discursive anything pertaining to this, then we deny it.

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

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

There may be an intermediary present in the mind, though the person is not conscious of the way it intermediates and how knowledge accrues through it. Hence, it is called primary; but it actually is not so, as in our statement "Two is half of four." For this
is not known except through an intermediary, i.e. a half of the whole’s parts equals the other half, where ‘two’ is one of the two parts, which is equal to the second part of the total, which is four; therefore, it is half. Thus, this kind of knowledge has accrued through an intermediary that is clear and [actively] present in the mind. This is why when it is said, “Is thirty-six half of seventy-two?” one needs to think about it until one knows this totality is divisible into two equal parts, each of them being thirty-six. Therefore, knowledge about the truth of a tawâtur report accrues through these premises—and that which is similar cannot be primary.

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

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

If it is said: If someone argues that this kind of knowledge is not necessary because if it were necessary, then we would
certainly know that it is necessary, and thus disputing /1:134/ it would be inconceivable, is this argument correct or not?

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

Chapter Two: The Conditions of Tawāsur, which are Four

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

The second condition is that their knowledge must be necessary [and] based on perceptibles; for if the people of Baghdad were to inform us about the world’s temporal origin and about the truthfulness of some of the prophets, then [certain] knowledge will
not accrue to us. This also is ordinarily known. Otherwise, it is possible for the power of Allāh, ﷺ, to have made this report yield the source of [certain] knowledge in us.

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

For this reason, [certain] knowledge did not accrue to us regarding the truthfulness of the Jews—in spite of their large number—when reporting of Moses, blessings of Allāh upon him, that he rejected any abrogation of his Shari‘a; nor regarding the truthfulness of the Shi‘ites, the ‘Abbāsids, or the Bakriyya\(^ {11}\) when they reported a text concerning the imamate of ‘Ali, or al-‘Abbās, or Abū Bakr, مռ‘م ましたが, [respectively], even though the number of transmitters has increased greatly in recent times. For some of these [reports] were first forged by individual reporters, circulated, and then, from that time onward, the [number of] reporters multiplied, while the conditions were satisfied only a few times.

\(^{10}\) This refers to the first and second conditions.

\(^{11}\) This refers to those claiming that Abū Bakr’s caliphate was appointed by revelation.
So, not all eras commonly share this; therefore, assent does not accrue. The contray holds true with reference to the existence of Jesus, ﷺ، and the challenge to his prophethood, or the existence of Abû Bakr and ‘Ali, ﷺ، and their rise to the imamate. Since these have the ends and the intermediary [as mutawātir], then [certain] knowledge necessarily accrues to us such that we are unable to doubt ourselves about it. But we are able to doubt what they reported from Moses and Jesus, ﷺ، or about the determination of the imamate, based on the texts [i.e. Qur’ān or Sunna].

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

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

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

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

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

This will not be clear until one knows the meaning of circumstantial evidence and how it is probative. So, we say that there is no doubt that we know certain things which are not perceptible. For we recognize one’s love, hate, or fear of a person, or one’s anger and shame. Yet these are states in the mind of the
one who loves or the one who hates which sense perception is unconcerned with. Sometimes they are indicated by evidences within individual units which are not [independently] regarded as decisive. In fact, they are liable to doubt. But with them the mind is inclined to form a weak opinion, while the second and the third [bits of evidence] confirm it. But when each exists in isolation, then doubt may enter them. However, certain [knowledge] accrues with their conjunction, just as the statement of each member of the tawātur reporters is liable to doubt if each is taken individually, while decisiveness accrues as a result of their conjunction.

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

Similarly, we see an infant who continues suckling milk, thus certain knowledge accrues to us with regard to knowing that milk is reaching his stomach, /1:136/ even though we do not see the milk in the breast because it is concealed. Nor do we see it emerging because it is covered by the mouth. But the suckling motion of the
infant and the motion of his throat provides evidence, although this movement may occur without milk reaching him. In addition to this, the breast of a young woman is not usually without milk, nor is her nipple normally without an opening. Moreover, the infant’s instinct drives him to suckle to extract milk. Although anomalies of each of these may occur, they are not frequent. But if the ceasing of the infant’s crying is added to this, while he did not take in any other food, then this too becomes circumstantial evidence, though it is possible that his crying was due to pain and his ceasing was due to its removal. While it is also possible that he ate something else that we did not witness even though most of the time we were with him, in spite of this, the conjunction of all these evidences is like the conjunction of reports and their tawātur. For every evident proof is liable to doubt, just as is the statement of each individual reporter, though their conjunction yields [certain] knowledge.

