحون فإن شئت فتقدم وإن شئت فتأخر، ولا أرى التأخر إلا خيرا لك، والسلام عليكم. قال أبو محمد: وهذا عليهم لا لهم، لأن عمر لم يقل بما قضى به بعض الصالحين وإنما قال: ما قضى به الصالحون فهذا هو إجماع جميع الصالحين، وفي هذا الحديث إباحة عمر ترك الحكم بالقياس واختياره لذلك.

[17] **Translator's note (L2520):** The transcription has هذ for هذا, "this," and اختلفنا, literally "we disagreed," where the context of the quoted objection indicates "the two shaykhs disagreed." The translation follows that contextual reading while recording the textual discrepancy. The final salutation is incomplete in this unit; its remaining words occur at the beginning of the next unit.

[18] **Translator's note (L2521):** The opening words complete the salutation begun in the preceding unit. The final clause continues in the next unit.

have adjudicated. If it is neither in the Book of Allah nor in the established practice of the Messenger of Allah ﷺ, and the righteous have not adjudicated it, then proceed if you wish, and hold back if you wish. I consider holding back to be nothing but better for you. Peace be upon you."

Abu Muhammed said: This is evidence against them, not for them, because Umar did not say, "According to what some of the righteous have adjudicated"; he said only, "What the righteous have adjudicated." This, then, is the consensus of all the righteous. This report also contains Umar's permission to refrain from judging by analogy, and his preference for doing so.

L2524–2529 They should be told, concerning their appeal to the transmitted command to adhere to the established practice of the rightly guided, divinely guided caliphs: This is evidence against you, because the established practice of all the rightly guided, divinely guided caliphs, without disagreement among them, was that they should follow no one's authority without evidence, that none of them should follow another's authority without evidence, and that they should seek out the established practices of the Messenger of Allah ﷺ wherever they could find them, turn to them, and act upon them. Umar, may Allah be pleased with him, expressed the strongest disapproval of a man who asked him about a question concerning pilgrimage. After he had given him a legal opinion, the man said to him, "This is how the Messenger of Allah ﷺ gave me a legal opinion." Umar struck him with his whip and said to him, "You asked me about something on which the Messenger of Allah ﷺ had already given a legal opinion, so that I might perhaps contradict him!" We have transmitted this through Abd al-Razzaq. Umar, may Allah be pleased with him, said, "Opinion on our part is the imposition of a burden, whereas opinion on the part of the Prophet ﷺ was truth."

Abu Muhammed said: Whoever would follow them should therefore follow them in this matter on which they agreed: abandoning adherence to authority without evidence; in that upon which they reached consensus: following the established practices of the Prophet ﷺ; and in what they prohibited of strained effort. By doing so, he will accord with the truth, the words of Allah Most High, and the words of His Messenger ﷺ. These caliphs were opposed by people of their own time: Zayd, Ali, and others disagreed with

ويقال لهم في احتجاجهم بما روي من الأمر بإلتزام سنة الخلفاء الراشدين المهديين هذا حجة عليكم، لأن سنة الخلفاء الراشدين المهديين كلهم بلا خلاف منهم ألا يقلدوا أحدا، وألا يقلد بعضهم بعضا وأن يطلبوا سنن رسول الله صلى الله عليه وسلم حيث وجدوها فينصرفوا إليها ويعملوا بها، وقد أنكر عمر رضي الله عنه أشد الإنكار على رجل سأله عن مسألة في الحج، فلما أفتاه قال له الرجل هكذا أفتاني رسول الله صلى الله عليه وسلم فضربه عمر بالدرة وقال له سألتني عن شيء قد أفتى فيه رسول الله صلى الله عليه وسلم لعلي أخالفه رويناه من طريق عبد الرزاق وقال عمر رضي الله عنه: إن الرأي منا هو التكليف وإن الرأي من النبي صلى الله عليه وسلم كان حقا قال أبو محمد فمن كان متبعا لهم فليتبعهم في هذا الذي اتفقوا فيه من ترك التقليد وفيما أجمعوا عليه من اتباع سنن النبي صلى الله عليه وسلم وفيما نهوا عنه من التكلف فإنه يوافق بذلك الحق وقول الله تعالى وقول رسوله صلى الله عليه وسلم وهؤلاء الخلفاء قد خالفهم من في عصرهم فقد خالف عمر زيد وعلي وغيرهما وخالف عثمان وعمر، وخالف عمر أبا بكر في قضايا كثيرة، فما منهم أحد قال لمن خالفه: لم خالفتني وأنا إمام؟ فلو كان تقليدهم واجبا لما تركوا أحدا يعمل بغير الواجب وأما تمويه من احتج بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء

Umar; Uthman and Umar disagreed; and Umar disagreed with Abu Bakr in many cases. None of them said to anyone who disagreed with him, "Why have you disagreed with me when I am an imam?" Had following their authority without evidence been obligatory, they would not have allowed anyone to act otherwise than as required.

As for the obfuscation of those who appeal to His words, Most High, "O 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 finer in outcome," this verse invalidates adherence to authority without evidence with an invalidation in which there is no obscurity at all. It is the strongest evidence against them, because He Most High commanded obedience to them only in what they transmitted to us from the Messenger of Allah ﷺ, and in nothing else. If they say, "Rather, in what they stated through their independent legal reasoning," we say: We have already invalidated this supposition. Moreover, even if that were conceded, such obedience would be obligatory only with respect to all of them, not some of them, because Allah, Mighty and Majestic, did not say, "And some of those vested with authority among you." He commanded us only to follow those vested with authority among us, who are all the people of knowledge. Thus, when they reach consensus on some matter, there is no disagreement that following them is obligatory. He Most High explained this in the verse itself and did not leave us in uncertainty. He Most High said, "O 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 finer in outcome." Thus, in the event of dispute, He Most High removed referral to those vested with authority and required referral to the Quran and the established prophetic practice alone. He commanded obedience to those vested with authority among us only so long as there is no dispute. This is our position, and praise belongs to Allah.

As for the report, "Muadh has instituted an established practice for you," we have said that it is a report whose chain of transmission is not sound. Even if it were sound, they would have no evidence in it, because joining the

فردوه إلى الله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك خير وأحسن تأويلا} فهذه الآية مبطلة للتقليد إبطالا لا خفاء به، وهي أعظم الحجج عليهم، لأنه تعالى إنما أمر بطاعتهم فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم لا في غير ذلك وإن قالوا بل فيما قالوه باجتهادهم، قلنا: قد سلف منا إبطال هذا الظن، ثم لو سلم ذلك لما وجب ذلك إلا في جميعهم، لا في بعضهم، لأن الله عز وجل لم يقل وبعض أولي الأمر منكم، وإنما أمرنا باتباع أولي الأمر منا، وهم أهل العلم كلهم فإذا أجمعوا على أمر ما فلا خلاف في وجوب اتباعهم، وقد بين تعالى ذلك في الآية نفسها ولم يدعنا في لبس فقال 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} فأسقط تعالى عند التنازع الرد إلى أولي الأمر، وأوجب الرد إلى القرآن والسنة فقط، وإنما أمر بطاعة أولي الأمر منا ما لم يكن تنازع وهذا هو قولنا، ولله الحمد. وأما الرواية: إن معاذا سن لكم فقد قلنا: إنه حديث لا يصح سنده، ولو صح لما كانت لهم فيه حجة، لأن الدخول مع الإمام كيد وجد ليس من قبل أن معاذا فعله لكن من قبل أن النبي صلى الله عليه وسلم صوبه وأمر به فقوله صلى الله عليه وسلم ما أدركتم فصلوا وما فاتكم فأتموا وإلا فقد فعل معاذ في تطويل الصلاة أمرا غضب منه صلى الله عليه وسلم ونهاه عن العودة فلو كان ما فعل معاذ سنة لكان تطويله الصلاة إذ أم الناس سنة، وهذا خطأ، فصح أنه ليس فعل معاذ ولا غيره سنة إلا حتى يأمر بها النبي صلى الله عليه وسلم ويصححها وهذا قولنا لا قولهم وأما الرواية: اقتدوا باللذين من بعدي فحديث لا يصح، لأنه مروي عن مولى لربعي مجهول وعن المفضل الضبي وليس بحجة، كما حدثنا أحمد بن محمد بن الجسور، نا أحمد بن الفضل الدينوري، نا محمد بن جبير، نا عبد الرحمن بن الأسود الطفاوي،

imam as he is found is prescribed not because Muadh did it, but because the Prophet ﷺ approved it and commanded it, in his ﷺ words, "Pray whatever you catch, and complete whatever you have missed." Otherwise, Muadh did something in prolonging the prayer that angered him ﷺ, and he forbade him to do it again. If whatever Muadh did constituted an established practice, then his prolonging the prayer when he led the people would have constituted an established practice. This is an error. It is therefore established that neither an act of Muadh nor an act of anyone else constitutes an established practice until the Prophet ﷺ commands it and confirms its correctness. This is our position, not theirs.

As for the report, "Follow the example of the two after me," it is a report that is not sound, because it is transmitted from an unidentified client of Ribi, and from al-Mufaddal al-Dabbi, who is not an authoritative transmitter. As Ahmad ibn Muhammed ibn al-Jasur related to us: Ahmad ibn al-Fadl al-Dinawari related to us; Muhammed ibn Jubayr related to us; Abd al-Rahman ibn al-Aswad al-Tufawi related to us; Muhammed ibn Kathir al-Mulai related to us; al-Mufaddal al-Dabbi related to us, from Dirar ibn Murrah, from Abd Allah ibn Abi al-Hudhayl al-Utari, from his grandmother, from the Prophet ﷺ, who said, "Follow the example of the two after me, Abu Bakr and Umar; be guided by Ammar's guidance; and hold fast to the injunction of Ibn Umm Abd."[19][20][21][22]

L2530–2539 And as Ahmad ibn Qasim related it to us, saying: My father, Qasim ibn

نا محمد بن كثير الملائي، نا المفضل الضبي، عن ضرار بن مرة، عن عبد الله بن أبي الهذيل العتري عن جدته عن النبي صلى الله عليه وسلم قال اقتدوا باللذين من بعدي أبي بكر وعمر، واهتدوا بهدي عمار، وتمسكوا بعهد ابن أم عبد.

وكما حدثناه أحمد بن قاسم قال: نا أبي قاسم بن محمد بن قاسم بن أصبغ قال: حدثني قاسم بن أصبغ، نا إسماعيل بن إسحاق القاضي، نا محمد بن كثير، أنا سفيان الثوري، عن عبد الملك بن عمير، عن مولى الربعي عن حذيفة قال قال رسول الله صلى الله عليه وسلم اقتدوا باللذين من بعدي أبي بكر وعمر واهتدوا بهدي عمار، وتمسكوا بعهد ابن أم عبد. وأخذناه أيضا عن بعض أصحابنا، عن القاضي أبي الوليد بن الفرضي، عن ابن الدخيل، عن العقيلي، نا محمد بن إسماعيل، نا محمد بن فضيل، نا وكيع، نا سالم المرادي، عن عمرو بن هرم، عن ربعي بن حراش، وأبي عبد الله رجل من أصحاب حذيفة عن حذيفة. قال أبو محمد: سالم ضعيف وقد سمى بعضهم المولى فقال: هلال

[19] **Translator's note (L2524):** The wording التكليف means imposing a burden or obligation. It is translated as supplied, without substituting التكلف, "strained effort" or "affectation," which appears in the continuation.

[20] **Translator's note (L2525):** The phrase وخالف عثمان وعمر is syntactically awkward: as written, it can mean "Uthman and Umar disagreed," without specifying with whom, while the surrounding examples name both parties. The translation preserves that lack of specification.

[21] **Translator's note (L2527):** The phrase كيد وجد is corrupt or unclear as transcribed. "As he is found" is a contextual rendering of the apparent intended sense, referring to joining the imam in whatever state of prayer one finds him; it is not a literal translation of an intelligible supplied phrase.

[22] **Qur'an references (L2524):** Qur'an 4:59 (An-Nisa).

مولى ربعي، وهو مجهول لا يعرف من هو أصلا، ولو صح لكان عليهم لا لهم، لأنهم نعني أصحاب مالك وأبي حنيفة والشافعي أترك الناس لأبي بكر وعمر، وقد بينا أن أصحاب مالك خالفوا أبا بكر مما رووا في الموطأ خاصة في خمسة مواضع، وخالفوا عمر في نحو ثلاثين قضية مما رووا في الموطأ خاصة، وقد ذكرنا أيضا أن عمر وأبا بكر اختلفا، وأن اتباعهما فيما اختلفا فيه متعذر ممتنع لا يقدر عليه أحد. وإنما الصحيح في هذا الباب ما ناولنيه بعض أصحابنا، وحدثنيه أيضا يوسف بن عبد الله بن عبد البر النمري، كلاهما عن أبي الوليد عبد الله بن يوسف القاضي، عن ابن الدخيل، عن العقيلي، نا محمد بن إسماعيل، نا إسماعيل بن أبي أويس، عن عبد الله بن أبي عبد الله البصري، وثور بن يزيد الديلي عن عكرمة عن ابن عباس قال قال النبي صلى الله عليه وسلم اعقلوا أيها الناس قولي فقد بلغت وقد تركت فيكم أيها الناس ما إن اعتصمتم به فلن تضلوا: كتاب الله وسنة نبيه، وبه إلى العقيلي، ثنا موسى بن إسحاق، ثنا محمد بن عبيد المحاربي، ثنا صالح بن موسى الطلحي، عن عبد العزيز بن رفيع، عن أبي صالح عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إني قد خلفت فيكم شيئين لن تضلوا بعدهما أبدا ما أخذتم بهما أو عملتم بهما: كتاب الله وسنتي، ولم يتفرقا حتى يردا علي الحوض. وأما الرواية: أصحابي كالنجوم فرواية ساقطة، وهذا حديث حدثنيه أبو العباس أحمد بن عمر بن أنس العذري قال: أنا أبو ذر عبد بن أحمد بن محمد الهروي الأنصاري قال: أنا علي بن عمر بن أحمد الدارقطني، ثنا القاضي أحمد كامل بن كامل خلف، ثنا عبد الله بن روح، ثنا سلام بن سليمان، ثنا الحارث بن غصين، عن الأعمش عن أبي سفيان عن جابر قال قال رسول الله صلى الله عليه وسلم أصحابي كالنجوم بأيهم اقتديتم اهتديتم. قال أبو محمد: أبو سفيان ضعيف، والحارث بن غصين هذا هو أبو وهب الثقفي، وسلام بن سليمان يروي الأحاديث الموضوعة، وهذا منها بلا شك،

Muhammed ibn Qasim ibn Asbagh, related to us, saying: Qasim ibn Asbagh related to me: Isma'il ibn Ishaq the judge related to us: Muhammed ibn Kathir related to us: Sufyan al-Thawri informed us, from 'Abd al-Malik ibn 'Umayr, from the freedman of al-Rib'i, from Hudhayfah, who said: The Messenger of Allah ﷺ said: "Follow the two who come after me, Abu Bakr and 'Umar; be guided by 'Ammar's guidance; and hold fast to the charge of Ibn Umm 'Abd." We also received it from one of our companions, from the judge Abu al-Walid ibn al-Faradi, from Ibn al-Dakhil, from al-'Uqayli: Muhammed ibn Isma'il related to us: Muhammed ibn Fudayl related to us: Waki' related to us: Salim al-Muradi related to us, from 'Amr ibn Haram, from Rib'i ibn Hirash and Abu 'Abd Allah, a man among Hudhayfah's companions, from Hudhayfah. Abu Muhammed said: Salim is weak. Some have named the freedman, saying that he was Hilal, the freedman of Rib'i. He is unknown: who he was is not known at all. Even if it were authentic, it would count against them, not in their favor, because they—by whom we mean the followers of Malik, Abu Hanifah, and al-Shafi'i—are the people who most thoroughly abandon Abu Bakr and 'Umar. We have explained that Malik's followers contradicted Abu Bakr in five instances within what they themselves transmitted in the Muwatta' alone, and contradicted 'Umar in approximately thirty cases within what they themselves transmitted in the Muwatta' alone. We have also mentioned that 'Umar and Abu Bakr disagreed, and that following both of them on the matters over which they disagreed is unfeasible and impossible: no one can do it. The only authentic report on this subject is what one of our companions handed to me in writing, and which was also related to me by Yusuf ibn 'Abd Allah ibn 'Abd al-Barr al-Namari, both of them transmitting from Abu al-Walid 'Abd Allah ibn Yusuf the judge, from Ibn al-Dakhil, from al-'Uqayli: Muhammed ibn Isma'il related to us: Isma'il ibn Abi Uways related to us, from 'Abd Allah ibn Abi 'Abd Allah al-Basri and Thawr ibn Yazid al-Dili, from 'Ikrimah, from Ibn 'Abbas, who said: The Prophet ﷺ said: "Understand my words, O people, for I have conveyed the message. I have left among you, O people, that which, if you hold fast to it, you will never go astray: the Book of Allah and the Sunna of His Prophet." And through the same chain as far as al-'Uqayli: Musa ibn Ishaq related to us: Muhammed ibn 'Ubayd al-Muharibi related

to us: Salih ibn Musa al-Talhi related to us, from ʻAbd al-ʻAziz ibn Rufayʻ, from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "I have left among you two things after which you will never go astray, so long as you adhere to them or act upon them: the Book of Allah and my Sunna. They have not separated, until they come to me at the Pool." As for the report, "My companions are like the stars," it is a discredited report. This is a report related to me by Abu al-ʻAbbas Ahmad ibn ʻUmar ibn Anas al-ʻUdhri, who said: Abu Dharr ʻAbd ibn Ahmad ibn Muhammed al-Harawi al-Ansari informed us, saying: ʻAli ibn ʻUmar ibn Ahmad al-Daraqutni informed us: The judge Ahmad Kamil ibn Kamil Khalaf related to us: ʻAbd Allah ibn Rawh related to us: Sallam ibn Sulayman related to us: Al-Harith ibn Ghusayn related to us, from al-Aʻmash, from Abu Sufyan, from Jabir, who said: The Messenger of Allah ﷺ said: "My companions are like the stars: whichever of them you follow, you will be guided." Abu Muhammed said: Abu Sufyan is weak, and this al-Harith ibn Ghusayn is Abu Wahb al-Thaqafi. Sallam ibn Sulayman transmits fabricated reports, and this is undoubtedly one of them. Thus this is a report that is discredited, transmitted through a route whose chain of transmission is weak. Abu ʻUmar Yusuf ibn ʻAbd Allah ibn ʻAbd al-Barr al-Namari wrote to me that this report was also transmitted through ʻAbd al-Rahman ibn Zayd al-ʻAmmi, from his father, from Saʻid ibn al-Musayyab, from Ibn ʻUmar; and through Hamzah al-Jazari, from Nafiʻ, from Ibn ʻUmar. He said: ʻAbd al-Rahim ibn Zayd and his father are both abandoned as transmitters, and Hamzah al-Jazari is unknown. Al-Namari also wrote to me: Muhammed ibn Ibrahim ibn Saʻid related to us that Abu ʻAbd al-Rahman ibn Mufarrij related to them, saying: Muhammed ibn Ayyub al-Samut related to us, saying: Al-Bazzar said to us: As for what is transmitted from the Prophet ﷺ, "My companions are like the stars: whichever of them you follow, you will be guided," these are words that are not authentically established as coming from the Prophet ﷺ. Abu Muhammed said: It has thus become clear that this report is not established at all. Undoubtedly it is a lie, because Allah Most High says, describing His Prophet ﷺ: "Nor does he speak from desire. It is nothing but a revelation revealed." Since everything he ﷺ says concerning the revealed law is true, it is undoubtedly from Allah Most High. Whatever comes from Allah Most High contains no

فهذا رواية ساقطة من طريق ضعيف إسنادها. وكتب إلي أبو عمر يوسف بن عبد الله بن عبد البر النمري أن هذا الحديث روي أيضا من طريق عبد الرحمن بن زيد العمي، عن أبيه، عن سعيد بن المسيب، عن ابن عمر، ومن طريق حمزة الجزري، عن نافع، عن ابن عمر قال: وعبد الرحيم بن زيد وأبوه متروكان، وحمزة الجزري مجهول. وكتب إلي النمري، حدثنا محمد بن إبراهيم بن سعيد، أن أبا عبد الرحمن بن مفرج حدثهم قال: ثنا محمد بن أيوب الصموت قال قال لنا البزار وأما ما يروى عن النبي صلى الله عليه وسلم أصحابي كالنجوم بأيهم اقتديتم اهتديتم فهذا كلام لا يصح عن النبي صلى الله عليه وسلم قال أبو محمد فقد ظهر أن هذه الرواية لا تثبت أصلا، بلا شك أنها مكذوبة لأن الله تعالى يقول في صفة نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فإذا كان كلامه صلى الله عليه وسلم في الشريعة حقا كله فهو من الله تعالى بلا شك، وما كان من الله تعالى فلا اختلاف فيه بقوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقد نهى تعالى عن التفرق والاختلاف بقوله {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} فمن المحال أن يأمر رسول الله صلى الله عليه وسلم باتباع كل قائل من الصحابة رضي الله عنهم، وفيهم من يحلل الشيء، وغيره منهم يحرمه، ولو كان ذلك لكان بيع الخمر حلالا اقتداء بسمرة بن جندب، ولكان أكل البرد للصائم حلالا اقتداء بأبي طلحة، وحراما اقتداء بغيره منهم، ولكان ترك الغسل من الإكسال واجبا اقتداء بعلي وعثمان وطلحة وأبي أيوب وأبي بن كعب، وحراما اقتداء بعائشة وابن عمر، ولكان بيع الثمر قبل ظهور الطيب فيها حلالا اقتداء بعمر، حراما اقتداء بغيره منهم، وكل هذا مروي عندنا بالأسانيد الصحيحة، تركناها خوف التطويل بها، وقد بينا آنفا إخباره عليه السلام أبا بكر بأنه أخطأ. وقد كان الصحابة يقولون بآرائهم في

discrepancy, according to His saying, Most High: "Do they not ponder the Quran? Had it been from other than Allah, they would have found in it much discrepancy." He Most High has forbidden division and disagreement in His saying: "And obey Allah and His Messenger, and do not dispute, lest you falter and your strength depart and be steadfast; indeed, Allah is with the steadfast." It is therefore impossible that the Messenger of Allah ﷺ should command following every companion who expresses a view—may Allah be pleased with them—when among them one declares something lawful and another declares it unlawful. Were that so, selling wine would be lawful in emulation of Samurah ibn Jundab; eating hailstones while fasting would be lawful in emulation of Abu Talhah and unlawful in emulation of others among them; forgoing the full ritual bath after intercourse without ejaculation would be obligatory in emulation of ʻAli, ʻUthman, Talhah, Abu Ayyub, and Ubayy ibn Kaʻb, and unlawful in emulation of ʻA'ishah and Ibn ʻUmar; and selling fruit before its ripeness becomes apparent would be lawful in emulation of ʻUmar and unlawful in emulation of others among them. All this has been transmitted to us through chains of transmission that are authentic; we have omitted them for fear of making the discussion lengthy by including them. We have just explained how he, peace be upon him, informed Abu Bakr that he had erred. The companions used to express their own opinions during his ﷺ lifetime, and this would reach him; he would then affirm the one who was correct and declare mistaken the one who had erred. After his ﷺ death, this was more widespread and more frequent. One example is Abu al-Sanabil's legal opinion to Subayʻah al-Aslamiyyah that her waiting period had to last until the later of the two terms. He ﷺ rejected this and stated that his legal opinion was invalid. Some of the companions also issued a legal opinion, while he ﷺ was alive, that an illicit sexual offender who lacked the status of prior consummated marriage was liable to stoning, until his father ransomed him with a hundred sheep and a slave girl. He ﷺ then invalidated that settlement and rescinded it. He ﷺ mentioned the seventy thousand of his community who would enter Paradise with their faces like the moon on the night when it is full. Some of the companions said: "They are people who were born into Islam." The Prophet ﷺ declared the person who said this mistaken. When the Prophet ﷺ slept through the

عصره صلى الله عليه وسلم فيبلغه ذلك فيصوب المصيب ويخطىء المخطىء فذلك بعد موته صلى الله عليه وسلم أفشى وأكثر فمن ذلك فتيا أبي السنابل لسبيعة الأسلمية بأن عليها في العدة آخر الأجلين فأنكر صلى الله عليه وسلم ذلك وأخبر أن فتياه باطل وقد أفتى بعض الصحابة وهو صلى الله عليه وسلم حي بأن على الزاني غير المحصن الرجم حتى افتداه والده بمائة شاة ووليدة فأبطل صلى الله عليه وسلم ذلك الصلح وفسخه وذكر صلى الله عليه وسلم السبعين ألفا من أمته يدخلون الجنة وجوههم كالقمر ليلة البدر، فقال بعض الصحابة هم قوم ولدوا على الإسلام فخطأ النبي صلى الله عليه وسلم قائل ذلك وقالوا إذ نام النبي صلى الله عليه وسلم عن صلاة الصبح ما كفارة ما صنعنا فأنكر النبي صلى الله عليه وسلم قولهم ذلك وأراد طلحة بحضرة عمر بيع الذهب بالفضة نسيئة فأنكر ذلك عمر وأخبر أن النبي صلى الله عليه وسلم حرم ذلك وباع بلال صاعين من تمر بصاع من تمر فأنكر النبي صلى الله عليه وسلم ذلك وأمره بفسخ تلك البيعة وأخبره أن هذا عين الربا، وباع بعض الصحابة بريرة واشترط الولاء فأنكر النبي صلى الله عليه وسلم ذلك ولام عليه وقال عمر لأهل هجرة الحبشة نحن أحق برسول الله صلى الله عليه وسلم منكم فكذبه النبي صلى الله عليه وسلم في ذلك وقال جابر كنا نبيع أمهات الأولاد ورسول الله صلى الله عليه وسلم حي بين أظهرنا وأخبر أبو سعيد أنهم كانوا يخرجون زكاة الفطر والنبي صلى الله عليه وسلم حي فذكر الأقط والزبيب وإنما فرض صلى الله عليه وسلم التمر والشعير فقط وأمر سمرة النساء بإعادة الصلاة أيام الحيض وقال قوم من الصحابة بحضرة النبي صلى الله عليه وسلم أما أنا فأفيض على رأسي يعنون في غسل الجنابة كذا وكذا مرة فأنكر ذلك النبي صلى الله عليه وسلم

وكان علي يغتسل من المذي والنبي صلى الله عليه وسلم حي فأنكر ذلك النبي صلى الله عليه وسلم

dawn prayer, they said: "What is the expiation for what we have done?" The Prophet ﷺ rejected their saying this. Talhah wanted, in 'Umar's presence, to sell gold for silver on deferred payment. 'Umar rejected this and stated that the Prophet ﷺ had forbidden it. Bilal sold two sa's of dates for one sa' of dates. The Prophet ﷺ rejected this, commanded him to rescind that sale, and informed him that this was usury itself. Some of the companions sold Barirah and stipulated that they retain the right of patronage over her. The Prophet ﷺ rejected this and reproached them for it. 'Umar said to those who had emigrated to Abyssinia: "We are more entitled to the Messenger of Allah ﷺ than you are." The Prophet ﷺ declared what he said on that matter false. Jabir said: "We used to sell slave women who had borne their masters children while the Messenger of Allah ﷺ was alive among us." Abu Sa'id reported that they used to pay the alms due at the breaking of the fast while the Prophet ﷺ was alive, and he mentioned dried curds and raisins, whereas he ﷺ had prescribed only dates and barley. Samurah commanded women to repeat the prayers for the days of menstruation. A group of companions said in the presence of the Prophet ﷺ: "As for me, I pour water over my head"—meaning during the full ritual bath for major ritual impurity—"such-and-such a number of times." This was rejected by the Prophet, may Allah bless him and grant him peace. 'Ali used to perform the full ritual

bath after the discharge of pre-ejaculatory fluid while the Prophet ﷺ was alive, and the Prophet ﷺ rejected this.[23][24][25][26][27][28][29][30][31][32]

L2540 Usayd and others said, when Abu ʿAmir al-Ashʿari's sword turned back upon him, that his fighting in Allah's cause had come to nothing. They said this concerning ʿAmir ibn al-Akwaʿ, and the Prophet ﷺ declared their statement

وقال أسيد وغيره إذ رجع سيف أبي عامر الأشعري عليه بطل جهاده، وقالوا ذلك في عامر بن الأكوع فكذبهم النبي صلى الله عليه وسلم في ذلك وأفتى عمر المجنب في السفر ألا يصلي شهرا بالتيمم، ولكن يترك الصلاة حتى يجد الماء وقال عمر للنبي صلى الله عليه وسلم أن يناول القدح أبا بكر وهو عن يسار النبي صلى الله عليه وسلم فأبى ذلك النبي صلى الله عليه وسلم وأخبر أن الواجب غير ذلك وهو أن يناوله الأيمن فالأيمن، وكان عن يمينه أعرابي، وتمعك عمار في التراب كما تتمعك الدابة فأنكر ذلك النبي صلى الله عليه وسلم وأنكر النبي صلى الله عليه وسلم على عمر نداءه إياه إذ أخر صلى الله عليه وسلم العتمة وقال له ما كان لكم أن تنذروا رسول الله صلى الله عليه وسلم وقال أسامة إذ قتل الرجل بعد أن قال لا إله إلا الله: يا رسول الله إنما قالها تعوذا فقال له النبي صلى الله عليه وسلم هلا شققت عن قلبه وأنكر عليه قتله إياه وخطأه في تأويله حتى قال أسامة: وددت أني لم أكن أسلمت إلا ذلك اليوم، وقال خالد: رب مصل يقول بلسانه ما ليس في قلبه فأنكر ذلك رسول الله صلى الله عليه وسلم وأنكر فعله ببني جذيمة وتنزه قوم منهم عن أشياء فعلها صلى الله عليه وسلم فأنكر ذلك صلى الله عليه وسلم وغضب منه وتأول عمر أنه أخطأ إذ قبل وهو صائم فخطأه صلى الله عليه وسلم في تأويله ذلك وأخبر أنه لا شيء عليه فيه وتأول الأنصاري تقبيله صلى الله عليه وسلم وهو صائم وإصباحه جنبا وهو صائم أن ذلك خصوص له صلى الله عليه وسلم فخطأه صلى الله عليه وسلم في ذلك وغضب منه وتأول عدي في الخيط الأبيض أنه عقال أبيض والنبي صلى الله عليه وسلم حي وأعظم من هذا كله تأخر أهل الحديبية عن الحلق والنحر والإحلال إذ أمرهم بذلك صلى الله عليه وسلم

[23] **Translator's note (L2530):** The first chain reads "the freedman of al-Rib'i," whereas the author's subsequent discussion identifies him as the freedman of Rib'i; this variation has been preserved.

[24] **Translator's note (L2532):** The quotation reads "they have not separated" followed by "until they come to me," an awkward tense sequence preserved in translation.

[25] **Translator's note (L2533):** The judge's name appears in the irregular form "Ahmad Kamil ibn Kamil Khalaf"; it has been retained without reconstructing a different genealogy.

[26] **Translator's note (L2534):** The transmitter is first named 'Abd al-Rahman ibn Zayd, but the subsequent assessment names 'Abd al-Rahim ibn Zayd. The discrepancy is present in the source. The Quran quotations contain apparent transcription errors: "عن لهوى" for "عن الهوى"; "القرآن" for "لقرآن"; "غير لله" for "غير الله"; "اختلافا" for "ختلافا"; and "وأطيعوا لله" for "وأطيعوا الله." The English conveys the apparent intended wording while recording these defects here.

[27] **Translator's note (L2535):** The continuation of the Quran quotation has apparent transcription errors: "واصبروا" for "وصبروا"," "الله" for "لله," and "الصابرين" for "لصابرين." The translation conveys the apparent intended wording.

[28] **Translator's note (L2536):** "Intercourse without ejaculation" renders the technical expression al-iksal. The source explicitly says that forgoing the ritual bath would be "obligatory"; this wording has been retained.

[29] **Translator's note (L2537):** "The later of the two terms" refers to the competing endpoints of the widow's waiting period and the pregnancy. "Lacked the status of prior consummated marriage" renders ghayr al-muhsan, a technical legal status whose conditions receive different formulations in jurisprudence. A sa' is a measure of capacity. The "right of patronage" is wala', the legal affiliation associated with manumission.

[30] **Translator's note (L2538):** "Slave women who had borne their masters children" renders the legal category ummahat al-awlad. The final salutation is divided between this unit and the next; only its opening portion appears here.

[31] **Translator's note (L2539):** The opening words complete the salutation begun in the preceding unit. "Pre-ejaculatory fluid" renders madhy, which is distinguished from semen in the rules of ritual purification.

[32] **Qur'an references (L2530):** Qur'an 53:4 (An-Najm); Qur'an 4:82 (An-Nisa); Qur'an 8:46 (Al-Anfal).

false. ʿUmar gave a legal ruling that a person in a state of major ritual impurity while travelling should not pray for a month by performing dry purification, but should leave off prayer until he found water. ʿUmar told the Prophet ﷺ to hand the cup to Abu Bakr, who was on the Prophet's ﷺ left. The Prophet ﷺ refused to do that and explained that the obligation was otherwise: to hand it to the person on the right, and then the next person on the right. A Bedouin was on his right. ʿAmmar rolled about in the earth as an animal rolls about, and the Prophet ﷺ disapproved of that. The Prophet ﷺ also disapproved of ʿUmar's calling out to him when he ﷺ delayed the night prayer, saying to him, "You ought not to alert the Messenger of Allah ﷺ." When Usamah killed the man after he had said, "There is no god but Allah," he said, "Messenger of Allah, he said it only to seek protection." The Prophet ﷺ said to him, "Why did you not cut open his heart?" He condemned his killing him and declared his interpretation mistaken, until Usamah said, "I wished that I had not embraced Islam until that day." Khalid said, "Many a person who prays says with his tongue what is not in his heart." The Messenger of Allah ﷺ disapproved of that, and he disapproved of Khalid's treatment of Banu Jadhimah. Some of them scrupulously abstained from things that he ﷺ had done, and he ﷺ disapproved of that and became angry at it. ʿUmar interpreted his having kissed while fasting as a mistake on his part, but he ﷺ declared that interpretation mistaken and told him that nothing was incumbent upon him on that account. The Ansari interpreted his ﷺ kissing while fasting and his entering the morning in a state of major ritual impurity while fasting as something exclusive to him ﷺ. He ﷺ declared him mistaken in that and became angry at him. ʿAdi interpreted "the white thread" as a white hobble-cord while the Prophet ﷺ was alive. Greater than all of this was the people of al-Hudaybiyah's delay in shaving their heads, slaughtering their sacrificial animals, and leaving the state of ritual consecration when he ﷺ commanded them to do so, until he became angry and complained of them to Umm Salamah, the Mother of the Believers.

حتى غضب وشكاهم إلى أم سلمة أم المؤمنين وكل ما ذكرنا محفوظ عندنا بالأسانيد الصحاح الثابتة،

Everything we have mentioned is preserved in our possession through sound, established chains of transmission.[33]

L2541–2542 Ahmad ibn ʿUmar informed me: Abu Dharr related to us: Zahir ibn Ahmad al-Sarakhsi related to us: Abu Muhammed informed us ibn Zanjawayh ibn Muhammed al-Naysaburi: Muhammed ibn Ismaʿil al-Bukhari informed us: Abu al-Nuʿman related to us: Hammad ibn Zayd related to us, from Yahya ibn Saʿid, who said: Saʿid—that is, Ibn al-Musayyab—said, "ʿUmar adjudged twenty-five for the thumb and the finger next to it." Saʿid said, "After that, there was found in the document of the family of Hazm, concerning the fingers, 'Ten for each,' and he adopted that." Muhammed ibn Saʿid informed me: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bandar related to us: Yahya al-Qattan related to us, from Shuʿbah, from Abu Ishaq, from Masruq, who said: I asked Ibn ʿUmar about undoing the odd-numbered prayer, and he said, "I do not transmit it from anyone; it is merely something I say on the basis of my own opinion."[34]

L2543–2551 Abu Muhammed said: How, then, can it be permissible to follow unquestioningly people who are sometimes wrong and sometimes right? Or how can it be lawful for a Muslim who fears Allah Most High to say concerning a Companion's legal ruling, "Something like this is not said on the basis of personal opinion," when everything we have mentioned was something they said on the basis of their own opinions and in which they were mistaken? Muhammed ibn Saʿid ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Shuʿbah related to us, saying: I heard Abu Ishaq relate, from

[33]**Translator's note (L2540):** The text first names Abu ʿAmir al-Ashʿari and then ʿAmir ibn al-Akwaʿ in connection with the sword incident. The apparent inconsistency is preserved. "Alert" renders tundhiru, literally "warn." The wording is unusual in this account and has not been silently replaced with a different reported wording.

[34]**Translator's note (L2542):** The figures twenty-five and ten concern compensation for fingers; the source does not state the unit of compensation or explicitly distribute the twenty-five between the two fingers. "Undoing the odd-numbered prayer" renders naqd al-witr, the practice of adding a prayer unit to an earlier witr prayer so that it becomes even-numbered. The transmitter's name appears here as Bandar, with a spelling different from Bundar in the following unit.

وأخبرني أحمد بن عمر، ثنا أبو ذر، نا زاهر بن أحمد السرخسي، أنا أبو محمد بن زنجويه بن محمد النيسابوري، أنا محمد بن إسماعيل البخاري، نا أبو النعمان، نا حماد بن زيد، عن يحيى بن سعيد، قال سعيد هو ابن المسيب: قضى عمر في الإبهام وفي التي تليها بخمس وعشرين، وقال سعيد: ووجد بعد ذلك في كتاب آل حزم في الأصابع عشرا عشرا، فأخذ بذلك. أخبرني محمد بن سعيد: نا أحمد بن عون الله، نا قاسم بن أصبغ، نا الخشني، نا بندر، نا يحيى القطان، عن شعبة، عن أبي إسحاق، عن مسروق قال: سألت ابن عمر عن نقض الوتر، فقال: ليس أرويه عن أحد إنما هو شيء أقوله برأيي.

قال أبو محمد: فكيف يجوز تقليد قوم يخطئون ويصيبون؟ أم كيف يحل لمسلم يتقي الله تعالى أن يقول في فتيا الصاحب مثل هذا لا يقال بالرأي، وكل ما ذكرناه فقد قالوه بآرائهم وأخطؤوا فيه. حدثنا محمد بن سعيد بن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا الخشني، نا بندار، نا شعبة قال: سمعت أبا إسحاق يحدث عن رجل من بني سليم قال: سمعت ابن عباس يقول في العزل إن كان رسول الله صلى الله عليه وسلم قال فيه شيئا فهو كما قال وأما أنا فأقول برأيي: هو زرعك إن شئت سقيته وإن شئت أعطشته. وقالعلي: في مسيره إلى صفين هو رأي رأيته ما عهد إلي رسول الله صلى الله عليه وسلم فيه بشيء وقال عمر الرأي منا هو التكلف وقال معاوية في بيع الذهب بالذهب متفاضلا، هذا رأي، وقال ابن مسعود في قصة بروع بنت واشق: أقول فيها برأيي فإن كان حقا فمن الله، وإن كان باطلا فمني، والله ورسوله بريئان، وقال عمران بن الحصين وذكر متعة الحج قال فيها رجل برأيه ما شاء، يعني

a man of Banu Sulaym, who said: I heard Ibn ʿAbbas say concerning withdrawal before ejaculation, "If the Messenger of Allah ﷺ said anything about it, then it is as he said. As for me, I speak on the basis of my own opinion: it is your crop; if you wish, you water it, and if you wish, you leave it thirsty." ʿAli said concerning his march to Siffin, "It is an opinion I formed; the Messenger of Allah ﷺ gave me no instruction concerning it." ʿUmar said, "Personal opinion on our part is taking upon ourselves what we have not been charged with." Muʿawiyah said concerning selling gold for gold in unequal amounts, "This is an opinion." Ibn Masʿud said concerning the case of Barwaʿ bint Washiq, "I speak concerning her on the basis of my own opinion. If it is right, it is from Allah; if it is false, it is from me, and Allah and His Messenger are free of responsibility for it." ʿImran ibn al-Husayn, mentioning combining the lesser pilgrimage with the pilgrimage, said, "A man said whatever he wished concerning it on the basis of his own opinion"—meaning ʿUmar. ʿAbidah said to ʿAli, "Your opinion when there was unity is dearer to us than your opinion when there is division." Abu Hurayrah said, in the report concerning maintenance—and he added an addition at its end—so he was asked, "Is this from the Messenger of Allah ﷺ?" He said, "No; this is from Abu Hurayrah's own bag." Here they are, then—may Allah be pleased with them—acknowledging that they speak on the basis of their own opinions and that they may be mistaken in doing so. Thus the invalidity of the position of those we have mentioned is established. ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad, from Muhammed, from Ahmad ibn ʿAli, from Muslim: Abu Kurayb, Ishaq ibn Rahawayh, and Ishaq ibn Yunus related to us. Abu Kurayb said: Abu Muʿawiyah related to us—and the wording is his. Both said: From al-Aʿmash, from Muslim, who is Abu al-Duha, from Masruq, from ʿA'ishah, who said: The Messenger of Allah ﷺ availed himself of a concession in a matter from which some people scrupulously abstained. This reached the Prophet ﷺ, and he became angry, until the anger was apparent in his face. Then he said, "What is the matter with people who turn away from something in which I have been granted a concession? By Allah, I am indeed the most knowledgeable of them concerning Allah and the most fearful of Him." Abu Muhammed said: Muslim also transmitted it from Zuhayr ibn

عمر. وقال عبيدةلعلي: رأيك في الجماعة أحب إلينا من رأيك في الفرقة، وقال أبو هريرة في حديث النفقة وزاد في آخره زيادة فقيل له هذا عن رسول الله صلى الله عليه وسلم قال لا هذا من كيس أبي هريرة فها هم رضي الله عنهم يعترفون أنهم يقولون برأيهم، وأنهم قد يخطئون في ذلك، فصح بذلك بطلان قول من ذكرنا، وحدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد، عن محمد، عن أحمد بن علي، عن مسلم، نا أبو كريب وإسحاق بن راهويه، وإسحاق بن يونس، وقال أبو كريب: نا أبو معاوية واللفظ له، قالا جميعا عن الأعمش عم مسلم وهو أبو الضحى عن مسروق عن عائشة قالت ترخص رسول الله صلى الله عليه وسلم في أمر استنزه عنه ناس من الناس فبلغ ذلك النبي صلى الله عليه وسلم فغضب حتى بان الغضب في وجهه ثم قال ما بال أقوام يرغبون عما رخص لي فيه فوالله لأنا أعلمهم بالله وأشدهم له خشية. قال أبو محمد: ورواه مسلم أيضا عن زهير بن حرب، عن جرير، عن الأعمش بسنده فقال: بلغ ذلك ناسا من أصحابه. حدثنا أحمد بن عمر، نا علي بن الحسين بن فهر، نا الحسن بن علي بن شعبان، وعمر بن محمد بن عراك قالا: نا أحمد مروان، نا أبو إسماعيل محمد بن إسماعيل الترمذي، نا حرملة عن ابن وهب: سئل مالك عمن أخذ بحديثين مختلفين حدثه بهما ثقة عن رسول الله صلى الله عليه وسلم أتراه من ذلك في سعة قال لا والله حتى يصيب الحق، وما الحق إلا في واحد، قولان مختلفان يكونان صوابا ما الحق وما الصواب إلا في واحد. قال أبو محمد: وهذا حجة على المالكيين القائلين بتقليد من احتجوا به من الصحابة وقد اختلفوا. فصح بكل ما ذكرنا أنه لا يحل اتباع فتيا صاحب ولا تابع، ولا أحد دونهم إلا أن يوجبها نص أو إجماع، ويبطل بذلك قول من قال، فيما رواه عن الصاحب بخلاف ما صح عن النبي صلى الله عليه وسلم مثل هذا لا يقال بالرأي وصح أنه قد يخطىء المرء منهم فيقول برأيه ما

Harb, from Jarir, from al-Aʿmash with his chain of transmission, saying, "That reached some of his Companions." Ahmad ibn ʿUmar related to us: ʿAli ibn al-Husayn ibn Fihr related to us: al-Hasan ibn ʿAli ibn Shaʿban and ʿUmar ibn Muhammed ibn ʿIrak related to us; both said: Ahmad Marwan related to us: Abu Ismaʿil Muhammed ibn Ismaʿil related to us al-Tirmidhi: Harmalah related to us, from Ibn Wahb: Malik was asked about someone who acted upon two conflicting reports which a trustworthy transmitter had related to him from the Messenger of Allah ﷺ: "Do you consider him to have latitude in that?" He said, "No, by Allah, not until he arrives at the truth. The truth lies in only one. Can two conflicting statements both be correct? Truth and correctness lie in only one." Abu Muhammed said: This is an argument against the Malikis who advocate unquestioningly following those Companions whom they have adduced as authorities, although those Companions disagreed. Everything we have mentioned thus establishes that it is not lawful to follow the legal ruling of a Companion, a Successor, or anyone below them unless a revealed text or consensus makes it obligatory. This also invalidates the statement of someone who says, concerning what he transmits from a Companion contrary to what has been authentically established from the Prophet ﷺ, "Something like this is not said on the basis of personal opinion." It is established that one of them may indeed err and say, on the basis of his own opinion, something contrary to what has been authentically established from the Prophet ﷺ. They adduced as arguments ʿUmar's prohibition of selling slave women who had borne their masters children, what has been transmitted concerning the normative practice of placing the hands on the knees during prayer, and his statement in reply to ʿAmr ibn al-ʿAs, when the latter said to him after he had experienced a nocturnal emission, "Take a garment other than your garment." He replied, "If I did that, it would become a normative practice." Abu Muhammed said: None of this affords them any argument. As for selling slave women who had borne their masters children, Ibn Masʿud, ʿAli, Zayd ibn Thabit, and Ibn ʿAbbas disagreed with ʿUmar about that and considered their sale permissible. What, then, made ʿUmar more entitled to be followed unquestioningly than these men? We prohibit their sale only because of an established revealed text that requires this; we have mentioned it in The Book of Bringing One to an Understanding

يخالف ما صح عن النبي صلى الله عليه وسلم واحتجوا بمنع عمر من بيع أمهات الأولاد بما روي من سنة وضع الأيدي على الركب في الصلاة ومن قوله في جوابه لعمرو بن العاص، إذ قال له وقد احتلم: خذ ثوبا غير ثوبك، فقال: لو فعلتها لصارت سنة. قال أبو محمد: وهذا لا حجة لهم في شيء منه. أما بيع أمهات الأولاد فقد خالف في ذلك ابن مسعود، وعلي وزيد بن ثابت وابن عباس عمر، فرأوا بيعهن، فما الذي جعل عمر أولى بالتقليد من هؤلاء؟ وإنما منعنا من بيعهن لنص ثابت أوجب ذلك، فقد ذكرناه في كتاب الإيصال إلى فهم الخصال. وقال أصحابنا: إنما منعنا من ذلك لإجماع الأمة على المنع من بيعهن إذا حملن من وسادتهن، ثم اختلفوا في بيعهن بعد الوضع، فقلنا نحن: لا نترك ما اتفقنا عليه إلا بنص أو إجماع آخر طردا لقولنا باستصحاب الحال. وأما وضع الأيدي على الركب، فقد صح من طريق أبي حميد الساعدي عن النبي صلى الله عليه وسلم مسندا وضع الأيدي على الركب في الركوع وأما قول عمر: لو فعلتها لكانت سنة، فليس على ما ظن الجاهل المحتج بذلك في التقليد، ولكن معنى ذلك: لو فعلتها لاستن بذلك الجهال بعدي: فكره عمر أن يفعل شيء يلحقه أحد من الجهال بالسنن، كما قال طلحة، إذ رأى عليه ثوبا مصبوغا وهو محرم: إنكم قوم يقتدى بكم فربما رآك من يقول: رأيت على طلحة ثوبا مصبوغا وهو محرم، أو كلاما هذا معناه. فعلى هذا الوجه قال عمر: لو فعلتها لكانت سنة، لا على أن يسن في الدين ما لم ينزل به وحي، وقد كانوا رضي الله عنهم يفتون بالفتيا فيبلغهم عن النبي صلى الله عليه وسلم خلافها فيرجعون عن قولهم إلى الحق الذي بلغهم، وهذا لا يحل غيره. وقد فعل أبو بكر نحو ذلك في الجدة وبحث عن فعل النبي صلى الله عليه وسلم في ذلك وفعل ذلك عمر في الاستئذان ثلاثا حتى قال له أبي بن كعب يا عمر لا تكن عذابا على أصحاب محمد صلى الله عليه وسلم فقال عمر سبحان الله إنما سمعت شيئا فأردت أن أثبت. ورجع عن إنكاره لقول أبي موسى، ولم يعرف حكم إملاص المرأة حتى سأل عنه فوجده

of the Characteristics. Our associates said, "We prohibit that only because the community has reached consensus on prohibiting their sale when they become pregnant from their pillows. They then disagreed about selling them after delivery. We therefore said: We do not abandon what we have agreed upon except on the basis of a revealed text or another consensus, consistently applying our position that an existing state is presumed to continue." As for placing the hands on the knees, placing the hands on the knees while bowing has been authentically established through Abu Humayd al-Saʿidi, in a report with a connected chain back to the Prophet ﷺ. As for ʿUmar's statement, "If I did that, it would become a normative practice," it does not mean what the ignorant person adducing it as an argument supposed concerning uncritical following. Rather, its meaning is: "If I did it, ignorant people after me would adopt it as an established practice." Thus ʿUmar disliked doing anything that an ignorant person might class among the established practices, just as Talhah said when he saw him wearing a garment that was dyed, while he was in the state of pilgrimage consecration: "You are people whose example is followed. Someone might see you and say, 'I saw Talhah wearing a dyed garment while he was in the state of pilgrimage consecration,'" or words to this effect. It was in this sense that ʿUmar said, "If I did it, it would become an established practice," not in the sense of instituting in religion something concerning which no revelation had descended. They, may Allah be pleased with them, would issue a legal opinion, then receive a report from the Prophet ﷺ contrary to it, whereupon they would abandon their position and return to the truth that had reached them. Nothing else is lawful. Abu Bakr did something of this kind concerning the grandmother, investigating what the Prophet ﷺ had done in that matter. ʿUmar did likewise concerning asking permission to enter three times, until Ubayy ibn Kaʿb said to him, "'Umar, do not be a torment to the Companions of Muhammed ﷺ!" ʿUmar replied, "Glory be to Allah! I merely heard something and wanted to ascertain it." He withdrew his objection to Abu Musa's statement. He did not know the ruling concerning a woman's miscarriage until he inquired about it and found knowledge of it with al-Mughirah ibn Shuʿbah. The same was true concerning the Magians. Muʿawiyah sold a gold drinking vessel for more than its weight, until ʿUbadah ibn al-Samit objected to this and informed him that the Prophet ﷺ

عند المغيرة بن شعبة، وكذلك أمر المجوس، وباع معاوية سقاية من ذهب بأكثر من وزنها، حتى أنكر ذلك عليه عبادة بن الصامت وبلغه أن النبي صلى الله عليه وسلم نهى عن ذلك وأراد عمر قسمة مال الكعبة فقال له أبي إن النبي صلى الله عليه وسلم لم يفعل ذلك فأمسك عمر وكان يرد الحيض حتى يطهرن ثم يطفن بالبيت حتى بلغه عن النبي صلى الله عليه وسلم خلاف ذلك فرجع عن قوله وكان يرد المفاضلة في دية الأصابع حتى بلغه عن النبي صلى الله عليه وسلم المساواة بينها فرجع عن قوله إلى ذلك وترك قوله. وكان لا يرى توريث المرأة في دية زوجها حتى بلغه عن النبي صلى الله عليه وسلم خلاف ذلك فترك قوله ورجع إلى ما بلغه وكان ينهى عن متعة الحج حتى وقف على أنه صلى الله عليه وسلم أمر بها فترك قوله ورجع إلى ما بلغه وأمر برجم مجنونة زنت حتى أخبره علي أن النبي صلى الله عليه وسلم قال كلاما معناه إن المجنون قد رفع عنه القلم، فرجع عن رجمها. ونهى عن التسمي بأسماء الأنبياء فأخبره طلحة أن النبي صلى الله عليه وسلم كناه أبا محمد فأمسك ولم يتماد على النهي عن ذلك وأراد ترك الرمل في الحج ثم ذكر أن النبي صلى الله عليه وسلم فعله فرجع عما أراد من ذلك ومثل هذا كثير

had prohibited it. ʿUmar wanted to distribute the wealth of the Kaʿbah, but Ubayy told him, "The Prophet ﷺ did not do that," so ʿUmar desisted. He used to send menstruating women back until they became pure and then circumambulated the House, until a report from the Prophet ﷺ to the contrary reached him, whereupon he abandoned his position. He used to reject differentiation in the blood-money payable for fingers, until a report from the Prophet ﷺ establishing equality between them reached him, whereupon he abandoned his position in favor of that and relinquished his own statement. He did not consider a woman entitled to inherit from the blood-money paid for her husband until a report from the Prophet ﷺ to the contrary reached him; he then relinquished his position and returned to what had reached him. He used to prohibit combining the lesser pilgrimage with the major pilgrimage with a release from consecration between them, until he learned that he ﷺ had commanded it; he then relinquished his position and returned to what had reached him. He ordered that an insane woman who had committed unlawful sexual intercourse be stoned, until ʿAli informed him that the Prophet ﷺ had said words meaning that the pen of accountability had been lifted from the insane person; he then withdrew the order to stone her. He prohibited taking the names of prophets, but Talhah informed him that the Prophet ﷺ had given him the appellation Abu Muhammed, so he desisted and did not persist in prohibiting that. He wanted to abandon the brisk, short-stepped gait during pilgrimage, but then remembered that the

Prophet ﷺ had practiced it, so he withdrew his intended course of action. Instances of this kind are numerous.[3536373839404142]

L2552–2555 If the Messenger of Allah ﷺ states that his Companions may err in their legal opinions, how can it be permissible for a Muslim who believes in Allah and the Last Day to say that he ﷺ commands following them in matters in which he has declared them mistaken? How could he command taking them as examples in statements he had forbidden them to make? How could he make following someone who errs obligatory? Only a flagrantly sinful

وإذا كان رسول الله صلى الله عليه وسلم يخبر أن أصحابه قد يخطئون في فتياهم فكيف يسوغ لمسلم يؤمن بالله واليوم الآخر أن يقول إنه صلى الله عليه وسلم يأمر باتباعهم فيما قد خطأهم فيه وكيف يأمر بالاقتداء بهم في أقوال قد نهاهم عن القول بها، وكيف يوجب اتباع من يخطىء ولا ينسب مثل هذا إلى النبي صلى الله عليه وسلم إلا فاسق أو جاهل لا بد من إلحاق إحدى الصفتين به، وفي هذا هدم الديانة، وإيجاب اتباع الباطل، وتحريم الشيء وتحليله في وقت واحد وهذا خارج عن المعقول وكذب على النبي صلى الله عليه وسلم ومن كذب عليه ولج في النار نعوذ بالله من ذلك. وأما قولهم: إن الصحابة رضي الله عنهم شهدوا الوحي فهم أعلم به، فإنه يلزمهم على هذا أن التابعين شهدوا الصحابة فهم أعلم بهم، فيجب تقليد التابعين. وهكذا قرنا فقرنا، حتى يبلغ الأمن إلينا فيجب تقليدنا. وهذه صفة دين النصارى في اتباعهم أساقفتهم، وليست صفة ديننا والحمد لله رب العالمين. وقد قلنا ونقول: إن كل ما احتجوا به مما ذكرنا لو كان حقا لكان عليهم لا لهم، لأنه ليس في تقليد الصحابة ما يوجب تقليد مالك وأبي حنيفة والشافعي، فمن العجب العجيب أنهم يقلدون مالكا وأبا حنيفة والشافعي، فإذا أنكر ذلك عليهم احتجوا بأشياء يرومون بها إيجاب تقليد الصحابة، وهم يخالفون الصحابة خلافا عظيما فهل يكون أعجب من هذا ونعوذ بالله من الخذلان. وليس من هؤلاء الفقهاء المذكورين أحد إلا وهو يخالف كل واحد من الصحابة في مئين من القضايا، وفي عشرات منها، فقد بطل ما نصروا، وتركوا ما حققوا، وقد ذكرنا في باب الإجماع إبطال قول من قال باتباع الصاحب الذي لا مخالف له يعرف من الصحابة. وبينا هنالك أنهم الناس لذلك، وأنهم قد خالفوا أحكاما كثيرة لعمر، بحضرة المهاجرين والأنصار، لم يرو عن واحد منهم إنكارا لفعله

[35]**Translator's note (L2543):** "Following unquestioningly" renders taqlid, accepting another person's legal position on that person's authority. "Combining the lesser pilgrimage with the pilgrimage" renders mutʿat al-hajj, the pilgrimage arrangement known as tamattuʿ. The unvowelled personal name Barwaʿ also permits the reading Birwaʿ.

[36]**Translator's note (L2544):** "From Abu Hurayrah's own bag" preserves the report's idiom for something supplied from his own resources. The chain as supplied names three transmitters, but then says "both said"; this numerical inconsistency is preserved. The source has ʿamm before Muslim, an apparently corrupt transmission link. It is rendered "from," with the corruption recorded here.

[37]**Translator's note (L2545):** The name Ahmad Marwan appears without a connecting ibn; that wording is preserved.

[38]**Translator's note (L2546):** "Can two conflicting statements both be correct?" reads the unpunctuated phrase as a rhetorical question, as its surrounding argument requires.

[39]**Translator's note (L2547):** "Slave women who had borne their masters children" renders ummahat al-awlad, the legal category of slave women who bear children to their owners. The source reads "when they become pregnant from their pillows" (min wisadatihinna), an apparently corrupt expression. "From their masters" would fit the legal context, but that correction has not been substituted into the translation. "An existing state is presumed to continue" renders istishab al-hal, the technical principle of presuming continuity of an established state. "Normative practice" consistently renders sunnah here, preserving the term's role in the argument about whether ʿUmar's conduct would establish a precedent.

[40]**Translator's note (L2548):** The supplied wording attributes the ensuing statement to Talhah, although the quotation in the next segment refers to Talhah as the person wearing the garment. The apparent inconsistency has been retained.

[41]**Translator's note (L2550):** The text says that ʿUmar 'rejected differentiation' in blood-money for fingers, yet subsequently describes his abandoning that position upon learning that the amounts were equal. This apparent textual inconsistency has been retained. The expression translated as 'send menstruating women back' can also convey holding them back or requiring them to return; the wording does not specify the precise action.

