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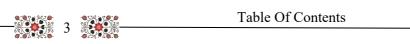


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Chapter One: The Purpose Of This Book

All praise is for Allāh, the one that favored us with general and specific favors. He has made it general for humankind to send to them Messengers as bringers good tidings and warners, Allāh says: "So that those who were to be destroyed (for their rejecting the Faith) might be destroyed after a clear evidence, and those who were to live (i.e. believers) might live after a clear evidence" [Al-Anfāl: 42].

And He singled out from them whom He willed to make them understand the truth, guided them to it, facilitated comprehension, directed his choices, eased his path, while He let astray whom He willed, sealing their hearts, making the path of truth difficult for them, granting success to some in a path and preventing success for them in another path, Allāh says: "Allāh sends astray whom He wills and He guides to the Straight Path whom He wills" [Al-Anʿām: 39].

And Allāh says: "He is not asked about what He does and only they are asked" [Al-Anbiyā': 23].

Without forcing the truth upon the one seeking it or coercing the seeker of falsehood towards his goal or obstructing anyone from what Allāh has called him to or invited him towards, but as Allāh said: "But Allāh has endeared the Faith to you and has beautified it in your hearts, and has made disbelief, wickedness, and disobedience hateful to you. Such are they who are the rightly guided. (This is) a Grace from Allāh and His Favor. And Allāh is All-Knowing, All-Wise" [Al-Ḥujurāt: 7-8].

Allāh says: "Then is one to whom the evil of his deed has been made attractive so he considers it good [like one rightly guided]" [Fāṭir: 8].

And Allāh says: "Thus We have made fair-seeming to each people its own doings" [Al-Anʿām: 108].

And Allāh says: "Unless my Lord guides me, I shall surely be among the people who went astray" [Al-Anʿām: 77].





And Allāh says: "Unless You turn away their plot from me, I will feel inclined towards them and be one of the ignorant" [Yūsuf: 33].

To proceed, may Allāh send blessings upon Muḥammad, His servant and messenger, to all *jinn* and mankind, with the upright religion, bringing glad tidings and warnings, calling to Allāh, and being a guiding light.

To proceed, Allāh the almighty has placed in the human soul different abilities. Among them is justice, it is made attractive and anything according to the truth is made endeared, Allāh says: "Verily, Allāh enjoins justice and good conduct" [Al-Naḥl: 90].

And Allāh says: "O you who believe! Stand out firmly for justice, as witnesses to Allāh, even though it be against yourselves, or your parents, or your kin" [Al-Nisā': 135].

Among them is also anger and desire, they make the unjust attractive and it blinds from the right path. Allāh says: "And when it is said to him, 'Fear Allāh,' he is led by arrogance to (more) crime" [Al-Baqarah: 206].

Allāh says: "Each group rejoicing in what is with it (as its beliefs)" [Al-Mu minūn: 53].

Understanding is made easier for the upright one for an amount that Allāh has bestowed upon him. And the ignorant finds ease in that which he does not know the reality of: his fate in the hereafter, and his destruction soon.

And from them is understanding, that aligns them closely with the truth, illuminating their path through the darkness of complexities, making the right course apparent and clear.

And from them is ignorance, the roads obscured and paths seeming equal, leaving the soul in confusion and doubt, oscillating between hesitation and uncertainty. So it impulsively and recklessly pursues divergent paths away from the truth, driven by either audacity, cowardice, hesitance, or indecision, and poor judgment. Allāh says: "Are those who know equal to those who do not know?" [Az-Zumar: 9].

Allāh says: "It is only those who have knowledge among His slaves that fear Allāh" [Fātir: 28].

And among them is the ability to distinguish, its Creator made by this the ability a path to understand His speech. And to understand things what they are upon, and the possibility to understand by which someone raises and frees himself from ignorance. There is in it understanding of the truth from the falsehood, Allāh says: "So give good tidings to My servants, who listen



to speech and follow the best of it. Those are the ones Allāh has guided, and those are the people of understanding" [Az-Zumar: 17-18].

And among them is the power of the intellect, which enables the discerning soul to uphold justice and to prioritize what correct understanding indicates, to belief based on knowledge, to express through speech and bodily movements, and with this power, which is the intellect, the obedient soul finds support against the reluctance to accept the truth and against rejecting what ignorance, desire, and anger, born of impulsiveness, lead to.

So those who follow what is enlightened by sound reason succeed and prosper, while those who deviate from it perish, and perhaps cause destruction, Allāh says: "Indeed in that is a reminder for whoever has a heart" [Qāf: 37].

Allāh means with 'heart' here the intellect. As for the meat that is called heart, it pertains to everyone, whether mindful or heedless. But since those who do not use intellect do not benefit from their hearts, it is as if they have no heart at all.

Allāh says: "So have they not traveled through the earth and have hearts by which to reason" [Al-Ḥajj: 46].

Some of the pious predecessors would say, "You may see a man eloquent, guided, and insightful, yet devoid of intellect."

The truly wise one is the one who obeys Allāh, the Almighty. These are comprehensive sufficient words, because obedience to Allāh, the Almighty, is the collection of virtues and the avoidance of vices. It is the righteous path that He has chosen for us, the Bestower of blessings, there is none worthy of worship except Allāh.

So there is no virtue except in following what Allāh, the Almighty, has ordered or encouraged, and there is no vice except what Allāh, the Most High, has prohibited or warned against.

As for the wise person in worldly matters, he does not care about what brings him success in acquiring his share of worldly benefits, whether it involves raising his voice, displaying authority, accumulating wealth, or indulging in the pleasures of obedience or disobedience. None of that is intellect but rather foolish, ignorance, deficiency and leads to destruction in the eternal abode.

Our Lord, the Most High, has testified that the enjoyment of this world is but vanity, and we have been taught that abandoning the truth and

pursuing vanity indicates feeble discernment, weak intellect, corrupt judgment. The certain evidence of this is that any discernment in humans is made, to distinguish from animals, this testifies to that choosing something of little benefit, small in amount, mixed with pain, that which will come to an end for the greatest benefit, free from all difficulties, the eternal forever is extremely folly and a complete nonexistence of intellect. And if a person were given the choice in this world between residing for a hundred years in an elegant and spacious palace, surrounded by gardens, rivers, meadows, trees, blooming flowers, and servants, with abundant security, visible sovereignty, and considerable wealth—except that on the way to reach this, they must walk for a whole day on a road with some difficulty, but not entirely arduous. A choice between that and walking that same day on a path with pleasant meadows but interspersed with perils and fears, with good shade but also containing horrors and dangers, and then, but at the end of that day, arriving at a narrow dwelling, a miserable place filled with hardship, distress, fear, poverty, and deprivation, in which they will reside for a hundred years if they choose this harsh abode for the joy of a single day, mingled with elements of suffering experienced on the way there, they are regarded by all who hear of their story as extremely deficient in intellect, grossly misguided, clearly foolish, with poor judgment, and deserving of blame and rebuke.

This is the condition of one who prioritizes the short gains of this worldly life over the eternal Hereafter. So, how about someone who chooses the ephemeral over the everlasting, without any realization except until he finds himself bewildered in his fate? That is indeed the worst state, for it is one without any salvation. We seek refuge in Allah from misguidance and ask for His guidance and protection through His grace, āmīn.

And all that we have said, we have not said it arbitrarily, but have merely reiterated what Allah, the Most High, has stated, bearing witness to its correctness, with the intellect discerning its truth. All praise is due to Allāh, the Lord of all the worlds. Allah, the Almighty, tested the previous nations with prophets He sent specifically to their people. So a group, will be in Paradise, and another group in the Hellfire. Then, He, the Most High, sent His chosen Prophet and His selected servant, Muḥammad, from the lineage of Hāshim, born in Mecca, to all of His creation to jinn and mankind. He abrogated all previous religions with his religion, sealed the line of prophets with him, and bestowed upon him this honor. He distinguished him among all his prophets, appointed him as His beloved, chosen, intimate friend, and messenger. There will be no prophet after him, and no legislation after his legislation until the end of the world.

Indeed, we are certain that this world is not a permanent abode but a place of trials and tests, a metaphorical journey towards the eternal abode. It has been confirmed that there is no benefit in this world and the universe except in knowledge of what Allāh, the Almighty, has ordered and in teaching it to the ignorant, and acting accordingly. Everything else that people compete for in acquiring wealth is vanity. Any desire of the ignorant souls towards base desires is wrong, except when aiming to establish justice, suppress falsehood, govern by the rulings of Allāh, the Most High, and the rulings of His Messenger and reviving the true traditions while extinguishing the flames of oppression.

Even the allurements that captivate the minds of corrupt individuals, such as changing sceneries, pleasing sounds carried by the wind, delightful aromas dispersed by the breeze, and sweet tastes that quickly turn bitter, are all vanities. And attractive garments, changing in the blink of an eye, turning into sheer falsehood.

Indeed, everything that preoccupies the minds of corrupt individuals regarding acquiring transient wealth is mere frivolity, except for what sustains them, maintains their lives, and is spent in righteous causes leading to success in the eternal abode. This is the best that a person with senses can endure to elucidate the guidance for his kind and to rescue them from the confusion of doubt and the darkness of falsehood, leading them towards the clarity of truth and the light of certainty. The Messenger of Allāh informed us that whoever guides a person to righteousness will have a reward better than that of red camels¹.

The Messenger of Allāh also said that whoever establishes a good practice in Islām will have a reward equal to that of everyone who acts upon it, without diminishing their rewards in any way².

And the Messenger of Allāh also ordained to wish to be like the one who learns wisdom and teaches it³.

¹ Sahīh al-Bukhārī 2942

² Sahīh Muslim 1017

³ Sahīh al-Bukhārī 73

With the help of Allāh, the Exalted, our Creator, we contemplated this virtuous path, which is the essence of our existence in this world, and we found it to take many forms. Among the strongest and most rewarding is explaining the religion, understanding its creed, and acting upon it, in the manner obliged by our Creator—may He be exalted—through the words of His Messenger . It involves clarifying the principles that encompass the various rulings and expressions found in it. For knowing the core without comprehending the results of those principles allows the truth to become evident in thousands of issues in which thousands of people have erred.

So whoever does $taql\bar{\iota}d$ of them commits two sins: the sin of $taql\bar{\iota}d$ and the sin of error. The rewards of those who follow them with $ijtih\bar{\iota}ad$ from two rewards decrease to one, while he does not sin.

And whoever Allāh, the Most High, enables to elucidate, the reward of the one going according to the certain proof has double the reward. He has presented him with abundant goodness and bestowed upon him increasing rewards, even while he is in the soil. This is a share that only a deprived one would not seek.

So, we have written this book, and clarified therein about the method of inference in general and the types of evidence by which the truth is distinguished from falsehood in every matter. We have clarified what is thought to be evidence but is not, elucidating all of it clearly without any ambiguity. We hope for the reward from Allāh, the Almighty, for that.

So this book is meant for understanding the signs of truth from falsehood. We clarified the principles with what Allāh the Almighty willed from us regarding the worship obligations we are assigned and the judgment among people based on certain decisive evidence we have clarified in great detail. We have made this book with the support of our Creator, the Almighty, as a means for ruling in matters where people differ regarding principles of the rulings (*usūl ul-ahkām*), it is comprehensive, exhaustive, devoid of superfluity, and decisive in its sections. We hope that Allāh, the Almighty allows this to benefit us with it on the Day we present it, to tip the scales in our favor with good deeds, and He will cause to benefit whom He wills of His creation with it, granting us a portion thereof. He is the One who does not disappoint the hopes of those who turn to Him with their aspirations, and He is capable of all things. There is nothing worthy of worship except Allāh.

And we will now begin upon, by the grace and strength of Allāh and with Allāh lies success.

Since it is established that the world is created and that it has a Creator that does not cease. And since it is established that He sent His messenger Muhammad to all mankind and *jinn* so they may be saved by obeying him from the layers of fire surrounding us, to the paradise prepared for His righteous servants, and to be saved from his wrath in the blazing fire. It is by that established that He obligated us, through the tongue of His Prophet with rulings consisting of orders, prohibitions, and the permissible.

These rulings lead to success and salvation from destruction. It is established that He entrusted these rulings in the speech which His Messenger was ordered to convey to us, calling it the Qur'ān which is revelation, and in the speech uttered and rulings by His Messenger, calling it also revelation but other than the Qur'ān. We are obligated in all of this to obey the Prophet to adhere to these rulings in both of these types, so that we may be saved from punishment and attain safety and prosperity in the abode of eternity.

We found Him the Exalted, who obligated us with that, saying in His revealed Book: "It is not for the believers to go forth all at once. So why (this is a question that includes an order) does not from every group a *tā 'ifah* (one person at least) go forth to acquire understanding in the religion and warn their people when they return to them that they might be cautious" [At-Tawbah: 122].

So, it is obligatory to go forth for what Allāh wants us to go forth for. Then we also find that Allāh says: "O you who believe! Obey Allāh and obey the Messenger and those of you (Muslims) who are in authority. (And) if you differ in anything refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [An-Nisā': 59]

Upon examining this verse, we find it comprehensive to everything that people talk about, from the first to the last, of matters upon which they agree or disagree in terms of *aḥkām* and *'ibādāt* prescribed by Allāh. Our entire book is devoted to elucidating the implementation of this verse, its manner, and clarifying the obediences enjoined to Allāh, His Messenger, and obedience to those in authority, and who those in authority are. And clarification or the differences that occur among us, what causes conflicts among us, and explain how to resolve every single difference by resorting to Allāh and His Messenger alone. This encompasses the entirety of the

religion, as Allāh has stated: "Today I have completed for you your religion and completed My favor upon you and have approved for you Islām as religion" [Al-Mā'idah: 3].

So we are certain that the religion has been completed and perfected, and whatever is completed, no one can increase, decrease, or alter it. So affirming this verse assures us that the entire religion is derived only from Allāh, and what conveyed is conveyed about the Messenger of Allāh who informs us of the orders, prohibitions, and permissions from our Lord only. Nothing is conveyed to us from Allāh by anyone other than His Messenger does not speak from his own desires but conveys the message from his Lord, and then through the tongues of those in authority among us, who continue to pass it on from generation to generation after the Messenger of Allāh about him conveyed it from Allāh. They have no authority to speak from themselves, but they convey the rulings from the Prophet only.

This is the true essence of the religion. Anything other than it is false and not part of the religion, as anything not from Allāh is not part of His religion. Anything not from the Messenger of Allāh is not part of the religion, and anything not conveyed to us by those in authority about the Messenger of Allāh is not part of the religion.

With the help and power of Allāh, the Exalted, we have clarified the errors of those who have made mistakes in this matter—whether by abandoning something essential to the religion without intending disobedience or intentionally committing it, or by adding something to it that is not part of it in the same way. So errors in rulings never fall outside of these two forms: either omission or addition. We have summarized the truth from the errors in a manner that will be clear to anyone who is sincere and directs their intention to Allāh - Mighty and Majestic. And our success is only by Allāh - Mighty and Majestic.



Chapter Two: Establishing The Evidences Of The 'Aql

Some people said, "No knowledge of anything can be obtained except through *ilhām* and *ilhām* is what is cast into the heart by way of an outpouring, knowledge that enters the heart, calling one to action without deducing from any nass."

Others said, "No knowledge of anything can be obtained except through the words of the *Imām*." Who, to them, is a specific individual, even though he has been absent for a hundred and seventy years, lost to sight and whereabouts.

Others said, "No knowledge of anything can be obtained except through information."

Others said, "No knowledge of anything can be obtained except through taqlīd." This group uses as evidence against the evidences of the intellect by saying, "A person may initially believe in something, argue for it, and have no doubt about its truth, but then may later change his mind."

We say: This is a weak deception, and it is not a *hujjah* against those who affirm the evidences of the 'aql. This is because we do not say that everyone who holds a belief is correct, nor do we say that every single argument presented for a belief is the truth. If we would say such a thing, we would oppose the 'aql. Instead, we say that some istidlal leads to a correct belief if the istidlal is correct and properly structured. And false istidlal lead to false belief, and that is when the correct method of *istidlāl* is not followed. We have pointed out the pitfalls and obstacles that may arise on the path of istidlāl, explained them, and warned against. We have left nothing ambiguous in clarifying all that we have discussed, and we have elucidated it to the utmost degree.

When someone reverts from one belief to another, one of his arguments must necessarily be false, either the former or the latter, and sometimes both are false, leading him from one false belief to another. There is no other way for it than to be one of these, it is not possible for both of these to be correct at the same time because one thing cannot be true and false at the same time, there may be many different types and all of them can be false except one, so a person can move from a false position to another false position. This situation arises from a lack of mental clarity, where one indulges in whims, acts rashly out of desire, shrinks back due to excessive cowardice, or from ignorance of the correct methods of *istidlāl*.

This often occurs when reasoning is built upon numerous premises, such that the path from foundational knowledge to verifying the desired belief becomes a long and confusing journey. This makes it difficult for a weary mind, leading it to experience confusion, doubt, and distraction, especially when faced with extended effort and repetition, or when fatigue sets in. This is similar to how mistakes can occur even to someone calculating a calculation, even though arithmetic is a definitive science that does not contradict itself. When the numbers on the page are many, the person adding them might become distracted and make a mistake. However, once he focuses with determination and ensures his mind is not distracted by anything else, he reaches certainty without doubt. This is something experienced perceptually, where one sees a person and may initially mistake them for Zayd else until knowledge confirms their actual identity that was 'Amr.

This uncertainty also extends to auditory, olfactory, tactile, and gustatory perceptions, someone may search for something that is right in front of him among many things, extending his effort in seeking it and finding it difficult to locate, only to discover it later. So its absence does not invalidate its existence, as it is without doubt present before him. Likewise, this uncertainty applies to *istidlāl*, but none of this invalidates the validity of sensory perception or the 'aql, through which we ascertain the truth. Without them, we would not know anything at all. Just as the senses of the insane, the delirious, and the unconscious barely benefit anything. This type of confusion rarely happens when dealing with small numbers or premises that are close to foundational knowledge. It cannot occur in matters that are established by first principles of knowledge, except for a deceitful sophist who knows in his heart that he is lying and deliberately being wrong, or for someone who is mentally disturbed and must be treated for their condition—in which case, such a person is excused. Our intention, however, is to address the souls, not



merely the tongues. We are not concerned with simply compelling the tongue to acknowledge the truth through argument, but rather, our duty is to compel the soul to attain certainty of knowledge alone.

This claim of them—that someone who changes from one belief to another does so because all rational arguments contradict each other—is a clear mistake. This is where the confusion entered them. The clarification is that any evidence that is correct, well-examined, and verified, that is the hujjah of the 'aql, while any argument that does not meet these standards is not a hujjah of the 'aql. Instead, the 'aql invalidates such arguments. So, what they presumed falls away, and praise be to Allāh, the Lord of all worlds.

We have perfected the clarification of this to the utmost precision, and praise be to Allāh, the Lord of all worlds, in a chapter that we dedicated on this topic at the end of our book titled Al-Faşl, under the heading "The Chapter on Addressing Those Who Claim the Equivalence of Arguments."

They also asked, saying, "By what means have you come to know the validity of the proof of the 'aql? Is it through the proof of the 'aql or through something else? So if you say, 'We have known it through the proof of 'aql,' then we dispute with you in that. And if you say, 'Through something else,' then bring that forth."

We say: And this is a question that invalidates all truths. The answer to that, and with Allāh is the success, is that the validity of 'aql, we know it without any intermediary and without time. There was no time between our knowledge of it. From the very beginning of our understanding, we know that something that is complete is more than only one part, and that every person is different from the other person, and that a thing cannot stand and sit at the same time, and that the long is longer than the short. Through this very capability, we know the correctness of what the senses necessitate. Any knowledge that arises without any interval or lapse of time between the first moments of a person's awareness and their understanding of it is not a result of istidlal, nor can anyone explain how it was acquired. It is only Allah's doing, the Mighty and Majestic, in the souls. Then from this fundamental understanding, every single evidence is produced.

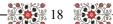
And it is said to the one that believes in *ilhām*: What is the difference between you and the one that claims that he got instilled something that invalidates that which you claim got instilled. There is no way to free yourself from this, and what is the difference between this claim and the claim of one

who claims to comprehend with his 'aql what he does not comprehend with the obviousness or the 'aql. While what is perceived through the fundamental principles of 'aql, is that everyone—whether in the East or the West—if asked about what we have mentioned as being known by the first principles of 'aql, will give the same answer that we give, without variation. But those who claim inspiration ($ilh\bar{a}m$), or that they perceive something that others cannot through their first principles of 'aql, never agree among themselves on what each of them claims as inspiration or perception. So, it is certain, without any doubt, that they are liars, and that what they suffer from is mere delusion.

Also, inspiration is a claim devoid of any evidence, and even if everyone's claim would be accepted, then the truth would not be established, nor the falsehood invalidated, nor would anyone's ownership of property be established, nor would a wrongdoer be judged fairly, because no one is incapable of saying, "I was inspired that so-and-so's blood is permissible, and his property is permissible for me to take, and his wife is permissible for me to marry." And many *waswasah* may arise in the soul, which cannot possibly be true, and contradictory things that invalidate each other, so there must be that which can judge, distinguish the truth from falsehood, and that is only the 'aql, whose evidences do not contradict.

It is said to anyone who believes in the *imām*: How do you know the validity of the saying of this *imām*, by proof, miracle, inspiration, or merely his statement? If he claims by proof, he is obligated to present it, and he has no way to ever present such. And if he claims by miracle, he has claimed a second falsehood, especially now, while they admit that he is in a place that had been hidden from them for a hundred and seventy years. And if they claim inspiration, they are asked about what we mentioned just before regarding the falsehood of inspiration. And if they claim by his mere statement, they are asked about the difference between his statement and the statement of their opponent who invalidate their position, and there is no way to a fifth principle.

As for those who believe in $taql\bar{\imath}d$, it is said to them: What is the difference between you and the one that makes $taql\bar{\imath}d$ of someone other than whom you make $taql\bar{\imath}d$ of, and he instead makes $takf\bar{\imath}r$ of the one you make $taql\bar{\imath}d$ of or declares him ignorant. If he begins to argue about the virtue of the one whom he makes $taql\bar{\imath}d$ of, he has abandoned $taql\bar{\imath}d$ and chose the path





of istidlal without adherence to taglad. We have dedicated a significant chapter on the falsehood of taqlīd, close to the end of this book. We encompassed its invalidation in it, and success is from Allāh.

As for the one that says: "No knowledge of anything can be attained except through information."

We say: Tell us is, is all information the truth, all falsehood, or some of it truth and some falsehood?

If he says that it is all false, then he has invalidated what he believes, that he has no knowledge of anything except through that. In this statement of him, he invalidates every single knowledge. And if he says it's all true, then he is presented all information contrary to his madhab that declare it as false, and he must abandon his doctrine for that, or simultaneously believe something and its opposite, both false and correct at the same time, which is impossible. Any belief that leads to the impossible and the false is necessarily false. Therefore, there remains nothing except distinguishing between true and false information. If that is the case, then it is invalid to know the truth of information by itself, as there is no distinction between the way of truth and the way of falsehood. So there must be certain evidence that distinguishes between the false and correct, and that is none other than the evidence of the 'aal, which distinguishes between truth and falsehood.

Then it is said to all of them: How do you know the validity of what you call to, the validity of monotheism and prophethood, and your religion that you adhere to? Is it by the 'aql that you base all of that on its validity, or without 'aql? And by what means did you come to know the virtue of those you make taglīd of, or the validity of what you claim of inspiration after you were once not inspired, nor were a mugallid for a moment of your lifetime? And by what means did you come to know the validity of information that reached you after a moment it did not reach you, and do you have 'aql or not?

If they say, "We know all of that without 'aql, and I have no 'aql," then he has ended his own argument by invalidating it and has admitted more than we desired from him. Because we only desired from him to admit his error, he has increased in himself a status we did not seek from him. His speech has fallen with him, and we must remain silent about it, otherwise we would be like one who speaks to intoxicated people who are babbling and insane.

And if they say, "We have 'aql and we know all that with the 'aql, and I affirm the validity of the evidence of the 'aql." Then he has affirmed the 'aql and abandoned his corrupt doctrine.

They argued in invalidating argumentation and debating with the verse: "There is no [need for] argument between us and you. Allāh will bring us together, and to Him is the [final] destination. And those who dispute concerning Allāh, after it has been accepted (by the people), of no use is their dispute before their Lord and on them is wrath, and for them will be a severe torment" [Ash-Shūrā: 15-16].

This verse only clearly clarifies the false form of argumentation, which is as Allāh Almighty says about those who argue after the truth has become clear. This is the description of the obstinate one who refuses to accept the evidence after its manifestation. This is false according to every person with the least amount of reason.

They also mention the verse: "And they said, 'Are our gods better, or is he ('\bar{\text{I}}sa)?' They did not present it (this comparison) except for [mere] argument. But, [in fact], they are a people prone to dispute" [Az-Zukhruf: 21].

The criticism in this verse is only directed at those who dispute and argue falsehood and present as example the gods made of stones, which they used to worship, which cannot be thought at all of 'Īsa, the Prophet , the servant supported by miracles such as reviving the dead and others.

They also mention the verse, "And those who dispute as regards Our *Ayāt* may know that there is no place of refuge for them" [Ash-Shūrā: 35].

And the verse, "So if they argue with you, say, 'I have submitted myself to Allāh, and [so have] those who follow me'" [Āl 'Imrān: 20].

We say: Allāh has also said, "If it would have been from other than Allāh then they would have found in it many differences" [An-Nisā': 82].

This establishes that the words of Allāh cannot be contradicted or have differences. We also find that Allāh praises arguing truthfully and that he has ordered it. From that we know: that which Allāh has ordered is not that which he has prohibited without any doubt. So we must know what exactly is prohibited from arguing and false and that which we are ordered to do which is truthful, we find that Allāh says, "And who is better in speech than one who invites to Allāh" [Fussilat: 33].



And Allah says, "Invite to the Way of your Lord with wisdom and fair preaching, and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided" [An-Nahl: 125].

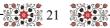
So, Allāh the Exalted obliged us arguing in this verse and taught in it all the etiquettes of argumentation, all of which involve gentleness, clarity, and obliged adherence to the truth and returning to the certain evidences.

Allāh says, "Say, 'Then bring a book from Allāh which is more guiding than either of them that I may follow it, if you should be truthful.' But if they do not respond to you - then know that they only follow their [own] desires" [Al-Qaşaş: 49-50].

Allāh did not order his Messenger to say this out of any doubt in what he calls humankind and jinn to. But rather to decisively refute their argument and decisively settle their claim, obligating them to resort to what is more guided and to follow the most correct course, informing us that whoever does not come with evidence to support their statement and does not clarify that what he says that which is revealed from Allah that he is then not truthful and that he is merely following his desires. Allāh says, "They have said, 'Allāh has taken a son.' Exalted is He; He is the [one] Free of need. To Him belongs whatever is in the heavens and whatever is in the earth. You have no authority for this [claim]. Do you say about Allāh that which you do not know? Say, 'Verily, those who invent a lie against Allah will never be successful" [Yūnus: 68-69].

So, in this verse, it is clarified that no one's statement is accepted except with evidence, and the 'authority' (sultān) mentioned in the verse, without dispute among ahl ul-'ilm wal-lughah, is evidence. And whoever does not come with evidence to support their statement, it is rejected according to the ruling of Allāh, the Almighty, and they have fabricated against Allah, the Almighty, and lied about Him, the Almighty, exactly as mentioned in the verse, that is not derived from the verse by ta 'wīl.

or tabdīl. And they will not succeed if their statement lacks decisive evidence. We found Him, the Exalted, teaching us in these verses the aspects of fairness, which is the epitome of justice in debate, which is that whoever presents certain evidence, then it becomes obligatory to accept it. So, we say, following our Lord, the Exalted, after the validity of our view, which we have no doubt about and no fear of being contradicted, but rather with confidence



that no one will ever come with anything to undermine them, because, we and all praise is for Allāh, are people of clarification, investigation, and spending our time seeking to correct the evidence and believing in the evidences before what those evidences result, and to Allāh belongs all praise, we abandoned the people of ignorance and *taqlīd* in their doubts, and hesitation.

Similarly, we say regarding what is not correct. We say about it, acknowledging and affirming: if we find something more correct than what we are upon, we follow it and abandon what we were upon. However, this is only in matters where the narrations and verses have contradicted on the apparent wording, and it is not clear that it was an abrogation, or in matters where narrations have been mentioned that were not authentic according to us, even though they in reality they were authentic. If we come to know of their establishment, we adhere to them, except that this is very rare in our views, and all praise is due to Allāh, the Lord of the worlds.

As for our remaining views, we are extremely certain about them, and Allāh, the Almighty, said, "And do not argue with the People of the Scripture except in a way that is best, except for those who commit injustice among them" [Al-ʿAnkabūt: 46].

So, the order here, as you see, is with positive debate in gentleness and fairness, abandoning arbitrariness, indecency, and prolongation, except towards those who initiate any of that, then, at that moment, they must be countered appropriately. And Allāh, the Almighty, said, "If you have power to pass beyond the zones of the heavens and the earth, then pass beyond (them)! But you will never be able to pass them, except with authority" [Ar-Raḥmān: 33].

Authority means evidence as mentioned before. And Allāh says, "Have you not considered the one who argued with Ibrāhīm about his Lord" [Al-Baqarah: 258].

So, Allāh the Exalted mentioned Ibrahim's reasoning with his people about the stars, the sun, and the moon that they used to worship besides Allāh, and that this is evidence of their creation and proof of their occurrence. The Exalted said, "And that was Our Proof which We gave Ibrāhīm against his people" [Al-Anʿām: 83].

Allāh has obliged from texts of Qurʿān to follow the religion of Ibrāhīm and he has told us that Ibrāhīm had debates and argued. Once against

the king and once against his people. It is then obligatory for us to follow that to move the people of falsehood to the truth. And that we seek the truth with istidlāl in that which the people have differed. Allāh says, "Verily, among mankind who have the best claim to Ibrāhīm are those who followed him, and this Prophet and those who have believed (Muslims). And Allāh is the Walī of the believers" [Āl 'Imrān: 68]. We are the followers of Ibrāhim in his debates and arguing and we are the best to claim him and other people are ordered that as well.

Allāh says, "Follow the religion of Ibrāhīm" [Āl 'Imrān: 95]. And from his religion was debating as mentioned before. Whoever then prohibits debating must know that he is disobedient to Allāh and is an opposer to the religion of Ibrāhīm and Muḥammad . Allāh said about the companions of the cave, "Truly they were young men who believed in their Lord (Allāh) and We increased them in guidance. And We made their hearts firm and strong (with the light of Faith in Allah and bestowed upon them patience to bear the separation of their kith and kin and dwellings) when they stood up and said, 'Our Lord is the Lord of the heavens and the earth, never shall we call upon any god other than Him; if we did, we should indeed have uttered an enormity in disbelief. These our people have taken for worship gods other than Him (Allāh). Why do they not bring for them a clear authority? And who does more wrong than he who invents a lie against Allāh'" [Al-Kahf: 13-15].

Allāh has praised them for their rejection of their saying as his people did not bring any certain evidence. Allāh validated their saying, "Whoever does not bring certain evidence then he has invented against Allah a lie."

And Allah says, "And who does more wrong than he who is reminded of the Avāt of his Lord, then turns aside therefrom?" [As-Sajdah: 22].

There is then no one more wrong than the one on who the *hujjah* is established from the words of Allāh and his Messenger # and then he turns away from it.

And Allāh says, "So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns, those are the companions of the Fire; they will abide eternally therein" [Al-Baqarah: 275].

Allāh says, "But those who wrong follow their [own] desires without knowledge. Then who can guide one whom Allāh has sent astray" [Ar-Rūm: 29].

Allāh says that the one that follows his own way without knowledge of its validity that he is a transgressor and that if he does not return to the truth from what he has heard from the truth that he is from the people of the hell fire. Allāh says, "And who is more astray than one who follows his desire without guidance from Allāh?" [Al-Qaṣaṣ: 50].

Allāh also prohibited rejecting that which a person does not know, Allāh says, "Nay, they have belied the knowledge whereof they could not comprehend" [Yūnus: 39]. It is established from everything we mentioned that a person must stop where he does not know and must return to the words of Allah and his Messenger.

Allāh says, "And who is more unjust than one who invents a lie about Allāh or denies the truth when it has come to him?" [Al-'Ankabūt: 68].

There is sufficiency in this *āyah* that no one is believed till *hujjah* is established and not to reject if the hujjah is established. Then who is more unjust than the one turns away from what we have mentioned and follows a waswasah that occurs in himself or a hearsay to which there is no certain evidence for obedience to it or makes *taqlīd* of a human like him and fallible. Allāh says, "Say, 'Bring your certain evidence, if you are truthful" [Al-Baqarah: 111].

Allāh obliged the one that is truthful in his claim to bring certain evidence and if he does not bring it then he is a liar or ignorant.

Allāh says, "Verily, you are those who have disputed about that of which you have knowledge. Why do you then dispute concerning that of which you have no knowledge?" [Āl 'Imrān: 66].

Allāh did not oblige arguing except if there is knowledge and prohibited it if there is no knowledge. Allāh says, "So do not argue about them except with clear proof' [Al-Kahf: 22].

Since we find that Allah ordered in other verses arguing and debating and did not oblige accepting anything except certain evidence it becomes obligatory to know what arguing is prohibited as mentioned before, and we find that Allah said, "But those who disbelieve, dispute with false argument, in order to refute the truth thereby" [Al-Kahf: 56].

Allāh, the Exalted, has condemned disputing without evidence and arguing in falsehood. By doing so, Allāh has invalidated the words of the foolish. Every deluded person claims to have evidence, but Allāh has clarified that the truly deluded are those who cannot provide evidence, while the



rightful are those who can present evidence of truth. They are the people of truth, Allāh says, "Those who dispute about the Avāt of Allāh, without any authority that has come to them, it is greatly hateful and disgusting to Allāh and to those who believe. Thus does Allah seal up the heart of every arrogant, tyrant" [Ghāfir: 35].

These verses collectively elucidate the condemned and commendable aspects of disputing. The commendable dispute is the one undertaken by its advocate to demonstrate the truth, while the condemned dispute occurs in two forms as outlined in the verses: one who argues without knowledge, and the other who supports falsehood tumultuously and deceitfully even after the truth becomes clear. This clarifies that truth is only in one and can only be validated by the evidence of 'aql. The condemned are those whom Allāh describes as, "Do you not see those who argue about the Ayāt of Allāh? How are they turning away" [Ghāfir: 69].

Allāh says, "And among mankind is he who disputes about Allāh without knowledge and follows every rebellious devil" [Al-Hajj: 3].

Allāh says, "And among men is he who disputes about Allāh, without knowledge or guidance, or a Book giving light (from Allāh), twisting his neck [in arrogance] to mislead [people] from the way of Allāh. For him in the world is disgrace, and We will make him taste on the Day of Resurrection the punishment of the Burning Fire" [Al-Hajj: 8-9].

Allāh says, "None disputes in the Ayāt of Allāh but those who disbelieve. So let not their ability of going about here and there through the land (for their purposes) deceive you! The people of Nūh and the Confederates after them denied (their Messengers) before these; and every (disbelieving) nation plotted against their Messenger to seize him, and disputed by means of falsehood to refute therewith the truth. So I seized them (with punishment), and how (terrible) was My punishment!" [Ghāfir: 4-5].

Allāh clarified that the only prohibited arguing is that which is to support falsehood and to invalidate the truth without knowledge.

And it is said to the one that refuses the request to argue and refuses cooperating on seeking decisive evidence, that Allāh says that Fir'awn said, "I do not show you except what I see, and I do not guide you except to the way of right conduct" [Ghāfir: 29].

And Allāh also says that the man who believed said, "O my people! Follow me, I will guide you to the way of right conduct" [Ghāfir: 38].

25

How will the one that is correct be known from the one that is wrong, this cannot be known in any way except with evidences, not with claims only.

This is the speech of the Mighty, the Compeller, the Creator, the Maker, who has directed us to follow the certain evidence and refute the statement of one who has no evidence. It is not possible for a Muslim to oppose this, nor can anyone say, "Go to your equal who is doubtful as you are and debate with him," hen it is said to him: Do you think that the Messenger of Allāh sever doubted when his Lord Almighty taught him the argumentation against the people of the Scripture and the disbelievers, and ordered him to seek certain evidence and establish the proof against whoever opposed him? Do you think that he was doubtful then but not the one that says, "Whenever a man comes who is more eloquent in arguing than a man, we abandon what we are upon." Every infidel is equal in believing such on the face of the earth. So, if it is possible for the one that beliefs not to abandon what he found his predecessors to be upon by means of taglīd without certain evidence and not to accept the certain evidences of Islām mentioned to them from which the evidence of is certain, Allāh says, "No doubt! the curse of Allāh is on the wrongdoers. Those who hinder (others) from the Path of Allāh" [Hūd: 18-19].

As Allāh has encouraged arguing for the truth and ordering bringing certain evidence then it is established that demanding evidence is the path of Allāh and the clear texts indicate that the one that opposes that is an oppressor who is cursed who prevents from the path of Allāh without *ta* 'wīl.

And Allāh says, "Nor they take any step to raise the anger of disbelievers nor inflict any injury upon an enemy except, that it is registered for them as a righteous deed" [At-Tawbah: 120].

No step to raise anger of the infidels is greater than invalidating their beliefs with certain evidence. Even though great armies may be defeated, the true *hujjah* is never defeated, as it calls to the truth and supports the religion more than weapons and overwhelming numbers. The virtues of the companions, unparalleled as they are, embraced Islām due to the establishment of clear evidence confirming the prophethood of Muḥammad. So they are superior to those who embraced Islām through coercion, without any difference among the Muslims.

The first order from Allāh to His Prophet # was to invite people with conclusive argumentation, without resorting to combat. However, when the



conclusive evidence was presented, and they persisted in opposing the truth, Allāh then permitted the use of the sword. Allāh says, "With Allāh is the farreaching argument" [Al-An'ām: 149].

Allāh says, "Nay, We fling the truth against the falsehood, so it destroys it, and behold, it (falsehood) is vanished" [Al-Anbiyā': 18].

Without doubt, the sword is sometimes in our favor and sometimes against us and that is never the case with certain decisive evidence. Certain evidence is instead always in our favor and irrefutable for anyone against it and it vanishes. There have been many cases of force in hand that unjustly overpowered the truth and extinguished it, such as the Day of al-Harrah, the day of the killing of 'Uthmān (may Allāh be pleased with him), and the days of the killings of Husayn and Ibn al-Zubayr (may Allah be pleased with them), and may the curse be upon their murderers. Many prophets were also killed, yet their proof was never overpowered.

Allāh has taught us the certain evidence against the atheists (dahriyyah). Allāh says, "And everything with Him is by due measure" [Ar-Ra'd: 8].

And Allah says, "And He has encompassed whatever is with them and has enumerated all things in number" [Al-Jinn: 28].

Allāh also taught us certain evidence against dualism (the believe in two deities: light and darkness). Allāh says, "Had there been within them gods besides Allāh, then verily both would have been ruined" [Al-Anbiyā: 22].

He has also taught us the certain proof against the Christians and every single other religion.

Allāh has ordered us to argue on the tongue of his Messenger. It is narrated from Anas Ibn Mālik that Prophet said, "Strive against the mushrikīn with your property, yourselves (physically) and with your tongue."4

This narration is in the utmost authenticity and there is in it the order to debate and the obligation of fighting and spending in the path of Allāh. Prophet has taught us the proper placing of questioning and the method of argumentation, as mentioned in the narration of the debate between Ādam and Mūsa 3.

It is narrated from Abū Hurairah that Prophet said, "Ādam and Mūsa argued with each other. Mūsa said to Ādam, 'You are Ādam whose

 $^{^4}$ Sunan Abī Dāwūd 2504 | Sunan al-Kubrā 4304 | Musnad Aḥmad 4/124

mistake expelled you from Paradise.' Ādam said to him, 'You are Mūsa whom Allāh selected as His Messenger and as the one to whom He spoke directly; yet you blame me for a thing which had already been written in my fate before my creation?' So, Ādam prevailed over Mūsa."⁵

So Mūsa placed the blame in place it does not belong, so he was defeated in this argument. This is because Ādam was blamed for something he did not do, which was the expulsion of people from Paradise. It was the action of Allāh, Almighty. If Mūsa had blamed Ādam for his sin that actually had caused it, he would have placed the blame where it belonged, and Ādam would have been the one defeated in this argument. No one is blamed except for what they do, not for what results from their actions, nor for what others do. The infidel is blamed for the action, not for entering the Fire, and the killer is blamed for their action, not for the death of the slain or for taking retribution from them.

The Prophet ** taught us in this narration, how to inquire during argumentation, and he clarified to us that argumentation is permissible. And whoever misplaces the questioning is at fault and by that becomes the defeated one in the argument. The saying of Allāh, Almighty appeared by that, "Teaching you the Book and the wisdom, and teaching you that which you used not to know" [Al-Baqarah: 151].

What we have mentioned is the exact text of the narration, not what some might assume by misunderstanding and distorting it, seeking from the narration what is not mentioned in it. This narration is not regarding affirming *qadar*, and affirming *qadar* is only valid from other narrations and other verses.

The *Anṣār*, *Muhājirūn* and all the *Ṣaḥābah*, may Allāh be pleased with them, argued, and Ibn 'Abbās argued with the *khawārij* the command of 'Alī, may Allāh be pleased with him. None of the *Ṣaḥābah* ever denied debate in the pursuit of truth. So, there is no meaning to the statement of someone who came after them.

In conclusion, there is no one weaker than the one who intends to invalidate the validity of arguing when he attempts that by arguing, seeking to demolish all forms of debating by debating, and deliberately causing the corruption of discourse by discourse because he admits himself that he has said falsehood, as his argument consists of some points he aims to nullify

⁵ Şaḥīḥ al-Bukhārī 3409, 4736, 4738, 6614



entirely. This is a path taken only by an ignorant and weak or a stubborn individual.

The argumentation we call for is the pursuit and support of truth, the dispelling of falsehood, and its clarification. Whoever criticizes the pursuit of truth and denies the demolition of falsehood has indeed deviated and is truly among the people of falsehood. Disputing with falsehood is the contention that leads to ruin, as the Prophet #, said: "The most detested of men to Allah is the most contentious quarrelsome man."6

So when all paths, which our opponents claim to reach truths through, have been invalidated, whether ilhām or taqlīd, and it has been established that information cannot be known for its truthfulness by itself, nor can its falsehood be distinguished, nor its obligation from its non-obligation except by evidence from another source, it is then established that the resort for proofs is the evidence of the 'agl and its implications. And it is established that the 'aql is merely a discerner between the attributes of existing things, a guide for the one who uses it to the realities of how things come to be, and a means of distinguishing the impossible among them.

However, as for those who claim that the 'aql can declare Harām, Ḥalāl or Wājib, or that the 'aql can establish 'ilal for the existence of everything that Allah, the Creator, has manifested in this world, whether it pertains to rulings or worldly matters, then the one that does this, he is equivalent to those who nullify the every single aspect of the 'aql, and they are in two ways; one goes beyond the jurisdiction of 'aql, while the other restricts it so it also departs from it. Claiming things about the 'aql that are not within its capacity is no different from extracting from it what it does not contain.

We do not know a group farther from the path of reason than these two groups together. One of them nullifies the evidences of 'aql altogether, while the other, with their intellects, claim to find matters reasons concerning their Creator—Exalted is He—that, in their belief, while their Lord Almighty did not judge it because of that. So they shaped them and arranged them into ranks, insisting that there is no deviation for their Lord Almighty from them, and that His actions-Exalted is He-must operate only within their laws (obliging 'ilal for the actions of Allāh and rulings).

⁶ Sahīh al-Bukhārī 2457

Both groups have fabricated a tremendous lie against Allāh, the Almighty, and have presented things that make the skins of anyone with 'aql.

We have clarified that the essence of 'aql only lies in discerning perceptible things through the senses and understanding, and knowing their inherent qualities as they are only, such as that it necessitates the occurrence (hudūth) of the universe and that the Creator is only one, who never ceases, and also the validity of a truthfulness of a prophecy by the proofs of its prophethood and the obligation of obedience for the one who threatens with fire for their disobedience, and acting according to what the 'aql has validated of all that, and all else that exists in the world, excluding the sharā i . And it guides to the howness of all of that only.

As for the 'aql deciding whether pork is Halāl or Harām, or whether goats are *Ḥalāl* or *Ḥarām*, or if the *zuhr* prayer is to be performed with four raka 'āt and the maghrib prayer with three raka 'āt, or if wiping over the head in ablution without the neck is obligatory, or if a man may marry up to four only but not five, or if one may kill an adulterer who is married, even if forgiveness has been granted by the wife and the father of the woman, or if the killer of a prohibited soul will not be killed deliberately if the guardians of the murdered pardon him. All of this is beyond the realm of 'aql, neither affirming nor negating it. 'Aql lies only in understanding Allāh's orders and the obligation of refraining from transgression towards what is threatened from the punishment for transgressing. It entails acknowledging that Allāh, Exalted be He, does as He wills, and if He willed to forbid what He has permitted or permit what He has forbidden, He can do that as He wills. If He were to do so, it would be obligatory upon us to submit to all of that, with no room for additions. Understanding the attributes of all that we comprehend from the world, knowing that it is in a certain manner and form as ordained by our Lord, without any increase. Success is from Allah, and unto Him is the desire to repel what we are not able to.



Chapter Three: Emergence Of Languages, Is It Taught By Allāh Or Did It Originate Through Human Terminology?

Most people claim that languages originated through human terminology. The correct understanding is that the origin of languages is from Allāh, this is from certain sam' evidence and necessary evidence. As for the sam' evidence Allāh says: "And He taught Ādam the names of everything. Then He showed them to the angels and said, 'Inform Me of the names of these, if you are truthful" [Al-Baqarah: 31]. 'Names' in Arabic are more general.

And as for the necessary evidence, it is that if language would be a matter of terminology, it is not possible to assign terminology except to a people whose minds are matured, intellects refined, knowledge perfected, who have comprehensively observed and understood all things in the world, recognizing their limits, agreements, differences, natures, and characteristics. By necessity, we know that there are many years between the first existence of humans and the acquisition of this description, requiring upbringing, care, and guardianship from others. This is because a person does not become selfsufficient until years after their birth, and there is no means for parents, guardians, or caregivers to coexist except through language, which they use to understand each other's needs in what is essential for their livelihood, such as farming, livestock, planting, enduring hardships like heat, cold, predators, and diseases. All of this necessitates the use of names to communicate what they endure, and every human being has gone through the stage of infancy where understanding was withheld. And terminology implies a time that did not exist before that because it is the work of terminologists, and every action must have a time of initiation. Then how was the situation of the terminologists in creating a language before they formed a terminology? This is something impossible by necessity, there must have been then for this terminology its existence. This is certain evidence of the necessity for the

occurrence (hudūth) of the human species, and certain evidence for the existence of the One, the Creator, the First, blessed and exalted, and also certain evidence of prophecy and because there is no means for anyone to remain and exist without speech. Speech is composed of letters, and its composition is an act done by the actor of it by necessity. And every act has a duration where it began, because an act is a movement for a certain duration, so it is established that for this composition there is a begin and that humans cannot exist without it and that which cannot exist before it has a first, then it has a first by necessity, so it is established that for the muhdath there is a muhdith. Then it is established that what is known in this regard, that as it is what originates from the Creator—Exalted is He—it is beyond nature's ability to know without instruction. So, it is absolutely impossible to know it except through a teacher whom the Creator—Exalted is He—has taught, and then he, in turn, taught those of his kind from what his Lord—Exalted is He had taught him.

And also, terminology is established in a language only through advanced discourse between terminologists agreeing on its establishment, or through agreed-upon signals. This consensus on understanding those signals can only be achieved through discourse and understanding the limits of things and their natures, expressed through words of language. This understanding can only come through discourse and comprehension. So it is then invalid for terminology to be the first speech, it is not possible for terminology to exist initially.

Then the only claim that is left is that speech is a natural act. This is invalidated by necessary evidence, which is that nature only performs a single action, not multiple actions. Speech composition is an act by the will, done in various ways.

Some have resorted to another false view, stating that places inherently necessitate their inhabitants to speak in any language they spoke. This is impossible because if languages would be determined by the natures of places, then each place would only allow the existence of its corresponding language dictated by its nature. But, this is invalidated by clear observation because various languages have entered most places due to the interaction and adjacency of language speakers. And also, it is not inherent in the nature of a place to name water 'water' without being named with another name composed of alphabetic letters.

Those who persist in this are either openly advocating falsehood or lacking rationality, as they must adhere to one of these two positions. So it is established to affirm that language is established from Allāh Almighty $(tawq\bar{\imath}f)$ and all of it taught by Him.

Except that we do not deny people's terminological innovations in creating various speech after there was one language they stood upon, through which they learned the nature, characteristics, and limits of things. We do not know which language Ādam # initially stood upon, but we say that it encompassed all languages, being the most perfect, the clearest in expression, the least ambiguous, and the most concise. And the most encompassing of different things of all different things in everything in the world from jawhar and 'arad as mentioned in the verse, "And He taught Ādam the names of everything" [Al-Baqarah: 31]. This affirmation invalidates doubts and settles the disputes in what we have mentioned.

Some have said regarding the language spoken by Ādam that it was Syriac, others claim it was Greek, others Hebrew, and others Arabic, but Allāh knows best. Except that what we have come to know for certain is that Syriac, Hebrew, and Arabic are all the languages of Rabī'ah and Mudar not the language of Himyar, as they were one language that changed with the changing of its inhabitants' residences. It changed like what happened in al-Andalus, where the tone changes to that of al-Qayrawan and vice versa, or that of Khurasān when its tone changed. We find those who hear the tones of the people of al-Fahs al-Ballūt (today: Los Pedroches) which is one day away from Cordoba, almost believing it to be another language different from the language of the people of Cordoba. And it is the same in many regions; due to the proximity of the people of a town to another nation, their language changes in a way that is evident to anyone who reflects on it.

We find that common people have altered words in the Arabic language, altering them away from the original word into another language, so we find them saying 'عنب' instead of 'عنب' (grape) and they say 'أسطوط' instead of 'سوط' (whip), and 'ثلثة دنانير' instead of 'ثلثة دنانير' (three dīnārs). And when a Berber learns Arabic and wants to say 'شجرة' (tree), he says 'سجرة', and when a Greek learns it, he changes the 'E' and '7' to a '6', so he says 'instead of 'محمدا'. And there are many examples like this.

Whoever contemplates Arabic, Hebrew, and Syriac realizes with certainty that their differences are only due to what we mentioned, the alteration of people's words throughout time, the variation of regions, interaction with nations, and that they are originally one language. As we are sure of this, Syriac is the origin of Arabic and Hebrew together.

It is clear that the first one who spoke this Arabic language was Ismā'īl , so it is the language of his descendants. Hebrew is the language of Isḥāq and his descendants. Syriac is without doubt the language of Ibrahīm , known by numerous transmissions (*tawātur*). So Syriac is their origin.

Some say that Greek is the simplest of languages, and perhaps that is true now, as most of its speakers have vanished and its validity is nullified with the fall of its state and the entrance of others into their dwellings, or by their displacement from their homes and their mingling with others. Indeed, the language of a nation and its sciences and news are limited by the strength of its state, the activity of its people.

As for those whose state perishes, and whose enemies prevail over them, and they become preoccupied with fear, need, humiliation, and serving their enemies, it is certain that their minds perish, and perhaps that is the cause of the disappearance of their language, forgetting their lineage, news, and the extinction of their sciences. This is observed and known by necessary 'aql. And the Syriac state, since it has gone and thousands of years have passed, in a time lesser than that the entire language can forgotten, then how about more than that and Allāh knows best.

We do not affirm certainty that it is the language which Allāh taught first, and we do not know; perhaps someone may say, perhaps that language was completely perished and disappeared altogether, or perhaps it is one of the languages that is alive still but we do not know that exact language, this is what necessity necessitates there is no other possibility. It is possible that Allāh taught Ādam all languages that all humans speak now, or maybe it was back then all one language with similar names taught to him and then later many different languages formed from that, this is what is most likely according to us, except that we do not affirm this with certainty like the way we affirm with certainty that there must be at least one language that Allāh taught, but this is what is most likely according to us, that Allāh taught him every single language, we only think this and do not affirm it with certainty because we do not know what reason prompted people, who had a language they spoke and understood, to create another language.



The immense effort in that is without purpose, and such trivialities are not pursued by anyone with 'aql in any manner. If one does engage in such things, it is only due to idle curiosity and poor choice, being occupied with what has no benefit over matters that are of true concern to them, and over what is more essential to their hereafter, worldly interests, pleasures, and other beneficial knowledge

And for those who have obedience to the people of their country, they have an inclination to abandon their language and speak the language imposed upon them. We do not consider this impossible; instead, we say it is very possible, while it is unlikely.

If it is said that perhaps a king ruled over many languages in his kingdom and unified them into one language that all could understand, we say to them: this contradicts the existence of many languages; it is instead the gathering of languages into one. Then we ask, what would drive this king to the burdensome, difficult, and heavy task that serves no purpose? It would have been easier for him to unite them under a language spoken by those people, or even his own language, which is lighter and more easier than creating a new language. Allāh knows best about this.

And some people may have delusions about their language being the best. This has no meaning because the merits of languages are known, and they are based on action or specifications to it. There is no merit for a language, nor is there any text favoring one language over another. Allāh Almighty said, "And We did not send any messenger except [speaking] in the language of his people to make (the Message" [Ibrāhīm: 4].

And Allāh says, "Certainly, We have made this (Qur'ān) easy in your tongue, in order that they may remember" [Ad-Dukhān: 58].

So, Allāh Almighty informed us that He did not reveal the Qurʿān in the Arabic language except for the understanding of His people, and not for any other reason. Galenius made a mistake in this regard when he said that the Greek language is the best of languages because all other languages are like the barking of dogs or the croaking of frogs. This is extreme ignorance because every listener of a language that is not their own, which they do not understand, it is for them as the gibberish mentioned by Galenius, and there is no difference.

Some people said, "The Arabic language is the best of languages because it contains the words of Allah Almighty." This has no meaning to it because Allāh Almighty has informed us that He did not send a messenger except in the language of his people, and Allāh says, "And there never was a nation but a warner had passed among them" [Fāṭir: 24].

Allāh says, "And indeed, it is [mentioned] in the scriptures of former peoples" [Ash-Shuʿarāʾ: 196]. So the words of Allāh Almighty and His revelation have descended in every language. He revealed the Torah, the Gospel, and the Psalms, and He spoke to Mūsa in Hebrew, and He revealed the scriptures to Ibrāhīm in Syriac, so languages are all equal.

As for the language of the people of Paradise and the people of Hell, we have no knowledge except what has come in the text and $ijm\bar{a}$. There is neither text nor $ijm\bar{a}$, there must be however by necessity a language they speak, and this cannot be otherwise.

There are three possibilities for this: either they have one language from the existing languages among us now, or they have a language different from all these languages, or they have various languages. But this discussion which described Allāh Almighty described necessitates that they communicate in one language, either in Arabic, which is different from theirs in the Qurʿān, or in another language known only to Allāh.

Some have claimed that Arabic is their language, because of Allāh's saying, "And the last of their call will be, 'Praise to Allāh, Lord of the worlds'" [Yūnus: 10].

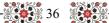
I replied to him: Then say that it is also the language of the people of Hell, for Allāh—Exalted is He—says about them that they said, "It is all the same for us whether we are patient or impatient" [Ibrāhīm: 21].

And because they said, "Pour upon us some water" [al-A'rāf: 50].

And because they said. "If only we had listened or reasoned, we would not be among the companions of the Blaze" [al-Mulk: 10].

He replied, "Yes." So I said to him: Then conclude that Mūsā and all the prophets spoke Arabic, because their words are quoted about them in the Qur'ān in Arabic. If you say this, you are contradicting your Lord, and your Lord has refuted you in His saying, "And We did not send any messenger except in the language of his people to clarify to them" [Ibrāhīm: 4].

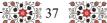
So it is clear that Allāh—Exalted is He—tells us only the meanings of everyone's speech in their language, in the language through which we understand each other, solely to clarify to us, Exalted is He. The letters of the alphabet are the same, without superiority, deficiency, beauty, or ugliness in





one over the other, and they are the same in every language. So these misguided, aberrant claims are nullified, and Allāh grants success.

This waswās led the Jews to justify lying and swearing falsely in languages other than Hebrew, claiming that the angels who record deeds only understand Hebrew, so they do not record anything else. Such claims are falsehood, as you can see, for the Knower of the unseen and what is hidden within souls is aware of every language and its meanings—Exalted is He, there is nothing worthy of worship except Allāh, and He is our sufficiency and the best Guardian.



Chapter Four: Concerning Terms Used Among Ahl Al-Nazar

This chapter clarifies the confusion caused by many who have spoken about the meaning of these terms, they mixed their meanings, misapplied them, and mixed the truth with falsehood. This has led to much confusion. complexity, and obscured truths. We, with the help and guidance of Allāh, endeavor to clarify the true meaning of each term. So, we say, with Allāh's assistance.

Limit (hadd): a concise word that indicates the nature of the thing described, such as when you say, "A body (jism) is everything that has a length, width, and depth," because length, width, and depth are natures of a body, such that if they would not be there, it would cease being a body (jismiyyah) and it would not be a body anymore, then the word 'hadd', in this case describes the nature of the word "body" and distinguishes it from what is not a body.

Characteristic (rasm): a concise word that distinguishes the thing described from others, without revealing its nature, such as when you say, "The human is a laugher," you have accurately distinguished humankind with this term, distinguishing it from others, except that you have not informed about its actual nature. If you were to remove laughter from humankind it would not negate his humanity.

Since these two meanings are distinct, each being different from the other, it is necessary to use each one with a different phrase, not using the phrase of one to describe the other. If we were to use both meanings with one phrase, we would have confused those who accept from us, and we would have been greatly unjust and unfaithful to them. This contradicts what Allāh has taken upon the scholars, as Allāh says, through the tongue of His Prophet, "To make it known and clear to mankind and not hide it" [Āl-'Imrān: 187]. Whoever confuses the truths has indeed concealed them.

Knowledge ('ilm): the certainty of a thing as it is, either through certain decisive evidence leading to its certainty, or through sense perception (hiss) or intuition of the 'agl or derived from a primary source, as we clarified in *Kitāb al-Taqrīb*, by the premises that return to the primary sources of the 'aql or sense perception, whether near or distant. It may also be derived from following one whom Allāh—Exalted is He—has ordered to be followed, with that aligning with the truth, even if it is not based on necessity or reasoning. The certain decisive evidence for this is that all people are ordered to speak and believe in the truth, and the Messenger of Allāh se called all people to have faith in Allāh and what He brought, and to utter it, without making a condition for the validity of it that it must not be from come from them except through istidlal, such that he invalidated all beliefs till they knew the evidences for it; rather, he validated and accepted it from a scholar and an ignorant, a free person and a slave, a captor and a non-Arab, and the *ummah* has agreed on that after him until today. They believed this from those who informed them of it, and they were not required to provide *istidlāl* for it. So it is established that whoever believes in what we have mentioned and speaks of it, he has knowledge of it with certainty, aware of it. Because if knowledge would not be ascribed to him, then he would be prohibited for him to speak regarding it, Allāh says, "And do not pursue that of which you have no knowledge" [Al-Isrā': 36].

And Allāh says, "He only orders you to evil and immorality and to say about Allāh what you do not know" [Al-Baqarah: 169]. So it is established that mankind is ordered to believe in the truth and to speak about it, and he is prohibited from speaking about what he does not know and from pursuing what he does not know. His saying is then valid and his knowledge is real, even if it is without istidlāl. Whoever claims that the prohibition of Allah about speaking without knowledge and pursuing what a person has no knowledge of is specific only, he has made a claim without evidence and has invalidated the saying of Allāh, because this person claims that the verse, "And do not pursue that of which you have no knowledge" [Al-Isra $\dot{}$: 3] is only about $\bar{l}m\bar{a}n$, this is a mere lie against Allah.

If they mention the verse, "Produce your certain evidence, if you are truthful" [Al-Baqarah: 111].

We say: Yes, indeed, Allah addressed only those who claimed falsehood, and there is no evidence for the one who claims falsehood. But as



for the belief in the truth, the evidence of the truth is established, whether the one who believes in it knows its evidence or is ignorant of its evidence. The evidence of the truth remains valid regardless of whether the one obligated to provide evidence is correct like it or invalidates it. Only the one believing falsehood is burdened to provide certain evidence to refute their falsehood. It is not allowed to burden the one that knows the truth, the certain evidence because the one that is burdened either believes it is correct or declares it invalid. And if he believes it then he causes difficulty for him and causing difficulty is not allowed, and if he believes the truth as incorrect then it is not allowed for him to argue about it, as it is prohibited to argue against the truth. Allāh says, "They argue with you concerning the truth after it had become clear" [Al-Anfāl: 6].

And Allāh says, "And they disputed by [using] falsehood to [attempt to] invalidate thereby the truth" [Ghāfir: 5].

It is not allowed to burden the one that is correct, certain evidence, except if he knows it, it is not allowed in a manner of objection. Because whoever does that objects the truth, and objection to the truth with falsehood is not allowed.

Allāh says, "And they disputed by [using] falsehood to [attempt to] invalidate thereby the truth" [Ghāfir: 5].

And some groups deviated, leading them to destruction, they say, "The limits do not change, whether they are $qad\bar{\imath}m$ (external, before there was a first) or muhdath (originated at some point in time)." This statement implies kufr because by it, they place the Creator, the Most High, under the category of created things. For every limited thing is finite and composed, and every composed thing is created because it is composed of its own kind (jins), and its distinguishing characteristic (fasl) that combines it under its kind. So they made their Lord, the Most High, a created being (muhdath). Allāh is exalted above that.

They say, "The limit of knowledge ('ilm) is a quality which the living, that is able to do without difficulty."

This is a false limit because the bee has no difficulty with the rules of building wax and producing honey, yet it is not considered knowledgeable. And a scholar may suffer paralysis in his hands and feet, causing him inability to do acts of wisdom with them and also acts that do not have wisdom, while his knowledge and intellect remains.



And a group among them said, "The limit of knowledge, for us and for Allāh—Exalted is He—is that it is an attribute by which the known is distinguished as it truly is in its conditions."

The answer: Both of these limits are false. We ask them: this attribute that you mention— is it one and the same as the subject it describes, or are they two distinct things?

If they say, "It is one and the same as the subject," they invalidate their claim about Allah and align with their opponents, differing only in expression.

And also, the idea that the attribute and the subject are one and the same does not exist in the world, for attributes come and go from subjects, and they perish while the subject remains in its own state. There is no doubt that what perishes is distinct from what remains. An attribute is an accident ('arad), yet we do not acknowledge the knowledge of Allāh as being an attribute like our own attributes. Rather, we affirm it in accordance with the revealed text that He—Exalted is He—possesses knowledge, but we are certain that this knowledge is not separate from Him, nor is it an 'arad. We do not describe Allāh as 'knowing ('Ālim),' rather we say that He is 'All-Knowing' ('Alīm), as He—Exalted is He—has said.

If they say, "What is the difference between 'Alim and 'Alīm?" It is said to them: What is the difference between al-Jabbar and al-Mutajabbir, then name your creator Mutajabbir, what difference is there between naming Allāh the most High 'Khayr ul-Mākirīn' and that he has a Makr, while we do not name him Mākir, the same way we name him Hakīm and not 'Āqil and we name him al-Waḥīd and not al-Fard or al-Fadh, we clarified that the names of Allāh are a 'lām and are not derived ever, and with Allah is the success.

And if they say, "The attribute and the thing described by it are two different entities." Then they have said the truth and have abandoned their method.

Belief (i'tiqād): It is the establishment of a judgment concerning something within the soul—either based on evidence or following someone whose statement is verified by evidence, with that making it a true knowledge without a doubt. It may also be based on conviction and by that not be certain knowledge, where it could be either true or false. Or it may be



without conviction or evidence, resulting in either truth by mere fate or falsehood.

Certain decisive evidence (burhān): any issue or set of issues that indicate the truth of a judgment about something.

Evidence (dalīl): it may be certain decisive evidence (burhān) or it may be a name by which the named thing is known, or an expression that clarifies the intended meaning. For example, if someone directs you to a specific path, that instruction, the words or signs used are evidence of what you sought. A person who provides guidance $(d\bar{a}l)$ can also be called an evidence (dalīl).

Evidence (hujjah): this is the evidence itself ($dal\bar{\imath}l$), whether it is certain evidence (burhān), persuasive, or mere tumult.

The indicator $(d\bar{a}l)$: that which makes the reality of something known, whether it is a knowledgeable person or an expression of what Allāh Almighty has taught us. In Arabic, the term dalīl can be used interchangeably with $d\bar{a}l$ in the figurative sense (maj $\bar{a}z$).

Inference (istidlāl): seeking the evidence by the understanding of the 'aql and its outcomes, or by a knowledgeable person.

Indication ($dal\bar{a}lah$): the action of the indicator ($d\bar{a}l$), and it can be added to the evidence in the figurative sense ($maj\bar{a}z$).

Persuasion ($ign\bar{a}$): It is a statement or set of statements with which the soul becomes comfortable regarding the judgment of something, without being led to the certainty of proof, nor having evidence that invalidates it.

Tumult (shaghab): deception with a false hujjah on an issue or issues that lead to falsehood, which is sophistry.

Blind following (taqlīd): believing something because a person has said it, while there is no certain evidence presented for what he said, following the orders of Allāh by following him is not taqlīd, it is instead obedience to Allāh.

Inspiration (*ilhām*): knowledge that occurs in the souls without dalīl, istidlāl, ignā or taglīd. This does not occur in a valid manner except if it is a natural act from the living that can speak and some that cannot speak such as a spider forming a web and ants building wax and honey and a child sucking the breasts, or if it is a knowledge that the soul knows before the moment of its istidlal, such as that we know that something complete is more than only a part, everything other than this is false.

Prophethood (*nubuwwah*): Allāh specifying a man or a woman from mankind to announce matters that they did not know, either with an angel as an intermediate or an ability granted which other created things have no ability of such as doing things that changes the nature or showing miracles, this has ended after Muhammad 3.

The message (*risālah*): that Allāh orders a prophet to warn the people and to accept his covenant, every Messenger is a prophet and not every prophet is a messenger.

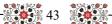
Clarity (bayān): it is the quality of something being, in itself, accessible for its truth to be known by whoever seeks to understand it.

Clarification (*tabyīn* and *ibānah*): They are the actions of the one who clarifies, by bringing the meaning out of ambiguity into a state where it can be understood as truth. It can also be figuratively called *mubīn* (clarifier), even if the clarified meaning wasn't intended for understanding. For example, one can say, "Death made clear to me that people are not immortal." *Tabyīn* is the act of the soul understanding something within itself, which is also known as *istibānah* (discernment), and *mubīn* is the thing itself that indicates.

Truthful (*sidq*): saying the reality about something.

The truth (hagq): it is the state of something being correctly existent, and that one with the capacity to understand is not mistaken in its comprehension. One must not consider this definition false by arguing that disbelief and injustice are correctly existent, and because of that are the truth. Let the one who thinks such know that he is a false claimor, because the existence of *kufr* and *jawr* are valid but are not valid with the pleasure of Allāh, Allāh being pleased with it is instead non-existent. As for that existing from a $k\bar{a}fir$ and a $j\bar{a}$ ir then that is true and valid, affirmative, without any doubt. So such differences must be considered and the speech must be investigated; otherwise, there will be confusion and perplexity for the observer.

We have seen some distinguish between hagg and hagīgah, which is a mistake not hidden from those of understanding who seek to be just. This is because the difference between these two words has not been established by language nor imposed by any ruling, especially in the topic of the Names of the Exalted Creator, which can only be derived from explicit texts and cannot be modified. So, the falsehood of this distinction is



certain, and Allāh, Exalted is He, grants success. Also, Allāh Almighty said, "Who is] obligated not to say about Allāh except the truth" [Al- A'rāf: 105]. There is no difference for anyone between saying haqīqun 'alā kadhā ("obligatory upon") and haqq 'alā kadhā ("obligatory upon"). So the falsehood of this distinction is evident.

Falsehood (*bātil*): everything that is not the *haqq*.

lie (kadhib): anything said that is different from the actual way it is, whether a person is aware of it or not.

Principle (asl): it is what is perceived by the primary 'agl and by the senses, as we have previously mentioned.

Branch (far "): it is everything known through a premise that returns to what we previously mentioned, either closely or distantly. This branch can be as a branch for what is subsequently derived from it.

Text (naṣṣ): Anything that is from Qurʿān and Sunnah, this is in if itself by default the apparent.

Known (ma ' $l\bar{u}m$): is of two types: that which is known by the aforementioned asl (principle) and that which is known by premises that return to the asl, as we have explained. Everything transmitted with tawātur (continuous transmission) regarding the Prophet so or agreed upon by all scholars of the *ummah* about him or reliably transmitted from one trustworthy source to another until it reaches him within the category of what is necessarily known with certainty through the mentioned premises.

 $Ta \dot{w}\bar{\imath}l$: moving a word away from what the apparent necessitates and away from the meaning of it in its language to another meaning. If there is for this moving certain decisive evidence, then it is obligatory to use that meaning, it is then the truth, if the moving has no certain decisive evidence then that meaning is abandoned and not looked into.

The general ('umūm): understanding from a text that a wording encompasses all that it implies by that word in language, and every generalization is the apparent $(z\bar{a}hir)$, while not everything general is the apparent. This is because the apparent meaning could be about one specific individual, while generalization applies to more than one.

Specificity (*khusūs*): This is the exact same as *ta* 'wīl without difference: understanding from a text that a wording is confined to certain implications in language, not all of what is implied by the word in the



language. All words are either indicative of one meaning or more than one. If they are deficient and do not convey a meaning, they are worthless.

The Ambiguous (*mujmal*): a word that requires an explanation taken from another word.

The Exegesis (*mufassar*): a word that clarifies what is ambiguous.

Order ('amr): the obligation (fard and wājib) of a thing, if Allāh and his Messenger order anything then it is an obligation and it must be obeyed, if an order is from anyone other than them then there is no obedience to it.

Prohibiting (nahī): obliging a prohibition to abandon a thing, what is said about order applies for prohibition as well, anything that is prohibited is harām.

Obedience (tā 'ah, birr): carrying out that which is ordered and abstaining from that which is prohibited.

Disobedience (ma 'siyah): the opposite of obedience.

Recommended (nadb): an order to have a personal choice to abstention, the doer of it is rewarded, and the one not doing it does not sin and does also not gain rewards. What is recommended is also called commendable (i 'tisā'), desirable act (mustaḥsan), a voluntary choice (mustahabb), encompassing all acts of supererogation and optional deeds, such as voluntary prostrations outside of obligatory prayers, charity, fasting, and all other acts of righteousness.

Disapproval (*karāhah*): a prohibition giving a choice to forsake something or to perform it, the one forsaking it yields reward, and committing it incurs neither reward nor sin. Examples for this is the abandonment of all voluntary acts, such as building a miḥrāb in mosques and drying oneself with a cloth after ghusl of janābah, using a designated garment for this purpose instead of the one a person wears. Selling weapons to those one whom it is not certain that they will use them in permissible manners (as for when it is certain then it is prohibited). Eating while reclining and shaving during *hajj* without an illness.

Permissibility (*ibāḥah*): anything that is permissible may be done and may not be done, there is no reward in doing it and no sin in leaving it and no punishment. Such as sitting cross legged or raising one of the knees, dying the clothes green and other matters, this is *ḥalāl*.

Analogy ($qiv\bar{a}s$): making a ruling of an issue which is either a prohibition, obligation or a permissibility. This issue is one not covered in the revelation of Allāh (Qurʿān and Sunnah). *Qiyās* is then assigning a ruling to such an issue based on a similarity to it, addressed Qur'an and Sunnah, with the new issue receiving the same ruling as the one it is compared with from Qur'an and Sunnah, because on their resemblance, all of this is false.

Essential quality ('illah): the nature of a thing, it requires an attribute to validate it and that attribute cannot exist without it, such as the being of fire because of burning, none of this exists in the religion, this belief is a bid 'ah and false, 'illah also means sickness

Rationale (sabab): something that occurs because of the reason of something, such as sins being the reason for punishment.

Purpose (gharad): the result of what a doer intended with his action, such as satiety being the result of the one wanting to eat. A purpose can also be with choice such as Allāh intending with his rulings to punish the one that disobeys him and to grant favor on the one that obeys.

Sign (amārah): a sign, if the sign is found it is known by the founder what must happen next.

Intention (nivyah): it is the aim of performing an action with the desire of the *nafs* for it only, excluding anything else, and the conviction of the soul in what has settled within it.

Condition (*shart*): attaching a ruling for the existence of another ruling and its cessation by it ceasing, all of it is false as long as there is no text allowing it specifically, such as if someone says, "If you serve me for a month I will give you one dirham."

Tafsīr and sharh: both mean tabyīn.

Abrogation (*naskh*): an order that opposes another order that was before it, it invalidates the first order.

Exception (istithn \bar{a}): a word or a clarification that excludes that which another word necessitates, the meaning in the first wording (that which is general) is specified in accordance to what the exception specified from the general. This is the difference between abrogations and exceptions because an abrogation is that what the first words intent as long as its time it is remains unabrogated. As for what is made an exception, what was mentioned before it being general, it was never the intention in the first





place, that exception that came for the general was always the intended meaning of the general.

Debate and argumentation (jadal wal-jidāl): each party informing the other of their argument or what they deem as their argument. Both may be invalid, or one may be valid while the other is invalid, either in its wording or its intended meaning, or in both. There is no way for both to be correct in their expressions and meanings.

Ijtihād: striving to reach the truth (the ruling of Allāh) and exerting effort in seeking the truth, in matters from where it is hoped to be found.

Opinion (ra i): what the soul imagines as correct without certain evidence, and it is not permissible to judge based on it at all.

Preference (istihsān): Anything the soul desires and goes in accordance with that, whether it is right or wrong.

Correctness ($saw\bar{a}b$): having reached the truth.

Error (*khaṭā* '): unintentional mistake.

Stubbornness ('inād): turning away from the truth on purpose.

Precaution (wara): avoiding what is not obliged to be avoided, fearing that it may entail harm.

Precaution (*iḥtiyāt*): seeking safety, this is *wara* 'avoiding what a person fears to be prohibited even if there is nothing authentic regarding its prohibition, *ihtiyāt* is not obligatory in the religion, it is recommended, it is not allowed to oblige anyone based on this because Allah did not oblige it, except if there is certainty.

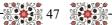
Ignorance (*jahl*): the reality of knowledge being concealed for someone.

Nature $(tab\bar{t}'ah)$: the intrinsic qualities present in a thing that exist in it as it is, and they are not absent from it except if that thing would cease such that the name would not be applied to it anymore.

Indication of speech (dalīl ul-khitāb): this is the opposite of qiyās, this is to rule that which is not mentioned by Qur'an and Sunnah with the opposite ruling of what the ruling of it is from Qur'ān and Sunnah.

The rulings (sharī 'ah): Every ruling from Qur 'ān and Sunnah, it is the revelation from Allāh only, what he revealed in Qurʿān and the Sunnah revealed to Rasūlullah ...

Language (lughah): words used to express designations, and the meanings intended to be understood. Every nation has its own language.



Allāh says, "And We did not send any messenger except [speaking] in the language of his people to make it clear to them" [Ibrāhīm 4]. There is no dispute that Allah intended languages,

Uttering (lafz): anything uttered by the tongue, Allāh says: "Not a word does he (or she) utter but there is a watcher by him ready (to record it)" [Qāf: 18]. Its limit is the rush of air from the lips, teeth, palate, throat, and lungs in a limited composition, and this also is speech ($kal\bar{a}m$) itself.

Difference of opinion (khilāf): a disagreement or dispute about anything, and it is when one person takes one path of speech or reasoning, and another takes a different path. This is prohibited in the religion, as it is not permissible to dispute what Allāh has established in it. Allāh says, "And do not dispute" [Al-Anfāl 46].

And Allāh says, "If it would have been from other than Allāh they would have found in it many differences [An-Nisā' 82].

And Allāh says, "Do not be like those who separated and differed" [Āl-'Imrān: 105].

Consensus (ijmā'): in the Arabic language it is what two or more individuals agree upon, it is also called "agreement."

The Sunnah: is the same as the *Sharī'ah* itself, and in the Arabic language, it is the aspect of a thing and its apparent.

The divisions of the rulings (sharī 'ah) are five with no sixth to it: obligation (fard), recommendation (nadb), permissibility (ibāhah), disapproval (*karāhah*), and prohibition (*taḥrīm*). All of these are made a Sunnah by Rasulullah as revelation from Allāh.

Innovation (bid'ah): Anything that is not from Qur'ān and Sunnah, but the one doing anything of it is rewarded if he has a good intention and he is excused for his good intention. And from it, there is that which is rewarding for the one doing it, if its origin is permissibility. It is also that which can be included in things that are in general recommended even if there is no text specifically mentioning it by its word, and there is also blameworthy bid'ah, the one doing it is not excused and that is the on whom hujjah is established and he continues doing it.

Writing (kitābah): what is written is an expression that stands in the place of a noun, such as pronouns commonly used in languages, or an exposition of what is understood from it, even if the noun is not explicitly



stated. It can also refer to someone by their nickname. Indication is done through language or through some parts of the body, serving as a hint.

Signs (ishārah): can be by pronouncing something or physically with the body, making the one who the signs are done to be aware of something.

Figurative ($maj\bar{a}z$): in the religion it is everything Allāh and his Messenger changed from what is entailed by that word in the Arabic language to another meaning or two meanings, claims of things in Qur'an and Sunnah being $maj\bar{a}z$ is not accepted from anyone except if certain evidence for it is presented from other texts or certain $ijm\bar{a}$ or a necessary perception, it is then true. Because naming things is for Allāh alone, if he gives a name to something, then that thing in reality has that name, no one other than Allāh and his Messenger can do any of it, Allāh says, "They are not but [mere] names you have named them - you and your forefathers - for which Allāh has sent down no authority" [Al-Najm: 23]

Resemblance (tashbīh and tamthīl): declaring something similar to something else in some of their attributes, this does inherently not oblige any ruling in the religion which is $qiy\bar{a}s$, all of it is false

The unknown (*mutashābih*): That from which the meaning is absolutely unknown by anyone, this exists in the Qur'ān and that is that which Allāh prohibited following and seeking its ta 'wīl, he ordered us to believe in it. This does not exist in the Qur'an except for agsam (the oath of Allāh) which is in the beginning of the chapters such as when Allāh says, "By the forenoon. By the night when it darkens (and stand still)" [93:1-2].

And when Allāh says, "By the dawn. By the ten nights" [89:1-2]. And the huruf al-muqatta ah in the beginning of the chapters, everything else in the Qur'an is muhkam.

Mufassal: what is separated from the *aqsām*. In the language it is something divided into parts.

Deduction (*Istinbāt*): it is the extraction of something concealed from within something else that contains it. In matters of religion, if it is based on a text indicating its general meaning, it is valid. However, if it is not based on a text indicating its general meaning, it is invalid and not permissible to assert.



Judgment (*ḥukm*): the ruling on an issue concerning something, which in religion can be prohibited, obligatory, permissible, disliked, or recommended.

Faith $(\bar{\imath}m\bar{a}n)$: in the Arabic language it means to acknowledge $(ta\bar{\imath}d\bar{\imath}q)$ with both the tongue and the heart, not with one without the other. In the religion, it means to affirm and acknowledge with the heart everything that Allāh Almighty has ordered through the tongue of His Messenger and to articulate that with the tongue. It is necessary to use the body in performing all obligatory acts, recommended acts, avoiding prohibited acts, and disliked acts.

The certain evidence that it is changed $(manq\bar{u}l)$ from the meaning in the language is that all $ahl\ ul-\bar{l}m\bar{a}n$ make $takh\bar{\iota}b$ of certain things, such as attributing a child to Allāh Almighty or considering Musaylimah as a prophet, and much more, while they do $ta\bar{s}d\bar{\iota}q$ of many things. Allāh Almighty applied the word $\bar{\iota}m\bar{a}n$ to some excluding others. There is no difference from anyone from the ummah that it is not allowed to apply the word $takdh\bar{\iota}b$ for $ahl\ ul-\bar{\iota}m\bar{a}n$ except with $tallam{\iota}d\bar{a}fah$. The infidels are $tallam{\iota}dm$ in many things and while that there is no difference from anyone of the $tallam{\iota}dm$ that it is not allowed to apply the word $tallam{\iota}dm$ to them except as $tallam{\iota}dm$, so the word $tallam{\iota}dm$ is $tallam{\iota}dm$ is $tallam{\iota}dm$ is $tallam{\iota}dm$ in the language to the place where we mentioned it.

Disbelief (kufr): the origin of disbelief in the Arabic language is concealment. Allāh, the Exalted, says, "(It is) as the likeness of vegetation after rain, thereof the growth is pleasing to the tiller ($kuff\bar{a}r$)" [Al-Ḥadīd: 20].

Labīd ibn Abī Rabī'ah said, "The sun has casted its right at a $k\bar{a}fir$." With $k\bar{a}fir$ he means here the night, because it covers over everything. In religion, it means an attribute of denying something that Allāh Almighty has obliged believe in, after the evidence has been established upon him, and the truth has reached him through his heart without the tongue or with the tongue but without the heart, or both. Or if he does an act which contains texts from Qur'ān and Sunnah that have mentioned taking the name of $\bar{t}m\bar{a}n$ away from him by that act. Everyone whom the name of kufr applies then he makes $ta\bar{s}d\bar{t}q$ of matters and makes $takdh\bar{t}b$ of others, there is no difference that it is not allowed to apply the name of $\bar{t}m\bar{a}n$ without $idh\bar{a}fah$, and $ahl\ ul-\bar{t}m\bar{a}n$ are $kuff\bar{a}r$ on many things such as Christianity $(tathl\bar{t}th)$ and many others and



there is no difference that it is not allowed to apply the name of kufr on them without idafah.

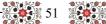
Polytheism (shirk): in the Arabic language it means combining something with something else and in the religion its meaning is kufr in the exact same manner as we have clarified it in other places, applying names for matters is for Allāh alone.

Ruling (ilzām): ruling someone with a ruling, whether obligatory or not obligatory

'Aql: using obedience and virtues, and it is not discernment ($tamy\bar{t}z$) because it is using that which distinguishes. So, every 'Aqil is able to distinguish, but not everyone that can distinguish is an 'Aqil. In Arabic language, it is preventing. And the people of our time use it in what agrees with their desires in their conduct and attire. As for the truth, it is in the saying of Allāh, the Almighty, "He will place defilement upon those who will not use reason" [Yūnus: 100]. He means those who disobey him, as for the loss of the ability to distinguish, it is ignorance or insanity.

Hastening (fawr): carrying out something without a delay.

Delaying (tarākhī): delaying the obligation. All obligations must be carried out as soon as possible, except if there is additional evidence that it can be delayed.



Section: The Definitions Of Letters That Occur Often In Texts Of The Qur'an and Sunnah.

The conjunction ' \dot{y} ' ($w\bar{a}w$) is used to link the second element with the first, either in its ruling or that which is being said about it, depending on the structure of the sentence. If the second element is something general, then it is only a conjunction in the khabar of something only, but if it is a singular word, then it shares the ruling of the first. This is a conjunction that does not give precedence to either the first or the second; instead, they can occur together, or one can precede the other, with or without a delay. For example, saying, "Zayd and 'Amr came to me," it is possible for them to come together or for Zayd to come before 'Amr, or 'Amr before Zayd, by an hour, a year, less, or more.

The conjugation ' $\dot{}$ ' ($f\bar{a}$ ') gives precedence to the second immediately after the first, without delay, as in saying, "Zayd came, then 'Amr (fa 'Amr)." Meaning Zaid came before 'Amr, and it is necessary for the second to follow the first with a delay.

The conjugation ' نْم' (thumma) indicates that the second must come after the first with a delay between them.

The conjugation 'واو القسم ' (wāw al-gasam): this is not wāw for an 'atf (linking between two) like the wāw of before, this is about taking an oath, because with this wāw a sentence can be begun and a sentence cannot be begun with wāw al-'atf

The conjunction ' أو ' (aw): this indicates a doubt or an option to choose, such as if you say, "Take this or this." Then you own only one of them, as for doubt it is if you say, "Zayd or 'Amr came." There is no certainty who came.

The conjunction ' الباء' ($b\bar{a}$ '): this indicates a connection such as if you, "I passed by Zayd (bi Zayd)." You intend to connect your passing, this does not indicate tab'īd or istīfā'.

The conjunction ' \sim ' (min): this indicates tab ' $\bar{i}d$ or ibtida'.





The conjunction ' إلى ' ($il\bar{a}$): this indicates an end. What occurs often is that it also means 'with.'



Chapter Five: Are Matters With The 'Agl Upon Prohibition Or Permissibility Before Anything From the Our an And Sunnah Is revealed?

A group said, "All things are prohibited by the 'aql before the Qur'ān and Sunnah."

Another group said, "All things by using the 'aql are allowed before anything from Qur'an and Sunnah."

Others said, "All things by using the 'aql is prohibited before anything from Qur'an and Sunnah about it is known, except for moving from a place to a place and thanking the benefactor only."

Others said, "All things by using the 'aql is allowed before anything from Qur'an and Sunnah about it is known, except for kufr, injustice and rejecting the benefactor."

Others said—and they are all of ahl ul-zāhir and many from ahl ul $qiv\bar{a}s$, "There is no ruling for that which is in the 'aql, no prohibition and also no permissibility, all of that remains as it is, till for any for it a ruling is revealed."

This is the truth for which opposition to is not allowed. Those who believe everything using the 'agl is prohibited before anything from the shar' is revealed say, "Everything is owned by Allāh, and it is not allowed to use what is owned by someone except with their permission."

The answer: And this is false because using the property of others is not prohibited with the use of the 'aql, it is only prohibited because of revelation from Allāh prohibiting it. If it would be prohibited to use the property of others by the 'aql, then it would not have been possible for there to exist a prohibition from Qur'ān and Sunnah of using the property of others just as it is not possible that there exists in Qur'an and Sunnah that what is complete is less than a portion and that which is short is longer than that which is longer than it, because everything Allāh, the Exalted, has arranged

in the 'aql to perceive everything with a certain attribute, it is impossible for that to contradict what He had arranged, it is a lie and falsehood. Allāh told us that his speech is the truth, it is impossible for the *shar* 'to come with that which is impossible, whoever sees this as possible has left Islām.

We find that someone that owns something, that is among us, Allāh has ordered us to take from him by force from that which he is obliged to spend, such as the wife she can take it forcefully, while she might be more wealthy than him and in this manner for many things such as paying destroyed property even if it was not on purpose.

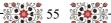
And we find that Allāh Almighty has permitted what *ahl ul-ḥarb* have from wealth and their ownership of it, saying, "And He caused you to inherit their land and their homes and their properties" [Al-Aḥzāb: 27]. And everything they have from sales and gifts are included in this general *āyah*.

If they say that their disbelief permits their wealth, they are told: We find that it is not permissible to take anything from the *dhimmī* infidel, except the *jizyah* and both of them are disbelievers. So where is what this ignorant group claims that infringing upon the property of the owner without his permission is prohibited using the 'aql.

If one of them says, "These properties belong to Allāh, the Almighty," he is told: You have only prohibited the ownership of Allāh, the Almighty, based on *qiyās* to the what is preserved among us from the ugliness of transgressing on an owner's property by your claim, so do not transgress what you made as a basis, invalidating it now.

It is also said to him: And our souls belong to Allāh, the Almighty, and by prohibiting food and reproduction it invalidates the human species, and therein lies the invalidating the ownership of Allāh, the Almighty, much, and the destruction of many possessions, this invalidates your claims, so the destruction is permissible according to you in specific cases, invalidating your claim.

It is also said to the one who claims everything is upon permissibility, and argues for that there is in the entry of food and its exit a lesson and evidence of the power of Allāh, the Almighty: be consistent with your *'illah* and say, "In our disobedience with males and females is a lesson and evidence of the power of Allāh, the Almighty, in the interaction of organs with each other and in the creation of the child and its birth is the greatest lesson and a great evidence of the power of Allāh, the Almighty, and likewise in the killing



of the soul and the flow of blood after the skin has been prevented from flowing, and in the departure of the soul and the cessation of movement and sensation is the greatest lesson and the most evidence of power, so killing the soul is permissible on this basis." And he is also implied to say, "It is something good in the 'aal, and instead even wājib."

Those who allow everything by the 'agl also say, "There is no other way than to abandon, make movement or be in silence, if you prevent all then you oblige that which is impossible."

The answer: This is only necessary for the one that prohibits with the 'aql, as for us, we do not say that the 'aql prohibits or allows anything. We only say that the 'aql distinguishes the existing on the way it is which is understanding speech only.

They also mention the ayah, "And We do not punish until We sent a messenger" [Al-Isrā: 15].

There is no evidence for them in this, because we do not say that Allāh punishes before a Messenger is sent, this *āyah* is not about our issue of prohibiting and allowing with the 'aql. Because if a prohibition is mentioned clearly from texts, except that there is no punishment mentioned about the one that does that prohibited thing, it is not allowed for anyone to say, "Allāh punishes who opposes this order." Disobedience or infidelity is not an intrinsic quality that necessitates punishment, we only know that punishment will occur based from the Qur'an and Sunnah only, otherwise we would not know about it.

The decisive certain evidence for that is that the infidel tyrants, we find them in this world living out their lifespans without punishment, but rather in luxury, sovereignty, dominance, and honor. There is no difference whether this allowance extends to fifty, sixty, seventy, or eighty years. However Allah intended to punish them in the Hereafter, if Allah willed it to continue he could do so, but since Allāh informed us about punishing them, we say it as well.

Some of those who allow things with the 'aql' argue, "It is impossible that Allāh would create desires within us only to prohibit them."

The answer: This is blatant stubbornness, this is not an argument of a Muslim because Allāh has done what they reject, he has created in us desires such as intercourse with every beautiful woman we see or beautiful boys, consuming khamr in the gardens, taking anything away from what they like,



leaving the swords against ahl ul-shirk, sleeping past the prayers on purpose, but then Allāh prohibit us from all of this.

If someone says, "But Allah, Exalted be He, compensated for what He prohibited by granting things He permitted, and rewarded for leaving what He prohibited, which is better, namely Paradise."

We say to him: Allāh, Exalted be He, is able to combine both for us, which would have been less exhausting for us, more delightful for our souls, more pleasurable for our bodies, and more enjoyable for us, yet He, Exalted be He, only wanted it to be as you see. Nothing can adjust His decisions, Allāh says, "And Allāh decides; there is no adjuster of His decision" 13:41].

He blessed some people both in this world and the Hereafter, such as Dawūd and Sulaymān, peace be upon them, granting them great pleasures, vast dominion, prophethood, and sovereignty, and yet subjected Ayyūb, who was a prophet like them, to calamities unlike any other while he never committed a sin, and no *iḥsān* like that of Dāwūd and Sulaymān preceded. And Muhammad who subdued all his enemies, was protected from them, granted victory over them. While for other prophets the enemies subdued them, who killed the prophets in various ways, and yet He, Exalted be He, enters them in jannah. Allāh does the same to us there are those that suffer and those that do not suffer.

And He did the same to us as well, some were blessed while others were afflicted, and indeed, He, Exalted be He, also blessed kings from the disbelievers in this world, granting them victory and support until He takes their souls to the Fire, while they were the most rebellious against Allah and disbelieving, and the most indulgent in obscenities. He also prevented others from the disbelievers, killing them through poverty, hunger, nudity, lice, and door-to-door begging, with severe disabilities and horrible calamities, painful diseases, then gathers them in Hell while depriving them in this world.

And we ask who places the 'aql in a place that prohibits or permits, before the revelation of rulings. We say to them, what would you say about a monk in a monastery dedicated to Allah with a heart fully devoted to Him, believing in His Oneness, never leaving any good deed undone nor any evil deed committed, except that he lived in the farthest islands, hearing about Muhammad , from all those around him, accompanied by them saying lies about Muhammad # and attributing to him the worst of attributes, and he died in that state while harboring doubts about his prophethood, or denying



it, is his fate not eternality in the hell Fire, forever and ever without end? For anyone who doubts his prophethood no matter what, is a $k\bar{a}fir$ by the $ijm\bar{a}$ of the Ummah.

Then we say, what would you say about a Jew or Christian who did not refrain from killing a Muslim they were able to, and there remained no obscenity they did not commit, from adultery to the deeds of the people of Lūṭ and every other calamity. Yet, they became certain of the prophethood of Muhammad , and he accepted Islām and has barā ah from all religions except Islām, affirming that with his tongue, and he died upon that. Is he not from the people of Paradise without any disagreement from anyone in the Ummah? If there is any doubt in that, the one doubting is an infidel by ijmā.

Then tell us, in which 'aql do you find decisive evidence for any of this? And in what 'aql do you find that Muhammad and other prophets have these virtues, while he, lived among people for forty years without Allāh granting him these virtues? So, what 'aql mandates that it must be prevented for that amount of time before it was given to him. Lo is this anything, but the actions of Allāh as he wills and His choice? And all of this invalidates any possibility for the 'aql to prohibit, permit, declare good or declare bad.

And all of that awaits till there is anything revealed by Allāh in His revelation. We ask Allāh for guidance and well-being in this world and the Hereafter, $\bar{a}m\bar{n}n$.

And some of the sophisticates among those who claim permission everything is upon permissibility say, "Anything compelled by Allāh to something, is something Allāh has permitted it to him."

This is the saying of someone who has not been trained in knowledge and has been mistaken in this issue because the necessity is the act of Allāh Almighty, and the one hungry is compelled to hunger, and the one sick is compelled to illness. And Allāh Almighty said about the people of Hellfire, "Then I shall compel him to the torment of the Fire" [Al-Baqarah: 126].

Is it then possible for someone with 'aql to say that Allāh Almighty permitted hunger for the hungry one, illness for the sick, and has allowed existence in Hellfire for the people of Hellfire? This is only said by one who does not know the names, the named things (al-asmā 'wal-musammiyāt), or the reality of the expressions about the meanings.

If someone says, "The *sharī'ah* nullifies the judgment of what is in the 'aql," and if he argues, "It can be good in the 'aql to adhere to the



abrogated order before its abrogation, then the abrogation comes and what was good first becomes bad in the 'aql."

It is said to him: This is a false tumult. We do not reject that the rulings are not except what is good in the 'aql, and that it does not declare bad except what the 'aql condemns. This is instead our belief. What we reject is the 'agl being in a position to declare something or permitting something.

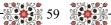
As for when the rulings come with prohibiting something or permitting it, it is obligatory for the 'aql to adhere to that, and to adhere to prohibiting what was permitted before its prohibition or permitting what was prohibited before its permissibility. Nothing occurs in the 'aql.

that was not there, and nothing changes in them except abrogation from what was obligatory to adhere to in what the rulings came with.

Some of those who claim prohibition in everything before the rulings by the 'aql said, "The meaning of the saying of Allāh, Exalted is He, 'It is He who created for you all of that which is on the earth' [Al-Bagarah: 29]. This only means: to reflect on it."

The answer: Such ruling resembles nothing except how children rule. And whoever considers such as valid, moving words from their places in the language, then he does not reject the view of the ghulāt from the rawāfiḍ who say, "The meaning of $sal\bar{a}h$ is only $du'\bar{a}'ruk\bar{u}'$ or $suj\bar{u}d$, and the meaning of $zak\bar{a}h$ is cleaning a soul only, and the meaning of hajj is only going to the imām. Whoever chooses this path has left Islām and invalidated all means of understanding, there does not exist any speech in the world except that it can be assumed by someone regarding that speech, "He means with it that which the words he used do not necessitate." This is invalidation of the realities, and this method validates the belief of 'īsawiyyah among the Jews as they say, "The meaning of the saying of the Messenger of Allāh , 'There is no prophet after me,' means specifically from the Arabs only." And it validates the belief of the mu 'tazilah as they say, "When Allāh says that he has created everything it means specifically for *ajsām* and *a 'rāḍ* except for *ḥarakāt*." And it validates the belief of the hashawiyyah, as they say, "Allāh has created everything except for the souls, $\bar{t}m\bar{a}n$ and speech heard the recitations." And it validates the belief of the manāniyyah as they say, "Only everything that is good is created."

This is the method of the ones that are corrupt and invalidate reality of 'agl, we know by necessity that words are used to express their intended



meanings in language, and each word must convey the meaning assigned to it. Whoever alters this intention seeks to invalidate the truths altogether, and this is the epitome of corruption. May Allah grant us success.

Then we invalidate both these falsehoods with the help of Allāh. Allāh says, "And say not concerning that which your tongues put forth falsely, 'This is *halāl* and this is *harām*' [An-Nahl: 116].

And He says, "Say, 'Tell me, what provision Allah has sent down to you! And you have made of it *halāl* and *harām*.' Say: 'Has Allāh permitted you (to do so), or do you invent a lie against Allāh?" [Yūnus: 59].

These two *āyahs* prohibit claiming the prohibition and permissibility of anything, with this the saying of anyone that says, "Things before the rulings are revealed are prohibited or permissible using the 'aql." So it is established that whoever says anything from that without permission from Allāh that he has invented a lie against Allāh. As for when a prohibition or permissibility or some of it is mentioned by the rulings, then it is obligatory to obey it and adhere to it.

And Allah says, "Does man think that he will be left neglected (suda)" [Al-Muddathir: 36]. Suda means muhmal, which is someone that is deserted and neglected, he is the one that is not ordered anything and is not prohibited from anything, this affirms that the people do not ever remain without orders and without prohibitions. And invalidates the false view that the 'aql can decide rules such as prohibiting or permitting before a ruling about a matter is revealed by Allāh, this view is then something impossible, while it is $har\bar{a}m$.

Allāh also says, "And there never ceases to be a nation except that a warner had passed among them" [Fātir: 24].

So it becomes false that there was any time any nation was not warned by a warner.

Allāh says when he sent Ādam down to earth, "And you will have upon the earth a place of settlement and an enjoyment for a time" [Al-Baqarah: 36].

Allāh allowed things for them by saying that there is enjoyment for them, then afterwards He prohibited what He willed, all of that is with the words of Allah, also when He made him in jannah he did not leave him any moment without rulings, Allah says, "And eat both of you freely with





pleasure and delight, of things therein as wherever you will, but come not near this tree" [Al-Baqarah: 35].

There has then truly not ceased to be any time except that He orders and prohibits.

And it is said to them: If it would be possible for us to remain without rulings, our judgment would be as it was before we reached puberty when we were infants. At that time, matters had no ruling over us, neither in prohibition nor permissibility, and there was no difference whether they were so before reaching puberty by half an hour or after. Both scenarios are equal in the 'aql. The 'aql cannot decide that the obligation of rulings is when someone reaches puberty and that none of it becomes obligatory if he did not reach puberty, the two are nothing but the same. So this invalidates the claim that the 'aql can prohibit or permit before revelation was revealed and become mukallaf as decided by Allāh, Almighty. If it would be the case that the 'aql decides, then those who did not reach puberty would have the same obligations as those who did because there is no difference between the two.

And it is said to the one that beliefs every single thing is allowed using the 'aql: Is not the one that utters affirmation of the Trinity without following what he said with rejection kufr from the one that uttered it? If he says, 'no,' then he himself is an apostate, and if he says, 'yes,' he is told: You are truthful. Allāh, Almighty, permitted the declaration of kufr without following it up with rejection only for someone who is coerced and fears harm. Allāh, Almighty, also permitted kufr when facing death, which is disbelief in any other circumstance.

We do not ask them about disbelief from that which is in the heart; we only ask them about uttering kufr with the tongue, because some of them say, "Allāh, Almighty, never permitted kufr, Because kufr is that which occurs in the heart."

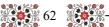
There is no difference between those whose differences matter that uttering kufr without following it up with rejection is kufr. About this kufr we asked them, while they agree that if someone says uttering with his tongue, "I am a kāfir (I disbelief) in Islām, affirming the trinity." That this is kufr and he is a *murtadd*, and this is exactly what is permitted under coercion with the tongue. The permission for disbelief came explicitly, and this was considered good in their minds, invalidating their claim. What we say is that if Allāh,



Almighty, had permitted disbelief in the heart, it would have been considered good, but it is only prohibited as revelation revealed by Allāh.

It is also said to those who claim that rejecting the benefactor is prohibited by the 'aql: What do you say about a person who was raised by a harbī and treated him kindly, then met him in battle, should he be killed or not? If they say, 'no,' they contradict ijmā', and if they say, 'yes,' they contradict their claim that rejection of the benefactor is prohibited by the 'aql.

If they say killing him is a reward for his kindness, then they are stubborn and if they acknowledge that his killing, which was the cause of his eternal punishment in the fire, is a reward and kindness is contrary to what the 'aql distinguishes. And with Allāh, Almighty, is success.



Section: Those Whom The Orders Of The Qur'ān and Sunnah Have Not Reached

Muhammad abrogated every previous millah with his own and made it obligatory upon all the inhabitants of the earth—both jinn and humans—to follow his rulings, which he was sent with. No other way is accepted from anyone besides it. And he is the universal seal of the prophets; there is no prophet after him.

The Burhān for that is the statement of Allah, the Exalted: "Muhammad is not the father of any of your men, but he is the Messenger of Allah and the seal of the prophets" [Al-Ahzāb 33:40]

And The Messenger of Allah # said: "Indeed, prophethood and messengership have ceased." The people were alarmed, so he said: "However, glad tidings remain—they are a part of prophethood."

There is nothing hidden in the religion for anyone.

Allah, the Exalted, said: "Indeed, those who conceal what We have sent down of clear proofs and guidance after We have made it clear for the people in the Book—those are cursed by Allah and cursed by those who curse, except for those who repent, reform, and clarify [the truth]" [Al-Bagarah 2:159-160].

And He, the Exalted, said: "You must make it clear to the people and not conceal it" [Āl 'Imrān 3:187].

The Revelation ($Wah\bar{i}$) has ceased since the death of the Prophet $\stackrel{\text{def}}{=}$. The Burhān of that is that Revelation is only sent to a prophet, and Allah, the Exalted, said: "Muhammad is not the father of any of your men, but he is the Messenger of Allah and the seal of the prophets" [Al-Ahzāb 33:40].

The religion has been completed; nothing can be added, removed, or altered. Allah, the Exalted, said, "Today, I have completed your religion for you" [Al-Mā'idah 5:3].

⁷ Sunan al-Tirmidhī 2272

And He, the Exalted, said, "

And He, the Exalted, said, "There is no alteration to the words of Allah" [Yūnus 10:64]. Both omission and addition are alterations.

The Messenger of Allah ## has conveyed the entire religion and clarified all of it as he was commanded by Allah, the Exalted.

Allah, the Exalted, said: "Indeed, you guide to a straight path—the path of Allah" [Al-Shūra 42:52-53].

And He, the Exalted, said, "So that you may clarify for the people what has been sent down to them" [Al-Naḥl 16:44].

The *ḥujjah* of Allah, the Exalted, has been established and has become clear to everyone who has received the warning—whether believer or disbeliever, righteous or sinful, except those we will mention

Allah, the Exalted, said, "There is no compulsion in religion; truth has become distinct from falsehood" [Al-Baqarah 2:256].

And He, the Exalted, said, "So that those who perish do so upon evidence, and those who live do so upon evidence" [Al-Anfāl 8:42].

No one has any hujjah against Allah, the Exalted; rather, Allah holds the hujjah against everyone. Allah, the Exalted, said: "He is not questioned about what He does, but they will be questioned." [Al-Anbiyā 21:23].

And He, the Exalted, said: "Say: To Allah belongs the conclusive argument. If He had willed, He would have guided you all" [Al-Anʿām 6:149].

No one has an excuse based on what Allah has decreed—neither in this world nor in the Hereafter. All His actions are just and wise, for Allah, the Exalted, places everything in its rightful position. He is the Supreme Judge; no one has authority over Him, and none can overturn His ruling. Allah, the Exalted, said: "He does whatever He wills" [Hūd 11:107].

Mistakes and forgetfulness carry no ruling unless a judgment concerning them is found in the Qur'ān or Sunnah.

Allah, the Exalted, said: "There is no blame upon you for what you do mistakenly, but only for what your hearts deliberately intend" [Al-Aḥzāb 33:5].

And He, the Exalted, said: "Our Lord, do not hold us accountable if we forget or make a mistake" [Al-Baqarah 2:286].

