

**THE FUNDAMENTALIST GROUPS MENTIONED BY AL-ZARKASHI IN HIS BOOK AL-BAHR AL-MUHEET, ISSUE: THE REQUIREMENT FOR THE DOCUMENT TO BE UNANIMOUS, AND ITS TYPES**

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**Abstract**

*Praise be to God who made the fundamentals of jurisprudence a building for the laws and rulings, and a basis for the knowledge of what is permissible and forbidden, and made them documented with proofs and evidence, and covered with ornaments and attributes. To proceed: The fundamentals of jurisprudence is one of the most honorable sciences in terms of value, and the greatest of them in reward. Because it is the science with which the Muslim knows the practical rulings that he is exposed to at night and day, and it is the highest science in rank. Because it includes most of the religious rulings and the fundamentals of jurisprudence, even if its branches are many, then the sources of its evidence are revelation, then what branched out from that, so it is referred to, whether by consensus or analogy, and this art is of great importance, so the student of knowledge should pay attention and take care of it, so the scholars say: "He who forbids the fundamentals Sanctuary of Access "It is not possible to reach the sciences except with its origins and rules. Scientists have spent their lives in classifying works in the science of origins in terms of the basic rules from which legal rulings are derived. Among these scholars are the honorable Imam, the scholar Badr al-Din, Abu Abdullah Muhammad bin Bahadur bin Abd God Al-Zarkashi.*

**Keywords:** *consensus, fundamentalism, al-Zarkashi, The Book of the Ocean*

**Introduction**

The book Al-Bahr Al-Muheet is considered one of the most important books on the principles of jurisprudence, and one of the most fundamentalist compilations that collect issues of unanimity. This is a summary that I chose from the book Al-Bahr Al-Muheet by Al-Zarkashi, in which I limited myself to the important thing that was needed, and I worked hard to clarify it, because the need for clarification and clarification is more severe than the need for deletion and abbreviation. To guidance and guidance with his grace and generosity. The subject of our research is "the fundamentalist consensus mentioned by Al-Zarkashi in his book Al-Bahr Al-Muheet, the issue of: the requirement of the document in the consensus, and its types".

This study is based on two topics:

The first topic: Al-Zarkashi and the consensus. The second topic: the issue of the document in the consensus.

The first topic: Al-Zarkashi and the consensus: it includes two requirements:

The first requirement: a brief summary of the life of Imam Al-Zarkashi and his book:

The second requirement: the nature of consensus:

The first requirement: a brief summary of the life of Imam Al-Zarkashi and his book:

First: His name and lineage: He is the scholar, scholar, author, Badr al-Din, Abu Abdullah Muhammad ibn Bahadur ibn Abdullah, of Turkish origin, Egyptian by birth and death, Shafi'i school of thought (1).

Second: His birth: Imam Al-Zarkashi was born in the year forty-five and seven hundred of the Prophet's migration, corresponding to the year forty-four, three hundred and one thousand AD (2).

Third: His sheikhs: He learned Sharia sciences from a young age, and traveled in search of knowledge, so he traveled to Aleppo and Damascus, and learned from a number of scholars, including:

He read to Sheikh Jamal al-Din Abd al-Rahim ibn al-Hasan al-Asnawi and graduated with it in jurisprudence. Shihab al-Din Ahmad bin Hamdan bin Abdul Qadir al-Adha'i.

And Omar bin Raslan bin Nasr Al-Kinani Al-Balqini.

And Mughalatay bin Qulij bin Abdullah al-Bakjari al-Turki al-Hanafi, and graduated with it in the hadith.

And Emad Al-Din Ismail bin Omar bin Katheer (3).

Fourth: His disciples:

A number of students graduated from Imam Al-Zarkashi, the most prominent of whom are:

Muhammad bin Abd al-Dayem bin Musa al-Baramawi al-Shafi'i.

Ahmed bin Musa bin Turki Al-Saadi Al-Shafi'i Al-Dimashqi, known as Ibn Haji( ) .

Fifth: His writings:

Imam al-Zarkashi, may God have mercy on him, had a great degree of knowledge and knowledge, so the abundance of his writings indicates that he was a fundamentalist jurist, a literary interpreter, and for this reason one of his nicknames is the compiler due to the large number of his books. His books on interpretation and the sciences of the Qur'an: Evidence in the sciences of the Qur'an, and the interpretation of the Great Qur'an. Among his books on hadith and its sciences: The answer to narrate what Aisha sought on the Companions, the revision of the words of the correct collector, the explanation of the forty nuclear, the jokes on Bukhari, the explanation of the hadith sciences by Ibn al-Salah, and the scattered benefits In the well-known hadiths, and the transcription of the hadiths of al-Rafi'i in five volumes. (4) Among his books on jurisprudence are: Informing the Asjid of the Rulings of Mosques, The Preamble to Clarify the Curriculum by al-Asnawi, Khadim al-Rafi'i in twenty volumes, and al-Rawdah fi al-Furu' and al-Zarkashiyyah, in which he collected the footnotes of al-Rawdah by his sheikh al-Balqini, and Explanation of the Intellect by Shirazi in Branches of Shafi'i jurisprudence, Al-Ghazali's explanation of Al-Wajeez in Al-Furu', abundant ambiguity in what the traveler needs, and Al-Zarkashi's fatwas. Among his books on the principles of jurisprudence: Al-Bahr al-Muhit fi Usul al-Fiqh in three volumes, in which he collected a large collection that had not been preceded by it, and Tashnif al-Masaa' by collecting the compilations of Taj al-Din al-Subki in two volumes, Silsilat al-Dahab in Usul al-Fiqh, and Al-Manthur: Known as the rules of al-Zarkashi in Usul al-Fiqh, and Luqtat al-Ajlan and Bila The Thirsty in Usul al-Fiqh. Among his books on men and history: The contracts of the juman in the deaths of notables, and it is an appendix to the deaths of notables in the news of time. Many of Ibn Khalkan's men were mentioned in it. Among his books on literature are: Rabi' or Rati'a al-Ghazal in Literature, and Sharh al-Burdah. Among his books on various topics are: The Book of Az-Zahiya fi Ahkam al-Supplications, Risala on the Plague and the Permissibility of Fleeing from it, and Al-Rawdah, which is a great book with benefits. Jalila wrote it on the method of mediation for the arms, hidden corners, benefits on letters and doors, and a summary of the servant, and he called it Tahrir al-Khadim and it was said Lub al-Khadim (5).

