

Violations of the Shafi'is of the Malikis in the book “Nihaayat al-Muttalib” in the study of the doctrine of Imam al-Juwayni

Dr. Noman Sarhan Attia Al-Raway

College of Islamic Sciences, University of Fallujah, dr.nomaan@uofallujah.edu.iq

Sarah Hashem Assaf Awwad

College of Islamic Sciences, University of Fallujah, isl.h2219@uofallujah.edu.iq

Abstract

Praise be to God, Lord of the worlds, and prayers and peace be upon the Seal of the Prophets and Messengers, Muhammad, peace be upon him And yet:

This research talks about the disagreement between the schools of jurisprudence, so the book “Nihaayat al-Muttalib fi Derayat al-Madhab” is one of the most important books of the Shafi'i school, where it is specialized in mentioning the dispute. In this research, I mention the disagreement between the Shafi'is and the Malikis in the Book of Hunting and Slaughter, and it consists of three issues. Controversy in the book hunting and sacrifices.

Introduction

Praise be to God, Lord of the worlds, and prayers and peace be upon the Seal of the Prophets and Messengers, Muhammad, may God's prayers and peace be upon him, whom God sent as guidance and good tidings to the worlds, and upon his family and companions.

But after...

Hunting is considered one of the ancient professions known before Islam, as the ways and means through which it hunted differed, and when the Islamic religion appeared, it specified permissible methods and methods for hunting, as it required the intention and naming before throwing at the beast, so it is not permissible to eat the game because the name of God is not mentioned upon him, and Islam has permitted it The use of arrows and other things in shooting at the hunt, as well as the use of trained dogs for hunting while adhering to some things in order to permit hunting dogs or

bringing them in, so it is permissible in hunting to be barren without specifying a place for slaughter unlike the human carcass. The means and clarification of the slaughtered animals that may or may not be eaten, such as those of the People of the Book, and the clarification of the place of slaughtering in the domestic animal, and the slaughtering in four places: the throat, the esophagus, and the two jugular veins. It is permissible only by slaughtering by cutting off the place specified for slaughtering, as the Sharia has explained it as well as the wisdom of that.

importance:

Hunting and slaughtering are of great importance in human life, as it is one of the important topics that must be studied and knowledge of the permissible ways and means that are indicated by the Sharia, as well as the importance of knowing the reason for the disagreement between the jurists and knowing

its importance. Important books in jurisprudence violations.

Reason for choosing the topic:

1- The importance of studying the jurisprudential disagreement and knowing the reason for the disagreement between the jurists.

2- Because the book is of great importance, it is one of the important works in the Shafi'i school of thought.

3- Because there is no previous study of the Shafi'i violations of the Malikis in the book *Nihaayat al-Muttalib fi Diriyat al-Madhab*.

Research Methodology:

1- I traced the disagreement between the Shafi'is and the Malikis, so I mentioned the Shafi'i school of thought in the first saying and the Maliki school in the second saying that the dispute is between these two schools of thought and I mentioned other schools of thought.

2- I documented the sayings of each doctrine from the original confiscation and mentioned the evidence of each doctrine, then I made the weighting.

3- I mentioned the reason for the disagreement in each issue, and limited myself to mentioning the disagreement between the Shafi'is and the Malikis because it is the basis for this research.

4- I mentioned the Quranic verses with mentioning the name of the surah and the number of the verse.

5- The hadiths of the Prophet came out, so if the hadith was from the Two Sahihs, I contented myself with mentioning the source, the book, the chapter, and the number of the hadith.

6- I translated the media who were mentioned in the research who needs to be introduced.

7- Cities and strange words mentioned in this research were translated.

search plan:

was divided into an introduction, two sections and a conclusion, which are:

the introduction

- The first topic: the life of Imam al-Juwayni and his approach in the book *Nihayat al-Muttalib fi Derayat al-Madhab*.

topic: the life of Imam al-Juwayni (may God have mercy on him)

requirement: his methodology in the book *Nihayat al-Muttalib fi Derayat al-Madhab*.

- The second topic: Controversial issues in the book of hunting and sacrifices of Imam al-Juwayni (may God have mercy on him) in the book *Nihayat al-Muttalib* in the study of the doctrine.

requirement: If he shoots an arrow at a particular game, it hits another.

requirement: the slaughter of the medial beast if it strays.

requirement: cutting jugular veins when slaughtering.

topic: a brief summary of the life of Imam al-Juwayni (may God have mercy on him) and the definition of the book *Nihaayat al-Muttalib* in Familiarity with the Doctrine and its methodology. It consists of two requirements:

requirement: a brief summary of the life of Imam al-Juwayni (may God have mercy on him)

First: His name, genealogy, and birth: Abd al-Malik ibn Abdullah ibn Yusuf ibn Abdullah ibn Yusuf ibn Muhammad Hayawih al- Juwayni, so he attributed it to al-Juwayni to Juwayn the place of his birth, and it goes back to the tribe of Sanbis from the Arabs, and it was also attributed to Nishapur; Because he lived in it after his return from the Hijaz, so he sat there to teach and teach for a period of thirty years. He used to give sermons and stand on the pulpit and teach, and the preaching council on Friday. Imam al-Juwayni was born in the year (419 AH), in June, and it was said: He was born in Muharram in the year (417 AH) And it was said that he was born in the year (410 AH), and the correct view is that he was born in the year (419 AH).

Secondly: His title and nickname: Imam of the Two Holy Mosques, and the reason for his nickname is because he was close to Makkah for four years, giving fatwas and studying and leading in the Two Holy Mosques, and Diaa al-Din, and his nickname: Abu al-Ma'ali.

