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, Ṣân'ân Ṣâ'īb, "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 rebells 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, Ṣân'ân Ṣâ'īb, "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: Mālik said that validity lies only in the
ijmāʿ of the people of Medina. Others have said: The valid ijmāʿ is
that of the people of the two sanctuaries, Mecca and Medina, or the
two cities, Kūfa 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 Mālik 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 Mālik'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 Shariʿa cannot elude them. But
this would be arbitrary, for it is not impossible that someone other
than them heard a hadith 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 ijmāʿ while there is
no ijmāʿ.

Many interpretations and excuses have been affected for
Mālik, which we have exhausted in our book, *Tahdhib al-Uṣūl*, and there is no need for them here. They may argue on the basis of the praise of Allāh'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 *ijmāʿ* 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 *ijmāʿ* reach the number of *tawātūr*. 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 *tawātūr*].

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 *tawātūr*], 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 Allāh
[for the end of time] arrives and until the anti-Christ appears.\textsuperscript{41}

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 Muhammad are those who believe openly in Muhammad, \textsuperscript{10} مَلِيْكُ وَلَّامِر, 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 Allah, \textsuperscript{11} ﷺ, 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 tawātūr conceivable? This leads to the discontinuance of obligation, for obligation lasts for the duration of the proof. The proof is founded upon a tawātūr report attested to by the miracles of prophethood, by the existence of Muhammad, \textsuperscript{12} مَلِيْكُ وَلَّامِر, 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 imāms are unanimous on the perpetuity of obligation until the Day of Judgement. This implies that there is \textit{ijmā'} on the impossibility of the effacement of the miracles. But the deficiency of the number of tawātūr leads to effacement. If the existence of this eventuality is inconceivable,

\textsuperscript{41} For various references and versions of this text see Wensinck, \textit{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 tawātūr. Even if we are decided that the opinion of the masses is not regarded, the signs of the Shari’ā endure through the tawātūr of the masses.

But it is possible to say that this eventuality is conceivable, and that Allāh, ﷺ, will perpetuate these signs through tawātūr, 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, Allāh, ﷺ, will intervene in the ordinary. Thus, certain knowledge accrues based on the statement of fewer [than tawātūr] 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’ā 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 ījmāʿ of the ummah, 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 *ijmā’* 'is not found, since it necessarily calls for a [certain] number so that it can be named *ijmā’*—and not less than two or three. (1:189) All this is conceivable in the view of one who regards *ijmā’* from [those who came] after the Companions.

As for one who advocates only the *ijmā’* of the Companions, he is obliged by none of this because the number of the Companions surely exceeded the number of *tawātur*.

VIII. DISCUSSION: Dāwūd and his supporters, from the people of Zāhir, hold that there is no valid proof in the *ijmā’* of those after the Companions. This is faulty, for the three proofs which evidence that *ijmā’* 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 *ijmā’* 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, ُلَّا، “One who follows a path other than the path of the
faithful\textsuperscript{42}—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, 
\textit{بايي تننناي،} "My ummah will not concur on a mistake," encompasses his ummah, those who believed in him and whose concensus or disagreement was conceivable; namely those present.

This is false, for from the drift [of their arguments] it follows necessarily that ijmā‘ could not be concluded after the death of Sa‘d b. Mu‘ādh, Hamza, and those martyred from among the Muhajirin and the Anṣār, of those who existed when this verse was revealed. Thus, the ijmā‘ of those after them is not the ijmā‘ 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 ijmā‘. Rather, the ijmā‘ of the Companions after the Prophet, 
\textit{رسول الله صلى الله عليه وسلم}, is unanimously a valid proof. How many a Companion was martyred in the lifetime of the Messenger of Allāh, \textit{رسول الله صلى الله عليه وسلم}, after the revelation of this verse!

