THE THEORETIC AND JURISTIC PERSPECTIVE OF IMĀM SHĀH WALĪ ALLĀH DEHLAVĪ

(ANALYTICAL AND CRITICAL STUDY)

A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF Ph.D. (ISLAMIC LAW AND JURISPRUDENCE)

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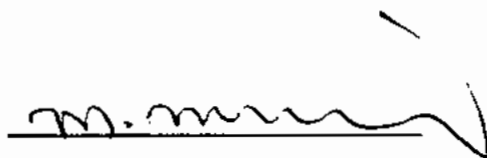
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TITLE OF THESIS:

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بسم الله الرحمان الرحيم

DEDICATION

I dedicate this thesis to my parents, my wife, my sons, my lovely daughter and

my best teacher for their support that enabled me to accomplish this task.

DECLARATION

I, Mr. H.M. Tayyeb Nadeem, hereby declare that this dissertation entitled "The Theoretic and Juristic Perspective of Imām Shāh Walī Allāh Dehlavī (Analytical and Critical Study)", is original and has never been presented in any other institution for the purpose of getting any degree.

I, furthermore, declare that any secondary information used in this dissertation has been duly acknowledged.

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ABSTRACT

Islamic law and Jurisprudence covers every aspect of practical life of the Muslim *Ummah* (الأمةالمسلمة) and solves even new issues using different methodologies of *ijtihād* since day one. After the fourth-century *hijrī* (الهجرى) some diehard followers of some *fiqhī* schools initiated arguing against each other thereby underestimating the *fiqhī* opinions of the opposing schools for the same of proving the superiority of their juristic opinions. This phenomenon was described by Shāh Walī Allāh (شاه ولى الله) (1703-1762) as "*Istikhraji Fiqh*" (استخراجى فقه).

Shāh Walī Allāh did not like the strict adherence to any *fiqhī* school of thought as was propagated by the diehard jurists of these schools. Many Muslim jurist, like Abū Hāmid Muhammad ibn Muhammad al-Ghzālī (d. 1111), 'Izz al-Dīn 'Abd al-Salām (1181-1262), 'Abd al-Wahhāb al-Sh'arānī (1493-1565) and others start searching the truth behind differences and ways to find reconciliation to the possible extent.

After getting enlightened by extensive study and intuition in Dehli and *al-Haramain al-Sharifain* (the two holy cities), Shāh Walī Allāh came to the conclusion that the *Dīn* (الدين) (religion) should be reinterpreted as per the prevailing circumstances.

Shāh Walī Allāh came up with comprehensive principles of *Dīn* in his great book "*Hujjat Allāh al-Bālighah*" (حجة الله البالغة) ("The Conclusive Argument from God"). These principles were designed to clarify the in-depth reality of differences

among Muslim *fuqahā* which is discussed in his book "*al-Inṣāf fī Bayān Sabab al-Ikhtilāf*" (الانصاف فى بيان سبب الاختلاف) ("Doing Justice in Explaining the Cause of Juristic Disagreement") and to settle the issue of "*Ijtihād* and *Taqlīd*" which is discussed in his book "*Iqd al-Jīd fī Ahkām al-Ijtihād wa-l-Taqlīd*" ((عقد الجيد فى احكام الاجتهاد والتقليد)) ("Chaplet for the Neck concerning the Rules of *Ijtihād* and *Taqlīd*") and most importantly, to develop a juristic system of interpretation which should be acceptable to the traditionalists (*Ahl al-Hadīth*) (اهل الحديث) as well as to the rationalists (*Ahl al-Rai'*) (اهل الرأى) in the light of the true spirit of Islam. Shāh Walī Allāh described this as "*al-Jāddah al-Qawīmah*"(الجادّة القويمة), which he thoroughly elaborated in his book '*al-Tafhīmāt al-Ilāhiyah*" (التفهيمات الإلهية) in *Tafhīm* no. 66 along with other of his great books. He classified the books of Hadīth to achieve the target set in his concept, mentioned above.

Moreover, this concept has been applied briefly by Shāh Walī Allāh in his two books, namely, *al-Musaffā Sharh al-Muwattā* of Mālik (المصفّى شرح الموطا للمالك) in Persian and *al-Musawwā Sharh al-Muwattā* of Mālik (المسوّى شرح الموطا للمالك) in Arabic along with other books mentioned above.

The main focus of this dissertation is to analyze the concept of *al-Jāddah al-Qawīmah fī al-fiqh wa uṣūlihī* (الجادّة القويمة فى الفقه وأصوله) established by Shāh Walī Allāh for the jurists of how to differ with each other; to critically evaluate his views on the role of *Ijtihād* and *Taqlīd* and to critically assess the perspective for reconciliation among *fiqhī* schools.

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CHAPTER ONE

INTRODUCTION

1.1 Introduction:

Qutb-ul-Din Ahmad bin Abdul Rahīm, commonly known as Shāh Walī Allāh (1114-1176 A.H. 1703-1762 C.E.) succeeded in an era when the Muslim community of the Indo-Pak sub-continent was facing a grave crisis – economic, political, spiritual and *fiqhī*. This catastrophe provided Shāh Walī Allāh with an intellectual irritant and prompted him to discuss the problems with which his society was faced.

Endowed with rare profoundness and perception, Shāh Walī Allāh delved into the depths of the Islamic tradition, came forward with numerous novel and daring ideas and thereby renewed the academic life of his community and enriched its cumulative store of the thoughts. By dint of his creative rational he exerted a great and long-lasting influence on the Muslim society of the sub-continent. It was due to his extra-ordinary impact and valuable contribution to Muslim thought that even some of his own contemporaries had endeavored to write about him.

1.2 Importance of Research:

Shāh Walī Allah's main aim was to reduce *Fiqhī* (فقهى)differences among *Fiqhī* schools of thought and to establish activity of *ijtihād* to achieve *"Iqtirābāt* (اقترابات) (four ethical values) and *Irtifāqāt* (ارتفاقات) (stages of socio-economic and political development)" to be successful here and hereafter. The gist of both *"Iqtirābāt"* and *"Irtifāqāt"* is given below, from the book *"Hujjat Allāh al-Bālighah"* of Shāh for the better understanding:

1.2.1 Four Ethics according to Shāh:

The methods of *Iqtirābāt* are achieved, according to Shāh, through four ethics:

1- Purity (*al-Tahārah*) (الطهارة):

And the truth of it is that when a person is in good nature and in a healthy mood, and his heart is emptied of the lower conditions that occupy him from management. But if he is stained with impurities and the like, his soul will contract and become distressed and disgraced, and he will find himself in a great trance.[1]

2- Subjugation in front of Allāh Almighty [*Ikhbāt ilā Allāh*] (اخبات إلىٰ الله):

And his truth is that when a person is safe and empty, if he remembers the revelations and attributes of God Almighty, and carefully remembers the speaking soul, the senses and the body subjugate to it, so the soul is prepared to turn towards its Creator, the Almighty, and its faith in His majesty and immersion in His sanctification.[2]

3- Magnanimity [*Samāhah*] (السماحة):

Its truth is that the soul is such that it does not submit and submits to the necessities of brute force of all kinds of desires, anger or scarcity, but it remains vigilant, so if these bestial conditions take an hour from it, then it soon loosens and rises above the oppressive bonds to the level of the royal soul, so that it becomes humane and becomes the most gracious life.

It has many titles according to what they are in: what was in the money is called generosity and scarcity, and what was in the advocate of the sexual instinct is called

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[1] Ahmad known as Shāh Walī Allāh bin ʿAbd al-Rahīm Dehlavī, ed. Saʿīd Ahmad Pālan Pūrī, *Hujjat Allāh al-Bāligha* (Karachi: Zam Zam, 2010), 1:160 (hereinafter referred to as Walī Allāh, *Hujjat Allāh al-Bāligha*).

[2] Ibid., 1:160-61

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chastity and evil, and what was in the promoter of luxury and distance from hardships is called patience and panic, and what was in the advocate of forbidden sins.

One of the functions of magnanimity is to make the soul of its owner strive towards the perfection required by knowledge and deed. If a man is able to forgive himself, he will remain free from the desires of the world and prepare himself for the abstract superior.[3]

4- Justice [al- 'Adālah] (العدالة):

The fourth quality is justice. According to Shāh, this is a habit acquired in the soul which gives rise to those acts through which he order of the city and the quarter is established with ease. It seems as if the soul is naturally disposed to these acts. The secret of this is that the angels and the souls divested of bodily attachements are imprinted with what Allāh intended in creating the world, in terms of setting right its order, and thus what pleases them becomes transformed into what souitable for this order and this is the nature of the pure spirit.

Further clarification on the subject, according to Shāh, that when the soul seprates from its body while something of this quality persists in it, it is delighted to the fullest extent and finds a means for pleasure distinct from more base pleasures. If it seprates from the body while the opposite of this trait is within it, the state is depressing for it and it is estranged and pained.[4]

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[3] Ibid., 1:162

[4] Ibid., 1:163.

With this view, he addresses the value of justice at the moral, social, economic and political levels, and this is the persistence of our scholars - not by imitating one another but because of the unity of the approach towards the Qur'ān and the Sunnah because the value of justice is one of the most prominent ethical values in Islamic law, and the Islamic civilization is unique to it and not to other civilizations.

1.2.2 Irtifāqāt according to Shāh Walī Allāh:

"*Irtifāqāt*" (ارتفاقات) is an Arabic word that is derived from the word "*RIFQ*" (رفق), which means softness, flexibility and calm to deal with gentleness and humanity. It means that man must use the resources available to him with wisdom, thoughtfulness, and respect in order to be able to serve humanity.

Indeed, human society is full of glitches and experiences that require further research and problem solving. Elevating, are the methods and management to meet the everyday challenges. It can be characterized as material and spiritual.[5]

Shah Walī Allāh explains the development of social, economic and political life by defining four stages as follows:

The first social development stage of society:

In the first social development stage, the community emphases on meeting basic needs such as eating, drinking, housing, and other domestic necessities. The primary motivation for mankind is food, which is the main issue in human existence on earth.

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[5] Ibid., 1:124-25, see also Walī Allāh, *al-Budūr al-Bāzighag,* English version, (Islamabad: Natioanl Hijra Council,1985), 53-55, 75, 97-109.

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So different techniques such as cultivating the land, planting trees, digging wells, adapting different methods of cooking and feeding, pottery making, and developing water vessels etc.

All these various technologies are adopted to meet the needs of the food. Animal backs, meat, hides, hair, fur, dairy products and their descendants are used for this purpose. The first and foremost problem facing humans in this primitive phase of life is communication skills ... Pronunciation of words embodied in meaning is a great occurrence.[6]

In the opinion of Shah Wali Allah, language is a tool by which a person expresses his view. Language is the scheme of sounds and words by humans to express their insights like other basic needs at this stage, humans need to construct homes to seek shelter from the heat and cold, as well as make dresses to protect and cover their bodies, and identify spouses indubitably for sexual satisfaction, procreation, and joint aid in upbringing. Offsprings are the basic household needs.

Besides all this, some common behaviors are born amongst people to resolve issues related to basic needs. To deal with problems better, to mend disagreement, provide justice, and ward off lame attitude, leadership appears in society. With the satisfaction of these basic needs, society enters the second stage of communal transformation where one stage of life advances and it progresses and enters the next stage up until it touches the fourth stage.[7]

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[6] Walī Allāh, *al-Budūr al-Bāzighag,* English version, (Islamabad: Natioanl Hijra Council,1985), 53-55.

[7] Shāh Walī Allāh, ed. Sa'īd Ahmad Pālan Pūrī, *Hujjat Allāh al-Bāligha,*1:28-29.

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The second social, economic and political development stage of society:

Society develops in this stage due to the existence of numerous faculties, such as the strength of intuition, innovative trends and aesthetic sense. These traits in the human being help in endorsing social progress.

At this stage Shāh Walī Allāh discusses the five wisdoms, mentioned below, that create social development. When a person seeks to satisfy basic needs, he generates five sciences as explained by Shāh Walī Allāh, which are as follows:

"The wisdom of living"

"The wisdom of earning"

"The wisdom House Holding"

"Work wisdom" and

"The wisdom of cooperation."[8]

Third Irtifāq:

The third stage of "*Irtifāq*" is more progressive than the second stage of life. Cooperation is necessary because it generates political parties and the political system. Some assume the role of leaders while others become subordinate in different political systems. The social and economic institutions of a developed society emerged like *mudarabah* (المضاربة), *murabiha* (المرابحة), etc.

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[8] Ibid., 1:129-38.

The collaboration of the Five Sciences with moral qualities and joint cooperation gives rise to a socio-political association termed the "city-state". Leaders advance through political agreement to accomplish the matters of the city-state in order to attain mutual or approved upon goals and objectives such as justice, fair distribution of wealth, ensuring security, and the well-being of the people.

The different occupations that are placed in the city-state are mainly restricted to the categories, given below:

Thus the members of society form reciprocal bonds of specific goals and all goals governed by the authority of the leader or the ruling class.

Wisdom of life: This science deals with the division of human knowledge that gives men desirable behavior and etiquette for life. In life we spare some valuable practices endorsed by societies, some of which are avoided.

The sum total of practices subject to examination of principles of excellent ethics inculcated in people with an ideal nature of pragmatic ethical canons and quality. The scrutiny of living matters continues at last on the basis of alignment with existing goal-universal goals and their practice as habit and habits.

This means that in the social, economic and political thought of the Shah, all customs are embraced after in-depth scrutiny. The above study shows that Shah's curricula are comprehensive with regard to family matters (tadbīr al-manzil) (التدبير المنزل). Moreover, there is ample opportunity to derive a broad principle from these above-mentioned teachings.

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The basic occupations of the city-state as essential to the human needs of society are restricted to the following categories:

What is related to defending the nation; as for the provision of food; regarding the provision of the dress:

As far as buying drinks;

What is related to the endowment of housing;

What is related to the establishment of import and export substances.[9]

Fourth *Irtifāq*:

When culture developed to the highest degree, a kind of pluralist state emerged, where some confederation took place, society exercised some shared status of life, peace, safety and fairness. The concept of confederation that includes a city-state gives the idea along with geographic and ideological boundaries, as there are opportunities in numerous traditional societies, and unity is essential for this kind of organized city-state. When unity is proven, the essential groups of the community are protected by joint cooperation.

This collective body resembles an individual who is a sort of mystical entity. This person through the stage of health and disease who cares about the health of this community as a doctor and those who follow it is named an *Imām* (الإمام). It becomes

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[9] Ibid., 1:138-144.

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clear that the *Imām* does not mean any specific individual, but it give the impression that the *Imām* equates to governmental process.

Moreover, according to Shāh, recognition appears to be essential to the pragmatic groan and its function. The unity is essential for this sort of organized city-state. The unity exists among the basic groups of society and is strengthened by mutual collaboration. This cooperative form is like a sole individual. When you have some kind of mystical body.

This individual who cares about the well-being of this community as a doctor and those who follow, it is entitled an *Imām*.[10]

After making a background of Shāh's broader vision, he revised some general principles of Islamic jurisprudence to deduce Islamic laws on the basis of objectives of *Shariah* and established a moderate and accommodative *fiqhī* method "*al-Jāddah al-Qawīmah*" (it is whole chapter in the dissertation) to accommodate all known *fiqhī* schools on the basis of classification of Hadīth (الحديث) and *Sunnah* (السنّة).

This kind of work has not been done yet as per my humble knowledge. That is why there is a dire need to explore this area, especially in English.

Important reasons for exploring the topic are as follows:

1. To come up with Shāh Walī Allāh's theoretic and juristic perspective from Indo-Pak sub-continent to the world.

2. To derive his general and specific theoretic & juristic principles from his works

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[10] Walī Allāh, *al-Budūr al-Bāzighah,* English version, 97-109, see also Walī Allāh, *Hujjat Allāh al-Bālighah,* 1:145-47.

3. To derive rules of his accommodative method for reconciliation among *fiqhī* schools from his works

4. To apply his *fiqhī* principles to current *fiqhī* issues and to resolve them for the sake of reduction of *fiqhī* differnces (أسباب الاختلاف).

1.3 Research Questions:

This dissertation targets to answer the following crucial questions:

1. What is Shāh Walī Allāh's perspective regarding *fiqhī* differences and what are its rules & regulations to achieve reconciliation/accommodation among different *fiqhī* opinions/schools of thoughts (الآراء الفقهية المختلفة والمذاهب المختلفة)؟

2. What is his approach about the causes of differences among the jurists and what are its rules?

3. What value could be attached to the theoretic & juristic books of Shāh?

4. What is his approach regarding the reconciliation of four *Sunnī Fiqhī* schools (التطبيق بين المذاهب الأربعة السنّية)؟

5. What are his sources of Islamic law and Jurisprudence?

6. Why *Muwatta* of Mālik is considered to be the base of all *Sunnī Fiqhī* Schools in view of the Shāh?

1.4 Hypothesis of the Research:

This is based on the following important points:

1. Shāh Walī Allāh's theoretical and juristic perspective is based on his concept of *"al-Jāddah al-Qawīmah"* which has been applied on the sources

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of Islamic law (especially the primary), *ijtihād* and *taqlīd*, the causes of differences among juristic disagreements and the *sunnī fiqhī* schools (المذاهب الفقهية السنّية) for their reconciliation to the possible extent.

2. The basic reason of the differences among jurists is the style of derivation of *fiqhī* laws especially *"istikhrājī fiqh"* (استخراجى فقه)[11] used by later *Mujtahideem fī al Mazhab* (المجتهدين المتأخرين فى المذهب).

3. The *Fiqh* of 'Umar (فقه عمر رضى الله عنه) (R) and *Muwatta* of Mālik are the actual basis for *fiqhī* perspective (الاتجاه الفقهى) of Shāh Walī Allāh.

1.5 Literature Review:

There are numerous academics who have studied the lifespan and academic and related practical works of Shāh Walī Allāh. They have explored different dimensions of his work and tried to compass his contribution in various fields of learning. The researcher found that the following areas of Imam's work have been covered by the scholars one way or the other:

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[11] The term *"Istikhrājī fiqh"* (استخراجى فقه) is one of the concepts that has been explained by Shāh Walī Allāh in his different books by meaning that when *Fuqahā* derive new laws on the derived law by their previous *Fuqahā* instead of consulatation to Qurān and Sunnah, which is, according to Shāh, the main issue in fiqh and he suggested that such type of exercise should be vanished. For that purpos, Shāh used and "اصحاب التخريج" and "تمهيد الفقه على قاعدة التخريج", "تخريج جواب المسالة على اقوال اصحابهم" differe ternms like "خضتم كل الخوض فى استحسانات الفقهاء من قبلكم وتفريعاتهم ـ."etc. It is not derivation of law from Qurān and Sunnah ("استخراج المسائل"). See for detail; Shāh Walī Allāh, *"Hujjat Allāh al-Bālighah"*, ed. Muftī Sa'īd Pālanpūrī (Ka, 1:424-27; see also: Shāh Walī Allāh, *"al-Tafhīmāt al-Ilāhiyah"*, (Dhābhail: al-Mjlis al-'Ilmī, 1936), 1:215; 1:152; 1:214-15.

1. Socio-Political and Economic Views of Shāh Walī Allāh and

2. Philosophical, Cultural, Educational and Mystic Views of Shāh Walī Allāh

However, the focus of this research is to study the "Theoretical and Juristic Perspective of Imām Shāh Walī Allāh" (الاتجاه الأصولى والفقهى للإمام الشاه ولى الله الدهلوى) from an analytical and Critical angel, which has not yet been dealt in a comprehensive manner by the scholars and researchers, as per the humble knowledge and opinion of this researcher. Whatever is written on the topic, howsoever brief, most of it is just focused on presentation and collection from the books of the Imām without analytical and critical review.

Moreover, the scholars did not derive, in their works on the Shāh, the general principles of the Shāh for the extraction of Islamic laws in the theoretical and *fiqhī* perspectives.

Anyhow, some of the books and academic works which discussed this topic are as follows:

1. *"Usul-i Fiqh* and Shāh Walī Allāh (اصول فقہ اور شاہ ولى الله) by Dr Maẓhar Baqā, in Urdu language, Ph.D thesis submitted in University of Karachi, Pakistan, published in 1973 by Islamic Research Institute, IIU Islamabad.[12] This thesis has a preface and four chapters. The thesis writer collected the material from the books of Shāh Walī Allāh and presented it

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[12] Muhammad Maẓhar Baqā, '*Uṣūl-i fiqh aur Shāh Walī Allāh* (Islamabad: Islamic Research Institute, 1973), (hereinafter referred to as "Baqā, '*Uṣūl-i Fiqh aur Shāh Walī Allāh* ").

as per theoretic book style and focused on the point that the Shāh was a staunch adherent of *Shafi'ī* School (المذهب الشافعى) of thought and opposed to the *Hanafi* School (المذهب الحنفى). This perception of the writer is not compatible with the ground realities as discussed by Muhammad Sagheer Hasan, the former Director General, IRI, IIUI in the preface of publisher.[13]

However, the researcher will extract theoretic and juristic general and specific principles using the concept of *al-Jāddah al-Qawīmah* established by Shāh with their applications on Islamic laws in order to use beneficial purposes with accommodative perspective of the *Imām* in an analytical and critical manner.

2. "The Concept of Human Nature in *Hujjat Allah al-Balighah* (حجّة الله البالغة) and its Relation to the *Fiqh* of Shāh Walī Allāh" was written by S.A. Kamalī in English language which happens to be his Ph.D thesis submitted in McGill University, Montreal in 1959. It has preface and five chapters, first chapter is related to Moral Agent, second to Historical Background to the Virtue, third is related to Philosophy of History, fourth is related to Rationale of *Fiqh* and the last is related to Outlines of the World of *Umm al Kitāb*.

This thesis focuses on philosophy of historical morality in order to show relation between human nature and rationale of *Fiqh*. This is a philosophical study bearing no relation with our topic as expressed in the chapters of this thesis.

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[13] Ibid., Preface, page no. is not mentioned.

3. "*Fiqhī Ikhtilāf o Tatbīq*: Imām Sh'arānī aur Shāh Walī Allāh kē فقہی اختلاف و تطبیق: امام شعرانی اور شاہ ولی) Naẓriyāt kā Taqābulī Mutāli'ah" (اللہ کے نظریات کا تقابلی مطالعہ) (Juriristic Difference and Reconciliation: A Comparative Examination of the Concepts of Imām Sh'arāni and Shāh Walī Allāh), written in Urdu language by Mr. Sa'īd Ahmad, Ph.D. thesis submitted in Shaikh Zaid Islamic Center, University of the Punjab, Pakistan in 2013. The thesis consists of six chapters followed by results and suggestios in a manner that the fist two chapters cover the biography, academic work and spiritual status of the both personalities i.e. 'Abdul Wahhāb Sh'arānī and Shāh Walī Allāh while chapter three is dedicated to the background and the causes of *Fiqhī* differences. The chapter four is devoted to the comparative study of the juritic theories of the differences of both Sh'arānī and Shāh Walī Allāh. The chapter five contains the theoretical perspective of the concept of *Tatbīq* (تطبیق) (reconciliation) of the both personalities along with detailed comparison whereas the chapter six deals with practical academic efforts done by Sh'arānī and Shāh Walī Allāh. On conclusion of the thesis, Mr. Sa'īd Ahmad, the researcher derives the following main points from the theories of *Ikhtilāf o Tatbīq* of both Sh'arānī and Shāh Walī Allāh:

1. The *Fiqhī* differences among *Mujtahidīn* (الاختلاف الفقہی بین المجتہدین) are in their positive laws (frū'a t) (فروعات) and not are in the principles.

2. Both personalities invite the scholars of different of schools of thought to make mutual respect and tolerance as the all schools are on true path.

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3. According to them, the Tatbīq is an established phenomena edourced by Qurān, Sunnah and by the pious efforts done by early scholars.

So, the scholar has put good efforts in dealing with *Fiqhī Ikhtilāf* and *Tatbīq* of Sh'arānī and Shāh Walī Allāh through collecting the data from their books in a good manner, however, he did not discuss the concept of *al-Jāddah al-Qawīmah* as the theory of Shāh Walī Allāh, which is the core in the viewpoint of the Shāh, in the dissertation. This gape has been filled by this humbel the dissertation.

There are other academic works also done on Shāh, but they are either a brief part of our research or just collection and presentation. After this survey, it is clear that there is still need to work on the topic: "The Theoretic and Juristic Perspective of Imām Shāh Walī Allāh Dehlavī: Analytical and Critical Study".

1.6 Objectives of the Research:

1. To understand the significance and distinction of Shāh Walī Allāh from his works in the light of his concept of *"al-Jāddah al-Qawīmah fī al-fiqh wa usūlihī"*

2. To understand his perspective/concept regarding *fiqhi* differences and its rules and regulations to reconcile/accommodate different *fiqhi* opinions/schools of thought.

3. To know his concept about the causes of differences among the jurists and its rules from his book *"al-Inṣāf fī Bayān Sbāb al-Ikhtilāf"*

4. To know his juristic perspective from his juristic books

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5. To understand his theoretic perspective from his books like *al-Musawwā* (الْمُسوَّى) *wa-l-Musaffā* (الْمُصَفَّى) *and Risālah fī Fiqh* 'Umar (رسالة فى فقه عمر) (May Allah be pleased with him).

6. To know his attempt to reduce sectarianism/extremism among *Fiqhī* schools

7. To know his perspective regarding *Ijtihād and Taqlīd* (الاجتهاد والتقليد)

1.7 Methodology of Research:

The methodology which has been used in this research is based on published academic works of and on Shāh Walī Allah using analytical and critical approach due to the nature of the topic.

1.7.1 Chaptrization:

The dissertation comprises five chapters followed by conclusion, findings and recommendations. First chapter discusses the introduction of the dissertation while the second chapter describes the general situation of Indo-Pak Sub-Continent, covering political, social, economic, academic, spiritual, theoretical and juristic in the era of Shāh Walī Allāh. Third chapter makes a detail account on the life and academic works Shāh Walī Allāh, starting from his early life to last his academic work. Fourth and fifthe chapters are the essence of the dissertation where the first one describes Shāh Walī Allāh's concept of *al-Jāddah al-Qawīmah* as his theoretical and juristic perspective while the last one is based on application of the concept on his theoretical and juristic academic works in an analytical and critical manner.

At the end, conclusion and findings of the dissertation are recorded and recommendations have been given in a harmonious and balanced way.

CHAPTER TWO

THE GENERAL SITUATION OF SOCIETY OF INDO-PAK

SUB-CONTINENT IN THE ERA OF SHĀH WALĪ ALLĀH

2.1 Introduction:

Eighteen century in Indo-Pak sub-continent has witnessed two utmost important incidences. One was the birth of unmatched Islamic academic, philosopher and reformer i.e. Shāh Wali Allāh (1114 – 1176 A.H./1703 – 1772 C.E.) and the other was the demise of virtuous and great Muslim head of state, Emperor Awrangzayb Alamgīr (ruled 1658-1707 C.E.).

The subcontinent was passing through a very critical and uneasy times. In this sub-chapter it is to be discussed political, socio-economic, academic, theoretical – juristic situations in the country under four sections.

2.2 Political Situation of India at the Time of Shah:

During the lifespan of Shāh Walī Allāh eleven Mughal rulers ascended the throne in rapid succession, those rulers and their reign period were as below:

1.   Aurangzeb 'Alamgīr (r.1168-1118 A.H./1658-1707).

2.   Muhammad Mu'azzam Shāh, Shāh 'Ālam I (r. 1118-1123/1707-1712), he was killed by Farrukh Siyar.

3.   Mu'izzuddīn Jahāndār Shāh (r. 1123-1124/1712-1713).

4.   Farrukh Siyar (r. 1124-1131/1713-1719), he was also killed.

5.   Rafī' al-Darajat (r. 1131-1131/1719-19), he remained only for three months.

6.   Rafī' al-Dawlah (r. 1131/1719), he ruled only six months and died.

7.   Muhammad Shāh, known as Rangīlā (r. 1131-1161/1719-1748).

8.   Ahmad Shāh bin Muhammad Shāh (r. 1161-1167/1748-1754).

9.   'Izzuddīn, 'Ālamgīr II (1167-1172/1754-1759).

10. Shāh Jahān III (1172-1172/1759-1759).

11. Shāh 'Ālam II, Jalāl al-Dīn (1172/1759)[14].

This rapid change shows that eleven thrones were collapsed back to back in just a half century of the life period of Shāh Walī Allāh, one of the causes of uncertain situation of the continent at this stage is as follows:

Bahādur Shāh I was the elder son of 'Ālamgīr and he got control over government after defeating his brother Muhammad 'Azīm while the other son of 'Ālamgīr, Dara Shikōh formed another government. Muhammad Shāh became king in 1131/1719, he ran his kingdom twenty nine years and six months.

During the reign of Muhammad Shāh, Nādir Shāh got opportunity to ruin his throne in 1151/1739, as a result the security of the kingdom was breached and different states of the kingdom went out of the control even 'Alī Wardī Khān formed independent government in Bangāl, Orīsa and Bihār[15].

After the attack of Nādir Shāh, Shāh Walī Allāh got back from *Hijāz Muqaddas* while his age was 37 years, this brutal attack compelled him to find ways that make the situation in control, so he consulted the issue with Najīb al-Daulah and later both directed Ahmad Shāh Abdālī to take action against the existing cruel situation.

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[14] Khalīq Ahmad Nizāmī, *Shāh Walī Allāh kai Siyāsī Maktōbāt*, (Lahore: Idārah Islāmiyāt, 1978, 3rd Edition) *"Preface"*, (hereinafter referred to as Nizāmī, *Shāh Walī Allāh kai Siyāsī Maktōbāt*).

[15] Ishtiāq Quraishī, *The Muslim Community of the Subcontinent Indo-Pak*, (Karachi: Karachi University, 1985), 200-210, (hereainfter referred to as Quraishī, *The Muslim Community*).

Shāh Walī Allāh analyzed whole political scenario of the kingdom and established an outline to make peace revives, to achieve this goal, he planned a strategy that if *Marathās* are being controlled at the moment, the situation may get better. The best available choice to handle *Marathās*, according to Shāh Walī Allāh, was Ahmad Shāh Abdālī (as he was also keen to get control over the kingdom) and logistic support may be given to Abdālī by local Navāb Najīb al-Daulah, for that purpose he wrote several letters to both Najīb al-Daulah and Abdālī[16].

Muhammad Shāh died on 1161/1748 and Ahmad Shāh, Shāh 'Ālam II took charge over the kingdom for forty eight years but he could not succeed to establish sustainable peace, eventually Navābs of 'Aōdh, Shujā' al-Daulah and Mīr Qāsim got defeated by the East India Company in 1177/1764 and Shāh 'Ālam accepted the defeat and made a contract with the company to be part its government, taxes of Bangāl etc. were collected by the company[17] and it is known as "Treaty of Allāhabād".[18]

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[16]Zakā'llāh, *Tārīkh-i Hindustān,* (Lahore: Madīnah Publishing Company, n.d.), 9:48, (hereinafter referred to as Zakā'llāh, *Tarīkh-i Hindustān*).

[17] Ibid., 9:48.

[18] "The **Treaty of Allāhabād** was signed on 16 August 1765, between the Mughal Emperor Shah Alam II, son of the late Emperor Alamgir II, and Robert, Lord Clive, of the East India Company, as a result of the Battle of Buxar of 22 October 1764. The Treaty marks the political and constitutional involvement and the beginning of British rule in India. Based on the terms of the agreement, Alam granted the East India Company *Diwānī rights*, or the right to collect taxes on behalf of the Emperor from the eastern province of Bengal-Bihar-Orissa.Thus East India Company got appointed as the imperial tax collector for the Eastern province (Bengal-Bihar-Orissa). These rights allowed the Company to collect revenue directly from the people of Bengal, Bihar and Orissa. In return, the Company paid an annual tribute of twenty-six lakhs of rupees (equal to 260,000 pounds sterling) while securing for Shah Alam II the districts of Kora and Allahabad. The tribute money paid to the emperor was for the maintenance of the

Shāh Walī Allāh has stated the political uncertainty and personal insecurity and worry in his poem also[19]. He has several writings on Islamic state, politics and jurisprudence etc. like *"Izālat al-Khafā 'an Khilāt al-Khulafā"*, *Haujjat Allāh al-Bālighag*, *Al-Budūr al-Bāzighah*, *Qurat al-'Ainain fī Tafḍīl al-Shaikhain*, *al-Tafhīhmāt al-Ilāhiah and Maktūbāt* where he has expressed many things on the subject matters.

Ahmad Shāh Abdālī attacked on *Marathās* on 1174/ 14 January, 1761 and defeated them and the kingdom was going better in a good pace but incompetent authority of the kingdom could not maintain it at all. As a result, the political situation was getting bad and worse and meanwhile 19th century got started.

Many brutal political events took place in 19th century where only two Mughal emperors struggled a lot under the company government, one was Muhammad Akbar Shāh II (r. 1220/1806-1253/1838) who was made king for thirty one (31) years and

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Emperor's court in Allahabad. The accord also dictated that Shah Alam be restored to the province of Varanasi as long as he continued to pay certain amount of revenue to the Company. Awadh was returned to Shuja-ud-Daulah, but Allahabad and Kora were taken from him. The Nawab of Awadh also had to pay fifty-three lakhs of rupees as war indemnity to the East India Company.

The Nawab of Awadh, Shuja ud Daulah, was made to pay a war indemnity of 5 million rupees to the Company. Moreover, the two signed an alliance by which the Company promised to support the Nawab against an outside attack provided he paid for services of the troops sent to his aid. This alliance made the Nawab dependent on the Company." See, http://www.self.gutenberg.org/articles/eng/Treaty_of_Allahabad, accessed on Feb. 09, 2021.

[19] Walī Allāh, *Atyab al-Nagham fī Madhi Sayyid al-'Arab wal-'Ajm*, ed. And trans. Muhammad Karam Shāh al-Azharī, (Lahore: Ẓiā al-Qurān Publications, 1999), 25-32, first complete section (faṣl) of the book is dedicated to the issue.

other was Bahādur Shāh Zafar (r. 1253/1838-1273/1857) who was made for almost twenty (20) years, both were used as dummy kings with no real powers.

In 1273/1857 the British government took direct control of the subcontinent[20], subsequently a strong reaction flared up against the British government and many movements emerged to get freedom from the government but it was very difficult for them as the government was equipped with "mechenicalism" and "militarism".

Both tools made the government very strong that is why it took the people of the subcontinent a couple of centuries and non-stop efforts to get back their freedom.[21]

2.3 Political Aspect of Shāh Walī Allāh in Current Scnerio:

The polictical movement of Shāh played a vital role in the development of the society in Sub-Continent. The role of the political movement of Shāh may be divided into three eras:

i. Shāh Walī Allāh and his Party:

The subcontinent was passing through a very critical and uneasy times. During the lifetimeof Shāh Walī Allāh eleven Mughal rulers ascended the throne in rapid succession. Shāh Walī Allāh analyzed whole political scenario of the kingdom and established an outline to make peace revives, to achieve this goal, he planned a strategy that if *Marathās* are being controlled at the moment, the situation may get better. The best available choice to handle *Marathās*, according to Shāh Walī Allāh, was Ahmad Shāh Abdālī (as he was also keen to get control over the kingdom) and logistic support

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[20] Zakā'llāh, *Tārīkh-i Hindustān*, 48.

[21] Professor Muhammad Sarwar, I*fādāt-o Malfūzāt of Maulānā 'Ubaidullāh Sindhī*, (Lahore: Dār al-Kitāb, 2005), 161-62, (hereinafter referred to as Sarwar, Ifādāt).

may be given to Abdālī by local Navāb Najīb al-Daulah, for that purpose he wrote several letters to both Najīb al-Daulah and Abdālī[22].

Subsequently, after the death of the Shāh, his elder son, (Shāh) 'Abdul 'Azīz took the responsibility of the head of the party.

ii. Shāh Ishāq to Shaik al-Hind (1824 - 1920):

After eleven years of the incident of Bālā Kūt, Shāh Ishaq establish a new program on the basis of two principles:

i. Hanafī School is to be followed strictly

ii. To maintain relations with Ottman Empire.

Shāh Ishaq played a very strong role to maintain his party active in every sphere. This era ended up with the demise of Shaikh al-Hind.

iii. Jamiat 'Ulamā-i Hind (1919):

This is the third era which led the party of Shāh till the patrician of the sub-continent.

After patrician, the party was scattered and different groups claimed to be the successors of the political party.

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[22]Zakā'llāh, *Tārīkh-i Hindustān*, (Lahore: Madīnah Publishing Company, n.d.), 9:48, (hereinafter referred to as Zakā'llāh, *Tarīkh-i Hindustān*).

