

Study of the manuscript "Tabyeen Al-Hidayah and Clarification of the Beginning"

Mohammed Qusay Rasool

Tikrit University - College of Education for Humanities - Department of Qur'anic Sciences

Mail: Mq230399ped@st.tu.edu.iq

A.M.D. Aqil Abdul Majeed Saeed

Tikrit University - College of Education for Humanities - Department of Qur'anic Sciences

Mai: aqeel1966@tu.edu.iq

Abstract

Drawing the path that leads to learning the investigation and commentary of Islamic manuscripts. May God Almighty make this in the balance of his good deeds and that it be a good beginning for reviving much of the Islamic heritage that is still in manuscript form. After all that I mentioned about the importance of jurisprudence in our daily lives, my studies were related to that. My share of Islamic knowledge was jurisprudence, and my share of jurisprudence was the Hanafi school of thought, and my share of that was the book (Tabyeen al-Hidayah wa Tawdih al-Bidayah) by Sayyid Hafiz Muhammad bin Ahmad bin Sheikh Mustafa al-Kadousi (d. 1253 AH). The book (Tabyeen al-Hidayah wa Tawdih al-Bidayah) by al-Kadousi is of high scientific value. Its author made a great effort in writing it and collected the words of the scholars of the Hanafi school of thought in particular and the scholars of the other schools in general. Therefore, it was our duty not to waste this effort or neglect this treasure and to give it great attention to its investigation and commentary. This is what God has bestowed upon us with a group of students of studies. The author, may God have mercy on him, relied in explaining the text of al-Hidayah on a group of explanations of the Hanafi scholars, may God have mercy on them, especially the book (Nihayat al-Kifaya li-Dirayat al-Hidayah) by Taj al-Shari'ah Omar. Al-Mahboubi, Al-Binaya Sharh Al-Hidayah by Badr Al-Din Al-Ayni, Al-Nihayah Sharh Al-Hidayah by Al-Saghnaqi, Al-Inaya Sharh Al-Hidayah by Al-Babarti, and others. After this blessed study, I have concluded that whoever wants to learn a school of thought from the famous Islamic schools of thought, such as the four schools of thought or others, all he has to do is write a research paper or verify a manuscript on this school of thought, and through that learn the books of the school that were written about it, and then learn the scholars of this school of thought, their sayings and their fatwas.

INTRODUCTION

All praise is due to Allah, the Almighty, for His blessings and favors. His blessings are countless. We ask Him to help us be grateful and pious, and to grant us understanding and comprehension of our true religion. One of the best blessings Allah Almighty bestows upon His servants is to grant them comprehension of His law and religion. If Allah wills good for a servant, He makes him a jurist of this true religion, through which he learns how to deal with the Creator and how to deal with His creation. He learns this through books of faith. And now: It is from the grace of God upon me that He guided me to follow a path by which we seek knowledge, which will then, God willing, be a path leading to the Paradise of the Lord of the Worlds. It is the path of knowledge of what is permissible and what is forbidden, the path of jurisprudence and understanding that keeps the servant away from destruction in this world and the hereafter. I chose to study in this blessed department, the Department of Qur'anic Sciences. My share was to authenticate a portion of a manuscript in Hanafi jurisprudence. Through this authentication and commentary, I learned how to authenticate and comment on manuscripts. All of this was under the guidance and direction of my supervisor, Professor Dr. Aqeel Abdul Majeed Saeed, who, thankfully, outlined the path leading to learning the authentication and commentary of Islamic manuscripts. May God Almighty place this in the balance of his good deeds and may this be a good beginning for reviving much of the Islamic heritage that is still in manuscript form. After all that I mentioned about the importance of jurisprudence in our daily lives, my studies were related to that. My

share of Islamic knowledge was jurisprudence, my share of jurisprudence was the Hanafi school of thought, and my share of that was the book (Tabyeen al-Hidayah wa Tawdih al-Bidayah) by Sayyid Hafiz Muhammad ibn Ahmad ibn Sheikh Mustafa. Al-Kadousi (d. 1253 AH).

First requirement: The title of the manuscript and its attribution to the author.

The manuscript is titled "Tabyeen al-Hidayah wa Tawdih al-Bidayah" (Explaining the Guidance and Clarifying the Beginning) on Islamic jurisprudence. There is no doubt that this book is by Sheikh Mustafa al-Kadousi. The evidence for attributing it to him—may God have mercy on him—is as he states at the beginning: "Therefore, it occurred to me, even though I am not one of its masters, to write the book and explain some of what is needed, to the best of my ability, in a concise manner. So I began it, seeking God's help in what I said, imploring Him to make what I was attempting easier. I named it "Tabyeen al-Hidayah wa Tawdih al-Bidayah" (Explaining the Guidance and Clarifying the Beginning".)