Sixth: His Academic Status and the Scholars' Praise for Him:

Imam al-Zarkashi, may God have mercy on him, had a great degree of knowledge and knowledge. His writings, which exceeded forty books, indicate that he was a fundamentalist jurist, a literary interpreter, and therefore one of his nicknames is the compiler due to the large number of his books. Some historians said: He was a fundamentalist jurist, commentator, and writer, virtuous in all of this, and he studied and gave fatwas. Al-Baramawy said: He was detached from being occupied with knowledge and was not distracted by anything, and he had relatives who were sufficient for him in this worldly affairs(5).

Seventh: His death:

He died, may God have mercy on him, in Cairo, Egypt, in Rajab, in the year seven hundred and ninety-four of the Prophet's Hijrah, corresponding to the year three hundred and ninety-two thousand AD(6).

Eighth: Introduction to the book:

It is a book on fundamentals of jurisprudence based on the Shafi'i school of thought, and this book was distinguished by the fact that it presents the sayings of the scholars in each issue, in which they are arranged group by group, and in all of that it mentions the schools of thought, verifies them, balances between the sayings, mentions the evidence and criticizes them, mentions the causes of disagreement, corrects and makes mistakes, prefers and stands. He attributes the sayings to their owners, and stipulates the references from which he was taken, and he did not suffice with reference to the primary literature, but rather he took from the books of interpretation, hadith, language, and creed, and between what is built on the issue and what branches out from it, and if there is criticism or warning, he spares no effort in clarifying and clarifying that. Also, the book Al-Bahr Al-Muheet is considered the most comprehensive compilation of works on issues of jurisprudence. Sometimes it mentions it without attributing it to it, and at other times it attributes it to those who narrated it as evidence. Therefore, the book Al-Bahr Al-Muheet is considered the first fundamentalist encyclopedia that collected the opinions of fundamentalists from all the Hanafi, Maliki, Shafi'i, Hanbali, and Dhahiri sects. The Mu'tazila and the Shiites. Ibn al-Imad al-Hanbali said: "And al-Bahr in al-Usul is in three parts, in which he gathered a great number that had not been previously mentioned".(7).

His writing sources:

Al-Zarkashi collected his book Al-Bahr Al-Muheet from hundreds of books. While he collected these books, he absorbed them, so he said: So I singled out the foam of the books of the ancients and mentioned the laws of the later scholars, and I collected what I concluded from their sayings.

His approach to dealing with sources:

He also verified the attribution of the sayings to their owners and corrected the error in that, and he said: I have seen in the books of the latecomers the defect in that, and the slippage in many reports and issues, so I went to the houses from their doors, and I saw every issue from its book. And perhaps I will market it with their phrases because it includes benefits, and alerts to the imbalance of the transmitter, and what it includes of the drawbacks and purposes.

His methodology in listing the doctrines:

Imam Al-Zarkashi has a precise and distinctive style in listing the doctrines, as he lists all the doctrines in one issue, with his interest in mentioning the evidence that the owners of each doctrine inferred, and the reason for which they said their statement. With mentioning his choice in most matters.

His approach to issues:

Likewise, he added thousands of questions to it, and he said: I added in this art more than thousands of issues, and it was born of unusual oddities, and I returned every branch to its origin and a form that had prevented it from its form, and I brought in it what I had not preceded to, and collected its dispersed fragments according to what it decrees. The wonder of it.

He quoted the opinions of his predecessors:

Al-Zarkashi in this great book is more than what was transmitted from the previous books verbatim, so he memorized the opinions of the fundamentalists whose books were lost, or did not reach us yet, and he said at the end of the book: I wish that whoever stood on it should not attribute its benefits to him, because I spent my life extracting it from the caches. And deducing it from the mothers, and I saw in that what bewildered by others, and he was honored to break into it, and I investigated the narrations from the origins by word of mouth, not by means, and I saw the latecomers made a lot of mistakes because of imitation, so if you see in this book something of my narration, then adopt it, because it is the accepted editor, and it will be with this The work has preserved for us the opinions of fundamentalists whose writings have been lost, or have not reached us yet. This book agrees with its name, as it is a sea surrounding many fundamentalist issues. The age of Al-Zarkashi when he wrote it was thirty-two years. He said: The seventeenth of Shawwal of the year seventy-seven was completed in Cairo. It is known that he was born in the year seven hundred and forty-five.

The second requirement: the nature of consensus:

First: Consensus in language:

Consensus of common words in language mode between two meanings:

The first meaning: definite determination. It is said: So-and-so has agreed on such-and-such.

The consensus in this sense is issued by the one as stated in the hadith ((There is no fasting for the one who does not intend to fast before the onset of dawn)) i.e. he does not resolve to fast from the night and intends it. And it is issued by the plural, as stated in the noble verse i.e. resolve your affairs(8).

The second meaning: agreement, it is said: the people gathered on such and such, if they agreed on it, and in this sense it only comes from the gathering, and it is not imagined from one, and from it is his saying, may God's prayers and peace be upon him ((My nation does not gather on a misguidance)) that is: it does not agree

The fundamentalists differed as to the meaning closest to consensus:

Some of them believe that the consensus is a verbal joint between them. It was said that the consensus in the language is the agreement and determination is due to it, because whoever agreed on something has resolved on it. Some of them are of the opinion that (agreement) is the meaning that fits the idiomatic meaning of consensus. Ibn Al-Samani said: (The first, i.e., determination is more like language, and the second, i.e., agreement is more like the law(9).