The people have differed on those whom the rulings have not reached.



A group said, "Everyone is ordered and prohibited of matters the moment the ruling is revealed, except that they are pardoned, do not sin if the ruling does not reach."

Another group said, "Allāh does not order anything from the religion except after it, the order reaches the ordered one, the same for prohibitions, as for before an order or a prohibition reaches a person then he is not ordered and also not prohibited."

This (the second) is our view, Allah says, "That I may warn you thereby and whomever it reaches" [Al-An'ām: 19]

And Allāh says, "Allāh does not burden a soul except According its ability" [Al-Bagarah: 286].

The Prophet said, "No Jew and no Christian hears about me and they do not believe in it except that the fire has then become obligatory on them",8

The Prophet said, "The deaf that does not hear anything will be presented to Allāh and the old and the dumb and a man that died in al-fatrah, the dead will say, 'My Lord, Islam came and I did not hear anything.' The dumb will say, 'Islām came and I did not comprehend anything.' And the one that died during al-fatrah will say, 'My Lord, no Messenger of you reached me.' Allāh will accept their promises of obedience, then a Messenger will be sent to them ordering them to enter the Fire. By the One in Whose hand is the soul of Muhammad, if they enter it, it will be cool and safe for them."9

Some have falsely claimed this narration is weak because of Mu'ādh ibn Hishām al-Dastuwā'ī which are false claims, this narration is Saḥiḥ: Mu'ādh ibn Hishām al-Dastuwā'ī is a *thiqah*, there is no *jarh* of him that is mufassar or even any jarh is not mufassar that discards a narrator.

According to another chain, the Prophet said, "Whoever enters it, it will be cool and safe for him, and whoever does not enter it will be dragged to it."10

So it is then established as we have mentioned that there is no warning except after the ruling reaches the warned and that no one is burdened except what is in their ability and it is not in the ability of anyone to know the knowledge of the unseen enabling them to know the ruling before

⁸ Sahīh Muslim 153

⁹ Musnad Ahmad 4/42 | Musnad by al-Bazzār 2174 | Sahīh Ibn Hibbān 7357

¹⁰ Al-I'tiqād by al-Bayhaqī pg. 169



it reaches them, so it is established that the one whom it did not reach is not burdened.

The other group uses as evidence the saying of the Prophet , "If the *hākim* does *ijtihād* and is mistaken then he earns one reward."¹¹

They say, "The Prophet acalled him mistaken and he is not mistaken except after he has opposed what he is ordered to."

The answer: There is no evidence for them in this, it is instead an evidence against them and is evidence for us, because the one that is mistaken, is the one that does not go in accordance with the truth even if he is not ordered anything. Such as the one that calls a human with a name which is not his actual name, not on purpose, he is mistaken, but there is no order obligatory on him and such as the one that recites poetry and made a mistake in it, he is then mistaken without doubt. And in this manner a mujtahid is wrong if he gives any ruling other than revelation from Allah and he adds to the religion which is not part of it, even if he is not ordered anything from that which did not reach him, he is prohibited to give a ruling which he assumes is the truth which is not the truth, as for when it reaches him, then he is ordered it even if he forgot it because it reached him and it is necessary on him.

If they say, "If it would be as you say it is, it implies that the religion is obligatory to be accepted only from some people, not everyone."

The answer: It does not imply that, instead the religion is obligatory on all jinn and mankind if it reaches them, and yes, also those who are not created and are then created if it has reached them and while they reached the limit of taklīf, not before that. You do not disagree with us that the rulings are not obligatory on the one that is not created yet and also not on those that have not reached age of puberty yet.

If they say "Tell us about the case about the one whom the order has not reached, is he ordered anything when he is in his situation or is he not ordered, there is no third option. If you say he is obligated to what Allāh has ordered him, even if it has not reached him, then that is our view. And if you say he is not obligated to what Allah has ordered, till it reaches him or that he is ordered the opposite of that which Allah has ordered then this is a clear tumult."

¹¹ Sahīh al-Bukhārī 7352





We say: We do not say either of these two answers, but we say he is not obliged in that anything until it reaches him. His situation in that is like the one who has not reached the age of responsibility until he does so.

If they say, "What is his ruling if he intentionally opposes what he sees as the truth, which goes along with what Allāh has ordered?"

We tell them, this question applies to both of us. As for us, we say, with Allah's guidance, he is neither obedient nor disobedient in that, but he has istishāl towards opposing the truth inclining to leave the truth, except that he has not done that yet, this is his description in reality, except that he did not oppose the truth yet with that attribute and he did not occur in falsehood.

People of this description can be divided into three categories: the first witnessed the revelation of the orders from Allah, then that order got abrogated, but they did not witness the abrogating order. None of these individuals exist after the death of the Messenger of Allah sebecause abrogation ceased after his death, and the rulings are settled. The second category knew what was abrogated but did not receive the abrogating order, or a general order reached them but not its specifics. The third category received both the abrogating and abrogated order, as well as the general and specific orders. Then they forgot the specific and abrogated, or they made ta 'wīl of them, while they are seeking the truth.

As for those who lived during the time of the Prophet and received the abrogated rulings but did not receive the abrogating ones, then for them specifically, the obligation of the abrogated orders is not omitted from them until the abrogating order reaches them, because they are obliged by what reaches them with certainty, and certainty does not cease except with certainty. The certain evidence for this is that it has been established by all ahl ul-'ilm that the Muslims were in the land of Abyssinia and in the farthest part of Arabia when Allah revealed to His Messenger sorders that were not there before, such as fasting, giving charity, prohibiting certain things that were not previously prohibited, like consuming carrion, and keeping the idolatresses, and other orders. There is no doubt that none of them sinned by persisting in what they did not know was abrogated.

Likewise, orders were revealed regarding matters on which rulings were contrary to previous ones, such as changing the direction of prayer from Jerusalem. There is also no doubt that they did not sin by continuing to act upon the abrogated rulings. Instead, it was obligatory for them to pray as they

were ordered and as they knew until the abrogation reached them. There is no dispute about this. Our statement is correct and praise be to Allāh, with certainty and no room for doubt. So Abū Bakr and 'Umar, may Allāh be pleased with them let the Jews, Christians, and Magians remain in the Arabian Peninsula for more than ten years, because the order of the Prophet had not reached them 12.

There is no disagreement that they did not sin with that, but acted upon what they were ordered. If someone would even claim that this there is a certain decisive $ijm\bar{a}$ on this, then he would not be far from the truth, because none of the Companions objected to both of them on this matter, and none of them were unaware of both of their acknowledgment before the prohibition reached them. And success is from Allāh, the Exalted

If it is asked, "Why do you not say that they were relieved of the obligation to face Jerusalem and were not ordered to face the *ka'bah* because Allāh said, 'And wherever you may be, turn your faces toward it' [Al-Baqarah: 150]."

We say: No, as we have clarified that a ruling does not become obligatory until it reaches them. Allāh only addresses them with this order if it reaches them, and those that are created after they were not created if it reaches them. And there is no evidence indicating the omission of that what is established on them, the obligation of facing *bayt al-maqdis* except if they would receive an order to abandon it.

If they would be ordered to face the *ka'bah*, the exact moment the order was revealed while it did not reach them, then someone among them who would pray intentionally towards the *ka'bah* before it reaches him, his prayer would be valid and permissible and this is false.

If someone today was unaware of the indications of the *qiblah* and inferred, and his *istidlāl* lead to praying towards a certain direction and he was certain of that direction, but later intentionally prayed in a different direction, but upon finishing, found himself facing the *qiblah*, his prayer is invalid, and he is sinful because he deliberately acted in his prayer with an act he does not know he is ordered with, intending to act in a way that he

 $^{^{12}}$ Al-Muşannaf by 'Abd al-Razzāq 7208, 9984 | Sharḥ al-Mushkil 7263 | Muwaṭṭaʿ Mālik 18, 2/892-893





believes is not part of his prayer, with that intending to invalidate his prayer, making it invalid.

As for those who came after the Messenger of Allah ## and the abrogators and specifications of general orders did not reach them, they are also ordered with what they believe from what is abrogator and what is general because Allāh did not burden them beyond that. Instead, He ordered their obedience to His order in its entirety. And what is abrogated from His orders without doubt must be obeyed for everyone whom the generality orders have reached, till an abrogation reaches them. And may Allāh grant success, and it is impossible that Allah to orders His servant with something, then prohibits him from it without informing him of its prohibition, as He has undertaken to clarify to us. Allāh, exalted be He, said, "The right way has become clear from the wrong way" [Al-Baqarah: 256].

So, if an order from Allah came and then He prohibited it without informing of its prohibition, it would be misleading and confusing, and guidance would not be clear from error. Far exalted is Allāh from this.

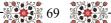
Indeed, this is certain. As for the one whom the abrogator reached and the specification of what was before that general, but then forgot or misunderstood them, or did ta 'wīl to the extent of his capacity, he is ordered with what has reached him regarding that because since it reached him, he is what he was once upon before. But he is excused and rewarded once for intending good and excused for his ignorance and forgetfulness. This is the ruling of this matter by the correct evidence, and success is from Allāh alone.

If someone argues with the narration of the Messenger of Allāh # when he established the obligation of prayer during the night journey and in it is the saying of Mūsā, "How many prayers did Allāh prescribe for your nation?" He said, "Fifty prayers or something similar." ¹³

They say about the narration, "So the two prophets said that Allāh had already prescribed for us before informing us of those fifty prayers."

The answer: The meaning of that is only whenever the order has reached them, the certain evidence for that is that no one who is not created is ordered till he is created and no one who did not reach puberty is ordered till he reaches puberty, there is no difference of opinion regarding this, so it is established that the obligation mentioned is only after creation and after

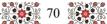
¹³ Sahīh al-Bukhārī 3886





puberty and after the ruling having reached and after its time has entered, in this manner the narrations add up.

And another certain evidence is that no Muslim ever sinned or was declared a sinner by abandoning praying fifty prayers, if it would be obligatory before the obligation reached us then the one abandoning it would be disobeying Allāh, so it is established that nothing is obliging except what reaches a person. As for the one whom a narration reaches which is not sahīh from the Prophet but an ignorant, fasiq or muta awwil declares it sahīh for him, then this is *ijtihād* of that person, Allāh did not burden them more than what he is able to and also not what did not reach him, if he does what reached from that then it is false and he is excused for his ignorance he does not sin because he did not lean towards sin, actions are with intentions, he is a mujtahid rewarded once for his intention to seek good and for obedience to Allāh and his Messenger. If he opposes what reached him from that then he has the sin of being mustashil in opposing the Prophet #, either with his knowledge, by which he is a *fāsiq* or by intention for which he is a *kāfir*.



Chapter Six: The Fundamental Principles Of The Rulings Of The Religion, And The Categories Of Knowledge, And Is The One That Denies Something Obliged To Provide Evidence?

We have mentioned before in this book that there is no way to attain knowledge except in two manners: one of them is what the first 'aql and the first perception necessitate, and the second are premises referring back to the first 'aql and the first perception. We have explained all of that elsewhere.

We have also clarified that by the correct necessary premises, we know the correctness of tawhīd and the prophethood of Muḥammad #, and his truthfulness in everything he said, and that the Qur'an he brought is the covenant of Allah to us.

So, when he tells us about his Lord, from obligations of matters things, we oblige it, and his prohibitions of matters, we prohibit it, and He promised eternal bliss for those who obey Him and severe punishment for those who disobey Him. We are certain of the obligation of believing in his truthfulness, so we oblige what he ordered us to adhere to, and we are certain of the correctness of everything mentioned to us, there is no way for a person to negate what the masses have transmitted of the miracles that he showed which only the Creator, the Most High, is capable of, and is a witness to his Prophet , concerning the correctness of what he brought from Him, the Most High. So, it becomes obligatory for us to understand the Qur'an and adhere to what is in it. Then we find in the Qur'an an indication validating what we believe in terms of knowing things as they are according to the perceptions of the 'aql and the senses. By that, we do not mean that we correct something using the Qur'ān doubting the correctness of what the 'aql and the senses apprehends. If we did that, we would invalidate truths and follow a certain decisive evidence that does not establish anything fundamentally.

That is because if we would be asked, "How do you know that the Qur'ān is true?" And if we would say that it is by the premises, witnessed by the 'aql and the senses. If we would then be asked, "How do you know the correctness of the correct 'aql and senses for those premises?" If we would say, "By the Qur'ān." Then that is a corrupt and invalid argument for truths.

But we instead say: Indeed, in the Qurʿān, there is an indication for the ignorant and the heedless, and a definitive resolution for the confusion of the stubborn. This is because some people from our community invalidate the arguments of the 'aql and validate the arguments of the Qurʿān. So, we show them in the Qurʿān the invalidation of their statements and the corruption of their doctrines. And Allāh, the Most High, knows that there would be people like them in the world, so He informed us of what would invalidate their confusion and remove their doubts, as He said: "We have not neglected anything in the book" [Al-Anʿām: 38].

And among what He ordered us to do is to use is the evidence of the 'aql and the senses, as He said: "He has made for you hearing, vision and hearts; little are you grateful" [As-Sajdah: 9].

And He said: "Have We not made for him two eyes? And a tongue and two lips? And have shown him the two ways?" [Al-Balad: 8-10].

Allāh blames those who do not use its evidences, Allāh said about a nation who were punished for turning away from *istidlāl* that obliges knowledge of the realities, Allāh says, "And We have certainly created for Hell many of the *jinn* and mankind. They have hearts with which they do not understand, they have eyes with which they do not see, and they have ears with which they do not hear. Those are like cattle; rather, they are more astray. It is they who are the heedless... They will be recompensed for what they have been doing" [Al-A'rāf: 179-180].

And Allāh says about those like them, "And they will say, 'If we only had listened or used our 'aql, we would not have been among the dwellers of the blazing Fire!" [Al-Mulk: 10].

Allāh declared them correct when they said that, then Allāh said, "Then they will confess their sin. So, away with the dwellers of the blazing Fire!" [Al-Mulk: 11].

And Allāh says, "Their hearing (ears), seeing (eyes), and their hearts availed them nothing" [Al-Aḥqāf: 26].

Allāh blamed those who do not benefit from what he gave then from senses and intellect.

Do you believe those who acknowledged themselves that they were neither hearing nor using 'aql? If they had listened or used 'aql, they would not have entered the Fire. Were their ears deaf to sounds due to defects preventing them from perceiving? Or were they ignorant of their worldly affairs, the regulations of their agriculture, the care of their livestock, the management of their wealth, the construction of their homes, the cultivation of their orchards, the organization of their trade and industries, the preservation of their wealth, and the pursuit of status and leadership? No, by Him who punished them, humiliated them, and blamed them! Rather, they were the most knowledgeable about all of this, the most attentive to it, the most devoted to it, and the keenest on nurturing and protecting it than the people of virtue who were not restricted by matters that would endanger their families and bodies by neglect, nor did they receive from it anything beyond what was necessary. It did not distract them from what was of greater priority to them. They were dedicated to seeking knowledge of the truths, gaining insight into knowledge and action, leading them to the ultimate success in the Hereafter and happiness in the everlasting abode in Paradise, which Allāh, the Most High, promised His awliyā'. They were far from destruction and from settling in the abode of punishment, in the Fire, which Allāh—Exalted and Glorified be He—has prepared for His enemies, those occupied with what the ignorant and deficient clung to. As it is narrated that the Prophet said, "You are the most knowledgeable of matters related to your world." In a narration regarding the pollination of date palm trees, which they neglected, leading to the emergence of barrenness. However, those who are being punished abstained from using their hearing, sight, touch, taste, smell, and 'aql in inferring the existence of the Creator, the Most High. They did not approach Him with firm belief, speech, action, and instead, they wasted all of that in vain pursuits that do not benefit, rather burden and cause regret. And success is from Allah, the Most High.

And we find in the Qur'an the obligation of obedience to what our Lord ordered us in it, and what His Prophet # ordered us, which has been transmitted by thiqāt, or what has been narrated with tawātur, or what established by *ijmā* 'among all Muslim scholars that it is from him #.

¹⁴ Sahīh Muslim 2363

So, we find that He, the Most High, has equated between these three in the obligation of obedience to them upon us from what they narrate from the Prophet . So, we look into them, and we find among them statements that when combined, yields a decisive ruling on its entire meaning. This is as if it is a fourth principle, yet it is not separate from the three principles we mentioned. This is similar to the saying of the Prophet , "Every intoxicant is *khamr*, and every *khamr* is prohibited." ¹⁵

So, it results that every single intoxicant is prohibited. This is a clear and necessary textual evidence because intoxicant is *khamr*, and *khamr* is intoxicant, and *khamr* is prohibited, so the intoxicant, which is *khamr*, is also prohibited.

Another example is the saying of Allāh, "But if he had no children and the parents [alone] inherit from him, then for his mother is one-third" [An-Nisā': 11].

And we have certainty through the 'aql by which we know things as they are, that every divisible thing is either has one third and a two-thirds. So, if the mother inherits only one-third and she and the father are the only heirs, then the two-thirds go to the father. This is a necessary knowledge that the 'aql cannot deviate from. We find that such rulings are stated by the meaning, even if it is not explicitly mentioned in the wording.

And such is the $ijm\bar{a}$ of the Muslims that Allāh, the Most High, decreed that the blood of Zayd as prohibited due to his Islām. Then if someone says, "His blood is permissible." We say: We have certainty through textual evidence for its prohibition. The transmission of the $ijm\bar{a}$ also confirms that his blood is prohibited and there is textual evidence to obey Allāh and his Messenger. So it is not permissible for us to oppose this ruling except with an additional transmitted text from $thiq\bar{a}t$ narrators narrating from the Prophet singular or through $taw\bar{a}tur$. So this is also a ruling which indicates its meaning.

For example, if Zayd claims a right over 'Amr's property, and we say: Allāh, the Most High, has explicitly decreed the obligation of an oath upon 'Amr because the text¹⁶. It has come affirming the obligation of an oath upon the defendant, and 'Amr is the defendant, so the text has obligated an oath upon 'Amr. There is no way to know any of the rulings at all except

¹⁵ Sahīh al-Bukhārī 5575

¹⁶ Sahīh al-Bukhārī 2514

through one of these four avenues, all of which refer back to the text (revelation from Allāh which is only Qurʿān and Sunnah). And the obligation of obeying texts is known and the meanings of it is known by the 'aql.

Some people claim, "There is no possibility for the rulings of the religion to change (meaning once a certain ruling is revealed it cannot change by Allāh revealing additional texts making specifications or abrogating it)."

We say: They came up with a grave matter, and their corrupt statement led them to conclude that their Lord is compelled by an order He ordered. Whoever adheres to what their corrupt premise necessitates apostates, and whoever shies away from adhering to what that corrupt view implies falls into contradiction and ruins his established belief. Except that they are reluctant to attribute what their doctrine implies, so they adorned it with a phrase to distance themselves from it, saying, "There is no way according to the 'aql that rulings can change."

The answer: And the 'aql does not impose/compel a ruling on Allāh; instead, Allāh is the Creator of the 'aql after it did not exist, and He has arranged it, and in it, there are things He has arranged that, if He willed, He could have invented and arranged differently. The 'aql only enables understanding what Allāh intends, and it distinguishes things that the Most High has arranged as they are only.

They, then say, "Kufr and injustice cannot be imagined as permissible."

The answer: There is no evidence for what they have mentioned. Instead, it can be possible for the Most High to order us to disbelieve, deny, worship idols, and commit injustice, but Allāh told us that He does not do that. Then, we know that it will never happen, not because it is impossible for Him, if He willed it. And also not because he is unable to do that if he wills, but because Allāh tells nothing but the truth and He has informed us that that will not happen and that He is not pleased with *kufr* and he has not ordered us to take two gods. Since Allāh informed us about that we prohibit its existence, just as we prevent the existence that there will be a prophet after Muḥammad , just as we prevent the possibility of life on a barren land which we can see is not alive and the emptiness of a city which had life in it for a long time.

Based on this we prevent that Allāh can order us *kufr*, not because of the reason the 'aql prevents it if he wills it.

The certain evidence for that is that we find that most animals are not ordered to have *īmān* in Allāh and he has not arranged in them the ability of tamyīz, by which Allāh can be known without any other ability, if Allāh willed to make the human not ordered, he would do so, if there would be anything preventing him He would have faced it, there is no act that is obligatory on him, those children who reached age fourteen and did not have wet dreams or menstruate are still not ordered anything by ijmā' from most of the *ummah* to have $\bar{\imath}m\bar{a}n$, they are not prohibited from *kufr* and if they have wet dreams they are obliged to have *īmān* and *kufr* is prohibited them then. There was then nothing between the freedom of orders and prohibitions and between its begin except for one sleep. And tamyīz did not change at all before that one sleep, it is Instead the same as it was before without any difference, this is something known with perception and witness, meaning that $tamy\bar{t}z$ is the same before and after that sleep. This is something texts from Qur'an and Sunnah bear witness to, there is no difference to this from most of ahl ul-millah, about whom we have written this book, about their differences in rulings and worship. So if someone is fifteen years old but never menstruated or had a wet dream then they are not obliged anything, while if they menstruate or have wet dream then they are obliged to carry out all orders and to have $\bar{l}m\bar{a}n$. The 'aql sees no difference between the possibility of not being ordered with *īmān* in those two conditions and between the possibility being ordered to in those two conditions.

If they argue that we teach children the prayer and beat them for it, let him know that there is no difference between those who are present with us from our opponents that that narration is only about tadrīb and teaching them good, not in a manner of obliging them, the same applies for us calling them to Islam.

The certain evidence for that is that we do not kill the one child that apostates except after they menstruate or have wet dream, and we do not kill them if they kill, we do not lash them if they have intercourse with a prohibited private part, and inheritance does not become prohibited for them even if he apostates before reaches puberty from his deceased relative.

So we have clarified the categories of knowledge then we clarified the principles of the rulings of the religion, such that nothing is known of the rulings of the religion except through it and that they are four, they are: texts of Qur'an, texts of the words of the Prophet #, which is revelation from

Allāh, it is that which is authentically attributed to him from reliable narrators through akhbār al-āḥād, tawātur, or ijmā 'from all scholars of the ummah, or a dalīl which can only have one understanding.

We will now clarify by the will of Allāh clarify how two people debating or how a teacher and a scholar can use the path to knowing the realities based on what we mentioned.

We say, and Allah is the source of strength: The first of that is questioning the questioner about his position on a certain issue, either inquiring or debating. If he answers, ask him, "What is your evidence for that?" If he responds he has reached the field of opposition. If there is nothing in that but describing each one's school of thought, and the one inquired does not add anything beyond mentioning the views of his school of thought or his own view and does not provide evidence, then it has fallen and become invalid. This is sufficient to refute without the need for further refutation, there is no burden to invalidate it, we have clarified the invalidation of any statement that it is not supported by evidence.

If the inquired person opposes the questioner with evidence, such as that one of them uses a verse to support the validity of his view, and the other uses another verse which apparently contradicts the ruling used by his opponent, or by a narration of the Prophet # likewise, or if one of them uses a narration of the Prophet and the other opposes it with a verse whose apparent meaning contradicts the ruling of that narration, or by a narration likewise, then we will dedicate a chapter in this book for this, by the will of Allāh, clarifying these contradictions, clarifying, with the help of Allāh, the resolution of differences in all these aspects. We rely on Allah Almighty, and we seek refuge and support in Him.

Our opponents may use as evidence contradicting 'ilal, we will in the end of this book, if Allāh wills, clarify the invalidity of 'ilal in the religion entirely. And if Allāh Almighty extends our lifespan and grants us strength, then we will also dedicate chapters to theoretical matters, those are matters of which the evidences are conclusions derived from textual or consensus-based preliminaries. We will compile a comprehensive volume where we will clarify it if Allāh wills, and the certain decisive evidence and the invalidity of 'ilal of ahl ul-qiyās in entirely with the help of Allāh.

And whoever accepts khabar al-wāḥid then a narration is authentic according to him from the Prophet , fulfilling all the conditions that validate the narration in his view, then if he leaves that for another narration, he is a *mujtahid*, either mistaken or correct. Likewise, if he leaves it for a verse or a verse for a verse, except if he left taking from it in a place like that verse in which he actually takes from now or a narration which he took from and took like that narration or verse which he abandoned here and in another place, opposing the method he uses in issues. If he did not notice that then he is a $gh\bar{a}fil$, excused for his ignorance, if he is aware of it and continues the mistake here then he is sinful by him acknowledging using it in a place where it is false, he then is continuing that which he knows is false. It is like if someone fakes from the saying of the Prophet \mathfrak{A} , "There is no amputating [of the hand for stealing] except if it is four $d\bar{l}n\bar{d}rs$ and above."

But then abandons the apparent of the verse, "And (as for) the male thief and the female thief, cut off their hands" [Al-Māʿidah: 38].

Then this person also leaves the saying of the Prophet *, "One or two sucklings do not make marriage prohibited." ¹⁸

And takes the apparent from the verse, "Prohibited to you [for marriage] are... your foster mother who gave you suck" [An-Nisā': 23].

If he is aware of this contradicting method of him and he continues, then he is a sinner, because in one of the two cases he acknowledges that he leaves the apparent of the verse for a narration mistakenly which is not allowed and in the second case he uses that which he acknowledges is not allowed, he then does what is not allowed by his acknowledgment.

If he does $ta'l\bar{l}l$ of the narration of the sucklings then we show them that the narration of the stealer the same 'ilal in the same manner he used it for the narration about two sucklings. If he continues to take from one of the two abandoning the other, then he is a $f\bar{a}siq$ (open sinner) playing games with his religion.

If he leaves text of Qur'ān or Sunnah for $qiy\bar{a}s$ after hujjah is established on him that every single $qiy\bar{a}s$ is false then he is a $f\bar{a}siq$ and if he leaves text of Qur'ān and Sunnah for the saying of companions or anyone other than them, if he believes that that companion had knowledge about the Prophet and hujjah is established on the falsehood of that assumption and he continues without repenting then he is a $f\bar{a}siq$.

¹⁷ Sahīh al-Bukhārī 6789

¹⁸ Sahīh Muslim 1450

If he believes that anyone after the passing of the Prophet $\stackrel{\text{\tiny{def}}}{=}$ can make something $har\bar{a}m$ which was $hal\bar{a}l$ till he passed away, or can make something $hal\bar{a}l$ which was $har\bar{a}m$ till he passed away, or can oblige a hadd which was not obligatory till he passed away or can institute a religion which did not exist in the time of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, then he is a hadl which was not obligatory till he passed away or can institute a religion which did not exist in the time of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, then he is a hadl which was not obligatory till he passed away or can institute a religion which did not exist in the time of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, then he is a hadl which was hadl which hadl which hadl which hadl which hadl which hadl which hadl hadl

A group of people applied this method and prohibited selling slave girls that are pregnant from their master ($ummuh\bar{a}t\ ul-awl\bar{a}d$) and regarding the permissibility of khamr and omitted the six $qir\bar{a}$ ' $\bar{a}t$ from the $qir\bar{a}$ ' $\bar{a}t$ that were during the lifetime of the Prophet as permissible, whoever the hujjah is not established on regarding the falsehood of these beliefs then he is excused with ignorance, as for the one on who hujjah is established and he persists his on his views then he is a $k\bar{a}fir$, mushrik, murtadd as mentioned before. We will Clarify by the will of All $\bar{a}h$ these three issues in the topics of $ijm\bar{a}$ ' and $qiy\bar{a}s$ of this book.

And everything by which a person becomes a *fāsiq* or a *kāfir* after the *ḥujjah* is established, then as long as the *ḥujjah* is not established, he is excused and rewarded once for being wrong, the manner of establishing *ḥujjah* is by conveying him the truth and making him understand till he has nothing to us to restrain with.

The manner we mentioned before which is regarding the case in which the apparent shows contradiction between two verses or two narrations or between a verse and a narration. We do not say that we are correct with certainty and also not that we have certain knowledge, and we do not say, "This is the truth." We will clarify all of these issues in their chapters if Allāh the most High wills. These issues are the *mutashābihāt* which the Prophet told us about, when he said, "The *ḥalāl* is clear and the *ḥarām* is clear and between them are *mutashābihāt* which many people do not know." 19

These are not the *mutashābihāt* which Allāh mentioned in the verse, "It is He Who has sent down to you the Book. In it are Verses that are entirely clear, they are the foundations of the Book; and others unknown (*mutashābihāt*)" [Āl-ʿImrān: 7]. These are different, we will clarify all of this in detail in their chapters in this book if Allāh wills.

¹⁹ Şaḥīḥ al-Bukhārī 52, 2051 | Sahih Ṣaḥīḥ Muslim 1599



Except that we firmly believe that the knowledge of truth, in matters that appear ambiguous to us, exists with others. Allāh Almighty says, "The right path has become clear from the wrong" [Al-Baqarah: 256].

Also, the saying of the Prophet *, "O Allāh, bear witness, have I conveyed Your message? They said, 'O Allāh, yes.' He said, 'O Allāh, bear witness." 20

As for us, every narration which we have established that it is an abrogator $(n\bar{a}sikh)$ or every narration that had nothing contradicting it, and every verse mentioned likewise that has nothing contradicting it or if it is an abrogator. Or every text from authentic narrations or verses that contradict it: that which has additional rulings over the other is the certain truth because it is a legislation that comes from Allāh Almighty, which cannot be abandoned except by a text clarifying that it has been abrogated or specified. So, whatever is not like this from the texts, we are confident that we are correct in our belief before Allāh Almighty, and that our opponents are mistaken in their understanding before Allāh Almighty. Every $ijm\bar{a}$ that is established and certain in its transmission from the Prophet we are also firm in our belief that we are correct before Allāh Almighty. Even if there arises after $ijm\bar{a}$ a difference in a branch of branches.

And if the opponent uses a *mursal* narration or narrations with weak narrators, we do not follow it, nor do we firmly declare it invalid before Allāh Almighty unless we are certain that this narration has never been narrated with an authentic chain of narration. In that case, we firmly declare it invalid before Allāh Almighty, as we will clarify later in the section discussing narrations, if Allāh wills.

If he uses nothing as evidence to argue from texts, but does mere $taql\bar{\iota}d$ or $qiy\bar{a}s$, we firmly believe it to be false before Allāh Almighty, and that we are correct in our stance before Him. Every single $istidl\bar{a}l$ other than what we have mentioned, but with $taql\bar{\iota}d$ of a companion or anyone other than them, $qiy\bar{a}s$ or $istihs\bar{a}n$ we affirm with certainty that all of it is false.

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 $^{^{20}}$ Ṣaḥīḥ al-Bukhārī 105, 1739, 3197, 4406



Section: Is The One That Negates Burdened To Provide Evidence Or Not?

The people have differed into two groups on this matter.

One group says, "The evidence is obligatory to be provided for whoever affirms the obligation or affirms a ruling or case, and there is no evidence obligatory on the negator."

Another group says, "Evidence is obligatory for both the affirmer and negator."

The truth in this matter is what we have found from Allāh Almighty, that He rejects anyone affirming something without knowledge, and He rejects anyone denying without knowledge. He said, "Say, 'My Lord has only forbidden immoralities, what is apparent of them and what is concealed, and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know" [Al-A'rāf: 33].

Allāh Almighty has forbidden, by the text of this verse, anyone attributing something to Him without knowledge of its correctness. And the knowledge of correctness of everything, other than the understanding of the 'agl or the first perception, nothing other than these is known except through evidence. So by this verse, anyone who claims to establish something must provide evidence for it, otherwise, they have made a false claim.

Allah Almighty says, "They have denied that which they do not encompass in knowledge and whose ta 'wīl has not yet come to them' [Yūnus: 39].

So, Allāh rejects of anyone denying something they do not know is false. And Allāh obliged saying, "Bring your certain evidence, if you are truthful" [Al-Baqarah: 111].

So, Allah obligated every claimant to truth to provide certain evidence, otherwise, their statement is null. And we find that every negator is claiming truth in their denial, and every affirmer is claiming truth in their affirmation. So both parties must provide evidence for their claims if they are truthful.

As for those from our companions who argued that there is no evidence burdened on the negator, from the words of the Prophet $\stackrel{\text{def}}{=}$, that he said, "The evidence is upon the plaintiff and an oath upon the defendant." This only applies to judgments, because there is no dispute among the scholars of *ahl ul-millah* that an oath is not required from the one who denies something in a debate other than $ahk\bar{a}m$.

If the two disputants differ, and one affirms something while the other denies it, then each of them must provide evidence for the validity of their claim, as we have clarified previously in accordance with the words of Allāh Almighty. Whichever of them establishes evidence, his statement is valid, and it is not possible for both to be valid simultaneously because truth does not contradict itself. It is also impossible for something to be true and false at the same time.

If both of them fail to establish evidence — and this is something possible — then the ruling of such a case is to stop (*tawaqquf*). Nothing is affirmed or denied, it is left being possible, because if there would be evidence to affirm then it would be obligatory and if there would be evidence to negate it then that thing would be false.

And if none of them provide evidence then it is possible for it to be the truth and it is possible for it to be false except that we do not rule one of the two with certainty, Allāh says, "And do not pursue that of which you have no knowledge" [Al-Isrā': 36].

It has been narrated from the Prophet **, regarding the people of the book, "Do not believe the people of the book and also do not disbelieve in them, but say, 'We believe in Allāh and what is revealed to us.'"²¹

Our companions only occurred in this issue because of their differences about $qiy\bar{a}s$ and there is no meaning to lengthen any of this because there is certain evidence on the validity of our saying about the falsehood of $qiy\bar{a}s$ and the evidences are a lot and all very clear. So there is no point in invalidating $ahl\ al$ - $qiy\bar{a}s$ with such arguments. Instead, we say to them: the burden of proof is on us to prove the validity of our claim in invalidating every single $qiy\bar{a}s$. As we affirm this, we will then ask for your evidence against its validity of our view that all of it is false.

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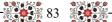
²¹ Sahīh al-Bukhārī 4485

It is not convincing to merely say that if something is affirmed, that there is no point in exerting effort to establish an argument against what we are certain of its correctness, even if it could be correct, we say to them: present all your arguments for affirming it, then it is upon us to refute them all by the help of Allāh Almighty, with confidence in the clarity of the matter in refuting them and the ease of addressing them. It is not something ambiguous or concealed; rather, it is clear and evident. We have comprehended this, and all praise is due for Allah. Our reliance on Him is with every argument they have stirred with, and we augment their arguments with what they haven't argued for themselves. We demonstrate the invalidity of all the disguises they may present, and with Allāh Almighty is success.

Every matter that is confirmed with certainty, whether by sense perception, 'aql, or by referring back to established principles found in the texts of Qur'ān and Sunnah. Then someone claims that this ruling has become invalid, and has changed, then he is obliged to provide evidence. However, this does not apply to the one who affirms something that is correct in these matters because the correctness on the validity of his claim and the certain evidences are established for it.

And everything for which the evidences are affirmed then the one saying it is not burdened for it every single time. This is something that the 'agl dismisses as corrupt, like someone claiming that there are people in the world who walk on four limbs instead of two feet, with their heads below their bodies. Or claiming that some people have a sixth sense beyond our own senses. Or asserting that a person whom we know is alive has died, wanting to inherit from him and to marry his women. Or claiming that a certain man who we know is married has divorced his wife. Or that a man whom we trust for being upright to have sinned openly. Or a person we know has sinned openly that he is upright. Or a person we know is not a ruler that he has become a ruler of the land. Or that a person we know is a ruler has been removed from his position. Or that Allah has obliged, prohibited, permitted a matter we know is otherwise.

So everything we mentioned from claims about a known situation having changed, then one claiming it changed is obliged to provide evidence, and the one negating is not obliged to provide evidence for this, nor is he obliger to repeat that it is falsehood against his opponent as long as evidence for it has been established for the truthfulness of his saying, repetitions are



not burdened without any difference of opinion. Everything we mentioned other than the issues of obliging, prohibiting, permitting and omitting, our opponents agree with us on this without different.

Regarding these four mentioned issues, our evidence for the validity of our statement is the saying of Allāh: "O you who have believed, do not ask about things which, if they are shown to you, will distress you. But if you ask about them while the Qur'an is being revealed, they will be shown to you. Allāh has pardoned that which is past; and Allāh is Forgiving and Forbearing... A people had asked before you and became with it disbelievers" [Al-Mā'idah: 101-102].

The verse confirms that unless something is explicitly mentioned as obligatory or prohibited, it is permissible and forgiven.

As for the falsehood of the claim of someone who claims the omission of anything established by textual evidence, $ijm\bar{a}$, or a claim of something being permissible for that which has been prohibited textual evidence or $ijm\bar{a}$, our Lord, exalted be He, invalidates such claims with His saying: "A party of them used to hear the Word of Allah, then they used to change it knowingly after they understood it?" [Al-Baqarah: 75].

And Allāh says, "These are the limits ordained by Allāh, so do not transgress them. And whoever transgresses the limits ordained by Allah, then such are the wrong-doers" [Al-Bagarah: 229].

And Allah says, "Verily, they were about to tempt you away from that which We have revealed unto you (O Muhammad), to fabricate something other than it against Us" [Al-Isrā': 73].

Allāh Almighty made clear that it is prohibited to alter His words or transgress His limits, and we must not abandon anything that has been revealed to us. Whoever deviates from this is a transgressor and fabricator against Allāh Almighty. We find that Allāh Almighty obligated us to obey what is mentioned in the Qur'an, and to obey what is conveyed by His Messenger, because he only speaks about Allāh, and to obey what all Muslims have agreed upon regarding their Messenger . And these are the limits set by Allāh Almighty. Whoever seeks to deviate us from anything that has been established by any of them and intends to transgress against us, has indeed distorted the words of Allah Almighty, committed injustice, and sought to create turmoil against the wahī and to impose obligations without providing textual evidence or $ijm\bar{a}$ to support their claims.

Otherwise, we remain steadfast within those limits, neither exceeding them nor fabricating falsehood against them, nor distorting what has been established by them. May Allāh Almighty grant us success.

And also, if anyone is consistent in this principle, then they oblige themselves to obey what it implies, if they accuse another of murder and the defendant rejects it, then the defendant is obliged to provide evidence of their innocence otherwise he is killed. Likewise, if someone claims the obligation of a fast other than the fasts of Ramadan, or anything besides what is mentioned in the texts regarding expiations, voluntary acts of worship, vows, and making up missed fasts, then their method imply that burden of proof lies on the one opposing this. This is leaving Islām, along with its contradiction to the 'aql.

This applies to claims about the validity of *ilhām* of an *imām*, as well as claims about mythical creatures like evil spirits, 'ang \bar{a} ', and nasnas and every single other superstition. It is not allowed to claim or believe in any of these; they are all declared false, rejected, all of it is invalid without evidence to required as a burden for them. The burden of proof lies on those who make such claims or attempt to nullify established truths.

And this is for every claim aiming to establish something unproven or to nullify something established, no matter what it is, for there is no certain evidence obliged for those who refrain from making such claims or believing such, as they have acted in accordance with what is required of them. The burden of proof is only on those who seek to impose such claims. If they bring evidence their claims, they are valid; otherwise, they must be rejected, even if they are possible but not definitively proven. The mentioned verses of the Qur'ān are sufficient to necessitate knowledge of what has been mentioned above, and success is only with Allah.



Chapter Seven: About *Bayān* And Its Meaning

We clarified in the chapter of the clarification of words that are used by ahl ul-nazar the limit of bayān and its clarification. We also say: takhṣīṣ and istithnā 'are two types of bayān because the bayān of something general can be a tafsīr of its howness and what its amount is without anything departing from its word which the language in it necessitates, such as when Allāh says, "And give the zakāh." Then the Prophet \(\mathbb{E}\) clarified what exactly this zakāh is and its amount which is ordered to be given, without anything departing from the word $zak\bar{a}h$, the same with what the Prophet $\stackrel{\text{def}}{=}$ clarified about the attributes of *hajj* and other matters.

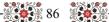
And it can be with $istithn\bar{a}$ ' (exception) such as what is narrated from the Prophet * regarding the prohibition of selling dried dates for ripe dates. then he made ' $ar\bar{a}ya$ an exception from what is less than five $awsuq^{22}$. (60 $s\bar{a}$'s x 5.33 *ritls*, 1 *ritl* is 453 grams).

This exception of the permissibility for the ruling of 'arāya takes it out from the previous prohibition. *Istithnā* 'can also be through the words: illā, khala, hāshā, mā lam and what is similar to that.

Istithnā' can also be a ruling mentioned as an order or with a *khabar* made as an exception from something else that is general, this is called *takhṣīṣ* such as when Allah prohibited marrying the polytheist women then the permissibility of marrying women from ahl ul-kitāb came, this is a takhṣīṣ from the general order before.

As for *naskh* it is removal of a ruling or some part of a general ruling, the difference between naskh istithnā' and takhṣīṣ is that: if something general is mentioned for which istithnā' and takhṣīṣ exists, Allāh never wanted to oblige us the general which is also mentioned, such as Allāh prohibiting the marriage with the idolatresses, He never wanted with that the

²² Sahīh al-Bukhārī 2190





prohibition of marriage with the idolatresses with this, the same applies for what we said regarding 'arāya.

As for *naskh*, we are burdened with what is general first for a time, till another order is mentioned invalidating it, or invalidating some of it (it is not a condition for all of it to be invalidated). This will be clarified in the chapter of *naskh*, if we reach it, by the will of Allāh.

As for the manners of bayān which we mentioned from tafsīr, istithnā and takhṣīṣ, it can be with the Quran for the Quran, hadīth for the Qur'ān, mangūl ijmā' for the Qur'ān, it can also be with Qur'ān for hadīth, hadīth for a hadīth, and mangūl ijmā ' for a hadīth.

What we mean with *hadīth* what is only an order, action, affirmation a sign authentic from the Prophet . All of that can be a clarification for the Qur'ān, and the Qur'ān can be a clarification for all or that. We only make a difference between takhṣīṣ, istithnā' and between naskh because we are certain of the obligation of obedience to Allāh. It is prohibited for anyone to depart from obedience to Allāh and His Messenger in anything they ordered.

And it is prohibited for us to claim that any of that is abrogated, invalidating its order, after it was once obligatory, except with a clear clarification, in which there is no doubt.

When we find a ruling from which some has become omitted through istithnā', or takhsīs, then we are certain that we are not ordered, and it is not allowed for anyone that it was obligatory then got omitted, he has then spoken without knowledge and has spoken with doubt, not certainty.

It is also not allowed to say that we are obliged a ruling except with certainty, it does not cease from that state of obligation except with certainty, this is why we make a difference between naskh, istithnā' and takhṣīṣ as mentioned, because if we say regarding it (something) that it got abrogated, then We have affirmed that it was obliging once and then got omitted, ceased from that state after a time. It is not allowed to say this except with certainty, and Allāh is the source of strength.

Takhsīs from Qur'ān with Qur'ān is such as when Allāh said, "Except from their wives or (the slaves) that their right hands possess" [Al-Mu'minūn: 6]. Allāh made exceptions of wives and slaves from what is prohibited from private parts in general. Afterwards Allah specified marrying two sisters simultaneously (from the same father), marrying the daughter, the stepdaughter, the fornicatress, the relative from closeness, the idolatress all - 87

through the Qur'an. The Sunnah specified regarding this the foster mother, males, animals and the idolatress women through $ijm\bar{a}$ from which the meaning is taken from established *nuṣūṣ* which cannot be understood except in one manner only by prohibiting from what is allowed in general from slaves.

If anyone says, "It is not possible for the Qur'ān to clarify the Qur'ān except through the Sunnah, because Allāh, the Most Exalted says, "And We have also sent down unto you the dhikr, that you may explain clearly to men what is sent down to them" [An-Nahl: 44].

It is said to them: There is not in the verse you mentioned that the Prophet does not clarify except with wahī that is not recited, there is instead in it clear clarification and an apparent text that the Allah revealed to him the dhikr for him to clarify it to the people and clarification is with words. If the Prophet recites it, he has clarified it, if it would be mujmal, from which the meaning is not understood, he clarifies it then with revelation revealed to him, whether recited or not recited, just as Allah said, "And when We have recited it to you, then follow its (the Qur'an's) recital. Then it is for Us to make it clear (to you)" [Al-Qiyāmah:18-19].

Allāh has informed us that the clarification for the Qur'ān is for him and as it is for him then its clarification is through both recited revelation and non-recited revelation (Sunnah) from Allāh, Allāh says, "Allāh make clear to you lest you go astray" [An-Nisā: 176].

And Allāh says about the Qur'ān, "And We have sent down to you the Book as clarification for all things" [An-Nahl: 89].

This clarifies that a recited verse can be clarification for another, there is no meaning for rejecting any of this. Allāh had mentioned the verses about *talāq* as *mujmal* (ambiguous) then clarified its meaning in Al-Ṭalāq

And from that which is mujmal in the Sunnah and clarified in the Qur'ān. The Prophet said, "Now to our purpose, O people, I am a human being, I am about to receive a messenger (the angel of death) from my Lord and I, in response to Allāh's call, (would bid good-bye to you), but I am leaving among you two weighty things: the one being the Book of Allāh in which there is right guidance and light, so hold fast to the Book of Allah and adhere to it. The second are my ahl ul-bayt, I remind you of ahl ul-bayt."23

²³ Sahīh Muslim 2408



Zayd ibn Argam, the companion said, "Ahl ul-bayt is banū Hāshim." And as Taglīd is false, it becomes obligatory to seek who ahl ul-bayt are in the Qur'an the Sunnah.

Allāh said, "O wives of the Prophet! You are not like any other women. If you fear [Allāh] then do not be soft in speech, lest he in whose heart is a disease, but speak in an honorable manner. And stay in your houses, and do not display yourselves like that of the times of ignorance, and perform the prayer, give zakāh and obey Allāh and His Messenger. Allāh wishes only to remove fifth from you O Ahl al-bayt and to purify you with a thorough purification. And remember, that which is recited in your houses of the Verses of Allāh and wisdom. Verily, Allāh is Ever Most Courteous, Well-Acquainted with all things" [Al-Ahzāb: 32-34].

This verse ceases any doubt and clarifies that the ahl ul-bavt of the Prophet $\stackrel{\text{def}}{=}$ are his wives only, as for $ban\bar{u}$ Hashim they are the family of the Prophet and those close as from texts of the Qur'an and Sunnah, they are part from the divisions of the *khumus* and the prohibition of charity.

The Prophet made mujmal, his saying, "I am ordered to fight the people till they say, 'Lā ilāha illa Allāh.'"

Then Allāh clarified it, with his saying in Sūrah Barā'ah, "If they repent, establish the prayer and give the zakāh, then let them have their way" [At-Tawbah: 5].

If it is said, this narration is only clarified by another narration not by the verse, the narration where the Prophet said, "I am ordered to fight the idolaters, till they say, 'Lā ilāha illa Allāh,' establish the prayer, give zakāh, believe in what I am sent with."24

It is said to them: This narration you mentioned goes according to what is in Sūrah Barā'ah, so it is established that Allāh revealed it accordingly in the Qur'an, then the Prophet said the same what is in the verse as an additional clarification, and an affirmative clarification (ta kīd). This narration of the Prophet is only a saying regarding what is in Barā'ah, this is known by the first 'agl upon reciting the verse and reading the narration mentioned.

²⁴ Sunan Al-Nasā'ī 3966

Clarification by the revelation can also be by mere signs (gestures) based on what is in the narration of Ka'b ibn Mālik with Abū Ḥadrad when the Prophet $\stackrel{\text{\tiny{se}}}{=}$ gestured with his hand to lower the debt to a half²⁵.

 $^{^{25}}$ Ṣaḥīḥ al-Bukhārī 457, 2418, 2424, 2706



Chapter Eight: Delayment Of Clarification

They differed regarding the different types of clarification, a group said, "The *mujmal* is only mentioned before the *mufassar*."

Others said, "These two are never mentioned except at the same time."

Others said, "It is possible for the *mujmal* to be before the *mufassar*, the *mufassar* before the *mujmal*, for them to be mentioned at the same time, all of that is possible."

The last view is what we believe, except that it is not possible for clarification to be delayed from the time an action becomes obligatory ever, it is not possible for the Prophet to delay it after it is mentioned any second, we do not say this because 'aql prevents it, but because texts have mentioned it and we only prevent the possibility of Allāh delaying clarification from the time something becomes obligatory because of the saying of Allāh, "Allāh does not charge a soul except [with that within] its capacity" [Al-Baqarah: 286].

It is not within the capacity of anyone to do what they do not know. And we only prevent the possibility of the Prophet delaying clarification the moment something is obligatory because of the saying of Allah, "O Messenger, convey that which has been revealed to you from your Lord, and if you do not, then you have not conveyed His message" [Al-Mā'idah: 67].

If the Prophet would delay anything he mentioned for a second, he would be for the time he delays be deserving to be described as the one that did not convey his message and if he does not convey he would be a sinner, and such is not attributed to the Prophet sexcept by the ignorant. Whoever persists in attributing sins to him about the rulings and him abandoning the conveyment is a *kāfir* according to the *ijmā* of the *ummah*.

The five prayers have been clarified at Makkah and afterwards many verses at Madīnah were revealed such as, "Establish the prayer." So this affirms what we said that a *mufassar* can be revealed before the *mujmal*. As for the *mujmal* before the *mufassar*, that has been revealed regarding the fast and the prohibition of hashih at Makkah then the specification of the permissibility of idhkhir came²⁶.

As for our view that Allāh can delay clarification as long as there is no obligation for the act, it is according to texts as Allāh said, "He is not questioned about what He does, but they will be questioned" [Al-Anbiyā': 23].

Allāh has revealed many verses regarding the story of Mūsā, 'Īsā, 'Ād, Thamūd, Ibrāhīm, some of them before the other and some at Makkah and others in Madīnah, some more complete than the other.

Why do those who oppose that their Lord can do anything He wants not say here, "Why are these stories not complete in one place so it could have been the most complete story and then he can mention it again for ta'kīd if he wants."

As they affirmed that ta'kīd is a wisdom, then what do they say about many stories and lessons which Allah did not mention except once, do you see it as being ceased from wisdom as he did not repeat it and mentioned no ta'kid. If Allāh made ta'kīd of Mūsā twenty times, what is the difference between twenty and twenty-one or nineteen. If it is claimed that this amount has the most wisdom, it is a mere claim without basis and the lack of hayā' has become clear on his face and he has spoken while he knows its opposite is the truth.

We ask him also regarding other stories which are repeated less than the story of Mūsā. If he says, "The repetitions of the story of Mūsā are sufficient." It is said to him: And what is the difference between what you got sufficed with the repetitions of the story or Mūsā instead of the repetitions of Ibrāhīm and what is the difference between Allāh mentioning what he mentioned from the stories of the Prophets and between that which he did not mention regarding them from some of them and what is the difference between that and if he were to mention whom He did not mention and would not mention those whom He did mention the story of, He has mentioned those who had no sharī'ah other than the sharī'ah of those before them like Ilyās, Yasa', Dhul-Kifl and others, perhaps those who he withheld and did not mention from the prophets are a greater sign and have a greater lesson than those whom He did mention.

²⁶ Sahīh al-Bukhārī 112



And I am certain, without any doubt, that the one who spreads this joke among the weak Muslims is deficient in his religion, has weakness in his 'aql, and a plotter against the sharī'ah without a doubt. Then it spreads through taglīd with whom make taglīd of that. And Allāh is the source of strength.

Those who are against the delayment of clarification have said, "Then what do you say regarding the one that hears the verse of amputating the stealer, but did not hear its clarification of its time regarding its timing, does he amputate every stealer that steals the size and amount of a mustard seed. And regarding the one that hears the verse of $zin\bar{a}$ but did not hear the ruling of stoning, and the one that hears the verse of suckling, but did not hear the narration of its timing regarding it, does he lash the married fornicator, not stoning him and lashes the slave girl one hundred times and becomes a mahram with one suckling or what do you here? If you say he carries out what he hears, you have ordered him falsehood and if you say he does nothing you have ordered him to disobey what he hears from the Qur'an."

The answer: There does firstly not exist any delayment of clarification from the moment an act is obligatory. As for before its obligation, he is not obliged anything except to acknowledge the ruling and to say, "I have heard and obeyed," and nothing more as it is not clarified such as when Allāh said, "Give the $zak\bar{a}h$." There is no obligation except to believe and acknowledge that as we said only, as the clarification did not reach him which burdens him for that. As for when the text is understood clear then he must act upon it till an abrogation reaches him or takhsīs.

As for the one that says he is not obliged to act upon it in these cases except if the naskh or takhṣīṣ reaches him, he in reality says, "Do not obey your Lord and do not act upon what he ordered you, perhaps there is an abrogator for this text or a text specifying it." This is against the order of Allāh in the Qur'ān to obey him, whoever is consistent with this method obliges no obedience to anything from the Qur'an and Sunnah ever till he obtains knowledge of all rulings of all ahkām of the Qur'ān and is precise with all the Sunan, this is leaving Islām and invalidating the *sharī'ah*.

We ask them against this question: What is obligatory on the one that hears the order of the Prophet # while the prophet is alive for which there is an abrogation after the previous order must be believe in the previous order implying him to believe in falsehood or believe the order is invalidated, believing disobedience for what he heard from the orders.

Their answer for these is the same as ours above regarding what they asked us about, that the one that hears orders must acknowledge, obey and believe that it is the obliging truth as long as there is nothing that abrogates it he remains obeying it, if there is any abrogation then it is abandoned for the abrogating text. Delayment of istithnā', takhṣīṣ is according to us possible just as delayment of clarification completely there is no difference between any of it as long as there is no obligatory act.

That which also establishes the correctness of our position is the saying of Allāh, "So when We have recited it, then follow its recitation. Then upon Us is its clarification" [Al-Qiyāmah: 15-16]. Allāh said here 'then' (thumma) and this implies that there is a time between it.

And the saying of Allah about the story of the angels who said to Ibrāhīm, "They said, 'Indeed, we will destroy the people of that [Lūts] city. Indeed, its people have been wrongdoers.' Ibrāhīm said, 'Indeed there is Lūt in it.' They said, 'We know better who is there. We will verily save him (Lūt) and his family except his wife: she will be of those who remain behind" [Al-'Ankabūt: 31].

They made in the beginning here everyone general and delayed clarification of it till a question was asked about Lūt, then they answered that they did not mean him and his family with the destruction except his wife only.

Some have objected this among those who prevent delayment of clarification at all times by saying, "Ibrāhīm knew that Lūt would be saved from the punishment." Because the verse says, "Its people have been wrongdoers."

It is said to them: He had made it also general for Nūḥ regarding the cessation of his family, so he thought that the family was his relatives till it was clarified to him afterwards that the meaning with family were those on his religion.

If someone says, "What is the intention/benefit of a mujmal mentioned before its clarification?"

It is said: What is intended from it is the same as what is intended from us regarding the *mutashābihāt* which we are ordered to look for and not



to seek its ta 'wīl and say about them, "All of it is from our Lord." As for what is intended with it is that which clarifies it.

Our view is the saying of Allāh, "Allāh makes clear to you, lest you go astray" [An-Nisā': 176].

He only clarifies so we do not go astray, there is no going astray in the mention of orders as long as the time of the obligation of acting upon it has not come, if the time of the obligation of acting upon it comes, if we would leave it we would act in a manner other than what is intended and we would have gone astray and Allah has told us that that does not happen and his saying is the truth and Allāh is the source of strength. Based upon this we prevent the possibility of a delayment of clarification once the time begins of an obligatory act otherwise there is nothing in the 'aql that prevents delayment of a clarification once it is obligatory if Allāh willed it, if He did it would have been a hardship and Allah has told us, "And if Allah had willed, He could have put you in difficulty" [Al-Baqarah: 220].

He has told us that if he willed to burden us with difficulty that He would have done it and this is our exact view.

Clarification differs in how clear it is, some of it can be unclear. The people differ in this, some understand it and others are late in understanding just as when 'Alī was asked, "Do you have a book?" 'Alī replied, "Nothing except Allāh's Book or the understanding which has been bestowed (by Allāh) upon a Muslim."27

And just as issues got difficult for 'Umar while he was the utmost knowledge as the Prophet said²⁸.

He was still unable to understand the verse regarding $kal\bar{a}lah^{29}$.

He passed away acknowledging he was unable to understand it, while other companions did understand it. And the Prophet scolded him and told him that it is indeed clarified in the last verse revealed during the summer, the last verse in Sūrah al-Nisā'30.

²⁷ Sahīh al-Bukhārī 111

²⁸ Sahīh al-Bukhārī 2469

²⁹ Al-Musannaf by ibn Abī Shaybah 31599, 31606, 6/298 | Al-Sunan by al-Bayhaqī 6/224

³⁰ Sahīh al-Bukhārī 567

And just as it appeared to 'Ad \bar{i} ibn \bar{H} ātim when he was mistaken regarding the white and black thread, assuming that it was regarding threads that belong to the people³¹.

Till the Prophet \cong made it clear to him that the thread is regarding fajr, while companions other than 'Adī had understood it from the verse alone and they knew that the intended meaning was fajr.

And just as ibn Umm Maktūm wrongly assumed he was blamed for not participating with the wars, then Allāh clarified by making exceptions for those who are disabled ³². While those other than ibn Umm Maktūm understood it by other texts an understood it from the orders of Allāh that he does not burden a soul beyond its ability.

These are the truths regarding clarification and its delayment.

 $Ta'k\bar{l}d$ is from the types of clarification, Allāh said, "Those are ten complete days" [Al-Baqarah: 196].

And Allāh said, "And he completed the term, appointed by his Lord, of forty nights," [Al-A 'rāf: 142] after he mentioned thirty and ten nights.

If someone were to say that Allāh taught us with this, math/arithmetic through the Qurʻān, they have fabricated a lie against Allāh, because we knew math before the Qurʻān was revealed, meaning humanity as a whole.

Some of the sophisticated, overzealous among *ahl ul-qiyās* have said regarding the verse, "Those are ten complete days," [Al-Baqarah: 196] a strange matter, they said, "This verse is an evidence that the $had\bar{\iota}$ which the option for it if it is not possible is fasting in tamattu, it does not happen except when it is complete."

The first thing that is in this saying is a claim without evidence which is prohibited especially against Allāh and also, Allāh is exalted from wanting the $had\bar{\imath}$ complete but leaves describing it and limits it to only saying, "What can be obtained with ease of sacrificial animals," [Al-Baqarah: 196] and informs its completeness by saying that there are ten days of fasting, so their lie becomes evident, and it is then established that the saying of Allāh, "Ten complete days," is just like as he said regarding $zak\bar{a}h$, "Then an ibn Labūn is given."³³

³¹ Sahīh al-Bukhārī 1916

³² Sahīh al-Bukhārī 2831

³³ Sunan Abī Dāwūd 1568, 1569



And it is like the saying of the Prophet * regarding the inheritance shares, "Give the shares prescribed in the Qur'an to those who are entitled to receive it; and whatever remains, must be given to the closest male relative of the deceased."34

This is only a ta'kīd and all an additional clarification only.

That which clarifies that Allāh delays clarification before He wants actions from us upon that is that which is mentioned from the Prophet ## that he said, "Allāh is giving an indication of khamr. So he who has anything of it with him must sell that."35 And when the time came in which Allah wanted to oblige us to avoid it He revealed the verses regarding its prohibition and the Prophet recited it to the people from its time.

He had increased clarification after the previous clarification, it became a ta'kīd and news for those whom the previous news did not reach. Just as the five prayers were clarified at Makkah with their times, then someone in Madīnah asked about its times, beginning and ending times and he showed him that with his action and also his speech to other than that questioner.

Another example is that Allah delayed clarifying the rites of haji before the time of its obligation was revealed, when the obligation was revealed, the Prophet delay.

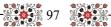
Whoever claims that the Prophet # had with him the clarification of the rites of *hajj* and kept silent about it from his companions and prevented them from the rewards of the knowledge of it and acknowledging it has fabricated a lie against the Prophet, the Prophet declared this false when he said, "It is an obligation on all Prophet to guide his ummah to what he knew what was good for them and warn them against what he knew was bad for them."36

And whoever holds this belief has denied the verse of Allāh, "Verily, there has come unto you a Messenger from amongst yourselves It grieves him that you should receive any injury or difficulty. He is anxious over you (to be rightly guided, to repent to Allāh, and beg Him to pardon and forgive your sins in order that you may enter Paradise and be saved from the punishment

³⁴ Sahīh al-Bukhārī 6772, 6735, 6737

³⁵ Sahīh Muslim 1578

³⁶ Sahīh Muslim 1844



of the Hell-fire); for the believers (he is) full of pity, kind, and merciful" [At-Tawbah: 128].

As they claim he was silent over that which they hasten in reward by acknowledging and increasement of knowledge, they have opposed the attribute which Allāh mentioned and whoever says that has left Islām.

If someone says, "But you describe the Prophet now that he wants the people on earth with good and this is against your saying that Allāh does not want this for all people, you have described the Prophet better than that which Allāh described himself as and that he is more kind over us than Allāh is."

We say, and Allāh is the source of strength: This is a weak tumult, two things only resemble each other or are better than each other if they are under a certain naw (species) or jins (genus), the attributes of Allah are not under the same naw' as the attributes of the created. The mercy of Muhammad # for the people is from the *jins* of mercy of our mercy between each other, except that it is the greatest mercy of humans and the most complete, Allāh does not enter us in this naw', like how Muhammad is with us in this *naw* 'even if it is the greater than everyone other than him. Allāh is not praised with that which we praise the created, do you not see that we praise Allāh by saying he is the Compeller (Al-Jabbār) and the Supreme (Al-Mutakabbir). While this is in every creation other than him a severe criticizing and a severe diminishment, we also describe Him, the Most Exalted that He has severe Anger, He does whatever He wants, He plans which, none feels secure from the plan of Allāh except the losers, if we describe a creation with this, it is all revilement and a deficiency, we praise the creation by saying he is intelligent, noble and modest, while it is not allowed to describe Allāh with these. Whoever wants to draw a *qiyās* between the mercy of Allah and that of the Prophet # has deviated regarding his description of Allāh, we know with certainty that Allāh did not want ever to guide Abū Ṭālib, if he willed him to believe He would have opened his chest to Islām, He instead willed to punish him in the hell fire forever, we know with certainty that Muhammad # had the furthest hopes that Abū Ṭālib would become a Muslim, Allāh said, "Verily, you do not guide whom you love, but Allāh guides whom He wills" [Al-Qaṣaṣ: 56].

As for the one who believes in Allāh, Allāh is more merciful to him than someone is to himself, than Muḥammad is to his father, and then his



mother who bore him. This is because Allah rewards him for in a way that, even if he had control over his choices, he could not achieve the amount Allāh has granted him in Paradise, and his parents would not bestow that upon him. And also, Allāh has forgiven him for things that, had he disobeyed his father by that, he would not have been forgiven. For indeed, a man may commit adultery with a servant of his Lord, and He forgives him through repentance and by balancing his good deeds with his bad ones. However, if he were to commit adultery with his father's servant, he would be punished.

As for the one that does not believe in Allāh, then He does not want any good for him ever, if he would want any good for him, he would let him die stillborn, as an infant or earlier.

Whoever says, "Allah is unable to do that," has deviated and described his Lord with a severe deficiency. And whoever says, "Allāh wanted good for Fir'awn," we do mubāhalah with him and say, "O Allāh do not want for us that good which you wanted for Fir awn." And let the opponent supplicate to Allāh asking the good which He wanted for Fir'awn.

If anyone raves and says, "You are now describing Muhammad as as him wanting that which Allah did not."

This is a weak tumult just as the one before, yes, in the same manner we say regarding this acknowledging what Allah said, that Muhammad # loved to guide a people whom Allāh did not love to guide, there is not in this differing, of Allah wanting here something and what His prophet wants differently any defect on His Prophet, because he only praises the Prophet and those who obey and follow him only, not those who go accordingly with what his Lord wanted in that which he did not tasked him yet.

Do you not see that we praise ourselves for marriage and children, while these are negated from Allah, he did not want that for himself ever, we praise for charity for the needy, which Allah did not want to be rich, if he wanted him to be rich Allāh would be able to cause it, so we do not ever believe that you can want what Allah wants in every time, we are instead prohibited of that, Allāh wanted the killing of Muslims by the infidels having authority over the Muslims, if we would want that we would be disobedient, what is only wanted from us is following what we are ordered to and to abstain from that which we are prohibited from, the saying of our opponents imply the sayings of the people of atheism, that we should be like Allāh and this is kufr according to us because Allāh does not resemble anything, no one seeks resemblance except a $k\bar{a}fir$ atheist, and this is clear.

Then we return to what remains regarding delayment of clarification, if some who allow the possibility of the delayment of clarification because of the story of Mūsā and al-Khaḍir, then it is not the same, for Mūsā was not obliged anything in that story he only asked it forgetful and forgetfulness is not blamed, the same way the question of Nūḥ was forgetful regarding his son when he asked him, because Allāh clarified to him to carry his family except those who preceded in kufr among them, he forgot this exception.

They also argue regarding the cow of Banū Isrāʿīl and that Allāh delayed clarification to them the description which He then added. There is no evidence for them in this because those descriptions are only additional rulings, if they would not ask, they would not have been additionally added, if they would have slaughtered it the first time they were ordered to from white, red, black and white, it would have sufficient, but since they added questions they were burdened more rulings, they have because of that become from those blamed, when the Prophet said, "The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking."

And they are also part of those mentioned by the Prophet *, "The people who were before you were ruined because of their questions and their differences over their prophets." 38

Allāh said, "O you who believe! Ask not about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qur'ān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. A people asked such [questions] before you; then they became thereby disbelievers" [Al-Mā'idah: 101-102].

So Allāh told with this text exactly as we said and all praise belongs to him and he clarified that things are forgiven, not accounted for it before we ask for them, when we ask for it, it becomes obligatory and we may disobey then and be destroyed, all of that has preceded in his knowledge.

As for the delayment of the revelation, "Verily, those for whom the good has preceded from Us, they will be removed far therefrom (Hell)," [Al-

38 Sahīh al-Bukhārī 7288

³⁷ Sahīh al-Bukhārī 7289

Anbiyā': 101] regarding the story of Ibn Al-Ziba'ra when he opposed the recitation of the Prophet , "Certainly you (disbelievers) and that which you are worshiping now besides Allāh, are (but) fuel for Hell! (Surely), you will enter it" [Al-Anbiyā': 98]. Ibn Al-Ziba'ra said regarding this verse, "We worship the angels and the Christians worship 'Īsa, so they ('Īsa and the angels) are in hell with us?"³⁹

Ibn Al-Ziba rah was not aware, the first verse was sufficient for him, if he would only have understood it, the second only came confirmative only, which is His saying regarding his question to the angels, "And consider the Day He will gather them all together, and then ask the angels, 'Was it you that these polytheists used to worship?" [Saba': 40].

Allāh then said regarding the truthful angels, "They will say, 'Glory be to You! Our loyalty is to You, not them. In fact, they 'only' followed the 'temptations of evil' jinn, in whom most of them had faith'" [Saba': 40-41].

So the saying of someone, "I worship the angels," and also not the saying of the christians, "We worship 'Īsa," implies that they were truthful, because 'ibādah (worship) is only to follow and obey, taken from slavery, a person only worships, and obeys if he follows his orders, as for the one that disobeys or differs, they are not a worshiper of them, they are a lying in their claim that they worship them, so those who say, "We worship the angels," or, "We worship 'Īsa," are liars in their claim. They never worshiped them ever, they only worship the *shayāṭīn* by obeying his orders and follow him. If they were to follow the angels and 'Īsa, they never ordered anything but to worship Allāh alone and to say, "We do not worship anything other than Allāh," they instead prohibited them from lying, and Allāh says, "They have taken their scholars and monks as lords besides Allāh, and [also] the Messiah, the son of Mary. And they were not ordered except to worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him" [At-Tawbah: 31].

We only obey the orders of our Prophet as we know that all of it is from Allāh, and that he says nothing from his own self, Allāh said, "Nor does he speak of (his own) his desire. It is only a revelation revealed" [An-Najm: 3-4].

If someone says, "Whoever disobeys Allāh among us has not worshiped him."

 $^{^{39}}$ Al-Mustadrak by al-Ḥākim 2/384-385 | Al-Mushkil by al-Ṭaḥāwī 985, 3/15

It is said to him: Yes, he did not worship Allāh in that disobedience, but obeys him in other obediences to Him, acknowledging *tawhīd*.

If someone says, "According to your view, if we obey the Messenger we have worshiped him."

It is said to him: Verily, obedience to the Messenger does not imply obedience and also not its meaning to anything except to Allāh, without partner, and it implies that whoever obeys *shaytān* in *kufr* has worshiped him, these are the *shar'iyyah* meanings which do not change where the *sharī'ah* came with.

As for the one that claims clarification of the ruling of *salab* for the killer being revealed after the verse of the divisions of *ghanīmah*, he has merely claimed without any certain decisive evidence for that, not even $ra'\bar{\imath}$ ever.

The same applies for the claim regarding clarification the divisions of kinsfolk that the clarification for the division of Banū Hāshim, Banū ʿAbd al-Muṭṭalib, of them being the kinsfolk excluding Banū ʿAbd Shams and Banū Nawfal that this was revealed later, this is a claim which is not authentic.

If they claim, "'Uthman, Jubair ibn Mut'im were unaware of this."

It is said to them: Yes and there is not in this a <code>hujjah</code>, when did we prevent the possibility of matters not having reached the <code>ṣaḥābah</code>? And even the ten, and most of them understood a verse or verses from the Qurʿān, the divisions of the Prophet for Banū ʿAbd al-Muṭṭalib sufficed them because they were certain without doubt that the Prophet did not prohibit the one that has a right from his right and he did not give anyone without right, there is in this sufficiency because if Banū ʿAbd Shams and Banū Nawfal had a right in divisions from the division of the kinsfolk, the Prophet would not have prevented them from it and if Banū ʿAbd al-Muṭṭalib would not be part of the divisions of the kinsfolk, the prophet would not have given a right which is not theirs, but ʿUthmān and Jubair wanted to know the reason by which Banū ʿAbd al-Muṭṭalib become part of that which their people depart from and the part which divides from Banū ʿAbd al-Muṭṭalib without Banū ʿAbd Shams and Banū Nawfal, ʿUthmān said regarding marrying two sisters through slavery, "A verse allowed it and another verse prohibited it." ⁴⁰

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 $^{^{40}}$ Al-Muṣannaf by 'Abd al-Razzāq 12728, 7/189

So he, may Allāh be pleased with him told that it was unclear to him, the stages of these verses and he did not know which one precedes the other nor which one is made an exception from the other, it is not allowed according to anyone with understanding to believe anything is $har\bar{a}m$ and $hal\bar{a}l$ at the same time and for one person, such that he is allowed to do but it is not allowed for others, this is impossible from the apparent, whoever reaches this point, his argument has fallen. As for ' $ar\bar{a}y\bar{a}$, there is a connected narration regarding its exception from ripe dates and dried dates. And Allāh is the source of strength.

Chapter Nine: Taking From The Implications Of The Qur'ān

And since it has become evident from certain decisive evidences and miracles that the Qur'ān is the covenant of Allāh to us and that which obliges us acknowledging it and acting upon what is in it and that which is authentic from news of everyone (naql ul-kāffah) which has no place for doubt that this Qur'ān is that which is written in the well-known maṣāḥif spread to the entire horizon, it is obligatory to obey what is in it, it is the origin, that which is returned to, because we find in it, "We have neglected nothing in the Book" [Al-An'ām: 38]. That which is in the Qur'ān from orders, prohibitions, it is obligatory not to transgress it.

We will clarify in the next chapter about the narrations, how to act upon it based from verses of the Qur'ān alone, by the will of Allāh, its specifics and its generalities and based from the *sunan*, we will clarify by the will of Allāh in the chapter if orders and prohibitions, how to act upon understanding the orders and prohibitions of the Qur'ān based on the apparent and the obligation of hastening, we will clarify in the chapters of ' $um\bar{u}m$ and $khus\bar{u}s$ all of their implications of those who take verses from the Qur'ān from its general understanding and we will clarify the falsehood of anyone that opposed it by the will of Allāh.

There is no difference between any sect that attributes themselves to Islām such as *Ahl ul-Sunnah*, the *mu'tazilah*, the *khawārij*, the *murji'ah*, the *zaydiyyah* regarding the obligation of taking from the Qur'ān and that it is that which is recited. Only a people from the extreme *rawāfid* opposed it, they are *kuffār*, *mushrikūn* for that according to all of *ahl ul-islām*. Our topic is not them here, our topic in this book is with the people of our religion as the falsehood of any other religions is clarified in Al-Faṣl.

We will clarify in the chapter regarding $ijm\bar{a}$ the certain evidences that the seven $qir\bar{a}$ at in which the Qur an is revealed remains all with us and



the falsehood of anyone that assumes 'Uthmān gathered the people on one $qir\bar{a}$ 'ah or on some ahruf of the seven excluding some.

Chapter Ten: The Narrations Which Are The Transmitted Sunan Of The Prophet

In some parts of this chapter we will clarify the reason for $ikhtil\bar{a}f$ (difference of opinion) that occurred between the a 'immah of this ummah.

As we clarified that the Qur'ān is the origin which is returned to for rulings, we look into it and we find in it the obligation of obeying what the Prophet sordered us, and we find that Allāh described His Messenger saying, "Nor does he speak of desire. It is only a revelation revealed" [Al-Najm: 3-4].

So it is established that the $wah\bar{\imath}$ from Allāh divides from Allāh to His Messenger into two: first is the recited, composed with a miraculous structure, which is the Qur'ān. The second is the narrated $wah\bar{\imath}$, transmitted without being composed in a miraculous structure and not recited but read, which is $had\bar{\imath}th$ transmitted from the Messenger of Allāh and it is the clarification from Allāh Almighty and that which he wanted from us, He said, "That you may explain clearly to men what is sent down to them" [An-Naḥl: 44].

We find that Allāh has obliged obedience to the second one just as he obliged obedience to the first one which is the Qur'ān without any difference, Allāh said, "Obey Allāh and obey the Messenger" [An-Nisā': 59].

The narrations which we mentioned are one of three origins which we are obliged to obey in the verse encompass all $shar\bar{a}$ 'i' (rulings) in the religion, from the first to the last one.

Allāh said, "O you who believe, obey Allāh" [An-Nisā': 59]. This is one origin, which is the Qurʿān.

Then Allāh said, "And Obey the Messenger" [An-Nisā': 59]. This is the second origin which are narrations from the Prophet. Then Allāh said, "And (obey) those in authority" [An-Nisā': 59]. This is the third which $ijm\bar{a}$ 'all transmitted about the Prophet $\stackrel{\text{\tiny{deg}}}{=}$.

It is established by texts of the Qur'ān that the narrations about the Prophet are on of the two origins which is turned to if there is any disagreement, Allāh said, "If you disagree in anything refer it to Allāh and the Messenger" [An-Nisā': 59].

The certain evidence that the meaning of this is returning only to Qur'ān and the narrations of the Prophet is that the *ummah* has consensus that these words are addressed to us and towards anything is created, which walks with a soul in his body till the day of judgment among mankind and *jinn*, just as his addressing is for those during the time if the Prophet and everyone that came after him and before us without difference and we know with a certain knowledge that there is no way for us to reach the Prophet even if an idiot claims that this addressment is only for those that are able to meet the Prophet he would not be able to. So it is established that the meaning of 'returning' in the verse is towards the words of Allāh which is the Qur'ān and towards the rulings of the Prophet which is narrated through the eras to us generation after generation.

And also none of this verse mentioned meeting and also no physical hearing ever, there is no indication for that, there is only the mention of returning only, in general. And it is known that this returnment is nothing other than *taḥkīm* of the orders of Allāh and the orders of the Prophet available with us, narrated to us, this is what the text of the verse means by returning without the burdenment of a *ta* 'wīl in it nor opposing the apparent.

The Qur'ān and authentic narrations are added to each other, they are one, the same, in the aspect of being revelation from Allāh, their ruling is one regarding the obligation of obedience to them. Allāh said, "O believers! Obey Allāh and His Messenger and do not turn away from him while you hear. Do not be like those who say, 'We hear,' but in fact they are not listening" [Al-Anfāl: 20-21].

So Allāh clarified with this that He does not want from us acknowledgment of obedience to the Prophet without acting upon his orders and abstaining from what he prohibited, this is the description of those that make $taql\bar{\iota}d$, as they say, "Obedience to the Prophet is obligatory," then when his orders come to them they acknowledge its authenticity but then it is not difficult for them to turn away from it while they hear, we seek refuge in Allāh from that.



And Allāh said, "Verily, We, it is We Who have sent down the *dhikr* (revelation) and surely, We will guard it" [Al-Ḥijr: 9].

And Allāh said, "Say (O Prophet): 'I only warn you using the revelation'" [Al-Anbiyā': 45].

So Allāh told us as preceded that the words of his Prophet are all $wah\bar{n}$ (revelation), and revelation is without difference the dhikr, and the dhikr is guarded according to the texts of Allāh, so it is established that the rulings of the Prophet are all guarded by the guarding of Allāh, ascertained to us that nothing of it is lost as anything Allāh guards it can with certainty never be lost, so it is all narrated to us, so Allāh has a hujjah against us forever.

Allāh said, "And in whatsoever you differ, the ruling thereof is with Allāh" [Ash-Shūrā: 10]

We find that Allāh returns us to the words of His Prophet \cong as mentioned before, it is not allowed for any Muslim that acknowledges $tawh\bar{\iota}d$ to return during any disagreement to other than the Qurʿān and the narrations of the Prophet, and also not to do other other than what's in the two, if he does that after hujjah is established he is a $f\bar{a}siq$ (sinner) whoever does that with $istihl\bar{a}l$ of departing from their orders obliging obedience to other than these two, he is a $k\bar{a}fir$, without any doubt according to us.

And Muḥammad ibn Naṣr al-Marwazī mentioned that Isḥāq ibn Rahūyah used to say, "Whomever the narration of the Prophet $\stackrel{\text{\tiny{de}}}{=}$ reaches which he acknowledges the authenticity off, but then rejects it without taqiyyah, he is a $k\bar{a}fir$."

We do not use the words of Ishāq as a hujjah, we only mention it so that the $j\bar{a}hil$ does not assume we are the only ones to say this.

We only use as evidence for our *takfīr* of whoever makes *istiḥlāl* of differing from what he finds authentically from the Prophet because of the saying of Allāh, addressing his Prophet, "But no, by your Lord, they do not believe, until they make you (O Muḥammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission" [An-Nisā': 65].

This is sufficient for anyone with 'aql, precaution, who believes in Allāh, the last day and has certainty that this covenant is the covenant of his Lord and His $waṣ\bar{\imath}$, so let anyone look into himself, if he finds in himself any resistance from that which the Messenger of Allāh judged and finds himself leaning towards the saying of so-and-so, to a $qiy\bar{a}s$ in any narration he affirms

the authenticity of or finds himself rule in a disagreement with anyone other than the Messenger of Allāh $\stackrel{\text{def}}{=}$ such as a companion or other than them, let him know that Allāh took an oath, and His saying is the truth, that he is not a *mu'min*, and Allāh has spoken the truth, as he is not a *mu'min*, he is a *kāfir*, without a third possibility.

And let him know that anyone that makes *taqlīd* of anyone from the *ṣaḥābah* or *tabi'īn* or Mālik, Abū Ḥanīfah, Al-Shāfi'ī, Al-Awzā'ī, Aḥmad, Dāwūd, may Allāh be pleased with them all, they are all free from the *muqallid* in this world and the hereafter.

O Allāh, You know that we do not rule by anything or anyone other than Your words and the words of Your Prophet $\stackrel{\text{de}}{=}$, upon whom You have sent Your blessings and forgiveness, in anything that arises between us and in everything we dispute and disagree about in its ruling. We do not find in ourselves any resistance to what Your Prophet $\stackrel{\text{de}}{=}$, has judged, even if it angers everyone on earth. We oppose them and become a distinct group against them. Verily, we submit to that, hastening towards. We do not hesitate, disobeying anyone who opposes it, being certain that they are mistaken according to You and that we are on the right path according to You. O Allāh, keep us steadfast on this and do not let us deviate from it. I ask You, O Allāh, for our children and our Muslim brothers to follow this path, so that we all adhere to it until we reach the abode of recompense. $\bar{A}m\bar{\imath}n$, by Your grace, O Most Merciful of the merciful.

As this is clear, Allāh has clarified that the rulings of His Prophet are all revelation from Him and that the Qur'ān is revelation from him and Allāh also said, "Do they not then consider the Qur'ān carefully? Had it been from other than Allāh, they would surely have found therein many a contradiction" [An-Nisā': 82].

So it is established with by necessity that the Qur'ān and authentic *ḥadīth* are agreed upon, no contradiction and no differences between them, Allāh grants understanding to whom He wills from his slaves and prevents whom he wills, there is nothing worthy of worship in truth except Allāh, just as he gave understanding, intellect, patience on the one seeking good whom He wants and He gives stupidity and distances and laziness whom He wants, we He Allāh his gifts which bring us closer to him *āmīn*.

And it is established from what we mentioned the falsehood of the one that abandons parts of the Qur'an because of other parts, or abandons

authentic *ḥadīths* because of other *ḥadīths*, or abandons the Qurʿān because of *ḥadīths*, all of it is invalid. In this book, we will clarify the questions and answers, and the compositions regarding all that the ignorant assume to be contradictory in rulings. With Allāh's will, we will show that all of this is one consistent thing with no contradictions. And if Allāh takes us before that, what is sufficient is that Allāh has seen our intention regarding that, there is nothing worthy of worship in truth except Allāh.

Allāh said, "Have you not seen those who have been given a portion of the Scripture? They are being invited to the Book of Allāh to settle their dispute, then a party of them turn away, and they are averse" [Āl-ʿImrān: 23].

And Allāh said, "And when it is said to them, 'Come to what Allāh has sent down and to the Messenger,' you see the hypocrites turn away from you with aversion" [An-Nisā': 61].

Let him fear Allāh to whom is the return when this is recited to him and be cautious for falling into the description mentioned in the verse, which is a blamed description, a grave one that obliges the hell fire.

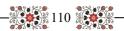
If anyone debates his opponent in an issue of the religion and the rulings we are ordered and he calls his opponent to what Allāh had revealed or to the words of the Prophet and his opponents turns away and calls towards a *qiyās*, the views of so-and-so, let him know that Allāh has called him a *munāfiq*, We seek refuge in Allāh from this destructive state. Repent, repent, O servants of Allāh, before the appointed time arrives and the chance is cut off.

Allāh said, "Whoever obeys the Messenger has obeyed Allāh" [An-Nisā': 80].

Allāh said, "And We have not sent down the Book to you (O Prophet), except that you may explain clearly unto them those things in which they differ, and (as) a guidance and a mercy for a folk who believe" [An-Naḥl: 64].

So it is established that the clarification is all only the words of Allāh and the rulings of His Prophet .

Allāh said, "It is not for a believer, man or woman, when Allāh and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allāh and His Messenger, he has indeed strayed into a plain error" [Al-Aḥzāb: 36].



This verse from Allāh the Lord of all that exists is sufficient that there is no choice for anyone when an order of Allāh and His Messenger is mentioned and that anyone that does make a choice between obeying it or leaving or returns to the view of anyone other than the Messenger of Allāh \$\mathscr{a}\$, has disobeyed as from the texts in this verse strayed into a plain error and that anyone that establishes himself within that which Allāh called misguidance is forsaken.

Allāh said, "We sent no Messenger, but to be obeyed by Allāh's Leave" [An-Nisā': 64].

Allāh said, "And whatsoever the Messenger gives you, take it; and whatsoever he forbids you, abstain (from it)" [Al-Ḥashr: 7].

Allāh said, "And let those who oppose the Messenger's commandment beware, lest some trial should befall them or a painful torment be inflicted on them" [An-Nūr: 63].

Whomever a narration reaches which he affirms the authenticity off and that such is a *ḥujjah* or he has authenticated narrations similar to it in another place, then abandons such narrations in other places for *qiyās* or for the saying of so-and-so, he has opposed to order of Allāh and the Prophet and deserves the trial and painful torment.

The trial is hastened for him, there is no trial worse than persisting on what he is upon and his destruction in this is the worst trial.

And By Allāh, the oath will surely apply unless they rectify themselves with repentance, cessation (of their wrongful actions), and obedience to what has come from the Prophet , and by rejecting the words of anyone else, whoever they may be. And Allāh is the source of strength.

Allāh said, "They (hypocrites) say, 'We have believed in Allāh and in the Messenger, and we obey,' then a party of them turn away thereafter, such are not believers. And when they are called to Allāh and His Messenger, to judge between them, lo! a party of them refuses (to come) and turns away. But if the truth is on their side, they come to him willingly with submission. Is there a disease in their hearts? Or do they doubt or fear lest Allāh and His Messenger should wrong them in judgement. Nay, it is they themselves who are the transgressors. The only saying of the faithful believers, when they are called to Allāh and His Messenger, to judge between them, is that they say, 'We hear and we obey.' And such are the successful (who will live forever in Paradise). And whosoever obeys Allāh and His Messenger fears Allāh, and

keeps his duty (to Him), such are the successful. They swear by Allāh their strongest oaths, that if only you would order them, they would leave (their homes for fighting in Allahs Cause). Say, 'Swear you not; (this) obedience (of yours) is known (to be false). Verily, Allāh knows well what you do.' Say, 'Obey Allāh and obey the Messenger, but if you turn away, he (Muḥammad) is only responsible for the duty placed on him and you for that placed on you. If you obey him, you shall be on the right guidance. The Messenger's duty is only to convey the clear (revelation)" [An-Nūr: 47-54].

These verses are *muḥkamāt* it does not leave the 'aql of anyone to tumult against it, Allāh clarified the description of the people of our time, they say, "We believe in Allāh and the Messenger and we obey them," the group among them after acknowledging this oppose what comes to them from Allāh and his Messenger they are as in the texts not believers and when they are called to the verses of the Qur'ān or a *ḥadīth* of the Prophet they oppose all of it through their cursed *taqlīd* and turn away from it.

Some of them say, "There is no acting upon these (orders." Others say, "This (order) is abandoned." Some of them say, "So-and-so rejected this (order)." Some say, "Qiyās opposes this order." Some say, "This is specific."

Until, if they find something in the <code>hadīth</code> or the Qur'an that agrees with whom they make <code>taqlīd</code> of, they cling to it eagerly and come to it submissively, as Allāh has described word for word. Woe to them! What is wrong with them? Is there a disease and doubt in their hearts, or do they fear the injustice of Allāh and His Messenger **? Indeed, they are the wrongdoers as Allāh, the Lord of all, has named them. So away with the transgressors!

Then Allāh clarified that the word of the believers are when they are called to the book of Allāh and the words of his Prophet $\stackrel{\text{def}}{=}$ to judge between them, "We hear and we obey." This is the answer of $ashāb\ ul-had\bar{u}th$ who are those Allāh is a witness for and His saying is the truth, that they are the believers and they are the successful ones. O Allāh, keep us steadfast among them, do not let us diverge from them, include us in their ranks, and gather us among their group. $\bar{A}m\bar{u}n$, Lord of all.

Then He informed us of what we have witnessed from most of the people of our time and about what distinguishes them from their apparent and hidden state is that they say, "We hear Allāh and the Messenger," then they take an oath upon that and Allāh says to them, "Do not take an oath, but obey," in order to establish what you say regarding your acknowledgment



and actions and abandon every ruling by any ruler and saying of anyone other than Allāh and His Messenger ...

Then Allāh told that there is on the Prophet nothing other placed than what His Lord placed which is conveying and clarifying and the Prophet has indeed done that.

Then Allāh told us that we are obliged that which is placed on us which is obedience and following what we are ordered by the Prophet and acting upon it, not that which we are ordered by other than him.

And with Allāh's guidance comes success. Indeed, there was sufficient guidance in a single verse of what we have recited for anyone who possesses 'aql and understanding. So, what about when our Lord, exalted be He, has initiated and reiterated, repeated, and emphasized this matter, leaving no one with any excuse? He has warned us as He ordered, and obligated us in the Qur'ān. Our success is only with Allāh, the Almighty, and there is no power except through Allāh, the Most High, the Great. Allāh is sufficient for us, and He is the best disposer of affairs.



Section: The Types Of Narrations About Allāh

Texts have come, then two Muslims did not differ on that which is authentic from the Prophet ## that the Prophet had indeed said what is in it, and that it becomes obligatory to follow it, and that it is a clarification from what Allāh intended in the Qurʿān and a clarification for the *mujmal*.

Then the Muslims differ in the manner that leads towards the authenticity of the narrations attributed to the Prophet $\stackrel{\text{deg}}{=}$ after a certain $ijm\bar{a}$ 'established on what we mentioned and on by the obedience of all Muslims, because of the verse, "Obey Allāh and obey the Messenger" [An-Nisā' 59]. We then look into the narrations then we find that they are of two types.

The first type is *khabar ul-mutawātir*. This is what everyone narrates from everyone till it reaches the prophet. This is a narration no two Muslim differ regarding the obligation of taking from it and that it is the certain truth, because of the likes of these narrations we know that the Qur'ān is that which the Prophet came with and we know the validity that the Prophet was sent and through this we know the amount of *raka'āt* in every prayer and the amount of prayers and so on many matters, such as rulings from *zakāh* and others, which the Qur'ān did not clarify. It is clarified in al-Faṣl, the certain decisive evidences for the validity of it and we clarified that necessity and nature oblige its acceptance and that through it we know what we did not witness in other lands and that which was before us from the prophets, scholars, philosophers, rulers, natures. The one that rejects it is the same as the one that rejects the first senses without difference and it implies that he does not believe that there was before him a time and also not that his father and mother existed before him and also not that he is born from a woman.

Then the people differed regarding the amount of narrators required for this type of narration.

A group said, "No narration is accepted except if it is narrated from everyone in the east and the west."



A group said, "No narration is accepted except if it is narrated from an amount we can not count."

A group said, "No narration is accepted except if it is narrated from three hundred and ten, the amount of the people of *badr*."

A group said, "No narration is accepted except if it is narrated from seventy." A group said, "No narration is accepted except if it is narrated from fifty, the amount of *qasāmah*."

A group said, "No narration is accepted except if it is narrated from forty, because this is the amount when the Muslims made their religion apparent."

A group said, "No narration is accepted except if it is narrated from twenty."

A group said, "No narration is accepted except if it is narrated from twelve."

A group said, "No narration is accepted except if it is narrated from five."

A group said, "No narration is accepted except if it is narrated from four."

A group said, "No narration is accepted except from three, because of the saying of the Prophet , 'Till three intelligent men say from his people that he has needs." "41

Another group said, "No narration is accepted except if it is narrated from two."

All of these are mere statements without proof, and whatever is like this is dismissed. It suffices to invalidate these views by alerting anyone who asserts any of these limits to make $qiy\bar{a}s$ of it to everything they believe as true in matters of their religion and worldly affairs. Indeed, there is absolutely no way for any of that then to be true for him according to the specific number he stipulates, and then each one of that number must then narrate from the same number till it reaches affirming the news from his worldly life or religion. So if one were to continue expanding this process to the point of verifying each piece of information related to his religion or worldly matters, then each of these statements would result in the invalidation of all news/information/narrations as a whole, without exception. Because even if he hears some reports from the specified number, he must invalidate

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⁴¹ Şaḥīḥ Muslim 1044

everything that is above or under that level. Any claim that leads to falsehood is falsehood with certainty, no doubt, and Allāh is the source of strength. So, nothing remains except the statement of one who believes in 'tawātur' without limiting it to a specific number.

We will say here, by the will of Allāh, a concise statement, so we say, with Allāh's guidance: For anyone who sets a specific limit to the number of transmitters in *tawātur*, claiming that a narration's truth becomes necessarily certain only if transmitted by a number no less than seventy or twenty, or by a number beyond our ability to count—even if that number is itself countable and finite—or by people from both the East and the West, whom one cannot entirely meet or have complete access to, he must by necessity rely on some while excluding others. And also, for this *tawātur* that they claim, there must be a specific number such that if even one would be missing, it would no longer be *tawātur*. Otherwise, they are claiming something that can not be known.

So there must be a limited necessary amount, we say to them: What do you say if only one is missing from the limits set by you, does that one invalidate the acceptance of that narration or does it not invalidate it?

If they say, "It invalidates it," they have spoken arbitrarily with no certain evidence, and every saying which is a mere claim that has no certain evidence is forsaken, invalid. If they say, "It is accepted," we exclude another one, and then another one till it reaches one only, and if they make another limit, he is asked for the evidence for that, and there is no way for them for that ever.

And also there is in the 'aql, no difference between that which twenty narrate and that which nineteen narrate, and also not between that which seventy narrates and that which sixty nine narrates, there is no such limit mentioned in the Qur'ān, in qasāmah, nor in some cases, and in any narration, because they do not accept a narration except if it has a certain amount. And Allāh mentioned various numbers in the Qur'ān beyond these, for He mentioned one, two, three, four, a hundred thousand, and other numbers. There is no difference between that which is related to one of these numbers and that which is related to another of them. None of these numbers in the Qur'ān came in the manner of accepting a khabar al-wāḥid or establishing hujjah through them. So, diverting the mention of these numbers to what was



not intended by them is the act of a shameless transgressor who distorts words from their proper places

If they say, "It does not invalidate the acceptance of that narration if one is missing from the transmitters," which he originally made a condition, then he has left his corrupt method and then we ask them to exclude another one among those who remain in his limit, till he is far away from the limit he placed, if they see this limit which is not possible they tumult without any certain evidence. The ruling of everything someone makes his religion is to look into its limit which is placed, except what has become $ijm\bar{a}$, texts or is implied from the nature which forsakes seeking its limit. Some of them said, "No narration is accepted except that which such a group narrates which the amount of cannot be limited."

And this is the statement of someone overwhelmed by ignorance because this does not exist in the world at all. Everything in the world is finite in number, even if we do not know it, and counting it is possible for anyone who undertakes that task.

According to this false argument, the acceptance of all narrations would be invalidated altogether, and it would invalidate the existence of the Prophet in the world, which is *kufr*.

And also this implies those and anyone that sets a limit that a narration is not authentic if it is less than a certain amount they are faced with dreadful implications that the 'aql immediately rejects: they cannot accept any matter witnessed by fewer than the number they specified. Nor can they accept any matter confined to a specific number of people, or any matter not witnessed by the people of the East and the West. As a result, all narrations would necessarily be invalid according to these false statements.

While this is the case, they know through their natural senses the truth of many narrations about deaths, births, marriages, dismissals, appointments, surprise attacks on homes, the emergence of enemies, disasters, and various other events in the world that are witnessed only by a few people. Whoever denies this is stubborn against their own 'aql, and nothing we mentioned would ever be believed by them, especially if they live in a village with only a very small population and have no way to meet people from the East and the West.

If it is asked, "Then what is the limit of a narration that is obliges acceptance by necessity."

The answer, and Allāh is the source of strength is: Anyone other than the prophets who are infallible, according to certain evidences, can make up a lie on purpose, this is known by necessity, and it is possible for many large groups to concur on a lie and spread it, if they gather and are motivated or threatened. However, this would not remain hidden for long; their agreement on that lie would be revealed once they disperse, inevitably.

But we say that if two or more people come forward, and we are certain that they did not meet, did not conspire, had no desire regarding what they report, nor fear from it, and neither knew about the other, and each one, independently from the other, tells a long narration that it is impossible for two minds to coincide in creating, and each mentions witnessing or meeting with a group that witnessed or narrated similarly, then it is a truthful narration that compels anyone who hears it to believe it without a doubt, and affirm certainty.

This is known instinctively by anyone who reflects on it and considers the news they receive daily about death, birth, marriage, dismissal, appointments, incidents, and other events that are witnessed only by a few people.

What we mentioned might be obscure to someone who does not pay attention, but if you ask one person to invent a long false story, they could do it, as known by direct observation.

But if you put two people in separate rooms where they cannot meet and asked each to create a false story, it would be impossible for them to invent the same from beginning to end. This is something that cannot happen at all. It might rarely happen that two minds coincide on a few words or a couple of lines; we have seen two poets coinciding on half a verse twice in our lifetime.

Someone I do not trust told me that their thoughts coincided with another poet on one complete verse, but I do not know if this is true. What I am certain of is that it is impossible by the 'aql for them to coincide on a poem or more than one verse. Poetry is a type of speech with its own composition. The examples mentioned by scholars in poetry, which they call 'coincidences,' where poets' thoughts supposedly coincided in several verses, are fabricated stories that are neither accurate nor connected. They are merely cases of stealing among poets.



A narration from a single person can sometimes compel belief with its authenticity, but this compulsion is not consistent or always present; it depends on the circumstances, as we explained in al-Faşl.

The second type is *khabar ul-wāḥid*. This is what is narrated by one person from one other person. If this transmission is connected through trustworthy narrators to the Prophet , it is obligatory to act upon this and also to believe in its truth. There is a difference between this and taking the news of testimonies of trustworthy witnesses, which we will clarify later, by the will of Allāh. Our view is also that of al-Ḥārith ibn Asad al-Muḥāsibī, al-Ḥusayn ibn ʿAlī al-Karābīsī, and Abū Sulaymān has also mentioned it. Ibn Khuwayz Mandād also attributed this view to Mālik ibn Anas.

The certain decisive evidence for the obligation of accepting and believing it is the truth, is because Allāh said, "Why did not of every group a $t\bar{a}$ 'ifah (one person at least) go forth, that they may obtain knowledge in the religion, and that they may warn their people?" [At-Tawbah: 122]. Allāh made it obligatory for every group to accept the warning (narration) given by those who have gone forth, because of his order to those gone forth to obtain knowledge and to warn therewith, and his order to obtain knowledge and to warn the people, implies the obligation of accepting the warning on those he ordered to be warned. In the Arabic language, a 'group' ($t\bar{a}$ 'ifah) can refer to one person or more, without dispute among linguists (ahl ul-lughah). And the question in that verse, 'falawlā' is a question that is an order, indicating an obligation for at least one person to go forth.

People only made a limit on what a group is based from the verse, "And let a group $(t\bar{a}'ifah)$ of believers witness their punishment" [An-Nūr: 2]. They, with this claim that does not hold, contradict the customs of the language, no one has ever said that $t\bar{a}'ifah$ in the language is four only.

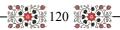
As for us, the punishment of fornicators must be witnessed by at least one person, based on the definition of $t\bar{a}$ 'ifah which we mentioned, if more than one witness it, it is also valid.

Another certain evidence is that the Prophet Muhammad sent emissaries to the kings of neighboring lands to the lands of the Arabs. Some objected to this, claiming that traders and companions also spread his message, and that he never limited it to one.

This is a weak argument. We know that the Prophet did not limit his messengers to merely informing others of his appearance and miracles but

ordered them to teach the rulings, from 'ibādāt to ahkām, nothing of that is narrated through traders alone. The Prophet's dispatching of these messengers is well-known, and these messengers were sent to convey rulings to their people. Similarly, he sent people like Mu'ādh to Yemen, Abū Mūsā to another region, and Abū Bakr to a great amount of people, being a resident for the people for hajj, and Abū 'Ubaidah to Najrān, 'Ali as a judge in Yemen, all of those went to a different reaching teaching them the rulings of Islām, he also sent an amīr to every place that accepted Islām, whether close or far away, such as the furthest points of Yemen and Bahrain and other directions, villages, neighborhoods, he sent to every group a man teaching them their religion, teaching them the Qur'ān giving them fatwā in their religion, a judge in what occurs between them and narrating to them what they are obliged from Allāh and His Messenger, those people are obliged to accept what those messengers are informing about the Prophet . And him messengers is well known through tawātur, narrated from everyone and accepted by both Muslims and non-Muslims, no one from the Muslim 'ulama' rejected this and it is from the impossible and rejected with consensus that he did not sent those who cannot establish *hujjah* in his conveyment, sending someone whose teachings cannot be accepted from Qur'an and aḥkām in the religion and the fatāwā given in the sharī 'ah and the one whom it is not obligatory to obey about that which these singular messengers are narrating from the Prophet . If him sending messengers would be worthless, then the Prophet would be saying to the Muslims, "I am sending someone who you do not have to accept from that which he conveys to you regarding me and your ruling is that you should not look into that which he narrates regarding me and to not listen to him from that which he narrates about me," whoever says this has left Islām.

And likewise, for one who grew up in a village or a city where there is only one reciter or one *muftī* or one scholar of *ḥadīth*, and we say to those who disagree with us: What do you say regarding these? Is it necessary for whoever reads the Qurʿān to that reciter to believe in what he recites and to believe that it is the word of Allāh, the Exalted, and to affirm that, or is it upon him to doubt and not believe that it is the word of Allāh, the Almighty? If they say it is necessary for him to affirm that it is the word of Allāh, the Exalted, we say: You are correct. So, what is the difference between their transmission of the Qurʿān and their narrations of the rest of the Sunnah?



Both are from Allāh, the Exalted, and both are obligatory to accepted. And if they say, "He must doubt it till he knows it is narrated by everyone." They have come with something severe about the religion.

We ask them then regarding the one that meets two, three, or four, there must be a limit for them, so their view becomes a false joke and a claim with no certain evidence, or they change to the non-existent, a criteria of which the Qur'ān and religion does not become valid except through it, In this, there is a nullification of the religion and the Qur'ān in its entirety, and a prevention from relying on them. We seek refuge in Allāh from this.

Likewise, the statement regarding the obligation of obeying those who received the Qur'ān or Sunnah from those messengers, and it reached others. Because they are vast lands, there is no way for each of those messengers to meet all of them, men and women, but it reaches those whom it reached. And so it goes on indefinitely, lest an ignorant person say this is exclusive to those messengers, Allāh said, "O you who believe! If a sinner $(f\bar{a}siq)$ comes to you with any news, verify it, lest you should harm people in ignorance, and afterwards you become regretful for what you have done" [Al-Hujurāt: 6].

The one that goes out to obtain knowledge in the religion is either a sinner $(f\bar{a}siq)$ or upright ('adl), there is no third option. If he is a sinner than we are ordered verify him and his news he came with, this obliges invalidation of accepting the sinner, nothing remains except the upright, he is the one whom we must accept the warning.

And this is a necessary evidence, there is no avoiding of it, clearing doubts and uncertainties entirely. We have explained this type of evidence in our book Al-Taqrīb.

Those who do not know have assumed that we have only obliged the acceptance of the narrations from the upright because of the saying of Allāh, "O you who believe! If a sinner comes to you with any news" [Al-Ḥujurāt: 6].

And those who understood that against us have been neglectful. If there were nothing existent regarding this topic except this verse, then it would not indicate the obligation of accepting the narrations of the upright, and also not the prohibition of accepting it. There is only mention in this of the prohibition of accepting the narrations of sinners only. The narration of the upright remains that which requires evidence. But since this verse, which prohibits accepting the narrations of the sinners, is added to the verse of the obligation of accepting the warning of the one that obtained knowledge, they became two prefaces. They oblige the acceptance of the upright narrator without the sinner as a necessity of certain evidence, and success is from Allāh the Most High.

And Allāh has obliged every group to warn their people, and He obliged their people to accept their warnings by saying, "And to warn their people when they return to them that they might be cautious" [At-Tawbah: 122]. Allāh has warned the opposition to the warning of a group and a group in Arabic as we mentioned before is some part of something, it can be one person.

Two also do not differ among the Muslims that if one upright Muslim enters the lands of the infidels and calls them towards Islām and recites to them the Qur'ān and teaches them the rulings, that all of them would be obliged to accept it and it would be a *ḥujjah* against them, in the same manner if a *khalīfah* or an *amīr* sends a messenger to the kings of *kufr* or to the nations of *kufr* and calls them towards Islām, teaches them the Qur'ān, rulings and religion without any difference.

And no Muslim has ever said, "Indeed the ruling of the people of Yemen was to say to Mu'adh and those Messengers the Prophet send to each city as a teacher, *muftī*, reciter, 'Yes you are the Messenger of the Messenger of Allāh, the affirmation of *īmān* is obligatory, but since you give us *fatāwa* and teach us the rulings of the prayer, *zakāh*, new occurring issues and other matters from the religion from the Prophet and that which you recite from the Qur'ān, we do not accept it nor take from you because it is possible that you might have lied, made mistakes, we reject it till we have *tawātur* for all of that which you came with," the one that says such is not from the Muslims.

Similarly, two Muslims do also not differ that the Prophet send whoever he send to the horizons so that they can transmit the Qur'ān, narrate the narrations and rulings of the religion, the Messenger did not send them in order that they can ordain for them a religion which he did not come with from Allāh. So, it is established from all of this that every single upright that narrates from an upright till it reaches the Prophet, from Qur'ān and sunnah, it is obligatory to accept it, acknowledge it, belief in it, adherence to it, and have devotion to it.

