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AN ANALYTICAL STUDY OF QAZI FAZLULLAH'S METHODOLOGY IN
JURISPRUDENTIAL ISSUES OF "ḤUSN AT-TA' WĪLFĪ AT-TAFSĪRWA
AT-TANZĪL"

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ABSTRACT

Tafṣīr has a great place in the Islamic sciences. And in every era, it has been the focus of the religious scholars of the Ummah, the Commentaries of Qur'ān has been written with different Styles ("asaalib") and Methodologies ("Manahij"), In which there is a commentary on a fiqh style that the fiqh issues are discussed in detail under the verses of the commandments (Ayaat-ul-Ahkaam). There is an exegetical manuscript written in the same style, which is in the hands of the renowned scholar of Pakistan, Qazi Fazlullah Advocate. Qazi Fazlullah has explained the jurisprudential (Fiqhī) issues and the differing opinions of the jurists (Fuqahā') in detail. In this article the style and methodology of Qazi Fazlullah in the statement of jurisprudence is explained in detail.

Preface:

The Qur'ān is the book of Allah and His message to all mankind. Therefore, it is its right to understand its meanings and to adapt it in our practical life. The rise and development of nations are attributed to Qur'ān and its teachings. This is the reason why scholars and intellectuals of the Ummah devoted their lives to the service of the Qur'ān, and wrote interpretations of Qur'ān with

different styles. An important link in this chain of service is the exegetical manuscript "Ḥusn at-Ta' wĪlfĪ at-TafsĪrwa at-TanzĪl" of Qazi Fazlullah (based in North America), a renowned scholar of Pakistan, This manuscript is in the Pashto language. The Ph.D. level research work on this manuscript is in progress, by the end of Surah Anfal, three Ph.D. scholars have been entrusted with research work, Which is in completion stages. The special thing about Qazi Sahib's commentary is that he has discussed the issues of jurisprudence in detail in the commentary of Ayat-ul-Ahkam. Therefore, it is important to describe his approach and style in jurisprudential issues in detail. In the following pages, Qazi Sahib's manhaj will be mentioned in the commentary of Ayat-ul-Ahkam.

This article consists of two Discussions. In the first part of the discussion, Qazi Sahib and his exegetical manuscript have been discussed in brief, and in the second part of the discussion, the description of Qazi Sahib's approach in the description of the jurisprudential issues has been described.

Qazi Fazlullah Advocate's brief introduction:

Qazi Fazlullah advocate is counted among the few eminent and learned scholars of Pakistan. He belongs to Khyber Pakhtunkhwa's Swabi district. He was born in 1952 in Chota Lahore, an area of Swabi District. Graduated in 1974 from Jamia Akora Khattak, a famous institution of Pakistan, Apart from this, he obtained contemporary studies from Peshawar University and International Islamic University, LLB from the University of Peshawar and LLM from the Islamic University. Allah has given him an exceptionally sharp memory. All scholars are his admirers in this regard. Whether it is a counseling topic, an academic speech or a difficult technical discussion. His speeches and discussions are very impressive.

Allah Almighty has given him perfect expertise in all religious sciences and arts. But there has been a special and privileged attachment to the subject of Qur'ān interpretation, politics and law. He has performed the services of interpretation of the Holy Qur'ān for about 21 years in Swabi District Chota Lahore. His teaching of exegesis has a prominent position in the academic world. Students from Pakistan, who were passionate about religious knowledge, used to attend his speeches on Tafṣīr and workshops on Tafṣīr. Pashto is his mother tongue, he is also fluent in Urdu, Arabic, Persian, English and many other languages. He has made missionary tours to many countries, including several countries of the Middle East, Malaysia, European countries and several states of Central America.

Apart from being a great Islamic scholar, he is also an expert politician and has been the president of Jamiat Students Pakistan. He was also a member of the National Assembly for three years from 1993. He was among the class-fellows and close associates of Maulana Fazlur Rehman, the eminent politician of Pakistan. He is currently living in the United States of America since 1996, and is teaching and preaching in an Islamic center in the United States. There, he teaches Tafṣīr of the Qur'ān, the Prophet's biography, and Hazrat Shah Waliullah's Hajjatullah al-Balagha, in English, from which many

people are benefitted. And he, at the same time, is making a defense of Islam by denying the objections and doubts of the Orientalists.

