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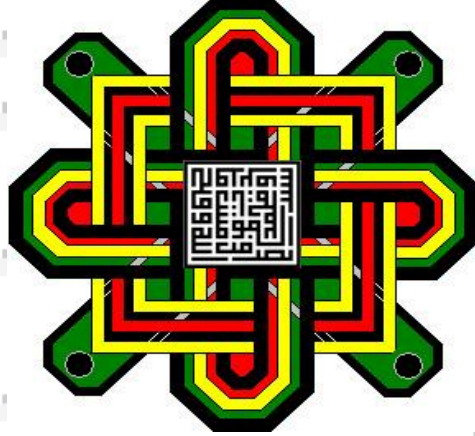
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# فَتْحُ الْبَصَائِرِ

لِتَحْقِيقِ وَضْعِ عُلُومِ الْبَوَاطِنِ وَالظَّوَاهِرِ

FAT'HU 'L-BASAA'IR

The Opening of the Mental Discerning Faculties



تأليف

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The fronticepiece is a rendition of the *hatumere'*,  
also known in Hausa as the '*Wise man knot*'.

At its center are the words of Allah:

*"Victory is from Allah and the Opening is near so give Good News to the believers", O Muhammad!*

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لِتَحْقِيقِ وَضْعِ عُلُومِ الْبَوَائِنِ وَالظَّوَاهِرِ

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

صَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

قَالَ الْعَبْدُ الْفَقِيرُ الْمُضْطَّرُّ لِرَحْمَةِ رَبِّهِ عُثْمَانَ بْنِ مُحَمَّدٍ بْنِ عُثْمَانَ الْمَعْرُوفُ بِابْنِ فُؤْدِي،  
تَعَمَّدَهُ اللَّهُ بِرَحْمَتِهِ آمِينَ، أَلْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَالصَّلَاةُ وَالسَّلَامُ عَلَى مُحَمَّدٍ سَيِّدِ الْمُرْسَلِينَ  
وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ، أَمَا بَعْدُ، فَهَذَا كِتَابُ :

### فَتْحِ الْبَصَائِرِ

لِتَحْقِيقِ وَضْعِ عُلُومِ الْبَوَاطِنِ وَالظَّوَاهِرِ

قَدْ أُوْدِعْتُ فِيهِ عَشْرَ مَسَائِلٍ:

الْمَسْأَلَةُ الْأُولَى: فِي تَحْقِيقِ أَقْسَامِ الْمُسْلِمِينَ بِإِعْتِبَارِ مَرَاتِبِهِمْ فِي الْبَصَائِرِ.

وَالْمَسْأَلَةُ الثَّانِيَةُ: فِي تَحْقِيقِ الْإِيمَانِ الظَّاهِرِ وَالْبَاطِنِ.

وَالْمَسْأَلَةُ الثَّلَاثَةُ: فِي مَحَلِّ تَحْقِيقِ مَحَلِّ الْأَحْكَامِ لِعُلُومِ الدِّينِ الَّتِي هِيَ التَّوْحِيدُ وَالْفِئَةُ وَالنَّصُوفُ.

وَالْمَسْأَلَةُ الرَّابِعَةُ: فِي تَحْقِيقِ مَا هُوَ مِنْ فُرُوضِ الْأَعْيَانِ وَمَا هُوَ مِنْ فُرُوضِ الْكِفَايَاتِ مِنْ تِلْكَ الْعُلُومِ.

وَالْمَسْأَلَةُ الْخَامِسَةُ: فِي تَحْقِيقِ دَائِرَةِ الْحَقِّ.

وَالْمَسْأَلَةُ السَّادِسَةُ: فِي تَحْقِيقِ دَائِرَةِ الْبَاطِنِ.

وَالْمَسْأَلَةُ السَّابِعَةُ: فِي تَحْقِيقِ دَائِرَةِ الظَّنِّ.

وَالْمَسْأَلَةُ الثَّامِنَةُ: فِي تَحْقِيقِ جُمْلَةِ أَقْوَالِ الْعُلَمَاءِ وَأَحْكَامِهَا.

وَالْمَسْأَلَةُ التَّاسِعَةُ: فِي تَحْقِيقِ التَّكْلِيفِ الْعَيْنِيِّ قَدْ كَمُلَتْ فِي زَمَنِ الرَّسُولِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ.

وَالْمَسْأَلَةُ الْعَاشِرَةُ: فِي تَحْقِيقِ إِخْتِلَافِ الْأَحْكَامِ فِي الشَّيْءِ الْوَاحِدِ لِإِخْتِلَافِ الْوُجُوهِ فِيهِ.

## السؤال الأول

### في تحقيق أقسام المسلمين باعتبار مراتبهم في البصائر

فأقول وبالله التوفيق أعلم أن أقسام المسلمين من هذه الأمة المحمدية باعتبار مراتبهم في البصائر ستة: الأول مجتهد التأصيل، والثاني مجتهد التفريع، والثالث مجتهد الترجيح، والرابع العالم، والخامس المتوسط بين العامة والعلماء، والسادس العام، ولكل واحد منهم أوصاف تميزه عن غيره وستراها إن شاء الله تعالى.

### مراتب المجتهدين

[1] والأول مطلق أوصاف أحدها البلوغ لأن غيره لم يكمل عقله حتى يُعتبر قوله، وثانيها العقل لأن غيره لا تميّ له يهتدي به لما يقوله حتى يُعتبر، والثالث أن يكون فقيه النفس شديد الفهم بالطبع لمقاصد الكلام بحيث يكون له قدرة على التصرف لأن غيره لا يتأتى به الاستنباط المفصود بالاجتهاد، الرابع أن يكون عارفاً بالدليل العقلي والبراءة الأصلية، وبأنه مكفون بالتمسك به ما لم ير ناقلاً عنه، والخامس أن يكون متوسطاً في معرفة الآلات من البلاغة والنحو إغراباً وتصريفاً وأصول الفقه والمعاني والبيان لتوقف الاستنباط عليها، أما الأصول فلأن به يُعرف كيوبيته، وأما الباقي فلأنه لا يفهم المراد من المستنبط منه إلا به، لأنه عربي بليغ، والسادس أن يعرف من الكتاب والسنة ما يتعلق بالأحكام لأن ذلك هو المستنبط منه فلا يشترط العلم بجميعها، قال عبد الرحمن السيوطي: "وقد أتبعنا أحاديث الأحكام صحيحها وحسنها وضعيفها، فجمعتها في مؤلف مَحذوفِ الأسانيدِ مبينٍ فيه حال كل حديث مرتب على مسائل المزايدة نافع جداً في هذا المعنى، وفيه مع التعبير بالمعرفة أنه لا يشترط حفظ ذلك، وهو كذلك"، وقال السبكي: "لا يكفي في المجتهد المتوسط في العلوم المذكورة بل فلا بد أن يكون له فيها ملكة وأن يكون مع ذلك قد أحاط بمعظم الشرع مع الصفات المعتبرة"، وقال السبكي أيضاً: "لكن لا يقام الاجتهاد لكونه متصفاً به إلا أن يعرف مع الإجماع كي لا يحرفه بمخالفة"، قال الشيخ ولي الدين: "ولا يشترط حفظها، بل يكفي معرفته بأن ما أفتى به ليس مخالفاً لإجماع، إما بأن يعلم موافقته لعالم أو يظن أن تلك الواقعة حادثة لم يسبق أهل الأمصار المتقدمة فيها كلام"، وأن يعرف أسباب النزول، فالخبرة بها تُرشد إلى فهم المراد، وليس فيه مؤلف مستوعب وتفسير المسند كافٍ لذلك، وينبغي أن يضم إلى ذلك معرفة

أَسْبَابِ الْحَدِيثِ، وَهُوَ نَوْعٌ مِنْ أَنْوَاعِهِ، مُهِمٌّ يَعْرِفُ بِهِ الْمُرَادَ كَأَسْبَابِ النَّزُولِ، وَأَلَّفَ فِيهِ الْقَاضِي أَبُو يَعْلَى الْفَرَاءُ، وَأَنْ يَعْرِفَ النَّاسِخَ وَالْمَنْسُوخَ كَيْ لَا يَعْمَلَ أَوْ يَفْتِيَ بِمَنْسُوخٍ، وَأَنْ يَعْرِفَ الْأَحَادِيثَ الصَّحِيحَةَ مِنَ الضَّعِيفَةِ لِيُحْتَجَّ بِالْأَوَّلِ وَيَطْرَحَ الثَّانِيَّ، وَيَعْرِفَ الْمُتَوَاتِرَ مِنَ الْأَحَادِيثِ لِيَقْدَمَ الْأَوَّلَ عِنْدَ التَّعَارُضِ، وَيَعْرِفَ حَالَ الرُّوَاةِ جَرْحًا وَتَعْدِيلًا لِيُحْتَجَّ بِرِوَايَةِ الْمُقُولِ عَنْهُمْ دُونَ الْمَرْدُودِ، وَيَعْرِفَ مَرَاتِبَ الْجَرْحِ وَالتَّعْدِيلِ لِيَعْرِفَ مَنْ يَعْمَلُ بِحَدِيثٍ فِي الْحَالِلِ وَالْحَرَامِ وَمَنْ يَعْمَلُ بِهِ فِي النَّدْبِ وَالْكَرَاهَةِ، وَيَكْتَفِي فِي هَذَا وَمَا قَبْلَهُ بِالْكَتُبِ الْمَصَنَّفَةِ فِي ذَلِكَ، وَالرُّجُوعُ إِلَى أُمَّةٍ هَذَا الشَّانِ لِيَتَعَذَّرَ التَّصْحِيحَ وَالتَّضْعِيفَ فِي هَذِهِ الْأَعْصَارِ كَمَا رَأَاهُ ابْنُ الصَّلَاحِ وَغَيْرُهُ، أَوْ التَّوَقُّفُ عَلَى مَعْرِفَةِ الْجَرْحِ وَالتَّعْدِيلِ، وَهُمَا مُتَعَذِّرَانِ إِلَّا بِوَاسِطَةٍ، فَالرُّجُوعُ فِيهِ إِلَى الْأُمَّةِ كَالْبُخَارِيِّ وَمُسْلِمٍ وَأَحْمَدٍ وَالدَّارِقُطْنِيِّ وَغَيْرِهِمْ أَوْلَى.

وَقَدْ بَيَّنَّ بِذَلِكَ أَنَّ مَرْتَبَةَ الْإِجْتِهَادِ صَعْبٌ مَنَالُهَا عَزِيزٌ إِذْرَاكُهَا لِكثْرَةِ الْأُمُورِ الْمُشْتَرِطَةِ فِيهَا بِحَيْثُ أَنْ كُلُّ أَمْرٍ مِنْهَا يَصْلُحُ لِأَنْ يَصْرَفَ فِي تَحْصِيلِهِ الْأَمْرَ حَتَّى يَصِيرَ مَلَكَهَ دَهْرٌ طَوِيلٌ أَوْ عَمْرٌ مَدِيدٌ إِلَّا مَنْ مَنَحَهُ اللَّهُ وَيَسَّرَهُ عَلَيْهِ، وَلَا يَشْتَرِطُ فِي الْإِجْتِهَادِ مَعْرِفَةَ تَفَارِيعِ الْفِقْهِ لِأَنَّهَا نَتِيجَةُ الْإِجْتِهَادِ، فَلَوْ شَرِطَتْ فِيهِ لِازِمِ الدَّوْرِ، وَلَا يَشْتَرِطُ أَيْضًا الذُّكُورِيَّةَ وَلَا الْحُرِّيَّةَ، وَقَدْ تَكُونُ قِرَاءَةُ الْإِجْتِهَادِ لِامْرَأَةٍ وَعَبْدٍ.

وَفِي إِشْتِرَاطِ الْعِدَالَةِ قَوْلَانِ: أَحَدُهُمَا لَا يَشْتَرِطُ لِحَوَازِ أَنْ يَكُونَ لِلْفَاسِقِ قُوَّةُ الْإِجْتِهَادِ، وَالثَّانِي يَشْتَرِطُ لِيَعْتَمِدَ عَلَى قَوْلِهِ، فَلَا خِلَافَ فِي الْمَعْنَى لِأَنَّهَا شَرْطٌ لِقَبُولِ قَوْلِهِ لَا لِحُصُولِ وَصْفِ الْإِجْتِهَادِ، وَذَلِكَ أَمْرٌ مُتَّفَقٌ عَلَيْهِ، وَقَالَ الرَّزْكَانِيُّ وَالشَّيْخُ: "مِنْ شُرُوطِ الْإِجْتِهَادِ الْبَحْثُ عَنِ الْمَعَارِضِ، فَيُبْحَثُ فِي الْعَامِ هَلْ لَهُ مُخَصَّصٌ، وَفِي الْمَطْلُوقِ هَلْ لَهُ مُقَدِّدٌ، وَفِي النَّصِّ هَلْ لَهُ نَاسِخٌ، وَعَنِ اللَّفْظِ هَلْ مَعَهُ قَرِينَةٌ تَصَرَّفُهُ عَنِ ظَاهِرِهِ إِلَى أَنْ يَغْلِبَ عَلَى الظَّنِّ وَجُودِ ذَلِكَ، فَيَعْمَلُ بِمُقْتَضَاهُ أَوْ عَدَمِهِ، فَيَعْمَلُ بِمَا يُقْتَضِيهِ ظَاهِرُ اللَّفْظِ"، وَقَالَا: "وَلَا يُبَاقِي هَذَا مَا تَقَدَّمَ مِنْ جَوَازِ التَّمَسُّكِ بِالْعِلْمِ قَبْلَ الْبَحْثِ عَنِ الْمَخَصَّصِ لِأَنَّ ذَلِكَ فِي جَوَازِ التَّمَسُّكِ بِالْمَجْرَدِ عَنِ الْقَرَائِنِ، وَالْكَلامُ هُنَا فِي إِشْتِرَاطِ مَعْرِفَةِ الْمَعَارِضِ بَعْدَ ثُبُوتِ كَوْنِهِ مُعَارِضًا"، وَقَالَ الشَّيْخُ جَلَالُ الدِّينِ الْمَذْكُورِ: "هُنَا عَلَى سَبِيلِ الْأَوْلَوِيَّةِ لِيَسَلَّمَ مَا يَسْتَنْبِطُهُ مَنْ تَطَرَّقَ الْخَدَشَ إِلَيْهِ لَوْ لَمْ يَبْحَثْ لَا عَلَى سَبِيلِ الْوُجُوبِ"، ثُمَّ قَالَ عَبْدُ الرَّحْمَنِ السُّيُوطِيُّ: "وَهَذِهِ الْأُمُورُ الْمُتَقَدِّمَةُ شَرْطٌ فِي الْمُجْتَهَدِ الْمَطْلُوقِ، وَقَدْ فُقِدَ الْآنَ".

