

discursive anything pertaining to this, then we deny it.

But if you mean by it that the mere statement of a reporter does not yield decisive knowledge so long as two premises are not set in the mind—the first of which is that these [reporters], despite the difference of their circumstances, the diversity of their objectives, and their large number cannot together conspire to lie under any circumstance and that they will not agree except on truth; and the second being that they do agree on the reports about the event and that knowledge about the truth is based upon these two premises having come together—then to this we concede.

It is necessary for the mind to become conscious of these two premises so that it can acquire knowledge to assent with. Even if these premises are not formed in the mind systematically by words, [the mind] is conscious of them. Thus, the affirmation is obtained while one is not conscious of being conscious of it. The truth of the matter about this is that it becomes necessary knowledge if it is an expression of what accrues to [the mind] without any intermediary, like our statement that the eternal cannot be that which is originated, and the originated cannot be that which is nonexistent. Therefore, this is not necessary, for it resulted through the intermediacy of the two mentioned premises. But if it is an expression of what accrued to without the formation of an intermediary in the mind, then it is necessary.

There may be an intermediary present in the mind, though the person is not conscious of the way it intermediates and how knowledge accrues through it. Hence, it is called *primary*; but it actually is not so, as in our statement "Two is half of four." For this

is not known except through an intermediary, i.e. a half of the whole's parts equals the other half, where 'two' is one of the two parts, which is equal to the second part of the total, which is four; therefore, it is half. Thus, this kind of knowledge has accrued through an intermediary that is clear and [actively] present in the mind. This is why when it is said, "Is thirty-six half of seventy-two?" one needs to think about it until one knows this totality is divisible into two equal parts, each of them being thirty-six. Therefore, knowledge about the truth of a *tawâtur* report accrues through these premises—and that which is similar cannot be primary.

As for whether this is to be called necessary knowledge [or not], the technical use of the terminology may vary. That which is necessary, according to most [logicians], expresses that which is primary, not that which we find ourselves compelled to, for all mathematical sciences yield necessary knowledge and are discursive.

The meaning of being discursive is that they are not primary. Knowledge of the truth of a *tawâtur* report is similar to this. Approaching this is knowledge acquired through experience, namely what is expressed or described by a systematic reoccurrence of events, as in our statement, "Water satiates thirst," or, "Alcohol intoxicates," as we have already indicated in the introduction of this book.

If it is said: If someone argues that this kind of knowledge is not necessary because if it were necessary, then we would

certainly know that it is necessary, and thus disputing /1:134/ it would be inconceivable, is this argument correct or not?

We shall say: If what is necessary expresses that which we find ourselves compelled to, then necessarily we know in our minds that we are compelled to it. But if it is an expression of what accrues without an intermediary, then it is possible that in order to know this one may need to contemplate; yet doubt may occur here, just as it is imagined that we assume believing in something decisively but also hesitate as to whether our belief is certain or not.

Chapter Two: The Conditions of Tawâtur, which are Four

The first [condition] is that they [the reporters] must report on the basis of [certain] knowledge and not on assumption. Therefore, if the people of Baghdad were to report to us about a bird they assumed to be a pigeon or about a person they assumed to be Zayd, then certain knowledge would not accrue to us that it is a pigeon or that he is Zayd. Nor does this need to be reasoned out. Rather, the state of the informed is no more than the state of the informer, for it is in the power of Allâh, *سُبْحَانَهُ*, to create in us [certain] knowledge through their report, even though it is conjectural. But ordinarily such [practice] does not systematically occur.

The second condition is that their knowledge must be necessary [and] based on perceptibles; for if the people of Baghdad were to inform us about the world's temporal origin and about the truthfulness of some of the prophets, then [certain] knowledge will

not accrue to us. This also is ordinarily known. Otherwise, it is possible for the power of Allâh, سَعَى, to have made this report yield the source of [certain] knowledge in us.

The third condition is that the ends and intermediary [links of *mutawâtir* reports] must equally secure the previous conditions,¹⁰ as well as the complete number [of reporters]. So, if the succeeding generations continued as time went on to report from the preceding ones, with the conditions not being fulfilled through out the time, then [certain] knowledge concerning their truthfulness would not have accrued because reports of the people of each generation are independent per se; therefore, each one must satisfy these conditions.

For this reason, [certain] knowledge did not accrue to us regarding the truthfulness of the Jews—in spite of their large number—when reporting of Moses, blessings of Allâh upon him, that he rejected any abrogation of his *Sharî'a*; nor regarding the truthfulness of the Shî'ites, the 'Abbâsids, or the Bakriyya¹¹ when they reported a text concerning the imamate of 'Alî, or al-'Abbâs, or Abû Bakr, رَضِيَ اللهُ عَنْهُمْ, [respectively], even though the number of transmitters has increased greatly in recent times. For some of these [reports] were first forged by individual reporters, circulated, and then, from that time onward, the [number of] reporters multiplied, while the conditions were satisfied only a few times.

¹⁰This refers to the first and second conditions.

¹¹This refers to those claiming that Abû Bakr's caliphate was appointed by revelation.

So, not all eras commonly share this; therefore, assent does not accrue. The contray holds true with reference to the existence of Jesus, *عَلَيْهِ السَّلَام*, and the challenge to his prophethood, or the existence of Abû Bakr and 'Alî, *رَضِيَ اللهُ عَنْهُمَا*, and their rise to the imamate. Since these have the ends and the intermediary [as *mutawâtir*], then [certain] knowledge necessarily accrues to us such that we are unable to doubt ourselves about it. But we are able to doubt what they reported from Moses and Jesus, *عَلَيْهِمُ السَّلَام*, or about the determination of the imamate, based on the texts [i.e. Qur'ân or *Sunna*].

The fourth condition concerns number. So let us refine [the understanding of] its aim by addressing it in the [following] discussions:

I. DISCUSSION: The number of reporters is divisible into what is deficient, which does not generate [certain] knowledge, what is complete, which generates [certain] knowledge, and what is superabundant, /1:135/ which a portion of imparts [certain] knowledge, while the rest consists of more than what is sufficient.

The complete number, namely the minimum that generates [certain] knowledge, is unknown to us. But when necessary knowledge accrues to us, we can discern that the completeness of the number *is*. But it is not the case that through the completeness of the number we may prove that certain knowledge accrues. Once you know this, concerning the complete number through which assent to an event is established, is it then conceivable for [the complete number] not to indicate certain knowledge in some

events?

Al-Qâdî [al-Bâqillânî], رَجُلٌ، said that this is impossible. Rather, all that is sufficient to produce [certain] knowledge in one event is sufficient for every event. Moreover, when certain knowledge accrues to one person, it then must accrue to every person who shared in hearing it. It is inconceivable to be any other way.

This would be correct if reports were isolated from other circumstances. But [certain] knowledge is not merely a function of number. The relationship of the multitude of numbers to all events and individuals is the same. Yet when other circumstances are conjoined to them, this leads to assent. In this, therefore, it is permissible for events and people to differ. But al-Qâdî denied this and did not consider circumstantial evidences and did not attribute any effect to them. This is not satisfactory because it is possible for reporting alone to produce [certain] knowledge when there are numerous reporters, even if there is no circumstantial evidence. On the other hand, mere circumstantial evidence also can generate [certain] knowledge, even if there are no reports. Therefore, it is not impermissible for circumstantial evidence to be conjoined with reports, in order that some circumstantial evidences can supplement the [lacking] number of reporters.

This will not be clear until one knows the meaning of circumstantial evidence and how it is probative. So, we say that there is no doubt that we know certain things which are not perceptible. For we recognize one's love, hate, or fear of a person, or one's anger and shame. Yet these are states in the mind of the

one who loves or the one who hates which sense perception is unconcerned with. Sometimes they are indicated by evidences within individual units which are not [independently] regarded as decisive. In fact, they are liable to doubt. But with them the mind is inclined to form a weak opinion, while the second and the third [bits of evidence] confirm it. But when each exists in isolation, then doubt may enter them. However, certain [knowledge] accrues with their conjunction, just as the statement of each member of the *tawâtur* reporters is liable to doubt if each is taken individually, while decisiveness accrues as a result of their conjunction.

For example, we can recognize the love of an admirer not by one's statements but through actions which belong to those who love—serving one's beloved, spending on one's beloved, attending one's sittings, visiting one, accompanying one in one's whereabouts, and things of this kind. For each act has an evidence which, if isolated, may individually point to a motive concealed in the mind other than loving. But the multiplicity of evidences reaches a point where [certain] knowledge of one's love accrues to us. And so it is with one's hatred when actions resulting from it are seen to come from the person. Likewise, we recognize one's anger and shame not simply because of the redness of the person's face, for redness is but one of the evidences.