Piety, gratitude, and zeal are the attributes that Qazi Sahib has inherited from his ancestors. Preaching, teaching and religious service were always prioritized by him, over worldly interests. As if he is the real successor of his Murshid Sheikh-ul-Hadees Molana Zakariya. He wrote on many important topics such as Tafṣīr, Ḥadīth, Fiqh, Sirat, Socialism, Secularism and Politics. Many of his books are in print and some have been published. These include Islam and Politics, The Concept of The Islamic State, Fundamentalism, Secularism and Islam, History and Evolution of Fiqh, Principles of Tafṣīr (Arabic), and al-Qawā'id al-Fiqhiyyahfi al-Madhāhib al-Arba'ah. May Allah accept his efforts.

Brief Introduction to Tafṣīrī Manuscript:

Qazi Sahib's commentary manuscript is called "Ḥusn at-Ta'wīlfī at-Tafsīrwa at-Tanzīl" and this commentary written by his own hand is actually in the native language Pashto, which Qazi Sahib has written for the benefit of the general public. He also intended to write a thorough commentary in Arabic for the benefit of other Ulama and academics. In the Pashto manuscript in review, he emphasizes in the Tafṣīr the necessary discussions of the Qur'ān and avoids unnecessary length. There are two main themes in his commentary. One is Tafṣīr al-Qur'ān bil-Qur'ān, that is, interpreting the Qur'ānic verses from the Qur'ānic verses, and the other is fiqh-style, that is, discussing the issues of fiqh in the interpretation of the Qur'ānic verses.

The method and style of Qazi Sahib in the Jurisprudential Directives (Fiqhī Ahkām)

The Tafṣīr under review deals in detail with the issues of jurisprudence under the verses of the rulings, which may suggest that it is a commentary on the style of jurisprudence. What is required in the Statement of Jurisdictional Issues is explained with examples in the following pages :

The dissenting opinions of the jurists (Fuqahā')

Although Qazi Sahib is related to the Ḥanafī school of thought, he did not limit himself to the Ḥanafī school of thought in jurisprudence, but expressed the opinions of other jurists (Fuqahā') as well. So that it is possible for every follower of different schools of thought to benefit from the commentary under consideration. And since there are Imāms of four schools of thought (A'imma al-Arba'ah) in most of the world. That is why only the opinions of these four Imāms have been mentioned. The sayings of the other jurists (Fuqahā') are not mentioned, and there are issues in which the religion of 'Aḥnaf, Shāfi'ah, and Mālikīyya is mentioned, but the religion of Ḥanābilah is not explained. For example, while discussing the condition of affordability for Ḥajj, he says: And according to Imām Mālik, ability means physical (badani), that is, only being healthy. According to Imām Shāfi'ī, It is financial (Mali). And according to Imām Abū Ḥanīfah there are both physical (badani) and

financial (Mali). So, according to Imām Shāfi'ī, Ḥajj is obligatory on a wealthy patient. Therefore, if he is unable to perform the Ḥajj himself due to illness, he must send someone else. And according to Imām Mālik, the Ḥajj is obligatory for the one who is healthy though he is poor. Whereas, in the case of 'Aḥnaf, Ḥajj is only for the well-off and wealthy.¹

There is no mention of Ḥanābilah in this issue, but the opinion of Imām Aḥmad bin Ḥanbal is similar to that of Imām Abū Ḥanīfah.²

The style of expressing dissent:

The specifics of all mazāhib (sects) are described in detail in the common routine problems. Additionally, Qazi Sahib has adopted a style in which he discusses the specifics of each topic of each mazhab independently while presenting a particular issue. The breaking of ablution by touching a woman, the state of intention (Niyāh) in tayammum, what is permissible in tayammum? Sunan of tayammum, the terms, conditions and reasons of jam' bayn al-ṣalātīn (Adding two prayers in one time), these types of issues can be seen in this style. Thus, in the issue of jam' bayn al-ṣalātīn, conditions and reasons are discussed according to the mazhab of Mālikīyyah, then Shāfi'ah, and then Ḥanābilah, Although some issues are agreed upon, Qazi Sahib has mentioned all the agreed-upon and disagreeable issues in the statement of each mazhab. This style is useful in the context that every follower of the each mazhab can only see the details of his mazhab in one place, but it is difficult for a scholar to control and preserve dissenting opinions in this style. For this, the most useful and appropriate method is to state what is agreed upon by all the Imāms or some of them in one place. And then the controversial issues should be clarified. As in the problem above, travel and rain are mutually exclusive excuses and causes of accumulation, Illness is not an 'udhr (excuse) according to Šhāfi'ī. Accordint to Ḥanābila, this is 'udhr (excuse), According to Mālikīyya Jama' šūrī will be acted upon in the disease and if the disease is severe, then the Jama' Ḥaḳīqī (actual accumulation) can also be acted on.³

