الباب 39: إبطال القول بالعلل

Chapter 39: Refutation of Effective Causes in Religious Rulings

Ibn Ḥazm · Arabic–English parallel edition

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[الباب التاسع والثلاثون في إبطال القول بالعلل في جميع أحكام الدين]

قال أبو محمد علي بن أحمد رضي الله عنه ذهب القائلون بالقياس من المتحذلقين المتأخرين إلى القول بالعلل، واختلف المبطلون للقياس، فقالت طائفة منهم: إذا نص الله تعالى على أنه جعل شيئا ما سببا لحكم ما، فحيث ما وجد ذلك السبب وجد ذلك الحكم وقالوا مثال ذلك قول رسول الله صلى الله عليه وسلم إذ نهى عن الذبح بالسن وأما السن فإنه عظم. قالوا: فكل عظم لا يجوز الذبح به أصلا قالوا ومن ذلك قول رسول الله صلى الله عليه وسلم في السمن تقع فيه الفأرة فإن كان مائعا فلا تقربوه قالوا: فالميعان سبب ألا يقرب، فحيث ما وجد مائع حلت فيه نجاسة فالواجب ألا يقرب. قال أبو محمد: وهذا ليس يقول به أبو سليمان رحمه الله، ولا أحد من أصحابنا، وإنما هو قول لقوم لا يعتد بهم في جملتنا كالقاساني وضربائه. وقال هؤلاء: وأما ما لا نص فيه فلا يجوز أن يقال فيه: إن هذا لسبب كذا. وقال أبو سليمان، وجميع أصحابه رضي الله عنهم: لا يفعل الله شيئا من الأحكام وغيرها لعلة أصلا بوجه من الوجوه فإذا نص الله تعالى أو رسوله صلى الله عليه وسلم على أن أمر كذا لسبب كذا أو من أجل كذا ولأن كان كذا أو لكذا، فإن ذلك كله ندري أنه جعله الله أسبابا لتلك الأشياء في تلك المواضع التي جاء النص بها فيها. ولا توجب تلك الأسباب شيئا من تلك الأحكام في غير تلك المواضع البتة، قال أبو محمد: وهذا هو ديننا الذي ندين به، وندعو عباد الله تعالى إليه، ونقطع على أنه الحق عند الله تعالى. فأما الحديث الذي ذكروا في السن أنه عظم، فكل عظم ما عدا السن فالتذكية به جائزة لأن النبي صلى الله عليه وسلم لم يكن عاجزا عما قدر عليه هؤلاء المتخرصون، ولو كانت الذكاة بالعظام حراما لما اقتصر صلى الله عليه وسلم على ذكر السن وحده ولما رضي بهذا العي

[Chapter Thirty-Nine: Invalidating the Doctrine of Effective Causes in All the Rulings of Religion]

Abu Muhammed Ali ibn Ahmad, may Allah be pleased with him, said: Those advocates of analogy among the later pretentious sophisticates adopted the doctrine of effective causes. Those who reject analogy disagreed. One group among them said: 'If Allah Most High explicitly states that He has made a certain thing a reason for a certain ruling, then wherever that reason exists, that ruling exists.' They said: 'An example is the statement of the Messenger of Allah ﷺ when he prohibited slaughtering with a tooth: "As for the tooth, it is a bone."' They said: 'Thus it is absolutely impermissible to slaughter with any bone.' They said: 'Another example is the statement of the Messenger of Allah ﷺ concerning clarified butter into which a mouse falls: "If it is liquid, do not go near it."' They said: 'Thus liquidity is the reason for its not being approached. Wherever there is a liquid into which an impurity has entered, it is obligatory not to approach it.' Abu Muhammed said: This is not the position of Abu Sulayman, may Allah have mercy on him, nor of any of our companions. It is merely the position of people who carry no weight among us, such as al-Qasani and his like. These people said: "As for that concerning which there is no explicit text, it is impermissible to say that it is for such-and-such a reason." Abu Sulayman and all his companions, may Allah be pleased with them, said: "Allah does nothing, whether concerning legal rulings or anything else, on account of an effective cause, in any respect whatsoever. When Allah Most High or His Messenger ﷺ expressly states that such-and-such a matter is for such-and-such a reason, or on account of such-and-such, or because such-and-such occurred, or for such-and-such, we know that Allah has made all these things causes of those things in the particular instances in which the explicit text specifies them. These causes do not entail any of those rulings in any other instances whatsoever." Abu Muhammed said: This is our religion, which we profess and to which we call the servants of Allah Most High, and we affirm decisively that it is the truth in the sight of Allah Most High. As for the report they cited concerning the tooth, that it is a bone, ritual slaughter with every bone other than a tooth is permissible. For the Prophet ﷺ was not incapable of what

من ذكر شيء وهو يريد غيره، ولقال: ما أنهر الدم وفرى الأوداج فكلوا ما لم يكن عظما أو ظفرا، وصح ضرورة أنه لو كانت العظمة مانعة من الذبح لما هي فيه، لما كان لذكر السن معنى، ولكان تلبيسا لا بيانا، فوضح يقينا أن العظمة ليست مانعة من الذبح بالجرم الذي هي فيه، إلا أن يكون في سن فقط، وكذلك القول في الحديث الآخر ولا فرق. والقائلون بخلاف قولنا قد تناقضوا في الحديث المذكور نفسه، ولم يعنونا في طلب تناقضهم إلى مكان بعيد لكن أتوا إلى قوله صلى الله عليه وسلم في ذلك الحديث نفسه وأما الظفر فإنه مدى الحبشة فكان يلزمهم إذا جعلوا قوله صلى الله عليه وسلم فإنه عظم سببا مانعا من الذبح بكل عظم أن يجعلوا قوله صلى الله عليه وسلم وأما الظفر فإنه مدى الحبشة مانعا من التذكية بكل مدية ك أنت لحبشي، وهذا ما لا يقولونه، بل اقتصروا على المنع من الذبح بالظفر فقط. فلو فعلوا كذلك في السن فمنعوا من الذبح به ولم يتعدوه إلى سائر العظام لكان اهدى لهم، ولكن هكذا يتناقض أهل الخطأ. وأما أصحاب مالك وأبي حنيفة، وهم المغلبون للقياس على نصوص القرآن والحديث في كثير من أقوالهم، فإنهم تركوا القياس ههنا جملة، فأجازوا الذبح بكل عظيم، لم يقنعوا بهذا إلا حتى تجاوزوا ذلك إلى تخصيص النص بلا دليل، فأجازوا الذبح بكل سن نزعت، واقتصروا على المنع من الذبح بالسن التي لم تنزع، وأجازوا الذكاة بكل ظفر قلع وهذا خطأ منهم. والناقص من الدين كالزائد فيه ولا فرق {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} فلو كان التعليل صوابا لكان ما له نص الله تعالى عليه ورسوله صلى الله عليه وسلم بأن جعله سببا للحكم أولى عند كل من له مسكة عقل ودين، من علة يتكهنون في استخراجها بلا دليل فهم

these fabricators have managed to do. Had ritual slaughter with bones been forbidden, he ﷺ would not have confined himself to mentioning the tooth alone, nor would he have accepted this inarticulateness of mentioning one thing while meaning something else. He would have said: "Whatever causes the blood to flow and cuts through the jugular vessels, eat what it slaughters, provided it is neither a bone nor a nail." It is necessarily established that, if being bone prevented slaughter with whatever possessed that quality, mentioning the tooth would have served no purpose, and would have been obfuscation rather than clarification. It has thus become certain that being bone does not prevent slaughter with the physical object possessing that quality, except when it is specifically a tooth. The same applies to the other report, without any difference. Those who oppose our position have contradicted themselves within the very report mentioned. They have not put us to the trouble of going far afield to find their contradiction; instead, they turned to his statement ﷺ in that very report: "As for the nail, it is the knives of the Abyssinians." If they made his statement ﷺ, "For it is a bone," a cause preventing slaughter with every bone, they would have been obliged to make his statement ﷺ, "As for the nail, it is the knives of the Abyssinians," a prohibition on ritual slaughter with every knife that belonged to an Abyssinian. Yet they do not say this; instead, they confined the prohibition to slaughter with a nail alone. Had they done likewise with the tooth, prohibiting slaughter with it without extending this to the rest of the bones, that would have been better guidance for them. But this is how those in error contradict themselves. As for the followers of Malik and Abu Hanifah, who give analogy precedence over the explicit texts of the Quran and the reports in many of their positions, they abandoned analogy altogether here and permitted slaughter with every large thing. They were not content with this, but went further, restricting the scope of the explicit text without evidence: they permitted slaughter with every tooth that had been extracted and confined the prohibition to slaughter with a tooth that had not been extracted. They also permitted ritual slaughter with every nail that had been pulled out. This is an error on their part. Someone who subtracts from the religion is like someone who adds to it; there is no difference. "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 houses, nor shall they leave, unless they commit a manifest indecency. These are Allah's bounds, and whoever transgresses Allah's bounds has wronged himself. You do not know: perhaps Allah will bring about some matter after that." If reasoning by effective causes were correct, then what Allah Most High and His Messenger ﷺ explicitly designated as a cause of a ruling would have greater claim, in the judgment of anyone possessing a modicum of reason and religion, than an effective cause which they divine in their attempts to derive it without evidence. Yet they have reversed this, as you see. Abu Muhammed said: As for the correct position, besides which no other is permissible, it is that neither slaughter by cutting the throat nor slaughter by piercing the base of the neck is lawful with a tooth or a nail, whether they have been removed or have not been removed. As for anything other than these two—bones, Abyssinian knives, or anything else that cuts through—it is lawful to use it for slaughter by cutting the throat, slaughter by piercing the base of the neck, and ritual slaughter. If they say, "Consensus prevented us from consistently extending reasoning by effective causes to the Abyssinian knives in the report mentioned," they are told—and success is through Allah Most High: Consensus has thus been established upon the correctness of our position and upon the invalidity of reasoning by effective causes; and otherwise we extend the cause expressly stated in the text to that which has not been expressly stated in it. Had reasoning by effective causes been true, consensus contrary to it could not have existed. Abu Muhammed said: Abd al-Rahman ibn Abd Allah ibn Khalid related to us; Ibrahim ibn Ahmad related to us; al-Firabri related to us; al-Bukhari related to us; Abd Allah ibn al-Sabbah related to us; Abu Ali al-Hanafi related to us; Qurrah ibn Khalid related to us, saying: We waited for al-Hasan, and he came and said, "These neighbors of ours invited us." Then he said: Anas ibn Malik said: "We waited for the Prophet ﷺ one night until, when it was halfway through the night, reaching that point, he came and led us in prayer. Then he addressed us, saying: 'Take heed: the people have prayed and gone to sleep, whereas you have continued to be in prayer for as long as you have waited for the prayer.'" Abu Muhammed said: The Messenger of Allah ﷺ thus made waiting for the prayer one of the causes for which delaying the

قد قلبوا ذلك كما ترى. قال أبو محمد: وأما الصواب الذي لا يجوز غيره فهو أن السن والظفر لا يحل الذبح بهما ولا النحر، منزوعين كانا أو غير منزوعين، فأما ما عداهما، من عظم ومن مدي الحبشة أو غير ذلك مما يفري، فحلال الذبح به والنحر والتذكية. فإن قالوا: إن الإجماع منعنا أن يطرد التعليل في مدي الحبشة في الحديث المذكور، قيل لهم وبالله تعالى التوفيق: قد ثبت الإجماع على صحة قولنا، وعلى إبطال التعليل، وإلا نتعدى السبب المنصوص عليه إلى ما لم ينص عليه، ولو كان التعليل حقا ما جاز وجود الإجماع بخلافه. قال أبو محمد: وحدثنا عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد، ثنا الفربري، ثنا البخاري، ثنا عبد الله بن الصباح، ثنا أبو علي الحنفي، ثنا قرة بن خالد قال: انتظرنا الحسن فجاء فقال: دعانا جيراننا هؤلاء ثم قال قال أنس بن مالك نظرنا النبي صلى الله عليه وسلم ذات ليلة حتى إذا كان شطر الليل يبلغه جاء فصلى لنا ثم خطبنا فقال: ألا إن الناس قد صلوا رقدوا، وإنكم لم تزالوا في صلاة ما انتظرتم الصلاة قال أبو محمد فقد جعل رسول الله صلى الله عليه وسلم من الأسباب التي يختار لها تأخير العتمة انتظار الصلاة، فيكون المنتظر لها في صلاة ما انتظرها، ولم يكن هذا علة عند القائلين بالعلل في اختيار تأخير العصر والمغرب فإذا كان ما نص النبي صلى الله عليه وسلم عندهم ليس علة يبنى عليها فالتي ولدوها بآراهم الكاذبة أولى من ألا يبنى عليها. وقد تعدى بعضهم ممن لم يتق الله عز وجل إلى أطم من هذا فقال إن النبي صلى الله عليه وسلم يأمر بالأمر ويقول بالقول مما لا يجوز لكن لعلة شيء آخر أراده قال وذلك مثل قوله صلى الله عليه وسلم لقد هممت أن آمر بحطب فيحطب ثم ذكر أن يحرق بيوت المتخلفين عن الصلوات في الجماعات فقالوا هذا لا يجوز وإنما قاله صلى الله عليه وسلم تغليظا لا أنه أراد ذلك وقالوا إن أمره صلى الله عليه وسلم بغسل الإناء من ولوغ الكلب سبعا ليس على إيجاب ذلك،

late-evening prayer is preferred, so that the person waiting for it is in prayer for as long as he waits for it. Yet those who advocate effective causes did not regard this as an effective cause for preferring to delay the afternoon and sunset prayers. If what the Prophet ﷺ explicitly stated is, in their view, not an effective cause upon which to build, then those they have generated through their lying opinions have an even stronger claim not to be built upon. Some of them who have not feared Allah, Mighty and Majestic, have gone further, to something more monstrous than this. One said that the Prophet ﷺ commands something and makes a statement concerning what is impermissible, but does so on account of an effective cause consisting of something else he intended. He said: An example is his statement ﷺ, "I have indeed contemplated ordering firewood to be gathered"; then he mentioned burning the houses of those who stayed away from the congregational prayers. They said: "This is impermissible. He ﷺ said it only to make the warning severe, not because he intended to do it." They also said that his command ﷺ to wash a vessel seven times after a dog has lapped from it does not impose this as an obligation. Rather, he did this so that people would be deterred from keeping dogs, because they used to harm the Emigrants. They said: Another example is his statement ﷺ to the man who entered the mosque looking shabby while the Messenger of Allah ﷺ was delivering the sermon on Friday. He said: "Stand up and perform two units of prayer." They said: "Performing prayer at that time is impermissible. He ordered him to do this only so that the people would notice him and give him charity." They also said: Another example is his command ﷺ to make room for the pilgrimage. He commanded this, although it was impermissible, only to show them that the lesser pilgrimage was permissible during the months of the pilgrimage. They have much of this ruinous muddle. Abu Muhammed said: Were the person saying this not excused by the intense darkness of ignorance and weakness of intellect, no one would be more deserving than he of being subjected to reflection, of having his neck struck, and of having his property collected in full. For they attribute to the Messenger of Allah ﷺ that he commands falsehood and what is impermissible, and they describe him as lying. Would that I knew: was the Prophet ﷺ incapable of ordering the dogs to be killed, as he did when Allah commanded him Most High—so that he should re-

وإنما فعله ليزدجر الناس عن اتخاذها، لأنها كانت تؤذي المهاجرين قالوا ومن ذلك قوله صلى الله عليه وسلم للذي دخل المسجد بهيئة بذة ورسول الله صلى الله عليه وسلم يخطب يوم الجمعة فقال قم فاركع ركعتين قالوا: والركوع حينئذ لا يجوز، وإنما أمره بذلك ليفطن له الناس فيتصدقوا عليه وقالوا من ذلك أيضا أمره صلى الله عليه وسلم بفسح الحج إنما أمر به وهو لا يجوز ليريهم جواز العمرة في أشهر الحج ولهم من هذا التخليط المهلك كثير. قال أبو محمد: وقائل هذا لولا أنه يعذر بشدة ظلمة الجهل، وضعف العقل لما كان أحد أحق بالتفكير منه، وبضرب العنق وباستيفاء المال لأنهم ينسبون إلى رسول الله صلى الله عليه وسلم أنه يأمر بالباطل وبما لا يجوز ويصفونه بالكذب وليت شعري أعجز النبي صلى الله عليه وسلم عن أن يأمر بقتل الكلاب كما فعل إذ أمره الله تعالى، حتى يحلق هذا التحليق السخيف؟ الذي يشبه عقول المعللين بغسل الإناء من ولوغها سبعا؟. أما من كان لهم عقل يعلمون به أنه أن من عصى أمره بألا تتخذ الكلاب، وأن من اتخذ كلبا لم يبح له اتخاذه نقص من عمله كل يوم قيراطان، فهو لأمره بغسل الإناء سبعا، أعصى وأترك تعالى الله عن هذا وتنزه نبيه صلى الله عليه وسلم عن هذا الوصف الساقط والصحابة رضي الله عنهم أطوع وأجل لله تعالى ولرسوله صلى الله عليه وسلم من أن تكون هذه صفتهم أو تراه صلى الله عليه وسلم عجز عن أن يأمر أصحابه بالصدقة كما صرح لهم بذلك غير مرة حتى يأمر بركوع لا يجوز؟. أترى الصحابة لم يعقلوا أن العمرة في أشهر الحج جائزة وقد اعتمد بهم النبي صلى الله عليه وسلم قبل ذلك في أشهر الحج عمرتين متصلتين بعد ثالثة لم تتم، عمرة الحديبية، وعمرة القضاء، بعدها، وعمرته من الجعرانة بعد فتح مكة، كلهن في أشهر الحج قبل حجة الوداع أما اكتفوا بهذا وبأمره صلى الله عليه وسلم لهم في حجة الوداع فمن شاء منكم أن يهل بعمرة فليفعل فأهل بالعمرة نساؤه وكثير من أصحابه أما

sort to this foolish flight of fancy, which resembles the minds of those who assign effective causes to washing a vessel seven times because dogs have lapped from it? Did they have no understanding by which to recognize that someone who disobeys his command that dogs should not be kept, and that whoever keeps a dog which he is not permitted to keep loses two qirats from his deeds every day, would be still more disobedient to, and neglectful of, his command to wash the vessel seven times? Exalted is Allah above this, and far removed is His Prophet ﷺ from this contemptible characterization! The Companions, may Allah be pleased with them, are more obedient to, and more reverent toward, Allah Most High and His Messenger ﷺ than to be characterized in this way. Or do you suppose that he ﷺ was unable to command his Companions to give charity, as he explicitly told them on more than one occasion, so that he had to command an impermissible bowing in prayer? Do you suppose that the Companions had not understood that the lesser pilgrimage during the months of the pilgrimage was permissible, when the Prophet ﷺ had previously undertaken with them, during the months of the pilgrimage, two successive lesser pilgrimages after a third that was not completed: the lesser pilgrimage of al-Hudaybiyyah, the compensatory lesser pilgrimage after it, and his lesser pilgrimage from al-Jiʿranah after the conquest of Mecca—all of them during the months of the pilgrimage, before the Farewell Pilgrimage? Were they not satisfied with this and with his command ﷺ to them during the Farewell Pilgrimage: "Whoever among you wishes to enter the consecrated state for a lesser pilgrimage, let him do so." His wives and many of his Companions accordingly entered the consecrated state for the lesser pilgrimage. Is this clarification that the lesser pilgrimage during the months of the pilgrimage is permissible not sufficient, so that he would need to command them to do something unlawful—according to the assertion of someone whose assertion has no standing—by cancelling their pilgrimage? Does the person who attributes this to the Companions, may Allah be pleased with them, have no understanding or sense to restrain him from this foolishness and madness? Whoever thinks this of them has reached the utmost extreme in belittling their standing, or the utmost resemblance to cattle; indeed, he is further astray. And do you suppose that, had he ﷺ not truly intended to burn down the houses of those who stayed away from con-

يكفي هذا من البيان بأن العمرة في أشهر الحج جائزة؟ حتى يحتاج إلى أمرهم بما لا يحل؟ بزعم من لا زعم له من فسخ الحج. أما لمن نسب هذا إلى الصحابة رضي الله عنهم عقل أو حس يردعه عن هذا السخف والجنون؟. إن من ظن هذا بهم لفي الغاية القصوى من الاستخفاف بأقدارهم، أو في غاية الشبه بالأنعام بل هو أضل سبيلا وتراه صلى الله عليه وسلم لو لم يكن يريد إحراق بيوت المتخلفين عن الصلاة في الجماعة حقا؟ أما كان يكتفي بأن يأمر بهجرهم، كما فعل بالمتخلفين عن تبوك؟ أو بطردهم، كما طرد الحكم وهيثا المخنث، أو بأدبهم كما أدب في الخمر قبل استقرار الحد فيها بالأربعين؟ حتى يتعد إلى الكذب والأخبار بما لا يحل؟ اللهم إنا نبرأ إليك من هذا القول الفاحش المهلك. حدثنا حمام بن أحمد، ثنا ابن مفرج، ثنا ابن الأعرابي، ثنا الدبري، ثنا عبد الرزاق، عن معمر قال: قلت لعبيد الله بن عمر أعلمت أن رسول الله صلى الله عليه وسلم أفاد بالقسامة قال لا قلت فأبو بكر قال لا. قلت: فعمر؟ قال: لا. قلت: فيم تجترئون على ذلك، فسكت، قال: فقلت ذلك لمالك فقال لا تضع أمر رسول الله صلى الله عليه وسلم على الحيل ثم ذكر باقي الكلام قال أبو محمد: وهذا هو الحق الذي لا يجوز خلافه، وهذا مذهب الأئمة وكل من في قلبه إسلام، ثم يقع لهم الخطأ والوهلات التي لم يعصم منها بشر، فأتى هؤلاء الأوباش المقلدون فقلدوهم في خطئهم الذي لم ينتبهوا له، وعصوهم في الحقيقة التي ذكرنا من أن لا يحمل أمر النبي صلى الله عليه وسلم على الحيل قال أبو محمد فإن ذكروا في ذلك مواصلة النبي صلى الله عليه وسلم بهم وقد نهاهم عن الوصال فليعلموا أن ذلك كان منه عليه السلام صياما مقبولا لأن الوصال له مباح بالنص من قوله صلى الله عليه وسلم لست كأحد منكم إني أبيت يطعمني ربي ويسقيني وكان منهم عقوبة لهم لا صياما، وهكذا في نص الحديث، أنه كان كالتنكيل بهم، وجائز للإمام أن يمنع المرء الطعام اليوم والليلة،

gregational prayer, he would not have contented himself with commanding that they be shunned, as he did with those who stayed behind from Tabuk, or expelled, as he expelled al-Hakam and Hitha the effeminate man, or disciplined, as he imposed discipline for wine drinking before its prescribed punishment was fixed at forty lashes, rather than going so far as lying and announcing something unlawful? O Allah, we declare ourselves free before You of this outrageous, ruinous statement. Hammam ibn Ahmad related to us: Ibn Mufarrij related to us: Ibn al-Aʿrabi related to us: al-Dabari related to us: ʿAbd al-Razzaq related to us, from Maʿmar, who said: I said to ʿUbayd Allah ibn ʿUmar: "Do you know that the Messenger of Allah ﷺ granted anything on the basis of the collective oaths in a homicide case?" He said: "No." I said: "Then Abu Bakr?" He said: "No." I said: "Then ʿUmar?" He said: "No." I said: "On what grounds, then, do you dare to do that?" He fell silent. He said: I then mentioned this to Malik, and he said: "Do not construe the command of the Messenger of Allah ﷺ as a stratagem." He then related the remainder of the discussion. Abu Muhammed said: This is the truth, which it is impermissible to oppose, and this is the position of the leading authorities and everyone in whose heart there is Islam. Nevertheless, errors and lapses occur on their part, from which no human being has been protected. Then these rabble who practice unquestioning imitation came along and imitated them in the error they had not noticed, while disobeying them concerning the truth we have mentioned: that the Prophet's ﷺ command must not be construed as a stratagem. Abu Muhammed said: If, in this connection, they mention the Prophet's ﷺ continuing the fast without a break together with them, although he had forbidden them to continue fasting without a break, let them know that on his part, peace be upon him, this was an accepted fast, because continuing the fast without a break was permissible for him by the explicit wording of his statement ﷺ: "I am not like any one of you. I spend the night with my Lord feeding me and giving me drink." On their part, it was a punishment for them, not a fast. This is also how it appears in the explicit wording of the report: it was something like an exemplary punishment of them. It is permissible for the ruler to withhold food from a person for a day and a night, and for a period which he knows will not bring that person to death, by way of exemplary punish-

ومقدارا يدري أنه لا يبلغ به الموت على سبيل النكال كما فعل صلى الله عليه وسلم وبالله تعالى التوفيق ونحن إن شاء الله تعالى موردون مشاغب أصحاب العلل، على حسب ما التزمنا لجميع خصومنا، ومبينون، بحول الله واهب القوة لا إله إلا هو وعونه لنا إن شاء الله تعالى، تمويههم بها وحل شغبهم الفاسد، ثم موردون البراهين الضرورية الصادقة عن إبطال العلل جملة، إن شاء الله تعالى وبه نعتصم. احتج القائلون بالعلل بآيات ظاهرها كون بعض الأحكام من أجل بعض الأحوال، فمن ذلك قول الله عز وجل وقد ذكر قتل أحد ابني آدم عليه السلام لأخيه: {من أجل ذلك كتبنا على بني إسرائيل أنه من قتل نفسا بغير نفس أو فساد في لأرض فكأنما قتل لناس جميعا ومن أحياها فكأنما أحيا الناس جميعا ولقد جآءتهم رسلنا بلبينات ثم إن كثيرا منهم بعد ذلك في لأرض لمسرفون} قال أبو محمد فيقال لهم وبالله تعالى التوفيق.

ment, as he ﷺ did. Through Allah Most High comes success. We shall, if Allah Most High wills, present the contentious objections of the proponents of effective causes, in accordance with the undertaking we have made to all our opponents. Through the power of Allah, the Giver of strength—there is no god but He—and His assistance to us, we shall, if Allah Most High wills, explain the deception they practice through these objections and dismantle their unsound contentious arguments. Then we shall present the necessary, truthful demonstrations establishing the invalidity of effective causes altogether, if Allah Most High wills. In Him we seek protection. Those who affirm effective causes have argued from verses whose apparent sense is that certain rulings exist on account of certain circumstances. Among these is the saying of Allah, Mighty and Majestic, after He has mentioned one of Adam's two sons—peace be upon him—killing his brother: {Because of that We prescribed for the Children of Israel that whoever kills a soul, unless for a soul or corruption in the earth, it is as though he has killed all people; and whoever preserves its life, it is as though he has preserved the lives of all people. Our messengers certainly came to them with clear proofs; then indeed many of them, after that, are transgressors in the earth.} Abu Muhammed

said: It is therefore to be said to them—and through Allah Most High comes success—[1234567891011]

[1]**Translator's note (L3467):** 'Effective causes' renders ʿilal, while 'reason' renders sabab, preserving the distinction between the two Arabic terms. The introductory invocation 'may Allah be pleased with him' speaks about Abu Muhammed in the third person and appears to belong to the transmitted framing of his words.

[2]**Translator's note (L3470):** The wording rendered "that belonged to an Abyssinian" is typographically corrupt in the supplied text; the separated letters appear to represent "belonged." The supplied text reads "every large thing," where the argument evidently calls for "every bone." The translation preserves the supplied reading rather than silently substituting "bone."

[3]**Translator's note (L3471):** The supplied wording at the end reads "and otherwise we extend," which disrupts the argument. A likely intended reading is "and that we must not extend," yielding an assertion that consensus forbids extending an expressly stated cause to cases not covered by the text.

[4]**Translator's note (L3473):** The wording translated "halfway through the night, reaching that point" contains an awkward additional verb whose precise syntactic function is uncertain. It has been retained rather than silently omitted.

[5]**Translator's note (L3474):** The supplied wording literally means "making room for the pilgrimage." It appears to be a transcription error for dissolving the major pilgrimage into a lesser pilgrimage, which would fit the ensuing argument. The translation preserves the supplied wording.

[6]**Translator's note (L3475):** The supplied text reads "reflection" where the context strongly suggests "declaring someone an unbeliever." The translation preserves the transmitted reading, although it is incongruous. "Having his property collected in full" renders the supplied wording literally; confiscation of his property appears to be intended.

[7]**Translator's note (L3476):** The opening "Most High" completes the reference to Allah in the preceding segment. The supplied اعتمد بهم, literally suggesting undertaking something with them or relying upon them, is awkward here; the context concerns the Prophet's performance of the lesser pilgrimage with them and may reflect a corruption of اعتمر بهم. A qirat is a measure; here it denotes a measure deducted from the reward for one's deeds. The Arabic supplies no numerical equivalent. The enumeration describes two completed lesser pilgrimages and an earlier uncompleted one; its wording and order have been retained.

[8]**Translator's note (L3477):** The initial salutation belongs to the preceding segment's reference to the Prophet: "may Allah bless him and grant him peace" ﷺ. The name هيثا is rendered "Hitha" as supplied; its reading is uncertain. The final name continues in the next segment as ʿUbayd Allah ibn ʿUmar.

L3481–3485

This is the strongest argument against you, because Allah Most High imposed this burden upon none but the Children of Israel alone. If that were an effective cause that applied uniformly, as they claim, it would be binding upon all people. If they say, “It is binding upon all people,” we ask them: “What do you say about all major sins? Are they corruption in the earth, or is nothing corruption in the earth except what has been designated ‘corruption in the earth,’ a designation that applies only to armed depredation alone?” One of these two answers is unavoidable. If they say, “All major sins are corruption in the earth,” we show them that the wine drinker, the thief, the practitioner of usury, the person who consumes orphans’ property, the person who commits unlawful intercourse without protected marital status, the person who consumes pork, blood, or carrion, the usurper of property, and the person who makes an accusation of unlawful intercourse are corrupters in the earth, yet it is not lawful to kill them. Rather, anyone who kills them is executed in retaliation for them. They have therefore contradicted their statement that the ruling of the aforementioned verse applies to us, because the explicit wording of that verse permits the killing of every corrupter in the earth. If they say, “None of the major sins is corruption in the earth except armed depredation,” we show them that the person who commits unlawful intercourse while possessing protected marital status is executed, although he is not a corrupter in the earth. Thus the effective cause which they claimed to be an effective cause breaks down, because the aforementioned verse states that a soul is not to be killed except for a soul or corruption in the earth. The person who commits unlawful intercourse while possessing protected

هذا أعظم حجة عليكم، لأن الله تعالى لم يلزم هذا الإصر غير بني إسرائيل فقط، ولو أن ذلك علة مطردة كما يدعوا للزم جميع الناس. فإن قالوا: هو لازم لجميع الناس، سألناهم ما تقولون في جميع الكبائر، أهي فساد في الأرض أم ليست فسادا في الأرض إلا ما سمي فسادا في الأرض وليس هذا واقعا إلا على المحاربة فقط؟ ولا بد من أحد الجوابين. فإن قالوا: الكبائر كلها فساد في الأرض، أريناهم شارب الخمر والسارق، والمرابي وآكل أموال اليتامى، والزاني غير المحصن، وآكل لحم الخنزير والدم والميتة، والغاصب والقاذف، مفسدين في الأرض ولا يحل قتلهم، بل من قتلهم قتل بهم قودا، فقد نقضوا قولهم إن حكم الآية المذكورة جار علينا، لأن في نص تلك الآية إباحة قتل كل مفسد في الأرض. فإن قالوا: ليس شيء من الكبائر فسادا في الأرض حاشا المحاربة. أريناهم الزاني المحصن يقتل، وليس مفسدا في الأرض، فانتفضت العلة التي ادعوها علة لأن في الآية المذكورة ألا تقتل نفس بغير نفس أو فساد في الأرض، الزاني المحصن لم يقتل نفسا، ولا أفسد في الأرض، وهو يقتل ولا بد، ولا يكون قاتله كأنه قتل الناس جميعا. فإن قالوا: إن زنى المحصن وحده ووطء امرأة الأب، وردة المرتد، وشرب المحدود ثلاث مرات في الخمر مرة رابعة، فساد في الأرض وما عدا هذا فليس فسادا في الأرض كابروا وتحكموا بلا دليل وقد جعل النبي صلى الله عليه وسلم الزاني وهو شيخ أو بامرأة جاره أو بامرأة المجاهد في سبيل الله أعظم جرما من سائر الزناة، وسواء كانوا محصنين أو غير محصنين، إلا أن غير المحصن على كل حال لا يقتل وإن كان أعظم جرما من المحصن في بعض الأحوال التي ذكرنا، والمحصن على كل حال يقتل، وإن كان غير المحصن أعظم جرما منه في بعض الأحوال التي ذكرنا. وأيضا: فإن هذا القول الذي قالوه ناقض لأصولهم في العلل، وموجب ألا يكون الشيء علة إلا حيث نص الله عز وجل على أنه علة

[9] **Translator’s note (L3478):** The opening completes the name ʿUbayd Allah ibn ʿUmar from the preceding segment. The supplied أفاد means “granted” or “conferred a benefit,” but is awkward in this context. It may be a transcription error for أقاد, “exacted retaliation,” which would make the question concern execution in retaliation on the basis of the collective oaths (qasamah). The translation retains the supplied reading.

[10] **Translator’s note (L3480):** “Effective cause” consistently renders ʿillah, the purported basis for extending a legal ruling beyond an expressly stated case. The Qur’anic quotation contains several defective spellings, including لأرض, لناس, and بلبينات. Their lexical meanings remain recognizable and are translated as supplied.

[11] **Qur’an references (L3467):** Qur’an 65:1 (At-Talaq); Qur’an 5:32 (Al-Ma’idah).

marital status has neither killed a soul nor wrought corruption in the earth, yet he is necessarily executed, and his executioner is not as though he had killed all people. If they say, "Unlawful intercourse by someone possessing protected marital status alone, intercourse with one's father's wife, an apostate's apostasy, and drinking wine a fourth time after having received the prescribed punishment for it three times constitute corruption in the earth, whereas everything else does not constitute corruption in the earth," they are obstinately denying the evident and making arbitrary judgments without evidence. The Prophet ﷺ declared that someone who commits unlawful intercourse when he is an old man, or with his neighbor's wife, or with the wife of someone fighting in Allah's path, is greater in wrongdoing than other people who commit unlawful intercourse, whether they possess protected marital status or do not possess it. Yet the person without protected marital status is in every case not executed, even if his wrongdoing is greater than that of someone possessing protected marital status in some of the circumstances we have mentioned. And the person possessing protected marital status is in every case executed, even if someone without protected marital status is greater in wrongdoing than he is in some of the circumstances we have mentioned. Moreover, this statement of theirs contradicts their foundational principles concerning effective causes and entails that nothing is an effective cause except where Allah, Mighty and Majestic, has expressly stated that it is an effective cause, because they say that a major sin is not corruption except where it has been expressly stated to be corruption and where Allah Most High has commanded that its perpetrator be killed. Their application of the effective cause wherever it is found is thereby invalidated. This is precisely our own position, except for calling it an "effective cause" or a "reason": we do not apply that designation, because no revealed text has supplied it. Since nothing separates us except the designation alone, the disagreement has disappeared, for contention concerns only establishing or invalidating the meaning designated. There is no significance to the name, or to contention over it, once we have established the meaning. We prohibit it only for fear of its being used to introduce doubt and confusion, and to give falsehood the name of truth. This, then, is a stopping to consider the unsoundness of his practice, and we explain to him the evil of its outcome.

لأنهم يقولون إن الكبيرة لا تكون فسادا إلا حيث نص على أنها فساد، وحيث أمر الله تعالى بقتل فاعلها، وبطل إجراؤهم العلة حيث وجدت، وهذا قولنا نفسه حاشا التسمية بعلة أو سبب، فإنا لا نطلقه، لأن النص لم يأت به، وإذ ليس بيننا إلا التسمية فقط فقد ارتفع الخلاف إذ إنما تضايق في تصحيح المعنى المسمى أو إبطاله، ولا معنى للاسم ولا للمضايقة فيه إذا حققنا المعنى، وإنما نمنع منه خوف التشكيك به والتلبيس، وتسمية الباطل باسم الحق، فهذا توقف على فساد عمله، ونبين له قبح مغبته وبالله تعالى التوفيق. واحتج بعضهم بقول الله عز وجل حكاية عن المنافقين أنهم قالوا {فرح لمخلفون بمقعدهم خلاف رسول لله وكرهوا أن يجاهدوا بأموالهم وأنفسهم في سبيل لله وقالوا لا تنفروا في لحر قل نار جهنم أشد حرا لو كانوا يفقهون}

Through Allah Most High comes success. Some of them have argued from the saying of Allah, Mighty and Majestic, reporting what the hypocrites said: {Those who stayed behind rejoiced in their remaining behind in opposition to the Messenger of Allah, and disliked striving with their possessions and their lives in Allah's path. They said: "Do not go forth in the heat." Say: "The fire of Hell is more intense in heat," if only they understood.}[12][13][14][15]

L3486–3495 Abu Muhammed said: This verse suffices to invalidate effective causes, because Allah Most High stated that Hell possesses heat and that this world possesses heat, then distinguished between the rulings concerning the two. He commanded them to endure the heat of this world and reproached them for fleeing from it, while commanding them to flee from the heat of Hell and never to endure it at all. We seek refuge in Allah from it. They also adduced His saying, Most High: {And when you said to the one upon whom Allah had bestowed favor and upon whom you had bestowed favor, "Keep your wife and fear Allah," while concealing within yourself what Allah would disclose, and fearing people, although Allah had a greater right that you should fear Him. Then, when Zayd had fulfilled his need of her, We married her to you, so that there should be no impediment for the believers concerning the wives of their adopted sons when they have fulfilled their need of them.

[12]**Translator's note (L3482):** The supplied كما يدعوا is grammatically irregular in this context; it is rendered according to its apparent intended sense, "as they claim."

[13]**Translator's note (L3483):** "Armed depredation" renders muharabah, the legal category of violent attacks upon public security. "Protected marital status" renders ihsan; muhsan and ghayr muhsan are distinguished throughout as possessing or lacking that status. The term denotes a technical legal status rather than simply whether a person is currently married. The supplied فانتفضت, literally "shook" or "shook itself free," is unusual here and may be a transcription error for فانتقضت, "was invalidated." "Breaks down" conveys the argument without assuming a corrected spelling.

[14]**Translator's note (L3485):** The phrase فهذا توقف على فساد عمله is syntactically awkward as supplied. The translation follows its apparent literal wording; the intended construction may instead concern making the person aware of the unsoundness of his practice. The Qur'anic quotation contains defective spellings such as لمخلفون, لله, and لحر, with missing initial letters in recognizable words. These have been translated according to their evident lexical meanings.

[15]**Qur'an references (L3481):** Qur'an 9:81 (At-Tawbah).

