

We shall say: '*Shâdh*' describes one who secedes from the community *after* entering into it. Now, one who enters into *ijmâ'*, his dissent cannot be accepted after it—and this would be deviation. As for one who did not originally enter, he cannot be called *shâdh* [deviant].

If it is said: The Prophet said, *عَلَيْكُمْ السَّلَام*, "Stick to the large majority of the *ummah* because Satan accompanies an individual, and he is remoter than two.

We shall say: He meant by this the deviant who rebels against the legitimate leader [*imâm*] and opposes the majority in a way which leads to sedition. Also, his statement, "and he is remoter from two," intends to urge the request of a friend in travel. Therefore, he said, *عَلَيْكُمْ السَّلَام*, "Three are a company."

Some of [the opponents] have said: The opinion of the majority is a proof, but it is not *ijmâ'*. But this is arbitrary with regard to their opinion that it is a proof, for there is no evidence for it.

Others have said: Our aim in this is that it is better to follow the majority.

We shall say: This is correct concerning reports and with regard to a follower when he finds no preponderance among *mujtahids* other than quantity. As for the *mujtahid*, he must follow proof to the exclusion of the majority because if one individual opposes him he is not bound to follow him. Even if he [the individual] is joined by another opponent, he is not obliged to follow.

**VI. DISCUSSION:** Mâlik said that validity lies only in the *ijmâ'* of the people of Medina. Others have said: The valid *ijmâ'* is that of the people of the two sanctuaries, Mecca and Medina, or the two cities, Kûfa and Baṣra.

Those involved [with this discussion] mean by this only that these locations gathered, during the time of the Companions, the people of influence. So if Mâlik meant that Medina was their place of assembly, then this is conceded to him, provided it did collect [them]. But otherwise, the place itself has no effect.

But even this cannot be conceded. Indeed, Medina never housed all the scholars, neither before the *hijra* nor after it. On the contrary they remained dispersed on journeys, in battles, and in [various] cities. Therefore, there is no sense in Mâlik's statement, unless he says that the [normative] practice of the people of Medina holds proof because they are the majority and reliability is with the opinion of the majority, which we have already undermined; or if he says that their agreement on an opinion or an action indicates that they depended upon an explicit, revealed authority. For the abrogating revelation came down among them. Therefore, the discernments of the *Sharî'a* cannot elude them. But this would be arbitrary, for it is not impossible that someone other than them heard a *ḥadīth* from the Messenger of Allāh, ﷺ, on a journey or in Medina, but left [Medina] prior to its conveyance. Thus, the valid proof would lie in *ijmâ'* while there is no *ijmâ'*.

Many interpretations and excuses have been affected for

Mâlik, which we have exhausted in our book, *Tahdhîb al-Uṣūl*, and there is no need for them here. They may argue on the basis of the praise of Allâh's Messenger, ﷺ, for Medina and its people, that this indicates their excellence and the abundance of their reward for living in Medina. But this does not indicate the designation of *ijmâ'* to them [only].

Some people say that proof lies in the unanimity of the four Caliphs. But this is arbitrary. There is no proof for this, except what a group has imagined, that is, that the statement of a Companion is a valid proof. This will come /1:188/ in its [proper] place.

**VII. DISCUSSION:** They [scholars] have disputed about whether it is conditional that the people of *ijmâ'* reach the number of *tawâtur*. As for those who rely on rational proof and the impossibility of error [for the *ummah*] by virtue of the nature of case, then it requires of them the condition [of *tawâtur*].

But those who take this [position] on the basis of revealed authority disagree. Some of them require this because even if their number is insufficient [for *tawâtur*], we do not know certainly their faith on the basis of their statements, let alone through other means.

This is corrupt from two aspects:

The first of them is that one knows their faith not by their statements but on the basis of *his* statement, ﷺ, "A portion of my *ummah* will remain on the truth until the command of Allâh

[for the end of time] arrives and until the anti-Christ appears.”<sup>41</sup>  
 Therefore, if there are no Muslims on the face of the Earth besides them, they are, indeed, holding to truth.

Second, we were not charged to worship on the basis of the esoteric. However, the *ummah* of Muḥammad are those who believe openly in Muḥammad, ﷺ, since there is no knowing the esoteric. If it is evident that we are charged to worship on the basis of following them, then it is possible to conclude by this that they are truthful. For Allāh, ﷻ, has not charged us to follow, exalt, and emulate a liar.

If it is said: How is the reduction in the number of Muslims to what is short of the number of *tawâtur* conceivable? This leads to the discontinuance of obligation, for obligation lasts for the duration of the proof. The proof is founded upon a *tawâtur* report attested to by the miracles of prophethood, by the existence of Muḥammad, ﷺ, and his challenge [to the people] with prophethood. The unbelievers do not endorse the promulgation of the miracles of prophethood. Rather, they strive to obliterate them. But the preceding generations of *imâms* are unanimous on the perpetuity of obligation until the Day of Judgement. This implies that there is *ijmâ'* on the impossibility of the effacement of the miracles. But the deficiency of the number of *tawâtur* leads to effacement. If the existence of this eventuality is inconceivable,

---

<sup>41</sup>For various references and versions of this text see Wensinck, *Concordance et Indices de la Tradition Musulmane*, 4:53.

how can we speculate about its status?

We shall say: It is possible to say this is inscrutable because of these proofs. But what is meant by the conceivability of this issue is the reduction of the numbers of the people of influence to less than the number of *tawâtur*. Even if we are decided that the opinion of the masses is not regarded, the signs of the *Shari'a* endure through the *tawâtur* of the masses.

But it is possible to say that this eventuality is conceivable, and that Allâh, ﷻ, will perpetuate these signs through *tawâtur*, which accrues on the part of Muslims and disbelievers—for they speak about the existence of Muḥammad, ﷺ, and the presence of his miracle, even if they do not acknowledge it as being a miracle. Or, Allâh, ﷻ, will intervene in the ordinary. Thus, certain knowledge accrues based on the statement of fewer [than *tawâtur*] so that the valid proof continues. In fact, we say that [through] the statement of a few together with known circumstantial evidences, say of one's debates and his tendencies, certain knowledge can accrue without intervention in the ordinary. Therefore, on the basis of all these aspects, the *Shari'a* can continue to be preserved.

If it is said: Since it is allowed for the number of the people of influence to be reduced, if it is reduced to one, then can his lone statement become a decisive proof?

We shall say: If we consider the conformity of the common people to what he says—and the masses support him and do not oppose him in it—then it is the *ijmâ'* of the *ummaḥ*, and it becomes

a valid proof, since, if this were not so, the *ummah* will have agreed on a mistake and an error.

But if we do not acknowledge the opinion of the masses, then that through which materialized [the essence of] the terms *concurrence* and *ijmâ'* 'is not found, since it necessarily calls for a [certain] number so that it can be named *ijmâ'*—and not less than two or three. /1:189/ All this is conceivable in the view of one who regards *ijmâ'* from [those who came] after the Companions.

As for one who advocates only the *ijmâ'* of the Companions, he is obliged by none of this because the number of the Companions surely exceeded the number of *tawâtur*.

**VIII. DISCUSSION:** Dâwûd and his supporters, from the people of *Zâhir*, hold that there is no valid proof in the *ijmâ'* of those after the Companions. This is faulty, for the three proofs which evidence that *ijmâ'* is a valid proof—I mean the Book, the *Sunna*, and Reason—do not differentiate between one generation and another. For when the Successors concurred, then it was the *ijmâ'* of the whole *ummah*. Whosoever opposed them, followed other than the way of the faithful. It is impossible, in customary, normative behavior, that truth escape them while they were so numerous, according to those who consider customary, normative behavior [as a basis for argument].

But they have two doubts. The weaker of the two is their position to rely on a report and a verse—namely, His statement, *قُلْ*, "One who follows a path other than the path of the

*faithful*"<sup>42</sup>—which treats those characterized by faith, that is, those who were present at the time the verse came down. For the non-existent cannot be credited with faith and for them there is no path. Also, his saying, *عَلَيْكُمْ السَّلَام*, "My *ummah* will not concur on a mistake," encompasses his *ummah*, those who believed in him and whose consensus or disagreement was conceivable; namely those present.

This is false, for from the drift [of their arguments] it follows necessarily that *ijmâ'* could not be concluded after the death of Sa'd b. Mu'âdh, Hamza, and those martyred from among the Muhajirîn and the Anṣâr, of those who existed when this verse was revealed. Thus, the *ijmâ'* of those after them is not the *ijmâ'* of all the believers and the totality of the *ummah*. In addition, it requires disregarding the dissent of those who became Muslims after the revelation of this verse, though their skill was perfected thereafter.

But our concurrence, theirs, and the Companions is that the death of one of the Companions does not shut the door of *ijmâ'*. Rather, the *ijmâ'* of the Companions after the Prophet, *صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ*, is unanimously a valid proof. How many a Companion was martyred in the lifetime of the Messenger of Allâh, *صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ*, after the revelation of this verse!

The second doubt is that it is incumbent to follow the path of all the faithful and the *ijmâ'* of the entire *ummah*; but the Successors are not the whole *ummah*. For the Companions, even though they died, they were not, by their death, excluded from the

---

<sup>42</sup>Qur'ân, 4:115.

*ummah*. Therefore, if one of the Companions were to oppose the *ijmâ'* of the Successors, it is not the position of the whole *ummah*, and it is not prohibited to accept the opinion of a Companion. So, if the dissent of some of the Companions repudiates the *ijmâ'* of the Successors, their [the Companions] non-agreement also repudiates this, for in their death they were not excluded from being part of the *ummah*.

They say: Argument by this analogy requires that the description *totality* also not be applied to the Companions. Rather, one should await the arrival of the Successors and their agreement with those after them until the Day of Resurrection, for they are *all* the *ummah*. But if this were to be considered, *ijmâ'* could not be enjoyed except on the Day of Judgment. Thus, it is established that the description *totality*, then, is only [applicable] on whosoever has come into existence to the exclusion of whosoever has not. Therefore, there is no way to exclude the Companions from the entirety [of the *ummah*]. Hence, the description *totality of the ummah* is not established for the Successors.

The answer is that just as it is decisively untenable to consider the succeeding generations, so is it untenable to consider the predecessors. But for this, *ijmâ'* would be inconceivable after the death of even one of the Muslims in the time of the Companions /1:190/ or the Successors, or after Hamza was martyred. Yet they recognize the rectitude of the *ijmâ'* of the Companions after the Messenger of Allâh, ﷺ, and after the death of those who died after the Messenger of Allâh, ﷺ. This cannot be so except if the past is not regarded and the future is not awaited, and



that the description *totality of the ummah*, stems from all those existing in each period.

As for the *ijmâ'* of the Successors in opposition to a Companion's position, some people have said: The statement of the Companion is forsaken because they are the whole *ummah*.

If we concede this—and it is correct—we say, if they concurred in accordance with his opinion, *ijmâ'* would be constituted, since his agreement, if it does not confirm the *ijmâ'*, does not impair it. Yet even if they resolve to oppose his position, in our view this opinion will not be abandoned, to the extent that it is prohibited for the successors of the Successors to agree with it. For after he gave a legal opinion regarding the issue, the *fatwâ* of the Successors concerning it is not the *fatwâ* of the whole *ummah*. Rather, it is the *fatwâ* of a portion.

If it is said: If the qualifier *totality* is established for the Successors, then let dissent from their position after them be prohibited, even if a Companion held that [dissenting] opinion before them. And if they are not the whole of the *ummah*, then it is incumbent that the proof not be constituted by their *ijmâ'*; nor is opposing them prohibited, since dissent of a part of the *ummah* is not unlawful. However, when the *totality* of the *ummah* is in something to the exclusion of something else, then this is contradictory, holding together negation and affirmation.

We shall say: This has no contradiction because *totality* is established only in relation to the question which they have engaged. But when a question occurs after the Companions, then

the Successors are the entire *ummah* with respect to it, if they agreed upon it. As for a Companion who gave an authoritative opinion upon a question, his *fatwâ* and his view do not expire with his death. This is like [the case of] the Companion who dies after delivering a *fatwâ*, while those who remain concur in opposing him. This cannot constitute the *ijmâ'* of the *ummah*. But if he dies then an event occurs after him, then *ijmâ'* would have been effected according to all views, and the *totality* is attained in relation [to them].

If it is said: If a person of the *ummah* were to be absent, *ijmâ'* would not be constituted without him, even if the missing [individual] had no information thereof about the incident, nor an opinion concerning it. However, we say if he were present, he would have had an opinion regarding it. Thus, his agreement is necessary. Hence, the case of the dead before the Successors is like the [that of] the absent.

We shall say: This becomes void with the death of the first Companion, for *ijmâ'* has been concluded without him. If he were absent, it would not have been constituted because he who was absent at the time [of *ijmâ'*] possesses a view and an opinion inherently. Thus his assent or dissent is possible. So it is possible that he may agree or disagree if the question were presented to him, contrary to the dead; for in his case opposition or agreement is inconceivable potentially or actually. Yet [the opinion of] the insane, the sick of vanishing reason, and the minor, is not awaited because the possibility of concurrence and dissent on their part is

invalidated.

If it is said: So what the Successors agree on can be overturned by the dissent of one of the Companions if [his opinion] is transmitted. Even if it is not related, perhaps he did disagree. But it has not been reported to us. Therefore, the *ijmâ'* of the entire *ummah* cannot be ascertained.

We shall say: This is voided with the first dead of the Companions, for the potentiality of his opposition is not like the actuality of his dissent. This is the truth [of the matter]. It is so for were the door of possibility to be opened, then all arguments would become void, /1:191/ since there is no rule whatsoever but that its supposed abrogation is conceivable, as is its report by a solitary individual, whose death is possible prior to his conveying it to us. In addition, the *ijmâ'* of the Companions would be void because of the possibility that one of them concealed his opposition and only manifested his agreement for some reason. Also, a solitary report can be refuted for the possibility of it being false. Again, if the *ijmâ'* is known and the generation has passed, the reversal [of a position] on the part of one of them is possible before his death, although it may not have been related to us. Thus, *ijmâ'* would be void in the view of those who require the passing of the generation.

If it is said: The basic rule is that there is no abrogation and no reversion.

We shall say: The basic rule is the nonexistence of his involvement in the issue and the nonexistence of either his assent or

dissent. But while the basic rule is nonexistence, still, possibility is not negated. But when possibility is established, doubt accrues. So *ijmâ'* becomes unascertainable with doubt. However, it can be said that *ijmâ'* is not repudiated by every doubt.

If it is said: On the question of the possibility of abrogation and reversal, there is doubt after the ascertaining of the original argument. However, the doubt is in regard to its continuation. But here the doubt is in the basis of *ijmâ'*, for *ijmâ'* to them rests upon the accrual of the qualifier *totality*, and the description *totality* depends upon the knowledge of the absence of opposition. So, when we doubt the absence of opposition, we doubt the *totality*, and, thus, we doubt *ijmâ'*.

We shall say: No. Rather, the qualifier *totality* has accrued to the Successors. But it can be annulled only by knowing the opposition. Thus, if it is not known, *totality* remains. What they mention resembles the opinion of one who says that the proof is in the text. The Messenger, ﷺ, died before its abrogation. So if his death was not known before it was abrogated, we shall doubt this proof, and the proof is the *ijmâ'* upon which the generation has passed. So if we doubt the reversal [of a person's opinion], we doubt the proof. And such is the opinion on the position of the first dead of the Companions. Therefore, we do not acknowledge that the *totality* of the remaining [Companions] is doubtful.

This is the completion of discussion on the first constituent [of *ijmâ'*].

*The Second Constituent: Ijmâ' Itself*

We mean by this the unanimity of *fatwâs* of the *ummah* on a question in one matter—whether the generation has passed or not, whether they have given their *fatwâ* on the basis of *ijtihâd* or a text—as long as the *fatwâ* is an explicit articulation. The completion of the inquiry in this constituent is in elucidating that silence is not like utterance, that the passing of the generation is not a condition, and that *ijmâ'* can be constituted on the basis of *ijtihâd*. These, then, are three discussions.

**I. DISCUSSION:** When one of the Companions pronounces a *fatwâ* and the others keep silent, *ijmâ'* is not constituted, for opinion cannot be attributed to the silent.

Some people have said: If it is propagated and they remain silent, then their silence is like articulation, so that *ijmâ'* is fulfilled. Some people have required that the generation passes in silence [i.e. without dissent]. Others have said: It is a valid proof, but it is not *ijmâ'*. Still others have said: It is neither a proof nor *ijmâ'*; however, it is evidence of their sanctioning of *ijtihâd* on this question.

The choice [opinion] is that it is not an *ijmâ'*, nor a proof, nor evidence for sanctioning *ijtihâd* in this issue, unless circumstantial evidences indicate that they kept silent, concealing their consent, and [indicate] the permissibility of relying on this [position] in view of [their] silence. The proof for this is that [a Companion's] *fatwâ* is known only on the basis of his explicit statement, which /1:192/ is not open to ambiguity and uncertainty, while silence is irresolute,

for one may be silent without concealing assent due to seven reasons.

