

## **Ruling on flogging dead animals according to Abu Shuja' (may God Almighty have mercy on him)**

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### **Abstract**

Praise be to God, Lord of the Worlds, and prayers and peace be upon our Prophet Muhammad and his family and companions altogether. This research includes an introduction, three topics, and a conclusion. The first topic included the Imam's personal and scientific life, and the second topic included the opinions of jurists on the matter, while the third topic included the words of Imam Abu Shuja' (may God Almighty have mercy on him) in the ruling on flogging dead animals after tanning.

### **Introduction**

Praise be to God, Lord of the Worlds, and prayers and peace be upon our master Muhammad and his family and companions

And after:

God, the Blessed and Exalted, has blessed this nation of Muhammad by providing it with scholars and jurists in the legal sciences, so they were the jurists of this nation, and its lamps in the dark, and they left us an enormous scientific wealth, and to whom people turned and followed their fatwas, so they were the reason for our choice of the subject. Among the books that scholars have been interested in, past and present, is the book *Matn al-Ghiyat wa'l-Taqreeb*, in which we are in the process of discussing some of the rulings and the issues that were contained in it, and for this reason the title of the research is (The ruling on the purity of dead skin after tanning according to Imam Abu Shuja'), and the research includes an introduction and three chapters. Induction, conclusion and sources. As for the introduction, this is it. As for the

first topic, it deals with the personal and scholarly life of the Imam. As for the second topic, it includes The doctrines of jurists in dead skin after tanning, and as for the third topic, it contains the rule of dead skin according to Imam Abu Shuja', then the conclusion, and we mentioned the ruling on the issue with the imam

The first requirement: his name, nickname, birth and upbringing

He is the ascetic imam, the judge, the jurist, the scholar Abu Shuja', who was called Shihab al-Din Abu al-Tayyib Ahmad ibn al-Hasan ibn Ahmad.

Al -Hafiz Abu Taher Al-Salafi said about him: He is one of the children of time. He studied in Basra for more than forty years in the Shafi'i school of thought, and he said that he mentioned to me in the year five hundred, and he lived after that what I do not verify. And Abu Taher Al-Salafi narrated a hadith from him, so he said: Al-Qadi Abu Shuja' (may God have mercy on him) told us in Basra on the authority of Othman bin Affan □ that

the Messenger of God ( ﷺ ) said (Whoever builds a mosque for God Almighty, God Almighty builds for him in Paradise like it).

As for his upbringing, biographies did not convey to us anything except what was previously mentioned about his life, despite the fame of Abu Shuja', may God have mercy on him, for the text he compiled in Shafi'i jurisprudence.

The second requirement: his era (the political and social situation)

It is often added to the translation of al-Qadi Abu Shuja', "may God have mercy on him," some things, including that he assumed the ministry during the time of the Abbasid caliph al-Muqtada Billah in the year forty-seven, and that he spread justice and religion, and he was not taken in the right by the blame of a blamer, and he did not leave his house except after he had prayed and read the Qur'an, and he had ten A crowd distributing alms to people, i.e. the zakat , and it is also mentioned that he resided in Medina, sweeping the honorable mosque and spreading mats until God passed him away and he was buried in the mosque that he built at Bab Jibril with his head near the honorable chamber. and Albagouri

As for returning to the books of biographers, including (The Beginning and the End) and (Siyar A'lam al-Nubala') we find that what was mentioned is meant by the minister Muhammad bin Al-Hussein bin Muhammad bin Ibrahim bin Abdullah Al-Rawdharuri, nicknamed Abu Shuja' and he is not the judge Ahmed bin Al-Hassan, who is nicknamed Babi brave his board purpose and approximation.

