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## THE TRUTH OF APPROVAL AMONG THE SHAFI'IS

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### Abstract

In this study I dealt with the sayings of scholars about what is desirability and mentioned for approval several definitions, after which I showed what is appropriate for it to be a definition, which is to left from the issue like what is ruled in its peers to the opposite for a stronger aspect.

I showed its types, and the scholars disagreed with its argument, and showed that no different approval was achieved in it. Because the scholars mentioned in his interpretation of matters that are not suitable for dispute. Because some of them are acceptable by agreement and some are returned by agreement.

And I modified the subject of the dispute in that and it became clear that the difference in approval is a difference in naming it is an apparent verbal disagreement, not a real one, so it is not suitable for controversy and dispute among scholars, and after that I mentioned examples of Sharia rulings that Imam al-Shafi'i said with approval.

### Introduction

Praise be to God, the Most Gracious, , the Forgiver of Sins, the recipient of repentance with severe punishment, facilitating difficulties and inspiring righteousness, and blessings and peace be upon our master Muhammad (Peace and blessing be upon him) who is sent as a mercy to the worlds.

So, what the purified Sharia and the enlightened mind testify, that most generous of what it desires is knowledge. It is one of the sciences that a jurist needs in his diligence, and it is not indispensable for his research and study, and for all of this the choice fell on studying one of the principles of Islamic jurisprudence, which is the approval that still accusations are being made against him since the era of Imam al-Shafi'i, may God Almighty have mercy on him, and until our day, This is the search entitled with (the truth of approval among the Shafi'is).

The nature of the research necessitated that I divide it into two chapters, with topics, and followed by a conclusion that included the most prominent results that I reached, and we explained them in the following:

The first topic: What is approval.

And it includes three demands: The first: the definition of approval in language and idiomatically.

The second topic: types of approval.

The third topic: authoritative approval.

As for the second topic, it included the scholars' position on it

It has three demands:

The first requirement: clarify the matter of disagreement.

The second requirement: the truth of the opinion of Imam al-Shafi'i regarding approval.

The third topic: Examples of the legal rulings approved by Imam al-Shafi'i with approval.

Conclusion: It included the most prominent results of the search.

### **The First topic: What is approval**

The first requirement: Desirability in language <sup>1</sup>: It is a reaction from the good thing, and regard it as good, and it may be called what a person tends to and loves in terms of images and meanings, even if it is despised by others, and it was said that something is good, and the man says: I deserved such-and-such: i.e. I thought it Well, against the righteousness, or what it means is to seek the best for the followers that are commanded, as in the words of the Almighty (so give good tidings to my servants who listen to the saying and follow the best of it), Al-Zumar: 17-18.

The Approval (Approval) in the terminology: The fundamentalists have many expressions, and their word did not agree on a single definition of it. Rather, their expressions varied in defining it and stating its truth and meaning. Some of them knew it: that it is evidence that criticizes the same scholar and is unable to show it because the phrase is not helped by him<sup>2</sup>, and this has been attributed. The definition was given to some of the applicants of the Al-Hanafiah ideology, and some of them said: It is a change from the positive analogy to a measure that is stronger than it<sup>3</sup>, and this definition was attributed to some of the Hanafi scholars.

Abu al-Hasan al-Karkhi<sup>4</sup> defined it by saying: It is for the scholar to change his mind from ruling in the matter in the same way that he has ruled in its analogues for a stronger aspect that requires a departure from the first<sup>5</sup>. Entrusted with opinions.

The second: It is the evidence that is opposed to the apparent analogy that precedes the illusions<sup>6</sup>, and in the ideology of Imam Malik that approval is the introduction of a partial benefit in exchange for a complete evidence<sup>7</sup>

And Ibn al-Arabi al-Maliki<sup>8</sup> defined it by saying: Approval is the preference for leaving the requirement of evidence on the path of exception and licensing to oppose what is contradicted in some of its requirements<sup>9</sup>, and he defined it in another word that approval is for us and at the Al-Hanafiah is to work with the strongest evidence<sup>10</sup> and IbnRushd knew it, He said: Approval', which is used

<sup>1</sup>See: Lisan al-Arab IbnManzur, 2/552, Mu'jam al-Maqayas al-Linguistics, 2/57, definitions: 18, Colleges, 107.

<sup>2</sup>Al-Mustashfa: 1/173, Ahkam Al-Amadi, 4/157, Al-I'tisam: 2/636.

<sup>3</sup>Al-Amadi Rulings: 4/157, Kashf Al-Asrar: 4/2.