Supporting opinions with textual evidence (Naqlī Dalā'IL):

Qazi Sahib not only explained the differing opinions of the jurists (Fuḳahā'), but also gave detailed arguments for them from the Qur'ān and al-ḥadīth. It can be seen in many issues such as the issues of Ḥurmatriḍā'at, the duties (farā'id) of ablution, the problems of tayammum, the problem of ablution by touching a woman, the problems of qiṣāṣ, the rules of ḥarabah means the rulings about the robbery, jama' bayn al-ṣalātīn, qaṣr in the prayer, the rules of Ḥillāt and Ḥurmāt of sea animals, the ḥadd of drinking alcohol, the ḥadd of theft, etc.

The problems which are more famous and usual, their details and arguments have definitely been mentioned. But there are also many issues on which, without mentioning the arguments, he just discussed the dissenting opinions.

Presenting rational arguments:

Textual evidence (dalā' il e naqli) along with rational arguments and qiyās are also stated as support. As he explains the argument of jamhūr (opinion of the majority) in the issue of Tayammum: Since Tayammum is the successor and substitute for ablution, as in ablution, the whole face and both hands are washed up to the elbows. In the same way, it will be necessary to wipe the whole face and both hands up to the elbows in Tayammum, and in another problem, "How many days of stay (iqamat) does a traveler become a resident (muqem)?" According to the Ḥanafī jurist (Fuqahā'), with the intention of staying in a place for fifteen days, a traveler becomes a resident, and then the traveler performs full prayer. Describing his rational argument, Qazi Sahib says that the period of Ṭuhr's agreed-upon statement is fifteen days. So fifteen days is the period of returning to its original meaning, i.e., purity (Ṭuhr/Paki), so here also the return to the original meaning, i.e., I'qāmat, will be with fifteen days.

Preferential treatment from Ḥanafī jurisprudence:

Qazi Sahib himself is a Ḥanafī. And, he favors giving preference to the Ḥanafī religion in areas where there are disagreements with other schools of thought, but has not given up moderation, For this reason, wherever there is weakness in any argument of Ḥanafīa, it has been explained.

Giving priority to the Ḥanafī religion, he also mentions the justification and explanation of the arguments of other religions, For example, in the issue of the Ḥillat and Ḥurmmat of animals, the argument of the Jumhūr is "هو الطهور" that is, the water of the sea is purifying and the dead animal of sea is Ḥalāl. It was narrated from Abu Hurairah (RA) that the Prophet ﷺ said: And if we run out of water, is the sea water usable for us? And unfortunately, many dead things are also floating in it, so the Prophet (peace be upon him) replied the mentioned statement on that occasion. Therefore, it will now be interpreted in this light. The meaning of Ḥilis clean and Tāhir, It is not "Ḥalāl".

But in a few places a weak explanation has also been given, As the Ḥadīth of Imāma-ti Jabrā'īl (Jabrā'īl leading the prayer), which mentions the prayer of Zuhr and 'Aṣr according to first example.⁵ While justifying this hadith, Qazi Sahib says, therefore we say that in the Ḥadīth of Jibra'īl, instead of "مثليه" Mithlaihi (Two times similar sized shadow of an object), "مثله" Mithluhu (One time similar sized shadow) has been spoken and written, It is either a Tashīf تصحيف (change in words to change the meaning and purpose of any text) or a تحريف (Change in the interpretation of the words to lead to the wrong meaning to change the purpose and meaning of text) That is, according to ahl al-uṣūl it is a Taḥrīf (distortion)(تحريف), This is also supported by the fact that the time of Zuhr is up to "مثلين" (Two times, similar sized shadow of an object), that it is Makrūh to offer nafl after the 'Aṣr, Now if the time of 'Aṣr is on one Mithl (مثل) and the 'Aṣr prayer is offered, So, in this long time until Maghreb, the person will be deprived of reading Nawāfil.

In this analysis, the narrator is accused of a mistake without any evidence.

