

The jurisprudential issues in which two sides were mentioned by the Shafi'is in the book Al-Bayan by Al-Omrani T (558) AH Dead skins and what they are tanned with (a comparative study)

Muhammad Jabbar Hussein Muhammad

College of Islamic Sciences, University of Fallujah, mjbar1908@gmail.com

Dr. Omar Ahmed Abbas

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

Abstract

The Holy Qur'an is considered an integrated constitution by itself, which is the solid foundation, and each of its verses is in itself a method for calling and reforming.

In my research, I dealt with the issue of (tanning the skins of dead animals) from the book Al-Bayan by Al-Amrani, may God Almighty have mercy on him (d. 558 AH), and the basis for the issue of tanning leather is referred to the Holy Qur'an and interpreted by the purified Sunnah of the Prophet

The Almighty said: (Say: I do not find in what has been revealed to me a forbidden thing for a eater to eat unless it is dead animals, or blood spilled out, or the flesh of pork. Verily, it is an abomination or disobedience committed to other than Allah. So whoever is forced without rebellion or rebellion, then your Lord is Forgiving, Merciful).

The verse indicates in its content the sanctity of the dead animal in general, but it is excluded from it that is slaughtered, so the collection of its parts is pure, its flesh, bone, and skin, and this purity is only by using tanners. B Anything that has grip and strength to remove the waste present in the skin.

Therefore, I decided to write a brief summary of the life of Imam Al-Amrani - may God Almighty have mercy on him - and then mentioned the issues in which he mentioned two aspects of him - may God have mercy on him - and this is It necessitates deep research in the rulings contained in tanning, based in my study on the Holy Qur'an and the noble Sunnah, and then mentioning the opinions of the jurists - may God have mercy on them - and their evidence to reach the most correct opinion on these issues.

Introduction

Praise be to God, who taught by the pen, taught man what he did not know, who made knowledge a shining light, and the Qur'an a light, and raised those to whom knowledge came in degrees, and prayers and peace be upon the one whom God sent as a guidance for people and upon his good family and companions.

But after:

istinja and everything that falls under these meanings.

It is still Sharia Islamic glue Its provisions are valid for every time and place And to each an individual as well; Because God Almighty has ensured the preservation of His dear Book until the Day of Resurrection, and thus man guarantees that every ruling issued by the

Shari'a is based on the Book of God Almighty and the Sunnah of His Prophet, may God's prayers and peace be upon him. From this point of view, I mentioned two of the issues that were mentioned about the purification of leather by tanning, especially since these issues were mentioned Two-faced in The statement book in jurisprudence Shafi'i.

This necessitates careful research in these issues based on the Holy Qur'an and the noble Sunnah of the Prophet, and then I will mention the opinions of the jurists - may God have mercy on them - and their evidence to reach the most correct opinion from them. The issues in this research are new issues that need a deep study, and finally I ask God Almighty To keep us away from error and forgetfulness, and for this research to be pure for the honorable sake.

Reasons for choosing the topic:

One of the reasons for choosing this topic is that I wanted to contribute to the service of this subject by writing about the jurisprudential issues that have two aspects according to the Shafi'is in the book Al-Bayan by Al-Omrani.

Difficulties:

It was not easy for me to write on the topic of tanning by solarization and brushing, as I encountered some difficulties that God Almighty has made it easy for me to overcome with His grace and great generosity.

Research Methodology:

Arrangement

the Shafi'is, then I mentioned the comparison between the six schools of jurisprudence And I arranged the sayings according to the precedence of the doctrines:

For example, the Hanafi, then the Maliki, then the Hanbali, then the Dhahiri, then the Imamiyya.

- Definition of strange terms and meanings of words, and the names of villages, cities, and the most important flags mentioned in the research.

- Attributing the verses to its chapters from the Qur'an, with mentioning the numbering, and the transcription of the hadiths contained in the treatise from the available hadith books.

- At the end of each issue, mention the weighting, explaining the reasons for weighting the preferred saying.

Search Plan:

This research contains an introduction, two chapters and a conclusion:

The first topic: Imam Al-Omrani's personal and scientific life, and it has two requirements.

The second topic: the issues in which there are two sides in tanning, and there are two demands.

