

**The inference of Abu Taher Abdul Samad ibn Bashir by the statements of
the Companions through his book "Ettanbih"**



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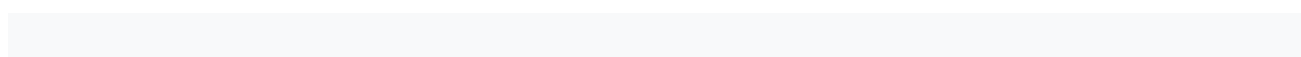
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Abstract:

This research addressed the statement of the Companions which used by ibn Bashir through his book "Ettanbih"; the purpose of this article is to publicize Ibn Bashir; his book; some of his teachers; and his disciple; and about his scientific career; scientist's praise to him; and publicize the doctrine of the Companions and its authoritative in scholars; and extract some words and deeds of the Companions from "Ettanbih" book; which inferred with it by Ibn Bashir in some ancillaries of Fiqh, with giving an examples of this words and statements by one model or more; also the statement of the Companion is a right principle supported by revelation and reason; and it is applicable in reasoning in issues that not provided for in revelation; and it is considered one of The fundamental principles of Imam Malik's Fiqh and his school generally.

key words: Abu Taher Abdul Samad ibn Bashir; Ettanbih book; Statements of the Companions.



Introduction:

Praise be to God alone, and prayers and peace be upon the one after whom there is no prophet, and after

The Maliki doctrine of thought is considered one of the well-known and approved schools of jurisprudence among Sunni Muslims, as the followers of the Maliki doctrine of thought adopt all the jurisprudential opinions presented by the Imam of Dar al-Hijra Malik bin Anas al-Asbahi, whose leadership was evident in his jurisprudential work based on the soundest principles and the most sound rules. This was expressed by Ibn Taymiyyah said: "Whoever ponders the principles of Islam and the rules of Sharia law, he will find the principles of Malik, and the people of Medina, the most correct principles and rules. This was mentioned by Al-Shafi'i, Ahmad, and others." His doctrine became widespread and spread throughout all regions, and adherence to his doctrine became a symbol of adherence to the Sunnah, avoiding heresy and its adherents, and loving the Imam in his time was evidence of love of the Sunnah.

This doctrine was destined to spread and spread throughout the western reaches of the Islamic nation. So he performed his role in the best possible way, and if he had not had any favor or blessing on this frontier and its people except that he protected them and preserved their egg from being broken at the hands of the people of Shiism, the Kharijites, and the Mu'tazilites, then this alone would have been a great favor and a blessing that could not be matched by him.

This is in addition to the advantages of this school of thought that make it superior to other schools of thought, the most important of which is its consideration of the public interest, and its tendency towards facilitation in harmony with the Sunnah of the Prophet - may God bless him and grant him peace - who was not given the choice between two matters but chose the easier of the two unless it was forbidden.

The Maliki doctrine is also distinguished by the abundance of its sources and the large number of principles upon which Malik built his doctrine, to the point that it was said that it reached about sixteen proofs.

The Maliki imams, regardless of their different schools and the diversity of their sects, continued to serve this doctrine, refine it, and keep it alive, vibrant, dominating life, controlling its development and directing its course. Thus, good effects and ripe fruits appeared for them that pleased the country and the people.

Among these fruits is the book "Al-Tanbih" by Ibn Bashir, in which he linked the branches of jurisprudence to their principles. Among these principles that Ibn Bashir adopted in his book were the sayings of the Companions, their fatwas, and their rulings, and he used them as evidence in many branches of jurisprudence.

The Companion's statement is an authentic principle supported by transmission and reason, and it is used in ijtiḥad in matters for which there is no text. It is

considered one of the principles of Imam Malik and the doctrine in general, especially the rulings of Omar ibn al-Khattab, may God be pleased with him. He received all of this from the seven jurists of Medina who transmitted sayings to him. companions. Al-Muwatta is full of their fatwas, opinions, and rulings, which he used to cite and deduce rulings from.

Imam Malik recorded these fatwas and those decrees, just as he recorded the sayings of the Messenger, may God bless him and grant him peace, and his decrees. Malik believed that the Sunnah was what the Companions were upon. He saw that the just Caliph Omar bin Abdul Aziz, when he wanted to spread the Sunnah, ordered the collection of the Companions' opinions and fatwas. He used to narrate his famous saying: "The Messenger of God, may God bless him and grant him peace, and the rulers after him enacted Sunnahs, adopting them is confirmation of the Book of God, completion of obedience to Him, and strength to obey Him." In the religion of God, no one has the right to change it or replace it, or to consider the opinion of those who disagree with it, so whoever follows what they did will be guided. And whoever gains insight into it will gain insight, and whoever disobeys it and follows other than the path of the believers, God will protect him as he turns away, and will cause him to go to Hell, an evil destination.²» Malik liked this speech very much³, spoke of it often, and believed that adopting it was the established Sunnah.

With this increased adoption of the fatwas of the Companions, Malik was considered the Imam of the Sunnah during his time - according to the opinion of Imam Al-Shatibi - who said: "And when Malik exaggerated this meaning in relation to the Companions, or those who were guided by their guidance and followed their Sunnah, then God Almighty made him a role model for others in that; Malik's contemporaries followed his footsteps and imitated his actions with the blessing of following those whom God and His Messenger praised and made role models for⁴ ».

The problem:

Those who differ do not disagree about the reliance of the imam of the sect, his companions, and the imams after them on the sayings of the companions in their blogs and fatwas. To what extent did the scholar Ibn Bashir achieve this in his book "Al-Tanbih"?

Research objectives: The importance of this research lies in the following points:

- Introducing Ibn Bashir and some of his sheikhs and students.
- Introduction to the book "Alert".
- Introducing the Companion's doctrine and its authority in the Maliki doctrine.
- Mentioning some of the sayings of the Companions that Ibn Bashir used in the book "Al-Tanbih" and representing these sayings with some examples presented in the book.

Research Methodology: In this research, I followed the inductive and analytical method, and dealt with that in two sections: the first dealt with the introduction to Ibn

Bashir, mentioning some of his sheikhs and students, his scientific status, the scholars' praise of him, his death, and the introduction to the book. The second section dealt with the definition of a companion and what is meant by the sayings of the companions, and whether they are evidence in the Maliki school of thought, and mentioned some of these fatwas and opinions that Ibn Bashir used in his book, and used them as evidence in some branches of jurisprudence.

The first topic: Introduction to Ibn Bashir and his book "Al-Tanbih"

In this section, I dealt with introducing Ibn Bashir, mentioning some of his sheikhs and students, his scholarly standing, scholars' praise of him, his death, and introducing the book "Al-Tanbih."

The first requirement: introducing Ibn Bashir

The first section: His name and nickname

He is Abu Al-Tahir Ibrahim bin Abdul-Samad bin Bashir Al-Tanukhi. This is how Ibn Farhoun attributed him in Al-Dibaj, and Muhammad Makhlof, and other translators, as is well-known, and some of his translators disagreed with his father's name and surname, as it was mentioned in the book "Al-Tahrir fi Naza'ir Al-Fiqh according to the Imam's Doctrine" Malik bin Anas said that the name of Ibn Bashir's father was: Abdul Rahman, not Abdul Samad. Perhaps there is a difference in the name of the author's father, or the copyist made a mistake in naming some of the men mentioned in the book.

It was also stated in the introduction to the aforementioned book that his nickname was Abu Ishaq, not Abu Al-Tahir⁵.

It was also mentioned in the book Al-Jami' by Ibn Bashir that his surname was Abu Ishaq, but he agreed with Ibn Farhun and others, in that his father was Abd al-Samad, not Abd al-Rahman. It was stated in its introduction: "In the name of God, the Most Gracious, the Most Merciful. The Kitab al-Jami' is from the book of Abu Ishaq Ibrahim bin Abd al-Samad bin Bashir Al-Andalusi⁶.

The second section: his lineage

Al-Tanukhi - in reference to Tanukh, and they are tribes who resided in Bahrain, so they allied themselves to Al-Tanukh - which is the place - and they contracted to support and cooperate, so they became a hand over the people, and the name Tanukh included them, so they were by that name, as if they were one of the buildings.

Ibn Farhoun and Muhammad Makhlof mentioned that Ibn Bashir and Al-Lakhmi are related.⁸

Hassan Hosni Abdul Wahhab said that the writer Abu Abdullah Muhammad bin Abdul Samad bin Bashir, the poet, is a brother of Ibn Bashir, as he says: "It appears to me that the writer Abu Abdullah Muhammad bin Abdul Samad bin Bashir al-Tanukhi al-Mahdawi, one of the poets of Prince Ali bin Yahya bin Tamim al-Sanhaji, is the brother of the jurist. The applicant - However, I did not find anyone who

proved this relationship, which led me to think about the unity of the title and lineage⁹."