Second: Consensus in the terminology of the fundamentalists:

The fundamentalists' expressions varied in its idiomatic meaning, and they differed in that according to their differences in its controls, types, and conditions. On the other hand: their expressions varied in the restrictions that must be available in the consensus, in terms of time, people, and issues of consensus, as we will show in the following.. First: Some of the fundamentalists restricted the consensus of persons and the issues of consensus, and released the restriction of the era, from which it is understood that the consensus takes place in

any era, whether it was during his era, may God's prayers and peace be upon him, or after his death, and among these are:

What al-Juwayni defined in al-Talkhees, when he said: (It is the agreement of the nation, or the agreement of its scholars on one of the rulings of Sharia(10).

Ibn Amir al-Hajj defined him in al-Taqreer wa al-Tahbeer, when he said: "The agreement of the mujtahids of an era from the nation of Muhammad, may God bless him and grant him peace, on a legal matter".

And Al-Ghazali defined him in Al-Mustafa, when he said: (As for understanding the term consensus, we mean by it the agreement of the nation of Muhammad, may God's prayers and peace be upon him, especially on one of the religious matters(11).

Ibn Qudamah al-Maqdisi defined him in al-Rawdah, when he said: (The scholars of the era of the nation of Muhammad, may God bless him and grant him peace, agreed on one of the matters of religion(12).

Secondly: Some of them restricted the consensus to the era and issues of consensus, and released the restriction of individuals, so it included the legal scholar and other common people, and the mujtahid and those who are below the rank of ijihad, and from these.

What Al-Amidi defined in terms of rulings, when he said: (The agreement of the totality of the people of the solution and the contract of the nation of Muhammad, may God's prayers and peace be upon him, in an era of the hurricane, on the ruling of an incident from the facts(13).

Al-Qarafi defined it in explaining the revision of the chapters, when he said: (It is the agreement of the people of the solution and the contract in this nation in one of the matters(14).

Third: Some of them restricted the consensus to the era and people and released the restriction of issues of consensus to include the legal, linguistic, rational, and worldly matters, and they said: The evidence indicating the authority of the consensus did not differentiate between consensus on a religious or worldly matter, and accordingly the consensus must be an argument in all matters, and from whom He knew it:

What al-Zarkashi knew in al-Bahr al-Muheet, when he said: (It is the agreement of the mujtahids of the ummah of Muhammad, may God bless him and grant him peace, after his death in an accident on a matter in an era of hurricanes(15).

And Zakaria Al-Ansari defined it in Ghayat Al-Wasoul, when he said: (The agreement of the mujtahids of the nation in word, deed, or decision, after the death of Muhammad, may God bless him and grant him peace, in an era on any issue that was religious, worldly, mental, and linguistic(16).

And Al-Shawkani defined it in Irshad Al-Fuhul, by saying: (It is the agreement of the mujtahids of the nation of Muhammad, may God's prayers and peace be upon him, after his death, in an era of hurricanes, on a matter of matters(17).

And Alaa al-Din al-Mardawi defined him in al-Tahbeer, Sharh al-Tahrir, when he said: "The agreement of the mujtahids of the nation in an era on a matter, even if it was done, after the Prophet, may God's prayers and peace be upon him".

Fourth: Among them are those who did not restrict the consensus neither to the era, nor to issues of consensus, nor to persons, and released the definition from any restriction, so he included in the definition what is not from it, and those who defined it by that:

What Al-Razi defined in the crop, when he said: (It is an agreement of the people of the solution and the contract of the nation of Muhammad, may God's prayers and peace be upon him, on one of the matters(18).

And Abu Ya'la introduced him to Al-Iddah, when he said: (The scholars of the time agreed on the ruling on the catastrophe(19).

And Al-Shirazi defined him in Al-Lama', when he said: (It is the agreement of the scholars of the era on the ruling on the incident(20).

Fifth: Some of them restricted the consensus to the era, to people, and to issues of consensus, so its definition was comprehensive and prohibitive, because one of the characteristics of the hadd is that it is comprehensive and prohibitive.

What Ibn al-Lahham defined in al-Mukhtasar, when he said: (The agreement of the mujtahids of an era of this nation after the death of our Prophet Muhammad, may God bless him and grant him peace, on a religious matter(21).

And Abdullah bin Yusuf defined him in Facilitating the Science of Principles of Jurisprudence, when he said: (The agreement of the mujtahids of the ummah of Muhammad, may God's prayers and peace be upon him, after his death, in an era of ages, on a legal ruling(22).

And Muhammad Dumby Dakouri defined him in the decisiveness of the four evidences, when he said: (The agreement of the mujtahids of the ummah of Muhammad, may God bless him and grant him peace, after his death, in an incident, on one of the matters of religion, in an era of hurricanes(23).

Scholars have limits in defining consensus other than that, which would be too long to mention(24).

The chosen definition:

Among the foregoing, we can choose the most appropriate definition of unanimity, which is what completes its precautions and controls the limits of excess and decrement, so it is possible to choose a definition of those who restricted unanimity to the era, people, and issues of unanimity, and also those who wrote in the fundamentals of the contemporaries restricted the issues of unanimity to be among the jurisprudential legal rulings, so that unanimity does not take place on issues that have no justification for ijihad, and among those who took this path is Sheikh Dr. Hamad Obaid Al-Kubaisi, when he said in his definition: "The agreement of the mujtahids of the nation, after the death of the Messenger of God, may God's prayers and peace be upon him, in an era of ages, on a legal judgment. in one of the facts".