Third: His Upbringing: Imam Al-Juwayni brought him up in a family that had a passion for knowledge. The mother of Sheikh Al-Shafi'i was a pious and ascetic scholar. Knowledge is beneficial in various sciences, and when his mother died, he took his place and took up teaching, and learned the fundamentals of jurisprudence and the fundamentals of religion at the Al-Bayhaqi School at the hands of Abi Al-Qasim Al-Isfarayini (may God have mercy on him). He was one of the scholars and imams known for their knowledge, and he moved to Hijaz, and lived in Makkah for four years, giving fatwas and teaching, and after that he returned to Nishapur, and he stayed to teach for thirty years in the regular school, and he studied and agreed with many imams at his hand, and he had many trips in order to seek flag.

Fourth: His death: Imam al-Juwayni, may God have mercy on him, passed away several days after he contracted a disease called jaundice. Because of his illness, he stopped teaching and learning circles, and he recovered from it. His students rejoiced in that, but soon the disease returned and became severe. He died in the year (478 AH), at the age of (59)., on the twenty-fifth of Rabi' al-Akhir on Wednesday night at dinner time, and he was transferred to Nishapur and prayed for him there, and his pulpit in the mosque was broken and the markets were closed for his death. He had many students, so they broke their pens, and he lamented with many poems.

requirement: Introducing the book "Nahayat Al-Mattalib" and its methodology:

First: Introducing the book Nihaayat al-Muttalib fi Dirayat al-Madhab: It is a great book and is considered one of the most important books of the ancient Shafi'is. Investigating issues and eliciting ambiguities, and he did not classify a few like it in Islam, and after he completed it, he held a council and it was attended by many great imams and they praised him and praised him, and the people of his time admitted that he had not been classified like it, and it is one of the most important books of Shafi'is, in which he explained the texts of the Imam Al-Shafi'i (may God have mercy on him) made it the basis for deriving rulings and mentioning issues and branches and the reason for choosing this name. Because it is intended to perform a meaning , this name was given to it, which indicates its content.

Secondly: His approach in the book Nihayyat al-Muttalib fi Derayat al-Madhab:

1- Collecting the sayings of Imam Al-Shafi'i: He mentions the sayings of Imam Al-Shafi'i (may God have mercy on him), makes them a

foundation, has branches, and derives from them rulings. way of detection”.

2- Graduating issues in which the ruling of the imams was not mentioned on the rules of the madhhab: Imam al-Juwayni mentioned in the introduction to his book *Nihaayat al-Muttalib* that he graduated the issues in which he did not find a ruling in the madhhab on the basis that he graduated them according to the rules of the madhhab. The doctrine of the imams, I took it out on the rules, and I mentioned the paths of possibility in it according to the amount of my knowledge and understanding”.

3- Editing the Shafi'i madhhab: This book is considered one of the first books in editing the Shafi'i madhhab, so its name indicates its content, as it is intended to perform a meaning and achieve an end. The science of the madhhab is knowledge.”.

4- Mentioning the disagreement of the adherents of the well-known and well-known madhhab: He mentions the different aspects of the madhhab and chooses the saying that is closest to the correct one, mentioning the evidence and clarifying what is adopted in the madhhab by saying: “The madhhab is such and such.” It was mentioned in the introduction: “What is known about the disagreement of the companions, I mentioned it, and what He mentioned in it a strange and measured face, I mentioned its roundness and analogy, and if it joined its cycle of double analogy, I pointed out to him by mentioning the correct one, saying: “The doctrine is like this.” He mentions the disagreement of the companions, and the approved faces in the doctrine, pointing to what deviates from his circle and the weakness of his analogy from the doctrine, “so he mentions Strong and weak sayings.

5- Mentioning the Shafi'i madhhab and other schools of thought while confining it to the

rooting and preservation of the Shafi'i madhhab: Imam al-Juwayni mentioned in writing what his madhhab clarifies in order to be rooted and memorized. One of the issues: “And we mention the origins of the Abu Hanifa school of thought, and the purpose of mentioning them is to be a restriction for our school of thought in memorization, because something may be memorized by mentioning its opposite”.

The second topic: the controversial issues of Imam al-Juwayni (may God have mercy on him) in the book “*Nihaayat al-Muttalib fi Derayat al-Madhb*” in the book *Hunting and Slaughter*, and it consists of three demands:

first requirement: Shooting a game with an arrow, and there is one issue in it

If he shoots at a hunter and hits another

There is no difference of opinion among the jurists regarding the permissibility of hunting with arrows and every specific, due to the Almighty saying: {And when you are free, hunt} However, they disagreed with regard to the one who shot an arrow at a game, and hit another, is it permissible to eat it, or not, based on three opinions:

The first saying: It is permissible to eat it absolutely, if it is from the same side, whether it was present at the time of transmission or not, and it is the saying of the Shafi'is (), and the Hanafis, and the Hanbalis, agreed with them. (May God have mercy on them all).

Their argument:

1- said: { So eat of what they keep for you, and mention the name of God over it, and fear God, for God is swift in reckoning }.

Evidence: The verse indicated the generality and was not specified, so it is not necessary to specify the share in sending, rather it is

sufficient to name it, and by analogy with the one who sent an arrow to a group and hit one of them, it is permissible to eat it. Because teaching it to a specific one is not possible, and if the designation falls, it is permissible.

2- On the authority of Abu Thalabah al-Khashni, he said: The Messenger of God said to me Peace be upon him: ((O Abu Thalabah, whenever your bow and your dog return to you, they are more than Ibn Harb, the teacher and your hand, so everyone is smart, and not smart)).