[42]**Hadith references (L2543):** Sahih Muslim 2356c.

person or an ignorant person would attribute anything of this kind to the Prophet ﷺ; one must necessarily ascribe one of these two descriptions to him. This entails demolishing religion, making adherence to falsehood obligatory, and prohibiting and permitting the same thing at the same time. This is beyond reason and is a lie against the Prophet ﷺ. Whoever lies against him enters the Fire. We seek refuge in Allah from that. As for their statement, "The Companions, may Allah be pleased with them, witnessed revelation and therefore know it better," it follows necessarily on their reasoning that the Successors witnessed the Companions and therefore know them better, so uncritical following of the Successors must be obligatory. The same applies generation after generation until security reaches us, whereupon uncritical following of us must be obligatory. This describes the religion of the Christians in their following of their bishops; it does not describe our religion. Praise belongs to Allah, Lord of all worlds. We have said, and continue to say, that even if everything we have mentioned that they adduce as evidence were true, it would count against them, not in their favor, because uncritical following of the Companions contains nothing that makes uncritical following of Malik, Abu Hanifah, and al-Shafiʿi obligatory. It is astonishing indeed that they follow Malik, Abu Hanifah, and al-Shafiʿi uncritically, yet, when this is challenged, they invoke things by which they seek to establish an obligation to follow the Companions uncritically, while themselves disagreeing profoundly with the Companions. Could anything be more astonishing? We seek refuge in Allah from abandonment. There is not one of these aforementioned jurists who does not disagree with every one of the Companions in hundreds of cases and in dozens of them. Thus what they championed is invalid, and they have abandoned what they established. In the chapter on consensus, we have set out the refutation of the position of those who advocate following a Companion for whom no dissenting Companion is known. We explained there that they are the people for that, and that they have opposed numerous rulings of ʿUmar made in the presence of the Emigrants and the Helpers, with no objection to his doing so reported from any one of them, such as his doubling the compensation imposed on Hatib for the Muzani man's she-camel, and other matters. This was a well-known, widely circulated ruling in which none of the Companions opposed him, nor was

ذلك كإضعافه الغرم على حاطب في ناقة المزني وغير ذلك، وهذا حكم مشتهر منتشر لم يعارضه فيه أحد من الصحابة، ولا روي عن أحد منهم إنكارا لذلك، فقد تركوه هم يشهدون أن حكم الصاحب الذي لا يعرف له مخالف من الصحابة هو الحق؛ فقد أقروا على أنفسهم أنهم تركوا الحق، وأنهم أصروا على ما فعلوا وهم يعلمون. ويقال لهم أيضا: كيف كان حال حكم الصحابي الواحد الذي لا يعرف له مخالف قبل أن يشتهر وينتشر؟ أكان لازما أن يؤخذ به؟ أو كان غير لازم؟ فإن قال: كان غير لازم، أوجب أن ذلك الحكم في الدين وجب بعد أن كان غير واجب، وهذا كفر وتكذيب لله عز وجل في قوله {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}

any objection to it reported from any one of them. Yet they have abandoned it while themselves testifying that the ruling of a Companion for whom no dissenting Companion is known is the truth. They have therefore admitted against themselves that they abandoned the truth and knowingly persisted in what they did. They should also be asked: What was the status of the ruling of a single Companion for whom no dissenter is known before it became well known and widely circulated? Was adopting it obligatory, or was it not obligatory? If someone says, "It was not obligatory," he necessarily entails that this ruling in religion became obligatory after having been nonobligatory. This is unbelief and a denial of Allah, mighty and majestic, in His saying: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten, except what you slaughter duly, and what 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—then indeed Allah is forgiving, merciful.}[43][44][45]

L2556 If he says, "It was obligatory," he has established its obligatory force before its circulation, and their invalid condition requiring circulation falls away.

وإن قال كان لازما فقد أوجب لزومه قبل الانتشار، وسقط شرطهم الفاسد في الانتشار، وهذا القول الفاسد يوجب أن دين الله مترقب فإن انتشر لزم؛ وإن لم ينتشر لم يلزم؛ وهذا كفر بارد، وشرك وسخف. وبالله تعالى التوفيق. وهم يخالفون عمر وزيد بن ثابت في قضاء عمر في الضلع بحمل، وفي الترقوة بحمل، وفي قضاء زيد في العين القائمة بمائة دينار، ولا يعرف له من الصحابة مخالف، حتى تحكم بعضهم فلم يستحي من الكذب فقال: إنما كان ذلك منهما على وجه الحكومة. قال أبو محمد: وهذه دعوى فاسدة لا دليل لهم على صحتها أصلا. ولا يعجز عن مثلها أحد، ويقال لهم مثل ذلك في تقويم الدية بألف دينار وبعشرة آلاف درهم، أو باثني عشر ألف درهم ولا

[43] **Translator's note (L2553):** The supplied text reads 'security reaches us,' an apparent transcription error where the argument would suggest 'the matter reaches us.' The supplied reading has been retained. The wording 'they are the people for that' appears defective, possibly through the omission of a word describing their opposition to that principle. No missing word has been supplied as established text. The juxtaposition 'in hundreds of cases and in dozens of them' is awkward in the supplied text and has been retained.

[44] **Translator's note (L2555):** The quotation is Quran 5:3. The supplied transcription repeatedly omits initial letters or hamzas in otherwise identifiable words, including the words for carrion, blood, swine, Allah, today, and Islam. The translation reflects the identifiable wording; these orthographic defects are noted rather than silently treated as an exact Quranic transcription.

[45] **Qur'an references (L2552):** Qur'an 5:3 (Al-Ma'idah).

This invalid position entails that Allah's religion remains pending: if it circulates, it becomes binding, and if it does not circulate, it does not become binding. This is sheer unbelief, associating partners with Allah, and folly. Success comes through Allah Most High. They disagree with ʿUmar and Zayd ibn Thabit concerning ʿUmar's award of a young sheep for a rib and a young sheep for a collarbone, and Zayd's award of one hundred dinars for an eye that remains in place, although no dissenting Companion is known. One of them even made an arbitrary assertion and, without being ashamed to lie, said, "What the two of them did was merely an exercise of discretionary assessment of compensation." Abu Muhammed said: This is an invalid claim for whose soundness they have absolutely no evidence, and no one would be incapable of making a similar claim. The same can be said to them concerning the valuation of blood-money at one thousand dinars, ten thousand dirhams, or twelve thousand dirhams; there is no difference. They disagreed with Ibn ʿUmar and Abu Barzah concerning their statement that, whenever two people engage in a sale, no sale is binding between them until they physically separate from the place of sale, although no dissenting Companion is known to either of them. Malik disagreed with Ibn ʿUmar and Ibn ʿAbbas concerning their statement that the ability to undertake pilgrimage consists solely in provisions and a riding mount.[46]

فرق. وخالفوا ابن عمر وأبا برزة في قولهما: إن كل متبايعين فلا بيع بينهما حتى يتفرقا بأبدانهما عن مكان البيع، ولا يعرف لهما مخالف من الصحابة. وخالف مالك ابن عمر وابن عباس في قولهما: إن استطاعة الحج ليست إلا الزاد والراحلة.

L2557–2561 They also opposed Jabir ibn Abd Allah concerning his prohibition of selling copies of the Quran. No opponent among the Companions is known to Ibn Umar, Ibn Abbas, or Jabir on these two questions. Malik and al-Shafiʿi opposed Umm Salamah and Uthman ibn Abi al-As concerning their statement that the maximum duration of postpartum bleeding is forty days; no opponent among the Companions is known to those two on this matter. Malik opposed Ibn Masʿud, Abu al-Darda', al-Zubayr, and Qudamah ibn Mazʿun concerning their permitting a sick man to marry and allowing the woman to inherit from him; no opponent among the Companions is known to them on this matter. They opposed Abu Bakr, Umar, Khalid ibn al-Walid, and Suwayd

وخالفوا جابر بن عبد الله في نهيه عن بيع المصاحف، ولا يعرف لابن عمر ولا لابن عباس ولا لجابر في هاتين المسألتين، مخالف من الصحابة. وخالف مالك والشافعي أم سلمة وعثمان بن أبي العاص في قولهما: إن أقصى أمد النفاس أربعون يوما ولا يعرف لهما في ذلك مخالف من الصحابة. وخالف مالك ابن مسعود وأبا الدرداء والزبير وقدامة بن مظعون في إباحة نكاح المريض، وجواز ميراثه للمرأة، ولا يعلم لهم من الصحابة مخالف في ذلك. وخالفوا أبا بكر وعمر وخالد بن الوليد وسويد بن مقرن في إقادتهم من اللطمة، ولا يعلم لهم في ذلك مخالف من الصحابة. قال أبو محمد: وقد أبطلنا في باب الإجماع قول من قال باتباع الأكثر، وهذه نصوص يوجب تكرارنا إياها أنها تقليد صحيح، فتدخل في باب التقليد وادعوا هم أنها إجماع، فوجب التنبيه عليها

[46] **Translator's note (L2556):** An 'eye that remains in place' is a technical expression for an eye that has lost its sight while remaining physically intact. The unvowelled word translated as 'a young sheep' is read here as ḥamal, a young sheep, in the context of compensation for bodily injury.

ibn Muqarrin concerning their exacting retaliation for a slap; no opponent among the Companions is known to them on this matter. Abu Muhammed said: In the chapter on consensus, we have already refuted the position of those who advocate following the majority. These are texts whose repetition by us is warranted by their constituting valid instances of following authority without proof, and thus belonging in the chapter on following authority without proof. They themselves claimed that these constituted consensus, so it was also necessary, for that reason, to draw attention to them in the chapter on consensus. There, and in the chapter on transmitted reports in this book of ours, we have explained the invalidity of the statement of someone who says: It is impossible that a ruling of the Prophet ﷺ should be unknown to the majority while being known to the minority. He mentioned the report of Abu Hurayrah: "My brothers among the Emigrants were occupied with striking bargains in the markets, and my brothers among the Helpers were occupied with tending their property, whereas I was a poor man who kept close to the Messenger of Allah ﷺ." Although this report is transmitted through individually transmitted reports, demonstration compels its acceptance as true. For no one possessed of reason and knowledge of transmitted reports doubts that the Companions—may Allah be pleased with them—lived in severe straitened circumstances. They were worn out with trade, for which they traveled to the far reaches of the lands of the Arabs, despite their harshness and scant wealth, and with date palms, which they tended with strenuous exertion and hard toil. Whenever one of them found an opening, he attended and listened. Thus the statement of someone who says that it is not possible for his ruling—peace be upon him—to be unknown to the majority while being known to the minority is invalid, and the opposite is established as correct for the reasons we have mentioned. Success comes through Allah Most High. Furthermore, we say to anyone who advocates following the majority: You are obliged to count them all, then ascertain who holds one of the two positions and ascertain the number of those who hold the second position. This is something they have never done in any of their questions. Allah Most High has 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." We also say to them: Why have you not accepted

أيضا في باب الإجماع لذلك. وقد بينا هنالك، وفي باب الأخبار من كتابنا هذا بطلان قول من قال محال أن يغيب حكم النبي صلى الله عليه وسلم عن الأكثر ويعلمه الأقل وذكر حديث أبي هريرة: إن أخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن إخواني من الأنصار كان يشغلهم القيام على أموالهم وكنت امرأ مسكينا ألزم رسول لله صلى الله عليه وسلم وهذا الحديث وإن كان منقولا من طريق الآحاد، فإن البرهان يضطر إلى تصديقه، لأنه لا شك عند كل ذي عقل ومعرفة بالأخبار، أن الصحابة رضي الله عنهم كانوا في ضنك شديد من العيش. وكانوا مكدودين في تجارة يضربون لها آفاق بلاد العرب على خشونتها وقلة أموالها، وفي نخل يعاونونه بالنص والكد الشديد، فإذا وجد أحدهم فرجة حصر وسمع. فبطل قول من قال: إنه لا يجوز أن يغيب حكمه عليه السلام عن الأكثر ويعلمه الأقل. وصح ضد ذلك لما ذكرنا وبالله تعالى التوفيق. وأيضا فنقول لمن قال باتباع الأكثر: إنه يلزمك أن تعدهم كلهم، ثم تعرف من قال بأحد القولين، وتعرف عدد من قال بالقول الثاني، وهذا أمر لم يفعلوه قط في شيء من مسائلهم وقد قال تعالى {يأيها لذين آمنوا لم تقولون ما لا تفعلون * كبر مقتا عند لله أن تقولوا ما لا تفعلون} ونقول لهم أيضا: هلا قلتم بالأكثر عددا في الشهود إذا اختلفوا؟ على أن عليا يقول بذلك، فأين تقليدكم الإمام الصحابي؟ وأين قولكم باتباع الأكثر عددا؟ فإن قالوا: النص منعنا من ذلك، وتركوا قولهم إن الصحابي أعلم منا، ولا شك أن عليا رضي الله عنه قد عرف من النص الوارد في الشهادات كالذي عرف مالك وأبو حنيفة والشافعي، مع أن النص لم يرد في عدد الشهود إلا في الزنى والطلاق والديون فقط. وقد رجع الصحابة من قول إلى قول، وخالف كل إمام منهم الإمام الذي كان قبله، فقد كانت الضوال أيام عمر مهملة لا تمس، ثم رأى عثمان بيعها، وقد ذكرنا ما خالف فيه عمر أبا بكر قبل هذا، وقد نهى عثمان عن القران، فلبى علي بهما معا قاصدا معلنا بخلافه، فلما قال له في ذلك قال

the greater number of witnesses when they disagree, given that Ali holds this position? Where, then, is your following the imam who was a Companion without proof, and where is your advocacy of following the greater number? If they say, "The revealed text prevented us from doing so," they have abandoned their statement, "The Companion is more knowledgeable than we are." There is no doubt that Ali—may Allah be pleased with him—knew as much of the revealed text concerning testimony as Malik, Abu Hanifah, and al-Shafi'i knew, even though a revealed text concerning the number of witnesses occurs only in cases of unlawful sexual intercourse, divorce, and debts. The Companions changed from one position to another, and each imam among them opposed the imam who had preceded him. Stray animals were left alone and untouched in Umar's days; then Uthman considered that they should be sold. We have already mentioned before this the matters in which Umar opposed Abu Bakr. Uthman prohibited combining the pilgrimage and the lesser pilgrimage, but Ali pronounced the pilgrimage invocation for both together, deliberately and openly opposing him. When he spoke to him about this, Ali told him: "I would not abandon the practice of the Prophet ﷺ for anyone's statement." And Ahmad ibn Umar related to me, ibn Umar: Abu Dharr related to us: Zahir ibn Ahmad related to us: Zanjuwayh ibn Muhammed informed us: Muhammed ibn Isma'il al-Bukhari related to us: Muhammed ibn Yusuf related to us: Sufyan related to us, from Aslam al-Minqari, from Abd Allah ibn Abd al-Rahman ibn Abza, from his father, who said: I said to Ubayy ibn Ka'b, when people became embroiled in the affair of Uthman: "Abu al-Mundhir, what is the way out of this affair?" He

له علي ما كنت لأترك سنة النبي صلى الله عليه وسلم لقول أحد وحدثني أحمد بن عمر بن عمر نا أبو ذر، نا زاهر بن أحمد، أنا زنجويه بن محمد، نا محمد بن إسماعيل البخاري، نا محمد بن يوسف، نا سفيان، عن أسلم المنقري، عن عبد الله بن عبد الرحمن بن أبزى، عن أبيه قال: قلت لأبي بن كعب لما وقع الناس في أمر عثمان: أبا المنذر، ما المخرج من هذا الأمر؟ قال: كتاب الله تعالى ما استبان لك فاعمل به. وما اشتبه عليك فكله إلى عالمه.

said: “The Book of Allah Most High. Act upon whatever becomes clear to you, and entrust whatever is unclear to you to one who knows it.”[47][48][49]

L2562 Abu Muhammed said: Then let them follow Ali and Ubayy without proof in this matter, for on it those two adhere to the manifest truth, which it is absolutely impermissible to oppose. Here are Umar, Ali, Ibn Abbas, and Ibn Mas‘ud holding that the remainders of inheritances should be returned to blood relatives, while Zayd ibn Thabit alone holds that the remainder should be returned to the public treasury rather than to blood relatives. If our opponent is a Maliki or a Shafi‘i, he has abandoned the position of the imams among the Companions and the position of their majority, and adopted the position of Zayd alone. They have done the same concerning the menstrual cycles used to reckon the waiting period, saying that they are the intervals of purity, whereas the majority of the Companions hold that they are the menstrual periods, and the minority hold that they are the intervals of purity. If they say, “A text has been transmitted stating, ‘Zayd is the most knowledgeable of you concerning prescribed inheritance shares,’” the answer is: This report is not authentic.[50]

L2563–2565 Even if it were authentic, it would count against you, because that report also contains: “And Mu‘adh is the most knowledgeable of you in jurisprudence.” So follow Mu‘adh without proof in the issuing of legal opinions, in executing the apostate without first asking him to repent, in allowing a believer to

قال أبو محمد: فليقلدوا عليا وأبيا في هذا، فإنهما على الحق المبين فيه الذي لا يحل خلافه أصلا. وهؤلاء عمر وعلي وابن عباس وابن مسعود، يرون رد فضلات المواريث على ذوي الأرحام، وزيد بن ثابت وحده يرى رد الفضل على بيت المال دون ذوي الأرحام، وإن كان خصمنا مالكيا أو شافعيا فقد ترك قول الأئمة من الصحابة وقول الجمهور منهم، وأخذ بقول زيد وحده، وكذلك فعلوا في الأقراء فقالوا هي الأطهار، وجمهور الصحابة على أنه الحيض، والأقل على أنها الأطهار. فإن قالوا: قد جاء النص: إن زيدا أفرضكم قيل هذا الحديث لا يصح

ولو صح لكان عليكم، لأن في ذلك الحديث: ومعاذ أفقهكم فقلدوا معاذا في الفتيا، وفي قتل المرتد دون أن يستتاب، وفي توريث المؤمن من الكافر، وفي أشياء كثيرة خالفتموه فيها. واحتج بعضهم بقوله تعالى {كنتم خير أمة أخرجت للناس تأمرون بالمعروف وتنهون عن المنكر وتؤمنون بالله ولو آمن أهل الكتاب لكان خيرا لهم منهم المؤمنون وأكثرهم الفاسقون} وبقوله تعالى {وكذلك جعلناكم أمة وسطا لتكونوا شهداء على الناس ويكون الرسول عليكم شهيدا وما جعلنا القبلة التي كنت عليها إلا لنعلم من يتبع الرسول ممن ينقلب على عقبيه وإن كانت لكبيرة إلا على الذين هدى الله وما كان الله ليضيع إيمانكم إن الله بالناس لرءوف رحيم} قال أبو محمد وهذا لا يوجب التقليد، لأنه قد بينا أنهم لم يتفقوا إلا على ما لا خلاف فيه وعلى الأخذ بسنن النبي صلى الله عليه وسلم وإنكار رأيهم إذا كان فيه خلاف للسنن وعلى ما قد خالفه هؤلاء

[47] **Translator’s note (L2557):** The wording describing these texts as «تقليد صحيح»—rendered as “valid instances of following authority without proof”—is awkward in the context of the author’s rejection of such following. The supplied wording has been retained rather than silently altered.

[48] **Translator’s note (L2558):** «رسول لله» appears to be a transcriptional error for “Messenger of Allah.” The wording «نخل يعاونونه بالنص» is uncertain. “Date palms, which they tended with strenuous exertion” gives the apparent sense, but the verb and «النص» are awkward in this context. «حصر» literally means “confined” or “besieged”; “attended” reflects the contextual reading «حضر», an apparent transcriptional error.

[49] **Qur’an references (L2557):** Qur’an 61:2 (As-Saf); Qur’an 61:3 (As-Saf).

[50] **Translator’s note (L2562):** The term «الأقراء» denotes the disputed units used to reckon a divorced woman’s waiting period; the passage contrasts interpreting them as menstrual periods with interpreting them as intervals of purity.

inherit from an unbeliever, and in many matters in which you have opposed him. Some of them argued from His statement, Most High: “You were the best community brought forth for humankind: you enjoin what is right, forbid what is wrong, and believe in Allah. Had the People of the Book believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient”; and from His statement, Most High: “Thus We made you a middle community, so that you might be witnesses over humankind and the Messenger might 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 a great burden, except for those whom Allah guided. Allah would never let your faith go to waste. Indeed, Allah is compassionate and merciful toward humankind.” Abu Muhammed said: This does not entail following authority without proof. We have already explained that they agreed only upon matters concerning which there is no disagreement, upon adhering to the practices of the Prophet ﷺ and repudiating their own opinion when it conflicted with those practices, and upon matters that these present-day men have opposed, such as an irrigation partnership without a fixed term: “But we shall allow you to remain as long as Allah allows you to remain, Most High, and we shall expel you whenever we wish,” and other matters that we have recorded in their proper place, and that alone. And we have found that Abu Ayyub refrained from performing the two units of prayer after the afternoon prayer throughout Umar’s lifetime. When he died, Abu Ayyub resumed performing them. Someone asked him about this, and he said: “Umar used to beat people for performing them.” Ibn Abbas expressed a position, and he was asked: “Where were you with this in Umar’s days?” He replied: “I stood in awe of him.” Yahya ibn Abd al-Rahman ibn Masʻud related this to us: Ibn Duhaym related to us: Ibrahim ibn Hammad related to us: Ismaʻil ibn Ishaq related to us: Ali ibn Abd Allah ibn al-Madini related to us: Yaʻqub ibn Ibrahim ibn Saʻd related to us: My father related to us, from Ibn Ishaq: Muhammed ibn Muslim ibn al-Zuhri related to me, from Abd Allah ibn Abd Allah ibn Utbah ibn Masʻud, that he was with Ibn Abbas when the proportional reduction of prescribed inheritance shares was mentioned, and Ibn Abbas rejected it. Zufar ibn Aws said to him: “What prevented you,

الحاضرون، كالمساقات إلى غير أجل. لكن نقركم ما أقركم الله تعالى ونخرجكم إذا شئنا، وغير ذلك مما قد كتبناه في موضعه فقط، وقد وجدنا أبا أيوب ترك صلاة الركعتين بعد العصر طول مدة عمر، فلما مات رجع يصليهما، فسأله عن ذلك سائل فقال: كان عمر يضرب الناس عليهما. وقال ابن عباس قولا فقيل له: أين كنت عن هذا أيام عمر؟. فقال: هبته. حدثنا بذلك يحيى بن عبد الرحمن بن مسعود، ثنا ابن دحيم، ثنا إبراهيم بن حماد، ثنا إسماعيل بن إسحاق، ثنا علي بن عبد الله بن المديني، ثنا يعقوب بن إبراهيم بن سعد، ثنا أبي عن ابن إسحاق، حدثني محمد بن مسلم بن الزهري، عن عبد الله بن عبد الله بن عتبة بن مسعود أنه كان عند ابن عباس فذكر عول الفرائض، فأنكره ابن عباس، فقال له زفر بن أوس: ما منعك يا ابن عباس أن تشير بهذا الرأي على عمر؟. قال هبته، وقد روينا عن ابن عباس من طرق صحيحة أنه هم أن يسأل عمر بن الخطاب عن المرأتين اللتين تظاهرتا على رسول الله صلى الله عليه وسلم فبقي سنة كاملة لا يقدم على أن يسأله عن ذلك هيبة له. وروينا عنه أنه قال: كنت أضرب الناس مع عمر على الركعتين بعد العصر،

Ibn Abbas, from suggesting this opinion to Umar?" He said: "I stood in awe of him." We have also transmitted from Ibn Abbas through authentic chains that he intended to ask Umar ibn al-Khattab about the two women who supported one another against the Messenger of Allah ﷺ, but remained for an entire year without venturing to ask him about it, out of awe of him. And we have transmitted from him that he said: "I used to beat people along with Umar for performing the two units of prayer after the afternoon prayer."[51][52][53]

L2566–2567 Then we transmitted from him the view that the two prayer units should be performed after Umar's death, as Muhammed ibn Sa'id al-Nabati related to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Ghundar related to us: Shu'bah related to us, from Abu Hamzah, who said: Ibn Abbas said to me, "I certainly saw Umar beating people for praying after the afternoon prayer." Ibn Abbas also said, "Pray, if you wish, during the interval before the sun sets." Abu Musa mentioned the report concerning requesting permission to enter, and Umar threatened to beat him on his back and belly. This establishes that their silence may have been an act of protective concealment for Islam, or intended to prevent contention and disagreement; it may also have been a matter of seeking confirmation, or for whatever reason Allah, mighty and majestic, willed. No one's statement or silence constitutes authoritative proof except that of the Messenger of Allah ﷺ: his statements and his silence constitute established authoritative proof concerning what he made known. Some of them argued that a ruler's judgment cannot be overturned, because Abu Bakr gave people equal shares whereas Umar gave them unequal shares, yet no one returned what Abu Bakr had given him. Abu Muhammed said: This is an error, because what they mention concerning Abu Bakr's equal treatment and Umar's unequal treatment was not a judicial ruling; it was

ثم روينا عنه القول بصلاتهما بعد عمر، كما حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عبد البصير، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر، ثنا شعبة عن أبي حمزة قال: قال لي ابن عباس: لقد رأيت عمر يضرب الناس على الصلاة بعد العصر، وقال ابن عباس: صل إن شئت ما بينك وبين أن تغيب الشمس. وقد ذكر أبو موسى حديث الاستئذان، فتهدده عمر بضرب ظهره وبطنه، فصح بهذا أن سكوتهم قد يكون تقية للإسلام، أو لئلا يقع تنازع واختلاف. وقد يكون تثبتا، أو لما شاء الله عز وجل وليس قول أحد لا سكوته حجة إلا رسول الله صلى الله عليه وسلم فإن قوله وسكوته حجة قائمة على ما أعلم واحتج بعضهم بأن حكم الإمام لا ينقض، لأن أبا بكر ساوى بين الناس وأن عمر فاضل بينهم، فلم يرد أحد ما أعطاه أبو بكر. قال أبو محمد: وهذا خطأ لأن ما ذكروا من مساواة أبي بكر ومفاضلة عمر ليس حكما، وإنما هي قسمة مال موكولة إلى اجتهاد الإمام، مباح له أن يفاضل ومباح له أن يسوي وليس هذا شريعة تحليل ولا تحريم ولا إيجاب. وقد دون عمر ولم يدون أبو بكر، وبالجملة فقد يخطىء الإمام غيره، واتباع من يجوز أن يخطىء هو الحكم بالظن

[51] **Translator's note (L2563):** «المساقات» is rendered as an irrigation partnership: an arrangement to tend and irrigate trees in return for a share of their produce. The quoted condition continues in the next unit.

[52] **Translator's note (L2564):** "Most High" continues the reference to Allah at the end of the preceding unit. The final words introduce the sentence continued in the next unit.

[53] **Qur'an references (L2563):** Qur'an 3:110 (Ali 'Imran); Qur'an 2:143 (Al-Baqarah).

merely a distribution of money entrusted to the ruler's independent legal judgment. He is permitted to give unequal shares, and he is permitted to give equal shares. This is not legislation declaring something lawful, prohibited, or obligatory. Umar established registers, whereas Abu Bakr did not. In general, an imam may deem another mistaken, and following someone who may be mistaken amounts to judging by conjecture.[5455]

L2568–2571 Allah Most High has forbidden following conjecture. As for the obligation to obey rulers, that is the right of every just ruler who has existed or will exist until the Day of Resurrection. This applies only to what accords with obedience to Allah, mighty and majestic, and is right. It does not extend to their legislating for us a position for which neither a revealed text nor consensus has come to us. In general, regarding everything they have said here, the deception they have practiced upon the Muslims, and the things with which they have blackened their books—things for which their regret on the Day of Resurrection will be prolonged—they are the people who most thoroughly abandon and most strongly oppose those members of the community whose uncritical following they have declared obligatory in it. We have explained this in several places in our books, and success comes through Allah Most High. Some of them argued on the basis of what al-Muhallab related to us: Ibn Munas related to us: Ibn Masrur related to us: Yusuf ibn Abd al-A'la related to us: Ibn Wahb related to us: Someone who heard al-Awza'i say the following informed me: Abdah ibn Abi Lubabah related to me that Ibn Mas'ud said, "Take heed: no man should entrust his religion to another man through uncritical following, believing if he believes and disbelieving if he disbelieves. If he must inevitably follow someone uncritically, let him follow the dead and leave the living, for the living cannot be considered safe from being put to trial." Abu Muhammed said: This is invalid, because Ibn Wahb

وقد نهى الله تعالى عن اتباع الظن وأما وجوب طاعة الأئمة فذلك حق كل إمام عدل كان أو يكون إلى يوم القيامة وإنما ذلك فيما وافق طاعة الله عز وجل وكان حقا، وليس ذلك في أن يشرعوا لنا قولا لم يأتنا به نص ولا إجماع، وبالجملة فكل ما تكلموا به في هذا المكان، وموهوا به عن المسلمين، وسودوا كتبهم بما سيطول الندم عليه يوم القيامة، فهم أترك الناس وأشدهم خلافا للأمة الذين أوجبوا تقليدهم فيه، وقد بينا ذلك في غير مكان من كتبنا. وبالله تعالى التوفيق. واحتج بعضهم بما حدثنا المهلب، ثنا ابن مناس، ثنا ابن مسرور، ثنا يوسف بن عبد الأعلى، ثنا ابن وهب، أخبرني من سمع الأوزاعي يقول: حدثني عبدة بن أبي لبابة أن ابن مسعود قال: ألا لا يقلدن رجل رجلا دينه، إن آمن آمن، وإن كفر كفر فإن كان مقلدا لا محالة، فليقلد الميت ويترك الحي فإن الحي لا يؤمن عليه الفتنة. قال أبو محمد: وهذا باطل لأن ابن وهب لم يسم من أخبره ولا لقي عبدة بن أبي لبابة بن مسعود، مع أنه كلام فاسد، لأن الميت أيضا لا تؤمن عليه الفتنة إذا أفتي بما أفتي، ولا فرق بينه وبين الحي في هذا، هذا على أن بعض من يخالفنا في التقليد عكس هذا الأمر برأيه، وهو المعروف بالباقلاني قال: من قلد فلا يقلد إلا الحي، ولا يجوز تقليد الميت. فكان هذا طريقا من الضلالة جدا، لأنه دعوى فاسدة بلا برهان، وقول، مع سخفه، ما نعلم قاله قبله أحد. أخبرني أحمد بن عمر العذري، ثنا أحمد بن محمد بن عيسى البلوي غندر، ثنا خلف بن قاسم، ثنا ابن الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، ثنا أبو زرعة عبد الرحمن بن عمرو النضري الدمشقي، ثنا أبو مسهر، ثنا سعيد بن عبد

[54] **Translator's note (L2566):** The reading تقبة is corrupt or unclear; the rendering provisionally understands تقية, protective concealment or dissimulation. The unvocalized phrase على ما أعلم is ambiguous. It is rendered as 'concerning what he made known'; it could also mean 'to the best of my knowledge.'

[55] **Translator's note (L2567):** The unvocalized يخطىء الإمام غيره is read as 'an imam may deem another mistaken,' rather than as a statement merely that the imam himself may err.

did not name the person who informed him, and Abdah ibn Abi Lubabah did not meet Ibn Mas'ud. Moreover, it is an unsound statement, because neither can the dead man be considered safe from having been put to trial when he issued whatever legal opinions he issued. In this respect there is no difference between him and the living. Furthermore, one of those who disagree with us concerning uncritical following, the man known as al-Baqillani, reversed this matter on the basis of his own opinion. He said, "Whoever follows someone uncritically must follow only a living person; uncritically following the dead is impermissible." This was indeed a path of profound error, because it is an unsound claim without demonstration, and a statement which, besides its foolishness, we know of no one having made before him. Ahmad ibn Umar al-Udhri informed me: Ahmad ibn Muhammed ibn Isa al-Balawi, Ghundar, related to us: Khalaf ibn Qasim related to us: Ibn al-Maymun, Abd al-Rahman ibn Abd Allah ibn Umar ibn Rashid al-Bajali, related to us: Abu Zur'ah Abd al-Rahman ibn Amr al-Nadri al-Dimashqi related to us: Abu Mushir related to us: Sa'id ibn Abd al-Aziz related to us, from Isma'il ibn Ubayd Allah, from al-Sa'ib ibn Zayd, the son of Nimr's sister, that he heard Umar ibn al-Khattab say, "Your reports are indeed the worst reports; your speech is indeed the worst speech. You have related things to people until it has come to be said, 'So-and-so said,' and 'So-and-so said,' while there is abandoned the Book of Allah. Whoever among you stands to speak, let him stand with the Book of Allah; otherwise, let him sit down." This was Umar's statement to the finest generation on the face of the earth. What, then, if he had lived to witness our present condition: abandoning the Quran and the words of Muhammed ﷺ, and turning instead to what Malik, Abu Hanifah,

العزيز، عن إسماعيل بن عبيد الله، عن السائب بن زيد بن أخت نمر أنه سمع عمر بن الخطاب يقول: إن حديثكم شر الحديث. إن كلامكم شر الكلام. فإنكم قد حدثتم الناس حتى قيل: قال فلان وقال فلان، ويترك كتاب الله، من كان منكم قائما فليقم بكتاب الله وإلا فليجلس. فهذا قول عمر لأفضل قرن على ظهر الأرض، فكيف لو أدرك ما نحن فيه من ترك القرآن وكلام محمد صلى الله عليه وسلم والإقبال على ما قال مالك وأبو حنيفة والشافعي وحسبنا الله ونعم الوكيل، وإنا لله وإنا إليه راجعون.

and al-Shafi'i said? Allah is sufficient for us, and He is the best disposer of affairs. We belong to Allah, and to Him we shall return.[56][57]

L2572 Some of them argued for this on the basis of accepting the statements of those who assess the monetary values of destroyed property, and testimony concerning its equivalents. This belongs to the category of testimony and reporting, not to the category of uncritical following. Allah, mighty and majestic, has commanded us to obtain redress from an aggressor equivalent to the aggression he committed. Thus, in accepting a witness's statement that this thing is equivalent to such-and-such a value, we have not taken from him a legal prescription declaring something prohibited or obligatory by Allah. Rather, we knew him to be knowledgeable about that commodity or that wound, so we accepted his testimony concerning it against the wrongdoer. This does not belong to the category of Malik and Abu Hanifah saying, "This is prohibited, this is obligatory, and this is permissible," concerning matters for which there is neither a revealed text nor consensus. We have been commanded to give testimony concerning rights, to accept it, and to judge by it. Whatever we have been commanded to do is not uncritical following. Anyone who fears Allah, mighty and majestic, should therefore refrain from misleading the believers. Among forms of concealing knowledge and shifting words away from their proper places, nothing is more grievous or harmful than a man misleading someone sitting with him who has formed a good opinion of him and has sat down with him so that he might teach him the religion of Allah, mighty and majestic: he gives a true legal prescription the name of prohibited uncritical following, then slips prohibited uncritical following in along with it. He is thus like someone who slips poison into

واحتج بعضهم في ذلك بقبول قول المقومين لأثمان المتلفات، والشهادة على أمثالها، وهذا من باب الشهادة والخبر لا من باب التقليد، لأن الله عز وجل قد أمرنا بالانتصاف من المعتدي بمثل ما اعتدى فيه، فلم نأخذ عن الشاهد، بأن هذا الشيء مماثل لقيمة كذا، شريعة حرمها الله ولا أوجبها، ولكنا علمناه عالما بتلك السلعة أو تلك الجرحة، فقبلنا شهادته في ذلك على الظالم، وليس هذا من باب، قال مالك وأبو حنيفة: هذا حرام وهذا واجب وهذا مباح، فيما لا نص فيه ولا إجماع، وقد أمرنا بالشهادة على الحقوق، وبقبولها وبالحكم بها، وكل ما أمرنا به فليس تقليدا، فينبغي لمن اتقى الله عز وجل ألا يلبس على المؤمنين، فليس في كتمان العلم وتحريف الكلم عن مواضعه، أشد ولا أضر من أن يضل المرء جليسه، الذي أحسن الظن به، وقعد إليه ليعلمه دين الله عز وجل، يسمي له باسم التقليد المحرم شريعة حق، ثم يدس له معها التقليد المحرم، فيكون كمن دس السم في العسل، والبنج في الكعك، فيتحمل إثمه وإثم من اتبعه إلى يوم القيامة. وقد قال بعض أهل الجهل: لو كلفنا النظر لضاعت أمورنا. قال أبو محمد: وهذا كلام فاسد من وجوه: أحدها: أنه يقال له: بل لو كلفنا التقليد لضاعت أمورنا، لأننا لم نكن ندري من نقلد من الفقهاء المفتين، وهم دون الصحابة أزيد من مائتي رجل معروفة أسماؤهم. وفي الحقيقة لا يدري عددهم إلا الله تعالى، إذ بالضرورة ندري أنه قد كان في كل قرية كبيرة للمسلمين مفت، وفي كل مدينة من مدائنهم عدة من المفتين، والمسلمون قد ملؤوا الأرض من السند إلى آخر الأندلس وسواحل البربر، ومن سواحل اليمن إلى ثغور أذربيجان وإرمينية، فما بين ذلك، والحمد لله رب العالمين.

[56] **Translator's note (L2568):** The supplied text reads للأمة, 'the community,' although the ensuing plural relative clause suggests that particular authorities are intended. The rendering retains the supplied reading as 'those members of the community'; للأئمة, 'the imams,' may have been intended. The wording موهوا به عن المسلمين is awkward; it has been rendered according to its apparent sense of deceiving or obscuring matters for Muslims.

[57] **Translator's note (L2569):** The opening 'in it' completes the preceding unit's statement about the matter in which uncritical following was declared obligatory. The names al-Nadri and al-Sa'ib ibn Zayd follow the supplied transcription and have not been normalized to possible alternative readings.

honey and henbane into cakes, bearing his own sin and the sin of whoever follows him until the Day of Resurrection. Some ignorant people have said, "If we were required to examine the evidence, our affairs would fall into ruin." Abu Muhammed said: This statement is unsound in several respects. First, one may say to him: On the contrary, if we were required to follow uncritically, our affairs would fall into ruin, because we would not know whom to follow among the jurists who issue legal opinions. Even apart from the Companions, they number more than two hundred men whose names are known. In reality, no one knows their number except Allah Most High, since we know necessarily that every large Muslim village has had a mufti, and every one of their cities several muftis. The Muslims have filled the earth from Sind to the furthest reaches of al-Andalus and the coasts of the Berbers, and from the coasts of Yemen to the frontier regions of Azerbaijan and Armenia, and everything in between. Praise belongs to Allah, Lord of the worlds.

L2573–2575 Furthermore, examination of the evidence puts affairs in order rather than ruining them. Furthermore, each of us is required to know what pertains to him in his religion, as we explained earlier concerning everyone's obligation to know the rulings governing his prayer and fasting, what is binding upon him, what is prohibited to him, and what is permissible for him. This is examination of the evidence itself. Examination is nothing other than ascertaining what has been commanded by Allah Most High and His Messenger ﷺ concerning these matters binding upon us. Even if Allah Most High had required us to let our affairs go to ruin, that would have been binding upon us, just as the Children of Israel were bound to kill themselves when they were commanded to do so. This is greater than letting one's affairs go to ruin. We have been commanded to pour away wines and discard carcasses and throwing away melted clarified butter in which a mouse dies. He has forbidden us usury. All this involves wasting great amounts of property of considerable value, which, had they been permitted, would have been among the most valuable and abundant sources of gain. How much more so, then, when examination involves wasting nothing, but instead preserves everything and gives every matter its full due! Praise belongs to Allah. It has been

وأيضا فإن النظر به صلاح الأمور لا ضياعها، وأيضا فإن كل امرىء منا مكلف أن يعرف ما يخصه من أمر دينه على ما بينا قبل، مما يجب على كل أحد من معرفة أحكام صلاته وصيامه، وما يلزمه وما يحرم عليه، وما هو مباح له وهذا هو النظر نفسه، ليس النظر شيئا غير تعريف ما أمر الله تعالى به ورسوله صلى الله عليه وسلم في هذه اللوازم لنا ولو كلفنا الله تعالى إضاعة أمورنا للزمنا ذلك، كما لزم بني إسرائيل قتل أنفسهم إذا أمروا بذلك، وهذا أعظم من إضاعة الأمور، وقد أمرنا بهرق الخمور، وطرح الجيف، ورمي السمن الذائب يموت فيه الفأر، وحرم علينا الربا، وفي هذا كله إضاعة أموال عظيمة لها قيم كثيرة لو أبيحت لكانت من أنفس المكاسب، وأوفرها، فكيف وليس في النظر إضاعة أمر بل فيه حفظ كل شيء وتوفية كل الأمور حقها. ولله الحمد. وقد صح عن الصحابة أنهم قالوا بآرائهم، صح ذلك عن أبي بكر وابن مسعود وعمر وعلي وغيرهم، وكلهم يقول: أقول في هذا برأيي، فإن كان صوابا فمن الله، وإن كان خطأ فمني، وزاد بعضهم، ومن الشيطان، والله ورسوله بريئان، وفعل ذلك أيضا

authentically established that the Companions spoke according to their own opinions. This has been authentically established concerning Abu Bakr, Ibn Masʿud, ʿUmar, ʿAli, and others. Each of them would say: "I speak about this according to my own opinion. If it is correct, it is from Allah; if it is mistaken, it is from me." Some added: "And from Satan; Allah and His Messenger are free of responsibility for it." Those who came after them also did this. Since this is established, it is established that they disclaimed responsibility for that opinion and did not regard it as religion binding upon people. It is therefore forbidden for anyone after them to adopt anything from their legal opinions as a religious obligation unless an authoritative text from Allah Most High or His Messenger ﷺ is authentically established in its support.

Muhammed ibn Saʿid ibn Nabat related to us: ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji related to us: Ahmad ibn Khalid related to us: Abu ʿAli al-Hasan ibn Ahmad related to us, saying: Muhammed ibn ʿUbayd ibn Hisab related to me: Hammad ibn Zayd related to us, from al-Muthanna ibn Saʿid, who traced it back to Abu al-ʿAliyah, who said: Al-ʿAbbas said: "Woe to followers because of a scholar's stumbles!" He was asked: "How is that?" He said: "The scholar speaks from his own opinion; then something from the Prophet ﷺ reaches him, and he adopts it, while his followers continue upon what they heard." Hammad ibn Zayd said: Al-Nuʿman ibn Rashid related to us, saying: Al-Zuhri would sometimes dictate to me. When he reached an opinion and I stopped him at it to write it down, he would say: "Write: 'This is Ibn Shihab's opinion.'"[58][59]

L2576–2577 For perhaps something will reach you, and someone will say: 'Ibn Shihab could only have said it on the basis of a transmitted report.' Let it therefore be known that it is my opinion." Abu Muhammed said: The two of them—may Allah be pleased with them both—left nothing unexplained, but supplied every clarification. Ibn ʿAbbas thus informed you that woe awaits the person

من بعدهم، فإذا صح ذلك صح أنهم تبرؤوا من ذلك الرأي، ولم يروه على الناس دينا، فحرام على كل من بعدهم أن يأخذ من فتاويهم بشيء يتدين به، إلا أن يصح به نص عن الله تعالى أو عن رسوله صلى الله عليه وسلم حدثنا محمد بن سعيد بن نبات نا عبد الله بن محمد بن علي الباجي، نا أحمد بن خالد، نا أبو علي الحسن بن أحمد قال: حدثني محمد بن عبيد بن حساب، نا حماد بن زيد عن المثنى بن سعيد رده إلى أبي العالية قال: قال العباس، ويل للأتباع من عثرات العالم. قيل له: كيف ذلك؟ قال: يقول العالم من قبل رأيه ثم يبلغه عن النبي صلى الله عليه وسلم فيأخذ به وتمضي الأتباع بما سمعت قال حماد بن زيد: حدثنا النعمان بن راشد قال: كان الزهري ربما أملى علي حتى إذا جاء الرأي ووقفته عليه فأكتبه فيقول: اكتب إنه رأي ابن شهاب،

وإنه لعلك أن يبلغك الشيء فيقول ما قاله ابن شهاب إلا بأثر، فليعلم أنه رأيي. قال أبو محمد: لم يدعا رضي الله عنهما من البيان شيئا إلا أتيا به، فأعلمك ابن عباس أن كاتب رأي العالم والآخذ به له الويل، وأن العالم يقول برأيه: وأنه يلزمه ترك ذلك الرأي إذا سمع عن النبي صلى الله عليه وسلم خلافه وأعلمك الزهري أنه يقول برأيه وينهاك عن أن تقول فيما أتاك عنه: إنه لم يقله إلا بأثر، وهكذا يفعل هؤلاء الجهال فإنهم يقولون: لم يقل هذا مالك وفلان وفلان إلا بعلم كان عندهم عن النبي صلى

[58] **Translator's note (L2573):** The supplied تعريف literally means 'making known' or 'identifying'; in this context it is rendered 'ascertaining.'

[59] **Translator's note (L2575):** The transmission names al-ʿAbbas, whereas the author's explanation in the next unit attributes the statement to Ibn ʿAbbas. The discrepancy is preserved.

who writes down a scholar's opinion and adopts it; that a scholar speaks according to his own opinion; and that he must abandon that opinion when he hears something contrary to it from the Prophet ﷺ. Al-Zuhri informed you that he speaks according to his own opinion, and forbids you to say of something reaching you from him that he could only have said it on the basis of a transmitted report. Yet this is precisely what these ignorant people do. They say: "Malik, so-and-so, and so-and-so could only have said this because of knowledge they possessed from the Prophet ﷺ." Thus they attribute falsehoods to the Prophet ﷺ, judge by conjecture, and abandon certainty. We seek refuge in Allah from being forsaken.

Some of them argued for establishing uncritical adherence to another's authority by an extraordinary argument, following their customary practice of adducing whatever happened to pass their lips. This was the hadith containing the words: "My son was a hired worker for this man." They said: "People were therefore issuing legal opinions while the Messenger of Allah ﷺ was alive."[60]

L2578–2583 Abu Muhammed said: This is the strongest argument against them for invalidating uncritical adherence to another's authority. Those issuing legal opinions disagreed over that matter while the Messenger of Allah ﷺ was alive. Some ruled that the person who had committed unlawful intercourse without possessing the requisite marital status was to be stoned, while others ruled that he was to receive one hundred lashes and a year's banishment. When this dispute arose, it became obligatory to refer it to the Messenger ﷺ. The matter was therefore referred to him, and he ruled according to the truth and invalidated the falsehood. The situation is the same now: those issuing legal opinions have continued to disagree over that very matter down to the present. Abu Hanifah said: "He is subject to flogging, but not banishment, whether he is free or enslaved." Malik said: "He is subject to flogging and banishment unless he is enslaved." We and the adherents of al-Shafiʿi said: "He is subject to flogging and banishment as a general rule, whether enslaved

[60] **Translator's note (L2576):** The wording shifts awkwardly between addressing "you," an unspecified person saying something, and "let it be known." The translation preserves that shift.

الله عليه وسلم فيكذبون على النبي صلى الله عليه وسلم ويحكمون بالظن ويتركون اليقين نعوذ بالله من الخذلان. واحتج بعضهم في إثبات التقليد بغريبة جروا فيها على عادتهم في الاحتجاج بكل ما جرى على أفواههم، وذلك الحديث الذي فيه: إن ابني كان عسيفا على هذا قالوا فقد كان الناس يفتون ورسول الله صلى الله عليه وسلم حي

قال أبو محمد وهذا أعظم حجة عليهم في إبطال التقليد، لأن المفتين اختلفوا في تلك المسألة ورسول الله صلى الله عليه وسلم حي فأفتى بعضهم على الزاني غير المحصن بالرجم، وأفتى بعضهم عليه بجلد مائة وتغريب عام، فكان هذا التنازع لما وقع قد وجب فيه الرد إلى الرسول صلى الله عليه وسلم فرد الأمر إليه فحكم بالحق وأبطل الباطل. وهكذا الأمر الآن، قد اختلف المفتون حتى الآن في تلك المسألة بعينها فقال أبو حنيفة: عليه الجلد ولا تغريب عليه حرا كان أو عبدا، وقال مالك: عليه الجلد والتغريب إلا أن يكون عبدا، وقلنا نحن وأصحاب الشافعي: عليه الجلد والتغريب على العموم، عبدا كان أو غير عبد، فوجب أن يرد هذا التنازع الذي بيننا إلى القرآن والسنة، فوجدنا نص السنة يشهد لقولنا فوجب الانقياد له، فهذا الحديث يبطل التقليد جملة، ونحن لم ننكر فتيا العلماء للمستفتين، وإنما أنكرنا أن يؤخذ بها برهان يعضدها، ودون رد لها إلى نص القرآن والسنة، لأن ذلك يوجب الأخذ بالخطأ وإذا كان في

or otherwise." It therefore became obligatory to refer this dispute between us to the Qur'an and the Sunnah. We found that the explicit text of the Sunnah supports our position, so submission to it became obligatory. This hadith thus invalidates uncritical adherence altogether. We have never objected to scholars issuing legal opinions to those who seek them; we have objected only to their being adopted with a demonstration supporting them and without referring them to the explicit text of the Qur'an and the Sunnah, because that entails adopting error. If there were people issuing false legal opinions during his lifetime ﷺ, then after his death ﷺ they are more numerous and more widespread. It therefore necessarily follows that we must guard against the legal opinion of every person issuing one unless his opinion rests upon the Qur'an, the Sunnah, and consensus.

They also argued, saying: "The Companions—may Allah be pleased with them—witnessed the occasions of his commands ﷺ, and which of them proceeded from satisfaction and which proceeded from anger. It is therefore obligatory to follow their legal opinions." Abu Muhammed said: They are to be told—and success comes through Allah—that the Messenger of Allah ﷺ was sent to make matters clear to everyone who comes until the Day of Resurrection, not to his Companions alone. Every occasion involving anger or satisfaction that entails a ruling has therefore been transmitted by them to us. Conveying it was incumbent upon them as an obligation, because of his statement ﷺ: "Let those present convey to those absent, for someone to whom a report is conveyed may comprehend it better than someone who heard it." They have therefore transmitted everything of this kind that they witnessed, since they were not at liberty to conceal it. Allah has protected them from that. Had they concealed anything they heard or witnessed that entails a ruling in the revealed law, they would have deserved the most disgraceful descriptions; and indeed Allah protected them from that and kept them free of it. They—may Allah be pleased with them—did not confine themselves to their own legal opinions without conveying what they heard from him ﷺ and witnessed of his conduct. Thus they transmitted to us his anger with the Ansari who wished to maintain that kissing while fasting was specifically permitted to him, his anger with Muʿadh for prolonging the prayer when

عصره صلى الله عليه وسلم من يفتي بالباطل فهم من بعد موته صلى الله عليه وسلم أكثر وأفشى فوجب بذلك ضرورة أن نتحفظ من فتيا كل مفت، ما لم تستند فتياه إلى القرآن والسنة والإجماع. واحتجوا أيضا فقالوا: إن الصحابة رضي الله عنهم شهدوا أسباب الأوامر منه صلى الله عليه وسلم وما خرج منها على رضا وما خرج منها على غضب، فوجب اتباعهم في فتاويهم لذلك. قال أبو محمد فيقال لهم وبالله التوفيق إن رسول الله صلى الله عليه وسلم إنما بعث مبينا على كل من يأتي إلى يوم القيامة، لا على أصحابه وحدهم، فكل سبب من غضب أو رضى يوجب حكما فقد نقلوه إلينا ولزمهم أن يبلغوه فرضا بقوله صلى الله عليه وسلم ليبلغ الشاهد الغائب فرب مبلغ أوعى من سامع فقد نقلوا كل ما شهدوه من ذلك إذا لم يكونوا في سعة من كتمانه، وقد أعاذهم الله من ذلك، ولو كتموا شيئا مما يوجب حكما في الشريعة، مما سمعوا أو مما شاهدوا، لاستحقوا أقبح الصفات، وقد أعاذهم الله من ذلك ونزههم عنه، فلم يقتصروا رضي الله عنهم على فتاويهم دون تبليغ منهم لما سمعوا منه صلى الله عليه وسلم وشاهدوه منه كما نقلوا إلينا غضبه على الأنصاري الذي أراد أن يقول بالخصوص في قبلة الصائم، وغضبه على معاذ في تطويله الصلاة إذا كان إماما وغضبه على من تنزه عما فعل صلى الله عليه وسلم وغضبه على اليهود إذ قال والذي اصطفى موسى على البشر، وإعراضه عن عمار إذ تخلق، وعن عائشة وفاطمة إذ علقتا سترين المزينين، وسروره بقول مجزز المدلجي في أسامة بن زيد، وسروره باجتماع الصدقة بين يديه إذ أمر بالصدقة إذا أتاه القوم المجتابون للثمار وإشاحته بوجهه المكرم صلى الله عليه وسلم وأفضل التحيات إذ ذكر النار أورده مسلم في كتاب الزكاة وحياءه صلى الله عليه وسلم من الأنصارية المستفتية في غسل المحيض ووصفه الجبة التي على البخيل إذا أراد أن يتصدق، وإشارته على كعب بن مالك بيده في إسقاط النصف من دينه على ابن

leading others, and his anger with those who held themselves above doing what he ﷺ had done; his anger with the Jews when one said, "By Him who chose Moses above humankind"; his turning away from ʿAmmar when he had applied khaluq perfume, and from ʿA'ishah and Fatimah when they hung up the two decorated curtains; his pleasure at what Mujazziz al-Mudliji said about Usamah ibn Zayd; his pleasure when charitable contributions accumulated before him after he commanded charity when the people wearing cut-open fruits came to him; and his turning his noble face aside—may Allah's blessings and peace be upon him ﷺ and the finest greetings—when he mentioned the Fire; Muslim included it in the Book of Almsgiving; his bashfulness ﷺ before the Ansari woman seeking a legal opinion about washing after menstruation; his description of the coat upon the miser when he wishes to give charity; his hand gesture to Kaʿb ibn Malik indicating that he should remit half the debt owed him by Ibn Abi Hadrad; the astonishment he expressed through his gaze and facial expression at al-ʿAbbas when he carried off a large amount of money, without his ﷺ saying anything about it; and his poking with a stick in his hand ﷺ between the water and the mud in the hadith of Abu Musa. There are very many examples like this. No outward expression or circumstance of his ﷺ entailing a ruling of disapproval, prohibition, permission, recommendation, or command has failed to be transmitted to us, because all of this was among the means by which he ﷺ made clear the intent of his Lord Most High. Had they concealed that from us, they would not have conveyed the message as they were obliged to do. Had they confined themselves to conveying some of it and not the rest, they would have fallen among those who conceal knowledge, and their probity would thereby have been forfeited. Allah Most High has kept them free of this, preserved His religion, and decreed that it be conveyed to us, generation after generation, until some of your Lord's signs come: "Are they waiting for anything but that the angels should come to them, or your Lord should come, or some of your Lord's signs should come? On the day some of your Lord's signs come, its faith will not benefit a soul that had not believed before or earned any good through its faith. Say: 'Wait; we too are waiting.'" They—may Allah be pleased with them—knew that their legal opinions do not bind us. What binds us is only to accept what they transmitted to us

أبي حدرد، وتعجبه بنظره وهيئة وجهه من العباس إذ احتمل المال الكثير دون أن يكون منه صلى الله عليه وسلم في ذلك كلام وضربه صلى الله عليه وسلم بعود في يده بين الماء والطين في حديث أبي موسى ومثل هذا كثير جدا فلم يكن له صلى الله عليه وسلم هيئة ولا حال يوجب حكما من كراهة أو نهي أو إباحة أو ندب أو أمر إلا وقد نقلت إلينا لأن كل ذلك مما بين به صلى الله عليه وسلم مراد ربه تعالى ولو كتموا ذلك عنا لما بلغوا كما لزمهم، ولو اقتصروا على تبليغ بعض ذلك دون بعض لدخلوا في جملة من يكتم العلم، ولسقطت عدالتهم بذلك، وقد نزههم الله تعالى عن هذا وحفظ دينه، وقضى بتبليغه إلينا جيلا بعد جيل إلى أن يأتي بعض آيات ربك {هل ينظرون إلا أن تأتيهم الملائكة أو يأتي ربك أو يأتي بعض آيات ربك يوم يأتي بعض آيات ربك لا ينفع نفسا إيمانها لم تكن آمنت من قبل أو كسبت في إيمانها خيرا قل انتظروا إنا منتظرون} وقد علموا رضي الله عنهم أن فتاويهم لا تلزمنا، وإنما يلزمنا قبول ما نقلوا إلينا عن نبينا صلى الله عليه وسلم وقد خالف بعض التابعين الصحابة بحضرتهم، فما أنكر الصحابة عليهم ذلك، كما أنكروا عليهم مخالفة ما رووه، كفعل ابن عمر في ابنه، إذ روى حديث الخذف، وحديث النهي عن منع النساء إلى المساجد،

from our Prophet ﷺ. Some of the Successors disagreed with the Companions in their presence, and the Companions did not rebuke them for this as they rebuked them for contravening what they narrated. An example is Ibn ʿUmar's conduct toward his son when he narrated the hadith concerning flicking pebbles and the hadith forbidding the prevention of women from going to the mosques.[61626364656667]

L2584–2597 His son then said: "Do not do that." Ibn ʿUmar rebuked this very severely, although he would not rebuke someone who disagreed with his legal opinion. The same applies to the rest of the Companions—may Allah be pleased with them—as in Ibn ʿAbbas's rebuke of ʿUrwah and others for opposing the hadith of the Prophet ﷺ by citing Abu Bakr and Umar; and like Imran ibn al-Husayn's rebuke, when he mentioned the hadith about modesty, of someone who opposed it with what was written in books of wisdom; and like Abu Hurayrah's statement, concerning the hadith about performing ablution after consuming something touched by fire: "When I relate something to you from the Prophet ﷺ, do not draw comparisons against it." We found that

فقال ابنه: لا تفعل ذلك، فأنكر ابن عمر ذلك إنكارا شديدا وكان لا ينكر على من خالفه في فتياه. وكذلك سائر الصحابة رضي الله عنهم، كإنكار ابن عباس على عروة وغير معارضة حديث النبي صلى الله عليه وسلم بأبي بكر وعمر وكإنكار عمرأن ابن الحصين إذ ذكر حديث الحياء على من عارضه بما كتب في الحكمة وكقول أبي هريرة إذا حدثتك عن النبي صلى الله عليه وسلم فلا تضرب له الأمثال في حديث الوضء مما مست النار. ووجدنا ابن عباس لم ينكر على عكرمة مخالفته له في الذبيح، ولم ينكر أبو هريرة على من خالفه بحديث النبي صلى الله عليه وسلم في إفطار من أصبح جنبا وجميعهم رضي الله عنهم على هذا السبيل، لا ينكر على من يخالفه في فتياه وينكر على من خالف روايته عن النبي صلى الله عليه وسلم أشد الإنكار ولكن أصحابنا يغفر الله لهم ويسددهم أضربوا على الواجب عليهم من تدبر أحكام القرآن ورواية أخبار النبي صلى الله عليه وسلم واختلاف العلماء ومعرفة مراتب الاستدلال المفرق بين الحق والباطل، وأقبلوا على ظلمات بعضها فوق بعض من قراءة طروس معكمة مملوءة من، قلت: أرأيت؟ فقنعوا بجوابات لا دلائل عليها وأفنوا في ذلك أعمارهم، فصفرت أيديهم من معرفة الحقائق، وظلموا من اغتر بهم، والأقل منهم شغلوا أنفسهم في أنواع القياس وتخصيص العلل، واستخراج علل لم يأذن بها الله تعالى ولا رسوله، ولا يقوم على صحتها برهان فقطعوا أيامهم بالترهات، ولو اعتنوا بما ألزمهم الله تعالى الاعتناء به من تدبر القرآن وتتبع سنن النبي صلى الله عليه وسلم لاستناروا واهتدوا ولاستحقوا بذلك

[61] **Translator's note (L2578):** "The requisite marital status" renders muḥṣan, the technical legal status relevant here to liability to stoning, rather than simply current marriage.

