

The Impact Of The Difference In The Authoritative Saying Of The Companion (Sahabi)

Dr. Mahmoud Farhan Ahmed Adwan Al-Janabi

Instructor at College of Islamic Sciences

Anbar University - Department of Jurisprudence (Fiqh) and Fundamentals

ABSTRACT

I have talked in this research about one of the secondary evidence that is disputed, it is the saying of the Companion, and I have mentioned the definition of the Companion in language and idiom. Also, I showed the definition of the Companion among scholars of hadith. Everyone had met the Prophet, may God's prayers and peace be upon him, and died on that. The Companion in this aspect is not idea of disputed in his speech evidence. So, it is necessary on different Companion another definition, and then I mentioned the definition adopted by the majority of fundamentalists of the different companion in his saying authenticity. The dispute is in the authenticity of his saying, indicating the ideology of the scholars and their evidence in invoking his saying, then I concluded my research with practical models for the impact of the difference in the authenticity of his saying

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Introduction

Praise be to God who facilitated difficulties and inspired righteousness, and prayers and peace be upon the one who guided his nation to the reasonable and transmitted evidence, and upon his family and companions the stars of guidance.

The most honorable sciences is the purified sciences of Sharia, as it contains and on in it the orbit of the regularity of life, especially the science of the fundamentals of jurisprudence, as fundamentals of jurisprudence the pillar and Juritic deduction the basis of its construction. So I had selected the title "the saying of the Companion", and it is one of the evidence that is regarded as dispute, and it is known that the sayings of the Companions are of great importance. They are the best of this nation after its Prophet, may God's prayers and peace be upon him, and they best among people of what Allah need after the Prophet, may God's prayers and peace be upon him. Allah had I honored them to be the transfer of religion to us, and therefore I liked this humble research be about those generation that was brought up in the school of our master Muhammad, may God's prayers and peace be upon him: and I had divided this research in two topic with conclusion and as follows:

- The first topic: Introducing the Companion and it has three demands

- The first requirement: Defining the Companion in language and idiomatically
- The second requirement: liberating the place of dispute
- The third requirement: the ideology of scholars in the authoritative statement of the Companion
- The second topic: Application models and it includes three demands
- The first requirement: the ruling on the prostration of recitation
- The second requirement: the ruling on selling the material (Aenal)
- The third requirement: When does the pilgrim cut off the Talbiyah in the Hajj?

First topic

The Introduction of Companion; it consists of three requirements:

- The first requirement: Defining the companion in language and idiomatically

The definition of the companion in language: the companion is the name of the subject of the companion of his companion who is accompanied by his companionship, and the companions of the conquest and his companion is dealt with him, and the companions are the gathering of the companion, and the companions are the group of

companions, such as the chick and the chicks and the companion means friend.¹

Defining a companion idiomatically: a companion according to hadith scholars (and some scholars of origins) is the one who met the Prophet (may God's prayers and peace be upon him) who believed in Islam and died on that, and it is clear that a companion in this broad sense is not the subject of disagreement in the authority of his saying, as one of these may not be met The Prophet (may God bless him and grant him peace) except once or twice, and he only narrated the hadith or two hadiths, so it was necessary for the companion who differed in the authenticity of his saying to have something other than this definition.

Hence, the majority of fundamentalists knew him with another definition, so they said: He is the one who met the Prophet (may God's prayers and peace be upon him) and believed in him and took him for a long time until he was customarily called the Sahib.

And that is the same as the four rightly-guided caliphs, Abdullah bin Masoud, Anas bin Malik, Zaid bin Thabit, Aisha, and the rest of the wives of the Prophet (may God's prayers and peace be upon him), Abu Huraira, Abdullah bin Omar and others who gathered to faith and trust in the Prophet (peace and blessings be upon him), so they understood his words, witnessed his actions and acted on They were a reference for people, while the Messenger of God reported on his Lord. Such people are the ones who disagreed with the authenticity of their saying: Since among them there was a group known for their jurisprudence and the ability to derive rulings from their sources. When the Messenger of God (may God's prayers and peace be upon him) died, these companions held the position of fatwas between Muslims and adjudicated their cases and they had fatwas, judgments and legal opinions on matters. a lot.²

¹. Lisan al-Arab, 4/2400, Taj al-Arous, 3/185.

