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IBN HAZM'S LITERALISM: A CRITIQUE OF ISLAMIC LEGAL THEORY (II)

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The Sufficient Tract on the Rules [Derived from] the Sources of Religion (II)

Ibn Hazm of Cordoba

Chapter: The Narration of an Upright Person with Poor Memory is not to be Accepted

For Exalted God commanded us to accept the oath of one who understands what he hears and one whose memory is poor does not understand what he hears. For understanding is merely comprehension and reflection on the legal command which one bears in order to issue it exactly as one hears it. It is impossible for one whose memory is poor and who is uncertain about the reports he bears to understand that which he is uncertain about and does not know precisely. Women, male slaves, and female slaves are no different in what we have mentioned, due to the generality of Exalted God's saying, "a group". There is a valid consensus that religion is obligatory upon women, male slaves, and female slaves, just as it is obligatory upon free persons and men, with no difference, although the ruling differs with regard to some of them where there is a proof text, but not without proof.

Chapter

When a report comes from a reliable narrator from similarly reliable narrators in a continuous chain back to the Messenger of God (pbuh) it is known with certainty that it is the truth from God, the all-powerful, the sublime. The reliability of a report obligates one to rule on its basis, if all of its narrators are agreed to be upright, or are among those whose uprightness has been proven, even if someone whose objection is invalid objects, or someone makes an invalid objection to one of them. The proof of this is Exalted God's saying, "It is We who have sent down the Remembrance, and We preserve it". ⁵⁵ It is certainly true that He has obliged us to accept reports narrated by reliable narrators. Since Exalted God preserves the religion, it is certainly incorrect that He would oblige us to accept a false law, which Exalted God never commanded us [to obey].

This is something we have been assured by Exalted God's guarantee to us, unlike the testimony of witnesses. For Exalted God never guaranteed us that witnesses would only bear true testimony. Indeed, the Messenger of God (pbuh) has made it clear to us that they may bear false witness, when he said (pbuh), "Whomever I judge in favor of against his brother and refuses to accept the judgment is allotted a place in Hell." It is known that those who sought his judgment were not merely two adversaries, since one could be more articulate than the other in presenting his evidence. In some cases, the judgment was only based on the testimony of one whose testimony necessarily leads to the truth, while in others the judgment was determined be one's being more articulate than the other.

We know with certainty that he (pbuh) always judged rightly in the eyes of Exalted God. It is true that we are commanded to act in accordance with the testimony of those witnesses we think to be upright, even if, unknown to us, it be false, and that we execute one whom it would not be licit for us to execute if we knew that the witnesses were lying or mistaken, and, similarly, that we render judgment concerning property which it is forbidden for one who knows the hidden truth of the matter to order seized. It is the same with regard to sexual offenses. It is forbidden for us to make any of this licit, when it is present in religion. Similarly, we pay money to ransom a prisoner from an infidel or tyrant, and it is an obligation upon us to pay this money if it is the only way for us to gain his freedom, although it is forbidden for he who receives the money to [receive it].

⁵⁵ Al-Hijr, 9.

Receiving divine laws is not like that, because they are the Remembrance whose preservation Exalted God guaranteed.

Similarly, we are certain that every tradition which only reaches us as discontinuous, or which is only narrated by an unknown narrator, whose reliability is unknown by the scholars, or whose lack of reliability is agreed upon or proven, is a false report which the Messenger of God (pbuh) never said and was never the basis for his reaching a legal ruling. For it is impossible that divine law be true except by means of Exalted God's guaranteeing the Remembrance which He sends down, which He revealed to His Prophet (pbuh) with [God's] guarantee, may He exalted, that He has made all of the religion clear to us. Through these two proofs, we are certain that He did not leave anything out of the religion, nor will anything ever be lost from it. With every age, there must be a scholar who knows what is concealed from others, and another must know what is concealed from him, so that the religion will certainly be preserved until the Day of Resurrection. And success comes from Exalted God.

Chapter

As for a narrator who appears to us to be upright, while another regards him as unreliable, and about whom he who disagrees with us is right according to Exalted God, similarly with a narrator about whom one person is ignorant, while another knows him to be upright, he who knows with certainty that the narrator who is upright is right according to Exalted God. But it is necessary that Exalted God not conceal the truth from His creation, nor conceal any of His religion from all of His creation, lest no one know the certain truth from falsehood. This is something which could only occur by Exalted God's guarantee to preserve the religion, and due to His bearing witness, may He be exalted, that He has perfected it, and that by it He has completed His blessing upon us and approved Islam for our religion. He said, may His mention be sublime, "Today, I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for your religion." ⁵⁶

⁵⁶ Al-Mā'ida, 3.

Chapter

Whoever claims that a report about the Prophet (pbuh) about which it is true that it has been narrated by reliable narrators, is wrong, is not to be believed without clear proof from a reliable narrator who testifies that he met that narrator and that the narrator made a mistake and altered the report, or that the narrator admits that he made a mistake. Similarly, whoever claims that a valid report or verse from the Qur'an has been abrogated or particularized, his opinion is false unless he quotes another text as evidence for this or a certain consensus on what he has claimed. Otherwise, his opinion is false, because Exalted God says, "O believers, obey God, and obey the Messenger." 57 Whoever says that a verse or authentic report is abrogated, or that it is not to be interpreted as general, or not to be interpreted literally, is saying to us, do not obey this verse or this report; his statement is to be rejected. God's statement is truer and more credible. Had Exalted God intended what this person said. He would have made it clear in accordance with this person's claim. He, may He be exalted said, "Making clear everything." 58 He, may He be exalted, said, "That thou mayest make clear to mankind what was sent down to them." 59

Chapter

It is impermissible for anyone to change the meaning of a verse from its literal sense, or to change the meaning of a report from its literal sense, because Exalted God says, "In a clear, Arabic tongue." ⁶⁰ He, may He be exalted, said, blaming a people, "They perverted words from their meanings." ⁶¹ Whoever changes the meaning of a text from its literal meaning in the language without proof from another text or a consensus, claims that there is no clarification in the text. He has perverted the meaning of Exalted God's speech and His revelation to His Prophet (pbuh) and this is a terrible deed. Even if he were innocent of these great sins, he would be making an unproven claim.

⁵⁷ Al-Nisā', 59.
 ⁵⁸ Al-Naḥl, 89.
 ⁵⁹ Al-Naḥl, 44.
 ⁶⁰ Al-Shu'arā', 195.
 ⁶¹ Al-Mā'ida, 13.

It is not permissible for anyone to pervert any person's speech. How can it be with the speech of God, may He be exalted, and the speech of His messenger (pbuh) which is prophecy from God, may He be exalted. Whoever uses the opinion of a scholar to stir up controversy about this, the opinion of someone other than the Messenger of God (pbuh) is not proof. We have made it clear that whoever among them stirs up controversy, they, among all of Exalted God's creation, most frequently abandon the opinions of the Companions, may God be pleased with them, let alone others, while the Zāhirīs, among the partisans of tradition, may God be pleased with them, are those more assiduous in following and agreeing with the Companions, may God be pleased with them. We have made this clear, point by point, in our book entitled, "Reaching Understanding of the Characteristics." Praise God, Lord of the worlds.

It is obligatory to avoid altering the meaning of a text from its literal sense without another authentic text that reports that it is not intended literally. Concerning this matter, let us follow Exalted God's statement and the statement of His Messenger (pbuh) as he (pbuh) clarified [God's] statement, may He be exalted, "And have not confounded their faith with evildoing." 62 By which, Exalted God meant infidelity. As [God,] the all-powerful, the sublime, said, "To associate others with God is a mighty wrong." ⁶³ Or unless there be a certain consensus, such as the consensus of the community that His saying, may He be exalted, "God charges you, concerning your children, to the male the like of the portion of two females", ⁶⁴ did not refer to slaves, nor to the sons of daughters when there is a universal heir (asib) — and there are many such similar cases. Or due to necessity that prevents one from interpreting that literally, such as His saying, may He be exalted, "Those to whom the people said, 'The people have gathered against you, therefore fear them."⁶⁵ With the certainty that come from intuition and experience, we known that not all of the people said, "The people have gathered against you." ⁶⁶ The proof of what we have said, that words should be interpreted in their literal

⁶² Al-An'ām, 82.

⁶³ Luqmān, 13.

⁶⁴ Al-Nisā', 11.

 ⁶⁵ Ål 'Imrān, 173.
 ⁶⁶ Ål 'Imrān, 173.

Al IIIIali, 175

sense, is Exalted God's saying in the Qur'ān, "In a pure, Arabic tongue", ⁶⁷ and His saying, may He be exalted, "We have sent no Messenger save with the tongue of his people, that he might make all clear to them." ⁶⁸ So it is true that explanation according to us is simply to interpret the words of the Qur'ān and Sunna according to the literal meaning and in accordance with the meaning for which those words were coined. Whoever wishes to shift the meaning from [their literal meaning] to an allegorical interpretation without a supporting text or a consensus slanders Exalted God and His Messenger (pbuh), contradicts the Qur'ān, makes unsupported claims, and perverts words from their meanings.

Also, it should be said to whosoever wishes to change the meaning of speech from its literal sense without any proof: this is what causes skepticism and the denial of the existence of truth, because whenever you or anyone else says anything, it could be said to you, this is not meant literally. Rather, you mean something else. Every time you reaffirm your meaning, it would be said to you, this too is not meant literally. And you will never be rid of those who say to you, perhaps the denial of the literal meaning is not intended literally. And so on, as you can see. And success comes from God.

