# Significance of Necessity and Application Models for the Owners of the Six Books "Application Models"

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#### Abstract

Praise be to God, Lord of the worlds, and prayers and peace be upon the master of the messengers, our master Muhammad, and upon his family and companions altogether, and after,

It is not hidden from anyone that the Islamic Sharia has been transmitted to us through the book and the honorable Sunnah of the Prophet, and the Companions, may God be pleased with them, had the credit for reaching us, then the scholars came to divide the legal rulings, each according to his specialization, so the science of the principles of jurisprudence is considered one of those Sharia sciences and it is of importance In a place, I wanted to show in this research the significance of the requirement of the fundamentalists with applied models from the six books, so I divided the research into an introduction and two requirements. And if I err, it is from myself and our last prayer is that praise be to God, Lord of the worlds, and may God's blessings and peace be upon our master Muhammad and his family and companions.

**Keywords:** Fundamentals of jurisprudence, evidence of necessity, evidence, intention to act, intention to fast.

## INTRODUCTION

The indication of necessity in the language: (religion necessitated) his request and an order that necessitated it, and it is said to do what your generosity requires, what he demands from you, and from him is his right, and he must take it, and the imperative is indicated by (passed) the thing is technical and cut off, and it is said that its term has expired (1).

The meaning of necessity in the term:

Al-Shashi, may God Almighty have mercy on him, defined it as: "In addition to the text, the meaning of the text cannot be achieved without it, as if the text required it to be valid in itself (2)." And Al-Ghazali defined it: He is the one who is not indicated by the word, nor is it uttered by it, but it is from the necessity of the word, either in terms of the speaker being truthful only with it, or in terms of the existence of the utterance is forbidden according to the Sharia without it, or from where it is impossible to prove it logically except with it (3).

And Al-Razi defined it: that which is a condition for the meaning denoted by conformity (4).

And Al-Amidi defined it: what is signified in it is implicit, either for the necessity of the truthfulness of the speaker, or for the validity of the occurrence of the uttered in it (5). And Ibn al-Hajib defined it: It is what is necessary for it. If it is intended and the truthfulness, mental health, or legality depends on it, then it is an indication of necessity (6).

And Ibn Abd al-Shakur (7) - may God Almighty have mercy on him - defined it as: the indication of the utterance of what depends on its validity, rationally or legally (8).

Or it is the utterance's indication of an intended imperative for the speaker upon which the sincerity of the speech depends, or its mental health or legitimacy (9).

As for the definition of it by the early Hanafis, they are in agreement with the theologians, in making what depends on the sincerity of speech or its correctness rationally or legally, unlike the later ones, where they made what depends on the validity of speech as a legal requirement and made what depends on the truthfulness of speech, or its correctness rationally from the omitted and not from required.

The requirement according to the Hanafi predecessors is the addition of its quotient to the text, the meaning of the text cannot be achieved without it, and it is as if the text required it in order to achieve its meaning in itself (10).

The majority of the speakers and the predecessors of the Hanafis agreed on making the omitted from the door of the requisite, and they did not differentiate between it and the deleted, as did the later Hanafis, as they differentiated between the requisite and the deleted. In itself, it means that what is required has three types, as we mentioned in the second requirement, types of what is required (11).

Sheikh Abdul-Aziz Al-Bukhari said: "Know that most of the fundamentalists among our companions and all the companions of Al-Shafi'i and all the Mu'tazilites classified what is implied in speech to be correct into three categories, what is implied by the necessity of the speaker's truthfulness, what is implied for its validity rationally, and what is implied for its validity by law, and they called everything dictated" (12).

Therefore, the definitions of fundamentalism mentioned by some of the scholars of the fundamentals of the indication of the requirement are three types, which are what depends on the sincerity of the speech, its soundness in reason, or its soundness in the Shari'a.

As for the later Hanafi scholars, including al-Sarkhasi, he said in defining what is required: It is an addition to what is stipulated, which is required to be presented in order for the system to become useful or necessitating judgment, and without it the system cannot be implemented, and what must be appreciated for the truthfulness of the speech or its mental health, they made it from the category of omissions, not what is required. (14).