The third Section: His homeland

From the Mahdiyya¹⁰, as mentioned in some copies of the Book of Al-Tanbih¹¹. Muhammad Makhlouf and Hassan Hosni Abdel Wahhab¹² also attributed it to her.

It is said that he was originally from Sfax¹³, and lived in Bejaia¹⁴.

The second requirement: his elders and students

The first section: His sheikhs

There is no doubt that Ibn Bashir studied at the hands of great sheikhs, given the scholarly status he reached. He is one of the prominent scholars in the doctrine, rising above the level of imitation, as Ibn Farhun described him. He is among the most prominent scholars whom Ibn Bashir was proven to be a student of:

1 - Al-Siuri:

He is Abu al-Qasim Abd al-Khaliq ibn Abd al-Warith al-Siyuri. It was mentioned that he used to memorize the collections of the doctrine, with good memory, and memorize other major books of disagreement, to the point that he would mention the saying of some scholars to him, and he would say: Where did this happen? It is not in such-and-such a book, nor in such-and-such a book. He enumerates the most widely used collections of books on the doctrine, those who oppose it, and the scholars of jurisprudence, and there was a verse in that, and it is said that he eventually leaned towards the Shafi'i doctrine, and he has a commentary on the blog.

He learned the jurisprudence of Abu Bakr bin Abdul Rahman and Abu Imran Al-Fasi, and their class, and he read the Kalam and Usul according to Al-Azdi, and according to him the jurisprudence of Abd al-Hamid al-Sayegh, al-Mahdi, and al-Lakhmi, and he took from him Abd al-Haqq al-Siqilli. His death was in the year 460 AH in Kairouan¹⁵.

2 - Al-Lakhmi:

He is Abu Al-Hassan Ali bin Muhammad Al-Rubai, known as Al-Lakhmi. He is the son of Bint Al-Lakhmi, a Cyreneist who lived in Sfax. He was a distinguished jurist, religious scholar, and skilled mufti, possessed of good manners and hadith, good vision and understanding, and the most reputable of the people in his country. He outlived his friends and became president of all African countries¹⁶. Jurisprudence was attributed to Ibn Mahrez, Al-Tunisi, Al-Siuri, and a group of Sfaxians, and Abu Abdullah Al-Mazari, Abu Al-Fadl Ibn Al-Nahwi, Abu Ali Al-Kala'i, Abdul Hamid Al-Saffaksi, and more than one person learned from him. He has a great commentary on the blog called Al-Tabisrah, Mufid Hasan, and it is interesting. By highlighting the disagreement in the doctrine and extrapolating the sayings, and perhaps he followed his view and disagreed with the doctrine in what was most likely in his opinion, so

his choices in many matters departed from the rules of the doctrine. He died in the year 478 AH, may God have mercy on him¹⁷.

3 - Ibn Attab:

He is Abu Muhammad Abdullah bin Muhammad bin Attab, the imam, the jurist, the hafiz, the Sheikh of Islam. He took from his father and more from him, and Abu Omar, and the son of the Sfaxian officer, and he narrated from imams and heard from them, such as Hatem al-Tarabulsi, and he approved it, as a group of them approved it: Abu Muhammad Makki, and Ibn Abd. Al-Barr, Ibn Al-Hadha, and on his authority were Al-Qadi Ayyad, Ibn Bashkwal, Ibn Qarqul, and Abu Bakr Al-Lakhmi Al-Ishbili. The journey to him was one of the horizons. It has good compositions and indexing. He was born in the year 433 AH, and died in the year 520 AH, or in the year 528 AH, as in Riyadh al-Azhar, which is more correct¹⁸.

4 - Ibn Rushd:

He is the judge Abu al-Walid Muhammad ibn Ahmad ibn Rushd al-Qurtubi. He is known as Ibn Rushd the grandfather, or the jurist to distinguish him from Ibn Rushd the grandson, or the philosopher. He is proficient in the sciences, has insight into the principles and branches, and is virtuous in religion. He understood Ibn Rizq and he should be relied upon. He heard al-Jiyani and Abu Abd. Allah bin Faraj, Abu Marwan bin Siraj, and a group, and on his authority is his son Ahmed, Judge Ayyad, Abu Bakr bin Muhammad al-Ishbili, and others. He wrote Al-Bayān wal-Tahsīl for the guidance and reasoning in Al-Mukhtajhira, and the introductions to the first books of Al-Mudawwana, and the abbreviation of the simple books written by Yahya bin Ishaq bin Yahya bin Yahya, and his revision of Al-Tahawi's books on Mushkil Al-Athar, and the blocking of inheritances, and his indexing, and many parts on the arts of knowledge. He was born in the year 455 AH, and died in Dhul-Qi'dah in the year 520 AH¹⁹.

5 - Al-Mazari:

He is Muhammad bin Ali bin Omar Al-Tamimi Al-Mazari, nicknamed Abu Abdullah and known as the Imam. The Mahdism came from an African country. His origin is from Mazar, a city on the island of Sicily on the coast of the sea. He is the imam of the people of Africa and beyond in Morocco, and the Imam became a title for him, may God Almighty be pleased with him. about him; He is known as none other than Imam Al-Mazari, and he was one of the sheikhs of Ifriqiya who were concerned with investigating jurisprudence.

He learned from Al-Lakhmi, Abu Muhammad Abd al-Hamid al-Susi, and other sheikhs of Ifriqiya, and studied the foundations of jurisprudence and religion, and progressed in that. He heard the hadith, studied its meanings, and learned many sciences from medicine, arithmetic, literature, and other things, so he was one of the men of perfection in his time. In science.

May God Almighty have mercy on him, he was of good character, good-natured and easy-going, a lot of stories and reciting poetry, and his pen was more eloquent in knowledge than his tongue.

He wrote a book on jurisprudence and principles, an explanation of the book of Muslim, and the book of indoctrination by Judge Abu Muhammad Abd al-Wahhab. The Malikis do not have a book like it, and we have not been informed that he completed it. He explained the proof by Abu al-Ma'ali al-Juwayni and called it: Clarification of the crop from the proof of principles.

Among those from whom approval was taken: Judge Abu Al-Fadl Ayyad, may God Almighty have mercy on him. He wrote to him from the Mahdiyyah authorizing his book called Al-Muallem fi Sharh Muslim, and other of his works. The Imam, may God Almighty have mercy on him, died in the year 536 AH, and he was over eighty years old²⁰.

Second Section: His disciples

The books of biographies did not mention the sheikhs who learned from Ibn Bashir, except for what he mentioned, verifying the book of Al-Umar, that Abu Al-Hasan Ali bin Abi Bakr Abdullah Al-Taqiyusi was one of those numbered among his companions²¹, and he is not known.

The third requirement: His scientific standing and the praise of scholars for him.

Ibn Bashir was described with several descriptions and titles, including: Imam, scholar, diligent... and others.

The beginning begins with Ibn Farhoun, where he described him in the preamble by saying, "He was a learned imam, a great mufti, a distinguished one, a master officer, a memorizer of the doctrine, an imam in the foundations of jurisprudence, Arabic, and hadith, one of the most prominent scholars in the doctrine, who rose from the level of imitation to the level of choice and preference²²."

Ibn Bashir has reached a point that qualifies him to be alone with a statement within the school of thought, and for his statement to be narrated among the recognized sayings in the school of thought. Abu al-Abbas al-Ghubrini, the author of the book "The Title of Knowledge," asked some of his sheikhs about the choices of his later companions among the jurists, such as Al-Lakhmi, Ibn Bashir, and others, whether they should narrate sayings about The doctrine, for example, it is said: There are three sayings in the doctrine: What does Al-Lakhmi say or not? He said to me: The story is based on reality, so it is said: There are two opinions in the doctrine, and it is said: Al-Lakhmi said such-and-such, or so-and-so, and what he said is attributed to him. I asked our Sheikh, the jurist, Abu al-Qasim bin Zaytoun, about this issue, and he said to me: Yes, the sayings of Al-Lakhmi and others are narrated in the doctrine, just as the sayings of the previous jurists are narrated in the doctrine.

These two answers are good. As for the answer of the jurist Abu Al-Abbas, it is based on caution and piety, and as for the answer of the jurist Abi Al-Qasim, it is

based on the matter of consideration. Because he saw that every answer was based on the principles of Malik's doctrine and method, so it is from his doctrine. The one who gave his fatwa only issued a fatwa according to his doctrine, so it is valid for these sayings to be added to the doctrine, and taken away from it²³."

As for the author of the book "Attaining Joy," Ahmad Baba of Timbuktu, he described him as one of the stalwarts of the doctrine, along with Ibn Yunus, al-Baji, Ibn al-Arabi, and others, in his talk about the translation of Omar ibn Muhammad, known as al-Qalshani²⁴.