Chapter

If a word occurs equally with two or more meanings in language, it is not permissible to restrict it to one meaning except on the basis of a text or consensus. Rather, speech should be understood in accordance with all of the meanings which occur in language. Due to what we have mentioned, one must censure whoever perverts words from their meanings. If an Arabic word occurs in the Qur'ān whose meaning is changed from its meaning in the language to another meaning, like "prayer" (*salāţ*), "alms tax" (*zakāh*), "fasting" (*sawm*), and "pilgrimage" (*hajj*). These words of the language have been changed to legal meanings which the Arabs did not previously know. This is not figurative usage, rather it is a valid assignment of a name. Because God is the creator of languages, we worship Him by calling these

67 Al-Shu'arā', 195.

68 Ibrāhīm, 4.

meanings by these names. If a word in the language occurs changed from its lexicographical meaning, Exalted God does not bid us worship Him by calling these meanings by these names. This is figurative usage, like Exalted God's saying, "And lower to them the wing of humbleness out of mercy", ⁶⁹ and the like.

Chapter

It is not permissible to say concerning a verse or an authentic report, this is abrogated, due to what we have mentioned that the opinion of whoever says that this is invalid because one must obey this text, unless one quotes another text which makes clear that it is abrogated or there is a certain consensus on its being abrogated. Otherwise, no one could make use of a text. But so long as it is possible for us to combine the texts of the Our'an and the Sunna, it is not permissible to leave them both aside, or to leave one of them aside, because they oblige one to obey equally. Neither is more entitled to the obligation of being obeyed than the other. [God], may He be exalted, says, "Whosoever obeys the Messenger, thereby obeys God." ⁷⁰ In those circumstances it is obligatory to make the minority an exception from the majority, since only in this way will one arrive at a way of making use of them all. If we are unable to do this, it is not permissible to arbitrarily combine them in a manner different from what we have mentioned, because it is an arbitrary choice without proof. Such as one saying, this text is to be used in this way, and that text is to be used in that way. This is not licit for him to say, because it is legislating religion, which Exalted God has not permitted.

We are not permitted to report on the intention of God, the all-powerful, the sublime, nor about the intention of the Messenger of God (pbuh) without a report on that coming from Exalted God or from the Messenger of God (pbuh). Among these reports is the authentic report of the Messenger of God (pbuh) forbidding facing or turning one's back on the direction of prayer when urinating or defecating, by way of Abū Ayyūb al-Ansārī and others.

⁶⁹ Al-Isrā', 24.

⁷⁰ Al-Nisā', 80.

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From Abū 'Umar, he saw the Messenger of God (pbuh) facing Jerusalem, with his back facing the Ka'ba, while relieving himself. Some people said, the prohibition is to be used when one is in the desert, and the license is to be used when one is indoors. This is mistaken because the Prophet (pbuh) never said, I have made this licit when one is indoors and prohibited it when one is in the desert. There is no difference between what these persons say and one who says, I only regard this as licit in Medina, if one is sitting on two bricks, otherwise, not.

It is impermissible to hold any such opinion, because that would be legislating religion, which Exalted God does not permit. What is obligatory in this case is none other than to act in accordance with the addition to the usual meaning of the source [text].

The proof of this is that we know that if there are two texts, one of which removes a duty, while the other makes the same duty obligatory, or one of which makes something licit, while the other contains a prohibition of the same thing, we know with certainty that those Muslims were with their Prophet (pbuh) a short time, when this duty was not obligatory for them and that thing was not forbidden to them. Therefore, we know with certainty that when the Prophet (pbuh) pronounced this thing obligatory or forbade what he forbade, that the first situation has been abrogated and has come to an end; this is certain, no doubt about it. It is invalid to leave aside what one is certain has been abrogated. If this were permissible, it would be permissible for the first situation, which one is certain has been abrogated, to return, and for the second situation, which one is certain is the abrogator, to be invalidated. If this happened, what they did would amount to leaving certainty aside and rendering judgment based on one's surmise. Exalted God has forbidden this, saving, "They have not any knowledge thereof; they follow only surmise, and surmise avails naught against truth." 71 He, may He be exalted, said, "Beware of surmises, they are the most false speech." How can one do this, when we are certain and we are witnesses to Exalted God's testifying He, may He be exalted, has guaranteed us that He preserves the Remembrance and the religion, and that it has been perfected. For if the abrogator had been abrogated, this would have been made perfectly

⁷¹ Al-Najm, 28.

clear. Since He, may He be exalted, did not do this, we bear witness to God's testimony, may He be exalted, that the abrogator remains the basis for judgment until the Day of Judgment, and that the abrogated remains abrogated until the Day of Judgment. We do not doubt this. It is not at all possible for something in religion to be so obscure that the truth is hidden from everyone, and a ruling must be made on it on the basis of surmise. We disavow ourselves before Exalted God from this opinion, just as we disavow ourselves before him, may He be exalted, from polytheism. Praise God, Lord of the worlds.

Chapter

Hastening to obey God's commands is an obligation, due to his saying, may He be exalted, "And hasten to forgiveness from your Lord, and to a garden whose breadth is as the heavens and the earth, prepared for the god-fearing." ⁷² Whoever delays does not hasten unless a text makes his delay licit. He delays [performing his duty], as occurs in making it licit to delay prayer until the end of its time frame.

Chapter

It is not possible for the time frame in which it is obligatory to act in accordance with this command to be delayed, since this delay would contain concealment. We have been given a guarantee against Exalted God's concealing His religion from us. Rather, He has made it clear on the tongue of He whom He imposed the obligation of making it clear, and success comes from Exalted God.

Chapter

The Qur'ān can abrogate the Qur'ān, and the Sunna can abrogate the Qur'ān too. Exalted God said, "Nor speaks he out of caprice. This is naught but revelation revealed." ⁷³ If this is so, then it all comes

⁷² Ål 'Imrān, 133.

⁷³ Al-Najm, 3-4.

from God, may He be exalted, and His revelation. One is called the Book and the other is called Sunna and wisdom. He, may He be exalted, said, "And remember that which is recited in your houses of the signs of God and the Wisdom: God is all-subtle and all-aware." ⁷⁴ If it is said, the Sunna is not of the same kind as the Our'an, nor better than it, it is merely an explanation of the Qur'an, we say, and success comes from Exalted God, the Sunna is like the Our'an in one's being obliged to obey it, provided the sunna is authentic. He, may He be exalted, said, "Whosever obeys the Messenger, thereby obeys God." 75 Abrogation is a clarification and the lifting of a command. The abrogator makes it clear that the abrogated judgment has been lifted and its command has come to an end. He, may He be exalted, said, "That thou mayest make clear to mankind what was sent down to them." ⁷⁶ A report may bring something better than what is in the Our'an with respect to gentleness and lightening one's burden. The Qur'an may also clarify the Sunna. He, may He be exalted, said, "Making clear everything." 77

Chapter

It is only possible for commands or reports, the meaning of whose words is a command, to be abrogated. It is not possible for information to be abrogated, since it would then be false. Exalted God is above that, as are His Messengers. As for the evidence of the validity of abrogation, it is Exalted God's saying, "And for whatever verse We abrogate or cast into oblivion, We bring a better or the like of it." ⁷⁸ And success comes from Exalted God.

Chapter: On Commands and Prohibitions

All of the commands of Exalted God and His Messenger (pbuh) are obligatory duties, and all of the interdictions of Exalted God and

⁷⁴ Al-Ahzāb, 34.
 ⁷⁵ Al-Nisā', 80.
 ⁷⁶ Al-Naḥl, 44.
 ⁷⁷ Al-Naḥl, 89.
 ⁷⁸ Al-Baqara, 106.

His Messenger (pbuh) are prohibitions. As we have said with regard to abrogation, it is not licit for anyone to say concerning one of them. this is a recommendation or a dissuasion without an authentic text that makes this clear or a consensus. He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." 79 And He, may He be exalted, said, "Whatever the Messenger gives you, take; whatever he forbids you, give over." 80 The meaning of recommendation and dissuasion is, if you wish, do it, if you do not wish, don't do it; this is their lexicographical meaning. One does not understand do it, if you wish to mean don't do it, nor does one understand don't do it, if you wish to mean do it. Whoever claims this claims the impossible. Exalted God has imposed upon us the obligation of obeying his Messenger (pbuh) so whoever says, this command is a recommendation, this prohibition is dissuasion, is really saying, you are not obliged to obey this command or this prohibition. This is a naked contradiction of God, the all-powerful, the sublime.

Chapter

Permissibility falls into three parts: a recommendation where one who delays performing the action does not disobey God, nor will one be rewarded by abstaining from the action; a dissuasion, where one will be rewarded for abstaining from it, but will not sin or be rewarded for performing it; and absolute permission where one will not be rewarded for performing it or abstaining from it, nor sin by performing it or abstaining from it.