Explanation of the definition and a statement of its precautions.

Saying: "agreement" what is meant by it: union and participation in words and deeds, silence, and determination, and guarded by it from disagreement, so if they agreed on a saying it would be unanimous, and likewise if they agreed on an act, as if the people of diligence started all in sharing or partnership. His saying "mujtahid" because what is taken into account in consensus is the agreement of the mujtahids, and the mujtahid is: everyone who fulfills the conditions of a mujtahid, so the agreement of other thinkers, the general public, and students of knowledge who have not reached the degree of ijihad is not counted, and their disagreement is not reprimanded in the establishment of consensus. His saying "the agreement of the mujtahids" must be the agreement of all the mujtahids, so the agreement of some of the mujtahids is not valid. His saying: "The Ummah" brought out the agreement of the mujtahids from following the previous laws towards the Jews, Christians, and others, so their consensus or disagreement is not counted. Consensus on a matter is not without either the Prophet, may God's prayers and peace be upon him, agrees with them, and at that time the ruling is established by the Sunnah, not by consensus, or he contradicts them, and at that time the consensus is subtracted

because it contradicts the text. - His saying “in an era of ages” to indicate that if the mujtahids in a certain era agreed on a ruling, then their consensus becomes an argument, and that is not specific to the era of the companions. With that, the mujtahids agree on a matter that is not a matter of religion, such as agreement on some issues of language, arithmetic, or worldly and rational matters, and so on. As it is not a place for consultation and ijtihad.

The second topic: the consensus document: it contains demands

The first requirement: the nature of the document:

First: The document in the language: from the verb (support), and the document and the bond have one meaning.

It has meanings for linguists, including:

1. Time: This is because things are attributed to it, saying: It was such and such at such and such a time.
2. The reliable one: and from it it is said: The general of the people and the one in charge of their affairs has their support, and he has their authority and their authority, and so on, so everything you relied on is your document(25).

Hence, the evidence is a reliable support for accepting the Sharia ruling, as the document may be tangible, like your leaning on a wall, or it may be moral, like your relying on evidence in determining the ruling. It is the sensory and moral solidarity, as Al-Zamakhshari said: “And the document is from the solidarity, you say: I entrusted my command to him, and the two wolves approached him, supporting each other ”.(26).

Second: The document in the terminology of the fundamentalists:

The fundamentalists did not stipulate the definition of the document of the consensus, but it became clear from their talk about it that it is the evidence on which the consensus is based. Imam Fakh al-Islam Al-Bazdawi called it: (with the reason), and his commentator said: “The advocate, that is, the reason that invites them to the consensus.” Imam al-Samarqandi titled the issue, and he said: “In explaining the reason that calls for the unanimity that bears it.” And Dr., as the definitive indication in the Holy Qur’an and the frequent Sunnah, and includes the presumptive as the news of the one and the analogy.

The second requirement: the requirements for the document to be unanimous, and its types:

Al-Zarkashi said: “Those who affirm the basis for it agreed if it was an indication, and they differed as to if it was a sign”(27).

What is meant by the text: Al-Zarkashi mentioned in this text from the point of view that the document of consensus is different in it, so some of them stipulated that he have a document and evidence that necessitates that consensus, and some of them did not stipulate that, and he mentioned from the point of view that those who say the document differed in explaining the type of document in terms of Decisiveness and conjecture, so is consensus based on any presumptive evidence, from a single piece of news, analogy, or other than that, or is consensus only based on a definitive document based on the texts of the Book and Mutawatir Sunnah?

In order to complete the topic, it was necessary for us to talk about the issue of the document of consensus in terms of the requirement of the document, as well as we talk about the type of document in terms of certainty and conjecture, and this will be through the following two paragraphs:

The first paragraph: the requirement for the document to be unanimous:

The sayings of the fundamentalists differed in the requirement of the document on two doctrines:

The first doctrine: The majority of fundamentalists went to the condition of the document in the consensus, and they said: It is required for the convening of the consensus to have a document and evidence that necessitates that consensus.

Al-Amidi says: “Everyone agreed that the nation does not come together about ruling except on a basis and a basis that necessitates its meeting” (28).

And the audience inferred from a set of paths and premises on the validity of what they went to, including:

1. If unanimous ruling is permissible without a document, then it is permissible for each one of them, because they only unanimously agree on the ruling that each one says it, and if that is permissible for their units, then the gathering would not have any advantage over the units.
2. The absence of a document from evidence or indication is likely to not reach the truth, which leads to the permissibility of error, and to block this possibility, it was said: There must be a document for consensus.
3. Saying about religion without evidence or indication is wrong, so if they agreed on it, they would be unanimous in error, and that is impossible to refute unanimity.
4. If consensus was permitted without evidence, then the requirement of *ijtihad* in the statement of those gathered would have no meaning, and it is impossible. Because the requirement of diligence is unanimous.
5. If the article is not based on evidence, it is not known to be affiliated with the layman’s position, and what is like that is not permissible.
6. Saying without an argument is following one’s desires, and following one’s desires is invalid. Saying without an argument, even if it is from the entire nation, is invalid. And because without proof, affirmation and denial are equal, so saying one of them without evidence is more likely than likely, and that is only by desire and lust. As for following passion is invalid; Apparently, it is agreed upon, so it is proven that saying without an argument is invalid. (29)

objected:

The consensus without an argument is to follow one’s desires, but it is from the individual nation, not from all of it. Saying without argument is equal to negation and affirmation is true; And our doctrine has an argument and is likely, so if you say what is it?

And I answer: The immutable divine infallibility of this nation by his saying, peace be upon him: My nation does not agree on a misguidance, and then when they agree on something, it is right and right, because God Almighty does not inspire them except Him, and only Him is on their tongues; Because that is one of the requirements of infallibility.