<sup>4</sup>He is Abu Al-Hasan Ubaid Allah bin Al-Hussein Bin Dalal Al-Karkhi Al-Hanafi. And classes of jurists by Shirazi, p. 124.

<sup>5</sup>Al-Amadi Rulings: 4/158.

<sup>6</sup>Al-Sarkhasi's Origins: 2/200.

<sup>7</sup>Approvals: 5/194.

<sup>8</sup>Ibn Al-Arabi: He is the judge, Muhammad bin Abdullah bin Muhammad al-Maliki, known as Ibn al-Arabi al-Ma'afari al-Andalusi al-Ishbili al-Hafiz al-Faqih, the fundamentalist, the interpreter, al-Adeeb. Fas city. See: Senate deaths, 3/423.

<sup>9</sup>Al-Muwaffaqat: 5/196, Al-sit-in: 2/638.

<sup>10</sup>(Rulings of the Qur'an: by Ibn al-Arabi: 2/278, Al-I'tisam: 2/637.

frequently so that it is more general than the analogy, which is to be an expulsion of an analogy that leads to an exaggeration in judgment and an exaggeration in it. One of the aspects of ruling does not include the inclusion of words, for a more powerful aspect than it is in the rule of emergency on the first.<sup>1</sup>

And IbnQudamah<sup>2</sup> defined it by saying: What is meant by the ruling of the issue to be disconnected from its analogues for special evidence from a bookSunnah<sup>3</sup>, and this is close to the definition of Abu al-Hasan al-Karkhi from the Hanafi school

Al-Ghazali said: that it has three meanings: the first who precedes the understanding that what Approvescholar with his mind<sup>4</sup>, and can deduce two things according to consider these definitions:

**First:** The fundamentalists of the Hanafi, Maliki, and Hanbali, with their different expressions in defining Approval, agree on a fundamental meaning of it, which is that it relinquishes a ruling to a ruling in some facts, or favors a ruling on a ruling or a ruling or leaving a ruling or partial exclusion from a total ruling or allocating some Individuals of the public have a special ruling, and they agree that this reversal, altruism, exclusion, or assignment must be based on legal evidence from the texts, its plausibility, interest or custom.

And the second matter: that the change may be from a ruling indicated by the general text, and it may be from a judgment indicated by analogy, and it may be from a ruling requiring the application of a Sharia rule.

The clearest definitions of the truth of approval and the most comprehensive is the definition of al-Karkhi from the Hanafi and the definition of IbnRushd from the Malikis and the definition of IbnQudamah from the Hanbalis, and from them we extract a clear and comprehensive definition of approval in the terminology of the fundamentalists who say that it is to refrain from the rule requiring legal evidence in an incident to another ruling in which there is a legal evidence that required this Adulteration, and this legal evidence requiring moderation is a bond of approval<sup>5</sup>.

**The second requirement:** Types of approval: Anyone who traces the issues that the jurists have derived their ruling for approval will find that they are due to two types:

The first type: issues that the street is silent about indicating its ruling, and the ruling may attract two opposing measurements that it has a resemblance to its origins, different for each of which a legal ruling is proven, but its analogy with one of the original is clearly apparent for the appearance of his cause and the mind comes to it, and its measurement on the other is hidden to conceal his cause and after the mind And this analogy is more likely for the scholar, so he takes it, and that is called approval in the interview with the clear analogy<sup>6</sup>. And clarity<sup>1</sup>,

<sup>1</sup>. He is Muhammad Ibn Ahmad IbnRushd Abu Al-Waleed Al-Qurtubi Al-Andalusi Al-Maliki, nicknamed the Community Judge, a jurist, a fundamentalist, a doctor, and a holder of many sciences. He was a reference in medicine as well as a reference in the fatwa. See: gold nuggets: 4/320, and flags: 5/318.

<sup>2</sup>. IbnQudamah: He is Abu Muhammad bin Abdullah bin Ahmed bin Muhammad bin Qudamah bin Muqdam bin Mudar al-Jamili al-Salihi al-Dimashqi al-HanbaliMuwaffaq al-Din Fakih, one of the senior Hanbalis. In the year 541 AH, and he died at his home in Damascus in the year 620 AH. Seen: The tail of the layers of Hanbali: 3/281.

<sup>3</sup>Raodah Al-Nader 473

<sup>4</sup>. AlMustasfa: 1/171.

<sup>5</sup>. References of Islamic legislation with no text in it: pp. 59-60.