Chapter: On Acts

The Prophet's acts (pbuh) are recommended, not obligatory, unless they contain a statement of command or a statement that a judgment should be carried out, such as his saying (pbuh), "Your blood, property, honor, and flesh [literally, skin] are forbidden to you", then

⁷⁹ Al-Nūr, 63. ⁸⁰ Al-Hashr, 7.

we find that the Messenger of God (pbuh) shed blood, broke skin, or made someone's property or honor licit. We know that carrying out this act on his part (pbuh) was an obligation because, having forbidden this, he never made some of it licit unless that was an obligatory duty. This is true if it occurs in the context of a command, such as his reporting, whoever does such-and-such, such-and-such is incumbent upon him, and he punishes whoever does this, after which he himself (pbuh) performs a certain act, this is an obligation, because it is a statement of command. If it lacks a command, then it is only replacing prohibition with licitness, because we are certain that it has shifted from prohibition to licitness, and there is doubt about its being obligatory.

The proof of what we have said concerning his acts is the Prophet (pbuh) saying, "Were it not a burden for my community, I would have commanded them to use the toothpick ($siw\bar{a}k$) before every prayer." He (pbuh) frequently used the toothpick and he states unequivocally that had he commanded them to do that it would be obligatory and be a burden for them. Since he did not command them to do so, they are not obliged to do it.

Also, what was narrated by 'Abd Allāh b. Yūsuf, from Ahmad b. Fath, from 'Abd al-Wahhāb b. 'Īsa, from Ahmad b. Muḥammad, from Aḥmad b. 'Alī, from Muslim b. al-Hajjāj, from Zuhayr b. Ḥarb, from Yazīd b. Hārūn, from al-Rabī' b. Muslim al-Qurashī, from Muḥammad b. Ziyād, from Abū Ḥurayra, the Messenger of God (pbuh) preached to us, "'O people, God has imposed the pilgrimage upon you, so make the pilgrimage.' A man asked, 'Every year, Messenger of God?'" He said, "then he was silent, having asked three times. The Messenger of God (pbuh) said, If I said yes, it would be obligatory and you would be unable to do it. Leave alone what I have left to you. Your predecessors were destroyed by their frequent questions and by their quarreling with their prophets. If I command you to do something, do it as best you can. If I forbid you from doing something, cease doing it."

There is notice here of the invalidity of analogical reasoning and the lack of veracity of its surmises. If one compares the pilgrimage to prayer, which is repeated five times every day and night, to fasting, which is obligatory every year, and to the alms tax, one would not find why they are obligatory. Such a person should be answered with rejection and told to cease asking questions as Exalted God com-

manded. This is proof that no one has the right to introduce a new judgment concerning a matter on which God is silent.

Abū Muhammad said, these two reports are valid proof that obligatory duties are obligatory, and that the claim that they are recommended or that [judgment based on them] is suspended are false. The second [report] [indicates] that those commanded by God are obliged to do what he commands to the best of their ability, and to abstain from what He forbids. Whatever He has left without a ruling, neither commanding nor forbidding, is undecided, left without a legal ruling. So we know intuitively that what [God] has neither commanded nor forbidden is neither obligatory nor prohibited and [those of the Prophet's] acts which [God] neither commanded nor forbade are neither obligatory nor prohibited. Also, Exalted God said, "O believers, question not concerning things which, if they were revealed to you, would vex you; yet if you question concerning them when the Qur'an is being sent down, they will be revealed to you. God left those things undecided, for God is all-forgiving, all-clement."⁸¹ It is true that whatever was not sent down in the Qur'an and revelation is undecided and [the Prophet's] acts (pbuh), which were not obligated by that which was sent down in the Qur'an are undecided. He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." 82 Punishment only results from violating the command which He announced. He, may He be exalted, said, "You have a good example in God's Messenger." 83 He, may He be exalted, instructed us to imitate [the Prophet's] actions (pbuh).

If it is said, Exalted God said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement", ⁸⁴ and this includes [the Prophet's] acts (pbuh), because the state is expressed by the command.

We say, a command differs from a conclusion reached by surmise, that is, a state. We say, and success comes from Exalted God, this is impossible because of Exalted God's lightening our burden by the Prophet's (pbuh) being silent on certain matters, by there being no

 ⁸¹ Al-Mā'ida, 101.
 ⁸² Al-Nūr, 63.
 ⁸³ Al-Aḥzāb, 21.

⁸⁴ Al-Nūr, 63.

revelation sent down dealing with them, is a supererogatory act, and supererogatory acts cannot be abrogated. Also, this verse was only revealed immediately after the mention of those who slip away surreptitiously, seeking refuge from him and his prayers. It is true that the command mentioned in the verse is only a spoken command. Also, there is no difference of opinion that the acts of the Prophet (pbuh), in and of themselves, are not obligatory upon him, and are not obligatory because they are not obligatory in principle, and so cannot become obligatory upon us by a mere claim, without their being commanded.

Abū Muḥammad, may Exalted God have mercy on him, said, there is no evidence in His saying, may He be exalted, "Whatever the Messenger gives you, take; whatever he forbids you, give over", ⁸⁵ to support one who says that the Prophet's acts, in and of themselves, are obligatory. Because "giving" in the language of the Arabs means "bestowing". Bestowing is never used in the language to mean acts. It only refers to the commands and prohibitions, especially since a verse has reached us in which He says, the all-powerful, the sublime, "Whatever he forbids you, give over." ⁸⁶ If the Prophet's acts, in and of themselves, indicated obligation, we would be obligated beyond our capabilities to walk where the Messenger of God (pbuh) walked, to eat as he ate, to drink as he drank, yes, even to reside where he resided, and the like of that.

There is a consensus that it is invalid for this to be obligatory. It also conflicts with our following him because the real meaning of following [the Prophet] is that whatever is licit for him, and nothing licit has been made obligatory upon him, is not obligatory upon us, and whatever he (pbuh) was permitted to abstain from, we are permitted to abstain from. There is only merit in it for us, just as there was merit in it for him, no more.

We must not particularize some acts to the exclusion of others and differentiate between different types without any proof, except with regard to those acts which are commanded, since commands make these acts obligatory, not the acts in and of themselves. If someone says, Exalted God says, "You have had a good example in them for whoever hopes for God and the Last Day. And whosoever turns

⁸⁵ Al-Hashr, 7.

⁸⁶ Al-Hashr, 7.

away, surely God is the All-sufficient, the All-laudable." 87 They said, His saving, "Whoever hopes for God and the Last Day. And whosoever turns away, surely God is the all-sufficient, the all-laudable", 88 is a threat and a warning. Then, His saying, "Surely God is the all-sufficient, the all-laudable", 89 is a reinforcement of the threat and the warning. The meaning of this text is not as he has interpreted it. There is no threat at all in His saying, may He be exalted, "Surely God is the all-sufficient, the all-laudable." 90 If it imposed an obligation or was a threat or a warning, these words would threaten those who hope for God and the Last Day. Since the text reads the words, "For whoever hopes for God", ⁹¹ it is true that it is in favor of the people who possess this characteristic, not against them. This is perfectly clear.

Also, one does not say about what is obligatory upon us, "You have had in the Messenger of God", 92 concerning this duty being obligatory upon him, "A good example." 93 Also, if the Prophet's acts were obligatory, as his commands are, nothing would remain for him (pbuh) to be a good example of, and the meaning and point of the verse would be invalid. This is impossible.

Another aspect is that Exalted God only recommended the Muslims, not the infidels, to imitate the Prophet (pbuh). It is the Muslims who hope for Exalted God and the Last Day. He never recommended that any infidel imitate the Prophet (pbuh) in this verse, nor are they prevented from doing so either. Thus, the claim that these words are a threat is totally false. And success comes from God.

As for His saying, "And whosoever turns away, surely God is the all-sufficient, the all-laudable", 94 this is a independent judgment, sufficient to indicate its ruling, unconnected to what precedes it. And what precedes this passage has no need of it and is unconnected with it. There is no proof of this at all, so they have made a second unproven claim. Also, were we to say concerning His saying, may He be

- ⁸⁸ Al-Mumtahana, 6.
- ⁸⁹ Al-Mumtahana, 6.
- 90 Al-Mumtahana, 6.
- ⁹¹ Al-Mumtahana, 6.
- ⁹² Al-Mumtahana, 6.
- 93 Al-Mumtahana, 6. ⁹⁴ Al-Mumtahana, 6.

⁸⁷ Al-Mumtahana, 6.

exalted, "And whosoever turns away." ⁹⁵ God has no need of whoever turns away, in accordance with the literal meaning of the verse. Whosoever turns away says that [the Prophet] (pbuh) is not a good example for me, not even in that which he is a good example of. Whoever says this is an infidel. This truly is the one who turns away from the verse, not whoever abstains from imitating the Prophet, without refusing or disliking this imitation. If this were the case, this would be an irrefutable statement. This is perfectly clear.

Also, those who hold this opinion, stick to it in very few questions, and abstain from innumerable acts of his (pbuh) so they have contradicted themselves. If they claim that there is a consensus that the Prophet's acts are not obligatory this is another baseless claim and slander against the community. Every claim that lacks proof of its veracity is false. Exalted God said, "Say, 'Produce your proof, if you speak truly." ⁹⁶

Another Chapter

If one scholar disagrees with the rest, there is no proof in numbers because Exalted God says, having mentioned the righteous, "Few they are." ⁹⁷ He, may He be exalted, said, "If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day." ⁹⁸ One person's disagreement is a sufficient quarrel to oblige one to refer it to the Qur'ān and Sunna. Exalted God never commanded one to refer it to the majority. Isolation is contradicting the truth, even if they are not one but the population of the whole earth.