However, to take advantage from the political theory is still crystal clear and can contribute a lot in Pakistani society. The agenda of the political theory of Shāh is based on two points:

i. To purify human soul

ii. To take part in the political affairs of Muslim Ummah.[23]

2.4   Social and Economic Situation in His Country during His Time
2.4.1   Social Condition:

The political degeneration generally leads to social and economic decline. Shāh Walī Allāh lived his life during 1114/11703- 1176/1762, almost 62 years, but he felt sorrow and grieves in terms of social and economic situation of the subcontinent. Perhaps the Muguls were more pre-occupied with living in their absolute comfort and luxurious life style and were not concerned with what was happening in the rest of the country and the politics that was shapping up in general. Shāh 'Abdul 'Azīz Dihlavī had mentioned few instances of the luxurious life style of the Mughal nobles, one of them is given as follows:

"The women of the houses of Navāb Qamaruddīn Khān used to conclude their bath with a dip in rose-water. The indenture on *Pān* leaves and flowers purchased for the women folk of another noble amounted to rupees three hundred"[24].

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[23] See: Walī Allāh, *Hujjat Allāh al-Bālighah*, 1:250; whole chapter of *al-Irtifāqāt* in Shāh's book Hujjat, 1:124.

[24] Shāh 'Abdul 'Azīz, *Malfūẓāt-i Shāh 'Abdul 'Azīz.* (Mīrat: Matba' Mujtabai', 1897), 110, (hereinafter referred to as 'Abdul 'Azīz, *Malfūẓāt*)

The luxurious life-style of the monarchs was truly and apt to illustration of those days of *Caesar* (Qaisar) and *Chosrow* (Kisrā). But for this main evils, there were other reasons as well, namely the limitation of the kept territory bankruptcy of the state exchequer, multiplicity of the feudal lords and monopoly of the system. In short, the storm of bad luck had started blowing from everything and the higher class was mostly accountable that due to its ease and comfort, was taking the blood of its deprived subjects. These were the conditions of the Empire based in Dehlī, especially the ruling class[25].

Shāh Walī Allāh addressed different communities of the society like soldier,[26] artisans[27], *Sūfiā'* (صوفياء)[28], *'Ulamā* (العلماء)[29], Preachers (الواعظين)[30] and common Muslims (عامة المسلمين)[31] to perform the duties, assigned to them by Allāh.

2.4.2 Economic Conditions:

As far as the economic conditions of India is concerned, that at the end of Shāh Jahān's reign, the economic hub shifted to Bengal and the major expenditure on Aurangzēb's campaign was fulfilled from the revenue received from this province. They were comprehensively defeated by a fleet of Mughal-hired mercenaries. The

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[25] Walī Allāh, *Al-Budūr al-Bāzighah,* (Bijnore: Al-Majlis al-Ilmī, 1354 AH), 137.

[26] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* (Dabhel: Al-Majlis al-Ilmi, 1936), 1:285-86, (hereinafter referred to as Wali Allāh, *al-Tafhīmāt*).

[27] Ibid.,1:286-87.

[28] Ibid., 1:214.

[29] Ibid., 1:284.

[30] Ibid.

[31] Ibid., 1:217-18.

Company appealed to Aurangzēb for pardon and agreed to pay a substantial amount in compensation.

Aurangzēb appointed Murshid Qulī Khān, one of his most trusted assistants, as administrator of Bengal. He played a dynamic role in sustaining the political and economic integrity of the province, but he was dismissed by Bahādur Shāh, Aurangzēb's successor. Ali Vardī Khān, the governor of Bihar, occupied Bengal in 1725, to become the sole ruler of Bihar, Bengal and Orissa. He did not have, however, easy time, as he bore the brunt of the Marhatha attacks. 'Alī Vardī Khān passed away in 1756, to be succeeded by his young grandson, Sirāj al-Dawlah. Mīr Ja'far, a much older man, was the principal minister and the commander-in-chief of military. Due to the intriguing of Mīr Ja'far, and the consequent defeat of Sirāj al-Dawlah at the battle of Plassy in 1757 by the Company, the British successfully chocked off the jugular vein of Muslim economy in the subcontinent[32].

Nādir Shāh's devastating plunder in the Northern provinces had already greatly plundered the Mughal treasury and started the financial downslide of the Empire. By the time of 'Alamgīr II (r. 1754-59), the royal exchequer was unable to bear the expenses even of the royal household. On one occasion, some ladies of the imperial household, including the princesses, had to go without food for three days. They were

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[32] Mahmood Ahmad Ghāzī, *Islamic Renaissance in South Asia (1707-1867 The Role of Shāh Walī Allāh and His Successrs)* (Islamabad: Islamic Research Institute, International Islamic University, 2002), 68-69, (hereinafter referred to as Ghāzī, *Islamic Renaissance in South Asia*).

saved from starvation by a prince, who managed to get some food from the state of alms house[33].

This depressing situation prompted ambitious upstarts to vaunt their own wealth, gathering around themselves unscrupulous groups of people. The result was an unprecedented outcrop of parasites and sycophants. The Empire was no longer able to support. Consequently, men of principles left the capital in search of patrons elsewhere. Among those who left Dehlī for Lucknow and Faizabad, enumerating the poets alone, were Sirāj al-Dīn Ārzū, Mirzā Saudā, Mīr Taqī Mīr, Qalandar Bakhsh Jur'at, Inshā' Allāh Khān Inshā', Mushāfī and others.[34]

2.5 Academic and Spiritual Situation of His Country in His Time:

The Islamic teaching arrived the Indian subcontinent in the first century of *hijrī* by Muslim businessmen during the califpahte of 'Umar (R.A.)[35] and with the 'Arab-Muslim conquest various domains of the India, especially Sindh became the centre for Islamic teachings.[36] After the 'Arab power over Sindh came to an end and *Ghaznavid* (beginning 388/998) and *Ghorid* (beginning 570/1174) *Sultans* took their hold over that province.

[33] Jadunath Sarkar, *Fall of the Mughal Empire* (Calcuttah: M.C. Sarlar, 1912), 2:27, (hereinafter referred to as Sarkar, *Fall of the Mughal Empire*).

[34] Abu -l-Laith Siddīqī, *Lakhnau kā Dabistān-i Shā'irī.* (Lakhnau: Urdū Publishers, 1973), 56-77.

[35] Muhammad Ishāq Bhattī, *Barr-e Ṣaghīr main Islam kē Awwalīn Nuqūsh* (Lahore: Idāra-i Thaqāfat-i Islāmiyah, 1st.ed. 1990), 39.

[36] Muhammad Ishāq, *India's Contribution to the Study of Hadīth Literature* (Dhāka: Dhāka University, 1947), 21-22.

There was then an arrival of academics from *Khurāsān* and *Trānsaxiana*, known in Arabic as Ma Warā al-Nahr, causing a decline in the study of Islamic education.[37] During this time, poetry, astrology, speculative sciences, Greek philosophy and strict jurisprudence expanded popularity among the people.[38] Mentioning at the influence of Greek philosophy, Shāh Walī Allāh thought that these days the logical argumentation (*burhān*) (البرهان) has been spread due to mixing the Greek knowledge. The nation has engaged with the scholasticism (*kalām*) (علم الكلام) so much that each view of them relating to belief (*'aqīdah*) (العقيدة) is associated with logical argumentation.[39]

For a better understanding, the classical Muslim education system is explained in four different steps as below:

1. From the beginning of the seventh century to the ninth century of *Hijrah* (13th to 15th C.E.), the preferable subjects were *Nahv* (النحو) (Arabic Grammar), *Balāghah* (البلاغة) (Rehtoric), *Fiqh* (فقه) (Islamic Law), *Usul al-Fiqh* (أصول الفقه) (Islamic Jurisprudence), *Mantiq* (المنطق) (Logic), *Kalām* (علم الكلام)(Theology), *Taswwuf* (التصوّف) (Mysticism) and *Tafsīr* (Quranic Exegeses). The most focused subjects were المنطق والحكمة (Logic and *Hikmat)* (Metaphysics) and the main subjct of the learners of that time was *fiqh*. Afterwards, the number of *Fatāwā* (الفتاوى) (Judicial opinions) and *Riwāyāt*

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[37] Sayyid 'Abdul Hai Hasanī, *al-Thaqāfah al-Islāmiah fil-Hind* (Damascus: 1958) 135, (hereinafter referred to as 'Abdul Hai Hasanī, *al-Thaqāfah).*

[38] Ibid.

[39] Walī Allāh, *al-Tafhīmāt*, 1:82-3.

(الروايات)(transmissions) remarkably increased, but the majority of the scholars did not bother to further review or settle them with the *Qurān* and the *Sunnah*.[40]

2. From the end of ninth century of *Hijra* (15th C.E. during the rule of *Lodhīs*), the speculative scholarships blowout all over the kingdom and *Al-Matāli'* and *Al-Mawāqif* of 'Aḍuddīn al-Ījī, *Miftāh al-'Ulūm* of Al-Sakkākī, *Sharh al-Matāli'* and *Sharh al-Mawāqif* of Sharīf Al-Jurjānī, *Sharh al-'Aqīdah* of Al-Taftāzānī, *Sharh al-Waqāyah* of Sadr al-Shari'a and *Sharh al-Kafiah* of Mullā Jamī have been incorporated in the syllabus.

3. From tenth century to the twelve century of *hijrī* (16th to 18th C.E.), the scholars focus was on logic and metaphysics and it was extended across the country, during the said period, the latest Iranian speculative scholarships and literature were formally incorporated in the syllabus.[41]

4. During this period, the syllabus, designed by Mullā Nizāmuddīn Sahālvī (d. 1748 C.E.) has been implemented in the educational institutions and the same has been followed in the traditional *Madrasah* education in Indo-Pak subcontinent till to-date.[42]

Due to the importance of the syllabus of Mullā Nizāmuddīn, its subjects are being mentioned here for making better understanding of the situation of education:

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[40] 'Abdul Hai Hasanī, *al-Thaqāfah*, 13-5.

[41] Ibid.

[42] Ibid., 15-17.

Ṣarf (Morphology): *Mīzān, Mush'ib Panj Gonj, Zubdah, Ṣarf Mīr, Fusūl Akbarī* and *al-Shafiya.*

Nahv (Arabic Grammar and composition): *"Nahv Mīr", "Sharh Miat 'Āmil", Hidāyat al-Nahv, Kāfiah* and *Sharh Mullā Jāmī.*[43]

Balāghah (Rehtoric): *Mukhtasar al-Ma 'ānī* and *al-Mawāqif of Sa'duddīn al-Taftāzānī*

Mantiq (Logic): *al-Shghrā, al-Kubrā, Īsāghūgī, Tahzīb, Sharh Tahzīb, Qutbī, Mīr Qutbī, Sullam al-'Ulūm and Mīr Zāhid.*

Hikmah (Metaphysics): *Sharh Hidayah al-Hikmah of Mubaizī of Sadra, Sharh Hidayah al-Hikmah of Sadruddīn Shīrāzī* and *Shams al-Bāzighah of Jūnpūrī.*

Riāḍiyāt (Mathmatics): *Khulāsah al-Hisāb, Tahrīr Aqlīsua, Tashrīh al-Aflāk* and *Sharh Chagmini.*

Kalām (Theology): *Sharh 'Aqīdah Nasafiyah of Taftāzānī, Sharh 'Aqaid of Dawwānī* and *Sharh al-Mawāqif of Mīr Zāhid Haravī.*

Tafsīr (Qurānic Exegeses): *Tafsīr al-Jalālain* and *Tafsīr al-Baiḍāwī till Sūrah al-Baqarah.*

Hadith (Transmitted sayings, acts and tacit approvals of the prophet Muhamaad p.b.u.h.): *Mishkāt al-Masābīh* up to part of *Jumu'ah.*

Munāẓarah (Arbitration and Argumentation): *al-Rāshidiyah.*

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[43] Ibid., 16.

Fiqh (Islamic Law): *Sharh Wiqāyah* and *Hidāyah*

Usūl al-Fiqh (Islamic Jurisprudence): *Nūr al-Anwār, al-Talwīh* and *Musallam al-Thubūt.*[44] Further detail on *Fiqh* and *Usūl al-Fiqh* will be explained in coming sub-section.

The eighteenth century was identified as an excellent age of religious and general literature in one hand, hower, on the other hand, this century was marked as "a period of political and social decline".[45]

This era was the good time for the upgrading of Urdu poetry, narrating the poems criticism and *Mushā'irah* (مشاعرہ) (competition of narration of poems).[46] Despite general weakness of Islamic learning with regard to speculative scholarships there were various prominent scholars and writers in every sphere of arts and sciences

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[44] Ibid.

[45] 'Azuddīn Khān, *Armaghān-i Sa 'īd* ('Alīgarh: 'Alīgarh University, 1990), 78.

[46] 'Athar 'Abbās Riẓvī, *Shāh Walī Allāh and His Times* (Campell: Ma'rifat Publishing House, 1980), 189-90, (hereinafter referred to as Riẓvī, *Shāh Walī Allāh and His Times*).

in the century. The religious institutions were full of students and the *Sūfiyā⁴⁷* (Spiritual

Guides) used to teach in *Khānqāhs* (خانقاه) (hospices).⁴⁸

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⁴⁷ As far as four Ṣūfī orders is concerned, a brief account has been given below:

1. The Chishtī Order: "'Abd al-Qadir al-Jilani (b. 470/1077, d. 561/1166), also known as Gilani, is one of the more enigmatic figures in the history of Islam, as well as one of the most chronologically and geographically ubiquituous." See for detail: Braune, W. "'Abd al-Ḳādir al-Djīlānī." In *Encyclopaedia of Islam*. Vol. 1. 2d ed. Edited by H. A. R. Gibb, J. H. Kramers, E. Lévi-Provençal, and J. Schacht, (Leiden: Brill, 1960). 69-70.

2. Founded by Khwaja Abu Ishaq Shami Chishti (d. 940 or 966 C.E.), "the Chishti order derives its name from the village of Chisht in Afghanistan, which is located thirty miles away from the modern city of Herat. Chisht was home to remarkable family that produced an unbroken line of five great Sufi masters. It is from this family and their systematisation of 'tasawuuf' that the basic principles and methodology of the Chishti order were laid down." See: https://www.chishtiya.org/chishti-order/ accessed on 9ᵗʰ July 2021 at 4:00am.

3. The Suhrawardi Order: "Suhrawardiyya is the name of a Sufi order founded by Iranian Sufi Diya al-din Abu 'n-Najib as-Suhrawardi (RA) (1097 – 1168). He was a murid of Ahmad al-Ghazali (RA), who was a brother of Imam Abu Hamid al-Ghazali.c. 545 A.H. he was teaching Shafi'i fiqh at Al-Nizamiyya of Baghdad Academy. His surviving work is called Kitab Adab Al-Muridin. Many Sufis from all over the Islamic world joined the order under the founder's nephew Hazrat Shihab ad-din Abu Hafs 'Umar (RA) (1145-1234), who was sent as emissary to the court of Khwarezm Shah in Bukhara by the Khalifa in Baghdad. His son is buried in Tashkent. Later the Order spread into India through Hazrat Jalaluddin Surkh-Posh Bukhari (RA) and Hazrat Baha-ud-din Zakariya (RA)." See: https://aalequtub.com/29419-2/ accessed on 9ᵗʰ July 2021 at 3:46am.

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The some best published books on *Taṣassuf* written by Shāh Walī Allāh are worth reading and they are as follows:

1. *Ham 'āt*

2. *St 'āt*

3. *Lamhāt*

4. *Altāf al-Qudus fī M 'arifat Latīif al-Nafs.*

5. *Risālah dar Taṣawwuf.*

6. *al-Khair al-Kathīr.*

7. *al-Qawl al-Jamīl fī bayan Sawā al-Sabīl.*

Among the books given above, *Ham 'āt* is best one for those who want to the philosophy of *Taṣawwuf* in a logical order.

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4. The Naqshbandī Order: "Khwajgan known as the Naqshbandi Sufi Silsilah in India, originated in Transoxiana (Turkey) under the fundership of Khwajah Abu Yousuf Hamdani (1140 C.E.). Khwajah Bahauddin Naqshbandi (1318 C.E.) was the seventh in the Naqshbandi series. He was adopted by Khwajah Muhammad Shamsi. the fifth descendent of Hamdani. Bahau'd-din Naqshbandi died in (c.e 1389) and buried near Bukhara." See for detail: Shams ul Hasan. *Impact of Naqshbandi Silsilah Indian Muslims* (Alīgarh: Alīgarh Muslim University, 2010), 1-2.

[48] Sayyid Abul Hasan 'Alī Nadvī. *Tārīkh Da'wat wa 'Azīmat.* (Lucknow: Nadvat al 'Ulamā), 5:22-3, (hereinafter referred to as Nadvī, *Tārīkh Da'wat*).

The few prominent scholars and prolific writers of those times are mentioned below:

Apart from the scholars of Walī Allāhī family, there were Ahmad bin Abū Sʿaīd alias Mullā Jīvan (1130/1718), the author of *Nūr al-Anwār* and *Tafsīr-i Ahmadī,* Mullā Hasan (*1199*/1747) who wrote *Sharh al-Sullam,* Maulānā Ghulām 'Alī Āzād Bilgirāmī (1200/1786), Qāzī Muhibbullāh Bihārī (1119/1707), author of *Sullam al-'Ulūm* and *Musallam al-Thubūt,* Muhammad 'Alī Thānavī (), the author of *Kashāf Istilāhāt al-Funūn* and Mullā Nizām al-Ddīn Sahālvī (1161/1748) who introduced the syllabus that is called *Dars-i Nizāmī* which is adopted by all religious *Madrasahs* of Indo-Pak subcontinent and central Asia.[49]

As far as spiritual guidance is concerned, there are a number of *ṣūfīs* (spiritual guides) who have played their role to enhance the capacity of the masses of their times, the most prominent figure were Mirzā Mazhar Jān-i Jānā (1195/1781), an eminent *ṣūfī* of the *Naqshbandī* order,[50] Sayyid Abd al-Razzāq of Bansa (1136/1724), the spiritual guide of Mullā Nizāmuddīn of *Dars-i Nizāmī* fame, represented the *Qādriyah* order, Shāh Kalīmullāh Jahānābādī (1140/1728) and Shāh Fakharuzzamān of Delhī (1199/1785), both were eminent mentors of *Chishtiyah* order.

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[49] See, Ibid., 37-38.

[50] See, Ibid., 38.

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Other famous spiritual guides were Shaikh Muhammad Ghauth Lahorī (1154/1741) of *Qadriyah* order and Khawaja Muhammad Nasir Andlīb (172/1758) were belonging to *Naqshbandiyah* order.[51]

Shāh Walī Allāh was one of the best educationists of his era and observed the conditions of Islamic education keenly and commented: "It is disturbing me that I am living in a period of ignorance and conventional rigidity and following the personal wish and pleasure of everyone with his own ill-opinion and the fact is that the contemporariness is the basis of dislike".[52] He tried his best level to reform the situation as per requirements prevailing at that time through personal and collect efforts that have been shown in his personal works and later on in his successor's efforts.

2.6 Theoretical and Juristic Situation in His Time

The *Hanafī* school of thought has been practiced in general in the Indo-Pak subcontinent throughout the ages, however, *Shāf 'ī* school of thought was also practiced in the coastal areas, like Madrās and Kūkan etc. where Arab Muslims established their personal/community businesses and shared their religious practiced with the native Indian of that area. Eventually the data is available on both said schools of thought, like *Fatāwā Majm 'a al-Barakāt* by Muftī Abu al-Barakāt Dehlavī bin Sultān bin Hāshim, this book was written according to *Shāf'ī* school of thought in 1116 A.H. in the era of

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[51] Athar 'Abbās Rizvī, *Shāh Walī Allāh and His Times* (Campell: Ma'rifat Publishing House, 1980), 219-78.

[52] Walī Allāh, *Hujjat Allāh al-Bālighah,* ed. by Sa'īd Ahmad Pālan Pūrī (Karachi: Zam Zam, 2010), 1:34.

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Aurangzeb 'Ālamgīr[53] while *Fatāwā al-Hindiyah*[54] was compiled by a group of religious scholars both Indian and non-Indian according to *Hanafi* school of thought.[55]

As far as books on *Usūl al-Fiqh* (Islamic Jurisprudence) that are written in Indo-Pak subcontinent up to the era of Shāh Walī Allāh is concerned, most books are *Shurūh* (commentaries), *Hawāshī* (footnotes/marginal notes) and *Mukhtasarāt* (shortened books) of the books written by the scholars of *Mā Vrā' al-Nahr* and *Khurāsān*, like *Shurūh* on *Usūl-i Bazdavī*, *Shurūh and Hawāshī* on *Hussāmī*, *Shurūh* on *al-Manār* and *Shurūh* on *Talwīh*.[56]

The most important independent book on Islamic Jurisprudence is *Musallam al-Thubūt* of Qāẓī Muhibbullāh Bihārī (1119/1707) that is appreciated inside and outside the Indo-Pak subcontinent.[57]

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[53] Sājidah Butt, *Qāzī Muhibbullāh bahaitiyat-i Māhir-i Usūl al-Fiqh* (Lahore: Ph.D. Thesis, Oriental College, University of Punjab, 1992), 17-18, (hereinafter referred to as Butt, *Qāzī Muhibbullāh bahaitiyat-i Māhir-i Usūl al-Fiqh*).

[54] "Fatawa-e-Alamgiri (also known as Fatawa-i-Hindiya and Fatawa-i Hindiyya) is a compilation of law created at instance of the Mughal Emperor Aurangzeb (who was also known as *Alamgir*). This compilation is based on Sunni Hanafi Islam's Sharia law, and was the work of many scholars, principally from the Hanafi School. In order to compile Fatawa-e-Alamgiri, Aurangzeb gathered 500 experts in Islamic jurisprudence (*Faqīh*), 300 from the South Asia, 100 from Iraq and 100 from the Hejaz (Saudi Arabia)."

[55] 'Abdul Hai Hasanī, *al-Thaqāfah,*108.

[56] Dr Mazhar Baqā, *Usūl-i Fiqh aur Shāh Walī Allāh,* (Islamabad: Islamic Research Institute, 1973), 100-01, (hereinafter referred to as Baqā, *Usūl-i Fiqh aur Shāh Walī Allāh*).

[57] Butt, *Qāzī Muhibbullāh bahaitiyat-i Māhir-i Usūl al-Fiqh,* 20.

Holistic study of *Usūl al-Fiqh* in the Indo-Pak subcontinent shows that this discipline was well known up to the era of Shāh Walī Allāh as the Greek philosophy and *Fiqh* was most prominent subjects to defeat other logically and *Usūl al-Fiq* was used as a tool to serve them.[58]

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[58] Baqā', *Uṣūl-i Fiqh aur Shāh Walī Allāh,* 100.

CHAPTER THREE

THE LIFE AND WORKS OF SHĀH WALĪ ALLĀH

3.1 Introduction

Qutb al-Dīn Ahmad[59] ibn 'Abd al-Rahīm, commonly known as Shāh Walī Allāh descended on his father's side from 'Umar ibn Khattāb[60] (R), the second caliph of Islam while his lineage on the mother side is traced to 'Alī[61] (R), the fourth caliph of Islam. Shāh Muhammad 'Ashiq (d. 1187 A.H.), the maternal cousin of the Shāh was the descendant of Abū Bakr Siddīq[62] (R), thus, Shāh's mother descended from Abū Bakr (R). The Shāh was born on 4th of *Shawwāl* 1114/ 21st February1703, four years before the death of Aurangzēb.[63]

His genealogical table that has been given by his own self is as below:

"Faqīr Walī Allāh bin Shaikh Abdur Rahīm bin al-Shahīd Wajīhuddīn bin Mu 'azzam bin Mansūr bin Ahmad bin Mahmūd bin Qawwāmuddīn alias Qāḍī Qāzin bin Qāḍī Qāsim bin Qāḍī Kabīr alias Qāḍī Budh bin 'Abdul Malik bin Qutbuddīn bin Kamāluddīn bin Shamsuddīn Muftī bin Shair Malik bin Muhammad 'Atā' Malik bin 'Abul Fath Malik bin ''Umar Hakim Malik bin 'Adil Malik bin Fārūq bin Jarjīs bin Ahmad bin Muhammad Shahr Yār bin 'Uthmān bin Māhān bin Humāyūn bin Quraish

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[59] *His actual name is Ahmad, for detail,* see Muhamad Yāsīn Mazhar Siddīqī, *Shāh Walī Allāh Kā Aṣl Nām aur ḍamīma-i Tasānīf* ('Azam Garh: *Ma 'arif,* October; 2001), 287-300, (hereinafter referred to as Mazhar Siddīqī, *Shāh Walī Allāh Kā Aṣl Nām*).

[60] Walī Allāh, *Anfās al-Arifīn,* (Deoband: Maktaba al-Falāh,1393 AH), 331.

[61] G. N. Jalbānī, *Life of Shāh Walī Allāh* (Dehlī: Idarah-i Adabiyāt, 1980), 4.

[62] Mahmūd Ahmad Brakātī, *Shāh Walī Allāh aur Unkā Khāndān* (Dehli: Maktaba Jaimi 'a, 1992), 73, (hereinafter referred to as Barakātī, *Shāh Walī Allāh aur Unkā Khāndān*).

[63] Nasīm Ahmad Farīdī Amrōhavī, *"Haḍrat Shāh 'Abd al-Rahīm Fārūqī Dihlavī",* al-Rahīm, (Haidarabād: Shāh Walī Allāh Academy, 1967), 597.

bin Sulaimān bin 'Affān bin 'Abdullāh bin Muhammad bin 'Abdullāh bin 'Umar Khattāb".[64]

3.2   Education of Shāh Walī Allāh

3.2.1   Early Education

Shāh 'Abd al-Rahīm took special interest in the learning of his son as he saw signs of greatness in him. The Shāh reported some visions that has been seen by his parents before his birth.[65] The Shāh was sent to *maktab* (مکتب) (school) at the age of five where he memorized the *Qurān*, after that he started studying Persian and mastered it within a year as Persian was the language of education, administration and culture of India at that time. When he was eight years ole, he studied Arabic language and its grammar.

At age ten, he started studying the famous difficult books *Sharh Mullā Jāmī* and *Kāfiyah*. At the age of fifteen, he formally graduated from the *Madrasah-i Rahīmiyyah*, the Madrasah founded by his father, and was awarded the Turban of Hounor along with the permission to teach at the *Madrasah*. A ceremony was arranged by his father where jurists, 'ulamā', saints and judges were invited to celebrate this event.[66]

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[64] Walī Allāh, *Anfās al-'Ārifīn*: Urdū version, trans. Muhammad Fārūq al-Qādrī (Lahore: Farīd Book Stall, 2007), 325, (hereinafter referred to as Walī Allāh, *Anfās al-'Ārifīn*: Urdū version).

[65] Ibid., 393, for detail see, Nūr al-Hasan Rāshid Kāndhlvī, "Hadrat al-Imām Shāh Walī Allāh Dehlavī kaē Ajdād-i Girāmī aur Akhlāf-i Kirām: Khānvāda-i Walī Allāhī kaē bārē main Tārīkhī-o Tahqīqī M 'alūmāt", *Quarterly Sh'aūr-o Agahī* (Lahore:, Rahīmiyah Institute of Qurānic Sciences, Oct-Dec, 2009), 79-117.

[66] Walī Allāh, *Anfās al-'Ārifīn*, Urdu version, 394.

Shāh 'Abd al-Rahīm, the father, took special interest in the spiritual guidance of his son where he taught him method of contemplation and endued him the robe (*khirqah*) of mystics (خرقة التصوّف). When he was fifteen years old, he started performing the spiritual rites on *Naqshbandiyah* order along with his other *madrasah* duties. During the last illness of the father, the Shāh was permitted by him to guide people in *sulūk* (السّلوک).[67]

3.2.2 Later Education: Journey of the Shāh to Hijāz

The Shāh himself stated: "More or less twelve years I struggled to study and teaching the religious and rational subjects. Then I had a great yearning to perform the Hajj and visiting the two holy mosques. In 1143 A.H. I was bestowed the opportunity for performing Hajj. In 1144 A.H. I spent some time in both Makkah and Madinah and got *Ijāzah* (permission) from Shaikh Abū Tāhir (d. 1145/1733) and other scholars and got the excellent companionship of learned of two sacred places, the *Haramain Sharīfain* (الحرمين الشريفين). I was given the *khirqah jāmi'ah* (الخرقة الجامعة) (special robe of sufism combining robes of of all sufīs-orders) from Shaikh Abū Tāhir. In the end of the year I performed another Hajj (الحج) and in the beginning of 1145 A. H. proceeded to my homeland and safely reached home on Friday, 14th Rajab, 1145 A.H."[68]

3.2.3 The Some Famous Teachers of Shāh

The famous names of the teachers of the Shāh are as below:

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[67] See, Ibid.

[68] See, Ibid., 396.

1. Shāh 'Abd al-Rahīm (1054/1644-1131/1719), the father of the Shāh, the Shāh studied major conventional syllabus of the time and some books of mysticism under the tutorship of his father.[69]

2. Abū Tahir Madanī (1081/1671-1145/1733), the Shāh got lot of inspiration from him during his stay at Hijāz along with the studies of *Hadīth*. Abū Tahir also was very inspired by his student (Shāh Walī Allāh)[70]

3. Hājī Muhammad Fādil Sindhī (d. 1145/1733) taught him the text of *Qurān* with the narration of *Imām* Hafs.[71]

4. Shaikh Muhammad Afdal Siyālkūtī Thumma al-Delavī (d. 1146/1734), the Shāh studied *Mishkāt* and *Ṣihāh Sittah* (الصِّحَاح السِّتَّة) (the most six authentic books of *Hadīth*) from him.[72]

5. Shaikh Tāj al-Dīn al-Qal'ī al-Hanafī (d. 1734) permitted him to read and narrate the *sihhāh sittah* (most authentic six books of *Hadīth*), *Muwattā* of Imām Mālik, Musnad of Dāramī, *Muwattā* of *Imām* Muhammad and a portion of *Kitāb al-Athār* of Imām Muhammad.[73]

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[69] Walī Allāh, *Shifā al-'Alīl fī Tarjamat al-Qawl al-Jamīl*: Urdū version of *al-Qawl al-Jamīl fī Bayān-i Sawā' al-Sabīl*, trans. Khurum 'Alī (Lahore: Maktabah Rahmāniyah, n.d.), 211.

[70] Nasīm Ahmad Amrōhavī, *Nādir Maktūbāt-i Shāh Walī Allāh*: Maktūb no. 59 (Lahore: Idārah-i Thaqāfat-i Islāmiyah, 1999), 2:523, (hereinafter referred to as Amrōhavī, *Nādir Maktūbāt-i Shāh Walī Allāh*).

[71] Walī Allāh, *"Muqaddimah-i Fath al-Rahmān bi-Tarjamt al-Qurān,* ed. 'Abd al-Khāliq Azad Raēpūrī, *Quaterly Sha 'ūr-o Agahī* (Lahore: Rahīmia Institute of Quranic Sciences, July-September, 79-120, 2014), 117.

[72] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 238-39.

[73] Walī Allāh, *Anfās al-'Arifīn* (Urdu version), 392.

6. Shaikh Wafd Allāh al-Makkī al-Mālikī taught him *Muwattā* of *Imām* Mālik along with permission to narrate all Ahādīth narrated by his father.[74]

Apart from the teachers, mentioned above, the Shāh's *sanad* (سند) (*Hadīth* chain) is connected with seven *mashaikh* of *Haramain Sharīfain*. Those are:

1. Shams al-Dīn Muhammad bin 'Alā al-Bablī (d. 1077 A.H.)

2. Shaikh 'Isā al-J'afarī al-Maghrabī (d. 1080 A. H.)

3. Muhammad bin Muhammad bin Sulaimān al-Maghrabī (d. 1194 A.H.)

4. Shaik Ibrāhīm al-Kurdī (d. 1070 A.H.)

5. Shaikh Hasan al-'Ajmī (d. 1113 A.H.)

6. Shaikh Ahmad al-Nakhlī (d. 1130 H.)

7. Shaikh 'Abdullāh Sālim al-Basrī (d. 1134 A.H.)

The Shāh argued that the chain of the seven teachers, mentioned above, ends with the following two *shaikhs* (الشيخان):

1. Shaik al-Islām Zain al-Dīn Zakariyā (d. 852 A.H.)

2. Shaikh Jalāl al-Dīn al-Siyūtī (d. 911 A.H.)[75]

3.3 The Some Famous Students of Shāh Walī Allāh

After getting back from *Hijāz* (1145/1732), the Shāh started teaching again in his father *Madrasah Rahīmiyah* with his advanced knowledge and inspiration gained from the learned scholars of *Hijāz*. He deliberately tried to select a limited number of students due to his interest in writings and guiding special students to a special field as

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[74] Ibid., 376

[75] See, Ibid., 366-393

per his plan that he was given during his stay in *Hijāz*, even that the number of his student is very high.[76]

The names of his famous students are mentioned here in chronological order:

1. Shāh Ahl Allāh (1119/1708-1186/1772), the young brother of the Shāh, he was given charge of *Madrasah-i Rahīmiyah* by the Shāh during his stay in *Hijāz*. His academic work is worth mentioning that is as below:

   i.   *Anfās-i Rahīmiyah,* the collection of letters written by Shāh 'Abd al-Rahīm Dehlavī (d. 1719), the father of the Shāh.

   ii.   *Takhrīj-i Ahādīth-i Hidāyah*

   iii.   One *Risālah* on *Usūl al-Fiqh*

   iv.   *Tafsīr-i Qurān*

   v.   Persian translation of *Kanz al-Daqaiq*

   vi.   *Risālah-i Chahār Bāb* (four chapters)

   vii.   Persian translation of *Mūjaz al-Qānūn*

   viii.   *Risālah-i Fawaid*

   All his works are still manuscripts and need to be edited.

2. Khawāja Muhammad Amīn Kashmīrī (d. 1773)

3. Shāh Muhammad 'Ashiq Phaltī (d. 1187 H.), the maternal cousin and best friend of the Shāh, his academic is as below:

   a. *al-Qawl al-Jalī fī zikr-i Āthār al-Walī* (the biography of the Shāh, written during his life)

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[76] 'Abdul 'Azīz, *Malfūzāt-i Shāh 'Abdul 'Azīz,* 40.

b. Notes on *"al-Khair al-Kathīr"* of the Shāh

c. Edited *"Maktūbāt-i Shāh Walī Allāh"*

d. Edited *"al-Muṣaffā"* of the Shāh (the Persian treatise on Muwattā of Imām Mālik)

4. Shāh Abū Saʻīd Raē Barailī (d. 19 Sep. 1779)

5. Shāh (Raḍī' al-Dīn) ʻAbd al-Ghanī (1171/1757-1203/1789), the youngest son of the Shāh. His academic work is not known.

6. Muhamdmad Murtaḍā Zubaidī (1732-1791), he is the writer *"Tāj al-Urūs"* and *Ittihāf al-Sādat al-Muttaqīn.*

7. Qaḍī Thanā Allāh Panī Pattī (1725-1810), he joined the Shāh when he was eighteen years old and he edited some parts of *"Wasiyyat Nāmah"* of his teacher.[77]

8. Shāh (Muʻīn al-Dīn) ʻAbd al-Qādir (1167-1230/1815), he is second last son of the Shāh who translated Holy *Qurān* into Urdu language entitled *"Māḍih al-Qurān"* with the support of *"Fath al-Rahmān"*, the Persian translation of *Qurān*, translated by his father.

9. Shāh (Rafī' al-Dīn) ʻAbd al-Wahhāb (1163/1750-1233/1818), he is the third and last son of the Shāh who was a great scholar in his time. His academic work his worth mentioning:

   i. *Takmīl li-Ṣanā't al-Aẕhān*

   ii. *Asrār al-Muhabbah*

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[77] Muhammad Yāsīn Mazhar Siddīqī, *Haḍrat Shāh Walī Allā: Shākhsiyat-o Hikmat kā aēk T 'āruf,* ('Alīgarh: Shāh Walī Allāh Research Cell, Idārah 'Ulūm-i Islāmiyah, Muslim University, 2001), 11-13, (hereinafter referred to as Yāsīn Mazhar, *Haḍrat Shāh Walī Allā: Shākhsiyat-o Hikmat kā aēk T 'āruf*).

iii. *Risālah-i Muqaddimat al-'Ilm*

iv. *Risālah-i fī al-Tārīkh*

v. *Risālah-i Muqaddimat al-'Urūḍ wa al-Qāfiyah*

vi. *Risālah-i I'itibārāt-i Māhiyyat*

vii. *Tafsīr-i Āyāt al-Nūr*

viii. *Damgh al-Bāṭil.*[78]

10. Shāh (Imām al-Dīn) 'Abd al-'Azīz (1159/1746-1239/1824), the elder son of the Shāh from his second wife, was a great scholar, prolific writer and true successor of his father's academic, spiritual and political legacy. His few important academic works are as below:

   i. *Tafsīr-i 'Azīzī*

   ii. *Bustān al-Muhaddithīn*

   iii. *'Ujālah-i Nāi'ah*

   iv. *Fatāwā-i 'Azīziyyah*

   v. *Tuhfah-i Ithnā 'Asharah*

   vi. *Malfūzāt-i 'Azīzī.*[79]

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[78] Shāh Rafī' al-Dīn, *Risālah fī al-Tārīkh,* Urdu version, trans. And ed., 'Abd al-Khāliq Azād Raēpūrī. *Quartarly Sha'ūr-ō Agahī* (Lahore: Rahimia Institute of Qurānic Sciences, Jan-Mar, 2011), 77-83, (hereinafter Rafī' al-Dīn, *Risālah fī al-Tārīkh,* Urdu version).