And that anything that is authentic from a companion or their successors, or other than them, from a recitation $(qir\bar{a}'ah)$ which does not connect to the Prophet or a fatwa which does not connect to the prophet, it is not allowed to accept any of it, because Allāh has not obliged it and also not His Messenger, and all of that which is authentic from one after one about the companions and their successors, their virtue does not imply acceptance of their ra $\bar{\tau}$ and it does not prevent declaring their views false if they are false, but their virtue is forgiveness from every mistake they made and that they are given precedence, obliging veneration and love of them.

Another certain evidence is that it has been firmly established and known as a necessity that all the companions, from the first to the last, unanimously agreed, without any difference among them or among any of their followers who were present in their time, that whenever a new issue occurred to one of them, he would inquire of his companion about it and adhere to his statement regarding it. They would only inquire about what the Prophet had obliged from Allāh the Most High in the religion, and no one ever asked anyone else to introduce legislation in the religion that Allāh the Most High did not permit.

Likewise, every generation after them, without exception, did not dispute with anyone, believer or disbeliever, absolutely, that every companion and every $t\bar{a}bi$ \bar{i} who was asked about a new issue in the religion, he never said ever, "It is not allowed for you to act upon what I told you about the Prophet, except if $taw\bar{a}tur$ reaches you regarding this," just as they said to them regarding what they informed, "It is my ra \bar{i} from them," so they would not oblige its acceptance.

If they say, "Then make this also a hujjah (the $ijm\bar{a}$ ") to accept mursal narrations."

We say: It is not like that, because there has never been established an $ijm\bar{a}$, not in the early generations and also not later on the acceptance of mursal narrations, there are instead $tabi'\bar{i}n$ who did not accept it such as Al-Zuhrī and others, they would ask, "And who informed them from those who informed them?" till it reaches the Prophet $\stackrel{\text{\tiny{de}}}{=}$. Only those who did not have a strong understanding of $isn\bar{a}d$ omitted narrators. Al-Zuhrī had said to the

people of Syria, "How is it that I see your narrations have no snout and no rope?" 42

So the $ijm\bar{a}$ of the whole ummah is established on the acceptance of *khabar ul-wāḥid* of the *thiqah* to the Prophet $\stackrel{\text{\tiny{def}}}{=}$.

And also all the people of Islām were accepting the narrations of the *thiqah* individual narrators attributed to the Prophet and this is acknowledged by every sect in its knowledge, such as *ahl ul-sunnah*, *khawārij*, *shī'ah*, and *qadariyyah*, until those among the *mu'tazilah* emerged after the hundredth [year] after *hijrah*, and they opposed the *ijmā'* in this regard. Amr ibn 'Ubayd (Abū 'Uthmān al-Baṣrī al-Mu'tazilī) used to adhere to what he was narrated from al-Ḥasan and issued *fatwas* based on it, a matter not unknown to those with even the slightest knowledge.

Another certain evidence is that they claim a small number carries the possibility of it having been a plot, there is no difference with knowledge of worldly matters, whether Muslim or infidel that the Prophet was at Madīnah and his companions faced financial difficulties, struggling to make ends meet due to the harsh living conditions in the Ḥijāz. And the Prophet would give fatwā and rule in their presence of those who were present only, the hujjah was only established on those who were not present and they would rely on conveyance of those present, and they would at times be only one or two, and in general an amount the likes of which is not free of the possibility of plotting according to our opponents, so all rulings except the a very few of them are free from these types of narrations, so the ijmā established from the earliest era is indisputable—yes, all of them and those who came after them accepted khabar ul-wāḥid, because all of it refers back to him, and to that was intended thereby, this is a certain evidence by necessity.

And with necessity we know that the Prophet $\stackrel{\text{def}}{=}$ did not, when he gave $fatw\bar{a}$ or a ruling, gather all those in Madīnah, there is no doubt regarding this, the Prophet $\stackrel{\text{def}}{=}$ would limit it to those who were present only and would see that the hujjah on those present is established on those absent by their conveyment, this is something no one with proper senses can reject.

The strongest argument of those who reject *khabar ul-wāḥid* is the verse, "And follow not that of which you have no knowledge" [Al-Isrā 36].

⁴² Ma'rifah 'Ulūm al-Ḥadīth pg. 7 | Al-Majrūḥīn by Ibn Ḥibbān 1/131-132

This verse is an evidence for us against them in this issue because we do not follow what we do not have knowledge of, instead it is established for us with knowledge, the certain evidences for the obligation of accepting it is established and knowledge we obtain from it is established by following it and acting upon it, so this is a false argument.

Some of them said, "You do not accept the news told from one person regarding *fals* (regarding the rights between people), then how can you affirm *khabar ul- wāhid*?"

We say: This question implies nothing against us, because we do not draw $qiy\bar{a}s$ from one ruling to another, we do not transgress what texts have come with affirmed in the Qur'ān and Sunan. So our method is then established, the acceptance of the news of one woman alone suffices for the issue of $rad\bar{a}$ as in the texts and the acceptance of one with an oath is established for matters other than $hud\bar{u}d$ as in the texts and it is established that there are news we must—in the text—accept two men or one man and two women for anything other than $zin\bar{a}$, we accept this, and it is established from texts the acceptance of four for $zin\bar{a}$ only so we say all of that exactly as it is in the text.

We do not oppose some rulings (sharī'ah) for another ruling (sharī'ah), nor do we question the decisions of our Lord—Almighty and Glorious. We, as well as they, accept in matters of spilling forbidden blood, of the Muslim, and forbidden intercourse with the Muslim woman, and the skin deserving eighty lashes for slander, and in the matter of amputating a hand or a leg: with the testimony of two men. Yet, we do not accept them (two witnesses) in matters that only necessitate fifty lashes for the adultery of a female slave, whether she is a believer or a disbeliever. So where are they with this false objection, if they would only have used the 'aql? They fall under the rebuke of their Lord, as He says: "He cannot be questioned as to what He does, while they will be questioned" [Al-Anbiyā': 23].

Some of those without precaution among those who claim that they are from *ahl ul-qawl* claim regarding *khabar ul-wāḥid*, "If a narration has mostly *balwā* (*'umūm al-balwā*; the spread of something) we do not accept and we do not accept its *khabar ul-wāḥid*, such as the narrations narrated regarding the *adhān* and *iqāmah*, *adhān* and *iqāmah* were done at Madīnah in the presence of the *a'immah* of the companions five times daily, this has mostly *balwā* (as it is something widespread), it is then impossible to know

its ruling from only one of them and that others are ignorant of it, and such is the case for the narration regarding $wud\bar{u}$ after touching the private part."

This is a false contradictory method, first of that is that the entire religion is mostly $balw\bar{a}$, and it is obligatory on the people to have knowledge of it, something that occurs once in a lifetime from the matters of $tah\bar{a}rah$ or hajj is not more obliging than an obligation or prohibition that occurs daily, no one makes a difference between these two except a blind $j\bar{a}hil$ or someone that does not care what he is talking about.

It is said to them regarding the *adhān* which they mentioned: There is no difference between the *adhān* done at Madīnah in the presence of 'Umar and 'Uthmān five times a day and between the *adhān* done in Kūfah in the presence of ibn Mas'ūd, 'Alī five times a day.

The relation between the pleasure of changing the $adh\bar{a}n$ to that of 'Alī and ibn Mas'ūd is not better than to that of 'Umar and 'Uthmān, so the false method of this $j\bar{a}hil$ is invalidated.

The same for the issue of $wud\bar{u}$ from touching the private part: The $balw\bar{a}$ in it is not larger than the $balw\bar{a}$ of obliging $wud\bar{u}$ from a bleeding nose or vomiting, the Ḥanafīs have obliged it due to a weak narration⁴³, while the Mālikīs and Shāfī so do not know it, and there is no $balw\bar{a}$ greater than that of obliging $wud\bar{u}$ after a touch or kissing for pleasure and than the obligation of scrubbing for ghusl which the Mālikīs oblige while the Ḥanafīs do not know this, and in this manner there are many examples.

If they say, "We oblige that because of the Qur'an."

Those other than you have understood the Qur' \bar{a} n just as you understood it and they did not view that which you view regarding the amount of $balw\bar{a}$, we have mentioned and clarified in this book that the one does not know a Sunnah is not an evidence against the one whom it did reach, the hujjah is only in the Sunnah.

The abrogation of $tatb\bar{t}q$ in $ruk\bar{u}^{44}$ was unknown by ibn Masʻ $\bar{u}d^{45}$. While this is from the matters with a lot of $balw\bar{a}$, this is repeated by a Muslim for more than ten times every day and night.

⁴³ Sunan Ibn Mājah 1221

⁴⁴ Sunan al-Dāragutnī 573, 1/284

⁴⁵ Sunan Abi dawud 747, 1/199



'Umar was not aware of the obligation of *jizyah* upon the magians⁴⁶. While the Prophet ** took from them for years And Abū Bakr after him for year after year.

And 'Umar and ibn 'Umar were not aware of the ruling of $wud\bar{u}$ ' after $madh\bar{t}^{47}$. While this is something clearly with a lot of $balw\bar{a}$, and like this there are many examples.

And what is even sufficient for this is that the saying of the one claiming this is a mere claim without any certain decisive evidence, whatever is of this attribute is falsehood, rejected, Allāh said, "Bring your certain evidences if you are truthful" [Al-Baqarah: 11].

It is not allowed to oppose that which is established by certain decisive evidences for its obligation from the $ah\bar{a}d$ Sunan for a mere false invalid corrupt claim.

Some of the Ḥanafīs also say, "Any narration that has an addition to what is in the Qurʿān, or abrogates it, or opposes it, it is not allowed to take it if it is a *khabar ul-wāhid*, except if there is *tawātur*."

This is a false division, and a false claim and a ruling without any certain evidences, anything that is of this description is misguidance, it is not allowed to say anything like it, we say to them: Is it allowed to take anything from *akhbār al-āḥād* in anything from the religion or not?

If they say, "No," we have clarified the falsehood of this claim before and showed that they contradicted their method. And clarified the clear obligation of taking it and the knowledge it obliges.

If they say, "Yes," we say to them: Where do you get it from that it narrations of the Prophet are to be taken and that the rulings in it can be added to each other such as $sal\bar{a}h$, sawm, hajj and other matters, in the manner you permit it, but then you prevent accepting them when they are according to you something additional to the Qur'ān or abrogates it? There is no way for such a division, As for your saying, "It opposes the $us\bar{u}l$," this is a corrupt saying that is free from meaning which cannot be understood because $khabar\ ul-w\bar{a}hid$ connectedly from reliable narrations is from the asl

⁴⁶Al-Muṣannaf by ibn Abī Shaybah 10765, 2/435 | 32650 6/430 | Muwaṭṭaʾ Mālik 42, 1/278

⁴⁷ Al-Awsat by ibn al-Mundhir 1/134

of the $u\bar{s}ul$ ul- $d\bar{l}n$ and other $u\bar{s}ul$ is not earlier to be accepted than this, it is not allowed negate $u\bar{s}ul$ ul- $d\bar{l}n$, exalted is Allāh.

Then we say to them: Know that every narration narrated authentically from the Prophet # in a connected manner, it is necessarily an additional ruling to what is mentioned in the Qur'an or it comes with that which is already in the Qur'an, narrations are always in any case from one of these two with no third, then the additional ruling on the Qur'an splits into two types: First is that it either comes on that which is not mentioned in the Our \bar{a} n such as washing the feet for $wud\bar{u}$, stoning the married fornicator, and from the matters they do from this is such as them permitting fasting for the traveller and obliging $wud\bar{u}$ for laughing during the prayer and $wud\bar{u}$ from *nabīdh* and from vomiting, a bleeding nose, and such as *takhṣīṣ* of the apparent of the Qur'an such as the amount by which the stealer gets amputated, the least amount and the amount by which raḍā makes maḥram, these are all additional rulings on what is in the Qur'an, and another example is that which clarifies the *mujmal*, such as the attribute of *salāh*, *zakāh*, and other matters which has come from the Sunan, these are all additional rulings on top of the Qur'an.

Then from where do you get it from to allow taking from that which is additional to the Qur'ān as we mentioned as you desired, but then you prevent it at the same time as you desire, this is a clear misguidance, everything that obliges acting in the *sharī'ah*, it is obligatory forever in any case, and in every situation except where is a text from the Qur'ān or Sunnah regarding its prohibition, then we stand by that, as for misguiding $ra'\bar{\imath}$ and weak desires, then no. While they are people that take that which opposes the Qur'ān with their false $ra'\bar{\imath}$ or a false $qiy\bar{a}s$ or a weak narration such as the narration obliging $wud\bar{u}$ for laughing, and other weak narrations.

And pay attention to what we say to them: They have concurred with us on accepting that which comes from the prophet , from abrogations, additions, and have concurred with us to accept a *khabar ul-wāḥid*, which is connected from reliable narrators in the religion, then they have contradicted as we mentioned without certain evidence, and we seek refuge in Allāh from misguidance.

It is established from Abū Ḥanīfah, Mālik, al-Shāfiʾī, Aḥmad, and Dāwūd, may Allāh be pleased with them all, the obligation of accepting *khabar ul-wāḥid*, this is a *ḥujjah* against those who make *taqlīd* of any one



them regarding the obligation of following narrations. And if $taql\bar{\iota}d$ opposes them among those who make $taql\bar{\iota}d$ of them in that which we have mentioned then they are mistaken, contradictory, which no one is free of after the Prophet and Allāh is the source of strength.

And from the indications that the companions would oblige accepting *khabar al-wāḥid* from the *thiqah*, Sa'd ibn Abī Waqqāṣ narrated, "The Messenger of Allāh would wipe over his khuffain (leather socks). 'Abdullāh ibn 'Umar asked 'Umar about this, and he replied, 'Yes, if Sa'd narrates something to you from the Messenger of Allāh do not ask anyone else about it.'"

And from the other certain evidences for the obligation of accepting *khabar ul-wāḥid* is that Allāh said regarding Mūsā, that a man said to Mūsā, "O Mūsā! Verily, the chiefs are taking counsel together about you, to kill you" [Al-Qaṣaṣ: 20]. Then he believed him and went away hastening.

And he also believed the woman who said. "Verily, my father calls you that he may reward you for having watered (our flocks) for us," [Al-Qaṣaṣ: 25] then he went with her and believed her, and Allāh is the source of strength.

⁴⁸ Sahīh al-Bukhārī 202

Section: Does *Khabar ul-Wāḥid* Oblige Knowledge (Certainty) With Action, Or Only Action Without Knowledge (Certainty)

Abū Sulaymān Dāwūd al-Zāhirī, al-Ḥasan ibn ʿAqlī al-Karābīsī, al-Ḥārith ibn Asad al-Muḥāsibī and others said, "Verily a *khabar ul-wāḥid* from reliable narrators connected to the Prophet necessitates knowledge and actions both together."

This is what we believe in as well, this view is also mentioned by Aḥmad ibn Isḥāq who is known as ibn Khuwayz Mindād from Mālik ibn Anas.

As for the Ḥanafīs, Shāfi'īs and the majority of the Mālikīs and all of the *mu'tazilah* and the *khawārij*, they said, "Verily a *khabar ul-wāḥid* does not provide us knowledge," the meaning of it according to the majority is that it is possible for such a narration to have been a lie or a mistake, all of them concur to this, and some of them made the *musnad* (fully connected narration) and the *mursal* (disconnection at the beginning) the same.

Some of them said, "The *mursal* narration does not provide knowledge and also does not oblige actions, but it is possible for it to be the truth," the *mu'tazilah* and the *khawārij* have made this a *ḥujjah* for them to abandon acting upon it.

They said, "Anything which is possible to have a lie or a mistake in it, it is not allowed to use it to rule with it in the religion of Allāh and also not to attribute it to Allāh and also not his Messenger and it is not allowed for anyone to take it as a religion."

And others among those we mentioned said, "It obliges actions (only)," and all of those we mentioned use as argument that narrations of this description have the possibility of lies in it on purpose and the possibility of mistakes even if it was not on purpose.

Abū Bakr ibn Kaysān al-Aṣam al-Baṣrī al-Muʿtazilī said, "If a hundred narrations would be combined and it is established that all of them are authentic except one of them, which is not exactly known which one of them, it is in such a case obligatory to make *tawaqquf* and stay away from all of them, and how when all of them do not give certainty that it is the truth and they are not free from lies and mistakes."

As for those who use as evidence that the attribute of a *khabar ul-wāḥid* is that it is possible for in it to occur lies and mistakes, then it is just as they have said it to be, except that there has come certain decisive necessary evidence which obliges knowledge according to themselves from certain texts that Allāh has freed some narrations with specific conditions from that, so it becomes impossible for there to be a possibility of it including lies or mistakes, the *mu'tazilah* and everyone that opposes us concurs that the narration of the Prophet in the *sharī'ah* can not have the possibility of lie, mistakes.

As for the claim of ibn Kaysān, it is false because it is a claim without certain evidence, what is in such cases obligatory is searching for the weak narration and abrogated till it is known so that it can then be avoided, otherwise acting upon them is obligatory because the *aṣl* is the obligation of acting upon the Sunan till invalidation is established (weakness) or an abrogation, otherwise it is free from abrogation, lies and mistakes, till it is established that any narration has these and then it is left, because of the saying of Allāh, "Obey Allāh and obey the Messenger" [An-Nisā': 59].

And when Allāh said, "Follow that which is revealed from your Lord" [Al-Aʿrāf: 3].

And the verse, "To clarify to mankind what has been revealed to them" [An-Nahl: 44].

And we know that there are abrogated verses in the Qur'ān without doubt because of the verse, "Whatever a verse we abrogate or cause it to be forgotten except that We bring forth [one] better than it or similar to it. Do you not know that Allāh is over all things competent?" [Al-Baqarah: 106].

And the scholars had differed regarding this verse, a group said, "It is abrogated," another group said, "It is not abrogated."

No Muslim has ever said, and also not ibn Kaysān and also not other than him that it is obligatory to make *tawaqquf* of acting upon anything mentioned in the Qurʿān because of the fear of acting upon an abrogated verse which is not allowed to act upon, what is instead obligatory is acting upon all verses till it is established that there is an abrogation and it is only then left. The saying of ibn Kaysān obliges leaving the certain truth, there is no difference between leaving the certain truth and acting upon falsehood with certainty, both are not permissible.

Ibn Kaysān hastened himself in that which he fled from and ended up worse than it because he left the certain truth for fear of a mistake, perhaps he did not fall under it, and this is as you can see.

Now we will begin by the will of Allāh by mentioning the certain evidences that any connected *khabar ul-wāḥid* with upright narrators obliges knowledge and that it is impossible for in it to be any lies or any mistakes, we say: Allāh has said about His Prophet, "Nor does he speak of (his own) desire. It is only a revelation revealed" [An-Najm: 3-4].

Allāh said ordering His prophet to say, "I follow nothing except what is revealed to me" [Al-Aḥqāf: 9].

And Allāh said, "Verily, We, it is We Who have sent down the revelation and surely, We will guard it (from corruption)" [Al-Ḥijr: 9].

And Allāh said, "That you may explain clearly to mankind what is revealed to them" [An-Nahl: 44].

So it is established that all words of the Prophet in the religion is $wah\bar{\imath}$ (revelation) from Allāh, there is no doubt in that and there is no difference between anyone from the people of the language and rulings that every $wah\bar{\imath}$ revealed from Allāh is the dhikr, so all $wah\bar{\imath}$ is guarded by Allāh with certainty and everything ascertained by Allāh of its guarding, it's absolutely certain that it will never be lost, distorted ever in any possible way, if any of it would be possible then the words if Allāh would be a lie and his ascertaining would be false and this does not occur in the mind of anyone, so it is obligatory that that which the Prophet came with is guarded as Allāh ascertained its protection in a manner as it is till the end of the word, Allāh said, "That I may therewith warn you and whomsoever it may reach" [Al-Anʿām: 19].

As that is the case the. By necessity we know that there is no way for anything the Prophet said or did to be lost, wasted, corrupt in the religion and it is never possible for it to have *takhlīṭ* become fabricated which no one can distinguish with certainty because if that would be possible then it would not be guarded.



And among the things that clarify that any *khabar al-wāḥid* from a *thiqah* narrator obliges certain knowledge is that a single narrator informed the Muslims, who were in Qubā' during the *şubḥ* prayer, that the *Qiblah* had been changed to the Ka'bah, they accepted his report, left the direction they were facing, and turned toward the new *Qiblah*.

The Messenger of Allāh did not rebuke them for this; rather, they were praised for it. They had been acting upon the first *Qiblah* with certainty, so if the report of a single narrator would not imply certain knowledge, they would not have abandoned what was certain known for a report that does not provide knowledge. A ruling can only be abrogated by what is certain and decisive which is exactly what took place, they took from it, this also indicates that a *khabar al-wāḥid* can abrogate any ruling as it is certainty.

And also Allāh, said, "O you who believe, if a sinner person comes to you with information, verify it" [Al-Ḥujurāt: 6].

This indicates that the certainty of accepting the report of a single trustworthy narrator (*thiqah*) does not require verification.

If his report did not oblige knowledge, we would have been ordered to confirm it until certainty is attained.

And Allāh, said, "And warn their people when they return to them that they might be cautious" [At-Tawbah: 122].

He informs us that the group warns their people when they return, and warning is an announcement of what obliges knowledge.

The Prophet salso said, "Convey from me."

And He said to his Companions during the great gathering on the Day of 'Arafah, "You will be questioned about me, so what will you say?" They responded, "We bear witness that you have conveyed, fulfilled, and advised." 49

It is known that the conveying establishes the *ḥujjah* upon the one being informed and obliges knowledge. If the report of a single narrator did not oblige certain knowledge, then it would not fulfill the conveying that establishes Allāh's *ḥujjah* upon His servant, for the *ḥujjah* is only established through that which obliges certain knowledge.

Those who deny the *yaqīn* provided by any *khabar al-wāḥid* by the *thiqah* find it easy. But when decisive testimonies regarding the positions and statements of their *imāms*, saying with certainty that they said such-and-such.

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⁴⁹ Sahīh Muslim 1218

If it would be said that these are not authentically transmitted from them, they then strongly reject the claim and marvel at the ignorance of the one saying it!

So how is it that they attain necessary or near-necessary and certain knowledge about their imams and those they make $taql\bar{\iota}d$ of in their religion, believing that they issued certain rulings and held specific opinions, while they do not attain the same knowledge from what Abū Bakr al-Ṣiddīq, 'Umar ibn al-Khaṭṭāb, and the other Companions transmitted from the Messenger of Allāh nor from what the $T\bar{a}bi$ ' $\bar{u}n$ transmitted from them, which has spread and become well-known among the Ummah, with its paths being multiple and varied, and their concern for it being far greater than those for the statements of their $im\bar{a}ms$? Indeed, this is the most astonishing matter.

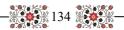
And also if a *khabar al-wāḥid* by the *thiqah* would not oblige certain knowledge, the Messenger of Allāh would have ordered that such a narration be accepted only if it reaches the level of *tawātur*, which alone obliges knowledge. He would not have urged the single person of conveying the message to deliver it even if he were alone, as what he carried would not oblige knowledge. But this is the opposite to what the *ḥadīth* obliges, as it is known that the Messenger of Allāh encouraged and emphasized this and ordered it so that the *ḥujjah* would be established upon those to whom it was conveyed. If it did not oblige knowledge, then it would not be a *ḥujjah*.

And also: The authentic <code>hadīth</code> of Abū Rāfīʿ from the Messenger of Allāh , who said: "Let me not find one of you reclining on his couch, receiving a order about me, and saying, 'I do not know; between us and you is the Qurʾān.' Verily, I have been given the Book and something similar to it along with it." ⁵⁰

This is a general prohibition for anyone to say about any *ḥadīth*, any *khabar al-wāḥid* that they do not know, obliging knowledge of it.

And the saying of Allāh, said, "Verily, We, it is We Who have sent down the revelation and surely, We will guard it (from corruption)," [Al-Ḥijr: 9] would be a lie and a broken promise. This is something no Muslim says, if a person says, "Allāh only meant with that the Qurʿān alone without the other waḥī which is not Qurʿān."

⁵⁰ Sunan Abī Dāwūd 4605



This is a mere false claim that has no certain evidence and a *takhṣīṣ* without evidence, anything that is of this attribute is false, Allāh said, "Produce your certain evidences if you are truthful" [Al-Baqarah: 111].

So it is established that anyone that has no certain decisive evidence for his claim, that he is not truthful.

Dhikr as mentioned in the verses regarding revelation being revealed is a word in Arabic that is applicable for anything revealed by Allāh to His Prophet, both Qurʿān and Sunnah, they are then the revelation (waḥī) which clarify the Qurʿān and sunnah both each other.

And Allāh said, "And We revealed to you the *dhikr* (revelation) that you may make clear to the people what was sent down to them and that they might give thought" [An-Nahl: 44].

So it is established that the Prophet is ordered to clarify the Qurʿān and in the Qurʿān there are many *mujmal* orders such as *zakāh*, *ṣalāh*, *zakāh*, *ḥajj* and others which we do not know what we are obliged from Allāh by these words alone, but by the clarification of the Prophet, if his clarification for the *mujmal* would not be guarded and its safety would not be assured for us, then we would never know what Allāh intended with them and also not when someone purposefully lied about it or made a mistake, we seek refuge in Allāh from this.

And also we say to those who believe the connected *khabar ul-wāḥid* from reliable narrators to the Prophet does not give knowledge and that it is possible for such to have been lies and mistakes and that its protection is not assured and that it is not guarded: Tell us, is it possible according to you for the *sharī'ah* to have obligations and prohibitions which the Messenger of Allāh acame with and passed away while all of it remains obligatory for the Muslims which are not abrogated then it becomes unknown till no one knows it with certain knowledge from *ahl ul-islām* in the world ever. And is it possible according to you for there to be a fabricated ruling with lies or mistakes which was possible and got mixed up with the rulings of the *sharī'ah*, mixed in a manner it is not possible for anyone to distinguish it from *ahl ul-islām* in the world ever, or are these matters not possible according to you

If they say, "That is not possible, these matters are guarded," they have joined our view and affirmed certainty for every narration narrated by a reliable narrator connected to the Prophet, that its the truth, that the Prophet

has said it as it is, and that it obliges knowledge and that we affirm certainty of its correctness and that it is not possible for this to include mistakes or fabrications which the Prophet did not say ever or an *ikhtilāṭ* which no one is able to distinguish, the truth from the falsehood. But if they say, "Yes it is possible," they have ruled that the religion has become corrupt and false and that there are mistakes in the narrations which Allāh did not order, an *ikhtilāṭ* which no one can distinguish ever and they don't know what they are ordered ever from Allāh from that which they are ordered from Allāh and also can not distinguish what the liars have fabricated and attributing that to the religion, from that which has come from the Prophet except with *zann* which does not avail the truth anything, this is an exit from Islām and destruction or a religion and a doubt in the rulings.

Then we say to them: Tell us, if all of that would be possible according to you, did Allāh order you to act upon that which is narrated by reliable narrators connected to the Prophet or did He not order that, it is one of these two.

If they say, "Allāh did not order that," they have joined the *mu'tazilah* and we will mention their answer about this by the will of Allāh.

If they say, "He did order us to act upon it,"

We say to them: You then believe that Allāh has ordered you to act in His religion with that which he did not order you, which the liars fabricated or narrators which were mistaken in it and he ordered you to attribute it to Allāh and to His Prophet which he never came with to you ever and that which he did not say ever and also not his Messenger , this is affirming certainty that Allāh ordered lies against himself and obliged acting falsehood and that which is not from the religion and rulings which liars fabricated which Allāh did not permit, this is grave, it is not allowed to say anything and believe anything regarding this.

Then we ask them regarding what they say about the possibility of some of the words of the Prophet in the religion being false regarding rulings of prohibitions and obligations which does not exist according to anyone, does there remain actions for us in them as it got mixed with falsehood after his passing and can't be distinguished or has it become omitted from us, there is no other option other than these two.

If they say, "Those rulings remain for us to act upon them."



We say: How can you oblige an act you do not know and you do not know whether it reached us or did not reach us at all, this is carrying a burden, and difficulty which Allāh has saved us from.

If they say, "Such actions have become omitted."

We say: so you then permit abrogations of rulings in Islām while they were *muḥkamah*, obligatory, established when the Prophet was alive, tell us who is the one that abrogated it and invalidated it while the Prophet passed away when it was not abrogated, this claim is against Islām and an exit from Islām completely.

If they say, "It is not possible for a ruling to be invalidated after the passing of the Prophet and it is obligatory on us and it was not abrogated."

Then we say to them: Where do you get this type of guarding in the *sharī'ah* from while you do not believe in the complete guarding of the *sharī'ah* that no falsehood can ever be mixed with it, which Allāh did not order ever which the truth from cannot be distinguished from which Allāh ordered from the falsehood which he did not order ever, there is no escape for them from this ever. There is no difference between the one that prevents the possibility of invalidation of the *sharī'ah* which is the truth but believes some falsehood got mixed with it and between the one that believes prevention of the possibility of falsehood getting mixed with the *sharī'ah* but permits the invalidation of the *sharī'ah*.

All of this is false and not possible and rejected, Allāh has saved us from it, and as this is established with certainty that a *khabar ul-wāḥid*, Allāh has saved us from that ever happening and as this is established we know that any *khabar ul wāḥid* from reliable narrators connected to the Prophet is the truth, certainty, gives us knowledge and obliges actions.

And Allāh says, "That you may explain clearly to mankind what is revealed to them" [An-Nahl: 44].

Allāh, "O Messenger, announce that which has been revealed to you from your Lord, and if you do not, then you have not conveyed His message" [Al-Mā'idah: 67].

We ask them: Did the Prophet clarify what Allāh revealed to him, or did he not clarify? And did the Prophet convey what Allāh revealed or did he not convey what he revealed? It must be one of the two. So whoever says that the Prophet conveyed that which Allāh revealed and clarified it to the people and established *ḥujjah* on whoever it reached, we ask them regarding

that conveyment and that clarification: Do they remain with us and till the day of judgment or do they not remain with us till the day of judgment.

If they say, "They remain and till the day of judgment," they return to the truth and to our view and acknowledge that the truth in everything Allāh revealed in the religion is clear, conveyed to us and till the day of judgment. These are clear indications for our view that a musnad (connected) $khabar\ ul-w\bar{a}hid$ from reliable narrators is the certain haqq, obliges knowledge and actions.

If they say, "They do not remain with us," they have said something grave and declared certainty that many of the religion has become invalid and that the conveyment got invalidated in many of the rulings and that many of the clarifications of the Prophet in the religion have been ceased, not to be ever found ever. This is the belief of the $raw\bar{a}fid$ instead even worse than them, because the $raw\bar{a}fid$ claim that the truth of the religion still exists assured by a man in the world while those others invalidate it in the world, we seek refuge in Allāh from both of these corrupt claims.

And also, Allāh said, "My Lord has prohibited only the shameful things, what is apparent from them and what is hidden, and sin and unjust aggression, and that you associate with Allāh something for which He has not sent any authority, and that you say about Allāh what you do not know" [Al-Aʿrāf: 33].

Allāh said, "They follow but a guess and that which they themselves desire, whereas there has surely come to them the Guidance from their Lord!" [An-Najm: 23].

Allāh said, "They follow not except assumption, and indeed, assumption avails not against the truth at all" [An-Najm: 28].

And Allāh blamed a people who said, "We assume only assumption, and we are not convinced" [Al-Jāthiyah: 32].

And Allāh said, "Do you have any knowledge that you can produce for us? You follow not except assumption, and you are not but misjudging" [Al-Anʿām: 148].

It is established that Allāh obliged us to act upon *khabar ul-wāḥid* narrated by reliable narrators, connected to the Prophet and to about them using it, "The Prophet ordered so-and-so." And to say, "The Prophet did so-and-so." And to say, "He prohibited saying in His religion with *zann*." And to say, "Allāh prohibited speaking about it except with knowledge."

If the narrations were susceptible to falsehood or error, it would mean that Allāh ordered us to say about Him what we do not know, and that He obliged us to make judgments in religion based on speculation, which we do not ascertain. This would be the falsehood that does not avail against the truth and is not the guidance that has come to us from our Lord, the Exalted. This would be the falsehood, deception, and the false statement that we are not permitted to speak, and that Allāh has forbidden us from saying, along with conjecture, which is also forbidden. So it is certain that the narrations are the absolute truth, definitive in their unseen matters, and necessitate both certain knowledge and action together. And with Allāh, the Exalted, is success.

Those who believe in the obligation of acting upon and taking from *khabar ul-waḥid* while believing it is still *zannī* and that it does not give certainty to those who were not present and does not give knowledge, they have come those who say that Allāh ordered us to say regarding him what we have no knowledge of and to rule in his religion with *zann* which he himself prohibited from using that in the religion, this is a grave matter, Allāh said "Today I have completed for you your religion and completed My favor upon you and have approved for you Islām as religion" [Al-Mā idah: 3].

Allāh said, "And whoever seeks a religion other than Islâm, it will never be accepted of him" [Āl-ʿImrān: 85].

And Allāh said, "Indeed, the religion in the sight of Allāh is Islām. And those who were given the Scripture did not differ except after knowledge had come to them - out of jealous animosity between themselves" [Āl-ʿImrān: 19].

Allāh said, "Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path" [Al-Baqarah: 213].

We say regarding the one that permits for what Allāh ordered his Prophet to us to be unpreserved, and that it is possible for it to have been altered, have been mixed with lies and fabrication, a mix which no one can ever distinguish or mixed with any mistake. Tell us about the completeness of the religion of Allāh and His pleasure with us for Islām the religion, and

the prohibition of Allāh from accepting any religion other than Islām, does everything of it remain with us till the day of judgment, or was that only the case with his companions only, or was it also not complete with his companions? There is no other option than these.

If they say, "It was not for the companions and is also not for us complete," the one saying this is a $k\bar{a}fir$ for declaring Allāh a liar openly, no Muslim says this.

If he says, "It all remains with us till the day of judgment," then they by necessity have joined our view and it is then established that all rulings of the religion are all complete and it is a complete favor for us and the religion of Islām which Allāh obliged us to follow, because this is the religion with him which distinguishes from everything else which Allāh does not accept from anyone, we are, and all praise is for Allāh guided by his favor on us, and we are certain that it is the truth and that everything else is false, this is a certain evidence that everything the Prophet says in the religion and in the clarification it implies perseverance which is not mixed with anything false ever.

If they say, "It was only for the companions like that and it is not for us the case," then they are claiming falsehood and have made a false specification (*takhṣīṣ*) of the speech of Allāh, with a false claim for which exists no evidence, as the speech of Allāh which we mentioned is general for every single Muslim forever. And Allāh also ordered the Prophet to say, "Say, [O Muḥammad], 'O mankind, indeed I am the Messenger of Allāh to all of you'" [Al-A'rāf: 187].

Their view implies gravely that the religion of Islām is incomplete and that Allāh is pleased with us which he did not clarify us and that He obliged us which we do not know where it came from and that He obliged us which he did not reveal to us and obliged us to follow what the lies of the *zanādiqah* fabricated against the Prophet or mistakes of those who made mistakes which the Prophet did not say.

This is with certainty not the religion of Islām, it instead invalidates Islām openly, if that would be the case—while Allāh has saved us from all of this—our religion would be like the religion of the Jews and the Christians which Allāh told us that they would write their book and say it is from Allāh. Exalted is Allāh from this! We are instead certain that Allāh has spoken the



truth when he said, "Then Allāh, by His grace, has guided the believers to the truth regarding those disputes" [Al-Baqarah: 213].

Allāh the Most Exalted has guided us to the truth, it is then established with certainty that everything the Prophet says, that Allāh has guided us with it and that it is the certain truth and knowledge is certain, it can never be mixed with any falsehood. Some of them said, "If those possibilities are ceased, then *khabar ul-wāḥid* provides knowledge from the apparent."

This is something that makes no sense, we do not know an apparent knowledge which is not hidden, and also no hidden knowledge which is not apparent. All of them are certain knowledges, it is apparent to the one who knows and hidden in his heart together. Every *zann* without certainty is not knowledge ever, and also not apparent, and also not hidden. It is instead misguidance, a doubt, and *zann* is prohibited to be used in the religion of Allāh.

We say to them: If it is possible according to you for there to be much or any of the religion of Islām to be mixed with falsehood and mistakes, then what saves you as it is not preserved that there may be many rulings which are false.

If they prevent this then they prevent the possibility of it mixing with that which is not part of it, because the assurance of Allāh implies safety from any of that.

And also there is no doubt from any Muslim with certainty that everything the Prophet taught his religion from the rulings, which are either obligations, prohibitions and permissibilities, all of this is from the Sunnah of Allāh, and Allāh said, "And you will not find any change to the Sunnah of Allāh" [Al-Aḥzāb: 62].

And Allāh said, "But you will never find to the Sunnah of Allāh any change" [Fāṭir: 43].

These are texts from him, the Most Exalted.

And He said, "No change can there be in the words of Allāh" [Yūnus: 64].

If it would be possible for that which reliable narrators narrated about the Prophet , which Allāh ordered upon to accept and act upon it, which He assured perseverance for and guarding it and to say regarding it that it is the Sunnah of Allāh and the clarification of the Prophet, if it would be possible

to say regarding it that it is possible for changes to have occurred to it, then Allāh telling us that there is no change to it would be a lie and his words would be a lie, this is something no Muslim can think of. With certainty and without any doubt in it, that everything Allāh made a Sunnah in the religion and anything the Prophet made a Sunnah for his nation, it is not possible for any of it to have been altered.

And also they concur with us that the Prophet $\stackrel{\text{def}}{=}$ is infallible from Allāh, infallible in conveying the *sharī'ah* and on the *takfīr* of the one that says, "He is not infallible in conveying the *sharī'ah* to us."

We say to them: Tell us about the virtue of infallibility which Allāh made for his Messenger in conveying the *sharī'ah* to us which He sent him with, is that only in him informing the companions only, or does that which he came with remain with us in conveyment till the day of judgment?

If they say, "It is only with those who witnessed with only, not with those who came after them."

We say to them: So you permit the invalidation of the infallibility in conveying the religion after his passing and permit the existence of corruptness, falsehood, additions, decreasement, distortion in the religion, where do you get this difference from which you see the possibility of this falsehood of it after his passing but you prevent the possibility of it during his lifetime.

If they say, "Because otherwise the Prophet would not have conveyed what he is ordered to and would not be infallible, Allāh said, 'O Messenger, announce that which has been revealed to you from your Lord, and if you do not, then you have not conveyed His message" [Al-Mā'idah: 67].

It is said to them: Yes! And this conveyment which the Prophet $\stackrel{\text{def}}{=}$ according to your $ijm\bar{a}$ and ours is infallible of any lies and any mistakes, the obligation of the religion is for us just as it is for the companions without any difference. The religion is obligatory on everyone all is the same. Infallibility is obligatory for conveyance of the religion and it remains, assured of its perseverance, till the day of judgment. The hujjah remains established against us till the day of judgment, just as it was for the companions, may Allāh be pleased with them without any difference, whoever rejects this has claimed certainty that the hujjah against us is not established in the religion, and a hujjah is not established against the one that doe not understand if it is the truth or a lie.

Then we say to them: Similarly Allāh says, "Verily, We, it is We Who have sent down the *dhikr* (revelation) and surely, We will guard it" [Al-Hijr: 9].

Allāh said, "And whoever seeks a religion other than Islâm, it will never be accepted of him" [Āl-ʿImrān: 85].

Allāh has stated: "Today I have completed for you your religion and completed My favor upon you and have approved for you Islām as religion" [Al-Mā'idah: 3].

Allāh, exalted be He, said: "The right way has become clear from the wrong way" [Al-Baqarah: 256].

We say to them: Among the *Karriyyah*, there are those who say, "The Prophet is not infallible in conveying the religion."

If they say, "They are not among those whose differences matter in $ijm\bar{a}$ "."

We say: You are correct, and nor are the views considered in *ijmā* of a people who say, "The religion is not preserved," or "Many or some things Allāh revealed have become invalidated, mixed with false fabrications, has mistakes which the right way cannot be distinguished from the wrong way." The religion of Allāh is not ever that from Iblīs.

If they say, "The virtue of infallibility which the Messenger of Allāh had in the religion remains till the day of judgment," they return to the truth which is our view, and all praise is for Allāh.

If they say, "The attribute of every narrator and his nature is that it is possible that there can be in his narration truthfulness, mistakes or lies, so your view that *khabar ul-wāḥid* from reliable narrators regarding the *sharī'ah* obliges knowledge, is against the nature of news, and the informing of narrators it are supernatural things."

It cannot be denied that Allāh has the ability to alter the nature of things (supernatural) as He wills, provided that there is clear evidence indicating that this action is indeed from Allāh. It is from the wonders that you deny this while you simultaneously affirm the exact same thing when you claim the infallibility of the Prophet from lying and error in conveying the rulings. This is exactly what you are rejecting, yet you do not merely contradict yourselves here; you go further.

You err in denying the affirming the possibility of mistakes in *khabar al-wāḥid* of a *thiqah*, while you reach a baseless conclusion by claiming that

it is possible for all nations to agree upon a mistake in their $ijm\bar{a}$ on an opinion, which is their natural state and characteristic.

However, you deny the possibility of a mistake, in the $ijm\bar{a}$ of the Muslim Ummah specifically in their $ijtih\bar{a}d$ of $qiy\bar{a}s$, when Allāh is far removed from allowing the Ummah to unite upon falsehood — and $qiy\bar{a}s$ is the core of falsehood.

By this, you believe in something supernatural without any proof, especially if our opponent is one from the *Murji'ah* sect, who firmly believes that it is impossible for a Jew or Christian to recognize in their heart that Allāh sis the truth. These individuals have altered the nature of things without proof, yet they deny something supernatural when certain decisive evidences are established to necessitate it.

If they say, "Your view implies that you believe all narrators of the Prophet are infallible in their transmission of what the Prophet said and are infallible from lying on purpose in it or for there to occur mistakes."

We say: Yes we believe this with certainty that every upright narrator that narrates about the Prophet in the religion or what he does, then that narrator is infallible from lying on purpose with certainty regarding that from Allāh and also from the possibility of making mistakes, except if there is clarification mentioned about it from Allāh, a clarification about what the mistake was, just as Allāh did with his Prophet when he made *taslīm* after the second *rak ah* and from the third mistakenly unintentionally. Because of certain evidences being established from the perseverance of all of the *sharī'ah* and clarification of that which is not part of it.

And we also know by necessity that anyone that speaks the truth in anything then they are infallible in that thing from lies and mistakes without doubt. What denial is there in this?

If they say, "We can worship Allāh with zann, the Prophet said, 'I am just as My slave thinks (has zann) I am." ⁵²

We say, this is not a ruling in the religion with *zann* in any way, all of it is from one chapter, because Allāh prohibited us from saying about him what we do not know, and we do not know whether He will forgive us or punish us so we must stay away from that and have hope and fear. We are also prohibited of saying regarding the obligations, prohibitions and

⁵¹ Şahīh al-Bukhārī 482

⁵² Sahīh al-Bukhārī 7405



permissibilities in the religion what we do not know and He clarified us everything we are obliged from that so it is obligatory to affirm certainty in that just as we affirm certainty that the infidels are in the hellfire for eternity and that the Muslims in heaven for eternity without any difference. He did not allow speaking with *zann* in anything regarding that.

If they say, "You Say that Allāh has ordered us to rule by reliable witnesses with an oath from the plaintiff and that which two witnesses or more have witnessed and the defendant takes an oath, if the plaintiff brings no evidence regarding permitting blood which is prohibited and prohibited private parts and skins and property, all of that by your acknowledgment, it is possible that that which is hidden is different than that which the witnesses witnessed and that which the defendant took an oath on, this is a ruling with zann which you rejected regarding our view on khabar ul-wāḥid, without a difference."

We say and Allāh is the source of strength: there are instead very clear differences between the two, clearer than the sun, first is that Allāh has assured the completeness of the religion and its distinction from the wrong path and that which is not from it, while Allāh did not assure us ever the protection of our blood, our private parts and also not our skins and also not our property in the religion, Allāh instead made *qadr* that many of it will be taken without right in the world, the Prophet even said, "Indeed, you bring your disputes to me, and perhaps some of you are more eloquent in their plea than others, so that I give judgment on their behalf according to what I hear from them. Therefore, whatever I rule for anyone which by right belongs to his brother, I am only granting him a portion of Hell-fire." And His Saying regarding those who do *li'ān*, "Allāh knows that one of you two is a liar; so will one of you repent."

The second difference is that our ruling of the witness of the witnesser and the oath of the one taking an oath is not *zann* as they claim, we are instead certain and affirm that Allāh obliged on us the ruling of an oath on the plaintiff with the witness of the upright and an oath of the defendant if there is no evidence and the witness of the upright, two upright and more according to us even if the hidden matter is a lie or a mistaken.

⁵³ Sahīh al-Bukhārī 7169

⁵⁴ Sahīh al-Bukhārī 5311

And the ruling for all of that is the truth from Allāh and the certainty on the absent the certain evidence for that is that if two make tahākum to a *ḥākim* and there is no evidence with the plaintiff then no oath judged on the defendant by the *hākim* or two upright witnessed at him, then nothing is judged, such a hākim is a fāsiq, disobedient to Allāh, his testimony is invalid, he is a zālim, whether the defendant was false with his rejection or if he was correct with it or if the witnesses were liars or mistaken or spoke the truth as they did not know the $b\bar{a}tin$. We are ordered with the order of Allāh to kill the one which is in reality innocent if he is witnessed with falsehood and to allow his prohibited skin and prohibited property witnessed with falsehood and it is prohibited on the one rejecting it from taking any of it. Our Lord decreed on us that if we do not judge in such cases that we are fussāq, disobedient to him, the most exalted, threatened with hellfire. As for narrations, Allāh did not order us ever to judge in the religion with a narration the $f\bar{a}siq$ fabricated or someone mistaken in, He instead assured its protection from any mistake, and Allah said, "They ordained for them a religion which Allāh has not permitted" [Ash-Shūrā: 21]. So the difference is very clear.

The third difference is that we say to them: Verily Allāh has obliged us to say regarding all of the *sharī'ah*, "The Prophet said," and "Allāh ordered," because Allāh said, "Obey Allāh and obey the Messenger" [An-Nisā': 59].

And Allāh said, "And whatsoever the Messenger gives you, take it; and whatsoever he forbids you, abstain" [Al-Ḥashr: 7].

So it is obligatory on us to say, "Allāh has prohibited us," and, "His Messenger has prohibited us from so-and-so." We are ordered it in this manner, Allāh never ordered is to say, "This witness witnessed with truth," or, "This one taking an oath took an oath on the truth," or, "We judged this for this right," with certainty and also not to say, "Allāh has said what this witness said," But Allāh said to us, "Rule with the witness of the upright and the oath of the defendant if there is no evidence," this is the difference in which there is no obscurity.

We do not judge with *zann* in anything of it ever and all praise is for Allāh. We instead know with certainty affirmed that anything we rule with that which the upright narrators narrated, connected to the Prophet ## that it is the truth with Allāh, he has revealed it to the Prophet ## which he has said

to us. Everything we rule with the witness if the upright is also the certain truth from Allāh, because he has ordered us this to rule in such cases it.

He has not ordered us to say regarding that which they witnessed and the oath of the one taking an oath that it is from Allāh and also not that it is the certain truth. Only the ruling on that situation itself is the truth.

If they say, "Allāh said, 'Indeed some *zann* is a sin' [Al-Ḥujurāt 12]. He did not say that all *zann* is a sin."

We say: Allāh has clarified that any saying about him which we do not know is prohibited, this is among the *zann* which is prohibited without doubt.

Some of the mu'tazilah sought refuge by rejecting rulings with $khabar\,ul$ - $w\bar{a}hid$ due to the "evidences" mentioned earlier they think that they were able to free themselves with that, instead all their claims imply that which are against them and this is why we say: Tell us about the narrations which are narrated by al- $\bar{a}h\bar{a}d$, are all of them the truth if they are from reliable upright narrators alone or are all of them false, or is there among them falsehood and truth?

If they say, "There is among it truth and falsehood," which is their actual view, then we say to them: Is it possible for the *sharī'ah* revealed by Allāh to his Messenger to become invalidated which he clarifies His slaves with, till it mixes with falsehood which the *fāsiq* fabricated and attributes that to the Prophet or the mistake the mistaken one made so the falsehood gets mixed with the truth which was ordered, which is not distinguishable from the truth by anyone. And are the rulings of Islām all from the first to the last guarded and obligatory? or are they not preserved and also not obligatory and some of it became omitted after the passing of the Prophet? And did the *ḥujjah* establish against us by Allāh in that which he ordered from the rulings that it is a clarification, that which distinguishes from that which we are not ordered or which *ḥujjah* is not established in the religion because most of it is mixed with lies which cannot be distinguished.

If they see the possibility that any of the rulings of the religion which Allāh revealed to His Prophet and can get mixed with anything which is not from the religion or also say, "No hujjah is established against us from that which He ordered us," this view implies the corruptness of the sharī'ah and the loss of Islām and the invalidity of the assurance of Allāh that he would preserve the religion, just as they were implied before in the same manner.

This implies that they abandon much of the correct religion and those other than them are implied by this as well. They act upon that which is not from the religion and that the Prophet, his clarification, got invalidated and that the *ḥujjah* of Allāh has not been established. There is in this of falsehood as you can see.

If they seek refuge in limiting everything to *tawātur* narrations they cannot save themselves with that as they thereby still invalidate most of the religion because of the reason that it was mixed with fabricated lies and mistakes and then they affirm the possibility that most of the rulings of Islām are not narrated, invalidating the assurance of Allāh guarding all of it.

And also no one is incapable of claiming regarding any narration they wish that it has $taw\bar{a}tur$, the $ash\bar{a}b$ ul- $isn\bar{a}d$ are the most correct in claiming this as they witnessed most of the narrators and the change of $as\bar{a}n\bar{\imath}d$ of them with authenticity and their transmission of $taw\bar{a}tur$.

If they seek refuge by saying that any narration in the manner of $\bar{a}h\bar{a}d$ by reliable narrators is all fabricated and that none of it was uttered by the Prophet we then say: This an open loud tumult, it declares all companions from the first to the last one among them as liars and also all the upright tābi'in who had virtue and also all men from the scholars, generation after generation, because all we mentioned narrate narrations from the Prophet # without any doubt from anyone and used it as evidence against others and acted upon it and gave fatwa accordingly. So this is the dismissal of a certain decisive $ijm\bar{a}$. This is false, no two souls differ in this ever, because we with necessity know that it is not possible in the binyah that every single one we mentioned did not speak the truth in anything narrated in any word narrated and every single one of them instead fabricated everything they narrated, there is in this invalidation of all rulings, a Muslim does not believe any of this and also not kāfir that there is not for the Qur'an any mubayyanah for ṣalāh, zakāh, ḥajj and others and that the mubayyanah for them are only taken from the words of the Prophet # narrated by the companions and that all companions of the Prophet # fabricating it, inventing a lie against the Messenger, that there is in that belief invalidation of the rulings, no one on the face of the earth doubts that the companions narrated about the Prophet # to their own neighbors and family, this implies that all of them fabricated, from the first to the last one of them. Not even the rawāfiḍ and the khawārij have reached this state, this is a claim without certain evidence and anything that is of this attribute is false with certainty in three sayings with no fourth to it: Every single narration narrated by the thiqah, musnad, from the Prophet is either all a lie from the first to the last, and this is false without any doubt as clarified as clarified and it implies that all saḥābah and tabi'īn and scholars without excluding any of them concurred on fabricating rulings and lying against the Prophet , this is an exit of Islām. Or there is in it truth and some falsehood which the falsehood of can not be distinguished, this is rejection of the words of Allah in him informing the perseverance of the religion, the revelation and him completing the religion for us. And that nothing from us is accepted except the religion of Islām not anything other than that, there is in this also the corruptness of the religion and it mixing with that which we are not ordered ever and that there is no way for anyone on earth to know what He ordered in his religion from that which he did not order, and that the reality or Islām and the rulings have become invalid, this is also an exit from Islām. Or that all of it is the certain truth from Allāh, all obliging knowledge because of the informing of Allah that he guards the revelation and his prohibition of ruling in the religion with zann and that which we do not know and him informing that he has clarified the wrong path from the correct one, nothing is correct except what he revealed to the tongue of his Prophet so or his actions. The wrong path is nothing but that which He & did not reveal, this is our view and all praise is for Allāh.

As this is established with certainty and everything else is proven false, then let us, with the help of Allāh, proceed to its categorization. We say, and in Allāh we place our trust, that we are certain with the pinnacle of certainty—praise be to Him—that there cannot be any ruling ordered by the Messenger of Allāh, which he called people to or acted upon, that has been lost and did not reach anyone of his *Ummah*, either through *tawātur* or *khabar al-wāḥid* by the *thiqah* until it reached us. We are also upon the pinnacle of certainty that Allāh does not entrust its transmission to one whose narrations are not a *ḥujjah* and only those that are a *ḥujjah* from the *thiqāt*. We are certain as well that there cannot be any ruling narrated in which a *thiqah* narrator made a mistake without clear and evident clarification showing the correctness of that mistake.

And also, we are certain that Allāh does not permit someone whose narration is binding upon us to fabricate a narration about a ruling and attribute it to another narrator whose narration must be accepted, reaching to

the Messenger of Allāh $\stackrel{\text{def}}{=}$. We also hold with certainty and conviction that every narration which has only come to us as mursal, or has only been narrated by a $majh\bar{u}l$ or $majr\bar{u}h$ narrator, is without doubt a false narration that the Messenger of Allāh $\stackrel{\text{def}}{=}$ never said. If such a narration would have been true, then it would be a valid ruling that is not binding upon us, as the hujjah has not been established for us in that.

This ruling that we presented is only regarding those whose uprightness (' $ad\bar{a}lah$) is unanimously agreed upon like the $sah\bar{a}bah$ and the upright and reliable $t\bar{a}bi$ ' $\bar{i}n$ and then those like Shu'bah, Sufyan al-Thawrī, Sufyan ibn 'Uyainah, Mālik and others and the a'immah in their time and after them till the day of judgment.

And also everyone whose jarh is well established like al-Ḥasan ibn 'Amārah, Jābir al-Ju'fī and other $majr\bar{u}h\bar{\iota}n$, whose jarh is well established.

As for those about whom there is disagreement—some declaring them reliable and others making *tajrīḥ* of them—if their reliability (*'adālah*) is confirmed to us, we affirm the validity of their narrations. If their *jarḥ* is confirmed to us, we affirm the falsehood of their narrations.

If we are unable to confirm either, we make *tawaqquf* on it and say then, without a doubt, that someone else must be able to establish one of the two cases for them. Our error, if we would err, and our ignorance, if we would be ignorant, are not an evidence for the loss of Allāh's religion. Rather, the truth remains known to a group, even if another group is ignorant of it; similarly, falsehood as well, as people may be ignorant of what we know. Excellence is in Allāh's hands, and He bestows it upon whom He wills.

A mistake/error in the narration of the *thiqah* can only be established in one of three ways:

Either the narrator himself admits that he made an error. Or an upright individual testifies that he heard the narration along with the narrator, and so-and-so made an error in it. Or by empirical (*mushāhadah*) evidence that by necessity shows that he erred.

Likewise, we say with the pinnacle of certainty in the case of any two authentic narrations that appear contradictory, any two verses that seem contradictory, or any authentic verse and narration that seem contradictory, for which no clear text exists specifying which is the abrogator.

In such cases, the ruling that obliges something upon what is the actions of the customs of the people $(ma h\bar{u}d al-a\bar{s}l)$ is the abrogating one

 $(n\bar{a}sikh)$, while the ruling that goes in according with the actions of the people is the abrogated one $(mans\bar{u}kh)$, with absolute certainty, due to the certain decisive evidence we presented that the religion is preserved. If it would be possible for an abrogating $(n\bar{a}sikh)$ ruling to remain hidden or for the general $(um\bar{u}m)$ to lack a valid text with specification $(takh\bar{s}\bar{s}s)$ of it, while the intention of the general was specification, then the religion would not be preserved, and there would be no established hujjah upon anyone of the rulings. Rather, we would be compelled to rely on false assumptions, which is forbidden, or to act upon something that Allāh has never ordered, and this is undoubtedly false and rejected.

If there exists any day we find ourselves in contradiction with this, then we repent to Allāh from it, and it would be a mistake for which we seek Allāh's forgiveness . We hope, by Allāh's grace and kindness, that such a mistake will not occur.

And also the words of Allāh to Mūsā, "And there came a man running, from the farthest end of the city. He said, 'O Mūsā! Verily, the chiefs are taking counsel together about you, to kill you, so escape. Truly, I am one of the good advisers to you" [Al-Qaṣaṣ: 20].

And Allāh said. "She said, 'Verily, my father calls you that he may reward you for having watered (our flocks) for us" [Al-Qaṣaṣ 25].

And Allāh said, "He said, 'Indeed, I wish to wed you one of these, my two daughters, on [the condition] that you serve me for eight years" [Al-Qaṣaṣ 27].

So Mūsā believed the words of the warner and went out his city because of his words and Allāh declared it correct and he believed the words of the woman which her father called him for and he went with her and believed her father in that saying that she is his daughter and he allowed marrying her and intercourse with her with his saying alone and Allāh declared it all correct, so it is established that an authentic *khabar ul-wāḥid* forces belief in it with certainty and all praise is for Allāh.

Section: The Description Of Whose Narrations Must Be Accepted

We mentioned in the chapter before the obligation of accepting the warning of the upright person who go to obtain knowledge.

Allāh said, "Why ('falawlā' is a question with an obligation) did not go from every group of them a tā 'ifah (one person at least) to obtain knowledge (tafaqquh) in the religion (Qur'ān and Sunnah) and warn their people (by that) when they return" [Al-Tawbah: 122].

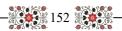
And Allāh said, "If a sinner $(f\bar{a}siq)$ comes with news, verify!" [Al-Ḥujurāt: 6].

So if the narrator $(r\bar{a}w\bar{\imath})$ is upright ('adl) and memorizes by memory $(h\bar{a}fiz)$ the knowledge (tafaqquh) which is nothing other than Qur'ān and Sunnah, or was precise in it $(d\bar{a}bit)$, by him having written it, then his warning (narration) is accepted.

If he has many mistakes (*kathīr ul-ghalaṭ*) or much negligence (*kathīr ul-ghaflah*), not being a *dābiṭ* in his writing then he does not have *tafaqquh* in the knowledge he sought, and as he did not seek knowledge then he is not along those whose warning we must accept.

And whom we are ignorant of their status, we do not know whether they are a $f\bar{a}siq$ (sinner) or 'adl (upright) or if we do not know whether they are negligent ($gh\bar{a}fil$), memorizer ($h\bar{a}fiz$) or precise ($d\bar{a}bit$) then we must make tawaqquf from accepting his narrations, till we know that he had tafaqquh, till we know his 'adālah (uprightness), his hifz (memory), and his dabt (precision), then their warning (narrations) are accepted. Or if his jarh, or little hifz and dabt then his narrations must be rejected.

The narrator described as a *thiqah* is the narrator that is upright ('adl) and also has good memory, this narrator must be accepted and anything above that as well.



As for the mere $sad\bar{u}q$ and mere $maqb\bar{u}l$ and the mere salih $ul-had\bar{u}th$ are all narrators that are not from ahl al-hifz whom we are obliged to take from, they are weak in memory.

It is narrated from Muslim ibn al-Ḥajjāj —» Abū ʿĀmir al-Ash'arī —» Abū Usāmah (Ḥammād ibn Usāmah) —» Burayd ibn 'Abdullāh —» Abū Burdah —» Abū Mūsā —» the Prophet said, "Verily, the similitude of that guidance and knowledge with which Allah, the Exalted and Glorious, has sent me with is that of rain (the word 'ghayth' is used here) falling upon the earth. There is a good (the word 'tayyibah' is used) piece of land which receives the rainfall and from it herbage and grass abundantly grows. Then there is a land hard and barren which retains water and the people derive benefit from it and they drink it and make the animals drink (the words, 'wa ra'aw' are used). Then there is another land which is barren (the word ' $q\bar{\imath}'\bar{a}n'$ is used here). Neither water is retained in it, nor is the grass grown in it. So the [first] example is of the one who has knowledge (the word, 'faqiha' is used here) of the religion of Allāh and that which I am sent with benefits him. [The second one is that] who acquires the knowledge and imparts it to others. [Then the other type is] one who does not pay attention to (the revealed knowledge) and thus does not accept guidance of Allāh with which I have been sent."55

This is also narrated by al-Bukhārī with the same *isnād* (chain) and *lafz* (words of the narration). Except that the version of al-Bukhārī has instead of '*tayyibah*': '*naqiyyah*.' And instead of '*ghayth*': '*kathīr ul-ghayth*.' And instead of '*va ra'aw*': '*wa zara'ū*.' And it instead of '*qī'ān*': '*qay'ah*.' And they concur on everything other than this⁵⁶.

Difference in words in narrations is not a defect in a <code>hadīth</code> if the meaning is the same, because it is established that when the Prophet * would say something he would repeat it three times, everyone only narrates according to that which they heard him say, so such differences in narrations do not weaken the <code>hadīth</code> if the meaning is the same.

The Prophet \cong combined in this narration the ranks of *ahl ul-'ilm*, without excluding anything. The land which is good/pure is the $faq\bar{\imath}h$, the one precise $(d\bar{a}bit)$ in what that which he narrates, and understands what the

⁵⁵ Sahīh Muslim 2282

⁵⁶ Sahīh al-Bukhārī 79

words imply which he narrates. He makes others aware of returning the matter the people differed over to the texts of Qur'ān and Sunnah.

As for the barren land which retains water which the people drink water from, this is like the people that memorize what they hear or are precise in it by a writing and they keep it till it reaches others, without having changed anything, and without having made others aware to the meanings of the words he narrated and also no understanding of how a difference is returned to texts of Qur'ān and Sunnah which he narrated, but he benefited from it by transmitting it to those with better understanding than him. Just as it is narrated from the Prophet that he said, "Perhaps the one it (Sunnah) is conveyed is more understanding than the one hearing."

And the Prophet said, "And many a bearer of figh is not a faqīh." 57

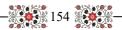
So the one that does not memorize and is not precise, then he is not from the pure land and also not from the barren land which retains water, he is instead $mahr\bar{u}m$, excused or $maskh\bar{u}t$, the ranks of those who is like the barren land on which no water and no grass appear, there is in this sufficient clarification.

Whoever is able to then let him be from those who are like the pure lands, if he is unable to then from the barren lands with water retained, there is no virtue below this rank and we seek refuge in Allāh from becoming among the barren land with nothing, whoever is like a barren land which gives water or a pure land is successful.

So if an 'adl narrates from someone like him till it reaches the Prophet then it becomes obligatory to take it and obedience becomes obligatory and affirming certainty whether others narrated it in a mursal manner of mawqūf, or if another liar from the people narrated and whether it is narrated from another tarīq or not, and nothing other than the tarīq of that exact narration, and whether the narration is narrated by a slave or woman.

The only condition is 'adālah and tafaqquh only. From the wonders is that there are many people claiming they believe in khabar ul-wāḥid, but then declare narrations to have defects ('ilal) which opposes their own method (of accepting akhbār al-āḥād) from authentic narrations by saying, "So-and-so was the only one narrating this (he had infirād." Or they say, "This is that which is not narrated except by so-and-so, there is no other route

⁵⁷ Sunan Abī Dawud 3660



for this except this $tar\bar{t}q$ ($isn\bar{a}d$)." So they claim defects on it that that narrator is alone while they claim at the same time to accept $akhb\bar{a}r$ $al-\bar{a}h\bar{a}d$.

This is severe ignorance, invalid, exaggeration, because they concur with us in the obligation of accepting *khabar ul-wāḥid* then they continue claiming defects, abandoning the Sunnah because it is a *khabar ul-wāḥid*. The wonder is that they take as they desire. Muḥammad ibn Muslim al-Zuhrī has ninety narrations in which he has *infirād* regarding the Prophet , no one narrated it ever other than him.

No one from the *a'immah* has any narrations except that they have *infirād*, no one from those ever rejected any of them. What is the difference between accepting such narrations which no one else also narrated and between the one that rejects such narrations no one else also narrated. Is there in this except *istikhfāf* of the Sunan any more than this? And also a narration, even if it has more than three, four or more *turuq*, all of which is *khabar ul-wāḥid* whoever affirms anything of it affirms *khabar ul-wāḥid* and whoever negates *khabar ul-wāḥid* negates all of this because the *'illah* for all of this is the same: it is any narration that does not compel acknowledgment of it according to them and does not affirm certainty, then it is *khabar ul-wāḥid* and this is according to them an attribute of anything that is not narrated with *tawātur*, they have abandoned their method and they are not aware or they are doing this on purpose which is worse, we seek refuge in Allāh from being forsaken.

The *Mudallis* is of two types: The first is the narrator who is a $h\bar{a}fiz$, 'adl, who may be did disconnect his narration with $irs\bar{a}l$ and maybe he did connect it with $isn\bar{a}d$, or maybe he narrated it in a manner of reminding himself or with a fatwa, or during a debate. The narrator in such a case may have shortened and overlooked, not mentioning some narrators. This does not harm his remaining narrations at all because this is not a jarh and no negligence, but we specifically abandon the narrations we are certain he did $irs\bar{a}l$ in and what we know certainly him leaving some narrators in its $isn\bar{a}d$ and we take the narrations from such a narrator as long as we are not certain there is no such defects, and whether he said, "so-and-so told us $(akhbaran\bar{a})$," "he said from so-and-so ('an)," "so-and-so said from ('an) so-and-so." All of it must be accepted as long as we are not certain that he narrated disconnected in this manner. If we are certain of that we abandon that narration only and accept his other narrations if they are without defect.

'Abd al-Razzāq ibn Hammām said, "Ma'mar would narrate in a disconnected (*Irṣāl*) manner to us. When 'Abdullāh ibn al-Mubārak came to him, he connected it for him."

Great Aṣḥāb al-Ḥadīth were of this type, such as al-Ḥasan al-Baṣrī, Abū Isḥāq al-Sabīʿī, Qatādah, ʿAmr ibn Dīnār, Sulaymān al-Aʿmash, Abū al-Zubayr, Sufyān al-Thawrī, Sufyān ibn ʿUyaynah. ʿAlī ibn ʿUmar al-Dāraquṭnī included Mālik ibn Anas among them⁵⁹. But this is not the case, this is not found from him except for very few of his narrations, which did *irsāl* in and others he did *isnād* in⁶⁰.

The second type is those that have no good in them, from whom it is affirmed that he omits from their $as\bar{a}n\bar{\imath}d$ on purpose and adds strong narrators as deception $(talb\bar{\imath}s)$ from whom he narrates to, deceiving who takes from him, assisting what he desires, such that if he would mention whom he remained silent about, then it would have been a defect and a sickness in the narration, such a man is mujarrah, this is clear fisq, it is obligatory to get rid of all his narrations, whether it is established he did $tadl\bar{\imath}s$ in it or not, whether he says, "sami'tu," or " $akhbaran\bar{a}$," or if he does not say that, all of that is rejected, unaccepted, because he lost his ' $ad\bar{a}lah$, lies to $ahl\ ul$ - $isl\bar{a}m$ for allowing what we mentioned, al-Husayn ibn 'Amārah, and Sharīk ibn 'Abdullah al-Qadī and others are from this type.

If it is established that anyone accepted *talqīn*, even if it was once, then every single narration of him is invalid, because they do not have *tafaqquh* in the religion of Allāh and do not memorize what they hear, the Prophet said, "May Allāh enlighten the person that hears a *ḥadīth* from us which he memorized (*hafiza*) till it reaches others."

The Prophet only ordered accepting what a hafiz conveys, and talqīn is when someone says, "So-and-so told you so-and-so?" And he names who he wants, while the questioned did not hear and answers, "Yes," this does not cease to have two possibilities by necessity. It is either a fāsiq narrates what he did not hear. Or it is negligence (ghaflah) in a manner his 'aql is forgetful, entered in his dhihn. These are not looked at, because he is not from dhul-

⁵⁸ Nukat al-Zarkashī 'Alā Ibn al-Ṣalāḥ 2/110

⁵⁹ Al-'Ilal al-Dāragutnī 2/9

⁶⁰ Tabaqāt al-Mudallisīn pg. 74

⁶¹ Sunan al-Kubrā by al-Nasā'ī 5816, 5/363



albāb, Simāk ibn Ḥarb was from this type, Shuʿbah ibn al-Ḥajjāj the *imām*, the *raʾīs* has witnessed this from him.

And some of $ash\bar{a}b$ $ul-had\bar{\iota}th$ were wrong in their saying, "So-and-so (who accepted $talq\bar{\iota}n$) is accepted for $raq\bar{a}$ 'iq narrations, but is not considered in narrations related to rulings."

This is a false division without any certain decisive evidence, certain decisive evidence instead invalidates such claims, this is because everyone on earth does not cease to either be a $f\bar{a}siq$ or a non- $f\bar{a}siq$, if they are not a $f\bar{a}siq$ then they are 'adl, there is no third option.

And the 'adl is either a $faq\bar{\imath}h$, or not a $faq\bar{\imath}h$, the $faq\bar{\imath}h$ ($h\bar{a}fiz$) who is an 'adl is accepted in everything and the $f\bar{a}siq$ is never considered in anything.

As for the 'adl that is not a $h\bar{a}fiz$, his warnings (narrations) specifically are not accepted in anything, because the conditions of acceptance which Allāh mentioned in that verse are not available in that status, whoever should be 'adl (upright) in some of his narrations then he must be an 'adl in his remaining narrations (there is no other way), it is impossible to allow accepting some of his narrations while his other narrations are rejected except with texts from Allāh or $ijm\bar{a}$ for a difference between them, otherwise it is ruling without certain decisive evidence and a saying without knowledge and that is not allowed.

What some of them are also wrong in is that they said, "So-and-so narrator is more upright/strength than so-and-so narrator," they seek with it weighing the narration of the most upright over the one that is less upright/strong. This is a severe mistake. It is enough of a response to them by saying to that they are the most abandoning people to this method, they take from the least upright and leave that which the most upright narrates.

The first is that Allāh did not make a difference between the *khabar ul-wāḥid* of an 'adl and another 'adl.

And from this falsehood is ruling in the religion with other than that which Allāh ordered or his Prophet $\stackrel{\text{def}}{=}$ or certain $ijm\bar{a}$ from the words of the Prophet $\stackrel{\text{def}}{=}$ the one who says this has stood where he has knowledge of and the doer of that is disobedient to Allāh because he had prohibited that, He only ordered accepting the warning of the one that acquires knowledge who is an 'adl and to accept the testimonies only. Whoever adds a ruling to this has come with that which is not allowed for him and has left what Allāh did not order him to leave.

And also the least 'adālah is known as long as no one having more of it is known, Abū Bakr and 'Umar were unaware of the ruling of inheritance of the grandmother, while al-Mughīrah ibn Shu'bah and Muḥammad ibn Salamah knew it, while between them there is a huge difference, except that all of them are 'udūl.

Abū Bakr returned to the narration of al-Mughīrah regarding that and 'Umar returned to the narration of the narrator that narrated regarding the abortion of the woman and this unknown by 'Umar⁶².

While 'Umar is greater in 'adālah, and also everything that is feared from an 'adl (of mistakes) is also feared from the most upright person on earth after the Prophet ...

And also if Abū Bakr alone gave testimony, it would not be accepted in a way that mandates judgment based on his testimony. However, if two just individuals from the general people testified, it would be accepted. So there is no value in being 'more upright.'

And also if 'adālah is only that which implies 'adālah. The 'adl is only the one that fulfills the obligations, stays away from prohibitions and has dabṭ in what he narrates only. While what is intended when it is said that a person is more upright than someone else is only that he performs more nawāfil only, then there is no place for this in 'adālah.

The name of 'adālah is deserved in lesser status, just as it is deserved alongside it in equal measure with no difference. It is, established that it is not permissible to prefer one narration over another or one testimony over another by claiming that one narrator or one witness is more upright than the other. This principle they have imposed is merely based on personal inclinations, and personal inclination is void and meaningless, a desire which Allāh and His Messenger have not permitted. Indeed, truth is truth—whether one finds ease in accepting it or dislikes it, it is obligatory if it is truth, or prohibited if it is falsehood, whether one's self inclines to it or detests it. This falls under the following of desires, which Allāh has forbidden. He, the Almighty, said, "But as for he who feared the standing before his Lord and restrained his soul from desire, then indeed, Paradise will be (his) refuge" [Sūrat al-Nāzi'āt: 40-41].

And Allāh said, "And who is more astray than one who follows his own lusts, without guidance from Allāh?" [Al-Qaṣaṣ: 50].

⁶² Sahīh al-Bukhārī 6905

Whoever rules in the religion of Allāh with that which he thinks is good and likes himself without certain evidence from texts or $ijm\bar{a}$, then no one is more misguided than him, and in Allāh we seek refuge from being misguided, except the ignorant and no hujjah is established, then they are excused. Whoever the truth reaches and hujjah is established and he continues then he is a $f\bar{a}siq$, disobedient to Allāh.

And we find that Allāh is not pleased with accepting the witness of $zin\bar{a}$ except four upright for the slave girl, not any less and there is only fifty lashes and expelling half of the year, we find that just as you agreed with us on the acceptance of witness for matters of blood being permitted from Muslims or blood of a group of people with two witnesses, the same for *qadhf* and amputation, where is the personal pleasure of it here?

And with this and others it becomes obligatory to accept as long as evidence is established, whether there is personal pleasure for it or not.

The woman and man in narrating are the same without any difference, Allāh did not specify the upright from another upright, all are the same, from men and women, free and slaves.

And by what we clarified, it becomes false to say, "This narration is not narrated from other than this *ṭarīq*."

Then they say, "We only seek many narrators for our personal pleasure."

If they object against us by using the words of Ibrāhīm to Allāh when He said, "He (Ibrāhīm) said, 'My Lord! Show me how You give life to the dead.' He (Allāh) said, 'Do you not believe?' He (Ibrāhīm) said, 'Yes (I believe)'" [Al-Baqarah: 260].

It is said to them: Do you believe Ibrāhīm *al-khalīl* was not certain before he was shown how life is given to the birds?

If they believe this they have apostated, even if Allāh did not show him that just as he did not see what he asked, it did not give him any doubt in the correctness that Allāh gives life to the dead.

The same way if we find a <code>hadīth</code> narrated from various <code>turuq</code> (multiple <code>asānīd</code>), it is according to our opponents a greater <code>hujjah</code>, even if only one is sufficient to accept it due to the certain evidences preceded. We clarified the certain decisive evidences for the exact manner in Al-Fasl.

If there is an upright person declaring a narrator an 'adl and also an upright person making jarh of him, then that narrator is sāqit, not used for

any narrations, because *tajrīḥ* precedes *ta'dīl*, because it is an additional knowledge of the *mujarriḥ* (the one declaring defects about a narrator) which the *muʿaddil* (the one declaring the narrator upright or as a strong narrator) did not have. The *mujarriḥ* does not inherently declare what the *muʿaddil* says as false, it is instead affirmation of both.

If someone says, "Why do you then not say that *mu'addil* has knowledge which the *mujarrih* does not have?"

It is said to him: If their information both are affirmed, there is no dispute that anyone who combines 'adālah with sinfulness—acting righteously in some cases by praying, fasting, and giving charity, yet sinning in others by committing adultery, consuming khamr, engaging in major sins, or openly indulging in minor sins—the doer is regarded by the ijmā ' of the Ummah as a sinner without any disagreement. Such a person is not considered upright ('adl). If only those who were at the pinnacle of evil and did no good at all would be declared a sinner, no Muslim would ever be a sinner, as their faith (tawhīd) itself is good, virtuous, and iḥsān. Affirming that among us are both the upright and the sinful is in the naṣṣ of the Qurʿān explicitly mentions. If we would take only from the ta 'dīl and invalidate the tajrīh we would be denying the mujarriḥ, which is impermissible. The same applies to testimony, with no difference. This is unlike when we take from both.

Tajrīḥ is not accepted except if the mujarriḥ clarifies his tajrīḥ (if it is jarḥ mufassar). 'Ṣadūq yahim' is jarḥ mufassar, and 'Laysa bil-qawī,' is not jarḥ mufassar, and 'Da ʿīf,' is not jarḥ mufassar, and 'Sayyi' al-ḥifz,' is jarḥ mufassar, and 'Munkar al-ḥadīth' is jarḥ mufassar, and 'Muḍṭarib ul-ḥadīth' is likewise jarḥ mufassar.

This is because a people made $tajr\bar{t}h$ of others for consuming khamr, while the ones consuming it assumed it to be only $nab\bar{t}dh$ through ta $\dot{w}\bar{t}l$ which is differed on. They are mistaken for it and it is prohibited, if they would know it as $makr\bar{u}h$ and not that it is prohibited they would not consume it out of wara and virtue from them, such as Al-A mash, Ibrāhīm and others from the a \dot{t} immah, this is not a \dot{t} because they are $mujtahid\bar{u}n$, who seek the truth and were mistaken in it.

And also if they use *jarḥ* that is not *mufassar* it is possible for it to have been because of some false beliefs in 'aqīdah, worldly matters and *ijtihād* as we mentioned. While if it is *mufassar* we know that it is only related to the precision of his narrations, his memory.



Jarh of narrators does not happen except for four reasons which has no fifth:

If he fell into major sins which he knows is prohibited from texts that it is a sin.

If he fell into that which he believed is prohibited even if he was wrong in that before the *ḥujjah* is established that he was wrong.

The third is the one that commits minor sins openly, while the one doing it openly knows what he does is prohibited.

These are the three ways a jarh is established on the narrators and $shuh\bar{u}d$ and in all the $shah\bar{a}d\bar{a}t$ in the $ahk\bar{a}m$, this is the attribute of a $f\bar{a}siq$ (an open sinner whether major or minor) through texts and $ijm\bar{a}$ 'according to our own opponents. And we are obliged to avoid the news of the $f\bar{a}siq$, Allāh said, "If there comes to you a $f\bar{a}siq$ with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful" [Al-Ḥujurāt: 6].

We only exclude the sinner that hides his minor sins, because of the authentic narration regarding about the one that kissed a woman, then the Prophet ** told him that his prayer expiated it for him⁶³.

And also because of the verse, "If you avoid the major sins which you are forbidden to do, We shall expiate from you your sins" [An-Nisā': 31].

Whoever is forgiven by Allāh, then it is prohibited for us to affirm against him which Allāh forgave him on.

The same for the one that repented from major sins and from kufr, he is then an 'adl. This is not from the chapter of affirming a hadd on him for anything, repentance does not omit them, only the $malam\bar{a}h$ (sin) is not applied on the repenter, while the hadd remains, because of the narration regarding $M\bar{a}$ 'iz, the Prophet stoned him and ordered seeking forgiveness for him⁶⁴, as he became an 'adl.

And we say that the one falling into minor sins openly falls in a jarh because of the certain $ijm\bar{a}$ on it and texts mentioned regarding ordering $ink\bar{a}r$ of the munkar (sin) and the minor sins are munkar because Allāh rejected it (did $ink\bar{a}r$ of it) and prohibited it, whoever does it openly is from $ahl\ ul$ -munkar and whoever is from $ahl\ ul$ -munkar deserves to be changed, because of the saying of the Prophet, "Whoever among you sees munkar,

⁶⁴ Sahīh Muslim 1695

⁶³ Sahīh Muslim 2763

must change it with his hand, if he is not able to then with his tongue and if he is not able to then with his heart, that is the weakest $\bar{t}m\bar{a}n$."⁶⁵

Whoever is from *ahl ul-munkar* in the religion then he is a $f\bar{a}siq$ (any open sinner) because the munkar is a fisq (sin) and the narrations of the $f\bar{a}siq$ is not accepted.

And it is established based on that which preceded that the one that hides minor sins then he is not a $f\bar{a}siq$ and changing it on him is not obligatory and there is no $ink\bar{a}r$ on it, because we did not see from him that which obliges a change and also no $ink\bar{a}r$ and also no $ta'z\bar{t}r$.

If a person would witness against another that he concealed/hid minor sins then his witness would be rejected blamed, this does not make the testimony of the one hiding minor sins as false. For two reasons:

Firstly, no one is save from minor sins and secondly he is forgiven as because of what we previously mentioned.

If anyone witnesses someone hiding major sins, then his testimony is accepted and it becomes obligatory to reject the testimony of the one that hides major sins because he is not forgiven except after *tawbah* or after the measure on the day of judgment.

The fourth aspect, which distinguishes the transmitters of narrations from the witnesses in judgments, is that the narrator must be $faq\bar{\imath}h$ in what he narrates, meaning that he must be a $h\bar{a}fiz$ (someone who memorizes accurately). This is because the text that permits acceptance of the warning (narration) from someone who goes forth to obtain knowledge of the religion (Qur'ān and Sunnah) is conditional upon that person gaining tafaqquh in the knowledge. Whoever does not memorize what he narrates has not attained tafaqquh, and if he lacks tafaqquh, then he is not among those whose warning we are ordered to accept.

This requirement does not apply to testimony, however, as the only condition for accepting testimony, according to the texts or the Qur'ān, is 'adālah. So a witness may be known for having ghaflah or mistakes, and this does not invalidate his testimony unless there is clear evidence that he made a mistake in that exact testimony. In that case, only that specific testimony is nullified, but this does not affect his testimony in other matters, either before or after. Rather, his testimony is always accepted, and it is not permissible for anyone to add a condition that Allāh has not stipulated. The Prophet said:

⁶⁵ Sahīh Muslim 49



"Every condition that is not in Allāh's Book is invalid, even if there were a hundred conditions." 66

So whoever adds a condition to a witness's 'adālah, such as stipulating that he should not be known for making mistakes, has indeed added a condition not found in Allāh's Book. Therefore, this addition is invalid.

As for *tadlīs*, the one which we mentioned which invalidates '*adālah* is from one of the major sins, because the Prophet sof said, "Whoever deceives is not one of us."

There is no deceiving in Islām greater than the one that omits weak narrations in the *sanad* of a narration to deceive the people to act upon it, which is not authentic, because of the saying of the Prophet, "The religion is *naṣīḥah*."

And that is obligatory towards Allāh, His Messenger, the *a'immah* and their *'āmmah*. Whoever makes the *tadlīs* which we reject, then he does not have *naṣīḥah* towards Allāh, nor His Messenger regarding their conveyment and also not towards the Muslims because of *talbīs* against them by putting them under that which is not allowed to act upon.

As for the one that falls into that which he believes is <code>halāl</code> from which there is no <code>hujjah</code> established against him regarding its prohibition, then he is excused and rewarded even if he is mistaken, <code>ahl ul-ahwā</code>, among them the <code>mu'tazilah</code>, the <code>murji'ah</code>, the <code>zaydiyyah</code>, <code>ibādiyyah</code> are among them, except that which exit groups from Islām to <code>kufr</code> which is agreed upon its kufr, we clarified this in al-Faṣl

or the one on whom hujjah is established from texts or $ijm\bar{a}$ and he continues it and does not return to the truth, then he is a $f\bar{a}siq$.

The same applies for people that oppose narrations of the Prophet for $taql\bar{\imath}d$ or $qiy\bar{a}s$ without difference, or the one that curses some of the companions, indeed that is 'aṣabiyyah and 'aṣabiyyah is fisq, Abū Yūsuf al-Qāḍī was correct when he said when he was asked about the testimony of the one that curses the righteous salaf, "If it is affirmed according to me about the man that he cursed his neighbor, I do not accept his testimony, then how about the one that curses the greatest of people of the ummah."

⁶⁶ Sahīh al-Bukhārī 2155

⁶⁷ Sahīh Muslim 102

⁶⁸ Sahīh Muslim 55

Except if there is ignorance with him, such that the *ḥujjah* is not established against him from texts regarding their virtue and the prohibition of cursing them, him cursing before that does not invalidate his testimony and does not harm his religion. And also not the sins that are graver than cursing them, but his ruling is to know and if he continues then he is a *fāsiq*, and if he is stubborn against Allāh and His Messenger then he is a *kāfir mushrik*, if a person changes the Qurʿān due to ignorance mistakenly or prayed to other than the *qiblah*, then this does not harm his religion according to anyone from *ahl ul-Islām* till the *ḥujjah* is established, if he continues after that then he is a *fāsiq* and if he is stubborn against Allāh and his Messenger then he is a *kāfir mushrik*.

Some people have declared 'ilal (defects) in narrations if the narrator narrates from a man once and from another man once, this is instead a strength to the narration and an additional evidence for its authenticity and an evidence indicating the ignorance of whoever criticizes a narration because of that.

This is just as when al-A'mash would narrate from Suhayl ibn Abī Ṣāliḥ, from his father (Abū Ṣāliḥ), from Abū Hurairah, and those other than al-A'mash would also narrate from Suhayl, from his father, from Abū Sa'īd. There is no value in opposing a narration because of this, because it is very possible that Abū Ṣāliḥ heard the narration from Abu Hurairah and also from Abu Sa'īd, and narrates once from one and the other time from the other.

If it is said, "It is not only possible that he heard it but could be a mistake," we say: Bring your certain decisive evidences that narrator made a mistake when he did that.

Such are not defects in narrations, no one declares such a defect in narrations except a $j\bar{a}hil$ or a stubborn, and we do this ourselves very often, because we see narrations from multiple turuq and we narrate in some cases from one of the turuq and sometimes from the second $tar\bar{t}q$, this is all an indication for the strength of a narration, not its weakness. Everyone that claims these are defects and the likes of such defects have nothing other than mere claim without any certain evidence, and every claim without certain evidence is falsehood.

The same is when an 'adl narrates from one of other two 'adls and doubts in one of them, of who told him, except that he is certain that one of



them did narrate to him without any doubt, this is authentic and it is obligatory to take from it, as in such cases he is not free from narrating from an 'adl.

Similar is when a *thiqah* says, "*haddathanā* Abū Salamah *aw* Saʿīd ibn al-Musayyib, 'an Abū Hurairah," the *thiqah* (reliable upright narrator) doubts whether Abu Salamah or Saʿīd Ibn Al-Musayyib narrated, this is not a defect ('*illah*) in the narration whatsoever, because whoever it is among them they are an '*adl* which is known, they are well known *thiqah* and known for their '*adālah*.

If they say, "Negligence (ghaflah) and mistake (khata') from two is further than from one."

We say to them: and from four it is further away and from three, then do not accept anything except what four narrate, and in this manner it is added, till they become those who believe in *tawātur* (only).

Section: Mursal

A mursal narration is that which has one narrator not mentioned between the Prophet and the first narrator conveying that, if it is more than one narrator then it is munqați', none of these and also not further disconnections are accepted and not a hujjah is with such established, because it is from an unknown narrator, we mentioned previously that whoever we do not know the status of then tawaqquf is obligatory on us from accepting his narrations and from accepting his shahādah till we know his case, whether an 'adl narrator said, "ḥaddathanā thiqah," or if he did not say it, it does not oblige looking into it as it is possible that the one thiqah according to someone has a jarh known by others and we mentioned previously that a jarh precedes ta'dīl. Sufyān al-Thawrī declared Jābir Al-Ju'fī⁶⁹. Sufyān is a thiqah while Jābir, his lies, evil and exit of Islām which is very well known, but this was unknown to Sufyān and he said with that which was apparent to him.

The *mursal* of Saʿīd ibn al-Musayyib, al-Ḥasan al-Baṣrī and others are all the same, nothing is taken from them, some who do not understand what they say claim that, "When four companions narrate about the Prophet to al-Ḥasan al-Baṣrī, then he does *irsāl* of it to the Prophet so a *mursal* is stronger than a *musnad* narration." Whoever says this is the most distant creation of Allāh from the *mursal* narrations of Al-Ḥasan, it is enough falsehood of someone if he weakens a saying he believes in and acts upon it and strengthens a saying he leaves and rejects.

The Prophet had sent a man to a people that were nearby Madīnah and told them that the Prophet ordered him to marry a woman from them, then they sent the Prophet a message regarding that, the Prophet sent a messenger and ordered killing him if they find him alive, then they found that he had already died.

⁶⁹ Tahdhīb Al-Tahdhīb 2/47-51

 $^{^{70}}$ Musnad by Al-Ruyānī 34, 1/75-76 | Sharḥ Mushkil al-Āthār 378-379, 1/352-153

This is as you can see someone that lied against the Prophet while the Prophet was alive. There were also during the time of the Prophet munāfiqūn and murtaddūn, so the narrations are not accepted if someone says, "From a man of the companions." Or, "Someone that accompanied the Prophet told me," until we know who that narrator is and is known to have suḥbah, whom Allāh witnessed them with virtue and good, Allāh said, "And among the bedouins around you, some are hypocrites, and so are some among the people of Al-Madīnah who persist in hypocrisy; you (O Muhammad) know them not, We know them. We shall punish them twice, and thereafter they shall be brought back to a great (horrible) torment" [At-Tawbah: 101].

And a group of people apostated that accompanied the Prophet such as 'Uyainah Ibn Ḥuṣn, al-Ash'ath ibn Qays, al-Rajjāl ibn 'Unfuwah, 'Abdullah ibn Abī Sarh.

And a *tābi*' meeting men from the small companions is an immense honor and pride, then what meaning is there in anyone remaining silent about mentioning him if he is one whose companionship has been praised, and no one refrains from speaking of him?

Remaining silent in such cases, no matter how close or far they are from the Prophet $\stackrel{\text{\tiny{de}}}{=}$ does not cease to be either a $majh\bar{u}l$, not known who he is, nor the authenticity of his companionship with the Prophet $\stackrel{\text{\tiny{de}}}{=}$ is unknown, or he was among those mentioned.

It is narrated from Muslim ibn al-Ḥajjāj —» Yaḥyā ibn Yaḥyā —» Khālid ibn 'Abdullāh —» 'Abd al-Mālik —» 'Abdullāh Mawlā Asmā' bint Abī Bakr, "Khālid the son of 'Aṭā' said, 'Asmā' sent me to 'Abdullāh ibn 'Umar, she said, 'The news has reached me that you prohibit the use of three things: the striped robe, saddle cloth made of red silk, and the fasting in the holy month of *Rajab*.""

Then Ibn 'Umar rejected all of it, this is Asmā' among the ṣaḥābiyyah from the early companions, those of virtue, she was told lies from whoever busied himself regarding the about Ibn 'Umar till, so it is established that the one who said that, lied. It has been mentioned about Ibn Sīrīn regarding talāq of the wife of Ibn 'Umar during the time of the Prophet in the same manner⁷².

⁷¹ Sahīh Muslim 2069

⁷² Sahīh Muslim 1471

So it is obligatory on everyone not to accept anything whom he does not know the name of and also does not know their 'adālah and hifz.

Those who oppose us regarding the *mursal* narration are the followers of Abū Ḥanīfah and followers of Mālik, they are the most distant creation of Allāh to *mursal* narrations as they oppose the method of their $im\bar{a}m$ their $ra'\bar{\imath}$. Mālik abandoned the narrations of Abū Al-'Āliyah regarding $wud\bar{u}$ ' from laughing in the prayer⁷³.

And they do not criticize it except for *irsāl*, while Abū al-ʿĀliyah met the companions and it is also narrated with *irsāl* by al-Ḥasan, Ibrāhīm al-Nakhaʿī, al-Zuhrī, and they left the narration of Mālik —» Hishām ibn ʿUrwah —» his father, "The Prophet ** prayed during his illness he passed away while sitting and the people standing."

And Mālik and his companions abandoned what is narrated from the *ṭarīq* of al-Layth —» 'Aqīl ibn Khālid —» al-Zuhrī —» Sa'īd ibn al-Musayyib —» al-Qāsim, Sālim, and Abū Salamah ibn 'Abd al-Raḥmān ibn 'Awf, "The Prophet * made *zakāt al-fiṭr* obligatory on two *mudds* of wheat on every human in the place of barley."

And Saʿīd ibn al-Musayyib said this was the practice of the people during the time of Abū Bakr and ʿUmar and others mentioned it was the ruling of ʿUthmān and Ibn ʿAbbās and ibn ʿUmar mentioned it was the practice of the *fuqahā*' of Madīnah. They all narrated this with *irsāl* and such obliges actions according to them, yet the companions of Mālik abandoned it, where are their followers of *mursal* narration and where their followers of *ahl ulmadīnah* and the actions of the *aʿimmah*.

And the *ḥanafiyyah* abandoned the narrations of Saʿīd ibn Al-Musayyib from the Prophet ** regarding the prohibition of selling animal meat⁷⁵.

While this was also the practice of Abū Bakr and like this, there are a lot of examples, if we were to mention all places where these two groups abandoned them it would exceed over a thousand narrations without any doubt, we will gather these in a separate book by the will of Allāh, if Allāh helps us with his might and lengthens our lifespan for it.

⁷³ Sunan Al-Daragutni 1/162

⁷⁴ Marāsīl by Sunan Abū Dāwūd 119-123

⁷⁵ Muwatta' Mālik 66, 2/255

They only fell into taking *mursal* narrations in some issues, they say in these issues that they must take from *mursal* narrations but then they abandon it in many other issues, the purpose of these people is attempting to save their position on the issue with whatever they can, whether it is false or the truth and they do not care the thousands of issues they destroy with it. Afterwards they do not care invalidating what they see as authentic in other issues. We will clarify many of this by the will of Allāh.

Now we will mention other defects of *mursal* narrations with that which is sufficient whoever is sincere.

It is narrated by al-Bukhārī —» Sulaymān ibn Ḥarb —» Ḥammād ibn Zayd —» al-Nuʿmān ibn Rashīd —» Zayd ibn Abī Anīsah, "A man became *junub* then performed ghusl and died so the Prophet said, 'If he [only] performed *tayammum*, they killed him, may Allāh kill them.'"

Al-Nu'mān ibn Rashīd said, "I mentioned this narration to al-Zuhrī, then I saw him also narrate it about the Prophet , so I said to him, 'Who narrated that to you?' He said, 'You narrated it to me, who did you get it narrated from?' I said, 'A man from Kūfah.' He said, 'You corrupted it, there is weakness in the narrations of the people of Kūfah.'"

It is narrated by al-Bukhārī —» Saʿīd ibn Abī Ṣadaqah —» Muʿādh —» Ashʿath —» Ibn Sīrīn —» ʿAbdullāh ibn Shaqīq —» ʿĀʾishah, "The Messenger of Allāh would not pray in women's clothes."

Al-Bukhārī —» Sulaymān ibn Ḥarb —» Ḥammād ibn Zayd —» Saʻīd ibn Abī Ṣadaqah, "I said to Muḥammad ibn Sīrīn, 'From whom did you hear this narration?' He said, 'I heard it a time ago from someone I do not know whom I heard it from, I do not know if I affirm him or not.'"

Abū Muḥammad —» Yūsuf ibn ʿAbdullāh al-Nimrī —» Yaḥyā ibn Saʿīd al-Qaṭṭān, "Mālik from Saʿīd ibn al-Musayyib is more beloved to me than al-Thawrī —» Ibrāhīm, "If the *shaykh* of al-Thawrī had benefit then he would have declared it loudly." He once said, "Both of them are to me like the wind."⁷⁸

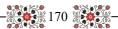
So if al-Zuhrī, Muḥammad ibn Sīrīn, Sufyān, Mālik, who are, who they are (from the highest ranks of) *taḥaffuz*, *ḥifdh*, and *thiqah* have in their *Marāsīl* as you can see, then no one can ever trust the *mursal* of anyone. If

⁷⁶ Tārīkh al-Awsat 2/64-65 | al-Kāmil by Ibn 'Adī 7/13

⁷⁷ Tārīkh al-Kabīr 3/484 | al-Awsat 2/87

⁷⁸ Al-Marāsīl by Ibn Abī Ḥātim 6-7

we were to gather all the $bal\bar{a}y\bar{a}$ of $mar\bar{a}s\bar{\imath}l$ it would be a very large chapter, and Allāh is the source of strength.



Section: If the *Tābi* 'ī narrates, "From a companion —» the Prophet ""

Every narrator who narrates "from a Companion" —» the Prophet *, without naming the companion—if the narrator about him is someone who cannot be ignorant of the validity or falsehood of the claim of companionship (as the 'companion' claims he heard from the Prophet he claims \$\int \lambda \lambda \lambda \lambda \lambda \lambda \text{th} that is a \$\lambda \limbda \limbda \lambda \limbda \lambda \text{th} that is a \$\lambda \limbda \l

Section: The Divisions Of The Sunan

The Sunan splits into three types: the words of the Prophet *, the actions of the Prophet *, or something he * saw, acknowledged it without rejecting it.

So the ruling of his orders are fard and $wuj\bar{u}b$ (obligation) upon what we will clarify in the chapter of the orders in this book, the orders are all an obligation as long as there is no evidence that takes the obligation out towards recommendation, or other ways of the orders.

And the ruling of the actions of the Prophet is only the recommendation of following it, there is nothing obligatory from it except if it is *tanfīdh* of a ruling or a clarification of an order, which will be clarified in the chapter of the actions of the Prophet and abrogation.

As for him acknowledging what he knows and leaves rejection of it, then it is permissible only, not obligatory, and not recommended.

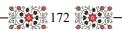
Because Allāh obliged conveyment and told him that he is infallible from the people and obliged him to clarify to the people what is revealed to them, whoever claims that the Prophet knew a *munkar* (anything *ḥarām*) and did not reject it then he has apostated because he rejects that his Prophet conveyed as he is ordered and described him with other than what his Lord described him as and rejected the words of the Prophet when he said, "O Allāh, bear witness, have I conveyed Your message?" They said, 'O Allāh, yes.' He said, 'O Allāh, bear witness."

If someone opposing this mentions the narrations of Jābir that he heard 'Umar take an oath in the presence of the Prophet $\stackrel{\text{\tiny{de}}}{=}$ that ibn Ṣayyād is the $dajj\bar{a}l$ and the Prophet $\stackrel{\text{\tiny{de}}}{=}$ did not reject that. ⁸⁰

There is no evidence in this for them because ibn Ṣayyād in the beginning, the Prophet $\frac{1}{2}$ was doubtful whether he was $dajj\bar{a}l$ or not, this is the manner the authentic narrations are narrated. That which clarifies this is

⁷⁹ Sahīh al-Bukhārī 105, 1739, 3197, 4406

⁸⁰ Sahīh al-Bukhārī 7355 | Sahīh Muslim 2929



that 'Umar said in it, "O Messenger of Allāh , let me cut his head off." The Prophet then said, "If he is he (*dajjāl*), then you cannot overpower him."

The oath 'Umar made falls under assumptions, whoever takes an oath upon that which he does not know, is not certain in that it is false, then he did not according to us break his oath and is not a sinner. This narration is an evidence for us, there is no mention in it that the Prophet believed his oath, there is only in it that the matter of ibn Ṣayyād was a possibility and the one taking an oath on a possibility as we mentioned does not do something *munkar* as there is nothing that obliged the Prophet to change something.

As for the one that says that the actions of the Prophet are obligations upon us, it is a false saying, because Allāh did not oblige us ever anything in the Qurʿān and the Sunan to do that which he did, Allāh instead said, "Indeed, in the Messenger of Allāh you have an excellent example for whoever has hope in Allāh and the Last Day" [Al-Aḥzāb: 21].

The Prophet sonly rejected tanazzuh of doing that which he did, this is that which is in the utmost of munkar, such as the one that does tanazzuh of kissing during the fast when he is fasting or does tanazzuh of walking barefoot and bareheaded, diminishing the rewards/looking down on doing the same way as the Prophet did.

As for the one that abandons doing what the Prophet did without turning away willingly from it, then the Prophet never rejected this ever, a person abandoning following the actions of the Prophet in that manner is not the one that tuns away from it, it is also not a *muḥsin* towards it but also no *musī*, not rewarded for it, but also does not sin, the one following the actions is a *muḥsin*, rewarded.

⁸¹ Sahīh al-Bukhārī 1354, 3055, 6173

As for the one that claims that the actions of the Prophet are obligatory on us to do the exact same as he did, then he is very negligent and has come with that for which there is no certain decisive evidence, anything that is like this is a false claim. Because the origin is that nothing is obligatory on us except if there are texts for its obligation from Qurʻān and Sunnah.

And also this saying implies that which cannot be comprehended. It implies the obligation for every Muslim to live where the Prophet lived and to place his feet where he placed his feet and to pray where he prayed and to fast as an obligation the days he fasted and to sit where he sat and to make any movements only exactly as he moved them and that it is prohibited to eat while leaning on a table, and the obligation to eat pumpkins, this is something no Muslim obliges, this is an impossibility.

So with that which we mentioned, the claim that the Prophets actions are obligatory has become invalid as there is no certain evidence for that. There is instead certain decisive evidence that it is not obligatory due to the verse mentioned before, everyone that has the least understanding of the Arabic language knows that if it is said, "hādhā laka," (this is for you) that it is not an obligation to accept it, it is instead permissible to leave it and to permissible to take it if it is wanted such as inheritance, and everything we have been made a choice of our own selves to it. As for the words, "'Alayka kadh" (upon you is so-and-so) this is an obligation without any doubt. So when Allāh said, "Indeed, in the Messenger of Allāh you have (the word "lakum" is used in the exact same manner) an excellent example for whoever has hope in Allāh and the Last Day" [Al-Aḥzāb 21].

Then we know what we are being recommended towards it, and we are allowed not to follow the actions as long as it is not willingly, while acknowledging that that which we leave from the mere actions of the Prophet —which are not ordered by his words—is better and that which we do, is allowed such as the sitting of a man and him not praying the voluntary prayers, he is not a sinner with that, if he would pray the voluntary prayer then it would have been better, except if he does it willingly with looking down/considering other acts better, during the possible time of that voluntary prayer, he has left Islām without difference, because he has ordained a religion which Allāh has not permitted.

We only disagree with the obligation of following his actions claimed by some of the followers of $M\bar{a}$ lik, because they are the most distant creation



of Allāh to the actions of the Prophet , from that is that the Prophet lashed for *khamr* with forty lashes 2. While they lash eighty times.

And the Prophet paid the *diyah* of Ḥaḍrī who is 'Abdullāh Ibn Sahl, which the Ḥaḍrīyīn claimed he was killed were the Jews at Khaybar And he paid it using camels⁸³, while they say, "It is not allowed to pay it except with gold or silver."

And the Prophet prayed on the grave⁸⁴.

While they say, "We do not do that."

And the Prophet # performed prayer on the absent⁸⁵.

While they say, "We do not do that."

And the Prophet *kissed while he was fasting 86.

And they say, "We dislike that."

And the Prophet # prayed while he carried Umāmah⁸⁷.

While they say, "We dislike that."

And the Prophet * prayed while sitting while Abū Bakr to his side was standing.

They say, "This is not allowed. Whoever prays like that invalidates his prayer."

There are many more examples for this but this suffices to indicate the falsehood of their method.

Some of them cling onto that these actions are specific for the Prophet $\stackrel{\text{\tiny a}}{=}$, whoever claims such is exposed to the anger of the Prophet $\stackrel{\text{\tiny a}}{=}$ and whoever is exposed to the anger of the Prophet $\stackrel{\text{\tiny a}}{=}$ is exposed to the anger of Allāh. The Prophet $\stackrel{\text{\tiny a}}{=}$ was very angry when a woman of an $Ans\bar{a}r\bar{\imath}$ asked him about kissing during the fast, the Prophet $\stackrel{\text{\tiny a}}{=}$ said $\stackrel{\text{\tiny a}}{=}$ that he does it, someone said, "You are not like us, O Messenger of Allāh, your sins are forgiven," then the Prophet $\stackrel{\text{\tiny a}}{=}$ got very mad and rejected this saying 88 .

⁸² Şaḥīḥ al-Bukhārī 6773

⁸³ Sahīh al-Bukhārī 2702

⁸⁴ Sahīh Muslim 955

⁸⁵ Sahīh al-Bukhārī 1245

⁸⁶ Sunan Abī Dāwūd 2382

⁸⁷ Sahīh al-Bukhārī 516

⁸⁸ Sahīh Muslim 1110

Who is more misguided than the one exposed to the anger of Allāh and the anger of the Prophet in making $taql\bar{\iota}d$ of a human which cannot cause harm or benefit and cannot be independent from Allāh in anything.