[2] ثُمَّ قَالَ فِي شَرْحِ الْمُهْذَبِ: "وَمَنْ لَهُ إِمَامٌ مِنَ الْأُمَّةِ الْمُتَّبِعِينَ الْمُسْتَقِلُّ بِتَقْدِيرِ أُصُولِهِ بِالذِّينِ غَيْرَ أَنَّهُ لَا يَتَجَاوَزُ فِي أدَلَّتِهِ أُصُولَ إِمَامِهِ"، وَفِي قَوَاعِدِهِ قَالَ: "وَشَرْطُهُ كَوْنُهُ عَالِمًا بِالْفِقْهِ وَأُصُولِهِ وَأَدَلَّتِهِ الْأَحْكَامِ تَفْصِيلًا بَصِيرًا بِمَصَالِحِ الْأَفْيسَةِ وَالْمَعَانِي تَامَ الْإِرْتِيَاضِ فِي التَّخْرِيجِ وَالِاسْتِنْبَاطِ قِيَمًا بِالْحَاقِ مَا

لَيْسَ مَنْصُوصاً عَلَيْهِ لِإِمَامِهِ بِأُصُولِهِ، ثُمَّ يَتَّخِذُ نُصُوصَ إِمَامِهِ أُصُولاً يَسْتَنْبِطُ مِنْهَا كَفِعْلِ الْمُسْتَقَلِّ بِنُصُوصِ الشَّرْعِ رُبَّمَا أَكْتَفَى فِي الْحُكْمِ لِذَلِيلِ إِمَامِهِ، وَلَا يَبْحَثُ عَن مُعَارِضِ كَفِعْلِ الْمُسْتَقَلِّ بِالنُّصُوصِ، وَهَذِهِ صِفَةٌ أَصْحَابِ الْوُجُوهِ، إِنَّتَهَى.

ثُمَّ قَالَ عَبْدُ الرَّحْمَنِ السُّيُوطِيُّ: «وَدَوَّنَهُ فِي الْمَرْتَبَةِ [3] مُجْتَهِدَ الْمُفْتَبِينَ يَعْنِي مُجْتَهِدَ التَّرْجِيحِ»، قَالَ فِي جَمْعِ الْجَوَامِعِ: «وَهُوَ الْمُسْتَخْرَجُ فِي مَذْهَبِ الْمُتَمَكَّنِ مِنْ تَرْجِيحِ قَوْلِ عَلَى آخِرٍ»، وَقَالَ فِي شَرْحِ الْمُهْتَدِ: «هُوَ مَنْ لَا يَبْلُغُ رُتْبَةَ الْوُجُوهِ لِكُنْهَ فِقِيهِ النَّفْسِ حَافِظُ مَذْهَبِ إِمَامِهِ عَارِفٌ بِأَدَلَّتِهِ قَائِمٌ بِتَقْرِيرِهَا»، وَهَذِهِ صِفَةٌ كَثِيرٌ مِنَ الْمُتَأَخِّرِينَ إِلَى أَوَاخِرِ الْمِائَةِ الرَّابِعَةِ، وَلَمْ يَذْكَرْ فِي جَمْعِ الْجَوَامِعِ مَرْتَبَةَ بَعْدَ ذَلِكَ وَقَدْ ذَكَرَ فِي شَرْحِ الْمُهْتَدِ مَرْتَبَةَ رَابِعَةً يَعْنِي مَرْتَبَةَ الْعَالِمِ وَهِيَ: «أَنْ يَقُومَ بِحِفْظِ الْمَذْهَبِ وَنَقْلِهِ وَفَهْمِهِ فِي الْوَاضِحَاتِ وَالْمَشْكَلاتِ، وَلَكِنْ عِنْدَهُ ضَعْفٌ فِي تَقْرِيرِ أَدَلَّتِهِ وَتَحْرِيرِ أَفْيَسْتِهِ، فَهَذَا يَعْتَمِدُ نَقْلَهُ وَفَتْوَاهُ فِيمَا يَحْكِيهِ مِنْ مَسْطُورَاتِ مَذْهَبِهِ، وَمَا لَا يَجِدُهُ مَنْقُولاً إِنْ وُجِدَ فِي الْمَنْقُولِ مَعْنَاهُ بِحَيْثُ يَذْكَرُ مِنْهُ بِغَيْرِ كَبِيرِ فِكْرٍ، أَنَّهُ لَا فَرْقَ بَيْنَهُمَا جَارَ الْخَاقِ بِهِ وَالْفَتْوَى بِهِ، وَكَذَلِكَ يَجِبُ إِمْسَاكُهُ عَنِ الْفَتْوَى فِيهِ لِأَنَّهُ يُبْعُدُ كَمَا قَالَ أَمِيرُ الْمُؤْمِنِينَ إِمَامُ الْحَرَمَيْنِ: «أَنْ تَقَعَ مَسْأَلَةٌ لَمْ يَنْصُصْ عَلَيْهَا فِي الْمَذْهَبِ وَلَا هِيَ فِي الْمَعْنَى الْمَنْصُوصِ وَلَا مُنْدرِجَةٌ تَحْتَ ضَابِطٍ، وَشَرْطُهُ لِكُونِهِ فِقِيهِ النَّفْسِ ذَا حِطِّ وَافِرٍ مِنَ الْفَقْهِ، وَصَاحِبُ هَذِهِ الْمَرْتَبَةِ لَيْسَ مِنَ الْإِجْتِهَادِ فِي شَيْءٍ»، إِنَّتَهَى مَا فِي شَرْحِ الْكُوكَبِ مُلْخِصًا.

وَقَالَ أَحْمَدُ الزَّرُّوقُ فِي عُمْدَةِ الْمُرِيدِ الصَّادِقِ بَعْدَ إِبْرَادِهِ قَوْلِهِ تَعَالَى: ﴿قُلْ هَذِهِ سَبِيلِي أَدْعُو إِلَى اللَّهِ عَلَى بَصِيرَةٍ أَنَا وَمَنِ اتَّبَعَنِي﴾، فَذَبَّيْنُ أَنْ التَّبَصَّرَ فِي الدِّينِ أَصْلٌ مِنْ أُصُولِهِ، وَأَنَّ مَنْ أَخَذَ الْأُمُورَ مِنْ رَأْيِهِ فِي عِمَايَةٍ فَلَيْسَ بِمُتَّبِعٍ لِلشَّارِعِ، لَكِنَّ النَّاسَ ثَلَاثَةٌ يَعْنِي بَعْدَ الْمُجْتَهِدِينَ: [1] عَالِمٌ مُتَمَكَّنٌ فِي تَبَصُّرِهِ فِي أَخْذِ الْمَسَائِلِ بِطَلْبِ الدَّلِيلِ، وَإِنْ لَمْ يَكُنْ مُجْتَهِدًا، [2] وَمُنْتَوِسِطٌ فِي الْأَمْرَيْنِ الْعَامَةِ وَالْعُلَمَاءِ، فَلَا يَصِحُّ إِتْبَاعُهُ إِلَّا لِمَنْ تَبَصَّرَ فِي شَأْنِهِ وَأَوْجِبُ لَهُ مَا عَلَّمَ مِنَ الشَّرِيعَةِ، إِنَّ هَذَا مِمَّنْ يُفْتَدَى بِهِ، ثُمَّ لَا يَأْخُذُ عَنْهُ مَا يَأْبَاهُ مَا عَلَّمَهُ مِنْ قَوَاعِدِ الشَّرِيعَةِ إِذْ لَا يَجُوزُ لِأَحَدٍ أَنْ يَتَعَدَّى عِلْمَهُ، ﴿وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ﴾، [3] وَعَامِيٌّ وَحَقُّهُ أَنْ يَقِفَ مَعَ مَا لَا يَشْكُ فِي حَقِيقَةِ مَنْ حُقِقَ اللهُ وَذَكَرَهُ وَالْعَمَلِ عَلَى الْجَادَةِ الَّتِي لَا يَشْكُ فِيهَا وَإِلَّا فَهُوَ مُسْتَهْزِئٌ بِدِينِهِ وَمُتْلَاعِبٌ بِهِ فَأَعْلَمُ، إِنَّتَهَى.



## الْمَسْأَلَةُ الثَّانِيَّةُ

### فِي تَحْقِيقِ الْإِيمَانِ الظَّاهِرِ وَالْبَاطِنِ

فَأَقُولُ وَبِاللَّهِ التَّوْفِيقُ، أَعْلَمُ أَنَّ الْإِيمَانَ الظَّاهِرَ الَّذِي يَسْتَحِقُّ بِهِ الْعَبْدَ جَرِيَانَ أَحْكَامِ الْإِسْلَامِ عَلَيْهِ الْإِفْرَارُ فَقَطُّ، وَقَدْ أَتَّفَقَ عُلَمَاءُ السُّنَّةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ عَلَى أَنَّ مَنْ أَقْرَبَ بِلَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُجْرِبَتْ عَلَيْهِ الْأَحْكَامُ الْإِسْلَامِيَّةُ.

قَالَ عَبْدُ السَّلَامِ بْنُ إِبْرَاهِيمَ اللَّقَائِي فِي إِتِّحَافِ الْمُرِيدِ بِجَوْهَرَةِ التَّوْحِيدِ: "فَالْإِيمَانُ الْكَافِي فِي الدُّنْيَا هُوَ الْإِفْرَارُ فَقَطُّ، فَمَنْ أَقْرَبَ أُجْرِبَتْ عَلَيْهِ الْأَحْكَامُ الْإِسْلَامِيَّةُ فِي الدُّنْيَا، وَلَمْ يَحْكَمْ عَلَيْهِ بِكُفْرٍ إِلَّا إِذَا أَفْتَرَنَ بِهِ قَيْدٌ يَدِلُّ عَلَى كُفْرِهِ كَالسُّجُودِ لِلصَّنَمِ، فَهُوَ تَصْدِيقٌ مَا عِلْمٌ مَجِيءُ الرَّسُولِ بِهِ ضَرُورَةً، وَقَدْ أَتَّفَقَ عُلَمَاءُ السُّنَّةِ رَضِيَ اللَّهُ عَنْهُمْ عَلَى أَنَّ هَذَا الْإِيمَانَ الْبَاطِنَ الَّذِي يَسْتَحِقُّ بِهِ الْعَبْدُ دُخُولَ الْجَنَّةِ مُتَعَلِّقٌ بِمَا عِلْمٌ مَجِيءُ الرَّسُولِ بِهِ ضَرُورَةً لَا بِمَا وَرَدَ بِخَبَرِ الْآحَادِ، وَلَا بِمَا عِلْمٌ مَجِيئُهُ بِهِ نَظَرًا كَالْإِجْتِهَادِيَّاتِ، فَإِنَّ ذَلِكَ كُلَّهُ غَيْرٌ دَاخِلَةٌ فِي مُسَمَى الْإِيمَانِ، وَلِهَذَا لَا يُكْفِرُ مُنْكَرَ خَبَرِ الْآحَادِ مِنَ الْأَحَادِيثِ وَمُنْكَرَ الْإِجْتِهَادِيَّاتِ، وَفِي شَرْحِ الْوَاقِفِ لِلْفَصْدِ قَدْ أَجْتَمَعَتِ الْأُمَّةُ عَلَى أَنَّ انْكَارَ الْآحَادِ لَيْسَ كُفْرًا"، اِنْتَهَى.

وَقَالَ الْعَيْنِيُّ فِي شَرْحِ الْبُخَارِيِّ: "لَا يُكْفِرُ مُنْكَرَ الْإِجْتِهَادِيَّاتِ بِالْإِجْمَاعِ، قَالَ أَحْمَدُ بْنُ الْحَجَرِ الْهَيْتَمِيُّ فِي الْفَتْحِ الْمُبِينِ شَرْحِ الْأَرْبَعِينَ النَّوَوِيَّةِ: "الْإِيمَانُ لُغَةً مُطْلَقُ التَّصْدِيقِ، وَشَرَعًا التَّصْدِيقُ بِقَلْبٍ فَقَطُّ، وَادِّعَانُهُ لِمَا عِلْمٌ بِالضَّرُورَةِ أَنَّهُ مِنْ دِينِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَيَجِبُ التَّصْدِيقُ بِكُلِّ مَا جَاءَ بِهِ مِنْ إِعْتِقَادِيٍّ، وَهُوَ مَا قَصَدَ مِنْهُ إِعْتِقَادُهُ أَوْ عَمَلِيٍّ، وَهُوَ مَا قَصَدَ مِنْهُ الْعَمَلُ، وَمَعْنَى التَّصْدِيقِ بِهِ إِعْتِقَادٌ أَنَّهُ حَقٌّ وَصِدْقٌ كَمَا أَخْبَرَ بِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَتَفَاصِيلُ هَذَيْنِ كَثِيرَةٌ جِدًّا إِذْ هِيَ حَاصِلَةٌ مَا فِي الْكُتُبِ الْكَلَامِيَّةِ وَدَوَاوِينِ السُّنَّةِ، فَأَكْتَفَى بِإِجْمَالٍ، وَهُوَ أَنَّ يُقَرَّرَ بِلَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ إِفْرَارًا مُطَابِقًا لِقَلْبِهِ وَاسْتِسْلَامِهِ، وَأَمَّا التَّفَاصِيلُ هَذِهِ فَمَا لَا حَظَّ مِنْهَا بِبَصِيرَةٍ بَأَنَّ جَذْبَهُ جَانِبٌ إِلَى تَعَلُّمِهِ وَجَبَّ الْإِيمَانُ بِهِ تَفْصِيلًا"، اِنْتَهَى.



## المسألة الثالثة

في تحقيق محل الأحكام لعلوم الدين التي هي التوحيد والفقه والتصوف

أقول وبالله التوفيق، أعلم أن علم التوحيد وعلم التصوف لا يكون حكمهما في الدنيا أصلاً، وإنما يكون حكمهما في الآخرة على الإجماع، فإن علم الفقه هو الذي يحكم بأمر الدنيا، ومثال ذلك كما قال العزالي في الإحياء: "يظهر في أربعة أمور في كلمة الشهادة، والصلاة والزكاة وباب الحلال والحرام، أما كلمة الشهادة فالفقه يحكم بصحة الإسلام بمجرد إقرارها تحت ظلال السيوف مع أنه يعلم أن السيف لم يكشف له شبهة ولم يرفع على قلبه غشاوة الجهل، وهذه الكلمة باللسان تعصم رقبته وماله ما دامت رقبة ومال، وذلك في الدنيا، أما في الآخرة فلا تنفع فيها الأقوال، بل بأنوار القلوب وأسرارها وأخلاقها، وليس لك من فن الفقه بل من أصول الدين والفروع الباطنة أو تعرض الفقه له كان خارجاً عن فقهه وأما الصلاة فالفقه يحكم بصحتها إذا أتى المصلي بصورتها مع ظاهر الشروط وإن كان غافلاً في جميع صلاته من أولها إلى آخرها لأن ما فعله حصل به امتثال صيغة الأمر وأقطع عنه القتل، وأما الخشوع واحضار القلب الذي هو عمل الآخرة، وبه ينتفع العمل الظاهر، فلا يتعرض له الفقه لأنه من الفروع الباطنة، ولو تعرض لذلك الفقه كان خارجاً عن فقهه، وأما الزكاة فالفقه يطلب له فيها ما يقطع مطالبة السلطان حتى أن صاحب المال إذا امتنع من أدائها فأخذها السلطان عنه قهراً حكم الفقه بأنه برأت ذمته، وقد حكى أن أبا يوسف كان يهب ماله لزوجته في آخر الحول ويستوهبها لإسقاط الزكاة، فحكى ذلك لأبي حنيفة فقال: إن ذلك من فقه الدنيا ولكن مضرت في الآخرة، أما الحلال والحرام فالورع عن الحرام من الدين ولكن الورع له أربع مراتب، الأول الورع الذي يشترط في عدالة الشهادة وهو الذي يخرج به الإنسان عن مصيبة الشهادة والقضاء والولاية، وهو الإحترار عن الحرام الظاهر، الثانية ورع الصالحين وهو التورع عن الشبهات التي تتقابل فيها الإحتمالات، الثالثة ورع المنقين وهو ترك الحلال المحض الذي يخافه منه أدأؤه إلى الحرام، الرابع ورع الصديقين عما سوى الله سبحانه خوفاً من صرف ساعة من العمر إلى ما يعقد زيادة قرب من عند الله عز وجل وإن كان يعلم ويحقق أنه لا يفضي إلى الحرام، فهذه درجات ورع الشهود والقضاة، وما يقدح في العدالة والشهود القيام بذلك لا ينبغي الإثم في الآخرة"، إنتهى كلامه ملخصاً.