Muhammad al-Fadil bin Ashour counted him as the fourth of four who followed a new method in the service of jurisprudence, which is the method whose method was founded by Abu al-Hasan al-Lakhmi, where he says: "And Imam al-Lakhmi formed Imam Abu Abdullah al-Mazari, and he was with the circle of jurists who contemporaneous him, of whom we can mention For example, there are four clear examples: Al-Mazari, Ibn Bashir, Ibn Rushd Al-Kabir, and Judge Ayyad²⁵. These are the ones who followed a new method in serving governance, which is the critical method whose approach was founded by Abu Al-Hasan Al-Lakhmi. They began to act in jurisprudence in a revisionist manner, and were stationed in various fields. The statements establish the ruling that stipulates that this is acceptable, this is weak, this is unacceptable, and this is weak in transmission, this is weak in considering the principles, this is immersed in considering the principles, this is embarrassing for people or stressful for people, etc. This is the method that Imam Al-Mazari used in his explanation of the indoctrination of Judge Abd al-Wahhab, and Ibn Bashir used it in his explanation on the blog, which he called Al-Tanbih on issues of guidance²⁶.

The author of the book The Jurisprudential Differences in the Maliki School of thought made him one of the scholars on whom he relied for weighting due to his reaching the level of ijtihad within the school of thought²⁷.

The fourth requirement: His death

I did not find in the sources that translated Ibn Bashir a date for his death, except that they said: He was alive in the year 526 AH, and Ibn Farhun said: He mentioned in his brief composition that he completed it in the year five hundred and twenty-six, may God Almighty have mercy on him, and that he died a martyr: The sector killed him on his way to Hajj in the Aqaba desert, and his grave there is known²⁸.

The verifier of the Book of Al-Umar mentioned that Ibn Bashir lived after 573 AH. It was mentioned in Silat Al-Samat: that Abu Al-Tahir Ibn Bashir was residing in Bejaia, and Abu Al-Hasan Ali bin Abi Bakr Abdullah Al-Taqiyyusi was one of those numbered among his companions, so Abu Al-Hasan Al-Taqiyyusi died, and Abu Al-Tahir prayed over him. Ibn Al-Shabbat did not mention the date of his death, but he quoted it from the book of Abu Amr bin Hajjaj Al-Tawzari and did not name him, which we know - on the other hand - that he wrote it after his trip to the East and meeting with the Salafists in the year 573 AH, and thus it is confirmed that Abu Al-Tahir bin Bashir lived a year later.573 AH²⁹.

Ibn Arafa stated that Al-Mazari preceded Ibn Bashir in what Al-Hattab³⁰ reported, and it is known that Al-Mazari died in the year 536 AH, so it can be concluded from this that Ibn Bashir lived after this date³¹.

The Fifth requirement: Introduction to the book

The book "Al-Tanbih" is one of the books of jurisprudence, and it is considered an important source of Maliki jurisprudence, as its author intended to build the branches of the doctrine on their origins, as he stated in the introduction to his book: "I decided to dictate to them, from the people of the doctrine other than the people of the doctrine, what would achieve independence for the masses, warning against Early guidance and reasoning³².

Ibn Bashir stated his name in the introduction to the book, saying: I called it "The Book of Attention to the Principles of Guidance," and he made it an introduction to his book called "The Wonderful Lights in the Secrets of Sharia³³." The scholars did not differ in attributing the book to him. Everyone who translated Ibn Bashir attributed the book to him, as This book has been confirmed by scholars who have quoted extensively from it. They often mention this phrase: "Ibn Bashir said in his warning."

Ibn Bashir began his "al-Tanbih" with the Book of Purity, then he proceeded to what is meant by talking about the divisions of purity, its obligations, and its Sunnahs...etc.

Ibn Bashir wrote the book Al-Tanbih with the intention of conciseness and brevity, and he avoided lengthiness and redundancy.

The second Topic: The doctrine of the Companions and its authority among scholars

The first requirement: Definition of a companion

Companion in linguistic term:

Whoever is his companion will be accompanied by companions, companions, and his companion: his friend companion. Sahab: The plural of companion is like a rider and a rider. Companions: a group of companions, such as chicks and chicks. And the companion: the cohabitant; The plurals are companions, companions, and companions, such as a young man and young men, and companions, such as hungry and hungry, and companions, companions, and companions, and it is in the opening the plural of companion, and no subject is pluralized with a verb except this.

Al-Jawhari said: Companions, companions, and it is originally a noun, and the plural of companions is companions. As for companionship and companionship, they are plural nouns. Companionship is the source of your saying: companionship is accompanied by companionship. And they said about women: They are Joseph's companions.

The Companions: The source of your saying is "God is your companion and the best of your companions."

And he accompanied the man: he invited him to company; Everything necessary for something is accompanied by it³⁴.

The Companion in the terminology of the Maliki school of thought:

The scholar Abu Al-Hasan Al-Maliki defined him by saying: He is the one who met the Prophet, may God bless him and grant him peace, as a Muslim and then died as a Muslim.

Al-Adawi said: And when he said: "He died as a Muslim"³⁵, be careful with that so that if a believer meets him and then dies as an apostate like Abdullah bin Khatal, then he is not a companion, according to consensus³⁶.

Some of them said: A companion is: everyone he met in his life after the mission and he is a believer.

Others defined him as: a companion who meets a believer with Muhammad, even if it is not narrated from him, and his meeting with him did not last long.

The blind person is included as "he met," and some of them expressed it as "he met" to include the one who touched him, or the boy who touched him, and Imam Al-Hattab chose it³⁸.

Based on this definition, there is disagreement among scholars regarding the continuation of the status of companionship for those who apostatized after the death of the Prophet, may God bless him and grant him peace, and then returned to Islam, such as: Qurra bin Hubayra al-Amiri, Alqamah bin Ulatha, al-Ash'ath bin Qays, Uyaynah bin Hisn, and Amr bin Maadikarb. Their companionship is considered.

The same applies to the company of someone who met the Prophet as a Muslim and then apostatized and then converted to Islam after the death of the Prophet. The scholar Halo said: There was great insight in his company.

The same applies to those who apostatized during the life of the Messenger and returned to the faith after his death. The disagreement regarding his companionship is similar to the disagreement regarding apostasy; Does the work become invalid by itself, or does it invalidate it on the condition of her death? Because the companionship of the Messenger is a great virtue, but accepting his narration after his return to Islam is subject to consideration³⁹, and the scholar al-Tata'i al-Maliki chose to deny their companionship because apostasy in itself discourages action⁴⁰.

As for whoever apostatized during the life of the Prophet and returned to Islam during his lifetime, and accompanied him, the virtue of companionship will be attained by him, such as: Abdullah bin Saad bin Abi Sarh⁴¹.

The second requirement: Definition of the saying of the Companion

- After the death of the Messenger, may God bless him and grant him peace, a group of companions, who were known for jurisprudence and knowledge, took up the

issue of fatwas and legislation for the Muslims. Several fatwas were issued by them on various occasions, and some of the narrators among the Successors and followers of the Successors helped me narrate and write them down, and some of them even wrote them down from the Sunnahs of the Messenger. Are these fatwas from the legislative sources attached to the texts, such that the diligent scholar must refer to them before resorting to analogy? Or are they just individual, jurisprudential opinions that are not an argument against others⁴²?

What is meant by the saying of a companion, according to the fundamentalists, is his doctrine known from his words or actions, whether he was an imam, a ruler, or a mufti⁴³.

It may be expressed by the words of the companion, his doctrine, his opinion, or his fatwa, all of which indicate one meaning according to the fundamentalists.

-Al-Walati defined it by saying: "What is meant by the saying of the Companion is his opinion issued from his own diligence" *ijtihad*.⁴⁴

-Mustafa Deeb Al-Bagha defined it by saying: "It is what was transmitted to us and proven to us on the authority of one of the companions of the Messenger of God, may God bless him and grant him peace, regarding a fatwa or ruling regarding a legal incident in which there was no text from the Book or Sunnah and for which there was no consensus⁴⁵."

- He defined it as Babker Muhammad Al-Sheikh, saying: "What is meant by it is what was narrated by one of the Companions in terms of words or actions regarding a matter of religion."⁴⁶

The third requirement: The authority of the companion's statement

The meaning of the validity of a companion's statement, as Al-Walati said: "The Tabi'i jurist and others are obligated to follow him, and it is not permissible for him to contradict him. As for the companion's diligent scholar, the saying of other companions is not an argument against him⁴⁷."

Editing the dispute:

First: The scholars agreed that the doctrine of a companion is not an argument against another companion, whether he was an imam or a mufti⁴⁸. We have seen the companions differ among themselves, and none of them committed the other to what he believed.

Secondly: There is no dispute that the saying of a companion about what cannot be understood by opinion and reason is an argument against Muslims. Because he must have said it from hearing from the Messenger, may God's prayers and peace be upon him⁴⁹, so his ruling is the ruling raised to the Prophet, may God's prayers and peace be upon him. Such things are not the scope of *ijtihad* and opinion. If it is authentic, its source is hearing from the Messenger, may God's prayers and peace be upon him, and it is from the Sunnah, even if it is apparent. The matter is from the saying of the Companion.