The second requirement: the author's approach in the book.

Through my study and investigation of this book, I can summarize its approach as follows:

1. He followed a method in his explanation: a blended explanation, in which he blends phrases from the text with the explanation, distinguishing between them. He placed the text in red and the explanation in black.
2. The sheikh organized his book into chapters, listing the topics, including the title of the chapter and the sections it contains.
3. He mentioned nicknames for prominent figures in more than one place in his book, without explicitly mentioning their names, such as saying: "The Imam said," or "The virtuous sheikh said," or "The Sheikh of Islam said," or "Fakhr al-Islam said".
4. The author included many scholarly statements in his book, some of which he quoted verbatim, while others were quoted in meaning.
5. In many places in his book, he cited Quranic verses and Prophetic hadiths, not relying on authentic hadiths. Rather, he cited weak hadiths, as they are used to explain the virtues of deeds, encouragement, and intimidation. This is what many Muslim imams do.
6. He often invites the reader to reflect, understand, and consider issues and draw conclusions from them, such as his statement: "For every oath in which fulfillment is impossible, perjury is impossible. Reflect on our issue as well".

The third requirement: the book's sources, the author's references, and the manuscript's description.

First: Sources for the manuscript.

The author – may God have mercy on him – relied on numerous sources and references, some of which were mentioned by name and quoted, and others to which he referred. Among these are:

1. Mukhtasar al-Qudduri.
2. Al-Binaya Sharh al-Hidayah by al-Ayni.
3. Fath al-Qadir by al-Kamal Ibn al-Humam.
4. Bada'i' al-Sanai' fi Tartib al-Shara'i' by al-Kasani.
5. Hashiyat Sirr al-Din Ibn al-Sa'igh on al-'Inayah.
6. Sharh al-Hidayah Ghayat al-Bayan by al-Itqani.
7. al-'Inayah Sharh al-Hidayah by al-Babarti.
8. al-Fawa'id al-Fiqhiyyah Sharh al-Hidayah.
9. al-Kifaya fi Sharh al-Hidayah by al-Karlani.
10. al-Nihayah fi Sharh al-Hidayah by al-Saghnaqi.
11. Mahasin al-Shari'ah by al-Qaffal.
12. al-Mabsut by al-Sarakhsi.

13. Mi'raj al-Dirayah fi Sharh al-Hidayah by Burhan al-Din al-Marghinani.

14. Qadi Khan's Fatwas.

15. The Book by Sibawayh.

16. Saadi's Commentary by Saadi Effendi.

17. Al-Dhakhira by Al-Qarafi.

And other sources and references.

Second: Description of the manuscript.

In my investigation of the manuscript, I relied on two versions of the manuscript: the first, in the author's handwriting, which I called the "mother version" because it is the original, and which I designated with the letter "A." The second version, which I designated with the letter "B".

1. The first copy is the "mother" copy because it is the original: Diyanet No. 3880, and it is in the author's handwriting.

Library name: Diyanet.

Preservation number: 3880.

Number of panels: 744.

Number of lines: 34.

Number of words: 14.

Script type: Naskh.

Ink color: Black.

Date of copying: 1235 AH.

Copier name: Author.

2. The second copy is designated by the letter (B): It is the copy of Yahya Tawfiq Library, stored under number (128) and contains (800) panels.

Library name: Yahya Tawfiq.

Preservation number: 128.

Number of panels: 800.

Number of lines: 33.

Number of words: 15.

Script type: Naskh.

Ink color: Black.

Date of copying: Not mentioned.

Copier name: Not mentioned.

Section Two: The chapter on the will for housing, service (and fruits)⁽¹⁾

Al-Qudduri said: It is permissible to bequeath the service of his slave and to live in his house for a specified number of years ⁽²⁾. Ibn Abi Laila said: None of this is permissible, whether temporary or non-temporary, because the legatee owns the will by virtue of the testator's consent, and the testator does not own what happens after his death in terms of service or income, so his will is not valid. Do you not see that if he lent [731/w] during his lifetime or rented it out, then he died before the expiry of the period, the loan and the rent would be invalidated? So what was not valid during his lifetime is more deserving of not being permissible after death. The answer is because the testator does not own what happens after death, rather his ownership remains in it to the extent that it meets his need, and because they, that is, the heirs, owned the property absolutely, rather they owned it while it was occupied with service. Do you not see that if he made the neck for the legatee, and it comes out of the third, it is permissible, and they did not inherit it? Likewise, if he made the benefit for the legatee, it is permissible, and they did not inherit it, but they inherited a slave occupied with service, etc. The utmost clarification,⁽³⁾. This is permissible⁽⁴⁾ Never, because the benefits can be owned while alive in exchange for money. ⁽⁵⁾As in rent, that is, with what was mentioned of service and housing ⁽⁶⁾ And other than as a substitute as in the loan, so too after death due to his need ⁽⁷⁾ For the need of the testator as in ⁽⁸⁾ Notables ⁽⁹⁾ Because the ownership of assets can be transferred during life with or without