<sup>6</sup>Kashf Al-Asrar: 4/5, Al-Fusul fi Al-Usul: 3/234, Fundamentals of Islamic Jurisprudence: 175.

and that the strength and weakness of the effect is the basis for facilitation and raising the embarrassment, so the standard desirability<sup>2</sup> is based on raising the embarrassment, that is, leaving hardship to the left, and it is a basis in religion<sup>3</sup>, the Almighty said (God wants in you ease and does not want hardship for you)

**Examples of this type are the following:**

**A-** The woman is A'awrah from the top of her head to her feet, then it is permitted to look in some places. For the need, such as seeing a doctor, and this is a contradiction between two measures: One of them is what the rules stipulate regarding the woman being 'awrah Because looking at it leads to strife, and the second is that it might lead to hardship in some cases, such as treatment. For being accompanied by people<sup>4</sup>

**B -** The issue of the rest of the bird water, which are the remainder of the water from which they drink, because bird lions are like an eagle and a kitten are similar to cattle in the fact that their flesh is unclean and not eaten and that they are fed by animals, and since cattle sevenths are like a seventh and a leopard is unclean, so the bird's sevenths are also unclean. This is an apparent measurement, but the approval is directed towards another hidden measurement and its statement that cattle lions are unclean because their saliva is in the water, and saliva is connected to the flesh so it is unclean by its impurity, as for birds' sevenths they drink with their beaks, so they do not throw water into their saliva and their beaks do not leave any trace in the water, so the water does not affect Impurity by drinking birds' sevenths, so the heads are not unclean<sup>5</sup>.

**The second type:** is that the approval does not have an invisible cause that has a stronger effect than the apparent reason, but there is another reason, which is that some issues may be addressed by a general legal text or a rule of rules established by the jurists or some of them, but there is special evidence in it from a text or Unanimity, necessity, custom, or interest that requires a ruling other than what is required by the general text or the general rule, and the scholar is more likely to have this special evidence contained therein and to act accordingly and to amend the issue from the general ruling fixed for its counterparts to another ruling based on the special evidence contained therein and this change is called approval hard to judge him that he recommended a fixed rule unlike any measure otherwise legitimate text or general rule established<sup>6</sup>.

This type is divided as the bond on which it depends into several sections as follows:

**The first section:** desirability of the text or impact, which is to refrain from the ruling on analogy in an issue to a ruling contrary to it that is proven in the book or the Sunnah, such as renting, because analogy is not permissible. Because the one who is subject to the benefit, which is non-existent, and adding ownership to what will be found is not valid, but we changed this general ruling to another ruling, which is the permissibility of renting because people need it. ((Give the

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<sup>1</sup>Sarkhasi: Mohammed bin Ahmed bin AbiSahl Shams blame SarkhasiFaqih fundamentalist Hanafi attributed to Sarakhs ancient town of the country Khurasan taking Fiqh and assets from the sun imams confectioner reached a high status (the year 490 AH, died, and it was said the year 500 AH) and has several books, including Mabsoot in Fiqh books in prison and a book in the assets he called assets Sarkhasi 0 Gorgeous benefits seen in translations tap: 1/158

<sup>2</sup>Al-Mabassoot: 10/145.

<sup>3</sup>Ibid: 10/145

<sup>4</sup>Al-Mabsut: 10/145, Usul al-Fiqh: Abu Zahra: p. 247.

<sup>5</sup>UsulSarkhasi: 2/204, Kashf Al Asrar: 4/8, Al-I'tisam: 2/640, Usul al-Fiqh: Abu Zahra: 256.

<sup>6</sup>Fundamentals of Fiqh Abu Zahra: 248, Fundamentals of Islamic Fiqh of Sha`ban: 157.

employee his wages before his sweat dries up)), and his saying (peace and blessings be upon him) ((He who hires an employee, let him teach him his wages)) and he left the analogy with these traces <sup>1</sup>.

**The second part:** Approval by unanimous consensus: which is to leave the obligation of analogy in an issue to convene consensus on a ruling other than what the analogy leads to, such as the contract, which is for a person to contract with a manufacturer to make something for him in return for a certain amount under certain conditions, so the measurement requires that no such thing is permissible Because it is a non-existent sale in every way, but we have changed this ruling to another ruling, which is the permissibility of this contract because the nation deals with it without denying it, so it has become a consensus<sup>2</sup>.