The proof of this is that isolation is worthy of censure and the truth is worthy of praise. It is not possible for what is worthy of censure to be worthy of praise in any respect. Whoever differs with this opinion should be asked about the dissent of two persons against the opinion of the group, then the dissent of three persons against them, then four, and so on forever. If he defines a limit, he is being arbitrary, without a

⁹⁵ Al-Mumtahana, 6.

⁹⁶ Al-Naml, 64.

⁹⁷ 'Ād, 24.

⁹⁸ Al-Nisā', 59.

proof. Abū Bakr, may God be pleased with him, disagreed with the mass of the Companions, may God be pleased with them, and was isolated from them all concerning making war on the apostates. It was he who was right, those who disagreed with him were wrong. The proof of this is that the Qur'ān testifies in favor of his opinion, hence they all returned to it.

Chapter

There is no ruling concerning an act performed mistakenly, from forgetfulness, or under compulsion except where a text obliges a ruling concerning it. Otherwise, none of these things invalidates an act or validates it. An example of this is one who is forced to walk while praying, or who forgets. His prayer is complete. Or one who forgets and prays before the prescribed time or is compelled to do so will not be rewarded for his prayer. The same is true for everything.

The proof of this is His saying, may He be exalted, "There is no fault in you if you make mistakes, but only in what your hearts premeditate", ⁹⁹ and the authentic reports from the Prophet (pbuh) that He forgave His community their errors, forgetfulness, and that which they are compelled to do.

Chapter

No act in divine law is valid without an intention continuous with beginning the act, when no period of time at all intervenes between the intention and entering into the act.

The proof of this is Exalted God's saying, "They were commanded only to serve God, making the religion His sincerely, men of pure faith", ¹⁰⁰ and [the Prophet's] saying (pbuh), "One's acts are judged in accordance with one's intentions, to every person what he intends." It is clear that all the deeds of the divine law are worship and religion. Exalted God merely commanded us in the text of the Qur'ān

⁹⁹ Al-Ahzāb, 5.
¹⁰⁰ Al-Bayyina, 5.

to perform all of this with sincerity. Sincerity is purposing this in one's heart, which is intention itself.

Chapter

Everything which is certainly true cannot be invalidated by doubt, whether it be ritual purity, divorce, marriage, ownership, manumission, life, death, faith, polytheism, conveyance of property, transfer of ownership, etc.

The proof of this is His saying, may He be exalted, "And surmise avails naught against truth." ¹⁰¹ Doubt and surmise are the same thing because both of them are the absence of certainty. Although surmise is closer to one side, it is not certainty, and whatever is not certainty is doubt, and it is not licit to be certain about it.

Chapter

Every act in divine law is either conditional on its being performed within a timeframe whose beginning and whose end are defined, or on a timeframe whose beginning is defined and whose end is undefined. It is not permissible to perform an act that is conditional on its being performed in a timeframe whose beginning and end are defined, outside of that timeframe, neither before its timeframe, nor after it, without there being a text or a consensus on the validity of performing it outside of its timeframe which he observes. Otherwise, [such an act is] not [valid]. Such as prayer, fasting Ramadan, pilgrimage, slaughtering, etc. One will not be rewarded for performing an act which is conditional on being performed within a time frame whose beginning is defined and whose end is undefined, before its time frame. Once it becomes obligatory due to the beginning of its time frame, it never lapses, like the alms tax, expiations, the making up of a missed obligation by a traveler, a sick person, a menstruating woman, a woman in childbed, or a person who vomits in Ramadan, and the like. 102

¹⁰² Due to an apparent scribal error, all published editions of the *Nubdha* read *mubqī* instead of *mutaqayyi*'. For the correct reading, see *al-Muḥallā*, iv, 313.

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¹⁰¹ Al-Najm, 28.

The proof of this is the statement of God, the all-powerful, the sublime, "Those are God's bounds: do not transgress them". ¹⁰³ and His saying, may He be exalted, "Those are God's bounds; whosoever trespasses the bounds of God has done wrong to himself". ¹⁰⁴ and the statement of the Messenger of God (pbuh), "Whoever performs an act in a manner which we have not commanded, is rejected." Everyone possessed of his senses knows with certainty that whoever intentionally says a prayer before its time frame or after the end of its time frame, intentionally fasts Ramadan before its time frame or after its time frame, pays the alms tax before its time frame, or makes the pilgrimage before its time frame, transgresses the bounds of God and thus does harm to himself, his deed is harmful, and he will not be rewarded for obedience. Similarly, everyone knows without a doubt that he has performed an act which Exalted God has not commanded, and performed his act inappropriately, so it is rejected, without a doubt

Chapter

Whatever is valid without regard to time on the basis of a text or consensus can only be invalidated by a text or consensus. Whatever is not obligatory can only become obligatory on the basis of a text or consensus.

The proof of this is His saying, may He be exalted, "O believers, obey God, and obey the Messenger and those in authority among you." ¹⁰⁵ So it is true that nothing is obligatory except on the basis of a text or consensus. Once something becomes valid on the basis of a text or consensus, whoever claims that it is invalid without the support of a text or consensus opposes his own rejection to Exalted God's command. His command is certainly rejected and discarded. As for God's command, it is accepted and binding. Similarly, whoever wishes to make something binding without the support of a text or consensus makes a law concerning religion which God has not permitted; it is invalid. Exalted God says, "And do not say, as to what

¹⁰³ Al-Baqara, 229.

¹⁰⁴ Al-Țalāq, 1.

¹⁰⁵ Al-Nisā', 59.

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your tongues falsely describe, "This is lawful, and this is forbidden", so that you may forge against God falsehood." ¹⁰⁶

Chapter

Error is only binding on a rational, mature person whom the command has reached. Exalted God says, "For men possessed of minds." ¹⁰⁷ He, may He be exalted, says, "That I may warn you thereby, and whomsoever it may reach." ¹⁰⁸

The Messenger of God (pbuh), said, "The pen is lifted from three." He mentioned children until they reach maturity, and the insane until they return to sanity. This is with regard to the laws concerning bodily deeds. As for the obligations related to property, they differ from this because it is the judges who are instructed to seize [property].

Chapter

It is possible for something be excepted from its class or from another class. He, may He be exalted, said, "Save Iblīs, he was one of the *jinn*." ¹⁰⁹ This is the beginning of a discourse. Similarly an exception from a group remains part of its original group, because exception is known to exist in the language of the Arabs. Thus it is not licit to prohibit it without the support of a text or consensus.

Chapter

Every report narrated on the authority of an unnamed companion, if the narrator is one who is not ignorant of the distinction between the authentic and unauthentic claims to be a Companion, is continuous and the basis for proof, because all of the Companions are upright persons. Exalted God says, "It is for the poor emigrants, who were ex-

¹⁰⁶ Al-Naḥl, 116.
 ¹⁰⁷ Al-Zumar, 21.
 ¹⁰⁸ Al-An'ām, 19.
 ¹⁰⁹ Al-Kahf.

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pelled from their habitations and their possessions, seeking bounty from God and good pleasure, and helping God and His Messenger; those — they are the truthful persons. And those who made their dwelling in the abode, and in belief, before them, love whosoever has emigrated to them, not finding in their breasts any need for what they have been given, and preferring others above themselves, even though poverty be their portion. And whoso is guarded against the avarice of his own soul, those — they are the prosperers." ¹¹⁰ Exalted God testified that all of emigrants and helpers are truthful and will prosper. Thus we are certain of their being upright.

If the report's narrator is one who may be ignorant of the authenticity of claims of being a Companion, it is a disconnected tradition. Anyone whom one cannot be sure is not a dissolute person and claims to be a Companion to one who does not know the Companions, makes a false claim in this. As for if a trustworthy narrator narrates a report from one of the wives of the Prophet (pbuh) the report is a proof, because they were incapable of concealing something from anyone possessed of a discriminating mind at that time.

Chapter

If a Companion narrates a tradition about the Prophet (pbuh) and it is narrated about the same Companion that he acted contrary to what he narrated, then the true obligation is to accept his narration and ignore what is narrated about him. This means that what he narrated is accepted, not what he was seen to do, or the legal opinion he is related to have issued.

The proofs [of this] are:

First, that our obligation is to accept what he narrated from the Prophet (pbuh), not [the Companion's] choice, since the no one's opinion but that of the Prophet (pbuh) is proof.

Second, that a Companion may forget what he related at that time. Perhaps he forgets it entirely, just as 'Umar forgot Exalted God's saying, "Thou art mortal, and they are mortal", ¹¹¹ and His saying, may He be exalted, "And you have given them a hundredweight." ¹¹² So that he

¹¹⁰ Al-Hashr, 8-9.

¹¹¹ Al-Żumar, 30.

¹¹² Al-Nisā', 20.

said, "the Messenger of God (pbuh) has not died, and will not die until he is the last of us." When he was reminded of the verse, he fell to the ground. And when he said on the pulpit, "Let none of you pay women marriage gifts in excess of four hundred dirhams." When the woman reminded him of the verse, he remembered and yielded. A Companion may mention a report which he narrated but which he interpreted allegorically, causing him to change its meaning from its literal sense, such as Qudāma b. Maẓ'ūn's interpretation, may God be pleased with him, of Exalted God's saying, "There is no fault in those who believe and do deeds of righteousness in what they may eat", ¹¹³ etc.

Third, it is not licit at all for anyone to surmise that a Companion could be aware that what he narrates has been abrogated, be silent about it, and transmit to us the abrogated. For Exalted God says, "Those who conceal the clear signs and guidance which We have sent down, after We have shown them clearly in the Book — they shall be cursed by God and the cursers." ¹¹⁴ Exalted God has raised them above this.