compensation, such as by sale and gift, so after death it can be transferred with compensation, such as by bequeathing that his slave be sold, and without compensation, such as by bequeathing his slave to so-and-so, as sufficient,⁽¹⁰⁾ And the eye is Arab⁽¹¹⁾ Imprisoned on his property, i.e. the property of the testator⁽¹²⁾ In the right of benefit until the legatee takes possession of it on his property⁽¹³⁾ Any property of the testator as the beneficiary receives the benefit of the endowment. The theory is correct according to the school of Abu Hanifa, not according to the school of the two imams, may God have mercy on them. The benefits of the endowment are governed by the rule of the ownership of the endower. The similarity between them is that both of them receive the benefits arising from the rule of the ownership of the testator and the endower⁽¹⁴⁾. Arabs⁽¹⁵⁾ It is permissible to bequeath these mentioned things temporarily or permanently, if it is temporary, i.e. a specific period of days, months or years at the end.⁽¹⁶⁾ As in the loan, it is the ownership of benefits according to our principle⁽¹⁷⁾. It is taken into account according to what Al-Shafi'i said, as according to him, a loan is: the permissibility of benefits, not their ownership⁽¹⁸⁾. Unlike inheritance, which is a succession of what the deceased owns, inheritance does not flow through the conscience without the neck (Kafi)⁽¹⁹⁾ This is in the case of something that remains, and the benefit is an attribute that does not remain. Likewise, a will of a mule is permissible.⁽²⁰⁾ The slave and the house, because he exchanged the benefit and took its ruling, and the meaning, which is need, includes them both, meaning the benefit and the yield, with attention⁽²¹⁾. Al-Qudduri said: If the slave's neck is taken out of the third⁽²²⁾ That is, if he recommended that the slave serve for life, it is a building⁽²³⁾. Handed over to him to serve him⁽²⁴⁾ Because the legatee's right to a third does not compete with the heirs⁽²⁵⁾. Even if he has no money⁽²⁶⁾ Other than that, the testator served the heirs for two days and the legatee for one day⁽²⁷⁾. Because his right is in one-third and their right is in two-thirds, as in the will regarding the property, and it is not possible to divide the slave into parts because he is indivisible, so we have come to the joint ownership to fulfill the two rights⁽²⁸⁾. Alternating arrangement in terms of time building⁽²⁹⁾ Unlike the will to live in the house if it does not come out of the third, where the house itself is divided into thirds for benefit because it can be divided into parts, which is⁽³⁰⁾ Which division of the house is more just to equalize them in time and essence, and in the case of a joint ownership, one of them is given precedence in time?⁽³¹⁾ His saying: "It is more just for equality between them" and so on means that this type of division is closer to equality, because each one takes his share of his share of the residence at the time that his companion takes it at that time, and likewise in the house itself, because a third of it is in the hand of the one to whom the legatee was given it and two-thirds are in the hand of the heirs, unlike if they were equal in the case of a slave, since it is inseparable from one of them being given precedence in time⁽³²⁾. crown⁽³³⁾ If they divided the house in advance in terms of time, it is also permissible, because the right is theirs, except that the first one⁽³⁴⁾ It is dividing the house into parts, which is the most just and appropriate, as each person gets his share of the residence⁽³⁵⁾. Arab Zadeh⁽³⁶⁾ The heirs are not allowed to sell what they have in their hands of two-thirds of the house. Abu Yusuf said that they have that because it is their sole property. It appears that the right of the legatee to inhabit the entire house is established if other money appears to the deceased and the house is taken out of the third. Likewise, he has the right to compete with them if what he has in his hand is destroyed, and the sale includes the nullification of that⁽³⁷⁾. Any right to compete⁽³⁸⁾ They prevented him from doing so/731⁽³⁹⁾. D] Regarding the sale, Al-Qudduri said: If the one to whom the bequest was made dies, it returns to the heirs⁽⁴⁰⁾. That is, to the heirs of the testator, because the testator made the right obligatory for the legatee so that he would receive the benefits based on his ownership. If it were transferred to the heir of the legatee (he would be entitled to it initially, that is, initially from the ownership of the testator without his consent, and that is not permissible)⁽⁴¹⁾. Even if the legatee dies⁽⁴²⁾ During the lifetime of the testator, the will is invalidated⁽⁴³⁾. Because its positivity is related to death, as we explained before⁽⁴⁴⁾. That is, in the chapter on considering the status of the will in explaining the difference between the permissibility of acknowledgment and the invalidity of the will, by saying, unlike the will, because it is an obligation upon death, in attention⁽⁴⁵⁾. His saying that its obligation is related to death, i.e. (proof)⁽⁴⁶⁾ The will is made after the death of the testator. If the legatee dies, the offer is not valid, just as the sale to the buyer is not valid after his death. This is because