قال أبو محمد: وهذه الآية كافية في إبطال العلل، لأن الله تعالى أخبر أن جهنم ذات حر وأن الدنيا ذات حر ثم فرق تعالى بين حكميها وأمرهم بالصبر على حر الدنيا وأنكر عليهم الفرار عنه وأمرهم الفرار عن حر جهنم، وألا يصبروا عليها أصلا نعوذ بالله منها. واحتجوا أيضا بقوله تعالى {وإذ تقول للذي أنعم الله عليه وأنعمت عليه أمسك عليك زوجك وتق الله وتخفي في نفسك ما الله مبديه وتخشى لناس والله أحق أن تخشاه فلما قضى زيد منها وطرا زوجناكها لكي لا يكون على لمؤمنين حرج في أزواج أدعيآئهم إذا قضوا منهن وطرا وكان أمر الله مفعولا} قال أبو محمد وهذا لا حجة لهم فيه لأنه نص على أن النبي صلى الله عليه وسلم إذ تزوج امرأة زيد وهو قد كان استلحقه ونحن مأمورون باتباعه صلى الله عليه وسلم في تحليل ما أحل وتحريم ما حرم فنكاحه صلى الله عليه وسلم إياها موجب علينا تحليل أزواج المستلحقين في الجاهلية غير استلحاق الولادة، لكن الاستلحاق المنسوخ فقط، وهذا الذي قلنا هو نص الآية، ولو كان علة كما ادعوا للزم كل أحد أن ينكح امرأة دعيه ولا بد، فلما لم يكن ذلك بلا خلاف سقط ظنهم أن إنكاحه عز وجل لرسوله صلى الله عليه وسلم زينب أم المؤمنين علة لما راموا تعليله بذلك. وصح قولنا: أنه نص على إيجاب تحليل ما أحل الله تعالى لرسوله عليه السلام فقط، وبالله تعالى التوفيق واحتجوا بقوله تعالى {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله

And Allah's command is accomplished.} Abu Muhammed said: This affords them no proof, because it explicitly states that the Prophet ﷺ married Zayd's wife, having previously claimed him as his son. We are commanded to follow him ﷺ in declaring lawful what he declared lawful and declaring forbidden what he declared forbidden. His marriage to her ﷺ therefore obliges us to declare lawful the wives of those claimed as sons in the age of ignorance—not acknowledgment of biological sonship, but only the abrogated form of claiming sonship. What we have stated is the explicit wording of the verse. If it were an effective cause, as they claimed, everyone would necessarily be obliged to marry his adopted son's wife. Since that is indisputably not the case, their supposition that His marrying Zaynab, the Mother of the Believers, to His Messenger ﷺ constituted an effective cause for what they sought to explain through it is defeated. Our position is established: it is merely an explicit text requiring that what Allah Most High made lawful for His Messenger, peace be upon him, be declared lawful. Through Allah Most High comes success. They adduced His saying, Most High: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, the Messenger, relatives, orphans, the needy, and the wayfarer, so that it should not circulate among the wealthy among you. Whatever the Messenger gives you, take it; and whatever he forbids you, desist from it. Fear Allah; indeed, Allah is severe in punishment.} Abu Muhammed said: This too affords them no proof. What is to be said concerning this verse is exactly what is to be said concerning the verse we mentioned just now, without any difference. For we have found much property that was not distributed according to this distribution, but was instead distributed according to another arrangement. If the effective cause of distributing what Allah Most High restored to His Messenger ﷺ were solely that it should not circulate among the wealthy, then that would also be an effective cause requiring the same distribution of all other property, whether spoils of war or otherwise. Thus, what they imagined is invalidated. It is established that Allah Most High intended, specifically concerning what Allah Most High restored to His Messenger ﷺ from the people of the towns, of that against which horses or riding camels were not urged, that it should not circulate among their wealthy. This ruling must therefore not be extended beyond this instance, except also to where Allah

شديد لعقاب} قال أبو محمد وهذا أيضا لا حجة لهم فيه والقول في هذه الآية كالقول في الآية التي ذكرنا آنفا ولا فرق، لأننا قد وجدنا أموالا كثيرة لم تقسم هذه القسمة بل قسمت على رتبة أخرى فلو كان عليه قسمة هذا الذي أفاء الله تعالى على رسوله صلى الله عليه وسلم إنما هي ألا يكون دولة بين الأغنياء لكان ذلك أيضا علة في قسمة سائر الأموال من الغنائم وغيرها كذلك فبطل ما توهموا وصح أن الله تعالى أراد فيما أفاء الله تعالى على رسوله صلى الله عليه وسلم من أهل القرى مما لو يوجف عليه بخيل ولا ركاب خاصة، ألا يكون دولة بين الأغنياء منهم فلا يتعدى بهذا الحكم هذا الموضع، وإلا حيث نص الله تعالى عليه أيضا في قسمة خمس الغنائم ولا مزيد، وهذا قولنا لا قولهم في إجراء العلل وبالله تعالى نتأيد واحتجوا بقوله تعالى: {رسلا مبشرين ومنذرين لئلا يكون للناس على الله حجة بعد لرسل وكان الله عزيزا حكيما} وقال أبو محمد وهذا لا حجة لهم فيه، لأنه لم يكن لأحد على الله تعالى قط حجة لا قبل الرسل ولا بعدهم، بل لله الحجة البالغة: {لا يسأل عما يفعل وهم يسألون} وقد أخبر تعالى أنه لم ينذر آباء هم وإن لم ينذروا فلا حجة لهم على الله عز وجل، ولكن الله تعالى أراد الإحسان إلى من آمن من المنذرين بالرسل، وأراد الإعذار إلى من لم يؤمن منهم، فهذا غرض الله عز وجل فيهم ومراده، وليس هذا علة وسنبين بعد انقضاء ذكر حجاجهم إن شاء الله تعالى فرق ما بين العلة والسبب والغرض، ببيان جلي لا يحيل على من له أدنى فهم وبالله تعالى التوفيق واحتجوا أيضا بقوله تعالى {وعلى لذين هادوا حرمنا كل ذي ظفر ومن لبقر ولغنم حرمنا عليهم شحومهما إلا ما حملت ظهورهما أو لحوايا أو ما ختلط بعظم ذلك جزيناهم ببغيهم وإنا لصادقون} قال أبو محمد: وهذا لا حجة لهم فيه بل هي حجة عليهم لأنه تعالى نص على أنه جزى أولئك ببغيهم بأنواع العذاب المعجل في الدنيا من السخف والصيحة وعذاب الظلة والرجم وغير ذلك.

Most High explicitly prescribed it in distributing the fifth of the spoils of war, and no further. This is our position, not their position concerning the extension of effective causes. Through Allah Most High we receive support. They adduced His saying, Most High: {Messengers bringing good tidings and giving warning, so that people should have no argument against Allah after the messengers. And Allah is mighty, wise.} Abu Muhammed said: This affords them no proof, because no one has ever had an argument against Allah Most High, either before the messengers or after them. Rather, the conclusive argument belongs to Allah: {He is not questioned about what He does, while they are questioned.} He Most High has stated that He did not warn their fathers. Even though they were not warned, they have no argument against Allah, mighty and majestic. Rather, Allah Most High intended to show kindness to those who believed among the people warned by the messengers, and intended to leave those among them who did not believe without an excuse. This is Allah's purpose concerning them, mighty and majestic, and His intention; it is not an effective cause After finishing our account of their arguments, we shall explain, if Allah Most High wills, the distinction between an effective cause, a cause, and a purpose, with a clear explanation that will not be obscure to anyone possessing the slightest understanding. Through Allah Most High comes success. They also adduced His saying, Most High: {And to those who became Jews We forbade every creature possessing a claw; and of cattle and sheep We forbade them their fat, except what their backs bear, or the entrails, or what is mixed with bone. Thus We recompensed them for their transgression, and indeed We are truthful.} Abu Muhammed said: This affords them no proof; rather, it is proof against them, because He Most High explicitly stated that He recompensed those people for their transgression with kinds of punishment hastened in this world: foolishness, the Cry, the punishment of the overshadowing cloud, stoning, and other things. If transgression were an effective cause necessitating recompense with that, it would necessarily follow that transgressors among us and among others should receive that recompense. Yet we see that the unbelievers of our time are transgressors like those people, and that among us too are people whose transgression is exactly like theirs. Among us there is giving short measure on the scales; among us there is the deed of Lot's people; and among us

فلو كان البغي علة في إيجاب الجزاء بذلك لكان ذلك واجبا أن يجزى به البغاة منا ومن غيرنا فلما رأينا كفار زماننا بغاة كأولئك، وفينا نحن أيضا أهل بغي كبغي أولئك نفسه ففينا تطفيف الميزان. وفينا فعل قوم لوط، وفينا الكفر الصريح كما كان في أولئك في المؤمنين منا وفي الكافرين من الحربيين والكتابيين ولم نجاز ولا جوزوا بشيء بما جوزي به أولئك علمنا أن البغي ليس علة للجزاء بما جوزي به أولئك، لأن العلة مطردة في معلوماتها أبدا، لا تجوز أصلا، وصح أن البغي من أولئك كان سببا لجزائهم بما جوزوا به، وليس سببا في غيرهم، لأن يجازوا بمثل ذلك، فصح قولنا إن الأسباب لا يتعدى بها المواضع التي نص الله تعالى ورسوله صلى الله عليه وسلم عليها ولا يوجب في كل مكان الحكم الذي وجب من أجلها في بعض الأمكنة، وسقط قولهم سقوطا لا إشكال فيه. والحمد لله رب العالمين. وهذا قد ظهر كما ترى في الأسباب الصحيحة، فما الظن بالأسباب الكاذبة التي يدعونها في الأحكام، ويضعونها وضعا مختلفا متخاذلا بلا برهان، إلا المجاهرة بالقربة، وما لا يصح بوجه من الوجوه؟ وبالله تعالى التوفيق. واحتجوا أيضا بقول الله تعالى: {هو الذي أخرج الذين كفروا من أهل الكتاب من ديارهم لأول الحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من الله فأتاهم الله من حيث لم يحتسبوا وقذف في قلوبهم الرعب يخربون بيوتهم بأيديهم وأيدي المؤمنين فاعتبروا يأولي الأبصار} الآيات إلى قوله {هههه إلى قوله {ذلك بأنهم شآقوا لله ورسوله ومن يشآق لله فإن لله شديد لعقاب} قال أبو محمد وهذه حجة عليهم لا لهم، لأن المحاربين فيما بيننا وأهل الإلحاد منا فهم مشاقون لله عز وجل ورسوله صلى الله عليه وسلم وأهل الكتاب منا كذلك وهم يخربون بيوتهم بأيديهم وبأيدي المؤمنين، ولا يهدمون بل يبنونها فصح يقينا أن المشاقة لله تعالى ورسوله صلى الله عليه وسلم ليست علة لخراب البيت وأصلا ولا سببا في خراب بيوت المشاقين ما عدا

there is outright unbelief, just as there was among those people—among the believers of our community and among the unbelievers belonging to peoples at war with us and to the People of the Book. Neither we nor they have been recompensed with any of the things with which those people were recompensed. We therefore know that transgression is not an effective cause of recompense with what those people received, because an effective cause invariably applies to its known objects, always, and never passes beyond them at all. It is established that those people's transgression was a cause of their being recompensed with what they received, but is not a cause, in the case of others, of their receiving the like of that recompense. Thus our position is established: causes are not to be extended beyond the instances concerning which Allah Most High and His Messenger ﷺ explicitly stated them, and they do not necessitate in every place the ruling that became obligatory because of them in certain places. Their position has fallen with a fall admitting of no uncertainty. Praise belongs to Allah, Lord of the worlds. As you see, this has become evident regarding valid causes. What, then, should be thought of the false causes they allege concerning legal rulings, fabricating them in inconsistent, mutually undermining ways, without any demonstration beyond openly proclaiming nearness and what cannot be valid in any respect whatsoever. Through Allah Most High comes success. They also adduced the saying of Allah Most High: {He is the One who expelled those who disbelieved among the People of the Book from their homes at the first gathering. You did not think they would leave, and they thought their fortresses would protect them against Allah. But Allah came upon them from where they had not expected, and cast terror into their hearts. They destroy their houses with their own hands and the hands of the believers so take heed, you who possess sight.} The verses, down to His saying, { [five repeated letter hā' characters] down to His saying, {That is because they opposed Allah and His Messenger; and whoever opposes Allah—indeed, Allah is severe in punishment.} Abu Muhammed said: This is proof against them, not for them, because those at war among us and the adherents of unbelief among us oppose Allah, mighty and majestic, and His Messenger ﷺ; and the People of the Book among us do likewise. They destroy their houses with their own hands and the hands of the believers, and they do not demolish them; rather,

أولئك الذين نص الله تعالى على أنه عاقبهم بإخرابهم بيوتهم من أجل مشاقهم، وهذا هو نفس قولنا: إن الشيء إذا نص الله تعالى عليه بلفظ يدل على أنه سبب لحكم ما في مكان ما، فلا يكون سببا البتة في غير ذلك الموضع لمثل ذلك الحكم أصلا. وبالله تعالى التوفيق واحتجوا بقوله تعالى {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في خمر وليسر ويصدكم عن ذكر لله وعن لصلاة فهل أنتم منتهون} قالوا فكانت هذه علل في وجوب تحريمها، أو الانتهاء عنها، قال أبو محمد: وهذه حجة عليهم لا لهم من وجوه: أحدها: أن كسب المال والجاه في الدنيا أصد عن ذكر الله تعالى وعن الصلاة وأوقع العداوة والبغضاء فيما بيننا من الخمر والميسر وليس ذلك محرما إذا بغى على وجهه وقد أخبر النبي صلى الله عليه وسلم أصحابه رضي الله عنهم بنص قولنا إذ قال صلى الله عليه وسلم والله ما الفقر أخشى عليكم ولكن أخشى عليكم أن تفتح عليكم الدنيا فتنافسوا فيها فتهلككم كما أهلكت من كان من قبلكم أو كما قال صلى الله عليه وسلم مما هذا حقيقة معناه فلا يظن جاهل أننا نقول شيئا من عند أنفسنا أو برأينا أو بغير ما أتى به النبي صلى الله عليه وسلم وأيضا فالميسر ما عهد منه قبل أن يحرم إيقاع عداوة بذاته ولا فقد عقل، ولا كان إلا وافقا للناس ونافعا لهم، وكذلك قليل الخمر ليس فيه مما ذكر في الآية، ولا في كل من يشربها تفسد أخلاقهم، بل نجد كثيرا من الناس يبكون إذا سكروا ويكثرون ذكر الآخرة والموت والإشفاق من جهنم وتعظيم الله تعالى والدعاء في التوبة والمغفرة، ونجدهم يكرمون حينئذ ويحلمون، ويزول عنهم كثير من سفههم وتؤمن غوائلهم.

they build them. Thus it is established with certainty that opposing Allah Most High and His Messenger ﷺ is not an effective cause of the destruction of a house at all, nor a cause of the destruction of the houses of those who oppose them, apart from those concerning whom Allah Most High explicitly stated that He punished them by making them destroy their houses because of their opposition. This is precisely our position: when Allah Most High explicitly mentions something in wording indicating that it is a cause of a particular ruling in a particular instance, it is absolutely not a cause of a similar ruling in any other instance at all. Through Allah Most High comes success. They adduced His saying, Most High: {Satan desires only to bring about enmity and hatred among you through wine and gambling, and to turn you away from the remembrance of Allah and from prayer. Will you then desist?} They said: These, then, were effective causes necessitating their prohibition or desisting from them. Abu Muhammed said: This is proof against them, not for them, in several respects. One is that acquiring wealth and status in this world turns people away from the remembrance of Allah Most High and from prayer, and brings about enmity and hatred among us, more than wine and gambling do. Yet that is not forbidden when sought in its proper manner. The Prophet ﷺ informed his Companions, may Allah be pleased with them, of precisely what we maintain, when he said ﷺ: "By Allah, it is not poverty that I fear for you. Rather, I fear for you that the world will be opened up to you, and you will compete for it, and it will destroy you as it destroyed those before you"—or as he said ﷺ, in words whose actual meaning is this. So let no ignorant person suppose that we say anything from ourselves, or according to our own opinion, or by anything other than what the Prophet ﷺ brought. Furthermore, before gambling was prohibited, it was not known to cause enmity in itself or loss of reason; it was only congenial to people and beneficial to them. Likewise, a small quantity of wine involves none of what is mentioned in the verse, nor does everyone who drinks it suffer corruption of character. Indeed, we find many people weeping when they become drunk, frequently mentioning the Hereafter and death, expressing fear of Hell, magnifying Allah Most High, and praying for repentance and forgiveness. We find that they then become generous and

فصح بكل ما ذكرنا أن الله تعالى لم يجعل إرادة الشيطان لما ذكر تعالى في الآية سببا إلى تحريمها قط، لكن شاء تعالى أن يحرمها إذ حرمها، وقد كانت حلالا مدة ستة عشرة عاما في الإسلام، وقد كان كل ذلك موجودا من الشيطان فينا وفي كثير الخمر وهي حلال يشربها الصالحون بعلم النبي صلى الله عليه وسلم ولا ينكر ذلك فلو كان ما وصفها الله تعالى به من الصد عن الصلاة، وعن ذكر الله تعالى، وإيقاع الشيطان العداوة والبغضاء بها علة للتحريم، لما وجدت قط إلا محرمة، لأنها لم تكن قط إلا مسكرة، ولم يكن الشيطان قط إلا مريدا لإلقاء العداوة والبغضاء بيننا فيها، وكانت حلالا وهي بهذه الصفة فبطل أن يكون إسكارها علة لتحريمها، أو سبب، لا في الوقت الذي نص الله عز وجل على تحريمها فيه ولا قبله البتة لأن قوله عز وجل {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في لخمر ولميسر ويصدكم عن ذكر لله وعن لصلاة فهل أنتم منتهون} إنما هو إخبار عن سوء معتقد الشيطان فينا، ولم يقل قط تعالى إن إرادة الشيطان لذلك هو علة تحريمها، ولا أنه سبب تحريمها، ولا يحل لأحد أن يخبر عن الله تعالى بما لم يخبر به عز وجل عن نفسه ولا أخبر به عنه رسوله صلى الله عليه وسلم وهذا هو قولنا إن المراعى هو النص لا ما عداه أصلا. وبالله تعالى التوفيق. وقد قال بعض أصحابنا: إن إرادة الشيطان إيقاع العداوة والبغضاء بيننا في الخمر، إنما كان بعد تحريمها، لأن شاربها بعد التحريم صاد عن ذكر الله تعالى وعن الصلاة، مبغض من الصالحين ومعاد لهم. قال أبو محمد: وهذا أيضا قد اقتضاه الذي ذكرناه، وزاد عليه وبالله تعالى نتأيد، وقد أدى تعليلهم، هذا الفاسد المفترى، جماعة من الجهال إلى الضلال المبين، فإذا رأوا سكرانا معربدا متلوثا في أقذاره وأهذاره، جعلوا يقولون في مثل هؤلاء حرمت الخمر نعوذ بالله من هذا القول، ومما سببه من

forbearing, that much of their foolishness leaves them, and that people are safe from their harmful outbursts.[16][17][18][19][20][21]

L3496–3498 Thus, everything we have mentioned establishes that Allah Most High never made Satan's desire for what He Most High mentioned in the verse a reason for prohibiting it. Rather, He Most High willed to prohibit it when He prohibited it. It had been lawful for sixteen years during Islam, and all of that activity of Satan had existed among us and in connection with large quantities of wine while it was lawful: righteous people drank it with the Prophet's ﷺ knowledge, and he did not disapprove of that. Had the things with

[16] **Translator's note (L3487):** The transcription has "'alayhi" in the phrase concerning the cause of distribution, where the argument appears to require "'illat," meaning "effective cause." The translation follows that apparent intended construction.

[17] **Translator's note (L3488):** The transcription reads "law" ("if") in "of that against which …," apparently in place of "lam" ("not"). The translation adopts the contextually apparent negative reading and records the discrepancy here.

[18] **Translator's note (L3490):** The transcription reads "al-sukhf," meaning "foolishness" or "feeblemindedness," in the list of punishments. This may be a corruption of "al-khasf," meaning "being swallowed by the earth," but the supplied reading is retained. The transcription says "its known objects" (maʿlūmātihā), rather than the expected "its effects" (maʿlūlātihā). It also reads "never passes beyond" (lā tajūzu), an awkward expression here. Both supplied readings are retained rather than silently normalized. The statement placing "outright unbelief" among "the believers of our community" is awkward in the supplied syntax; the translation preserves its wording and sequence.

[19] **Translator's note (L3491):** The supplied final word, "al-qurba," means "nearness" or "kinship," and can suggest devotional approach to Allah. It is obscure in this polemical context and may be corrupt; its literal sense is retained. The sentence continues into the next unit.

[20] **Translator's note (L3493):** After "down to His saying," the supplied text contains five repeated Arabic hāʾ characters and then repeats "down to His saying." This apparent transcription corruption is represented explicitly; no missing Qur'anic passage has been supplied. The supplied text affirmatively says that these people "destroy their houses," then says they do not demolish them but build them. This apparent contradiction is retained; a negative may have dropped out before "destroy." The transcription reads "baghā" in the phrase translated "when sought in its proper manner." This is an awkward or defective construction; the context indicates seeking wealth and status through proper means.

[21] **Qur'an references (L3486):** Qur'an 33:37 (Al-Ahzab); Qur'an 59:7 (Al-Hashr); Qur'an 4:165 (An-Nisa); Qur'an 21:23 (Al-Anbya); Qur'an 6:146 (Al-An'am); Qur'an 37:182 (As-Saffat); Qur'an 59:2 (Al-Hashr).

which Allah Most High described it—hindering prayer and the remembrance of Allah Most High, and Satan's causing enmity and hatred through it—been an effective cause of prohibition, it could never have existed except as something prohibited. For it had never been anything but intoxicating, and Satan had never ceased wanting to cast enmity and hatred among us through it; yet it was lawful while possessing this characteristic. It is therefore false that its intoxicating character was an effective cause of its prohibition or a reason for it, either at the time when Allah, Mighty and Majestic, expressly prohibited it or at any time before that whatsoever. For His saying, Mighty and Majestic, 'Satan desires only to cause enmity and hatred among you through wine and gambling, and to hinder you from the remembrance of Allah and from prayer. Will you, then, desist?' merely reports Satan's evil intentions toward us. He Most High never said that Satan's desire for this was the effective cause of its prohibition, or that it was the reason for its prohibition. It is not lawful for anyone to report concerning Allah Most High something that He has not reported concerning Himself, Mighty and Majestic, and that His Messenger ﷺ has not reported concerning Him. This is our position: what must be taken into account is the explicit text, and absolutely nothing besides it. Success comes through Allah Most High. Some of our companions have said that Satan's desire to cause enmity and hatred among us through wine arose only after its prohibition, because someone who drinks it after its prohibition turns away from the remembrance of Allah Most High and from prayer, is hated by the righteous, and is hostile to them. Abu Muhammed said: What we have mentioned also entails this, and goes beyond it. Through Allah Most High we receive support. This corrupt, fabricated assignment of effective causes on their part has led a group of ignorant people into manifest error. When they see a drunken person behaving abusively, befouled with his filth and babblings, they begin saying, 'It was on account of people like these that wine was prohibited.' We seek refuge in Allah from this statement and from the accursed assignment of effective causes that gave rise to it. They also argued from His saying, Most High, 'Because of wrongdoing by those who became Jews, We prohibited them good things that had been made lawful for them and because of their much hindering from the path of Allah.' Abu Muhammed said: This is an

التعليل الملعون واحتجوا بقوله تعالى {فبظلم من لذين هادوا حرمنا عليهم طيبات أحلت لهم وبصدهم عن سبيل لله كثيرا} قال أبو محمد وهذه حجة عليهم لا لهم، لأننا نحن نظلم من بكرة إلى المساء، ولم يحرم علينا طيبات أحلت لنا، فصح أن الظلم ليس علة في تحريم الطيبات، ولا سببا له إلا حيث جعله الله تعالى بالنص سببا له فقط، لا فيما عدا ذلك المكان البتة

argument against them, not in their favor, because we ourselves commit wrongdoing from morning until evening, yet good things that were made lawful for us have not been prohibited to us. Thus, wrongdoing is established to be neither an effective cause of prohibiting good things nor a reason for doing so, except solely where Allah Most High has made it a reason by an explicit text, and absolutely nowhere beyond that particular instance.[22][23]

L3499 They also argued from His saying, Most High, ‘We have appointed none but angels as the keepers of the Fire, and We have made their number only a trial for those who disbelieve, so that those who were given the Scripture may attain certainty, and those who believe may increase in faith, and those who were given the Scripture and the believers may not doubt, and so that those in whose hearts is sickness and the disbelievers may say, “What did Allah intend by this as an example?” Thus Allah leads astray whomever He wills and guides whomever He wills. None knows the hosts of your Lord except Him, and it is only a reminder for humankind.’ Abu Muhammed said: This is against them, because the determination mentioned did not bring about certainty in all the People of the Scripture. Rather, some of them lack certainty, and some have persisted in their doubt, falsehood, and association of partners with Allah. Had it been an effective cause of their certainty, no one among them could have been found lacking certainty. Their supposition is therefore invalid, and praise belongs to Allah, Lord of the worlds. They also argued from His saying, Most High, to Moses, peace be upon him, ‘Indeed, I am your Lord, so remove your sandals: you are in the sacred valley, Tuwa.’ Abu Muhammed said: This is an argument against them, because if being in the sacred valley of Tuwa were an effective cause of removing sandals, or a reason for doing so, we would be obliged to remove our sandals in the sacred valley, in the Sanctuary, and in Tuwa. Since this is not obligatory, without fear, our position is established: when Allah makes something a reason for a particular ruling in a particular place, it is a reason only there, and nowhere else. This, then, is everything from the verses of the Quran that

واحتجوا بقوله تعالى {وما جعلنآ أصحاب لنار إلا ملائكة وما جعلنا عدتهم إلا فتنة للذين كفروا ليستيقن لذين أوتوا لكتاب ويزداد لذين آمنوا إيمانا ولا يرتاب لذين أوتوا لكتاب ولمؤمنون وليقول لذين في قلوبهم مرض ولكافرون ماذآ أراد لله بهذا مثلا كذلك يضل لله من يشآء ويهدي من يشآء وما يعلم جنود ربك إلا هو وما هي إلا ذكرى للبشر} قال أبو محمد: وهذا عليهم لأن الحكم المذكور لم يوجب استيقان جميع أهل الكتاب، بل فيهم غير مستيقن، وفيهم من تمادى على شكه وإفكه وشركه، ولو كان علة لاستيقانهم لما وجد فيهم أحد غير مستيقن، فبطل ظنهم والحمد لله رب العالمين. واحتجوا بقوله تعالى لموسى عليه السلام {إني أنا ربك فخلع نعليك إنك بلواد لمقدس طوى} قال أبو محمد وهذا حجة عليهم لأن الكون بالواد المقدس طوى لو كان علة لخلع النعال أو سببا له، لوجب علينا خلع نعالنا بالوادي المقدس وبالحرم وبطوى، فلما لم يلزم ذلك بلا خوف صح قولنا: إن الشيء إذا جعله الله سببا لحكم ما، في مكان ما، فلا يكون سببا إلا فيه وحده لا في غيره، فهذا كل ما راموا تبديله من وجهه من آيات القرآن، وقد أريناهم بعون الله تعالى، أنه كله حجة عليهم مبطل لقولهم بالتعليل الموجب عندهم للقياس، والحمد لله رب العالمين

[22] **Translator’s note (L3497):** The unusual expression ‘befouled with his filth and babblings’ preserves the supplied pairing of أقذاره وأهذاره.

[23] **Qur’an references (L3496):** Qur’an 4:160 (An-Nisa).

they have sought to divert from its proper meaning. With the help of Allah Most High, we have shown them that all of it is an argument against them, invalidating their doctrine of assigning effective causes which, according to them, necessitates analogy. Praise belongs to Allah, Lord of the worlds.[24][25]

[24]**Translator's note (L3499):** The supplied text reads بلا خوف, 'without fear,' where the argument appears to call for بلا خلاف, 'without disagreement.' The supplied reading has been retained. In the Quran quotation, the referent of 'it' in 'it is only a reminder' is left unspecified, as in the Arabic.

[25]**Qur'an references (L3499):** Qur'an 74:31 (Al-Muddaththir); Qur'an 37:182 (As-Saffat).

L3500–3505 They also argued from the saying of the Messenger of Allah ﷺ concerning his prohibition of storing the meat of sacrificial animals for more than three days: 'I did that only because of the beast.' Abu Muhammed said: The people who have the greatest reason to feel shame before Allah Most High when mentioning this report are the proponents of analogy who affirm effective causes. For they invalidate this reason, which they count as an effective cause, in the very instance in which it was stated, and they draw absolutely no analogy from it to anything else. Indeed, they do not even comply with that very ruling. Rather, they disobey it and permit storing the meat of sacrificial animals for as long as a person wishes, even if companies of people arrive. Should someone who sets aside the saying of the Messenger of Allah ﷺ prohibiting the storage of sacrificial meat for more than three days when a company arrives, and considers it permissible to act contrary to him in this, not feel ashamed to invoke that very saying, which he himself discards, to establish false effective causes—if exchanging walnuts for almonds on deferred terms is unlawful? This is indeed a corrupt disposition arising from numerous vices, including ignorance, lack of shame, lack of scrupulousness, intense partisanship, little concern for truthfulness, extreme injustice, lack of sincere counsel, and weakness and reason. We seek refuge in Allah from all of that. As for us, we say that the Prophet ﷺ made the reason for prohibiting the storage of sacrificial meat for more than three nights the arrival of a company around the time of the Feast of Sacrifice. Whenever that occurs, for all eternity, storing its meat is prohibited for more than three nights. If no company arrives around the time of the Feast of Sacrifice, let people bring in as much of its meat as they wish, in submission to the command of the Messenger of Allah ﷺ, for which nothing abrogating it has come. What we have affirmed is the position of Ali ibn Abi Talib and Abd Allah ibn Umar. They also argued from his saying ﷺ, 'The call to prayer was instituted only on account of sight.' Abu Muhammed said: This agrees with our position, not theirs. For we have not denied that an explicit text may prescribe particular rulings for expressly stated reasons. What we have denied is transgressing those limits to reach other cases, applying those rulings to cases other than those expressly specified, and inventing reasons that Allah Most High has not authorized. Furthermore, this report is an argument against them, be-

واحتجوا بقول رسول الله صلى الله عليه وسلم في نهيه عن إدخار لحوم الأضاحي أكثر من ثلاث: إنما فعلت ذلك من أجل الدابة. قال أبو محمد: أحق الناس أن يستحي من الله تعالى عند ذكر هذا الحديث فأصحاب القياس القائلون بالعلل لأنهم يبطلون هذا السبب الذي يعدونه علة في المكان الذي ورد فيه، ولا يقيسون عليه شيئا أصلا نعم، ولا يأخذون بذلك الحكم بعينه، بل يعصونه ويجيزونه ادخار لحوم الأضاحي ما شاء المرء من الدهور، وإن دفت الدواف أفلا يستحي من يبطل قول رسول الله صلى الله عليه وسلم في نهيه إذا دفت دافة أن يدخر لحوم الأضاحي، أكثر من ثلاث ويستجيز خلافه في ذلك، من أن يحتج بذلك القول المطرح عنده في إثبات العلل الكاذبة لو أن الجوز باللوز إلى أجل لا يحل؟ إن هذا لخلق فاسد، منتج من رذائل جمة منها الجهل وقلة الحياء وقلة الورع وشدة العصبية، وقلة المبالاة بالصدق وشدة الجور وقلة النصيحة وضعف والعقل ونعوذ بالله من كل ذلك وأما نحن فنقول إن النبي صلى الله عليه وسلم جعل السبب في النهي عن إدخار لحوم الأضاحي أكثر من ثلاث ليال أن دافة دفت بحضرة الأضحى، فإذا كان ذلك أبد الأبد حرم إدخار لحومها أكثر من ثلاث ليال، فإن لم تدف دافة بحضرة الأضحى فليدخل الناس لحومها ما شاؤوا وانقيادا لأمر رسول الله صلى الله عليه وسلم الذي لم يأت ما ينسخه وهذا الذي قلنا به هو قول علي بن أبي طالب وعبد الله بن عمر واحتجوا بقوله صلى الله عليه وسلم إنما جعل الأذان من أجل البصر قال أبو محمد: وهذا موافق لقولنا لا لقولهم، لأننا لم ننكر وجود النص حاكما بأحكام ما لأسباب منصوصة، لكنا أنكرنا تعدي تلك الحدود إلى غيرها، ووضع تلك الأحكام في غير ما نصت فيه، واخترع أسباب لم يأذن بها الله تعالى. وأيضا فهذا الحديث حجة عليهم، لأنهم أول عاص له أكثر أهل القياس، مخالفون لما في هذا الحديث، من أن من اطلع على آخر ففقأ المطلع عليه عين المطلع

فلا شيء عليه. وقالوا: إن قول المظاهر لامرأته: أنت علي كظهر أمي، لما كان منكرا من القول وزورا كان ذلك علة لوجوب الكفارة. قال أبو محمد: وقد أبطلوا تعليلهم هذا فكفوا مؤنة أنفسهم، فأقروا أن قول المرأة لزوجها: أنت علي كظهر أمي، منكر من القول وزورا، ولم يوجب ذلك عليها الكفارة وقال تعالى {ما جعل الله لرجل من قلبين في جوفه وما جعل أزواجكم للائي تظاهرون منهن أمهاتكم وما جعل أدعيآءكم أبنآءكم ذلكم قولكم بأفواهكم والله يقول الحق وهو يهدي لسبيل} فسوى الله تعالى بين قول الرجل لامرأته، أنت علي كظهر أمي، وبين ادعائه ولد غيره، ولم يجعل في أحد الوجهين كفارة، وجعل في الآخرة الكفارة، فصح أن المساواة في الشبه لا توجب المساواة في الحكم، وبطل قولهم في التعليل إذا وجب في أحد المنكرين كفارة ولم يجب في الآخر وقد قال غيره من الفقهاء إيجاب الكفارة على المرأة المظاهرة من زوجها ككفارة المظاهر ولا فرق. فهذا كل ما موهوا به من الحديث لاح أنه حجة عليهم، وبالله تعالى التوفيق. وجملة القول إن كل شيء نص الله تعالى ورسوله صلى الله عليه وسلم فهو حق وكل ما أوردوه بآرائهم مما ليس في كتاب الله تعالى ولا في سنة رسوله صلى الله عليه وسلم فهو باطل وإفك وهم كمن قال لما حرم الله تعالى وفرض ما شاء حرمت أنا أيضا وفرضت ما شئت، لأنه تعالى حرم وفرض ولا فرق وقد صح على رسول الله صلى الله عليه وسلم من طريق عمر بن عنبسة في نهيه صلى الله عليه وسلم عن الصلاة عند طلوع الشمس وعند غروبها إن تلك ساعة تطلع ومعها قرن الشيطان ويسجد لها الكفار حينئذ وعن الصلاة نصف النهار حتى تزول الشمس: وإن تلك الساعة تسجر فيها النار لو كان هذا على بادىء الرأي وظاهر الاحتياط لكانت الصلاة حينئذ أحرى وأولى، معارضة الكفار، فإذا سجدوا للشمس صلينا نحن لله تعالى، وإذا سجرت النار صلينا، ونعوذ بالله منها. هذه صفة عللهم المفتراة الكاذبة، وهذا ما جاء به

cause they are the first to disobey it. Most proponents of analogy oppose what this report contains: that if someone peers in at another person, and the person being watched puts out the watcher's eye, he incurs no liability. They said that when a husband who pronounces the back-comparison repudiation says to his wife, 'You are to me like my mother's back,' the fact that this is a reprehensible and false utterance is an effective cause of the obligation to make expiation. Abu Muhammed said: They themselves have invalidated this assignment of an effective cause, thus sparing us the trouble of dealing with them. They acknowledged that a woman's saying to her husband, 'You are to me like my mother's back,' is a reprehensible and false utterance, yet this did not make expiation obligatory for her. He Most High said, 'Allah has not placed two hearts within any man, nor has He made your wives whom you repudiate by the back-comparison your mothers, nor has He made those whom you claim as sons your sons. That is your saying with your mouths. Allah speaks the truth, and He guides to the way.' Thus Allah Most High placed a man's saying to his wife, 'You are to me like my mother's back,' on an equal footing with his claiming another person's child as his own. Yet He prescribed no expiation in one of the two cases, while in the other He prescribed expiation. Thus it is established that equality in resemblance does not entail equality in ruling, and their assertion concerning causal explanation is invalidated, since expiation is obligatory for one of the two objectionable utterances but not for the other. Other jurists have held that a woman who pronounces the repudiation formula of likening her husband to a forbidden relative must perform the same expiation as a man who pronounces that formula, without distinction. This, then, is everything from the transmitted reports with which they have sought to mislead: it has become apparent that it constitutes an argument against them. Through Allah Most High comes success. The sum of the matter is that everything expressly stipulated by Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, is true, while everything they have advanced on the basis of their opinions, which is absent from the Book of Allah Most High and the practice of His Messenger, may Allah bless him and grant him peace ﷺ, is falsehood and fabrication. They are like someone who says: "Since Allah Most High has forbidden and made obligatory whatever He

النص فصح أنه لا يحل لأحد تعليل في الدين، ولا القول بأن هذا سبب هذا الحكم، إلا أن يأتي به نص فقط.

wills, I too have forbidden and made obligatory whatever I will, because He Most High has forbidden and made obligatory." There is no difference. It has been authentically transmitted from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, through ʿUmar ibn ʿAnbasah, concerning his prohibition, may Allah bless him and grant him peace ﷺ, of prayer at sunrise and sunset, that this is a time when it rises accompanied by a horn of Satan, and the unbelievers then prostrate themselves to it; and concerning prayer at midday until the sun declines, that this is the time when the Fire is stoked. If this were governed by first impressions and apparent precaution, prayer at those times would be more fitting and preferable, in opposition to the unbelievers: when they prostrate themselves to the sun, we would pray to Allah Most High, and when the Fire is stoked, we would pray and seek refuge with Allah from it. Such is the character of their fabricated, lying causes; yet this is what the authoritative text has brought. It is therefore

established that no one may assign causes in religion, or say that this is the reason for this ruling, unless an authoritative text alone establishes it.[1][2][3][4][5][6][7]

L3506–3509

Section on Derivation

Abū Muhammed said: Some of them have argued that one must affirm operative causes, and that rulings came about through causes, on the grounds that names are derived in language. Even if this were sound, it would provide them with no argument, since derivation contains no means by which operative causes in rulings can be established. How, then, when it is false? Valid derivation consists only in coining a name for something, taken from

فصل في الاشتقاق قال أبو محمد: واحتج بعضهم في إيجاب القول بالعلل، وأن الأحكام إنما وقعت العلل بأن الأسماء مشتقة في اللغة. وهذا لو صح لما كان لهم فيه حجة، إذ لا سبب في الاشتقاق يتوصل به إلى إثبات العلل في الأحكام، فكيف وهو باطل. الاشتقاق الصحيح إنما هو اختراع اسم لشيء ما مأخوذ من صفة فيه، كتسمية الأبيض من البياض، والمصلي من الصلاة، والفاسق من الفسق، وما أشبه ذلك. وليس في ذلك من هذا ما يوجب أن يسمى أبيض ما لا بياض فيه، ولا مصليا من لا يصلي، ولا فاسقا، من لا فسق فيه، فأي شيء في هذا مما يتوصل به إلى إيجاب القياس، والقول بأن البر إنما حرم أن يباع البر متفاضلا، لأنه مأكول، أو لأنه مكيل، أو لأنه مدخر؟ وهل يتشكل هذا الحمق في عقل ذي عقل؟ وبالله تعالى التوفيق. وأما ما عدا هذا من الاشتقاق ففاسد البتة وهو كل اسم علم وكل اسم جنس أو نوع أو صفة، فإن الاشتقاق في كل ذلك مبطل ببرهان ضروري؛ وهو أننا نقول لمن قال: إنما سميت الخيل خيلا لأجل الخيلاء التي فيها، وإنما سمي البازي بازيا لارتفاعه، والقارورة قارورة لاستقرار الشيء فيها، والخابية خابية لأنها تخبيء ما فيها، إنه يلزمك في هذا وجهان ضروريان لا انفكاك لك منهما البتة. أحدهما: أن تسمي رأسك خابية، لأن دماغك مخبوء فيها وأن تسمي الأرض خابية، لأنها تخبيء كل ما فيها، وأن تسمي أنفك بازيا لارتفاعه، وأن تسمي السماء والسحاب بازيا لارتفاعهما، وكذلك القصر والجبل، وأن تسمي بطنك قارورة لأن مصيرك مستقر به، وأن تسمي البئر قارورة لأن الماء مستقر فيها، وأن تسمي المستكبرين من الناس خيلا، للخيلاء التي فيهم، ومن فعل هذا لحق بالمجانين المتخذين لإضحاك سخفاء الملوك في مجالس الطرب، وصار ملهى وملعبا وضحكة يتطايب بخبره، وكان للحرمة ومداواة الدماغ أولى منه بغير

[1] **Translator's note (L3500):** The quotation reads الدابة, 'the beast,' rather than الدافة, 'the arriving company,' which the subsequent argument presupposes. The supplied wording has been translated without correction. The Arabic has 'three' without an expressed unit; 'days' is supplied from the context.

[2] **Translator's note (L3501):** The supplied ويجيزونه ادخار is grammatically irregular; the translation follows the apparent sense, 'they permit storing.' The clause introduced by لو, 'if exchanging walnuts for almonds on deferred terms is unlawful,' is syntactically awkward and has no clear consequent. Its conditional wording is retained rather than silently replaced with a straightforward statement of the opponents' ruling.

[3] **Translator's note (L3502):** The segment begins والعقل, 'and reason,' following 'weakness' in the preceding segment. This appears to contain an intrusive conjunction, where the intended construction would be 'weakness of reason'; the supplied conjunction is retained.

[4] **Translator's note (L3503):** The supplied فليدخل means 'let … bring in.' The context concerns storing meat and may suggest فليدخر, 'let … store,' but the supplied wording has been retained. The hadith quotation reads الأذان, 'the call to prayer.' The ensuing discussion concerns permission to enter and protection from intrusive looking, suggesting an apparent quotation error for الإذن or الاستئذان, 'permission' or 'seeking permission.' The supplied quotation has not been corrected. 'Back-comparison repudiation' renders ẓihār: the husband's declaration comparing his wife to his mother's back.

[5] **Translator's note (L3504):** The opening word completes the preceding segment's statement that expiation was prescribed in the latter case. The repudiation formula discussed here is ẓihār, the likening of one's spouse to a relative with whom sexual relations are forbidden.