## Ruling, Arranging It

The ruling established by the indication of the requirement is an argument like the rest of the indications by which it is inferred to prove the rulings and meanings, and it is intended to mention the word as truthful or obtainable, and the origin depends on it, that is, the speech depends on it; Because it is a sign of commitment, and a sign of commitment is an argument (15).

Al-Isfahani (16) said: "As for its weighting over the sign, it is because the requirement is intended to indicate the word as true or attainable, and the origin depends on it, unlike the sign, which was not meant by the mention of the word, even if the origin depended on it. The origin depends on it, and as for its weighting over the concept, it is because the requirement is definite by its stability, and the concept is thought to be proven, and therefore some of those who said the requirement did not say the concept (17). Arrangement: The majority of speakers presents the indication of the requirement over the indication of the sign, except for the Hanafis, who present the indication of the indication in order over the indication of the requirement, and the reason is that the indication of the requirement for the public is in the first place among the indications of the non-express utterance, especially when the conflict between the sign and the gesture, while the Hanafis, they made it from the last The indications are the last of the indications in the Hanafi divisions, and they do not refer to them except when necessary (18).

Applied models of the indication of necessity in the six books

The first issue: the intention to act

So his emigration is for God and His Messenger, and whoever emigrated for worldly gains or for a woman to marry, then his emigration was for a place of refuge." (9)

Al-Bukhari, may God have mercy on him, opened with it in his book Al-Sahih, and Al-Nawawi opened with it in his book Riyad as-Salihin, and many scholars opened their books with this hadith. Because the intention is the basis of religion, and the foundation of deeds, and it corrects actions, so that is why they used to open their books with this hadith, and this hadith is one of the most authentic hadiths, until some of the people of knowledge said: It is half of the religion, and a group of scholars said: This hadith is a third of Islam and some of them said: It is A quarter of the debt, being half of the debt, because it contains internal reform (20).

The aspect of evidence: The hadith, in its narration, indicates the denial of action except with the presence of intention.

And the hadith indicated by the indication of necessity that there is a necessary estimate for the validity of the speech to stop, so some of them estimated the validity and some of them estimated the perfection. That is: deeds are remunerative or considered with intentions, or their validity or consideration is with intentions, so the genitive has been deleted and the genitive has taken its place, so ablution, washing, or tayammum is not valid except with intention, and Abu Hanifa and those who agreed with him went to the estimate of perfection, that is, the perfection of deeds with intentions, so ablution is valid And washing without intention, and tayammum is valid only with the intention (22).

His saying  $\Box$ : (So whoever emigrated to God and His Messenger, then his emigration was to God and His Messenger) (23) omitted estimation means: intention and intent, i.e. reward and reward; Because the condition and the penalty unite, and the difference between them: that the first is in consideration and the second is in consideration; because the condition agrees with the penalty; But this has a condition and this has a condition, and it is not said: It is something repeated that does not result in fruit, and fulfillment in his saying: (his migration to God) falls into the answer of the condition, and the condition and the penalty are united in the wording. The principle in both of them is variation, and the answer to that is that variation is in the wording, and it is the most, and it is in the meaning as here, because the meaning intended in his saying: (So whoever emigrated to God and his means) i. "And whoever emigrated for worldly gains or for a woman to marry, then his emigration is for what he emigrated for." And his saying: (to the world) is an adjective for a descriptive omission that is derived from the deno, which is closeness, and in it is an omitted predicate added to the world, meaning attainment of a world or attainment of a world, and what is established among the people of Arabic: The condition, the penalty, the initiator, and the news must differ, and here the union has occurred and its answer is, "So whoever emigrated to God and Messenger" intentionally His and

purposefully, "his migration is to God and His Messenger" legally and legally (24).

And it was narrated that this came about a man who was betrothing a woman in Makkah, so she migrated to Madinah, so he followed her with a desire to marry her, and it was said to him: Muhajir or Qais (25).