The third requirement: his sheikhs, his students, his writings, and his death

The biographers of Abu Shuja' al-Asfahani (may God have mercy on him) did not mention to us more than what he mentioned, and I did not find him a sheikh or a student, and no one transmitted anything from his tongue "Abi Shuja'" except for Yaqut al-Hamawi in his book "The Dictionary of Countries" and among the scribes Ghayah Al-Ikhtisar, which is abbreviated in jurisprudence according to the doctrine of Imam al-Shafi'i and the explanation of persuasion by al-Mawardi. Al-Subki said in his Tabaqat: (And I stood for him on the explanation of persuasion that was written by Judge Abu al-Hasan al-Mawardi)

As for his death, scholars differed in determining the date of his death. Ibn Qadi Shahba said in Tabaqat al-Shafi'i that he died in the sixth century, and the author of (Divan al-Islam) stated that he died after the five hundred years while it was stated in (Al-Alam by Al-Zarkali) and (The Dictionary of Authors) that He died in the year (593 AH). As for Yaqut Al-Hamwi , he mentioned the year of his birth without specifying the date of death.

The second topic

Doctrines of scholars in dead skin

If the jurists have agreed on the prohibition of using dead skin before tanning, then they differed in the ruling on benefiting from dead skin after tanning. There are seven schools of thought.

The first doctrine: All dead skins are purified with it except the dog, pig and those born from one of them, and it is purified by tanning all the skins of dead animals except the dog and pig and those born from one of them, and the outside and inside of the skin is purified by tanning and it is permissible to use it in dry

and liquid things and there is no difference between meat and others.

The second school of thought: It purifies everything except the skin of pigs, and it is the school of Abu Hanifa (may God have mercy on him).

The third school of thought: Everyone, dogs and pigs are purified, except that they purify their outsides and not their insides, so they are used on dry soil rather than on wet ones, and prayers are performed on them, not on them. This is the school of Malik (may God have mercy on him).

The fourth doctrine: The doctrine does not differ in the impurity of dead meat before tanning, and we do not know anyone who disagreed with it.

And on the authority of Ahmed another narration that he purifies the skin of what was pure in the state of life.

The fifth doctrine: Nothing of leather can be purified by tanning.

The sixth doctrine: It purifies the skin of the eaten meat by tanning, and no one else purifies it.

The seventh doctrine: Everyone, the dog and the pig, are cleansed outwardly and inwardly.

The second requirement is the evidence of the madhhabs

The doctrine of Abu Hanifa (may God have mercy on him)

And every tanned cuticle has been purified and prayers and ablutions are permissible in it, except for pig and human skin" because he (peace and blessings be upon him) said: "Any cuticle that has been tanned has been purified."

Significance:

A name for the skin that has not been tanned, so after tanning it is not called cuticle, but rather it is called epidermis, leather, or a sock, and in general it is an argument against Malik (may God have mercy on him) in the skin of dead skin and does not contradict the prohibition contained in the use of dead skin with cuticle, which is the saying of the Prophet (peace and blessings of God be upon him) (Do not benefit from the dead animal with cuticles or nerves), because it is a name for the non-tanned and an argument for Al-Shafi'i, may God have mercy on him, regarding the skin of a dog, and the dog is not an unclean eye. Does he not see that it is used for guarding and hunting, unlike a pig, because it is an unclean eye, since it is a distraction in His Almighty saying: (For it is an abomination)

We turn to it because of its closeness and the sanctity of benefiting from human parts for its dignity, so they departed from what we narrated.

Evidence of Malik's school of thought (may God have mercy on him)

And I do not know what is the truth of the one who saw the dog as if he was one of the people of the house, not like other lions, because he made the meaning weak in the obligation, so it was said: He wanted to weaken the hadeeth; Because it is one piece of news that appears to be the impurity of the dog and contradicts His saying, the Most High: "So eat of what they catch for you."

The Malikis held the view that the water in which the dog is licked is pure; Because the dog is pure, but washing the vessel from touching it is worship, and it was said by Al-Zuhri, Al-Awza'i, and Dawood, and Al-

Thawri said: He performs ablution with that water and completes complete ablution with it.

And Abu Hanifa said, and the evidence for the purity of the dog: What is forbidden to use it with the ability, and the evidence was based on benefiting from the dog, not out of necessity, from the Book, the Sunnah, and the consensus

Evidence:

First: from the book

The Almighty says: (And you have not learned dogs of prey, you teach them from what Allah has taught you, so eat from what they catch for you.)