Similarly, we see an infant who continues suckling milk, thus certain knowledge accrues to us with regard to knowing that milk is reaching his stomach, /1:136/ even though we do not see the milk in the breast because it is concealed. Nor do we see it emerging because it is covered by the mouth. But the suckling motion of the

infant and the motion of his throat provides evidence, although this [movement] may occur without milk reaching him. In addition to this, the breast of a young woman is not usually without milk, nor is her nipple normally without an opening. Moreover, the infant's instinct drives him to suckle to extract milk. Although anomalies of each of these may occur, they are not frequent. But if the ceasing of the infant's crying is added to this, while he did not take in any other food, then this too becomes circumstantial evidence, though it is possible that his crying was due to pain and his ceasing was due to its removal. While it is also possible that he ate something else that we did not witness even though most of the time we were with him, in spite of this, the conjunction of all these evidences is like the conjunction of reports and their *tawâtur*. For every evident proof is liable to doubt, just as is the statement of each individual reporter, though their conjunction yields [certain] knowledge.

It is as if this faculty is the sixth of the faculties of knowledge in addition to what we have mentioned in the introduction, i.e. the primaries, perceptibles, intrinsic visions, experiences, and *tawâtur* reports. So, this may be appended to it. Since this is undeniable, it is not impossible for assent to accrue based on the statements of an incomplete number [of reporters] when circumstantial evidences are conjoined to them. For if they were individually isolated from circumstantial evidences they would not indicate certain knowledge.

Indeed, if five or six people report the death of a person, their truthfulness may not be affirmed as certain knowledge. But

if this is conjoined by the emergence of the deceased's father from his home, bareheaded and barefoot, in torn clothes and disturbed, slapping his face and head—though he is a senior man of high status and nobility who does not customarily deviate from his conduct and honor unless it is out of compulsion—then it is permissible that this become circumstantial evidence added to the statements of those people. So, in effect, it accomplishes the same thing as does [completing] a lacking number [of reporters].

The permissibility of this can be established with certainty; and experience indicates this as well, for numerous reporters may report an affair which concerns the acquisition of power and its policy of proclamation. But those reporting it are from the king's chief officers; so it is conceivable that they have assembled to conspire to lie for control of power. If they were separated and expelled from power, they would not be conceivably liable to such [accusation]. This indeed affects the mind in a fashion undeniable. Thus, I do not know why al-Qâḍī denied this and what his proof is for its impossibility.

It should, therefore, have become clear from this that it is permissible for the number of reporters to differ depending on the events and persons. There may be an individual in whose personality [various] characteristics have been enrooted, which render him readily inclined to accept certain things. Therefore, this acceptance may assume the position of circumstantial evidence, which in turn assumes the status of some reporters. Thus, arising from this is the lack of proof for its impossibility.

If it is said: Is it permissible for certain knowledge to accrue from the statement of an individual?

We shall say: It has been related from al-Ka'bî¹² that this is permissible. However, if the circumstantial evidences are lacking, its permissibility is inconceivable, even for a fool. But on the other hand, when circumstantial evidences are conjoined it is not improbable that a point be reached where /1:137/ only one bit of circumstantial evidence remains to establish certain knowledge. Then the statement of one reporter can assume the place of that piece of circumstantial evidence. This is another case where impossibility cannot be established. Nor can its occurrence be decisively proven because its occurrence is only ascertained through experience which we have not tested.

Yet we have often tested what we have come to believe in with certainty on the basis of an individual reporter's statement. But when conjoined with the circumstances of his conditions, they were then exposed as being deceptive. Due to this, al-Qâdî held [the accrual of certain knowledge from the statement of an individual] to be impossible.

Now, this discourse is in reference to events together with the ordinary continuing in its expected way. If we assume this custom to be broken, then Allâh, ﷻ, is able to impart in us certain knowledge on the basis of an individual's statement,¹³ without

¹²al-Ka'bî (319/931) was a Mu'tazilite of the Baghdad school. For more on his moves, see Jâr Allâh, *al-Mu'tazila*, p. 155.

¹³The construction in the text is ambiguous. It may also be taken to mean "one statement."

circumstantial evidence.

II. DISCUSSION: Al-Qâdî, رَحْمَةُ اللهِ عَلَيْهِ, decisively concluded that four falls short of the complete number [for *tawâtur*], though it [the number four] is founded upon the *Sharî'a* and permissible for a judge to restrict it to credible witnesses on the basis of *ijmâ'*, such that the preponderance of an opinion accrues. But for that which is necessarily known, speculation is not required. What he [al-Qâdî] mentions is correct, provided there is no circumstantial evidence; for we do not find ourselves compelled to accept the report of four. If along with this, on the other hand, circumstantial evidences are assumed, obtaining affirmation is not impossible. But this does not occur on the basis of reporting alone, but rather on the basis of circumstantial evidence along with reporting. But, al-Qâdî, رَحْمَةُ اللهِ عَلَيْهِ, regards this as impossible even with the addition of circumstantial evidences.

III. DISCUSSION: Al-Qâdî said, "I know by *ijmâ'* that four is incomplete. As for five, I suspend my judgment with regard to it because *ijmâ'* has not established proof for it." But this is weak because we know this on the basis of experience, for there are many reports where we hear from five or six and certain knowledge does not accrue in us. They are, thus, incomplete; here we have no doubt.

IV. DISCUSSION: If we assume the absence of circumstantial evidence, then the least number of reporters by which necessary knowledge accrues is known to Allāh, **سَعَى**, and unknown to us. We have no way of knowing it because we do not know at which point [certain] knowledge accrues—as in the existence of Mecca, al-Shâfi'î, and the prophets, **مُنِيحَم السَّلام**—or the moment at which the *tawâtur* of the reports is established in us, whether it be after, say, the hundredth of two-hundred reports. It is very difficult for us to establish this kind of experience even if we were to contrive this.

One way of contriving this is to observe ourselves when a man, for example, is killed in a marketplace and a group leaves the scene of the killing and comes to inform us of his killing. Now, the statement of the first person arouses our speculation while the statement of the second and the third strengthens it. Thus, it will continue to be strengthened until it becomes necessary such that we cannot doubt ourselves about it. If it were conceivable to know the moment in which certain knowledge accrues necessarily, together with an account of the numbers of reporters, then it would be possible to know [the number]. But it is very difficult to know this moment, for the strength of belief increases in hidden gradations, like the increase of reason in a child capable of discernment until he reaches the point of *taklif*, and like the increase of the morning light until it reaches the limit of its completion. For this reason, it remains shrouded in controversy, and its knowledge is very difficult for human power to attain.

However, there is an opinion held by some that specifies

/1:138/ [the number of reporters at] forty, taken from Friday prayer;¹⁴ some specify seventy, taken by the statement of the Exalted, "*Moses chose among his people seventy men for Our appointment*,"¹⁵ and some specify the number according to the number of the participants at the Battle of Badr.

All these are corrupt and lifeless dogmas which neither suit the purpose nor prove it. The conflict between these positions is enough to prove their corruption. Therefore, we have no way of determining the number. But through necessary knowledge we can rationalize that the number for [*tawâtur*]*—*which is complete in the sight of Allâh, ﷻ*—*[is the number of reporters] who have agreed to report.

If it is said: How can you know the accrual of certain knowledge on the basis of *tawâtur* when you do not know its minimal number?

We shall say: It is as we know that bread satiates hunger, water quenches thirst, and alcohol intoxicates, even though we do not know their minimal amount. We know that circumstantial

¹⁴The analogy implied here is the requirement of forty reporters as the minimum number for *tawâtur* based on another position held by the Shâfi'ites and the Hanbalites, namely that the minimum number of attendees required for the validation of Friday prayer is forty. For an elaborate discussion and references to the major *fiqhî* positions, see al-Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu*, 2:272-314.

¹⁵ Qur'ân, 7:155.

evidences yield certain knowledge even though we are not able to determine their genera and determine their minimal degrees.

V. DISCUSSION: If the complete number [for *tawâtur*] has reported and certain knowledge does not accrue about their truthfulness, then necessarily the [report] is decisively a lie, since for the accrual of certain knowledge there are only two conditions: One of them being completeness of number, and the second being that they should report on the basis of certainty and their own eyewitness [accounts].