As for the conclusion, I mentioned the most important results that I had reached.

And in conclusion: We ask God Almighty to guide us and direct our steps, and to make this work of ours purely for His great purpose, that He is the Guardian of that and the One who is capable of it.

The first topic

Imam Al-Omrani's personal and scientific life

The first requirement

Imam Al-Omrani's personal life

First: His birth: Imam Al-Omrani (may God have mercy on him) was born in a village in Yemen called "Sir town" in year (489 AH) ,

and it was also said that the year (487 AH) was mentioned by Sheikh Ismail Al-Baghdadi - may God have mercy on him - but perhaps he was delusional about that or that it was a copy of the copyists, and this is not an argument. Because the scholars - may God Almighty have mercy on them - unanimously agreed that he was born in the year (489 AH).

Secondly: His name: He is the scholar Imam "Yahya bin Abi Al-Khair bin Salem bin Saeed bin Abdullah bin Muhammad bin Musa bin Imran Al-Amrani".

Third: His lineage: Imam Al-Omrani is attributed to Imran bin Rabia , and Yaqut Al-Hamawi attributed it to Sir, so he said Al-Siri, then Al -Amrani said , And Ibn Samra Al-Jaadi attributed his lineage to Adam - peace be upon him -.

Fourth: His title: The title of Imam Al-Omrani (may God have mercy on him) with several titles, including: Al-Omrani , the author of the statement , the beauty of Islam and the sun of Sharia.

Fifth : His death: He (may God have mercy on him) passed away in the year (855 AH), from Rabi` al-Akhar at the age of (69) years, and he did not abandon his prayers even during his deathly illness. The time of the prayer, and he prays it by gesturing, as he died in the area of "Dhi al-Sufal" , and his grave is a famous shrine.

The second requirement

Imam Al-Omrani's scientific life

First: His method - may God have mercy on him - in teaching:

Imam Al-Omrani - may God Almighty have mercy on him - One of the best scholars in education and teaching, and he had his own curriculum that he used in teaching, and he

had completed memorizing the Qur'an at a young age, as he was taking into account individual differences. He used to differentiate between them in terms of knowledge, understanding, and comprehension only, so whoever had little understanding would only add to it what was correcting what he was asked about. He read many books such as Al-Tanbih, Al- Muhadhdhab.

Second: His works:

Behind Imam Al-Omrani many works, we will suffice to mention some of them:

the first The Book of Events in the Branches.

the second The statement book.

Third: Explanation of the means of Al-Ghazali in the branches.

Fourth: the polite problems.

Fifth: Appendices in the branches of Shafia.

The second topic: the issues in which there are two aspects according to the Shafi'is regarding the tanning of dead skins

The first requirement

tanning Trib skin f insolation

The jurists agreed that the skin of what can be eaten if it was slaughtered Disinfect, It is permissible to use it and sell it , but they differed as to whether the skin was tanned with dirt or by the sun until it becomes fossilized , there are two sayings in it:

The first saying: He is judged to be pure, and it is the first view according to the Shaafa'is , narrated by Abu al-Tayyib , And a narration of the Hanafis , and a narration of the Hanbalis , and it was said by the Dhahiriyyah (may God Almighty have mercy on them).

I quote the following:

First : of the year:

1- On the authority of Ibn Abbas, may God be pleased with them both, that the Messenger of God, may God's prayers and peace be upon him, said: "Any cuticle that has been tanned has been purified."

Significance:

In this hadeeth it was stipulated that the purity of the leather can only be by tanning, so it follows from that that the skin that has not been tanned is not pure, and it is general in every skin except in the skin of pigs, so it is impure in eyes, alive or dead, and its skin is like its flesh, so tanning is dry and dry, and everything in it was to dry the skin and dry it. It is permissible to tanners, whether by sun or fire.

2- On the authority of Aisha, she said: The Prophet, may God's prayers and peace be upon him, said: "Enjoy the skins of dead animals when they have been tanned, whether it be dirt or sand. material, or salt, or what was after you wanted to make it fit"

Significance:

In this hadith, there is a clear indication of the purification of the dead skin by tanning with any of the disinfectants, if the stench comes out of it and the corruption is removed.