The second doubt is that it is incumbent to follow the path of all the faithful and the ijmā‘ 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

\textsuperscript{42}Qur‘ān, 4:115.
ummah. Therefore, if one of the Companions were to oppose the
ijmāʿ 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 ijmāʿ 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, ijmāʿ 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, ijmāʿ 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 ijmāʿ of the Companions after the
Messenger of Allah, سُورَةُ الْمُلْکِ, and after the death of those who
died after the Messenger of Allah, سُورَةُ الْمُلْکِ. 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 *ijmāʿ* 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, *ijmāʿ* would be constituted, since his agreement, if it does not confirm the *ijmāʿ*, 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 *fatwā* of the Successors concerning it is not the *fatwā* of the whole *ummah*. Rather, it is the *fatwā* 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 *ijmāʿ*; 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 fatwā and his view do not expire with his death. This is like [the case of] the Companion who dies after delivering a fatwā, while those who remain concur in opposing him. This cannot constitute the ījmā' of the ummah. But if he dies then an event occurs after him, then ījmā' 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, ījmā' 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 ījmā' has been concluded without him. If he were absent, it would not have been constituted because he who was absent at the time [of ījmā'] 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 *ijma* 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 *ijma* 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 *ijma* 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, *ijma* 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 *ijmā'* becomes unascertainable with doubt. However, it can be said that *ijmā'* 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 *ijmā'*, for *ijmā'* to them rests upon the accruance 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 *ijmā'*. 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, *ṣaḥḥa* *ṣaḥḥa*, 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 *ijmā'*, 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 *ijmā'].
The Second Constituent: Ijmāʿ Itself

We mean by this the unanimity of fatwās of the ummah on a question in one matter—whether the generation has passed or not, whether they have given their fatwā on the basis of ijtihād or a text—as long as the fatwā 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 ijmāʿ can be constituted on the basis of ijtihād. These, then, are three discussions.

I. DISCUSSION: When one of the Companions pronounces a fatwā and the others keep silent, ijmāʿ 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 ijmāʿ 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 ijmāʿ. Still others have said: It is neither a proof nor ijmāʿ; however, it is evidence of their sanctioning of ijtihād on this question.

The choice [opinion] is that it is not an ijmāʿ, nor a proof, nor evidence for sanctioning ijtihād 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] fatwā is known only on the basis of his explicit statement, which 11:192 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 *ijtihād* 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 *ijtihād* 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 *ijtihād*.

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. 'Abbās 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 required 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 Jubbā'il 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 *ijmā*—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 *ijmā* on their part that it is a valid proof.

We shall say: This *ijmā* 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—ijmā' 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 ijmā' is the verse [of the Qur'ān] 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 fatwās unsettled.

We shall say: The argument, then, is in their retraction, and we disallow retraction from all of them, since one of the two ijmā'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 ijmā' of the ummah, whose immunity 11:1931 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 ijmā', while ijmā'
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 *ijmā*’, this is a startling lie against language and norms. But if you mean that the reality of *ijmā*’ has not been realized, then what defines it? And what is *ijmā*’ except the accordance of their *fatwās*, 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. Mālik and the later Companions used to argue on the basis of the *ijmā*’ of the Companions? But the possibility of argument on the basis of *ijmā*’ 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 *ijmā*’. For if there remains one of the Companions, it is possible for the Successor to contravene [the Companions], since the *ijmā*’ is not completed. And as long as one of the generation of the Successors remains, likewise, *ijmā*’ 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 ijtihād and conjecture, and there is no hindrance on a mujtahid from retraction when his ijtihād changes. Thus, if withdrawal is allowable, it indicates that the ijmā’ was not complete.

We shall say: There is no restriction on the mujtahid from reversing, if he stands alone in his ijtihād. As for where his ijtihād agrees with the ijtihād 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 ijmā’. 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 fatwā, for the judgment of his fatwā 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 ‘Ali, ﷺ, 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-Salmānī 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 ijmā’ of all the Companions is correct, then this would not prove—on the basis of the opinion of ‘Ali—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 *ijmā'; rather, he meant by this that your opinion in the time of harmony, union, unanimity, and obedience to the *lmām, is dearer to us than your opinion in the time of sedition, division, and dissension, while accusation may reach 'Ali /1:196/ of disavowal of the two Shaykhs. Thus, there is no proof in what is not explicit in itself.

III. DISCUSSION: It is conceivable that *ijmā’ be concluded on the basis of *ijtiḥād and *qiyās, 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 Jarir al-Tabari holds this [opinion]. And others have said: It is conceivable, but it is not a valid proof, for advocating *ijtiḥād opens [further] the gate of *ijtiḥād, 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

43 This, of course, refers to Abū Bakr and 'Umar.
agree that nabidh 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 ijma'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 Allāh] 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 ijtihād, not by the method of qiyyās, similar to assent on the requital for hunting [in ihrām], the amount of a [crime's] fine, the assessment of [a wife's] support, and the credibility of the imāms and judges. All these are conjectural, even though there is no qiyyās [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 *ijmāʿ* on the basis of the negation of *qiyās* and its invalidation, while the proofs of its rectitude are manifest. So how can *ijmāʿ* be prevented by this?

