

# Celibacy And Spinsterhood And Their Related Rulings (A Disruption Of The Sustainability Of Progeny, An Asceticism Contrary To Innate Nature, And A Harm To Human Well-Being)

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## **Research Summary:**

Spinsterhood and bachelorhood are considered global phenomena, where a large segment of people in Western, Islamic, and Arab societies have not entered into marriage relationship, and have accepted a life of singleness, both males and females. Many females do not have anyone proposing to them, thus entering into the realm of spinsterhood. These two phenomena have many causes elucidated by this research. Islamic law strongly encourages marriage, considers deliberate abandonment of it a form of monasticism incompatible with sound natural disposition, encourages seeking a righteous and religious woman, and opens the door to polygamy under its regulations to mitigate the problem of spinsterhood. There is a set of legal rules and observed etiquette, indicating Sharia's care for the segment of singles and spinsters.

The research objectives are mainly:

1. To provide legal answers to many questions concerning spinsterhood and bachelorhood.
2. To gather a set of rulings and scattered regulations related to this topic in one place.
3. To prove the Sharia's ability to provide appropriate solutions to people's new life situations.

The research reached several important results and valid recommendations.

**Keywords:** Spinsterhood – Marriage – Bachelorhood – Monasticism

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## **INTRODUCTION:**

The only path sanctioned by the Sharia for the survival of progeny on this earth is lawful marriage, where a male and female are joined by a valid contract that includes offer and acceptance, dowry, and witnesses. Then the marriage is announced through a wedding to which relatives and others are invited, and the couple living under one roof, then by God's permission are blessed with children. The family system guarantees the continuation of life, provides tranquility, and it is a means to discharge sexual energy lawfully. There is a large segment deliberately refraining from marriage, as noticed in the Western world, where bachelors and married men have replaced it with forbidden sexual relationships. Another segment has not been able to marry due to health, financial, or housing conditions, as it is frequently observed in Islamic countries. The research surveys a group of rulings, etiquettes, and related guidance.

## **Research Problem and Questions:**

This research addresses answer a fundamental question: What is meant by spinsterhood and bachelorhood? Branching from this are a group of related questions about the causes of spinsterhood and bachelorhood, their effects, and rulings.

## **Reasons for Choosing the Topic:**

The rationale can be encapsulated in two principal points:

First: The profound aspiration to meticulously document a myriad of rulings and regulations pertaining to the states of spinsterhood and bachelorhood. Second: The desire of many people facing spinsterhood and bachelorhood for guidance, counseling, and help.

## **Research Objectives:**

The main objectives aimed at by this research can be summarized as follows:

1. Serving Najran University's research directions in contemporary jurisprudential issues related to marital life and personal status.
2. Contributing through this research to disseminate rulings and regulations related to spinsterhood and bachelorhood.

3. Collecting the various dispersed issues of this research in one place.
4. Demonstrating Sharia's ability to address people's problems in light of its authentic legal principles.

#### **Previous Studies:**

After careful research and investigation by the researcher within available sources, only a few relevant articles and some studies focusing on social aspects were found, with scant documentation of rulings. There are also scattered fatwas but they do not reach the level or content of this research.

#### **Research Methodology:**

The nature of the research necessitated an inductive analytical approach, relying on uncovering regulations and rulings related to the phenomenon of spinsterhood and bachelorhood, surveying their causes, and clarifying some of their rulings.

#### **Research Plan and Procedures:**

The research was structured into an introductory preface, three chapters, a conclusion, and an index of sources and references as follows:

- Introduction: summarizing the idea of the research, its importance, issues and questions, reasons for choosing it, objectives, previous studies, methodology, and plan.
- Chapter One: Clarifying the meaning of spinsterhood and bachelorhood linguistically and terminologically.
- Chapter Two: Causes of spinsterhood and bachelorhood.
- Chapter Three: Legal rulings and observed etiquettes.
- Conclusion: containing the main research results and recommendations.
- Index of topics.
- Index of sources and references.

### **Chapter One: Clarifying the Meaning of Spinsterhood and Bachelorhood in Language and Terminology**

#### **Definition of Spinsterhood in Language:**

- The word (الغُتُوسَة) [spinsterhood] is a verbal noun derived from the trilateral verb (عَنَسَ). Linguists mention it is said: "The girl remained spinster and unmarried if she stayed long in her family home after reaching puberty without marrying at all." If she marries once, it is no longer said she "spinster-ed," but "she was married." Another linguistic view says the family "spinster-ed" her by withholding her from suitors until she reached the youth age without being impaired (unable). Al-Farra said a spinster woman is one who has not married but is awaiting that [24][11][7].