Third: There is also no dispute that the statement of a companion who is not known to have any dissenter from among the companions is an argument against Muslims. Because their agreement on a ruling based on their close covenant with the Messenger, may God bless him and grant him peace, and their knowledge of the secrets of legislation, and their disagreement on many facts and others, is evidence of their reliance on conclusive evidence, and this is when they agreed on inheriting one-sixth of the inheritance from grandmothers, it was a ruling that must be followed, and no disagreement was known about it among Muslims.

Likewise, if a companion's statement is widespread and no one opposing it is known, it is considered a silent consensus, and it is a legal argument for those who say a silent consensus⁵⁰.

Al-Baji mentioned that the spread of the Companion's saying is evident in several ways:

One of them: That the one who says it, or the one who does it, is one of those whose words and actions are widespread, due to his high status, such as the four caliphs and the imams. An example of this is the Maliki protest that the woman of the missing person is given a deadline, and then she leaves him if she wants, according to what was narrated on the authority of Omar that he ruled that, and no one disagreed with him. From the companions.

The second: That the statement or action be common and not often hidden, as Omar did in Tarawih prayer, where he gathered the people under one imam.

Third: That the statement or action came from the companion in one of the scenes attended by a large group, such as Hajj, the Eid prayers, rain showers, and Friday prayers⁵¹.

- The disagreement is in the saying of the companion that came from his opinion and ijtiḥad, which was not widespread or well-known, and no one among the companions who disagreed with him was known⁵².

The fourth topic: The sayings of the schools of thought regarding the words of the Companions

The scholars differed regarding the validity of the statement of the Companion who did not spread or become famous, and no one among the Companions who differed from his doctrines was known:

The first doctrine: The saying of the Companion is not an absolute proof, and it is like other mujtahids. It is the opinion of some Malikis and some Hanafis, and it is the opinion of Al-Shafi'i in Al-Jadid. Thus, most of the Shafi⁵³'s were taken, and Ibn Al-Hajib chose it from the Malikis⁵⁴.

The second doctrine: The companion's statement is a legal proof to be taken into account.

This is the ancient saying of al-Shafi'i, and al-Qarafi attributed it to Malik, and it was quoted from most Hanafi scholars⁵⁵.

The third doctrine: A companion's statement is an argument if it contradicts analogy, because there is no basis for it except stopping.

Al-Juwayni attributed it to the Shafi'i doctrine, and the Hanafi scholar Abu al-Hasan al-Karkhi and a group of them said it⁵⁶, and Ibn Burhan and al-Abiyari chose it⁵⁷.

The fourth doctrine: Among them are those who say: The evidence is in the words of Abu Bakr and Omar, may God be pleased with them and not others, and among them are those who make the argument in the words of the four caliphs.

The fifth requirement: The validity of the companion's statement according to Imam Malik

The scholars differed regarding the validity of the Companion's statement regarding the doctrine of Imam Malik based on two basic opinions:

The first statement: The companion's statement is not an argument at all

Al-Shanqeeti narrated it in publishing the clauses in the second opinion on the authority of Malik⁵⁹. He said: "The second is the absolute prohibition, and it is also narrated on the authority of Malik." Hasan al-Mashat also reported it in the precious jewels⁶⁰. Al-Baji mentioned that it was Malik's doctrine. He said in "Al-Ahkam": "The apparent meaning of Malik's doctrine, may God have mercy on him, is that there is no evidence for it⁶¹." He said in "Al-Minhaj":

"The statement of one of the Companions, if it does not appear or spread, is not evidence, and this is what is apparent from Malik's doctrine⁶²."

The support for this statement is what Judge Abd al-Wahhab argued as evidence that Malik stipulated the obligation of ijtihad and following what leads to it in sound judgment, so he said: There is no scope in the disagreement of the Companions, rather it is wrong or correct⁶³.

He objected to this because it was Malik's response to the disputed opinion of the Companion, and he believed that it was subject to ijtihad. Because it may be right or wrong, and this is beyond the scope of the dispute. Rather, the dispute is in the saying of the Companion if it did not spread, and no one among the Companions who disagreed with it was known.

-Al-Shanqeeti said: "And if he contradicts himself, it is not an argument because the other opinion contradicts him⁶⁴."

The second statement: The companion's statement is a legal argument.

Ibn Abi Zaid al-Qayrawani attributed it to Malik, where he said: "It is not for anyone to create a statement or interpretation that has not been preceded by a predecessor, and if it is proven from the owner of a statement that has not been preserved from other companions that contradicts it or agrees with it, then it is not possible to contradict it, and he said that with us." Al-Shafi'i, and the people of

Iraq...⁶⁵”, and Al-Qarafi said: “The saying of the Companion is absolutely proof according to Malik⁶⁶”, and Ibn Jazi says: “As for the saying of the Companion, if he has no dissent, then if that saying is widespread among the Companions, then it is an argument like silent consensus, even if it is not widespread.” Malik’s doctrine is that it is an argument...⁶⁷”, and Al-Alawi Al-Shanqeeti popularized this opinion⁶⁸, and Al-Baji said: “It was narrated on the authority of Malik that it is an argument⁶⁹.”

A group of non-people of the school of thought attributed it to Malik, including: Ibn Aqeel⁷⁰, Al-Amidi⁷¹, Ibn Taymiyyah⁷², and Ibn Al-Qayyim, where he said: - Concerning the saying of a companion, if he is not well-known and no one is known to contradict him - “Then what the majority of the nation holds is that it is a proof..., and this is the doctrine of Malik and his companions⁷³.”

The support for this statement is due to Malik’s argument and his many inferences from the saying of the companion in Al-Muwatta’. Ibn al-Qayyim said after narrating this statement on the authority of Malik: “And his behavior in his Al-Muwatta’ is evidence of it⁷⁴.” Many of the sayings are related to issues that were not widespread or well-known.

One of the clearest arguments for this is that Imam Malik’s approach is to imitate those of his predecessors and follow those of the Companions and Followers of knowledge who came before him, and among the principles based on this approach is that if the Companions differed on two opinions; The mujtahid strives to recognize the correctness of the ruling, on the condition that it does not deviate from the sayings that are transmitted from them. Likewise, in this issue of ours, not adopting the saying of a companion who did not know of a dissenter, even if his saying was not well-known, is a departure from Malik’s approach, and abandoning the example of previous scholars. Knowledge, and creating a saying for which no predecessors are known⁷⁵.

The most likely opinion:

The most correct opinion is the second opinion, which is that the companion’s statement is evidence.

This is what Al-Qarafi mentioned, and he supported this with the hadith of the Prophet, may God bless him and grant him peace: “My companions are like stars. Whichever one you follow, you will be guided⁷⁶.”

Al-Walati said: “It means that the saying narrated on the authority of the Companions of the Messenger of God, may God bless him and grant him peace, is among the evidence of Malik’s doctrine, may God have mercy on him. It means that it is a legal proof according to Malik, whether the companion was an imam, a mufti, or a ruler, and whether it was in word or deed⁷⁷.”

Malik also took evidence from what he mentioned in his letter to Al-Layth bin Saad, in which he referred to the virtue of the Companions, may God be pleased with them, and the validity of their statements, in which it was stated: “The people only followed the people of Medina, to which the migration took place and with

which the Qur'an was revealed and the lawful was made lawful and the unlawful was forbidden..., then After him, the people of his nation followed him from those who assumed authority after him. Whatever was revealed to them from what they knew, they implemented it, and what they did not have knowledge about, they asked about it. Then they took the strongest of what they found in that in their diligence and the recentness of their time, and if someone disagreed with them, or someone said someone else was stronger than him. He was better off abandoning what he said and acting on other than it, then the followers after them would follow that path and follow those Sunnahs⁷⁸."

It also has the rule of silent consensus, and it is an argument according to the majority of scholars.

The Sixth requirement: Examples of Imam Malik's invocation of the words of the Companion

1/ - Malik's argument is based on the action of Abdullah bin Omar, may God be pleased with him, regarding tayammum, and that he wiped the hands up to the elbows⁷⁹.

2/ - Malik's argument is based on the action of Abdullah bin Omar, may God be pleased with him, regarding prostration, and that he used to place his palms on the place where he placed his forehead in prostration⁸⁰.

3/ - Malik cited the action of Ibn Abbas, may God be pleased with him, in that whoever sleeps and then wakes up and does not perform Witr, it is permissible for him to perform Witr after Fajr, and then pray the Fajr prayer after that.

In Al-Muwatta', it is stated that Abdullah bin Abbas fell asleep, then woke up. So he said to his servant: Look what the people have done - and on that day his sight had gone - so the servant went and then came back. He said: The people have left in the morning. So Abdullah got up, performed the Witr prayer, and then prayed the Fajr prayer⁸¹.