[62] **Translator's note (L2579):** The opening reads "with a demonstration supporting them," although the preceding objection and the ensuing argument appear to require "without a demonstration supporting them." The apparent omission or corruption is preserved.

[63] **Translator's note (L2580):** "Specifically permitted to him" refers to the claim that the permission concerning kissing while fasting was particular to the Prophet.

[64] **Translator's note (L2581):** The Arabic reads "the Jews," followed by a singular verb, "he said"; "when one said" conveys that grammatical shift. The supplied reading al-mujtābūn lil-thimār literally concerns "fruits" and is anomalous in this description of clothing. It apparently represents a corruption of a reference to people wearing cut-open woollen cloaks; the supplied reading is retained. Khaluq is a compounded perfume, commonly containing saffron.

[65] **Translator's note (L2582):** The Qur'anic quotation contains the malformed spellings l-malā'ikah and ntaẓirū, apparently missing the initial alif of al-malā'ikah and intaẓirū. The recognizable words are translated, and the repeated phrases are retained.

[66] **Translator's note (L2583):** The supplied wording places both the pebble-flicking report and the report about women attending mosques under Ibn ʿUmar's narration. This apparent conflation of reports is preserved.

[67] **Qur'an references (L2578):** Qur'an 6:158 (Al-An'am); Qur'an 16:33 (An-Nahl).

Ibn Abbas did not rebuke Ikrimah for disagreeing with him about the one offered for sacrifice, nor did Abu Hurayrah rebuke someone who disagreed with him on the basis of a hadith of the Prophet ﷺ concerning the breaking of the fast by someone who entered the morning in a state of major ritual impurity. All of them, may Allah be pleased with them, followed this course: a man would not rebuke someone who disagreed with his legal opinion, but would rebuke most severely someone who opposed what he transmitted from the Prophet ﷺ. Yet our companions—may Allah forgive them and guide them aright—turned away from their obligation to ponder the rulings of the Quran, transmit the reports of the Prophet ﷺ, study the disagreements of the scholars, and know the ranks of inference that distinguish truth from falsehood. They turned instead to layers of darkness, one above another, reading densely packed sheets filled with "I said" and "What would you say if …?" They thus contented themselves with answers unsupported by any evidence, and spent their lives on this, so that their hands were left empty of knowledge of realities, and they wronged those who were taken in by them. A smaller number of them occupied themselves with varieties of analogy, restricting effective causes, and deriving effective causes for which neither Allah Most High nor His Messenger had given authorization, and whose validity no demonstration establishes. They thus passed their days in absurdities. Had they attended to what Allah Most High obliged them to attend to—pondering the Quran and tracing the established practices of the Prophet ﷺ—they would have gained illumination and guidance, and would thereby have deserved success and precedence. Our success comes only through Allah Most High. Someone whose ignorance was strong, whose intellect was weak, and whose religion was tenuous said: "When two scholars disagree, and one adduces a hadith from the Prophet ﷺ or a verse, while the other advances a statement contrary to that hadith and that verse, it is obligatory to follow the one who contradicts the hadith. For we are commanded to revere them, and we know that, if this scholar deliberately opposed the Messenger of Allah ﷺ, he would be an unbeliever or a flagrant sinner. His innocence of that entails that he possessed knowledge requiring that hadith to be set aside and the ruling of that verse to be lifted, knowledge not possessed by the one who invoked them both. In this way, reverence for all of them is

الفوز والسبق، وما توفيقنا إلا بالله تعالى. وقال بعض من قوي جهله وضعف عقله ورق دينه: إذا اختلف العالمان وتعلق أحدهما بحديث عن النبي صلى الله عليه وسلم أو آية وأتى الآخر بقول يخالف ذلك الحديث وتلك الآية. فواجب اتباع من خالف الحديث، لأننا مأمورون بتوقيرهم ونحن عالمون أن هذا العالم لو تعمد خلاف رسول الله صلى الله عليه وسلم لكان كافرا أو فاسقا وفي براءته من ذلك ما يوجب أنه كان عنده علم يوجب ترك ذلك الحديث، ورفع حكم تلك الآية، لم يكن عند القائل بهما، وبهذا يوصل إلى توقير جميعهم. قال أبو محمد: وهذا القول في غاية الفساد من وجوه: أحدهما أن قائل هذا من أي المذاهب كان، أترك الناس لهذا الأصل، ويلزمه أن يبيح بيع الخمر تقليدا لسمرة، وألا يبيح التيمم للجنب في السفر أصلا تقليدا لعمر، وأن يبيح بيع الثمار قبل أن يبدو صلاحها تقليدا له، وأن يسقط الكفارة عن الواطىء في نهار رمضان تقليدا لإبراهيم النخعي، ومحمد بن سيرين، وسعيد بن جبير، وأن يتعمد بالجملة كل قولة خالف صاحبها الحديث والقرآن فيأخذ بها، وهذا ما لا يفعله مسلم وفيه ترك لمذاهب في الأكثر. ومنها أنه لو صح ما ذكر هذا الجاهل لوجب تفسيق ذلك العالم ضرورة ولاستحق لعنة الله عز وجل، لأنه كان يكون كاتما لعلم عنده عن رسول الله صلى الله عليه وسلم ومن فعل هذا فقد استحق اللعنة بقول الله تعالى: {إن الذين يكتمون مآ أنزلنا من البينات والهدى من بعد ما بيناه للناس في الكتاب أولئك يلعنهم لله ويلعنهم للاعنون} وأيضا فلو كان ما ذكر هذا الجاهل لكان ذلك النص، الذي توهمه عند ذلك العالم المخالف للحديث قد ضاع ولم ينقل وهذا باطل لأن كلامه صلى الله عليه وسلم كله وحي والوحي ذكر والذكر محفوظ قال الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وأيضا فيقال لهذا الجاهل: ولعل هذا العالم لم يبلغه هذا الحديث، أو بلغه فنسيه جملة، أو لم ينسه لكنه لم يخطر على باله إذا خالفه، كما نسي عمر أن

achieved." Said Abu Muhammed: This statement is utterly unsound in several respects. One is that whoever says this, whatever his legal school, is among those who most thoroughly abandon this principle. It would oblige him to permit the sale of wine in unquestioning adherence to Samurah; to forbid altogether dry ablution for someone in a state of major ritual impurity while traveling, in unquestioning adherence to Umar; and to permit the sale of fruits before their ripeness becomes apparent, in unquestioning adherence to him; to waive the expiation for someone who has intercourse during the daytime in Ramadan, in unquestioning adherence to Ibrahim al-Nakhai, Muhammed ibn Sirin, and Said ibn Jubayr; and, in general, deliberately to seek out and adopt every statement whose proponent contradicted the hadith and the Quran. This is something no Muslim would do, and it would entail abandoning legal schools in most instances. Another respect is that, if what this ignorant man mentioned were sound, that scholar would necessarily have to be declared a flagrant sinner and would deserve the curse of Allah, Mighty and Majestic, because he would have been concealing knowledge in his possession from the Messenger of Allah ﷺ. Whoever does this has deserved the curse, according to the words of Allah Most High: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those are the ones whom Allah curses, and whom those who curse also curse." Furthermore, if what this ignorant man mentioned were the case, the authoritative text he imagined that scholar who contradicted the hadith possessed would have been lost and never transmitted. This is false, because everything he ﷺ said is revelation; revelation is the Reminder; and the Reminder is preserved. Allah Most High said: "Indeed, We ourselves sent down the Reminder, and indeed We shall preserve it." Furthermore, this ignorant man should be told: Perhaps this hadith never reached that scholar; or it reached him and he forgot it entirely; or he did not forget it, but it did not occur to him when he contradicted it. Thus Umar forgot that before him were Muhammed ibn Maslamah, the Companion of the Messenger of Allah ﷺ; Abu Ayyub al-Ansari, who hosted the Prophet's ﷺ lodging; and Abu Musa al-Ashari, his ﷺ governor over part of Yemen. These latter two were known only by their teknonyms, to the point that most people did not know their personal names at all. Yet he

بين يديه محمد بن مسلمة صاحب رسول الله صلى الله عليه وسلم وأبا أيوب الأنصاري صاحب رحل النبي صلى الله عليه وسلم وأبا موسى الأشعري عامله صلى الله عليه وسلم على بعض اليمن وهذان لا يعرفان إلا بكناهما، حتى إن أكثر الناس لا يعرف اسمهما البتة. فنهى عن التسمي بأسماء الأنبياء عليهم السلام، فإذا جاز كما ترى أن لا يمر بباله شيء وهو بين يديه وفي حفظه حتى ينهى عنه، فهو فيما يمكن مغيبة عنه أمكن وأحرى، وكما نسي عمر أيضا قوله تعالى {إنك ميت وإنهم ميتون} حين موت النبي صلى الله عليه وسلم فقال والله ما مات ولا يموت حتى يسوسنا كلنا. حتى تليت عليه هذه الآية فخر مغشيا عليه، ثم قام وقال: والله كأني ما سمعتها قط قبل وقتي هذا. وكما نهى عن المغالاة في صدقات النساء، حتى ذكرته المرأة بقول الله تعالى {وإن أردتم ستبدال زوج مكان زوج وآتيتم إحداهن قنطارا فلا تأخذوا منه شيئا أتأخذونه بهتانا وإثما مبينا} فاعترف بالحق ورجع عن قوله، وقد كان حافظا لهذه الآية، ولكنه لم يذكرها في ذلك الوقت، وكما نسي عثمان رضي الله عنه وهو أحفظ الناس للقرآن قوله تعالى {ووصينا لإنسان بوالديه إحسانا حملته أمه كرها ووضعته كرها وحمله وفصاله ثلاثون شهرا حتى إذا بلغ أشده وبلغ أربعين سنة قال رب أوزعني أن أشكر نعمتك لتي أنعمت علي وعلى والدي وأن أعمل صالحا ترضاه وأصلح لي في ذريتي إني تبت إليك وإني من لمسلمين} أمر برجم التي ولدت لستة أشهر وهو حافظ للآية المذكورة حتى ذكر بها، فذكرها وأمر ألا ترجم. أو لعل ذلك العالم كان ذاكرا لتلك الآية وذلك الحديث ولكنه تأول تأويلا ما، من خصوص أو نسخ بما لا يصح وجهه كما فعلوا رضي الله عنهم في نهيه صلى الله عليه وسلم عن لحوم الحمر الأهلية فقال بعضهم إنما نهى عنها لأنها كانت حمولة الناس، وقال بعضهم: لأنها لم تخمس، وقال بعضهم: لأنها كانت تأكل القذر، وقال بعضهم: بل حرمت البتة، ومثل هذا كثير فهذا كله يخرج

prohibited taking the names of the prophets, peace be upon them. If, as you see, it is possible for something not to occur to him even though it is before him and retained in his memory, so that he prohibits it, this is still more possible and more likely concerning something that may be absent from him. Likewise, Umar also forgot His words, Most High: "You will die, and they will die," when the Prophet ﷺ died, and said: "By Allah, he has not died, nor will he die until he has governed us all." Then this verse was recited to him, and he fell unconscious. He then rose and said: "By Allah, it is as though I had never heard it before this moment." Likewise, he prohibited excessive bridal payments to women until the woman reminded him of the words of Allah Most High: "If you wish to replace one wife with another, and have given one of them a great sum, do not take any of it back. Would you take it through slander and manifest sin?" He then acknowledged the truth and withdrew his statement, although he had memorized this verse, but did not recall it at that time. Likewise, Uthman, may Allah be pleased with him, although he was the most retentive of people in memorizing the Quran, forgot His words, Most High: "We have enjoined upon the human being kindness toward his parents. His mother bore him with hardship and delivered him with hardship; his gestation and weaning are thirty months. Then, when he reaches full strength and reaches forty years, he says: 'My Lord, inspire me to give thanks for Your favor which You have bestowed upon me and upon my parents, and to do righteous deeds pleasing to You; and make my offspring righteous for me. Indeed, I have turned to You in repentance, and indeed I am among those who submit.'" He ordered the stoning of the woman who gave birth at six months, although he had memorized the aforementioned verse until he was reminded of it, whereupon he recalled it and ordered that she not be stoned. Or perhaps that scholar remembered that verse and that hadith, but adopted some interpretation involving specific scope or abrogation on an unsound basis, as they did—may Allah be pleased with them—concerning his ﷺ prohibition of the meat of domestic donkeys. Some said: "He prohibited them only because they were the people's beasts of burden." Others said: "Because the one-fifth share had not been taken from them." Others said: "Because they used to eat filth." Others said: "Rather, they were prohibited absolutely." There is much of this kind. All of this

تارك الحديث، من العلماء السالفين، عن الفسق وعن المجاهرة بخلاف نص القرآن والحديث ومعصية النبي صلى الله عليه وسلم الموجبة سخط الله تعالى حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندار، نا شعبة، عن أبي إسحاق السبيعي عن أبي عبيدة بن عبد الله بن مسعود، عن أبيه: أشد الناس عذابا يوم القيامة إمام ضال يضل الناس بغير ما أنزل الله، ومصور، ورجل قتل نبيا أو قتله نبي. قال أبو محمد: فنعيذ الله من سلف من القصد إلى هذه المرتبة، وإنما البلية على من تدين بما لم يؤده إليه اجتهاده، مما هو عالم مقر أنه لم ينزله الله تعالى، وكل من سلف من الأئمة رضي الله عنهم، إنما أداهم إلى ما أفتوا به اجتهادهم، فالمخطىء منهم معذور مأجور أجرا واحدا، هذا لا يظن بهم مسلم سواه وإنما أن يكون عندهم علم عن رسول الله صلى الله عليه وسلم من أجله ترك الحديث المنقول ولم يبلغوه ولا نقلوه فهم مبرؤون من ذلك ومنزهون عنه، لأن فاعل ذلك ملعون، وأما الخطأ فليس ذلك منفيا عنهم، بل هو ثابت عليهم وعلى كل بشر. فصح بما ذكرنا أن التأويل الذي ذكره الجاهل الذي وصفنا قوله، ورام به إثبات التقليد هو الذي يوجب، لو صح، على العلماء الفسق ضرورة ويوجب لهم اللعنة، وقد أعاذهم الله تعالى من ذلك، وأما نحن فننزههم عن ذلك. ولكنا نقول: إنهم يصيبون ويخطئون، وكان كل ما قالوه مردود إلى القرآن والسنة، ومعروض عليهما فلأيهما شهد القرآن والسنة فهو الصحيح، وغيره متروك، معذور صاحبه الذي قاله، ومأجور باجتهاده، وأما مقلده ومتبعه فملوم آثم عاص لله عز وجل، وبالله تعالى التوفيق. وذكر بعضهم أن إبراهيم النخعي قال: لو رأيتهم يتوضؤون إلى الكوعين ما تجاوزتهما وأنا أقرؤها {لمرافق ومسحوا} قال أبو محمد هذا كذب على إبراهيم ولو صح ما انتفعوا به، ولكان ذلك خطأ من إبراهيم عظيما، فما إبراهيم معصوم من الخطأ، فكيف ولا يصح عنه،

absolves a scholar of earlier generations who sets aside a hadith of flagrant sinfulness, of openly defying the explicit text of the Quran and the hadith, and of that disobedience to the Prophet ﷺ which incurs the displeasure of Allah Most High. Muhammed ibn Said al-Nabati related to us; Ahmad ibn Awn Allah related to us; Qasim ibn Asbagh related to us; al-Khushani related to us; Bundar related to us; Ghundar related to us; Shubah related to us, from Abu Ishaq al-Sabii, from Abu Ubaydah ibn Abd Allah ibn Masud, from his father: "Those who will suffer the severest punishment on the Day of Resurrection are a misguided leader who leads people astray by something other than what Allah has sent down, an image-maker, and a man who killed a prophet or whom a prophet killed." Abu Muhammed said: We seek Allah's protection for those who preceded us against deliberately descending to this rank. The calamity falls only upon someone who adopts as religion something to which his independent legal reasoning did not lead him, while knowing and acknowledging that Allah Most High did not send it down. All the imams who preceded us—may Allah be pleased with them—were led by their independent legal reasoning to the legal opinions they issued. Whoever among them erred is excused and receives one reward. No Muslim thinks otherwise of them. But as for their possessing knowledge from the Messenger of Allah ﷺ on account of which one of them set aside the transmitted hadith, while they neither conveyed nor transmitted that knowledge, they are innocent of this and above it, because anyone who does that is accursed. As for error, it is not denied of them; rather, it is established of them and of every human being. What we have mentioned thus establishes that the interpretation advanced by the ignorant man whose statement we described, and through which he sought to establish Blind following is what, if valid, would necessarily entail that the scholars were flagrantly disobedient and would entail their being accursed. Allah Most High has protected them from that. As for us, we hold them innocent of that, but we say that they are right and wrong, and that everything they have said is to be referred back to the Quran and the Sunnah and assessed against them. Whichever position the Quran and the Sunnah attest to is correct; anything else is to be abandoned, while the person who stated it is excused and rewarded for his independent legal reasoning. As for someone who blindly follows him and adopts

لأن راويه عنه أبو حمزة ميمون وهو ساقط جدا غير ثقة، وإنما الصحيح عنه خلاف هذا من الطرق الصحاح. كما حدثنا أحمد بن عمر بن أنس، ثنا أبو ذر الهروي، ثنا عبد الله بن أحمد بن حمويه السرخسي، ثنا إبراهيم بن خزيم، نا عبد بن حميد الكسي، ثنا محمد بن بشر العبدي، عن الحسن بن صالح، عن أبي الصباح، عن إبراهيم النخعي قال: لا طاعة مفترضة إلا لنبي. وكما حدثنا حمام بن أحمد، عن عبد الله بن إبراهيم الأصلي، عن أبي زيد المروزي، عن محمد بن يوسف الفربري، عن البخاري محمد بن إسماعيل، ثنا محمد بن يوسف، ثنا سفيان، هو الثوري، عن منصور، عن سعيد بن جبير قال: كان ابن عمر يدهن بالزيت، قال: فذكرته لإبراهيم النخعي فقال: ما تصنع بقوله؟ حدثني الأسود عن عائشة قالت: كأني أنظر وبيص الطيب في مفارق رسول الله صلى الله عليه وسلم وهو محرم قال أبو محمد فهذا الذي يليق بإبراهيم رحمه الله، وهو ألا يلتفت إلى قول ابن عمر إذا وجد عن النبي صلى الله عليه وسلم خلافه فكيف يظن من له مسكة عقل أن إبراهيم يترك قول ابن عمر لشيء رواه عن الأسود عن عائشة عن النبي صلى الله عليه وسلم ويترك نص القرآن لقوم لم يسمعهم ما يظن هذا بإبراهيم وينسبه إليه وقاح سخيف جاهل، وبالله تعالى نعوذ من الخذلان.

his position, he is blameworthy, sinful, and disobedient to Allah, Mighty and Majestic. Success comes through Allah Most High. Some of them mentioned that Ibrahim al-Nakha'i said: "If I saw them performing ablution only up to the wrists, I would not go beyond them, even though I read it as: 'the elbows, and wipe.'" Abu Muhammed said: This is a lie attributed to Ibrahim. Even if it were authentic, it would avail them nothing, and it would constitute a grave error on Ibrahim's part, for Ibrahim is not protected from error. How much less so when it is not authentically transmitted from him, since its transmitter from him is Abu Hamzah Maymun, who is utterly discredited and untrustworthy. What is authentically transmitted from him is precisely the opposite, through sound transmission routes, as Ahmad ibn 'Umar ibn Anas related to us: Abu Dharr al-Harawi related to us: 'Abd Allah ibn Ahmad ibn Hammuyah al-Sarakhsi related to us: Ibrahim ibn Khuzaym related to us: 'Abd ibn Humayd al-Kassi related to us: Muhammed ibn Bishr al-'Abdi related to us, from al-Hasan ibn Salih, from Abu al-Sabbah, from Ibrahim al-Nakha'i, who said: "No obedience is obligatory except obedience to a prophet." And as Hammam ibn Ahmad related to us, from 'Abd Allah ibn Ibrahim al-Asili, from Abu Zayd al-Marwazi, from Muhammed ibn Yusuf al-Firabri, from al-Bukhari, Muhammed ibn Isma'il: Muhammed ibn Yusuf related to us: Sufyan—that is, al-Thawri—related to us, from Mansur, from Sa'id ibn Jubayr, who said: "Ibn 'Umar used to anoint himself with oil." He said: "I mentioned this to Ibrahim al-Nakha'i, and he said: 'What use have you for his statement? Al-Aswad related to me, from 'A'ishah, who said: "It is as though I can see the gleam of perfume in the partings of the hair of the Messenger of Allah ﷺ while he was in the state of pilgrimage consecration."'" Abu Muhammed said: This is what befits Ibrahim, may Allah have mercy on him: that he should pay no heed to Ibn 'Umar's statement when he finds something contrary to it transmitted from the Prophet ﷺ. How, then, could anyone with a shred of reason suppose that Ibrahim would abandon the statement of Ibn 'Umar because of something he transmitted from al-Aswad, from 'A'ishah, from the Prophet ﷺ, yet abandon the explicit text of the Quran for people whom he had not heard? No one supposes this of

Ibrahim and attributes it to him [except] an impudent, foolish ignoramus. In Allah Most High we seek refuge from being forsaken.[68][69][70][71][72][73][74][75]

[68] **Translator's note (L2584):** The son's words literally read "Do not do that," an awkward response in this context; they have not been silently changed to "We will not do that." The final phrase, wa-ghayr muʿāraḍat, is grammatically irregular as supplied. The translation takes ghayr to mean "others," with the following context supplying the object of "opposing"; another possible reading would invoke "not opposing."

[69] **Translator's note (L2585):** The opening continues the preceding segment's description of Ibn Abbas rebuking Urwah for opposing a prophetic hadith by citing Abu Bakr and Umar. The name printed as "Umaran ibn al-Husayn" appears to be a transcription error for Imran ibn al-Husayn. "The one offered for sacrifice" refers to the disputed identity of Abraham's intended sacrificial son. The unusual adjective describing the sheets has been rendered "densely packed"; its precise reading and sense are uncertain.

[70] **Translator's note (L2587):** "Unquestioning adherence" renders taqlid, the technical term for accepting another person's position without independently establishing its proof.

[71] **Translator's note (L2588):** The wording "abandoning legal schools in most instances" follows the supplied indefinite plural; the intended reference may be to the adherents' own legal schools.

[72] **Translator's note (L2589):** In the Quranic quotations, the transcription omits initial letters in several words, including the divine name and words meaning "those who curse" and "the Reminder." The translations give the meanings of the recognizable intended words while flagging these defects here. The expression describing Abu Ayyub literally associates him with the Prophet's baggage or lodging; it is rendered here as referring to his role as host. The author's argument relies on Muhammed being a prophet's name and on Abu Ayyub and Abu Musa containing the prophets' names Ayyub and Musa. The latter two forms are teknonyms, conventionally meaning "father of Ayyub" and "father of Musa."

[73] **Translator's note (L2590):** The Quranic quotation has a defective spelling in the word meaning "replace"; the recognizable intended wording is translated here. "Until he has governed us all" follows the supplied wording of the reported statement.

[74] **Translator's note (L2591):** The Quranic quotation omits initial letters in the words meaning "the human being," "which," and "those who submit." These recognizable words are translated with the transcription defects noted here.

[75] **Translator's note (L2592):** The phrase translated "We seek Allah's protection for those who preceded us" is grammatically defective as supplied: its wording places "Allah" directly after the verb "grant protection," apparently omitting a preposition. "Independent legal reasoning" renders ijtihad. "Specific scope" renders khusus, distinguished here from abrogation. The reference to taking a one-fifth share concerns the treatment of the donkeys as spoils.

وأتى بعضهم بعظيمة فقال: إن عمر بن عبد العزيز قال: يحدث للناس أحكام بمقدار ما أحدثوا من الفجور. قال أبو محمد: هذا من توليد من لا دين له، ولو قال عمر ذلك لكان مرتدا عن الإسلام، وقد أعاذه الله تعالى من ذلك وبرأه منه، فإنه لا يجيز تبديل أحكام الدين إلا كافر. والصحيح عن عمر بن عبد العزيز ما حدثناه حمام بن أحمد، عن عبد الله بن إبراهيم، عن أبي أحمد الجرجاني، عن الفربري، عن البخاري، ثنا العلاء بن عبد الجبار، ثنا عبد العزيز بن مسلم، عن عبد الله بن دينار قال: كتب عمر بن عبد العزيز إلى أبي بكر بن حزم انظر ما كان من حديث رسول الله صلى الله عليه وسلم فاكتبه فإني خفت دروس العلم وذهاب العلماء ولا يقبل إلا حديث رسول الله صلى الله عليه وسلم قال أبو محمد فهذا عمر بن عبد العزيز لا يأمر ولا يجيز إلا حديث النبي صلى الله عليه وسلم وحده وروي أيضا أن عمر بن عبد العزيز كتب إليه عدي بن عدي الكندي عامله على الموصل يقول: إن وجدتها أكثر البلاد سرقا ونقبا، أفآخذهم بالظنة أم أحكم بمر الحق؟ فكتب إليه عمر بن عبد العزيز: إن أخذتم بمر الحق، فمن لم يصلحه الحق فلا أصلحه الله. قال: فما خرجت منها إلا وهي أصلح البلاد. قال أبو محمد: والذي اخترع هذه الكذبة على عمر بن عبد العزيز لا يخلو من أحد وجهين: إما إن يكون كافرا أو زنديقا ينصب للإسلام الحبائل. أو يكون جاهلا لم يدرك مقدار ما أخرج من رأسه، لأن إحداث الأحكام لا يخلو من أحد أربعة أوجه: إما إسقاط فرض لازم، كإسقاط بعض الصلاة أو بعض الصيام أو بعض الزكاة أو بعض الحج أو بعد حد الزنى أو حد القذف، أو إسقاط جميع ذلك، وإما زيادة في شيء منها، أو إحداث فرض جديد، وإما إحلال محرم كتحليل لحم الخنزير والخمر والميتة، وإما تحريم محلل كتحريم لحم الكبش وما أشبه ذلك

L2598–2600 Some of them advanced an outrageous claim, saying that ‘Umar ibn ‘Abd al-‘Aziz said: “New rulings are instituted for people in proportion to the wickedness they introduce.” Abu Muhammed said: This is an invention of someone who has no religion. Had ‘Umar said that, he would have been an apostate from Islam. Allah Most High has protected him from that and cleared him of it, for only an unbeliever permits altering the rulings of religion. What is authentically transmitted from ‘Umar ibn ‘Abd al-‘Aziz is what Hammam ibn Ahmad related to us, from ‘Abd Allah ibn Ibrahim, from Abu Ahmad al-Jurjani, from al-Firabri, from al-Bukhari: al-‘Ala’ ibn ‘Abd al-Jabbar related to us: ‘Abd al-‘Aziz ibn Muslim related to us, from ‘Abd Allah ibn Dinar, who said: “‘Umar ibn ‘Abd al-‘Aziz wrote to Abu Bakr ibn Hazm: ‘Look for whatever reports there are from the Messenger of Allah ﷺ and write them down, for I fear the effacement of knowledge and the passing of the scholars. Nothing is to be accepted except the reports of the Messenger of Allah ﷺ.’” Abu Muhammed said: Here, then, is ‘Umar ibn ‘Abd al-‘Aziz commanding and permitting nothing except the reports of the Prophet — may Allah bless him and grant him peace ﷺ—alone. It is also reported that ‘Adi ibn ‘Adi al-Kindi, his governor over Mosul, wrote to ‘Umar ibn ‘Abd al-‘Aziz, saying: “I have found it to have more theft and housebreaking than any other land. Shall I apprehend them on suspicion, or judge according to the bitterness of the truth?” ‘Umar ibn ‘Abd al-‘Aziz wrote to him: “If you proceed according to the bitterness of the truth, then whoever the truth does not reform, may Allah not reform him.” He said: “I did not leave it until it

[76] **Translator’s note (L2593):** The source shifts from a singular verb, “he set aside,” to plural verbs, “they neither conveyed nor transmitted.” The translation preserves this shift through “one of them” followed by “they.”

[77] **Translator’s note (L2595):** The purported Quranic fragment is defective: its first word lacks the beginning expected in the wording ‘to the elbows,’ and its second word is also orthographically defective. The translation retains the surviving sense, ‘the elbows, and wipe,’ without restoring the missing wording.

[78] **Translator’s note (L2597):** The final denunciation appears to lack an exceptive particle. ‘[Except]’ marks the supplied word needed for the apparent intended sense; the transmitted wording is grammatically defective.

[79] **Qur’an references (L2584):** Qur’an 2:159 (Al-Baqarah); Qur’an 39:30 (Az-Zumar); Qur’an 4:20 (An-Nisa); Qur’an 46:15 (Al-Ahqaf).

was the most upright of lands." Abu Muhammed said: Whoever invented this lie against ʻUmar ibn ʻAbd al-ʻAziz must fall into one of two categories: either he is an unbeliever or a clandestine heretic setting snares for Islam, or he is an ignoramus who has not grasped the enormity of what he has produced from his own head. For instituting new rulings must take one of four forms: either abolishing a binding obligation, such as abolishing some of the prayer, some of the fasting, some of the obligatory alms, some of the pilgrimage, or what comes after the prescribed punishment for unlawful sexual intercourse, or the prescribed punishment for an accusation of unlawful sexual intercourse, or abolishing all of that; or adding to any of these, or instituting a new obligation; or making something forbidden lawful, such as permitting pork, wine, and carrion; or forbidding something lawful, such as forbidding the meat of a ram, and similar things.[80]

L2601–2604 Whichever of these forms it takes, anyone who advocates it is a polytheist, joining the Jews and Christians. It is obligatory upon every Muslim to kill anyone who permits any such thing, without calling upon him to repent or accepting his repentance if he repents, and to confiscate his property for the Muslims' treasury, because he has changed his religion. He ﷺ said: "Whoever changes his religion, kill him." We seek refuge in Allah Most High from His wrath over falsehood that has led to such ruinous ends. They also adduced Abu Bakr's writing down the Quranic codex after it had not been collected together. They mentioned a report from Zayd ibn Thabit that he said: "I could not find a verse from the surah Bara'ah, namely: 'There has certainly come to you a messenger from among yourselves; grievous to him is what you suffer; he is deeply concerned for you, compassionate and merciful toward the believers.' I found it only with one man." They mentioned lies and fables in this connection, claiming that they would not enter a verse into the record until two men testified to it. All of this is sheer falsehood invented by clandestine heretics. As for Abu Bakr's collecting the Quranic codex—may

[80] **Translator's note (L2599):** 'The bitterness of the truth' renders a deliberately forceful expression for applying the truth even when its consequences are harsh. The supplied text reads 'what comes after the prescribed punishment,' which is awkward in this list. It may be a corruption of 'part of the prescribed punishment,' but the translation preserves the supplied reading.

وأي هذه الوجوه كان فالقائل به مشرك لاحق باليهود والنصارى، والفرض على كل مسلم قتل من أجاز شيئا من هذا دون استتابة ولا قبول توبة إن تاب، واستصفاء ماله لبيت مال المسلمين لأنه مبدل لدينه وقد قال صلى الله عليه وسلم من بدل دينه فاقتلوه ومن الله تعالى نعوذ من غضبه لباطل أدت إلى مثل هذه المهالك، واحتجوا بكتابة أبي بكر المصحف بعد أن لم يكن مجموعا، وذكروا حديثا عن زيد بن ثابت أنه قال: افتقدت آية من سورة براءة هي: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} فلم أجدها إلا عند رجل واحد، وذكروا في ذلك تكاذيب وخرافات، أنهم كانوا لا يثبتون الآية إلا حتى يشهد عليها رجلان، وهذا كله كذب بحت من توليد الزنادقة. وأما جمع أبي بكر رضي الله عنه المصحف فنعم ووجه ذلك بين وهو أن النبي صلى الله عليه وسلم كان ينزل عليه القرآن مفرقا فيأمر بضم الآية النازلة إلى آية كذا من سورة كذا، فلم يكن يمكن أن يكتب القرآن في مصحف جامع لأجل ذلك فلما مات صلى الله عليه وسلم واستقر الوحي وعلم أنه لا مزيد فيه ولا تبديل، كتبه أبو بكر حينئذ وأثبته. وأما افتقار زيد بن ثابت الآية،

فليس ذلك على ما ظنه أهل الجهل، وإنما معناه أنه لم يجدها مكتوبة إلا عند ذلك الرجل، وهذا بين في حديث حدثناه عبد الرحمن بن عبد الله، عن أبي إسحاق البلخي، عن الفربري، عن البخاري: حدثنا أبو اليمان، أنا شعيب عن الزهري قال: أخبرني خارجة بن زيد بن ثابت: أن زيد بن ثابت قال: لما نسخنا المصحف في المصاحف فقدت آية من سورة الأحزاب كنت أسمع رسول الله صلى الله عليه وسلم يقرؤها لم أجدها مع أحد إلا مع خزيمة بن ثابت الذي جعل رسول الله صلى الله عليه وسلم شهادته شهادة رجلين {من لمؤمنين رجال صدقوا ما عاهدوا لله عليه فمنهم من قضى نحبه ومنهم من ينتظر وما بدلوا تبديلا} قال أبو محمد: بيان ما قلناه منصوص في هذا الحديث نفسه وذلك أن زيدا حكى أنه سمع هذه الآية من النبي صلى الله عليه وسلم فقد كانت عند زيد أيضا وقد يدخل هذا الحديث علة، وهي أن خارجة لم يحك أنه سمعه من أبيه.

Allah be pleased with him—yes, that occurred, and its explanation is clear. The Quran used to be revealed to the Prophet ﷺ in separate portions, and he would order that the newly revealed verse be joined to such-and-such a verse in such-and-such a surah. For that reason it was not possible to write the Quran in a comprehensive codex. When he ﷺ died, revelation had become settled, and it was known that there would be no addition to it or alteration, Abu Bakr then wrote it down and recorded it. As for Zayd ibn Thabit's lacking the verse, it is not as the ignorant have supposed. It means only that he did not find it in writing except with that man. This is clear in a report that 'Abd al-Rahman ibn 'Abd Allah related to us, from Abu Ishaq al-Balkhi, from al-Firabri, from al-Bukhari: Abu al-Yaman related to us: Shu'ayb informed us, from al-Zuhri, who said: Kharijah ibn Zayd ibn Thabit informed me that Zayd ibn Thabit said: "When we copied the codex into the codices, I could not find a verse from the surah al-Ahzab that I used to hear the Messenger of Allah ﷺ reciting. I did not find it with anyone except Khuzaymah ibn Thabit, whose testimony the Messenger of Allah ﷺ made equivalent to the testimony of two men: 'Among the believers are men who have been true to what they pledged to Allah. Some of them have fulfilled their vow, and some of them are waiting; and they have made no alteration whatsoever.'" Abu Muhammed said: The explanation of what we have said is explicitly stated in this very report, namely that Zayd related that he heard this verse from the Prophet ﷺ. Thus Zayd, too, possessed it. A defect may also affect this report, namely that Kharijah did not state that he heard it from his father.[81][82][83][84]

[81] **Translator's note (L2601):** The wording translated 'over falsehood that has led' is grammatically irregular in the supplied text; the verb 'has led' is feminine, while 'falsehood' is masculine. The Quranic quotation contains a defective spelling of 'toward the believers'; its meaning remains recoverable.

[82] **Translator's note (L2602):** The expression translated 'Zayd ibn Thabit's lacking the verse' is unusual here. The surrounding discussion makes clear that it concerns his inability to find the verse in writing.

[83] **Translator's note (L2603):** The Quranic quotation has defective spellings in 'the believers' and 'Allah.' These are orthographic defects; the translated wording otherwise follows the supplied quotation.

[84] **Qur'an references (L2601):** Qur'an 9:128 (At-Tawbah); Qur'an 33:23 (Al-Ahzab).

L2605 Furthermore, ʻAbd Allah ibn Rabiʻ al-Tamimi related to us, saying: Muhammed ibn Muʻawiyah al-Marwani related to us: Ahmad ibn Shuʻayb related to us: Muhammed ibn Maʻmar informed us: Abu Dawud—that is, al-Tayalisi—related to us: Abu ʻAwanah related to us, from Firas, from al-Shaʻbi, from Masruq, from ʻA'ishah, who informed him that Fatimah, the daughter of the Messenger of Allah ﷺ, "related it to me": that the Messenger of Allah ﷺ spoke privately to her before his death and said to her: "Gabriel used to review the Quran with me once every year, but this year he reviewed it with me twice. I can only think that my appointed time has drawn near." He mentioned the remainder of the report. This is an explicit, clear text establishing that it was Allah Most High who collected and arranged the Quran, and that Gabriel had the Prophet ﷺ recite it, just as it is, twice in the year of his death; that no one other than Allah Most High collected it; and that, as it is now, it retains that original arrangement.[85]

وأيضا فقد حدثنا عبد الله بن ربيع التميمي قال: ثنا محمد بن معاوية المرواني، ثنا أحمد بن شعيب، أنا محمد بن معمر، ثنا أبو داود، هو الطيالسي، حدثنا أبو عوانة، عن فراس، عن الشعبي، عن مسروق: عن عائشة أنها أخبرته أن فاطمة بنت رسول الله صلى الله عليه وسلم حدثتها أن رسول الله صلى الله عليه وسلم سارها قبل وفاته فقال لها إن جبريل كان يعارضني القرآن في كل عام مرة، وإنه عارضني به العام مرتين، ولا أرى الأجل إلا قد اقترب وذكر باقي الحديث فهذا نص جلي على أن القرآن إنما هو جمعه وألفه الله تعالى وأقرأه جبريل للنبي صلى الله عليه وسلم في عام موته مرتين كما هو وإنه لم يجمعه أحد دون الله تعالى، فهو كما هو الآن على ذلك الجمع الأول.

L2606–2607 Furthermore, Ahmad ibn Muhammed al-Jusuri related to us: Wahb ibn Masarrah related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Muʻawiyah related to us, from al-Aʻmash, from Abu Zabyan, from Ibn ʻAbbas, who said: "Which of the two readings do you consider earlier?" We said: "The reading of ʻAbd Allah." He said: "The Messenger of Allah ﷺ used to have the Quran presented to him once every Ramadan, except in the year in which he died, when it was presented to him twice. ʻAbd Allah attended this and witnessed what had been abrogated from it and what had been changed." Abu Muhammed said: Abu Zabyan is Husayn ibn Jundab al-Janbi. We have already mentioned those who collected the Quran during his lifetime ﷺ. There is no doubt that this verse was among the entirety of it that they possessed. Zayd's finding it with no one except Khuzaymah does not entail that it existed with no one except Khuzaymah. Rather, all those who recited to ʻUthman, Abu al-Dardaʾ, Ibn Masʻud, and ʻAli undoubtedly recited this verse to them. This is sufficient. Some people have related that the verse Zayd found missing was from the surah Baraʾah, namely: "There

وأيضا فقد حدثنا أحمد بن محمد الجسوري، ثنا وهب بن مسرة ثنا ابن وضاح، ثنا أبو بكر بن أبي شيبة، ثنا معاوية، عن الأعمش، عن أبي ظبيان، عن ابن عباس قال: أي القراءتين تعدون أول قلنا قراءة عبد الله قال إن رسول الله صلى الله عليه وسلم كان يعرض عليه القرآن في كل رمضان مرة إلا العام الذي قبض فيه، فإنه عرض عليه مرتين، فحضره عبد الله فشهد ما نسخ منه وما بدل. قال أبو محمد: أبو ظبيان هو حصين بن جندب الجنبي وقد ذكرنا من جمع القرآن على عهده صلى الله عليه وسلم ولا شك أن هذه الآية في جملته عندهم وليس عدم زيد وجودها إلا عند خزيمة بموجب أنها لم تكن إلا عند خزيمة، بل كل من قرأ على عثمان وأبي الدرداء وابن مسعود وعلي قد قرؤوا عليهم هذه الآية بلا شك، وفي هذا كفاية. وقد روى قوم أن الآية التي افتقد زيد من سورة براءة وهي: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} وهذا كذب بحت لكل ما ذكرنا آنفا. وأيضا فقد روي عن البراء: أن آخر سورة نزلت سورة براءة وبعث النبي بها صلى الله

[85] **Translator's note (L2605):** The supplied wording shifts awkwardly from indirect narration about 'A'ishah to 'related it to me,' with an additional attached pronoun. The translation marks the first-person wording rather than silently regularizing it.

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." This is an outright lie, for all the reasons we have just mentioned. Furthermore, it has been related from al-Baraʾ that the last surah revealed was the surah Baraʾah, and the Prophet dispatched someone with it—may blessings and peace from Allah be upon him—and he recited it publicly to those attending the pilgrimage season. One of the Companions—I think it was Jabir ibn ʿAbd Allah—said: "We used to call Baraʾah nothing other than 'The Exposer.'"[86][87]

L2608 Abu Muhammed said: A surah was thus recited to all the Arabs at the pilgrimage season, and many of the people of Medina were rebuked by it—and from it, would there be a verse from it that remained unknown to people? No one with a breath of life and a spark of vitality would suppose this.[88]

L2609–2616 What demonstrates the falsity of these reports is what we have related through sound chains of transmission: that he ﷺ did not recognize the boundary of a surah until "In the name of Allah, the All-Merciful, the Ever-Merciful" was revealed; and that a verse would be revealed to him ﷺ and he would place it in its position. That is why you find the verse concerning a person who leaves neither parents nor children, which was the last verse revealed, in the surah al-Nisaʾ near the beginning of the written Quran, while the beginning of the surah "Recite in the name of your Lord who created" is near the end of the written Quran, although they were both the first to be revealed. It is thereby established that the ordering of the verses and the ordering of the surahs were received from Allah, Mighty and Majestic, by Gabriel, and then by the Prophet ﷺ. It is not as the ignorant suppose, that it was arranged after the Prophet's death ﷺ. Had that been so, the Quran would not have been transmitted by the community as a whole. There is

عليه وسلم فقرأها على أهل الموسم علانية وقال بعض الصحابة، وأظنه جابر بن عبد الله ما كنا نسمي براءة إلا الفاضحة.

قال أبو محمد: فسورة قرئت على جميع العرب في الموسم، وتقرع بها كثير من أهل المدينة، ومنها يكون منها آية خفيت على الناس؟ هذا ما لا يظنه من له رمق وبه حشاشة.

ويبين كذب هذه الأخبار ما رويناه بالأسانيد الصحيحة أنه صلى الله عليه وسلم كان لا يعرف فصل سورة حتى تنزل بسم الله الرحمن الرحيم وأنه صلى الله عليه وسلم كانت تنزل عليه الآية فيرتبها في مكانها، ولذلك تجد آية الكلالة وهي آخر آية نزلت وهي في سورة النساء في أول المصحف وابتداء سورة {قرأ بسم ربك لذي خلق} في آخر المصحف وهما أول ما نزل فصح بهذا أن رتبة الآي ورتبة السور مأخوذة عن الله عز وجل إلى جبريل ثم إلى النبي صلى الله عليه وسلم لا كما يظنه أهل الجهل أنه ألف بعد موت النبي صلى الله عليه وسلم ولو كان ذلك ما كان القرآن منقولا نقل الكافة. ولا خلاف بين المسلمين واليهود والنصارى والمجوس أنه منقول عن محمد صلى الله عليه وسلم نقل التواتر ويبين هذا أيضا ما صح أنه صلى الله عليه وسلم كان يعرض القرآن كل ليلة في رمضان على جبريل، فصح بهذا أنه كان مؤلفا كما هو عهد الرسول صلى الله عليه وسلم وقولهصلى الله عليه وسلم تركت فيكم الثقلين كتاب الله وأهل بيتي والأحاديث الصحاح أنه صلى الله عليه وسلم قرأ المص والطور والمراسلات في صلاة

[86] **Translator's note (L2606):** The object of "dispatched" is not expressed in the supplied Arabic; "someone" makes the implied object explicit. The salutation continues in the next unit.

[87] **Qur'an references (L2606):** Qur'an 9:128 (At-Tawbah).

[88] **Translator's note (L2608):** The wording repeats "from it" and has an awkward construction. The translation preserves the repetition and renders the author's challenge as a rhetorical question.

no disagreement among Muslims, Jews, Christians, and Magians that it has been transmitted from Muhammed ﷺ through recurrent mass transmission. This is also demonstrated by the soundly established report that he ﷺ used to present the Quran to Gabriel every night in Ramadan. It is thereby established that it was arranged as it now is during the Messenger's lifetime ﷺ; and by his statement ﷺ, "I have left among you the two weighty things: the Book of Allah and the people of my household"; and by the sound hadiths reporting that he ﷺ recited Alif Lam Mim Sad, al-Tur, and 'Those Sent Forth' during the sunset prayer; that Muʿadh recited al-Baqarah during the night prayer in his lifetime ﷺ; that he ﷺ delivered a sermon using "Qaf. By the glorious Quran"; that he ﷺ mentioned the concluding verses of Al ʿImran and the surah al-Nisaʾ; that he ﷺ commanded that the Quran be taken from four men: Ubayy, ʿAbd Allah ibn Masʿud, Zayd, and Muʿadh; and by ʿAbd Allah ibn ʿAmr ibn al-ʿAs's statement to the Prophet, peace be upon him, concerning reciting the Quran every night, and his command ﷺ that it should not be recited in fewer than three days. Those who collected the Quran during the lifetime of the Prophet—may blessings and peace from Allah be upon him—were a group of people. Among them were Abu Zayd, Zayd, Ubayy, Muʿadh, Saʿid ibn ʿUbayd, and Abu al-Dardaʾ. He ﷺ commanded ʿAbd Allah ibn ʿAmr to recite the Quran over a number of days no fewer than three. How, then, could it be recited and collected while it was not arranged? This is absurd, utterly impossible. These are all hadiths with sound chains of transmission, open to no criticism. Through this, the falsity of the fabricated reports that contradict them becomes evident, for those reports are not soundly established through transmission at all. Thus their supposition is invalid that anyone collected the Quran and arranged it other than the Prophet ﷺ. Among the things that demonstrate the invalidity of this assertion by a clear demonstration is that some of the written copies of the Quran that ʿUthman, may Allah be pleased with him, sent to the various regions contain additional occurrences of the conjunction "and" compared with the others. In some copies, in the surah al-Hadid, there is: "To Him belongs whatever is in the heavens and whatever is on earth, and indeed Allah—He indeed is the Self-Sufficient, the Praiseworthy," while in some copies "He" is omitted. Furthermore, it is impossible that ʿUthman, may Allah be pleased

المغرب وأن معاذا قرأ في حياته صلى الله عليه وسلم البقرة في صلاة العتمة وأنه صلى الله عليه وسلم خطب ب {ق ولقرآن لمجيد} وذكر صلى الله عليه وسلم خواتم آل عمران وسورة النساء وأمره صلى الله عليه وسلم أن يؤخذ القرآن من أربعة من أبي وعبد الله بن مسعود، وزيد، ومعاذ. وقول عبد الله بن عمرو بن العاص للنبي عليه السلام في قراءة القرآن كل ليلة وأمره صلى الله عليه وسلم أن لا يقرأ في أقل من ثلاث والذين جمعوا القرآن في حياة النبي صلى الله عليه وسلم جماعة ذلك منهم أبو زيد وزيد وأبي ومعاذ وسعيد بن عبيد وأبو الدرداء وأمر صلى الله عليه وسلم عبد الله بن عمرو بقراءة القرآن في أيام لا تكون أقل من ثلاث، فكيف يقرأ ويجمع وهو غير مؤلف، هذا محال لا يمكن البتة. وهذا كلها أحاديث صحاح الأسانيد لا مطعن فيها، وبهذا يلوح كذب الأخبار المفتعلة بخلافها، لأن تلك لا تصح من طريق النقل أصلا، فبطل ظنهم أن أحدا جمع القرآن وألفه دون النبي صلى الله عليه وسلم ومما يبين بطلان هذا القول ببرهان واضح أن في بعض المصاحف التي وجه بها عثمان رضي الله عنه إلى الآفاق واوات زائدة على سائرها وفي بعض المصاحف {له ما في لسماوات وما في لأرض وإن لله لهو لغني لحميد} في سورة الحديد وفي بعضها بنقصان هو. وأيضا فمن المحال أن يكون عثمان رضي الله عنه أقرأ الخلفاء، وأقدمهم صحبة، وكان يحفظ القرآن كله ظاهرا ويقوم به في ركعة ويترك قراءته التي أخذها من فم النبي صلى الله عليه وسلم ويرجع إلى قراءة زيد وهو صبي من صبيانه وهذا ما لا يظنه إلا جاهل غبي. ومنها أن عاصما روى عن زر، وقرأ عليه، لم يقرأ على زيد، ولا على من قرأ على زيد شيئا، إلا أنه قد صح عنه أنه عرض على زيد فلم يخالف ابن مسعود، وهذا ابن عامر قارىء أهل الشام لم يقرأ على زيد شيئا، ولا على من قرأ على زيد، وإنما قرأ على أبي الدرداء، ومن طريق عثمان رضي الله عنهما، وكذلك حمزة لم يأخذ من طريق زيد

with him—who was the most accomplished Quran reciter among the caliphs and the earliest of them in companionship, who knew the whole Quran by heart and would recite it in a single unit of prayer—should abandon the reading he had received from the mouth of the Prophet ﷺ and turn to Zayd's reading, when Zayd was a boy among his boys. Only an ignorant fool would suppose this. Another point is that ʿAsim transmitted from Zirr and recited to him; he did not recite anything to Zayd or to anyone who had recited to Zayd, except that it has been soundly established of him that he presented his recitation to Zayd and did not differ from Ibn Masʿud. Here too is Ibn ʿAmir, the Quran reciter of the people of Syria: he did not recite anything to Zayd or to anyone who had recited to Zayd. He recited only to Abu al-Darda' and through the transmission of ʿUthman, may Allah be pleased with them both. Likewise, Hamzah took nothing through Zayd's transmission. Some people have erred by calling adherence to what the Messenger of Allah ﷺ said and to what the scholars of the community have agreed upon 'uncritical acceptance of authority.' This is the conduct of sophists and of those who seek to obscure and corrupt knowledge, invalidate truths, and produce bewilderment. Nothing assists this more than confusing and mixing the names applied to a meaning, until they apply the name of falsehood to truth to drive people away from it, and apply the name of truth to falsehood to draw into it those who think well of them and to make it pass muster among people. This is like what is related about wicked dealers in riding animals: they name their feeding stalls after towns. When a donkey is offered for sale, the dealer swears by Allah that only last night it came down from such-and-such a town, meaning the stall in which it was fed, while the purchaser thinks that it is among the animals brought from the place mentioned. This is the conduct of evil and wicked people. Someone who does this in religion is in a worse condition and commits a greater offense than someone who does it in other transactions. Know, then, that accepting what has been soundly transmitted from the Prophet ﷺ, and accepting what the Quran requires through its explicit text and its apparent meaning, and accepting what the community has reached consensus upon, is not uncritical acceptance of authority. No one may lawfully call it uncritical acceptance of authority, because doing so obscures and confuses matters and mixes truth with falsehood. Uncriti-

شيئا. وقد غلط قوم فسموا الأخذ بما قاله رسول الله صلى الله عليه وسلم وبما اتفق عليه علماء الأمة تقليدا وهذا هو فعل أهل السفسطة، والطالبين لتلبيس العلوم وإفسادها وإبطال الحقائق، وإيقاع الحيرة، فلا شيء أعون على ذلك من تخليط الأسماء الواقعة على المعنى ومزجها، حتى يوقعوا على الحق اسم الباطل، لينفروا عنه الناس، ويوقعوا على الباطل اسم الحق، ليوقعوا فيه من أحسن الظن بهم، وليجوزوه عند الناس. كما يحكى عن فساق باعة الدواب أنهم يسمون أورايهم بأسماء البلاد، فإذا عرض الحمار للبيع أقسم بالله: إن البارحة نزل من بلد كذا وكذا، وهو يعني الآري الذي اعتلف فيه ويظن المبتاع أنه من جلب المذكور، فهذا فعل أهل الشر والفسق. وفاعل هذا في الديانة أسوأ حالا وأعظم جرما من فاعله في سائر المعاملات، فاعلم الآن أن قبول ما صح بالنقل عن النبي صلى الله عليه وسلم وقبول ما أوجبه القرآن بنصه وظاهره وقبول ما أجمعت عليه الأمة، ليس تقليدا، ولا يحل لأحد أن يسميه تقليدا، لأن ذلك تلبيس وإشكال، ومزج الحق بالباطل، لأن التقليد على الحقيقة إنما هو قبول ما قاله قائل دون النبي صلى الله عليه وسلم بغير برهان فهذا هو الذي أجمعت الأمة على تسميته تقليدا، وقام البرهان على بطلانه، وهو غير ما قام البرهان على صحته، فحرام أن يسمى الحق باسم الباطل، والباطل باسم الحق، وقد قال 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} وقد أنذر عليه السلام بقوم يستحلون الخمر يسمونها بغير اسمها. وقد احتج بعضهم في ذلك بقوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} قالوا: وقد أوجب الله تعالى على الناس قبول نذارة المنذر لهم، قالوا وهذا أمر منه تعالى بتقليد العامي للعالم. قال أبو محمد: وهذا لا حجة لهم فيه، لأن الله تعالى

cal acceptance of authority, properly speaking, is simply accepting, without demonstration, what someone other than the Prophet ﷺ has said. This is what the community has unanimously agreed to call uncritical acceptance of authority, and demonstration has established its invalidity. It differs from that whose validity has been established by demonstration. It is therefore forbidden to call truth by the name of falsehood or falsehood by the name of truth. He, Exalted, has said: "They are nothing but names that you and your fathers have named, for which Allah has sent down no authority. They follow nothing but conjecture and what their souls desire, although guidance has certainly come to them from their Lord." He, peace be upon him, also warned of people who would deem wine lawful, calling it by another name. Some of them have argued for this on the basis of His statement, Exalted: "The believers should not go forth all together. Why, then, should a party from every group of them not go forth, so that they may gain understanding of religion and warn their people when they return to them, so that they may beware?" They said: "Allah, Exalted, has required people to accept the warning of the one who warns them." They said: "This is a command from Him, Exalted, that the layperson accept the scholar's authority uncritically." Abu Muhammed said: This provides them with no proof, because Allah, Exalted, has never commanded the acceptance of whatever the warner says without qualification. Rather, it is said: He commanded acceptance only of what they acquired, in gaining understanding of religion, from the Prophet ﷺ and from Allah, Mighty and Majestic—not what someone invented on his own, nor what someone added to religion on the basis of his own opinion. Whoever attributes that interpretation to Allah, Mighty and Majestic, and permits any created being to institute a religious law not transmitted from the Prophet ﷺ has disbelieved, and his blood and property have become lawful. Allah has called anyone who does that a fabricator, saying, Exalted is He: "Say: Have you considered what provision Allah has sent down for you, of which you have made some unlawful and some lawful? Say: Has Allah given you permission, or are you fabricating against Allah?" Abu Muhammed said: Some people imagined that they had escaped uncritical imitation through a method by which they actually established themselves within it and entered its very core. This consists in their invalidating arguments that support only

لم يأمر قط بقبول ما قال المنذر مطلقا، لكنه يقال: إنما أمر بقبول ما أخذ ذلك في تفقههم في الدين عن النبي صلى الله عليه وسلم وعن الله عز وجل لا ما اخترع مخترع من عند نفسه، ولا ما زاد زائد في الدين من قبل رأيه، ومن تأول ذلك على الله عز وجل، وأجاز لأحد من المخلوقين أن يشرع شريعة غير منقولة عن النبي صلى الله عليه وسلم فقد كفر وحل دمه وماله وقد سمى الله من فعل ذلك مفتريا فقال تعالى {قل أرأيتم مآ أنزل لله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على لله تفترون} قال أبو محمد وظن قوم أنهم تخلصوا من التقليد بوجه به تحققوا بالدخول فيه، وتوسطوا عنصره، وهو أنهم يبطلون حجاجا تؤيد ما وجدوا أسلافهم عليه فقط، ثم لا يبالون أشغبا كانت الحجاج أم حقا، ويضربون عن كل حجة خالفت قولهم. فإن كانت آية أو حديثا تأولوا فيها التأويلات البعيدة، وحرفوهما عن مواضعهما فدخلوا في قوله تعالى {من لذين هادوا يحرفون لكلم عن مواضعه ويقولون سمعنا وعصينا وسمع غير مسمع وراعنا ليا بألسنتهم وطعنا في لدين ولو أنهم قالوا سمعنا وأطعنا وسمع ونظرنا لكان خيرا لهم وأقوم ولكن لعنهم لله بكفرهم فلا يؤمنون إلا قليلا} فإن أعياهم ذلك قالوا: هذا خصوص؛ وهذا متروك وليس عليه العمل.

what they found their predecessors following; then they do not care whether the arguments are sophistry or truth. They turn away from every argument that contradicts their position. If it is a verse or a hadith, they impose far-fetched interpretations upon it and distort the two from their proper places, thus coming within His saying, Exalted is He: "Among those who became Jews are those who distort words from their proper places and say, 'We hear and disobey,' and 'Hear, without being made to hear,' and 'Attend to us,' twisting their tongues and disparaging religion. Had they said, 'We hear and obey,' and 'Hear,' and 'Look upon us,' it would have been better for them and more upright. But Allah has cursed them for their disbelief, so they believe only a little." If that defeats them, they say: "This has specific application," and "This is abandoned and is not acted upon."[89][90][91][92][93][94][95]

[89] **Translator's note (L2609):** "They were both the first to be revealed" preserves the supplied dual pronoun. Its referents are unclear; its apparent inclusion of the verse just called the last revelation creates a tension that has not been corrected. The surah name rendered "Those Sent Forth" appears in the supplied text as al-Murasalat, rather than the usual al-Mursalat. The salutation continues in the next unit.

[90] **Translator's note (L2610):** The supplied wording includes an awkward "that" after "a group," apparently functioning resumptively. The final name continues in the next unit.