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

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

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

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

We shall say: It has been related from al-Ka'bi\textsuperscript{12} that this is permissible. However, if the circumstantial evidences are lacking, its permissibility is inconceivable, even for a fool. But on the other hand, when circumstantial evidences are conjoined it is not improbable that a point be reached where \textsuperscript{11:137} only one bit of circumstantial evidence remains to establish certain knowledge. Then the statement of one reporter can assume the place of that piece of circumstantial evidence. This is another case where impossibility cannot be established. Nor can its occurrence be decisively proven because its occurrence is only ascertained through experience which we have not tested.

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

Now, this discourse is in reference to events together with the ordinary continuing in its expected way. If we assume this custom to be broken, then Allāh, ḥakīm, is able to impart in us certain knowledge on the basis of an individual’s statement,\textsuperscript{13} without

\textsuperscript{12}al-Ka'bi (319/931) was a Mu'tazilite of the Baghdad school. For more on his moves, see Jār Allāh, \textit{al-Mu'tazila}, p. 155.

\textsuperscript{13}The construction in the text is ambiguous. It may also be taken to mean “one statement.”
circumstantial evidence.

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

III. DISCUSSION: Al-Qādī said, "I know by ijmā' that four is incomplete. As for five, I suspend my judgment with regard to it because ijmā' has not established proof for it." But this is weak because we know this on the basis of experience, for there are many reports where we hear from five or six and certain knowledge does not accrue in us. They are, thus, incomplete; here we have no doubt.
IV. DISCUSSION: If we assume the absence of circumstantial evidence, then the least number of reporters by which necessary knowledge accrues is known to Allāh, ﷺ, and unknown to us. We have no way of knowing it because we do not know at which point [certain] knowledge accrues—as in the existence of Mecca, al-Shāfi‘ī, and the prophets, ﷺ—or the moment at which the tawātur of the reports is established in us, whether it be after, say, the hundredth of two-hundred reports. It is very difficult for us to establish this kind of experience even if we were to contrive this.

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

However, there is an opinion held by some that specifies
[the number of reporters at] forty, taken from Friday prayer;¹⁴ some specify seventy, taken by the statement of the Exalted, “Moses chose among his people seventy men for Our appointment,”¹⁵ and some specify the number according to the number of the participants at the Battle of Badr.

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

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

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

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

¹⁵Qur’ân, 7:155.
evidences yield certain knowledge even though we are not able to
determine their genera and determine their minimal degrees.

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

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

If their number were to be complete, then a lack of certain
knowledge with reference to their truthfulness is decisive proof
that they all lied or that one of them lied. Therefore, we would
hold conclusively that there is certainly among them a liar or a
conjecturer—and testimony is not accepted from four who are
known to have a liar or conjecturer among them.
If it is said: If certain knowledge does not accrue on the basis of their statement, and if they are of such large number that it is by the nature of the case impossible to claim that they unanimously agreed on lying, and if in addition to it being impossible that they would all have come under one command, or that they would mutually support each other in lying so that the truth would remain hidden to all of them and not one of them speaks about it, then on what basis can they be held to be lying, and how can it be conceived?

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

The Shi’ites’ report concerning the divine appointment of the imamate, although their number is large, does not yield certain knowledge because they do not report on an eyewitness basis or on any authority. Yet if they have heard this from an earlier generation, then they are telling the ‘truth.’ But the number of the earlier generation that forged this lie is short of reaching the range where conspiracy and concealment is impossible for them. /1:139/ Furthermore, the succeeding generation may have assumed that
their [the previous generation's] number was complete, such that it would be impossible to conspire. Therefore, they are mistaken in their assumption, and yet hold their judgment to be decisive; and this is the source of their error.