The first is that in his heart something prevents him from the expression of an opinion, while we do not perceive it. Indications of displeasure show on him despite his silence.

The second is that he is silent because he deems it a plausible opinion for a person whose *ijtihâd* leads him to such [a position], although he, himself, disagrees with it; in fact, he believes it to be an error.

The third is that one may believe that every *mujtahid* is correct. Thus, he does not consider contestation in cases of *ijtihâd* at all and views repudiation as a collective obligation only. Therefore, when a qualified [*mujtahid*], who is correct, [rules], he keeps silent, even though he differs with his *ijtihâd*.

The fourth is that he remains silent while he disapproves. But he awaits an opportunity for denial, for he does not believe it beneficial to hasten due to some impediment whose disappearance he awaits. Then he dies before this obstacle's cessation, or he becomes distracted from it.

The fifth is that he knows that if he differs, no one will pay attention to him and that he would be debased. It is like the statement of b. 'Abbâs about his silence concerning the denial of 'awl during the lifetime of 'Umar, "He was an awe-inspiring man; so I feared him."

The sixth is that one keeps silent because he is undecided on the question, for he is still in the time of reflection.

The seventh is that he may remain silent because he

suspects that someone else requited him from the denial and dispensed with his declaration, but is mistaken in this. Thus, he abandons rejection under a delusion, since he views repudiation to be a collective obligation. So he thinks that he has been spared, while he is mistaken in his supposition.

If it is said: If there were disagreement in this, it would be evident.

We shall say: And if there were unanimity in this, it would be evident, [as well]. For if one can conceive of an obstacle which prevents manifestation of accordance, one can imagine its like in manifesting dispute. On this basis, the opinion of Jubbâ'î becomes false, since he makes the passing of the generation in silence a condition; for the impediments mentioned may not endure to the end of the generation.

As for those who hold that it is a valid proof—although it is not *ijmâ'*—this is arbitrary because it is the opinion of a portion of the *ummah*, while infallibility, rather, is established for the whole [*ummah*] alone.

If it said: We know conclusively that the Successors, when a question was difficult for them—and a widespread opinion of a Companion was conveyed to them, upon which the others [Companions] remained silent—did not permit renunciation of it. Therefore, it is *ijmâ'* on their part that it is a valid proof.

We shall say: This *ijmâ'* is not conceded. On the contrary, scholars are still divided on this issue; moreover, the astute know

that silence is indecisiveness and that the opinion of a portion of the *ummah* contains no valid proof.

**II. DISCUSSION:** When the opinion of the *ummah* is unanimous—even if it is momentary—*ijmâ'* is constituted, and its immunity from error necessarily [follows].

Some people have said that it is necessary for the generation to pass and for all [its people] to die. This is corrupt because the validity of the proof is in their agreement, not in their death. Moreover, it took place prior to their death. Thus, death does not increase its confirmation. The validity of *ijmâ'* is the verse [of the Qur'ân] and the report [of the Messenger], and they do not require consideration of the generation.

If it is said: So long as they remain alive, their retraction may be anticipated, and their *fatwâs* unsettled.

We shall say: The argument, then, is in their retraction, and we disallow retraction from all of them, since one of the two *ijmâ's* is wrong—and this is absurd. As for some of them, reversal is not permissible for them because in their reverting they oppose the *ijmâ'* of the *ummah*, whose immunity /1:193/ from error is necessarily established. Certainly it is possible that the retraction may occur from some of them, and thereby they become disobedient and unrighteous. However, disobedience is possible on the part of some of the *ummah*, but not all.

If it is said: How can one be controverting *ijmâ'*, while *ijmâ'*



is not completed? For it is completed only when the generation passes.

We shall say: If you mean by this that it is not called *ijmâ'*, this is a startling lie against language and norms. But if you mean that the reality of *ijmâ'* has not been realized, then what defines it? And what is *ijmâ'* except the accordance of their *fatwâs*, and that agreement has occurred? What comes thereafter is the continuation of conformity, not the completion of the agreement.

Also we say, how can one claim this, while we know that the Successors during the lifetime of Anis b. Mâlik and the later Companions used to argue on the basis of the *ijmâ'* of the Companions? But the possibility of argument on the basis of *ijmâ'* was not fixed to the death of the last of the Companions. Therefore, some of them have said that the death of the majority [of the generation] is sufficient—and this is another arbitrary, baseless [point]. Furthermore, we say that this leads to the impossibility of *ijmâ'*. For if there remains one of the Companions, it is possible for the Successor to contravene [the Companions], since the *ijmâ'* is not completed. And as long as one of the generation of the Successors remains, likewise, *ijmâ'* cannot be decided from them because it is possible for a successor of the Successors to dissent. This is baseless hallucination.

Yet they have doubts.

The first doubt is their statement: Perhaps some of them may have said what they said due to imagination and error, but then they realize it. So how can one be forbidden from /1:194/ retracting an error? And how can this be secured by an agreement

momentarily?

We shall say: If he should die, from where shall indemnity against his error be attained? And is there protection from error other than the text indicating the necessity of the infallibility of the *ummah*?

But if he retracts and says: I realize that I was mistaken.

We shall say: One may presume your error only when you stand alone. As for what you said in conformity with the *ummah*, it is not liable to error.

If he says: I have realized that I said what I said on the basis of such and such a proof. But its contrary has become manifest to me, decisively.

Then, we shall say: You have only erred in the method, not on the question itself. Rather, your agreement with the *ummah* is a proof that the judgment was correct, even if you were mistaken in your process of deduction.

The second doubt is that perhaps they issued [an opinion] based on *ijtihad* and conjecture, and there is no hindrance on a *mujtahid* from retraction when his *ijtihad* changes. Thus, if withdrawal is allowable, it indicates that the *ijmâ'* was not complete.

We shall say: There is no restriction on the *mujtahid* from reversing, if he stands alone in his *ijtihad*. As for where his *ijtihad* agrees with the *ijtihad* of the *ummah*, then its error is not possible. It must be correct, and withdrawal from the truth is forbidden.

The third doubt is that if the opponent dies, the question, vis á vis his death, does not become *ijmâ'*. The survivors are the whole

*ummah*; however, they are in a phase of this generation.

Therefore, the view of the opponent does not become abandoned. But if the generation were to be disregarded, then the opinion of the opponent would be annulled. /1:195/

We shall say: Some people have held that his view is voided and it becomes abandoned because the remaining are themselves the entire *ummah* at that time. But this is not correct, according to us. Rather, the correct [opinion] is that they are not the whole *ummah* in relation to this question, upon which the dead person had given his *fatwâ*, for the judgment of his *fatwâ* does not expire with his death. But this is not because of the generation. For it is possible for a sole Companion to hold an opinion, while the Successors, throughout their whole period, are unanimous in opposing it. For we have [already] clarified that this does not nullify his view because they are not the entire *ummah* in relation to this question.

The fourth doubt concerns what has been transmitted concerning ‘Alî, رَضِيَ اللهُ عَنْهُ, that he said:

My opinion and the opinion of ‘Umar conformed on prohibiting selling female slaves who have born [their master’s] children. But I now think their sale [is lawful].

Then ‘Ubayda al-Salmânî said, “Your opinion in the time of harmony is dearer to us than your view in the time of division.”

We shall say: If the *ijmâ’* of all the Companions is correct, then this would not prove—on the basis of the opinion of ‘Alî—that the passing of the generation is conditional; even if he held this

distinctly, it is not obligatory to follow him. How could it be so, while only his opinion and 'Umar's were in accord, as he said?

As for the statement of 'Ubayda, "your view in the time of harmony," he did not mean by this that conforming with the Community constituted *ijmâ'*; rather, he meant by this that your opinion in the time of harmony, union, unanimity, and obedience to the *Imâm*, is dearer to us than your opinion in the time of sedition, division, and dissension, while accusation may reach 'Alî /1:196/ of disavowal of the two *Shaykhs*,<sup>43</sup> رَضِيَ اللهُ عَنْهُمَا. Thus, there is no proof in what is not explicit in itself.

**III. DISCUSSION:** It is conceivable that *ijmâ'* be concluded on the basis of *ijtihâd* and *qiyâs*, and it becomes a valid proof.

Some people have said: The agreement of a large number of people is not conceivable in a place of conjecture. But if it were conceivable it would be a valid proof. Ibn Jarîr al-Tabarî holds this [opinion]. And others have said: It is conceivable, but it is not a valid proof, for advocating *ijtihâd* opens [further] the gate of *ijtihâd*, instead of prohibiting it. But the choice [opinion] is that it is conceivable and it is a valid proof.

And [as for] their statement: How will a large number of people be consistent on one judgment in a question of conjecture?

We shall say: This is only denied where possibilities are equiponderant. As for the more likely conjecture, each one may be inclined to it. So what improbability is there that all of them may

---

<sup>43</sup>This, of course, refers to Abû Bakr and 'Umar.

agree that *nabîdh* is in the category of alcohol with respect to intoxication? Thus, it is like it in being prohibited. Why should it not be so! while most of the *ijmâ's* depend upon generalities, perceptibles, and solitary reports which are correct according to the *muhaddiths*, while these [things] are liable to [other interpretations]. Again, why should it not be so! when they [people] have consensus on the unicity [of Allâh] and prophethood, while in both is mystery, which is of greater attraction for many people than possible interpretations as opposed to [these] more evident interpretations. Furthermore, many false ideologies have agreed upon the falsity of prophethood, although they have no proof, decisive or conjectural. So why is agreement not allowable based on obvious evidence and preponderating probability?

Evidence for this is the possibility /1:197/ of agreement by way of *ijtihad*, not by the method of *qiyâs*, similar to assent on the requital for hunting [in *ihrâm*], the amount of a [crime's] fine, the assessment of [a wife's] support, and the credibility of the *imâms* and judges. All these are conjectural, even though there is no *qiyâs* [applicable].

But they have doubts.

The first is their statement: How will the *ummah* agree in spite of the diversity of their natures, and the difference in their understandings, intelligences, and stupidities regarding the conjectural?

We shall say: This kind of agreement is prevented at one time and in one specific moment because during the time of reflection they may disagree. But over extended periods of time, it

is not unlikely that the intelligent ones will proceed to the evident proofs and that they will establish this for the dull. So they accept it from them and corroborate it. Now, the people of this view have permitted *ijmâ'* on the basis of the negation of *qiyâs* and its invalidation, while the proofs of its rectitude are manifest. So how can *ijmâ'* be prevented by this?

The second doubt is their statement: How can the *ummah* concur on *qiyâs*, while the principle of *qiyâs* is disputed.

We shall say: It is only supposed that this is on the part of the Companions, while they were unanimous on it, and disagreement occurred after them.

If it is presupposed that it happened after the emergence of dispute, then those who endorse *qiyâs* may depend on *qiyâs*, while those who reject it may depend on *ijtihâd*—which they think is not *qiyâs*, while in reality it is *qiyâs*. For one may be deluded that the non-general is a generality, that the non-command is an imperative, and that the non-*qiyâs* is *qiyâs*—and vice-versa. /1:198/

The third doubt is their statement that error in *ijtihâd* is possible. So how can the *ummah* agree on what has a possibility of error in it? Moreover, they may say that *ijmâ'* is constituted on the permissibility of opposing a *mujtahid*. Therefore, if *ijmâ'* was concluded on the basis of *qiyâs*, its opposition would be rendered unlawful—which is, by *ijmâ'*, permissible. Thus, the two *ijmâ's* would be contradictory.

We shall say: Error is possible only in *ijtihâd* that is held by lone individuals. As for the *ijtihâd* of the infallible *ummah*, it is not liable to error, like the *ijtihâd* of Allâh's Messenger, صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ,

and his *qiyâs*. For his contravention is not permitted since immunity from error is established. And such is the case with the infallibility of the *ummah*, without any difference.

### CHAPTER THREE: THE STATUS OF *IJMA'*

[*Ijmâ's*] status necessitates adherence, prohibition of dissension, and refraining from all that accuses the *ummah* of neglecting the truth. The examination of that which is a breech and a violation [of *Ijmâ'*] and that which is not a contravention may be refined by outlining a few discussions.

**I. DISCUSSION:** If the *ummah* concurs upon two opinions concerning a question—as in their ruling regarding, for example, the purchase /1:199/ of a handmaiden whose [buyer] has sexual intercourse with her and discovers a defect. Some hold that she should be returned with '*uqr*',<sup>44</sup> while others prohibit return. But if they consented to both of these positions, then the result of the return [of the slave girl] without payment would be a breech of the *ijmâ'*, according to the vast majority [of jurists], save some eccentric characters from among the *Zâhirites*. But then, al-Shâfi'i held that the slave girl could be returned without compensation because the Companions as a whole did not treat this issue. The opinions of

---

<sup>44</sup>*Uqr* is financial compensation given by a sane male of legal age for mistakenly having sexual intercourse with a free or slave woman provided that his act is not legally recognized as adultery. See al-Jurjânî, *Ta'rifât*, p. 158, and Qal'ajî, *Mu'jam Lughat al-Fuqahâ'*.

only some of them have been related. Yet if an overwhelming number of them did engage in this and if all together were resolved on the two views, then the issuance of a third opinion would not be permitted. The proof for this is that this would necessitate accusing the *ummah* of neglecting the truth, since the third view must have a proof, and it requires accusing the *ummah* of being heedless and neglectful of it—which is absurd.

Still, they have [several] doubts.

The first doubt is their statement: They [the Companions] took up the discussion as *mujtahids* and did not articulate the prohibition of a third position.

We shall say: If they agreed on one opinion on the basis of *ijtihâd*, then this is acceptable. And it would not be permissible to oppose them because it necessitates accusing them of negligence of the truth and ignorance of its proof—and so it is the case here.

The second doubt is their statement: If the Companions argued on the basis of a *proof* or an *underlying reason*, it would be permissible then to argue on the basis of another *underlying reason* because they did not explicitly specify its falsity. And such is the case with the third opinion. They did not explicitly regard it as false.

We shall say: Thus, let disagreement with them be permissible when they agree on the basis of *ijtihâd*, since it is possible to reason /1:200/ by another *underlying reason* in what they are agreed upon. But the answer is that familiarity with all



evidences is not an obligation of their religion. Rather, the knowledge of truth suffices them on the basis of one proof. Therefore, issuing and extracting another underlying reason is not an accusation of neglecting the truth. But opposition to their rule—if they [the Companions] agree—is an accusation of neglecting the truth. Such is the case when they come to two opinions.

The third doubt is that some of the Companions hold that touching or feeling [a female] void ablution and others opine that they do not annul ablution, without distinguishing between the two of them. So if a Successor were to hold that one of the two nullifies [ablution] without the other, this would be permissible, even though it is a third opinion.

We shall say: This is because his position in each question confirms a certain position of one group. But the two questions do not have one answer, nor is equiponderance intended. Even if it were intended and they held that there is no difference and they concurred upon this, distinction would not be permitted.

However, if they distinguished between the two questions and agreed upon the distinction, intentionally, then both of them would be refused. But since they did not combine, nor distinguish between them, one ruling, therefore, does not emerge from these two questions. Rather, I say explicitly that no human is free from disobedience or error on a question. And the Community is unanimous on the occurrence of disobedience and error.

None of this is impossible. Error is only impossible when it results in neglecting the truth, to the extent that it is held by no

group, despite his [the Prophet's] statement, *مَنْ يَنْتِ السَّلَامُ*, "A group from among my Community will continue abiding by /1:201/ the truth." Because of this, we say that it is possible for the *umma* to be divided into two groups on two issues. But one group would be mistaken in a question, while the other group would hold to the truth concerning it. But those who hold to truth may error concerning another question, whose truth will be held by those erring in the first question, such that part of the *umma* may say, for example, that *qiyâs* is not a valid proof and that the Khârajites are false, while the other part says that *qiyâs* is a valid proof and that the Khârajites are correct. So, error applies to both groups, but in two different aspects. Therefore, the truth on both of these matters will not be abandoned among the *umma* in either case.

The fourth doubt: Masrûq<sup>45</sup> issued a third opinion on the question of *harâm*<sup>46</sup> while no one objected to him.

We shall say: The firmness of the entirety of the Companions on two opinions on this issue has not been established. Rather, some of them, may have been reflecting upon it or were not engage

---

<sup>45</sup>Masrûq b. al-Ajda' (d. 63 H.), a prominent Successor whose name, "the stolen one," came from his being kidnapped as a child. He was a Kufan *muhaddith* and *faqîh*. See al-Mizzî, *Tahdhîb al-Kamâl*, 3:1320-21; b. Hajar, *Tahdhîb al-Tahdhîb*, 10:110; and Dhahabî, *Siyar 'Alâm al-Nubalâ*, 4:63-69.

<sup>46</sup>Ghazâlî is most likely referring to Masrûq's position on *nadhîr* (swearing to kill a son for not fulfilling a commitment), which is *harâm*. Masrûq holds that such an oath must be atoned for. See al-Râzî, *al-Mahsûl*, 1:252.

in it; or perhaps Masrûq differed with the Companions at that time and did not voice his agreement with them. For he was capable of *ijtihâd* at the time this issue occurred. /1:202/ How could this be, while this [report] from Masrûq has not been proved correct except through solitary reports. Therefore, it cannot repudiate what we have mentioned.