Evidence: The hadeeth indicates that it is obligatory to say Bismillah when stoning, not when eating, and when it is slaughtered, i.e. when it is alive and slaughtered.

The second saying: It is not permissible to eat it. Because when shooting, he did not intend to catch it, which is the saying of the Malikis, and some of the Shafi'is agreed with them in the face of (may God have mercy on them all).

Their argument:

1- On the authority of Omar Ibn Al-Khattab (may God be pleased with him), he said: I heard the Messenger of God Peace be upon him says: ((Actions are only by intentions, but each person has what he intended, so whoever emigrated for worldly gains, or for a woman to marry, then his emigration is for what he emigrated for)).

Evidence: The hadith indicates that action and deed, in order to be accepted, must be based on a pure intention to God Almighty.

The third saying: If the shooting situation sees the injured and the swarm is a solution, otherwise not. It is one of the faces of the Shafi'is.

Their argument:

1- If he wants to hunt, and shoots an arrow, it is not permissible for him to eat it if he does not see the hunting when shooting; Because the intention does not work except by seeing.

The reason for the disagreement between the Shafi'is and the Malikis:

Imam al-Shafi'i (may God have mercy on him) held the view that it is permissible to eat the game. So eat of what they keep for you, and mention the name of God over it, and fear God, for God is swift in reckoning. Malik attached the intention in this place, so it is not permissible to eat it and inferred His saying, peace be upon him: ((Actions are but by intentions, but each person has what he intended, so whoever emigrated for worldly gains, or for a woman to marry, then his emigration is for what he emigrated for)).

The preponderant saying: After examining the sayings of the jurists and their evidence, it becomes clear that the first saying is preponderant: It is permissible to eat it if it is from the same side, whether it was present at the time of sending, or not, for the generality of the Almighty's saying: { So eat of what they hold for you, and mention the name of God over it, and fear God. Indeed, God is swift in reckoning }, and because he intended to hunt, and he called when shooting an arrow, so it is permissible to eat it.

The second requirement: the stray human beast, and there is one issue in it

The slaughter of the domestic animal if it wanders

unanimously agreed that if a person was named, slaughtered in what is permissible for slaughter, cut the esophagus, throat, and two jugular veins, and drained the blood, it is permissible for him to eat the sheep, but they differed in slaughtering the human animal if it

strayed, and he was not able to do it, according to two sayings:

The first saying: If the domestic animal strays, it is permissible to annihilate it, and it may join the hunt, which is the saying of the Shafi'is, and agreed with them. The Hanafi and the Hanbali, and he said the Dhahiriyyah, the Imamiyyah, and the Zaidi, and to him the Ibadites went, and he said: Ali bin Abi Talib, Ibn Masoud, Ibn Omar, Ibn Abbas, and Aisha (may God be pleased with them).

Their argument:

1- On the authority of Abu al-Ashra', on the authority of his father, he said: I said: ((O Messenger of God, is the slaughtering only in the throat and the pulp, he said: If you stabbed it in the thigh, it would reward you)).

The aspect of the evidence: The hadith indicates that zakat is confined to them, but necessity permitted that.

2- On the authority of Rafi bin Khadij, he said: I said to the Prophet Peace be upon him: ((We will meet the enemy tomorrow, and we do not have a range, so he said: As long as the blood flows and mentions the name of God, then eat, as long as it is not a tooth or a nail, and I will tell you about that: As for the tooth, it is bone, and as for the nail, it is the extent of Abyssinia, and the people quickly advanced, and they took from the spoils, and the Prophet He, peace and blessings of Allah be upon him, was among the last of the people, so they set up pots, and he commanded them to be filled, and he divided them among them, and he equalized a camel with ten sheep.).

Evidence: The hadeeth indicated that the animal that may be eaten is of two types: savage and capable of slaughtering it. The savage shoots it with an arrow, and if it dies, it is permissible to eat it unanimously. As for the

human, he does not eat except by slaughtering the pulp and the throat. Either the female, if she is savage by a camel, mare, or cow, then it is like hunting, so it is permissible to send each on it. Or throwing an arrow at a place other than its altar, it is permissible to eat it.

The second saying: His gender is considered. If he is one of those who sacrifice, then it is not permissible to slaughter him except by slaughtering. And Al-Labba, which is the saying of the Malikis

Their argument:

1- On the authority of Abu Hurairah (may God be pleased with him), he said: The Messenger of God was sent Peace be upon him, Badil bin Warqa' Al-Khuza'i, on a leafy camel, shouting in the mouth of Mina: ((Indeed, the slaughter is in the throat and the pulp. Beware, do not hasten the souls to die, and the days of Mina are days of eating, drinking, and men)).

Evidence: The hadith indicates that the animal is slaughtered, slaughtered, or both, according to its gender.

2- That " his savagery did not transfer him from the rulings of the domesticated S. from the fall of the penalty for the forbidden to kill him, and its permissibility in sacrifices, gifts and 'aqeeqah, as well as in the case of slaughter, so we say: Because the slaughter in the throat and the pulp is from the rule of the domesticated person, so he did not remove it by savagery ".

He replied to them: If consideration was given to its sex, he would have said that the human gazelle is only permissible by wounding without cutting the esophagus and the throat, and no one has said that, so his judgment is based on the ability to catch him or let him go. Consideration of the sex when they obligated the slaughter of a wild animal when it is

possible to do so, this indicates that the gender is not considered.

The reason for the disagreement between the Shafi'is and the Malikis:

The reason for the disagreement between the Shafi'is and the Malikis is the report that contradicts the original, and the original is that the wild one eats by slaughtering, and the human by slaughtering or slaughtering.