The second doctrine: the document is not required for consensus:

The adherents of this school of thought believe that it is not required for consensus to have a document, so it is permissible for consensus to be formed on the basis of conciliation and not *tawqif*, that God Almighty will help them to choose the right thing without a document.

The first path: that unanimity is an argument, and if it lacks evidence in making it an argument, then that evidence would be the argument in proving the unanimous ruling on it, and there was no benefit in proving that the consensus is an argument.

Al-Amidi responded to this approach, saying: It is invalid in three ways:

First: It is possible to say the benefit of the fact that unanimity is an argument for the permissibility of adopting it, and dropping the search for that evidence, and the sanctity of permissible disagreement before agreement.  
Second: What they mentioned necessitates that there is no consensus on the evidence and they did not say it.  
Third: It contradicts the saying of the Messenger, as it is an argument in agreement with him that he does not say what he says except on the basis of evidence, which is what is revealed to him according to what the approved text uttered .(30).

The second path: Falling, and there is no evidence of permissibility from falling as it is without evidence and without a document, and falling is evidence of permissibility, and that is like the scholars' consensus on the permissibility of the Istisna' contract, the rent of the bathroom, and the sale of donation or satisfaction.

I answer this path from aspects that we can summarize with the words of the fundamentalists:

Al-Amidi said: We do not accept that there are legal rulings on which scholars have unanimously agreed without a document. And there is a third path that Al-Amidi did not mention, which is "infallibility": that is because the nation is infallible from error in religion, and the infallible does not emanate from it except what is correct, and because it is infallible, it is not required to rely on an argument or evidence(31).

And I answer this path: The infallibility is specific to the prophets only because they are supportive of the revelation and those below them of the industrious. His saying is not infallible unless it is accompanied by evidence.

Discussion and weighting:

After mentioning the evidence for each team, it becomes clear to us what needs to be stated:

- The saying of the majority of the scholars of the nation is that this nation does not gather except with legal evidence, and its consensus cannot be based on whim, or saying about God without knowledge, or without evidence that is consistent with the principles and rulings of the Sharia, otherwise there is no meaning of consensus on the requirement of ijihad in consensus.
- What makes this clearer is the reality, since there is no issue on which there is unanimous agreement but it has a document and evidence.
- Ibn Taymiyyah says: "There is never an issue on which there is unanimous agreement that does not include a statement from the Messenger....or a text" (32).
- This is an indication that all existing consensuses have a document. This is based on general principles, including:
- The Messenger has completed the statement, so there is no issue except that the Messenger has a statement.
- The comprehensiveness of the legal texts and the generality of their indication of issues and facts, because there is no issue that cannot be inferred from a hidden or clear text.
- That some scholars may not know the text, so he infers by ijihad and analogy, and some of them know the text, so he infers it.
- It has been proven by extrapolating the sources of consensus that all consensuses are based on texts. But these texts may be hidden from some people, so the consensus is conveyed to him without a text, as is the case.

- Ibn Taymiyyah says: There is never an issue on which there is consensus that does not include a statement from the Messenger, but this may be hidden from some people and the consensus is known(32).
- The basis for consensus is evidence, and its indication is a second evidence, and consensus falls on it to determine the significance of the text.
- Ibn Taymiyyah says: “The text is inferred by those who do not know the significance of the text, and it is a second evidence with the text, like the proverbs set in the Qur’an” (33).

The second paragraph: the type of consensus document in terms of definite and conjecture:

In the first paragraph, we clarified the disagreement regarding the requirement of the document in the consensus, and we clarified the most correct of that in that the consensus must have a document. Because the people of consensus do not have the rank of independence by proving rulings, but they prove them in view of their evidence and their source, so it must be based on a document; Because if it took place without a document, it would have required proof of the Sharia after the Prophet, may God’s prayers and peace be upon him, and this is invalid. A definitive document towards the texts of the book and Mutawatir Sunnah.

The fundamentalists differed regarding the document of consensus on two sayings:

The first saying: The basis for consensus is definitive and presumptive, and that the presumptive evidence is suitable to be based on consensus, so it is permissible to establish consensus on any presumptive evidence, from one piece of news or analogy, which is the doctrine of the majority of scholars.

Al-Ghazali said: “It is permissible to establish consensus on the basis of ijtiḥad and analogy”.

Ibn Qudamah al-Maqḍisi said: “It is permissible for consensus to be based on ijtiḥad and analogy and be an argument”.

Al-Tawfi said: “It is permissible for its basis to be based on analogy and other evidence, indications, arguments, or suspicions”.

Ibn al-Najjar al-Futuḥi said: “It is forbidden to contradict it: i.e. to contradict the consensus that is based on ijtiḥad or analogy ”.(34).

Evidence for the first opinion:

The first evidence: There is no impediment to the convening of consensus on speculative evidence. By analogy with the convening of consensus on definitive evidence and there is no difference, and the mosque: that both definite and presumptive evidence necessitate action, and therefore consensus relies on them.

The second evidence: Incidence: Most of the existing consensus with us have been proven and established and are based on speculative evidence, towards generalities and concepts, analogy, and the news of one, and occurrence is evidence of permissibility, and examples of these are:

The consensus on the succession of Abu Bakr, by analogy with his leadership in prayer, until it was said that the Messenger of God, may God’s prayers and peace be upon him, accepted him for the matter of our religion, so shall we not please him for the matter of our world?

Also, they agreed to fight those who refused zakat by way of ijtiḥad, until Abu Bakr said: “By God, there is no difference between what God has collected. God said: {And establish prayer and pay zakat} ”.(35).

The scholars are unanimously agreed on the prohibition of selling food before taking possession of it, although its basis is one report, which is the ḥadith of Ibn Omar, which is that the Messenger of God, may God’s prayers

and peace be upon him, said: (Whoever buys food, let him not sell it until he is in full possession of it) and so on, and occurrence is evidence of permissibility.