Reasoning From Some Weak (Da'if) Arguments:

Weak(Da'if) arguments have sometimes been used to support Ḥanafī jurisprudence, Imam Abu Hanifa's Madhhab is that the time of 'Aṣr begins on MithlThānī. "The Messenger of Allah (peace be upon him) used to sit cross-legged or on his knees after 'Aṣr until Maghrib.⁶And it is very difficult to sit like this for such a long time if the 'Aṣr prayer is offered on Mithl Awwal.

The Ḥadīth which has been argued for the Mithl Awwal of 'Aṣr is not correct, because sitting cross-legged or on his knees of the Holy Prophet after 'Aṣr is not confirmed by any narration at first, but in the narration of Jabir ibn Samura, it is confirmed that sitting cross-legged or on his knees of the Holy Prophet ﷺ was after Fajr. So it is actually Qazi Sahib's mistake that 'Aṣr is mentioned instead of Fajr and he (mistakenly) concluded that the time of 'Aṣr is mentioned on Mithl Awwal. And even if sitting after 'Aṣr was proved, and then this argument would not be clear in the statement of the time of 'Aṣr.

Oversight in quoting jurisprudential opinions:

Sometimes, there has been oversights and error in the transmission of the opinions of the Imāms, either due to reliance on secondary sources or for some other reason. For example, the three madhāhibs are mentioned as follows in the amount of breastfeeding that is prohibited (as of ḥurmat e Raḍā'at): According to ImāmAbūḤanīfah, breastfeeding is prohibited i.e. Ḥarām in all cases. According to ImāmMālik and Imām Ahmad, breastfeeding three times or three sips is Ḥarām (prohibited). According to ImāmShāfi'ī, breastfeeding five times is the cause of prohibition. However, there is oversight by Qazi Sahib in the transmission of these madhāhibs, because the second madhhab, which is the proof of prohibition from drinking three times, is the madhhab of Ibn al-Mundhir and Abu Thawr, not ImāmAḥmad ibn Ḥanbal and ImāmMālik. Ibn Rushd al-Mālikī and Ibn Qudāma al-Ḥanbalī both mentioned the Mālikī opinion with the Ḥanafīs, and the dominant opinion of the Ḥanbalīs is similar to that of the Shafi'īs, although a hadith from them is also narrated like the Ḥanafīs.⁷

The second issue in which there has been oversight due to reliance on a secondary source is that the innocence of the victim is a condition for Qiṣās and Diyyat, but there is a difference of opinion on when the time of innocence is taken into account. Before going into detail, it is necessary to know two preliminary things:

The first thing is that the crime of murder is sometimes committed with a sword or other sharp weapon, and sometimes with an arrow or bullet. In the first case, there is a time for the act of wounding, and another time for the effect of the act, that is, the time at which death occurs. In the second case, there is a time for the act of throwing an arrow, and another time for the impact, that is, the time at which the arrow hits.

The second thing is that during these times, the victim's condition sometimes changes. This has three cases:

- 1: A change from innocence to non-innocence (becoming permissible to kill), such as if a Muslim is shot with an arrow and the arrow hits before he becomes an apostate, or if a Muslim is wounded with a sword and dies before he becomes an apostate.
- 2: A change from non-innocence to innocence, such as if a non-Muslim or apostate is shot or wounded and then becomes a Muslim.
- 3: In both states, innocence is established, but there is a difference in the amount of diyyat payable, such as if the victim is a slave or *ḍimmī* at the beginning and becomes a Muslim or free person at the time of death.

Now, let's explain the details of the issue and the oversights that exist in it:

Qazi Sahib says: There are different opinions regarding the determination of the time of innocence. According to Imām Abū Ḥanīfah (may Allah have mercy on him), the time of innocence is the time of the act, i.e., if the victim is innocent at the time of the act, then the perpetrator will be responsible, otherwise not. Therefore, if the victim was a Muslim at the time of the murderer's killing, i.e., he was injured with the intention of killing, and before he died, he became a *murtad* (apostate), then Imām Sahib says that in this case, the diyyat will be obligatory, but *Qiṣās* will be dropped due to doubt. According to the two companions (Imām Abū Yūsuf and Imām Muḥammad) (may Allah be pleased with them), it is necessary for innocence to be present at both the times of being killed and dying. So in the mentioned case, the killer is not liable for anything, because at the time of dying, this victim had become *mubaḥ-al-damm* (one whose blood is permissible to shed). In the same way, if someone is shot with an arrow, there are two times: one is the time of shooting the arrow, and the other is the time of the arrow hitting. According to Imām Sahib, the time of shooting the arrow is valid, and according to the two companions, the time of shooting the arrow along with the time of the arrow hitting is also valid. In the first issue, the *jamhūr* (majority) also has the same opinion as the two companions. However, in the second issue, i.e., the issue of shooting arrows, the opinion of Imām Shafi'i and Imām Mālik (may Allah have mercy on them) is similar to the opinion of Imām Abū Ḥanīfah (may Allah have mercy on him), and the opinion of Imām Aḥmad (may Allah have mercy on him) is the same as the two companions.