The hadeeth of Rafi' bin Khadij, in which he said: ((He ran away a camel from it, and there was a few horses among the people, so they asked for it, but it exhausted them, so a man attacked him with an arrow, so God Almighty imprisoned him with it, and the Prophet said: Peace be upon him: These beasts have a perpetuator like the perpetuator of the beast, so if he is against you, do with him like this)). Adopting this hadith is closer to soundness, and that sterility is slaughtered, not only because the animal is wild in its origin, but rather because it is not capable of it, so it is permissible for it to run on the human animal when it is not able to, so analogy and hearing agree.

The most correct saying: which becomes clear after examining the sayings of the jurists and their evidence, the preponderance of the first saying: If a domestic animal strays, it will join the hunt, so it is permissible to slaughter it when it is not possible to slaughter it or slaughter it from the place designated for its slaughter, and it is permissible out of necessity, as evidenced by the hadith of Rafi bin Khadij who said: I said to the Prophet Peace be upon him We will meet the enemy tomorrow, and we do not have a range, so he said: As long as the blood flows and the name of God is mentioned, then eat, as long as there is no tooth or nail, and I will tell you about that: As for the tooth, it is bone, and as for the nail, it is the extent of

Abyssinia, and the people quickly advanced, and they took from the spoils, and the Prophet He, peace and blessings of Allah be upon him, was among the last of the people, so they set up pots, and he commanded them to be filled, and he divided them among them, and he equalized a camel with ten sheep.)

The third requirement: the slaughter of cattle, and there is one issue in it:

Jugular cutting at slaughter

The jurists have gathered together, and I did not know any of them who disagreed with this, that whoever named God, and slaughtered in what was permitted to slaughter, and cut off the four jugular, and the throat , and the esophagus , and the blood came out, it is permissible to eat it , but they differed in the one who slaughtered it, and the four did not cut whether it is permissible to eat the slaughtered animal or forbidden, they differed in that on sayings that we limit to ten of them:

The first saying: The site of the cut is the throat and the esophagus, up to their mouths, and this is the saying of the Shafi'is , and Imam Ahmad agreed with them in a narration, which is the madhhab (may God have mercy on them all).

Their argument:

1- said: {And the lions did not eat except what you slaughtered, and what was slaughtered on the monument, and that you swear by arrows }

The aspect of the evidence: The verse indicates that the slaughter is what the name of the slaughter occurred, which is cutting the throat and the esophagus, excluding the two jugular organs. Because the zakat is obtained with it, not with two sacrifices.

2- On the authority of Abu Hurairah (may God be pleased with him), who said: “ The

Messenger of God sent Peace be upon him, Badil ibn Warqa' al-Khuza'i, on a leafy camel shouting in the mouth of Mina: "Verily, the slaughter is in the throat and the pulp. Beware, do not hasten the souls to die, and the days of Mina are days of eating, drinking and men. "

Evidence: The hadeeth indicates that the sacrifice is in the pulp and throat.

3- On the authority of Rafi bin Khadij (may God be pleased with him), he said: ((I said: O Messenger of God, we will meet the enemy tomorrow and we do not have ranges, so he said: Hurry or show what blood gushes and the mention of the name of God, so eat, not the tooth and the nail, and I will tell you: As for the tooth, it is bone. As for the nail, it is the extent of Abyssinia , and we plundered camels and sheep, and a camel ran out of them, and a man shot it with an arrow and imprisoned it, and the Messenger of God, may God's prayers and peace be upon him, said: These camels have savages like the savages of the beast.

Evidence: The hadeeth indicated that the sacrifice is obtained by blood flow, and it does not occur except by cutting the esophagus and the throat completely, and it is desirable to cut the two jugular organs, no matter what.

4- On the authority of Shaddad bin Aws, he said: Two I saved from the Messenger Peace be upon him He said: ((Allah has ordained kindness for everything, so if you kill, then kill well, and if you slaughter, then slaughter well, and let one of you sharpen his blade, so let him comfort his sacrifice)).

Evidence: The hadith indicates the necessity of being kind to the animal when slaughtering it, using a sharp instrument, resting it, using a name over it, and cutting the throat and esophagus.

5- The cut is the throat and the esophagus, not the two jugs, because they are the place of slaughter, and because the two senses are veins that may flow from a person and he remains alive. After him is a period and he dies after that, it is not possible to obtain zakat with him.

He replied to them: That the matter is not related to life or death, or he remains alive after him or dies immediately, but what is meant is to purify it by excreting the forbidden, which is blood, and we also know through vision that he dies from cutting the throat, and the two jugular veins without cutting the esophagus, and there is no evidence that is limited to cutting The throat, and the esophagus only, neither from the book, nor from the consensus, nor from the saying of a companion, which indicates the invalidity of his saying.

The second saying: The four jugular veins, the throat and the esophagus are cut off, and it is the saying of Malik (may God have mercy on him), and Imam Ahmad agreed with them in a narration, and it is the saying of some of the Dhahiriyyah , and it is the saying of the Imamis , and the Zaidis , and to him the Ibadites went. May God have mercy on them all).

Their argument:

1- On the authority of Abu Hurairah (may God be pleased with him), they said: ((The Messenger of God forbade Peace be upon him, on the condition of Satan, Ibn Issa added in his hadith: It is the one that is slaughtered and the skin is cut, and the jugular veins are not excised, then left until they die)).

The face of evidence: The hadith indicates that the jugular veins must be cut off. Because the people of Jahiliyyah used to cut some of them, and leave them until they die, and they were called upon by the condition of Satan. Because Satan pushed them to do so.