If the number is complete, then the impossibility of certain knowledge can come only due to insufficiency of the second condition. So we know that they have lied, or some of them have lied in saying, "I have witnessed this." Rather, they have based this on imagination and conjecture, or deliberate lie, for if they tell the truth and their number is complete, then knowledge would necessarily accrue. This incidentally is another proof that four does not constitute the number for *tawâtur*, since certain knowledge of their truthfulness did not accrue to a judge. But it is permissible for him to judge by the preponderance of [credible] opinion based on *ijmâ'*.

If their number were to be complete, then a lack of certain knowledge with reference to their truthfulness is decisive proof that they all lied or that one of them lied. Therefore, we would hold conclusively that there is certainly among them a liar or a conjecturer— and testimony is not accepted from four who are known to have a liar or conjecturer among them.

If it is said: If certain knowledge does not accrue on the basis of their statement, and if they are of such large number that it is by the nature of the case impossible to claim that they unanimously agreed on lying, and if in addition to it being impossible that they would all have come under one command, or that they would mutually support each other in lying so that the truth would remain hidden to all of them and not one of them speaks about it, then on what basis can they be held to be lying, and how can it be conceived?

We shall say: This is possible only if they were to be divided into those who are truthful and those who are liars. As for the truthful, their number falls short of the range which independently yields certain knowledge. As for the liars, it is possible that they could have conspired because their number falls short of the range in which it becomes impossible for them to conspire and conceal it. But if they are of such number that it is not impossible for them to conspire and conceal it, then concealment of the truth is not impossible in this case until it is disclosed in the next case.

The Shî'ites' report concerning the divine appointment of the imamate, although their number is large, does not yield certain knowledge because they do not report on an eyewitness basis or on any authority. Yet if they have heard this from an earlier generation, then they are telling the 'truth.' But the number of the earlier generation that forged this lie is short of reaching the range where conspiracy and concealment is impossible for them. /1:139/ Furthermore, the succeeding generation may have assumed that

their [the previous generation's] number was complete, such that it would be impossible to conspire. Therefore, they are mistaken in their assumption, and yet hold their judgment to be decisive; and this is the source of their error.

Conclusion of this Chapter. Concerning the explanation of corrupt conditions [for *tawâtur*] which some people have held; there are five.

First, some people have made it conditional that the number reporting *tawâtur* should be such that they are countless and cannot be confined to a town. This is corrupt, for if all the pilgrims report an event which blocked them from completing their pilgrimage and prevented them from reaching 'Arafât, then certain knowledge accrues from their statement, even though they are limited in number. Also, if the people of a Mosque report a calamity preventing them from *Jum'a* prayer, their truthfulness would be known with certainty in spite of the fact that a Mosque can contain them, let alone a town. Similarly, when the people of Medina report something from the Messenger of Allâh, *حَدَّثَنَا اللَّهُ عَلَيْهِمُ وَسَلَّمَ*, certain knowledge accrues, even though one town holds them.

Second, some people have made it conditional that the kinship of the reporters must differ, that is, they may not be children of one father; and their homelands must differ so that they are not from a single quarter; and they must differ in religion so that they are not from one denomination. This also is corrupt because their being from one quarter and one ancestry have no effect except in the possibility of them conspiring. But the

enormity of the complete number averts this possibility. Yet if it is not such a large number, then conspiracy is possible among relatives, as it is possible among brothers or the inhabitants of one town, and as it is possible among the inhabitants of a quarter. Still, how can difference in religion be considered while we know the truthfulness of Muslims when they report a killing, riot, or battle. In fact, we know the truthfulness of the people of Constantinople when they report the death of a Caesar.

If it is said: We should then recognize the truthfulness of Christians in reporting the trinity from Jesus, *عَلَيْهِ السَّلَامُ*, and their truthfulness about his crucifixion.

We shall say: They did not report the trinity as if through *tawqîf*¹⁶ or hearing it from Jesus in a decisive, explicit text that does not tolerate different interpretations. Rather, they have imagined this on the basis of elusive words and have failed to grasp their significance, just as the anthropomorphists have made conclusions based on various verses and traditions while not understanding their meanings.

The *tawâtur* [report] must emanate from that which is perceptible. As for the killing of Jesus, *عَلَيْهِ السَّلَامُ*, they were right in that they saw a person resembling Jesus, *عَلَيْهِ السَّلَامُ*, being killed. But, they were confused with regard to him.

¹⁶The term here refers to that which has been designated by God. See Qal'ajî, *Mu'jam Lughat al-Fuqahâ'*, p. 151; and Tahâ nawî, *Kashshâf Istilâhât al-Funûn*, 2:1497.

If it is said: Is confusion possible in the case of perceptibles? And if it is possible, then each of us may have doubt when seeing his wife or child and may think that perhaps he is confused.

We shall say: If it is a time of intervention into the ordinary [i.e., miracles], then it is possible that a mistake may occur in perception. But this occurs in the time of prophethood to establish the truth of the Prophet, ﷺ; but it does not necessarily produce doubt at other than that time, for there is no dispute that the power of Allâh, ﷻ, can turn a staff into a serpent. Again, this intervention into the ordinary is to support the truth of the Prophet, ﷺ. But in spite of this, if we were to grasp a staff in our time, we would not fear it turning into a serpent, for we trust the ordinariness of our time.

If it is said: Intervention into the ordinary in our time \1:140\ is also possible to establish the *karâma*¹⁷ of the *walîs*, for perhaps one of the *walîs* supplicated to Allâh, ﷻ, for this [*karâma*] and He answered him. We should then doubt [sense perception] because of its possibility.

¹⁷*Karâma* means miraculous gifts and graces from Allah who protects and aids His *walî(s)*, that is, a supporter, beloved, friend, ally, etc. of Allâh, one who is chosen for his preeminent holiness and extraordinary piety and virtue. For the linguistic and technical meaning of 'walî,' see Manzûr, *Lisân al-'Arab*, 15:406-15; Mustafâ, et al, *Mu'jam al-Wasîl*, 2:1070; and *The Shorter Encyclopedia of Islam*, 1953 ed., s.v. "Walî." For 'karâma,' see *The Shorter Encyclopedia of Islam*, 1953 ed., s.v. "Karâma."

We shall say: When Allâh, ﷻ, causes this, he removes the necessary knowledge which accrues from the ordinary from within us. But since we find in ourselves necessary knowledge that a staff does not turn into a serpent, nor a mountain into gold, nor pebbles in the mountain into jewels and sapphires, then we decisively hold that Allâh, ﷻ, did not intervene in the ordinary even though He is able to do so.

Third, some people have made it conditional that they [reporters] should be *walîs* and believers.¹⁸ This is corrupt because knowledge can accrue based on the statements of *fâsiqs*, the Murji'ites,¹⁹ or the Qadarites.²⁰ Moreover, certain knowledge may accrue based on the statements of the Romans when reporting the death of their king.

Fourth, some people have made it conditional that reporters must not be forced by the sword to report. This is corrupt because if they have been forced to tell a lie, then certain knowledge would not accrue because of the absence of the required condition of reporting based on necessary knowledge. And if they tell the truth, knowledge accrues. For example, if the Caliph forces the

¹⁸This is similar to the Shî'ite positions. See al-Muzaffar, *Uṣūl al-Fiqh*, 2:57-81.

¹⁹For an Ash'arite definition, see Abû al-Husayn 'Alî b. Ismâ'il al-Ash'arî, *Maqâlât al-Islâmiyîn wa Ikhtilâf al-Muḡallîn*, ed. Helmut Ritter, (Wiesbaden: Franz Steiner Verlag GMBH, 1980), pp. 132-154.

²⁰'Qadarites' is a name given to the Mu'tazilites by their opponents. See al-Ash'arî, *Maqâlât al-Islâmiyîn wa Ikhtilâf al-Muḡallîn*, pp. 155-278.

inhabitants of Baghdad by sword to report on something they have actually seen or to testify on something that they have concealed, and then they give the report, certain knowledge can accrue based on their statement.

If it is said: Is it possible to conceive of a number [of reporters] by which certain knowledge accrues on the basis of their statement if they report voluntarily and does not accrue if they report under force?

We shall say, al-Qâdî, رحمه الله, held this to be impossible because he did not allow circumstantial evidence to enter [as a factor]. But, as far as we are concerned, this is not impossible, for we have already clarified that the mind can realize that those [reporters], in spite of their great number, have no purpose uniting them to lie. Then, it [the mind] accepts [what they say]. But if it appears that the sword is a unifying factor, then it is not unlikely that certain knowledge cannot accrue.

Fifth, the Rafīdites²¹ made it conditional that the infallible *imâm* should be among the reporters, and this necessitates certain knowledge of the reports of the Messenger, صلى الله عليه وسلم, for he [the *imâm*] is infallible. So what need is there for other than him to report?