The disagreement mentioned by Qazi Sahib is derived from "al-Fiqh al-Islāmī waadillatuhū" and that he followed 'Abd al-Qādir A'ūda in this issue, but that Wahbah al-Zuhaylī clarified the disagreement of the four Imāms.⁸ However, there is also ambiguity and confusion in this issue, and the opinion of the two masters and the *jamhūr* (majority) has also been misrepresented, which is as follows:

It is agreed that for *Qiṣās*, the victim must be innocent all the time i.e. from the time of the crime to the time of death. If innocence is lost at any time, *Qiṣās* is

dropped due to doubt. However, for ḍamān and diyyat, when is innocence valid? ImāmAbūḤanīfah considers innocence to be valid at the time of the act, i.e., the time of shooting and wounding, in both of the above cases. This is also the opinion of the companions, except in one case where the victim becomes an apostate after the shot is fired and before it hits him. In this case, ḍamān is not obligatory according to the companions, but it is obligatory according to ImāmAbūḤanīfah. However, in the following two cases, both ImāmAbūḤanīfah and the companions consider the time of the hit to be relevant:

If an arrow is shot at an apostate or a combatant, and he becomes a Muslim before the arrow hits him, then ḍamān is not obligatory according to anyone. If a person is sentenced to stoning, and a person throws a stone at him, and the witnesses retract their testimony before the stone hits him, then the person who threw the stone is not liable for ḍamān or diyyat. This is because the person was not innocent at the time of the throw.⁹

This was a summary of the Ḥanafī madhhab, while the jamhūr (majority) (Shāfi'īs, Ḥanbalīs, and Mālikīs) consider innocence to be valid at the time of the hit, i.e., the time the arrow hits, in the second case, i.e., the case of shooting an arrow. The evidence for this is the agreed-upon detail that is found in the Shafi'i madhhab, Mālikī madhhab, and Ḥanbalī madhhab: that if someone shoots an arrow at a slave or a non-Muslim, and the slave is freed and the non-Muslim becomes a Muslim before the arrow hits, then the full diyyat, i.e., the diyyat for a free and a Muslim, will be obligatory. This is a clear proof that the time of the hit, i.e., the time the arrow hits, is valid.

In the first case, i.e., the case of wounding, the Mālikīs and Ḥanbalīs, according to the most correct opinion, consider innocence to be valid at the time of completion of the crime, i.e., the time of death. However, the Shāfi'īs have a slightly more detailed opinion, which is that in the first case of change of condition, innocence is valid at the time of the act, i.e., the time of wounding, while in the other two cases, innocence is valid at the time of death¹⁰.

Note: In the above issue, it should also be noted that after the hit, i.e., the arrow hits, the act of killing becomes an act of wounding and killing. After that, if the victim's condition changes, then the same ruling will apply as for the change after wounding and before death.

The details mentioned above show that there are three mistakes in the explanation given by Qazi Sahib and al-Fiqh al-Islami:

The opinion of the companions is incorrectly stated. The opinion of ImāmShāfi'ī and ImāmMālik in the case of shooting arrows is mentioned as being the same as that of ImāmAbūḤanīfah, when in fact their opinion is different. The opinion of the jamhūr(majority) in the case of wounding is stated as being one, while in fact the Shāfi'ī opinion has some detail, which has been mentioned.

Rajih and mufta-bihi (Preferred) opinion (Statements):

In most cases, the author has mentioned the same opinion of the Ḥanafī madhhab that is rajih, mufta-bihi, and that of the texts. For example, in the case of the validity of the time of Zuh̄r and 'Aṣr, the opinion of the general texts of Ḥanafīfiqh is that the time of Zuh̄r ends and the time of 'Aṣr begins at MithlThāni. Qazi Sahib has adopted this opinion and prefer it, even though the opinion of ImāmAbūYūsuf, ImāmMuḥammad (may Allah have mercy on them) and the jamhūr (majority) is strong in terms of evidence. However, there has been a slight leniency in this regard in one place. For example, while explaining the muṣṭaḥab (virtuous) time of Īsā (عشاء), the author states: As for the explanation of the last obligatory time of Īsā, it is until midnight.