He replied to them: The animal is not permitted to be eaten alive unless it is slaughtered, and this is agreed upon, and it is obtained by cutting the four, but they differed as long as the cutting took place in less than that and the lack of a text in that, it is not permissible to remove the thing from the analysis to the prohibition, and if we take the consensus on it and it is little, it leads to The prohibition of a lot and its fear of what God commanded in the return of the disputed matter to God and His Messenger, and he did not say return it to your consensus.

The third saying: To cut three of them, i.e. three were permissible to eat, and it is the saying of Abu Hanifa , and it was said by Ahmed (may God have mercy on him) in a narration.

Their argument:

1- On the authority of Abu Umamah Al-Bahili (may God be pleased with him) that the Messenger of God, may God's prayers and peace be upon him He said: ((Everything that extrudes the jugular veins, as long as it is not a cut fang or a cut of a nail...)).

Evidence: The hadeeth indicated that the jugular veins must be cut off and something with them leads to the exit of blood, so it is possible to eat the sacrificed animal, so what is meant by slaughter is the exit of blood.

He replied to them: It is not possible to empty the jugular vein without cutting the esophagus and the throat, so it is not permissible to eat it without cutting them, so it is not possible to choose between them.

If it was said: " Not being limited to it does not preclude its entry into the general condition ".

It was said: " It is included in the generality of perfection, and it is not included in the generality of parts. ".

2- The severing of jugular veins leads to the expulsion of the forbidden and its removal, so the spilled blood comes out, so the slaughter does not take place without cutting the jugular veins.

He replied to them: The purpose of slaughtering is to remove the soul from the body without torture, and as for the exit of blood, it is a follower, and the exit of the soul is done by cutting the soul, which is by cutting the throat, so the blood comes out.

The fourth saying: To cut off most of it from each of the four, until it is permissible to eat it.

Their argument:

1- By cutting off more than that, the purpose is achieved, which is to remove the forbidden blood. And that each one of them is his own food, he needs to cut each of them into what represents the most of it.

Reply to them:

so there is no evidence for it, neither from the book nor from the Sunnah nor from the words of the Companions.

Secondly: You divided the error by the error, and what is not correct according to what is not correct, and these lands are not devoid of the fact that cutting them all off is obligatory, and cutting them all off is not obligatory. In addition, if cutting it all was obligatory, then some of it is not sufficient for the obligatory obligation, and it is obligatory on this that whoever prays three rak'ahs of the noon prayer is sufficient for him from the noon prayer, because he has prayed the most, and whoever fasts most of the day is sufficient for him, and this they do not say, so there is no corruption in his saying. sentence ".

fifth saying: It cuts the throat and jugular veins, not the esophagus, and it is the well-known saying of the Malikis.

Their argument:

1- On the authority of Rafi bin Khadij (may God be pleased with him), he said: ((I said: O Messenger of God, we will meet the enemy tomorrow and we do not have ranges, so he said: Hurry up or I will show what blood flows and mentions the name of God so eat, not the tooth and the nail, and I will tell you: As for the tooth, it is bone And as for the nail, it is the extent of Abyssinia, and we plundered camels and sheep, and a camel ran out of them, and a man shot it with an arrow and imprisoned it.

The aspect of evidence: The hadith indicates that it is obligatory to cut off what comes out of the blood, which is the two jugular veins, and the throat without the esophagus. Because it is the course of food, not blood, so it is not included in it.

2- On the authority of Abu Umamah Al-Bahili (may God be pleased with him) that the Messenger of God, may God's prayers and peace be upon him, said: ((Everything that extrudes jugular veins, unless it is a cut of a fang or a cut of a nail...))

The face of the indication: The hadith indicated cutting the jugular veins and the throat. Because it is the outlet of blood, so the hadeeth necessitated cutting off what leads to the expulsion of blood in order for it to be lawful to eat the sacrifice.

sixth opinion: only the two jugular veins are cut off, and it is one of the sayings of Malik (may God have mercy on him).

Their argument:

1- On the authority of Rafi bin Khadij (may God be pleased with him), he said: ((I

said: O Messenger of God, we will meet the enemy tomorrow and we do not have ranges, so he said: Hurry or show what blood gushes and mentions the name of God, so eat, not the tooth and the nail, and I will tell you: As for the tooth, it is bone. As for the nail, it is the extent of Abyssinia, and we plundered camels and sheep, and a camel ran out of them, and a man shot it with an arrow and imprisoned it, and the Messenger of God, may God's prayers and peace be upon him, said: These camels have a wilderness like the wild beasts, so if something overwhelms you, do with it like this)).

Evidence: The hadeeth indicates that it is obligatory to cut off the animal's blood, because the sacrifice is obtained by emptying the jugular veins, due to the existence of the pronoun that refers to the verb, i.e. what we have mentioned.

Reply to them: There is no proof for your saying in the obligation of the throat and leaving the esophagus, neither from the book nor from the Sunnah nor from the words of my companions.

He replied to them: The hadith was narrated from Yahya, and it is weak, and it was narrated from others, and it is also weak, so it is not authentic from any path, so the hadith is considered abandoned, and it is not valid to take it, and no such saying was reported from Ibn Abbas, and if they cling to this hadith, then it is an argument for them. Because the hadeeth did not obligate the throat, and you have obligated it, nor from slaughtering the throat, and you also obligated it.

The seventh saying: The esophagus must be cut, and the throat is one of the two jugular organs, i.e. three must be cut, and it is the saying of Abu Yusuf (may God have mercy on him).

Their argument:

1- The two jugular veins are the bloodstream, and blood circulates through them, and the throat is the opening for food to enter, and the esophagus must breathe through it, and no one else can take its place, so both of them are cut off with the cutting of one of the two jugular veins.