the property was kept as the property of the seller and inheritance was prohibited in what was the right of the legatee. If it is removed, inheritance is carried out and it is not paid to the heirs of the legatee. Because they do not inherit the eye because it was not (owned) ⁽⁴⁷⁾ For the beneficiary of the crown, ⁽⁴⁸⁾ And this issue with what follows it until he said: He said: And whoever bequeaths to another the fruit of his garden (mentioned) ⁽⁴⁹⁾ Branching off from the issue of the summary ⁽⁵⁰⁾ Saadi. ⁽⁵¹⁾ He recommended his slave's mule or his house, so the person to whom the recommendation was made used it himself or lived in it himself. It was said ⁽⁵²⁾ :Abu Bakr Al-Iskaf said it ⁽⁵³⁾ My mastery ⁽⁵⁴⁾ It is permissible, because the value of the benefits is the same as achieving the intended goal ⁽⁵⁵⁾ .It is the benefit of the slave or the house. It is not hidden that what was more appropriate for the situation was to say because the essence of the benefits is like its value, but he reversed it to draw attention to the strength of the essence and its permissibility by way of priority, so let Saadi reflect, ⁽⁵⁶⁾ .

The most correct view is that it is not permissible because the yield is dirhams or dinars and it is obligatory to bequeath it. This means that it is used for its own use and that it is used for its own use .

⁽⁵⁷⁾Arabs ⁽⁵⁸⁾ The fulfillment of benefits, and they are different and unequal in the right of the heirs, because if a debt appears, they can pay it from the yield by recovering it from it. ⁽⁵⁹⁾

Which of the recommended recipients? ⁽⁶⁰⁾ After exploiting it, they cannot benefit from it after receiving it in kind. The one to whom the service and residence were legated cannot rent out the slave or the house. Al-Shafi'i, may God have mercy on him, said: He has that right because he, i.e. the one to whom the will was legated, owns the benefit and has the right to give it to someone else for a fee or without a fee, because it is like real property in his view, unlike a loan ⁽⁶¹⁾ .It is not permissible because it is permissible in its original form and not as a transfer of ownership. We believe that a will is a transfer of ownership without compensation added to what comes after death, so he does not have the right to transfer ownership with compensation in consideration of the loan, which is a transfer of ownership without compensation in the case of life according to our original form, ⁽⁶²⁾ .Therefore, it is concluded by using the word of ownership, even if he said, "I have given you the benefit of this house," and it was a loan, but it was still a valid building, ⁽⁶³⁾ .The borrower does not own the lease because it is ownership in exchange for something. This is proven by the fact that ownership in exchange is obligatory and without exchange is not obligatory. The stronger does not own the weaker and the greater the lesser. The will is a non-obligatory donation, except that the return is to the donor and not to anyone else. The donor after death cannot return, ⁽⁶⁴⁾ .His saying, "Except that returning to the end of it" This is an answer to what is said about the will, even if it is not binding from the beginning, but it is binding after death, because it does not accept returning at that time, based on ⁽⁶⁵⁾ That is why it was cut off, as for him, that is, the commandment, on the interpretation of the commandment, Arabs ⁽⁶⁶⁾ In its position it is not necessary (because the benefit is not money according to our principle, and in owning it with money there is a financial characteristic in it, in fact) ⁽⁶⁷⁾ For equality in the contract of exchange, because the wage is money that is exchanged for benefits, so the financial characteristic occurred in the benefits to achieve equality sufficiently ⁽⁶⁸⁾ This guardianship is proven, meaning the guardianship of creating the financial characteristic of the benefits based on ⁽⁶⁹⁾ To whoever owns it (i.e. the benefits depend on the ownership of the neck or who owns it)⁽⁷⁰⁾In a contract of exchange, such as a lease, the tenant may lease and own its benefit in another, if the property is something that does not differ depending on the user, such as a building, ⁽⁷¹⁾ So that he may own it in the manner in which he owns it. However, if he owns it, that is, the benefits intended without compensation, then he owns it with compensation, then he owns more than he owns it in meaning, and this is not permissible. And the one to whom the legatee is legislated does not have the right to take the slave [732/w] out of Kufa unless the one to whom the legatee is legislated and his family are not in Kufa, then he takes him out to his family for service there, ⁽⁷²⁾ He said it there because he does not have to use it for travel (because the service of travel is not) It came under the guardianship, but it came under the service of the homeland, the crown, if it comes out of the third A precaution: If he does not go out, he is not allowed to go out to his family except (with permission) ⁽⁷³⁾ Complete from the heirs, ⁽⁷⁴⁾ In the crown of Sharia ⁽⁷⁵⁾ Because if he did not leave it, he would not have the right to travel except with the permission of the heirs so