[91] **Translator's note (L2612):** The supplied quotation from al-Hadid includes an initial "To Him belongs whatever is in the heavens and whatever is on earth" not present at this point in the standard text of Quran 57:24. It is retained as supplied. The claim that ʿAsim did not recite to Zayd is followed by an exception asserting that he presented his recitation to Zayd. This apparent inconsistency is preserved.

[92] **Translator's note (L2613):** "Uncritical acceptance of authority" renders the technical term taqlid, which the author defines in the following unit.

[93] **Translator's note (L2615):** The wording "what they acquired" renders the grammatically awkward phrase mā ukh idha dhālika fī tafaqquhihim, whose intended connection is uncertain. The supplied text says "invalidating arguments" (yubṭilūna ḥijājan), although the surrounding criticism appears to concern producing arguments that support inherited positions. The supplied reading has been retained.

[94] **Translator's note (L2616):** "Hear, without being made to hear" preserves the ambiguity of ghayra musmaʿ, which can imply a hostile wish that the person addressed should not hear. "Attend to us" renders rāʿinā, whose abusive wordplay is implicated by the verse's reference to twisting tongues.

[95] **Qur'an references (L2609):** Qur'an 53:23 (An-Najm); Qur'an 9:122 (At-Tawbah); Qur'an 10:59 (Yunus); Qur'an 4:46 (An-Nisa).

قال أبو محمد: وهذا أقبح ما يكون من التقليد وأفحشه، كالذي يفعل مقلدو مالك وأبي حنيفة والشافعي، فإنهم إنما يأخذون من الحجاج ما وافق مذهبهم وإن كان خبرا موضوعا أو شغبا فاسدا، ويتركون ما خالفه، وإن كان نص قرآن أو خبرا مسندا من نقل الثقات. والعجب أنهم ينسون التقليد، ويقولون: إن المقلد عاص لله، ويقولون: لا يجوز أن يؤخذ من أحد ما قامت عليه حجة ويقولون ليس أحد بعد رسول الله صلى الله عليه وسلم إلا ويؤخذ من قوله ويترك ثم إنهم مع هذا لا يفارقون قول صاحبهم بوجه من الوجوه. وأما أهل بلادنا فليسوا ممن يتغنى بطلب دليل على مسائلهم وطالبه منهم، في الندرة، إنما يطلبه كما ذكرنا آنفا فيعرضون كلام الله تعالى وكلام الرسول صلى الله عليه وسلم على قول صاحبهم وهو مخلوق مذنب يخطىء ويصيب فإن وافق قول الله وقول رسوله صلى الله عليه وسلم قول صاحبهم أخذوا به وإن خالفاه تركوا قول الله جانبا وقوله صلى الله عليه وسلم ظهريا وثبتوا على قول صاحبهم وما نعلم في المعاصي ولا في الكبائر، بعد الشرك المجرد، أعظم من هذه، وأنه لأشد من القتل والزنى. لأن فيما ذكرنا الاستخفاف بالله عز وجل وبرسوله صلى الله عليه وسلم وبالدين ولأن من ذكرنا قد جاءته موعظة من ربه فلم ينته، وعاد إلى ما نهي عنه، وعرف أنه باطل، فتدين به واستحله وعلمه الناس، وأما القاتل والزاني فعالمان أن فعلهما خطأ، وأنهما مذنبان فهما أحسن حالا ممن ذكرنا وقد قال تعالى {لذين يأكلون لربا لا يقومون إلا كما يقوم لذي يتخبطه لشيطان من لمس ذلك بأنهم قالوا إنما لبيع مثل لربا وأحل لله لبيع وحرم لربا فمن جآءه موعظة من ربه فنتهى فله ما سلف وأمره إلى لله ومن عاد فأولئك أصحاب لنار هم فيها خالدون} هذا وهم يقرون أن الفقهاء الذين قلدوا مبطلون للتقليد، وأنهم قد نهوا أصحابهم عن تقليدهم، وكان أشدهم في ذلك الشافعي، فإنه رحمه الله بلغ من التأكيد في اتباع صحاح الآثار، والأخذ بما أوجبته الحجة، حيث

L2617–2621 Abu Muhammed said: This is uncritical imitation at its ugliest and most outrageous, like what the uncritical imitators of Malik, Abu Hanifah, and al-Shafi'i do. They accept only those arguments that agree with their school, even if they consist of a fabricated report or unsound sophistry, and abandon whatever contradicts it, even if it is an explicit text of the Quran or a report with a connected chain transmitted by trustworthy narrators. The astonishing thing is that they forget uncritical imitation and say that the uncritical imitator disobeys Allah. They say: "It is impermissible to accept from anyone that for which an argument has been established." They say: "There is no one after the Messenger of Allah ﷺ whose statements are not sometimes accepted and sometimes rejected." Yet, despite this, they never depart in any respect from their master's position. As for the people of our country, they are not among those who sing of seeking evidence for their legal questions; and anyone who seeks it among them, on the rare occasions when someone does, seeks it only in the manner we have just described. They therefore submit the words of Allah, Exalted is He, and the words of the Messenger ﷺ to their master's position, although he is a sinful created being who errs and is correct. If the words of Allah and the words of His Messenger ﷺ agree with their master's position, they accept them. If the two contradict it, they set Allah's words aside, cast his ﷺ words behind their backs, and hold fast to their master's position. We know of no act of disobedience or major sin, after outright associating partners with Allah, greater than this. Indeed, it is more grievous than killing and fornication, because what we have described entails treating Allah, Mighty and Majestic, His Messenger ﷺ, and religion with contempt. Moreover, the person we have described has received an admonition from his Lord but has not desisted: he has returned to what he was forbidden, recognized that it is false, and nevertheless adopted it as religion, deemed it lawful, and taught it to people. The killer and the fornicator, by contrast, both know that what they do is wrong and that they are sinners; thus their condition is better than that of the person we have described. He, Exalted is He, has said: "Those who consume usury will not rise except as one whom Satan strikes into confusion through his touch rises. That is because they say, 'Trade is only like usury,' whereas Allah has permitted trade and forbidden usury. Whoever receives an admonition from his Lord and desists

may retain what has already passed, and his affair rests with Allah. But whoever returns—those are the inhabitants of the Fire; they will abide therein forever." All this, while they acknowledge that the jurists whom they have uncritically imitated themselves declare uncritical imitation invalid, and that they forbade their followers to imitate them uncritically. The most emphatic of them in this was al-Shafi'i: may Allah have mercy upon him, he went further than anyone else in insisting upon following sound transmitted reports and accepting what the argument establishes, and he disavowed anyone who practiced uncritical imitation altogether, and proclaimed this openly. May Allah benefit him through it and magnify his reward, for he was indeed a cause of much good. Who, then, is in a worse condition than someone who believes that uncritical imitation is misguidance, and that uncritical imitation means accepting a position before accepting its evidence, yet they do not depart from it in any matter of their religion? Besides the disobedience to Allah, Mighty and Majestic, that this entails, it contains a measure of deficiency in reason and discernment that is immense. We seek refuge in Allah from abandonment and ask Him for success and protection from error, for everything is in His hand; there is no deity but Him. A group of Ash'aris related to us a statement they had invented in support of uncritical imitation, remarkable in its absurdity. They said: "When a case arises for a layperson, his obligation is to inquire who in his locality has the greatest understanding of jurisprudence. Once directed to him, he must question him; when he gives him a legal opinion, he must accept it. The layperson may not accept the position of any deceased scholar, whether from earlier or recent times, whether a Companion, a Successor, or someone after them. If that very same case arises for that layperson another time, he may not accept the legal opinion that the jurist previously gave him. Instead, he must question him a second time, or question someone else, and accept whatever legal opinion he gives him, whether it is that first legal opinion or another." They said: "Each person's obligation is only what his independent legal reasoning leads him to concerning matters for which there is no explicit text. Thus every person exercising independent legal reasoning in this sphere is correct." Abu Muhammed said: It is sufficient to establish the invalidity of this position that all these are fabricated propositions and claims without any demonstra-

لم يبلغ غيره، وتبرأ من يقلد جملة، وأعلن بذلك نفعه الله به وأعظم أجره، فلقد كان سببا إلى خير كثير، فمن أسوأ حالا ممن يعتقد أن التقليد ضلال، وأن التقليد هو اعتقاد القول قبل اعتقاد دليله، ثم هم لا يفارقون في شيء من دينهم؟ وهذا مع ما فيه من المخالفة لله عز وجل ففيه من نقص العقل والتمييز عظيم نعوذ بالله من الخذلان ونسأله التوفيق والعصمة، فكل شيء بيده لا إله إلا هو. وحدثنا طائفة من الأشعرية، أبدعوا في قولهم بالتقليد قولا طريفا في السخف، وهو أن قالوا: الفرض على العامي إذا نزلت به النازلة أن يسأل عن أفقه من في ناحيته، فإذا دل عليه سأله، فإذا أفتاه لزمه الأخذ به، ولا يحل للعامي أن يأخذ بقول ميت من العلماء، قديما كان أو حديثا، صاحبا كان أو تابعا، أو من بعدهم، فإن نزلت بذلك العامي تلك النازلة بعينها مرة أخرى، لم يجز له أن يأخذ تلك الفتيا التي أفتاه الفقيه بها، ولكن يسأله مرة ثانية، أو يسأل غيره، فما أفتاه به أخذ به، سواء كانت تلك الفتيا الأولى غيرها، وقالوا: إن الفرض على كل أحد إنما هو ما أداه إليه اجتهاده فيما لا نص فيه فكل مجتهد في هذا الموضع فهو مصيب. قال أبو محمد: ويكفي من بطلان هذا القول أنها كلها قضايا مفتراة، ودعاوى بلا برهان أصلا. فإن قالوا: قال الله تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} قلنا صدق الله تعالى، وكذب محرف قوله أهل الذكر هم رواة السنن عن النبي صلى الله عليه وسلم والعلماء بأحكام القرآن برهان ذلك قوله تعالى {ثاني عطفه ليضل عن سبيل لله له في لدنيا خزي ونذيقه يوم لقيامة عذاب لحريق} فصح أن الله تعالى إنما أمرنا بسؤالهم ليخبرونا بما عندهم من القرآن والسنن، لا لأن يشرعوا لنا من الدين ما لم يأذن به الله تعالى، بآرائهم الفاسدة وظنونهم الكاذبة وفي هذا كفاية وبالله تعالى التوفيق

tion whatsoever. If they say: “Allah, Exalted is He, said, ‘We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know,’” we say: Allah, Exalted is He, has spoken the truth, and whoever distorts His words has lied. The people of the Reminder are the transmitters of the prophetic traditions from the Prophet ﷺ and those knowledgeable about the Quran’s rulings. The demonstration of this is His saying, Exalted is He: “Turning his side away to lead astray from Allah’s path: for him is disgrace in this world, and on the Day of Resurrection We shall make him taste the punishment of burning.” It is thus established that Allah, Exalted is He, commanded us to question them only so that they would inform us of what they possess of the Quran and the prophetic traditions—not so that, through their corrupt opinions and false conjectures, they might institute for us religious prescriptions that Allah, Exalted is He, has not authorized. This is sufficient, and success comes through Allah, Exalted is He.[96][97][98][99][100]

L2622–2623 Section: What Allah, Exalted Is He, Has Said in Invalidating Uncritical Imitation

فصل ما قاله الله تعالى في إبطال التقليد قال أبو محمد قد ذكرنا كل ما موه به القائلون بالتقليد، وبينا بطلانه وانتقاضه بعون الله تعالى لنا، ولله الحمد، ونحن الآن ذاكرون ما قاله الله تعالى في إبطال التقليد، ونبين وجه الحجاج في بيان سقوطه، وأنه لا يحل تصريفه في دين الله عز وجل أصلا. فمن ذلك أن يقال لمن قلد: ما الفرق بينك وبين من قلد غير الذي قلدت أنت؟ فإن أخذ يحتج في فضل من قلد ووصف سعة علمه، سئل: أكان قبله أحد أفضل منه وأعلم؟ أم لم يكن قبله أحدا أعلم منه ولا أفضل منه؟. فإن قال لم يكن قبله أحد أفضل منه كذب رسول الله صلى الله عليه وسلم في قوله إننا لا ندرك بإنفاقنا مثل أحد ذهبا مد أحد من أصحابه ولا نصيفه وبقوله صلى الله عليه وسلم إنه ما من عام إلا والذي بعده دونه وقائل هذا مخالف للإجماع، وخارج عن سبيل المؤمنين. ولا شك عند كل مؤمن أن أبا بكر وعائشة وعليا وعمر ومعاذا وأبيا وزيدا وابن مسعود وابن عباس أعلم بما شاهدوا من نزول القرآن وحكم رسول الله صلى الله عليه وسلم وأفضل من سفيان الثوري والأوزاعي ومالك وأبي

[96] **Translator’s note (L2617):** The supplied yansawna means “they forget”; in context, a reading meaning “they condemn” or “they disparage” might be expected, but has not been substituted. The assertion “It is impermissible to accept from anyone that for which an argument has been established” follows the supplied wording. Its apparent contradiction of the surrounding argument suggests textual corruption or an omission. The supplied yataghannā means “sings” or “extols in song.” The expression about seeking evidence is awkward and may reflect corruption; it has not been silently replaced with a verb meaning “takes pains.”

[97] **Translator’s note (L2619):** The unvocalized phrase tabarraʾa man yuqallidu is syntactically awkward. It is rendered as disavowing anyone who practices uncritical imitation; a reading referring to someone who imitates al-Shafiʿi is also possible.

[98] **Translator’s note (L2620):** The Arabic supplies no explicit object after “do not depart”; “from it” refers contextually to uncritical imitation.

[99] **Translator’s note (L2621):** The phrase concerning whether the repeated legal opinion is the first or another lacks an expected conjunction in the supplied Arabic; the translation makes the apparent alternatives explicit. The quotation introduced as a demonstration identifying “the people of the Reminder” is Quran 22:9. Its subject does not evidently support the stated argument; the supplied quotation has been retained without substitution.

[100] **Qur’an references (L2617):** Qur’an 2:275 (Al-Baqarah); Qur’an 12:109 (Yusuf); Qur’an 16:43 (An-Nahl); Qur’an 22:9 (Al-Hajj); Qur’an 42:21 (Ash-Shuraa).

Abu Muhammed said: We have mentioned everything with which the advocates of uncritical imitation have sought to mislead, and have explained its invalidity and incoherence, with Allah's help to us; praise belongs to Allah. We shall now mention what Allah, Exalted is He, has said in invalidating uncritical imitation, and explain the manner of argument that establishes its collapse and that employing it in the religion of Allah, Mighty and Majestic, is absolutely impermissible. One such argument is to ask the uncritical imitator: "What is the difference between you and someone who uncritically imitates someone other than the person you imitate?" If he begins arguing for the excellence of the person he imitates and describing the breadth of his knowledge, he should be asked: "Was there anyone before him who was more excellent and more knowledgeable than he, or was there no one before him more knowledgeable or more excellent?" If he says, "There was no one before him more excellent," he contradicts the Messenger of Allah ﷺ in his statement that, by spending gold equal to Mount Uhud, we could not match a mudd spent by any one of his Companions, nor even half of it; and in his ﷺ statement that no year comes without the one after it being inferior to it. Anyone who says this opposes consensus and departs from the believers' path. No believer doubts that Abu Bakr, 'A'ishah, 'Ali, 'Umar, Mu'adh, Ubayy, Zayd, Ibn Mas'ud, and Ibn 'Abbas were more knowledgeable concerning what they witnessed of the Quran's revelation and the judgments of the Messenger of Allah ﷺ, and more excellent, than Sufyan al-Thawri, al-Awza'i, Malik, Abu Hanifah, Abu Yusuf, al-Shafi'i, Ibn al-Qasim, Dawud, Muhammed ibn al-Hasan, Ahmad ibn Hanbal, and Abu Thawr. These jurists—may Allah have mercy upon them—are those whom the various groups after them have uncritically imitated. We know of no one anywhere on earth today who uncritically imitates anyone else, especially since Ahmad ibn 'Umar al-'Udhri related to us: 'Ali ibn al-Hasan ibn Fihr related to us: Judge Abu al-Tahir Muhammed ibn Ahmad al-Dhuhli related to us: Ja'far ibn Muhammed al-Firyabi related to us: Ahmad ibn Ibrahim al-Dawraqi related to me: related to me al-Haytham ibn Jamil: "I said to Malik ibn Anas, 'Abu Abd Allah, among us are people who have compiled books in which one of them says: "So-and-so narrated to us, from so-and-so, from Umar ibn al-Khattab, such-and-such; and so-and-so narrated to us, from Ibrahim, such-and-such; and

حنيفة وأبي يوسف والشافعي وابن القاسم وداود ومحمد بن الحسن وأحمد بن حنبل وأبي ثور. وهؤلاء الفقهاء رحمهم الله هم الذين قلدتهم الطوائف بعدهم ما نعلم الآن على ظهر الأرض أحدا يقلد غيرهم، لا سيما وقد حدثنا أحمد بن عمر العذري، ثنا علي بن الحسن بن فهر، ثنا القاضي أبو الطاهر محمد بن أحمد الذهلي، ثنا جعفر بن محمد الفريابي، حدثني أحمد بن إبراهيم الدورقي، حدثني الهيثم بن جميل، قلت لمالك بن أنس: يا أبا عبد الله، إن عندنا قوما وضعوا كتبا يقول أحدهم: حدثنا فلان عن فلان عن عمر بن الخطاب بكذا، وحدثنا فلان عن إبراهيم بكذا، ونأخذ بقول إبراهيم. قال مالك: صح عندهم قول عمر؟ قلت: إنما هي رواية كما صح عندهم قول إبراهيم. فقال مالك: هؤلاء يستتابون.

we adopt Ibrahim's opinion.'" Malik said, 'Has Umar's opinion been established as authentic for them?' I said, 'It is simply a transmitted report, just as Ibrahim's opinion has been established as authentic for them.' Malik said, 'These people must be called upon to repent.'"[101]

L2624–2626 Abu Muhammed said: If he says, "Yes, those whom you mentioned, and others who came after those whom you mentioned, alongside these named men, or before them, were superior to them and more knowledgeable about religion," he is to be asked: "Then why did you abandon the superior and more knowledgeable person and unquestioningly follow someone inferior in merit and knowledge?" If he says, "Because he came after some of the earlier scholars and critically examined their positions," he is to be told: "Then unquestioningly follow someone who likewise came after these men and critically examined their positions." If he is a Maliki, Shafi'i, Hanafi, Sufyani, or Awza'i, he is to be told: "Then unquestioningly follow Ahmad ibn Hanbal, for he came after these men, examined their knowledge and the knowledge of others, and critically examined the positions of them all. None of the scholars of the people of the Sunnah, whether adherents of transmitted reports or adherents of considered opinion, disputes the breadth of his knowledge, his proud mastery of the Prophet's ﷺ hadith and the legal opinions of the Companions and Successors, his understanding of jurisprudence, his merit, his scrupulousness, or his caution in issuing legal opinions. Or unquestioningly follow Ishaq ibn Ibrahim al-Hanzali, for he was likewise, with penetrating examination and sound understanding. Or unquestioningly follow Abu Thawr, for he attained the utmost in all of that." If he is a Hanbali, he is to be told: "Unquestioningly follow Muhammed ibn Nasr al-Marwazi, for he came after Ahmad and critically examined his positions. He met Ahmad, learned from him, and encompassed his knowledge; he also met the disciples of Malik and al-Shafi'i and the disciples of Abu Hanifah's disciples, and acquired their knowledge. He attained the utmost, beyond which there

قال أبو محمد: فإن قال: بلى، قد كان من ذكرتم وغيرهم مما كان بعد ما ذكرتم، ومع هؤلاء المذكورين، وقبلهم أفضل منهم وأعلم بالدين. قيل له: فلم تركت الأفضل والأعلم، وقلدت الأنقص فضلا وعلما؟. فإن قال: لأنه أتى بعض الأولين متعقبا، قيل له: فقلد من أتى بعدهم أيضا متعقبا على هؤلاء. فإن كان مالكيا، أو شافعيا، أو حنفيا، أو سفيانيا، أو أوزاعيا قيل له: فقلد أحمد بن حنبل، فإنه أتى هؤلاء ورأى علمهم وعلم غيرهم، وتعقب على جميعهم ولا خلاف بين أحد من علماء أهل السنة، أصحاب الحديث منهم وأصحاب الرأي في سعة علمه وتبحره في حديث النبي صلى الله عليه وسلم وفتاوى الصحابة والتابعين وفقهه وفضله وورعه وتحفظه في الفتيا، أو قلد إسحاق بن إبراهيم الحنظلي، فقد كان كذلك مع دقة النظر وصحة الفهم، أو قلد أبا ثور، فقد كان غاية في ذلك كله. وإن كان حنبليا فقيل له: قلد محمد بن نصر المروزي، فإنه أتى متعقبا بعد أحمد، ولقد لقي أحمد وأخذ عنه وحوى علمه، ولقي أصحاب مالك والشافعي وأصحاب أصحاب أبي حنيفة، وأخذ علمهم، وقد كان في الغاية التي لا وراء بعدها في سعة العلم بالقرآن والحديث والآثار والحجاج ودقة النظر، مع الورع العظيم والدين المتين، أو محمد بن جرير الطبري، فكان في علمه ودينه بحيث عرف، أو الطحاوي فقد كان من العلم، أو داود بن علي، فكان من سعة الرواية والعلم بالقرآن والحديث والآثار والإجماع والاختلاف ودقة النظر والورع بحيث لا مزيد، وقد أتى متأخرا متعقبا مشرفا على مذهب كل من تقدمه. فإن قلد داود قيل له: قلد من أتى بعده متعقبا عليه ومخالفه، كولده، وابن سريج، وكالطبري، وكمحمد بن نصر المروزي، والطحاوي، وهكذا أبدا يقلد الآخر فالآخر وهذا خروج عن المعقول

[101] **Translator's note (L2622):** A mudd is a measure of capacity; the comparison concerns expenditure measured by it. The statement about each succeeding year is given in the supplied text as the Prophet's statement; its wording and attribution have been preserved. The final "related to me" introduces the next transmitter, whose name occurs in the following segment.

والقياس، وعن الدين جملة. وحتى لو مالوا إلى تقليد الأفضل لبطل عليهم بأن الأفاضل على خلاف ذلك، فقد رجع عمر إلى قول المرأة من عرض النساء، إذ هم بالمنع من المغالاة في الصداق، وعمر أفضل منها بلا شك، وقد كان أبو بكر وعمر يجمعان الصحابة ويسألانهم، فلو كان قول الأفضل واجبا أن يتبع، لما كان لجمعهما الصحابة معنى لأنهما أفضل ممن جمعا ليعرفا ما عندهم ولكانا في ذلك مخطئين

is nothing further, in the breadth of his knowledge of the Qur'an, hadith, transmitted accounts, and argumentation and in penetrating examination, together with great scrupulousness and firmly grounded religious commitment. Or Muhammed ibn Jarir al-Tabari, whose standing in knowledge and religious commitment was well known. Or al-Tahawi, for he possessed such knowledge. Or Dawud ibn Ali, whose breadth of transmission, knowledge of the Qur'an, hadith, transmitted accounts, consensus and disagreement, penetrating examination, and scrupulousness could not be surpassed. He came later, critically examining the positions of his predecessors and surveying the doctrine of everyone who preceded him." If he unquestioningly follows Dawud, he is to be told: "Unquestioningly follow someone who came after him, critically examining his positions and disagreeing with him, such as his son, Ibn Surayj, al-Tabari, Muhammed ibn Nasr al-Marwazi, or al-Tahawi." Thus he must perpetually follow each successive later scholar unquestioningly. This departs from reason, analogy, and religion altogether. Even if they inclined toward unquestioningly following the person of greatest merit, their position would be invalidated by the fact that people of great merit acted otherwise. Umar deferred to the opinion of an ordinary woman when he intended to prohibit excessive marriage payments, although Umar was undoubtedly superior to her in merit. Abu Bakr and Umar used to assemble the Companions and question them. If following the opinion of the person of greatest merit were obligatory, their assembling the Companions would have been meaningless, since they were superior in merit to those whom they assembled in order to discover what knowledge they possessed; and the two of them would have been mistaken in doing so.[102][103]

وكل هذه أقوال فاسدة بلا برهان على صحة شيء منها وليس طريق الفضل من طريق الاتباع في شيء، فقد يخطىء الفاضل فيحرم اتباعه على الخطأ ولا ينقص ذلك من فضله شيئا وقد قال رسول الله صلى الله عليه وسلم لأبي الدرداء سلمان أفقه إذ منعه سلمان من قيام جميع الليل ومن مواترة الصيام، فكان سلمان أفقه من أبي الدرداء. وكان أبو الدرداء أفضل من سلمان، فأبو الدرداء بدري عقبي، لا تجزأ سلمان منه

L2627–2631 All these are unsound statements, with no demonstration establishing the correctness of any of them. The basis of merit has nothing whatsoever to do with the basis for following someone. A person of merit may err, in

[102] **Translator's note (L2624):** The supplied تبجحه ordinarily denotes taking pride or boasting. 'His proud mastery' retains that nuance in this context of praise; the wording is unusual.

[103] **Translator's note (L2625):** The clause فقد كان من العلم concerning al-Tahawi is syntactically incomplete as supplied; 'for he possessed such knowledge' preserves its unfinished sense without supplying a missing assessment.

which case following him in his error is forbidden, without that diminishing his merit at all. The Messenger of Allah ﷺ said to Abu al-Darda, "Salman has greater understanding of jurisprudence," when Salman prevented him from spending the whole night in prayer and from fasting continuously. Thus Salman had greater understanding of jurisprudence than Abu al-Darda, while Abu al-Darda was superior to Salman in merit. Abu al-Darda was a participant at Badr and at al-Aqabah; Salman did not match him in this, and the first expedition in which Salman participated was the Trench. He ﷺ thus testified that someone inferior in merit had more complete understanding of jurisprudence. He ﷺ also said, "Many a bearer of jurisprudential knowledge carries it to someone who understands it better than he does." He ﷺ also said, "Many a person to whom a report is conveyed comprehends it better than someone who heard it." He was addressing the Companions with these words, so what we have stated is not to be rejected. Success comes through Allah Most High.

It suffices here that all the jurists we have mentioned who have been followed unquestioningly declared unquestioning adherence invalid, prohibited it, forbade it, and stated that anyone practicing it was following falsehood. Hammam narrated to us, from al-Baji, from Aslam the judge, from al-Mazini, from al-Shafi'i, that he forbade people to follow him or anyone else unquestioningly. Abd al-Rahman ibn Salamah narrated to us: Ahmad ibn Khalil narrated to us: Khalid ibn Sa'd narrated to us: Ahmad ibn Khalid narrated to us: Yahya ibn Umar informed us: al-Harith ibn Miskin informed us: Ibn Wahb narrated to us, saying: "I heard Malik when Ibn al-Qasim said to him, 'After the people of Medina, no one is more knowledgeable about sales than the people of Egypt.' Malik asked him, 'Where did they learn that?' He replied, 'From you, Abu Abd Allah.' Malik said, 'I do not know them myself, so how do they know them?'"

Abu Muhammed said: How could it be otherwise, when Allah Most High has spared us any need for their statements on this matter through His explicit declaration in His Book that unquestioning adherence is invalid? Among the words of Allah, Mighty and Majestic, are: {The likeness of those who take protectors apart from Allah is that of the spider that takes a house; and

وأول مشاهد سلمان فالخندق فقد شهد صلى الله عليه وسلم أن الأنقص فضلا أتم فقها وقد قال صلى الله عليه وسلم فرب حامل فقه إلى من هو أفقه منه وقد قال صلى الله عليه وسلم ورب مبلغ أوعى من سامع وإنما خاطب بذلك الصحابة، فغير منكر ما ذكرنا، وبالله تعالى التوفيق. ويكفي من هذا أن كل ما ذكرنا من الفقهاء الذين قلدوا مبطلون التقليد ناهون عنه، مانعون منه، مخبرون أن فاعله على باطل، وقد حدثنا حمام، عن الباجي، عن أسلم القاضي، عن المازني، عن الشافعي أنه نهى الناس عن تقليده وتقليد غيره وحدثنا عبد الرحمن بن سلمة ثنا أحمد بن خليل، ثنا خالد بن سعد، ثنا أحمد بن خالد، أنا يحيى بن عمر، أنا الحارث بن مسكين، ثنا ابن وهب قال: سمعت مالكا وقال له ابن القاسم: ليس أحد بعد أهل المدينة أعلم بالبيوع من أهل مصر، قال له مالك: من أين علموا ذلك؟ قال: منك يا أبا عبد الله، قال مالك: ما أعلمها أنا، فكيف يعلمونها هم؟ قال أبو محمد: كيف وقد أغنانا الله تعالى عن قولهم في ذلك بما نص في كتابه من إبطال التقليد فمن قول الله عز وجل {مثل لذين تخذوا من دون لله أولياآء كمثل لعنكبوت تخذت بيتا وإن أوهن لبيوت لبيت لعنكبوت لو كانوا يعلمون} ثم قال الله تعالى على أثر هذه الآية: {وتلك الأمثال نضربها للناس وما يعقلهآ إلا العالمون} قال أبو محمد: فمن اتخذ رجلا إماما يعرض عليه قول ربه وقول نبيه صلى الله عليه وسلم فما وافق فيه قول ذلك الرجل قبله وما خالفه ترك قول ربه تعالى وقول نبيه صلى الله عليه وسلم وهو يقر أن هذا قول الله عز وجل وقول رسوله صلى الله عليه وسلم والتزم قول إمامه فقد اتخذ دون الله تعالى وليا، ودخل في جملة الآية المذكورة. اللهم إننا نبرأ إليك من هذه الفعلة، فلا كبيرة أعظم منها. وقال تعالى {أم حسبتم أن تتركوا ولما يعلم لله لذين جاهدوا منكم ولم يتخذوا من دون لله ولا رسوله ولا لمؤمنين وليجة ولله خبير بما تعملون} {أم حسبتم أن تتركوا ولما يعلم لله لذين جاهدوا منكم ولم

surely the frailest of houses is the spider's house, if only they knew.} Then Allah Most High said immediately after this verse: {And these parables We set forth for people, but none understand them except those who possess knowledge.} Abu Muhammed said: Whoever takes a man as an authoritative leader and submits to him the words of his Lord and the words of his Prophet ﷺ, accepting whatever agrees with that man's opinion, while, whenever it disagrees with him, abandoning the words of his Lord Most High and the words of his Prophet ﷺ while acknowledging that these are the words of Allah, Mighty and Majestic, and the words of His Messenger ﷺ, and adhering instead to the opinion of his authoritative leader, has taken a protector apart from Allah Most High and falls within the scope of the aforementioned verse. O Allah, we declare ourselves before You free of this deed, for no grave sin is greater than it.

He Most High said: {Or did you suppose that you would be left alone, while Allah has not yet known those among you who strive and take no intimate confidant apart from Allah, His Messenger, and the believers? Allah is fully aware of what you do.} {Or did you suppose that you would be left alone, while Allah has not yet known those among you who strive and take no intimate confidant apart from Allah, His Messenger, and the believers? Allah is fully aware of what you do.}

Abu Muhammed said: There is no greater taking of an intimate confidant than making one particular man the standard for the words of Allah Most High, the words of His Messenger ﷺ, and the words of all the other scholars of the community. He Most High said: {On the day their faces are turned about in the Fire, they will say, "Would that we had obeyed Allah and obeyed the Messenger!" And they will say, "Our Lord, we obeyed our masters and our great ones, and they led us astray from the way."} He Most High said: {Then bring your book, if you are truthful.} He Most High said: {They say, "None shall enter Paradise unless they are Jews or Christians." Those are their wishes. Say, "Bring your demonstration, if you are truthful."}

Abu Muhammed said: Whoever does not produce the Book of Allah Most High as a witness to his statement, or a demonstration of the truth of his statement, is not truthful; rather, he is a liar, a fabricator, inventing falsehood

يتخذوا من دون الله ولا رسوله ولا لمؤمنين وليجة والله خبير بما تعملون} } قال أبو محمد ولا وليجة أعظم ممن جعل رجلا بعينه عيارا من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم وكلام سائر علماء الأمة وقال تعالى {يوم تقلب وجوههم في لنار يقولون يليتنآ أطعنا الله وأطعنا لرسولا * وقالوا ربنآ إنآ أطعنا سادتنا وكبرآءنا فأضلونا لسبيلا} وقال تعالى {فأتوا بكتابكم إن كنتم صادقين} وقال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} قال أبو محمد: فمن لم يأت بكتاب الله تعالى شاهد لقوله، أو ببرهان على صدق قوله، وإلا فليس صادقا، لكنه كاذب آفك، مفتر على الله عز وجل، ومن أطاع سادته وكبراءه وترك ما جاءه عن الله تعالى وعن رسوله صلى الله عليه وسلم فقد ضل بنص القرآن واستحق الوعيد بالنار، نعوذ بالله منها وما أدى إليها. وقال تعالى حاكيا عن الجن الذين أسلموا مصدقا لهم ومثبتا عليهم {وأنا ظننآ أن لن تقول لإنس ولجن على لله كذبا} فبطل ظن من ظن ذلك في رئيس قلده لم يأمر الله تعالى بأن يقلده وقال تعالى {إذ تبرأ لذين تبعوا من لذين تبعوا ورأوا لعذاب وتقطعت بهم الأسباب}

against Allah, Mighty and Majestic. Whoever obeys his masters and great ones and abandons what has come to him from Allah Most High and His Messenger ﷺ has gone astray according to the explicit text of the Qur'an and has deserved the threat of the Fire. We seek refuge in Allah from it and from whatever leads to it.

He Most High said, reporting the words of the jinn who embraced Islam, affirming their truthfulness and confirming their statement: {We had thought that humankind and jinn would never speak a lie against Allah.} Thus the supposition of anyone who thinks this of a leader whom he follows unquestioningly, although Allah Most High has not commanded him to follow that leader unquestioningly, is invalidated. He Most High said: {When those who were followed disavow those who followed, and they see the punishment, and the ties between them are severed.}[104][105][106]

L2632 Abu Muhammed said: This, by Allah, is what these excellent men say—the very men whom certain people followed unquestioningly, although they had forbidden those people to follow them unquestioningly. For they, may Allah have mercy upon them, disavowed, in this world and the Hereafter, everyone who followed them unquestioningly. Those excellent, virtuous men attained success, while their unquestioning followers perished, after hearing

قال أبو محمد: هكذا والله يقول هؤلاء الفضلاء الذين قلدهم أقوام قد نهوهم عن تقليدهم، فإنهم رحمهم الله تبرؤوا في الدنيا والآخرة من كل من قلدهم، وفاز أولئك الأفاضل الأخيار، وهلك المقلدون لهم بعد ما سمعوا من الوعيد الشديد، والنهي عن التقليد، وعلموا أن أسلافهم الذين قلدوا قد نهوهم عن تقليدهم، وتبرؤوا منهم إن فعلوا ذلك. ومن ذلك ما حدثنا أحمد بن عمر، ثنا علي بن الحسن بن فهر، حدثنا أبو الطاهر محمد بن أحمد الذهلي، ثنا جعفر بن محمد الفريابي، ثنا محمد بن إسماعيل، حدثنا عبد العزيز بن عبد الله الأويسي، ثنا مالك قال: كان ربيعة يقول لابن شهاب: إن حالي ليس يشبه حالك، أنا أقول برأيي، من شاء أخذه وعمل به، ومن شاء تركه. وقد ذكرنا قول مالك وندامته على القول به. وقال أبو حنيفة: علمنا هذا رأي، من أتانا بخير منه قبلناه منه وقال عز وجل {وإذا قيل لهم تبعوا مآ أنزل لله قالوا بل نتبع مآ ألفينا عليه آبآءنآ أولو كان آباؤهم لا يعقلون شيئا ولا يهتدون} قال أبو محمد: وهذا نص ما فعل خصومنا بلا تأويل ولا تدبر، بل تعرض عليهم الآية والحديث الصحيح، الذي يقرون بصحته، وكلاهما مخالف لمذاهب لهم فاسدة، فيأبون قبولها، لا بفارق ما

[104] **Translator's note (L2628):** The supplied لا تجزأ سلمان منه is grammatically irregular and its precise sense is uncertain. 'Salman did not match him in this' renders its apparent contextual meaning. The descriptions of Abu al-Darda as a participant at Badr and al-Aqabah, and the quoted prophetic reports, are retained as the author presents them. The Qur'anic quotation contains irregular spellings and missing initial letters in several words. Its recoverable wording has been translated.

[105] **Translator's note (L2631):** The verse beginning 'Or did you suppose' is repeated in full in the supplied text; the repetition is retained. An additional unmatched closing brace follows it in the source. The expression عيارا من كلام الله is awkward as supplied. 'The standard for the words of Allah' renders its apparent sense in the argument while noting the unusual preposition. The Qur'anic quotations contain irregular spellings and missing initial letters in several words; their recoverable wording is translated without removing the repeated verse.

[106] **Qur'an references (L2627):** Qur'an 29:43 (Al-'Ankabut); Qur'an 9:16 (At-Tawbah); Qur'an 33:67 (Al-Ahzab); Qur'an 37:157 (As-Saffat); Qur'an 2:111 (Al-Baqarah); Qur'an 72:5 (Al-Jinn).

the severe threat and the prohibition against unquestioning adherence, and knowing that their predecessors, whom they followed unquestioningly, had forbidden them to do so and had disavowed them if they did so. Among the reports concerning this is what Ahmad ibn Umar related to us: Ali ibn al-Hasan ibn Fahr related to us: Abu al-Tahir Muhammed ibn Ahmad al-Dhuhli related to us: Ja'far ibn Muhammed al-Firyabi related to us: Muhammed ibn Isma'il related to us: Abd al-Aziz ibn Abd Allah al-Uwaysi related to us: Malik related to us, saying: Rabi'ah used to say to Ibn Shihab: "My situation is unlike yours. I speak according to my own opinion: whoever wishes may adopt it and act upon it, and whoever wishes may leave it." We have already mentioned Malik's statement and his regret over speaking on the basis of opinion. Abu Hanifah said: "This knowledge of ours is opinion. Whoever brings us something better than it, we accept it from him." He, mighty and majestic, said: {And when it is said to them, 'Follow what Allah has sent down,' they say, 'Rather, we follow what we found our fathers following.' Even though their fathers understood nothing and were not guided?} Abu Muhammed said: This describes precisely what our opponents have done, without any interpretive qualification or reflection. Indeed, a verse and an authentic hadith whose authenticity they acknowledge are presented to them, both contradicting corrupt doctrines of theirs, yet they refuse to accept them: "We will not depart from what we found our fathers and our elders following." He, exalted, has answered them sufficiently. Allah is sufficient for us, and what an excellent Trustee He is. He, exalted, said: {But if they do not respond to you, know that they merely follow their desires. And who is further astray than one who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people.} He, exalted, also said: {Have you considered the one who has taken his desire as his god, whom Allah has led astray with knowledge, whose hearing and heart He has sealed,

وجدنا عليه آباءنا وكبراءنا، فقد أجابهم تعالى جوابا كافيا، وحسبنا الله ونعم الوكيل وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من الله إن الله لا يهدي لقوم لظالمين} وقال تعالى {أفرأيت من تخذ إلهه هواه وأضله الله على علم وختم على سمعه وقلبه وجعل على بصره غشاوة فمن يهديه من بعد الله أفلا تذكرون}

and over whose sight He has placed a covering? Who, then, will guide him after Allah? Will you not take heed?}[107][108]

L2633–2634

Abu Muhammed said: This is a manifest characteristic of every unquestioning follower, which he necessarily recognizes in himself: he desired to follow a particular person unquestioningly, and so followed him without knowledge. We find that he derives no benefit from his hearing when he hears verses and prophetic traditions that contradict his school's doctrine; nor has he benefited from his sight regarding what he has been shown of this, or from his intellect regarding what he has learned of this. We find that he has abandoned seeking guidance from the Book of Allah, exalted, and the words of His Prophet may Allah bless him and grant him peace ﷺ, and has sought guidance from someone other than Allah, exalted, and has thus strayed far astray. Alas for them, and how grievous our sorrow for them! He, exalted, said: {Say: 'Shall we call upon, apart from Allah, what neither benefits us nor harms us, and be turned back on our heels after Allah has guided us, like someone whom the devils have lured away in the land, bewildered, having companions who call him to guidance: "Come to us"?' Say: 'Indeed, Allah's guidance is the guidance, and we have been commanded to submit to the Lord of all worlds.'} Abu Muhammed said: This describes precisely the conduct of the unquestioning follower, because he has committed himself to following someone who neither benefits him nor harms him, who will not intercede for him on the Day of Resurrection, who will not bestow upon him a single good deed from his own good deeds, and who will not remove a single evil deed from his evil deeds. Likewise, his companions have called him to guidance, as they claim, but He, exalted, has declared them liars. He said: {Neither the Jews nor the Christians will be pleased with you until you follow their creed. Say: 'Indeed, Allah's guidance is the guidance.' And if you follow their desires after the knowledge that has come

قال أبو محمد هذه صفة ظاهرة من كل مقلد، يعرفها من نفسه ضرورة لأنه هوى تقليد فلان فقلده بغير علم، ووجدناه لا ينتفع بسمعه فيما يسمع من الآي والسنن المخالفة لمذهبه. ولا انتفع بصره فيما أري من ذلك، ولا بعقله فيما علم من ذلك، ووجدناه ترك طلب الهدى من كتاب الله تعالى وكلام نبيه صلى الله عليه وسلم وطلب الهدى ممن دون الله تعالى فضل ضلالا بعيدا فواحسرتاه عليهم وواأسفاه لهم وقال تعالى {قل أندعوا من دون الله ما لا ينفعنا ولا يضرنا ونرد على أعقابنا بعد إذ هدانا الله كالذي ستهوته لشياطين في لأرض حيران له أصحاب يدعونه إلى لهدى ئتنا قل إن هدى لله هو لهدى وأمرنا لنسلم لرب لعالمين} قال أبو محمد وهذا نص فعل المقلد، لأنه التزم اتباع من لا ينفعه ولا يضره ولا يشفع له يوم القيامة، ولا ينيله من حسناته حسنة، ولا يحط عنه من سيئاته سيئة، وكذلك دعاه أصحابه إلى الهدى بزعمهم فأكذبهم تعالى وقال {ولن ترضى عنك ليهود ولا لنصارى حتى تتبع ملتهم قل إن هدى لله هو لهدى ولئن تبعت أهوآءهم بعد لذي جآءك من لعلم ما لك من لله من ولي ولا نصير} فلم يجعل هدى إلا ما جاء من عنده تعالى. وقال تعالى: {وإذا فعلوا فاحشة قالوا وجدنا عليها آباءنا ولله أمرنا بها قل إن لله لا يأمر بلفحشآء أتقولون على لله ما لا تعلمون} وهكذا فعل المقلدون فإنهم أباحوا لحوم السباع والحمر الأهلية وقد جاء أمر الرسول صلى الله عليه وسلم بتحريمها وآخذوا الناسي وألزموا شريعة الكفارة المخطىء، وقد جاء نص القرآن والسنة بإسقاط ذلك كله، فلما أخبروا أن ذلك كله فواحش قالوا وجدنا عليها آباءنا والله أمرنا بها. وقال تعالى ذاما لقوم قلدوا أسلافهم، وحاكيا عنهم أنهم قالوا: {بل قالوا إنا وجدنآ آبآءنا على أمة وإنا على آثارهم مهتدون * وكذلك مآ أرسلنا

[107] **Translator's note (L2632):** The supplied phrase lā bi-fāriq is grammatically defective. "We will not depart" reflects the apparent intended reading lā nufāriqu; this is a conjectural reading. The Quranic quotations contain recurrent omissions of initial alifs and similar transcription defects; their identifiable words have been translated.

[108] **Qur'an references (L2632):** Qur'an 2:170 (Al-Baqarah); Qur'an 28:50 (Al-Qasas); Qur'an 45:23 (Al-Jathiyah); Qur'an 37:155 (As-Saffat).

to you, you will have neither protector nor helper against Allah.} Thus He recognized no guidance except what comes from Him, exalted. He, exalted, said: {And when they commit an indecency, they say: 'We found our fathers practicing it, and Allah commanded us to do it.' Say: 'Indeed, Allah does not command indecency. Do you say of Allah what you do not know?'} This is what the unquestioning followers have done: they have permitted the flesh of beasts of prey and domestic donkeys, although the Messenger's command ﷺ prohibiting it has come; they have held the forgetful person accountable and imposed the legal obligation of expiation upon the person who errs, although the explicit text of the Quran and the Sunnah has come waiving all of that. When they were told that all this constituted indecencies, they said: "We found our fathers practicing them, and Allah commanded us to do them." He, exalted, said, censuring people who followed their predecessors unquestioningly and reporting their words: {Rather, they said: 'We found our fathers following a religious way, and we are guided by their footsteps.' * Likewise, We never sent a warner before you to any town without its affluent inhabitants saying: 'We found our fathers following a religious way, and we follow in their footsteps.' * Say: 'Even if I bring you better guidance than what you found your fathers following?'[109][110]

L2635 They said: 'We disbelieve in what you have been sent with.'}

L2636 He, exalted, said: {And when it is said to them: 'Come to what Allah has sent down and to the Messenger,' they say: 'What we found our fathers following is sufficient for us.' Even though their fathers knew nothing and were not guided?} He, exalted, also said: {O people, eat of what is lawful and wholesome on earth, and do not follow Satan's footsteps. Indeed, he is an open enemy to you. * He commands you only to evil and indecency, and to say of Allah what you do not know. * And when it is said to them: 'Follow what Allah has sent down,' they say: 'Rather, we follow what we found our

من قبلك في قرية من نذير إلا قال مترفوهآ إنا وجدنآ آبآءنا على أمة وإنا على آثارهم مقتدون * قل أولو جئتكم بأهدى مما وجدتم عليه آبآءكم

قالوا إنا بمآ أرسلتم به كافرون}

وقال تعالى {وإذا قيل لهم تعالوا إلى مآ أنزل الله وإلى لرسول قالوا حسبنا ما وجدنا عليه آباءنآ أولو كان آباؤهم لا يعلمون شيئا ولا يهتدون} وقال تعالى {يأيها لناس كلوا مما في لأرض حلالا طيبا ولا تتبعوا خطوات لشيطان إنه لكم عدو مبين * إنما يأمركم بلسوء ولفحشآء وأن تقولوا على الله ما لا تعلمون * وإذا قيل لهم تبعوا مآ أنزل الله قالوا بل نتبع مآ ألفينا عليه آبآءنآ أولو كان آباؤهم لا يعقلون شيئا ولا يهتدون}

[109] **Translator's note (L2634):** The final Quranic quotation reads "Say" (qul), rather than "He said" (qāla), a distinction retained in the translation.

[110] **Qur'an references (L2633):** Qur'an 6:71 (Al-An'am); Qur'an 2:120 (Al-Baqarah); Qur'an 7:28 (Al-A'raf); Qur'an 43:22 (Az-Zukhruf); Qur'an 43:23 (Az-Zukhruf); Qur'an 43:24 (Az-Zukhruf).

fathers following.' Even though their fathers understood nothing and were not guided?}[111]

L2637–2639 Whoever follows unquestioningly has said of Allah what he does not know. This is the explicit wording of the speech of the Lord of all worlds, to whom we shall return and before whom we shall stand. He will question us about what He has commanded us concerning this, and recompense us according to our obedience or disobedience. Let anyone who knows that Allah's promise is true, and that these are his Lord's injunctions to him, fear Allah concerning his own soul. Let him repent of unquestioning adherence and examine his condition. If he sees in it these characteristics that Allah, exalted, has condemned, let him rescue himself by repenting of that, and return to the glad tidings of accepting the words of his Lord, exalted, when He says: {Those who have shunned false objects of worship, refusing to worship them, and have turned penitently to Allah—for them are glad tidings. So give glad tidings to My servants, * who listen to speech and follow the best of it. Those are the ones whom Allah has guided, and those are the possessors of understanding.} {Those who have shunned false objects of worship, refusing to worship them, and have turned penitently to Allah—for them are glad tidings. So give glad tidings to My servants, * who listen to speech and follow the best of it. Those are the ones whom Allah has guided, and those are the possessors of understanding.} The deprived person is the one deprived of these glad tidings and excluded from this praiseworthy description. We ask Allah to record us among those who possess it and to keep us steadfast among them. Amen. Whoever Allah, exalted, describes as someone He has guided, someone given glad tidings, and someone possessing understanding has indeed attained success. This describes the person who listens to statements, does not follow unquestioningly, and chooses the best of them. The best is that which Allah, mighty and majestic, and His Messenger ﷺ have attested to as good: what accords with the Quran and the Sunnah. Success comes through Allah, exalted. Thus the invalidity of unquestioning adherence to men and women altogether, and the absolute prohibition against following

[111]**Qur'an references (L2636):** Qur'an 4:61 (An-Nisa); Qur'an 5:104 (Al-Ma'idah); Qur'an 2:168 (Al-Baqarah); Qur'an 2:170 (Al-Baqarah).

ومن قلد فقد قال على الله ما لا يعلم، وهذا نص كلام رب العالمين، الذي إليه معادنا، وبين يديه موقفنا، وهو سائلنا عما أمرنا به من ذلك، ومجازينا بحسب ما أطعنا أو عصينا، فليتق الله على نفسه أمرؤ يعلم أن وعد الله حق، وأن هذه عهود ربه إليه، وليتب عن التقليد وليفتش حاله، فإن رأى فيها هذه الصفات التي ذمها الله تعالى، فليتدارك نفسه بالتوبة من ذلك، وليرجع إلى بشرى قبول قول ربه تعالى إذ يقول {ولذين جتنبوا لطاغوت أن يعبدوها وأنابوا إلى لله لهم لبشرى فبشر عباد * لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} {ولذين جتنبوا لطاغوت أن يعبدوها وأنابوا إلى لله لهم لبشرى فبشر عباد * لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} فالمحروم من حرم هذه البشرى وخرج عن هذه الصفة المحمودة، نسأل الله أن يكتبنا في عداد أهلها، وأن يثبتنا في جملتهم آمين فقد فاز من وصفه الله تعالى بأنه هداه، وبأنه مبشر، وأنه من أولي الألباب، وهذه صفة من استمع الأقوال فلم يقلد، واختار أحسنها والأحسن هو ما شهد الله عز وجل ورسوله صلى الله عليه وسلم بالحسنى مما وافق القرآن والسنة وبالله تعالى التوفيق. فقد صح بنص كلام الله تعالى بطلان تقليد الرجال والنساء جملة، وتحريم اتباع الآباء والرؤساء البتة، وعلى هذا كله السلف الصالح. أخبرنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله ثنا قاسم بن أصبغ ثنا محمد بن عبد السلام الخشني ثنا محمد بن بشار، ثنا محمد بن جعفر غندر، ثنا شعبة، عن عاصم الأحول، عن الشعبي: أن أبا بكر قال في الكلالة: أقضي فيها، فإن يكن صوابا فمن الله، وإن يكن خطأ فمني ومن الشيطان، والله منه بريء وهو ما دون الولد والوالد، فقال عمر بن الخطاب: إني لأستحي من الله أن أخالف أبا بكر. قال أبو محمد: هذا هو

الحديث الذي موهوا به، واستحلوا الكذب بإبراء مفردا مما قبله، وإنما استحى عمر من مخالفة أبي بكر رضي الله عنهما في اعترافه بالخطأ، وأنه ليس كلامه كله صوابا، لا في قوله في الكلالة.

fathers and leaders, have been established by the explicit wording of Allah's speech, exalted. The righteous predecessors upheld all of this. Muhammed ibn Sa'id al-Nabati informed us: related to us: Ahmad ibn Awn Allah: Qasim ibn Asbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Ja'far, Ghundar, related to us: related to us: Shu'bah, from Asim al-Ahwal, from al-Sha'bi, that Abu Bakr said concerning collateral inheritance: "I shall give judgment concerning it. If it is correct, it is from Allah; if it is mistaken, it is from me and from Satan, and Allah is free of it. It concerns those other than the child and the father." Umar ibn al-Khattab then said: "I would indeed feel ashamed before Allah to disagree with Abu Bakr." Abu Muhammed said: This is the report with which they have obscured the matter and deemed lying permissible by presenting [it] in isolation from what preceded it. Umar felt ashamed to disagree with Abu Bakr, may Allah be pleased with them both, only in his acknowledgment of error and of the fact that not everything he said was correct—not in his statement concerning collateral inheritance.[112][113][114]

وبرهان ذلك أن عمر أقر عند موته أنه لم يقض في الكلالة بشيء، وقد اعترف بأنه لم يفهمها قط، وحتى لو صح أنه وافق أبا بكر في الكلالة في الحديث المذكور لما كانت فيه حجة، لأن الشعبي راوي الحديث لم يدرك عمر، وأبعد روايته، فعن علي على اختلاف في رؤيته أيضا. وأما الاضطراب عن عمر في الجد، فإن محمد بن سعيد أخبرني، عن أحمد بن عون الله، عن قاسم بن أصبغ، عن الخشني، عن بندار، عن ابن أبي عدي شعبة، عن يحيى بن سعيد الأنصاري، عن سعيد بن المسيب قال: قال عمر بن الخطاب حين طعن: إني لم أقض في الجد شيئا. وأما الاختلاف عنه رضي الله عنه في الكلالة، فهو أن حماما حدثني قال: ثنا ابن مفرج، عن عبد الأعلى بن محمد بن الحسن قاضي صنعاء، عن الديري، عن عبد الرزاق، عن معمر، عن الزهري، عن سعيد بن المسيب: أن عمر بن الخطاب كتب في الجد والكلالة كتابا، فمكث يستخير الله يقول: اللهم إن علمت فيه خيرا فأمضه، حتى إذا طعن دعا بالكتاب فمحي، فلم يدر أحد ما كان

L2640–2645 The demonstration of this is that, at his death, Umar acknowledged that he had decided nothing concerning collateral inheritance, and he admitted that he had never understood it. Even if it were authentic that he agreed with Abu Bakr concerning collateral inheritance in the report mentioned, it would contain no proof, because al-Sha'bi, the transmitter of the report, did not live to meet Umar. The earliest person from whom he transmitted was Ali, and even his having seen him is disputed. As for the conflicting reports from Umar concerning the grandfather, Muhammed ibn Sa'id informed me, from Ahmad ibn Awn Allah, from Qasim ibn Asbagh, from

[112] **Translator's note (L2637):** The Quranic passage is repeated in full in the supplied text; both occurrences are retained. The closing transmission formula precedes the narrator's name in the next unit; its order is retained.

[113] **Translator's note (L2638):** The final "related to us" introduces Shu'bah, whose name begins the next unit. The transmission formulas are retained in their source order.