In this case, although Qazi Sahib has mentioned the desirability of delaying until midnight, but this is contrary to the famous and rajih opinion of the Ḥanafīs. The rajih opinion of the Ḥanafīs is that it is desirable to delay until the third of the night, and after that, it is only permissible and permissible until midnight. However, Imām Ibn Abidin al-Shami has narrated a marjuh opinion like this. And in Mughni, this opinion has also been attributed to the Ashāb al-Ra'i. Therefore, it is not the opinion of any jurist (faḳīh) that delaying until midnight is desirable. However, according to one opinion of the Shafī'is, it is desirable to delay until midnight.¹¹

Caution in expressing his own opinion:

In any issue Qazi Sahib has not given any ruling based on his personal opinion, but has adopted the mufta-bihi opinion of Ḥanafīfiqh. If he has mentioned his personal opinion anywhere, he has adopted a cautious approach and has not given a categorical or definitive ruling. For example, while explaining the punishment for robbery, he states: "أوينفوا من الأرض" (Drive them out of the land) means imprisonment according to the Ḥanafīs and Shafī'is, exile according to the Mālikīs, and scattering them in different cities according to the Ḥanbalīs, i.e., not allowing them to stay in any city.¹² After this, Qazi Sahib gives his opinion by saying":But remember that all these opinions have been adopted in view of different circumstances, so it is necessary to keep in mind the current conditions in this".

Feeding (the poor) is not mentioned in the kaffārah(expiation) of murder, but Qazi Sahib has adopted the opinion regarding the person who dies and has the kaffārah (expiation) of murder, that just as ImāmMuḥammad has permitted the kaffārah (expiation) of food in prayer on the basis of caution, then in the same way, it can be ruled on the basis of caution here that when it is not possible to pay the kaffārah (expiation) of murder with fasting on behalf of the deceased, then feed sixty poor people.

10: Discussion of the uṣūl (principles) of jurisprudence and qawā'id (rules):

Qazi Sahib has mentioned such discussions at several places that are related to the uṣūl (principles) of jurisprudence, such as the verse: "فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ"¹³"If you disagree on something, then refer it to Allah and His

Messenger." Under this verse, he has discussed the sources of Sharī'ah, the conditions of ijtihād, the reasons for the differences of opinion among mujtahids, and the classes of mujtahids.

Also, in some matters, he has also referred to fiqhīqawā'id (the jurisprudential rules). For example, which relationships are Ḥarām (forbidden) due to Riḍā'at (breastfeeding)? For this, he has explained the rule that all relationships are forbidden Ḥarām from the side of the breastfeeding woman and husband and children from the side of the breastfeeding child. And this rule is actually stated in this Persian poem:

از جانب شیرده همه خویش شوند وز جانب شیرخوار زوجان و فروع¹⁴

Translation: From the side of the breastfeeding woman, all relatives become Ḥarām, and from the side of the breastfeeding child, the marriage and offspring are Ḥarām (limited to the prohibition).

Summary of the discussion:

The conclusion of the discussion is that Qazi Sahib has explained the Jurisprudential (Fiqhī) issues under the verses of Aḥkam (ordinances) in his commentary. And he has also explained the opinions of other jurists, namely the Shāfi'īs, Mālikīs, and Ḥanbalīs, in addition to the Ḥanafī jurists (fuqahā'). He has mentioned the details of each madhab in detail in common everyday issues, and has presented a separate explanation of each madhab one after the other. He also presents textual and rational arguments in controversial issues, and explains the interpretation and interpretation of the arguments of other madhhab while giving preference to the opinion of the Ḥanafīsin controversial issues. In one or two places, there has been negligence in explaining the opinions of jurists (fuqahā'). He takes the opinion of the Ḥanafīs, and if he expresses his opinion in some places, he does not give a definitive ruling on it by taking a cautious approach. He has also described different discussions on the principles of jurisprudence and also the rules of jurisprudence at many places.

