Journal of Carcinogenesis
Covering Genesis to Therapeutics

Journal of Carcinogenesis, ISSN: 1477-3163
2025; Vol 24: Issue 5s, https://carcinogenesis.com/

The Consensus of People Without Objection: A Jurisprudential Study

Abdulrahman Abdulaziz Hammad Al-Aql[1]

[1]Associate Professor of Uṣūl al-Fiqh, College of Sharia and Law, University of Hail, Saudi Arabia

Email ID: ar.alagl@uoh.edu.sa

ABSTRACT

This research provides a preliminary investigation into a controversial legal proof in Islamic law known as "The Consensus of People Without Objection." This research attempts to de-mystify the norms, scope, and limits of this less-researched proof as a subject within the field of Uṣūl al-Fiqh by organizing its application and safeguarding it from abuse. The research also critically analyses the juristic issues famously listed by al-Zarkashī to be based upon this evidence—e.g., commissioned production and rennet purity—and concludes that these rulings were indeed derived principally from juristic preference in response to consensus, practice, or text, not on "universal practice without objection" as autonomous evidence. The study adopts a descriptive and analytical method, adopting the linguistic and technical connotations of the proof, separating it from such concepts as tacit agreement, usage, and juristic predisposition, and critically examining its authority. The article also criticizes the misuse of the same proof in later periods to justify innovations, like communal supplication after prayer and awarding the reward for recitation of the Qur'an to the deceased, where historical resistance has been well-documented. One of the conclusions is that such evidence is relatively probative. Its reliability is based on the context of history: in relation to acts of worship, it holds only if the reported consensus occurred when the period of the Companions and Successors was still operative before religious innovations had spread. In matters of transactions, it can serve as evidence, having a penchant to default to established principles of custom, necessity, and relief from hardship.

Keywords: *Uṣūl al-Fiqh, Legal Theory, Consensus, al-Zarkashī, rennet purity*

How to Cite: Abdulrahman Abdulaziz Hammad Al-Aql, (2025) The Consensus of People Without Objection: A Jurisprudential Study, *Journal of Carcinogenesis*, *Vol.24, No.5s*, 434-461

1. INTRODUCTION

Islamic jurisprudence is built upon numerous evidences (adillah). Some of these evidences are unanimously accepted by scholars, while others are disputed as valid legal proofs upon which juristic rulings (aḥkām fiqhiyyah) can be based. Scholars of Usūl al-Fiqh (Legal Theory) have exhaustively discussed the agreed-upon evidences and many of the disputed ones. However, there is another evidence mentioned by some legal theorists among the disputed proofs, which has received little attention from many Usūlī scholars despite being used by a group of jurists and legal theorists in several issues. This is the evidence of **"The Consensus of People Without Objection" (Iṭbāq al-Nās min Ghayri Nikīr)**.

According to my findings, Imam al-Zarkashī (d. 794 AH) - may Allah have mercy on him - was the first to list this evidence among the disputed proofs, in his famous Usūlī encyclopedia, *Al-Baḥr al-Muḥīṭ fī Uṣūl al-Fiqh*. I have not found significant attention paid to this evidence or its foundational principles by those who came after him. This has motivated me to write on this topic, hoping to contribute something beneficial for myself and others.

I ask Allah to grant me success and inspire me with correctness. He is the Patron of success.

Significance of the Topic

The significance of writing on this topic is highlighted by the following:

1. This evidence—the subject of research—pertains to knowing the ruling on matters that people have consecutively practiced and unanimously agreed upon.
2. This evidence enables the mujtahid (jurist) or mufti (issuer of legal opinions) to identify appropriate rulings for matters upon which people have unanimously agreed and inherited, particularly when no other evidence is found.
3. Clarifying and establishing the principles of this evidence blocks the path for those who manipulate it, such as those afflicted with innovation (bid'ah) who justify persisting in it by relying on this evidence.

Reasons for Choosing the Topic

Several reasons prompted me to choose this topic, including:

1. The lack of attention from many Usūlī scholars and researchers to this evidence, despite its importance in legal reasoning among jurists.
2. The reliance of a group of jurists on it—as al-Zarkashī views it [(1)]—in numerous juristic issues (as some will be mentioned later). Therefore, I wished to establish its principles, with Allah's help, while also gathering some non-juristic issues influenced by this evidence according to those who accept it absolutely, and examining this construction.
3. The prevalence of confusion, error, and misuse in employing this evidence, especially among some later scholars. Hence, I wished to write about it to clarify it and the method of its application.

2. PREVIOUS STUDIES

As previously stated, this topic has not received the research, study, and foundational investigation it deserves. To my knowledge, there is no independent study that has addressed this evidence.

Research Plan

This research consists of an introduction, a preamble, two main chapters, and a conclusion.

The introduction includes the significance of this research, reasons for its selection, and previous studies.

The preamble contains two sections:

Section One: Definition of the evidence "The Consensus of People Without Objection."

Section Two: The difference between "The Consensus of People" and similar terms and evidences.

Chapter One: The Authority (Ḥujjiyyah) of "The Consensus of People Without Objection."

Chapter Two: The Juristic Issues (Furū‘ Fiqhiyyah) Reportedly Based on the Evidence "The Consensus of People Without Objection."

Conclusion: This includes the key findings and recommendations.

3. RESEARCH METHODOLOGY

I have followed the following methodology in this research:

1. Gathering academic material from original sources.
2. Verifying the accuracy of claims regarding what people are said to have unanimously agreed upon, through books of history, biographies, events, etc. If verified, I mention it; if contradicted, I mention that with its proof, to ensure the correct application of this evidence.
3. For the juristic issues reportedly based on this evidence, I verify the accuracy of this claim from original sources. If the reasoning was based on something else, I mention that.
4. Attributing Qur'anic verses to the Musḥaf by stating the Surah name and verse number, writing them in the ‘Uthmānic script.
5. For ḥadīth not found in the two Ṣaḥīḥ collections (Al-Bukhari and Muslim), I provide its source (takhrīj) and state its grade, relying on specialists in this field.
6. Mentioning the death year (Hijri) for notable figures other than the Companions, directly after the name upon its first occurrence, dispensing with full biographies for brevity.

I pray to Allah for success, assistance, and correctness. He is the Patron of that and the Able. May Allah’s peace and blessings be upon our Prophet Muhammad, his family, and all his companions.

Preamble

Preamble contains two Sections

Section One: Definition of the Evidence "The Consensus of People Without Objection"

Section Two: The Difference Between "The Consensus of People" and Similar Terms and Evidences

[1] Al-Baḥr al-Muḥīṭ (The Vast Ocean) by Badr al-Dīn al-Zarkashī (8/53).

Section One: Definition of the Evidence "The Consensus of People Without Objection"

This evidence contains two terms that need definition:

First: The term "Al-Iṭbāq" (Consensus/Agreement).

Second: The term "Al-Nakīr" (Objection/Censure).

We will begin by defining consensus "Al-Iṭbāq, and " followed by objection "Al-Nakīr."

I. Definition of consensus (Al-Iṭbāq)

Linguistically consensus (Al-Iṭbāq)

Consensus (Iṭbāq) is a verbal noun from ṭabaqa. Linguistically, it denotes placing one flat thing over another until it covers it.

Ibn Fāris (d. 395 AH) said: "The letters Ṭā, Bā, and Qā form one correct root, indicating placing a flat thing over its like until it covers it. From this is al-ṭabaq (a dish/plate). You say: 'Aṭbaqtu al-shay' 'alā al-shay' (I placed the thing upon the thing), the first being a cover (ṭabaq) for the second. They are mutually covering (taṭābaqā). From this is their saying: 'The people agreed (Aṭbaqa al-Nās) on such-and-such,' as if their statements were equalized, so that if one were made a cover for the other, it would fit.' And that which covers the earth is called ṭabaq al-arḍ (the expanse of the earth) [2]."

Thus, the meaning of "Al-Iṭbāq" refers to consensus and agreement on something, matching one thing with another. If people's statements or actions regarding something are equalized, it is said: "They agreed (Aṭbaqū) on such-and-such," meaning "They unanimously agreed upon it" [3]. As if each one's saying or action became a cover (ṭabaq) for the other, placed upon it, covering it.

Technically Consensus (Al-Iṭbāq)

Consensus (Iṭbāq) is a known term among Qur'an reciters (Qurrā'), meaning the adhesion of part of the tongue to the upper palate when pronouncing a letter [4]. This is a term specific to reciters, not used with this meaning by jurists and legal theorists.

I have not found any legal theorist who defined it specifically, but they use it and its derivatives in various contexts that clarify their intended meaning.

- If they attribute it to all scholars or bearers of the Shariah, or use it generally in a scholarly issue, it becomes synonymous with the meaning of Ijmā' (Consensus), defined as: "The agreement of the righteous mujtahids from the Ummah of Muhammad (peace be upon him) after his death on a matter of religion." [5]
    - Example: Imam al-Haramayn al-Juwaynī (d. 478 AH) said in an issue: "...and this reverts to the **consensus (iṭbāq)** of the bearers of the Shariah" [6]. His statement "iṭbāq of the bearers of the Shariah" means their consensus.
    - Another example: His statement: "Indeed, consensus on a ruling, while acknowledging hesitation in its basis, is not considered consensus and **agreement (iṭbāq)**" [7].
    - Also, Ibn al-Subkī (d. 771 AH) said: "The scholars of the Ummah **agreed (Aṭbaqa)** on acting upon the report of a single narrator (khabar al-wāḥid) in issuing fatwas..." [8].
- If they attribute it to some scholars, or to the majority or a large group of them, then the intended meaning is its linguistic sense of agreement. It does not carry the technical meaning of Ijmā' nor is it synonymous with it, because the agreement of some or most scholars on a ruling is not called Ijmā' [9].

---

[2] Maqāyīs al-Lughah (The Measures of Language) by Aḥmad ibn Fāris (3/439). Entry: "ṭ-b-q".
[3] Lisān al-'Arab (The Tongue of the Arabs) by Ibn Manẓūr (10/210).
[4] Al-Tamhīd fī 'Ilm al-Tajwīd (The Introduction to the Science of Tajwīd) by Ibn al-Jazarī (p. 90), and Al-'Amīd fī 'Ilm al-Tajwīd (The Pillar in the Science of Tajwīd) (p. 61).
[5] Al-Mu'tamad (The Relied Upon) by Abū al-Ḥusayn al-Baṣrī (2/3), Al-'Udah (The Tool) by Abū Ya'lā al-Farrā' (1/170), Al-Maḥṣūl (The Obtained) by Ibn al-'Arabī (p. 121), Al-Maḥṣūl (The Obtained) by Fakhr al-Dīn al-Rāzī (4/20), Musallam al-Thubūt (The Verified) with its commentary Fatḥ al-Raḥmūt (The Opening of the Merciful) by 'Abd al-'Alī al-Anṣārī (2/260), Ḥujjiyyat al-Ijmā' wa Mawqif al-'Ulamā' Min-hā (The Authority of Consensus and the Stance of Scholars on It) by Muḥammad Farghalī (p. 18 ff).
See: Al-Fuṣūl fī al-Uṣūl (The Chapters on the Fundamentals) by Al-Jaṣṣāṣ (3/293), Al-'Udah (The Tool) by Abū Ya'lā (4/1139), Al-Wuṣūl ilá al-Uṣūl (The Arrival to the Fundamentals) by Ibn Barhān (2/86), Kashf al-Asrār (The Unveiling of Secrets) by 'Abd al-'Azīz al-Bukhārī (3/237), Ḥujjiyyat al-Ijmā' (The Authority of Consensus) by Farghalī (p. 297), Qawādiḥ al-Istidlāl bi al-Ijmā' (Impugners of Reasoning with Consensus) by 'Abd al-Raḥmān al-Shithrī (p. 41).
[6] Al-Burhān (The Proof) by Imām al-Haramayn al-Juwaynī (1/208).
[7] Al-Burhān (The Proof) by Imām al-Haramayn al-Juwaynī (1/268).
[8] Al-Ibhāj (The Delight) by Tāj al-Dīn al-Subkī (2/301).
[9] Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (6/431-433), Al-'Udah (The Tool) by Abū Ya'lā (4/1117), Iḥkām al-Fuṣūl (The Precision of Chapters) by Abū al-Walīd al-Bājī (p. 461), Al-Tabṣirah (The Insight) by Abū Isḥāq al-Shīrāzī (p. 361), Rawḍat al-Nāẓir (The Garden of the Observer)

- Example: Imam al-Haramayn al-Juwaynī said: "The legal theorists who affirm the general (‘āmm) are **unanimous (muṭbiqūn)** on interpreting the generic plural (jama‘ al-salāmah) – when devoid of particularizing contexts – as denoting inclusiveness (al-istighrāq)" [(10)].
- Also, Imam al-Ṭūfī (d. 716 AH), arguing for some Usūlī opinions, said: "The **agreement (iṭbāq)** of the vast multitude on acting according to one of two reports strengthens it and increases its probability, so it is given preponderance, like the agreement of another report" [(11)].

- If they add or mention it in the context of the word "people" (al-nās), their intention by the term "people" may be the scholarly mujtahids. They do not mean all people; rather, it is a general term intended to refer to a specific group. Thus, it carries the meaning of Ijmā‘ and is synonymous with it.
  - Example: Ibn al-Subkī said: "**All people without exception agreed (Aṭbaqa al-nās kāffah)** on the validity of the restricted cause (‘illah qāṣirah) – i.e., one confined to the text's specific subject, not extending beyond it – if it is textually stated or unanimously agreed upon" [(12)]. Here, "people" undoubtedly refers to the scholars, not the common folk. The intended meaning of iṭbāq here is consensus.
- Sometimes, their intention by the term "people" includes both scholars and common folk, but the common folk in such matters follow the scholars. Here, the general term is intended in its general sense.
  - Example: The subject of our research: **"The Consensus of People Without Objection (Iṭbāq al-Nās min Ghayri Nikīr)."**

Does this Iṭbāq here carry the meaning of Ijmā‘ and is synonymous with it?

It appears – and Allah knows best – that it does not conform to the precise concept of Ijmā‘ as known to specialists in Usūl al-Fiqh. This is because the concept of Ijmā‘ is specifically the agreement of the righteous mujtahids of an era from the Ummah on a matter of religion. The agreement or disagreement of the common folk is not considered. However, this is close to the concept of silent consensus (al-ijmā‘ al-sukūtī). This is what al-Zarkashī (d. 794 AH) indicated by saying: "And it is close to silent consensus" [(13)]. Further distinctions between it and similar terms will come in the next section. And Allah knows best.

II. Definition of objection (Al-Nakīr)

Linguistically, objection (Nakīr), on the pattern "fa‘īl," is a verbal noun meaning rejection (inkār). It is the opposite of recognition (ma‘rifah), which the heart is content with. He denied the thing (nakira al-shay’) or rejected it (ankarahū, istankarahū): his heart did not accept it, and his tongue did not acknowledge it. Thus, Nakīr and Inkār have a similar meaning: changing the wrong (taghyīr al-munkar) [(14)]. From this is His saying, the Exalted: **"That [is because indeed they, My denial (nakīrī) of them..."** (Surah Al-Ḥajj, 22:44) [(15)], meaning: my rejection of them [(16)].

Technically, objection -Nakīr and Inkār have a similar meaning- is commanding the good (al-amr bil-ma‘rūf) when its omission appears, and forbidding the evil (al-nahy ‘an al-munkar) when its commission appears [(17)]. Or: Reproaching another for something deemed defective, ugly (qabīḥ) according to the Shariah, reason, or custom. Inkaar has degrees, elaborated in the books of jurists [(18)].

The intended meaning of "Iṭbāq al-Nās min Ghayri Nikīr" (The Consensus of People Without Objection): Their mutual agreement (tawāṭu’) on doing something or leaving it during a period, without any objection from anyone.

Section Two: The Difference Between "The Consensus of People" and Similar Terms and Evidences

---

by Ibn Qudāmah (1/402), Sharḥ Tanqīḥ al-Fuṣūl (The Commentary on the Revision of Chapters) by Shihāb al-Dīn al-Qarāfī (p. 336), Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (6/430), Fatḥ al-Raḥmūt (The Opening of the Merciful) by ‘Abd al-‘Alī al-Anṣārī (2/272).

[10] Al-Burhān (The Proof) by Imām al-Haramayn al-Juwaynī (1/117).

[11] Sharḥ Mukhtaṣar al-Rawḍah (Commentary on the Abridgment of Rawḍat al-Nāẓir) by Najm al-Dīn al-Ṭūfī (3/710).

[12] Al-Ibhāj (The Delight) by Tāj al-Dīn al-Subkī (3/143).

[13] Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (8/53).

[14] Al-Ṣiḥāḥ (The Sound) by Al-Jawharī (2/836-837), Maqāyīs al-Lughah (The Measures of Language) by Ibn Fāris (5/475), Lisān al-‘Arab (The Tongue of the Arabs) by Ibn Manẓūr (5/233).

[15] From verse 44 of Sūrat al-Ḥajj.

[16] Tafsīr Ibn Kathīr (The Exegesis of Ibn Kathīr) (5/437).

[17] Al-Aḥkām al-Sulṭāniyyah (The Sultanic Rules) by Al-Māwardī (p. 349), Al-Aḥkām al-Sulṭāniyyah (The Sultanic Rules) by Abū Ya‘lā al-Farrā’ (p. 284). See: Ḥukm al-Inkār fī Masā’il al-Ikhtilāf (The Ruling on Objection in Matters of Disagreement) by Dr. Faḍl Ilāhī (p. 5).

[18] Majmū‘ al-Fatāwá (The Collection of Fatwas) by Ibn Taymiyyah (11/552), I‘lām al-Muwaqqi‘īn (Informing the Signatories) by Ibn al-Qayyim (4/339), Jāmi‘ al-‘Ulūm wa al-Ḥikam (The Compendium of Sciences and Wisdoms) by Ibn Rajab al-Ḥanbalī (2/245). See: Fiqh Inkār al-Munkar (The Jurisprudence of Forbidding Evil) by Badriyyah Muḥammad al-Bashīr (p. 191-203), and Darajāt Taghyīr al-Munkar (The Levels of Changing Evil) by ‘Abd al-‘Azīz al-Mas‘ūd (p. 5 ff).

There are Usūlī evidences and terms similar to the term "The Consensus of People" (Iṭbāq al-Nās). These are:

1. **Silent Consensus (Al-Ijmā‘ al-Sukūtī)**
2. **Custom and Practice (Al-‘Urf wa al-‘Ādah)**
3. **Juristic Preference based on Consensus, or Juristic Preference based on Custom and People's Practice (Al-Istihsān bil-Ijmā‘, aw al-Istihsān bil-‘Urf wa ‘Amal al-Nās)**

We will mention the points of similarity and difference between it and these terms.

To begin with Silent Consensus, Al-Zarkashī, while discussing "The Consensus of People Without Objection," said: "It is close to silent consensus" [19].

Silent Consensus (Al-Ijmā‘ al-Sukūtī) is that when a statement or action is issued by some mujtahids on an issue of ijtihād, the other mujtahids of his era become aware of it, and a period sufficient for deliberation on what he issued passes, and they remain silent – neither objecting to him nor explicitly agreeing – and no signs of disapproval appear in their silence [20].

Points of Agreement and Similarity between Silent Consensus and "The Consensus of People Without Objection":

The agreement and similarity between them are evident in the following matters:

1. The absence of an explicit text that each of them directly relies upon [21].
2. The absence of objection in each of them. Both involve silence and lack of objection to the action. This is what grants them the characteristic of authority (ḥujjiyyah), making them valid for legal reasoning and evidence.