[114] **Translator's note (L2639):** "Collateral inheritance" renders kalālah, whose meaning is itself at issue here. The supplied definition literally excludes "the child and the father"; its scope has not been expanded. The supplied bi-ibrāʾ, literally "by exoneration," is obscure in context. "By presenting [it]" conjecturally reflects bi-īrādihi, which would fit the following phrase "in isolation from what preceded it"; the supplied reading is not secure.

al-Khushani, from Bundar, from Ibn Abi Adi, Shu'bah, from Yahya ibn Sa'id al-Ansari, from Sa'id ibn al-Musayyab, who said: Umar ibn al-Khattab said when he was stabbed: "I have decided nothing concerning the grandfather." As for the disagreement in what is reported from him—may Allah be pleased with him—concerning collateral inheritance, Hammam related to me, saying: Ibn Mufarrij related to us, from Abd al-A'la ibn Muhammed ibn al-Hasan, the judge of Sana'a, from al-Dayri, from Abd al-Razzaq, from Ma'mar, from al-Zuhri, from Sa'id ibn al-Musayyab, that Umar ibn al-Khattab wrote a document concerning the grandfather and collateral inheritance. He continued seeking Allah's guidance, saying: "O Allah, if You know there is good in it, bring it into effect." Then, when he was stabbed, he called for the document, and it was erased, so no one knew what had been in it. He said: "I had written a document concerning the grandfather and collateral inheritance, and I was seeking Allah's guidance concerning it. Then I thought it best to leave you as you had been." Abd al-Razzaq said: Ibn Jurayj also related to us: Ibn Tawus informed me, from his father, from Ibn Abbas, that Umar ibn al-Khattab gave instructions at his death, saying: "Collateral inheritance is as I said." Ibn Abbas said: "And what did you say?" He said: "One who has no child." Abu Muhammed said: This is the soundest chain of transmission reported on this subject from Umar, because its chain is uninterrupted and its transmitters are upright and authorities in their field, and because their having heard directly from one another is established. As you see, it contradicts Abu Bakr's opinion concerning collateral inheritance, because Abu Bakr used to say: "The person subject to collateral inheritance is one who has neither child nor father," whereas Umar, at his death, said: "The person subject to collateral inheritance is one who has no child," and nothing more, according to the chain of transmission that contains no defect. This therefore invalidates what al-Sha'bi transmitted, whose earliest recorded encounter was his seeing Ali—may Allah be pleased with him—performing ablution in the public square at Kufa, assuming that his having seen him is itself established. Muhammed ibn Sa'id al-Nabati informed us: Ahmad ibn Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Ja'far, Ghundar, related to us: Shu'bah related to us, from Asim, from

فيه فقال: إني كنت كتبت في الجد والكلالة كتابا وكنت أستخير الله فيه فرأيت أن أترككم على ما كنتم عليه. قال عبد الرزاق: وحدثنا ابن جريج، أخبرني ابن طاوس، عن أبيه، عن ابن عباس أن عمر بن الخطاب أوصى عند الموت فقال: الكلالة كما قلت، قال ابن عباس: وما قلت؟ قال: من لا ولد له. قال أبو محمد: هذا أصح سند يرد في هذا الباب عن عمر، لاتصاله وعدالة ناقليه وإمامتهم وصحة سماع بعضهم من بعض، وهو كما ترى مخالف لرأي أبي بكر في الكلالة، لأن أبا بكر كان يقول: الكلالة من لا ولد له ولا والد، وعمر عند الموت يقول: الكلالة من لا ولد له فقط بالسند الذي لا داخلة فيه، فبطل بهذا ما رواه الشعبي الذي أبعد ذكره رؤيته عليا رضي الله عنه بالكوفة يتوضأ في الرحبة، هذا إن صح أنه رآه أيضا، أخبرنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله ثنا قاسم بن أصبغ ثنا محمد بن عبد السلام الخشني ثنا محمد بن بشار، ثنا محمد بن جعفر غندر، ثنا شعبة، عن عاصم، عن الشعبي قال: سئل عبد الله بن مسعود، عن امرأة توفي عنها زوجها، ولم يفرض لها؟ فاختلف إليه شهرا فقال ما سئلت عن شيء منذ توفي رسول الله صلى الله عليه وسلم أشد علي منه لم ينزل فيه قرآن ناطق ولا سنة ماضية، أقضي فيها فإن يكن صوابا فمن الله، وإن يكن خطأ فمن الشيطان، والله منه بريء وذكر الحديث. قال أبو محمد: فهذا ابن مسعود يعترف بالخطأ وبمغيب السنن عنه، وفي هذه القصة سنة صحيحة خفيت عنه، ثم علمها بعد ذلك، ولا سبيل إلى أن يوجد عن أحد من الصحابة والتابعين غير الاعتراف بجواز الخطأ عليهم. والصحيح من رواية الشعبي في الخبر الذي ذكرنا هو ما أخبرناه محمد بن سعيد بن نبات، عن أحمد بن عون الله، عن قاسم بن أصبغ، عن الخشني عن بندار، عن غندر، ثنا شعبة، عن يحيى بن سعيد التيمي تيم الرباب قال ثلاث وددت أن رسول الله صلى الله عليه وسلم لم يقض حتى يبين لنا فيهن أمرا ينتهي إليه: الجد والكلالة وأبواب من أبواب الربا، فهذا هو المتصل من طريق الشعبي. ثم إنا نقول: إن العجب

al-Sha'bi, who said: Abd Allah ibn Mas'ud was asked about a woman whose husband had died without having assigned her a marriage payment. The questioner kept returning to him for a month. He then said: "Since the Messenger of Allah ﷺ—may Allah bless him and grant him peace—died, I have not been asked about anything more difficult for me than this. No explicit Qur'anic text or established prophetic practice has come down concerning it. I shall give a judgment concerning it: if it is correct, it is from Allah; and if it is mistaken, it is from Satan, and Allah is free of it." He then mentioned the report. Abu Muhammed said: Here is Ibn Mas'ud acknowledging error and that prophetic practices were unknown to him. Concerning this case there was an authentic prophetic practice that had escaped him, which he subsequently learned. There is no possibility of finding anything from any of the Companions or Successors other than acknowledgment that they could err. The authentic version of al-Sha'bi's transmission in the report we mentioned is what Muhammed ibn Sa'id ibn Nabat reported to us, from Ahmad ibn Awn Allah, from Qasim ibn Asbagh, from al-Khushani, from Bundar, from Ghundar: Shu'bah related to us, from Yahya ibn Sa'id al-Taymi, of Taym al-Ribab, who said: "There are three matters concerning which I wish the Messenger of Allah ﷺ—may Allah bless him and grant him peace—had not passed away before making clear to us a determination to which one could have recourse: the grandfather, collateral inheritance, and certain categories of usury." This, then, is the version with an uninterrupted chain through al-Sha'bi. Furthermore, we say: Astonishment can only be prolonged at someone who chooses to adopt the statements of one particular person who was accompanied by no miracle from Allah, mighty and majestic, upon whom no sign appeared, and for whom Allah testified neither to protection from error nor to being His devoted friend. More astonishing still is this if he is one of the Successors or those after them, someone concerning whose inward profession of Islam no certainty can be attained, and whose unquestioning follower has nothing more than a favorable opinion of him and the fact that, to outward appearances, he is a virtuous man among the virtuous Muslims, whose superiority

ليطول ممن اختار أخذ أقوال إنسان بعينه لم يصحبه من الله عز وجل معجزة، ولا ظهرت عليه آية، ولا شهد الله له بالعصمة عن الخطأ، ولا بالولاية وأعجب من ذلك إن كان من التابعين فمن دونهم، ممن لا يقطع على غيب إسلامه، ولا بيد مقلده أكثر من حسن الظن به، وأنه في ظاهر أمره فاضل من أفاضل المسلمين، لا يقطع له على غيره من الناس بفضل، ولا يشهد له على نظارته بسبق إن هذا لهو الضلال المبين.

over other people cannot be asserted with certainty, and whose precedence over his peers cannot be attested. This indeed is manifest error.[115][116][117][118]

L2646–2661 If only I knew what obliged him to incline toward this person instead of inclining toward someone else who is outwardly his equal, or outwardly superior to him, or truly superior to him among the earliest Companions, until they came to make his statements the basis of their religious observance in their religion, which is their means of approach to Allah Most High, through which alone they hope for deliverance from the punishment of the Hereafter. Yet we find these poor wretches following no one unquestioningly in their worldly affairs. Not one of them buys anything, whether lesser or greater, without measuring it, examining its newness, and guarding against being cheated over it. Yet he does not guard against being cheated in his religion, in which lie his eternal destruction or salvation. You find him accepting it recklessly and taking it up haphazardly: "Give me what Malik, Ibn al-Qasim, and Sahnun said," if he is a Maliki; or what Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan said, if he is a Hanafi; or what al-Shafi'i said, if he is a Shafi'i—and nothing more. By Allah, if these men—may Allah have mercy on them—were to arrive at the plain of Resurrection with good deeds filling the heavens and the earth, they would not show him mercy by giving him a single one of them. And if he, deluded as he is, were to arrive at that standing place with sins filling the heavens and the earth, they would not remove a single one of them, nor turn aside to attend to him, nor look

فليت شعري ما الذي أوجب عليه أن يميل إليه دون أن يميل إلى غيره ممن هو مثله في الظاهر، أو أفضل منه في الظاهر، أو في الحقيقة من سابقي الصحابة، حتى صاروا يتدينون بقوله في دينهم الذي هو وسليتهم إلى الله تعالى، لا يرجون النجاة من عذاب الآخرة بسواه؟ ونجدهم، المساكين، في أمور دنياهم لا يقلدون أحدا، ولا يبتاع أحدهم شيئا فما دونه أو فما فوقه، إلا حتى يقيسه ويتأمل جددته ويتقي الغبن فيه، وهو لا يتقي الغبن في دينه الذي فيه هلاكه أو نجاته في الأبد، فتجده قد قبله مجازفة وأخذه مطارفة: هات ما قال مالك وابن القاسم وسحنون إن كان مالكيا، أو ما قال أبو حنيفة وأبو يوسف ومحمد بن الحسن إن كان حنفيا، أو ما قال الشافعي إن كان شافعيا، ولا مزيد. ووالله لو أن هؤلاء، رحمهم الله، وردوا عرصة القيامة بملء السموات والأرض حسنات، ما رحموه منها بواحدة، ولو أنه المغرور ورد ذلك الموقف بملء السموات والأرض سيئات، ما حطوا منها واحدة، ولا عرجوا عليه، ولا التفتوا إليه، ولا نفعوه بنافعة ونجده يضرب عن كلام نبيه صلى الله عليه وسلم الذي لا يرجو شفاعة سواه ولا أن ينقذه من أطباق النيران، بعد رحمة الله تعالى، إلا اتباعه إياه فأين الضلال إن لم يكن في فعل هؤلاء القوم. ثم نخط في سؤالهم درجة فنقول: ما الذي دعاكم إلى التهالك على قول مالك وابن القاسم، فهلا تبعتم أقوال عمر بن الخطاب وابنه فتهالكتم عليها؟ فهما أعلم وأفضل من مالك وابن القاسم عند الله عز وجل بلا شك، ونقول للحنفيين. ما الذي حملكم على التماوت على قول أبي حنيفة وأبي يوسف ومحمد بن الحسن؟ فهلا طلبتم أقوال عبد الله بن مسعود وعلي فتماوتم عليها؟ فهما أفضل وأعلم من أبي حنيفة وأبي يوسف ومحمد بن الحسن عند الله تعالى بلا شك. ونقول لمن قلد الشافعي رحمه الله: ألم ينهكم عن تقليده وأمركم باتباع كلام

[115] **Translator's note (L2640):** "Collateral inheritance" renders kalalah; the passage itself disputes which deceased persons fall within this category. The chain places "Shu'bah" directly after "Ibn Abi Adi" without a transmission formula between them. This apparent omission has not been silently supplied.

[116] **Translator's note (L2643):** The last chain as supplied names Yahya ibn Sa'id al-Taymi but does not name al-Sha'bi or the speaker of the quotation that follows, although the author identifies it as al-Sha'bi's transmission.

[117] **Translator's note (L2644):** The unvocalized expression translated "had not passed away" can also mean "had not rendered judgment." The context favors death, but the supplied wording is ambiguous. The author calls this a chain through al-Sha'bi, although al-Sha'bi is absent from the chain supplied in the preceding unit.

[118] **Translator's note (L2645):** The supplied word rendered "his peers" appears to be an irregular or corrupt form of the expected word for counterparts or peers.

toward him, nor benefit him in any way. Yet we find him turning away from the words of his Prophet, may Allah bless him and grant him peace ﷺ, whose intercession alone he hopes for, and from the layers of the fires of Hell he hopes for nothing to rescue him, after the mercy of Allah Most High, except his following him. Where, then, is error, if it is not in what these people do? Then we descend one degree in questioning them and say: What impelled you to devote yourselves so desperately to the statements of Malik and Ibn al-Qasim? Why did you not follow the statements of Umar ibn al-Khattab and his son and devote yourselves desperately to them? For, without doubt, those two are more learned and more excellent before Allah, mighty and majestic, than Malik and Ibn al-Qasim. We say to the Hanafis: What drove you to cling with such desperate devotion to the statements of Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan? Why did you not seek out the statements of Abd Allah ibn Mas'ud and Ali and cling with such desperate devotion to them? For, without doubt, those two are more excellent and more learned before Allah Most High than Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan. We say to whoever follows al-Shafi'i unquestioningly—may Allah have mercy on him: Did he not forbid you to follow him unquestioningly and command you to follow the words of the Prophet ﷺ—may Allah bless him and grant him peace—wherever they are authentically established? Why, then, did you not follow him in this true statement, which no one may lawfully oppose? Did he not say—may Allah have mercy on him—when he mentioned the Prophet's report ﷺ—may Allah bless him and grant him peace—concerning someone who dies owing a fast, "His guardian shall fast on his behalf," saying: may Allah have mercy on him: "If this report is authentic, then it is what I maintain, and we disavow every doctrine that contradicts the report of the Prophet ﷺ—may Allah bless him and grant him peace." The report mentioned possesses the highest degree of authenticity through A'ishah—may Allah be pleased with her. Yet you continually resort to contrivances to invalidate it, using various feeble devices. He forbade you to accept a report with an omitted Companion, yet you adopt it in prohibiting the sale of meat in exchange for a living animal, unquestioningly following his mistake—may Allah have mercy on him—from which no one has been protected. If unquestioning adherence is un-

النبي صلى الله عليه وسلم حيث صح فهلا اتبعتموه في هذا القولة الصادقة التي لا يحل خلافها لأحد؟ أو ليس قد قال رحمه الله وقد ذكر حديث النبي صلى الله عليه وسلم فيمن مات وعليه صيام صام عنه وليه فقال رحمه الله: إن صح هذا الحديث فبه أقول ونبرأ من كل مذهب خالف حديث النبي صلى الله عليه وسلم والحديث المذكور في غاية الصحة من طريق عائشة رضي الله عنها، ثم أنتم دأبا تتحيلون في إبطاله بأنواع من الحيل الباردة ونهاكم عن قبول المرسل. ثم أنتم تأخذون به في تحريم بيع اللحم بالحيوان، تقليدا لغلطه رحمه الله الذي لم يعصم منه أحد، فقد كان تقليد ابن عباس أولى بكم إذ ولا بد، لأنه أفضل وأعلم عند الله عز وجل من الشافعي. وقد قال قائلون منهم: نحن لم نرزق من العقل والفهم ما يمكننا أن نأخذ الفقه من القرآن وحديث النبي صلى الله عليه وسلم فأتوا بالتي تملأ الفم فيقال لهم أمنعكم الله تعالى العقل الذي تفهمون به عند ما قد ألزمكم فهمه إذ يقول عز وجل {أفلا يتدبرون لقرآن أم على قلوب أقفالها} وقد سمعتموه يقول {يأيها لذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا هتديتم إلى لله مرجعكم جميعا فينبئكم بما كنتم تعملون} وسمعتموه يقول {قل أغير لله 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} وسمعتموه يقول {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} فلولا أن في وسعكم الفهم لأحكام القرآن ما أمركم بتدبره ولولا أن في وسعكم الفهم لكلام النبي صلى الله عليه وسلم ما أمره بالبيان عليكم ولا أمركم بطاعته، هذا إن كنتم تصدقون كلام ربكم. فليت شعري كيف قصرت عقولكم عن فهم ما افترض الله تعالى عليكم تدبره والأخذ به واتسعت

avoidable, then following Ibn Abbas unquestioningly would have been more fitting for you, because he is more excellent and more learned before Allah, mighty and majestic, than al-Shafi'i. Some of them have said: "We have not been endowed with the intellect and understanding that would enable us to derive jurisprudence from the Qur'an and the reports of the Prophet ﷺ—may Allah bless him and grant him peace." Thus they have uttered a mouth-filling enormity. They are to be asked: Has Allah Most High withheld from you the intellect by which you could understand what He has obliged you to understand, when He, mighty and majestic, says: "Do they not reflect upon the Qur'an, or are there locks upon hearts?" You have heard Him say: "O you who believe, attend to yourselves. Those who go astray will not harm you when you are rightly guided. To Allah is your return, all together; then He will inform you of what you used to do." And you have heard Him say: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? And every soul except against itself, and no bearer of a burden shall bear another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ." And you have heard Him say: "Allah does not burden a soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden such as You laid upon those before us. Our Lord, do not burden us with that which 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 disbelieving people." Had understanding the rulings of the Quran not been within your capacity, He would not have commanded you to reflect upon it. And had understanding the speech of the Prophet ﷺ not been within your capacity, He would not have commanded him to explain it to you, nor commanded you to obey him. This is so if you believe the words of your Lord. Would that I knew how your minds fell short of understanding that upon which Allah Most High made it obligatory for you to reflect and to act, while your minds were capacious enough to understand al-Shafi'i, Malik, and Abu Hanifah! Allah Most High never commanded you to listen specifically to them to the exclusion of all other scholars. Nor did your Lord Most High ever guarantee you assistance in understanding their words as He guaranteed you, concerning

عقولكم للفهم عن الشافعي ومالك وأبي حنيفة وما أمركم الله تعالى قط بالسماع منهم خاصة دون سائر العلماء ولا ضمن لكم ربكم تعالى قط العون على فهم كلامهم، كما ضمن لكم في فهم كلامه إنه لا يكلفكم إلا وسعكم. وقد أيقنا أن الله عز وجل لا يأمرنا بشيء إلا وقد سبب لنا طرق الوصول إليه وسهلها وبينها، فقد أيقنا بلا شك عندنا أن وجوه معرفة أحكام الآي والأحاديث التي أمرنا بقبولها بينة لمن طلبها، إن صدقتم ربكم، وإن كذبتم كفرتم. وأما ما لم نؤمر باتباعه من رأي مالك، وأبي حنيفة، وقول الشافعي، فلا سبيل إلى أن نقطع بأن فهمه ممكن لنا. حدثنا أحمد بن عمر العذري، نا أبو محمد الحسن بن أحمد بن إبراهيم بن فراس، أنا أبو حفص عمر بن محمد بن أحمد بن عبد الرحمن بن عمرو بن أبي سفيان بن عبد الرحمن بن صفوان بن أمية بن خلف الجمحي، نا أبو الحسن علي بن عبد العزيز، نا الأصبهاني، نا عبد السلام، نا غطيف بن أعين المحاربي، عن مصعب بن سعد عن عدي بن حاتم قال أتيت النبي صلى الله عليه وسلم وفي عنقي صليب من ذهب فقال لي يا ابن حاتم ألق هذا الوثن من عنقك فألقيته. ثم افتتح سورة براءة فقرأ حتى بلغ قوله تعالى {تخذوا أحبارهم ورهبانهم أربابا من دون لله ولمسيح بن مريم ومآ أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} فقلت يا رسول الله ما كنا نعبدهم فقال النبي صلى الله عليه وسلم كانوا يحلون لكم الحرام فتستحلونه ويحرمون عليكم الحلال فتحرمونه قلت: بلى، قال فتلك عبادتكم قال أبو محمد فسمى النبي صلى الله عليه وسلم اتباع من دون النبي صلى الله عليه وسلم في التحليل والتحريم عبادة وكل من قلد مفتيا يخطىء ويصيب، فلا بد له من أن يستحل حراما ويحرم حلالا، وبرهان ذلك تحريم بعضهم ما يحله سائرهم، ولا بد أن أحدهم مخطىء. أفليس من العجب إضراب المرء عن الطريق التي أمره خالقه بسلوكها، وضمن له بيان نهج الصواب فيها. وأمره أن يكون

understanding His words, that He burdens you only within your capacity. We are certain that Allah, Mighty and Majestic, commands us to do nothing without having provided us with the means of attaining it, made them easy, and explained them. Thus we are certain, without any doubt on our part, that the ways of knowing the rulings of the verses and hadiths which we have been commanded to accept are clear to whoever seeks them—if you believe your Lord; and if you disbelieve Him, you have committed unbelief. As for what we have not been commanded to follow, namely the opinions of Malik and Abu Hanifah and the statements of al-Shafi'i, there is no way for us to assert categorically that understanding it is possible for us. Ahmad ibn 'Umar al-'Udhri related to us: Abu Muhammed al-Hasan ibn Ahmad ibn Ibrahim ibn Firas related to us: Abu Hafs 'Umar ibn Muhammed ibn Ahmad ibn 'Abd al-Rahman ibn 'Amr ibn Abi Sufyan ibn 'Abd al-Rahman ibn Safwan ibn Umayyah ibn Khalaf al-Jumahi informed us: Abu al-Hasan 'Ali ibn 'Abd al-'Aziz related to us: al-Asbahani related to us: 'Abd al-Salam related to us: Ghutayf ibn A'yan al-Muharibi related to us, from Mus'ab ibn Sa'd, from 'Adi ibn Hatim, who said: "I came to the Prophet ﷺ with a gold cross around my neck. He said to me, 'O son of Hatim, cast this idol from your neck.' So I cast it away. Then he began Surat Bara'ah and recited until he reached His saying, Most High: "They took their rabbis and monks as lords apart from Allah, and the Messiah, son of Mary, although they were commanded only to worship one God. There is no god but Him. Glory be to Him above what they associate with Him." I said, 'O Messenger of Allah, we did not worship them.' The Prophet ﷺ said, 'They used to make the forbidden lawful for you, and you would treat it as lawful; and they would make the lawful forbidden for you, and you would treat it as forbidden.' I said, 'Yes indeed.' He said, 'That, then, was your worship.'" Abu Muhammed said: Thus the Prophet ﷺ called following anyone other than the Prophet ﷺ in declaring things lawful and forbidden "worship." Everyone who unquestioningly follows a mufti who both errs and judges correctly must inevitably treat something forbidden as lawful and something lawful as forbidden. The demonstration of this is that some of them forbid what the rest permit, and one of them must necessarily be mistaken. Is it not astonishing that a person should turn away from the path his Creator commanded him to follow, on which He guaranteed to

همه نفسه لا ما سواها، فيترك ذلك كله، ويقصد إلى طريق لم يؤمر بسلوكها، ولا ضمن له نهج الصواب فيها، بل قد نهي عن ذلك وعيب عليه، ولامه ربه عز وجل على ذلك أشد الملامة مع أن الذي قلدوه ينهاهم عن تقليده فمن أضل من هؤلاء وقد احتج بعض من قلد مالكا بأنه المعني بقول رسول الله صلى الله عليه وسلم في إنذاره بزمان يأتي لا يوجد فيه عالم أعلم من عالم المدينة. أخبرنا عبد الله بن ربيع التميمي، عن محمد بن معاوية، عن أحمد بن شعيب، أنا علي بن محمد، ثنا محمد بن كثير، عن سفيان بن عيينة، عن ابن جريج، عن أبي الزناد، عن أبي صالح، عن أبي هريرة قال: قال رسول الله: يضربون أكباد الإبل ويطلبون العلم فلا يجدون عالما أعلم من عالم المدينة. فقال النسائي: قوله أبو الزناد خطأ، إنما هو أبو الزبير. قال أبو محمد: وهكذا حدثناه أحمد بن عبد الله الطلمنكي، ثنا ابن مفرج قال: ثنا محمد بن أيوب الصموت، ثنا أحمد بن عمرو بن عبد الخالق البزار، ثنا عمرو بن علي، ثنا سفيان بن عيينة، عن ابن جريج، عن أبي الزبير عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم يوشك أن تضرب أكباد المطي فلا يوجد عالم أعلم من عالم المدينة قال البزار: لم يرو ابن جريج عن أبي صالح غير هذا الحديث. حدثنا أحمد بن عمر، ثنا علي بن الحسن بن فهر، أنا محمد بن علي، ثنا محمد بن عبد الله البيع إجازة، أنا أبو النضر الفقيه أحمد بن محمد العنزي، ثنا عثمان بن سعيد الدارمي، ثنا أبو مسلم، عن عبد الرحمن بن يونس المستلمي، نا معن بن عيسى، حدثني زهير أبو المنذر التميمي، ثنا عبيد الله بن عمر بن سعيد بن أبي هند عن أبي موسى الأشعري قال قال رسول الله صلى الله عليه وسلم يخرج ناس من المشرق في طلب العلم فلا يجدون عالما أعلم من عالم المدينة وقال عالم أهل المدينة. حدثنا أحمد بن عمر، ثنا فهر، نا ابن أحمد بن إبراهيم بن فراس، ثنا ابن الأعرابي، ثنا محمد بن إسماعيل الصوفي، ثنا علي بن المديني، ثنا سفيان بن عيينة، فذكر الحديث فقال ابن

make the course of correctness clear to him, and commanded him to concern himself with his own soul rather than anything else? He abandons all of that and sets out upon a path he was not commanded to follow, on which no course of correctness was guaranteed to him. Indeed, he has been forbidden to do that and censured for it, and his Lord, Mighty and Majestic, has blamed him for it with the severest blame. Moreover, the very person whom they unquestioningly follow forbids them to follow him unquestioningly. Who, then, is more astray than these people? Some of those who unquestioningly follow Malik have argued that he is the one intended by the saying of the Messenger of Allah ﷺ, in his foretelling of a time to come when no scholar will be found more learned than the scholar of Medina. ʻAbd Allah ibn Rabiʻ al-Tamimi informed us, from Muhammed ibn Muʻawiyah, from Ahmad ibn Shuʻayb, who informed us: ʻAli ibn Muhammed related to us: Muhammed ibn Kathir related to us, from Sufyan ibn ʻUyaynah, from Ibn Jurayj, from Abu al-Zinad, from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah said, "They will strike the livers of camels and seek knowledge, but they will find no scholar more learned than the scholar of Medina." Al-Nasa'i said: "His saying 'Abu al-Zinad' is an error; it is actually Abu al-Zubayr." Abu Muhammed said: Ahmad ibn ʻAbd Allah al-Talamanki likewise related it to us: Ibn Mufarrij related to us, saying: Muhammed ibn Ayyub al-Samut related to us: Ahmad ibn ʻAmr ibn ʻAbd al-Khaliq al-Bazzar related to us: ʻAmr ibn ʻAli related to us: Sufyan ibn ʻUyaynah related to us, from Ibn Jurayh, from Abu al-Zubayr, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said, "Soon the livers of riding camels will be struck, and no scholar will be found more learned than the scholar of Medina." Al-Bazzar said: "Ibn Jurayj transmitted no hadith from Abu Salih other than this hadith." Ahmad ibn ʻUmar related to us: ʻAli ibn al-Hasan ibn Fihr related to us: Muhammed ibn ʻAli informed us: Muhammed ibn ʻAbd Allah al-Bayyiʻ related to us by authorization to transmit: Abu al-Nadr, the jurist Ahmad ibn Muhammed al-ʻAnazi, informed us: ʻUthman ibn Saʻid al-Darimi related to us: Abu Muslim related to us, from ʻAbd al-Rahman ibn Yunus al-Mustamli: Maʻn ibn ʻIsa related to us: Zuhayr Abu al-Mundhir al-Tamimi related to me: ʻUbayd Allah ibn ʻUmar ibn Saʻid ibn Abi Hind related to us, from Abu Musa al-Ashʻari, who said: The Messenger of Allah ﷺ said, "People will set

عيينة: وضعناه على مالك بن أنس، قال ابن فراس: ثنا محمد بن أحمد اليقطيني، نا محمد بن أحمد بن سلم الحراني، ثنا أبو موسى الأنصاري وذكر هذا الحديث فقال: بلغني عن ابن جريج أنه كان يقول: نرى أنه مالك بن أنس. قال أبو محمد: هذا حديث لم يقنعوا بقبيح فعلهم في التقليد حتى أضافوا إلى ذلك الكذب على رسول الله صلى الله عليه وسلم في الصفة المذكورة في الحديث المذكور على أن في سنده أبو الزبير وهو مدلس ما لم يقل: حدثنا أو: أخبرنا ومع ذلك فليست تلك الصفة موجودة في عصر مالك، لأنه كان في عصره ابن أبي ذئب، وعبد العزيز بن الماجشون، وسفيان الثوري، والليث، والأوزاعي، وكل هؤلاء لا يمكن لمن له أقل إنصاف وعلم أن يفضله في علمه وورعه على واحد منهم ولا في فهمه للقرآن ولا لحديث النبي صلى الله عليه وسلم وأقوال الصحابة رضي الله عنهم وليت شعري ما الذي دلهم على أنه مالك، دون أن يقولوا إنه سعيد بن المسيب الذي كان أفقه من مالك وأفضل؟. وذكروا عن سفيان بن عيينة أنه قال: كانوا يرونه مالكا، قالوا: فإنما عنى سفيان بذلك التابعين. قال أبو محمد: فزادوا كذبة، وما دليلهم على أن سفيان عنى بذلك التابعين؟ لو صح عن سفيان؟ ولعله عنى بذلك مقلدي مالك من صغار أصحابه. قال أبو محمد: هذا بارد وكذب، وليت شعري أي شيء من إدراك سفيان للتابعين مما يوجب أنه عناهم بهذا القول؟ فكيف يصح عن سفيان إلا ما رويناه آنفا من أنه ظن منه، ومثل هذا من الإقدام على القطع بالظنون لا يستسهله إلا من يستسهل الكذب، نعوذ بالله من ذلك. ومما يوضح كذبهم في هذا على سفيان بن عيينة ما حدثناه أحمد بن عمر بن أنس العذري، ثنا أحمد بن عيسى بن إسماعيل البلوي، ثنا غندر، ثنا خلف بن القاسم الحافظ، ثنا أبو الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، ثنا أبو زرعة عبد الرحمن بن عمرو بن عبد الله بن صفوان النصري، قال محمد بن أبي عمر: قال سفيان بن عيينة: لو

out from the East in search of knowledge, but they will find no scholar more learned than the scholar of Medina." He also said, "the scholar of the people of Medina." Ahmad ibn ʻUmar related to us: Fihr related to us: Ibn Ahmad ibn Ibrahim ibn Firas related to us: Ibn al-Aʻrabi related to us: Muhammed ibn Ismaʻil al-Sufi related to us: ʻAli ibn al-Madini related to us: Sufyan ibn ʻUyaynah related to us and he mentioned the hadith. Ibn ʻUyaynah then said: "We applied it to Malik ibn Anas." Ibn Firas said: Muhammed ibn Ahmad al-Yaqtini related to us: Muhammed ibn Ahmad ibn Salm al-Harrani related to us: Abu Musa al-Ansari related to us; he mentioned this hadith and said: "It has reached me that Ibn Jurayj used to say, 'We think that he is Malik ibn Anas.'" Abu Muhammed said: This is a hadith concerning which they were not content with the ugliness of their conduct in unquestioning adherence, but added to that lying about the Messenger of Allah ﷺ regarding the description mentioned in the aforementioned hadith. Moreover, its chain of transmission includes Abu al-Zubayr, who is a transmitter who conceals an intermediary, unless he says, "He related to us," or "He informed us." Besides, that description was not fulfilled in Malik's time, because in his time there were Ibn Abi Dhi'b and ʻAbd al-ʻAziz ibn al-Majishun, Sufyan al-Thawri, al-Layth, and al-Awzaʻi. No one possessing the slightest fairness and knowledge can rank him above any one of all these men in his knowledge or scrupulous piety, or in his understanding of the Quran, the hadith of the Prophet ﷺ, or the statements of the Companions, may Allah be pleased with them. Would that I knew what indicated to them that it was Malik, instead of their saying that it was Saʻid ibn al-Musayyab, who was more learned in jurisprudence than Malik and more excellent! They reported that Sufyan ibn ʻUyaynah said, "They used to consider him to be Malik." They said: "By that, Sufyan meant only the Successors." Abu Muhammed said: Thus they added another lie. What is their evidence that Sufyan meant the Successors by that, even if it were authentically established from Sufyan? Perhaps he meant those among Malik's junior associates who followed him unquestioningly. Abu Muhammed said: This is feeble and a lie. Would that I knew what there is in Sufyan's having lived to meet the Successors that would require that he meant them by this statement! How, then, can anything be authentically established from Sufyan except what we transmitted just above: that it was

سئل أي الناس أعلم؟ لقالوا سفيان، يعني الثوري، فهذا سفيان بن عيينة يقطع بأنهم كانوا يقولون سفيان أعلم الناس، فدخل في ذلك مالك وغيره. وأما الرواية عن أبي جريج فلا يدرى عمن هي، وإنما هي بلاغ ضعيف كما ترى. وبالله تعالى التوفيق. وقد ضربت آباط الإبل أيام عمر في طلب العلم حقا، الذي هو العلم بالحقيقة وهو القرآن وسنن رسول الله صلى الله عليه وسلم وهاجر الناس في خلافته إلى المدينة متعلمين للعلم، ومتفقهين في الدين، وما كان في أقطار البلاد يومئذ أحد يقطع على أنه أعلم من عمر لا سيما مع شهادة النبي صلى الله عليه وسلم له بالعلم والدين وأقصى ما يمكن أن يشك هل يساويه في العلم علي وعائشة ومعاذ وابن مسعود؟ وأما أن يقطع بأنهم أعلم منه جملة، فلا أصلا.

a supposition on his part? Such audacity in making categorical assertions on the basis of suppositions is treated lightly only by someone who treats lying lightly. We seek refuge in Allah from that. Among the things that expose their lies concerning Sufyan ibn ʿUyaynah on this matter is what Ahmad ibn ʿUmar ibn Anas al-ʿUdhri related to us: Ahmad ibn ʿIsa ibn Ismaʿil al-Balawi related to us: Ghundar related to us: Khalaf ibn al-Qasim, the hadith master, related to us: Abu al-Maymun ʿAbd al-Rahman ibn ʿAbd Allah ibn ʿUmar ibn Rashid al-Bajali related to us: Abu Zurʿah ʿAbd al-Rahman ibn ʿAmr ibn ʿAbd Allah ibn Safwan al-Nasri related to us, saying: Muhammed ibn Abi ʿUmar said: Sufyan ibn ʿUyaynah said: "If they were asked which person was the most knowledgeable, they would say Sufyan"—meaning al-Thawri. Here, then, is Sufyan ibn ʿUyaynah stating categorically that they used to say that Sufyan was the most knowledgeable of people; Malik and others were therefore included in that comparison. As for the report from Abu Jurayj, it is not known from whom he transmitted it. It is merely a weak report received without a stated chain, as you can see. Success comes through Allah Most High. In ʿUmar's days, people did indeed strike their camels' flanks in pursuit of knowledge—knowledge in the true sense, namely the Quran and the established practices of the Messenger of Allah ﷺ. During his caliphate, people migrated to Medina to acquire knowledge and gain understanding of religion. In the regions of the lands at that time, there was no one of whom it could categorically be asserted that he was more knowledgeable than ʿUmar, especially given the Prophet's ﷺ testimony to his knowledge and religion. The furthest one could go would be to entertain uncertainty as to whether ʿAli, ʿA'ishah, Muʿadh, and Ibn Masʿud equaled him in knowledge. As for categorically asserting that they were more knowledgeable than he overall, there is absolutely no basis for that.[119][120][121][122][123][124]

[119] **Translator's note (L2646):** "Examining its newness" follows the unusual supplied expression; the context concerns inspecting the condition of a purchase. "Taking it up haphazardly" renders an uncommon expression suggesting casual or chance acquisition.

[120] **Translator's note (L2649):** "A report with an omitted Companion" renders mursal: a report attributed directly to the Prophet by a Successor without naming the intervening Companion. The supplied Qur'anic quotations contain several irregular spellings and missing initial letters. Their wording remains intelligible; the translation follows the supplied text without adding words from beyond this unit.

وأما الإكثار من الرأي فليس علما أصلا، ولو كان علما لكان أبو حنيفة وأبو يوسف ومحمد بن الحسن أعلم من مالك، لأنهم أكثر فتيا ورأيا منه فإذا ليس الرأي علما وإنما العلم حفظ سنن رسول الله صلى الله عليه وسلم وأقوال الصحابة والتابعين فقد كان في عصر مالك من هو أوسع علما منه كشعبة وسفيان، ومن هو مثله كسفيان بن عيينة والأوزاعي وهشيم وغيره، فظهر كذب من كذب في الحديث المذكور، وبالله تعالى التوفيق. ثم لو صح، وصح أنه مالك باسمه ونسبه، لكان إنما فيه أنه لا يوجد أعلم منه قط، وليس فيه أنه لا يوجد مثله في العلم، فبطل احتجاجهم، ولم يمنع وجود مثله في العلم،

L2662 As for producing a great quantity of personal legal opinion, that is no knowledge at all. Were it knowledge, Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan would be more knowledgeable than Malik, because they produced more legal responses and personal legal opinions than he did. Thus personal legal opinion is not knowledge. Knowledge consists only in preserving the established practices of the Messenger of Allah ﷺ and the statements of the Companions and the Successors. In Malik's time there were those whose knowledge was more extensive than his, such as Shuʿbah and Sufyan, and those who equaled him, such as Sufyan ibn ʿUyaynah, al-Awzaʿi, Hushaym, and others. The falsehood of those who lied concerning the aforementioned hadith has therefore become clear. Success comes through Allah Most High. Furthermore, even if it were authentic, and it were established that it referred to Malik by his name and lineage, all it would contain is that no one more knowledgeable than he would ever be found. It does not say that no one equal to him in knowledge would be found. Their argument therefore fails, and it does not preclude the existence of someone equal to him in knowledge.

وعارضهم بعض الشافعيين بما حدثناه هشام بن سعيد الخير بن فتحون قال: ثنا عبد الجبار المقرىء بمصر، نا الحسن بن الحسين النجيرمي، ثنا جعفر بن محمد الأصبهاني، نا يونس بن حبيب، نا أبو داود الطيالسي، نا جعفر بن سليمان، عن النضر بن معبد، عن الجارود عن عبد الله بن مسعود قال قال رسول الله صلى الله عليه وسلم لا تسبوا قريشا فإن عالمها يملأ الأرض علما، اللهم إنك أذقت أولها عذابا أو وبالا فأذق آخرها نوالا. فقالوا: هذه صفة الشافعي، فما ملأ الأرض علما قرشي غيره، وحدثنا أحمد بن محمد بن الجسور قال: نا ابن أبي دليم، نا ابن وضاح، نا أبو بكر بن أبي شيبة، عن عبد الأعلى، عن معمر الأزهري عن سهل بن أبي حثمة أن رسول الله صلى الله عليه وسلم قال تعلموا من قريش ولا تعلموها وقدموا قريشا ولا تؤخروها. فإن للقرشي قوة الرجلين من غير قريش. قال أبو محمد: وهذا حديث صحيح، أصح من حديثهم الذي شنعوا به. وأما الحقيقة في ذلك الحديث فهي أن الصفة التي بين صلى الله عليه وسلم في ذلك

L2663–2679 Some of the Shafiʿis countered them with what Hisham ibn Saʿid al-Khayr ibn Fathun related to us, saying: ʿAbd al-Jabbar, the Quran reciter, related

[121] **Translator's note (L2656):** "Strike the livers of camels" is an idiom for urging camels onward on a journey in pursuit of knowledge. The second chain reads "Ibn Jurayh," whereas the surrounding text reads "Ibn Jurayj"; the supplied spelling is preserved. Al-Bazzar's comment names Abu Salih, although the immediately preceding chain names Abu al-Zubayr without Abu Salih. The discrepancy is retained. The supplied chain presents "'Ubayd Allah ibn 'Umar ibn Sa'id ibn Abi Hind" as a continuous genealogy. It may contain a transmission error, but no missing link has been inserted. The final chain reads "Ibn Ahmad ibn Ibrahim ibn Firas," leaving the individual's personal name unspecified; this has not been silently replaced with al-Hasan.

[122] **Translator's note (L2657):** "A transmitter who conceals an intermediary" renders mudallis: a transmitter whose wording can conceal the absence of direct reception from the person cited. The qualification continues in the next unit.

[123] **Translator's note (L2660):** The supplied text reads "Abu Jurayj," whereas the surrounding discussion elsewhere names Ibn Jurayj. The supplied reading has been retained. "Strike their camels' flanks" is an idiom for undertaking journeys, here in pursuit of knowledge.

[124] **Qur'an references (L2646):** Qur'an 5:105 (Al-Ma'idah); Qur'an 6:164 (Al-An'am); Qur'an 2:286 (Al-Baqarah); Qur'an 9:31 (At-Tawbah).

to us in Egypt: al-Hasan ibn al-Husayn al-Najirami related to us: Jaʿfar ibn Muhammed al-Asbahani related to us: Yunus ibn Habib related to us: Abu Dawud al-Tayalisi related to us: Jaʿfar ibn Sulayman related to us, from al-Nadr ibn Maʿbad, from al-Jarud, from ʿAbd Allah ibn Masʿud, who said: The Messenger of Allah ﷺ said: "Do not revile Quraysh, for its scholar will fill the earth with knowledge. O Allah, You have made the first of them taste punishment—or affliction—so make the last of them taste bounty." They said: "This describes al-Shafiʿi, for no Qurashi other than he has filled the earth with knowledge." Ahmad ibn Muhammed ibn al-Jasur also related to us, saying: Ibn Abi Dulaym related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us, from ʿAbd al-Aʿla, from Maʿmar al-Azhari, from Sahl ibn Abi Hathmah, that the Messenger of Allah ﷺ said: "Learn from Quraysh, and do not teach them. Give Quraysh precedence, and do not put them behind, for a Qurashi has the strength of two men from outside Quraysh." Abu Muhammed said: This is an authentic hadith, more authentic than their hadith with which they raised such an outcry. As for the truth concerning that hadith, it is that the state of affairs he ﷺ described in that hadith has not yet come to pass—assuming that the aforementioned hadith is authentic—for throughout the time up to the present, the lands have never been without a scholar matching the scholars of Medina. In the age of the Companions, Ibn Masʿud, ʿAli, and Sulayman were in Iraq; Muʿadh and Abu al-Dardaʾ were in Syria; and Ibn ʿAbbas was in Mecca. It is not permissible for a person of scrupulous piety and knowledge to say that ʿUmar, ʿAʾishah, Ubayy ibn Kaʿb, and Zayd ibn Thabit had greater understanding of religion than ʿAli, Ibn Masʿud, and Muʿadh. Nor did Ibn ʿAbbas rank below those we have mentioned. Then came the Successors, and no person of scrupulous piety and knowledge can say that Saʿid ibn al-Musayyab and Sulayman ibn Yasar had greater understanding of religion than ʿAtaʾ, al-Hasan, ʿAlqamah, and al-Aswad. Then came the younger Successors, and no person of scrupulous piety and knowledge can say that Rabiʿah, al-Zuhri, and Abu al-Zinad had greater understanding of religion than Ibrahim al-Nakhaʿi, ʿAmir, al-Shaʿbi, Saʿid ibn Jubayr, Ayyub al-Sakhtiyani, and ʿUmar ibn ʿAbd al-ʿAziz. Then came Malik's age, and alongside him were Ibn Abi Dhiʾb, Sufyan al-Thawri, al-Awzaʿi, Ibn Jurayj, and al-Lays. None of those we have mentioned

الحديث لم تأت بعد هذا إن صح الحديث المذكور، لأن الزمان إلى الآن لم تكن قط فيه البلاد عارية من عالم يضاهي علماء المدينة، فقد كان في عصر الصحابة بالعراق ابن مسعود وعلي وسليمان، وكان بالشام معاذ وأبو الدرداء، وكان بمكة ابن عباس، ولا يحل لذي ورع وعلم أن يقول: إن عمر وعائشة وأبي بن كعب وزيد بن ثابت كانوا أفقه من علي وابن مسعود ومعاذ وما ابن عباس بمتأخر عمن ذكرنا. ثم أتى التابعون، فلا يقدر ذو ورع وعلم أن يقول: إن سعيد بن المسيب، وسليمان بن يسار كانا أفقه من عطاء والحسن وعلقمة والأسود، ثم أتى صغار التابعين، فلا يقدر ذو ورع وعلم أن يقول: إن ربيعة والزهري وأبا الزناد كانوا أفقه من إبراهيم النخعي، وعامر والشعبي وسعيد بن جبير وأيوب السختياني وعمر بن عبد العزيز، ثم أتى عصر مالك، فكان معه ابن أبي ذئب وسفيان الثوري والأوزاعي وابن جريج والليس، وليس أحد ممن ذكرنا دونه في رواية ولا دراية ولا ورع، ثم هكذا إلى أن انقطع الفقه من المدينة جملة. واستقر في الآفاق. فإنما ذلك الحديث، إن صح، إذا قرب قيام الساعة، وأرز الإيمان إلى المدينة ومكة، وغلب الدجال على الأرض، حاشا مكة والمدينة، فحينئذ يكون ذلك، وإنما حتى الآن فلم تأت صفة ذلك الحديث، وهذا بين ظاهر. وأما الإنذار بما ذكرنا فكما حدثنا حمام بن أحمد عن عبد الله بن إبراهيم، عن أبي زيد المروزي، عن محمد بن يوسف، عن محمد بن إسماعيل البخاري، حدثنا إبراهيم بن المنذر، نا أنس بن عياض، حدثني عبيد الله، عن خبيب بن عبد الرحمن عن حفص بن عاصم عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال إن الإيمان ليأزر إلى المدينة كما تأرز الحية إلى جحرها. وكما حدثنا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا محمد بن رافع والفضل بن سهل الأعرج، ثنا شبابة بن سوار قال: ثنا عاصم بن محمد

العمري عن أبيه عن ابن عمر عن النبي صلى الله عليه وسلم إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ، وهو يأرز بين المسجدين كما تأرز الحية إلى جحرها. وكما حدثنا حمام بن أحمد، عن عبد الله بن إبراهيم، عن أبي زيد، عن الفربري، عن البخاري، ثنا إبراهيم بن المنذر، ثنا الوليد بن مسلم، ثنا أبو عمرو الأوزاعي، ثنا إسحاق بن عبد الله بن أبي طلحة حدثني أنس بن مالك عن النبي صلى الله عليه وسلم قال ليس من بلد إلا سيطؤه الدجال إلا مكة والمدينة وذكر باقي الحديث. ثم نقول لهم، هبكم، حتى لو صح الحديث المذكور، ثم لو صح أنه مالك بلا شك، أي شيء كان يكون فيه مما يوجب اتباعه دون غيره من العلماء؟ ولا شك عند أحد من نقلة الحديث في صحة الحديث المسند إلى رسول الله صلى الله عليه وسلم أنه رأى رؤيا فيها أنه أعطي قدحا فشرب منه حتى رأى الري يجري في أظفاره ثم ناول فضله عمر فقيل له يا رسول الله ما أولت ذلك فقال صلى الله عليه وسلم العلم وصحة الحديث أنه صلى الله عليه وسلم أري أمته وعليهم قمص بعضها إلى الثديين وعلى عمر قميص يجره وأنه صلى الله عليه وسلم أخبر أن ذلك الدين فقد صح عن النبي صلى الله عليه وسلم أن عمر من أعلم أمته وأصحابه ومن أئمتهم دينا. ولا خلاف بين أحد المسلمين أن عمر وعليا وابن مسعود وعائشة. أعلم من مالك بلا شك، وليس ذلك يوجب تقليد أحد ممن ذكرنا، ولا اتباعه على جميع أقواله، كما فعلوا هم بمالك، فبطل تعلقهم بالحديث المذكور لو صح، وتأولهم فيه كذب بحت لا يحل لأحد نسبته إلى رسول الله صلى الله عليه وسلم وما الفرق بينهم في الإقدام وبين الشافعيين لو استحلوا أن يقولوا إن قول رسول الله صلى الله عليه وسلم الناس تبع لقريش في هذا الأمر برهم لبرهم وفاجرهم لفاجرهم إن المراد بهذا هو الشافعي، لأنه قرشي النسب، فيجب أن يكون الناس تبعا له؟ وبين الداوديين لو أنهم استحلوا فقال إن قول رسول الله صلى الله عليه وسلم لو أن العلم أو هذا الدين

was below him in transmission, understanding, or scrupulous piety. Matters continued thus until understanding of religious law disappeared entirely from Medina and became established throughout the regions. Thus that hadith, if authentic, applies only when the coming of the Hour draws near, faith retreats to Medina and Mecca, and the Antichrist overcomes the earth except for Mecca and Medina. Only then will that occur. As matters stand up to the present, the state of affairs described in that hadith has not come to pass. This is clear and evident. As for the warning of what we have mentioned, it is as Ḥammam ibn Ahmad related to us, from ʿAbd Allah ibn Ibrahim, from Abu Zayd al-Marwazi, from Muhammed ibn Yusuf, from Muhammed ibn Ismaʿil al-Bukhari: Ibrahim ibn al-Mundhir related to us: Anas ibn ʿIyad related to us: ʿUbayd Allah related to me, from Khubayb ibn ʿAbd al-Rahman, from Hafs ibn ʿAsim, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "Faith will surely retreat to Medina as a snake retreats to its stone." And as ʿAbd Allah ibn Yusuf ibn Nami related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim ibn al-Hajjaj: Muhammed ibn Rafiʿ and al-Fadl ibn Sahl al-Aʿraj related to us: Shababah ibn Sawwar related to us, saying: ʿAsim ibn Muhammed al-ʿUmari related to us, from his father, from Ibn ʿUmar, from the Prophet ﷺ: "Islam began as something strange, and it will become strange again as it began; it retreats between the two mosques as a snake retreats to its burrow." And as Ḥammam ibn Ahmad related to us, from ʿAbd Allah ibn Ibrahim, from Abu Zayd, from al-Firabri, from al-Bukhari: Ibrahim ibn al-Mundhir related to us: al-Walid ibn Muslim related to us: Abu ʿAmr al-Awzaʿi related to us: Ishaq ibn ʿAbd Allah ibn Abi Talhah related to us: Anas ibn Malik related to me, from the Prophet ﷺ, who said: "There is no town that the Antichrist will not set foot in, except Mecca and Medina." He then mentioned the remainder of the hadith. Then we say to them: Grant your position: even if the aforementioned hadith were authentic, and then even if it were established beyond doubt that it referred to Malik, what would it contain that required following him to the exclusion of other scholars? None of the transmitters of hadith doubts the authenticity of the hadith transmitted with a chain to the Messenger of Allah —may Allah bless him and grant him peace ﷺ—that he saw a dream in which he was

given a cup and drank from it until he saw the satiation flowing through his fingernails; then he handed what remained to Umar. He was asked, "Messenger of Allah, how did you interpret that?" He ﷺ replied, "Knowledge." There is also the authenticity of the report that he ﷺ was shown his community wearing shirts, some reaching their breasts, while Umar wore a shirt that he dragged along, and that he ﷺ explained that this represented religion. It is thus authentically established from the Prophet ﷺ that Umar was among the most knowledgeable members of his community and his Companions, and among their leaders in religion. No two Muslims disagree that Umar, Ali, Ibn Masud, and Aishah were more knowledgeable than Malik, without any doubt. Yet this does not entail the unquestioning imitation of any of those we have mentioned, or following him in all his statements, as they have done with Malik. Their appeal to the aforementioned report is therefore invalid, even if it were authentic. Their interpretation of it is an outright lie that no one may lawfully attribute to the Messenger of Allah ﷺ. What difference is there between their audacity and that of the Shafiis, were they to deem it permissible to say that the Messenger of Allah's ﷺ statement, "People follow Quraysh in this affair: their righteous follow their righteous, and their wicked follow their wicked," refers to al-Shafii because he is of Qurashi descent, so that people must follow him? Or between them and the Dawudis, were they to deem it permissible and say that the Messenger of Allah's ﷺ statement, "Were knowledge—or this religion—at the Pleiades, a man, or men, from among the sons of Persia would attain it," refers to Dawud and Abu Hanifah because both are sons of Persia? This, moreover, is despite these two reports being authentic, with no doubt about their authenticity, whereas the report about the scholar of Medina is defective and not authentic. If they say, "There were scholars among Quraysh other than al-Shafii, and scholars among the Persians other than Dawud and Abu Hanifah," they are told, "There were also scholars in Medina other than Malik, without any doubt." This would amount to deeming lying about the Messenger of Allah ﷺ permissible, something that no person of scrupulous piety would allow himself. Abu Muhammed said: As for their invoking Malik's statement, "This is the practice in our land," this has no significance, because practice in Medina, for twenty-three years before Malik's birth, had

بالثريا لتناوله رجل أو رجال من أبناء فارس المراد بهذا داود وأبو حنيفة، لأنهما من أبناء فارس؟ هذا على أن هذين الحديثين صحيحان لا شك في صحتهما، وحديث عالم المدينة معلول لا يصح. فإن قالوا: قد كان في قريش علماء غير الشافعي، وفي الفرس علماء غير داود وأبي حنيفة، قيل لهم: وقد كان بالمدينة علماء غير مالك بلا شك وكان هذا استحلال للكذب على رسول الله صلى الله عليه وسلم لا يستجيزه ذو ورع قال أبو محمد وأما احتجاجهم بقول مالك: هذا العمل ببلدنا، فهذا لا معنى له، لأن العمل بالمدينة قبل مولد مالك بثلاث وعشرين سنة لم يجز إلا بالظلم والجور والفسق، ولا وليهم إلا الفساق من عمال بني مروان، ثم عمال بني العباس كالحجاج وحبيش بن دلجة، وطارق وعبد الرحمن بن الضحاك وغيرهم ممن لا يعتد بهم. وما أدرك مالك قط بالمدينة بعقله عمل أمير ووال يقتدي به أصلا، ولقد كان التغيير بدأ في السنن من قبل ما ذكرنا كقول مروان: ذهب ما هنالك. ودليل ما ذكرنا تركهم عمل عمر وعثمان في نصوص الموطأ، فبطل الاحتجاج بالعمل جملة، ولا يبق إلا الرواية التي رواها ثقات العلماء عن أمثالهم، إذ لم يمكن الظالمين أن يحولوا بينهم وبين ألسنتهم، كما حالوا بينهم وبين العمل، وبالله تعالى التوفيق. قال أبو محمد: ومن البرهان اللائح على بطلان التقليد أن أهل العصر الأول والعصر الثاني والعصر الثالث وهي القرون التي أثنى عليها النبي صلى الله عليه وسلم كما حدثنا عبد الله بن ربيع عن محمد بن إسحاق بن السليم، عن ابن الأعرابي، عن أبي داود، عن مسدد وعمرو بن عون قالا: ثنا أبو عوانة، عن قتادة، عن زرارة بن أوفى عن عمران بن الحصين قال قال رسول الله صلى الله عليه وسلم خير أمتي القرن الذي بعثت فيهم ثم الذين يلونهم، ثم الذين يلونهم، والله أعلم أذكر الثالث أم لا، ثم يظهر قوم يشهدون ولا يستشهدون، وينذرون ولا يوفون، ويحربون ولا يؤتمنون، ويفشون فيهم السمن. قال أبو محمد: وهكذا في كتابي، والصواب: يخونون ولا يؤتمنون. وبلفظة يخونون، رويناه من طريق مسلم، عن محمد

not proceeded except through oppression, injustice, and flagrant disobedience. None governed them except flagrantly disobedient men among the governors of the house of Marwan, and then the governors of the house of Abbas, such as al-Hajjaj, Hubaysh ibn Duljah, Tariq, Abd al-Rahman ibn al-Dahhak, and others whose conduct carries no weight. At no time during his years of understanding did Malik witness in Medina the practice of any ruler or governor who could serve as an exemplar at all. Indeed, alteration of the established prophetic practices had begun even before what we have mentioned, as in Marwan's statement, "What was there has gone." Evidence for what we have mentioned is their abandonment of the practice of Umar and Uthman, as recorded in the texts of the Muwatta. Invoking practice as proof is therefore invalid altogether, and nothing remains except the transmission that trustworthy scholars transmitted from others like themselves, since the oppressors could not come between them and their tongues as they came between them and their practice. Success comes through Allah Most High. Abu Muhammed said: Among the manifest demonstrations of the invalidity of unquestioning imitation is that the people of the first age, the second age, and the third age—these being the generations praised by the Prophet ﷺ, as Abd Allah ibn Rabi related to us, from Muhammed ibn Ishaq ibn al-Salim, from Ibn al-Arabi, from Abu Dawud, from Musaddad and Amr ibn Awn, who both said: Abu Awanah related to us, from Qatadah, from Zurarah ibn Awfa, from Imran ibn al-Husayn, who said: The Messenger of Allah ﷺ said, "The best of my community is the generation among whom I was sent, then those who follow them, then those who follow them"—and Allah knows best whether he mentioned the third or not—"then people will appear who give testimony without being asked to testify, make vows without fulfilling them, plunder and are not entrusted, and obesity will spread among them." Abu Muhammed said: This is how it stands in my book; the correct wording is "betray and are not entrusted." We transmitted it with the wording "betray" through Muslim, from Muhammed ibn al-Muthanna, from Ghundar, from Shubah, from Abu Hamzah, from Zahdam, from Imran, from the Messenger of Allah ﷺ. Thus, the people of these excellent, praised generations sought the reports of the Prophet ﷺ and understanding of the Quran, and traveled to other lands for that purpose. Whenever they found

بن المثنى، عن غندر، عن شعبة، عن أبي حمزة عن زهدم عن عمران عن رسول الله صلى الله عليه وسلم فكان أهل هذه القرون الفاضلة المحمودة يطلبون حديث النبي صلى الله عليه وسلم والفقه في القرآن ويرحلون في ذلك إلى البلاد فإن وجدوا حديثا عنه صلى الله عليه وسلم عملوا به واعتقدوه ولا يقلد أحد منهم أحدا البتة، فلما جاء أهل العصر الرابع تركوا ذلك كله، وعولوا على التقليد الذي ابتدعوه ولم يكن قبلهم، فاتبع ضعفاء أصحاب أبي حنيفة أبا حنيفة، وأصحاب مالك مالكا، ولم يلتفتوا إلى حديث يخالف قولهما، ولا تفقهوا في القرآن والسنن، ولا بالوا بهما، إلا من عصمه الله عز وجل وثبته على ما كان عليه السلف الصالح في الأعصار الثلاثة المحمودة من اتباع السنن عن رسول الله صلى الله عليه وسلم والتفقه في القرآن وترك التقليد وأما أفاضل أصحاب أبي حنيفة ومالك فما قلدوهما، فإن خلاف ابن وهب وأشهب وابن الماجشون والمغيرة وابن أبي حازم، لمالك أشهر من أن يتكلف إيراده، وقد خالفه أيضا ابن القاسم، وكذلك خلاف أبي يوسف وزفر ومحمد والحسن بن زياد لأبي حنيفة أشهر من أن يتكلف إيراده، وكذلك خلاف أبي ثور والمزني للشافعي رحمه الله. وكذلك خالف أصبغ وسحنون ابن القاسم، وخالف بن المواز أصبغ، وكذلك خالف محمد بن علي بن يوسف المزني في كثير، وكذلك خالف الطحاوي أيضا أبا حنيفة وأصحابه، فإن كان النظر حقا فقد أخطؤوا في التقليد، وإن كان التقليد حقا فقد أخطؤوا النظر وترك التقليد، فقد ثبت الخطأ عليهم على كل حال، والخطأ واجب أن يجتنب. قال أبو محمد: وقد سألناهم فقلنا لهم: أنتم مقرون معنا بأن عيسى ابن مريم عبد الله ورسوله عليه السلام ينزل إذا خرج الدجال اللعين، فيدبر أهل الإسلام بملتهم لا بملة أخرى، فقالوا لنا: أبرأي أبي حنيفة وأبي يوسف ومحمد بن الحسن أو بتقليد مالك وابن القاسم وسحنون: يحكم بين المسلمين ويقضي في الدين، ويفتي المستفتين؟ ألا إن هذا هو الضلال

a report from him ﷺ, they acted upon it and accepted it as true. None of them unquestioningly imitated anyone at all. Then, when the people of the fourth age came, they abandoned all of that and relied upon the unquestioning imitation that they invented and that had not existed before them. The weaker followers of Abu Hanifah followed Abu Hanifah, and Malik's followers followed Malik. They paid no attention to any report contradicting the statements of those two, nor did they seek understanding of the Quran and the prophetic traditions, nor did they concern themselves with either, except those whom Allah, Mighty and Majestic, protected and kept steadfast upon the way of the righteous predecessors in the three praised ages: following the prophetic traditions transmitted from the Messenger of Allah ﷺ, seeking understanding of the Quran, and abandoning unquestioning imitation. As for the more excellent followers of Abu Hanifah and Malik, they did not unquestioningly imitate those two. Indeed, the disagreements of Ibn Wahb, Ashhab, Ibn al-Majishun, al-Mughirah, and Ibn Abi Hazim with Malik are too well known for one to undertake the trouble of presenting them. He was also opposed by Ibn al-Qasim. Likewise, the disagreements of Abu Yusuf, Zufar, Muhammed, and al-Hasan ibn Ziyad with Abu Hanifah are too well known for one to undertake the trouble of presenting them. The same applies to the disagreements of Abu Thawr and al-Muzani with al-Shafii, may Allah have mercy on him. Likewise, Asbagh and Sahnun disagreed with Ibn al-Qasim, and Ibn al-Mawwaz disagreed with Asbagh. Muhammed ibn Ali ibn Yusuf likewise disagreed with al-Muzani on many matters. Al-Tahawi likewise disagreed with Abu Hanifah and his followers. Thus, if independent examination is right, they have erred in unquestioning imitation; and if unquestioning imitation is right, they have erred in independent examination and in abandoning unquestioning imitation. Error is therefore established against them in either case, and error must be avoided. Abu Muhammed said: We questioned them, saying to them, "You agree with us that Jesus son of Mary, Allah's servant and His messenger, peace be upon him, will descend when the accursed Antichrist emerges, and will govern the people of Islam according to their religion, not another religion." Then they said to us, "Will he judge between Muslims, adjudicate religious matters, and issue legal opinions to those who seek them according to the opinion

المبين. ولقد نكس الإسلام، وذلت النبوة، وهانت الرسالة وخزي الحق وأهله إن كان رسول الله صلى الله عليه وسلم وروحه وكلمته يرجع تابعا لمثل هؤلاء الذين لا يقطع لهم بنجاة، ولا يضمن ما هم عليه عند الله تعالى فلا والله، بل ما يقضي ويحكم ويفتي إلا بما أتى به أخوه في الرسالة، وصاحبه في النبوة وقسيمه في نزول الوحي محمد بن عبد الله صلى الله عليه وسلم وليبطلن الآراء الفاسدة فلا خوف من أحد فمن أضل طريقه ممن يدين بشيء هو موقن أنه لم يكن أول الإسلام، ولا يكون عند نزول المسيح عليه السلام ومن يضلل الله فما له من هاد. ابن فراس، نا محمد بن علي بن علي بن زيد، نا سعيد بن منصور، نا هشيم، أنا ابن أبي ليلى، عن أبي قيس، عن هزيل بن شرحبيل: أن رجلا مات وترك ابنته وابنة ابنه وأخته لأبيه وأمه، فأتوا أبا موسى الأشعري فسألوه عن ذلك فقال: لابنته النصف، والنصف الباقي للأخت، فأتوا ابن مسعود فذكروا ذلك له فقال: لقد ضللت إذن وما أنا من المهتدين إن أخذت بقول الأشعري وتركت قول رسول الله صلى الله عليه وسلم فهذا ابن مسعود يسمي القول من الصاحب إذا خالف النص: ضلالا وخلافا للهدى. وحدثنا أحمد بن عمر، نا أبو ذر، نا عبد الله بن أحمد، نا إبراهيم بن خزيم، نا عبد بن حميد، نا أبو نعيم، عن سفيان الثوري، عن حبيب بن أبي ثابت، عن أبي البختري قال: سئل حذيفة عن قوله تعالى: {ألا تقاتلون قوما نكثوا أيمانهم وهموا بإخراج لرسول وهم بدءوكم أول مرة أتخشونهم فالله أحق أن تخشوه إن كنتم مؤمنين} قال لم يكونوا يعبدونهم، ولكن إذا أحلوا لهم شيئا استحلوه، وإذا حرموا عليهم شيئا حرموه.

of Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan, or through unquestioning imitation of Malik, Ibn al-Qasim, and Sahnun?" Surely this is manifest error! Islam would indeed be overturned, prophethood abased, the prophetic mission dishonored, and truth and its people disgraced, if Allah's messenger ﷺ, His spirit and His word, were to return as a follower of the likes of these men, whose salvation cannot be affirmed with certainty and whose standing before Allah Most High cannot be guaranteed. No, by Allah! Rather, he will adjudicate, judge, and issue legal opinions only according to what was brought by his brother in the prophetic mission, his companion in prophethood, and his fellow recipient of revelation, Muhammed ibn Abd Allah ﷺ, and he will assuredly invalidate corrupt opinions, with no fear of anyone. Who, then, has strayed further from his path than someone who professes as religion something that he is certain did not exist at the beginning of Islam and will not exist when the Messiah, peace be upon him, descends? "Whomever Allah leads astray has no guide." Ibn Firas related to us: Muhammed ibn Ali ibn Ali ibn Zayd related to us: Said ibn Mansur related to us: Hushaym related to us: Ibn Abi Layla informed us, from Abu Qays, from Huzayl ibn Shurahbil, that a man died leaving his daughter, his son's daughter, and his full sister. They came to Abu Musa al-Ashari and asked him about this. He said, "His daughter receives half, and the remaining half goes to the sister." They then came to Ibn Masud and mentioned this to him. He said, "I would then indeed have gone astray and would not be among the rightly guided if I adopted al-Ashari's statement and abandoned the statement of the Messenger of Allah ﷺ." Here, then, Ibn Masud calls a Companion's statement, when it contradicts the revealed text, error and a departure from guidance. Ahmad ibn Umar also related to us: Abu Dharr related to us: Abd Allah ibn Ahmad related to us: Ibrahim ibn Khuzaym related to us: Abd ibn Humayd related to us: Abu Nuaym related to us, from Sufyan al-Thawri, from Habib ibn Abi Thabit, from Abu al-Bakhtari, who said: Hudhayfah was asked about His saying, Most High, "Will you not fight a people who broke their oaths and intended to expel the Messenger, and who began against you the first time? Do you fear them? Allah has a greater right that you fear Him, if you are believers." He said, "They did not worship them, but whenever they declared something lawful for them, they deemed

it lawful, and whenever they declared something forbidden to them, they deemed it forbidden."[125][126][127][128][129][130][131][132][133][134][135][136][137]

[125] **Translator's note (L2663):** The transmitter's designation "Maʿmar al-Azhari" is retained as supplied; the wording may reflect a corruption or loss within the transmission chain.