The face of the evidence: And what you learned from the prey is sympathy for the good things, that is, it is lawful for you to eat the good things and hunt what you have learned, so delete the genitive, or make (what) a conditional and its answer is (so eat) and the prey that earns from the beasts of prey and birds such as the dog, leopard, tiger, eagle, falcon, falcon, and peregrine falcon.

And the dog: the one who disciplines the prey and beats it with the hunt for its owner and its owner, so with what he knows of tricks and methods of discipline and education, and it is derived from the dog, because discipline is most common in dogs, so it was derived from the word because of its large number of its kind

So God Almighty permitted teaching them and making use of them in hunting and eating what they caught, because they are among the prey

Second: from the year

1- Al-Bukhari included in his Sahih on the authority of Uday bin Hatim, he said: I asked

the Messenger of God (peace be upon him) and he said: (If you send your dog the teacher, then you name it, and it takes and catches up on its intelligence, then remember it, and if it is killed, then eat, and if it eats from it, do not eat)

Significance:

There is evidence for the permissibility of owning a dog, benefiting from it, and eating what it hunts.

2- Al-Bukhari included in his Sahih on the authority of Abdullah bin Omar (may God be pleased with him)

The Prophet (may God's prayers and peace be upon him) said: "Whoever keeps a dog other than a dog for cattle or a hunting dog, two qirats will be deducted from his deeds every day, and he used to command dogs to be killed."

So he permitted its acquisition and hunting with it, just as he permitted that with other prey animals, so it became like all the pure things that he permitted us to benefit from without necessity.

As for the consensus, they unanimously agreed on what was indicated by the Book and the Sunnah of that.

Likewise, Omar, may God be pleased with him, said in the presence of the Companions to the owner of the basin: O owner of the basin, do not tell us; We respond to lions and respond to us, and did not

It differentiates between the lions of which a dog is one of its total, and there is no difference between the amount of water in its little and much

Evidence for the doctrine of Imam Ahmad (may God have mercy on him)

There is no difference between the impurity of the dog's licking, hand, foot, hair, or other parts of it; Because the ruling on each part of the animal is the ruling on the rest of its parts, according to what we have decided, and the ruling on pigs is the same as on dogs. Because the text falls on the dog, and the pig is worse than it and harsher; Because God Almighty stipulated that it is forbidden, and Muslims are unanimous in that, and it is forbidden to acquire it.

The evidence of the fifth school of thought is Imam Ahmad in a narration and Imam Malik in a narration

And they quoted as evidence the hadith of Abdullah bin Akim. The Messenger (may God bless him and grant him peace) said: (Do not benefit from the dead cuticle or sinew), and that was a month before his death (may God bless him and grant him peace), so he abrogated all the hadiths.

And I answer that he was raised by disorder and transmission, as will come, so he does not rise to copying the authentic hadiths, and also the date by a month or two, as will come with a reason, because it is from the narration of Khaled Al-Shoe that Shu'bah disagreed with, and he is more memorized than their sheikh is one, and with the justification of history, he is in opposition to the authentic hadiths, which are more likely than him in any case, because he It was narrated in that: I mean purification. Al-Dabbagh by Al-Adem has fifteen hadiths: Two hadiths on the authority of Ibn Abbas. And about Umm Salamah three. And on the authority of Anas two hadiths.

Evidence of the doctrine of al-Awza'i, Ibn al-Mubarak, Abu Thawr and Ishaq bin Rahawayh

It is purified by tanning the skin of one who has eaten meat, and nothing else is purified. This is the view of Al-Awza'i, Ibn Al-Mubarak, Abi Thawr and Ishaq bin Rahawayh, and they argued for what is in the hadiths about making the tanner in the open as slaughtered, and some of that has been presented and will come after. They said: And the slaughtered that is suspected of is not permitted by the one who is eaten, just as the one who is likened does not purify the skin of the one who is not eaten.

As for Al-Awza'i and those who agreed with him, he argued for them with what was narrated on the authority of Osama bin Omair Al-Hathili (may God be pleased with him): The Messenger of God (may God's prayers and peace be upon him) (forbade the skins of beasts).