Fourth, that Exalted God says, "It is We who have sent down the Remembrance, and We preserve it." ¹¹⁵ Exalted God's guarantee is true in preserving everything the Messenger of God (pbuh) said. Thus, it is false that any one of the Companions, may God be pleased with them, received anything from the Prophet (pbuh) which he did not transmit. Although the Companions are not incapable of error in their choices, they are incapable of hiding or concealing the guidance.

Fifth, it is said, one must find fault with one of the narrations, so it is more appropriate to find fault with a Companion's narration of his acting contrary to what he narrated than to find fault with a report he narrated from the Prophet (pbuh) which we are obliged to accept. As for what is based on the opinion of a Companion, we are not obliged to obey it. And success comes from God.

[Acting in accordance with] an opinion based on a proof text which only bears one interpretation is obligatory, such as his saying, may He be exalted, "Abraham was clement, passionate, penitent." ¹¹⁶ It is true that he was not a fool. And like the Prophet (pbuh) saying,

¹¹³ Al-Mā'ida, 93.
¹¹⁴ Al-Baqara, 159.
¹¹⁵ Al-Hijr, 9.
¹¹⁶ Hūd, 75.

"Every intoxicant is wine, and every wine is forbidden." Thus, it is true that every intoxicant is forbidden. The proof is the text itself.

Chapter

The unclear passages in the Qur'ān are limited to the disconnected letters and oaths. There is no text or consensus to explain them. Otherwise, there are no unclear passages at all. The Messenger of God (pbuh) said, "The permitted is clear, and the forbidden is clear. Between these are the unclear passages which many people do not understand." Thus it is true that some people understand them. Exalted God said, "Making clear everything." ¹¹⁷

Chapter

An obligatory duty is only obligatory for whoever is capable of performing it, unless a text or consensus indicates that it is obligatory, it can be performed on his behalf, and one will be rewarded for it. Exalted God said, "God places no soul under obligation save to its capacity." ¹¹⁸ He said, may He be exalted, "And has laid upon you no impediment in your religion." ¹¹⁹ [Such as] when the Prophet (pbuh) commanded the woman to perform the pilgrimage on her father's behalf, he being an old, chronically ill man incapable of making the journey. And the Prophet (pbuh) said, "Whoever dies, while he owes a period of fasting, let his guardian fast on his behalf." And he ordered that the pilgrimage be performed on behalf of the dead, saying, "God's debt has a greater right to be paid" or "to payment." It is obligatory to obey all this so that the pilgrim fulfills his obligation and his oath on behalf of the dead and on behalf of the living person who is incapable of performing it, and so the oath-taker's fast will be performed, [as will] the obligation on the menstruating woman, and so the neglected prayer will be performed, the prayer which has been slept through, and the other oaths.

¹¹⁷ Al-Nahl, 89.

¹¹⁸ Al-Baqara, 286.

¹¹⁹ Al-Hajj, 78.

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Chapter

Whatever authentically existed in the age of the Prophet (pbuh) is not proof until we know that he (pbuh) knew of it, and did not censure it. For no one else's opinions are proof. Exalted God said, "So that mankind might have proof against God, after the Messengers." ¹²⁰

Chapter

Proof only exists in the text of the Qur'an, in the text of a continuous report which is proven to come from the Messenger of God (pbuh) or in something which he (pbuh) saw and consented to. For it is He (pbuh) who was obliged to make things clear. [God], may He be exalted, said, "We have sent down to thee the Remembrance that thou mayest make clear to mankind what was sent down to them."¹²¹ He, may He be exalted, said, "O Messenger, deliver that which has been sent down to thee from thy Lord; for if thou does not, thou wilt not have delivered His Message. God will protect you from men." ¹²² He, may He be exalted, said, "Nor speaks he out of caprice. This is naught but a revelation revealed." ¹²³ He, may He exalted, said, "It is He who sent among the illiterate a Messenger from among them, to recite His signs to them and to purify them, and teach them the Book and the Wisdom, though before that they were in manifest error."¹²⁴ The signs are the Qur'an which [God], may He be exalted, sent down. The Wisdom is the Sunna which was revealed to [the Prophet].

It is certainly true that [the Prophet] (pbuh) omitted nothing from the religion without clarifying it from the Book with the Book, or from the Book with the Sunna, or from the Sunna with the Sunna. He (pbuh) never consented to a reprehensible act. Whatever He (pbuh) knew of and did not censure is licit and permitted. No one else is like that, because others err, forget, refuse, and are corrected about some things.

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¹²⁰ Al-Nisā', 165.
¹²¹ Al-Naḥl, 44.
¹²² Al-Mā'ida, 68.
¹²³ Al-Najm, 3-4.
¹²⁴ Al-Jum'a, 2.

Chapter

Among all opinions, one is true; the others are mistaken. Exalted God said, "What is there, after truth, but error?" ¹²⁵ He, may He be exalted, said, "If it had been from other than God surely they would have found in it much inconsistency." ¹²⁶ And success comes from Exalted God. Even if there are a limited number of opinions on a question, all but one is false, and that one is certainly the truth, for none other remains. The truth cannot but be one of the opinions of the entire community due to what we have mentioned concerning the infallibility of consensus.

Chapter

It is not licit to judge in accordance with the law of a prior prophet, due to [God's] saying, may He be exalted, "To every one of you We have appointed a law and an open road." ¹²⁷ If they mention Exalted God's saying, "So follow their guidance", ¹²⁸ we say, yes, on that which they agree, [but] not concerning matters where their laws differ. Exalted God said, "Naught is said to thee but what already was said to the Messengers before thee. Surely thy Lord is a Lord of forgiveness and of painful retribution." ¹²⁹ What they agree upon, such as divine unity and the like, is the truth. What they differ on cannot be accepted in its entirety, not is it possible to accept part to the exclusion of the other part, because that would be an arbitrary, unproven choice. If it is said, we accept the law of Jesus, may peace be upon him, because he is the last of the Prophets, we say, this is false due to two proofs.

First, Exalted God forbade this when he said, "The creed of your father Abraham." 130

Thus, He reported that what He made valid for us is the creed of Abraham, may peace be upon him, which is the creed of Muhammad (pbuh). Exalted God said, "The Torah was not sent down, neither the

¹²⁵ Yūnus, 32.
¹²⁶ Al-Nisā', 82.
¹²⁷ Al-Mā'ida, 48.
¹²⁸ Al-An'ām, 90.
¹²⁹ Fuşşilat, 43.
¹³⁰ Al-Hajj, 78.

Gospel, but after him." ¹³¹ Thus, God, the all-powerful, the sublime, by making it valid for us to follow the law of Abraham, may peace be upon him, has forbidden us to accept the Torah or the Gospels revealed to Jesus, may peace be upon him.

The second proof is [the Prophet's], (pbuh) saying, "I have been preferred to the Prophets in six ways." Among these six, it has been mentioned, "It used to be that a Prophet was sent exclusively to his own people, but he (pbuh) was sent to the red and the black, to all mankind." If this is true then it is false that among the Prophets, may peace be upon them, only the law of Muhammad (pbuh) is valid for us. For Exalted God sent none of the Prophets to us but him (pbuh). The others were only sent to their peoples, not to anyone else.

Chapter

It is obligatory to render judgment on every believer and infidel in accordance with the rulings of Islam, whether they are willing or unwilling, due to Exalted God's saying, "Fight them until there is no persecution and the religion is God's entirely", ¹³² and due to Exalted God's saying, "So judge between them according to what God has sent down, and do not follow their caprices, to forsake the truth that has come to thee." ¹³³

Chapter: On Personal Opinion

It is not permissible for anyone to render judgment in accordance with his personal opinion. Exalted God said, "We have neglected nothing in the Book." ¹³⁴ He, may He be exalted, "O believers, obey God, and obey the Messenger and those in authority among you. If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day." ¹³⁵ The Messenger of God (pbuh), "The people will appoint ignorant leaders who will issue rul-

¹³¹ Ål 'Imrān, 65.
¹³² Al-Anfāl, 39.
¹³³ Al-Mā'ida, 49.
¹³⁴ Al-An'ām, 38.
¹³⁵ Al-Nisā', 59.

ings in accordance with personal opinion. So they will go astray and lead others astray." And as he (pbuh) said, and this is an authentic tradition narrated by al-Bukhārī and others. From Abū Bakr Hammām b. Ahmad al-Oādī, who said, from Abū Muhammad 'Abd Allāh b. Muhammad al-Tājī, who said, from Muhammad b. 'Abd al-Malik b. Ayman, who said, from Abū Thawr Ibrāhīm b. Khālid, who said, from Wakī' b. Hishām b. 'Urwa, from his father, from 'Abd Allāh b. 'Amr b. al-'As, who said, the Messenger of God (pbuh) said, "Knowledge cannot be removed from men's breasts, but knowledge is lost with the death of the learned. If no learned man remains, the people will appoint ignorant leaders who issue rulings in accordance with personal opinion. They will go astray and lead others astray." 'Abd Allāh b. 'Amr b. al-'Ās said, "The affairs of the Children of Israel remained righteous until the children of slave peoples were raised among them who decided in accordance with personal opinion. They went astray and led others astray."