that their right would not be invalidated. Because the will is only implemented according to what is known of the testator's intention. If they, that is, the legatee and his family, are in his city, his intention is to enable him to serve them there without requiring him to go through the trouble of travel. If they are outside his city, his intention is to take the slave to his family to serve them,⁽⁷⁶⁾ If he bequeathed his slave's mule or his house's mule, it is also permissible for the pronoun to refer to the yield in consideration of the news or in consideration of the money, and so are the five pronouns after it, Saadi⁽⁷⁷⁾(Because)⁽⁷⁸⁾ Instead of benefit, the ruling of benefit is taken in the permissibility of bequeathing it, how is it that it is a real thing; because it is dirhams or dinars, so it is more permissible⁽⁷⁹⁾ So, the bequest of the yield was closer to being permissible than the bequest of service, meaning; because service is a pure benefit that does not contain any taint of backbiting, and for this reason it was not permissible according to the saying of (Ibn)⁽⁸⁰⁾ I want a night⁽⁸¹⁾ If it is permissible to bequeath a service, it is permissible to bequeath the yield in the first way, because it is an expression of specific money, which is dirhams or dinars.⁽⁸²⁾ And everything that is like this, the will is related to a third of it if it does not come out of the third, in it there is an indication of the difference between it and service, because since the slave did not make the division into parts, we came to the division of the completion of service by way of a gift⁽⁸³⁾ Saadi,⁽⁸⁴⁾ Even if he had no other property, he would have a third of that year's yield, because it is specific property that can be divided into parts. If the legatee wanted to divide the house between him and the heirs so that he would be the one who would exploit a third of it, he would not have that right except (in)⁽⁸⁵⁾ Narrated on the authority of Abu Yusuf, he says: The legatee is a partner of the heir, and the partner has the right to do so, i.e., to request the division, and so is the legatee, except that we say that the demand for the division is based on the establishment of the right of the legatee in what is subject to the division, since he is the seeker, and he has no right to the property of the house, but his right is only to the yield, so he does not have the right to demand the division of the house, and if he bequeathed to him the service of his slave and to another his neck, and he comes out of the third, then the neck is for the owner of the neck and the service is upon it,⁽⁸⁶⁾ That is, on the slave's neck. This is how it is in the Al-Hidayah version⁽⁸⁷⁾ It was included in the copies of the explanation of Al-Kafi⁽⁸⁸⁾ The whole service is perfect⁽⁸⁹⁾ For the service provider; because it is obligatory for each (one)⁽⁹⁰⁾ From them something known, in connection with one of them over the other,⁽⁹¹⁾ His saying something known to the end. In Al-Mabsut and Al-Jami' Al-Tamartashi, the expenses of the testator in providing service and clothing are on the one who provides the service⁽⁹²⁾ khaki,⁽⁹³⁾ His saying, "in apposition from him," meaning from Muhammad or the testator, for he connected his saying, "and to the last of his neck," with the letter "waw," to his saying, "He recommended to him the service of his slave," thus in Al-Kaaki's explanation, and what is closer to me is the second, Saadi,⁽⁹⁴⁾ This case is considered⁽⁹⁵⁾ Which case of conjunction is in the case of isolation, that is, in the case of isolation of each of the two (descriptions) from the other? Taj,⁽⁹⁶⁾ Then when the will was valid⁽⁹⁷⁾ Then to the end, like the statement and explanation of what preceded it from the case of isolation, for the owner of the service, so if he did not bequeath anything to the neck, the neck would become an inheritance for the heirs, with the service being for the one to whom the bequest was made without sharing. So it is the same if he bequeathed the neck to another person, since the bequest is a sister to the inheritance in that ownership is established in them after death, and it has counterparts, which is if he bequeathed his.