Secondly, it is reasonable:

1- It is purified because it dries it and purifies its curiosity, so it is like lice. Likewise, the name of the tanner refers to what happened in the sun.

2- The general use of the word tanning also includes what is tanned by the sun, because it transforms the skin and prevents corruption from entering it, so it is as if it was tanned with alum..

The second saying: It does not purify, and it is the second view according to the Shaafa'is , narrated by Abu Hamid And the narration of the Hanafis , and the narration of the Malikis , and the narration of the Hanbalis , and the narration of the Imamis. (May God Almighty have mercy on them)

They reasoned as follows:

First: from the book

The _ _

Significance:

The verse indicates the purity of all parts of the slaughtered animal, its flesh, bone and skin, and this purity can only be by using everything that has grip and force to remove the waste, and this is according to the thickness and thinness of the skin, and solarization is not sufficient.

Second: From the year:

1- said: "Have you made use of its skin? " They said that it was dead meat.

Significance: This hadeeth indicates that what is forbidden from the sheep at the time of its death is its meat, not other than the skins and sinews, so the purification of the skin is by tanning, and that is with dung () and corn () or pomegranate peels and other disinfectants.

2- On the authority of Aliyah bint Subai', that Maimuna, the wife of the Prophet, may God's prayers and peace be upon him, told her that he passed by the Messenger of God, may God's prayers and peace be upon him God be upon him and grant him peace. A group of Quraysh dragged a sheep like a donkey to them. The Messenger of God, may God's prayers and peace be upon him, said to them: "If only You took her cuticles," they said It is dead, the Messenger of God, may God's

prayers and peace be upon him, said: "Water and dirt purify it".

Significance:

The hadeeth indicates that everything that does the work of cutting is also governed by purification, because it contains dirt and The chaste and removes the looseness of the skin and dries the wetness and does not It is sufficient to throw it away, and this is an argument for those who say that other than water does not remove the impurity of the skin.

3- On the authority of Ibn Abbas, may God be pleased with them both, that the Messenger of God, may God's prayers and peace be upon him, said: "Any cuticle tanned, it is purified".

Significance:

The text of the hadeeth states that the cuticle is purified by tanning, and this is evidence from him, may God's prayers and peace be upon him, that the cuticle of every dead animal, if it is not tanned, is not pure, and if it is not clean, then it is impure and forbidden.

Third: It is reasonable:

1- "It does not purify it, because it does not correct it, so it is as if it were dried in the air."

most correct:

After presenting the sayings of the jurists and their evidence, it became clear to me that the most correct and the one I tend to is what He went to the owners of the second saying who went a to that throwing the skins in the sun and the dust does not Cleans dead skins and does not It is considered tanning because the Prophet Muhammad, may God's prayers and peace be upon him, said that water and dirt purify it, so it is not enough to cast the sun,

nor is dirt sufficient, and God Almighty knows best.

The second requirement

Tanning dead skin with impure water

There is no disagreement among the jurists (may God Almighty have mercy on them) that the meat of the dead animal, its fat, cartilage, vagina and brain, as well as the meat of the pig and its fat, cartilage, vagina, vagina, brain and sinews are all forbidden and it is impure, and they agreed (may God Almighty have mercy on them) that the skin of what is eaten whose meat is edible if it is smart is pure and it is permissible to use and sell it.), except that they differed regarding the tanning of dead skin with impure water, does purification occur in it or not, based on three sayings:

The first saying: It does not purify, and it is the first view according to the Shafi'is , and the well-known opinion among the Hanbalis (may God Almighty have mercy on them).

They reasoned as follows:

First from the book: (Prohibited to you are dead animals, blood, and the flesh of swine).

Significance: Because it is part of dead meat, and whenever it becomes impure by death, the tanner does not purify it, and since the reason for the impurity is death, the impureness did not rise with its remaining.

Secondly, it is reasonable:

1- That purification is not achieved by an impure thing, such as the purification of impurity, and impurity is not removed by impurity.