Abū Muḥammad, may God be pleased with him, said, an authentic report from 'Umar b. al-Khaṭṭāb, may God be pleased with him, says that he said, "Be suspicious of personal opinion." Sahl b. Ḥunayf said, "Be suspicious of your personal opinions concerning your religion." 'Alī b. Abī Ṭālib, may God be pleased with him, said, "Were religion determined by personal opinion, it would be more correct to wipe the underside of one's shoes." Similar reports have come from other Companions, may God be pleased with them.

If they mention Mu'ādh's tradition, "I will do my utmost to exercise my own judgment", this is a false tradition, which was narrated by no one but al-Hārith b. 'Amr who is an unknown narrator who is unknown among the people of Homs, from whom he never heard traditions. It is certainly false that the Messenger of God (pbuh) said to Mu'ādh, "If you don't find the answer in the Book of God or the Sunna of the Messenger of God", when he had heard God's revelation to him, "We have neglected nothing in the Book", ¹³⁶ and, "Today I have perfected your religion for you." ¹³⁷ Since, as Exalted God has testified, it has been perfected, it is false that there is a single legal case in religion which lacks a ruling. Thus, personal opinion is totally invalid in religion.

¹³⁶ Al-An'ām, 38.

¹³⁷ Al-Mā'ida, 3.

Chapter

Were it valid, either it would be specific to Mu'ādh, due to something about him which the Messenger of God (pbuh) knew, which his statement (pbuh), "I will teach you the permissible and the impermissible, Mu'ādh", indicates, leading him to make it permissible for Mu'ādh to legislate this, or it would be general, including Mu'ādh and everyone else. If it is specific to Mu'ādh, then it is not permissible to accept the personal opinion of anyone but Mu'adh. That is something no one on earth would say. If it is general, including Mu'ādh and everyone else, no one's personal opinion is more authoritative than anyone else's. Thus the religion would be destroyed and become nonsense, and everyone could legislate whatever he wished in accordance with his personal opinion. This is pure infidelity. Also, either personal opinion is required in matters concerning which there is a relevant text, which is something no one says because if this were the case one would be obliged by personal opinion to prohibit the licit, make licit the prohibited, make what isn't obligatory, obligatory, and declare the obligatory to not be obligatory, which is pure infidelity, or it is required in matters concerning which there is no relevant text, which is invalid in two ways.

First, Exalted God's saying, "We have neglected nothing in the Book", ¹³⁸ and His saying, may He be exalted, "Making clear everything", ¹³⁹ and His saying, may He be exalted, "Today I have perfected your religion for you", ¹⁴⁰ and His saying, may He be exalted, "That thou mayest make clear to mankind what was sent down to them." ¹⁴¹ If it is certainly true according to the report of Exalted God, whom no believer would accuse of falsehood, that He neglected nothing in the Book, and that He made everything clear, and that the entire religion has been perfected, and that the Messenger of God (pbuh) made clear to mankind what was sent down to them, it is certainly false, without a doubt, that there is anything in religion for which there is no relevant text or ruling from Exalted God and His Messenger (pbuh).

¹³⁸ Al-An'ām, 38.

¹³⁹ Al-Nahl, 89.

¹⁴⁰ Al-Mā'ida, 3.

¹⁴¹ Al-Nahl, 44.

Second, even if that existed, and Exalted God has guarded against and prevented this from existing, whoever legislated something concerning this would have legislated something in religion without God's permission. This is forbidden, the Qur'ān has prohibited it, so personal opinion is invalid, praise God, Lord of the worlds.

If they say, the Companions, may God be pleased with them, ruled on the basis of personal opinion, we say, if you find any one of them who validated rulings on the basis of personal opinion you will find that he was ostracized. We have made this perfectly clear in our book, "Perfection in Legal Theory" and in "The Epistle on Points". And success comes from God.

Chapter: On Analogical Reasoning

It is not permissible to rule in religion on the basis of analogical reasoning. Supporting it is invalid, and it is known with certainty that it is invalid in the eyes of Exalted God.

The proof of this is what we have mentioned previously on the invalidity of personal opinion.

If they say, there is support for analogical reasoning in the Qur'ān, and they mention Exalted God's saying, "They destroyed their houses with their own hands, and the hands of the believers, therefore take heed you who have eyes", ¹⁴² and the compensation for [unlawfully killed] game, and similarly for injuries, we say to them, "take heed" does not mean make an analogy in the language of the Arabs, nor has any lexicographer agreed with this. The meaning of "take heed" is marvel and be warned. Exalted God said, "In their stories is surely a lesson to men possessed of minds", ¹⁴³ that is, a marvel and a warning. He, may He be exalted, said, "And surely in the cattle there is a lesson for you; We give you to drink of what is in their bellies, between filth and blood, pure milk, sweet to drinkers. And of the fruits of the palms and the vines, you take therefrom an intoxicant, and a provision fair. Surely in that is a sign for those who understand", ¹⁴⁴ that is, a marvel.

¹⁴² Al-Hashr, 2.

¹⁴³ Yūsuf, 111.

¹⁴⁴ Al-Nahl, 66-7.

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Rather, the invalidity of analogical reasoning is contained within these verses. For [God], may He be exalted, reported that milk is licit, although it is located between illicit filth and blood, and that a licit, fair provision and an forbidden intoxicant come from the same fruit, so it is false that two similar things share the same ruling.

If "take heed" meant make an analogy, we would be obliged to destroy our houses just as they destroyed their houses, but this is not so. So His saying, may He be exalted, "take heed" invalidates analogical reasoning. Even if the meaning of "take heed" was make an analogy, and it could have no other meaning, this would not make analogical reasoning obligatory as they claim. For in that case it would be an ambiguous passage whose meaning could not be understood from the text. Rather, it would be like His statement, may He be exalted, "And perform the prayer and pay the alms", ¹⁴⁵ and like His statement, may He be exalted, "And pay the due thereof on the day of its harvest." ¹⁴⁶ It was not possible to understand from this command what prayers and alms are, nor what Exalted God's due was with regard to the unspecified crop which was harvested, nor how prayer should be performed and alms given until the explanation of the Prophet (pbuh) came on all of this. Had the meaning of "take heed" been make an analogy, and we stipulated this, no one would know how to use this analogical reasoning, nor what should be compared or what it should be compared to. For that we would need the Prophet's (pbuh) explanation of this. If no explanation of all this came, what would we do? So we know with certainty that Exalted God did not place us under obligation to do something we don't know how to do, or what it is, nor did he place us under obligation to act on the basis of differing, unproven, opinions. It is false that these opinions are understood with certainty from this verse, and it is certainly true, without a doubt, that [God], may he be exalted, never intended it to mean analogical reasoning. And success comes from God.

As for the compensation for hunting, there is no room at all for analogical reasoning concerning it, because it is merely Exalted God's command that whoever intentionally kills game while in the state of ritual consecration must compensate for it with a like number of livestock, not with game. Thus the verse testifies to the invalidity of ana-

¹⁴⁵ Al-Baqara, 43.

¹⁴⁶ Al-An'ām, 141.

logical reasoning. And as for, "Even so is the coming forth", ¹⁴⁷ it invalidates analogical reasoning, without a doubt, that the coming forth of the dead once in an eternity bears fruit in an eternity in Hell or Paradise, and the coming forth of plants from the earth occurs every year and then ceases. It is not permissible to use anything we have mentioned concerning this case and others to prohibit the sale of figs for a non-equivalent amount of figs, to be received at a later date.

A decisive proof concerning all of the errors they make concerning the Qur'an and the Hadith is our saying that truth in religion is none other than what is contained in the Our'an and the Hadith of the Messenger of God (pbuh). Then they supported analogical reasoning and we have shown it to be invalid. Every verse they cite to us, every tradition they mention to us, all of this is true, and everything they add to it is false. They did nothing more than to merely repeat to us their support for analogical reasoning, and we quarreled with them about this. They cannot use their own opinions to prove their opinions. These reports would contain proof of their opinion only if any of them included, "Make an analogy between what resembles a text and the text it resembles." So if they don't find it, and they cannot find it, then they have no proof in any of the Qur'an or reports, since, as we have mentioned, the entire Qur'an and authentic tradition are true. As for what they wish to add to them, it is false. We have demanded their proof for their opinion. which they will not find. And success comes from God.

Among the proofs of analogical reasoning is Exalted God's saying, "And it is God who brought you forth from your mothers' wombs", ¹⁴⁸ and His saying, may He be exalted, "And teach you that you knew not", ¹⁴⁹ and He said, may He be exalted, "Say: My Lord has only forbidden indecencies, the inward and the outward, and sin, and unjust insolence, and that you associate with God that for which He never sent down authority, and that you say concerning God such as you know not." ¹⁵⁰

Thus Exalted God forbade us to say what we know not, and that which He did not teach us. Having found that God neither commanded the use of analogical reasoning nor taught us how to use it,

¹⁴⁷ Qāf, 11.
¹⁴⁸ Al-Naḥl, 78.
¹⁴⁹ Al-Baqara, 151.
¹⁵⁰ Al-A'rāf, 33.

we know that it is invalid and it is unlawful to base opinions about religion on it.

Also, it should be said, What is analogical reasoning needed for? Is it for matters stipulated in a text and rulings by Exalted God and His Messenger (pbuh)? Or in matters not stipulated by a text or ruling by Exalted God or his Messenger (pbuh)? There is no third alternative.