#### **Definition of Spinsterhood in Terminology:**

- "After contemplation of linguists' and jurists' statements, spinsterhood can be said to be: a temporal stage during which a man or woman remains unmarried past the usual age for marriage, for some reason, with or without the presence of need and desire for it.
- The term (العزوبية) [bachelorhood] revolves around the term spinsterhood, and in common usage people might say a man is unmarried (أعزب), a woman is spinster (عانس), or vice versa. The two terms differ slightly in meaning but nearly agree in sense.

Linguistic dictionaries for the root (عزب) state meanings such as: the unmarried who has no family; a man who is unmarried; groups of unmarried men; unmarried women without husbands even if they have children. Ibn Faris said a man "عزب" is one who has no family, and "عزبة" a woman with no husband.

#### **Observations from linguistic discussions include:**

1. The long stay of a spinster woman in her family awaiting a suitor; if a proposal comes at the usual time, she is not a spinster but formerly unmarried.
2. A spinster can exceed the natural virgin age, though still virgin, her prolonged singleness and advanced age make her effectively outside the virgin category, illustrating the severe suffering of natural spinsters desiring marriage.
3. Some linguists propose using the passive "عُتِسْتُ" to alleviate psychological suffering of a spinster who eventually marries after long singleness.
4. Al-Farra linguistically states "عانس" applies if two conditions are met: no previous marriage, and eager awaiting a husband. This is important as it indicates a genuine desire for marriage, unlike women

who do not care for marriage and reject it. This phenomenon is observed today among many women prioritizing careers and wealth over marriage.

5. Spinsterhood can be due to obstruction ("عضل") where the family refuses suitors, delaying marriage past usual age though the woman remains willing.
6. Bachelorhood is synonymous with spinsterhood regarding solitude and absence of spouse or family.
7. A woman may be spinster and a man bachelor but have family support.
8. Every spinster is unmarried, but not every unmarried woman is a spinster; bachelorhood is often a temporary phase before marriage.
9. The term "spinster" includes both males and females; Abu Hilal Al-Askari said: "Spinster applies to both male and female who reach marriage age but remain unmarried for years"[10].

## **Chapter Two: Causes of Spinsterhood and Bachelorhood**

The causes are many; the most important, in my opinion, include:

1. Obstruction by the guardian to the ward, or father to daughter, out of greed for a high dowry, causing suitors to refrain. This act is forbidden and disgraceful since dowry is an exclusive right of the woman, as Allah says:  
"And give the women their dowries graciously" [An-Nisa:4]  
Meaning it is a gift from Allah to women, taken from guardians in pre-Islamic times but now strictly theirs. If a guardian insists on a high dowry and blocks suitors, the judge has authority to intervene and force marriage, even with a low dowry, because obstruction causing spinsterhood is a greater harm than a low dowry. The principle of Islamic law is to repel greater harm by lesser harm [21]. Intervention by judicial authority in cases of obstruction is a consensus among jurists. Ibn Al-Munthir said: "It is agreed that the ruler can marry off a woman who wants marriage and calls for a suitable partner but whose guardian refuses"[2].
2. Distorted concept of marital life where some young men and women prefer bachelorhood for enjoyment of worldly pleasures such as travel, which is a supposed benefit not equivalent to the real benefits of stable marital life. Real benefit precedes supposed benefit.
3. Health obstacles rendering the man or woman unable to enter marriage. In this case, they are excused, and their spinsterhood is not sinful, but they should seek medical remedies early as the Prophet said: "Seek treatment, O servants of Allah, for Allah has not sent down any disease except that He has also sent down its cure"[22].
4. Women's prolonged involvement in work exhausting their vitality and beauty, habituating to male company, and sometimes settling for emotional conversations yielding regret without building a proper family.
5. Weak belief in divine sustenance; some fear poverty or loss of provision upon marriage, which is a lack of reliance on God who provides for His servants. Marriage brings blessings in sustenance as experience shows. Allah says:  
"And marry the unmarried among you and the righteous among your male slaves and female slaves. If they are poor, Allah will enrich them from His bounty. And Allah is All-Encompassing and All-Knowing" [An-Nur:32].  
Abdullah ibn Abbas said: "Allah encouraged marriage, commanded it for free and slave alike, and promised wealth thereby"[9].