قلت: ومثل ذلك أيضاً كما قال في الإحياء أيضاً في محل آخر الشهادة في فصل الخصومات

وسياسات السلطنة ومثل أحكام الحدود والجراحات والقراحات.

## السؤال الرابع

في تحقيق ما هو من فروض الأعيان وما هو من فروض الكفاية من تلك العلوم

فأقول وبالله التوفيق: أعلم أن فن التوحيد ينقسم إلى قسمين: أصول الدين وعلم الكلام، وأصول الدين من فروض الأعيان، وعلم الكلام من فروض الكفاية، قال عبد الرحمن السيوطي في شرح الكوكب: "من العلماء من يسمي أصول الدين علم الكلام لأن له أول كلمة وقعت فيه مسألة الكلام"، ثم قال: "وقد قسمه في جمع الجوامع إلى قسمين: عملي وهو ما يجب اعتقاده، وعلمي لا عملي وهو ما لا يجب معرفته في العقائد وإنما هو من رياضات العلم"، ثم قال عبد الرحمن السيوطي: "والتحقيق أن القسم الثاني لا يسمي أصول الدين، وإنما هو من علم الكلام، والأول إن أفتتن به نصب الأدلة العقلية مع حكاية أقوال أهل البدع والفلسفة، فهو علم الكلام أيضاً".

فأصول الدين إلهياتها ونبوياتها في القرآن العظيم، وأثبتها النبي صلى الله عليه وسلم أيضاً في سنته كما بينا ذلك في مرآة الطلاب وعمدة العلماء، ومن أرادها فليرجع إليها والمطلوب الواجب فيها على الأمة حصول معانيها في قلوب بواسطة القرآن والحديث، والكلام وجميع اصطلاحاتها التي أحدثها المتأخرون لم يكن من فروض الأعيان على الأمة بل هو من فروض الكفايات، ولذلك قال سيدي الحسن ابن مسعود اليوسي في شرح الوسطي في بيان حكم علم الكلام: "هو فرض كفاية من قام به من العلماء في كل قطر أجزاً عن غيره من ذلك القطر"، انتهى، حكي في العمدة: "أن علم الكلام مظنة لرد الشبهات وحل الشكوك، ومن ثم قال غير واحد هو فرض كفاية على أهل كل قطر يشك الوصول منه إلى غيره".

وأما الفقه فينقسم هو أيضاً إلى قسمين عبادات كالصلاة والزكاة والصيام والحج فروض الأعيان، قال الشيخ أبو زيد عبد الرحمن بن عامر الأخضر رضي الله تعالى عنه: "أول ما يجب على المكلف تصحيح إيمانه ثم معرفة ما يصلح به فرض عينه كأحكام الصلاة والطهارة والصيام وأحكام مثل ما في باب الأفضية وباب أحكام الدماء وباب الفرائض، وغالب ما في تحفة الحكام لأبي بكر ابن عاصم القيسي من فروض الكفايات كما بينه غير واحد من علماء السنة رضي الله تعالى عنهم".

وأما التصوف فينقسم هو أيضاً إلى قسمين الأول التخلق وهو التخلي بالصفات المذمومة مثل العجب والكبر والغضب والباطل والحسد والبخل والرياء وحب الجاه وحب المال للافتخار، والأمل وإساءة الظن بالمسلمين والتخلي بالصفات الحمودة مثل التوبة والإخلاص والتقوى والصبر والزهد

والتَّقْوِيضِ وَالرِّضَى وَالْخَوْفِ وَالرَّجَاءِ، وَهَذَا الْقِسْمُ مِنْ فُرُوضِ الْأَعْيَانِ كَمَا قَالَهُ الْغَزَالِيُّ فِي الْإِحْيَاءِ  
وَعَبْدُ الرَّحْمَنِ السُّيُوطِيُّ فِي إِتْمَامِ الدُّرَيْبَةِ شَرْحِ النَّقَايَةِ، وَالْقِسْمُ الثَّانِي التَّحَقُّقُ مِثْلُ مَعْرِفَةِ أَحْوَالِ الْمُرِيدِينَ  
وَمَقَامَاتِ الْأَوْلِيَاءِ وَمَعْرِفَةِ تَجَلِّي الْأَفْعَالِ مِثْلُ مَعْرِفَةِ الْأَسْمَاءِ وَتَجَلِّي الذَّاتِ، وَهَذَا الْقِسْمُ مِنْ فُرُوضِ  
الْكِفَايَةِ، بَلْ بَعْضُهُ مَخْصُوصٌ بِالْأَوْلِيَاءِ بِلَا نِزَاعٍ، وَقَدْ تَكَفَّلَ بِبَيَانِ الْقِسْمِ الْأَوَّلِ الْغَزَالِيُّ وَالْمُحَاسِبِيُّ، وَمَنْ  
حَدَا حَدُوهُمَا، وَتَكَفَّلَ بِبَيَانِ الْقِسْمِ الثَّانِي الشَّاذِلِيُّ رَضِيَ اللهُ تَعَالَى عَنْهُمُ كَمَا قَالَهُ أَحْمَدُ الزُّرُوقُ فِي  
قَوَاعِدِهِ.



Institute of Islamic-African Studies International

## المسألة الخامسة

### في تحقيق دائرة الحق

فأقول وبالله التوفيق: إن دائرة الحق هي القواطع الأربعة التي هي قضية العقل، ونص القرآن ونص الحديث المتواتر، وإجماع علماء السنة رضي الله تعالى عنهم، والإعتقادات لا تثبت إلا بها، ولذلك قال الشيخ محمد الطاهر بن إبراهيم في منظوم الكبرى:

يُثَبَّتُ بِالْبَرَاهِينِ الْعَقْلِيَّةِ \* ذَا الْعِلْمِ وَالْقَوَاعِ النَّقْلِيَّةِ

وَلِذَلِكَ قَالَ أَحْمَدُ بْنُ زَكْرِيَاءٍ فِي مَحْصَلِ الْمَقَاصِدِ:

يُبْنَى عَلَى الْبَرَاهِينِ الْعَقْلِيَّةِ \* كَذَلِكَ الْقَوَاعِ السَّمْعِيَّةِ

قال المنجوري في شرح هذا الفصل في بيان معنى هذا البيت: يعني إن هذا العلم يبني في إثبات مسألة على الأدلة القطعية، وهذا لأن المطلوب في إعتقادات القطع، فلذلك لا يثبت بأمارات وهي الأدلة الظنية لأنها لا تنتج إلا ظناً، بل إنما يثبت بالبراهين العقلية والقواطع السمعية كالقرآن والسنة المتواترة، إذا كان كل منهما نصاً في مدلوله وكالإجماع القول المنقول بتواتر بخلاف السكوتي أو المنقول بالآحاد.

## المسألة السادسة

### في تحقيق دائرة الباطل

فأقول وبالله التوفيق إنَّ دائرة الباطل هي الأصول الباطلة التي هي ضد القواطع الأربعة أعني بها ما خالف قضية العقل ونص القرآن أو نص الحديث المتواتر وإجماع علماء السنة رضي الله تعالى عنهم، فهذه الأمور الباطلة لا تحتاج إلى إستههاد بأقوال العلماء إذ لا يختلف إثنان على بطلانها.



## المسألة السابعة

### في تحقيق دائرة الظن

فأقول وبالله التوفيق: إن دائرة الظن هي الأمور الظنية التي هي ظاهر الآية، وظاهر الحديث، وخبر الأحاد وإن كان نصاً، وآراء المجتهدين التي لم ينعقد إجماعهم عليها، وفي هذه الدائرة يختلف المجتهدون، ولا يكون واحد منهم حجة على غيره، إذ لكل قائل بالإجتihad الذي هو بذل الوسع لتحصيل الظن، وكيف يقول له: "أتترك ظنك لأجل ظني"، ولو أطلع الطلبة على تحقيق هذه الدائرة لأستراحوا بترك المنازعة، وترك احتجاج بعضهم على بعض بأقوال المجتهدين إذ لا يكون قول مجتهد حجة على قول مجتهد على الإجماع، والعمليات تثبت بهذه الدائرة كما تثبت بدائرة الحق.

قال المنجوري في شرح المحصل: "إن الظن في العمليات كاف لإجتماع الصحابة على العمل بخبر الواحد والقياس وظواهر الكتاب والسنة"، وقال: "إن كانت المناظرة في المسائل التي لا تكون إلا قطعية كالكلام فالمجادلة لأحد أمرين: تحقيق حق وإبطال باطل، وتغليب الظن".

## الْمَسْأَلَةُ الثَّامِنَةُ

### فِي تَحْقِيقِ جُمْلَةِ أَقْوَالِ الْعُلَمَاءِ وَأَحْكَامِهَا

فَأَقُولُ وَبِاللَّهِ التَّوْفِيقُ: وَأَمَّا جُمْلَةُ أَقْوَالِ الْعُلَمَاءِ الَّتِي لَمْ يَنْعَقِدْ عَلَيْهَا إِجْمَاعُهُمْ فَأَرْبَعَةٌ: [1] الْمَشْهُورُ وَهُوَ مَا كَثُرَ قَائِلُهُ، [2] وَالرَّاجِحُ وَهُوَ مَا قَوِيَ دَلِيلُهُ، [3] وَالشَّاذُّ وَهُوَ مَا قَلَّ قَائِلُهُ [4] وَالْمَرْجُوحُ وَهُوَ مَا ضَعِفَ دَلِيلُهُ، وَأَمَّا أَحْكَامُهَا فَأَعْلَمُ أَنَّهَا لَيْسَتْ وَاجِبَةً عَلَى الْأُمَّةِ بَلْ يَجُوزُ لَهُمُ الْعَمَلُ بِهَا جَمِيعًا، وَيَتَعَيَّنُ الْفَتْوَى بِمَشْهُورِهَا وَأَرْجَحِهَا فَقَطْ، وَلَا يَجُوزُ الْفَتْوَى بِالشَّاذِّ وَالْمَرْجُوحِ إِجْمَاعًا.

وَلِهَذَا قَالَ خَلِيلُ ابْنِ إِسْحَاقَ فِي أَوَّلِ مُخْتَصِرِهِ مُبَيِّنًا لِمَا بِهِ الْفَتْوَى: "وَهَذَا الْمَشْهُورُ وَالرَّاجِحُ وَعَدَمُ وَجُوبِ الْعَمَلِ شَامِلٌ لِجَمِيعِ هَذِهِ الْأَقْوَالِ الْأَرْبَعَةِ كَمَا شَمَلَ جَوَازِ الْعَمَلِ بِجَمِيعِهَا وَلِهَذَا لَا يُنْكَرُ مَنْ عَمَلَ بِالشَّاذِّ وَالْمَرْجُوحِ، وَلِذَلِكَ قَالَ عَزُّ الدِّينِ ابْنُ عَبْدِ السَّلَامِ: "الْإِنْكَارُ مُتَعَلِّقٌ بِمَا أُجْمِعَ عَلَى إِجْبَابِهِ أَوْ تَحْرِيمِهِ، فَمَنْ تَرَكَ مَا أُخْتَلَفَ فِي وَجُوبِهِ أَوْ فَعَلَ مَا أُخْتَلَفَ فِي تَحْرِيمِهِ، فَإِنْ قَلَّدَ بَعْضَ الْعُلَمَاءِ فِي ذَلِكَ فَلَا إِنْكَارَ عَلَيْهِ إِلَّا أَنْ يُقَلِّدَهُ فِي مَسْأَلَةٍ يُنْقِضُ حُكْمَهُ فِي مِثْلِهَا، فَإِنْ كَانَ الْمُقَلِّدُ جَاهِلًا لَمْ يُنْكَرْ عَلَيْهِ لِأَنَّهُ لَمْ يَرْتَكِبْ مُحَرَّمًا، فَإِنَّهُ لَا يَلْزَمُهُ تَقْلِيدُ مَنْ قَالَ بِتَحْرِيمٍ وَلَا بِالْإِجْبَابِ"، اِنْتَهَى.

قُلْتُ: وَالْمُرَادُ بِالنَّهْيِ عَنِ الْإِنْكَارِ الْحَرَامِ، وَلَوْ أَنْكَرَهُ إِنْكَارُ الْإِرْشَادِ، وَأَمْرُهُ أَمْرُ النَّصْحِ وَالْإِرْشَادِ، فَذَلِكَ نَصْحٌ وَإِحْسَانٌ كَمَا فِي تَلْخِيسِ الْإِخْوَانِ وَشَرْحِ الْأَرْبَعِينَ النَّوَوِيَّةِ لِلْإِسْبِيلِيِّ، وَلَا يَجُوزِي أَيْضًا نَقْضَ الْحُكْمِ النَّاشِئِ عَلَى الْإِجْتِهَادِ بَعْدَ إِبْرَادِهِ كَمَا قَالَ الْعُلَمَاءُ رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ إِلَّا إِذَا خَالَفَ نَصَّ الْكِتَابِ وَنَصَّ السُّنَّةِ أَوْ الْقَوَاعِدِ وَالْإِجْمَاعِ أَوْ الْقِيَاسِ الْجَلِيِّ، فَيُنْقِضُ إِذَا، وَكَذَا إِنْ حَكَمَ حَاكِمٌ مُجْتَهِدٌ بِخِلَافِ إِجْتِهَادِهِ، بَأَنَّ قَلَّدَ غَيْرَهُ نَقِضَ حُكْمَهُ لِمُخَالَفَتِهِ، وَأَمْتِنَاعُ تَقْلِيدِ إِجْتِهَادِ فِيهِ، وَكَذَا إِنْ حَكَمَ حَاكِمٌ مُقَلِّدٌ لِبَعْضِ الْأَئِمَّةِ بِخِلَافِ نَصِّ إِمَامِهِ حَالِ كَوْنِهِ غَيْرُ مُقَلِّدٍ غَيْرِ إِمَامِهِ مِنَ الْمُجْتَهِدِينَ حَيْثُ قُلْنَا يَجُوزُ لِمُقَلِّدِ إِمَامٍ تَقْلِيدُ إِمَامٍ غَيْرِ إِمَامِهِ نَقِضَ حُكْمَهُ فِي هَاتَيْنِ مَعًا، أَمَّا فِي الصُّورَةِ الْأُولَى، فَلِاسْتِقْلَالِهِ فِيهَا بِرَأْيِهِ، وَأَمَّا فِي الثَّانِيَةِ فَلِنَقْلِهِ غَيْرِ إِمَامِهِ حَيْثُ يَمْتَنِعُ تَقْلِيدُ، وَفِي ذَلِكَ مُخَالَفَةَ نَصِّ لِنَصِّ إِمَامِهِ الَّذِي هُوَ فِي حَقِّهِ كَالدَّلِيلِ فِي حَقِّ الْمُجْتَهِدِ لِاتِّزَامِهِ تَقْلِيدِهِ، وَفَهُمْ مِنْهُ أَنَّهُ إِذَا قَلَّدَ فِي حُكْمِهِ لَا يُنْقِضُ لِأَنَّهُ إِتْمَا حَكَمَ بِهِ لِرُجْحَانِهِ عِنْدَهُ.