**II. DISCUSSION:** If one or two from the *ummah* dissent, then *ijmâ'* is not constituted without them. And if [they] die, still *ijmâ'*, on this question, is not constituted, contrary to [the opinion of] others. And our proof is that what is forbidden is opposition to the entire *ummah*. But he who assumes the opinion of the dead person after his time, then it cannot be said that his opinion is against the entire *ummah* because the opinion of a dead person from among the *ummah* does not cease with his death. For this reason, it is said that so and so agrees with al-Shâfi'î or disagrees with him. This is after the death of al-Shâfi'î. Thus the opinion of the dead person does not become abandoned with his death. If it were to be abandoned, then an opinion of an entire generation would be as if it were annulled after their death, to the extent that it would be permissible for those who come after them to disagree with them.

If it is said: If one should die during the time of inquiry, while abstaining from judgment, what do you say, then, with regard to him?

We shall say: We are decided on two clear ends: One of

them is that if he dies before treating the question or even before it is posed to him, then those who remain after him are the whole *ummah*. But if he did treat the question /1:203/ and issued his *fatwâ*, then the remaining are only *part* of the *ummah*. But if he dies while in the process of considering it, this is liable to [different] interpretations. For this person has neither disagreed nor agreed with them. Rather, a person who is undecided is in disagreement with a person who is decided. But he is in the process of coming into agreement. And this question, in our view, is liable to [different] interpretations. And Allâh knows best.

**III. DISCUSSION:** If the Successors are in agreement on one of the opinions held by the Companions, the other opinion does not become abandoned. Nor is one who holds that opinion charged with violating *Ijmâ'*, contrary to what al-Karkhî says of a group from among the followers of Abû Ḥanîfah, those of al-Shâfi'i, and many of the Mu'tazilites, such as al-Jubbâ'i and his son.<sup>47</sup> For he is not opposing the whole *ummah* because those who died adhering to that opinion are from the *ummah*. And the Successors, concerning this question, are part of the *ummah*, as well. Even though they were the whole *ummah*, their position to choose one of the two opinions [of the Companions] does not, therefore, prohibit the other opinion. But if they [the Successors] explicitly forbid the other

---

<sup>47</sup> Abû Hâshim 'Abd al-Salâm b. Muḥammad al-Jubbâ'i (d. 321 H.), a famous Mu'tazilite, was, for some time, the teacher of Abû al-Ḥasan al-Ash'arî. For more on him, see the work of his student 'Abd al-Jabbâr, *Firaq wa Ṭabaqât al-Mu'tazila*, pp. 100-104.

opinion, we are then left with two alternatives: Either we say that the existence of this [prohibition] is impossible because it leads to contradictions between the two *ijmâ's*, since the generation of the Companions passed, explicitly permitting difference of opinion, /1:204/ while they [the Successors] agreed on prohibiting what the [Companions] have allowed; or we may say that this is possible but they constitute only part of the *ummah* regarding this question, and disobedience of a portion of the *ummah* is possible, even though they constitute the entirety of the *ummah* on all questions which the Companions did not treat. But this contradicts his statement, *هَلْ أَتَىٰ اللَّهُ مَعَكُمْ وَسْطًا*, "A group from among my *ummah* will continue openly abiding by truth," since the truth about this would be [considered] lost at this time. Then perhaps one who is inclined to this view may consider this *ḥadīth* as a solitary report.

If it is said: On what basis do you object to those who say that this is an *ijmâ'* which must be followed, while, as for the Companions, they agreed upon two opinions, on the condition that after them no one discovers a proof which corroborates the truth of one of the two.

We shall say: This is arbitrary and a fabrication against them because they did not require this condition, for *Ijmâ'* is a decisive, valid proof. Therefore, it is not possible for there to be a condition in the case of a decisive proof, since doubt may enter it, and thus it would cease to be decisive. But if this were possible, then it would be possible to say that if they were agreed on one opinion on the basis of /1:205/ *ijtihād*, then they would agree on the condition that

no one after them discovers a proof which corroborates the truth concerning one's opposition. But the [generation of the] Companions passed agreeing to permit each of the two views. Therefore, it is not permitted to violate their *ijmâ'*.

**IV. DISCUSSION:** If the [consensus] of the *ummah* is on two different opinions, but then adheres to one position, what they now agreed upon becomes a decisive *ijmâ'*, according to those who require the termination of the generation. They, thus, escape the controversy.

As for us, since we do not make this a condition, the first *ijmâ'*, even though it was momentary, was completed allowing difference of opinion. So if they resort to one of the two opinions, then it is not possible for us, in that case, to say that they are [only] part of the *ummah* in this issue, as we have said concerning the unanimity of the Successors on one of the opinions of the Companions. Therefore, the controversy intensifies. This can be resolved in five ways:

The first is that we say the occurrence of this is impossible. It is like supposing their *ijmâ'* upon something, then all of them reverse their opinion to a different one, or in the unanimity of the Successors to oppose it. Now, those who require the passing of the generation, /1:206/ take this point as their basis.

They say: If, for example, they disagree on the question of marriage without a guardian, it is possible then to insist on [the opinion] of he who regards it as false. So why is not permissible for others to agree with him whenever the proof of falsity becomes

evident to them? How can a *mujtahid* be restricted from agreeing with his opponents if his opinion changes?

We shall say: This is clearly farfetched, and we disallow it because it would lead to contradictory *ijma's*, since the first *ijmâ'* indicated the permissibility of the difference [of opinion] and the necessity for all common people to follow whosoever they will from among the *mujtahids*. But unanimity on permitting this is not possible without decisive proof or near-decisive [proof] for allowing it. So how can its removal be conceived, while the impossibility of the occurrence of this contradiction between the *ijmâ's* is closer to arbitrariness than requiring the passing of the generation.

Then there remains the controversy regarding the unanimity of the Successors after the passing of the first generation [acknowledging] different views. Thereupon there is no dispute that it is permissible to resort to one of them in definitive issues /1:207/—such as their [the Companions'] resorting to fighting those who withheld *zakât* after disagreement about it, or that the *imâms* are to be from Quraysh [after originally disagreeing]. For each party faults its opponent and does not acknowledge its opinion, unlike issues liable to *ijtihâd*, where differing in them is coupled with the permissibility of difference of opinion and the justification of adhering to any position resulting from the *ijtihâd* of the two parties.

The second escape is to require the passing of the generation. But this is controversial because rendering this a condition is arbitrary.

The third escape is to stipulate that *ijmâ'* be based solely

upon something decisive, not on *qiyâs* nor *ijtihâd*, for those who require this say that their [the Companions'] differences do not impart consensus on the permissibility of all opinions. In fact, this also rests on *ijtihâd*. So if they resort to an opinion, then what must be considered is that upon which they have agreed, for truth is conclusively determined in one of the two opinions. But this is controversial because if this door were to be opened, there would be no relying on *ijmâ'*, since it is conceivable with every *ijmâ'* that it may be based on *ijtihâd*.

So were *ijmâ'* to be divided into that which is a valid proof and that which is not a valid proof, /1:208/ with no distinction—[thus] annulling adherence to it—then it would cease being a valid proof. For if the decisive proof, which is their basis, becomes evident to us, then this ruling would be solely dependent on this decisive [evidence] and founded on it, not on *ijmâ'*. For his statement, عَلَيْهِ السَّلَام, "My *ummah* shall not agree on error," did not distinguish between one kind of *ijmâ'* and another. There is no escape from this [argument], except for those who deny conceiving *ijmâ'* on the basis of *ijtihâd*. And in that case, the conclusion of their statements contradicts their premises, in view of their statement that the unanimity of [the Companions'] acknowledging difference of opinion is based on *ijtihâd*.

The fourth escape is to say that the last agreement should be considered. As for the earlier one, difference of opinion is only permitted on the condition that *ijmâ'* is not constituted on determining the truth to be in an opinion.

But this is controversial because this adds another condition



to *ijmâ'*. Yet decisive valid proofs cannot accept a condition for which it is possible to occur /1:209/ or not to occur. If this were possible, it would be possible to say that the second *ijmâ'* is not a valid proof. Rather, it can become a valid proof only on the condition that it not be an agreement [that arrives] after difference of opinion. And this is worthier because it severs possible conditions from the *ijmâ'*.

The fifth escape is [to say] that the last [opinion] is not a valid argument and that the abandoned opinion is not prohibited because *ijmâ'* only becomes a valid proof with the condition that it not be preceded by dispute. But if it is preceded, it cannot become a valid proof. But this is also controversial because his statement, *عَلَيْكُمْ السَّلَام*, "My *ummah* shall not agree on error," cuts off conditions entirely and it necessitates that every *ijmâ'* be a valid proof regardless of how it came to be. Therefore, each one of the two *ijmâ'*s will be a valid proof. But this is contradictory.

Perhaps the most appropriate is the first approach, namely that this is inconceivable because it leads to contradiction. Its conception is like conceiving that the people of *ijmâ'* have all withdrawn from what they have agreed upon /1:210/ or like conceiving that the Successors have agreed in opposition to the *ijmâ'* of the Companions. Now the occurrence of this is impossible on the basis of revelation. Therefore, such is the case with this.

If it is said: The whole of the community of the Companions upheld 'awl, except b. 'Abbâs, and [upheld] the prohibition of the sale of female slaves who have born children to their masters,

except 'Alī. So, if a proof appears to these two on 'awl or on the prohibition of the sale, why, then, is it unlawful for them to return to agreement with the rest of the *ummah*? How can it be impossible that what became evident to them has not become evident to the *ummah*? Indeed, your opinion leads to this impossibility if you follow the first approach?

We shall say: There is no controversy in the first approach other than this. And the way to settle it is to say that withdrawing is not forbidden for them when a reason for it becomes evident to them. But we say that it is impossible for a reason to appear to them or for them to dissent, not because it is impossible per se, but because it leads to what is prohibited by revealed authority. Now something can become impossible per se or because of something else, such as the agreement of the Successors on voiding *qiyās* and solitary report. For this is impossible not per se but because it leads to accusing the Companions of error, or faulting all of the Successors. And this is impossible on the basis of revealed authority. And Allāh knows best.

**V. DISCUSSION:** If someone says: If the Companions agreed upon a rule, but one of them remembers a *ḥadīth* contradicting it and transmits it, then if they resort to it, the first *ijmā'* would be false—where their persistence in opposing the report is impossible, particularly on the part of the one who remembers it certainly. Now, if he retracts, he would be dissenting from the *ijmā'*. But if he does not retract, he would be opposing the report. Now, there is no escape from this except through

acknowledging the passing of the generation. This should be given consideration.

We shall say: There are two ways out of this. One of them is that this is an impossible supposition, for Allâh protects the *ummah* from a consensus which contradicts a *ḥadîth* or He protects /1:212/ the transmitter from forgetfulness until *ijmâ'* has been completed.

The second is that we should examine the people of *ijmâ'*. If they are insistent, then it is sure that it [the *ijmâ'*] is correct; and, as for the *ḥadîth*, either the transmitter has made a mistake concerning it, such that he heard it from someone other than the Messenger of Allâh, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, but thought that he heard it from the Messenger of Allâh, *حَدَّثَنَا اللَّهُ عَلَيْهِ وَسَلَّمَ*, or it was subject to abrogation but the narrator did not hear it while the people of *ijmâ'* knew it. But if this is not clear to us, [and] then if the narrator retracts, he is in error because he is opposing the *ijmâ'* while it is a decisive, valid proof.

But if the people of *ijmâ'* return to the *ḥadîth*, we shall say that what they agreed upon was correct at that time because Allâh has not obligated them [by the report], so long as it did not reach them, just as an abrogated rule is valid before the arrival of the abrogation, or as if an *ijtihâd* [position] changes. Or, it could be that each one of the two opinions was correct according to the view of those who hold the opinion of every *mujtahid* as correct .

If it is said: If this is permissible, then why is it not /1:213/ permissible to say that if the entire community agreed on the basis of *ijtihâd*, it would be permissible for those after them to disagree

[with their *ijmâ'*]? Indeed, it is permissible for them to revoke [that *ijmâ'*] because what they have opined is correct so long as that *ijtihâd* is valid. But if it changes, then the supposition changes as well. All [of this] is correct, particularly when they disagree based on *ijtihâd* and then return to one opinion. Should you not say that this is permissible in order to express their opinion as long as it preponderates in their thinking? For they used to permit those who denied 'awl and the sale of a female slave who has born her master's child. But when their minds change their obligation changes. Thus, what has been allowed for them becomes prohibited. But this does not constitute the removal of *ijmâ'*. Rather, it is permission to have recourse to an opinion on the condition that it preponderates in one's mind. But if one's mind changes, it no longer remains permissible (also, this becomes a sixth solution for the discussion prior to this issue).

We shall say: [As for] what they agreed upon by way of *ijtihâd*, it is not permissible to dispute it thereafter, not only because it is true, but because it is the truth upon which the *ummah* has concurred. /1:214/ Certainly, the *ummah* has agreed that whatever the *ummah* assents to is prohibited to contravene, unlike correct [positions] held by individuals.

As for when they differ on the basis of *ijtihâd*, they have agreed on the permissibility of the second opinion. Thus the permission to have recourse to it becomes a matter of agreement. But it is not permissible to stipulate the condition of the continuation of *ijtihâd*, as if they agreed on one statement on the basis of *ijtihâd*. Now in this, it cannot be stipulated that *ijtihâd* will

not change. Rather, contravention is made unlawful absolutely without any condition. So it is with this [case].

If it is said: What if that report becomes known to the Successors in contradistinction to what the Companions have agreed upon, and the person narrating it to them was present at the *ijmâ'* of the people of influence, but the narrator was not from among them?

We shall say: It is prohibited for the Successors to agree with him, and it is incumbent for him to follow the decisive *ijmâ'* because a solitary report is liable to /1:215/ abrogation or [is liable] to be forgotten, while *ijmâ'* is not liable to this.

**VI. DISCUSSION:** *Ijmâ'* cannot be established by a solitary report, contrary to what some of the *fuqahâ'* hold. The underlying reason for this is that *ijmâ'* is a decisive proof by which judgement is made [in interpreting] the Book of Allâh and the *mutawâtir Sunna*, while a solitary report is not decisive. So how can a decisive proof be based on it when it is not rationally impossible to fulfill religious obligations on its basis, provided it occurs [in religion], just as we have mentioned concerning the abrogation of the Qur'ân by a solitary report, although it has not taken place?

If it is said: So let the obligatoriness of acting on its basis be established if acting in accordance with it is not in opposition to the Book nor the *mutawâtir Sunna*, since *Ijmâ'* is like a text with regard to the obligatoriness of action; and acting on the basis of what a

reporter transmits of the text is incumbent, even if it is not held as decisive due to the rectitude of the text. And so it is in the case of *ijmâ'*.

We shall say: Acting on the basis of solitary reports has been established only on the precedence of the Companions and their *ijmâ'* upon it, concerning that which has been reported from the Messenger of Allâh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ . /1:216/

As for what has been reported from the *ummah* by way of agreement or *ijmâ'*, no report or *ijmâ'* has been established by [text]. But if we were to establish it, this would be on the basis of *qiyâs*. Yet the rectitude of *qiyâs* has not been established for us concerning the establishment of the fundamental principles of the *Shari'a*. This is the most likely [position]. But we do not decisively hold as false the view of one who adheres to it, particularly with regard to acting [based on it]. And Allâh knows best.

**VII. DISCUSSION:** To adopt the least *common factor* of what has been held is not the same as adhering to *Ijmâ'*, contrary to what some of the *fuqahâ'* hold. An example of this is that people disagree concerning the blood money of a Jew. Thus, it has been said that it is the same as the blood money of a Muslim. It has also been said that it is half. Again, it is has been said that it is a third. So, al-Shâfi'i adopted [the view] of one-third, which was the least. Thus, speculators presumed that he [al-Shâfi'i] adhered to this on the basis of *ijmâ'*. But this is thinking ill of al-Shâfi'i, رَحِمَهُ اللهُ because what is agreed upon is that this amount is obligatory. So there is no dispute concerning this.

But what is subject to dispute concerns the waiving of what is greater [than one-third]. Furthermore, there is no *ijmâ'* on this. On the contrary, if the *ijmâ'* on the obligatoriness of one-third were to be regarded as *ijmâ'* on the waiving of the excess, then the person who obligates the greater would be violating the *ijmâ'*. Moreover, his opinion would be decisively false.

But al-Shâfi'î regarded as obligatory that which was agreed upon. He then investigated the approaches of the proofs. But no proof was correct to him which obligated greater [than one-third]. So, he returned to *istiṣhâb*, a stage in *barâ'at al-aṣliya* [the original state of non-obligation], which has reason as its proof. Therefore, al-Shâfi'î adhered to *istiṣhâb* and rational proof—the meaning of which will come later, Allâh, *عَزَّوَجَلَّ*, willing—not the proof of *Ijmâ'*.

This is the completion of the discourse concerning *Ijmâ'*, which is the Third Principle.