It is necessary, then, that no certain knowledge accrues based on their *tawâtur* which reports the explicit statement of the

²¹In Arabic, it is *al-Rafida* (pl. *Rawâfid*), one of the names given to the Shī'a. See *The Shorter Encyclopedia of Islam*, p. 466.

appointment 'Alî, رَضِيَ اللهُ عَنْهُ, for among them none was infallible. Furthermore, the *imâm's* proof would not be binding except on those who witnessed and heard him from among the people of his town to the exclusion of other territories. The proof would not remain binding by the statement of his commanders, propagandists, agents, and his judges because none of them is infallible. Moreover, the report of the death of the governor or his killing could not be certainly known, nor the occurrence of civil unrest, nor fighting in another country. All of this necessarily follows their hallucinations.

Chapter Three

The Classifications of Reports: What Must Be Assented to, What Must Be Denied, and What Must Have its Judgement Suspended

The First Classification: What must be assented to

This has seven [categories].

First, there is that which has been reported through a number sufficient for *tawâtur*. Thus, one is obligated to assent to such a report necessarily, even though there is no other corroborative proof for it. For there are no reports whose truth can be known purely through reporting, except the *mutawâtir*. As for other reports, their truths are known only through a proof independent of the report itself /1:141/.

Second, what Allâh ﷻ, has reported [must be assented to]; It is truth because lying is impossible for Him. This is supported

by two proofs. The stronger of them is the report of the Messenger, ﷺ, concerning the impossibility of lying for Him, ﺫﻫﺒﺎﻧﻰ. The other is that His speech, ﺫﻫﺒﺎﻧﻰ, is self-subsisting, and lying is impossible with self-subsisting speech and for whom ignorance is impossible. For in this case, reporting is self-subsistent in the mind, in accordance with knowledge, and ignorance is impossible on the part of Allâh, ﺫﻫﺒﺎﻧﻰ.

Third, there are the reports of the Messenger, ﷺ. The evidence for his truthfulness is the proof of his miracles, which indicate his truthfulness, together with the impossibility of miracles being manifested at the hands of imposters. For if that were possible, then the Creator would be unable to confirm the messengership of His messengers, and inability is impossible for Him.

Fourth what the *ummah* has reported [must be assented to]; for its infallibility is established based on the statement of the Messenger, ﷺ, who is immune from lying (as are all those whom Allâh, ﺫﻫﺒﺎﻧﻰ, and His Messenger, ﺻﻠﻰ ﺍﻟﻠﻪ ﻋﻠﻴﻪ ﻭﺳﻠﻢ, say are truthful and do not lie).

Fifth comprises every report which is in agreement with the reports of Allâh, ﺫﻫﺒﺎﻧﻰ, His Messenger, ﺻﻠﻰ ﺍﻟﻠﻪ ﻋﻠﻴﻪ ﻭﺳﻠﻢ, the *ummah*—or whosoever they have affirmed as being truthful—or one whose truthfulness is evident by reason and revealed authority. For if such a report were to be a lie, then that with which it is in agreement would [also] be a lie.

Sixth is every authenticated report whose narrator has been established as having stated it in the presence of the Messenger of

Allâh, **صَلَّىٰ اللّٰهُ عَلَيْهِ وَسَلَّمَ**, that is, within the range of his hearing when he was not unaware of him, and he [the Prophet] remained silent toward him. For if such a person were lying, the Prophet would not have remained silent toward him, nor would he not have charged him with lying. By this we mean [affairs] related to religion.

Seventh is every report that has been mentioned in the presence of a group who kept from calling it a lie, where in a similar case it would ordinarily require denouncing it as a lie. In addition, it would be impossible to keep silent if the report were a lie. This is because this report would have an impact on their minds, and ordinarily it would be impossible for such a number to conspire in a manner that [their] conspiracy is concealed and that they would not speak about it.

It is through this channel that most of the events of the Messenger of Allâh, **صَلَّىٰ اللّٰهُ عَلَيْهِ وَسَلَّمَ**, have been established, for they occurred in front of crowds who kept silent from denying their [subsequent reports], even though it is impossible for people like them [the Companions] to keep silent about a lie. So when the condition is fulfilled and the denial is abandoned, as it has been mentioned, then it will have the same status as saying, "You have spoken the truth."

If it is said: When a person claims something in front of a crowd and claims their awareness of it, and they keep silent from denying the claim, will his truthfulness be established?

We shall say: If his claim is such that it is subject to examination and *ijtihâd*, then his truthfulness cannot be

established because of the possibility that they believed what he claimed on the basis of speculation. But if he was referring to something that has been witnessed, and their number is such that it would become impossible for them to come under one motivation, then silence [as opposed] to denying him is confirmation on their part.

If it is said: Will the truth be indicated through the *tawâtur* of a report of such a group, on whose part it is impossible for them to deliberately conspire to lie or concur to agree?

We shall say: Al-Qâdî, رحمه الله، held this to be impossible and said that their statement necessarily yields certain knowledge [only] if in Allâh's knowledge they reach the number of *tawâtur*. But if it did not yield necessary knowledge, this indicates the incompleteness /1:142/ of the number. Nor is it permissible to conclude truthfulness by examining their conditions. Rather, we would know decisively that they are lying, or that among them there is a liar or a conjecturer.

This necessarily follows his [al-Qâdî's] position since he does not consider circumstantial evidence [as valid]. But for whoever accepts circumstantial evidence, it is not unlikely that he may know their truth through a sort of ratiocination.

If it is said: Is it necessary that a solitary report upon which the *ummah* acted be regarded as true?

We shall say: If they have acted in harmony with it, they may have acted in accordance with a different source. Moreover, if

they did act in accordance with this, they have been ordered to act upon solitary reports, even if they do not know its truth. Consequently, it is not necessary to judge that it is truth.

If it is said: If the reporter were to be a liar, then the *ummah* would be acting upon falsehood. This would be an error, which is not permissible for the *ummah*.

We shall say: The *ummah* is only charged to worship by acting in accordance with reports in which their truthfulness preponderates—and it did so in their minds, as when a judge rules on the basis of testimony from trustworthy [reporters]. He is not in error even if the witness is a liar. Rather, he is correct for he was not ordered but to do this.

The Second Classification of Reports: Those which are Known to be False

They are four.

First is that whose contrary is established by the necessity of reason, ratiocination, sense perception and experience, *mutawâtir* reports, and, in general, all that contradicts what is known through the mentioned six avenues—like one who reports contraries together, or the immediate resurrection of the dead,²² or that we are sitting on an eagle's wing, or are in the whirl of an ocean, as well as all that whose contradictions are perceived.

Second is anything which contradicts decisive textual

²²That is, distinguished from Resurrection Day.

evidence from the Book, *mutawâtir Sunna*, and the *ijmâ'* of the *ummah*, for they come in denial of Allâh, ﷻ, His Messenger, ﷺ, and the *ummah*.

Third is that which has been openly denied by a large number, such that it is impossible by the nature of the case that they conspire to lie when they state, "We were present with the reporter at the given time, and we did not at all find what he reported."

Fourth are those [reports] which a large number has kept from reporting and speaking about, in spite of the fact that the event [was reported to have] occurred in their presence and that it would be customarily impossible for them to keep from mentioning it when there is abundant impetus to report it. For example, if one should report that an *amîr* of a town has been killed in the market place in the presence of a large number of people and none of them spoke about it, then his lie is decisively concluded. For were he truthful, there would be abundant impetus to report this. Ordinarily, it would be impossible that this person exclusively report it.

It is in this way that we know the falsity of anyone who claims opposition to the Qur'ân, or [the existence] of a statement from the Messenger specifying another prophet to come after him, or that he left a number of male children, or that he stated the identity of a particular *imâm* in the presence of a large number of people; or that he made obligatory fasting in the month of *Shawwâl* or the prayer of the late morning, and such things which are by the nature of the case impossible to conceal.

If it is said: Solitary reporters have transmitted news for which there is abundant impetus to report, to the degree that difference of opinion has occurred about such things as his *ifrâd*, or *qirân* of *hajj*, *صلى الله عليه وسلم*; ²³ or that he entered the Ka'ba and prayed in it; ²⁴ or that he married Maymûna while he was in the state of *ihrâm*; *صلى الله عليه وسلم*; ²⁵ or that he entered Mecca by force; or that he accepted the testimony of an individual bedouin concerning the sighting of the crescent, though the bedouin's isolated sighting was such that no one else shared it with him 1:143; ²⁶ or about the report of the splitting of the moon which no one reported except b.