Is the requirement of the text assessed general or specific?

The Hanafis said: Nothing is related to it except the judgment of the hereafter in terms of reward, for it is intended by consensus. The acts of worship that are related to reward are not valid by themselves except with intention. Our scholars regarding the one who said to his wife: "You are divorced" and intended three times for her: It is not valid, and Al-Shafi'i said: It is valid, because his saying: "You are divorced" inevitably necessitates a divorce. In his saying: Divorced, because it is an adjective for an individual who does not bear the three. but it is valid in divorce because it is a noun that bears the generality and the specificity, and the divorce is not stipulated for it, but it is required by the text, and what is required is not a generality because it is proven with us, but rather it is proven to the extent that the necessity of the text rises, and its necessity rises by its proof in the right He divorced to take place because the adjective is not established without the infinitive, so it is not established in the case of the three-fold intention, because the attribute is valid without the three, so the necessity established in the case of the three-fold intention was not established, and it was not established in her right (26).

The preponderant opinion: what the majority went to: "The estimate in: There is no action except with intention. It is not meant to negate the action itself, because it may exist without intention. Rather, what is meant is: negating its rulings, such as validity and perfection. And because the word denotes the negation of the Essence by explicitly and the negation of the Attributes by consequence, so when the evidence prevented the negation of the Essence, its indication of negating the Attributes remained continuous. A subject or a verb, then the word action includes the action of the limbs, even the tongue, so the words enter." This is what the hadith indicates with the indication of necessity.

The second issue: the ruling on reciting Al-Fatihah in prayer

On the authority of Ubadah bin Al-Samit (28): The Messenger of God (peace be upon him) said: "There is no prayer for the one who does not recite the Opening of the Book" (29).

Evidence: The hadith, in its explicit narration, indicates that the same prayer is not accepted without reciting Al-Fatihah. His saying: (There is no prayer) is a negation, and the basic principle in negation is that it is a negation of existence. If it is not possible, then it is a negation of validity. These are the degrees of negation, and you may find there someone who prays without reading Surat Al-Fatihah, as this indicates that he cannot be led to negate existence (30), so here remains the assessment of the hadith on which the veracity of the words depends: (There is no valid prayer) or (There is no complete prayer Based on this, the scholars differed as to whether the negation is valid or perfect, because the wording implies both (31).

The majority went to say that the requisite is general, and the requisite in the hadeeth is assessed by the word (correctness), so the requisite is general (no valid prayer). Reciting Al-Fatihah in prayer is one of the pillars of prayer, and the prayer is invalidated if it is devoid of reciting Al-Fatihah (32).

The Hanafis went on to say, according to the discretion of the necessities, (there is no complete prayer). Therefore, reciting Al-Fatihah for them is not one of the pillars of prayer, and failure to read it does not

necessitate, according to them, the validity of the prayer, rather it nullifies its perfection (33).

The majority quoted as evidence the hadith of Abu Hurairah ( $\Box$ ) that the Messenger of God (peace be upon him) said: (Whoever prays a prayer in which he does not recite the mother of the Qur'an, then it is prematurity, three times, not complete) (34).

This is an indication that the incomplete prayer is not called a true prayer and is not fragmented (35).

The Hanafis inferred the hadith of the one who prayed badly, because he, may God's prayers and peace be upon him, said: "If you stand up for prayer, perform ablution thoroughly, then face the qiblah, say takbeer, then read what is easy for you from the Qur'an"(36).

The hadeeth indicates that it is obligatory to read absolutely, as the Qur'an indicates, and if reading Al-Fatihah was obligatory or a pillar, he would have taught it, due to his ignorance of the rulings and his need for it(37).