**The third part:** desirability necessarily, which is that there is a necessity for the diligent person to leave the analogy and take its requirements in order to meet the need or to ward off embarrassment, and that when the persistence of the standard judgment leads to embarrassment or leads to a problem in some issues, then it is modified from it favorably to another ruling by which the embarrassment is removed and the problem resolves As disinfecting basins and wells, it is not possible to purify it if it is contaminated at all, as some of the water has drained does not affect the removal of impurity, and all the water drains does not benefit the purification of what stems or pours after drainage. Because it is necessary to meet an unclean at the bottom of the well and the basin and their walls, and thus it becomes impure, and the bucket becomes impure by encountering the water, and it still returns while it is unclean<sup>3</sup>.

**The fourth section:** Desirability of custom and habit, which is to refrain from the rule of analogy in an issue to another ruling that contradicts it due to the flow of custom with that or by doing what people are accustomed to, as if a person swore and said: By God I do not enter a house with so-and-so, so the analogy requires that he enter every place called a house in the language And the mosque is called a house, so if he enters it, he is perverted, but he changed this ruling to another ruling, which is that if he enters the mosque, he does not perish, and that is because people have known that they do not give this term to the mosque, so it went out according to the convention of the term<sup>4</sup>.

**Section Five:** Desirability of the interest and this is achieved in every issue for which a judgment is established according to the general text or the established rule, and an interest is found requiring its exclusion from this ruling and giving it a ruling on the contrary, so the contract of sharecropping ends with the death of the two contracting parties or one of them as in the lease according to the rule established in the Hanafi school But they excluded from this some pictures of it if the owner of the land and the plantation died and he did not realize it yet, so they ruled that the contract should remain in it favorably in contrast to the analogy, i.e. the rule established for them in order to preserve the interest of the worker and ward off the damage on his behalf, so the Al-Hanafiah in this matter deviates from the ruling required by the rule established for them, which is the termination The contract is due to the death of the owner of the land, to the ruling that the contract will remain until the planting ripens, a favor based on the interest they noticed<sup>5</sup>.

<sup>1</sup>Bada'i 'al-Sanai': 4/173, Explaining the facts: 5/105

<sup>2</sup>Kashf Al-Asrar: 4/7, The Insights Group: 4/286.

<sup>3</sup>UsulSarkhasi: 2/203, Kashf Al Asrar: 4/8, Usul Al Fiqh Abu Zahra: 249.

<sup>4</sup>Al-I'tisam: 2/641, Attahf for the Sighted: 4/287.

<sup>5</sup>Al-I'tisam: 2/641, Fundamentals of the Islamic Fiqh of Sha`ban: p. 186.

**The third Topic:** The ideologies of scholars regarding the authenticity of approval:

The scholars differed regarding the authenticity of al-Approval san over two schools of thought:

**The first ideology:** The majority of the Hanafi, Maliki, and Hanbali schools are of the view that it is a legal evidence in which the rulings are proven in the interview of analogy or the general meaning of the text, and on top of this ideology are two imams of Islamic jurisprudence, namely Abu Hanifa and Imam Malik, may God Almighty have mercy on them. Abu Hanifa was more desirable and was not matched by he said In it, his student Muhammad ibn al-Hasan<sup>1</sup>, may God have mercy on him (that his companions were disputing with him the standards, so if he said: It is desirable, no one joined him, and he used to measure what was straightforward to measure and did not ugly, so if the measurement was ugly, it was advisable and he observed how people dealt)<sup>2</sup>.

As for Imam Malik, it was narrated on his authority that he used to take too much approval. Al-Shatibi said<sup>3</sup>, (Approval is considered to be considered in the rulings of Malik and Abu Hanifa and he said: It came from Malik that the one who drowned in analogy is almost leaving the year, but it came from Malik that the approval is nine tenths. Science)<sup>4</sup>

It was narrated from repaint bin Faraj<sup>5</sup>, al-Maliki said in the plaudits may be most of the measurement<sup>6</sup>, as HanbaliHanafi and Maliki agreed in the authoritative approval and be considered a source of legislation, he said the conciliator IbnQudaamah, the judge said Jacob<sup>7</sup> say well received ideology Ahmed Almighty God's mercy<sup>8</sup>, came in the provisions of Amda: (differed in which he said, by the owners of Abu Hanifa and Ahmad ibnHanbal and denied the rest)<sup>9</sup>.

The owners of this ideology quoted evidence from the Qur'an and Sunnah and consensus of what they went to, including:

The Book: The words of the Almighty (those who listen to the saying and follow the best of it) Al-Zumar: 18.

The significance of it: its inclusion in an exhibition of praise and praise for the best example.