²³The technical usage of '*ifrâd*' describes the state of *ihrâm* when one intends to perform only *Hajj*; if the intention is to combine '*umrah* with *Hajj*, it is called *qirân*. A third term closely associated with these in legal works is *tamattu'*, describing the performance of '*umra* then *Hajj*, each with an independent *ihrâm* in the same year during *Hajj*. For an elaborate discussion, see al-Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu*, 3:133-44, where he also refers to other sources; and al-Kasânî, *Badâ'i' al-Ṣanâ'i'*, 2:167.

²⁴The Prophet's prayer inside the Ka'ba is a subject of dispute among the *fuqahâ'*. See details in al-Kasânî's *Badâ'i' al-Ṣanâ'i'*, 1:115; Ibn al-Humâm, *Fath al-Qadîr*; 1:479; Ibn Athîr, *al-Lubâb*, 1:138; al-Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu*, 1:602-4; and Ibn al-Qayyim, *Zâd al-Ma'âd*, 3:429-64, which has an extended discussion on the Prophet's prayer and entering Mecca by force.

²⁵Reports on Maymuna's marriage are cited by many. See al-Tirmidhî, *Sunan*, , ed. M. Shâkar, (: Ḥalabî,) 3:580-83; Ibn al-Hajjâj, *Sahîh Muslim*, 2:1030.

²⁶For a full discussion on the problem of sighting the crescent, see Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu*, 2:598.

Mas'ûd, رُوِيَ عَنْهُ، and a small number with him, while it should have been seen by every believer, disbeliever, bedouin, and city dweller;²⁷ or the Christians' reports of the miracles of Jesus, عَلَيْهِ السَّلَامُ, although they do not report his speech in the cradle, while it was one of his greatest miracles; or the transmission of the Qur'ân by the *ummah*, though they did not report other miracles of the Messenger, عَلَيْهِ السَّلَامُ, as broadly as they did the Qur'ân; or people transmitting the major events of the messengers while they did not report the ones of Shu'ayb, عَلَيْهِ السَّلَامُ; or the *ummah* reporting the *sûras* of the Qur'ân while the *mu'awwidhatân* were not reported like the others so that b. Mas'ûd, رُوِيَ عَنْهُ، disputed whether they are from the Qur'ân;²⁸ or what has become a general necessity, such as coming into contact with or touching [a woman]. So all of these are in contradiction to this principle [of abundant impetus].

The reply is that the *ifrâd* or the *qirân* of the Messenger of Allâh, صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ, are of no necessity to be promulgated or proclaimed to all by the Messenger of Allâh, صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. Rather, no one need know this except for whomever [the Prophet] informs, or discloses his intention to inform him. Yet, his instruction to people concerning *ifrâd* and *qirân* together has been broadly disseminated.

As for his entrance into the Ka'ba and his prayer in it, this may have been with a few people or with one or two, which may

²⁷Consult Wensinck, *The Concordance et Indices de la Tradition Musulmane*, 3:161.

²⁸The last two *sûras* of the Qur'ân, 13, 14.

not have occurred often. Even if it occurred often, there would not be abundant impetus to perpetuate its transmission, for it is not a principle of religion, nor is it one of its obligations or important factors.

As for his forceful entrance into Mecca, there are sound, widely-known reports indicating his entrance bearing arms and carrying standards, in full control and domination, and that he granted amnesty to whomever entered the house of Abû Sufyân or to whomever laid down his weapons and took refuge in the Ka'ba. All these reports are not disputed. However, some *fuqahâ'* have adduced that they entered peacefully based on what has been transmitted to the effect that he, *حَتَّىٰ اِلَهَ عَلَيْهِ وَسَلَّمَ*, paid blood money for the people killed by Khâlid b. Walid, *رُخِبَ اِلَهَ عَنْهُ*. The occurrence of such controversy is possible for such individuals until it is removed by ratiocination. Also, this may have been on the basis of a particular prohibition for identified people for a special purpose, or that this should have occurred by a particular or specific prohibition on the part of particular people for special reasons.

As for the isolated sighting of the crescent by the bedouin, it is possible. Similar occurrences may take place on the first night of the month even in our times. Owing to the crescent being faint and thin, it is possible only for a sharp-sighted person's eye, who genuinely desires to seek it, to hit the place of the crescent—whether it is based on experience or chance.

As for the splitting of the moon, it is a sign that occurred at night while people slept and were heedless; and it only happened momentarily. So those who saw it were the ones among Quraysh

with whom the Prophet, **حَيْثُ اسْتَعْلَمُوا وَاسْلَمُوا**, disputed and thus pointed it out to them. In addition, only a fraction [of the moon] split for a moment and returned complete. There are many occurrences of a shooting star or an earthquake or other frightening events, like wind and night storms, that no one pays attention to except for a few individuals. Add this to the fact that such things are only known to those who are told look for them. Also, the moon split following the statement and challenge [of the Quraysh]. Whosoever did not know about such an event and his sight fell upon it may have thought it was something illusionary which disappeared, or that it was a star under the moon that moved away from it, or that a portion of cloud covered part of the moon. /1:144/ Thus, its transmission was not *mutawâtir*.

As for their [*mutawâtir*] transmission of the Qur'ân and not other major events, this is so for two reasons. One is that the impetus to transmit [things] in a perpetual manner did not increase after the establishment of prophethood and its independence on the basis of the Qur'ân due to the contentment with its establishment by the Qur'ân, which is the greatest of signs. Second, things other than the Qur'ân may have occurred only once in anyone's lifetime, or may have occurred in front of a few people, while [the Prophet] used to repeat the Qur'ân throughout his life, time after time. Furthermore, he used to deliberately address it to all of them, and he ordered them to preserve it and to recite it for him and to act accordingly.

As for the *mu'awwidhatân*, their broad transmission as being of the Qur'ân has been established like the other *sûras*—and Ibn

Mas'ûd, رَجُلٌ مِنْهُمْ, never denied that they are of the Qur'ân. He denied recording them in the text, and also the recording of *al-Hamd*.²⁹ For, according to him, the *Sunna* was not to record except what the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, had ordered to be recorded and written. So when he found that he did not write these, nor did he hear the Prophet's command to write them, he then denied them. This was an interpretation, not a rejection of their being of the Qur'ân. If he had rejected this, it would have been a great departure from the truth, which cannot be attributed to a person like him, nor any one of the Companions.

As for the negligence of Christians to report the speech of Jesus, عَلَيْهِ السَّلَام, in the cradle, this may be because he spoke only in the presence of a few people, and only once, in order to declare the innocence of Mary, عَلَيْهَا السَّلَام, from what they have accused her of. so it may not have been disseminated. Therefore, certain knowledge did not accrue based on the statement of those from whom it was heard. Hence, it was obliterated.

As for Shu'ayb and other [prophets] like him, عَلَيْهِمُ السَّلَام, they did not have a *sharî'a* of their own, but called to the *sharî'a* of those preceding them. Therefore, there was no abundant impetus to report their miracles, for they did not have prominent miracles. But their truthfulness has been established on the basis of texts and divine reports from a prophet who has a miracle.

As for the report of touching or contacting the genitals³⁰ and

²⁹This refers to the first chapter of the Qur'ân, *The Opening*.

³⁰Jurists have differed regarding the annulment of ablution

things that commonly occur, it is possible that the Messenger, ﷺ, informed only a few people and then they would individually report it. That it was not popularized [by the Prophet] does not bring distress in the mind. There, nevertheless, would be abundant impetus to report it perpetually.

The Third Classification: [Reports] whose Truth or Falsehood is Unknown, thus [Judgment] on them is Necessarily Suspended

This [classification] includes all of the transmitted reports regarding the rules of the *Sharî'a* and worship, besides the two divisions mentioned. It includes every report whose truth or falsehood is unknown.

If it is said: The lack of evidence for a report's truth proves its falsehood. For if it were true, Allâh, ﷻ, would not have isolated us from such a proof of its truth.

We shall say: Why is it impossible for Him to isolate us from a decisive proof of its truth? If this is reversed and said that its truth is known—for if it were false then Allâh, ﷻ, would have not isolated us from a decisive proof of its falsehood—then this would be a response to this discourse. But how is this permissible, since from this it is necessary to conclude decisively the falsehood of every eyewitness whose truthfulness is not decisively established

due to one's touching his or her genitals or the touching of a women by a man, or vice-versa. For details, see Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu*, 1:274-282; Zayla'î, *Nagb al-Râya*, 1:60; and al-Farrâ', *al-'Udda*, 3:762.

as well as the infidelity and the immorality of every judge and *muftî* whose Islam and piety is not known decisively?