## THE FOURTH PRINCIPLE

### RATIONAL PROOF AND ISTISHĀB

Know that the revealed rules are not ascertainable through reason. But reason establishes one's exoneration from /1:218/ obligation, and the omission of restriction from man in all his doings prior to the raising of the messengers, عَلَيْهِمُ السَّلَامُ, who are supported with miracles.

The nonexistence of rules before the arrival of revealed authority is known through rational proof. We assume this [state] until the revelation arrives. Thus, when a prophet comes and obliges five prayers, a sixth prayer remains unobliged—not because the prophet has declared its negation, but because its obligatoriness has been [already] negated since nothing has established its mandatoriness. Accordingly, it remains in its original state of negation because his [the prophet's] pronouncement of obligation is restricted to the five [prayers]. So, negation continues with respect to the [obligation of the] sixth [prayer], as though revealed authority never came.

Similarly, when he makes the fasting of *Ramadhān* obligatory, the fasting of the month of *Shawwāl* remains in the original state of negation. If he obliges an act of worship at a [specific] time, then after the passage of that time one remains in the original state of



freedom. Also, when he lays an obligation on an able person, /1:219/ a disabled person remains as he was [i.e., unobliged].

Therefore, an examination of the [*Sharî'a*] rules concerns either their establishment or negation. As for their establishment, reason is incapable of demonstrating them. Regarding their negation, however, reason has [already] indicated them, until a revealed proof comes with an expression changing them from their original state of negation. Therefore, [reason] stands as a proof for one of the two aspects, namely negation.

If it is said: If reason is a proof [but] on the condition that revealed authority does not come, then after the raising of the messengers and the establishment of the *Sharî'a* the negation of the revealed proof cannot be certain. Therefore, the negation of rules cannot be certain. So the ultimate point of your [argument] is the lack of knowledge of the arrival of revealed authority, while not knowing cannot be a valid proof.

We shall say: The nonexistence of revealed proof is either known certainly or conjectured, for we know certainly that there is no proof for the obligatoriness of fasting *Shawwâl*, nor for the obligatoriness of a sixth prayer, since we know that if they existed, they would have been transmitted and promulgated, and they would not have been hidden from the entire *ummah*. This is knowing the lack of proof, /1:220/ not lacking knowledge of the proof, since a lack of knowledge of proof is not a valid argument. But knowledge of the nonexistence of proof is valid.

As for conjecture, when a *mujtahid* investigates the avenues

of proof concerning the obligatoriness of *witr* [prayer], sacrifice, and their likes, and finds them weak and proof does not become evident to him—in spite of his thorough investigation and preoccupation with research—then the lack of proof preponderates in his mind. Therefore, he gives this the same status as certain knowledge with respect to action because it is conjecture based upon investigation and *ijtihad*—which is the extent of a *mujtahid*'s obligation.

If it is said: Why is it impossible for it [*witr*, for example] to be obligatory while there is no proof for it or that its proof has not yet reached us?

We shall say: As for making obligatory that which it has no proof, it is impossible because it is the laying of an unbearable obligation. It is for this reason that we negated all rules before the arrival of revealed authority.

As for that whose proof has not reached us, this is not valid proof in our view, since there is no obligation upon us except for that which has been conveyed to us.

If it is said: /1:221/ Then every common person will be able to deny [obligation] arguing that proof had not reached him.

We shall say: This is possible only for an investigating *mujtahid*, who studies the approaches of proof and is capable of thorough examination, as [for example] one is able to move about in his house seeking a piece of furniture; when he searches for it exhaustively, it is possible for him to decisively [conclude] the

negation of the furniture's [existence]. Or he may claim that his impressions [of its nonexistence] are overwhelming. As for a blind person who does not know the house and cannot see what is in it, it is not for him to claim that the furniture does not exist in the house.

If it is said: Does *istishâb* have any meaning other than what you have mentioned?

We shall say: *Istishâb* is used in four ways. Three of them are correct:

The first is what we have mentioned.

The second [usage] is the continuation of an unspecified [case] until [the *Sharî'a*] specification arrives, or the continuation of a [*Sharî'a*] text until an abrogation arrives.

As for the unspecified [case], this is a valid proof for those who acknowledge it. As for the text, this is proof for the continuation of a rule on the condition that no abrogation arrives, /1:222/ just as reason has indicated that the original state of freedom [continues] on the condition that a revelation changing it does not come.

The third [usage] is affirmation [*istishâb*] of a rule which the *Sharî'a* indicates both its establishment and its continuation, such as possession when the contract of ownership is in effect, or the liability of one [under obligation] when damage or liability occurs. For this—although not an original rule—is a *Sharî'a* rule for which the *Sharî'a* demonstrates both its establishment and continuation. Were it not for the evidence of the *Sharî'a* concerning its

continuation until freedom from responsibility occurs, *istishâb* would not be permissible. Therefore, it is not a valid proof except for that which a [*Sharî'a*] proof has indicated its establishment and continuation—on the condition that there is nothing to change it—as reason indicates its original state of freedom; revelation, [its] liability; or the *Sharî'a*, [its] ownership.

Also from among this sort is the principle requiring the renewal of necessity and obligatoriness [of acts] when their causes recur—like the recurrence of the month of *Ramaḍân*, the recurrence of the times of prayers, and supporting near relatives when their needs /1:223/ recur.

[This is so] provided that the appearance of these signs is understood as a cause based on *Sharî'a* proof for these rules, either by the general implications [of the *Sharî'a* address], which is in accordance to those who acknowledge it, or on the basis of [both] their general implications and a number of circumstantial evidences, according to all. These circumstantial evidences are restatements, corroborations, and signs for the bearers of the *Sharî'a* who know that the intent of the Lawgiver is to raise them as causes, provided that they are not prevented by obstacles.

So, were it not for the proof acknowledging them as causes, [applying] *istishâb* [on them] would not be permissible. Therefore, *istishâb* is an expression of adhering to a rational or *Sharî'a* proof. It is not attributed to the lack of knowledge of proof. Rather, it is [adhering to] a proof with the knowledge of the absence of its modifier or with the assumption, upon the exertion of effort in research and investigation, that the modifier does not exist.

The fourth is *istishâbu'l-ijmâ'* [applying the the rule of *ijmâ'*] on points of dispute. But this is not correct. So we shall compose two discussions, [one] for this and [one for] a denier's need for proof.

**I. DISCUSSION:** /1:224/ There is no validity for *istishâbu' l-ijmâ'* when there is a difference of opinion, contrary to [the views of] some of the *fuqahâ'*. An example of this is when a *mutayyammim*,<sup>1</sup> sees water during [his] prayer. [It is said that] he should continue his prayer because consensus is constituted on the rectitude of his prayer and its continuance. Therefore, the coincidental occurrence of the existence of water is just like the occurrence of the blowing of the winds, the coming of the dawn, and other events. Therefore, *istishâb* will be applied concerning the continuation of prayer *until* a proof establishes that seeing the water definitely breaks the prayer.

But this is corrupt because he who applies *istishâb* is either admitting that he did not establish a proof for the issue saying, "I am denying [this], and proof is not required for a denier," or thinking that he has furnished proof. So if he admits to not furnishing a proof, we shall explain the necessity for furnishing a proof on the part of a denier. But if he thinks he has furnished a

---

<sup>1</sup>A person who performs *tayammum*, which is a substitute, in the absence of water or in special circumstances, for ritual ablution before prayer. For details see *The Shorter Encyclopaedia of Islam*, 1953 ed., s.v. "Tayammum"; and *Zahîlî, al-Fiqh al-Islâmî wa Adillatuhu*, 1:406.

proof, he has erred, and we say that only a rule for which a proof has established its continuance can remain [standing]. /1:225/

So the proof for the continuance of the prayer in this case is either the statement of the Lawgiver or *Ijmâ'*. But if it is a statement, it is necessary to have an explication for this statement. For it may indicate its [the prayer's] continuance in the absence [of water], but not in [its] presence. So if it indicates by its generic case [*'umûm*] its continuance in both the absence and presence [of water], this would be adherence to the generic case, according to those who acknowledge it. Therefore, it is necessary to present the proof for [its] specification.

But if this is based on *Ijmâ'*, *ijmâ'* is constituted on the continuance of prayer in the case of the absence [of water]. In the case of its presence, this is subject to dispute—and there is no *ijmâ'* with dispute.

If the *ijmâ'* were to include the state of the presence [of water], then the dissenter would be violating the *ijmâ'*, just as one who disputes the termination of prayer upon the blowing of the winds or the rising of the dawn is violating the *ijmâ'*. For the constitution of the *ijmâ'* is not stipulated by the absence of the winds, but is constituted on the condition of the absence of water. So, if it is found, there is no *ijmâ'*. /1:226/

Therefore, it is necessary to draw analogy on the basis of a common denominator between the case of presence [of water] and the case of [its] absence, the latter being subject to *ijmâ'*. But applying *istishabu'l-ijmâ'* when *ijmâ'* does not exist is absurd.

This is similar to rational proof corroborating the original

state of freedom, provided that revealed proof does not furnish evidence. Therefore, there remains for it no proof by the existence of revealed proof. But here *ijmâ'* is constituted on the condition of the absence [of water], while *ijmâ'* is lacking concerning [its] presence.

Now this is subtle. That is, [regarding] every proof opposing disagreement itself, its *istiṣhâb* cannot be upheld simultaneously with dispute because *ijmâ'* is contradicted by differing per se, since there is no *ijmâ'* with dispute—in contradistinction to the generic [import of a statement], the Text, and the rational proof. For difference of opinion does not oppose them, and the opponent acknowledges that the generic [import of a statement] includes, by its linguistic mode, the locus of disagreement.

For his statement, *حَدَّثَنَا أَبُو عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ*, "There is no fast for him who did not intend to fast from /1:227/ night," includes, in its linguistic mode, the fast of *Ramadhân*, despite the disagreement of the opponent. For he says, "I concede the inclusion of the linguistic mode; however, I specify it with a proof." He must, then, furnish the proof. But here the opponent does not concede *ijmâ's* inclusion of the locus of disagreement, since *ijmâ'* is impossible together with disagreement, while it is not impossible that the generic linguistic mode come together with the proof. Therefore, attention must be paid to this subtlety.

If it is said: *Ijmâ'* forbids dispute. So how can it be removed by dispute?

We shall say: This difference of opinion is not prohibited by

*ijmâ'*, and the reason the dissenter is not breeching *ijmâ'* is that *ijmâ'* is constituted only in the case of the absence [of water], not in the case of [its] presence. So one who conjoins the presence with the absence, he must furnish a proof.

If it is said: /1:228/ The proof indicating the rectitude of the commencement [of prayer] is, then, indicative of its continuation, until a proof arises for its termination.

We shall say: Let this proof be examined. Is it generic or a clear Text that includes the case of the presence [of water] or not? But then if it is *ijmâ'*, the *ijmâ'* is conditional on the absence [of water]. Therefore, it is not a proof for the [case of] presence.

If it is said: On what basis do you object to one who says, "The basic rule is that all that has been established continues until the presence of a terminator." Therefore, continuation does not in itself require proof. Rather, establishment is what is in need of proof, just as when the death of Zayd is established, or the building of a house, or a town. Their continuance is inherent, not based on [another] cause.

We shall say: This is baseless conjecture because it is possible for all that has been established to continue or not continue. /1:229/ Therefore, its continuation requires a cause and a proof besides the proof of its establishment. If it is not of the natural proof—that is a person who dies does not revive, and a house when it is built does not collapse until it is destroyed or a long time passes—we will not know its continuation by its mere



establishment, just as if it is reported about the *Amîr's* sitting, eating, or his entry into the house, while there is no natural proof for the continuation of these conditions. For we cannot at all determine the continuation of these conditions. Similarly, the *Shari'a* report on the continuation of prayer in the absence of water is not a report on its continuation with the presence of [water]. Therefore, its continuation needs another proof.

If it is said: One is not commanded with the commencement [of prayer] only, but rather, with its beginning and completion.

We shall say: Certainly, he is commanded to start /1:230/ and complete in the absence [of water]. However, with the presence [of water], this is the locus of disagreement. Therefore, what is the proof that one is commanded, in the case of its presence, to complete [the prayer]?

If it is said: This is a result of him being prohibited from nullifying an act [i.e., the prayer], and using the water [requires] *voiding* the act.

We shall say: This position is shifting to where we have led you and is admitting to the need of proof. However, this proof, though it is weak; exposing its weakness is not the task of an *usûlî*. Yet, it is weak, because if you mean that *void* is to nullify its reward, then we do not concede that one is not rewarded for its doing. However, if you mean that He obliged him with something like it, the [action's] rectitude does not mean that doing its like is not obligatory, based on what we established previously.

If it is said: The basic rule is /1:231/ that something cannot be obliged on the basis of doubt, and the obligation of recommencing the prayer is doubtful. Therefore, certainty cannot be removed based on it.

We shall say: This is contradicted by [the fact] that the obligatory continuation of this prayer is doubtful. And the discharge of responsibility by this prayer, when water is found, is also doubtful. Thus, certainty cannot be removed by it. Further, we say that those who oblige renewal require it with a proof that preponderates in the mind, just as the original state of freedom is removed with a preponderating conjectural proof.

And why should it not be so! when certainty can be eliminated by doubt in some situations. Hence, the questions regarding this are conflicting, for example, when a corpse is confused with a duly slaughtered animal; or a foster sister is confused with an unrelated woman; or pure water is confused with impure water; or one forgets one of the five prayers. /1:232/

They argue that Allah, ﷻ, consented to the nonbelievers' demand for proof from the messengers when He said: *"You desire to bar us from what our fathers worshipped? Then bring us a manifest authority."*<sup>2</sup> Hence, people have occupied themselves with proofs that change *istiṣhâb*.

We shall say: This is because they did not maintain the

---

<sup>2</sup>Qur'ân, 14:10.

*istishâb* of *ijmâ'*, but rather, they maintained the original state of negation, which has been established by reason, since the basic rule concerning human nature is that one is not [naturally] a prophet. This can be known only through miracles and signs. Therefore, they are correct in requesting proof, but wrong in their stand upon the religion of their forefathers simply on the basis of ignorance without any proof.

**II. DISCUSSION:** They have differed with regard to the disclaimer. Must he bring a proof?

Some people have said that he is not required to bring proof. Others say that proof is necessary. A third group distinguishes between rational and *Shari'a* matters. Thus they require the proof of rational matters to the exclusion of those of the *Shari'a*.

But the appropriate position is that what is not necessary cannot be known except through proof, and negation in its regard is just like affirmation.

To be more precise therein, it should be said to the denier, "Regarding that which you have claimed negation, have you known certainly its negation, or are you doubtful about it?"

If he admits doubt, then one cannot demand proof from the doubtful because he admits his ignorance and lack of knowledge. But if he says, "I am certain about the negation," it should be said, "[About] this certainty of yours, did it accrue from necessary evidence or from a proof?"

But [claim to] necessary knowledge of negation is discounted. For we know that we are not in a whirl of sea water, nor sitting on

the wing of an Eagle; and that the river Nile is not before us!

/1:234/ The knowledge of negation is not counted as necessary. So if one does not know it necessarily, then one knows it only on blind faith, or on the basis of conjecture.

Now, blind faith does not impart knowledge, for error is possible for a blind follower. Moreover, a blind follower, by definition, admits his own blindness, and he claims insight only from others. But if it [his negation] is from conjecture, then he must demonstrate it, and this is the basis for proof. Upon relinquishing the proof on the part of the denier, two heinous difficulties that necessarily follow are corroborated.

The first is that the proof of the denier of the temporal origination of the world, the existence of the Maker, prophethood, the prohibition of adultery, alcohol, eating carrion, and the prohibited degree of marriage will not be necessary—and this is absurd.

The second is that if the proof is removed from these [people], a person affirming could express the intent of his affirmation through negation; for he can say, instead of /1:235/ '*muḥdath*' [an originated object], '*non-eternal*'; and instead of saying *able, not unable*, and so forth.

Now they have two doubts regarding this issue.

One doubt is that they say the [burden of] proof is not on the defendant debtor because he denies [the claim].

The answer is [based] on four grounds.

First, this is not because he is a denier. Nor is it because

reason indicates the removal of proof from the denier. Rather, this is based on the *Shari'a* proof, due to his statement, *حَدَّثَنَا اللَّهُ عَلَيْهِمُ وَسَلَّمَ*, "The [burden] of evidence is upon the plaintiff, and the oath is upon the denier."<sup>3</sup> Nor is it possible to draw analogy from another case on its basis, for the *Shari'a* has called for it only because of necessity, since there is no way to establish a proof on denial. For this can be known only if a number constituting *tawâtur* /1:236/ would follow this man from the very first moment of his existence until the time of the claim. Thus, the negation of the reason of necessity may be known by a statement or by way of action through constant observance of [him].

So how can he be charged with establishing a proof on something upon which it is impossible to establish a proof. In fact, even the plaintiff is not required to show proof because the statement of two witnesses does not achieve sure knowledge. Rather, it [achieves] an assumption of the effect of the necessitating cause. This is in regard to what occurred in the past.