قَالَ عَبْدُ الرَّحْمَنِ السُّيُوطِيُّ فِي شَرْحِ الْمَسَائِلِ الْإِجْتِهَادِيَّةِ: "لَا يَجُوزُ نَقْضُ الْحُكْمِ فِيهَا إِلَّا مِنَ الْحَاكِمِ نَفْسَهُ إِذَا تَغَيَّرَ إِجْتِهَادُهُ، وَلَا مِنْ غَيْرِهِ وَفَاقًا، حَكَى ابْنُ الصَّبَّاحِ: "عَلَيْهِ إِجْتِمَاعُ الصَّحَابَةِ لَا يُؤَدِّي إِلَى أَنْ يَسْتَقَرَّ حُكْمٌ أَبَدًا إِذْ لَوْ جَازَ نَقْضُهُ لَجَازَ نَقْضُ النَّقْضِ، وَهَكَذَا لَكِنَّ يَعْملُ بِالْإِجْتِهَادِ فِي



الثاني ما عدا الأحكام المبنية على الاجتهاد الأول، نعم إن تبين أنه خالف نصاً أو كتاباً أو سنةً أو إجماعاً أو قياساً جلياً لنقض الحكم"، ثم قال: "واستنتى من المسائل الاجتهادية صورتان: [1] ينقض فيها الحكم الأولى أن يحكم المجتهد بخلاف اجتهاد نفسه بأن يقلد غيره، فإنه ينقض لإمتناع تقليده فيما هو مجتهد فيه، [2] الثانية أن يحكم المقلد بإخلاف نص إمامه لأنه في حقه لإلتزامه تقليده كنص الشارع في حق المجتهد"، إنتهى.

قلت: وهذا كله إن لم يقلد غير إمامه إذ لو قلده في حكمه لا ينقض حكمه لأنه إنما حكم به

لرجحانه عنده كما تقدم.



## الْمَسْأَلَةُ التَّاسِعَةُ

فِي تَحْقِيقِ أَنَّ التَّكَالِيفَ الْعَيْنِيَّةَ قَدْ كَمَلَتْ فِي زَمَنِ الرَّسُولِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ

فَأَقُولُ وَبِاللَّهِ التَّوْفِيقُ: أَعْلَمُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ صَرَّحَ بِكُلِّ شَيْءٍ أَمَرَ اللَّهُ تَعَالَى بِهِ أَوْ نَهَى عَنْهُ، وَلَمْ يَتْرِكْ مِنْ ذَلِكَ شَيْئًا،

قَالَ عَبْدُ الْوَهَّابِ الشَّعْرَانِيُّ فِي الرَّسَالَةِ الْمُبَارَكَةِ: "قَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((مَا تَرَكْتُ شَيْئًا يُقَرِّبُكُمْ إِلَى اللَّهِ تَعَالَى إِلَّا وَقَدْ أَمَرْتُكُمْ بِهِ، وَمَا تَرَكْتُ شَيْئًا يُبْعِدُكُمْ إِلَّا وَقَدْ نَهَيْتُكُمْ عَنْهُ))، وَمَنْ زَعَمَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَرَكَ التَّصْرِيحَ بِشَيْءٍ أَمَرَ اللَّهُ بِهِ أَوْ نَهَى عَنْهُ فَقَدْ مَرَقَ مِنَ الدِّينِ، وَفِي الصَّحِيحِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِحَدِيقَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: ((إِنَّ النَّبُوَّةَ وَالرَّسَالََةَ قَدْ أَنْقَطَعَتَا، فَلَا نَبِيَّ بَعْدِي وَلَا رَسُولَ))، فَأَنْقَطَعَتْ زِيَادَةُ التَّكَالِيفِ الْإِلَهِيَّةِ بِمَوْتِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَأَسْتَفْرَزَتِ الشَّرِيعَةُ وَتَبَيَّنَ الْفَرَضُ وَعَيْرُهُ، اِنْتَهَى.

وَقَالَ أَيْضًا فِي الدَّرَرِ الْمَنْثُورَةِ فِي بَيَانِ زَيْدِ الْعُلُومِ الْمَشْهُورَةِ: "وَأَمَّا زَيْدُ عِلْمِ الْفِقْهِ يَا أَخِي إِنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يَكْلَفْ أَحَدًا بِالْفِعْلِ إِلَّا بِفُؤْرِ فَهْمِهِ، وَلَمْ يَكْلَفْ أَحَدًا بِمَا فَهَمَهُ غَيْرُهُ أَبَدًا بِالْفِعْلِ، إِنَّمَا كَلَّفَ جَمِيعَ عِبَادِهِ بِمَا صَرَّحَتْ بِهِ الشَّرِيعَةُ فَقَطْ، وَيَنْبَغِي لِلنَّاسِ أَنْ يَعْمَلَ بِمَا فِي الْكِتَابِ وَالسُّنَّةِ صَرِيحًا لِلأَسْتِنْبَاطِ، إِذْ جَمِيعٌ مَا أَسْتَنْبَطُ لَيْسَ بِشَرَعٍ مَعْصُومٍ لِلَّهِ تَعَالَى، إِنَّمَا هُوَ تَشْرِيعُ عِبَادِهِ، وَلِذَلِكَ وَقَعَ الْخِلَافُ فِيهِ دُونَ الصَّرِيحِ، قَالَ اللَّهُ تَعَالَى: ﴿وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ إِخْتِلَافًا كَثِيرًا﴾، يَعْنِي اخْتِلَافَ أَمْرَجَتِهِمْ، فَالْمَطْلُوبُ عِلْمُهُ، إِنَّمَا هُوَ شَرَعُ اللَّهِ تَعَالَى صَرِيحًا إِذْ هُوَ الْعِلْمُ الَّذِي يُسْأَلُ عَنْهُ الْعَبْدُ فِي الْآخِرَةِ، وَجَمِيعُ ذَلِكَ لَا حَرَجَ فِيهِ، وَلَا مَشَقَّةٌ عَلَى أَحَدٍ فِي تَحْصِيلِهِ، وَلَا يُحْتَاجُ فِي مَعْرِفَتِهِ إِلَى صَرْفِ عُمْرٍ، وَتَعْطِيلِ أَسْبَابٍ فِي تَحْصِيلِهِ كَمَا هُوَ مَشَاهِدٌ، اِنْتَهَى.

قَالَ أَيْضًا فِي الرَّسَالَةِ الْمُبَارَكَةِ: "وَلَوْ تَرَكَ النَّاسُ كَلَامَ غَيْرِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَمْ يَعْمَلُوا بِشَيْءٍ مِنْهُ، فَلَا حَرَجَ عَلَيْهِمْ فِي الدُّنْيَا وَالْآخِرَةِ، وَجَمِيعُ أَقْوَالِ الْعُلَمَاءِ لَا يَخْلُو مِنْ ثَلَاثَةِ أَحْوَالٍ:

[1] إِذَا أَنْ تَوَافَقَ صَرِيحَ السُّنَّةِ الْوَارِدَةِ، فَالْمِنَّةُ لِلسُّنَّةِ وَالْمُجْتَهَدُ كَالْحَاكِي لَهَا،

[2] وَإِمَّا أَنْ تَخَالَفَ صَرِيحَ السُّنَّةِ، فَتَتْرَكَ وَيَعْمَلُ بِالسُّنَّةِ،

[3] وَإِمَّا أَنْ لَا يَظْهَرُ مَوَافَقَتُهَا وَلَا مُخَالَفَتُهَا،

فَأَحْسَنُ أَحْوَالِهَا الْوَقْفُ فِعْلُهَا وَتَرْكُهَا سِوَاءَ إِلَّا أَنْ تَكُونَ مَائِلَةً إِلَى إِحْتِيَاطٍ فِي الدِّينِ كَالْقَوْلِ بِمَنْعِ

إِسْتِعْمَالِ الْحَشِيشِ وَالْبَلَجِ وَسَائِرِ مَا يَخْدِرُ وَلَا يَسْكُرُ، فَالْعَمَلُ بِهَا حَيْثُ أُرْجِحُ وَلَوْ لَمْ تَصَرَّحِ الشَّرِيعَةُ

بِذَلِكَ، فَأَفْهَمَ، وَوَسِعَ عَلَى الْأُمَّةِ كَمَا وَسِعَ عَلَيْهِمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَأَعْتَقِدُ أَنَّ الْإِنْسَانَ لَوْ  
تَقَيَّدَ مَعَ الْوَارِدَةِ صَرِيحاً فِي الشَّرِيعَةِ وَتَرَكَ الْعَمَلَ بِجَمِيعِ مَا وَلَدَهُ الْعُلَمَاءُ، فَلَا حَرْجَ عَلَيْهِ، وَلَا لَوْمَةَ إِلَّا إِذَا  
أَجْتَمَعَتْ عَلَيْهِ فَإِنَّهُ حِينئذٍ يُحَرِّمُ خَرْقَهُ كَجَمِيعِ السُّنَّةِ.

# SANKORE'



Institute of Islamic-African Studies International

## السؤال العاشرة

### في تحقيق إختلاف الأحكام في الشيء الواحد لإختلاف الوجوه فيه

فأقول وبالله التوفيق: إن الشيء الواحد يمدح ويذم لإختلاف وجوهه، وذلك كثير جداً، لا يكاد ينحصر في العَدِّ، ومثال ذلك ذم الدنيا لقوله تعالى: ﴿وَمَا الْحَيَاةُ الدُّنْيَا إِلَّا مَتَاعُ الْغُرُورِ﴾، بإعتبار أنها فتنَةٌ يَشْتَعِلُ بِهَا النَّاسُ عَنِ الطَّاعَةِ، وَمَدَحَهَا بِقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((الدُّنْيَا مَزْرَعَةُ الْآخِرَةِ))، بإعتبار أنها محلُّ الطَّاعَةِ الَّتِي هِيَ وَسِيلَةٌ إِلَى نَعِيمِ الْجَنَّةِ.

وَمَدْحُ مُخَالَطَةِ النَّاسِ بِإِعْتِبَارٍ مَنْ لَا يَتَضَرَّرُ بِهَا فِي الدِّينِ، بِقَوْلِهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: ((الْمُؤْمِنُ الَّذِي يُخَالِطُ النَّاسَ وَيَصْبِرُ عَلَى أَذَاهُمْ خَيْرٌ مِنَ الْمُؤْمِنِ الَّذِي لَا يُخَالِطُ النَّاسَ وَلَا يَصْبِرُ عَلَى أَذَاهُمْ))، رَوَاهُ الْبُخَارِيُّ فِي الْأَدَبِ وَغَيْرُهُ كَمَا قَالَ السِّيُوطِيُّ فِي إِتْمَامِ الدَّرَايَةِ شَرْحِ النَّقَايَةِ، وَذِمُّ تِلْكَ الْمُخَالَطَةِ بِإِعْتِبَارٍ مَنْ يَتَضَرَّرُ بِهَا فِي الدِّينِ بِقَوْلِهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لِعُقْبَةَ بْنِ عَامِرٍ، وَقَدْ سَأَلَهُ بِقَوْلِهِ: "مَا النَّجَاةُ؟" ((أَمْسِكْ لِسَانَكَ وَلَيْسَعَكَ بَيْنَكَ))، رَوَاهُ التِّرْمِذِيُّ وَغَيْرُهُ كَمَا قَالَ عَبْدُ الرَّحْمَنِ السِّيُوطِيُّ فِي إِتْمَامِ الدَّرَايَةِ شَرْحِ النَّقَايَةِ.

قَالَ فِي شَرْحِ الْكُوكَبِ: "قَالَ الْخَطَّابِيُّ: لَوْ لَمْ يَكُنْ فِي الْعُرْلَةِ إِلَّا سَلَامَةٌ مِنَ الْعَيْبِ وَرُؤْيَاةُ الْمُنْكَرِ الَّذِي لَا يَقْدِرُ عَلَى إِزَالَتِهِ لَكَانَ ذَلِكَ خَيْرًا كَثِيرًا"، قَالَ: "وَالْعُرْلَةُ وَالْإِخْتِلَاطُ تَخْتَلِفُ بِإِخْتِلَافِ مُتَعَلِّقَاتِهِمَا، فَتَحْمَلُ الْأَدْلَةَ الْوَارِدَةَ فِي الْحَضِّ عَلَى الْإِجْتِمَاعِ، وَأَمَّا الْإِجْتِمَاعُ وَالْإِفْتِرَاقُ بِالْأَبْدَانِ، فَمَنْ عَرَفَ الْأَكْنِفَاءَ بِنَفْسِهِ مِمَّا يَتَعَلَّقُ بِطَاعَةِ الْأَيْمَةِ وَأَمْرِ الدِّينِ، وَعَكْسَهَا فِي عَكْسِهِ فِي حَقِّ مَعَاشِهِ، وَيَشْرَطُ أَنْ يُحَافِظَ عَلَى الْجَمَاعَةِ وَالسَّلَامِ وَالْوَرْدِ وَحُقُوقِ الْمُسْلِمِينَ مِنَ الْعِبَادَةِ وَشُهُودِ الْجَنَازَةِ وَنَحْوِ ذَلِكَ لِأَنَّ الْمَطْلُوبَ إِنَّمَا هُوَ تَرْكُ فُضُولِ الصُّحْبَةِ لَمَّا فِي ذَلِكَ مِنْ شُعْلِ النَّبَالِ وَتَضْيِيعِ الْوَقْتِ عَنِ الْمُهْمَاتِ، وَيَجْعَلُ الْإِجْتِمَاعُ بِمَنْزِلَةِ الْإِحْتِيَاجِ إِلَى الْعَدَاءِ وَالْعَسَاءِ، فَلْيَقْتَصِرْ مِنْهُ عَلَى مَا لَا بُدَّ مِنْهُ.