[6] **Translator's note (L3505):** The transmitted name is supplied as ʿUmar ibn ʿAnbasah; the familiar transmitter of this prayer report is ʿAmr ibn ʿAbasah. The supplied reading has been retained. In "a time when it rises," the Arabic leaves the subject implicit; the sun is intended.

[7] **Qur'an references (L3500):** Qur'an 33:4 (Al-Ahzab).

an attribute within it: for example, naming something "white" from "whiteness," someone "one who prays" from "prayer," and someone "a transgressor" from "transgression," and the like. Nothing in this requires calling something without whiteness "white," someone who does not pray "one who prays," or someone without transgression "a transgressor." What in this provides any means of establishing analogy as obligatory, or of saying that wheat was forbidden to be sold for wheat in unequal quantities only because it is edible, because it is measured by volume, or because it is stored? Can such stupidity even take shape in the mind of a rational person? Through Allah Most High comes success. As for derivation beyond this, it is altogether invalid: this includes every proper name and every name of a genus or species or attribute. Derivation in all of this is invalidated by a necessary demonstration. We say to someone who says, "Horses are called khayl only because of the pride, khuyalāʾ, within them; a hawk is called bāzī because of its elevation; a flask is called qārūrah because something settles, istiqrār, within it; and a storage jar is called khābiyah because it conceals, tukh abbiʾ, what is inside it": two necessary consequences follow for you here, from which you have absolutely no escape. The first is that you must call your head a storage jar, because your brain is concealed within it; call the earth a storage jar, because it conceals everything within it; call your nose a hawk because of its elevation; call the sky and clouds hawks because of their elevation, and likewise a palace and a mountain; call your belly a flask because your intestine is settled within it; and call a well a flask because the water is settled within it; and call arrogant people horses because of the pride within them. Anyone who does this joins the madmen employed to make foolish kings laugh at gatherings of merriment, and becomes an amusement, a plaything, and a laughingstock whose exploits provide entertainment. He would be more deserving of protection and treatment of his brain than of anything else. If he refuses, he abandons his invalid derivation. The second consequence is that he should be asked: if you derive "horses," khayl, from "horses," khayl, or "flask" from "settling," and "storage jar" from "concealment," from what do you derive "pride," "settling," and "concealment"? This entails inescapable circularity, namely that each of the two is derived from the other—and this is madness—or the existence of things without beginnings or end. This leads to unbelief and the

ذلك، فإن أبى ترك اشتقاقه الفاسد. والوجه الثاني: أن يقال: إن اشتققت الخيل من الخيل أو القارورة من الاستقرار والخابية من الخبء: فمن أي شيء اشتققت الخيلاء والاستقرار والخبء، وهذا يقتضي الدور الذي لا ينفك منه، وهو أن يكون كل واحد منهما اشتق من صاحبه، وهذا جنون؛ أو وجود أشياء لا أوائل لها ولا نهاية، وهذا مخرج إلى الكفر والقول بأزلية العالم، ومع أنه كفر فهو محال ممتنع. وأيضا: فإذا بطل الاشتقاق في بعض الأسماء كلف من قال به في بعضها أن يأتي ببرهان، وإلا فهو مبطل. وأيضا: فليس قول من قال: إن الخيل مشتقة من الخيلاء، أولى بالقبول من قول من قال: إن الخيلاء مشتقة من الخيل، وكلا القولين دعوى فاسدة زائفة لا دليل على صحتها، في البرهان الضروري قد قام على بطلانها، لأنه لم توجد قط الخيلاء إلا والخيل موجودة، ولا وجدت الخيل إلا والخيلاء موجودة ولم يوجد قط أحدهما قبل الآخر، فبطل قولهم، وبالله تعالى نتأيد. ولو كان ما قالوا لكانت الأسد أولى أن تسمى خيلا، لأنهم أكثر خيلاء من الخيل، ولكانت النسور أولى أن تسمى بزاة من الصقور، لأنها أشد ارتفاعا منها، وإلا فما الذي جعل القوارير أولى بهذا الاسم من الرمان والعتائد والإدراج والقلال.

assertion of the world's beginningless eternity; besides being unbelief, it is impossible and cannot occur. Furthermore, once derivation has been invalidated for some names, anyone who asserts it for some others must produce a demonstration; otherwise, his assertion is false. Furthermore, the statement of someone who says that "horses" is derived from "pride" is no more deserving of acceptance than the statement of someone who says that "pride" is derived from "horses." Both statements are unsound, spurious assertions, with no evidence establishing their validity. Indeed, a necessary demonstration has established their invalidity, because pride has never existed without horses existing, nor have horses existed without pride existing. Neither has ever existed before the other. Their assertion is therefore invalidated, and through Allah Most High we are strengthened. If what they say were so, lions would be more deserving of being called horses, because they have more pride than horses; and vultures would be more deserving of being called hawks than falcons are, because they rise higher than they do. Otherwise, what makes flasks more deserving of this name than pomegranates, cases, drawers, and large jars?[8][9][10][11]

[8] **Translator's note (L3506):** The phrase rendered "rulings came about through causes" is syntactically defective in the supplied Arabic: وقعت العلل appears to lack a preposition connecting rulings to causes.

[9] **Translator's note (L3507):** The Arabic wordplay is retained through transliterations alongside English meanings: khayl/khuyalāʾ, qārūrah/istiqrār, and khābiyah/tukhabbiʾ. The proposed connection between bāzī, "hawk," and elevation is the author's report of an etymological claim. The supplied مصيرك is understood here as "your intestine"; without vowel marks it can also be read as "your destination" or "your eventual fate."

[10] **Translator's note (L3508):** The supplied للحرمة, rendered "of protection," is obscure in this context; its usual senses include sanctity, inviolability, and protection. The precise intended treatment of the allegedly deranged speaker is uncertain. The source says "derive horses from horses," الخيل من الخيل, although the surrounding argument concerns deriving khayl, "horses," from khuyalāʾ, "pride." The repetition has been retained. The transition rendered "Indeed, a necessary demonstration" is grammatically irregular in the supplied text, which reads في البرهان الضروري.

[11] **Translator's note (L3509):** The list of containers includes الرمان, ordinarily "pomegranates," an unexpected item in this argument. That supplied reading has been retained. العتائد and الإدراج are rendered "cases" and "drawers," respectively, though their precise forms here are uncertain.

L3510–3512

They said: “When we found that juice is sweet, is not called wine, and is lawful, then intoxicating potency develops in it, so it is called wine and becomes forbidden, then the potency disappears and it is no longer called wine but is called vinegar, we knew that the operative cause which makes it forbidden, on account of which it was forbidden, and on account of which it was called wine, is its potency.” Abū Muhammed said: This is unsound speech, unsound in the extreme. The first thing is to ask them: by what reasoning did you find that the presence of potency in it required its being named with the letters khāʾ, mīm, and rāʾ? Rather, whenever an individual thing has attributes different from those of another individual thing, each must be given a name different from the name of the other, so that those addressing one another can understand one another concerning them. Thus, one name was attached to that which possesses potency, and another name to that which does not, for no reason except that people might understand the intention of whoever speaks and addresses them. The same applies to what exists in the world, except whatever the language was too limited to name, its speakers were unable to name, or Allah Most High did not will to have a name in this language. Furthermore, the first person to speak the Arabic language was Ishmael, whereas wine predates Ishmael’s existence on earth, because the two are among the things whose names Adam was taught. He Most High said: “And He taught Adam all the names, then presented them to the angels and said: ‘Inform Me of the names of these, if you are truthful.’” He Most High thus spoke generally and did not specify a restriction. Wine therefore existed with its intoxicating character and potency, while it was lawful and was not called khamr. This speaker has therefore spoken falsely and sinned. Furthermore, in every language wine is called by a name other than our name khamr. Yet we have not found their tongues twisting on that account, or their rulings folding up, nor has wine become lawful for them because its name among them is in the Arabic language. Nor have we ever found that individual substance called wine except that it is intoxicating at every time, among every people, and in every place, with the sole exception of the wine of Paradise. Their assertion concerning operative causes is therefore invalidated. Through Allah Most High comes success. Furthermore, the Arabs call wine by sixty-five names. We have not found that they

وقالوا: لما وجدنا العصير حلو لا يسمى خمرا وهو حلال، ثم حدثت فيه الشدة فسمي خمرا فحرم، ثم ارتفعت الشدة فلم يسم خمرا، لكن سمي خلا، علمنا أن العلة المحرمة، والتي حرم من أجلها، والتي من أجلها سمي خمرا، هي الشدة. قال أبو محمد: هذا كلام فاسد في غاية الفساد. فأول ذلك أن يقال لهم: في أي عقل وجدتم أن كون الشدة فيه أوجبت أن يسمى بالخاء والميم والراء؟ ولكن لا بد لكل عين فيها صفات مخالفة لصفات عين أخرى أن يوقع على كل واحد منها اسم غير اسم العين الأخرى، ليقع التفاهم فيها بين المخاطبين، فعلق على ما فيه الشدة اسم ما، وعلى ما لا شدة فيه اسم آخر، لا لشيء إلا ليفهم الناس مراد من كلمهم وخاطبهم، وكذلك موجود في العالم، وإلا ما ضاقت اللغة عن تسميته، أو عجز أهلها عن ذلك، أو لم يرد الله تعالى أن يكون له في هذه اللغة اسم. وأيضا: فإن اللغة العربية أول من نطق بها إسماعيل، والخمر أقدم من كون إسماعيل في الأرض، لأنهما من الأشياء التي علم آدم أسماءها قال تعالى {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} فعم تعالى ولم يخص، فقد كانت الخمر على حالها من الإسكار والشدة وهي حلال، وهي لا تسمى خمرا، فقد كذب هذا القائل وأثم. وأيضا، فإن الخمر تسمى في كل لغة بغير اسم الخمر عندنا، فما وجدنا ألسنتهم تلتوي لذلك، ولا أحكامهم تنطوي، ولا الخمر حلت لهم: لأجل أن اسمها عندهم في اللغة العربية، ولم نجد قط تلك العين المسماة خمرا إلا وهي مسكرة في كل وقت، وفي كل أمة، وفي كل مكان، حاشا خمر الجنة فقط، فبطل قولهم في العلل. وبالله تعالى التوفيق. وأيضا: فإن العرب تسمي الخمر بخمسة وستين اسما ما وجدناها تضطر إلى ترك شيء منها، ولا اضطرت إلى وضعه، وقد بينا الكلام في كيفية أصل اللغات في باب مفرد من كتابنا هذا، ولله الحمد. وكذلك قالوا: إن كون البر مطعوما محرما متفاضلا هو علة تسمية ذلك ربا، والقول عليهم في ذلك كالقول في الخمر، ولا فرق، وبالله تعالى لا إله إلا هو التوفيق. وقالوا:

are compelled to abandon any of them, nor were they compelled to coin it. We have explained the question of how languages originated in a separate chapter of this book. And to Allah belongs praise. Likewise, they said that wheat's being food, forbidden in unequal quantities, is the operative cause of calling that usury. Our response to them concerning this is the same as our response concerning wine, without distinction. Through Allah Most High—there is no deity but Him—comes success. They said: "The operative cause requiring the enslaved person emancipated in expiation for the repudiation formula of likening one's wife to a forbidden relative to be a believer is the requirement that this person be sound in all limbs, like the enslaved person emancipated in expiation for killing."[12][13][14]

العلة في وجوب كون الرقبة في الظهار مؤمنة هي وجوب كونها سليمة الأعضاء كرقبة القتل.

L3513 Abu Muhammed said: This is an invalid arbitrary assertion, adducing one error in support of another and one claim in support of another. In making this statement, they resemble someone who says, "Zayd owes me a dirham." He is asked, "Do you have evidence?" He says, "Yes." He is asked, "What is it?" He says, "'Amr owes me a dirham." He is asked, "What is your evidence that ʿAmr owes you a dirham?" He says, "My evidence for that is that Zayd owes me a dirham." Thus he wishes to make his claim establish the validity of another claim, although both are untenable, since there is no evidence for either. Such conduct is not the conduct of rational people. Their claim that, in both cases, a slave suffices only if sound in body is a false claim that cannot be established. How, then, can an analogy be drawn from it requiring that

قال أبو محمد: وهذا تحكم فاسد، واحتجاج للخطأ بالخطأ، وللدعوى بالدعوى ومثلهم في هذا القول كإنسان قال: لي على زيد درهم فقيل له: هل لك بينة؟ فقال: نعم، فقيل: وما هي؟ قال: إن لي على عمر درهما، فقيل له، وما بينتك على أن لك على عمر درهما؟ قال: بينتي على ذلك أن لي على زيد درهما؟ فهو يريد أن يجعل دعواه صحة لدعوى أخرى، وكلتاهما ساقطة، إذ لا دليل عليهما، وليس هذا الفعل من أفعال أهل العقول، ودعواهم أن الرقبة في كلا الموضعين لا تجزىء إلا أن تكون سليمة، دعوى زائفة لا تصح، فكيف أن يقاس عليها ألا تكون إلا مؤمنة؟. وقال بعضهم: العلة في ذلك أنها كفارة عن ذنب. قال أبو محمد: وليس على قاتل الخطأ ذنب أصلا، فبطل تعليلهم الفاسد،

[12] **Translator's note (L3510):** The letters khāʾ, mīm, and rāʾ spell khamr, the Arabic word for wine. "Potency" consistently renders الشدة, the intoxicating strength invoked as an operative cause. The dual pronoun in لأنهما, "because the two," has no clear pair of antecedents in the supplied wording. It has been preserved. The phrase "because its name among them is in the Arabic language" is apparently defective: the argument appears to require wording about their name differing from the Arabic name, but the supplied text does not say this. "Their rulings folding up" preserves the unusual metaphor in أحكامهم تنطوي. The Quranic quotation contains defective orthography in لأسمآء and للائكة; its intelligible wording is rendered without adding content.

[13] **Translator's note (L3512):** "Enslaved person" renders رقبة, literally "neck," the legal expression for a person emancipated in expiation. The repudiation formula is ẓihār.

[14] **Qur'an references (L3510):** Qur'an 2:31 (Al-Baqarah).

the slave also be a believer? Some of them said: "The cause of this is that it is an expiation for a sin." Abu Muhammed said: Someone who kills by mistake bears no sin whatsoever, so their invalid causal explanation collapses.

L3514 Furthermore, this is a claim like the first, for which there is no evidence. What distinguishes them from someone who says, "In the case of killing, the slave was required to be a believer only because this is an expiation for killing; in cases other than killing, therefore, the slave need not be a believer"? There is no escaping this. All of these are claims without evidence, and they cannot escape someone who invalidates what they establish and establishes what they invalidate. Know that none of them can claim a cause for any ruling without his opponent being able to produce another cause and claim that the ruling became obligatory solely because of it. From this they have no escape. In Allah Most High we seek protection.

Section on Invalidating the Doctrine of Causes

Abu Muhammed said: This is everything with which they have raised contentious objections. We have exposed its defects, and its collapse has become evident. Praise be to Allah, Lord of all worlds. Now, with the help and strength of Allah Most High—there is no deity but Him—we shall begin invalidating the doctrine of causes in any of the prescriptions of revealed law. Success comes through Allah Most High. Thus, to anyone who says that the rulings of revealed law are nothing but causes, it should be said:[15]

L3515–3517 "Tell us about these causes that you mention: are they the work and ruling of Allah Most High, or the work and ruling of someone other than Him, or neither His work, exalted is He, nor the work of anyone else?" There is absolutely no possibility of a fourth category. If they say, "They are the work of someone other than Allah, apart from His ruling," they have posited here a creator other than Him and an agent responsible for the ruling other than Him. They have made that agent's action impose upon Allah Most High the obligation to do what He did and to rule as He ruled. This is sheer association

[15]**Translator's note (L3514):** The final clause literally says that the rulings "are nothing but causes." This awkward formulation has been retained rather than silently changed to "are based on causes."

وأيضا فهذه دعوى كالأولى، لا دليل عليها. وما الفرق بينهم وبين من قال: إنما وجبت في القتل أن تكون الرقبة مؤمنة لأنها كفارة عن قتل. فما عدا القتل فلا تجب فيه مؤمنة؟ وهذا لا انفكاك منه، فكل هذه دعوى لا دليل عليها، ولا ينفكون ممن بطل ما أثبتوه ويثبت ما أبطلوا. واعلم أنه لا يمكن أحدا منهم أن يدعي علة في شيء من الأحكام إلا أمكن لخصمه أن يأتي بعلة أخرى يدعي أن ذلك الحكم إنما وجب لها، وهذا ما لا مخلص لهم منه وبالله تعالى نعتصم فصل في إبطال القول بالعلل قال أبو محمد هذا كل ما شغبوا به قد بينا عواره، ولاح اضمحلاله، والحمد لله رب العالمين. ونحن الآن بعون الله تعالى وقوته لا إله إلا هو شارعون في إبطال القول بالعلل في شيء من الشرائع، وبالله تعالى التوفيق. فيقال لمن قال: إن أحكام الشريعة إنما هي العلل.

أخبرونا عن هذه العلل التي تذكرون: أهي من فعل الله تعالى وحكمه؟ أم من فعل غيره وحكم غيره؟ أم لا من فعله تعالى ولا من فعل غيره؟ ولا سبيل إلى قسم رابع أصلا. فإن قالوا: من فعل غير الله من غير حكمه، جعلوا ههنا خالقا غيره، وفاعلا للحكم غيره، وجعلوا فعل ذلك الفاعل موجبا على الله تعالى أن يفعل ما فعل، وأن يحكم بما حكم به وهذا شرك مجرد، وكفر صريح، وهم لا يقولون ذلك. فإن قالوا: ليست من فعله ولا من فعل غيره، أوجبوا أن في العالم أشياء لا فاعل لها، أو أنهم في هذا الحاكمون على الله تعالى بها، وهم الذين يحللون ويحرمون، ويقضون على الباري عز وجل، وهذا

of partners with Allah and explicit unbelief, and they do not maintain this. If they say, "They are neither His work nor the work of anyone else," they have necessarily asserted that there are things in the world that have no agent, or that they themselves, in this matter, use these causes to dictate to Allah Most High, and that they are the ones who declare things lawful and unlawful and pass judgment upon the Creator, mighty and majestic is He. This is sheer unbelief and the doctrine of the eternalists, and they do not maintain this. If they say, "Rather, they are the work and ruling of Allah, mighty and majestic is He," we say to them: "Tell us your position: did Allah Most High bring them about for a cause, or did He bring them about without a cause?" If they say, "He, exalted is He, brought them about without a cause," they have abandoned their own principle and acknowledged that He, exalted is He, does things without a cause. They should also be asked: "What made it necessary that the subsequent rulings have causes, while the initial acts that are the causes of these rulings have no causes?" This is arbitrary assertion without evidence and an untenable claim without demonstration. If they say, "Rather, He, exalted is He, brought them about for other causes," they are to be questioned about these causes as they were questioned about the preceding ones, and so on forever. They must necessarily take one of two positions, with no third possibility: either they stop at certain acts and say that He performed them without a cause, thereby abandoning their invalid statement that He, exalted is He, does nothing except for a cause; or they affirm an endless succession of things brought into being and existing things that have no beginnings. This is unbelief and departure from revealed law by the consensus of the community. May Allah condemn a statement that forces its proponent into such positions! Thus their doctrine of causes is invalidated, and our statement that Allah Most High does whatever He wills, except for a cause at all, in any respect, is established by this necessary demonstration from which there is no escape. Success comes through Allah Most High.

Abu Muhammed said: Sufficient for all this is that, among all the Companions—may Allah be pleased with them—from first to last, all the Successors from first to last, and all the Successors to the Successors from first to last, there is not among them anyone who said that Allah Most High issued a

كفر مجرد، ومذهب أهل الدهر، وهم لا يقولون ذلك. فإن قالوا: بل هي من فعل الله عز وجل وحكمه. قلنا لهم: أخبرونا عنكم أفعلها الله تعالى لعلة؟ أو فعلها لغير علة؟ فإن قالوا: فعلها تعالى لغير علة، تركوا أصلهم وأقروا أنه تعالى يفعل الأشياء لا لعلة، وقيل لهم أيضا: ما الذي أوجب أن تكون الأحكام الثواني لعلل، وتكون الأفعال الأول التي هي علل هذه الأحكام لا لعلل وهذا تحكم بلا دليل، ودعوى ساقطة لا برهان عليها، وإن قالوا: بل فعلها تعالى لعلل أخر، سئلوا في هذه العلل أيضا كما سئلوا في التي قبلها، وهكذا أبدا فلا بد لهم ضرورة من أحد وجهين لا ثالث لهما: إما أن يقفوا في أفعال ما فيقولون إنه فعلها لغير علة، فيكونون بذلك تاركين لقولهم الفاسد، إنه تعالى لا يفعل شيئا إلا لعلة، أو يقولون بمفعولات لا نهاية لها، وأشياء موجودة لا أوائل لها، وهذا كفر وخروج عن الشريعة بإجماع الأمة. وقبح الله قولا يضطر قائله إلى مثل هذه المواقف، فبطل قولهم في العلل، وصح قولنا: إن الله تعالى يفعل ما يشاء إلا لعلة أصلا بوجه من الوجوه، بهذا البرهان الضروري الذي لا انفكاك عنه، وبالله تعالى التوفيق. قال أبو محمد: ويكفي من هذا كله أن جميع الصحابة رضي الله عنهم أولهم عن آخرهم، وجميع التابعين، أولهم عن آخرهم، وجميع تابعي التابعين، أولهم عن آخرهم، ليس منهم أحد قال: إن الله تعالى حكم في شيء من الشريعة لعلة، وإنما ابتدع هذا القول متأخرو القائلين بالقياس. وأيضا فدعواهم إن هذا الحكم حكم به الله تعالى لعلة كذا، فرية ودعوى لا دليل عليها، ولو كان هذا الكذب عن أحد من الناس لسقط قائله فكيف على الله عز وجل؟.

ruling concerning anything in revealed law for a cause. It was only the later proponents of analogy who invented this statement. Furthermore, their claim that "Allah Most High issued this ruling for such-and-such a cause" is a fabrication and a claim without evidence. If such a lie were told about any human being, its speaker would lose all credibility; how much more so when it is told about Allah, mighty and majestic is He![16]

L3518 We do not deny that some rulings of revealed law have occasions; rather, we affirm them and maintain their existence. But we say that they are occasions only where Allah Most High has made them occasions. It is unlawful to extend them beyond the cases in which He expressly stated that they are occasions for that of which they were made occasions. We have explained much of this at the beginning of this chapter.

Abu Muhammed said: Among the astonishing things about these people is that, if they were told, "Deliberately pursue falsehood," they could not do more than they have already done. One example is that they came to a ruling for which neither Allah Most High nor His Messenger ﷺ expressly stated an occasion—namely, the prohibition of exchanging wheat for wheat in unequal quantities—and assigned it an occasion and a cause. On that basis, they prohibited exchanging iron for iron in unequal quantities, selling rice for rice in unequal quantities, and selling scammony for scammony in unequal quantities. Then they came to a ruling to which the Messenger of Allah ﷺ assigned a relationship, and concerning which he stated that he had ruled thus on its account, yet they disobeyed him and discarded it. This is his statement ﷺ that he prohibited storing the meat of sacrificial animals for more than three days because of the influx of needy visitors. They said: "The influx of needy visitors is not an occasion, and it does not make it obligatory to refrain from storing the meat of sacrificial animals." This is how realities are reversed. In Allah Most High we seek refuge from abandonment.

[16]**Translator's note (L3516):** The wording "except for a cause at all" translates the supplied إلا لعلة أصلا, which contradicts the surrounding argument. The context strongly suggests لا لعلة أصلا, "without any cause whatsoever," but the supplied reading has not been silently corrected.

ولسنا ننكر وجود أسباب لبعض أحكام الشريعة، بل نثبتها ونقول بها، لكنا نقول: إنها لا تكون أسبابا إلا حيث جعلها الله تعالى أسبابا، ولا يحل أن يتعدى بها المواضع التي نص فيها على أنها أسباب لما جعلت أسبابا له، وقد بينا كثيرا من ذلك في أول هذا الباب. قال أبو محمد: ومن عجائب هؤلاء القوم أنهم لو قيل لهم: تعمدوا الباطل ما قدروا على أكثر مما فعلوا ومن ذلك: أنهم أتوا إلى حكم لم ينص الله تعالى ولا رسوله صلى الله عليه وسلم على أن له سببا وهو تحريم البر بالبر متفاضلا، فجعلوا له سببا وعلة، وحرموا من أجله الحديد بالحديد متفاضلا، وبيع الأرز بالأرز متفاضلا، وبيع السقيمونيا بالسقمونيا متفاضلا ثم أتوا إلى حكم جعل له رسول الله صلى الله عليه وسلم نسبا وأخبر أنه حكم بذلك من أجله فعصوه وأطرحوه وهو قوله صلى الله عليه وسلم إنه نهى عن ادخار لحوم الأضاحي فوق ثلاث لأجل الدافة، فقالوا: ليست الدافة سببا، ولا يجب من أجلها ترك ادخار لحوم الأضاحي، وهكذا يكون عكس الحقائق، وبالله تعالى نعوذ من الخذلان. قال أبو محمد: فإن قال قائل: أنتم تنكرون القول بالعلل وتقولون بالأسباب فما الفرق بين الأمرين. فالجواب، وبالله تعالى التوفيق: أن الفرق بين العلة وبين السبب، وبين العلامة وبين الغرض، فروق ظاهرة لائحة واضحة، وكلها صحيح في بابه، وكلها لا يوجب تعليلا في الشريعة، ولا حكما بالقياس أصلا، فنقول وبالله تعالى التوفيق. إن العلة هي اسم لكل صفة توجب أمرا ما إيجابا ضروريا، والعلة

لا تفارق المعلول البتة، ككون النار علة الإحراق، والثلج علة التبريد الذي لا يوجد أحدهما دون الثاني أصلا، وليس أحدهما قبل الثاني أصلا ولا بعده.

وأما السبب فهو كل أمر فعل المختار فعلا من أجله لو شاء لم يفعله، كغضب أدى إلى انتصار، فالغضب سبب الانتصار، ولو شاء المنتصر ألا ينتصر لم ينتصر، وليس السبب موجبا للشيء المسبب منه ضرورة، وهو قيل الفعل المتسبب منه ولا بد، وأما الغرض فهو الأمر الذي يجري إليه مفاعل ويقصده ويفعله، وهو بعد الفعل ضرورة، فالغرض من الانتصار إطفاء الغضب وإزالته وإزالة الشيء هي شيء غير وجوده، وإزالة الغضب غير الغضب، والغضب هو السبب في الانتصار، وإزالة الغضب هو الغرض في الانتصار، فصح أن كل معنى مما ذكرنا غير المعنى الآخر، فالانتصار بين الغضب وبين إزالته وهو مسبب للغضب وإذهاب الغضب هو الغرض منه. وأما العلامة فهي صفة يتفق عليها الإنسانان، فإذا رآها أحدهما علم الأمر الذي اتفقا عليه ومثل قول رسول الله صلى الله عليه وسلم لابن مسعود إذنك على أن يرفع الحجاب وأن تستمع سوادي حتى أنهاك فكان رفع الحجاب واستماع حركة النبي صلى الله عليه وسلم علامة الإذن لابن مسعود وكقوله صلى الله عليه وسلم إني لأعرف أصوات رفقة الأشعريين بالقرآن حين يدخلون بالليل وأعرف منازلهم من أصواتهم بالقرآن بالليل وإن كنت لم أر منازلهم حين نزلوا بالنهار فكانت أصوات الأشعريين بالقرآن

Abu Muhammed said: If someone says, "You reject the doctrine of causes but affirm occasions; what is the difference between the two?" the answer—and success comes through Allah Most High—is that the distinctions between a cause, an occasion, a sign, and a purpose are manifest, evident, and clear. Each is valid in its own sphere, and none entails assigning causes within revealed law or issuing any ruling whatsoever by analogy. Thus we say—and success comes through Allah Most High—that "cause" is a name for every attribute that necessarily entails some matter. A cause is never separate from its effect, as fire is the cause of burning and snow the cause of cooling: neither of the two exists at all without the other, and neither is ever before or after the other.[17]

L3519–3521 As for an occasion, it is any matter on account of which an agent acting by choice performs an act that, had he wished, he would not have performed. An example is anger leading to retaliation: anger is the occasion of retaliation, but if the person retaliating had wished not to retaliate, he would not have retaliated. An occasion does not necessarily entail the thing occasioned by it, and it is unavoidably before the act occasioned by it. As for a purpose, it is the matter toward which an acting agent proceeds, which he intends and brings about; it necessarily comes after the act. Thus the purpose of retaliation is to extinguish and remove anger. Removing a thing is something other than its existence, and removing anger is other than anger. Anger is the occasion of retaliation, while removing anger is the purpose of retaliation. It is therefore established that each of the meanings we have mentioned differs from the other. Retaliation thus stands between anger and its removal. It is occasioned by anger, and dispelling anger is its purpose. As for a sign, it is an attribute upon which two people agree, so that when one of them sees it, he knows the matter upon which they agreed. An example is the statement of the Messenger of Allah ﷺ to Ibn Masʿud: "Your permission to enter is

[17] **Translator's note (L3518):** "Cause" renders علة (ʿilla), while "occasion" renders سبب (sabab), preserving the distinction the author proceeds to define. The supplied نسبا means "a relationship" or "a lineage." The argument appears to require سببا, "an occasion," but the supplied wording has been retained. The two spellings السقيمونيا and السقمونيا are both rendered "scammony." The final formulation about neither existing without the other appears to refer to each cause–effect pair; its unqualified wording has been retained.

that the curtain be raised and that you hear my private conversation, until I forbid you." Thus the raising of the curtain and hearing the Prophet's ﷺ movement were the sign of permission for Ibn Masʿud. Another example is his statement ﷺ: "I certainly recognize the voices of the company of the Ashʿaris reciting the Quran when they enter at night, and I recognize their lodgings from their voices reciting the Quran at night, even though I did not see their lodgings when they settled there during the day." Thus the Ashʿaris' voices reciting the Quran were a sign of the place where they had lodged. From this derive the markers placed in open wilderness to guide people along the road, and the standards in armies by which the commander's position is known.[18][19]

L3522–3523 Abu Muhammed said: This is a fourth meaning. They have also called necessitating causes "meanings." This is among their gravest sophistries and most unsound grounds of argument. A meaning is simply the explanation of an expression. For example, someone might ask about the meaning of "the forbidden," and you tell him: "It is everything that it is impermissible to do." Or he asks about the meaning of "the obligatory," and we say: "It is everything that it is impermissible to leave undone." Or he asks: "What is a balance?" and we tell him: "An instrument by which differences in the quantities of physical bodies are known." These and similar things are meanings. This, then, is a fifth thing. None of this establishes a necessitating cause for the prescribed laws or requires analogy. For when a sign is instituted so that a particular thing may be known by it, there is absolutely no way for some other thing to be known by it in any respect. Were that possible, it would

[18]**Translator's note (L3520):** The supplied قيل الفعل, literally "it was said, the act," appears corrupt; "before the act" follows the contextually indicated reading قبل الفعل. The supplied مفاعل is awkward here; "an acting agent" reflects its apparent function in the sentence.

[19]**Translator's note (L3521):** The supplied الني in "the Prophet's movement" appears to be a transcription error for النبي. In the first quotation, سوادي is rendered "my private conversation." The author's ensuing explanation instead speaks of hearing the Prophet's movement; this difference has been preserved. The second quotation reads "when they enter at night" (حين يدخلون بالليل). The familiar wording of this report has "when they travel by night" (حين يرحلون بالليل); the supplied wording has been retained.

علامة لموضع نزولهم، ومن هذا أخذت الأعلام الموضوعة في الفلوات لهداية الطريق، والأعلام في الجيوش لمعرفة موضع الرئيس.

وقال أبو محمد: وهذا معنى رابع. وقد سمي أيضا العلل معاني، وهذا من عظيم شغبهم، وفاسد متعلقهم، وإنما المعنى تفسير اللفظ، مثل أن يقول قائل: معنى الحرام؟ فتقول له هو كل ما لا يحل فعله، أو يقول: معنى الفرض، فنقول: هو كل ما لا يحل تركه، أو يقول: ما الميزان؟. فنقول له: آلة يعرف بها تباين مقادير الأجرام، فهذا وما أشبه هو المعاني وهذا أيضا شيء خامس. وكل هذا لا يثبت علة الشرائع ولا يوجب قياسا، لأن العلامة إذا كانت موضوعة لأن يعرف بها شيء ما، فلا سبيل إلى أن يعرف بها شيء آخر بوجه من الوجوه، لأنه لو كان ذلك لما كانت علامة لما جعلت له علامة، ولوقع الإشكال. قال أبو محمد: فلما كانت هذه المعاني المسماة الخمسة التي ذكرنا، مختلفة متغايرة كل واحد منها غير الآخر، وكانت كلها مختلفة الحدود والمراتب، وجب أن يطلق على كل واحد منها اسم غير الاسم الذي لغيره منها. ليقع الفهم واضحا، ولئلا تختلط فيسمى بعضها باسم آخر منها، فيوجب ذلك وضع معنى في غير موضعه، فتبطل الحقائق. والأصل في كل بلاء وزعماء تخليط وفساد، اختلاط أسماء ووقوع اسم واحد على معاني كثيرة، فيخبر المخبر بذلك الاسم، وهو يريد أحد المعاني التي تحته فيحمله السامع على غير ذلك المعنى الذي أراد المخبر، فيقع البلاء والإشكال، وهذا في الشريعة أضر شيء وأشده هلاكا لمن اعتقد الباطل إلا من وفقه الله تعالى

not be a sign of that for which it was made a sign, and ambiguity would arise.

Abu Muhammed said: Since these five designated meanings that we have mentioned are different and distinct, each one being other than the others, and since their definitions and ranks are all different, each must be given a name different from the names given to the others, so that understanding may be clear and they may not become confused, with one being called by the name of another. That would entail putting a meaning where it does not belong, thereby invalidating realities. The root of every calamity, and the ringleaders of confusion and corruption, is the mingling of names and the application of a single name to many meanings: a speaker uses that name, intending one of the meanings falling under it, while the hearer understands it as a meaning other than the meaning intended by the speaker, and calamity and ambiguity arise. In the revealed law, this is the most harmful thing and the most destructive to anyone who embraces falsehood, except someone to whom Allah Most High grants success.[20]

L3524–3528 Now that we have explained these four names—necessitating cause, purpose, cause, and sign—and explained that their meanings differ and that the things they designate are distinct, and have eradicated the malady of anyone wishing to apply the name "necessitating cause" in the revealed law to the meaning of "cause," thereby arriving at a belief that it is impermissible to hold, namely, that Allah Most High prescribed the laws because of necessitating causes that obliged Him to prescribe them, or arriving at a fabrication against Allah Most High by claiming that He prescribed necessitating causes which neither He Most High nor His Messenger ﷺ explicitly stated, and which neither authorized. The proponents of necessitating causes must take one of these two paths, and both are ruinous.

We do not deny that Allah Most High has made certain things causes of some of the laws He prescribed. Rather, we acknowledge and affirm this wherever it occurs in the explicit text, as in his saying ﷺ: "The person whose offense

[20]**Translator's note (L3522):** The phrase «وزعماء تخليط وفساد» literally refers to "ringleaders of confusion and corruption," but its syntax here is anomalous and may reflect a transcription error. The translation retains that wording rather than silently replacing it.

وإذ قد بينا هذه الأسماء الأربعة وهي العلة والغرض والسبب والعلامة، وبينا أن معانيها مختلفة، وأن مسمياتها شتى، وحسمنا داء من أراد إيقاع اسم العلة في الشريعة على معنى السبب، فيخرج بذلك إلا ما لا يحل اعتقاده، من أن الشرائع شرعها الله تعالى لعلل أوجبت عليها أن يشرعها، أو إلى الفرية على الله تعالى في الإدعاء أنه شرع عللا لم ينص عليها هو تعالى ولا رسوله صلى الله عليه وسلم ولا أذنا بها ولا بد لأهل العلل من أحد هذين السبيلين. وكلاهما مهلك. ولسنا ننكر أن يكون الله تعالى جعل بعض الأشياء سببا لبعض ما شرع من الشرائع، بل نقر بذلك ونثبته حيث جاء به في النص كقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وكما جعل تعالى كفر الكافر وموته كافرا سببا إلى خلوده في نار جهنم، والموت على الإيمان سببا لدخول الجنة، وكما جعل السرقة بصفة ما سببا للقطع، والقذف بصفة ما سببا للجلد والوطء بصفة ما للجلد والرجم،

is greatest in Islam is someone who asks about something that had not been forbidden, and it is then forbidden because of his question." Likewise, He Most High made the unbeliever's unbelief and his dying as an unbeliever a cause of his remaining eternally in the fire of Hell, and dying in faith a cause of entering Paradise. Likewise, He made theft under certain conditions a cause of amputation, an accusation of unlawful sexual intercourse under certain conditions a cause of flogging, and sexual intercourse under certain conditions a cause of flogging and stoning. Just as we acknowledge these explicitly stated causes, so we reject anyone's claiming a cause where none has been explicitly stated.

We do not say that all prescribed laws have causes. Rather, we say that none of them has a cause except those explicitly stated to have a cause. Everything else is simply something willed by Allah Most High, who does whatever He wills. We neither forbid nor permit, neither add nor subtract, and say only what our Lord, Mighty and Majestic, and our Prophet ﷺ have said. We do not go beyond what they have said, nor do we leave any of it aside. This is pure religion, which no one may oppose or believe anything other than; success comes through Allah Most High.

Allah Most High has said, describing Himself: "He is not questioned about what He does, while they are questioned." He Most High thus declared the distinction between us and Him, and that "Why?" has no valid application to His actions. Since it is impermissible for us to ask Him concerning any of His rulings or actions, "Why was this so?", causes have thereby been invalidated altogether and necessitating causes have fallen away entirely, except where Allah Most High explicitly states that He did such-and-such a thing for such-and-such a reason. This too is among the matters about which questions are asked, so it is impermissible for anyone to say: "Why was this the cause of this ruling and not of another?" Nor may he say: "Why was this thing made a cause without something else also being a cause?" For anyone who asks this question has disobeyed Allah, Mighty and Majestic, deviated from the religion, and contradicted His saying, Most High: "He is not questioned about what He does, while they are questioned." Thus, whoever questions what He does is defiantly disobedient. It necessarily follows that necessitating

وكما نقر بهذه الأسباب المنصوص عليها، فكذلك ننكر أن يدعي أحد سببا حيث لم ينص عليه. ولسنا نقول: إن الشرائع كلها لأسباب، بل نقول: ليس منها شيء لسبب إلا ما نص منها أنه لسبب، وما عدا ذلك فإنما هو شيء أراده الله تعالى الذي يفعل ما شاء، ولا نحرم ولا نحلل، ولا نزيد ولا ننقص ولا نقول إلا ما قال ربنا عز وجل ونبينا صلى الله عليه وسلم ولا نتعد ما قالا ولا نترك شيئا منه وهذا هو الدين المحض الذي لا يحل لأحد خلافه ولا اعتقاده سواء. وبالله تعالى التوفيق. وقد قال الله تعالى واصفا لنفسه: {لا يسأل عما يفعل وهم يسألون} فأخبر تعالى بالفرق بيننا وبينه وأن أفعاله لا يجزىء فيها لم...؟ وإذا لم يحل لنا أن نسأله عن شيء من أحكامه تعالى وأفعاله لم كان هذا فقد بطلت الأسباب جملة وسقطت العلل البتة إلا ما نص الله تعالى عليه أنه فعل أمرا كذا لأجل كذا. وهذا أيضا مما يسأل عنه فلا يحل لأحد أن يقول لم كان هذا السبب لهذا الحكم ولم يكن لغيره؟ ولا أن يقول: لم جعل هذا الشيء سببا دون أن يكون غيره سببا أيضا، لأن من فعل هذا السؤال فقد عصى الله عز وجل، وألحد في الدين وخالف قوله تعالى: {لا يسأل عما يفعل وهم يسألون} فمن سأل عما يفعل فهو فاسق وجب أن تكون العلة كلها منفية عن الله تعالى ضرورة، وفي قوله تعالى: {لا يسأل عما يفعل وهم يسألون} بيان جلي أنه لا يجوز لأحد منا أن يقول قولا لا يسأل عنه، ولزمنا فرضا سؤال كل قائل من أين قلت كذا؟ فإن بين لنا أن قوله ذلك حكاية صحيحة من ربه تعالى وعن نبيه صلى الله عليه وسلم لزمنا طاعته وحرم عليه التمادي في سؤاله، وإن لم يأت به مصححا عن ربه تعالى ولا عن نبيه صلى الله عليه وسلم ضرب برأيه عرض الحائط ورد عليه أمره متروكا غير مقبول معه، ولا مرضي عنه. فهذا حكم السبب وفعله والعلامة والغرض والمعنى قد بينا كل ذلك غاية البيان ولم نقل إلا ما قاله الله ربنا عز وجل، وليست العبارة بالألفاظ المخالفة خلافا إذا حقق المعنى فلم يبعث محمد صلى الله عليه وسلم إلى العرب فقط

causation must be denied altogether of Allah Most High. His saying, Most High, "He is not questioned about what He does, while they are questioned," clearly explains that none of us may make a statement about which he cannot be questioned. We are obligated to ask every speaker: "On what basis did you say such-and-such?" If he explains to us that his statement is an authentic report from his Lord Most High and from his Prophet ﷺ, we must obey him, and it is forbidden for him to persist in questioning him. But if he does not produce it as an authenticated report from his Lord Most High or from his Prophet ﷺ, his opinion is to be dashed against the wall, and his pronouncement returned to him, abandoned, neither accepted from him nor approved.