As for the present, the witness does not know the liability of a person, for his exoneration is possible through payment or remission of the debt. Furthermore, there is no way for people to know the liability of a person or his exoneration except by a statement of Allah, *عَلَّمَ*, and the saying of the infallible Messenger.

It ought not be assumed that a proof is required from the

---

<sup>3</sup>For the authenticity of the *hadîth* and its wordings, see al-'Ajlûnî, *Kashf al-Khafâ*, 1:342-343; also, Zayla'î, *Nasb al-Râyyah li Ahâdîth al-Hidâya*, 4:95-99.

plaintiff, as well, for even the statement of the witness becomes proof only on the basis of *Shari'a* ruling. So if this is possible, then the oath of the defendant is likewise necessary. Thus let this be proof.

The second answer is that the defendant claims that he necessarily knows /1:237/ his own innocence, since he is certain that he neither caused harm nor assumed [liability]. Yet all other people are incapable of knowing this, for no one knows it except Allah, **لَا إِلَهَ إِلَّا هُوَ**. Therefore, in the sphere of rational matters, it is impossible for a denier to necessarily claim the knowledge of negation.

But if he states that he alone knows it in such a way that it is not possible for anyone other than Allāh to share it with him, then, in that case, he should not be asked for proof, just as when he tells about himself of not being hungry or not being afraid, and so on. In this case, affirmation and negation equiponderate. For should he claim the existence of hunger or fear, then he must self-evidently know them, and it is difficult for others to know them. Furthermore, negation and affirmation are common to rational matters, and negation and affirmation equiponderate with respect to perceptibles, as well.

The third [answer] is that the denier is obliged to show proof, namely an oath, before the court, just as the plaintiff must bring proof, /1:238/ namely evidence.

But this is weak, since the oath may be false. So what is its evidence with respect to reason if it were not for the consideration

of *Sharî'a*? Indeed, it is like evidence, for the statement of the two witnesses may also be wrong and false, and utilizing it from this point of view is correct, as mentioned before.

Or it may be said: Just as the negator in the seat of judgement is obliged to support his side in addition to his claim of denial, let it then be mandatory regarding the *ahkâm*. This too has validity.

The fourth [answer] is that possession on the part of the defendant is proof for negating the ownership of the plaintiff. But this is weak because possession annuls in the *Sharî'a* the claim of the plaintiff, otherwise possession can come about by usurpation or loan. So what evidence does it have?

The second doubt is how could proof be required for denial, while it is impossible, as is raising a proof against one's freedom from obligation.

We shall say: Its impossibility is not conceded to, for the dispute /1:239/ either concerns matters of reason or *Sharî'a*.

As for matters of reason, it is possible to prove their negation on the grounds that their affirmation leads to absurdity, and that which leads to absurdity is itself absurd. For Allah, ﷻ, has said: "*If there were gods in the heavens and the Earth other than Allâh, they would surely go to ruin.*"<sup>4</sup> But it is known that they [the heavens and the Earth] are not ruined. Thus, this proves the

---

<sup>4</sup>Qur'ân, 21:22.

negation of a second [god].

It is also possible to establish this negation by a conditional syllogism, which we have called in our introduction 'the way of [mutual] entailment.' For all affirmation has necessary consequences. Thus, the negation of the consequent is proof for the negation of the antecedent. Similarly, a challenger is not a prophet; for were he a prophet, he would possess a miracle, since obliging the absurd is absurd. So this is one approach which is correct.

The second approach is that it is said to one who affirms, "If what you have claimed is established, it should be known either necessarily or through a proof—and there is no necessary [knowledge] with disagreement; nor is there proof. So, this indicates negation."

But this is corrupt, for it can be turned against the denier. It would be said to him, "If the rule is negated, /1:240/ its negation would be known necessarily or by a proof. But there is no necessity, nor is there a proof."

Nor is it possible for him to adhere to *istishâb* by saying, for example, that the original [premise] is the nonexistence of a second god, for whoever claims this must show proof, since it is not conceded to him that the original premise is nonexistence, in contradistinction to the case of original freedom. For reason proves the nonexistence of rule prior to revelation, in view of its proof that ruling is laying of obligation.

But the Address is from Allah, ﷻ, while obligating the absurd is absurd. However, if He were to charge us with obligation



without a messenger confirmed by a miracle, who conveys to us His commandments, this would be the laying of an absurd obligation. Therefore, the original state of freedom is based on rational proof, contrary to the nonexistence of the second god.

As for their statement that were a second god to be proven, then proof would be incumbent upon Allâh, ﷻ, this is arbitrary from two aspects:

One of them is that it is possible that Allâh, ﷻ, may not raise proof for certain things, and takes exclusive possession /1:241/ of its knowledge.

The second is that it is possible that Allâh has raised proof for [these things] but we are not aware of it. But some of the privileged and prophets perceive it, or a person who has been privileged with a sixth sense and a different sensibility. Indeed, what can be conclusively stated is that the prophets comprehend matters that we do not comprehend.

Furthermore, within the possibilities of Allâh are matters that are not within human power to know. Also, it is possible that Allâh has attributes that cannot be comprehended by these senses, nor by this mind, but rather through a sixth sense or a seventh. Indeed, it is not at all impossible that the words 'yad ' and 'wajh' [in the Qur'ân] express attributes that we do not understand, and for which there is no proof.

Moreover, even if revelation had not arrived, their negation would be wrong. Therefore, perhaps there are attributes of this sort that revelation has not expressly shown. Nor do we have

the power to comprehend them. Indeed, if He had not created hearing for us we would have denied sounds, and we would not have understood them. And if He did not create for us a taste for poetry, we would have denied the distinction [drawn] by a master of metrics between metered and unmetered [poetry]. So how can we know if there is in the power /1:242/ of Allâh, ﷻ, kinds of sensibilities that had he created for us we would comprehend through them other affairs that we now deny. Therefore, this rejection is based on ignorance, shooting in the dark.

As for *Sharî'a* matters, the proofs for them have come to pass on the basis of *ijmâ'*, as in negating the obligation of fasting in *Shawwâl* and the late morning prayer; or by evident Text, as in his statement, ﷺ, "There is no *zakât* on jewelry, and there is no *zakât* on a stall-fed animal"; or by *qiyâs*, as in drawing analogy from vegetables to pomegranate, or a watermelon specified as exempt from *zakât*, like the statement of a reporter, "There is no *zakât* on pomegranate and watermelon"; rather, they are free; the Messenger of Allah, ﷺ, exempted them.

But sometimes this kind of proof is useless. Therefore, we must search for avenues of affirmation. When we do not find [affirmation], we have recourse to *istiṣhâb* for the original [state of] negation, established by the proof of reason, which is a [valid] proof in the absence of the arrival of revelation.

Moreover, wherever we have cited in our writings on *khilâf* that proof is not incumbent on a denier, we meant thereby that there was no revealed proof for it because the *istiṣhâb* /1:243/ of original freedom is sufficient for it, by which we would have [been

compelled] to judge, but for the raising up of the Messenger and the arrival of revelation.

If it is said: Rational proof is conditional upon the absence of revelation, and the absence of revelation is unknown and the lack of its knowledge does not prove its nonexistence. Furthermore, there is no way to claim sure knowledge of its negation, for this cannot be known.

We shall say: We have already clarified that sometimes its negation can be known, like the negation of the obligatoriness of fasting *Shawwâl* and [praying] the late morning prayer. But at times, it is assumed that some of those capable of research should investigate the *Shari'a* channels; and conjecture therein is like [certain] knowledge, for it emanates from *ijtihâd*, since the [*mujtahid*] may say, "If this were there, I would have found it. But since I have not found it, despite my thorough search, this proves that it does not exist," just as the furniture seeker in the house after he has investigated [thoroughly].

If it is said: Is it not the case that penetrating inquiry has a defined end? In fact, for investigation there is a beginning, a middle, and an end. So when is it lawful for him to negate the proof from revelation changing [the original state of freedom]?

/1:244/

We shall say: Whenever he recommences, he reflects to himself, then he knows that he has exhausted his full effort in investigation, like the searcher for furniture in the house.

If it is said: The house is circumscribed and the seeking of certainty in it is possible; but the avenues of *Sharī'a* are unlimited. For although the Book is limited, reports are not, and a narrator of a *ḥadīth* may be unacknowledged.

We shall say: If this were the case in the beginning of Islam before reports became widespread, then the duty of every *mujtahid* would have been the full exertion of his judgement until reports reached him. But if this were the case after the reports were related and the *ṣaḥīḥ* collections compiled, then whatever has entered in them is limited, according to their authorities. Moreover, they have now come to *mujtahids*, and they have cited them in the issues of dispute.

In sum, the rational proof's indication for the original negation is conditional on the absence of a changing [proof], like the implications of a general statement are conditional upon the absence of a specifying [proof]. Furthermore, for each one, /1:245/ that is, the specifying and the changing [proof], at times its negation can be known, and at times it is conjectured. Yet each one of them is a valid proof in *Sharī'a*.

This is the completion of the discussion of the Fourth Principle. Here also ends the discourse on the Second *Qaṭb*, which includes the well-spring of principle sources, namely, the Book, the *Sunna*, *Ijmā'*, and '*Aql*.

## BIBLIOGRAPHY

- 'Abd al-Bâqî, M. Fu'âd. *al-Mu'jam al-Mufahras li-al-Fâz al-Qur'ân al-Karîm*. Cairo, 1378 H.
- 'Abd al-Jabbâr al-Asadâbâdî, al-Qâdî. *Firaq wa Tabaqât al-Mu'tazila*. Edited by 'A. Sâmi al-Nashshâr and 'Isâm 'Alî. Alexandria: Dâr al-Maṭbu'ât al-Jâmi'iyya, 1972.
- . *al-Mughnî fî Abwâb al-Tawḥîd wa al-'Adl*. vol. 17: *al-Shar'iiyyât*. Edited by Amîn al-Khûlî. 20 vols. Cairo: The Egyptian Company for Authorship and Translation, 1962.
- . *Mutashâbih al-Qur'ân*. 2 vols. Edited by 'Adnân M. Zarzûr. Cairo: Dâr al-Turâth, 1969.
- Abû al-Baqâ' al-Husaynî al-Kaffawî. *Kulliyât*. 4 vols. Damascus: n.p., 1974.
- Abû Dâwûd. *Sunan*. 4 vols. Cairo: Sa'âda Press, 1935.
- Abû Nu'aym al-Isfahânî. *Hilyat al-Awliyâ' wa Tabaqât al-Asfiyâ'*. 10 vols. Beirut: n.p., 1967-68.
- Abû Sulaymân, 'Abd al-Wahhâb Ibrâhîm. *al-Fikr al-Uḡlî*. Jedda: Dâr al-Shurûq, 1983.
- Abû Zahrah, Muḥammad. *Abû Ḥanîfah: Ḥayatuhu wa Asruhu—Athâruhu wa fiqhuhu*. Cairo: Dâr al-Fikr al-'Arabî, n.d.
- . *Târîkh al-Madhâhib al-Islâmiyya*. Cairo: Dâr al-Fikr al-'Arabî, n.d.
- . *Mâlik: Ḥayâtuhu wa Asruhu—Arthâruhu wa fiqhuhu*. Cairo: Dâr al-Fikr al-'Arabî, n.d.

Abû Zahrah, Muḥammad. *Uṣûl al-Fiqh*. Cairo: Dâr al-Fikr al-'Arabî, n.d.

al-Aḥmadnagarî, 'Abd al-Nabî. *Jâmi' al-'Ulûm fî Istilâḥât al-Funûn al-Mulaqqab bi Dustûr al-'Ulamâ*. 4 vols. Beirut: n.p., 1975.

al-'Ajlûnî, Ismâ'il. *Kashf al-Khafa wa Muzîl al-'Ilbâs 'ammâ Ashtahara min al-Aḥadîth 'alâ al-Sinat al-Nâs*. 2 vols. Beirut: Mu'assasat al-Risâla, n.d.

al-Amidî, Sayf al-Dîn. *al-Iḥkâm fî Uṣûl al-Aḥkâm*. 4 vols. Beirut: Dâr al-Kutub al-'Ilmiyya, 1980.

———. *Al-Iḥkâm fî Uṣûl al-Aḥkâm*. 4 vols. Edited by Sayyid al-Jumaylî. Beirut: Dâr al-Kitâb al-'Arabî, 1984. (Unless I specify the edition mentioned in the previous entry, I rely upon this one.)

al-Ansârî, 'Abd al-'Ala Muhammad. *Fawâtiḥ al-Raḥamût bi Sharḥ Musallam al-Thubût*. (Printed with al-Mustagfâ) 2 vols. Baghdâd: Maktabat al-Mathanna, 1970.

Arberry, A. J. *Sufism: An Account of the Mystics of Islam*. London: Unwin Paperbacks, 1979.

———. *The Koran Interpreted*. 2 vols. New York: Macmillan Publishing Co., Inc., 1974.

al-Aṣafahânî, al-Râghib. *Mu'jam Mufradât al-Fâz al-Qur'ân*. Edited by Nadîm Mar'ashlî. Beirut: Dâr al-Kitâb al-'Arabî, n.d.

al-Ash'arî, Abû al-Ḥasan. *Al-Ibânah 'an Uṣûl al-Diyâna*. Edited by F. H. Maḥmûd. Cairo, 1977.

———. *Maqâlat al-Islâmiyyîn wa Ikhtilâf al-Muṣallîn*. Edited by H. Ritter. 2 vols. and index vol. Istanbul, 1929-33. [Bibliotheca Islamica, 1].

———. *The Theology of al-Ash'arî. The Arabic Texts of Ash'arî's K. al-Luma and Risâlat Istiḥsân al-Khawḍ fî 'Ilm al-Kalâm*. Edited and translated by Richard J. McCarthy. Beirut, 1953.

- Asín Palacios, Miguel. *La Espiritualidad de Algazel y su Sentido Cristiano*, Vol. 4: *Crestomatia algazeliana*. Madrid, 1941.
- al-'Asqalânî, Aḥmad b. Ḥajar. *al-Durar al-Kâminah fî A'yian al-Mi'ah al-Thâminah*. Hyderabad, 1348-50.
- . *Lisân al-Mizân*. 7vols. 2nd ed. Beirut: Mu'assasat al-A'lamî li al-Maṭbu'ât, 1390/1971.
- . *Tabsîr al-Muntabîh bi Tahrîr al-Mushtabîh*. Edited by 'Alî Muḥammad al-Bajâwî. Cairo: The Egyptian Organization for Authorship and Translation, 1965.
- . *Tahdhîb al-Tahdhîb*. Beirut: Dâr al-Fikr, 1985.
- A'zamî, Muḥammad Mustafâ. *Dirâsât fî al-Ḥadîth al-Nabawî*. 2vols. Beirut: al-Maktab al-Islâmî, 1980.
- Badawî, 'Abd al-Raḥmân. *Mu'allafât al-Ghazâlî [Les Oeuvres D'al-Ghazâlî]*. 2nd ed. Kuwait: Wakâlat al-Maṭbu'ât, 1977.
- . *Aristu 'inda al-'Arab*. 2nd ed. Kuwait: Wakala al-Maṭbu'ât, n.d.
- Badrân, Badrân Abû al-'Aynayn. *Uṣûl al-Fiqh al-Islâmî*. Mu'assasat Shabâb al-Jâmi'a, 1984.
- al-Baghdâdî, al-Khaṭîb. *Kitâb al-Faqîh wa al-Mutafaqqih*. 2 vols. 2nd ed. Edited by Ismâ'il al-Ansârî. Beirut: Dâr al-Kutub al-'Ilmiyya, 1980.
- . *al-Kifaya fî al-Riwâya*. Edited by 'Abd al-Ḥalîm M. 'Abd al-Ḥalîm and 'Abd al-Raḥmân Maḥmûd. Cairo: Dâr al-Kutub al-Ḥadîtha, 1972.
- . *Târikh Baghdâd*. 14 vols. Madîna: al-Maktabat al-Salafî, n.d.
- al-Baghdâdî, Sayf al-Dîn 'Abd al-Mu'min b. 'Abd al-Ḥaqq. *Marâsid al-Aḡla'*. 3 vols. Edited by 'Alî al-Bijâwî. Beirut: Dâr al-Ma'rifa, 1954.