². Reporting and Tahber: 2/261, Fatih Al-Rahmut: 3/403, Almuatamad: 2/172, Provisions of Al-

The Second Requirement: Explain of the dispute.

The scholars disputed and differed over the authenticity of the companion's saying, but this difference is not at all. After the death of the Messenger (may God's prayers and peace be upon him), the Muslim's fatwa and legislation were challenged for them by a group of the Companions who knew the jurisprudence and knowledge and the length of their commitment to the Messenger (may God's prayers and peace be upon him) and the understanding of the Qur'an and its rulings. Fatwas in various facts.

The scholars of the fundamentals discussed the fatwas and legal opinions issued by the Companions (may God be pleased with them) and discussed them in terms of considering them as a legitimate source of rulings such as the Qur'an, the Sunnah, consensus and measurement and not considering them, if can their statement and their diligence considered a source of legislation or not? Before answering this question and stating the views of the fundamentalists about it, mention aspects of the issue outside the place of conflict and disagreement.

The all agreed that the doctrine of the companion as an imam, ruler, or mufti is not an argument against another companion, and this is without dispute.³

There is no dispute among scholars in the tradition of the Companion's saying and acting upon it. if it is in terms that are not reasonable by analogy by opinion, such as the legitimate amounts that are not known by the opinion, because it appears in such a case that it is from hearing from the Messenger (may God bless him and grant him peace), as it is one of the Sunnah.

Also, there is no dispute among them that the statement of the Companion is not an argument against other hardworking companions because the Companions differed on many issues and some of them had opinions that contradicted the

Amdi: 2/82, Fundamentals of Islamic Jurisprudence of Sha`ban: 201.

³. Kashf al-Asrar: 3/323, Sahrh Alkukab Al Monir: 4/422, Ahkam Al-Amdi: 4/130.

opinions of others, and if the saying of one of them was an argument against a similar one of the Companions, this difference would not be validated

Rather, the dispute between scholars regarding the statement of the Companion issued by the opinion and Ijtihad is whether it is an argument against the one after him among the Mujtahids of the followers and after them so that they must act upon it and it is not permissible for them to contradict it¹

The third requirement: the ideology of scholars in the authoritative statement of the Companion's saying

The scholars differed on that, according to the following saying:

The first saying: It is an argument and its imitation is a duty that is left by his saying or by his doctrine of analogy. A group of the Hanafis went to that, and it is the doctrine of Malik and al-Shafi'i in his old saying and Ahmad in one of the two narrations on him.²

The second saying: Some of the Hanafis are of the view that it is not necessary to imitate it except when it is not understood by analogy, and some of them said that if the companion doctrine agreed with analogy, then it is an argument, but they differed.³

The third saying: Among the scholars differentiate in the imitate of the Companions (may God be pleased with them), so it is necessary to imitate the Rightly Guided Caliphs and their likeness in virtue and specialization such as Abo baker and Omar and no others.⁴

The fourth saying: That the saying of the Companion is not an argument at all, and it is not permissible to imitate it. The majority of the speakers of the Ash'ari and Mu'tazilites are based

on this. This is what Al-Shafi'i said in the new from his doctrine, which is the saying of Imam Ahmad in the second narration about him. And it has selected by Abo Alkatb.⁵ The fundamentalists and their preference, and this saying were chosen by Al-Amadi, Al-Ghazali and Ibn Al-Hajeb Al-Maliki.⁶

The authors of the first opinion, who say that the Companion's saying is an absolute argument, have inferred with evidence, including.⁷

From the Holly Quran: The Almighty's saying: {And the former priors form Muhajren and Ansar and, and those who followed them with goodness, God is pleased with them.} (Tobah: 100)

As for the Sunnah: It was not narrated that the Prophet (peace and blessings of God be upon him) said: (My companions are like the stars, by whom did you follow , it will be your guidance)⁸

The Indicative Aspect:

The command to imitate each one of them and the command is obligatory, because it is absolute, and the fact that following them is a conversion is the meaning of the authority of their saying.