CONCLUSION

In concluding this blessed research, I record some of the findings I have reached, hoping that others will benefit from them. They are as follows:

1. The book "Tabyeen al-Hidayah wa Tawdih al-Bidayah" by al-Kadousi is of great scholarly value. Its author expended great effort in compiling it, gathering the words of scholars of the Hanafi school in particular and scholars of other schools in general. Therefore, it was our duty not to waste this effort or neglect this treasure, but to devote great attention to its verification and commentary. This is what God has bestowed upon us, along with a group of graduate students.

2. In explaining the text of al-Hidayah, the author, may God have mercy on him, relied on a group of commentaries by Hanafi scholars, may God have mercy on them, especially the book "Nihayat al-Kifaya li-Dirayat al-Hidayah" by Taj al-Shari'ah Omar al-Mahboubi, the book "Al-Binaya Sharh al-Hidayah" by Badr al-Din al-Ayni, the book "Al-Nihayah fi Sharh al-Hidayah" by al-Saghnaqi, the book "Al-Inaya Sharh al-Hidayah" by al-Babarti, and others.
3. In his commentary on the text of Al-Hidayah, the author drew from a number of marginal notes, particularly those by Arabzadeh, Saadi Jalabi, and Sinan Efendi, most of which remain in manuscript form and have not been edited or printed.
4. While researching some of the issues, I noticed that most, if not all, of Arabzadeh's marginal notes are reprints of issues from Badr al-Din al-Ayni's book Al-Bina'ah Sharh al-Hidayah.
5. After this blessed study, I have concluded that anyone who wants to learn about a well-known Islamic school of thought, such as the Four Schools of Thought or others, has no more than to write a research paper or edit a manuscript on that school of thought. Through this research, they can learn about the books written on that school of thought, and then learn about its scholars, their opinions, and their fatwas.

FOOTNOTES

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- (1) THIS IS HOW IT WAS RECORDED IN VERSION (A), AND IN ITS PLACE IN VERSION (B), THE WORD (AND THE TREE) WAS RECORDED.
 - (2) AL-QUDDURI'S MUKHTASAR, BY AL-QUDDURI, 1/244, AND AL-LUBAB IN EXPLANATION OF THE BOOK, BY AL-MAYDANI, 4/183.
 - (3) THE ULTIMATE STATEMENT OF AL-ITQANI, 17/599.
 - (4) AL-HIDAYAH BY AL-MARGHINANI, 4/532 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/485.
 - (5) AL-HIDAYAH BY AL-MARGHINANI, 4/532 AND AL-INAYAH BY AL-BABARTI, 10/485.
 - (6) THE BUILDING FOR AL-AINI, 13/482.
 - (7) AND IT IS TO MAKE UP FOR SOME OF THE NEGLIGENCE HE HAD COMMITTED.) AL-BINAYA SHARH AL-HIDAYAH, MAHMOUD BIN AHMED BIN MUSA BIN AHMED BIN AL-HUSSEIN, KNOWN AS "BADR AL-DIN AL-AYNI" AL-HANAFI (D. 855 AH) (13/482).
 - (8) AL-HIDAYAH BY AL-MARGHINANI, 4/532 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/485.
 - (9) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND AL-INAYAH BY AL-BABARTI, 10/485.
 - (10) I DIDN'T STOP THERE.
 - (11) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
 - (12) THE BUILDING FOR AL-AINI, 13/482.
 - (13) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND DURAR AL-HUKKAM, AN EXPLANATION OF GHURAR AL-AHKAM BY MANAL KHUSRAW, 2/443.
 - (14) THE BUILDING FOR AL-AINI, 13/482.
 - (15) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
 - (16) I DID NOT FIND IT IN AL-NIHAYA BY AL-SAGHNAQI, BUT I FOUND IT IN AL-BINAYA BY AL-AYNI, 13/482.
 - (17) THIS IS ALSO THE OPINION OF AL-KARKHI, SO THAT THE BORROWER DOES NOT OWN THE RENTAL OF WHAT HE BORROWED, EVEN IF IT WAS A MATTER OF OWNERSHIP OF IT, HE WOULD OWN THE RENTAL. WE (I.E. THE OWNER OF THE BUILDING) SAY: ITS RENTAL IS NOT PERMISSIBLE BECAUSE IT IS STRONGER AND MORE BINDING THAN THE LOAN, AND A THING DOES NOT ENTAIL ITS LIKE, SO IT IS MORE APPROPRIATE THAT IT DOES NOT ENTAIL THE STRONGER. IF THE LOAN IS THE OWNERSHIP OF BENEFITS, THEN IT IS PERMISSIBLE FOR THE BORROWER TO LEND IT TO SOMEONE ELSE, AND IF IT WAS PERMISSION, IT WOULD NOT BE PERMISSIBLE. SEE: AL-BINA'A BY AL-AYNI, 13/483
 - (18) I DIDN'T STOP THERE.
 - (19) THIS IS HOW IT WAS WRITTEN IN VERSION (A), WHILE IN VERSION (B) THE WORD (KHAKI) WAS WRITTEN IN ITS PLACE.
 - (20) IN THE SERVICE OF THE SLAVE). AL-BINAYA BY AL-AINI, 13/483.
 - (21) CARE FOR THE BABARTI, 10/486.
 - (22) AL-QUDDURI'S MUKHTASAR BY AL-QUDDURI, 1/244 AND THE BEGINNING OF THE BEGINNER BY BURHAN AL-DIN AL-FARGHANI AL-MARGHINANI, 1/263.
 - (23) THE BUILDING FOR AL-AINI, 13/483.
 - (24) AL-QUDDURI'S MUKHTASAR BY AL-QUDDURI, 1/244 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/486.