Reply to them: It is not correct to cut one of the juveniles, because she was tortured by that, and it was forbidden to do so. The people of Jahiliyyah did it, so they cut some of it and left some of it until it dies, so Islam prohibited that, so it is not permissible to eat it.

The eighth saying: If some of these four were cut off and their death hastened, it is permissible to eat them.

Their argument:

1- On the authority of Abi Umamah, he said: ((She was a slave girl belonging to Abi Masoud Uqba bin Amr, who was tending sheep, and she damaged a sheep from her, so she broke a stone from the marwah and slaughtered it, so she brought it to Uqba bin Amr, so she told him, and he said to her: Take her to the Messenger of God, may God bless him and grant him peace. As you are, the Messenger of God, peace be upon him, said to her : Have you spared the jugular veins? She said: Yes. He said: Everything that erupts in the jugular veins, as long as it is not the cutting of a tooth or the cutting of a nail.

Evidence: The hadith indicates the permissibility of eating from the slaughtered animal if the blood flows from it, that is, it comes out, provided that it is slaughtered or slaughtered as much of it as possible.

The reason for the disagreement between the Shafi'is and the Malikis:

one of which necessitates the flow of blood, and the other necessitates the cutting of jugular veins and the flow of blood. : ((Whatever sheds blood and the name of God is mentioned over it, then eat)) , and the second evidence: on the authority of Abu Imam, on the authority of the Prophet, may God 's prayers and peace be upon him He said: ((If the jugular veins are empty, then eat, as long as it is not a toothache or nail gnawing))) The first necessitates cutting some jugular veins, and the other necessitates cutting all of them, so both of them agree on cutting, but the difference is in all and some, as for the throat and the esophagus, there is no evidence for that. The Shafi'is limited themselves to cutting the throat and esophagus, as they agreed on its permissibility. Because slaughtering is a condition in the analysis, and there was no evidence for its obligation, so it is assumed that what was agreed upon is permissible, and this is weak; Because the agreement on its permissibility cannot be required in health.

The most correct saying: which becomes clear after examining the sayings of the jurists and their evidence. zalam}, indicating that the slaughter is what happened to it The name of the sacrifice, which is cutting the throat and the esophagus, without the two jugs; Because the zakat is obtained with it, not with the two animals, and God knows best.

Conclusion

Praise be to God, Lord of the worlds, and prayers and peace be upon the Seal of the Prophets and Messengers, our Prophet Muhammad, may God's prayers and peace be upon him, and his family and companions, the best prayers and complete submission. I have completed my modest research and have reached the following conclusions:

1- The study of irregularities shows the seeker of knowledge the reason for the disagreement between the jurists and their point of view on the issue.

2- Through it, he realizes the importance of referring to jurisprudential sources, knowing the cause of the dispute, and knowing who are the great imams of each school of thought and the way they discuss the evidence. Through the knowledge of the dispute, the student of forensic knowledge can portray the issue and understand it, so they take a way to put the issue to the reader clearly and convey the idea to the return.

3- The Shafi'i school of thought can be known. Doctrine and importance of each book.

4- The Imam of the Two Holy Mosques was born in the year (419), in Jwayn, the title of the Imam of the Two Holy Mosques; For his neighborhood with Mecca for four years, he issues fatwas, studies and mothers in the Two Holy Mosques.

5- Hunting is of great importance, as it is a profession known since ancient times, as it is considered a way to obtain food and benefit from it in daily needs and clothing.

6- If he shoots at a group of herds and intends to hunt, and hits others, it is permissible to eat them if they are on the same side. Because he intended to hunt and named.

7- It is not permissible to eat an animal except after it has been slaughtered, which are four places: the throat, the esophagus, and the two jugular veins.

8- If the domestic animal strayed and he was not able to catch it, or if it fell into a well, it is permissible to slaughter it with arrows or other things, without the specific place for slaughter, and its ruling is the ruling of hunting.

References

- 1- The Holy Quran.
- 2- Supervising the Scholars' Doctrines of Ibn Al-Mundhir: Abu Bakr Muhammad bin Ibrahim bin Al-Mundhir Al-Nisaburi (d . : 319 AH), investigator: Sagheer Ahmed Al-Ansari Abu Hammad, publisher: Makkah Cultural Library, Ras Al-Khaimah - United Arab Emirates, 1st edition, year (1425 AH - 2004 AD) .
- 3- Al-Alam by Al-Zarkali : Khair Al - Din Bin Mahmoud Bin Muhammad Bin Ali Bin Faris, Al-Zarkali Al-Dimashqi, (T.
- 4- Mother: Al-Shafi'i Abu Abdullah Muhammad bin Idris bin Al-Abbas bin Othman bin Shafi' bin Abd Al-Muttalib bin Abd Manaf Al-Muttalib Al-Qurashi Al-Makki (T : 204 AH) , Publisher: Dar Al-Maarifa - Beirut , without edition , year (1410 AH / 1990 AD) .
- 5- Fairness in Knowing the Preponderant from the Dispute: Alaa al-Din Abu al-Hasan Ali bin Suleiman al-Mirdawi al-Dimashqi al-Salhi al-Hanbali (T : 885 AH), Publisher: Dar Ihya al-Turath al-Arabi, 2nd edition, no date.
- 6- Al-Bahr Al-Zakhar, the Comprehensive of the Doctrines of Al-Amsar: Al-Mahdi Li Din Allah, Ahmed bin Yahya (T.
- 7- the End of the Muqtadid : Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Ahmad ibn Rushd al-Qurtubi, famously known as Ibn Rushd al - Hafid (T.
- 8- Din , Abu Bakr bin Masoud bin Ahmad al-Kasani al-Hanafi (T.
- 9- Al-Badr Al-Munir in the graduation of hadiths and the effects located in the great explanation: Ibn Al-Mulqin Siraj Al-Din