The second doubt is their statement: How can the *ummah* concur on *qiyās*, while the principle of *qiyās* 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 *qiyās* may depend on *qiyās*, while those who reject it may depend on *ijtihād*—which they think is not *qiyās*, while in reality it is *qiyās*. For one may be deluded that the non-general is a generality, that the non-command is an imperative, and that the non-*qiyās* is *qiyās*—and vice-versa. 1:198/

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

We shall say: Error is possible only in *ijtihād* that is held by lone individuals. As for the *ijtihād* of the infallible *ummah*, it is not liable to error, like the *ijtihād* of Allāh’s Messenger, ﷺ. 1:198/
and his qiyās. 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’

[Ijmā’] 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 ijmā’] 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,44 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 ijmā’, according to the vast majority [of jurists], save some eccentric characters from among the Zāhirites. But then, al-Shāfi‘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

44‘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-Jurjāni, Ta’ rifāt, p. 158, and Qaḍāji, Mu’jam Lughat al-Fuqaha’. 
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 ijithād, 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 ijithād, 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 ablation and others opine that they do not annul ablation, without distinguishing between the two of them. So if a Successor were to hold that one of the two nullifies [ablation] 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, ُعَمَّل ُعَمَّل, “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 ummah 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 ummah may say, for example, that qiyyas is not a valid proof and that the Khārajites are false, while the other part says that qiyyas is a valid proof and that the Khārajites 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 ummah in either case.

The fourth doubt: Masrūq45 issued a third opinion on the question of ḥarām46 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

45Masrūq 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 faqīh. See al-Mizzi, Tahdhib al-Kamāl, 3:1320-21; b. Ḥajār, Tahdhib al-Tahdhib, 10:110; and Dhahabi, Siyar ‘Alām al-Nubalā’, 4:63-69.

46Ghazālī is most likely referring to Masrūq’s position on nadvhr (swearing to kill a son for not fulfilling a commitment), which is harām. Masrūq holds that such an oath must be atoned for. See al-Rāzī, al-Mahsūl, 1:252.
in it; or perhaps Masřūq differed with the Companions at that time and did not voice his agreement with them. For he was capable of *ijtihād* at the time this issue occurred. /1:20/ How could this be, while this [report] from Masřūq 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 *ijmāʿ* is not constituted without them. And if [they] die, still *ijmāʿ*, 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-Shāfiʿi or disagrees with him. This is after the death of al-Shāfiʿi. 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 ṭi:203/ and issued his fatwā, 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 Allāh 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 ḥjmā‘, contrary to what al-Karkhi says of a group from among the followers of Abū Ḥanīfah, those of al-Shāfi‘i, and many of the Mu‘tazilites, such as al-Jubbā‘i and his son.47 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

47 Abū Ḥāshim ‘Abd al-Salām b. Muḥammad al-Jubbā‘i (d. 321 H.), a famous Mu‘tazilite, was, for some time, the teacher of Abū al-Ḥasan al-Ash‘ari. For more on him, see the work of his student ‘Abd al-Jabbār, Firaq wa Ṭabaqāt 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 ijmāʿs, 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, مُغَّلْبَةُ الْعَقْلِ، "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 hadith as a solitary report.

If it is said: On what basis do you object to those who say that this is an ijmāʿ 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 ijmāʿ 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/ iṣṭiḥād, 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 ijmā'.

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 ijmā', 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 ijmā', 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 ijmā' 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 ijma‘ 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 ijma‘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 zakāt after disagreement about it, or that the imāms are to be from Quraysh [after originally disagreeing]. For each party faults its opponent and does not acknowledge its opinion, unlike issues liable to ijtihād, where differing in them is coupled with the permissibility of difference of opinion and the justification of adhering to any position resulting from the ijtihād 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 ijma‘ be based solely
upon something decisive, not on qiyās nor ijtihād, 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 ijtihād. 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 ijmā', since it is conceivable with every ijmā' that it may be based on ijtihād.