Those who claim that kissing during the fast is specific for the Prophet mention the saying of 'A'isha, "Who among you controls his desire more than the Prophet?" 89

This is only her saying, not that of the Prophet $\stackrel{\text{\tiny{de}}}{=}$. This saying is the greatest hujjah against them because she did not say that which they assumed, she only said that as considering it with high regard and as a rejection of whoever thinks kissing is a great deal for the one fasting. And she told them that the Prophet $\stackrel{\text{\tiny{de}}}{=}$ had more wara than them and had more control over it than them, but while that is the case he did not prevent kissing for the fasting, then how can you? And that which indicates the correctness of this ta $w\bar{t}l$ are two clear evidences: First is that \bar{A} isha said this similarly regarding the one that embraces the menstruating wife, the Prophet \bar{a} ordered her to wear a dress worn below the waist, then embraced her, she said regarding this similarly, "Who among you controls his desire better than the Prophet?" 90

It implies them to oblige not embracing the menstruating wife because of the words of 'Ā'isha, "Who among you controls his desires better than the Prophet?" Just as she said regarding kissing for the one fasting.

And secondly, they narrate regarding her that she herself said to the son of her brother 'Abdullah ibn 'Abd al-Raḥmān who is the youngest he can be, "Will you not kiss your wife and play with her?" 'Ā'isha meant the daughter of Talḥa, who is the daughter of her brother and the most beautiful slave girl of all her time, he said, "I am fasting," then she said, "But the Prophet "would kiss while he was fasting."

So she wanted the fasting young man to kiss the most beautiful slave girl, encouraging him to follow the Prophet . This is our view, not theirs.

So they did as you can see they fall into that which the Prophet \cong said among the things that are general for everyone and got angry on the one claiming it is specific for him, claiming it is $khus\bar{u}s$ (specific). Then they come to that which the Prophet himself made $khus\bar{u}s$ (specific) for him and

⁸⁹ Sahīh al-Bukhārī 1927

⁹⁰ Sahīh al-Bukhārī 299, 300, 301

 $^{^{91}}$ Muwaṭṭa' Mālik 16, 1/293 | Ma'ānī al-Āthār 3/95 | al-Muṣunnaf by 'Abd al-Razzāq 8411, 4/183

not for any other human, which is him fighting at Makkah of the infidels. The Prophet gave a *khutbah* in front of the people and prohibited them from spilling blood of anyone, then he additionally said, "Whoever believes in Allāh, and the Last Day, then let them not shed blood in it, nor cut down any of its trees. If one tries to make it permissible by saying, 'It was made permissible for the Messenger of Allāh ," then indeed Allāh made it permissible for me but He did not make it permissible for the people, and it was only made permissible for me for an hour of a day. Then it is returned to being sacred until the Day of Judgement."

Then they say regarding this, "This is general not specific!" If it would be said to them, "Go against the truth, reverse the reality!" They would not be able to do more than what they did here, this is from the grave matters we do not know how anyone with the least amount of wara' of taqlīd can utter this, the one whose ijtihād ended up being false, the one whom the āthār has reached and hujjah is established, the one excuses of has become invalid, assumption of the one believing this is very bad, we seek refuge in Allāh from every mustard seed size that leads to this, and the source of strength is with Allāh.

And when Allāh or the Prophet ** praises anyone that does that what the Prophet ** did. The one doing it is rewarded and the one leaving it is not rewarded and also does not sin, nothing regarding that is obligatory. We mentioned the certain evidences that *fard* cannot be except if it comes with the form of an order only. As we are not ordered it, it is *ma'fuw* from us (pardoned).

That which Allāh blamed (*dhamm*) is only *makrūh* not *ḥarām*, except with evidence based on what we mentioned regarding praise, without any difference. Allāh blamed *shuḥ*, he said, "And human inner-selves are swayed by greed" [An-Nisā': 128].

This is not prohibited if a person fulfilled his obligations, but it is *madhmūm* (blamed), *makrūh*. *Dhamm* (blame) is the opposite of *madḥ* (praise) in the language.

Allāh praised those that wash with water for $istinj\bar{a}$ but it is not an obligation and the Prophet \cong praised those who do not cauterize and practice charm⁹³.

⁹² Sunan at-Tirmidhī 1406

⁹³ Sahīh Muslim 218

None of that is prohibited, but if there is an evidence for a $nah\bar{\iota}$ or an order on that which is $mamd\bar{\iota}h$ or $madhm\bar{\iota}m$ it becomes an evidence for a prohibition or order, and Allāh is the source of strength.



Section: Regarding The Companion Differing With His Narration And The *Ta'līl* Claimed By *Ahl Al-Bāṭil* Because Of That And That Which They Claim Regarding *Balwā*—That Because Of Its Great Amount Only *Tawātur* Can Be Accepted

We find that narrations sometimes reaches to a companion among the companions and they make ta ' $w\bar{\imath}l$ of it, going outside its apparent and we find that they admit themselves that not much narrations reached them, in this manner the famous narration of Abū Hurairah is narrated, "And no doubt our $Muh\bar{a}jir$ (emigrant) brothers used to be busy in the market with their business (bargains) and our $An\bar{\imath}a\bar{\imath}r$ brothers used to be busy with their property (agriculture). But I (Abū Huraira) used to stick to Allāh's Messenger contented with what will fill my stomach and I used to attend that which they used not to attend, and I used to memorize that which they used not to memorize."

This is similar to what al-Barāʿ said, "Not every single thing we tell you is from the Prophet * but our companions narrate, and we were occupied with Camel herd."

This is also what Abū Bakr said, and he did not know the shares for the inheritance of the grandmother, while Muḥammad ibn Salamah and Al-Mughīrah ibn Shuʿbah knew it.

And Abū Bakr would ask 'A'isha in how much the Prophet * was enshrouded as he did not know 96.

⁹⁴ Sahīh al-Bukhārī 118

 $^{^{95}}$ Al-'Ilal by Aḥmad 2835 | al-Kāmil by Ibn 'Adī 1/157 | al-Mustadrak 'alā al-Ṣaḥīḥayn by Al-Ḥākim 1/216

⁹⁶ Sahīh al-Bukhārī 1264



And 'Umar would say regarding the narration of asking permission, "This is a matter that was unknown by me from the orders of the Prophet **, I used to be busy trading in markets." '97

And 'Umar was also unaware of the matter of a woman aborting, while others knew it.

And 'Umar also got angry at 'Uyainah ibn Ḥuṣn till Al-Ḥurr ibn Qays ibn Ḥuṣn reminded him of the verse, "And turn away from the foolish" [Al-A'rāf 199]⁹⁸.

And the matter of the Prophet \cong expelling the Jews and Christians from the Arabian Peninsula was unknown by 'Umar till the end of his $Khil\bar{a}fah^{99}$.

And Abū Bakr was not also not aware of that ruling the whole time during his *Khilāfah*, when it reached 'Umar he did not leave anyone there.

And 'Umar was also not aware of the ruling of leaving the epidemic, which was known by 'Abd al-Raḥmān ibn 'Awf¹⁰⁰.

And 'Umar asked Abū Wāqid al-Laythī what the Prophet *would recite during the '*īd al-fiṭr*' and adha prayers¹⁰¹. While he had prayed it with the Prophet for many years.

'Umar also did not know what had to be done with the Magians for *jizyah* till the Prophet * told him the order of the Prophet regarding them them the order of the Prophet because them the told him the order of the Prophet them the order of the Order of

And 'Umar forgot accepting the *jizyah* of the Magians of Bahrain, while this was a very well-known order, perhaps 'Umar had even taken from their property a portion just as others took it.

And the 'Umar forgot the order of the Prophet \cong to perform *tayammum* for the *junub*, 'Umar said, "No tayammum is ever done, and no prayer is done except if water is found," this is also what 'Ammār mentioned¹⁰³.

⁹⁷ Şaḥīḥ al-Bukhārī 2062

 $^{^{98}}$ Şaḥīḥ al-Bukhārī 4642

 $^{^{99}}$ Al-Muşannaf by 'Abd al-Razzāq 7208, 9984 | Sharḥ al-Mushkil 7263 | Muwaṭṭa' Mālik 18

¹⁰⁰ Şahīh al-Bukhārī 5729

¹⁰¹ Sahīh Muslim 891

¹⁰² Sahīh al-Bukhārī 3156 | Sunan Abī Dāwūd 3043 | Sunan at-Tirmidhī 1586

¹⁰³ Sahīh al-Bukhārī 345, 346, 347 | Sahih Sahīh Muslim 368



And 'Umar wanted to divide the property of the Ka'bah till Ubay ibn Ka'b argued against him that the Prophet did not do that, then he stayed away from it 104.

And 'Umar would return women who menstruate before the $wad\bar{a}$ ' during their hajj/'umrah till he was told that the Prophet \cong did allow then, then he abstained from returning them¹⁰⁵.

And 'Umar would make a difference between *diyah* of the fingers till it reached him about the Prophet that they are all similar, then he left his view of that to follow the words of the Prophet ...

And 'Umar would view the *diyah* for the '*aṣabah* only till he al-Paḥḥāk ibn Sufyān told him that the woman can inherit it as well, then 'Umar hastened to this view¹⁰⁶.

And 'Umar would prohibit the women from setting the *mahr* high in marriage by using as evidence the *mahr* paid by the Prophet $\stackrel{\text{\tiny \#}}{=}$. Then a woman reminded him of the verse, "And you have given one of them a *Qinṭār*" [An-Nisā': 20].

And 'Umar wanted to stone the insane till he knew the words of the Prophet *, "The pen is uplifted from three," then he ordered not to stone them.

And 'Umar ordered the stoning of $H\bar{a}$ tib till 'Uthm \bar{a} n said that there is no *hadd* on the *j\bar{a}hil* then he abstained from stoning him.

And 'Umar rejected Ḥassān of chanting poetry in the mosque till he and Abū Hurairah told 'Umar that the people would do that in front of the Prophet \$\mathref{s}^{107}\$.

The obligation of *ghusl* after intercourse was unknown by the Anṣār and Muhājirin such as 'Uthmān, 'Alī, Ṭalḥa, al-Zubayr and Ḥafṣa, except if there is release of semen, while there is a lot of *balwā* in this ¹⁰⁸.

The *naskh* from *wuḍū'* from what touches the fire was unknown by 'A'isha, Umm Ḥabībah, ibn 'Umar, Abu Hurairah, Abū Mūsā, Zayd ibn Thābit, Sa'īd ibn al-Musayyib and other men from the *fuqahā'* of Madīnah¹⁰⁹.

¹⁰⁴ Hajjah al-Wadā '375

¹⁰⁵ Sunan Abī Dāwūd 2004

¹⁰⁶ Sunan Abī Dāwūd 2927

 $^{^{107}}$ Sunan Al-Kubrā by Al-Nasā'ī 9999 | Musnad Aḥmad 5/222

¹⁰⁸ Sahīh al-Bukhārī 179, 1/283

¹⁰⁹ Sahīh Muslim 353

All of this has a lot of balwa, this and that which will come invalidates that which someone says who does not care about his words, among the hanafiyyah and $m\bar{a}likiyyah$ as they say, "If the matter would be much $balw\bar{a}$ then $khabar\ ul-w\bar{a}hid$ is not accepted." The wonder is that these two groups have accepted narrations which many others have opposed while they have much $balw\bar{a}$, such as when the hanafiyyah accept the narration about the breaking of $wud\bar{u}$ from laughing and it is weakened by others and the $m\bar{a}likiyyah$ accepting the narration of an oath with the witness and this is weakened by others. And like this there are many examples.

'Abd al-Raḥmān ibn al-Aswad said, "I was sitting with my father at 'Arafah and ibn al-Zubayr was giving a khuṭbah to the people. ibn al-Zubayr said, 'Indeed there is in this takbīr, taḥmīd and tahlīl, so make takbīr, praise Allāh and say, 'Lā Ilāha Illa Allāh.' Then my father stood up and wandered among the people, stepped over them till he reached him, then he said, 'I witnessed that I heard 'Umar on this minbar saying the talbiyah.' Then Ibn Al-Zubayr said, 'Labbayk Allāh Labbayk,' and it was very loud."

So it was unknown as you can see for Ibn Al-Zubayr and others, while it was very well known from the Prophet ...

'Umar also prohibited using the names of the Prophets¹¹¹, this is while he saw Muḥammad ibn Salamah coming to him in the morning and evening, and he was one of the notable companions. He also saw Abū Ayyūb al-Anṣārī and Abū Mūsā al-Ashʿarī, who were known only by their *kunyas* among the companions. He saw Muḥammad ibn Abī Bakr al-Ṣiddīq, who was born in the presence of the Messenger of Allāh aduring the Farewell Pilgrimage, and his mother consulted the Prophet about what to do when she gave birth during her *iḥrām* while she is *nufasā*.

It is known with certainty that the Prophet ** knew the names we mentioned and their *kunya* without any doubt and acknowledged them upon that and called them with it, the Prophet ** changed none of it. When Ṭalḥa and Ṣuhayb told 'Umar about the Prophet that he allowed it, then 'Umar returned to the truth.

 $^{^{110}}$ Shar
ḥ Maʿānī al-Āthār 2/226 | Al-Muṣannaf by ibn Abī Shaybah 13975, 3/256 | Maʿrifah al-Sunan 4/107

¹¹¹ Juz' Ḥanbal ibn Isḥāq 26, 1/26



And 'Umar wanted to abandon *ramal* in *ḥajj*, then it was mentioned to him that the Prophet ## did it, then he also did it, he then said, "We do not like to leave it." ¹¹²

And 'Uthmān, they narrated about him that he sent to al-Farī'ah the sister of Abu Sa'īd al-Khudrī, he asked her what the Prophet said regarding her 'iddah and he took from that 113.

And 'Umar wanted to stone a woman that gave birth after six months, then 'Alī reminded him that pregnancy can indeed be six months, then he refrained from stoning her¹¹⁴.

And 'Alī admitted that many companions would say that which is not from the Prophet , and he inquired them to take on oath upon that except Abū Bakr, he did not inquire him an oath, and Allāh benefited him as he willed from that which he heard from it which he did not know before 115.

And Ṭalḥa would allow $nas\bar{\iota}$ 'ah between gold and silver, till 'Umar reminded him of its prohibition 116 .

And ibn 'Umar and ibn 'Abbās would both allow the exchange of one *dirham* for two *dirhams*, till they were reminded, then they stood away from it. After that ibn 'Umar would narrate this from Abu Sa'īd al-Khudrī, from the Prophet * 117.

So ibn 'Umar returned to that and left his $ra'\overline{\iota}$, it is also narrated after that, that ibn 'Umar said, "This is that which the Prophet " ruled us with." 118

We say regarding the <code>hadīth</code> of the Prophet when it reaches us: 'This is the covenant of our Prophet to us.' This is how we understand the matter of everything that has been narrated from a Companion transmitting a <code>hadīth</code> about the Prophet and then it being narrated about him that he acted in a way contrary to it. They only gave a ruling contrary to the <code>hadīth</code> before the <code>hadīth</code> reached them, and when it did reach him, they then narrate from what reached them. It is not permissible to think otherwise about the Companion.

 $^{^{112}}$ Ṣaḥīḥ al-Bukhārī 1605

¹¹³ Sunan Abī Dāwūd 2300 | Sunan at-Tirmidhī 1204

¹¹⁴ Al-Musannaf by 'Abd al-Razzāg 13443, 13444 | Al-Sunan by Al-Bayhagī 8/220

¹¹⁵ Sunan Abī Dāwūd 1521

¹¹⁶ Sahīh al-Bukhārī 2134, 2170, 2137

¹¹⁷ Sahīh Ibn Hibbān 5023 | Al-Mu'jam al-Kabīr 454-459

¹¹⁸ Sunan Al-Kubrā 6161 | Al-Mujtabā 7/278 | Al-Muwatta' Mālik 1300

This is exactly what we have narrated about Ibn 'Umar with clear evidence not ambiguous, and that they make ta ' $w\bar{\imath}l$ of what they heard from the $had\bar{\imath}th$.

Whoever understands this differently than we have clarified does not cease to place the Companion under two possibilities, from which Allāh, the Exalted, has protected them. Both are misguidance and corruption: either it means openly opposing the Prophet is impermissible for anyone and unacceptable to think of them or it implies that they had knowledge obliging them to act contrary to what they narrated, but refrained from narrating it to us, but narrating the abrogated text while concealing the abrogating one. Such is kufr from the one who does it and confusion in the religion, and no one does attribute this to them except someone with a deviated heart or someone who is ignorantly blind-hearted. So their invalid assumption is invalidated, and our statement is confirmed. All Praise be to Allāh.

There is no third possibility at all, except if they forgot what they narrated before, this is possible. If they did ta $w\bar{t}l$ then it is zann of the companion, and their narration of the Prophet is $yaq\bar{t}n$, it is not allowed for anyone to abandon the $yaq\bar{t}n$ for zann. So the issue has been completely resolved in this chapter, and all praise is to Allāh, the Most exalted.

They, may Allāh be pleased with them are all excused, because it is $ijtih\bar{a}d$ from them, while that among them is very few. This is not like that from those that make $taql\bar{\iota}d$ of them.

 ${}^{\dot{}}$ A'isha and Abū Hurairah did not know the ruling of wiping on the *khuffain*, and also not ibn 'Umar. While Jarīr knew it, and he did not accept Islām except a few months before the passing of the Prophet $\stackrel{\text{\tiny def}}{=}$. 'Ā'isha affirmed that she had no knowledge regarding it. She ordered questioning the one that had knowledge about it who was 'Alī¹¹⁹.

And Ḥafṣa was asked about intercourse, in which the man does not release semen, whether he is obliged to perform ghusl or not, she said, "I do not know." ¹²⁰

Ibn Umar started thinking that the Prophet had prohibited renting lands after forty years after the passing of the Prophet $\stackrel{\text{\tiny{de}}}{=}$, so he stopped doing it¹²¹.

¹¹⁹ Sahīh Muslim 276

¹²⁰ Musnad Ahmad 21413

¹²¹ Sahīh al-Bukhārī 2345



While he affirmed that they used to rent lands during the time of Abū Bakr, 'Umar and 'Uthmān. He did not say, "It should not have been possible for it to be hidden from them," that which Rāfī', Jābir and Abū Hurairah knew.

They say what they desire, "If this would have been the truth it would not have been unknown by 'Umar."

It had been unknown for Zayd ibn Thābit, Ibn 'Umar and the majority of *ahl ul-madīnah* the permissibility given by the Prophet for the menstruating woman to depart from Makkah, till ibn 'Abbās and Umm Sulaym informed them about the permissibility given by the Prophet for it, then they abandoned their previous view 122.

The ruling of $iq\bar{a}mah$ till the deceased is burried was unknown by Ibn 'Umar, till he was told about it by Abū Hurairah and 'A'isha, then he said, "We have missed out many $q\bar{v}r\bar{a}ts$ (of rewards)."

And it was said to Ibn 'Umar regarding his choice of *mut'ah* in *ḥajj* for *ifrād*, "You have opposed your father." Then he said, "Is the book of Allāh more deserving to be followed or Umar?" ¹²⁴

 $Wud\bar{u}$ after touching the private part was unknown by ibn 'Umar, till it reached him that the Prophet \cong ordered that by Busrah bint Ṣafwān, then he took from it.

And Ibn 'Abbās did not know the prohibition of *mut'ah*, and the prohibition of consuming domesticated donkeys, till he was informed regarding it by 'Alī¹²⁵.

Ibn 'Abbās said, "Do you not fear that Allāh will cause the earth to swallow you? I say to you, 'The Messenger of Allāh has said,' and you say, 'But Abū Bakr and 'Umar said.'"¹²⁶

The $Ans\bar{a}r$ forgot the saying of the Prophet $\overset{\text{\tiny \#}}{=}$, "The a 'immah are from Quraysh," and Anas had narrated it ¹²⁷. And 'Ubādah ibn al-Ṣāmit narrated that which indicates that.

¹²² Sahīh al-Bukhārī 1758, 1759

¹²³ Şaḥīḥ al-Bukhārī 1323 | Şaḥīḥ Muslim 945

¹²⁴ Sunan at-Tirmidhī 824

¹²⁵ Şaḥīḥ al-Bukhārī 5115, 6961

 $^{^{126}}$ Musnad Aḥmad 1/252-337 | Al-Jāmi $^{\circ}$ by ibn 'Abd Al-Barr 1248 | Ḥajjah Al-Wadā ' 366

¹²⁷ Musnad Ahmad 19777, 33/21



They would not abandon their $ijtih\bar{a}d$ except of a matter that reached them from the Prophet \cong .

And Abū Hurairah said that they, May Allāh be pleased with them would be occupied with property and trade and that he would accompany the Prophet and would be present to that which they would not be present on.

We have mentioned this narration in the chapter of $ijm\bar{a}$ in this book of ours, regarding the chapter on the falsehood of those who say, "If the majority agree to something, and only one opposes, then that one person does not matter," so we are not in need to repeat it again.

So if we find that a companion would not know the Sunnah, or it would reach them and they would make ta ' $w\bar{t}l$ of it, just as they did regarding the prohibition of donkeys¹²⁸, as al-Bukhārī narrated that they differed, some of them said, "It is prohibited because it eats dung." Others said, "Because it is not divided for *khums*." Others said, "It fears the ending of *zuhr*." Some said, "Since then all of it is prohibited."

All of this is false except for the one that said, "All of it prohibited," as the texts have come with the prohibition of the exact thing and because it is rijs, which is narrated by Anas. Since all of what we mentioned is established, $taql\bar{t}d$ becomes false completely, and it becomes obligatory not to take from the $ra'\bar{t}$ of a companion, then how when he opposes what he narrated from the Prophet $\stackrel{\text{def}}{=}$.

We have written regarding the falsehood of *taqlīd* in this book, we have mentioned that which the companions said in the presence of the Prophet and then the Prophet said that that which was their view was not the truth.

Everything the people who flee from the realities, when the embarrassment prevails them regarding that which they cling onto, they are the most distant creations of Allāh to their method. The followers of Abū Ḥanīfah only cling onto it regarding their differing with the order of the Prophet of washing the vessel which a dog licked seven times 130.

They say, "But it is narrated that Abu Hurairah said with his $ra'\bar{\iota}$ that it is three times only."

¹²⁸ Sahīh al-Bukhārī 3155

¹²⁹ Fath al-Bārī 6/255

¹³⁰ Sahīh al-Bukhārī 172



Then they abandon that which Abu Hurairah narrated about the Prophet and also the ra $\bar{\imath}$ of Abu Hurairah, they oppose his narration from the Prophet which no one is allowed to oppose and also the view of Abu Hurairah and ordain a new religion, they say, "He does not wash it except once," and the Mālikīs have abandoned, contradicted their own method and said, "He washes it seven times," so they took the narration of Abu Hurairah from the Prophet here and abandoned his ra $\bar{\imath}^{l3l}$.

And then all of them cling onto the narration of Ibn 'Abb \bar{a} s and ' \bar{A} 'isha regarding fasting on behalf of the deceased¹³².

Then they say regarding this, "But ' \bar{A} 'isha and ibn 'Abbās have opposed with their ra' $\bar{\imath}$ what they narrated," so all of them contradict here and take from the saying of ibn 'Abbās and ' \bar{A} 'isha and abandon their narrations. And the Mālikīs take from the narration of Abū Hurairah of before and abandon his own ra' $\bar{\imath}$.

There is no evidence for the Ḥanafīs in 'Ā'isha and ibn 'Abbās opposing the narration because even if they opposed what they narrated, the exact same thing is also narrated by al-Aslamī, and he did not oppose what he narrated, and the most authentic regarding the matter of ibn 'Abbās is that his view was that which he narrated from the Prophet without opposing it.

And He ordered fasting on behalf of the deceased who had fasts from vows, this goes according to his narrations. As for him prohibiting it, it is narrated regarding him from Muḥammad ibn 'Abd al-Raḥmān ibn Thawbān and he is weak. Saʿīd ibn Jubair narrated the opposite which is the most authentic.

As for them clinging onto that 'A' isha opposed with her $fatw\bar{a}$ that which she narrated from the Prophet regarding the matter of fasting on behalf of the deceased, then where is their consistency with this corrupt method? As 'A' isha narrated that the prayer was first obligatory for two rak 'ahs, at that time she affirmed that for the prayer of travelling that it is two rak 'ahs. Then the prayer for the resident was added, but she would then still pray four rak 'ahs during the travels¹³³.

Here they took from her narration about the Prophet $\stackrel{\text{def}}{=}$ and abandoned her own $ra'\bar{\imath}$. And when she narrated regarding the $tah\bar{\imath}r\bar{\imath}m$ of

¹³¹ Badā'i' al- Ṣanā'i' 1/78 | Al-Mabsūt 1/48 | Al-Mudawwanah 1/115

¹³² Sahīh al-Bukhārī 1952, 1953

¹³³ Şahīh al-Bukhārī 351

laban al-faḥl (The husband of the nursing woman, $taḥr\bar{t}m$ becomes on those whom his wife nursed). She would not take and those who came to her whom she nursed among her brothers of woman but those she nursed from the sisters of the daughters, they left her $ra \, \bar{\tau} \,$ and took her narration 134 .

And when 'A'isha narrated from the Prophet $\stackrel{\text{def}}{=}$ that every woman that married without the permission of the *walī*, then the marriage is false¹³⁵.

She opposed this, rejected that and married off the daughter of her brother 'Abd al-Raḥmān to Al-Mundhir ibn al-Zubayr, and 'Abd al-Raḥmān was absent nearby in Syria, she did it without his knowledge¹³⁶.

So the Mālikīs took from her narration about the Prophet $\stackrel{\text{def}}{=}$ and abandoned her $ra\ddot{\imath}$ and her actions.

If they say, "She made ta wīl in all of that."

We say to them: In this manner she made ta ' $w\bar{\imath}l$ in her $fat\bar{a}wa$ not to fast for the dead, perhaps the woman she gave fatwa not to be fasted on behalf had no $wal\bar{\imath}$, 'A' isha then did not see leaving the apparent of that narration which she narrated from the Prophet #, because the texts of the narration is, "Whoever passes away their $wal\bar{\imath}$ fasts on their behalf."

This is the same thing the Mālikīs do with that which 'Umar narrated that there is for the woman divorced thrice, spending and lodging them, the narration of Fāṭima bint Qays from the Prophet had reached him that there is nothing of that for them and he did not take from it 137.

Then the Mālikīs oppose the *ra'ī* of 'Umar and took from the half of the narration of Fāṭima and did not see spending for the one divorced thrice, so they opposed 'Umar, and in the other half of the narration they see for her *suknah*, and 'Umar had recited the verse just as they recited it.

This is also what they do regarding the narration of ibn 'Abbās from the Prophet , "The *ḥadd* of the *mukātab* slave, his inheritance and his *diyah* is the amount which he has paid off." 138

They said, "Ibn 'Abbās opposed it and gave $fatw\bar{a}$ with other than that."¹³⁹

¹³⁴ Sunan at-Tirmidhī 1148 | Al-Ma'rifah by Al-Bayhaqī 15427, 11/251

¹³⁵ Sunan Abī Dāwūd 2083

 $^{^{136}}$ Muwatta' Mālik 1160, 2/555 | Al-Muṣannaf by 'Abd al-Razzāq 11947

¹³⁷ Sahīh Muslim 1480

¹³⁸ Sunan Abī Dāwūd 4581, 4582

¹³⁹ Al-Ishrāf 1/348-349 | Fath al-Bārī 5/194



There is no hujjah for them in this because this narration is narrated also from 'Alī ibn Abī Ṭālib and he took from it and gave $fatw\bar{a}$ according to it¹⁴⁰.

And ibn 'Abbās abandoning acting upon his narration was not an evidence against the 'Alī acting upon it.

It is possible that ibn 'Abbās abandoned that which he narrated from the Prophet for many reasons: One possibility is that they made ta ' $w\bar{\imath}l$ of it differently, as we mentioned earlier, or that they had entirely forgotten it, or that they forgot it at the time they issued a verdict that contradicted it, as we mentioned earlier regarding those who issued *fatwas* contrary to the Qur'ān, having forgotten what they had memorized of it.

Another possibility is that the *ḥadīth* had not reached them at the time they issued their verdict, and they only learned of it later. All these possibilities exist in what has been narrated from the companions, none of them are sins. Unawareness of *ḥadīth*. And then as we mentioned there are many cases of other companions taking from the narration of the Prophet in their *fatāwa*, even if the narrator of it opposed himself.

It is not allowed for anyone to leave the words of the Prophet $\stackrel{\text{def}}{=}$ for a fatwā that came from a companion $\stackrel{\text{def}}{=}$, or anyone other than them, instead of taking that which is authentic from the Prophet $\stackrel{\text{def}}{=}$.

If we would mention every single issue they opposed that which the companions narrated from the Prophet to take from the *fatāwa* of the companions and that which they opposed the *fatāwa* of the companions for their narrations about the Prophet, it is indeed an immense number, because the only thing these people care about is saving the ruling they desire, only with everything they have, even if they with that contradict themselves in other issues. In that which we mentioned, there is sufficiency.

In reality that which the companions have of differences to their narrations attributed to the Prophet **, they are earlier to be abandoned because of the reason it differs with what is attributed to the Prophet **, this is a chapter they have an immense contradiction.

Ibn 'Umar, Abū Barzah, they narrated from the Prophet , "The seller and the buyer have the option of canceling or confirming the deal unless they separate." ¹⁴¹

¹⁴⁰ Al-Mujtabā 8/46 | Sunan Al-Kubrā 5022, 3/196 | Musnad Ahmad 1/94-104

¹⁴¹ Sahīh al-Bukhārī 2109



They understood this (the separation) to mean *tafarruq al-abdān* (with the body physically) then here the Mālikīs and Ḥanafīs oppose them and say, "*Tafarruq* is only with words," they did not consider anything that which the two companions understood this narration as which they themselves narrated.

And 'Alī narrated from the Prophet $\stackrel{\text{def}}{=}$, "The $tahr\bar{t}m$ of the prayer is the $takb\bar{t}r$ and its $tahl\bar{t}l$ is the $tasl\bar{t}m$."

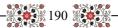
Then it was narrated from 'Alī that he abandoned it.

It is narrated from 'Alī that he gave a *fatwa* that moving the head from $suj\bar{u}d$ finishes a prayer¹⁴³.

Then the Mālikīs opposed it and they see $tasl\bar{\imath}m$ as obligatory which must happen, their contradiction in this chapter is very immense.

¹⁴² Sunan Abī Dāwūd 61 | Sunan at-Tirmidhī 3

 $^{^{143}}$ Sharḥ Maʿānī al-Āthār 1/273 | Sunan Al-Dāraquṭnī 1358 | Al-Muṣannaf by ʿAbd al-Razzāq 2/246-356 | Al- Muṣannaf by ibn Abī Shaybah 2/233



Section: The Ruling Of The 'Adl

If we know that a narrator who is 'adl could have met the one whom he narrates from who are among the ' $ud\bar{u}l$ (pl. 'adl) then it is $liq\bar{a}$ ' (they met) and $sam\bar{a}$ (heard from each other), because acceptance is from the conditions from an 'adl. And acceptance negates rejecting him, making mere assumptions that he might have done isnād to others whom he did not hear from, except if there is evidence established for that of those that do that. And whether if he said, "haddathanā," or "anba'anā," "'an" or, "he said," all of this is samā 'from him, it is muttaṣil. It is an obligation to take from the thiqāt exactly as Allāh ordered, this is the yaqīn and yaqīn cannot get invalidated except with another *yaqīn*, merely doubting that two narrators did not meet is an assumption and making it a condition that it must be known by witnesses that they met or heard from each other is a false condition even with 'an 'anah. Especially as it implies claiming against the *thiqah* whom we are obliged to take from. As long as there is no additional *yaqīn* that the two could not have heard from each other than it is always connected and there is no condition of having witnesses that they heard from each other, whether the isnād is mu 'an 'an or not. 'an' didn't mean ittisāl, the nuggād would not have singled out only a small group of narrators from the thousands of transmitters specifically those known for tadlīs—and said that, for these narrators specifically their 'an' does not imply an ittiṣāl. And would they blame these mudallisīn for doing this? Is not the reason for that that they give the impression as if they heard? This can only be possible if 'an' usually meant direct hearing. If we additionally know that anyone allowed talbīs regarding that, then his 'adālah ceases and takes the ruling of the deceiving mudallis. The ruling of the 'adl whose 'adālah is affirmed is that he has wara' (precaution), sidq (upright), not fisq (open sins) and it is not allowed to accuse, think badly it is prohibited by texts, till this is established, there is no difference of opinion regarding this, only those who contradicted.

It is not it a condition that the *mujarriḥ* must have met the narrator, nor is it a condition that the *muwaththiq* must have met the narrator, this is a false condition without any evidence. Knowledge of it can be established by the narrations of the narrator, but the narrator cannot have been unknown. And Allāh is the source of strength.



Section: Regarding The Claims Of The People Regarding Contradiction (*Taʿāruḍ*) In The Qurʿān and Sunnah

When two narrations contradict, or two verses or a verse and a narration, which is assumed by the one that does not have knowledge, then it is obligatory on all Muslims to use all of them, because none of it is more deserving to be followed than the other, not a <code>hadīth</code> more likely than another <code>hadīth</code> and also not a verse more likely than another verse, all of it is from Allāh, all of it is the same in the aspect of obedience towards it and using it without any difference. It is narrated that the Prophet said, "Does any of you, while reclining on his couch, imagine that Allāh has prohibited only that which is to be found in this Qurʿān? By Allāh, I have preached, o and prohibited various matters as numerous as that which is found in the Qurʿān, or more numerous." 144

The Prophet spoke the truth that the Qurʿān is like the Qurʿān without any difference regarding obedience towards it, all of that is obligatory on us, and Allāh affirmed this as the truth when he said, "Whoever obeys the Messenger has obeyed Allāh" [An-Nisāʾ: 80].

It is also like the Qur'ān in the aspect that it all revelation (waḥī) from Allāh, Allāh said, Allāh said, "Nor does he speak of (his own) his desire. It is only a revelation revealed" [Al-Najm: 3-4].

There is no difference among the Muslims that there is no difference between obedience to the words of Allāh, "Perform the prayer" [An-Nūr: 56] and between the obligation of obedience to the Messenger of Allāh ordering the resident to pray *zuhr* with four *raka'āt* and the traveler with two *rak'ahs* and that anything that is in the Qur'ān is not more obligatory and not more

¹⁴⁴ Sunan Abī Dāwūd 3050

affirmative than that which is authentic from the words of the Prophet , even if the manner of how affirming them is different.

The previous narration is narrated from some *turuq* that the Prophet said, "It (the sunnah) is like the Qur'ān and more." ¹⁴⁵

There is no rejection towards these wordings because the Prophet only intended with those words that it has a larger amount than the Qurʿān, and this is something known by senses and witness, because the obligations mentioned with the words of the Prophet which are a clarification to the orders and words of Allāh are more than what is mentioned in the Qurʿān.

If there are two texts mentioned as we mentioned then the one that thinks that there is a contradiction, which is not a contradiction, this assumption only occurs according to him un four manners with no fifth to it. It is either that one text has lesser meaning than the other text.

Or one of it is permits it while the other prohibit.

Or that one obliges while the other negates obligation, it is in these cases an obligation to make an exception for the least meaning from the most meaning, and that is such as when the Prophet $\stackrel{\text{\tiny{de}}}{=}$ ordered not to leave *makkah* until he performs the last $taw\bar{a}f$ around al-bayt, then he allowed the menstruating woman to leave before the $taw\bar{a}f$ al-wad \bar{a} , so it is obligatory to exclude the menstruating women from the general ruling of those that leave.

And likewise the narration of the Prophet \approx regarding the prohibition of selling dried dates for ripe dates. then he made ' $ar\bar{a}y\bar{a}$ an exception from what is less than five awsuq (60 $s\bar{a}$ ' \times 5.33 ritl 1 ritl is 453 grams)¹⁴⁶.

And such as when Allāh ordered amputating the stealer and the stealeress in general while the Prophet $\stackrel{\text{\tiny{de}}}{=}$ said, "There is no amputation except in (stealing) higher than four $d\bar{\imath}n\bar{a}r$." So it becomes obligatory to exclude the stealer of lower than four $d\bar{\imath}n\bar{a}r$ from the ruling of amputating in general and the stealer of higher than it remains within the obligation of amputating them.

The same applies for $tahr\bar{t}m$ of the nursing mothers while the Prophet said that there is no $tahr\bar{t}m$ with one and two suckling's and ten $muharram\bar{a}t$ became abrogated by five so it is obligatory to exclude anything other than that for $tahr\bar{t}m$ so five and further remains for $tahr\bar{t}m$.

¹⁴⁵ Sunan Abī Dāwūd 3050

¹⁴⁶ Sahīh al-Bukhārī 2190



And just as when Allāh said, "Do not marry the *mushrikāt* they believe" [Al-Baqarah: 221].

While Allāh allowed marriage with the *muḥṣanāt* among women of *ahl ul-kitāb*, these are excluded from the general prohibition of *mushrikāt*, so the remaining *mushrikāt* women remain within that prohibition of marrying them.

And just as the Prophet said, "Your blood, property and honor are for each other *harām*."

While Allāh said, "So whoever has assaulted you, then assault him in the same way that he has assaulted you" [Al-Baqarah: 194].

And the Prophet sordered killing the *murtadd* after his *Islām* or the fornicator after his marriage or for killing another person or consumption of *khamr* after he was lashed for it three thrice and he allowed killing the one that seeks corruption in the land and ordered taking known property for *zakāt*, *nafaqāt*, *kaffārāt* and ordered changing the *munkar* with the hand, all of this is made an exception from the general prohibition of blood, property and honor and the remaining remain in the prohibition as it is allowed in those specific cases and prohibited in other than then.

We showed in this *mas'alah* the exception made of the lesser meaning from the more general meaning and we showed the permissibility from something prohibited in general and a prohibition from a permissibility and a narration and a verse, a verse and a narration, a narration and a narration, a verse and a verse, it does not matter in which way it occurs, whatever text it may be, and whether the most meaning is mentioned earlier or later and whether, one of them is not abandoned for the other, both must be used. This was the first type.

The second manner is when some texts oblige only oblige some of that which another text obliges or when a text only prohibits some of that which other texts prohibited, a people assume this to be a contradiction and they are mistaken regarding that and it is filled with confusion and falsehood, we have clarified their falsehood regarding this in the chapter of *dalīl alkhitāb*, an example for this is that Allāh said, "And to parents, good (*iḥsān*)" [Al-Isrā': 23].

And Allāh said, "Allāh orders justice and the good (*iḥsān*)" [An-Naḥl: 90].



And the Prophet said, "Verily, Allāh has prescribed iḥsān (the good) for everything." ¹⁴⁷

The order of Allāh of $ihs\bar{a}n$ towards the parents became something which does not contradict $ihs\bar{a}n$ to other matters and to other people and to owned animals or the dead, it is instead part of it, encompassed in the general order, just like his prohibition to all of us from fornicating with the wife of the neighbor while Allāh said in general regarding fornication, "Do not come close to $zin\bar{a}$ " [Al-Isrā': 32].

The Prophet = mentioning the wife of the neighbor does not contradict the general prohibition of $zin\bar{a}$, it is instead part of the general prohibition. So a group of people were wrong regarding this and thought that the saying of the Prophet = regarding 'pasturing' cattle contradicts the order of the Prophet = obliging one sheep for every forty sheeps for $zak\bar{a}h$, the matter is not as they falsely assume. The 'pasturing' cattle is only part of the general ruling of sheeps and $zak\bar{a}h$ is obligatory on the pasturing cattle from the narration that mentions pasturing cattle and also the other narration about sheeps, $zak\bar{a}h$ is also obligatory on other than pasturing cattle.

Some people also in the same manner were mistaken and assumed regarding the verse, "There is no sin on you, if you divorce women while yet you have not touched (any touch) them, nor appointed unto them their *Mahr*. But bestow on them (a suitable gift)" [Al-Baqarah: 236].

That it contradicted the verse, "And for divorced women, maintenance (should be provided) on reasonable (scale)" [Al-Baqarah: 241].

And the first verse is only part of this general one as we said regarding the narration of pasturing cattle without any difference. The people similarly made a mistake regarding the verse, "And (He has created) horses, mules and donkeys, for you to ride and as an adornment" [An-Naḥl: 8].

They think that this contradicts the verse, "O mankind! Eat of that which is lawful and good on the earth and follow not the footsteps of satan" [Al-Baqarah: 168].

And they assume that it contradicts the verse, "And He has clarified to you what is prohibited for you" [Al-An ām: 119].

And they think the verse, "Or blood spilled out" [Al-Anʿām 145]. Contradicts the verse, "Prohibited for you is carrion and blood" [Al-Māʾidah: 3].

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¹⁴⁷ Sahīh Muslim 1955

And that is not the case at all based on what preceded before because there is nothing from the $nus\bar{u}s$ we mentioned a prohibition in the other ones mentioned, there is not in the narration regarding the pasturing cattle a prohibition of $zak\bar{a}h$ on other than the pasturing animals and also no order for it, so its ruling is sought from other than the narration regarding the pasturing cattles.

There is also not in the order of providing for the divorced who is not touched by the husband—whether intercourse or not—a prohibition of providing the touched wife and also no order regarding it, so its ruling is sought from another place.

There is also not in the saying of Allāh that the creation of mules to ride them and as an adornment, a prohibition for eating them and selling them and also no permissibility for both of that. The ruling must be sought from other places. There is also not in Allāh prohibiting 'spilling' blood, any information that anything other than that which is spilled is permissible, it is instead prohibited through other verses as we mentioned.

There is also not in his order of $ihs\bar{a}n$ to the fathers a prohibition of $ihs\bar{a}n$ to other than them and also no order regarding it. So the ruling of $ihs\bar{a}n$ towards other than the parents is from other texts.

Whoever makes a difference in This chapter has ruled without certain decisive evidence and has spoken falsehood without *'ilm* and without guidance from Allāh. And this was the second manner.

The third type is when one of the two texts orders an act tied to a specific way of doing it, a particular time, person, place, or quantity, while the other text prohibits an act based on a certain way, time, place, quantity, or excuse. In each of the two acts mentioned — one orders, the other prohibited — there is something that could be specified from the other. This occurs when each of the texts in question carries two or more rulings, such that some aspects mentioned in one text are general with respect to some aspects mentioned in the other, with nothing else included, and the second text also encompasses some general aspects found in the other.

This is among the most precise and intricate challenges that scholars may encounter when composing texts. We present examples to illustrate this, by $All\bar{a}h$'s will and strength, to aid in understanding this subtle matter. May the student of knowledge, and those eager for it, understand how to approach



this, by Allāh's will. There is no power nor strength except through Allāh, the Exalted, the Great.

We have not found anyone before us who has given this matter the attention it deserves, as errors and contradictions in it are common, except for those whom Allāh has guided with His grace and kindness. There is no deity but Him.

An example for such a case is when Allāh said, "And [an obligation] to Allāh from the people is a pilgrimage to the House - for whoever is able to find thereto a way" [Āl-'Imrān 97].

And the Prophet \approx said, "It is not allowed for a woman who believes in Allāh and the last day to travel, except with a husband or a *maḥram* of her." ¹⁴⁸

So, there is in the verse for all mankind in general, an obligation to perform a specific act which is a travel towards a specific place by its name apart from other places which is Makkah a 'azzahā Allāh. Know this, and then that which is mentioned in the narration, a $takh s \bar{s}$ for some people which are women and the prohibition for them of a general act which is traveling in general, he did not specify as a permissibility a travel to any place.

So the people differed in how to make use of these two texts. Groups among them said that the meaning of that is, "And an obligation to Allāh from the people is a pilgrimage to the house, except woman, who do not have a husband or a *maḥram* of her, there is no *ḥajj* obligatory for her if she has to travel to perform it (without them)." So they clearly made an exception for women.

Another group said, "The meaning of it is that it is not allowed for any woman that believes in Allāh and the last day to travel except with the husband or her *maḥram*, except for the travels that which she is obliged to such as *ḥajj* or is recommended for her such looking after her property or that which she is obliged such as being expelled for such she goes without a husband and without a *maḥram*." So they made an exception for obligatory and recommended travels from other travels in general, so they place for every permissible travel that is not obligatory or recommended within the general prohibition for women to travel except with a husband or her *maḥram*.

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¹⁴⁸ Sahīh al-Bukhārī 1862



There is nothing in the hands of these two groups mentioned except that they describe the arrangement of it according to their *madhab* in using two texts mentioned, one of them is not better than the other. There must be certain decisive evidence for the correctness on one of the exceptions.

As for us we only go with the exception of obligatory and recommended travels from other permissible travels and oblige a woman to travel for *ḥajj* and *'umrah* which are obligatory and when she is expelled and allow for her recommended travels for *ḥajj*, *'umrah*, *ighārah*, and looking after what she has from other than the husband and *maḥram*, because of the saying of the Prophet , "An un-married that fornicates with an un-married, there is one hundred lashes and expelling for a year."

And because of the saying of the Prophet , "Do not prevent the female slaves of Allāh from the mosques of Allāh." 150

So there are texts as you can see that it is not allowed to prevent them from the mosques and *Makkah* is a mosque, so this text is lesser in meaning from the narration that prohibits traveling in general, so it must be excluded from it by necessity.

And we also move to the section which we mentioned because otherwise the one that prevents the women is a sinner to that narration, leaving it without evidence.

Some of those who went with the second exception use as evidence the narration in which the prophet prohibited a woman from traveling except with the husband or maḥram, a man among the anṣār said, "O Messenger of Allāh, I have been enrolled for so-and-so expedition and my wife went out for ḥajj." The Prophet answered, "Perform ḥajj with your wife." 151

There is no evidence for them in this because the Prophet did not oblige her to return and did also not prohibit what she did, he only ordered the man to perform *hajj* with her, this is the texts of the narration and nothing else is understood from it ever.

Because the order is directed towards the husband not the wife, and from this type is the order of the Prophet * to listen to the *khutbah* and prayer

¹⁴⁹ Sahīh Muslim 1690

¹⁵⁰ Sahīh Muslim 442

¹⁵¹ Sahīh al-Bukhārī 1862



while Allāh said, "If you are greeted then greet with what is better than it, or return it" [An-Nisā': 86].

So we look into it and we find that listening is general for every speech, whether it is the *salām* or other than it and we find that (listening) to be in specific times, which is the time of *khuṭbah* and prayer and in the second text there is the order of returning the *salām* which is some speech within what is general for every time. Some scholars said, "The meaning of that is the obligation to listen, always, except in the case of *salām* which is ordered to be returned and returning it in the *khuṭbah*."

And some said, "Returning the $sal\bar{a}m$ is always obligatory except during the prayer and khutbah."

One of these two exceptions are not better than the other, so the evidence must be sought from other than this mere method exceptions.

'Abdullah ibn Mas'ūd added, "He then returned my salām." 152

The Prophet \cong preventing from returning the $sal\bar{a}m$ in the prayer is not an obligation which obliges that it must not be returned in the khutbah, because the khutbah is not a prayer and there is no facing the qiblah during the khutbah or anything else which is obligatory in the prayer.

As for the khutbah, we look into its matter. And we find that the $ma'h\bar{u}d$ al-asl is the permissibility of speaking in general, then the prohibition for speaking was revealed in the khutbah, and the order of returning the $sal\bar{a}m$ came as an obligation. The prohibition of speaking is an addition to the $ma'h\bar{u}d$ al-asl and a $shar\bar{\iota}'ah$ mentioned, we are certain of its obligation for us, then the returning of the $sal\bar{a}m$ is a lesser meaning from the prohibition of speaking, so it becomes obligatory to make an exception for it, so we end up to this $tart\bar{\iota}b$ which we mentioned in the first section.

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¹⁵² Sunan Abī Dāwūd 924



Another example is that the Prophet ordered, "Whoever sleeps past a prayer or forgets it, must pray it once he remembers." 153

And then there is his prohibition of praying after the 'aṣr prayer and after subh and when the sun is even 154.

Some scholars said, "The meaning is that he must pray it when he remembers it, except if it is a time in which it is prohibited to pray in."

But others said, "The meaning is the prohibition of praying after *subh* and also after 'aṣr and also not when the sun is even (reaches the zenith), except if someone sleeps past it or forgot it or when it is a recommended prayer or obligatory prayer."

One of these exceptions is not better than the other except if there is certain evidence for it, the certain evidence must be sought from other texts, then he takes it as an additional ruling.

Another example is the saying of Allāh, "O Children of Israel, remember My favor that I have bestowed upon you and that I preferred you over the worlds" [Al-Baqarah: 47].

With the verse, "You (Ummah of Muḥammad) are the best nation raised for mankind" [\bar{A} 1-'Imr \bar{a} n: 110].

One of these is not earlier to be excluded than the other except with text or $ijm\bar{a}$, because it is possible for someone to say, "Its meaning is, 'You are the best nation raised for mankind except Banū Isrā'īl which Allāh preferred over the worlds." And it is possible to say, "I favored you over the world except the ummah of Muḥammad which is the best ummah raised for mankind." It must be one of the two exceptions, one of them outweighs the other with other certain evidences, otherwise none of them is earlier than the other.

So we look into it and find the saying of Allāh, "I preferred you over the worlds" [Al-Baqarah 47]. That this verse is not upon its general meaning because the angels are greater than them with certainty, so we stop here and look into the saying of Allāh, "You (Ummah of Muḥammad) are the best nation raised for mankind" [Āl-ʿImrān 110]. There is no text and no *ijmā* that this is not upon its apparent, because the angels enter the worlds and *jinn* depart from the general of this on its apparent. And they do not enter the nations that are raised for mankind, since there is for this no other text nor

¹⁵³ Sahīh al-Bukhārī 597

¹⁵⁴ Sahīh al-Bukhārī 584

any $ijm\bar{a}$ that it is not upon its apparent it is not allowed for anyone to specify it, as its $takh s\bar{t} s$ is not allowed, it must be general, so that is obligatory, and one of the two must still be specific from the other, as specifying this is not possible, the other one must be specified as one of them must be specified.

And the following is a certain evidence from authentic narrations: Our example compared to those before us is like that of laborers who were hired to work until midday for one $q\bar{t}r\bar{a}t$ each. Then, other laborers were hired to work until the afternoon for one $q\bar{t}r\bar{a}t$ each. Then, other laborers were hired to work until evening for two $q\bar{t}r\bar{a}ts$ each. The Prophet said, "Thus, you have done less work but received greater reward." And success is with Allāh the Exalted.

And we say with certainty, there must be by necessity in every single case like this an affirmative evidence, certain, showing the validity of one of the two specifications, and the truth in using one of the two, because Allāh has ascertained the guarding of his religion, if there would be for this no clear certain evidence then Allāh ascertaining it would be in vain and this is *kufr* from whoever sees its possibility, so it is established that it must exist for the one Allāh enables it to understand, and Allāh is the source of strength.

The fourth manner is for one of the two texts to be a prohibition for that which has been permitted in other texts entirely or one of them obliges while the other omits the obligation in that text entirely. The obligation in such cases is to look into the text that goes in accordance with what we are upon, if one of them does not negate that, then we reject it and take the other, nothing other than that is allowed.

The certain decisive evidence for that is that we are certain that what we were upon, which is in that narration which goes according the $ma'h\bar{u}d$ al-asl, after that we are obliged with certainty the action ordered which opposes what we were upon without doubt, so it is certain to take out what we were upon.

It is also not allowed claim *naskh* of an additional ruling that opposes the *ma'hūd al-aṣl* (claiming that the abrogating ruling got abrogated) and it is not allowed to leave the certainty (the abrogating ruling) for doubt and also not to oppose the reality with *zann*, Allāh has prohibited that.

Allāh said, "They follow not except assumption, and indeed, assumption avails not against the truth at all" [An-Najm: 28].

¹⁵⁵ Sahīh al-Bukhārī 557



Allāh said, "They follow not except assumption, and they are not but misjudging" [Al-An'ām: 116].

Allāh said. "We do not think it but as a conjecture, and we have no firm convincing belief (therein)" [Al-Jāthiyah: 32].

The Prophet said, "Zann is the most false form of speech."

It is not allowed for anyone to say regarding that which is authentic, "This is abrogated," except with certainty and it is not allowed to leave a ruling which is narrated with certainty, due to fear of it being abrogated and also not to say, "Maybe this is abrogated," then how when we are certain that that which opposes the ma' $h\bar{u}d$ al-asl is the $n\bar{a}sikh$ without doubt and this can never be abrogated again except with another $yaq\bar{u}n$ from Allāh or his Messenger \equiv .

The certain evidence for that is what we mentioned of Allāh ascertaining guarding the religion and the revelation, if it would be possible for the *nāsikh* in the religion to be problematic (to distinguish it) from the *mansūkh* till we do not know the *nāsikh* from the *mansūkh* then the religion would not be preserved and the *dhikr* would be wasted, exalted is Allāh from this. So it is established with certainty that it is a *naskh* of which goes according to the *ma'hūd al-aṣl* from two texts, that which takes it out of that situation if it is mentioned by the texts, and this is certainty which Allāh ordered, acknowledged, and established *ḥujjah* based upon it, and affirmed certain evidence with it, and its obligation. Whoever claims the opposite of this is a certain liar as there is no certain evidence with him, it is a claim with mere *zann*. Allāh said, "Produce your certain evidence, if you are truthful" [Al-Baqarah: 111].

It is established that anyone that has no certain evidence for his saying that he is not truthful. And it is established that all of the religion of Allāh, there is certain evidence for it established and it is prohibited to say anything other than that because it is *zann* from the one saying it, acknowledging it himself. Allāh told us that *zann* is prohibited and that it is the opposite of the truth and the prophet that it is the most false form of talk, so it is obligatory to affirm certainty on the falsehood of *zann* in anything of the religion, this is also a certain evidence on the falsehood of *qiyās*, *ta'līl*, *istiḥsān* in anything of the religion as all of that is *zann* from the speaker without doubt and Allāh is the source of strength.

An example for this type is that it is narrated that there was no *ghusl* done for *iksāl* (intercourse without ejaculating)¹⁵⁶.

But it is also narrated that *ghusl* must be performed for *iksāl*. Not performing *ghusl* for it is that which goes along *ma'hūd al-aṣl*, as the *aṣl* is that there is no *ghusl* except when ordered by Allāh, when the order to perform *ghusl* came even if there is no ejaculation we know with certainty that his ruling is that which is obligatory, and it replaces the previous ruling, and after this we do not know if the narration in which *ghusl* is not obliged is the *nāsikh* (abrogating the order of *ghusl* for that) as this is not known it is not allowed to leave certainty for that which is not known.

Another example is when the Prophet ## prohibited drinking while standing 157.

But it is also narrated that the Prophet $\stackrel{\text{def}}{=}$ drank while standing. So we say, that we are certain that the $a ext{s} l$ is that anyone drinks however they want, in any position, whether it is standing, sitting, reclining, then the prohibition is mentioned for drinking while standing without doubt, this is without doubt that which prevents what we were upon before from the permissibility. So we do not know (have certainty) if the permissibility is the $n ext{a} ext{s} ext{is} ext{ is not known while the other is known (certain) it is not allowed to leave certainty for assumptions or due to fear of it being <math>m ext{a} ext{n} ext{s} ext{d} ext{h}$.

If a *naskh* is authentic we go towards it and we do not care whether it is an additional ruling on the *ma'hūd al-aṣl* or goes accordingly only, just as we do with the narration regarding the obligation of taking $wud\bar{u}$ ' from that which touches the fire, if it would not be the case that Jābir narrated that the last matters from the Prophet was leaving taking $wud\bar{u}$ ' from that which touched the fire 158 it would be obligatory to take $wud\bar{u}$ ' for everything that touches the fire, but since it is affirmed that it is $mans\bar{u}kh$ we leave it.

And we do the same with the narration of Abū Hurairah about the Prophet ##, "He who is overtaken by dawn in a state of seminal emission has broken his fast." ¹⁵⁹

¹⁵⁶ Şahīh al-Bukhārī 179

¹⁵⁷ Sahīh Muslim 2024

¹⁵⁸ Sahīh al-Bukhārī 1925

¹⁵⁹ Sahīh Muslim 1109



Because we know that this goes according to the ruling of the $mans\bar{u}kh$; of not eating, drinking or having intercourse after the sleep, so this got abrogated by the permissibility that came about it with certainty, becoming the $n\bar{a}sikh$.

And likewise, we take from the narration which obliges $wud\bar{u}$ ' from touching the private part because it is an addition to the narration in which there is no obligation of $wud\bar{u}$ ' as it goes according to the ma' $h\bar{u}d$ al-asl.

As for the one that contradicts and takes from the narrations that appear contradicting and takes sometimes from the narration while he leaves the same thing at other places and takes the opposition. It's Like a structure with a weak foundation, which is on the verge of collapsing due to disobedience to his Lord, Almighty who said, "They make it lawful one year and forbid it another year in order" [At-Tawbah: 37].

There is nothing worthy of worship in truth except Allāh.

The fifth manner is thought by *ahl ul-jahl* to be a contradiction, while there is no contradiction in it at all, and no issue, this is when a narration mentions a ruling in certain manner, and another narration that mentions that having another manner with that exact ruling. A group of people think this is a contradiction, but that is not the case, all of them are accepted and used.

An example for this is that $tatb\bar{\imath}q$ is narrated from ibn Mas' $\bar{\imath}u$ d about the Prophet during $ruk\bar{\imath}u$, and then it is from the $tar\bar{\imath}q$ of Ab $\bar{\imath}u$ Humayd narrated to place the hands on the knees; in these two, there is no contradiction at all. Both are permissible to do and are good acts, except if it is additionally narrated that it must be one of the two, then one manner is prohibited.

And this order has come for the way of placing the hands on the knees so it becomes prohibited to do $tatb\bar{t}q$ based on what we clarified of taking the additional rulings in the case it is mentioned and its prohibition on what was permissible before, and we find firm narrations from the Prophet for holding the knees, so this issue is not part of this chapter, it is established that $tatb\bar{t}q$ is $mans\bar{u}kh$ with certainty based on what is narrated from ibn Masʿūd, "We used to do it, then we were prohibited from doing it and were ordered to hold to knees."

¹⁶⁰ Sunan al-Nasā'ī 1031, 2/184

What is also part of this chapter is that the Prophet $\frac{1}{2}$ would do *ghusl* between every two wives he had intercourse with 161, then he abandoned that *ghusl* and only did *ghusl* after the last one 162.

All of this is allowed, these are only the actions of the Prophet # not regarding his orders that oppose each other.

Another example for this is that the Prophet ## prohibited combining a woman and her paternal aunt, a woman and her maternal aunt, while Allāh had clarified the prohibited woman and then He said, "And lawful to you are [all others] beyond these" [An-Nisā': 24].

The prohibition of the Prophet $\stackrel{\text{\tiny{\#}}}{=}$ is added to that which Allāh prohibited in this verse.

Another example is that Allāh prohibited on the tongue of his Prophet consuming the meat of donkeys and predatory beasts and those with claws among birds, while Allāh said, "Say, 'I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal" [Al-Anʿām: 145].

That which Allāh prohibited on the tongue of the Prophet is added to that which is in this verse and combined.

Another example is what is narrated about the Prophet $\stackrel{\text{\tiny 26}}{=}$ wiping his head thrice 163 twice 164 and once 165 and also his forehead and 'imāmah only 166, all of that is added to each other, all of it are obligatory sharā' i'.

Some people who have fallen here and have drowned in falsehood said, "If some text mentions something regarding a topic and if that is absent in another text, it is an evidence that it has become omitted/invalidated."

This is a great audacity and a dismissal of every single ruling, and it would necessitate that any ruling not mentioned in every single verse and every single narration is null and void, and this is sheer *kufr*.

Because there is no difference between when Allāh says, "And witness when you buy and sell" [Al-Baqarah: 282]. There is no departing mentioned in it, while the Prophet said, "If the buyer and seller differ, then

¹⁶¹ Sunan Abī Dāwūd 219

¹⁶² Sahīh al-Bukhārī 268

¹⁶³ Sahīh al-Bukhārī 159

¹⁶⁴ Sunan Abī Dāwūd 126

¹⁶⁵ Sunan at-Tirmidhī 34

¹⁶⁶ Sahīh Muslim 274



the [considered] saying is that or the seller, or they reject (make *faskh* of the agreement)."¹⁶⁷ And no departing was mentioned, so it should because of that indicate that ruling is omitted and indicate the completeness of sales without it (which is false as other texts oblige it and the rulings must be combined).

So there is no difference between this and the one that says regarding that which is not mentioned by Allāh and His Messenger the prohibition of gharar sales, mulāmasah and munābidhah, the sale of khamr and swines that it must be permissible. And that since Allāh did not say in the verse, "Say, 'I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal" [Al-An'ām: 145]. That excrement is prohibited and that khamr is prohibited in this verse, that it must be halāl. This method while it is kufr is the pinnacle of falsehood, because it is not possible and not an condition to repeat every single ruling in the religion in one verse or one narration, if that would be a condition all rulings in the religion from the first to the last would be invalid because they are not mentioned in the same verse nor the same narration.

And that which clarifies the validity of what we said, that there is no contradiction between any texts from the Qurʿān and Sunnah, whether it is his words or his actions is the saying of Allāh, "Nor does he speak of desire. It is only a Revelation revealed" [Al-Najm: 3-4].

And the verse, "Indeed in the Messenger of Allāh (Muḥammad) you have a good example to follow" [Al-Aḥzāb: 21].

And Allāh said, "Do they not then consider the Qur'ān carefully? Had it been from other than Allāh, they would surely have found therein many contradiction" [An-Nisā': 82].

So Allāh told us that the words of His Prophet are revelation from him, same as the Qur'ān in that aspect, and that all of it is from Allāh. Allāh told us that he is pleased with the actions of his Prophet and he guides towards the intended meanings of His Lord and the exhortation of Allāh to follow Him. As it is established that all of it is from Allāh and we find that Allāh told us that there is no contradiction from that which is from him, it is established that there is no contradiction in anything from the Qur'ān and authentic Sunnah. And that all of it has no difference of opinion and that all of it is agreement. So the method of the one that abandons narrations for other narrations or abandons a narration because of a verse is completely false, and

¹⁶⁷ Sunan Abī Dāwūd 3511

it is affirmed that none of it opposes the other, the one that knows, knows, and the one that is ignorant, is ignorant. And the categories that we mentioned is the correct path in these situations, it is affirmed in the sources of intellect, which leads understanding of the language by which we are addressed from the Qur'ān and Sunnah, and Allāh is the source of strength.

All of that (the entire Qur'ān and Sunnah) is like one word and one narration which are combined to each other, joint together, built from each other, either by adding or excluding, these two imply taking the additional ruling always.

That which clarifies this is what is narrated from the Prophet regarding silk, "Only the one that has no share in the hereafter wears it." Then it was given to 'Umar and 'Umar asked the Prophet , "O Messenger of Allāh, you have sent me this, but you said what you said regarding silk?" The Prophet answered, "I did not send it to you so that you may wear it." In another narration he answered, "I sent it to you so that you can fulfill your needs by it." ¹⁶⁸

There is a great lesson in this narration in using the $Ah\bar{a}d\bar{t}th$ and $Nus\bar{u}s$ and taking from all of them. Because the Prophet allowed owning silk, gifting it, and for women to wearing it and ordered 'Umar to exclude from that only (him/men) wearing it, and (ordered) not to transgress away from what he ordered to other than that (what he ordered) and that he ('Umar) was the one that contradicted the rulings of the Prophet .

There is in this narration the falsehood of *Qiyās* because 'Umar wanted to move the ruling mentioned regarding wearing it, to other ways of benefiting from it, then the Prophet at told him that it is false. There is also in this that the ruling of the Prophet on something applies on everything under the *naw* of that thing. Because he only applied his words for 'clothes decorated with silk lines' which 'Uṭārid sold. Then he told that that ruling applies to all silk clothes and told that that ruling does not transgress to any other types other than clothing, this is texts for our method, taking the general ruling and invalidating all *qiyās*.

A group of people have used some methods we mentioned, in their wrong places, we will show a part of it to make the *tālib ul-'ilm* aware of it for the remaining parts of it, by the will of Allāh.

¹⁶⁸ Sahīh al-Bukhārī 886, 948



And that is that we say to use two narrations if one of them has lesser meaning than the other by excluding the lesser one from the larger one, so the lesser meanings are used by their general implication, and the larger meaning is used except what is left by specification based on what is clarified before.

So it is narrated from the Prophet \cong the prohibition of facing the *qiblah* and turning the back to it when urinating or defecating ¹⁶⁹.

But it is also narrated that ibn 'Umar was up the roof of the house and saw the Prophet $\stackrel{\text{\tiny{de}}}{=}$ answering the call of nature while sitting, turning the back to the $qiblah^{170}$.

A group of people said, "So we allow facing the *qiblah* and turning the back towards it in buildings and we prohibit it in the desert."

They are mistaken in two manners, first is their ruling of making a difference between buildings and other than buildings, there is nothing mentioned in the two narrations or any indication for that, we instead find that Abū Ayyūb al-Anṣārī who is some of the narrators of the narration rejected that this occurred in the house.

If someone would reverse it and say, "Instead it is allowed in the desert but prohibited in the buildings," there is no difference between this and the previous claim.

The likes of such claims are not easily made and not persisted upon by the one that fears Allāh, because Allāh said, "And do not pursue1 that of which you have no knowledge. Indeed, the hearing, the sight and the heart about all those [one] will be questioned" [Al-Isrā': 36].

With the many other verses that prohibit it.

There is not in the narration of Ibn 'Umar that the Prophet * was in a building, 'A'isha instead described they would dislike taking toilets inside the houses and would relieve themselves outside the homes¹⁷¹.

And in an authentic narration it is said about the Prophet ##, "He would go far away to relieve himself." ¹⁷²

No one has the right to say that Ibn 'Umar looked down from the roof and saw him in a building, that is nothing but soothsaying.

¹⁶⁹ Şaḥīḥ al-Bukhārī 144

¹⁷⁰ Sahīh al-Bukhārī 145

¹⁷¹ Sahīh al-Bukhārī 2637, 2661, 2879

¹⁷² Sunan Abī Dāwūd 2 | Sunan ibn Mājah 335



The second manner is that even if it would be authentic from the Prophet that he was in a building, then there is no evidence in that narration except for turning the back only, then with what do they allow facing the *qiblah* when defecating while they have no text with them for it.

And when only some is abrogated or specified from what is mentioned in a narration, it does not imply an abrogation or abandoning of the remaining of what is in the narration.

If someone says, "The remaining rulings are also abandoned," they have said what they desire and omit the rulings of Allāh without certain evidence. We will clarify this chapter in detail by the will of Allāh when we will speak about *khuṣūṣ* and *naskh* in this book.

And it implies them to say, "Verily, when the Prophet prohibited the price paid for a dog, the hire paid to a prostitute, the gift given to a soothsayer and the earnings of the cupper 173. But the Prophet then allowed the earnings of the cupper so gifts for the soothsayer is allowed and the money for prostitution is allowed and the price of dogs is allowed."

All because they are mentioned in the narration, otherwise they contradict.

The way of acting upon these two narrations is to take from the additional ruling, the asl is without doubt that anyone sits however they want during relieving themselves, the narration of ibn 'Umar about the Prophet # goes according to what the people were upon before the prohibition was revealed, then it became prohibited, omitting that permissibility with certainty, and at the same time there is no certainty if the permissibility abrogated the prohibition, so it is prohibited to abandon certainty for doubt. And as we oppose the reality for zann, no one can say, "Verily, the narration of ibn 'Umar was late," except that the opposing him can say, "No, the prohibition was late because it is narrated by Sulayman and his Islām was in the year of al-Khandaq and Abū Hurairah, his Islām was after the end of fath Khaybar." It is nothing but a sharī'ah mentioned which changed what the people were upon before from the permissibility with certainty. While no one has certainty that the permissibility returned after it was once prohibited, after it once had already changed what the people were upon. If it would be authentic that the narration of ibn 'Umar was late, there is nothing in it except

¹⁷³ Sunan Abī Dāwūd 3428, 3421



the prohibition of turning the back to the qiblah only and facing it remains prohibited

Section: The Complete Answer For The "Contradicting" Texts

Some of our companions went with the view to abandon two narrations if one of them is a prohibition and the other a permissibility or if one of them is an obligation and the other an omission of the obligation. They say, "In these cases we must return to a state as if those two narrations had not existed."

This is false for many reasons. Firstly, we clarified that there is certainty that no narration contradicts, Allāh said, "If it would be from other than Allāh, they would surely find in it many contradictions" [An-Nisā': 82].

And that Allāh said that everything his Prophet said that it is revelation, so it is false for any of the texts to contradict, as that possibility is invalidated, then a ruling that implies a "contradiction" is also invalidated by necessary senses.

Secondly, they leave both narrations, the truth is without any doubt in one of them, if they leave all then they have left the certainty that is in one of them, and it is not allowed for anyone to leave the certain truth.

Thirdly, they do not do this regarding two verses in which one of them is a prohibition and the other a permissibility or when one of them obliges and the other negates the obligation, they instead take from the additional ruling and exclude the least meaning from the most, we have clarified this in that which has preceded that there is no difference between the obligations mentioned in the Qurʿān and in the obligations mentioned from the words of the Prophet.

Their *ḥujjah* in that was to say, "A narration from one of the two is the *nāsikh* without doubt and we do not know it exactly, since we do not know it, it is a saying without knowledge then it is part of the verse, "And do not pursue that of which you have no knowledge" [Al-Isrā' 36].

This is falsehood from two manners because they are obliged the same in those two verses and they do not do it.

Secondly it is not allowed for anyone to say regarding a narration or verse, "This is *mansūkh*," except with certainty. What is sufficient for the falsehood of what they use as evidence is that we are certain that the additional ruling is above and against the *ma'hūd al-aṣl*, it changes what the people were upon before it was revealed, the mentioned additional is then *nāsikh* without doubt while everyone cannot have anything but doubts whether the abrogated ruling could ever be the abrogating ruling which returns us back to what we were upon while, changing what was prohibited back to the permitted. So it is not allowed to leave the certainty for doubt and Allāh is the source of strength.

The mind of Abū Bakr Muḥammad ibn Dāwūd was unsettled in what we went with, except that he, may Allāh have mercy on him, deviated before giving insight to it and that is because he said in his book al-Wuṣūl, "And acting upon two contradicting narrations is like acting upon two [contradicting] verses without difference." (The method about two contradicting narrations, he does the same for verses).

Some *ahl ul-qiyās* said, "We take from that which is the most similar to the book and the Sunnah."

This is false because that which they reject of a ruling in two [contradicting] narrations is not better than that which they take from the two narrations, texts are instead all the same in the aspect of obedience towards it.

As that is established with certainty then what makes some rejected and others accepted and some a far' while others an asl, others the $h\bar{a}kim$ while others are $mahk\bar{u}m$?

If he says, "The *ikhtilāf* occurs in those two is what has lowered their status to the point that they must be compared to others."

This is a claim that requires certain decisive evidence because *ikhtilāf* does not oblige that it must be compared to others. Because *ikhtilāf* is itself false and them assuming it is *ikhtilāf* is falsehood, declared a lie by the verse, "If it would have been from other than Allāh, they would have found in it many *ikhtilāfs*" [An-Nisā' 82].

As Allāh invalidated *ikhtilāf* which they make a reason to compare narrations or verses, this verse obliges invalidating the cause of those reasons, this is certain decisive necessary evidence.

As authentic texts are all the same, whether Qurʿān or Sunnah in the aspect of the obligation of obedience towards it, it is not allowed to overweigh some over the other, that is only from the chapter of goodwill which is *istihsān* which is false.

Some of them rejected this of each other. Some *ahl ul-qiyās* overweighed one of two narrations over each other with false *tarjīḥ* we will mention that by the will of Allāh and clarify their falsehood, from that is that they say, "If one of the two narrations is acted upon and the other is not acted upon, we prefer the acted upon narration over the not acted upon narration."

This is false based on that which we will clarify by the will of Allāh after this in the chapter regarding the falsehood of those who use the actions of *ahl ul-madīnah* as evidence.

Except that we say here briefly to them: A narration before it is acted upon does not cease to be the truth which must be obeyed or falsehood, if it is the truth, it is obligatory, then the amount it is acted upon by people does not make it stronger nor give it any preference. And if it is false then the act of people upon it does not make it the truth.

Some of those that believe in $tarj\bar{\imath}h$ (the giving of precedence) of one narration over the other say, "This is just as we give precedence to one of two clarifications over the other if they contradict; sometimes it is dealt with through qur'ah (drawing lots) or the hand."

This is reversing the falsehood over falsehood, we do not help them in their precedence of a clarification, not with the hand and also not with drawing lots, because none of that is obliged through texts nor $ijm\bar{a}$, and also if $tarj\bar{\imath}h$ to one clarification over the other would be possible, it would not apply to two narrations because this is $qiy\bar{a}s$ and $qiy\bar{a}s$ is falsehood. And also even if it would be established that one clarification precedes the other and if $qiy\bar{a}s$ would be the truth then, still, giving precedence to one narration over the other would not be allowed because this is an $ikhtil\bar{a}f$ between two narrations and contradiction between them is negated based on what we mentioned from the verses, "If it would have been from other than Allāh they would have found in it many $ikhtil\bar{a}fs$ " [An-Nisā' 82]. And Allāh told us that the words of His Prophet are all $wah\bar{\imath}$.

As for two clarifications which are not texts, then contradiction and *ikhtilāf* between them is possible and exists.

They also say, "If one of two narrations prohibits and the other permits (contradicts), we only take the prohibition and leave the permissibility."

This is a mistake and a mere saying in the religion as he desires, if anyone would reverse this and say, "I take the permissibility instead of the prohibition, because of the verse, 'And He has not placed upon you in the religion any difficulty' [Al-Ḥajj: 78]. And the verse, 'Allāh intends for you ease and does not intend for you hardship' [Al-Baqarah: 185]. And the verse, 'And Allāh wants to lighten for you and mankind was created weak' [An-Nisā': 28]."

Then by this his claim would not be better than theirs, but we do not believe in any of that, we instead say: Verily, everything that Allāh orders is, it is ease and it removes difficulty from us, it is the *takhfīf* and there is no ease, no removal of difficulties greater in anything than that which leads to *jannah* and saves one from the hellfire, whether it is a prohibition or a permissibility even if we have to fight souls, the sons and the fathers.

And that which also invalidates their method is that the Prophet said, "If I prohibit you anything, then stay away from it and if I order you anything then do from it what you are able to."

The Prophet sobliged an action according to the ability and he did not allow leaving anything from it except what we are not unable to only.

A people thought that this narration makes $ta'k\bar{\iota}d$ (emphasis) of a prohibitions and place it higher than other matters such as obligations and permissibility.

This is false because staying away is abandoning and abandoning is something no one is unable to.

As for doing/acting, it is a movement which has a burdening or staying away from what necessitates the nature from eating and drinking, in that there is burdening.

Perhaps a person is unable to do many of that, so we are only burdened what we are able to, and nothing is omitted for us to do except if we are not able to do it, this is the text of the narration for anyone that reflects. Nothing takes away from what is understood from it, so there is a relation between orders and prohibitions and the obligation of obeying the prohibitions and permissibility, all of them are the same. The prohibition does



not have more $ta'k\bar{t}d$ than the permissibility and the permissibility does not have more $ta'k\bar{t}d$ than the prohibition.

They also say, "We also give precedence to narrations (if it contradicts with other narrations) if that narration has narrators that have more *dabt* than in the other, better in general than others."

This is also a mistake, we have invalidated in the chapters before the claim of those who make $tarj\bar{\imath}h$ of narrations because a narrators is more upright than others, so we are not in need to repeat it but we say to them here: That which said is a claim without any certain decisive evidence from texts nor $ijm\bar{a}$, anything that is of this state falls.

They also say, "We give precedence to one of two (contradicting) narrations if a group narrated it while the other is narrated by one."

We also clarified the falsehood of this before, and those who believe in this themselves abandoned the apparent of the Qurʿān—which *ahl ul-arḍ* have transmitted—for a narration narrated by one only. We gave examples for this like the prohibition of combining a woman in marriage with her paternal aunt and amputation of the stealer above four $d\bar{n}n\bar{a}r$, they do not amputate for lower than that and they stone the married man and in this manner many rulings. We also clarified before that *khabar ul-wāḥid* and the narration of a group are the same in the aspect of obedience by believe in them and acting upon them and affirming certainty on both of them that they are the truth without any difference.

They also say, "We give precedence to one of two (contradicting) narrations, if one of them has clarification while the other has no clarification."

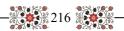
They give an example for this the prohibition of the skins of predatory beasts while the Prophet said, "If the skin is tanned, then it has become pure." 174

As for such a $tarj\bar{\iota}h$, it is valid, because if it is clarification of the ruling, there is no difference of opinion that in that which clarification is intended in, there is no contradiction.

As for the two narrations which they mentioned, these are not part of their method they created, instead all of the two narrations they mentioned intend clarification of rulings. The correct comparison for this is like when the Prophet ordered the *muḥrim* that passed away to be buried in his

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¹⁷⁴ Sahīh Muslim 366



clothes, not to touch perfume and his face not to be covered. This is clarification of the ruling of an act of burying the *muḥrim*. This precedes the narration that prevents it based on what is narrated from the Prophet , "If a man dies, his actions are cut of except three."

He did not intend with this, a clarification of the ruling of our action on those that pass away from *muḥrim* and others.

And also the narration about the prohibition of skins of predatory beasts is not authentic, if it would be authentic it would be obligatory to exclude it from other predatory beast skins that are not tanned, because the tanned ones among them are less than the untanned ones.

And they say, "We give precedence to one of two contradicting narrations if the narrator in one narration did not come into contact with the order while the other narrator did come in contact with it, the narration of the narrator that did is preceded."

They give the example for this from the narration of Maymūnah, "The Prophet *married me while we did not have *iḥrām*." ¹⁷⁶

They say that this precedes the narration of ibn 'Abbās, "The Prophet married Maymūnah while he was a *muḥrim*." 177

This is a correct $tarj\bar{\imath}h$ because we are certain that the one that did not witness the narration has only narrated it through others and we do not know through who he narrated it and no hujjah is established through a $majh\bar{\imath}ul$ and there is no doubt that the one that witnessed what he narrates that he is more knowledgeable of it.

Except that the one that says this has forgotten himself and has contradicted and has destroyed his method: "We give precedence to the narrator who has more *dabt* and better in general." They have left this method here, the great companions of ibn 'Abbās said, "If they narrate to you the narration of Maymūnah, it is only narrated about her by Yazīd ibn al-Aṣam (Abū 'Awf al-'Āmirī)."

So they say, "No we will not leave the narration narrated by the ocean, ibn 'Abbās for a narration narrated by a bedouin."

If the existence of one of two narrators being more upright would imply the obligation to leave the narration of those less upright ('adālah) then

¹⁷⁵ Sahīh Muslim 1231

¹⁷⁶ Sunan at-Tirmidhī 845

¹⁷⁷ Sahīh al-Bukhārī 1837

leave here the narration of Yazīd ibn al-Aṣam for the narration of ibn 'Abbās, there is no difference of opinion from anyone with sources of knowledge that the difference between Ibn 'Abbās and Yazīd ibn al-Aṣam is the difference between the heavens and the earth.

They also forgot themselves as they abandoned what they made $tarj\bar{\imath}h$ of here—of giving precedence of the narration of the one that witnessed the issue directly over the narration of the one that did not directly witness it—by the saying of Anas, "My knees were touching his knees and I was riding behind Abū Ṭalḥa while the Prophet say, 'Labbayka ḥajjan wa 'umratan, labbayka 'umratan wa ḥajjan.""¹⁷⁸

And by the al-Barāʻ ibn al-ʾĀzib when he said, "I asked the Prophet $\stackrel{\text{\tiny\#}}{=}$ about how to perform $\rlap/\mu ajj$, then he said, 'I brought the $had\bar{\iota}$ with me and did $qir\bar{a}n$."

And by the saying of Ḥafṣa to the Prophet , "Why have the people finished their *iḥrām* after performing 'Umrah but you have not finished your *iḥrām* after performing 'Umrah." ¹⁸⁰

She declared her correct, then he clarified her why he did that.

So they abandoned what Anas said about the Prophet * what he heard the Prophet * said himself, for the saying of 'A' isha 181 while she did not claim that she heard him.

There is also $idtir\bar{a}b$ about her, as it is narrated about her in the exact manner what Anas, al-Barā and Ḥafṣa all said.

And they abandon it, the saying of Jābir who did not claim that he heard it, and while that is the case ta $w\bar{\imath}l$ is possible. Then they also have $idtir\bar{a}b$ about Jābir in what is narrated about him regarding it¹⁸².

There is no doubt by anyone with intellect that the Prophet is most knowledgeable of himself than Jābir and 'A'isha and that Anas, al-Barā' and Ḥafṣa who mentioned that they heard the words of the Prophet and were witnessing him say it are more certain than Jābir as he did not claim that he heard it. But this is the manner of those who believe a saying before believing

¹⁷⁸ Sahīh Muslim 1232

¹⁷⁹ Sunan Abī Dāwūd 1797

¹⁸⁰ Sahīh al-Bukhārī 1566

¹⁸¹ Sahīh al-Bukhārī 294, 305, 1560

¹⁸² Şahīh Muslim 1218



the certain evidence, "If it would have been from other than Allāh, they would have found in it many contradictions" [An-Nisā': 82].

They also say, "We give precedence to one of two contradicting narrations, if one of them is a saying which has no *ikhtilāf* and the other has *ikhtilāf*."

They give an example for this, using the narration of 'Uthmān about the Prophet , "A *muḥrim* must neither marry himself, nor arrange the marriage of another one, and he must not make the proposal of marriage." ¹⁸³

And it is narrated regarding the marriage of Maymūnah that the Prophet was not a *muḥrim* and in other narrations that he was a *muḥrim* for that marriage.

There is no meaning to this, because if the upright narrates anything, we have clarified that difference of others do not invalidate his words, and also not when many differ with him. The way narrations are taken and understood is not like not like gambling money where you receive a coin for a coin, and the advantage remains with the one who wins. But from a *khabar ul-wāḥid* many things can made an exception from it and it also makes an exception in many other narrations, or it is taken if it has anything additional. Because the one saying all of it, and the doer are all the same, who is the Prophet . The repetition of his sayings does not oblige something which would not become obligatory except if he repeated it.

And the Prophet in not repeating things, does not remove the obligation of obedience to it. If he says something once it has become obligatory, just as if he would repeat it one thousand times, there is no difference between the two. If he does something once, then the virtue of following it is the same as if he would do it a thousand times.

Allāh did not specify when he ordered us obedience to the Prophet to that which he repeated from that which he did not repeat, he instead obliged us obedience to his orders, and him ordering once is an order just as if he would repeat it a thousand times. All of that is an order, he did not specify us when he encouraged us to follow the Prophet in his actions many times from that which he only did once, and also not that which he did once from that which he did many times. Instead, if he does something once, then it becomes from his actions just as if he did it a thousand times. Whoever says other than this has transgressed the limits of Allāh and has instituted a religion

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¹⁸³ Sahīh Muslim 1409

not permitted by Allāh and has stood that which he has no knowledge of and he deserves the *zulm* and a severe threat, and in Allāh we seek help.

We also ask the one that came with this *hawas*: If that which is authentic about the Prophet becomes invalid, from that which is authentic that he did it once, and then did not do it anymore, and did also not prohibit it that it must not be done anymore, then what do you say about that which is authentic from the Prophet that he did it twice and did not do it anymore and did not prohibit doing it? And what about that which he did three times and did not do it anymore? We do not cease adding till the falsehood becomes apparent in this view by anyone with understanding or till he leaves this false saying. Him not repeating something does not exclude it from the obligation to obey him. If he says something once, it becomes obligatory.

As for us, we only take from the prohibition of marriage for a *muḥrim*, due to the narration of 'Uthmān about the Prophet because it is an addition to the *ma'hūd al-aṣl*. Because the *aṣl* is the permissibility of marriage in any situation, Allāh said, "Marry the women of your choice, two, three or four" [An-Nisā' 3]. Then the prohibition for it came from the *ṭarīq* of 'Uthmān about the Prophet prohibiting the *muḥrim* from marrying. So we are certain that the first case is invalidated, and we make an exception for the prohibition of marriage during *iḥrām* only from the general permissibility of marriage. Then it is nothing but doubt whether this prohibition of marriage could have after its obligation have become again abrogated to a permissibility. So it is not allowed for anyone to leave certainty of its obligation for a *zann* which is invalid. So it is affirmed without doubt that the ruling of the narration of ibn 'Abbās regarding the marriage of Maymūnah is abrogated and has become invalid without doubt. Whoever claims the return of the *mansūkh* and the invalidation of the *nāsikh* has lied.

Then even if it would be doubtful whether the prohibition after its obligation got abrogated or not, it is not allowed for anyone to leave that which they are certain of obeying for a zann that is invalid, and even if the narration of ibn 'Abbās would be authentic that the Prophet married while he was a muḥrim without Maymūnah saying the opposite, even if Maymūnah would agree that he married her while he was a muḥrim, it would not be obligatory with that to abandon the certain prohibition of marriage during iḥrām, the nāsikh for the previous permissibility due to a matter not known



whether it was before or after it. Leaving the certainty for doubt and giving precedence to *zann* over the reality is false and prohibited, it is not allowed.

And they say, "We give precedence to one of two contradicting narrations if one of them has narrators has been differed over, while the other no one has not been differed over."

They give for this examples such as the narration of ibn 'Umar that the Prophet said, "If camels are over one hundred and twenty one, then for that three *bint labūns* are obligatory." ¹⁸⁴

And the narration of Ali from the Prophet $\stackrel{\text{def}}{=}$, "If camels are over one hundred twenty one then for every forty among them there is one *bint labūn* and for fifty hiqqah." ¹⁸⁵

This is clear, not because of the reason of $ikhtil\bar{a}f$, we have invalidated in the chapter before this one, this claim. The narration of ibn 'Umar is only an additional ruling over the narration of 'Alī.

They also say, "We give precedence to one of two contradicting narrations, if in one of them it is said, 'This is from the words of the narrator,' and he did not say that in the other, so we take from that in which he did not say it."

They give for that examples with the narration of emancipating a share, one of them is narrated from the $tar\bar{\iota}q$ of ibn 'Umar without the mention of istis ' \bar{a} ' (The request made to a partially freed slave to earn money in order to emancipate the remaining part that is still enslaved), while the other is narrated from the $tar\bar{\iota}q$ of Abū Hurairah and there is in it the mention of $tar\bar{\iota}a$ '.

They say, "Istis' \bar{a} ' is from the words of Saʿīd ibn Abī 'Arūbah, because Shuʿbah narrated it with waham from Qatādah and they both did not mention it (istis' \bar{a} ') in it, and it has been said, 'It is from the words of Qatādah."

This is a mistake because Sa'īd followed Jarīr ibn Ḥāzim al-Azdī in narrating the wording istis ' \bar{a} ', as for Abānah ibn Yazīd al- 'Aṭṭār, Yazīd ibn Zuray', Ḥajjāj ibn Ḥajjāj, Mūsā ibn Khalaf, all of them did not mention the word istis ' \bar{a} '. Taking istis ' \bar{a} ' is obligatory, it is not allowed to leave it because it is an additional ruling, affirmed, and there is not in the narration of ibn 'Umar that which contradicts it nor negates it, there is only in it, "He has

¹⁸⁴ Sunan Abī Dāwūd 1568

¹⁸⁵ Sunan Abī Dāwūd 1572

emancipated from him (the amount) he emancipated." That which others added is not authentic, "He has enslaved (the amount) he has enslaved." There is no *tarīq* that is authentic with this wording.

The followers of Mālik and Abū Ḥanīfah have made a severe contradiction, the followers of Abū Ḥanīfah made that what the Prophet said about the pasturing cattle an invalidation of that which is mentioned in other narrations mentioning all cattle in general. But they do not make the words of the Prophet anarrated by ibn 'Umar, "He has emancipated from it (the amount) he emancipated," an obligation to enslave the remaining, it was obligatory for them to seek it in the saying, "He has emancipated from it what he emancipated," the benefit that separates that as long as it is not emancipated then it is not emancipated just as they did with the pasturing cattle. So, the companions of Mālik did not make the mention of pasturing cattle an invalidation of $zak\bar{a}h$ for other than pasturing cattle, which is in the narration of ibn 'Umar regarding the cattle. And they make the saying of the Prophet, "He has emancipated from him the amount of that which he emancipated," an invalidation to emancipate the remaining amount mentioned in the narration of Abū Hurairah with istis ā'.

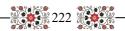
And they say, "We give precedence to one of two contradicting narrations by one of them having gathered in it orders and actions, while one of them has only one of the two, the narration that has both precedes."

They give examples for this such as what is narrated from the Prophet that he did $sa'\bar{t}$ and also ordered $sa'\bar{t}$ between al- $saf\bar{a}$ and al-marwah. And then that which is narrated from the Prophet , "The hajj is 'arafah." ¹⁸⁶

There is no meaning to this because the narration in which there is the obligation of $sa'\bar{\imath}$ is only authentically narrated from the $tar\bar{\imath}q$ of Abū Mūsā, which is an addition compared to the narration, "hajj is 'arafah," so it is obligatory to take from the additional rulings. The narration, "hajj is 'arafah," does not prevent the obligation of $ihr\bar{a}m$ and $sa'\bar{\imath}$ between $al-\bar{\imath}saf\bar{a}$ and al-marwah and standing at muzdalifah.

They have contradicted here and obliged *sa'ī* as an obligation but did not omit its obligation because of the narration that *ḥajj* is *'arafah*, and they do not oblige standing at *muzdalifah* and *dhikr* of Allāh there while there are texts from Qur'ān and Sunnah obliging it, as for the Qur'ān, Allāh said, "But when you depart from 'Arafāt, remember Allāh" [Al-Baqarah: 198].

¹⁸⁶ Sunan Abī Dāwūd 1949, 1950



As for the Sunnah, the Prophet said $\stackrel{\text{def}}{=}$, "Whoever makes the prayer here (*muzdalifah*) with the people and the *imām* has made it, otherwise he did not." ¹⁸⁷

The amount of false rulings created by the followers of $taql\bar{\iota}d$ and $qiy\bar{a}s$ cannot be counted except by its creator who can count the amount of drops and tree leaves and the measures of the sea, L \bar{a} Il \bar{a} ha Ill \bar{a} All \bar{a} h.

They also say, "We give precedence to one of two contradicting narrations if it goes according to the actions of *ahl ul-madīnah*."

This is falsehood, we have written an entire chapter in this book regarding the falsehood of this method. They give examples for this such as that $adh\bar{a}n$ and $iq\bar{a}mah$ are narrated in this manner.

And there is nothing authentic for that except the narration of Anas ibn Mālik, that the Prophet $\stackrel{\text{def}}{=}$ ordered Bilāl to say in the *adhān* twice and in the *iqāmah* once¹⁸⁸ and this is what we take from.

They say, "We give precedence to one of two contradicting narrations if one mentions the ruling by its exact wording and the other only implies it through the meaning, that which is indicated by its meaning precedes."

There is no meaning to this because it is a claim free from any certain decisive evidence just as the ones of before, if the one opposing opposed them by saying, "No, instead that which is indicated by its exact wording precedes," they would not be better than this, nor would they be able to escape from it.

They give examples for this the narration of the Prophet , "Whoever changes his religion, fight him." While the Prophet prohibited fighting women. We only say that the apostate women are fought because the fighting of women is prohibited in general and the order to fight the one that changes his religion is specific from that general order based on what preceded regarding making the lesser meaning an exception from the larger one.

And also the *Ummah* concurs that the prohibition of fighting women is not from its apparent, and they concur that if she fornicates while she is married that she is killed and that if she kills a Muslim that she is killed. And also the prohibition of the Prophet ** from fighting women is only part of the

¹⁸⁷ Sunan Abī Dāwūd 1950

¹⁸⁸ Sahīh al-Bukhārī 603

general narration, "Your blood is prohibited for each other." So it is only part of something general and for everything for which fighting is specifically obligatory is made an exception such as the $b\bar{a}gh\bar{\iota}$, consuming khamr after being lashed for it thrice, the married fornicator, the killer on purpose, the murtadd. So the prohibition on fighting women is only the prisoners from the people of $dar\ ul-harb$

They say, "We give precedence to one of two contradicting narrations if one of them is that which is attributed directly to the Prophet while the other is only attributed to him through *istidlāl*."

There is in reality no problem in this, it is not allowed to take anything from any text in which it is not from him or that in which there is no certainty that it is from him due to a certain dreisive evidence. It is not possible for it to then be from other than him, except if there is $ijm\bar{a}$ in anything, it is then taken and $ijm\bar{a}$ also refers back to the Prophet .

They present the example of the *tashahhud* narrated from 'Umar that he taught the people the *tashahhud* while he was on the *minbar*¹⁸⁹ which is not directly attributed to the Prophet **

And the *tashahhud* narrated from ibn 'Abbās¹⁹⁰, 'Ā'ishah¹⁹¹, Abū Mūsā¹⁹² and ibn Mas'ūd¹⁹³ which is all attributed to the Prophet significantly.

There is no indication in 'Umar teaching the people the *tashahhud* on the *minbar* that that which he taught must have been from the Prophet $\stackrel{\text{def}}{=}$. Verily 'Umar prohibited on the *minbar* expensive *mahr* of the women, and taught the people that. There is no doubt from anyone that this prohibition is not from the Prophet $\stackrel{\text{def}}{=}$, and that this was only his *ijtihād*, he himself acknowledged this at the time he changed his view from prohibiting expensive *mahr* to the permissibility of that as he remembered that his prohibition was other than what is in the Qur' \bar{a} n.

As for *tashahhudāt* narrated from ibn 'Abbās, 'Ā'ishah, ibn Mas'ūd, Abū Mūsā, may Allāh be pleased with them, it is not allowed for anyone to oppose them, because of its authenticity and attributed to the Prophet ...

 $^{^{189}}$ Al-Muwaṭṭā' Mālik 53, 1/90-91 | Sharḥ Mushkil Al-Āthār 3804 | Al-Mustadrak 1/398

¹⁹⁰ Sahīh Muslim 403

¹⁹¹ Al-Muşannaf by ibn Abī Shaybah 2993, 1/261

¹⁹² Sahīh Muslim 404

¹⁹³ Şahīh al-Bukhārī 831



The *tashahhud* of 'Umar which he taught the people on the *minbar*, it is opposed by his own son ibn 'Umar, ibn Mas'ūd, ibn 'Abbās, 'Ā'ishah and other companions, while they witnessed him giving *khuṭbah* about it.

They also said, "We give precedence to one of two contradicting narrations if one of them has $khu\bar{s}u\bar{s}$ which is affirmed while the other the $khu\bar{s}u\bar{s}$ is not affirmed, so that which is not affirmed precedes that which is affirmed."

They give examples for this the prohibition of combining two sisters in marriage while there is the verse in which there is the permissibility of slave girls.

We say: The verse permitting slave girls has a larger meaning than the verses prohibiting intercourse with women related by blood or marriage, prohibiting the combination of two sisters, or prohibiting marriage to a woman and her mother or her daughter. And also, it includes the shared slave girl, intercourse with a menstruating wife, a fasting wife, a woman in the state of $ihr\bar{a}m$, the fornicator, intercourse with male slaves, and animals. So it is obligatory to exclude all these cases, as they are lesser in meaning than the permissibility with slave girls. Everything mentioned, then, is prohibited, leaving only the Muslim slave girl who is permissible without any of the attributes we specified.

The same is for the verse, "Marry the women of your choice, two three or four" [An-Nisā': 3]. This verse has a larger meaning than the verses we mentioned so they must be excluded as a prohibition because they are lesser in meaning from that which is permissible to marry, we become certain of our use of all texts mentioned and we do not oppose any of it and also no contradiction in $takh s\bar{t}s$ from that which we made specific and our $takh s\bar{t}s$ from that which we made exceptionally.

And they said, "We give precedence to one of two contradicting narrations if one of them is an answer while the other is an $ibtid\bar{a}$ ', so we precede that which is an answer over that which is an $ibtid\bar{a}$ '."

This is a mistake, because before everything, it is a saying as he desires without certain evidence and also a certain evidence on the falsehood of this ruling is affirmed because the Prophet sent teachers and he was asked about something and answered many things, he was asked about the fat of *maitah* and answered about it and cursed the jews¹⁹⁴ and prohibited also in

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¹⁹⁴ Sahīh al-Bukhārī 2236

that narration the sale of that which is prohibited among maitah, but he was not asked about any of that, and in this manner there are many of such narrations. There is not a single difference between that which is mentioned from the words of the Prophet when he answers and between him saying something with $ibtid\bar{a}$. All of that is understood from the generality and that which is understood from the words, it is not allowed to limit it only to some of that which the words used necessitate without including others.

The same applies for that which is mentioned in the Qurʿān, whether it is an answer to a previous question or not. He was asked about the orphans and Allāh answered regarding them then He said, "If you fear that you are not able to deal justly with the orphan-girls, then marry the women of your choice, two three or four" [An-Nisāʾ: 3]. He told them something additionally on that which they asked.

And they say, "We precede one of two contradicting narrations if one of them has a narrator who is accustomed with the meaning of the narration while the other narration has a narrator who is not accustomed with the meaning of the narration."

They present the example of the narration of 'Ā'ishah regarding ghusl from iksāl on the narration which mentions that there is no ghusl for that. This is false because the narrators regarding there being no ghusl obligatory from it are accustomed for intercourse because they have wives just as it is accustomed by women without difference. And because every single 'ālim that went out to obtain knowledge is accustomed to be questioned about menstruation just as a woman may be asked regarding it without difference. And the desire of the 'alim is the same as the desire of the one that is tested with a new occurring issue which he is asked about without difference. We only oblige ghusl from iksāl because the narration of Abū Hurairah is an addition on the other narrations and because the asl is that no ghusl is obligatory on anyone, then there is the narration of Abū Hurairah that obliges ghusl, it is an additional ruling with certainty. Beyond this, it is not affirmed whether the narration obliging this additional ruling got abrogated again. If nothing would exist except for the narration of 'Ā'ishah then no ghusl would ever be obligatory for iksāl. Because there is nothing in it except that she and the Prophet did ghusl after they did it 195. There is no obligation

¹⁹⁵ Şaḥīḥ Muslim 350



in this narration the obligation of *ghusl*, there is only in it that *ghusl* is an act of virtue only.

It is narrated and affirmed that he sometimes did *ghusl* between every two intercourses and that is not obligatory, if there would not exist anything except the saying of ' \bar{A} ' ishah then the *ghusl* of the Prophet $\stackrel{\text{def}}{=}$ from $iks\bar{a}l$ would be like the him taking *ghusl* between every two intercourses without any difference. It is only his actions and performing his mere actions is rewardful, the one not doing it does not sin as long as he does not have raghbah against it in the manner we described.

And they say, "We give precedence to one of two contradicting narrations over the other if one of the differing opinions is used in each narration in its place of disagreement. This one, then, precedes the one who has not applied it."

They present an example for this that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ said, "Any woman that marries without the permission of her $wal\bar{\imath}$, her marriage is invalid." While the Prophet $\stackrel{\text{\tiny{def}}}{=}$ also said, "The married woman has more right to herself than her $wal\bar{\imath}$."

This has no meaning to it, for many reasons, it is an invalid false claim. The actions of two people that differ are not in of itself an evidence against the other, except if they bring certain decisive evidence that validates their action.

As for the two narrations which they mentioned, we use their apparent meanings and invalidate any marriage of a woman without the permission of her $wal\bar{\iota}$, whether she is a virgin or not, based on the general meaning of the narration and the apparent understood words from it that invalidate the marriage without their permission, this is that which no one is allowed to oppose. And we say that the non-virgin has more right to herself than her $wal\bar{\iota}$ in the aspect of her choosing whom she wants to marry, while the obligation of having a permission over that from her $wal\bar{\iota}$ remains, there is no objection to her $wal\bar{\iota}$ regarding that for her and also not every adult from the virgins that have a father or are an orphan, due to other narrations and verses which are all combined to each other. We make $ink\bar{\iota}$ alone an exception which is mentioned by texts specifically from all her other cases, because it is the most specific, so we exclude that from the general. So she has the most right for herself in all of her other matters from her $wal\bar{\iota}$ except



the contract of marriage only, these are the words of the two narrations without any addition.

And they said, "We give precedence to one of two contradicting narrations, when one of them helps the sayings of the scholars while the other narration helps the saying of other than them, that which helps the sayings of the scholars precedes."

They present examples for this using the $takb\bar{t}r$ during the two $\bar{t}ds$ as seven times in the first and five in the second.

And it is narrated from the $tar\bar{t}q$ of Hudhaifah three $takb\bar{t}rs$ in the first before the recitation and four in the second after the recitation ¹⁹⁶.

There is no meaning to this, based on that which we invalidated in the chapter invalidating using the actions of *ahl ul-Madīnah* as evidence, and this chapter, what we invalidated in the chapter regarding *taqlīd* and in other chapters.

We only take from seven $takb\bar{\imath}rs$ because the $takb\bar{\imath}r$ is a good act, an additional dhikr of Allāh and because the narration is narrated has no problems. As for the narration of Ḥudhaifah, it is weak, we will clarify this in its place when we will clarify the $ashkh\bar{a}s$ in $ah\bar{a}d\bar{\imath}th$ by the will of Allāh.

And they said, "We give precedence to one of two contradicting narrations if one of them is acted upon by the majority."

There is no meaning to this based on what we will clarify in the chapter regarding $ijm\bar{a}$ and in other chapters in this book by the will of Allāh.

Because when there are many of those that say something, it does not make correct something that was not correct yet before they all had said it and when something is done or said less it does not make it invalid if it was the truth before it was said by anyone. We have clarified this in detail in the chapter regarding those who use the sayings of *ahl ul-madīnah* as evidence.

And also a view can become the view of many after it was once held by a very few and it can become very few after it was once much.

Everyone in al-Andalus was upon the *madhab* of al-Awzāʿī may Allāh have mercy on them, then they moved to the *madhab* of Mālik. And the majority of the people of Africa and Egypt was upon the *madhab* of Abū Ḥanīfah and the same for Iraq then the *madhab* of Mālik became the majority and also over Egypt and Iraq the madhab of Al-Shāfiʿī became the majority.

¹⁹⁶ Al-Awsat 4/275 | Al-Muʿjam al-Kabīr 9521

According to their view it implies that if something is said often that it becomes the truth and that if it is said less that it returns to becoming falsehood, this is the essence of delirium. The Christian uses as evidence against the Muslim the huge amount of the people of Constantinople and that they would not gather with that amount of falsehood. This implies against the one that precedes sayings if they are followed by many, and we seek refuge in Allāh from this saying, the truth is instead the truth, even if no one says it and the falsehood is false even if everyone on earth concurs with it.

What is sufficient to indicate the falsehood of those that are deceived into believing that the view followed by many and the most is correct, is that we say: Do not be deceived by the many amounts from those you see from the followers of the *madhāhib*, for they are only three men only: Mālik, al-Shāfiʿī and Abū Ḥanīfah and nothing more. And they themselves oppose this method in many because they take the saying of Zayd regarding invalidating the *radd* on the kinsfolk and they abandoned the view of 'Umar, 'Uthmān, 'Ā'ishah, ibn Masʿūd, ibn 'Abbās regarding that. And they took the view of the one that said that *qur* ' is purity and only three companions said this while the majority said that it is menstruation. Some companions of Abū Ḥanīfah also abandoned the majority in many matters. All of them have abandoned the majority in many cases.

And they say, "We give precedence one of two narrations if one of them strengthens the *mursal* narration."

There is no meaning to any of this because a *mursal* narration in of itself does not oblige a *ḥujjah*, then how can it strengthen something else while it is no evidence in the first place.

And they said, "We give precedence to one of two contradicting narrations when one narrator in one narration is better in *hadīth*."

For this as example they present the narration of Jābir, the long narration regarding *ḥajj*.

There is no meaning to this, because if any narrator memorized many narrations, it does not prevent other narrators from memorizing some of that which the other narrators did not memorize in their narration, from that which most did memorize. Verily Anas, al-Barāʿ and Ḥafṣa heard from the mouth of the Prophet in that hajj that which Jābir did not heard they found that which Jābir did not find. So the additions must be accepted which they have with them, which Jābir did not have with him and accepting the additions



which Jābir had with him which the others did not have with them is obligatory. So we take from all of their narrations and we do not abandon anything, all of them are upright, reliable, speak the truth, other than this is not possible.

And they said, "We give precedence to one of two texts if one of them is revealed and the other has *ḥadhf*, we take from that which is revealed."

They present an example for this the verse, "And complete the *ḥajj* and 'Umrah' [Al-Baqarah: 196].