[79] Yāsīn Mazhar, *Haḍrat Shāh Walī Allā: Shākhsiyat-o Hikmat kā aēk T 'āruf,* 11-13.

3.4 Academic Works of Shāh Walī Allāh: A Critical Analysis:

The Shāh was a prolific writer from his very young age and till his death where he has been writing voluminous books as well as brief booklets. The works cover all aspects of Islamic studies including social sciences.

The total number of his books is an unresolved issue among his biographers as Hāfiz Rahīm Bakhsh has mentioned more than forty five; Athar 'Abbās Riḍvī has mentioned seventy ; Hakīm Mahmūd Barakātī gave a list of fifty three while Professor Nithār A. Fārūqī set an alphabetical list where he suggested seventy eight books of the Shāh. According to Dr .M. Yāsīn Mazhar Siddīqī, the best list of books of the Shāh is given by Dr. Mazhar Baqā.[80]

This research has drawn from the works of Mazhar Baqā[81] and Yāsīn Mazhar[82] where they have given a list of the books of the Shāh along with the subjects of the books. Although the writers have divided a specific work of the Shāh into a specific subject but, according to the researcher, it is too difficult to confine his one work in one subject as the habit of Shāh is that he discusses different topics in one particular book.[83] This area of the books of the Shāh needs the attention of much more serious scholar.

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[80] Muhammad Yāsīn Mazhar Siddīqī, *Tasānīf-i Shāh Walī Allāh-Aēk Tanqīdī Jāēzah,* ('Alīgarh: Idārah-i 'Ulūm-i Islāmiyah, 'Aligarh Muslim University, 2002),23-4, (hereinafter referred to as Yāsīn Mazhar Siddīqī, *Tasānīf-i Shāh Walī Allāh-Aēk Tanqīdī Jāēzah*)

[81] Baqā, *Usūl-i Fiqh aur Shāh Walī Allāh,* 65-85.

[82] Yāsīn Mazhar Siddīqī, *Tasānīf-i Shāh Walī Allāh-Aēk Tanqīdī Jāēzah*), 23-93.

[83] The detail may be seen in his books like *al-Tafhīmāt al-Ilāhiyyah, Izālat al-Khīfā* and *Hujjāt Allāh al-Bālighah* etc.

A list of his published books has been given in annexure A, however, his most important works that have a significant role in the subject matter along with the analysis, are given below under a prescribed title:

3.4.1 Qurānic Studies:

1. *Fath al-Rahmān bi Tarjamat al-Qurān* (Persian)

This is not first Persian translation of the Holy Qurān, however, it is an exampalary and easy translation where the spirit of the Qurān has naver been compromised.

2. *al-Muqaddimah fī Qawānīn al-Tarjamah* (Persian)

This *Muqaddimah* is different from the *Muqaddimah* which is published with *Fath al-Rahmān bi Tarjamat al-Qurān.* Shāh Walīh found different translations during his time, however, they were not upto the mark. Therefore, he pointed out the short comings and wrote the booklet on the principles of how to translate the Qurān.[84]

3. *al-Fawz al-Kabīr fī Uṣūl al-Tafsīr* with *Fath al-Khabīr* (Persian and Arabic)

To make clear understanding of the sciences of Qurān in the light of his concept of *al-Jāddah al-Qawīmah*, Shāh Walī Allāh established the principles of *Tafsīr* (exegeses) in

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[84] The both *Fath al-Rahmān bi Tarjamat al-Qurān* (Persian) and *al-Muqaddimah fī Qawānīn al-Tarjamah* (Persian) are recently translated in easy Urdu language and published. See for detail; Mufti 'Abdul Khaliq Azad Raipūrī, *Qurānī Tarjamah Nigārī kī Ahmiyat aur Uṣūl o Qawānīn* (Lahore: Rahimiah Institute of Qurānic Sciences, 2016).

his book, mentioned above. To organize the book, he divided his book into five chapters where in the first chapter he discussed the five fundamental sciences of Qurān for making clear understanding of the definitive and explicit texts (*al-nuṣūṣ wal-mantūq Qurāniyah*) of Qurān (النصوص والمنطوق القرآنية). To clear hurdles to the understanding of Qurān, he allocated the second chapter while in the chapter three, he discussed the style of Qur and in chapter four he shed light on the God-Gifted sceinces of Qurān.

4. *Tawīl al-Ahādīth* (Arabic)

In this book, Shāh Walī Allāh explains the inner meaning of the stories given in the Qurān, starting from Adam (PBUH) to the Prophet Muhammad (PBUH). It is quite interesting that he enlightens the human vision through discussing the evolution of human society step by step from Adam (PBUH) to the Prophet Muhammad (PBUH). If *Tawīl al-Ahādīth* (Arabic) is read with the third chapter of *al-Budūr al-Bāzghah* by Shāh Walī Allāh, one can understand his rational and comprehensive approach of Irfāqāt evidently.

3.4.2 Hadīth and Fiqh Studies:

5. *al-Musawwā min Ahādīth al-Muwattā* (Arabic)

This book is in Arabic language. The basic methodology suggested by Shāh Walī Allāh is as below:

i. To arrange the Hadīths of Musawwa that is to be easy to reception.

ii. To comprise same group of Hadīths from which majority of the *fuqahā* inferred the law and to add with them related verses of Qurān.

iii. To discuss the opinions of *Hanfite* and *Shāfite* in every chapter.

iv. To explain the comments of the jurists on Mālik with kind hinting if those explanations are supported by the sound and clear Hadīths.

v. To fix the meanings of rare and difficult hard words of Hadīths as well as the jurisprudencial meanings along with their legal effective causes.

vi. To avoid mentioning references from the six authentic books except in rare cases as the scholars have completed this work.

6. *al-Musaffā Sharh al-Muwattā* (Persian)

The book is in Persian language and it was compiled by Shāh in later part of his life. Shāh had a wish to find a concept (*al-Jāddah al-Qawīmah*) for reconciliation among the fiqhī schools of thought. As a result, through heavenly inspiration Shāh chosed the *Muwattā* of Mālik and described it under the title of *al-Musaffā*.

Commenting on the book *al-Musaffā*, Nawāb Siddīq Hasan Khan has given a prestigious status to this book by saing that it had been written on perfect way and grounded on the way of *Ijtihād*.[85]

7. *Tarājim Abwāb-i Bukhārī wa Sharh Trājim B 'ad-i Abwāb-i Bukhārī* (Arabic)

This is one of the most important works on Hadīth by Shāh Walī Allāh. In this Risālah, he explained twenty four (24) parts and 359 chapters of the book *al-Sahīh*

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[85] Nawab Siddīq Hasan Khan, *Ithāf al-Nubalā*, 152-53.

of al-Bukhārī, out of 383. Giving instructions to understand the relation among the titles of abwāb of al-Ṣaḥīḥ, he has stressed on the thirteen (13) points that are worth reading from the book.

3.4.3   Objectives of Shari'ah and Islamic Jurisprudence:

8. *Hujjat Allāh al-Bālighah* (Arabic)

After definition of the science of inner meaning of *Sharā'i* (الشارع) and the subject matter of the book, Shāh has presented a brief introduction of the chapters of the book which is broadly divided into to two parts: one of them is about the general principles through which are systemized the beneficial purposes considered in the divine laws. Moreover, Shāh pointed out that the particulars of the inner dimensions of the divine laws go back to two fundamentals; the study of piety and sin and the study of the policies regulating religion. The second part of the book explained the inner meanings of the Hadīth under the topics of faith, knowledge, purification etc.[86]

9. *al-Inṣāf fī Bayān-i Sabab al-Ikhtilāf* (Arabic)

The book has five chapters deal with the issue of theoretic and juristic juristic disagreement among *Fuqahā* (Muslim jurists) and the types and scope of *ijtihād* (individual reasoning) within the *fiqhī* schools of thought. A considerable portion of its text is the same which is found in Author's book "*Hujjat Allāh al-Bālighah*".

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[86] Walī Allāh, *Hujjat Allāh al-Bālighah,* ed. Sa 'īd Ahmad Palanpūrī, (Karachi: Zam Zam Publication, 2010), 55.

10. *"'Iqd al-Jīd fī Ahkām al-Ijtihād wa al-Taqlīd"* (Arabic)

The book has five chapters which deal with nature, prerequisites and types of *Ijtihād*
and *Taqlīd* (الاجتهاد والتقليد) along with juristic disagreement among the jursits of
four legal schools of thought. The most important chapter is the chapter of
maintaining the balance in *Taqlīd*.

3.4.4 Spirituality:

11. *Fuyūḍ al-Haramain* (Arabic)

This is an Arabic book which was written by Shāh during his stay to Madīnah. The
book is based on his forty six (46) visions (*Mushāhidāt o Mubashirāt*) (المشاهدات
والمبشرات). To get rid of the doubts, Shāh asked the Prophet Muhammad (PBUH)
questions on different issues and found the answers from the Prophet (PBUH)
accordingly including the concept of *"al-Jāddah al-Qawīmah"*.

12. *al-Tafhīmāt al-Ilāhiyyah* with *Maktūb-i Madanī* (Persian and Arabic)

The book has different topics without any logical continuity. Every topic starts
entitled *"Tafhīm"* and some are in Arabic and some are in Persian. The number of
Arabic Tafhīmāt is two hundred forty (240) while in Persian are one hundred and
eighty seven (187). One of the most important books of Shāh where the concept of
al-Jāddah al-Qawīmah has been discussed in *Tafhīm* no. 66, in detail.

3.4.5 History and Biography:

13. *"Izālat al-Khafā 'an Khilāfat al-Khulafā"* (Persian)

The book discusses the principles of Islamic Caliphate and the balanced history of
rightly guided caliphs. A considerable amount of Hadīths relating to Islamic

Caliphat has been collected. It is in four volumes, among them one volume is dedicated to the *Fiqh* of 'Umar (R). Shāh considers the *Fiqh* of 'Umar is the text and all *fiqhī* laws derived later on are the explaination.

3.5 Conclusion:

The academic works of Shāh Walī Allāh, mentioned above, especially related to Islamic law and jurisprudence, have been consulted frequently in this work in the light of his concept of *al-Jāddah al-Qawīmah* in his theoretical and juristic perspective.

To understand his concept of *al-Jāddah al-Qawīmah* in his theoretical and juristic perspective, the next chapter is dedicated to clarify the concept.

CHAPTER FOUR

SHĀH WALĪ ALLĀH'S CONCEPT OF AL-JĀDDAH AL-

QAWĪMAH AS HIS THEORETICAL AND JURISTIC

PERSPECTIVE

4.1   The Definition of al-Jāddah al-Qawīmah:

The Literal Meaning:

The term *"al-Jāddah al-Qawīmah"* (الجادة القويمة) has been used by Shāh Walī Allāh for certain concepts in his academic works. The literal meaning of *"jāddah"* is a moderate way as discussed in *Lisān al-'Arab*:

والجادّة: معظم الطريق والجمع جوادّ، الجوادّ: الطرق واحدها جادّة وهي سوا، الطريق.[87]

(*al-Jāddah*, higher way, and plural is Jawādd i.e. ways, its singular is *Jāddah*, and that is moderate way).

القويمة: معناه المعتدل كما ذكره صاحب المعجم الوسيط القويم معناه المعتدل[88]

(*al-Qawīmah*: its meaning is the balance as discussed by the author of al-M'ujam al-Wasīt).

4.1.1   The Technical Meaning of *al-Jāddah al-Qawīmah*:

Using the principles of "the science of reconciliation among different legal opinions"[89] (علم تطبيق الأراء), Shāh Walī Allāh first of all used the term *"al-Jāddah al-*

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[87] Muhammad ibn Mukarram al-Afrīqī Ibn Manzūr, *Lisān al- 'Arab* (Iran: Adab al-Hawzah, 1405 A.H.), 3:109.

[88] Ibrahīm Mustafā, Ahmad Hasan al-Ziyāt, Hāmid Abdul Qādir, Muhammad 'Alī al-Najjār, *al-M'ajam al-Wasīt* (Istanbūl: al-Maktaba al-Islāmiyah, no date), 768.

[89] The science of reconciliation among different opinions" has been discussed by his son Shāh Raf 'ī al-Dīn bin Shāh Walī Allāh. For detail see: Shāh Raf 'ī al-Dīn, *Takmīl al-Adhhān ma Risālah Muqaddiamat*

Qawīmah min al-Sharī'ah al-Muhammadiah" (moderate and balanced path in the Sharī'ah of the Prophet Muhammad (PBUH) , while in Urdu درست کی شریعت محمدی (شاہراہ فکروعمل) to choose the moderate and balanced approach regarding some contested issues of Shari'ah of the Prophet (PBUH).

The term has been frequently used by Shāh in many of his magnum opus works. Some time it is used briefly such as "الجادة القويمة" and some time it is found with some detail such as "الجادة القويمة من الشريعة او المصطفوية" that is, the moderate and balanced approach from the perspective of the Shar'ah of the Prophet (PBUH). Perhaps the phrase first appeared in the treatise by Shāh titled, *"Fuyūḍ al-Haramain"* and then in his book *"al-Tafhīmāt al-Ilāhiyah"* where the Tafhīm number 66 is completely dedicated to this concept.

To identify the actual meaning and spirit of Islamic law, according to Shāh, three sources of knowledge i.e. Intellect, Tradition and intuition (*'Aql, Naql* and *Kashf*) have to be used for resolving the issues of Islamic law which are apparently considered contested/twisted as Shāh discussed it with the title of "the science of reconciliation among different legal opinions (علم تطبيق الآراء): He argues that

"وان نصيبنا فى هذه الدورة من تقاسيم رحمة الله ان يجتمع فى صدورنا علوم علماء هذه الامة معقولها ومنقولها ومكشوفها، وينطبق بعضها على بعض، ويضمحل الخلاف بينها، ويستقر ؛

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al- 'Ilm m 'a, m 'a Risālah Danishmandī, ed. Ṣūfī 'Abdul Hamīd Sawātī (Gujranwala: Idārah Nashr o Ish 'āt, Madrasah Nuṣrat al- 'Ulūm, 1993).

كل قول فى مقره، فهذا الاصل منسحب على فنون العلم من الفقه والكلام والتصوف وغيرها

بحمد الله وتوفيقه"[90]

"And our share in this role of sharing Allāh's mercy is that the sciences of the scholars of this nation gather in our hearts; They are reasonable, transmitted and revealed, and some of them apply to each other, and the disagreement disappears between them, and every saying settles in its place, so this principle applies to the arts of science from jurisprudence, theology, mysticism and others, praise be to Allāh and His success."

To define *al-Jāddah al-Qawīmah*, Shāh makes his point that the only source of Shari'ah that we have is the personality of the Prophet (PBUH). The Shari'ah law that reached to us from the Prophet (PBUH), have only four scientific and systematic ways in the given order. Apart from those four ways, if some one claims any knowledge, it would not be the knowledge of *Dīn*, however such knowledge is to be considered as some one's personal or rare opinion which has no legal authority for the *Ummah*.

To make *al-Jāddah al-Qawīmah* understood clearly, Shāh has set the conceptual frame-work, instead of giving definition in a traditional way, to excercise the concept for reaching to the actual Shari'ah law where all apparent divergent or contradicted *fiqhī* opinions can be solved as per actual status in the light of *Ẓāhir* Shari'ah (the stanadard Sharī'ah), in the order given below:

1. The law derived from the definitive text of the Holy Qurān.

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[90] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* Tafhīm no, 243, 2: 217.

2. The law which is derived from the Hadīths *Mustafīḍah* (المستفيض) and authentic (*Ṣaḥīḥ*) (الصحيح) .

3. The law which is narrated by Imām Mālik in his *Muwaṭṭā* in a manner that it is the view of the prominent jurist companions of the Prophet (PBUH) as well as their successors along with the actions of the people of *al-Madīnah....*

4. The law derived from the famous books which have the authentic (*Ṣaḥīḥ*) (صحيح) or the good (*Hasan*) (حسن) or the one that has the equal status. Morover, such Hadīth must be accepted by the group of the jurists too or the law which is derived using authentic and proper reasoning that is endorsed by the group of scholars in the right way.

These four levels, according to Shāh, are the standard Shariʿah (*Ẓāhir Shariʿat al-Nabī*), (ظاهرشريعة النبيّ صلى الله تعالى وعلى آله وسلّم) (peace be upon him) as well as these four levels are *"al-Jāddah al-Qawīmah"*, for derivation and reconciliation of laws, as discussed in his book *"al-Tafhīmāt al-Ilāhiyah"* in Tafhīm no. 66:

"للشريعة المطهرة ظاهر و شاذ. وظاهر الشريعة المصطفوية له مراتب:

1ـ فأقواها: ماوجد فى نص القرآن العظيم منطوقا به بحيث لايخفى المراد منه على العارف باللسان.

2ـ ويتلوه: مانطق به الاحاديث المستفيضة الصحيحة......

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3ـ ويتلوه ما حكاه مالكّ فى المؤطا: انه مذهب كبار الصحابة والتابعين والذى جرئ عليه عمل اهل المدينة من لدن زمان النبوّة الىٰ زمانه. وفى حكم ما حكاه مالكّ كذالك مما كان مثله مما يرويه سفيان الثورىّ مثلاـ ـ

4ـ ويتلوه ماصحّ فيه حديث صحيح أو حسن فى الكتب المشهورة وقام بمثلـ الحجّة، و أخذ به جماعة من الفقهاء، أو كان استنباطا صحيحا قويّا شهد له الجماعة بالصّحة.

فهٰذا كلّـ ظاهر شريعة النبىّ ﷺ والجادّة القويمة من سننه البين رشدها والباهر قدرها."91

"The pious and chosen Sharī'ah of the Prophet (PBUH) has *Ẓāhir* (the Standard) and **Shāḍ** (the Rare). There are systematic levels of the standard chosen Sharī'ah:

1. The law derived from the definitive text of Holy Qurān its purpose should not be hidden on the native speaker

2. The law which is derived from the Hadīths *Mustafīḍah* and authentic (*Ṣaḥīḥ*) which are narrated in *al-Ṣaḥīḥ of al-Bukhārī*, and of Muslim and in *Muwattā* of Mālik witohout clash among the Hadīths and without explicit difference in the texts of the Hadīths by my meaning that where the four conditions are to be gathered:

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[91] Ibid, Tafhīm no. 66, 1:153-55.

3. After that, the law which is narrated by Imām Mālik in his *Muwattā* in a manner that it is the view of the prominent jurist companions of the Prophet (PBUH) as well as their successors along with the actions of the people of *al-Madīnah* from the time of the Prophet (PBUH) to his time,

4. Then, the law derived from the famous books which are the authentic (*Ṣaḥīḥ*) or the good (*Ḥasan*) or the one that has the equal status. Moreover, such Hadīth must be accepted by the group of the jurists too or the law which is derived using authentic and proper reasoning that is endorsed by the group of scholars in the right way. Allāh Knows Better.

This is the whole standard Sharī'ah of the Prophet (PBUH) (*Ẓāhir Shari'at al-Nabī*) and *al-Jāddah al-Qawīmah* from his paths and its guidance is clear, its value is brightened."

To make *Ẓāhir Shari'at al-Nabī wa Nādirihī* more logical, Shāh has given the examples of *Ẓāhir al-Riwāyah* and *Nādir al-Riwāyah* books in Hanafite and Shāfīte schools.

Ẓāhir al-Riwāyah books (which are five written by Imām Muhammad bin Hasan al-Shaybānī) in Hanafite are as given below:

1. *al-Jām 'i al-Ṣaghīr*   2. *al-Jām 'i al-Kabīr*

3. *al-Siyar al-Ṣaghīr*   4. *al-Siyar al-Kabīr*

5. al-*Mabsūt (al-Aṣl)*

Apart from these five books of al-Shaibānī, all are *Nādir al-Riwāyah*.

According to Shāfīte, *Ẓāhir al-Riwāyah* sayings (*aqwāl*) (أقوال) are those which are unanimous among Imām Rāf'ī and Imān Nawawī while remaining are *Nādir al-Riwāyah* (نادر الرواية).[92]

4.2 The method to Know *al-Jāddah al-Qawīmah* Today:

The question arises how should al-*Jāddah al-Qawīmah* be understood today in the light of the frame-work given above by Shāh. The answer given by 'Ubaidullah Sindhī, one of the most prominent scholars and expert on Shāh Walī Allāh's studies, is to study and follow the books given below in the following order:

- ▶ *Al-Musawwā* to be read in the light *al-Jami Tirmidī*

- ▶ Then, *Sunan* of Abu Dawūd along with its *Sharh Maalim al-Sunan*

- ▶ Then, to pounder in *al-Sahih* of Bukhari for *Takhrij* of Hadīth

- ▶ Then, to contemplate in *al-Sahīh* of Bukhari as well as to make in line different *Turuq*

- ▶ Then, to study *Hujjat Allāh al-Bālighah* as an explanation of the four books mentioned above

- ▶ Then, to study *Fath al-Barī* of Ibn Hajr and *Musnad* of Ahmad combinely[93]

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[92] Ibid, 1:155.

[93] 'Ubaidullah Sindhī, *al-Tamhīd li T'arīf Āimat al-Tajdīd* (Jamshoro: Lajnah Ihyā al-Adab al-Sindī, n.d.), 377-78.

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So, the complete meaning of *al-Jāddah al-Qawīmah*, in the opinion of Shāh Walī Allāh, is "the balanced approach" and "the moderate way" to deal with Islamic law and jurisprudence.

Establishing the context of the perspective, Shāh wants to take Muslim community into unity and sets a scientific method for the scholars who were scattered due to *"istikhrāji fiqh"*.[94]

Providing an overview of the development of the moderate *fiqhī* perspective, Shāh mentioned it in several academic writings, especially what has been discussed in his famous book *"al-Tafhīmāt al-'Ilāhiyah"*, in *Tafhīm* no 66,[95] which has been enclosed with anaxure A but its gist is given below.

4.3 The Concept and Its Development:

A large and growing body of literature has investigated the development of the concept. According to Abu al-Hasan 'Alī Nadvī, the maoderate approach of the Shāh may be extracted from the following efforts done by him:

1. Invitation to the Qurān.

2. Dissemination and promotion of Hadīth and *Sunnah*.

3. Attempting reconciliation between *fiqh* and Hadīth.

4. Inclusive representation of Islamic law and jurisprudence.

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[94] The laws extracted by later *fuqahā fī al-mazhab* from the *furū 'āt* of their jurists.

[95] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 1:148-56.

5. Unveiling the objectives and secrets of Hadīth and *Sunnah*.

6. Explaining the duty of the caliphate and salient features of the rightly guided caliphate.

7. Reforming the politics of his time and criticizing the Mughal government.

8. Accountability and reformative invitation to the representatives of the *Ummah*.

9. Educating and training a group of Muslim scholars for shouldering the responsibility designed by him.[96]

A considerable amount of literature written by Shāh seems that he was unhappy with the terrible situation of juristic (*fiqhī*) differences among different schools of thought along with mystical and political differences.

Therefore, he started thinking to establish a moderate methodology that could extract the reality of causes of differences among the *fuqahā'* as well as find the moderate and accommodative conclusion to settle the issue once for all.

What we know about his concept of *al-Jāddah al-Qawīmah* is largely based on his famous book *"al-Tafhīmāt al-Ilāhiyah"* in *Tafhīm* no. 66[97]. Its gist has been incorporated here to understand the development of his concept:

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[96] Abu al-Hasan 'Alī Nadvī *Tārīkh D'awat-o 'Azīmat*, (Lakhnow: Majlis-e Tahqīqāt-o Nashriāt-e Islām, 2006), 5:131.

[97] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 1:148-55.

1. *Dīn* [Islam] has been divided into different *fiqhī* thoughts as well as the Muslim *ummah* in a way that the majority have been scared.

2. Some Muslim scholars were aware of the fact of the *Shari'ah*, given above, but they could not establish the systematic *al-Jāddah al-Qawīmah* which was chosen by Almighty Allāh.

3. Some Muslim scholars got the systematic approach but they were reluctant to give preference of an opinion of a jurist to another opinion of another jurist. Instead, they attempted reconciliation between apparent contradicted opinions to the extent which is suitable.

The subject matter has been done in detail, for instance, by Imām Sh'arānī in his great book *"al-Mīzān al-Kubrā"*[98] and by Imām Muhī al-Dīn 'Alī Ibn al-'Arabī.[99]

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[98] 'Abd al-Wahhāb al-Sh'arānī (1492 / 3-1565, 898-973, is an Egyptian scholar and Sufi Shafi'i, founder of the Egyptian method of Sufism, known as arāwiyyah. The ranking gradually declined after the death of Sh'aarānī, although it remained active until the nineteenth century. His primary work, al-Mizan al-Kubra, compares the rulings of the four Sunni schools of law as if it were a single school.

[99] The mystic, philosopher, poet and wise man, Muhammad bin Ali bin Arabi, is one of the greatest teachers of spirituality in the world. Known as Mohieddine ("Muhyiddin") and the Grand Sheikh ("The Greatest Teacher"), he was born in 1165 C.E. in Moroccan culture in Andalusian Spain.

The Shāh belongs to the last group of the scholars who, instead of giving preference to one *fiqhī* (juristic) opinion to another, attempted reconciliation among the *fiqhī* opinions to the extent which is suitable.[100]

The Shāh was blessed with two different sciences exceptionally to attempt his concept of *al-Jāddah al-Qawīmah* in juristic disagreements, as given below:

1. The science of beneficial purposes (*'Ilm al-Masālih wal- Mafāsid*) (علم المصالح والمفاسد)

2. The science of the religious laws (*'Ilm al-Sharai' wal-Hudūd*) (علم الشّرائع والحدود)

To make the moderate concept clearer, he has divided the *Shari'ah* of the Prophet Muhammad [pbhu] into two types:

1. Standard (*zāhir*) (ظاهر)[101]

2. Rare (*Shādh*) (شاذ)

The standard (*zāhir*) *Shri'ah* is the core, according to the Shāh. It is further divided into different levels and they are as below:

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[100] To the extent means the reconciliation among the disagreements has been dealt as per its actual position.

[101] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* 1:153.

It should be known that there is no way for us to know the Sharī'ah laws and *ahkām* except the Hadīth of the Prophet (PBUH), contrary to the interests that are understood through honest experience and contemplation and inference.

There is no way for us to know the *Akhbār* (الأخبار) (Hadīth) of Muhammad (PBUH) unless we find them from the narrations that lead to it in the form of connection and tradition, or there are Hadīths that are stopped by the narration of their companions and followers in such a way that it is unlikely that they will act strictly in them, without a text or a reference from the *Shari'ah,* so such Hadīths are considered to be narrations from the Prophet [pbuh].[102]

As well as there is no way to receive such narrations at present except from following the books compiled in the science of Hadīth; because there is no narration that can be trusted and is not codified.

There are different classes of Hadīth books that are high and low in terms of validity, so it is necessary to pay attention to familiarity with the classes of Hadīth books.

The books of Hadīths are based on authenticity and fame and are divided into four categories, because the highest types of Hadīth are that they have *tawātur* and the *Ummah* agrees on accepting and acting on it.

After that it should be used in various ways so that:

A. There is no doubt in it,

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[102] Ibid., 1:142-53.

B. What it is in practice,

C. The jurists of the cities (amsār) (امصار) agree on it,

D. Or at least the scholars of the two holy shrines (haramain) do not disagree with it. Because the two holy shrines were the place of the righteous caliphs in the first century, and the scholars have been traveling there, so it is unlikely that they will make an apparent mistake and not deny it,

E. Or it is a famous practice that is common in a large area of a large group of the companions and their successors.[103]

After that, the one whose chain (sanad) is correct or good (hasan) and the scholars of Hadīth testify to it, and it is not such a practice that it is abandoned and nobody believes in it, but the one that is weak, subject or interrupted, or in the sanad or text of change and falsification occurs either from the narrations of an unknown person, or is against the consensus of the predecessors in every class and century, so it is not right to believe in it.[104]

4.4 Terminologies of Science of Hadīth used by Shāh:

To make clear understanding the Hadīths terms used by Shāh and other Muhaddithīn, we need to collect all terms here from his various academic writings. Shāh has generally categorized the narrated Hadīths from the Prophet Muhammad (PBUH) into seven classes. Those are as below:

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[103] Ibid.

[104] Walī Allāh, Hujjat Allāh al-Bālighah, 1:375-86.

1. *Mutawātir* (المتواتر) 2. *Mustfīḍ* (المستفيض) 3. *Mashhūr* (المشهور) 4. *Khabar Ṣaḥīḥ* (الخبر الصحيح) 5. *Hasan* (الحسن) 6. *Azīz* (العزيز) 7. *Ḍa'īf* (الضعيف).

1. *Mutawātir:* it is divided into two type:

i. *Mutwātir Lafḍī* ii. and *Mutwātir M 'anawī.*

a. *Mutwātir Lafḍī* (المتواتر اللفظى): "That Hadīth which has been narrated word by word by a great number of transmitters that there could be no collusion, all being known to be reliable and not being under any compulsion lie naturally".[105]

b. *Mutawātir M'anavī* (المتواتر المعنوى): Receiving the law of Allāh through indication and this is what the companions observed the Prophet (PBUH) speaking and acting, and then devided from that a ruling of obligatory and other rulings, so that they informed about that reuling by saying, "such as compulsory, while some other one is simply permissible". Then the successors likewise accepted this from the companionos, and the third generation recorded their legal opinions and judgements and strengthened the matter.[106]

ii. *Mustafīḍ:* "Which Hadīth has been transmitted by three or more of the companions, then the transmitters continued to increase until the fifth genenration".[107]

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[105] Walī Allāh, *Maktūbāt m'a Manāqib al-Bukhārī wa Faḍīlat Ibn Taimiyah* (Dehli: Matba' Ahmadī, n.d.), 19.

[106] Walī Allāh, *Hujjat Allāh al-Bālighah.* 372.

[107] Ibid.

iii. *Mashhūr*: Upon Shāh Walī Allāh which has been transmitted by one or two companions fro the Prophet.[108] Shāh Walī Allāh has given short definition of the Mashhūr Hadīth. However, majority of the Hadīth scholars have presented long description. According to them the Mashhūr Hadith which has been transmitted by more than two transmitters and according to a group of the scholars the Mashhūr and Mustfīḍ are same.[109] The number of transmitters in Shāh's definition of Mashhūr and that of other scholars are different.

iv. *'Azīz*: That Hadīth which has been narrated from the Prophet (PBUH) by single transmitter and in the stage of senior or junior Tābi'īn has several transmitters.[110]

v. *Gharīb*: That Hadīth in any stage of which chain there is single transmitter. Shāh said that if the Hadīth had only one chain and had no other chains that was called *Gharīb Mutlaq*.[111]

Position of *al-Khabr al-Wāhid*: According to the all most *Muhaddithīn* every Hadīth does not reach the stage of *Mutawātir* is *al-khar al-wāhid*.[112]

vi. *al-Ṣahīh*: That Hadīth which has been transmitted by the thiqah transmitters from first to last with connected chain without *Nukrah*[113] and *'Azīz* that is called

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[108] Walī Allāh, *Maktūbāt m'a Manāqib al-Bukhārī wa Faḍīlat Ibn Taimiyah*, 21.

[109] Ibn Hajr, *Nuzhat al-Nazar*, 28.

[110] Walī Allāh, *Maktūbāt m'a Manāqib al-Bukhārī wa Faḍīlat Ibn Taimiyah*, 21.

[111] Ibid.

[112] Ibn Hajr, *Nuzhat al-Nazar*, 32-33.

[113] That Hadīth which has been transmitted by the weak transmitter against the transmission of stronger transmitter than him.

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al-Ṣaḥīḥ.[114] This is the common definition of al-Ṣaḥīḥ mentioned by almost Ḥadīth scholars except they have said *Mu'allal*[115] in place Nukrah which has been mentioned by Shāh Walī Allāh.[116]

vii. *Hasan*: That Ḥadīth, according to Shāh, which did not reach the stage of *Mashhūr* before the period of compiling and has many lines of chain and it would be known that this Ḥadīth has been transmitted from the companions or the successor or the successor of the successor. Then which Ḥadīth has several chains, and transmitters are connected to each other that is called "*Hasan*".[117]

ThSome general discussion has been given for the classification of Hadī books as below:

Therefore, it is correct for the author of the book to consider himself committed not to include anything other than the *Ṣaḥīḥ* or *Hasan* Ḥadīth in his book, and it should not be inverted, weak and weak unless he states its condition, because inserting a weak Ḥadīth by expressing its weakness, there is nothing wrong with the book.

The Ḥadīths mentioned in it are compiled in the general language of the *muhaddithīn* before and after the compilation, so the imāms of the Ḥadīth narrated them before the author of the book in various ways and included them in their *musanīds* and

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[114] Walī Allāh, *Maktūbāt m'a Manāqib al-Bukhārī wa Faḍīlat Ibn Taimiyah*, 21.

[115] That Ḥadīth which apparently is seen sound but it has subtle hidden defect which no one can detect except great expert in the science of Ḥadīth (Ibn Hajr, *Nuzhat al-Nazar*, 68-69).

[116] Ibn Hajr, *Nuzhat al-Nazar*, 37.

[117] Walī Allāh, *Maktūbāt m'a Manāqib al-Bukhārī wa Faḍīlat Ibn Taimiyah*, 21. See also for complete terminology: Muhammad Mosleh Uddin, *Shāh Walī Allāh's Contribution to Ḥadīth Literature* (Ali Garh: Ali Garh Muslim University, 20003), 207-12.

jawām'i, and after the author, the narration of the book and its preservation and the discovery of its problem and its strange explanation and the extraction of the methods of its hadiths and the inference of their jurisprudence should discuss the condition of the narrators in every century and class until today.

The critics of the Hadīth before the author and after him to agree with it in the practice and judge its correctness and accept the author's opinion in it, and consider his book with praise, and always the Imams of Jurisprudence deduce from those Hadīths and trust in them and pay attention to them, and the general public believes in it and bows from it.

In short, if these two qualities (authentic and famous Hadīth) are fully combined in a book, that book is considered from the first class and if both are completely missing in a book, that book will have not be considered a good one. Which has the highest base in the first class is that which reaches the level of *tawātur*, and that which is lower reaches the level of *Istifāḍah* (fame), then reaches the definite correct (*al-ṣihhah al-qat'iah*) that is valid in the science of Hadīth that is useful for action. And the second class is that which has reached the level of *Istifāḍah* or definite or probable (*al-zaniah*).[118]

4.5 Illustration of the Concept:

Shāh contended that the concept of *al-Jāddah al-Qawīmah* consisted of those principles on which all the four *sunnī* schools, or at least the *Hijāzī* and the *Kūfī* schools,

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[118] Ibid., 1:376.

agreed.[119] He stressed the binding character of the concept and emphasized that legal activity should remain confined within its bounds.[120]

However, he admitted that within the concept of *al-Jāddah al-Qawīmah* variant rulings were found on many questions. Since all of those variants were based on evidence of equal authority and all of them served the actual purpose and consideration of the *shari'ah,* all of them were, despite their divergence, definitely valid and equally permissible, even as the seven variant readings of the Qurān and different items of expiation were equally recognized in the *Shari'ah.*[121]

Shāh compared these variants found within the concept of *al-Jāddah al-Qawīmah* to the different viewpoints found within a school of thought which were recognized by its jurists equally valid and authentic.[122] He, further, stressed that the concept of *al-Jāddah* ought to be considered in the manner that he considers a school of thought and should choose from its alternative principles, all of which were, according to him, equally valid.[123]

The concept of *al-Jāddah*, in the opinion of Shāh, is based on the classification of Hadīth books, the most authentic Hadīth book in his view is *Muwattā* of Mālik. Its detail is to be discussed in the coming section.

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[119] Walī Allāh, *Hujjat Allāh al-Bālighah,* 1: 412.

[120] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* 1:155

[121] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd.* ed. Muhammad 'Alī al-Halbī al-Athrī (Sharjah: Dār al-Fath, 1995), 16.

[122] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* 1:155.

[123] Ibid.

4.6   The Most Authentic Hadith Works for Shah:

For Shah the most authentic hadith collections are *Muwattā* of Imām Mālik, *Sahīh* of al-Bukhārī and *Sahīh* of Muslim. Imām al-Shāfi'ī said:[124]

"The correct book after the book of Allāh Almighty is *Muwattā* of Mālik."[125]

The Hadīth scholars agree that everything in it is correct according to the opinion of Imam Malik and his supporters, but according to others there is no *Mursal* (المرسل) or *Munqat'i* (المنقطع) Hadīth in it, unless the chain (*sanad*) is connected in another way.

During the time of Imām Mālik, several *Muwattās* were compiled by his disciples and ahadīths of *Muwattā* were narrated from Imam Malik and its *Munqat'i* were connected,

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[124] Ibn 'Abdul Barr, *al-Tamhīd lima fī-Muwattā min al-Ma 'ānī wal Asānīd*, introduction, ed. Usama bin Ibrahim (Cairo: al-Furūq al-Hadīthah, 1999), 59.