And the reasonable: that the companion, even if it is permissible for him to make mistakes, like other diligent people, but the majority agrees with his statement of truth and rightness, and that is for

⁵ . Abu Al-Khattab, Sheikh Al-Imam Al-Allamah Al-Wara, Sheikh of Hanbali Al-Kiya Al-Harasi, if he saw Abo Al-Khattab coming, he said, "The mountain has come, trustworthy, and satisfaction from the imams of the companions of Ahmad. He was a good mufti, a slave of good deeds, a good ten." See the sear Alam al Nubal 19 / 348-350. AlBedah wi AlNehah: 12/180.

⁶ . Al-Adda: 4/1185, Rawdat Al-Nazir: 1/403, Al-Mustasfa: 245, Provisions of Al-Amdi: 4/130, Brief Explanation Al-Muntaha: 3/572, Irshad al Fohol: 243.

⁷ . See: Kashf Al-Asrar: 3/330, Al-Oddah: 4/1115, Athaf dawi al basar: 4/269.

⁸ . kashf Al Qfa, Part 1 / p. 147 No. (381) and said: It was narrated by Al-Bayhaqi and Al-Dailami attested it on the authority of Ibn Abbas in the wording of my companions as the status of stars in the sky, by whom did you follow , is your guidance.

¹ . Fundamentals of Islamic Jurisprudence: 203.

² . Kashf Al-Asrar: 3/323, Sarah Tankeh Al-Fasol: 1/445, Rawdat Al-Nazir: 1/403, Ahkam Al-Amdi: 4/130.

³ . Kashif al asrar : 3/323.

⁴ . Al-Mustasfi: 243, Sarah Tankeh Al-Fasol: 1/445, Kashf Al-Asrar: 3/323

the blessing of his companionship to the Prophet (may God bless him and grant him peace) and his perfect knowledge of the language and his knowledge of the reasons for which Quranic texts were revealed and the hadiths of the Prophet and his witness of the actions of the Messenger and hearing his words and knowledge. With his aims and these are matters that are not shared by other mujtahids who came after him, so his saying will be more correct with respect to what other mujtahids say, so they must act upon it.¹

As for the owners of the third opinion, who say that the argument in the words of the Rightly Guided Caliphs necessitated their imitation, they invoked his saying, upon him be peace, (Take my Sunah and the Sunnah of the Rightly Guided Caliphs after me).²

This is an order to follow his Sunnah and the Sunnah of the Rightly Guided Caliphs, Abu Bakr, Umar, Othman, and Ali (may God Almighty be pleased with them) all, and this matter is absolute and the absolute matter requires it to follow the Messenger (may God bless him and grant him peace) and the four caliphs is an obligation that it is not permissible to neglect it, so their saying becomes an argument. And as for those who say that the argument is in the words of Abu Bakr and Omar (may God Almighty be pleased with them), he invoked what came from Hudhayfah, that the Prophet (peace and blessings of God be upon him) said (Imitate those who came after me; Abu Bakr and Omar).³

It is a command to follow them, and this is general for their words and deeds, because the absolute command is obligatory.⁴ As for the owners of the fourth view, who say that the statement of the Companion is not an argument at all, they invoked that by the Almighty saying (So consider, O the most sighted) He enjoins consideration without imitation and His saying (if

you disagree about something, you must bring it to God and the Messenger) Al-Nisa: 59. Allah Almighty has enjoined response when there is a difference in Judgment is due to God and His Messenger by analogy with what came in them. Refutation of the companions' doctrine is a neglect of duty while abstaining.

They argued that the Companions were unanimously agreed that it is permissible to disagree with one another. If the saying of one of them was binding and an excuse, then the denial would fall on those who disagreed with him, and if this was among them, so is the case with those who come after them, then that the companion is a mujtahid like all the mujtahids and it is permissible for him to be wrong and right. It is binding on other mujtahids, not a source of legislation.⁵

The authors of this statement have answered that what the Sayers evidenced by the authorization of the Companion's saying does not rise to be a basis for his argument. The hadiths mentioned in the chapter on their causes and the text of the book in praising the followers of companions are all based on the command of mankind to obey and obey them, and to urge the nation to follow their approach to justice and fairness and preventing Those who came after them from reversing their judgments that they unanimously agreed upon.⁶

The most correct of this is: that the statement of a mujtahid companion is not considered a binding legal evidence, rather it is permissible for the other mujtahid in his age or at a time other than his age to work on his jurisprudence and not to work if he leads him to that research and diligence, as the difference between the companions occurred in what was room for opinion and their statement that it is permissible to disagree with them. And what was reported from some The mujtahids of the Taabi'een said that they worked diligently on some issues and

¹ . The Fundamentals of Islamic Jurisprudence of Sha`ban: 204.