With the verse, "But if you are prevented, then what can be obtained with ease of sacrificial animals" [Al-Baqarah: 196].

They say, "This last verse has a *ḥadhf*, it is as if Allāh said, "But if you are prevented, then exited *iḥrām*."

This is false because the verse regarding $i\hbar s\bar{a}r$ (being prevented) is more specific than the verse of $itm\bar{a}m$ (completing). Because those that are prevented are only some of those that perform 'umrah and some of those that perform $\hbar ajj$ so it is obligatory by necessity to specify them with those that the prophet also specified when he said, "Whoever breaks a bone or becomes lame, has exited $i\hbar r\bar{a}m$." 197

The type of *ḥadhf* which they mention is not depended on by anyone but a *jāhil* because that which we have certainty on is that *ḥadhf* is well known in the speech of the Arabs, occurs very often, from that is that Allāh said, "And if you are ill, or on a journey, or one of you comes after answering the call of nature, or you have touched women and you find no water, perform *Tayammum* with clean earth" [An-Nisā': 43].

There is no difference between anyone of the *ummah* that there is hadhf here, it is as if Allāh said, "Or on a journey and you urinated/defecated," because illness and traveling do not oblige $wud\bar{u}$ except if a person urinated or defecated.

Another example is the saying of Allāh, "That is the expiation for oaths when you have sworn" [Al-Mā'idah: 89].

There is no difference between two Muslims that there is *ḥadhf* in this verse and that the meaning is, "For the oaths when you have taken them then broken or wanted to break them." Because an oath itself does not imply *kaffārah* except when it is broken or wanted to be broken.

¹⁹⁷ Sunan Ibn Mājah 3077



Another example for this is the verse, "Strike with your staff the stone,' and there gushed forth from it." [Al-A rāf: 160].

And the verse, "Strike the sea with your stick.' And it parted" [Ash-Shu'arā': 63].

There is no difference from anyone with intellect that these two verses have a *ḥadhf* and that it is as if Allāh said, "So he struck, then it parted and hit it and then there gushed forth from it."

No one does *ta'allul* of the words of Allāh and His Messenger and the speech of anyone that speaks with *hadhf* in this manner except an ignoramus deeply ignorant who has no knowledge of the places of language. It is as if it were mentioned and not omitted, exactly the same.

Another example is the saying of Allāh, "Whatsoever is on it will perish" [Ar-Raḥmān: 26].

We say in every time "Allāh said" and "His Messenger said," while Allāh is not mentioned in the verse and also not his Prophet as it is sufficient for the listener to understand it and otherwise can not be imagined at all.

Allāh says, "And it had hidden in the veil (of night)" [Ṣād: 32]. He did not mention the sun as a sufficiency for the one hearing to know the intended meaning by necessity.

And they said, "We give precedence to one of two contradicting narrations if one of them has a word which has a ruling and the other does not have a ruling in its word."

They present as an example the verse, "Take from their property *şadaqah*" [At-Tawbah: 103].

And that the Prophet said, "Obligatory upon them is *sadaqah* from their wealthy ones." 198

And the saying of the Prophet *, "The pen is uplifted from three," he mentioned the child till he has a wet dream and the insane till he is wakes.

There is not in the saying of the Prophet $\stackrel{\text{def}}{=}$, "The pen is uplifted from three," an invalidation of the obligatory right on their property, there is only in this the invalidation of ' $ib\bar{a}d\bar{a}t$ with their $abd\bar{a}n$. While they have said obliged the paying of the $diy\bar{a}t$ and $ur\bar{u}sh$ (debts to be paid from damage caused to property) and $zak\bar{a}h$ of that which comes forth from the earth from the property of a child and the insane, they are part of the wealthy ones, but

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¹⁹⁸ Sahīh al-Bukhārī 1458

they invalidate the obligation of $zak\bar{a}h$ on $n\bar{a}d$ (silver and gold), claiming as they desire. Why do they not use $qiy\bar{a}s$ for the obligation of $zak\bar{a}h$ on $n\bar{a}d$ because of the obligation of $zak\bar{a}h$ on that which comes forth from fruits and that $zak\bar{a}t$ ul-fitr obliges it. They follow the religion of All $\bar{a}h$ with $qiy\bar{a}s$ and disobey the orders of All $\bar{a}h$ and the orders of the Prophet # but this is how they contradict, those who followed other paths and divided from the path of All $\bar{a}h$.

And they said, "We give precedence to one of two texts if one of them gives effect to a ruling and the other does not give effect to a ruling."

They present examples for that using the *ikhtilāf* regarding the husband of Barīrah, whether he was free or a slave.

This is against the 'aql because the effect they mention is speaking as they desire.

There is not in him being a slave that which prevents her choice under the free husband, even if all the narrators would concur that he was a slave (husband), it would not imply that there is no choice under the free (husband) if there comes that which obliges that.

The Prophet stated that the married slave girl if she is freed, that she has a choice (to either remain with the husband or separate). The Prophet did not say that her choice is only because of the reason she is with a slave husband, so the text applies to every married slave who is freed. We do not care under whom she is, the one that says, "Her choice is because she is under a slave," is not better than the one that says, "Her choice is because she is black," there is no meaning to any of these. Then how when there is no *ikhtilāf* in the narrations and all of them are authentic.

Those that narrated that he was a slave¹⁹⁹ only told about his initial case. And those that said narrated that he was free²⁰⁰ only told regarding his case what he became, this precedes because they had knowledge that he was emancipated (freed from slavery) that is an additional knowledge on top of those who did not know he was freed.

And they said, "We give precedence to one of two contradicting narrations if one of them is narrated from multiple *turuq* with different wordings and if one is narrator from one *tarīq*."

¹⁹⁹ Sahīh al-Bukhārī 5280-5283

²⁰⁰ Sunan Abī Dāwūd 2235 | Sunan Al-Tirmidhī 1155



They present as an example for this the narration of Wābiṣa ibn Maʿbad al-Asadī, the one that is alone behind the rows of those praying in congregation, ordered to repeat his prayer²⁰¹.

For the narration of Abū Bakrah regarding $takb\bar{\imath}r$ when he was not in the rows of those praying in congregation²⁰².

And the narration of Ibn 'Abbās where the Prophet ## placed a man from his left to his right in the congregational prayer²⁰³.

And the narration of the prayer of the grandmother of Anas behind the Prophet²⁰⁴.

As for many narrators, the falsehood of using that as evidence has preceded and they themselves abandon that which most of the people of earth have narrated, with sinners and upright among them, while it is the apparent of the Qurʿān all for that which only one narrated, then how is it allowed for the one that does that to precede what three narrated over what one narrates. There is not in contradiction and the opposition to the 'aql more than this. As for the narrations which they mentioned, none of them is an evidence for them and some of them are evidences against them.

As for the narration of Abū Bakrah, the Prophet prohibited that himself and said to him, "May Allāh increase you with hirs, do not repeat [that]." He prohibited him saying the takbīr again behind the rows where is alone. The Prophet did not order him to repeat his prayer. A group of people said, "Because Abū Bakrah was ignorant of the ruling regarding that before the Prophet taught him that that is not allowed, he made the prohibition of it known to him of returning to do that. Just as the Prophet ordered the musī in the narration of Rafī to repeat it time after time. When he said, 'By Allāh I do not know other than this, then he taught him.' So he taught him and he did not order him then to repeat. If Abū Bakrah would do again that which the Prophet prohibited him from, his prayer would be invalidated without doubt. Because he performed a prayer he is not ordered to pray, with the ruling of necessity of the 'aql. The Prophet also said, 'Whoever does anything contrary to us has it rejected.'"

²⁰¹ Sunan Abī Dāwūd 682 | Sunan Al-Tirmidhī 230, 231

²⁰² Sahīh al-Bukhārī 783

²⁰³ Sahīh al-Bukhārī 698

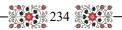
²⁰⁴ Sahīh al-Bukhārī 380

And that which we say is that the narration of Abū Bakrah goes according to the *ma hūd al-aṣl* regarding the permissibility of praying however a person wishes and that at that point the prohibition was affirmed of praying behind the rows that his prayer in that manner was valid before the order, but the prohibition applies to him for all of his prayers afterwards. And because the prohibition of praying alone behind the rows is an additional ruling, a ruling that came afterwards without doubt. It is the *nāsikh* of the previous permissibility with certainty.

As for that which the Prophet ** taught him, "Return then pray, for you have not prayed." The order to pray is affirmed and applies as an obligation till he performs it as the Prophet ** ordered it, there is not in that narration that the Prophet ** invalidated it due his ignorance what he ordered from the prayer as long as it is in its time. So it is not allowed to invalidate something certain for a false *zann*.

As for the narration of the grandmother of Anas ibn Mālik, that is only the ruling of the women, this is just as we say that the ruling of women in that is other than the ruling of men and that the ruling of a woman and women is to not pray with men in the same row. So we take from the narration of the grandmother of Anas ibn Mālik regarding women and the narration of Wābisa regarding men because it came regarding men praying behind the rows, so we take from both narrations and obey the order of the Prophet in all of it and do not disobey any of it from the rulings of the Prophet . We do not abandon some for each other and do not invalidate some for each other and do not make an ikhtilāf in it. The one that abandons the narration of Wābişa for the narration of the grandmother of Anas is not better than the one that abandons the narration of the grandmother of Anas and Wabisa and invalidates it for women and men, and none of that is allowed. One of the two narrations are not more deserving to be obeyed than the other. So the man that prays behind the rows is ordered to repeat the prayer and the woman that does, is not ordered to repeat the prayer.

As for the narration of Ibn 'Abbās, he said the *takbīr* with the Prophet , alone in a place which no one can stand at, he was not knowing of it, ignorant about it. Did not know the Sunnah regarding it. So the Prophet turned him to the place which he must stand at. And he did not invalidate what he did with *ta* 'wīl without knowledge. The same we say regarding a man who is ordered to repeat it. If it would not be for the prohibition from the



Prophet $\stackrel{\text{\tiny #}}{=}$ which preceded him, known by him, he would not be ordered to repeat it. Some of them opposed this with two oppositions so they said, "Perhaps the order of the Prophet $\stackrel{\text{\tiny #}}{=}$ to Abū Bakr not to repeat (what he did), was only directed to his sa \bar{t} to the prayer."

It is said to them: Yes this is what we say that the Prophet prohibited him by saying, "Do not repeat," from doing from doing any act he did which was not obligatory and Abū Bakrah was doing at that time three acts which became prohibited. Firstly is his sa'ī towards the prayer. Second is his takbīr while not being in the rows. Thirdly, him walking in the prayer, all of these got prohibited by the Prophet saying, "Do not repeat." Especially since our view has text which have no issue, 'Alī ibn Shaybān said, "We prayed with the Prophet then he finished the prayer, and there was a man alone praying behind the rows, then he stood in front of him till the man finished his prayer. Then the Prophet said to him, 'Repeat your prayer, for there is no prayer for the one who is behind the row."

And the second opposition is that they say, "Perhaps the one that is ordered to repeat it only ordered him an act other than the reason that he was alone behind the rows."

It is said to him: This is conjecture without certain decisive evidence, and the narrator which transmitted it from the companions only told that the reason why he ordered it to be repeated is because he was alone and he did not mention anything else, and Allāh said, "Do not pursue that which you have no knowledge of" [Al-Isrā': 36].

If this would be possible then it would be possible for others to say, "Perhaps that which is narrated about the Prophet "cursing the one that tattoos the face, 206 and when he cursed the one that changes the boundary markers 207 , he only cursed them for a reason other than these two acts and maybe when the Prophet | lashed the slave girl that had intercourse and he stoned Māʿiz and stoned al-Ghāmidiyah for a reason other than $zin\bar{a}$ and for a reason which we are not told about."

The oppositions like these are only from the one that is against the apparent and has severe ignorance. Verily the wonder continues to increase

²⁰⁵ Sunan Ibn Mājah 1003

²⁰⁶ Sahīh al-Bukhārī 4886

²⁰⁷ Sunan al-Nasā'ī 4422

from the followers of Abū Ḥanīfah who order a woman that comes and prays next to a man to his side, that the man has to repeat the prayer²⁰⁸.

And from the followers of Mālik who order the *imām* if he prayed at a high place while the followers in prayer are below that he must repeat the prayer. When they are asked about the *ḥujjah* for it, they say, "Because he prayed where it is not allowed to pray at," but they do not order the one that prays alone behind the rows or the one that prays in a place that is stolen to repeat the prayer, while both pray at places they are not allowed to pray at without any doubt.

As for the *imām* who prays at a high place and the man whom next to, a woman prays to his side while he is not pleased with that, these two men did not pray except how Allāh ordered it and how it is permissible for them. If those people would reverse most of their views of their *madhab* they would say what is correct, then how while our sayings is affirmed through texts from the Prophet #, "May Allāh increase you with *ḥirṣ*, do not repeat [that]."

And even if this false $tarj\bar{\imath}h$ would be affirmed which we mentioned in the beginning of our words, then the narration of Wābiṣa, that is the narration that must be taken because the narrations mentioned from many turuq with various different words regarding straightening the rows and the obligation for that and the severe threat on the one doing it different. All of that support and go in accordance with the narration of Wābiṣa and invalidate the prayer of the one that does not stand in the rows from men and that anyone that prays alone behind the rows has not straightened the rows. Those narrations we mentioned they are narrated about the Prophet from Jābir ibn Salamah²⁰⁹, Abū Masʿūd Al-Badrī²¹⁰, Abū Saʿīd al-Khudrī²¹¹, Anas ibn Mālik²¹², al-Nuʿmān ibn Bashīr²¹³, Abū Hurairah²¹⁴. From many turuq which are in the pinnacle of authenticity, it is also narrated from the $tar\bar{t}q$ of ibn

²⁰⁸ Bada'i' al-Ṣanā'i' 2/23 | Al-Mabsūţ 1/340 | Al-Baḥr al-Rā'iq 1/376

²⁰⁹ Sahīh Muslim 430

²¹⁰ Sahīh Muslim 433

²¹¹ Musnad Aḥmad 3/3 | Ṣaḥīḥ Khuzaymah 1548

²¹² Sahīh al-Bukhārī 723

²¹³ Sahīh al-Bukhārī 717

²¹⁴ Sahīh al-Bukhārī 722



'Amr, Abū Mālik al-Ash'arī²¹⁵, 'Irbaḍ ibn Sāriyah, Al-Barā' ibn 'Āzib²¹⁶. All of them said it about the Prophet ≝.

We also mentioned the narration about the Prophet from Abū Bakr, and that it concurs with the narration of Wābiṣa, so it is affirmed that there is no opposition to the narration of Wābiṣa, it became with the great amount of *turuq* we mentioned from its narrators a *tawātur* transmission, which obliges knowledge by necessity. Because it is narrated from twelve companions, among them a Kūfī, a Baṣrī, a Raqqī, a Shāmī, a Madanī, from various. This is the attribute of is *naql al-kāffah*.

And they said, "We give precedence to one of two contradicting narrations if one of them is farther away from *shanā ʿah*."

They present as an example for this the saying of Allāh, "If a sinner comes to you with news, then investigate" [Al-Ḥujurāt: 6].

While Allāh also said, "And others from other than you" [Al-Mā'idah: 106].

There is no meaning to this and there is no $shan\bar{a}$ 'ah in anything other than opposition to Allāh and His Messenger and ruling with false ra' $\bar{\imath}$ other than what we are ordered. This is the shun 'ah for which there is no other shun 'ah.

And the saying of Allāh, "And others from other than you" [Al-Māʾidah: 106], is an exception from the prohibition of taking *khabar ul-wāḥid* from the sinner. So the sinner is not accepted in any news except for *waṣiyyah* only during the travel only, two *kāfirs* are accepted in it specifically without other sinners. There is no *shun ah* worse and severe more ugly and more apparent in falsehood than saying about the verse, "And others from other than you" [Al-Māʾidah: 106] that this means, "From a tribe other than yours." Exalted is Allāh above this grave nonsense! And which tribe did Allāh address here with this specific addressment, excluding other tribes? While Allāh said in the beginning of the verse, "O you who believe [Al-Ḥujurāt: 6]. No one knows that those who believed to be only from a specific tribe. Rather, among those who believed are Arabs, Persians, Copts, Nabateans, Romans, Slavs, Khazars, Sudanese, Abyssinians, Zanj, Nubians, Beja, Berbers, Indians, Sindhis, Turks, Daylamites, Kurds.

²¹⁵ Sunan Abī Dāwūd 677

²¹⁶ Sunan Abī Dāwūd 664

It is necessarily established beyond any doubt that those who are not among the believers are the disbelievers. No one denies this except one who has foolishly denied himself, rejects his 'aql, and spoken about his Lord without knowledge or evidence. Indeed, anyone that says that the intended meaning is, "From other than your tribe" or "From another tribe" should be ashamed by such a false claim that is clearly fallacious and devoid of any trace of the light of truth.

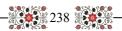
The wonder increases with the followers of Abū Ḥanīfah who accept the Jews and Christians regarding all rulings related to rights. While Allāh prohibited accepting the sinners, and then they do not accept them for matters related to the *waṣiyyah* during a travel, while there are texts for this exact issue in the Qurʿān for their acceptance. And Allāh is sufficient for us. What more can be said in this beyond describing this statement as grave, abhorrent, and dreadful? Mentioning it alone is enough without the need to respond further. And with Allāh, the Exalted, is success.

And they say, "We give precedence to one of two texts if *ishtiqāq* (etymology) assist one of two texts."

They exemplified this with the issue related to determining the time of ' $ish\bar{a}$ ' ('atamah), claiming about the word shafaq, that its etymology supports that it means redness.

We say: This is unknown in the science of language, nor has any linguist ever said that 'shafaq' is derived from redness. Rather, we have known that poets call the mixture of red and white on the cheeks 'shafaq' as a tashbīh only. We only say that the time for 'ishā' begins when the redness disappears because redness is called 'shafaq' and whiteness is called 'shafaq'. Therefore, when what is called 'shafaq' whether redness or whiteness, disappears, the 'shafaq' has disappeared, and the time for the prayer has begun. This is supported by the hadīth of the Prophet and this is the statement of the general and apparent meaning.

And as for the one that says regarding the first time of ' $ish\bar{a}$ '. It is when everything that is called 'shafaq' disappears, he has specified the narration without meaning and without certain evidence and has claimed that the intended meaning of that some of what is called shafaq which is whiteness and that the shafaq can disappear and that ' $ish\bar{a}$ ' time does not enter yet which is disappearance of redness. This is $takhs\bar{\imath}s$ of the narration without evidence, we only clarified this so that no one can make up and say to us, "You have



specified the apparent here in this place," and so that no one can claim the general meaning occurs here.

And they said, "We give precedence to one of two narrations if one of them shows deficiency to some of the *salaf* while the other does not show deficiency to some of them."

For this they present the example which are not authentic, they mention two narrations which mention the repetition of $wud\bar{u}$ for laughing in the prayer and the omission of $wud\bar{u}$ because of it. Both of these narrations are not authentic. One of them is narrated by al-Ḥasan ibn $D\bar{1}n\bar{a}r^{217}$ and he is weak and it is narrated from a mursal tar $\bar{1}q$ from Abū al-ʿAl $\bar{1}y$ ah and we clarified that no mursal is ever an evidence. And the last one is narrated from Abū Sufy $\bar{1}n$ from J $\bar{1}n$ from J $\bar{1}n$ sufy $\bar{1}n$ sufy $\bar{1}n$ from J $\bar{1}n$ sufy $\bar{1}n$

As for us, we present an example that holds true and is authentic. And that is the narrated story where a woman from the Makhzūm tribe stole, and Usāmah interceded for her so that her hand would not be cut off. The Prophet , disapproved of Usāmah's action and said to him, "O Usāmah, do you intercede to avert one of Allāh's prescribed punishments?" ²¹⁸

It is also narrated that a woman used to borrow items and then deny having them. The Messenger of Allāh, ordered her hand to be cut off, and Usāmah interceded for her again.

Those who give precedence to one of two narrations based on what we mentioned say, "It is impossible for the Prophet , to reprimand Usāmah for interceding in a prescribed punishment and that he then returns to a similar situation (this is a deficiency about him)." So they claim that because of this, that these two narrations are one and that it is one woman and that she was amputated not for denying having the borrowed property.

There is no meaning to this and there is no *hujjah* in it because we do not say that Usāmah, may Allāh be pleased with him, undertook that action knowing it was a prescribed punishment. And the narration does not contain a reprimand, but rather an instruction. We do not reproach Usāmah or anyone else for being ignorant of a certain aspect of the *sharī'ah* (any ruling) anything except if it is understood by them about the Messenger of Allāh.

And whoever claims that a narration about a thief and a narration about a borrower are one story is obstinate and speaks without any certain

²¹⁷ Sunan al-Dāragutnī 648

²¹⁸ Şahīh al-Bukhārī 3475

evidence, relying on what they do not know. As for us, we say with certainty, no doubt, that the situation of the borrower is different from that of the thief and that borrowing and then denying it is different from theft and that they are two distinct cases without doubt. Then, we do not assert that they are two women or that it is one woman, because both are possible. It is possible, even if it were one woman, that she stole once and her hand was cut off, and then she borrowed and denied it, so her second hand was cut off. Allāh knows best.

We only say what we have narrated and find authentic, and we do not add our ra \bar{t} to what we have not heard or what is not proven, lest we fall into the category of lying and get its punishment and we seek refuge in Allāh from that. However, we do say that we have narrated with an authentic chain that the Messenger of Allāh, ordered the cutting of the hand of a woman who borrowed items and denied it. Therefore, we cut off the hand of every borrower who denies, if there is evidence against them, or the judge has knowledge indicating it, or they confess to it. And we say that we have narrated that the Prophet $\frac{1}{2}$, cut off the hand of a thief. Therefore, we cut off the hand of a thief if it is proven against them in any of the ways we have mentioned. And this is while the narration about cutting off the hand of a borrower (that denies) has been narrated from other than \bar{A} ishah, may Allāh be pleased with her²¹⁹. With an authentic chain that does not mention Usama's intercession or anything from the *hadāth* of the thief.

Some of them said, "Rulings that are the most save must be preceded by."

As an example for this they say, "The prayers must be made up which are not done on purpose till the prayer time ends because this is the most safe option."

The answer: What is sufficient for this is that it is a mere claim merely according to their desires, we have already clarified this, and if someone were to reverse their exact claim and say, "Not doing it is the safest option because Allāh has not obliged us this and we are not allowed to speak about Allāh with what we do not find in his revelation," he would be upon the truth. It is not allowed to attribute lies to the religion of Allāh from obligations and prohibitions because of mere desires and fear, nor is it allowed to follow mere *zann*. This will be clarified further in the chapter about *iḥtiyāṭ*.

²¹⁹ Sunan Abī Dāwūd 4395

They have very corrupt $tarj\bar{\imath}\hbar\bar{a}t$, and what we have mentioned encompasses all of them. We have demonstrated their invalidity with clear evidence, and their claims lack certain decisive evidenced. Therefore, whatever they precede in one place, they abandon it in many others. We have clarified the ways to resolve the supposed contradictions in the texts of the Qur'ān and Sunnah with clear clarification. Praise be to Allāh, the Lord of the worlds. There is no power and no strength except with Allāh, the Exalted, the Great.

Section: Regarding Those Who Say, "It is not Allowed To make *Takhṣīṣ* (Specify) The Qurʿān Using Narrations of The Prophet *," And The Answer Against It

We have clarified previously how $Ah\bar{a}d\bar{\imath}th$ make exceptions to that which is in the Qur'ān and how that which is in the Qur'ān makes exceptions to that which is in the $Ah\bar{a}d\bar{\imath}th$. And we have clarified that which has come from both of them from specifics $(kh\bar{a}s)$ and that which is general from them $(\bar{a}m)$, and also the manner of taking from the $z\bar{a}'id$ (additional rulings) in all of that. We also clarified the contradictions and the falsehood of those that oppose this method and the amount of doubts in them based on their sayings.

And some remnants of their poison remain that we will mention here, by the will of Allāh, which is that some of them reject certain sayings of the Prophet while that which is similar to it, is taken by them in other places, so they say, "It is not allowed to specify the Qur'ān using a narration from the Prophet," we clarified before that these people only care about reviving an issue which is in front of them only, in whatever way they can do it even if they with that destroy one thousand other issues which they use as evidence with it which they reject in other places.

Then they do not care to use in another issue as evidence that which they declared invalid before, so they invalidate what they believe is the truth as you can see, they allow it one case and they prohibit it in another year.

And it is necessary for the one that abandons the saying of the Most Exalted, "And you do not find water, then perform tayammum with clean earth" [An-Nisā': 43]—for a narration which indicates the permissibility of

 $wud\bar{u}$ using intoxicating $nab\bar{\iota}dh^{220}$ which is never authentic—and the one that abandons the saying of Allāh, "But whoever overlooks from his brother (the killer), then there must be a suitable follow-up and payment to him (the deceased's heir) with good conduct" [Al-Baqarah: 178]—And says, "No he may follow it up by hitting him with a whip and banish him from the country," and in this matter there are many examples—to be ashamed to claim that they do not specify the Qurʻān by an authentic narration transmitted by upright reliable narrators.

It is indeed astonishing from those who refuse to accept a *khabar ul-wāḥid* narration for judgments in matters such as ruling by the oath with a witness, completing the fast for someone who ate forgetfully, prohibition due to five breastfeedings, and the requirement to make up missed fasts on behalf of those that passed away, embalming a deceased person who was in a state of *iḥrām* and in over two hundred rulings. Then they do not have shame in claiming that the married fornicator is not lashed while the lashing of every fornicator without specifying the married from the unmaried is exactly as Allāh said, "The fornicatress and the fornicator, lash every single one of them one hundred times" [An-Nūr: 2].

And Allāh did not specify anything except the slave girls and the slaves only, so they abandoned the Qur'ān as you can see (For the Sunnah while they claim they can not specify the Sunnah for the Qur'ān) and the authentic Sunnah from the *ṭarīq* of 'Ubādah which obliges the lashing whether the fornicator is married or not, all for a false *zann* that Mā'iz, a mere claim about him, that he was stoned and not lashed.

We know the method of *mu'tazilah* that they do not take from narrations except if they find its ruling mentioned in the Qur'ān, and we do not find any certain decisive evidence for this corrupt method that no ruling is taken from narrations except if it is found in the Qur'ān. And it is only narrated that the Prophet did not lash Mā'iz from a weak *ṭarīq* which is not authentic²²¹

And they hear the that it is revealed in the Qur'ān, "And if you recite the Qur'ān then seek refuge in Allāh from satan, the outcast" [An-Naḥl: 98].

²²⁰ Sunan Abī Dāwūd 84

²²¹ Musnad ibn al-Mubārak 166 | Al-Muṣannaf by ibn Abī Shaybah 28795

Then they say, "We do not seek refuge in Allāh if we recite the Qur'ān in prayer because there is no narration obliging seeking refuge in the prayer."

So sometimes they abandon the authentic narrations because its rulings is not mentioned in the Qur'ān and sometimes they abandon the Qur'ān because its ruling is not mentioned in a narration. Then where do they seek their method from? And how do they allow these heinous acts, which are not acceptable due to its falsehood, lack of certain decisive evidence, and any indication of its invalidity? Some of them objected—those who omit the seeking of refuge, citing what was narrated from the Prophet would begin the recitation with, 'All praise is for Allāh, the Lord of everything.'"²²²

This is from their strange arguments, when did we say to them that seeking refuge in Allāh is a recitation? We only say that seeking refuge in Allāh from satan is only before the recitation and that $istift\bar{a}h$ is only with recitation without any doubt, we do not say other than this.

If they say, "Do you then say that Mā'iz is lashed by the Prophet # and that the Prophet # would seek refuge in Allāh before reciting in the Prayer?"

We say to them and Allāh is the source of strength: We say and are certain that Allāh ordered lashing every single fornicator in any possible case and that the Prophet ruled on the fornicator that is married the lashing and also stoning and that the Prophet did not oppose his Lord in anything without doubt and we have no doubt that Mā'iz was lashed and stoned. And we do not know if his matter was after the texts were mentioned with the obligation of lashing with stoning, it is possible that the ruling of stoning was available before the verses of lashing were revealed, we narrated with the most authentic *tarīq* that it was said to some companions regarding the Prophet stoning the fornicating married men and women, "Was that before Sūrah al-Nūr was revealed or after it, they said, 'I do not know."

So our view is affirmed, our view is also that of 'Umar, he lashed Sharāḥa al-Hamdāniyah one hundred times then stoned her 223 .

And we say the exact same thing, that Allāh has ordered everyone that recites in general—no matter the situation—to seek refuge in Allāh and

²²² Sahīh Muslim 498

²²³ Sahīh al-Bukhārī 6812 | Sunan al-Kubrā 7140

that the Prophet $\stackrel{\text{def}}{=}$ never opposed his Lord ever. There is no doubt according to us in the obligation of seeking refuge in the prayer, a large group of the companions would seek refuge in Allāh before the recitation, this is narrated from them with authentic $as\bar{a}n\bar{\imath}d$ and never is any objection narrated from any one of them.

Similarly if there is an order, the order does not become invalid if it is not narrated that the Prophet did it, we clarified that the order the moment it is mentioned it is obligatory, necessary as long as there is no certainty of its abrogation. If an order would not be valid except if it is repeatedly mentioned in the narration then this would also be necessary on the repetitions and on the repetitions of the repetitions, till there is no end to this. And this would also apply for actions, and no *sharī ah* would then be ever valid, this is a saying that leads to the invalidity of all rulings and leads to *kufr*. The second order does not have more *tawkīd* than the first.

Then we reverse to them this false question and say to them, to the one who is among them a Mālikī: Do you say that the Prophet bliged and collected $zak\bar{a}h$ from radish seed oil, and $zak\bar{a}h$ on mustard seed oil, black eyed beans, lentils, and tradable property, which were present in Medina and its trade was predominant among the $muh\bar{a}jir\bar{\imath}n$. And these were also the predominant livelihood of the everyone in Makkah, we do not exclude anyone among them, during the times of the Prophet and did the Prophet rule with shufah in fruits? This was being sold during his time in Madīnah without doubt.

And to the Ḥanafī among them: Do you say that the Prophet \cong obliged and collected $zak\bar{a}h$ from gourds, pomegranates, vegetables, and cotton?

And to the Shāfi'ī among them: do you say that the Prophet $\stackrel{\text{def}}{=}$, said the *basmalah* in every *rak'ah* before reciting *umm ul-Qur'ān*?

If they say, "The evidence for all that we mentioned has been established, and it is not attributed to the Prophet ## that he opposed what is ordered in the Qur'ān and it is not attributed that he opposed any order of His Lord."

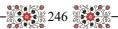
We say to them: And this is our exact answer regarding Mā'iz and regarding the seeking refuge in Allāh. Except that there is nothing authentic for any of the things you use this answer for.

If they say, "Yes the Prophet # has done all of that"

It has not been narrated in any of the authentic narrations that he did any of the things mentioned, (then) do not deny this from those who follow it based on the textual evidence of Allāh's words and authentic rulings of the Prophet.

And if they say, "The Prophet did not do it but we oblige it through inferred evidences (dalīl)."

Then they have acknowledged *kufr* upon themselves and acknowledged a innovating rulings that Allāh Almighty did not permit, nor did the Messenger have knowledge of. They have declared that the Prophet openly defied the command of his Lord, neglected his duty, and claimed to rectify it by following the command of their Lord. A Muslim does not say this. Allāh guides to what is correct.



Section: A *Mursal* Narration Can Exist Except That A Certain Decisive *Ijmā* 'Can Establish What Is In It

A mursal narration can exist except that there is an $ijm\bar{a}$ 'established on what is in it, and such is conveyed generation after generation, if it is like this then it is transmitted as $naql\ ul-k\bar{a}ffah$. Such as the transmission of the Qur'ān, so we are not in need of mentioning a sanad for it. It being besides that also mentioned in the manner of mursal or not is in such cases the same, without a difference. This is like the narration, "There is no wasiyyah for the inheritor." And many signs of the prophethood, even if some people narrated it with authentic $as\bar{a}n\bar{a}d$, so it is narrated transmitted with $naql\ ul-k\bar{a}ffah$ like the moon being split in half²²⁴, while it is mentioned in the Qur'ān and the Prophet feeding many people from very little food²²⁵, and when he watered the entire army with very little water in a cup²²⁶, and like when he poured his $wud\bar{u}$ ' in a well then it streamed²²⁷. And him throwing dust to the eyes of the people of Hunayn and it hit all of them, while this is mentioned in the Qur'ān.

As for the *mursal* on which there is no $ijm\bar{a}$ then it is rejected based on what we mentioned that there is no evidence for its acceptance at all. It is part of sayings that would be accepted if there is $ijm\bar{a}$ on it and rejected if there is difference and that is every saying that has no text on its wording.

Whoever says about that without certain decisive evidence has disobeyed Allāh because of His saying, "Say, 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He

²²⁴ Şahīh al-Bukhārī 3636

²²⁵ Sahīh al-Bukhārī 4101

²²⁶ Şahīh al-Bukhārī 422

²²⁷ Sahīh Muslim 27

has not sent down authority, and that you say about Allāh that which you do not know'" [Al-A'rāf: 33].

The wonders increase from the *ḥanafiyyah* and *mālikiyyah*, they reject accepting *khabar ul-wāḥid* and they reject it while the Qurʿān concurs with it, based on what we mentioned, then they abandon the Qurʿān for a transmission of no one.

If someone says, "How is that possible?"

We say: They use the *mursal* very often, this is the narration of no one because the narrator is not mentioned so his case is $majh\bar{u}l$, such a narrator and the one that does not exist at all are the same.

Section: Some Of Our Companions Allowed The Possibility Of An Authentic Narration Existing From The Prophet And At The Same Time That There Can Be An *Ijmā* Which Opposes That

Some of our companions (among the $z\bar{a}hiriyyah$) allowed the possibility of an authentic narration existing about the Prophet and at the same time that there can be an $ijm\bar{a}$ that opposes it, they say regarding this, "This is an evidence that it is $mans\bar{u}kh$."

This is according to us an ugly falsehood with certainty for two certain necessary evidences: one of them is that the existence of an authentic narration and an actual valid decisive certain $ijm\bar{a}$ that opposes it does not exist, this never happened, this does not exist in the world. Whoever claims this exists then let him mention it, and by Allāh he will have no way of ever proving this.

Secondly, Verily, Allāh had said, "Verily, we have revealed the *dhikr* (revelation) and surely we will guard it" [Al-Ḥijr: 9]. It is guarded according to anyone that believes in Allāh, His Messenger and the last day, and that anything Allāh assures the protection of, never will anything of it become corrupt or lost ever. No Muslim doubts this and the words of the Prophet $\stackrel{\text{\tiny{deg}}}{=}$ are all $wah\bar{\iota}$ (revelation), by him saying, "He does not speak of desire, it is only a revelation revealed" [Al-Ḥijr: 9].

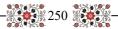
So revelation is *dhikr* according to the *ijmā* of the *ummah*, all of it is guarded according to texts, so the saying of the prophet are all guarded, with the preservation of Allāh by necessity, all of it is conveyed to us without any other possibility. If this narration which someone tumults about that there is $ijm\bar{a}$ on the abandoning of it and that it got abrogated, then the $n\bar{a}sikh$ on which there is $ijm\bar{a}$, it is lost and is not guarded, this is rejection of Allāh's words that He guards all of the revelation, if that would be the case then many



of that which has come from the Prophet would be invalidated. The Prophet invalidated this possibility when he said, "O Allāh have I conveyed." 228

We do not reject the possibility of an authentic narration, and a verse to be abrogated because of another authentic narration or a verse and there to be agreement on this naskh, this exists according to us, except that we say that the $n\bar{a}sikh$ must also be available, transmitted to us, guarded, a text that reached us. What we only reject is that the $mans\bar{u}kh$ is guarded, transmitted, reached us while the $n\bar{a}sikh$ has become invalid and not transmitted to us, this is false, this does not exist in the world ever, this is from the impossibilities.

²²⁸ Şahīh Muslim 2887



Section: Not Every Saying Of The Companion Is An *Isnād*

If the companion says, "The Sunnah is so-and-so." Or, "We were ordered so-and-so." This is not an *isnād* and there is no certainty that this is from the prophet . Nothing is attributed to anyone of a saying which has not been narrated that he said it and no certain decisive evidence exists that he said it.

It has been narrated from Jābir ibn 'Abdullāh that he said, "We would sell *ummuhāt al-awlād* during the time of the Prophet *, but 'Umar prohibited us, so we stopped."²²⁹

Some of them said, "The Sunnah is so-and-so," only meaning with it, that which their $ijtih\bar{a}d$ led them towards. From this it is narrated from 'Umar, "Is not the Sunnah of the Prophet sufficient for you? If anyone of you is prevented from performing hajj, he should perform the $taw\bar{a}f$ of the Ka bah and between al- $saf\bar{a}$ and al-marwah and then finish the $ihr\bar{a}m$ and everything will become allowed for him which was prohibited for him (during the state of $ihr\bar{a}m$) and he can perform hajj in a following year and he should slaughter a $had\bar{i}$ or fast in case he cannot afford the $had\bar{i}$."²³⁰

There is no difference from anyone of the ummah that the Prophet $\stackrel{\text{\tiny #}}{=}$, when prevented from al-bayt that he would not perform $taw\bar{a}f$ and also not through al- $saf\bar{a}$ and al-marwah, he would instead exit $ihr\bar{a}m$ wherever he would be at hudaybiyyah, nothing more. That which 'Umar said never occurred from the Prophet $\stackrel{\text{\tiny #}}{=}$.

²²⁹ Sunan Abī Dāwūd 3954

²³⁰ Sahīh al-Bukhārī 1810

'Amr ibn al-'Āṣ said, "Do not confuse us about his Sunnah. The 'iddah of the umm ul-walad if her husband passes away is the 'iddah of the free women whose husband passed away, four months and ten days."²³¹

Wahb ibn Kaysān said, "Two 'īds occured at the same day during the time of ibn al-Zubayr, he delayed the going forth till the day time, then he went and gave a very long *khutbah*, then he came down and prayed two *rak 'ahs* with the people, he mentioned that to ibn 'Abbās and he said, 'He went according to the Sunnah.'"²³²

It is also authentically narrated about ibn 'Abbās that he would read *umm ul-Qur* 'ān on the *jināzah* in the prayer and would recite it loud and would say regarding it that it is the Sunnah²³³.

And it is narrated about Anas that he broke the fast in his house in Rama \dot{q} ān when he wanted to travel before he went out to travel and called this the Sunnah²³⁴.

Our opponents in this topic, do not believe in any of these what the companions said. From here they contradict their method. Then who is more misguided than those that do not make the saying of those companions who say it is the Sunnah, the Sunnah but at other places make the saying of Saʿīd ibn al-Musayyib regarding the *diyah* of the fingers of the women when he called it a Sunnah, they make it a Sunnah.

When we find this $man s\bar{u}s$ from the companions, it is not allowed to attribute it to the Prophet anything from it, otherwise we are part of the prohibition of Allāh, when he said, "Do not pursue what you have no knowledge of" [Al-Isrā': 36].

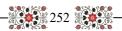
Whoever persist in this has very little fear, rules with zann and zann does not prevail of the truth anything. This is the method of the salaf, as it is narrated that 'Ā'ishah said, "A woman had istiḥāḍah in the time of the Messenger of Allāh . She was ordered to advance the afternoon prayer and delay the noon prayer, and to take a ghusl for them only once; and to delay the sunset prayer and advance the night prayer and to take a bath only once for them; and to take a bath separately for the dawn prayer." Shu'bah asked

²³¹ Sunan Abī Dāwūd 2308

²³² Sunan Al-Kubrā 1794 | Al-Muṣannaf by ibn Abī Shaybah 5836

²³³ Ṣaḥīḥ al-Bukhārī 1335

²³⁴ Sunan al-Tirmidhī 799, 800 | Sharh Al-Sunnah 6/313



Abd al-Raḥmān about this, "Is it from the Prophet *?" He said, "I did not narrate to you anything from the Prophet *.".

So Abd al-Raḥmān said that she was ordered during the time of the Prophet , and he did not allow to say, "And who could have ordered her except the Prophet ?" Especially during the time of the Prophet !! Such claims come only from the one that has no understanding and has no fear and engages in false *qiyāsāt*.

Some of them said, "If there comes from companions sayings except that there is in it making a *sharī* 'ah, a *hadd*, a threat, (or 'aq $\bar{\iota}$ dah) then this cannot be from $qiy\bar{a}s$, and this cannot have been except from the Prophet "."

They use this false argument to indicate that it must have been from the Prophet . The speaker of this false statement admits that they impose eighty lashes for consumption of *khamr* based on their own ra \bar{i} (the companions), Allāh has saved them from that, we find that they, the companions said many things with their ra \bar{i} , before and after the passing of the Prophet , a group of the companions claimed that the deeds of 'Āmir ibn al-Akwa' were nullified because he hit himself with his sword in the war and died, then the Prophet declared this false²³⁶.

And 'Umar said, "Let me strike the head off Hatib, for he is a $mun\bar{a}fiq$."²³⁷

And the Prophet $\stackrel{\text{def}}{=}$ invalidated this saying, while there was in the saying of 'Umar an obligation of shar' in striking his head off, who is a Muslim and a saying of the ghayb that he is a $mun\bar{a}fiq$, and there are many of such ra' \bar{i} from them may All \bar{a} h be pleased with them, we will mention all of it in the chapter we invalidate $taql\bar{i}d$ by the will of All \bar{a} h.

From all of this a person can say it as a *mujtahid*, *muta'wwil*, *musta'zim* of his $ra'\bar{\imath}$ he can be wrong or correct.

The wonder continues from those that attribute to the Prophet everything we mentioned which he only assumes falsely that it is from the Prophet . And they reject that the Prophet lashed Mā'iz, while it is established that the Prophet lashed the married fornicator with stoning and while it is revealed in the Qur'ān to lash every single fornicator in general.

²³⁵ Sunan Abī Dāwūd 294

²³⁶ Şahīh al-Bukhārī 4196

²³⁷ Sahīh al-Bukhārī 3007



Abū Hurairah said in the narration about spending on the wife and the son and the slave, he said in the end, "The wife says, 'You either provide me with food or divorce me." It was said to Abū Hurairah, "Is this from the Prophet *?" Abū Hurairah said, "No this is from my own self." 238

It is astonishing to hear someone say that such statements cannot be made based on $qiy\bar{a}s$ or other methods (and that it must have been from the Prophet), as in the case when ' \bar{A} 'ishah, may All \bar{a} h be pleased with her, told the $umm\ ul$ -walad of Zaid ibn Arqam to inform Zaid that if he does not repent, his $jih\bar{a}d$ alongside the Messenger of All \bar{a} h will be rendered null²³⁹.

Yet, they themselves use $qiy\bar{a}s$ that are more outrageous than this. Some of them differentiate between a mouse and a sparrow that fall into a well and die, and then make a difference between a chicken and a cat that die in the well, obliging twenty buckets of water to be drawn for the first and forty for the other.

They permit the sale of one piece of cloth out of two or three, chosen by the buyer without specifying which one, but do not permit the sale of one piece of cloth out of four or more, chosen by the buyer.

They oblige amputation for a teak and a spear, but do not see it for wood. And some of them make a difference between a transaction involving the forward sale (*salam*) of one mule for two mules and the forward sale of two mules for two mules, permitting one and prohibiting the other

Their rulings in religion, if compiled, would fill volumes. We only attribute to the Prophet what has been authentically transmitted or what is established that his Lord ordered him to do and was not abrogated.

The same applies for ' $aq\bar{\imath}dah$, what has preceded in this chapter indicates the clear falsehood of affirming their mere words as the words the Prophet . Allāh only obliged obedience to His words and the words of His Prophet and rulings and made this the religion without anything else, nothing else is part of it, whoever opposes this is a $k\bar{a}fir$.

Whoever opposes this finds it easy to refuse affirming a *khabar al-wāḥid* from the *thiqah* from the Prophet $\stackrel{\text{\tiny{def}}}{=}$ as $ma \stackrel{\text{\tiny{s}}}{=} \bar{u}m$, while it is something Allāh obliged accepting by His $\stackrel{\text{\tiny{def}}}{=}$ exact words, and said about it that He $\stackrel{\text{\tiny{def}}}{=}$ guards it.

²³⁸ Sahīh al-Bukhārī 5355

 $^{^{239}}$ Al-Muṣannaf by 'Abd al-Razzāq 14812, 14813 | Sunan by Al-Daraquṭnī3/52

Then this was not enough for them, till they took the words uttered by men for which Allāh and his Messenger \cong not said anything for, have not obliged accepting, have not revealed revelation for, has not guarded their words and they without any hesitation every single thing they say as if they are $ma \ \bar{s}\bar{u}m$.

How is it that they are unable to find for any of these hundreds of sayings the *salaf* a single statement from the Prophet . And this is while there are hundreds of sayings of the companions, may Allāh be pleased with them, that are contrary to the sayings of the Prophet.

Then we ask them: Did they complete the religion of Allāh when they were done saying what they said from themselves or was the religion completed before them?

If they say, "They completed it." They have left Islām.

If they say, "No," they have left this method and returned to the truth.

And whoever affirms that as the religion of Allāh sees himself many contradictions in their sayings in 'aqīdah, many ikhtilāfāt (differences of opinion) and anything that is contradictory is not from the religion of Allāh said, "If it had been from [any] other than Allāh, they would have found within it much contradiction" [4:82].

It is enough falsehood when there no exists no statement for their mere sayings from Allāh and his Messenger ...

The difference made between ' $Aq\bar{\imath}dah$ and Fiqh is a difference without any certain decisive evidence, both of them have knowledge which is obligatory to be sought for all mankind and jinn. The one that rejects one issue about $tah\bar{\imath}arah$ after understanding the hujjah is a $k\bar{\imath}afir$ no matter who they are, just as the one that rejects the truth in ' $aq\bar{\imath}dah$ after understanding the hujjah.

If they raise 'aqīdah other than tawhīd above fiqh it is said to them: If it is of that status with you, then where do you have a saying from Allāh and his Messenger soft for the mere saying of that salaf?

And then they are asked: Is that exact thing that the *salaf* uttered, the words of Allāh and the words of the Prophet *? or is it not the word of Allāh and the word of the Messenger *, there is no third option.

If you say, "It is the word of Allāh and the word of the Prophet "," they have attributed lies against the Allāh and his Messenger "his religion without shame and the one doing that takes his abode in the hellfire.

If they say, "It is not the word of Allāh and not the saying of the Prophet "," they invalidate their method return to the truth.

And they are asked: Is $ijtih\bar{a}d$ possible in $^{`}Aq\bar{\imath}dah$ other than $tawh\bar{\imath}d$ or is it not possible

If they say, "It is not possible," they make a difference without any certain decisive evidence.

And they are shown the hundreds of differences among them regarding it, each one of them invalidating the other and the differences of the companions regarding it.

If they say, "So the one that has false beliefs in 'aqīdah is a mujtahid?"

The answer and Allāh is the source of strength: Yes, if he sought it through valid methods of evidence which we will clarify in the chapters of *ijtihād* and *taqlīd* by the will of Allāh—then he is a *mujtahid*, if he was wrong he is rewarded once and if he is correct he is rewarded twice. But if he did not seek it except through false methods such as *taqlīd* and others, then he is not a *mujtahid*.

And if they say, "It is possible," they have acknowledged that they err or are correct and Mistakes, forgetfulness, *wahm* are possible in it especially because of the differences about *ishtiqāq* and many other matters, then everything that is not found in the words of Allāh and His Messenger and his rulings are falsehood.

And also we find the people who make such claims to use weak narrations in ' $aq\bar{\iota}dah$! The goal of these people is nothing but to use anything they can find support the sayings of the salaf instead of seeking the words of Allāh and his Messenger $\stackrel{\text{def}}{=}$.

If they say, "We only affirm what they said from themselves in 'aq $\bar{i}dah$ to the religion if there is $ijm\bar{a}$ ', otherwise we do not affirm it."

The $Ijm\bar{a}$ 'that is an actual real $Ijm\bar{a}$ 'is not $Ijm\bar{a}$ 'suk $\bar{u}t\bar{t}$ or other false forms of $Ijm\bar{a}$ 'which you cling onto. $Ijm\bar{a}$ 'is only the type which we will clarify in the chapters about $Ijm\bar{a}$ 'by the will of All $\bar{a}h$ and that type is certain decisive evidence that it is an acknowledgment of the Prophet , not the saying of anyone other than him at all.

And also the companions rejected affirming for the religion what others called a Sunnah and rejected saying about them, "It must have been from the Prophet *," then how about anything that is lower in degree from



their mere sayings? They would seek nothing other than the words of Allāh and His Messenger and nothing else as we will clarify in the chapter of *taqlīd* by the will of Allāh.

The Prophet said, "Lying about me is not like lying about anyone else. Whoever intentionally lies about me, let him take his dwelling in the Hellfire."

There is no greater deliberate lie than hearing a statement from someone Allāh has not made from the religion, attributing it to the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ without having heard it from him $\stackrel{\text{\tiny{de}}}{=}$ or knowing that Allāh ordered him to say it, and then claiming it based on your own ra $\stackrel{\text{\tiny{T}}}{=}$ and assumption that the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ said it. We seek refuge in Almighty Allāh from that.



Section: People That Do Not Fear Allāh in What They Attribute To The Prophet

Some people who do not fear Allāh Almighty have mentioned narrations, some of which invalidate the rulings, while others attribute lies to the Messenger of Allāh and permit lying against him.

This is the narration that attributes to the Prophet ## that he said, "There will come a people who will narrate to you <code>hadīth</code>, whoever among you narrates to you that which is similar to the Qurʿān, then I have said it. If they narrate to you that which is not similar to the Qurʿān then I have not said it, it is only a sip of hell fire." ²⁴⁰

This false narration is not free from al-Ḥusayn ibn 'Abdullāh, he is $s\bar{a}qit$, accused of zandaqah. Shimr ibn Numayr is not a thiqah and Jabbārah ibn Mughallis is weak²⁴¹.

Another of such false narration is that which is attributed to the Prophet that he said, "Ḥadīth from me is of three types, if any of them reach you about me and you know it from the book of Allāh then accept it. Any narration that reaches you about me which you do not find in the book of Allāh which you reject and do not know its place then accept it. And any narration that reaches you about me which causes your hearts to shiver (with doubt) and you find the opposite in the Qurʿān then reject it."

This false narration is mursal, and al-Asbagh is majhūl.

Another of such narration is that which is attributed to the Prophet ##
that he said, "Let no one hold me on anything; I do not permit anything except

²⁴⁰ Al-Du'afā' by al-'Uqaylī 1/245 | Al-Lisān 2/289

²⁴¹ Al-Taqrīb 1/125

 $^{^{242}}$ Miftāḥ al-Jannah pg. 50-51 | Al-Lisān 1/271



what Allāh has permitted in His Book, and I do not prohibit anything except what Allāh has forbidden in His Book."²⁴³

This narration is weak as it is *mu 'dal*, except that only some of its meaning is correct, because the Prophet sonly told us in this narration that he does not say anything from his own self without revelation from Allāh.

Allāh said, "Nor does he speak of desire. It is nothing but a revelation revealed" [An-Najm: 4]. So Allāh said that everything his Prophet said that it is from Allāh.

As for the narration from the *tarīq* of ibn Wahb —» Sulayman ibn Bilāl —» 'Amr ibn Abī 'Amr —» Someone that is not criticized —» Al-Ḥasan, "The Messenger of Allāh said, 'I do not know; perhaps you may say things about me after my time that I did not say. Whatever you hear from me that agrees with the Qur'ān, believe it. And whatever you hear from me that does not agree with the Qur'ān, do not believe it. The Messenger of Allāh, cannot say anything that does not agree with the Qur'ān, for he is guided by the Qur'ān."

This narration is *mursal*, 'Amr ibn Abī 'Amr is weak and there is a *majhūl* in it.

It is also narrated about the Messenger of Allāh ## that he sat beside the stone during his illness from which he passed away. He warned against tribulations and said, "By Allāh, people will not hold me accountable for anything. I do not permit anything except what Allāh has permitted in His Book, and I do not forbid anything except what Allāh has forbidden in His Book."

This is *mursal*, not authentic.

It is also attributed to the Prophet ## that he said, "If you hear a hadīth attributed to me that agrees with the truth, then accept it, whether I actually said it or not."²⁴⁵

This is weak, Ash ath ibn Bazzār is a liar, *sāqiṭ*, his narrations are not taken. And Ṣāliḥ ibn Mūsā is weak²⁴⁶.

 $^{^{243}}$ Musnad al-Shāfî î
 $\overline{1}$ 29 | Al-Risālah by Al-Shāfî î
 $\overline{1}$ pg. 224-225 | Al-Ṭabaqāt by ibn Sa îd 2/215

²⁴⁴ Al-Sunan Al-Kubrā by Al-Bayhaqī 13439, 7/120

 $^{^{245}}$ Al-Sunan by Al-Dāraquṭnī 17, $4/208\ |$ Al-Kifayah by Al-Khaṭīb pg. $430\ |$ Dhamm ul-Kalām by Al-Harawī 658

 $^{^{246}}$ Al-Mawḍūʿāt by ibn al-Jawzī 1/98-258 | Lisān al-Mīzān 1/454 | Al-Mīzān 1/263



It is also attributed to the Prophet ## that he said, "Whatever good saying is attributed to me, even if I did not actually say it, I have said it."²⁴⁷

Al-Ḥārith and al-ʿArzamī are both weak and ʿAbdullāh ibn Saʿīd is a well-known liar and there is *inqiṭā* ʿ between ʿAbdullāh ibn Saʿīd and Abū Hurairah.

And this is attributing a lie to the Messenger of Allāh $\stackrel{\text{\tiny def}}{=}$ because in that narration he said, "Whatever I did not say, if it is attributed to me, I have said it." How could he say something he did not say? Who would dare to do this except a lying, $zind\bar{\imath}q$, idiot, $k\bar{a}fir$ Truly, to Allāh we belong and to Him we shall return. How great is the calamity due to the severe challenges posed by the $kuff\bar{a}r$ to this bright millah, and how weak are the discernments of many people of virtue who might fall for such afflictions due to their intense heedlessness and their $husn\ ul$ -zann of those who outwardly show them goodness.

One of the groups invalidate the rulings and the other allows lies against the prophet. We seek refuge in Allāh from both of these two groups.

We say to the first one: The first thing we present to the Qurʿān is the narration which you mentioned, when we present it to it, we find that the Qurʿān itself opposes the narration, Allāh said, "And whatsoever the Messenger gives you, take it; and whatsoever he forbids you, abstain (from it)" [Al-Ḥashr: 7].

And Allāh said, "Whoever obeys the Messenger has obeyed Allāh" [An-Nisā': 80].

And Allāh said, "That you might judge between men by that which Allāh has shown you" [An-Nisā': 105].

And we ask the one who says this corrupt statement: In which Qur \bar{a} n did you find that zuhr consists of four units, maghrib of three units, and the description of bowing and prostration, the description of recitation, the manner of $tasl\bar{u}m$, and the explanation of what to avoid during fasting, and the explanation of how to pay $zak\bar{a}h$ on gold, silver, sheep, camels, and cattle, including the amounts liable for $zak\bar{a}h$, and the amount of $zak\bar{a}h$ to be paid, and the description of hajj rituals from the time of standing at arafat, the description of prayer therein, at arafat, and the stoning of the arafat, the description of arafat and what to avoid therein, and cutting the hand of the thief, the description of what prohibits by breastfeeding, what is prohibited

²⁴⁷ Miftāḥ al-Jannah pg. 54

from food, the description of sacrificial animals and offerings, the rulings of $hud\bar{u}d$ punishments, the description of divorce proceedings, the rulings of transactions, the explanation of usury, judgments, mutual consent, faith, monasticism, 'Umrah, charity, and all types of jurisprudence. Indeed, in the Qur'ān, there are comprehensive statements. If we were to leave them aside, we would be ignorant of how to act upon them. The reference in all of this is solely to the Prophet and likewise to $ijm\bar{a}$, which we have compiled all in one book. So that which is returned to is always what is narrated about the Prophet.

If someone says, "We only accept what we find in the Qur' \bar{a} n," they are a $k\bar{a}fir$ by the $ijm\bar{a}$ of the ummah.

Some of those people claim, "Everything mentioned in the Qur'ān about obedience to the Prophet and the *dhikr* only means that the Prophet would recite the Qur'ān to clarify."

This is a false claim without certain decisive evidence, and Allāh also said, "Indeed, those who disbelieve in Allāh and His messengers and wish to make difference between Allāh and His messengers" [Al-Nisā: 150]

If the rulings the Prophet ## made would only be in the Qur'ān then it would not be possible to make a difference between Allāh and His Messenger ##.

And they would only need to perform one rak 'ah between the decline of the sun [from its meridian] until the darkness of the night, because that is the least amount the word $sal\bar{a}h$ applies to, There is no limit for that. And whoever says this is a $k\bar{a}fir$, mushrik. Some extremists among the $raw\bar{a}fid$ reached this conclusion, upon whom the ummah has agreed regarding their kufr. May Allāh Almighty grant success.

If someone does not accept anything except what the *ummah* has an $ijm\bar{a}$ on, leaving everything which is differed upon what the texts have mentioned, they are sinful by the $ijm\bar{a}$ of the *ummah*. These two sources oblige adherence to narrations from the Prophet $\stackrel{\text{\tiny{deg}}}{=}$.

As for those who rely on the <code>hadīth</code> of <code>taqsīm</code>, they say, "Whatever is in the Qur'ān, we accept; and whatever is not in the Qur'ān which does not go in accordance with the Qur'ān nor oppose it, we accept; whatever contradicts the Qur'ān, we abandon."

It is said to them: Any narration about the Prophet ## that is authentic, nothing of it contradicts the Qur'ān. If the additional amount is considered

contradictory, it necessitates the amputating the hand if the one that steals the amount of one *fals* (one sixth of one *dirham*) of gold, because the only Qurʿān came with the generality of amputating. It also necessitates the permissibility of eating excrement, as the Allāh only said, "Say, 'I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is *rijs* - or it be [that slaughtered in] disobedience, dedicated to other than Allāh." [Al-Anʿām: 145]. Excrement is not one of the things mentioned.

If someone says, 'It is a rijs.'

It is said to them: All that is *ḥarām* is *rijs*, and this implies especially to those who make *istiḥlāl* of urine unrestrictedly, and what is the difference between the types of excrements, this is not made except according to desires.

It also necessitates the permissibility of combining in marriage between the paternal aunt and her niece, because the Allāh stated the prohibited relatives (those that are prohibited to marry) then He said after that, "Everything beyond that is made permissible for you" [An-Nisā': 24]. If they consider an addition a contradiction then every single thing we mentioned implies against them, it is necessary on them.

As for the other group that allow ruling that which has no texts of the Prophet and allow attributing it to him. What is sufficient for us is that they acknowledge against themselves that they are liars, it is established that the Prophet said, "Whoever narrates a $had\bar{\iota}th$ from me thinking it to be false, then he is one of the two liars."

The Prophet salso said, "Do not lie against me, for he who lies against me enters the fire." ²⁴⁹

This meaning is narrated through musnad routes from 'Alī, Abu Hurairah²⁵⁰, Samurah and Anas²⁵¹ from the Prophet ≝.

Muḥammad ibn ʿAbdullāh Ibn Masarrah said, "Narrations (from the Prophet ⓐ) are of three types. The narration that goes according to that which is in the Qurʿān, taking from it is obligatory. The narration that is an addition to what is in the Qurʿān, this is added to that which is in the Qurʿān, taking

²⁴⁸ Sunan Ibn Mājah 39

 $^{^{249}}$ Muqaddimah of Muslim 1/9 | Shar
ḥ Mushkil Al-Āthār 423-426

²⁵⁰ Şahīh al-Bukhārī 110

²⁵¹ Şaḥīḥ al-Bukhārī 108



from it is obligatory. And the narration that goes against the Qur'ān, this is abandoned."

There is no way for the existence of any authentic narration from the Prophet that opposes or goes against to what is in the Qur'ān ever, every single narration with rulings is either added to what is in the Qur'ān, connected to it, explaining the *mujmal*, or it is made an specification from the general. There is no other way to a third category.

If they use as evidence narrations that prohibit that which is not in the Qur'ān we say: Allāh has said, "He permits for them what is good and forbids to them the *khabā'ith*" [Al-A'rāf: 157].

Everything the Prophet ## prohibits from domesticated donkeys, predatory beasts among birds, and those with fangs and others are all among the *khabā'ith*, this is part of the general recited words in the Qur'ān, a clarification for it.

The one that objects is asked: Is the consumption of excrement prohibition or allowed? If he permits then he has left the $ijm\bar{a}$ of the ummah and has apostated, if he prohibits it then he has prohibited that which is not mentioned by Allāh by its exact wording in the Qurʻān.

If they say, "It is part of the *khabā'ith*."

It is said to them: And everything prohibited by the prophet ## it is like the swine and everything among that is prohibited.

If they say, "The $ijm\bar{a}$ is established on the prohibition of that."

It is said to them: You have now acknowledged that the ummah has an $ijm\bar{a}$ on adding that which the Prophet \cong has come with from the sunan to the Our \bar{a} n.

And also it is authentically narrated that the Prophet prohibited that method as he said, "Let me not find one of you reclining on his couch when he hears something regarding me which I have commanded or forbidden and saying: We do not know. What we found in Allāh's Book we have followed."²⁵²

This is an authentic narration including the prohibition of that which they attempt to declare defects on, those *juhhāl*, and Allāh is the source of strength. While it has preceded that no two Muslims differ that anything which is authentic from the Prophet is added to that which is in the Qurʿān,

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²⁵² Sunan Abī Dāwūd 4605



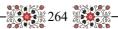
they only differ in the manners the authenticity is established from that which has come from the Prophet sonly.

I asked some proponents of this doctrine about the statement of Allāh Almighty, where He mentioned the women that are prohibited to marry in the Qurʻān, then Allāh says, "And permitted for you is that which is beyond that" [An-Nisā': 24]. Then Abū Hurairah and Abū Saʻīd narrated 253 that the Prophet prohibited marrying a woman and her paternal aunt or a woman and her maternal aunt. And there is no $ijm\bar{a}$ on this as 'Uthmān Al-Battī²⁵⁴ and others allowed marrying a woman and her paternal aunt or her and her maternal aunt.

So he said to me, "This narration does not contradict the verse but is something additional to it." I said to him: According to this, there is no way for any authentic narration to exist that contradicts what is in the Qur'ān ever. Every narration that comes is appended to what is in the Qur'ān and there is no distinction between the two. And with Allāh is the best guidance

 $^{^{253}}$ Al-Sunan Al-Kubrā 5427, 3/293 | 'Ilal Al-Tirmidhī 278 | Sunan Ibn Mājah 1930

²⁵⁴ Fath Al-Bārī 6/161



Section: Not Everyone That Met The Prophet **And Saw Him Is A** *Şaḥābī*

Not everyone who met the Prophet and saw him is considered a companion. If that would be the case, Abū Jahl would be a companion because he saw the Prophet conversed with him, sat with him, and listened to him.

And not everyone who encountered the Prophet but did not meet him and then converted to Islām after his death or during his life, but did not see him, is counted as a companion. If that were the case, everyone who lived in his time would be a companion. There is no disagreement that 'Alqamah and Al-Aswad are not companions, even though they are of virtue, knowledge, and piety. They were great scholars during the time of 'Umar and converted to Islām during the Prophet 's lifetime.

The companions are those whom Allāh Almighty described in the verse, "Muhammad is the Messenger of Allāh. And those who are with him are severe against disbelievers, and merciful among themselves" [Al-Fatḥ: 29].

And whoever heard the Prophet say something while the listener was a disbeliever, and then he converted to Islām and narrated it, and he is an 'adl, then it is an authentic musnad narration, it is obligatory to accept it. There is no disagreement among anyone in this matter. The condition of 'adālah applies only at the time of conveying the message and bringing good, not necessarily at the time of witnessing what is narrated.

There were $mun\bar{a}fiq\bar{n}$ in Madīnah during the time of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, as stated in the Qurʻān. There were also people whose condition was not satisfactory, such as the effeminate man who was ordered to be exiled by the Prophet $\stackrel{\text{\tiny{def}}}{=}^{255}$

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²⁵⁵ Sahīh al-Bukhārī 4324

Buraydah said, "There was a clan from Banū Layth living two miles from Madīnah. There was a man who had proposed to a woman from them during the pre-Islāmic era, but they refused to marry her to him. He came to them wearing a robe and said, 'The Messenger of Allāh gave me this robe and commanded me to judge your blood and wealth as I see fit.' He then went and stayed with the woman. The matter was reported to the Messenger of Allāh, who said, 'The enemy of Allāh has lied.' Then the Messenger of Allāh sent a messenger and said, 'If you find him alive, strike his neck, but I do not think you will find him alive. If you find him dead, then burn him with fire.' The messenger went and found that a snake had bitten him, and he had died. So he burned him with fire."

This was during the lifetime of the Prophet , a liar against him as you can see, so no one is accepted except the one whose name is known and his virtue is known.

As for Qudāmah ibn Mazʿūn, Samurah ibn Jundab, al-Mughīrah ibn Shuʿbah, Abū Bakrah, May Allāh be pleased with them they are virtuous aʿimmah, upright.

As for Qudāmah, he was present at the battle of Badr and it is certain that he is forgiven and pleasing to Allāh. Everyone whom we are certain that Allāh, the Almighty, is pleased with and has forgiven, it is obligatory for us to be pleased with them and not to criticize them. He is just by the necessity of the certain evidence established by Allāh, the Almighty, and with the saying of the Prophet , "Allāh looked upon the people of Badr and said, 'Do what you wish, for I have forgiven you." 257

As for al-Mughīrah ibn Shu'bah, he was among those who pledged allegiance at al-Ḥudaybiyyah, he is from *ahl ul-bay'ah al-riḍwān*, and the Prophet informed us that none who pledged under the tree would enter the Fire, the same is said for Qudāmah.

As for Abū Bakrah, it is possible that the matter was unclear to him, this is what al-Mughīrah said, so he did not sin and also not al-Mughīrah, everything that is only possible and its apparent is not certain then it cannot change his situation of virtue that we have certainty which is confirmed in the past. They are upon what affirms their virtue, certainty is not overruled by mere doubt. This is the *istiṣḥāb ul-ḥāl* which our opponents reject, while they

²⁵⁶ Sharh Mushkil Al-Āthār 378, 1/352

²⁵⁷ Sahīh al-Bukhārī 3081

still resort to him in this place, there is none among them that prevents taking the narrations from al-Mughīrah, Abū Bakrah both, Abū Bakrah was an *muta'awwil*.

As for Samura ibn Jundab, he participated in the Battle of Uhud and witnessed matters after Uhud and in this manner, and so on to the end. His case is similar to that of al-Mughīrah ibn Shuʿbah, he was *mutaʾawwil* and the *mutaʾawwil* is rewarded if he is wrong. The same applies for Qudāmah, he did *taʿwīl* that there is no harm in what he did, and he was right there is no harm on him in the hereafter without doubt, as for the rulings of this world then no, there are rulings for us in this world other than the rulings of the hereafter.

Likewise, all who fought against 'Alī on the Day of Ṣiffīn, and as for the people of Jamal, they never intended to fight 'Alī, nor did 'Alī intend to fight them. They only gathered in Baṣrah to investigate the killers of 'Uthmān and to carry out Allāh's obligation over them. The fearful ones quickly took Allāh's punishment upon themselves, and they were in large numbers, thousands. They incited as a defense the fighting until each group was compelled to defend themselves when they saw the sword being drawn. This has been narrated explicitly.

It is indeed astonishing that those who allow Abu Ḥanīfah, Mālik, Shāfiʿī, Awzāʿī, Layth, Sufyān, Aḥmad, and Dāwūd may Allāh have mercy on them to exert their independent judgment in matters of blood, sexual relations, and acts of worship. Among them one spills blood, making it permissible through *ijtihād*, while another prohibits it. One makes a marriage permissible while another forbids it. One makes wealth permissible while another prohibits it. One enforces a *ḥadd* while another cancels it. One imposes a duty while another nullifies it. One forbids an action while another permits it. They never disagreed except in these matters. They allow these to judge in such matters and excuse them for their differences in allowing the spilling of blood matters and beyond (but not for others that were greater than them and came before them).

Their case is according to us nothing but that it appears that they are virtuous Muslims, it is obligatory to have $tawq\bar{\imath}r$ of them and seek forgiveness for them, although we do not affirm for them paradise or their hidden intentions or Allāh's satisfaction with them. However, we hope that for them and fear for them as we do for other virtuous Muslims. There is no difference.



We do not allow this for 'Alī, the Mothers of the Believers, Ṭalḥa, Al-Zubayr, 'Ammār, Hishām ibn Ḥakīm, Mu'āwiyah, 'Amr, al-Nu'mān, Samurah, Abū al-Ghādiyah, and others. They are true *a'immah* of Islām, with certainty, virtuous, and most are assuredly in paradise. This is only misunderstood by those that are misguided. Everyone we mentioned, whether correct or mistaken, are rewarded for their *ijtihād*, either with two rewards or one. All this does not invalidate their 'adālah and Allāh is the source of strength.

Section: The Ruling Of Narrating About The Prophet ******

The rule regarding the narration about the Prophet is that it must be conveyed with its exact wording; it must not be altered or changed except in one situation. This situation is when a person has firmly established its meaning and knows it with certainty. In such a case, if asked, they may give a verdict based on its meaning and implication or debate using its meaning and implication. They might say, "The ruling of the Messenger of Allāh is such-and-such," or "He ordered such-and-such," or "He prohibited such-and-such," or "He prohibited such-and-such," or "The obligatory ruling in this case is what has been authentically reported from the Prophet which is such-and-such." The same applies for the ruling regarding what has been revealed in the Qur an without difference. It is allowed for a person to tell the implications of a verse, its ruling without the exact words, there is no difference from anyone regarding this, that all of this is allowed.

As for someone who narrates and attributes a saying to the Prophet with an *isnād*, intending to convey what has reached him, it is not permissible for them to do anything other than carefully use the exact words as they heard them, without substituting one letter for another, even if the meanings are identical. They must not change the order of the words or substitute one for another. The same applies to someone who intends to recite a verse or learn and teach it. There is no difference.

The certain decisive evidence of this is that the Prophet \$\mathscr{a}\$, taught al-Barā' ibn '\(\bar{A}\)zib a supplication, which included the phrase, "And Your Prophet \$\mathscr{a}\$ whom You sent."



When al-Barā' wanted to repeat the supplication to the Prophet # he said, "And Your Messenger whom You sent." The Prophet #, corrected him, saying, "No, 'And Your Prophet whom You sent." 258

He ordered him, as you hear, not to substitute the word "Messenger" for "Prophet "," even though both words are correct and do not change the meaning, as he is both a Messenger and a Prophet . So, how can the ignorant and heedless people or sinful wrongdoers claim that it is permissible to substitute words in the Qur'ān, words in verses such as, "And Allāh is All-Mighty, All-Wise," and "And Allāh is Oft-Forgiving, Most Merciful," and "And Allāh is All-Hearer, All-Knower." When he, prohibited this substitution even in a supplication, which is not the Qur'ān? Allāh says, informing about His Prophet , "It is not for me to change it on my own accord" [Yūnus: 15]. There is no changing worse than placing words in other places.

How can the ignorant and blind justify allowing the obligatory recitation in prayer to be in a non-Arabic language, despite what we mentioned and the $ijm\bar{a}$ of the ummah that if someone recited $al-F\bar{a}tiha$ and changes the order of its verses, or said, "Praise be to the Sustainer of the worlds," instead of "Praise be to Allāh, the Lord of the worlds," claiming this is the revealed Qurʻān, they would be a $k\bar{a}fir$ by $ijm\bar{a}$ "?

Allāh says, "The tongue of the man they refer to is foreign, while this (the Qurʿān) is a clear Arabic tongue" [An-Naḥl: 103]. Allāh distinguishes between them and informs that the Qurʿān is in Arabic wording only, not in language. He ordered the recitation of the Qurʿān in prayer, so whoever recites in a foreign language has not recited the Qurʿān, without a doubt.

The astonishing thing is that those who make this erroneous claim do not permit supplication in prayer except with phrases similar to those in the Qur'ān, despite the explicit text permitting any supplications in the prayer in general.

They say that if someone sneezes in prayer and says, "Praise be to Allāh, Lord of the worlds," moving their tongue, their prayer is invalidated. Glory be to Him who guided them to oppose the truth in both aspects: they permit recitation in prayer contrary to the Qurʿān and invalidate the prayer by mentioning a verse of the Qurʿān (after the sneeze). And they prohibit duʿāʾ

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²⁵⁸ Sahīh al-Bukhārī 6313



except if it is from the Qur' \bar{a} n or similar to it, and there is no word similar to the Qur' \bar{a} n according the $ijm\bar{a}$ ' of the ummah.

Some of them use as evidence the verse, "And indeed, it is [mentioned] in the scriptures of former peoples" [Ash-Shuʿarāʾ: 196]. And Allāh tells us in Arabic narrating the words of Mūsā.

There is no evidence in this for them, because that which is in the scriptures of former peoples is only the meaning of the Qurʿān not the Qurʿān itself, if the Qurʿān would be in the scriptures of former peoples, then Muḥammad $\stackrel{\text{\tiny def}}{=}$ would not be specified with it and there would be no $\bar{a}yah$ in it, this is against the texts and an exit from Islām. Because if he would have revealed to others before him then Muḥammad $\stackrel{\text{\tiny def}}{=}$ would not be specified with it.

As for Allāh narrating the words of Mūsā and others in our language (other than Arabic), Allāh did not oblige us to recite their exact words.

We do not prohibit clarifying the Qur an in non-Arabic languages for the one that translates it. We only prohibit recitation of it in the prayer and we only prohibit recitation of it in the Qur an. Or a manner of coming closer with its recitation to Allāh with words other than which he revealed, whether it is non-Arabic words, words other than that, even if it goes along with the Arabic language, and also changing the order of the words. We only allow translation for the purpose of teaching and understanding only, not for recitation intended for drawing closer to Allāh.

There is no difference between anyone from the *ummah* that the Qur'ān is a *mu'jizah* and with certainty we know that if it is translated into another language or in Arabic with different words we know that that translation is not *mu'jizah*, as it is not *mu'jizah* it is not the Qur'ān. Whoever says to that which is not the Qur'ān that it is the Qur'ān, has left *ijmā*, has lied against Allāh, has exited Islām, except if he is a *jāhil*, whoever allows this after understanding the *hujjah* and does not return, he is a *kāfir*, *mushrik*, *murtadd*, there is no doubt in this.

And also Allāh said, "Nor does he speak of (his own) his desire. It is only a revelation revealed" [An-Najm: 3-4].

As it is established from texts the Qur'ān that the words of the Prophet are all $wah\bar{\imath}$ revelation, it is then prohibited to make any $tahr\bar{\imath}f$ of the $wah\bar{\imath}$ and change as he prohibited that for the $wah\bar{\imath}$ matluww which is the Qur'ān without difference.

And whoever conveys a narration to another as it was conveyed to him, and takes it from him, he is not obliged to repeat it forever until it becomes like delirium. He has fulfilled his duty by conveying it.

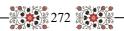
With this, the claims of those who seek to weaken an authentic narration by claiming that so-and-so narrated it as a *mursal* (with an incomplete chain), because if a person's silence at times about conveying what he heard would nullify the evidence of what he conveyed of it at another time, or if he did not convey it but someone else did, then if he sleeps, eats, has intercourse, prays, attends to his worldly affairs, or engages in other matters of his religion or in conveying another narration, the evidence of what he remains silent about in the mentioned situations would be nullified. This is an egregious insanity from anyone who claims it, and it is sufficiently invalidated as any statement that leads to insanity and impossibility is false. And Allāh is the source of strength.

As for *laḥn* in *ḥadīth* (grammar mistakes), if it is something that has validity in the *lughah* of some of the Arabs, then let him narrate it as he heard it without changing it and let him not return to anything more eloquent than it, or others. If it is something that has no validity in the speech of the Arabs at all, then it is prohibited for any Muslim to narrate a grammar mistake from the Prophet . If he does that as a liar he deserves the fire in the hereafter. Because we are certain that the Prophet ## did not ever make a grammar mistake, the same as our certainty that the heaven encompasses the earth and that the sun rises from the east and sets in the west, whoever conveys a language mistake from the Prophet # has transmitted lies from him by certainty, it is obligatory on him to correct it. Or to erase it from his book and write it with $i'r\bar{a}b$ and he must not narrate it except with $i'r\bar{a}b$, he does not look into what he found in his book with language mistakes and also not what his shuyūkh narrated with Arabic mistakes. For this reason it is necessary on the one that seeks *figh* to learn *nahw* and the language otherwise he is deficient and it is not allowed for him to give fatwa in the religion of Allāh.

Nafi' said, "Ibn 'Umar used to beat his child for language mistakes." ²⁵⁹

Grammar mistakes about Allāh and His Messenger are a lie and it is obligatory to beat the one making the mistakes. It is narrated from Shu'bah

 $^{^{259}}$ Al-Muṣannaf by ibn Abī Shaybah 25650 | Adab Al-Mufrad 880



that he said, "Whoever narrates language mistakes from me has lied against me." 260

And we say that Shuʿbah, Ḥammād, Khālid ibn al- Ḥārith, Bishr ibn al-Mufaḍḍal and al-Ḥasan al-Baṣrī never made a grammar mistake,

²⁶⁰ Tawjīh al-Naẓar 2/681

Section: Regarding The Addition In Narrations From The Reliable Narrators (*Ziyādah Al-ʿAdl*)

In a reliable narrator narrates additionally (more) to what others narrates in an authentic narration, whether he is the only one narrating the addition $(infir\bar{a}d)$ or there are others that followed him in that with the same, less or more than him, then taking from the addition is obligatory. Anyone that opposed us here has contradicted the most foul contradiction.

Because they take from the narration narrated by one only and add that to the apparent of the Qurʿān which all of the whole world narrated or they specify it using it and they are without doubt more than the narrators of a narration which others added to other rulings which no one other narrated, there is in this a grave contradiction.

That is like them abandoning the verse of Allāh, "The stealing man and the stealing woman, amputate their hands" [Al-Mā'idah: 38] for the narration which 'Ā'ishah is the only one in narrating, no one else followed her in this, which is that there is no amputation except in four $d\bar{\imath}n\bar{a}rs$ and onwards.

And they leave the saying of Allāh which mentions the women prohibited to marry, Allāh says after he mentioned those whom he mentioned, "And anything beyond that is made permissible for you" [Al-Mā'idah: 38].

But they prohibit combining in marriage a woman and her paternal aunt, while this is not in the verse of $tahr\bar{t}m$ there is in it except the permissibility of anything not mentioned in the verse. So they abandon that for a narration of Abu Hurairah and Abu Saʻīd who are the only one in narrating and there is no $ijm\bar{a}$ on these because 'Uthmān Al-Battī permitted combining in marriage a woman and her paternal aunt. They then object the ruling narrated by an upright reliable narrator (thiqah) because that addition is not narrated by another thiqah.

This is severe ignorance, the companions of Abu Hanīfah abandoned the addition which Mālik narrated regarding the narration about zakāt ul-fiţr and that is, "From the Muslims." They say regarding this, "Mālik is the only one narrating this." The companions of Mālik abandoned istis 'ā' which is narrated by Sa'īd ibn Abī 'Arūbah, they say, "Sa'īd is the only one narrating it." So both group blemish each other on what they do and reject what they come with. While the truth is that these narrations are accepted if there is no infirād just as it is accepted when there is infirād, it does not harm the narration at all. There is no difference between an 'adl that narrates a narration and for everyone else not to narrate it, or others narrate it with *irsāl*, or narrated by weak narrators. There is no difference between that and if an upright narrator narrates an additional word which others did not narrate from the narrators of *hadīth*, all of that is the same, it must be accepted due to the certain decisive evidences that has preceded regarding the obligation of taking from the khabar ul-wāhid of the upright hāfiz or dābit. And this addition and this isnād, they are khabar ul-wāhid from upright narrators that are *ḥāfiz*, it must be accepted.

We do not care if others narrated similar or if they did not narrate similar. Whoever opposes us here has entered the chapter of abandoning taking from the *khabar ul-wāḥid* and has become part of those who invented this method who are the Mu 'tazilah and have contradicted in their method.

An upright narrator being alone in narrating certain words is the exact same as him being alone in the entire narration without difference.

If the additional words narrated are deficient in meaning compared to another narration, then the ruling is for the additional meaning, not merely on the additional words. This is because the additional meaning is what holds generality (it is more general than the mere additional words), which is the true addition in reality—the additional ruling, the *shar* 'introduced, and the newly occurring matter ($h\bar{a}dith$). And also, the Prophet was sent as a legislator, one who declares the lawful and the unlawful. This aligns with what Ibn 'Abbās mentioned when the topic of the mastigure was brought up in his presence²⁶².

If an upright narrator narrates words that have additional rulings, which no one else narrated or others narrated it, or an upright narrator narrated

²⁶¹ Muwatta Mālik 295, 989, 2/403

²⁶² Sahīh al-Bukhārī 5391

it in general which has an additional ruling and at the same time others narrated words that omit that ruling. Then the obligation is to take from the additional ruling forever because it is the *sharī'ah*, we are certain of its obligation to us and that we are ordered it, and it is not certain of its abrogation and also not of its omission, so it is not allowed for anyone to abandon the certainty for a *zann*, whoever claims that *sharī'ah* which is established that Allāh ordered it, that it has become invalid from us and that the ruling has returned to what we were upon before that *sharī'ah* was mentioned (what is implied by rejecting *ziyādah al-thiqah*). Then he has fabricated a lie against Allāh except if he comes with certain decisive evidences from text or *ijmā'* for his claim, it is not allowed for a Muslim that fears Allāh to abandon what he is certain of for *zann*.

We will present by the will of Allāh now examples for this, we say: Some upright narrators narrate about the Prophet $\stackrel{\text{def}}{=}$, "The Prophet prohibited the silver vessels," In this *mujmal* (general) manner, and then some narrated the prohibition of drinking from silver vessels²⁶³. These wordings, meaning "drinking," is deficient from the meaning of the other narration which has *ijmāl* (generality) of the prohibition of silver vessels. It has a great deficiency in the meaning and permits many things that are within the other general narration obliging the prohibition from eating with it, from using it for $wud\bar{u}$. So this wording, even if it is additional in wordings, voice, writing, it is deficient in meaning and the other narration, even if it is deficient (lesser) in wordings used, it is additional in ruling and additional in meaning.

So it is not obligatory to take from it alone because the narration mentioned mentions drinking only and that is part of some of that which is the other narration already encompasses. This is what we say regarding the two narrations regarding $zak\bar{a}t$ ul-ghanam ($zak\bar{a}h$ on cattle) one of the narrations mention $zak\bar{a}h$ on pasturing cattle and the other does not include that wording but encompasses both pasturing cattle and cattle other than those that pasture.

Because he who takes from the general narration has taken from the specific as well because he avoids the silver vessels in general, he avoided drinking from it by follow that narration. And if he pays $zak\bar{a}h$ for all cattle, he has also paid $zak\bar{a}h$ for the pasturing cattle. He has then taken from both orders and does not disobey any of the texts.

²⁶³ Sahīh al-Bukhārī 5426

And the one that takes from the specific narration alone disobeys the other narration without certain decisive evidence, saying as he desires and claiming without knowledge, because if someone pays $zak\bar{a}h$ for the pasturing cattle alone, then he abandoned paying $zak\bar{a}h$ for cattle that are not pasturing and opposed what the other narration obliges and he would be if he only avoided drinking from the silver vessel disobey the texts of the other narration and allow what Allāh prohibited, this is not allowed. Because one of the two texts is not earlier to be obeyed than the other.

And one of them does not negate the other, nor does it invalidate the other. From this is that the Prophet $\stackrel{\text{def}}{=}$ made an agreement with the people of *Khaybar* for half of what it produces. This was a general rule covering all its produce, whether crops, vegetables, or fruits. Some narrated this exact narration and said, "Fruits and date palms," only. So whoever takes for $mus\bar{a}q\bar{a}h$ fruits and date palms only and prohibits anything else opposes the action of the Prophet $\stackrel{\text{def}}{=}$ narrated about him that he did it in general. The saying of the one specifying it to date palms and fruit invalidating $mus\bar{a}q\bar{a}h$ and $muz\bar{a}ra$ ah on other than fruits and date palms.

But this narrator mentioned what they agreed upon and then remained silent on some and made other things general, everything that they mention which is specific is within the general which is then agreement, The general wording includes everything that was covered by the agreement. This narration of its permissibility is a *nāsikh* to the previous prohibition of *muzāra ʿah* by certainty because this is the last actions of the Prophet without doubt which is affirmed from him till he passed away. The narration regarding the prohibition of *muzāra ʿah* was before it without any doubt, for this reason we are certain it is *mansūkh*, were it not for this clarification we would not allow it.

From this chapter is also the issue of two upright people witnessing someone divorcing, but the people present in the *majlis* also say while they are also upright that he did not divorce her at all, we do not know any difference in this situation the obligation of applying the ruling of *talāq* and carrying out the witnesses of those that witnessed it because they have additional knowledge which others did not have of those that attended the *majlis*. This ruling itself is accepting from *ziyādah al-thiqah* there is no difference even if he was the only one to say it, it is like his other transmissions.

The ignorance of the ignorant one is not a *hujjah* against the knowledge of the one that knows. And the silence of the upright is not an invalidation of the words of others without difference between being the only one to narrate a complete narration or between being the only one in narrating certain words or additional rulings.

Those that object the meaning of this agree with us on accepting that which upright narrators are the only one in narrating entire narrations, but they oppose us on accepting additions on narrations without certain decisive evidence, except with falsely saying as they desire and claims only.

Except that some of them use as evidence, making themselves laughable, they say, "We agree with you on accepting the narrations of upright narrators if the narrations are safe from additions (ziyādāt) which some narrators are the only one in narrating and safe from irsāl from other than this narrator and safe from opposing the one that is more upright than him, or stronger memory in his wording. Then beyond this we oppose you in the acceptance of this if there is anything in it from these meanings."

It is said to them: This is similar to the deception of the jews, as they say, "We agree with you on accepting the prophethood of Mūsā and the obligation of his *sharī'ah* and the abandoning of working on *sabt* and that all of that is ordered by Allāh. But we oppose you in the acceptance of the prophethood of Muḥammad and the obligation of his *sharī'ah*."

These are weak deceptions without any certain decisive evidence. And that is because we do not accept the prophethood of Mūsā because of the reason you agree with us, we do not care whether you agree with us or oppose us just as we do not care about the denial of the Magians and Manichaeans and Sabians of the prophethood of Mūsā, we only take from the acceptance of his prophethood because of the certain decisive evidences on its validity, the likes of those certain decisive evidences oblige the prophethood of Muḥammad without difference. The truth, if it is affirmed with certain decisive evidences, there is then no meaning in moving it. Once the truth is established by evidence, the acceptance of those who agree does not add anything to its validity, nor does the opposition of those who disagree diminish it in any way. The infidels harm only themselves and not the truth. He does not harm the truth and also if there is no certain evidence established for a thing, then there is no meaning in accepting it because of the reason others accept it, that does not itself validate it.

The same applies for khabar ul-wāhid, we do not take it because of the reason the *hanafiyyah* and *mālikiyyah* agree with us on its acceptance, we do not care whether they oppose or agree with us. The same as we do not care if they oppose us regarding qiyās and taqlīd. The same as we do not care about the opposition of the Mu'tazilah and others with us regarding khabar ul-wāhid, we only take from khabar ul-wāhid because of the certain evidences on the obligation of taking from it. And from those certain evidences it becomes obligatory to reject the false fabrications made by them by which they reject the additions and that which the upright makes *irsāl* or isnād and that which the narrators differ on. From that certain decisive evidence it becomes obligatory to accept additions even if the upright is alone in it and giving precedence $(tash\bar{t}h)$ to what one upright narrator makes $isn\bar{a}d$ of even if other narrators narrated it with *irsāl* is the same, and whether other narrators are more upright or better memory, the same or less as long as they all have memory. So it is established that that which opposes this ruling is false. And it is clear that any argument opposing this ruling is meaningless nonsense. Arguments are only binding when applied in their proper places.

And then in rulings where we do not take from anything except certain $maqt\bar{u}$ if it is established—and that which if it would not be for ijmā', we would not take from it, from what we are ordered to follow the certain maqtū' ijmā' where no protected nass has come for—Even if the asl of that ijmā' cannot have been except from nass—those issues are like those for which if we would find a difference of opinion from one or more, we would not have said it and there is no certain decisive evidence for such except for ijmā 'alone. And that is such as girād (sleeping partnership): if it were not for the $ijm\bar{a}$ on its permissibility, confirmed through continuous transmission across generations that *qirād* was well-known in pre-Islāmic times, that the Prophet acknowledged it without prohibition, knowing it was widespread among Quraysh, who were a trading people and had no livelihood ('aysh) except through it, we would not permit it. If we found even one declaring it invalid, we would agree with him, as there is no explicit nass permitting it. *Qirād* is a contract with a condition for which no explicit nass has been given. Any condition of this description, if it is not agreed upon in this manner as valid, then it is invalid, as the Prophet said, "Every condition that is not in the Book of Allāh is invalid."

So what is of this type we consider for it $ijm\bar{a}$, so what they have $ijm\bar{a}$ on we say it, and what they differ on, we invalidate it as $ijm\bar{a}$ as becomes then invalid, and $ijm\bar{a}$ is the certain evidence of its validity, and without it, there is no certain evidence. If the certain evidence of its validity is invalidated, the ruling is invalidated. As for the establishment of certain evidence from other than $ijm\bar{a}$ (Qur 'ān and Sunnah) then no one that agrees matters and also not those that differ and also not the large amount of those that agree or differ, whoever they are. And one must not be deterred by those who disagree, no matter who they are.

And if what this ignoramus mentioned would be a *ḥujjah*, it would allow a Ḥanafī to say, "You agreed with me on the necessity of cutting off the hand of one who steals ten *dirhams'* worth, and I disagree with you on cutting off the hand of one who steals less than that. Therefore, I am only obliged by what we agreed upon, not what we disagreed on

Similarly, he could say, "You agreed with me that travel shortening of prayers (*qaṣr*) can be from three days onwards, but we disagreed on less than that. Therefore, only what we agreed upon is obligatory."

He could also say, "You agreed with me that the dowry can be ten *dirhams*, but we disagreed on less than that. Therefore, only what we agreed upon is valid."

Likewise, a Mālikī could say, "You agreed with me that washing with rubbing (*tadalluk*) completes the *ghusl*, but disagreed when *ghusl* is done without that. Therefore, only what we agreed upon is obligatory, not what we disagreed on."

And it could be possible for him to say, "You agree with me that whoever stays at 'arafah the night that his stance is correct and I oppose you regarding the one stays the day and leaves before the sunset, so it is not correct except what we agree upon excluding that which we differ upon."

And it would he possible for him to say, "I agree with you that if fasting is safe from eating that it is complete and I oppose you on its completeness if he eats it forgetful, so nothing is complete except what is agrees upon excluding what is differed upon."

And it would be possible for the Shafi'ī to say to them both, "You two agree with me that the one that recites the *basmalah* in his prayer that it is complete, but I oppose you regarding the completeness of the prayer of the one that does not recite it and you agree with me on the completeness of the



prayer of the one that sends $sal\bar{a}h$ to the Prophet but I differ with you on the completeness of the prayer of the one that does not send $sal\bar{a}h$ on the Prophet auther auther

And it necessitates that they are sufficed if we would say to them: You agree with us on the acceptance of $nus\bar{u}s$ of the Qur'ān and Sunnah, but we differ with you on the validity of $qiv\bar{a}s$, so nothing is obliging except what we agree on, not what we differ on, and there are many of such examples, ten thousands of issues, as none of such is a hujjah, they are fabricated sayings in its wrong place and the claims of the one that says, "You agree with us on the acceptance of narrations if it is free from additions and differences, and we differ with you if it is not free from additions and differences, so we are only obliged what we agree upon and that is that it must be free of additions," he is either ignorant, insane, or shameless; he is not free from these three, and all of them are despicable traits. We seek refuge in Allāh from them. However, if his opponent consents to a certain ruling, then he has the right to imply it upon him, even if he himself does not adhere to it. And with Allāh's help, we succeed.

Section: Invalidating *Tarjīḥ* (Favouring) Of *Ḥadīth*Based on The Actions Of *Ahl Al-Madīnah* And The
Invalidation Of Using Their Actions As Evidence
And The Clarification Of The Reason Difference Of
Opinion Occurred Between Our *Salaf* From The *A'immah* In The Beginning Of The *Ummah* And
The Response Against Those Who Blame Large
Amounts Of Narrations

The companions of Mālik went with the view that it is not allowed to act upon narrations of the Prophet sexcept if what is in it is accompanied by the actions of *ahl ul-madīnah*. And this is among the most corrupt statements and the most invalid.

The first of that is that this action which they mention, they were asked about that by those that preceded from the <code>hanafiyyah</code>, <code>Shāfi 'iyyah</code> and <code>aṣḥāb al-ḥadīth</code> among our companions about two hundred forty years ago who exactly. They asked whose practice this was that is being mentioned, and they did not know whose practice was intended. There is nothing more astonishing than the ignorance of people about the meaning of their own statements and the explanation of their own words. We will clarify this later in this section, by the will of Allāh, and with Allāh's help, we succeed.

And it is said to the one who claims, 'I do not accept a narration of the Prophet sexcept if it is acted upon by the people of Madīnah' — Does that act have a beginning, or does it have no beginning?

If they say, 'It has no beginning,' they have openly lied and aligned themselves with the *dahriyyah* (atheists).

But if they say, 'It has a beginning,' then it is said to them, with Allāh's guidance: According to your saying, that first act must be invalid and impermissible to follow, for it was initiated with an action based on a narration that had not previously been acted upon.

Since, by your claim, a narration cannot be followed except if it has been acted upon by the people of Madīnah, then this act takes place before it was acted upon by them, making it false according to your false ruling, which leads to nonsense and results in no narration of the Prophet ever being acted upon. And it is enough of a downfall that their statement leads to against the 'aql, and much of what they claim falls into this category, such as their claim of the statement of Allāh's Messenger, "The two parties to a sale have the option (to cancel it) as long as they have not separated." And also their claim that the second rak 'ah of prayer for one making up a prayer in which they caught one rak 'ah with the $im\bar{a}m$ is actually before the first, and the third before the second. This, as you can see, is against the 'aql. Allāh is sufficient for us, and He is the best disposer of affairs.

And if what they mentioned — that it is not allowed to act on a narration of the Prophet except if it has already been acted upon — would be true, then any narration exists for a time before being acted upon. And then it would never be possible for any action based on a narration of the Prophet to be valid, making all actions based on any narrations falsehood. And falsehood does not validate truth, nor does it establish falsehood, nor can anything be affirmed by it.

It is also said to them: Is a *musnad* authentic narration before it is acted upon the truth or falsehood? There is no other option, if they say, "It is the truth," then whether it is acted upon or not, it does not increase the truth in it being the truth if it is acted upon and it does not invalidate it if it is abandoned. If everyone on earth would concur on disobeying Muḥammad, it would not invalidate the obligation of obedience to him.

They did that in the beginning when he was sent and that did not invalidate the validity of his words. And if the whole world were to obey him it does not increase the validity as it was accepted or acted upon by anyone from mankind. And the one who harms himself by abandoning the truth does not harm the truth in any way. Similarly if the entire world concurred on the prophethood of Musaylamah, may the curse of Allāh be upon him, and

likewise if they all agreed to disbelieve in him, that does not increase the falsehood of his claim more than it was when he first uttered it.

And if they say, "Such a narration is false before it is acted upon," then falsehood can never be validated by an act, acting upon falsehood does not increase the doer in nothing except misguidance and disgrace from Allāh. So it is established with certain evidences that there is no meaning in making acting upon a condition. And it must not be paid attention to nor regarded. All the people on earth had agreed to follow the rulings of *kufr* before the Muḥammad was sent, but that did not validate those rules.

This is a method that the devil cast into their hearts and placed on their tongues, supported by ignorance and destructive fanaticism. And we seek refuge in Allāh from affliction, and we seek His help in achieving what is right. With Allāhs help comes success.

Then we say to them: When did Allāh affirm acting upon an authentic narration, before or after them acting upon it? If they say, "Before their action upon it," then that is our view with that they have left their method. But if they say, "After it was acted upon by *ahl ul-madīnah*."

It is implies against them that those who act upon it have legislated a religion and this is *kufr* from the one that says it, so there remains nothing except that they can say, "Since they abandoned acting upon it we know that such a narration is *mansūkh*."

This is from the chapter of *ilhām* which the *rawāfid* claim for themselves because it is a saying without any certain decisive evidence.

This is all only after they know the actions of those whom they (claim to follow). But if they do not know the actions of those they refer to, we are not in need to engage with them here.

Zuraiq, who was a worker for 'Umar ibn 'Abd al-'Azīz in Aylah. He said, "I wrote to 'Umar Ibn 'Abd al-'Azīz concerning a slave who had stolen, and I mentioned that the people of $Hij\bar{a}z$ do not amputate the hand of a slave if he steals. 'Umar ibn 'Abd al-'Azīz replied to me, 'You wrote to me about a slave who stole, and you mentioned that the people of $Hij\bar{a}z$ do not amputate the hand.' Allāh Almighty says, 'But as for the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allāh' [Al-Mā'idah: 38]. So if he stole an amount



equivalent to a quarter $d\bar{\imath}n\bar{a}r$, then cut off his hand with it, and [send him] to Hajjāj ibn al-Minhāl.""²⁶⁴

And Rabī' ibn Ṣubaiḥ said, "I asked Nāfi', the freedman of ibn 'Umar, or a man asked him while I was present, regarding pawning and lending in exchange for advance payment, documents, and food on a specified term. He said, 'I do not see harm in that.' So I said to him, 'Al-Hasan dislikes it.' He replied, 'If it were not that you claim that Al-Hasan dislikes it, I would not have seen harm in it. However, if Al-Hasan dislikes it, he is more knowledgeable about it." 265

This is 'Umar ibn 'Abd al-'Azīz who did not care about the actions of the people of $Hij\bar{a}z$ when he found it to oppose the Qur'ān and this is Nāfi' the freed slave of ibn 'Umar who is from the great jurists among the people of Madīnah, he stopped his $fatw\bar{a}$ when Al-Ḥasan opposed it, who is 'Irāqī.

Then we ask them: Whose actions do you mean? The actions of the entire *ummah* of Muḥammad, or the actions of a specific generation only? Or do you mean the actions of the Prophet or those of Abū Bakr, or 'Umar, or 'Uthmān, as there was no other *imām* in Al-Madīnah besides these [Caliphs]? Or do you mean the actions of a particular companion residing in Al-Madīnah? Or do you mean all the *fuqahā* of Al-Madīnah? Or just some of them? There is no option other than these.

If they say, "The actions of the entire ummah of Muḥammad," their falsehood becomes clear, for the differences among the ummah are well-known, and it is from their customs to only speak about those who oppose them from the ummah. If the ummah truly had an $ijm\bar{a}$ on their stance, then with whom are they debating?

If they say, "A specific generation, excluding others," their falsehood again becomes apparent—since no generation is devoid of differences; every generation has its own well-known and recorded disagreements among its $fuqah\bar{a}$. There is no possibility for any issue to be unanimously agreed upon by all the $fuqah\bar{a}$ of a generation, let alone the entire ummah. And also, there has never been an instance where an issue was unanimously agreed upon by the people of a certain generation without prior disagreement, only for later generations to have disagreements on it. What they claim does not exist at all.

 $^{^{264}}$ Al-Muwaṭṭā' 27, 2/834 | Al-Muṣannaf by 'Abd al-Razzāq 18983, 10/240-241 | Al-Sunan by Al-Bayhaqī 8/268-269

²⁶⁵ Al-Muṣannaf by ibn Abī Shaybah 20030, 20031, 4/272-273

If they say, "The actions of the Prophet "," we show them that they are the most abandoning creation of Allāh to the actions of the Prophet ", they even abandon the last actions of the Prophet in this world, they narrate that the last action of the Prophet was breaking the fast during the travel and the prohibition of fasting during a travel²⁶⁶.

Then they say, "Fasting is better."

And the last actions of the Prophet $\frac{1}{2}$ was praying with the people while sitting while being healthy behind an $im\bar{a}m$ that sits, this is our view, as for standing behind the $im\bar{a}m$ that sits, it is their view that is false. And they narrate in al-Muwaṭṭā' that the Prophet $\frac{1}{2}$ would when he would do *ghusl* from $jan\bar{a}bah$ flow water on his body²⁶⁷.

They say it is invalid till the body is scrubbed.

And they narrate that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ raised the hands for the prayer when he did $ruk\bar{u}$ and when he raised from it 268 .

They say, "This is not acted upon."

And they narrate that the Prophet $\mbox{\em \#}$ prayed and recited Al- $\mbox{\em Tur}$ and Bil-Mursal $\mbox{\em I}$ in $maghrib^{269}$.

They say, "This is not acted upon."

And they narrate that the Prophet $\stackrel{\text{def}}{=}$ when he would lead the people, and say $\bar{a}m\bar{i}n$ after he finished reciting $umm\ ul$ - $qur\ \bar{a}n^{270}$.

They say, "This is not acted upon."

And they narrate that the Prophet $\stackrel{\text{def}}{=}$ made $suj\bar{u}d$ for the verse, "When the heaven is split asunder" [Al-Inshiqāq: 1]²⁷¹.

They say, "This is not acted upon."

And they narrate that the Prophet prayed sitting while the followers also sat behind him, they say, "The prayer is false and this is not acted upon."

And they narrate that $Ab\bar{u}$ Bakr began the prayer with the people and that then the Prophet \cong came and sat to the side of $Ab\bar{u}$ Bakr and finished the prayer with the people²⁷².

²⁶⁶ Şahīh Muslim 1114

²⁶⁷ Muwattā' Mālik 67 1/44

²⁶⁸ Muwattā' Mālik 16 1/75

²⁶⁹ Muwattā' Mālik 23-24, 1/78

²⁷⁰ Muwattā' Mālik 45, 1/87

²⁷¹ Muwattā' Mālik 12, 1/205

²⁷² Muwattā' Mālik 18, 1/136



They say, "This is not acted upon. Whoever prays like this, the prayer is invalid." And it is remarkable that some of them said the Prophet's prayer behind 'Abd al-Raḥmān ibn 'Awf during the Battle of Tabūk abrogates this act. This is a statement that can not come from anyone except the one who is told, "Say something as false as you are able to," he would not be able to say anything more false and disastrous than this for two reasons:

Firstly the prayer of the Prophet behind 'Abd al-Raḥmān ibn 'Awf which they claim is the *nāsikh* as it was at Tabūk, and the prayer of the Prophet next to Abū Bakr which they claim is *mansūkh* was right before his passing by five days only, it is the last prayer the Prophet prayed with the people. Then how can an event that occurred months before his passing abrogate an event that occurred just five nights before his passing? Would anyone with a shred of 'aql believe this? Or is it permissible for someone with such a limited level of knowledge and understanding to speak about the religion of Allāh Almighty?

The Prophet $\stackrel{\text{def}}{=}$ said the truth when he said, "Allāh does not take away knowledge after he gave it to you, but He takes away knowledge by the passing of the scholars. Then ignorant people will remain, they will be sought for $fat\bar{a}w\bar{a}$ (any question related to the religion) and will give $fatw\bar{a}$ among their ra;, they will go astray and will lead the people astray."

And the second reason for the invalidity of the saying of this *jāhil* is that even if the prayer of the Prophet behind 'Abd al-Raḥmān ibn 'Awf would have been after his prayer behind Abū Bakr, there would be no abrogation. Because there is not in his prayer behind 'Abd al-Raḥmān ibn 'Awf a prohibition of that which was in his prayer behind Abū Bakr and there is also no opposition in it. It is instead another ruling and another knowledge. And there is in the mentioned type of argument a lesson for those who reflect. There are many examples like this from them.

They also narrate that the Prophet \cong combined the prayer between *zuhr* and 'aṣr for matters other than fear and for matters other than travels²⁷³.

Then Mālik said regarding it, "I think that was because of rain."

Then they say, "This is not acted upon, and also not for rain or other matters."