Such is the status of the cause and its operation, the sign, the purpose, and the meaning. We have explained all of this with the utmost clarity and have said only what Allah, our Lord, Mighty and Majestic, has said. Expressing something in different words does not constitute disagreement when the meaning is accurately established. Muhammed ﷺ was not sent only to the Arabs, but to speakers of every language among humans and jinn. Everyone therefore necessarily requires an expression through which he can understand the speech of his Lord Most High and the meaning of what He intends in the religion binding upon him. We have introduced this only lest an ignorant person seize upon it and say: "These words of yours are not explicitly stated in the Quran." We have thus shown that the entire actual content of what they convey, and their meaning—which admits of no other meaning for our words—is explicitly stated in the Quran in a clear and evident text. Success comes through Allah Most High.

Know now that all necessitating causes are utterly denied of Allah Most High's actions and all His rulings, because a necessitating cause can exist only in one subject to compulsion. Know also that all causes are denied of all Allah Most High's actions and His rulings, except those explicitly stated by Him Most High or His Messenger ﷺ. As for the purpose in His ac-

بل إلى أهل كل لغة من الإنس والجن، فلا بد ضرورة لكل أحد من عبارة يفهم بها كلام ربه تعالى، ومعنى مراده في الدين اللازم له، وإنما أوردنا هذا لئلا يتعلق جاهل فيقول: إن كلامك هذا ليس منصوصا في القرآن فأرينا، أن حقيقة مفهومه كلها، ومعناه الذي لا يتحمل كلامنا معنى غيره منصوص في القرآن نصا جليا ظاهرا وبالله تعالى التوفيق. فاعلم الآن أن العلل كلها منفية عن أفعال الله تعالى وعن جميع أحكامه البتة، لأنه لا تكون العلة إلا في مضطر. واعلم أن الأسباب كلها منفية عن أفعال الله تعالى كلها، وعن أحكامه حاشا ما نص تعالى عليه أو رسوله صلى الله عليه وسلم وأما الغرض في أفعاله تعالى وشرائعه فليس هو شيئا غير ما ظهر منها فقط،

tions and prescribed laws, it is nothing beyond what has become manifest of them.[21][22][23][24][25]

L3529–3530 The purpose in some of them is also that those who take heed should take heed through them; and in some, that He should admit to Paradise whomever He wills to admit to it, and admit to the Fire whomever He wills to admit to it. Everything we have mentioned concerning His purpose, Most High, in people's taking heed, His admitting whomever He wills to Paradise, His admitting whomever He wills to the Fire, and His making whatever He wills a cause of whatever He wills—all these are actions among His actions and rulings among His rulings. They have no cause whatsoever, and He has absolutely no purpose in them beyond their becoming manifest and His bringing them into being. "He is not questioned about what He does, while they are questioned." Had He Most High not explicitly stated that He wished us to take heed and wished to admit whomever He wills to Paradise, we would not have affirmed it. But we have believed what our Lord Most High has said,

والغرض في بعضها أيضا أن يعتبر بها المعتبرون، وفي بعضها أن يدخل الجنة من شاء إدخاله فيها، وأن يدخل النار من شاء إدخاله فيها. وكل ما ذكرنا من غرضه تعالى في الاعتبار، ومن إدخاله الجنة من شاء ومن إدخاله النار من شاء، وتسبيبه ما شاء لما شاء، فكل ذلك أفعال من أفعاله، وأحكام من أحكامه لا سبب لها أصلا، ولا غرض له فيها البتة، غير ظهورها وتكوينها فقط {لا يسأل عما يفعل وهم يسألون} ولولا أنه تعالى نص على أنه أراد منا الاعتبار وأراد إدخال الجنة من شاء، ما قلنا به، ولكنا صدقنا ما قال ربنا تعالى، وقلنا ما علمنا ولم نقل ما لم نعلم. فهذه حقيقة الإيمان الذي تعضده البراهين الحسية والعقلية.

[21] **Translator's note (L3524):** The text has «إلا ما لا يحل اعتقاده», literally "except what it is impermissible to believe," where the continuation calls for "to what it is impermissible to believe" («إلى ما»). The translation follows the apparent intended connection and flags the supplied reading.

[22] **Translator's note (L3525):** In «أوجبت عليها أن يشرعها», the supplied pronoun «عليها» is feminine, although the argument appears to require «عليه», "upon Him." The translation reflects that apparent reference without concealing the discrepancy. The supplied «ولا اعتقاده سواء» is awkward and appears to contain «سواء» in place of «سواه», "other than it." The translation follows the apparent intended meaning. The expression «لا يجزىء فيها لم» has unusual wording or spelling. It is rendered as denying the valid application of the question "Why?" to Allah's actions.

[23] **Translator's note (L3526):** The supplied text says «مما يسأل عنه», "among the matters about which questions are asked," although the surrounding argument appears to require a negation, "about which questions are not asked." The translation preserves the supplied wording.

[24] **Translator's note (L3528):** The supplied «وحرم عليه التمادي في سؤاله» says that persistence in questioning him is forbidden "for him," although the preceding first-person plural would naturally call for "for us" («علينا»). The translation preserves the supplied pronoun; its reference is unclear.

[25] **Qur'an references (L3524):** Qur'an 21:23 (Al-Anbya).

have said what we know, and have not said what we do not know. This is the reality of faith supported by sensory and rational demonstrations.[26]

L3531–3533 The proof of this is that the cause and the purpose must either be created by Allah Most High, be altogether uncreated, or be created by someone other than Him. Whoever holds them to be altogether uncreated commits unbelief, because he posits something within the world that has always existed. Whoever says that they are created by another commits unbelief, because he posits a creator other than Allah Most High. Thus it is established that they are created by Him Most High. Demonstration has established that everything other than Allah Most High is Allah's creation. Since it has now been established that the purpose and the cause are created by Allah Most High, He must have created them either for a further cause and purpose, or without a cause or purpose. If He brought them about for another cause and another purpose, the same must also hold for those two, until this leads the person making this assertion to posit countable entities and created things without end. This is unbelief on the part of whoever says it. If, however, He Most High brought them about without a cause or purpose, this is precisely our position: He Most High does whatever He wills, with none to overturn His judgment, without a cause or purpose, except only where He Most High has expressly stated that He did something for a purpose He intended or for a cause. As for anything concerning which He has made no such explicit statement, we assert definitively that He Most High did it as He willed, without a purpose or cause. Were it not for the texts stating this in certain instances, it would not be lawful for a Muslim to say that Allah Most High did such-and-such for such-and-such a cause, or that He, Mighty and Majestic, has such-and-such an intention in doing such-and-such. {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

[26]**Qur'an references (L3529):** Qur'an 21:23 (Al-Anbya).

ودليل ذلك أن السبب والغرض لا يخلوان من أنهما مخلوقان لله تعالى، أو أنهما غير مخلوقين أصلا، أو أنهما مخلوقان لغيره، فمن جعلهما غير مخلوقين أصلا كفر، لأنه يجعل في العالم شيئا لم يزل، ومن قال: إنهما مخلوقان لغير كفر، لأنه يجعل خالقا غير الله تعالى، فثبت أنهما مخلوقان له تعالى وقد قام البرهان على أن كل ما دون الله تعالى فهو خلق الله، فإذا قد ثبت أن الغرض والسبب مخلوقان لله تعالى، فلا يخلو من أن يكون خلقهما لسبب أيضا، ولغرض أو لا لسبب ولا لغرض، فإن كان فعلها لسبب آخر، وغرض آخر، لزم أيضا فيهما مثل ذلك، حتى تنتهي بقائل هذا إلى إثبات معدودات ومخلوقات لا نهاية لها. وهذا كفر من قائله، وإن كان تعالى فعلهما لا لسبب ولا لغرض، فهذا هو قولنا إنه تعالى يفعل ما يشاء لا معقب لحكمه، لا لسبب ولا لغرض، حاشا ما نص تعالى عليه فقط أنه فعله للغرض أراده، أو لسبب، وأما ما لم ينص ذلك فيه فإنا نقطع على أنه تعالى فعله كما شاء لا لغرض ولا لسبب، ولولا النصوص الواردة بذلك في بعض المواضع ما حل لمسلم أن يقول: إن الله تعالى فعل كذا لسبب كذا ولا إن له عز وجل في فعل كذا إرادة كذا {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافا ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} قال أبو محمد ويقال لمن قال بالعلل وجعلها صفات في أشياء توجد فتشتبه بها، فيوجب ذلك أن يحكم لها بحكم واحد: إنك لا تعدم معارضا بصفات أخر توجب غير الأحكام التي أوجبتم، فإن أنتم أبطلتم حكم التشابه الذي يعارضكم به خصومكم فقد أقررتم أن الأتباع لا معنى له، ولا يوجب حكما، وليس قول خصومكم فيما أتى به من ذلك بأولى بالسقوط من قولكم. ومثال ذلك: أن تقولوا: لما أشبه النبيذ الخمر في أنه شديد

wrongdoers.} Abu Muhammed said: To whoever affirms effective causes and makes them attributes found in things, through which those things resemble one another, so that this necessitates assigning them one ruling, it should be said: You will never lack an opponent who adduces other attributes necessitating rulings other than those you have necessitated. If you invalidate the ruling based on resemblance with which your opponents challenge you, you have acknowledged that following has no significance and necessitates no ruling. Your opponents' position concerning what they have adduced is no more deserving of rejection than your own position. An example is your saying: Since fermented drink resembles wine in being potent, pleasurable, and intoxicating, its prohibition necessarily follows on that account. Your opponents then challenge you, saying: Since intoxicating fermented drink resembles juice in that whoever deems it lawful does not think, making it into vinegar necessarily follows on that account. If you invalidate the comparison adduced by our opponents, you have acknowledged that comparison necessitates no ruling. This applies in turn to the comparison you yourselves have made, without any difference. Some of them said that the effective cause of prohibiting the exchange of wheat for wheat in unequal quantities is that

ملذ مسكر وجب له التحريم من أجل ذلك، فيعارضكم خصومكم فيقولون: لما أشبه النبيذ المسكر العصير في أنه لا يفكر مستحله، وجب له التخليل من أجل ذلك، فإن أبطلتم التشبيه الذي أتى به خصومنا فقد أقررتم أن التشبيه لا يوجب حكما، وهذا عائدا على تشبهكم الذي شبهتم ولا فرق. وقال بعضهم: علة تحريم البر بالبر متفاضلا أنه مطعوم. وقال بعضهم: العلة في ذلك أنه مكيل.

it is food. Others said that the effective cause in this is that it is measured by volume.[27][28][29][30]

L3534–3536 Others said that the effective cause in this is that it is storable. Abu Muhammed said: Each of these groups invalidates what the other has adduced. Thus they have all agreed upon invalidating reasoning by effective causes, without any disagreement among them. The reasoning by effective causes that this group establishes is no more firmly established than what the other establishes, nor are some of these effective causes more deserving of rejection than the rest. Rather, all of them are false, untenable claims for which there is no demonstration. The same holds for all their effective causes. I wonder how someone who fears being questioned by Allah Most High on the Day of Resurrection can find it easy to introduce an effective cause that he has never found attributed either to Allah Most High or to His Messenger, may Allah bless him and grant him peace ﷺ, and then establish it as part of the religion. For either he attributes it to Allah Most High and thereby lies about Him, or to His Messenger, may Allah bless him and

وقال بعضهم: العلة في ذلك أنه مدخر. قال أبو محمد: وكل واحد من هذه الطوائف مبطلة لما عدت به الأخرى، فكلهم قد اتفق على إبطال التعليل بلا خلاف بينهم، فليس ما أثبتت هذه الطائفة من التعليل بأثبت مما أثبتت الأخرى، ولا بعض هذه العلل أولى بالسقوط من سائرها، بل كلها دعوى زائفة ساقطة لا برهان عليها، وهكذا جميع عللهم. وليت شعري كيف يسهل على من يخاف سؤال الله تعالى يوم القيامة أن يأتي بعلة لم يجدها قط لا لله تعالى ولا لرسوله صلى الله عليه وسلم فيثبتها في الدين فإنما ينسبها إلى الله تعالى فيكذب عليه أو إلى رسوله صلى الله عليه وسلم فيقوله ما لم يقل أو لا ينسب ذلك إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم فيحصل في أن يحدث دينا من عنده نفسه ولا بد من إحداهما، وهما خطتا خسف، نعوذ بالله منهما، وبالله تعالى التوفيق. قال أبو محمد: ومنهم طوائف يمنعون من تخصيص العلل، ثم يجعلون علة الربا في التمر بالرطب مخصوصة يحدث العرايا. فيقرون أن النص أبطل علتهم، ولو كانت حقا ما أبطلها، لأن الحق لا يبطل الحق، وكذلك لا يمكن أن يبطل حديث صحيح حديثا صحيحا إلا على سبيل النسخ فقط، وأما على معنى ألا يقبل فلا سبيل إلى ذلك البتة. والحق لا يكذب بعضه بعضا أبدا. قال أبو محمد: وقد سألهم من سلف من أصحابنا فقالوا: لو كانت العلة التي تدعون في الشرائع موجبة لما ادعيتم من تحليل أو تحريم، لكانت غير مختلفة أبدا كما أن العلل العقلية لا تختلف أبدا مثال ذلك أن الشدة والإسكار لو كانا علة لتحريم لكانت الخمر حراما مذ خلقها الله تعالى، فالخمر لم تزل مذ خلقها الله تعالى شديدة مسكرة، وقد كانت حلال في الإسلام سنين، وهي على الصفة هي الآن لم تبدل، ولا حدثت لها حال لم تكن قبل ذلك فبطل بهذا أن تكون الشدة علة التحريم، كما أن الباري تعالى جعل النارية علة

[27] **Translator's note (L3531):** The phrase «مخلوقان لغير» lacks an expressed complement after "another"; the preceding wording establishes the sense "someone other than Him." The wording «للغرض أراده» is syntactically irregular; it has been rendered "for a purpose He intended."

[28] **Translator's note (L3532):** The Qur'anic quotation is recognizably 2:229, but the transcription repeatedly omits initial alifs, including in «لطلاق», «لله», «فتدت», and «لظالمون». The translation follows the identifiable words; these transcription defects are recorded here. The supplied «الأتباع» has been rendered "following." The argument concerns resemblance, and «الاشتباه» ("resemblance") may have been intended, but that is not the supplied reading.

[29] **Translator's note (L3533):** The supplied «لا يفكر مستحله» literally means "whoever deems it lawful does not think." The context strongly suggests «لا يكفر مستحله», "whoever deems it lawful is not declared an unbeliever," but the supplied wording has not been silently replaced. The supplied «التخليل» means "making into vinegar." The argument appears to require «التحليل», "declaring lawful," but the supplied reading has been retained. The text shifts to "our opponents" in «خصومنا», although the surrounding argument addresses "your opponents"; that shift has been retained. The expressions «وهذا عائدا» and «تشبهكم» are grammatically or textually awkward; they have been rendered according to their evident reference to the interlocutors' own comparison.

[30] **Qur'an references (L3531):** Qur'an 2:229 (Al-Baqarah).

grant him peace ﷺ, and thereby makes him say what he did not say, or he attributes it neither to Allah Most High nor to His Messenger, may Allah bless him and grant him peace ﷺ and thus ends up introducing a religion of his own invention. One of the two is unavoidable, and both are courses of degradation; we seek refuge in Allah from them both. Success comes through Allah Most High. Abu Muhammed said: Among them are groups that disallow restricting the scope of effective causes, yet then treat the effective cause of usury in exchanging dried dates for fresh dates as restricted by the report concerning the sales of dates on palms in exchange for dried dates known as ʿarāyā. They thereby acknowledge that the explicit text has invalidated their effective cause. Had it been true, the text would not have invalidated it, because truth does not invalidate truth. Likewise, an authentic report cannot invalidate another authentic report except by way of abrogation alone. As for doing so in the sense that the other report is not to be accepted, there is absolutely no way to do that. Truth never contradicts truth. Abu Muhammed said: Our predecessors among our companions questioned them, saying: If the effective cause you claim in revealed laws necessitated the permissibility or prohibition you claim, it would never vary, just as rational causes never vary. An example is that, if potency and intoxication were an effective cause of prohibition, wine would have been forbidden ever since Allah Most High created it; for wine has always been potent and intoxicating ever since Allah Most High created it Yet it was lawful in Islam for years while possessing the same character it possesses now: it was not changed, nor did any condition arise in it that had not existed before. This therefore invalidates the claim that potency is the effective cause of prohibition. Likewise, the Creator Most High made the nature of fire a cause of burning and of causing moisture to rise, and it therefore always remains so, except for what He, Mighty and Majestic, specifically exempted from it in the fire of Abraham, the intimate friend, peace be upon him. It has always been so ever since He Most High created it, even in Hell—may Allah Most High protect us from it. Allah Most High said: {Indeed, those who disbelieve in Our signs, We shall make them burn in a fire. Whenever their skins are cooked through, We shall replace

الإحراق وتصعيد الرطوبات، فلا تزال كذلك أبدا، حاشا ما خص عز وجل منها من نار إبراهيم الخليل عليه السلام، ولم تزل كذلك مذ خلقها تعالى حتى في جهنم، أعاذنا الله تعالى منها قال الله تعالى {إن لذين كفروا بآياتنا سوف نصليهم نارا كلما نضجت جلودهم بدلناهم جلودا غيرها ليذوقوا لعذاب إن لله كان عزيزا حكيما}

them with other skins so that they may taste the punishment. Indeed, Allah is ever Mighty, Wise.}[31][32][33][34]

L3537 Abu Muhammed said: They fell apart under this question and writhed in distress at it, because it is sound and there is absolutely no escape from it. Some of them therefore said: An effective cause is an effective cause only when Allah Most High makes it an effective cause.

L3538 Abu Muhammed said: This amounts to their abandoning their position on effective causes altogether, abandoning analogy, and returning to the explicit text. Since they have returned to this, nothing remains between us and them except their calling the ruling an effective cause. If they said that a ruling becomes binding only when Allah, Mighty and Majestic, explicitly states it, they would agree with us entirely. But they have clung to the term "effective cause" because it has multiple meanings, so that they may soon return to their confused reasoning and pass beyond the explicit text to matters for which there is no explicit text. This is something they do not allow. Success comes through Allah Most High. Some of them said: Here is the report of a single transmitter: it is authoritative evidence for making action obligatory, but it is not authoritative evidence for making knowledge necessary. Therefore, do not object to our holding something to be an effective cause in one instance and not an effective cause in another. It should be said to him—and success comes through Allah Most High: This is obfuscation on your part, by which you cannot escape the consequence

قال أبو محمد فتفسخوا تحت هذا السؤال، وتضوروا منه، لأنه صحيح لا مخرج منه البتة. فقال بعضهم: إنما تكون العلة علة إذا جعلها الله تعالى علة.

قال أبو محمد: وهذا ترك منهم لقولهم في العلل جملة، وترك منهم للقياس ورجوع إلى النص، وإذ قد راجعوا إلى هذا فلم يبق بيننا وبينهم إلا تسميتهم الحكم علة فقط، فلو قالوا: لا يجب الحكم إلا إذا نصه الله عز وجل لوافقونا البتة، ولكنهم تعلقوا باسم العلة، لأنه مشترك، ليرجعوا من قريب إلى تخليطهم، وليتعدوا النص إلى ما لا نص فيه، وهذا ما لا يسوغونه. وبالله تعالى التوفيق. وقال بعضهم: هذا خبر الواحد هو حجة في إيجاب العمل، وليس حجة في إيجاب العلم، فلا تنكروا علينا كون الشيء علة في مكان، وغير علة في مكان آخر. فيقال له وبالله تعالى التوفيق: هذا تمويه منكم، لا تتخلصون به مما ألزمناكم إياه لأننا لم ننكر نحن عليكم أن يكون الشيء حجة في مكانه وبابه، وغير حجة فيما ليس بمكانه ولا ببابه، وإنما أنكرنا عليكم أن يكون ما ادعيتموه علة حجة موجبة للحكم في بعض مكانها وبابها بغير نص، وغير حجة في سائر بابها، وبعض أماكنها من غير نص أيضا فهذا الذي أنكرنا عليكم لا ما سواه. وأما خبر الواحد المسند من طريق العدول فهو حجة في إيجاب العمل أبدا إذا كان عن النبي صلى الله عليه وسلم عند جميعنا ثم اختلفنا فقالت طائفة منهم: ومنه ما لا يضطر إلى العلم فهو غير موجب للعلم أبدا، وما كان منه يضطر إلى العلم بأسباب معروفة فيه فهو موجب للعلم أبدا. وقالت طائفة هو موجب للعلم أبدا إذا كان عن رسول الله صلى الله عليه وسلم فبطل تشبيههم للعلة بالخبر قال أبو محمد: واحتج عليهم من سلف من أصحابنا فقالوا: ما تقولون في إنسان قال في حياته أو عند موته: أعتقوا عبدي ميمونا لأنه أسود، وله

[31] **Translator's note (L3534):** The supplied «عدت به» is awkward in context; "has adduced" reflects the apparent argumentative sense, without assuming a specific corrected Arabic reading.

[32] **Translator's note (L3535):** The supplied «يحدث العرايا» is corrupt in this construction. The translation "by the report concerning … ʿarāyā" adopts the contextually apparent reading «بحديث العرايا»; this is an explicit reconstruction. ʿArāyā names a specific form of date transaction involving dates still on palms exchanged for dried dates. The supplied «من عنده نفسه» is syntactically irregular and has been rendered "of his own invention."

[33] **Translator's note (L3536):** The Qur'anic quotation is recognizably 4:56. The supplied «لذين», «لعذاب», and «لله» omit initial alifs; the translation follows the identifiable words and records those transcription defects here.

[34] **Qur'an references (L3534):** Qur'an 4:56 (An-Nisa).

we have shown to follow from your position. We have not objected to your holding something to be authoritative evidence in its proper setting and subject area, and not authoritative evidence outside its proper setting or subject area. What we have objected to is your holding what you claim to be an effective cause to be authoritative evidence necessitating a ruling in some of its proper settings and subject area, without an explicit text, while it is not authoritative evidence in the remainder of its subject area and some of its settings, likewise without an explicit text. This is what we have objected to, and nothing else. As for a report of a single transmitter, transmitted with a connected chain through upright transmitters, all of us agree that it is always authoritative evidence making action obligatory when it comes from the Prophet, may Allah bless him and grant him peace ﷺ. We then differed. One group among them said: Some such reports do not compel knowledge, and these never necessitate knowledge; those that do compel knowledge through recognized factors present in them always necessitate knowledge. Another group said: Such a report always necessitates knowledge when it comes from the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Their comparison of the effective cause to the report is thus invalid. Abu Muhammed said: Our predecessors among our companions argued against them, saying: What do you say concerning a person who says during his life or at his death, "Set my slave Maymun free because he is black," while he has many black slaves? Do you set them all free by analogy with Maymun, on account of the effective cause of blackness common to them all, which he made the effective cause for freeing Maymun, or do you free none of them except Maymun alone?[35]

L3539–3540 If you say, "We set them free," you contradict your own legal opinions and contravene consensus. If you say, "We do not set them free," you abandon the position that effective causes are to be applied and that analogy is to be used, and return to our position.

L3541–3543 Abu Muhammed said: This is a valid argument establishing what their posi-

[35] **Translator's note (L3538):** The supplied «وهذا ما لا يسوغونه» says "This is something they do not allow." Its apparent tension with the accusation that precedes it has been retained.

عبيد سود كثير، أتعتقونهم لعلة السواد الجامعة لهم، والتي جعلها علة في عتق ميمون قياسا على ميمون؟ أم لا تعتقون منهم أحدا حاشا ميمون وحده،

فإن قلتم: نعتقهم، نقضتم فتاويكم، وخالفتم الإجماع، وإن قلتم. لا نعتقهم تركتم القول بإجراء العلل وبالقياس وعدتم إلى قولنا.

قال أبو محمد: وهذا إلزام صحيح، ونحن نزيده بيانا فنقول وبالله تعالى التوفيق إن رسول الله صلى الله عليه وسلم قال لأمراء سراياه إذا نزلتم بأهل حصن أو مدينة أرادوا أن

tion entails. We shall explain it further, saying—and success comes through Allah Most High—that the Messenger of Allah ﷺ said to the commanders of his detachments: "When you come upon the people of a fortress or town, and they wish you to let them surrender subject to the judgment of Allah Most High, do not do so, for you do not know whether your judgment concerning them will accord with the judgment of Allah Most High or not. Rather, let them surrender subject to your own judgment, and then judge concerning them as you wish. If they ask you to give them the covenant of protection of Allah, Mighty and Majestic, and the covenant of protection of His Messenger ﷺ, do not give them Allah's covenant of protection or the covenant of protection of His Messenger ﷺ. Rather, give them your own covenant of protection, for your violating your own covenant of protection is less grave than your violating the covenant of protection of Allah and His Messenger"—or words to this effect. This is an explicit, clear statement from the Messenger of Allah ﷺ that venturing to attribute something to Allah Most High without certainty is unlawful, and that attributing it to a human being is less grave, although all of that is false. The Messenger of Allah ﷺ also said: "Indeed, a lie against me is not like a lie against anyone else." If it were permissible to pronounce on the basis of analogy and action, then venturing to apply this to people's words and judgments would be more appropriate than venturing to apply it to Allah, Mighty and Majestic, and His Messenger ﷺ. Yet they agree that, if someone says, "Free my slave Salim because he is black," and he has other black slaves, no one is freed except Salim alone, whom he expressly named, out of caution against freeing another slave and fear of altering the testator's instruction and words. It would therefore be more fitting for them to fear Allah, Mighty and Majestic, concerning his ﷺ statement prohibiting slaughter with a tooth, "for it is a bone," and his ﷺ instruction to pour away clarified butter if there dies in it a mouse: they should not extend that to every bone, every olive oil, every fat, every dog, and every cat. Likewise, concerning his ﷺ instruction that someone who urinates into stagnant water that does not suffice must neither perform ablution from it nor bathe in it, they should not extend it to someone who defecates in the water, or to water into which no one has urinated at all. For their more pressing obligation is not to attribute to Allah

تنزلوهم على حكم الله تعالى فلا تفعلوا، فإنكم لا تدرون أتوافقون حكم الله تعالى فيهم أم لا، ولكن أنزلوهم على حكمكم، ثم اقضوا فيهم ما شئتم، فإذا سألوكم أن تعطوهم ذمة الله عز وجل وذمة رسوله صلى الله عليه وسلم فلا تعطوهم ذمة الله ولا ذمة رسوله صلى الله عليه وسلم ولكن أعطوهم ذمتكم فإن تخفروا ذمتكم أهون من أن تخفروا ذمة الله وذمة رسوله، أو كلاما هذا معناه فهذا نص جلي من رسول الله صلى الله عليه وسلم على أن الإقدام على نسبة شيء إلى الله تعالى بغير يقين لا يحل، وأن نسبة ذلك إلى الإنسان أهون وإن كان كل ذلك باطلا وقد قال رسول الله صلى الله عليه وسلم إن كان كذبا علي ليس ككذب على أحد فلو جاز أن يقال بالقياس وبالفعل لكان الإقدام به على كلام الناس، وأحكامهم أولى من الإقدام به على الله عز وجل ورسوله صلى الله عليه وسلم فلما اتفقوا على أن من قال اعتقوا عبدي سالما لأنه أسود، وله عبيد سود أنه لا يعتق غير سالم وحده الذي نص عليه، اتقاء أن يعتقه، وخوفا من تبديل أمر الموصي وكلامه، فإن الأولى بهم أن يتقوا الله عز وجل في قوله صلى الله عليه وسلم في النهي عن الذبح بالسن فإنه عظم وفي أمره صلى الله عليه وسلم بهرق السمن إذا مات فيه الفأر فلا يتعدوا ذلك إلى كل عظم وكل زيت وكل دهن وكل كلب وكل سنور وفي أمره صلى الله عليه وسلم البائل في الماء الراكد الذي لا يجزي ألا يتوضأ منه ولا يغتسل، فلا يتعدوه إلى المحدث في الماء، ولا إلى ما لم يبل فيه أصلا، فإن الأوجب عليهم ألا ينسبوا إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم تعليلا لم ينصا عليه وأحكاما لم يأذنا بها ولا ذكراها أصلا، ولا في كلامهما ما يوجبهما البتة، ولكنهم اتقوا أن ينسبوا إلى الناس ما لا يقولون، ولم يتقوا أن ينسبوا إلى الله تعالى ورسوله صلى الله عليه وسلم ما لم يقولا وحسبك بهذا عظيمة نعوذ بالله

Most High or His Messenger ﷺ an assignment of an operative cause that neither expressly stated, or rulings that neither authorized or mentioned at all, nor is there anything whatsoever in their words that necessitates either of them. Yet they were careful not to attribute to people what they do not say, while they were not careful to avoid attributing to Allah Most High and His Messenger ﷺ what neither said. This alone is an enormity enough; we seek refuge in Allah from it. One of them tried to confuse the issue in answering this question by saying: "We would free all his other black slaves if the testator were to say to us, immediately after saying, 'Free my slave Salim because he is black,' 'And take heed.' We would then free every black slave he owned." Abu Muhammed said: This answer is unsound in two respects.[36][37][38]

L3544–3549 The first is that, even if he said this, it would not be permissible to free every black slave he owned, because his words "Take heed" are no more entitled to mean "Reason by analogy" than to mean "Take heed of the condition I am in: hasten to obey your Lord, and do not contravene my testamentary instruction." Furthermore, anyone who gives this unsound answer must refrain from reasoning by analogy from any ruling unless, alongside every hadith containing a ruling or every verse containing a ruling, there appears "And take heed," "And take heed." This is found in none of the rulings, nor in the hadith, nor in the continuation of any of the verses. Analogy is therefore invalidated altogether by the express words of this respondent. Praise belongs to Allah Most High. Abu Muhammed said: The question remains in full force against them. We shall press them further on it, saying: Even if he said, "So take heed," and then, on another day, said, "Slaughter my such-and-such ram because it is lame," while he owned other lame rams, would they slaughter every lame ram

منها. وقد شغب بعضهم في هذا السؤال بأن قال: كنا نعتق سائر عبيده السودان لو أن الموصي يقول لنا بعقب قوله: اعتقوا عبدي سالما لأنه أسود واعتبروا فكنا حينئذ نعتق كل عبد له أسود. قال أبو محمد: وهذا جواب فاسد من وجهين:

أحدهما: أنه حتى لو قال ذلك ما جاز أن يعتق كل عبد له أسود، لأنه ليس قوله اعتبروا أولى بأن يكون معناه قيسوا منه بأن يكون معناه واعتبروا بحالي التي أنا فيها فبادروا إلى طاعة ربكم ولا تخالفوا وصيتي. وأيضا فيلزم من أجاب بهذا الجواب الفاسد ألا يقيس على شيء من الأحكام إلا حتى يكون إلى جنب كل حديث فيه حكم أو كل آية فيها حكم، واعتبروا واعتبروا وهذا غير موجود في شيء من الأحكام ولا في الحديث ولا في صلة شيء من الآيات، فبطل القياس جملة بنص قوله هذا المجيب، والله تعالى الحمد. قال أبو محمد: والسؤال باق بحسبه عليهم ونزيدهم فيه فنقول: حتى لو قال: فاعتبروا، ثم لما كان نهارا آخر قال: اذبحوا كبشي الفلاني، لأنه أعرج وله كباش عرج، أيذبحون كل كبش له أعرج، من أجل قوله بالأمس في أمر عتق عبد واعتبروا؟. أم لا يقدمون على ذلك إلا حتى يكون عند وصيته به واعتبروا؟. فإن قالوا: نكتفي بقوله: واعتبروا مرة واحدة، خرقوا الإجماع، وهذا أمر لا يقولونه، ولو قالوه لكانوا حاكمين بلا دليل، ومدعين بلا برهان، وإن لم يقولوا بذلك فقد تركوا القياس جملة، ولزمهم طلب هذه اللفظة إلى جنب كل آية وحديث وهذا لا يجدونه أبدا. قال أبو محمد: وقد قال بعضهم في جواب هذا السؤال، إذ تتبعنا عليهم إدخالهم في

[36] **Translator's note (L3541):** The source reads "analogy and action" (al-qiyas wa-l-fi'l). "Action" is unexpected in this argument and may represent a transcription error for a term referring to operative causes; the supplied reading is retained. The opening of the quotation about lying has awkward Arabic syntax. Its intelligible sense is rendered without adding material to the quotation.

[37] **Translator's note (L3542):** The phrase describing the stagnant water reads "which does not suffice" (alladhi la yujzi), an awkward reading in context. "Which does not flow" would be a plausible intended reading, but the supplied text has not been silently corrected.

[38] **Translator's note (L3543):** "Take heed" translates i'tabiru, the imperative whose possible interpretation as an instruction to reason by analogy is disputed in the following passage.

he owned because he had said yesterday, concerning the freeing of a slave, "And take heed"? Or would they refrain from venturing to do that unless his testamentary instruction concerning it was accompanied by "And take heed"? If they say, "His saying 'And take heed' once is sufficient for us," they violate consensus. This is something they do not say; were they to say it, they would be issuing judgments without evidence and making claims without demonstration. If they do not say it, they have abandoned analogy altogether and are obliged to seek this expression alongside every verse and hadith. This they will never find. Abu Muhammed said: Some of them have said, in answering this question—when we called them to account for introducing into the rulings of Allah Most High and the judgment of His Messenger ﷺ things for which no explicit text had come, but which arose instead from their own assignment of operative causes and their own analogy, while they carefully seek to avoid doing the same with the statements of Abu Hanifah, Malik, and al-Shafiʿi, never going beyond the explicit wording of their statements—"Human discourse may be unsound and contain no wisdom, whereas the discourse of Allah Most High is wisdom." Abu Muhammed said: This is obfuscation that does not extricate its proponent from the aforementioned question. He should be asked: What unsoundness is there in the discourse of a man making testamentary dispositions concerning his property within what Allah Most High, the Messenger ﷺ, and the consensus of the community have permitted him, without venturing into anything disapproved? If it were permissible not to construe his words according to what they entail and convey for fear that they might be unsound, it would not be permissible to execute that testamentary instruction at all, for fear that it might be unsound. Since they agree with us that this testamentary instruction is permissible and that it should be construed according to its apparent meaning, it is established that it is valid, and the obfuscation of anyone seeking to distinguish between the matters about which we questioned them is invalidated: their construing people's words according to their apparent meaning and what they convey, while construing the words of their Lord Most High according to divinations, through unsupported claims, conjectures, and things neither present in them nor conveyed by them. We said to them: "Why have you given precedence to statements whose unsoundness cannot be ruled out and

أحكام الله تعالى وحكم رسوله صلى الله عليه وسلم ما لم يأت به نص لكن تعليلا منهم وقياسا ثم يتحرون تجنب مثل هذا في أقوال أبي حنيفة ومالك والشافعي، فلا يتعدون نصوص أقوالهم، فقالوا: خطاب الآدميين وقد يكون فاسدا ولا حكمة فيه، وخطاب الله تعالى حكمة. قال أبو محمد: وهذا تمويه لا ينفك به من السؤال المذكور، ويقال له: أي فساد في خطاب امرىء موص في ماله بما أباحه له الله تعالى والرسول صلى الله عليه وسلم وإجماع الأمة ولم يتعد إلى مكروه فلو جاز ألا يحمل كلامه على موجبه ومفهومه خوف فساده، لما جاز تنفيذ تلك الوصية جملة خوف فسادها فلما اتفقوا معنا على تجويز تلك الوصية وحملها على ظاهرها، صح أنها حق، وبطل تمويه من رام الفرق بين ما سألناهم عنه، من حملهم كلام الناس على ظاهره ومفهومه وحملهم كلام ربهم تعالى على الكهانات بالدعاوى والظنون، وما ليس فيه ولا مفهوما منه وقلنا لهم: فيم غلبتم ما لم يؤمن فساده وما لا حكمة فيه، من أقوال أبي حنيفة المتخاذلة، وأقوال مالك المتناقضة، وأقوال الشافعي المتعارضة، على المضمون فيه الحكمة من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم حتى صرتم لا تأخذون من النصوص إلا ما وافق كلام أحد المذكورين، ولا تزالون تتحيلون في إبطال حكم ما خالف قولهم من القرآن السنة بأنواع الحيل الباردة الغثة؟ والسؤال يعد لهم لازم لا انفكاك عنه أصلا، وبالله تعالى التوفيق. ومما احتج به عليهم أصحابنا في إبطال العلل والقياس نهي الله تعالى الناس عن سؤالهم النبي صلى الله عليه وسلم وأمرهم الاقتصار على ما يفهمون مما يأمرهم به فقط، فلو كان المراد من النص غير ما سمع منه لكان السؤال لهم لازما، ليتبينوا ويتعلموا، فلما منعوا من السؤال أيقنا أنهم إنما لزمهم ما أعلموا به فقط. فأجاب بعض أصحاب القياس فقال: إنما نهوا عن سؤال من سأل عن أبيه. قال أبو محمد: وهذا الكذب بعينه لأن نص الآية يكذب هذا القائل في قوله تعالى بعقب النهي عن السؤال: {قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} وبين ذلك طلحة رضي الله

which contain no wisdom—the mutually undermining statements of Abu Hanifah, the contradictory statements of Malik, and the conflicting statements of al-Shafiʿi—over the words of Allah Most High and the words of His Messenger ﷺ, in which wisdom is guaranteed, to the point that you accept from the explicit texts only what agrees with the words of one of those mentioned? You continually resort to contrivances to invalidate the ruling of whatever in the Quran and the Sunnah contradicts their statements, using all manner of feeble, paltry stratagems." The question remains binding upon them, with no escape from it whatsoever. Success comes through Allah Most High. Among the arguments our companions have advanced against them to invalidate operative causes and analogy is Allah Most High's prohibition against people questioning the Prophet ﷺ, and His command that they confine themselves solely to what they understand of what he commands them. If what was intended by an explicit text were something other than what was heard from it, questioning would have been obligatory for them, so that they could ascertain and learn. Since they were forbidden to question, we know with certainty that they were bound only by what they had been informed of. One of the proponents of analogy answered: "They were only forbidden to ask the kind of question asked by the man who asked about his father." Abu Muhammed said: This is the very essence of falsehood, because the explicit wording of the verse gives the lie to this speaker, in His Most High's words immediately following the prohibition against questioning: "A people before you asked about them, then became disbelievers in them." Talhah, may Allah be pleased with him, clarified this when he said: "We had been forbidden to ask the Prophet ﷺ about anything, so we liked it when an intelligent man from among the desert dwellers was brought along and questioned him while we listened." Al-Nawwas ibn Samʿan said: "I stayed in Medina for a year without emigrating"—meaning, without pledging allegiance on the basis of emigration—"because, when one of us emigrated, he was not permitted to ask the Prophet ﷺ about anything"—or words to this effect. The Prophet ﷺ also said: "The person whose offense in Islam is greatest is someone who asks about something that has not been forbidden, and it is then forbidden because of his question." He ﷺ also said: "Leave me alone so long as I leave you alone. Those before you perished only because of their many questions

عنه في قوله كنا نهينا أن نسأل النبي صلى الله عليه وسلم عن شيء فكان يعجبنا أن يأتي بالرجل العاقل من أهل البادية فيسأله ونسمع، وقال النواس بن سمعان: أقمت بالمدينة سنة لا أهاجر، يريد لا أبايع على الهجرة، لأننا كنا إذا هاجر أحدنا لم يجز له أن يسأل النبي صلى الله عليه وسلم عن شيء أو كلاما هذا معناه وقد قال النبي صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وقد قال صلى الله عليه وسلم اتركوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم، ولكن إذا نهيتكم عن شيء فاجتنبوه، وإذا أمرتكم بشيء فأتوا منه ما استطعتم فبطل اعتراض هذا المعترض.

and their disagreements with their prophets. But when I forbid you something, avoid it; and when I command you to do something, do as much of it as you can." Thus this objector's objection is invalidated.[39][40][41]

L3550–3552 Section on the Prohibition Found in the Quran against Adopting Operative Causes

Abu Muhammed said: We shall present, if Allah Most High wills, what the Quran contains of the prohibition against adopting operative causes in the rulings and revealed laws of Allah, Mighty and Majestic. For the Book of Allah Most High is the truth that hurls truth against falsehood and crushes it, whereupon it vanishes. Whoever refuses this, we complete the verse for him, namely His saying, exalted is He: {Rather, We hurl truth against falsehood, and it crushes it, whereupon it vanishes; and woe to you for what you describe!} Abu Muhammed said: Allah, exalted is He, said: {We have appointed none but angels as the keepers of the Fire, and We have made their number only a trial for those who disbelieve, so that those given the Book may attain certainty, those who believe may increase in faith, and those given the Book and the believers may not doubt; and so that those in whose hearts is a disease and the disbelievers may say, "What did Allah intend by this as an example?" Thus Allah leads astray whom He wills and guides whom He wills. None knows the hosts of your Lord but He, and it is only a reminder to humankind.} He, exalted is He, thus informed us that investigating the causal rationale for what He intends is error. For it must mean either this, or that the verse prohibits investigating the intended meaning. The latter is an error that no Muslim would affirm. Rather, investigating the meaning that Allah, exalted is He, intended is an obligation upon every seeker of knowl-

فصل فيما ورد في القرآن من النهي عن القول بالعلل قال أبو محمد: ونحن موردون إن شاء الله تعالى ما في القرآن من النهي عن القول بالعلل في أحكام الله عز وجل وشرائعه، فكتاب الله تعالى هو الحق الذي يقذف بالحق عن الباطل فيدمغه فإذا هو زاهق، ومن أبى ذلك ختمنا له الآية وهو قوله تعالى {بل نقذف بالحق على لباطل فيدمغه فإذا هو زاهق ولكم لويل مما تصفون} قال أبو محمد قال الله تعالى {وما جعلنآ أصحاب لنار إلا ملائكة وما جعلنا عدتهم إلا فتنة للذين كفروا ليستيقن لذين أوتوا لكتاب ويزداد لذين آمنوا إيمانا ولا يرتاب لذين أوتوا لكتاب ولمؤمنون وليقول لذين في قلوبهم مرض ولكافرون ماذآ أراد لله بهذا مثلا كذلك يضل لله من يشآء ويهدي من يشآء وما يعلم جنود ربك إلا هو وما هي إلا ذكرى للبشر} فأخبر تعالى أن البحث عن علة مراده تعالى ضلالا، لأنه لا بد من هذا، أو من أن تكون الآية نهيا عن البحث عن المعنى المراد، وهذا خطأ لا يقوله مسلم، بل البحث عن المعنى الذي أراده الله تعالى فرض على كل طالب علم، وعلى كل مسلم فيما يخصه فصح القول الثاني ضرورة ولا بد وقال الله تعالى {خالدين فيها ما دامت لسماوات ولأرض إلا ما شآء ربك إن ربك فعال لما يريد} وقال تعالى: {وإن كنتم في ريب مما نزلنا على عبدنا فأتوا بسورة من مثله ودعوا شهدآءكم من دون لله إن كنتم صادقين} قال أبو محمد وهذه كافية في النهي عن التعليل جملة، فالمعلل بعد هذا عاص لله عز وجل، وبالله نعوذ من الخذلان وقال تعالى {ويا آدم سكن أنت وزوجك لجنة فكلا من حيث شئتما ولا تقربا هذه لشجرة فتكونا من لظالمين * فوسوس لهما لشيطان ليبدي لهما ما ووري عنهما من سوءاتهما وقال ما نهاكما ربكما عن هذه لشجرة إلا أن تكونا

[39] **Translator's note (L3547):** The supplied text places "the Quran" and "the Sunnah" together without a conjunction; their coordination is made explicit in English. The source reads yaʿud/yuʿad in "the question … remains binding," an awkward reading that appears to stand for baʿdu, "still." The contextual sense is rendered here.