The point of evidence: it is forbidden to ride tigers, i.e. their skins, and the tiger is a predatory animal, and its skin after tanning, even if it is pure, but sitting on it is a habit of the arrogant, and by comparing it, seven morals such as anger and arrogance are obtained. As for before tanning, it is forbidden, then The prohibition is not specific to leopard skins, as it was mentioned in the narration of al-Tirmidhi and others, forbidding leopard skins. The beasts are to be spread out, they said: If they were purified by tanning, they were not forbidden to bed them at all, and in the hadith of Salama bin Al-Muhabeq that we have presented: The tanning of leather is his slaughter, they said: And the slaughter of what is not eaten does not purify it, they said: And because it is an animal that cannot be eaten, its skin is not purified by tanning, like a dog

Evidence of the doctrine of David and the people of the apparent

And purifying the skin of a dead animal, any dead animal, even if it is the skin of a pig or a seven or something else, because it is by tanning anything pure tanning. To be tanned or to be skinned, and he must be buried, even if he is an infidel.

The wool of the dead body, its hair, its feathers and its dander is forbidden before the tanner is lawful after that, and its bones and horns are all permissible.

Evidence First: From the Sunnah

And it was narrated on the authority of Aisha, Mother of the Believers (may God be pleased with her), that the Prophet (peace and blessings of God be upon him) said: "The tanning of leather is its own brightness." This is general for every skin.

The aspect of evidence: in which he likens the tanner to slaughtering, informing that the tanner in purification is in the same position as slaughtering the sheep in the replacement; Because slaughtering purifies it and makes it permissible to eat it

And Ibrahim Al-Nakha'i said about the skins of cows and sheep that die, then they are tanned, so they are sold and worn, and on the authority of Al-Awza'i, the permissibility of selling them, and on the authority of Sufyan Al-Thawri, on the permissibility of praying in them, and on the authority of Al-Layth bin Saad, on the permissibility of selling them, and on the authority of Saeed bin Jubair, regarding the dead body, its tanning, and its slaughter. Peace be upon him) in the skin of the dead and on the authority of Omar bin Abdul Aziz, Urwa bin Al-Zubair and Ibn Sirin like that

Ali said: As for Abu Hanifah's permissibility of the bone and the butt of the dead animal, then it is wrong because it contradicts the

correct tradition that we wanted not to benefit from the dead animal with its cuticle or nerve, and the news came with the permissibility of the cuticle if it was tanned, so the nerve remained on the prohibition, and the heel is nerve without a doubt. The death of Muharram, and we do not know these distinctions, nor this saying about anyone before him.

As for Malik's differentiation between the skin of what can be eaten and the skin of what is not eaten, it is a mistake, because God Almighty forbids dead animals as He forbids pork, and there is no difference.

Significance:

The scholars differed as to whether it is permissible to benefit from a dead animal or something from the impurities, and Malik differed in that as well. And he once said: All of them are forbidden, so it is not permissible to benefit from anything from them, nor from any of the impurities in any way of benefiting, so that it is not permissible to water the crops or the animals with impure water, and not to feed the impure animals, and not to feed the dead animals to dogs and lions, and if they eat them, they are not prevented. The reason for this saying is the apparent meaning of His saying, the Most High: "I have forbidden you dead animals and blood."

Significance:

Abu Jaafar said: The most correct interpretation of this is the interpretation of those who said: By that, he meant: Except what is recited to you of what God has forbidden, what He has forbidden to you when He says: "Dead meat is forbidden to you," verse. Because God Almighty made an exception from what He permitted His servants from the cattle of cattle, what He

prohibited them from. And what was forbidden to them from it, is what he explained in his saying: (Prohibited to you is dead meat, blood, and the flesh of swine).

There is no difference between a dead ram and a dead pig with him, nor with us, nor with a Muslim in the prohibition. Likewise, his difference between the skin of a donkey and the skin of lions is wrong, because the prohibition came in the way of lions as it came in donkeys, and there is no difference.