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

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

Second, some people have made it conditional that the kinship of the reporters must differ, that is, they may not be children of one father; and their homelands must differ so that they are not from a single quarter; and they must differ in religion so that they are not from one denomination. This also is corrupt because their being from one quarter and one ancestry have no effect except in the possibility of them conspiring. But the
enormity of the complete number averts this possibility. Yet if it is not such a large number, then conspiracy is possible among relatives, as it is possible among brothers or the inhabitants of one town, and as it is possible among the inhabitants of a quarter. Still, how can difference in religion be considered while we know the truthfulness of Muslims when they report a killing, riot, or battle. In fact, we know the truthfulness of the people of Constantinople when they report the death of a Caesar.

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

We shall say: They did not report the trinity as if through tawqif16 or hearing it from Jesus in a decisive, explicit text that does not tolerate different interpretations. Rather, they have imagined this on the basis of elusive words and have failed to grasp their significance, just as the anthropomorphists have made conclusions based on various verses and traditions while not understanding their meanings.

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

16The term here refers to that which has been designated by God. See Qal‘ajj, Mu’jam Lughat al-Fugahā’, p. 151; and Tahānawi, Kashshâf Isâlâhât al-Funûn, 2:1497.
If it is said: Is confusion possible in the case of perceptibles? And if it is possible, then each of us may have doubt when seeing his wife or child and may think that perhaps he is confused.

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

If it is said: Intervention into the ordinary in our time (1:146) is also possible to establish the karāma17 of the wālis, for perhaps one of the wālis supplicated to Allāh, ﷻ, for this [karāma] and He answered him. We should then doubt [sense perception] because of its possibility.

17Karāma means miraculous gifts and graces from Allāh who protects and aids His wāli(s), that is, a supporter, beloved, friend, ally, etc. of Allāh, one who is chosen for his preeminent holiness and extraordinary piety and virtue. For the linguistic and technical meaning of ‘wāli,’ see Manzūr, Lisān al-‘Arab, 15:406-15; Mugafā, et al, Mu‘jam al-Wasīl, 2:1070; and The Shorter Encyclopedia of Islam, 1953 ed., s.v. “Wāli.” For ‘karāma,’ see The Shorter Encyclopedia of Islam, 1953 ed., s.v. “Karāma.”
We shall say: When Allah, ﷺ, causes this, he removes the necessary knowledge which accrues from the ordinary from within us. But since we find in ourselves necessary knowledge that a staff does not turn into a serpent, nor a mountain into gold, nor pebbles in the mountain into jewels and sapphires, then we decisively hold that Allah, ﷺ, did not intervene in the ordinary even though He is able to do so.

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

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

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18 This is similar to the Shi’ite positions. See al-Mużaffar, Ugāl al-Fiqh, 2:57-81.


20 ‘Qadarites’ is a name given to the Mu’tazilites by their opponents. See al-Ash’arī, Maqālāt al-Islāmiyīn wa Ikhtilāf al-Muṣallīn, pp. 155-278.
inhabitants of Baghdad by sword to report on something they have actually seen or to testify on something that they have concealed, and then they give the report, certain knowledge can accrue based on their statement.

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

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

Fifth, the Rafidites\(^{21}\) made it conditional that the infallible imām should be among the reporters, and this necessitates certain knowledge of the reports of the Messenger, ṣalā; ṣalā, ṣalā, for he [the imām] is infallible. So what need is there for other than him to report?

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

\(^{21}\)In Arabic, it is al-Raḍīḍa (pl. Raḍīḍiḍ), one of the names given to the Shi'a. See The Shorter Encyclopedia of Islam, p. 466.
appointment 'Ali, ﷺ اَلِيٌّ ﷺ, for among them none was infallible. Furthermore, the imâm's proof would not be binding except on those who witnessed and heard him from among the people of his town to the exclusion of other territories. The proof would not remain binding by the statement of his commanders, propagandists, agents, and his judges because none of them is infallible. Moreover, the report of the death of the governor or his killing could not be certainly known, nor the occurrence of civil unrest, nor fighting in another country. All of this necessarily follows their hallucinations.

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

The First Classification: What must be assented to

This has seven [categories].

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

Second, what Allâh ﷺ has reported [must be assented to]; it is truth because lying is impossible for Him. This is supported
by two proofs. The stronger of them is the report of the Messenger, مُحَمَّدُ رَسُولُ الله, concerning the impossibility of lying for Him, فَهَلَّتْ لَهُ. The other is that His speech, مَثْعَابُ, is self-subsisting, and lying is impossible with self-subsisting speech and for whom ignorance is impossible. For in this case, reporting is self-subsistant in the mind, in accordance with knowledge, and ignorance is impossible on the part of Allâh, عَلَّمَ جَمَاعَهُ.