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<sup>1</sup>Muhammad bin Al-Hasan: He is Abdullah Muhammad bin Al-Hassan bin Farqad, one of the saints of BaniShayban, born in the year (131 AH) and died in Al-Ray in (189 AH). A jurist and a hard-working fundamentalist, the owner of Abu Hanifa, who took over the judiciary of Al-Rasheed, was eloquent and has many classifications. See: Al-Alam, Al-Zarkali, 6/80.

<sup>2</sup>. Fundamentals of Jurisprudence Abu Zahra: 244.

<sup>3</sup>. Al-Shatibi: He is Ibrahim bin Musa bin Muhammad al-Lakhmi al-Gharnati, famous for al-Shatibi, a fundamentalist Hafiz from the people of Granada. Seen: Media, 1/75.

<sup>4</sup>. Approvals: 5 / 198-199, sit-in / 2/638.

<sup>5</sup>. Asbagh Bin Al-Faraj: Ibn Said bin Nafi, the Great Imam, the Grand Mufti of Egypt and its scholar, Abu Abdullah Al-Masri Al-Maliki was born after the fiftieth and one hundred seeking knowledge, and he was a great young man. He died in the year twenty-five and one hundred. See: Biography of the Nobles flags: 9/56.

<sup>6</sup>Sit-in 2/638, Approvals: 5/198.

<sup>7</sup>Judge Yaqoub: He is Yaqoub bin Ibrahim al-Barzini, Abu Ali Qadi, one of the Hanbali jurists, from the people of Barzin from the villages of Baghdad, he was a student at the hands of Judge Abu Ali, the guardian of Bab al-Azaj district, and he died in the year 486 AH. Among his books: The Taqiqa fi al-Fiqh and the disagreement. See: Al-Labb: 1/111, and Al-Alam: 9/253

<sup>8</sup>Rawdat Al-Nazer: 1/473.

<sup>9</sup>Al-Amadi Rulings: 4/186.

And the Almighty said: (And follow the best of what has been revealed to you from your Lord) Al-Zumar 55.

Significance: It is an order to follow the best of what was revealed, and if it were not for approval, it would not be so, and the matter is obligatory.

The Sunnah: His saying, peace and blessings be upon him, ((What the Muslims saw as good is good with God)) they said, had it not been an argument for God, there would be no good with God, but by that it means what they saw with their minds, and if it was good according to the legal evidence, it would not have been good as they see.

The consensus: that the ummah desires to enter the bathroom without estimating the fee, nor estimating the period of time spent, nor estimating the water used, and there is no reason for that<sup>1</sup>

These are some of the evidences held by the fundamentalists who claim the authenticity of approval.

The second school of thought: the Shafi'is and their Imam al-Shafi'i (may God Almighty have mercy on him) went to the effect that approval does not fit to be a legal evidence. Rather, it is a taste, enjoyment, and legislation of whims and opinions in contrasting with what is required by the legal evidence. Al-Shafi'i said: "Whoever is desirable has prescribed it"<sup>2</sup>.

Al-Shafei said: (It is not permissible for a person who qualifies to be a ruler or a mufti to rule, nor to issue a fatwa except from the point of a necessary report and that book and then the Sunnah or what the people of knowledge said about what they do not disagree with - that is, consensus - or an analogy on some of this and it is not permissible to approve if not Approval is a duty, not in one of these meanings<sup>3</sup>As he said (may God Almighty have mercy on him): (And if it is permissible to disable the analogy, it is permissible for people of minds other than the people of knowledge to say in what is not news of what they bring of approval and that saying without news or analogy is not permissible)<sup>4</sup>

As for the evidences of those who deny approval, their leader, Imam al-Shafi'i, expressed it in several phrases that he included in his book, Al Om Book, and in his fundamentalist message, as he held a separate chapter in his book (Al Om Book), which he called: nullifying approval, including that he said: There is no analogy, and he said it is desirable, so he must claim that it is permissible for others to approve his disagreement, so every ruler in a country and mufti say what is desirable, and it is said about one thing with a difference from the ruling and fatwa, and if this is permissible for them, then they neglected themselves and ruled wherever they wanted.<sup>5</sup>

He also said: (The permissibility and the forbidden of God was more important to not say in them arbitrariness and approval, but rather a pleasure)<sup>6</sup>

Let us coordinate the evidence of abolition that Imam Al-Shafi'i cited in places published in his books (The Resala) and (Al Om Book) | We summarize it as follows:

1- The Almighty said: (Does a person think that he should leave in vain) The Resurrection: 36, God Almighty did not leave a person in vain, but rather

<sup>1</sup>. Al-I'tisam: 2 / 636-637, Kashf Al-Asrar: 4/13, Al-Mustasfa: 1/172, Rawdat Al-Nazir: 1/474, Ahkam Al-Amadi: 4/159.