The strange thing is that his companions do not allow the use of the skin of the horse if it is tanned and its meat if it is slaughtered is permissible according to the text, and they allow the use of the skin of the seven if it is tanned and it is forbidden in which slaughter does not work according to the text. Because it is a differentiation between the aspects of benefit without a text of the Qur'an, nor a Sunnah, nor the saying of a companion, nor a follower, nor analogy, and we do not know this distinction from anyone before him.

As for Al-Shafi'i's differentiation between the skins of lions, the skin of a dog, and a pig, it is wrong, because all of that is a forbidden dead animal alike. This differentiation from one before him

Ali said: As for everything that was on the skin of wool, hair or animal hair, it is pure after tanning, not before tanning. Because the Prophet (may God bless him and grant him peace) knew that the skins of dead animals have hair, feathers, animal hair, and wool, so he did not order that to be removed, nor did he permit the use of any of that before tanning. In prayer and others, and selling all of that is included in the use of what the Messenger of God (peace and blessings of God be upon him) commanded. God forbid, just eat it.

As for bone, feathers, and horn, all of that is from the living, and the living is permissible to own and sell, except for what is prohibited by a text. Benefiting from all of this is permissible because he, peace be upon him, said that it was forbidden to eat it, so he permitted everything other than that, except for what was forbidden in his name, such as selling it and anointing with its fat, nerves and meat.

As for the hair and bones of the pig, all of it is forbidden, and it is not permissible to take possession of it or to make any use of it, because God Almighty said (Or pork, for it is an abomination).

Significance:

Or pork, for it is an abomination, because pork or its meat is filthy because it is accustomed to eating impurity, filthy, wicked, or immoral. Sympathy is given to pork, and the pronoun refers to the nearest aforementioned.

Significance:

{abomination} impure or filthy, filthy, beside the skin, for it is pure by tanning in the generality of his saying (may God bless him and grant him peace) (and whatever cuticle is tanned is purified)

Ali said: As for human flogging, it is correct that the Messenger of God (may God bless him and grant him peace) forbade mutilation and flaying is the greatest of mutilations. It is not permissible to mutilate an infidel or a believer, and his command (may God bless him and grant him peace) to throw the dead infidels of Badr into the hearth was correct, so it was obligatory to bury every dead infidel and believer

The third topic

The doctrine of Abu Shuja' in dead skin and its evidence with weighting

The first requirement: the doctrine of Abu Shuja' in the ruling on flogging dead animals.

All dead skins are purified with it except the dog and pig and those born from one of them, and it is purified by tanning all the skins of dead animals except the dog and pig and those born from one of them, and the outside and inside of the skin is purified with tanning and it is permissible to use it on dry and liquid things and there is no difference between meat and others.

The second requirement: the evidence on which the Shafi'i jurists relied in the ruling on flogging dead animals

First: from the book

The exception of the pig by the Almighty's saying (Say: I do not find in what has been revealed to me forbidden for one who eats it except that it be dead meat, or blood poured out, or the flesh of pork, for it is an abomination, or an immorality dedicated to other than God).

Significance:

(Or the flesh of swine, for it is an abomination) that is, these three things are an abomination, i.e. an impure, harmful filth, God forbids it out of kindness and integrity for you from approaching the filth, and made the pronoun refer to the genitive of it, and measured the dog against it with the collector of impurity.

Second of the year:

1- On the authority of Ibn Abbas (may God be pleased with them both) that the Messenger

(peace be upon him) said (any cuticle that has been tanned has been purified)

Significance:

Every animal that is impure by death, whose skin has been purified by tanning, and that is with the exception of the dog and the pig, because he (may God bless him and grant him peace) said: ( Any cuticle that has been tanned has been purified, and because the tanner maintains health on the skin and makes it fit to benefit from it like life, then life drives the impurity away from the skin. Or from one of them, so their skin should not be purified by tanning, because tanning is like life, and life does not ward off impurity from dogs and pigs, and so does tanning.

2 - On the authority of Aisha (may God be pleased with her) that the Prophet (peace and blessings of God be upon him) (ordered to make use of dead skins if they were tanned) narrated by the five, except for Al-Tirmidhi.