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

Fourth what the ummah has reported [must be ascertained to]; for its infallibility is established based on the statement of the Messenger, مُحَمَّدُ رَسُولُ الله, who is immune from lying (as are all those whom Allâh, عَلَّمَ جَمَاعَهُ, and His Messenger, مُحَمَّدُ رَسُولُ الله, say are truthful and do not lie).

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

Sixth is every authenticated report whose narrator has been established as having stated it in the presence of the Messenger of
Allāh, ﷺ, that is, within the range of his hearing when he was not unaware of him, and he [the Prophet] remained silent toward him. For if such a person were lying, the Prophet would not have remained silent toward him, nor would he not have charged him with lying. By this we mean [affairs] related to religion.

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

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

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

We shall say: If his claim is such that it is subject to examination and *ijtihād*, then his truthfulness cannot be
established because of the possibility that they believed what he claimed on the basis of speculation. But if he was referring to something that has been witnessed, and their number is such that it would become impossible for them to come under one motivation, then silence [as opposed] to denying him is confirmation on their part.

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

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

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

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

We shall say: If they have acted in harmony with it, they may have acted in accordance with a different source. Moreover, if
they did act in accordance with this, they have been ordered to act upon solitary reports, even if they do not know its truth. Consequently, it is not necessary to judge that it is truth.

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

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

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

They are four.

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

Second is anything which contradicts decisive textual

[22] That is, distinguished from Resurrection Day.
evidence from the Book, *mutawātir Sunna*, and the *ijmāʿ* of the *umma*, for they come in denial of Allāh, ʿalāihi wasraft, His Messenger, ʿalaihi wasraft, and the *umma*.

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

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

It is in this way that we know the falsity of anyone who claims opposition to the Qurʾān, or [the existence] of a statement from the Messenger specifying another prophet to come after him, or that he left a number of male children, or that he stated the identity of a particular *imām* in the presence of a large number of people; or that he made obligatory fasting in the month of *Shawwāl* or the prayer of the late morning, and such things which are by the nature of the case impossible to conceal.
If it is said: Solitary reporters have transmitted news for which there is abundant impetus to report, to the degree that difference of opinion has occurred about such things as his ifrād, or qirān of hajj, ۲۳ ۲۴ or that he entered the Ka‘ba and prayed in it; ۲۵ or that he married Maymūna while he was in the state of ihram; ۲۶ or that he entered Mecca by force; or that he accepted the testimony of an individual bedouin concerning the sighting of the crescent, though the bedouin’s isolated sighting was such that no one else shared it with him /1:143/; ۲۶ or about the report of the splitting of the moon which no one reported except b.

23 The technical usage of ‘ifrād describes the state of ihram when one intends to perform only Hajj; if the intention is to combine ‘umrah with Hajj, it is called qirān. A third term closely associated with these in legal works is tamaitu’, describing the performance of ‘umra then Hajj, each with an independent ihram in the same year during Hajj. For an elaborate discussion, see al-Zahili, al-Fiqh al-Islami wa Adillatuhi, 3:133-44, where he also refers to other sources; and al-Kasâni, Badawi al-Šanâ’i’, 2:167.

24 The Prophet’s prayer inside the Ka‘ba is a subject of dispute among the fuqahā‘. See details in al-Kasâni’s Badawi al-Šanâ’i’, 1:115; Ibn al-Humam, Fath al-Qadir, 1:479; Ibn Athir, al-Lubâb, 1:138; al-Zahili, al-Fiqh al-Islami wa Adillatuhi, 1:602-4; and Ibn al-Qayyim, Zad al-Ma‘ād, 3:429-64, which has an extended discussion on the Prophet’s prayer and entering Mecca by force.

25 Reports on Maymuna’s marriage are cited by many. See al-Tirmidhi, Sunan, 6, ed. M. Shâkar, (Halabi, ) 3:580-83; Ibn al-Hajjâj, Sahih Muslim, 2:1030.