[40] **Translator's note (L3548):** The source attributes the report beginning "We had been forbidden to ask" to Talhah. This attribution is retained; the familiar report with closely corresponding wording is attributed to Anas ibn Malik. The Quranic quotation is translated according to the supplied wording, including its plural pronominal references.

[41] **Qur'an references (L3544):** Qur'an 5:102 (Al-Ma'idah).

edge and upon every Muslim in matters that concern him. Thus the second position is necessarily and inescapably established. Allah, exalted is He, said: {Abiding therein for as long as the heavens and the earth endure, except as your Lord wills. Indeed, your Lord does whatever He intends.} And He, exalted is He, said: {If you are in doubt about what We have sent down to Our servant, then produce a surah like it, and call your witnesses besides Allah, if you are truthful.} Abu Muhammed said: This suffices to prohibit assigning causal rationales altogether. Anyone who assigns a causal rationale after this is disobedient to Allah, mighty and majestic. In Allah we seek refuge from abandonment. He, exalted is He, said: {O Adam, dwell, you and your wife, in the Garden, and eat from wherever you both wish, but do not approach this tree, lest you become wrongdoers. * Then Satan whispered to them both, to disclose to them what had been concealed from them of their private parts. He said, "Your Lord has forbidden you this tree only lest you become two angels or become among those who abide forever." * And he swore to them both, "I am indeed a sincere adviser to you both." * Thus he brought them down through deception. Then, when they tasted the tree, their private parts became apparent to them, and they began fastening leaves from the Garden over themselves. Their Lord called to them both, "Did I not forbid you both that tree and tell you both that Satan is a manifest enemy to you?" * They both said, "Our Lord, we have wronged ourselves. If You do not forgive us and have mercy upon us, we shall surely be among the losers."}[42][43]

ملكين أو تكونا من الخالدين * وقاسمهما إني لكما لمن الناصحين * فدلاهما بغرور فلما ذاقا الشجرة بدت لهما سوءاتهما وطفقا يخصفان عليهما من ورق الجنة وناداهما ربهما ألم أنهكما عن تلكما الشجرة وأقل لكما إن الشيطان لكما عدو مبين * قالا ربنا ظلمنا أنفسنا وإن لم تغفر لنا وترحمنا لنكونن من الخاسرين}

L3553–3555 Abu Muhammed said: Allah, exalted is He, also said, recounting what Iblis said when he disobeyed and refused to prostrate: {He said, "What prevented you from not prostrating when I commanded you?" He said, "I am better

قال أبو محمد وقال الله تعالى حاكيا عن إبليس إذ عصى وأبى عن السجود أنه قال: {قال ما منعك ألا تسجد إذ أمرتك قال أنا خير منه خلقتني من نار وخلقته من طين} فصح أن خطأ آدم عليه السلام إنما كان من وجهين: أحدهما: تركه حمل نهي ربه تعالى عن الوجوب. والثاني: قبوله قول إبليس أن نهي الله عن الشجرة إنما هو لعلة كذا. فصح يقينا بهذا النص البين أن تعليل أوامر الله تعالى معصية، وأن أول ما عصى الله تعالى به في عالمنا هذا القياس، وهو قياس إبليس على أن السجود لآدم ساقط عنه، لأنه خير منه، إذ إبليس من نار وآدم من طين، ثم بالتعليل للأوامر كما

[42] **Translator's note (L3551):** The opening is a continuation of the preceding segment: its subject is "the Book of Allah." The expression translated "hurls truth against falsehood" uses the unusual preposition ʿan in the author's prose; the ensuing Qurʾanic quotation uses ʿalā, "against." "The second position" appears inconsistent with the order in which the alternatives have just been presented: the author rejects the second stated alternative and endorses the first. The wording has been retained.

[43] **Qur'an references (L3550):** Qur'an 21:18 (Al-Anbya); Qur'an 74:31 (Al-Muddaththir); Qur'an 11:107 (Hud); Qur'an 2:23 (Al-Baqarah); Qur'an 7:19 (Al-A'raf); Qur'an 7:20 (Al-A'raf); Qur'an 7:23 (Al-A'raf).

than he: You created me from fire and created him from clay."} It is thus established that Adam's error, peace be upon him, consisted only in two things: first, his failure to construe his Lord's prohibition, exalted is He, as imposing an obligation; and second, his acceptance of Iblis's assertion that Allah's prohibition concerning the tree was only on account of such-and-such a causal rationale. Thus this clear text establishes with certainty that assigning causal rationales to Allah's commands, exalted is He, is disobedience, and that the first means by which Allah, exalted is He, was disobeyed in this world of ours was analogy: Iblis's analogical reasoning that prostration before Adam was not incumbent upon him because he was better than Adam, since Iblis was made of fire and Adam of clay. Then came the assignment of causal rationales to commands, as we have mentioned. It is established that the first to reason by analogy in religion and assign causal rationales in religious laws was Iblis. It is therefore established that analogy and the assignment of causal rationales to rulings are the religion of Iblis, and that this is contrary to the religion of Allah, exalted is He—indeed, to His good pleasure as well. We declare before Allah, exalted is He, our repudiation of analogy in religion and of establishing a causal rationale for anything in the revealed law. Through Allah, exalted is He, comes success. Allah, mighty and majestic, said, recounting what some contemptuous people said when commanded to give charity: {When they are told, "Spend from what Allah has provided you," those who disbelieve say to those who believe, "Shall we feed someone whom Allah would have fed, had He willed? You are only in manifest error."} Abu Muhammed said: This is His repudiation, exalted is He, of assigning causal rationales, because they said: "Had Allah, exalted is He, intended to feed these people, He would have fed them without charging us with feeding them." This is an unambiguous text establishing that it is impermissible to assign a causal rationale to any of His commands. All that is required regarding them is submission and acceptance of their apparent meaning. He, exalted is He, said: {Because of wrongdoing by those who became Jews, We forbade them good things that had been permitted to them, and because of their much hindering from Allah's path.} They committed wrongdoing, so these things were forbidden to them; we commit wrongdoing, yet the good things that were permitted have not been forbidden to us for us. He ﷺ

ذكرنا، وصح أن أول من قاس في الدين وعلل في الشرائع فإبليس. فصح أن القياس وتعليل الأحكام دين إبليس، وأنه مخالف لدين الله تعالى، نعم ولرضاه، ونحن نبرأ إلى الله تعالى من القياس في الدين، ومن إثبات علة لشيء من الشريعة، وبالله تعالى التوفيق. وقال الله عز وجل حاكيا عن قوم من أهل الاستخفاف أنهم قالوا إذا أمروا بالصدقة {وإذا قيل لهم أنفقوا مما رزقكم الله قال لذين كفروا للذين آمنوا أنطعم من لو يشآء الله أطعمه إن أنتم إلا في ضلال مبين} قال أبو محمد: فهذا إنكار منه تعالى للتعليل، لأنهم قالوا: لو أراد الله تعالى إطعام هؤلاء لأطعمهم دون أن يكلفنا نحن إطعامهم. وهذا نص لا خفاء به، على أنه لا يجوز تعليل شيء من أوامره، وإنما يلزم فيها الانقياد فقط وقبولها على ظاهرها وقال تعالى {فبظلم من لذين هادوا حرمنا عليهم طيبات أحلت لهم وبصدهم عن سبيل الله كثيرا} فهم ظلموا فحرمت عليهم ونحن نظلم فلم تحرم علينا الطيبات التي أحلت لنا وقال صلى الله عليه وسلم إننا سنركب سنن أهل الكتاب لو دخلوا جحر ضب لدخلناه فصح أننا ظلمنا كظلمهم، ولم يحرم علينا ما حرم عليهم، فبطل التعليل جملة، إذ لو كان ظلمهم علة التحريم لوجب أن يكون ظلمنا علة فينا لمثل ذلك، فلما لم يكن هذا كذلك، علمنا أن الله تعالى جعل ظلمهم سببا لأن حرم عليهم ما حرم، ولم يجعل ظلمنا سببا لأن يحرم علينا مثل ذلك، فصح أنه يفعل ما يشاء في مكان ما من أجل شيء ما، ولا يفعل ذلك في مكان آخر من أجل مثل ذلك الشيء بعينه، وهذا بطلان ما ادعاه خصومنا من العلل القياس نصا،

said: “We shall indeed follow the ways of the People of the Book: were they to enter a lizard’s hole, we would enter it.” It is thus established that we have committed wrongdoing like theirs, yet what was forbidden to them has not been forbidden to us. The assignment of causal rationales is therefore altogether invalid. For if their wrongdoing had been the causal rationale for the prohibition, our wrongdoing would necessarily have been a causal rationale for the same thing in our case. Since this is not so, we know that Allah, exalted is He, made their wrongdoing an occasion for His forbidding them what He forbade, but did not make our wrongdoing an occasion for His forbidding us the same. It is thus established that He does whatever He wills in one situation on account of some thing, yet does not do so in another situation on account of precisely the same thing. This explicitly invalidates what our opponents claim concerning causal rationales and analogy.[44][45][46]

L3556–3558 He, exalted is He, said to Moses, peace be upon him: {Indeed, I am your Lord, so remove your sandals: you are in the sacred valley, Tuwa.} Moses’s presence in the sacred valley, peace be upon him, was thus an occasion for removing his sandals. Yet we may be in that valley and in every sacred place, such as Mecca, Medina, and Jerusalem, without being obliged to remove our sandals. Had entry into the sacred valley been a causal rationale for removing them, we would have been obliged to do so. He, exalted is He, said: {Allah is not ashamed to set forth an example of a mosquito or anything above it. Those who believe know that it is the truth from their Lord, whereas those who disbelieve say, “What did Allah intend by this as an example?” Through it He leads many astray, and through it He guides many; but through it

وقال تعالى لموسى عليه السلام {إني أنا ربك فخلع نعليك إنك بلواد لمقدس طوى} فكان كون موسى عليه السلام بالوادي المقدس سببا لخلع نعليه، ونحن نكون بذلك الوادي، وبكل مكان مقدس كمكة والمدينة وبيت المقدس، ولا يلزمنا خلع نعالنا، ولو كان دخول الوادي المقدس علة للخلع للزمنا ذلك وقال تعالى {إن الله لا يستحى أن يضرب مثلا ما بعوضة فما فوقها فأما لذين آمنوا فيعلمون أنه لحق من ربهم وأما لذين كفروا فيقولون ماذآ أراد الله بهذا مثلا يضل به كثيرا ويهدي به كثيرا وما يضل به إلا لفاسقين} قال أبو محمد هذه آية كافية إنه لا يحل التعليل في شيء من الدين، ولا أن يقول قائل: لم حرم هذا وأحل هذا؟ فقد صح قولنا: إن قول القائل: حرم البر بالبر لأنه مكيل، أو أنه مدخل، أو أنه مأكول، بدعة نعوذ بالله منها. فصل في تناقض قولهم في التعليل والقياس قال أبو محمد: ونحن نورد إن شاء الله تعالى طرفا يسيرا من تناقضهم في التعليل، لندل بذلك عن إفساد مذهبهم، وإلا فتناقضهم لو تتبع لدخل في أزيد من ألف ورقة، ولعل الله تعالى يعيننا على تقصي ذلك في كتاب الإعراب إن شاء الله تعالى فمن ذلك أن رسول الله صلى الله عليه وسلم قال لعن الله اليهود

[44] **Translator’s note (L3553):** The Qurʾanic wording includes “not” in “What prevented you from not prostrating?” It has been retained; classical Arabic can use this negative particle pleonastically in such a construction. The phrase translated “as imposing an obligation” reads ʿan al-wujūb, an awkward construction here, apparently for ʿalā al-wujūb. The translation gives the apparent intended sense while recording the supplied reading.

[45] **Translator’s note (L3555):** The opening “for us” completes “permitted” at the end of the preceding unit; that unit’s English word order places “to us” earlier in its final clause. The final Arabic phrase reads “causal rationales analogy,” without an expected conjunction or a clear grammatical link. The translation supplies “and” to convey the apparent sense.

[46] **Qur’an references (L3553):** Qur’an 7:12 (Al-A’raf); Qur’an 36:47 (Ya-Sin); Qur’an 4:160 (An-Nisa).

He leads astray only the defiantly disobedient.} Abu Muhammed said: This verse suffices to establish that assigning causal rationales is not lawful in any matter of religion, nor may anyone say, “Why was this forbidden and this permitted?” Our position is therefore established: someone’s assertion, “Wheat for wheat was forbidden because it is measured by volume, or because it is brought in, or because it is eaten,” is an innovation from which we seek refuge in Allah.

Section on the Contradictions in Their Position Concerning the Assignment of Causal Rationales and Analogy

Abu Muhammed said: We shall present, if Allah, exalted is He, wills, a small portion of their contradictions in assigning causal rationales, to demonstrate thereby the invalidity of their doctrine. Otherwise, were their contradictions exhaustively traced, they would occupy more than a thousand leaves. Perhaps Allah, exalted is He, will help us investigate this exhaustively in the Book of Elucidation, if Allah, exalted is He, wills. One example is that the Messenger of Allah ﷺ said: “May Allah curse the Jews! Fats were forbidden to them, so they sold them and consumed their proceeds.” They would therefore have been obliged to hold that whatever is forbidden to eat is forbidden to sell. But they have not done so; rather, many of them permit the sale of manure. There is no disagreement that eating an animal alive, just as it is, is forbidden; nor is there disagreement that selling most such animals is permissible. They have acted similarly regarding his saying ﷺ about irregular uterine bleeding: “It is a vein.” They would therefore have been obliged to assign every vein flowing from the body the same ruling as that applicable to a woman with irregular uterine bleeding, just as they made fluidity in oil a legal cause for prohibiting it if a mouse dies in it, by analogy with clarified butter. Yet they contradicted themselves in this. This constitutes a consensus on their part to abandon ruling by legal causes and analogy. Such is falsehood: sometimes embraced and sometimes abandoned. Our position is thus established: something that serves as a cause in one situation, explicitly designated in a text as such for a particular ruling, does not thereby become a cause for the same ruling in another situation in which no text designates it.

حرمت عليهم الشحوم فباعوها فأكلوا أثمانها فكان يلزمهم أن يجعلوا ما حرم أكله محرما بيعه، لكنهم لم يفعلوا ذلك، بل كثير منهم يبيحون بيع الزبول ولا خلاف أن أكل الحيوان حيا كما هو محرم ولا خلاف في جواز بيع أكثره وكذلك فعلوا في قوله صلى الله عليه وسلم في الاستحاضة فإنه عرق فكان يلزمهم أن يجعلوا كل عرق يسيل من الجسد في مثل حكم المستحاضة، كما جعلوا الميعان في الزيت علة لتحريمه إن مات فيه فأر قياسا على السمن، لكنهم تناقضوا في ذلك. وهذا إجماع منهم على ترك الحكم بالعلل والقياس، وهكذا يكون الباطل مرة مصحوبا ومرة متروكا، وصح قولنا: إن ما كان سببا في مكان نص عليه لحكم ما فلا يكون سببا في مكان آخر لم ينص عليه لمثل ذلك الحكم. فقالوا: معنى التعليل هو إجراء صفة الأصل في فروعه. قال أبو محمد: وهذا قول فاسد، لأن جميع أحكام الشريعة كلها أصول، فإن كانوا عنوا بذلك أن الصلاة جملة أصل جامع ثم النوازل فيها فروع إنما هي أجزاء من الصلاة، ولا تسمى أجزاء الشيء فروعا له، لأن الفرع غير الأصل، والأجزاء ليست غير الكل. فبطل ما موهوا به من تقسيمهم الشريعة على فروع وأصول، وصح أن جميع أحكام الشريعة كلها سواء وأصول، ولا يوجد شيء منها إلا عن قرآن أو عن الرسول صلى الله عليه وسلم أو عن إجماع ونص تعالى عن ألا يقرب المشركون المسجد الحرام، فقال بعضهم: إن علة ذلك تطهير المسجد الحرام منهم، فأجروا ذلك في كل مسجد، فكان يلزمهم وإذا لزم الحج إلى مكة، أن يلزم إلى المدينة لأن مسجد المدينة والمدينة عند القائلين بما ذكرنا أفضل من مسجد مكة ومن مكة، وهذا إن طردوا فيه أصولهم كفروا، فإذا ادعوا الإجماع المانع لهم من ذلك قيل لهم: لا عليكم قيسوا إيجاب جزاء الصيد بالمدينة وحرمه، فقد قال بذلك بعض التابعين من الأئمة. وقيسوا الجزاء فيما حرم قطعة من شجر الحرم على الجزاء فيما حرم صيده من صيد الحرم، فإن لم يفعلوا فقد تناقضوا وتركوا إجراء

They said: "Identifying a legal cause means applying an attribute of the original case to its derivative cases." Abu Muhammed said: This is an invalid statement, because all the rulings of the revealed Law are original cases. If they meant by this that prayer as a whole is a comprehensive original case, while the particular questions arising within it are derivative cases, these are merely parts of prayer. The parts of a thing are not called its derivatives, because a derivative is something other than the original, whereas the parts are not something other than the whole. Thus the deceptive distinction they drew in dividing the revealed Law into derivative and original cases is invalidated. It is established that all the rulings of the revealed Law stand on an equal footing and are original cases. None of them is obtained except from the Quran, from the Messenger ﷺ, or from consensus.

The Exalted explicitly stipulated that the polytheists must not approach the Sacred Mosque. Some of them said that the legal cause of this was to purify the Sacred Mosque of them, and they applied this to every mosque. They would therefore have been obliged, since pilgrimage to Mecca is obligatory, to make pilgrimage to Medina obligatory, because, according to those who hold the position we have mentioned, the mosque of Medina and Medina itself are superior to the mosque of Mecca and Mecca itself. If they consistently applied their principles here, they would become unbelievers. If they invoke consensus as preventing them from doing so, they are told: Never mind; reason by analogy to make compensation for hunting obligatory in Medina and its sanctuary, for some leading scholars among the Successors held this position. And reason by analogy from the compensation for sanctuary game whose hunting is forbidden to compensation for sanctuary trees whose cutting is forbidden. If they do not do so, they have contradicted themselves, abandoned the application of practice, abandoned analogy, and abandoned going beyond the text. Had they done this in all their questions,

العمل، وتركوا القياس، وتركوا أن يتعدوا النص، ولو فعلوا هذا في كل مسائلهم لاهتدوا ولنجوا من ضلال القياس وفتنته.

they would have been rightly guided and would have escaped the error of analogy and its temptation.[47][48][49][50]

L3559 They said that the legal cause of the prescribed punishments is deterrence and restraint.

L3560–3562 Abu Muhammed said: They have lied about this. If that were so, pardoning would not have been permissible in the killing of a person, while pardoning would have been permissible for unlawful sexual intercourse with a slave woman and for theft. If that were so, theft would have no greater claim than anger to require a specified prescribed punishment; wine would have no greater claim to that than pork or usury; unlawful sexual intercourse would have no greater claim to that than accusing someone of unbelief or of abandoning prayer; and unlawful sexual intercourse would have no greater claim to that than abandoning prayer. The falsehood of their claim in this matter has thus become apparent. Praise belongs to Allah, Lord of the worlds.

They said that the legal cause of shortening prayer during travel is simply hardship, and that it was therefore delimited by one day, two days, or three days, according to their differing positions on this. Abu Muhammed said: This is something that people of piety ought not even to have allowed to cross their minds. How, then, could they declare things lawful and unlawful on its basis and abandon the statement of their Lord, the Exalted, for

[47] **Translator's note (L3556):** "Brought in" renders the supplied mudkhal. This is unusual in this legal discussion and may be a corruption of muddakhar, "stored" or "storable," a familiar proposed causal rationale in discussions of usury. The supplied wording has not been silently replaced. The phrase translated "to demonstrate thereby the invalidity" contains the awkward preposition ʿan after "demonstrate," where ʿalā would ordinarily be expected. "Book of Elucidation" renders the supplied title Kitāb al-Iʿrāb.

[48] **Translator's note (L3557):** "Every vein flowing from the body" preserves the awkward supplied expression. The apparent reference is to blood flowing from a vein, but the Arabic does not explicitly say "blood."

[49] **Translator's note (L3558):** The segment begins mid-sentence: "fluidity in oil" continues the preceding segment's "just as they made." The wording إجراء العمل literally concerns applying practice or action. The argumentative context may suggest إجراء العلل, "applying legal causes," but the supplied reading has been retained.

[50] **Qur'an references (L3556):** Qur'an 2:26 (Al-Baqarah).

وقالوا: إن علة الحدود الزجر والردع.

قال أبو محمد: كذبوا في ذلك إذا كان ذلك لما جاز العفو في قتل النفس ولم يجز العفو في الزنى بالأمة وفي السرقة، ولو كان ذلك لما كانت السرقة أولى بوجوب حد محدود فيها من الغضب، ولا كانت الخمر أولى بذلك من لحم الخنزير ومن الربا، ولا كان الزنى أولى بذلك من القذف بالكفر، أو بترك الصلاة، ولا كان الزنى بذلك أولى من ترك الصلاة، فظهر كذب دعواهم في ذلك، والحمد لله رب العالمين. وقالوا: إن علة القصر في الصلاة في السفر إنما هي المشقة، فلذلك حدت بيوم ويومين وثلاثة أيام، على اختلافهم في ذلك. قال أبو محمد: وهذا أمر كان ينبغي لأهل التقوى ألا يمروه على خواطرهم فكيف أن يحلوا به ويحرموا ويتركوا له قول ربهم تعالى؟ فأول ذلك الكذب البحث أن أصل القصر المشقة. ولو كان ذلك لكان المريض المدنف المثبت العلة كالمبطون، والذي به ناقض الحمى والموم والسل ممن تثقل عليه الكلمة يسمعها ويصعب عليه رد الجواب بكلمة فما فوقها، أولى بالقصر العظيم مشقة الصلاة عليه وتكلف القراءة فيها والإيماءة والتشهد صرف ذهنه إليها، من المراكب في عمارية ومعه مائة عبد يتمشى في أيام الربيع على ضياعه من روضة إلى نهر، ومن نهر إلى صيد، ومن صيد إلى نزهة، ومن كل منظر بديع إلى منظر حسن ينزل إذا شاء ويرجل إذا شاء، إلا أنه من ذلك قاصد مسافة أكثر من ثلاثة أيام من وطنه. وهذا ما لا يحيل على صبي له أدنى فهم، فكيف على من يتعاطى التحريم والتحليل، ويستدرك على ربه تعالى أشياء لم يذكرها ربه تعالى ولا رسوله صلى الله عليه وسلم إن هذا لهو الضلال المبين هذا والمريض والمسافر قد سوى الله عز وجل بينهما في الفطر في رمضان، وفي إباحة متيمم، فهلا ساوى القياسيون المعللون بينهما في قصر الصلاة للذي المريض أحوج عليه من المسافر، لأنه أكثر مشقة منه وأحوج إلى الراحة؟ فأين

its sake? The first thing here is the sheer lie that the basis of shortening prayer is hardship. If that were so, a gravely ill patient whom illness has laid low—such as someone suffering from an abdominal complaint, or someone afflicted with shaking fever, pleurisy, or consumption, for whom hearing a word is burdensome and answering with a word or more is difficult—would have a greater claim to shortening prayer, because of the immense hardship prayer imposes on him, the exertion of reciting during it, gesturing, reciting the testimony, and directing his attention to it, than someone riding in a litter with a hundred slaves attending him, making his way in the springtime around his estates, from a meadow to a river, from a river to a hunt, from a hunt to an outing, and from every splendid prospect to a beautiful prospect, dismounting whenever he wishes and having his hair combed whenever he wishes, except that in all this he is heading for a distance of more than three days from his home. This could not be passed off on a child possessing the slightest understanding. How, then, could it be passed off on someone who undertakes to declare things unlawful and lawful and supplies omissions on behalf of his Lord, the Exalted, by introducing things that neither his Lord, the Exalted, nor His Messenger ﷺ mentioned? This is indeed manifest error. Moreover, Allah, Mighty and Majestic, has treated the sick person and the traveler equally with regard to breaking the fast in Ramadan and permitting dry ablution. Why, then, have the advocates of analogy who assign legal causes not treated them equally with regard to shortening prayer, which the sick person needs more than the traveler, because he suffers greater hardship and has greater need of rest? Where, then, are their analogy and their legal causes? Then [the wording is unclear], even if their assertion were correct—that the legal cause of shortening prayer is the hardship of travel, from which I seek refuge in Allah—what makes hardship complete at forty-eight miles over level terrain, in safety and beneath the shade of trees, during the spring days of March and April, for a strong, rested horseman, as against forty-seven miles over rugged terrain and through thickets, in the fiercest summer heat

قياسهم وعللهم؟ ثم هلك، لو صح ما قالوه، إن العلة في قصر الصلاة مشقة السفر، وأعوذ بالله من ذلك فأي تمام للمشقة في ثمانية وأربعين ميلا في سهل وأمن وظلال أشجار، وفي أيام الربيع في آذار وفي نيسان، ولفارس مريح قوي، على سبعة وأربعين ميلا في أوعار وشعار، وفي حمارة القيظ في تموز، وفي خوف شديد لراجل مكدود كبير السن ضعيف الجسم؟

of July and in great fear, for an exhausted pedestrian, advanced in age and weak in body?[51][52]

L3563–3565 They thus permitted the horseman we have mentioned to break his fast in Ramadan and shorten his prayer, while denying this to the man exhausted by rugged terrain and heat, saying that he must fast and perform the prayer in full. Do you suppose that the single mile is where hardship occurred? Or do you suppose that the half-day by which the three days were completed is where hardship occurred, to the exclusion of the preceding two and a half days? The like of this can be accepted only from Allah, the Exalted, who is not questioned about what He does, whereas we are questioned, or from His Messenger ﷺ, who explains what his Lord, the Exalted, intends. Yet they were not satisfied until they had attributed this falsehood to reason, because in their own estimation they are the people who possess wisdom concerning the revealed Law through what their intellects require.

Some of them have sought to mislead by claiming that their sole basis in this matter was the report from the Prophet ﷺ: "A woman must not travel for a day and a night except with a male relative whom she is permanently forbidden to marry." Abu Muhammed said: As for their adducing this report to establish the obligation to break the fast and shorten prayer, and what

فأباحوا للفارس الذي ذكرنا أن يفطر في رمضان ويقصر الصلاة، ومنعوا الرجل المكدود في الوعر والحر من ذلك. وقالوا: لا بد له من الصيام والإتمام، أفترى الميل الواحد هو الذي حصلت فيه المشقة؟ أو ترى نصف اليوم الذي به تمت الثلاثة هو الذي حصلت المشقة دون اليومين ونصف يوم؟. هذا لا يحتمل مثله إلا من الله تعالى، الذي لا يسأل عما يفعل وأما نحن فنسأل أو من رسوله صلى الله عليه وسلم المبين مراد ربه تعالى ثم لم يكفهم إلا أن ادعوا على العقل هذا البهتان، لأنهم عند أنفسهم أهل الحكمة في الشريعة بما توجبه عقولهم. وقد موه بعضهم بأنه إنما تعلق في ذلك الحديث عن النبي صلى الله عليه وسلم لا تسافر امرأة يوما وليلة إلا مع ذي محرم. قال أبو محمد: إن احتجاجهم بهذا الحديث في إيجاب الفطر والقصر والقريب من تحديدهم المذكور، فليت شعري: أي شيء في منع المرأة من السفر يوما وليلة مما يوجب القصر في يوم وليلة؟ ومشي يوم وليلة يختلف؟ ففي أيام كانون الأول لا يكمل الراحل ثلاثين ميلا إلى الليل. وفي أيام صدر حزيران في طيب الهواء وطول الأيام والشمس في آخر الجوزاء وأول السرطان يكمل أربعين ميلا والركبان كذلك، والسير يختلف، فمن أين لهم أن يجدوا اليوم والليلة بأربعة برد؟. وقد علمنا أن بين مشي شيخ ضعيف وحمار أعرج، وبين مشي العساكر، وبين مشي الرفاق، وبين مشي المسافر الراكب دابة مطيقة، وبين مشي البريد في اختلاف الأزمان، أشد الاختلاف وأعظم التباين، فكيف يستجيز ذو لب أن يجد ما يقصر فيه ويفطر بثلاثة أيام، اتو اليوم التام؟ ولا خلاف أن ما تمشيه العساكر في أربعة أيام الشتاء يمشيه البريد في يوم واحد في آخر الربيع وأول الصيف، وهذا معروف بالمشاهدة. وأيضا، فإن ذلك الحديث قد جاء بألفاظ شتى ففي بعضها أكثر من ثلاثة أيام وفي بعضها ثلاثة أيام وفي

[51] **Translator's note (L3560):** The supplied الغضب means "anger"; "usurpation," الغصب, appears contextually likely, but has not been substituted. The supplied البحث in الكذب البحث appears to be a transcription error for البحت, "sheer" or "pure"; the translation reflects that apparent intended expression. The medical term الموم is rendered "pleurisy," though its historical usage can refer more broadly to a febrile illness. The phrase مشقة العظيم الصلاة عليه is grammatically irregular; the translation follows its apparent sense, "because of the immense hardship prayer imposes on him." The unvocalized يرجل can mean having one's hair combed or groomed, as translated, though a reference to going on foot is also possible in this travel context.

[52] **Translator's note (L3561):** The supplied إباحة متيمم literally refers to permitting "one who performs dry ablution," rather than permitting dry ablution itself; the translation follows the apparent intended sense. The wording للذي المريض أحوج عليه is grammatically awkward; its apparent sense is that the sick person has greater need of shortening prayer. The word هلك after ثم ordinarily means "he perished" and does not yield a coherent construction here. It has been marked as unclear rather than silently replaced.

approximates their aforementioned limit—would that I knew what there is in forbidding a woman to travel for a day and a night that makes shortening prayer obligatory for a day and a night? The distance traveled in a day and a night varies. During the days of December, a traveler does not complete thirty miles by nightfall, whereas during the early days of June, with pleasant weather and long days, when the sun is at the end of Gemini and the beginning of Cancer, he completes forty miles. The same applies to riders, and the pace of travel varies. On what basis, then, can they define a day and a night as four postal stages? We know that the distance covered by a weak old man and a lame donkey, by armies, by traveling companies, by a traveler riding an animal capable of bearing the journey, and by the postal courier, at different times of year, varies most markedly and differs most greatly. How, then, can anyone possessed of understanding consider it permissible to define the journey in which one shortens prayer and breaks the fast by three days or a full day? There is no disagreement that the distance armies cover in four winter days is covered by the postal courier in a single day at the end of spring and the beginning of summer. This is known through observation. Furthermore, that report has come down in various wordings: in some versions, “more than three days”; in some, “three days”; in some, “two nights”; in some, “a day and a night”; in some, “a day”; in some, “one postal stage”; and in some, “she must not travel,” without qualification, specifying no limit whatsoever. Their adducing it as proof is therefore invalidated.[53][54]

بعضها ليلتين وفي بعضها يوم وليلة وفي بعضها يوم وفي بعضها بريد وفي بعضها لا تسافر على الإطلاق دون تحديد شيء أصلا، فبطل احتجاجهم به.

L3566 If they rely on Ibn Umar and Ibn Abbas, Ibn Masud, Aishah, Dihyah ibn Khalifah, Shurahbil ibn al-Simt, and other Companions disagreed with them. Indeed, Ibn Umar himself did so, for it is authentically reported from him that he shortened prayer over very few miles, over one mile, and on a journey

فإن تعلقوا بابن عمر وابن عباس، فقد خالفهم ابن مسعود وعائشة ودحية بن خليفة، وشرحبيل بن السمط وغيرهم من الصحابة، نعم، وابن عمر نفسه، فقد صح عنه القصر في الأميال اليسيرة جدا. وفي الميل وفي سفر ساعة. وعللوا الشفعة في الأرضين والحكم على الشريك يعتق شقصه في العبد والأمة يعتق الباقي: بأن ذلك الضرر بالشريك.

[53] **Translator’s note (L3563):** The phrase والقريب من تحديدهم المذكور, “and what approximates their aforementioned limit,” is syntactically awkward and may be corrupt or incomplete. Its wording has been retained without supplying a substantive correction.

[54] **Translator’s note (L3564):** The supplied يجدوا and يجد appear contextually to stand for يحدوا and يحد, “define” or “delimit.” The translation follows that apparent intended reading. The supplied اتو between “three days” and “a full day” is corrupt; it has been understood as أو, “or.” The references to early June and the sun’s position at the end of Gemini and beginning of Cancer are retained as supplied, without harmonizing their chronology.

of an hour. They assigned as the legal cause of the right of preemption in lands, and of the ruling requiring a co-owner who emancipates his share in a male or female slave to emancipate the remainder, the harm this causes the other co-owner.[55]

L3567–3571 They contradicted themselves in this by saying that there is no right of pre-emption in jewels, slaves, animals, garments, or swords. Yet everyone possessed of reason knows that the harm arising in these things from joint ownership and the transfer of ownership through charitable donation or sale is greater than the harm arising in lands. Why, then, did they not apply analogy here, just as the Mālikīs analogized the right of pre-emption in figs and fresh dates to the right of pre-emption in lands, out of fear of the harm that would befall the co-owner? Why did they not analogize a co-owner's gift to his sale, and say that his co-owner has the prior entitlement to the gift, lest harm befall him? If they say, "He did not wish to give it to him," they are told, "Likewise, he did not wish to sell it to him." If they return to the explicit text, they have extended themselves, and they are bound not to apply analogy at all, not to transgress Allah's limits in the explicit texts, and not to analogize the right of pre-emption in figs and fruits, to the exclusion of other merchandise, to its obligatoriness in lands and trees according to them. Why did they not analogize someone who establishes his share of jointly owned land as an endowment to someone who emancipates his share in a slave, since both involve harm? But this is how falsehood exposes its adherents, and such is the contradiction of its adherents. And did they analogize an insolvent person who emancipates his share to a solvent person who emancipates his share, since the harm involved is the same? They do, however, analogize to the latter everyone who destroys anything, obliging him, except in the case of goods measured by volume or weight, to pay its value rather than provide its equivalent. They say, "We do this by analogy with assessing the value of the share against the emancipator." Why, then, did they not assess its value against the insolvent person when he emancipates, just as they

[55]**Translator's note (L3566):** The final clause is compressed: بأن ذلك الضرر بالشريك literally reads approximately "that this [is] the harm to the co-owner." The translation renders its apparent causal sense without adding details about the harm.

وتناقضوا في ذلك في قولهم: لا شفعة في الجوهر ولا في العبيد ولا في الحيوان ولا في الثياب ولا في السيوف، وقد علم كل ذي عقل أن الضرر في ذلك بالشركة وانتقال الملك بالصدقة أو البيع أعظم من الضرر في الأرضين. فهلا قاسوا ههنا كما قاس المالكيون الشفعة في التين والرطب على الشفعة في الأرضين خوف الضرر الداخل على الشريك؟. وهلا قاسوا هبة الشريك على بيعه؟ فيقولوا: شريكه أولى بالهبة لئلا يدخل عليه ضرر؟. فإن قالوا: لم يرد أن يهبه، قيل لهم: وكذلك لم يرد أن يبيع منه. فإن رجعوا إلى النص فقد امتدوا، ولزمهم ألا يقيسوا أصلا، ولا يتعدوا حدود الله في النصوص، ولا يقيسوا الشفعة في التين والثمار دون سائر العروض على وجوبها في الأرضين والأشجار عندهم. وهلا قاسوا من حبس شقصا له في أرض مشارعه على من أعتق شقصا له في عبد، لاجتماعهما في الضرر؟ ولكن هكذا يفضح الباطل أهله. وكذلك يكون تناقض أهله. وهل قاسوا المعسر بعتق شقصه على الموسر بعتق شقصه، لأن الضرر في ذلك واحد، وهم يقيسون عليه كل من أتلف شيئا فيوجبون عليه فيما عدا المكيلات والموزونات القيمة لا المثل، قالوا: نفعل ذلك قياسا على تقويم الشقص على المعتق، فهلا قوموا على المعسر إذا أعتق كما يقومون عليه فيما أتلف ويتبعه به دينا؟. قال أبو محمد: وفيما ذكرنا كفاية، وقلما تخلو لهم مسألة من مثل ما أوردنا وبالله تعالى التوفيق. وقال بعض حذاقهم: قد تكون علة الخصم علة لخصمه عليه في إبطال قوله. مثال ذلك: أن يقول الحنفي والمالكي لما كان الوقوف بعرفة لا يصح إلا بمعنى آخر يقترن إليه وهو الإحرام، وجب ألا يصح الاعتكاف إلا بمعنى آخر يقترن إليه وهو الصيام، فيقول الشافعي: لما كان الوقوف بعرفة لا يقتضي الصيام،

assess against him the value of what he destroys, with the claim remaining against him as a debt? Abū Muḥammed said: What we have mentioned is sufficient. Scarcely any question of theirs is free of something like what we have presented. Success comes through Allah Most High. And some of their accomplished practitioners said: "An opponent's effective cause may serve his adversary as an effective cause against him in invalidating his position. An example is that the Ḥanafī and the Mālikī say: 'Since standing at ʿArafah is not valid except with another condition joined to it, namely entry into the state of pilgrimage consecration, it follows that devotional seclusion is not valid except with another condition joined to it, namely fasting.' The Shāfiʿī then says: 'Since standing at ʿArafah does not entail fasting, it follows that devotional seclusion does not require fasting.' The effective cause invoked by all of them in what they have stated is that standing at ʿArafah and devotional seclusion both involve remaining and staying in a specified place." Abū Muḥammed said: Anyone who permits himself to babble while free of brain fever would have no difficulty producing the like of this. If we pursued their preferences among effective causes, we would present laughable things that would dispense with every other amusement. Allah is sufficient for us, and excellent is He as Trustee. Anyone who examines the books of their later scholars, their disputations, and their strained efforts to extract effective causes for every ruling in the revealed law, whether disputed or agreed upon, whether it has an explicit text known to them or they know of no explicit text concerning it, will see discourse the like of which no one of sound mind would ever produce, unless he were following the path of buffoonery and foolishness. We seek refuge in Allah from abandonment.