[125] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1: 377. The justification is given by Mufti Sa'īd Ahmad Palan Pūrī that the saying of the Imam Shāf'ī, mentioned above, was before the compilation of Sahīhain of Bukhārī and Muslim. See, Ibid, at foot note of 4.

such as the book of Ibn Abī Zi'b,[126] and Ibn 'Uyayna,[127] Thawrī[128] and M'amar,[129] etc.,

and others who shared same teachers with Imam Malik.

About a thousand people have narrated *Muwattā* directly from Imām Mālik, and

people have traveled to Imām Mālik from far and wide about listening to *Muwattā*, as

the Prophet (PBUH) had predicted in a Hadīth.[130] Among them are great jurists such

as Imām Shāfi'ī, Imām Muhammad ibn Hassan Shaybanī, Ibn Wahb and Ibn al-Qāsim,

and some of them are skilled Hadīth narrators such as Yahyā ibn Sa'id Qatan, 'Abd al-

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[126] Muhammad bin 'Abdul Rahmān bin al-Mughīrah bin al-Hārith bin 'Abī Dh'ib (80-150 A.H.), a
Madinan scholar and traditionalist.

[127] Abū Muhammad Sufyān ibn 'Uyaynah ibn Maymūn al-Hilālī al-Kūfī (725-815 C.E.) was a prominent
eighth-century traditionalist and Islamic religious scholar from Mecca. He was from the third generation
of Islam referred to as the Tābi'u al-Tābi'īn, "the followers of the followers".

[128] Abu Abdullah Sufyan ibn Said ibn Masruq al-Thawri (715-778 C.E.) was a Tābi' al-Tābi'īn Islamic
scholar and jurist, founder of the Thawri madhhab. He was also a great hadith compiler

[129] Ma'mar ibn Rashid (714-770 C.E.) was an eighth-century hadith scholar. A Persian mawla, he is cited
as an authority in all six of the canonical Sunni hadith collections.

[130] "إِنَّ كَثِيرًا مِنْ عُلَمَاءِ التَّابِعِينَ قَالُوا إِنَّ الإِمَامَ مَالِكًا رضي الله عنه هو الذي عناه النبيُّ صلى الله
عليه وسلم بقوله ("يُوشِكُ أَنْ يَضْرِبَ النَّاسُ أَكبَادَ الإِبِلِ فلا يَجِدُونَ أَعلَمَ مِنْ عَالِمِ المدينة"

عَنْ أبى هُرَيرَةَ رضي الله عنه أن النبيَّ صلى الله عليه وسلم قال (يُوشِكُ أَن يَضْرِبَ النَّاسُ أَكبَادَ الإِبِلِ
يَطلُبُونَ العِلْمَ فَلاَ يَجِدُونَ أَحَدًا أَعلَمَ مِن عَالِمِ المَدِينَةِ) رواه الترمذي وقَالَ هذا حَدِيثٌ حَسَنٌ."

وَقَدْ رُوِيَ عَن ابن عُيَينَةَ أَنَّهُ قَالَ فِى هَذَا سُئِلَ مَن عَالِمُ الْمَدِينَةِ؟ فَقَالَ إِنَّهُ مَالِكُ بْنُ أَنَسٍ رضي الله عنه
وابن عيينة من كبار السلف من مجتهديهم توفي سنة 198 للهجرة، والإمام مالك توفي في المدينة
المنورة سنة 179 للهجرة، وضرب أكبَاد الإبِل كناية عن السير السريع لأن من أراد ذلك يركب
الإبل ويضرب على أكبادها بالرجل.

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Rahmān ibn Mahdī and ‘Abd al-Razzāq, and some were kings and rulers such as Harun al-Rasheed and His two children.[131]

4.7   Shah's Views on Reconciling of Fiqh and Hadīth:

It was one of Shāh's moderate achievements, and a wonderful golden circle in the chain of his service to the noble Hadīth and his victory for the *Sunnīs* is that he attempted to reconcile between Islamic jurisprudence and Hadīth, followed by the attempt to combine and synthesize between the four *Sunnīs* schools, using the concept of *al-Jāddah al-Qawīmah*, and this indicates the sincerity of that message that Shāh received.[132] It was said:

"إن مراد الحق فيك أن يجمع شملا من شمل الأمة المحمدية بك."[133]

(The truth in you is to bring together those who include the community of *Muhammad* (peace be upon him) (through your guidance).

After reading the books of the four schools of thought and their origins, and examining the relevant *ahadiths* on which these are based, he decided on to take a middle course and have a balanced and moderate approach. This is approach is explained by Shah himself in a nice way.

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[131] Walī Allāh, *Hujjat Allāh al-Bālighah*, 2010, 1: 230-31

[132] Abu al-Hasan 'Alī Nadvī, *Tārīkh D'awat-o 'Azīmat*, 5:131.

[133] Walī Allāh, *Al-Juz' al-Latīf fi-Tarjamat al- 'Abd al-da 'īf*, n.d., 4.

He argues that in *furū'āt* or secondary issues those later/junior jurists who combine Islamic jurisprudence with ahadīth should be followed and jurisprudential issues must be presented as per the commands of the Qurān and the Sunnah.[134]

He adds: "There is no need for the *ummah* in any age to present discretionary (on personal liking/disliking) issues to the Qurān and Sunnah".[135]

The *takhrīj* (التخريج) is based on the words of the jurists and each of them follows the wording of the Hadīth. Each of them bases his views in religion and the investigators (*muhaqiqīn*) (المحققين) among the scholars in every age still accept that and some of them are less than that and a lot of that and some of them the one who multiplies the one and the lesser than that, should not neglect the matter of one of them at all as the general of the two groups does, but the pure right is to match one with the other, and to compel each other's imbalance. [136]

4.8 Moderation between *Ijtihād* and *Taqlīd*:

According to Shāh, there is a great benefit in staying within the four Sunnī fiqhī schools and there is great harm in deviating from them due to the following reasons:

I. The *Ummah* has agreed by consensus to rely on the pious ancestors in knowing the law of Allāh. In doing this the *Tab'īn* relied on the *Ṣahābah* and *Taba'*

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[134] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 74-75.

[135] Ibid.

[136] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1: 436, The complete context of the qutation is as follows:

"ومنها: ان التخريج على كلام الفقهاء وتتبع لفظ الحديث: لكل منهما اصل اصيل فى الدين ولم يزل المحققون من العلماء فى كل عصر يأخذون بهما، فمنهم من يُقلُّ من ذا ويكثر من ذالك ـ ـ ـ وانما الحق البحت: ان يطابق احدهما بالآخر وان يجبر خلل كلّ بالآخر."

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Tāb 'īn relied on Tāb'īn. In this way the scholars of each generation relied on those who had lived earlier. Reason indicates the propriety of this because the law of Allāh is only known through transmission and inference.[137]

II. The Prophet (PBUH) said:

<div dir="rtl">

"فاتبعوا السواد الأعظم"[138]

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"Follow the vast majority".[139]

III. The next one is that once a long time had passed, the era became remote and trustworthiness was lost, it is not permitted to rely on the pronouncements of the corrupt scholars among oppressive judges and the muftis who follow their own whims.[140]

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[137] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 40-42.

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[138] عن عبد الله بن عمر رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم :"لا يجمع الله هذه الأمة على ضلالة أبداً ـ قال ـ يد الله على الجماعة فاتبعوا السواد الأعظم فإنه من شذَّ شذَّ في النار "

قد رواه ابن ماجه وغيره، وفيه معان بن رفاعة، وهو لين الحديث، وأبو خلف الأعمى، وهو متروك، ومن ثم حكم الأئمة بضعف الحديث. وراجع سلسلة الأحاديث الضعيفة للألباني حديث رقم: 2896.

"فالأمر بالجماعة والائتلاف هو أمر من الله تعالى لعباده المؤمنين، وأمر من رسول الله صلى الله عليه وسلم، لأمته، والأمر للوجوب كما هو معلوم ومقرر في علم الأصول، وعلى قدر امتثال المؤمنين لهذا الأمر تكون سعادتهم في الدنيا، وحسن العاقبة في الآخرة. وتوجد أحاديث أخرى في الباب تعاضد الأحاديث السابقة وتدل إجمالاً على ما دلت عليه. فمنها حديث أبي موسى الأشعري رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم)) :إن المؤمن للمؤمن كالبنيان يشد بعضه بعضاً. (متفق عليه)"

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[139] Hadīth is available in the collections of of Ibn Mājah (Fitan 8).

[140] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 41-42.

On the contrary, Ibn Hazm is of the view that *Taqlīd* is forbidden. It is not permitted for anyone to follow the opinion of someone other than the Prophet of Allāh (PBUH) without proof due to Allāh's saying:

"اتَّبِعوا ما أُنزِلَ إِلَيكُم مِن رَبِّكُم وَلا تَتَّبِعوا مِن دونِهِ أَولِياءَ ۗ قَليلًا ما تَذَكَّرونَ"[141]

"Follow what was revealed to you from your Lord and do not follow guardians besides Him".

"يا أَيُّهَا الَّذينَ آمَنوا أَطيعُوا اللَّهَ وَأَطيعُوا الرَّسولَ وَأُولي الأَمرِ مِنكُم ۖ فَإِن تَنازَعتُم في شَيءٍ فَرُدّوهُ إِلَى اللَّهِ وَالرَّسولِ إِن كُنتُم تُؤمِنونَ بِاللَّهِ وَاليَومِ الآخِرِ ۚ ذٰلِكَ خَيرٌ وَأَحسَنُ تَأويلًا"[142].

"O you who have faith! Obey Allāh and obey the Apostle and those vested with authority among you. And if you dispute concerning anything, refer it to Allāh and the Apostle, if you have faith in Allāh and the Last Day. That is better and more favourable in outcome."

While rebutting Ibn Hazm's point of view, Shāh argued that this verse along with other similar verses did not allow recourse to any person beyond the Qurān and Sunnah in time of dispute.[143] Either he follows the Hadīths and the sayings of the one who disagrees with the matter and does not find a copyist for him, or if he sees a large number of scholars go to him and sees the one who disagrees with him is not invoked

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[141] Qurān 7:3.

[142] Qurān 4:59.

[143] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 42.

except by analogy or deduction or the like, then there is no reason to contradict the hadith of the Prophet, (peace and blessings be upon him) except for hidden hypocrisy or clear idiocy.[144]

This is what Sheikh 'Izz al-Dīn bin 'Abd al-Salām referred to when he said:

"It is astonishing that one of the *muntsib* jurists stands on the weakness of the position of his Imām, so that for his weakness he does not find an impulse, and he nevertheless imitates him in it and leaves those who witnessed the *Qur'ān*, the *Sunnah* and the correct analogies of their doctrine, stagnation in the doctrine of his imām, rather to push the apparent meaning of the *Qur'ān* and the *Sunnah* and interpret them with distant false interpretations, he becomes a struggle for his *muqallid*".[145]

He argues that People continue to ask the agreed upon scholars without restricting a doctrine, nor denying any of the questioners until these doctrines and their fanatics emerged from the *muqallid*. The truth, far from what is right, is not acceptable to any of the first-minded.

The one who is a commoner and follows a particular *imām* from among the jurists who thinks that he refrains from making a similar mistake, and that what he said is absolutely right, and he decides in his heart not to leave his imitation even if the evidence appears to the contrary. And in whom it is not permissible to ask the Hanafi, for example, the Shafi'i jurist and vice versa, and it is not permissible for the Hanafi to

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[144] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1: 280.

[145] Ibid., 1:290.

follow Imām Shafi'i, for example, because this contradicted the consensus of the first centuries, and contradicted the Companions and Successors.[146]

It is not his place - that is, the place of Ibn Hazm's words - of one who does not owe anything other than the saying of the Prophet (may God Almighty grant him peace) and does not believe that it is permissible except what God and His Messenger have permitted, and not forbidden except for what God and His Messenger forbade him, but when he did not have knowledge of what the Prophet, (may God bless him and grant him peace) or by combining the differences from his words, not by way of extrapolating from his words, he follows a *muhaqiq* scholar that he is right in what he says, and he gives a fatwa outwardly following the Sunnah of the Messenger of God, (PBUH).

If he contradicts what he thinks he took off from his period without argument or insistence, then this is how he denies it no one, even though the *fatwas* have not been removed from among the Muslims since the time of the Prophet (PBUH).[147]

If we reach a *hadith* from the Messenger of God Almighty, imposed upon us to obey him with a righteous chain of transmission indicating a difference of his doctrine and we abandoned his hadith, and we followed that speculation.

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[146] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 42-43.

[147] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1: 280.

4.9 The need for *Ijtihād* in every era

Ijtihād is a communal (*kifāyah*) (كفاية) obligation in every age, and what is meant by *ijtihād* here is not independent *ijtihād*, such as the *ijtihād* of al-Shafi'i, for example, who was not under *Jarrah* and *Ta'dīl* (الجرح والتعديل), and he was experts in Arabic and other relevant sciences of the jurisprudence. The issues are arranged according to the way of the mujtahids, even if that is under the guidance of an Imām.

What has been said that *ijtihād* in our time is a duty pointing it to the fact that many issues occur, and they cannot be confined or absorbed and the rulings must be known about them, and who entered the space of editing and codification is not enough, and the disagreements in them are many which can only be resolved by reference to *dalīl*. The narrations of the issues that were transmitted from the imāms are most discontinuous, so that the heart does not trust them with confidence.[148]

4.9.1 *al-Mujtahid al-Muntasib* (المجتهد المنتسب) *(Absolute affiliated mujtahid)*, according to Shāh Walī Allāh:

i. He is the scholar who follows a jurist and accepts what he did under the first trait.

ii. He is the scholar who follows the jurist what he did under the second trait.

3. The mujtahid within the boundaries of a legal school:

a. He is the scholar who is sound in the first and second trait and

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[148] Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā* (Delhī: Kutub Khānah Rahīmiyah, 1346 A.H.), 12.

b. He is the scholar who, in addition, follows another scholar's course in deriving the responses in new cases according to the methodology of his *Imām*'s results in secondary cases.[149]

The *mujtahid al-muntasib* performs *taqlīd fī al-'uṣul* (التقليد فى الأصول), that is, he follows the principles laid down by the founding Imām of that school, and using these principles derives the law himself. His opinion in the derived law may differ from that of his teacher. Jurists like Abū Yūsuf and Muhammad al-Shaybanī are within this grade in the Hanafi School. They used the principles determined by Abu Hanifah to derive the law. In the case of *muzara'ah* (مزارعة) (tenancy), for example, they differed with their teacher. Abu Hanifah declared tenancy to be illegal, while the two disciples (صاحبين) declared it legal. The opinion preferred by the school is that of the sahibayn.

The jurists in this grade are independent in all respects, except the usul (principles of interpretation). In terms of Shāh's theory of legislation, this jurist is also a legislator, but he follows the methodology of legislation determined by the full mujtahid.

4.10 Shāh does not want the door of *Ijtihād* open for everyone:

It can be deduced from what is mentioned above that Shāh does not permit *ijtihād* for everyone and does not open the door to *ijtihād* on his awareness even for himself, and he is called uniqueness in the sciences of the *kasbiyah* (acquired) (الكسبية) and the *wahbiyah* (God's given) (الوهبية) especially the sciences of the *Qur'ān* and the sciences of the Prophet's *Sunnah*. He believes that Allāh Almighty has given him special robe

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[149] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 23-24.

(*khirqah*), but he thinks that the absolute or independent *ijtihād* has been nonexistant for ages.

Moreover, he opens the door to *ijtihād* for those who qualifies it according to his level of competence and availability of conditions - and they are those who comprehend the division of *ijtihād* - few of them qualify for *ijtihād* affiliated with the areas of jurisprudence.

Shah argues that few of them qualify for ijtihād in some areas of jurisprudence, and few qualify for *ijtihād* in some matters, and few of them qualify for *furū'* and *takhrīj* (الفروع والتخريج) according to the words of the jurists and their rules. These last two sections are found in the *ummah* in abundance, and they are those who the *ummah* needs, and their presence is a sufficient obligation on it, and they are the ones who perform by imposing sufficiency of *ijtihād* on behalf of the *ummah*. As for those other than those from the *ummah*, their duty is to follow the trustworthy *imāms* whose *imāmat* (authority) in religion was established in compliance with the words of Allāh Almighty.[150]

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[150] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 47-8.

CHAPTER FIVE

THE APPLICATION OF THE CONCEPT OF *AL-JĀDDAH*

AL-QAWĪMAH IN HIS ACADEMIC WORKS

5.1 Application of *al-Jāddah Al-Qawīmah* in the Qurān

5.1.1 Introduction:

In the light of *al-Jāddah al-Qawīmah*, Shāh gave most importance to understand the definitive text of Qurān. Considering that importance, Shāh compiled the principles of Tafsīr (exegeses) as the text is not understandable without systematic approach to the sciences of Qurān. According to Shah, to understand *Mantūq al-Kalām* (as it is a part of al-Jaddah), the sciences of Quran are compulsory. Because the five fundamental sciences, mentioned below in next section, part of the process of *al-Jāddah* whereas the first science of Qurān, according to Shāh, is the science of injunctions (علم الأحكام) which is the essence of the five sciences. Moreover, the target of all academic works written by Shāh after his visit to *al-Haramain al-Shrīfain* (الحرمين الشريفين) was to apply his concept of *al-Jāddah* including Qurānic, Hadīth and *fiqh* studies and those all books were written after his return from *al-Haramain al-Sharīfain.*[151]

The first and most strong level in the frame work of *al-Jāddah* is to understand definitive text for derivation of law as given below:

. فأقواها: ماوجد فى نص القرآن العظيم منطوقا به بحيث لايخفى المراد منه

على العارف باللسان.[152]

To make clear meaning (*mantūq al-Qurān*) (منطوق الكلام) understood, Shāh compiled the book on the principles of *Tafsīr* named *"al-Fawz al-Kabīr fī Uṣūl al-*

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[151] See for detalil: Dr. Muhammad Yāsīn Mazhar Siddīqī, *Tasānīf-i Shāh Walī Allāh-Aēk Tanqīdī Jāēzah,* ('Alīgarh: Muslim Unviversity, 2009), the second chapter entitled "ادوار تصنيف کی توقيت جديد", 41-92; see also: 'Abdul Khalíq Āzād, امام شاه ولی الله کے افکار اور عصر حاضر (Multan: Musā Pak Chair, Dept of Islamic Studies, BZU, 2019), 15-44.

[152] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* 1:153.

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Tafsīr". In its first chapter, five fundamental sciences of Qurān are discussed to understand the *Manūq al-Qurān* (*al-nuṣūṣ wal-mantūq Qurāniyah*). To clear hurdles to the understanding of Qurān, he allocated the second chapter while in the chapter three, he discussed the style of Qurān and in chapter four he shed light on the God-Gifted sceinces of Qurān.

It seems that the Shāh has not presented perspective of the legal theory that is to be considered completely new and different from the traditionalist *fiqhī* schools of thought. However, he focuses on certain characteristics of this concept and tries to rectify some of the notions in regard to legal theory which, according to him, were wrongly treated by his contemporaries. His main purpose was to criticize the scholars out of their self-righteousness in respect of their own schools and bringing about a change in their attitude towards the doctrines of schools other than their own. This constitutes one of the basic reasons to analyze and critically evaluate his perspective on the subject matter.

5.2 The Qurān:

The efforts of Shāh had a vital and tangible role in developing and disseminating Qur'ānic understanding in the Indian subcontinent, and its advantage is that it is the approach of the methodology of *ijtihād*, research and investigation in Qur'ānic studies, and discovered new horizons for Qur'ānic research for his colleagues and students who followed his approach and advanced in this field.

The Shāh was a pioneer in the field of comprehensive compilation in the fundamentals of interpretation called *al-Fawz al-Kabīr* [the great victory in the fundamentals of interpretation], as composition in this area was rare and limited to the study of partial issues on this topic.

The book *"al-Fawz al-Kabīr"* [The Great Victory in the Fundamentals of *Tafsīr*] represented the depth and originality of the Shāh's thought in the Noble Qur'ān and its sciences, and Shāh was one of the main and most beneficial Qur'ānic interpreter in the subcontinent, in which the author collected useful rules that help to understand the book of God.

He originally wrote it in Persian, but its translations are available in Arabic, Urdu and English. The researcher considers this valuable scientific work the fundamental key to understanding the Book of Allāh Almighty among scholars.[153]

The Shāh was good at exploring the five sciences in the Qur'ān and he reported in *'Ilm al-Mukhāsmah* [Science of polemics] (علم المخاصمة), he discussed the beliefs of the four sects stated in the Holy Qur'ān , the Jews, the Christians, the polytheists, and the hypocrites, placing his fingers on similar illnesses from these sects in the Indian Muslim community. He also discussed the ideas of existing sects at that time from the perspective of the science of Qur'ānic polemics, stressing the lessons learned from history.

In the other chapters he deals with general issues in the sciences of the Qur'ān with his own investigations, including the style of the Qur'ān, the strage of the Qur'ān, the reason for revelation, and so on.

The Shāh arrived at the issue of abrogation in the Qur'ān to important conclusions, including that the verses abrogated in the Noble Qur'ān are limited to him

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153 Abu al-Hasan 'Alī Nadvī, *Tārīkh D'awat-o 'Azīmat*, 5:150.

in only five.[154] The interpretation in these five verses is also justified to make them less in number.[155]

5.2.1 The five verses which are abrogated according to Shāh, are as follows:

The understanding of the concept of abrogation was very wide in its interpretation by earlier academics and henceforth they have stated a large number of abrogated verses. 'Allamah Jalal al-Din al-Suyuti, however, has written that there are only nineteen abrogated verses in the whole of the Quran according to the definition of the later day scholars.

Then, amongst the modern of the scholars, Shah Wali Allah made a detailed analysis of all those nineteen verses and acknowledged only five of them to be abrogated ones. As for the rest of them, he preferred the commentaries and explanations according to which the verses would not be considered abrogated. The arguments given by Shah Wali Allah about many of these verses are the most appropriate and acceptable,

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[154] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, 58-67.

[155] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, trans. Muhammad Mahdī al-Hasanī and Habīb al-Rahmān Siddīqi Kandhalvī, (Dehlī: Farīd Book Dep., n.d.), 2-3. It would be more appropriated if we have a sight on his original text as given below:

إنهم كانوا يستعملون النسخ بمعناه اللغوي المعروف الذي هو إزالة شيء، لا بمعنى مصطلح الأصوليين الخاص، فمعنى النسخ عندهم إزالة بعض الأوصاف في آية بآية أخرى سواء كان ذلك بياناً لانتهاء مدة العمل بآية من الآيات الكريمة، أو صرف الكلام عن المعنى المتبادر إلى غير المتبادر، أو بيان أن القيد اتفاق وليس احترازياً أو تخصيصاً للعموم، أو بيان الفارق بين المنصوص والمقيس عليه ظاهراً، أو إزالة عادة من العادات الجاهلية، أو رفع شريعة من الشرائع السابقة".

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yet some of them may be disputed. However, the five verses that he considers to be abrogated[156] are as follows:

"كُتِبَ عَلَيكُم إذا حَضَرَ أَحَدَكُمُ المَوتُ إِن تَرَكَ خَيرًا الوَصِيَّةُ لِلوالِدَينِ وَالأَقرَبينَ بِالمَعروفِ ۖ حَقًّا عَلَى المُتَّقينَ[157]."

"It is prescribed for you, when death approaches anyone of you and if he leaves behind some wealth, to make a bequest to parents and near kindred in an equitable way, it is an obligation on the Allah fearing".

This verse was reveled when the laws of inheritance had not yet been revealed and according to it every person was bound to make a bequest (*wasiyyah*) before he died about the distribution of his assets among his parents and other relatives. Thereafter, the verse of inheritance was revealed:

"يوصيكُمُ اللَّهُ في أَولادِكُم ۖ لِلذَّكَرِ مِثلُ حَظِّ الأُنثَيَينِ ۚ فَإِن كُنَّ نِساءً فَوقَ اثنَتَينِ فَلَهُنَّ ثُلُثا ما تَرَكَ ۖ وَإِن كانَت واحِدَةً فَلَها النِّصفُ ۚ وَلِأَبَوَيهِ لِكُلِّ واحِدٍ مِنهُمَا السُّدُسُ مِمّا تَرَكَ إِن كانَ لَهُ وَلَدٌ ۚ فَإِن لَم يَكُن لَهُ وَلَدٌ وَوَرِثَهُ أَبَواهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كانَ لَهُ إِخوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِن بَعدِ وَصِيَّةٍ يوصي بِها أَو دَينٍ ۗ آباؤُكُم وَأَبناؤُكُم لا تَدرونَ أَيُّهُم أَقرَبُ لَكُم نَفعًا ۚ فَريضَةً مِنَ اللَّهِ ۗ إِنَّ اللَّهَ كانَ عَليمًا حَكيمًا.[158]"

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[156] Following are the five verses that are considered abrogated by Shah Waliullah al-Dahlawi: (1) *Al-Anfal* 65 by *Al-Anfal* 66; (2) *Al-Mujadilah* 12 by *Al-Mujadilah* 13; (3) *Al-Baqarah* 180 by *Al-Nisa'* 11; (4) *Al-Ahzab* 50 by *Al-Ahzab* 52; (5) *Al-Muzzammil* 1 by *Al-Muzzammil* 20.

[157] The Qurān 2:180.

[158] The Qurān 4:11.

"Allah enjoins you concerning your children: for the male shall be the like of the share of two females, and if there be [two or] more than two females, then for them shall be two-thirds of what he⸍ leaves; but if she be alone, then for her shall be a half; and for each of his parents a sixth of what he leaves, if he has children; but if he has no children, and his parents are his [sole] heirs, then it shall be a third for his mother; but if he has brothers, then a sixth for his mother, after [paying off] any bequest he may have made or any debt [he may have incurred]. Your parents and your children —you do not know which of them is likelier to be beneficial for you. This is an ordinance from Allah. Indeed Allah is all-knowing, all-wise."

The command to make a bequest was thus abrogated by this verse. Allah then Himself fixed a schedule of distribution for the inherited assets, and it was no longer obligatory on anyone to make a will before his death. In Surat al- Anfal, it is stated:

"يَا أَيُّهَا النَّبِيُّ حَرِّضِ الْمُؤْمِنِينَ عَلَى الْقِتَالِ ۚ إِن يَكُن مِنكُم عِشْرُونَ صَابِرُونَ يَغْلِبُوا مِائَتَيْنِ ۚ وَإِن يَكُن مِنكُم مِائَةٌ يَغْلِبُوا أَلْفًا مِنَ الَّذِينَ كَفَرُوا بِأَنَّهُم قَوْمٌ لا يَفْقَهُونَ."[159]

"If there be of you twenty persevering they shall overcome two hundred; and if there be of you a hundred, they will overcome a thousand of those who disbelieve, because they are a people who do not understand".

This verse, despite being apparently simply informative, is essentially a command prohibiting Muslims to retreat while in combat with an enemy ten times their number. This was later on abrogated by the following verse:

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[159] The Qurān 8:65

"الآنَ خَفَّفَ اللَّهُ عَنكُم وَعَلِمَ أَنَّ فِيكُم ضَعفًا فَإِن يَكُن مِنكُم مِائَةٌ صَابِرَةٌ يَغلِبُوا مِائَتَينِ وَإِن يَكُن مِنكُم أَلفٌ يَغلِبُوا أَلفَينِ بِإِذنِ اللَّهِ وَاللَّهُ مَعَ الصَّابِرِينَ."[160]

"(O believers) Now Allah has lightened it for you, for He knew that there is weakness in you. So if there be of you a hundred persevering they will overcome two hundred, and if there be of you a thousand, they will overcome two thousand by Allah's leave. And Allah is with the persevering."

This verse lightened the burden imposed by the first command and the limit of tenfold was reduced to twofold.

Thus a retreat up to double the enemy strength was not permissible now.

The third verse considered abrogated by Shah Wali Allah is the following verse of Surat al-Ahzab:

"لا يَحِلُّ لَكَ النِّسَاءُ مِن بَعدُ وَلا أَن تَبَدَّلَ بِهِنَّ مِن أَزوَاجٍ وَلَو أَعجَبَكَ حُسنُهُنَّ إِلا ما مَلَكَت يَمِينُكَ وَكانَ اللَّهُ عَلَىٰ كُلِّ شَيءٍ رَقِيبًا."[161]

"Beyond that, women are not lawful for *you*, nor that *should you* change them for other wives even though their beauty should impress *you*, except those whom *your* right hand owns. And Allah is watchful over all things"

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[160] The Qurā 8:66.

[161] The Qurān 33:52.

In the light of this verse, it was not lawful for the Prophet (may Allah bless him and grant him peace) to marry any more women. Later, this was abrogated by a verse that fell before it in the present sequence of Quranic surahs and verses:

"يا أَيُّهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَكَ اللَّاتِي آتَيْتَ أُجُورَهُنَّ وَمَا مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَبَنَاتِ عَمِّكَ وَبَنَاتِ عَمَّاتِكَ وَبَنَاتِ خَالِكَ وَبَنَاتِ خَالَاتِكَ اللَّاتِي هَاجَرْنَ مَعَكَ وَامْرَأَةً مُؤْمِنَةً إِن وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَن يَسْتَنكِحَهَا خَالِصَةً لَكَ مِن دُونِ الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِم فِي أَزْوَاجِهِم وَمَا مَلَكَتْ أَيْمَانُهُم لِكَيْلَا يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا"162

"O Prophet! Indeed We have made lawful to *you your* wives whom *you* have given their dowries, and those whom *your* right hand owns, of those whom Allah gave *you* as spoils of war, and the daughters of *your* paternal uncle, and the daughters of *your* paternal aunts, and the daughters of *your* maternal uncle, and the daughters of *your* maternal aunts who migrated with *you*, and a faithful woman if she offers herself to the Prophet and the Prophet desires to take her in marriage, (a privilege exclusively for *you*, not for [the rest of] the faithful; We know what We have made lawful for them with respect to their wives and those whom their right hands own so that there may be no blame on *you*,) and Allah is all-forgiving, all-merciful."

Shah Wali Allah and others say that the earlier restriction was abrogated through this verse, but in fact abrogation in this verse is not definite. Its explanation as given by Hafiz Ibn Jarir is to a great extent straightforward and simple. He has said that two verses were revealed in their present order; in verse fifteen, "O Prophet, we....". Allah named some particular categories of women as being lawful for the Prophet (upon him

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162 The Qurān 33:50.

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blessings and peace) and then in verse 51, (besides these), it was not lawful… It was specified that women belonging to categories other than those were not lawful for him.

The fourth verse that is abrogated according to Shah Wali Allah is:

"يَا أَيُّهَا الْمُزَّمِّلُ ۔ قُمِ اللَّيْلَ إِلَّا قَلِيلًا ۔ نِصْفَهُ أَوِ انقُصْ مِنْهُ قَلِيلًا ۔"163

"O you (Muhammad) enfolded in your robes, keep vigil by night, except a little, half of it, or diminish a little."

This verse had ordained worship for at least half the night, but later on this was abrogated by a flexibility provided in the verses that follow it:

"إِنَّ رَبَّكَ يَعْلَمُ أَنَّكَ تَقُومُ أَدْنَىٰ مِن ثُلُثَيِ اللَّيْلِ وَنِصْفَهُ وَثُلُثَهُ وَطَائِفَةٌ مِنَ الَّذِينَ مَعَكَ ۚ وَاللَّهُ يُقَدِّرُ اللَّيْلَ وَالنَّهَارَ ۚ عَلِمَ أَن لَّن تُحْصُوهُ فَتَابَ عَلَيْكُمْ ۖ فَاقْرَءُوا مَا تَيَسَّرَ مِنَ الْقُرْآنِ ۚ عَلِمَ أَن سَيَكُونُ مِنكُم مَّرْضَىٰ ۙ وَآخَرُونَ يَضْرِبُونَ فِي الْأَرْضِ يَبْتَغُونَ مِن فَضْلِ اللَّهِ ۖ وَآخَرُونَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ ۖ فَاقْرَءُوا مَا تَيَسَّرَ مِنْهُ ۚ وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَأَقْرِضُوا اللَّهَ قَرْضًا حَسَنًا ۚ وَمَا تُقَدِّمُوا لِأَنفُسِكُم مِنْ خَيْرٍ تَجِدُوهُ عِندَ اللَّهِ هُوَ خَيْرًا وَأَعْظَمَ أَجْرًا ۚ وَاسْتَغْفِرُوا اللَّهَ ۖ إِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ ۔"164

"Indeed *your* Lord knows that *you* stand vigil nearly two thirds of the night—or [at times] a half or a third of it—along with a group of those who are with *you*.Allah measures the night and the day. He knows that you cannot calculate it [exactly], and so He was lenient toward you.So recite as much of the Qur'ān as is feasible. He knows that some of you will be sick, while others will travel in the landseeking Allah's grace, and yet others will fight in the way of Allah.So recite as much of it as is feasible, and

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163 The Qurān 73:1-3.

164 The Qurān 73:20.

maintain the prayer and pay the *zakat* and lend Allah a good loan. Whatever good you send ahead for your soulsyou will find it with Allah [in a form] that is better and greater with respect to reward. And plead to Allah for forgiveness; indeed Allah is all-forgiving, all-merciful."

Shah Wali Allah has specified that even though *tahajjud* (late night salat) was not mandatory even before, but there was a greater importance on it and its duration was also longer, yet later both the emphasis on it and the time limit were relaxed.

These are five verses in which abrogation has occurred. However, it must be agreed that these five instances are only those in which the abrogator and abrogated verses can both be found in the Quran. There are many such examples where the abrogator of verses are not found in the Quran, such as those related to the issue of the change of *qiblah*, etc.[165]

In the case of the cause of revelation, the Shāh sees above that the earlier commentators have arbitrarily dealt with this issue, so they searched for every verse for a reason until they mentioned in this regard things that are not really among the causes of revelation.[166]

In sum, the Shāh's opinion in this regard is that not all of the partial stories mentioned by the Companions regarding the verse and they say:

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[165] Mufti Taqī 'Uthmanī, Abrogation in Qur'ān, seen at website https://www.islamicteachings.org/forum/topic/21337-abrogation-in-the-quran/ on April 12, 2021.

[166] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, 68-70.

"The verse was revealed in such-and-such," or whatever the Hadīth scholars mentioned, the different aspects at the back of the verses of the Qur'ān, from the section of the reason for revelation in the truth, which from the interpolation of the words of the Companions and *Taabi'een*, it appears that they do not use, "It was revealed in such-and-such" for a pure story that was in his time, and it was the reason for the revelation of the verse. In such-and-such, and there is no need for all restrictions to apply, rather it is sufficient for the original ruling to apply.[167]

In such-and-such, and perhaps their saying this is an indication that his deduction from this verse and its recitation at that hour in his mind is also a kind of revelation and a breath of awesomeness, as it can also be expressed in this image by recurring descent as did that author. For example, the Hadīths mentioned in the back of the verses of the Qur'ān many things, such as the companions' citation in their debates with a verse or their representation of a verse, or the narration of a Hadīth that agreed with the verse in the origin of the purpose, or an explanation of the merit of the surahs and verses and the like, because none of this is in fact a reason for revelation.[168]

It is required that the interpreter be briefed about these things, but it is because the depiction is valid for these universal matters, and this is why their sayings differ in many places and to this point[169]

Another useful composition of the Shāh "فتح الخبير بما لا بد حفظه في علم التفسير" [The expert's opening of what must be memorized in the science of exegesis], which is a

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[167] Ibid., 70-71.

[168] Ibid., 71-73.

[169] This is a summary that the Shāh described in his book "*al-Fawz al-Kabīr*", 23.

treatise in the Arabic language explaining the peculiar (Khāṣ) of Qur'ān and knowing the matter of revelation.

He also has "تأويل الأحاديث في رموز قصص الأنبياء" [The interpretation of hadiths in the symbols of the stories of the prophets] as well, which is a valuable and useful message despite its validity. On the subject of interpreting Qur'ānic miracles and explaining the treasures and secrets in the stories of the prophets that God conquered to him. It is in the Arabic tongue. And he has another booklet in Persian in which he touched upon the issue of translating the meanings of the Qur'ān, its importance and types, and the problems that the translator faces in this regard, and he called it al-Muqaddimah fī Qawānīn al-Tarjimah (Introduction to the Laws of Translation).

The Shāh does not mention a systematic definition of the Qurān as given by the theorists, but he considers all conditions of the definition that observed by them. For instance, the Shāh says about it:

"پس قرآن قديم است باصل خود ومحدث است باعتبار نزول وعربى است، وكلام حضرت است ومنزل بواسطه ملك كريم، ومتلو بر السنة عباد، ومكتوب در مصاحف، وفخيم الشان در ملأ فرشتگان، وواجب التعظيم وكثير البركات وتلاوت آن مؤثر در حاجات بنى آدم كه القرآن لما قرئ له، ومتعين در ملا اعلى وعالم مثال"170

The jurisdiction of a *faqīh*, according to him is as below:

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170 Walī Allāh, *Kalimāt-i-Tayyibāt* (Delhī: Matba ' Mujtā'ī, 1891), 166-67.