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²⁷³ Muwattā' Mālik 4, 1/144



And they narrate that the Prophet ** was brought an infant and he urinated on his clothing, then the Prophet ** called for water and only sprinkled water on it, did not wash it²⁷⁴.

They say, "This is not acted upon, this does not purify a clothing, whoever prays in such clothing his prays with that which is *najis* (impure)."

Allāh is far exalted from what they say.

And they narrate that the Prophet * prayed leading the people in prayer while he carried Usāmah bint Abī al-ʿĀṣ on his neck²⁷⁵.

And they say, "This is not acted upon."

And this is a negation of humility. Whoever says such lacking humility, attributing it to the Prophet # falls into *kufr*, apostates and becomes part of the Jews and the Christians. Whoever attributes that to the follower of the Prophet # and not the Prophet # has been shameless in whatever he desires. both are paths leading to a collapse, one of which is inevitable.

And the least grave matter is that they use the exact same narration as evidence that the prayer is not invalid of the one that carries *najāsah*, so they disobey the narration of what it contains, and loudly announce lies by allowing that which is not part of it. There are many of such examples.

They also narrate that the Prophet $\stackrel{\text{\tiny #}}{=}$ recited in the ' $\bar{i}d$ prayer the $S\bar{u}rah\ Q\bar{a}f$ and " $Iqtarabat\ al$ - $S\bar{a}$ 'ah." 276

They say, "There is no acting upon this."

And they narrate that the Prophet $\stackrel{\text{\tiny{$\%}}}{=}$ kissed in the day times of Ramadān²⁷⁷.

Then they say, "We dislike that for the young men, and this is not acted upon."

And they narrate that the Prophet # prayed (the funeral prayer) on Suhail ibn Baydā' in the mosque²⁷⁸.

Then they say, "This is not acted upon, and a *shaykh* among them said, "The adult is the same as the child in reality. In reality, such is like bringing dung into the mosque."

²⁷⁴ Muwattā' Mālik 109, 1/64

²⁷⁵ Muwattā' Mālik 81, 1/170

²⁷⁶ Muwattā' Mālik 8, 1/180

²⁷⁷ Muwattā' Mālik 13, 1/291-292

²⁷⁸ Muwattā' Mālik 22, 1/229-230



And they narrate that the Prophet ## prayed on al-Najāshī while he was absent while the companions were behind him in rows²⁷⁹.

They say, "This is not acted upon."

And they narrate that the Prophet # prayed on graves²⁸⁰.

They say, "This is not acted upon," then they use this exact narration as evidence for the permissibility of praying towards graves, they disobey Allāh and His Messenger in their prohibition from that which authentic and acting has come with it, and fabricate lies regarding the narration what is not part of it. They intend with it invalidating the prohibition which is affirmed and not allowed to be opposed.

They also narrate that the Prophet $\stackrel{\text{\tiny{deg}}}{=}$ gave the killer $salab^{281}$.

Then they say, "There is no acting upon this, except if the *imām* wants it."

And they narrate that the Prophet $\stackrel{\text{\tiny def}}{=}$ allowed a metal ring as *mahr* for $nik\bar{a}h^{282}$.

They say, "This is not acted upon, such a $nik\bar{a}h$ is false, it is not allowed, there must be at least four $d\bar{\imath}n\bar{a}rs$," ruling with their false ra $\bar{\imath}$ and a $qiy\bar{a}s$ based on the amount the stealers hand is cut. Why do they not use $qiy\bar{a}s$ by using the amount which allows to lash the backs from one sip of khamr which the value of is not even one fals, while hurting the backs are more similar to the permissibility of the private part than the amputation of the hand with allowing the private part because the private part and the back are concealed body parts, and neither the back nor the vagina are amputated, whereas the hand is amputated and is visible, so the error surrounds them from every aspect.

And they narrate that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ married off a woman to a man having one $S\bar{u}rah$ of the Qur'ān as the $mahr^{283}$.

They say, "This is not acted upon and it is not allowed."

²⁷⁹ Muwattā' Mālik 14, 1/226-227

²⁸⁰ Muwattā' Mālik 15, 1/227

²⁸¹ Muwattā' Mālik 18, 2/454-455

²⁸² Muwattā' Mālik 8, 2/526

²⁸³ Muwattā' Mālik 8, 2/526



And they (the $m\bar{a}likiyyah$) narrate that the Prophet \cong ruled the obligation of freeing one slave or slave girl for abortion (or killing) of the unborn baby²⁸⁴.

They say (the $m\bar{a}likiyyah$), "This is not acted upon but if the baby is free (not enslaved) then fifty $d\bar{n}n\bar{a}rs$ are obliging on its killer and if the baby is a slave then upon the killer is ten $d\bar{n}n\bar{a}rs$ based on $qiy\bar{a}s$ of the eggs of the ostrich which the muhrim breaks."

So they are wrong in opposing the rulings of Allāh the Almighty and His Messenger and they are wrong in their legislation without permission from Allāh the Almighty. They judged a value without certain evidence or guidance from Allāh the Almighty, and they are wrong in distinguishing between the fetus of a free woman and the fetus of a slave woman. There is no certain decisive evidence in $qiy\bar{a}s$ of the fetus of a slave woman with an ostrich egg, a mistake that is laughable and they are in error in their claim about the egg, obliging for the ostrich egg ten camel/cows (badanah) while they do not make them equal for the $bad\bar{a}$ and all of that has no certain decisive evidence.

And it is narrated that the Prophet \cong gave 'Abdullāh ibn Sahl who is a *ḥaḍarī* (opposite of bedouin) one hundred camels for a *diyah*²⁸⁵.

They said, "There is no acting upon this, no camels are given except to bedouin as for <code>haḍarī</code> they are not given except <code>dīnārs</code> and <code>dirhams</code>. They use as evidence for this 'Umar while they themselves opposed 'Umar in this exact place as 'Umar made for <code>ahl ul-dhahab</code> gold and <code>ahl ul-fidḍah</code> silver similarly he made <code>ahl ul-baqar</code> two hundred camels and for <code>ahl ul-ghanam</code> two thousand sheeps and for <code>ahl ul-hilal</code> two hundred <code>hullah</code>.

They said, "There is no action upon the actions of 'Umar regarding cows, cattle and *ḥulal* there is only action on what he did on gold, silver and camels only.

And they narrate that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ enacted $qas\bar{a}mah$ (oaths) for a person found killed at Khaybar²⁸⁶.

They say, "No one is unable to place a murdered person they have killed on the land of another." In this, they opposed the Messenger of Allāh and the actions of 'Umar regarding qasāmah. And Ismā 'īl used the incident

²⁸⁴ Muwattā' Mālik 5, 2/855

²⁸⁵ Muwatta' Mālik 1, 2/877-878

²⁸⁶ Muwatta Mālik 2, 2/878

of the cow of Banū Isrāʿīl as evidence. They presented a hadīth that neither originates from the Qurʿān nor from a narration of the Prophet ; it is merely a myth from the myths of the People of the Book. If their claim were true, it would have been a tremendous, miraculous sign beyond their ability to replicate. But that sign contains no qasāmah within it, so they have contradicted the actions of Banū Isrāʿīl as well.

Then they claim that *qasāmah* applies in cases where a dying person accuses someone by saying, "So-and-so has killed me." However, the Prophet invalidated the acceptance of any individual's claim regarding another person's blood or property based solely on accusation. Yet they accept such claims regarding blood without any suspicion, while rejecting claims concerning property, treating it with suspicion. Merely mentioning this alone is sufficient to invalidate their false method.

And they narrate that the Prophet ** stoned two Jews that fornicated²⁸⁷.

They said, "There is no acting upon this, it is not allowed to stone them," some of them have said regarding this a grave matter exiting them from Islām and that is that they say, "The Prophet only stoned them by carrying out what is in the *tawrāh*," they made the Prophet the one to carry out the rulings of the jews. But Allāh Almighty protects His Prophet and His chosen one from mankind from ruling by anything other than what He has ordered him, and Allāh has ordered him to say, "I follow nothing except what is revealed to me" [Al-An ām: 50].

And they narrate that the Prophet * ruled exilement of the fornicator that is not married 288.

Then they say, "We do not exile a slave, because it harms the master," but they do not consider exiling the free person a harm for his wife and children and property and parents if he has them.

And they narrate that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ would do $hij\bar{a}mah$ while he is a $muhrim^{289}$.

They say, "This is not acted upon."

²⁸⁷ Muwatta Mālik 1, 2/819

²⁸⁸ Muwatta Mālik 6, 2/228

²⁸⁹ Muwatta Mālik 74, 1/349

And they narrate that the Prophet $\stackrel{\text{\tiny{def}}}{=}$ would put perfume for his $ihr\bar{a}m$ before he entered $ihr\bar{a}m^{290}$.

They say, "This is not acted upon."

And they narrate that the Prophet \cong would put perfume for his *hill* before he did $taw\bar{a}f$ around al- $bayt^{291}$.

They say, "This is not acted upon."

And they narrate that the Prophet \cong invalidated every single condition that is in the book of Allāh²⁹².

Then they allowed over a thousand conditions that are not in the book of Allāh. Among the conditions they allow is that *ahl ul-ḥarb* can come to *dar ul-islām* with Muslim female and male prisoners with them whom they have intercourse with and that they can return them back to *dār al-kufr*, and that they can serve them, gift them away, sell them. This is a condition no one allows except Iblīs and whoever follows him.

And they narrate that the Prophet side divided Khaybar.

They say, "This is not acted upon," and they leave this because of 'Umar leaving the land while they themselves acknowledge that they do not know how 'Umar did that, is there something more strange than he who leaves a well-known act, certain that it is from the Prophet with all of his companions for an unknown act, which is not known how, with their own acknowledgment? And also while al-Zubayr, Bilāl and others opposed him in that.

And they narrate that the Prophet $\mbox{\em \#}$ ruled the obligation of $wal\bar{a}$ for the one that emancipates²⁹³.

They say, "Whoever emancipates $s\bar{a}$ 'ibah there is no $wal\bar{a}$ ' for him." This is what they have abandoned of following the practice of the Messenger of Allāh based on their narrations in al-Muwaṭṭa' alone. If we were to track this from their other narrations, it would amount to many times the amount we have mentioned.

And what they have opposed the orders of the Prophet in from their narrations and the narrations of others would also be many times that, it might even exceed thousands. So, as you can see, their claim of following the

²⁹⁰ Muwatta Mālik 17, 1/328

²⁹¹ Muwatta Mālik 17, 1/328

²⁹² Muwatta 'Mālik 17, 2/780-781

²⁹³ Muwatta Mālik 17, 2/780-781



practice of the Prophet , has been invalidated, and it has been established that they are the least adherent to the practice of the Prophet .

If they say, "The actions of Abū Bakr."

We say and Allāh is the source of strength: And then it is not narrated by them in al-Muwattā' about Abū Bakr except ten issues, from which they oppose him in eight.

They narrated that Abū Bakr prayed by reciting al-Baqarah two *rakʿahs* and behind him were the *Muhājirīn* and the *Anṣār* from *ahl ul-madīnah*²⁹⁴.

Then they say, "This is not acted upon."

And they narrated about Abū Bakr that he recited in the third *rak* '*ah* of the maghrib prayer after *umm ul-Qur* '*ān*: Āl 'Imrān verse eight²⁹⁵.

They say, "This is not acted upon."

And they narrate that Abū Bakr ordered an $am\bar{t}r$ of him and sent him to Syria not to cut trees that give fruit²⁹⁶.

They say, "This is not acted upon, it is allowed to cut trees that give fruit in $d\bar{a}r$ ul-harb."

They also narrate about him that he ordered not to kill any sheep and also no camels except to eat them²⁹⁷.

They say, "This is not acted upon, it is allowed to kill them in $d\bar{a}r$ ulharb for reasons other than eating them."

This is where they oppose the Messenger of Allāh $\stackrel{\text{\tiny{def}}}{=}$ and also Abū Bakr for their ra \tilde{t} .

And they narrate that Abū Bakr prohibited destroying houses filled with people²⁹⁸.

They say, "This is not acted upon, there is no harm in destroying it."

And they narrate that Abū Bakr began the prayer with the people, then made $takb\bar{\imath}r$, then went to the prophet $\stackrel{\text{\tiny{de}}}{=}$ through the rows, the people clapped, then Abū Bakr went back and the Prophet $\stackrel{\text{\tiny{de}}}{=}$ forward he finished the prayer (in the rows) with the people²⁹⁹.

²⁹⁴ Muwatta Mālik 33, 1/82

²⁹⁵ Muwatta Mālik 25, 1/79

²⁹⁶ Muwatta' Mālik 10, 2/447-448

²⁹⁷ Muwatta Mālik 10, 2/447-448

²⁹⁸ Muwatta Mālik 10, 2/447-448

²⁹⁹ Muwatta Mālik 61, 1/163-164

They say, "This is an invalid prayer, it is not acted upon." So they again oppose the actions of the Prophet $\stackrel{\text{\tiny{de}}}{=}$ and Abū Bakr as you can see and the actions of everyone present there among the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{\imath}ar$, while they are $ahl\ ul$ - 'ilm and $ahl\ ul$ -mad $\bar{\imath}nah$, for a false ra' $\bar{\imath}$.

They also narrate that Abū Bakr ordered a Jew to do $ruqy\bar{a}$ on \bar{A} ishah³⁰⁰.

They say, "This is not acted upon, we dislike the $ruqy\bar{a}$ of $ahl\ ulkit\bar{a}b$."

This is from their narrations in Al-Muwattā as for their other narrations, their contradictions, oppositions are many.

And from that which they oppose as well, is the imprisonment of the women of ahl ul-riddah and their children, this was done in $mad\bar{\imath}nah$ by the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{\imath}ar$ except those that opposed it.

They say, "This is not acted upon."

And if they say, "The actions of 'Umar."

We say: You narrated about 'Umar that he recited in the subh prayer Sūrah al-Ḥajj, Sūrah yusuf, and ahl ul-madīnah were all behind him, among the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{a}r^{30l}$

They say, "This is not acted upon."

And they narrate about him that he would perform $suj\bar{u}d$ for Sūrah Hajj two $sajdahs^{302}$.

They say, "This is not acted upon."

And they narrate about him that he did *sajdah* for Sūrah al-Najm³⁰³.

They say, "This is not acted upon."

This is where they opposed the actions of the Prophet * and the actions of all companions and claimed knowledge which was obscured for them.

And they narrate that he went down from the minbar on the day of jumu'ah while he gave a khutbah and did sajdah and all $Muh\bar{a}jir\bar{t}n$ and the $Ans\bar{a}r$ then returned to his $khutbah^{304}$.

They say, "This is not acted upon."

³⁰⁰ Muwaṭṭaʿ Mālik 11, 2/943

³⁰¹ Muwaṭṭaʿ Mālik 34, 1/82

³⁰² Muwaṭṭaʿ Mālik 13, 1/205-206

³⁰³ Muwaṭṭaʻ Mālik 15, 1/206

³⁰⁴ Muwaṭṭaʿ Mālik 16, 1/206



And they narrate that he ordered Ubay and Tamīm al-Dārī to stand for the people an eleven rak ah on the nights of Ramaḍān³⁰⁵.

They say, "This is not acted upon."

And they narrate that the people would stand during the times of 'Umar in prayer for twenty-three *rak* '*ahs* during the nights of Ramaḍān³⁰⁶.

They say, "This is not acted upon, so they opposed the ruling of 'Umar, and the actions Ubay ibn Ka'b, Tamīm al-Dārī, the *Muhājirīn* and the *Anṣār* at *madīnah* for a false weak claim and an unknown act.

They also say, "The action of standing for prayer during the nights of Ramadan is thirty-nine *rak* ahs."

And they narrate that he prayed *maghrib* with the people and with him was *ahl ul-madīnah*, the *Muhājirīn* and the *Anṣār* and he did not recite in it anything, and he told that when he did taslīm, and he did not repeat the prayer and did not order it to be repeated.

They say, "This is not acted upon and whoever prays like this invalidates their prayer."

They also narrate that he wrote to his workers to collect $zak\bar{a}h$ from the pasturing cattle³⁰⁷

They say, "The pasturing and non-pasturing animals are the same."

And they narrate about him that he would drink milk and he would like it, he was told that it was from the *ni'am al-ṣadaqah*, then he vomited it³⁰⁸.

They say, "This is not acted upon."

And they narrate about him that he would remove ticks from his camel in the mud at Al-Suqy \bar{a} while he was in the state of *ihrām*³⁰⁹.

They say, "This is not acted upon."

We do not know whether they made removal of ticks a prohibited hunt during $ihr\bar{a}m$ or if they made an $ihr\bar{a}m$ for the camel, or how did they make this up?

³⁰⁵ Muwatta' Mālik 4, 1/115

³⁰⁶ Muwatta Mālik 5, 1/115

³⁰⁷ Muwatta Mālik 23, 1/257-259

³⁰⁸ Muwatta Mālik 31, 1/269

³⁰⁹ Muwatta Mālik 92, 1/357-358

And they narrated about him that he ruled as a recompense a young goat for hunting in the case of the killed rabbit³¹⁰.

They say, "This is not acted upon," while other companions agreed with him and Allāh obliged as a recompense for hunted animals during ihram the ruling of two upright men, and there is no one more upright than the companions, they have opposed the Qurʿān here and the companions and the certain truth.

And they narrated that he ruled in the case of a jerboa killed during $ihr\bar{a}m$ a young she-goat as recompense³¹¹.

They say, "This is not acted upon."

They also narrate that he took on oath saying, "If a Muslim gave *amāna* to a *mushrik* and then killed him, then that Muslim must be killed."³¹².

They say, "This is not acted upon, no Muslim is killed for a kāfir."

So as you can see at times they abandon the narration for the saying of 'Umar and say, "'Umar is more knowledgeable than us," then at other times they abandon the saying of 'Umar for a narration and say, "The narration has more right to be followed." There is in this a clear contradiction.

Then they again oppose with their $ra \, \bar{\imath}$ the narration mentioned on this topic which they use as evidence here by which they abandoned the saying of 'Umar and they say, "A Muslim is killed for a $k\bar{a}fir$ if he kills him through treachery."³¹³

And they narrate about him that he made $qir\bar{a}d$ $madm\bar{u}n$ on his son ibn 'Umar³¹⁴.

They say, "This is not acted upon, this is not allowed," so they abandoned the actions of 'Umar, his judgment which was in front of the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{\imath}ar$.

And they narrate about him that he gave the judgment on the one that married a woman and later found her to have madness, leprosy, or vitiligo, and had consummated the marriage, that she is entitled to her full dowry, and the husband can reclaim a fine for it from her guardian³¹⁵.

³¹⁰ Muwatta Mālik 230, 1/414

³¹¹ Muwatta' Mālik 230, 2/414

³¹² Muwatta Mālik 12, 2/448-449

³¹³ Muwatta' Mālik 2/864

³¹⁴ Muwatta' Mālik 1, 2/687-688

³¹⁵ Muwatta Mālik 9, 2/526

They say, "No $wal\bar{\imath}$ gets any fine except if the $wal\bar{\imath}$ is the father or the brother, if it is from the relatives, there is no fine, but she gets fined the mahr till one fourth of a $d\bar{\imath}n\bar{a}r$."

And they narrate about him that he would oblige the mahr if the curtains are closed³¹⁶.

They say, "If it is a long time then yes, but not if it is for a short time."

And they narrate that he would if he would come across a case of a secret marriage that he would stone for it³¹⁷.

They say, "This is not acted upon, there is no stoning," this is while they make *faskh* of a secret marriage, invalidate it.

And they narrate about him that he would stone for mut ' ah^{318} .

They say, "This is not acted upon, there is no stoning for it." Some of them said, "This is only from 'Umar a threat, it is not real," so they attribute lies to him, from which Allāh protected him. Some of them have also said such about the narration of the Prophet where he wanted (thought) of burning the houses of those that do not attend the congregational prayers³¹⁹.

These are misguidances that grates on the ears, and Allāh is the one whose help is sought.

And they narrate that he sent a man to the one that said to his wife, "You are set free from Iraq to Makkah," he inquired to take an oath on his intention regarding that³²⁰.

They say, "This is not acted upon, no one goes from Iraq to Makkah for an oath, and no one intends anything with such a saying except three *talāqs*." So they opposed the judgment of 'Umar in two places in this narration alone.

They also narrate about him that he said, "There must be no *hukrah* in our market."³²¹

They say, "There is no problem in <code>hukrah</code> in the market."

They also narrate about him that he judged in Madīnah, in the presence of the $Muh\bar{a}jir\bar{\imath}n$ and the $An\bar{\imath}ar$ on Muḥammad ibn Maslamah,

³¹⁶ Muwatta' Mālik 12, 2/528

³¹⁷ Muwatta Mālik 36, 2/535

³¹⁸ Muwatta Mālik 42, 2/542

³¹⁹ Muwatta Mālik 3, 1/129-130

³²⁰ Muwatta Mālik 5, 2/551

³²¹ Muwatta' Mālik 56, 2/651

allowing Daḥḥāk ibn Khalīfah to pass through his land with a canal he had dug, despite Muḥammad's disapproval³²².

They said, "This is not acted upon."

They also narrated about him that he ruled against the grandfather of 'Amr ibn Yaḥyā al-Māzinī, allowing 'Abd al-Raḥmān ibn 'Awf to relocate a canal in al-Māzinī's land from one place to another, despite al-Mazinī's disapproval³²³.

So they opposed the judgment of 'Umar, 'Abd al-Raḥmān ibn 'Awf in front of the *Muhājirīn* and the *Anṣār* at Madīnah. And they say, "There is no action on that."

Ibn Nāfi 'the companion of Mālik said, "There is action upon it," which and whose action is this contested action which some claim and others deny? They narrated that he fined Ḥāṭib for a camel belonging to a man from Muzaynah that Ḥāṭib's slaves had slaughtered. He cut off their hands and inquired about the camel's price, which was four hundred. He doubled the value for Ḥāṭib and fined him two eight hundred *dirhams*. This was in the presence of the *Muhājirūn* and the *Anṣār* from the people of Madīnah³²⁴.

They say, "This is not acted upon."

They also narrate about him or 'Uthmān that he judged a slave girl who claimed that she was free. She married a man and gave birth to children. He ruled that the man must ransom his children with the equivalent of them³²⁵.

They said, "This ruling is not applicable, and it must not be ruled that he ransoms them with slaves, but rather with their monetary value."

And they narrate about him that he ruled in the case of a foundling discovered by a man that the right of loyalty ($wal\bar{a}$ ') belongs to the one who found him³²⁶.

They said, "This is not acted upon, and the finder does not have the right of $wal\bar{a}$ " over the foundling."

³²² Muwatta' Mālik 33, 2/746

³²³ Muwaṭṭa' Mālik 34, 2/746

³²⁴ Muwaṭṭaʻ Mālik 38, 2/748

³²⁵ Muwatta' Mālik 23, 2/741

³²⁶ Muwatta' Mālik 19, 2/738



And they narrate about him that he judged in the case of a gift given in exchange for something that the giver could take back the gift if he was not satisfied with it³²⁷.

They said, "This is not acted upon, and if the gift has changed in the hands of the recipient by increase or decrease, the giver cannot take it back and is entitled only to its value."

And they narrate about him that stray camels were left unattended and no one approached them during his time³²⁸.

They said, "This is not acted upon," so they oppose the actions of 'Umar in the presence of the *Muhajirūn* and *Anṣār*, despite this being in agreement with the order of the Messenger of Allāh ## If they say that 'Uthmān held a different opinion, we show them the dozens of instances where they opposed the actions of 'Uthmān. And also, what makes 'Uthmān more deserving to be followed than 'Umar, except for confusion and following desires?

They narrate about him that a man from Banū Saʿd ibn Layth made made a horse run, and it trampled on the toe of a man from Juhaynah, causing him to bleed and die. 'Umar said to the men of Saʿd, "Will you take an oath by Allāh fifty oaths that he did not die from it?" They hesitated and refused. So he said to the men of Juhaynah, "Take an oath that he died from it," but they also refused. 'Umar then ruled that the men of Saʿd must pay half the blood money."

They said, "This is not acted upon, the plaintiffs $\,$ must take an oath $\,$ first." 329

They also said, "It is not acted upon to make the killer's relatives pay half the blood money."

What is astonishing is that Mālik opposed this narration in three aspects: first, by starting with the plaintiffs for the oath; second, by making the defendants pay without an oath from the plaintiff; and third, by making them pay half the blood money instead of all of it. Then, a few pages later in his book, he used this narration as evidence to make the rider, the leader, and the driver pay, basing this on 'Umar's action with the men of Sa'd, while he himself had contradicted this very narration, as you can see. So, what made

³²⁷ Muwatta' Mālik 32, 2/754

³²⁸ Muwatta Mālik 51, 2/759

³²⁹ Muwatta Mālik 4, 2/851

one quarter of 'Umar's ruling in this narration a valid evidence to follow, while three-quarters of it were discarded and not acted upon? If it were not for the calamity, these people would not follow these opinions and abandon the Qur'ān and the words of the Messenger of Allāh ...

They narrate about him that he judged for a scapular spine (*tarquwah*) one camel³³⁰.

They say, "This is not acted upon."

And they narrate about him that he judged for the molars one camel³³¹.

They say, "This is not acted upon."

And they narrate about him that he judged for the rib one camel³³².

They say, "This is not acted upon."

And they narrate about him that he would lash a slave that fornicated and exile him³³³.

They say, "This is not acted upon, a slave is not exiled," they opposed the action of 'Umar in the presence of the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{\imath}ar$ at Madīnah and the sunnah of the Prophet \cong for false ra ' $\bar{\imath}$.

They narrate about him that he ordered Thābit ibn al-Ḍaḥḥāk who had caught a camel, to announce it to the people (as it is a lost property), then ordered it to be sent to wherever he found it³³⁴.

They oppose the ruling of 'Umar and act according to Thābit. This is what they opposed 'Umar with in their narration in Al-Muwaṭṭā' only, and as for the narration of others, it is even more.

If they say, "The actions of 'Uthman."

It is said to them, And with Allāh is the success: They narrate about 'Uthmān that he prayed the *jumu* 'ah prayer then left while the walls had no shadow yet³³⁵.

They say, "This is not acted upon. It is not allowed to pray the prayer except after the *khuṭbah* and no *khuṭbah* begins except after the *adhān* and no

³³⁰ Muwatta Mālik 7, 2/861

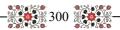
³³¹ Muwatta Mālik 7, 2/861

³³² Muwatta Mālik 7, 2/861

³³³ Muwatta' Mālik 15, 2/827

³³⁴ Muwatta Mālik 49, 2/759

³³⁵ Muwatta Mālik 14, 1/9-10



adhān begins except after the *zawāl*, after the sun declines, when the sun declines there does appear shadow on the walls."

And they narrate about him that he gave permission on the *minbar* for *ahl ul-'Āliyah* on a day ' $\bar{\imath}d$ was the same as jumu'ah, for them to return, whoever wanted³³⁶.

They say, "There is no action upon this, and we do not consider valid 'Uthmān's permission in this matter," while he decided this in the presence of the *Muhājirīn* and the *Anṣār* in Madīnah.

And it is narrated about him that he would cover his face while he was *muhrim*³³⁷.

They say, "This is not acted upon, no muḥrim covers the face."

And it is narrated about him that he would address those that are in debt from gold and silver and say to them, "This is the month of $zak\bar{a}h$ for you." 338

They say, "This is not acted upon, there is not for gold and silver a month of $zak\bar{a}h$ known."

And they narrated about him that he prohibited mut'ah) and $qir\bar{a}n$ for $haji^{339}$.

And they narrate the same thing from 'Umar³⁴⁰.

They say, "This is not acted upon, something like that cannot be prohibited," Why do they not the same for his judgment about the inheritance of the woman divorced thrice from her husband, when he divorced her while he is sick³⁴¹.

Why do they not leave making $taql\bar{\iota}d$ of him there without evidence just as they left it here.

And they narrate about him that he prayed at $min\bar{a}$ four rak 'ahs³⁴².

They say, "This is not acted upon."

And they say, "Shortening the prayer is the truth for it," they use as evidence for this the action of the Prophet , Abū Bakr and 'Umar, and we

³³⁶ Muwatta Mālik 5, 1/178-179

³³⁷ Muwatta Mālik 14, 1/327

³³⁸ Muwatta Mālik 17, 1/253

³³⁹ Muwatta Mālik 40, 1/336

³⁴⁰ Muwatta' Mālik 60, 1/344

³⁴¹ Muwatta Mālik 42, 2/572

³⁴² Muwatta' Mālik 201, 2/402

have previously mentioned what they oppose from the actions of them and that when they left the sayings of 'Umar for 'Uthmān.

They also narrate about him that he would recite $S\bar{u}rah$ Yūsuf often in the subh (obligatory fajr) prayer.

This is also narrated from 'Umar³⁴³.

They say, "This is not acted upon."

It is also narrated through the most authentic $tar\bar{t}q$ about him that meat from an animal hunted was brought to them while they were all in $i\hbar r\bar{a}m$, and he said to his companions, "Eat." They replied, "Will you not eat?" He said, "I am not like you; rather, the game was hunted for my sake."

They say, "This is not acted upon, it is not permissible for one in $i\hbar r\bar{a}m$ to eat what was hunted for the sake of someone else in $i\hbar r\bar{a}m$."

Mālik erased the saying of 'Uthmān and disliked it severely, this is stated in Al-Muwaṭṭā', where is acting upon his actions? If the actions of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, Abū Bakr, 'Umar, 'Uthmān in the presence of the $Muh\bar{a}jir\bar{\imath}n$ and the $Ans\bar{\alpha}r$ are not acted upon?

It is narrated about 'Uthmān and 'Umar both the prohibition of hukrah³⁴⁵.

They say, "This is not acted upon, there is no problem in doing that."

And likewise they oppose the actions of 'Ā'ishah, ibn 'Umar, the companions at Madīnah, we do not exclude anyone among them, and they oppose Sa'īd ibn al-Musayyib, Sulaymān ibn Yasār, the remaining *fuqahā* 'of Madīnah, the closest of that is their opposition to al-Zuhrī, Rabī'ah in so many matters and that al-Zuhrī saw *zakāh* obliging on vegetables and obliged *tayammum* till the armpits and other matters.

Al-Zuhrī said, "This is a copy of the letter of the Messenger of Allāh regarding zakāh, which is with the family of 'Umar ibn Al-Khaṭṭāb Sālim ibn 'Abdullāh ibn 'Umar read it to me, and I memorized it exactly as it was copied by 'Umar ibn Abdul-'Azīz from 'Abdullāh ibn 'Abdullāh ibn 'Umar, and Sālim ibn 'Abdullāh ibn 'Umar when he was appointed over Madīnah, he ordered his workers to act upon it. He wrote to Walīd ibn 'Abd al-Mālik about it, and Walīd ordered his workers to act upon it. The subsequent Caliphs continued to issue orders accordingly. Then Hishām ibn Muḥammad ibn

³⁴³ Muwatta Mālik 34, 1/82

³⁴⁴ Muwatta Mālik 84, 1/354

³⁴⁵ Muwatta' Mālik 58, 2/651 | 56, 2/651



Hāni appointed his worker who copied it for every worker among the workers of the Muslims, and he ordered them to act according to it without exceeding it."³⁴⁶

This is an act that was widespread as you can see, and its origin is from a *mursalah ṣaḥīfah*, not *musnadah* as you can see. And this did not become widespread except after about eightieth year after the *hijrah*. The workers of 'Uthmān before that carried out other than that, and also the workers of 'Alī as it is narrated about him and also the workers of ibn al-Zubayr and his workers, they did different and also the workers of Abū Bakr. There is another *ṣaḥīfah* with Āla Ḥazm.

What is that which makes the narrations of 'Alī and his workers and the workers of ibn al-Zubayr and the workers of Abū Bakr other than that, what is that which makes the actions of Al-Walīd the unjust and those after him whose sayings do not matter at all except 'Umar ibn 'Abd al-Azīz alone better than the actions of ibn al-Zubayr, 'Alī, 'Uthmān, and the actions of Abū Bakr. This is a dispute, a difference that obliges a return to the Qur'ān and what is authentic from the Prophet ...

And that does not exist except for the narration of Anas from $Ab\bar{u}$ Bakr only.

It is established that they abandoned the actions of anyone whose actions could be considered exemplary or followed according to them.

And it is established that they do not know whose actions is meant with the saying, "There is no action upon that."

If they say, "The action of the majority," we show them that there is no majority other than the people of the time of 'Umar and 'Uthmān, and those who prayed with them and agreed with them on what those people left behind in terms of actions. They have indeed abandoned the actions of the majority,

And all of what we mentioned establishes what some narrators said that the $M\bar{a}likiyyah$ only mean the actions of the owners of the market in Madīnah in the time of Mālik, this is as you can see. 'Abd al-Raḥmān ibn Zayd ibn Aslam gathered what the seven $fuqah\bar{a}$ ' of Madīnah specifically concurred on and it did not go beyond a few pages only. And 'Abd al-Raḥmān who is weak and fallen state. Allāh did not make them earlier to be accepted than their counterparts from $ahl\ ul-k\bar{u}fah$, who are better than them, from the

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 $^{^{346}}$ Al-Mustadrak 'Ala al-Ṣaḥīḥayn 1458, 2/405

apparent, such as 'Alqamah ibn Qays, Al-Aswad ibn Yazīd, Shurayḥ al-Qāḍī 'Amr ibn Maymūn, Masrūq, Abū 'Abd al-Raḥmān Al-Sulamī, 'Ubaydah al-Salmānī, 'Abd al-Raḥmān ibn Abi Laylā, 'Abdullāh ibn 'Utbah ibn Mas'ūd, 'Abd al-Raḥmān ibn Yazīd al-Laythī, Sa'īd ibn Jubayr—And their counterparts from the people of Baṣrah like al-Ḥasan al-Baṣrī, Muḥammad ibn Sīrīn, Jābir ibn Zayd, Muslim ibn Yāsir, Abū Qilābah, Bakr inn 'Abdullāh Al-Muzanī, Zurārah ibn Awfā, Ḥumaid ibn 'Abd al-Raḥmān, Ayyūb, ibn 'Awn, Yūnus ibn 'Ubayd, Sulaymān al-Taymī—And their counterparts from the people of Shām like 'Umar ibn 'Abd al-'Azīz, Abū Idrīs al-Khawlānī, Qubaysah ibn Thā'ib, Jubayr ibn Nufayr, Rajā' ibn Ḥaywah — And their counterparts from the people of Mecca like Ṭāwūs, 'Atā', Mujāhid, 'Umar ibn Dīnār, 'Ubayd ibn 'Umayr, his son 'Abdullāh, 'Abdullāh ibn Ṭāwūs.

After the companions, who are the caliphs, may Allāh be pleased with them. No one has been a judge in Madīnah like Shurayḥ, Marwān ibn al-Dithār, or Zurārah ibn Awfah, Al-Shaʿbī, Abū ʿUbaydah ibn ʿAbdullāh, ʿAbdullāh ibn ʿUtbah, or Al-Ḥasan Al-Baṣrī ever.

And it is also said to them: Did the actions of *ahl ul-madīnah* differ or not, if they say, "They never differed," they are declared a liar by al-Muwaṭṭā' and all the narrations. If they acknowledge that they did differ. We say to them: What makes the actions of some of them more deserving to be followed than the actions of the remaining? Allāh invalidated every single act during any *ikhtilāf* except to return the matter to the book of Allāh and the words of his Prophet , Allāh said, "If you differ in anything, then return it to Allāh and His Messenger" [An-Nisā': 59]. Whoever returns it to anything else has disobeyed Allāh and His Messenger and has strayed into a plain error, Allāh said, "Whoever disobeys Allāh and His Messenger has strayed into a plain error" [Al-Aḥzāb: 46].

They attribute to Abū Bakr, 'Umar, 'Uthmān, and 'Alī (may Allāh be pleased with them) the greatest falsehood and the most severe neglect of Islām with this cursed principle, showing a lack of concern for it. This is something that no Muslim must think at all in the first place, then how about believing it and calling towards it. Because 'Umar (may Allāh be pleased with him) established Baṣrah, Kūfah, Egypt, and Shām, settled Muslims there, and appointed companions over them such as Saʿd ibn Abī Waqqāṣ, al-Mughīrah ibn Shuʿbah, Abū Mūsā al-Ashʿarī, 'Utbah ibn Ghazwān, and others.



'Uthmān also appointed governors over them like Mu'āwiyah and 'Amr ibn al-'Āṣ who were also appointed by 'Umar, along with 'Ammār and ibn Mas'ūd, among others.

Then 'Alī appointed over Baṣrah, 'Uthmān ibn Ḥunayf and 'Abdullāh ibn 'Abbās, and appointed Qays ibn Sa'd over Egypt.

Do you then think that 'Umar, 'Uthmān, 'Alī, and their mentioned governors concealed from who they are taking care of in these regions the religion of Allāh and the rulings in Islām, and the action upon its rulings? No Muslim does this. There is instead no doubt that they all taught everyone there everything they needed, just as the people of Madīnah, without any difference.

Then 'Alī settled in Kūfah. Do you think, may Allāh be pleased with him, that he concealed from its people the any rulings of Islām, and any obligatory rulings? By Allāh, no Muslim or discerning *dhimmī* would think this.

Since there is no doubt about this, then there is no action done in Madīnah except that it is in all other regions the same without any difference.

As for the time after this noble generation of the companions, by Allāh, no one governed Madīnah or ruled over it except the *fussāq* like 'Amr ibn Sa'īd, al-Ḥajjāj ibn Yūsuf, Ṭāriq, Khālid ibn 'Abdullāh Al-Qasrī, 'Abd al-Raḥmān ibn al-Ḍaḥḥāk, 'Uthmān ibn Ḥayyān Al-Marrī, and every enemy of Allāh except Abū Bakr Ibn Muḥammad ibn 'Amr ibn Ḥazm ibn 'Uthmān and 'Umar ibn 'Abd al-'Azīz. For both of these were virtuous. Abū Bakr governed it for four years—two years as a judge and two years as the governor for 'Umar ibn Abdul 'Azīz (may Allāh be pleased with him). Then what surplus do the people of Madīnah have over others in knowledge, or virtue, or narrations, if they were to be honest to themselves and left this falsehood which does not save the religion from dominance of desires and the support of falsehood? We seek refuge in Allāh from misguidance.

The most knowledgeable person Mālik encountered in Madīnah was Nāfi', who issued very few *fatwas*, and Rabī'ah, who was abundant in *ra'ī* and had little knowledge of *ḥadīth*. There were also Abū al-Zinād and Zayd ibn Aslam, who issued very few *fatwas*. As for al-Zuhrī, he was mostly in Shām, and Mālik only wrote from him in Mecca. Among the judges were Abū Bakr ibn 'Amr ibn Ḥazm, his son Muḥammad, and Yaḥyā ibn Sa'īd al-Anṣārī, while the people of Iraq sought him because he died while he was a

judge in Baghdād. As for Sa'd ibn Ibrāhīm, he was a *thiqah*, except that Mālik did not take from him.

Then it is said to them: There is no disagreement among any of the people of knowledge regarding narrations that Mālik was born in the year ninety-three after the *hijrah*, after the death of the Messenger of Allāh by eighty-three years, and that he lived for more than thirty years. His knowledge became renowned, so tell us, upon what *madhhab* were the people before Mālik, during that long period we mentioned, which spans approximately one hundred and twenty years? This was a time when the best people on earth—among the Ṣaḥābah (may Allāh be pleased with them) and the Tābi Tīn (may Allāh have mercy upon them)—were present.

If they say, 'They were upon the *madhhab* of Mālik,' Mālik himself declared this a lie in his Muwaṭṭa' by the amount of *ikhtilāf* he recorded therein among the Sahābah and the $T\bar{a}bi$ ' $\bar{\imath}n$. We have already mentioned some of these significant differences earlier.

It is also said to them: If the matter is as you claim, then what makes it more appropriate to attribute this *madhhab* to Mālik rather than to Abū Bakr, or 'Umar, or 'Uthmān, or 'Ā'ishah, or Ibn 'Umar, or Sa'īd ibn al-Musayyib, or Sulaymān ibn Yasār, or 'Urwah ibn al-Zubayr, or al-Zuhrī, or Rabī'ah? Why did you single out Mālik alone for this attribution, rather than associating it with any of the aforementioned, who were better and more revered in the hearts of people?

If they say, "It is because Mālik established it and the people differed," their lies have become clear by all that which Mālik mentioned in his Muwatṭā' from that which he opposed those who came before them.

And it is said to them: Attempt to find your way out regarding your saying if someone were to say to you, "Instead the people were established and Mālik was the only one with this *madhab*," *madhāhib* are only attributed to its founder, not to the one that follows other than them.

If they say, "People were in disagreement regarding their *madhhabs* and were uncertain."

It is said to them: Then do seek to turn away from that which the *salaf ul-ṣālih* were upon, by Allāh there is nothing good in that which came into existence after them. meaning in that which they were upon, this was not known from the generations before. If matters are based on evidence, then evidence clarifies that those predecessors were correct in their choices and



perspectives, differing in their madhabs but agreeing on the falsehood of $taql\bar{\iota}d$ and agreeing on the obligation of taking the Prophet *s $\dot{\mu}ad\bar{\iota}th$ when it reaches them and its path is authentic.

If $taql\bar{\iota}d$ would be permissible, and we seek refuge in Allāh from that, then $taql\bar{\iota}d$ of 'Umar, 'Uthmān and the remaining of those who preceded is better than making $taql\bar{\iota}d$ of those who came after them. O Allāh, except if the action they refer to is similar to what 'Ā'ishah narrated that when Sa'd ibn Abī Waqqāṣ passed away, the wives of the Prophet sent for his funeral procession. They stood with it (the funeral) at their doorsteps to pray over him. Then they took it from the funeral gate that was there to the seats. It reached them that people criticized that, saying funerals should not enter the mosque. 'Ā'ishah (may Allāh be pleased with her) heard of this and said, "How quick people are to criticize that which they have no knowledge of! They criticized us for the funeral passing through the mosque, yet the Messenger of Allāh did not pray over Suhayl ibn Baydā' except in the inner part of the mosque."³⁴⁷

Abū Minhāl said, "My partner sold silver to be paid in the hajj season or in the days of hajj. He (my partner) came to me and informed me, and I said to him, 'Such transaction is not desirable.' He said, 'I sold it in the market (with $nas\bar{\iota}$ 'ah) but nobody objected to this. I went to al-Barā' ibn 'Āzib and asked him, and he said, 'The Messenger of Allāh acame to Madīnah and we made such transaction, whereupon he said, 'In case the payment is made on the spot, there is no harm in it, and in case (it is sold) with $nas\bar{\iota}$ 'ah, it is usury.'' You better go to Zayd ibn Arqam, for he is a greater trader than.' I so I went to him and asked him, and he said like it."³⁴⁸

'Umar ibn Muslim ibn 'Ammar al-Laythī said, "We were in the bathhouse just before 'īḍ al-aḍḥā and some people were applying depilatory (removing pubic hair). Some of the bathhouse attendees said that Saʿīd ibn al-Musayyib dislikes this and forbids it. So I met Saʿīd ibn al-Musayyib and mentioned that to him. He said, 'My nephew, this is a ḥadīth that has been forgotten and abandoned. Umm Salamah, the wife of the Prophet stold me that the Messenger of Allāh said, 'Whoever has a sacrificial animal to

³⁴⁷ Sahīh Muslim 973

³⁴⁸ Sahīh al-Bukhārī 2180

slaughter, once the new moon of $dh\bar{u}$ al-hijjah is sighted, let him not take anything from his hair or his nails until he offers the sacrifice."³⁴⁹

One of the narrators is 'Amr ibn Muslim, he is Ibn Akaymah, which Mālik narrated from and others. So since the action of the people of Madīnah which they use as evidence and abandon for it the words of the Prophet are of this attribute, then we seek refuge in Allāh from this act, and we seek closeness to Allāh the Exalted by disobeying and opposing this action.

There is no doubt that they mean they follow the actions of the majority which we described, then there is no doubt that they mean the practice of the public that we described, such as most people of Madīnah rejecting the wives of the Prophet entering the dead bodies in the mosque, and the people of the market of Madīnah selling silver for silver or for gold on credit (nasī 'ah) without anyone objecting to it. Likewise, them neglecting and forgetting the order of the Prophet not to touch the hair or nails of anyone who intends to offer a sacrifice once dhū al-hijjah begins, as attested by Sa'īd ibn al-Musayyib, the faqīh of the people of Madīnah, regarding this.

So they without any doubt mean the action of the majority of those who we just described, the majority that rejected the wives of the Prophet from entering the deceased bodies in the mosques. And none of them rejected the sale going on in the markets of Madīnah of silver for silver and gold for gold with *nasī'ah*. And their abandoning and forgetting the order of the Prophet not to touch the hair and nails for whoever is going to sacrifice with the testimony of Sa'īd ibn al-Musayyib who is the *faqīh* of *ahl ul-madīnah*.

As we have clarified that they do not cling onto the actions of the Prophet , and also not the actions of Abū Bakr, and 'Umar, and 'Uthmān and also not anyone from the companions, there remains nothing in their hands except the actions of those we described and we seek refuge in Allāh from clinging onto such actions, for it is clear misguidance. And Allāh is sufficient for us, and He is the best disposer of affairs.

Complaints about the workers of Madīnah and their transgressions in the city were widespread during the days of the Companions. Muḥammad ibn ʿAlī, who is ibn al-Ḥanafīyyah, said, "Some people came to 'Alī and complained about the workers of 'Uthmān (regarding $zak\bar{a}h$). 'Alī said to me, 'Take this letter to 'Uthmān and inform him that it is the *ṣadaqah* of the

³⁴⁹ Sahīh Muslim 1977



Messenger of Allāh and tell him to let his workers operate accordingly.' So I took it to him, and he said, 'Keep it away from us.' I returned it to 'Alī ibn Abī Ṭālib, may Allāh be pleased with him, and informed him. He said, 'Put it back where you took it from.'"

So it is established, as you can see, that the argument of those who claim the actions of the people of Madīnah or others is an evidence is falsehood! It is obligatory that nothing is accepted except decisive evidence, authentic from the Prophet ...

'Umar, may Allāh be pleased with him, also rejected Ḥassān reciting poetry in the mosque. When Ḥassān said to him, "I recited in it when someone better than you was present," and he then mentioned about the Prophet and 'Umar was silent³⁵¹.

All of this clarifies that there is no *hujjah* in the saying of anyone and also not in their knowledge after the Prophet ...

If they say, "Mālik came later and was followed."

It is said to them: *taqlīd* of those that came after Mālik is better, such as al-Shāfī'ī, Aḥmad, Dāwūd and others, till the matter reaches us and then those after us.

What is correct from this is that Abū Ḥanīfah and Mālik did *ijtihād* and were those that ordered *ijtihād*, as every Muslim is obliged *ijtihād* in His religion and following the method of the *salaf* on abandoning *taqlīd* they were rewarded in that which they were correct in two rewards and one reward if they were wrong. And they are free from sin in any case. This is the state of every scholar and seeker of knowledge, whether they came before them, were their contemporaries, or came after them.

Those who made $taql\bar{\iota}d$ of them, erred and innovated, went against the order of Allāh, the Sunnah of the Prophet #, the $ijm\bar{a}$ of the Muslims, and the actions of the righteous generations, as well as what 'aql obliges, followed their $haw\bar{a}$ without guidance from Allāh and became misguided.

The same applies for the *muqallidīn* of al-Shāfi'ī, except that al-Shāfi'ī, may Allāh be pleased with him, established principles in which he was more often right than wrong. The *muqallids* of him are more excusable for following him in what he was correct about, but they are more blameworthy and have less excuse for following him in his mistakes.

³⁵⁰ Sahīh al-Bukhārī 3111

³⁵¹ Sunan Al-Nasā'ī 716

As for $a \dot{s} h \bar{a} b u l - z \bar{a} h i r$, they are the most distant people from $taq l \bar{\iota} d$, whoever makes $taq l \bar{\iota} d$ of anyone of them and that claims he is from them, he is not from them.

No one is infallible, but blame falls on those who follow something for which there is no certain evidence.

More blameworthy, more severe than this are those who acknowledge something is prohibited, who are the $muqallid\bar{u}n$ they make $taql\bar{\iota}d$ while they acknowledge it is prohibited, and they leave the orders of the Prophet while they acknowledge it is authentic and the truth. Who is more misguided than them, we seek refuge in Allāh from being forsaken and ask him for guidance and protection, for everything is in His hands.

This is invalidated from many manners, first is that if they say, "Perhaps the *hadīth* that some of them abandoned contains a weakness."

It is said to them: And perhaps the narration that says a certain Companion abandoned a <code>hadīth</code> is the weak one. What makes it more likely that the weakness is in those who narrated the <code>hadīth</code> about the Prophet **, rather than in those who narrated that it was abandoned by some?

Also, some among them abandoned some <code>hadīths</code> while others among them adhered to those exact <code>hadīths</code>. So there is no value in the claim that some leaving it implies they had knowledge which they hid. There is no difference between the one that says that those who abandoned it had knowledge that justified their abandonment and those who say it is necessary that those who adhered to it must have had surplus knowledge that justified their adherence. Every claim without certain evidence is invalid.

We have already stated that one must not be troubled by those who abandon acting upon the truth, whether they abandon it due to an an excuse or due to sinful negligence, nor must one be overly impressed by those who act upon it, whoever they may be, whether they act upon it or abandon it.

And it is obligatory on everyone who hears it (the narrations) to act upon it in any case. Also, the <code>hadīths</code> which are narrated to have been abandoned by some of the <code>salaf</code> are not mostly the ones that these objectors use as evidence for the abandonment of it because of the <code>salaf</code>. Rather, these

objectors have abandoned what those *salaf* adhered to, and also these objectors have adhered to what the *salaf* abandoned. So there is no *ḥujjah* for them in some of that which the *salaf* abandoned, for they are the most contradicting in this matter and are the ones that invalidate such abandonment the most. There is nothing worse than a person using as evidence against someone that does not see its origin validity and invalidates it just as the one that used it as evidence invalidates it.

And also, even if what they fabricated were true—that the Companion who abandoned certain narrations must have had additional knowledge justifying their abandonment of that <code>hadīth</code>—and we seek refuge in Allāh, the Almighty, from such a claim, and trom anyone who thinks well of someone like that from such accusations—they have ascribed to the most virtuous individuals of this *muqaddasah ummah* a description, that if true, they are cursed with the curse of Allāh. Allāh said: "Indeed, those who conceal what We sent down of clear proofs and guidance after We made it clear for the people in the Book—those are cursed by Allāh and cursed by those who curse" [Al-Baqarah: 159].

So we say: Allāh has cursed the one who possesses knowledge about Allāh * and His Messenger * and conceals it from the people, whoever he may be. And whoever attributes this to the companions has attributed to them plotting against the religion, and this is from the worst *kufr* that can be.

I presented a similar saying to al-Layth ibn Ḥarfash al-ʿAbdī in the gathering of al-Qādī ʿAbd al-Raḥmān ibn Aḥmad ibn Bishr, may Allāh have mercy on him, and in a grand gathering with the *fuqahā* ʿ of the Mālikīs. None of them answered against me with a single word. All of them were instead silent, except for very few of them who agreed with my saying. I said to him: You have attributed to Mālik, may Allāh be pleased with him, that which, if it were true, would make him the most immoral of mankind. This is because you attribute to him that he showed to the people the defective narrations, the abandoned and the abrogated narrations he had, while hiding the authentic and abrogating narrations until he passed away. This is the attribute of someone who wants to corrupt Islām and deceive its believers. Allāh has saved him from that; he was, according to us, one of the sincere *aʾimmah* of this community, but he was at times correct and at times mistaken, and he made *ijtihād*, so he succeeded and or was mistaken like other *aʾimmah*.

Allāh has obliged the duty of conveying knowledge on everyone with *tafaqquh*. The Prophet said that whoever conceals knowledge when asked about it will be bridled with a bridle of fire on the Day of Resurrection³⁵².

If they say that Mālik did not have any authentic knowledge from the Prophet except that he conveyed it to the people as it is obliged, then we say you are correct. This is his attribute according to us, and we follow his narrations and the narrations of other upright narrators because he was upright. We have been ordered to accept the narration of the upright and to reject their own sayings and the sayings of others, as the evidence forbids taqlīd. He was the first to forbid taqlīd, and it is astonishing that they claim that they take from the last actions of the Prophet , while we do not know a people that are more distant than them in abandoning the last actions, they took from the first abrogated actions instead.

For they do not allow for the appointed $im\bar{a}m$ whose $khal\bar{\imath}fah$ began the prayer with the prayer and the appointed $im\bar{a}m$ enters and continues the prayer from there and builds upon the prayer which remains, for anyone behind him and the $im\bar{a}m$ that began the prayer becomes the follower, this was the last prayer the Prophet prayed with the people during his illness in which he passed away. They invalidate this prayer and permit the $im\bar{a}m$ from leaving the prayer for an excuse that afflicted him and that he can ask someone to continue to lead the prayer, while there is for this no text and no $ijm\bar{a}$. And they do not allow praying while sitting while being healthy behind the $im\bar{a}m$ that sits, while this is the attribute of the last prayer prayed by the Prophet. And they cling onto the narration al-Ju'fī who is a liar from al-Sha'bī which is also mursal, which mentioned that the Prophet said, "No one after me leads the prayer while sitting." 353

While this is a $K\bar{u}fiyah\ riw\bar{a}yah$. They reject the authentic narrations for a $riw\bar{a}yah$ from $ahl\ ul-k\bar{u}fah$, they cling onto this narration in which there is no doubt that his is from the lied $riw\bar{a}y\bar{a}t$ of $ahl\ ul-k\bar{u}fah$.

And they dislike saying the $takb\bar{t}r$ with the $takb\bar{t}r$ of the $im\bar{a}m$ and they invalidate this while it is in their texts mentioned and this is the attribute from the last prayers prayed by Abū Bakr behind the Prophet in front of all of the $Muh\bar{a}jir\bar{t}n$ and the $Ans\bar{a}r$ except very few.

³⁵² Sunan Abī Dāwūd 3658 | Sunan Al-Tirmidhī 2649

 $^{^{353}}$ Al-Muṣannaf by 'Abd al-Razzāq 4087, 4088, 2/662



And they abandoned the permissibility of anything that does not intoxicate from that which is allowed in all $zur\bar{u}f$ (vessels) which is also the $n\bar{a}sikh$, but instead they take from the prohibition of using $dubb\bar{a}$ and muzaffat (gourds and varnished jars)³⁵⁴ which is $mans\bar{u}kh$ by very clear texts. That was in the beginning of Islām.

Similarly they leave Sūrah Barā', the last Sūrah revealed on the Prophet $\stackrel{\text{\tiny{def}}}{=}$ that no jizyah is taken except from a $kit\bar{a}b\bar{\imath}$.

And they leave what is in the verse, "And they do not prohibit what Allāh and His Messenger prohibited" [At-Tawbah: 29]. They rely on the narration about choosing (wives) for one who accepts Islām and has more than four wives because it is not permissible for anyone to exist that marries more than four because *nikāh* of the one that marries the fifth one today is false from the moment of the contract it is annulled. It is not allowed even if the infidels allow it because Allāh prohibited it and the prohibition of Allāh is binding on them.

And they abandon the prohibition of fasting during a travel during Ramaḍān, while it is an abrogating ruling and take from the permissibility which is abrogated.

And they abandoned the prohibition of talking with the $im\bar{a}m$ during the $isl\bar{a}h$ of the prayer which is the $n\bar{a}sikh$ and clinging onto the specific $(makhs\bar{u}s)$ which is $mans\bar{u}kh$.

And they abandon reciting "Wal-Mursalāt" in the maghrib prayer, which is among the last actions of the Prophet ...

And they abandon the action of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, from putting on perfume before $taw\bar{a}f$ around al-bayt which is among his last actions and cling onto the $mans\bar{u}kh$, the $makhs\bar{u}s$ which was before al-hudaybiyyah before $hajjat\ al$ - $wad\bar{a}$.

And they abandon the obligation of *salab* for the killer, and he was in the *ghazwah* of hunayn which is the *nāsikh* and they hang unto that which happened in the *ghazw* of *muʿtah* which is *mansūkh*, happened before Ḥunayn.

And they leave what is in Sūrah Barā'ah from not having an agreement with a *mushrik* except on Islām and not with a $kit\bar{a}b\bar{\iota}$ except on jizyah while they have $sagh\bar{a}r$.

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³⁵⁴ Musnad Ahmad 185

And they take from the narration of Abū Jandal which is *mansūkh* which is before Barā'ah. And like this there are many examples.

Section: Regarding The Reason *Ikhtilāf* Occured Between The *A'immah* In The Beginning Of This *Ummah*

If it is said, "Then why did those before (us) abandon many aḥādīth?"

We have clarified this before, but we will clarify it here which implies repetition of some of what was mentioned before.

That is that Mālik and others are humans that forget just as other humans forget. You will find that a man can memorize a narration but he will not remember it the he gives $fatw\bar{a}$ of its opposite, this can also occur with the verses of the Qurʻān.

'Umar had ordered on the *minbar* the women not to increase their *mahr*. Then a woman mentioned to him the verse, "And you have given one of them *qintār*" [An-Nisā': 20]. Then he left his previous saying and he said, "Everyone is more knowledgeable than you O 'Umar. A woman was correct and the *amir ul-mu'minīn* was mistaken."

And 'Umar wanted to stone a woman that gave birth after six months, then 'Alī reminded him that pregnancy can indeed be six months, he mentioned the verse, "And the weaning of him is thirty months" [Al-Aḥqāf: 15].

And the verse, "The mothers shall give suck to their children for two whole years" [Al-Baqarah: 233]. Then he refrained from stoning her.

And 'Umar was about to attack 'Uyainah ibn Ḥuṣn when 'Uyainah said to him, "Beware! O the son of al-Khaṭṭāb By Allāh, you neither give us sufficient provision nor judge among us with justice." Thereupon al-Ḥurr ibn Qays Ibn Ḥuṣn ibn Hudhaifah reminded him the verse, "And turn away from

the foolish," [Al-A'rāf: 199] he said to him, "O *amīr ul-mu'minīn*, this person is from the foolish," then 'Umar left him³⁵⁵.

'Umar also said the day the Prophet passed away, "By Allāh the Prophet did not pass away, and he will not pass away till he is the last one of us." He said this till he was reminded of the verse, "Verily you (O Muḥammad) will die, and verily they (too) will die" [Az-Zumar: 30]. Then he dropped the sword from his hand and went to the earth and said, "By Allāh it is as if I never recited it before."

As this is possible with the Qurʿān it is possible with the narrations, it is possible to forget it forever and it is possible to remember it, but to make ta ' $w\bar{t}l$ in it and think it has $khu\bar{s}\bar{u}\bar{s}$ or a naskh or a different meaning, it is not permissible for anyone to follow this except with a text or $ijm\bar{a}$ ', because it is a ra ' \bar{t} of his, and it is not allowed to make $taql\bar{t}d$ of anyone and it is not allowed to accept ra ' \bar{t} .

And everyone knows that the Companions, may Allāh be pleased with them, were around the Messenger of Allāh agathered in Madīnah. They had livelihoods to seek and were in severe hardship for sustenance; this has been explicitly stated by texts. and the Prophet along with Abū Bakr and Umar, were driven out of their homes by hunger hardship for sustenance.

Some of them were engaged in the markets, and some were standing by palm trees. A group of them would attend the Messenger of Allāh whenever they found the slightest free time from their tasks. This is something no one can deny. Abū Hurairah mentioned this, saying, "My brothers among the *Muhajirīn* were occupied with trading in the markets, and my brothers among the *Anṣār* were occupied with tending to their palm trees. I was a poor man who accompanied the Messenger of Allāh instead of filling my stomach." And this is something 'Umar also acknowledged, he said, "This narration of the Prophet remained hidden from me business in the market kept me busy." 'Umar mentioned this is in the narration about asking permission of Abū Mūsā.

³⁵⁵ Şahīh al-Bukhārī 4642

³⁵⁶ Sahīh Muslim 1242

³⁵⁷ Sunan al-Tirmidhī 2369 | Sunan Abi dawud 5128

³⁵⁸ Sahīh al-Bukhārī 7353



The Prophet would be asked about something, give a ruling on it, order something, do something, this would not be known except by those present and would be unknown by those absent.

When the Prophet passed away and Abū Bakr, may Allāh be pleased with him, assumed *khilāfah*, the Companions then dispersed for *jihād* against Musaylimah, the apostates, and to *Shām* and Iraq. Some remained in Madīnah with Abū Bakr, may Allāh be pleased with him. When an issue arose, and he did not know from the Prophet, he would ask those Companions present. If they had knowledge of it, he would follow it; otherwise, he would exercise his *ijtihād*.

When 'Umar, may Allāh be pleased with him, assumed *khilāfah*, the cities were conquered, and the Companions dispersed even more widely. If a ruling was needed in Madīnah or elsewhere, and the present Companions had knowledge of it from the Prophet , they would follow it. Otherwise, the leader of that city would exercise his *ijtihād*. There might be a ruling from the Prophet known to a Companion in another city.

The people of Madīnah would know things the people of Egypt did not, and the people of Egypt would know things the people of $Sh\bar{a}m$ did not, and the people of $Sh\bar{a}m$ would know things the people of Baṣrah did not, and the people of Baṣrah would know things the people of $K\bar{u}fah$ did not, and the people of $K\bar{u}fah$ would know things the people of Madīnah did not.

All of this is present in the narrations and in the necessity of knowledge that we mentioned about some being absent from the Prophet *s's gathering at times and others being present. Then, the one who was present yesterday would be absent, and the one who was absent would be present, so each would know what they attended and miss what they did not attend. This is understood intuitively.

For example, the knowledge of *tayammum* (dry ablution) was with 'Ammār and others, but 'Umar and ibn Mas'ūd were unaware of it and said that one in a state of major impurity should not perform *tayammum* even if he does not find water for two months³⁵⁹.

The ruling on wiping over socks was with 'Alī and Hudhayfa, may Allāh be pleased with them, but 'Ā'ishah, Ibn 'Umar, and Abū Huraira were unaware of it, even though they were from Madīnah³⁶⁰.

³⁵⁹ Şaḥīḥ al-Bukhārī 347 | Maʿrifah Al-Sunan Wal-Āthār 1629

³⁶⁰ Sahīh Muslim 276



The ruling on the inheritance of a granddaughter with a daughter was with ibn Mas'ūd, but Abū Mūsā was unaware of it³⁶¹.

The ruling on seeking permission to enter was with Abū Mūsā and Abu Saʻīd, but 'Umar was unaware of it 362

The ruling allowing a menstruating woman to leave before performing the circumambulation of farewell was with ibn 'Abbās and Umm Sulaym, but 'Umar and Zayd ibn Thābit were unaware of it³⁶³

The ruling on the prohibition of temporary marriage (*mut'ah*) and consuming domestic donkeys was with 'Alī and others, but ibn 'Abbās did not know the ruling of them³⁶⁴.

The ruling on currency exchange was with 'Umar and Abū Sa'īd and others, but Talḥa, ibn 'Abbās, and Ibn 'Umar were unaware of it³⁶⁵.

The ruling on expelling the People of the Book from the Arabian Peninsula was with ibn 'Abbās and 'Umar, but 'Umar forgot it for years until he was reminded and then expelled them³⁶⁶.

The knowledge of *kalālah* was known by some of them but 'Umar did not know it³⁶⁷.

The knowledge of the inheritance of the grandfather was with Ma'qil ibn Yasār, but 'Umar was unaware of it³⁶⁸.

The ruling of the grandmother was with Al-Mughīrah, Muḥammad ibn Muslimah but it was unknown by Abū Bakr and 'Umar³⁶⁹.

And the ruling of taking *jizyah* from the magians and not to enter the land with a plague was with 'Abd al-Raḥmān ibn 'Awf, but it was not known by 'Umar, Abū 'Ubayd and the majority of the companions³⁷⁰.

And the amounts of these examples are a lot we have mentioned them before. The Companions proceeded as we mentioned, and then the $T\bar{a}bi\,{}^{\dot{}}\bar{u}n$

³⁶³ Şaḥīḥ al-Bukhārī 329, 1760 1761

³⁶¹ Sahīh al-Bukhārī 6736 | Musnad Ahmad 4420, 4073

³⁶² Sahīh Muslim 2153

³⁶⁴ Al-Musannaf by ibn Abī Shaybah 17065 3/551 | 24327, 5/121

³⁶⁵ Muwatta' Mālik 2549, 2/338

³⁶⁶ Sahīh al-Bukhārī 2730

³⁶⁷ Sahīh Muslim 1617

³⁶⁸ Al-Mustadrak by al-Hākim 8218 9/86

³⁶⁹ Muwatta Mālik 3038, 2/530

³⁷⁰ Sunan al-Tirmidhī 1587



who followed them came after them, taking knowledge from them. And every generation from the $T\bar{a}bi\,\hat{u}n$ in the lands we mentioned, only took knowledge from those that were with them from the companions, they would never transgress their $fat\bar{a}wa$, not by means of $taql\bar{\iota}d$ of them but because they only took and narrated about them, except few of that which reached them from others in their lands from the companions. So $ahl\,ul$ - $mad\bar{\iota}nah$ followed the most the $fat\bar{a}wa$ of ibn 'Umar and $ahl\,ul$ - $k\bar{\iota}u$ the $fat\bar{\iota}awa$ of ibn Mas' $\bar{\iota}u$ and $ahlu\,makkah$ the most the $fat\bar{\iota}awa$ of ibn 'Abbās.

Then, after the $T\bar{a}bi$ ' $\bar{u}n$ the $fuqah\bar{a}$ ' came of the major cities, such as Abū Ḥanīfah and Sufyān in $K\bar{u}fah$, ibn Abī Laylā in $K\bar{u}fah$, Ibn Jurayj in Makkah, Mālik and ibn al-Mājishūn in Madīnah, 'Uthmān al-Battī and Suwar in Basrah, al-Awzā'ī in Shām, and al-Layth in Egypt. They embarked upon this method of taking from each of them (the $T\bar{a}bi$ ' $\bar{u}n$) who were in their city in what they possessed and exercising their own $ijtih\bar{a}d$ in what they did not find with them, which was present with others. Allāh said, "Allāh does not burden a soul beyond its ability" [Al-Baqarah: 286].

Everyone we mentioned are rewarded in that which they were correct in as it is ruled by the Prophet , they got two rewards every single time they were correct and they get one reward if something was unknown to them (they had no Qur'ān or Sunnah).

They can be among those we mentioned regarding the one whom two contradicting narrations reaches, and him inclining to one of them without the other, or uses some method of *tarjīḥ* which we invalidated and some declared correct the chapter before. Just as it is narrated about 'Uthmān regarding combining two daughters in marriage he said, "One verse prohibited it and the other allowed it."

And like what ibn 'Umar said about the prohibition of the women of *ahl ul-kitāb* in general because of the verse, "Do not marry the disbelieving women till they believe" [Al-Baqarah: 221]. He said, "I do not know a *shirk* more severe than the woman that says that 'Īsā is her Lord,"³⁷¹ he gave this precedence over the permissibility mentioned in other verses.

And like ibn 'Abbās made the 'iddah of the pregnant the last two periods from the birth time or complete four months and ten days.

And like how some of the companions made ta $w\bar{l}$ regarding domesticated donkeys, that it was only prohibited because there is no *khumus*

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³⁷¹ Sahīh al-Bukhārī 5285

over it, others made ta ' $w\bar{\imath}l$ that it is prohibited because it carries the people and said it is because it eats excrement. Some said it is merely prohibited.

Qudāmah ibn Maz'ūn made *ta 'wīl* regarding consuming *khamr* using the verse, "Those who believe and do righteous good deeds, there is no sin on them for what they ate" [Al-Baqarah: 234]³⁷².

So, for these reasons, Mālik and those who preceded him abandoned some of the *ḥadīths* and verses, and for these reasons, their contemporaries disagreed with them. So, these took what those left and those took what these left. These are ten reasons as we mentioned:

First, that the scholar did not receive the *ḥadīth* and because of that gives a *fatwā* based on another text he has received, as 'Umar said regarding the narration on seeking permission, "This matter from the Prophet "was unknown by me, as I was occupied with business in the market." 373

Second, that it occurs to him that a narrator of the narration did not remember correctly (did not memorize) and made a mistake, as 'Umar did with the narration of Fātimah bint Qays³⁷⁴.

And as ${}^{\dot{}}\bar{A}{}^{\dot{}}$ ishah did with the narration of the deceased being punished for the weeping of his family³⁷⁵.

This is a *zann* that has no meaning; if applied generally, it would invalidate all narration, and if applied specifically, it would a false ruling.

Third, that it occurs to him that it is abrogated, as Ibn 'Umar thought about the verse on marrying women of the People of the Book as we mentioned before.

Fourth, that he gives precedence to text over another because it is safer, and this has no meaning to it, as it is not obliged by the Qur'ān or Sunnah.

Fifth, that he gives precedence of one text over another because it is acted upon by more people or because of their stature, which has no meaning due to what we have previously clarified in detail about *tarjīh* of narrations.

Sixth, that he gives precedence of a text that is not authentic over one that is authentic without knowing the invalidity of the one he gave precedence to.

³⁷² Al-Sunan al-Kubrā 5270, 5/138

³⁷³ Sahīh al-Bukhārī 2062

³⁷⁴ Sunan Abī Dāwūd 2291

³⁷⁵Sahīh Muslim 932



Seventh, that he makes specifications of a general text based on his own *zann*.

Eighth, that he applies a general text that must not be applied (generally) and leaves what has decisive evidence that it is specific.

Ninth, that he makes ta ' $w\bar{t}l$ of the narration contrary to its apparent meaning without evidence, perhaps due to zann without evidence.

Tenth, that he leaves an authentic text for the saying of a companion, thinking that the companion did not leave that text except for a knowledge he had.

These are suspicions that cause the differences which were already known by Allāh Almighty to occur. We ask Allāh Almighty for steadfastness on the truth by His grace, $\bar{A}m\bar{\imath}n$.

Then, travel to distant regions increased, and people interacted and met. Some people devoted themselves to collecting the <code>hadīth</code> of the Prophet , compiling, and documenting it, and it reached those who did not have it. The <code>huijah</code> was established for those who received any of it and understood, and the <code>hadīths</code> clarifying the correctness of one of the <code>ta'wīlāt</code> of those that did <code>ta'wīl</code>. The authentic from the weak became known and the false <code>ijtihād</code> of the one going against the words of the Prophet and leaving his actions, and the excuses became invalid on the one that opposed what reached him from the <code>sunan</code>, nothing other than stubbornness, <code>jahl</code>, <code>taqlīd</code> and sin remained.

This is the path the companions were upon and many from the $T\bar{a}bi\,\bar{i}n$, they would travel to seek one narration for many days of traveling. Abū Ayyūb traveled from Madīnah to Egypt to 'Aqabah ibn 'Āmir for one narration only³⁷⁶.

Muʿāwiyah wrote to al-Mughīrah, "Write to me what you heard from the Prophet *."³⁷⁷

'Alqamah and al-Aswad traveled to 'Ā'ishah and 'Umar. And 'Alqamah traveled to Abū al-Dardā' in Shām.

We have clarified the aspect of those that abandoned narrations and we removed the obstacle in that and we resolved the confusion entirely.

Some of them have been misled claiming that ibn Masʿūd would ask about something then leave it till he reached Madīnah.

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³⁷⁶ Musnad al-Ḥumaydī 384

³⁷⁷ Sahīh al-Bukhārī 844

This only happened in two issues only, the issue of marrying the mother of her daughter without having had intercourse with her daughter (whom he is married to) yet and it is established from Zayd ibn Thābit who is a Madanī the same saying as ibn Masʿūd. And the second is the sale of the spoils of *Bayt ul-Māl*, then he retracted from it³⁷⁸.

How could this be when it is authentically narrated from ibn Masʿūd, that he himself said, "By Allāh other than Whom none has the right to be worshiped! There is no *Sūrah* revealed in Allāh's Book except that I know at what place it was revealed; and there is no Verse revealed in Allāh's Book but I know about whom it was revealed. And if I know that there is somebody who knows Allāh's Book better than I, and he is at a place that camels can reach, I would go to him."³⁷⁹

Then how can he return to the saying of others, the one of such an attribute, may Allāh be pleased with him, as he was the one whom the Messenger of Allāh and ordered to take the Qur'ān from him and from three others mentioned with him.

It is established that 'Umar ibn Al-Khaṭṭāb stoned the insane and 'Alī stopped him from that and he was a $K\bar{u}f\bar{i}$. And he also found with al-Mughīrah the narration about the abortion of the woman while he is a $K\bar{u}f\bar{i}$ and this was not known by *ahl ul-madīnah*.

Some of them used as tumult what is narrated about al-Ḥasan that he said, "Ibn 'Abbās delivered a sermon at the end of Ramaḍān on the pulpit of al-Baṣrah He said, 'Bring forth the ṣadaqah of your fasting.' The people seemed perplexed. He then asked, 'Are there any here from the people of Madīnah? Stand and teach your brethren, for they do not know. The Messenger of Allāh $\stackrel{\text{\tiny \#}}{=}$ obliged this ṣadaqah to be one ṣā' of dried dates or barley, or half a ṣā' of wheat, it is paid by every freeman or slave, male or female, young or old.' When 'Alī later arrived in Baṣrah, he noticed a decrease in prices. He remarked, 'Allāh has blessed you with prosperity, so give one ṣā' of every provision as ṣadaqah."

Before anything, this narration is not authentic, it includes falsehood, fabrication, and falsification apparent like the sun for many reasons, because there is no dispute among any of *ahl ul-'ilm* that the Day of the Camel

³⁷⁸ Al-Muşannaf by ibn Abī Shaybah 22906, 4/535

³⁷⁹ Sahīh al-Bukhārī 5002

³⁸⁰ Sunan Abī Dāwūd 1622

belonged to the last ten days of $Jum\bar{a}da\ al$ - $\bar{A}khirah$ in the year thirty-six after the hijrah. Then 'Alī stayed in Baṣrah for the remainder of $Jum\bar{a}da\ al$ - $\bar{A}khirah$ and left returning to $K\bar{u}fah$ in the beginning of Rajab. Ibn 'Abbās was left as the leader in Baṣrah and 'Alī did not return to Baṣrah thereafter. This is what no one disputes among those knowledgeable about the narrations. While in the mentioned narration, Ibn 'Abbās teaches the people of $Baṣrah\ zakāt\ ul$ -fitr, and then the coming of 'Alī after that, this is a very evident mere lie, which is not unknown by anyone.

The second reason is that al-Ḥasan did not hear anything from ibn 'Abbās the days of his $wil\bar{a}yah$ in Baṣrah and al-Ḥasan was then not at Baṣrah, he was only in Madīnah, there is no difference in this from anyone from the narrators of $had\bar{\iota}th^{381}$.

Also, a third reason is that it is a fabricated narration, and it is not true, because *Baṣrah* was opened and built in the fourteenth year of the *hijrah* by 'Utbah ibn Ghazwān al-Māzinī, a *Badrī* and *Madanī*, and it was ruled by al-Mughīrah ibn Shu'bah and Abū Mūsā and 'Abdullāh ibn 'Āmir after him, all of them being residents in it. And more than three hundred Companions who were residents participated in its conquest. Among them were 'Imrān ibn Huṣayn, Anas ibn Mālik, Hishām ibn 'Āmir, al-Ḥakam ibn 'Amr, and others. And it was opened during the days of 'Umar ibn al-Khaṭṭāb's caliphate and circulated it until it was ruled by ibn 'Abbās after a large part of the year thirty-six of the *hijrah*. So none of them ever told them about the obligation of *zakāt ul-fiṭr* they neglected it instead for a period more than twenty two years during the *khilāfah* of 'Umar ibn al- Khaṭṭāb and 'Uthmān till ibn 'Abbās took charge after the day of the camel.

Do you then think that 'Umar and 'Uthmān wasted informing this obligation, do you see that the people of *Baṣrah* did not perform *ḥajj* during the time of 'Umar and 'Uthmān, and did not enter Madīnah that then from all of them *zakāt ul-fiṭr* was unknown till after the day of *jamal*, verily this is clear misguidance and a fabricated lie, attributed to the companions, may Allāh be pleased with them, there is no other possibility.

Then we say to them, even if it would be authentic which it is not, it is a *ḥujjah* against the *mālikiyyah*, because it opposes their clims regarding the *zakāt ul-fitr*, because their view is that no burr for it except one sa', so it became a hujjah against them. No one is more misguided than the one that

³⁸¹ Jāmiʿ al-Taḥṣīl pg. 162-163

uses something as evidence which is not authentic, and we seek refuge in Allāh from being forsaken. This narration is only authentic from a *ṭarīq* with different wordings.

Abū Rajāʿ al-ʿUṭāridī said, "I heard ibn ʿAbbās give a *khuṭbah* on your *minbar* (the minbar at *Basrah*), '*Zakāt ul-fitr* is one *sā* ' of *ta* 'ām.'"³⁸²

Some of them also misled and claimed, "Ahl ul-madīnah witnessed the last actions of the Prophet ."

And this is the statement of an ignorant or deceitful person, one of the two by necessity. If he was ignorant and this is the extent of his knowledge, then it was not within his capacity to issue rulings in the religion of Allāh, the Almighty. And if this was due to making deceptions in the religion of Allāh, then this is even more corrupt and evil.

This is a statement that is invalidated from two necessary aspects. Firstly we have clarified in this chapter that they are a creation that are the most distant from the last actions of the Prophet ...

Second is that it is a mere claim without evidence which no one is unable to fabricate.

Third is that the companions, may Allāh be pleased with them all, were all in Madīnah during the lifetime of the Messenger of Allāh $\stackrel{\text{def}}{=}$ and during the caliphate of Abū Bakr. They only settled in $Sh\bar{a}m$, Baṣrah, and $K\bar{u}fah$ at the beginning of the caliphate of 'Umar, may Allāh be pleased with him. And after that, because $Sh\bar{a}m$ and Egypt were in the hands of the Romans, and Iraq, where $Sh\bar{a}m$ was built, and Baṣrah were in the hands of the Persians, and nothing was conquered from all of that nor were they settled by a Muslim until after the reign of 'Umar began. This is a matter known to anyone with even the slightest share of knowledge.

As for those Companions who were in Iraq, $Sh\bar{a}m$, and Egypt, they did not leave the residence of Madīnah during the lifetime of the Messenger of Allāh . None of those who eventually settled in Iraq, Shām, or Egypt stayed in Madīnah exclusively with the Messenger of Allāh . So the falsehood of those who tried to distort the truth with what we have mentioned is invalidated, and all praise is due to Allāh.

It is then necessary that those who remained in Madīnah from the companions, may Allāh be pleased with them, are not more deserving of good assumptions in their steadfastness on what they witnessed from the Prophet

³⁸² Sunan Al-Kubrā 2289, 2/27



than any other companions, they do not precede them in knowledge, everything all of them say about the Prophet ## is instead the truth. They are all described with knowledge, religion, and sincerity to the Muslims.

Zuraiq, who was a worker for 'Umar ibn 'Abd al-'Azīz in *Aylah*. He said, "I wrote to 'Umar ibn 'Abd al-'Azīz concerning a slave who had stolen, and I mentioned that the people of *Ḥijāz* do not amputate the hand of a slave if he steals. 'Umar ibn 'Abd al-'Azīz replied to me, 'You wrote to me about a slave who stole, and you mentioned that the people of *Ḥijāz* do not amputate the hand.' Allāh Almighty says, 'But as for the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allāh' [Al-Māʾidah: 38]. So if he stole an amount equivalent to a quarter dīnār, then cut off his hand with it, and [send him] to Ḥajjāj ibn al-Minhāl.""³⁸³

This is 'Umar ibn 'Abd al-'Azīz, he did not care about the actions of the people of $\underline{H}ij\bar{a}z$ and took from what is general in the Qur'ān, this is that which is no one is allowed to oppose.

³⁸³ Muwaṭṭaʿ Mālik 27, 2/834

Section: The Virtue of Narrating The Sunan Excessively

Some of them sought refuge in criticizing narrating the Sunan excessively and they attributed that to 'Umar ibn al-Khaṭṭāb and they mention the narration about him that he did not look into the narration of Fāṭimah bint Qays which she narrated about the Prophet ## that there is no spending and no lodging for the one divorced thrice and that he said, "We will not leave the book of our Lord and the *sunnah* of our Prophet ## for the words of a woman, we do not, perhaps she forgot." 384

And Abū Mūsā threatened to lash the back and the stomach if he does not bring a witness on what he narrated on the ruling of asking permission³⁸⁵.

And Abū Bakr did not accept the narration of the Prophet * by al-Mughīrah ibn Shuʿbah regarding the inheritance of the grandmother till Muḥammad ibn Muslimah was a witness for it. 386

 ${}^{\dot{}}$ A'ishah did not accept the narration of the Prophet \cong by Abū Hurairah regarding the ruling of walking in one *khuff*.

'Uthmān received from Muḥammad ibn 'Alī ibn Abī Ṭālib a book from his father about the Prophet ** s rulings regarding *zakāh*. He said to him, "Exempt us from it." So he returned to his father, who said, "Place the scroll where you found it." 388

'Ammār said to 'Umar regarding *tayammum*, "By Allāh, O Commander of the Faithful, if you wish, Allāh has not made for you over 'Alī

³⁸⁴ Sunan Al-Tirmidhī 1180

³⁸⁵ Musnad al-Rūyānī 577, 1/377

³⁸⁶ Muwatta Mālik 3038, 2/530

³⁸⁷ Al-Mu ṣannaf by ibn Abī Shaybah 26547, 14/16

³⁸⁸ Sahīh al-Bukhārī 3111



the truth, If you want I do not narrate about that ever?" 'Umar said, "No but We hold you responsible for what you claim" 389

And ibn 'Abbās did not accept the narration of the Prophet \cong by Abū Hurairah regarding performing $wud\bar{u}$ from that which the fire has touched³⁹⁰.

And ibn 'Abbās also did not accept the narration of the Prophet by al-Ḥakam ibn 'Amir al-Ghifārī regarding wuḍū' from the surplus water of women³⁹¹.

And ibn 'Abbās also did not accept the narration of the Prophet **by 'Alī on the prohibition of *mut'ah*.

And ibn 'Abbās also did not accept the narration of the Prophet by Abū Sa'īd al-Khudrī on the prohibition of *dirham* for two *dirhams* instantly.

And to ibn 'Umar the narration of the Prophet * narrated by Abu Hurairah regarding letting dogs guard the land was mentioned, he said, "Since Abū Hurairah possessed land." 392

And Mu'āwiyah may Allāh be pleased with him, did not care about the narrations of 'Ubāfah ibn al-Ṣāmit³⁹³.

And Muʿāwiyah also did not care about the narration of the Prophet by Abū al-Dardāʿ on the prohibition of silver for more or less silver instantly³⁹⁴.

So they say, "So they, Abū Bakr, 'Uthmān, 'Umar, 'Alī, 'Ā'ishah, 'Ammār, ibn 'Abbās, ibn 'Umar, Mu'āwiyah said this approximately and also from a group of Tābi'īn."

And their saying falls by the clear decisive evidence, and there is no power or strength except in Allāh the Almighty. It is said to those who criticize the abundance of narrations: Inform us regarding the narration, is it good or bad? There is no third option. If they say, "It is good," then abundance of good is good, and if they say, "It is bad," then a little of bad is bad.

They have taken their share from it without any doubt so their view implies that they admit that they use that which is bad while they know it.

³⁹⁰ Sunan Al-Tirmidhī 79

³⁸⁹ Sahīh Muslim 368

³⁹¹ Sunan Abī Dāwūd 82

³⁹² Şaḥīḥ Muslim 1571

³⁹³ Sunan Ibn Mājah 18

³⁹⁴ Sunan Al-Kubrā 6164, 4/30 | Muwatta Mālik 33, 2/634

As for us, we do not agree with that; rather, we say that abundance of it, seeking what is authentic, is entirely good, without any specification.

We also say to them: Define for us the limit of this excessiveness in narrations according to your criticism, so we know what you dislike, and set a limit for us the recommended excess according to your view. If they define any limit in that, it is a limit they fabricated, they have spoken falsehood.

Allāh said, "They have instituted for them a religion which Allāh has not ordained" [Ash-Shūrā: 21]. They have spoken without any certain decisive evidence for that and without knowledge.

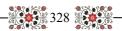
And if they are unable to find a limit they have reached to most despicable status, as they do not know what they reject and they do not know what they declared good, this is clear misguidance and we seek refuge in Allāh from it.

And it is also said to them: What is that which makes that what Mālik narrates from narrations good and that which others narrate bad, without the opposite being more likely And we seek refuge in Allāh from all of that. Rather, all good is in *tafaqquh* of the narrations and the Qurʿān and in preserving what is narrated from the Prophet , the Prophet encouraged in conveying from him. And this is the warning and the *tafaqquh* ordered by Allāh.

If the excessiveness of narrations is bad then where is the good? In $taql\bar{\iota}d$ which no one uses except the $j\bar{a}hil$ or the $f\bar{a}siq$? Or the one that rules falsely in the religion of Allāh with false $ra'\bar{\iota}$ which Allāh warned us from and the Prophet \cong prohibited?

And some of them boasted that Mālik used to discard (reject) every year much of what he had from narrations, and that he did not narrate much of what was with him. This boasting from the one who intends to praise ends up criticizing him, and ends up tearing down. There is nothing that what Mālik narrated and that which he did not narrate, except that it would be narrated as authentic according to him, and he left out what was not authentic, and this is good, and like this for everything he narrated.

Likewise, everyone who narrated what is authentic according to him, among those who are not Mālik but are more knowledgeable and more precise than him, like Sufyān, Shu'bah, al-Awzā'ī, Ayyūb, and others.



As for them narrating the weak narrations and hiding the authentic, and Allāh Almighty has exonerated him from that because this is a characteristic of the most wicked of sinners.

Or it could be that he narrated something weak and authentic, and conceals the authentic and the weak. Whoever does that is sinful and cursed for concealing authentic knowledge that he had, so anything they intended has become invalid and praising them for that reason is false. Nullifying what they intended to praise him for and it returns as a great criticism if that were true.

And another certain decisive evidence that clarifies the falsehood of the one who said this, is that Mālik compiled al-Muwaṭṭā' after the death of Yaḥyā ibn Sa'īd al-Anṣārī, without doubt. Yaḥyā ibn Sa'īd died in the year one hundred and forty-three after the hijrah, and we do not say this based on conjecture but certainty. So, we have transmitted with a continuous chain to Yaḥyā ibn Saʿīd al-Qattān that he said: "We met Mālik before he compiled (al-Muwatta'). And we met him in the year one hundred and forty-three, after the death of Mūsā ibn 'Ugbah by one year." And al-Muwattā' has continued to be narrated from Mālik since its compilation, group after group, generation after generation. And the last among those who narrated from him among the trustworthy narrators is Abū al-Muş ab al-Zuhrī, despite his young age. He lived for sixty-three years after the death of Mālik, and his Muwattā' is the most complete among the Muwatta'at, containing five hundred and ninety hadīths with repetition. Excluding the repetitions, it contains five hundred and fifty-three hadīths. Ibn Wahb heard al-Muwattā' from Mālik before Abu Abū al-Muş ab al-Zuhrī heard it, by a long period, and similarly, ibn al-Qāsim and Ma'n ibn 'Īsā heard it. In the Muwaṭṭā' of Ibn al-Qāsim, there are only five hundred and three *ḥadīths*, and in the Muwattā' of ibn Wahb, it is the same as in the Muwatta, of Abu Abu al-Mus ab, and no more. So the falsehood of this tumult became clear, and all praise is due to Allah, the Lord of the worlds, as it is larger with more narrations, if less narrations would be better than he has done the opposite.

And if all the sayings of the Prophet , were to be blamed, then Mālik would be among the first to do so, for the first to compile the *ḥadīth* were Ḥammād ibn Salamah and Maʿmar, then Mālik, then followed by the people. As for us, we praise their actions and say that they and those who did what they did have the greatest reward for the great amount of Sunnah they

documented, the many truths they clarified, the ambiguities in religion they resolved, and the differences they reconciled with their writings. Who has a greater reward than them? May Allāh, by His grace, make us among those who follow them in this with good, $\bar{A}m\bar{u}n$.

As for 'Umar rejecting the narrations narrated by Fāṭimah bint Qays about the Prophet . And she is from those that pledged allegiance to the Prophet , and she was among those that emigrates. This is a difference of opinion among *uwlī al-amr*. One of their sayings does not precede the other except with certain decisive evidences from texts and the texts go along with the saying of Fāṭimah. 'Umar (and everyone else mentioned) were only wrong with *ijṭihād* for their rejection, they are rewarded once.

This narration does not belong to the *mālikiyyah* because they oppose the exact narration and they also oppose the saying of 'Umar here, they do not cling unto to any of it.

As for what they claim of 'Umar prohibiting excessively narrating about him. Qarazah ibn Ka'b said, "'Umar sent us to *Kūfah* and he accompanied us as far as a place called *Ṣirār*. He said, 'Do you know why I walked with you?' We said, 'Because of the rights of the Messenger of Allāh and because of the rights of the Anṣār.' He said, 'No, rather it is because of words that I wanted to say to you. I wanted you to memorize it due to my walking with you. You are going to people in whose hearts the Qur'ān bubbles like water in a copper cauldron. When they see you, they will look up at you, saying, 'The Companions of Muhammad!' But do not recite many reports from the Messenger of Allāh, then I will be your partner.'" Qarazah said, "After that I did not narrate anything and I heard like my companions heard."

This is weak because in this case, al-Shaʿbī did not mention that he heard it from Qaraẓah, and it is not known that al-Shaʿbī met Qaraẓah or heard from him. Rather, there is no doubt about that he did not hear from him, because Qaraẓah passed away while al-Mughīrah ibn Shuʿbah was the governor of Kūfah. This is mentioned in the established and authentic narration³⁹⁶.

³⁹⁵ Sunan Ibn Mājah 28

³⁹⁶ Tuhfah al-Taḥṣīl pg. 163-164



Al-Mughīrah ibn Shu'bah died in the year fifty after the hijrah without doubt, and at that time al-Sha'bī was still very young. So there is no doubt that he did not meet Qarazah at all, this narration falls invalid.

The first person to have a wailing lamentation held over him in $K\bar{u}fah$ was Qarazah ibn Ka'b, and al-Mughīrah mentioned this narration to him regarding lamentation³⁹⁷.

Some ahl ul-'ilm have mentioned that Qarazah ibn Ka'b died while 'Alī, may Allāh be pleased with him, was in $K\bar{u}fah$, so it is established with certainty that al-Sha'bī never met Qarazah or heard a word from him.

This narration is also narrated from Abū Ḥuṣain who attributed it to 'Umar. This is nothing as Abū Ḥuṣain was not born except after the passing of 'Umar by a long time, oldest ones with him were Ibn 'Abbās and al-Sha'bī.

It is also narrated about 'Umar that he imprisoned ibn Mas'ūd because of the narrations from the Prophet *398.

This is weak as it is *mursal*, the doubt in it is from Shu'bah so it is not authentic, it is not allowed to use it as evidence.

Then the narration itself from the apparent is a lie, fabricated, it does not cease to be that 'Umar in this narration accused the companions, and there is in that sufficient falsehood, or he prohibited from narrating narrations, conveying about the Prophet ## to the Muslims and obliged them to remain silent and this is departing from Islām, Allāh has saved amīr ul-mu'minīn from all of that. If all the Companions were accused of lying against the Prophet , then 'Umar himself would be one of them. This is a statement that no Muslim makes. If they and others were accused, then they were wronged. Let those who argue for their corrupt doctrine with such cursed narrations choose which of these two vile paths they wish to take, for they are implied to take one of them. The only meaning of the prohibition of 'Umar regarding the narration of the Prophet #, if it would be ever authentic, it is clear in the narration we mentioned from the tarīq of Qarazah, that he only prohibited narrating stories about past nations and what seemed weak to him.

As for the Sunan of the Prophet , prohibiting it is mere *kufr*, it is not allowed for any Muslim to think about it, from those other than 'Umar about any other Muslim, then let alone 'Umar. The certain evidence for what we said is that 'Umar has narrated a lot of narrations about the Prophet . If

³⁹⁷ Sahīh Muslim 993

³⁹⁸ Al-Musannaf by ibn Abī Shaybah 26229, 5/294

narrating *hadīth* from him would ever be disliked, then 'Umar would have taken the greatest share of blame for that. It is not permissible for a Muslim to think that 'Umar, may Allāh be pleased with him, prohibited something and then did it himself. It has been narrated from him, may Allāh be pleased with him, five hundred and more *ḥadīths* close to the time of his death after the death of the Prophet . It is established that he narrated many narrations from the Prophet , and there are not many companions who narrated more *ḥadīths* about the Prophet , than 'Umar, except a few more than ten.

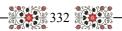
So, it is established that he narrated extensively from the Prophet $\stackrel{\text{def}}{=}$, confirming the ta $\dot{w}\bar{l}l$ we mentioned regarding his words, may Allāh be pleased with him. The same applies to what is narrated about Muʿāwiyah, may Allāh be pleased with him, without difference.

What we said about 'Umar, may Allāh be pleased with him, has come as a text without *ta* 'wīl, as, that 'Umar said, "A people will come to you arguing with ambiguities of the Qur'ān, so confront them with the Sunnah, for the people of the Sunnah are more knowledgeable about the Book of Allāh, the Mighty and Majestic."

This confirms that 'Umar ordered the teaching of the Sunnah and informed that it explains the Qur'ān without any doubt so all issues are raised and all praise is for Allāh the Lord of the worlds.

And more astonishing than all of this is that the Mālikīs who argue that 'Umar, may Allāh be pleased with him, detained ibn Mas'ūd, Abū Mūsā, and Abū al-Dardā' in Madīnah for narrating many hadīths should examine themselves and say: If 'Umar rebuked ibn Mas'ūd, Abū Mūsā, and Abū al-Dardā' for excessive narrating and imprisoned them for it, and they are among the greatest companions and upright members of the community, and ibn Mas'ūd has about only eight hundred hadīths, and Abū al-Dardā' has only about a hundred hadīths, of which perhaps less than half are authentic—what would he have done to Mālik if he had seen his Muwaṭṭā' which contains eight hundred and thirty hadīths, both musnad and mursal? Where would you think he would take him, while he rebuked the companions for less than this number according to your false claim? If these people had any religion or 'aql, would it not have prevented them from daring to criticize the companions, may Allāh be pleased with them, for something they allow more of for their own scholar? This is truly astonishing.

 $^{^{399}}$ Sunan al-Dārimī 119, 1/62 | Uṣūl al-Iʿtiqād 302 by al-Lalakāʿī



As for the *ḥanafīs* they have been consistent with their method here because their companion (Abū Ḥanīfah) has very few narrations and did not seek them due to his many mistakes. Allāh is sufficient for us, and He is the best disposer of affairs.

The narration about the imprisonment of ibn Mas 'ūd for that is weak, but it is authentic that 'Umar was strict about narrations as we mentioned, and he used to require anyone who narrated a narration to him to bring another to narrate if he heard the same along with it. He did this based on his own *ijtihād*, and this was rejected of him by Ubayy, then 'Umar returned to the truth, this is mentioned in the narration about asking permission.

And even if that would be authentic from 'Umar and Mu'āwiyah, they are opposed in that by Ubayy, 'Ubādah, to the point that one of them swore not to live in the same city with him. So who makes the saying of Mu'āwiyah preferable to the saying of 'Ubādah and Ubayy.

As for the narration of Abū Bakr al-Ṣiddīq that he was not convinced with the saying of Al-Mughīrah. That narration is *munqaṭi* 'not authentic, even if it would be authentic there would be no *ḥujjah* in it for them because they use *khabar ul-wāḥid* if it goes in accordance with them, there is no meaning in seeking another narrator, the one that enters a *khabar ul-wāḥid* also enters the *khabar al-ithnayn* without difference except if texts make a difference then *waqf* is done at that.

As for the narration about 'Ā'ishah, they only mislead by using it, and there is no *ḥujjah* in it for them because she did not ever say that she did not believe Abū Hurairah and she did not allow opposing the ruling of the Prophet . It was only mentioned to her that Abū Hurairah prohibited walking in one sandal then she said, "I will break my oath O Abu Hurairah." She did good and did not break her oath. If there would not be in this except the saying of Abu Hurairah it would not oblige taking from it.

As for the narration of 'Uthmān we do not know we do not know any wajh he mentioned for it, what we think of 'Uthmān is that with 'Uthmān there was a narration regarding the attribute of $zak\bar{a}h$ by which he was not in need of that which was with 'Alī. Or he did $ijtih\bar{a}d$ and saw it contradicting as in the ten manners we mentioned previously. There is no other possibility, we affirm that with certainty. Beyond this there is nothing other than $muj\bar{a}harah$ or rejecting a narration of the prophet and opposing him. And Allāh has saved him from this. If they reach by what we have mentioned our

wajh, their claims become invalid with this narration. If they move it away to another wajh they join the rawāfiḍ and attribute kufr to 'Uthmān or fisq. Allāh has saved him from that. Whoever ascribes that to 'Uthmān is more deserving of it than 'Uthmān without doubt.

As for the saying of 'Ammār to 'Umar, Allāh has saved 'Ammār from allowing rejection of a Sunnah with him from the Prophet because of agreeing with the ra' $\bar{\imath}$ of 'Umar, this is an attribute that necessitates kufr of the one allowing it and fisq of the doer that does not allow it, no two Muslims from $ahl\ ul$ - $isl\bar{a}m$ differ on that. While there are texts for that from the one that hides the ruling of Allāh or opposes it. 'Ammār said it only reproachfully to 'Umar when he opposed him with the meaning, "Do you think I can hide this narration," "Yes if you want." Only in the manner as Allāh said, "Do whatever you want" [Fuṣṣilat: 40].

And in the narration it mentions that 'Umar became *junub* and did not pray, this is the part that 'Ammār wanted to hide specifically that he became *junub* and did not pray and that he did not want to tell it to anyone due to a right upon 'Umar and this is allowed as mentioning the name of 'Umar in this narration has no value but 'Umar did not allow him even that.

As for the narration of ibn 'Abbās he narrated about the left-over water for $wud\bar{u}$ ' of a woman himself from the $tar\bar{\iota}q$ of Maymūnah, a narration he himself followed it.

And he himself narrated about *mut'ah* the permissibility and bore witness affirmed it, 'Alī rejected this and was harsh with him.

And he narrated one *dirham* for two *dirhams* from the Prophet so he affirmed it and Abu Sa'īd rejected this from him and was harsh against him.

Ibn 'Abbās did not oppose the $had\bar{\imath}th$ about the left over water for $wud\bar{u}$ ' of women with anything more than stating that they have more delicate fingers and a more pleasant scent⁴⁰⁰ which does not invalidate the $had\bar{\imath}th$ or its ruling but confirms it instead.

He also differed with Abū Hurairah regarding $wud\bar{u}$ after eating what touched the fire and washing the hands three times before immersing them in the vessel, and Abū Hurairah rebuked him harshly. So what makes the saying of Ibn 'Abbās superior to those of 'Alī, Abū Huraira, al-Ḥakam ibn 'Amr, and Abū Sa'īd.

 $^{^{400}}$ Al-Muṣannaf by ibn Abī Shaybah 348, 1/38



As for the saying of Ibn 'Umar, "Abū Hurayrah has a land," he said the truth in this and there is no rejection in that against the narration of Abū Hurayrah about the Prophet ..."

So now there remains nothing in what they use to object except the difference of the companions in some of that which is authentic and affirmed from the Prophet . The obligation then is to return the matter to nothing other than Allāh and his Messenger.

As a companion is not far away from *waham*, especially if they differ, it is ascertained that one of them made a mistake, we find that Allāh ordered *tafaqquh* in the religion and to warn the people with it and the order to obey the Messenger. As the saying of a companion himself is not free from *waham*, especially if they differ, only one is then the truth. And obedience to Allāh is only by following what is conveyed about him only, its precision in that. There is no *tafaqquh* in the religion except by transmission of the rulings of Allāh and His Messenger. And we find that the Prophet encouraged conveying his narrations, he said in *ḥajjah al-wadā* to everyone that was present, "Let the present one convey it to the absent one."

So the claims about the large amount of narrations is invalidated. And the astonishing part is their intention my mentioning these $\bar{a}th\bar{a}r$ from the companions, by Allāh the Almighty I do not know their purpose for this and the benefit in it. There is no doubt that they do not know why they mentioned it.

Because they mention a criticism against *khabar ul-wāḥid* while this is not their view they instead all believe in *khabar ul-wāḥid* and none of them is a *ḥujjah* according to those that do not believe in *khabar ul-wāḥid*. There is nothing more astonishing than this.

Or they might have introduced them to justify the rejection of $akb\bar{a}r$ $ul-\bar{a}h\bar{a}d$ that do not agree with their views and the acceptance of those that do. This is an old absurdity.

First, they reject some of their sources whom they use as evidence among the Companions did not reject, then they accept some of what their sources whom they use as evidence among the Companions rejected. Also, if this were the case, religion would be confused and nullified, for their opponents could reject by this same approach what they accepted, and accept what they rejected. We seek refuge in Allāh from this. No one is more

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⁴⁰¹ Şaḥīḥ al-Bukhārī 104, 105

misguided, more ignorant, or farther from Allāh Almighty than someone who discourages the transmission of the words of the Prophet $\stackrel{\text{def}}{=}$, and orders not to transmit them frequently. Or he rejects what does not go in accordance with him from what is authentic from the Prophet $\stackrel{\text{def}}{=}$, with his cursed perspective, his corrupt ra $\tilde{\tau}$, his evil desire, and his false claim. Then he spends his time in extensively transmitting the ra $\tilde{\tau}$ of Mālik, ibn al-Qāsim, Saḥnūn, Abū Ḥanīfah, Abū Yūsuf, and Muḥammad ibn al-Ḥasan, and accepting all of them, despite the predominance of corruption in them. Indeed, that is the distant misguidance and issuing fatwas with contradictory ra $\tilde{\tau}$, and with Allāh Almighty we seek refuge.

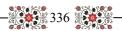
As for whoever thinks that after the death of the Messenger of Allāh someone can abrogate the narration about the Prophet , and create a ruling that did not exist during his life, then he has disbelieved, associated partners with Allāh, and he joins the idol worshippers for denying the words of Allāh Almighty, "This day I have completed your religion for you, completed my favor upon you, and have chosen for you Islām as your religion" [Al-Mā'idah: 3].

And Allāh said, "And whoever desires other than Islām as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers" [Āl 'Imrān: 85].

So whoever claims that there was any ruling during the time of the Prophet , then it got changed after his death, then he has sought a religion other than Islām. Because those worship practices ('ibādāt), rulings, prohibitions, permissions, and obligations that were during the time of the Prophet is Islām, which Allāh Almighty has approved for us. Islām is not something other than that. Whoever leaves any of them has indeed left Islām, and whoever innovates something other than them has indeed innovated something other than Islām.

There is no doubt in anything that Allāh Almighty has informed us of its completion. Every narration or verse that came after the descent of this verse is only an clarification ($tafs\bar{\imath}r$) of what came before it, a clarification of its entirety (generality), and a emphasis ($ta'k\bar{\imath}d$) of an earlier order. And with Allāh Almighty is the success.

Whoever claims regarding anything from the Qur'an or authentic narrations that it is abrogated and there is no certain evidence and brings no $n\bar{a}sikh$ for his claim, then he is a liar and fabricated against Allāh and called



for the rejection of a ruling that is firmly established. He is a caller from the callers of Satan. Allāh said, "Verily, we revealed the revelation, and we are guarding it."

Whoever claims that there is a *nāsikh* that was not conveyed and that it has become invalid has lied against his Lord and claimed that there is a revelation that was not guarded by Allāh after it was revealed.

If someone says, "It is possible for a narration ($had\bar{\imath}th$) to contain mistakes." It is said to them: If you are someone that believes in $khabar\ ul-w\bar{a}hid$, then abandon everything you took, for it has according to your saying a possibility of having mistakes. And if you are a muqallid then leave everyone you made $taql\bar{\imath}d$ of, for it is possible that it contains mistakes with certainty, and they might also occur in the narrators who narrated the $ra\bar{\imath}$ from whom you take your religion. Otherwise, the narrators from the Prophet are more trustworthy than the narrators about Mālik and Abū Ḥanīfah, yes, even Mālik and Abū Ḥanīfah themselves.