Section: The Wise Agent—Except for a Cause

Abū Muḥammed said: They said, "A wise person among us acts only for a sound cause, whereas a fool is someone who acts without a cause." Thus they analogized their Lord Most High to themselves and said, "Allah Most High does nothing except for the interests of His servants." By this they sought to establish effective causes in blood-money payments. Abū Muḥammed said: This corrupt proposition, which they made the mainstay of their doctrine and the knot from which their legal opinions are unraveled, almost amounts

وجب أن يكون الاعتكاف لا يفتقر إلى الصيام، وعلتهم كلهم فيما ذكروا أن الوقوف بعرفة والاعتكاف لبث وإقامة في موضع مخصوص. قال أبو محمد: ومثل هذا لا يعجز أن يأتي به من استجاز الهذيان في حال صحته من البرسام ولو تتبعنا ترجيحاتهم العلل لأوردنا من ذلك مضاحك تغني عن كل ملهى وحسبنا الله ونعم الوكيل. ومن تأمل كتب متأخريهم ومناظراتهم، وتكلفهم إخراج العلل لكل حكم مختلف فيه أو مجتمع عليه في الشريعة، كان فيه نص يعرفونه أو لم يعرفوا فيه نصا، رأى كلاما لا يأتي بمثله سالم لدماغ أصلا، إلا أن يكون سالكا سبيل المجون والسخافة ونعوذ بالله من الخذلان فصل الحكيم إلا لعلة قال أبو محمد وقالوا الحكيم بيننا لا يفعل إلا لعلة صحيحة، والسفيه هو الذي يفعل لا لعلة، فقاسوا ربهم تعالى على أنفسهم، وقالوا: إن الله تعالى لا يفعل شيئا إلا لمصالح عباده، وراموا بذلك إثبات العلل في الديات. قال أبو محمد: وتكاد هذه القضية الفاسدة التي جعلوها عمدة لمذهبهم وعقدة تنحل عنها فتاويهم تكون أصلا لكل كفر في الأرض. وأما على التحقيق فهي أصل لقول الدهرية الذين جعلوا برهانهم في إبطال الخالق، لما رأوا الأمور لا تجري على المعهود فيما يحسن في عقولهم، وأنه لا بد من علة للمفعولات، وإذ لا بد من علة فلا بد لتلك العلة من علة، وهكذا أبدا حتى يوجبوا كون أشياء لا أوائل لها. وهي أيضا أصل لقول من قال: إن الفاعل للعالم إنما هو النفس، وأما الله تعالى فيحل عن أن يحدث هذه الأقذار في العالم، وهذا الظلم الظاهر من استطالة بعض الحيوان على بعض.

to a foundation for every unbelief on earth. Indeed, upon examination, it is a foundation for the position of the eternalists, who made their demonstration for denying the Creator out of their observation that things do not proceed in the familiar manner that their minds deem good, and their assertion that things brought about must have a cause. Since there must be a cause, that cause must have a cause, and so on forever, until they make it necessary that there exist things with no beginnings. It is also a foundation for the position of those who say that the agent producing the world is only the soul, whereas Allah Most High is too exalted to bring about these filthy things in the world and this manifest injustice consisting in some animals' aggression against others.[56][57][58]

L3572–3574 It is also a foundation for the position of those who say that the world has existed eternally and its Creator Most High has existed eternally, because they made His existence Most High the cause of creation: His existence has been eternal, so His creation has been eternal. It is also a foundation for the position of those among the Manichaeans and the Dayṣānians who say that the world has two creators. For they said, "Exalted is Allah above doing anything without wisdom or for anything other than the interests of His servants." Thus, according to them, it was established that the creator of folly, evil, and things harmful to servants is another creator. Exalted is He

وهي أيضا أصل لقول من قال: إن للعالم لم يزل وخالقه تعالى لم يزل، لأنهم جعلوا علة الخلق وجوده تعالى، ووجوده لم يزل، فخلقه لم يزل. وهي أيضا أصل لقول من قال: بأن العالم له خالقان، من المانية والديصانية لأنهم قالوا: تعالى الله عن أن يفعل شيئا من غير الحكمة، ولغير مصالح عباده، فصح بذلك عندهم أن خالق السفه والشر ومضار العباد خالق آخر، تعالى عن ذلك علوا كبيرا. وهي أيضا أصل لقول من قال بالتناسخ، لأنهم قالوا: محال أن يعذب الحكيم من لم يذنب، وأن يفعل شيئا إلا لعلة، ومحال أن يعذب أقواما ليعظ آخرين، أو ليجازي بذلك آخرين، أو ليجازيهم بذلك، وهو قادر على المجازاة بلا أذى، ذلك هذا عبث فيما بيننا، فلما رأيناه تعالى يعذب الأطفال بالجدري والقروح والجوع، ويسلط بعض الحيوان على بعض، علمنا أن ذلك لذنوب تقدمت لأنفس ذلك الحيوان وأولئك الصبيان، وأنهم قد كانوا بالغين عصاه قبل أن تنسخ أرواحهم في أجسام الصبيان والحيوان. وهي أيضا أصل لقول من أبطل النبوات، كالبراهمة ومن اتبعها، فإنهم قالوا: ليس من الحكمة أن يبعث الله تعالى نبيا إلى من يدري أنه لا يؤمن به. قال أبو محمد: ثم حسدتهم المعتزلة على هذه القضية فأخرجوا على حكم الله تعالى وعن خلقه وقدرته وجميع أفعال العباد، فضلوا

[56] **Translator's note (L3567):** The reading امتدوا literally suggests extending or going further, but is unclear in this argument. It may be a corruption of اهتدوا, "they have been rightly guided"; the supplied reading has not been silently replaced. The phrase أرض مشارعه is awkward and possibly corrupt. It has been understood as land held jointly with another. The discussion of valuing a slave's share concerns the financial liability arising when a co-owner emancipates his own share.

[57] **Translator's note (L3570):** The heading الحكيم إلا لعلة is elliptical as supplied; it does not explicitly contain "acts" or "does not act." The supplied text reads الديات, "blood-money payments." The broader argument might suggest a reading such as الديانات, "religions" or "religious matters," but this has not been substituted. "The knot from which their legal opinions are unraveled" preserves the unusual metaphor in عقدة تنحل عنها فتاويهم.

[58] **Translator's note (L3571):** The supplied فيحل does not naturally express the sense required here. The translation takes it as an apparent corruption of فيجل, "is too exalted," and records that interpretation rather than silently repairing it.

far above that! It is also a foundation for the position of those who profess the transmigration of souls. For they said, "It is impossible for the Wise One to torment someone who has not sinned, or to do anything except for a cause. It is impossible for Him to torment some people in order to admonish others, or thereby to recompense others, or thereby to recompense those same people, when He is able to give recompense without the harm of that. This is pointless conduct among us. Thus, when we saw Him Most High tormenting children with smallpox, sores, and hunger, and giving some animals power over others, we knew that this was for sins previously committed by the souls of those animals and those children, and that they had been disobedient adults before their souls were transferred into the bodies of children and animals." It is also a foundation for the position of those who deny prophethoods, such as the Brahmins and those who follow them. For they said, "It is not wise for Allah Most High to send a prophet to someone whom He knows will not believe in him." Abū Muḥammed said: Then the Muʿtazilah envied them this proposition and excluded all the acts of servants from Allah Most High's judgment, creation, and power. Thus they strayed far astray and affirmed many creators besides Allah Most High. Allah Most High preserved the people of affirmation from this affliction, but the accursed Iblīs, Allah's enemy, begrudged them their safety. He sought calamities for them, set snares for them, and whispered to them the doctrine of effective causes in legal rulings, so they fell into the accursed proposition we have mentioned. Allah Most High granted the adherents of the apparent meaning His protection from it. They therefore remained steadfast upon the best highway and declared before Allah Most High their disavowal of reviewing His rulings to find fault with them, of asking Him why He did such-and-such, of transgressing His limits, of prohibiting anything other than what their Lord prohibited, of making obligatory anything other than what He Most High made obligatory, or of permitting anything other than what He, Mighty and Majestic, permitted. They did not go beyond what their Prophet, may Allah bless him and grant him peace ﷺ, informed them of. Thus they were guided by Allah's perfect light, which is reason, through which things are known as they are and truth is distinguished from falsehood; then by the explicit text of the Quran and the Messenger of Allah's explanation of the religion, may

ضلالا بعيدا، وأثبتوا خالقين كثيرا غير الله تعالى. وسلم الله تعالى من هذه البلية أهل الإثبات، فنفس عليهم إبليس اللعين عدو الله السلامة، فبغي لهم الغوائل، ونصب لهم الحبائل، ووسوس لهم القول بالعلل في الأحكام، فوقعوا في القضية الملعونة التي ذكرنا. وأصحب الله تعالى عصمته منها أصحاب الظاهر فثبتوا على الجادة المثلى، وتبرؤوا إلى الله تعالى من أن يتعقبوا عليه أحكامه أو أن يسألوه لم فعل كذا، أو أن يتعدوا حدوده، أو أن يحرموا غير ما حرم ربهم، أو أن يوجبوا غير ما أوجب تعالى، أو أن يحلوا غير ما أحل عز وجل ولم يتجاوز ما أخبرهم به نبيهم صلى الله عليه وسلم فاهتدوا بنور الله التام الذي هو العقل، الذي به تعرف الأمور على ما هي عليه، ويمتاز الحق من الباطل ثم بنص القرآن وبيان رسول الله صلى الله عليه وسلم للدين إذ لا سبيل إلى السلامة في الآخرة إلا بهذين السبيلين. والحمد لله رب العالمين، وهو المسؤول أصحاب الهداية حتى نلقاه على أفضل أحوالنا، آمين.

Allah bless him and grant him peace ﷺ. For there is no path to safety in the Hereafter except through these two paths. Praise belongs to Allah, Lord of the worlds, and He is the One asked to keep guidance accompanying us until we meet Him in the best of our states. Amen.[59][60][61]

L3575–3583 Abū Muḥammed said: We have demonstrated the invalidity of all these corrupt doctrines that we have mentioned, by necessary demonstrations, in our book entitled The Book of Distinction concerning Religions and Sects. Praise belongs to Allah, Lord of the worlds. Here we shall make a sufficient statement concerning this, suited to the purpose of this book of ours, if Allah Most High wills. We say, then—and success comes through Allah Most High—that the first error in this question is their analogizing Allah Most High to themselves when they say, "A judge among us does nothing except for a cause; therefore the Wise One, Mighty and Majestic, must be likewise." Abū Muḥammed said: They agree that analogy is likening one thing to another. It therefore follows that they are likening Allah Most High to themselves. Yet Allah Most High has declared them false in this by His saying: "Originator of the heavens and the earth; He has made for you spouses from among yourselves, and pairs from among the livestock, multiplying you therein. There is nothing like His likeness, and He is the All-Hearing, the All-Seeing." If an objector were to oppose them and say, "Since we do

قال أبو محمد: وكل هذه المقالات الفاسدة التي ذكرنا قد بينا بطلانها بالبراهين الضرورية في كتابنا المرسوم بكتاب الفصل في الملل والنحل والحمد لله رب العالمين. ونقول في ذلك ههنا قولا كافيا، يليق بغرض كتابنا هذا إن شاء الله تعالى فنقول وبالله تعالى التوفيق. إن أول ضلال هذه المسألة قياسهم الله تعالى على أنفسهم في قولهم: إن الحكم بيننا لا يفعل شيئا إلا لعلة، فوجب أن يكون الحكيم عز وجل كذلك. قال أبو محمد: وهم متفقون على أن القياس هو تشبيه الشيء بالشيء، فوجب أنهم مشبهون الله تعالى بأنفسهم، وقد أكذبهم الله تعالى في ذلك بقوله {فاطر لسماوات ولأرض جعل لكم من أنفسكم أزواجا ومن لأنعام أزواجا يذرؤكم فيه ليس كمثله شيء وهو لسميع لبصير} ولو أن معارضا عارضهم فقال لما كنا نحن لا نفعل إلا لعلة؛ وجب أن يكون تعالى بخلافنا، فوجب ألا يفعل شيئا لعلة لكان أصوب حكما وأشد اتباعا لقوله {فاطر لسماوات ولأرض جعل لكم من أنفسكم أزواجا ومن لأنعام أزواجا يذرؤكم فيه ليس كمثله شيء وهو لسميع لبصير} وبالله تعالى التوفيق وأيضا فإنهم بهذه القضية الفاضحة قد أدخلوا ربهم تحت الحدود والقوانين، وتحت رتب متى خالفها لزمه السفه، تعالى الله عن ذلك علوا كبيرا، وهذا كفر مجرد دون تأويل، ولزمهم إن طردوا هذا الأصل الفاسد أو يقولوا: لما وجدنا الفعل منا لا يكون إلا جسما مركبا ذا ضمير وفكرة وجب أن يكون الفعال الأول جسما مركبا ذا ضمير وفكرة تعالى الله عن ذلك علوا كبيرا. قال أبو محمد: فهذا يلزمهم كما ذكرنا. ثم نبين بالبرهان الضروري بطلان قضيتهم من غير طريق إلزامهم طردها فنقول بالله تعالى التوفيق: إن الحكيم منا إنما صار حكيما لأنه انقاد لأوامر ربه تعالى، ولتركه نواهيه، فهذا هو السبب الموجب على الحكيم منا ألا

[59] **Translator's note (L3572):** إن للعالم لم يزل is grammatically irregular as supplied; its apparent intended assertion is that the world has existed eternally. The clause فأخرجوا على حكم الله تعالى وعن خلقه وقدرته وجميع أفعال العباد contains an anomalous على and an awkward conjunction before جميع. The translation gives its apparent intended construction: excluding all human acts from Allah's judgment, creation, and power. "People of affirmation" translates أهل الإثبات, a theological designation for those affirming divine realities or attributes; the author's precise scope is not specified here.

[60] **Translator's note (L3573):** أصحاب الظاهر, rendered "adherents of the apparent meaning," designates the Ẓāhirīs. The supplied ولم يتجاوز is singular in form although the surrounding subject is plural; the translation follows the continuing plural reference.

[61] **Translator's note (L3574):** The supplied أصحاب الهداية, literally "companions of guidance," is syntactically problematic here. The translation understands it as an apparent spelling corruption of إصحاب الهداية, asking that guidance continue to accompany us.

nothing except for a cause, He Most High must differ from us; therefore He must do nothing for a cause," he would be more correct in judgment and more closely following His statement: {The Originator of the heavens and the earth; He has made for you spouses from among yourselves, and pairs among the livestock, multiplying you therein. There is nothing like His likeness, and He is the All-Hearing, the All-Seeing.} Success comes through Allah Most High. Moreover, through this disgraceful proposition they have subjected their Lord to limits and laws, and to prescribed arrangements such that, whenever He departs from them, foolishness necessarily attaches to Him. Exalted is Allah far above that! This is outright unbelief, without any interpretive qualification. If they apply this corrupt principle consistently, they are also bound to say: Since we find that action among us can only be a composite body possessing an inner consciousness and thought, the first agent must be a composite body possessing an inner consciousness and thought. Exalted is Allah far above that! Abu Muhammed said: This consequence binds them, as we have mentioned. We shall then demonstrate, by necessary demonstration, the invalidity of their proposition, independently of requiring them to apply it consistently. We say—and success comes through Allah Most High—that a wise person among us only becomes wise because he submits to the commands of his Lord Most High and refrains from what He prohibits. This, then, is the cause that obliges a wise person among us to do nothing except for a benefit from which he will profit in his hereafter, or to avert a harm in his hereafter. As for the Creator Most High, He has always been alone, with nothing alongside Him and no one preceding Him to prescribe an arrangement. Thus, no arrangement was incumbent upon Allah Most High that required His action to occur in one particular manner rather than another. Instead, He did what He did as He willed, and did not do what He did not do, just as He did not will it. Their likening the actions of a wise person among us to the actions of the Creator Most High is therefore invalid. Moreover, we have never called Allah Most High wise on the basis of inference, nor because reason required that He Most High be called wise. We have called Him wise solely because He called Himself that. It is a proper name of His, Most High, not a derived designation. Whoever definitively names his Lord Most High on the basis of inference is bound

يفعل شيئا إلا لمنفعة ينتفع بها في معاده أو لمضرة يستدفعها في معاده. وأما الباري تعالى فلم يزل وحده ولا شيء معه ولا مرتب قبله فلم يكن على الله تعالى رتبة توجب أن يقع الفعل منه على صفة ما دون غيرها، بل فعل ما فعل كما شاء، ولم يفعل ما لم يفعل كما لم يشأ فبطل تشبيههم أفعال الحكيم منا بأفعال الباري تعالى. وأيضا: فإنا لم نسم الله تعالى حكيما من طريق الاستدلال أصلا، ولا لأن العقل أوجب أن يسمى تعالى حكيما، وإنما سميناه حكيما لأنه سمى بذلك نفسه فقط، وهو اسم علم له تعالى لا مشتق، ويلزم من سمى ربه تعالى حتما من طريق الاستدلال أن يسميه عاقلا من طريق الاستدلال، وقد بينا فساد هذه الطريقة وبطلانها وضلالها في كتاب الفصل فبطلت قضيتهم الفاسدة جملة، وصح أنها دعوة فاسدة منتقضة. وأما قولهم: إنه تعالى يفعل الأشياء لمصالح عباده فإن الله تعالى أكذبهم بقوله {وإما تعرضن عنهم بتغآء رحمة من ربك ترجوها فقل لهم قولا ميسورا} فليت شعري أي مصلحة للظالمين في إنزال ما لا يزيدهم إلا خسارا، بل ما عليهم في ذلك إلا أعظم الضرر وأشد المفسدة، ولقد كان أصلح لهم لو ينزل، وما أراد الله تعالى بهم مصلحة قط ولكنهم من الذين قال تعالى فيهم {وترى لشمس إذا طلعت تزاور عن كهفهم ذات ليمين وإذا غربت تقرضهم ذات لشمال وهم في فجوة منه ذلك من آيات لله من يهد لله فهو لمهتد ومن يضلل فلن تجد له وليا مرشدا} قال أبو محمد: ويقال لهم المصلحة جميع عباده فعل تعالى ما فعل؟ أم لمصلحة بعضهم. فإن قالوا لمنفعة جميعهم كابروا وأكذبهم العيان، لأن الله تعالى لم يبعث قط موسى عليه السلام لمنفعة فرعون ولا لمصلحته ولا بعث محمدا صلى الله عليه وسلم لمنفعة أبي جهل ولا لمصلحته بل لمضرتهما ولفساد آخرتهما ودنياهما، وهكذا القول في كل كافر، لو لم يبعث الله من كذبوه من الأنبياء لكان أصلح لدنياهم وآخرتهم. وأيضا فلا شيء في العالم فيه مصلحة

to call Him rational on the basis of inference. We have explained the corruption, invalidity, and error of this method in The Book of Distinctions. Their corrupt proposition is therefore invalid in its entirety, and it is established that it is a corrupt, contradicted claim. As for their statement that He Most High does things for the welfare of His servants, Allah Most High has declared them liars by His statement: {And if you turn away from them, seeking mercy from your Lord for which you hope, then speak to them an easy word.} Would that I knew what welfare there is for the wrongdoers in sending down something that increases them only in loss! Indeed, it brings them nothing but the greatest harm and the most severe detriment. It would certainly have been better for them had it been sent down. Allah Most High never intended any welfare for them at all. Rather, they are among those concerning whom He Most High said: {And you see the sun, when it rises, inclining away from their cave toward the right, and when it sets, passing them by toward the left, while they are in an open space within it. That is among the signs of Allah. Whomever Allah guides is the rightly guided one, and whomever He leads astray, you will never find for him a protecting guide.} Abu Muhammed said: They are to be asked: Did He Most High do what He did for the welfare of all His servants, or for the welfare of some of them? If they say, 'For the benefit of them all,' they obstinately deny the truth, and direct observation declares them liars. For Allah Most High never sent Moses, peace be upon him, for Pharaoh's benefit or welfare, nor did He send Muhammed, may Allah bless him and grant him peace ﷺ, for Abu Jahl's benefit or welfare. Rather, it was to the detriment of them both and to the ruin of their hereafter and their worldly life. The same applies to every unbeliever: had Allah not sent the prophets whom they denied, it would have been better for their worldly life and their hereafter. Moreover, nothing in the world promotes one person's welfare without harming another. Would that I knew what made benefiting Zayd at the cost of ruining Amr an act of wisdom! Anyone among us who does this is foolish—indeed, the most foolish of fools—yet Allah Most High does all this, and He is the wisest of the wise. Their corrupt analogy and disgraceful principle therefore oblige them to attribute foolishness to their Lord Most High, because He, Mighty and Majestic, does what would be foolishness among us if we ourselves did it.

لإنسان إلا وفيه مضرة لآخر، فليت شعري ما الذي جعل الصلاح على زيد بفساد عمرو حكمه؟ وكل من فعل هذا بيننا فهو سفيه، بل هو أسفه السفهاء، والله تعالى يفعل كل ذلك وهو أحكم الحكماء، فيلزمهم على قياسهم الفاسد. وأصلهم الفاضح أن يسفهوا ربهم تعالى، لأنه عز وجل يفعل ما هو سفه بيننا لو فعلناه نحن، وقد وجدنا من أعرى بين الحيوانات بيننا حتى تتقابل كالديكة والكباش والقبج وقتلها لغير أكل أنه غاية السفه، والباري تعالى يفعل كل ذلك ويقتل الحيوانات لغير أكل، ويسلط بعضها دون مثوبة للقاتل منهما ولا المقتول، وهو أحكم الحاكمين. وهذا خلاف الرتبة بيننا فبطل قوله: إن الله تعالى لا يفعل شيئا إلا لمصالح عباده، وصح بالضرورة أنه يفعل ما يشاء لصلاح ما شاء، ولفساد ما شاء، ولنفع من شاء، ولضر من شاء، ليس ههنا شيء يوجب إصلاح من صلح، ولا إفساد من أفسد، ولا هدي من هدى، ولا إضلال من أضل، ولا إحسان إلى من أحسن إليه. ولا الإساءة إلى من أساء إليه، لكن فعل ما شاء {لا يسأل عما يفعل وهم يسألون} وهم دائبا يسألون ربهم. لم فعلت كذا، كأنهم لم يقرؤوا هذه الآية نعوذ بالله من الخذلان. ونجده عز وجل قد حبب بين زوجين حتى أطاعاه وحبب بين آخرين حتى عصياه واشتغلا بما هما فيه عن الصلاة في أوقاتها وجذم صالحا وطالحا، وسلم صالحا وطالحا وابتلى قوما فصبروا وابتلى قوما فكفروا وعافى قوما فصبروا وشكروا، وعافى آخرين فبطروا وكفروا، وعمر صالحا وصالحا أقصى العمر، واخترم صالحا وطالحا في حداثة السن، وجعل عيسى عليه السلام نبيا حين سقوطه من بطن أمه، وآتى يحيى الحكم صبيا، وبسط لفرعون أنواع الغرور حتى قال: أنا ربكم الأعلى، وخلق قوما ألباء فهماء كفارا كالفيومي اليهودي، وأبي ريطة اليعقوبي، وقوما ألباء فهماء مسلمين، وقوما بلداء كفارا، وقوما بلداء مسلمين، فبأي شيء استحق عنده هؤلاء أن يرزقهم الفهم؟ وهؤلاء أن يمنعهم إياه؟. فإن قالوا: لو رزق بلداء الكفار الفهم لكانوا ضررا على المسلمين، أريناهم من

We have found that someone among us who incites animals against one another until they confront one another—such as cocks, rams, and partridges—and kills them for a purpose other than eating them exemplifies the utmost foolishness. Yet the Creator Most High does all this: He kills animals for a purpose other than eating them and sets some of them loose, without any reward for the killer among them or for the one killed, while He is the wisest of judges. This differs from the prescribed arrangement among us. Thus, his statement that Allah Most High does nothing except for the welfare of His servants is invalid. It is established by necessity that He does whatever He wills, for the good of whatever He wills and the ruin of whatever He wills, for the benefit of whomever He wills and the harm of whomever He wills. Nothing here necessitates His setting right those He has set right, corrupting those He has corrupted, guiding those He has guided, leading astray those He has led astray, treating well those He has treated well, or treating badly those He has treated badly. Rather, He did whatever He willed: {He is not questioned about what He does, while they are questioned.} Yet they continually ask their Lord, 'Why did You do such-and-such?' as though they had not read this verse. We seek refuge in Allah from being forsaken. We find that He, Mighty and Majestic, has made two spouses love one another so that they obeyed Him, and made another two love one another so that they disobeyed Him and were distracted by their involvement with one another from performing the prayers at their appointed times. He afflicted a righteous person and a wicked person with leprosy, and kept a righteous person and a wicked person safe. He afflicted some people, and they remained patient; He afflicted others, and they disbelieved. He granted well-being to some people, and they remained patient and gave thanks; He granted well-being to others, and they became insolent and disbelieved. He prolonged the lives of a righteous person and a righteous person to the furthest limit of life, and cut short the lives of a righteous person and a wicked person in youth. He made Jesus, peace be upon him, a prophet when he emerged from his mother's womb, and gave John judgment while still a child. He spread before Pharaoh various forms of delusion until he said, 'I am your highest lord.' He created some people as intelligent, discerning unbelievers, such as al-Fayyumi the Jew and Abu Rita the Jacobite; some as intelligent, dis-

ذكرنا ممن كان ضررا عليهم، فصح تناقضهم وأكذبهم الباري عز وجل بقوله إنما نملي لهم ليزدادوا إثما وبقوله تعالى أنما نمدهم به من مال وبنين نسارع لهم في الخيرات فأخبر تعالى أنه إنما أملى لهم لضررهم لا لنفهم ولا لمصلحتهم وكذلك يكذبهم أيضا إنما يريد الله أن يعذبهم في الحياة الدنيا وتزهق أنفسهم وهم كافرون

cerning Muslims; some as dull-witted unbelievers; and some as dull-witted Muslims. By what, then, did these deserve, in His sight, that He grant them understanding, and those that He withhold it from them? If they say, 'Had He granted understanding to the dull-witted unbelievers, they would have harmed the Muslims,' we point out to them those we have mentioned who did harm them. Their contradiction is thus established. The Creator, Mighty and Majestic, has declared them liars by His statement, 'We only grant them respite so that they may increase in sin,' and by His statement, Most High, 'What We supply them with in wealth and sons—We hasten good things to them.' He Most High thus states that He granted them respite only to their harm, not for their understanding or welfare. Likewise, this also declares

them liars: ‘Allah only intends to punish them in the life of this world, and that their souls depart while they are unbelievers.’[62]6263646566676869

L3584 Likewise, He Most High said: ‘Those are the ones whose hearts Allah did

وكذلك قال تعالى: أولئك الذين لم يرد الله أن يطهر قلوبهم فأبان الله تعالى كذبهم في قولهم: إن الله تعالى إنما يفعل الشرائع لمصالح عباده وأيضا فقد كان أصلح لهم أن يدخلهم الجنة دون تكليف عمل ولا مشقة واحتج بعضهم في ذلك بقوله تعالى ما ننسخ من آية أو ننسأها نأت بخير منها أو مثلها قال أبو محمد وهذا لا حجة لهم فيه، لأن الناسخة إنما صارت خيرا لنا معشر المؤمنين بها خاصة إذ جعلها الله تعالى خيرا لنا لا قبل ذلك ولم يكن قط هنا سبب يوجب أن تكون خيرا لنا إلا أنه تعالى شاء ذلك بلا سبب ولا علة أصلا. ويقال لهم وبالله تعالى التوفيق: متى كانت الناسخة خيرا لنا؟ إذ نسخ بها ما تقدم أو قد كنت خيرا لنا قبل أن يسنخ ما تقدم فإن قالوا كانت خيرا قبل أن يخاطبنا بها فقضوا أصلهم، وأثبتوا أنه تعالى قد منعنا ما هو خير لنا مدة طويلة وإن قالوا بل صارنت خيرا لنا إذا نسخت هبا ما تقدم وإذ خاطبنا وأبطل بها الرتبة الأولى. قيل لهم: وما الذي أوجب أن تصير حينئذ خيرا لنا! وما الذي أوجب أن تنتقل الرتبة الأولى عن كونها خيرا لنا أعلة متقدمة حكمت على البارى تعالى بذلك أم أنه شاء ذلك فقط فإن قالوا بل علة أوجبت ذلك على البارى عز وجل كفروا بإجماع الأمة وجعلوا الله تعالى مدبرا مصرفا تعالى الله عن ذلك

[62]**Translator’s note (L3575):** The supplied الحكم can be read as “the judge” or “the arbiter,” as translated. The parallel argument elsewhere uses الحكيم, “the wise person,” which may have been intended here. The Quran quotation corresponds to 42:11. The transcription repeatedly omits the initial alif of definite articles in words including السماوات، الأرض، الأنعام، السميع، البصير; these orthographic defects do not change the English rendering. “There is nothing like His likeness” retains the supplied wording’s explicit comparative construction.

[63]**Translator’s note (L3576):** The wording literally makes ‘action among us’ a composite body. The argument appears to require ‘the agent among us,’ but the supplied reading has been retained. The construction introducing ‘to say’ is irregular: the supplied text has ‘or’ where the syntax appears to require ‘that.’

[64]**Translator’s note (L3578):** The supplied word rendered ‘definitively’ is irregular in this sentence. The context may suggest a damaged occurrence of ‘wise,’ but that reading has not been substituted.

[65]**Translator’s note (L3579):** The first quotation corresponds to Quran 17:28, but the argument that follows concerns a revelation that increases wrongdoers only in loss, apparently alluding to 17:82. The supplied quotation has been translated without replacement. ‘Had it been sent down’ follows the supplied wording. The argument appears to require a negation, ‘had it not been sent down,’ but none is supplied. The supplied spelling rendered ‘an act of wisdom’ is ambiguous; ‘His judgment’ is another possible reading.

[66]**Translator’s note (L3580):** The verb rendered ‘incites’ has an irregular supplied spelling, apparently for the usual verb meaning to incite. The supplied verb rendered ‘confront’ means to face one another; it has not been silently changed to ‘fight.’

[67]**Translator’s note (L3581):** The construction concerning setting some animals loose appears incomplete: the expected expression ‘against others’ is absent from the supplied text.

[68]**Translator’s note (L3582):** The repetition ‘a righteous person and a righteous person’ follows the supplied text; the surrounding pairs suggest that the second occurrence may be an error for ‘a wicked person.’ The quotation about wealth and sons lacks the opening interrogative wording of Quran 23:55–56. Its supplied declarative wording has been retained. ‘Not for their understanding’ follows the supplied form, which appears corrupt; the context suggests ‘not for their benefit.’

[69]**Qur’an references (L3575):** Qur’an 42:11 (Ash-Shuraa); Qur’an 17:28 (Al-Isra); Qur’an 18:17 (Al-Kahf); Qur’an 21:23 (Al-Anbya); Qur’an 3:178 (Ali ’Imran); Qur’an 23:55 (Al-Mu’minun).

not intend to purify.' Allah Most High has thus exposed their falsehood in saying that Allah Most High institutes revealed laws only for the welfare of His servants. Moreover, it would have been better for them had He admitted them to Paradise without imposing any work or hardship. Some of them argued for this by His statement, Most High: 'Whatever verse We abrogate or defer, We bring one better than it or like it.' Abu Muhammed said: This provides them with no proof, because the abrogating verse became better specifically for us, the community of those who believe in it, only when Allah Most High made it better for us, and not before that. There was never any cause here requiring it to be better for us, except that He Most High willed that, without any cause or explanatory ground whatsoever. They are to be asked—and success comes through Allah Most High—when was the abrogating verse better for us: when He abrogated what preceded it through it, or had it already been better for us before He abrogated what preceded it? If they say, 'It was better before He addressed us with it,' they have contradicted their principle and established that He Most High withheld from us what was better for us for a long time. If they say, 'Rather, it became better for us when what preceded it was abrogated through it, and when He addressed us and abolished the first arrangement through it,' they are to be asked: What required it to become better for us at that point? What required the first arrangement to cease being better for us? Was it a pre-existing explanatory ground that imposed this upon the Creator Most High, or was it solely that He willed it? If they say, 'Rather, an explanatory ground imposed this upon the Creator, Mighty and Majestic,' they have committed unbelief by the consensus of the community and have made Allah Most High subject to management and control. Exalted is Allah above that![7071]

L3585 If they say, "Rather, He simply willed that," they have returned to the posi-

فإن قالوا بل إنه شاء ذلك فقط رجعوا إلى أنه تعالى شاء ما فعل بلا علة أصلا، ولم يشأ ما لم يفعل، وأنه تعالى يريد ضلال من ضل، ولم يرد به الهدى ولا المصلحة أصلا. وبالله تعالى التوفيق. وقد بين تعالى ذلك بقوله: وفي آذانهم وقرا وبقوله تعالى ختم الله على قلوبهم فليت شعرى أي صلاح إرادة الله تعالى لمن ختم على قلبه وجعل

[70] **Translator's note (L3584):** The supplied form rendered 'defer' in the Quran quotation is malformed but appears to represent the reading meaning 'defer it,' rather than the reading meaning 'cause it to be forgotten.' Several words in the discussion of abrogation contain apparent transcription errors, including forms corresponding to 'was,' 'abrogate,' 'they have contradicted,' 'became,' and 'through it.' Their contextual senses are reflected in the translation.

[71] **Qur'an references (L3584):** Qur'an 5:41 (Al-Ma'idah); Qur'an 2:106 (Al-Baqarah).

tion that He, exalted is He, willed what He did without any underlying reason whatsoever, and did not will what He did not do; and that He, exalted is He, wills the misguidance of whoever goes astray and did not will guidance or welfare for him at all. Through Allah, exalted is He, comes success. He, exalted is He, has made this clear in His words, "And in their ears, a heaviness," and in His words, exalted is He, "Allah has sealed their hearts." Would that I knew what welfare Allah, exalted is He, willed for someone whose heart He sealed and in whose ears He placed a heaviness preventing acceptance of the truth! We seek refuge in Allah from His willing for us what He willed for these people. We tell anyone who says that He, exalted is He, willed their welfare to pray to his Lord that He will for him the same welfare that He willed for them.[72]

في أذنيه وقرا عن قبول الحق! نعوذ بالله من أن يريد منا ما أراد بهؤلاء. ونقول لمن قال: إنه تعالى أراد صلاحهم أن يدعو ربه أن يريد به من الصلاح ما أراد بهم!

L3586–3587

We find that He, exalted is He, created the dog as a proverbial example of baseness, and the pig as an abomination, while He created horses with goodness in their forelocks. What underlying reason, then, and what cause necessitated that He arrange these animals in this way? What necessitated that He originate some of them as impure and others as blessed? By what did they deserve that before any action proceeded from them, or before they existed? What underlying reason necessitated that He create the things He created in a particular number, rather than creating more or fewer than that number; and that He create the mole blind and the crab able to direct its sight forward and backward, whichever it wishes, while the viper is more harmful than the mole and has sharp sight? If they say, "He created them so that you might take heed through them, and afflicted children with diseases in order to compensate them or to delay their fathers," all this is invalid. For heed could have been taken through some of what He created just as through all of it; and had He increased creation, there would have been more occasion for taking heed. Their position would thus necessarily impute a shortcoming to Him—exalted is Allah above that! Among us, there is no wrongdoing greater than the act of someone who torments another in order to give him money

ونجده تعالى خلق الكلب مضروبا به المثل في الرذالة والخنزير رجسا وخلق الخيل في نواصيها الخير، فأي علة وأي سبب أوجب على هذه الحيوانات أن يرتبها هكذا! وما الذي أوجب أن يخترع بعضها نجسا وبعضها مباركا! وبأي شيء استحقت ذلك قبل أن يكون منها فعل، أو قبل أن توجد، وأي علة أوجبت أن يخلق ما خلق من الأشياء على عدد ما. دون ان يخلق أكثر من ذلك العدد أو أقل وأن يخلق الخلد أعمى والسرطان صارفا بصره أمام ووراء أي ذلك شاء والأفعى أضر من الخلد ولها بصر حاد. فإن قالوا خلقها لتعتبر بها وعذب الأطفال، بالأمراض ليعوضهم أو ليأخر آباءهم، فهذا كله فاسد، لأنه قد كان يعتبر ببعض ما خلق كالاعتبار بكله، ولو زاد في الخلق لكان الاعتبار أكثر. فلزم التقصير على قولهم، تعالى الله على ذلك، ولا فساد فيما بيننا أعظم من فعل من عذب آخر ليعطيه على ذلك مالا أو من فعل من عذب إنسانا لا ذنب له يعظ به آخر أو ليثبت على ذلك آخر وكل هذا يفعله البارى تعالى وهو أحكم الحاكمين فبطل قولهم إن الحكيم لا يفعل شيئا إلا لعلة قياسا على ما بيننا وأي فرق بين ذبح صغار الحيوان لمنافعنا، وبين ذبح صغارنا لمنافعنا! فيذبح ولد عمرو لمصلحة زيد إلا أن الله تعالى شاء فأباحه ولم يشأ هذا فحرمه ولو أحل هذا وحرم ذلك

[72] **Translator's note (L3585):** The unvocalized أي صلاح إرادة الله in إرادة appears corrupt, probably for أراده, "He willed it." The translation follows that probable construction.

in return for that, or the act of someone who torments a blameless person in order to admonish another through him, or so that another may remain steadfast on account of that. Yet the Creator, exalted is He, does all this, and He is the wisest of judges. Their assertion that a wise agent does nothing except for an underlying reason, by analogy with what obtains among us, is therefore invalid. What difference is there between slaughtering young animals for our benefit and slaughtering our own young for our benefit, so that ʿAmr's child is slaughtered for Zayd's welfare, except that Allah, exalted is He, willed the former and permitted it, and did not will the latter and prohibited it? Had He permitted the latter and prohibited the former, that would have been justice and wisdom; and when He, exalted is He, does not do it, it is folly. There is no underlying reason whatsoever for any of this. He, exalted is He, has permitted taking the polytheists' women and children captive, forcibly enslaving them, our owning their persons, and our seizing their property by force, for sins committed by their fathers. The proof that this is for their fathers' sins is that, had their fathers embraced Islam, taking their children captive and owning them would have been forbidden to us. What, then, made the children answerable for the sins of others? Or what made a welfare take precedence over their fathers' welfare, when each is blameless? If someone among us were to do that without an explicit text from Allah, exalted is He, would he not be the most unjust of the unjust and the most foolish of fools?[73][74]

لكان عدلا وحكمة، وإذا لم يفعله تعالى فهو سفه ولا علة لكل ذلك أصلا وقد أباح تعالى سبي نساء المشركين وأطفالهم واسترقاقهم قهرا، وتملكنا رقابهم، وأخذنا أموالهم غصبا لذنوب وقعت من آبائهم والدليل على أن ذلك لذنوب آبائهم أن آبائهم لو أسلموا لحرم علينا سبي أولادهم وتملكهم فما الذي جعل الأبناء مؤاخذين بذنوب غيرهم أو ما الذي جعل مصلحة أولى من مصلحة ابائهم! وكل لا ذنب له لو فعل ذلك فاعل بيننا بغير نص من الله تعالى، أما كان يكون أظلم الظالمين وأسفه السفهاء

[73] **Translator's note (L3586):** The reading ليأخر آباءهم means "to delay their fathers" and is awkward in context. It may be a corruption of wording meaning "to reward their fathers," but the supplied reading is retained.