2- Tanning is specific to alum and bitumen, and it is one of the concessions stipulated by the Lawgiver. tt

The second saying: It purifies, and it is according to the second view according to the Shaafa'is , Ibn al-Sabbagh and al-Baghawi were definitive of it, and it was stated by the Hanafis , and a narration on the authority of the Malikis , and it is the second narration according to the Hanbalis , and the Dhahiriyyah. (May God Almighty have mercy on them)

They reasoned as follows:

First of the year:

1- It was narrated on the authority of Maymoonah, the wife of the Prophet, may God's prayers and peace be upon him, that he passed by the Messenger of God, may God's prayers and peace be upon him, men from Quraysh running A sheep for them is like a horse. The Messenger of God, may God's prayers and peace be upon him, said to them: "If you took away its hair?" They said: It is dead, and the Messenger of God, may God's prayers and peace be upon him, said: "Water and dirt purify it."

2- On the authority of Ibn Abbas, that the Prophet, may God's prayers and peace be upon him, passed by a dead sheep and said: "Can you make use of its skin?" They said: O Messenger of God, it is dead. He said: "It is forbidden to eat it." Aqeel added. », - Ibn Hani' said - "Is there not in water and cinnamon what purifies it?".

Evidence for the two hadiths: The use of water in tanning works like scratching the leather, so the tanner used everything that dries the leftovers of the leather, perfumes it and prevents its spoilage.

3- On the authority of Ibn Abbas, he said: The Messenger of God, may God's prayers and peace be upon him, said: "Any cuticle that has been tanned has been purified."

Significance: The hadeeth indicates the impurity of dead skin before tanning, and it also indicates that the skin is purified by tanning, both the outside and the inside.

4- On the authority of Ibn Abbas, that the Prophet, may God's prayers and peace be upon him, passed a dead sheep belonging to his slave-girl, Maymoonah, and said: "Did they not take away her cuticles?" So they tanned it and made use of it." They said: O Messenger of God, it is dead. He said: "It is forbidden to eat it."

Significance: The hadeeth indicates that it is permissible to enjoy the skin after it has been tanned, to use it for sale and clothing, and to use it as a watering can as well.

Thirdly, it is reasonable:

1- Because if we said it cannot be purified, it would mean that there is no way to purify it, because it cannot be returned without tanning.

2- Since the purpose of tanning is to remove the skin from what falls into it of mold and transformation, and this becomes to it pure and impure alike, and then wash it after that

3- Because the purpose of tanning is to perfume the skin and remove the excess and tuberculosis from it, and this happens with the impure, so it is like the pure.

The third saying: The skin of the dead body is not purified by tanning at all, and this is the most apparent narration according to the Malikis , and it was said by the Imamiyyah (may God Almighty have mercy on them).

They reasoned as follows:

First: From the book: (Prohibited to you are dead animals, blood, and the flesh of swine).

Significance:

The verse indicated the prohibition of benefiting from the dead skin and its impurity, and what is impure by death is never purified by tanning.

Second of the year:

On the authority of Abd Allah Ibn Ukaym who said: The letter of the Messenger of God, may God's prayers and peace be upon him, was read to us from the land of Juhayna, and I was a young boy: « That you do not benefit from the dead body with anything from the cuticles or nerves”.

Significance: The implication of the hadeeth indicates that it is absolutely not permissible to use dead skin before or after tanning, because it is part of it.

most likely: After presenting the sayings of the jurists and their evidence, it became clear to me that the most correct one and the one I tend towards is what the owners of the second opinion went to, who permitted the purification of skins that were tanned with impure water for the generality of his saying, may God's prayers and peace be upon him (whatever cuticle is tanned, it has purified) and God Almighty knows best.

Conclusion and most important results

Praise be to God, Lord of the Worlds, and may the prayers and peace of my Lord be upon His Noble Messenger, his family and companions, and peace be upon him abundantly until the Day of Judgment...

After God facilitated this research for us with His grace and generosity, I have reached to several results The most important of them:

One of the things that distinguished the Shafi'i school of thought is that it is below the

fundamentals of

many diligent people from following this school of thought, who were dispersed in the parts of the earth and had A great influence in the diversity and differences of jurisprudence in one issue, as we have shown in the issues.

- The Shafi'i school of thought is a flexible school that believes in experimenting with opinion and ijtihad. Therefore, we found that the scholars of the school of thought had many faces and opinions in one issue without censure.