² . SunanAbiDawood vol. 4 / p. 200 No. (4607).

³ . Sunan al-Tirmidhi, Part 5 / p. 609 No. (3662).

⁴ . Attahf Dawi al basar: 4/267.

⁵ . Al-Adda: 1/1188, Ahkam Al-Amd: 4/131, Al-Mustasfa: 243, Rawdat Al-Nazir: 1/403.

⁶ . The Principles of Rulings: 159.

disagreed with the companion doctrine and said: All this is likely evidence to say that the companion doctrine is not authoritative.¹

The second topic

An application models consist of three demands
The first requirement: Ruling on the prostration of recitation:

The scholars differed in its ruling on two schools of thought.

The first doctrine: Prostration of recitation is Sunnah for the recite and the listener. This is the view of the majority of scholars, such as Imam Malik, Al Shafi'i and Ahmad, may God Almighty have mercy on them²

Al-Zarqani said in his explanation of al-Muwatta in the differentiate on what came in the prostration of the Qur'an: It is Sunnah or virtue of two famous sayings.³ and Al-Shafei said: (I do not like to leave anything from the prostration of the Qur'an, and if he leaves it, he hates it, and he does not have to make it up because it is not obligatory)

⁴ And it came in Al-Mughni: (who prostrates is a good thing, and whoever leaves it there is no harm on him). Ibn kudama said "The prostration of recitation is a confirmed Sunnah and is not obligatory for Imamna, Malik and Shafi'I".⁵

The second school of thought: The Hanafis are of the view that the prostration of recitation is obligatory, as it is stated in the guidance that the prostration of recitation in the Qur'an is fourteen prostration. The prostration is obligatory in these places of the recite and the listener, whether he intended to hear the Qur'an or not.⁶

And Al-Sarkhasi said: Whoever recites or hears the verse of prostration, he must prostrate it to according to our ideology.⁷

Evidences: -

The first doctrine protested what Imam Malik narrated on the authority of Hisham bin Urwa on the authority of his father: Umar ibn al-Khattab (may God be pleased with him) recited a prostration while he was on the pulpit on Friday, and he went down, prostrated and prostrated with him, then he read it on the other Friday, so the people prepared for prostration and he said to your messengers that God did not He writes it to us unless we wish, and he did not prostrate and forbid them to prostrate.⁸

Al-Bukhari narrated on the authority of Rabi'a bin Abdullah bin Al-Hadeer al-Taymi, and Rabi'a was one of good people, on what he attended.⁹

Rabi'ah from Omar bin Al-Khattab (may God be pleased with him) read on Friday on the pulpit Surat Al-Nahl so that when the prostration came, he went down and prostrated the people even if the next Friday, he read with it, even if the prostration comes, he said: (O people, we go through prostration, so whoever prostrates was right, and whoever does not prostrate, there is no sin on him and omar did not prostrate (may God be pleased with him) and Nafeh added on the authority of Ibn Umar (may God be pleased with them) (that God did not impose prostration unless Starch).¹⁰

And the Companions agreed on that (may God be pleased with them) when they left the denial of him and none of them reported his disagreement and their consensus with him on that is evidence¹¹ of what we have mentioned, and they understand

¹ . Fundamentals of the Islamic Fiqh of Sha`ban: 204.

² . Fundamentals of the Islamic Fiqh of Sha`ban: 204.

³ . Explanation of Al-Zarqani on Al-Muwatta: 2/22

⁴ . Al'um: 1/160

⁵ . Al-Mughni: 1/466

⁶ . This story is the strongest argument against the Sunnah of prostration (7).

⁷ . Al-Hidayah: 1/78

⁸ . Al-Mabsot: 2/4

⁹ . Al-Muwatta, according to Yahya al-Laithi: 1/206.

¹⁰ . Sahih Al-Bukhari: 2/42.