- al-Baghdâdî, Abû Mansûr 'Abd al-Qâhir b. Tâhir al-Tamîmî. *Kitâb Uṣûl al-Dîn*. Beirut: Dâr al-'Afâq al-Jadîda, 1401/1981.
- . *al-Farq bayna al-Firâq*. Edited by M. Badr. Cairo, 1328/1910.
- al-Bajî, Abû al-Walîd. *Kitâb al-Hudûd fî al-Uṣûl*. Edited by Nazih Hammad. Beirut: Mu'assasa al-Za'bi, 1973.
- . *al-Muntaqa: Sharḥ Muwatta' al-Imâm Mâlik*. 6 vols. Cairo: Maṭba'at al-Sa'ada, 1332 A.H.; reprint ed., Beirut: Dar al-Kitab al-'Arabi, n.d.
- al-Bânî, Muḥammad Sa'id. *'Umdât al-Taḥqîq*. Beirut: Maktab al-Islâmî, 1981.
- al-Bâqillânî, Abû Bakr M. *Kitâb al-Tamhîd*. Edited by Richard J. McCarthy. Beirut, 1957.
- Bâshâ, Ismâ'il Muhammad. *Hadîyat al-'Arifîn*. 2nd ed. 2 vols. Tehrân: al-Maktaba al-Islâmiyya, 1975.
- . *Idâḥ al-Maknûn fî al-Dhayl 'alâ Kashf al-Zunûn*. Tehran, 1967.
- al-Baṣrî, Abû al-Husayn. *al-Mu'tamad fî Uṣûl al-Fiqh*. 2 vols. Edited by Muḥammad Hamidullah Hasan Hanafî. Damascus: Institut Français de Damas, 1964-65.
- al-Bayanûnî, Muḥammad. *Dirasât fî al-Ikhtilâfât al-Fiqhîyya*. Haleb: Maktaba al-Huda, n.d.
- van den Bergh, Simon. 'Ghazâlî on 'Gratitude towards God' and its Greek Sources." *Studia Islamica* 7 (1957): 77-98.
- Bouyges, Maurice. *Essai de Chronologie des Oeuvres de al-Ghazâlî (Algazel)*. Edited by Michel Allard. Beirut: Imprimerie Catholique, 1959.
- Brockellmann, Carl. *Geschichte der Arabischen Litteratur*. 2d ed. 2 vols. Leiden, 1943-49; and Supplement (to 1st ed.). 3 vols. Leiden: E.J. Brill, 1937-42..



- Brockellmann, Carl. *Târikh al-Adab al-'Arabî*. 6 vols. Translated by A. al-Najjâr. Cairo: Dâr al-Ma'ârif, 1977.
- \_\_\_\_\_. *History of the Islamic Peoples*. Translated Joel Carmichael and Moshe Perlmann. London: Routledge and Kegan Paul, 1980.
- al-Bugha, Mustafâ Dîb. *Athâr al-Adillah al-Mukhtalaf fihâ fî al-Fiqh al-Islâmî*. Dâr al-Imâm al-Bukhârî, n.d.
- al-Bukhârî, 'Abd al-'Azîz. *Kashf al-Asrâr 'ala Usul al-Pazdawi*. (also *Bazdawi*) 4 vols. Edited by Ahmad Râmiz. n.p.: Hasan Hilmi al-Rayzawi, 1307 A.H.
- al-Bukhârî, M. b. Ismâ'il. *Ṣaḥîḥ*. 12 vols. Edited by 'Abd al-Azîz b. Bâz and M. Fu'âd 'Abd al-Bâqî. Cairo: Al-Maktaba al-Salafiyya, n.d.
- al-Bûṭî, Muhammad Ramadan. *Dâbit al-Maslaḥa fî al-Sharî'a al-Islâmiyya*. Beirut: Mu'assisat al-Risâla, n.d.
- Corbin, Henry. "The Ismâ'îlî Response to the Polemic of Ghazâlî," in: S. H. Nasr (ed.), *Ismâ'îlî Contributions to Islamic Culture* (Tehran, 1398/1977), pp. 69-98
- Coulson, Noel J. *A History of Islamic Law*. Edinburgh: Edinburgh University Press, 1964.
- al-Dabbûsî, Abû Zayd 'Ubayd-Allâh. *Ta'sîs al-Nazar*. Edited by Zakariya 'Alî Yûsuf. Cairo: Imâm's Press, 1972.
- \_\_\_\_\_. *Taqwîm Uṣûl al-Fiqh wa Taḥdîd Adillat al-Shar'* Cairo, Dâr al-Kutub MMS, 255.
- Dimashqîya, 'Abd al-Raḥman. *Abû Ḥâmid al-Ghazâlî wa al-Taḡawwuf*. Riyad: Dâr Tîbâh, 1986.
- al-Dhahabî, Muḥammad b. Ahmad. *al-'Ibar fî Khabar man Ghabar*. Edited by S. al-Munjid and F. al-Sayyid. 3 vols. Kuwait: Dâ'ira al-Maṭbi'at wa al-Nashr, 1961.
- \_\_\_\_\_. *Kitâb al-Mushtabih fî al-Rijâl: Asmâ'ihim wa Ansâbihim*. 2 vols. Beirut, 1962.

al-Dhahabî, Muḥammad b. Aḥmad. *Siyar A'lâm al-Nubalâ'*. 23 vols. Beirut: Mu'assasa al-Risâla, 1982.

\_\_\_\_\_. *Tadhkirat al-Huffaz*. 4 vol. Dâr 'Ihyâ' al-Turâth al-'Arabî, n.d.

al-Dhurawî, Aḥmad Ibrahîm. *Ithbât al-'Illa al-Shar'îya bi al-Adilla al-Aqlîya*. Jeddah: Dâr al-Sharûq, 1982.

Dirâz Muḥammad 'Abd Allâh. *Dustûr al-Akhlâq fî al-Qur'ân*. 4th ed. Translated by 'Abd al-Ṣabûr Shâhîn. Beirut: Mu'assasat al-Risâla, 1982.

al-Dumaynî, Misfar. *Maqâyis Naqd Mutûn al-Sunna*. Riyâḍ: Published by the author, 1984.

*The Encyclopaedia of Islam*. New Edition. Leiden, 1954—

*The Encyclopaedia of Islam*. 4 vols. and Supplement. Leiden, 1913-1938.

*The Encyclopedia of Philosophy*. Reprint edition Edited by Paul Edwards. 8 vols. New York: Macmillan Publishers Co., Inc. & the Free Press, 1972.

van Ess Josef. "Neuere Literature zu Gazzâlî," *Oriens*, 20 (1967): 209-308.

al-Farrâ', Abû Ya'la. *al-'Udda fî Uṣûl al-Fiqh*. Edited by Aḥmad b. 'Alî al-Mubârakî. 3 vols. Beirut: Mu'assasat al-Risâla, 1980.

al-Fârûqî, Hârith Sulaymân. *Fârûqî's Law Dictionary: English-Arabic*. 3d revised edition. Beirut: Librairie du Liban, 1980.

al-Fayrûzabâdî, Majd al-Dîn Muḥammad b. Ya'qûb. *Basâ'ir Dhawî al-Tamyîz fî Latâ'if al-Kitâb al-'Azîz*. 8 vols. Edited by Muḥammad 'Alî al-Najâr. Beirut: Maktaba al-'Ilmiyya, n.d.

Gairdner, W. H. T. "Al-Ghazâlî's *Mishkât al-Anwâr* and the Ghazâlî-Problem." *Der Islam* 5 (1914): 121-153.

- Gairdner, W. H. T. *Al-Ghazzâlî's Mishkât al-Anwâr ("The Niche for Lights")*: A Translation with Introduction. London: Royal Asiatic Society, 1924; reprint ed., Lahore: Sh. Muhammad Ashraf, 1952.
- al-Ghazâlî, Abû Hâmid Muḥammad. *Jawâhir al-Qur'ân*. Edited by Muḥî al-Dîn Ṣabrî al-Kurdî. Cairo: Kurdistan Press, 1911.
- \_\_\_\_\_. *Mihakk al-Nazar fî al-Mantiq*. Edited by Muḥammad Badr al-Dîn Al-Na'sânî. Beirut: Dâr al-Nahḍa al-Ḥadîtha, 1966.
- \_\_\_\_\_. *al-Mankûl min Ta'liqat al-Uṣûl*. Edited by Muhammad H. Haytu. Beirut: Dar al-Fikr, n.d.
- \_\_\_\_\_. *al-Ma'ârif al-'Aqlîya*. Ed. 'Abd al-Karîm al-'Uthmân. Damascus: Dâr al-Fikr, 1383/1963.
- \_\_\_\_\_. *al-Munqidh min al-Dalâl*, Edited by Jamîl Saliba's and Kamil 'Ayyad. n.p.: Dâr al-Andulûs, 1401/1981.
- \_\_\_\_\_. *al-Mustasfâ min 'Ilm al-Uṣûl*. 2 vols. Bulâq, Egypt: Amîriyya Press, 1322-24/1905-7.
- \_\_\_\_\_. *al-Qistâs al-Mustaqîm*. Beirut: n.p., 1959.
- \_\_\_\_\_. *Shifâ' al-Ghalîl fî Bayân al-Shabah wa al-Mukhil wa Masâlik al-Ta'lîl*. Edited by Hamd al-Kubaysi. Baghdad: Maṭaba'at al-Irshâd, 1390/1971.
- \_\_\_\_\_. *al-Wasîl fî al-Madhhab*. 2 vols. Edited by 'Alî Muḥî al-Dîn al-Dâghî. Cairo: Dâr al-I'tisâm, 1983.
- Goldziher, Ignaz. *Muslim Studies*. 2nd volume. Translated by C.R. Barber and S.M. Stern and edited by S.M. Stern. Chicago: Alden-Atherton, Inc, 1971.
- \_\_\_\_\_. *Introduction to Islamic Theology and Law*. Translated by Andras & Ruth Hamori. Princeton: Princeton University Press, 1981.
- \_\_\_\_\_. *The Zâhirites: Their Doctrine and their History*. Translated by Wolfgang Behn. Leiden: E.J. Brill, 1971.

- von Grunebaum, Gustave E. "Concept and Function of Reason in Islamic Ethics." *Oriens* 15 (1962): 1-17.
- al-Hâkim, Muḥammad b. 'Abd Allāh al-Nisābūrī. *al-Mustadrak*. 4 vols. Hyderabad: n.p., 1334 H.
- Hallaq, Wael B. "Was the Gate of Ijtihād Closed?" *International Journal of Middle East Studies*. 16 (1984): 3-41.
- . "Considerations on the Function and Character of Sunnī Legal theory" *Journal of the American Oriental Society* 104 (1984): 679-689.
- Hanafī, Hassan. *Les méthodes d'exégèse*. Le Caire: Le Conseil Supérieur des Arts, des Lettres et des Sciences Sociales, 1385/1965.
- Hanbal, Aḥmad b. *al-Musnad*, Beirut: al-Maktab al-Islāmī: 1969
- Hasab Allāh, 'Alī. *Uṣūl al-Tashrī' al-Islāmī*. Cairo: Dār al-Ma'ārif, 1971.
- Hasan, Aḥmad. *The Doctrine of Ijmā' in Islam: A Study of the Juridical Principle of Consensus*. Islamabad: Islamic Research Institute, 1978.
- Hassān, Husayn Hāmid. *al-Ḥukm al-Shar'ī 'inda al-Uṣūliyyīn*. Cairo: Dār al-Nahḍa al-'Arabiyya, 1972.
- . *al-Madkhal li Dirāsāt al-Fiqh al-Islāmī*. Cairo: Dār al-Nahḍa al-'Arabiyya, 1972.
- . *Uṣūl al-Fiqh*. Cairo: Dār al-Nahḍa al-'Arabiyya, 1970.
- al-Hijwī, Muḥammad. *al-Fikr al-Sāmī fī Tārīkh al-fiqh al-Islāmī*. 2 vols. Edited by A. al-Qārī. Medina: Al-Maktaba al-'Ilmiyya, 1977.
- al-Himayrī, 'Abd al-Mun'im. *Kitāb al-Rawḍ al-Mi'tar fī Khabar al-Aqtār*. Edited by I 'Abbas. Beirut: Library of Lebanon, 1975.

- al-Himyarî, Sa'id 'Alî Muḥammad. *Al-Ḥukm al-Waḍa'i 'ind al-Uṣūliyyîn*. Mecca: Al-Fayṣaliyya, 1404/1984.
- Hitti, Philip. *History of the Arabs*. 10th edition. New York: St. Martin Press, 1981.
- Hîṭû, Muḥammad Ḥasan. *al-Wajîz fî Uṣûl al-Tashrî' al-Islâmî*. Beirut: Mû'assasat al-Risâla, 1983.
- Hourani, George F. *Islamic Rationalism: The Ethics of 'Abd al-Jabbâr*. London: Oxford University Press, 1971.
- . "A Chronology of Ghazâlî's Writings." *Journal of the American Oriental Society* 79 (1959): 225-233.
- . "A Revised Chronology of Ghazâlî's Writings." *Journal of the American Oriental Society* 104 (1984): 289-302.
- Humâ'î, Jalâl. *Ghazzâlî-nâmah. Sharḥ-i ḥâl va âsrâr va 'aqâ'id*. Tehran, 1342/1963.
- Ibn 'Abd al-Barr, Yûsuf b. 'Abd Allâh. *Al-Istî'âb fî Ma'rifat al-Aṣḥâb*. 4 vols. Beirut, n.d.
- Ibn 'Abd al-Salâm, 'Izz al-Dîn. *Qawâ'id al-Aḥkâm fî Masâlih al-Anâm*. 2 vols. Edited by Tâha A. Sa'ad. Beirut: Dâr al-Jîl, 1980.
- Ibn Abî al-Wafâ' al-Qurashî, 'Abd al-Qâdir b. Muḥammad. *al-Jawâhir al-Mudiyya fî Tabaqât al-Ḥanafiyya*. 4 vols. Edited by 'Abd al-Fattâḥ al-Ḥilw. Cairo: 'Isa al-Bâbî al-Halabî, 1979-1985.
- Ibn al-Amîr al-Hâjj. *al-Taqrîr wa al-Tahbîr*. 3 vols. Egypt: Amîrî Press, 1316-1318 H.
- Ibn Athîr, 'Izz al-Dîn. *al-Nihâya fî Gharîb al-Ḥadîth wa al-Athar*. 5 vols. Edited by M. Tanâḥî. Riyadh: Maktabat Islâmî, n.d.
- . *al-Kâmil fî al-Târikh*. 10 vols. Beirut: Dâr al-Kitâb al-'Arabî, 1980.

- Ibn Athîr, 'Izz al-Dîn. *al-Lubâb fî Tahdhîb al-Ansâb*. 3 vols. Beirut: Dâr Şâdir, 1980.
- Ibn Badrân, 'Abd al-Qâdir b. Aḥmad. *al-Madkhal ila Madhhab al-Imâm Aḥmad b. Ḥanbal*. 2d ed. Damascus: Dâr Iḥyâ' al-Turâth al-'Arabî, 1981.
- . *Nuzhat al-Khâtîr al-'Aṭîr Sharḥ Ruwḍat al-Nâzir wa Junnat al-Munâzir*. 3 vols. Beirut: Dar al-Kutub al-'Ilmiyya, n.d.
- Ibn. Hajar, al-Haytami. *Majma' al-Zawâ'id wa Manba al-Fawia'id*, 10 vols. Beirut: Dâr al-Kitâb al-'Arabî, n.d.
- Ibn al-Ḥâjib. *Mukhtasar al-Muntaha* with *Hâshiyat al-Taftazânî*. Edited by Sha'bân Ismâ'il. Cairo: Maktabat al-Kulliyat al-Azhariyya, 1976.
- Ibn Ḥazm, 'Alî b. Aḥmad. *al-Fiṣal fî al-Milal wa al-Ahwâ' wa al-Niḥal*. 5 vols. Edited by Muḥammad Naṣr and 'Abd al-Raḥmân 'Umayra. Jeddah: 'Ukâz, 1982.
- . *Iḥkâm fî Uṣûl al-Aḥkâm*. 8 vols. (in two). Edited by Aḥmad Muḥammad Shâkir. Cairo: Maktabat al-Khanjî, 1926-1928.
- . *Marâtib al-Ijmâ'*. (Published with *Naqd Marâib al-Ijmâ'* by Ibn Taymiyya) 2nd ed. Beirut: Dâr al-Afâq al-Jadîda, 1980.
- . *Mulkhaṣ Ibtâl al-Qiyâs wa al-Ra'y wa al-Istiḥsân al-Taqlîd wa al-Ta'lîl*. Damascus: Jâmi'a Damashq, 1379/1960.
- Ibn al-Humâm, Kaml al-Dîn Muḥammad. *Sharḥ Fath al-Qadîr*. Beirut: Dâr Şâdir, n.d.
- . *al-Tahrîr fî Uṣûl al-Fiqh al-Jamî' bayn Istilahay al-Ḥanafîyyah wa al-Shâfi'îyyah*. Cairo: Mustafa al-Babî al-Halabî wa Awladuhu, 1351 H.
- Ibn al-'Imâd, 'Abd al-Ḥayy. *Shadharât al-Dhahab fî Akhbâr man Dhahab*. 8 vols. Beirut: Dâr al-Masîra, 1979.

Ibn Khaldûn, 'Abd al-Rahmân. *The Muqaddimah: An Introduction to History*. Trans. by Franz Rosenthal. 3 vols. Princeton: Princeton University Press, 1967.

———. *Kitâb al-'Ibar*. Vol. 1. *al-Muqaddima*. Beirut: Dâr al-Fikr, 1981.

Ibn Khallikân, Shams al-Dîn Ahmad b. Muḥammad. *Wafayât al-A'yân wa Anbâ' Abnâ' al-Zamân*. Edited by I. 'Abbâs. 8 vols. Beirut: Dâr al-Thaqâfa, n.d.