And if you are one who invalidates *khabar ul-wāḥid* in totality, then we have established decisive certain evidences of the obligation of accepting it. What is established with certainty cannot be invalidated due to the fear of an inadvertent error that is not certain. The truth is not invalidated by doubts. Allāh Almighty said: "And they have thereof no knowledge. They follow not except assumption, and indeed, assumption avails not against the truth" [An-Najm: 28]. And he is implied to invalidate accepting the testimony of two witnesses for matters of blood, private parts, property as it is possible that there might occur mistakes in it, whether on purpose or unintentional which is a clear falsehood and misguidance to assume, and Allāh is the source of strength.

Section: About The Description Of Narrating

Narration is when a reliable (*thiqah*) transmitter is heard by a listener, narrating a $had\bar{\imath}th$ from his book, from his memory, or alongside other $had\bar{\imath}ths$. It is permissible for him to say: $haddathan\bar{\imath}$ (he narrated to us), $haddathan\bar{\imath}$ (he narrated to me), $akhbaran\bar{\imath}$ (he informed us), $akhbaran\bar{\imath}$ (he informed me), $q\bar{\imath}ala\ l\bar{\imath}$ (he said to me), $q\bar{\imath}ala\ lan\bar{\imath}$ (he said to us), $sami\ tu$ (I heard), $sami\ n\bar{\imath}$ (we heard), or $an\ ful\bar{\imath}n$ (from so-and-so). All of these terms are same, and all of them carry the same meaning.

Or the narrator may read a *ḥadīth* or multiple *ḥadīths* to the transmitter, who acknowledges them and says, "Yes, this is my narration."

Or the *ḥadīths* may be read to the transmitter, who confirms them.

Similarly, the transmitter may hand the narrator a book containing *ḥadīths* or an entire collection, whether large or small, saying, "This is the collection of so-and-so; everything in it I have taken from so-and-so, who took it from so-and-so," until it reaches the author of the collection.

If there is a portion of the collection that the transmitter did not take, he must specify it. If he took everything, he does not need to make any exceptions.

Alternatively, the transmitter may refer to a well-known, accepted collection transmitted through *tawātur* without discrepancies in its wording, saying, "This is the collection of so-and-so; I have taken it from so-and-so, who took it from so-and-so," until it reaches the author.

In any of these cases, it is permissible for the narrator to say: $haddathan\bar{\imath}$ (he narrated to me) or $akhbaran\bar{\imath}$ (he informed me), and he is truthful in doing so. This is all $sah\bar{\imath}h$, truthful transmission, and complete narration, with no deficiencies. It is like reading or hearing, and there is no difference.

If the listener hears the transmitter addressing someone else, he should say, "I heard (sami'tu) so-and-so narrating from so-and-so," or "I heard so-and-so informing about so-and-so," but he must not say, haddathanā (he narrated to us) or haddathanā (he narrated to me) or akhbaranā (he informed us) or akhbaranī (he informed me), as this would be false. But if he says, "I heard so-and-so," it is a ṣaḥīḥ and complete narration, and he may narrate it to others.

And it does not matter whether the transmitter permitted him to narrate what he heard or not, or whether the transmitter prohibited or allowed him to narrate it. None of this holds any significance. It is not permissible for anyone to prevent the transmission of the truth that benefits people, nor is it permissible for anyone to allow the transmission of what he not heard. Allāh says: "And whoever transgresses the limits of Allāh has certainly wronged himself" [Sūrat al-Ṭalāq 65:1].

It is only either truth or falsehood. The truth that benefits even a single Muslim or more, it is obligatory to transmit it, while falsehood is prohibited to transmit.

As for someone who writes to another person a letter that the recipient is certain is from him, stating in the letter: "This is such-and-such a collection, which I took from so-and-so," as we described previously, the recipient says: "So-and-so informed me in his letter to me."

We say, for example: "The Messenger of Allāh informed us," "Allāh informed us," "Allāh said to us," or "The Messenger of Allāh said to us." Allāh says: "And who is more truthful than Allāh in statement?" [An-Nisā': 122].

And Allāh says: "Allāh has sent down the best statement: a consistent Book wherein is reiteration." [Az-Zumar: 23].

This is because Allāh, through His Book, addressed every human and jinn who will come until the Day of Judgment. And the Prophet was ordered to address every human and jinn who will come until the Day of Judgment. So, every one of us is directly addressed by Allāh and His Messenger until the end of time. This privilege does not belong to anyone else.

Those below Allāh and His Messenger acan only address those whom they physically meet, write to, or those who hear their actual words.

Allāh did not order any of the descendants of Ādam, except His Messenger to warn all the people of the earth.

The validity of anyone's actions depends solely on whether they go in accordance with Allāh's orders, not on anything that opposes it. Whoever acts without being ordered by Allāh has their action rendered invalid and rejected.

So as for the *ijāzah* (authorization) that people commonly use, it is invalid. It is impermissible for anyone to authorize falsehood. If someone tells another: "Narrate all my transmissions, without informing them by mentioning it collection by collection and chain by chain," then they have allowed him to lie. This is because if he would say, "So-and-so narrated to me," or "I narrate from so-and-so," he is without doubt then lying or deceiving, since he was not informed of anything.

So, there are four permissible methods of narration:

The transmitter directly addressing the recipient.

The recipient hearing the transmitter, with the transmitter confirming the narration's authenticity.

The transmitter writing to the recipient.

The transmitter handing over a book containing knowledge, saying: "So-and-so informed me of this," or "This is from so-and-so." All these methods have been authentically reported from the Messenger of All $\bar{a}h$ and his Companions.

As for *akhbār* (narrations), the Prophet sinformed his Companions about rulings and narrations, and the Companions informed each other. Such as, Abū Bakr was informed by al-Mughīrah and Muḥammad ibn Maslamah, and so on among the Companions and their successors.

As for the student reading to the transmitter, this is evident in the <code>hadīth</code> where someone said to the Prophet , "O Messenger of Allāh, I have been informed by knowledgeable people that my son must receive one hundred lashes and exile for a year, and that this woman must be stoned." The Prophet affirmed the truth in this statement. Likewise, people asked the Companions about rulings; they confirmed what they found to be the truth and rejected what they found to be falsehood.

As for writing, the Prophet wrote letters to the kings of Yemen and other rulers of the earth who were absent from him, inviting them to faith.



Similarly, his Companions followed this practice after him, writing to their judges and governors.

As for handing over written material (*munāwala*), the Messenger of Allāh wrote a letter for 'Amr ibn Ḥazm⁴⁰² and for 'Umar, and others, when he sent them as governors, teaching them the Sunnah and ordering them to act upon what was written. Likewise, he did so for 'Abdullāh ibn Jaḥsh⁴⁰³ handing him a written directive and ordering him to follow what it contained. Similarly, Abū Bakr did with Anas and 'Alī sent a book with his son to 'Uthmān. As for authorization (*ijāzah*), it was never practiced by the Prophet nor by his Companions—may Allāh be pleased with them—nor by any of the Tābi 'ūn or their followers. It is sufficient that it is a *bid 'ah*. Allāh alone grants success.

⁴⁰² Al-Marāsīl by Abū Dāwūd 238

⁴⁰³ Al-Sunan by al-Bayhaqi 9/58

Section: Some People Have Claimed Defects In Authentic Narrations By Saying, "Some Narrators Narrated It As *Mursal* While Others *Musnad*."

There is no meaning to this because if the narrator that narrated it as *mursal* would have never narrated it or never heard it, it does not invalidate the acceptance of that *musnad* version of the narration. Then how when there is not in the narrator narrating it as *mursal* that that which is in the one narrating it as *musnad*. There is not in the ignorance of the ignorant a *ḥujjah* against the one that has knowledge a preventative from accepting what upright narrators narrated as *musnad*. Especially if the one objecting is a $m\bar{a}lik\bar{\iota}$ of *ḥanafī*, because they accept the *mursal* like the *musnad*. So how can they weaken the $sah\bar{\iota}h$ (authentic narration) by something they themselves consider to be consistent, rare, and corroborating? This is indeed astonishing and an extreme form of ignorance and degradation.

There is no meaning to their statement that this (consideration) is only valid if the mursal or the $mawq\bar{u}f$ has more trustworthy narrators than the musnad. What is only obligatory is to accept the narration if it is narrated by an upright reliable narrator from another upright reliable narrator. There is no meaning in the additional virtue between narrators as we have clarified before in this chapter. There is neither text nor $ijm\bar{a}$ nor evidence to precede one upright reliable narrator over another; rather, it is obligatory to consider the mere ' $ad\bar{a}lah$ only. And Allāh is the source of strength.



Is *Dabt* For The *Ṣaḥābah* a Condition Before Accepting Their Narration About the Prophet # Or Not?

Some people said, "The 'adālah of the companions is established, but not their dabt, so we must investigate their dabt before we can accept their narrations from the prophet "."

This is false because *tawthīq*, which is the *Dabṭ* of any narrator is not known except by the *muwaththiq* who is relied upon. And we know with a certain decisive knowledge that all *muwaththiqīn* of the Ummah never ceased to accept all what a companion narrates, so their *tawthīq* of them by that is established and all praise is for Allāh.

And also the Prophet in an authentic Ḥadīth declared all of the companions Þabiṭūn, when he said, "The stars are a source of security (safety) for the sky, so when the stars disappear (verse: 'And when the stars are scattered.' [Al-Infiṭār: 2]) what has been promised to the sky will come to pass (verse: 'The Day when We will fold the sky like the folding of a scroll.' [Al-Anbiyā': 104]). And I am a source of security for my companions, so when I am gone, what has been promised to my companions will come to pass. And my companions are a source of security for my nation, so when my companions are gone, what has been promised to my nation will come to pass."

There is no source of security greater than the words of the Prophet $\stackrel{\text{\tiny{de}}}{=}$, and they are the ones conveying them.

And Allāh also said, "And among them, [O Muḥammad], are those who listen to you, until when they depart from you, they say to those who were given knowledge, 'What has he said just now?' Those are the ones of

⁴⁰⁴ Sahīh Muslim 2531, 7/183

whom Allāh has sealed over their hearts and who have followed their [own] desires" [47:16].

So it is established that all of them are $D\bar{a}bit\bar{u}n$, and all praise is for Allāh.

Chapter Eleven: Regarding Orders And Prohibitions
Mentioned In The Qurʿān And The Words Of The
Prophet And Taking From the Apparent and
Understanding It As An Obligation, Hastening, And
The Falsehood Of The One That Turns Away From
Any Of That To Taʿwīl, Tarākhī, Nadb, Or Waqf
Without Certain Evidence Or Any Evidence

That what is understood from the order is that the one ordering intended that what he ordered to happen and obliged upon the one that is ordered that matter. Some of the <code>hanafiyyah</code>, some <code>mālikiyyah</code>, and some <code>Shāfi 'iyyah</code> said that the orders and prohibitions of the Qur'ān and the Sunnah are upon suspension (<code>waqf</code>) until there is evidence to carry them either to an obligation in action or prohibition, or to a recommendation, or to a permissibility, or to it being disliked.

Some people from the groups we mentioned and all *ahl ul-zāhir* went with the view that everything is an obligation, prohibition, or an action till there is evidence that something is understood as a recommendation or a dislike, or a permissibility so that it is then if it exists understood then in that manner.

This is that which no one is allowed to oppose and we by the will of Allāh will clarify the falsehood which the ones that object use to oppose with clear certain evidences then we will mention the certain evidence on our method by the will of Allāh.

They mislead by saying, "If the wording of an order would be an obligation then it would not exist except in that manner, but since we find that

there is no difference that according to you an order can mean a recommendation or a permissibility and we find that prohibitions can without difference among you mean a dislike. It is because of that obligatory not to change the understanding of the words to only some of the meanings it carries excluding the remaining, except with an evidence."

They say, "The words of the orders according to us are from the ambiguous (mushtarakah) that do not have one specific meaning, it is at the stage as, 'rajul' 'ayr,' your saying 'rajul' is not earlier to be applied to mean a body part (rijl) than applying it for a group or locusts (jamā 'ah ul-jarād). And your saying 'ayr' does not apply earlier to a donkey (himār) than it applying to the bone of the feet (qadam). Each words have both of these meanings and it must mean both. Your saying 'ayn' does not apply earlier to sight of the eyes than to a spring. And your saying color (lawn) does not apply earlier to redness than whiteness. Similarly the one that says, 'If 'al (the order form of to do),' since recommendation is found with it and obligation is found to indicate with it, it is not earlier to use the meaning of an obligation than the meaning of a recommendation except with evidence."

This is a corrupt tumult, and that is because we say, with the grace of Allāh: Everything named (every word) from a body (*jism*) or an accident ('araḍ) has a word by which it distinguishes itself from what is other than that exact word in order for there to occur a mutual understanding for the one listening and the one addressing and that he can know the intend of the speaker of the addressment to him. If this would not be the case then there would never occur understanding and the addressment of Allāh to us would be invalid, Allāh said, "We have not sent (any) Messenger except with the tongue of his people to clarify it (the revelation) to them" [Ibrāhīm: 4].

If there would not be for every single word a specific meaning then there would not be established any clarification because the mixing of meanings is the problem itself. Then the *aṣl* we mentioned is with the sources of the 'aql and texts of the Qur'ān. Then we find in the language matters which they mentioned from names (words) that have multiple meanings and we also find words to have only one meaning specific to its own word alone. And we know that the intend of the language is for an understanding to occur, not a confusion, this implies to necessitate the *aṣl* (principle) that every single meaning has its own specific word without other meanings participating with that word, till it is established according to us that this word is arranged with

a different arrangement by which no clarification occurs then its clarification is sought from elsewhere.

As for them comparing the orders with asmā 'al-mushtarakah which they mentioned from such as color (lawn), 'ayr, rajul, it is a false comparison by necessity and this is because when the speaker addresses us with information about a man, a color, or orders us with something related to these, it is possible to understand his information and order baser on everything that is implied by what he said, such as if he says, "Do not eat an 'ayr," then he avoids eating everything on which the word 'avr is applied, even if it has different types. The same way when Allāh said, "Look at their fruits when they begin to bear" [Al-An'ām: 99]. This applies to everything on which the word 'fruit' applies, even if they are of different types. And the same for the saying of someone, "Air does not have a color," this implies that he negated from it whiteness, redness, blackness, greenness and yellowness, not only one color. The benefit of addressing with these names is valid and possible communication, and understanding them based on what they imply is permissible and appropriate except there is evidence to specify some of what they necessitate, in which case that evidence is followed.

But this is not possible with orders. Which they intended to compare with names which we mentioned, because if it's said to us, "If'alū (do!)," and it would be possible for this to mean an obligation and also a recommendation or permissibility, there is then no way for us with the natural method to understand it from all of its manners which we mentioned (as all meanings imply opposites), are impossible by necessity because for one matter to be obliging and permissible to leave it at the same time for a human, is impossible, no one is able to do it. So their comparison is invalidated and it is established that if orders would be as they say it to be then it would be impossible to obey it ever, and if that would be the case then an order would be invalid entirely by necessity. As it is established that orders are mentioned by Allah and it is established that there is addressment with orders in the language between people we know that it is not possible for Allāh to address us with that which is not possible to obey and with impossibilities which we are not able to. And it is established that what is intended with orders is a specified meaning for its word with its binyah, This can only mean that the order is directed to the one being addressed as something possible. And Allāh is the source of success.

And what they mentioned about them finding orders having the meaning of recommendation, it is true, and the manner of that is that we find in the language words that are changed of their ma'hūd and from which they were applied on in the tongue and then it is applied somewhere else, This was done by the Creator of the language and its people, who organized it as He willed, or by some speakers of the language among the Arabs, or it was done by mutual agreement among them (iṣṭilā ḥ), this is just as Allāh transferred the name of *salah* from its original meaning in the language which is $du'\bar{a}'$ and it is changed from that to facing the Ka'bah, standing, bowing, prostrating, sitting with specific manners which cannot be transgressed. And just as the word *siyām* is changed from standing to preventing eating, drinking and intercourse during specific days. And just as how the word kufr is changed from the meaning to cover to many specific (kufrī) sayings and many known intentions. As we find that we oblige when in specific cases evidence is established that the word is changed from its meaning in the language and is placed in another place then it must be believed, as for other than that when there is no evidence then there is no way to change it from its place ever.

And some of those who corrupt the truths, speaking without understanding, that which cannot be understood, have said, "This is not a change (of meaning in the language), a change is only what is not possible to remain from where it got changed from." This is a false ruling and the people of the language do not know this, rather everything that is redirected has changed its ruling from where it was. And a word, if it occurs on a meaning, and Allāh applies it (that word) on another meaning, then he has changed it from applying it to one meaning to apply it to two meanings. And also we do not argue with them on the word 'change' we only mean that the word that used to occur in the language on a meaning has then been applied to other than that.

Then we say to them: You necessitate yourself if you validate your evidence which you mentioned that because of the reason you find many verses and many narrations abrogated which cannot be acted upon, to then because of that refrain from every single verse and every single narration due to the possibility of everything from them to be abrogated just as the possibility you claimed about orders that it might be recommended. If you imply yourself this, you have apostated and left Islām. And if you refuse to be implied that, you are correct as you have with that invalidated your

evidence that since you found orders to be sometimes recommendations that due to that reason it becomes obligatory to make *tawaqquf* on all existing orders till it is known if it is an obligation or a recommendation.

And there is no difference between what we have implied against them of making *tawaqquf* from every single verse and narration because of the reason that there may be an abrogated narration or verse and between what we implied against them of their *tawaqquf* from every single order as it could mean recommendation any difference. Because the meaning of both is the same and the clarification for that is that the abrogated, is that which is not obliging to be acted upon or permissible to be acted upon. And then the recommended is not obligatory as well. They have joined in the aspect of the invalidation of the obligation of acting upon in the exact same manner. Even if that which is recommended, it is permissible to act upon it and the abrogated is not permissible to be acted upon in some cases only.

So their deception is invalidated – and Allāh is the source of strength – by their admission that the presence of terms diverted from their proper meanings in the language does not justify doubting all other terms out of fear that they too might be diverted from their meanings. So the *istidlāl* they sought to establish is entirely nullified.

And also the word 'aw (or),' and 'in shi'ta (if you want, meaning takhyīr (a choice)' without difference among us and them and from everyone from the people of the language, we have heard the most Exalted say, "Whoever wants let him believe and whoever wants let him disbelieve" [Al-Kahf: 29]. And Allāh said, "Be stones or iron" [Al-Isrā': 50]. We find that the certain decisive evidence indicates that these two verses go beyond the meaning of choice to another meaning. So, based on their false method, they can then never understand the word 'or' or the phrase 'if you want' to indicate a choice, because it is said to them: Just as you say that if the word, 'if you want' and 'or' would indicate a choice then there must not exist a single case where it did not have the meaning of a choice. And since it is found that without any doubt that these words do not indicate choice in these places, it becomes invalid for it to ever mean a choice and tawagguf becomes obligatory every single time these words are mentioned. And there is in this, is the invalidation of all speech, the invalidation of understanding, the corruption of all truth, all rulings all 'ulūm, because there is no saying except that there are cases wherein it can exist in another binyah (outside its original

linguistic structure) at times in the language, either as a *majāz* (figuratively) or by agreement between the interlocutors. If it were necessary because of this to invalidate the change of words to their meanings that were arranged for them in the language, then everything we mentioned would be invalidated, and it is enough of a corruption for any statement to lead to the invalidation of truths. And Allāh is the source of strength.

If they say, "We do not agree with you that the form 'amr' (order) is inherently designated in the language to indicate obligation ($wuj\bar{u}b$), so what you have imposed upon us does not apply to us. Instead, we say: It is not designated in the language exclusively for obligation ($wuj\bar{u}b$), nor exclusively for recommendation (nadb)."

We say and Allah is the source of strength: We have invalidated previously the possibility for the occurrence of the word of an order on an obligation and a recommendation at the same time, we made a difference between that and how it for mushtarakah (multiple meanings for) words applies such as lawn, 'ayr and others having various definitions, that is possible and exists. And that the word form of orders carrying the meaning of obligation and recommendation both at the same time is impossible and cannot occur in the 'aql ever. So it is established by necessity that the word form of order is placed in the origin of the language to an obligation and then only changes to something else in specific cases with an evidence indicating it as we have mentioned in some cases, moving to the recommended or to other than the obligation from the remaining meanings which we will clarify by the will of Allāh. Or it is placed in the origin of the language to recommended only or another meaning from its remaining meanings which is mentioned with the wording of the order then moves to an obligation with an evidence, this is that which is formed in the 'aql, but as for the possibility of the word order applying for a recommendation and an obligation at the same time, this is false because it obliges that the mentioned orders have no reality to them and not a single meaning. This is more foolish than the saying of the sophists. This is what we intended to clarify as impossible, and it is established, praise be to Allāh.

You must inevitably resort to one of the two options: either you say that the imperative word (order) is intended for obligation in the language until evidence transfers it to non-obligation, and this is our view or say that the word of the order is placed for other than an obligation in the language till there this evidence that indicates it is an obligation, and If you say this, your matter is easily resolved with Allāh's grace, we have removed you from the position of causing confusion to the ignorant. This is because the statement, "All orders are upon non-obligation until evidence confirms they are an obligation," falls into two great errors. One of them is opposition to decisive *ijmā*, for no one has ever said this; rather, those who caused this false confusion have only caused turmoil with their false arguments which we invalidated before. And the second is the invalidation of the benefits of the 'aql, because it implies that the word 'If'al! (do!)' placed in the language means, "Do not do it if you want," this is against all languages that exist because the affirmed *fiṭrah* of the 'aql is that the prohibition of a thing is different from the order to do it.

And also the $ijm\bar{a}$ on abandoning this statement is sufficient without the need for evidence

While there is necessary decisive evidence, which is that if the word 'do!' is intended for non-obligation unless there is evidence that makes it obligatory. And that "Do not!" Applies for other than a prohibition except with an evidence that moves it to a prohibition. And those two statements make, "Do if you want," and "Do not do if you want," the same meaning as 'do!' and "Do not do it!" and this is impossible according to anyone with 'aql.

They say, "What indicates that it is obligatory, by itself or by its evidence? If you say by itself, this is where we differ. And if by its evidence, then if it does not indicate it by itself, its evidence is more likely not to indicate it."

This is a very weak and corrupt argument, clinged unto by those who negate the $haq\bar{a}$ iq. They asked us this very question, saying, "What proves to you that things are haqq, by themselves? (in which we differ with you on). Or by something else? Then there is nothing in the world that exists apart from the existing things, and apart from the things, there is nothing. If a thing then does not indicate the reality of itself, nothing else is more likely to indicate it."

This question is also used by those who negate the evidences of the 'aql, saying, "By what did you know the validity of what the 'aql indicates, by the 'aql or by something else?" And there is much nonsense like this. These people are on a branch of the path of those who negate truths and those who negate the perceptions of the 'aql.

And we reverse against them their false question which they validate, it is necessary against them, not us as we do not validate it, so we say: What evidence indicates that orders are upon *tawaqquf*, by itself or by an evidence? If you say by itself then that is where we differ, and if you say by an evidence for it, then if it cannot indicate it by itself then a separate evidence is more likely not to indicate it."

What is more foolish than someone whose argument invalidates itself and undermines their own statement. They are merely people who do not ascertain anything; rather, they aim to confuse the weak, and they deceive only themselves. The answer to this ridiculous question, with Allāh's help and success, is as follows: We have previously mentioned, both in this and other of our writings, that we are compelled to know that things have realities and that they exist as they are. No one knows how this realization occurs to them.

We have clarified that this knowledge, which we are compelled to and which the Almighty Creator has instilled in us from the earliest moments of our understanding after our souls were joined with our bodies, is the basis for distinguishing the realities from the inner truths. It is the foundation of all knowledge.

We have recognized the necessity of orders by the intuition of the 'aql and the discernment placed in us to understand things as they are. So, we know that stone is hard and that water is naturally fluid, even though it can change to being solid in certain conditions. We understand that saying "So-and-so is foolish" is a criticism and that saying "So-and-so is wise" is praise. And that imperative (an order) is one of the elements of speech, which are: statement, question, order, and inquiry. Since it is settled in the soul that the will of the order is that the ordered one must do what is ordered, this is an inherent meaning within us leaving no other option from the expression on which mutual understanding takes place and we know that also from the texts which we will mention regarding the complete falsehood of their claims by the will of Allāh. This is all that the proponents of waqf claim, nothing more. We have invalidated it with necessary proof by the grace of Allāh Almighty and His guidance, there is no deity except Him.

Except that ibn al-Muntāb al-Mālikī came with something grave so we must make this known by the will of Allāh and that is that he said, "Verily, the evidence that orders are upon *tawaqquf* is the saying of Allāh, 'And

among them are some who listen to you (O Muhammad) till when they depart from you, they say to those who have received knowledge, 'What has he said just now?'' [Muḥammad: 16]. So if orders were obligations and words were general there would be no meaning in their question on what the Prophet said. Because if obligation and generality would be understood from the exact words then their question would be false."

This does not resemble the argument of a Muslim because Allāh only told this opposition from a people that are *munāfiqīn*, *kuffār*, not pleased with their actions nor their question, Allāh only said that as a rejection from them, He said, "Is it not sufficient for them that we have sent down to you the Book which is recited to them" [Al-ʿAnkabūt: 51].

So Allāh said that the apparent of the Qurʿān and its recitation are sufficient and that that obliges acceptance upon its apparent, whenever it is found, this is from the texts of the verse and the waṣiyyah of Allāh which cannot be understood in any other manner. There is nothing more astonishing than the argument of the one that claims he is a Muslim while he invalidates obedience to Allāh and the Prophet a by using the statements of the $kuff\bar{a}r$, $munafiq\bar{q}n$, those that ridicule the verses of Allāh.

We do not know an argument that resembles this in its ugliness and atrocity, except the saying Ismā'īl ibn Isḥāq in his book Al-Khumus, which is a very well-known book, and we have a refutation on it in which we exposed its flaws and disgraced it by the will and power of Allāh. For he said in that book, "If what the Prophet, gave to the chiefs of Quraysh from the spoils of *Hawāzin* after the day of Ḥunayn was from his share of the fifth of the *khumus* as al-Shafī'ī said, the *Anṣār* would not have said what they said about it, nor would Dhul-Khuwayṣirah have said what he said."

Who is more misguided than one who argues using the words of Dhul-Khuwayṣirah ⁴⁰⁵ and takes Dhul-Khuwayṣirah as an intimate friend instead of Allāh and His Messenger, and makes the denial of a *kāfir mushrik*, the worst of Allāh's creation, who spoke insolently to the Messenger of Allāh a *ḥujjah* against the Muslim that believe that the Prophet only gave from his share which Allāh Almighty entrusted its matter to him, not from what Allāh Almighty made for (other) known named people. We disavow this speech and the one that supports a method that leads to using Al-Khuwayṣirah

⁴⁰⁵ Şahīh al-Bukhārī 3610

as an evidence against the Prophet $\stackrel{\text{def}}{=}$ and using as evidence the saying of the $mun\bar{a}fiq\bar{t}n$, "What did he just say?"

And we say it justly as ibn al-Muntāb followed those that left the presence of the Messenger of Allāh while they heard him, then they said to ahl ul-'ilm, "What did he just say?" — and we dissociate ourselves from them from the likes of this question.

And we have followed those that say, "We hear and obey," it is for Allāh to decide whatever he wants if he wants, and what Allāh gave to those that followed them when he said after the story of those that said, "They said, 'What did he just say?' Those are the ones of whom Allāh has sealed over their hearts and who have followed their desires" [Muḥammad: 16]. He said, "Those who are guided, he increases them in guidance and bestows on them their piety" [Muḥammad: 17].

And we hope that Allāh grants us from His bounty and favor what He gave to those whom we follow in their saying, "We hear and we obey." As He the Most Exalted said, "The only saying of the faithful believers when they are called to Allāh and His Messenger to judge between them is that they say, 'We hear and we obey.' And those are the successful" [An-Nūr: 51]. And let the ignorant who objects with the words of the hypocrites and idolaters against the words of Allāh Almighty and the words of His Messenger, know that the saying of those who said to those who were given knowledge, "What did he say just now?" has no meaning, and their questioning corrupt and cursed.

Some of them argued using the verse, "If you have exited *iḥrām*, then hunt" [Al-Mā'idah: 2] And the verse, "And when the prayer is concluded, disperse within the land" [Al-Jumu'ah: 10]. They say, "These are only permissible without doubt, not obligatory."

Your false claim implies that you believe every single order is voluntary only, until there is evidence established for its obligation. And that in reality is not your belief. As for these two verses, they only moved from an obligation to a permissibility because of certain evidence: as for hunting, the Prophet $\stackrel{\text{def}}{=}$ exited $ihr\bar{a}m$ with a $taw\bar{a}f$ around al-bayt and descended to $min\bar{a}$ and did not hunt, so it is established that it is not an obligation by other texts.

As for the verse, "And when the prayer is concluded, disperse within the land" [Al-Jumu ah: 10]. It is narrated that the Prophet said, "The angels

keep on asking Allāh's forgiveness for anyone of you, as long as he is at his place of prayer and as long as he does not break his $wud\bar{u}$ ', they say, 'O Allāh forgive him, O Allāh be merciful to him.'"

So we say it is recommended to sit after the prayer, so it is established that dispersing on the lands after the prayer is permissible. Whoever comes with certain evidence that changes orders with certain evidence away from the obligation to a recommendation and from a prohibition to a dislike, we take from it and it is the truth from Allāh. As for the deceitful invitation that distorts the Qurʿān and Sunnah in their essence, may Allāh protect us from that.

Some of them use as evidence the authentic narration narrated on the authority of Anas, that he said, "A person was charged with fornication with the slave girl of the Prophet . Thereupon the Prophet said to 'Alī, 'Go and strike his neck.' 'Alī came to him and he found him in a well cooling his body. 'Alī said to him, 'Come out," and as he took hold of his hand and brought him out, he found that his sexual organ had been cut. 'Alī refrained from striking his neck. He came to the Prophet and said, 'O Messenger of Allāh, verily he does not even have a sexual organ with him." "407

Some however added without any authentic route to this narration that 'Alī said to the Prophet , "O Messenger of Allāh when you send me on a mission, should I go and do what you tell me to do (exactly and without delay) or witness and find out what someone absent cannot find out?" And then the Prophet said , "Be a witness and find out what someone absent cannot find out." ⁴⁰⁸

These wordings are also mentioned in the narration where the Prophet $\stackrel{\text{\tiny{def}}}{=}$ send 'Alī to Khaybar and both are $ziy\bar{a}d\bar{a}t$ that are not authentic, it is never narrated from any authentic $tar\bar{i}q$. These weak additions are not free from Muḥammad ibn 'Umar ibn 'Alī he is $majh\bar{u}l$ and Muḥammad ibn 'Umar also never heard from 'Umar, and ibn Lahī 'ah who is weak.

Those who authenticate this are obliged to invalidate from the prayer, three prayers or from every prayer one *rak* 'ah, if he sees that as good, or that he may move the fasting for the month of Ramaḍān to al-Rabī' standing with the people as he witnesses and sees what the absent does not see and to add

⁴⁰⁶ Sahīh al-Bukhārī 445

⁴⁰⁷ Sahīh Muslim 2771

 $^{^{408}}$ Musnad Ahmad 628, 2/63 | Musnad Al-Bazzār 634, 2/227

onto the $hud\bar{u}d$ and $zak\bar{a}h$ as he desires and can omit as he wants, this is very clear kufr, so what they cling onto of this fabricated word is invalid and false from all aspects. Because similarly it is narrated about the Prophet $\stackrel{\text{def}}{=}$ that he ordered the killing of Dhul-Khuwaysirah and when they returned and one of them said, "O Messenger of Allāh I found him prostrating," and the other said, "I found him in $ruk\bar{u}$ "." This is a false narration for which there is no authentic $tar\bar{t}q$. As for his order to kill that human, it is one of two options, either a group of people witnessed that at the Prophet $\stackrel{\text{def}}{=}$ who are from the apparent upright and from the inside $munafiq\bar{u}n$, lying that they heard him acknowledge that, he must be killed because of harming the Prophet $\stackrel{\text{def}}{=}$ so Allāh revealed their lies. Or Allāh revealed to him the order to kill him and Allāh knew that he would abrogate that order by showing $Bar\bar{a}$ 'ah.

Now that we have mentioned everything they used as objections, let us proceed—if Allāh Almighty wills—to present the decisive certain evidences that all orders indicate obligation and all prohibitions indicate prohibition, except for those cases where evidence specifies otherwise.

Before that, we state: Only those who are overwhelmed by the brilliance of truth, blinded by the light of Allāh in their hearts, and ensnared by their own misguidance have resorted to the view of suspension (*waqf*), clung to these fallacies, and taken such narrow paths. They do so in defense of the corrupted statements they have grown accustomed to, and in an attempt to extinguish the inextinguishable light of truth.

They have adhered to this position only in a few specific issues, but they contradict themselves by making obliging numerous rulings as obligations through the order itself—rulings in which others have differed with them. Each group among them has done the same as the other.

Firstly it is not understood by anyone from the people of any language that the word, "If'al (do!)" or a word that expresses this in any language, no one understands form that, "La taf'al (do not do!)" And no one understand from, "La taf'al (do not do!)" that it means, "if'al (do!)" and also "la taf'al (do not do!)" (at the same time) and doe understand from that the imperative "do!" Anyone that claims this against the languages and their people is in a worse state than the soothsayers. Allāh said, "Cursed be the liars" [Adh-Dhāriyāt: 10].

And it is said to them: With what do you know that there is anything obligatory in orders (at all) about which you acknowledge that it is obligatory?

They answer with two answers, firstly some of them said, "We know that an order is an obligation if it is associated with a threat." And some of them said, "We do not find the indications for the obligation, which are things that are associated with orders by which the obligation is intended and known by that, we are unable to express it."

As for these people, they have admitted to being cut off and incapable of clarifying their method. If something cannot be clarified, then with certainty the inability to support it is more evident. No one who has a tongue and lacks shame or piety is unable to claim whatever they desire. And when asked about evidence for his saying and its clarification they say, "I am unable to clarify it but it is something well known, if it is found it is recognized."

We are not among those who permit such nonsense, but we say to the one who do this: Describe to us your case on your knowledge by which you have known it to be an obligation, if you are unable then the lies have become evident and your claims are false. Because everyone that claims a situation that infers to a truth which is not from the sources of the 'aql, then he must distinguish that, otherwise he is claiming falsehood.

As for the one that said, "We know an order is an obligation if it is associated with a threat." It is said to them: Know that a threat from Allāh has been associated with every single order from his Prophet , by his saying, "So let those who oppose his orders beware, for a trial may befall them, or a painful torment may overtake them" [An-Nūr: 63]. The precaution has been associated with a trial and a threat for every single opposition to the order of the Prophet ...

Some of them have objected and said, "Since it is established that his orders, as long as there is for a mere opposition no painful punishment, that the meaning of the order is a recommendation only, we know that the threat warned of is only for his orders which are an obligation only and that this verse does not imply the same for every single order, because if that would be the case then the <code>hujjah</code> of moving orders to an obligation would be invalidated."

Verily that which departs from the orders of deserving the stated punishment in the verse on the one leaving it and it leaving to the meaning of recommendation, is that it is made an exception from what is general in the verse in the same manner as the $mans\bar{u}kh$ being outside the (previous) obligation, so it does not invalidate the remaining $shar\bar{\iota}'ah$ from being used. And also what departs with evidence to recommendation does not invalidate to remain for that which there is no evidence for its recommendation to deserve the punishment on the one leaving it. Except that the punishment has been associated with every single order except for that which there is texts or certain $ijm\bar{a}$ for transmitted from the Prophet that it is not a threat because it is not obligatory, and nothing invalidates the words of Allāh except what an additional $wah\bar{\iota}$ from him invalidated.

The Prophet said, "All of my nation will enter paradise except the one that refuses." He was asked, "And who refuses?" The Prophet answered, "Whoever obeys me enters paradise and whoever disobeys me has refused."

The one that says, "Nothing is understood as an obligation except with evidence," he is asked: What is the meaning of disobedience (*ma'ṣiyah*)? There is no other possibility than to say, "It is the one who is ordered, leaving to do what the one ordering him ordered.

As there is no doubt in this, then the one that allows leaving what Allāh and his Messenger ordered, he has disobeyed Allāh and His Messenger and whoever disobeys them has gone far astray and deserves the fire and does not enter paradise according to texts from the words of Allāh and His Messenger, Allāh said, "And whosoever disobeys Allāh and His Messenger, then Verily, for him is the Fire of Hell, he shall dwell therein for eternity" [Al-Jinn: 23].

And there is no disobedience more severe than when Allāh and His Messenger say, "Do this!" That then the ordered one says, "I won't except if I want to do it. It is allowed for me to leave what you have ordered me." Or when Allāh and His Messenger order, "Don't do that!" Then he says, "I can do it if I want, it is allowed for me to do what you have prohibited me of."

No one understands ' $isy\bar{a}n$ to be something other than this and the hujjah against those people is more clear in the 'aql' and closer to grasp than it is against the polytheists. This is because the polytheists do not acknowledge the obligation to obey Allāh Almighty and His Messenger $\stackrel{\text{def}}{=}$,

⁴⁰⁹ Sahīh al-Bukhārī 7280



and the argument with them is about proving that. These people, however, acknowledge obedience to Allāh Almighty and His Messenger, and then they say to us, "We do not obey," and then they claim that obedience in their orders is not obligatory except with an evidence other than the order itself. We seek refuge in Allāh from misguidance and from persisting in falsehood after its clarity.

Some of them used as evidence the narration attributed to the Prophet that he said, "I was given the Qur'ān on seven *aḥruf* and every verse from them has an inward and outward meaning."

And they mention the narration attributed to him ## that he said, "Verily the Qur'ān is pliable and has many aspects, so beware of its pliability and its numerous aspects."

They also mention the narration about the Prophet ## that he said, "There is no verse in it except that it has an outward and an inward meaning, and there is no letter in it except that it has a boundary, and each boundary has a point of view."

All of these narrations are weak as they are not free from being *mursalāt* so they are not an evidence. Those narrations are also not free from 'Alī ibn Zayd ibn Jad'ān, Zakariyyah ibn 'Aṭiyyah, Juwaybir, Abū Isḥāq ibn Ibrāhīm al-Ḥijrī and all of them are weak.

Even if it would be authentic there is not for them in it hujjah because if it would be as they said it to be that every verse as an inward and outward meaning then we would have no way to know the inward with zann or the saying of anyone except the clarification of the Prophet only whom Allāh ordered to clarify to the people what is revealed to them.

If they find us clarification from the prophet $\stackrel{\text{def}}{=}$ on moving the verse away from its apparent to the inward we obey it and if there is no clarification from the Prophet $\stackrel{\text{def}}{=}$ then the ta $\dot{w}\bar{\imath}l$ of no one is more likely and does not precede the others about the inward of that verse. And from the impossibilities is that there is ever a verse which is not clarified by the Prophet $\stackrel{\text{def}}{=}$ because he would have in that case not conveyed as he is ordered to, no Muslim says this, so all of their zann is invalidated. Authentic narrations

⁴¹⁰ Musnad Abū Yaʻlā 5149, 9/80-82 Musnad al-Bazzār 2081, 5/441-442

⁴¹¹ Sunan al-Dāraqutnī 4/145 | Al-Firdaws by Al-Daylami 4707

 $^{^{412}}$ Sharḥ al-Sunnah by al-Baghawī 112, 1/262 | Zawāʿid al-Zuhd by ibn al-Mubārak 93

about the Prophet have been narrated about taking everything literally from the apparent. The Prophet said to everyone during his *khutbah*, "Verily Allāh has obliged upon you *ḥajj*." Then a man stood up and said, "Is it every year?" The Prophet was silent till he repeated it thrice, then the Prophet fill would have said yes it would have become obligatory, and if it would be obligatory you would not be able to fulfill it, leave me as long as I leave you, those before you were only ruined for their excessive questions and their differences with their Prophet s. And if I order you anything do from it what you are able to, and when I Prohibit you from anything, then avoid it."413

And it was also narrated through authentic *turuq* from al-Zuhrī from Abū Sinān from ibn 'Abbās from the Prophet . And it has been narrated about the order of the Prophet that we must do what we are able to do from what he ordered and that we must avoid what he prohibited, through the *tarīq* of Abū Huraira, attributed to the Prophet, by Abū Salamah ibn 'Abd al-Raḥmān, Sa'īd ibn al-Musayyib, Abū Ṣāliḥ, al-A'raj, Hammām ibn Munabbih, and Muḥammad ibn Ziyād, all of them from Abū Hurairah from the Prophet. It was narrated from Hammām by Muammar, and from Al-A'raj by Abū al-Zinād, and from Abū Ṣāliḥ by al-A'mash, and from Sa'īd ibn al-Musayyib and Abū Salamah by al-Zuhrī, and from Muḥammad ibn Ziyād from Abū Hurairah also attributed (*Musnad*) by Shu'bah and al-Rabī' ibn Muslim, and it was narrated by the mentioned great *thiqāt*.

The Prophet clarified in this narration a clarification without any problem in it that everything he orders, it is obligatory except if we are not able to, this is the meaning of the verse, "And if Allāh had willed, He would have put you in difficulty" [Al-Baqarah: 220]. But He, the Exalted, has lifted the burden from us and had mercy on us. He ordered through the tongue of His Prophet as you hear, that what he rodered is obligatory to act upon as far as one's ability reaches, and that nothing is excused from that except what is beyond one's ability, and that what he prohibited is obligatory to avoid.

Mu'ādh ibn Jabal said, "We went along with the Messenger of Allāh during year of the invasion of $Tab\bar{u}k$. The Prophet said, 'By the will of Allāh, you would reach by tomorrow the fountain of $Tab\bar{u}k$ and you will not come to that until it is dawn, and he who amongst you happens to go there must not touch its water until I come.' We came to that and two people (amongst) us reached that fountain ahead of us. It was a thin flow of water

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⁴¹³ Şahīh Muslim 1337

like a shoelace. The Prophet asked them whether they had touched the water. They said, 'Yes.' Then the Prophet insulted them, and he said to them what he had to say by the will of Allāh."

They deserved the curse/insult of the Prophet because of their opposition to his prohibition of touching that water, and there was no previous threat involved, so it is established that his orders are all an obligation except what is made an exception by texts, if it would not be that they abandoned an obligation they would not deserve the insults of the Prophet.

Ibn 'Umar said, "When 'Abdullāh ibn Ubay (the chief of hypocrites) died, his son came to the Prophet and said, 'O Messenger of Allāh please give me your shirt to shroud him in it, offer his funeral prayer and ask for Allāh's forgiveness for him.' So the Messenger of Allāh gave his shirt to him and said, 'Inform me (when the funeral is ready) so that I may offer the funeral prayer.' So, he informed him and when the Prophet intended to offer the funeral prayer, 'Umar took hold of his hand and said, 'Has Allāh not forbidden you to offer the funeral prayer for the hypocrites? The Prophet said, 'I have been given the choice for Allāh says, 'It does not avail) Whether you (O Muḥammad) ask forgiveness for them (hypocrites), or do not ask for forgiveness for them. Even though you ask for their forgiveness seventy times, Allāh will not forgive them' [9.80]. And I will ask forgiveness over seventy times.' So the Prophet offered the funeral prayer and on that the revelation came, 'And never (O Muhammad) pray (funeral prayer) for any of them that dies' [At-Tawbah: 84]."

There is in this sufficient clarification, enough to understand that everything is understood from the apparent, the Prophet understood the words "aw (or)" as a choice, then when the mere prohibition was revealed, he understood it as an obligation, with this it is established that the words for an order and prohibition are different from the words indicating a choice and a recommendation and the Prophet is the most knowing people of the Arabic language in which his Lord addressed him.

If someone says, "Then what was the intended meaning of the choice mentioned by Allāh which the Prophet "understood as a choice and his mention about seventy times, do you say that Allāh intended what 'Umar said

⁴¹⁴ Sahīh Muslim 706

 $^{^{415}}$ Şaḥīḥ al-Bukhārī 1269, 4670, 4672, 5976 | Şaḥīḥ Muslim 2400

about not praying for them and also not seeking forgiveness for them and that then the verse is revealed clarifying it?"

We do not say this and it is not allowed for any Muslim to say that, we also do not say that 'Umar and also no one from the children or \bar{A} dam knew anything about All \bar{a} h which the Prophet \equiv did not know, this is mere *kufr*. And the certain evidences for that is that if All \bar{a} h would not be pleased with the prayer of the Prophet \equiv on 'Abdull \bar{a} h ibn 'Ubay, he would not have acknowledged him upon that (let him do that), he would have revealed $wah\bar{a}$ on him by prohibiting him just as he prohibited him after the prayer from praying on others.

So it is established that the saying of 'Umar was only an *ijtihād* of him. He wanted good with it and was mistaken, the Prophet was correct and 'Umar was rewarded once for his good intention, but we say that Allāh made a choice for his Prophet in that in reality and it was permissible for him to pray and to seek forgiveness for him, as long as he was not prohibited from doing that.

And as for the mention of seventy, it does not imply that forgiveness is guaranteed for them by more than seventy times forgiveness sought for them, nor does it prohibit forgiveness for them with more than seventy times sought it. Rather, the Messenger of Allāh, hoped and wished that if he exceeded seventy, they would be forgiven, but he did not assert that forgiveness would be granted with the increase.

This aligns exactly with our statement: When Allāh Almighty informed the Prophet of what was in His knowledge—something He had not previously disclosed to him—He then informed His Prophet . Prior to the revelation prohibiting seeking forgiveness for them, the Prophet did not have certain knowledge that anything exceeding seventy would not be accepted. Therefore, he supplicated, hoping for forgiveness, without despairing of it, nor being certain of its occurrence. This is evident in the wording of the narration. With Allāh Almighty lies success.

And Barīrah asked the Prophet , when the Prophet said to her, "If you returned (to Mughīth it would be better for you)" Barīrah answered, "O Messenger of Allāh do you order me?" The Prophet answered, "No I am only interceding." So he made a difference as you can see between his order and his intercession, so it is affirmed that intercession does not oblige

⁴¹⁶ Sahīh al-Bukhārī 5283

anyone an act and that his orders are different from that, there is nothing in it except an obligation only.

Allāh said, "O Messenger convey that which has been revealed to you from your Lord, and if you do not, then you have not conveyed his Message" [Al-Mā'idah: 67]. In this verse, there is a clear and decisive clarification that removes all doubt: whoever does not fulfill what his Lord has commanded has indeed disobeyed. This is because Allāh, the Most Exalted, made it clear that if His Prophet does not convey the message as ordered, then he has not fulfilled what his Lord ordered. There is no meaning to this declaration and news except that opposing the order constitutes disobedience, not obedience. And Allāh is the source of strength.

And they acknowledge themselves that they do not do what they are ordered, till they are ordered it by Abū Ḥanīfah, Mālik and al-Shāfīʿī, Allāh says, "O you who believe! Obey Allāh and His Messenger, and do not turn away from him while you hear. And do not be like those who say, 'We have heard,' while they do not hear" [Al-Anfāl: 21-22]. So it is established that Allāh does not only want acknowledgment from us, except if it is accompanied with actions from what we are ordered. As he said, "It is not for a believer, man or woman, when Allāh and His Messenger have decreed a matter that they should have any option in their decision. And Whoever disobeys Allāh and His Messenger, he has indeed strayed into a plain error" [Al-Aḥzāb: 36].

So it is now utmost evident, no place for doubt. Because a choice (takhyīr) is something voluntary, and it is established that for orders from Allāh and His Messenger there is no choice for anyone (so if there is a personal choice it is not an obligation). As choices become invalid, then it is an obligation by necessity because a choice is only voluntary and a permissibility for those than have a choice, if we want we do it, and if we want we do not do it. So Allāh invalidated choices in every single order from the Prophet and so obligation is affirmed for everything from their orders, then Allāh did not leave us in doubt about the third type which is abandoning, Allāh said, "And Whoever disobeys Allāh and His Messenger, he has indeed strayed into a plain error" [Al-Aḥzāb: 36].

And no order matches anything except in three manners with no fourth to them by necessity and the sources of knowledge, it is either an obligation which is our saying, or voluntary which is a choice in a matter to

be able to do it or to leave it, Allāh has invalidated this when he said, "That they should have any option in their decision" [Al-Aḥzāb: 36]. Or it is an abandonment, which is a disobedience, Allāh has told us that whoever does that has strayed into a plain error, so the doubt is raised, so everything they use as evidence is invalidated. Allāh said, "Is it not sufficient for them that we have sent down to you the book, which is recited to them?" [Al-ʿAnkabūt: 51]. Allāh has stated a reproach against the one that is not sufficed with the recitation, and this is the apparent ruling, and the prohibition of moving to ta ' $w\bar{\imath}l$. And Allāh said, "And we have revealed to you the book, a clarification for everything" [An-Naḥl: 89].

And Allāh said, "And we have revealed to you the revelation, to clarify to the people what is revealed to them" [An-Nahl: 44].

So it is established that there is no clarification except from the texts of the Qur'ān and the texts of the words of the Prophet ...

If they say, "But you understand many of the orders of Allāh as a choice and a voluntary act, so you have contradicted your ruling."

We say to them and Allāh is the source of strength: We do not do that which you claimed as a contradiction, because we only move that which we moved to a choice as it is from words of Allāh alone, and it becomes obligatory to understand it in that manner.

If Allāh mentioned an order that if we wish we do it, and if we wish we leave it, we are obliged to accept this text on its apparent necessity. So we do not deviate from our principle, and we have no option to take it out from its place to an obligation on one side without the other, just as if He, Almighty, or His Prophet $\stackrel{\text{def}}{=}$, limited the address to us with a word without a choice for us, then we have no choice in diverting it away from His towards claiming it is only voluntary. So every single matter with choices it is obligatory on us to understand it as a choice, accepting it is obligatory on us, according to the apparent words mentioned, and there is no option for us in that (to change it to an obligation), and the $ijm\bar{a}$ if it is established on understanding a verse or a narration upon a choice, we are then certain that the asl of the type of $ijm\bar{a}$ we believe in is $tawq\bar{\imath}f$ from the Prophet $\stackrel{\text{def}}{=}$ so we understand that $tawq\bar{\imath}f$ upon the obligation, so we do not contradict.

Does the one that speaks about the religion of Allāh, while he hears Allāh say regarding the divisions of $zak\bar{a}h$, "The charities $(zak\bar{a}h)$ are only for the poor and for the needy and for those employed for it and for bringing

hearts together and for freeing captives and for those in debt and for the cause of Allāh and for the traveler - an obligation imposed by Allāh" [At-Tawbah: 60].

And then he himself says, "It is not obligatory and it is allowed for the $im\bar{a}m$ to turn away to other methods he sees as good, or he can do only some of these distributions." not feel ashamed?

And then he sees the saying of ibn 'Umar, "The Prophet \cong obliged $zak\bar{a}t$ ul-fitr on every single freeman and slave, whether male or female, adult or non-adult, one $s\bar{a}$ ' of dates one $s\bar{a}$ ' of barley."

Then he says, "Zakāt ul-fiṭr is not obligatory, not on barley and also not on wheat or dates and also not recommended, but the wheat the Prophet did not mention is better."

Then he sees the saying of the Prophet , "Whoever offers this prayer with us here then stands with us and stood before that at 'arafah by night or by day, his ḥajj is complete."

Then he says, "There is no choice for that, the obligation is to stand there the night only, otherwise the *ḥajj* is invalid."

And he says regarding the verse, "When they see some merchandise or some amusement they disperse headlong to it, and leave you standing" [Al-Jumu ah: 11]. That it is understood from it that the *khuṭbah* for *jumu ah* is an obligation which invalidates the prayer if it is not done.

And that the saying of Allāh about $i'tik\bar{a}f$ after him mentoning the ruling of fasting implies that fasting during $i'tik\bar{a}f$ is an obligation, that $i'tik\bar{a}f$ without it is invalid, is there in reversing the realities and opposition to the Qur'ān, the Sunnah and the Arabic language anything more than this?

And Allāh said, "Obey Allāh and obey the Messenger and beware! But if you turn away, then know that Our Messenger's duty is only to convey clearly" [Al-Māʾidah: 92].

This is the words of a threat, with his saying. "And beware! $(wahdhar\bar{u})$ associated with the opposition of obedience, so Allāh told us that leaving obedience is turning away (tawall) and there is no turning away of obedience more than the one that allows to leave what He ** ordered or to do what He ** prohibited.

⁴¹⁷ Sahīh al-Bukhārī 1504

⁴¹⁸ Sunan Al-Nasā'ī 3039

Allāh said, "Those who follow the Messenger, the unlettered prophet, whom they find written in what they have of the Torah and the Gospel, who orders them what is right and prohibits them from what is false" [Al-Aʿrāf: 157]. So it is established by texts as you can see that everything the Prophet ordered, it is maʾrūf (the good) and everything he prohibited is munkar (evil), except if there is certain evidence for the permissibility. And Allāh said, "The hypocrite men and hypocrite women are of one another. They enjoin what is wrong and forbid what is right" [At-Tawbah: 67]. Allāh clarified that everyone that prohibits what he ordered that he is a munāfiq and everyone that says regarding Allāh ordering us to do (ifʾal) and says, "If he wants he does not do it," that he has allowed abandoning it and prevented it by text.

And Allāh said, "Whoever does not judge by that which Allāh revealed, then they are from the wrong doers" [Al-Mā'idah: 45].

And Allāh said, "And whoever does not judge by that which Allāh revealed, then they are the sinners" [Al-Mā'idah: 47].

Whoever allows for himself to leave an act which Allāh revealed, then he is a sinner, a wrong doer by the texts of the Qurʿān, designated by Allāh.

So we have clarified that the words of Allāh and his Messenger that their orders and their prohibitions are obligations, so the saying of the one that says, "They are voluntary or recommended or upon waqf," are all invalidated.

There are a group of people who make a difference between the orders of Allāh and the orders of His Messenger, this is clear falsehood, Allāh said, "Whoever obeys Allāh has obeyed the Messenger" [An-Nisā': 80].

And the astonishment increases from the <code>hanafiyyah</code> and the <code>mālikiyyah</code> who made the <code>khuṭbah</code> of the <code>jumu'ah</code> an obligatory act, and when they are asked for certain evidence for that they mention the, verse, "When they see some merchandise or some amusement they disperse headlong to it, and leave you standing" [Al-Jumuʿah: 11]. And it is not known what leads them to obliging it using these wordings. And they say, "Fasting during <code>i'tikāf</code> is an obligation," and when they are asked for the certain evidence for these claims they say, "Allāh mentioned <code>i'tikāf</code> after he mentioned fasting." Based on this, it implies that every act of worship cannot be completed without combining all acts of worships mentioned in the Qurʿān. So, there is no <code>hajj</code>

for one who does not pray, no prayer for one who breaks the fast in Ramaḍān, and no marriage for one who is not just with orphans; his marriage with his wife is annulled because Allāh mentioned marriage in conjunction with the matter of orphans. Allāh said, "And if you fear that you shall not be able to deal justly with the orphan-girls then marry (other) women of your choice" [An-Nisā': 3]. Because they are all conjoined with each other.

Then when we mention to them the verse, "And complete the hajj and 'umrah for Allāh" [Al-Baqarah: 196]. They say, "'Umrah is not obligatory," while Allāh has conjoined 'umrah here with hajj, it is associated to it with the completeness, while Allāh did not associate i'tikāf with fasting nor did He associate fasting with i'tikāf, he only conjoined the prohibition of intercourse during the state of i'tikāf on the rulings of fasting, an association of a mere jumlah on a jumlah not a conjunction of association.

Then they mention the verse regarding the division of the *khumus*, "And know that anything you obtain of war booty - then indeed, for Allāh is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveler, if you have believed in Allāh and in that which We sent down to Our Servant on the day of criterion - the day when the two armies met [at Badr]" [Al-Anfāl: 41].

They say, "This is not obligatory, the *imām* may do what he wants according to the benefits he sees for the Muslims with it," while they hear Allāh say regarding the divisions of the *khumus*, "If you have believed in Allāh and in that which We sent down to Our Servant" [Al-Anfāl: 41].

And Allāh said, "An obligation from Allāh" [At-Tawbah: 60]. And they say regarding it, "It is not an obligation," then who is more misguided than the one that makes the *khutbah*, fasting during $i'tik\bar{a}f$ an obligation for which there is never mentioned any order for, and also no voluntary act for, and then invalidates the obligations, Allāh himself designated the word obligation for and he said about it, "If you have believe in Allāh."

As for the *mālikiyyah*, they use as evidence for the emancipation of the brother which is owned by his brother, the saying of Allāh, "I have no control over anyone except myself and my brother" [Al-Mā'idah: 25]. No one with the least amount of 'aql can comprehend form this the obligation of the emancipation of the brother from this, just as the obligation of the *zuhr* prayer is not comprehended from this.

They also invalidated the obligation upon the heir to provide maintenance based on their ra $\bar{\tau}$, even though All $\bar{a}h$ said: "The child's father must provide reasonable maintenance and clothing for the mother. No soul shall be burdened beyond its capacity. No mother shall be made to suffer harm on account of her child, nor a father on account of his child. The heir has the same obligation" [Al-Baqarah: 233].

They made a distinction between the harm caused to the father on account of his child—where they obligated maintenance—and the harm caused by the heir to the inheritor—where they did not obligate maintenance—despite Allāh, the Almighty, equating both scenarios equally. There is no greater harm in 'aql and understanding than for an heir to abandon their inheritor, leaving them to beg or die of hunger, while the heir possesses sufficient wealth to sustain and exceed their own needs. In doing so, they contradicted the ruling and practice of 'Umar ibn al-Khattāb in this matter.

And the *mālikiyyah* said, "The order of Allāh of *Mukātabah* is recommended, and giving them the property which he has given them is recommended and his order for provision (*mut'ah*) of the wife is recommended," then when the verse, "And leave sale" [Al-Jumu'ah: 9] is recited to them they say, "It is obligatory."

If they considered these blatant contradictions they utter, it would be better for them than opposing the orders of Allāh and His Messenger with incoherent arguments. Sometimes they say some orders are not obligatory, and if it is said to them that Allāh has ordered them, they respond that orders are upon *tawaqquf* and not obligatory unless there is evidence. Other times, they make orders obligatory without any evidence or any indication, merely out of desires and *taqlīd*. And Allāh is the source of strength.

As for those who agree with them on such tawaqquf among the followers of al-Shāfi'ī, they say, "If we do not find evidence that the order is recommended, we uphold the order as obligatory." This is an abandonment by them of their statement about their tawaqquf because they revert to ruling orders as obligatory by themselves without an indication when they lack evidence for recommendation. This is our very own statement, and we do not disagree with them that if an order comes with a text or $ijm\bar{a}$ indicating that it is recommended, it is obligatory to rule it as recommended. We only disagree with them on the tawaqquf itself. And we ask them: Is there for this tawaqquf any end? If they set a limit, they are obliged to provide decisive

evidence for it, and there is no way to do so. If they do not find a limit for it, it would last for a lifetime, thereby invalidating acting upon any order. This leads to the invalidation of the *sharī'ah*. Some of those who adhere to our method from those who preceded us argued: If an order does not indicate obligation by its mere wording, it must either be understood by another order or something derived from the order. In both cases, one must refer to an order, so the discussion about the second order is like the discussion about the first order. This leads to no end, then the obligation of any order is never established.

They also argued against those who make *tawaqquf* in orders by stating that, in the language, disobedience is the violation of an order. If the order would not be known to be an obligation by its wording alone, then the intended meaning would by necessity be known either by another order or something extracted from an order, and both, must have a return to an order by necessity, so the matter of the second is like the matter of the first, otherwise it has no end ever.

And disobedience in the language is opposing an order. And obedience is carrying out an order, Allāh said, "And whosoever disobeys Allāh and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide therein for eternity" [An-Nisā': 14].

And Allāh said, "And we did not send any messenger except to be obeyed by permission of Allāh" [An-Nisā': 64].

So the obligation of the orders are established by necessity, the ruling of Allāh of the fire on the one that leaves it.

And it is said to the one that believes in *tawaqquf* in this: What will you do if you find orders from Allāh and His Messenger free from *qarā in* completely, and no indication that it indicates that it is an obligation nor not voluntary, it must be one of the following three: either *tawaqquf* must be done forever, and this is abandonment of the orders of Allāh and His Messenger, this itself is an abandonment of the religion. Or it is understood as something voluntary, this then gathers two aspects, one is no decisive evidence second is allowing opposition to Allāh and His Messenger without certain evidence, or thirdly it is an obligation and this is our method and there is in this an abandonment of their method and taking from the orders as an obligation, from the direct words itself without requiring *qarīnah*.

They cling onto the narration that the Prophet said, "No one must pray the 'asr prayer except at Banī Quraiza." 419

Then, a group prayed 'aṣr before reaching it, and they said, "It was not intended here, here." And another group prayed it after the nightfall. When this reached the Prophet ##, he did not rebuke either of the two groups.

There is no evidence in this for them, and if they also use this narration as evidence that two differing views can be simultaneously correct, it becomes even more false. As for those who infer from it that the orders of the Prophet are not obligatory, there is no hujjah in this for them. This is because the Messenger of Allāh had previously stated regarding the time of Asr that it extends from when the shadow of a thing equals its length until the sun turns yellow. He further explained that delaying it to the time of yellowness without a valid excuse is the act of hypocrites.

So on that day, the companions faced two orders, obliging prioritizing one over the other. One group adhered to the earlier order, while the other group followed the later one. However, each group understood the order they followed to be obligatory and preceded it over the other.

We have previously clarified such narrations and clarified in detail how to act upon them and derive rulings from them. If we had been present on the day of Banū Qurayzah, we would not have prayed 'Aṣr except there, even if it meant praying after midnight. This conclusion is based on our clarification regarding the reconciliation of narrations that appear contradictory but are, in reality, not.

This principle applies to all narrations with an apparent disagreement; the consensus is to take the additional meaning while making exceptions for the lesser meanings from the larger meaning ones as we clarified before. These two narrations encompass both aspects. So the order of the Prophet on that day, not to pray 'Aṣr except at Banū Qurayṣah, was a specific order made an exception to one prayer, on one unique day in history.

This exception does not contradict the general order to perform every 'Aṣr prayer, every day, from the time Zuhr ends until the sun's disk (not its glow) turns yellow—except when someone is coerced. However, this does not apply on the day of 'Arafah.

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⁴¹⁹ Sahīh al-Bukhārī 946

And also the order of the Prophet and to pray 'aṣr' on that day except at Banī Quraiza is an additional ruling, a ruling that came, contrary to the previous ruling and contrary to the ma'hūd al-aṣl' of the ruling of the 'aṣr' prayer being before that day and after that day, so it is obligatory to obey the additional ruling based on the certain evidences preceded on the obligation of accepting what the Prophet acame with from His Lord.

So his sorder not to pray 'aṣr on that day except at Bani Quraiza is the same as the saying of the Prophet the day of sacrifice during hajj

, he mentioned the *maghrib* prayer and said regarding it there, then the Prophet said, "The prayer waits you ahead." ⁴²⁰

This is according to consensus, all Muslims, transferring the time of *Maghrib* on that night, specifically during *ḥajj*, specifically in that place, as an exception different from its usual time to another time. There is no difference between the additional order regarding the 'aṣr prayer on the day of Banī Quraiza and between the *Maghrib* prayer on the night at al-Muzdalifah. This is very evident for the one that reflects.

As for the one that uses this narration as evidence for the one that thinks the truth can be within multiple different opinions and says, "The Prophet # did not rebuke each one of the groups, and this is an evidence that both of them were correct," it is said to him: There is no evidence in this on what you claim, it is but a clear indication that one of the groups were correct only, receiving two rewards and that the other one gets one reward for his ijtihād to seek the truth, excused for his mistake, because he did not on purpose sin, and Allāh said, "There is no sin on you concerning that in which you made a mistake" [Al-Ahzāb: 5]. And the Prophet said, "Everyone will have that which they intended,"421 and both groups intended nothing but good, and the Prophet # has said that if the ruler makes a ruling does ijtihād and is mistaken that he gets one reward. Every speaker on any issue, who is allowed to speak in the manner ordered with istidlal that is free from taglad, falsehood and desire, is a ruler in that matter because he imposes a ruling. Every imposer of a ruling is a ruler, and he is included in bringing about the matter with the mentioned hadīth. If someone says, "The Messenger of Allāh did not order the erring group to repeat if they prayed the 'asr at the normal time before reaching Banī Quraiza, and its time according to you in that was

⁴²⁰ Sahīh Muslim 1280

⁴²¹ Sahīh al-Bukhārī 1

after reaching it, nor did the prophet ** rebuke the group that delayed the obligatory prayer till after midnight if they would be wrong."

It is not known at what time the news about the two mentioned groups reached the Prophet . Perhaps it reached him the following day, after the time of 'Asr had entirely passed. There is no obligation to repeat the prayer for someone who abandons it due to ta' $w\bar{\imath}l$ by someone who is allowed to make a praiseworthy ta' $w\bar{\imath}l$ ($ijtih\bar{a}d$ in a valid manner even if it is wrong), as opposed to following $taql\bar{\imath}d$, false methods, or desires (which is never ijtihad). Similarly, there is no obligation to repeat the prayer for someone who deliberately abandons it without ta' $w\bar{\imath}l$ or necessity until its time has passed.

As for the one who makes *ta'wīl* (and is wrong), he is excused and is only held accountable for what he knows. As for the one who deliberately abandons prayer, his sin is too grave for us to order him to perform expiation or a prayer that Allāh, the Almighty, has not order (while the former is also not ordered by texts to make it up outside the prayer time). It is not permissible for us or anyone else to exceed the limits set by Allāh, the Exalted, by imposing an obligation that He has not permitted, thereby nullifying an obligation that Allāh has obliged. We seek refuge in Allāh, the Almighty, from such actions. His matter rests with his Creator, not with us.

He will face either the One of vast forgiveness or the One of severe punishment, where nothing is lost or forgotten before Him. At the scales, every person will know what is for him and what is against him. We ask Allāh for His forgiveness and pardon on that Day, $\bar{A}m\bar{\nu}n$.

And the Prophet ** rejected/rebuked Abū Saʿīd ibn al-Muʿalla when the Prophet ** called him and he did not respond while he was in the prayer, then the Prophet ** said, "Did Allāh not say, 'O you who believe, respond to Allāh and the Messenger when they call you to that which will give you life' [Al-Anfāl: 24]."

This is clear clarification on taking the orders from the Prophet literally and upon the apparent all as an obligation, and from those orders is the order of Allāh to obey the Messenger and in his mentioned saying to Abū Saʿīd there is a clear clarification on the validity of what we established before: making exceptions of the lesser meaning from the larger meaning and using every single order. Because the saying of Allāh, "Respond to Allāh and the Messenger" [Al-Anfāl: 24]. And the saying of Allāh, "Do not make your

⁴²² Sahīh al-Bukhārī 4474

calling of the Messenger among you as the call of one of you to another" [An- $N\bar{u}r$: 63].

This specifies the Messenger of Allāh if from other people that speak to the one praying when he speaks to them, and that does not break the prayer. With these two verses and the mentioned narration the saying of the one that claims that the one praying can speak to the *imām* if he does *wahala* in his prayer and seeks to use as evidence for that the narration of Dhul-Yadayn which we mentioned just above that it is specific for the Prophet in without anyone else. Glory be to him who facilitated the Mālikīs to make the specific in this matter: general and make the general texts of the Prophet in which the Prophet in himself made general and gets angry on the one that makes it specific: specific, such as the one kissing during the fasts of Ramaḍān, they insist on making it specific without any certain decisive evidence. And sufficient for us is Allāh, and He is the best disposer of affairs.

Whoever permits for there to exists threats from the Prophet with the meaning of $tahd\bar{\iota}d$ while it is not a real threat, he has obsoleted all rulings and perhaps then the threat against the $kuff\bar{\imath}a$ are also the same, whoever reaches this state, then speaking with him is of no use, because it implies him the permissibility to abandon all rulings, because perhaps it is voluntary and perhaps every single threat $(wa \, \bar{\imath}d)$ is only a $tahd\bar{\imath}d$, while this is a department from the $ma \, \bar{\imath}q\bar{\imath}l$ it is also an exit from Islām because it is a rejection of Allāh. Success is with Allāh, the Exalted.

And that which clarifies that orders are all an obligation are the verses, "Be cursed (the disbelieving) man! How ungrateful he is! From what thing did He create him? From a sperm-drop He created him and destined for him; Then he makes the Path easy for him. Then he causes him to die and puts him in his grave. Then when it is His Will, He will resurrect him. Nay, but (man) has not done what He ordered him" ['Abasa: 17-23]. Allāh Almighty has numbered (reckoned) against mankind in their disbelief that they did not fulfill what He ordered. And whoever understands the orders as other than obligations and permits neglecting them, then he did not fulfill what He ordered. And in what we mentioned is sufficiency.

And the Prophet * has made a difference between obligatory orders and orders of choice, a difference that leaves no place for riot.

Jābir ibn Samurah said, "A man asked the Messenger of Allāh whether he should perform ablution after (eating) mutton. The Prophet ##

said, 'Perform ablution if you want, and if you do not want to, then do not perform it.' He (again) asked, 'Should I perform ablution (after eating) camel's flesh?' The Prophet said, 'Yes, perform ablution (after eating) camel's flesh.'',423

⁴²³ Şahīh Muslim 360

Section: The Description Of Orders

The obligatory orders come in two forms. The first is with the word 'do! (if'al)' or 'do $(if'al\bar{u}$, plural)' and the second is with the form of a statement (khabar), either with a verb phrase $(jumlah\ fi'l)$ and what the subject $(f\bar{a}'il)$ or an object $(maf'\bar{u}l)$ necessitates, or with a nominal sentence $(jumlah\ ibtid\bar{a}')$ and a predicate (khabar).

As for the description of the form of 'if'al' or 'if'alū,' they are many, such as the verse, "And perform the prayer and give the $zak\bar{a}h$ " [Al-Baqarah: 43]. And the verse, "Take from their wealth \$\sigma adaqah\$" [At-Tawbah: 103]. And the likes of this.

As for the description of the form of *khabar* and *jumlah fi'l* and what it necessitates, such as the verse, "My Lord has only forbidden immoralities - what is apparent of them and what is concealed" [Al-A'rāf: 33].

And the verse, "Indeed, Allāh orders you to render trusts to whom they are due" [An-Nisā': 58].

And the verse, "Decreed upon you is fasting" [Al-Baqarah: 183].

And the verse, "Decreed upon you is fighting" [Al-Baqarah: 216].

And the verse, "Prohibited to you are your mothers" [An-Nisā': 23].

And the verse, "It is made lawful for you to have sexual relations with your wives on the night of the fasts" [Al-Baqarah: 187].

And the narration, "I have been ordered to prostrate on seven bones." 424

And whatever is similar to this.

And many of the orders we mentioned are as you can see with the form of the object $(maf'\bar{u}l)$ without a mention of the subject $(f\bar{a}'il)$, but since Allāh said, and his saying is the truth, "Nor does he speak of (his own) desire. It is only a Revelation revealed" [An-Najm: 4]. Since this is established we

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⁴²⁴ Sahīh al-Bukhārī 809, 810

know that there is no place for doubt that no order and no prohibition moves except if it is done by Allāh.

Allāh not mentioning the name of the one ordering and the one prohibiting and him mentioning it are the same one the validity of us understanding that the intend with those rulings is that it is Allāh who ordered it and he who prohibited it without anyone else.

As for the description of *jumlah lafz* (nominal sentence with an) *ibtidā* '(subject) and *khabar* (predicate).

Such as the verse, "So its expiation is the feeding of ten needy people" [Al-Mā'idah: 89].

And the verse, "The penalty is an equivalent from sacrificial animals" [Al-Mā'idah: 95].

And the verse, "And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment [diyah] presented to his family" [An-Nisā': 92].

And the verse, "And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days]" [Al-Baqarah: 234].

And the verse, "Divorced women remain in waiting [i.e., do not remarry] for three period" [Al-Baqarah: 228].

And the verse, "The standing place of Abraham. And whoever enters it [i.e., the Ḥaram] shall be safe" [Āl 'Imrān: 97].

And the verse, "And [due] to Allāh from the people is a pilgrimage to the House - for whoever is able to find thereto a way" [Āl 'Imrān: 97]. And there are many verses and narrations like this.

There is no way for the existence of obligatory orders except in these two manners only, as for the 'unşur of orders and prohibitions, that is only what emerged through the words, "if'al," or "la taf'al." This is a form which does not occur with a mere khabar (as you saw) of which the meaning is the meaning of a mere khabar, no ta'ajjub (reflecting) occurs in it and no oath occurs in it, in this form only the sīghah al-ṭalabiyyah (request) occurs, whatever from it is directed to Allāh, then it is a du'ā' (supplication) only, whatever from it is to other than Allāh then it is only a raghbah (desire) and not called a du'ā' at all except what is from it is a talabah to Allāh.

And even if it is attributed to someone other than Allāh Almighty, Then it is said, 'Call (from the form $du'\bar{a}$ ') so-and-so,' with the meaning, 'summon him.'

As for the premises used to derive conclusions in debates, the *aṣl* (principle) is that they are formulated in the form of a *khabar* (narrative statement), such as the saying of the Prophet : "Every intoxicant is *khamr*, and every *khamr* is prohibited." The conclusion is that every intoxicant is prohibited. However, in our debates with the people of our religion and the people of our belief regarding matters of dispute, we are exempt from adhering to this principle because we agree that the imperative verb 'do (*if* 'al)' is an acceptable premise that sufficiently establishes the argument among us.

The orders expressed with the wording of a *khabar* are distinguished from statements that are purely *khabar* in both wording and meaning by the necessity of 'aql. For example, the statement of Allāh, "But whoever kills a believer intentionally—his recompense is Hell, wherein he will abide eternally" [An-Nisā': 93], is of the same type as the verse, "And whoever kills a believer by mistake—then the freeing of a believing slave" [An-Nisā': 92]. On the surface, both verses appear as orders. However, one of them is purely a *khabar* in both its wording and meaning, while the other, though phrased as a *khabar*, carries the meaning of an order. We know this distinction because the recompense of Hell is not something we are capable of enacting ourselves—it is beyond human capacity. Allāh has assured us that He does not order us to do what is beyond our capacity, as He, the Almighty, said: "Allāh does not burden a soul beyond its capacity" [Al-Baqarah: 286].

As for freeing a slave and paying the blood money, by necessity of 'aql we know that these are within our capacity and that Allāh does not enact these actions directly without human involvement. So we distinguish between a khabar that implies an order and a khabar that is purely a khabar in both meaning and wording.

Some atheists objected to us regarding the verse, "The standing place of Abraham. And whoever enters it is safe" [Āl 'Imrān: 97], arguing that this should also be understood as a *khabar* in both meaning and wording.

This claim is false by the Qur'ān itself and by observable reality. As for the Qur'ān, Allāh says: "And do not fight them at al-Masjid al-Ḥarām

unless they fight you there. But if they fight you, then kill them" [Al-Baqarah: 191].

So the assumption that the verse "Whoever enters it is safe" [Āl 'Imrān: 97] is purely a *khabar* is false, as we are ordered to fight those who fight us within it or near it.

They sought to understand this as a khabar both with its words and its meaning.

As for with necessity of witnessing, we are certain of the fighting that happened there time after time by the hands of Husayn ibn Numayr, al-Hajjāj inn Yūsuf, ibn al-Aftas al-'Alawī, and their qarāmiṭah brothers, and Allāh says nothing but the truth, so it is established that the meaning of the saying of Allāh, "Whoever entered it was safe" [Al-Baqarah: 191] is only an order due to the two certain evidences preceded, and similarly we say that it is not allowed to carry out *hudūd* in the *harām* on anyone, no imprisoning, ta 'zīr, no amputation of hands, lashing, qiṣāṣ, stoning, killing for riddah, and also not for $zin\bar{a}$ and also not for anything else, except for the one that fights us only. This is based only from the texts of the Qur'an and Sunnah and for this there has come texts from the Prophet , whoever allows differing with Allāh or His Messenger and follows 'Amr ibn Sa'īd, Yazīd, al-Ḥajjāj, al-Ḥusayn ibn Numayr and carries out the hudūd there and kills there the one that deserves to be killed according to him or others. Then let him reflect on what his views imply from rejection of his Lord and that he allows himself to follow whoever he follows and opposes Allah the Most Exalted and His Messenger, in order to escape the question we mentioned earlier. Even if he were able to do so, he would not be able to avoid disobeying his Prophet #, when the Prophet said that it was only permitted for him for an hour of the day, and not for anyone else, and then it returned to its previous sanctity until the Day of Judgment, with no blood to be shed therein. He explicitly stated that no one is allowed to make concessions in this matter because of his fighting, and he specified that this was exclusively for him.

This is an eternal decree and a definitive order $(ta'k\bar{\imath}d)$ that cannot be subject to abrogation, ever, because of his explicit statement that it remains until the Day of Judgment. So, whoever permits the possibility of abrogation for such has allowed for the possibility of the Prophet \cong lying. And whoever allows that is a $k\bar{a}fir\ mushrik$. Glory be to Him who made it easy for these people to reverse the truths, making what has been explicitly stated as



specific, general, and what has been explicitly stated as general, specific. And we seek strength in Allāh the Exalted.

The Prophet $\stackrel{\text{def}}{=}$ only spilled there permissible blood and prohibition qisas in general, and our saying is also the view of 'Abdullāh ibn 'Umar, 'Atā' and others 425 .

And 'Abdullāh ibn 'Umar would say, "If I met a killer of 'Umar there I would not rebuke him yellingly." ⁴²⁶

So if the orders and prohibitions are mentioned on the mentioned descriptions, then it is forever an obligation as long as there is no text from Qur'ān, Sunnah and $ijm\bar{a}$ indicating that it is $mans\bar{u}kh$ or that it is $mankh\bar{y}\bar{u}\bar{y}$, or that it is $mand\bar{u}b$, or that departed from some of the aspects of the obligation, for that specifically we will write a chapter by the will of Allāh.

As for the description of *nadb*, that is the word, "or (*aw*)" as a praise for the doer or the action, such as when the Prophet said, "This branch from Quraysh will ruin the people." Then the Prophet said, "If the people would keep away from them."

This is then a recommendation to leave fighting with the ta 'awwalīn among them, and such as when the Prophet \cong said, "If you would take ghusl." 428

We only oblige *ghusl* for *jumu'ah* because of the other narration which has the wordings of an obligation.

As for the praise, it is such as verse, "Within it are men who love to purify themselves" [At-Tawbah: 108]. This is an exhortation their action which is $istinj\bar{a}$ ' with water. And such as the saying of the Prophet * that "Lā Ilāha Illā Allāh" is a treasure from the treasures of $jannah^{429}$.

And there are many examples for this, that which has come through the words we mentioned, it is a *nadb* not an obligation. It is known through the *ṣīghah* of the language and its ranks, and a necessary knowledge for which opposition is not possible.

⁴²⁵ Al-Musannaf by 'Abd al-Razzāq 5/151-153 | Sharh Mushkil al-Āthār 9/376-379

⁴²⁶ Tafsīr al-Tabarī 7461, 3/360

⁴²⁷ Sahīh al-Bukhārī 3604

⁴²⁸ Sahīh al-Bukhārī 903, 2071

⁴²⁹ Sahīh al-Bukhārī 2299



As for *amr al-ibāḥah* (the order to choose) it is with the word, "or (*aw*)" such as the verse about the recompense after shaving the head during *iḥrām*, from fasting or charity or *nusuk* [Al-Baqarah: 196].

And such as the saying of the Prophet * while he was at 'arafah at night or daytime.

The astonishment increases from the one that understands from what is narrated about the Prophet regarding his order on the one having intercourse during the daytimes of Ramaḍān to fast two consecutive months or to feed sixty poor or free a slave, that this is a recommended choice. While it has been narrated in an order and is obligatory arrangement⁴³⁰.

Then he understands the saying of the Prophet where he stood at 'arafah the night or the day as an obligation to stand there the night.

The permissibility can be with the wordings, "No blame (haraj or $jun\bar{a}h$)," such as the verse, "There is no blame on the blind" [An-Nūr: 61].

The Prophet was asked about $ram\bar{\imath}$ before shaving during the $i\hbar r\bar{a}m$ and before shaving and shaving before slaughtering and before rami, he said, "There is no harm."

And with this text it is established that the saying of Allāh, "Do not shave your head till the *hadī* reaches its place" [Al-Baqarah: 196] does not mean slaughtering, but it means reaching the time where it becomes permissible to slaughter, it goes accurately according our method of taking the apparent without burdening *ta* wīl without evidence.

Examples for this is the verse, "Then whoever hastens in two days, there is no sin upon him" [Al-Baqarah: 203].

And the verse, "There is no blame upon him for walking between them" [Al-Baqarah: 158].

And the verse, There is no blame upon them if they make terms of settlement between them" [An-Nisā': 128].

And the verse, "There is no blame upon you for seeking for seeking bounty from your Lord" [Al-Baqarah: 198].

And the verse, "If they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them" [Al-Baqarah: 233].

⁴³⁰ Sahīh al-Bukhārī 1936

⁴³¹ Sahīh al-Bukhārī 84



Allāh meant before the completing of two years, by text. And the verse, "There is no blame upon either of them concerning that by which she ransoms herself" [Al-Baqarah: 229].

And the verse, "There is no blame upon them for returning to each other" [Al-Baqarah: 230].

And the verse, "There is no blame upon you for that to which you allude concerning a proposal to a woman or concealed it in yourselves" [Al-Baqarah: 235].

And the verse, "There is no blame upon you if you divorce the women you did not touch (any physical touch) nor specified for them an obligation (*mahr*)" [Al-Baqarah: 236].

And the verse, "And if you decide on a foster suckling-mother for your children, there is no blame on you" [Al-Baqarah: 233].

And the verse, "Except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it" [Al-Baqarah: 282].

And the verse, "And there is no blame upon you for what you mutually agree to beyond the obligation" [An-Nisā': 24].

And the verse, "But there is no blame upon you, if you are troubled by rain or are ill, for putting down your arms, but take precaution" [An-Nisā': 102].

This is the $ma'h\bar{u}d$ of it in the language⁴³².

Whoever wants to make from the verse, "Indeed, al-Ṣafā and al-Marwah are among the symbols of Allāh. So whoever makes hajj to the house or performs 'umrah, there is no blame upon him for walking between them" [Al-Baqarah: 158] an obligation upon those performing hajj has been very neglectful because it implies him while he opposes what is understood from the language that he says regarding the verses we mentioned before that they are all an obligation and that the woman ransoming herself from her husband is an obligation and that the wives coming together after the new husband divorces the wife that was divorced three times by her previous husband is an obligation and that shortening the prayer is an obligation and that divorce before touching is an obligation. And that it is an obligation if they reconcile

 $^{^{432}}$ Al-Qāmūs al-Muḥīṭ pg. 286 | Al-Kulliyyāt pg. 41 | Muʿjam Maqāyīs al-Lughah pg. 26

concerning the weaning of the child before the two years, and likewise all that is in that verse.

Us obliging to perform the sa \tilde{i} between them as an obligation due to the narration of Abū Mūsā al-Ash arī, when he was ordered by the Prophet to perform $taw\bar{a}f$ between them⁴³³.

If it would not be for this narration, it would not be an obligation, not in the *ḥajj* and also not in the *'umrah*, and Allāh is the source of strength.

And we only oblige qasr of the prayer because of the narration of the Prophet $\stackrel{\text{def}}{=}$, he said regarding it, "It is an act of charity which Allāh has done to you, so accept his charity." And due to other authentic narrations.

And every word that emerged with, "Upon you is... ('alaykum)" is an obligation, and every single order that emerged with the word, "For you is... (lakum)" or every word that is a sadaqah is a nadb. Because 'alaykum is an obligation and $lan\bar{a}$ is a charity, its meaning is a gift, and accepting gifts is not an obligation except if we are ordered to accept it, it would then become an obligation.

And among the orders that change to *nadb* (recommendation), are the orders associated with an exception, then followed by a *takhyīr* (a choice made) for the one that is ordered, such as the verse, "Except if they give charity" [An-Nisā': 93].

And the verse, "Except if they forego [the right]" [Al-Baqarah: 237]. And the verse, "And to give charity is better for you" [Al-Baqarah: 280]. And what is similar to that, and all of this is known according to the rules of language and its arrangement.

⁴³³ Ṣaḥīḥ al-Bukhārī 1559, 1724, 1795, 4346, 4397

⁴³⁴ Sahīh Muslim 686

Section: Understanding The Orders And The Narrations From Their Apparent Meanings

A group, among those who pursue misguided *taqlīd* and follow misleading desires, went to the extent of saying, "We do not understand the words of orders and narrations upon their apparent meanings but rather, we make *tawaqquf* of them." Some of them, like Bakr al-Bishrī said, "The *khawārij* were only misguided because they understood the Qurʿān based on its apparent meaning."

Some also argued by saying, "Because we found some words diverted from their apparent meanings and we found that when someone says, 'You are generous,' or 'You are beautiful,' it can be meant sarcastically as a joke, implying 'You are ugly,' or 'You are stingy,' we know then that words do not indicate meanings on their own."

This is all their deceptive arguments are, and these people are truly sophists without any doubt. Everyone with intellect knows that languages were arranged by Allāh, the Almighty, to clarify meanings. Languages are nothing but words structured to convey meanings about their designations ($musammiyy\bar{a}t$). Allāh, the Almighty, said, "We did not send a Messenger except with the tongue of his people to clarify to them" [Ibrāhīm: 4]. And the tongue ($lis\bar{a}n$) is the language, without any difference here⁴³⁵. So if speech is not a clarification for its meanings, then what do these people, who have been forsaken by their Lord and their Prophet understand? Rather, how do they understand each other?

And it is said to them: If it is possible what you said, then how do we understand your intention with your words, perhaps you intend something else with it, other than that which is apparent from it and perhaps you intend

 $^{^{435}}$ Tafsīr al-Ṭabarī 7/415 | Al-Muḥarrar al-Wajīz 3/323

to affirm what you outwardly negate. Whatever they answer is implied against them in the enormity of the foolishness they have committed. These are people who have entirely nullified truths and prevented understanding altogether. Speaking with them is almost a burden if it were not for the many weak people who are deceived by them. The Messenger of Allāh spoke the truth when he warned that people would take ignorant leaders and by that be led astray and lead others astray.

As for Bakr's claim that the *khawārij* were only misguided by following the apparent meaning, he has lied, spoken falsehood, innovated and sinned. They were not misguided except by the same manner he was misguided by clinging onto verses, then abandoning others and they abandoned clarification which Allāh ordered the Prophet to clarify to the people just as Bakr abandoned it, and also if they would gather all the verses of the Qur'ān and the words of the Prophet and make them all necessary and one ruling, all followed, they would be guided, while the *khawārij* are more excusable than them and are less in misguidance. Because the *khawārij* do not oblige themselves any single *khabar ul-wāḥid*, as for him, he believes its obligation and but then permits disobeying it.

The correct saying here is that the *rawāfiḍ* have only been misguided by abandoning the apparent, following what Bakr followed, and the likes of him from *taqlīd*, and speaking with desire, not guidance from Allāh, nor certain evidence. The *rawāfiḍ* mention the verse, "Verily, Allāh orders you to slaughter the cow" [Al-Baqarah: 67] They say, "This is not upon its apparent, Allāh did not mean the cow, He only meant 'Ā'ishah," and the curse of Allāh is on the one that insults her.

And they say, "The words jibt and $t\bar{a}gh\bar{u}t$ are not understood from their apparent meanings, they only mean Abū Bakr and 'Umar," and cursed is the one that curses them.

And they mention the verse, "On the day the heaven will sway with circular motion. And the mountains will move away, departing" [Aṭ-Ṭūr: 9-10]. They say, "This is not upon its apparent. The heavens is Muḥammad and the mountains his companions."

And they mention the verse, "Your Lord revealed revelation to the bees" [An-Naḥl: 68]. They say, "This is not understood from the apparent, the bees are Banū Hāshim, and that which comes out their bellies is knowledge."



Bakr and the likes of him chose their path and said about the verse, "And your clothing, purify!" [Al-Muddathir: 4]. They say, "This is not real clothing, this is only the heart."

And they say regarding the narration of the Prophet , "The buyer and seller have the option (to annul the sale) as long as they do not depart."

They say, "This is not a literal physical departing, but it means them concurring on the price."

They also say regarding the verse, "If a man dies, leaving no child but [only] a sister" [An-Nisā': 176]. They say, "This is not from the apparent, this is only the male son, not a female."

And they say regarding the verse, "O you who have believed, testimony [should be taken] among you when death approaches one of you at the time of bequest - [that of] two just men from among you or two others other than you" [Al-Mā'idah: 106]. They say, "This is not from the apparent, only those, he only meant those from another tribe."

And these people are asked, "Do words carry meanings expressed using that word exclusively without other words or not?" If they say, "No," speaking with them becomes invalid and it necessitates us not to understand anything from them as their words to not indicate any meaning and their words do not express any reality. And if they say, "Yes," they have left their corrupt method and everyone that speaks of *tawaqquf* regarding the orders then he is part of them and he joins them with an addition of invalidating all speech from the first to the last and he is also part of them regarding those that speak of *tawaqquf* regarding the *'umūm* and we will mention it in its chapter by the will of Allāh.

If they ask, "How do you know what is changed from the apparent meaning," it is said to them: We know that through another apparent text that informs us about that or a certain decisive *ijmā* conveyed about the Prophet that it changed from the apparent only. We will clarify that in the last chapter regarding *'umūm* and *khuṣūṣ* by the will of Allāh.

Allāh has declared this misguided group liars when he blamed those who make *taḥrīf* of the words from their places, He said, "They say, 'We hear and we disobey." [Al-Baqarah: 93].

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⁴³⁶ Sahīh Muslim 1531

There is no clarification more clear than this, that it is not allowed to change words from their places in the language and that the doer of that is a blamed sinner after he hears what Allāh said, "Thus, [O Muḥammad], We relate to you from the news of what has preceded. And We have certainly given you from Us a message. Whoever turns away from it - then indeed, he will bear on the Day of Resurrection a burden" [Tā-Hā: 99-100]. So it is established that all of the wahī, whoever abandons the apparent has turned away from it and embraced ta wīl for which there is no evidence, and Allāh said, "A party of them used to hear the words of Allah and then distort it after they had understood it while they were knowing?" [Al-Baqarah: 75]. And every single word changed from its known meaning in the language its doer has distorted it (made tahrīf of it). And Allāh has rejected that about the speech of the people, "Then whoever alters (makes tabdīl) it after he has heard it - the sin is only upon those who have altered it" [Al-Bagarah: 181]. And *tabdīl* is nothing other than changing words from its arranged places without evidence from text or certain ijmā' from the Prophet . And Allāh said, "O you who have believed, do not say, 'rā'inā' but say, 'unzurnā." [Al-Baqarah: 104].

So it is established that following the apparent is obligatory and that it is not allowed to transgress it ever. And Allāh says, "And do not transgress, Allāh does not love those who transgress" [Al-Mā'idah: 87]. Transgression is exceeding what is obligatory. Whoever moves a word from its intended meaning in the language in which we were addressed, without an order from Allāh Almighty or His Messenger, and assigns it to another meaning, has transgressed. Let it be known that Allāh does not love such a person. If Allāh does not like him, then He hates him. We seek refuge with Allāh from that.

Allāh said, "These are the limits of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [Al-Baqarah: 229].

And Allāh said, "And whoever disobeys Allāh and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment" [An-Nisā: 14].

And Allāh said, "And He taught Ādam all the names (of everything), then He showed them to the angels and said, 'Tell Me the names of these if you are truthful." [Al-Baqarah: 31].

So He stated clearly for which there is no *ta'wīl* possible, that He applied for every single named thing a, specifically for it, the same for the limits of Allāh about which Allāh has informed us that whoever transgresses it that he is a transgressor and that he will enter him in the fire. The people of that are for their embarking on falsehood which is not hidden from anyone with 'aql. And by Allāh Almighty we seek refuge from misguidance and ask Him for success, for everything He changes, there is no deity except Him, so there is no successful one except whom He guides, and no stray one except whom He misguides. And with Allāh Almighty in all that is the perfect *ḥujjah* against us, and we have no *ḥujjah* against Him, and He is not questioned about what He does, but they are questioned. And sufficient for us is Allāh, and He is the best disposer of affairs. And He, the Almighty, said, "Follow what is revealed to you from your Lord" [Al-An'ām: 106]. So He ordered him to follow the revealed revelation which is what is heard, the apparent only.

And Allāh said, "Is it not sufficient for them that We have sent down to you the Book which is recited to them" [Al-ʿAnkabūt: 51].

So the Most Exalted informed us that the recitation itself suffices us, this is a clear indication that it is transgression to seek something else which is *ta'wīl*, not the apparent which is recited only. And Allāh said, ordering his Prophet to say, "I do not tell you that I have the depositories of Allāh or that I know the unseen, nor do I tell you that I am an angel. I follow nothing but what is revealed to me" [Al-Anʿām: 50].

If nothing would exist except this verse, It would be sufficient, he freed himself from the *ghayb* and follows nothing but what is revealed to him only. The one that claims ta ' $w\bar{t}l$ and leaves the apparent, leaves the revelation, claiming knowledge of the *ghayb*. Every single thing that is absent from the witnessing one, which is the apparent, then it is the *ghayb*, as long as there is no evidence from the necessity of the 'aql or text from Allāh or his Messenger or $ijm\bar{a}$ ' that returns to text. And Allāh says, "Then is it other than Allāh I should seek as judge while it is He who has revealed to you the book explained in detail" [Al-An'ām: 114].

Whoever seeks a ruling other than the texts from Allāh and His Messenger in the Qurʿān and the words and rulings of the Prophet has sought other than Allāh as a judge and the Most Exalted clarified that the ruling is what he revealed in his book explained in detail, this is the apparent

which no one is allowed to transgress, Allāh said, "And Allāh eliminates falsehood and establishes the truth by his words" [Ash-Shūrā: 24].

And He stipulated that falsehood is only eliminated and that the truth is established only by His words, so it is established that the words only express based on how it is arranged in the language and that anything other than it is falsehood, so it is established that nothing other than the apparent words are followed due to the certain evidences.

And Allāh said, "And indeed, they were about to tempt you away from that which We revealed to you in order to make you invent about us something else" [Al-Isrā': 73].

Whoever abandons the apparent word and seeks meanings that which the words of the revelation does not indicate, has invented about Allāh as mentioned by texts.

And Allāh said, "We have sent down to you the book as a clarification for all things" [An-Naḥl: 89].

And Allāh said, "We revealed to you the message that you may make clear to the people what was sent down to them" [An-Nahl: 44].

So Allāh has stated clearly that the clarification is only the Qurʿān and the words of the Prophet . So it is evident that only the Qurʿān and His words oblige, and all other *ta* 'wīl are invalid.

And Allāh said, "And we did not send any messenger except [speaking] in the language of his people to state clearly for them" [Ibrāhīm: 4].

In this verse, there is sufficient evidence for those who understand that the language of the Prophet with which he addressed us must not be extended in its terms beyond their original meanings to anything else at all.

Abū Muḥammad —» Yūsuf ibn 'Abdullāh ibn 'Abd al-Barr al-Namarī —» Sa'īd ibn Naṣr Abū 'Uthmān al-Umawī —» Qāsim ibn Aṣbagh —» Muḥammad ibn Waḍḍāḥ al-Marwānī —» Abū Bakr ibn Abī Shaybah — » Khālid ibn Makhlad —» Muḥammad ibn Ja'far—» Hishām ibn 'Urwah — » 'Urwah —» 'Ā'ishah, "The Prophet ** would not make *ta'wīl* of anything from the Qur'ān except an amount of verses that Gabriel informed him of."

So if the Prophet did not make ta'wīl of anything from the Qur'an except by revelation that takes it out of its apparent meaning, then whoever does otherwise has opposed Allāh Almighty and His Messenger. Except that this specific narration is weak because of Muḥammad ibn Ja'far, he is



weak, but those that oblige following narrations of such weakness are implied by what we mentioned.

And Allāh Almighty has forbidden and prohibited saying about Him what the speaker does not know. And as we only know what we have been taught by Allāh and His Messenger, then abandoning the apparent meaning that we have been taught and going beyond it to a *ta'wīl* which no other apparent meaning has come for is prohibited, sinful, and disobedient to Allāh Almighty. And Allāh Almighty has warned, so whoever sees, it is for his own benefit, and whoever is blind, it is against himself.

Abū Hurayrah said, "O son of my brother, 'If I narrate to you a narration about the Prophet [∞], then do not strike examples for it."⁴³⁷

 $^{^{437}}$ Al-Muṣannaf by 'Abd al-Razzāq 672, 1/174

Section: Must The Orders Be Carried Out Instantly, Or Can It Be Delayed?

There are those that claim, "The orders can be delayed."

Others have said, "The orders must all be done instantly except what texts allowed to be delayed or $ijm\bar{a}$ '." This is the position which no one is allowed to oppose, because of the verse, "And hasten towards the forgiveness of your Lord" [\bar{A} 1 'Imr \bar{a} n: 133].

And the verse, "And hasten towards all that is good" [Al-Baqarah: 148].

And we have presented that the orders of Allāh, the Exalted, are obligatory. So, if Allāh, the Exalted, orders us to hasten to all that is good and to rush to what necessitates His forgiveness, then it is established that it is obligatory to hasten to what we are ordered at the moment the order is received, without delay or hesitation.

Some opponents have argued and said, "There is no evidence in His saying, the Exalted, 'And hasten towards the forgiveness of your Lord' [Āl 'Imrān: 133] that orders necessitate hastening to them because He, the Exalted, ordered us to hasten to forgiveness, not to the action."

This reflects how easily these people reverse the realities. We are certain, based on Allāh's *statement: "Are you recompensed except for what you used to do?" [Al-Naḥl: 90], that no one attains forgiveness except through righteous actions that necessitate them for Allāh's promise of mercy and forgiveness. From this, we know with certainty that the intent of Allāh in His statement, "And hasten towards the forgiveness of your Lord" [Āl Imrān: 133], that the hastening referred to is only towards the actions that necessitate forgiveness from your Lord. This is because there is no way to hasten towards forgiveness except through such actions. This is from the hadhf (ellipsis) that is indicated by the hāl. We only say this for two reasons: Firstly, there is clear texts that no one attains forgiveness—or anything else—

except according to their actions. Secondly, the text affirms that Allāh does not burden a soul beyond its capacity. It is beyond anyone's capacity to hasten towards mere forgiveness without intermediate righteous actions.

As for what is tied to a single time, such as fasting Ramaḍān, the text has stipulated the obligation to delay it until its appointed time. If the time passes, it is established that fulfilling it as ordered is no longer possible, except if another text specifies otherwise, in which case it must be adhered to.

For what is tied to a time with delay, the text has stipulated the permissibility of delaying it until the end of its time and the obligation of delaying it until the beginning of its time (as it is invalid before that). If the time passes, then it is the same as the previous case with no difference, such as the times of prayer.

As for what is not tied to a specific time, its obligation is to hasten it at the first available opportunity, and the order to fulfill it does not cease from the one obligated by reason of their delay out of disobedience. Similarly, what is tied to a time with a defined beginning but no specified end, or what is tied to a fixed recurring time, follows the same ruling.

The first type is like making up the fasting for the sick and travelers for the days of Ramaḍān. That is obligatory at the first possible time for it. If one hastens to it, they have fulfilled their obligation, but if they delay it without excuse, they are sinful for the delay and the obligation remains upon them forever.

The second type is like the obligation of $zak\bar{a}h$, as its time has a beginning time, which is the completion of the lunar year, and there is no beginning before that, and there is no defined end for its time, but it remains until the time of presenting before Allāh, the Exalted, because the text did not come with an end. The ruling on hastening to perform it or delaying it is the same as we said for the previous type.

The third type is like *ḥajj*, which is tied to a specific time of the year, and it is not obliged on a person in a specific year, but it remains obligatory on every capable person until the time of presenting before Allāh, the Exalted. The ruling on hastening to perform it or delaying it is the same as the previous two types.

If someone says, "Why do you permit fasting for the expiation of an oath and making up Ramaḍān in a non-consecutive manner, as well as fasting

for the *mut'ah* (*tamattu'*) of *ḥajj* and washing the limbs in ablution and the *ghusl* from *janābah* and on Friday to be performed non-consecutively?"

The answer: we have not departed from our original principle that we mentioned, nor have we contradicted the text in any of that. For Allāh Almighty has only obligated three days for the *kaffārah*, and the meaning of three days is a day and a day and a day, and each day has its own ruling. So, if he fasts one day, he has fasted part of his obligation and has performed an obligatory act by itself. Fasting is something different from hastening. So, if he fasts without hastening, he has obeyed in performing the fast and disobeyed in neglecting the hastening. These are two different obligations; the invalidation of one does not nullify the other. It is like someone who prays but does not give alms; he is sinful for neglecting *zakāh* and has the reward for the act of obedience of the prayer. And no soul will be wronged in anything.

Allāh said, "So whosoever does good equal to the weight of a red ant shall see it. And whosoever does evil equal to the weight of a red ant shall see it" [Az-Zalzalah: 7-8].

And indeed, one of them would only be invalidated by neglecting the other if there were a text that links one to the other, as Allāh's requirement of continuity in fasting for expiation of *zihār* and in fasting for the *kaffārah* of killing. So these two, if they do not fast continuously, they have not performed as Allāh Almighty ordered. He did not stipulate continuity for making up missed Ramaḍān fasts, nor for other *kaffārāt*, nor for the *mut'ah* of *ḥajj*. Allāh's order to hasten to acts of obedience is an order that our actions be characterized by hastening.

The hastening that is ordered is a characteristic of our actions. Whoever neglects it sins but is performing what he performs without hastening unless time and continuity are stipulated.

Allāh's order for continuity in fasting for expiation of *zihār* and the expiation of killing is an order that these two fasts be characterized by continuity. The continuity that is ordered there is a characteristic of the two months. If they are not continuous, they are not the ones Allāh Almighty ordered.

Similarly, we say regarding washing the body parts in ablution and *ghusl* from *janābah* that it is not ordered except when one stands for prayer only. Whenever one intends to perform voluntary or obligatory prayer, he is

considered to be standing for prayer. Allāh did not specify that this standing for prayer is for obligatory prayer only, excluding voluntary prayer. He can then perform the full ablution and then delay the voluntary prayer as long as he wishes, and he can delay the obligatory prayer as long as he can catch it with the $im\bar{a}m$ if he is among those who are obliged to attend it in congregation, or until its last time if he is not obliged to attend it in congregation. Then it is not permissible for him to delay it any longer.

And as for someone who does not intend prayer and cannot pray, like a menstruating woman after intercourse, it is authentically narrated from the Messenger of Allāh ## that he went for intercourse around all his wives and washed between each two of them. So, this text affirms the permissibility of hastening the *ghusl*, even if prayer is not intended thereafter.

So since this is permitted for us, both separation and continuity in actions such as ablution and *ghusl* are equal in their occurrence of the wording.

In his bathing, if he washed one of his limbs with an intention it is permitted to him to hasten, fulfilling the obligation of washing that limb. Each limb has its ruling, so whoever separates (pauses) his *ghusl* or ablution unless he intends to stand for prayer has not neglected the hastening that was ordered of him until he intends to stand for prayer, whether with the *imām* or within the last time. So hastening to complete his ablution and *ghusl* becomes obligatory upon him.

And the same applies for making up fasts from Ramaḍān, Allāh only ordered fasting other days, he did not make consecutiveness a condition here, so whoever hastens to make up the fasts has fulfilled the obligation and the obligation of hastening. Whoever does not hasten and fasts has fulfilled the obligation of fasting and disobeyed the obligation of hastening.

Similarly we say regarding the done that does not hasten in paying his $zak\bar{a}h$ the first time it becomes obligatory on him and the one that delays hajj the first moment it becomes possible to perform it, if he pays the $zak\bar{a}h$ and performs the hajj, he has performed the obligation of $zak\bar{a}h$ and hajj, he only disobeys for abandoning hastening, the sin does not omit the validity of what he has fulfilled except through balance on the Day of Judgment, the day when they will find what they have done present. And your Lord does not wrong anyone.

That which also indicates the obligation of hastening towards obedience is the verse, "And the forerunners, the forerunners. Those are the ones brought near [to Allāh]" [Al-Wāqiʿah: 10-11].

And the Prophet $\stackrel{\text{\tiny{de}}}{=}$ said, "A people will continue to delay until Allāh delays them."

Even if he only obliged to say that a people will delay from the front row due to some disliked matter, it is understood according to its apparent meaning, and the implications of its wording as we have established its certain evidences before.