[126] **Translator's note (L2665):** The supplied text names "Sulayman" among the Companions in Iraq. This may be a corruption of "Salman," but the supplied name has been retained.

[127] **Translator's note (L2666):** The text lists "ʿAmir" and "al-Shaʿbi" separately, although ʿAmir al-Shaʿbi is ordinarily one person. The apparent duplication has been retained. The supplied name "al-Lays" appears to be a corruption of "al-Layth." It has been retained as supplied.

[128] **Translator's note (L2667):** In the first quotation, the supplied text has "its stone" rather than "its burrow"; this apparent quotation error has been retained. The first quotation also supplies a transposed form of the verb rendered "retreat." Its intended sense is inferred from the parallel wording in the following quotation.

[129] **Translator's note (L2670):** The expression translated as "the satiation flowing through his fingernails" follows the supplied wording الري, denoting the quenching of thirst. The construction فقال after the plural subject referring to the Dawudis is grammatically irregular; the translation preserves the evident hypothetical argument.

[130] **Translator's note (L2671):** The unvocalized لم يجز is awkward here. It is rendered in the sense of practice proceeding or being conducted, with the qualification supplied by the following segment.

[131] **Translator's note (L2672):** Marwan's terse statement, ذهب ما هنالك, is translated closely; what precisely has "gone" is not specified in this excerpt.

[132] **Translator's note (L2674):** The transmitted wording ويحربون is rendered "plunder"; the author himself explicitly corrects it to يخونون, "betray." His correction is part of the original authorial discussion. The supplied ويفشون فيهم السمن is grammatically irregular. The translation conveys the apparent sense, "obesity will spread among them," without treating the Arabic as a sound quotation.

[133] **Translator's note (L2676):** The unvocalized sequence محمد بن علي بن يوسف المزني is read here as Muhammed ibn Ali ibn Yusuf being the subject and al-Muzani the object of "disagreed with." Without case markings, the division is not explicit.

[134] **Translator's note (L2677):** The source says فقالوا لنا, "then they said to us," although the following rhetorical question appears to continue the author's challenge to his opponents. This apparent speaker-attribution error has been preserved. "Allah's messenger, His spirit and His word" refers here to Jesus. The supplied Arabic places the salutation صلى الله عليه وسلم after "Allah's messenger"; its position is preserved with ﷺ.

L2680–2681 Abu Muhammed said: This describes those who adhere uncritically to Abu Hanifah, Malik, and al-Shafi‘i. They declare unlawful only what has been transmitted from their master as unlawful, and they declare lawful only what has reached them from their master as lawful. We declare ourselves free before Allah Most High of any such belief, and we seek refuge in Him from holding it concerning any descendant of Adam, except the Messenger of Allah ﷺ.

‘Abd al-Rahman ibn Salamah related to us: Ahmad ibn Khalil related to us: Khalid ibn Sa‘d related to us: Aslam ibn ‘Abd al-‘Aziz, the judge, and Sa‘id ibn ‘Uthman al-‘Anani informed me; both said: Yunus ibn ‘Abd al-A‘la related to us: Sufyan ibn ‘Uyaynah related to us, from Ibn Abi Najih, from Mujahid, who said: “There is no one whose statements may not be accepted or rejected, except the Prophet ﷺ.”

Yusuf ibn ‘Abd Allah al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan informed us: Qasim ibn Asbagh related to us: Ibn Waddah related to us: Duhaym related to us: Ibn Wahb related to us: Ibn Lahi‘ah related to us, from Bukayr ibn al-Ashajj, that a man said to al-Qasim ibn Muhammed ibn Abi Bakr al-Siddiq: “How astonishing of ‘A’ishah! She used to pray four units while traveling, whereas the Messenger of Allah ﷺ used to pray two units.” He replied: “My nephew, adhere to the practice of the Messenger of Allah ﷺ wherever you find it, for there are people who are not to be faulted.”

Al-Namari wrote to me: Sa‘id ibn Nasr related to us: Qasim ibn Asbagh related to us: Muhammed ibn Isma‘il al-Tirmidhi related to us: al-Humaydi related to us: Sufyan ibn ‘Uyaynah related to us, from ‘Amr ibn Dinar, from Salim ibn ‘Abd Allah ibn ‘Umar, from his father: ‘Umar ibn al-Khattab

قال أبو محمد: هذه صفة المقلدين لأبي حنيفة ومالك والشافعي، ولا يحرمون إلا ما جاء عن صاحبهم تحريمه، ولا يحلون إلا ما جاءهم عن صاحبهم تحليله، نبرأ إلى الله تعالى من مثل هذا الاعتقاد، ونعوذ به منه في أحد من ولد آدم حاشا رسول الله صلى الله عليه وسلم حدثنا عبد الرحمن بن سلمة نا أحمد بن خليل، نا خالد بن سعد، أخبرني أسلم بن عبد العزيز القاضي، وسعيد بن عثمان العناني قالا: نا يونس بن عبد الأعلى، نا سفيان بن عيينة، عن ابن أبي نجيح، عن مجاهد قال: ليس من أحد إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي يوسف بن عبد الله النمري أنا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا ابن وضاح، نا دحيم، نا ابن وهب، نا ابن لهيعة، عن بكير بن الأشج أن رجلا قال للقاسم بن محمد بن أبي بكر الصديق: عجبا لعائشة كانت تصلي في السفر أربعا ورسول الله صلى الله عليه وسلم كان يصلي ركعتين فقال يا ابن أخي عليك بسنة رسول الله صلى الله عليه وسلم حيث وجدتها فإن من الناس من لا يعاب كتب إلي النمري: ثنا سعيد بن نصر، نا قاسم بن أصبغ، نا محمد بن إسماعيل الترمذي، نا الحميدي، نا سفيان بن عيينة، عن عمرو بن دينار عن سالم بن عبد الله بن عمر عن أبيه: قال عمر بن الخطاب: إذا رميتم الجمرة بسبع حصيات وذبحتم وحلقتم فقد حل لكم كل شيء إلا الطيب والنساء قال سالم قالت عائشة أنا طيبت رسول الله صلى الله عليه وسلم لحله قبل أن يطوف بالبيت قال سالم فسنة رسول الله أحق أن تتبع.

[135] **Translator’s note (L2678):** The Quranic quotation contains لرسول where الرسول would be expected; the translation renders the apparent intended referent, “the Messenger,” while recording the defective wording. The Quranic passage quoted here is 9:13, but Hudhayfah’s response in the following unit appears to concern 9:31, about taking religious authorities as lords. The apparent quotation mismatch is preserved.

[136] **Translator’s note (L2679):** The response appears to concern Quran 9:31 rather than the passage from 9:13 quoted across this and the preceding unit; the supplied quotation and response are both preserved.

[137] **Qur’an references (L2663):** Qur’an 9:13 (At-Tawbah).

said: “When you have pelted the pillar with seven pebbles, slaughtered, and shaved your heads, everything has become lawful for you except perfume and women.” Salim said: ‘A’ishah said: “I myself perfumed the Messenger of Allah ﷺ for his release from ritual consecration before he circumambulated the House.” Salim said: “The practice of the Messenger of Allah has the greater right to be followed.”[138]

L2682–2684 Abu Muhammed said: We therefore ask them to give us, from the three praised ages—the age of the Companions, the age of the Successors, and the age of the Successors’ Successors—a single man who adhered uncritically to a scholar who preceded him, accepting everything he said and disagreeing with him on nothing. If they find him—and, by Allah, they will never find him, because there never was such a person among them—then, by way of concession, they have something to cling to. And [if] they do not find him, let them be certain that they have introduced an innovation into the religion of Allah Most High in which no one preceded them. Let them know that a band of people of the fourth age introduced this hideous innovation into Islam, except those among them whom Allah Most High protected. Innovations are forbidden, and the worst affairs are those newly introduced. Let them know that those who seek the practices of the Messenger of Allah ﷺ wherever they may be, act upon them, and acquire understanding of the Quran, without adhering uncritically to anyone, follow the path of the Companions, the Successors, and the praised ages; that they are the people of truth in every age and, without doubt, the greater number in the sight of Allah Most High, even if their numbers are few. Success comes through Allah Most High.

Let whoever reads our book know that this great innovation—we mean uncritical adherence—only arose among people and began to be practiced after the year one hundred and forty of the Hijrah calendar, and more than one hundred and thirty years after the death of the Messenger of Allah ﷺ. Before the time we have mentioned, there had never been in Islam even a single Muslim, let alone more, who practiced this innovation. Nor was there found among them a man who adhered uncritically to one particular scholar, fol-

[138] **Translator’s note (L2681):** The statement “there are people who are not to be faulted” is terse and leaves its intended application implicit; the translation preserves that wording.

قال أبو محمد: فنحن نسألهم أن يعطونا في الأعصار الثلاثة المحمودية، عصر الصحابة وعصر التابعين وعصر تابعي التابعين، رجلا واحدا قلد عالما كان قبله، فأخذ بقوله كله ولم يخالفه في شيء، فإن وجدوه، ولن يجدوه والله أبدا لأنه لم يكن قط فيهم، فلهم متعلق على سبيل المسامحة، ولم يجدوه فليوقنوا أنهم قد أحدثوا بدعة في دين الله تعالى لم يسبقهم إليها أحد. وليعلموا أن عصابة من أهل العصر الرابع ابتدعوا في الإسلام هذه البدعة الشنعاء إلا من عصم الله تعالى منهم، والبدع محرمة، وشر الأمور محدثاتها وليعلموا أن طلاب سنن رسول الله صلى الله عليه وسلم حيث كانت والعاملين بها والمتفقهين في القرآن الذين لا يقلدون أحدا، هم على منهاج الصحابة والتابعين والأعصار المحمودة، وأنهم أهل الحق في كل عصر، والأكثرون عند الله تعالى، بلا شك، وإن قل عددهم، وبالله تعالى التوفيق. وليعلم من قرأ كتابنا أن هذه البدعة العظيمة، نعني التقليد، إنما حدثت في الناس وابتدىء بها بعد الأربعين ومائة من تاريخ الهجرة، وبعد أزيد من مائة عام وثلاثين عاما بعد وفاة رسول الله صلى الله عليه وسلم وأنه لم يكن قط في الأسلام قبل الوقت الذي ذكرنا مسلم واحد فصاعدا على هذه البدعة، ولا وجد فيهم رجل يقلد عالما بعينه، فيتبع أقواله في الفتيا، فيأخذ بها ولا يخالف شيئا منها، ثم ابتدأت هذه البدعة من حين ذكرنا في العصر الرابع في القرن المذموم، ثم لم تزل تزيد حتى عمت بعد المائتين من الهجرة عموما طبق الأرض، إلا من عصم الله عز وجل، وتمسك بالأمر الأول الذي كان عليه الصحابة والتابعون،

lowing his pronouncements in legal rulings, accepting them, and disagreeing with none of them. Then this innovation began at the time we have mentioned, in the fourth age, in the censured generation. It continued to increase until, after the year two hundred of the Hijrah, it became so widespread that it covered the earth, except for those whom Allah, Almighty and Majestic, protected and who held fast to the original practice followed by the Companions, the Successors, and the Successors' Successors, without disagreement from any of them. We ask Allah Most High to keep us steadfast upon it, not to turn us away from it, to turn in forgiveness toward those of our Muslim brothers who have become embroiled in this grave sin, and to bring them back to the path of their righteous predecessors.[139]

L2685–2692 'Abd Allah ibn Rabi' al-Tamimi related to us, saying: Muhammed ibn Ishaq ibn al-Salim related to us, saying: Ibn al-A'rabi related to us, from Abu Dawud: Abu Bakr ibn Shaybah related to us: Waki' related to us, from al-Awza'i, from Yahya ibn Abi Kathir, from Abu Qilabah, who said: Abu Mas'ud—namely, al-Badri—said to Abu 'Abd Allah—namely, Hudhayfah—or Abu 'Abd Allah—namely, Hudhayfah—said to Abu Mas'ud al-Badri: "What did you hear the Messenger of Allah ﷺ say about 'They claim'?" He replied: "I heard the Messenger of Allah ﷺ say: 'What a wretched mount for a man!'" And the Messenger of Allah ﷺ explicitly stated in the report concerning punishment in the grave that the hypocrite, or the doubter, says: "I do not know. I heard people saying something, so I said it." Thus this uncritical adherence is censured concerning the oneness of Allah; how, then, can it be otherwise concerning lesser matters? Ibn Mas'ud said: "Do not be an unthinking follower." He was asked: "What is that?" He replied: "Someone who says, 'I am with the people.'"

Muhammed ibn Sa'id ibn Nabat related to us: Ahmad ibn 'Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn 'Abd al-Salam al-Khushani related to us: Bashshar Bundar related to us: Ibn Abi 'Adi related

[139] **Translator's note (L2682):** The supplied المحمودية is an irregular form, rendered "praised" in accordance with its evident function here. The supplied wording says "and they did not find him," without an explicit conditional particle. "[If]" marks the conditional sense required by the following exhortation.

وتابعو التابعين بلا خلاف من أحد منهم، نسأل الله تعالى أن يثبتنا عليه، وألا يعدل بنا عنه، وأن يتوب على من تورط في هذه الكبيرة من إخواننا المسلمين، وأن يفيء بهم إلى منهاج سلفهم الصالح.

حدثنا عبد الله بن ربيع التميمي، قال: نا محمد بن إسحاق بن السليم قال: نا ابن الأعرابي، عن أبي داود، نا أبو بكر بن شيبة، نا وكيع، عن الأوزاعي، عن يحيى ابن أبي كثير، عن أبي قلابة قال: قال أبو مسعود، وهو البدري، لأبي عبد الله، وهو حذيفة، أو قال أبو عبد الله، وهو حذيفة لأبي مسعود البدري ما سمعت رسول الله صلى الله عليه وسلم يقول في زعموا قال سمعت رسول الله صلى الله عليه وسلم يقول بئس مطية الرجل وقد نص رسول الله صلى الله عليه وسلم في حديث عذاب القبر على أن المنافق أو المرتاب يقول: لا أدري، سمعت الناس يقولون شيئا فقلته، فهذا التقليد مذموم في التوحيد، فكيف ما دونه. وقال ابن مسعود: لا تكن إمعة. فسئل: ما هو؟ فقال: الذي يقول أنا مع الناس. حدثنا محمد بن سعيد بن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا بشار بندار، نا ابن أبي عدي، أنبأنا شعبة، عن الأعمش، عن عمارة بن عمير، عن أبي الأحوص عن عبد الله بن مسعود قال: لا يكونن أحدكم إمعة، يقول: إنما أنا مع الناس، ليوطن أحدكم نفسه إن كفر الناس ألا يكفر، وبه إلى بندار، نا محمد بن جعفر، نا شعبة قال: سمعت أبا إسحاق يقول: سمعت هبيرة وأبا الأحوص عن ابن مسعود قال: إذا وقع الناس في الشر،

to us: Shu'bah informed us, from al-A'mash, from 'Umarah ibn 'Umayr, from Abu al-Ahwas, from 'Abd Allah ibn Mas'ud, who said: "Let none of you be an unthinking follower who says, 'I am merely with the people.' Let each of you firmly resolve that, if the people disbelieve, he will not disbelieve."

Through the same chain as far as Bundar: Muhammed ibn Ja'far related to us: Shu'bah related to us, saying: I heard Abu Ishaq say: I heard Hubayrah and Abu al-Ahwas report from Ibn Mas'ud, who said: "When people fall into evil, say: 'I have no example to follow in evil.'"

Through the same chain as far as Bundar, who said: Sa'id ibn 'Amir related to us: Shu'bah related to us, from al-Hakam, who said: "There is no person whose statements you may not accept or reject, except the Prophet ﷺ."

Through the same chain as far as Bundar: Abu Dawud related to us: Shu'bah related to us, from Mansur, from Sa'id ibn Jubayr, that he said concerning an inadvertent error: "He repeats it." He said: I mentioned that to Ibrahim, and he replied: "What use have you for Sa'id ibn Jubayr's report alongside the statement of the Messenger of Allah ﷺ?"

Muhammed ibn Sa'id related to us, from al-Qal'i, from al-Sawwaf, from Bishr ibn Musa, from al-Humaydi, who said: Sufyan said: "People's affairs remained on an even course until Abu Hanifah changed things in Kufah, al-Batti in Basra, and Rabi'ah in Medina."

Abu Muhammed said: Sufyan spoke truly, for these were the first to propound opinions and reject reports. People hastened to do this and deemed it permissible. People are quick to accept falsehood, whereas truth is bitter and burdensome. A few leaves before this passage, we have already related that when the Prophet ﷺ recited, "They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were commanded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him," 'Adi ibn Hatim, who had previously been a Christian, said to him: "Messenger of Allah, we did not worship them." He ﷺ replied with words meaning that they used to regard as unlawful whatever those men declared unlawful for them, and regard as lawful

قل: لا أسوة لي في الشر. وبه إلى بندار قال: ثنا سعيد بن عامر، نا شعبة عن الحكم قال: ليس أحد من الناس إلا وأنت آخذ من قوله أو تارك إلا النبي صلى الله عليه وسلم وبه إلى بندار نا أبو داود نا شعبة عن منصور، عن سعيد بن جبير أنه قال في الوهم: يعيد، قال: فذكرت ذلك لإبراهيم، فقال: ما تصنع بحديث سعيد بن جبير مع قول رسول الله صلى الله عليه وسلم حدثنا محمد بن سعيد عن القلعي عن الصواف عن بشر بن موسى، عن الحميدي قال: قال سفيان: ما زال أمر الناس معتدلا حتى غير أبو حنيفة بالكوفة والبتي بالبصرة، وربيعة بالمدينة. قال أبو محمد: وصدق سفيان، فإن هؤلاء أول من تكلم بالآراء، ورد الأحاديث، فسارع الناس في ذلك واستحلوه، والناس سراع إلى قبول الباطل والحق مر ثقيل. وقد أوردنا قبل هذا المكان بأوراق يسيرة أن النبي صلى الله عليه وسلم لما تلا {تخذوا أحبارهم ورهبانهم أربابا من دون لله ولمسيح بن مريم ومآ أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} قال له عدي بن حاتم وكان قبل ذلك نصرانيا يا رسول الله ما كنا نعبدهم فقال له صلى الله عليه وسلم كلاما معناه إنهم كانوا يحرمون ما حرموا عليهم ويحلون ما أحلوا لهم وأخبر صلى الله عليه وسلم أن هذه هي العبادة قال أبو محمد ولا جرم فقد حرم مقلدو مالك شحوم البقر والغنم إذا ذبحها يهودي، وحرموا الجمل والأرنب، إذا ذكاهما يهودي، تقليدا لخطأ مالك في ذلك وردوا قول الله تعالى في ذلك بعينه {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} وأحل أصحاب أبي حنيفة ثمن الكلب الذي حرمه رسول الله صلى الله عليه وسلم وحرم من اتبعه منهم المساقاة التي أحلها الله تعالى، تقليدا لخطأ أبي حنيفة

whatever those men declared lawful for them. He ﷺ explained that this was worship.

Abu Muhammed said: Indeed, those who adhere uncritically to Malik have forbidden the fat of cattle and sheep when a Jew slaughters them, and have forbidden the camel and the rabbit when a Jew ritually slaughters them, uncritically following Malik's error in this matter. They have rejected the statement of Allah Most High concerning this very matter: "Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women from among the believing women, and chaste women from among those who were given the Scripture before you, when you have given them their bridal dues, being chaste, neither engaging in fornication nor taking secret lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he is among the losers." And Abu Hanifah's followers have declared lawful the price received for a dog, which the Messenger of Allah ﷺ declared unlawful, and those among them who followed him have forbidden orchard cultivation in return for a share of its yield, which Allah Most High made lawful, uncritically following Abu Hanifah's error in this matter. They have rejected the words of the Prophet ﷺ, his declaration that the price received for a dog is illicit gain, and his prohibition of it. This is precisely what Allah exalted is He, and His Messenger ﷺ, of the conduct of the Jews and Christians. He ﷺ had warned of this, saying, "You will surely follow the ways of those before you." He was asked, "O Messenger of Allah, the Jews and Christians?" He ﷺ replied with words meaning, "Yes."

Yahya ibn Abd al-Rahman ibn Mas'ud related to us: Ibn Duhaym ibn Hammad related to us: Isma'il ibn Ishaq related to us: Hajjaj ibn al-Minhal related to us: Hammad ibn Salamah related to us: Ata ibn al-Sa'ib related to us, from Abu al-Bakhtari, that Salman said to Zayd ibn Suhan and Abu Qurrah: "How will you two fare when confronted with a scholar's lapse, a hypocrite's disputation using the Quran—although the Quran is true—and a worldly life that drives people to transgression and severs necks?" He then said: "As for the scholar's lapse: if he follows right guidance, do not entrust your religion to him; and if he lapses, do not withdraw your forbearance from him. As for

في ذلك وردوا كلام النبي صلى الله عليه وسلم وإخباره في ثمن الكلب أنه سحت وتحريمه إياه وهذا نص ما حرم الله تعالى ورسوله صلى الله عليه وسلم من فعل اليهود والنصارى وقد أنذر صلى الله عليه وسلم بذلك وقال لتركبن سنن من كان قبلكم فقيل له يا رسول الله اليهود والنصارى فقال صلى الله عليه وسلم كلاما معناه نعم حدثنا يحيى بن عبد الرحمن بن مسعود، نا ابن دحيم بن حماد، نا إسماعيل بن إسحاق، نا حجاج بن المنهال، نا حماد بن سلمة، نا عطاء بن السائب، عن أبي البختري، أن سلمان قال لزيد بن صوحان وأبي قرة، كيف أنتما عند زلة العالم وجدال المنافق بالقرآن، والقرآن حق، ودنيا مطغية تقطع الأعناق؟ ثم قال: أما زلة العالم فإن اهتدى فلا تحملوه دينكم، وإن زل فلا تقطعوا منه أناتكم، وأما جدال المنافق بالقرآن، والقرآن حق، فإن للقرآن منارا كمنار الطريق، فما أضاء لكم فاتبعوه، وما شبه عليكم فكلوه إلى الله عز وجل، وذكر باقي الحديث. قال أبو محمد: فهذا سلمان ينهى أن يقلد العلماء، ويأمر باتباع ظاهر القرآن الذي هو كمنار الطريق، وينهى عن التأويلات والمتشابه منه، وهذا نص قولنا والحمد لله رب العالمين. حدثنا يوسف بن عبد الله النمري، أخبرني عبد الله بن محمد بن عبد المؤمن، هو ابن الزيات، نا محمد بن أحمد القاضي المالكي البصري، نا موسى بن إسحاق. نا إبراهيم بن المنذر الخزامي قال: نا معن بن عيسى القزاز، قال: سمعت مالك بن أنس يقول: إنما أنا بشر أخطىء وأصيب، فانظروا في رأيي، فكل ما وافق الكتاب والسنة فخذوا به، وما لم يوافق الكتاب والسنة فاتركوه، فهذا مالك ينهى عن تقليده، وكذلك أبو حنيفة وكذلك الشافعي، فلاح الحق لمن لم يغش نفسه ولم تسبق إليه الضلالة نعوذ بالله منها

the hypocrite's disputation using the Quran—although the Quran is true—the Quran has landmarks like the landmarks of a road. Follow whatever it illuminates for you, and whatever appears obscure to you, entrust it to Allah, mighty and majestic." He mentioned the remainder of the report.

Abu Muhammed said: Here Salman forbids uncritical adherence to scholars and commands following the apparent meaning of the Quran, which is like the landmarks of a road; he forbids interpretive reinterpretations and its ambiguous passages. This is precisely our position. Praise belongs to Allah, Lord of all worlds.

Yusuf ibn Abd Allah al-Namari related to us: Abd Allah ibn Muhammed ibn Abd al-Mu'min—namely, Ibn al-Zayyat—informed me: Muhammed ibn Ahmad, the Maliki judge of Basra, related to us: Musa ibn Ishaq related to us: Ibrahim ibn al-Mundhir al-Khuzami related to us, saying: Ma'n ibn Isa al-Qazzaz related to us, saying: I heard Malik ibn Anas say: "I am only a human being: I err and I am right. Examine my opinion, then: whatever agrees with the Book and the Sunnah, adopt it; and whatever does not agree with the Book and the Sunnah, leave it." Here Malik forbids uncritical adherence to himself, and likewise Abu Hanifah, and likewise al-Shafi'i. Thus the truth has become apparent to anyone who has not deceived himself and

whom misguidance has not already overtaken. We seek refuge in Allah from it.[140141142143144145]

L2693–2698

Section on Asking Transmitters about the Statements of Scholars

Abu Muhammed said: If someone says, “What should a scholar do when he is asked about a question that defeats him, or when a case arises for him that defeats him?” he is told—and success comes through Allah, exalted is He—that he must ask the transmitters about the statements of the scholars concerning that question which has arisen. He must then submit those statements to the Book of Allah, exalted is He, and the words of the Prophet ﷺ, as Allah, exalted is He, commanded him when He says, “We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know”; and when He says, “Whatever you differ about, its judgment belongs to Allah. That is Allah, my Lord; in Him I have placed my trust, and to Him I turn”; and in His saying, exalted is He, “O 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 best in outcome.” He,

فصل في سؤال الرواة عن أقوال العلماء قال أبو محمد فإن قال قائل فكيف يفعل العالم إذا سئل عن مسألة فأعيته، أو نزلت به نازلة فأعيته؟ قيل له وبالله تعالى التوفيق: يلزمه أن يسأل الرواة عن أقوال العلماء في تلك المسألة النازلة، ثم يعرض تلك الأقوال على كتاب الله تعالى وكلام النبي صلى الله عليه وسلم كما أمره الله تعالى إذ يقول {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} وإذ يقول {وما ختلفتم فيه من شيء فحكمه إلى لله ذلكم لله ربي عليه توكلت وإليه أنيب} وقوله 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} ولم يقل تعالى فردوه إلى مالك وأبي حنيفة والشافعي، فمن كان يؤمن بالله واليوم الآخر، فليرد ما اختلف فيه من الدين إلى القرآن والسنة الواردة عن النبي صلى الله عليه وسلم وليتق الله ولا يرد ذلك إلى رجل من المسلمين لم يؤمر بالرد عليه، ومن أبى فسيرد ويعلم وقد قال الله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلم يجعل البيان إلا لنبيه صلى الله عليه وسلم فمن رد إلى سواه فقد عدم البيان وحصل على الضلالة، ونعوذ بالله منها. فالتقليد كله حرم في جميع الشرائع، أولها عن آخرها، من التوحيد والنبوة والقدر والإيمان والوعيد والإمامة والمفاضلة وجميع العبادات والأحكام. فإن قال قائل: فما وجه قوله تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} قيل له وبالله تعالى التوفيق: إنه تعالى أمرنا أن نسأل أهل العلم عما حكم به الله تعالى في هذه المسألة وما روي عن رسول الله صلى الله عليه وسلم فيها ولم يأمرنا أن نسألهم

[140] **Translator’s note (L2685):** The quoted response ends at “What a wretched mount for a man!” The expression “They claim,” identified in the question, is not repeated within the supplied response; it has not been silently inserted.

[141] **Translator’s note (L2686):** The supplied transmitter’s name is “Bashshar Bundar.” This appears to conflate or truncate the name Muhammed ibn Bashshar, known as Bundar; the supplied form is preserved.

[142] **Translator’s note (L2688):** The report about an “inadvertent error” does not specify what is to be repeated; the translation retains that lack of specification. Both Quran quotations contain defective spellings, especially omitted initial alifs, such as تخذوا, لله, and ليوم. The translation follows the recoverable wording; no substantive clause has been added.

[143] **Translator’s note (L2689):** The Quran quotation contains defective spellings, including بلإيمان, لآخرة, and لخاسرين. “Disbelieves in faith” preserves the quotation’s explicit reference to faith.

[144] **Translator’s note (L2691):** The opening continues the preceding unit’s statement about what Allah and His Messenger prohibited. The unusual wording “do not withdraw your forbearance from him” translates the supplied reading anātakum; its precise intended sense is uncertain. The supplied attribution al-Khuzami is retained without correction.

[145] **Qur’an references (L2685):** Qur’an 9:31 (At-Tawbah); Qur’an 5:5 (Al-Ma’idah).

exalted is He, did not say, “Refer it to Malik, Abu Hanifah, and al-Shafi‘i.” Whoever believes in Allah and the Last Day must therefore refer whatever is disputed in religion to the Quran and the Sunnah transmitted from the Prophet ﷺ. Let him fear Allah and not refer it to a man among the Muslims to whom he has not been commanded to refer it. Whoever refuses will be returned and will know.

Allah, exalted is He, has said: “With clear proofs and scriptures; and We have sent down to you the Reminder, that you may explain to people what has been sent down to them, and that they may reflect.” Thus He assigned explanation only to His Prophet ﷺ. Whoever refers to anyone else has consequently been deprived of explanation and has acquired misguidance. We seek refuge in Allah from it. Uncritical adherence is therefore entirely forbidden throughout all the religious prescriptions, from first to last: divine oneness, prophethood, divine determination, faith, the threat of punishment, leadership, the ranking of relative merit, and all acts of worship and legal rulings.

If someone says, “What, then, is the meaning of His saying, exalted is He, ‘We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know’?” he is told—and success comes through Allah, exalted is He—that He, exalted is He, commanded us to ask those possessing knowledge what Allah, exalted is He, has ruled concerning this question, and what has been transmitted from the Messenger of Allah—may Allah bless him and grant him peace—concerning it. He did not command us to ask them about a new religious law that they originate for us from their own opinions. He ﷺ made this clear by saying, “Let there convey the one present to the one absent.” He, exalted is He, also made it clear by His saying: “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which is slaughtered on 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

عن شريعة جديدة يحدثونها لنا من آرائهم وقد بين ذلك صلى الله عليه وسلم بقوله فليبلغ الشاهد الغائب وبينه تعالى بقوله {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 فلا مدخل لأحد فيه بزيادة ولا نقص ولا تبديل، وكل هذا كفر ممن أجازه. وقد أمر تعالى المتفقهين أن ينفروا لطلب أحكام الدين، ولم يأمرهم أن يقولوا من عند شيئا، بل حرم تعالى ذلك بذمه قوما شرعوا لهم في الدين ما لم يأذن به الله وبقوله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فإنما نحن دعاة إلى تفهم القرآن وكلام النبي صلى الله عليه وسلم ومبلغون من ذلك إلى من تقدمناه في الطلب ما بلغه إلينا من تقدمنا، ومعلمون إياه، ومعاذ الله من التزيد في هذا أو من تبديله أو من النقص منه. فإن قال قائل: فكيف يصنع العامي إذا نزلت به النازلة؟. قال أبو محمد: فالجواب وبالله تعالى التوفيق: إنا قد بينا تحريم الله تعالى للتقليد جملة، ولم يخص الله تعالى بذلك عاميا من عالم، ولا عالما من عامي، وخطاب الله تعالى متوجه إلى كل أحد، فالتقليد حرام على العبد المجلوب من بلده، والعامي، والعذراء المخدرة، والراعي في شعف الجبال، كما هو حرام على العالم المتبحر ولا فرق، والاجتهاد في طلب حكم الله تعالى ورسولهصلى الله عليه وسلم في كل ما خص المرء من دينه لازم لكل من ذكرنا، كلزومه للعالم المتبحر ولا فرق، فمن قلد من كل من ذكرنا فقد عصى الله عز وجل، وأثم ولكن يختلفون في كيفية الاجتهاد فلا يلزم المرء منه إلا مقدار ما يستطيع عليه لقوله تعالى {لا يكلف لله نفسا إلا وسعها لها ما

your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." Religion has therefore been completed, and no one has any scope to add to it, subtract from it, or alter it. All of this is unbelief on the part of anyone who permits it.

He, exalted is He, commanded those seeking understanding of religion to go forth to seek its rulings. He did not command them to say anything of their own; rather, He, exalted is He, prohibited that by censuring people who prescribed for them in religion what Allah had not authorized, and by His saying, mighty and majestic: "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much contradiction in it." We are therefore only callers to understanding the Quran and the words of the Prophet ﷺ, conveying from them to those whom we have preceded in seeking knowledge what those who preceded us conveyed to us, and teaching it to them. Allah forbid that we add anything to this, alter it, or subtract anything from it.

If someone says, "What, then, should the layperson do when a case arises for him?" Abu Muhammed said: The answer—and success comes through Allah, exalted is He—is that we have explained Allah's prohibition, exalted is He, of uncritical adherence in its entirety. Allah, exalted is He, did not single out the layperson to the exclusion of the scholar, or the scholar to the exclusion of the layperson. Allah's address, exalted is He, is directed to everyone. Uncritical adherence is therefore forbidden to the slave brought from his homeland, the layperson, the secluded virgin, and the shepherd on the mountain peaks, just as it is forbidden to the scholar of extensive learning; there is no difference. Diligent inquiry to seek the ruling of Allah, exalted is He, and His Messenger ﷺ in everything pertaining to a person's religion is obligatory upon everyone we have mentioned, just as it is obligatory upon the scholar of extensive learning; there is no difference. Whoever among all those we have mentioned follows another uncritically has disobeyed Allah, mighty and majestic, and sinned. They differ, however, in the manner of diligent inquiry. A person is obliged to undertake only as much of it as he is capable of, because of His saying, exalted is He: "Allah burdens no soul

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} ولقوله تعالى {فاتقوا الله ما استطعتم واسمعوا وأطيعوا وأنفقوا خيرا لأنفسكم ومن يوق شح نفسه فأولئك هم المفلحون} والتقوى كله هو العمل في الدين بما أوجبه الله تعالى فيه، ولم يكلفنا تعالى منه إلا ما نستطيع فقط، ويسقط عنا ما لا نستطيع، وهذا نص جلي على أنه لا يلزم أحدا من البحث على ما نزل به في الديانة إلا بقدر ما يستطيع فقط، فعلى كل أحد حظه من الاجتهاد، ومقدار طاقته منه، فاجتهاد العامي إذا سأل العالم على أمور دينه فأفتاه أن يقول له: هكذا أمر الله ورسوله؟ فإن قال له: نعم، أخذ بقوله، ولم يلزمه أكثر من هذا البحث، وإن قال له: لا، أو قال له: هذا قولي، أو قال له: هذا قول مالك أو ابن القاسم أو أبي حنيفة أو أبي يوسف أو الشافعي أو أحمد أو داود أو سمى له أحد من صاحب أو تابع فمن دونهما غير النبي صلى الله عليه وسلم أو انتهزه أو سكت عنه فحرام على السائل أن يأخذ بفتياه، وفرض عليه أن يسأل غيره من العلماء وأن يطلبه حيث كان، إذ إنما يسأل المسلم من سأل من العلماء عن نازلة تنزل به ليخبره بحكم الله تعالى وحكم محمد صلى الله عليه وسلم في ذلك وما يجب في دين الإسلام في تلك المسألة، ولو علم أنه يفتيه بغير ذلك لتبرأ منه وهرب عنه. وفرض على الفقيه إذا علم أن الذي أفتاه به هو في نص القرآن والسنة عن رسول الله صلى الله عليه وسلم أو الإجماع أن يقول له نعم هكذا أمر الله تعالى رسوله صلى الله عليه وسلم وحرام عليه أن ينسب إلى الله تعالى وإلى رسوله صلى الله عليه وسلم شيئا قاله بقياس أو استحسان أو تقليد لأحد دون النبي صلى الله عليه وسلم فإنه إن فعل ذلك كان بذلك كاذبا على رسوله عليه السلام، ومقولا له ما لم يقل وقد وجبت له النار يقينا بنص قوله صلى

beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people"; and because of His saying, exalted is He, "So fear Allah as much as you are able, listen, obey, and spend, for your own good. Those who are protected from the avarice of their own souls—it is they who prosper." All Godfearing conduct consists in acting in religion according to what Allah, exalted is He, has made obligatory in it. He, exalted is He, has charged us with only what we are able to do, and whatever we cannot do is waived for us. This is an explicit, clear text establishing that no one is obliged to investigate a matter that has arisen for him in religion beyond what he is able to do. Everyone must therefore undertake his share of diligent inquiry, to the extent of his capacity for it. The layperson's diligent inquiry, when he asks a scholar about the affairs of his religion and the scholar gives him a legal opinion, is to say to him, "Is this what Allah and His Messenger commanded?" If he says to him, "Yes," he adopts his statement, and is obliged to undertake no more than this inquiry. But if he says to him, "No," or says to him, "This is my opinion," or says to him, "This is the opinion of Malik, Ibn al-Qasim, Abu Hanifah, Abu Yusuf, al-Shafi'i, Ahmad, or Dawud," or names for him any Companion or Successor or anyone below those two ranks other than the Prophet ﷺ, or rebukes him, or gives him no answer, then it is forbidden for the questioner to adopt his legal ruling. He is obligated to ask another scholar and to seek him wherever he may be. For a Muslim asks whichever scholar he asks about a case that arises for him only so that the scholar may inform him of the ruling of Allah Most High and the ruling of Muhammed ﷺ concerning it, and of what is obligatory in the religion of Islam concerning that question. Were he to know that the scholar was giving him a ruling on some other basis, he would disavow him and flee from him. The jurist, when he knows that the ruling he has given him is contained in the explicit text of the Quran, the Sunnah transmitted from the Messenger of Allah ﷺ, or consensus, is obligated to say to him, "Yes, this is how Allah Most High commanded His Messenger ﷺ." It is forbidden for him to attribute to Allah

الله عليه وسلم من كذب علي فليلج النار وهذا الذي قلنا لا يعجز عنه واحد وإن بلغ الغاية في جهله، لأنه لا يكون أحد من الناس مسلما حتى يعلم أن الله تعالى ربه، وأن النبي عليه السلام، وهو محمد بن عبد الله، رسول الله بالدين القيم.

Most High and to His Messenger ﷺ anything he has stated on the basis of analogy, juristic preference, or unquestioning adherence to anyone other than the Prophet ﷺ. If he does so, he thereby lies about His Messenger, peace be upon him, and attributes to him something he did not say. The Fire has certainly become his due, by the explicit wording of his saying ﷺ: "Whoever lies about me, let him enter the Fire." No one is incapable of what we have stated, even if his ignorance reaches its utmost extent. For no person is a Muslim until he knows that Allah Most High is his Lord and that the Prophet, peace be upon him—namely, Muhammed ibn 'Abd Allah—is Allah's Messenger bearing the upright religion.[146][147][148][149][150][151]

L2699–2715 If someone says, "What if the jurist gives him an abrogated legal ruling, or one whose scope has been restricted, or makes an error in it and attributes it to the Prophet ﷺ although it is not something he said, doing so inadvertently or deliberately? What obligation does this impose on the layperson?"

فإن قال قائل: فإن أفتاه الفقيه بفتيا منسوخة أو مخصوصة أو أخطأ فيها فنسبها إلى النبي صلى الله عليه وسلم وليست من قوله سهوا أو تعمد ذلك فما الذي يلزم العامي من ذلك؟ وقد روينا من طريق عبد الله بن أحمد بن حنبل قال: قلت لأبي رحمه الله الرجل تنزل به النازلة وليس يجد إلا قوما من أصحاب الحديث والرواية لا علم لهم بالفقه، وقوما من أصحاب الرأي من يسأل؟ فقال يسأل أصحاب الحديث، ولا يسأل أصحاب الرأي، ضعيف الحديث خير من الرأي. قال أبو محمد: فالجواب وبالله تعالى التوفيق: إن هذا ينقسم ستة عشر قسما، وهي: من بلغه خبر منسوخ، أو آية منسوخة، ولم يعلم بنسخ ذلك، فالعامي والعالم في ذلك سواء، والواجب عليهما بلا شك العمل بذلك المنسوخ، ولم يؤمرا قط بتركه إلا إذا بلغهما النسخ قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} فأخبر تعالى أنه لا تلزم النذارة إلا من بلغه الأمر، فما دام النسخ لم يبلغه فلم يلزمه وإذا لم يلزمه فلم يؤمر به {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما

[146] **Translator's note (L2693):** "Whoever refuses will be returned and will know" preserves the terse, unvocalized wording fa-sayuraddu wa-yaʿlam; the destination of the return and what he will know are unstated. The quotation beginning "With clear proofs and scriptures" begins with a phrase whose syntactic connection lies outside the quoted passage. The final blessing is divided between this unit and the next; only the supplied fragment is translated here.

[147] **Translator's note (L2694):** The opening completes the blessing begun in the preceding unit. The final quotation continues in the next unit: the person present is to convey to the person absent.

[148] **Translator's note (L2695):** The opening completes the quotation begun in the preceding unit; the English word order is constrained by that division. "Say anything of their own" renders the evidently defective phrase min ʿindi shayʾan, which lacks an expressed complement after "from." "Diligent inquiry" consistently renders ijtihād, contrasted here with uncritical adherence, taqlīd.

[149] **Translator's note (L2697):** The final sentence continues in the following unit, where "this" is qualified by "investigation."

[150] **Translator's note (L2698):** The opening word completes the preceding segment's phrase about further inquiry. The supplied wording literally says that Allah "commanded His Messenger"; it does not include "and" before "His Messenger."

[151] **Qur'an references (L2693):** Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl); Qur'an 42:10 (Ash-Shuraa); Qur'an 4:59 (An-Nisa); Qur'an 65:2 (At-Talaq); Qur'an 16:44 (An-Nahl); Qur'an 5:3 (Al-Ma'idah); Qur'an 4:82 (An-Nisa); Qur'an 2:286 (Al-Baqarah); Qur'an 64:16 (At-Taghabun).

[163] **Qur'an references (L2699):** Qur'an 6:19 (Al-An'am); Qur'an 2:286 (Al-Baqarah); Qur'an 2:143 (Al-Baqarah); Qur'an 4:65 (An-Nisa); Qur'an 3:135 (Ali 'Imran).

We have transmitted through ‘Abd Allah ibn Ahmad ibn Hanbal, who said: “I said to my father, may Allah have mercy on him: ‘A man encounters a case and can find only some people devoted to hadith and transmission who have no knowledge of jurisprudence, and some people devoted to opinion. Whom should he ask?’ He said: ‘He should ask the people of hadith and should not ask the people of opinion. Weak hadith is better than opinion.’” Abu Muhammed said: The answer—and success comes through Allah Most High—is that this falls into six- teen categories. They are as follows: someone receives an abrogated report or an abrogated verse but does not know that it has been abrogated. The layperson and the scholar are alike in this respect. Their obligation, without doubt, is to act upon that abrogated text, and they have never been commanded to abandon it unless knowledge of its abrogation reaches them. He Most High said: “Say: ‘What thing is greatest in testimony?’ Say: ‘Allah is a witness between me and you. This Quran has been revealed to me so that 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 Most High declared that the warning binds only someone whom the matter has reached. As long as knowledge of the abrogation has not reached him, it has not become binding upon him; and if it has not become binding upon him, he has not been commanded to follow it. “Allah does not burden any soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the disbelieving people.” It is beyond anyone’s capacity to know what he does not know while he remains ignorant of it, or to know the revealed law before it reaches him. The earlier command has become binding upon him with certainty, and, by the explicit text of the Quran, it ceases to bind him only when the abrogating text reaches him. Such was the situation of the Companions who were in the land of Abyssinia. Prayer facing Jerusalem had been made obligatory in Mecca, and they learned of this and undoubtedly prayed accordingly. Then

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} وليس في وسع أحد أن يعلم ما لم يعلم في حين جهله به، ولا أن يعرف الشريعة قبل أن تبلغه، وقد لزمه الأمر الأولى بيقين، فلا يسقط عنه إلا ببلوغ الناسخ إليه بنص القرآن. وهكذا كان الصحابة الذين بأرض الحبشة، والصلاة قد فرضت بمكة إلى بيت المقدس وعرفوا ذلك فصلوا كذلك بلا شك، ثم حولت القبلة إلى الكعبة بالمدينة بعد ستة عشر شهرا من الهجرة، ولا خلاف بين أحد أنهم لم يلزمهم التحول إلى الكعبة ولا سقط عنهم فرض الصلاة، ولا كان لهم أن يصلوا إلى غير القبلة التي صح عندهم الأمر بها، ما لم يبلغهم النسخ، وقد سمى الله تعالى صلاة من مات قبل أن يبلغهم بالنسخ إيمانا، فقال 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} وهكذا فعل أهل قباء صلوا نصف صلاتهم إلى بيت المقدس، ولا شك أنهم لم يبتدئوها إلى بيت المقدس إلا والقبلة قد نسخت، لكن لما لم يعلموا ذلك، لم يلزمهم ما لم يعلموا، ولا سقط عنهم ما كان لزمهم إلا بعد بلوغ النسخ إليهم. وهكذا القول في كل ما صح نسخه، ولم يصح عند بعض الناس. وأما إن قامت عليه الحجة فعاند تقليدا ففاسق، وهذا في غاية البيان فيما قلنا والحمد لله رب العالمين. وأما من بلغه الخبر المنسوخ أو الآية المنسوخة ولم يعرف أنهما منسوخان فأقدم على تركهما بغير علم الناسخ، فهو عاص لله تعالى، لأنه ترك الفرض الواجب عليه لما ذكرنا، وبالله تعالى التوفيق. فهذا وجهان في النص المنسوخ الذي لم يبلغ المرء نسخه. ثم وجهان آخران في عكس هذه المسألة وهما نص غير منسوخ من آية أو كلام النبي صلى الله عليه وسلم ظنه عالم من العلماء منسوخا فترك العمل به،

the direction of prayer was changed to the Kaaba in Medina, sixteen months after the Emigration. There is no disagreement among anyone that they were not obligated to turn toward the Kaaba, that the obligation of prayer did not lapse for them, and that they were not permitted to pray toward any direction other than the direction that they had reliably learned they were commanded to face, so long as knowledge of the abrogation had not reached them. Allah Most High called the prayer of those who died before knowledge of the abrogation reached them "faith," saying, Most High: "Thus We have made you a middle community, so that you may be witnesses over the people and the Messenger may be a witness over you. We appointed the direction of prayer that you used to face only so that We might know who follows the Messenger from him who turns back on his heels. It was indeed a great burden, except for those whom Allah guided. Allah would never let your faith go to waste. Allah is indeed compassionate and merciful toward people." The people of Quba acted in this same way: they prayed half their prayer facing Jerusalem. There is no doubt that, when they began it facing Jerusalem, that direction of prayer had already been abrogated. But because they did not know this, what they did not know did not become binding upon them, nor did what had previously become binding upon them lapse until knowledge of the abrogation reached them. The same applies to everything whose abrogation has been established but has not been established for some people. But if the authoritative proof has been established against someone and he stubbornly resists out of unquestioning adherence, he is defiantly disobedient. This makes what we have said perfectly clear. Praise belongs to Allah, Lord of the worlds. As for someone who receives an abrogated report or an abrogated verse, does not know that they have been abrogated, and nevertheless ventures to abandon them without knowing the abrogating text, he is disobedient to Allah Most High, because he has abandoned the duty incumbent upon him, for the reasons we have stated. Success comes through Allah Most High. These, then, are two cases concerning an abrogated text whose abrogation has not reached a person. There are then two further cases involving the reverse of this question. They concern an unabrogated text, whether a verse or words of the Prophet ﷺ, which a scholar supposes to have been abrogated. He therefore abandons acting upon it, gives a layper-

وأفتى بذلك عاميا، وأخبره أن الحديث أو الآية منسوخان، فتركه العامي أو عملا به وهما يظنان ويقدران أنه منسوخ، وهذا خلاف ما تقدم، لأنهما ههنا تركا العمل بما أوجبه الله تعالى عليهما، إلا أن من ترك ذلك مجتهدا يرى أن الذي فعل هو الحق، ولم يتبين له غيره بعد فهو مخطىء له أجر واحد ومن ترك ذلك مقلدا فهو عاص لله عز وجل آثم، لا حظ له في الآخرة أصلا لأنه ترك الحق للباطل دون اجتهاد. فهذه أربعة أوجه: ثم وجهان آخران، وهما: من بلغه حديث صحيح فلم يصح عنده فعمل به أو تركه، فأما الذي عمل بحديث صحيح وهو يعتقد فيه أنه غير صحيح، فإنه مقدم على ما يرى أنه باطل فهو عاص لله تعالى بنيته في ذلك، فإن تركه وهو عنده غير صحيح، ولم تقم الحجة عليه بصحته، فهو محسن مأجور، ولا شيء عليه، لأنه لم يبلغه بعد ما يلزمه اتباعه. وأما من صح عنده الخبر فتركه، فإنه لا يخلو من أحد وجهين إما أن يكون مقدما مستجيزا لخلاف ما صح عنده من الله عز وجل ولا إثم عليه في نفس عمله بما وافق الحق، فهذا قسم وقسم ثان وهو أن يستحل خلاف رسول الله صلى الله عليه وسلم فهو كافر مشرك لقول الله تعالى {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} ثم وجهان آخران: وهما عكس اللذين قبلهما، وهما: من بلغه حديث غير صحيح فظنه صحيحا فعمل به، فهذا مأجور على نيته واجتهاده أجرا واحدا، ولا إثم عليه فيما خالف فيه الحق، لأنه لم يقصد، والأعمال بالنيات فلو تركه عمدا لكان متسهلا لخلاف ما صح عنده عن الله تعالى أو عن رسوله صلى الله عليه وسلم فهو عاص لله تعالى بهذه النية فقط آثما فيها، فإن لم يكن مستسهلا لذلك لكن اتفق له ترك العمل بذلك. فلا إثم عليه، لأنه لم يترك حقا وهذا حكم من أفتاه فقيه بفتيا غير صحيحة. فإنها لا تلزمه، ولا هو مأمور بها. ولو كان عاصيا بترك العمل بها لكان مأمورا بها وهي باطل. فكان يكون مأمورا بالباطل. وهذا خطأ متيقن. لكنه إن تركها مستسهلا لترك العمل بالواجب عليه، فهو

son a ruling to that effect, and tells him that the hadith or verse has been abrogated. The layperson then abandons it; or the two of them act upon it while supposing and considering it to have been abrogated. This differs from what preceded, because here the two of them have abandoned acting upon what Allah Most High has made obligatory for them. However, someone who abandons it while exercising independent reasoning, believing that what he has done is correct and having as yet discerned no alternative yet, is mistaken and receives one reward. Someone who abandons it out of unquestioning adherence is disobedient to Allah, Mighty and Majestic, sinful, and has absolutely no share in the Hereafter, because he has abandoned truth for falsehood without exercising independent reasoning. These, then, are four cases. There are then two further cases: someone receives an authentic hadith whose authenticity is not established to his satisfaction, and either acts upon it or abandons it. As for someone who acts upon an authentic hadith while believing it to be inauthentic, he is venturing upon what he considers falsehood. He is therefore disobedient to Allah Most High by virtue of his intention in doing so. But if he abandons it while he considers it unauthentic and no binding proof of its authenticity has been established for him, then he acts rightly, is rewarded, and bears no liability, because that which he is obliged to follow has not yet reached him. As for someone for whom the report has been established as authentic but who abandons it, his case necessarily falls into one of two categories: either he ventures to act contrary to what has been established for him as authentic from Allah, Mighty and Majestic, considering such contravention permissible, while he incurs no sin in his actual deed insofar as it accords with the truth—this is one category. The second category is that he deems it lawful to contravene the Messenger of Allah ﷺ; he is then an unbeliever and a polytheist, because Allah Most High says: "But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute between them, then find within themselves no unease concerning what you have decided, and submit in full submission." Then there are two further cases, the reverse of the two preceding ones: someone receives an unauthentic hadith, thinks it authentic, and acts upon it. Such a person receives one reward for his intention and his exercise of independent judgment, and incurs no sin for the respect in

عاص بهذه النية فقط لا بتركه للعمل بغير الواجب. وبالله تعالى التوفيق. ومن أفتى آخر بفتيا صحيحة إلا أنه لم يأته عليها بدليل، فإنه إن عمل بها مقلدا فهو آثم في تقليده مأجور إن شاء الله تعالى بعمله بها إن أراد الله تعالى. ثم وجهان: وهما: من بلغه نص مخصوص فعمل به على عمومه، ولم يبلغه الخصوص، وترك العمل بعمومه، فوافق الحق وهو لا يعلمه، أو بلغه نص عام فتأول فيه الخصوص. فأما الذي عمل بالعموم في الخصوص ولم يبلغه الخصوص وهو يظنه عموما، فمأجور أجرين، لأن فرضه أن يعمل بما بلغه حتى يبلغه خلافه، إذ وجوب الطاعة لله تعالى فرض عليه، فلو تأول أنه مخصوص دون دليل يقوم له على ذلك، لكن مطارفة، فعمل بالخصوص فوافق الحق، فإن كان مستسهلا لمخالفة ظاهر ما يأتيه عن الله تعالى أو عن رسوله صلى الله عليه وسلم بلا دليل فهو فاسق عاص بهذه النية فقط غير عاص فيما فعل، لأنه لم يخطىء في ذلك، فإن فعل ذلك باتفاق دون قصد إلى خلاف ما بلغه من الظواهر عن الله تعالى ورسوله صلى الله عليه وسلم فلا إثم عليه البتة والقياس وقول من دون النبي صلى الله عليه وسلم بغير نص ولا إجماع والرأي كل ذلك خطأ ولم يكن قط حقا البتة. ثم وجهان: وهما حاكم شهد عنده رجلان هما عنده عدلان فوافق أن شهدا بباطل، إما عمدا وإما غلطا، فإنه حق مأمور بالحكم بشهادتهما. لأنه قد ورد النص بقبول شهادة العدول عندنا ولم نكلف علم غيبهما وقد قال رسول الله صلى الله عليه وسلم فمن قضيت له بشيء من حق أخيه فلا يأخذه فإنما أقطع له قطعة من النار فقد أخبر صلى الله عليه وسلم أنه يحكم بظاهر الشهادة أو اليمين ولعل الباطن خلاف ذلك وهو صلى الله عليه وسلم لا يحكم إلا بالحق الذي لا يحل خلافه ففرض على الحاكم أن يحكم بشهادة العدول عنده، وإن كانوا كاذبين أو مغفلين، وهو في ذلك مأجور أجرين، ولا إثم عليه فيما خفي عنه، فإن لم يحكم بتلك الشهادة فهو عاص لله عز وجل. فاسق بتلك النية وبعمله معا، والإثم عليه في تركه الحكم بها. ثم وجهان: وهما:

which he contravenes the truth, because he did not intend that, and deeds are judged by intentions. If he were deliberately to abandon it, taking lightly the contravention of what has been established for him as authentic from Allah Most High or His Messenger ﷺ, he would be disobedient to Allah Most High through this intention alone, incurring sin through it. If, however, he did not take that lightly, but merely happened to omit acting upon it, he would incur no sin, because he had not abandoned anything true. This is also the ruling concerning someone to whom a jurist gives an incorrect legal opinion: it is not binding upon him, nor is he commanded to follow it. Were he disobedient by omitting to act upon it, he would be commanded to follow it, although it is false; he would thus be commanded to follow falsehood. This is certainly erroneous. But if he abandons it while taking lightly the omission of acting upon what is obligatory for him, then he is disobedient through this intention alone, not through his omission of an act that is not obligatory. Success comes through Allah Most High. If someone gives another person a correct legal opinion but does not furnish him with evidence for it, and that person acts upon it through uncritical imitation, he incurs sin through his uncritical imitation and is rewarded, if Allah Most High wills, for acting upon it, if his intention was to seek Allah Most High. Then there are two cases: someone receives a text whose scope has been restricted, acts upon it according to its general scope, and has not received its restriction to a specific scope, and refrains from acting upon its general scope, thereby coinciding with the truth without knowing it; or someone receives a text of general scope and interprets it as having a specific scope. As for someone who applies the general scope where a specific scope applies, without having received the restriction to a specific scope and while thinking it general, he receives two rewards, because his obligation is to act upon what has reached him until something contrary to it reaches him, since obedience to Allah Most High is obligatory for him. If, however, he interprets it as restricted to a specific scope without any evidence establishing that for him, but merely on a whim, and acts according to the specific scope, thereby coinciding with the truth, then, if he takes lightly the contravention, without evidence, of the apparent meaning of what comes to him from Allah Most High or His Messenger ﷺ, he is flagrantly sinful and disobedient through this intention