The most correct opinion: What the majority went to say in the generality of what is required, and what is required in the hadith is estimated by the word of validity, because reading Al-Fatihah in prayer is one of the pillars of prayer, but if he does not realize the time that is sufficient to read Al-Fatihah, and he recites, for example, two verses, then the imam says the takbir and bows with him; Because this is what you realized, and this is what God entrusts you to read, and the excess of this is not obligatory for you; because you did not realize enough time and the imam is carrying; He said - may God's prayers and peace be upon him -: ((The imam is responsible)) (38) and the Sharia waived this as in the authentic hadith: "Whoever catches up with a rak'ah of the prayer has caught up with the prayer" (39), and as for the first case, if he catches up - for example - He spent some time and recited the opening supplication, then

recited some of Al-Fatihah and bowed with the imam. Because the rak'ah is not valid without a Fatiha, and whoever prays behind an imam and catches time for reciting Al-Fatihah and does not read it and kneels before reciting it, he is obliged to make up that rak'ah; because his kneeling is not valid without Al-Fatihah; As he said - may God's prayers and peace be upon him -: (There is no prayer for the one who does not recite the Opening of the Book) (40), and God - the Almighty - knows best (41).

The third issue: establishing the intention to fast from the night

On the authority of (Hafsa) (42) the husband of the Prophet, may God's prayers and peace be upon him, is that the Messenger of God, may God's prayers and peace be upon him, said: "Whoever does not gather."

The hadith indicates, in Evidence: its narration, the denial of the existence of fasting if fasting does not combine before dawn, but this hadith needs an estimate of the validity of the speech (Sharia), because there may be an image of fasting without intention, so this necessitate must exist for the existence of a requisite, so whoever says the generality of the requisite can estimate (No fasting is valid) or (No fasting is acceptable) and whoever does not say in general what is required can (no) negate perfection rather than negate validity, so he says that it is permissible to fast if fasting is not combined before dawn (44).

Scholars' Sayings: Scholars differed regarding the issue of establishing the intention to fast

The first saying: Fasting is only valid with the intention of consensus, whether obligatory or voluntary, because it is a pure act of worship, so the intention is lacking, like prayer, then if it is obligatory, such as fasting Ramadan in performing it or making it up, vows and expiation, it is stipulated that he intends it from the night, and with that said Imam Malik, Imam Shafi'i and Imam Ahmed (45).

They quoted as evidence: His saying (peace be upon him): "Actions are but by intentions" (46), and his saying (peace be upon him): "Whoever does not fast at night, he is not allowed to fast" (47); And because it is an obligatory fast, so it lacks intention from the night, like making up for prayer, by analogy with prayer and pilgrimage, and because fasting is linguistically and legally abstaining.

The second saying: It suffices to fast Ramadan and every specific fast with the intention of the day, and it was said by Abu Hanifa (49).

They reasoned: The Prophet, may God's prayers and peace be upon him, sent the day after Ashura to the Ansar villages around Medina: (Whoever was fasting in the morning, let him complete his fast, and whoever was fasting in the morning, let him fast for the rest of his day, and whoever did not eat, let him fast) (50) and it was an obligatory fast, and because it is not fixed in Dhimma is like voluntary (51).

Voluntary fasting is permissible with the intention of the day, according to Imam Abu Hanifa, Imam Al-Shafi'i and Imam Ahmed, and Imam Malik and Daoud said: It is not permissible except with the intention of the night (52).

And they inferred: For voluntary fasting, according to the hadeeth of Aisha - may God be pleased with her - where she said: The Messenger of God, may God's prayers and peace be upon him, said to me one day: O Ayesha, do you have anything? She said: So I said: O Messenger of God, we have nothing. He said: I am fasting. She said: So the Messenger of God, may God's prayers and peace be upon him, went out, so you gave us a gift, or a falsehood came to us. She said: When the Messenger of God, may God's prayers and peace be upon him, returned, I said: Oh Messenger God, you gave us a gift, or falsehood came to us, and I hid something for you, he said: What is it? I said: Hays, he

said: Bring it, so I brought it and he ate, then he said: I was fasting in the morning (53), which indicates that the intention is not required for voluntary fasting (54).