- Faces: They are the opinions of the mujtahids from among the Shafi'i school of thought affiliated to his school of thought. They extract them on the foundations of the school. They deduce from its rules and strive for some of them.

- That these people of faces are distinguished by a lofty scientific status among the Shafi'i scholars, as they combined knowledge, religion, and honorable morals.

- The term "face" according to the Shafi'is is considered with its release three restrictions:

The first restriction: to be in a matter for which there is no text for him, or about which Imam al-Shafi'i was silent.

The second restriction: that the ruling be issued by a mujtahid, at least the absolute and restricted mujtahid (the owners of faces).

third restriction : that the ruling is based on its deduction on known sources, which are the texts of the imam of the school and his rules.

- And from that, the Shafi'is differed in the tanning of dead skin by solarization and arbitration, and the most correct opinion was the second saying due to the strength of their evidence from the purified Prophet's Sunnah.

• Likewise, the Shafi'i imams differed regarding the tanning of leather with impure water. The second view was the most correct, as they inferred the saying of the Prophet, may God bless him and grant him peace, "Whatever cuticle has been tanned, it has purified," so he made tanning a condition for the purification of leather.

References:

- 1- Al-Istikhar, author: Abu Omar Yusef bin Abdullah bin Muhammad bin Abd al-Bar bin Asim al-Nimri al-Qurtubi (deceased: 463 AH), investigation: Salem Muhammad Atta, Muhammad Ali Moawad. Publisher: Dar al-Kutub al-Ilmiya - Beirut Edition: First, 1421-2000
- 2- Supervising jokes about matters of disagreement, author: Judge Abu Muhammad Abd al-Wahhab bin Ali bin Nasr al-Baghdadi al-Maliki (422 AH), investigator: Habib bin Taher, publisher: Dar Ibn Hazm, first edition, 1420 AH - 1999 AD
- 3- The origin known as Al-Mabsout, the author: Abu Abdullah Muhammad bin Al-Hassan bin Farqad Al-Shaibani (deceased: 189 AH), investigator: Abu Al-Wafa Al-Afghani, publisher: Department of the Qur'an and Islamic Sciences - Karachi
- 4 - Flags of Hadith (Explanation of Sahih Al-Bukhari), author: Abu Suleiman Hamad bin Muhammad Al-Khatibi (d. 388 AH), investigator: Dr. Muhammad bin Saad bin Abdul Rahman Al Saud, Publisher: Umm Al-Qura University (Scientific Research and Revival of Islamic Heritage Center) Edition: First, 1409 AH - 1988 AD
- 5- Al-Alam, the author: Khairuddin bin Mahmoud bin Muhammad bin Ali bin Faris, Al-Zarkali Al-Dimashqi (deceased: 1396 AH), Publisher: Dar Al-Ilm for Millions, Edition: Fifteenth - May / May 2002
- 6- Persuasion in matters of consensus, author: Ali bin Muhammad bin Abd al-Malik al-Katami al-Hamiri al-Fassi, Abu al-Hasan Ibn al-Qattan (deceased: 628 AH), investigator: Hassan Fawzi al-Saidi, publisher: al-Farouk al-Haditha for printing and publishing, first edition, 1424 AH - 2004 AD
- 7- Fairness in knowing the most correct of the dispute, the author: Alaeddin Abu Al-Hassan Ali bin Suleiman Al-Mardawi Al-Dimashqi Al-Salhi Al-Hanbali (deceased: 885 AH) Publisher: Arab Heritage Revival House, Edition: Second - undated
- 8- Al-Bahr Al-Ra'iq Explanation of the Treasure of Accuracies, Author: Zain Al-Din Bin Ibrahim Bin Muhammad, known as Ibn Najim Al-Masry (deceased: 970 AH), Publisher: Dar Al-Kitab Al-Islami
- 9- Bahr Al-Madhab (On the Branches of the Shafi'i School), Author: Al-Rawyani, Abu Al-Mahasin Abd Al-Wahed Bin Ismail (d. 502 AH), Investigator: Tariq Fathi Al-Sayed, Publisher: Dar Al-Kutub Al-Ilmiya, Edition: First, 2009 AD
- 10 - Bada'i Al-Sana'i fi Artibat Al-Shari'a, author: Aladdin, Abu Bakr bin Masoud bin Ahmed Al-Kasani Al-Hanafi (deceased: 587 AH), publisher: Dar Al-Kutub Al-Ilmiya, Edition: Second, 1406 AH - 1986 AD
- 11- Abu Al-Hussein Yahya bin Abi Al-Khair bin Salem Al-Omrani Al-Yemeni Al-Shafi'i (deceased: 558 AH), investigator: Qasim Muhammad Al-Nouri, publisher: Dar Al-Minhaj - Jeddah, edition: first, 1421 AH - 2000 AD