- Abu Hafs Omar bin Ali bin Ahmed Al-Shafi'i Al-Masry (T : 804 AH), Investigation: Mustafa Aboul Gheit, Abdullah bin Suleiman and Yasser bin Kamal. Publisher: Dar Al-Hijrah for Publishing and Distribution - Riyadh - Saudi Arabia, 1st edition, year (1425 AH - 2004 AD) .
- 10- The statement in the doctrine of Imam Al-Shafi'i: Abu Al-Hussein Yahya bin Abi Al-Khair bin Salem Al-Omrani Al-Yamani Al-Shafi'i (d .: 558 AH) , investigator: Qasim Muhammad Al-Nouri , publisher: Dar Al-Minhaj - Jeddah , 1st edition, year (1421 AH - 2000 AD).
- 11- The Bride's Crown from the Jewels of the Dictionary: Muhammad bin Muhammad bin Abd al-Razzaq al-Husayni, Abu al-Fayd, nicknamed Mortada, al-Zubaidi (T .: 1205 AH), investigator: a group of investigators, publisher: Dar al-Hidaya.
- 12- Interpretation of Imam Al-Shafi'i: Al-Shafi'i Abu Abdullah Muhammad bin Idris bin Al-Abbas bin Othman bin Shafi'i bin Abd Al-Muttalib bin Abd Manaf Al-Muttalib Al-Qurashi Al-Makki (T.: 204 AH) , collection, investigation and study: Dr. Ahmed bin Mustafa Al-Farran , Publisher: Dar Al-Tadmuriyyah - Kingdom of Saudi Arabia , 1st edition, year (1427-2006 AD).
- 13- Refining the Language: Muhammad bin Ahmad bin Al-Azhari Al-Harawi, Abu Mansour (d .: 370 AH) , investigator: Muhammad Awad Mereb , publisher: Dar Ihya Al-Turath Al-Arabi - Beirut , 1st edition, year (2001 AD).
- 14- The Collector of the Rulings of the Qur'an : Abu Abdullah Muhammad Bin Ahmad Bin Abi Bakr Bin Farah Al-Ansari Al-Khazraji Shams Al- Din Al - Qurtubi (T. m).
- 15- Al-Hawi Al-Kabir: Abu Al-Hassan Ali Bin Muhammad Bin Muhammad Bin Habib Al-Basri Al-Baghdadi, known as Al-Mawardi (d .: 450 AH) , investigation : Sheikh Ali Muhammad Moawad - Sheikh Adel Ahmed Abdel-Mawgoud , Publisher: Dar Al-Kutub Al-Alami, Beirut - Lebanon , 1st edition, (1419 e-1999 AD).
- 16- bin Ishaq bin Bashir bin Shaddad bin Amr Al- Azdi Al - Sijestani (T. .
- 17- Sunan Al-Darqutni: Abu Al-Hassan Ali bin Omar bin Ahmed bin Mahdi bin Masoud bin Al-Nu'man bin Dinar Al-Baghdadi Al-Daraqutni (T : 385 AH) , verified it and corrected its text and commented on it: Shuaib Al-Arnaout, Hassan Abdel-Moneim Shalabi, Abdel-Latif Harzallah, Ahmed Barhoum , the publisher: Al-Risala Foundation, Beirut - Lebanon , 1st edition, year (1424 AH - 2004 AD).
- 18- The Great Sunnahs: Ahmed bin Al-Hussein bin Ali bin Musa Al-Khosrawerdi Al-Khorasani, Abu Bakr Al-Bayhaqi (d .: 458 AH) , investigation : Muhammad Abdul Qadir Atta , publisher: Dar Al-Kutub Al-Ilmiya, Beirut - Lebanon , 3rd edition, (1424 AH - 2003 AD).
- 19- Sunan al-Nisa'i: Abu Abd al-Rahman Ahmad bin Shuaib bin Ali al-Khorasani, al-Nisa'i (d .: 303 AH) , investigation: Abd al-Fattah Abu Ghuddah , publisher: Islamic Publications Office - Aleppo , 2nd edition, year (1406-1986).
- 20- Dahab , Abd al-Hay bin Ahmad bin Muhammad bin al - Imad al- Ekri al-Hanbali Abu al-Falah , (T. .
- 21- Explanation of the book The Nile and the Healing of the Ailing : Muhammad bin Yusuf bin Isa Tfayyesh , Publisher: Dar Al-Fath, Beirut. Arab Heritage House,