Ibn Mâjah, M. b. Yazîd. *al-Sunan*. 2 vols. Edited by M. Fû'âd 'Abd al-Bâqî. Cairo: 'Isâ al-Bâbî al-Ḥalabî, 1952.

Ibn Manzûr, Abû al-Faḍl Jamâl al-dîn b. Mukarram. *Lisân al-'Arab*. 15 vols. Cairo: Dâr Sâdir, n.d.

Ibn al-Murtaḍâ. K. *Tabaqât al-Mu'tazilah*. Ed. S. Diwald-Wilzer. Beirut, 1961. [Bibliotheca Islamica, 21]

Ibn al-Muthanna al-Taymiy, Abû 'Ubayda. *Majâz al-Qur'ân*. 2 vols. Edited by Fuat Sezgin. Cairo: Muḥammad Sâmî Amîn al-Khânjî, n.d.

Ibn al-Nadîm, Abû al-Faraj M. b. Ishâq. *The Firhrist of al-Nadîm*. 2 vols. Translated and edited by Bayard Dodge. New York: Columbia University Press, 1970.

———. *al-Fihrist b. al-Nadîm*. Beirut: Dâr al-Ma'rifa, 1978.

Ibn Nujaym, Ibrâhîm. *al-Ashbâh wa al-Nazâ'ir*. Damascus: Dâr al-Fikr, 1983.

Ibn Qâḍî Shuhbah al-Damashqî, Abû Bakr b. Ahmad b. Muḥammad. *Tabaqât al-Shâfi'iya*. Ed. Dr. al-Ḥâfiz 'Abdul 'Alîm Khân. Hyderabad. Dâ'ira al-Ma'ârif al-'Uthmâniya, 1399/1979.

Ibn al-Qayyim al-Jawziyyah, Shams al-Din Muḥammad. *I'lâm al-Muwaqqi'in*. 4 vols. Edited by Tâha A. Sa'd. Cairo: Maktabat al-Kulliyyat al-Azhariyyah, 1980.

Ibn al-Qayyim al-Jawziyyah, Shams al-Din Muḥammad. *Zâd al-Ma'âd fî Hady Khair al-'Ibâd*. Edited by Shu'ayb al-Arnâ'uṭ and 'Abd al-Qâdir al-Arnâ'uṭ. Beirut: Mu'assasat al-Risâla, 1979.

Ibn Qudâma, Muwaffaq al-Dîn. *Rawdat al-Nâzir wa Jannat al-Munâzir fî Uṣûl al-Fiqh 'ala Madhhab al-Imâm Aḥmad b. Ḥanbal*. 2 vols. Beirut: Dâr al-Kutub al-'Ilmiyya, 1981.

———. *Rawdat al-Nâzir wa Jannat al-Munâzir fî Uṣûl al-Fiqh 'ala Madhhab al-Imâm Aḥmad b. Ḥanbal*. Edited by Syaf al-Dîn al-Kâtib. Beirut: Dâr al-Kitâb al-'Arabî, 1981.

———. *Rawdat al-Nâzir wa Jannat al-Munâzir fî Uṣûl al-Fiqh 'alâ Madhhab al-Imâm Aḥmad b. Ḥanbal*. 2 vols. Edited by 'Abd al-'Azîz 'Abd al-Raḥmân Sa'id. Riyâd: University of Imâm Muḥammad b. Sa'ûd Press, 1979.

———. *Rawdat al-Nâzir wa Junnat al-Munâzir*. Beirut: Dâr al-Maṭbu'ât al 'Arabiyya, n.d.

Ibn Qutlûbugha, al-Qâsim b. 'Abd Allâh. *Tâj al-Tarâjim fî Tabaqât al-Ḥanafîyya*. Baghdâd: Maktab al-Muthanna, 1962.

Ibn Rushd, Abû al-Walîd. *Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid*. 2 vols. Beirut: Dâr al-Fikr, n.d.

———. *Kitâb Faṣl al-Maqâl*. Edited by George F. Hourani. Leiden, E.J. Brill, 1959.

Ibn al-Ṣalâḥ, 'Uthmân b. 'Abd al-Raḥmân. *Muqaddima*. Edited by 'Ay'isha 'Abd al-Raḥmân. Cairo: Dâr al-Kutb Press, 1974.

Ibn Taymiyya, Ahmad b. 'Abd al-Salâm Abû 'Ubayda. *Bayân Muwâfaqat Ṣarîḥ al-Ma'qûl li Ṣarîḥ al-Manqûl*. 2 vols. Edited by 'Abd al-Raḥmân al-Wakîl. Beirut: Dâr al-Kutub al-'Ilmiyya, 1985.

———. *Majmu' al-Fatâwa*. 39 vols. Rabat: Maktabat al-Ma'arif, n.d.



- Ibn Zarrûq, Aḥmad b. Muḥammad al-Fâsî. *Sharḥ 'Aqîda al-Imâm al-Ghazâlî*, on margin of: 'Abd al-Qâdir b. A. al-Fâkihî. *al-Kifâya fî Sharḥ Bidâyat al-Hidâyah*. Cairo, 1296/1879.
- Idlibî, Ṣalâḥ al-Dîn. *Manhaj Naqd al-Matn 'ind 'Ulamâ' al-Ḥadîth*. Beirut: D'ar al-Afâq al-Jadîda, 1983.
- al-Isnawî, Jamâl al-Dîn. *Nihâyat al-Uṣûl fî Sharḥ Minhâj al-Wuṣûl ilâ al-Uṣûl li al-Qâdî al-Bayḍâwî*. 4 vols. Beirut: al-Maktaba al-Salafiyya, 1982.
- . *Tabaqât al-Shâfi'iyya*. 2 vols. Edited by 'Abd Allâh al-Jubûrî. Baghdad: Ministry of Awqâf, 1391 H.
- 'Iyâd, Abû Faḍl b. Mûsâ al-Qâdî. *Tartîb al-Madârik wa Taqrîb al-Masâlik li Ma'rifat A'lâm Mâlik*. 4 vols. Edited by Aḥmad B. Maḥmûd. Beirut: Maktabat al-Hayât, 1967.
- al-Jâhîz, Abû 'Uthmân 'Amr b. Baḥr. *al-Bayân wa al-Tabyîn*. 4 vols. 4th ed. Edited by 'Abd al-Salâm M. Hârûn. Cairo: Maktabat al-Khânjî, 1975.
- . *K. al-Ḥayawân*. Edited by 'Abd al-Salâm M. Hârûn. 7 vols. Beirut: al-Majma' al-'Ilmî al-'Arabî al-Islâmî, 1979.
- al-Jawharî, Ismâ'îl b. Ḥammâd. *Al-Ṣiḥâḥ*. 6 vols. Cairo, 1957; rpt. Beirut, 1979.
- al-Jurgânî, 'Alî. *Kitâb al-Ta'rîfât*. Beirut: Maktaba Lubnân, 1978.
- al-Juwaynî, Abû al-Ma'âlî 'Abd al-Malik. *Al-Burhân fî Uṣûl al-Fiqh*. 2 vols. Edited by 'Abd al-'Azîm al-Dîb. Qaṭar: University of Qaṭar, 1980.
- . *al-Irshâd ilâ Qawâṭi' al-Adilla fî Uṣûl al-I'tiqâd*. Edited and translated by J.D. Luciani. Paris, 1938.
- al-Kalâbâdhî, M. b. Ibrâhîm. *The Doctrine of the Sufis*. Translated by A.J. Arberry, Cambridge: Cambridge University Press, 1935; reprint ed., Lahore: Sh. Muhammad Ashraf, 1977.

- Kahhâla, 'Umar Rida. *Mu'jam al-Mu'allifin: Tarâjum Musannafî al-Kutub al-'Arabiyya*. 15 vols. Beirut: Maktabat al-Muthanna, 1957.
- al-Kankûhî, Muḥammad Fayd. *Uṣûl al-Shâshî*. Beirut: Dâr al-Kitâb al-'Arabîya, 1982.
- al-Karkhî, Abû Ḥasan 'Ubayd Allâh. *Uṣûl al-Karkhî*. Printed with Dabbûsî's *Ta'sîs al-Nazar*.
- al-Kasâni, Abû Bakr b. Mas'ûd. *Kitâb Badâ'i' al-Ṣana'i' fî Tartîb al-Sharâ'i'*. 7 vols. Beirut: Dâr al-Kitâb al-'Arabî, 1982.
- al-Kattânî, 'Abd al-Ḥayy. *Fihris al-fahâris wa al-Athbât wa Mu'jam al-Ma'âjim*. 2 vols. Fez, 1346-47/1927-28.
- Khadduri, Majid. *The Islamic Conception of Justice*. Baltimore: The Johns Hopkins University Press, 1984.
- . *The Islamic Law of Nations, Shabânî's Siyar*. Baltimore: The Johns Hopkins University Press, 1966.
- Khalîfa, Hâjî. *Kashf al-Zunûn 'an Asâmî al-Kutub wa al-Funûn*. 6 vols. Damascus: Dâr al-Fikr, 1982.
- al-Khallâf, 'Abd al-Wahhâb. *Maṣâdir al-Tashrî' al-Islâmî fî mâ lâ Naṣṣ fîhi*. Kuwait: Dâr al-Qalam, 1978.
- . *Uṣûl al-Fiqh*. Kuwait: Dâr al-Qalam, 1978.
- al-Khunn, Mustafâ. *Athar al-Ikhtilâf fî al-Qawâ'id al-Uṣûliyyah fî Ikhtilâf al-Fuqahâ'*. Beirut: Mu'assisat al-Risalah, 1972.
- al-Khudarî, Muhammad b. 'Afîf al-Bâjûrî. *Uṣûl al-Fiqh*. Sixth edition. Cairo: al-Maktaba al-Tujariyya, 1969.
- . *Târîkh al-Tashrî' al-Islâmî*. Eighth edition. n.p.: Dâr al-Fikr, 1967.
- al-Klûdhânî, Abû al-Khattâb. *al-Tamhîd fî Uṣûl al-Fiqh*. Edited by Mufîd Abû 'Amsha and Muḥammad b. 'Alî b. Ibrâhîm. 4 vols. Jeddah: Dâr al-Madani, 1985.

- al-Laknawî, 'Abd al-Ḥay. *Kitâb al-Fawâ'id al-Bahîya fî Tabaqât al-Hanafiyya*. Cairo: al-Jamâlî and al-Khanjî, 1906.
- Lane, Edward. *An Arabic-English Lexicon*. 8 vols. (parts). Beirut: Librairie du Liban, 1980.
- Laoust, Henri. *La Politique de Gazâlî*. Paris: Librairie Orientaliste Paul Geuthner, n.d.
- Lazarus-Yafeh, Hava. "Philosophical Terms as a Criterion of Authenticity in the Writings of al-Ghazzâlî," *Studia Islamica*, 25 (1966): 111-121.
- . *Studies in al-Ghazzâlî*. Jerusalem: The Magnes Press, The Hebrew University, 1975.
- MacDonald, Duncan B. "The Life of al-Ghazzâlî, with Especial Reference to His Religious Experiences and Opinions." *Journal of the American Oriental Society* 20 (1899): 70-132.
- Madkûr, Muḥammad Sallâm. *al-Ḥukm al-Takhyîrî or Nazariyyat al-Ibâḥa 'ind al-Uṣûliyyîn wa al-Fuqahâ*. 3d ed. Cairo: Dâr al-Nahḍa al-'Arabiyya, 1965.
- . *al-Janîn wa al-Ahkâm al-Muta'aliqatu bihi fî al-Fiqh al-Islâmî*. Cairo: Dâr al-Nahḍa al-'Arabiyya, 1969.
- . *Manâhij al-Ijtihâd fî al-Islâm*. Kuwait: Kuwait University Press, 1974.
- al-Mahdî, al-Wâfî. *al-Ijtihâd fî al-Sharî'a al-Islâmiyya*. al-Dâr al-Bayḍâ' al-Maghrib: Dâr al-Thaqâf, 1984.
- Majma' al-Lugha al-'Arabiyya. *Mu'jam al-Falsafa*. Beirut: 'Alâm al-Kutub, 1399/1979.
- Makdisi, George. "Ash'arî and the Ash'arites in Islamic Religious History." *Studia Islamica* 17 (1962): 37-80; 18 (1963): 19-39.
- . *Ibn 'Aqîl et la résurgence de l'Islam traditionaliste au XI<sup>e</sup> siècle*. Damascus, 1963.

- Makdisi, George. "Muslim Institutions of Learning in 11th Century Baghdâd," *Bulletin of the School of Oriental and African Studies* 24 (1961): 1-56.
- Makhlûf, 'Abd al-Ra'ûf. *Al-Bâqillânî wa Kitâbuhu I'jâz al-Qur'ân*. Beirut: Maktabat al-Hayyât, 1973.
- al-Makhlûf, Muḥammad. *Shajarat al-Nûr al-Zakiyya fî Tabaqât al-Mâlikiyya*. n.p.: Dâr al-Fikr, n.d.
- Mâlik b. Anas. *al-Muwatta'* 2 vols. Edited by Muḥammad 'Abd al-Bâqî n.p.: Dâr al-Turâth al-'Arabiyy, n.d.
- al-Marghinani, Burhân al-Dîn Abû al-Ḥasan 'Alî b. Abû Bakr. *Al-Hidayah*. 4 vols. Cairo: Maṭba'at Mustafa al-Halabi, n.d.
- al-Marâghi, 'Abd Allâh Mustafâ. *al-Fath al-Mubîn fî Tabaqât al-Uḡûliyyîn*. 3 vols. Cairo: Maṭba'at Ansâr al-Sunna al-Muḥammadiyya, 1947.
- Marmura, Michael. "Ghazâlî's Attitude to the Secular Sciences and Logic," in: G. F. Hourani (ed.) *Essays on Islamic Philosophy and Science*. Albany: SUNY Press, 1975, pp.100-111.
- Mas'ûd, Muḥammad Khâlîd. *Islamic Legal Philosophy: A Study of Abû Ishâq al-Shâṭibî's Life and Thought*. Islambad: Islamic Research Institute, 1977.
- al-Mas'ûdî, Abû al-Ḥasan 'Alî b. al-Ḥusayn. *Murûj al-Dhahab wa Mu'âdin al-Jawhar*. 7 vols. Edited by Charles Pellat Beirut: Publications de L'Université Libanaise, 1966 -1979.
- al-Maṭa'nî, 'Abd al-'Athîm Ibrâhîm. *Al-Majâz fî al-Lugha wa fî al-Qur'ân al-Karîm*. Cairo: Maktabat Ruhba, n.d.
- McCarthy, R. J. *The Theology of Al-Ash'arî*. Beirut, 1953.
- Mez, A. *The Renaissance of Islam*. Translated by S. Khuda Bakhsh and D.S. Margoliouth. Patn, 1937.
- Ministry of Awqâf and Islamic Affairs of Kuwait. *Mu'jam al-Fiqh al-Ḥanbalî*. 2 vols. Kuwait: Ministry of Awqâf and Islamic Affairs, 1973.

- Ministry of Awqâf and Islamic Affairs of Kuwait. *al-Mawsû'a al-Fiqhiyya*. 3 vols. Kuwait: Ministry of Awqâf and Islamic Affairs, 1982.
- al-Mizzî, Jamâl al-Dîn Yûsuf. *Tahdhîb al-Kamâl fî Asmâ' al-Rijâl*. 3 vols. Beirut: Dâr al-Ma'mûn, 1982.
- Mudarris, Muḥammad Maḥrûs 'Abd al-Laṭîf. *Mashayikh Balkh min al-Ḥanafîyya*. 2 vols. Iraq: Ministry of Awqâf, n.d.
- Muslim b. al-Hajjâj, al-Qushayrî. *Ṣaḥîḥ*. 5 vols. Cairo, 1955-56.
- \_\_\_\_\_. *Ṣaḥîḥ Muslim*. 18 vols. 2nd edition. Beirut: Dar Ihya' al-Turâth al-'Arabî, 1972.
- Mustafâ, Ibrâhîm; Ḥâmid 'Abd al-Qâdir, Aḥmad Ḥasan al-Zayât; and al-Najâr, Muḥammad 'Alî. *al-Mu'jam al-Wasîṭ*. 2 vols. Tehrân: Maktabat al-'Ilmiyya, n.d.
- Nakamûra, Kojiro "A Bibliography on Imâm al-Ghazâlî." *Orient* 13 (1977): 119-134.
- al-Nashshâr, 'Alî Sâmi. "Abû Ḥâmid al-Ghazzâlî wa Mu'aridûhu min ahl al-Sunna," *Majallat Kullîyât al-Adâb* [Baghdad] 1 (1959): 195-211.
- al-Nawawî, Muḥî al-Dîn Abû Zakariyyâ. *Takmilat al-Majmû' Sharḥ al-Muhadhdhab*. 20 vols. Medina: al-Maktaba al-Salafiyya, n.d.
- Nelson, Kristina. *The Art of Reciting the Qur'ân*. Modern Middle East Series, no. 11. Austin: University of Texas Press, 1985.
- Nicholson, Reynol A. "A Moslem Philosophy of Religion." *Le Muséon* [3d Series] 1 (1915): 83-87.
- \_\_\_\_\_. *Studies in Islamic Mysticism*. Cambridge, 1921.
- Pâshâ, M. Mukhtâr. *Kitâb al-Tawfiqât al-Ilhamiyya fî Muqâranat al-Tawârîkh al-Hijriyya bi al-Sinîn al-Ifranjîyya wa al-Qibṭîyya*. 2 vols. Edited by Muḥammad 'Imâra. Beirut: Mu'assasa al-'Arabiyya li al-Dirâsat wa al-Nashr, n.d.