26 For a full discussion on the problem of sighting the crescent, see Zahili, al-Fiqh al-Islami wa Adillatuhi, 2:598.
Mas'ūd, although they do not report his speech in the cradle, while it was one of his greatest miracles; or the transmission of the Qur'ān by the ummah, though they did not report other miracles of the Messenger, as broadly as they did the Qur'ān; or people transmitting the major events of the messengers while they did not report the ones of Shu'ayb, or the ummah reporting the sūras of the Qur'ān while the mu'awwidhatān were not reported like the others so that b. Mas'ūd, disputed whether they are from the Qur'ān, or what has become a general necessity, such as coming into contact with or touching [a woman]. So all of these are in contradiction to this principle [of abundant impetus].

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

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

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28 The last two sūras of the Qur'ān, 13, 14.
not have occurred often. Even if it occurred often, there would not be abundant impetus to perpetuate its transmission, for it is not a principle of religion, nor is it one of its obligations or important factors.

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

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

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

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

As for the mu'awwidhatân, their broad transmission as being of the Qur'ân has been established like the other sûras—and Ibn
Mas'ūd, never denied that they are of the Qur'ān. He denied recording them in the text, and also the recording of al-
Hamd.²⁹ For, according to him, the Sunna was not to record except what the Prophet, Ḥusayn ibn Mūsā al-Rāshid, had ordered to be recorded and written. So when he found that he did not write these, nor did he hear the Prophet's command to write them, he then denied them. This was an interpretation, not a rejection of their being of the Qur'ān. If he had rejected this, it would have been a great departure from the truth, which cannot be attributed to a person like him, nor any one of the Companions.

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

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

As for the report of touching or contacting the genitals³⁰ and

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

³⁰Jurists have differed regarding the annulment of ablution
things that commonly occur, it is possible that the Messenger, 
الNOWLED, informed only a few people and then they would
individually report it. That it was not popularized [by the Prophet]
does not bring distress in the mind. There, nevertheless, would be
abundant impetus to report it perpetually.

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

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

If it is said: The lack of evidence for a report's truth proves
its falsehood. For if it were true, Allâh, ١١٩, would not have
isolated us from such a proof of its truth.

We shall say: Why is it impossible for Him to isolate us from
a decisive proof of its truth? If this is reversed and said that its
truth is known—for if it were false then Allâh, ١١٩, would have not
isolated us from a decisive proof of its falsehood—then this would
be a response to this discourse. But how is this permissible, since
from this it is necessary to conclude decisively the falsehood of
every eyewitness whose truthfulness is not decisively established

due to one's touching his or her genitals or the touching of a woman
by a man, or vice-versa. For details, see Zähli, al-Fiqh al-Islâmi wa
Adillatihu, 1:274-282; Zayla'i, Nagb al-Râya, 1:60; and al-Farrâ', al-
'Udda, 3:762.
as well as the infidelity and the immorality of every judge and
muftī whose Islam and piety is not known decisively?

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

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

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

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

DIVISION TWO OF THIS PRINCIPLE: SOLITARY REPORTS
Consisting of [Four] Chapters

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

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

As for the statement of the Messenger, الرسول ﷺ, whose
rectitude is known certainly, it is not called solitary report. If you
know this, we shall say that solitary reports do not yield certain
knowledge. This can be necessarily known.
We do not believe all that we hear. But, even if we believe and assume the contradiction of two reports, how can we believe in both opposites? What has been related from traditionists \textit{[muhadithin]}, namely that this necessarily yields certain knowledge, perhaps they mean that it yields knowledge on the basis of necessitating action, for sometimes \textit{zan} is called \textit{ilm}.\textsuperscript{31}

Thus, some of them say that it yields outward knowledge, while certain knowledge neither has an outer nor an inner. But it is only \textit{zan}, and they cannot hold a proof based on His statement, \textit{qāna}, \textit{"If you ascertain that they are believing women..."},\textsuperscript{32} thinking it means obvious [knowledge], while its intended meaning is actual knowledge by the declaration of \textit{shahāda}, which is the manifest side of faith but not the interior side, where a person is not [legally] responsible or charged. Faith [proclaimed] by the tongue \textit{1:146} is called \textit{imān}, figuratively. Nor can they hold a proof based on the saying of the Exalted, \textit{"Do not follow that wherein you have no knowledge..."}\textsuperscript{33} and that if reports do not yield certain knowledge, acting according to it is not permissible. For the intended meaning of this verse is to prevent a witness from decisively testifying, except on what he is certain of.