وَيَظْهَرُ مِثْلَ ذَلِكَ أَيْضًا بِقَوْلِهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فِي مَدْحِ الْأَغْنِيَاءِ كَمَا فِي الصَّحِيحَيْنِ: ((ذَهَبَ أَهْلُ الذَّهَبِ بِالْأَجُورِ))، بِإِعْتِبَارٍ مَنْ يَتَصَرَّفُ بِمَالِهِ كَمَا أَمَرَ اللهُ تَعَالَى بِهِ، وَذِمُّ الْأَغْنِيَاءِ بِكُونِهِمْ مَسْبُوقِينَ فِي دُخُولِ الْجَنَّةِ فِي قَوْلِهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ كَمَا فِي الصَّحِيحَيْنِ أَيْضًا: ((يَدْخُلُ فُقَرَاءُ الْمُسْلِمِينَ قَبْلَ أَغْنِيَائِهِمْ بِنِصْفِ يَوْمٍ وَهُوَ خَمْسُ مِئَةِ عَامٍ))، بِإِعْتِبَارٍ مَنْ لَا يَصَرِّفُ مَالَهُ كَمَا أَمَرَ اللهُ

وَيَظْهَرُ مِثَالُهُ أَيْضًا بِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَمَا رَوَاهُ التِّرْمِذِيُّ فِي مَدْحِ الْفُقَرَاءِ وَالْمَسَاكِينِ: ((اللَّهُمَّ أَحْيِنِي مَسْكِينًا وَأَمِتْنِي مَسْكِينًا وَأَحْشِرْنِي فِي زُمْرَةِ الْمَسَاكِينِ))، بِإِعْتِبَارِ الصَّالِحِينَ مِنْهُمْ، وَقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَمَا رَوَاهُ شَهَابُ الدِّينِ فِي ذِمِّ الْفُقَرَاءِ: ((كَادَ الْفُقَرَاءُ وَيَكُونُوا كُفَارًا))، بِإِعْتِبَارِ الْفَاسِقِينَ مِنْهُمْ.

وَيَظْهَرُ مِثَالُ ذَلِكَ أَيْضًا بِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْعُلَمَاءِ وَالْأَمِيرِينَ بِالْمَعْرُوفِ وَالنَّاهِينَ عَنِ الْمُنْكَرِ وَالْأَسْخِيَاءِ، وَقَدْ قِيلَ لِلصَّالِحِينَ مِنَ الْعُلَمَاءِ فِي الْأَحَادِيثِ: ((وَرِثَةُ الْأَنْبِيَاءِ))، وَقِيلَ لِلْفَاسِقِينَ مِنْهُمْ: ((عُلَمَاءُ السُّوءِ))، وَقِيلَ لِلصَّالِحِينَ مِنَ الْفُقَرَاءِ فِي الْإِحْيَاءِ: ((أَهْلُ اللَّهِ وَخَاصَّتُهُ))، وَقِيلَ لِلْفَاسِقِينَ مِنْهُمْ: ((الْمُرَائِينَ بِقِرَاءَتِهِمْ لَهُمْ جُبُّ الْحُزْنِ فِي جَهَنَّمَ))، وَمَدْحُ الْأَمِيرِينَ بِالْمَعْرُوفِ وَالنَّاهِينَ عَنِ الْمُنْكَرِ بِإِعْتِبَارِ الْعَامِلِينَ مِنْهُمْ بِقَوْلِهِ تَعَالَى: ﴿يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُسَارِعُونَ فِي الْخَيْرَاتِ وَأُولَئِكَ مِنَ الصَّالِحِينَ﴾، وَذَمُّوا بِإِعْتِبَارِ غَيْرِ الْعَامِلِينَ مِنْهُمْ بِقَوْلِهِ تَعَالَى: ﴿أَتَأْمُرُونَ النَّاسَ بِالْبِرِّ وَتَنْسَوْنَ أَنْفُسَكُمْ وَأَنْتُمْ تَتْلُونَ الْكِتَابَ أَفَلَا تَعْقِلُونَ﴾، وَمَحَلُّ ذِمَّتِهِمْ فِي نِسْيَانِهِمْ أَنْفُسَهُمْ لَا فِي أَمْرِهِمُ النَّاسَ، وَلِذَلِكَ قَالَ عَبْدُ الرَّحْمَنِ السُّيُوطِيُّ فِي التَّكْمَلَةِ تَفْسِيرَهُ: "وَجُمْلَةُ النَّسْيَانِ هُوَ مَحَلُّ الْإِسْتِفْهَامِ الْإِنْكَارِيِّ"، وَالْأَسْخِيَاءُ أَيْضًا مَدْحُوا فِي الْأَحَادِيثِ بِأَنَّ اللَّهَ أَخَذَ بِأَيْدِيهِمْ كُلَّمَا عَثَرُوا، بِإِعْتِبَارِ الصَّالِحِينَ مِنْهُمْ الَّذِينَ يُعْطُونَ لَوَجْهِ اللَّهِ، وَذَمُّوا بِأَنَّهُمْ مِنَ الَّذِينَ يَسْبِقُونَ إِلَى دُخُولِ جَهَنَّمَ بِإِعْتِبَارِ الْفَاسِقِينَ مِنْهُمْ الَّذِينَ يُعْطُونَ لِلرِّيَاءِ.

وَيَظْهَرُ مِثَالُ ذَلِكَ أَيْضًا فِي الْإِيثَارِ بِالْقُرْبِ مَكْرُوهٍ أَوْ خَالِفِ الْأَوْلَى، وَإِنَّمَا يَسْتَحَبُّ فِي حُظُوظِ النَّفْسِ وَأُمُورِ الدُّنْيَا، وَقَالَ ابْنُ عَبْدِ السَّلَامِ: "الْإِيثَارُ فِي الْقُرْبَاتِ وَالْإِيثَارُ بِمَاءِ الطَّهَارَةِ، وَلَا يَسْتَرِ الْعَوْرَةَ وَلَا بِالصَّفِّ الْأَوَّلِ لِأَنَّ الْعَرَضَ بِالْعِبَادَاتِ النَّعْظِيمِ وَالْإِجْلَالَ، فَمَنْ آثَرَ بِهِ فَقَدْ تَرَكَ إِجْلَالَ اللَّهِ"، قَالَ الْخَطِيبُ الْبَغْدَادِيُّ: "الْإِيثَارُ بِالْقُرْبِ مَكْرُوهٌ، وَكَرِهَ لِذَلِكَ قَوْمٌ إِيثَارَ الطَّالِبِ غَيْرِهِ لِنُوبَةِ فِي الْقِرَاءَةِ لِأَنَّ قِرَاءَةَ الْعِلْمِ وَالْمَسَارَعَةَ إِلَيْهَا قُرْبَةٌ"، إِنْتَهَى هَذَا الْبَابَ أَعْنِي إِخْتِلَافَ الْحَكْمِ فِي الشَّيْءِ الْوَاحِدِ لِإِخْتِلَافِ الْوُجُوهِ فِيهِ كَثِيرٌ جَدًّا، لَا يَكَادُ يَنْحَصِرُ فِي الْعَدِّ، وَلِي قَصِيدَةٌ عَجَمِيَّةٌ فِي بَيَانِ ذَلِكَ، وَمَنْ أَرَادَ أَنْ يَرَى كَثِيرَةَ إِخْتِلَافِ الْأَحْكَامِ فِي الشَّيْءِ الْوَاحِدِ بِإِخْتِلَافِ الْوُجُوهِ فِيهِ فَلْيَنْظُرْهَا.

وَفِيْمَا ذَكَرْنَا مِنْ ذَلِكَ فِي هَذَا التَّأْلِيفِ تَنْبِيْهُ عَلٰى مَا لَمْ نَذْكُرْهُ لِمَنْ نَوَّرَ اللهُ قَلْبَهُ اِذْ مَنْ نَوَّرَ اللهُ قَلْبَهُ فَالْاِشَارَةُ تَكْفِيْهِ، وَهُنَا اِنْتَهَى كِتَابَ فَتْحِ الْبَصَائِرِ لِتَحْقِيْقِ عُلُوْمِ الْبَوَاطِنِ وَالظُّوَاهِرِ، بِحَمْدِ اللهِ وَحُسْنِ عَوْنِهِ، وَكُلُّ مَنْ فَهَمَ مَسَائِلَ هَذَا الْكِتَابِ مُسْتَحْضِرًا لِمَعَانِيْهَا صَارَ ذَا بَصِيْرَةٍ فِي الدِّيْنِ، وَلَا يَشْتَبَهُ عَلَيْهِ شَيْءٌ مِنْ اُمُوْرِهِ، وَلَا اَعْلَمُ اَحَدًا سَبَقَنِيْ عَلٰى النَّسْجِ عَلٰى هَذَا الْمُنْوَالِ، ﴿الْحَمْدُ لِلّٰهِ الَّذِي هَدَانَا لِهَذَا وَمَا كُنَّا لِنَهْتَدِيَ لَوْ لَا اَنْ هَدَانَا اللهُ﴾، تَمَّتْ.

اللَّهُمَّ صَلِّ عَلٰى سَيِّدِنَا مُحَمَّدٍ وَعَلٰى آلِ مُحَمَّدٍ

صَلَاةً لَهَا اَهْلٌ وَهِيَ لَهَا اَهْلٌ

آمِيْن

الحمد

لله



# SANKORE'

## **The Opening of the Mental Discerning Faculties**

**Through the Verification of the Formation of the Sciences of the Outward and the Inward**

Institute of Islamic-African Studies International



**In the name of Allah the Beneficent the Merciful.**

**Peace and blessings be upon our master Muhammad, his family and Companions.**

Says the poor slave in need of the mercy of his Lord, Uthman ibn Muhammad ibn Uthman, who is famous as Dan Fuduye', (may Allah engulf him in his mercy Amen). All praises are due to Allah, the Lord of the worlds. Peace and blessings be upon our master Muhammad, the master of the Messengers, all his family and companions. This is the book:

### **The Opening of the Mental Discerning Faculties**

#### **Through the Verification of the Formation of the Sciences of the Outward and the Inward**

I have arranged this book into ten issues:

- I. On the Reality of the Divisions of the Muslims With Regard to Their Ranks in Insight in the *Deen*.
- II. On the Reality of Outward *Iman* and Inward *Iman*.
- III. On the Reality of the Proper Place of the Legal Judgement for the Sciences of the Religion which are *Tawheed, Fiqh, and Tassawwuf*.
- IV. On the Reality of What is *Fard'l-Ayaan* and What is *Fard'l-Kifaaya* From These Sciences of the *Deen*
- V. On the Reality of the Domain of Truth
- VI. On the Reality of the Domain of Falsehood
- VII. On the Reality of the Domain of Supposition
- VIII. On the Reality of the Totality of the Teachings of the Scholars and Their Legal Judgement
- IX. On the Reality that All the Individual Responsibilities Were Completed During the Time of the Messenger, (may Allah bless him and grant him peace).
- X. On the Reality that the Different Opinions of a Legal Judgement in One Thing is Due to the Difference of the Procedures Concerning It.

## Issue One

### On the Reality of the Divisions of the Muslims With Regard to Their Ranks in Insight in the *Deen*

I say: and success in that is with Allah, realize that the division of the Muslims in this Community of Muhammad with regard to their rank in researched insight (*tabassara*) are six:

- [1] the *mujtahid* of the principles;
- [2] the *mujtahid* of the branches;
- [3] the *mujtahid* of the more weighty opinion;
- [4] the scholar (*al-`aalim*);
- [5] the intermediate (*al-mutawassit*) between the scholar and the common person;
- [6] the common person (*al-`aama*).

And for each of them there are designated characteristics which distinguish each from the other. This you will be able to examine if Allah ta`ala wills.

#### The Rank of the *Mujtahid*

The *mujtahids* have innumerable qualities. The first of them is maturity (*al-buluugh*) because the one who is not mature, his intellect and reason will not be completed and perfected until his words are taken into consideration. The second is intellect (*al-`aql*) because the one without intellect cannot distinguish what reason normally guides him to undertake. The third is that he has self mastery and natural incontestable comprehension of the import and deeper meanings of ideas so that he can have the ability to act according to his own judgement. Otherwise, he will be unable to extract the legal objectives inherent in independent judgement. The fourth is that he be an expert of the intellectual proofs and basic fundamentals so that those responsible people (*mukallaf*) who adhere to him do not deem it inappropriate to transmit from him. The fifth is that he be at least middling (*mutawassit*) in knowledge of the instruments of learning like: linguistics (*lughah*); literary style (*al-balaagha*); grammar (*an-nahwa*) from inflection to conjugation; the principles of jurisprudence (*usuul'l-fiqh*); rhetoric (*al-ma`ani*); and eloquence (*al-bayaan*) so that these can be the cornerstone of his legal extractions. As for the principles of jurisprudence, his method of extraction should be known. As for the remainder of the sciences, the objectives of legal research cannot be comprehended except by them, because the legal sources, i.e. the *Qur'an* and *Sunna*, are in articulate Arabic language.

The sixth is that he knows what is associated with the legal rulings from the Book of Allah and the *Sunna*, for these two are the basis of his legal decision. However, it is not a prerequisite to possess knowledge of that in total. Abd'r-Rahmaan as-Sayuuti said, "I have examined the prophetic traditions (*ahaadeeth*) related to legal judgements - its sound (*saheeh*), its good (*hassan*), and its weak (*da'eef*). And I have arranged these into a book whose chain of authorities (*asaaneed*) have been omitted. In it is an explanation of the condition of every tradition arranged according to its relevant issues." It is very beneficial in this sense and in it is an explanation that memorization of all these sciences is not a precondition in arriving at legal judgements. Diametrically opposed to this is what as-Subki said, "It is not sufficient for the *mujtahid* who is middling in the above mentioned sciences to give legal judgements. On the contrary, it is necessary for him to be an expert in them. Along with that, he must have the ability to grasp completely a significant portion of

- [a] the fundamentals of the *shari`a* along with knowing
- [b] the grades of the one interpreting."

As-Subki also said, "Independent judgement (*ijtihaad*) cannot be enacted by anyone claiming to be a *mujtahid* until he knows [c] the conditions of the consensus (*al-ijtima`a*) so that he does not encroach upon it by contradicting it in his rulings." Shaykh Waliyuddeen said, "It is not a prerequisite to memorize this knowledge. Rather it is sufficient that he be familiar with it so that any legal decisions (*aftaa*) passed do not contradict the consensus of opinion (*al-ijma`*). This is regardless if his decision

is in conformity with a scholar or whether he considers that the event is new and none of the foregoing people of the region ever discussed such an issue before him." He must know [d] the reason of the descent of revelation (*asbaab'n-nuzuul*) because acquaintance with this knowledge guides to what is truly intended in the message of the verses. There is no comprehensive book dealing with that. However, the *tafseers* which have sound chains of transmission is sufficient in that. He must couple to that [e] the knowledge of the reasons of the prophetic traditions (*asbaab'l-hadeeth*) because this knowledge is also from its type of science. Knowledge of this is very important in arriving at what was intended in the tradition just like the science of *asbaab'n-nuzuul*. Al-Qaadi Abu Ya'ala al-Farraad composed works dealing with these sciences. He must know [f] the abrogated and abrogating verses (*an-naasikh wa'l-mansuukh*) in order that he may not act or pass legal decisions with those verses which have been abrogated (*mansuukh*). He must know [g] the science of prophetic traditions - like knowing the sound (*saheeh*) from the weak (*da'eef*) in order to rely upon the former and to avoid the latter. He must know [h] the traditions which are from a successive chain of transmission (*mutawaatir*) from those which are related by a single transmitter (*al-ahad*), in order to give priority to the first during disagreements. He must know [i] the condition of the narrators (*haal'r-ruwaat*), those which are unreliable (*jarhan*) and those which are reliable (*ta'deelan*), in order to rely upon those narrators which are accepted (*maqbuul*) and not upon those which are rejected (*marduud*).