## **Chapter Three: Legal Rulings and Observed Etiquette**

Among these are:

1. Prohibition of causing spinsterhood by evil acts such as magic, lying, and slandering. Some evildoers use magic involving humans and jinn to create barriers preventing marriage. This leads to suitors being repelled and feeling strange aversion or weakness. Sometimes relatives do this due to envy or family disputes. Magic can cause separation between spouses or prevent lawful union. The affected must use lawful means to break the spell by frequent remembrance of Allah, proper Ruqyah, and seeking help from trustworthy pious healers. Jabir ibn Abdullah reported: The Prophet said, "Whoever among you can benefit his brother should do so"[18].
2. If a spinster, male or female, fears falling into immorality due to singleness, they must exert efforts to guard chastity through lawful marriage. Al-Shawkani said: "It is known by the texts of Quran and

Sunnah and consensus that adultery is forbidden, and so is what leads to it; whoever fears falling into it must prevent it, and if prevention requires marriage, then marriage is obligatory"[15]. Likewise, if one is physically able and affected by desire, marriage is compulsory by consensus. Ibn Al-Humam said: "Regarding desire, some said it is obligatory by consensus"[20].

3. Social solidarity from charities and wealthy people toward those trapped in spinsterhood due to poverty or illness or lack of housing is recommended, as relief from hardship is encouraged by the Sharia. The Prophet said: "Whoever relieves a Muslim's distress, Allah will relieve his distress on the Day of Resurrection"[17][18].
4. Fasting is recommended for those afflicted with spinsterhood and unable to afford marriage costs. The Prophet said: "O young men, whoever among you can afford to marry, let him marry, for it lowers the gaze and guards chastity; and whoever cannot, let him fast, for fasting is a shield"[17][18]. Ibn Battal explained that the Prophet recommended marriage for the perfection of religious matters and self-protection from lust, and for those unable to marry, fasting cuts off the movement of the arteries involved in sexual desire, thus controlling lust[16].
5. It is forbidden for spinsters to justify fulfilling their sexual desires by unlawful means such as prostitution or lesbianism. They must be patient and maintain chastity until Allah opens the means for marriage. Allah says:  
"And let those who do not find [the means for] marriage keep themselves chaste until Allah enriches them from His bounty." [An-Nur:33].  
Makki ibn Abi Talib explained that this means abstaining from forbidden acts until Allah enriches them by His grace[26].
6. Guardians must reduce dowries if high amounts cause suitors to avoid proposals, as prolonged spinsterhood is pure harm, and the guardian's gain is a private interest. It is a legal principle that "repelling harms takes precedence over bringing benefits"[6].
7. Women are encouraged to accept polygamy to avoid the harm of remaining unmarried, as living under a husband's protection with maintenance and shelter is better than remaining a spinster without protection. Jealousy among co-wives is natural and insignificant compared to these benefits. Al-Tufi said permitting polygamy benefits women since they outnumber men, allowing their support and care which would be lost if polygamy were forbidden[5].
8. It is forbidden to mock or insult women for spinsterhood or men for bachelorhood by calling them names such as "spinster" or "you missed the marriage train" or "bachelor" or "left alone while your peers married". Such insults hurt hearts and sadden souls, constituting name-calling which Allah forbade:  
"O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them. Nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another, and do not call each other by [offensive] nicknames" [Al-Hujurat:11].  
Al-Sa'di said regarding "do not call each other by offensive nicknames": It means not to ridicule or give reproachful titles[12].
9. A spinster may seek a righteous husband through recommendation. She must be ready in terms of religion, righteousness, mastery of household craft, and good morals, doing this as an act of faith hoping that a virtuous husband will notice. Jurists agreed on the permissibility of a woman offering herself to a righteous man modestly. Anas ibn Malik reported a woman offering herself to the Prophet, who said: "She is better than you for she offered herself to the Messenger of Allah"[17]. Ibn Hajar said it is permissible for a woman to present herself to a righteous man hoping for his marriage, and if he desires, he marries her with his conditions[19].
10. Severe dislike for boasting about spinsterhood and bachelorhood exists, as it belittles the value of marriage which Sharia encourages and imitates non-Muslims who replaced marriage with promiscuity. Allah says:  
"O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you" [Al-Hujurat:13].