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

\textsuperscript{32}\textit{Qur'ān}, 60:10.

\textsuperscript{33}\textit{Qur'ān}, 17:36.
As for acting according to a solitary report, it is necessarily known by a decisive proof that necessitates action when truth is assumed, and the assumption accrues decisively. The obligatoriness of acting according to ḥan is also necessarily known, as is ruling according to the testimony of two, or the oath of a plaintiff in the event of the defendant’s denial.

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

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

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

If it is said: The signification of its evil is that when an individual transmits a report, say, regarding the shedding of blood or permitting intercourse, he may be lying. Yet it would be thought that this shedding blood is by the command of Allāh, ʿāli, while it is not His command. How can it be permissible to be hasty based on ignorance? On the contrary, it is not permissible to rush after whoever we regard with doubt concerning the permissibility of
intercourse or the shedding of blood based on ignorance. It would
be bad for the Lawgiver to abandon people to ignorance and to
rush into falsehood based on speculation. Rather, when Allāh, ḥūs,
commands, He must make it known to us so that we are informed,
regardless of our being obedient or disobedient.

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

Accordingly, if it is permissible to make the declination of the
sun a sign or thinking a bird is a crow, why is it not possible to
make one's ḵan a sign? It should be said to him that when you
have a working knowledge of the truth of a reporter, a witness, or
an oath giver, rule by it [ḵan]. However, you are not charged
through the certain knowledge of his truthfulness, but with acting
when working knowledge of his truthfulness accrues. Furthermore,
you are right and have fulfilled [your obligation], whether he is
telling the truth or lying. You are not charged with having certain
knowledge of his truthfulness, but with action in accordance with
your ḵan that you feel in yourself.
This also is what we believe regarding *qiyyās*, the solitary report, ruling based on a witness or an oathgiver, and other than this. But if this emanates from a believer of the *Shari'a*—but there is no way for him to do so, for he has been charged to act according to testimony, injunction, *fatwā* [authoritative opinion], an eyewitnessing of the Ka'ba, and the report of the Messenger, which total five.

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

Similarly, the report of the Messenger, *testimonium* or *māla* of him, necessitates acting if it is *mutawātir*. Why should it be particularly impossible for what is known through *zan* to be categorized as

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certain knowledge in making action mandatory?

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

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

We shall say: Some people have stated that it is permissible provided that truth is likely [to accrue]. To us, this condition is corrupt. Rather, just as it is permissible to make the motion of the falak36 a sign for performing the obligation of prayers, it is likewise possible for the motion of a fāsiq’s tongue to be a sign. For laying the obligation to act when the report exists is one thing, while the report being true or false is another.

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

They have supported this with two proofs.

The first of which is that when a mufid does not find decisive proof from the Book, Ijmā’, or the mutawātir Sunna, but finds a

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

36 Ghazâlî here makes an analogy between the motion of the solar system (falak) that produces night and day — indicating the times for prayer — and the motion of the tongue stating reports, etc.
solitary report and does not rule according to it, then rules would be suspended. Since the Prophet, ﷺ, was sent to all of [his] contemporaries, he needed to send envoys [carrying rules], for he could not verbally speak to everyone, nor could he broadly promulgate all the rules through tawâtûr to everyone. For had he attempted to send the number required for tawâtûr to every nation, the number of people in his town would not have been sufficient.

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

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

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

37See the introduction to this translation, 1:124-129.
is being prudent and resolute. This is false on three accounts.

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

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

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

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

The majority of the Mu‘tazilites and those who follow them of the Zāhiritas, like al-Qāsānī, hold that it is not permissible to act according to a solitary report on grounds of tradition.

38Muḥammad b. Ishāq al-Qāsānī was a student of Dawūd al-Isbahānī, the founder of the Zāhirī school. See Ibn Hajar, Taḥzīr al-Muntabih bi Taḥrīr al-Mustatabih, 3:1147.