Significance:

The Messenger of God (may God's prayers and peace be upon him) commanded to enjoy the dead skins if they were tanned, and this is a good hadith

Evidence from the year:

1- Al-Bukhari included in his Sahih and Muslim, on the authority of Abu Hurairah (may God be pleased with him) that 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 seven times)

2- Muslim included in his Sahih, on the authority of Abu Hurairah (may God be pleased with him), that the Messenger of God (peace and blessings of God be upon him) said, "The purification of the vessel of one of



you if a dog licks it: to wash it seven times, the first of them with dirt.”

Significance:

The two hadiths indicate rulings, the first of which is the impurity of the dog's mouth in terms of the command to wash what is licked in it and the spilling of water, and his saying, “Purify one of you's utensils, for there is no washing except for one who is impure or unclean, and there is no impurity here, so the impurity and spilling is meant as a waste of money. And it is visible in the impurity of his mouth, and the rest of his body attached to it, by analogy with it.

The second rule is that the hadeeth indicates that seven washings of the vessel are obligatory, and it is clear

And whoever says that the seven is not obligatory, but rather the dog's licking is like any other impurity, and the licking is a must

And the answer to this is that it is to act according to what he narrated from the Prophet, may God's prayers and peace be upon him, not what he saw and gave fatwas with, and that he opposes what was narrated from him, and also that he issued a fatwa with seven washings, which is the most reliable chain of transmission, and it is also more likely that it agrees with the marfoo' narration.

3 – Muslim reported in his Sahih on the authority of Maimuna (may God be pleased with her): The Messenger (may God bless him and grant him peace ) had become a cloudy day, so Maimuna said: O Messenger of God, I have denounced your appearance since today. The Messenger of God (peace and blessings of God be upon him) said: Gabriel had promised me that he would meet me tonight, but he did not meet me. Then a dog puppy fell into himself under our tent, so he commanded it to

be taken out, then he took water in his hand and sprinkled it in his place, and when evening came he met him. Gabriel (peace be upon him), He said to him: You promised me that you would meet me yesterday. He said: Yes, but we do not enter a house in which there is a dog. no picture)

Significance:

As for his saying, then he took water in his hand and sprinkled it on his place, a group argued with it in the impurity of a dog.

4- Muslim included in his Sahih on the authority of Ibn Abbas (may God be pleased with him) that the Prophet (peace and blessings of God be upon him) said: (Angels do not enter a house in which there is a dog or a picture)

Significance:

The scholars said the reason for their abstention from a house in which there is a picture is that it is an obscene sin and in which there is imitation of the creation of God Almighty, and some of them are in the form of what is worshiped instead of God Almighty. The foul smell, and because it is forbidden to take it, so the one who took it was punished by depriving him of the angels entering his house, praying in it, seeking forgiveness for him, blessing him and his house, and repelling it as harm to Satan. Adam in every case, because they are commanded to count their deeds and write them down. Al-Khattabi said, but the angels do not enter a house in which there is a dog or a picture that is forbidden to keep, such as dogs and pictures. Similar to what al-Khattabi said, and it appears that it is general in every dog and in every image, and that they refrain from everyone to release hadiths, and because the puppy that was in the house of the Prophet, may God's prayers and peace be

upon him, under the bed, had an apparent excuse for him, so he did not know about it, and yet Gabriel, may God's prayers and peace be upon him, refused to enter If the excuse is in the presence of the picture and the dog does not prevent them, then Gabriel did not refuse, and God knows best

### Research results

1- Imam Abu Shuja' (may God Almighty have mercy on him) was one of the most distinguished scholars, so he created a summary of the jurisprudence of Imam Shafi'i (may God Almighty have mercy on him), which we are discussing.

2- The book Matn al-Ghiyat wa'l-Taqreeb is one of the books that scholars have been interested in, past and present.

3- So: The Shafi'is see that all dead skins are purified except for dogs and pigs and what is born from them or from one of them, and it is possible to benefit from dead skin in everything after tanning , and tanning is cleaning, i.e.: cleaning the skin, and the sale of dead skin is excluded from that. among the jurists.

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