The preponderant opinion: What the people of the first opinion went to, that not making the intention clear for fasting is the denial of validity, not the negation of perfection, so it is necessary to make the intention clear in fasting, and this is indicated by the evidence of necessity, "The evidence of the Hanafis is considered one of the far-reaching interpretations in his saying - may God's prayers and peace be upon him -: "There is no fasting for the one who does not spend the night fasting." (055) It is used in languages, and it is obligatory and voluntary, without what is obligatory by accident, and its occurrence is rare: it is the decree and the vow." 056).

The fourth issue: Prayer is not accepted without ablution

On the authority of Abu Hurairah  $(\Box)$  (57), on the authority of the Prophet (peace and blessings of God be upon him), he said: "God does not accept the prayer of anyone of you if he has broken his fast until he performs ablution" (58).

The face of the indication: In the hadith, it is necessary to appreciate the deletion, which is: God does not accept the prayer of any of you if he breaks his fast until he performs ablution and prays. As it is impossible to accept a passive prayer, and this is indicated by the evidence of necessity (59).

So every person who performs ablution and every person who purifies himself in principle is that he prays and prayer is permissible for him, and for this reason the Prophet (peace and blessings of Allaah be upon him) referred to this generalization derived from causation and the sign established by the Shari'ah in his saying (peace be upon him): ((Purity is half of faith)) (60) so he made half of the prayer based on The existence of purification, which is the act of purification. If purification is found, it is permissible and permitted, as if purification is a sign of permission only, but it is not obligatory. A person may perform ablution and not pray. However, at the beginning of Islam, ablution was necessary when standing for each prayer, and this is referred to in the verse of al-Ma'idah: (61) Then it was abrogated in the hadith of the trench that the Prophet ( $\Box$ )) performed more than one prayer with one ablution, so the matter became On mitigation and facilitation (62).

The fifth issue: A warning to the people of the heels from the torment of the Fire

On the authority of Abdullah bin Amr bin Al-Aas (63), Abu Hurairah and Aisha (may God be pleased with them) who said: The Messenger of God (PBUH) said: "Woe to the heels from the Fire" (64).

The point of evidence: his saying  $\Box$ )): "Woe to the butts from the fire" is estimated to be omitted in it, i.e.: for the owners of the butts who are negligent in washing them, and he meant that the heel is singled out for punishment if he failed to wash it, and the heel: what hits the ground from the back of the man to the place of the snare, and there is evidence for it It is obligatory to wash the feet during ablution, and it is transmitted from the act of the Messenger of God, may God's prayers and peace be upon him)), and the act of the Companions, may God be pleased with them (65).

Scholars took from it evidence for the prohibition of negligence with regard to some parts of ablution. - upon him be peace and blessings -: (Woe to the heels from the Fire): There is evidence that the scholar and the seeker of knowledge should explain to people their mistake if they make a mistake and guide them to the right thing in what they do, because the Prophet - may God's prayers and peace be upon him - when he saw these companions had failed to wash their members Warn them of this threat" (66).

The sixth issue: the purity of the utensil in which the dog sucks

On the authority of Abu Hurairah (may God be pleased with him), he said: The Messenger of God (peace and blessings of God be upon him) said: "If a dog drinks from the vessel of one of you, let him wash it." (6)

On the authority of Abu Hurairah, he said: The Messenger of God, may God's prayers and peace be upon him, said: "The purification of one of you, when he is canceled in it." Pronunciation of a Muslim

On the authority of Ibn Al-Mughaffal, he said: The Messenger of God, may God's prayers and peace be upon him, ordered the killing of dogs, then he said: "What is the matter with them and the dogs?" Then he permitted a hunting dog and sheep dog, and said: "If a dog licks the vessel, wash it seven times, and dust it the eighth time." (9) Pronunciation of a Muslim