If they say, in matters stipulated in a text, it is known that this is invalid. For if [the situation] were like this, one would be obliged to forbid based on analogical reasoning some things which Exalted God has permitted, to permit some things which Exalted God has forbidden, to make obligatory things Exalted God has not make obligatory, and to remove some of the obligations Exalted God has imposed.

If they say, rather, in matters not stipulated in a text, we say, Exalted God has censured this [opinion] and discredited those who hold support this view. He censured it when He said, may He be exalted, "Or have they associates who have legislated for them as religion that which God did permit?" ¹⁵¹ He, may He be exalted, discredited [the proponent of this view] when He said, may He be exalted, "We have neglected nothing in the Book", ¹⁵² and, "Today I have perfected your religion for you." ¹⁵³ Thus it is certainly true that analogical reasoning is invalid.

Also, according to its supporters, analogical reasoning yields a ruling on something based on a ruling on a similar thing due to their sharing a ratio which obliges this ruling or due to one's resembling the other in one of its qualities according to the opinion of one such [supporter of analogical reasoning]. It should be said to them, inform us as to this ratio, which you claim exists, and which you have made the ratio for prohibiting something, making it licit, or making it obligatory. Who told you that this is the ratio for this ruling? Who made it the ratio for this ruling?

If they say, Exalted God made it the ratio for this ruling, they attribute statements falsely to God, the all-powerful, the sublime, unless they produce a text from Exalted God in the Qur'ān, or on the tongue of the Messenger of God (pbuh), that this [ratio] is the ratio of this ruling. This is something they cannot find.

¹⁵¹ Al-Shūrā, 21.

¹⁵² Al-Naḥl, 89.

¹⁵³ Al-Mā'ida, 3.

If they say, we have legislated it, then they have legislated a law in religion, which Exalted God does not permit. According to the text of the Qur'ān, this is forbidden.

If they say, it is most likely a ratio, and this is actually their opinion, we say to them, you have done what Exalted God forbade you to do, for He says, "They follow only surmise, and surmise avails naught against the truth." ¹⁵⁴ For the Messenger of God (pbuh) says, "Beware surmise; surmise is the most false of speech."

Abū Muḥammad, may Exalted God have mercy on him, said, they disagree about the ratios, so how do they know that this ratio is what Exalted God desires from us without His explicitly stipulating this to [the one who performs these deeds]? He, may He be exalted, forbade us to speak about what we know not or to form opinions based on surmise. The same should be said to them about their making analogies between one thing or another based on a similarity.

We say further to them, what is this similarity? Is it present in all of their qualities, or only in some and not in others?

If they say, in all of its qualities, this is false because no two things in the world are similar in all of their qualities. If they say, in some of their qualities, we say, how do you know that? What is the difference between you and one who considers the qualities with which you make analogies, but does not make analogies on their basis, and contemplates the qualities with which you do not make analogies, but does make analogies with them?

It should be said to them, what is the difference between you and the one who says, rather, I distinguish between the rulings of the two things some of whose qualities must differ? How is it that one is obliged to reach the same ruling on them both due to their sharing certain qualities, and not differentiate between them due to their differing in other qualities? This is something from which they cannot escape at all.

If it is true that supporting the use of analogical reasoning and determining the ratio is invalid and false, and that it constitutes saying about Exalted God what one knows not, then it is forbidden and not at all licit. For either one makes declarations about Exalted God based on false surmises, which is forbidden, or one legislates in religion

¹⁵⁴ Al-Najm, 28.

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without Exalted God's permission. Both things are invalid, without a doubt. Praise God, Lord of the worlds. If they say, reason requires that one rule on a thing as one would rule on an equivalent thing, we say to them, as for its equivalent in species or genus, yes. As for what they claim, on the basis of unproven personal opinions, to be Exalted God's intent, no.

Thus is our opinion with regard to the divine law. For if Exalted God rules on wheat, that applies to all wheat, and if he rules on a fornicator, that applies to every fornicator, similarly with everything. Otherwise, neither reason nor divine law ever ruled that the ruling for figs should be the same as that for wheat, nor that the ruling for walnuts should be the same as that for dates. Indeed, all of these are rulings on things based on rulings on other things which are not their equivalents. Similarly, with regard to rational arguments: whoever rules on accidents based on the ruling for bodies, or rules on humans based on the ruling for donkeys, errs. If, however, a ruling is obligatory with regard to the universal body, this applies to each body. If a ruling is made concerning a human being, that [ruling] applies to each human being. Reason never consented to anything but this.

Chapter

The entirety of the divine law is made up of obligatory duties, which are valid obligations, forbidden acts, which are prohibited and interdicted, and licit acts, which are either recommended, voluntary acts or absolutely licit acts. We find that Exalted God has said, "He created for you all that is in the earth." ¹⁵⁵ He, may He be exalted said, "He had distinguished for you what He has forbidden you." ¹⁵⁶ He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." ¹⁵⁷ There is an authentic report that the Prophet (pbuh) said, "Leave alone what I leave to you. Those who came before you were only destroyed by their frequent questioning and arguing with their

¹⁵⁵ Al-Baqara, 29.

¹⁵⁶ Al-An'ām, 119.

¹⁵⁷ Al-Nūr, 63.

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prophets. If I command you to do something, do it to the best of your ability. If I forbid you from doing something, cease doing it."

In accordance with this text, it is true that whatever Exalted God or His Messenger (pbuh) commanded us to do is an obligatory duty unless there is a text or consensus that it is recommended, specific, or abrogated, and whatever Exalted God or His Messenger (pbuh) clearly prohibited is forbidden unless there is a text or consensus that it is reprehensible, specific or abrogated, and whatever is neither commanded nor forbidden is licit, due to His saying, may He be exalted, "He created for you all that is in the earth." ¹⁵⁸ [The Prophet] (pbuh) commands us to cease doing only that which he has forbidden, and his command only obliges us to do our best.

And due to the authentic report that [the Prophet] (pbuh) said, "Whatever things He is silent about are indeterminate." [God], may He be exalted, said, "Question not concerning things which, if they were revealed to you, would vex you; yet if you question concerning them when the Qur'ān is being sent down, they will be revealed to you. God has effaced those things, for God is all-forgiving, all-clement." ¹⁵⁹ Nothing in the world escapes His judgment, so there is no need whatsoever for analogical reasoning, and it is true that it is not at all licit to rule on its basis in religion. And success comes from God.

Know that there is no report from any one of the Companions, may God be pleased with them, supporting analogical reasoning, except in the forged letter attributed to 'Umar, may God be pleased with him. It is not at all authentic since only two men, whose narrations are ignored, narrated it. It is reported of 'Umar, may God be pleased with him, by similar paths of narration, that he regarded analogical reasoning to be forbidden. Indeed, this is an authentic report that the Companions, may God be pleased with them, agreed on the invalidity of analogical reasoning and personal opinion. For they, and all of the people of Islam, believe without a doubt in obeying the Qur'ān and the example set by the Messenger of God, (pbuh) and in forbidding anyone but Exalted God from legislating in religion. This is a consensus that forbids personal opinion and analogical reasoning, because they are not stipulated in the Qur'ān and Sunna. And success comes from Exalted God.

¹⁵⁸ Al-Bagara, 29.

¹⁵⁹ Al-Mā'ida, 101.

Chapter

If the Prophet (pbuh) stipulates such-and-such ruling in such-and-such matter, it is not permitted to extend this ruling beyond its subject. Whoever dissents from this transgresses God's boundaries, and we take refuge in God from that. This is similar to his statement (pbuh), "Teeth are bones, fingernails are Ethiopia's knives." Thus, it is not permissible to extend the ruling from teeth to fingernails.

Chapter: On Implied Meaning and Particularization

It is not permissible to claim implied meaning. This is one's claim that, if there is a text from Exalted God or His Messenger (pbuh) stipulating a quality, state, time period, or place, then any other [quality, state, time, period] must require a different ruling. For example, if [the Prophet] (pbuh) stipulates a herd animal, then anything other than a herd animal must differ with regard to the alms tax. Or, for example, if [God], may He be exalted, stipulates that one who lacks affluence should marry believing handmaids, then one who fears [he will commit] fornication should marry unbelieving women, rather than believing women. Or, for example, if [God], may He be exalted, stipulates the obligation to pay reparations for an accidental killing, a killing which is not an accident must differ from an accident. Know that this doctrine and analogical reasoning are mutually invalidating opposites. For analogical reasoning is ruling on something on which God is silent on the basis of something God stipulates. Both doctrines are invalid because they are transgressions of God's bounds and advancement before God and His Messenger. Exalted God said, "Whosoever transgresses the bounds of God has done wrong to himself." 160 He, may He be exalted, said, "O believers, advance not before God and His Messenger." 161 The truth is merely to accept God's commands as they come, and not to apply their rulings to matters not covered by them. Rather, the rulings in these matters should be sought in other texts, for Exalted God has neglected nothing in the Book. Simi-

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¹⁶⁰ Al-Țalāq, 1.

¹⁶¹ Al-Hujurāt, 1.

larly, the claim of specificity is false. It is the opposite of analogical reasoning and implied meaning because analogical reasoning includes something about which God is silent under a ruling stipulated by God, while implied meaning removes something about which God is silent from the ruling of something God stipulates, on the basis of the very same ruling. This too is not licit.