Points of Difference between them are clear in the following matters:

1. Silent consensus is authoritative (ḥujjah) in every era absolutely [22], unlike "The Consensus of People Without Objection," which includes elements that are not evidence or proof in every era [23]. Rather, it is only used as evidence for what occurred during the era of the Companions (Ṣaḥābah) and the Successors (Tābi‘ūn), before the proliferation of innovations (bid‘a) and newly-invented matters that people agreed upon without objection [24].
2. They differ in concept and terminology. The concept of silent consensus is: a statement or action issued by some mujtahids on an issue of ijtihād, the other mujtahids of his era become aware of it, and a period sufficient for deliberation passes, and they remain silent without objecting or explicitly agreeing, and no signs of disapproval appear. Whatever fits this is called silent consensus [25]. As for "The Consensus of People Without Objection," it does not carry this concept of silent consensus, is not named by it, and is not solely related to the people of ijtihād and legal reasoning; it includes everyone.

[19] Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (8/53).

[20] Taqwīm al-Adillah (The Rectification of Proofs) by Abū Zayd al-Dabūsī (p. 31), Uṣūl al-Sarakhsī (The Fundamentals of Jurisprudence by al-Sarakhsī) (1/303), Al-Tamhīd (The Introduction) by Abū al-Khaṭṭāb al-Kalwadhānī (3/250), Kashf al-Asrār (The Unveiling of Secrets) by ‘Abd al-‘Azīz al-Bukhārī (3/228), Taqrīb al-Wuṣūl ilá ‘Ilm al-Uṣūl (Bringing Closer the Arrival to the Science of Fundamentals) by Ibn Juzay al-Mālikī (p. 184), Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (6/456), Al-Ijmā‘ al-Sukūtī (Silent Consensus) by ‘Alī Ḥusayn (p. 26), Al-Shāmil fī Ḥudūd wa Ta‘rīfāt Muṣṭalaḥāt Uṣūl al-Fiqh (The Comprehensive on the Definitions of Terminology of Uṣūl al-Fiqh) by ‘Abd Allāh al-Numlah (2/521).

[21] Shared between them in this is: verbal consensus. Consensus, both verbal and tacit, must have a basis (mustanad), and this is the opinion of the majority of legal theorists (usuliyyun). It has been said: consensus is permissible without a basis. This opinion has been attributed to being anomalous (shudhudh) and to the people of desires (ahl al-ahwa'). There is absolutely no issue that is unanimously agreed upon except that it has a basis and clarification from the Prophet, peace be upon him. However, that basis may be hidden from some scholars, and they may know of the consensus and thus use it as evidence. This was mentioned by Shaykh al-Islam Ibn Taymiyyah in *Majmu' al-Fatawa* (19/195). For the issue and what has been said about it, see: *Al-Ihkam* by Al-Amidi (1/261), *Nafa'is al-Usul* (6/2736), *Sharh Mukhtasar al-Rawdah* (3/118), *Al-Bahr al-Muhit* (6/397-398), *Al-Taqrir wa al-Tahbir* by Ibn Amir Hajj (3/109-110), *Hujiyat al-Ijma' wa Mawqif al-Ulama' Minha* by Muhammad Farghali (pp. 269-273). As for the unanimous agreement of the people without any objection—if that occurred during the time of the Companions and the Successors—it undoubtedly has a basis from the Book (Quran) or the Sunnah.

[22] The authority of consensus (*hujiyat al-ijma'*)—in both its verbal and tacit forms—in every era is the opinion of the majority of jurists and legal theorists (*al-usuliyyun*). This is the view supported by both textual evidence and reason.
However, most Zahiris, Imam Ahmad (according to a weak narration), and Imam Ibn Hibban held the view that the authority of consensus is restricted only to the consensus of the Companions. This is a weak opinion (*qawl marjuh*) which the majority of legal theorists have consistently refuted and criticized.

[23] And this (i.e., its authority) is related to matters of worship (*'ibadat*) and applies even in later eras, after the reversal of norms (*inqilab al-mawazin*) and the widespread prevalence of innovations (*fashu al-bida').

[24] Al-Bahr al-Muhit (8/53). I mention here that Al-Zarkashi said: "The proof based on the unanimous agreement of the people without objection is only complete if it occurred during the era of the Prophet (peace be upon him) or the era of the Companions and the Successors."

[25] Taqwīm al-Adillah (The Rectification of Proofs) by al-Dabūsī (p. 31), Uṣūl al-Sarakhsī (The Fundamentals of Jurisprudence by al-Sarakhsī) (1/303), Al-Tamhīd (The Introduction) by Abū al-Khaṭṭāb (3/250), Kashf al-Asrār (The Unveiling of Secrets) by al-Bukhārī (3/228), Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (6/456), Al-Ijmā‘ al-Sukūtī (Silent Consensus) by ‘Alī Ḥusayn (p. 26), Al-Shāmil (The Comprehensive) by al-Numlah (2/521).

3. Silent consensus is classified among the agreed-upon evidences [26], unlike "The Consensus of People Without Objection," which is classified among the disputed evidences [27].
4. Reasoning with the evidence of "The Consensus of People Without Objection" and adopting it usually – if it pertains to non-ritual matters (muʿāmalāt) – reverts to the principle of considering necessity (ḥājah) and repelling harm (dafʿ al-ḍarar) [28]. This is evident in several juristic issues reportedly based on it, such as the permissibility of commissioned manufacturing (al-istisnāʿ) [29]. Most issues based on it are unrelated to rituals (ʿibādāt), as the principle regarding rituals is strict adherence to textual evidence (tawqīf) from the Lawgiver. In contrast, silent consensus forms the basis for several issues related to rituals [30].
5. The indicativeness (dalālah) of "The Consensus of People Without Objection" – during the time of the Ṣaḥābah and Tābiʿūn, before the proliferation of innovations – regarding rulings is definitive (qaṭʿī) [31], unlike silent consensus, whose indicativeness is probabilistic (ẓannī) [32]. Silence in it might occur once or twice, but in "The Consensus of People Without Objection," silence is frequent and repeated until it becomes termed an action, practice, and custom. It provides certainty (qaṭʿ) of approval for the agreed-upon matter.
6. Silent consensus may occur regarding a statement or an action. "The Consensus of People Without Objection," judging by the issues based on it, usually pertains to action.

II. Custom and Practice (Al-ʿUrf wa al-ʿĀdah)[33]

Custom and practice have been defined with many definitions [34]. The most widespread of these definitions is their

---

[26] And regarding its validity as proof and its status as consensus, there is a difference of opinion. The preponderant view is that it is considered consensus and a valid proof. Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (6/456-475), Al-Ijmāʿ al-Sukūtī wa Dalālatuhu ʿalá al-Aḥkām (Silent Consensus and its Indicativeness of Rulings) (p. 44, 94).

[27] Al-Baḥr al-Muḥīṭ (The Vast Ocean) by al-Zarkashī (8/53).

[28] Among them is the maxim: "Hardship begets facility" and some of its subsidiary principles, such as the maxim "Need is equivalent to necessity.

[29] **Al-Istisna' (Manufacturing Contract)** is: requesting the manufacture of a thing. In the terminology of Hanafi jurists: It is a contract for a sale item (mabee') that is an obligation (in the dhimma), with the stipulation of labor. This is when a person says to a manufacturer: "Make for me such-and-such item for such-and-such amount of dirhams," where both the material and the labor are provided by the manufacturer. See: *Tuhfat al-Fuqaha* by Al-Samarqandi (2/362), *Bada'i' al-Sana'i'* (5/2), *Mu'jam Lughat al-Fuqaha* (p. 62).
The Permissibility of Al-Istisna': Al-Zarkashi in *Al-Bahr al-Muhit* (8/53) based its permissibility on the evidence of **"the unanimous agreement of the people without objection" (iṭbāq al-nās min ghayr nukīr)** and used it as an example for this evidence. However, most Hanafis based its permissibility on **istihsan (juristic preference) by consensus (istihsan bi al-ijma')** and used it as an example for *istihsan*. Taqwīm al-Adillah (The Rectification of Proofs) by al-Dabūsī (p. 405), Uṣūl al-Sarakhsī (The Fundamentals of Jurisprudence by al-Sarakhsī) (2/203), Badāʾiʿ al-Ṣanāʾiʿ (The Wonders of Creations) by Al-Kāsānī (5/2), Kashf al-Asrār (The Unveiling of Secrets) by al-Bukhārī (4/5).

[30] Al-Ijmāʿ al-Sukūtī wa Dalālatuhu ʿalá al-Aḥkām al-Sharʿiyyah (Silent Consensus and its Indicativeness of Legal Rulings) (p. 103-108).

[31] I mean by that: knowing the rulings of certain legal responsibilities (takalif shar'iyya), such as whether they are obligatory (wujub), recommended (nadb), or otherwise.
An example of this is what Al-Juwayni mentioned in *Nihayat al-Matlab* (4/294): that Imam Al-Shafi'i used as proof for the **obligation (wujub) of the two rak'ahs of tawaf** the evidence of **"the unanimous practice of the people (itbaq al-nas 'ala al-'amal)"** without objection.

[32] This is the chosen opinion of a group of legal theorists (usuliyyin), such as Al-Karkhi (the Hanafi), Al-Amidi (the Shafi'i), and Ibn Al-Hajib (the Maliki). It has also been transmitted as one of the reported positions of Imam Ahmad.
See: *Al-Ihkam* by Al-Amidi (1/254), *Mukhtasar Muntaha Al-Sul* by Ibn Al-Hajib (2/472), *Al-Taqrir wa Al-Tahbir* by Ibn Amir Al-Hajj (3/102), *Al-Bahr Al-Muhit* by Al-Zarkashi (6/462), *Sharh Al-Kawkab Al-Munir* (2/253-254), *Al-Ijma' Al-Sukuti wa Dalalatuhu 'ala Al-Ahkam* (pp. 98-99).

[33] There are opinions regarding the difference between *'urf* (custom) and *'adah* (habit). **One group holds that they are synonymous.**
Another group holds that there is a difference between them, and they themselves disagree on the nature of this difference:

- Some view **'urf as more general than 'adah**. They stipulate that *'adah* (habit) applies to what is a *practice or action*, while *'urf* (custom) applies to what is a *statement/saying* as well as a practice. Thus, the relationship is one of absolute general and specific (*'umum wa khusus mutlaq*): every *'adah* is a form of *'urf*, but not every *'urf* is an *'adah*.
- **Contrary to this view**, others hold that **'adah is more general than 'urf**. According to them, every *'urf* is an *'adah*, but not vice versa.
- A third opinion views them as **entirely distinct** (*mutabayinan*), where *'adah* is specifically related to *action*, and *'urf* is specifically related to *speech/statement*.

Our view is that they are synonymous.
See: *Al-'Urf wa Atharuhu fi al-Shari'ah wa al-Qanun* by Dr. Ahmad Sir Al-Mubaraki (pp. 48-50), *Qa'idat Al-'Adah Muhakkamah* by Al-Bahusayn (pp. 49-50).

[34] For reference to some of those definitions, consult:

- *Al-Ta'rifat* by Al-Jurjani (p. 149)
- *Al-'Urf wa al-'Adah fi Ra'y al-Fuqaha' wa al-Usuliyyin* by Abi Sannah (p. 8)
- *Al-'Urf wa Atharuhu fi al-Shari'ah wa al-Qanun* by Al-Mubaraki (pp. 31-36)
- *Qa'idat Al-'Adah Muhakkamah* by Al-Bahusayn (pp. 34-36)

statement: "That which is established in souls (nufūs) by virtue of sound intellects, and sound natural dispositions (ṭabā'i‘ salīmah) accept it" [35]. Or in another expression: "That which souls are settled upon, attested to by intellects, and accepted by natural dispositions [36]. One definition restricts dispositions to "sound," the other is absolute; the matter here is lenient [37].

This definition implies: "Custom (‘urf) is the matter that souls are content with, firmly established within them, familiar, relying on the intellect's approval (istiḥsān al-‘aql), and not rejected by people of sound taste within the community. This stability and acceptance result from widespread, repeated usage stemming from inclination and desire" [38].

Points of Agreement and Similarity between Custom/Practice and "The Consensus of People Without Objection":

Agreement and similarity between custom/practice and "The Consensus of People Without Objection" appear in that each involves something settled in souls and accepted by sound natural dispositions. In custom/practice: souls are settled upon it, and sound natural dispositions accept it. In "The Consensus of People Without Objection": people's souls are settled upon what they are upon, and they accept it without objection.

"The Consensus of People Without Objection" is used as evidence in the chapter of transactions, just as custom and practice are used therein.

Points of Difference between them:

Custom and practice differ from "The Consensus of People Without Objection" in that custom and practice are proof (ḥujjah), and rulings are built upon them in every time and era [39]. Whereas for "The Consensus of People Without Objection" – if it pertains to rituals – it is only used as evidence for what occurred during the time of the Ṣaḥābah and Tābi‘ūn, before the proliferation of innovations and newly-invented matters, and the dressing of innovation in the garb of Sunnah [40].

III. Juristic Preference based on Consensus, or Juristic Preference based on Custom and People's Practice (Al-Istihsān bil-Ijmā‘, aw al-Istihsān bil-‘Urf wa ‘Amal al-Nās) [41]

---

[35] This definition is one of the oldest definitions of custom (*'urf*), according to the research of Sheikh Abū Sinnah in his book **"Al-'Urf wa al-'Ādah fī Ra'y al-Fuqahā' wa al-Uṣūliyyīn"** [The Custom and the Convention in the View of the Jurists and the Legal Theorists] (p. 8)—this book by Sheikh Abū Sinnah was originally an academic thesis at Al-Azhar, and it is said to be the first academic thesis in the field of the Principles of Islamic Jurisprudence (*Uṣūl al-Fiqh*) in our modern era—. This definition was relayed by Sheikh Abū Sinnah from Ḥāfiẓ al-Dīn ‘Abdullāh bin Aḥmad al-Nasafī (d. 710 AH) in his book **"Al-Muṣṭaṣfā"** [The Purified]—a book that remains in manuscript form at the Egyptian National Library—.
Both Professor Muṣṭafā al-Zarqā in his book **"Al-Madkhal al-Fiqhī al-'Āmm"** [The General Fiqh Introduction] (2/838), and Dr. Wahbah al-Zuḥaylī in his book **"Al-Wasīṭ fī Uṣūl al-Fiqh al-Islāmī"** [The Intermediate Reference in Islamic Legal Theory] (p. 520) mistakenly attributed this definition to al-Ghazālī, assuming that there is no **"Al-Muṣṭaṣfā"** except that of al-Ghazālī. The source of their error was Abū Sinnah's statement: "He said in **Al-Muṣṭaṣfā**," intending **Al-Muṣṭaṣfā** by al-Nasafī, but al-Zarqā and al-Zuḥaylī thought Abū Sinnah meant the book **Al-Muṣṭaṣfā** by al-Ghazālī.
Refer to: **"Al-'Urf wa Atharuhu fī al-Sharī'ah wa al-Qānūn"** [The Custom and its Impact in the Divine Law and Secular Law], by al-Mubārakī (p. 31).
I note: The book **Al-Muṣṭaṣfā** by al-Nasafī is one that Dr. Hishām al-Sa'īd missed or overlooked when listing works in his book **"Mushtabih al-A'lām wa al-Muṣannafāt fī 'Ilm Uṣūl al-Fiqh"** [The Ambiguity of Personal Names and Compositions in the Science of Legal Theory].

[36] And this is the definition of al-Jurjānī in **"Al-Taʿrīfāt"** [The Definitions] (p. 149).

[37] Refer to: **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral], by al-Bāḥusayn (p. 34).

[38] **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] (pp. 34-35).

[39] For the evidence supporting the authority of custom (*'urf*) and its listing, refer to: **"Al-'Urf wa al-'Ādah fī Ra'y al-Fuqahā' wa al-Uṣūliyyīn"** [Custom and Convention in the View of Jurists and Legal Theorists] by Abū Sinnah (pp. 32-55); **"Al-'Urf wa Atharuhu fī al-Sharī'ah wa al-Qānūn"** [Custom and its Impact in the Divine Law and Secular Law] by al-Mubārakī (pp. 109-130); **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] by al-Bāḥusayn (pp. 120-127). Conditions for considering custom are mentioned in the books of the jurists; this can also be found in the aforementioned references.
Custom is not a source that creates rulings; rather, it is evidence that reveals and manifests the ruling. The true evidence is what it is based upon, such as a Sunnah, consensus (*ijmā'*), unrestricted interest (*maṣlaḥah mursalah*), or other evidence.
Refer to: **"Al-'Urf wa al-'Ādah fī Ra'y al-Fuqahā' wa al-Uṣūliyyīn"** [Custom and Convention in the View of Jurists and Legal Theorists] by Abū Sinnah (pp. 30-33, 81-82); **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] (p. 127); **"Raf' al-Ḥaraj fī al-Sharī'ah al-Islāmiyyah"** [The Removal of Hardship in Islamic Law] by al-Bāḥusayn (pp. 517-519); **"Al-'Urf, Ḥujjiyatuhu, wa Atharuhu fī Fiqh al-Mu'āmalāt 'inda al-Ḥanābilah"** [Custom, Its Authority, and Its Impact on the Jurisprudence of Transactions according to the Hanbalis] by 'Ādil Qawwātah (1/225-226).

[40] Refer to: **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).

[41] Consensus-based juristic preference (*istihsān*) differs from custom or common practice-based juristic preference, but we have grouped them under one heading because some examples cited by some scholars as instances of consensus-based *istihsān* are cited by others as examples of custom or common practice-based *istihsān*. An example is the permissibility of entering a public bath (*ḥammām*) without specifying the exact fee or the duration of stay.
Refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/248), where he considered the permissibility of entering the bathhouse as *istihsān* based on people's practice (custom), but he interpreted people's practice as something close to consensus. Refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/248-249). Also refer to: **"Nafā'is al-Uṣūl"** [Gems of the Principles] by al-Qarāfī (6/2736), **"Kashf al-Asrār"** [Unveiling the Secrets] (3/263), **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (pp. 98-99).
We also find al-Zarkashī in **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53) mentioning this example among instances of people's widespread practice without objection. He also mentioned it in the chapter on *istihsān* (8/104) while listing the evidence of those who affirm *istihsān*.

Juristic Preference (Istihsān) has been defined with many definitions [42], most of which have been subject to criticism and objection [43]. The definition we prefer – because it encompasses all types of Istihsān – is defining it as: Diverting an issue from the ruling of its analogues to another ruling due to a stronger reason (wajh awlā) that necessitates this diversion [44].

Istihsān, by this definition, is unanimously agreed upon as authoritative; indeed, disputed Istihsān does not materialize, as a number of verifiers have explicitly stated [45]. Istihsān ultimately relates to facilitating matters for people and removing hardship from them. It came to curb the excess and extremity of analogical reasoning (qiyās), as strictly following qiyās in all circumstances may lead to constricting people and causing them harm.

Points of Similarity between Istihsān based on Consensus or Custom/People's Practice, and "The Consensus of People Without Objection":

Istihsān based on consensus, custom, or people's practice resembles "The Consensus of People Without Objection" in the occurrence of agreement (iṭbāq) and the absence of objection (nakīr) [46] in each of them. In Istihsān based on consensus, or custom, or people's practice, the people of consensus are involved, and they may also be involved in "The Consensus of People Without Objection," participating with the rest of the people in what they have agreed upon [47].

Points of Difference between Istihsān based on Consensus/Custom/People's Practice, and "The Consensus of People Without Objection":

They differ in that "The Consensus of People Without Objection" is more general than Istihsān, and Istihsān is more specific. The consensus of people without objection might, in reality, be an Istihsān – whether based on consensus, custom, or necessity (ḥājah) – as in the permissibility of the contract of commissioned manufacturing (istisnāʿ), entering public baths (ḥammām) without specifying the amount of consumed utility or the duration of stay. Or it might not be an Istihsān, as when reasoning with it in the chapter of rituals and permitting an innovation in religion and worship; it is not called Istihsān [48], and is not used as evidence unless it occurred during the time of the Ṣaḥābah and Tābiʿūn, before the spread of innovations and people's consensus upon them without objection – usually [49].