4/ - Malik protested against the action of Abdullah bin Abbas, may God be pleased with him, regarding the distance of shortening the prayer, which is four bards, as Ibn Abbas used to shorten the prayer between Mecca and Taif, and between Mecca and Jeddah.

It was stated in Al-Muwatta on the authority of Imam Malik: He heard that Abdullah bin Abbas used to shorten the prayer somewhere between Mecca and Taif. And in the area between Mecca and Usfan. And such as between Mecca and Jeddah. Malik said: That is four bards⁸². This is what I love most about which prayers can be shortened⁸³.

5/ - Malik protested against the statement of Abdullah bin Amr bin Al-Aas that he forbade praying in camel stalls, and considered it permissible to pray in sheep stalls.

It was mentioned in Al-Muwatta on the authority of Imam Malik that a man from among the immigrants asked Abdullah bin Amr bin Al-Aas: Should I pray in a camel's stall⁸⁴? Abdullah said: No. But pray in the sheep's pastures⁸⁵.

6/ - Malik used as evidence the words of Abu Hurairah, may God be pleased with him, regarding the prohibition on following the dead person after his death by fire.

In Al-Muwatta on the authority of Abu Hurairah: He forbade his death to be followed by fire⁸⁶. Yahya said: I heard Malik disliked that⁸⁷.

7/ - Malik protested against the action of Aisha, may God be pleased with her, that she was following her brother's daughters, and they had jewellery, and she did not pay zakat on their jewellery, and Malik was of the opinion that there was no zakat on jewelery intended for clothing.

In Al-Muwatta', it is stated that Aisha, the wife of the Prophet, may God bless him and grant him peace, used to keep her brother's daughters as orphans in her care⁸⁸. They have jewellery. Do not pay zakat from their jewellery⁸⁹.

8/ - Malik invoked the action of Ibn Omar, may God be pleased with him. Malik said: The ears are from the head and water is used for them, and so did Ibn Omar⁹⁰.

9/ - Malik's objection to the statement of Abdullah bin Masoud, may God be pleased with him, that kissing with desire necessitates ablution. It was mentioned in Al-Muwatta on the authority of Imam Malik that he had heard that Abdullah bin Masoud used to say: From the kiss of a man to his wife is ablution⁹¹.

The seventh requirement : Examples of reasoning based on the sayings of the Companions in the book (Al-Tanbih):

The first model: reciting Al-Fatihah in prayer

Ibn Bashir said, mentioning the disagreement regarding reciting Al-Fatihah in prayer:

"Is it obligatory in every rak'ah? There are three opinions: one of them: that it is obligatory in every rak'ah. The second: that it is obligatory in one rak'ah. The third: that it is obligatory in all cases but not in all;...

In the hadith of Jabir: "Every rak'ah in which he did not recite the mother of the Qur'an, he did not pray it except behind the imam⁹²." There was disagreement about referring it to the Prophet, may God bless him and grant him peace, but the correct view is to base it on Jabir. There is a disagreement among the fundamentalists regarding the companion's statement: is it a proof or not⁹³?

Ibn Bashir demonstrated the necessity of reciting Al-Fatihah in every rak'ah based on the authentic hadith of Jabir.

The second model: The patient's position in prayer

Ibn Bashir said regarding the description of a sick person sitting to pray:

"And if the sick person is able to sit, but is not able to choose his position, he prays according to what he is able to do. If he is able to make a choice, then what is

known from the doctrine regarding him and the voluntary sitting is that he sits cross-legged in the position of standing. He relied for this on the action of Ibn Umar. He used to sit cross-legged, and it was a lot of Imitating the actions of the Messenger, may God bless him and grant him peace. Muhammad ibn Abd al-Hakam⁹⁴ narrated that it is preferable for him to sit in a standing position just as he would sit in a sitting position, and the later scholars preferred it, because it is closer to humility, and sitting cross-legged is contrary to the characteristic of being humble. It has been said: Ibn Umar only used to sit like that due to a defect in his leg. It prevents him from sitting cross-legged. But what was narrated by Muhammad ibn Abd al-Hakam does not indicate the difference between sitting for standing and sitting for the tashahhud⁹⁵."

Ibn Bashir inferred what is well-known from the doctrine, that the praying person stands in the position of standing, as did Ibn Omar, may God be pleased with them both.

The third model: The ruling on prostration of gratitude

Ibn Bashir said regarding the ruling on prostration of gratitude:

"Is it permissible to prostrate at the glad tidings of something that pleases a person? There are two opinions in the doctrine: It is well-known that it is disliked, and this is because it has not been proven that prostration is lawful. What is abnormal is its permissibility. It was narrated from him, may God's prayers and peace be upon him, that he did it⁹⁶. It was narrated from a number of companions, may God be pleased with them⁹⁷."

Ibn Bashir inferred the legitimacy of the prostration of gratitude, despite it being an abnormal statement in the doctrine, by the action of the Messenger, may God bless him and grant him peace, and by what was narrated on the authority of the Companions, may God be pleased with them. Among these narrations is what Ibn Majah narrated on the authority of Abd al-Rahman ibn Ka'b ibn Malik on the authority of his father, who said: When he repented May God be upon him, he fell prostrating⁹⁸.

The fourth model: The ruling on prostration of recitation

Ibn Bashir said regarding the ruling on prostration of recitation:

"The nation unanimously agreed that it is lawful. They differed as to whether it is obligatory or recommended? The doctrine of Malik, may God have mercy on him, is to drop the obligation based on the saying of Omar, may God be pleased with him: "God did not decree it for us unless we wished." He abandoned prostration in the presence of the Companions, and said what we told him about it. He was on the pulpit, and no one denounced him⁹⁹. The fundamentalists differed as to whether his statement was considered a consensus to abandon denial or not¹⁰⁰?"

Ibn Bashir cited the words of Omar, may God be pleased with him, as evidence for dropping the obligation of prostration of recitation.

The fifth model: The ruling on one who leaves the sutrah and one who passes in front of him

Ibn Bashir said regarding the ruling on one who leaves the sutrah and one who passes in front of him:

“The praying person should stop the one passing in front of him by pointing, and if he does so, otherwise he should push him if he is close, gently push him. If he is far away, he should suffice with the gesture, and not push him too hard. It was narrated that a man was raised to Othman, may God be pleased with him, and he pushed a passerby while he was praying and broke his nose. He said: If I had left him, it would have been easier than this¹⁰¹, and it was not mentioned in the narrations that he required blood money from him¹⁰².

Ibn Bashir inferred that the praying person has the right to push the person passing in front of him lightly if he is close, according to the words of our master Othman bin Affan, may God be pleased with him, which is an interpretation, explanation, and clarification of the intention of the Prophet, may God’s prayers and peace be upon him, to prevent passing in front of the praying person.

Ibn Abd al-Barr said: Fighting here is defending, and I think it is a statement that is not harsh, and there is a limit for everything, and they agreed that he should not fight him with a sword, nor speak to him, nor reach an area that would spoil his prayer. I have been informed that Omar bin Abd al-Aziz guaranteed a man who pushed another from his hands. And he is praying; So he broke his nose and paid the blood money for what he committed on his nose, and this is evidence that he did not have the right to do that to him, and because what resulted from what was permissible is forgivable¹⁰³.”

Ibn Abd al-Barr attributed the hadith of pushing to the person praying alone, and it is not for the person praying behind him to push someone who passes in front of him, based on the evidence of the hadith of Ibn Abbas, may God be pleased with him, who said: I came riding on a donkey and that day I was about to have a wet dream while the Messenger of God, may God bless him and grant him peace May God bless him and grant him peace, he led the people in prayer in Mina, so it passed in front of me. After some time, I went down and sent the female donkeys to graze, and I entered the line, but no one objected to that¹⁰⁴.

The sixth model: Ruling on washing on Friday

Ibn Bashir said regarding the ruling on washing the day of beer:

“The entire doctrine is that it is a Sunnah and it is not obligatory (to wash)..., but the jurists of the regions departed from the apparent meanings of those previous expressions that required the obligation, as was proven from his saying, peace be upon him, on Friday: “If only you had washed¹⁰⁵.” This is a statement that feels like a denial of the obligation, as it is not said in It is obligatory if you do. And because of his saying, peace be upon him: “Whoever performs ablution for the Friday prayer

will be rewarded and blessed, and whoever performs ablution, then ablution is better¹⁰⁶." This is an explicit text in omitting the obligation, and it is also what is meant by the one who says it is desirable. And as was proven by what Omar, may God be pleased with him, said to the person entering while he was delivering the sermon, "What time is this?" He said, "I have not done anything more than I have performed ablution." Then Omar, may God be pleased with him, said: "Ablution as well, and I knew that the Messenger, peace be upon him, ordered washing¹⁰⁷," and then he did not order him to go out to perform ablution. This was true when the Companions were available and none of them denied it. According to some fundamentalists, this is like consensus¹⁰⁸.