<sup>2</sup>. Al-Mustasfi: 1/171, Al-Amadi Rulings: 4/156.

<sup>3</sup>. Al Om Book of Shafi'i: 7/313.

<sup>4</sup>. Al-Risalah by al-Shafi'i: 1 / 503-504.

<sup>5</sup>Al-Imam Shafi'i: 7/316.

<sup>6</sup>Al-Risalah by Al-Shafei: 1/505.

commanded and forbade him, and explained to him what he commanded and what he forbade him in a text or an indication, and whoever says favorably permits himself to be in the sense of waste and contradicts what God said The Almighty, Al-Shafi'i said: (The people of work did not disagree with the Qur'an - as far as I learned - that the waste that is not commanded or forbidden, and whoever decrees or decides what is not commanded has permitted for himself to be in the meanings of waste, and God has told him he did not leave it in vain<sup>1</sup>

2- The Prophet (peace and blessings be upon him) did not issue fatwas with his approval, and he was the one who did not utter his desires. He was asked about the man saying to his wife, "You are on me like the back of my mother." He did not die (peace and blessings be upon him) with his approval, but he waited until the verse of al-Zuhair and his atonement came to him. It did not come down in you and waited for the revelation, so when it was revealed he called her and he cursed between them as God Almighty ordered him<sup>2</sup>

3- The Prophet (may God's prayers and peace be upon him) denounced the Companions who were absent from him and fulfilled their approval. He denied to some of the Companions that he killed a man from the hypocrites and denounced that Osama killed a man who said there is no god but God because he said it under the heat of the sword. He condemned them<sup>3</sup>

4- It is not permissible to judge except by the news or by consensus or analogy with them, and saying that it is desirable is not a statement by the news or by consensus, nor by analogy with them. Al-Shafi'i said: The house will be taken by the one who is absent from it in order to afflict him or his intention by analogy, and no one can say except from the point of view of diligence, and diligence is what you described from seeking the truth<sup>4</sup>

5- Approval is not a requirement, nor are there any criteria by which truth is measured from falsehood, such as analogy, so if every ruler, mufti, or scholar is permitted to approve without any control, the matter is excessive. One over the other, as there is no control nor balance that can be weighted by him as long as the basis is approval<sup>5</sup>.

**The second topic:** the differences of scholars regarding the nature of approval

**The first requirement:** Liberating the place of disagreement

After we have mentioned the sayings of the scholars and their evidence regarding approval, we try to liberate the place of disagreement in it, and the truth is that there is no different approval in it because they mentioned meanings for it that are not suitable for dispute, because some of them are acceptable by agreement and some are disputed by consensus. Like what is ruled in its analogues to its opposite, it is stronger or it is to change the positive of a measurement to the positive of a measurement stronger than it, or to allocate a positive measurement with a stronger than it.

Approval in this sense should not be disputed by anyone, because it is nothing but the preponderance of evidence that opposes it with a weight that is legally considered by the scholar.

And those who deny approval of approval: they deny it if it is a statement of what the scholar applauds and desires without evidence, and approval in this

<sup>1</sup>Al-Imam Ash-Shafi'i: 7/313, the effect of disputed evidence therein: 136.

<sup>2</sup>Al-Imam Shafi'i: 7/313, Usul al-Fiqh Abu Zahra: 252.

<sup>3</sup>. Al-Imam Shafi'i: 7/310, Usul Al-Fiqh Abu Zahra, 253.

<sup>4</sup>.Al-Risalah by Al-Shafi'i: 1/303, The Impact of Controversial Evidence: P.136.