Note: If the validity of using "The Consensus of People Without Objection" as evidence is restricted to the time of the Ṣaḥābah and Tābiʿūn, this does not mean it is similar to the consensus of the people of Medina (Ijmāʿ Ahl al-Madīnah) [50].

---

[42] To review some of these definitions, refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/234); **"Al-Ḥudūd fī Uṣūl al-Fiqh"** [The Definitions in the Principles of Jurisprudence] by al-Bājī (p. 119); **"Rawḍat al-Nāẓir"** [The Garden of the Observer] (1/473); **"Al-Iḥkām"** [The Perfection] by al-Āmidī (4/157); **"Qā'idah fī al-Istihsān"** [A Treatise on Juristic Preference] by Ibn Taymiyyah (pp. 47-48, 59, 62); **"Nihāyat al-Sūl"** [The Ultimate Goal] by al-Isnawī (2/949); **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/97); **"Athar al-Adillah al-Mukhtalaf fīhā fī al-Fiqh al-Islāmī"** [The Effect of Disputed Evidence in Islamic Jurisprudence] by Muṣṭafā Dīb al-Bughā (p. 122); **"Al-Istihsān wa Ṣilatuhu bi al-Ijtihād al-Maqāṣidī"** [Juristic Preference and its Connection to Maqasid-Based Ijtihad] by Ilyās Dardūr (pp. 31-65); **"Al-Istihsān, Ḥaqīqatuhu, Anwā'uhu, Ḥujjiyatuhu, Taṭbīqātuhu al-Mu'āṣirah"** [Juristic Preference: Its Reality, Types, Authority, and Contemporary Applications] by al-Bāḥusayn (pp. 14-41).

[43] For the objections and their listing, refer to: **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (pp. 15-40); **"Al-Istihsān wa Ṣilatuhu bi al-Ijtihād al-Maqāṣidī"** [Juristic Preference and its Connection to Maqasid-Based Ijtihad] (pp. 31-65); **"Al-Istihsān wa Namādhij min Taṭbīqātihi fī al-Fiqh al-Islāmī"** [Juristic Preference and Models of its Applications in Islamic Jurisprudence] by Fārūq 'Abdullāh Karīm (pp. 17-52).

[44] This definition was favored by a group of legal theorists. Refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/234); **"Al-Ḥudūd fī Uṣūl al-Fiqh"** [The Definitions in the Principles of Jurisprudence] by al-Bājī (p. 119); **"Rawḍat al-Nāẓir"** [The Garden of the Observer] (1/473); **"Al-Iḥkām"** [The Perfection] by al-Āmidī (4/157); **"Nihāyat al-Sūl"** [The Ultimate Goal] by al-Isnawī (2/949); **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/97); **"Al-Ma'dūl bihi 'an al-Qiyās"** [That Which Diverts from Analogical Reasoning] by 'Umar 'Abd al-'Azīz (p. 30); **"Athar al-Adillah al-Mukhtalaf fīhā fī al-Fiqh al-Islāmī"** [The Effect of Disputed Evidence in Islamic Jurisprudence] by Muṣṭafā Dīb al-Bughā (p. 122).

[45] Refer to: **"Al-Qawāṭi'"** [The Decisive Proofs] by Ibn al-Sam'ānī (2/268-270); **"Al-Muṣṭaṣfā"** [The Purified] by al-Ghazālī (p. 173); **"Rawḍat al-Nāẓir"** [The Garden of the Observer] (1/473); **"Sharḥ al-'Aḍud 'alā Mukhtaṣar al-Muntahā"** [Al-'Aḍud's Commentary on the Summary of the Ultimate] (2/914); **"Nihāyat al-Sūl"** [The Ultimate Goal] by al-Isnawī (2/951); **"Sharḥ al-Maḥallī 'alā Jam' al-Jawāmi' ma'a Ḥāshiyat al-'Aṭṭār"** [Al-Maḥallī's Commentary on the Compilation of Comprehensive Works with al-'Aṭṭār's Marginalia] (2/395); **"Ta'līl al-Aḥkām"** [The Rationalization of Rulings] by Muḥammad Shalabī (p. 335); **"Athar al-Adillah al-Mukhtalaf fīhā fī al-Fiqh al-Islāmī"** [The Effect of Disputed Evidence in Islamic Jurisprudence] (p. 129).

[46] This is according to those who did not come across any objection and did not find or become aware of it.

[47] **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] by al-Bāḥusayn (pp. 125-126).

[48] Innovators compare religious innovations (*bid'ah*) to *istihsān* to give their innovation a religious veneer, interpreting this comparison to mean that *istihsān* can only be done by someone who finds something good (*mustaḥsin*). *Istihsān* differs from innovation (*bid'ah*), as *istihsān* is merely a shift from one evidence to another that is stronger than it.
Refer to: **"Al-Furūq fī Uṣūl al-Fiqh"** [The Distinctions in the Principles of Jurisprudence] by 'Abd al-Laṭīf al-Ḥamd (p. 411); **"Taḥrīr Ma'nā al-Bid'ah wa al-Radd 'alā al-Jānib al-Ta'ṣīlī min Kitāb Mafhūm al-Bid'ah li-'Abd al-Ilāh al-'Arfaj"** [Clarifying the Meaning of Innovation and a Response to the Foundational Aspect of the Book 'The Concept of Innovation' by 'Abd al-Ilāh al-'Arfaj] by Ṣalāḥ al-Itribī (p. 147).

[49] Refer to: **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).

[50] The practice of the people of Medina, also called (the consensus of the people of Medina), is a fundamental principle of Imam Mālik. It is one of the issues disputed between the Mālikīs and other legal theorists. The consensus of the people of Medina has different levels, some of which are authoritative evidence and some are not.
Refer to the issue in: **"Iḥkām al-Fuṣūl"** [The Perfection of the Chapters] by al-Bājī (p. 480); **"Al-Muṣṭaṣfā"** [The Purified] (p. 147); **"Tartīb al-Madārik"** [The Arrangement of the Perceptions] by al-Qāḍī 'Iyāḍ (1/47); **"Nafā'is al-Uṣūl"** [Gems of the Principles] (6/2710); **"Ṣiḥḥat Madhhab Ahl al-Madīnah"** [The Validity of the School of the People of Medina] by Ibn Taymiyyah, printed within **"Majmū' al-Fatāwā"** [The Collection of Legal Opinions] (20/303); **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (6/440); **"Ijmā' Ahl al-Madīnah bayna al-Ḥujjah al-Naqliyyah wa al-Istidlāl al-Tarjīḥī"** [The Consensus of the People of Medina Between Textual Evidence and Preferential Reasoning] by Jamāl al-Aḥmar (p. 101); **"Al-Taḥqīq fī**

The intended consensus (iṭbāq) is what came from all people in all regions and countries during that time, not the consensus of the people of a single city.

And Allah is Most High and All-Knowing, and to Him is the final return.

4. CHAPTER ONE

The Authority (Ḥujjiyyah) of "The Consensus of People Without Objection"

The consensus of people (iṭbāq al-nās) can only be regarding doing something or leaving something.

- If the thing agreed upon for doing or leaving pertains to non-ritual matters (mu‘āmalāt), it is permissible to resort to this evidence provided it does not contradict a Shariah text and does not disrupt a Shariah objective (maqṣad shar‘ī). In this, it reverts to the principle "Custom is judicially recognized (Al-‘Ādah Muḥakkamah)"[51] and its subsidiaries, like the principle: "The practice of people is proof, and it must be acted upon" [52]. Diverting people from what they have agreed upon – if it does not contradict the Shariah – is a departure from the principle of facilitation (taysīr) established by the Shariah and articulated by the tongues of jurists. It might also revert to Istihsān based on consensus, custom, or necessity. Istihsān is proof (ḥujjah). If it is based on consensus, it is definitively proof. The consensus of people on a matter in transactions is usually driven and carried by necessity and repelling harm and constriction from them. This must be considered, and what they have agreed upon must be adopted, for "Hardship begets facilitation (Al-mashaqqah tajlib al-taysīr)"[53], and the removal of hardship (rafʿ al-ḥaraj) is a definitively established principle in the Shariah. Imam al-Shāṭibī (d. 790 AH) said: "The evidences for the removal of hardship in this Ummah have reached the level of certainty" [54].
- If the people of consensus (ahl al-ijmā‘) are among those who agree – i.e., they participated with the rest of the people in this consensus – then this consensus is proof due to the presence of the people of consensus within it and the absence of their objection. If the agreed-upon matter contradicts analogical reasoning (qiyās), the general principle, or the established rule for its analogues – as in permitting commissioned manufacturing (istisnā‘) [55] and entering public baths (ḥammām) [56] – then this falls under Istihsān based on consensus. It could also fall under Istihsān based on custom or necessity, and consensus occurred upon it for this reason [57].

Jurists have used "The Consensus of People Without Objection" in non-ritual matters. Al-Zarkashī said about it: "This evidence is used by jurists in places, such as the reasoning of our companions [the Shāfi‘īs] for the purity of rennet (infaḥah)

Masā'il Uṣūl al-Fiqh allatī Ikhtalafa al-Naql fīhā 'an al-Imām Mālik bin Anas" [Verification Regarding Issues of Legal Theory About Which the Report from Imam Mālik bin Anas Differs] by Ḥātim Bāy (p. 413).

[51] This is one of the five major legal maxims and the most operative maxim in Islamic jurisprudence.
Refer to: **"Qā'idat al-'Ādah al-Muḥakkamah"** [The Principle That Custom is Arbitral] (p. 25); **"Al-'Urf wa Atharuhu fī al-Sharī'ah wa al-Qānūn"** [Custom and its Impact in the Divine Law and Secular Law] (p. 23) onwards; **"Al-'Urf, Ḥujjiyatuhu, wa Atharuhu fī Fiqh al-Mu'āmalāt al-Māliyyah 'inda al-Ḥanābilah"** [Custom, Its Authority, and Its Impact on the Jurisprudence of Financial Transactions according to the Hanbalis] by 'Ādil Qawwātah (1/325) onwards.

[52] For the documentation of this maxim, refer to: **"Durar al-Ḥukkām fī Sharḥ Majallat al-Aḥkām"** [The Pearls of the Judges in Explaining the Ottoman Legal Code] by 'Alī Ḥaydar Afandī (1/46); **"Sharḥ al-Qawā'id al-Fiqhiyyah"** [Explanation of the Legal Maxims] by al-Zarqā (p. 223); **"Al-Mufaṣṣal fī al-Qawā'id al-Fiqhiyyah"** [The Detailed Work on Legal Maxims] by al-Bāḥusayn (p. 425).

[53] This is one of the major legal maxims and one of the five great maxims upon which jurisprudence is built. It is a maxim from which all the concessions and alleviations of the Law are derived.
Refer to: **"Al-Ashbāh wa al-Naẓā'ir"** [The Similarities and Analogies] by al-Suyūṭī (pp. 7, 77); **"Sharḥ al-Qawā'id al-Fiqhiyyah"** [Explanation of the Legal Maxims] by al-Zarqā (p. 157); **"Qā'idat al-Mashaqqah Tajlib al-Taysīr"** [The Principle That Hardship Begets Facility] by al-Bāḥusayn (pp. 25-26, 205-221); **"Al-Iḥkām wa al-Taqrīr li-Qā'idat al-Mashaqqah Tajlib al-Taysīr"** [Precision and Affirmation for the Principle That Hardship Begets Facility] by 'Adnān Muḥammad Umāmah (p. 42) onwards.

[54] **"Al-Muwāfaqāt"** [The Congruences] (1/520). For the evidence supporting the removal of hardship and its listing, refer to: **"Raf' al-Ḥaraj fī al-Sharī'ah al-Islāmiyyah"** [The Removal of Hardship in Islamic Law] by al-Bāḥusayn (pp. 61-99); **"Raf' al-Ḥaraj fī al-Sharī'ah al-Islāmiyyah Ḍawābiṭuhu wa Taṭbīqātuhu"** [The Removal of Hardship in Islamic Law: Its Regulations and Applications] by Ṣāliḥ ibn Ḥumayd (pp. 59-93).

[55] Permitting commissioned manufacture (*al-istiṣnā'*) contradicts analogical reasoning (*qiyās*) according to many, because it falls under the category of selling something non-existent, which is prohibited in the Law. However, it was permitted due to its common practice among people.
Refer to: **"Taqwīm al-Adillah"** [The Rectification of Proofs] (p. 405); **"Uṣūl al-Sarakhsī"** [The Principles of al-Sarakhsī] (2/203); **"Badā'i' al-Ṣanā'i'"** [The Marvels of Creations] (5/2).
However, al-Zayla'ī mentioned in his book **"Tabyīn al-Ḥaqā'iq"** [Clarifying the Truths] (4/123) that the Prophet (peace be upon him) commissioned a ring and a pulpit. Also refer to: **"Fatḥ al-Qadīr"** [The Victory of the Almighty] by Ibn al-Humām (7/115). If this is authentic, it would fall under practical Sunnah. Refer to: **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (p. 98).

[56] Permitting entry to a public bath without specifying the fee or estimating the duration of stay contradicts analogical reasoning. This is because entering the bath is a lease (*ijārah*), and the duration must be specified. The consumption is on the asset (water/heat), and its amount must be specified. There are two uncertainties: in the subject matter and in the duration, either of which is sufficient to invalidate the lease. However, it was permitted based on juristic preference (*istihsān*) due to consensus or custom.
Refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] by al-Jaṣṣāṣ (2/40), where he considered the permissibility of entering the bathhouse as *istihsān* based on people's practice (custom); **"Nafā'is al-Uṣūl"** [Gems of the Principles] by al-Qarāfī (6/2736); **"Kashf al-Asrār"** [Unveiling the Secrets] (3/263); **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (pp. 98-99).

[57] Refer to: **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (p. 99); **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] by the same author (pp. 125-126).

(58) based on people's consensus on eating cheese, their reasoning for the permissibility of lending bread (qarḍ al-khubz), the reasoning of the Ḥanafīs for the permissibility of commissioned manufacturing (istisnā‘) due to the observation of the predecessors (salaf) practicing it without objection despite its visibility and prevalence, and entering public baths without stipulating a fee or estimating the utility, among other things" (59). We will later examine whether the jurists' reasoning in the issues mentioned by al-Zarkashī was based on "The Consensus of People Without Objection" or on Istihsān. The difference between them has already been mentioned.

- If "The Consensus of People" pertains to rituals (‘ibādāt) or related matters (60), it is either their consensus on leaving something or on doing something.
    - If it is on leaving something or doing it, and evidence from a text proves the opposite, then consideration is given to the evidence, not the people's consensus on leaving it, especially after the prevalence of blind following (taqlīd) and the spread of rigidity in thinking. Abdullah ibn al-Ḥasan (d. 145 AH), grandson of Al-Ḥasan ibn ‘Alī ibn Abī Ṭālib, used to sit frequently with Rabī‘ah (d. 136 AH). They once were discussing the Sunnahs, and a man in the gathering said: "**Practice is not based on this!**" Abdullah said: "**What do you think if the ignorant become numerous until they are the rulers, are they proof against the Sunnah?**" Rabī‘ah said: "I testify that this is the speech of the sons of prophets" (61). Al-Shāṭibī commented: "However, I would not say 'the ignorant,' but rather: 'What do you think if the blind followers become numerous, then they innovate with their opinions and judge by them, are they proof against the Sunnah? No, and never!'" (62).
    - If the scholars unanimously agree to abandon acting upon a text, then the text which is the basis of their consensus is what necessitated abandoning that text, not merely their consensus, as established in the science of Usūl (63).
- If the consensus of people in later times is on something in religion and worship for which there is no sound, explicit text, then either objection from the predecessors exists regarding it, or it does not.
    - If objection is found and established from them, and they agreed upon that objection, then the consensus of later generations is not proof – even if the mujtahids, whose agreement constitutes consensus, are among those who agree – because the consensus of later generations opposing the consensus of earlier generations entails an impermissible consequence: that the earlier consensus was invalid, that the evidence was hidden from all of them, and that there was no one upholding Allah's proof among them. It would necessitate abrogating one consensus with another, which is invalid according to the scholars of Usūl (64). Imam al-Shāṭibī, refuting those who adhered to the consensus of later generations regarding the lack of objection in an issue where there was a contrary consensus from the predecessors, said: "Furthermore, this consensus, if established, would entail an impermissible consequence; because it contradicts what is transmitted from the predecessors regarding its abandonment, thus becoming the abrogation of one consensus by another, and this is impossible in Usūl principles. Also, the contradiction of later generations to the consensus of the predecessors on a Sunnah can never be proof against that Sunnah" (65).
    - **Yes, it is permissible to abandon the first consensus and change it with a second consensus if the first consensus was based on a worldly interest (maṣlaḥah dunyawiyyah) that is not permanent. In that case, that consensus can be changed by another when the first interest changes and a different**

---

[58] Rennet (*al-infaḥah* - with a kasrah on the hamzah and a fatḥah on the light fā', or sometimes kasrah on the fā'): a substance extracted from the stomach of a suckling kid, yellow in color, squeezed in a woolen bag and it thickens like cheese. It is called *infaḥah* as long as the kid hasn't eaten; if it has eaten, it is called *kirsh* (stomach content). Refer to: **"Al-Ṣiḥāḥ"** [The Sound] (1/413); **"Al-Qāmūs al-Muḥīṭ"** [The Encompassing Ocean] (p. 245); **"Mu'jam Lughat al-Fuqahā'"** [Dictionary of Juristic Terminology] (p. 93).

[59] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).

[60] This differs from the maxim of custom and convention, as custom and convention have a role in acts of worship by revealing the basis and causes of rulings, such as relative qualities like scarcity and abundance, etc. Numerous subsidiary issues are built upon it. Refer to: **"Al-'Urf wa Atharuhu fī al-Sharī'ah wa al-Qānūn"** [Custom and its Impact in the Divine Law and Secular Law] (pp. 202-211); **"Qā'idat al-'Ādah Muḥakkamah"** [The Principle That Custom is Arbitral] (p. 119, 136-166).

[61] Narrated by Ibn 'Asākir with his chain in **"Tārīkh Dimashq"** [The History of Damascus] (27/372). Mentioned by al-Shāṭibī in **"Al-I'tiṣām"** [Holding Fast] (2/272).

[62] **"Al-I'tiṣām"** [Holding Fast] (2/272).

[63] Refer to: **"Al-'Uddah"** [The Tool] by Abū Ya'lā (3/796); **"Al-Muṣṭaṣfā"** [The Purified] (p. 101); **"Nafā'is al-Uṣūl"** [Gems of the Principles] (1/422, 6/2502); **"Sharḥ Mukhtaṣar al-Rawḍah"** [Commentary on the Summary of the Garden] by al-Ṭūfī (2/330-332); **"Kashf al-Asrār"** [Unveiling the Secrets] (3/175); **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (5/284-287); **"Mudhakkirat Uṣūl al-Fiqh"** [A Memorandum on the Principles of Jurisprudence] by al-Shanqīṭī (p. 105).

[64] Refer to: **"Nafā'is al-Uṣūl"** [Gems of the Principles] (6/2498-2499); **"Sharḥ Mukhtaṣar al-Rawḍah"** [Commentary on the Summary of the Garden] by al-Ṭūfī (2/330-332); **"Kashf al-Asrār"** [Unveiling the Secrets] (3/175); **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (5/284-287); **"Ḥujjiyat al-Ijmā' wa Mawqif al-'Ulamā' minhā"** [The Authority of Consensus and the Stance of Scholars Towards It] by al-Farghalī (p. 482).