He must know [j] the grades of the unreliable and the reliable in order to know who acts with the traditions in conditions of permissibility (*al-hilla*) and prohibition (*at-tahreem*) and who acts with them in conditions highly recommended (*an-nadb*) and reprehensible (*al-karaahat*). What will suffice in that and in the science before that are those books composed on the subject. One must also refer back to the *Imams* of that matter in order to insist on the sound (*tas'heeh*) and the weak (*tad'eef*) among the traditions in these times, like what was related by Ibn as-Salaah and others so that he may be in conformity with the knowledge of the unreliable and the reliable. These two are almost impossible except by means of others. Therefore, reference should first be made to the *Imams*; like al-Bukhari, Muslim, Ahmad, ad-Daraqutni, and others.

It is clear from the above that the obtainment of the rank of *ijtihaad* (independent judgement) is very difficult and its accomplishment is costly due to the many matters which condition it in as much as every matter from it makes it appropriate to expend many years trying to learn it in order to become an expert. This takes extensive years and a long life, except if Allah bestows His favor upon him and makes it easy for him. It is not, however, a prerequisite in the rank of independent judgement to have knowledge of the branches of jurisprudence because this science is the fruit of *ijtihaad*. If it were a prerequisite, then that would necessitate an endless circle. It is also not a prerequisite in the rank of *ijtihaad* that he be male nor free born. The degree of *ijtihaad* has been obtained by women and slaves. However, on the precondition of righteousness (*al-`idaala*) there are two opinions about that. The first is that it is not a precondition because it is permissible for the corrupt person (*faasiq*) if he is capable of vigorous *ijtihaad*. The second opinion is that righteousness is a precondition for *ijtihaad* because his words will be relied upon by others. There is no disagreement concerning the meaning in both opinions because righteousness is a condition for one's words being accepted not a precondition for obtaining the traits of *ijtihaad*. That is a matter about which there is unanimous agreement.

Az-Zarkashi and Shaykh Waliyuddeen both said, "The prerequisite for *ijtihaad* is examination and investigation into possible contradictions. Thus, he should investigate into the general legal judgements (*al-`aam*) - 'are there designated legal judgements (*mukhassas*) inherent in them?' In the unrestricted judgements (*al-mutlaaq*) - 'are there any restricted judgements (*muqayyid*) inherent in them?' In the legal evidence (*an-nass*) - 'is there any evidence which abrogates it (*naasikh*)?' Regarding the expression 'are there any semantic context with it which deverts it from its apparent meaning until one is overcome with doubt concerning the factualness of the apparent expression?' If so

then he should act in accordance with the new judgement. If there are no semantic contexts inherent in the expression, then he should give judgement according to the apparent meaning of the expression. The foregoing does not preclude what is permitted in holding to general legal judgements before searching into designated legal judgements due to the fact that it is permitted to hold to what is free of factual evidence (*al-qara'in*). This is preconditioned by the knowledge of any contradictory elements after it has been established as contradictory". Shaykh Jalaaludeen said; "This here is in accordance with the way of interpretation not by way of necessity in order to surrender what one has derived by means of mere strident opinion without having researched." Abd'r-Rahmaan as-Sayuuti said, "These matters are the conditions for the the absolute *mujtahid*. Presently, one who has obtained this rank is rare." He said in his commentary of the al-Muhadhabbi, "Whoever has an *imam* from among the *imams* who are followed should assume the task of making stipulations from his own legal roots (*usuul*) and proofs (*adila*) without overstepping the bounds of the legal roots and legal principles of his *imam*." He should be knowledgeable of jurisprudence, its legal roots and the proofs of its legal judgement in detail and he should have sound insight (*baseer*) into the requirements of analogous deduction (*aqyisat*) and figurative expression (*ma'aani*). He should have complete training in deductive reasoning (*takhreej*) and extraction (*istinbaat*) by affixing what is not specified for him by his *imam* in his fundamentals. He then takes the specifications of his *imam* as the foundation of his legal extractions, like acting autonomously from the provisions of the *shari`a*. Perhaps he is content with the proofs of his *imam* in legal judgements where there is no need to research into the contradictory views (*mu'aarid*), like acting autonomously from the texts. This is the characteristics of the adherents of fundamental principles (*as'haab 'l-wujuuh*).

Then Abd'r-Rahmaan as-Suyuti (and others) said: "This jurists is counted among those who have attained the rank of the *mujtahid* who passes legal decisions (*fatwa*) - (meaning the *mujtahid* of the more weighty opinion). He said in his Jam'u 'l-Jawaam'i; "He is the one who is proficient in his *madh'hab* and well established in extracting the most weighty opinion from others". He also said in his commentary of the al-Muhdhab; "He is the one who has not attained the rank of the adherents of fundamental principles (*as'haab 'l-wujuuh*), however he is an expert of the self, memorizing the *madh'hab* of his *Imam*, knowledgeable of his proofs and he is well established in all its stipulations." These are the descriptions of many of the *mujtahids* of the latter period up until the last part of the 4th century A.H.. He did not mentioned any ranks after that in the Jami' 'l-Jawaami. In the Sharh' 'l-Muhdhab, he mentioned a fourth rank (meaning the rank of the scholar), and they are; "He undertakes the preserving of the *madh'hab*, the transmitted proofs and has understanding of those proofs which are clear and problematic (*waadihaat wa mushkilaat*). However, he is deficient in determining its proofs (*taqreer adilatih*) and recording its deductions (*tahreer aqyisatih*). This is because his transmissions and legal decisions are all dependent on what he relates from the rules of his *madh'hab*. It is also dependent upon what he does not find transcribed in the text, but he finds its meanings transcribed in the text (inasmuch as it is arrived at without lengthy deliberation). In this case there is no difference between the two. It is permissible for him to hold to it and to pass legal decisions according with it (*fatwaa bihi*). Likewise it is obligatory for him to refrain from making legal decisions concerning it except if the issue he is examining is isolated from it. As the *Imam* of the Haramayn said; "This is if an issue has not been stipulated in the *madh'hab*, nor is its meaning found in what has been written (*mansuus*), nor is it subsummed under a general rule (*daabit*). The precondition for the scholar giving legal decision in such a case is that he be self proficient (*faqeeh 'n-nafs*), naturally gifted (*dhaa haadh*) and being in full command of jurisprudence (*waaqir mina 'l-fiqh*). The master of this rank, however, does not have the right to make *ijtihad*." Here ends what has been mentioned in the Sharh' 'l-Kawaakib in a condensed fashion.

Ahmed az-Zarruq said in his 'Umdat'l-Murid as-Saadiq after mentioning the words of Allah ta'ala; "Say: *this is My way, I call to Allah by way of insight; I and those who follow me*"...this is an explanation that insight through investigation and research (*tabassura*) in the *deen* is a firm foundation from among the foundations of the *deen*. Whoever takes the matters of the *deen* from his on ignorant opinion (*raiyihi fi `amaaya*) is not a follower of the Lawgiver. However, people are three kinds, (meaning after the *mujtahids*). [1] The scholar (*`aalim*) who is well established in his researched insight from taking issues by seeking after the proofs, (that is if he is not a *mujtahid*). [2] The intermediate (*al-mutawassit*) between the scholar and the common person. It is not correct to follow him except for the one who has researched insight into his affair (*tabassara fi shaanihi*). It is also binding upon him to make known from the *shari`a* that which he is following. Further, one cannot take from him whose knowledge from the fundamental principles of the *shari`a* is vague (*yaabaahu*). This is because it is not permissible for anyone to overstep his own knowledge (*yata`addaa `ilmahu*) and do not depend upon one whose knowledge is not known. [3] The common person (*`aamiyun*), it is only appropriate for him to stop with that in which there is no doubt concerning its reality (*maa laa yashuku fi haqeeqatihi*) from the commands of Allah and His remembrance. He should behave earnestly in that which he has no doubt about. If he is not like this, then he is merely one who makes jest and toying in his religion. So realize!"



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## Issue Two

### On the Reality of Outward *Iman* and Inward *Iman*

I say and success is from Allah, realize that the outward *Iman* which entitles the servant to be valued with the judgement of Islam is verbal acknowledgement only (*al-iqraar faqat*). The scholars of the *sunna*, may Allah be pleased with them, are unanimously agreed (*ittafaqa*) upon the fact that whoever verbally attest to **Laa ilaha illa Allah Muhammadun rasulullahi**, the judgement of Islam applies to him.

Abd's-Salaam ibn Ibrahim al-Laqaani said in his Itihaaf al-Mureed Bi Jawharat't-Tawheed, "The *Iman* which is sufficient in this world is verbal attestation (*al-iqraar*) only. For whoever makes the verbal attestation, then the judgement of Islam applies to him (*ujriyat `alayhi al-ahkaam 'l-islamiiyya*) in this world and no one can judge him as a disbeliever except if there is connected to him some condition which gives evidence of his disbelief; like prostrating to idols for example."

As for inward *Iman* which entitles the servant to enter Paradise, it is acceptance (*tasdeeq*) of all that is known that the Messenger came with out of necessity. The scholars of the *sunna*, may Allah be pleased with them, are unanimously agreed upon the fact that this inward *Iman* which entitles the servant to enter into Paradise is connected to what is known that the Messenger came with out of necessity, not with what was narrated by a single narrator (*warada 'l-ahad*) nor by what is known to have come from inquiry (*nadhar*); like that of independent judgement (*al-ijtihaadiyyaat*). For all of that is outside of what is called *Iman*, for this reason no one can claim as a disbeliever the one who denies the narrations of a single narrator of traditions (*munkiru khabari 'l-ahaad mina 'l-ahaadeeth*) nor the one who denies independent judgement (*munkiru 'l-ijtihaadiyyaat*). It has been mentioned in the commentary upon the al-Waqifa Li'l-Qasdi, "The *Umma* has unanimously agreed that denying the tradition narrated by a single narrator is not disbelief." Al-'Ayni said in his commentary upon the Saheeh of al-Bukhari, "The denying the legal decisions derived by means of independent judgement is not to be considered disbelief - by consensus of opinion."

Ahmed ibn Hajar al-Haytami said in his al-Fat'h 'l-Mubeen Sharh al-Arba`een of an-Nawawi, "*Iman* linguistically means unrestricted acceptance (*at-tasdeeq*). According to the *shari`a* it means the acceptance of the heart only. It is voluntary compliance to what is known by necessity to be from the *deen* of Muhammad, may Allah bless him and grant him peace. Acceptance is, therefore, obligatory concerning everything which he came with; whether from beliefs (*'itiqaadi*) - that is what he intended for us to believe in; or from actions (*'amali*) - that is what he intended for us to behave with. Acceptance of it (*tasdeeq bihi*) means belief that it is true and truthful (*haqq wa sidq*); just as he, may Allah bless him and grant him peace, said it. The detailing of this is very extensive since it includes all that is in the books of scholastic theology (*al-kutubal-kalaamiyya*) and in the publications of the *sunna*. Therefore, what is sufficient as a summation of what *Iman* is - is the verbal attestation of **Laa ilaha illa Allah Muhammadun rasulullahi** with an attestation which is in conformity with the heart and its complete submission to it. As for the detailing of that, for what one's researched insight observes from what it is gathered from study, it is then obligatory to believe in it in detail."

### Issue Three

## On the Reality of the Proper Locus of the Legal Judgement for the Sciences of the Religion Which are *Tawheed, Fiqh, and Tassawwuf*

I say and success is with Allah, realize that the judgement of the science of the divine unity (*at-tawheed*) and the science of spiritual purification (*at-tasawwuf*) does not originally take place in this world. Its judgement (*hukmuhumma*) takes place in the Hereafter - according to the consensus (*'ala 'l-ijmaa'*). It is the science of jurisprudence (*al-fiqh*) which has its judgement in the affairs of this world. A conclusive example of this is like what al-Ghazzaali said in his Ihya 'Uluum 'd-Deen, "This is apparent in four matters: [1] in the saying of the words of the *shahaada*; [2] the prayer; [3] the *zakat*; and [4] in the issues of what is permissible (*halaal*) and what is forbidden (*haraam*).

As for the the words of the *shahaada* - jurisprudence (*fiqh*) judges the soundness of one's Islam by its explicite verbal attestation (*bi mujarradi iqraar*) beneath the threat of the sword. Although a person realizes that the sword cannot disclose what is dubious (*shubhat*) in the *deen* nor remove the veil of ignorance which shrouds the heart. This word pronounced upon the tongue protects one's neck and property in this world as long as one has a neck and property. As for the Hereafter, the verbal pronouncement has no benefit. On the contrary, what will benefit a person are the lights of the heart (*anwaar 'l-quluub*), its secrets (*asraar*) and its characteristics (*akhlaaq*). This is not included among the science of jurisprudence. On the contrary, it is from the foundations of the religion (*usuul'd-deen*) and the inward branch (*furu'u baatina*) of the religion. Its judgement falls outside the range of the science of jurisprudence. As for the prayer (*as-salaat*), jurisprudence judges its soundness when the one praying does it in accordance with its correct form with its outward prerequisites from its beginning to its end, even when one is heedless during the entire prayer. This is because the outcome of one's actions is that it complies with the external form of the command, and as a result killing that person has been suspended. As for as humility (*khushu'*) and the presence of the heart (*ihdaar 'l-qalb*), which are the actions of the Hereafter and which brings benefit to outward actions - they are not in anyway subject to the science of jurisprudence because they are apart of the inward branch of the *deen*. If it is exposed to the science jurisprudence, it will be found to be outside of its judgements. As for the *zakat*, the science of jurisprudence requires in its judgements what is allotted to meet the demands of the ruler (*mutaalabat's-sultaan*); even if the possessor of wealth refused to give the *zakat*, the ruler can take it by force (*akhadhahaa qahran*). This falls under the judgement of jurisprudence because in taking it by force the ruler has discharged his responsibility. It has been related that Abu Yusef used to abruptly give his wealth to his wife during the last part of the year. He gave it freely to her as a gift in order to withdraw the obligation of *zakat* from himself. This was then related to Abu Hanifa who said: "Verily that is his jurisprudential action in this world (*fiqhi'd-dunyaa*), however it will definitely jeopardize him in the Hereafter."