[74] **Translator's note (L3587):** ليثبت على ذلك آخر is translated as supplied, "so that another may remain steadfast on account of that." In context, it may be corrupt for wording meaning "so that another may be rewarded for that." The clause "and when He, exalted is He, does not do it, it is folly" has an unclear referent and is retained without supplying an unstated qualification. The wording ما الذي جعل مصلحة أولى من مصلحة آبائهم, "what made a welfare take precedence over their fathers' welfare," appears incomplete or corrupt; the beneficiary of the first "welfare" is not specified.



الباب 40: الاجتهاد والخطأ والعذر

Chapter 40: Independent Legal Exertion and Excusable Error

Ibn Ḥazm · Arabic–English parallel edition

Return to the reading collection

L3588–3593

Chapter Forty: Discussion of Independent Legal Exertion (Ijtihād): What It Is and Its Explanation; Who Is Excused by His Exertion and Who Is Not Excused by It; Concerning Whom It Is Categorically Determined That He Is in Error Before Allah, Exalted Is He, in What His Exertion Sought; and Concerning Whom It Is Not Determined That He Is Mistaken Before Allah, Mighty and Majestic, Even Though We Disagree with Him

Abū Muhammed ʿAlī ibn Aḥmad, may Allah have mercy on him, said: The expression "independent exertion" is one whose explanation must be known, because most of those who discuss independent exertion and its ruling do not know its meaning. We therefore say—and through Allah, exalted is He, comes success—that the actual morphological formation of the word ijtihād is the ifti'āl form derived from juhd, "effort." Its actual meaning is the exhaustion of one's effort in seeking something one desires to attain, where one hopes it may be found or where one is certain it exists. This is something concerning which there is no disagreement among the scholars of language. Juhd, with the letter jīm bearing the vowel u, means capacity and strength. You say, "This is my juhd," meaning, "my capacity and my strength." Jahd, with the letter jīm bearing the vowel a, means an adverse and straitened condition. You say, "The people are in jahd," meaning, "in an adverse condition." Since this is so, independent exertion in revealed law is the exhaustion of one's capacity in seeking the ruling for a case where that ruling is to be found. There is no disagreement about this among any of those knowledgeable in religion. Abū Muhammed said: In explaining independent exertion generally, we said, "where one hopes it may be found," thus connecting the search to places where there is hope. In explaining independent exertion in revealed law, we said, "where that ruling is to be found," without connecting it to hope, because it is certain, without disagreement, that Allah, exalted is He, has explained all the rulings of revealed law. Whoever says that Allah, exalted is He, and His Messenger ﷺ did not explain to us the revealed law that Allah, exalted is He, showed as required of us and imposed upon us is, without disagreement, an unbeliever. All the rulings of revealed law are therefore guaranteed to be available to the body of scholars. Even if some people cannot find some of them, it is impossible and inconceivable that all

الباب الأربعون وهو باب الكلام في الاجتهاد ما هو وبيانه ومن هو معذور باجتهاده ومن ليس معذورا به ومن يقطع على أنه خطأ عند الله تعالى فيما أراد إليه اجتهاده ومن لا يقع على أنه مخطىء عند الله عز وجل وإن خالفناه قال أبو محمد علي بن أحمد رحمه الله: لفظة الاجتهاد مما يجب معرفة تفسيرها لأن أكثر المتكلمين في الاجتهاد وحكمه لا يعلمون معنا فنقول وبالله تعالى التوفيق إن حقيقة بناء لفظة الاجتهاد أنه افتعال من الجهد، وحقيقة معناها أنه استنفاد الجهد في طلب الشيء المرغوب إدراكه حيث يرجى وجوده فيه أو حيث يوقن بوجوده فيه هذا مالا خلاف بين أهل اللغة فيه. والجهد بضم الجيم الطاقة والقوة، تقول هذا جهدي، أي طاقتي وقوتي، والجهد بفتح الجيم سوء الحال وضيقتها. تقول: القوم في جهد، أي في سوء حال فإذ ذلك كذلك فالاجتهاد في الشريعة هو استنفاد الطاقة في طلب حكم النازلة حيث يوجد ذلك الحكم. ما لا خلاف بين أحد من أهل العلم بالديانة فيه. قال أبو محمد وإنما قلنا في تفسير الاجتهاد العام حيث يرجى وجوده فعلقنا الطلب بمواضع الرجاء، وقلنا في تفسير الاجتهاد في الشريعة. حيث يوجد ذلك الحكم، فلم نعلقه بالرجاء، لأن احكام الشريعة كلها متيقن أن الله تعالى قد بينها بلا خلاف، ومن قال إن الله تعالى ورسوله صلى الله عليه وسلم لم يبن لنا الشريعة التي أراها الله تعالى منا وألزمنا إياها فلا خلاف في أنه كافر، فأحكام الشريعة كلها مضمونة الوجود لعامة العلماء وإن تعذر وجود بعضها على بعض الناس فمحال ممتنع أن يتعذر وجوده على كلهم، لأن الله تعالى لا يكلفنا ما ليس في وسعنا ما نعذر وجوده على الكل فلم يكلفنا الله تعالى إياه قط قال الله تعالى لا يكلف الله نفسا إلا وسعها وقال تعالى وما جعل عليكم في الدين من حرج وبالضرورة ندرى أي تكليف أصابه مالا سبيل إلى وجوده حرج فصح قولنا وبالله تعالى التوفيق ثم اتفق العلماء على أن القرآن وما حكم به رسول الله صلى الله عليه

of them should be unable to find them, because Allah, exalted is He, does not impose upon us what lies beyond our capacity. Whatever all are unable to find, Allah, exalted is He, has never imposed upon us at all. Allah, exalted is He, said, "Allah does not burden a soul beyond its capacity." And He, exalted is He, said, "And He has placed no hardship upon you in religion." We know by necessary knowledge that any obligation to attain something that there is no way to find is a hardship. Our position is thus established, and through Allah, exalted is He, comes success. The scholars then agreed that the Quran, and whatever the Messenger of Allah ﷺ ruled, said, did, or approved with knowledge of it, are places in which the rulings for cases may be found. They disagreed about the transmission of the prophetic traditions, as we mentioned previously. There, through the might and power of Allah, exalted is He, we set out the demonstration establishing the obligation to accept a report with a connected chain of transmission conveyed by upright transmitters. They then disagreed. One group said: "There is absolutely no place in which to seek, or find, the ruling of revealed law for cases except these sources we have mentioned: either an explicit text naming that case, or an indication derived from them concerning the ruling for that case that admits only one interpretation." This is assuredly the position of all the people of Islam, even though they differ over the methods that lead to knowledge of the prophetic traditions. It is the position of all our fellow Literalists, and we adopt it. We have explained the categories of the aforementioned indication earlier in this work of ours and delimited them there. Praise belongs to Allah, Lord of all worlds. Others said: "Rather, there are additional places in which the ruling for a case may be sought." These are: a report with an omitted link in its transmission (mursal); the statement of a Companion who is not known to have any opponent among the Companions, when it has become widely known—others said, even when it has not become widely known; the statement of a governing imam from among them; inference from the contrary implication of an utterance; analogy; unaided opinion; juristic preference; the position of the majority of scholars; the practice of the people of Medina; and adopting a scholar's position even when another scholar of equal standing disagrees with him. We have explained the meanings of these terms and invalidated adjudication by all of them, or by any one of

وسلم أو قاله أو فعلعه أو أقره وقد علمه مواضع لوجود أحكام النوازل، واختلفوا في نقل السنن على ما ذكرناه قبل، وبينا البرهان هنالك بحول الله تعالى وقوته على وجوب قبول الخبر المسند بنقل العدول ثم اختلفوا فقالت طائفة لا موضع البتة لطلب حكم النوازل من الشريعة ولا وجود إلا هذه المعادن التي ذكرنا، أما نص على اسم تلك النازلة، وأما دليل منها على حكم تلك النازلة، لا يحتمل إلا وجها واحدا، وهذا قول جميع أهل الإسلام قطعا وإن اختلفوا في الطرق التي توصل إلى معرقة السنن وهو قول جميع اصحابنا الظاهريين وبه نأخذ وقد بينا أقسام الدليل المذكور فيما سلف من ديواننا هذا، وحضرناها هنالك والحمد لله رب العالمين. وقال آخرون: بل ههنا مواضع أخر يطلب فيها حكم النازلة وهي الخبر المرسل وقال الصاحب الذي لا يعرف له مخالف من الصحابة إذا اشتهر، وقال آخرون: وإن لم يشتهر، وقول الإمام الوالي منهم ودليل الخطاب والقياس والرأى المجرد والاستحسان وقول أكثر العلماء وعمل أهل المدينة، والأخذ بقول عالم وإن كان له مخالف مثله وقد شرحنا معانى هذه الأسماء وأبطلنا الحكم بكلها أو بشيء منها بالبراهين الضرورية، فيما سلف من كتابنا هذا، والحمد لله رب العالمين. فأما تعلق قوم فيما اعتقدوه من أحكام بعض النوازل بقول صاحب له مخالفون أو بقول تابع أو بقول فقيه من الفقهاء المتقديم وإن خالفه غيره من أهل العلم فهذا هو التقليد الذي قد تكلمنا في إبطاله فيما سلف من كتابنا هذا والحمد لله رب العالمين قال أبو محمد وليس للمتكلمين في الديانة اليوم قول يكون عندهم اجتهادا غير ما ذكرنا، وقد كانت أقوال في ذلك لقوم من أهل الكلام قد درست، مثل قول بعضهم: إن ما وقع في النفس من أول الفكر فهو الواجب ان يقال به، وقال بعضهم: الواجب أن يقال بالأثقل لأنه خلاف الهوى، وقال بعضهم: بل الأخف منها، لقول الله تعالى: يريد الله بكم اليسر ولا يريد بكم العسر قال أبو محمد وهذه أقوال فاسده لأنها كلها دعاوى يعارض بعضها بعضا وكل ما ألزمنا الله تعالى فهو يسر وإن نقل علينا

them, through necessary demonstrations earlier in this book of ours. Praise belongs to Allah, Lord of all worlds. As for some people's reliance, in the rulings they maintain concerning certain cases, on the statement of a Companion who has opponents, or the statement of a Successor, or the statement of one of the earlier jurists even though another knowledgeable person disagrees with him: this is the uncritical adherence to authority (taqlīd) whose invalidation we have discussed earlier in this book of ours. Praise belongs to Allah, Lord of all worlds. Abū Muhammed said: Those who discuss religion today have no position that they regard as independent exertion other than what we have mentioned. Certain speculative theologians formerly held positions on this matter that have died out, such as the statement of some of them said: "Whatever occurs to the mind at the beginning of reflection is what one must affirm." Others said: "One must affirm the more burdensome position, because it opposes desire." Others said: "Rather, the less burdensome of them, because Allah Most High says: 'Allah desires ease for you and does not desire hardship for you.'" Abu Muhammed said: These are invalid positions, because they are all assertions that contradict one another. Everything Allah Most High has obligated us to do is ease, even if it weighs heavily upon us. Every religious prescription one undertakes opposes desire, because abandoning it would accord with desire; and obsessive suggestions may occur at the beginning of reflection. The Most High said, censuring certain people: "They prescribed for them in religion what Allah did not authorize." Whoever categorically affirms anything concerning religion that occurs to his mind has prescribed in religion what Allah Most High did not authorize. The Most High said: "Say: Bring your demonstration, if you are truthful." Thus the Most High explicitly stated that whoever has no demonstration is not truthful. The Most High said: "Fighting has been prescribed for you, though it is hateful to you. You may hate something while it is good for you, and you may love something while it is bad for you." This refutes the position of those who advocate the less burdensome course. The Most High said: "He has placed no constraint upon you in religion." This refutes the position of those who advocate the more burdensome course. It is thus established that nothing is binding except what Allah Most High has obligated us to do, whether it occurs to the mind or does not occur, and

وكل شريعة تتكلف فهى خلاف الهوى لأن تركها كان موافقها للهوى لأنه قد يقع في أوائل الفكر الوسواس وقال تعالى ذاما لقوم شرعوا لهم من الدين ما لم يأذن به الله ومن قطع بشيء مما يقع في نفسه من الدين فقد شرع من الدين ما لم يأذن به الله تعالى، وقال تعالى: قل هاتوا برهانكم إن كنتم صادقين فنص تعالى على أن من لا برهان له فليس بصادق وقال تعالى كتب عليكم القتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم فهذا يدفع قول من قال بالأخف، وقال تعالى: وما جعل عليكم في الدين من حرج. وهذا يدفع قول من قال بالأثقل، وصح أنه لا لازم إلا ما ألزمنا الله تعالى وسواء وقع في النفس أو لم يقع وسواء كان أخف أو أثقل قال أبو محمد، وإذ قد انحصرت وجوه الاجتهاد إلى ما قد وضحنا براهينه من القرآن أو الخبر المسند بنقل الثقات إلى النبي صلى الله عليه وسلم أما نصا على الإسم وإما ليلا من النص لا يحتمل إلا معنى واحدا وسقط كل ما عداها من الوجوه التي قد حصرت: فالواجب أن ننظر في أقسام المجتهدين فنظرنا في ذلك فوجدنا أقسام المجتهدين بقسمة العقل الضرورية لا تخرج عن ثلاثة أقسام عندنا، وأما عند الله تعالى فقسمان لا ثالث لهما فالقسمان اللذان عند الله تعالى إما مصيب أو مخطىء لا بد أن يكون كل مجتهد عند الله تعالى واقعا في التعيين: إما مصيب وإما مخطىء، فقد أوضحنا فيما سلف من كتابنا هذا البراهين الضرورية على أن الحق لا يكون في قولين مختلفين في حكم واحد في إنسان واحد في وجه واحد.

whether it is less burdensome or more burdensome. Abu Muhammed said: Since the forms of independent legal reasoning have been confined to those whose demonstrations we have elucidated, from the Quran or a report transmitted through trustworthy narrators with a connected chain to the Prophet ﷺ, either as an explicit text naming the thing, or as an indication derived from the text that admits only one meaning, and since all the other forms that have been enumerated have fallen away, we must examine the categories of those who exercise independent legal reasoning. We examined this and found that, according to the necessary division of reason, those who exercise independent legal reasoning fall into no more than three categories from our standpoint. With Allah Most High, however, there are two categories, with no third. The two categories with Allah Most High are: either correct or mistaken. Every person exercising independent legal reasoning must, with Allah Most High, fall determinately into one of these: either correct or mistaken. Earlier in this book we have elucidated the necessary demonstrations

that the truth cannot reside in two differing positions concerning one ruling, regarding one person, in one respect.[1][2][3][4][5]

L3594 As for the three categories from our standpoint, they are: someone correct, whose correctness with Allah, Mighty and Majestic, you affirm conclusively; someone mistaken, whose error with Allah, Mighty and Majestic, we ascer-

وأما الثلاثة أقسام التي عندنا: فمصيب تقطع على صوابه عند الله عز وجل، أو مخطىء نقع على خطئه عند الله عز وجل أو متوقف فيها لا ندري أمصيب عند الله تعالى أو مخطىء وإن أيقنا أنه في أحد الحيزين عند الله عز وجل بلا شك لأن الله تعالى لا يشك، بل عنده علم حقيقة كل شيء ولكنا نقول مصيب عندنا أو مخطىء عندنا والله أعلم أو نتوقف فلا نقول إنه مخطىء ولا مصيب، وإنما هذا فيما لم يقم على حكمه عندنا دليل أصلا، وما كان من هذه الصفة فلا تحل الفتيا فيه لمن لم يلح له وجهه، إذ لا شك في أن عند غيرنا بيان ما جهلناه كما أن عندنا بيان كثيرا مما جهله غيرنا ولم يعر بشر من نقص أو نسيان أو غفله فإذا قال البرهان عند المرء على صحة قوله ما قياما صحيحا فحقه التدين به والعمل به والدعاء إليه والقطع أنه الحق عند الله عز وجل لما ذكرنا قبل وليس من هذا الحكم بالشهادة من العدلين وقد يكونان في باطن أمرهما عند الله تعالى كاذبين أو مغفلين وإذ لم يكلفنا الله تعالى معرفة باطن ما شهدا به ولكن كلفنا الحكم بشهادتهما

[1] **Translator's note (L3588):** The heading reads فيما أراد إليه اجتهاده, literally "in what his exertion intended toward," an awkward construction that may be corrupt for wording meaning "what his exertion led him to." The translation retains the sense of seeking rather than silently substituting that reading. The heading has لا يقع, "does not occur/fall," where the parallel construction suggests لا يقطع, "is not categorically determined." The translation reflects the apparent intended construction. معنا appears to be a defective spelling of "its meaning." The supplied أراها means "showed it," whereas the context suggests أرادها, "desired it." The translation retains "showed" with an explanatory construction; the reading remains uncertain. The final ما نعذر وجوده على الكل is corrupt. Its translation as "whatever all are unable to find" follows the immediately preceding argument and the likely reading ما تعذر وجوده على الكل.

[2] **Translator's note (L3590):** أي تكليف أصابه مالا سبيل إلى وجوده is syntactically corrupt. The translation follows the probable intended sense, "any obligation to attain something that there is no way to find"; أصابه may represent إصابة, "attainment." The assertion that this is the position of all Muslims is retained as the author's claim, alongside his subsequent account of disagreement. حضرناها, وقال الصاحب, معرفة, فعلعه, and المتقديم appear to be transcription errors. They are understood respectively as "did," "knowledge," "the statement of a Companion," "delimited them," and "earlier."

[3] **Translator's note (L3592):** The transcription has نقل علينا, literally suggesting "was transmitted to us"; the context strongly indicates ثقل علينا, "weighs heavily upon us," followed in the translation. النقس appears to be a transcription error for النفس, "the mind" or "the self." The quotation beginning "They prescribed for them" is reproduced as supplied; its wording differs from the corresponding portion of Quran 42:21, which has "who prescribed for them."

[4] **Translator's note (L3593):** ليلا is corrupt in this context. The translation follows the probable reading دليلا, "an indication" or "evidence," and explicitly records that inference here. نصا على الإسم literally means "an explicit text concerning the name"; "an explicit text naming the thing" conveys its apparent technical sense.

[5] **Qur'an references (L3588):** Qur'an 2:286 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah); Qur'an 42:21 (Ash-Shuraa); Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml); Qur'an 2:216 (Al-Baqarah).

tain; or someone concerning whom judgment is suspended, since we do not know whether he is correct or mistaken with Allah Most High, although we are certain that he falls into one of the two categories with Allah, Mighty and Majestic, without any doubt. For Allah Most High does not doubt; rather, He possesses knowledge of the reality of everything. But we say: "Correct from our standpoint," or "Mistaken from our standpoint—and Allah knows best"; or we suspend judgment, saying neither that he is mistaken nor that he is correct. This applies only where no evidence whatsoever establishing the ruling has been established for us. In a matter of this description, issuing a legal opinion is not lawful for someone to whom its basis has not become clear. For there is no doubt that others possess an explanation of what we do not know, just as we possess an explanation of much that others do not know. No human being has been free of deficiency, forgetfulness, or heedlessness. When a demonstration of the correctness of some position becomes soundly established for a person, his duty is to embrace it as a matter of religion, act upon it, call others to it, and affirm conclusively that it is the truth with Allah, Mighty and Majestic, for the reasons we mentioned previously. Ruling on the testimony of two upright witnesses does not belong to this category: in their actual inward condition with Allah Most High, they may be lying or inattentive, since Allah Most High has not charged us with knowing the hidden reality of what they have testified to, but has charged us with ruling on their testimony.[6]

L3595–3596 We have known that the truth in religion cannot be hidden from all Muslims. Rather, rather, a group of scholars must attain certainty concerning the correctness of its ruling, on account of what we previously set out in this book on this subject: that the explanation of religion and the removal of obscurity from it are guaranteed, through the saying of Allah Most High,

[6] **Translator's note (L3594):** The source shifts from تقطع, "you affirm conclusively," to نقع, literally "we come upon," in the first two categories. The translation preserves the shift in person and renders the latter as "we ascertain." فإذا قال البرهان ... قياما صحيحا appears corrupt: قال, "said," is apparently intended as قام, "became established." The translation follows that reading. قوله ما is syntactically awkward; the translation takes the intended construction as قول ما, "some position."

وقد عملنا أنه لا يمكن أن يخفى الحق في الدين على جميع المسلمين بل بل لا بد أن تقع طائفة من العلماء على صحة حكمه بيقين لما قدمنا في كتابنا في هذا من أن الدين مضمون بيانه ورفع الإشكال عنه بقول الله تعال تبيانا لكل شيء وبقوله تعالى لتبين للناس ما نزل إليهم. ولكن قد قال الله تعالى: وليس عليكم جناح فيما اخطأتم به ولكن ما تعمدت قلوبكم. فصح بالنص أن الخطأ مرفوع عنا، فمن حكم بقول ولم يعرف أنه خطأ، وهو عند الله تعالى خطأ، فقد أخطأ ولم يتعمد الحكم بما يدري أنه خطأ، فهذا لا جناح عليه في ذلك عند الله تعالى، وهذه الآية عموم دخل فيه المفتون والحكام

والعاملون والمعتقدون فارتفع الجناح عن هؤلاء بنص القرآن فيما قالوه أو عملوا به مما هم مخطئون فيه، وصح أن الجناح إنما هو على من تعمد بقلبه الفتيا أو التدين أو الحكم أو العمل بمن يدرى أنه ليس حقا أو بما لم يقدم إليه دليل أصلا وصح بهذه الآية أن من قام عنده برهان على بطلان قول فتمادى عليه فهو في جناح، لأنه قد تعمد بقلبه ذلك.

"An explanation of everything," and His saying, "So that you may explain to people what has been sent down to them." Yet Allah Most High has said: "There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended." Thus the text establishes that error is excused for us. Whoever rules according to a position without knowing that it is mistaken, although it is mistaken with Allah Most High, has erred without deliberately ruling according to what he knows to be mistaken. Such a person incurs no blame for that with Allah Most High. This verse is general in scope, encompassing those who issue legal opinions, judges, those who act, and those who hold beliefs. By the explicit text of the Quran, blame is therefore removed from these people for what they have said or acted upon in which they are mistaken. It is established that blame falls only upon someone who deliberately intends in his heart to issue a legal opinion, embrace a position as religion, give a ruling, or act according to what he knows is not true, or according to something for which no evidence at all has been presented to him. This verse establishes that anyone for whom a demonstration of the invalidity of a position has been established, yet who persists in it, incurs blame, because he has deliberately intended that in his heart.[7][8]

وكذلك قول رسول الله صلى الله عليه وسلم: إذا اجتهد الحاكم فأخطأ فله أجر وإذا اجتهد فأصاب فله أجران وقد ذكرناه بإسناده فيما سلف من كتابنا هذا فأغنى عن إعادته، فنص رسول الله صلى الله عليه وسلم على أن الحاكم إذا أخطأ في اجتهاده فله أجر فيما أداه اجتهاده إلى أنه حق عنده، وأسقط عنه بذلك الإثم، وإن كان مخطئا في الحقيقة عند الله تعالى. قال أبو محمد: واعتقاد الشيء والعمل به والفتيا به، حكم به، فدخل هؤلاء تحت لفظ الحديث المذكور وعمومه، فصح ما ذكرناه، وبالله تعالى التوفيق. قال أبو محمد: ثم ينقسم المخطىء المجتهد قسمين لا ثالث لهما: إما مخطىء معذور كما قلنا، وإما مخطىء غير معذور على ما شهد به قول الله تعالى وليس عليكم جناح فيما أخطأتم به ولكن ما تعمدت قلوبكم أن المخطىء المعذور هو الذي يتعمد

L3597–3598 Likewise, the saying of the Messenger of Allah ﷺ: "When a judge exercises independent legal reasoning and errs, he has one reward; and when he exercises independent legal reasoning and is correct, he has two rewards." We have already cited it with its chain of transmission earlier in this book, which makes repeating it unnecessary. The Messenger of Allah ﷺ thus explicitly stated that when a judge errs in his independent legal reasoning, he has a reward for what his reasoning led him to regard as true, and thereby removed sin from him, even though he is in reality mistaken with Allah Most High. Abu Muhammed said: Believing something, acting upon it, and issuing a legal opinion according to it constitute ruling according to it. These people therefore fall within the wording and general scope of the aforementioned

[7] **Translator's note (L3595):** عملنا literally means "we have acted"; the context indicates علمنا, "we have known," followed in the translation. The duplicated بل بل, "rather, rather," is retained. بمن يدرى, literally "according to someone who knows," appears corrupt for بما يدري, "according to what he knows," followed in the translation.

[8] **Qur'an references (L3595):** Qur'an 16:44 (An-Nahl); Qur'an 33:5 (Al-Ahzab).

report. What we have stated is thus established, and success comes through Allah Most High. Abu Muhammed said: The mistaken person exercising independent legal reasoning is then divided into two categories, with no third: either someone mistaken and excused, as we have said, or someone mistaken and unexcused, according to what is attested by the saying of Allah Most High, "There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended": that the excused person who errs is the one who deliberately intends error, and he is the one who supposes that he is in the right through his independent legal reasoning; and that the mistaken and unexcused person is someone who deliberately intends in his heart what has been established for him to be mistaken, or makes a categorical assertion without his own independent legal reasoning.[9][10]

L3599–3601 If someone says: "On this basis, you must accept that every Companion, Successor, jurist of the community, or one of its best members who advances a position contrary to yours on any issue falls within what you have mentioned of declaring someone an unbeliever, declaring someone defiantly sinful, or falsehood—and that carries the implications it carries," we say: This is a false assertion on your part. Rather, this consequence is binding upon you and upon everyone who says that the truth resides in one of the positions. For, concerning a position of yours, you claim, in defending it, that it accords with what has come from Allah Most High: either with the Quran, or with a Prophetic tradition transmitted through a connected chain, or one transmitted with an omitted link—and the two are equal in your view as regards Allah Most High's command to accept it—or with analogy; indeed, in your view it is something Allah Most High has commanded. You must therefore accept that every Companion, Successor, or jurist who disagrees with you concerning it disagrees with what has come from Allah Most High. Someone

الخطأ، وهو الذي يقدر أنه على حق اجتهاده، وأن المخطىء وغير المعذور هو من تعمد بقلبه ما صح عنده أنه خطأ، أو قطع بغير اجتهاده.

فإن قال قائل: فإنكم على هذا يلزمكم أن كل من قال من الصحابة أو من التابعين وفقهاء الأمة وخيارها بقول يخالف قولكم في كل مسألة، فإنه داخل فيما ذكرتم من التكفير أو التفسيق أو الكذب، وفي هذا ما فيه. قلنا: هذه دعوى منكم كاذبة، بل هو اللازم لكم، ولكل من قال: إن الحق في واحد من الأقوال، لأنكم في قوله لكم تزعمون في نصركم إياها أنها موافقة لما جاءه من عند الله تعالى، إما لقرآن أو لسنة مسندة أو مرسلة، وهما عندكم سواء في أمر الله تعالى بقبوله، أو لقياس، بل هو عندكم مما أمر الله تعالى به، فيلزمكم أن كل من خالفكم فيها من صاحب أو تابع أو فقيه: مخالف لما جاء من عند الله تعالى، والمخالف لما جاء من عند الله تعالى عندكم إما كافر وإما فاسق. فإن قال: لا يكون كافرا ولا فاسقا ولا عاصيا إلا أن يعاند الحق الذي جاء من عند الله تعالى وهو يدري أنه حق. قلنا: هذا نفس قولنا ولله الحمد، فإن كل من خالف قرآنا أو سنة صحيحة أو إجماعا متيقنا وهو لا يلوح له أنه مخالف لشيء من ذلك، فليس كافرا ولا عاصيا ولا فاسقا، بل هو مأجور أجرا واحدا كما قال رسول الله صلى الله عليه وسلم فيمن اجتهد فأخطأ ولا خطأ في شيء من الشريعة إلا في خلاف قرآن أو سنة صحيحة، فهذا برهاننا من السنة

[9] **Translator's note (L3598):** The source explicitly says that the excused person "deliberately intends error" (يتعمد الخطأ). This contradicts the surrounding argument and likely lacks a negative particle, but the supplied wording has been translated without inserting one. على حق اجتهاده is grammatically awkward; the translation understands it as being in the right through one's independent legal reasoning. The extra conjunction in المخطىء وغير المعذور, literally "the mistaken and the unexcused," has been retained in English.

[10] **Qur'an references (L3597):** Qur'an 33:5 (Al-Ahzab).

who disagrees with what has come from Allah Most High is, in your view, either an unbeliever or a defiantly sinful person. If he says: "He is neither an unbeliever, nor defiantly sinful, nor disobedient, unless he obstinately opposes the truth that has come from Allah Most High while knowing that it is true," we say: This is precisely our position, and praise belongs to Allah. Anyone who contravenes a Quranic text, an authentic Prophetic tradition, or a consensus known with certainty, without it being apparent to him that he is contravening any of these, is neither an unbeliever, nor disobedient, nor defiantly sinful. Rather, he receives one reward, as the Messenger of Allah ﷺ said concerning someone who exercises independent legal reasoning and errs. There is no error in any matter of the revealed law except in contravening a Quranic text or an authentic Prophetic tradition. This, then, is our demonstration from the Prophetic tradition.[1112]

وأما من القرآن فقوله تعالى للمسلمين {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} ومن الإجماع أنه لا خلاف بين أحد من الأمة أن من قرأ فبدل من القرآن بلفظ آخر أو أسقط كلاما أو زاد ساهيا مخطئا فإنه لا يكفر ولا يبتدع ولا يفسق ولا يعصي، وإنما الشأن فيمن قامت عليه الحجة، فعند وخالف الآية بعد أن وقف عليها، مقلدا أو متبعا لهواه، أو خالف السنة بعد أن عرفها كذلك، فهؤلاء هم الذين يقع عليهم التكفير والتفسيق، على حسب خلافهم لذلك إن استحلوا خلاف ذلك كفروا، وإن خالفوه معاندين غير مستحلين فسقوا. وهكذا القول في الشريعة كلها، ووطء الفرج الحرام، وأكل الحرام واستباحة العرض الحرام والبشرة الحرام ونحو ذلك، كل هذا من فعله مخطئا غير عالم أنه خالف ما جاء من عند الله تعالى على لسان نبيه صلى الله عليه وسلم فلا يكفر ولا يفسق ولا يعصي ومن فعله عامدا غير معتقد لإباحة ما حرم الله تعالى من ذلك فهو فاسق، ومن فعله عامدا مستحلا خلاف الله تعالى فهو كافر، وقد نزه الله تعالى كل صاحب وكل

L3602–3604 As for the Qur'an, there is His statement, exalted is He, to the Muslims: "Call them after their fathers; that is more equitable before Allah. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but rather for what your hearts deliberately intend. And Allah is forgiving, merciful." As for consensus, no one in the community disagrees that someone who, while reciting, substitutes another expression for something in the Qur'an, omits words, or adds something through inadvertence and error does not thereby become an unbeliever, introduce a religious innovation, become morally corrupt, or commit disobedience. The issue concerns only someone against whom the proof has been established, who then obstinately opposes the verse after becoming acquainted with it, whether through imitation or through following his own desire, or likewise opposes the Sunnah after learning it. These are the people to whom judgments of unbelief and moral corruption apply, ac-

[11] **Translator's note (L3599):** في قوله لكم and لما جاءه are awkward as supplied. The translation follows their apparent contextual sense, "concerning a position of yours" and "what has come," respectively. الكذب means "falsehood" or "lying"; unlike the preceding two terms, it does not explicitly denote the act of declaring someone to have that status.

[12] **Translator's note (L3600):** مرسلة denotes a mursal transmission, conventionally one in which a Successor attributes a report directly to the Prophet, omitting the intervening transmitter.

cording to the nature of their opposition: if they consider opposition to this lawful, they become unbelievers; if they oppose it obstinately without considering that lawful, they become morally corrupt. The same applies throughout the revealed law, including intercourse with a forbidden sexual organ, eating what is forbidden, treating another's inviolable honor or body as open to violation, and similar things. Whoever does any of this mistakenly, without knowing that he has opposed what came from Allah, exalted is He, through the tongue of His Prophet ﷺ, does not thereby become an unbeliever, become morally corrupt, or commit disobedience. Whoever does it deliberately, without believing that what Allah, exalted is He, has forbidden of these things is permissible, is morally corrupt. And whoever does it deliberately, considering lawful opposition to Allah, exalted is He, is an unbeliever. Allah, exalted is He, has kept every Companion and every virtuous person free of these two conditions, and has caused every morally corrupt person who follows his own desire, intending to champion falsehood and persist in it while knowing that it is falsehood, to fall into them. Success comes through Allah, exalted is He. Abu Muhammed said: Since everything we have said has now been established, let us explain, through Allah's power and strength, the forms of independent legal reasoning that we previously mentioned, the ruling concerning someone who adopts one of them, and, concerning whatever report is involved, whether we judge his correctness with certainty, judge his error with certainty, or suspend judgment about his case. In Allah, exalted is He, we seek protection. The first concerns someone who relies upon an abrogated verse. His case must fall under one of two possibilities: either a text transmitted through recurrent transmission has come establishing that this verse is abrogated, or an indication certain in its wording or circumstances has stated that it is abrogated. If its abrogation has been established by one of these means, then the ruling concerning it is adherence to the abrogated text that has reached him—which is undoubtedly abrogated before Allah, mighty and majestic—so long as the demonstration of its abrogation has not been established for him: he is excused and rewarded twice. Then, when there has been established against him the aforementioned demonstration that it is abrogated, yet he persists in adopting the abrogated text, believing himself correct in doing so, then he is an unbeliever, an associator of partners with

فاضل عن هاتين المنزلتين، وأوقع فيهما كل فاسق متبع هواه قاصدا إلى نصر الباطل، والثبات عليه وهو يدري أنه باطل، وبالله تعالى التوفيق. قال أبو محمد: فإذا قد صح كل ما قلناه فلنبين بحول الله تعالى وقوته وجوه الاجتهاد التي قدمنا، وحكم من أخذ بوجه منها وفي أي خبر يقع عندنا من القطع بصوابه أو القطع بخطئه، أو التوقف في أمره، وبالله تعالى نعتصم. فأول ذلك من تعلق بآية منسوخة، فهذا لا يخلو من أحد وجهين: إما أن تكون تلك الآية قد جاء نص منقول نقل تواتر بأنها منسوخة، أو قال دليل متيقن النص أو الحال بأنها منسوخة، فإن كان نسخها ثبت أحد هذه الوجوه، فحكمها الثبات على ما بلغه من المنسوخ عند الله عز وجل بلا شك، ما لم يثبت البرهان عنده بنسخها معذور مأجور مرتين. فإذ قام عليه البرهان المذكور بأنها منسوخة فتمادى على ذلك من الأخذ بالمنسوخ معتقدا لصوابه في ذلك، فهو كافر مشرك حلال الدم كمن تمادى على القول بأن المتوفى عنها وصية إلى الحول، أو على القول بالصلاة إلى بيت المقدس، وما أشبه ذلك.

Allah, whose blood may lawfully be shed. This is like someone who persists in saying that a woman whose husband has died is entitled to a bequest lasting until the completion of a year, or in advocating prayer toward Jerusalem, and similar things.[13][14][15]

L3605 But if the evidence from the certain text has been established for him that it is abrogated, as we mentioned, yet it is one of those texts over whose abrogation people have disagreed, and he persists in advocating the abrogated text while knowing otherwise, then he is morally corrupt and disobedient to Allah, exalted is He, because his heart deliberately intends to advocate opposition to the established truth. He is thus deliberately committing a grave sin. Success comes through Allah, exalted is He.

L3606–3608 If the verse is one for whose abrogation evidence has been established through individually transmitted reports, and he is someone who accepts such transmission as authentic, yet he persists in advocating it, then he is morally corrupt because he deliberately opposes what he himself regards as the truth, even though we do not judge with certainty that he is mistaken. This applies only where the transmission has not come solely through trustworthy transmitters with a connected chain of transmission, but rather through someone whose trustworthiness is disputed—necessarily so, and nothing further. This is like a judge who rejects the testimony of two upright witnesses in a matter in which their testimony is admissible, without anything requiring its rejection. He is morally corrupt for rejecting what he himself regards as the truth. Yet perhaps, in the depths of the earth, he is correct to reject it, since perhaps the two witnesses are lying or inatten-

وأما إن قام الدليل عنده على أنها منسوخة من النص المتيقن كما ذكرنا إلا أنها مما اختلف الناس في نسخها، فتمادى على القول بالمنسوخ، وهو يعلم خلاف ذلك، فهو فاسق عاص لله تعالى، لتعمد قلبه القول بمخالفة الحق الصحيح، فهو عامد كبيرة وبالله تعالى التوفيق.

فإن كانت تلك الآية مما قام الدليل على نسخها من نقل الآحاد، وهو ممن يصحح مثل ذلك النقل، فتمادى على القول بها، فهو فاسق بتعمده مخالفة ما هو الحق عنده، وإن كنا لا نقطع على أنه مخطىء، وليس هذا فيما لم يأت من جهة الثقات مسندا فقط، لكن من جهة من اختلف في توثيقه ولا بد ولا مزيد، وهذا كمن رد شهادة العدلين من الحكام فيما يقبلان فيه بغير شيء يوجب رد شهادتهما، فهذا فاسق لرده ما هو الحق عنده، ولعله في باطن الأرض مصيب في ردها إذ لعلهما كاذبان أو مغفلان أو غاب عنهما سر تلك الشهادة فهذا أفضل. وفصل ثان وهو أن يتعلق بآية مخصوصة مثل قوله {لئن أشركت ليحبطن عملك} فهذه خاصة فيمن مات كافرا ببرهان نص آخر فهذه أيضا ما لم يقم عنده برهان بأنها مخصوصة، فحكمه الثبات على المخصوص الذي بلغه، وهو مأجور مرتين حتى إذا قام عليه الدليل البرهاني بأنها مخصوصة، فكما قلنا في الفصل الذي قبل هذا. وفصل ثالث: وهو أن يتعلق بآية قد خص منها بعضها كقوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير لله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} وكقوله تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير

[13] **Translator's note (L3602):** The Qur'anic quotation is recognizable as 33:5. The transcription repeatedly omits letters in words such as "Allah" and "religion"; the translation renders the identifiable words.

[14] **Translator's note (L3603):** The wording "or an indication … has stated" is awkward: the supplied text reads "said," where "arose" or "was established" may have been intended. The sentence beginning "If its abrogation…" has disrupted grammar, including a shift from "the ruling concerning it" to "he is excused." The translation preserves its apparent argument without treating the wording as sound. The reference of "before Allah … undoubtedly" is also syntactically uncertain.