Ibn Bashir inferred that washing on Friday is not obligatory based on the hadith of the Prophet, may God bless him and grant him peace, and the words of Omar ibn al-Khattab, may God be pleased with him, and his question of the man who was late for Friday at the beginning of the time, and did not order him to go out to wash. If it were obligatory, he would have ordered him to do so.

The seventh model: If someone pushes a passing person while he is praying and breaks his nose, is he required to pay blood money?

Ibn Bashir said regarding the ruling on someone who pushes someone passing in front of him during prayer, is he required to pay blood money if he breaks his nose?

"It was narrated that a person was brought to Uthman, may God be pleased with him, who pushed a passerby while he was praying and broke his nose. He said: If I had left him, it would have been easier than this¹⁰⁹, and it was not mentioned in the narrations that he obliged him to pay blood money. The people of the school of thought said: If he had pushed him and he fell and died, it would be like homicide by mistake, and it would be His blood money is due on the sane person. Abu Muhammad Abd al-Haqq made it based on the dispute regarding someone who bites a person, and the one who bitten took out his hand and broke the biter's tooth. There are two opinions regarding it: Should the one who broke it have to pay his blood money or not? This is a different principle in the doctrine, and it applies to everyone who has been given special permission to do so. He did something that led to destruction, so there are two opinions regarding it: Does the permission remove the damage that was caused by him¹¹⁰?

Ibn Bashir inferred that blood money is not obligatory on someone who pushes someone passing in front of him during prayer until he breaks his nose, according to the words of Caliph Othman bin Affan, may God be pleased with him.

The eighth model: Permissible excuses for missing Friday prayers

Ibn Bashir said regarding permissible excuses for missing Friday prayers:

Among them: the agreement of the Eid and Friday. There is a difference of opinion as to whether the imam may permit anyone who witnesses the Eid whose home is far from the place of Friday, and if he is obligated to do so, then he is

satisfied with the Eid witnesses. What is well known is that he does not give permission for that, and his permission is not benefited from if he does. What is anomalous is the validity of his permission, and Uthman ibn Affan, may God be pleased with him, for the people of Al-Awali regarding backwardness¹¹¹, and it is also a dispute in the case of, does their return to their places and then their return to Friday lead to hardship or not¹¹²?

Ibn Bashir cited the deviant opinion in the doctrine, based on the permission of our master Othman bin Affan, may God be pleased with him, for the people of Al-Awali to miss Friday prayers.

The ninth model: The nature of praying for the dead

Ibn Bashir said regarding reciting Al-Fatihah before the supplication in prayer for the dead:

“Should he recite before supplicating with the Mother of the Qur’an? There are two opinions in the doctrine: The well-known is that he should not recite, because what is intended is supplication, and because this is part of the obligatory prayer, so he should not recite the Mother of the Qur’an in it, by analogy with the prostration of recitation. Ashhab said¹¹³: He should recite in it the Mother of the Qur’an, and this is due to the generality of his saying, “Pray.” May God bless him and grant him peace: “Every prayer in which the Mother of the Qur’an is not recited is a prematurity¹¹⁴,” and because Ibn Abbas, may God be pleased with him, prayed at a funeral and recited the Mother of the Qur’an, he said: “I only did it so that you would know that it is a Sunnah¹¹⁵.” And among the fundamentalists there is a disagreement regarding a companion if he said: Such-and-such is from the Sunnah. Is it added to the Messenger of God, may God bless him and grant him peace, and is it his Sunnah? Or is it like the saying of a companion, in which there is a difference in whether it is an argument or not¹¹⁶?

Ibn Bashir cited Ashhab’s saying as evidence by reading the mother of the Qur’an in praying for the dead in general terms of the hadith, and he cited as evidence the reading of our master Ibn Abbas, may God be pleased with them both, by reading it, and among the fundamentalists there is a disagreement as to whether it is evidence or not?

The tenth model: The ruling on delaying making up for Ramadan

Ibn Bashir said regarding the rulings on making up for Ramadan:

“There is no dispute that it is not obligatory immediately. The basis for this is what Aisha, may God be pleased with her, told about herself, that she used to delay making up for Ramadan if she broke her fast during it, and she would not make it up for it except in Sha’ban because of her preoccupation with the Messenger¹¹⁷, may God bless him and grant him peace. If the person responsible hastened, then his liability has been fulfilled and he is acquitted, and if he delays it, Then he was able to make up for it before the start of the second Ramadan, and he made it up, then he

does not have to pay a ransom, and if he is excused by sickness, or traveling all year, then he does not have to make up for it, and if he was able to make up for it when it was necessary to make up for it, and he did not make it up while it is in Shaban, then he has to pay a ransom, without disagreement with us¹¹⁸.”

Ibn Bashir mentioned that it is permissible to delay making up for Ramadan, and it is not obligatory immediately. He cited the hadith of Aisha, may God be pleased with her, as evidence that she used to delay making up for Ramadan until Shaban because she was busy with the Prophet, may God bless him and grant him peace.

Conclusion:

At the conclusion of this research, we address the most important results reached through the following points:

- Introducing Ibn Bashir as a prominent figure of the Maliki school of thought.
- Introduction to the book “Al-Tanbih” by Ibn Bashir, as it is considered an important source of Maliki jurisprudence.
- A companion is someone who met the Prophet, may God bless him and grant him peace, as a Muslim and then died as a Muslim.
- What is meant by the words of a companion is his doctrine known from his words or actions, whether he was an imam, a ruler, or a mufti.
- The disagreement exists regarding the saying of the Companion, which was based on his opinion and ijtihad, and which did not spread and was not agreed upon by the Companions.
- The transmission differed from Imam Malik regarding the authority of the companion’s statement based on two basic opinions, and the most likely view is that it is an argument.
- Ibn Bashir, in his book “Al-Tanbih,” did not deviate from the Maliki school of thought in citing the words of the Companion as evidence.
- Ibn Bashir believes that the Companion’s statement is disputed among the fundamentalists, and he did not consider in his book “Al-Tanbih” whether it is an argument or not?

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Footnotes

1. Ibn Taymiyyah, Majmo' al-Fatawa 20/328
2. See: Ibn Abd al-Barr, Jami' Bayan al-Ilm wal-Fadha 2/1176, al-Khatib al-Baghdadi, al-Faqih wa al-Mutafiqih 1/435.
3. Al-Shatibi, Al-I'tisam 1/116
4. Al-Shatibi, Al-Muwafaqat 4/463

5. See: Ibn Bashir, Al-Tahrir fi Nazaer Al-Fiqh, p. 11
6. See: Ibn Bashir, Al-Tanbih, Introduction to Al-Muhaqqiq 1/84
7. Tarikh al-Tabari 1/610, Nuggets of Gold 3/416
8. Ibn Farhoun, Al-Dibaj Al-Madhab 1/265, Muhammad Makhlouf, The Pure Tree of Light 1/186
9. See: Hassan Abdel-Wahhab, Al-Omar fi Tunisian Books and Authors 1/693
10. Mahdia: This city in Africa (Tunisia) is attributed to the Mahdi. There are two stages between it and Kairouan, and it was planned by the Mahdi. He began planning it in the year 303 AH, and moved there in the year eight in Shawwal. See: Yaqut al-Hamawi, Mu'jam al-Buldan 5/231,230
11. Ibn Bashir, Al-Tanbih, Introduction to Al-Muhaqqiq 1/195
12. Muhammad Makhlouf, The Pure Tree of Light 1/18, Hassan Abdul Wahab, Al-Omar fi Tunisian Works and Authors 1/693
13. Asfaqs - Sfax (Sfax): The name of a city in Africa. If you leave Gabès, heading west, you come to it and from there to Mahdia. Its yield is mostly olives, and it is on the coast. There are three days between it and Mahdia, and two days between Sousse, and three days between. Gabès. See: Yaqut al-Hamawi, Mu'jam al-Buldan 1/171, 3/223
14. See: Hassan Abdel Wahhab, footnote 4/5 of the book Al-Omar fi Tunisian Works and Authors 1/693.
15. Judge Ayyad, Arrangement of Thoughts 8/65, Muhammad Makhlouf, The Pure Tree of Light 1/178
16. Africa: It is the name of a North African country, and it borders Africa from Tripoli in the west on the side of Cyrenaica and Alexandria to

Bejaia, and it was said: to Miliana. See: Yaqut al-Hamawi, Mu'jam al-Buldan 1/228

17. Judge Ayyad, Arrangement of Thoughts 8/109, Muhammad Makhoul, The Pure Tree of Light 1/173

18. Ibn Bashkwal, The Connection in the History of the Imams of Andalusia, p. 342, Muhammad Makhoul, The Pure Tree of Light 1/190