¹¹ Bidaya al-Mujtahid: 1/233, al-Mughni: 1/466, al-MuntaqaSharh al Muwatta: 1/351

the significance of the Sharia and know that they understand the Shari'a orders.¹

As far as the analogy is concerned, this prostration is done during travel on the departed one, and it was not obligatory like the prostration of Nafalabs.²

Al-Shafei said: If someone said: What indicates that it is not an obligation? It was said: Prostration for prayer. The Almighty said (The prayer was on the believers at a set time) [Al Nas: 103], so the timing was tolerated temporarily by number and temporarily, so the Messenger of God (may God bless him and grant him peace) declared that God Almighty required five prayers, so a man said: O Messenger of God Do I need others? he said no. Except that you volunteer. When prostration of the Qur'an was outside of the prescribed prayers, it was a year of choice, so he would like us not to leave it, and whoever neglects it leaves a favor, not an obligation. He added that in the prostration of the Prophet (may God bless him and grant him peace) in Surat al-Najm is evidence of what was described because people prostrated with him except for two men, and the two men did not call for the obligation even if they were left, the Messenger of God (peace and blessings be upon him) ordered them to return him.³

The hadith of Abu Hurairah (may God be pleased with him) stated: The Messenger of God (may God bless him and grant him peace) recited with Al-Najm, and the people prostrated with him except for two men. In a narration, only two men from the Quraysh wanted to become famous.⁴ that is, they wanted people to speak against them in prostration.

And the hadith of Zaid bin Thabit that he recited to the Messenger of God (may God's prayers and

peace be upon him) (the Najm if it fell) and did not prostrate.⁵

Al-Shafi'i said: "In these two hadiths there is evidence that prostration of the Qur'an is not a necessity, but we like it not to be abandoned because the Prophet (peace and blessings of God be upon him) prostrated in the Najm and left.

The Hanafis invoked their beliefs according to the hadith of Abu Huraira (may God be pleased with him) that the Prophet (peace and blessings be upon him) said (If Ibn Adam recited the Sajdah and he prostrated, Satan would runaway and cry and say: Ibn Adam was ordered to prostrate and he did, but I did not, and I faced the fire).⁶

The basic principle is that when the wise man denounces the non-wise man and does not punish him by denying it, this is evidence that he is the correct jurist, evidence that the son of Adam is commanded to prostrate and the command is obligatory, as well as that God Almighty rebukes those who do not prostrate by saying (why they do not believe, and if the Qur'an is read to them, they do not prostrate)[Al-Inshqaq 20-21] and rebuking is only by neglecting duty.⁷

The second requirement: selling the material: (Al-Anah)

Before stating its ruling, it is necessary to study its meaning in language and convention:

The material in language.⁸ is derived from eye and is present money. A sample was named so, due to obtain cash for the sample's asker, and al-Khalil said: The material is a dept., It was said to lend so-and-so from a material. The sample is for a man to sell a commodity for a known price for a known period, then buy it from it for cash for less than the price for which he sold it. It is in the sense of the obligatory and in the hadith (who is collected has brought up money as interest).⁹ and

¹ . Fath Al-Bari Ala Sahih Al-Bukhari: 2/527.

² . Al-Muntaqa ala Al-Muwatta: 1/351.

³ . Al-um: 1/160

⁴ . Musnad of Al-Shafi'i: 1/123, Musnad of Imam Ahmad: 8/133

⁵ . Sahih Al-Bukhari: 2/41, Sahih Muslim: 1/406, SunanAbiDawood: 2/58.

⁶ . Sahih Muslim: 1/87

⁷ . Al Mabsot 2\4

⁸ . Saqb Al Eman of Al-Bayhaqi: 3/36..

⁹ . Saqb Al Eman of Al-Bayhaqi: 3/36.

the collection is the sale of harvest before its growth.

As for the sample in terminology: it was defined by different definitions according to its forms. Al-Sarkhasi said: The image of the sample is that he buys an Aenah by Naseah for more than its value, in order to sell it for its value for cash, so that he will get money¹

Al-Qurtubi said: The sample (Anah) is for a man to sell a commodity at a known price for a specified period, then buy it from him for less than the price for which he sold it.²

And it was said that the sample (Anah) is selling the (material) with profit, so that the borrower sells it for less in order to pay off his debt.³

And it was said that whoever sold a commodity with bad, it is not permissible to buy it for less than what he sold it with. And reflected in the same ruling. It is that he sells the commodity first with cash he takes, then buys it from its purchaser more than the first of his kind, or not.⁴