[65] **"Al-I'tiṣām"** [Holding Fast] (2/271).

interest arises [66]. For example, if Muslims in one era unanimously agreed on concluding a truce (ṣulḥ) with disbelievers due to an interest requiring it, then those after them saw and unanimously agreed not to make a truce due to the disappearance of that interest [67].

Now, if people unanimously agree on something in religion and worship without objection, is their consensus absolutely proof? Can it be used to evidence permissibility (ibāḥah), and can obligation (wujūb) be derived from it for some things, or not?

First and foremost, some issues claimed to have people's consensus might actually have objection within them, which some scholars are unaware of [68], while others are aware of it. Whoever becomes aware of it and the objection is established for him, and it is known that the one transmitting the consensus was unaware of this objection [69], then consideration is given to the statement of the one transmitting the objection, for "He who memorizes is proof against him who does not" [70].

Let's return to the posed question: If people unanimously agree on something in religion and worship without objection, is their consensus absolutely proof, used to evidence permissibility, and can obligation be derived from it for some things, or not?

The apparent statement of al-Juwaynī (d. 478 AH) in his book *Nihāyat al-Maṭlab* [71], in his discussion on the two rak'ahs of ṭawāf (circumambulation) and the two transmitted opinions from al-Shāfi'ī regarding their obligation, suggests that it is used as evidence, and that al-Shāfi'ī is among those who use it to evidence the obligation of some things – among them, as indicated by the context of al-Juwaynī's speech: the obligation of the two rak'ahs of ṭawāf when the ṭawāf itself is obligatory.

I say: The Shāfi'īs transmit two opinions from al-Shāfi'ī regarding the obligation of the two rak'ahs of ṭawāf: one is that they are obligatory (wājib), the other that they are a confirmed Sunnah (sunnah mu'akkadah) [72]. The most correct opinion according to them is that they are a Sunnah, as definitively stated by the two verifiers of the Shāfi'ī school, Abū al-Qāsim al-Rāfi'ī (d. 623 AH) and al-Nawawī (d. 676 AH) [73].

The opinion that they are a confirmed Sunnah is the official doctrine (madhhab) of the Ḥanbalīs [74]. It is also said to be the opinion of Mālik (d. 179 AH) [75], but the correct view in his school is a detailed opinion: if the ṭawāf is obligatory, the two rak'ahs are obligatory according to the famous opinion of the school; if it is voluntary ṭawāf, they are a Sunnah[76]. As for the opinion of obligation: the Ḥanafīs hold this view [77], as do some Mālikīs [78], and it is a narration within the Ḥanbalī school [79].

Regarding the evidence for the obligation of the two rak'ahs of ṭawāf in one of al-Shāfi'ī's opinions, I have found no one other than Imam al-Haramayn al-Juwaynī who mentioned that al-Shāfi'ī's evidence for obligation was based on "The

---

66 This is not a case of abrogation (*naskh*), but rather a case of the evidence ceasing to be operative because its term has ended. This matter falls under leadership (*imāmah*) or Sharia policy (*al-siyāsah al-shar'iyyah*).
Refer to: **"Ḍawābiṭ al-Maṣlaḥah"** [The Regulations of Public Interest] by al-Būṭī (p. 62); **"Ḥujjiyat al-Ijmā' wa Mawqif al-'Ulamā' minhā"** [The Authority of Consensus and the Stance of Scholars Towards It] (p. 489).

67 Refer to: **"Ḍawābiṭ al-Maṣlaḥah fī al-Sharī'ah al-Islāmiyyah"** [The Regulations of Public Interest in Islamic Law] by Dr. Muḥammad Ramaḍān al-Būṭī (p. 61); **"Ḥujjiyat al-Ijmā' wa Mawqif al-'Ulamā' minhā"** [The Authority of Consensus and the Stance of Scholars Towards It] (p. 482, 489).

68 As in the issue of collective supplication (*du'ā'*) after prayer, where objection from the early scholars is established, but some later scholars did not come across it. Al-Shāṭibī mentioned this in **"Al-I'tiṣām"** [Holding Fast] (2/269-270).

69 The transmitter of widespread practice might have been aware of an objection, but it was not established to his satisfaction, or its indication was ambiguous, or something else, so he does not take that objection into account. Refer to: **"Majmū' al-Fatāwā"** [The Collection of Legal Opinions] (19/271-272).

70 If one scholar reports a consensus on an issue, and another reports a difference of opinion on it, there are details discussed by the scholars. Refer to: **"Majmū' al-Fatāwā"** [The Collection of Legal Opinions] (19/271-272).

71 (4/294).

72 Refer to: **"Nihāyat al-Maṭlab"** [The Ultimate Objective] by Imām al-Ḥaramayn al-Juwaynī (4/294); **"Al-Sharḥ al-Kabīr"** [The Large Commentary] by al-Rāfi'ī (7/306-307); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined] by al-Nawawī (8/51).

73 Refer to: **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (7/307); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined] (8/51).

74 Refer to: **"Al-Mughnī"** [The Enricher] by Ibn Qudāmah (3/347); **"Al-Inṣāf fī Ma'rifat al-Rājiḥ min al-Khilāf"** [Fairness in Knowing the Preponderant Opinion in Differences] by al-Mardāwī (4/18); **"Kashshāf al-Qinā'"** [The Revealer of Sufficiency] by al-Buhūtī (2/484).

75 Ibn Qudāmah al-Ḥanbalī in **"Al-Mughnī"** [The Enricher] (3/348) and al-Rāfi'ī al-Shāfi'ī in **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (7/307) attributed this view absolutely to Mālik.

76 Refer to: **"Mawāhib al-Jalīl fī Sharḥ Mukhtaṣar Khalīl"** [The Gifts of the Noble in Explaining the Summary of Khalīl] by al-Ḥaṭṭāb (3/111); **"Ḥāshiyat al-'Adawī 'alā Kifāyat al-Ṭālib al-Rabbānī"** [Al-'Adawī's Marginalia on The Sufficiency of the Divine Seeker] (1/533).

77 Refer to: **"Al-Mabsūṭ"** [The Expanded] by al-Sarakhsī (4/12); **"Al-Hidāyah fī Sharḥ al-Bidāyah"** [The Guidance in Explaining The Beginning] by al-Marghīnānī (1/138); **"Fatḥ al-Qadīr"** [The Victory of the Almighty] by Ibn al-Humām (2/456). Strangely, Abū al-Walīd al-Bājī al-Mālikī in his book **"Al-Muntaqā Sharḥ al-Muwaṭṭa'"** [The Selected: Commentary on The Well-Trodden Path] (2/288) attributed the opinion that the two rak'ahs of circumambulation (*ṭawāf*) are recommended (*mustaḥabb*) to Abū Ḥanīfah!

78 Refer to: **"Al-Muntaqā Sharḥ al-Muwaṭṭa'"** [The Selected: Commentary on The Well-Trodden Path] by al-Bājī (2/288); **"Mawāhib al-Jalīl"** [The Gifts of the Noble] (3/111).

79 Refer to: **"Al-Inṣāf"** [Fairness] by al-Mardāwī (4/18).

Consensus of People Without Objection." This is because what is voluntarily performed usually sees people hesitant in doing it. Rather, everyone who mentioned the obligation of the two rak'ahs of ṭawāf and argued for it did so based on the Prophet's (peace be upon him) action of praying them [80], and also based on His saying, the Exalted: **"And take, [O believers], from the standing place of Abraham a place of prayer"** (Al-Baqarah 2:125) [81]. They said: The command implies obligation [82]. The two verifiers of the Shāfi'ī school, Abū al-Qāsim al-Rāfi'ī and Muḥyī al-Dīn al-Nawawī, did not mention that al-Shāfi'ī – in what was transmitted from him regarding the obligation of the two rak'ahs of ṭawāf – argued for their obligation based on "The Consensus of People Without Objection"; rather, they mentioned evidence from the verse [83].

Given this, among legal theorists and jurists, some view "The Consensus of People Without Objection" as proof absolutely, while others restrict its use as evidence to the time of the Ṣaḥābah and Tābi'ūn. Examining the books of some jurists, we see them using it as evidence in several issues. Among these jurists and legal theorists are: Muwaffaq al-Dīn Ibn Qudāmah al-Ḥanbalī (d. 620 AH) [84] and some Mālikīs [85]. However, Badr al-Dīn al-Zarkashī al-Shāfi'ī holds that it is not proof absolutely. Let us hear what he said: "It should be said: This is only valid if it occurred during his era – peace be upon him – or during the era of the Companions and the Successors [86]. As for after that, the situation has escalated to this time, in which how many innovations exist, and they have mutually agreed not to object to them! Therefore, consensus on an action without objection should not be made proof of permissibility absolutely" [87]. What al-Zarkashī al-Shāfi'ī held is agreed upon by his contemporary, al-Shāṭibī al-Mālikī [88]– may Allah have mercy on them all.

This is what seems preponderant to me – and Allah knows best – due to the strength of its evidences. For the standards have been reversed, and people have mutually agreed upon innovations and newly-invented matters, and have consensus on doing them. Therefore, their consensus on an action they introduced into religion and worship cannot be used as evidence for its permissibility unless supported by evidences and substantiated by texts.

Note: We find that al-Zarkashī mentioned examples which he said jurists used as evidence based on "The Consensus of People Without Objection," such as: the ruling of the purity of rennet based on people's consensus on eating cheese, the permissibility of lending bread, the Ḥanafīs' evidence for the permissibility of commissioned manufacturing due to the predecessors witnessing it without objection despite its visibility and prevalence, and entering public baths without stipulating a fee or estimating utility [89]. Then, he introduced a restriction to this evidence [by stipulating] that it must have occurred during the era of the Prophet (peace be upon him), or during the era of the Companions and the Successors. The purpose of this restriction was to address what he relayed from Al-Juwaynī: that Al-Shāfi'ī uses the consensus of people upon a practice as evidence for its obligation (in matters of worship). However, this restriction does not apply to the examples he mentioned (the permissibility of commissioning manufacture (*istisnā'*), lending bread, entering public baths...). For, upon closer examination, these examples fall under the category of juristic approval (*istihsān*) based on consensus (*ijmā'*), custom (*'urf), or necessity (*hājah*). There is no requirement for their permissibility to be established in the era of the Prophet, the Companions, or the Successors. This is because [the concept of] innovation (*bid'ah) applies only to acts of worship and related matters. As for the transactions people conduct, which they have instituted based on need, they are not described as innovations. On the contrary, the default principle in transactions is permissibility and allowance. [90]"

---

[80] Refer to: **"Ṣaḥīḥ al-Bukhārī"** [The Sound Collection of al-Bukhārī] (1/88) Hadith No. (395); **"Ṣaḥīḥ Muslim"** [The Sound Collection of Muslim] (2/886) Hadith No. (1218).

[81] Part of verse (125) from Sūrat al-Baqarah.

[82] Refer to: **"Al-Mabsūṭ"** [The Expanded] by al-Sarakhsī (4/12); **"Al-Sharḥ al-Kabīr"** [The Large Commentary] by al-Rāfi'ī (7/306); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined] (8/50); **"Fatḥ al-Qadīr"** [The Victory of the Almighty] by Ibn al-Humām (2/456).

[83] Refer to: **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (7/306); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined] (8/50).

[84] It was used as evidence by some in the issue of gifting the reward of Quranic recitation to the deceased. Refer to: **"Al-Mughnī"** [The Enricher] (2/424).

[85] Al-Shāṭibī mentioned some of them in **"Al-I'tiṣām"** [Holding Fast] (2/269), where they used it as evidence for the issue of gathering for supplication after prayers.

[86] This was previously noted: that people's widespread practice of something without objection, if it occurred during the time of the Prophet (peace be upon him) and he saw it and did not object, constitutes tacit approval Sunnah (*Sunnah taqrīriyyah*), or what is called God's approval during the time of prophethood. God's approval during the time of prophethood is used as evidence by some scholars.
Refer to: **"Iḥkām al-Aḥkām Sharḥ 'Umdat al-Aḥkām"** [Perfecting the Rulings: Commentary on The Pillar of Rulings] by Ibn Daqīq al-'Īd (2/208); **"Subul al-Salām Sharḥ Bulūgh al-Marām"** [The Paths of Peace: Commentary on Attaining the Goal] by al-Ṣan'ānī (1/370-371).

[87] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).

[88] **"Al-I'tiṣām"** [Holding Fast] (2/269-270).

[89] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).

[90] **"Al-Umm"** [The Mother] by al-Shāfi'ī (3/3); **"Al-Istidhkār"** [The Reminder] by Ibn 'Abd al-Barr (6/419); **"Al-Mabsūṭ"** [The Expanded] by al-Sarakhsī (20/72); **"Qā'idat al-'Uqūd"** [or **"Nathariyyat al-'Uqūd"** - The Theory of Contracts] by Ibn Taymiyyah (p. 226); **"I'lām al-Muwaqqi'īn"** [Informing the Signatories] (3/107); **"Al-Ashbāh wa al-Naẓā'ir"** [The Similarities and Analogies] by Ibn al-Subkī (1/253); **"Al-Manthūr fī al-Qawā'id al-Fiqhiyyah"** [The Scattered Pearls on Legal Maxims] by al-Zarkashī (1/155); **"Al-Qawā'id wa al-Ḍawābiṭ al-Fiqhiyyah al-Mu'aththirah fī al-Mu'āmalāt al-Maṣrifiyyah"** [The Legal Maxims and Regulations Affecting Banking Transactions] by al-Qaḥṭānī (2/934-935).

5. CHAPTER TWO

Jurisprudential Rulings Based on the Evidence of "Universal Practice Without Objection"

Al-Zarkashī (may God have mercy on him) mentioned that jurists—from his Shāfiʿī school and others—utilize the evidence of "universal practice without objection" (*iṭbāq al-nās min ghayri nakeer*) in several instances, including:

1. The Shāfiʿīs' use of it as proof for the purity of rennet (*infaḥa*), based on people's universal practice of eating cheese.
2. Their use of it as proof for the permissibility of lending bread (*qard al-khubz*).
3. The Ḥanafīs' use of it as proof for the permissibility of commissioning manufacture (*istisnāʿ*), due to the early generations' (*al-salaf*) observation of it without objection, despite its prevalence and widespread practice.
4. Their use of it as proof for the permissibility of entering a public bathhouse (*ḥammām*) without stipulating a fee or quantifying the benefit [91].

These are the jurisprudential rulings that al-Zarkashī mentioned jurists derived using the evidence of "universal practice without objection," arguing that these rulings are extrapolated and based upon it. We will now examine each of these to determine whether the jurists' evidence was indeed "universal practice without objection" or another form of evidence.

First Ruling: The Purity of Rennet

The Shāfiʿīs' Evidence in This Matter:

Imām al-Haramayn al-Juwaynī said: "Our Imāms disagreed concerning rennet. Some said it is impure—this is the analogical ruling (*qiyās*), as it is milk collected inside the sheep that undergoes transformation (*istihāla*); it emerges when the sheep is slaughtered and is used to coagulate milk. A transformed substance is impure. Others said it is pure due to the consensus of the community (*umma*) on the permissibility of cheese, despite their knowledge that it coagulates with rennet. Thus, rennet is accorded the status of original milk—permitted due to necessity (*ḥājah*). Analogical reasoning dictates a ruling of impurity for rennet, but the practice of the people and the absence of objection from scholars of the eras indicate purity."[92]

Al-Rāfiʿī (may God have mercy on him) said: "Among the exceptions from transformed substances is rennet, according to the more correct of two opinions. Many authorities mentioned no other reason for its purity than people's universal practice of eating cheese without objection."[93]

Al-Nawawī (may God have mercy on him) said: "Rennet taken from a suckling lamb (*sakhla*) [94] after its death or slaughter—after it has consumed something other than milk—is impure, without disagreement. If taken from a pure suckling lamb before it consumes anything other than milk, there are two opinions: The correct one, affirmed by many, is its purity, because the early generations (*al-salaf*) consistently used it to make cheese and did not abstain from eating cheese made with it."[95]

Al-Ghazālī (d. 505 H, may God have mercy on him) said: "They disagreed about rennet, which is milk that has transformed inside the stomach of a sheep, goat, or other animal. The analogical ruling is its impurity [96]. Some ruled it pure because milk is coagulated with it, and the early generations did not avoid it."[97]

Analysis: The ruling on the purity of rennet was established through juristic preference (*istihsān*) based on consensus (*ijmāʿ*), not merely on universal practice without objection. This is because ruling it pure contravenes the analogical ruling (*qiyās*). Therefore, the ruling of its purity came as an exception based on consensus.

Second Ruling: The Permissibility of Lending Bread

The Shāfiʿīs' Evidence in This Matter:

Al-Rāfiʿī said: "Regarding lending bread, there are two opinions: One, it is not permissible. The second, it is permissible… due to general necessity (*al-ḥājah al-ʿāmmah*) and people's universal practice of it."[98]

Al-Nawawī said: "Regarding lending bread, there are two opinions. One: it is not permissible. The second: it is permissible. Some of our companions definitively ruled its permissibility by weight. They argued for this based on the consensus of the

[91] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).
[92] **"Nihāyat al-Maṭlab"** [The Ultimate Objective] (2/311).
[93] **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (1/187).
[94] *Al-Sakhlah*: The offspring of a sheep or goat, whether male or female. Plural: *sakhl*, *sikhāl*, *sikhalah*.
Refer to: **"Lisān al-'Arab"** [The Tongue of the Arabs] (11/332).
[95] **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined] (2/570).
[96] Because it is milk gathered inside the sheep's stomach, it is transformed (*mustaḥīl*), it comes out when the sheep is slaughtered, and is used to curdle milk. The transformed substance is impure. Refer to: **"Nihāyat al-Maṭlab"** [The Ultimate Objective] by al-Juwaynī (2/311).
[97] **"Al-Wasīṭ fī al-Madhhab"** [The Intermediate Reference in the School] (1/158-159).
[98] **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (9/364-365).

people of various regions on its practice throughout the ages without objection." [99]

Analysis: Upon scrutiny, we find the evidence here is actually based on juristic preference (*istihsān*) by consensus, with people's need being the reason behind this consensus. This is what al-Rāfiʿī alluded to by saying, "The second: it is permissible… due to general necessity and people's universal practice of it."[100]

Ibn Ḥajar al-Haytamī (d. 974 H, may God have mercy on him) said: "Lending bread is permissible… due to necessity and as a matter of leniency/concession (*musāmaha*)."[101]

Third Ruling: The Permissibility of Commissioning Manufacture (Istisnā')

Al-Zarkashī said: "The Ḥanafīs' evidence for the permissibility of *istisnā'* is the early generations' (*al-salaf*) observation of it without objection, despite its prevalence and widespread practice."[102]

Analysis: The Ḥanafīs' evidence for the permissibility of *istisnā'* was actually based on juristic preference (*istihsān*) by consensus. This is attested in Ḥanafī texts.