[15] **Qur'an references (L3602):** Qur'an 33:5 (Al-Ahzab).

tive, or some hidden aspect of that testimony has escaped them. Thus this is better. A second case is that someone relies upon a verse whose scope is restricted, such as His statement: "If you associate partners with Allah, your work will surely come to nothing." This applies specifically to someone who dies an unbeliever, as demonstrated by another text. Here too, so long as no demonstration has been established for him that its scope is restricted, his ruling is to adhere to the text with restricted scope that has reached him, and he is rewarded twice. Then, when demonstrative evidence has been established against him that its scope is restricted, the matter is as we stated in the preceding case. A third case is that someone relies upon a verse from whose scope some instances have been excluded, such as His statement, exalted is He: "Say: I find in what has been revealed to me nothing forbidden for an eater to eat, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of wickedness over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor exceeding the limit—then your Lord is forgiving, merciful." And His statement, exalted is He: "And married women, except those whom your right hands possess: Allah's prescription for you. And lawful for you are those beyond these, that you seek them with your wealth, seeking chastity and not illicit intercourse. So for whatever enjoyment you have had of them, give them their bridal dues as an obligation. And there is no blame upon you concerning what you mutually agree upon after the prescribed obligation. Indeed, Allah is knowing, wise"—up to His statement: "And married women, except those whom your right hands possess: Allah's prescription for you. And lawful for you are those beyond these, that you seek them with your wealth, seeking chastity and not illicit intercourse. So for whatever enjoyment you have had of them, give them their bridal dues as an obligation. And there is no blame upon you concerning what you mutually agree upon after the prescribed obligation. Indeed, Allah is knowing, wise." And His statement, exalted is He: "And the male thief and the female thief: cut off their hands as recompense for what they have earned, as an exemplary punishment from Allah. And Allah is mighty, wise." Here too, his ruling is to adhere to what has reached him, and he is rewarded twice. If the demonstration is established against him and he persists, then, if it is sound in his

مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} إلى قوله {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب الله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} وكقوله تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من الله والله عزيز حكيم} فهذا أيضا حكمه الثبات على ما بلغه، وهو مأجور مرتين، فإن قام عليه البرهان فتمادى، فإن كان صحيحا عنده فهو كافر، كمن أحل الخمر بعموم هذه الآية، أو أحل العبيد بملك اليمين.

judgment, he is an unbeliever, like someone who declares wine lawful on the basis of this verse's general scope, or declares male slaves lawful for sexual relations by virtue of possession by the right hand.[16][17][18]

L3609–3614 A fourth case is that someone relies upon a verse to which another text adds something, like someone who relies upon His statement, exalted is He, "Forbidden to you are your mothers," continuing through the verse up to His statement, "And lawful for you are those beyond these." A prohibition against combining a woman in marriage with her paternal aunt or her maternal aunt has been added to this verse. There are many such examples. Here too, his ruling is to adhere to what has reached him, and he is rewarded twice, so long as no evidence for the addition has been stated against him. If the evidence is sound in his judgment, yet he opposes it, believing in what contradicts the text, then he is an unbeliever. A fifth case is that someone relies upon a verse and diverts it from its proper purport, like someone who claims that Allah's statement, mighty and majestic, "And call two witnesses from among your men to witness; if they are not two men, then one man and two women," and His statement, exalted is He, "And call two upright men from among you to witness," contradict what is authentically established from the Prophet ﷺ concerning judgment on the basis of an oath together with one witness, and require that judgment not be given on the basis of fewer than two witnesses, or one witness and two women. Abu Muhammed said: This is a deception they have deliberately practiced, or one that has passed unnoticed by them through heedlessness, or a diversion of the two verses from their proper pur-

وفصل رابع: وهو أن يتعلق بآية مزيد عليها نص آخر، كمن تعلق بقوله تعالى {حرمت عليكم أمهاتكم} الآية إلى قوله {وأحل لكم ما وراء ذلكم} وقد زيد في هذه الآية تحريم الجمع بين المرأة وعمتها، وخالتها. ومثل هذا كثير، فهذا أيضا حكمه الثبات على ما بلغه وهو مأجور مرتين ما لم يقل عليه دليل بالزيادة، فإن كان الدليل صحيحا عنده فخالفه معتقدا خلاف النص فهو كافر. وفصل خامس: وهو أن يتعلق بآية فيصرفها عن وجهها كمن ادعى في قول الله عز وجل {واستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل وامرأتان} وقوله تعالى {وأشهدوا ذوي عدل منكم} أنهما مخالفان لما صح عن النبي صلى الله عليه وسلم من الحكم باليمين مع الشاهد وموجبان ألا يحكم بأقل من الشاهدين أو شاهد وامرأتين. قال أبو محمد: وهذا تمويه تعمدوه أو جاز عليهم بغفلة. أو صرف للآيتين عن وجههما وتمويه بوضعهما في غير موضعهما، لأنه ليس في الآيتين المذكورتين أمر بالحكم بالشاهدين. أو الشاهد والمرأتين أصلا. ولا دليل على ذلك بوجه من الوجوه. وإنما فيهما الأمر باستشهاد الشاهدين أو الشاهد والمرأتين المداينة والطلاق والرحمة فقط مع ما فيهما من قوله تعالى {وأشهدوا إذا تبايعتم} دون ذكر عدد إشهاد واحد يقع عليه اسم إشهاد وقوعا صحيحا في اللغة بلا شك فهو جائز بنص القرآن. وكمن تعلق في إيجاب الزكاة بقوله تعالى {وآتوا حقه يوم حصاده} وهذا خطأ لأن إيتاء حق الزكاة فيما أنبتت الأرض لا يمكن يوم الحصاد، وهي أيضا مكية والزكاة مدنية. فصح أن من احتج بهذه الآية في أحكام الزكاة فصارف للآية عن وجهها، فمن جهل هذه النكتة واحتج بهاتين الآيتين فيما ذكرنا فهو مخطىء، لأنه لم يأمره الله تعالى قط بما ذهب إليه، لكنه بجهله مأجور مرة معذور، فإن وقف على ما ذكرنا فتمادى على قوله فهو فاسق أو كافر، على ما قسمنا قبل: مخطىء عند

[16] **Translator's note (L3606):** "In the depths of the earth" translates the supplied wording literally. It is contextually anomalous; "in the actual state of affairs" may have been intended, but that is not the supplied reading. "Thus this is better" follows the supplied reading, which appears corrupt. "This is one case" would fit the subsequent enumeration, but has not been substituted. "A verse whose scope is restricted" and "a verse from whose scope some instances have been excluded" preserve the author's distinction between the second and third cases.

[17] **Translator's note (L3607):** The supplied text repeats the whole quotation of Qur'an 4:24 after "up to His statement," although the first quotation has already reached that verse's end. The repetition and apparent quotation error are preserved.

[18] **Qur'an references (L3606):** Qur'an 39:65 (Az-Zumar); Qur'an 6:145 (Al-An'am); Qur'an 4:24 (An-Nisa); Qur'an 5:38 (Al-Ma'idah).

port and a deception consisting in putting them in an inappropriate place. For the two aforementioned verses contain absolutely no command to give judgment on the basis of two witnesses, or one witness and two women, nor any indication of that in any respect. They contain only the command to call two witnesses, or one witness and two women, to witness indebtedness, divorce, and mercy, together with the statement of His that they contain, exalted is He, "And call witnesses when you transact a sale," without specifying a number. Calling a single witness unquestionably falls properly under the designation of calling witnesses in the language, and is therefore permissible by the explicit text of the Qur'an. Another example is someone who relies, in establishing the obligation of the obligatory alms, upon His statement, exalted is He, "And give its due on the day of its harvest." This is an error, because paying the due of the obligatory alms on what the earth produces is not possible on the day of harvest. Moreover, this verse is Meccan, whereas the obligatory alms are Medinan. It is thus established that whoever adduces this verse as evidence concerning the rules of the obligatory alms is diverting the verse from its proper purport. Whoever is ignorant of this subtle point and adduces these two verses as evidence concerning what we have mentioned is mistaken, because Allah, exalted is He, has never commanded him to adopt the position he has adopted. Nevertheless, because of his ignorance, he is rewarded once and excused. If he becomes acquainted with what we have mentioned and then persists in his position, he is morally corrupt or an unbeliever, according to the distinctions we previously set out, and is certainly mistaken before Allah, exalted is He, for the reasons we mentioned earlier. Abu Muhammed said: All these cases also apply to someone who relies upon the hadith reports, exactly as we mentioned before: someone, for example, who relies upon a hadith report that is abrogated, whose scope is restricted, from whose scope some instances have been excluded, or to which something has been added. This is as we have said concerning the verses, exactly the same, except that he becomes an unbeliever only by rejecting a hadith established as authentic in his judgment, even if there is disagreement over acting upon it. Thus, as we said concerning the verses, if in this matter he opposes what he himself considers the truth, believing in that opposition, he is an unbeliever, mistaken before Allah Most High; but if

الله تعالى بيقين لما ذكرنا قبل. قال أبو محمد: وهذه الفصول كلها داخلة على من تعلق بالأحاديث كما ذكرنا قبل سواء بسواء، كمن تعلق بحديث منسوخ أو مخصوص، أو مخصوص منه أو مزيد عليه، فهذا كما قلنا في الآيات سواء بسواء إلا أنه لا يكفر إلا برد حديث ثبت عنده، وإن كان مختلفا في الأخذ به فكما قلنا في الآيات، إن خالف في ذلك ما هو الحق عنده معتقدا لذلك فهو كافر مخطىء عند الله تعالى، وإن خالف ذلك بلسانه دون قلبه فهو فاسق. ومما ذكرنا أيضا قول من احتج في إباحة الصلاة في المقبرة بصلاة النبي صلى الله عليه وسلم على قبر المسكينة السوداء وهو لا يبيح الصلاة على القبر، وأما لو اتخذ بهذا لكان هذا منه قياسا لا صرفا للخبر عن وجهه وكمن احتج بقوله صلى الله عليه وسلم إذا مات الميت انقطع عمله إلا من ثلاث في رد الحج عن الميت وترك للصيام عنه وترك كشف رأسه إن مات محرما. ومنها أن يدعي المرء في عموم آية نسخا أو تخصيصا، أو تخصيصا منها أو ندبا، فإن حق له دعواه في ذلك بنص صحيح فقوله حق مقطوع على صحته عند الله عز وجل، ومن قال: إن هذه الآية أو الخبر قد نسخها الله عز وجل أو خصهما أو خصص منهما أو يلزمنا ما فيهما أو أراد بهما غير ما يفهم منهما ولم يأت على دعواه بنص صحيح فقد قال الله ما لم يعلم. قال أبو محمد: وليس هؤلاء كمن تقدم ذكرنا لهم، لأن من تعلق بنص لم يبلغه ناسخه ولا ما خصه ولا ما زيد به عليه فقد أحسن ولزم ما بلغه، وليس عليه غير ذلك حتى يبلغه خلافه من نص آخر، ومن ذكرنا في هذا الفصل فلم يتعلق بشيء أصلا، بل تحكم في الدين كما اشتهى، وهذا عظيم جدا، فمن قال بهذا ممن نشاهده ساهيا غير عارف بما اقتحم فيه من الدعوى فهو معذور بجهله، ما لم ينبه على خطئه، فإن نبه عليه فثبت على خلاف ما بلغه عامدا فهذا غير معذور، لأنه خالف الحق بعد بلوغه إليه. وأما من روي عنه شيء من ذلك من الصحابة أو التابعين أو ممن سلف، ممن يمكن أن يظن به أنه سمع في ذلك نصا شبه له فيه فهؤلاء معذورون لأننا لا نظن

he opposes it with his tongue alone, without his heart, he is a flagrant sinner. Another instance of what we have mentioned is the argument of someone who adduces, as evidence for permitting prayer in a cemetery, the Prophet's ﷺ prayer over the grave of the poor black woman, although he himself does not permit prayer over a grave. Had he adopted this, however, it would have constituted analogy on his part, rather than diverting the report from its proper meaning. Another example is someone who adduces his ﷺ statement, "When the deceased dies, his deeds cease except for three," to reject performing pilgrimage on behalf of the deceased, to refrain from fasting on his behalf, and to refrain from uncovering his head if he dies in a state of ritual consecration. Another instance is someone's claiming that the general scope of a verse has been abrogated, restricted in scope, or had something excluded from it, or that it expresses a recommendation. If an authentic text establishes his claim concerning this, then his statement is true, its correctness before Allah, Mighty and Majestic, being conclusively established. But whoever says that Allah, Mighty and Majestic, has abrogated this verse or report, restricted their scope, excluded something from them, that their contents bind us, or that He intended by them something other than what is understood from them, without producing an authentic text in support of his claim, has said concerning Allah what he does not know. Abu Muhammed said: These people are not like those whom we mentioned earlier, because someone who adheres to a text, without having received what abrogates it, restricts its scope, or adds to it, has acted well and adhered to what has reached him and nothing further is incumbent upon him until something contrary to it reaches him through another text. Those whom we have mentioned in this section, however, have adhered to nothing whatsoever; instead, they have made arbitrary pronouncements in religion as they pleased. This is exceedingly grave. Anyone whom we observe saying this heedlessly, unaware of the claims into which he has plunged, is excused by his ignorance so long as his error has not been pointed out to him. If it is pointed out to him and he deliberately persists in opposing what has reached him, he is not excused, because he has opposed the truth after it reached him. As for those among the Companions, the Followers, or earlier generations from whom something of this kind has been transmitted, and of whom it may

بهم إلا أحسن الظن وقد حضنا الله تعالى على أن نقول {ولذين جآءوا من بعدهم يقولون ربنا غفر لنا ولإخواننا لذين سبقونا بلإيمان ولا تجعل في قلوبنا غلا للذين آمنوا ربنآ إنك رءوف رحيم} قال أبو محمد: ولا يقين عندنا أنهم تحكموا في الدين بلا شبهة دخلت عليهم، ولا شك أنهم لم يتبين لهم الحق في ذلك.

reasonably be supposed that they heard a text concerning the matter whose meaning became confused for them, these are excused, because we entertain only the best opinion of them. Allah Most High has urged us to say: "And those who came after them say: 'Our Lord has forgiven us and our brothers who preceded us in faith; and do not place in our hearts any rancor toward those who believe. Our Lord, You are indeed compassionate, merciful.'" Abu Muhammed said: We have no certainty that they made arbitrary pronouncements in religion without some specious consideration having occurred to them. Nor is there any doubt that the truth concerning this matter had not become clear to them[19][20][21][22][23]

L3615 As for someone whom we observe, or whom we have not observed, whose circumstances and the extent of whose deeds have become known to us with certainty, we are certain that he possesses nothing concerning this beyond an unsupported claim and saying concerning Allah Most High what he does

وأما من نشاهده أو لم نشاهده ممن صح عندنا بيقين حاله ومقدار عمله فنحن على يقين أنه ليس عنده في ذلك أكثر من الدعوى، والقول على الله تعالى بما لا يعلم، فهؤلاء فساق راكبون أعظم الكبائر ونعوذ بالله من الخذلان.

[19] **Translator's note (L3609):** "So long as no evidence … has been stated against him" follows the supplied verb, "be said." The context suggests that "be established" may have been intended. The phrase rendered "indebtedness, divorce, and mercy" is grammatically incomplete in the supplied text, and "mercy" is contextually anomalous. "Taking a divorced wife back" may have been intended in place of "mercy," but has not been substituted.

[20] **Translator's note (L3612):** The opening continues the sentence in the preceding segment. The distinction between restricting a text's scope and excluding something from its scope reflects the repeated but differentiated expressions in the Arabic. The supplied wording says "their contents bind us"; it contains no negation. This has been retained despite the surrounding argument. The phrase rendered "has said concerning Allah what he does not know" lacks the expected preposition before "Allah" in the supplied Arabic.

[21] **Translator's note (L3613):** The Quranic quotation begins here and continues in the next unit. Its opening word is defectively transcribed but recognizably means "And those who."

[22] **Translator's note (L3614):** In this quotation of Quran 59:10, the supplied text reads "has forgiven" rather than the standard imperative "forgive." The translation preserves that wording, including its resulting shift from speaking about the Lord to addressing Him.

[23] **Qur'an references (L3609):** Qur'an 4:23 (An-Nisa); Qur'an 4:24 (An-Nisa); Qur'an 2:282 (Al-Baqarah); Qur'an 65:2 (At-Talaq); Qur'an 6:141 (Al-An'am); Qur'an 59:10 (Al-Hashr).

not know. Such people are flagrant sinners committing the greatest of major sins. We seek refuge in Allah from abandonment[24]

L3616–3617 Another instance is someone's relying on the implication of an utterance or on analogy. Such a person, too, is excused and rewarded, while certainly mistaken before Allah Most High. Nevertheless, he is not deemed a flagrant sinner unless the proof establishing the invalidity of these two disciplines has been made against him. If demonstration of this has been established for him through authentic, mutually corroborating texts, yet he persists in advocating analogy or the implication of an utterance, then he is a flagrant sinner, because he persists in something that neither Allah Most High nor His Messenger ﷺ has authorized, as we explained earlier Another instance is someone's relying on personal opinion and juristic preference. This is weaker than everything previously mentioned, since the specious consideration relied upon in these two approaches is exceedingly feeble, because there is evidence for their validity; rather, demonstration establishes their invalidity. Nevertheless, they have relied in this matter upon two feeble, discredited transmitted reports, which have also been diverted from their proper meanings. One of them is the hadith attributed to Muʿadh. Yet someone for whom the matter has become confused, so that he believes himself correct in this, is excused and rewarded. If the proof of the invalidity of personal opinion and juristic preference has been established against him, but he persists in advocating them, he is a flagrant sinner, because he gives rulings in religion by means of something Allah Most High has not authorized[25][26]

ومنها: أن يتعلق بدليل الخطاب أو بالقياس، فهذا أيضا معذور مأجور مخطىء عند الله تعالى بيقين، إلا أنه لا يفسق، ما لم تقم عليه الحجة في بطلان هذين العلمين، فإن قام بذلك عنده البرهان من النصوص الثابتة المتظاهرة فتمادى على القول بالقياس أو بدليل الخطاب، فهو فاسق، لأنه ثابت على ما لم يأذن به الله تعالى ولا رسوله صلى الله عليه وسلم كما قدمنا ومنها أن يتعلق بالرأي والاستحسان، وهذا أضعف من كل ما تقدم. إذ الشبهة المتعلق بها في هذين الوجهين في غاية الوهاء لأنه دليل على صحتهما، بل البرهان قائم على بطلانهما، إلا أنهم قد تعلقوا في ذلك بأثرين واهيين ساقطين مصروفين أيضا عن وجههما، أحدهما الحديث المنسوب إلى معاذ، إلا أن من شبه عليه فظن أنه مصيب في ذلك فهو معذور مأجور، فإن قامت عليه الحجة بطلان الرأي والاستحسان فثبت على القول بهما فهو فاسق، لحكمه في الدين بما لم يأذن به الله تعالى.

[24] **Translator's note (L3615):** The supplied text reads "the extent of whose deeds" (ʿamalihi), although "the extent of whose knowledge" (ʿilmihi) would fit the argument more readily. The supplied reading has been retained.

[25] **Translator's note (L3616):** "The implication of an utterance" renders dalīl al-khiṭāb, the technical inference that an unmentioned case has a ruling contrary to that expressly stated for the mentioned case. The supplied text calls these "two disciplines" (ʿilmayn); that wording has been retained.

[26] **Translator's note (L3617):** The supplied wording literally says "because there is evidence for their validity," contradicting both the preceding and following clauses. A negation appears to be missing; it has not been inserted into the translation. The phrase concerning establishing proof of invalidity is grammatically defective in the supplied text, but its intended relation is clear.

L3618–3620

Another instance is someone's relying on the statement of a Companion whom another Companion has contradicted, or on the statement of a scholar of lesser rank whom another scholar has contradicted. This is precisely uncritical imitation. Someone who does this is in no sense exercising independent legal judgment. It is forbidden and impermissible. Thus, anyone already regarded as excused in this [wording corrupt], whom the prohibition of it has not reached, and whom the existence of another scholar disagreeing with the one upon whom he relies has not reached, is excused, because he thinks that this is the truth. But if he learns that another scholar disagrees with the one upon whom he relies, he is a flagrant sinner, because he possesses no semblance of an argument whatsoever upon which to rely in following one particular man rather than another. It is, rather, manifest error. We seek refuge in Allah from abandonment. As for the cases in which we do not arrive at declaring someone who disagrees with us a flagrant sinner, or at declaring him mistaken before Allah Most High, we instead say: In our own judgment we are upon the truth, and in our judgment our opponent is mistaken but rewarded; Allah knows best. The most subtle and obscure such case is when two verses of general scope, two authentic hadiths of general scope, or a verse of general scope and an authentic hadith are transmitted, and each of the two verses, each of the two hadiths, or each of the verse and the hadith contains a restriction excluding some of what falls within the general scope of the other text. An example is His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters under your guardianship, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah has been forgiving, merciful," together with His saying, Most High: "Forbidden are to you your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers,

ومنها أن يتعلق بقول صاحب قد خالفه غيره من الصحابة، أو بقول عالم ممن دونه ممن قد خالفه غيره من العلماء، فهذا هو التقليد بعينه، وليس من فعل هذا مجتهدا أصلا، وهو حرام لا يحل، فمن قد رأته معذور في ذلك ولم يبلغه المنع منه ولا بلغه أن ههنا عالما آخر مخالفا لهذا الذي تعلق به فهو معذور، لأنه يظن أن هذا هو الحق وأما إذا بلغه أن عالما آخر مخالفا للذي تعلق هو به فهو فاسق. لأنه ليس بيده شبهة أصلا يتعلق بها في اتباع رجل بعينه دون غيره، بل هو ضلال مبين. ونعوذ بالله من الخذلان. وأما الوجوه التي لا تقع فيها على تفسيق المخالف لنا ولا على أنه مخطىء عند الله تعالى، بل نقول نحن على الحق عند أنفسنا ومخالفنا عندنا مخطىء مأجور والله أعلم، فأدق ذلك وأغمضه أن ترد آيتان عامتان، أو حديثان صحيحان عامان، أو آية عامة وحديث صحيح، وفي كل واحدة من الآيتين، أو في كل واحد من الحديثين، أو في كل واحد من الآية والحديث تخصيص لبعض ما في عموم النص الآخر منهما وذلك مثل قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} مع قوله تعالى {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وكقول رسول الله صلى الله عليه وسلم لا صلاة لمن لم يقرأ بأم القرآن مع قوله صلى الله عليه وسلم وقد ذكر الإمام وإذا قرأ القرآن فأنصتوا ومثل قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا

and your stepdaughters under your guardianship, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah has been forgiving, merciful." Another example is the Messenger of Allah's ﷺ saying, "There is no prayer for someone who does not recite the Mother of the Quran," together with his ﷺ saying, when mentioning the prayer leader, "And when he recites the Quran, remain silent." Another example is His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds," together with the Messenger of Allah's ﷺ saying, "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry." Our opponents say: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds"; and the two sisters held by right-hand possession have been excluded from its scope by His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds." We, for our part, have said that His saying, Most High, "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds," has had the two sisters excluded from its scope, in the case of possession by the right hand, by His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage

ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} مع قول رسول الله صلى الله عليه وسلم لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر إلا مع زوج أو ذي محرم فإن خصومنا يقولون: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقد خص منه الأختين بملك اليمين قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقلنا نحن إن قوله تعالى {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} خص منه الأختين بملك اليمين قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين}

to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds."[27][28][29][30]

L3621 Our opponents said: The statement, "There is no prayer for one who does not recite the Mother of the Qur'an," is qualified by excluding the person praying behind an imam, on account of his statement ﷺ, "When he recites the Qur'an, remain silent." We said: His statement ﷺ, "And when he recites the Qur'an, remain silent," is qualified by excluding the Mother of the Qur'an, on account of his statement, "There is no prayer for one who does not recite the Mother of the Qur'an." Our opponents said: Allah Most High's statement is qualified by excluding women, on account of his statement ﷺ, "A woman must not travel except with a husband or a male relative whom she is permanently forbidden to marry." We said: His statement ﷺ, "A woman must not travel except with a husband or a male relative whom she is permanently forbidden to marry," is qualified by excluding travel for pilgrimage, on account of His statement, Most High: {In it are clear signs, the station

[27] **Translator's note (L3618):** The wording following "It is forbidden and impermissible" includes the corrupt phrase fa-man qad raʾat-hu maʿdhūr. Its grammar does not yield a secure reading. The bracketed indication marks the uncertain rendering; the subsequent conditions and conclusion are clear. "Uncritical imitation" renders taqlīd; "exercising independent legal judgment" renders being a mujtahid. The second Quranic quotation begins by repeating the opening of the preceding quotation, Quran 4:23, and continues in the next unit. The repetition is retained.

[28] **Translator's note (L3619):** The opening completes the quotation begun in the previous unit. Its awkward English order reflects the placement of "Forbidden are" at the end of that unit. "The Mother of the Quran" is the designation used here for the opening chapter, al-Fātiḥah. The supplied text repeatedly quotes Quran 3:97, concerning pilgrimage, within an argument about two sisters held by right-hand possession. These appear to be erroneous substitutions for quotations relevant to that argument. Every supplied repetition has been translated without replacement. "Right-hand possession" is the classical expression for ownership of enslaved persons. The final occurrence of this expression is split between this unit and the next.

[29] **Translator's note (L3620):** The opening completes "possession by the right hand" from the preceding unit. The supplied quotation is again Quran 3:97, concerning pilgrimage, although the surrounding argument concerns two sisters held by right-hand possession. This apparent quotation error has been retained.

[30] **Qur'an references (L3618):** Qur'an 4:23 (An-Nisa); Qur'an 3:97 (Ali 'Imran).

وقال خصومنا لا صلاة لمن لم يقرأ بأم القرآن خص منه المأموم قوله صلى الله عليه وسلم إذا قرأ القرآن فأنصتوا وقلنا نحن قوله صلى الله عليه وسلم وإذا قرأ القرآن فأنصتوا خص أم القرآن منه قوله: لا صلاة لمن لم يقرأ بأم القرآن. وقال خصومنا قول الله تعالى خص النساء منه قوله صلى الله عليه وسلم لا تسافر امرأة إلا مع زوج أو ذي محرم وقلنا نحن إن قوله صلى الله عليه وسلم لا تسافر امرأة إلا مع زوج أو ذي محرم خص سفر الحج قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} قال أبو محمد فهذا وإن رجعنا استعمالنا للحديثين بدليل لازم صحيح، فإن متعلق خصومنا هنا قوي، ووجه خطأ من أخطأ ههنا خفي جدا، دقيق البتة، لا يؤمن في مثله الغلط على أهل العلم الواسع والفهم البارع والإنصاف الشائع وليس كسائر ما قدمنا مما تقود إليه العصبية ولا يخفى وجه الخطأ فيه على من أنصف أو تورع. هذا ما لم يوجد فيه نص يشهد لأحد الاستعمالين، فإن وجد نص صحيح بذلك عاد الأمر إلى ما قد ذكرناه في الفصول المتقدمة، ولا بد من وجوده لأن الله تعالى قد ضمن لنا بيان الدين بقوله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلا يجوز البتة أن يبقى في الدين شيء مشكل، بل هو كله مقطوع على أنه بين بيانا جليا، والحمد لله رب العالمين.

of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people—whoever can find a way to it. Whoever disbelieves—Allah is independent of all worlds.}

Abu Muhammed said: Although we have given preference to our application of the two hadiths on the basis of sound, compelling evidence, our opponents' basis for argument here is strong. The nature of the error made by someone who errs here is exceedingly obscure and altogether subtle. In a matter of this kind, even people of extensive knowledge, outstanding understanding, and habitual fairness cannot be considered immune from error. It is unlike the other matters we have presented, to which partisan zeal leads, and in which the nature of the error is not hidden from anyone who is fair or exercises religious scrupulousness. This applies so long as no text is found supporting one of the two applications. If a sound text establishing that is found, the matter reverts to what we have mentioned in the preceding chapters. Such a text must exist, because Allah Most High has guaranteed us the clarification of religion in His statement, Most High: {With clear proofs and scriptures; and We sent down to you the Reminder so that you might explain to people what was sent down to them, and so that they might reflect.} It is therefore absolutely impossible that anything in religion should remain obscure. Rather, it is certain of all of it that it has been explained with manifest clarity. Praise belongs to Allah, Lord of all worlds.[3132]

L3622–3629 The second case: Two sound hadiths that contradict one another may be transmitted, or two verses that contradict one another, or a verse that contra-

الوجه الثاني: أن يرد حديثان صحيحان متعارضان، أو آيتان متعارضتان أو آية معارضة لحديث صحيح تعرضا مقاوما، في أحد النصين منع وفي الثاني إيجاب في ذلك الشيء بعينه، لا زيادة في أحد النصين على الآخر، ولا بيان في أيهما الناسخ من المنسوخ كالنص الوارد أن رسول الله صلى الله عليه وسلم شرب قائما والنص الوارد أنه صلى الله عليه وسلم نهى عن الشرب قائما فإن من ترك الخبرين معا ورجع إلى الأصل الذي كان يجب لو لم يرد ذلك الخبران أو رجع أحد الخبرين على المعارض له بكثرة رواته أو بأنه رواه من هو أعدل ممن روى الآخر، وأحفظ وما أشبه هذا من وجوه الترجيحات التي قد أوردناها في باب الكلام في الأخبار من ديوننا هذا وبيان وجوه

[31] **Translator's note (L3621):** The Mother of the Qur'an is the opening chapter, al-Fatihah. The source reads رجعنا, literally 'we returned,' where the argument appears to require رجحنا, 'we gave preference'; the translation follows that apparent intended reading. After 'Our opponents said: Allah Most High's statement,' the source supplies no quotation before discussing the exclusion of women. The pilgrimage verse quoted subsequently supplies the contextual referent. The Qur'anic quotations contain repeated defective spellings, chiefly missing initial alifs in articles and words such as 'people,' 'House,' and 'whoever can.' These have been understood according to the recognizable wording without treating them as distinct readings.

[32] **Qur'an references (L3621):** Qur'an 3:97 (Ali 'Imran); Qur'an 16:44 (An-Nahl); Qur'an 37:182 (As-Saffat).

dicts a sound hadith, with the opposing texts evenly matched: in one of the two texts there is a prohibition, and in the second, an obligation concerning that very same thing, with neither text adding anything to the other and no indication of which is the abrogating text and which the abrogated one. An example is the transmitted text that the Messenger of Allah ﷺ drank standing, and the transmitted text that he ﷺ forbade drinking standing. Thus, someone who sets both reports aside and returns to the original rule that would have been binding had those two reports not been transmitted, or gives preference to one of the two reports over the report opposing it because of the greater number of its transmitters, or because it was transmitted by someone more upright and more accurate in retention than the person who transmitted the other, and similar grounds for giving preference which we have set out in the chapter discussing reports in this work of ours, and explaining which of those grounds are correct and which erroneous—this too is a matter in which explaining the error is exceedingly difficult. As for us, we maintain that one should adopt what adds a legal prescription. Nevertheless, we say—and success comes through Allah Most High—that someone who inclines toward one of these approaches in one place, then abandons it in a comparable place and adopts the other approach, whether by following another's authority or by discretionary preference, is excused and rewarded so long as his contradiction and the inconsistency of his judgment have not been pointed out to him. Once this has been pointed out to him, however, if he persists, he is an evildoer, disobedient to Allah, Mighty and Majestic, because he follows desire. Allah Most High said: {O David, We have made you a successor upon the earth, so judge between people in truth, and do not follow desire, lest it lead you astray from Allah's path. Those who stray from Allah's path shall have a severe punishment because they forgot the Day of Reckoning.} Everyone who makes a pronouncement concerning religion for which he supplies no demonstration, but merely follows an inclination that has arisen within him, is certainly following his desire.

The third case: Someone may rely upon a weak hadith whose weakness has not become apparent to him, or upon a report with an omitted link to the Prophet, or may allege grounds for impugning the transmitter of a

الصواب منها من الخطأ، فإن هذا أيضا مكان يخفى بيان الخطأ فيه جدا، وأما نحن فنقول بالأخذ الزائد شرعا إلا أننا نقول وبالله تعالى التوفيق: إن من مال إلى أحد هذه الوجوه في مكان ثم تركه في مثل ذلك المكان وأخذ بالوجه الأخر مقلدا أو مستحسنا فما دام لم يوقف على تناقضه وتفاسد حكمه فمعذور مأجور، حتى إذا وقف على ذلك فتمادى فهو فاسق عاص لله عز وجل لاتباعه الهوى قال الله تعالى {يداوود إنا جعلناك خليفة في لأرض فحكم بين لناس بلحق ولا تتبع لهوى فيضلك عن سبيل لله إن لذين يضلون عن سبيل لله لهم عذاب شديد بما نسوا يوم لحساب} وكل من قال في الدين بقول لم يأت عليه ببرهان لكن بما وقع في نفسه الميل فإنه بيقين متبع لهواه. والوجه الثالث: أن يتعلق بحديث ضعيف لم يتبين له ضعفه، أو بحديث مرسل أو ادعى تجريحا في راوي حديث صحيح، إما بتدليس أو نحوه أو ادعى أن الناقل أخطأ فيه، فمن اعتقد صحة ما ذكر من ذلك معذور مأجور، حتى إذا ترك في مكان آخر مثل ذلك الحديث، أو رد مرسلا آخر لإرساله فقط، وأخذ بحديث آخر فيه من التعليل كالذي فيما قد رده في مكان آخر، ووقف على ذلك فإن تمادى فهو فاسق، وإن لم تقطع على أنه مخطىء عند الله عز وجل لكن لإقدامه على الحكم في الدين بما قد شهد لسانه ببطلانه في موضع آخر، فهو متبع هواه، فهو ضال بالنص، كمن حكم شهادة فاسقين يعلم فسقهما فيما لا يدري هو صحة شهادتهما به أو رد شهادة عدلين يعلم عدالتهما بغير جرح ثبت عنده بل علم منه ببطلان ما شهدا به فهذا فاسق بإجماع الأمة كلها، وإن كان في الممكن أن يكون قد صادف الحق عند الله تعالى، ولكن لما أقدم على خلاف ما أمر به بغير يقين كان عاصيا لله تعالى ونعوذ بالله من الخذلان. فإن قال قائل: فكيف تقولون فيمن بلغه نص قرآن أو سنة صحيحة بخبر ليس من باب الأمر أنه قد جاء ذلك الخبر في نص آخر باستثناء منه أو زيادة عليه ولم يبلغه النص الثاني؟. فجوابنا وبالله تعالى التوفيق: إن هذا بخلاف الأمر، لأن الأوامر قد ترد ناسخا بعضها

sound hadith, whether through concealment in transmission or something similar, or may allege that the transmitter made an error in it. Whoever believes that what he has mentioned of these matters is sound is excused and rewarded. But if, in another place, he abandons a comparable hadith, or rejects another report with an omitted link solely because of that omission, and adopts another hadith containing a defect like the one in the report he rejected elsewhere, and this is pointed out to him, then, if he persists, he is an evildoer. This is so even if we do not assert definitively that he is mistaken in Allah's sight, Mighty and Majestic. Rather, it is because he has ventured to rule concerning religion on a basis whose invalidity his own tongue has attested elsewhere. He therefore follows his desire and is astray according to the explicit text. He is like someone who accepts as authoritative the testimony of two evildoers whose wrongdoing he knows, concerning something about which he himself does not know whether their testimony is true, or rejects the testimony of two upright men whose uprightness he knows, without any impugning ground established in his judgment, but rather with knowledge on his part of the falsity of what they testified to. Such a person is an evildoer by the consensus of the entire community, even though it is possible that he has happened upon the truth in Allah Most High's sight. Yet because he ventured to act contrary to what he was commanded, without certainty, he was disobedient to Allah Most High. We seek refuge in Allah from being forsaken. If someone says, "What, then, do you say concerning someone whom a Qur'anic text or an authentic Sunnah has reached, containing a statement that does not belong to the category of commands, when that statement has appeared in another text with an exception to it or an addition to it, but the second text has not reached him?" Our answer—and success comes through Allah Most High—is that this differs from a command, because commands may be transmitted with some abrogating others. What has reached him is therefore binding upon him until what abrogated it reaches him. A statement is not like that; rather, we are obliged to affirm the truth of what has reached us concerning that, because Allah Most High speaks only the truth, and so does His Messenger ﷺ. Alongside that, he must believe that any specification of that statement which has not reached him, or any addition which has not reached him, is true. We do not categorically declare

بعضا، فيلزمه ما بلغه حتى يبلغه ما نسخه، وليس الخبر كذلك، بل يلزمنا تصديق ما بلغنا في ذلك، لأن الله تعالى لا يقول إلا الحق وكذلك رسوله صلى الله عليه وسلم وعليه أن يعتقد مع ذلك أن ما كان في ذلك الخبر من تخصيص لم يبلغه أو زيادة لم تبلغه في حق، ولا نقطع بتكذيب ما ليس في ذلك الخبر أصلا وكذلك أمر رسول الله صلى الله عليه وسلم إذ قال لا تصدقوا أهل الكتاب إذا حدثوكم ولا تكذبوهم، تكذبوا بحق أو تصدقوا بباطل أو كلاما هذا معناه. فهذا حكم الأخبار الواردة في الوعظ وغيره. وبالله تعالى التوفيق. وما كان من الأخبار لا يحتمل خلاف نصه صدق كما هو، ولزم تكذيب كل ظن خالف نص ذلك الخبر. وبالله تعالى التوفيق. وهو حسبنا ونعم الوكيل لا إله إلا هو عليه توكلت. قال أبو محمد: علي بن أحمد رضي الله عنه. قد انتهينا من الكلام في الأصول إلى ما أعاننا الله تعالى عليه، ويسرنا له على حسب ما شرطنا، في أول كلامنا في ديواننا هذا من التقصي والاستيعاب، نسأل الله عز وجل أن يجعله لوجهه، ودعاء إليه ونصرا له. وأن يدخلنا بما من به علينا من ذلك، في جملة من أثنى عليهم بقوله تعالى: {ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر وأولئك هم المفلحون} وبقوله تعالى {لذين أخرجوا من ديارهم بغير حق إلا أن يقولوا ربنا الله ولولا دفع الله لناس بعضهم ببعض لهدمت صوامع وبيع وصلوات ومساجد يذكر فيها سم الله كثيرا ولينصرن الله من ينصره إن الله لقوي عزيز} قال أبو محمد فلنختم كلامنا بما ابتدأنا به فنقول: والحمد لله رب العالمين. وصلى الله على سيدنا محمد عبده ورسوله وسلم تسليما ولا حول ولا قوة إلا بالله العلي العظيم

PageV08P151

false something that is not in that statement at all. Likewise, the Messenger of Allah ﷺ commanded this when he said, "Do not affirm the People of the Scripture when they relate things to you, and do not declare them false, lest you declare something true to be false or affirm something false"—or words to that effect. This, then, is the ruling concerning statements transmitted for admonition and other purposes, and success comes through Allah Most High. Any statement that admits of nothing contrary to its explicit wording is to be affirmed just as it stands, and every supposition contrary to that statement's explicit wording must be declared false. Success comes through Allah Most High. He is sufficient for us, and an excellent Trustee. There is no deity except Him; upon Him I have relied.

Abu Muhammed Ali ibn Ahmad, may Allah be pleased with him, said: We have reached the end of our discussion of the foundations, to the extent that Allah Most High has assisted us and made it easy for us, in accordance with the thorough investigation and comprehensive treatment we stipulated at the beginning of our discussion in this work of ours. We ask Allah, Mighty and Majestic, to make it for His sake, a call to Him, and support for Him; and, through what He has graciously bestowed upon us in this, to include us among those whom He praised in His statement, Most High: {Let there be among you a community calling to good, commanding what is right, and forbidding what is wrong; and those— they are the successful.} And in His statement, Most High: {Those who were driven from their homes without right, merely for saying, "Our Lord is Allah." Were it not that Allah repels some people by means of others, monasteries, churches, places of prayer, and mosques in which Allah's name is mentioned much would have been demolished. Allah will surely support whoever supports Him. Allah is indeed Strong, Mighty.}

Abu Muhammed said: Let us conclude our discussion with what we began it with, saying: Praise belongs to Allah, Lord of all worlds. May Allah bless our master Muhammed, His servant and Messenger, and grant him peace

abundantly ﷺ. There is neither power nor strength except through Allah, the Most High, the Magnificent. [Volume 8, page 151][33][34][35][36][37][38][39]

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[33]**Translator's note (L3623):** The source reads رجع أحد at the end, literally 'returned one,' where the continuation about preferring a report because of its transmitters appears to require رجح أحد, 'gave preference to one.' The translation follows that apparent intended reading. The source's phrase 'those two reports' has a grammatical irregularity in its demonstrative.

[34]**Translator's note (L3625):** The source reads ديوننا, 'our debts,' where the context plainly suggests ديواننا, 'our work' or 'our compilation.' The translation follows the apparent intended reading. The phrase بالأخذ الزائد شرعا is syntactically awkward. It has been understood as adopting the text that supplies an additional legal prescription; the source does not explicitly include the preposition normally expected before 'what adds.' 'Following another's authority' renders taqlid; 'discretionary preference' renders istihsan. A 'report with an omitted link to the Prophet' renders mursal, and 'concealment in transmission' renders tadlis. The source reads وإن لم تقطع, 'even if you do not assert definitively,' although the surrounding argument uses the first-person plural. The translation follows the surrounding authorial voice. The Qur'anic quotation contains defective spellings, chiefly omitted initial alifs, but remains recognizable.

[35]**Translator's note (L3626):** The source reads بل علم منه ببطلان ما شهدا به, rendered 'but rather with knowledge on his part of the falsity of what they testified to.' This conflicts with the ensuing condemnation of acting without certainty. A reading such as بلا علم منه, 'without knowledge on his part,' would fit the argument, but has not been silently substituted.

[36]**Translator's note (L3627):** 'Statement' here renders khabar in its technical contrast with a command: an assertion capable of being affirmed as true, rather than an injunction.

[37]**Translator's note (L3628):** The source reads في حق, literally 'in truth' or 'in a right,' where the syntax appears to require فهي حق, 'it is true.' The translation follows the apparent intended sense. The quoted instruction concerning the People of the Scripture is expressly presented by the author as an approximate quotation. Its clause تكذبوا بحق lacks an explicit connector; 'lest' renders its apparent cautionary function. The third-person blessing 'may Allah be pleased with him' attached to the author's name may belong to a transmitter or copyist's framing; the passage itself does not identify who supplied it.

[38]**Translator's note (L3629):** The Qur'anic quotation contains defective spellings, including سم لله where the recognizable wording is اسم الله, 'Allah's name.' These have been interpreted according to the identifiable words. 'Places of prayer' renders صلوات in the quotation; the term is commonly understood here as referring to synagogues. 'PageV08P151' is a transcription pagination marker, rendered as '[Volume 8, page 151].'

[39]**Qur'an references (L3622):** Qur'an 38:26 (Sad); Qur'an 3:104 (Ali 'Imran); Qur'an 22:40 (Al-Hajj); Qur'an 37:182 (As-Saffat).