The Shāh discussed five sciences that make clear understanding of the Holy Qurān and they are as below: [171]

1. The Science of Injunctions (*Ahkām*)

2. The Science of Disputation (*Mukhāṣimah*)

3. The Science of Divine Favors

4. The Science covering the significant events which Allāh caused to take place, favoring the obedient and punishing the disobedient

5. The Science which remembers human beings of Death and what will follow it[172]

The first science, among the five sciences, mentioned above, is the science of *Ahkām* that is the core subject of *fiqh* and the Shāh defines *'Ilm al-Ahkām* as below:

"علم احكام از واجب و مندوب ومباح و مكروه وحرام از قسم عبادات باشد يا معاملات يا تدبير منزل يا سياست مدنيه، و تفصيل اين ذمه فقيه است"[173]

"The Science of Injunctions comprises of obligatory, the recommended, the permissible, the disapproved, and the forbidden, covering worships, social dealings, household economy and state politics. To explain such matters is the responsibility of a jurist."

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[172] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr*; *The Principles of Qurān Commentary*: English version of *al-Fawz al-Kabīr fī Usūl al-Tafsīr*, trans. G. N. Jalbānī (Islamabad: Nationlal Hijrah Council, 1985), 01.

[173] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, 11.

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It seems to be a definition of *fiqh* according to the Shāh as it is covering all aspects of *fiqh*.

Definition of *Uṣūl al-fiqh* according to the Shāh:

"ويتلوه (اصول الفقه) فن معانيه الشرعية، واستنباط الأحكام الفرعية، والقياس على الحكم المنصوص في العبارة،
والاستدلال بالإيماء والاشارة ومعرفة المنسوخ، والمحكم، والمرجوح، والمبرم"[174]

"Next is the field (*Uṣūl al-fiqh*) of their import for religious law and the derivation of the judgements on applied cases, drawing analogies on the basis of a ruling reported in a text, and deriving inferences from indirect allusions and textual indications which are not explicitly stated, recognizing the abrogated, the definitive, the preferred, and those definitely established."[175]

The term fiqh was not defined in precise terms in the first three centuries of the Hijrah as the law or fiqh itself had grown to maturity during this period. The first attempt appears to have been made by Abū al-Husayn al-Baṣrī followed by al-Juwaynī, al-Ghazālī and others. Some crucial additions were made by Ibn al-Hājib and we finally find the definition, in the work of the Hanafī jurist Ṣadr al-Sharīʿa, who criticized the definition and finally came up with his own definition as below:

"It is the knowledge of the *shar ʿi ahkām* (legal rules), pertaining to conduct, that have been derived from their specific evidnce."[176]

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[174] Walī Allāh, *Hujjat Allāh al-Bālighah*, 22.

[175] Walī Allāh, *The Conclusive Argument from God*; English of version of *Hujjat Allāh al-Bālighah*, trans. Marcia K Hermansen. (Islamabad: Islamic Research Institute, Interntional Islamic University, 2003), 5.

[176] Badr al-Dīn al-Zarkashī, *al-Bahr al-Muhīt fī Uṣū al-Fiqh* (Kuwait: Dār al-Ṣafwah, 1992), 1:21.

Although the definition, mentioned above, is not systematic as described by the majority of theorists and jurists but the core subject of the subject matter has been dealt by the Shāh in detail.

5.2.1.1.1 The Clear and Unclear Verses:

In order to identify *al-Jāddah*, the Shāh points out that generally the jurists did not pay attention to the unclear verses of the Qurān as, according to them, the verses are not understandable. Moreover, they did not provide any comprehensive definition of the unclear verses through which the Clear and the Unclear verses systematically can be separated. As a result, the Qurān has been seemed a book which is not completely understandable and gradually to not think of such verses has become a principle and belief as perceived by some jurists. Along with this approach of the jurists, the Qurān has become a doubtful book for the lay believers, consequently they put the Qurān away from their practical life.[177]

However, the Shāh has played a significant role to make the meaning of the Unclear verses understood.[178] According to the Shāh, the Unclear verses are divided

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[177] 'Ubaidullāh Sindhī, *Imām Walī Allāh kī Hikmat kā Ijmālī T'āruf.* " *al-Furqān kā Shāh Walī Allāh Number (Special Issue:* 233-320), (Brailī: al-Furqān, October - January, 1940-41), 250, (hereinafter referred to as Sindhī, *Imām Walī Allāh kī Hikmat kā Ijmālī T'āruf*).

[178] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, 107-111; see also, Sindhī, *Imām Walī Allāh kī Hikmat kā Ijmālī T'āruf*, 250-51.

into two types namely real Unclear and non-real Unclear verses. To him, both are able to be thought for the sake of further understanding.[179]

5.2.1.1.2 Abrogation in the Qurān:

The concept of abrogation is one of those areas, according to the Shāh, where the minds of the scholars have been confused to state a clear definition as well as the number of the verses regarding abrogation. Consequently, the readers of the Qurān do not care about its injunctions as much as required. To solve this issue through his concept of *al-Jāddah*, the Shāh emphases on the literal meaning of "abrogation" as the elders scholars believed in. When they discuss the issue of abrogation, they take its literal meaning instead of technical meaning which is adapted by the later theorists and jurists. If the issue is discussed in the absolute or general manner on one occasion and the same issue is discussed another place in specific or detailed manner, so in this context, it is said that the second one is abrogating the first one.[180]

However, the later theorists and jurists, according to the Shāh, deal the issue with its specific and technical meaning. According to them, as detailed injunctions of Old Testaments are not allowed to follow for the Muslims as few verses are available in the Holy Qurān which are not able to be practiced.

To elaborate this issue further, according to the Shāh, the technical definition of the issue was established after differences among the later jurists while he believes in its literal meaning as described by the earlier scholars.[181]

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[179] Walī Allāh, *Hujjat Allāh al-Bālighah*, 190-91.

[180] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr m 'a Fath al-Khabīr*, 56.

[181] See, Ibid., 57

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It seems that the Shāh deals with this issue with the manner of wisdom (that is his concept of *al-Jāddah*) as the prophets used it for the preaching to their nations.[182] He describes that firstly some scholars mentioned that 500 verses are abrogated, then Imām Siyūtī argued that 20 verses are () abrogated, following Qāzī Abūbakr bin al-ʿArabī Mālikī (d. 543 A.H.). To reduce them further, the Shāh reconciles fifteen verses which were difficult and restricts abrogation to five verses which seem to be reconciled easily.[183]

Examples of Derived Laws from Qurān Using *al-Jāddah al-Qawīmah:*

Among the great blessings of Allāh on Shāh that He included him in third group and He unwrapped for him the reality of *Sharīʿah* and as its clear explanation as perceived from the utterance of the Prophet (PBUH) as Allāh said:

$$\text{"لِتُبَيِّنَ لِلنَّاسِ ما نُزِّلَ إِلَيِهِم"}^{184}$$

"So that *you* may clarify for the people that which has been sent down to them".
As Allāh said:

$$\text{"وَأَقِيمُوا الصَّلاةَ وَآتُوا الزَّكاةَ"}^{185}$$

"And maintain the prayer, and give the *zakat*".

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[182] Sindhī, *Imām Walī Allāh kī Hikmat kā Ijmālī Tʿāruf*, 256.

[183] Walī Allāh, *al-Fawz al-Kabīr fī Usūl al-Tafsīr mʿa Fath al-Khabīr*, 57-78.

[184] The Qurān 16:44

[185] The Qurān 2:43

So, the word "al-Iqāmah" [الإقامة] is derived from "Qāmat al-Sūq" [قامت السوق]

it is used when selling and buying is full of function in the bazar, it means here is to

execute and propagate. Thus, the Prophet (PBUH) explained "al-Tarwīj's" (الترويج)

purpose here is to fix the timings (of worships), to assign the number of *Rak'āt*

(ركعات), to teach feature of the prayer or to legislate *Adān* (اذان) or to emphasize on

the congregation and the gathering and to recommend the construction of mosque and

the visit to it.

So, these all chapters are to illustrate the "*Iqāmat al-Ṣalāh*" (اقامة الصّلوة). If its

clear and detailed illustration has not been done we could not understand it forever.

And the same way, the Prophet illustrate alms-giving by fixing the syllabus and

obligatory quantity to pay, and type of obligation to pay from it.

Then, its explanation of illustration has been set in through the utterance of the

companions and the successors, as the Prophet (PBUH) indicated to it where he said:

"أصـحابي كالنُّجوم بأيِّهمُ اقتَديتُم اهتَديتُم"[186]

"My companions are like stars, whichever of them you use as a guide, you will be

rightly guided".

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[186]"حَدَّثَنَا الْقَاضِي أَبو عَلِيّ ، حَدَّثَنَا أَبو الْحَسِنِين ، وَأَبو الْفَضْلِ ، قَالا : حَدَّثَنَا أَبو يَعْلَى ، حَدَّثَنَا أَبو عَلِيّ السِّنْجِيُّ ، حَدَّثَنَا مُحَمّدُ بْنُ
مَحْبُوبٍ ، حَدَّثَنَا التِّرْمِذِيُّ ، حَدَّثَنَا الْحسنُ بْنُ الصّبّاح ، حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ ، عَنْ زَائِدَةَ ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ ، عَنْ رَبعِيّ بْنِ
حِراش ، عَنْ حُذَيْفَةَ ، قَالَ : قَالَ رَسُولُ اللّهِ صلّى اللّهُ عليْهِ وَسلّمَ : "اقْتَدُوا بِاللّذَينِ مِنْ بَعْدِي أبي بَكْرٍ وَعُمَرَ" ، وَقَال " :أصْحَابِي كالنُّجُومِ
بأيِّهِمِ اقْتَدَيْتُمِ اهْتَدَيْتُمِ) . "الشفا بأحوال المصطفى للقاضي عياض » الْقِسَم الثاني : فيمَا يجب على الأنام مِن حقوقه ... » الْبَابِ الثالث
: في تعظيم أمره ووجوب توقيره وبره ..., رقم الحديث: 61, الحكم: إسناده حسن".

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Its example is that the Prophet (PBUH) reduced the prayer during traveling, and "the traveling" is an ambiguous issue for us, therefore, the act of Ibn 'Umar and Ibn 'Abbās[187] has been attached to it to explain that it is forty eight traveling. Then, its clarification and the compilation of its principles and its extracted law (*furū* ') has been resulted on the hands of early jurists. Its example as Allāh said:

$$\text{"يا أَيُّهَا الَّذينَ آمَنوا إِذا قُمتُم إِلَى الصَّلاةِ فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم إِلَى المَرافِقِ وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ"}^{188}$$

"O you who have faith! When you stand up for prayer, wash your faces and your hands up to the elbows, and wipe a part of your heads and your feet, up to the ankles".

Then, the jurists discussed that "الغسل" its meaning is to just make water flow or to be stipulated rubbing with it too, and "الوجه" its boundary from so and so, in the same manner "والى المرافق" its meaning is with elbows. And is it enough to be entitled "المسح" although it is on one hair or two hairs or it is mandatory to stroke with wet hands on the one fourth head or on the whole head.

Then, about the commentary of their schools and their opinions and extraction on their legal maxims which are resulted on the hands of later jurists of each school. Consequently, all these matters as per its actual system have been opened for him in a

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187 ـ "عَنْ مَالِكٍ بَلَغَهُ، أَنْ بْنَ عَبَّاسٍ كَانَ يَقْصُرُ الصَّلاةَ فِي مِثلِ مَايَكُونُ بَينَ مَكَّةَ وَالطَّائِفِ وَفِي مِثلِ مَابَينَ مَكَّةَ وَعُسْفَانَ وَفِي مِثلِ مَابَينَ مَكَّةَ وَجِدَّةَ قَالَ مَالِكٌ وَ ذَلِكَ أَرْبَعَةُ بُرُدٍ." (رواه فى الموطأ)،

188 The Qurān 5:6.

real sense that he is observing it by own own eyes. So, he saw every opinion said in *Dīn* is connected with the foundation of *Sharī'ah* in-directly or directly, and what a true saying in which is said:

Its example is as of a tall tree from which huge branches rose up and from that huge branches other small branches rose up and in the small branches the leaves and flowers rose up.

Or its example is as of the water spring from which big rivers rose up and from that big rivers the small canals and from that small canals the water scooped in utensils, and from that it went to soft places and birthplaces of the trees.[189]

5.2.2   Application of *al-Jāddah al-Qawīmah* in the Sunnah:

The second level of *al-Jāddah* is the Hadīths of *al-Mustafīḍah*:

2- ويتلوه: مانطق بـ الاحاديث المستفيضة الصحيحة....[190]

The law which is derived from the Hadīths *Mustafīḍah* and authentic (*Ṣaḥīḥ*) which are narrated in *al-Ṣaḥīḥ of al-Bukhārī*, and of Muslim and in *Muwattā* of Mālik witohout clash among the Hadīths and without explicit difference in the texts of the Hadīths by my meaning that where the four conditions are to be gathered:

i. It should be clear in its meaning and its purpose should not be hidden on the native speaker.

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[189] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 149-50.

[190] Walī Allāh, *al-Tafhīmāt*, 1:154.

ii. It should be Hadīth *Mustafīḍ*; it is narrated by three companions of the Prophet (PBUH) or more, then its narration got increased in the following generation until it reached to the scholars of Hadīth, and the critic jurists adored it and said about it, this is narrated in those three books (mentioned above). So, for them it is the status in Islam which have no books other than that, for them, they are accepted by the scholars of Hadīth and the jurists, which have no books other than that, their authenticity has not been witnessed at high level where other have not, they are famous among the scholars of Hadīth and Islamic Jurisprudence in their East and West among Hijāzīn, Syrian, Irāqīn, nothing has similarity other that. The scholars are indulged in explaining their rare words, interpreting their difficult words, deriving its laws, discussing their narrator, such kind of attention has not been given other than those books. This matter is not unknown except for those who are alien to the methodology the scholars. There is no clash among the Hadīths according to the Prophet (PBUH) (as said by Shāh Walī All), especially in those books.

5.2.3 Examples of *al-Jāddah* in *Ẓāhir al-Sunnah*

According to Shāh the reality of opinion which is criticized by the predecessors and they pointed out some of them from their jurists. So, the example of *al-Sunnah al-Ẓāhirah* is as of the language through which the Prophet (PBUH) was reciting the Holy Qurān, and the example of the sayings which are at its right or its left is as of the letters (seven dialects of Holy Qurān) by which the Prophet (PBUH) gave concession to recite the Holy Qurān for removing hurdle from his *Ummah*. The example of *al-Sunnah al-Ẓāhirah* is as of that a person attended the meeting of the *Khalīfah* and he listened from him by his own ears and he observed him while he talks whatsoever and he made his heart attentive to it. The example of opinions which are derived on the rules of the group is as of the bazar that is ran through clear laws given by the *Khalīfah,* and it

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assumed that what is being ordered is indicated to his intelligence and insight in some matters.[191]

According to Shāh, nowadays it is too difficult to find out famous, mutafiḍ and Akhbār Āhād from each group of Hadīth. Providing its alternate, he classified the available books of Hadīths in to levels. Consequently, he divided the famous books of Hadīths into four classes and he dedicated a chapter entitled "باب طبقات كتب الحديث" in his famous book "Hujjat Allāh al-Bālighah".[192] Its detail is given in coming pages.

The importance of the noble ahadīth and the need for it is in every era. Sayyid Abul-Hasan al-Nadwī said that Imām Dahlavī in the Indian subcontinent made a great effort. It is the propagation and promotion of the noble Prophet's *hadīth* and reviving the science of *hadith* and caring for this great knowledge.[193] His writings on this topic are distinguished by accuracy, *Ijtihād* and research, and are considered an important luminous chapter in the red-top of his renewal and the book of his life, which prevailed over his virtues, logical fields and other religious services until *"al-Muhaddith Dahlawī"* became part of his name and a title to define and describe it.

Sayyid Abu al-Hasan al-Nadwī, says that when Imām Dahlavī said goodbye to his teacher, Sheikh Aba Taher al-Madani, his sheikh sang this verse of poetry:

نسيت كل طريق كنت أعرفه :: إلا طريقا يؤديني لربعكم

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[191] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 1:149-50.

[192] Walī Allāh, *Hujjat*, 1:375-82.

[193] Abu al-Hasan 'Alī Nadvī, *Tārīkh D'awat-o 'Azīmat*, 5:135-37.

(I forgot every road I knew: only a road that leads me to your quarter)

The Shāh's response was likewise, and he added,

نسيت كل ما قرأت إلا علوم الدين ، وعلم الحديث ، بصفة خاصة

(I forgot everything I have read except the sciences of *Dīn*, and the science of Hadīth in particular)

The Shāh's entire life testifies that he was totally devoted to serving the noble *Hadīth*, explaining, understanding, teaching, publishing and circulating. After returning from the Hijaz to India, he served the noble *Hadīth* and published it. His "*Madrash Rahimiah*" soon became the largest educational institution across Indian-subcontinent, and the *Hadīth* students spread all over Indian subcontinent. It was in these lands like Sindh and Kashmir from remote areas, as for Delhi and its environs in northern India, do not ask about them.[194]

He was one of the beneficiaries of these lessons .... the pride of India, the scholar Al-Sayed Murtada Al-Bakrami, known as Al-Zubaidi [1145-1205 AH], the author of Taj Al-Arous, Explanation of the Dictionary and Contempt of the pious gentlemen to explain the revival of the sciences of religion who made a reputation for his sightseeing in the world and updating it in the Arab world. And his council in Cairo was comparable to that of kings and sultans.

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[194] Nadvī, *Tārīkh D'awat-o 'Azīmat*, 5:94-149.

Among the graduates of this school was the judge of his era, Judge Sheikh Thana Allāh Pānīpattī (1225 A.H.), the successor of the great Sheikh Mirzā Mazhar Jān Jānān, and thus became the science of *Hadīth* in Indian-subcontnent - after centuries.

The scholar Muhammad Yūsuf al-Banowrī said in his introduction to the book *"Fayd al-Bārī"*,[195] that he excelled in the early twelfth century, the brilliant of the days, the Shāh Walī Allāh al-Fārūqī al-Dehlawī, who died in 1176 AH, and he studied from the sciences of India, and he traveled to the Two Holy Mosques, he examined their sciences and returned to India and was the *imām* of the renaissance of Hadīth. He made the substitute for Ibn Mājah in *al-Sahīh* the *Muwattā* of Malik, and considered it to be the first of the *Sahīh* after the Qur'ān.

Al-Nadwi said in a statement of the impact of Shāh's service in the field of *Hadīth* led to the prevalence and prosperity of *Hadīth* in this country, so it became a necessary part of the study curriculum, and a measure of virtue and perfection, and independent circuits of *Hadīth* lessons and the teaching of books were established.

The *Sunnah*, especially the four books, including *Sahīh* of al-Bukhārī, *Sahīh* of Muslim, *Sunan* of Abū Dawood, and *Sunan* of al-Tirmidhi, by research and investigation in schools, which is not present now in the Arab countries themselves, and a new era began for the explanations of books of *hadith* and comments on them until soon a huge library was formed from it. There are similar ones in the Arab countries themselves.[196]

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[195] Ibid.

[196] Ibid., 145.

The books of *Hadīth*, from which the general public of Muslims who do not know Arabic, as well as Muslim women benefited greatly, and this was a motivation for work and a driver to follow the *Sunnah* and interest in it, and a desire for *isnād* and *Hadīth* authorizations, and India became a center for this honorable knowledge until the pen of an Egyptian scholar, Mr. Rashid Rida, issued these words in introduction to the book "*Miftāh Kunūz al-Sunnah*".:

"If it were not for the attention of our brothers, the Indian scholars, to the sciences of *Hadīth* in this era, it would have been eliminated by the demise of the regions of the East."[197]

The books that Imam Dahlavī left in *hadith* and its sciences are:

1- *Al-Musaffā*, explaining the *Muwattā* of Imām Malik, in Persian

2- *Al-Musawwā*, Explanation of *al-Muwattā* of Imām Mālik in Arabic

The curriculum that the Shāh wanted to promote in the *fiqh* of *Hadīth* and its sciences is best represented by these two books, and in them the stature of the Shāh is exemplified by the discretionary stature and length of his knowledge in the *fiqh* of *Hadīth* and its sciences.

He used to place the "*Muwattā*" of Mālik on the first class of the six books, and he admired the *Muwattā* very much, and he used to call - with enthusiasm and strength - for proper care and introduction to him in the beginning of teaching Hadīth.[198]

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[197] Ibid.

[198] Ibid., 150.

3- *Sharh Tarājim Abwāb al-Sahīh* of al-Bukhari: These *Tarājim* were always considered the most accurate and gentle piece of work in the chapters of al-Bukhari.

As for the books that are not primarily in the science of Hadīth, but have a relationship with the science of Hadīth:

These books are as follows.

1- *"Al-Insāf fī Bayān Sabab al-Ikhtilāf"*, [Fairness in stating the reasons for the difference].

2-*"'Iqd al-Jīd fī Ahkām al-Ijtihād wa al-Taqlīd"* [A good contract in terms of diligence and tradition].

3- The seventh book from the book *"Hujjat Allāh al-Bālighah"*.[199]

5.3 Shāh's Instances of application of *al-Jāddah* in the light of *Ijtihādāt* of the Prophet (PBUH)

The Shāh believes that the the Prophet (PBUH) extracted all chapters of Sunnah from the Holy Qurān using principles of *Hikmah* (avoiding principles of Islamic jurisprudence as applied by the jurists). So it is worth mentioning here in his own words:

"ومن علومه (الحديث) تفسير القرآن والاستنباط منه وهو اعظم العلوم وسنورد عليك منه كفافا. امر الله سبحانه بأشياء مطلقة كالصلوة والزكوة، وكقوله سبح اسم ربك الاعلى، وسبح بحمد ربك وغيرذلك. فوقتها رسول الله ﷺ بأوقات معينة. وامر بأمور كقوموا، وكبّر، واتل ما أوحي إليك، واركعوا واسجدوا. فبيّن رسول الله ﷺ أنها اركان الصلوة.[200]

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[199] Ibid., 151.

[200] Walī Allāh, *al-Khayr al-kathīr* (Bajnawr: Madīnah Press, 1352), 86-87.

"Among Hadīth sciences are interpretation and inference of Qur'ān, and it is among the greatest sciences and we will reflect little bit on you. Allāh ordained with general things like the prayer and alms-giving and like His saying "praise with the name of your Lord" and "praise with the Hamd of your Lord" etc. So the Prophet of Allāh established specific timings. He ordained with matters like "stand up" and "call your Lord" and "recite what is revealed to you" and "bow down" and "prostrate". So he explained that they are pillars of the prayer."

As well as the Shāh pointed out that the all timings of all prayers have been extracted by the prophet ﷺ from the following terms of the Holy Qurān:

"واقسم بأمور كالفجر، والضحى، والليل اذا سجى، والشفق، وليال عشر. فاستنبط منها رسول الله ﷺ أنها أوقات العباد على تفصيل ذكر في كتب الأحاديث".[201]

"I swear with the matters like al-Fajr, al-Ḍuhā, ...So the Prophet of Allāh derive the timings of worships in detail which is given in the books of Hadīth."

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[201] Ibid., 87.

Traditionally, it is understood that the pronoun (third person) in the following verses are designated to the Holy prophet ﷺ while the Shāh disagreed with the scholars on the issue and specified the pronoun to only Holy Qurān[202]:

"وما ينطق عن الهوى. ان هو إلا وحي يوحى."[203]

"Nor does he speak out of [his own] desire, it is just a revelation that is revealed [to him]"

The Sunnah (Hadīth) according to the Shāh is as defined by the *jamhūr fuqahā* and *muhaddithīn*:

"علم الحديث الذي يذكر فيه ما صدر من افضل المرسلين- صلي الله عليه وعلي آله واصحابه اجمعين- من قول أو فعل أوتقرير"[204]

"The science of Hadīth in which saying, action or tacit approval of the Prophet (PBUH) is described"

The Shāh further elaborates the importance of Hadīth and makes its unique ranks for the scholars how to consult it with regards to classification of data available in it and the ranks are classified into four degrees[205]:

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[202] Walī Allāh, Sat'āt n.d.

[203] al-Qurān 53:3-4.

[204] Walī Allāh, *Hujjat Allāh al-Bālighah*, 29.

[205] Ibid., 29-30

1. The outermost layer of the shell is the field of recognizing the Aḥādīth as sound, multiple-transmitted or rare.[206] This task has been undertaken by the brilliant Hadīth scholars who had excellent memories for it among the earlier generation.

2. This is the field of the scholars of the Arabic language who determine the meaning of Aḥādīth that are obscure and problematic ones.

3. This is the field of their import for religious law and the derivation of decisions on applied cases, drawing analogy (*qiyās*) (قياس), deriving inference (*istidlāl*) (استدلال) from indirect allusions (*īmā'*) (ايماء), textual indications that are not clearly stated (*ishārah*) (اشارة), recognizing the abrogated, definitive, the preferred and those definitely established. This is at the level of the inner seed and the pearl according to the majority of the religious scholars, and the investigators among the jurists (*fuqahā'*) engaged themselves with this.

4. According to the Shāh, the most refined of the Hadīth disciplines, the most deeply rooted and the loftiest beacon of light, the primary among the entirety of Islamic legal sciences and the greatest valuable is the science of the secret or inner meanings of religion (علم أسرار الدين) which investigates the wise principles behind the rulings (حكم الأحكام), their rationale, secrets of the properties and fine points of actions. According to him, this is the most worthy of the branches of knowledge in which the one who is qualified may spend has precious moments and he may consider it a provision for his resurrection after those acts of worship which have been made incumbent upon him.

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[206] The all terms are used for classifying Hadīth.

Giving a brief synopsis of the status of the Sunnah, the Shāh divided it into two types:

1. The *Sunnah* is illustration of the Qurān and the Holy prophet is its demonstrator:

"وهو الصادق المصدوق فيما قال وهو المبيّن لكلام الله المتعال"[207]

2. The *Sunnah* is an independent source of Islamic law where the Holy prophet ﷺ himself made *Halāl* and *Harām*:

"منها عدم تحمل الرواية عن صاحب الملة والعمل به وهوقوله ﷺ "ألا يوشك رجل شبعان على اريكته يقول عليكم بهذاالقران فماوجدتم من حلال فأحلوه وماوجدتم فيه من حرام فحرموه، وإن ما حرم رسول الله ﷺ كما حرم الله"[208]

5.3.1 Frame work of *al-Jāddah* in Significant Classification of Ahādīth Books:

Explaining the significance of the classification according to his *al-Jāddah al-Qawīmah*, the Shāh believed that the books of *Ahādīth* are compiled on two methods:

1. Those books which have only authentic *Ahādīth*.

2. Those books which have both authentic and non-authentic, however, the later has clearly been fixed out by the compilers.

Establishing the context, the Shāh explains that among the books few have been reached to the level of *Tawātur* (تواتر) while the other are at the level of *Mashūr* and *Mustafīḍ*. To describe a number of important differences between the books, the Shāh established

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[207] Walī Allāh, *Izālat al-khafā 'an khilāfat al-khulafā'*, (Karachi: Qadīmī Kutub Khānah. n.d.), 1:203, 106.

[208] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1:120.

different levels of *Ahādīth* books for derivation of laws and they are as follow in given order:

1. *Mu'attā* of Imām Mālik, *al-Sahīh* of Imām Bukhārī and *al-Sahīh* of Imām Muslim

2. *al-Sunan* of Abū Dāwūd, *al-Jāmi'* of Tirmidhī and *al-Sunan* of Nisā'ī[209]

3. *Musnad* of Abū Y'alā, *Musannaf* of Abdul Razzāq, *Musannaf* of Abū Bakr bin Shaybah, *Musnad* of Abd ibn Hamīd, *Musnad* of Tiālisī and Tahāwī.

4. *Kitāb al-Du'afā'* of Ibn-e Habbān, *Kāmil* and other books.[210]

5. Those books which are based on fabricated traditions and they are uttered by the so called preachers.[211]

After defining certain classification of *Ahādīth* books, according to the Shāh, the only first two levels are valid for derivation of laws.[212] To date various methods have been developed and introduced to measure the order of authentic books of *Ahādīth*, however, the order given by the Shāh is exactly that was applied by the *Aslāf* before fourth century *hijrī*.

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[209] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1:133

[210] Ibid.

[211] S'aīd Ahmad Pālanpūrī, *Rahmat Allāh al-wasi'ah.* 5 vols. (Deoband, UP: Maktaba Hijāz, 2002), 2:446.

[212] 'Abdul 'Azīz, *'Ujālah Nāf'iah.* (Dehlī: Matb'a Mujtaba'ī, 1348 A.H.), 5-8.

5.3.1.1 The status of M'uttā of Mālik as best Model for al-Jāddah according to Shāh:

What is interesting in the classification is the higher position of the *M'uttā* of Mālik on all authentic books of Ahādīth including *al-Sahīh* of al-Bukhkhārī and Muslim and the Shāh significantly claims that the most authentic book after the Holy Qurān is the *Mu'ttā* of Mālik due to be the best model for the concept of *al-Jāddah*.[213]

In order to asses this significance, it seems a vital reformation in the sciences of Hadīth as it is shown in his books i.e. *Hujjat Allāh al-Balighah, al-Musawwā* and *Musaffā*. It is discussed here briefly in a systematic order:

1. The Shāh believes that there is no book in *fiqh* more strong than the *Mu'ttā* of Mālik[214] as it is the utmost sound, most reputed, most ancient and best comprehensive book among the books on *fiqh*.[215]

2. There is an authority of Mālik and his book *Mu'attā* for the reason that no book of any prominent scholar of *Taba 'Tabi 'ī* is available except *Mu'attā*.[216]

3. There is no book up till now in which the majority of the ahadīth academics are unanimously agreed. Imām Shāfi'ī (d. 204 H), Sufyān bin 'Uyaynah (d. 198 H), 'Abd al-Rahmān bin Mahdī (d. 198 H) and other distinguished scholars of ahadīth and *fiqh* have held Mālik in high esteem.[217]

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[213] Walī Allāh, *Hujjat Allāh al-Bālighah*, 1:231.

[214] Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā*, 3.

[215] Walī Allāh, *al-Musawwā Sharh al-Mu'atta*, 62-63.

[216] Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā*, 3.

[217] Ibid., 4.

4. Madīnah was the center for Islamic knowledge during the life time of Imām Mālik and prior to that he had inherited all Islamic knowledge staying in that center.[218]

5. The *Muwattā* has met its obligation to soundness as Imām Shāfi'ī (d. 204 H) stated:

"There is no book in the world most sound than *Mu'attā* of Imām Mālik after the book of Allāh."[219] Following this, the Shāh further transmitted the statement of Hāfiz Ibn Hajr (d. 852 H) that he said that the book of Imām Mālik was sound to him and who followed him, because, according to their opinion, the *Mursal* and *Munqati'* were used for legal argument.[220]

6. The *Muwttā* is a well reputed book and it has been transmitted by large crowed from every educated class of its society. Among the rulers like al-Rashīd (786-809), al-Amīn (809-813) and al-Māmūn (813-833) and, according to some opinions, al-Mahdī and al-Hādī as well. Among the *Mujtahidīn* such as Imām Shāfi'ī (d. 204 H) and Muhammad bin al-Hasan al-Shaybānī (d. 189 H) directly and Imām Ahmad bin Hanbal (241 H) through the chain of 'Abd al-Rahmān bin Mahdī (d. 198 H) and Abū Yūsuf (d. 182 H) through the chain of a person.

Moreover, among the *Muhaddithīn* (the Hadīth scholars) a large number which is uncountable. And the copies of *Muwattā* were more than thirty.[221] The *Muwttā* has been transmitted without press and broadcasting by more than one thousand persons.[222]

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[218] Ibid., 5-6.

[219] Walī Allāh, *Hujjat Allāh al-Bālighah,* 1:232; Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā,* 6.

[220] Ibid., 6.

[221] Ibid., 7.

[222] Walī Allāh, *Hujjat Allāh al-Bālighah,* 1:232.

7. The book has been acknowledged by the compilers of conventional authentic six books. The lexical meaning of *Muwattā* is agreement or consensus. The contemporary scholars of Imām Mālik have unanimously approved the *Muwattā*.[223]

8. *The Muwattā* has been compiled and arranged in a well manner as well as it has comprised all chapters of *fiqh*.[224]

9. The way to *ijtihād* will not be opened before anyone except one peruses the *Muwattā*. The Shāh stated that:

"I am convinced that now a days the way to *ijtihād* and *fiqh* is closed unless the especial attention should be given to the *Muwattā*."[225]

10. The *Muwattā* is the foundation of four famous *fiqhī* schools of thought.[226] This is the equipment and foundation of Mālikī school, the capital and head of Shāfiʻī school and lamp and mirror of Hanafī school. The all *fiqhī* schools of thought in front of the *Muwattā* are like the explanation in front of the original text. The books which had been compiled in the *Sunan* order like the *Sahīh* of Muslim, the *Sunan* of Abū Dawūd and Nasā'ī and whatever relating to the *fiqh* of *Sahīh* of al-Bukhārī and *al-Jāmi'* of *Tirmidī* were turning around the *Muwattā*. The target of the books, mentioned above, was to make its *mursals* as *musnads* and its *mawqūf* as *marfū'*s and to attain which have been missed and to mention *mutāba'āt* (supporting transmissions) and *shawāhid*

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[223] Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā*, 8.

[224] Ibid.

[225] Ibid.

[226] Walī Allāh, *Hujjat Allāh al-Bālighah* 2005, 1:232; Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā*, 6-7.

(witness transmissions) for which Hadīth have been narrated with chains. It should be informed here that *Musnad* of al-Dārimī (d. 255 H) had been compiled only for making the *Ahādīth* of *Mu'attā* chained (isnād).[227]

5.3.2 Application of *al-Jāddah* on the Ijmā'(Consensus of Legal Opinion):

The third level of *al-Jāddah al-Qawīmah* is the Ijmʿā (consnsus) of the companionos of the Prophet Muhammad (PBUH) and *al-tābi 'īn* (their successors) and *taba' tābi 'īn* (successors of the successor) as discussed by Shāh:

3ـ ويتلوه ما حكاه مالكّ فى المؤطا: انه مذهب كبار الصحابة والتابعين والذى جرئ

عليه عمل اهل المدينة من لدن زمان النبوّة الىٰ زمانه. وفى حكم ما حكاه مالكّ

كذالك مما كان مثله مما يرويه سفيان الثورئّ مثلا ...ـ228

After that, the law which is narrated by Imām Mālik in his *Muwattā* in a manner that it is the view of the prominent jurist companions of the Prophet (PBUH) as well as their successors along with the actions of the people of *al-Madīnah* from the time of the Prophet (PBUH) to his time, then Shāfʿī, Ahmad, al-Bukhārī and their like-minded did not criticize it, who are reconciliatory between Hadīth and *fiqh* about what he has established, and however they also appreciated it, they discussed it, and they explicitly supported the Hadīths which came from the Prophet (PBUH) in a manner that it is Hadīth *Sahīh* or *Hasan* although they belong to the chapter of *Akhbār al-Āhād* (أخبار الآحاد) or they supported by its implication or its indication or the sayings of the great

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[227] Walī Allāh, *al-Musawwā Sharh al-Mu'atta*, 62-64.

[228] Walī Allāh, *al-Tafhīmāt*, 1:154.

group of the companions, the successors or by the clear analogy (*qiās*) and by the strong reasoning.

The status which is narrated by Mālik is as narrated by Sufiyān al-Thowrī etc, however, what Mālik has narrated is more and more compatible, while what is given other than Mālik, we find it is very short.

To know the true consensus of the companions and their successors, Shāh selected al-Muwattā of Mālik as the central point for the *Ijm'ā*. Subsequently, "*al-Musawwā min Ahādīth al-Muwattā*" has been compiled by Shāh where he took the views of the great companions and he applied on the opinions of Hanafite and Shāf'īte and he rearranged his juristic view in the light of his concept of *al-Jāddah*.

Providing an overview of the subject, the scholars generally consider *Sunnah* and *Ijmā'* as independent sources of Islamic law as Holy Qurān but the Shāh believes that the Sunnah is derived from the Quran through the principles of wisdom (*Hikmah*). To make it clear, the Shāh elaborates in his book "*Izālat al-Khafā*" that the state period from the Prophet (PBUH) till the martyrdom of Hazrat Uthmān was an exemplary where every state affair was dealt with proper consultation along with true spirit of Islam. This is the era, according to the Shāh, of complete consensus (*Ijamā*). The only *Ijmā'*, according to him, is acceptable that follows the footsteps of exemplary period of consensus.[229]

Establishing the fact, the Shāh focuses on the point that during the period of rightly guided caliphs (*'Ahd-e Khulafā al-Rāshidīn*), the only authentic and written

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[229] Walī Allāh, *Izālat al-khafā 'an khilāfat al-khulafā'*, 1:75, 121.

source was the Holy Qurān and upon that the companions of the Prophet (ﷺ) as political party established their system of party politics. Expressing the worth of the central committee of the party, according to the Shāh, the Qurān states that the pioneer members of the party out of *Muhājerīn* and *Ansār* and those who followed them with *Ihsān* are chosen by Allāh as discussed in the verse of Qur'ān.[230]

5.4 Application of *al-Jāddah al-Qawīmah* in *Ijtihād* and *Taqlīd*
5.4.1 Introduction:

One of the most important topics that the Shāh has dealt is the concept of *ijtihād* and *taqlīd* which has been misunderstood later on by some scholars on the question that whether he rejects the *taqlīd* in totality or he criticized such *taqlīd* which is just frozen *taqlīd* for the sake of *taqlīd*.