Al-Shafi'i said this verse forbids pride in lineage[8]. If those proud of lineage are forbidden, then more so for those boasting of bachelorhood without offspring to continue their lineage.

11. Monasticism which calls for complete abstinence, absolute bachelorhood, and complete spinsterhood, focusing only on worship and exaggeration therein, is forbidden. Al-Razi said: "Complete monasticism leads to ruin of the world and cessation of agriculture and progeny"[23]. Allah says:  
"And [they invented] monasticism which We did not prescribe for them, but [they did so] seeking the approval of Allah. But they did not observe it with due observance" [Al-Hadid:27].  
Monasticism here is a true innovation with no divine sanction; it is unnatural since "drawing close to Allah by monasticism and abandoning marriage despite its obligation and absence of a legal barrier such as monasticism of Christians" is an innovation condemned by Sharia texts[1].
12. Customs are considered in determining the age of spinsterhood; various ages like thirty or forty have been mentioned in jurisprudence books. However, such customs and numbers have no bearing on marriage decisions. A woman at forty with religion, beauty, and stature may still be desired, while a young woman below twenty with weak religion and beauty might be rejected despite her youth[13][4][14].
13. Jurists differed on whether a spinster is treated like a virgin in coercion and silent consent or like a widow. The majority said the spinster is treated like a virgin, with continuous coercion even if her virginity is lost due to long spinsterhood because she remains shy, as she has not engaged in intercourse in the place of virginity. The Maliki view, opposed by Shafi'i's, is that she is treated like a widow if virginity is lost by spinsterhood, thus a guardian cannot force her marriage without her explicit permission[25].

## RESEARCH RESULTS:

The research yielded several results summarized as:

1. Spinsterhood is a time period during which a man or woman remains unmarried beyond the usual age for marriage, for some reason, with or without need and desire.
2. Spinsterhood and bachelorhood are terms indicating solitude and non-entry.
3. Islamic law encourages both religious and worldly efforts to facilitate marriage for all members of society.
4. Spinsterhood and bachelorhood are undesirable states, and it is necessary to overcome them.
5. There are global phenomena that require the combined efforts of scholars, educators, and reformers to reduce their prevalence.

## Definitions and causes of Spinsterhood:

\* The term (spinsrehood) may also refer to `Adhl (unjustly preventing a woman from marriage), where a woman`s family rejects suitors or insists on an excessively high dowry, even though the dowry is the woman`s exclusive right.

\* There is no despair with righteousness; a woman who has remained unmarried for a long time may still be blessed with a righteous husband unexpectedly.

\* Causes of spinsterhood mentioned in the research include:

# `Adhl(familial obstruction)

# Misunderstanding the concept of marital life

# Health-related barriers

# Weak reliance on God as the provider.

# Woman neglecting their own well-being due to career focus at the expense of marriage.

## Jurisprudence rulings Related to Spinsterhood:

1. It is forbidden to cause spinsterhood through any wrongful act.
2. It is obligatory to seek marriage if one fears falling into sin due to remaining unmarried.
3. Social solidarity is recommended.
4. Fasting is recommended for those afflicted by spinsterhood and to unable to afford marriage.
5. It is forbidden to use spinsterhood as a justification for committing sin.

6. Dowries must be reduced if they are causing spinsterhood.
7. It is recommended that unmarried women accept polygamy.
8. It is forbidden to mock or shame those who are unmarried.
9. It is permissible for a woman to seek a righteous husband through recommendations.
10. It is disliked to boast about remaining unmarried.
11. Monasticism that promotes complete celibacy and lifelong bachelorhood is forbidden.
12. Customary norms may define the age of spinsterhood, but they should not influence the decision to marry.
13. There is jurisprudential debate: should an older unmarried woman be treated like a virgin (in terms of requiring her silence as consent) or like a previously married woman (requiring explicit consent)?

## RESEARCH RECOMMENDATIONS

The researcher proposes four areas for further study:

1. The principal of (avoiding the greater harm by accepting the lesser) and its applications in personal status law.
2. The principal of (prioritizing actual benefits over imagined ones) and its applications in personal status law.
3. The jurisprudence and guidelines for a righteous woman proposing herself for marriage.
4. Legal rulings related to lineage and ancestry.

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