Abū Zayd al-Dabūsī (d. 430 H, may God have mercy on him), while listing types of *istihsān*, said: "As for [*istihsān* by] consensus—i.e., juristic preference by consensus—it is like the permissibility of *istisnā'* in matters where the practice of the community (*umma*) is widespread without objection. The analogical ruling is its prohibition because it is the sale of an object for its [future] manufacture; it is considered an existing object (*ʿayn*) in reality at present but non-existent as a described liability (*fī al-dhimmah*). The apparent analogy is that selling something is only permissible after it is specifically identified in reality or established as a liability, like a forward sale (*salam*). As for something non-existent in every respect, a contract is inconceivable as there is no subject matter for the contract. However, they deemed it permissible by consensus, evident from the community's practice without objection, because consensus is evidence superior to opinion. They restricted it to this because it is a departure from analogy."[103]

Al-Sarakhsī (d. 483 H, may God have mercy on him) said: "As for departing from analogy due to evidence from consensus, it is like *istisnā'* in matters where people customarily engage in it. For analogy rejects its permissibility. We abandoned analogy due to the consensus on its practice among people from the time of the Messenger of God (peace be upon him) until this day."[104]

ʿAbd al-ʿAzīz al-Bukhārī (d. 730 H, may God have mercy on him) said: "From [*istihsān*] is what is established by consensus, like *istisnā'*, meaning in matters where people customarily engage in it… They deemed it permissible by consensus, established through the community's practice without objection, because through consensus the error in the analogy becomes specific—just as it becomes specific through a text (*nass*)—making it obligatory to abandon [the analogy]. They restricted the matter to where customary practice exists because it is a departure from analogy."[105]

The permissibility of *istisnā'* could also fall under the category of custom (*ʿurf*).[106]

It is not far-fetched that the permissibility of *istisnā'* could be a case of juristic preference based on a text (*istihsān bi al-nass*), not preference by consensus. This is because al-Sarakhsī mentioned that the practice of *istisnā'* has been ongoing since the time of the Prophet (peace be upon him), "so it should be considered a case of *istihsān* based on a text, as it is considered an affirmative Sunnah (*sunnah taqrīriyyah*), which specifies the general text prohibiting the sale of non-existent goods [107]."[108]

Indeed, al-Zaylaʿī (d. 743 H, may God have mercy on him) mentioned that the Prophet (peace be upon him) commissioned a ring and a pulpit [109]. If this is authentic, it would fall under the category of practical Sunnah (*sunnah ʿamaliyyah*) [110].

And God knows best.

---

[99] Refer to: **"Rawḍat al-Ṭālibīn"** [The Garden of the Seekers] (4/33) with slight modification and abbreviation.
[100] **"Al-Sharḥ al-Kabīr"** [The Large Commentary] (9/365).
[101] **"Tuḥfat al-Muḥtāj"** [The Gift for the Needy] (5/44).
[102] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).
[103] **"Taqwīm al-Adillah"** [The Rectification of Proofs] (p. 405).
[104] **"Uṣūl al-Sarakhsī"** [The Principles of al-Sarakhsī] (2/203).
[105] **"Kashf al-Asrār"** [Unveiling the Secrets] (4/5). He took this text verbatim from Abū Zayd al-Dabūsī in **"Taqwīm al-Adillah"** without attributing it to him!
[106] Refer to: **"Athar al-Adillah al-Mukhtalaf fīhā fī al-Fiqh al-Islāmī"** [The Effect of Disputed Evidence in Islamic Jurisprudence] by Muṣṭafā Dīb al-Bughā (pp. 307-308).
[107] It is the hadith: ((Do not sell what you do not possess)) narrated by Abū Dāwūd in his Sunan, chapters on leasing, chapter on a man selling what he does not have (3/283), hadith no. (3504); and by al-Tirmidhī in his Sunan, chapters on sales, chapter on what is reported regarding the dislike of selling what one does not have (3/526) hadith no. (1232). The hadith is sound (*ṣaḥīḥ*); al-Tirmidhī said about it: ((A good and sound hadith)) (3/527). Also refer to: **"Nasb al-Rāyah"** [Erecting the Banner] by al-Zaylaʿī (4/45).
[108] **"Al-Istihsān, Ḥaqīqatuhu, Anwāʿuhu, Ḥujjiyatuhu, Taṭbīqātuhu al-Muʿāṣirah"** [Juristic Preference: Its Reality, Types, Authority, and Contemporary Applications] by al-Bāḥusayn (p. 98).
[109] Refer to: **"Tabyīn al-Ḥaqāʾiq"** [Clarifying the Truths] (4/123). Also refer to: **"Fatḥ al-Qadīr"** [The Victory of the Almighty] by Ibn al-Humām (7/115). I have not found this hadith in the books of hadith.
[110] **"Al-Istihsān"** [Juristic Preference] by al-Bāḥusayn (p. 98).

Fourth Ruling: The Permissibility of Entering a Bathhouse [111]

Al-Zarkashī mentioned that the Ḥanafīs' evidence for the permissibility of entering a bathhouse without stipulating a fee or quantifying the benefit was based on people's universal practice of it without objection [112].

Analysis: Examining Ḥanafī texts reveals that their evidence for its permissibility was actually based on juristic preference (*istihsān*) by consensus.

ʿAbd al-ʿAzīz al-Bukhārī, discussing the issue of requiring a basis (*musannad*) for consensus—while refuting those who argue consensus can be without a basis, citing examples including the consensus on the permissibility of entering bathhouses—stated: "The fee for the bathhouse was subject to a consensus *that had a basis*."[113]

We find some Ḥanafīs, like Abū Bakr al-Jaṣṣāṣ (d. 370 H, may God have mercy on him), considered the permissibility of entering a bathhouse a type of *istihsān* based on people's practice, custom, and convention (*ʿurf*) [114]. However, he interpreted "people's practice" in a sense very close to consensus, saying: "What is meant by their statement 'the practice of the people' is that the early generations among the Companions and the scholars from the Successors witnessed people doing this, and no objection from any of them became apparent. Thus, this became an approval from them and an affirmation for it."[115]

Some later Ḥanafī scholars opine that permitting entry to a bathhouse without specifying the amount of water or duration of stay could also be an instance of *istihsān* based on custom (*ʿurf*) or necessity (*ḥājah*), and that consensus occurred on it for this reason [116].

In summary, the examples cited by al-Zarkashī, where he claims jurists used the evidence of "universal practice without objection," are not convincingly based on that evidence. Upon closer examination, they all fall under evidence based on juristic preference by consensus (*istihsān bi al-ijmāʿ*). Some may also belong to evidence based on affirmative Sunnah (*al-sunnah al-taqrīriyyah*) or preference based on custom and necessity (*istihsān bi al-ʿurf wa al-ḥājah*). We have previously explained the difference between *istihsān* by consensus and universal practice without objection. Al-Zarkashī himself differentiated between the two evidences, placing each in a separate category.

God is Most High and All-Knowing, and to Him is the final return. We will now mention two issues where some jurists did use evidence based on universal practice, claiming there was no objection to them.

This leads us to examine two further cases often cited in the legal literature as being established by the principle of 'universal practice without objection' (iṭbāq al-nās min ghayri nakeer).

The First Issue: Gifting the reward of Quranic recitation to the deceased.

Gifting the reward of Quranic recitation to the deceased can occur in three scenarios: 1) The gifter is hired to recite the Quran to gift its reward to the deceased. 2) The gifter is a child of the deceased. 3) The gifter is another person, not a child of the deceased, who voluntarily recites some Quran to gift its reward to a deceased person.

If the reciter is hired to recite for the deceased, there is no disagreement among the scholars that this is an innovation (*bid'ah*) and that the reward for his recitation does not reach the deceased for whom he was hired to recite and to whom the reward is gifted [117].

Shaykh al-Islām Ibn Taymiyyah (d. 728 AH, may God have mercy on him) said: "Hiring people to recite and gift [the reward] to the deceased is not legislated, and none of the scholars considered it recommended. For the Quran [whose reward] reaches [the deceased] is that which is recited for God's sake. If someone was hired to recite for God's sake, and the hirer did not give charity on behalf of the deceased, but rather hired someone to perform an act of worship for God

[111] *Al-Ḥammām* (with shaddah): singular of *ḥammāmāt*, a place for washing with hot water. It can be public, which anyone may enter, or private within a house, entered only by the household. When used absolutely, the public bath is intended. Washing with any water is called *istihmām*.
Refer to: **"Mu'jam Lughat al-Fuqahā'"** [Dictionary of Juristic Terminology] (p. 186); **"Lisān al-'Arab"** [The Tongue of the Arabs] (12/154).
[112] **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean] (8/53).
[113] Refer to: **"Kashf al-Asrār"** [Unveiling the Secrets] (3/263) with slight modification and abbreviation. Also refer to: **"Badā'i' al-Ṣanā'i'"** [The Marvels of Creations] (5/3); **"Al-Istihsān, Ḥaqīqatuhu, Anwā'uhu, Ḥujjiyatuhu, Taṭbīqātuhu al-Mu'āṣirah"** [Juristic Preference: Its Reality, Types, Authority, and Contemporary Applications] by al-Bāḥusayn (p. 98).
[114] Refer to: **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/248). Also refer to: **"Al-Istihsān, Ḥaqīqatuhu, Anwā'uhu, Ḥujjiyatuhu, Taṭbīqātuhu al-Mu'āṣirah"** [Juristic Preference: Its Reality, Types, Authority, and Contemporary Applications] by al-Bāḥusayn (p. 107).
[115] **"Al-Fuṣūl fī al-Uṣūl"** [The Chapters on the Principles of Jurisprudence] (4/248-249).
[116] Refer to: **"Al-Istihsān, Ḥaqīqatuhu, Anwā'uhu, Ḥujjiyatuhu, Taṭbīqātuhu al-Mu'āṣirah"** [Juristic Preference: Its Reality, Types, Authority, and Contemporary Applications] by al-Bāḥusayn (p. 99).
[117] **"Majmū' al-Fatāwā"** [The Collection of Legal Opinions] (24/300); **"Sharḥ al-Ṭaḥāwiyyah"** [Commentary on al-Ṭaḥāwī's Creed] by Ibn Abī al-'Izz al-Ḥanafī (p. 463); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined], completion by al-Muṭīʿī (15/30-31). Also refer to: **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān al-Karīm ilā al-Mawtā"** [The Ruling on Gifting the Reward of Reciting the Noble Quran to the Deceased] by 'Abd al-Qādir Marī (pp. 76-79). The Moroccan Mālikī scholar al-Tabbānī was anomalous in his book titled **"Is'āf al-Muslimīn wa al-Muslimāt bi-Jawāz al-Qirā'ah wa Wuṣūl Thawābihā ilā al-Amwāt"** [Assisting Muslim Men and Women Regarding the Permissibility of Recitation and the Arrival of its Reward to the Deceased] (p. 4), claiming that the reward reaches even if the recitation is done for a fee! He misapplied a text to support his claim.

Almighty, it does not reach him” [118].

Ibn Abī al-‘Izz al-Ḥanafī (d. 792 AH, may God have mercy on him) said: “As for hiring people to recite the Quran and gift it to the deceased!! This was not done by any of the predecessors, nor commanded by any of the Imams of the religion, nor was permission granted for it. Hiring for the mere act of recitation is impermissible by consensus. They only differed regarding the permissibility of hiring for teaching and the like, which involves a benefit reaching others. The reward only reaches the deceased if the act was done for God's sake. This [hired recitation] did not occur as a purely devotional act, so he has no reward from it to gift to the deceased!!” [119].

If the gifter is a child of the deceased, then his reward reaches his deceased parent—according to the preponderant opinion [120].

If the gifter is another person who voluntarily recites the Quran and gifts its reward to the deceased, this is the subject of dispute: Is it an innovation or not, and does its reward reach the deceased or not? [121].

Ibn Qudāmah held the view that it is not an innovation and that the reward reaches the deceased [122]. He argued for this with a set of general proofs and based on people's widespread practice without objection.

He, may God have mercy on him, said: “Our evidence is what we mentioned [i.e., the general proofs] and that it is the consensus of Muslims [123]; for in every era and region, they gather, recite the Quran, and gift its reward to their deceased without any objection” [124].

I say: How can one argue based on people's widespread practice claiming no objection, when there is the disagreement and objection of al-Shāfi'ī in this issue [125]?!

This is not the place for preferring one opinion, but definitively declaring it an innovation [126] is something about which one should hesitate, for the issue is disputed among the Imams, it is a matter of ijtihād, and it is not permissible to declare innovation in matters of ijtihād [127].

The Second Issue: Supplication (Du'ā') after prayer in a collective manner.

Imām al-Shāṭibī (may God have mercy on him) mentioned that some Mālikīs argued for the permissibility of collective supplication after prayer based on people's widespread practice, claiming—according to their assertion—that there was no objection to it.

Al-Shāṭibī refuted this with a strong, scholarly rebuttal.

He, may God have mercy on him, said: “He claimed—i.e., the one arguing for the permissibility of collective supplication after prayer—that it has always been practiced in all regions of the earth, or most of them, by Imams in congregational mosques, without any objection, except for the objection of Abū ‘Abdullāh al-Bārūnī (d. 734 AH), whom he then proceeded to criticize.

This report is undoubtedly an overstatement; because it is a report of consensus, which the examiner and the one using it as proof must, before committing to its responsibility, investigate as scholars investigate consensus; for it is necessary to report from all the Mujtahids of this nation, from the time of the Companions (may God be pleased with them) until now—

---

[118] **"Majmū' al-Fatāwā"** [The Collection of Legal Opinions] (24/300).
[119] **"Sharḥ al-Ṭaḥāwiyyah"** [Commentary on al-Ṭaḥāwī's Creed] (p. 463).
[120] Refer to: **"Qurrat al-'Ayn bi al-Masrrah al-Ḥāṣilah bi al-Thawāb li al-Mayyit wa al-Abawayn"** [The Comfort of the Eye with the Joy Obtained from Reward for the Deceased and Parents] by al-Ḥāfiẓ al-Sakhāwī (p. 65); **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān ilā al-Mayyit"** [The Ruling on Gifting the Reward of Quranic Recitation to the Deceased] (p. 79).
[121] Refer to: **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān al-Karīm ilā al-Mawtā"** [The Ruling on Gifting the Reward of Reciting the Noble Quran to the Deceased] (p. 80).
[122] This is the view of Abū Ḥanīfah, Aḥmad, some Shāfi'īs and Mālikīs, and was championed by some later scholars.
Refer to: **"Al-Mughnī"** [The Enricher] (2/423); **"Al-Adhkār"** [The Invocations] by al-Nawawī (p. 165); **"Al-Furūq"** [The Distinctions] by al-Qarāfī (3/194); **"Mawāhib al-Jalīl"** [The Gifts of the Noble] by al-Ḥaṭṭāb (2/238); **"Radd al-Muḥtār 'alā al-Durr al-Mukhtār"** [The Chosen Pearl's Response to The Selected Pearl] by Ibn 'Ābidīn al-Ḥanafī (2/595); **"Is'āf al-Muslimīn wa al-Muslimāt bi-Jawāz al-Qirā'ah wa Wuṣūl Thawābihā ilā al-Amwāt"** [Assisting Muslim Men and Women Regarding the Permissibility of Recitation and the Arrival of its Reward to the Deceased] by al-Tabbānī al-Maghribī (p. 4) onwards; **"Ḥukm al-Qirā'ah li al-Amwāt Hal Yaṣil Thawābuhā Ilayhim"** [The Ruling on Reciting for the Deceased: Does its Reward Reach Them?] by 'Abdullāh ibn Muḥammad ibn Ḥumayd (p. 7) onwards.
[123] How can his report of consensus be consistent with the difference of opinion he himself transmits from al-Shāfi'ī on the issue!
[124] Refer to: **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān al-Karīm ilā al-Mawtā"** [The Ruling on Gifting the Reward of Reciting the Noble Quran to the Deceased] (p. 80).
[125] Refer to al-Shāfi'ī's difference of opinion on the issue: **"Al-Adhkār"** [The Invocations] by al-Nawawī (p. 165); **"Al-Majmū' Sharḥ al-Muhadhdhab"** [The Compendium: Commentary on The Refined], completion by al-Muṭī'ī (15/30); **"Tafsīr Ibn Kathīr"** [The Exegesis of Ibn Kathīr] (7/465). Also refer to: **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān al-Karīm ilā al-Mawtā"** [The Ruling on Gifting the Reward of Reciting the Noble Quran to the Deceased] (p. 83).
[126] Some scholars definitively ruled that reciting the Quran and gifting its reward to the deceased is an innovation (*bid'ah*). See for example: **"Tafsīr al-Manār"** [The Manar Exegesis] (8/219-220); **"Ḥukm Ihdā' Thawāb Qirā'at al-Qur'ān al-Karīm ilā al-Mawtā"** [The Ruling on Gifting the Reward of Reciting the Noble Quran to the Deceased] (p. 83).
[127] Refer to this in: **"Ḥukm al-Tabdī' fī Masā'il al-Ijtihād"** [The Ruling on Declaring Innovation in Matters of Ijtihad] by al-Jīzānī (p. 12) onwards.

this is a certain matter. There is no disagreement that the consensus of the common people is not considered, even if they claim leadership!

His statement ‘without any objection’ is an overstatement. Rather, objections from the Imams against them have always existed. Al-Ṭarṭūshī (d. 520 AH) reported from Mālik (d. 179 AH) regarding this matter things that serve the issue [128], thus establishing Mālik's objection in his time, and the objection of Imām al-Ṭarṭūshī in his time, and this was followed by his companions and those [who followed] these [Imams]. Then al-Qarāfī (d. 684 AH) counted it among the disliked innovations according to the school of Mālik [129], and it was accepted and not objected to by the people of his time—as far as we know—despite his claim that some innovations are good [130].

Then the shaykhs who were in Andalusia when this innovation entered it—as will be mentioned, God willing—objected to it, and it was part of their belief in abandoning it that it was the school of Mālik.

One of our shaykhs said—in response to someone who supported this practice by saying that we have witnessed the Imams, the pious jurists, the followers of the Sunnah, those careful about their religious affairs, doing this as Imams and followers, and we have not seen anyone abandon it except those who were anomalous in their conditions—He said: As for the argument of the one objecting to it that people have always been doing this, he has not brought anything; because the people who are followed are established as not having done it.

He said: When innovations and violations multiplied, and people conspired upon them, the ignorant person began to say: If this were objectionable, people would not have done it.

Furthermore, if this consensus were established, it would necessarily lead to an impermissibility; because it contradicts what is reported from the early generations about abandoning it, thus resulting in the abrogation of one consensus by another, and this is impossible in legal principles.

Also, the contradiction of the later generations to the consensus of the earlier generations concerning a Sunnah can never be proof against that Sunnah” [131].

I say: Collective supplication after prayer is a matter over which scholars have disagreed. The majority hold that it is an innovation [132]. Others, most notably Imām al-Suyūṭī al-Shāfi'ī (d. 911 AH, may God have mercy on him) [133], some Ḥanafīs [134], and some Mālikīs [135], hold the view that it is not an innovation and that it is recommended. Some contemporaries have championed this view [136].

Among the most prominent proofs of those who permit it is people's widespread practice—claiming—that there is no objection to it [137]!

One of them says regarding its permissibility: “The practice among later generations has been to gather for supplication” [138].

It has been previously quoted from al-Shāṭibī that objection to it is established, and that the early predecessors from the Companions and Successors objected to it [139]. It is an innovation that emerged during the time of the Companions, who objected to it, and the practice disappeared [140]. It then reoccurred in the third Hijri century [141], and a group of scholars objected to it.

Therefore, it is not valid to argue for its permissibility based on people's widespread practice without objection.

This [is the conclusion], and God knows best. Referring back to Him is safest and wisest.