Similarly, every *qiyâs* and *Sharî'a* proof that is not conclusively held to be accurate, one must decisively pronounce it to be false. This is different than the case where a miracle is not demonstrated, yet one challenges to be a prophet. Therefore, we become certain of his falsehood, for a Prophet, *صلى الله عليه وسلم*, is one who charges us to believe in him. Yet belief without proof is impossible, as laying an impossible obligation is impossible. So from this we are certain that we have not been obligated to believe him, and he definitely was not a messenger to us.

As for a solitary report or the testimony of two, we are not charged by the *Sharî'a* to confirm their truth, but to act when its truthfulness is conceivable—and this did accrue, so acting is possible. Furthermore we would be right, even if they are a liars. But if we were to act in accordance with the deposition of a single witness, then we would be in the wrong, even if he be truthful.

If it is said: The establishment of a miracle has become necessary only to know [the Prophet's] truth, so we follow him in what he brings as *Sharî'a*. Thus, it is incumbent upon him to remove all doubts concerning the *Sharî'a* that he conveys verbally, and he must spread it to the extent of *tawâtur* so that certain knowledge can accrue to those whom he did not [directly] state it to.

We shall say: It is not absurd that the Lawgiver divides the *Sharî'a* into that which charges worshipping through knowledge

and action—where what you have mentioned in this regard would be necessary—and into that which charges us only to act according to the *Sharī'a*, but without having certain knowledge. Therefore, it is obligatory upon those who hear it from the Messenger to combine certain knowledge and action. But the obligation for those who were not present is action, not knowledge. Thus, action is anchored by a *zan* [working knowledge] of the truth in the report, even though he [the reporter] may be a liar in the sight of Allāh, *عَلَيْهِ السَّلَامُ*. So, *zan* accrues through *qiyās*, the testimony of one witness and an oath of a defendant, or an oath of a plaintiff, when the other person refuses to take an oath. We do not regard any of this as impossible.

DIVISION TWO OF THIS PRINCIPLE: SOLITARY REPORTS

Consisting of [Four] Chapters

Chapter One: The Establishment of the Rites of Worship Although they Fall Short of Yielding Certain Knowledge This has four discussions

I. DISCUSSION: Know that in this context what we mean by solitary report is those reports which do not reach the point of *tawâtur* to yield certain knowledge. So, what has been transmitted by five or six individuals, for example, may be a solitary report.

As for the statement of the Messenger, *عَلَيْهِ السَّلَامُ*, whose rectitude is known certainly, it is not called *solitary report*. If you know this, we shall say that solitary reports do not yield certain knowledge. This can be necessarily known.

We do not believe all that we hear. But, even if we believe and assume the contradiction of two reports, how can we believe in both opposites? What has been related from traditionists [*muhadidhîn*], namely that this necessarily yields certain knowledge, perhaps they mean that it yields knowledge on the basis of necessitating action, for sometimes *zan* is called 'ilm.³¹ Thus, some of them say that it yields outward knowledge, while certain knowledge neither has an outer nor an inner. But it is only *zan*, and they cannot hold a proof based on His statement, *فَاعْلَمُ*, "*If you ascertain that they are believing women. . .*,"³² thinking it means obvious [knowledge], while its intended meaning is actual knowledge by the declaration of *shahâda*, which is the manifest side of faith but not the interior side, where a person is not [legally] responsible or charged. Faith [proclaimed] by the tongue /1:146/ is called *imân*, figuratively. Nor can they hold a proof based on the saying of the Exalted, "*Do not follow that wherein you have no knowledge . . .*"³³ and that if reports do not yield certain knowledge, acting according to it is not permissible. For the intended meaning of this verse is to prevent a witness from decisively testifying, except on what he is certain of.

³¹Ghazâlî here is pointing out that *zan*, i.e. knowledge appearing worthy of belief, is at times interchangeable with 'ilm, i.e. certain knowledge, and thus confuses those who do not recognize the usage of the terms and their contexts.

³²Qur'ân, 60:10.

³³Qur'ân, 17:36.

As for acting according to a solitary report, it is necessarily known by a decisive proof that necessitates action when truth is assumed, and the assumption accrues decisively. The obligatoriness of acting according to *zan* is also necessarily known, as is ruling according to the testimony of two, or the oath of a plaintiff in the event of the defendant's denial.

II. DISCUSSION: Some people deny on a rational basis the permissibility of worship according to solitary reports, its occurrence on the basis of revealed authority notwithstanding.

It should be said to them, "How do you know it is impossible? Through necessity? We differ with you about this—and dispute cannot occur in what is necessary. Or do you deny it by some proof?"

But they have no way to establish it. For were it impossible, its impossibility would be either per se or because of some evil that it begets. Yet it is not impossible per se; nor is its evil considered. Even if we do consider it, we do not concede it. For it is necessary to explain the signification of its evil.

If it is said: The signification of its evil is that when an individual transmits a report, say, regarding the shedding of blood or permitting intercourse, he may be lying. Yet it would be thought that this shedding blood is by the command of Allāh, *ٱللّٰهُ*, while it is not His command. How can it be permissible to be hasty based on ignorance? On the contrary, it is not permissible to rush after whoever we regard with doubt concerning the permissibility of

intercourse or the shedding of blood based on ignorance. It would be bad for the Lawgiver to abandon people to ignorance and to rush into falsehood based on speculation. Rather, when Allâh, ﷻ, commands, He must make it known to us so that we are informed, regardless of our being obedient or disobedient.

The reply is that if this question issues from one who denies religion, we shall say to him, what is the impossibility of Allâh, ﷻ, saying to His worshippers, "When a bird flies by and you think it is a crow, then I have made 'such and such' obligatory upon you, and I have made your supposition a sign for the necessity of acting, just as I have made the declination of the sun to be a sign for the obligatoriness of prayer." Therefore, *zan* itself would become the sign of obligatoriness, while the existence of *zan* is known through sense perception. Thus, obligatoriness becomes known. So, whoever performs the obligation in the state of *zan* has decisively fulfilled it and is right.

Accordingly, if it is permissible to make the declination of the sun a sign or thinking a bird is a crow, why is it not possible to make one's *zan* a sign? It should be said to him that when you have a working knowledge of the truth of a reporter, a witness, or an oath giver, rule by it [*zan*]. However, you are not charged through the certain knowledge of his truthfulness, but with acting when working knowledge of his truthfulness accrues. Furthermore, you are right and have fulfilled [your obligation], whether he is telling the truth or lying. You are not charged with having certain knowledge of his truthfulness, but with action in accordance with your *zan* that you feel in yourself.

This also is what we believe regarding *qiyâs*, the solitary report, ruling based on a witness or an oathgiver, and other than this. But if this emanates from a believer of the *Sharî'a*—but there is no way for him to do so, for he has been charged to act according to testimony, injunction, *fatwâ* [authoritative opinion], an eyewitnessing of the Ka'ba, and the report of the Messenger, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, which total five.

Now, testimony can be regarded as giving decisive knowledge, like the testimony of the Messenger, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, /1:147/ or the testimony of Khuzayma b. Thâbit³⁴ when the Messenger of Allâh, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, confirmed his truthfulness, and the witness of Moses and Aaron and other prophets, Allâh's blessings be upon them. Their testimony may be regarded like that of others. So what it is assumed is appended to that which is decisive concerning the obligatoriness of action. And so it is with the *fatwâ* of the Prophet, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, and his rule, which is decisive, and the *fatwâs* of other *imâms* or the injunctions of other judges, which are of *zan* and are appended to what is decisive. In addition, the Ka'ba is decisively known when eyewitnessed. Yet it is also known by *zan* through *ijtihâd*. Thus, acting is necessary upon *zan*, as it is necessary upon [one's] being an eyewitness.

Similarly, the report of the Messenger, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, necessitates acting if it is *mutawâtir*. Why should it be particularly impossible for what is known through *zan* to be categorized as

³⁴A Companion from the Anṣâr. See Ibn Hajar, *al-Tahdhîb al-Tahdhîb*, (Beirut: Dâr al-Fikr, 1985), 3:121.

certain knowledge in making action mandatory?

Thus, whosoever wants to distinguish between these five things, as to their evil or goodness, there is no way for him to do so at all.

If it is said: Is it permissible to command acting based on the report of a *fâsiq*?³⁵

We shall say: Some people have stated that it is permissible provided that truth is likely [to accrue]. To us, this condition is corrupt. Rather, just as it is permissible to make the motion of the *falak*³⁶ a sign for performing the obligation of prayers, it is likewise possible for the motion of a *fâsiq*'s tongue to be a sign. For laying the obligation to act when the report exists is one thing, while the report being true or false is another.