And they unanimously agreed in the time of Omar, may God be pleased with him, that the limit of the one who drank alcohol was eighty with diligence, until Ali, peace be upon him, said: (Indeed, if he drinks, he becomes intoxicated. A statement from them that they proved the ruling by ijihad and a form of analogy, because with the conscience of the text, it is not related to the same(36).

The third evidence: The texts indicating the authority of the consensus were general and comprehensive for the consensus based on definitive evidence, and based on presumptive evidence. They did not separate between consensus based on definitive or presumptive evidence. Because it is a restriction without valid evidence and is invalid.

Fourth Evidence: They also inferred its permissibility that the Emirate is the principle of governance, i.e. it is suitable to be a path to ruling, so it is permissible to unanimously agree on it by analogy with the evidence.

The fifth evidence: that analogy and what is in its course is a visible sign, so it is permissible for the large number to agree on the ruling on its part, its origin: the Qur'an and the Sunnah(37).

The second saying: that the presumptive evidence is not fit to be a basis for consensus, so the consensus does not take place except on a definitive document towards the texts of the book and mutawatir Sunnah, and it is not permissible to be presumptive towards the news of the one or the analogy, which is the doctrine of Daoud Al-Zahiri, and it was said by Ibn Hazm, and to him Muhammad went. Ibn Jarir al-Tabari, many Shiites, Jaafar bin Mubashir from the Qadariyyah, and al-Qashani from the Mu'tazila(38).

Ibn Hazm said: "And God Almighty has imposed on us unanimity, and unanimity is nothing but an endorsement from the Messenger of God, may God's prayers and peace be upon him".

Ibn Jarir said: "Al-Qiyas is an evidence, but if consensus is issued by it, it is not definitive in its validity".(39).

Discussion and guidance of Ibn Hazm's opinion:

Unanimity is one of the principles on which the Dhahiriyyah in general and Ibn Hazm rely in particular, but this consensus is not an argument and cannot be relied upon unless it is based on a text from a book or a Sunnah, as he said: "And consensus is a truth, and one of our principles that we rely on. God Almighty has imposed on us unanimity, and unanimity is nothing but a confirmation from the Messenger of God, may God's prayers and peace be upon him". (40).

And after presenting their opinion, he began by explaining the doctrine of the majority and their opinion on the document of consensus, when he said: "The majority of the fundamentalists went to the permissibility of the consensus being on something other than the Qur'an, and other than what came from the Prophet, may God's prayers and peace be upon him, which is that Muslim scholars meet on a ruling that has no text in it, And each one of them expresses his opinion or analogy from a text. After clarifying the opinion of the public in the document of consensus, he began to refute their opinion, invalidate it, and correct what he went to, as he said: "This is false, and it is not possible at all for there to be a consensus among the scholars of the nation on something other than a text from the Qur'an or the Sunnah of the Messenger of God, may God's prayers and peace be upon him." After he clarified. Ibn Hazm expressed his position on this and his denial of the possibility of unanimity meeting on a text other than a text from a book or a Sunnah. And all of this is a truth that no Muslim can deny, and we did not disagree with them in the validity of the consensus, rather we

disagreed with them in their permissibility for the consensus to be based on a non-text. After that, he proceeded to invalidate the opinion of the public in their understanding of the exact meaning of consensus, when he said: “Know that their saying this issue has no text in it is a false saying and fraud in religion and a way to these great things” (41).

Then he concluded by saying: “If the matter is like this, then we only have to crucify the rulings of the Qur’an and the established Sunnahs of the Messenger of God, may God’s prayers and peace be upon him, because there is nothing in religion other than them in principle, and there is no meaning to our request. Is there a consensus on that ruling or is there a difference in it?” After this statement from directing the opinion of Ibn Hazm In this matter, it becomes clear to us that Ibn Hazm does not consider unanimity an argument, and it cannot be relied upon unless it is based on a text from a book or a Sunnah. Legitimacy is complete and complete, and therefore it is able to absorb all new calamities(42).

Evidence for the second opinion and its discussion:

The apparent people prevented it because of their denial of analogy, and they said: The analogy is invalid, and it is not permissible to hold a consensus on it.

And I answer: It is that the analogy with us is correct and an evidence from the evidence of the Sharia, so it is permissible for the consensus to take place on its part towards the Book and the Sunnah(43).

It is true that there is nothing except that there is a clear text in it, so it is true that there is no consensus except on a text and no difference except in a text, and there is no analogy that is required in a text except that it is an addition to the religion or a deficiency from it.

And I answer: falling; Where it happened that most of the consensuses were based on presumptive evidence, and this occurrence contradicts what you mentioned.

And I answer that the definitive consensus was not proven from the point of view of the chain of transmission, otherwise the consensus would be null and void, because the proof of the ruling at that time is the definitive evidence, not the consensus(44).

They said: Because consensus necessitates definitive knowledge, so it is not concluded except by definitive evidence, and that presumptive evidence does not necessitate definitive knowledge, so it is not permissible for consensus to emanate from it.

And I answer: What you said in the presumptive document applies completely to the definitive document. Since the definite document may be copied, or something else, then the consensus on it has removed this possibility from it, and you did not say: The consensus at that time is stronger than its document and it is forbidden, rather you allowed the consensus on it(45).

And because unanimity does not exist except with the agreement of the people of the era, and there is no era except that there is a group in it that negates analogy, so this prevents the convening of consensus based on analogy.

And the answer: The consensus for David is the consensus of the Companions, and we do not accept that there were those among them who did not say by ijthad, nor in the followers.

Another answer: It is invalid with the news of the one and the general, because there is no era without those who negate the news of the one, and prevent the validity of the general, and with this there is no dispute that the consensus takes place with each one of them(46).

Also, the certainty has been corrected that people differ in their motivation, choice, opinions, and natures that

call for choosing what they choose and shun what else, and they are very different in that(47).