And it was said that the sale of a sample is that he sells something to another for a deferred price, delivers it to him, and then buys it before the price is paid for less than that price in cash. Likewise, it is permissible to sell for a price in cash and buy for more than it for a term, whether the first price is paid or not, and whether the sample becomes a habit for him in the country or not.⁵

We can summarize the sample sale by selling a commodity for a price for a term and then buying it for cash at a price less than the price at which he sold it, or at the same price, closer to the term, or more than the price beyond the term. The scholars differed regarding the permissibility and validity

of the second sale, according to two schools of thought: -

- The first school of thought: The majority of scholars, Abu Hanifa, Malik and Ahmed, may God Almighty have mercy on them, went to the impossibility of this sale and that it is a corrupt one.

The Hanifa does not allow this sale and they portray it by saying (whoever bought something for a thousand dirhams Halah or in a Nasiah, then took it and then sold it from the seller for five hundred before cashing the price, then the sale is corrupt)⁶

And the owner of the guidance said (The second sale is not permissible).⁷ And it was mentioned in Al-Kafi in the Fiqh of the people of Medina that selling a sample means that in the sale of a dirham more dirhams than it is transferred between them, a commodity that is dissolved, and it is also a matter of selling what you do not have, and the Messenger of God, may God's prayers and peace be upon him, forbade it.⁸

Example (If he sells a commodity for ten to a month and then buys the commodity for five cash, then the commodity is returned to the hand of its owner and he pays five, he takes ten from it when the time comes, so he approved this form and the like, that it contains a sale that is impossible to pay in more than one amount).⁹

Ibn Qudamah said (that whoever sold a commodity with a deferred price then bought it for less than it in cash is not permissible).¹⁰

- **The second school of thought:** Al-Shafi'i, may God Almighty have mercy on him, went to the permissibility of selling the sample and that it is a valid sale and has nothing to do with the first sale.

¹ . Al-Mabassoot: 11/211.

² . Al-Jami` to the Rulings of the Qur'an by Al-Qurtubi: 3/361.

³ . Al-Dur al-Mukhtar and HaashiyatIbnAbdin: 5/325.

⁴ . Al-Mughni by IbnQudaamah: 4/277 Kashshaaf al-Qinaa: 3/186

⁵ . Robot Al Taliben 3\318

⁶ . Al-Mabsut: 3/122, Bada`a Al-Sanai`: 5/158, Al-Inaya: 6/433, Al-Ammunition: 5/16, Al-Mughni: 4/277, Kashshaaf Al-Qana`: 3/158

⁷ . Al-Hidaya: 6/433.

⁸ . Al-Kafi in Fiqh of the people of Medina: 672/2.

⁹ . A brief explanation of Khalil Al-Khurshi: 5/105.

¹⁰ . Al-Mughni by IbnQudama: 4/277

He said to the mother: "If the man buys the commodity from the man and takes it and the price is for a period, there is nothing wrong with buying it from the one who bought it from him and others with less or more cash From what he bought it with or with debt as well, or an offer of offers equal to what he wanted to be equal, and the second pledge of the first sale is not by way of).¹

Al-Mawardi said ² (If a man sells a commodity at a price that is current or deferred, and is partial to accept it, he may buy it from the buyer before and after receiving the price at such a price and more or less than his gender, or change his gender immediately and later) ³

Evidences:-

Those who say that the second sale is corrupt and incorrect, according to the companion, because of the hadith of Aisha, may God be pleased with her - because a woman entered her and said that I sold from Zaid bin Arqam a slave to me for eight hundred dirhams to the tender, then I bought it from him for six hundred dirhams before the place of the deadline, and Aisha, may God be pleased with her, said - Bad You bought, and she bought, and tell Zaid bin Arqam that God Almighty nullified his argument and jihad with the Messenger of God, may God's prayers and peace be upon him, if he did not repent and Zaid bin Arqam came to it with an apology. And she recites (who received a sermon from his Lord and stopped, he has what is left) Al Bakarah: 275 the evidence is from two sides:

- One of them, that the corruption of this contract was known among them and that they heard it from the Messenger of God, may God's prayers and peace be upon him, because the crimes were rewarded and not known by opinion, and it made

¹. Al-um: 3/79

². Al-Mawardi: He is Abu al-Hasan Ali bin Muhammad bin Muhammad bin Habib al-Basri al-Baghdadi al-Baray, al-Mawardi, an Islamic thinker from among the famous of Shafi'i jurists, and an imam in jurisprudence, origins and interpretation. (364 AH - 450 AH).