Significance: The hadeeth necessitated the existence of two omitted estimations

The first: It is (spilling) i.e. spilling what is in it before washing it and strengthens that as Abu Hurairah (PBUH) said: The Messenger of God, may God's prayers and peace be upon him, said: "If a dog licks the vessel of one of you, let him spit it out, then let him wash it seven times" (70), which is It strengthens the saying that washing is for impurity, as spilling is more general than water or food. If it was pure, it was not ordered to spill it to prevent wasting money, so he mentioned washing, spilling and purification, and all of this indicates the impurity of dog's leftover, and it is not permissible to perform ablution with it(71). The second: The text necessitated an omitted estimation, which is the use of (water) to wash the vessel and remove impurity, so the meaning of the hadeeth is (if a dog licks the vessel of one of you, "let him spit it out," then wash it "with water" seven times)

Benefit: There is no difference between (drinking and licking). Some scholars say: drinking is for other than dogs and lions, which is to lick water as a burden, and licking: it is to take water with the tip of its tongue, so if there is something dry in the pot such as flour or bread, then it is said: licking, and if it is The container is empty, so it is said: licking, so penetration: is the dog eating the liquid in the container with the tip of its tongue, and this is its nature, and drinking is more general, because drinking is licking and increasing, so: licking and drinking, there is no contradiction between them (72).

The scholars differed on the issue of the number of ablutions, and they are of two opinions

The majority said: The vessel should be washed seven times because of his saying (the purification of one of you's utensils, if a dog licks them, to wash them seven times, first of them with dirt) (73).

Abu Hanifa and his companions said: The number is not considered, but it is washed until it is most likely that it is pure from impurity, like all other impurities (74).

They quoted as evidence: a hadith narrated by Abd al-Wahhab ibn al-Dahhak on the authority of Ismail ibn Ayyash on the authority of Hisham ibn Urwa on the authority of Abi al-Zinad on the authority of al-Araj on the authority of Abu Hurayrah on the authority of the Prophet, may God's prayers and peace be upon him, about a dog that boils in the vessel. He said: (He washes it three, five or seven times) (75). The most correct opinion: What the majority went to on the obligation of washing seven times. As for the answer to what was invoked by Abu Hanifa, it is that it is a weak hadith with the agreement of al-Hafiz, because its narrator Abd al-Wahhab is unanimously agreed on its weakness and left it. Al-Bukhari said in his history, he has wonders, and this is also one of the weakest expressions. Abd al-Rahman bin Abi Hatim, the imam of this art, said, "My father, Abd al-Wahhab was lying. (76).

## Conclusion

Praise be to God, Lord of the worlds, and prayers and peace be upon our Master Muhammad and his family and companions altogether, and after, this is a conclusion in which I summarized the most important of what came in the research

1- Combining the study of the science of the principles of jurisprudence with the science of hadith is of great importance in developing the faculty of the researcher in deriving jurisprudential rulings, and this indicates the greatness of our noble Sharia and that the sciences of Sharia are interconnected among themselves.

2- My study of the semantics of the words in the six books is a statement of the importance of the Sunnah of the Prophet in terms of the semantics of the words, and that it is not limited to studying the surahs of the Holy Qur'an only.

3- The six books have advantages and characteristics for each one of them mentioned by Imam Al-Sakhawi, so Sahih Al-Bukhari is distinguished by the power of its deduction, and Sahih Muslim is distinguished by its collection of methods in one place on a good manner. and Sunan Abi Dawud is distinguished by the abundance of hadiths of rulings, until it was said that it is sufficient for the jurist, Sunan Al-Tirmidhi and is distinguished by a statement Doctrines and judgment on hadiths and reference to what is in the chapter of hadiths, and Sunan al-Nasa'i is distinguished by referring to the possibility and good mention of it, and as for Sunan Ibn Majah, it contains a lot of weak and in it the subject.

4- It became clear to the researcher that the connotation of conformity is purely positivist, in which there is no need for the mind to move from the utterance to the meaning, as it is defined purely as the utterance, unlike what has the connotations of inclusion and commitment, because they are rational in the sense that they require the mind to move from the meaning to its part or necessary, and this was clear from through application models.

5- It became clear to the researcher through the study of the utterance, the concept, and the applied models, the great importance of the semantics of words in the science of the principles of jurisprudence. The relationship of the science of jurisprudence with other sciences such as the science of Arabic language, science of logic and science of interpretation.

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