حاكم شهد عنده عدلان بحق فلم يعرفهما، فهو غير مأمور بالحكم بشهادتهما، ولا يحل له أن يحكم بها أصلا، وهما عنده مجهولان ولا إثم عليه فيما خفي عنه من ذلك، فلو حكم بها فهو آثم عاص بهذه النية وبعمله فاسق بها والإثم عليه في نفس حكمه، وإن كان بما وافق الحق. وعمدة القول في هذا الباب كله: أن الإثم ساقط عن المرء فيما لم يبلغه، والإثم لازم له فيما بلغه فخالفه عمدا أو تقليدا، وأنه لا يجب على المرء إلا ما جاء به النص أو الإجماع حقا، لا ما أفتاه به المفتون، مما لم يأت به نص ولا إجماع، وأخبر بأنه نص أو إجماع، وأنه مأجور على نيته ومثاب عليها، فإن كانت خيرا، فخير وإن كانت شرا فشر، وإن المرء لا يأثم بعمل ما أمر به وإن لم يعلم أنه مأمور به ولا يأثم بترك ما لم يؤمر به. وإن لم يعلم أنه ليس مأمورا به، وإن ظن أنه مأمور به لأن النية غير العمل، إلا أن يبلغه نص فيخالفه، وإن كان مخصوصا أو منسوخا بعد أن يبلغه الناسخ أو المخصص. ومن هذا الباب: من لقي امرأة فراودها عن نفسها فأجابته فوطئها، وهو يظنها أجنبية، فإذا بها امرأته، ولم يكن عرفها بعد ولا كان دخل بها، أو لقي إنسانا فقتله وهو يظنه مسلما حرام الدم، فإذا به قاتل أبيه عمدا أو كافر حربي، أو انتزاع مالا من مسلم كرها، فإذا به ماله نفسه، فكل هذا إن كان مستسهلا للزنى أو لغصب المال وقتل النفس فهو آثم بتلك النية فاسق بها عاص لله عز وجل، ولا إثم عليه في وطئه، ولا أخذه ماله. ولا قتله الحربي ولا قاتل أبيه لأنه لم يواقع في ذلك إلا مباحا له وقد يظن ظان أن المستسهل للإثم وإن لم يواقعه لا يكتب عليه إثم ذلك لما صح عن النبي صلى الله عليه وسلم من قوله من هم بسيئة فلم يعملها لم تكتب عليه، ومن هم بحسنة فلم يعملها كتبت له حسنة. قال أبو محمد: وهذا الحديث بين أن الذي لا يكتب عليه إثم فهي السيئة التي لم يعملها وهذا ما لا شك فيه ولم يقل صلى الله عليه وسلم إن إثم الهم بالسيئة لا يكتب عليه والهم بالشيء غير العمل به؛ قال ضابىء

alone. He is not disobedient in what he actually did, because he did not err in that. If he does this by happenstance, without intending to contravene the apparent meanings that have reached him from Allah Most High and His Messenger ﷺ, he incurs absolutely no sin. Analogy, the statement of anyone below the Prophet ﷺ without a text or consensus, and personal opinion—all of this is erroneous and has never, under any circumstances, been true. Then there are two cases: a judge before whom two men testify, both of whom he considers upright, and it happens that they testify falsely, whether deliberately or mistakenly. It is right, and he is commanded to judge according to their testimony, because a text has come requiring acceptance of the testimony of those who are upright in our estimation, and we have not been charged with knowing their hidden circumstances. The Messenger of Allah ﷺ said: "Anyone to whom I award anything belonging by right to his brother must not take it, for I am only cutting off a piece of the Fire for him." He ﷺ thus stated that he judges according to the outward appearance of testimony or an oath, while the hidden reality may be otherwise. Yet he ﷺ judges only according to the truth, which it is unlawful to contravene. It is therefore obligatory for a judge to judge according to the testimony of those whom he considers upright, even if they are liars or heedless. In doing so, he receives two rewards and incurs no sin for what is hidden from him. If he does not judge according to that testimony, he is disobedient to Allah, Mighty and Majestic, and flagrantly sinful through both that intention and his action together, and the sin falls upon him for his omission of judging according to it. Then there are two cases: a judge before whom two upright men testify truthfully, but he does not know them. He is therefore not commanded to judge according to their testimony, and it is not lawful for him to judge according to it at all while they are unknown to him. He incurs no sin for what is hidden from him in this matter. If he does judge according to it, he incurs sin and is disobedient through this intention and through his action, being flagrantly sinful through it. The sin falls upon him in the very act of his judgment, even if it accords with the truth. The essential principle throughout this entire subject is that a person incurs no sin concerning what has not reached him, while sin attaches to him concerning what has reached him if he deliberately contravenes it or does so through uncritical imitation;

بن الحارث البرجمي: هممت ولم أفعل وكدت وليتني تركت على عثمان تبكي حلائله ثم استدركنا هذا، وتأملنا النصوص فوجدناها مسقطة حكم الهم جملة، وأنه هو اللمم المغفور جملته فإن قال قائل فقد صح عن النبي صلى الله عليه وسلم أنه أخبر أن من هم بسيئة فلم يعملها كتبت له حسنة قيل له قد صح ذلك وأخبر صلى الله عليه وسلم أن الأعمال بالنيات ولكل امرىء ما نوى فمن هم بسيئة ثم تركها قاصدا بتركها إلى الله تعالى، كتبت له حسنة بهذه النية الجميلة، فإن تركها لا لذلك لكن ناسيا أو مغلوبا أو بدا له فقط، فإنها غير مكتوبة عليه، لأنه لم يعملها ولا أجر له في تركها، لأنه لم يقصد بذلك الله تعالى. ولا يكون من هم بالسيئة مصرا إلا من تقدم منه مثل ذلك الفعل قال الله تعالى {ولذين إذا فعلوا فاحشة أو ظلموا أنفسهم ذكروا الله فستغفروا لذنوبهم ومن يغفر لذنوب إلا الله ولم يصروا على ما فعلوا وهم يعلمون} فصح أن لا إضرار إلا على من قد عمل بالشيء الذي هو مصر عليه، وهو عالم بأنه حرام عليه، وأما من هم بقبيح ولم يفعله قط، فهو هام به لا مصر عليه، بالنصوص التي ذكرنا. فإن قال قائل: ما تقولون في حربي كافر لقي مسلما فدعاه المسلم إلى الإسلام فأسلم، ثم علمه الشرائع، وقال له: هذه شرائع الإسلام، أيلزمه العمل بما أخبره من ذلك أم لا؟ قيل له وبالله تعالى التوفيق: الكلام في هذا كالكلام فيما تقدم. وهو أن ما كان مما أمره به موافقا للنص أو الإجماع، فهو واجب عليه قبوله، ومأجور فيه إن عمله أجران، وعاص فيه إن لم يفعله، وما كان من ذلك بخلاف النص فهو غير واجب عليه، ولا يأثم في ترك العمل به، إلا إن استسهل خلاف ما ورد عليه من النص، فهو آثم في هذه النية فقط، فلو عمل بذلك أجر أجرا واحدا بقصده إلى الخير فقط، ولم يؤجر على ذلك العمل، ولا إثم فيه، لأنه ليس حقا فيؤجر عليه، ولم يقصد عمل الخطأ وهو يعلمه فيأثم عليه، وهذا حكم العامي في كل ما أفتاه فيه فقيه من الفقهاء.

and that nothing is obligatory for a person except what a text or consensus has actually established, rather than what those issuing legal opinions prescribe for him when no text or consensus has established it, though it is represented as a text or consensus; and that he is recompensed for his intention and receives its requital: if it is good, then good, and if it is evil, then evil. A person does not sin by doing what he has been commanded to do, even if he does not know that he has been commanded to do it; nor does he sin by omitting what he has not been commanded to do, even if he does not know that he has not been commanded to do it, and even if he thinks that he has been commanded to do it, because intention is distinct from action—unless a text reaches him and he contravenes it, even if it has been restricted to a specific scope or abrogated, after the abrogating text or the text restricting its scope has reached him. Among cases of this kind is someone who meets a woman and solicits her for intercourse, and she agrees, so he has intercourse with her while thinking her a woman to whom he is not married, only for her to turn out to be his wife, whom he had not yet recognized and with whom he had not consummated the marriage; or someone who meets a person and kills him, thinking him a Muslim whose blood is inviolable, only for him to turn out to be his father's deliberate killer or an unbeliever at war with the Muslims; or someone who forcibly seizes property from a Muslim, only for it to turn out to be his own property. In all these cases, if he takes lightly unlawful sexual intercourse, the usurpation of property, or the killing of a person, he incurs sin through that intention, is flagrantly sinful through it, and is disobedient to Allah, Mighty and Majestic. He incurs no sin for his intercourse, his taking his own property, or his killing the person at war with the Muslims or his father's killer, because in these acts he has done only what is permissible for him. Someone might suppose that a person who takes sin lightly, even though he does not commit it, has no sin recorded against him for that, because of the authentically transmitted saying of the Prophet ﷺ: "Whoever intends an evil deed but does not do it has it not recorded against him; and whoever intends a good deed but does not do it has one good deed recorded for him." Abu Muhammed said: This hadith makes clear that what incurs no recorded sin is the evil deed that he did not do. This is beyond doubt. He ﷺ did not say that the sin of intending an evil

وهذا حكم العالم فيما اعتقده، وأفتى به، باجتهاد لا يوقن فيه أنه مصيب للحق عند الله عز وجل. فهي أربع مراتب هو: إنسان عمل بالحق وهو يدري أنه حق، فله أجران: أجر النية وأجر العمل، وآخر عمل الباطل وهو يدري أنه حق، فله أجران، أجر النية وأجر العمل، وآخر عمل الباطل وهو يدري أنه باطل، فله إثمان: إثم النية وإثم العمل

[162] **Translator's note (L2715):** The sentence assigning two rewards to someone who "acts falsely while knowing that it is correct" is internally inconsistent and repeats the preceding reward formula. It is translated as supplied, without correction. The following unit resumes the enumeration with a third and fourth category.

deed is not recorded against him; intending a thing is distinct from doing it. Dabi' ibn al-Harith al-Burjumi said: "I intended, but did not act; I nearly did—and would that I had left his wives weeping over Uthman." Then we reconsidered this and examined the texts, and found that they remove altogether the legal consequence of intending, and that this is the minor lapses, all of which are forgiven If someone says, "It has been authentically reported from the Prophet ﷺ that he stated that whoever intends an evil deed but does not perform it has a good deed recorded for him," he is told: This has indeed been authentically reported. He ﷺ also stated that deeds are according to intentions, and that each person shall have what he intended. Thus, whoever intends an evil deed and then abandons it, seeking Allah Most High through abandoning it, has a good deed recorded for him on account of this fine intention. If he abandons it for some other reason—because he forgets, is prevented, or merely changes his mind—it is not recorded against him, because he did not perform it; nor does he receive a reward for abandoning it, because he did not thereby seek Allah Most High. Someone who intends an evil deed is not persisting in it unless he has previously committed an act of that kind. Allah Most High said: "And those who, when they commit an indecency or wrong themselves, remember Allah and ask forgiveness for their sins—and who forgives sins except Allah?—and do not persist in what they have done while they know." Thus, it is established that persistence applies only to someone who has already performed the act in which he persists, knowing that it is forbidden to him. As for someone who intends an ugly deed but has never performed it, he intends it but is not persisting in it, according to the texts we have mentioned. If someone says, "What do you say about an unbeliever belonging to a people at war with the Muslims who meets a Muslim, and the Muslim invites him to Islam, so he embraces Islam; then the Muslim teaches him the religious ordinances and tells him, 'These are the ordinances of Islam'? Is he obliged to act upon what he has told him of these, or not?" he is told—and success comes through Allah Most High: The discussion of this is like the preceding discussion. Whatever he has commanded him that accords with the revealed text or consensus must be accepted by him. If he performs it, he receives two rewards for it, and he is disobedient concerning it if he does not perform it. Whatever of this

conflicts with the revealed text is not obligatory for him, and he does not sin by refraining from acting upon it, unless he regards contravening the revealed text that has reached him as a light matter; in that case, he sins through this intention alone. If he acts upon that instruction, he receives one reward solely for his intention to do good. He receives no reward for that act itself, nor does he incur sin through it, because it is not correct such that he should be rewarded for it, and he did not intend to commit an error knowing it to be an error such that he should sin through it. This is the ruling concerning the layperson in everything about which a jurist gives him a legal opinion. This is also the ruling concerning the scholar in what he believes and concerning which he issues a legal opinion through independent legal reasoning, without being certain that he has attained the truth in the sight of Allah, Mighty and Majestic. There are thus four categories: a person who acts correctly while knowing that it is correct has two rewards—the reward for the intention and the reward for the act. Another acts falsely while knowing that it is correct, and has two rewards—the reward for the intention and the reward for the act. Another acts falsely while knowing

that it is false, and has two sins—the sin of the intention and the sin of the act.[152][153][154][155][156][157][158][159][160][161][162][163]

[152]**Translator's note (L2699):** The Arabic number sixteen is divided across this segment and the next: "six" here and "ten" there. The English is correspondingly divided as "six-" and "teen."

[153]**Translator's note (L2700):** The opening completes "sixteen" across the segment boundary. The Quran quotation contains apparent transcription defects: لله for الله in "Allah is a witness" and "alongside Allah," and لقرآن for القرآن. These have been rendered according to their evident intended readings.

[154]**Translator's note (L2701):** The Quran quotation has numerous apparent transcription defects, including omitted initial letters in Allah, "acquired," "those," "pardon," "forgive," "have mercy," "grant victory," "people," and "disbelieving." The translation follows the words evidently intended; the supplied spellings are defective. The wording "before knowledge of the abrogation reached them" renders an awkward construction in the supplied text, قبل أن يبلغهم بالنسخ.

[155]**Translator's note (L2702):** The Quran quotation contains repeated apparent transcription defects, especially omitted initial letters in "the people," "the Messenger," "the direction of prayer," "which," "those," and Allah. The translation renders the evident intended words.

[156]**Translator's note (L2704):** The opening "yet" completes the qualification begun in the preceding segment; the repetition in English preserves the segment boundary without supplying a new clause.

[157]**Translator's note (L2705):** The first category concerning abandonment of an authenticated report is awkwardly expressed: the text describes the person as considering contravention permissible, yet distinguishes him from the second category, who deems contravention of the Messenger lawful. The distinction is retained without supplying missing wording.

[158]**Translator's note (L2707):** The opening continues an internally awkward enumeration: the same person is described as acting upon the text's general scope and then refraining from doing so. Both clauses are preserved; the subsequent discussion appears to distinguish these as separate possibilities. "On a whim" renders the unusual word muṭārafatan (مطارفة), whose precise force here is uncertain; the context suggests an interpretation adopted without supporting evidence.

[159]**Translator's note (L2710):** The exception concerning a restricted or abrogated text explicitly reads "after the abrogating text or the text restricting its scope has reached him." This appears inconsistent with the surrounding argument, which would seem to require "before"; the supplied wording is retained. The transcription has the verbal noun intizāʿ, "seizure," where the parallel examples would ordinarily call for a finite verb. It is rendered as a further example of someone seizing property.

وقال تعالى {ومن جآء بلسيئة فكبت وجوههم في لنار هل تجزون إلا ما كنتم تعملون} فالنية عمل النفس المجرد، والعمل على الجوارح بتحريك النفس لها، فهما عملان متغايران، وثالث عمل بالحق وهو يظنه باطلا، أو ترك الباطل وهو يظن أن ذلك الباطل الذي ترك حق، فلا إثم عليه فيما عمل، ولا فيما ترك، لأنه لم يعمل محرما عليه، ولا ترك واجبا عليه، ولا يؤجر أيضا في شيء من ذلك، لأنه لم يقصد بنيته في ذلك وجه الله تعالى، فإن نوى في ذلك استسهال مخالفة الحق فهو آثم بهذه النية فقط، لا بما فعل ولا بما ترك. ورابع عمل بالباطل وهو يظنه حقا أو ترك الحق وهو يظنه باطلا، فهذا مأجور في نيته للخير أجرا واحدا، ولا إثم عليه فيما فعل ولا فيما ترك ولا أجر أيضا، لأنه لم يعمل صوابا فيؤجر. ولا قصد الباطل وهو يعلمه باطلا فيأثم، فهذه حقيقة البيان في هذه المسألة واليقين فيها والحق عند الله بلا شك، وما عدا هذا فحيرة ودعوى بلا دليل. فإن سأل العامي فقيهين فصاعدا فاختلفوا عليه، فقد قال قوم: يأخذ بالأخف، وقال قوم: يأخذ بالأثقل، وقال قوم: لا يلزمه منها، وقال قوم: هو مخير يأخذ ما يشاء من ذلك.

L2716 And He Most High said: “And whoever comes with an evil deed, their faces will be cast down into the Fire. Are you recompensed for anything except what you used to do?” Intention is the act of the soul alone, whereas bodily action occurs through the soul’s moving the bodily members. They are therefore two distinct acts. A third person acts correctly while supposing it to be false, or abandons what is false while supposing that the falsehood he abandoned is correct. He incurs no sin through what he performs or what he abandons, because he has neither performed something forbidden to him nor abandoned something obligatory for him. Nor is he rewarded for any of this, because his intention in it was not to seek the countenance of Allah Most High. If his intention in this is to regard contravening the truth as a light matter, he sins through this intention alone, not through what he performs or what he abandons. A fourth person acts falsely while supposing it to be correct, or abandons what is correct while supposing it to be false. This person receives one reward for his intention to do good. He incurs no sin through what he performs or what he abandons, nor does he receive a reward for it, because he has not acted correctly such that he should be rewarded, nor intended falsehood while knowing it to be false such that he should sin. This is the true elucidation of this question, the certainty concerning it, and the truth in the sight of Allah, without doubt. Anything besides this is confusion and an unsupported claim. If the layperson asks two or more jurists and they give him conflicting answers, some people have said that he should adopt the less onerous ruling; others have said that he should adopt the more onerous ruling; others have said that none of them

[160]**Translator’s note (L2712):** “Then we reconsidered this” introduces the author’s express revision of the position just argued: he now states that mere intending carries no legal consequence.

[161]**Translator’s note (L2713):** The Quranic quotation, corresponding to 3:135, contains repeated omissions of initial alifs and related spelling defects. Its recoverable wording has been translated. The text reads “iḍrār” (“causing harm”) where the argument requires “iṣrār” (“persistence”). The translation follows the contextual sense and flags the apparent transcription error here.

binds him; and others have said that he is free to choose, adopting whichever of these he wishes.[164][165]

L2717–2718 Abu Muhammed said: As for someone who says that he is free to choose, he has commanded him to follow caprice, which is forbidden, and has undoubtedly erred. He has made religion subject to people's choice, so that one acts upon whatever one wishes, and has permitted disagreement within it. Yet Allah Most High says: "Do they not contemplate the Quran? Had it been from anyone other than Allah, they would have found much disagreement within it." And He Most High said: "Obey Allah and His Messenger, and do not dispute, lest you lose heart and your strength depart; and be patient. Indeed, Allah is with the patient." And He Most High said: "If they do not respond to you, then know that they are only following their caprices. And who is further astray than someone who follows his caprice without guidance from Allah? Indeed, Allah does not guide the wrongdoing people." Disagreement is therefore not among the things Allah Most High has permitted and commanded. We know that Allah Most High has a single ruling in religion, and that everything else is error and falsehood. This speaker has thus given him the choice of accepting the truth or abandoning it, and has permitted him to contravene Allah Most High's ruling. This is certainly false, without doubt. This position is therefore refuted by a logically necessary demonstration.[166][167]

L2719–2721 As for someone who says that he should adopt the more onerous ruling, there is likewise no evidence establishing the soundness of his position. The same applies to the position of someone who says that he should adopt the

قال أبو محمد: أما من قال: هو مخير، فقد أمره باتباع الهوى، وذلك حرام وأخطأ بلا شك، وجعل الدين مردودا إلى اختيار الناس يعمل بما شاء، وأجاز فيه الاختلاف والله تعالى يقول {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقال تعالى {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} فالاختلاف ليس من أمر الله تعالى الذي أباحه وأمر به. وقد علمنا أن حكم الله تعالى في الدين حكم واحد، وأن سائر ذلك خطأ وباطل، فقد خيره هذا القائل في أخذ الحق أو تركه، وأباح له خلاف حكم الله تعالى، وهذا الباطل المتيقن بلا شك، فسقط هذا القول بالبرهان الضروري.

وأما من قال: يأخذ بالأثقل فلا دليل على صحة قوله أيضا، وكذلك قول من قال: يأخذ بالأخف، وكل قول بلا دليل فهي دعوى ساقطة فإن احتج بقول الله عز وجل {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} فقد علمنا أن كل ما ألزم الله تعالى فهو يسر 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

[164] **Translator's note (L2716):** The Quranic quotation, corresponding to 27:90, contains defective spellings in "with the evil deed" and "the Fire"; the recoverable wording has been translated. The phrase rendered "none of them binds him" is elliptical in the supplied Arabic, which literally reads "does not bind him of them," without an expressed subject.

[165] **Qur'an references (L2716):** Qur'an 27:90 (An-Naml).

[166] **Translator's note (L2717):** The Quranic quotations, corresponding to 4:82, 8:46, and 28:50, repeatedly omit initial alifs and contain related spelling defects. Their recoverable wording has been translated.

[167] **Qur'an references (L2717):** Qur'an 4:82 (An-Nisa); Qur'an 8:46 (Al-Anfal); Qur'an 28:50 (Al-Qasas).

less onerous ruling. Every position without evidence is an invalid claim. If he adduces as evidence the saying of Allah, Mighty and Majestic, “The month of Ramadan, in which the Quran was sent down as guidance for humankind and clear proofs of guidance and the criterion. So whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then an equal number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”—we know that everything Allah Most High has made binding is ease—or His saying, “Strive for Allah with the striving due to Him. He has chosen you and has placed no hardship 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 humankind. 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!” Abu Muhammed said: The position we uphold—and success comes through Allah Most High—is that if two or more jurists give him legal opinions concerning different courses of action that they attribute to the Messenger of Allah ﷺ, he is not an evildoer for declining to accept any of them. For only what the revealed text makes binding upon him in that question binds him, and he does not yet know it. He therefore does not sin by omitting an obligation of which he has no knowledge. Rather, he should leave them, ask others, and seek the truth. An example is a man who asks, “How should I perform the pilgrimage?” A jurist tells him, “Perform the pilgrimage alone, for this is how the Messenger of Allah ﷺ acted in his pilgrimage, the only one he performed after the Emigration.” Others tell him, “Combine the pilgrimage and the lesser pilgrimage, for this is how the Messenger of Allah ﷺ acted in his pilgrimage, the only one he performed after the Emigration.” Others tell him, “Perform the lesser pilgrimage followed by release from consecration before the pilgrimage, for this is how the Messenger of Allah —may Allah bless him and grant him peace ﷺ—acted in his pilgrimage, the only one he performed after the Emigration.” He is therefore obliged to leave them and begin asking others afresh. Then what we stated just above applies to him concerning his attaining the truth or being deprived of it after his

وعتصموا بالله هو مولاكم فنعم لمولى ونعم لنصير} قال أبو محمد والذي نقول به وبالله تعالى التوفيق: إنه إن أفتاه فقيهان فصاعدا بأمور مختلفة نسبوها إلى رسول الله صلى الله عليه وسلم فهو غير فاسق بتركه قبول شيء منها لأنه إنما يلزمه ما ألزمه النص في تلك المسألة، وهو لم يدره بعده، فهو غير آثم بتركه ما وجب مما لم يعلمه، لكنه يتركهم ويسأل غيرهم، ويطلب الحق. مثال ذلك: رجل سأل: كيف أحج فقال له فقيه أفرد فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم يكن له بعد الهجرة غيرها وقال له آخرون اقرن فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم تكن له بعد الهجرة غيرها وقال له آخرون تمتع فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم يكن له بعد الهجرة غيرها ففرض عليه أن يتركهم ويستأنف سؤال غيرهم، ثم يلزمه ما قلنا آنفا، قبل هذا من موافقته للحق أو حرمانه إياه بعد اجتهاده. ويكون العامي حينئذ بمنزلة عالم لم يبين له وجه الحكم في مسألة ما، إما بتعارض أحاديث أو آي أو أحاديث وآي، فحكمه التوقف والتزيد من الطلب والبحث، حتى يلوح له الحق، أو يموت وهو باحث عن الحق، عالي الدرجة في الآخرة في كلا الأمرين، ولا يؤاخذه الله تعالى بتركه أمرا لم يلح له الحق فيه لما قدمنا قبل من أن الشريعة لا تلزم إلا من بلغته وصحت عنده والأصل إباحة كل شيء بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وبقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن أمر لم يحرم فحرم من أجل مسألته.

independent effort. The layperson is then in the position of a scholar to whom the basis of the ruling on some question has not become clear, whether because of conflicting reports, verses, or reports and verses. His ruling is to suspend judgment and increase his seeking and investigation until the truth becomes apparent to him, or until he dies while seeking the truth, exalted in rank in the Hereafter in either case. Allah Most High does not hold him accountable for omitting something concerning which the truth has not become apparent to him, because, as we explained earlier, the revealed law binds only someone whom it has reached and for whom its authenticity has been established. The original rule is the permissibility of everything, by His saying, "He is the One who created for you everything on earth; then He turned to the heaven and fashioned them into seven heavens, and He knows all things," and by his saying ﷺ, "The person with the greatest culpability in Islam is someone who asks about a matter that had not been forbidden, and it is then forbidden because of his question."[168][169][170]

والأصل ألا يلزم أحدا شيء إلا بعد ورود النص وبيانه وبقوله تعالى {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم} وبقوله عليه السلام لو قلتها لوجبت فاتركوني ما تركتكم وبقوله صلى الله عليه وسلم في قيام رمضان خشيت أن يفرض عليكم فمن علم أن عليه الحج ولم يدر كيف يقيمه، فلا يؤاخذ من تركه ما وجب عليه من عمل الحج إلا بما علم، لا بما لا يعلم، ولكن عليه التزيد في البحث حتى يدري كيف يعمل ثم حينئذ يلزمه الذي علم، ولا يؤاخذ الله تعالى أحدا بشيء لم تقم عليه الحجة، ولا صح عنده وجهه، لأنه لم يبلغه ذلك الحكم قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} وأما من قال: إن الفرض على العامي أن يقبل ما أفتاه به الفقيه ولم يفسر كما فسرنا فقد أخطأ.

L2722 The basic principle is that nothing becomes binding upon anyone until the textual ruling has arrived and been explained. This is also established by His saying, Exalted is He: "O you who believe, do not ask about things which, if disclosed to you, would distress you. But if you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is Forgiving, Forbearing"; by his saying, peace be upon him, "Had I said it, it would have become obligatory; so leave me alone so long

[168] **Translator's note (L2719):** The Quranic quotations, corresponding to 2:185 and 22:78, repeatedly omit initial alifs and contain related spelling defects. Their recoverable wording has been translated. The Arabic leaves the conditional argument beginning "If he adduces as evidence" syntactically awkward, particularly when introducing the second quotation after the intervening statement about ease. This structure has been preserved. The three pilgrimage instructions distinguish pilgrimage alone (ifrād), combining pilgrimage and lesser pilgrimage in one state of consecration (qirān), and performing the lesser pilgrimage with release from consecration before entering consecration for the pilgrimage (tamattuʿ).

[169] **Translator's note (L2721):** The Quranic quotation, corresponding to 2:29, contains omissions of initial alifs and related spelling defects. Its recoverable wording has been translated.

[170] **Qur'an references (L2719):** Qur'an 2:185 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:29 (Al-Baqarah).

as I leave you alone”; and by his saying ﷺ concerning the night prayers of Ramadan, “I feared that they would be made obligatory upon you.” Thus, someone who knows that pilgrimage is incumbent upon him but does not know how to perform it is held accountable, for omitting obligatory acts of pilgrimage, only for what he knows, not for what he does not know. He must, however, pursue further investigation until he knows how to act; then, at that point, what he has learned becomes binding upon him. Allah Most High does not hold anyone accountable for something concerning which the proof has not been established against him and whose grounds have not been established for him, because that ruling has not reached him. He, Exalted is He, said: “Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that 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 indeed free of what you associate with Him.” As for someone who says that the layperson is obliged to accept whatever legal opinion the jurist gives him, without providing the explanation we have provided, he has erred.[171]

L2723–2724 We question the person who makes this assertion, saying to him: If you are a Shafi‘i, what do you say about a layperson who asks a Maliki or a Hanafi about a man who emancipated his slave woman, married her, and made her emancipation her bridal due, and receives the legal opinion that she is not his wife and that his marriage is invalid? Would you permit him to [unclear verb] without a divorce and marry her to someone else, thereby permitting that other man sexual access which Allah has forbidden him? Or would you consider him disobedient if he remained with her? If he is a Maliki, we say to him: What do you say about a layperson who asks a Shafi‘i or a Hanbali about marrying a woman—his mother having breastfed him twice—and receives a legal opinion permitting him to marry her? Would you permit him to do that and say that he is bound to adopt that jurist’s opinion? Or suppose he asks a Hanafi whether an orchard-tending contract for a share of the yield is permissible, and the jurist declares it forbidden to him: would adopting

ونحن نسأل قائل هذا القول فنقول له: إن كنت شافعيا فماذا تقول في عامي سأل مالكيا أو حنفيا عن رجل أعتق أمته وتزوجها وجعل عتقها صداقها؟. فأفتاه بأنها ليست له بزوجة، وأن نكاحه فاسد، أتجيز له أن يعتر بغير طلاق، فيزوجها من غيره، فيبيح له فرجا حرمه الله عليه؟ أو تراه عاصيا إن قام معها؟. وإن كان مالكيا قلنا له: ما تقول في عامي سأل شافعيا أو حنبليا عن نكاح امرأة أمه أرضعته رضعتين فأفتاه بنكاحها، أتبيح له ذلك، وتقول: إنه لازم الأخذ بقوله. أو سأل حنفيا عن المساقاة، أتجوز؟ فحرمها عليه، أيكون الأخذ بتحريم المساقاة واجبا عليه؟. فإن قال نعم، قيل له: من أوجب عليه تحريم ذلك؟، إذ يقول: إنه واجب عليه أن يأخذ بقول الفقيه الذي يفتيه، أنت أم الله عز وجل؟ فإن قال: الله عز وجل، كذب على الله تعالى، وأقر

[171] **Qur’an references (L2722):** Qur’an 5:101 (Al-Ma’idah); Qur’an 6:19 (Al-An’am).

the prohibition of such a contract be obligatory upon him? If he says yes, he is asked: Who made that prohibition binding upon him, when you say that he is obliged to adopt the opinion of the jurist who gives him a legal opinion—you, or Allah, Mighty and Majestic? If he says, "Allah, Mighty and Majestic," he has lied about Allah Most High and has also acknowledged that Allah Most High has made something contrary to his own school binding upon him. If he says, "I made that binding," he has abandoned his school and has further informed us that he himself forbids and permits. This is a departure from Islam.[172]

L2725–2727 Likewise, the Hanafi is asked about a layperson who requests a Maliki's legal opinion concerning the prayer leader's speaking during prayer for the purpose of putting it right, and receives a legal opinion permitting this: is he bound to adopt that jurist's opinion, so that speaking during prayer becomes permissible for him? Then all that we mentioned just now follows against him. In the same way, we question everyone who holds a position on an issue and regards disagreement with it as a grave matter, concerning a layperson who asks a jurist and receives a legal opinion which this person whom we are questioning regards as grave: Has Allah Most High obliged him to accept that position or not? If he says no, he has abandoned his false assertion that Allah Most High has obliged the layperson to accept whatever legal opinion the jurist consulted gives him. If he persists obstinately and says yes, he has thereby ruled that a thing is both forbidden and permissible at the same time. He has made Allah Most High's ruling dependent upon that mufti's ruling, made that mufti's ruling invalidate the ruling of Allah Most High and the ruling of His Messenger ﷺ, and made Allah Most High's religion entrusted to men's opinions and subject to change as legal opinions change, being waived at one time and binding at another. This entails departing from Islam, defying reason, and invalidating realities. Through Allah Most High comes success. With respect to what people believe, they necessarily fall into one of four categories, with no fifth: either a person has sought

[172] **Translator's note (L2723):** The verb transcribed as "يعتر" is unclear in this context; its meaning has been left unresolved rather than silently emended. The breastfeeding example reads "his mother breastfed him twice." The legal argument appears to require "her mother breastfed him twice," but the supplied masculine possessive has been preserved in translation.

مع ذلك أن الله تعالى أوجب عليه خلاف مذهبه، وإن قال: أنا أوجبت ذلك ترك مذهبه، وزادنا أنه يحرم ويحلل، وهذا خروج عن الإسلام.

وكذلك يسأل الحنفي عن عامي استفتى مالكيا عن كلام الإمام في الصلاة بما فيه إصلاحها، فأفتاه بجواز ذلك، أيلزمه الأخذ بقوله فيصير له الكلام في الصلاة مباحا؟ ثم يلزمه كل ما ذكرنا آنفا. وهكذا نسأل كل معتقد لمسألة يستعظم مخالفة من خالفه فيها من عامي سأل فقيها فأفتاه بما يستعظمه هذا الذي نسأله نحن، أفرض الله تعالى عليه قبول ذلك المعنى أم لا؟ فإن قال: لا، ترك قوله الفاسد: إن العامي قد فرض الله تعالى عليه قبول ما أفتاه الفقيه المسؤول، وإن لج وقال: نعم، صار حاكما بتحريم شيء وتحليله في وقت واحد، وجعل حكم الله تعالى مردودا إلى حكم ذلك المفتي، وجعل حكم ذلك المفتي مبطلا لحكم الله تعالى ولحكم رسوله صلى الله عليه وسلم وجعل دين الله تعالى موكولا إلى آراء الرجال، ومتبدلا بتبدل الفتاوى، فمرة ساقطا ومرة لازما، وفي هذا مفارقة الإسلام، ومكابرة العقل، وإبطال الحقائق، وبالله تعالى التوفيق. والناس فيما يعتقدونه ولا يخلون من أحد أربعة أوجه لا خامس لها: إما أن يكون المرء طلب الصواب فأداه اجتهاده إلى الصواب حقا فاعتقده على بصيرة، وإما أن يكون طلب الصواب فحرم إدراكه لبعض العوارض التي سبقت له في علم الله تعالى، وإما أن يكون قلد فوافق في تقليده الصواب، وإما أن يكون قلد فوافق في تقليده الخطأ. فأما الوجهان الأولان فقد قضى رسول الله صلى الله عليه وسلم بأن من اجتهد

what is correct, and his independent reasoning has led him to what truly is correct, so that he believes it with clear insight; or he has sought what is correct but has been prevented from attaining it by certain impediments already foreknown concerning him in Allah Most High's knowledge; or he has followed another uncritically, and in doing so has happened upon what is correct; or he has followed another uncritically, and in doing so has happened upon error. As for the first two categories, the Messenger of Allah ﷺ has ruled that whoever exercises independent reasoning and reaches the correct conclusion receives two rewards, and that whoever exercises independent reasoning and errs receives one reward. His saying ﷺ, "When the judge exercises independent reasoning," is general in its application to everyone who exercises independent reasoning, because everyone who believes that some ruling applies to some issue is a judge concerning that issue, by virtue of what he believes. This designation applies to him by the explicit wording, not through interpretive construction. Seeking is different from attaining the correct conclusion: someone may seek without attaining it, as we explained earlier, and someone may attain it without seeking. When he seeks, he is rewarded; when he attains the correct conclusion, he has performed a second act for which he also receives a second reward. If the matter remains unclear to him after his search, he has neither done anything forbidden to him nor deliberately committed disobedience, and so he incurs no sin. He has not accomplished the attainment of the correct conclusion which he was commanded to accomplish, and therefore receives no reward for what he has not done; for his search he receives a reward of one. But seeking varies: some seeking has been commanded, and some seeking has not been commanded. The seeking that has been commanded is seeking in the Quran, the transmitted Prophetic practices, and the evidentiary inference derived from the two. Whoever seeks in these three sources has sought as he was commanded and receives the reward for seeking, because he has performed the seeking he was commanded to perform, as we have explained.

L2728–2731 The seeking that has not been commanded is seeking in analogy and in inference from the contrary implication of an utterance, in juristic preference, and in the statements of anyone below the Prophet ﷺ. Such a person

فأصاب فله أجران وأن من اجتهد فأخطأ فله أجر وقوله صلى الله عليه وسلم إذا اجتهد الحاكم عموم لكل مجتهد لأن كل من اعتقد في مسألة ما حكما ما فهو حاكم فيها لما يعتقد، هذا هو اسمه نصا لا تأويلا، لأن الطلب غير الإصابة، وقد يطلب من لا يصيب على ما قدمنا، ويصيب من لا يطلب، فإذا طلب أجر فإذا أصاب فقد فعل فعلا ثانيا، يؤجر عليه أجرا ثانيا أيضا. فإن أشكل عليه بعد طلبه، فلم يأت محرما عليه ولا اعتمد معصية، فلا إثم عليه ولم يفعل ما أمر به من الإصابة فلا أجر له فيما لم يفعل، وله بالطلب أجر واحد. ولكن الطلب يختلف، فمنه طلب أمر به، وطلب لم يؤمر به، فالطلب الذي أمر به هو الطلب في القرآن والسنن ودليلهما، فمن طلب في هذه المعادن الثلاثة فقد طلب كما أمر. فله أجر الطلب، لأنه مؤد لما أمر به منه على ما ذكرنا.

والطلب الذي لم يؤمر به هو الطلب في القياس، وفي دليل الخطاب وفي الاستحسان وفي قول من دون النبي صلى الله عليه وسلم فلم يطلب كما أمر فلا أجر له على طلب

has not sought as he was commanded, and therefore receives no reward for seeking in those things. However, because his intention in doing so was to direct himself toward Allah, Mighty and Majestic, and to seek and pursue the truth, he was not deliberately pursuing error while knowing it to be error. He therefore has, in this respect, the intention of someone who intends something good and intends a good deed—namely, the seeking which he did not perform. It is authentically established that the Messenger of Allah ﷺ said: "Whoever intends a good deed but does not perform it has it recorded for him as a good deed." A good deed is undoubtedly a reward. Rewards here therefore differ in degree: whoever intends to seek and then seeks as he was commanded receives ten good deeds, because he intended a good deed and performed it; whoever intends to seek as he was commanded receives one good deed, because he did not perform it as he was commanded. ʻAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʻAbd al-Wahhab ibn ʻIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʻAli related to us: Muslim related to us: Abu Kurayb related to us: Abu Khalid al-Ahmar related to us, from Hisham, from Ibn Sirin, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "Whoever intends a good deed but does not perform it has one good deed recorded for him. Whoever intends a good deed and performs it has it recorded for him tenfold, up to seven hundredfold. Whoever intends an evil deed but does not perform it does not have it recorded; if he performs it, it is recorded." Through the same chain to Muslim: Shayban ibn Farrukh related to us: ʻAbd al-Warith—that is, Ibn Saʻid al-Tannuri—related to us, from al-Jaʻd Abu ʻUthman: Abu Raja' al-ʻAttari related to us, from Ibn ʻAbbas, from the Messenger of Allah ﷺ, in what he relates from his Lord, Exalted is He, who said: "Allah has recorded good deeds and evil deeds, and then explained this: whoever intends a good deed but does not perform it, Allah records it with Himself as one complete good deed. If he intends it and performs it, Allah records it with Himself as ten good deeds, up to seven hundred times as much, and up to many further multiples. If he intends an evil deed but does not perform it, Allah records it with Himself as one complete good deed. If he intends it and performs it, Allah records it as one evil deed." Abu Muhammed said: As for the third category, namely, the uncritical follower who reaches the correct conclusion,

ذلك لكن لما كانت نيته بذلك القصد إلى الله عز وجل وطلب الحق وابتغاءه، كان غير قاصد إلى الخطأ وهو يدري أنه خطأ، فله من ذلك نية من هم بخير وهم بحسنة، وهي الطلب الذي لم يفعله وقد صح عن رسول الله صلى الله عليه وسلم أنه قال من هم بحسنة ولم يعملها فإنها تكتب له حسنة والحسنة بلا شك أجر، فالأجر هنا يتفاضل، فمن هم بالطلب ثم طلب كما أمر فله عشر حسنات، لأنه هم بحسنة فعملها، ومن هم بالطلب كما أمر، فله حسنة واحدة، لأنه لم يعملها كما أمر. 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 أبو كريب، ثنا أبو خالد الأحمر، عن هشام، عن ابن سيرين عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم من هم بحسنة فلم يعملها كتبت له حسنة ومن هم بحسنة فعملها كتبت له عشرا إلى سبعمائة ضعف، ومن هم بسيئة فلم يعملها لم تكتب، وإن عملها كتبت. وبه إلى مسلم: حدثنا شيبان بن فروخ، ثنا عبد الوارث هو ابن سعيد التنوري، عن الجعد أبي عثمان، ثنا أبو رجاء العطاري عن ابن عباس عن رسول الله صلى الله عليه وسلم فيما يروي عن ربه تعالى قال إن الله كتب الحسنات والسيئات ثم بين ذلك، فمن هم بحسنة فلم يعملها كتبها الله عنده حسنة كاملة وإن هم بها فعملها كتبها الله عنده عشر حسنات إلى سبعمائة ضعف إلى أضعاف كثيرة، وإن هم بسيئة فلم يعملها كتبها الله عنده حسنة كاملة، فإن هم بها فعملها كتبها الله سيئة واحدة. قال أبو محمد: وأما القسم الثالث: وهو المقلد المصيب، فهو في تقليده عاص لله عز وجل، لأنه فعل أمرا قد نهاه الله عنه وحرمه عليه، فهو آثم بذلك ويبعد عنه أجر المعتقد للحق، لأنه لم يصبه من الوجه الذي أمره الله تعالى به، وكل من عمل عملا بخلاف أمر الله تعالى فهو باطل. ولا شك أن المجتهد المخطىء أعظم أجرا من المقلد المصيب وأفضل، لأن المقلد المصيب آثم بتقليده غير مأجور

he is, in his uncritical following, disobedient to Allah, Mighty and Majestic, because he has done something which Allah has forbidden him and made unlawful for him. He therefore incurs sin through that, and the reward of one who believes the truth is withheld from him, because he did not reach it by the means Allah Most High commanded him to use. Whoever performs an act contrary to Allah Most High's command—his act is invalid. There is no doubt that the person who exercises independent reasoning and errs is greater in reward and superior to the uncritical follower who reaches the correct conclusion, because the uncritical follower who reaches the correct conclusion incurs sin through his uncritical following and receives no reward for reaching the correct conclusion, whereas the person who exercises independent reasoning and errs is rewarded for his independent reasoning and incurs no sin for his error. A reward that is certain and a reward that is guaranteed are undoubtedly better than a reward denied and a sin that is certain.[173][174]

بإصابته والمجتهد المخطىء مأجور باجتهاده غير آثم لخطئه، فأجر متيقن وأجر مضمون أفضل من أجر محروم وإثم متيقن بلا شك.

L2732 If someone says, "Then reject the testimony of every Muslim who has not come to know Islam by way of substitution, because he is an uncritical imitator, and an uncritical imitator is disobedient," he is told: Someone who follows a person whom Allah Most High has commanded him to follow is not an uncritical imitator. Rather, he is obedient, doing what he has been commanded to do, and acting well. The uncritical imitator is only someone who follows a person whom Allah Most High has not commanded him to follow; such a person is disobedient to Allah Most High. Furthermore, if we knew that this Muslim held his beliefs concerning Islam only in imitation of his father, his neighbor, and those among whom he grew up, and that, had he grown up among non-Muslims, he would not have been a Muslim, accepting his testimony would not be permissible. This is not far removed

فإن قال قائل: فردوا شهادة كل مسلم لم يعرف الإسلام من طريق الاستبدال لأنه مقلد، والمقلد عاص، قيل له: ليس من اتبع من أمره الله تعالى باتباعه مقلدا، بل هو مطيع فاعل ما أمر به، محسن، وإنما المقلد من اتبع من لم يأمره الله تعالى باتباعه. فهذا عاص لله تعالى، ثم لو علمنا أن هذا المسلم إنما اعتقد من الإسلام تقليدا لأبيه وجاره ولمن نشأ معه، ولو أنه نشأ من غير المسلمين لم يكن مسلما، لما جاز قبول شهادته، وهذا لا يبعد من الكفر، بل إن عقد نيته على هذا فهو كافر بلا شك وكذلك أخبر النبي صلى الله عليه وسلم إذ وصف فتنة الناس في قبورهم فقال صلى الله عليه وسلم وأما المنافق أو المرتاب لا ندري أسمى أي ذلك قال فيقول: لا أدري. سمعت الناس يقولون شيئا فقلته وهذا نص ما قلنا، والمسلمون بحمد الله في أغلب أمورهم مبعدون عن هذا، بل تجد منهم الأكثر من عقد قلبه على أنه لو كفر أبوه وأهل مصره ما كفر هو ولو أحرق بالنار فهذا ليس مقلدا والحمد لله رب العالمين.

[173] **Translator's note (L2729):** The supplied transmission chain calls 'Abd al-Warith ibn Sa'id "al-Tannuri" and Abu Raja' "al-'Attari." These apparent transcription errors have been retained rather than replaced with the familiar forms "al-Tannuri" with a different Arabic consonant spelling, and "al-'Utaridi," respectively. In the final report, the supplied text places "who said" immediately after "his Lord." The translation preserves that apparent attribution rather than silently recasting the report's narrative framing.

[174] **Hadith references (L2728):** Sahih Muslim 130.

from unbelief. Indeed, if he has firmly resolved upon this in his intention, he is unquestionably an unbeliever. The Prophet ﷺ likewise reported this when describing the testing of people in their graves. He ﷺ said: "As for the hypocrite or the doubter—we do not know which of these designations he used—he says, 'I do not know. I heard people saying something, so I said it.'" This expressly states what we have said. Praise be to Allah, Muslims are, in most of their affairs, far removed from this. Rather, you find that most of them have firmly resolved in their hearts that, even if their fathers and the people of their towns became unbelievers, they themselves would not become unbelievers, even if they were burned with fire. Such a person is not an uncritical imitator. Praise be to Allah, Lord of all worlds.[175]

L2733–2739 Likewise, someone who practices uncritical imitation in a legal opinion or a religious doctrine, and against whom the proof has been established, but who then obstinately resists, is an evildoer whose testimony is rejected. If, however, he has not understood it, he is excused, and that does not impair his testimony. Allah Most High said: "They dispute with you concerning the truth after it has become clear, as though they were being driven toward death while looking on." Thus He, Almighty and Majestic, censured anyone who obstinately resisted after the truth had become clear to him, whereas the Prophet ﷺ excused Umar when he did not understand the verse concerning a person who leaves neither parent nor child as heir. This is the distinction between the two cases, and success comes through Allah Most High. As for the fourth category, namely the mistaken uncritical imitator, he bears the sin of disobedience through uncritical imitation and the sin of disobedience through holding an erroneous belief: he thus bears two sins. The report transmitted from the Prophet ﷺ may be interpreted as applying to the third category: "A man may indeed perform a prayer and have credited to him only half of it, a third of it, a quarter of it." This would then be in proportion to the extent to which he conformed to the truth in

[175] **Translator's note (L2732):** The supplied text reads "substitution" (al-istibdāl). The context suggests "inference" (al-istidlāl), but the supplied reading has been retained. The wording of the narrator's uncertainty in the grave-testing report, particularly "asmā," is awkward and possibly corrupt. It is rendered as uncertainty over which designation the Prophet used.

وكذلك من قلد في فتيا أو نحلة وقامت عليه الحجة فعند فهو فاسق مردود الشهادة، ولو لم يفهمها فهو معذور، ولا يضر ذلك شهادته قال الله تعالى {يجادلونك في لحق بعدما تبين كأنما يساقون إلى لموت وهم ينظرون} فذم عز وجل من عند بعد أن تبين له الحق وعذر النبي صلى الله عليه وسلم عمر إذ لم يفهم آية الكلالة فهذا فرق ما بين الأمرين، وبالله تعالى التوفيق، وأما القسم الرابع، وهو المقلد المخطىء، فله إثم معصية التقليد، وإثم المعصية باعتقاده الخطأ، فعليه إثمان. وقد يخرج على القسم الثالث الحديث المأثور عن النبي صلى الله عليه وسلم إن الرجل ليصلي الصلاة وما له منها إلا نصفها، ثلثها، ربعها فيكون ذلك على قدر ما وافق فيه الحق من أحكام صلاته. وقد بينا فيما خلا كيفية اجتهاد طالب الفقه، وما يلزمه من معرفة الرواة والثقات والمجرحين والمسند المرسل، وبناء النصوص بعضها على بعض من الآي والأحاديث والاستثناء، والإضافة، وزيادات العدول، والناسخ والمنسوخ، والمحكم، والعام، والخاص، والمجمل والمفسر، والإجماع والاختلاف وكيفية الرد إلى القرآن والسنة، وفهم البراهين والشغب، على حسب ما تنتهي إليه طاقته، وبينا في هذا الباب وجه اجتهاد العامي. وأما من أباح للعامي أن يقلد فقد أخطأ بالبراهين التي قدمنا، من نهي الله تعالى عن التقليد جملة، ومع خطئه فقد تناقض، لأن القائل بما ذكرنا

the rulings governing his prayer. We have explained previously how the student of jurisprudence is to exercise independent judgment, and what he must know concerning transmitters, trustworthy transmitters, transmitters whose reliability has been impugned, reports with connected chains of transmission, reports with an omitted intermediary, the construction of scriptural texts in relation to one another—verses and reports—exceptions, qualification by attachment, and additions transmitted by upright transmitters, the abrogating and the abrogated, the determinate, the general and the specific, the indeterminate and the explicated, consensus and disagreement, how to refer matters back to the Quran and the Sunnah, and the understanding of demonstrations and specious disputation, according to the extent of his capacity. In this chapter we have explained the manner in which the layperson exercises independent judgment. As for someone who permits the layperson to practice uncritical imitation, he has erred, as shown by the demonstrations we have already presented concerning Allah Most High's prohibition of uncritical imitation altogether. Besides being mistaken, he has contradicted himself, because the person who holds the position we have mentioned requires the layperson to investigate who is the most knowledgeable in jurisprudence among the people of his town. This is a form of independent judgment: he has thus departed from uncritical imitation and abandoned it. No one has said that the layperson should uncritically imitate everyone who happens to come his way. Thus, in substance, the abandonment of uncritical imitation by laypeople and others is established by consensus, on account of what we have just mentioned, even though some permit its designation, contradicting themselves in permitting it. Everyone who accepts a designation while denying its meaning has acknowledged the unsoundness of his own position. Furthermore, if he investigates who is the most knowledgeable in jurisprudence among the people of his town, he will scarcely find agreement on this. Rather, most often some people direct him to one man and others direct him to another. Furthermore, someone who has no good in him, someone who possesses no knowledge, or someone less knowledgeable than another may acquire a reputation among the common people for preeminence in jurisprudence in a particular town. We ourselves have witnessed evildoers acquire a reputation for preeminence in our town, although they

قد أوجب على العامي البحث عن أفقه أهل بلده، وهذا النوع من أنواع الاجتهاد، فقد فارق التقليد وتركه، ولم يقل أحد أن العامي يقلد كل من خرج إلى يده. فقد صح معنى ترك التقليد من العامي وغيره بإجماع لما ذكرنا آنفا، وإن أجاز لفظه مجيزون ناقضون في إجازتهم إياه، وكل من أقر بلفظ وأنكر معناه فقد أقر بفساد مذهبه، وأيضا فإنه إن بحث عن أفقه أهل بلده لم يكد يجد اتفاقا على ذلك، بل في الأغلب يدله قوم على رجل، ويدله آخرون على آخر. وأيضا فقد يحمل اسم التقدم في الفقه في بلد ما عند العامة من لا خير فيه، ومن لا يعلم عنده، ومن غيره أعلم منه، وقد شهدنا نحن قوما فساقا حملوا اسم التقدم في بلدنا، وهم ممن لا يحل لهم أن يفتوا في مسألة من الديانة، ولا يجوز قبول شهادتهم. وقد رأيت أنا بعضهم، وكان لا يقدم عليه في وقتنا هذا أحد في الفتيا، وهو يتغطى الديباج الذي هو الحرير المحض لحافا، ويتخذ في منزله الصور ذوات الأرواح من النحاس والحديد تقذف الماء أمامه، ويفتي بالهوى للصديق فتيا، وعلى العدو فتيا ضدها، ولا يستحي من اختلاف فتاويه على قدر ميله إلى من أفتى وانحرافه عليه، شاهدنا نحن هذا عيانا، وعليه جمهور أهل البلد، إلى قبائح مستفيضة، لا نستجيز ذكرها لأننا لم نشاهدها. هذا مع ما فشا في الناس من فتيا من يسمونه في الفقه: بالتقليد والقياس والاستحسان، وإنما أوقع العامة في سؤالهم حسن الظن بهم أنهم لا يقدمون على الفتيا بغير علم ولا بما لا يصح عندهم عن النبي صلى الله عليه وسلم ولو علمت العامة أنهم ليس عندهم في أكثر ما يفتونهم به علم عن الله عز وجل ولا عن رسول الله صلى الله عليه وسلم وأنهم يوقعونهم في مخالفة القرآن والسنة، ما سألوهم ولا استفتوهم، بل لعلهم كانوا يقدمون عليهم إقداما يتلفهم. فمن استفتى فقيهين فأفتاه كل واحد منهما بفتيا غير الذي أفتى به الآخر، وقال له أحدهما: كذا قال الله عز وجل وقال الآخر كذا قال رسول الله صلى الله عليه وسلم فاللازم

له أن يأخذ بقول رسول الله صلى الله عليه وسلم لقوله عز وجل {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ولأنه صلى الله عليه وسلم لا يخالف ربه عز وجل لكنه يبين مراده تعالى ولأنه لولا رسول الله صلى الله عليه وسلم لم نعلم أن القرآن كلام الله تعالى ولا درينا دين الله تعالى، ولا عرفنا مراد ربنا تعالى، ولا أوامره ولا نواهيه، ولا خلاف بين أحد المسلمين في وجوب المصير إلى قوله صلى الله عليه وسلم وترك ما أمرنا أن نترك العمل به من القرآن. فمن ذلك أنه لا خلاف بين أحد من المسلمين حاشا الأزارقة في وجوب الرجم على الزاني المحصن، وليس ذلك في القرآن، ولا في عدد الصلوات وكيفية أخذ الزكوات، وتحريم الجمع بين المرأة وعمتها إلا من شذ عن الحق في ذلك، وليس في القرآن شيء من ذلك أصلا. وهكذا سائر الأحكام والعبادات كلها، وبالله تعالى التوفيق، وبرهان قولنا في هذا ما حدثناه عبد الله بن ربيع التميمي، ثنا محمد بن إسحاق بن السليم، عن أبي داود، نا أحمد بن حنبل، نا سفيان بن عيينة، عن أبي النضر مولى عمر بن عبيد الله، عن عبيد الله بن أبي رافع عن أبيه عن النبي صلى الله عليه وسلم أنه قال لا ألفين أحدكم متكئا على أريكته يأتيه الأمر بما أمرت به أو نهيت عنه فيقول لا أدري ما وجدناه في كتاب الله تبعناه

are people for whom it is unlawful to issue a legal opinion on any religious question and whose testimony may not be accepted. I myself have seen one of them—at this time no one was given precedence over him in issuing legal opinions—covering himself with brocade, which is pure silk, as a quilt, and keeping in his house representations of living creatures made of copper and iron, spouting water before him. He issues legal opinions according to his desires: one opinion for a friend, and its opposite against an enemy. He feels no shame at his legal opinions differing according to his inclination toward, or aversion to, the person for whom he gives an opinion. We ourselves witnessed this with our own eyes, and the majority of the town's inhabitants follow him. There are also widely reported disgraceful acts which we do not consider ourselves entitled to mention, because we did not witness them. This is alongside the widespread practice among people of those whom they designate as authorities in jurisprudence issuing legal opinions through uncritical imitation, analogy, and juristic preference. What has led the common people to consult them is their favorable opinion of them: that they would not venture to issue legal opinions without knowledge, or on a basis that they themselves do not regard as authentically established from the Prophet ﷺ. If the common people knew that, concerning most of the legal opinions these men give them, they possess no knowledge from Allah, Almighty and Majestic, or from the Messenger of Allah ﷺ, and that they cause them to contravene the Quran and the Sunnah, they would neither question them nor seek legal opinions from them. Indeed, they might even attack them so violently as to destroy them. If someone seeks legal opinions from two jurists, and each gives him an opinion different from the other's, with one telling him, "Thus said Allah, Almighty and Majestic," and the other saying, "Thus said the Messenger of Allah—may Allah bless him and grant him peace," then he is obliged to accept the statement of the Messenger of Allah ﷺ, because He, Almighty and Majestic, said: "With clear proofs and scriptures; and We have sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect." Also, he ﷺ does not oppose his Lord, Almighty and Majestic; rather, he explains what He Most High intends. Moreover, were it not for the Messenger of Allah ﷺ, we would not know that the Quran is the speech of Allah Most High, nor

would we know the religion of Allah Most High, nor recognize what our Lord Most High intends, His commands, or His prohibitions. There is no disagreement among any Muslims concerning the obligation to resort to his ﷺ statement and to refrain from acting upon those portions of the Quran that we have been commanded to refrain from acting upon. For example, there is no disagreement among any Muslims, apart from the Azariqa, concerning the obligation to stone an adulterer who has the legally qualifying marital status, although this is not in the Quran. Nor is there disagreement concerning the number of prayers, the manner of collecting obligatory alms, or the prohibition against being married simultaneously to a woman and her paternal aunt, except on the part of someone who has departed from the truth concerning this. None of that is in the Quran at all. The same applies to all the remaining rulings and acts of worship, and success comes through Allah Most High. The demonstration supporting our position on this is what Abd Allah ibn Rabi al-Tamimi related to us: Muhammed ibn Ishaq ibn al-Salim related to us, from Abu Dawud: Ahmad ibn Hanbal related to us: Sufyan ibn Uyayna related to us, from Abu al-Nadr, the client of Umar ibn Ubayd Allah, from Ubayd Allah ibn Abi Rafi, from his father, from the Prophet ﷺ, who said: "Let me not find any of you reclining on his couch when a matter concerning something I have commanded or forbidden

reaches him, saying, ‘I do not know. Whatever we find in the Book of Allah, we follow.’”[176][177][178][179][180][181]

L2740 Section: Is It Permissible to Practice Uncritical Imitation of the People of Medina?