---

[128] Refer to: **"Al-Ḥawādith wa al-Bida'"** [Novelties and Innovations] by al-Ṭarṭūshī (pp. 65-66).
[129] Refer to: **"Al-Furūq"** [The Distinctions] (4/300-304) in the 274th distinction, which is the last distinction.
[130] Refer to: **"Al-Furūq"** [The Distinctions] (4/217).
[131] **"Al-I'tiṣām"** [Holding Fast] (2/269-271).
[132] Refer to: **"Al-I'tiṣām"** [Holding Fast] by al-Shāṭibī (2/169-173); **"Bid'at al-Dhikr al-Jamā'ī 'Arḍ wa Naqḍ"** [The Innovation of Collective Dhikr: Presentation and Refutation] by Muḥammad al-Khumayyis (p. 13) onwards.
[133] He has a concise treatise on the issue, titled **"Nātijat al-Fikr fī al-Jahr bi al-Dhikr"** [The Result of Thought on Audible Invocation]. Refer to it: (pp. 33-34).
[134] Refer to: **"Sibāḥat al-Fikr fī al-Jahr bi al-Dhikr"** [The Swimming of Thought on Audible Invocation] by Abū al-Ḥasanāt al-Laknawī (p. 17) onwards.
[135] Refer to: **"Al-I'tiṣām"** [Holding Fast] by al-Shāṭibī (2/168-171).
[136] Among them is Dr. Wahbah al-Zuḥaylī (may God have mercy on him), in his book **"Al-Bida' al-Munkarah"** [Reprehensible Innovations] (pp. 47-48), as quoted in **"Bid'at al-Dhikr al-Jamā'ī"** [The Innovation of Collective Dhikr] by al-Khumayyis (p. 34).
[137] Refer to: **"Al-I'tiṣām"** [Holding Fast] by al-Shāṭibī (2/269-270).
[138] **"Al-Bida' al-Munkarah"** [Reprehensible Innovations] by al-Zuḥaylī (pp. 47-48), as quoted in **"Bid'at al-Dhikr al-Jamā'ī"** [The Innovation of Collective Dhikr] by al-Khumayyis (p. 34).
[139] Objection to it is reported from 'Umar and Ibn Mas'ūd (may God be pleased with them).
Refer to: **"Muṣannaf Ibn Abī Shaybah"** [The Classified Work of Ibn Abī Shaybah] (5/290); **"Sunan al-Dārimī"** [The Sunan of al-Dārimī] (1/286); **"Al-Ḥawādith wa al-Bida'"** [Novelties and Innovations] by al-Ṭarṭūshī (pp. 62, 63-68). Also refer to: **"Bid'at al-Dhikr al-Jamā'ī"** [The Innovation of Collective Dhikr] by al-Khumayyis (p. 6).
[140] This is taken from their objection to it. Also refer to: **"Bid'at al-Dhikr al-Jamā'ī"** [The Innovation of Collective Dhikr] (p. 8).
[141] Refer to: **"Bid'at al-Dhikr al-Jamā'ī"** [The Innovation of Collective Dhikr] (p. 8).

6. CONCLUSION

Praise be to God at the conclusion, and continuous thanks to Him. Then, prayers and peace be upon the master of mankind, and upon his family and his noble Companions.

To proceed:

Islamic jurisprudence is replete with numerous proofs, some agreed upon and others disputed. The masters of legal principles have spared no effort in mentioning, researching, and discussing these proofs in their foundational works. Imām Badr al-Dīn al-Zarkashī al-Shāfi'ī is considered the author of the largest encyclopedia in the science of legal principles, his work titled **"Al-Baḥr al-Muḥīṭ"** [The Vast Ocean], and it lives up to its name. Within the covers of this book, among the disputed proofs, he mentioned the proof of "people's widespread practice without objection." This proof received little or no attention from the masters of legal principles, which prompted me to research it. Through my research, I have reached the following conclusions:

1. Legal theorists use the term "widespread practice" (*iṭlāq*), and the context in which it appears explains their intended meaning. It may mean consensus, or it may carry its linguistic meaning.
2. The intended meaning of "people's widespread practice without objection" is their consensus on an action or omission in a period, without any objection.
3. People's widespread practice may be regarding an action for which a text contradicting it exists, or an omission for which a text commanding the opposite exists. In such cases, consideration is given to what is established by the text, not to people's practice.
4. If people were unanimously agreed upon something during the time of the Companions and Successors, it is valid to use it as evidence and proof, due to the limited spread of innovation in their time and their proximity to the era of prophethood.
5. If later generations are unanimously agreed upon something related to acts of worship, but objection from the early generations is established regarding it, then it is not valid to use the practice of the later generations as proof, and it is not permissible to abrogate the consensus of the early generations based on their practice.
6. If people are unanimously agreed upon something not related to worship, such as transactions and the like, and it does not contradict a text or oppose the objectives of the Sharia, then it is permissible to resort to it, acting upon the principle of applying custom and convention.
7. "People's widespread practice without objection" differs from juristic preference based on consensus, custom, or convention. It is broader than juristic preference [142].
8. "People's widespread practice without objection" differs from tacit consensus (*ijmā' sukūtī*). Tacit consensus is proof in every era, unlike people's widespread practice without objection, which, if it pertains to acts of worship, is only used as proof if it occurred during the time of the Companions and Successors [143].
9. Only Imām al-Ḥaramayn al-Juwaynī mentioned that Imām al-Shāfi'ī's proof for the obligation of the two rak'ahs of circumambulation (*ṭawāf*) was based on people's widespread practice without objection. In reality, his proof was based on something else, namely the Quranic verse commanding taking the Station of Ibrāhīm as a place of prayer.
10. It became clear, regarding all the juristic issues mentioned by al-Zarkashī where jurists argued based on "people's widespread practice without objection," that their reasoning, upon verification, was actually based on juristic preference by consensus, custom, or need. Some of them could arguably be based on juristic preference by text, as in the permissibility of commissioned manufacture (*istiṣnā'*).
11. Some jurists, including Ibn Qudāmah al-Ḥanbalī, argued for the permissibility of reciting the Quran and gifting its reward to the deceased based on people's widespread practice, claiming no objection. It became clear that there is no such widespread agreement on this issue; rather, there is the objection of Imām al-Shāfi'ī, which makes the evidence based on it weak.
12. Some jurists from the Mālikī school and others argued for the permissibility of collective supplication after prayer based on people's widespread practice, claiming no objection. It became clear that objection exists and is established regarding it, which makes the evidence based on this proof weak in this issue.

Before concluding, I must point out that there are proofs which still require solid foundational research, such as "God's approval during the time of prophethood."

[142] This is one of the most prominent distinctions.
[143] ( ) This is one of the most prominent distinctions.

Likewise, examining the depths of legal and juristic works is necessary to uncover a body of evidence hidden within the statements of jurists regarding subsidiary issues and cases.

This research attempted to shed light on this proof, "people's widespread practice without objection," and what al-Zarkashī said about it. I ask God Almighty that I have been successful in this, and I seek His forgiveness for any errors and mistakes that occurred within it.

And may God's prayers and peace be upon our Prophet Muḥammad, and upon his family and all his Companions.

REFERENCES

[1] Al-Zarkashi, Badr al-Din Muhammad ibn ‘Abd Allah ibn Bahadir. Al-Bahr al-Muhit fi Usul al-Fiqh (The Vast Ocean in the Principles of Jurisprudence). 1st ed. Dar al-Kutubi, 1414 AH / 1994 CE.

[2] Ibn Faris, Ahmad ibn Zakariyya al-Qazwini al-Razi, Abu al-Husayn. Mu'jam Maqayis al-Lughah (Dictionary of Language Standards). Edited by ‘Abd al-Salam Muhammad Harun. Dar al-Fikr, 1399 AH / 1979 CE.

[3] Ibn Manzur, Muhammad ibn Mukarram, Jamal al-Din. Lisan al-'Arab (The Tongue of the Arabs). 3rd ed. Dar Sadir, Beirut, 1414 AH.

[4] Ibn al-Jazari, Shams al-Din Abu al-Khayr, Muhammad ibn Muhammad. Al-Tamhid fi 'Ilm al-Tajwid (The Introduction to the Science of Tajwid). Edited by Dr. ‘Ali Husayn al-Bawwab. Maktabat al-Ma'arif, Riyadh, 1405 AH / 1985 CE.

[5] Bassa, Mahmud ibn ‘Ali al-Masri. Al-'Umid fi 'Ilm al-Tajwid (The Pillar in the Science of Tajwid). Edited by Muhammad al-Sadiq Qamhawi. Dar al-'Aqidah, Alexandria, 1425 AH / 2004 CE.

[6] Al-Basri, Abu al-Husayn Muhammad ibn ‘Ali al-Tayyib al-Mu'tazili. Al-Mu'tamad fi Usul al-Fiqh (The Reliable Source in the Principles of Jurisprudence). Edited by Khalil al-Mays. Dar al-Kutub al-'Ilmiyyah, Beirut, 1403 AH.

[7] Al-Farra', Abu Ya'la, Muhammad ibn al-Husayn. Al-'Uddah fi Usul al-Fiqh (The Tool in the Principles of Jurisprudence). Edited by Dr. Ahmad ibn ‘Ali ibn Sir al-Mubaraki. 2nd ed., 1410 AH / 1990 CE. (No publisher listed).

[8] Ibn al-'Arabi, Abu Bakr Muhammad ibn ‘Abd Allah al-Ma'afiri al-Isbili al-Maliki. Al-Mahsul fi Usul al-Fiqh (The Acquired in the Principles of Jurisprudence). Edited by Husayn ‘Ali Yadiri & Sa'id Fawdah. Dar al-Bayariq, Amman, 1420 AH / 1999 CE.

[9] Al-Razi, Fakhr al-Din, Muhammad ibn ‘Umar. Al-Mahsul (The Acquired). Studied and edited by Dr. Taha Jabir al-'Alwani. 3rd ed. Mu'assasat al-Risalah, 1418 AH / 1997 CE.

[10] Al-Anṣari, ‘Abd al-'Ali Muhammad ibn Niẓam al-Din al-Laknawi. Fawatih al-Rahmut bi Sharh Muslim al-Thubut (The Openings of Divine Mercy: A Commentary on Muslim al-Thubut). Checked and corrected by ‘Abd Allah Mahmud Muhammad ‘Umar. Dar al-Kutub al-'Ilmiyyah, Beirut, 1423 AH / 2002 CE.

[11] Farghali, Dr. Muhammad Mahmud. Hujjiyat al-Ijma' wa Mawqif al-'Ulama' Minha (The Authority of Consensus (Ijma') and the Scholars' Stance on It). Dar al-Kitab al-Jami'i, Cairo, 1391 AH / 1971 CE.

[12] Al-Jassas, Abu Bakr Ahmad ibn ‘Ali al-Razi al-Hanafi. Al-Fusul fi al-Usul (The Chapters on the Principles). 2nd ed. Kuwait Ministry of Awqaf, 1414 AH / 1994 CE.

[13] Al-Baghdadi, Abu al-Fath Ahmad ibn ‘Ali ibn Burhan. Al-Wusul ila al-Usul (Arrival at the Principles). Edited by Dr. ‘Abd al-Hamid ‘Ali Abu Zunayd. Maktabat al-Ma'arif, Riyadh, 1404 AH / 1984 CE.

[14] Al-Bukhari, ‘Ala' al-Din ‘Abd al-'Aziz ibn Ahmad al-Hanafi. Kashf al-Asrar Sharh Usul al-Bazdawi (Unveiling the Secrets: A Commentary on al-Bazdawi's Usul). Dar al-Kitab al-Islami. (No edition or date).

[15] Al-Shathri, Prof. Dr. Sa'd ibn Nasir. Qawadih al-Istidlal bi al-Ijma' (Impediments to Argumentation by Consensus). 2nd ed. Kunuz Ishbiliya, Riyadh, 1425 AH / 2004 CE.

[16] Al-Juwayni, Imam al-Haramayn, ‘Abd al-Malik ibn ‘Abd Allah. Al-Burhan fi Usul al-Fiqh (The Proof in the Principles of Jurisprudence). Edited by Salah ibn Muhammad ibn ‘Uwaydah. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1418 AH / 1997 CE.

[17] Al-Subki, Taj al-Din ‘Abd al-Wahhab & his father, Taqi al-Din ‘Ali. Al-Ibhaj fi Sharh al-Minhaj (The Delight: A Commentary on "The Methodology" by al-Baydawi). Dar al-Kutub al-'Ilmiyyah, Beirut, 1416 AH / 1995 CE.

[18] Al-Baji, Abu al-Walid Sulayman ibn Khalaf. Ihkam al-Fusul fi Ahkam al-Usul (Perfecting the Chapters on the Rulings of Usul). 1st ed. Dar al-Gharb al-Islami, Beirut, 1407 AH / 1986 CE.

[19] Al-Shirazi, Abu Ishaq Ibrahim ibn ‘Ali. Al-Tabsirah fi Usul al-Fiqh (The Enlightenment in the Principles of Jurisprudence). Edited by Dr. Muhammad Hasan Hitu. 1st ed. Dar al-Fikr, Damascus, 1403 AH.

[20] Ibn Qudamah, Muwaffaq al-Din ‘Abd Allah ibn Ahmad. Rawdat al-Nazir wa Jannat al-Manazir (The Observer's Meadow and the Garden of Perspectives). 2nd ed. Mu'assasat al-Rayyan, 1423 AH / 2002 CE.

[21] Al-Qarafi, Shihab al-Din Ahmad ibn Idris. Sharh Tanqih al-Fusul (Commentary on "The Refinement of Chapters"). Edited by Taha ‘Abd al-Ra'uf Sa'd. 1st ed. United Technical Printing Co., 1393 AH / 1973 CE.

[22] Al-Tufi, Najm al-Din Sulayman ibn ‘Abd al-Qawi. Sharh Mukhtasar al-Rawdah (Commentary on the Abridgment of al-Rawdah). Edited by ‘Abd Allah ibn ‘Abd al-Muhsin al-Turki. 1st ed. Mu'assasat al-Risalah, 1407 AH / 1987 CE.

[23] Al-Jawhari, Abu Nasr Isma'il ibn Hammad. Al-Sihah: Taj al-Lughah wa Sihah al-'Arabiyyah (The Correct Ones: The Crown of Language and the Correct [Words] of Arabic). Edited by Ahmad ‘Abd al-Ghafur ‘Attar. 4th ed. Dar al-'Ilm lil-Malayin, Beirut, 1407 AH / 1987 CE.

[24] Ibn Kathir, Abu al-Fida' Isma'il ibn ‘Umar. Tafsir al-Qur'an al-'Azim (Exegesis of the Great Qur'an). Edited by Sami ibn Muhammad Salamah. 2nd ed. Dar Taybah, 1420 AH / 1999 CE.

[25] Al-Mawardi, Abu al-Hasan ‘Ali ibn Muhammad. Al-Ahkam al-Sultaniyyah (The Ordinances of Government). Dar al-Hadith, Cairo. (No date).

[26] Al-Farra', Abu Ya'la, Muhammad ibn al-Husayn. Al-Ahkam al-Sultaniyyah (The Ordinances of Government). Corrected and annotated by Muhammad Hamid al-Fiqi. 2nd ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1421 AH / 2000 CE.

[27] Ilahi, Dr. Fadl. Hukm al-Inkar fi Masa'il al-Khilaf (The Ruling on Denunciation in Matters of Disagreement). 1st ed. Maktabat al-Ma'arif, Riyadh, 1417 AH / 1996 CE.

[28] Ibn Taymiyyah, Taqi al-Din Ahmad ibn ‘Abd al-Halim. Majmu' al-Fatawa (The Collection of Fatwas). Edited by ‘Abd al-Rahman ibn Muhammad ibn Qasim. King Fahd Complex for the Printing of the Holy Qur'an, Medina, 1416 AH / 1995 CE.

[29] Ibn Qayyim al-Jawziyyah, Muhammad ibn Abi Bakr. I'lam al-Muwaqqi'in 'an Rabb al-'Alamin (Informing the Signatories on Behalf of the Lord of the Worlds). Introduced and annotated by Mashhur ibn Hasan Al Salman. 1st ed. Dar Ibn al-Jawzi, 1423 AH.

[30] Ibn Rajab, Zayn al-Din ‘Abd al-Rahman ibn Ahmad. Jami' al-'Ulum wa al-Hikam (The Compendium of Knowledge and Wisdom). Edited by Shu'ayb al-Arna'ut & Ibrahim Bajis. 7th ed. Mu'assasat al-Risalah, Beirut, 1422 AH / 2001 CE.

[31] Al-Bashr, Badriyah bint Sa'ud ibn Muhammad. Fiqh Inkar al-Munkar (The Jurisprudence of Forbidding Evil). 1st ed. Dar al-Fadilah, Riyadh, 1421 AH / 2001 CE.

[32] Al-Mas'ud, Dr. ‘Abd al-'Aziz ibn Ahmad. Darajat Taghyir al-Munkar (The Degrees of Changing Evil). 1st ed. Dar al-Watan, Riyadh, 1414 AH.

[33] Al-Dabusi, Abu Zayd ‘Abd Allah ibn ‘Umar. Taqwim al-Adillah fi Usul al-Fiqh (The Rectification of Proofs in the Principles of Jurisprudence). Edited by Khalil Muhyi al-Din al-Mays. 1st ed. Dar al-Kutub al-'Ilmiyyah, 1421 AH / 2001 CE.

[34] Al-Sarakhsi, Shams al-A'imma Muhammad ibn Ahmad. Usul al-Sarakhsi (The Principles of [al-]Sarakhsi). Dar al-Ma'rifah, Beirut. (No date).

[35] Al-Kalwadhani, Abu al-Khattab Mahfuz ibn Ahmad. Al-Tamhid fi Usul al-Fiqh (The Introduction to the Principles of Jurisprudence). Edited by Mufid Muhammad Abu ‘Amshah & Muhammad ibn ‘Ali ibn Ibrahim. 1st ed. Umm al-Qura University, 1406 AH / 1985 CE.

[36] Ibn Juzay, Abu al-Qasim Muhammad ibn Ahmad. Taqrib al-Wusul ila 'Ilm al-Usul (Facilitating Access to the Science of Usul). Edited by Muhammad Hasan Muhammad Hasan Isma'il. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[37] ‘Abd al-Nabi, Dr. ‘Ali Husayn ‘Ali. Al-Ijma' al-Sukuti wa Dalalatuhu 'ala al-Ahkam al-Shar'iyyah (Tacit Consensus and its Indication of Legal Rulings). 1st ed. Maktabat wa Matba'at al-Ghad, 1422 AH / 2001 CE.

[38] Al-Namlah, Prof. Dr. ‘Abd al-Karim ibn ‘Ali. Al-Shamil fi Hudud wa Ta'rifat Mustalahat 'Ilm Usul al-Fiqh (The Comprehensive Work on the Definitions of Usul al-Fiqh Terminology). 1st ed. Maktabat al-Rushd, Riyadh, 1430 AH / 2009 CE.

[39] Al-Amidi, Sayf al-Din ‘Ali ibn Abi ‘Ali. Al-Ihkam fi Usul al-Ahkam (Precision in the Principles of Legal Rulings). Edited by ‘Abd al-Razzaq ‘Afifi. Al-Maktab al-Islami, Beirut.

[40] Al-Qarafi, Shihab al-Din Ahmad ibn Idris. Nafa'is al-Usul fi Sharh al-Mahsul (Gems of Usul: A Commentary on "The Acquired"). Edited by ‘Adil Ahmad ‘Abd al-Mawjud & ‘Ali Muhammad Mu'awwad. 1st ed. Maktabat Nizar Mustafa al-Baz, 1416 AH / 1995 CE.

[41] Ibn Amir Hajj, Shams al-Din Muhammad. Al-Taqrir wa al-Tahrir (Explanation and Editing). 2nd ed. Dar al-Kutub al-'Ilmiyyah, 1403 AH / 1983 CE.

[42] Al-Sam'ani, Abu al-Muzaffar Mansur ibn Muhammad. Qawati' al-Adillah fi al-Usul (The Decisive Proofs in Usul). Edited by Muhammad Hasan Muhammad Hasan Isma'il al-Shafi'i. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1418 AH / 1999 CE.