Abū Bakr Muhammad ibn Dāwūd al-Zāhirī (the son or Dāwūd al-Zāhirī), may Allāh have mercy on him asked those that allow delaying *ḥajj*, he said, "When does the one who delays *Ḥajj* until they pass away become a sinner? Is it during their lifetime? If so, this contradicts your position. Or is it after their death? Disobedience cannot be affirmed for anyone concerning something that was not obligatory during their lifetime."

We expand on this question and say: After death, no one bears sin except the one who establishes an evil practice that others follow after them.

Some of those that allow delaying *ḥajj*, which is Abū al-Ḥusayn al-Qaṭṭān al-Shāfi'ī, answered, "He can only delay it with the condition that he will do it before his passing, if he dies before doing it, we know that it is not allowed for him to delay."

Verily, Abū al-Ḥusayn did not properly apply the uṣūl of al-Shāfī'ī in this response of his. He would have been engaging even more in falsehood had he said, "He sins in the last year he is able to perform Ḥajj if he does not perform it," similar to what al-Shāfī'ī said regarding one who takes an oath to divorce: that the divorce does not occur except in the final moments of the valid period during which he was capable of divorcing.

We respond by invalidating both of these answers with a clear and decisive response: Allāh says, "Allāh does not burden a soul beyond its capacity" [Al-Baqarah: 286].

Allāh only imposes sin upon the one who abandons what they know they are not permitted to abandon, or upon whom evidence (hujjah) has been established regarding it; or upon the one who commits an act they know they

⁴³⁸ Sahīh Muslim 438

⁴³⁹ Al-Bahr Al-Muhīt 1/220-221

are not permitted to do, or upon whom evidence has been established regarding it.

Allāh has not informed anyone of the time of their death, nor has He made anyone aware of the last moments of their capability. Furthermore, no new evidence (*hujjah*) arises at that time except what was already established in other circumstances prior to it. Nor does Allāh impose any obligation upon them except what had already been imposed before that time.

If a person is considered disobedient at that time, then they were disobedient before that time. If they were not disobedient before that time, then they are not disobedient at that time—unless a specific text rules that the sin is exclusive to that time alone. Whoever differentiates between times without text or *ijmā* 'is speaking without knowledge, which is prohibited.

And also, Allāh Almighty has not burdened anyone with knowing whether they will die before fulfilling what is due upon them, by that incurring sin, or knowing that they will not die until they fulfill it, by that absolving them of sin. The statement of al-Qaṭṭān necessitates that people are obligated to know this, and it also implies that those capable of performing *Hajj* who delay it without an excuse would have differing rulings: some being sinful for delaying it, and others not being sinful for delaying it.

This not only speaking with desire without evidence but also imposes upon a person the impossible obligation of knowing when they will die. And also, it contradicts the overall stance of his companions regarding the invalidity of delaying *Ḥajj* altogether, which he himself would not disagree with at all. If he had differed from them, we would have appreciated his disagreement and not blamed him. And success is from Allāh Almighty, so Abū Bakr's question, may Allāh have mercy on him, remains as it is.

And that which also clarifies that orders must be hastened is the verse, "Why did not of every group of them, a *tā 'ifah* (one person or more) go forth, so that they can obtain knowledge in the religion and warn their people" [At-Tawbah: 122].

Allāh obliged accepting the warning, And He said, the Most Exalted, "If a sinner comes to you with news then investigate" [Al-Ḥujurāt: 6].

Allāh ordered *tawaqquf* regarding accepting the news of the sinner and made that an exception from accepting warnings, and there nothing other than either *tawaqquf* or hastening, there is no third option except for abandoning completely. And *tawaqquf* is also some abandoning. So since the

news of the sinner is specified with having *tawaqquf* for it and He made the ruling for it different than the news of the sinner, it is obligatory to hasten towards it by necessity, towards the news of the upright. So it is obligatory to hasten towards it because of certain decisive evidences and *tawaqquf* becomes false for anything other than the news of a sinner.

'Ā'ishah said, "The Messenger of Allāh acame out on the fourth or fifth of *dhul-ḥijjah* (for *ḥajj* to makkah) and came to me, and he was very angry. I said, 'O Messenger of Allāh, who has annoyed you? May Allāh cast him in fire.' He said, 'Do you not know that I ordered the people to do an act, but they are hesitant. If I had known what I know now, I would not have driven the sacrificial animals with me, but would have bought them and then ended the state of *iḥrām* as they did."

This narration erases all doubts entirely, and the Prophet diarified that all of his orders are obligations and must be carried out instantly, and that being hesitant is prohibited, not allowed, and we seek refuge in Allāh from anything that angers the Prophet diagram.

If they object that one can reach the *mansūkh* but not the *nāsikh*. We say: This is from the same type as the one an order does not reach a person, such s person is not obliged that ruling and is not blamed for having abandoned it till it reaches him and he is not punished for leaving it till he knows, and Allāh is the source of stength.

His ruling instead is clinging onto what reaches him from the $mans\bar{u}kh$ because he is ordered it generally till the $n\bar{a}sikh$ reaches him because of the saying of Allāh, "That I may warn you thereby and whomever it reaches" [Al-Anʿām: 19]. So it is established that whomever an order reaches from Allāh in the Qurʿān on the tongue of the Prophet then it is necessary because of the saying of the exalted, "Obey Allāh and obey the Messenger [Al-Māʾidah: 92]. Till the $n\bar{a}sikh$ reaches him, then the $mans\bar{u}kh$ is omitted and the $n\bar{a}sikh$ is obliging on him.

As for them using as evidence that the Prophet also delayed *ḥajj*, then this is false as he had performed *ḥajj* before the *hijrah*, Jubair ibn Mut im saw him standing at *'arafah* and Jubair rejected that, because the Prophet was among the *Ḥums*⁴⁴¹. And what is sufficient for all of this is that we are certain that Allāh ordered him to delay *ḥajj* until he ordered the

⁴⁴⁰ Sahīh Muslim 1211 | Musnad Ahmad 6/175

⁴⁴¹ Sahīh al-Bukhārī 1664

polytheists not to approach the *masjid al-ḥarām*, by the saying of Allāh the Exalted, ordering him to say, "I follow nothing other than what is revealed to me" [Al-Aḥqāf: 9]. So it is established that he does nothing other than what is revealed to him by Allāh. So since he delay *ḥajj* specifically we know that he only did it due to *waḥī* and the Prophet was made known by Allāh that he does not make him pass away till he teaches the people all of their rites (*manāsik*). And his Lord, the Exalted, had informed him, that he would not take him until the teaching was completed, the message was fully conveyed, and people entered the religion of Allāh in crowds. This necessitates that he would not die until he taught people their rituals, and no one other than him, is like that.

And it is also not known when the obligation of *ḥajj* was revealed, perhaps it was revealed when the Prophet did *ḥajjat al-wadā*, and this is that which most likely because if the obligation of it would be revealed before that then it would not be possible for the Prophet to delay all rituals of it till *ḥajjat al-wadā* in which the Prophet said in it, "O people, learn your rituals (of *ḥajj*) for I do not know whether I will perform *ḥajj* again after this year."

This is clarified by the long *ḥadīth* from Jābir, in the beginning of which it says, "Then the Messenger of Allāh announced in the tenth year that the Messenger of Allāh is performing *ḥajj*."

Had been revealed before that, he would not have delayed announcing to the people its obligation upon them. And the well-known *ḥadīth* from ibn 'Abbās and Abū Huraira, where he addressed the people and said, "Indeed, Allāh has enjoined upon you the *ḥajj*," and a man said to him, and it is said that it was al-Aqra ibn Ḥābis, "Every year, O Messenger of Allāh?"

This, and Allāh knows best, was during the hajjat al-wadā'. 'Ā'ishah, may Allāh be pleased with her, narrated something that indicates this, about them going out for hajj in that year, awaiting his order, while the revelation was coming down upon him, and the rulings that were revealed during that hajj, such as the faskh of hajj for those who did not bring the sacrificial animal (hadī), and that they should exit ihrām with tamattu', and the obligation of qirān for those who brought the sacrificial animal, and all the other clarifications of the hajj rituals that were revealed during that hajj

⁴⁴² Sahīh Muslim 1297

⁴⁴³ Hajjah al-Wadā 2, pg. 127

⁴⁴⁴ Sahīh Muslim 1337

and had not been revealed before. And by Allāh the Exalted is the success, and may Allāh send blessings upon Muhammad, the Prophet sof Mercy and the Guide of the Ummah.

Section: The Order That Has A Limited Time On Both Sides (Beginning And Ending Time), When Must It Be Fulfilled, In The Beginning Or The End? And The Order That Is Tied to A Certain Description. And The Order That Has A Specified Begin Time But No Limited Ending and Additions Related To The Chapter We Finished Before

As for the order that is tied to a time, no room, then it is not allowed to hasten fulfilling it before its time, and it is also not allowed to delay it after its time. And that is like we said before this about fasting the month of Ramaḍān, if there comes a text about it with compensation with it and doing it in another time. This is then another act which is ordered, and if there is no text for it and no $ijm\bar{a}$ then it is not allowed to fulfill it at a different time.

And similarly every single act that is tied to a limited time from both sides (has a begin and ending time) such as the prayer and whatever is in that manner. Then it is not allowed to perform any of it before its beginning time and also not after its time. Whoever likens this to the debts of the people (and that because of that all missed prayers must be made up), it implies him to allow fasting Ramaḍān in the month of Shaʿbān because of a *qiyās* about hastening fulfilling the debts of the people before its time enters. And it implies to allow praying the prayers before their times based on that *qiyās* and based on what they allow of hastening by giving the *zakāh* before its beginning time. Some of them said, "It is paid three years before the beginning time of the *zakāh*." Others said, "By one year." Others said, "One month," and so on. Some of them made a distinction falsely and allowed hastening the *zakāh* which is about the property of the people to be paid before one year passes on the property to pay it, they allow paying it one or

two months before a year passes on it, while they prohibit giving it earlier than two months. And they allow hastening in zakāt ul-fiţr one to two days before its beginning time but they prohibit paying it three days before, this is a saying, for which the falsehood of is known by merely hearing it because they are merely desires without permission from Allah, the most exalted and a distinction without any certain evidence. And there is no difference between the one that allows performing orders after their time ended and the one that allows fulfilling them before their time enters, while some of them have even allowed for the sick one that fears that his 'aql will change that he can hasten the prayer, praying it before its time enters. If they claim $ijm\bar{a}$ has prohibited them from that, then the saying of ibn 'Abbas declares them false, for he allowed praying prayers before its time enters, the *zuhr* prayer before the zawāl of the sun. And there is no difference in the debts of the humans and between fulfilling it after its time and the *hulūl* of its time and between paying it before its time and *hulūl* of its time, and let them say this also in the exact same manner for every single other ruling of Allāh, the Most Exalted.

And the falsehood of this *qiyās* is easy, if *qiyās* would ever be the truth then it would have been utterly false in this place, we say: Verily the debts of the people which are due at a specific time, it is not allowed for anyone to fulfill them before their due times, and also not to delay them from their due times, except with the permission of the creditor and their pleasure, there is no difference of opinion regarding that from anyone. And there is no disagreement that whoever has three debts from three transactions, all with specified times, then the creditor allows one of those debts to be paid off before its time and the debtor is pleased with it. Then he allows delaying those other debts after their specified time. This does not imply the permissibility of hastening in paying of the debts which he did not allow to hasten in, and it does not imply the permissibility of delaying away from the specified time, without specific permission for that. There is no difference of opinion between two (anyone) in this.

As the permission of the people in that which they gave permission from hastening or delaying does not imply the *qiyās* which they are silent about regarding their other debts. The people's permission to hasten or delay their debts is not a basis for applying the same to all their other debts which they are silent about, based on their permission to hasten their debts, then applying it to Allāh's debts, for which there was no permission to delay or

hasten them based on people's permission to hasten or delay their debts, is even further from being applicable. And this is something not hidden to those who have sound judgment.

And also, there is no difference of opinion between two people that whoever has a debt and invalidates it, and the debtor is pleased with it, then that debt is invalid. It implies that if they allow delaying the debts of Allāh from their appointed times and hastening some from their appointed times, even if Allāh did not permit it, based on *qiyās* of the permissibility of delaying the debts of people and the permissibility of hastening them if they give permission, they should also permit invalidating the debts of Allāh even if Allāh did not give permission, based on the *qiyās* of the invalidation of the debts of people if they give permission. This would be the most correct *qiyās* and most similar to their *qiyās* which they speak of—if *qiyās* were ever the truth—while *qiyās*, and all praise is for Allāh, is mere falsehood.

And also, the alms $(zak\bar{a}t)$ and expiations $(kaff\bar{a}r\bar{a}t)$ with charity, even though Allāh the Exalted has allocated them for the poor, are not subject to the rules of people's debts in any way.

Because the debts of people, which they attempted to liken to $zak\bar{a}t$, are owed to specific individuals by name, and their ruling occurs in them because it is property specified for them and inherited from them. But $zak\bar{a}h$ and $kaff\bar{a}r\bar{a}t$ are not for specific individuals among the poor, nor are these poor more entitled to them than other poor individuals. Therefore, those present from the poor do not have the authority to hasten or delay them and are only entitled to receive them at their appointed times, neither before nor after (unlike the specific creditor of a debt). This is because they cannot be inherited (by texts) from them before they receive them, nor do they have ruling in them, nor their disposal, nor their clearance be valid before receipt. In all of this, there is no difference of opinion.

The Messenger of Allāh $\stackrel{\text{\tiny de}}{=}$ only likened the debts of the people with the debts of Allāh in two things with no third to it: One is the continuity of their ruling after death and after incapacity, and the second is the performance of them by the $wal\bar{\iota}$ on behalf of the deceased. They disobeyed Allāh the Exalted, or those of them who disobeyed Him and His Messenger $\stackrel{\text{\tiny de}}{=}$ in two aspects in which the Messenger of Allāh likened people's debts to the debts of Allāh the Exalted, and they abandoned them both. They said, "Whoever dies with a remaining hajj, $zak\bar{a}h$, fasting, or expiations, it has fallen (i.e., is

no longer obligatory). And it is not made up from him except if he orders it then the *zakāh* and *ḥajj* specifically are made up for him and food is given on their behalf if they have instructed so, only in fasting." Then they likened the debts of Allāh to the debts of people in matters where there is no similarity between them and in matters where Allāh the Almighty did not permit.

As for those who created confusion with the $had\bar{\imath}th$ that mentions the collection of $zak\bar{a}t$ al-fitr in the mosque and Abū Huraira staying overnight with it⁴⁴⁵.

There is no hujjah in it for them. This is because that collection mentioned does not cease to be of one of two cases, with no third to it. One is that it was collected but not distributed until the day of 'īd al-fitr, which is its due time, and this does not contradict our statement. And if its due time had come, it would not be permissible for any Muslim to think that the Prophet delayed giving it, for he, when he had a dīnār remaining that no one had a right to, did not retire to his wives nor leave the mosque day or night, anxious and troubled until he gave it. Then how can anyone prevent a right which must be fulfilled, whoever thinks this of the Prophet # has disbelieved. Or it was that it was distributed at its time and no one that deserved it attended, so the Prophet waited them attending, just as he did what was gathered to him from the cattle's zakāh and it is not allowed for a Muslim to think about the Prophet different other than these two options, and Allāh is the source of strength. And there is not in the mentioned narration that the poor were given anything before the day of al-fitr, so all of their false claims are eliminated and Allāh is the source of strength.

So since the ruling of the property and worship are as we mentioned, then there is no difference that the time only means the time of action, and that it is not understood from the saying of Allāh and His Messenger, "Do so-and-so at so-and-so time, and pray so-and-so prayer from so-and-so time till so-and-so time," except that that time is the limit of what we are ordered with that mentioned act.

So we say to the one that opposes: What is the meaning of time ending, it must be by necessity the ending time for the act, and if the time for the act ceases, then it is not possible to perform the act, as it is not possible in the 'aql that something can happen outside its time, which Allāh, the Exalted, made a time for it and did not make any other time for it. And this is one of

⁴⁴⁵ Sahīh al-Bukhārī 2311, 3275



the most impossible of impossibilities and the strongest of refusals that does not enter into possibility at all.

If they say, "Every single time is for that act," he has invalidated the ruling of Allāh and his Messenger when they set a limit for it and they transgressed the limits set by them and they deserve the fire, He, the Most Exalted said, "And whosoever disobeys Allāh and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide eternally therein" [An-Nisā': 14].

And transgressing the limits in reality is when Allāh limits a time, and the creation among humans transgresses it without texts for it, to another time, and this is in the utmost clarity, and Allāh is the source of strength.

And also they do not proceed to believe in the extension of the time after the prescribed end time in the texts. And it is said to them: Tell us about the one who deliberately leaves the prayer until its time passes, and you order him to make it up. Is that in the time that Allāh, the Exalted, has assigned for it, or is that a time that He did not assign for it and did not link the prayer with it? If they say, "It is the time that Allāh assigned for it," they apostate and have lied openly. And if they say, "It is not in its time," they have acknowledged that they ordered to pray the prayer contrary to what Allāh ordered, and whoever does anything contrary to what Allāh ordered has not done what he is ordered, but has instead done what he is not ordered, He is disobedient in that act for the second time. They only order him with disobedience and an unacceptable order because the Prophet said, "Whoever does an action that is not from us, it is rejected."

So it is established based on what we mentioned before, with clear evidence that whoever is ordered by Allāh, the Exalted, to perform an act at a specific time and performs it at another time, has only done an act he is not ordered to do. And whoever orders its performance has created a ruling that Allāh, the Exalted, did not permit but has forbidden, as He has prohibited transgressing His limits.

There is no doubt from anyone with senses that fasting tomorrow is not a fast today, whoever is ordered by Allāh to fast today, but then he breaks his fast on purpose disobediently, then he fasts tomorrow, he has only fasted a day Allāh did not order him to fast on. So with that that does not fulfill what he was ordered with. No one fulfills what he was ordered except as he was

⁴⁴⁶ Sahīh Muslim 1718

ordered, not as he was forbidden. There is no difference between this and between what Allāh ordered from moving to a certain place such as the hajj towards Makkah in dhul-hijjah, so he performs hajj towards Madīnah in dhulqi'dah, what difference is there between this and the one that is ordered to fast at Ramadan, but then he fasts at Shawwal or to perform a prayer from the decline of the sun until the length of the shadow is like that of a day, but he performs that exact prayer at another time of another day? And what difference is there between this and someone who has been ordered to do an action in a specific matter, like spending on his wife whom lawful for him to have sexual relations with, so he performs that action with another woman? Is all of this but doing that which he is not ordered to, all of that is from the same chapter and the same route all of which gathered by the saying of Allāh, "And whosoever disobeys Allāh and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide eternally therein" [An-Nisā': 14]. And the saying of the Prophet #, "Whoever does an action that is not from our order, it is rejected."

And what difference is there between clinging onto an order with times and between clinging onto exact things or specific places. If the say, "We find it possible for orders attached to times that can be done behalf of it at other times."

It is said to them: If we know in specific cases from texts from Allāh and His Messenger then we know that Allāh has extended that time and attached that order to that second (extended) time and made the order for that time, we do not reject this, rather acknowledge it as we are ordered to, not forbidden from it.

And likewise are orders at places, like the one who vowed to pray in bayt al-maqdis; if he prays in Makkah, it fulfills the obligation due to the clear text on this matter specifically, and it is not fulfilled when there is no text concerning it. Likewise, one who dies with remaining obligatory fasts, it is obligatory for his walī to fast on his behalf due to the orders regarding it. Similarly, one who does not perform hajj while having the means, hajj is performed on his behalf from his wealth due to the texts regarding all of this. If they ask us what our stance regarding the missed prayer or the prayer that one sleeps through, "Does every single prayer (in such cases) have its time (as the prayer time is extended for them)?"

It is said to them, with Allāh's guidance: Yes, every time has its prayer, and whenever it is prayed, it is its time by the explicit statement of the Messenger of Allāh (even in such cases). And similarly, the intoxicated person, due to Allāh's saying, "Do not approach the prayer when you are intoxicated, till you know what you say" [An-Nisā': 43].

If they say, "Then what do you order someone who deliberately leaves the prayer until its time has passed, or deliberately breaks the fast of Ramaḍān without a valid excuse such as travel or illness or other than that, for which there is a text or consensus?"

We say to them: We order them that which Allāh ordered them when He said, "Indeed, good deeds do away with misdeeds" [Hūd: 114].

And that which their Prophet $\stackrel{\text{def}}{=}$ said, "Indeed, one who neglects the obligatory prayer, its due is made up from his voluntary acts. And likewise for $zak\bar{a}h$ and all other acts."

We order them with repentance, regret, seeking forgiveness, and increasing voluntary acts to weigh heavily on their scale on the Day of Judgment and to compensate for any deficiency therein.

And as for us ordering him to pray a prayer intending it as *zuhr*, which Allāh, the Exalted, did not order him to perform, or as 'aṣr, for which there is no text, or ordering him to fast a day as if it were from Ramaḍān but it is outside of Ramaḍān, may Allāh protect us from such. Then, we would indeed be transgressing between the hands of Allāh, the Exalted, and His Messenger ordering him to act contrary to what Allāh, the Exalted, has ordered, and rather what He has prohibited.

Then we ask them: This person deliberately neglected the prayer or fasting, then you ordered him to make it up; did he fulfill what Allāh, the Exalted, ordered regarding that or not? If they say yes, they lie, and they (in reality) do not believe that. And if they say no (as they believe in reality), they admit that they ordered him to perform the act contrary to what Allāh, the Exalted, ordered.

If they ask us about what is similar regarding one who forgets the prayer, sleeps through it, or breaks the fast due to travel or illness, we say to them: He has fulfilled exactly what Allāh, the Exalted, ordered him, and at the exact time Allāh, the Exalted, ordered him. And we do not know if it is accepted from him or not. Similarly, every act he performs in its time, and

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⁴⁴⁷ Sunan Ibn Mājah 1426

there is no difference. If the *ḥadīth* were authentic regarding affirming the obligation of making up for deliberately breaking the fast, we would affirm it. But it is not authentic; that narration with that addition is not free from 'Abd al-Jabbār ibn 'Umar and others like him who are weak⁴⁴⁸.

If they say, "You order the $wal\bar{\imath}$ to fast on his behalf if he dies and you do not oblige him to fast for himself." We say: You lied. Rather, we say what the Messenger of Allāh \approx said, "Whoever dies while upon him is the $\sin \bar{\imath} \sin m$, his $\sin m$ fasts on his behalf."

And the meaning of "Upon him is the *şiyām* ('Alayh *şiyām*)," is that he must fast on his behalf, because *şiyām* is a *maṣdar*, you can say, "*Ṣāma yaṣūmu ṣiyāman wa ṣawman*." This is only in the case of one who dies and who had remaining obligatory fasts to make up, the one that vowed, and the one that broke the fasts because of a travel or sickness. As for the one that breaks it on purpose without excuse, then there is no making up for him as there is no text obliging it, there is only for him the sin of abandoning the fast. This suffices for those who understand, and with Allāh, the Exalted, is the success.

And every matter that is attached to a description, which is not completed for the ordered act except carrying out what it is attached to, if the ordered person does not bring it as ordered, he has not done what he was ordered. It remains incumbent upon him as it was, and he is disobedient in what he did. Disobedience does not substitute for obedience, and this is not difficult to be understood for someone with 'aql. Among these is the one who prays in a garment that is impure or stolen, knowing that it is not permissible for him to do that act, or prays in a place forbidden for residence, like an impure place, a stolen place, a camel corral, or in front of a grave. Or the one who slaughters with a stolen knife, or slaughters someone else's animal without the owner's permission, or performs ablution with stolen water, or with a silver or gold vessel. All these do not fulfill the obligation. So whoever prays as we mentioned (in such manners) has not prayed, and whoever performs ablution as we mentioned has not performed ablution, and whoever slaughters as we mentioned has not slaughtered, and it is a carcass (maitah) that is not permissible for anyone to eat, neither its owner nor anyone else. The one who slaughtered it must guarantee (pay the damān) a similar live

⁴⁴⁸ Sunan Ibn Mājah 1671

⁴⁴⁹ Sahīh al-Bukhārī 1952

animal because he did all that contrary to what was ordered. The Prophet #, said, "Whoever does an action that is not from us, it is rejected." Allah, the Exalted, has forbidden him from using that knife, from slaughtering someone else's animal without the owner's permission, and from residing in the stolen place. He ordered the establishment of prayer and the slaughtering what is permissible to eat. And by necessity of the 'aql, we know that the ordered act is different from the prohibited act, and it is not conceivable in the 'agl otherwise. So if he slaughters someone else's animal or with a stolen knife, that is not the ordered slaughtering. It does not become permissible with that prohibited act to eat what cannot be permissible to be eaten except with the slaughtering as it is ordered. There is no doubt that his residence in the stolen place is not the ordered residence for prayer. If it were so, Allāh, the Exalted, would be ordering it and forbidding it at the same time for the same person in the same condition, which is far removed from Al-Hakīm Al-ʿAlīm in His statement that He does not burden a soul beyond its capacity. It is not within anyone's capacity to avoid something and do it at the same time. So what we said is established, and with Allāh is the success.

Some of the heedless have objected this by arguing about someone who divorces or emancipates in a stolen place, dyes his beard with stolen henna, or learns the Qur'an from a stolen mushaf. This objection demonstrates the ignorance of the objector because divorce, emancipation, selling, gifting, and charity are words that do not require a specific place to be performed at. It is permissible for someone to divorce and do all of that while walking or swimming in water, so it is not tied to staying in a place. Prayer, however, requires the act of staying in one place, except in cases of fear or necessity. So, whoever is compelled to stay in a stolen place, his prayer there is valid because he has no choice in staying there. The one who dyes with (stolen) henna, after removing the henna, is not using something stolen at that time (anymore). But if he prays while still dyed with it, his prayer is invalid because he is doing something impermissible during it. Learning the Qur'ān is not tied to the physical *mushaf*. One can learn by recitation, then he is in the state of memorizing it not using something stolen. Likewise, in reciting from memory during prayer by that, he is not using something stolen. And with Allāh is success. In general, no act is fulfilled (valid) except as Allāh, the Exalted, has ordered or permitted, not as He has forbidden. And with Allāh, the Exalted, is success.

And every act is not valid (does not become valid) except with the validity of what is not valid (except by relying on something invalid) then that act is never valid (is invalid forever). And everything that does not exist except after the existence of what does not exist, then it is never existing (nonexistent forever) (If something's existence depends on the prior existence of something that itself does not exist, then that thing can never exist). Anything that can only be achieved by a prohibited act is always prohibited. Anything whose cause is invalid, making it non-existent, is always invalid. These are necessary certain decisive evidences, known through the first sensory perception and the sources of the 'aql. Whoever opposes them is a sophist, stubborn against the clear obvious. And with Allāh is success.

Some of our brothers have indicated that no voluntary act is accepted from someone who has an obligatory act due. This is false, because the narration from the Prophet $\stackrel{\text{\tiny{de}}}{=}$ we mentioned before is affirmed, that Allāh grants (looks into) the prayer of someone who did not complete their obligatory prayers (has it lacking and compensates it by looking) at his voluntary prayers if they had any, and likewise with $zak\bar{a}h$ and other acts⁴⁵⁰.

The correct view in this matter is that every obligation that is appointed in a time without flexibility (must be done instantly), it does not suffice for anyone to perform it other than that time. This is like a person who wants to fast a vowed fast or voluntary fast in the month of Ramaḍān while he is resident and healthy, this does not suffice for him, or like a person who has no time left for the obligatory prayer except enough to start it. It is forbidden for him to perform a voluntary prayer or make up a missed prayer or perform a vowed prayer until the obligatory prayer time is complete without delay or flexibility.

If he then makes up a missed prayer, it does not suffice him, and he has to make it up again, and likewise if he performs a vowed prayer. It is not the same for someone who owes $zak\bar{a}h$ and has only enough property left to fulfill what is obligatory upon him of it, except that he has property beyond that (left over). In this case, it suffices him to give whatever he wishes of it voluntarily and to fulfill vows from it, unlike what we mentioned before because the $zak\bar{a}h$ is in his dimmah, not in his 'ayn (It is possible to pay the $zak\bar{a}h$ with property other than the property he owned on which $zak\bar{a}h$ became obligatory).

⁴⁵⁰ Sunan Abī Dāwūd 866

And likewise, one whose wealth is encompassed by people's debts, except after death because the text prevented that and did not allow bequests or inheritance except after the debt are paid off from his wealth. But for one who is present at the time of *ḥajj* and he is able to, then a voluntary *ḥajj* is invalid for him and also a *ḥajj* from vowing, before performing the obligation and the same applies for *'umrah*. Because the Prophet said, "Whoever does an action that is not from us, it is rejected."

Therefore, the capable person for *ḥajj* is obligated to perform it at that time, and whoever is present during Ramaḍān is obligated to fast for Ramaḍān. And whoever has only a little time left before the end of the current prayer, he is obligated to enter the prayer. So, if he does other than what is ordered, it is rejected by the explicit statement of the Prophet ...

It is not the same for someone who has nothing left of his property except the exact amount of $zak\bar{a}h$ or exact the amount of debts to people, because he is not obligated to pay that which is beyond his control (for him and his family's survival). If he borrows property and pays from it the $zak\bar{a}h$ he owes and the debts he owes to people, that suffices him without disagreement.

It is not permissible for the judge to compel him to pay from his wealth. And the prayer, *ḥajj*, and fasting at their appointed times are different from that. As for when the prayer time has entered and there is time after it, there is no disagreement among Muslims about the permissibility of voluntary prayers at that time and for that texts have come.

As for someone who travels during Ramaḍān or falls ill, he is not obligated to fast for Ramaḍān specifically, and he is not forbidden from (voluntary) fasting outside of Ramaḍān. He may fast as he wishes from vows, voluntary acts, or even making up obligatory fasts. So if he volunteers additional prayers or fasting, that will not go to waste with Allāh, the Exalted, because the time when it becomes obligatory for him extends afterward, so he does not miss it. And with Allāh, the Exalted, is success.

As for someone who forgets prayers or sleeps through them, and he has to make up missed Ramaḍān fasts due to travel or illness, then verily, the time for these prayers and the time for making up these fasts extend indefinitely, then delaying fulfilling them, while the one delaying any of them is capable without excuse commits disobedience he is disobedient. This does not exempt him from the obligation to make up what is obliged on him to

make up for that, the obligation remains, is not omitted (as there is no ending time specified, all of these only have a beginning time).

So, this (applies to) the prayer which the time of has entered in the same manner. So if he volunteers additional prayers or fasting, that will not go to waste with Allāh, the Exalted, because the time when it becomes obligatory for him extends afterward, so he does not miss it. And with Allāh, the Exalted, is success.

And what clarifies this is the narration of 'Ā'ishah, may Allāh be pleased with her, that she said, 'I used to have days of making up Ramaḍān,' meaning making up the days of her menstruation, and I could not make them up except in Sha'bān due to my occupation with the Messenger of Allāh ""."

This is something we are certain that the Messenger of Allāh , taught and approved of because it is not possible for her to menstruate without him knowing that, since she had two nights out of nine, and it is not possible for the Prophet , to overlook her matter by hastening the making up of missed obligations if the obligation could only be fulfilled by hastening it (by invalidating the possibility entirely of making it up later). And her saying, "I could not," clarifies an excuse, and this is our clear texts on our position.

And what clarifies the correctness of what we mentioned earlier, that $zak\bar{a}h$, debts to people, and other financial obligations are indeed obligatory upon a person's liability (dhimmah) and not specifically in the exact property (' $ayn\ ul-m\bar{a}l$) in his possession, is that if it were obligatory on the 'ayn he possesses and that property was then destroyed, those obligations (rights) would be waived, and this is false. This is something that no Muslim would say. So, as the aforementioned obligations are not waived by the loss of all the property itself, it is certainly established that they are upon his liability (dhimmah).

And there are only four ways the wealth of someone belongs to someone else obligated by the text, which are: paying from his wealth, the one entitled to the right taking their due from the wealth he seizes, the judge ruling that his wealth is for the creditors for the rights due, or his death only.

And what is also sufficient as evidence in this chapter is the narration the Prophet #, by his order to overturn the pots while they were boiling with the meat that his companions, may Allāh be pleased with them, hastened and

⁴⁵¹ Sahīh al-Bukhārī 1950

slaughtered from the spoils before the division⁴⁵². If it were permissible to eat that meat, the Prophet **, would not have ordered to overturn the pots while they were boiling. And it has been narrated from another *ṭarīq* that he ** started to cover it with dirt and said, "Indeed, the plunder is not more lawful than carrion."

If they object with the narration of the sheep in which it is narrated that the Prophet , said about it, "I find the taste of meat taken without the permission of its owner," or words to this effect, and then the Prophet in that narration ordered to feed it to the prisoners ⁴⁵⁴. This narration is not authentic because it is narrated only from the *tarīq* of "A man from the Anṣār," and did not come from any other *tarīq* at all, so the argument based on it falls. And the Prophet pouring of the meat from the pots onto the ground, along with his prohibition of wasting wealth, is clear evidence that it is not permissible to eat it. This is the explicit statement of our position, and by Allāh the Exalted is the success.

As for the actions that is ordered within a fixed time frame (from the begin time and end time), such are clear texts that allow flexibility in delaying it, it is obligatory at the beginning of the time. However, permission has been given to delay it (because of the end time) and he has the choice in that and in hastening it. Whichever he performs, he has fulfilled his obligation. However, he is rewarded for hastening it to achieve the action and to be diligent in it, and he is not sinful for delaying it because he did what was permitted for him. This is like delaying the prayer to its last permissible time. Therefore, we do not blame or oblige making up prayers from a woman who delays her prayer from its initial time and then menstruates; she did what was permitted for her. Whoever does what is permitted has done well. Allāh, the Exalted, said, "There is no ground of complaint against the muḥsinīn" [At-Tawbah: 91]. So, the blame is lifted. The Prophet delayed the prayer to its last time, proving that it is permissible, allowable, and good, though hastening it is better.

Making up the prayers is omitted/invalid after the time has passed, because no action fulfills the obligation except if it is done in its ordered time,

⁴⁵² Sahīh al-Bukhārī 2488

⁴⁵³ Sunan Abī Dāwūd 2705

 $^{^{454}}$ Sunan al-Dāraquṭnī 4718, 4719, 4720, 4/189-190 | Sunan al-Kubrā Al-Bayhaqī 6/97

just as our opponents agree with us in not obliging making up the prayers for someone unconscious for more than five prayers, and some of them do not oblige it for someone unconscious for one prayer or more.

As for any act with a fixed initial time but no fixed end time, the order remains valid, renewing time after time, and he is blamed for delaying it because he was not given permission for that. The longer he delays, he incurs the label of negligence and the sin of avoiding of what he was ordered. If he performs it, the sin of avoiding is lifted from him, but the sin of delay remains unless Allāh, the Exalted, forgives it by His grace. There is nothing worthy of worship in truth but Allāh, like other sins that must be balanced (will be measured).

Performing and hastening are two different actions, as we have mentioned, and one may perform without hastening, this affirms that they are two distinct things. The same applies to people's debts: a wealthy person who delays repayment is sinful for the delay and for withholding the right. If he repays it someday, the withholding is lifted, but the sin of delay remains and is not lifted by repayment because withholding and delay are two distinct things, and one may delay without withholding. Therefore, we say of someone who seized (ghash) money and did not return it to its owner until the owner died and then repaid it to his heirs: the sin of seizure (ghasb) from the one that passed away remains on him, but the sin of usurpation is dropped from the heir, who is the second party, because there is no doubt for anyone with 'aql that his injustice to Zaid, the mawrūth (deceased person from whom the inheritance is passed down) is different from his injustice to 'Amr, the living heir (the inheritor, the one that receives the property). Ownership of the wealth has been transferred to the heir, and the ownership of the heir over that wealth is different from the ownership of the *muwarrith* (the one who has died and left behind the inheritance). This is something known by the necessity of 'aql and the sources of sense. If the usurper commits a second injustice against this living person, it is another action and a new sin. If he returns his wealth to him, the sin of his injustice to him is lifted, but what was due to Zaid in his lifetime is not nullified by the usurper's fairness to 'Amr after Zaid's death. Similarly, if the usurper dies and his heir disposes of the wealth, the sin is lifted from the heir who disposed of it, not from the deceased usurper, because Zaid's action does not affect 'Amr except by text or ijmā', Allāh Almighty said, "And every soul earns not [blame] except against itself"

[Al-An'ām: 164]. And He said, "And that there is not for man except that for which he strives" [An-Najm: 39]. Except if a text states that Zaid's actions affect 'Amr after his death or in his lifetime, in that case we acknowledge that, listening and obeying, such as fasting for the deceased, pilgrimage on his behalf, and paying his debts. If the deceased orders that what he usurped during his lifetime be returned, then the sin of withholding is lifted from him, but the sin of delay remains because all these are different actions.

If someone voluntarily returns a debt or a usurpation on behalf of the deceased and dedicates the reward to the deceased, it would benefit the deceased and be credited to him, based on the narration of $Ab\bar{u}$ Qatādah from the Prophet 455 .

We only say what Allāh Almighty and His Messenger $\frac{1}{2}$ have told us. And we do not add to it. And the companions of qiyas contradict themselves in the issues we mentioned in the worst ways. They allow the fulfillment (making up on behalf of the deceased) of the hajj if it is instructed in a will (wasiyyah), but do not allow the fulfillment of fasting if it is instructed by the deceased in a will. They permit performing the prayer before its time for the sick if they fear losing their mind, and on rainy nights, but do not draw a $qiy\bar{a}s$ to permit the evening prayer before its time on a rainy day, nor the noon prayer before its time.

If they say, "The time is shared (*mushtarak*) between the 'atamah ('ishā') and maghrib prayers," it implies them to allow the 'ishā' prayer at maghrib time without necessity, because it is its time, and whoever prays a prayer at its time has done well. They would also be obliged to permit the 'aṣr prayer at zuhr without necessity for the same reason. Ibn 'Abbās and a group of the righteous predecessors, may Allāh be pleased with them, have said this, but we only say that this is possible on the Day of 'arafah because there is no other specific text for it. This shows the extent of their contradictions. I have witnessed some people in the eastern mosques of Cordoba during the Berber dominance, the Mālikī shuyūkh were inquired fatwa to hasten (precede) the 'ishā' prayer before its time out of fear of being killed, as Berber bandits would ambush them in the dark on the way to the mosque and cause severe harm. They were not granted a concession (by those Mālikī shuyūkh), they did not equate the necessity of fearing death with the

 $^{^{455}}$ Şaḥī
ḥ al-Bukhārī 2289, 2295

necessity of fearing wet clothes in the mud (while they allow preceding the prayer in such circumstances), this is as you can see.

Some people have said, "Verily, the ordered act within a limited timeframe is voluntary at the beginning and obligatory at the end." This is a grave error because if performing it at the beginning were voluntary, it would not suffice (to fulfill the obligation) because voluntary is not obligatory, and one act cannot replace (act on behalf) of another of a different type without a specific text. Rather, this is like the things chosen in expiations (*kaffārāt*); whichever one is performed fulfills the obligation (these are options, and its obligatory to choose one of a few or more options). Likewise, whoever prays at the beginning of the time has fulfilled their obligation, and if they pray in the middle, they have fulfilled their obligation, and if they enter the prayer seconds before its end, they have fulfilled their obligation.

If those who order the making up of a deliberately missed prayer after its time has passed say, "We only do this based on a *qiyās* drawn to making up a forgotten prayer or one missed due to sleep," they are told, with Allāh's guidance: Most of you do not oblige an expiation for one who deliberately breaks an oath, nor for one who intentionally kills, because of a *qiyās* drawn to the unintentional wrongdoer. This is a contradiction on your part. And even if you were consistent in your false method, it would be an increase in error because *qiyās*, according to those who believe in it, is to judge something by the same ruling as another thing due to a common rationale (*'illah*) between them, and there is no common *'illah* between the forgetful and the deliberate. This is comparing a thing to its opposite, not to what is similar to it, and this is a mistake according to you and all people.

Section: The Meaning Of The Order Is Compliant To The Meaning Of Prohibition

The prohibition $(nah\bar{t})$ is equivalent in meaning to the order (amr) because prohibition is an order to abstain, and abstaining from something is the opposite of doing it.

The prohibition of something is not an order to its specific opposite/contrary. The meaning of the specific opposite is that it is the opposite only in a type (naw). And the meaning of the general opposite is that it is the opposite in a kind (jins) (which is more general). So, if you say to a person, "Do not move," you have necessarily obliged him stillness because there is no intermediate state between the general opposite and its opposite. Whoever leaves one of the two has entered the other. But if you prohibit a person from a specific type of movement, it does not imply an order for its opposite. For example, if you say to someone, "Do not stand," you have not necessarily ordered them to sit because between sitting and standing there are intermediate states like leaning, bowing, prostrating, and reclining. Whichever they do, they are not disobeying your prohibition of standing. Similarly, if you tell someone, "Do not wear black," it does not imply an order to wear white. If they wear red, yellow, or green, they are not disobeying but are complying by avoiding black.

As for the order, it is a prohibition against doing anything contrary to the ordered act and against every specific or general opposite. If you order someone to stand, you have prohibited sitting, lying down, leaning, bowing, and prostrating, and any posture except standing. This is because abstaining from many different acts at the same time is a necessary obligation. When someone stands, they have refrained from all actions contrary to standing, as we observe when they stand.

As for performing many different actions at the same time, which are diverse, contradictory, and opposing, is impossible, with no path towards it. Do you not see that any traveler that moves in one direction, he leaves all

other directions, which he is not going towards. They cannot move in two directions simultaneously, with that exact act.

And also the *binyah* (structure, form) of the prohibition (*nahī*) differs from the form of the order: when a prohibition is stated with 'or,' it means prohibition of everything, such as the saying of the Most Exalted, "And do not obey among them a sinner or an ungrateful" [Al-Insān: 24]. And such as your saying, "Do not kill Zayd or Khālid," this implies the prohibition of killing both of them.

As for the order that has come with the words 'or,' it implies an option $(takhy\bar{t}r)$ to choose one of the types mentioned, such as your saying, "Eat bread or dates or meat." And, "Take this or that."

And the prohibition necessitates avoiding the prohibited thing, just as the order necessitates fulfilling the ordered thing. We have clarified that the prohibition of a thing, is an order to abandon it. And the order to abandon necessitates the obligation of abandoning. We have clarified that the order of something is a prohibition of leaving it. So prohibiting leaving entails performing the action whose occurrence lifts the state of leaving. And with Allāh lies all success.

And some troublemakers objected to this, they said, "If the order concerning a matter would be a prohibition against leaving that matter, or if the prohibition concerning a matter would be an order to leave it, knowledge of a matter would be ignorance of its opposite."

Mentioning these false statements alone suffices for the burden to respond to them, because it aimed to draw a comparison between things that are incomparable, akin to saying, "If death were opposite to life, then hearing would be opposite to sight." Such rubbish is avoided by anyone with an ounce of 'aql, but for those whose words have become disconnected from their actions, their prattling increases. And whoever has no shame will do as he pleases. As for knowledge of a thing, it is indeed ignorance of its opposite in reality, for your knowledge that Zaid is alive is ignorance and invalidation of knowledge that he is dead. The statement "Do not eat" certainly means, to anyone with understanding, "Stop eating," and there is no difference. For verily, every order is also a prohibition, and every prohibition is also an order.

If someone says, "An order may exist that does not include prohibition of something fundamentally, and that is the *amr bil-ibāḥah* (the order to choose)."

And another says, "Prohibition may exist that does not include the meaning of order fundamentally, and that is the prohibition against choosing to abandon."

Both are mistaken. As for *al-amr bil-ibāḥah* (the order to choose), its meaning is indeed "Do if you wish!" and "Do not if you wish!" It does not incline towards being a command any more than it inclines towards being a prohibition; there is no difference between the two. The same applies to the statement regarding the prohibition against choosing to abandon, which refers to *karāhiyyah*, and again, there is no difference. Likewise, the order of recommendation (*amr al-nadb*) is similar, as it inherently includes the permissibility of abandonment. And with Allāh, the Exalted, is success.

Section: Does the Order Need to Be Repeated Forever, Or When Does the Word "Doer" Apply To The Ordered One About What Is Ordered

The people differed regarding the order, if the order came on a certain act, does the one that does it once depart from (deserving) the name of disobedience, or must be repeat the order forever however possible (to be considered obedient to that order and having fulfilled it)?

The correct view is that the obedient is different from the disobedient, and it is impossible for a person to be both obedient and disobedient at the same time. So whoever is ordered to do something and there is no explicit text obliging its repetition, his action has indeed deserved the name of obedient, and the name of disobedient is removed from him with certainty. And everything void $(b\bar{a}til)$ cannot return except with certainty from a text or $ijm\bar{a}$.

Those who spoke about this issue, are only those who followed the position of al-Shafi'ī regarding the repetition of sending $sal\bar{a}h$ upon the Prophet in every prayer, based on the verse, "O you who have believed, send $sal\bar{a}h$ on him and greet him with the way of greeting" [Al-Aḥzāb: 56].

Even if what they argued for regarding the obligation of repetition would be correct, then sending $sal\bar{a}h$ to the Prophet in the place of the second sitting in prayer would not have been more deserving than standing, prostration, and all other states of a person. While they only oblige it after the final tashahhud of the prayer which is a false specification. Indeed, a narration has been narrated in its wording that neglecting to send $sal\bar{a}h$ upon him when he is mentioned in one's presence is a cause for being forsaken⁴⁵⁶. If this narration would be authentic, then it would become obligatory whenever his name is mentioned. But this is weak as this narration is not free

 $^{^{456}}$ Ṣaḥīḥ Ibn Ḥibbān 409, 2/140

from Isḥāq ibn Ka'b ibn 'Ujrah, he is *majhūl*. And 'Imrān ibn Abān, he is weak. Kathīr ibn Zayd, he has bad memory, Mūsā al-Ṭawīl, he is weak. Muhammad Ibn Muslimah Al-Wasiti, he is weak, Rūḥ ibn Musāfir, he is weak and 'Abdullāh ibn Lahī'ah and Qays ibn al-Rabī' are also weak, so it is established that whoever sends blessings upon him once because of that verse has fulfilled the obligation if this and that is done at any time as soon as possible, not specifically in the prayer, then Allāh sends blessings upon him ten times as in the narration. None disregard this (does *zuhd* of it) except the misguided one⁴⁵⁷. And it is certain that whoever deliberately abstains from sending blessings upon the Prophet and from giving him *ṣalāh*, he is a *kāfir* and a *mushrik*. And whoever sends *ṣalāh* upon him and then omits it without *raghbah* from it, knowing that he has deprived himself of a great reward, there is no reward for him in that, nor is there sin upon him.

If they say, "What do you say about ighārah."

We say: Ighārah is obligatory on us till no Muslim remains or Kitābī that pays the jizyah while being humbled remains on earth. Because the order of Allāh on us to fight till no *fitnah* remains and all of the religion becomes for Allāh alone and till all the *mushrikūn* believe and establish the prayer, give the zakāh and ahl ul-kitāb give the jizyah while they are humbled. So fighting is affirmed on us forever, till what we said takes place and we say it is fard 'ala al-kifāyah and the one leaving it while he is able to is disliked, unless it strengthens the enemy or unless the *imām* calls for mobilization. If any of these occurs, then *ighārah* becomes an individual obligation on every capable person. And the statement of those who speak of repetition is invalidated because if their saying would be correct, it would necessitate that the one who receives a greeting must always respond and then also never refrain from repeating the response, due to the saying of Allāh the Exalted, "When you are greeted with a greeting, greet in return with what is better than it or (at least) return it in a like manner" [An-Nisa : 86]. There is no difference of opinion that with one time it takes you out of the obligation of responding.

As for *al-amr bil-ma rūf wal-nahī 'an al-munkar* (ordering the good in general and forbidding the prohibited), the evil seen tomorrow is different from the evil seen today, and it is obligatory upon us to change every evil (any prohibition in general). Similarly, this applies to ordering good, for the

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⁴⁵⁷ Şaḥīḥ Muslim 408

good that is ordered tomorrow is different from the good ordered today. The text is clear in when the Prophet ##, "Whoever among you sees an evil (anything prohibited), let him change it." 458

Among the things that nullify the statement of those who advocate repetition of orders is the saying of Allāh the Exalted, "And fulfill the contracts" [Al-Mā'idah: 1]. And His order to pay zakāh and to carry out nadhr if it has obedience, and the saying of the Most Exalted, "Compensation must be paid to his family and the freeing of a slave" [An-Nisā': 92]. And His order, exalted be He, to pay zakāh and similar duties does not necessitate repetition unless there is a clear text obliging its repetition; otherwise, a single fulfillment suffices, a single compensation, and a single freeing of a slave.

And some of the *salaf* who argued against the obligation of repetition stated that a person fulfills the obligation by doing it once, because there is $ijm\bar{a}$ that repetition is not obligatory to the extent that it prevents a person from eating, sleeping, or attending to other needs, it follows that there is then no definitive limit to repetition that can be established. So as no specific limit can be set, performing the ordered act once suffices to discharge the obligation.

They (the *salaf*) also used as evidence the saying of the Prophet , when he was asked about *ḥajj*, "Is it every year?" The Prophet , said, "Leave me as long as I leave you." The *salaf* said, "If the matter oblige repetition, the Prophet , would not have disapproved of the one who asked about *ḥajj*, 'Is it every year?' because he would have been asking appropriately or seeking clarification of what the wording implies. However, the Messenger of Allāh feared that his question would necessitate a revelation adding to what the order to perform *ḥajj* implied, thereby including the questioner among those whom the Messenger of Allāh criticized by saying in the exact same narration, 'The most grievous offenders in Islām are those who asked about something that was not forbidden, and it was forbidden because of their questioning."

And this is a valid and clear argument. And those who argued for repetition relied on the necessity of performing *tayammum* for every prayer. And this is a mistake because the text of the verse only obliges *tayammum* for those who have nullified their ablution, as Allāh Almighty said, "And if

⁴⁵⁸ Şahīh Muslim 49

⁴⁵⁹ Sahīh Muslim 1337

you are ill or on a journey or one of you comes from relieving himself or you have touched women and you do not find water, then perform tayammum with clean earth" [An-Nisā: 43].

If we were to leave the apparent meaning of this verse, it would necessitate that ablution is obligatory for everyone who stands for prayer, but this would not be obligatory for *tayammum* because the text of the verse makes ablution obligatory for those who stand for prayer, but it does not make *tayammum* obligatory except for those who have nullified their ablution (*aḥdatha*). However, when the Prophet prayed the five prayers on the day of the conquest of Makkah with one ablution only 460, we know that the order for ablution is only for those who have nullified it. As for the repetition of *tayammum*, the text of the verse nullifies it.

And those who argued for the obligation repetition said, "You concur with us that that which is prohibited is repeated and constant, and that it renews at every moment. So why do you not say that the one prohibited from something exits the prohibition by leaving what is prohibited, the moment he abandons it once (and that it afterwards it becomes allowed as the obligation is fulfilled) just as you said that by performing the act once, he exits the obligation, and the obligation does not return to him?"

This is a subtle matter of confusion. We have clarified previously that a prohibition is an order to refrain, and refraining is something that is always possible for everyone, in all times and circumstances. It is not beyond the capacity of any creature to refrain from something. However, obligatory actions are different, as some of them may be within one's ability, while others may not.

We have also clarified earlier that refraining from multiple actions simultaneously is both possible and obligatory, whereas performing multiple actions from orders is different. A person, while sleeping, eating, praying, or engaged in other necessary activities, is still refraining from all prohibited actions, as long as they intend to refrain. However, the same does not apply to fulfilling orders, as one cannot carry out most orders in such states.

The Prophet ordered us to avoid what we have been prohibited from and to carry out what we have been ordered to do, within our ability. He did not say, "Do everything you are able to." Such a statement would have

⁴⁶⁰ Şahīh Muslim 277

made repetition obligatory. But instead, he said, "Do from it what you are able to."

The phrase 'from it' (min) is for specification that is within capability and partiality (tab' $\bar{t}d$), not for generality.

We have previously clarified that the repetition of orders, if obliged, would amount to imposing an unbearable burden, which is invalid. Since this is false, anyone who imposes a specific limit, a fixed number of repetitions, or a set time for it, does only with desires, without any evidence. Nothing is obligatory except what has been agreed upon, which is performing the act once. By doing so, the person fulfills the requirement, becomes characterized as obedient, and is no longer deemed disobedient.

This distinction is valid between what is impossible, as we have mentioned, and what is possible, such as refraining at all times and in all states. Whoever fulfills what they are able to from the orders has thereby fulfilled the obligation, and whoever fulfills the order is no longer bound by it afterward.

And those that believe in the repetition of the orders have only been coerced into it in two or three issues, as for all remaining issues they abandon this method, we have previously clarified that these people only care about assisting the current issue, they do not care about destroying their method in other issues.

The correct view in this matter is what we have stated, that performing an action once fulfills what is obliged on a person and it does not necessitate repetition of the orders, as we have mentioned, except if that situation in which the order occurred on rises (as it is fulfilled) and then returns. In such a case, the obligation also returns. For example, visiting a sick Muslim is obligatory, and doing it once suffices as long as they remain in that illness. If they recover and then fall ill again, the obligation to visit them also returns. Similarly, freeing a captive is obligatory whenever they become a captive, just as feeding the hungry is obligatory whenever they become hungry again. This is like seeking refuge (from the devil) when one interrupts their recitation and then resumes it, like performing ablution whenever one becomes impure, and like praying every day. None of these actions need to be repeated once done in a single situation, but if that situation comes into existence again. With Allāh's help and success, the claims of

⁴⁶¹ Şaḥīḥ al-Bukhārī 7288

repetition is invalid because it imposes an unbearable obligation and is a mere claim without decisive evidence. We ask them about the repetition of different orders, some of which prevent the performance of others, necessarily leading to the abandonment of all but one. Which one, then, is the single one? This is a claim any evidence, and anything like this is undoubtedly invalid. With Allāh's help and success.

Section: Choices

They differed on matters which Allāh made a choice in and obliged the one that must choose (from the obligations) any of the options he wants (while he is obliged to choose) such as (the rulings of) *kaffārah al-aymān* (expiation for oaths) and *kaffārah al-ḥalq* (expiation for shaving because of a sickness or an ailment of the head during the *ḥajj* before the day of slaughtering and similarly during the *'umrah* before it is completed). And for the expiation for hunting and whatever is similar to it.

A group said, "They are all obligatory, if he does one of them then the remaining is omitted."

This is a mistake for two reasons: the first is that 'aw (or)' does not necessitate the equality of what is conjoined with it and linked; rather, this is necessitated by 'and ($w\bar{a}w$)' 'then ($f\bar{a}$ ')' and 'next (thumma)' This is something not unknown to anyone with the slightest insight into the Arabic language.

The second is that if all of them would be obligatory, it would not be invalidated by performing some of them, and what is obligatory as a duty is only invalidated by performing it, not by performing something other than that. This is something known by necessity because what Allāh Almighty has obliged you to do, He did not intend for you to substitute it with something else except by an explicit text in that regard. Otherwise, you are sinful if you do not do what you were ordered to do. So if Allāh Almighty obligated him to free a slave, he would not be exempted by clothing [the needy], and this is something inconceivable otherwise.

And some people went to the opinion that Allāh Almighty only obligated one thing out of what He gave a choice in, He did not specify one, but whichever from that the chooser wishes.

As for us: We do not reject this because our 'aql' are not a standard for our Lord, may He be glorified and exalted, nor is there in the 'aql' anything that prevents Allāh Almighty from wanting to oblige whatever he wants to

the one that is obliged. So if the one that is given the choice to fulfill any of the *kaffārāt*—obliged by Allāh and His Messenger which they made as an obligatory choice—does one he wishes, then he has fulfilled his obligation (as long as he does one of them). This is what was previously known to Allāh Almighty, that by it his sin would be absolved.

The choice $(takhy\bar{t}r)$ is divided into two types: the first is what we mentioned before, which is that a person is obligated to one of two options, or one of several options, and he must fulfill one (or some) of them, whichever he wishes. This is his obligation, which he fulfills from what he has been given the choice in.

The second type is that a person is told, "If you wish, do this, and if you wish, do not do it at all." This type cannot be an obligation at all and can only be voluntary, because anything that a person is allowed to completely leave or do, it is voluntary without disagreement from anyone.

This is necessary against those who say that a person is given a choice while traveling between completing the prayer (praying it fully) or shortening it (qaṣr). According to those who hold this view, the additional two rak ahs, if left out, do not incur sin. So they are then voluntary. And if they are voluntary, it is not permissible to combine them with the two obligatory rak ahs that must be performed. If they are voluntary, they cannot be combined with the 2 obligatory rak ahs because an obligatory act must stand alone. Then, shortening (qaṣr) is the only correct action, and the additional rak ahs are not part of the obligation.

However, this does not apply to their view regarding fasting, where they say that if a person wishes, they can fast during Ramaḍān while traveling, or if they wish, they can break the fast. This is because they do not exempt the person from fasting altogether as they do with the two *rak ahs* that make the prayer four. Instead, they say that if they wish, they can fast during Ramaḍān while traveling, or if they wish, they can fast on other days. According to them, fasting remains obligatory, so this is a choice between two times, not a choice to abandon fasting altogether fasting during Ramaḍān or fasting later. Fasting is still obliged, unlike the additional *rak ahs* in the prayer, which they argue can be left entirely. But in the case of prayer, they give the choice to perform the two *rak ahs* or to leave them completely. So, understand this.

Section: The Order After The Prohibition (Ḥaẓr) And The Arrangement (Marātib) Of The Sharī ʿah

We have clarified before in different places that the ranks of the *sharī'ah* are five: $har\bar{a}m$ (prohibited), fard (obligatory), these are two sides (tarafayn). Then the $har\bar{a}m$ is followed by the $makr\bar{u}h$ and the fard is followed by the nadb and between the nadb and $kar\bar{a}hah$ as an intermediate there is the $ib\bar{a}hah$ (permissibility).

So the $har\bar{a}m$ is what is not permissible to do, and the one leaving it is rewarded, is obedient, and the one doing it is a sinner, disobedient.

And the *fard* is what is not permissible to abandon, the one doing it is rewarded, is obedient and the one leaving it is a sinner, disobedient.

And the $makr\bar{u}h$ is that which if a person does, then he does not sin, and is not rewarded, but if he leaves it, he is rewarded.

And the *nadb* is that which if a person does, he is rewarded, and if he leaves it, he does not sin, and is not rewarded.

And the $ib\bar{a}hah$ is that which if a person does, he does not sin, and is not rewarded, and if he abandons it he does not sin and is also not rewarded for that. Such as if a person dyes his clothes green or yellow.

If a prohibition is abrogated, we look into it, if the abrogation comes with words that are orders, then it is a *fard*, obligation to carry out, after it was once prohibited.

If he did something which was previously prohibited (of which the prohibition became abrogated) then it changes to a permissibility only. And the prohibition remains upon choice (he can forsake it if he wants). Similarly is the order, if there is after it an act (mentioned in texts) which opposes it, then (leaving) it moves to permissibility and the [order, carrying it out remains recommended] just as we have said regarding the Prophet's order on the people if their $im\bar{a}m$ prays while sitting that they must pray behind it while sitting, then the Prophet in his last times in his sickness in which he

passed away while sitting and the people were behind him and Abū Bakr was to his side standing, as a mudhakkar (the one that repeats loudly after the $im\bar{a}m$) we know that then the prohibition to stand is for the mudhakkar only as a nadb and a choice, except if he does that as $ta'\bar{z}\bar{t}m$ for the $im\bar{a}m$ then it is prohibited. And we know that standing is allowed for him, and this is only for that which we have certainty on that something was before, and something was after. As for when we do not know which of the two narrations was before the other, then taking from the $z\bar{a}'id$ is obligatory or making $istithn\bar{a}'$ in the manners we clarified previously.

Some people of the *salaf* have claimed that they went through every single order that exists after a prohibition from the Qur'ān and Sunnah and that they found them all to be a choice and a permissibility only, not an obligation. They mention the verse, "If you exit *iḥrām*, then hunt" [Al-Baqarah: 222].

And the verse, "And if they become pure then go to them wherever you wish" [Al-Baqarah: 22].

And the narration that the Prophet $\stackrel{\text{def}}{=}$ said, "I prohibited you from visiting the graves, now visit them, and I prohibited you from making *nabīdh* in vessels, now make *nabīdh*."

And the verse, "So now have relations with them" [Al-Baqarah: 187].

The one claiming this has been neglectful, for Allāh said, "So now have relations with them. And seek what Allāh has decreed for you, and eat and drink" [Al-Baqarah: 187].

Breaking the fast by eating and drinking is an obligation without any other possibility from it, the prohibition of $wis\bar{a}l^{463}$ clarifies it, and also the saying of Allāh, "O you who believe, do not enter the houses of the Prophet except if he permits you... And once you have eaten then disperse" [Al-Aḥzāb: 53].

So the dispersing mentioned in this verse is leaving the house of the Prophet , which is an obligation, it is not allowed to sit in there after they ate what they were called for to eat.

As for the previous mentioned orders, the indications of the texts have validated specifically for them, establishing that they specifically are upon *nadb* we do not reject acknowledging that which text have come with

⁴⁶² Şaḥīḥ Muslim 3698 | Musnad Aḥmad 5/350-355

⁴⁶³ Sahīh Muslim 1102

(as in these cases it is with nadb), we instead hasten towards accepting it, we only reject issuing rulings with false ra $\bar{\imath}$ and weak desires without certain evidence from Allāh.

As for the verse, "If you exit *iḥrām*, then hunt" [Al-Baqarah: 222].

Verily the Prophet exited his *iḥrām* from '*umrah* and his *ḥajj* then he did not hunt, so we know it is recommended and permissible.

As for the verse, "So once the prayer is finished, then disperse on the land" [Al-Jumu ah: 10].

It has been additionally established besides this verse from the Prophet that the angels do not cease to pray upon the person as long as he is in his place of prayer as long as he does not nullify his ablution 464, and he did not specify any prayer for this. So it is established that dispersing (leaving the prayer place) is permissible except in the case of breaking ablution, and attending to one's own and family's needs, then it is obligatory.

As for the statement of the Prophet regarding graves, "Visit them," the obligation (*fard*) cannot be except by either being limited, entrusted to the individual what he did from it, or based on one's ability. And there is no text concerning visiting graves that fits any of these. Then, if it would be an obligation, then visiting them once would suffice to fulfill that obligation, as we have previously clarified in the invalidation of repeating orders except if it is associated to a matter that by necessity comes into existence again.

As for the Prophets \cong statement regarding the infusion of dates (making $nab\bar{\imath}dh$) he said, "Make $nab\bar{\imath}dh$!" but he himself did not make it, it was made for him, so it is established that making $nab\bar{\imath}dh$ is not obligatory but permissible.

As for the verse, "So now have relations with them" [Al-Baqarah: 187].

The *mubāsharah* (intercourse) of a man with his wife is obligatory, and it is not permissible for him to abandon her in bed or to refuse intercourse with her unless she refrains from him, as we have explained in our book on marriage rulings. And all praise is due to Allāh, Lord of the worlds.

Some Mālikīs have argued that there is a type of obligation here that is neither a *farḍ* (obligation) nor a *taṭawwu* ' (voluntary). This is foolish nonsense that makes no sense at all because a *wājib* (obligation) is what must

⁴⁶⁴ Sunan al-Tirmidhī 330



be done, and a non-obligatory act is what a person can choose to do or not do, and there is nothing known to be between these two sides.

If they seek as argument what has come by texts with the word 'fard' in the $shar\bar{\iota}$ 'ah, they are then the first to disobey what is stated in them because Allāh the Almighty says, "The $sadaq\bar{a}t$ ($zak\bar{a}h$) are only for the poor... An obligation ($far\bar{\iota}dah$) from Allāh" [At-Tawbah: 60].

They say regarding this exact verse, "Such a division is not an obligation, it is permissible to give alms to others besides these, and permissible to allocate to some of these categories excluding others."

And ibn 'Umar said, "The Messenger of Allāh # made Zakat al-Fiṭr obligatory (a fard) on every small or great, male or female, free or slave Muslim, one $s\bar{a}$ of dates or one $s\bar{a}$ of barley."⁴⁶⁵

Then they say regarding this, "It is not obligatory, and neither barley nor dates are obligatory in it."

So we do not know anyone that has left the term fard as it is mentioned in the sharī 'ah more than them. Then they argued in their claim about something being wājib (obligatory) but not fard (also obligatory) or tatawwu' (voluntary) by saying that this is like the adhān, witr prayer, two (voluntary) rak 'ahs of fajr, 'īd prayers, congregational prayer, and throwing pebbles at the *jamarāt* during the nights at *minā*. All of this is a false claim. As for congregational prayer, adhān, and throwing pebbles at the Jamarat, they are obligatory fard, and whoever neglects them disobeys the order of the Prophet . As for 'id prayers, witr prayer, two (voluntary) rak 'ahs of fajr, and staying the nights at minā, they are not fard but voluntary, and it is disliked to abandon them. If someone leaves them intentionally for their entire life, they are not sinful, nor do they disobey Allāh the Almighty, nor does it affect their integrity ('adālah). The Prophet said about the one who took an oath not to do pray any more than the five obligatory prayers, "He has succeeded, by Allāh, if he is truthful; he will enter Paradise if he is truthful." This questioner asked the Prophet # when the five daily prayers were described to him, saying, "O Messenger of Allah, is there anything obligatory upon me other than this?" He said, "No, unless you do it voluntarily."466 The Prophet acalled the one who leaves all prayers except the five obligatory ones successful and did not rebuke him. He informed us

⁴⁶⁵ Şaḥīḥ al-Bukhārī 1512

⁴⁶⁶ Sahīh al-Bukhārī 46

that all prayers other than the five are voluntary. So it is forbidden for anyone to contradict the Prophet . If there would be an order to perform funeral prayers, which would make them (initially) obligatory, they would be voluntary as well (because of this text). However, among these actions, there are things that are disliked to leave. If someone leaves them, they are not sinful and are not rewarded, but whoever does them is rewarded. So, their invalid division collapses, and all praise is due to Allāh, Lord of the worlds.

Section: The Orders In The Form of Male Address

People have differed on this matter. One group said that if an order comes in the form of an address to males, it applies to males only, unless there is evidence that it includes females.

They say, "Every meaning has a specific word that expresses it, so the address to females is 'Do (if 'alna in the feminine form)' and to males is 'Do (if 'ala in the masculine form).' So it is not permissible to apply a word to something other than what it is designated for except with evidence."

Another group said, "The address directed toward $nis\bar{a}$ " (women) and $in\bar{a}th$ (females) does not include males, while the address directed toward males includes $nis\bar{a}$ " and $in\bar{a}th$, unless there is specific textual evidence excluding $nis\bar{a}$ " and $in\bar{a}th$ from it."

We take this position, and nothing else is permissible. The evidence cited by the first group is the strongest argument against them and serves as a *hujjah* for our position, invalidating their claim. This is because every meaning indeed has a specific word to express it, as they have acknowledged, without exception. There is no dispute among the Arabs or those who carry their language, from the first to the last, that when men and women—or males and females—are gathered and addressed, the address and report are expressed using the form of address and report for males if they are alone, without difference. This rule is consistently applied in all cases.

So it is evident that there is no unique or isolated word in the Arabic language for addressing males exclusively, apart from the term that also encompasses both males and females (in the male form), except if there is additional evidence specifying that the intent is to address males alone, excluding females. Since this is established, it is prohibited to restrict the meaning of an address to only part of what it encompasses—excluding the general meaning—except with additional decisive evidence or $ijm\bar{a}$.

So as the forms such as "if al \bar{u} ," and the plural form using $w\bar{a}w$ and $n\bar{u}n$, and the collective plural (jam altaks $\bar{i}r$) apply equally to both males and

females, and as the Messenger of Allāh was sent equally to both men and women, the address of Allāh and His Messenger to men and women is a single, unified address. So, it is prohibited to restrict such an address exclusively to men additional evidence or $ijm\bar{a}$, because that is making $takhs\bar{s}$, of the apparent meaning and that is prohibited. And everything that is an implication against those that speak or $khus\bar{s}$, all of that is against them, all of this will be clarified in its chapter, by the will of Allāh

And the ruling is only specific for women if they are addressed in the female plural form, then it applies for women only, as for a singular woman being addressed, it is for everyone and both genders, as it is not possible to address that one woman except in that form while it can be intended for everyone. As for the plural usage it is a clear specification that it is meant for women only.

If they say, "Then oblige *ighārah* on women."

If it is said to them: If it would not be that the Prophet said to 'Ā'ishah when she asked him permission to do ighārah, the Prophet said, "The best ighārah for women is an (accepted) hajj." Then it would have indeed been obligatory for them, but through this narration we know that ighārah for women is recommended, not obligatory, because the Prophet # did not prohibit her from that, but told her that hajj for them is better. And that which clarifies the validity of our saying is that 'Ā' ishah, who is an evidence (hujjah) in the language, when she heard the order for ighārah, she knew that it at that moment applied for women and that they are part of the obligation, till the Prophet # clarified to her that it is recommended not obligatory and that *hajj* is better for them. And we do not reject the change of words from their original meanings in the language because of an additional evidence from texts or ijmā or necessity which indicates that it has been changed from their original meanings. Only the claim of one who diverts the word from its linguistic meanings without evidence is invalidated. The Prophet , did not deny her understanding the address using the wording of the male address to generally include women in that. And in this, there is sufficiency for one who understands.

⁴⁶⁷ Şaḥīḥ al-Bukhārī 1520, 1861, 2784

If they say, "Make it obligatory upon the women then to travel for the obtaining knowledge in the religion and for enjoining good and forbidding evil."

We say, and with Allāh is the success: Yes! This is obligatory upon them just as it is obligatory upon men. It is obligatory for every woman to obtain knowledge in everything that pertains to her from the religion, just as it is obligatory for men (all matters they involve in which have rulings). It is obligatory for woman with property among them to know the rulings of $zak\bar{a}h$ and it is obligatory for all of them to know the rulings of purification, prayer, fasting, and what is permissible and prohibited in terms of food, drink, clothing, and other matters, just like men, with no difference.

If a woman obtains *tafaqquh* in the '*ulūm* of the religion, we are obliged to accept her warning, and this has occurred. These are the wives of the Prophet , and his female companions from whom rulings are transmitted about the Prophet . Their transmissions are a *hujjah*, and there is no disagreement among our companions and all the followers of our creed in this regard. Among them, besides his wives, are: Umm Sulaym, Umm Ḥarām, Umm 'Aṭiyyah, Umm Kurz, Umm Sharīk, Umm al-Dardā', Umm Khālid, Asmā' bint Abī Bakr, Fāṭimah bint Qays, Yasirah, and others. Then among the *tābi* 'īn are 'Amrah, Umm al-Ḥasan, Al-Rabāb, Fāṭimah bint al-Mundhir, Hind al-Firāsiyah, Ḥabībah bint Maisarah, Ḥafṣah bint Sīrīn, and others.

There is also no disagreement among any of the Muslims that all women are addressed by His saying, the Exalted: "Establish the prayer and give the *zakāh*" [Al-Baqarah: 43].

And His saying, "Whoever among you witnesses the month, let him fast" [Al-Baqarah: 185].

And His saying, "And leave what remains from $rib\bar{a}$ " [Al-Baqarah: 278].

And His saying, "Prohibited for you is *maitah* and blood" [Al-Mā'idah: 3].

And His saying, "And those who seek a contract [for eventual emancipation] from among whom your right hands possess - then make a contract with them" [An-Nūr: 33].

And His saying, "But take witnesses whenever you make a commercial contract" [Al-Baqarah: 282].

And His saying, "And [due] to Allāh from the people is a pilgrimage to the House" [Āl 'Imrān: 97].

And His saying, "Then depart from the place whence all the people depart" [Al-Baqarah: 199].

And His saying, "So Will you not desist?" [Al-Mā'idah: 91].

And His saying, "And test the orphans until they reach marriageable age" [An-Nisā': 6].

And all other orders of the Qurʿān. Those who seek this corrupt method have only resorted to these constraints in one or two issues, they have claimed as they desire and made *taqlīd* without evidence, and so they were forced to deny what is apparent and claim that women are excluded from the address without evidence. Then they returned to include them generally with men in other cases invalidating their method without shame.

Allāh said, "And it is a reminder for you and your people" [Az-Zukhruf: 44].

And it is narrated that when the verse, "And warn your tribe of near kindred" [Ash-Shuʿarāʾ: 214] was revealed the Prophet alled out to the tribes of Quraysh one by one, then said, "O Ṣafiyyah bint 'Abd al-Muṭṭalib, O Fāṭimah bint Muḥammad," by that including women with men in those addressed in the verse as we see⁴⁶⁸.

If someone says, "But He, the Exalted, said, 'Let not a people ridicule another people; perhaps they may be better than them, nor let women ridicule other women; perhaps they may be better than them' [Al-Ḥujurāt: 11]. And Zuhayr said, 'I do not know, but I think I will know, whether the people of al-Ḥiṣn are women." "469

The answer: Verily, if a word from the Qur'ān and Sunnah comes with an intended meaning that it is some of what falls under that meaning in the language, and that is clarified by evidence, then we do not deny it.

Indeed, Allāh the Exalted has said, "O you who believe fear your Lord" [Al-Ḥajj: 1]. There is no disagreement from the linguist or *faqīh* that this address is directed to every human being, male or female. Then Allāh the Exalted said, "To whom hypocrites said, 'Indeed, the people have gathered against you, so fear them" [Āl 'Imrān: 173]. Evidence is established that here the meaning is some people, not all of them. So it is necessary to take that

⁴⁶⁸ Sahīh al-Bukhārī 2753

⁴⁶⁹ Al-Ishtiqāq by ibn Durayd pg. 46

due to the evidence indicating it. If this would not be the case, it would not be permissible to understand it except as it applying to all people collectively in general.

And indeed, 'Amr ibn al-'Āṣ asked the Messenger of Allāh ﷺ, "Which people are most beloved to you?" The Prophet ﷺ replied, "'Ā'ishah." He asked, "And among the men?" The Prophet ﷺ said, "Her father." And the Messenger of Allāh ﷺ was the most knowledgeable of people in the language with which he was sent. So he applied the statement in its generality concerning women with men, until the questioner informed him that he intended some of those upon whom the name was applied, so he accepted that from him. And this is a direct text indicating our method, which is to apply text upon generality. So when additional evidence arises that specification intended, we adhere to it.

There is no disagreement that the saying, of Allāh, "Or the meat of swine" [Al-Anʿām: 145] applies to the female swine just as it applies to the males, with the exact same word alone, to all of its type.

And some of them objected with a narration they mentioned from the *tarīq* of Umm Salamah, may Allāh be pleased with her, that she said, "The women complained, and women are not mentioned; we only see Allāh the Exalted mentioning men." So the following verse was revealed, 'Verily, the Muslim men and Muslim women...' [Al-Aḥzāb: 35]."⁴⁷¹ This narration is not authentic at all, it has never been narrated from an authentic *tarīq*.

It is also narrated about Umm 'Ammārah that she said, "O Messenger of Allāh, men are mentioned in the Qur'ān but not women," then the verse, "Verily, the Muslim men and Muslim women..." [Al-Aḥzāb: 35] was revealed⁴⁷². This is *Mursal* and the mursal narration is not authentic.

And it is also narrated Umm Salamah said, "The men are mentioned in the *hijrah* but we are not mentioned," and that then the verse, "Never will I allow to be lost the work of any worker among you" [Āl 'Imrān: 195] was revealed. And she said, "O Messenger of Allāh we do not inherit not do we participate in *ighārah*," then the verse, "And do not wish for that by which Allāh has made some of you exceed others" [An-Nisā': 32] was revealed.

⁴⁷⁰ Şahīh al-Bukhārī 3662

⁴⁷¹ Sunan Al-Tirmidhī 3022 | Musnad Aḥmad 6/322

⁴⁷² Sunan al-Tirmidhī 3211

⁴⁷³ Musnad Abū Yaʻlā 6959, 12/393 | Sunan Saʻīd Ibn Mansūr 624, 4/1236

All of this is weak, verily ibn Abī Najīḥ (who is among the narrators of these narrations) did not hear the *tafsīr* from Mujāhid⁴⁷⁴.

It is not mentioned in those narrations that Mujāhid heard the narration from Umm Salamah and it is not known if Mujāhid heard anything in the first place (Mujāhid was born around 20 AH and Umm Salamah past away around 60 AH, they did have *mu ʿāṣarah*, Mujāhid was at Egypt and Kūfah while it is only known that Umm Salamah was at Madīnah).

It is only authentically established that they (the women) said, "O Messenger of Allāh, men have dominated over us, so appoint a day for us." So the Prophet , appointed a day for them and admonished (taught them) them on that day and ordered them to give charity⁴⁷⁵.

Similarly, what is narrated in the prophets \cong sermon, on $\bar{\imath}d$ and his order to women to attend (the $\bar{\imath}d$ prayer), then he \cong saw that they did not come, so he came to them and admonished them, standing before them, fearing that they might not have heard. Otherwise, his comprehensive speech from the pulpit would have sufficed for them.

It is also authentically narrated from Umm Salamah, the wife of the Prophet , that she said, "I used to hear people mentioning the Pond (al-Ḥawḍ), but I did not hear that from the Messenger of Allāh . Then one day, while I was being combed by the slave-girl, I heard the Messenger of Allāh saying, 'O people.' So I said to the slave-girl, 'Leave me alone.' She (the slave girl) said, 'He has only called the men and not the women.' So I said, 'I am among the people (the exact word the Prophet used when he called)."

This is the clarification that women are included in the address that came in the form of addressing males.

Some of the people argued against us using the saying of Allāh the Almighty, "Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allāh often and the women who do

⁴⁷⁴ Al- 'Ujāb by ibn Ḥajar pg. 57-58 | Al-Itqān 2/470

⁴⁷⁵ Sahīh al-Bukhārī 101 | Sahīh Muslim 79

⁴⁷⁶ Sahīh Muslim 2295

so - for them Allāh has prepared forgiveness and a great reward" [Al-Aḥzāb: 35].

So the answer, and with Allāh is the guidance, is that emphasizing $(ta'k\bar{\iota}d)$ and repetition are not rejected, Allāh the Almighty had already mentioned the angels and then repeated Gabriel and Michael, He said, "And His angels and His messengers and Gabriel and Michael" [Al-Baqarah: 98]. While they are from the angels (and they are still mentioned separately from them).

And what we had presented from the orders of the Qur'ān which is agreed upon that they refer to both men and women without any other explicit text or additional explanation, except in those mere wordings is sufficient evidence.

And similarly, His saying, "And let two men among you be witness" [Al-Baqarah: 282]. This is a clear indication that what is meant by that is both men and women together, because it is not possible in the Arabic language to address men only by saying to them "from among your men." Rather, such in Arabic means, "from among yourselves."

If they say, "We are certain that men are meant by the address in the wording of males, and we are not certain of that for women, so *tawaqquf* of affirming that it includes women is obligatory."

It is said to them: We are certain that the Messenger of Allāh \cong was sent to them just as he was sent to men, and that the *sharī'ah*, which is Islām, is obligatory for them just as it is for men. We are certain that the address regarding acts of worship and rulings is directed to them just as it is directed to men, except what is specifically excluded for them or for men by an additional evidence. All of this necessitates that men are not singled out without them in anything it is established that they are the same in everything except what is specified by text or $ijm\bar{a}$, and with Allāh is the success.

And the astonishment increases from those who opposed our saying from the *hanafiyyah* and *mālikiyyah*, then they come to the address of the Prophet stowards the man who had intercourse during Ramaḍān with *kaffārah* and then they say, "The same is obligatory for the woman just as it is for the man." What is more blatant than the blatantness of someone who comes to general addresses (texts) for all the people of Islām and wants from that to exclude women from it, then comes to an address for men specifically with an explicit texts for it and no other, wanting to obligate it to women

without evidence. Then they contradict themselves in them obligating the woman who was copulated the same as the copulating man, without a text on the woman who was copulated, but they contradict and do not oblige the woman who performs $zih\bar{a}r$ of the husband (declares him similar to the mother) the same as they obligated the man who performs $zih\bar{a}r$ of his wife, and this is while the 'illah in both is the same, which is His saying, "They are saying an objectionable statement and a falsehood" [Al-Mujādilah: 2]. So the female one doing $zih\bar{a}r$ can also be of this description without difference. And many have obliged on her the same as the male that does $zih\bar{a}r$, they are a people who transgress the limits of Allāh in this manner, following ra $\ddot{\imath}$ and $qiy\bar{a}s$.



Section: Does The Addressed Speech Pertain Exclusively To Free People, Excluding Slaves, Or Does It Include Slaves Along With Free People?

A group of people have went with that the verse, "And bring to witness two just men from among you" [Aṭ-Ṭalāq: 2] pertains specifically to free people and not slaves.

They use as evidence the verse, "And marry the unmarried among you and the righteous among your male slaves and female slaves" [An-Nūr: 32].

We do not know which one is a worse claim against Allāh, is it their specification of free people in the first verse excluding slaves, or their citation of the second verse for that purpose. The first invalidation of their claim is that the Prophet was sent to the slaves and to the free people in the exact same manner by *ijmā* of the *ummah*, so it is obligatory to make the slaves equal to the free people except when texts make a difference between them, just as it is obligatory to make Arabs and non-Arabs equal with Quraysh except where the text make specifically have made a difference between them, such as the caliphate being reserved for Quraysh only and not for other Arabs, the prohibition of charity for Banū Hāshim and Banū al-Muṭṭalib as opposed to the rest of Quraysh and the Arabs, and the obligation of a fifth of the fifth (of war spoils *khumus*) for them as opposed to the rest of Quraysh and the Arabs.

Allāh only addressed us in the verse about marriage (of slaves) because He, exalted be He, did not grant a slave the right to marry on his own but granted it to the free person, and this is a situation where the text specified a distinction.

⁴⁷⁷ Mashaykhah by al-Suhrawardī 24

Then we object them with the verses of Allāh, "And fear a trial which will not strike those who have wronged among you exclusively" [Al-Anfāl: 25].

And the verse, "And whoever is an ally to them among you - then indeed, he is [one] of them" [Al-Mā'idah: 51].

And the verse, "And whoever takes them as allies among you, then they are from the wrongdoers" [At-Tawbah: 23].

And the verse, "believes in Allāh and believes the believers and [is] a mercy to those who believe" [At-Tawbah: 61].

And the verse, "If We pardon one faction of you - We will punish another faction because they were criminals" [At-Tawbah: 66].

And the verse, "They were stronger than you in power" [At-Tawbah: 69].

And the verse, "It is the same [to Him] concerning you whether one conceals [his] speech or publicizes it" [Ar-Ra'd: 10].

And the verse, "And We have already known the preceding [generations] among you, and We have already known the later [ones to come]" [Al-Ḥijr: 24].

And the verse, "Behold! some of you associate others in worship with their Lord (Allāh)" [An-Naḥl: 54].

And the saying of Allāh, "There is not one of you but will pass over it (Hell)" [Maryam: 71].

Did he with this addressment only specify the free people and not the slaves, or did he include them and is it a general statement for all slaves and all free people? Then every single statement is like this without any difference, except what texts have made a difference in between slaves and free people.

Similarly is the verse, "And bring to witness two just men from among you" [Aṭ-Ṭalāq: 2]

They said about it, "This is only for the free people not the slaves."

And this is a heinous wonder. Do you see the slaves as not among our men? This matter ought to be shameful, and whoever publicly declares that the slaves are not among our men, it is necessary to abstain from speaking with him.

And also in the beginning of the verse Allāh says, "O you who have believed, when you contract a debt for a specified term, write it down" [Al-Baqarah: 282].

And another verse, "O Prophet #, when you divorce the women..." [Aṭ-Ṭalāq: 1].

And there is no difference of opinion that this is an address for the free people and slaves and that this (verse) is a general ruling for those that buy and sell among free people and the slaves, and for those that divorce among free people and slaves. As this is established, how is it possible for anyone with 'aql and religion to say, "Verily the verse, 'Among your men,' and the verse, 'among you,' are specific for the free people only excluding slaves. These two verses, there is no difference among them that those addressed with these verses are both slaves and free people in the exact same manner.

Section: Is The Order Of The Prophet **To One**Person An Order For Everyone?

We are certain that the Prophet was sent to every living being in his time on the inhabited earth, whether human or *jinn*, and to those born after him until the Day of Judgment. He was sent to judge in every matter created by Allāh until the Day of Judgment. Since this is established by the certain decisive unanimous consensus of the Ummah conveyed by the Prophet by authentic texts, as we mentioned, about the permanence of the religion until the Day of Judgment and its obligation upon humans and *jinn*, we then know by the necessity of perception that it is impossible for him to be witnessed by those who come after him. Then his order regarding one of the species (naw') is then an order that applies to that entire species.

What clarifies this is that that which was in the *sharī ah* specific or specific for a certain amount of people, was always clarified by the Prophet , he made it known that it was specific (as the default is generalization), as he did with the slaughtering of the *jadh'ah* (young sheep) done by Abū Burdah ibn Niyār, the Prophet said, "This is will not be valid for anyone after you."

And his order to one woman with $istih\bar{a}dah$ was an order with everyone with $istih\bar{a}dah^{479}$.

And the Prophet $\stackrel{\text{def}}{=}$ placing ibn 'Abbās and Jābir to his right in the prayer is a ruling for every single one praying with an $im\bar{a}m$.

And there is no difference from anyone that the order of the Prophet to the companions while they are present, is an order for everyone that will come after them till the day of judgment.

⁴⁷⁸ Şaḥīḥ al-Bukhārī 951

⁴⁷⁹ Sahīh al-Bukhārī 228, 306, 320

⁴⁸⁰ Sahīh Muslim 766

As for our brothers, they were severely confused in this matter. They said about the ruling of the Prophet $rac{2}{2}$ for the one who had intercourse during Ramaḍān that the ruling applies to everyone who does so, and they were correct in this. However, this was not enough for them until they extended it to falsehood, saying that the ruling of this $(kaff\bar{a}rah)$ also applies to anyone who breaks their fast without intercourse. This was also not enough for them until they said it applies to women as it does to men. Then they came to the ruling of the Prophet $rac{2}{2}$ regarding a person who died in the state of $ihr\bar{a}m$, ordering that no perfume must be used on him, nor must his head be covered, and that he must be shrouded in his garment (if he dies) $rac{4}{2}$. They said, "This is specific to that individual (mentioned in the narration only) and not a ruling for anyone else who dies in the state of $rac{2}{2}$ $rac{2}{2}$ and $rac{2}{2}$ $rac{$

Have those that hear this heard anything more astonishing than such claims by desire? They used the example of ibn 'Umar as evidence for this, but they at the same time abandon ibn 'Umar in more than a hundred issues, and then they also disregard the sayings of those who opposed ibn 'Umar from the companions in this matter.

They used as evidence that the actions of the deceased are cut off, deceivingly and confusingly. This is not for the deceased, the order is for the living who are ordered with that action, in the exact same manner as they are ordered to wash him and bury him. The deceased has no action in this, there is no difference.

If they use as evidence the saying of 'Alī, "The Messenger of Allāh forbade me, and I do not say he forbade you," then Ka'b ibn 'Ujrah said regarding the *kaffārah* (expiation) for shaving the head (during *ḥajj*), "It was revealed concerning me specifically but is for you generally."

Then we have clarified at the end of this book that *taqlīd* is not prohibited, and verily 'Alī clarified that his statement was not as some might think, that that prohibition does not go past him and apply to others. Because when he was asked, "Did the Messenger of Allāh entrust you with something that he did not entrust to anyone else?" he said, "No, the Messenger of Allāh did not single me out with anything except what is in this paper." And in it was the blood money and some matters about wounds, and

⁴⁸¹ Sahīh Muslim 1206

⁴⁸² Ṣaḥīḥ Muslim 480, 2078

⁴⁸³ Sahīh al-Bukhārī 1816 | Ṣaḥīḥ Muslim 85, 86

that a believer must not be killed in retaliation for an unbeliever⁴⁸⁴. So it is clear that 'Alī's statement "He forbade me" was merely a precise adherence to the wording of the Prophet . And with Allāh, the Exalted, is success, and He is the one who grants correctness.

 $^{^{484}}$ Şa
ḥīḥ al-Bukhārī 111, 1870, 3047

Section: Orders From The Prophet # For Which There Is No Rationale Mentioned By The Prophet

If there is an authentic narration that the Prophet \cong saw something and gave a ruling on it, then the obligation is to rule that matter exactly like that ruling, because that is the same as all of his other rulings which we preceded the obligation of before, and that is like when the Prophet \cong saw a man pray alone behind the rows, then he ordered him to repeat the prayer and he saw a man do $hij\bar{a}mah$ and said, "The cupped and the copper broke the fast."

And that the prophet $\stackrel{\text{\tiny{de}}}{=}$ went to the one consuming *khamr* then lashed him.

A group of people objected and said, "Perhaps the Prophet sonly ordered him to repeat the prayer, not because he was alone, but because of another reason. And maybe the one cupping and the copper were only backbiting people."

And this is prohibited and false for five reasons: The prophet is ordered to convey, if he orders a man to repeat the prayer, invalidating it, and he does not clarify how it became invalid, then the Prophet would not have conveyed, and Allāh has absolved him of that. And he would not have clarified, and whoever attributes this to the Prophet, has left Islām.

The second reason is that whoever says, "Perhaps the Prophet "clarified it but it did not reach us." Allāh has declared him a liar, verily he said, "Verily, We, it is We Who have sent down the revelation and surely, We will guard it" [Al-Ḥijr: 9].

And with the saying of the most Exalted, "He does not utter from desire, it is only a revelation revealed" [An-Najm: 3-4].

So it is established that all of his words are from revelation and that the revelation is guarded. If the Prophet *would have clarified it and it did

⁴⁸⁵Al-Sunan al-Kubrā by Al-Nasā'ī 3208, 2/231 | Musnad by Al-Bazzār 1004, 1005

not reach us, then it would not have been guarded, this is that which Allāh declared false, because it is not transmitted by anyone that he ordered the repetition of it (the prayer) for (reasons) other than being alone (behind the rows).

The third point is that there are many narrations established on the obligation of straightening the rows, and there is in it the invalidation of the prayer of the one praying alone, we have mentioned in the chapter in which we clarified the falsehood of those who give precedence to certain narrations above others for made up reasons in this book.

The fourth point is that if a reliable narrator reports that he (a person) prayed alone and repeated it (made him repeat it), it is a narration and a warning of the invalidation of the solitary prayer (the one praying alone behind the rows), from the Prophet and it is obligatory to accept it.

The fifth point is that the statement of one who says, "Perhaps there was a reason behind that incident that was not conveyed to us," is a mere conjecture. And Allāh Almighty has said, "And they have thereof no knowledge. They follow not except assumption, and indeed, assumption avails not against the truth at all" [An-Najm: 28] and the Prophet said, "Assumption is the most false of speech," and it is not permissible to abandon the transmission of the reliable narrators for false assumptions.

As for the claims of those who claim that the one cupping and the one being cupped were backbiting people, they sought refuge from the heat of the sun, with fire, and this is while they do not believe in the breaking of the fast by backbiting. So they have disobeyed in any case.

And if the concession (*rukhṣah*) had not been authentically narrated from cupping for the fasting person, we would have obliged breaking the fast with it. But after all the narrations, it necessitates accepting the concession (*rukhṣah*) because there is certainty that it was after the prohibition since the word 'concession' (*rukhṣah*) can only apply to permitting something that was previously warned (*taḥdhīr* which is a prohibition as is evident from what preceded) against.

And because of this narration⁴⁸⁷, we allow cupping for the fasting person, and for him to be the one cupping and the one being cupped, according to the apparent wording of the $ah\bar{a}d\bar{t}th$, not merely because of the

⁴⁸⁶ Şahīh Muslim 2563

⁴⁸⁷ Sunan al-Kubrā 3228, 3/346 | 3224, 3/345

narration that mentions that the Messenger of Allāh was cupped while he was fasting 488 . Because there is no evidence in that narration alone that it was after the prohibition, so that is in accordance with the known principle ($ma'h\bar{u}d\ al$ - $a\bar{s}l$). Nor does that indicate that it was during an obligatory fast that does not permit breaking, but perhaps it was during a voluntary fast that permits breaking, or while traveling, as it came in some of those narrations that he was fasting while in the state of $ihr\bar{a}m$, And Allāh is the source of strength.

⁴⁸⁸ Sahīh al-Bukhārī 1938, 1939



Section: Two Rulings From A Text Whose Wordings Indicates That They Pertain To One Matter, Not Two

It is narrated that a man came to the Messenger of Allāh during Ramaḍān, saying, "I am ruined," and it was described that he had had intercourse with his wife while fasting. The Messenger of Allāh , ordered him to perform a specified expiation He use his fast in Ramaḍān (there is no mention of intercourse during the daytime), and the Prophet , ordered him (based for the mere breaking) to perform that same expiation him (based for the first narration. So, we know from such that they are one narration because the narrators are the same, and they narrated about what causes the breaking of the fast, and the incident in both narrations is the exact same, so it is established that some narrators from Al-Zuhrī explained the story, such as Sufyan, Ma mar, al-Layth, al-Awzā ī, Manṣūr ibn al-Mu tamir, and 'Urwah ibn Mālik, while some summarized it, such as Mālik and ibn Jurayj. However, they all narrated from al-Zuhrī, from Ḥumayd ibn 'Abd al-Raḥmān, from Abū Hurairah.

As for the narration about the ruling against the woman who stole⁴⁹¹ and then also the narration about the ruling against the woman who refused to give what she borrowed⁴⁹², it is not like this because having intercourse while fasting is a true breaking of the fast, upon which the name "Breaking the fast" truly occurs. But as for, the name "Borrower who denies" is never applied to the thief, nor is the name 'thief' applied to borrower that denies. Also, ibn 'Umar narrated the narration of cutting off the hand of the borrower,

⁴⁸⁹ Şaḥīḥ al-Bukhārī 6711

⁴⁹⁰ Sunan Abī Dāwūd 2392, 2/313

⁴⁹¹ Sahīh Muslim 1688

⁴⁹² Sunan Abī Dāwūd 4397

but he did not mention theft; only 'A'ishah mentioned the matter of theft. So it is correct that they are two different narrations about two different incidents.

This is also related to those who prohibit wiping over the turban in the narration of Al-Mughīrah. They said, "Wiping over the '*imāmah* mentioned is one narration along with the narration mentioning wiping over the forelock and the turban together."

This is incorrect because ablution was not performed only once by the Prophet , but rather thousands of times. Whoever claims that all of these are one ablution at one time, being one incident is lying and speaking without knowledge, which is not permissible for a Muslim.

Moreover, those who narrated wiping over the turban and the *khimār* (anything worn on the head) without mentioning wiping over the forelock at all are Salmān, Bilāl, Kaʻb ibn ʻUjrah, and ʻAmr ibn Umayyah al-Damrī. Specifically the Mālikīs who prohibit limiting the wiping to the forelock only, they have no basis in the narration of Al-Mughīrah. Everything they rely on in this matter is *ḥujjah* against them. So it is established from what we mentioned that the narration of al-Mughīrah and the narration of those we mentioned are different.

Consideration must be put in such texts, an example for that in the Qur'ān, is the saying of Allāh, "[This is a declaration of] disassociation, from Allāh and His Messenger, to those with whom you had made a treaty among the polytheists. So travel freely, [O disbelievers], throughout the land [during] four months" [At-Tawbah: 1-2].

Then Allāh said in that exact same Sūrah after a bit, "And [it is] an announcement from Allāh and His Messenger to the people on the day of the greater pilgrimage that Allāh is disassociated from the disbelievers, and [so is] His Messenger. So if you repent, that is best for you; but if you turn away - then know that you will not cause failure to Allāh. And give tidings to those who disbelieve of a painful punishment. Excepted are those with whom you made a treaty among the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term [has ended]. Indeed, Allāh loves the righteous [who fear Him]. And when the inviolable months have passed, then kill the polytheists wherever you find them" [At-Tawbah: 3-5].

So we find that He, the Almighty, set the term for those with whom treaties were made among the polytheists as four months. Then we find that He, the Almighty, set the term for the polytheists from the day of the greater pilgrimage, which is the day of *naḥr* (sacrifice) by the explicit words of the Messenger of Allāh , till the passing of the sacred months. There are only fifty days between the two terms. So we know with certainty that those polytheists whose term was set as two months minus ten days are different from those who were given a term of four months. This should be closely observed as it clarifies many ambiguities. With Allāh's help, success is attained.

Section: Conjoining ('Atf) Orders With One Another

Orders can conjoin obligatory acts with non-obligatory acts, and non-obligatory acts with obligatory acts. The a s l in this is that every order is obligatory except what is excluded by necessity of sensory perception, text, or $i j m \bar{a}$.

When orders are conjoined and some are excluded by any of the mentioned evidences from being obligatory, the rest remain understood as obligatory. It does not matter if the excluded order is mentioned first, last, or in the middle; it is all the same, just like when an order is abrogated, the rest remain obligatory and must be obeyed.

Among the examples for this is the saying of Allāh the Almighty, "Eat of [each of] its fruit when it yields and but pay the due thereof on the day of its harvest" [Al-An'ām: 141]. If not for the *ijmā'* that eating the fruit is not obligatory, we would have said it is obligatory. However, since it is excluded from being obligatory by the evidence of *ijmā'*, the conjoined act mentioned in the verse remains obligatory, which is His saying, "But pay the due thereof."

We only have come with what the companions of Mālik Abū Ḥanīfah and al-Shāfi'ī agree with us on, although they contradicted themselves in similar matters. But the truth is what we mentioned, and Allāh is the source of strength. Another example is the saying of the Prophet , "Make *nabīdh*, but do not drink intoxicants and visit the graves but do not say anything improper." The first orders of both are recommended by *ijmā*, while the second is obligatory. Another example is His saying, "When the call to prayer is proclaimed on Friday, hasten to the remembrance of Allāh and leave off selling" [Al-Jumu ah: 9]. The hastening is specific to men, not women, but

⁴⁹³ Al-Ahkām al-Kubrā 2/545

this does not prevent the order to leave trade from being obligatory, as it is evident and general for everyone, both men and women. The companions of Mālik concur with us on this, and there are many similar examples. And Allāh is the source of strength and Allāh is sufficient for us, He is the best disposer of affairs.

Section: On The Contradictions Of Those Who
Suspend (make *Tawaqquf*) Orders And (While)
They Themselves Impose Numerous Orders As
Obligatory Upon Their Apparent Meaning Without
(Having Been Due To Any Additional) Indication
Or Evidence, Only Because Of The Mere Order
And Form Of The Word, And How They Deviate
From The Path Of Truth By Imposing Obligations
Without Evidence, Indicating Their Many
Contradictions And The Corruption Of Their
Statements

Verily those who believe in *tawaqquf*, among the Mālikiyyah, Shāfi 'iyyah and Ḥanafiyyah have obliged many rulings because of orders, which do not have a single additional indication for its obligation (so merely the order alone according to them sufficed for to indicate its obligation for many issues). And this is a clear nullification of their method on *tawaqquf*. And this was not enough for them till they obliged obligations for which there is not a single order. What is more astonishing than that which Allāh and His Messenger did not oblige anything for and did not order anything for it, and that then a person obliges rulings without an order from Allāh.

From that is that the Mālikiyyah use the verse, "O you who have believed, when [the *adhān*] is called for the prayer on the day of *Jumuʿah* [Friday], then proceed to the remembrance of Allāh and leave selling. That is better for you, if you only knew" [Al-Jumuʿah: 9]. Then they invalidated the sale merely because of this order, they were then not pleased with it till they

invalidated in the words of this verse what Allāh did not invalidate, such as nikāh, leasing, transgressing the limits of Allāh. Some of them made ta'līl (searching for the rationale) that the word in the verse, "And leave (wa dharū)" cannot occur except on an obligation. And this is something unknown to those who carry the language of the Arabs. Allāh Almighty said, "Then leave them (*dharrhum*) to play in their vain discussions" [Al-An ām: 91]. Do you then think that "leave (dharr)" in this verse which is the exact same word implies abandoning atonement without admonition and without calling back to *īmān*, and killing and imprisoning, imposing the *jizyah* and humiliation? And regarding the verse, "Fighting has been Decreed upon you" [Al-Baqarah: 216]. And the verse, "Decreed upon you is *qiṣāṣ*" [Al-Baqarah: 178]. And the verse, "Decreed upon you is fasting" [Al-Baqarah: 183]. They said, "These are all obligations." But regarding the verse, "Decreed for you when death approaches [any] one of you if he leaves wealth [is that he must make] a bequest for the parents and near relatives according to what is acceptable - a duty upon the righteous" [Al-Bagarah: 180]. They said, "This is not an obligation," despite the order of the Prophet ## that anyone who has something to bequeath (wasivvah) must not sleep two nights without having his will written with him⁴⁹⁴. They made distinctions without evidence. And regarding the verse, "But if you are prevented (from completing them), sacrifice what is easy from the hadi" [Al-Bagarah: 196]. They say, "This is obligatory." Then regarding the verse, "And whosoever of you is ill or has an ailment in his scalp (necessitating shaving), he must pay a ransom" [Al-Baqarah: 196]. They say, "This is also obligatory." And similarly, they say about hadī for 'umrah and the compensation for hunting (during ihrām), obliging it and also obliging the $takb\bar{t}r$ in the beginning of the prayer and also obliging the taslīm for the prayer. And they say regarding the ruling of almuşarrāh, "It is obligatory." And regarding the appraisal of the emancipating partner, that is an obligation. And they made $zak\bar{a}h$ obligatory on the wealth of the non-adults based on the general verse of Allāh, "Take from their wealth a charity by which you purify them" [At-Tawbah: 103]. And the saying of the Prophet #, "Indeed, they are obliged a charity that is taken from their rich."495 But then they do not oblige zakāt ul-fitr, and it has come with texts that the Prophet sobliged it, and while it is part of the general saying of the

⁴⁹⁴ Şahīh al-Bukhārī 2738

⁴⁹⁵ Sahīh Muslim 19

Prophet , "Indeed, they are obliged a charity." And it is also part of the verse, "Take from their wealth a charity" [At-Tawbah: 103]. And they oblige $zak\bar{a}h$ on olives because of the verse, "And olives, and pomegranates, similar (in kind) and different (in taste). Eat of their fruit when they ripen, but pay the due thereof on the day of its harvest" [Al-Anʿām: 141]. But they do not oblige it on pomegranates, while Allāh mentioned both, associated both. And they oblige washing the vessel licked by a dog because of the mere obligation mentioned in the narrations.

As for the Ḥanafiyyah, they believe a woman cannot stand next to the men in the obligatory prayer and they believe *istis* 'ā' is obligatory. But they do not believe in the obligation of giving from the property of Allāh to the *mukātab* slave. And they do not believe in the obligation of *mukātabah* of whoever calls to a *mukātabah*. While all of these are obligations. They believe in the *mut'ah* (provision) for the woman divorced who was not touched by the husband while he had not appointed a *mahr* for her yet because of the verse, "So provide for them" [Al-Aḥzāb: 49]. But they do not believe this for other divorced woman (after touching), while Allāh had verily said, "And for divorced women, maintenance (must be provided) on reasonable (scale)" [Al-Baqarah: 241]. And like this there are many examples.

And as for the Shāfi iyyah, they make ṣalāh upon the Prophet within the prayer obligatory, but they do not make the takbīr during bowing and rising obligatory, even though it was ordered. They make the intention in ablution obligatory, but they do not make the act of rinsing the nose obligatory, even though all of this was ordered in the exact same manner. They make for sales the choice to cancel the sale before physically parting away from the place of sale obligatory, but they did not make having witnesses for a sale obligatory, while all of this was ordered by texts. There are many examples like this. They make giving from Allāh's wealth to the mukātab (the slave seeking to buy their freedom) obligatory, but they do not make obligatory the writing of the contract for those who seek freedom from those whom our right hands possess, and this is while both were equally ordered by texts.

In what we have mentioned the claims of those who believe suspension (*tawaqquf*) are all invalidated. With Allāh, the Exalted, is success. We will, by the will of Allāh, mention the certain decisive evidences that excludes the order from its original place of obligation to other categories in

another chapter, following the chapter on generalities (' $um\bar{u}m$), By the will of Allāh. With Allāh, the Exalted, is success, and there is no power and no strength except with Allāh, the Most High, the Most Great. Allāh is the guide to what is correct.