Some people have advocated uncritical imitation of the people of Medina. In the chapter discussing transmitted reports in this book, and in the chapter on consensus in this book, we have already explained the invalidity of the position of those who invoke the practice and consensus of the people of Medina as proof. That suffices to dispense with repeating it. Nevertheless, we must mention here a portion consonant with our purpose in this chapter, if Allah Most High wills.[182]

فصل هل يجوز تقليد أهل المدينة وقال قوم بتقليد أهل المدينة وقد ذكرنا في باب الكلام في الأخبار من كتابنا هذا وفي باب الإجماع من كتابنا هذا بطلان من احتج بعمل أهل المدينة وإجماعهم، فأغنى عن ترديده، ولكن لا بد أن نذكر ههنا طرفا نشاكل غرضنا في هذا الباب إن شاء الله تعالى.

احتج قوم في تقليد أهل المدينة بقبول قولهم في المد، والصاع، وهذا لا حجة لهم فيه، لأن هذا داخل فيما نقلوه مسندا بالتواتر، على أن ذلك أيضا مما قد اختلفوا فيه، فقد روي عن موسى بن طلحة بن عبيد الله وهو مدني ما يخالف قولهم ويوافق قول أبي حنيفة. ولو كان قبول قولهم في المد والصاع موجبا لقبول قولهم في غير ذلك، لوجب تقليد أهل مكة في جميع أقوالهم، لاتفاق الأمة كلها يقينا بلا خلاف من أحد منهم، على قبول قولهم في موضع عرفة، وموضع مزدلفة، وموضع منى، وموضع الجمار، وموضع الصفا، وموضع المروة، وحدود الحمى. فما خالف أحد من جميع فرق الإسلام، لا قديما ولا حديثا، قول أهل مكة. وهذا أكثر من المد والصاع، على أن الأمة لم توافق قولهم في المد والصاع. وأيضا فإن قولهم في المد والصاع هو أقل ما قيل، فهو حجة عندنا من هذه الجهة، كما لو قال غيرهم ذلك سواء ولا فرق، لأن ما قالوا: الصاع ثمانية أرطال، وقال قوم: أكثر من ذلك، وقال جمهور أهل المدينة وقوم من غيرهم: خمسة أرطال ونيف. فكان هذا المقدار متفقا على وجوب إخراجه في زكاة الفطر، وجزاء الصيد، وكفارة الواطىء في رمضان، والمظاهر، وحلق الرأس للمحرم قبل بلوغ الهدي محله، فوجب الوقوف عند الإجماع في ذلك، وكان ما زاد

[176] **Translator’s note (L2733):** The Quranic quotation has defective spellings in “the truth” and “death”; its intended wording remains identifiable and is reflected in the translation. The supplied text places “reports with connected chains” and “reports with an omitted intermediary” together without a conjunction. They are understood as separate technical categories; the omitted intermediary in a mursal report is conventionally the Companion between a Successor and the Prophet. “Qualification by attachment” renders al-iḍāfa, whose precise technical scope is not specified here.

[177] **Translator’s note (L2736):** The phrase rendered “someone who possesses no knowledge” is awkward in the supplied text and appears to lack a letter in the word for knowledge. The wording concerning those designated as authorities in jurisprudence is syntactically awkward; the translation follows its apparent sense without supplying a missing title.

[178] **Translator’s note (L2737):** The final salutation is divided across units. This unit translates only its opening fragment.

[179] **Translator’s note (L2738):** The opening words complete the salutation begun in the preceding unit.

[180] **Translator’s note (L2739):** The Quranic quotation contains defective spellings in “with clear proofs,” “and scriptures,” and “the Reminder.” The intended words remain identifiable and are reflected in the translation. “The legally qualifying marital status” renders muḥṣan, a technical legal status associated here with the prescribed punishment of stoning. The Arabic wording of the transition from stoning to the number of prayers and the other listed rulings is compressed; the translation makes its coordinated structure explicit.

[181] **Qur’an references (L2733):** Qur’an 8:6 (Al-Anfal); Qur’an 16:44 (An-Nahl).

[182] **Translator’s note (L2740):** The supplied wording nushākilu, rendered “consonant with,” is grammatically awkward in this construction and may be a transcription error for a form meaning “that accords with.”

L2741–2751

Some people have argued for unquestioning adherence to the people of Medina on the grounds that their statement concerning the mudd and the sa‘ is accepted. This provides them with no proof, because it belongs to what they have transmitted with an established chain through mass transmission. Moreover, this too is something over which they have differed: a view contrary to theirs and agreeing with Abu Hanifa’s has been transmitted from Musa ibn Talha ibn ‘Ubayd Allah, who was a Medinan. If accepting their statement concerning the mudd and the sa‘ required accepting their statements on other matters, unquestioning adherence to the people of Mecca in all their statements would be obligatory, since the entire community certainly agrees, without dissent from any of its members, on accepting their statements concerning the location of ‘Arafa, the location of Muzdalifa, the location of Mina, the locations of the stoning sites, the location of al-Safa, the location of al-Marwa, and the boundaries of the protected pasture. No one from any of the groups of Islam, either in earlier or in recent times, has contradicted the people of Mecca’s statements on these matters. This amounts to more than the mudd and the sa‘, quite apart from the fact that the community has not agreed with their statement concerning the mudd and the sa‘. Furthermore, their statement concerning the mudd and the sa‘ gives the smallest amount proposed, and it is authoritative evidence for us on this account, exactly as it would be if others had said it: there is no difference. For some said that the sa‘ is eight ratls, while some people said more than that; the majority of the people of Medina, together with some others, said five ratls and a little more. Thus, there was agreement that this amount must be given for the alms due at the breaking of the fast, compensation for game killed, and the expiation incumbent upon one who has intercourse during Ramadan, one who pronounces the repudiation of his wife by likening her to his mother’s back, and a person in the state of pilgrimage consecration who shaves his head before the sacrificial offering reaches its appointed place. It was therefore obligatory to stop at the consensus on this matter. Any additional amount was disputed, and affirming its obligation would require a textual ruling. There is no textual ruling on this supported by an authentic chain of transmission. Consequently, affirming the obligation to give anything beyond that amount was not required in the absence of a textual ruling

مختلفا فيه لم يجب القول به إلا بنص ولا نص مسندا صحيحا في ذلك فلم يجب القول بإخراج الزيادة على ذلك، بغير نص ولا إجماع، وأجمعت الأمة كلها، بلا خلاف في أحد منها، على أن المد والصاع المذكورين في زكاة الفطر هما المذكوران في المقدار الذي تلزم فيه الزكاة من الحب والتمر، وأنهما سواء، فلما صح المقدار المذكور في زكاة الفطر، صح أنه يعينه في زكاة الحب والتمر، ولا فرق ويكفي من هذا أنه نقل مبلغ إلى رسول الله صلى الله عليه وسلم بالكافة وأما الخلاف في المد والصاع فإنما هو خلاف رأي لا خلاف رواية عن النبي صلى الله عليه وسلم فسقط ذلك الخلاف والحمد لله رب العالمين. واحتجوا في ذلك بما روي من قول عبد الرحمن بن عوف لعمر رضي الله عنهما: إن الموسم يجمع رعاع الناس، فاصبر حتى تأتي المدينة فتخلو بوجوه الناس فالجواب أن رسول الله صلى الله عليه وسلم أولى أن يتبع من عبد الرحمن بن عوف وهذا رسول الله صلى الله عليه وسلم لم يجعل التبليغ الذي أمره الله به إلا في مكة في حجة الوداع في الموسم الجامع لكل عالم وجاهل وهنالك قال رسول الله صلى الله عليه وسلم ألا هل بلغت فقال الناس اللهم نعم فقال صلى الله عليه وسلم اللهم اشهد ولم يجعل صلى الله عليه وسلم ذلك التبليغ العام الذي أقام به الحجة في المدينة ولا في خاص من الناس، ولا بحضرة وجوه الناس خاصة دون الرعاع وكذلك لم يكتف رسول الله صلى الله عليه وسلم بقراءة سورة براءة في المدينة وهي آخر سورة نزولا، وهي الجامعة للسير وأحكام الخلافة والإمامة، حتى يبعث بها عليا ليقرأ في الموسم بمكة، في حجة أبي بكر رضي الله عنهما، بحضرة كل من حضر. وإنما يكون الانفراد بوجوه الناس في الآراء التي تدار، ويستضر بكشفها وتجري مجرى الأسرار، ومثل هذا كانت مقالة عمر، التي حضه عبد الرحمن على تأخيرها إلى أن يخلو بوجوه الناس، ولم تكن من الشرائع الواجب معرفتها، من الفرض والحرام والمباح، ونحن

or a consensus. The entire community has agreed, without dissent from any of its members, that the mudd and the sa‘ mentioned in connection with the alms due at the breaking of the fast are those mentioned in connection with the threshold at which alms become obligatory on grain and dates, and that they are the same. Once the amount mentioned in connection with the alms due at the breaking of the fast was established, it was established that precisely that amount applies to the alms on grain and dates, without any difference. Sufficient in this regard is that it is a transmission conveyed through the community at large and traced back to the Messenger of Allah ﷺ. As for the disagreement concerning the mudd and the sa‘, it is merely a disagreement of opinion, not a disagreement in transmission from the Prophet ﷺ. That disagreement therefore falls away, and praise belongs to Allah, Lord of all worlds. They also argued for this on the basis of the reported statement of ‘Abd al-Rahman ibn ‘Awf to ‘Umar—may Allah be pleased with them both—"The pilgrimage season brings together the rabble, so wait until you reach Medina, where you can meet privately with the leading men." The answer is that the Messenger of Allah ﷺ has a greater claim to be followed than ‘Abd al-Rahman ibn ‘Awf. Here is the Messenger of Allah ﷺ, who carried out the proclamation that Allah commanded him to make precisely in Mecca, during the Farewell Pilgrimage, at the pilgrimage gathering that brought together every learned and ignorant person. There the Messenger of Allah ﷺ said, "Have I indeed conveyed the message?" The people replied, "O Allah, yes." He ﷺ then said, "O Allah, bear witness." He ﷺ did not make that public proclamation, by which he established the binding proof, in Medina, or among a select group of people, or specifically in the presence of the leading men to the exclusion of the rabble. Likewise, the Messenger of Allah ﷺ did not content himself with having Surat Bara'a read in Medina—it being the last sura to be revealed and encompassing the rules governing relations in war and peace and the rulings concerning the caliphate and leadership—but sent ‘Ali with it to read it at the pilgrimage gathering in Mecca, during Abu Bakr's pilgrimage—may Allah be pleased with them both—in the presence of everyone attending. Meeting privately with the leading men is appropriate only for opinions under deliberation whose disclosure would cause harm and which have the character of secrets. Such was ‘Umar's statement, which

إنما نتكلم مع خصومنا في الشرائع التي تلزم أهل صين الصين والخالدات ومن في حوزارين وأقاضي الزنج، وأقاضي بلاد الصقالبة. كما يلزم الصحابة وأهل المدينة لزوما مستويا لا تفاضل فيه ولم ننازعهم في إدارة رأي، ولا في تحذير من طالب خلافة. فلو تركوا التمويه لكان أولى بهم ولو كانت تلك المقالة من واجبات الشرائع ما أخرها عمر ولا أمره ابن عوف بتأخيرها. والعجب أن القائلين بهذا قد خالفوا إجماع أهل المدينة حقا فمن ذلك سجودهم مع عمر في {إذا لسمآء نشقت} يوم جمعة فقالوا ليس عليه العمل فتركوا إجماع أهل المدينة. ومن ذلك اشتراكهم في الهدي يوم الحديبية. فقالوا: ليس عليه العمل فتركوا إجماع أهل المدينة الصحيح، وادعوه حيث لا يصح، وهكذا يكون عكس الحقائق والأمور في الديانة لا تؤخذ إلا من نص منقول، ولا نص على وجوب اتباع أهل المدينة دون غيرهم، فإذا كان ذلك دعوى بلا برهان فهو افتراء على الله عز وجل أنه أوجب ذلك. وهو تعالى لم يوجبه، وهذا عظيم جدا ونسأل الله التوفيق. وإذا كان نقل أهل المدينة وغيرهم إنما حكمه أن يراعى الفاسق فيجتنب نقله، والعدل فيقبل نقله، ففي المدينة عدول وفساق ومنافقون، وغيرهم شر خلق الله تعالى وفي الدرك الأسفل من النار وقال 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} وفي سائر البلاد أيضا عدول وفساق ومنافقون ولا فرق. وكيف يدعي هؤلاء المغفلون تقليد أهل المدينة وهم يخالفون عمر بن الخطاب في نيف وثلاثين قضية من موطأ مالك خاصة، وخالفوا أبا بكر، وعائشة وابن عمر وسعيد بن المسيب وسليمان بن يسار والزهري وغيرهم من فقهاء المدينة في كثير من أقوالهم جدا، فإن كان تقليد أهل المدينة واجبا فمالك مخطىء في خلافه لهؤلاء فيجب عليهم أن يتركوه إذا خالف من أهل المدينة. والحقيقة التي لا شك فيها هي أن مرادهم بالدعاء إلى

أهل المدينة، والتشييع بوجوب طاعتهم، إنما هو دعاء إلى قول مالك وحده، لا يبالون بأحد سواه من أهل المدينة، وأعجب من هذا أنهم فيما يدعون فيه إجماع أهل المدينة من المسائل، ليس عندهم في صحة ذلك إلا نقل مالك وحده ومن المحال أن يثبت الإجماع بنقل واحد لا برهان بيده وكل ما جوزوه على سائر الثقات من رواة الحديث عن النبي صلى الله عليه وسلم وعمن دونه إلى قيام الساعة فهو جائز على مالك ولا فرق، فظهر بطلان قولهم لكل ذي حس سليم. وأيضا فإن مالك بن أنس رحمه الله لم يدع إجماع أهل المدينة في موطئه إلا في نحو ثمان وأربعين مسألة فقط، مع أن الخلاف موجود من أهل المدينة في أكثر تلك المسائل بأعيانها، وأما سائرها فلا خلاف فيها بين أحد لا مدني ولا غيره، ولم يدع إجماعا في سائر مسائله فاستجاز أهل الجهل على الحقيقة من اتباعه الكذب المجرد والجهل الفاضح، ونعوذ بالله من الخذلان، في إطلاق الدعوى على جميع أقوالهم أو أكثرها، أنها إجماع أهل المدينة. وحتى لو صح لهم هذا القول الفاسد، لوجب ألا تقبل رواية القاسم وأشهب وابن عبد الحكم وسائر المالكيين قديما وحديثا، لأنهم ليسوا مدنيين. فإن قال قائل: إنهم أخذوا عن أهل المدينة. قيل: وكذلك أهل البصرة والكوفة والشام ومصر ومكة واليمن أخذوا عن أصحاب رسول الله صلى الله عليه وسلم الذين هم أفضل وأعلم من الذين أخذ عنهم المذكورون وأخذوا عن رسول الله صلى الله عليه وسلم الذي به هدى الله تعالى من شاء من أهل المدينة وغيرهم والقرآن واحد مشهور في غير المدينة كما هو بالمدينة وسنن الرسول صلى الله عليه وسلم معروفة منقولة في غير المدينة كما هي بالمدينة، والدين واحد ويهب الله من يشاء، من أهل المدينة وغير أهل المدينة، ما شاء من الحظ في دينه والفهم في كتابه وأهل المدينة وغيرهم سواء، ولا فرق بينهم وما عدا هذا القول فإفك وزور وكذب وبهتان وبالله التوفيق. وقد ذكرنا أن مالكا وأبا حنيفة والشافعي لم يقلدوا، ولا أجازوا

'Abd al-Rahman urged him to postpone until he could meet privately with the leading men. It did not concern the religious ordinances that must be known: the obligatory, the forbidden, and the permissible. Our discussion with our opponents concerns only the religious ordinances that bind the inhabitants of the remotest China and the Eternal Islands, those in Hawzarin, those in the furthest reaches of the lands of the Zanj, and those in the furthest reaches of the lands of the Slavs, just as they bind the Companions and the people of Medina, with an equal obligation admitting no distinction. We have not disputed with them about deliberating over an opinion or warning against someone seeking the caliphate. It would have been more fitting for them to abandon their obfuscation. Had that statement concerned obligatory religious ordinances, 'Umar would not have postponed it, nor would Ibn 'Awf have instructed him to postpone it. What is astonishing is that those who say this have contradicted actual consensus among the people of Medina. One instance is their prostrating with 'Umar during "When the heaven is split open" on a Friday. Yet these people said, "Established practice does not follow this," thereby abandoning the consensus of the people of Medina. Another instance is their sharing sacrificial offerings on the day of al-Hudaybiya. Again, these people said, "Established practice does not follow this," thereby abandoning the authentic consensus of the people of Medina while claiming it where it cannot be established. Such is the inversion of realities and affairs in religion, which is derived only from a transmitted textual ruling. There is no textual ruling requiring that the people of Medina be followed to the exclusion of others. Since this is a claim without demonstration, it is a fabrication against Allah, mighty and majestic, asserting that He has made something obligatory when He, exalted is He, has not made it obligatory. This is exceedingly grave, and we ask Allah to grant success. Since the rule governing transmission by the people of Medina and others is simply to identify the morally dissolute transmitter and avoid his transmission, and the upright transmitter and accept his transmission, there are in Medina upright people, morally dissolute people, hypocrites, and others who are the worst of Allah's creatures and in the lowest depth of the Fire. He, exalted is He, said: "Among the desert Arabs around you are hypocrites, and among the people of Medina are those who persist in hypocrisy. You do not know them; We know them. We shall

punish them twice; then they will be returned to a tremendous punishment." He, exalted is He, also said: "The hypocrites are in the lowest depth of the Fire, and you will never find a helper for them." In all other lands there are likewise upright people, morally dissolute people, and hypocrites; there is no difference. How can these heedless people claim unquestioning adherence to the people of Medina when they contradict 'Umar ibn al-Khattab in more than thirty rulings in Malik's Muwatta' alone? They have also contradicted Abu Bakr, 'A'isha, Ibn 'Umar, Sa'id ibn al-Musayyab, Sulayman ibn Yasar, al-Zuhri, and other jurists of Medina in very many of their statements. If unquestioning adherence to the people of Medina is obligatory, then Malik is mistaken in contradicting these men, and they must abandon him whenever he contradicts someone from the people of Medina. The truth, about which there is no doubt, is that what they intend by calling people to the people of Medina and promoting the obligation to obey them is merely a call to Malik's statement alone. They care nothing for anyone else among the people of Medina. More astonishing still is that, in the questions on which they claim a consensus of the people of Medina, they have nothing to establish its authenticity except Malik's transmission alone. It is impossible for consensus to be established by the transmission of a single person who has no demonstration in hand. Everything they allow as possible concerning all the other trustworthy transmitters of reports from the Prophet ﷺ, and from those below him down to the coming of the Hour, is possible concerning Malik as well; there is no difference. Thus, the invalidity of their statement becomes evident to everyone of sound perception. Furthermore, Malik ibn Anas—may Allah have mercy on him—claimed a consensus of the people of Medina in his Muwatta' on only about forty-eight questions, even though disagreement among the people of Medina exists on most of those very questions. As for the remaining ones, no one disagrees about them, whether Medinan or otherwise. He claimed no consensus concerning the rest of his questions. Yet those among his followers who are truly ignorant have permitted themselves sheer lying and disgraceful ignorance—we seek refuge in Allah from abandonment—in asserting indiscriminately that all or most of their statements constitute the consensus of the people of Medina. Even if this invalid statement of theirs were established in their favor, it would require

لأحد أن يقلدهم، ولا أن يقلد غيرهم. وروي أن مالكا أفتى في مسألة في طلاق البتة: أنها ثلاث، فنظر إلى أشهب قد كتبها، فقال: امحها، أنا كلما قلت قولا جعلتموه قرآنا ما يدريك لعلي سأرجع عنها غدا فأقول: هي واحدة. وهذا ابن القاسم لا يرى بيع كتب الرأي، لأنه لا يدري: أحق فيها أم باطل؟ ويرى جواز بيع المصاحف وكتب الحديث، لأنها حق. وقال مالك عند موته: وددت أني ضربت بكل مسألة تكلمت فيها برأيي سوطا على أنه لا صبر لي على السياط وذكر الشافعي حديثا عن النبي صلى الله عليه وسلم فقال له بعض جلسائه يا أبا عبد الله أنأخذ به؟ فقال له: يا هذا أرأيت علي زنارا؟ أرأيتني خارجا من كنيسة حتى تقول لي في حديث النبي صلى الله عليه وسلم أنأخذ بهذا ولم يزل رحمه الله في جميع كتبه ينهي عن تقليده وتقليد غيره، وهكذا حدثني القاضي أبو بكر حمام بن أحمد عن عبد الله بن محمد الباجي، عن القاضي أسلم بن عبد العزيز بن هشام، عن أبي إبراهيم المزني عن الشافعي. فترك هؤلاء القوم ما أمرهم به أسلافهم، وعصوهم في الحق، واتبعوا آراءهم تقليدا وعنادا للحق.

that the transmission of al-Qasim, Ashhab, Ibn ʻAbd al-Hakam, and all the other Malikis, earlier and later, should not be accepted, because they are not Medinans. If someone says, "They received their learning from the people of Medina," the reply is: "Likewise, the people of Basra and Kufa and Syria, Egypt, Mecca, and Yemen received their learning from the Companions of the Messenger of Allah may Allah bless him and grant him peace ﷺ, who are superior and more learned than those from whom the aforementioned men received their knowledge. They received it from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, through whom Allah Most High guided whomever He willed among the people of Medina and others. The Quran is one, well known outside Medina just as it is in Medina; and the practices of the Messenger, may Allah bless him and grant him peace ﷺ, are known and transmitted outside Medina just as they are in Medina. The religion is one. Allah grants whomever He wills, among the people of Medina and those outside Medina, whatever share He wills of His religion and understanding of His Book. The people of Medina and others are equal, with no difference between them. Anything other than this statement is falsehood, fabrication, lying, and calumny. Success comes through Allah.

We have already mentioned that Malik, Abu Hanifa, and al-Shafiʻi did not practice unquestioning imitation, nor did they permit anyone to imitate them unquestioningly or to imitate anyone else unquestioningly. It is related that Malik issued a legal opinion concerning an absolute divorce, ruling that it counted as three divorces. He then noticed that Ashhab had written it down and said: "Erase it! Whenever I make a statement, do you turn it into Quran? How do you know? Perhaps tomorrow I shall retract it and say that it counts as one." Here is Ibn al-Qasim, who does not consider the sale of books of juristic opinion permissible, because he does not know whether they contain truth or falsehood, whereas he considers the sale of copies of the Quran and books of hadith permissible, because they are true. At his death, Malik said: "I wish I had been given one stroke of the whip for every question on which I spoke according to my own opinion, although I have no endurance for the whip."

Al-Shafiʿi mentioned a hadith from the Prophet, may Allah bless him and grant him peace ﷺ, and one of those sitting with him said: "Abu ʿAbd Allah, should we act upon it?" He replied: "You there! Have you seen me wearing a non-Muslim's girdle? Have you seen me coming out of a church, that you should say to me concerning a hadith of the Prophet, may Allah bless him and grant him peace ﷺ: 'Should we act upon this?'" Throughout all his books he continually prohibited unquestioning imitation of himself and of others—may Allah have mercy on him. This is how the judge Abu Bakr Hammam ibn Ahmad related it to me, from ʿAbd Allah ibn Muhammed al-Baji, from the judge Aslam ibn ʿAbd al-ʿAziz ibn Hisham, from Abu Ibrahim al-Muzani, from al-Shafiʿi. These people thus abandoned what their predecessors commanded them to do and disobeyed them concerning the truth,

while following their opinions through unquestioning imitation and obstinate opposition to the truth.[183][184][185][186][187][188][189][190]

L2752–2757 The judge Yunus ibn ʿAbd Allah and Muhammed ibn Saʿid ibn Nabat related to us. Yunus said: Yahya related to us, ibn Malik ibn ʿA'in; Abu ʿIsa ʿAbd al-Rahman ibn Ismaʿil al-Khashshab related to us; Abu Jaʿfar Ahmad related to us, ibn Muhammed al-Tahawi; Ibrahim ibn Abi al-Jahim related to us; Muhammed ibn Muʿadh related to us; Sufyan ibn ʿUyayna related to us. Muhammed ibn Saʿid said: Ahmad ibn ʿAwn Allah related to us; Qasim ibn

حدثنا القاضي يونس بن عبد الله، ومحمد بن سعيد بن نبات، قال يونس: نا يحيى بن مالك بن عائن، نا أبو عيسى عبد الرحمن بن إسماعيل الخشاب، نا أبو جعفر أحمد بن محمد الطحاوي، نا إبراهيم بن أبي الجحيم، نا محمد بن معاذ، نا سفيان بن عيينة، وقال محمد بن سعيد: نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا أبو موسى الزمن هو محمد بن المثنى نا عبد الرحمن بن مهدي، عن سفيان الثوري، ثم اتفق ابن عيينة والثوري واللفظ للثوري: عن عبد الله بن طاوس، عن أبيه قال: قال معاوية لابن عباس: أنت على ملة علي؟ قال لا ولا على ملة عثمان أنا على ملة النبي صلى الله عليه وسلم قال محمد بن المثنى وثنا مؤمل نا سفيان الثوري، عن ابن طاوس، عن أبيه، عن ابن عباس قال: قال لي معاوية: أنت قلت ما أنا بعلوي ولا عثماني ولكني على ملة رسول الله صلى الله عليه وسلم حدثنا يونس بن عبد الله نا يحيى بن مالك بن عائذ، حدثنا الحسين بن أحمد بن أبي حنيفة، 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 قال أبو محمد فإذا كان الصحابة والتابعون رضي الله عنهم لا يستجيزون نسبة ما يعبدون به ربهم ولا مذاهبهم إلى أبي بكر، ولا إلى عمر، ولا إلى عثمان، ولا إلى علي ولا ينتسبون إلى أحد دون رسول الله صلى الله عليه وسلم فكيف بهم لو شاهدوا ما نشاهده من المصائب الهادمة للإسلام على من امتحنه الله به من الانتماء إلى مذهب فلان وفلان، والإقبال على أقوال مالك وأبي حنيفة والشافعي وترك أحكام القرآن وكلام النبي صلى الله عليه وسلم ظهريا

[183] **Translator's note (L2741):** The mudd and sa‘ are measures of capacity; the ratl is a measure of weight used here to express their equivalents. The wording لأن ما قالوا is syntactically unclear, apparently corrupt. The translation provisionally understands the ensuing statement as reporting that some held the sa‘ to be eight ratls; the precise wording cannot be established from the supplied text.

[184] **Translator's note (L2744):** The description of Surat Bara'a as the last sura revealed is the author's assertion.

[185] **Translator's note (L2745):** "The Eternal Islands" renders al-Khalidat, a traditional geographical name for the Fortunate Isles. The identification and vocalization of حوزارين, rendered "Hawzarin," are uncertain. The supplied Quranic wording إذا لسماء نشقت has apparent transcriptional omissions relative to the conventional wording إذا السماء انشقت. The recognizable sense is translated, with the discrepancy recorded here. The transition from the end of this unit into the next is syntactically awkward in the supplied text; no missing words have been supplied.

[186] **Translator's note (L2746):** The unpunctuated phrase ومنافقون وغيرهم شر خلق الله تعالى permits more than one syntactic grouping. The translation retains "and others" without emending the wording; the following unit continues the description with their being in the lowest depth of the Fire.

[187] **Translator's note (L2747):** The Quranic quotations contain repeated apparent transcriptional omissions of initial alifs in such words as الأعراب, المدينة, النفاق, المنافقين, الأسفل, and النار. Their recognizable meanings are translated here; these are discrepancies in the supplied Arabic spelling.

[188] **Translator's note (L2748):** The supplied text names القاسم, "al-Qasim." The context may suggest Ibn al-Qasim, but the missing "Ibn" has not been silently supplied.

[189] **Translator's note (L2751):** The opening blessing continues the preceding segment's reference to the Messenger of Allah; "who are superior" refers to his Companions in that preceding segment. "Absolute divorce" renders ṭalāq al-batta, a divorce formula whose effect—one divorce or three—is the subject of the report.

[190] **Qur'an references (L2741):** Qur'an 9:101 (At-Tawbah).

Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Abu Musa al-Zaman—that is, Muhammed ibn al-Muthanna—related to us; ʿAbd al-Rahman ibn Mahdi related to us, from Sufyan al-Thawri. The accounts of Ibn ʿUyayna and al-Thawri then coincide, with the wording being al-Thawri's: from ʿAbd Allah ibn Tawus, from his father, who said: Muʿawiya said to Ibn ʿAbbas: "Do you follow the religious way of ʿAli?" He replied: "No, nor the religious way of ʿUthman. I follow the religious way of the Prophet, may Allah bless him and grant him peace ﷺ."

Muhammed ibn al-Muthanna said: Muʾammal also related to us: Sufyan al-Thawri related to us, from Ibn Tawus, from his father, from Ibn ʿAbbas, who said: Muʿawiya said to me: "Was it you who said, 'I am neither a partisan of ʿAli nor a partisan of ʿUthman; rather, I follow the religious way of the Messenger of Allah, may Allah bless him and grant him peace ﷺ'?"

Yunus ibn ʿAbd Allah related to us; Yahya ibn Malik ibn ʿA'idh related to us; al-Husayn ibn Ahmad ibn Abi Hanifa related to us; Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi related to us; Yusuf ibn Yazid al-Qaratisi related to us; Saʿid ibn Mansur related to us; Hushaym related to us, from al-Mughira ibn Miqsam, from Ibrahim al-Nakhaʿi, who said: He disliked the expression "the established practice of Abu Bakr and ʿUmar"; instead, it should be "the established practice of Allah, mighty and majestic, and the established practice of His Messenger, may Allah bless him and grant him peace ﷺ."

Abu Muhammed said: If the Companions and the Successors—may Allah be pleased with them—did not consider it permissible to attribute the practices by which they worshipped their Lord, or their doctrinal positions, to Abu Bakr, ʿUmar, ʿUthman, or ʿAli, and did not affiliate themselves with anyone to the exclusion of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, how would they react if they witnessed what we witness: calamities that destroy Islam for those whom Allah has tried with them, consisting of affiliation with the school of so-and-so and so-and-so, devotion to the statements of Malik, Abu Hanifa, and al-Shafiʿi, and casting the rulings of the Quran and the words of the Prophet, may Allah bless him and grant him peace ﷺ, behind their backs? Praise belongs to Allah for keeping us steadfast upon His religion and His established practice, which the people

والحمد لله على تثبيته إيانا على دينه وسنته التي مضى عليها أهل الأعصار المحمودة، قبل أن تحدث بدعة التقليد وتفشو، وبالله نعتصم. كتب إلي النمري يوسف بن عبد الله الحافظ، نا سعيد بن نصر، نا قاسم بن أصبغ، نا ابن وضاح، نا موسى بن معاوية، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن يزيد بن أبي زيادة، عن إبراهيم هو النخعي عن علقمة، عن عبد الله بن مسعود قال: كيف أنتم إذا لبستكم فتنة يربو فيها الصغير، ويهرم عليها الكبير، وتتخذ سنة المبتدعة جرى عليها الناس، فإذا غير منها شيء قيل، غيرت السنة؟ قيل: متى ذلك يا أبا عبد الرحمن؟ قال: إذا كثر قراؤكم، وقل فقهاؤكم، وكثر أمراؤكم، وقل أمناؤكم، والتمست الدنيا بعمل الآخرة، وتفقه لغير الدين.

of the praiseworthy ages followed before the innovation of unquestioning imitation arose and spread. In Allah we seek protection.

Al-Namari, Yusuf ibn ʿAbd Allah, the hadith master, wrote to me: Saʿid ibn Nasr related to us; Qasim ibn Asbagh related to us; Ibn Waddah related to us; Musa ibn Muʿawiya related to us; ʿAbd al-Rahman ibn Mahdi related to us; related to us: Sufyan al-Thawri, from Yazid ibn Abi Ziyada, from Ibrahim—that is, al-Nakhaʿi—from ʿAlqama, from ʿAbd Allah ibn Masʿud, who said: "How will you fare when a tribulation envelops you, in which the young grow up and the old grow decrepit, and the practice of the innovators is adopted and followed by the people, so that whenever anything in it is changed, it is said: 'The established practice has been changed'?" He was asked: "When will that be, Abu ʿAbd al-Rahman?" He replied: "When your Quran reciters become numerous and your scholars of religious law become few, your rulers become numerous and your trustworthy men become few, and there is sought this world through deeds intended for the Hereafter, and understanding of religious law is acquired for purposes other than religion."[191][192][193]

L2758 Ahmad ibn ʿUmar al-ʿUdhri related to us; Abu Dharr ʿAbd ibn Ahmad related to us; ʿAbd Allah ibn Ahmad ibn Hammuya al-Sarakhsi related to us; Ibrahim ibn Khuzaym ibn Mihr related to us; ʿAbd ibn Humayd related to us; Muhammed ibn al-Fadl related to us; al-Saʿq ibn Hazn related to us, from ʿAqil al-Jaʿdi, from Abu Ishaq al-Hamdani, from Suwayd ibn Ghafala, from Ibn Masʿud, that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said to him: "'Abd Allah ibn Masʿud!" I said: "At your service, Messenger of Allah!" He said: "Do you know which people are best?" I said: "Allah and His Messenger know best." He said: "The best people are those

حدثنا أحمد بن عمر العذري، نا أبو ذر عبد بن أحمد، نا عبد الله بن أحمد بن حمويه السرخسي، نا إبراهيم بن خزيم بن مهر، نا عبد بن حميد، نا محمد بن الفضل، نا الصعق بن حزن، عن عقيل الجعدي، عن أبي إسحاق الهمداني، عن سويد بن غفلة عن ابن مسعود أن رسول الله صلى الله عليه وسلم قال له يا عبد الله بن مسعود قلت لبيك يا رسول الله، قال: أتدري أي الناس أفضل؟ قلت: الله ورسوله أعلم: قال: فإن أفضل الناس أفضلهم عملا إذ فقهوا في دينهم، ثم قال: يا عبد الله بن مسعود قلت: لبيك يا رسول الله قال: هل تدري أي الناس أعلم؟ قلت: الله ورسوله أعلم،

[191] **Translator's note (L2753):** The name is written ʿA'in here, whereas the corresponding name in unit 2754:0 is written ʿA'idh. The supplied forms have been retained.

[192] **Translator's note (L2755):** The final "related to us" introduces Sufyan al-Thawri in the next unit; the repeated transmission formula is retained.

[193] **Translator's note (L2756):** The wording concerning "the practice of the innovators" is syntactically awkward. The translation retains the supplied reference to the innovators rather than replacing it with a different version of the report. The final passive verb continues into the next unit.

whose deeds are best, when they have understanding of their religion." Then he said: "'Abd Allah ibn Masʿud!" I said: "At your service, Messenger of Allah!" He said: "Do you know which people are most knowledgeable?" I said: "Allah and His Messenger know best."[194]

L2759 He said: "The most knowledgeable of people is the one who discerns the truth most clearly when people disagree, even if he falls short in deeds, and even if you crawl upon your backside."

Al-Namari wrote to me: Saʿid ibn Sayyid related to us; ʿAbd Allah ibn Muhammed related to us; Ahmad ibn Khalid related to us; Ibn Waddah related to us; Ibrahim ibn Muhammed al-Shafiʿi related to us; Abu ʿIsam Rawwad ibn al-Jarrah al-ʿAsqalani related to us, from Saʿid ibn Bashir, from Qatada, who said: "Whoever does not know the disagreements has not so much as smelled the understanding of religious law with his nose."

Al-Namari wrote to me: Ahmad ibn Saʿid ibn Bishr related to us; Ahmad ibn Abi Dulaym related to us; Ibn Waddah related to us; Ibrahim ibn Yusuf al-Firyabi related to us; Damra ibn Rabiʿa related to us, from ʿUthman ibn ʿAtaʾ, from his father, who said: "No one should issue a legal opinion to anyone among the people until he is knowledgeable about people's disagreements. For if he is not, he will reject knowledge that is more reliable than what he himself possesses." This is also what we have transmitted from Saʿid ibn Jubayr, and this is also what Ahmad ibn Hanbal and others said.

Al-Namari wrote to me, saying: ʿIsa ibn Dinar related from Abu al-Qasim, who said: Malik was asked: "Who is permitted to issue legal opinions?" He replied: "Issuing legal opinions is permissible only for someone who knows the matters about which people have disagreed." He was asked: "The disagreements of the adherents of juristic opinion?" He replied: "No, the disagreements of the Companions of Muhammed, may Allah bless him and grant him peace ﷺ, and who knows the abrogating and the abrogated passages of the Quran and the hadith of the Prophet, may Allah bless him and grant him peace ﷺ. With such knowledge he issues legal opinions. Some-

قال: أعلم الناس أبصرهم بالحق إذا اختلف الناس، وإن كان مقصرا في العمل، وإن كان تزحف على استه. كتب إلي النمري: نا سعيد بن سيد، نا عبد الله بن محمد، نا أحمد بن خالد، نا ابن وضاح، نا إبراهيم بن محمد الشافعي، نا أبو عصام رواد بن الجراح العسقلاني، عن سعيد بن بشر، عن قتادة قال: من لم يعرف الاختلاف لم يشم الفقه بأنفه. كتب إلي النمري: ثنا أحمد بن سعيد بن بشر، نا أحمد بن أبي دليم، نا ابن وضاح، نا إبراهيم بن يوسف الفريابي، نا ضمرة بن ربيعة، عن عثمان بن عطاء، عن أبيه أنه قال: لا ينبغي لأحد أن يفتي أحدا من الناس حتى يكون عالما باختلاف الناس، فإنه إن لم يكن كذلك رد من العلم ما هو أوثق من الذي في يديه، هكذا روينا عن سعيد بن جبير. وهكذا قال أحمد بن حنبل وغيره. كتب إلي النمري قال: روى عيسى بن دينار عن أبي القاسم قال: سئل مالك قيل له: لمن تجوز الفتيا؟ قال: لا تجوز الفتيا إلا لمن علم ما اختلف الناس فيه، قيل له: اختلاف أهل الرأي قال لا اختلاف أصحاب محمد صلى الله عليه وسلم وعلم الناسخ والمنسوخ من القرآن وحديث النبي صلى الله عليه وسلم وكذلك يفتي ولا يجوز لمن لم يعلم الأقاويل أن يقول: هذا أحب إلي

[194] **Translator's note (L2758):** The supplied report shifts from the third-person introduction, "said to him," to Ibn Masʿud's first-person narration, "I said"; this shift is retained.

one who does not know the various positions is not permitted to say: 'This is preferable to me.'"[195]

L2760–2761 Al-Namari said: Yahya ibn Sallam said: "Someone who does not know the disagreements should not issue legal opinions, and someone who does not know the various positions is not permitted to say: 'This is preferable to me.'" Al-Namari wrote to me: Khalaf ibn related to us, al-Qasim; al-Hasan ibn Rashiq related to us; ʿAli ibn Saʿid al-Razi related to us; Muhammed ibn al-Muthanna related to us; ʿIsa ibn Ibrahim related to us: I heard Yazid Zurayʿ say: I heard Saʿid ibn Abi ʿAruba say: "Whoever has not heard the disagreements, do not count him as a scholar."[196][197]

L2762–2770 Al-Namari wrote to me: Khalaf ibn al-Qasim informed me: Muhammed ibn Shaʿban al-Qurazi narrated to us: Ibrahim ibn ʿUthman narrated to us: ʿAbbas al-Duri narrated to us, saying: I heard Qabisah ibn ʿUqbah say: "One who does not know the disagreements will not prosper." Al-Namari wrote to me: Qasim ibn Muhammed informed me: Khalid ibn Saʿid narrated to us: Muhammed ibn Futays narrated to us: Muhammed ibn ʿAbd Allah ibn ʿAbd al-Hakam narrated to us, saying: I heard Ashhab say: Malik was asked about the disagreement among the Companions of the Messenger of Allah ﷺ. He replied: "Error and correctness; so examine that." Al-Namari wrote to me and mentioned: Yahya ibn Ibrahim ibn Muzayyin: Asbagh narrated to me, saying: Ibn al-Qasim said: I heard Malik and al-Layth say concerning the disagreement among the Companions of the Messenger of Allah ﷺ: "It is not as some people have said, that there is latitude in it. It is not so: it is only error and correctness." Al-Namari wrote to me: ʿAbd al-Rahman ibn Yahya informed me: Ahmad ibn Saʿid informed us: Muhammed narrated to us ibn Rayyan: al-Harith ibn Miskin narrated to us, from Ibn al-Qasim, from Malik, that he said concerning the disagreement among the Companions of

قال النمري: وقال يحيى بن سلام: لا ينبغي لمن لم يعرف الاختلاف أن يفتي، ولا يجوز لمن لا يعلم الأقاويل أن يقول: هذا أحب إلي. كتب إلي النمري: نا خلف بن القاسم، نا الحسن بن رشيق، نا علي بن سعيد الرازي، نا محمد بن المثنى، نا عيسى بن إبراهيم، سمعت يزيد زريع يقول: سمعت: سعيد بن أبي عروبة يقول: من لم يسمع الاختلاف فلا تعده عالما.

كتب إلي النمري: أخبرني خلف بن القاسم، نا محمد بن شعبان القرظي، نا إبراهيم بن عثمان، نا عباس الدوري قال: سمعت قبيصة بن عقبة يقول: لا يفلح من لم يعرف الاختلاف. كتب إلي النمري: أخبرني قاسم بن محمد، نا خالد بن سعيد، نا محمد بن فطيس، نا محمد بن عبد الله بن عبد الحكم قال: سمعت أشهب يقول سئل مالك عن اختلاف أصحاب رسول الله صلى الله عليه وسلم فقال خطأ وصواب فانظر في ذلك كتب إلي النمري: وذكر يحيى بن إبراهيم بن مزين، حدثني أصبغ قال: قال ابن القاسم، سمعت مالكا والليث يقولان في اختلاف أصحاب رسول الله صلى الله عليه وسلم ليس كما قال ناس فيه توسعة ليس كذلك إنما هو خطأ وصواب. كتب إلي النمري: أخبرني عبد الرحمن بن يحيى، أنا أحمد بن سعيد، نا محمد بن ريان، نا الحارث بن مسكين، عن ابن القاسم، عن مالك أنه قال في اختلاف أصحاب رسول الله صلى الله عليه وسلم مخطىء ومصيب فعليك بالاجتهاد وذكره إسماعيل في المبسوط عن أبي ثابت المدني عن ابن القاسم عن مالك. كتب إلي النمري: نا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا أحمد بن زهير، حدثني أبي، عن سعيد بن عامر، ثنا شعبة، عن الحاكم بن عتيبة قال: ليس أحد من خلق الله تعالى إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي النمري ثنا خلف بن القاسم نا ابن أبي العقب بدمشق، نا أبو

[195] **Translator's note (L2759):** The supplied تزحف is a second-person verb, "you crawl," although the surrounding description is in the third person. This apparent grammatical disruption has been retained. The transmitter is named "Abu al-Qasim" in the supplied text; this has not been changed to "Ibn al-Qasim."

[196] **Translator's note (L2760):** The final name continues as "al-Qasim" in the next unit.

[197] **Translator's note (L2761):** The supplied text reads "Yazid Zurayʿ," without "ibn" between the names; the omission has not been silently repaired.

the Messenger of Allah ﷺ: “One is mistaken and another is correct; therefore you must exercise independent legal judgment.” Isma‘il also related it in al-Mabsut, from Abu Thabit al-Madani, from Ibn al-Qasim, from Malik. Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr narrated to us: My father narrated to me, from Sa‘id ibn ‘Amir: Shu‘bah narrated to us, from al-Hakim ibn ‘Utaybah, who said: “There is no one among the creatures of Allah Most High whose statements may not be accepted or rejected, except the Prophet ﷺ.” Al-Namari wrote to me: Khalaf ibn al-Qasim narrated to us: Ibn Abi al-‘Aqib narrated to us in Damascus: Abu Zur‘ah narrated to us: Ibn Abi ‘Umar narrated to us: Sufyan ibn ‘Uyaynah narrated to us, from Ibn Abi Najih, from Mujahid, who said: “There is no one among the creatures of Allah, Mighty and Majestic, whose statements may not be accepted or rejected, except the Prophet ﷺ.” Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr narrated to us: al-Ghallaqi informed us: Khalid ibn al-Harith narrated to us, saying: Sulayman al-Taymi said: “If you were to adopt the concession of every scholar, all evil would be gathered within you.” Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: narrated to us Qasim ibn Asbagh: Ibn Waddah narrated to us: Yusuf ibn ‘Adi narrated to us: Abu al-Ahwas narrated to us, from ‘Ata’ ibn al-Sa’ib, from Abu al-Bakhtari, concerning His saying, Mighty and Majestic: {They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were commanded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him.} He said: “Indeed, had they commanded them to worship them apart from Allah Most High, they would not have obeyed them; but they commanded them, making what Allah Most High had made lawful His forbidden thing, and His forbidden thing His lawful thing; they obeyed them, and that was the lordship.” Ibn Waddah said: Musa ibn Mu‘awiyah also narrated to us: Waki‘ narrated to us: Sufyan and al-A‘mash both narrated to us, from Habib ibn Abi Thabit, from Abu al-Bakhtari, who said: Hudhayfah ibn al-Yaman was asked concerning the saying of Allah Most High: {They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were com-

زرعة، ثنا ابن أبي عمر، نا سفيان بن عيينة، عن ابن أبي نجيح، عن مجاهد قال: ليس أحد من خلق الله عز وجل إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي النمري نا عبد الوارث بن سفيان نا قاسم بن أصبغ، نا أحمد بن زهير، أنا الغلاقي، نا خالد بن الحارث قال: قال سليمان التيمي: لو أخذت برخصة كل عالم اجتمع فيك الشر كله. كتب إلي النمري: نا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا ابن وضاح، نا يوسف بن عدي، نا أبو الأحوص، عن عطاء بن السائب عن أبي البختري في قوله عز وجل {تخذوا أحبارهم ورهبانهم أربابا من دون الله والمسيح بن مريم وما أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} قال: أما أنهم لو أمروهم أن تعبدوهم من دون الله تعالى ما أطاعوهم، ولكن أمروهم فجعلوا حلال الله تعالى حرامه، وحرامه حلاله، فأطاعوهم فكانت تلك الربوبية. قال ابن وضاح، وحدثنا موسى بن معاوية، نا وكيع، نا سفيان والأعمش جميعا، عن حبيب بن أبي ثابت، عن أبي البختري قال قيل لحذيفة بن اليمان في قول الله تعالى {تخذوا أحبارهم ورهبانهم أربابا من دون الله والمسيح بن مريم وما أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} أكانوا يعبدونهم؟ قال: لا ولكن كانوا يحلون لهم الحرام فيحلونه، ويحرمون عليهم الحلال فيحرمونه. كتب إلي النمري: أنا سعيد بن نصر، ثنا قاسم بن أصبغ، ثنا ابن وضاح، ثنا موسى بن معاوية، ثنا عبد الرحمن بن مهدي، عن شعبة، عن عمرو بن مرة، عن عبد الله بن سلمة قال: قال معاذ بن جبل: يا معشر العرب، كيف تصنعون بثلاث: دنيا تقطع أعناقكم، وزلة عالم، وجدال المنافق بالقرآن؟ فسكتوا، فقال: أما العالم فإن اهتدى فلا تقلدوه دينكم، وإن افتتن فلا تقطعوا منه أناتكم، فإن المؤمن يفتتن ثم يتوب، وأما القرآن فله منار كمنار الطريق، لا يخفى على أحد، فما عرفتم منه فلا تسألوا عنه ما شئتم فيه فكلوه إلى عالمه.

manded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him.} "Did they worship them?" He replied: "No; but they would declare forbidden things lawful for them, and they would treat them as lawful; and they would declare lawful things forbidden to them, and they would treat them as forbidden." Al-Namari wrote to me: Sa'id ibn Nasr informed us: Qasim ibn Asbagh narrated to us: Ibn Waddah narrated to us: Musa ibn Mu'awiyah narrated to us: 'Abd al-Rahman ibn Mahdi narrated to us, from Shu'bah, from 'Amr ibn Murrah, from 'Abd Allah ibn Salamah, who said: Mu'adh ibn Jabal said: "O company of Arabs, how will you deal with three things: worldly life that severs your necks, a scholar's lapse, and a hypocrite's disputation using the Qur'an?" They remained silent. He then said: "As for the scholar, if he is rightly guided, do not entrust your religion to him through uncritical adherence; and if he falls into temptation, do not withhold your forbearance from him, for the believer falls into temptation and then repents. As for the Qur'an, it has signposts like the signposts of a road, hidden from no one. Whatever you recognize in it, do not ask about it; whatever you wish concerning it, entrust it to one who knows it." He related the remainder of the report. Abu Muhammed said: This is an explicit statement of the position we have adopted—praise be to Allah, Lord of all worlds—concerning following the apparent meaning and abandoning uncritical adherence. Al-Namari wrote to me: Muhammed ibn Ibrahim narrated to us: Muhammed ibn Ahmad ibn Mufarrij narrated to us: Abu Sa'id al-Basri narrated to us in Mecca: al-Hasan ibn 'Affan al-'Amiri narrated to us: al-Husayn al-Ju'fi narrated to us, from Za'idah, from 'Ata' ibn al-Sa'ib, from Abu al-Bakhtari, who said: Sulayman al-Farisi said: "How will you fare when faced with three things: a scholar's lapse, a hypocrite's disputation using the Qur'an, and worldly life that severs your necks? As for the scholar's lapse, if he is rightly guided, do not entrust your religion to him through uncritical adherence. And as for a hypocrite's disputation using the Qur'an, the Qur'an has signposts like the signposts of a road. Whatever you recognize in it, adopt it; and whatever you do not recognize, entrust it to one who knows it." Al-Namari wrote to me: 'Abd al-Warith ibn Sufyan and Ya'ish ibn Sa'id narrated to us; both said: Qasim ibn Asbagh informed us: Bakr ibn Hammad narrated to us: Bishr ibn Hajar narrated to us: Khalid

وذكر باقي الحديث. قال أبو محمد: هذا هو نص ما ذهبنا، والحمد لله رب العالمين، في اتباع الظاهر وترك تقليد. كتب إلي النمري: ثنا محمد بن إبراهيم ثنا محمد بن أحمد بن مفرج، ثنا أبو سعيد البصري بمكة، ثنا الحسن بن عفان العامري، ثنا الحسين الجعفي، عن زائدة، عن عطاء بن السائب، عن أبي البختري قال: قال سليمان الفارسي. كيف أنتم عند ثلاث: زلة عالم، وجدال منافق بالقرآن، ودنيا تقطع أعناقكم؟ فأما زلة العالم فإن اهتدى فلا تقلدوه دينكم، وأما مجادلة منافق بالقرآن فإن للقرآن منارا كمنار الطريق، فما عرفتم منه فخذوا، وما لم تعرفوا فكلوه إلى عالمه. كتب إلي النمري: ثنا عبد الوارث بن سفيان، ويعيش بن سعيد قالا: أنا قاسم بن أصبغ، ثنا بكر بن حماد، ثنا بشر بن حجر، أنا خالد بن عبد الله الواسطي، عن عطاء، يعني ابن السائب، عن أبي البختري، عن علي بن أبي طالب، قال: إياكم والاستنان بالرجال، فإن الرجل يعمل بعمل أهل الجنة، ثم ينقلب لعلم الله عز وجل فيه، وذكر الحديث. كتب إلي النمري قال: ذكر ابن مزين، عن عيسى بن دينار، عن ابن القاسم، عن مالك قال: ليس كل ما قال رجل قولا، وإن كان له فضل يتبع عليه يقول الله عز وجل {لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} قال أبو محمد لو اتبع مقلدوه وهذا القول منه لاهتدوا. ونعوذ بالله من الخذلان. وقالوا أيضا: إن جمهور الصحابة كانوا بالمدينة، وإنما خرج عنها الأقل ومن المحال أن تغيب السنة عن الأكثر، ويدريها الأقل. قال أبو محمد: وهذا فاسد من القول جدا، لأن الرواية إنما جاءت عن ألف صاحب وثلاثمائة صاحب ونيف، أكثرهم من غير أهل المدينة، وجاءت الفتيا عن مائة ونيف وثلاثين منهم فقط، أكثرهم من غير أهل المدينة، وهذه الأمور لا تطلق جزافا، ولا يؤخذ الدين عمن لا يبالي أن يطلق لسانه بما لا يدري، ولا اهتبل به يوما من دهره قط، ولا شغل بالبحث عنه ليلة من عمره، وإنما يؤخذ ممن جعله وكده وعمدته، وآثره على طلب رياسة الدنيا، وأعده حجة ليلقى بها ربه، إذا

ibn ‘Abd Allah al-Wasiti informed us, from ‘Ata’—meaning Ibn al-Sa’ib—from Abu al-Bakhtari, from ‘Ali ibn Abi Talib, who said: “Beware of taking men as your models, for a man may perform the deeds of the people of Paradise and then turn away, in accordance with Allah’s knowledge, Mighty and Majestic, concerning him.” He related the report. Al-Namari wrote to me, saying: Ibn Muzayyin related, from ‘Isa ibn Dinar, from Ibn al-Qasim, from Malik, who said: “Not every statement a man makes is to be followed, even if he possesses merit. Allah, Mighty and Majestic, says: {Those who listen to speech and follow the best of it: those are the ones whom Allah has guided, and those are the possessors of understanding.}” Abu Muhammed said: Had his uncritical adherents followed this statement of his, they would have been rightly guided. We seek refuge in Allah from abandonment. They also said: “The majority of the Companions were in Medina, and only the minority left it. It is impossible for the Sunnah to escape the majority’s knowledge while the minority knows it.” Abu Muhammed said: This is a thoroughly unsound assertion, because reports have come down from only one thousand three hundred and some Companions, most of whom were not people of Medina; and legal opinions have come down from only one hundred and thirty-some of them, most of whom were not people of Medina. Such claims are not to be made recklessly, and religion is not to be taken from someone who does not care that he lets his tongue loose about what he does not know, to which he has never devoted attention for even a day of his life, and into which he has never spent a night of his life inquiring. Rather, it is to be taken from someone who has made it his chief concern and mainstay, has preferred it to seeking worldly leadership, and has prepared it as an argument with which to meet his Lord when questioned on the Day of Resurrection. Furthermore, regarding every opinion in which they have adhered uncritically to Malik—among those inconsistent views and those questions on which he holds two or three positions, which constitute most of his statements—not every one of them was witnessed by all his companions remaining in Medina. Indeed, neither were all the other rulings that he attributed to whomever he attributed them to. They are merely rulings delivered by a ruler: others among them either approved or disapproved of them. Whoever claims their consensus concerning such a ruling has asserted a falsehood evident to everyone, since

سئل يوم القيامة. ثم إن كل قولة قلدوا فيها مالكا، من تلك الآراء المضطربة، وتلك المسائل التي فيها القولان والثلاثة، وهي أكثر أقواله، فليس كل واحدة منها شهدها جميع أصحابه الباقين بالمدينة، نعم، ولا سائر الأحكام التي أسندها إلى من أسندها إليه إنما هي حكم حكم بها حاكم، إما رضيه غيره منهم، وإما سخطه، ومن ادعى إجماعهم عليه، فقد ادعى الكذب الذي لا يخفى على أحد، إذ لا شك أنهم لم يكونوا كلهم ملازمين لكل حكم حكم به الإمام هنالك أو قاضيه، فظهر سقوط ما احتجوا به وبالله تعالى التوفيق

there is no doubt that they were not all constantly present at every ruling delivered there by the imam or his judge. Thus the invalidity of what they have adduced as an argument has become clear. Through Allah Most High comes success.[198][199][200][201][202][203][204]

[198]**Translator's note (L2763):** The source reads "al-Hakim ibn 'Utaybah"; the familiar transmitter's name is al-Hakam ibn 'Utaybah. The supplied reading has been retained. The final "narrated to us" introduces Qasim ibn Asbagh in the following unit; its position reflects the Arabic transmission formula across the segment boundary.

[199]**Translator's note (L2764):** The Qur'anic quotation, corresponding to 9:31, has several defective spellings: its opening verb lacks its initial alif, and the forms for "Allah" and "and the Messiah" also lack expected letters. The translation follows the words these forms evidently represent.

[200]**Translator's note (L2765):** The source shifts awkwardly from third-person "them" to second-person plural "you" within "to worship them." The translation follows the surrounding third-person reference.

[201]**Translator's note (L2766):** The repeated Qur'anic quotation has the same defective spellings as in unit 2764:0. "Whatever you wish concerning it" translates the supplied "ma shi'tum fihi," an awkward reading in this context. It may be corrupt, but has not been replaced with a conjecture about passages that are unclear or doubtful. "Do not withhold your forbearance from him" follows "fa-la taqta'u minhu anatakum," an unusual construction whose intended sense appears to be continued patience with the erring scholar. The source names "Sulayman al-Farisi," rather than the familiar Salman al-Farisi; the supplied name has been retained.

[202]**Translator's note (L2769):** The Qur'anic quotation, corresponding to 39:18, omits initial alifs in several words. Its evident wording is reflected in the translation. The source has an awkward additional "and" in the sentence beginning "Had his uncritical adherents followed"; the translation reflects the apparent syntax without assigning it a separate clause.

[203]**Translator's note (L2770):** The referent of "his companions" is not entirely clear: the immediate grammatical antecedent is Malik, while the surrounding argument concerns the Companions remaining in Medina. The translation preserves the possessive rather than resolving the ambiguity.

[204]**Qur'an references (L2762):** Qur'an 9:31 (At-Tawbah).