So were ijmā’ to be divided into that which is a valid proof and that which is not a valid proof, 11:298/ 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 ijmā’. For his statement, ḥudūd ʿaṣūr, "My ummah shall not agree on error," did not distinguish between one kind of ijmā’ and another. There is no escape from this [argument], except for those who deny conceiving ijmā’ on the basis of ijtihād. 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 ijtihād.

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 ijmā’ is not constituted on determining the truth to be in an opinion.

But this is controversial because this adds another condition
to *ijmā‘*. 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 *ijmā‘* 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 *ijmā‘*.

The fifth escape is [to say] that the last [opinion] is not a valid argument and that the abandoned opinion is not prohibited because *ijmā‘* 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, مَنْ يُؤَمِّمَ الدُّكَارِ, “My ummah shall not agree on error,” cuts off conditions entirely and it necessitates that every *ijmā‘* be a valid proof regardless of how it came to be. Therefore, each one of the two *ijmā‘*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 *ijmā‘* have all withdrawn from what they have agreed upon /1:210/ or like conceiving that the Successors have agreed in opposition to the *ijmā‘* 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. *‘Abbās*, and [upheld] the prohibition of the sale of female slaves who have born children to their masters,
except ‘Ali. 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 hadīth 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 hadîth 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 hadîth, either the transmitter has made a mistake concerning it, such that he heard it from someone other than the Messenger of Allâh, ﷺ, 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 hadîth, 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 mujahid 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 *ijmā’*]? Indeed, it is permissible for them to revoke [that *ijmā’*] because what they have opined is correct so long as that *ijtihād* is valid. But if it changes, then the supposition changes as well. All [of this] is correct, particularly when they disagree based on *ijtihād* 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 *ijmā’*. 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 *ijtihād*, 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 *ijtihād*, 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 *ijtihād*, as if they agreed on one statement on the basis of *ijtihād*. Now in this, it cannot be stipulated that *ijtihād* 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 *ijmāʿ* 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 *ijmāʿ* because a solitary report is liable to /1:215/ abrogation or [is liable] to be forgotten, while *ijmāʿ* is not liable to this.

VI. DISCUSSION: *Ijmāʿ* cannot be established by a solitary report, contrary to what some of the *fuqahāʾ* hold. The underlying reason for this is that *ijmāʿ* is a decisive proof by which judgement is made [in interpreting] the Book of Allāh and the *mutawātir* *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 Qurʾān 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 *mutawātir Sunna*, since *ijmāʿ* 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
ijmā'.

We shall say: Acting on the basis of solitary reports has been
established only on the precedence of the Companions and their
ijmā' upon it, concerning that which has been reported from the
Messenger of Allāh, ﷺ. 11:216

As for what has been reported from the ummah by way of
agreement or ijmā', no report or ijmā' has been established by
[text]. But if we were to establish it, this would be on the basis of
qiyyās. Yet the rectitude of qiyyās 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 Allāh knows best.

VII. DISCUSSION: To adopt the least common factor of
what has been held is not the same as adhering to Ijmā', contrary
to what some of the fuqahā' 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-Shāfi‘i adopted [the view] of one-third, which was the least.
Thus, speculators presumed that he [al-Shāfi‘i] adhered to this on
the basis of ijmā'. But this is thinking ill of al-Shāfi‘i, and 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 *istiğhâb*, a stage in *bard‘at al-agliya* [the original state of non-obligation], which has reason as its proof. Therefore, al-Shâfi‘î adhered to *istiğhâb* and rational proof—the meaning of which will come later, Allâh, *ţâ‘lîb*, 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, مُنيَّحِر السَّكَّارَ, 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 Ramadān 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 [Shari'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 Shari'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 *ijtiḥād*—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 Shari'a] specification arrives, or the continuation of a [Shari'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, /1:221/ 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 [istişhab] of a rule which the Shari'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 Shari'a rule for which the Shari'a demonstrates both its establishment and continuation. Were it not for the evidence of the Shari'a concerning its
continuation until freedom from responsibility occurs, *istighâb* would not be permissible. Therefore, it is not a valid proof except for that which a [*Shari'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 *Shari'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 *Ramadân*, 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 *Shari'a* proof for these rules, either by the general implications [of the *Shari'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 *Shari'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, *istighâb* is an expression of adhering to a rational or *Shari'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 *istiqhābu'l-ijmāʿ* [applying the the rule of *ijmāʿ*] 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 *istikhabu'l-ijmāʿ* when there is a difference of opinion, contrary to [the views of] some of the *fuqahāʾ*. An example of this is when a *mutayyammim*.¹ 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, *istikhab* 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 *istikhab* 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