Moreover, the derivation of Islamic law on the basis of a particular *far'* (positive law) which is considered to be source of new Islamic law followed by a verse of the Qurān or a Hadīth of the prophet (PBUH) or *ijmā'* as a support to the *far'*. Of course, such attitude adapted by the later jurists needs to be rectified according to the concept of *al-Jāddah al-Qawīmah*.

5.4.2 Meaning Of *Ijtihād*, Prerequisites and Types of *Mujtahidīn*:

Describing the literal meaning, the word *ijtihād* is derived from "*juhd*"[231] which means to expend maximum effort in the performance of an act.[232] The literal meaning of *ijtihād* is exerting the utmost effort in performing a job. Technically, this is the effort

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[230] Qurān, 9:100.

[231] This is derived from the same 'Arabic root j-h-d.

[232] Saif al Din Āmidī, *Ihkām al ahkām* (Egypt: Muhamad 'Alī Sabīh, 1347 A.H.), 3:130.

made by the *mujtahid* in seeking knowledge of the provisions of the *Shari'ah* through interpretation. This definition means the following:

• The *mujtahid* exerts his utmost effort, that is, he works at his maximum capacity until he realizes his inability to move forward.

• To be hardworking. The effort exerted by the *non-mujtahid* does not entail it, because he is not qualified for it.

• Efforts should be directed towards discovering the *Shari'ah* rules that relate to behavior. All other types of rules are excluded.

• The method of discovering *ahkām* (the rules) should be through interpreting texts with the help of other sources. An exception is made to memorize these rules from fiqh books or to be specified by the *mufti*. Thus, the activity of the jurist and *muftī* cannot be termed *ijtihād*.

Technically ijtihad as discussed by Shāh is as:[233]

"It is making utmost effort in order to discern the applied *sharī'ah* rulings on the basis of detailed evidence for them that goes back in its entirely to four categories: the Qur'ān, the Sunnah, consensus, and analogical reasoning."[234]

Discussing findings of the definition, the Shāh takes out the following results:

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[233] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 20.

[234] Walī Allāh, *Shāh Waī Allāh's Treatises on Islamic Law*, 78.

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1. That *ijtihād* is broader than making maximum efforts to determine whether a ruling has previously been discussed by earlier scholars or not and whether he agrees with them about this or not.

2. That it is also broader than accomplishing this *ijtihād* through seeking aid from certain scholars in being made aware of the source of the rulings in detailed evidence or through not seeking aid from them.[235]

The striking observation of the Shāh on the false speculation is that it should not be thought that a scholar who agrees with his teacher about almost all issues but who recognizes a proof for every *dalīl* (ruling) and is fully satisfied, it is not a jurist (*mujthid*), according to him, it is a false assumption. Moreover, to have concept that no mujtahid is found nowadays is also a false conjecture.[236]

The main duty of the *mujtahid*, as evidenced by the above definition, is to discover rulings of Sharia from texts. One of the important facts mentioned in the study of the sources is that the texts of the Qur'ān and the Sunnah dealing with legal issues are limited, while new problems are not limited.

Therefore, the task of the jurist after studying the primary sources is:

• Discovery of the law that was explicitly mentioned in the primary sources or implicitly through texts, that is, its discovery through literal interpretation.

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[235] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 20.

[236] Ibid., 21.

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• Expanding the law to include new cases that may be similar to the cases mentioned in textual sources, but cannot be covered verbatim. And expanding the law to include new cases that were not addressed in the previous two cases

Methods, that is, they do not exist explicitly or implicitly in the texts nor are they completely similar to the cases in the texts.

The three tasks stated above not only tell us something about the nature of the sources, and the way in which they refer to the legal rules, but they also shed light on the way in which texts are interpreted or jurisprudence. In other words, these tasks tell us something about the different methods or patterns of *ijtihād* practiced by a jurist. An understanding of the methods of ijtihad helps draw a clear line between the literal methods of expanding law and rational methods.[237]

Before studying the methods of *ijtihad*, it is important to study some of the basic assumptions that the jurist appears to be carrying out his mission in light of the concept.

Giving a brief synopsis of the prerequisites for being a *mujtahid*, the Shāh emphasizes a scholar must fulfils the following requirements:[238]

5.4.3   The Qualification of Mujtahid:

The qualifications of the mujtahid appear to be a later development in the history of Islamic Jurisprudence. No such qualifications were established during the first two centuries of *hijrī*. Only after the reign of Muhammad ibn Idris al-Shafi'i, the founder of the al-Shafi'ī school, were these circumstances given greater importance.

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[237] Ibid.

[238] Ibid., 20-21.

Before that, it was due to the performance of the jurist in the field of Islamic law and his acceptance by the people, who had abandoned their belief in him, he became accepted as a *mujtahid*. However, some conditions are necessary, according to Shāh, and they are listed below:

1. Knowledge of the Arabic language: texts are in the Arabic language and cannot be understood without a comprehensive understanding of the Arabic language. Indeed, the Qur'ān, and even the texts of the Prophet's Sunnah, are the standards that often define the grammar of the Arabic language. Interpreting the texts of the Qur'ān and Sunnah, especially for the purposes of deriving the Sharia, is not an easy matter. A mujtahid must be fluent in Arabic well in order to be able to make such interpretation.[239]

2. Knowledge of the book: The Qur'ān is the main source of Islamic law. This means that it is the source of the law and the common principles of this law. Moreover, he is the source that authenticates all other sources of law. Although legal texts are considered to be around 600, jurists have often relied on other verses to strengthen their opinions. Memorizing the Qur'ān, not even the legal texts, is not considered necessary. It is enough for the jurist to know the ocassions of the Quranic verses. It is for this reason that some jurists have devoted their lives to writing legal commentaries on the Qur'ān, which are often called *Ahkām al-Qur'ān*.

The condition within these conditions is that the mujtahid must know and comprehend all the occasions of abrogation, that is, the laws of the nāsikh and mansūkh. In addition, the jurist must have knowledge of the causes of revelation or the historical

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[239] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 21..

reasons for revelation of a particular verse, because this helps in understanding the intention of the legislator. It provides the legislative history of the law.

3. Knowledge of the Sunnah: Since the Sunnah provides a legal explanation of the *Shari'ah* in the Qur'ān and is also an independent source of *Shari'ah*, the mujtahid must be fully aware of all the precedents stipulated by it. This requires knowledge of the frequent and famous, as well as the only news. Today, we have valid combinations from before great tradition like. Imams Bukhari and Muslim.

However, it should be noted that the law we read in books of jurisprudence was derived and developed by law schools before the work of these groups. Therefore, it is essential to understand the criteria established by jurists for classifying and accepting hadiths. Although many of the rules are common, there are some differences as well. Nowadays some good books have been written explaining the criteria used by jurists.[240]

4. Knowledge of consensus... As mentioned earlier, some jurists have stated that the first source that must be referred to before a mujtahid begins his task of interpretation is the consensus. If there is consensus on an issue, a mujtahid may not reopen it. In addition, knowledge of the principles endorsed by consensus will guide the mujtahid in other issues.

5. Knowledge of the purposes of *Shari'ah*: This condition was added after it by the jurists. In this book it is explained why it is important to know the purposes of law in order to understand the law and its derivation. Since these are ultimate values,

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[240] Ibid., 20.

knowledge of the Arabic language is not necessary to understand the purposes and work of the Sharia.

6. Eligibility for *ijtihād*: One more condition set by some scholars is the natural capacity for law and *ijtihād*. This is very similar to a gift from God that is more than can be obtained. Just as a good knowledge of Arabic does not make a person a poet, fulfilling the above conditions will not make a person mujtahid.

It may be summarized as below:

1. The understanding of the *Qurān* and Sunnah relating to the legal rulings

2. The knowledge of matters about the consensus

3. The prerequisites of analogical reasoning

4. The etiquettes of establishing parallel forms (*nzar*)

5. The knowledge of Arabic grammar

6. The knowledge of the abrogating and the abrogated texts

7. The knowledge of the status of the hadīth transmitters

8. There is no need of knowing *'Ilm al-Kalām* (scholastic theology) and *fiqh*.[241]

Providing an overview of the types of *Mujtahidīn* along with their traits which the Shāh discusses in his book *"Al-Insāf fī Bayān Sabab al-Ikhtilāf"*[242] is as follows:

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[241] Ibid., 20-23.

[242] Walī Allāh, *al-Insāf fī Bayān Sabab al-Ikhtilāf*, 80-2.

Establishing the context of the subject matter, the mujtahid (absolute) may be *mustqill* (independent) or may be *muntasib* (affiliated) to an independent one. According to given context, the types of *mujtahidīn* along with qualifications may be divided into three:

1. Absolute independent *mujtahid* is distinguished from the rest by four traits:

i. That he works with the roots and principles from which jurisprudence is deduced....

ii. That he collects the hadīth and *āthār* (reports) from the *sahābah* (companions) so that he learns their rulings and gets knowledge of how to conduct jurisprudence with. He reconciles their variants (*mukhtalaf*) and determines their probable (*muhtamal*) meanings.

iii. That he deduces from the implications of cases so as to give responses in new cases presented to him that were not previously responded to in the early centuries.

iv. That is that his acceptance from Allāh as well as from all groups of the relevant scholars will devote themselves to his knowledge and long times will pass this acceptance until this takes in people's hearts.[243]

Together these aftermaths provide important comprehensions of the *mujtahid* which may be summarized as below:

a. He should be very active in the traits mentioned above.

b. Exceptional in his field

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[243] Ibid.

c. Superior to his contemporaries

d. Distinguished among his competitors

2. Absolute affiliated mujtahid:

i. He is the scholar who follows a jurist and accepts what he did under the first trait.

ii. He is the scholar who follows the jurist what he did under the second trait.

3. The mujtahid within the boundaries of a legal school:

a. He is the scholar who is sound in the first and second trait and

b. He is the scholar who, in addition, follows another scholar's course in deriving the responses in new cases according to the methodology of his *Imām*'s results in secondary cases.

'Ubaidullāh Sindhi (d. 1944) observed only slight differences between the terms i.e. *mujaddid, muhaqqiq* and *mujtahid*. He explains that "*al-mujaddid*" has been used for "*al-mujtahid al-mutlaq al-muntasib*" (absolute affiliated mujtahid) and "*al-muhaqiq*" has been used for "*al-mujtahid fi-l al-madhhab*" (the scholar within the boundaries of legal school) nowadays in sub-continent due to refrain from the resemblance with Shi'ite school.

Therefore, Shāh Isma'īl Shahīd (d. 1831) entitles his grandfather, Shāh Walī Allāh (d. 1762) as "*afḍal al-muhaqqiqīn*" (the best among the mujtahidīn within a legal school),

even before that a prominent *mujtahid fī-l al-madhab* of *hanafī* school, Kamāl al-Dīn bin al-Hammām was known as "*al-muhaqqiq*".[244]

5.4.4 Differences between Shāh Walī Allāh's Approach and Other Mujtahidīn:

In the following points, the differences have been found:

Diffemce in the Types of Ijtihād:

On the types of Ijtihād, there is difference between Hanafīte and Shāfi'īte. According to Hanafīte, there are seven types of *Fuqahā* as discussed by Ibn al-Kamal:

i. Mujtahid in Sharī 'ah ii. Mujtahid in Madhab

iii. Mujtahid in Masāil iv. Muqallid in Takhrīj

v. Muqllid in Tarjīh vi. Muqallid in categorization of Hadīth

vii. Muqallid who did not posses the qualities mentioned above[245]

According to Shāfīte, the types of Mujtahidīn are four as discussed by Rāfi'ī andNawawī:

i. Absolute Mujtahid ii. Absolute Affaliated Mujtahid

iii. Mujtahid in Madhab iv. Mujtahid in Fatwā.

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[244] 'Ubaidullāh Sindhī, *al-Mawqif fī al-Fiqh al-Islāmī fī Daw-i Ifādāt al-Imām Shāh Walī Allāh al-Dihlavī*, ed. 'Abdul Khāliq Azād Raipūrī (Lahore: Rahīmiah Matbū 'āt, 2015), 55.

[245] Ibn al-Kamal, *Tabaqāt al-Fuqahā*

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Shāh selected Shāfiʿīte types of Mujtahid, instead of Hanafīte with slightly different terms, adding "Mustaqil".[246]

5.5 Texts That Are Not Subject To Ijtihād:

There are certain texts in which a mujtahid does not need to make an effort. The reason is that these texts are the most original and the meanings in them are clearer. The meaning of these texts can be discovered by anyone reading these texts. Technically, the topic revolves around the meanings of the word definitive (*qatʿī*) (قطعى) and probable (*zannī*) (ظنى). These words have a double meaning. All verses of the Qurʾān are *qatʿī* in terms of their originality or transmission, as well as the texts of the *Sunnah al-Mutawātir*. There are very few of these texts which are *qatʿī* as far as meaning is concerned.

To be definitive about meaning implies that only one meaning can be found from the text. For example, 100 lashes in the text related to *zinā* (illegal sexual intercourse) means 100 lashes, nothing more, no less; therefore, it is *qatʿī*. There is no need to try to determine the number. Compared to this figure, the meaning of "lashes" is not entirely clear. Are strikes with a stick, a whip, or something else? With what force is it applied? To what part of the body? All of these questions require explanatory effort on the part of a mujtahid.

Therefore, there can be no ijtihad in texts which are definitive (*qatʿī*) as to the transmission as well as the meaning. This meaning was also found in a principle stipulated by Shafiʾī's jurists: "There is no *ijtihād* with the "*nas*". The word *nas* in this

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[246] Walī Allāh, *ʿIqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 23.

principle does not mean "text". *Naṣ* is the name of a word or text that gives single or definitive meaning. Some writers have mistakenly interpreted this word as meaning a text for the purposes of this rule, thus eliminating a large portion of the activity called *ijtihād*. The reader should read such texts with caution.

Some of the cases that are considered outside the scope of *ijtihād* are general duties and prohibitions:

The obligation to pray.

The obligation to fast.

Prohibition of *zinā* (الزنا) and so on.

All of these cases are those in which there are definitive texts with specific meanings.[247]

In short, *ijtihād* is relevant wherever there is a possibility that the text has more than one meaning. Such texts, whether definitive or probable in relation to transmission, are always probable in relation to the meaning. *Ijtihād* in this context is concerned with discovering the actual meaning by examining the strength of meaning in various ways and preferring that meaning over other possible meanings. In these methods the jurists differ. They have adopted rules for interpretation and application of these different rules may lead to a difference of opinion. This will be evident in the following:

Sometimes, the meaning that may be possible is determined by consensus of the jurists' opinions. In such cases also, jurists assert that there is no possibility of *ijtihād*,

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[247] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 20-23.

and that the meaning determined by consensus must be followed by the *mujtahid*. This has been clarified in the study of consensus as a source of law.

It is for this reason that jurists like Al-Ghazali stated that the first thing a *mujtahid* should do when he begins to translate is to know if there is a group in this case.

Ijtihād is also done in cases where it is not possible to find evidence, direct or indirect, of an issue faced by the mujtahid. In these cases some method of *ijtihad* comes into force, as described below.[248]

5.6   The Three Methods of Ijtihād

The practice of the scholars of jurisprudence in general has three types. Indeed, the activity of the jurist cannot be divided into separate patterns. *Ijtihād* is one smooth process, but for simplicity and ease of understanding, this activity is divided into three types as follows:

First mode:

In the first case, the jurist remains as close as possible to the texts. It re-emphasizes the literal meaning of texts, that is, it follows the rule of simple meaning. In doing so, he first tries to find explanations for difficult or incomprehensible words from the texts themselves. He moves to other sources, such as the meaning of words in literature. This also depends on whether the words are used in texts in their literal sense [*haqīqah*] or whether their use is symbolic [*majāz*].[249] The text may not indicate the

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[248] Ibid.

[249] Imran Ahsan Khan Nyazee, *Islamic Jurisprudence* (Islamabad: Advanced Legal Studies Institute, 2013), 298.

meaning required by simple reading. In such a case, the jurist will use other techniques, called *dalālah*, through which the implicit meanings are ascertained.

The second mode:

When jurists exhaust the first method of literal construction, they turn to analogy, which is called *qiās*. This mode is limited to strict types of analogy. Some jurists reject some loose forms of analogy such as *qiās al-shabah* or similarity analogy. The reason for agreeing to strict methods of analogy is once again the jurist's desire to remain close to the intention of *Shār 'i* [the legislator]. If too loose methods are adopted, the Islamic color of the legal system may be lost.

Therefore, analogy is designed to be a rigorous type of analogy and it can be said to apply to the process of finding subtle similarity. The second method of ijtihād is restricted to the use of analogy.[250]

The third mode:

As for the second method of *ijtihad*, it is limited to the extension of the law from individual texts, while in the third case it is *ijtihād* on all texts that are considered collectively. This means that legal reasoning is more in line with the spirit and purposes of the law rather than the boundaries of individual texts.

The spirit and purpose of the law can be seen clearly in the general principles of the legal system. Principles are used in ways such as applause and communicated

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[250] Ibid.

interest. As for the third type of *ijtihad*, it allows jurisprudence to generate new principles, provided that it adheres to a prescribed methodology and fulfills the conditions imposed for such legal thinking.[251]

Accordin to Shāh, the method of discovering the rules should be through interpreting texts with the help of other sources. An exception is made to memorize these rules from books of *fiqh* or to be specified by the *muftī*. Thus, the activity of the jurist and *muftī* cannot be called *ijtihād*.

1. That *ijtihād* is broader than making maximum efforts to determine whether a ruling has previously been discussed by earlier scholars or not and whether he agrees with them about this or not.

2. That it is also broader than accomplishing this *ijtihād* through seeking aid from certain scholars in being made aware of the source of the rulings in detailed evidence or through not seeking aid from them.[252]

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[251] Ibid., 299.

[252] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 20.

5.7 *Taqlīd*, Status and Its Types according To Shāh's *al-Jāddah*:
5.7.1 The Literal Meaning of *Taqlīd*:

"The word *taqlīd* is derived from *qalādah*, which is an ornament tied around the neck (such as a necklace) or it is the ribbon that holds the sword sheath and usually swings around the shoulders. The word *"qalādah"* (قلادة) is also used to denote the tape to which a piece of wood is attached to the neck of an animal. It prevents the animal from going astray because it hits its knees when it tries to run. In this sense, the word *"taqlīd"* carries within it a restriction, and this restriction is found in the technical meaning of the term."[253]

5.7.2 Technical Meanings of *Taqlīd*:

In its technical sense, Ibn al-Hajj defines *taqlīd* as:

"Acting on the words of the other without *Hujjah* (legal authority)".[254] There are two ways to understand this definition, and it has led to some confusion about the meaning and role of *taqlīd* today.

The first meaning is defined by contemporary writers, Abd al-Rahim,[255] who understands it to mean following another opinion without knowledge or authority over that opinion. In other words: if a person asks for the opinion of a jurist, he does not ask him about the origin of his opinion, whether it is taken from the *Qur'ān*, the *Sunnah*, consensus, or another sources. It should be followed without question. This meaning is

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[253] Amidī, Saif al Din. 1347 H. *Ihkām al ahkām.* Vol. 3. (Egypt: Muhamad 'Alī Sabīh, 1347 A.H.), 3:166.

[254] Ibn al-Hajj, *al-Taqrīr wa al-Tahrīr* (Būlāq: 1316 A.H.), 3:340.

[255] 'Abdur Rahīm, *Muhammadan Jurisprudence,* 171.

generally accepted by most modern writers, and this is the form they condemn. And previous jurists do not understand the meaning of the definition in this way.

According to earlier jurists, the word *"Hujjah"* means permission issued by *Shari'ah*. Therefore, *taqlīd* means following another opinion when the *Shari'ah* does not authorize it. This meaning forbids *taqlīd*, that is, whoever follows the opinion of others without the permission of the *Shari'ah* has committed a forbidden act.

Following the opinion of the jurist does not enter into this sense of *taqlīd*. The Muslim jurists believe that following the opinion of a qualified jurist is permissible in the *Shari'ah* and is not *taqlīd*.[256]

5.7.3 Types of *Taqlīd*:

This means that there are two types of *taqlīd*:

1. Forbidden *taqlīd*

2. Permissible *taqlīd*

Taqlīd, as it is generally understood, means following the opinion of another. Thus the Hanafi follows the opinion of the Hanafi school of thought, while the Shafi'i follows the opinion of the Shafi'i school.

In contrast, *Ijtihād* means that the person in need of an opinion does not follow the opinion of any school, but rather derives the rule of conduct for himself directly from the sources of Islamic law. It is clear that such a person would be classified as a

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[256] Muhammad bin 'Alī al-Shawkānī, *Irshād al-Fuhūl ilā Tahqīq al-Haq min 'Ilm al-Usūl.* (Cairo: Dār Ibn al-Jawzī, 1937), 267.

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mujtahid, and a mujtahid must have some of the basic qualifications that we studied in the previous chapters.

Moreover, a *mujtahid* must follow a system of interpretation: either a fixed system of a school or a system that he creates for himself. All persons who are unable to claim the status of a *mujtahid*, due to the lack of the required qualifications and skills, they must follow the opinion of some mujtahid. However, we find that in modern times many scholars have denounced *taqlid* and insisted on the necessity of *ijtihād*.

The reason for this is that *taqlīd* in the writings of some previous jurists is considered obligatory for all jurists, and independent jurisprudence is not permissible. This is also called "closing the doors of *Ijtihād*".

There have been many debates on this issue in modern jurisprudential literature.

In light of these discussions, many contemporary scholars assert that the doors of *ijtihad* have never been closed and that this activity should continue in the modern world, and imitation should be avoided.

Do these scholars mean that every ordinary person should explain the sources of Islamic law for himself and avoid following the opinions of Sharia schools?

Do they mean that some scholars will strive and the rest follow their sayings?

There is also another form of *taqlīd*, in which the average person does not follow one school, but chooses whatever opinion he likes from one of the schools. Thus, the scholar may choose an opinion from the Hanafi School today and tomorrow he may

choose an opinion from the Shafi'i school or another school for this matter. Is this *taqlīd* or *Ijtihād* or something else?[257]

5.8 View of Shāh about *Taqlīd* and *Taqlīd* withis one specific *Maḍhab* (al-*Taqlīd al-Shakhṣī*):

In the first and second centuries common Muslims did not concur about the need to perform *Taqlīd* within one specific legal school. The books and other compilatons are all later occurrences, as is holding to statements that people have made, issuing legal opinions based on the school of a single individual, holding to his opinions, emulating him in every thing, and conducting jurisprudence to his school. Rather, at that time people were at two levels, the scholars and the common people. In case involving issues of consensus about which there was no disagreement among Muslims and the majority of the mujtahids, the common people performed taqīd of the master of legislation (PBUH).[258]

According to Shāh, the layman does not have a school, rather his school is the legal ruling from a *muftī*.[259]

Our aim here is to answer most of these questions and determine the exact scope, if any, of *taqlīd* and its usefulness in the present day. By doing so, we define the function of the jurist, which we called the jurist, as opposed to the *mujtahid*.

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[257] Walī Allāh, *al-Insāf fī Bayān Sabab al-Ikhtilāf*, 43-45.

[258] Ibid, 68-69.

[259] Walī Allāh, *'Iqd al-Jīd fī Ahkam al-Ijtihād wal-Taqlīd*, 73; See further detail of the view of Shāh under the topic "Moderation between Taqlīd and Ijtihād" given above.

5.9   View of Shāh Walī Allāh about Eclecticism (*Talfīq*) (تلفيق):

Shāh's position on the subject matter is needed to be analyzed. What he has discussed about the topic, its gist has been given below to conceive the concept clearly.

Shāh has discussed the issue by elaborating that the books and the collections are later, and the opinion with opinion of the people and to take legal opinion from the people of one school and to keep his opinion to discuss its story in everything and to think of his school, the people were not act in early era. However, the people learned the characteristics of the ablution, bath taking, the prayer, the alms-giving, the fasting, the pilgrimage to K'abah, the marriage contract and the selling-buying etc. from their ancestors like friends and from the teachers of their cities. When they faced a big issue, they visited Mutīs either they were from the Madīnah or from Kūfah. Hence, they make in practice what they gave the legal opinion, especially those who were knowledgeable in Hadīth, they do not follow which has been clear from the dimension of Hadīth and saying of the companion except only those who have Sharī'ah and when there is nothing clear they follow the saying and the opinions until they got satisfied. And the one who is the scholar of takhrīj, extract the las on the basis of the text of the jurist among the jurists or on the basis of rules where the text is not available.[260]

Some saints during the restricted period with one school, like Shaikh Ibn 'Arabī did not restrict with one school. He said in the book *al-Futūhāt al-Makkiyah* and other than that, when a person follows the way of the group strictly so he did not see anything else. So, it is compulsory for him to be restricted with that school which his imām extracted from his opinions whereas he observes the opinions of all jurists are taking

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[260] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah*, 1:151.

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water from one ocean there the restriction with one school to be broken necessarily and to be given order with equal status of all schools in contrary to which he trusts on it before.

Some jurists ask for restriction either to avoid differences among masses or tendency of some schools as per some dimensions have been shown in his dream etc. Some critic scholars did not restrict himself with one school or did not restrict with one school to give legal opinion to others like Abī Muhammad al-Juwainī who wrote his book al-Muhīt and did not restrict to follow one school. Indeed, al-Jlāl al-Dīn al-Suūtī and 'Abdul Wahhāb Sha'arānī narrated the same view from the group which is countless. Majority of the jurists focused on to be restricted with one school as it is very famous. In totality, their differences in the subject matter make the people terrified and ignited to reject one another. It was not found during the period of the Prophet (PBUH).

Shāh's concluding remarks by saying that It was one of the great blessings of Allāh on me that He opened for me about the actual situation of all schools, the situation of restriction to some schools, and the situation of that person who thinks to move to the school after that where he was restricted with other school, the situation of that person who follows some issues in one school and some issues in other school, that did the lawgiver give choice or He restrict everyone to follow only one school.[261]

So, the view of eclecticism (talfīq) has been qualified with that where it is necessary and difficult to follow one school, there is to be used it.

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[261] Ibid, 151-52

5.10 Application of *al-Jāddah al-Qawīmah* in Staying within the Four Sunnī Fiqhī Schools:

Providing an overview of the matter in the light of his concept, mentioned above, the Shāh focuses on staying within the four *Sunnī fiqhī* schools due to the reasons given below:

1. The *ummah* has agreed by consensus to rely on *al- salf-w-al-sālih* (the pious ancestors) in knowing the Islamic law. Meaning by that the *tabi'īn* (followers) relied on the *sahābah* and *taba' tābi'īn* (the successors) relied on the followers. That is how the scholars of each generation relied on their previous ones.[262]

It is an increasingly important area in applied *taqlīd* because the Islamic law is only known through *naql* (transmission) and *istinbāt* (inference). Sound transmission and inference must be observed in its spirit in order not to deviate from their *fatāwā* and violate *ijmā'* (juristic consensus) and they build their opinions on those who had gone before.

Similarly, the statements that would be relied on are related by sound transmission in the authoritative books as well as according to the preferred interpretation among the plausible ones has been made clear, their general meanings have been specified, their unqualified decrees have been qualified so that conflicting opinions about them have been reconciled. All requirements given above are not been accomplished then relying on the statements are not correct.

The Shāh is making his point of concern that there is no legal school that meets the criterion, mentioned above, in the times we live, other than the four *sunnī* legal

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[262] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*,40.

schools. One may include the schools of the Imāmī Shi'a and the Zaydīs but they are not trustworthy as they are *ahl al-bid'ah* (people of innovation) whose opinions may not be considered reliable.[263]

2. The second reason for staying within the four schools is saying of the prophet (PBUH): "Follow the great majority".[264]

3. The third reason for staying within the four legal schools, according to the Shāh, is that once a long time had passed and the era of the prophet (PBUH) became far-flung and reliability was lost, it is not permitted to rely on the *fatāwās* of the corrupt scholars among the cruel judges and the muftis who follow their vested interests.

Therefore, it is not permitted to depend on such scholars' *fatāwās* and rulings when we do not know whether they fulfil the conditions for exercising *ijtihād* or not.

Putting forward his opinion, the Shāh reached to the point that first, the scholars must be judged in their faithfulness to the ancestor's schools then we rely on their deductions from their *fatāwās* or their inferences from the *Qurān* and the *Sunnah*.[265]

Giving examples as support, the Shāh brought the some verdicts given by the prominent companions of the prophet (PBUH) as follows:

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[263] Ibid., 40-41.

[264] Ibn Mājah, *Sunan, Kitāb al-fitan* 8 n.d.

[265] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 41-42.

1. 'Umar ibn al-Khattāb said: "Islam will be destroyed by the arguing of the hypocrite using the *Qurān*".[266]

2. With respect to the need to follow the legal schools, Ibn Mas'ūd said:

"Whoever is a follower should follow someone from the past".[267]

Moreover, the Shāh stressed the aspects of their common source of principles which is not only the *Qurān* and the *Sunnah*, but also the consensual principles of first two caliphs, Abū Bakr and 'Umar, particularly those of the later. He regarded the relationship of the founder of each of these schools to 'Umar as that of a *mujtahid muntasib* to as *mujtahid mutlaq* and their schools as commentaries on the text of *fiqh* of 'Umar. The founders of the *fiqhī* schools, according to the Shāh, followed 'Umar like *mujtahidūn muntasibūn* not only in his principles but also in his *furū'*.[268]

5.11 Application of *al-Jāddah al-Qawīmah* In *al-Musawwā* and *al-Musaffā*

In order to demonstrate the small range of the differences of the jurists of the *fiqhī* schools, and to stress the extent of their arguments, Shāh frequently points out in *al-Musawwā* and *al-Musaffā*, his two commentaries on the *Muwattā* of Mālik, to the concept of *al-Jāddah al-Qawīmah* on which the scholars concur and also stress the

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[266] 'Abd Allāh ibn 'Abd al-Rahmān al-Dārimī, *Musnad al-Dārimī al-M 'arūf bi Sunan al-Dārimī*, ed. Husain Sulaim Asad al-Dārānī (al-Riyādh: Dār al-Mughnī, 1st. ed. 2000), Muqaddimah.

[267] Walī Allāh, *'Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*, 42. The saying of Ibn Mas'ūd has been discussed by the Shāh in his book mentioned above, however, its direct source has not been found so far.

[268] Walī Allāh, *Izālat al-khafā 'an khilāfat al-khulafā'*, 2: 82.

main points of a problem on which the jurists generally agree. Though they may differ in respect of questions of trivial importance.[269]

On such points, Shāh usually remarks as below:

"وعليه اتفق اهل العلم"[270]

"The scholars agreed upon it".

In such cases, after mentioning the important points of consensual agreement in respect of a question, under a given subject, Shāh generally remarks that having agreed on the main points, the jurists differed in respect of subsidiary detail.[271]

It is also not uncommon in these commentaries to find, usually in the beginning or in the end of a chapter, the ceremonial form of a ritual or a principle on which all the *sunnī* schools agree on the whole, and the stress of Shāh that these points should be strictly followed.[272]

Consequently, the main feature of the *fiqhī* schools which becomes obvious from the observation of Shāh is their agreement on most of the important juristic disagreements, however they may sometimes disagree in regard to subsidiary details.

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[269] Walī Allāh, *al-Musawwā Sharh al-Mu'atta,* 1:152, 272.

[270] Ibid., 1:207.

[271] Walī Allāh, *Musaffā Sharh Mu'ttā with Musawwā,* 2: 97.

[272] Ibid.

This emphasis on the points of agreement among the jurists was, in the light of the concept, essential for creating a sense of unity and homogeneity and for eliminating the feelings of alienation and animosity among the followers of the different schools.

5.12 Some Applied Examples of *al-Jāddah al-Qawīmah* in *al-Tafhīmāt al-Ilāhiyah*

Shāh Wlī Allāh contended that this *Jāddah* consisted of those principles on which all four schools, or atleast the Madinese and the Kūfians, concoured. Shāh stressed the binding character of this Jāddah and emphasized that legal activity should remain confined within its bounds.[273] He mentioned the following examples in order to illustrate the doctrines which, according to him, transgress its limits:

I. To allow wiping of the feet Wūḍū instead of washing them;

II. To regard Mut'a (temporary marriage) as lawful;

III. To hold the drinking of a small quantity of an intoxicant other than wine as permissible;

IV. To regard the extent of the time of the Zuhr prayer uptil the time when the length of the afternoon shade of a thing becomes double of its height plus the length of its shade at noon time. Among the four above mentioned doctrines, the two former belong to the Shī 'ī school and the two latter are those of the Hanafī School of law.

Shāh cites the following variants to illustrate the disagreement which does not amount to deviantion from the Jāddah:

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[273] Wali Allāh, *al-Tafhīmāt al-Iliah,* 155.

I. Disagreement on the doctrine of regarding the brushing of teeth with stick in the afternoon as reprehensible for a person who fasts;

II. Disagreement on choosing from among the various formulas which are required in prayer before the recitation of Sūrah al-Fātihah; or not uttering any formula at all;

III. Disagreement in choosing from among the different formulas of the Tahashhud transmitted by various Companions;

IV. Different Rak 'āt in the Witr prayer.[274]

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[274] Ibid.

CONCLUSIONS AND FINDINGS

Shāh Walī Allāh is among those personalities who have full command on the sciences of *'Aql* (rationality), *Naql* (the *Qurān*, the *Sunnah* and their sciences) and *kashf* (intuition, mysticism) with the blessings of Allāh Almighty.

1. He has explained that the differences among *Mujtahidīn* are not only in principles of Islamic Jurisprudence but they are *Furū'āt*. Moreover, these differences are either in preferences or in the sayings of better and ease; awlā and ghair awlā or 'Azimah and Rukhṣah.

2. He had God-gifted ability to understand the reality of *fiqhī* differences and to attempt reconciliation between two or more texts which were apparently contradictory in nature, using his own method called *"al-Jāddah al-Qawīmah"*.

3. He conveyed the massage that our ancestors had difference of opinions but had great respect for each other.

4. He focused on to follow *fuqahā muhaddithīn* who do not prefer sayings of *Mujtahidīn* over *Hadīth*.

5. The four *Sunnī schools*, according to him, are equal and respectful, with each should having its own special traits.

6. He always tried to attempt reconciliation among four *fiqhī* schools of thought in the light of Hadīth.

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7. The best works of the Shāh wherein he has discussed and applied *al-Jāddah al-Qawīmah* are:

  1. *al-Tafhīmāt al-Iliyah*

  2. *Fūḍ al-Haramain*

  3. *Hujjat Allāh al-Balighah* (in seventh book)

  4. " *'Iqd al-Jīd fī Ahkām al-Ijtihād wa-l-Taqlīd*"

  5. "*al-Inṣāf fī bayān sabab al-Ikhtilāf*"

  6. *al-Musaffā Sharh al-Muwattā of Mālik in Persian.*

  7. *al-Musawwā Shrah al-Muwattā of Mālik in Arabic.*

  8. *Izālat al-Khafā fī 'an Khilāfat al-Khulfā* (specially in treatise on *fiqh* 'Umar)

8. Shah maintained that the doors of *Ijtihād* are always open provided that its conditions are fulfilled.

9. *Taqlīd,* according to him, is permitted while laymen should follow one of the four schools.

10. Moderation in *taqlīd* should always be observed.

11. According to the Shāh, four *Akhlāq* [four ethical values] and four *Irtifāqāt* [socio-economic and political development] are goals to be achieved using theoretic and juristic perspective. This is the approach that has been adapted by the Shāh himself in his great book "*Hujjat Allāh al-Bālighah*".

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BRIEF ANSWERS TO THE RESEARCH QUESTIONS:

This dissertation targeted to answer the following crucial questions:

1. What is Shāh Walī Allāh's perspective regarding *fiqhī* differences and what are its rules & regulations to achieve reconciliation/accommodation among different *fiqhī* opinions/schools of thoughts? What is his approach about the causes of differences among the jurists and what are its rules?

He has explained that the differences among *Mujtahidīn* are not only in principles of Islamic Jurisprudence but they are *Furū'āt*. Moreover, these differences are either in preferences or in the sayings of better and ease; awlā and ghair awlā or the determination and the concession. The rules that are adopted by Shāh are based on his juristic concept of *al-Jāddah al-Qawīmah al-Muhammadiyah*. He had God-gifted ability to understand the reality of *fiqhī* differences and to attempt reconciliation between two or more texts which were apparently contradictory in nature, using his own method called *"al-Jāddah al-Qawīmah"*.