- 12- Crown of the bride from the jewels of the dictionary, author: Muhammad bin Muhammad bin Abdul Razzaq Al-Husseini, Abu Al-Fayd, nicknamed Mortada, Al-Zubaidi (deceased: 1205 AH)
- 13- Clarifying the facts, explaining the treasure of minutes and Hashiyat al-Shalabi, author: Othman bin Ali bin Muhjan al-Bara'i, Fakhr al-Din al-Zailai al-Hanafi (deceased: 743 AH), footnote: Shihab al-Din Ahmad bin Muhammad bin Ahmad bin Yunus bin Ismail bin Yunus al-Shalabi (deceased: 1021 e)
- 14- Abstraction of Al-Qudduri, author: Ahmed bin Muhammad bin Ahmed bin Jaafar bin Hamdan Abu Al-Hussein Al-Qudduri (deceased: 428 AH), investigator: Center for Jurisprudence and Economic Studies, A. Dr. Mohamed Ahmed Siraj... Prof. Dr. Ali Gomaa Mohamed
- 15- The Commentary by Judge Hussain (Ali Mukhtasar Al-Mazni), Author: Judge Abu Muhammad (and Abu Ali) Al-Hussein Bin Muhammad Bin Ahmed Al-Marrouthi (deceased: 462 AH), Investigator: Ali Muhammad Moawad - Adel Ahmed Abdel-Mawgoud, Publisher: Nizar Mustafa Al-Baz Library - Makkah
- 16- Rhythm in Language, the author: Abu Bishr, Al-Yaman bin Abi Al-Yaman Al-Bandaniji (deceased: 284 AH), investigator: Dr. Khalil Ibrahim Al-Attiyah, Publisher: The Republic of Iraq , Revival of Islamic Heritage (14)
- 17- Refinement of Names and Languages, author: Abu Zakariya Muhyi al-Din Yahya bin Sharaf al-Nawawi (deceased: 676 AH), I was interested in publishing it, correcting it, commenting on it, and interviewing its origins: The Scholars Company with the assistance of the Muniriyah Printing Department, requested by: Scientific Book House, Beirut - Lebanon
- 18- The Language Community, the author: Abu Bakr Muhammad bin Al-Hassan bin Duraid Al-Azdi (deceased: 321 AH), investigator: Ramzi Mounir Baalbaki, publisher: Dar Al-Ilm for Millions - Beirut, Edition: First, 1987 AD
- 19 - Jewels of pearls in solving abbreviated words, author: Abu Abdullah Shams al-Din Muhammad bin Ibrahim bin Khalil al-Tatai al-Maliki (000 - 942 AH), verified and published his hadiths: Dr. Abu al-Hasan, publisher: Dar Ibn Hazm, Beirut - Lebanon, Edition: First, 1435 A.H. - 2014 A.D. 20-Hashiyat Al-Rawd Al-Murabba', Explanation of Zad Al-Mustaqni', Author: Abdul Rahman bin Muhammad bin Qasim Al-Asimi Al-Hanbali Al-Najdi (deceased: 1392 A.H), Publisher: (Without a publisher), Edition: First - 1397 A.H.
- 21- Al-Hawi Al-Kabeer in the jurisprudence of the Imam Al-Shafi'i school of thought, which is a brief explanation of Al-Muzni, the author: Abu Al-Hasan Ali bin Muhammad bin Muhammad bin Habib Al-Basri Al-Baghdadi, known as Al-Mawardi (deceased: 450 AH), investigator: Sheikh Ali Muhammad Moawad, first edition, 1419 AH - 1999 AD