³. Al-Hawi Al-Kabeer: 5/287.

its penalty for carrying out this contract the invalidity of Hajj and jihad, so it turned out that this is as heard from the Messenger of God, may God bless him and grant him peace. And the apology of Zaid, may God be pleased with him, to her is evidence of this because in the mujtahidat he used to contradict each other, and it was not possible for one of them to apologize to his owner in it, and it is not permissible to say, but the promise was attached to him for the sake of giving, because the doctrine of Aisha, may God be pleased with her, is permissible to sell to tender.

The second: it called that bad selling and buying bad, and the corrupt is the one that is described by that, not the correct one, and because this is similar to usury, because the second price becomes retribution for the first price, so the first price remains an increase that is not matched by a compensation in the opposition contract. ⁴

It is the interpretation of usury, except that the increase remained for the total of two contracts, so the suspicion of usury and the suspicion in this section were proven in truth, and it seems that we do not say such an aggravation.⁵

As for Imam Al-Shafi'i, he cited the general meaning of the Almighty's saying (and God permitted the sale) (Al-Baqarah:) By analogy with the validity of this sale, Al-Shafi'i said: (Did you see the first pledge? Wasn't the price fixed on him completely? And if he said yes, it was Ok: It was said: had you seen the first pay, is it the first? If he said No. I will reject him to sell his money for cash, even if he bought it for a future time. ⁶

If it is proven that the second sale is not the first and that the sale has become his property, then it is not forbidden for him to sell his property for cash, and if he buys it for a term to anyone, whether from the first seller or someone else, for the same price or less or more because God

⁴. AlModonah: 3/161, Al Mabsoot: 13/122, Badaa' Al Sanai': 5/199, Al Mughni: 4/277.

⁵. Al-Mughni: 4/277.

⁶. Al-Um: 3/79.

Almighty permitted the sale and prohibited usury, and this is a sale and not usury.¹

Al-Mawardi said: (Because every commodity may be sold from someone other than its seller for a price, it is permissible to sell it from its seller at that price like the offer, and because every commodity is permissible to sell it from a person who offers it is permissible to sell it for its value, that offer is like a foreigner, and because it is a sale that differentiation is not forbidden in his compensation, so the return should not be in assessing its price to a contractor, such as the first sale, because each of the two contracts has a judgment of itself, based on the evidence that each one of them is valid with compromise and invalidates with coercion and lacks the allowance and acceptance, and if each of them is alone by virtue of himself, it is not permissible to consider one of them as the other or build one of them on the other.² Imam Al-Shafi'i objected to what the majority inferred in the hadith of Aisha, that there is a great deal that is not the subject of this.

The third requirement: When does the pilgrim interrupt the prayer:

The scholars differed on this issue over two schools of thought:

- The first doctrine: Imam Malik, may God Almighty have mercy on him, went that the pilgrim should forbid the umrah from the meeqaat to interrupt the prayer if he reached the Haram, and if he started from it, he stopped prayer when he see the Haram.³

Malik said: (The one who is prayer from 'umrah from his miqat shall interrupt the Talbiyah if he enters the Haram, then he does not return to it.⁴

- The second school of thought: The three imams Abu Hanifa, Al-Shafi'i and Ahmed, may God Almighty have mercy on them, went that the pilgrim should interrupt the Talbiyah if he receives the stone and takes the circumambulation

of the Umrah.⁵ And Al-Shafei said: (And he does not interrupt the Talbiyah until the circumambulation begins, receiving or not receiving).⁶

Al-Sarkhasi said: (according to us, pilgrims interrupted the Talbiyah during Umrah when they receives the Black Stone at the first stage of the circumambulation of the House)⁷

Al-Sarkhasi said: (We have interrupted the Talbiyah during Umrah when we receives the Black Stone at the first stage of the circumambulation of the House).⁸

And it came in Hidah (he interrupts the Talbiyah if he starts circling)⁹

He said in Mughni al-Muhtaj (As for the pilgrim, he interrupts the Talbiyah if the circumambulation begins)¹⁰

And it came in al-Mughni (The pilgrim should interrupt the Talbiyah if he takes the pillar).¹¹