REFERENCES:

- Abī al-Ḥusayn, Aḥmad ibn Muḥammad, al-Qaḍūrī, Mukhtaṣar al-Qaḍūrī fī al-Fiqh al-Ḥanafī (Bayrūt: Dār al-Kutub al-'Ilmiyya 1418h) p.66; Wa Abū al-Walīd Muḥammad ibn Aḥmad al-Qurṭubī, Ibn Rushd, Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid (al-Qāhirah: Dār al-Ḥadīth, 1425h), 2: 84 ; Wa Abū 'Abd Allāh, Muḥammad bin Idrīs, al-Shāfi'ī, Kitāb al-Umm (Bayrūt: Dār al-Ma'rifa, 1410h), 2: 123
- Abū Muḥammad Muwaffaq al-Dīn 'Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qāḍāmah al-Ḥanbalī, al-Mughnī (Miṣr: Maktabat al-Qāhirah, 1388h), 3: 213
- Abū 'Abd Allāh, Muḥammad bin 'Abd Allāh al-Kharashi al-Mālikī, Sharḥ Mukhtaṣar Khalīl al-Kharashi (Bayrūt: Dār al-Fikr li-l-Ṭibā'ah, Sannat Ṭibā'at Nāmūm), 2: 67; Wa Shams al-Dīn, Muḥammad ibn Aḥmad, al-Khaṭīb, al-Sharbīnī al-Shāfi'ī, Mughni al-Muḥtāj (Dār al-Kutub al-

‘Ilmiyya, 1415h), 1: 534; Wa Abū Muḥammad, Muwaffaq al-Dīn, ‘Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qaḍāmah, al-Ḥanbalī, al-Kāfi fī Fiqh al-Imām Aḥmad (Bayrūt: Dār al-Kutub al-‘Ilmiyya, 1414h)

Abū ‘Isā, Muḥammad bin ‘Isā bin Mūsā, Sunan Tirmidhī (Miṣr: Muṣṭafā al-Bābī al-Ḥalbī, 1395), (Abwāb al-Ṭahāra, Bāb Mā Jā’a fī Mā’ al-Baḥr ‘Annahu Ṭāhūr, al-Ḥadīth: 69

* The chain of narration of this hadith is sound. All the narrators are reliable (صحيح). Imam Tirmidhi, while grading this hadith, has called it "hasan sahih".

Abū ‘Isā, Muḥammad bin ‘Isā bin Mūsā al-Tirmidhī, Jāmi’ al-Tirmidhī, Abwab al-Ṣalāt, bāb mā jā’a fī mawāqīt al-ṣalāt, al-ḥadīth: 149

* Imam Tirmidhi, has called it “hasan”.

Abū Dāwūd, Sulaymān ibn al-Ash’ath al-Sijistānī, Sunan Abī Dāwūd (Bayrūt: al-Maktaba al-‘Ashriyya, Saydā, sanat ṭābā’ ghayr ma’lumah), Kitāb al-Adab, bāb fī al-rajul yajlisu mutarāb’an, al-ḥadīth: 4850

This hadith is also narrated in Sahih Muslim (670), Sunan Tirmidhi (585), Sunan Nasai (1357), and Musnad Ahmad (20820). In this hadith, it is stated that the Prophet Muhammad, peace be upon him, would sit in his place until sunrise after the morning prayer.

Abū al-Ḥusayn, Aḥmad ibn Muḥammad, al-Qaḍūrī, Mukhtaṣar al-Qaḍūrī, 1: 152; wa Muḥammad bin Aḥmad al-Qurṭubī, Ibn Rushd, Bidāyat al-Mujtahid wa Nihāyat al-Muqtasid, 3: 59, 60; wa Abū Muḥammad Muwaffaq al-Dīn ‘Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qaḍāmah al-Ḥanbalī, al-Mughnī (Miṣr: Maktabat al-Qāhirah, 1388H), 8: 171

Abd al-Qādir ‘Awda, al-Tashrī‘ al-Jinā’ī al-Islāmī Muqarranan bi-al-Qānūn al-waḍ’ī, (Bayrūt: Dār al-Katib al-‘Arabī) 2: 23- 25; Wa Wahba ibn Mustafā al-Zuḥaylī, al-Fiqh al-Islāmī wa Adillatuh (Damascus: Dār al-Fikr, ṭaba’a rābi’ah, sanat ṭābā’ ghayr ma’lumah), 7: 5623, 5626

The details of each school of thought are derived from the details they have described. See:

Faḥr ad-Dīn, ‘Uṭmān bin ‘Alī, al-Zayla’ī al-Ḥanafī, Tabyīn al-Ḥaqā’iq Sharḥ Kanz al-Ḍaqa’iq (Miṣr: al-Maṭba’a al-Kubrā al-‘Āmirīya Būlāq, 1313 H.), 6: 104, 126; wa Kamāl ad-Dīn, Muḥammad bin ‘Abd al-Wāḥid, al-Sīwāsī Ibn al-Hamām, Faṭḥ al-Qaḍīr (Bayrūt: Dār al-Fikr, sanat ṭābā’ ghayr ma’lumah), 10: 269

Abū ‘Abd Allāh, Muḥammad bin ‘Abd Allāh al-Khārashī al-Mālikī, Sharḥ Muḥṭaṣar Ḥalīl al-Khārashī, 8: 4; wa Muḥammad bin Aḥmad bin ‘Arafa al-Dusuqī al-Mālikī, Ḥāshiyat al-Dusuqī ‘alā al-Sharḥ al-Kabīr (Bayrūt: Dār al-Fikr, sanat ṭābā’ ghayr ma’lumah), 4: 229, 4: 250; wa Muḥyi s-Sunna, Abū Muḥammad, al-Ḥusayn bin Mas’ūd, al-Baghawī, al-Taḥḍīb fī fiqh al-Imām al-Shāfi’ī (Bayrūt: Dār al-Kutub al-‘Ilmiyya, 1418 H.), 7: 56, 57; wa Shams al-Dīn, Muḥammad b. Aḥmad al-Khaṭīb al-Shurbīnī al-Shāfi’ī, Mughni al-Muḥṭāj, 5: 250-252; wa Abū Zakariyā, Muḥyi al-Dīn, Yaḥyā bin Sharaf al-Nawawī, Rawḍat al-Ṭālibīn wa ‘Umdat al-Muftīyīn (Bayrūt, Dimashq: al-Maktab al-Islāmī, 1412 H.), 9: 167; wa Abū Muḥammad Muwaffaq al-Dīn ‘Abd Allāh bin Aḥmad bin Muḥammad bin Qaḍāmah al-Ḥanbalī, al-Mughnī, 8:

310; wa Manṣūr bin Yūnus al-Bahūtī al-Ḥanbalī, Daqā'iq Ūli al-Nahā li-Sharḥ al-Muntahā (Miṣr: 'Ālam al-Kutub, 1414 H.), 3: 266, wa Zayn al-Dīn al-Munajjā bin 'Uthmān bin 'Asad, al-Tanūḥī, al-Mumt'ī fī Sharḥ al-Muqni' (Makka al-Mukarramah: Maktabat al-Asdī, 1424 H.), 4: 36

Abū al-Ḥasan, Burhān al-Dīn, 'Alī bin Abī Bakr al-Marghīnānī, al-Hidāya fī Sharḥ Bidāyat al-Mubtadī (Bayrūt, Dār Ḥayā' al-Turāth al-'Arabī), 1: 41; wa Muḥammad Amīn bin 'Umar, Ibn 'Ābidīn, al-Ḥanafī, Rad al-Muḥtār 'alā al-Dār al-Muḥtār (Bayrūt: Dār al-Fikr, 1412 H.), 1: 368; wa Abū Zakariyā, Muḥyi al-Dīn, Yaḥyā bin Sharaf al-Nawawī, al-Majmū' Sharḥ al-Muḥazzab (Bayrūt: Dār al-Fikr), 3: 39, wa Muwaffaq al-Dīn, Ibn Qaḍāmah al-Ḥanbalī, al-Mughnī, 1: 278

Abū al-Ḥasan, 'Alī bin Abī Bakr al-Marghīnānī, al-Hidāya fī Sharḥ Bidāyat al-Mubtadī, 2: 375; wa Ibn Rushd, Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid, 4: 239; wa Abū al-Ḥusayn, Yaḥyā bin Abī al-Khayr, al-Yamanī al-Shāfi'ī, al-Bayān fī Madhhab al-Imām al-Shāfi'ī (Jeddah: Dār al-Minhāj, 1421 H.), 12: 501; Ibn Qaḍāmah al-Maqdisī al-Ḥanbalī, al-Kāfi fī Fiqh al-Imām Aḥmad, 4: 67.

Al - Nisā', 4: 59

Ṣadr al-Sharī'ah, 'Ubayd Allāh bin Mas'ūd b. Tāj al-Sharī'ah, Sharḥ Wāqi'ah (Ārām Bāgh Karāchī: Mīr Muḥammad Kitāb Khāna, San Taba'at Nāma'lūm), Kitāb al-Riḍā', 2: 67.