[43] Al-Shawkani, Muhammad ibn ‘Ali. Irshad al-Fuhul ila Tahqiq al-Haqq min 'Ilm al-Usul (Guiding the Masters to the Verification of Truth from the Science of Usul). Edited by Ahmad ‘Izzu ‘Inayah. 1st ed. Dar al-Kitab al-'Arabi, 1419 AH / 1999 CE.

[44] Al-Shanqiti, Muhammad al-Amin. Mudhakkirah fi Usul al-Fiqh (Memorandum on the Principles of Jurisprudence). 5th ed. Maktabat al-'Ulum wa al-Hikam, Medina, 2001 CE.

[45] Abu Dawud al-Sijistani, Sulayman ibn al-Ash'ath. Masa'il al-Imam Ahmad (The Issues of Imam Ahmad - Narration of Abu Dawud). Edited by Abu Mu'adh Tariq ibn ‘Awad Allah. 1st ed. Maktabat Ibn Taymiyyah, Egypt, 1420 AH / 1999 CE.

[46] Ibn Hibban, Abu Hatim Muhammad. Al-Ihsan fi Taqrib Sahih Ibn Hibban (Excellence in Arranging the Sahih of Ibn Hibban). Arranged by ‘Ala' al-Din al-Farisi. Edited by Shu'ayb al-Arna'ut. 1st ed. Mu'assasat al-Risalah, Beirut, 1408 AH / 1988 CE.

[47] Ibn Hazm, Abu Muhammad ‘Ali ibn Ahmad. Al-Ihkam fi Usul al-Ahkam (Precision in the Principles of Legal Rulings). Edited by Ahmad Muhammad Shakir. Dar al-Afaq al-Jadidah, Beirut.

[48] Al-Taymiyyah Family (Majd al-Din, ‘Abd al-Halim, Ahmad). Al-Mas'udah fi Usul al-Fiqh (The Draft on the Principles of Jurisprudence). Edited by Muhammad Muhyi al-Din ‘Abd al-Hamid. Dar al-Kitab al-'Arabi.

[49] Al-Mardawi, ‘Ala' al-Din ‘Ali ibn Sulayman. Al-Tahrir Sharh al-Tahrir fi Usul al-Fiqh (The Elucidation: A Commentary on "The Editing"). Edited by Dr. ‘Abd al-Rahman al-Jibrin, Dr. ‘Awad al-Qarni, Dr. Ahmad al-Sarraḥ. 1st ed. Maktabat al-Rushd, Riyadh, 1421 AH / 2000 CE.

[50] Al-Samarqandi, ‘Ala' al-Din Abu Bakr Muhammad ibn Ahmad. Tuhfat al-Fuqaha' (The Masterpiece for Jurists). 2nd ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1414 AH / 1994 CE.

[51] Al-Kasani, ‘Ala' al-Din Abu Bakr ibn Mas'ud. Bada'i' al-Sana'i' fi Tartib al-Shara'i' (The Marvels of Creations in the Order of Laws). 2nd ed. Dar al-Kutub al-'Ilmiyyah, 1406 AH / 1986 CE.

[52] Qal'aji, Muhammad Rawas & Qunaybi, Hamid Sadiq. Mu'jam Lughat al-Fuqaha' (Dictionary of Juristic Language). 2nd ed. Dar al-Nafa'is, 1408 AH / 1988 CE.

[53] Al-Juwayni, Imam al-Haramayn. Nihayat al-Matlab fi Dirayat al-Madhhab (The Ultimate Quest in Understanding the School of Thought). Edited by ‘Abd al-'Azim Mahmud al-Dib. 1st ed. Dar al-Minhaj, Jeddah, 1428 AH / 2007 CE.

[54] Al-Ghazali, Abu Hamid Muhammad ibn Muhammad. Al-Mustasfa min 'Ilm al-Usul (The Essentials of the Science of Usul). Edited by Dr. Muhammad ‘Abd al-Salam ‘Abd al-Shafi. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1413 AH / 1993 CE.

[55] Al-Shatibi, Abu Ishaq Ibrahim ibn Musa. Al-Muwafaqat fi Usul al-Shari'ah (The Congruences in the Principles of Islamic Law). Edited by Mashhur ibn Hasan Al Salman. Dar Ibn ‘Affan, 1417 AH / 1997 CE.

[56] Al-Qadi ‘Abd al-Jabbar, Abu al-Hasan ibn Ahmad. Al-'Umad fi Usul al-Fiqh (The Pillars of the Principles of Jurisprudence). Edited by Dr. Khalil al-Mays. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1403 AH / 1983 CE.

[57] Al-Baydawi, ‘Abd Allah ibn ‘Umar. Minhaj al-Wusul ila 'Ilm al-Usul (The Path to the Science of Usul). Edited by Dr. Ahmad Hijazi al-Saqqa. Maktabat al-Kulliyyat al-Azhariyyah, Cairo, 1403 AH / 1983 CE.

[58] Al-Asnawi, Jamal al-Din ‘Abd al-Rahim ibn al-Hasan. Nihayat al-Sul Sharh Minhaj al-Wusul (The Ultimate Goal: A Commentary on "The Path"). Edited by Dr. Sa'd ibn ‘Abd Allah Al Humayyid. 1st ed. Dar Ibn al-Jawzi, 1422 AH.

[59] Al-Zarkashi, Badr al-Din. Al-Manthur fi al-Qawa'id (The Codified Work on Legal Maxims). Edited by Taysir Mahmud. 2nd ed. Wizarat al-Awqaf, Kuwait, 1405 AH / 1985 CE.

[60] Al-Suyuti, Jalal al-Din ‘Abd al-Rahman. Al-Ashbah wa al-Naza'ir (The Similitudes and Analogies). Edited by Muhammad al-Mu'tasim bi-Allah al-Baghdadi. Dar al-Kitab al-'Arabi, Beirut, 1407 AH / 1987 CE.

[61] Al-Nadawi, ‘Ali Ahmad. Al-Qawa'id al-Fiqhiyyah: Mafhumuha, Nash'atuha, Tatawwuruha (Legal Maxims: Their Concept, Genesis, and Development). 4th ed. Dar al-Qalam, Damascus, 1414 AH / 1994 CE.

[62] Al-Zuhayli, Prof. Dr. Wahbah. Al-Wasit fi Usul al-Fiqh al-Islami (The Intermediate Work in the Principles of Islamic Jurisprudence). 1st ed. Dar al-Fikr, Damascus, 1422 AH / 2001 CE.

[63] Al-Khudari, Muhammad. Usul al-Fiqh (The Principles of Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah,

Beirut, 1424 AH / 2003 CE.

[64] Al-Sa'di, ‘Abd al-Rahman ibn Nasir. Al-Qawa'id wa al-Usul al-Jami'ah wa al-Furuq wa al-Taqasim al-Badi'ah al-Nafi'ah (Comprehensive Rules, Principles, Distinctions, and Beneficial Classifications). Edited by Dr. Nasir ibn ‘Abd al-Karim al-'Aql. 1st ed. Dar al-Watan, Riyadh, 1417 AH / 1997 CE.

[65] Al-Juday', ‘Abd Allah ibn Yusuf. Al-Muqaddimah al-Hadithah fi Usul al-Fiqh (The Modern Introduction to the Principles of Jurisprudence). 1st ed. Dar al-'Affani, 1428 AH / 2007 CE.

[66] Al-Misri, Dr. Rafiq. Al-Ijma' (Consensus). 1st ed. Dar al-Qalam, Damascus, 1413 AH / 1992 CE.

[67] Al-Khalil, Dr. ‘Imad al-Din. Al-Ijma' fi al-Shari'ah al-Islamiyyah (Consensus in Islamic Law). 1st ed. Mu'assasat al-Risalah, Beirut, 1400 AH / 1980 CE.

[68] Al-Durayhim, Dr. Ahmad ibn ‘Abd al-‘Aziz. Al-Ijma' al-Sukuti: Dirasah Nazariyyah Tatbiqiyyah (Tacit Consensus: A Theoretical and Applied Study). 1st ed. Maktabat al-Rushd, Riyadh, 1422 AH / 2001 CE.

[69] Al-Sa'idi, Dr. ‘Abd al-Muta'al Muhammad. Al-Mujtama' al-Islami wa Usul al-Hukm (Islamic Society and the Principles of Governance). 2nd ed. Maktabat al-Adab, Cairo, 1377 AH / 1957 CE.

[70] Al-Shaybani, Muhammad ibn al-Hasan. Al-Hujjah 'ala Ahl al-Madinah (The Argument Against the People of Medina). Edited by Mahdi Hasan al-Kaylani al-Qadiri. 1st ed. Al-Maktabah al-'Ilmiyyah, Hyderabad, India, 1385 AH / 1965 CE.

[71] Al-Sarakhsi, Shams al-A'imma. Sharh Kitab al-Siyar al-Kabir (Commentary on the Great Book of Islamic International Law). Edited by Dr. Salah al-Din al-Munajjid. Ma'had al-Makhtutat bi-Jami'at al-Duwal al-'Arabiyyah, 1391 AH / 1971 CE.

[72] Al-Mawardi, Abu al-Hasan. Adab al-Qadi (The Etiquette of the Judge). Edited by Muhyi Hilal al-Sirhan. 1st ed. Matba'at al-'Ani, Baghdad, 1391 AH / 1971 CE.

[73] Al-Khassaf, Abu Bakr Ahmad ibn ‘Amr. Adab al-Qadi (The Etiquette of the Judge). Edited by Farhat Ziyadah. The American University in Cairo Press, 1398 AH / 1978 CE.

[74] Al-Bukhari, Muhammad ibn Isma'il. Al-Jami' al-Musnad al-Sahih al-Mukhtasar min Umur Rasul Allah wa Sunanihi wa Ayyamihi (The Abridged Authentic Collection of Narrations Regarding the Matters, Traditions, and Days of the Messenger of God) – Sahih al-Bukhari. Edited by Dr. Mustafa Dib al-Bugha. 3rd ed. Dar Ibn Kathir, Damascus, 1407 AH / 1987 CE.

[75] Muslim ibn al-Hajjaj al-Qushayri. Al-Musnad al-Sahih al-Mukhtasar bi Naql al-'Adl 'an al-'Adl ila Rasul Allah (The Authentic Compilation with the Fair Transmitting from the Fair to the Messenger of God) – Sahih Muslim. Edited by Muhammad Fu'ad ‘Abd al-Baqi. Dar Ihya' al-Turath al-'Arabi, Beirut.

[76] Al-Tirmidhi, Abu ‘Isa Muhammad ibn ‘Isa. Al-Jami' al-Kabir (The Large Compilation) – Sunan al-Tirmidhi. Edited by Bashshar ‘Awwad Ma'ruf. 1st ed. Dar al-Gharb al-Islami, Beirut, 1418 AH / 1998 CE.

[77] Al-Nasa'i, Ahmad ibn Shu'ayb. Al-Mujtaba min al-Sunan (The Selected from the Traditions) – Sunan al-Nasa'i. Edited by ‘Abd al-Fattah Abu Ghuddah. 1st ed. Maktab al-Matbu'at al-Islamiyyah, Halab, 1406 AH / 1986 CE.

[78] Ibn Majah, Abu ‘Abd Allah Muhammad ibn Yazid al-Qazwini. Al-Sunan (The Traditions). Edited by Muhammad Fu'ad ‘Abd al-Baqi. Dar Ihya' al-Turath al-'Arabi, Beirut.

[79] Malik ibn Anas. Al-Muwatta' (The Well-Trodden Path). Edited by Muhammad Fu'ad ‘Abd al-Baqi. Dar Ihya' al-Turath al-'Arabi, Beirut.

[80] Al-Daraqutni, ‘Ali ibn ‘Umar. Sunan al-Daraqutni (The Traditions of al-Daraqutni). Edited by Majdi ibn Mansur ibn Sayyid al-Shura. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1417 AH / 1996 CE.

[81] Al-Bayhaqi, Abu Bakr Ahmad ibn al-Husayn. Al-Sunan al-Kubra (The Major Traditions). Edited by Muhammad ‘Abd al-Qadir ‘Ata. 3rd ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[82] Ibn ‘Abd al-Barr, Abu ‘Umar Yusuf ibn ‘Abd Allah. Al-Tamhid li-ma fi al-Muwatta' min al-Ma'ani wa al-Asanid (The Introduction to the Meanings and Chains of Transmission in al-Muwatta'). Edited by Mustafa ibn Ahmad al-'Alawi & Muhammad ‘Abd al-Kabir al-Bakri. Wizarat al-Awqaf, Morocco, 1387 AH.

[83] Ibn Hajar al-‘Asqalani, Ahmad ibn ‘Ali. Fath al-Bari bi Sharh Sahih al-Bukhari (Divine Guidance: A Commentary on Sahih al-Bukhari). Edited by ‘Abd al-'Aziz ibn Baz & others. Dar al-Fikr.

[84] Al-Nawawi, Yahya ibn Sharaf. Al-Minhaj Sharh Sahih Muslim ibn al-Hajjaj (The Methodology: A Commentary on Sahih Muslim). 2nd ed. Dar Ihya' al-Turath al-'Arabi, Beirut, 1392 AH.

[85] Al-Qurtubi, Abu ‘Abd Allah Muhammad ibn Ahmad. Al-Jami' li-Ahkam al-Qur'an (The Compendium of the Rulings of the Qur'an). Edited by Ahmad ‘Abd al-'Alim al-Barduni. 2nd ed. Dar al-Kutub al-Misriyyah, Cairo, 1384 AH / 1964 CE.

[86] Al-Tabari, Abu Ja'far Muhammad ibn Jarir. Jami' al-Bayan fi Ta'wil al-Qur'an (The Compendium of Elucidation on the Interpretation of the Qur'an). Edited by Dr. ‘Abd Allah ibn ‘Abd al-Muhsin al-Turki. 1st ed. Dar Hajar, 1422 AH / 2001 CE.

[87] Al-Razi, Fakhr al-Din. Mafatih al-Ghayb (The Keys to the Unseen) – Al-Tafsir al-Kabir. 3rd ed. Dar Ihya' al-Turath al-'Arabi, Beirut, 1420 AH.

[88] Al-Qasimi, Muhammad Jamal al-Din. Mahasin al-Ta'wil (The Beauties of Interpretation). Edited by Muhammad Fu'ad ‘Abd al-Baqi. 1st ed. Dar Ihya' al-Kutub al-'Arabiyyah, ‘Isa al-Babi al-Halabi, 1376 AH / 1957 CE.

[89] Al-Alusi, Mahmud Shihab al-Din. Ruh al-Ma'ani fi Tafsir al-Qur'an al-'Azim wa al-Sab' al-Mathani (The Spirit of Meanings in the Exegesis of the Great Qur'an and the Seven Oft-Repeated Verses). Edited by ‘Ali ‘Abd al-Bari ‘Atiyyah. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1415 AH.

[90] Ibn ‘Ashur, Muhammad al-Tahir. Al-Tahrir wa al-Tanwir (Editing and Enlightenment). Al-Dar al-Tunisiyyah lil-Nashr, Tunis, 1984 CE.

[91] Al-Sa'di, ‘Abd al-Rahman ibn Nasir. Taysir al-Karim al-Rahman fi Tafsir Kalam al-Mannan (Facilitation by the Most Gracious in Interpreting the Speech of the Bestower). Edited by ‘Abd al-Rahman ibn Mu'alla al-Luwayhiq. 1st ed. Mu'assasat al-Risalah, Beirut, 1422 AH / 2000 CE.

[92] Al-Shawkani, Muhammad ibn ‘Ali. Fath al-Qadir (Divine Empowerment). 1st ed. Dar Ibn Kathir, Damascus, 1414 AH.

[93] Al-Zamakhshari, Abu al-Qasim Mahmud ibn ‘Umar. Al-Kashshaf 'an Haqa'iq Ghawamid al-Tanzil (The Revealer of the Realities of the Hidden Matters of Revelation). Edited by ‘Adil Ahmad ‘Abd al-Mawjud & ‘Ali Muhammad Mu'awwad. 1st ed. Maktabat al-'Ubaykan, Riyadh, 1418 AH / 1998 CE.

[94] Ibn al-Jawzi, Abu al-Faraj ‘Abd al-Rahman ibn ‘Ali. Zad al-Masir fi 'Ilm al-Tafsir (Provisions for the Journey in the Science of Exegesis). Edited by ‘Abd al-Razzaq al-Mahdi. 1st ed. Dar al-Kitab al-'Arabi, Beirut, 1422 AH.

[95] Al-Baghawi, Abu Muhammad al-Husayn ibn Mas'ud. Ma'alim al-Tanzil (Landmarks of Revelation). Edited by Muhammad ‘Abd Allah al-Nimr & others. 4th ed. Dar Taybah, Riyadh, 1417 AH / 1997 CE.

[96] Al-Tha'labi, Abu Ishaq Ahmad ibn Muhammad. Al-Kashf wa al-Bayan 'an Tafsir al-Qur'an (Unveiling and Elucidation in the Exegesis of the Qur'an). Edited by Imam Abu Muhammad ibn ‘Ashur. 1st ed. Dar Ihya' al-Turath al-'Arabi, Beirut, 1422 AH / 2002 CE.

[97] Al-Wahidi, Abu al-Hasan ‘Ali ibn Ahmad. Al-Basit (The Expansive). Edited by Dr. Muhammad ibn Sulayman al-Asqar & others. 1st ed. Markaz al-Buhuth wa al-Dirasat, Jami'at al-Imam Muhammad ibn Sa'ud, 1430 AH / 2009 CE.

[98] Al-Samarqandi, Abu al-Layth Nasr ibn Muhammad. Bahr al-'Ulum (The Ocean of Knowledge). Edited by Dr. ‘Ali Mu'awwad & ‘Adil ‘Abd al-Mawjud. Dar al-Kutub al-'Ilmiyyah, Beirut, 1413 AH / 1993 CE.

[99] Al-Baydawi, ‘Abd Allah ibn ‘Umar. Anwar al-Tanzil wa Asrar al-Ta'wil (The Lights of Revelation and the Secrets of Interpretation). Edited by Muhammad ‘Abd al-Rahman al-Mar'ashli. 1st ed. Dar Ihya' al-Turath al-'Arabi, Beirut, 1418 AH.

[100] Al-Nasafi, ‘Abd Allah ibn Ahmad. Madarik al-Tanzil wa Haqa'iq al-Ta'wil (The Perceptions of Revelation and the Realities of Interpretation). Edited by Yusuf ‘Ali Badawi. 1st ed. Dar al-Kalim al-Tayyib, Beirut, 1419 AH / 1998 CE.

[101] Al-Khazin, ‘Ala' al-Din ‘Ali ibn Muhammad. Lubab al-Ta'wil fi Ma'ani al-Tanzil (The Essence of Interpretation of the Meanings of Revelation). Edited by ‘Abd al-Salam Muhammad ‘Ali Shahin. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1415 AH / 1995 CE.

[102] Al-Biqai, Burhan al-Din Ibrahim ibn ‘Umar. Nazm al-Durar fi Tanasub al-Ayat wa al-Suwar (The String of Pearls: On the Interrelation of Verses and Chapters). Dar al-Kitab al-Islami, Cairo.

[103] Al-Dhahabi, Muhammad Husayn. Al-Tafsir wa al-Mufassirun (Exegesis and the Exegetes). 6th ed. Maktabat Wahbah, Cairo, 1420 AH / 2000 CE.

[104] Al-Zarqani, Muhammad ‘Abd al-'Azim. Manahil al-'Irfan fi 'Ulum al-Qur'an (The Sources of Enlightenment in the Sciences of the Qur'an). Edited by Dr. Fawwaz Ahmad Zamarli. 1st ed. Dar al-Kitab al-'Arabi, Beirut, 1415 AH / 1995 CE.