All of these claims are slanders against Exalted God. Exalted God forbid that He should intend to remove some of what He has stipulated to us from the ruling of the sum of what He stipulated without making this clear. Thus is it is necessarily true that if a text exists, it is an obligatory duty to accept it as it is. None of it should be particularized without another text or a consensus, and nothing should be added to it that is not contained in another text or a consensus. This is obedience to Exalted God, a guarantee against disobeying Him, and a proof in our favor on the Day of Resurrection. Let every individual take care lest he pronounce forbidden that which neither Exalted God nor His Messenger (pbuh) have informed him is prohibited, and lest he deny that what Exalted God or His Messenger (pbuh) commanded is obligatory, lest he meet Exalted God in disobedience to Him, contradicting His command, legislating in religion without God's permission, may He be exalted, saying about God, may He be exalted, what he knows not, and attributing to His Messenger (pbuh) things he never said. Let him take his seat in Hell. And lest he rule based on surmise, which is the most false speech, and which avails not against truth. We take refuge in Exalted God from the trial.

Chapter

If Exalted God gave a command to His Messenger (pbuh) it is valid for every Muslim unless there is an authentic text or a certain consensus that it has been particularized.

The proof of this is His saying, may He be exalted, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." ¹⁶² His saying, may He be exalted, "against His command" implies that the command in the prepo-

¹⁶² Al-Nūr, 63.

sitional phrase is what He is the commander of, so no verse is to be particularized without a proof.

Chapter

Delegating authority is forbidden. It is not licit for anyone to accept another's claim without proof.

The proof of this is Exalted God's saying, "Follow what has been sent down to you from your Lord, and follow no friends other than He, little do you remember", ¹⁶³ and His saying, may He be exalted, "And when it is said them, "Follow what God has sent down", they say, "No; but we will follow such things as we found our fathers doing"," ¹⁶⁴ and His statement, may He be exalted, praising a people who did not delegate authority, "So give tidings to My servants who give ear to the Word and follow the fairest of it. Those are they whom God has guided; those — they are men possessed of minds." ¹⁶⁵ So let no person stint in praising Exalted God who has guided him and made him possessed of a mind. He said, may He be exalted, "If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day." 166 Exalted God did not make it licit to refer to anyone in a quarrel other than the Qur'an and the Sunna of His Prophet (pbuh). It is true that there is consensus of the Companions, may God be pleased with them, first to last, and a consensus of all of the Followers, first to last, on the impossibility of, and prohibition on, any one of them seeking out the opinion of any person among them, and accepting all of his opinions. So know that whoever accepts all of the opinions of Abū Hanīfa, all of the opinions of Mālik, all of the opinions of al-Shāfi'ī, or all of the opinions of Ahmad b. Hanbal, may God be pleased with them, who is capable of investigating and doesn't abandon the one he follows for another, has contradicted the consensus of the entire community and deviated from the path of the believers. We take refuge in God from such a position.

¹⁶³ Al-A'rāf, 3.

¹⁶⁴ Al-Baqara, 170.

¹⁶⁵ Al-Zumar, 17-18.

¹⁶⁶ Al-Nisā', 59.

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Also, those virtuous men forbade others to delegate authority to them, or to delegate authority to others. So whoever delegates authority to them contradicts them. Also, what makes one of these men or anybody else more deserving of being delegated authority than the Commander of the Faithful, 'Umar b. al-Khatṭāb, 'Alī b. Abī Ṭālib, Ibn 'Abbās, or 'Ā'isha, Mother of the Believers? If delegating authority were valid, these people would be more deserving of being followed than Abū Ḥanīfa, Mālik, al-Shāfi'ī, or Aḥmad. Whoever among those who affiliate themselves with [one of these scholars] claims that he is not delegating authority [to him] is himself the first to know that he is lying, then everyone who hears him [knows that he is lying]. For we see him supporting every opinion of the one with whom he is affiliated that reaches him, even if he previously had no knowledge of that opinion. This is delegation of authority itself.

Chapter

Abū Muḥammad, may Exalted God be pleased with him, said: common men and scholars are the same in this. Each one has his share of independent reasoning of which he is capable.

The proof of this is that we have previously mentioned the texts on this, and Exalted God does not differentiate between common men and scholars, "And thy Lord is never forgetful." ¹⁶⁷ If they mention Exalted God's saying, "Question the People of Remembrance", ¹⁶⁸ it should be said to them, the People of Remembrance are not one particular person. It is not permissible for you to speak falsely of God, may He be exalted. We only question the People of Remembrance so that they may inform us of those commands of Exalted God which came on the tongue of his Messenger (pbuh) with which they are familiar. We do not question them about any law they might legislate for us.

Also, we say to whoever thinks it is permissible for a commoner to delegate authority, tell us, to whom should he delegate? If he says the most learned man in the city, we say, what if there are two learned men in the city who disagree, what is he to do? Should he accept the

¹⁶⁷ Maryam, 64.

¹⁶⁸ Al-Anbiyā', 7.

opinion of whichever one he chooses? This would be a new religion. God forbid that there should be two different rulings on the same question, permitted and prohibited at the same time, according to Exalted God.

The most amazing thing is that the obligatory duty of a commoner who lives in al-Andalus is to delegate authority to Mālik, in Yemen, to delegate to al-Shāfi'ī, and in Khurasan, to delegate authority to Abū Ḥanīfa, although their legal opinions are opposed. Is this the religion of Exalted God? By God, Exalted God never commanded this; rather religion is one. Exalted God's ruling has been made clear to us: "If it had been from other than God surely they would have found in it much inconsistency." ¹⁶⁹ Commoners and blacks imported from Ghana and those like them, if they become Muslims, know without a doubt what this Islam is that they have entered into and testify that there is no god but God and that Muḥammad is the Messenger of God to them, and that they have entered into the religion which Muḥammad (pbuh) brought. This something which cannot be concealed from anyone who becomes a Muslim now.

What about someone who has acquired some understanding? There is no doubt about [his situation]. The questioner merely asks about what Exalted God has made obligatory for him in the religion he has entered into. If this is so, then without a doubt God has made it obligatory for him to say to the mufti, when he issues a legal opinion, is such-and-such the command of Exalted God and His Messenger (pbuh)? If the mufti says yes, then he is obliged to accept it. If he says no, is silent, drives him away, or mentions to him the opinion of a person other than the Prophet (pbuh) as his understanding increases, and his independent judgment grows more acute, he must ask: is this truly from the Prophet (pbuh) or not? If his understanding increases, he must ask whether the tradition is continuous or disconnected, the narrators trustworthy or untrustworthy. If his understanding increases further, he must ask about the opinions on the question, each disputant's proof, and this will lead to his rising through the ranks of knowledge. We ask Exalted God to make us among the people of knowledge. Amen, amen, Lord of the worlds.

¹⁶⁹ Al-Nisā', 82.

Chapter

Exalted God only imposed on us the obligation of following His Messenger, Muḥammad (pbuh). Whoever follows him, and testifies to his truthfulness with his heart and tongue is saved; he is truly a believer, whether he knows this by deduction or without deduction. For Exalted God never imposed on us any obligation but this, nor did he command us to proselytize for anything else, nor did the Caliphs or righteous proselytize for anything else.

Whoever is narrated a tradition which does not authentically come from the Prophet (pbuh) without him knowing that it is inauthentic, will be rewarded once, due to his saying (pbuh), "If a judge exercises his independent judgment and is incorrect, he will receive one reward. If he is correct, he will receive two rewards." Or, as [the Prophet] (pbuh) said. Whoever accepts a matter has ruled in favor of its acceptance and exercised his independent judgment in doing so. This person, and none other, is an independent jurist, because independent judgment is merely expending effort in seeking a ruling in religion in the Qur'ān, Sunna, and consensus, whence Exalted God commanded one to take one's rulings, and nowhere else. Whoever does this correctly will receive two rewards. Whoever errs will receive one reward, and does not sin.

Chapter

As for one who delegates authority to someone other than the Prophet (pbuh) and, in so doing, accidentally comes upon the command of the Prophet (pbuh), he disobeys Exalted God and sins in his delegation of authority. There is no safety or reward for him in his coming upon the truth. Who knows how he did this? He did not seek the truth, and if he errs, he sins twice: the sin of delegating authority and the sin of diverging from the truth. And he will not be rewarded at all. We take refuge in God from deception. ADAM SABRA

Chapter

Whoever is unaware of the proof is excused. Whoever is aware of the proof has no excuse. Exalted God said, "But whosoever makes a breach with the Messenger after the guidance has become clear to him, and follows a way other than that of the believers', him We shall turn over to what he has turned to and we shall roast him in Gehenna — an evil homecoming." ¹⁷⁰

Chapter

Whoever knows the truth of one matter or more from the Qur'ān or Sunna is permitted to issue legal opinions on it. Whoever knows the whole religion is the same. And whoever is ignorant, even if in only one matter, is permitted to issue legal opinions on what he knows, and is not permitted to issue opinions on what he does not know. If only someone who knew the entire religion could issue legal opinions, none after the Messenger of God (pbuh) could issue legal opinions. "Over every man of knowledge is One who knows." ¹⁷¹ "God is sufficient for us; an excellent Guardian is He." ¹⁷² [The book, "The Sufficient..." is complete, praise God, with His aid and the goodness of the success He grants. Praise God, Lord of the worlds. May God bless our Lord Muḥammad, his family, and his Companions, and save him.]

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¹⁷⁰ Al-Nisā', 115.
 ¹⁷¹ Yūsuf, 76.

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¹⁷² Āl 'Imrān, 173.