As for what is permissible (*halaal*) and forbidden (*haraam*) - showing devout scrupulousness with regard to what is forbidden is apart of the *deen*. Devout scrupulousness (*al-war'a*) has four degrees: [1] devout scrupulousness which is a prerequisite for being a just person for testimony (*'adaalati 's-shahaada*). This is what takes a person from the afflictions connected to testimony (*shahaada*), the judiciary (*qudaa*) and the government (*wilaaya*) and it entails guarding oneself from all outward prohibited things. [2] The devout scrupulousness of the righteous (*war'a's-saaliheen*) which is showing piety regarding the dubious actions (*as-shubuhaat*) which are subject to diverse possibilities. [3] The devout scrupulousness of those fearfully aware (*wa'ra'l-mutaqeen*) which is avoiding the genuine permissible things (*al-halaal'l-mahdi*) which may lead him to commit what is forbidden. And [4] the devout scrupulousness of the champions of truth (*war'a 's-siddiqeen*) which is avoiding everything which is other than Allah sub'haanahu, out of fear that even a moment will be expended



from his life time which can cause him to lose any increase in nearness to Allah `azza wa jalla - this is even when he knows and is absolutely certain that it will not end up being forbidden. These have their different grades. As for devout scrupulousness in giving testimony, giving judgement and devout scrupulousness which detracts one from being considered just in testimony or in enacting any of these; it will not negate sins in the Hereafter."

I say: Similar to that is what Imam al-Ghazaali also said in another place in his Ihya, "The *shahaada* is included among the issues of lawsuits (*khusuumaat*), the politics of governmental authority (*siyaasaat 's-sultaniya*), the judgement of legal punishments (*ahkaam 'l-huduud*), and the legal judgement of injuries and wounds (*jiraahaat wa quraahaat*).



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## Issue Four

### On the Reality of What is Individually Obligatory (*Fard'l-Ayaan*) and What is Collectively Obligatory (*Fard'l-Kifaaya*) From These Sciences of the *Deen*

#### The Science of *Tawheed*

I say and success is from Allah, realize that the science of divine unity (*fann't-tawheed*) is divided into two divisions:

- [1] the foundations of the religion (*usuul'd-deen*); and
- [2] the science of scholastic theology (*'ilm'l-kalaam*).

*Usuul'd-deen* is apart of the individual obligations (*furuud'l-`ayaan*) and the science of scholastic theology (*'ilm'l-kalaam*) is apart of the collective obligations (*furuud'l-kifaaya*).

Abd'r-Rahmaan as-Suyuuti said in his commentary of the al-Kawkab, "Among the scholars are those who call the science of *usuul'd-deen* scholastic theology because the first issue addressed in the science of *usuul'd-deen* is the issue related to theology (*kalaam*)." He then said in the Jam`i'l-Jawaami`, "This science has been divided into two divisions:

- [1] applied (*`amaliyyun*) which is obligatory to believe in (*i`tiqaaduhu*); and
- [2] theoretical (*'ilmiyyun*) which is not obligatory regarding beliefs (*al-`aqaa'id*) because it is apart of intellectual training."

Then Abd'r-Rahmaan as-Suyuuti said, "Strictly speaking, the second division is not called *usuul'd-deen*. It is named the science of scholastic theology (*'ilm'l-kalaam*). If the first division (*usuul'd-deen*) is united with the establishment of rational proofs (*nasbu'l-adaalat'l-`aqliyyat*) along with the elucidating the variants of the teachings of the people of innovation (*aqwaal ahli'l-bid'a*) and the philosophers - then that is also scholastic theology." If not, then the science of the foundations of the religion (*usuul'd-deen*), its divine, its prophetic and its after-life are well established in the Mighty Qur'an. It has also been established by the Prophet, may Allah bless him and grant him peace, in his *sunna* as we have clearly demonstrated in our books called Mirat 't-Tulaab and Umdat 'l-Ulama. Whoever desires can go back and examine these two books.

The intended science which is obligatory upon the *umma* in order to attain the aimed at meanings in the hearts is accomplished by means of the Qur'an, the traditions (*hadeeth*) or by means of spoken proofs. However, all of the technical terminologies which have been invented by modernists and latter day scholars (*al-muta'akhiruun*) are not included among those sciences which are individually obligatory upon the *Umma*. On the contrary, these sciences are included among the collective obligations (*furuud'l-kifaaya*). It is for this reason that Sidi 'l-Hassan ibn Mas'ud al-Yuusi said in one of his lectures, "It is not a precondition (of the science of *usuul'd-deen*) to understand the expressions of beliefs (*al-`aqaa'id*) which have been asserted in the books of the scholars, nor to comprehend its limits or its formalities by which it is known. For understanding these modes of expression (*'ibaaraat*) and the comprehension of these truths (*haqaa'iq*) and affirmations (*taqreeraat*) belong to another science all together and is not included among those sciences which the common people are responsible for."

Shaykh as-Sanusi said in his commentary of the al-Wusta, "Regarding the judgement of the science of scholastic theology, it is a collective obligation (*fard'l-kifaaya*). Whoever undertakes this science from among the scholars in every region compensates others from having to do so in their particular region." It has been related in the al-Umdat, "The science of scholastic theology (*'ilm'l-kalaam*) is a hypothetical science (*madhinna*) developed as a refutation of obscure arguments and as an unraveling of doubts. It is for this reason that many of the scholars say that this science is a collective obligation upon the people of every region.

### The Science of Fiqh

As for the science of jurisprudence (*al-fiqh*), it is also divided into two divisions: [1] that related to worship (*'ibaadaat*); [2] that related to judgement (*ahkaam*). The division related to worship is what includes the prayer (*as-salaat*), *zakaat*, fasting (*as-siyaam*), pilgrimage (*al-hajj*) and others. All of these are individual obligations (*furuud 'l-`ayaan*). Shaykh Abu Zayd Abd'r-Rahmaan ibn `Aamir al-Akhdari, may Allah be pleased with him said, "The first thing which is obligatory upon the responsible person (*al-mukallaf*) is to correct his *iman*, then knowledge of what will authenticate for him his individual obligations; like the judgement of prayer, purification (*at-tahaara*), and fasting." As for the judgments established in judicial issues (*al-aqdiya*), the judgement concerning homicides (*ahkaam 'd-dimaa*), the legal decisions and most of what has been discussed in the Tuhfat 'l-Hukaam of Abu Bakr ibn `Aasim al-Qaysi - these are all among the collective obligations (*furuud' l-kifaaya*), as has been explained by more than one of the scholars of the *sunna*, may Allah be pleased with them.

### The Science of Tasawwuf

As for the science of spiritual purification (*'ilm 't-tasawwuf*), it is also divided into two divisions:

[1] The first division is related to the reformation of character (*at-takhalluq*) and it is the abandonment (*at-takhalli*) of every blameworthy trait from the heart - like conceit (*'ujb*), pride (*kibr*), unjust anger (*ghadab bi'l-baatil*), envy (*hasad*), greed (*bukhl*), showing off (*riya'u*), the love of rank (*hubb'l-jaah*), the love of wealth (*hubb'l-maal*) in order to boast, false hope (*amal*), and having an evil opinion of the Muslims (*isa'at d-dhann*). It also includes the endowment (*at-tahalli*) of the heart with every praiseworthy characteristic - like repentance (*tawba*), sincerity (*ikhlaas*), fearful awareness (*taqwa*), patience (*sabr*), doing without (*zuhd*), reliance (*tawakkul*), leaving matters over to Allah (*tafweed*), contentment (*ridaa*), fear (*khawf*), and hope (*rajaa*). This division is apart of the individual obligations (*furuud'l-`ayaan*) as al-Ghazzaali explained in is Ihya 'Uluum 'd-Deen and as Abd 'r-Rahmaan as-Suyuuti explained in his Itmaam 'd-Diraaya Sharh an-Niqaaaya.

[2] The second division of the science of *tasawwuf* is related to spiritual certitude (*tahaqquq*) and includes the knowledge (*ma`rifat*) of the spiritual states (*ahwaal*) of the disciples (*murids*), the permanent spiritual stations (*maqamaat*) of the protected friends (*awliyya*), the knowledge of the self manifestation (*tajalli*) of the Acts, the knowledge of the Divine Names and the self manifestation of the Divine Essence (*tajalli ad-dhaat*). This division is not only among the collective obligations (*furuud 'l-kifaaya*), but part of this science is specifically established for the *awliyya* - without dispute.

The responsibility for explaining the first division related to character formation (*takhalluq*) fell to men like Imam Abu Hameed al-Ghazzaali and Imam al-Muhaasibi. Whoever wants to follow this should take them as an example. The responsibility for explaining the second division related to spiritual certitude (*tahaqquq*) fell to men like Shaykh Abu 'l-Hassan as-Shadhili, may Allah be pleased with him - as Ahmed az-Zarruq clarified in his Qawaa'id 't-Tasawwuf.

## Issue Five On the Reality of the Domain of Truth

I say and success is with Allah, realize that the domain of truth (*da'irat 'l-haqq*) includes the four conclusive proofs (*al-qawaat 'u 'l-arba`at*) which are:

- [1] the judgement of the intellect (*qadiyyat 'l-`aql*);
- [2] the evidence (*nass*) of the Qur'an;
- [3] the evidence of the unbroken tradition (*hadeeth mutawaatira*); and
- [4] the consensus (*ijma`*) of the scholars of the *sunna*.

For the principles of belief (*al-i`tiqaadaat*) are not established except by means of the these four conclusive proofs. It is for this reason that Shaykh Muhammad at-Taahir ibn Shaykh Ibrahim said in his Mandhuum 'l-Kubra,

"It (the truth) is established by the intellectual proofs (*baraahin `aqliyya*)  
of those who possess knowledge and the conclusive reports (*qawaat `i naqliya*)."

For the same reason Ahmed ibn Zakariyya said in his Muhaassil 'l-Maqaasid,

"It (the truth) is built upon intellectual proofs (*baraahin `aqliyya*)  
and likewise upon the conclusive traditions (*qawaat `i sam `iyya*)."

Al-Manjuri said in his commentary upon this Muhaassil concerning the meaning of the above mentioned poetic verse, "It means that the establishment of the issues of this science is built upon the conclusive proofs. This is because what is intended in the principles of beliefs is that which is definitive. For this reason it cannot be established by verbal indices (*imaaraat*) which are mere hypothetical proofs and can only result in uncertainty and assumption. Rather, it is established by means of:

- [1] intellectual proofs (*al-baraahin 'l-`aqliyyat*),
- [2] the conclusive traditions (*al-qawaat `i 's-sam `iyya*) - like the Qur'an, the unbroken *sunna* (since each of these two gives clear evidence in its objectives),
- [3] the report of the consensus transmitted by successive unbroken transmission (*al-ijma`u 'l-qawliyy 'l-manquulbi 't-tawaatur*), in opposition to what Shaykh as-Sukuutiyyi said; and
- [4] the reports transmitted by a single transmitter (*manquul bi 'l-ahad*).

**Issue Six**  
**On the Reality of the Domain of Falsehood**

I say and success is from Allah, realize that the domain of falsehood (*daa'irat 'l-baatil*) are the foundations of falsehood which are those principles diametrically opposed to the afore mentioned four conclusive proofs (*al-qawaat`i 'l-arba`at*). Meaning that it is what contradicts the judgement of the intellect (*qadiyyat 'l-`aql*), the evidence of the Qur'an, the evidence of the unbroken successive tradition (*hadeeth mutawaatira*), and the consensus (*al-ijma`a*) of the scholars of the *sunna*, may Allah be pleased with them. This is what embraces all matters of falsehood, therefore there is no need to cite the words of the scholars as evidence since there are no two scholars which disagree concerning the futility of the domain of falsehood.



## Issue Seven On the Reality of the Domain of Supposition

I say and success is with Allah, realize that the domain of supposition (*daa'irat 'd-dhann*) is related to the matters of assumption and hypothesis, which are:

- [1] the external meaning of the verses of the Qur'an;
- [2] the external meaning of the traditions;
- [3] the reports of a singular transmitter even when it is evidence; and
- [4] the opinions of the *mujtahids* about which the consensus of the scholars have not agreed

upon.

It is in this domain that the disagreements of the *mujtahids* occur. And neither one of them can be a proof against the other. Since every proponent of an independent judgement (*ijtihaad*) does his utmost to attain his supposition. For how can one *mujtahid* say to another, "Leave your supposition for my supposition". If the students were to examine the verification of this domain, they would rest and avoid disputation and avoid arguing with proofs against one another utilizing the teachings of the *mujtahids* - since the doctrine of one *mujtahid* cannot be used as a proof against another *mujtahid* according to consensus.

The procedures (*'amaliyyaat*) of the *mujtahids* is established by means of the domain of truth (*daa'irat 'l-haqq*). Al-Manjuuri said in his commentary of the *al-Muhassil*, "Supposition in procedure is sufficient because of the agreement of the Companions, may Allah be pleased with them, on acting in accordance with the reports of a single narrator (*khabar'l-waahid*), analytical analogy (*al-qiyaas*), and the apparent meanings of the Qur'an and the *sunna*." He also said, "If the debate is about issues which are not conclusive (*qat'iyya*) - like scholastic theology; then the argument is for one of two matters:

- [1] the verification of the truth (*tahqeeq 'l-haqq*); and
- [2] to invalidate falsehood (*ibtaal 'l-baatil*).

If the debate is about issues which are conclusive and based upon supposition - like jurisprudence; then the debate is for one of three matters:

- [1] the verification of the truth (*tahqeeq 'l-haqq*);
- [2] to invalidate falsehood (*ibtaal 'l-baatil*); and
- [3] the moderating of supposition and hypothesis."



## Issue Eight

### On the Reality of the Summation of the Teachings of the Scholars and Their Legal Judgement

I say and success is with Allah, realize that the summation of the teachings of the scholars which their consensus has not agreed upon, amounts to four:

- [1] the well known (*al-mash'huur*) which most of the proponents hold to;
- [2] the preferable (*raajih*) which has the strongest evidence;
- [3] the unusual (*shaadh*) which the least of the proponents hold to;
- [4] the least accepted (*majuuh*) which has the weakest evidence.

As for the legal judgements (*ahkaam*) of the scholars, realize that it is not obligatory upon the *Umma* to follow them. Rather it is permissible (*yajuuz*) for them to act in accordance with all of them or to single out a legal decision (*al-fatwa*) to follow when it is based upon what is well known (*mash'huur*) and preferable (*raajih*) only. It is not permissible to follow the legal decision which is based upon the unusual (*shaadh*) and the least preferable (*marjuuh*) - according to consensus. For this reason Khaleel ibn Ihsaaq said in the beginning of his Mukhtasar explaining what legal decisions are based upon, "They are based upon the well known (*mash'huur*) and the preferable (*raajih*). The non-obligation of acting is based upon these four teachings, just as the permissibility of acting is based upon all of them. For this reason there is no objection (*laa yunkaru*) to one who acts in accordance with an unusual decision (*shaadh*) or a least preferable one (*marjuuh*)." About this 'Izzaddeen ibn Abd 's-Salaam said, "Objection (*al-inkaar*) is connected to what there is agreement concerning its obligation or its prohibition. For whoever neglects doing what there is disagreement about concerning its obligation; or does what there is disagreement about concerning its prohibition - while he is following a scholar in that; there can be no objection against him except when he is following the scholar in an issue whose judgement has been repealed (*yunqudu hukmuhu*). If the one who was following such an issue was ignorant, there is no objection to him because he did not commit a prohibited act. It is not necessary for him to follow the one who maintains that the act is prohibited, nor to follow the one who says it is obligatory."