Evidence: - Imam Malik's argument for what he went to is the work of the companion. Malik's predecessor in that is Ibn Umar, may God be pleased with him. Imam Malik narrated on the authority of Nafi 'that Ibn Umar used to interrupt the Talbiyah during the Hajj if he finished to the Haram until he roamed the House.¹²

Yahya said Malik was asked about a man who does' umrah from some of the timings and he is from the people of Medina or others. When he stops the prayer, he said: As for the deadlines from the timings, then he interrupts the Talbiyah if he ends up at the Haram, he said "that Abdullah bin omar was do so and imam malq approved that".¹³

⁵ . Modonah: 1/197.

⁶ . Al-Mabsut: 4/30, Al-Hidaya / 5/3, Mother: 7/200, Al-Hawi Al-Kabeer: 4/164, Al-Mughni / 3/425.

⁷ . Al-Hawi Al-Kabeer: 4/164.

⁸ . Al Mabsot4/30.

⁹ Al-Hidaya: 3/5.

¹⁰ . Mughni al-Muhtaj: 2/268.

¹¹ . Al-Mughni: 3/425.

¹² . Al-MuwattaSharh Al-Zarqani: 2/383.

¹³ . Al-MuwattaSharh Al-Zarqani: 2 / 394-395.

¹ . The Effect of Controversial Evidence: 386.

² . Al-Hawi Al-Kabeer: 5/288.

³ . Modonah: 1/397, Sharh al-Zarqani Ali al-Muwatta: 2/394, Bidayat al-Mujtahid: 2/105.

⁴ . Modonah: 1/197.

The owners of the second school¹ adopted the saying of Ibn Abbas, may God be pleased with him. Ibn Abi Laila narrated on the authority of Ataa on the authority of Ibn Abbas on the authority of the Prophet, may God's prayers and peace be upon him, who said: (The pilgrim performs the pilgrimage until he receives the stone).²

Al-Shafi'i, may God Almighty have mercy on him, said: "The people disagreed with us. Some of them interrupt the Talbiyah when entering the Haram, and this is the saying of Ibn Umar, and some of them said: (If you receive the pillar, which is the saying of Ibn Abbas, we say so).³

And Ibn Masoud, may God be pleased with him, said: "The Prophet, may God's prayers and peace be upon him, during the Omrah, he had interrupted the Talbiyah when he received the Black Stone"

Likewise, they said that this circumambulation is a ritual intended on this day, and it was like the thrown stone in that it was a ritual intended on that day. Just as the Talbiyah is cut off at the opening of the ritual prayer, it is cut off at the opening of this circumambulation in a mosque.⁴

Conclusion

Praise be to God, and may blessings and peace be upon our master Muhammad, the Messenger of God, may God's prayers and peace be upon him. one of the most important findings that I have reached at the conclusion of this research is the following

1. The majority of fundamentalists see that the companion who is the subject of disagreement regarding the authenticity of his statement is the one who has long been with the Messenger of God, may God bless him and grant him

peace, until he was called the companion customarily. While according to Scholars of Hadeth and some fundamentalists they aren't obligate in companion just the meeting.

2. the Companion's saying about what the argument is doing, and that is because of what came and precedence to Islam and the witnesses of the scenes are all with the Messenger of God, peace and blessings be upon him, and they perceived his words and witnessed his actions and worked on mourning and imitating him, and this is what no one who shared them who came after them.
3. Everyone agreed that the doctrine of the Companion, whether he was an imam, a ruler, or a mufti, is not an argument against another companion, and this is without disagreement or conflict between scholars in the tradition of the companion's saying and working with it if it is in what is not reasonable by analogy. Be an argument against the later on or not.
4. It has been shown through the applied models of the impact of the difference in the statement of the Companion that it is one of the Sharia evidences that some scholars have inferred in what they went to. Praise be to Allah, the righteous things are fulfilled, and may God bless our Master Mohammed and his family and companions all.

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¹ . Al-Um: 7/200, Al Mabsout: 4/30, Al Hawi Al Kabeer: 4/164, Al Care: 3/5, Al Mughni: 3/425.

² . Sunan Abi Dawood: 3/223.

³ . Al-Um: 7/200.

⁴ . Al-Anaya Sharh al-Hidayah: 3/5, Al-Mughni 3/425

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