And I answer: If analogy appears and lacks inclination and whim, then it is not far from the agreement of the wise on it and it is a call to rule by it, and if that is not possible at a specific time due to the difference in their understanding and their diligence in consideration and diligence, then this is not impossible in lengthy times, just as it is not possible for them to agree to act according to one report, although its justice is Suspicious of the signs that indicate it and the reasons for recommending it(48).

Unanimity is definitive evidence; Even if his opponent innovates and debauches, and the conjectured evidence established by ijtiḥad is against it, and that prevents the attribution of consensus to him(49).

And I answer: If the nation agrees on the proof of the rule of analogy, then their consensus on that is preceded by their consensus on the validity of that analogy.

From the analogy is what agrees with the text, so what is followed at that time is the text, and we do not care if the analogy agrees or contradicts it, so we never followed the analogy whether the text agreed or contradicted it .(50).

And I answer: What they mentioned is contradicted by what they agreed upon in terms of the convening of consensus, based on the news of the one with it being presumptive, and the consensus based on it is definitive, so what is the answer in the form of obligation is an answer in the place of dispute(51).

The consensus is established on the permissibility of opposing the mujtahid, and the ruling issued by ijtiḥad.

And I answer: That the consensus was convened on the permissibility of opposing the single mujtahid with his own ijtiḥad, like one or the two, without the ijtiḥad of the nation, but after the consensus, it is not permissible to contradict it(52).

Consensus is one of the origins of evidence and it is infallible, and analogy is a branch and subject to error, and the reliance of the origin and what is infallible on the branch and what is subject to error is abstained(53).

And I answer: The analogy that is the basis of the consensus is not a branch of the consensus, but rather other than the Book and the Sunnah, and that is not achieved with it building the consensus on its branch(54).

Discussion and weighting:

After all that, I say: Ibn Hazm did not count the speculative sources in the document of consensus, so it is not permissible for him to hold consensus on any speculative evidence from a single news, analogy, ijtiḥad, or indication. This is from Ibn Hazm, not because presumptive evidence cannot be adopted as a basis for consensus; Rather, it was based on their principle, which is the lack of reliance on analogy, a source of legislation that can be relied upon in revealing the legal ruling, and this is what was endorsed by the majority of fundamentalists when they said: The phenomenon prevented it because of their denial of analogy, and they said: That analogy is invalid, so it is not permissible to hold a consensus on it. The news of Al-Aḥad, which is a presumptive evidence, has been made by some Dhahiriyya as a basis for them in many issues. Likewise, many of the deniers of analogy relied on it in places, and called it by other than its name, towards the warning and the revision of the reason. Al-Tawfi said: “Some of them say: The judge does not judge when he is hungry, and it is in fact an analogy for anger with the well-known collector, and they say: He alerted the state of anger to the state of hunger and other conditions, so it is permissible for the violator to base his analogy when there is consensus on what he does not believe by analogy, which is analogy, so the document is unified and the consensus branches out “(55).

Verification of Al-Zarkashi’s text:

We have known the document of consensus by what has been mentioned above: If the document of consensus is definitive, then the owners of the two schools agree that it is called consensus and it is forbidden to contradict it. But if the consensus document is presumptive. According to the first school of thought: it is called consensus, as it is based on definitive evidence, and there is no difference. As for the second doctrine: it is not called a consensus, due to its reliance on evidence that is not suitable as a document for consensus, and accordingly it is not forbidden to contradict it; Because saying ijthad in that opens the door to ijthad and does not forbid it, and this is what Al-Zarkashi referred to by saying: “And they differed as to whether it was a command” (56).

## Conclusion

1. Praise be to God, Lord of the Worlds, and the best of blessings and peace be upon the Master of Messengers, our Master Muhammad and his family and companions altogether, and those who follow them in goodness until the Day of Judgment. Now after: After God Almighty has bestowed upon us the completion of this modest research, I will summarize the most important results that I reached through it.
2. I presented the research with a brief introduction in which I showed the importance of Al-Bahr Al-Muheet book by Al-Zarkashi, being a comprehensive fundamentalist encyclopedia of the most fundamentalist works, and the most comprehensive collection of issues of consensus in the principles of jurisprudence.
3. I talked about the life of Imam Al-Zarkashi, which necessitates introducing him at length.
4. When I study the constraints that must be available in unanimity, in terms of time, people, and issues of unanimity, this is the first comparative fundamentalist study in the idiomatic meaning of unanimity.
5. I studied an issue related to consensus, which is: the requirement of the document in the consensus, and Al-Zarkashi expressed it by saying, “Those who say the basis on it agreed if it was a sign, and they differed about whether it was a sign.” Two important paragraphs fall under its folds.
6. I mentioned the first paragraph, which is that there must be a document for unanimity, and I detailed the saying in it and explained the most correct of that, which is the saying of the majority in which they said that unanimity must have a document.
7. I mentioned the second paragraph in the type of document, and also detailed what was said in it, and which one is more likely in it, and that consensus may be established on any document, whether it is definitive or implied.
8. Al-Zarkashi’s text, which says, “Those who said the basis for it agreed if it was an indication, and they differed about whether it was an indication”.
9. In conclusion, we ask God Almighty to help us to do what He loves and is pleased with, to accept this work from us, and to make it in the pages of our deeds that He hears and answers our supplications, and praise be to God, Lord of the Worlds.

## Margins

1. Al-Zarkash: The dress was embroidered from its edges with gold threads, and the dress was embroidered with any decoration, and it could be for the whole dress. Lexicon of Historical Words in the Mamluk Era 1/86, and Lexicon of Contemporary Arabic Language 2/983.