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- (25) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND AL-INAYAH BY AL-BABARTI, 10/486.
- (26) IT FELL FROM VERSION (B).
- (27) AL-QUDDURI'S MUKHTASAR, BY AL-QUDDURI, 1/244, AND AL-LUBAB IN EXPLANATION OF THE BOOK, BY AL-MAYDANI, 4/184.
- (28) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/486.
- (29) THE BUILDING FOR AL-AINI, 13/484.
- (30) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND CLARIFICATION OF THE FACTS BY AL-ZAYLA'I, 6/203.
- (31) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND THE COMPLETION OF IBN ABIDIN'S COMMENTARY = THE JOY OF THE EYES OF THE RIGHTEOUS, IBN ABIDIN'S SON, 7/275.
- (32) AL-MABSUT BY AL-SARAKHSI, 27/182.
- (33) I DIDN'T STOP THERE.
- (34) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND AL-LUBAB IN EXPLAINING THE BOOK BY AL-MAYDANI, 4/184.
- (35) AL-MABSUT BY AL-SARAKHSI, 27/182.
- (36) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
- (37) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND DURAR AL-HUKKAM, AN EXPLANATION OF GHURAR AL-AHKAM BY MANAL KHUSRAW, 2/444.
- (38) THE BUILDING FOR AL-AINI, 13/484.
- (39) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (40) AL-QUDDURI'S MUKHTASAR BY AL-QUDDURI, 1/244, AND THE CORRECTION AND PREFERENCE OVER AL-QUDDURI'S MUKHTASAR BY IBN QUTLUBUGHA, 1/469.
- (41) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND AL-INAYAH BY AL-BABARTI, 10/487.
- (42) THE WORDS IN BRACKETS WERE OMITTED FROM VERSION (B)
- (43) AL-QUDDURI'S MUKHTASAR BY AL-QUDDURI, 1/244 AND AL-JAWHARA AL-NAYRA BY AL-HADADY AL-YEMENI AL-HANAFI, 2/300.
- (44) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (45) CARE FOR THE BABARTI, 10/487.
- (46) THIS IS HOW IT WAS WRITTEN IN VERSION (A), AND IN VERSION (B) THE WORD "STEADFASTNESS" WAS WRITTEN IN ITS PLACE.
- (47) IT FELL FROM VERSION (A) AND WAS FIXED IN VERSION (B).
- (48) I DIDN'T STOP THERE.
- (49) IT FELL FROM VERSION (B).
- (50) A BRIEF EXPLANATION OF AL-KARKHI, ABU AL-HUSSEIN AL-QUDDURI AHMAD BIN MUHAMMAD AL-BAGHDADI AL-HANAFI (428 AH), 8/53.
- (51) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
- (52) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (53) MUHAMMAD IBN AHMAD ABU BAKR AL-ISKANDARANI AL-BALKHI, A GREAT AND DISTINGUISHED IMAM, THE TEACHER OF ABU JA'FAR AL-FAQIH AL-HINDAWANI AND ABU BAKR AL-A'MASH MUHAMMAD IBN SA'ID, FROM WHOM HE BENEFITED AND FROM WHOM HE GRADUATED. AL-JAWAHIR AL-MUDHIYYA FI TABAQAT AL-HANAFIYYAH, AUTHOR: MUHAMMAD IBN MUHAMMAD IBN NASR ALLAH IBN SALIM IBN ABI AL-WAFA' AL-QURASHI AL-HANAFI AL-MISRI (696-775 AH), 2/28.
- (54) THE ULTIMATE STATEMENT OF AL-ITQANI, 17/606.
- (55) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (56) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
- (57) THE BUILDING IS FOR AL-AINI, 13/485.
- (58) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
- (59) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (60) THE BUILDING IS FOR AL-AINI, 13/485.
- (61) AL-HIDAYAH BY AL-MARGHINANI, 4/533 AND AL-INAYAH BY AL-BABARTI, 10/487.
- (62) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND HILYAT AL-ULAMA BY AL-SHASHY, 6/123.
- (63) THE BUILDING FOR AL-AINI, 13/486.
- (64) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/487.
- (65) THE BUILDING FOR AL-AINI, 13/486.
- (66) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.
- (67) THE WORDS IN BRACKETS WERE OMITTED FROM MY MANUSCRIPT COPY, SO I INCLUDED THEM IN THE BOOK AL-BINA'A BY AL-AYNI, 13/486.