2. What value could be attached to the theoretic & juristic books of Shāh?

The best works of the Shāh wherein he has discussed his juristic and theoretic perspective followed by the application with the theory of *al-Jāddah al-Qawīmah* are:

1 *al-Tafhīmāt al-Iliyah*　　2. *Fūḍ al-Haramain* 3.　*Hujjat Allāh al-Balighah* (in seventh book)　4. *"'Iqd al-Jīd fī Ahkām al-Ijtihād wa-l-Taqlīd"* 5. *"al-Insāf fī bayān sabab al-Ikhtilāf"*　　6. *al-Musaffā Sharh al-Muwattā of Mālik in Persian.*　　7. *al-Musawwā Shrah al-Muwattā of Mālik in Arabic.*　　8. *Izālat al-Khafā fī 'an Khilāfat al-Khulfā* (specially in treatise on *fiqh* 'Umar)

The books mentioned can play a vital role to reconcile the differences among fiqhī schools as the complete attention has not been given yet by the scholars.

3. What are his sources of *fiqh* and *Uṣūl al-fiqh* (Islamic law and Jurisprudence)?

The sources of *fiqh* and *Uṣūl al-fiqh* (Islamic law and Jurisprudence) are those which have been accepted unanimously by the early jurists. However, the significant sources which make him distinguished from other are:

i. *Fiqh-i* 'Umar, he has dedicated a complete volume to the laws which were established during the era of Caliphate of 'Umar.

ii. Muwattā of Mālik, Shāh considered this book as text in fiqh while other books are its explanations.

4. Why *Muwatta* of Mālik is considered to be the base of all *Sunnī Fiqhī* Schools in view of the Shāh?

In order to asses this significance, it seems a vital reformation in the sciences of Hadīth as it is shown in his books i.e. *Hujjat Allāh al-Balighah, al-Musawwā* and *Musaffā*. It is discussed here briefly in a systematic order:

1. The Shāh believes that there is no book in *fiqh* more strong than the *Mu'ttā* of Mālik as it is the utmost sound, most reputed, most ancient and best comprehensive book among the books on *fiqh*.

2. There is an authority of Mālik and his book *Mu'attā* for the reason that no book of any prominent scholar of *Taba' Tabi'ī* is available except *Mu'attā*.

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3. There is no book up till now in which the majority of the ahadīth scholars are unanimous. Imām Shāfi'ī (d. 204 H), Sufyān bin 'Uyaynah (d. 198 H), 'Abd al-Rahmān bin Mahdī (d. 198 H) and other distinguished scholars of ahadīth and *fiqh* have held Mālik in high esteem.

4. Madīnah was the center for Islamic knowledge during the life time of Imām Mālik and prior to that he had inherited all Islamic knowledge staying in that center.

5. The *Muwattā* has met its obligation to soundness as Imām Shāfi'ī (d. 204 H) stated:

"There is no book in the world most sound than *Mu'attā* of Imām Mālik after the book of Allāh." Following this, the Shāh further transmitted the statement of Hāfiz Ibn Hajr (d. 852 H) that he said that the book of Imām Mālik was sound to him and who followed him, because, according to their opinion, the *Mursal* and *Munqati'* were used for legal argument.

6. The *Muwttā* is a well reputed book and it has been transmitted by large crowed from every educated class of its society. Among the rulers like al-Rashīd (786-809), al-Amīn (809-813) and al-Māmūn (813-833) and, according to some opinions, al-Mahdī and al-Hādī as well. Among the *Mujtahidīn* such as Imām Shāfi'ī (d. 204 H) and Muhammad bin al-Hasan al-Shaybānī (d. 189 H) directly and Imām Ahmad bin Hanbal (241 H) through the chain of 'Abd al-Rahmān bin Mahdī (d. 198 H) and Abū Yūsuf (d. 182 H) through the chain of a person.

Moreover, among the *Muhaddithīn* (the Hadīth scholars) a large number which is uncountable. And the copies of *Muwattā* were more than thirty.

The Muwttā has been transmitted without press and broadcasting by more than one thousand persons.

7. The book has been acknowledged by the compilers of conventional authentic six books. The lexical meaning of *Muwattā* is agreement or consensus. The contemporary scholars of Imām Mālik have unanimously approved the *Muwattā*.

8. *The Muwattā* has been compiled and arranged in a well manner as well as it has comprised all chapters of *fiqh*.

9. The way to *ijtihād* will not be opened before anyone except one peruses the *Muwattā*. The Shāh stated that:

"I am convinced that now a days the way to *ijtihād* and *fiqh* is closed unless the especial attention should be given to the *Muwattā*."

10. The *Muwattā* is the foundation of four famous *fiqhī* schools of thought. This is the equipment and foundation of Mālikī school, the capital and head of Shāfi‘ī school and lamp and mirror of Hanafī school. The all *fiqhī* schools of thought in front of the *Muwattā* are like the explanation in front of the original text. The books which had been compiled in the *Sunan* order like the *Sahīh* of Muslim, the *Sunan* of Abū Dawūd and Nasā'ī and whatever relating to the *fiqh* of *Sahīh* of al-Bukhārī and *al-Jāmi‘* of *Tirmidī* were turning around the *Muwattā*. The target of the books, mentioned above, was to make its *mursals* as *musnads* and its *mawqūf* as *marfū*'s and to attain which have been missed and to mention *mutāba‘āt* (supporting transmissions) and *shawāhid* (witness transmissions) for which Hadīth have been narrated with chains. It should be informed here that *Musnad* of al-

Dārimī (d. 255 H) had been compiled only for making the *Ahādīth* of

Mu'attā chained (*isnād*).

RECOMMENDATIONS

The following recommendation are suggested:

1. The actual goals, according to the Shāh, are "*Iqtirābāt* and *Irtifāqāt*" for the success here and the hereafter. Therefore, any topic related to the academic works of Shāh Walī Allāh should be comprehended in totality. Otherwise someone may notice a contradiction within the topics and concepts.

2. The concept of "*al-Jāddah al-Qawīmah*" should be propagated through seminars and symposium, especially in universities and *Dīnī* Madrasahs.

3. A research committee should be established for reconciliation among *fiqhī* schools according to the concept of "*al-Jāddah al-Qawīmah*" as presented by Shāh Walī Allāh.

4. The following books of Shāh Walī Allāh should be part of the syllabus in universities as well as in *Dīnī* Madrasahs.:

    1. *al-Musaffā Sharh al-Muwattā of* Mālik in Persian.

    2. a*l-Musawwā Shrah al-Muwattā* of Mālik in Arabic.

    3. *Hujjat Allāh al-Bālighah* in Arabic.

    4. *Izālat al-Khifā 'an Khilafat al-Khulafā'*

5. Thesis or research papers can be written on the following the topics:

1. "Reconciliation among *fiqhī* schools with especial reference to Shāh Walī Allāh and Muhiuddīn Ibn 'Arabī: A comparative Study.

2. *"Al-Jāddah al-Qawīmah* and its application in the book *"al-Musaffā"*

3. "Development of Cosmopolitan *Fiqh* in the light of *al-Jāddah al-Qawīmah"*

4. "The concept of *Irtifāqāt* and *Maqāsid al-Shariah* in the light of the books *"al-Budūr al-Bāzighah"* and *"Hujjat al-Allāh al-Bālighah"*

5. "Social Justice in the light of *"Izālat al-Khafā 'an Khilāfat al-Khulafā"*

6. There is a dire need for an inclusive study in the light of the concept of *Shariah, Tarīqat* and *Siāsat* combinely.

7. A just society should be established practically. It is one of the core massages that was emphasized by Shāh Walī Allāh. It was to propagate and promote this mission that he organized a party called *"Walī Allāhī Movement"* later on in his life.

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وبـاللّه التوفيق

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ANNEXURE A

A LIST OF THE PUBLISHED BOOKS OF SHĀH WALĪ ALLĀH:

Qurānic Studies:

6. *Fath al-Rahmān bi Tarjamat al-Qurān* (Persian)

7. *"al-Muqaddimah fī Qawānīn al-Tarjamah"* (Persian)

8. *al-Fawz al-Kabīr fī Usūl al-Tafsīr* with *Fath al-Khabīr* (Persian and Arabic)

9. *Tawīl al-Ahādīth* (Arabic)

Hadīth and Fiqh Studies:

10. *Arba'ūn Hadīthan* (Arabic)

11. *al-Dur al-Thamīn fī Mubasharāt al-Nabī al-Amīn* (Arabic)

12. *al-Fadl al-Mubīn fī al-Musalsal min al-Nabī al-Amīn* (Arabic)

13. *al-Nawādir min Ahādīth-i Sayyid al-Awail wa al-Awākhir* (Arabic)

14. *al-Musawwā fī Ahādīth al-Muwattā* (Arabic)

15. *al-Musaffā fī Ahādīth al-Muwattā* (Persian)

16. *Tarājim Abwāb-i Bukhārī wa Sharh Trājim B 'ad-i Abwāb-i Bukhārī* (Arabic)

17. *al-Irshād Ilā Muhimmāt 'Ilm al-Isnād* (Arabic)

18. *al-Tanbīh mā Yahtāj Ilaih al-Muhaddith wa al-Faqīh* (Arabic)

Objectives of Shari'ah and Islamic Jurisprudence:

19. *Hujjat Allāh al-Bālighah* (Arabic)

20. *"al-Insāf fī Bayān-i Sabab al-Ikhtilāf"*(Arabic)

21. *"'Iqd al-Jīd fī Ahkām al-Ijtihād wa al-Taqlīd"* (Arabic)

Theology:

22. *al-'Aqīdah al-Hasanah* (Arabic)

23. *Qurrat al-'Ainain fī Tafdīl al-Shaikhain* (Arabic)

24. *al-Budūr al-Bāzighah* (Arabic)

Spirituality:

25. *"al-Qawl al-Jamīl fī Bayān-i Sawā al-Sabīl"* (Arabic)

26. *Fuyūd al-Haramain* (Arabic)

27. *al-Khair al-Kathīr* (Arabic)

28. *al-Tafhīmāt al-Ilāhiyyah* with *Maktūb-i Madanī* (Persian and Arabic)

29. *Hawāmi' Sharh Hizb al-Bahr* (Persian)

30. *Kashf al-Ghain 'an Sharh al-Rubā 'iyyatain* (Persian)

31. *Shifā al-Qulūb* (Persian)

32. *al-Qudus fī M'arifat-i Lataif al-Nafs* (Persian)

33. *Sat 'āt* (Persian)

34. *Ham 'āt* (Persian)

35. *Lamhāt* (Persian)

36. *Lam 'āt* (Persian)

37. *al-Intibāh fī Salāsil-i Awliyā Allāh wa Asānīd Wārithī Rasūl Allāh* (Persian)

History and Biography:

38. *Surur al-Mahzūn* (Persian)

39. *"Izālat al-Khafā 'an Khilāfat al-Khulafā"* (Persian)

40. *Anfās al-'Arafīn* (Persian)

The Letters:

41. *Maktūb al-Ma 'ārif* with *Makātīb-i Thalāthah* (Persian)

42. *Maktūbāt based* on *Kalimāt-i Tayyibāt* (Persian)

43. *Maktūbāt* with *Manāqib al-Bukhārī* and *Faḍīlat-i Ibn-i Taimiyah* (Persian)

44. *Maktūbāt based* on *Hayāt-i Walī* (Arabic)

45. *Siyāsī Maktubāt* (Persian)

Morphology:

46. *Ṣarf Mīr* (Persian)

Poetry:

47. *"Atyab al-Nagham fī Madh-i Sayyid al-'Arab wa al-'Ajam"* (Arabic)

Miscellaneous Works:

48. *al-Sir al-Makmtūm fī Asbāb-i Tadwīn* (Arabic)

49. *Risālah-i Dānishmandī* (Persian)

50. *Fath al-Wudūd li-M'arifat al-Junūd* (Arabic)

51. *al-Maqālah al-Waḍīah fī al-Naṣīhah wa al-Waṣiyyah* (Arabic)[275]

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[275] Baqā', *Usūl-i Fiqh aur Shāh Walī Allāh,* 65-73; Yāsīn Mazhar, *Tasānīf-i Shāh Walī Allāh-Aēk Tanqīdī Jāēzah* , 23-32.

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II. The family list of Shāh Walī Allāh

The Shāh got married twice:

Amat al-Rahīm, the first wife of the Shāh:

At the age of fourteen (1128/1716), the Shāh got married with his first wife Amat al-Rahīm daughter of Shāh 'Ubaidullāh Phultī when his father, Shāh 'Abd al-Rahīm was alive[276]. Ummat al-Rahīm was daughter of his maternal uncle Shāh 'Ubaidullāh and sister of Shāh Muhammad 'Ashiq Phultī. She stayed with him twenty one years till her death (1149/1736) due to attack of diarrhea. She left three children, two daughters and one son.[277]

Irādat Bībī, the second wife of the Shāh:

After the demise of his first wife, the Shāh got married second time with Irādat Bībī daughter of Maulvī Hāmid Sūnī Pattī in 1157 H. Both families *Sādāt* family of *Sūnī Patt* and the family of Shāh have been associated with one another for a long period, perhaps the reason of good and long relation was that Maulvī Hāmid, the father in law of the Shāh, was the class fellow of Shāh 'Abd al-Rahīm, the father of the Shāh, and son of law and *Khalīfah-i Majāz* of Shāh Fakhr al-'Alam, the parental cousin of the Shāh. The second wife of the Shāh lived long life as she was alive till the death of her

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[276] See Ibid., 394.

[277] Walī Allāh, *Majmū 'a-i Maktūbāt-i Shāh Walī Allāh* (Deobadn: Treasur of Kutub Khānah, Dār al-'Ulūm Deoband n.d.,) letter no. 167.

younger son Shāh 'Abd al-Ghanī who died in 1203 H. but her confirmed date of death is still anonymous.[278]

The Children of the Shāh:

A number of children were born from both wives, however, nine are well-known among them. The seven were alive till the death of the Shāh (Muharram 29, 1176/Monday, August 21, 1762). Its detail is as followed:

The Children from First Wife:

Three children are from first wife and they are:

Shāh Muhammad (1146/1733, 34-1208/1793, 94)

The he history is silent about his children. That is why, some scholars claimed that he died without having any child.

Sālihah (b.1143/1730, 31)

The daughter, she got married but no child was born and died during life of the Shāh. Her date of death is anonymous.

Amat al-'Azīz alias Masītī

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[278] Nūr al-Hasan Rāshid Kāndhlvī, *Hadrat al-Imām Shāh Walī Allāh Dehlavī kaē Ajdād-i Girāmī aur Akhlāf-i Kirām (Khānvāda-i Walī Allāhī kaē bārē main Tārīkhī-o Tahqīqī M 'alūmāt)* (Lahore: Quarterly Sh'aūr-o Agahī, Oct.-Dec., 2009), 87-88.

The daughter, she was born around 1148, 49/1738, 39 and died when she was six months old.[279]

The children from second wife:

Six children were from second wife, four sons and two daughters and they are:

Shāh (Imām al-Dīn) 'Abd al-'Azīz (1159/1746-1239/1824):

He got married with Habībah daughter of Shāh Nūr Allāh Budhānvī where six children were born, three sons and three daughters. The sons were died in their early ages while the daughters got married and gave birth of children, however, the all daughters were died one by one during the life time of their father.[280] The detail of his daughters are mentioned here:

'Ayshah was the wife of Shaik Afḍal Rahtakī where two sons i.e. Shāh Muhammad Ishāq and Shāh Muhammad Y 'aqūb and one daughter i.e. Mubārak were born. Mubārak got married with Shāh 'Abd al-Hai Budhānvī after the death of his first wife, Maryam. After two years of marriage, Mubārak died, having no child, during life time of her husband and maternal grandfather.

Rahmat al-Nisā'was the wife of Maulvī Muhammad 'īsā bin Shāh Raf 'ī al-Dīn, the paternal cousin, and she died after the death of her husband in 1236/1820,21, without having child.

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[279] Ibid., 89-90.

[280] Farhat Allāh Munshī, *Khānvādah-i Walī Allāh kī Zairēn Shākhain aur un kaē Nasabī Silsilē* (Dehlī: Monthlay Burhān, Jan.-Feb., 1982), 33.

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Maryam was the youngest daughter of Shāh 'Abd al-'Azīz, and was first wife oh Shāh 'Abd al-Hai Budhānvī and died without having any child.[281]

Shāh (Rafī' al-Dīn) 'Abd al-Wahhāb (1163/1750-1233/1818):

At the time of death of the Shāh, he was thirteen years old and got education under the supervision of Shāh 'Abd 'Azīz, the elder brother, and completed his spiritual path under the guidance of Shāh Muhammad 'Ashiq Phultī.[282] He got married thrice, first with his maternal cousin 'Arifah daughter of Shāh Ṣadr al'Ālam and the name of second wife is anonymous while the third was Kullū. In the family tree of Phullat, ten names of his children are found who all were young and having children. Among them, two sons are most important i.e. Maulvī Muhammad Mūsā and Maulvī Muhammad Husain as the paternal chain of Shāh Walī Allāh continued through them till 1947.[283]

Shāh (Mu 'īn al-Dīn) 'Abd al-Qādir (1167-1230/1815):

He got education from Shāh 'Abd 'Azīz and Shāh Rafī' al-Dīn, the both elder brothers, and learned spiritual pathway from Khawāja Mīr Dard.[284] The name of his wife is unknown from her a daughter i.e. Zainab or Zīnat was born. She was the wife of Maulvī Muhammad Muṣṭafā Tahayyur, the son of Shāh Raf 'ī al-Dīn, from her a daughter i.e.

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[281] Ibid.

[282] 'Abd al-'Azīz, *Maktūb banām Shāh Abū Sa 'īd Raē Barailī* (Brailī: Montly al-Furqān, Safar/Oct., 1406/1985).

[283] Nūr al-Hassan Kāndhlvī, *Ḥaḍrat al-Imām Shāh Walī Allāh Dehlavī kaē Ajdād-i Girāmī aur Akhlāf-i Kirām (Khānvāda-i Walī Allāhī kaē bārē main Tārīkhī-o Tahqīqī M 'alūmāt)*, 100-01.

[284] See Ibid., 101-02.

Jamīlah was born who, later on, became the wife of Shāh Ismā 'īl Shahīd bin Shāh 'Abd al-Ghanī.[285]

Shāh (Raḍī al-Dīn) 'Abd al-Ghanī (1171/1757-1203/1789):

At the time of the death his father, he was five years old and got education from his elder brothers. He got married with Bībī Faḍīlat daughter of Maulvī 'Alau al-Dīn Phultī where two daughters i.e. Ruqayyah and Umm-i Kulthūm and one God gifted son i.e. Shāh Ismā'īl Shahīd were born. Shāh Ismā'īl was the husband of Jamīlah, the maternal granddaughter of Shāh Rafī' al-Dīn, and she gave birth to a son namely Maulvī 'Umar who died in 1268 H. without having any child.[286]

Fātimah:

She was born after the birth of Shāh 'Abd al-Rahmān bin Shāh Muhammad 'Ashiq, the maternal cousin. Unfortunately information regarding her age and marriage are yet not found.[287]

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[285] Farhat Allāh Munshī, *Khānvādah-i Walī Allāh kī Zairēn Shākhain aur un kaē Nasabī Silsilē*, 30.

[286] Nūr al-Hassan Kāndhlvī, *Hadrat al-Imām Shāh Walī Allāh Dehlavī kaē Ajdād-i Girāmī aur Akhlāf-i Kirām (Khānvāda-i Walī Allāhī kaē bārē main Tārīkhī-o Tahqīqī M 'alūmāt)*, 102-05.

[287] Walī Allāh, *Majmū 'a-i Maktūbāt-i Shāh Walī Allāh*, letter no. 12.

Farrukh Bībī (1174/1760,61-):

She was wife of Shāh Muhammad Faiq bin Shāh Muhammad 'Ashiq Phultī. She gave birth to three sons i.e. Muhammad M 'aṣūm, Muhammad Ṣādiq and 'Abd al-Salām and a daughter namely Fātimah. The date death of Farrukh Bībī is unknown.[288]

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[288] Nūr al-Hassan Kāndhlvī, *Haḍrat al-Imām Shāh Walī Allāh Dehlavī kaē Ajdād-i Girāmī aur Akhlāf-i Kirām (Khānvāda-i Walī Allāhī kaē bārē main Tārīkhī-o Tahqīqī M 'alūmāt)*, 90-1.

TAFHĪM NO. 66 IS ATTACHED:

Providing an overview of the development of the moderate *fiqhī* perspective, Shāh

mentioned it in several academic writings, especially he discussed in his famous book

"al-Tafhīmāt al-'Ilāhiyah", in *Tafhīm* no 66,[289] which has been enclosed with anaxure

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[289] Walī Allāh, *al-Tafhīmāt al-Ilāhiyah,* 148-56.

English Translation of *Tafhīm* No. 66[290]

That to make the *Dīn* divided into different ways and schools and to make the Ummah into different sects and groups, is a big issue which created terror among their common and nobles.

1. Among the saints got inspired to connect every opinion of the jurists with the *Sharī'ah* of Muhammad (PBUH), however, the straight path could not open which Allāh set for His people and He blessed with them who succeeded, succeeded with too much luck and who did mistake he has not succeeded with too much luck, although, for him there is reward for his efforts. So, he remain silent to give preference of some opinions over other, and to place their different opinions on the determination and concession.

So, who is powerful and strong in determination should take it and whose physical power and spiritual power is weak should act upon with concession. On the subject matter, his discussion is very detailed and long such as Sh 'arānī adopted this method in his book "al-Mīzān" and Shaikh Muhiuddīn bin 'Alī bin al-'Arabī went forward to its origin.

2. Among the saints to whom the straight path was shown which take them to the standard Sharī'ah and the majority Muslims who befitted as clear take from the Prophet (PBUH) through the critic successor via the great companions as someone received with his hand, or they did not receive it as it is, however, it has resembled with what they received. They see the school of rationalist behind it that looks like boundaries and

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[290] It is rendered into Enlish by the researcher.

corners. Hence, the theologian thinks to give preference to more acceptable for supporting *Dīn* and removing its hurdles such as the majority of *Fuqhā Muhadithīn* who have reached to the subject matter.

3. Among the saints to whom the previous both ways of straight path have been unwrapped, so, they assign it the meanings which were under the boundary of Sharī'ah, and to spread vastness in Dīn for worship to act upon for the sake of Allāh is out of question by Him except that the superiority has been given to the straight path. And this is chosen path to Allāh.

Among the great blessings of Allāh on me that He included me in third group and He unwrapped for me the reality of Sharī 'ah and as its clear explanation as perceived from the utterance of the Prophet (PBUH) as Allāh said:

$$\text{"}\text{لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِم}\text{"}291$$

"So that *you* may clarify for the people that which has been sent down to them".
As Allāh said:

$$\text{"}\text{وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ}\text{"}292$$

"And maintain the prayer, and give the *zakat*".

So, the word "*al-Iqāmah*" [الإقامة] is derived from "*Qāmat al-Sūq*" [قامت السوق] it is used when selling and buying is full of function in the bazar, it means here is to

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291 The Qurān 16:44

292 The Qurān 2:43

execute and propagate. Thus, the Prophet (PBUH) explained *"al-Tarwīj's"* purpose here is to fix the timings (of worships), to assign the number of Rak 'āt, to teach feature of the prayer or to legislate Aḍān or to emphasize on the congregation and the gathering and to recommend the construction of mosque and the visit to it. So, these all chapters are to illustrate the "Iqāmat al-Ṣalāh". If its clear and detailed illustration has not been done we could not understand it forever. And the same way, the Prophet illustrate alms-giving by fixing the syllabus and obligatory quantity to pay, and type of obligation to pay from it.

Then, its explanation of illustration has been set in at the tongue of the companions and the successors, as the Prophet (PBUH) indicated to it where he said:

"أَصحابي كالنُّجومِ بأيِّهِمُ اقتَديتُمُ اهتَديتُم"[293]

"My companions are like stars, whichever of them you use as a guide, you will be rightly guided".

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[293]"حَدَّثَنَا الْقَاضِي أَبُو عَلِيّ ، حَدَّثَنَا أَبُو الْحَسنينِ ، وَأَبُو الْفَضْلِ ، قَالَا : حَدَّثَنَا أَبُو يَعْلَى ، حَدَّثَنَا أَبُو عَلِيّ السَّنْجِيُ ، حَدَّثَنَا مُحَمَّد بْنُ مَخْبُوبٍ ، حَدَّثَنَا التِّرْمِذِيُ ، حَدَّثَنَا الْحسنُ بْنُ الصَّبّاحِ ، حَدَّثَنَا سفْيَانُ بْنُ عَيْنَةَ ، عَنْ زَائِدَةَ ، عَنْ عَبْدِ الْمَلِك بْنِ عُمَيْرٍ ، عَنْ رَبْعِيّ بْنِ جِرَاشٍ ، عَنْ حُذَيْفَةَ ، قَالَ : قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ : " اقْتَدُوا بِاللَّذِينِ مِنْ بَعْدِي أَبِي بَكْرٍ وَعُمَرَ " ، وَقَالَ " :أَصحابي كالنُّجومِ بأيِّهِمُ اقتَديتُمُ اهتَديتُم) . "الشِّفا بأحوال المصطفى للقاضي عياض » الْقَسَمَ الثَّاني : فِيمَا يجب عَلى الأَنام من حقوقه ... » الْبَابِ الثَّالِث : في تعظيم أمره ووجوب توقيره وبره ...، رقم الحديث: 61, الحكم: إسناده حسن".

Its example is that the Prophet (PBUH) reduced the prayer during traveling, and "the traveling" is an ambiguous issue for us, therefore, the act of Ibn 'Umar and Ibn 'Abbās[294] has been attached to it to explain that it is forty eight traveling.

Then, its clarification and the compilation of its principles and its extracted law (furū') has been resulted on the hands of early jurists. Its example as Allāh said:

"يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُم إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُم وَأَيدِيَكُم إِلَى الْمَرَافِقِ وَامسَحُوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الْكَعبَينِ"[295]

"O you who have faith! When you stand up for prayer, wash your faces and your hands up to the elbows, and wipe a part of your heads and your feet, up to the ankles".

Then, the jurists discussed that "الغسل" its meaning is to just make water flow or to be stipulated rubbing with it too, and "الوجه" its boundary from so and so, in the same manner "والىٰ المرافق" its meaning is with elbows. And is it enough to be entitled "المسح" although it is on one hair or two hairs or it is mandatory to stroke with wet hands on the one fourth head or on the whole head.

Then, about the commentary of their schools and their opinions and extraction on their legal maxims which are resulted on the hands of later jurists of each school. Consequently, all these matters as per its actual system have been opened for me in a

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294 . "عَنْ مَالِكٍ بَلَغَه، أَنَّ ابْنَ عَبَّاسٍ كَانَ يُقْصِرُ الصَّلَاةَ فِى مِثْلِ مَايَكُونُ بَينَ مَكَّةَ وَالطَّائِفِ وَفِى مِثْلِ مَابَينَ مَكَّةَ وَعُسْفَانَ وَفِى مِثْلِ مَابَينَ مَكَّةَ وَجَدَّةَ قَالَ مَالِكٌ وَ ذَلِكَ أَربَعَةُ بُرُدٍ" (رواه فى الموطا).

295 The Qurān 5:6.

real sense that I am observing it by my own eyes. So, I saw every opinion said in *Dīn* is connected with the foundation of *Sharī'ah* in-directly or directly, and what a true saying in which is said: its example is as of a tall tree from which huge branches rose up and from that huge branches other small branches rose up and in the small branches the leaves and flowers rose up. Or its example is as of the water spring from which big rivers rose up and from that big rivers the small canals and from that small canals the water scooped in utensils, and from that it went to soft places and birthplaces of the trees.

It is also opened for me that paths and the large way which night is just like the day and its first and last one, and that paths which are on hidden and dark places, do not take you to that place on which the Prophet (PBUH) and his companions have except after lot of efforts, lot of contemplation and delusive grievances and after big difficulties of the following for that on which the person goes through mistake and reward, and after facing big troubles of derivation (*takhrīj*) on the opinion of that who plays with truth and falsehood.

It is opened for me the reality of opinion which is criticized by the predecessors and they pointed out some of them from their jurists. So, the example of *al-Sunnah al-Ẓāhirah* is as of the language through which the Prophet (PBUH) was reciting the Holy Qurān, and the example of the sayings which are at its right or its left is as of the letters (seven dialects of Holy Qurān) by which the Prophet (PBUH) gave concession to recite the Holy Qurān for removing hurdle from his *Ummah*. The example of *al-Sunnah al-Ẓāhirah* is as of that a person attended the meeting of the *Khalīfah* and he listened from him by his own ears and he observed him while he talks whatsoever and he made his heart attentive to it. The example of opinions which are derived on the rules of the group is as of the bazar that is ran through clear laws given by the *Khalīfah*, and it

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assumed that what is being ordered is indicated to his intelligence and insight in some matters.

You will see people, especially nowadays, in every country restricted with one of the schools of predecessors and they thing that if a person went out of his following school even in one law is as he went out of the *millah*, it is assumed that he is a prophet sent to him and his obedience has been mandatory on him while the early people before fourth century were not restricted to one school.

Abū Tālib said in the book of *Qūt al-Qulūb* that the books and the collections are later, and the opinion with opinion of the people and to take legal opinion from the people of one school and to keep his opinion to discuss its story in everything and to think of his school, the people were not act in early era. However, the people learned the characteristics of the ablution, bath taking, the prayer, the alms-giving, the fasting, the pilgrimage to K'abah, the marriage contract and the selling-buying etc. from their ancestors like friends and from the teachers of their cities. When they faced a big issue, they visited Mutīs either they were from the Madīnah or from Kūfah. Hence, they make in practice what they gave the legal opinion, especially those who were knowledgeable in Hadīth, they do not follow which has been clear from the dimension of Hadīth and saying of the companion except only those who have Sharī'ah and when there is nothing clear they follow the saying and the opinions until they got satisfied. And the one who is the scholar of takhrīj, extract the las on the basis of the text of the jurist among the jurists or on the basis of rules where the text is not available.

Some saints during the restricted period with one school, like Shaikh Ibn 'Arabī did not restrict with one school. He said in the book *al-Futūhāt al-Makkiyah* and other than that, when a person follows the way of the group strictly so he did not see anything

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else. So, it is compulsory for him to be restricted with that school which his imām extracted from his opinions whereas he observes the opinions of all jurists are taking water from one ocean there the restriction with one school to be broken necessarily and to be given order with equal status of all schools in contrary to which he trusts on it before.

Some jurists ask for restriction either to avoid differences among masses or tendency of some schools as per some dimensions have been shown in his dream etc. Some critic scholars did not restrict himself with one school or did not restrict with one school to give legal opinion to others like Abī Muhammad al-Juwainī who wrote his book al-Muhīt and did not restrict to follow one school. Indeed, al-Jlāl al-Dīn al-Suūtī and 'Abdul Wahhāb Sha'arānī narrated the same view from the group which is countless. Majority of the jurists focused on to be restricted with one school as it is very famous. In totality, their differences in the subject matter make the people terrified and ignited to reject one another. It was not found during the period of the Prophet (PBUH).

It was one of the great blessings of Allāh on me that He opened for me about the actual situation of all schools, the situation of restriction to some schools, and the situation of that person who thinks to move to the school after that where he was restricted with other school, the situation of that person who follow some issues in one school and some issues in other school, that did the lawgiver give choice or He restrict everyone to follow only one school.

Among the great blessing of Allāh on me is that He opened for me that the Lawgiver gave me two types of knowledge which are distinguished in their rules and different in their levels:

1. One of them is the Science of Beneficial Purposes and the Causes of Corruption

2. Second of them is the Science of the Laws and the Legal Punishments

It is as I am looking at with my eyes and I can distinguish between two directions and I understand both subject matters and this kind knowledge, I did not see it to be given any one before me for its explanation, its opening the principles and the derived laws and its application on the issues.

Among the great blessings of Allāh on me is that He opened for me about the causes of the differences among the jurists after the determination of the *al-Jāddah al-Qawīmah* where I indicated some detail and derived laws which are strongly confined with prerequisites of the rules, the person who believe in, will not hesitate to understand the places of differences, to observe *al-Jāddah al-Qawīmah* as clear as he is looking at his son. He will see different details in it as a factual matter that generated from the difference of the understanding of the scholars for the millah from its source and the scholars from its foundation.

[Four levels of the Difference]

He unwrapped for me that the difference is on four levels:

1. Rejected Difference: There is no excuse after that for its communicator and follower. Such kind of difference is very rare in four compiled schools.

2. Rejected Difference stipulated with excuse until the authentic Hadīth reached against it, when it reached to him, so there is no excuse.

3. Accepted Difference where the Lawgiver has given the clear and absolute choice in both ways such as the seven dialects of Qurān.

4. The Difference where we found both ways are acceptable through the reasoning (*Ijtihād*) and the derivation of law from the some text of the Lawgiver, and the man is responsible to follow it, not in absolute manner, however with the stipulation of the reasoning, the person who qualified this level, he could be followed along with stipulation of dominant assumption.

(*al-Jāddah al-Qawīmah* is *Ẓāhir al-Sharī'ah*):

He (Allāh) also unwrapped for me the many sciences of this type and He opened for me that in every school there is the Standard (*Ẓāhir*) and the Rare (*Shāḍ*). So, the standard tradition (*Ẓāhir al-Riwāyah*) in the school of Hanfī are those which enclosed with the five canons (*al-Uṣūl al-Khamsah*) and what is explicitly declared by Muhammad bin Hasan al-Shaibāni that this is the opinion of Abū Hanīfah and his saying which is trusted on it. The standard tradition in the school of Mālik is that which is explicitly declared by Ibn al-Qāsim and what he discussed in his book *al-Mudawwanah* that this is the trusted of opinion of Mālik. The standard tradition in the school of Shāf'ī is what is trusted by the two scholars i.e. al-Raf'ī and al-Nawawī and what they both explicitly declared that this is the opinion of Shā'ī and this is his famous and practiced opinion.

(Shāḍ (شاذ) According Shāh):

Apart from this (*Ẓāhir al-Sharī'ah*, mentioned above) which is found in rare traditions or not under the system of interpretation of these schools is called شاذ (the Rare).

At the same way, the pious and chosen Sharī'ah of the Prophet (PBUH) has **Ẓāhir** (the Standard) and **Shāḍ** (the Rare). There are systematic levels of the standard chosen Sharī'ah:

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1. The law derived from the definitive text of Holy Qurān its purpose should not be hidden on the native speaker

2. The law which is derived from the Hadīths *Mustafīḍah* and authentic (*Ṣahīh*) which are narrated in *al-Ṣahīh of al-Bukhārī*, and of Muslim and in *Muwattā* of Mālik witohout clash among the Hadīths and without explicit difference in the texts of the Hadīths by my meaning that where the four conditions are to be gathered:

    i. It should be clear in its meaning and its purpose should not be hidden on the native speaker.

    ii. It should be Hadīth *Mustafīḍ*; it is narrated by three companions of the Prophet (PBUH) or more, then its narration got increased in the following generation until it reached to the scholars of Hadīth, and the critic jurists adored it and said about it, this is narrated in those three books (mentioned above). So, for them it is the status in Islam which have no books other than that, for them, they are accepted by the scholars of Hadīth and the jurists, which have no books other than that, their authenticity has not been witnessed at high level where other have not, they are famous among the scholars of Hadīth and Islamic Jurisprudence in their East and West among Hijāzīn, Syrian, Irāqīn, nothing has similarity other that. The scholars are indulged in explaining their rare words, interpreting their difficult words, deriving its laws, discussing their narrator, such kind of attention has not been given other than those books. This

matter is not unknown except for those who are alien to the methodology the scholars. There is no clash among the Hadīths according to the Prophet (PBUH) (as said by Shāh Walī All), especially in those books.

3. After that, the law which is narrated by Imām Mālik in his *Muwattā* in a manner that it is the view of the prominent jurist companions of the Prophet (PBUH) as well as their successors along with the actions of the people of *al-Madīnah* from the time of the Prophet (PBUH) to his time, then Shāf'ī, Ahmad, al-Bukhārī and their like-minded did not criticize it, who are reconciliatory between Hadīth and *fiqh* about what he has established, and however they also appreciated it, they discussed it, and they explicitly supported the Hadīths which came from the Prophet (PBUH) in a manner that it is Hadīth *Sahīh* or *Hasan* although they belong to the chapter of *Akhbār al-Āhād* or they supported by its implication or its indication or the sayings of the great group of the companions, the successors or by the clear analogy (*qiās*) and by the strong reasoning.

The status which is narrated by Mālik is as narrated by Sufiyān al-Thowrī etc, however, what Mālik has narrated is more and more compatible, while what is given other than Mālik, we find it is very short.

4. Then, the law derived from the famous books which are the authentic (*Sahīh*) or the good (*Hasan*) or the one that has the equal status. Moreover, such Hadīth must be accepted by the group of the jurists too

or the law which is derived using authentic and proper reasoning that is endorsed by the group of scholars in the right way. Allāh Knows Better.

This is the whole standard Sharī'ah of the Prophet (PBUH) (*Ẓāhir Shari'at al-Nabī*) and *al-Jāddah al-Qawīmah* from his paths and its guidance is clear, its value is brightened, and the one who deny it, is rejected. If one commits rejection of the Qurān, or famous Hadīth, or the consensus or the clear analogy, he would not be out of questioned. If one commits rejection other than that, he may be considered out of questioned until the Hadīth reaches, and unveils the curtain, then there is no excuse for the follower after that when the matter has been cleared. It is not allowed for the follower by saying that I will not act upon Hadīth, in contrary, I will act upon the opinion of my imam, although evidence is against it.