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¹A 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 Encyclopedia of Islam*, 1953 ed., s.v. "Tayammum"; and *Zahilli, al-Fiqh al-Islāmī 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 Ijmāʿ. 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 [ʿumām] 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 Ijmāʿ, Ijmāʿ 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 Ijmāʿ with dispute.

If the Ijmāʿ were to include the state of the presence [of water], then the dissenter would be violating the Ijmāʿ, just as one who disputes the termination of prayer upon the blowing of the winds or the rising of the dawn is violating the Ijmāʿ. For the constitution of the Ijmāʿ 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 Ijmāʿ. /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 Ijmāʿ. But applying ʾistiqḥābuʾl-Ijmāʿ when Ijmāʿ 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 \textit{ijmā'} is constituted on the condition of the absence [of water], while \textit{ijmā'} is lacking concerning [its] presence.

Now this is subtle. That is, [regarding] every proof opposing disagreement itself, its \textit{istiṣḥāb} cannot be upheld simultaneously with dispute because \textit{ijmā'} is contradicted by differing per se, since there is no \textit{ijmā'} 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, \textit{ṣaūda} \textit{ṣaūda} \textit{ṣaūda} \textit{ṣaūda}, "There is no fast for him who did not intend to fast from 1:227/ night," includes, in its linguistic mode, the fast of \textit{Ramādān}, 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 \textit{ijmā'}s inclusion of the locus of disagreement, since \textit{ijmā'} 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: \textit{ijmā'} forbids dispute. So how can it be removed by dispute?

We shall say: This difference of opinion is not prohibited by
ijmā’, and the reason the dissenter is not breaching ijmā’ is that ijmā’ 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 ijmā’, the ijmā’ 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 known its continuation by its mere
establishment, just as if it is reported about the Amir'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 Sharī'ā 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 asā'ilī. 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, ﷺ, 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."² Hence, people have occupied themselves with proofs that change istidhab.

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

²Qur'ân, 14:10.
issiṣḥāb of ijmā', 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 \[1:235\] 'muhdath' [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, ِّلا شأيه ِه. “The [burden] of evidence is upon the plaintiff, and the oath is upon the denier.”

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 11:326/ 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, ﷺ, and the saying of the infallible Messenger.

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

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3 For the authenticity of the ḥadîth and its wordings, see al-‘Ajlûnî, Kashîf al-Khafî‘, 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'ah 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 harmed nor assumed [liability]. Yet all other people are incapable of knowing this, for no one knows it except Allah, 提及。 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 Shari'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 ahkām. 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 Shari'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 1:339/ either concerns matters of reason or Shari'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, ṣū':, has said: "If there were gods in the heavens and the Earth other than Allah, they would surely go to ruin."⁴ But it is known that they [the heavens and the Earth] are not ruined. Thus, this proves the

⁴Qurʾān, 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 istighâb 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, ﷺ, 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 Allāh, әл-әл, this is arbitrary from two aspects:

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

The second is that it is possible that Allāh 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 Allāh are matters that are not within human power to know. Also, it is possible that Allāh 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'ān] 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 Allāh, ﷺ, 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 Shari‘a matters, the proofs for them have come to pass
on the basis of ījmā‘, as in negating the obligation of fasting in
Shawwāl and the late morning prayer; or by evident Text, as in his
statement, ﷺ, “There is no zakāt on jewelry, and there is no
zakāt on a stall-fed animal”; or by qiyyās, as in drawing analogy
from vegetables to pomegranate, or a watermelon specified as
exempt from zakāt, like the statement of a reporter, “There is no
zakāt 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 istiṣlāḥ 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 khilāf
that proof is not incumbent on a denier, we meant thereby that
there was no revealed proof for it because the istiṣlāḥ /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 obligation of fasting Shawwāl 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 ijtihād, 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 Shari‘a are unlimited. For although the Book is limited, reports are not, and a narrator of a hadith 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 sahithe 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, 11:245/ 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 Shari‘a.

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