III. DISCUSSION: Some people have held that reason indicates the mandatoriness of acting in accordance with solitary reports independent of the *Shari'a* proofs.

They have supported this with two proofs.

The first of which is that when a *mufti* does not find decisive proof from the Book, *Ijmâ'*, or the *mutawâtir Sunna*, but finds a

³⁵The term refers to one who commits a great sin(s). See L. Gardet's article in *The Encyclopaedia of Islam*, 2:833-44.

³⁶Ghazâlî here makes an analogy between the motion of the solar system (*falak*) that produces night and day — indicating the times for prayer — and the motion of the tongue stating reports, etc.

solitary report and does not rule according to it, then rules would be suspended. Since the Prophet, ﷺ, was sent to *all* of [his] contemporaries, he needed to send envoys [carrying rules], for he could not verbally speak to everyone, nor could he broadly promulgate all the rules through *tawâtur* to everyone. For had he attempted to send the number required for *tawâtur* to every nation, the number of people in his town would not have been sufficient.

This is weak because if the *muftî* does not find decisive proofs, he has recourse to the state of *al-barâ'a al-aṣliyya* [the original state of freedom] and *istishâb*,³⁷ just as if he misses the solitary report.

As for the Messenger, ﷺ, he is limited to those whom he can convey to. From among people, there were those on Islands to whom the *Sharî'a* was never conveyed, who therefore were not liable to its obligation, for commissioning all people is not mandatory. Of course, if a prophet were charged to commission all people and that he should not leave any single event without the rule of Allâh, ﷻ, nor should he leave any person from responsibility, then for him it may be necessarily sufficient to rely on a solitary report.

The second proof is their position that the reporter's truthfulness is possible. So, if we do not act according to the solitary report, we will be abandoning the command of Allâh, ﷻ, and the command of His Messenger, ﷺ. Therefore, acting

³⁷See the introduction to this translation, 1:124-129.

is being prudent and resolute.

This is false on three accounts.

The first of them is that the reporter's lying is also possible. So our actions may be contrary to what is obligatory.

The second is that it is necessary to act based on the report of an unbeliever or a *fâsiq*, for their truthfulness is possible.

The third is that freedom from responsibility is ascertained by reason and original negation [of responsibility]. /1:148/ This cannot be abrogated by delusive imagination. Some have used this as proof for negating solitary reports, even though this is a corrupt argument. But it is better than the one stating that if the truth [of a solitary report] is possible, then one must act according to it.

IV. DISCUSSION: The correct position, which the majority in the preceding generations of the *ummah* held—that is, the Companions, the Successors, the *faqîhs*, and the theologians—is that it is not impossible, rationally, to fulfill *Sharî'a* charges based on solitary reports. Nor is it mandatory, rationally, to fulfill *Sharî'a* charges based on them. But, fulfilling *Sharî'a* obligations based on them has occurred in tradition.

The majority of the Mu'tazilites and those who follow them of the Zâhirites, like al-Qâsânî,³⁸ hold that it is not permissible to act according to a solitary report on grounds of tradition.³⁹

³⁸Muḥammad b. Ishâq al-Qasâni was a student of Dawûd al-Isbahânî, the founder of the Zâhirite school. See Ibn Hajar, *Tabsîr al-Muntabih bi Tahrîr al-Mushtabih*, 3:1147.

³⁹For further discussion, see al-Bazdawî, *Kashf al-Asrâr*,

The falsity of their opinion is indicated in two decisive approaches. One is the *ijmâ'* of the Companions to accept solitary reports; the second is that there are *tawâtur* reports that the Messenger, ﷺ, has sent governors and envoys to various territories, and he obliged the people of the territories to assent to what they transmit from the *Sharî'a*.

We shall resolve both of these approaches.

The first approach concerns what has come through *tawâtur* and become well known, like those practices of the Companions in numerous, countless events that were based on solitary reports, though none of them reached *tawâtur*, though certain knowledge accrues from their conjunction.

Here, we shall indicate some of them:

For exmple, there are many events that have been reported from 'Umar, رَضِيَ اللهُ عَنْهُ. One is the story of the fetus.⁴⁰ 'Umar stood [before the Companions] and said about this, "I remind you of Allâh. Has any one of you heard from the Messenger, ﷺ, anything about fetuses?" Haml b. Mâlik b. al-Nâbigha⁴¹ stood and

2:370; b. Hazm, *Ihkâm*, 1:107; Amidî, *Ihkâm*, 1:234; and al-Dumaynî, *Maqayîs Naqd Mutûn al-Sunna*, p. 276.

⁴⁰For an elaborate discussion on the legal aspects concerning the fetus, see Muḥammad Salam Madkûr's comprehensive, comparative *fiqh* work, *al-Janîn wa al-Aḥkâm al-Muta'alliqatu bihi fî al-Fiqh al-Islâmî* (Cairo: Dâr al-Nahdah al-'Arabiyya, 1969). See also Kuwait Ministry of Awqâf and Islamic Affiars, *Mu'jam al-Fiqh al-Ḥanbalî*, (Kuwait: Ministry of Awqâf and Islamic Affiars Press, n. d), 1:206; and al-Zahîlî, *al-Fiqh al-Islâmî wa Adillatuhu* , 6:362-67.

⁴¹Consult Ibn Hajar, *al-Tahdhîb al-Tahdhîb*, 3:32.

said:

I was between two females, [i.e., co-wives], and one of them hit the other with a rolling pin. The other, then, delivered a dead fetus. So, the Messenger of Allâh, ﷺ, ruled that a prime male or female slave be freed.

‘Umar, رَضِيَ اللهُ عَنْهُ, replied:

Had we not heard this, we would have ruled differently, that is, we would not have ruled for [the freeing of] a prime slave in the first place.

The death of the fetus is distinguished because there is doubt about whether it was originally alive.

Also, ‘Umar, رَضِيَ اللهُ عَنْهُ, used to hold that a woman could not inherit a share of the blood money of her [deceased] husband. But when al-Dahhâk reported to him that the Messenger of Allâh, ﷺ, had written to him that he should give to the widow of Ushaym al-Dabâbî a share of his blood money, he [‘Umar] then changed his opinion in this regard.

Another involves a question about the Magians, of which numerous reports have come down. ‘Umar said:

I do not know what to do with them. I beseech anyone who has heard something about them to report it to us.

Then ‘Abd al-Rahmân b. ‘Awf said:

I bear witness that I heard the Messenger of Allâh, ﷺ, say “Treat the Magians as you treat the People of the Book.”

So he then collected *jizya* from them and confirmed the status of

their religion.

Also, there is was an occurrence during [the lifetimes] of 'Umar, 'Uthmân, and a great number of the Companions, رَضِيَ اللهُ عَنْهُمْ, where they changed their minds about cancelling the mandatoriness of making *ghusl* [bathing] when the two genitalia [male and female] touch. This was a result of the report of 'A'isha, رَضِيَ اللهُ عَنْهَا, for she said, "I did this with the Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and we made *ghusl*."

Then there is that which has come down correctly about 'Uthmân, رَضِيَ اللهُ عَنْهُ, when he decided the case of the housing of a widow on the basis of the report of Farî'a, the daughter of Mâlik,⁴² after he sent a message to her asking her about this.

Also, it is widely known that 'Alî, رَضِيَ اللهُ عَنْهُ, whenever he accepted solitary reports /1:149/ relied on oaths, to the extent that he once said, according to a popular report:

Whenever I heard a *ḥadīth* from the Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, Allâh has benefited me from it to whatever extent He willed. But if other than [the Prophet] related a report to me, I would seek an oath from him. If he complied, then I would believe him. Abû Bakr reported to me—and Abû Bakr spoke the truth when he said—"The Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said that Allâh will forgive any worshipper, who after committing a sin. . . ."⁴³

⁴²A daughter of Sinân, a women from the Anṣâr of Medina. See Ibn Hajar, *Tahdhīb al-Tahdhīb*, 12:472.

⁴³The following is the full of the *ḥadīth*, which Ghazâlî mentions, as reported by Aḥmad b. Ḥanbal in his *Musnad* (Beirut: al-Maktab al-Islâmî, 1969), 1:10:

"... Allâh will forgive any worshipper who after committing a sin perfoms ablution and prays two rak'as, then asks Allâh, the

So, 'Alī requested any reporter to take an oath, not because he accused him of lying, but for cautiousness in the narration of a *ḥadīth* at its face value, and to avoid the possibility of its words being changed such that the report would be transmitted on the basis of meaning, and so as not to have [reports] transmitted hastily through conjecture, but rather through actual hearing.