- Libya. and Guidance Library, Jeddah. 2nd edition, year (1392 AH / 1972 AD).
- 22- Sahih Al-Bukhari: Muhammad bin Ismail Abu Abdullah Al-Bukhari Al-Jaafi , investigation : Muhammad Zuhair bin Nasser Al-Nasser , publisher: Dar Touk Al-Najat , 1st edition, year (1422 AH).
- 23- Sahih Muslim: Muslim ibn al-Hajjaj Abu al-Hasan al-Qushairi al-Nisaburi (d .: 261 AH) , investigator: Muhammad Fouad Abd al-Baqi , publisher: Dar Ihya al-Turath al-Arabi - Beirut .
- 24- Tabaqat al-Kubra Shafi'i: Taj al-Din Abd al-Wahhab bin Taqi al-Din al-Subki (T .: 771 AH) , investigation : Dr. Mahmoud Mohammed Al-Tanahi d. Abd al-Fattah Muhammad al-Hilu , the publisher: Hajar for printing, publishing and distribution , 2nd edition, year (1413 AH).
- 25- Tabaqat al-Shafi'is: Abu al-Fida' Ismail bin Omar bin Katheer al-Qurashi al-Basri, then al-Dimashqi (d .: 774 AH) , investigation: Dr. Ahmed Omar Hashim, Dr. Muhammad Zeinhum Muhammad Azab , publisher: Religious Culture Library , year (1413 AH - 1993 AD).
- 26- The kit explained the mayor: Abd al-Rahman bin Ibrahim bin Ahmed, Abu Muhammad Bahaa al-Din al-Maqdisi (deceased: 624 AH) , publisher: Dar al-Hadith, Cairo , without edition , year (1424 AH 2003 AD).
- 27- Umdat Al-Qari Explanation of Sahih Al-Bukhari: Abu Muhammad Mahmoud bin Ahmed bin Musa bin Ahmed bin Hussein Al-Ghitabi Al-Hanafi Badr Al-Din Al-Ayni (T .: 855 AH) , Publisher: Arab Heritage Revival House - Beirut .
- 28- Care Explanation of Guidance, Muhammad bin Muhammad bin Mahmoud bin Akmal al-Din Abu Abdullah Ibn al-Sheikh Shams al-Din Ibn al-Sheikh Jamal al-Din al-Roumi al-Babarti (T.: 786 AH -) , Publisher: Dar Al-Fikr.
- 29- , Abu Abd al-Rahman , Sharaf al-Haq, al-Siddiqi, al - Azim Abadi (T.
- 30- of the people of Medina : Abu Omar Yusuf bin Abdullah bin Muhammad bin Abd al - Bar bin Asim al-Nimri al-Qurtubi (T. year (1400 AH / 1980 AD).
- 31- Al-Mabsout: Muhammad bin Ahmad bin Abi Sahl Shams al-Amamah al-Sarkhasi (d .: 483 AH) , publisher: Dar al-Ma'rifah - Beirut , without edition , year (1414 AH - 1993 AD)
- 32- Al-Mahalla bi-Athar: Abu Muhammad Ali bin Ahmed bin Saeed bin Hazm Al-Andalusi Al-Qurtubi Al-Zahiri (d .: 456 AH) , publisher: Dar Al-Fikr - Beirut , without edition and without date .
- 33- Muhit Al-Burhani in Al-Nu'mani Jurisprudence: Abu Al - Ma'ali Burhan Al - Din Mahmoud bin Ahmed bin Abdul Aziz bin Omar bin Mazza Al-Bukhari Al-Hanafi (T. e - 2004 AD).
- 34- Blogger : Malik bin Anas bin Malik bin Amer Al-Asbahi Al-Madani (died : 179 AH) , publisher: Dar Al-Kutub Al-Ilmiya , 1st edition, year (1415 AH - 1994 AD).
- 35- Al-Ma'ounah on the Doctrine of the Madinah Scholar : Abu Muhammad Abd al-Wahhab bin Ali bin Nasr al-Tha'labi al-Baghdadi al-Maliki (d .: 422 AH) , investigation : Hamish Abd al-Haq , publisher: The Commercial Library, Mustafa Ahmad al-Baz - Makkah al-Mukarramah .
- 36- Al-Mughni by Ibn Qudamah : Abu

Muhammad Muwaffaq al-Din Abdullah bin Ahmad bin Muhammad bin Qudamah al-Jamaili al-Maqdisi, then al-Dimashqi al-Hanbali, known as Ibn Qudamah al-Maqdisi (T.: 620 AH) , Cairo Library.

of Time: Abu al-Abbas Shams al-Din Ahmad bin Muhammad bin Ibrahim bin Abi Bakr Ibn Khalkan al-Barmaki al-Irbili (deceased: 681 AH), investigation: Ihsan Abbas , Publisher: Dar Sader - Beirut

- 37- Al-Mufhim for what was formed from the summary of Muslim's book: Abu al-Abbas Ahmed bin Omar bin Ibrahim al-Qurtubi (578 - 656 AH) , investigated and commented on it and presented it to him: Muhyi al-Din Dib Misto , Ahmed Muhammad al-Sayyid , Yusuf Ali Budaiwi , Mahmoud Ibrahim Bazzal , Publisher: (Dar Ibn Katheer, Damascus - Beirut), (Dar Al-Kalam Al-Tayyib, Damascus - Beirut) , 1st edition, year (1417 AH - 1996 AD).
- 38- Nasb Al-Raya for the Hadiths of Guidance with his entourage, Bughyat Al-Alma'i, in the graduation of Al-Zailai: Jamal Al-Din Abu Muhammad Abdullah bin Yusuf bin Muhammad Al-Zailai (T .: 762 AH) , presented to the book: Muhammad Yusuf Al-Banuri , corrected and put the footnote: Abdul Aziz Al-Deobandi Al-Finjani, to the book of Hajj, then Completed by Muhammad Yousef Al-Kamlefour , investigation : Muhammad Awama , publisher: Al-Rayyan Foundation for Printing and Publishing - Beirut - Lebanon / Dar Al-Qibla for Islamic Culture - Jeddah - Saudi Arabia , 1st edition, year (1418 AH / 1997 AD).
- 39- The end of the demand in the knowledge of the doctrine: Abd al-Malik bin Abdullah bin Yusuf bin Muhammad al-Juwayni, Abu al-Maali, Rukn al-Din, nicknamed the Imam of the Two Holy Mosques (T : 478 AH) , achieved it and made its indexes: a. Dr. Abdel-Azim Mahmoud El-Deeb , publisher: Dar Al-Minhaj , 1st edition, year (1428 AH-2007 AD).

- 40- Deaths of Notables and News of the Sons