Therefore, in is mandatory upon you to ponder of what is established from Sharī'ah with this point clearly, in a way that it distinguishes from other, and it becomes crystal clear in front of you, and it stays in your heart. Then keep it strongly and hold it with the power of your both hands, do not take care of the one who oppose you after the consideration of this *al-Jāddah al-Qawīmah*. Sometime the difference occurs due to the causes which are closer to the source, and there is no apparent shortcoming, so do not reject it, however accept such opinion which belongs to this type. Its example is as of the opinions of early jurists who are followers in on school, when they differ in the derivation of the reason or in explanation of the text of the Imāh or in correction of the opinions and the causes according to the extreme followers of the schools, so, they do not consider them as the contradicted schools and they tolerate in such matter.

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On the same way, make al-Jāddah al-Qawīmah one school and show tolerance in different opinions, do not make anything out from al-Jāddah al-Qawīmah of Shrī 'ah of the Prophet (PBUH). The example of which is out of *al-Jāddah*:

I. To allow wiping of the feet Wūḍū instead of washing them;

II. To regard Mut'a (temporary marriage) as lawful;

III. To hold the drinking of a small quantity of an intoxicant other than wine as permissible;

IV. To regard home-grown donkey.

V. To regard the extent of the time of the *Zuhr* prayer until the time when the length of the afternoon shade of a thing becomes double of its height plus the length of its shade at noon time.

The examples of disagreement after considering *al-Jāddah*:

I. Their disagreement in the fasting, whether to brush teeth reprehensible at afternoon or not.

II. Whether the prayer should be commenced with سبحانک اللهم or with وجهت وجهی or should not be commenced with anything.

III. Whether *Tashahhud* to be recited of Ibn Masūd, or Ibn 'Abbās or Ibn 'Umar.

Then, if your capacity allow in the knowledge and your determination is strong in Allāh's consciousness, so, present these details on definite text of the Qurān, and on the standard Sunnah, deed of the scholars, the strong analogy. Make reconciliation

among contradicted Hadīths and follow the authentic, the good and the weak Hadīths that are narrated in the books of Hadīth scholars, and take stronger, more reasonable and caring, otherwise you are one among Muslims.

If you say I accept whatever you discussed as *al-Jāddah al-Jaliyyah* from the chosen *Sharī'ah,* but how could I distinguish it from the what is not, perhaps, someone requires to collect large number of Hadīths which is so difficult in this our time.

I say this work do not require more than *Muwattā, Ṣaḥīhain,* the *Sunan* of Abū Dawūd, the *Jām'i* of Tirmidī and those books are very famous through which is possible to make it happened in short time. However, to know al-Jāddah al-Qawīmah, the strong, enlightened requires inner light which given by Allāh, if that light is not found in your heart and some of your brothers went forward and made you understood with the language you understand, after that, no excuse remained for you.

The knowledge belongs to Allāh!

الجزء الاول من كتاب

التفهيمات الإلهية

تاليف

حُجَّة الاسلام الشيخ قطب الدين احمد المدعو بالشاه ولي الله المحدث الدهلوي

(المتوفى ٦ ١١٧٦ ه)

صاحب "الفوز الكبير" و "البُدور البازغة" و الخير الكثير وغيرها

بالله تعالى وصفاته المحسنون في ايمانهم حق يكرم الله بهم امن يشاء ويختص برحمته من

دنشهد بالجنة والخير للعشرة المبشرة وفاطمة وخديجة وعائشة والحسن والحسين

رضي الله عنهم ونوقرهم ونحترف بعظم محلهم في الاسلام وكذلك اهل البدر واهل بيعة

الرضوان وابوبكر الصديق امام حق بعد رسول الله ﷺ ثم عمر ثم عثمان ثم علي رضي

الله عنهم ثم تمت الخلافة وبعده ملك عضوض،

وابوبكر رضي الله عنه- افضل الناس بعد رسول الله ﷺ ثم عمر ولا يغني كلا فضل

من جميع الوجوه حتى يحمد النسب والشجاعة والقوة والعلم وامثالها بل هي بمعنى عظم

نفعه في الاسلام فامير الملاد النبي ﷺ ودن يراه ابوبكر وعمر باعتبار الهمة البالغة

اشاعة الحق فان للنبي ﷺ وجهين وجه يأخذ عن الله ووجه يحط الخلق ولهما كل الحق

للخلق تأليف الناس وجمع احوالهم ونّ بير الحرب بريل طولى،

ونكف السنتنا عن ذكر الصحابة الاخيار وهم ائمتنا وقادتنا في الدين وسببهم حصل

تعظيمهم واجب ولا نكفر احدا من اهل القبلة الشبهما في الصانع القادر المختار وعباد

غير الله او انكار المعاد والنبي وسائر ضروريات الدين،

والامر بالمعروف والنهي عن المنكر واجب وشرطه ان لا يؤدى الى الفتنة وانظر

قبوله فهذا عقيدتنا في ادين الله تعالى بها ظاهرا وباطنا والحمد لله اولا واخرا وظاهرا وباطنا،

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ان تشعب الدين طرقا ومنّ اهب ركون الامة فيها احزابا متحزبة وجموعا مجتمعة

عظيم هائل خاصتهم وعامتهم ومن اهل الله من كشف له عن ارتباط كل قول نطق به فقيه

من فقهاء الاسلام بالشريعة المحملة على صاحبها الصلوات والتسليمات ولم يكشف له عن الجادة

القويمة التي اقامها الله تعالى لعبادته ورضي لهم من فاز فاز بحظها وافزر ومن اخطأها المزيفن
بالحظ الوافر وان كان له اجرعنائه فسكت عن ترجيح بعض الاقوال على بعض وحمل الختلاف
على الحزيمة والرخصة فمن قوي علي الحزيمة فليأخذ بها ومن قصرعن قوته الجسمانية ان
قوته الروحانية فليأخذ بالرخصة وبسط في ذلك كلامه كالشعراوى في ميزان وقد سبق
الشيخ محي الدين محمد بن علي بن العربي الى اصل ذلك،

ومن اهل الله من بترآى له الجادة القويمة التي تؤدى الى ظاهر الشريعة والتي
توارثها جماهير المسلمين عن جهابزة التابعين عن كبار الصحابة عن النبي ﷺ اخذ الظاهر
كالتأاول بالبيل ادلم يتوارثواعين ذلك ولكن اشبه بشيئ بما قوارثوك وبترآى دراء ذلك
من مذاهب اهل الرأى التى هي كالحاجات والجوانب فرأى المتكلم في ترجيم المراجح نصر الدين
وذ باعن كاكثر الفقهاء المحدثين فاظهرقل بالخوافي،

ومن اهل الله من كشف له عن الامرين فسلم كل باعط محط من اظهامن دائرة الشريعة وان
المتعبد بها في نصيحة من دينه متدين لله تعالى معذور عنداله غير ان الفضل للجادة
القويمة وهي المرضية عنل الله تعالى كل الرضا،

ومن أعظم نعم الله علي ان جعل من الحزب الثالث وكشف لى عن اصل الشريعة
وعن تبيانها الحاصل على لسان النبي ﷺ كا قال عز من قائل لتبين للناس ما نزل
اليهم مثاله قال للستغالى اتيموا الصلوة وآتوا الزكوة قال قامة مأخوذة من قامت السوق اخاوي
فيها البيع والشراع ومعناهاهنا التزديج والشاعة فبين النبي ﷺ التزديج المقصو بتوقيت
الاوزنات وتعيين على الركعات وتعليم صفة الصلاة وتشريع الاذان وتكيل الجماعة والجمع
والثلب الجبناء المساجى وحضوحها كل هذا الثواب تبيان لاقامة الصلاة ولولا بيان الواضي

المفصل لمن نعلم بشيء مما من ذلك ابدا وكذلك بين ايتاء الزكوة بتعيين النصاب والمقدار الواجب اخراجه والجنس الواجب اخراجها منها الى غير ذلك،

ثم عن تبيان بتبيانها الحاصل على السنة الصحابة والتابعين كما اشار اليه النبي ﷺ حيث قال اقتدوا بالذين من بعدى ابى بكر وعمر وقال اصحابى كالنجوم بايهم اقتدتم اهتديتم مثاله قصر النبى ﷺ الصلوة فى السفر والسفر عندنا امر مبهم فلحق به فعل ابن عمرو ابن عباس بيانا له مسيرة اربعة برد،

ثم عن ايضاحها وتدوين اصولها وفروعها الحاصل على ايدى المجتهدين المتقدمين مثاله قال الله تعالى اذا قمتم الى الصلوة فاغسلوا وجوهكم وايديكم الى المرافق وامسحوا برؤسكم وارجلكم الى الكعبين فتكلم المجتهدون ان الغسل معناه اسالة الماء فقط او معها الدلك والوجه حده من كذا وكذا الى كذا والى المرافق معناه مع المرافق وهل يكفى مسمى المسح ولو على شعرة او شعرتين او لابد من مسح ربع الراس ومن مسح كله،

ثم عن شرح مذاهبهم واقاويلهم والترجيح على قواعدهم الحاصل على ايدى المتأخرين من الفقهاء فى كل مذهب فكشف لى عن كل ذلك بترتب الواقع فى نفس الامر كما فى اراه ببصرى فرأيت كل قول قيل فى الدين مرتبطا باصل الشريعة بواسطة او بغير واسطة وما اصل ما قيل فى ذلك ان مثله كمثل دوحة نبتت منها اغصون كبار ومن تلك الغصون غصون اخرى صغار ونبتت فى الغصون الصغار اوراق وازهار ومثله كمثل عين نبع منها جداول كبار ومن تلك الجداول جداول اخرى صغار واغترف من الجداول الصغار فى الاوانى وقع منها شيء من المهاون ومنابت الاشجار،

وكشف لى ايضا عن حاق الطريق والشارع الذى ليله كنهاره واداره واخرة وعرض طرف

خفية المكان مطموست المنار لا تؤدى الى ما عليه النبي ﷺ واصحابه النجم الطى وعر الرأي و
وحزن الاوهام وجعل مكان بجبال التقليد لمن يجرى عليه الخطأ والثواب واكام التخريج على
قول من يعتوره الحق والباطل،

وكشفت لى عن حقيقة الرأي الذى نطق بذمه السلف ونسبوا اليه رجال من فرقة فهم
فمثل السنة الظاهرة كمثل اللغة التى كان النبي ﷺ يقرأ بها القرآن ومثل الآويل التى
هى يمينها وشمالها كمثل الحرف التى رخص النبي ﷺ ان يقرأوا بها القرآن دفعا للحرج من
امته ومثل السنة الظاهرة كمثل من حضر محفل الخليفة فسمع منه باذ نبيه وشاهده بعينين
تكلم بما تكلم وعقل ما بن لك ومثل الآويل المخرجة على قواعد القوم كمثل سوق تخلص اليه
من احكام الخليفة وما يظن به ان يأمر ما اداء ا الى خطانة وحدس فى بعض الامور،

وترى العامة سيما اليوم فى كل قطر يتقيدون بمذهب من مذاهب المتقدمين يرون
خروج الانسان من مذهب من ذلك ولو فى مسئلة كالخروج من الملة كالذى بعث اليه من
افترضت طاعته عليه وكان اوائل الامة قبل المائة الرابعة غير متقيدين بمذهب واحد،

قال ابو طالب فى كتاب قوت القلوب ان الكتب والمجموعات محزنة والقول بمقالة الناس
والفتيا بمذهب لولحد من الناس واتخاذ قوله والحكاية له فى كل شيء والتفقه على مذهبه
لم يكن الناس قديما على ذلك انتهى كلامه بل كانت العامة يومئذ يتعلمون صفة الوضوء و
الغسل والصلوة والزكوة والصوم والحج والنكاح والبيع ونحو ذلك مما ينوب كل حين من آبائهم
ومعلمى بلدانهم واذا نا به نائبة قصدوا المفتيين سواء كانوا من اهل المدينة او من اهل
الكوفة فعلوا بما افتوا والخاصة من كان منهم صاحب حديث لا يقدر فيما وضع عليه من جملة
الاحاديث والآثار الاصحاب الشريعة نقطه والذى لا ينقضى عليه يتبع فيه الاقوال والآثار حتى يأتى

التتبع وقد كان منهم صاحب ترتیب یخرج علی نصوص فقیه من الفقهاء او علی قواعد فیما ثبت من نص وکان بعض اهل الکشف فی زمان تقلید العامة بالمذاهب کالشیخ ابن العربی لا یری التقلید بمذهب دل من قال فی الفتوحات المکیة وغیرها اذا سلك مقامات القوم مشی بمذهب ولا حكم یری غیره فلا بد ان ینتهی به ذلك المذهب الی العین التی اخذ امامه منه اقواله وهناك یری اقوال جمیع الائمة یعترف من بحر واحد قینفك عن التقلید بمذهب معین ویحکم بتساوی المذاهب کلها خلاف ما کان یعتقد قبل ذلك وکان بعضهم یتقلد اما لعلم یختلف علیه العامة او لرجحان بعض المذاهب بحسب بعض الجهات او رآی له فی مناله وتخوی ذلك وکان بعض الجهابزة من العلماء لا یتقلد بمذهب واحد فی عمله بنفسه او فی فتیاه والخیر کابی محمد الجوینی فانه صنف کتابه المحیط ولم یلتزم فیه المشی علی مذهب واحد،

وقد نقل الجلال الدین السیوطی وعبد الوهاب الشعرانی ذلك عن جماعة یعسر عدها وکان اکثر الفقهاء یتقلدون بمذهب واحد کما هو الظاهر المشهور وبالجملة فاختلفهم فی ذلك هال القوم واهاج علی انکار بعضهم بعضا ولیس فی ذلك عندی ما یصح عن النبی ﷺ یرجع الیه فکان من اعظم عند الله علی ان کشف لی عن حقیقة حال المذاهب وحال المتقلد ببعضها وحال من اراد الانتقال الی مذهب بعد ما کان متقلدا بمذهب آخر وحال من اخذ فی بعض المسائل بمذهب وفی بعض الآخر بمذهب آخر وهل خیر الشارع او الزم لکل واحد ان یلتزم مذهبا واحدا،

ومن اعظم نعم الله علی ان کشف لی ان الشارع قلد ناوعین من العلم متمایزین باحکامهما امتنعا وین فی مراتبها احدهما علم المصالح والمفاسد والتأتی علم الشرائع والحد و کان اراها ببصری و امیز بین القبیلتین واعرف کلا الامرین وهذا علم شریف لم ار احدا سبق الی

بيانه وكشف اصوله وفروعه وتنزيل المسائل عليه،

ومن اعظم نعم الله علي ان كشف لي عن اسباب اختلاف الفقهاء بعض احكام الجهاد ثم القوية التي اشرت اليها في بعض التقاصيل والتقاريع محصورة مضبوطة في مقدمات كلية من ايقنها لم يبق يتوقف في ذهنه شيئ من مواضع الاختلاف ورأى الجادة القوية بجبلها مختبلة بين عينيه مستنجحة عندك ولديه ورأى انتقاصيل المختلف فيها امرا ضروريا ناشيا من اختلاف ذهوم الخلق زين الملة عن مأخذها والمتلقين لها عن منبعها،

وكشف لي ان الاختلاف على اربعة منازل منازل اختلاف مردود لقائله والمقلده من بجن عز ورهذا اقليل الوجود في المذاهب الاربعة المردوية واختلاف مردود لقائله على ما لم يبلغه حديث صحيح دال على خلافه فاذا بلغه فلا عبرة بقوله واختلاف مقبول تخيير الشارع المكلفين في طرفي تخيير ظاهرا مطلقا كالحرف السبعة من القرآن واختلاف ادركنا كون طرفيه مقبولين باجتهاد واستنباط من بعض كلام الشارع صلوات الله عليه والاشتغال فكلف به كامطلق القابل بشرط الاجتهاد وتأكد الظن وتقليد من حصل له ذلك،

وكشف لي ايضا عن علوم كثيرة من هذا القبيل وكشف لي ان في كل مذهب ظاهرا شاذا فظاهرا او رواية في مذهب ابي حنيفة ماحواه الاصول الخمسة وماصرح فيه محمد بن الحسن انه مذهب ابي حنيفة وقوله الذي اعتمد عليه وظاهر الرواية في مذهب مالك ماصرح به ابن القاسم وماذكره في المدونة انه قول مالك الذي عليه اعتمادة وظاهر الرواية في مذهب الشافعي ما اعتمده الشيخان الرافعي والنووي وصرحا بأنه مذهب الشافعي وقوله المشهور المعمول به وما سوى ذلك كما وجد عن رواية غير المشهورين او غير الضابطين عن مذهب مولة فهو الشاذ فكذلك الشريعة المطهرة المصطفوية على صاحبها الصلواة والتسليم ظاهر وشاذ وظاهر الشريعة

المصطفوية له مراتب مترتبة فأقواها ما وجد في نص القرآن منطوقا به بحيث لا يخفى المراد

على العارف باللسان ويتلوه ما نطق به الأحاديث المستفيضة الصحيحة المروية في صحيحي

الشيخين أبي عبد الله البخاري ومسلم النيشابوري وموطأ مالك من غير تعارض الأخبار و

الاختلاف الفاحش في ألفاظ الروايات أعني بذلك ما يجتمع فيه أربعة شروط ويكون صريحا في معنى

لا يخفى المراد منه على العارف باللسان ويكون مستفيضا قد رواه من الصحابة ثلاثة فأكثر ثم لم تزل

تتزايد الرواة في كل طبقة حتى جاءت طبقة حفاظ الحديث وجهابذة الفقها فارتضوه وقالوا

به ويكون مرديا في هذه الكتب الثلاثة فإن لها شأنا في الإسلام ليس لغيرها وإن لها قبولا عند

العلماء بالحديث والفقه ليس لغيرها وإن لها صحة لم يشهد بمثلها في غيرها وإن لها اشتهارا في

علماء الحديث والفقه مشارقها ومغاربها الحجازيين منها والشاميين والعراقيين ليس لغيرها

وإن للقوم اشتغالا بشرح غريبها وضبط مشكلها وتخريج فقهها وذكر رواتها ليس لهم مثل ذلك

الاشتغال لغير هذه الكتب وهذا أمر كاد لا يخفى الرجل الأجنبي عن مدارك القوم ولا يكون هناك

تعارض الأخبار على النبي ﷺ لا سيما في مثل هذه الكتب ويتلوه ما حكاه مالك في الموطأ أنه

مذهب كبار الصحابة والتابعين والذي جرى عليه عمل أهل المدينة من لدن زمان النبوة إلى

زمانه ثم لم يتعقبه الشافعي وأحمد والبخاري وأمثالهم من الجامعين بين الحديث والفقه

فيما أخرجه بل ارتضوه وقالوا به وشذ ويتلوه صحة أخبار جاءت من النبي ﷺ صحيحة أو حسنة

وإن كانت من باب أخبار الآحاد أو بكلا لتها وإشارتها أو بآثار جم غفير من الصحابة والتابعين

أو بقياس واضح واستنباط قوي،

وفي حكم ما حكاه مالك كذلك ما كان مثله ما يرويه سفيان الثوري مثلا ولكن في

حكاية مالك أكثر وأوفق وفي حكاية غيره لا تجد ذلك إلا قليل ويتلوه ما صح فيه حديث صحيح

اوحسن في الكتب المشهورة وقام بمثله الحجة واخذ به جماعة من الفقهاء اوكان استنباطا صحيحا قويا شهد له الجماعة بالصحة والله اعلم،

فهذا كله ظاهر شريعة النبي ﷺ والجادة القوية من سننه والبين رشده والباهر نوره ومن خالف ذلك فهو مردود عليه فان كان مخالفا للقرآن العظيم والمشهور من الحديث اوالاجماع اوالقياس الجلي لمريكن معنى وراقط وان كان مخالفا لما دون ذلك ربما كان معذورا حتى يبلغ الحديث وبرتفع الحجاب ثم لا يعذر المقلد كمن بحرة اذا اوضح الاخر ليس لمقلد ان يقول لا اعمل بالحديث وانما اعمل بقول امامي وان صح الدليل بخلاف ذلك،

فيجب عليك ان تتأمل ما ثبت من الشريعة بهذه المثابة تأملا بليغا حتى تميزه من غيره وتمثل بير عينيك وتستنبم في خواطرك ولديك ثم بعض عليه بنواجذك واعتصم به بمجا مع يدك ولا تصغ لمن خالفك في ذلك ابدا ثم بعد احكام هذه الجادة القوية فرما يقع الخلاف لبعض الاسباب فما كان قريب المأخذ وليس فيه تقصير ظاهر فذلك تكره اصله بل سلم كل قول قيل من هذا القبيل ومثله كمثل اقوال الفقهاء المقلدين لمذهب واحد اذا اختلفوا في تخريج الوجوه او تفسير عبارة الامام او تصحيح الاقوال والوجوه عن المتقيدين بالمذاهب فانهم لا يرون ذلك من مذاهب منتخابرة وبتساهون في مثله،

وكذلك انت اجعل الجادة القوية مذهبا واحدا وسامح في الاقوال المختلفة وكلما خرج شيئا منها من الجادة القوية من الشريعة الحمارية مثال الخارج من هذه الجادة مسح القدمين في الوضوء واستحلال نكاح المتعة واستحلال التراب المسكر اذا اشرب منه قليلا واستحلال الخمر النسبة والقول بان آخر وقت الظهر ان يكون الظل مثلي الانسان بجد الفئ الاصلي مثال الاختلاف بعد تسليم الجادة اختلافهم في الصيام هل يكره له التسوك بعد الزوال او لا

وهل تستفتح الصلوة بسبحانك اللهم او وجهت وجهي ادا استقبلت بشي وهل يتشهد كتشهد ابن مسعو او كتشهد ابن عباس او كتشهد ابن عمر ثم ان سمت همتك في العلم وقويت عزيمتك في التقوى فاعرض هذه التفاصيل على صريح الكتاب وظاهر السنة وفعل اكثر اهل العلم والقياس القوي واجمع بين الاحاديث المختلفة وتتبع الاخبار الصحيحة والحسنة والضعيفة المروية في كتب المحدثين وخذ بالاقوى والاقيس والاحوط والاتفان كنت رجلا من المسلمين،

فان قلت سلمت ان ما ذكرته هو الجادة الجلية من الشريعة المصطفوية لكن كيف يكون لي تميزها من غيرها ولعل ذلك يحتاج الى جمع شي كثير من الاحاديث يتعذر في زماننا هذا،

قلت من القل لا يحتاج الى اكثر من الموطأ والصحيحين وسنن ابي داود وجامع الترمذي وهذه الكتب معدودة مشهورة يمكن تحصيلها في اقرب مدة ولكن يحتاج معرفة الجادة القويمة القوية الجلية منها الى نور باطني يخلقه الله تعالى فان لم يوجد ذلك النور في قلبك وسبقك اليه بعض اخوانك وقمرك باللسان الذي تخزف- انت لم يبق لك بعد هذا عذر والعلم عند الله تعالى،

تتمة ٦٧

سبحانك لا علم لنا الا ما علمتنا انك انت العليم الحكيم اما بعد فقد سألتني يا اخي ان اكتب لك الجواب ما سأله شيخي شيخنا الخ وخرج عن بعض معاصريه على الوجه الذي يقتضي ان يكتفى بما عنده عليه فاجبت الى سؤالك قال الخ وخرج المسألة الاولى المشتملة على مسائل كثيرة متقاربة ما ثبت عن اهل الكشف والذوق في حقيقة الجسم وهل هي بسيطة او مركبة وعلى الاول اما مقدار جوهري او امر اخر وعلى الثاني اما مركبة من الجوهر الفرد التي لا ينقسم اصلا او من الهيولى والصورة او من الاجسام الصغار التي لا تنقسم فعلا او من امور اخر ثم ان الاجسام الفلكية عنصرية او كا وكذا الكرسي والعرش جسمان او معقولان وعلى الاول عنصريان او لا وعلى التقديرين هل

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7:3 "اتَّبِعوا ما أُنزِل إِليكُم مِن رَبِّكُم وَلا تَتَّبِعوا مِن دونِهِ أولِياءَ ۗ قَليلًا ما تَذَكَّرونَ"

[92]

4:59 "يا أَيُّها الَّذينَ آمَنوا أَطيعوا اللَّهَ وَأَطيعوا الرَّسولَ وَأولي الأَمرِ مِنكُم ۖ فَإِن تَنازَعتُم في شَيءٍ فَرُدّوهُ إِلَى اللَّهِ وَالرَّسولِ إِن كُنتُم تُؤمِنونَ بِاللَّهِ وَاليَومِ الآخِرِ ۚ ذٰلِكَ خَيرٌ وَأَحسَنُ تَأويلًا". [92]

2:180 "كُتِبَ عَليكُم إِذا حَضَرَ أَحَدَكُمُ المَوتُ إِن تَرَكَ خَيرًا الوَصِيَّةُ لِلوالِدَينِ وَالأَقرَبينَ بِالمَعروفِ ۖ حَقًّا عَلَى المُتَّقينَ." [103]

4:11 "يوصيكُمُ اللَّهُ في أَولادِكُم ۖ لِلذَّكَرِ مِثلُ حَظِّ الأُنثَيَينِ ۚ فَإِن كُنَّ نِساءً فَوقَ اثنَتَينِ فَلَهُنَّ ثُلُثا ما تَرَكَ ۖ وَإِن كانَت واحِدَةً فَلَها النِّصفُ ۚ وَلِأَبَوَيهِ لِكُلِّ واحِدٍ مِنهُما السُّدُسُ مِمّا تَرَكَ إِن كانَ لَهُ وَلَدٌ ۚ فَإِن لَم يَكُن لَهُ وَلَدٌ وَوَرِثَهُ أَبَواهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كانَ لَهُ إِخوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِن بَعدِ وَصِيَّةٍ يوصي بِها أَو دَينٍ ۗ آباؤُكُم وَأَبناؤُكُم لا تَدرونَ أَيُّهُم أَقرَبُ لَكُم نَفعًا ۚ فَريضَةً مِنَ اللَّهِ ۗ إِنَّ اللَّهَ كانَ عَليمًا حَكيمًا." [103]

8:65 "يا أَيُّها النَّبِيُّ حَرِّضِ المُؤمِنينَ عَلَى القِتالِ ۚ إِن يَكُن مِنكُم عِشرونَ صابِرونَ يَغلِبوا مِائَتَينِ ۚ وَإِن يَكُن مِنكُم مِائَةٌ يَغلِبوا أَلفًا مِنَ الَّذينَ كَفَروا بِأَنَّهُم قَومٌ لا يَفقَهونَ." [104]

8:66 "الآنَ خَفَّفَ اللَّهُ عَنكُم وَعَلِمَ أَنَّ فِيكُم ضَعفًا ۚ فَإِن يَكُن مِنكُم مِائَةٌ صابِرَةٌ يَغلِبوا مِائَتَينِ ۚ وَإِن يَكُن مِنكُم أَلفٌ يَغلِبوا أَلفَينِ بِإِذنِ اللَّهِ ۗ وَاللَّهُ مَعَ الصَّابِرينَ." [105]

33:52 "لا يَحِلُّ لَكَ النِّساءُ مِن بَعدُ وَلا أَن تَبَدَّلَ بِهِنَّ مِن أَزواجٍ وَلَو أَعجَبَكَ حُسنُهُنَّ إِلّا ما مَلَكَت يَمينُكَ ۗ وَكانَ اللَّهُ عَلىٰ كُلِّ شَيءٍ رَقيبًا." [105]

33:50 "يا أَيُّهَا النَّبِيُّ إِنّا أَحلَلنا لَكَ أَزواجَكَ اللّاتي آتَيتَ أُجورَهُنَّ وَما مَلَكَت يَمينُكَ مِمّا أَفاءَ اللَّهُ عَلَيكَ وَبَناتِ عَمِّكَ وَبَناتِ عَمّاتِكَ وَبَناتِ خالِكَ وَبَناتِ خالاتِكَ اللّاتي هاجَرنَ مَعَكَ وَامرَأَةً مُؤمِنَةً إِن وَهَبَت نَفسَها لِلنَّبِيِّ إِن أَرادَ النَّبِيُّ أَن يَستَنكِحَها خالِصَةً لَكَ مِن دونِ المُؤمِنينَ ۗ قَد عَلِمنا ما فَرَضنا عَلَيهِم في أَزواجِهِم وَما مَلَكَت أَيمانُهُم لِكَيلا يَكونَ عَلَيكَ حَرَجٌ ۗ وَكانَ اللَّهُ غَفورًا رَحيمًا." [106]

73:1-3 "يا أَيُّهَا المُزَّمِّلُ. قُمِ اللَّيلَ إِلّا قَليلًا. نِصفَهُ أَوِ انقُص مِنهُ قَليلًا." [107]

73:20 "إِنَّ رَبَّكَ يَعلَمُ أَنَّكَ تَقومُ أَدنىٰ مِن ثُلُثَيِ اللَّيلِ وَنِصفَهُ وَثُلُثَهُ وَطائِفَةٌ مِنَ الَّذينَ مَعَكَ ۚ وَاللَّهُ يُقَدِّرُ اللَّيلَ وَالنَّهارَ ۚ عَلِمَ أَن لَن تُحصوهُ فَتابَ عَلَيكُم ۖ فَاقرَءوا ما تَيَسَّرَ مِنَ القُرآنِ ۚ عَلِمَ أَن سَيَكونُ مِنكُم مَرضىٰ ۙ وَآخَرونَ يَضرِبونَ فِي الأَرضِ يَبتَغونَ مِن فَضلِ اللَّهِ ۙ وَآخَرونَ يُقاتِلونَ في سَبيلِ اللَّهِ ۖ فَاقرَءوا ما تَيَسَّرَ مِنهُ ۚ وَأَقيمُوا الصَّلاةَ وَآتُوا الزَّكاةَ وَأَقرِضُوا اللَّهَ قَرضًا حَسَنًا ۚ وَما تُقَدِّموا لِأَنفُسِكُم مِن خَيرٍ تَجِدوهُ عِندَ اللَّهِ هُوَ خَيرًا وَأَعظَمَ أَجرًا ۚ وَاستَغفِرُوا اللَّهَ ۖ إِنَّ اللَّهَ غَفورٌ رَحيمٌ." [107]

16:44 "لِتُبَيِّنَ لِلنّاسِ ما نُزِّلَ إِلَيهِم." [115]

2:43 "وَأَقيمُوا الصَّلاةَ وَآتُوا الزَّكاةَ." [115]

5:6 "يا أَيُّها الَّذينَ آمَنوا إذا قُمتُم إلَى الصَّلاةِ فَاغسِلوا وُجوهَكُم وَأيدِيَكُم إلَى المَرافِقِ وَامسَحوا بِرُءوسِكُم وَأرجُلَكُم إلَى الكَعبَينِ ﴾." [117]

4-54:3 "وما ينطق عن الهوى. ان هو إلا وحي يوحى." [126]

"إنَّ كثيرًا مِن علماءِ التَّابعينَ قَالُوا إنَّ الإمامَ مالكًا رضي الله عنه هو الذي عناه النبيُّ صلى الله عليه وسلم بقوله (يُوشِكُ أن يَضربَ النَّاسُ أكبادَ الإبلِ فلا يَجِدُونَ أعلَمَ مِنْ عالِمِ المدينة)."

"عَن أبى هُرَيرةَ رضي الله عنه أن النبيّ صلى الله عليه وسلم قال (يُوشِكُ أن يَضربَ النَّاسُ أكبادَ الإبلِ يَطلُبُونَ العِلمَ فلاَ يَجِدُونَ أحَدًا أعلَمَ مِن عَالِمِ المَدِينَةِ) رواه الترمذي وقَالَ هذا حَدِيثٌ حَسَنٌ."

"وَقَدْ رُوِيَ عَنِ ابنِ عُيَيْنَةَ أَنَّهُ قَالَ فِى هَذَا سُئِلَ مَن عَالِمُ الْمَدِينَةِ؟ فَقَالَ إِنَّهُ مَالِكُ بْنُ أَنَسٍ رضي الله عنه وابن عيينة من كبار السلف من مجتهديهم توفي سنة 198 للهجرة، والإمام مالك توفي في المدينة المنورة سنة 179 للهجرة، وضرب أكباد الإبل كناية عن السير السريع لأن من أراد ذلك يركب الإبل ويضرب على أكبادها بالرجل."

[88]

"عن عبد الله بن عمر رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم :"لا يجمع الله هذه الأمة على ضلالة أبداً ــ قال ــ يد الله على الجماعة فاتبعوا السواد الأعظم فإنه من شذَّ شذَّ في النار"

"قد رواه ابن ماجه وغيره، وفيه معان بن رفاعة، وهو لين الحديث، وأبو خلف الأعمى، وهو متروك، ومن ثم حكم الأئمة بضعف الحديث. وراجع سلسلة الأحاديث الضعيفة للألباني حديث رقم: 2896."

"فالأمر بالجماعة والائتلاف هو أمر من الله تعالى لعباده المؤمنين، وأمر من رسول الله صلى الله عليه وسلم، لأمته، والأمر للوجوب كما هو معلوم ومقرر في علم الأصول، وعلى قدر امتثال المؤمنين لهذا الأمر تكون سعادتهم في الدنيا، وحسن العاقبة في الآخرة."

وتوجد أحاديث أخرى في الباب تعاضد الأحاديث السابقة وتدل إجمالاً على ما دلت عليه.

فمنها حديث أبي موسى الأشعري رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم)) :"إن المؤمن للمؤمن كالبنيان يشد بعضه بعضاً. (متفق عليه)"[91]

"حَدَّثَنَا الْقَاضِي أَبُو عَلِيٍّ ، حَدَّثَنَا أَبُو الْحُسَيْنِ ، وَأَبُو الْفَضْلِ ، قَالَا : حَدَّثَنَا أَبُو يَعْلَى ،

حَدَّثَنَا أَبُو عَلِيٍّ السِّنْجِيُّ ، حَدَّثَنَا مُحَمَّدُ بْنُ مَحْبُوبٍ ، حَدَّثَنَا التِّرْمِذِيُّ ، حَدَّثَنَا الْحَسَنُ بْنُ

الصَّبَّاحِ ، حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ ، عَنْ زَائِدَةَ ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ ، عَنْ رِبْعِيَ بْنِ

حِرَاشٍ ، عَنْ حُذَيْفَةَ ، قَالَ : قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ : " اقْتَدُوا بِاللَّذِينَ مِنْ

بَعْدِي أَبِي بَكْرٍ وَعُمَرَ " ، وَقَال " :أَصْحَابِي كَالنُّجُومِ بِأَيِّهِمُ اقْتَدَيْتُمُ اهْتَدَيْتُمْ) . "الشفا

بأحوال المصطفى للقاضي عياض » الْقَسَمَ الثَانِي : فِيمَا يجب عَلَى الأنام من حقوقه

... » الْبَابِ الثالث : فِي تعظيم أمره ووجوب توقيره وبره ...، رقم الحديث: 61,

الحكم: إسناده حسن". [116]

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TRANSLITERATION TABLE

١	a	ذ	ḏ	غ	gh	بھ	bh	**Long Vowels**		
ب	b	ز	dh	ف	f	پھ	ph	١		ā
پ	p	ر	r	ق	q	تھ	th	آ		ā
ت	t	ڑ	ṛ	ک	k	ٹھ	ṯh	ی	─	ī
ط	ṭ	ز	z	گ	g	جھ	ih	و	─	ū
ث	th	ژ	ẕ	ل	l	چھ	ch	و	(Urdu)	ō
ج	j	س	s	م	m	دھ	dh	ے	(Urdu)	ē
چ	ch	ش	sh	ن	n	ڈھ	ḏh	**Short Vowels**		
ح	ḥ	ص	ṣ	ں	ṇ	ڑھ	ṛh	─		a
خ	kh	ط	ṭ	ه	h	کھ	kh	─		i
د	d	ظ	ẓ	ی	y	گھ	gh	─		u

١ (ء), when it appears at the middle or end of a word, is transliterated as elevated comma (') followed by the letter representing the vowel it carries. However, when ١ appears at the beginning of a word it will be represented only by the letter representing the vowel it carries.

ع is transliterated as elevated inverted comma (').

ض as an Arabic letter is transliterated as (ḍ), and as a Persian/Turkish/Urdu letter as (ż).

و as an Arabic letter is transliterated as (w), and as a Persian/Turkish/Urdu letter is transliterated as (v).

ة is transliterated as (ah) in pause form and as (at) in construct form.

Article ال is transliterated as (al-) whether followed by a moon or a sun letter, however, in construct form it will be transliterated as ('l).

و as a Persian/Urdu conjunction is transliterated as (-o) whereas as an Arabic conjunction و is transliterated as (wa).

Short vowel (─) in Persian/Urdu possessive or adjectival form is transliterated as (-i).

Diphthongs

و	─	(Arabic)	aw
		(Persian/Urdu)	au
		(Turkish)	ev

ی	─	(Arabic)	ay
		(Persian/Urdu)	ai
		(Turkish)	ey

Doubled

و	─	(Arabic)	uww
		(Persian)	uvv
		(Urdu)	uvv

| ی | ─ | | iyy |

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