19. Muhammad Makhoul, The Pure Tree of Light 1/190

20. Ibn Farhun, Al-Dibaj Al-Madhab 2/250

21. Hassan Abdel-Wahab, Al-Omar fi Tunisian Works and Authors (footnote 4) 1/693

22. Ibn Farhun, Al-Dibaj Al-Madhab 1/265

23. Al-Ghubrini, Title of Knowledge, p. 100

24. Al-Tanbukti, Attaining Ibtihaj, p. 306

25. He is Abu Al-Fadl: Ayyad bin Musa Al-Yahsbi, from Sabti Al-Dar and birth of Andalusian origin. Al-Yahsbi is named after Yahsab bin Malik, a tribe from Himyar. Ibn Bashkwal said: He collected a lot of hadith and took great care of it, and was interested in collecting it and restricting it, and he is one of the people who excel in knowledge, intelligence, alertness, and understanding. Among his sheikhs are Judge Abu al-Walid ibn Rushd and Abu Abdullah al-Mazari, and Sheikh Abu Bakr al-Tartushi approved of him. He has useful and wonderful works, including: Ikmal al-Muallem in explaining Sahih Muslim, Kitab al-Shifa with defining the rights of the Chosen One, may God bless him and grant him peace, and Kitab Mashariq al-Anwar in a strange interpretation. The hadith of Al-Muwatta', Al-Bukhari and Muslim, the book of inferred warnings based on written books, the book of

arranging perceptions and approximating paths to know the notables of Malik's doctrine, and the book of informing about the limits of the rules of Islam and others. He was born in the year 496 AH, he died in the year 544 AH. See: Ibn Bashkwal, Al-Sila fi Tarikh Imams Al-Andalus, p. 430, Ibn Farhun, Al-Dibaj Al-Mathhab 2/46.

26. Muhammad Al-Fadil, Moroccan Lectures, p. 81

27. Abdul Aziz Al-Khulaifi, The Jurisprudential Difference in the Maliki Doctrine, pp. 199/200

28. See: Ibn Farhun, Al-Dibaj Al-Madhab 1/266, Hassan Abdel-Wahhab, Al-Omar fi Al-Musannafa wa Al-Muttafun Al-Tunisia 1/693

29. See: Hassan Abdel-Wahhab, Al-Omar fi Tunisian Works and Authors (footnote 2/4 of the comments) 1/693

30. See: Al-Hattab, Mawahib Al-Jalil 4/260

31. See: Ibn Bashir, Al-Tanbih, Introduction to Al-Muhaqqiq 1/111

32. Ibn Bashir, Al-Tanbih 1/211

33. Same source 1/212

34. Ibn Manzur, Lisan Al-Arab 1/519-520, Ibn Sayyidah Al-Mursi, Al-Muhkam and Al-Muhit Al-Azam 3/167

35. Al-Adawi, Hashiyat Al-Adawi on Sharh Kifayat Al-Talib Al-Rabbani, 1/116.

36. Same source 1/116

37. Al-Sawi, In the Language of the Traveler by the Closest Paths 1/13.

38. Al-Hattab, Mawaheb Al-Jalil 1/22

39. Ibn Ashour, Tafsir al-Tahrir wa al-Tanwir 2/334.

40. Al-Kharshi, Hashiyat Al-Adawi on Sharh Mukhtasar Khalil by Al-Kharshi 1/29
41. Ibn Ashour, Al-Tahrir wa Al-Tanwir 2/335.
42. Abdul Wahab Khallaf, Ilm Usul al-Fiqh, pp. 94-95
43. See: Al-Walati, Issal Al-Salik, p. 164
44. Al-Walati, Ismail al-Salik, p. 164
45. Mustafa Deeb Al-Bagha, Impact of Controversial Evidence, p. 339
46. Quoted from Moulay Al-Hussein, Methodology of Reasoning by the Sunnah in the Maliki Doctrine, p. 358
47. Al-Walati, Isal Al-Salik, p. 165, Al-Alawi Al-Shanqeeti, Nashar Al-Bunawad Ala Maraql Al-Saud 2/263
48. Ibn al-Hajib, Muntaha al-Wasool wal-Amal, p. 206, Shams al-Din al-Isfahani, Bayan al-Mukhtasar 3/275
49. See: Al-Juwayni, Al-Burhan 2/241, Al-Aamidi, Al-Ahkam fi Usul Al-Ahkam 4/153-154
50. Al-Sharif Al-Tilmisani, Key to Access, p. 746
51. See: Al-Baji, Al-Minhaj fi Tartib Al-Hajjaj, p. 139
52. Abdul Wahab Khallaf, Ilm Usul al-Fiqh, p. 95
53. See: Halolu, Al-Tasreeh fi Sharh Al-Tanqih, p. 943
54. See: Ibn al-Hajib, Muntaha al-Wasl wa al-Amal, p. 206
55. See: Al-Qarafi, Sharh Tanqih al-Fusul, p. 445, Halolu, Al-Tadhar fi Sharh al-Tanqih, p. 944.
56. Al-Juwayni, Al-Burhan 2/241, Abdul Aziz Al-Bukhari, Kashf Al-Asrar Sharh Usul Al-Bazdawi 3/217
57. Al-Zarkashi, Al-Bahr Al-Muhit 8/63-64

58. See: Al-Qarafi, Sharh Tanqih Al-Fusul, p. 445, Halolu, Al-Tawdhi fi Sharh Al-Tanqih, p. 946.
59. Al-Alawi Al-Shanqeeti, publication of clauses 2/264
60. Hassan Al-Mashat, Precious Jewels, p. 215
61. Al-Baji, Ihkam Al-Fusul 1/433, paragraph 446
62. Al-Baji, Al-Minhaj fi Artan Al-Hajjaj, p. 143, paragraph 296
63. Al-Zarkashi, Al-Bahr Al-Muhit fi Usul Al-Fiqh 8/57
64. Al-Alawi Al-Shanqeeti, publication of clauses 2/264
65. Abdullah bin Abi Zaid Al-Qayrawani, Anecdotes and Additions 1/5
66. Al-Qarāfi, Sharh Taqḥīf al-Fusūl, p. 445
67. Ibn Jazi, Taqrib al-Wusool, pp. 341-342
68. Al-Alawi Al-Shanqeeti, publication of clauses 2/264
69. Al-Baji, Al-Minhaj fi Artan Al-Hajjaj, p. 143, paragraph 296
70. Ibn Aqeel, Al-Wadhi fi Usul Al-Fiqh 5/210
71. Al-Aamidi, Al-Ahkam fi Usul Al-Ahkam 4/149
72. Ibn Taymiyyah, Majmo' al-Fatawa 20/14
73. Ibn al-Qayyim, Informing the Signatories about the Lord of the Worlds 4/92
74. Ibn al-Qayyim, Informing the Signatories about the Lord of the Worlds 4/92
75. Hatem Bey, Investigation into Issues of the Principles of Jurisprudence in Which the Transmission Differed from Imam Malik Ibn Anas, p. 445
76. Al-Qarāfi, Sharh Taqḥīth al-Fusūl, p. 445
77. Al-Walati, Ismail al-Salik, p. 164

78. Judge Ayyad, Tartib al-Madarik 1/42
79. Malik bin Anas, Al-Muwatta' 2/76, Malik bin Anas, Al-Mudawwana 1/146
80. Malik bin Anas, Al-Muwatta' 2/227, Malik bin Anas, Al-Mudawwana 1/170
81. Malik bin Anas, Al-Muwatta', Hadith No. 411, 2/173
82. Four bards: the plural of barid, which is 12 miles, and four bards equals 48 miles, and there is a difference in the amount of the mile. The correct view according to Al-Hattab is that it is three thousand five hundred cubits, and it is estimated at approximately 84 kilometers. See: Mawahib al-Jalil fi Sharh Mukhtasar Khalil 2/140-141
83. Malik bin Anas, Al-Muwatta', Hadith No. 495, 2/204, Malik bin Anas, Al-Mudawwana 2/207-209
84. The camels' resting place: i.e. their brooking by the water, "the sheep's resting place" i.e. their gathering at the end of the day in their sleeping place. See: Sharh al-Zarqani on al-Muwatta' 1/583.
85. Malik bin Anas, Al-Muwatta', Hadith No. 586, 2/236.
86. Malik bin Anas, Al-Muwatta', Hadith No. 769, 2/317
87. (Yahya said: I heard Malik dislike that) that is, following it with fire in a brazier or elsewhere; Because it is one of the slogans of pre-Islamic times, and because of the optimism it contains, and then it was said that it is forbidden, and some scholars said: Do not put the last of my provisions into my grave as fire, and it is also from extravagance, ostentation, and wasting money for the oud that burns. See: Al-Zarqani's explanation of Al-Muwatta' 2/80-81

88. Malik bin Anas, Al-Muwatta', Hadith No. 858, 2/352, in her lap, meaning: preventing them from disposing of it. Sharh Al-Zarqani on Al-Muwatta' 2/151

89. Malik bin Anas, Al-Muwatta, Hadith No. 858, 2/351, Malik bin Anas, Al-Mudawwana, 1/306

90. Malik bin Anas, Al-Mudawwanah 1/124

91. Malik bin Anas, Al-Muwatta, Hadith No. 135, 2/60, Malik bin Anas, Al-Mudawwana 1/122

92. Al-Tirmidhi included it in his Sunan on prayer, No. 313, and Malik in Al-Muwatta', No. 276, on the authority of Jabir bin Abdullah, who said: "Whoever prays a rak'ah in which he does not recite the Umm al-Qur'an, then he does not pray unless he is behind the imam." The wording is by Al-Tirmidhi, and he said: "This is a good and authentic hadith."