2. The news of immersion in the sons of Omar in history by Ibn Hajar Al-Asqalani 3/139.
3. The latent pearls of Ibn Hajar Al-Asqalani 1/125.
4. Tabaqat al-Shafi'i by Ibn Qadi Shahba 2/342, and Shadrat al-Dhahab by Ibn al-Imad 7/193.
5. Tabaqat al-Shafi'i by Ibn Qadi Shahba 3/168, Anba al-Ghamr by Ibn al-Umar fi al-Tarikh by Ibn Hajar al-Asqalani 3/139, Gold Fragments by Ibn al-Imad 6/334, Al-Alam by al-Zarkali 6/61, and Mu'jam al-Muthalbin 9/122.
6. Al-Alam by Al-Zarikli 6/61
7. Tabaqat al-Shafi'iyyah by Ibn Qadi Shahba 3/168, and Anba al-Ghamr by Ibn al-Umar fi al-Tareekh by Ibn Hajar al-Asqalani 3/139, and gold nuggets by Ibn al-Imad 6/334.
8. Tabaqat al-Shafi'i by Ibn Qadi Shahba 3/168, Shadhrat al-Dhahab by Ibn al-Imad 6/334, al-Alam by al-Zarkali 6/61, and the authors' dictionary 9/122.
9. Tabaqat al-Shafi'iyyah by Ibn Qadi Shahba 3/168, and Shadrat al-Dhahab by Ibn al-Imad 6/334, and Mu'jam al-Muthalafin 9/122
10. Gold nuggets by Ibn al-Imad 6/334.
11. Al-Misbah Al-Mounir 1/ 108.
12. The consensus in Islamic law 1/64, and the polite in the science of comparative jurisprudence 2/845.
13. Irshad al-Fuhul by al-Shawkani, p. 71.
14. Conclusive Evidence in Usul al-Fiqh 3/188, and al-Bahr al-Muhit in Usul al-Fiqh 4/436.
15. Consensus in Islamic Sharia 1/66.
16. Al-Mukhtasar fi Usul al-Fiqh 1/ 74, Sharh al-Kawkab al-Munir 2/ 211, Principles of Usul 1/ 23, Ijma' in Islamic Shari'a 1/ 64, Usul min 'ilm al-Usul 1/ 64, Al-Muhadhdhab fi 'Ilm Usul al-Fiqh Comparative 2/845, and Usul al-Fiqh on Manhaj Ahl al-Hadith 1/49.
17. The origins of rulings and methods of deduction, Dar Al-Salam, Damascus, 1st edition, 2009 AD, p. 91.
18. The Principles of Rulings by Dr. Hamad Al-Kubaisi, pg. 93.
19. Al-Muhakkim al-Muhit al-A'zam by Abu al-Husayn ibn Sayyidah al-Mursi: 8/453.
20. The basis of rhetoric for Zamakhshari: 1/477.
21. Studies on Consensus and Measurement by Dr. Shaaban Muhammad Ismail: p. 119.
22. Al-Bahr al-Muheet fi Usul al-Fiqh: 6/ 399.
23. Al-Ahkam by Al-Amdi 1/261, and Al-Jami' of the issues of the fundamentals of jurisprudence and their applications on the correct doctrine, p.: 324.
24. A brief explanation of Al-Rawdah 3/ 118-119.
25. Al-Ihkam for Al-Amdi 1/263-261.
26. same source
27. Al-Ihkam for Al-Amdi 1/263-261.
28. A brief explanation of Al-Rawdah 3/119.
29. Total Fatwas 19/195.
30. Total Fatwas 19/195.
31. same source.
32. Revelation of Secrets by Al-Bukhari 3/264, and Explanation of Mukhtasar Al-Rawdah 3/121.

33. Al-Iddah 4/1126, Revelation of Secrets by Al-Bukhari 3/264, and Sharh Al-Kawkab Al-Munir 2/261.
34. It was included by Al-Nasaa'i in Al-Kubra, No. (5269), and Al-Daraqutni in Al-Sunan, No. (212).
35. Al-Ibhaaj fi Sharh al-Minhaj 2/391.
36. The kit in Usul al-Fiqh 4/1126.
37. Kashf al-Asrar Explanation of the origins of al-Bazdawi 3/263.
38. Al-Bahr al-Muheet fi Usul al-Fiqh 6/399, and Irshad al-Fahul 1/211.
39. Local: 1/270.
40. The previous source 4/140.
41. Previous source 1/10.
42. Al-Ibhaaj fi Sharh al-Minhaj 2/391, and Al-Bahr al-Muhit by al-Zarkashi 6/399.
43. Al-Ihkam by Ibn Hazm 7/118.
44. The kit in Usul al-Fiqh 4/1126, and the luster of Shirazi 1/88.
45. Explanation of waving on clarification 2/102, and consensus in Islamic law 1/69.
46. Al-Ahkam by Ibn Hazm 4/136, and Sharh Mukhtasar Al-Rawdah 3/123.
47. The polite in the science of comparative jurisprudence 2/905.
48. The kit in Usul al-Fiqh 4/1127, and revealing the secrets of al-Bukhari 3/264.
49. The kit in Usul al-Fiqh 4/1127, and the rulings of Al-Amdī 1/266.
50. Al-Ihkam by Ibn Hazm 4/138, and Revelation of Secrets by Al-Bukhari 3/264.
51. The kit in Usul al-Fiqh 4/1127, and the provisions of Al-Amdī 1/266.
52. Al-Ahkam by Ibn Hazm 4/139, and the waiting period in Usul al-Fiqh 4/1130.
53. Al-Ahkam by Al-Amidi 1/266, and Sharh Mukhtasar Al-Rawdah 3/124.
54. Al-Ihkam Ibn Hazm 4/139.
55. Al-Ihkam by Al-Amidi 1/266, and Sharh Mukhtasar Al-Rawdah 3/124.
56. The kit in Usul al-Fiqh 4/1131, and revealing the secrets of al-Bukhari 3/264.

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