(68) I DIDN'T STOP THERE.

(69) THE BUILDING FOR AL-AINI, 13/486.

(70) IT FELL FROM VERSION (B).

(71) THE BUILDING FOR AL-AINI, 13/487.

(72) AL-SHAFI'I, AHMAD, AND ABU THAWR - MAY GOD HAVE MERCY ON THEM - SAID: HE MAY ISSUE IT IN ANY CASE.) AL-BINA'AH BY AL-AYNI, 13/487.

(73) THE WORD "ON HIRE" WAS REPLACED IN VERSION (B).

(74) CARE FOR THE BABARTI, 10/488.

(75) I DIDN'T STOP THERE.

(76) AL-MABSUT BY AL-SARAKHSI, 27/183.

(77) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.

(78) IT FELL FROM VERSION (B).

(79) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/488.

(80) IT FELL FROM VERSION (B)

(81) IBN ABI LAILA MUHAMMAD IBN ABD AL-RAHMAN AL-ANSARI, THE SCHOLAR, THE IMAM, THE MUFTI OF KUFA, AND ITS JUDGE, ABU ABD AL-RAHMAN AL-ANSARI, THE KUFU. HE WAS BORN IN THE YEAR SEVENTY-ODD. HIS FATHER DIED WHEN HE WAS A BOY. HE DID NOT TAKE ANYTHING FROM HIS FATHER, BUT RATHER TOOK FROM HIS BROTHER ISA, FROM HIS FATHER. SIYAR A'LAM AL-NUBALA, SHAMS AL-DIN, MUHAMMAD IBN AHMAD IBN UTHMAN AL-DHAHABI (D. 748 AH) (6/310.)

(82) THE ULTIMATE STATEMENT OF AL-ITQANI, 17/610.

(83) CARE FOR THE BABARTI, 10/488.

(84) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.

(85) IT WAS OMITTED FROM MY MANUSCRIPT COPY, SO I INCLUDED IT IN THE BOOK AL-BINA'A BY AL-AYNI, 13/488.

(86) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/488.

(87) GUIDANCE BY AL-MARGHINANI, 4/534.

(88) IT WAS OMITTED FROM MY MANUSCRIPT COPY, SO I INCLUDED IT IN THE BOOK GHAYAT AL-BAYAN BY AL-ITQANI, 17/612.

(89) THE ULTIMATE STATEMENT BY AL-ITQANI, 17/612.

(90) IT FELL FROM VERSION (B).

(91) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND AL-INAYAH BY AL-BABARTI, 10/488.

(92) AL-NATAF FI AL-FATAWA, ABU AL-HASAN ALI BIN AL-HUSAYN BIN MUHAMMAD AL-SAGHDI (D. 461 AH IN BUKHARA), RESEARCHER: LAWYER DR. SALAH AL-DIN AL-NAHI, PUBLISHER: (AL-RISALAH FOUNDATION - BEIRUT), (DAR AL-FURQAN - AMMAN), 2ND EDITION, 1404-1984, 2/814.

(93) I DIDN'T STOP THERE.

(94) IT IS STILL IN MANUSCRIPT AND I HAVE NOT FOUND IT.

(95) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND FATH AL-QADIR BY AL-KAMAL IBN AL-HAMMAM, 10/488.

(96) I DIDN'T STOP THERE.

(97) AL-HIDAYAH BY AL-MARGHINANI, 4/534 AND AL-MABSUT BY AL-SARAKHSI, 27/183.

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