93. Ibn Bashir, Al-Tanbih 1/407,408

94. He is Abu Abdullah Muhammad bin Abdullah bin Abdul Hakam: the fourth of the Muhammadans and the chief scholar of scholars and established jurists. He accompanied Al-Shafi'i and took from him and wrote his books. He was firmly established in the doctrine of Al-Shafi'i and perhaps his words were preferred when the argument appeared. He heard from his father, Ibn Wahb, Ibn Al-Qasim and others, and Abu Bakr narrated from him. Al-Naysaburi, Abu Hatim Al-Razi, Abu Jaafar Al-Tabari, Ibn Al-Mawaz, and others. He wrote books on many of the arts of science, such as the book Ahkam Al-Qur'an, the book Conditions and Documents, his book in which he added to his father's summary, the book Briefing the Book of Ashhab, the book Sitting with Four Books, and the book Al-Rad Al-Shafi'i. And the Book

of Judges, and the Book of Cases and Evidence. He died in the middle of Dhul-Qi'dah in the year 268 AH, and it was said that he was born in the year 9 AH in the year 182 AH.. See: Ibn Farhun, Al-Dibaj Al-Madhab 2/163 et seq., Al-Shirazi, Tabaqat Al-Fuqaha', p. 99, Muhammad Makhlouf, Shajarat Al-Nour 1/ 101

95. Ibn Bashir, Al-Tanbih 1/428

96. It was included by Abu Dawud in Jihad, No. 2774, and the pronunciation is his, and Ibn Majah in Establishing Prayer, No. 1394, on the authority of Abu Bakra, on the authority of the Prophet - may God bless him and grant him peace - that whenever a matter of pleasure or pleasure came to him, he would fall down prostrating, thanking God.

97. Ibn Bashir, Al-Tanbih 1/511

98. It was included by Ibn Majah in Establishing Prayer No. 1393, and its author said: Its chain of transmission is authentic.

He included it at length within the hadith of the repentance of Ka'b bin Malik and his two companions, Al-Bukhari in his Sahih, No. (4418), Muslim in his Sahih, No. (2769), and Al-Nasa'i in "Al-Kubra" (11168) through narrations on the authority of Al-Zuhri, on the authority of Abd al-Rahman bin Abdullah bin Ka'b bin Malik, On the authority of his father Abdullah bin Kaab, on the authority of Kaab bin Malik. It is in "Musnad Ahmad" No. (27175).

99. It was included by Malik, No. 701, and the pronunciation is his, and Al-Bayhaqi in his Sunan, No. 866, on the authority of Hisham Ibn Urwa, on the authority of his father, that Omar Ibn Al-Khattab (recited a prostration while he was on the pulpit on Friday. So he came down and prostrated, and we

prostrated with him. Then he recited This is the next Friday, so the people prepared to prostrate. He said: On your messengers. God did not decree it for us, unless we willed. So he did not prostrate, and he prevented them from prostrating.) See: Malik bin Anas, Al-Muwatta' 2/288, Al-Bayhaqi, Al-Sunan Al-Saghir 1/308

100. Ibn Bashir, Al-Tanbih 2/512

101. Abd al-Razzaq narrated in his Musannaf 2/34, No. 2384, on the authority of Malik, who said: I was informed that a man came to Uthman ibn Affan with a man who had broken his nose, and he said to him: Pass in front of me during prayer, while I was praying, and I heard what I heard about him passing in front of the praying person, so Uthman said to him "You did no evil, my nephew. You wasted prayer and broke his nose." See it in Al-Muhalla by Ibn Hazm on the authority of Malik 2/131.

102. Ibn Bashir, Al-Tanbih 2/527

103. See: Ibn Abd al-Barr, Al-Tamheed 4/189

104. Same source 4/187. See also: Al-Bukhari in prayer, No. 493, and his pronunciation, and Muslim in prayer, No. 504, on the authority of Abdullah bin Abbas, who said: "I came riding on a donkey, and on that day I was about to have a wet dream, and the Messenger of God - may God bless him and grant him peace - was leading the people in prayer." From Mina to another wall, I passed between My hand parted the line, so I went down and sent the female donkeys to feed, and I entered the line, but no one denied me this."

105. Sahih Al-Bukhari on Friday, No. 903 and the pronunciation is his, and Sahih Muslim on Friday, No. 847

106. Narrated by Al-Darimi, No. 158, chapter on washing on Friday, and by Ibn Abd Al-Barr in Al-Tamheed 10/79.

107. It was included by Al-Bukhari in his Sahih on Friday, No. 882, and by Al-Tirmidhi on Friday, No. 494, and the wording is his, on the authority of Salem, on the authority of his father. While Omar ibn Al-Khattab was giving the Friday sermon, a man from the Companions of the Prophet - may God bless him and grant him peace - entered and said: What time? This he said is nothing but that I heard the call and I did more than perform ablution. He said, "And ablution as well, and I knew that the Messenger of God - may God bless him and grant him peace - commanded ablution."

108. Ibn Bashir, Al-Tanbih 2/624, 625

109. He has already graduated.

110 . Ibn Bashir, Al-Tanbih 2/527

111 . It was included by Al-Bukhari in his Sahih in Al-Adha, No. 5572, in which: Abu Ubaid said: Then I witnessed the Eid with Uthman bin Affan, and that was a Friday. He prayed before the sermon, then he delivered the sermon. He said: O people, this is a day on which two Eids have come together for you, so whoever likes to wait for Friday The people of Awali should wait, and whoever wishes to return, I have given him permission.

112 . Ibn Bashir, Al-Tanbih 2/635

113 . He is Ashhab bin Abdul Aziz bin Dawud bin Ibrahim Abu Omar Al-Qaisi Al-Amiri Al-Jaadi. His name is Miskin, and he is from the people of Egypt from the middle class, one of Malik's companions, and Ashhab is his nickname. He narrated on the authority of Malik, Al-Layth, Al-Fudayl bin Ayadh, and a group of others. It was narrated on the authority of Banu Abdul

Karim and Al-Harith bin Miskin and Sahnoun bin Saeed and a group. Al-Shafi'i said: I have not seen anyone more jurisprudential than Ashhab, and Ibn Abd al-Barr said: Al-Shafi'i did not meet any of Malik's companions in Egypt except Ashhab and Ibn Abd al-Hakam. He took from al-Shafi'i and Ibn Abd al-Hakam, and Ashhab was born in the year one hundred and forty, and it was said that it was the year fifty. One hundred and he died in Egypt in the year two hundred and four - eighteen days after Al-Shafi'i. See: Ibn Farhun, Al-Dibaj Al-Madhab 1/307,308, Muhammad Makhlouf, Shajarat Al-Nour 1/89.

114 . Narrated by Muslim in Prayer No. 395, with the wording: "Whoever prays a prayer in which he does not recite the Mother of the Qur'an, then it is a prematurity." Hadith

115 . It was included by Al-Bayhaqi in his Sunan Al-Kubra, No. (6957) 4/63, and Al-Shafi'i in his Musnad, p. 359, on the authority of Saeed bin Abi Saeed, who said: I heard Ibn Abbas reciting the Fatihah of the Book aloud at the funeral and saying: "I only did it so that you might know. "It is a Sunnah"

Al-Hakim narrated it with another wording in Al-Mustadrak, No. (1323), 1/510, on the authority of Saeed bin Abi Saeed, who says: Ibn Abbas prayed at a funeral and loudly praised God, then he said: "I only spoke loudly so that you would know that it is a Sunnah." This is an authentic hadith according to Muslim condition: "They have agreed upon The Companion's statement is a Sunnah, a hadith with a chain of transmission, and it has a witness with an authentic chain of transmission." Narrated by Al-Bukhari

116. Ibn Bashir, Al-Tanbih 2/673

117. It was included by Al-Bukhari in his Sahih in Fasting, No. 1950, and Muslim in Fasting, No. 1146, and the wording for it is on the authority of Aisha, may God be pleased with her, who said: "I used to be obligated to fast during Ramadan, and I could not make it up except in Sha'ban. The work was from the Messenger of God - may God bless him and grant him peace Peace be upon him - or by a messenger God - may God bless him and grant him peace."

118. Ibn Bashir, Al-Tanbih 2/742