And from this is what has been transmitted from Zayd b. Thâbit, رَضِيَ اللهُ عَنْهُ, namely that he used to hold that it was not permissible for a menstruating woman to leave [Mecca] unless the last rite she performed was the circumambulation around the House. He disapproved of Ibn 'Abbâs's disagreement with this. He was then told that Ibn 'Abbâs had asked such and such woman of the Anṣâr whether the Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, commanded her with this, and she reported to him. Therefore, Zayd b. Thâbit changed his opinion; laughing, he said to b. 'Abbâs, "I do not see anything other than you being right." Thus, he changed his opinion on the basis of an Anṣârî woman.

Also, there is what has been transmitted from Anas, رَضِيَ اللهُ عَنْهُ, namely that he said:

I was serving Abû 'Ubayda, Abû Talha, and Ubay b. Ka'b with *fadikh*⁴⁴ drinks when someone came to us saying that wine

Exalted, for forgiveness." Then the Prophet recited the verse [3:135], "... Those who, when they commit an indecency or wrong themselves, remember Allâh, and pray forgiveness for their sins—and who shall forgive sins but Allâh?—and do not perservere in the things they did and that knowingly."

has been forbidden. Upon this Abû Talha stood and said, "O Anas, rise and shatter these jars." I then stood and went to our *mihrás*⁴⁵ and I struck the jars against their bases until they broke.

And among these [examples] is what has become popular of the practice of the people of Qubâ'⁴⁶ when they changed their *qibla* based on a solitary report. One person came to them and informed them that the *qibla* had been changed. So on the basis of his report they turned toward the Ka'ba.

Another such example is what is well-known about b. 'Abbâs, رَحْمَةُ اللهِ عَلَيْهِ, when it was said to him that such and such man from among the Muslims claims that Moses, al-Khadir's companion, was not the Moses of the Children of Israel, عَلَيْهِ السَّلَام. Upon this, b. 'Abbâs said:

This enemy of Allâh is lying. Ubay b. Ka'b has said to me, "The Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, addressed us and mentioned Moses and al-Khadir in a way indicating that Moses, al-Khadir's companion, was in fact the Moses of the Children of Israel."

Therefore, Ibn 'Abbâs went beyond acting upon a solitary report

⁴⁴ According to Ibn Manzûr, *Lisân*, 3:45, this is a type of wine made from grape juice.

⁴⁵ According to Lane, *Arabic-English Lexicon*, 8:2891, this is a large, heavy, and bulky stone vessel which was used to store water or to grind grain.

⁴⁶ According to Yâqût, *Mu'jam al-Buldân*, 4:301-03, Qubâ' was originally the name of a well near Medina, which hence became the name of a nearby village.

and hastened to call its source a liar, and did so decisively, because of the report of Ubay b. Ka'b.

Also, there is what has been reported from Abû al-Dardâ' that when Mu'âwiyya sold a utensil made of gold and silver for greater than its weight, Abû Dardâ' told him, "I heard the Messenger of Allâh, صلى الله عليه وسلم, forbidding this." Mu'âwiya replied to him, "I see no harm in this." Abû al-Dardâ' said:

Who would excuse me if I requite Mu'âwiyya, for I relate to him from the Messenger of Allâh, صلى الله عليه وسلم, and he tells me his opinion. I shall never live with you in the same land.

Then, there is what has been popularly reported from all of them referring to 'A'isha, Hafsa, and Fâtima bint Asad, and to countless other women, as well as to Zayd, Usâma b. Zayd, /1:150/ and other Companions, men, women, slaves, and clients. Thus, continued the practice of the Successors after them, to the extent that al-Shâfi' رحمته الله, said:

We found 'Alî b. Husayn, رحمته الله, relying on solitary reports, as well as Muhammad b. 'Alî, Jubayr b. Mu'îm, Nâfi' b. Jubayr, Khârija b. Zayd, Abû Salama b. 'Abd al-Rahmân, Sulaymân b. Yasâr, 'A'î' b. Yasâr, as was the case with Tâwûs, 'A'î', and Mujâhid.

Sa'id b. al-Musayyib used to say, "Abû Sa'id al-Khudrî related to me from the Prophet, صلى الله عليه وسلم, on the trade of currencies." Thus, he confirmed his report as a *Sunna* and said, "Abû Hurayra told me . . ."

'Urwa b. Zubayr also said, " 'A'isha told me that the Messenger of Allâh, صلى الله عليه وسلم, ruled for *al-kharaj bi al-*

damân.”⁴⁷ On this basis, he objected to ‘Umar b. ‘Abd al-‘Azîz, who reversed his judgment upon hearing the report, and so it was with Maysara in Yemen and Makhûl in Syria.

Also, the *fiqhîs* of al-Baṣra, like al-Ḥasan and Ibn Sirîn, and those of Kûfa and their successors, like ‘Alqama, al-Aswad, al-Shi‘bî, Masrûq, and the *fuqahâ’* after them. No one has objected to them at any time. If their were any objections to this, it would have been transmitted to us. In accordance with common practice, it would have necessarily become well known. There would be a great impetus to have transmitted these objections just as there was impetus to transmit practice based on [solitary report]. It has, therefore, been established that there was a consensus of the earliest generation upon this and that dispute occurred only after them.⁴⁸

If it is said: Perhaps they have used solitary reports along with circumstantial evidence in practice, or other accompanying reports, or other phenomena, standards, or reasons which

⁴⁷The term has been attributed to the Prophet and used by most *fuqahâ’* to mean that the revenue generated from the purchase of a slave or other properties belongs to the purchaser if he discovers a fault which the seller had neglected to mention; the purchaser is entitled to return his purchase and also receive back his payment in full. See Lane, *Arabic-English Lexicon*, 2:719; and Qal‘ajî, *Mu‘jam Lughat al-Fuqahâ*, p. 194.

⁴⁸Ghazâlî here summarizes al-Shâfi‘î’s argument in defense of solitary report. For the full text see al-Shâfi‘î, *al-Risâla*, pp. 401-460

accompanied them; but not simply on the basis of these reports as you have claimed, as in your statement: Their practice with regard to general statements, or the imperative or prohibitive moods, is not a decisive textual proof that they have acted simply based on them. Rather, they have acted based on them together with other circumstantial evidence.

We shall say: [This is] because no words have been transmitted from them and we have only to know through the mood's being a command, prohibition, or general statement. Furthermore, they have said here, "But for this [report] we would have ruled differently." Ibn 'Umar, رَضِيَ اللهُ عَنْهُمَا, has explicitly stated that they have changed their position regarding sharecropping and the contact of the two genitalia based on the report of 'A'isha, رَضِيَ اللهُ عَنْهَا. Why should it not be so! while the general, imperative, and prohibitive moods are never free from circumstantial evidence about the condition of the commanded, the command, and the commander?

As for what a reporter transmits from the Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, what is conjoined to it that causes it be a proof? Thus, determining this is like determining the circumstantial evidence of their practice based on the text of the Qur'ân, *mutawâtir* reports, or *Ijmâ'*. But this would nullify all these proofs. In sum, asking them to seek reports has no other motivation than acting accordance with them.

If it is said: They have also abandoned the practice of many reports.

We shall say: This is so because of the absence of conditions rendering them acceptable—as will follow [below]—just as they have not proceeded to act in accordance with certain texts of the Qur'ân, or *mutawâtir* reports. For they came to know of their abrogation, the lapse of the command, or of the disappearance of that to which /1:151/ the address pertains.

The second proof is what has been transmitted through *tawâtur*, namely that the Messenger of Allâh, ﷺ, dispatched governors, judges, envoys, and mediators—but each of them individually to various regions only to collect *zakât*, or cancel or confirm pacts.

The following are examples of this:

- He appointed Abû Bakr as an *amîr* of the *Hajj* in the ninth year.
- He sent 'Alî, رَضِيَ اللَّهُ عَنْهُ, with "Sûrat Barâ'a," charging him to cancel the pacts and agreements that existed between the Prophet, ﷺ, and the unbelievers.
- He appointed 'Umar, رَضِيَ اللَّهُ عَنْهُ, to collect *zakât*; he appointed Mu'âdh to collect *zakât* from Yemen and to govern its people.
- He dispatched 'Uthmân b. 'Affân, رَضِيَ اللَّهُ عَنْهُ, to the people of Mecca carrying and transmitting a message on his behalf (where [the Prophet] was told that the Qurayshites had assassinated 'Uthmân, and he became disturbed and for this reason conducted the *Bay'a* of *Ridwân*, saying, "By Allâh, if they did kill him, I shall certainly light the fire of war against them").
- He, ﷺ, appointed Qays b. 'Aṣim to collect *zakât*