<sup>5</sup>.Fundamentals of Fiqh Abu Zahra: p. 253.



sense is not said by anyone. Because he left the ruling that was indicated by legal evidence to a ruling by merely approving the mind and whimsy, it is a disruption of the legal evidence, and from this it becomes clear that the difference in approval did not release the subject of conflict and that their difference in it is a verbal difference, not a real one. The Hanafi, or in the sense that IbnRushd knew from the Maliki scholars, or in the sense that IbnQudama knew from the Hanbali scholars, for we found that working with it is subject to agreement among all the imams, even if they differed in naming, because we find that approval in this sense does not deviate from the agreed upon legal evidence<sup>1</sup>, Regarding this, the author of Al-Talouh says: (The truth is that there is nothing in approval that is suitable for a dispute, and if the dispute is in the validity of relinquishing the requirement of evidence to evidence that is stronger than it, then this should not be the subject of disagreement because the preference of one of the two opposing evidence is what it favors there is no disagreement in it, even if the conflict There is no problem in naming this moderation approvingly<sup>2</sup>

What appears from the words of some fundamentalists is that the disagreement appears by using approval in the sense that the Hanafi scholars knew it by saying: Evidence to criticize in the mind of the scholar is not helped by the phrase about it, as some of those who deny it to approve it are described as obsession, illusion and imagination<sup>3</sup>.

Thus it becomes evident that the difference in approval is a disagreement over naming, as it is an apparent verbal disagreement, not a real one.

**The second requirement: the truth of the position of Imam al-Shafi'i regarding approval**

We can deduce from the foregoing that the approval of the Al-Hanafiah has two meanings, one of which is what some of the applicants of the Al-Hanafiah know by saying is evidence that criticizes in the mind of the scholar that the phrase about it does not help him.

As for approval in the second sense, it is the refusal of the issue from the ruling of its peers to another ruling for a stronger aspect that requires this reversal, or it is the reversal of an obligation to an analogy that is stronger than it, which appears from the words of Imam al-Shafi'i and his indications that he returned approval in the first sense and denied it.

As for approval in the second sense, this is acceptable by agreement, since no one should disagree with it, because it is nothing but the preponderance of evidence that opposes it with a weight that is legally considered by the scholar.

Imam Al-Ghazali, may God have mercy on him, said after he included the definition of al-Karkhi from the Hanafis, it is not he, that is, Istishab is a statement without evidence, 'Rather it is evidence and it is a type of which is the discretion of the matter from its counterparts with special evidence from the Qur'an, such as the saying of the one who said: I don't give charity to God or I must give charity. With my money, the measurement is the necessity of giving charity for all that is called money, but Abu Hanifa preferred to allocate zakat money for the Almighty saying: (Take charity from their money) Repentance: 103, and only zakat money is sought, and from it to adjust its counterparts

<sup>1</sup>. Sources of Islamic legislation with no text in it: p. 68, the effect of the evidence in it disputed: p. 124.

<sup>2</sup>. Explanation of Al-Talwah on the clarification: 2/162, Sources of Islamic legislation with no text in it: p. 69.

<sup>3</sup>. Al-Mustasfa: 1/173, Rawdat Al-Nazer: 1/476, The Impact of Controversial Evidence in It: pg. 127.

according to the Sunnah guide, and he said this is money that is not denied. The allocation of this type of evidence to be appropriately named from among other evidence<sup>1</sup>

And Al-Shirazi said: (If the approval is to allocate some sentence from the sentence with evidence pertaining to it, or to judge by the strongest of the two evidence, then this is something that no one denies, so the disagreement on the issue will be dropped)<sup>2</sup>. Ibn Qudamah al-Maqdisi quoted Judge Ya'qub as saying: The Almighty), which is to leave a judgment to a ruling that is more important than it, and this is something that is not denied, and if there is a difference in its name, there is no benefit in the difference in terminology with agreement on the meaning. And he dared to God and His Messenger (may God bless him and grant him peace), and no one could say with approval, but all this if the approval and saying it were in the meaning<sup>3</sup> that Al-Shafi'i, may God Almighty have mercy on him, intended, and that is to say with lust and passion without relying on evidence.

But if the desirability is in the second sense, which is to change the issue from the rule of its peers to another ruling for a stronger aspect that requires this change, or it is to move away from the measurement obligation to a measurement obligation that is stronger than it, or to allocate a measurement positive with a stronger than it, then approval in this sense does not respond to any objections. Imam al-Shafi'i because it is based on the principles that al-Shafi'i cannot contradict, as he is in one form a kind of analogy, and in the other it relies on the text or consensus or necessity and necessities that prohibitions are permissible by consensus of scholars and they are subject to consideration and contradict the text, so it is more important to contradict the analogy (), and from what This is supported by the fact that Imam Al-Shafi'i has proven his opinion of approval in some matters. Al-Amadi quoted him in the rulings that he said: (It is desirable in the benefit that it be thirty dirhams, and it is desirable for the intercession to be established for the intercessor for three days, and he said about the thief if he takes out his left hand instead of the right, then the measurement is interrupted. The right hand is cut off, and the approval is not cut, which is approval in the measurement interview)<sup>4</sup>