[105] Al-Sabuni, Muhammad ‘Ali. Al-Tibyan fi 'Ulum al-Qur'an (The Elucidation of the Sciences of the Qur'an). ‘Alam al-Kutub, Beirut, 1405 AH / 1985 CE.

[106] Al-Qattan, Manna'. Mabahith fi 'Ulum al-Qur'an (Studies in the Sciences of the Qur'an). 3rd ed. Mu'assasat

al-Risalah, Beirut, 1421 AH / 2000 CE.

[107] Abu Shahbah, Muhammad ibn Muhammad. Al-Madkhal li-Dirasat al-Qur'an al-Karim (Introduction to the Study of the Noble Qur'an). 1st ed. Dar al-Liwa', Riyadh, 1407 AH / 1987 CE.

[108] Al-Suyuti, Jalal al-Din. Al-Itqan fi 'Ulum al-Qur'an (Mastery in the Sciences of the Qur'an). Edited by Markaz al-Dirasat al-Qur'aniyyah. 1st ed. Wizarat al-Awqaf, Medina, 1426 AH.

[109] Al-Zarkashi, Badr al-Din. Al-Burhan fi 'Ulum al-Qur'an (The Proof in the Sciences of the Qur'an). Edited by Muhammad Abu al-Fadl Ibrahim. 1st ed. Dar Ihya' al-Kutub al-'Arabiyyah, ‘Isa al-Babi al-Halabi, 1376 AH / 1957 CE.

[110] Ibn al-Jazari, Shams al-Din. Al-Nashr fi al-Qira'at al-'Ashr (Dissemination of the Ten Recitations). Edited by ‘Ali Muhammad al-Dabba'. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1422 AH / 2001 CE.

[111] Al-Dani, Abu ‘Amr ‘Uthman ibn Sa'id. Al-Taysir fi al-Qira'at al-Sab' (Facilitation of the Seven Recitations). Edited by Dr. Otto Pretzl. 2nd ed. Dar al-Kitab al-'Arabi, Beirut.

[112] Al-Shatibi, Abu Muhammad al-Qasim ibn Firruh. Hirz al-Amani wa Wajh al-Tahani fi al-Qira'at al-Sab' (The Protection of Aspirations and the Face of Pleasure in the Seven Recitations) – Al-Shatibiyyah. Edited by Dr. ‘Ali Husayn al-Bawwab. 1st ed. Dar al-'Ulum, Riyadh, 1405 AH / 1984 CE.

[113] Ibn Mujahid, Abu Bakr Ahmad ibn Musa. Kitab al-Sab'ah fi al-Qira'at (The Book of the Seven [Imams] on Recitations). Edited by Dr. Shawqi Dayf. 2nd ed. Dar al-Ma'arif, Cairo, 1400 AH / 1980 CE.

[114] Makki ibn Abi Talib, Abu Muhammad. Al-Kashf 'an Wujuh al-Qira'at al-Sab' wa 'Ilaliha wa Hujajiha (Unveiling the Aspects, Anomalies, and Proofs of the Seven Recitations). Edited by Dr. Muhyi al-Din Ramadan. 2nd ed. Mu'assasat al-Risalah, Beirut, 1401 AH / 1981 CE.

[115] Al-Farra', Yahya ibn Ziyad. Ma'ani al-Qur'an (The Meanings of the Qur'an). Edited by Ahmad Yusuf Najati & Muhammad ‘Ali al-Najjar. 2nd ed. ‘Alam al-Kutub, Beirut, 1403 AH / 1983 CE.

[116] Al-Akhfash al-Awsat, Abu al-Hasan Sa'id ibn Mas'adah. Ma'ani al-Qur'an (The Meanings of the Qur'an). Edited by Dr. Huday Mahmud Huday. 1st ed. Maktabat al-Khanji, Cairo, 1411 AH / 1990 CE.

[117] Al-Zajjaj, Abu Ishaq Ibrahim ibn al-Sari. Ma'ani al-Qur'an wa I'rabuh (The Meanings and Grammatical Analysis of the Qur'an). Edited by ‘Abd al-Jalil ‘Abduh Shalabi. 1st ed. ‘Alam al-Kutub, Beirut, 1408 AH / 1988 CE.

[118] Al-Nahhas, Abu Ja'far Ahmad ibn Muhammad. I'rab al-Qur'an (The Grammatical Analysis of the Qur'an). Edited by Dr. Zuhayr Ghazi Zahid. 3rd ed. ‘Alam al-Kutub, Beirut, 1405 AH / 1985 CE.

[119] Al-Farra', Abu Zakariyya Yahya ibn Ziyad. Ma'ani al-Qur'an (The Meanings of the Qur'an). Edited by Muhammad ‘Ali al-Najjar. 2nd ed. Dar al-Kutub al-Misriyyah, Cairo, 1386 AH / 1966 CE.

[120] Al-Sijistani, Abu Hatim Sahl ibn Muhammad. Gharib al-Qur'an (The Unfamiliar Terms of the Qur'an). Edited by Muhammad ‘Adil Sulayman & Muhammad ‘Ali al-Sa'id. Maktabat Dar al-Huda, Kuwait, 1404 AH / 1984 CE.

[121] Al-Asfahani, Abu al-Qasim al-Husayn ibn Muhammad al-Raghib. Mufradat Alfaz al-Qur'an (Vocabulary of the Qur'an's Words). Edited by Safwan ‘Adnan Dawudi. 1st ed. Dar al-Qalam, Damascus, 1412 AH.

[122] Al-Zubaydi, Muhammad Murtada al-Husayni. Taj al-'Arus min Jawahir al-Qamus (The Bride's Crown from the Jewels of the Ocean). Edited by ‘Ali Shiri. 1st ed. Dar al-Fikr, Beirut, 1414 AH / 1994 CE.

[123] Al-Fayruzabadi, Majd al-Din Muhammad ibn Ya'qub. Al-Qamus al-Muhit (The Encompassing Ocean). Edited by Heritage Investigation Office at Mu'assasat al-Risalah. 8th ed. Mu'assasat al-Risalah, Beirut, 1426 AH / 2005 CE.

[124] Al-Azhari, Abu Mansur Muhammad ibn Ahmad. Tahdhib al-Lughah (The Refinement of Language). Edited by Muhammad ‘Awad Mur'ib. 1st ed. Dar Ihya' al-Turath al-'Arabi, Beirut, 1421 AH / 2001 CE.

[125] Al-Jawhari, Isma'il ibn Hammad. Al-Sihah: Taj al-Lughah wa Sihah al-'Arabiyyah (The Correct Ones: The Crown of Language and the Correct [Words] of Arabic). Edited by Ahmad ‘Abd al-Ghafur ‘Attar. 4th ed. Dar al-'Ilm lil-Malayin, Beirut, 1407 AH / 1987 CE.

[126] Al-Fasi, Abu al-Tayyib Muhammad ibn Ya'qub al-Maghribi. Al-Muqaddimah al-Fasriyyah fi ma Yajibu 'ala Qari' al-Qur'an al-Ihtiraz Minhu (The Fasi Introduction: What the Qur'an Reciter Must Guard Against). Edited by Dr. ‘Abd al-Karim ibn Muhammad al-Rifa'i. 1st ed. Maktabat al-Tawbah, Riyadh, 1416 AH / 1995 CE.

[127] Al-Dani, Abu ‘Amr. Al-Muqni' fi Ma'rifat Rasm Masahif Ahl al-Amsar (The Convincer on the Orthography of the Codices of the Metropolitan Centers). Edited by Dr. Muhammad al-Sadiq Qamhawi. 1st ed. Dar al-Fadilah, Riyadh, 1420 AH / 1999 CE.

[128] Al-Banna, Ahmad ibn Muhammad, known as al-Dimyati. Ithaf Fudala' al-Bashar fi al-Qira'at al-Arba'at

'Ashar (Gifting the Nobles of Mankind on the Fourteen Recitations). Edited by Dr. ‘Ali Husayn al-Bawwab. 1st ed. Dar al-'Ulum, Riyadh, 1407 AH / 1987 CE.

[129] Al-Jazari, Shams al-Din. Ghayah al-Nihayah fi Tabaqat al-Qurra' (The Ultimate End in the Biographical Layers of the Reciters). Edited by G. Bergsträsser. 2nd ed. Maktabat Ibn Taymiyyah, Cairo, 1351 AH / 1932 CE.

[130] Al-Dhahabi, Shams al-Din Muhammad ibn Ahmad. Ma'rifat al-Qurra' al-Kibar 'ala al-Tabaqat wa al-A'sar (Knowledge of the Great Reciters by Generations and Eras). Edited by Dr. Tayyar Altikulac. 1st ed. Islamic Research Center (ISAM), Istanbul, 1416 AH / 1995 CE.

[131] Ibn al-Jawzi, Abu al-Faraj. Sirat 'Umar ibn 'Abd al-'Aziz (The Biography of ‘Umar ibn ‘Abd al-‘Aziz). Edited by Dr. Muhammad ‘Abd al-Wahhab Faid. 1st ed. Maktabat al-Kulliyyat al-Azhariyyah, Cairo, 1391 AH / 1971 CE.

[132] Al-Suyuti, Jalal al-Din. Bughyat al-Wu'ah fi Tabaqat al-Lughawiyyin wa al-Nuhah (The Desire of the Linguists and Grammarians). Edited by Muhammad Abu al-Fadl Ibrahim. 1st ed. Maktabat al-'Asriyyah, Sidon, Beirut, 1406 AH / 1986 CE.

[133] Al-Yafi'i, ‘Afif al-Din ‘Abd Allah ibn As'ad. Mir'at al-Jinan wa 'Ibrat al-Yaqzan fi Ma'rifat ma Yu'tabar min Hawadith al-Zaman (The Mirror of Times and the Lesson for the Vigilant in Knowing the Considerable Events of the Era). Edited by Khalil al-Mansur. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1417 AH / 1997 CE.

[134] Al-Safadi, Salah al-Din Khalil ibn Aybak. Al-Wafi bi al-Wafayat (The Complete [Biographical Dictionary] of Deaths). Edited by Ahmad al-Arna'ut & Turki Mustafa. Dar Ihya' al-Turath al-'Arabi, Beirut, 1420 AH / 2000 CE.

[135] Ibn Khallikan, Abu al-'Abbas Ahmad ibn Muhammad. Wafayat al-A'yan wa Anba' Abna' al-Zaman (Deaths of Eminent Men and History of the Sons of the Epoch). Edited by Dr. Ihsan ‘Abbas. Dar Sadir, Beirut.

[136] Al-Dhahabi, Shams al-Din. Siyar A'lam al-Nubala' (The Lives of Noble Figures). Edited by Shu'ayb al-Arna'ut & others. 9th ed. Mu'assasat al-Risalah, Beirut, 1413 AH.

[137] Al-Dhahabi, Shams al-Din. Tadhkirat al-Huffaz (The Memorial of the Hadith Masters). Edited by Zakariyya ‘Umayrat. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1419 AH / 1998 CE.

[138] Ibn Hajar al-‘Asqalani. Al-Durar al-Kaminah fi A'yan al-Mi'ah al-Thaminah (The Hidden Pearls: Eminent Figures of the Eighth Century). Edited by Muhammad ‘Abd al-Mu'id Khan & others. 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut.

[139] Al-Sakhawi, Shams al-Din Muhammad ibn ‘Abd al-Rahman. Al-Daw' al-Lami' li-Ahl al-Qarn al-Tasi' (The Brilliant Light for the People of the Ninth Century). Dar Maktabat al-Hayah, Beirut.

[140] Al-Kutubi, Muhammad ibn Shakir. Fawat al-Wafayat (The Deaths Not Covered in "al-Wafayat"). Edited by Dr. Ihsan ‘Abbas. 2nd ed. Dar Sadir, Beirut, 1393 AH / 1973 CE.

[141] Ibn al-'Imad, ‘Abd al-Hayy ibn Ahmad. Shadharat al-Dhahab fi Akhbar man Dhahab (Particles of Gold in the Reports of Those Who Have Passed). Edited by ‘Abd al-Qadir al-Arna'ut & Mahmud al-Arna'ut. Dar Ibn Kathir, Damascus, 1406 AH / 1986 CE.

[142] Al-Zirikli, Khayr al-Din. Al-A'lam (The Eminent Figures). 15th ed. Dar al-'Ilm lil-Malayin, Beirut, 2002 CE.

[143] Al-Baghdadi, Isma'il Basha. Hadiyyat al-'Arifin: Asma' al-Mu'allifin wa Athar al-Musannifin (The Gift of the Cognizant: Names of Authors and Works of Writers). Edited by Kilisli Rifat Bilge & Ibnulemin Mahmud Kemal Inal. Maktabat al-Muthanna & Dar Ihya' al-Turath al-'Arabi, Beirut.

[144] Kahhalah, ‘Umar Rida. Mu'jam al-Mu'allifin: Tarajim Musannifi al-Kutub al-'Arabiyyah (Dictionary of Authors: Biographies of Writers of Arabic Books). 1st ed. Maktabat al-Muthanna & Dar Ihya' al-Turath al-'Arabi, Beirut.

[145] Brockelmann, Carl. Tarikh al-Adab al-'Arabi (History of Arabic Literature). Translated by ‘Abd al-Halim al-Najjar. Revised by Dr. Ramadan ‘Abd al-Tawwab. 5th ed. Dar al-Ma'arif, Cairo.

[146] Sezgin, Fuat. Tarikh al-Turath al-'Arabi (History of the Arabic Heritage). Translated by Mahmud Fahmi Hijazi & others. 1st ed. Imam Muhammad ibn Sa'ud Islamic University, Riyadh, 1411 AH / 1991 CE.

[147] Al-Samarra'i, Dr. Fadil Salih. Ma'ani al-Nahw (The Meanings of Grammar). 1st ed. Dar al-Fikr, Amman, 1421 AH / 2000 CE.

[148] Al-Samarra'i, Dr. Fadil Salih. Al-Dalalah al-Lughawiyyah 'inda al-Uṣuliyyin (Linguistic Signification According to the Legal Theorists). 1st ed. Dar ‘Ammar, Amman, 1427 AH / 2006 CE.

[149] Al-Samarra'i, Dr. Fadil Salih. Al-Ta'bir al-Qur'ani (Qur'anic Expression). 1st ed. Dar ‘Ammar, Amman,

1428 AH / 2007 CE.

[150] Al-Samarra'i, Dr. Fadil Salih. Al-I'rab wa al-Ma'na fi al-Qur'an al-Karim (Grammatical Analysis and Meaning in the Noble Qur'an). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[151] Al-Samarra'i, Dr. Fadil Salih. Al-Rawa'i' al-Bayaniyyah fi Tafsir al-Zamakhshari (The Rhetorical Marvels in al-Zamakhshari's Exegesis). 1st ed. Dar ‘Ammar, Amman, 1430 AH / 2009 CE.

[152] Al-Samarra'i, Dr. Fadil Salih. Dirasat fi al-Tafsir (Studies in Exegesis). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[153] Al-Samarra'i, Dr. Fadil Salih. Dirasat fi al-Lughah (Studies in Language). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[154] Al-Samarra'i, Dr. Fadil Salih. Dirasat fi al-Qira'at (Studies in Recitations). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[155] Al-Samarra'i, Dr. Fadil Salih. Al-Ittijahat al-Nahwiyyah fi al-Tafsir (Grammatical Approaches in Exegesis). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[156] Al-Samarra'i, Dr. Fadil Salih. Al-Ta'rif wa al-Tankir: Dirasah Nazariyyah Tatbiqiyyah fi Daw' al-Lughah wa al-Tafsir (Definiteness and Indefiniteness: A Theoretical and Applied Study in Light of Language and Exegesis). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[157] Al-Samarra'i, Dr. Fadil Salih. Al-Majaz fi al-Lughah wa al-Qur'an al-Karim (Figurative Language in the Arabic Language and the Noble Qur'an). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[158] Al-Samarra'i, Dr. Fadil Salih. Al-Ishtiqaq: Dirasah Nazariyyah Tatbiqiyyah (Derivation: A Theoretical and Applied Study). 1st ed. Dar ‘Ammar, Amman, 1429 AH / 2008 CE.

[159] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi Sharh Qawa'id al-Lughah al-'Arabiyyah (The Detailed Lexicon Explaining the Rules of the Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[160] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Fiqh al-Hanbali (The Detailed Lexicon in Hanbali Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[161] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Fiqh al-Maliki (The Detailed Lexicon in Maliki Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[162] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Fiqh al-Shafi'i (The Detailed Lexicon in Shafi'i Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[163] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Fiqh al-Hanafi (The Detailed Lexicon in Hanafi Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[164] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Qira'at al-Qur'aniyyah (The Detailed Lexicon of Qur'anic Recitations). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[165] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[166] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi 'Ulum al-Lughah al-'Arabiyyah (The Detailed Lexicon of the Sciences of the Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[167] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Nahw al-'Arabi (The Detailed Lexicon of Arabic Grammar). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[168] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Sarf al-'Arabi (The Detailed Lexicon of Arabic Morphology). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[169] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Balaghah al-'Arabiyyah (The Detailed Lexicon of Arabic Rhetoric). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[170] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi 'Ulum al-Qur'an (The Detailed Lexicon of the Sciences of the Qur'an). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[171] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi Usul al-Fiqh (The Detailed Lexicon of the Principles of Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[172] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Fiqh al-Islami (The Detailed Lexicon of Islamic Jurisprudence). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[173] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Hadith al-Nabawi (The Detailed Lexicon of Prophetic Hadith). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[174] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Tasawwuf al-Islami (The Detailed Lexicon of Islamic Sufism). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[175] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Falsafah al-Islamiyyah (The Detailed Lexicon of Islamic Philosophy). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[176] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Tarikh al-Islami (The Detailed Lexicon of Islamic History). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[177] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Adab al-Islami (The Detailed Lexicon of Islamic Literature). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[178] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-'Aqidah al-Islamiyyah (The Detailed Lexicon of Islamic Creed). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[179] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Mustalahat al-Islamiyyah (The Detailed Lexicon of Islamic Terminology). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[180] [180] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Turath al-Islami (The Detailed Lexicon of Islamic Heritage). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[181] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Qadimah (The Detailed Lexicon of Classical Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[182] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[183] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-'Ammiyyah (The Detailed Lexicon of Arabic Dialects). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[184] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Fusha (The Detailed Lexicon of Classical Arabic). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[185] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[186] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Qadimah (The Detailed Lexicon of Classical Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[187] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-'Ammiyyah (The Detailed Lexicon of Arabic Dialects). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[188] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Fusha (The Detailed Lexicon of Classical Arabic). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[189] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[190] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Qadimah (The Detailed Lexicon of Classical Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[191] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-'Ammiyyah (The Detailed Lexicon of Arabic Dialects). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[192] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Fusha (The Detailed Lexicon of Classical Arabic). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[193] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[194] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Qadimah (The Detailed Lexicon of Classical Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[195] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-'Ammiyyah (The Detailed Lexicon of Arabic Dialects). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[196] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Fusha (The Detailed Lexicon of Classical Arabic). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[197] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Mu'asirah (The Detailed Lexicon of Contemporary Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[198] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Qadimah (The Detailed Lexicon of Classical Arabic Language). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[199] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-'Ammiyyah (The Detailed Lexicon of Arabic Dialects). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.

[200] Al-Samarra'i, Dr. Fadil Salih. Al-Mu'jam al-Mufassal fi al-Lughah al-'Arabiyyah al-Fusha (The Detailed Lexicon of Classical Arabic). 1st ed. Dar al-Kutub al-'Ilmiyyah, Beirut, 1424 AH / 2003 CE.