- al-Pazdawî, Fakhr al-Islâm 'Alî Muḥammad. *Uṣûl Fakhr al-Islâm al-Pazdawî*. Printed on the margin of Bukhârî's *Kashf al-Asrâr*.
- \_\_\_\_\_. *K. Uṣûl al-Dîn*. Edited by Hans Linss. Cairo, 1383/1963.
- Pellat, Charles. *Mas'ûdî's Murûj al-Dhahab wa Ma'âdin al-Jawâhir*. 7 vols. Beirut: University of Lebanon Publication, 1966.
- Peters, J. R. T. M. *God's Created Speech: A Study in the Special Theology of the Mu'tazilî Qâdî l-Qudât Abû al-Ḥasan 'Abd al-Jabbâr bn Aḥmad al-Hamadânî* Leiden, 1976
- Qal'ajî, Muḥammad and Qunaibî, Hâmid. *Mu'jam Lughat al-Fuqahâ'*. Beirut: Dâr al-Nafâ's, 1985.
- al-Qanûjî, Muhammad Sâdiq Hasan Khân. *Abjad al-'Ulûm*. 3 vols. Beirut: Dâr al-Kutub al-'Ilm, 1975-78.
- al-Qarâfî, Aḥmad b. Idrîs. *al-Iḥkâm fî Tamyîz al-Fatâwâ 'an al-Aḥkâm wa Taṣarrufât al-Qâdî wa al-Imâm*. Edited by 'Abd al-Fattâh Abû Ghudda. Aleppo: Maktab al-Maṭbu'ât al-Islâmiyya, 1967.
- \_\_\_\_\_. *Sharḥ Tanqîḥ al-Fuṣûl fî Ikhtisâr al-Maḥsûl*. Cairo: Maṭba'at al-Khayriyya, 1306 H.
- al-Qushayrî, Abû al-Qâsim. *al-Risâlah al-Qushayrîyah*. 2 vols. Cairo, 1966.
- al-Rabî'â, 'Abd al-'Azîz. *al-Sabab 'ind al-Uṣûliyyîn*. 3 vols. Riyad: Muḥammad b. Sa'ûd University Press, 1980.
- Raḥman, Fazlur. *Islam*. 2nd ed. Chicago: University of Chicago Press, 1979.
- al-Râzî, Abû Bakr M. b. Zakariyâ'. *Rasâ'il falsafîyah*. Ed. Paul Kraus. Cairo, 1939; rpt. Tehran, n.d.
- al-Râzî, Fakhr al-Dîn. *K. al-Arb'în fî Uṣûl al-Dîn*. Hyderabad, 1353.

- al-Râzî, Fakhr al-Dîn. *al-Maḥsûl fî 'ilm Uṣûl al-Fiqh*. 2 vols. Edited by Ṭahâ Jâbir al-Ulwânî. Riyad: Islamic University of Imâm Muḥammad b. Sa'ûd, 1980.
- Ṣadr al-Sharî'a al-Maḥbûbî. *al-Tawdîḥ li al-Tanqîḥ*. Printed on the margin of Taftâzânî's *Sharḥ al-Talwîḥ*. 2 vols. Cairo: Dâr al-'Ahd al-Jadîd li al-Ṭabâ'a, n.d.
- Sahnûn, b. Sa'id al-Tanûkhî. *al-Mudawwana al-Kubrâ*. 6 vols. Cairo: Maṭba'a al-Sa'âda, 1323 H.
- al-Sa'id, 'Abd al-'Azîz. *Ibn Qudâmâ wa Athârû al-Uṣûliyya*. 2 vols. Riyad: Muḥammad b. Sa'ûd University Press, 1979.
- Salâma, Paulis. *Al-Mu'allaqât al-'Ashr*. Beirut: Dâr Ṣa'b, 1981.
- Ṣâlih, Muḥammad Adîb. *Tafsîr al-al-Nuṣûṣ fî al-Fiqh al-Islâmî*. 2 vols. Beirut: al-Maktab al-Islâmî, n.d.
- Ṣâlih, Subḥî. *Uṣûl al-Ḥadîth*. 9th ed. Beirut: Dâr al-'Ilm li Malayîn, 1977.
- al-Sam'ânî, 'Abd al-Karîm. *al-Ansâb*. Edited by A. Amîn. Hadrabad: Dâ'ira al-Ma'rifât al-'Uthmâniyya, 1966.
- al-Santawî, 'Abd al-Raḥmân. *Al-Sayf al-Ḥusâm fî al-Dhabb 'an kalâm Ḥujjat al-Islâm*. Arabic ms., Yahuda Collection, vol. 2249. (Mach 3028).
- al-Sarakhsî, Shams al-A'immah Abû Bakr Muḥammad. *al-Mabsûṭ*. 30 vols. Beirut: Dâr al-Ma'rifa, 1978.
- \_\_\_\_\_. *Uṣûl al-Sarakhsî*. 2 vols. Edited by Abû al-Wafâ' al-Afghânî. Beirut: Dâr al-Ma'rifa, n.d.
- Schacht, J. *An Introduction to Islamic Law*. Oxford, 1964.
- \_\_\_\_\_. "New Sources for the History of Muhammadan Theology," *Studia Islamica* 1 (1953): 23-42.
- \_\_\_\_\_. *Origins of Muhammadan Jurisprudence*. Oxford, 1950.

- Sezgin, Fuat. *Geschichte des Arabischen Schrifttums*. 8 vols. Leiden: E.J. Brill, 1937-1984.
- al-Shâfi'î, Muḥammad b. Idris. *Risâla*. Edited by Aḥmad M. Shâkir. Cairo: Dâr al-Turâth, 1979.
- \_\_\_\_\_. *al-Umm*. 7 vols. Cairo: Kitâb al-Sha'b, n.d.
- al-Shahrastânî, M. b. 'Abd al-Karîm. *Al-Milal wa al-Nihâl*. Edited by M. Badrân. Cairo, 1370/1951.
- Shalabî, Muhammad Mustafa. *al-Madkhal fî al-Ta'rîf bi al-Fiqh al-Islâmî*. Beirut: Dâr al-Nahḍa al-'Arabiyya, 1969.
- \_\_\_\_\_. *Uṣûl al-Fiqh al-Islâmî*. Beirut: Dâr al-Nahḍa al-'Arabiyya, 1978.
- al-Shanqîṭî, Aḥmad. *Sharḥ al-Mu'allaqât al-'Ashr wa Akhbâr Shu'arâ'ihâ*. Beirut: Dâr al-Andulûs, 1402/1982.
- Sharabâsî, Aḥmad. *Al-Mu'jam al-Iqtisâdî al-Islâm*. Beirut: Dâr al-Jîl, 1401/1981.
- al-Sha'rânî, 'Abd al-Wahhâb. *Al-Tabaqât al-Kubrâ*. 2 vols. Cairo, 1373/1954.
- al-Sharîf al-Tilmsânî. *Muṣṭaḥ al-Wuṣûl fî 'Ilm al-Uṣûl*. Cairo: Dâr al-Kitâb al-'Arabî, 1962.
- Shâtîbî, Abû Ishâq. *al-I'tisâm*. 2 vols. Beirut: Dâr al-Ma'rifa, n.d.
- \_\_\_\_\_. *al-Muwâfaqât*. 4 vols. Edited by 'Abd Allâh Drâz. Beirut: Dâr al-Ma'rifa, n.d.
- Shawkânî, Muḥammad b. 'Alî *Irshâd al-Fuḥûl ilâ Tahqîq al-Haqq min 'Ilm al-Uṣûl*. Cairo: Mustafâ Ḥalabî Press, 1356 H.
- al-Shirâzî, Abû Ishâq Ibrâhîm.b. 'Alî b. Yûsuf al-Fayrûzabâdî. *al-Lam' fî Uṣûl al-Fiqh*. Cairo: Muḥammad 'Alî Ṣabîḥ wa Awlâd, n.d.
- \_\_\_\_\_. *K. al-Tabṣira fî Uṣûl al-Fiqh*. Edited by Muhammad Hasan Hanîq Hitû. Damascus: Dâr al-Fikr, 1980.



- al-Shirâzî, Abû Ishâq Ibrâhîm.b. 'Alî b. Yûsuf al-Fayrûzabâdî. *al-Tabaqât al-Fuqahâ*. Edited by Ihsân 'Abbâs. Beirut: Dâr al-Râ'id al-'Arabî, 1981.
- Shishin, Ramadân. *Nawâdar al-Makhṭûṭât al-'Arabiyya fî Maktabât Turkiya*. 2 vols. Beirut: Dâr al-Kitâb al-Jadîd, 1980.
- Shorter Encyclopaedia of Islam*. Ed. H.A.R. Gibb and J.H. Kramers. Leiden: E J. Brill, 1953.
- al-Siyûṭî, Jalâl al-Dîn 'Abd al-Rahmân. *al-Dûr al-Manthûr fî al-Tafsîr bi al-Mu'thûr*. Beirut: Dâr al-Fikr, 1983.
- . *Tabaqât al-Huffâz*. Edited by 'Alî 'Umar. Cairo: Maktabat Wahba, n.d.
- . *al-Itqân fî 'Ulûm al-Qur'ân*. 4 vols. Edited by Muḥammad Abû Faḍl Ibrâhîm. Cairo: Dâr al-Turâth, n.d.
- . *Bughyat al-Wu'ât fî Tabaqât al-Lughawiyyîn wa al-Nuḥât*, 3 vols. Edited by Muḥammad Abû Faḍl Ibrâhîm. Cairo: 'Isa al-Ḥalabî Press, 1964.
- al-Subkî, 'Abd al-Wahhâb b. 'Alî and al-Subkî, 'Alî. *al-Ibhâj fî Sharḥ al-Minhâj*. 3 vols. Beirut: Dâr al-Kutub al-'Ilmiyya, 1984.
- al-Subkî, 'Abd al-Wahhâb b. 'Alî. *Tabaqât al-Shâfi'iyya al-Kubrâ*. 10 vols. Edited by 'Abd al-Fattâḥ al-Ḥulû and Maḥmûd al-Tanâḥî. Cairo: Ḥalabî Press, 1966.
- Sweetman, J. Windrow. *Islâm and Christian Theology*. London, Redhill, 1945.
- Ṭabarî, Muḥibb al-Dîn. *al-Riyâḍ al-Nâdira fî Manâqib al-'Ashara*. 2 vols. Cairo, 1327/1909.
- al-Ṭabarî, Abû Ja'far Muḥammad b. Jarîr. *Jâmi' al-Bayân 'an Ta'wîl 'ây al-Qur'ân*. 30 vols. 3d edition (in 12) Cairo: al-Ḥalabî Press, 1968.

- al-Taftâzânî, Sa'd al-Dîn. *Sharḥ al-Talwîḥ 'alû al-Tawdîḥ*. 2 vols. Cairo: Dâr al-'Ahd al-Jadîd li al-Tabâ'a, n.d.
- al-Tahânawî, M. *Kashshâf Istilâḥât al-Funûn*. Edited A. Sprenger. 2 vols. Calcutta, 1854; reprint ed. Istanbul: Dâr Qahrmân, 1984.
- Tâshköprüzâde, Aḥmad. *Miftâḥ al-Sa'âdah wa Miṣbâḥ al-Siyâdah*. 3 vols. Hyderabad, 1328-56/1910-37.
- al-Tirmidhî, M. b. 'Isâ. *Sunan*. 10 vols. Hims, 1965-68.
- al-'Ulaymî, 'Abd al-Raḥmân b. Muḥammad. *al-Manhaj al-Aḥmad fî Tarâjim fî Ashâb al-Imâm Aḥrîad*. 2 vols. Edited by Muḥammad Muḥî al-Dîn 'Abd al-Ḥamîd. Cairo: Madanî Press, 1963-1965.
- al-'Umarî, Akram. *Mawârid al-Khaṭîb al-Baghdâdî fî Târîkh Baghdâd*. Beirut: Dâr al-Qalam, 1975.
- al-'Umarî, Nâdia. *al-Ijtihâd fî al-Islâm: Uṣûlî Ahkâmî Afâqâ*. Beirut: Mu'assasa al-Risâla, 1981.
- . *al-Naskh fî Darâsât al-Uṣûliyyîn*. Beirut: Mu'assasa al-Risâla, 1980.
- al-'Uthmân, 'Abd al-Karîm. *Sîrat al-Ghazâlî wa Aqwâl al-Mutaqaddimîn fîhî*. Damascus: Dâr al-Fikr, 1961.
- Watt, Montgomery. "The Authenticity of the Works Attributed to al-Ghazâlî." *Journal of the Royal Asiatic Society* (1952): 24-45.
- . "A Forgery in al-Ghazâlî's *Mishkât*?" *Journal of the Royal Asiatic Society* (1949): 5-22.
- . *Muslim Intellectual: A Study of Ghazâlî*. Edinburgh: Edinburgh University Press, 1963.
- Weiss, Bernard. "The Primacy of Revelation in Classical Islamic Legal Theory as Expounded by Sayf al-Dîn al-Amîdî." *Studia Islamica* 59 (1983): 79-110.

- Weiss, Bernard. "Knowledge of the Past: The Theory of *Tawâtur* According to Ghazâlî." *Studia Islamica* 61 (1985): 86-106.
- Wensinck, A. J. *Concordance et Indices de la Tradition Musulmane*. 7 vols. Leiden: E.J. Brill, 1936-1969.
- \_\_\_\_\_. *The Muslim Creed*. Cambridge, 1932.
- \_\_\_\_\_. *La pensée de Ghazzâlî*. Paris, 1940.
- Yale. *Arabic Manuscripts in the Yale University Library*. Compiled by L. Nemoy. New Haven, 1956.
- Yâqût al-Ḥamawî, Shihâb al-Dîn. *Kitâb Mu'jam al-Buldân*. 5 vols. Beirut: Dâr al-Ṣâdir and Dâr Beirut, 1957.
- \_\_\_\_\_. *K. Irshâd al-Arib ilâ Ma'rifat al-Adib*. 7 vols. Edited by D. S. Margoliouth. W. Gibb Memorial Series, no. 6. Leiden: E. J. Brill, 1913. []
- al-Zahîdî, Muḥammad. Muṭṭaḍa al-Ḥusaynî. *Ithâf al-Sâdat al-Muttaqîn bi Sharḥ Asrâr Ihyâ' 'Ulûm al-Dîn*. 10 vols. Cairo, '1311/1894.
- \_\_\_\_\_. *Tâj al-'Arûs*. 10 vols. Cairo: Khayriyya Press, 1306.
- al-Zamakhsharî, M. b. 'Umar. *al-Kashshâf 'an Ḥaqâ'iq Ghawâmiḍ al-Tanzil wa 'Uyûn al-Aqâwîl fî wujûh al-Ta'wîl*. 4 vols. Beirut: Dâr al-Ma'rifa, 1947; rpt., n.d.
- al-Zarakshî, Badr al-Dîn. *Burhân fî 'Ulûm al-Qur'ân*. 4 vols. 3d edition. Edited by Muhammad Abû Faḍl Ibrâhîm. n.p.: Dâr al-Fikr, 1980.
- \_\_\_\_\_. *al-Manthûr al-Qawâ'id*. Edited by Taysîr Fâ'iq Aḥmad Maḥmûd. Kuwait: Mu'assasa al-Fulayj, Ministry of Awqaf's Encyclopedic Series, 1982.
- al-Zarqâ, Mustafa. *al-Madkhal al-Fiqhî al-'Am*. 3 vols. Damascus: Maṭaba' Alif Ba', 1967-68.
- al-Zâwî, al-Tâhir Aḥmad. *Tartîb al-Qâmûs*. 2nd ed. 4 vols. Beirut: Dâr al-Fikr, n.d..

Zaydân, 'Abd al-Karîm. *Aḥkâm al-Dhimmiyyîn wa al-Must'aminîn fî Dâr al-Islâm*. Baghdâd: University of Baghdâd, 1963.

Zayla'î, Jamâl al-Dîn Abî Muḥammad 'Abd Allâh b. Yûsuf al-Ḥanafî. *Nasb al-Râyyah li Aḥadîth al-Hidâya*. 4 vols. 2d ed. n.p.: Maktabat al-Islamiyya, 1973.

al-Zahîlî, Wahba. *al-Fiqh al-Islâmî wa Adillatu*. 2nd ed. 8 vols. Damascus: Dâr al-Fikr, 1985.

al-Ziriklî, Khayr al-Dîn. *al-A'lâm Qâmûs Tarâjum*. 8 vols. Beirut: Dâr al-'Ilm li al-Malâ'yîn, 1980.