I say: What is meant by objection in this context is the prohibited objection, because if it can be objected to - then the proof upon which it depends can also be objected to. Further, if it can be commanded - then that commanding should be done with sincerity and guidance, which is giving good advice and excellent deeds. This was cited in the Talkhees 'l-Ikhwaan and in the commentary of the al-Arba'een of an-Nawawi by al-Ishbili. It is also not permissible to withdraw from the legal judgements resulting from independent judgement (*ijtihad*) after it has been authenticated - (as the scholars, may Allah be pleased have said), - except when the legal decision contravenes the text of the *Qur'an*, the text of the *sunna*, the fundamental principles (*qawaa'id*), the consensus (*'ijmaa'i*) or evident analogy (*qiyaas jalliy*). Then one should withdraw from it. Likewise, when a magistrate of independent judgement (*haakim mujtahid*) gives a judgement which contravenes his own independent judgement by him following someone else whose legal judgement has been disregarded due to its contradiction of the above- then in that case it is forbidden to follow his independent judgement. This is the same when a magistrate who is a follower (*haakim muqallid*) of one of the *Imams* gives a legal judgement which contradicts the text of his *imam* while he is not a follower of other than his *Imam* among the *mujtahideen*. Whereas, we say it is permissible for the follower of an *Imam* whose legal judgement has been repealed to follow other than his *Imam* in the following two ways:

- [1] he can approach the issue independently with his own opinion.
- [2] he can follow other than his *Imam* wherever it is disallowed for him to follow him.

In that, contravening the text of his *Imam*, which is his right is like a proof concerning the right of the *mujtahid* which necessitates him to adhere to. It is understood from this that one can follow a legal

judgement which has not been repealed because he gives legal judgement concerning it due to its preferability.

Abd 'r-Rahmaan 's-Suyuuti said in his commentary of the al-Masaa'il 'l-Ijtihadiyya, "It is not permissible to repeal a legal judgement except by the magistrate himself when he changes his independent judgement and no one else. This is in agreement with what Ibn 's-Sibbaagh related, 'All of the Companions of Muhammad acted upon this rule because that would lead to legal judgements never becoming consolidated. Since if it were permitted to be repealed, it would also permit the repealing of what has already been repealed, and so on until the very act of independent judgement (*ijtihad*) becomes repealed.' However, the judgements which are not to be acted upon are those legal rules which are not built upon independent judgement. When it is clear that the legal ruling contravenes the text of the Book, the *sunna*, the consensus (*ijmaa'*) or evident analogy (*qiyaas jalliy*), then the ruling is repealed. The exceptions from the issues of independent judgement is in two forms: [1] when a *mujtahid* repeals the first legal ruling by passing a ruling which contravenes his own independent judgement, due to the fact that he follows another. This ruling is repealed because it is impermissible for him to follow anyone in an issue in which he himself is a *mujtahid*. [2] When a scholar who is a follower gives a ruling which contravenes his *Imam*, (this is also repealed), because he is like a proof for the *mujtahid*."

I say: All of this is valid when the scholar does not follow other than his *Imam*, since when he follows him in his legal ruling then those legal ruling cannot be repealed. This is because he gives rulings by means of his *Imam* because of his jurisprudential superiority.



## Issue Nine

### On the Reality That All the Individual Responsibilities Were Completed During the Time of the Messenger, (may Allah bless him and grant him peace)

I say and success is from Allah, realize that the Prophet, may Allah bless him and grant him peace, clarified every thing that Allah commanded us to do or prohibited us from doing; and he did not neglect a single thing from that. Abd 'l-Wahaab as-Sha`rani said in his ar-Risaalat al-Mubaarakat, "The Messenger of Allah, may Allah bless him and grant him peace said, 'I have not neglected anything which would draw you close to Allah ta'ala, except that I have commanded you to do it. I have not neglected anything which would make you remote from Him except that I have prohibited you from it.' Whoever claims publically that the Messenger of Allah, may Allah bless him and grant him peace, neglected to declare something which Allah commanded to be done or prohibited from, has renounced himself from the *deen*. It has been related in the as-Saheeh that the Messenger of Allah, may Allah bless him and grant him peace said to Hudhayfa, may Allah be pleased with him, "Verily prophecy (*an-nabuwwa*) and messengership (*ar-risaalat*) has ceased. There will be no Prophet after me and no Messenger after me." Thus, addition to the divine responsibilities has ended with the death of the Messenger of Allah, may Allah bless him and grant him peace, since the *shari`a* had become consolidated and the obligations (*al-fard*) and other than that had been clearly explained."

He also said in his ad-Durari 'l-Manthuura fi Bayaan Zubd 'l-Uluum al-Mash'huura, "As for the essence of the science of jurisprudence, realize O brothers that Allah `azza wa jalla has not made anyone responsible for an action except in accordance to his understanding. And He has never made anyone responsible for what others understand. Verily Allah has only made His servants responsible for what is explicately mentioned in the *shari`a*. It is incumbent upon humanity to act in accordance with what has been explicately related in the Book and the *Sunna*, and it is not incumbent to act by that which has been extracted through legal judgements (*istinbaatan*). For all extractions by legal judgements are not apart of the infallible *shari`a* of Allah ta'ala. They are simply the laws laid out by His servants and for that reason there has ocured in them differences of opinion. Allah ta'ala says, "*If it were from any other than Allah, they would have found in it many a discrepancy.*" This is because of the difference in their temperaments and constitutions. What is intended here in this verse is His knowledge because it is the explicite *shari`a* of Allah ta'ala - since it is this knowledge which the servant will be questioned about in the Hereafter. In gathering and learning this knowledge there is no harm nor hardship for anyone. Neither does he need to expend a life time nor to overcome many obstacles in attaining knowledge of this, as is well known."

He also said in his ar-Risaalat 'l-Mubaarakat, "If humanity were to leave the teachings of every one other than the Messenger of Allah, may Allah bless him and grant him peace, and not act in accordance with anything from them, there would be no harm to him in this world nor the Hereafter. Realize that all the teachings of the scholars are not free of three conditions:

[1] either it is in conformity with the explicite transmitted *sunna*, (in this case) the religion is the *sunna* and the *mujtahid* is like its narrator;

[2] or it is in contradiction to the explicite *sunna*, thus it should be left alone and the *sunna* should be followed; or

[3] it is not clear whether it is in conformity or in contradiction to the *sunna*, (in this case) the best situation is that to ceasing to do it and leaving it becomes equal.

The exception to this is if ideas of the scholar encourages one to take precaution in the *deen* - like the prohibition of utilizing hashish, narcotics and the remainder of things which anesthetize and intoxicate. In this case acting in accordance with the words of the scholar is more preferable, even when the *shari`a* has not given an explicite judgement concerning that thing. So understand and make

accommodation for the *Umma*, just as the Messenger of Allah, may Allah bless him and grant him peace, made accommodations for them. Further, you should believe that if humanity were to restrict themselves to what is explicitly promulgated in the *shari`a* and if they were to leave acting by everything which was produced by the scholars - there is no harm to them nor criticism except when it is an issue which there is unanimous consensus about. In that case it becomes forbidden to deviate from it just as it is forbidden to deviate from the whole of the *sunna*.

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## Issue Ten

### On the Reality that the Different Opinions of a Legal Judgement in One Thing is Due to the Difference of the Perspectives Concerning It

I say and success is with Allah, realize that a single issue can be praiseworthy or blameworthy in accordance with various perspective. Evidence for this is very extensive and we will not exhaust ourselves trying to list all of them.

And example of this is the criticism of this world (*dhamma 'd-dunyaa*) by the words of Allah ta'ala, "*The life of this world is nothing but the enjoyment of vanities.*" This is with respect to the fact that this world is the place of temptations which preoccupy mankind from obedience to Allah. Then there is the praising of this world (*madhu 'd-dunyaa*) by the words of the Messenger of Allah , may Allah bless him and grant him peace, "*This world is the field of cultivation for the next life.*" This is with respect to the fact that it is the place of obedience to Allah, which is the means by which one attains the blessings of Paradise.

Another example of this is the praise of mixing with people, with the condition that it does not cause damage to the *deen*. This is in accordance with the words of the Messenger of Allah, may Allah bless him and grant him peace, when he said, "*The believer who mixes with the people and is patient with their insults, is better than the believer who does not mix with the people and is not patient with their insults.*" This was related by al-Bukhari in the "Book of Courtesy" and other narrators, like what as-Suyuuti mentioned in his Itmaam 'd-Diraayat Sharh 'n-Niqaaayat. Then there is the criticism of mixing with people with the condition that it leads to one being endangered in his *deen*. This is in accordance with the words of the Prophet, May Allah bless him and grant him peace, to `Uqba ibn `Aamir when he questioned him saying, "What is salvation?" He, may Allah bless him and grant him peace, replied, "*It is attained by holding your tongue and by keeping to your home.*" This was related by at-Tirmidhi and others like what as-Suyuuti mentioned in his Itmaam 'd-Diraayat Sharh 'n-Niqaaayat. He also said in his commentary of the al-Kawkab, "Al-Khataab said, 'If in keeping away from people keeps one safe from slander and from witnessing indecencies which one is unable to remove - then in it is much good.'" He also said, "Keeping apart from people and mixing with people differs in accordance with the different things pertaining to them, however the mentioned proofs which encourage socialization should be followed. As for socialization and being isolated with ones presence - if one realizes his own self sufficiency with what is connected to obedience to the *imams* and obedience to the commands of the *deen* with regard to the rights of his livelihood and preserving his *deen*. Then it is best for him to be self sufficient regarding his livelihood, provided he maintains the rights of the society, giving the greetings, returning the greetings, maintaining the rights of the Muslims - like visiting the sick and accompanying the dead to the grave, and other than that. This is because what is intended by his self sufficiency is to avoid unnecessary companionship for what is in it from preoccupation of the mind, the wasting of time from those things which are trully inportant, and making socialization an important necessity as living and eating. Thus, he should abstain from socialization to the extent which is necessary.

Another example of this genre is in what the Prophet, may Allah bless him and grant him peace said regarding praising the wealthy as was related in the two Saheeh collection, "*The people of wealth have carried away all the rewards*". This is with respect to those who expend their money as Allah ta'ala has commanded them. The criticism of the wealthy is demonstrated by their being superceded by others in entrance into the Paradise in accordance with the words of the Messenger of Allah, may Allah bless him and grant him peace, related in the two Saheeh collections, "*The poor among the Muslims will enter Paradise a half of a day before the wealthy, this (half a day) will be equal to five hundred years.*" This is with respect to those wealthy who do not expend their wealth as Allah has commanded them.

Another example can be seen in the words of the Messenger of Allah, may Allah bless him and grant him peace, concerning praise of the poor as was related by at-Tirmidhi, "*O Allah! make me live destitute, make me die destitute and gather me on the Day of Judgement among the party of the destitute.*" This is with respect to the righteous among the poor. However, there is the words of the Prophet, may Allah bless him and grant peace, related by Shihaabuddeen, which criticizes the poor, "*The poor are nearly to being disbelievers.*" This is with respect to the corrupt ones among them.

Another example can be seen in what was said about the scholars, those who command the good, those who forbid indecency, and those who are generous. It says in many traditions about the righteous among the scholars, "*They are the inheritors of the Prophets.*" It says about the corrupt ones among them, "*Some of them are evil scholars.*" It says in many traditions about the righteous among the Qur'an reciters, "*They are the people of Allah and His elite.*" It says about the corrupt ones among them, "*Those who seek to be seen by their recitations will have a valley of sorrow in the Hell Fires.*" Those who command the good and forbid indecency are praised with respect to them acting in accordance with what they say by the words of Allah ta'ala, "*They believe in Allah and the Last Day and they command what is good and forbid what is evil and race in doing good deeds. These are the righteous.*" However, they are criticized with respect to them not acting in accordance with what they say by the words of Allah ta'ala, "*Will you command the people to do righteousness and forget to do it yourselves - while you study the Book? Will you not be reasonable?*" The cause of their being criticized is because of their forgetting to do it themselves, not because of their commanding the people to do good. Abd'r-Rahmaan as-Suyuuti says in his *at-Takmila* in commentary on the above, "The summation of forgetfulness is that it is the causative factor in the posing of the objectionable question." The generous are also praised in the traditions, "*Allah will take them by the hands whenever they stumble.*" This is with respect to the righteous among them who gives for the sake of Allah. However, they are criticized because they will be the first to be entered into the Hell Fires with respect to the corrupt ones among them who give to be seen of men.

The likeness of this is also manifested in showing preference to others with what draws a person near to Allah (*eethaar bi'l-qurb*); which is considered either reprehensible or the reverse, which foremost. It is highly recommended to show preference to others in the allotments of the self (*hudhuudh'n-nafs*) as well as in matters of this world. Ibn Abd's-Salaam said: "Giving preference to others should be performed in that which draws a person near to Allah and in giving preference to others with water for purification; but not with concealing the private parts, nor with one's place in the first row of prayer. This is because the objective of worship is exaltation and esteem for Allah. Thus, whoever shows preference to others in matters of worship actually abandons esteem of Allah." Al-Khateeb al-Baghdadi said: "Showing preference to others in matters which draw near to Allah is reprehensible. Some people consider it reprehensible for a student, for example, to give preference to another in one's turn in recitation of the tracks of knowledge. This is because the reading of knowledge and contesting for it is an act of drawing near to Allah."

Here ends this issue, meaning, how the different opinions of a legal judgement in one thing is due to the difference of the perspectives concerning it is very extensive, thus we have not exhausted ourselves in enumerating all of them. However, I have composed a Fulfulde` poem dealing with this subject, those who desire to examine the many different judgements which can be drawn from one single issue due to different perspectives, should study that.

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In what we have mentioned in this book, however, is an incentive for what we have not mentioned, especially for the one whose heart is illuminated by Allah. Since the one whose heart has been illuminated by Allah, an mere indication is sufficient for him. Here ends the book called **Fat'hu 'l-Basaa'ir Li Tahqeeq Wad'i 'l-'Uluum 'l-Bawaatin wa 'l-Dhawaahir** (*The Opening of the Mental Discerning Faculties Through the Verification of the Formation of the Sciences of the Outward and the Inward*) - with the praise to Allah and the best of His help. Everyone who understands the issues of this book, keeping its meanings in his mind, will become the possessor of piercing insight in the deen and no single issue from the affairs of the deen will be ambiguous to him. I do not know of any person before me who has composed such a unique and unparalleled work in such a manner. “*All praises are due to Allah, who has guided us to this and we would not have been guided if Allah had not guided us*”.

O Allah! send Your blessings upon our master Muhammad,  
and the family of Muhammad with a blessing  
which is deserving of You and for  
which he is deserving.

Amen! Amen!

All praises  
are due  
to  
Allah.



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