Al-Sarkhasi said: "Al-Shafi'i said in analogues of this that it is desirable to do so and any difference between those who say it desirable such-and-such and between those who say it is desirable. Rather, it is desirable. The two languages are more clear and closer to the approval of the Sharia phrase in this purpose." Al-Bukhari al-Hanafi: "As what is meant by approval is a good statement of what is indicated by that evidence, and this term indicates it by its position<sup>5</sup>, as approval and the conscience of the thing and its promise is good, but approbation indicates its position on the tendency of nature to the thing and love for it, and this does not indicate the goodness that is intended inevitably, then the impression may be inclined To what is ugly in Sharia and reason)<sup>6</sup>.

**The third requirement: Examples of legal rulings approved by Imam Al-Shafi'i with approval:**

<sup>1</sup>. Seen: Al-Mustasfa: 1/173.

<sup>2</sup>. Al-Lama 'Fi Usul Al-Fiqh: p. 121.

<sup>3</sup>. Rawdat of Al Nazer: 1/473.

<sup>4</sup>The Fundamentals of Islamic Jurisprudence, Abu Zahra: p. 254, the effect of the different evidence therein, p. 140

<sup>5</sup>. The rulings of Al-Amadi: 4/157.

<sup>6</sup>. The Origins of the Sarkhi: 2/201.

I will mention some of the legal rulings approved by Imam al-Shafi'i, and they are among the core of what is deduced with approval. Rather, the Imam mentioned its ruling in a wording that is favorable to such-and-such or by saying that such-and-such is the following:

1. It is preferable to leave the thing for the offices of one of the stars of the book, and he said about the thief if he takes out his left hand instead of the right, and the measurement is cut off to cut his right hand, and it is desirable not to cut <sup>1</sup>.
2. And his saying about the oath on the Qur'an, I saw some rulers swearing by the Qur'an, and this is good in my opinion<sup>2</sup>
3. Al-Shafi'i said (may God Almighty have mercy on him) in the pleasure that it is preferable<sup>3</sup> to be thirty dirhams, and in the chapter on preemption, it is desirable that the intercessor be proven to the intercessor for three days<sup>4</sup>
4. I would like all the muezzins to be the people's choice, and I like for the muezzins to be volunteers, and for the imam to not provide for them <sup>5</sup>
5. I do not like for a muddy to exceed three, and if it increases, I do not hate it, God Almighty willing <sup>6</sup>
6. The first ghusl for me is that after washing the impurity is the washing of the dead , and I do not like to leave him in any condition <sup>7</sup>
7. I do not like to leave the call to prayer for a written prayer that is used by its owner<sup>8</sup>

And Examples of this are many, the place narrows down.

#### **Conclusion:**

Praise be to God, at beginning and at end, and blessings and peace be upon our Master and Mawlana Muhammad, his family and all his companions

After relying on God, I can summarize the most important findings that I have come up with as follows:

1. Desirability has two meanings, one of which is accepted by agreement, which is to relinquish the obligation of analogy to the obligation of analogy that is stronger than it, and the second to return by agreement, which is to abandon the obligation of evidence for mere whims and desires.
2. There is no difference of opinion regarding the permissibility of using the word "Approval " or its release, for this term is contained and used in the Qur'an and Sunnah and the sayings of the scholar.
3. Approval of approval, considering its chain of transmission, types of them, approval of the text, approval of unanimous approval, approval of necessity, approval of custom and approval of interest.
4. The approval that was rejected and denied by Imam Al-Shafi'i is the approval that is intended for what a person tends to and loves without relying on evidence, and in it he said: (He who is favored has a law) and there is no dispute that this is returned by consensus because it is not permissible for anyone to say about the law of God And his judgments with his lust and hobby
5. It has been proven that Imam al-Shafi'i said in "Approval ", in large jurisprudential branches, with a wording approved something.

<sup>1</sup>Revealing the Secrets: 4 / 13-14.

<sup>2</sup>The provisions of the Amadi: 4/157, the surrounding sea: 8/101.

<sup>3</sup>The Al Om Book of Shafi'i: 6/278.

<sup>4</sup>Al Mahsoal: 6/127, Amadiy rulings: 4/157.

<sup>5</sup>Al-Imam al-Shafi'i: 1 / 103-107.

<sup>6</sup>.Ibid :1/47.

<sup>7</sup>. Ibid:1/53.

<sup>8</sup>. Ibid: 1/103.

And Praise be to Allah, the Lord of the Worlds

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