39For further discussion, see al-Bazdāwi, Kashf al-Asrār,
The falsity of their opinion is indicated in two decisive approaches. One is the *ijmā' *of the Companions to accept solitary reports; the second is that there are *tawātur* reports that the Messenger, ﷺ, has sent governors and envoys to various territories, and he obliged the people of the territories to assent to what they transmit from the *Shari'a*.

We shall resolve both of these approaches.

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

Here, we shall indicate some of them:

For example, there are many events that have been reported from ‘Umar, ﷺ. One is the story of the fetus.⁴⁰ ‘Umar stood [before the Companions] and said about this, “I remind you of Allāh. Has any one of you heard from the Messenger, ﷺ, anything about fetuses?” Hamīl b. Mālik b. al-Nābihīn⁴¹ stood and

2:370; b. Ḥazm, Ḩikām, 1:107; Amidī, Ḩikām, 1:234; and al-Dumaynī, Maqāyīs Naqd Mutūn al-Sunna, p. 276.


⁴¹ Consult Ibn Ḥajar, al-Tahdhib al-Tahdhiib, 3:32.
said:

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

‘Umar, ﺑ. ﵴvv, replied:

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

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

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

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

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

Then ‘Abd al-Rahmân b. ‘Awf said:

I bear witness that I heard the Messenger of Allah, ﷺ, say "Treat the Magians as you treat the People of the Book."

So he then collected jizya from them and confirmed the status of
their religion.

Also, there is was an occurrence during [the lifetimes] of 'Umar, 'Uthmān, and a great number of the Companions, ﷺ, where they changed their minds about cancelling the mandatoriness of making ghul [bathing] when the two genitalia [male and female] touch. This was a result of the report of 'A’isha, ﷺ, for she said, “I did this with the Messenger of Allāh, ﷺ, and we made ghul.”

Then there is that which has come down correctly about 'Uthmān, ﷺ, when he decided the case of the housing of a widow on the basis of the report of Fārāḥ, the daughter of Mālik, after he sent a message to her asking her about this.

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

Whenever I heard a hadith from the Messenger of Allāh, ﷺ, Allāh has benefited me from it to whatever extent He willed. But if other than [the Prophet] related a report to me, I would seek an oath from him. If he complied, then I would believe him. Abū Bakr reported to me—and Abū Bakr spoke the truth when he said—‘The Messenger of Allāh, ﷺ, said that Allāh will forgive any worshipper, who after committing a sin...’

42 A daughter of Sinān, a woman from the Angār of Medina. See Ibn Hajar, Tahdhib al-Tahdhib, 12:472.

43 The following is the full of the hadith, which Ghazālī mentions, as reported by Ahmad b. Hanbal in his Musnad (Beirut: al-Maktab al-Islāmi, 1969), 1:10:

“... Allāh will forgive any worshipper who after committing a sin performs ablution and prays two rak‘as, then asks Allāh, the
So, 'Ali requested any reporter to take an oath, not because he accused him of lying, but for cautiousness in the narration of a hadith at its face value, and to avoid the possibility of its words being changed such that the report would be transmitted on the basis of meaning, and so as not to have [reports] transmitted hastily through conjecture, but rather through actual hearing.

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

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

I was serving Abū 'Ubayda, Abū Talha, and Ubay b. Ka'b with fadikha drinks when someone came to us saying that wine

Exalted, for forgiveness." Then the Prophet recited the verse [3:135], "... Those who, when they commit an indecency or wrong themselves, remember Allāh, and pray forgiveness for their sins—and who shall forgive sins but Allāh?—and do not perseverce in the things they did and that knowingly."
has been forbidden. Upon this Abū Talha stood and said, “O Anas, rise and shatter these jars.” I then stood and went to our mihrāb45 and I struck the jars against their bases until they broke.

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

Another such example is what is well-known about b. Ḥabbās, Ḥabba', ʻAbdullāh b. Ḥabba', when it was said to him that such and such man from among the Muslims claims that Moses, al-Khadir’s companion, was not the Moses of the Children of Israel, ʻImrān b. ʻAbdullāh. Upon this, b. Ḥabbās said:

This enemy of Allāh is lying. Ubay b. Ka‘b has said to me, “The Messenger of Allāh, Nūh b. ʻUmayr, addressed us and mentioned Moses and al-Khadir in a way indicating that Moses, al-Khadir’s companion, was in fact the Moses of the Children of Israel.”

Therefore, Ibn Ḥabba went beyond acting upon a solitary report

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44 According to Ibn Manzūr, Lisān, 3:45, this is a type of wine made from grape juice.

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

46 According to Yaḥyā ibn Yāqūt, Mu‘jam al-Buldān, 4:301-03, Qubā' was originally the name of a well near Medina, which hence became the name of a nearby village.
and hastened to call its source a liar, and did so decisively, because of the report of Ubay b. Ka‘b.

Also, there is what has been reported from Abū al-Dardā’ that when Mu‘āwiyya sold a utensil made of gold and silver for greater than its weight, Abū Dardā’ told him, “I heard the Messenger of Allāh, صلی اللّه ﷺ علیه و آله وسلم, forbidding this.” Mu‘āwiya replied to him, “I see no harm in this.” Abū al-Dardā’ said:

Who would excuse me if I requite Mu‘āwiyya, for I relate to him from the Messenger of Allāh, صلی اللّه ﷺ علیه و آله وسلم, and he tells me his opinion. I shall never live with you in the same land.

Then, there is what has been popularly reported from all of them referring to ‘A’ishā, هـ, Fāṭima bint Asad, and to countless other women, as well as to Zayd, Usāma b. Zayd, /1:150/ and other Companions, men, women, slaves, and clients. Thus, continued the practice of the Successors after them, to the extent that al-Shāfi‘i, ﷺ, said:


Sa‘īd b. al-Musayyib used to say, “Abū Sa‘īd al-Khudrī related to me from the Prophet, صلی اللّه ﷺ علیه و آله وسلم, on the trade of currencies.” Thus, he confirmed his report as a Sunna and said, “Abū Hurayra told me . . .”

‘Urwa b. Zubayr also said, “‘A’ishā told me that the Messenger of Allāh, صلی اللّه ﷺ علیه و آله وسلم, ruled for al-kharaj bi al-
On this basis, he objected to 'Umar b. 'Abd al-'Aziz, who reversed his judgment upon hearing the report, and so it was with Maysara in Yemen and Makhoul in Syria.

Also, the fiqhis of al-Basra, like al-Hasan and Ibn Sirin, and those of Kufa and their successors, like 'Alqama, al-Aswad, al-Shi'bi, Masruq, and the fuqahā' after them. No one has objected to them at any time. If their were any objections to this, it would have been transmitted to us. In accordance with common practice, it would have necessarily become well known. There would be a great impetus to have transmitted these objections just as there was impetus to transmit practice based on [solitary report]. It has, therefore, been established that there was a consensus of the earliest generation upon this and that dispute occurred only after them.48

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

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

48. Ghazālī here summarizes al-Shāfi'i's argument in defense of solitary report. For the full text see al-Shāfi'i, al-Risāla, pp. 401-460.
accompanied them; but not simply on the basis of these reports as you have claimed, as in your statement: Their practice with regard to general statements, or the imperative or prohibitive moods, is not a decisive textual proof that they have acted simply based on them. Rather, they have acted based on them together with other circumstantial evidence.

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

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

If it is said: They have also abandoned the practice of many reports.
We shall say: This is so because of the absence of conditions rendering them acceptable—as will follow (below)—just as they have not proceeded to act in accordance with certain texts of the Qur‘ān, ormutawātir reports. For they came to know of their abrogation, the lapse of the command, or of the disappearance of that to which 11:151 the address pertains.

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

The following are examples of this:

- He appointed Abū Bakr as an amir of the Ḥajj in the ninth year.

- He sent ‘Ali, ﷺ, with “Sūrat Barā’a,” charging him to cancel the pacts and agreements that existed between the Prophet, ﷺ, and the unbelievers.

- He appointed ‘Umar, ﷺ, to collect zakāt; he appointed Mu‘ādh to collect zakāt from Yemen and to govern its people.

- He dispatched ‘Uthmān b. ‘Affān, ﷺ, to the people of Mecca carrying and transmitting a message on his behalf (where [the Prophet] was told that the Qurayshites had assassinated ‘Uthmān, and he became disturbed and for this reason conducted the Bay‘a of Ridwān, saying, “By Allāh, if they did kill him, I shall certainly light the fire of war against them”).

- He, ﷺ, appointed Qays b. ‘Āqīm to collect zakāt