

## Adopting the Least that was said by Imam Al-Shafi'i

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### Abstract

*That Taking For less what It was said chimes in with principle Facilitation And raise Embarrassment The two buildings on Permissibility And innocence Original So we took With more what It was said We are With that We moved away on Innocence And permissibility Original Than It narrows space pardon so Assignment get up on Obligation So The Taking At least enhances pardon Legislative And increases from His space So it is Relationship Between them Positive , And taking For less what It was said he As application For a soul Islamic Law and its purposes, And not out on her or Inflata Of which, and he With that He achieves something like from Flexibility And adaptation inside The system Islamic To face all Updates And the calamities that It comes up on Different amenities life.*

**Keywords:** *Al-Shafi'i, Taking the Least That Has Been Said, Principles of Jurisprudence*

## INTRODUCTION

Praise Allah lord worlds, And prayer And peace on The honest one Secretary The envoy Mercy For the worlds, and on Machine And his companions Everyone, As for after:

Lost Grant God Nation Islamic since dawn Its history Nabha from Imams And scientists And thinkers He was for them Head start in area the sciences And the arts , And from these Outstanding And the most prominent of them Imam Al-Shafi'i(Mercy God)He is owner One from greatest Doctrines Jurisprudence Islamic, And expand it widespread, Alone between Imams Bones By writing down jurisprudence His doctrine And its origins in a manner And method not preceded, And despite development Jurisprudence Islamic After him Style And guaranteed, did not He comes While Surrounded with it Science what Lookalike or It's getting closer from him , As well as on that Commercial or Its juxtaposition , So he provoked him Scientific in Jurisprudence And the assets She tells His genius unique, So I chose owner this Doctrine To be material my studies And my research.

### Importance The Topic

that Taking For less what It was said chimes in with principle Facilitation And raise Embarrassment The two buildings on Permissibility And innocence original, So we took With more what It was said We are With that We moved away on Innocence And permissibility Original Than It narrows space pardon, so Assignment get up on Obligation So The Taking At least enhances pardon Legislative And increases from His space So it is Relationship Between them Positive , from this He was Taking For less what It was said linked Relatedly closely By taking With the lighter , So it is Taking For less what It was said They took With the lighter So it is pardon Likely For taking With the lighter that Witness for him Texts a lot from the book And the Sunnah as And bear witness for him Purposes Islamic Law.

### Goals The Topic

that Taking For less what It was said he As application For a soul Islamic Law and its purposes, And not out on her or Inflata Of which, and he With that He achieves something like from Flexibility And adaptation inside The system Islamic To face all Updates And the calamities that It comes up on Different amenities life, Than Confirms Power This is amazing Islamic Law And her immortality on bitter the days And the times.

**Study Approach:** He was Curriculum the study he Curriculum Inferential And deductive To throw the light on Features Curriculum Imam Al-Shafi'i in Inference Fundamentalist in(Taking For less what It was said)Which

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text or pointed out to her in writing (the message) or (the mom) And explaining it, I also used the analytical method by analyzing and understanding the sayings of scholars, which fall under the subject of the study, by mentioning the sayings of the affirmers and their evidence, and the deniers and their evidence, then weighing between their sayings after considering the evidence of each group.

**Structural the Study:** It is composed this search From three sections: Researcher the first: Definition of what it means to take the least that is said. Researcher the second: Al-Shafi'i's opinion on the validity of taking the least that has been said, the third section: The opinions of scholars on the validity of taking the least that has been said and their evidence.

## Researcher The First

### Identification By Taking for Less What It Was Said

#### The Requirement the First: Identification Taking for Less What It Was Said Language And Terminologically

##### Firstly: Identification taking the Least That Was Said language.

First: Definition of taking the least that is said in language.

(Qul) the Qaf and the Lām are two correct origins, one indicating the slightness of a thing and the other indicating the opposite of stability, which is discomfort. The first is their saying, "Should a thing be less," for it is little. He even reduced it to himself, even if it was not a little In the same matter, so-and-so has little money, and the basic principle is that he has little money, and the word "little" may be expressed as nothing, so it is said that he has little good, meaning he hardly does it, and "little" means "little" and that is like humiliation and humiliation <sup>(i)</sup>.

##### Secondly: Identification Taking for Less What It Was Said Idiomatically

male in it Scientists Definitions several Of which:

"If there is a difference in...aSomething is answered, So it is obligatorySome of them as much, WaThe rest of them made it obligatory more than that. What was obligated by the fewest of them was an obligation upon which there was consensus, and what was more than that was disputed."<sup>(ii)</sup>

"Those who differ may differ It is estimated by diligence based on opinions and it is acceptedAt least itWhen evidence is lacking"<sup>(iii)</sup>That is, if there is no evidence indicating the increase.

Al-Qaffal al-Shashi said: It is to repel the action of the Prophetﷺ Explaining the generality and needing to specify it, so it becomes the minimum that is taken... Ibn Al-Qattan said: It is when the Companions differed in estimation, some of them would go to a hundred, for example, and some of them would go to fifty.,If there is an indication that supports one of the two opinions, then it becomes that, and if it is not an indication, our companions disagreed about it: some of them said: We take the least of what was said since it was less and that Some of them said by half, others by equality, and some by a third, but this was the least"<sup>(iv)</sup>.

And its truth, said Ibn Al-Samani -May God have mercy on him-: "That those who differ may differ onCommandOn sayings in!TakingAt least itIf no evidence indicates an increase"<sup>(v)</sup>.

That is, there are several statements on the issue without there being evidence to support either of them, and these statements are in agreementHOn the shared amount within!It is the smallest and differs from what is greater than it,And the document for taking itConsensus:toaThe implicitly agreed-upon (common destiny) is present in all sayings, and it is (the saying of the least) because the more necessitates the less The third and a half is part of the whole, so it was a mug-With Ali-E included!a.Bringing the original patent:The reason for adopting it is to accompany the principle with the original acquittal that the liability is not occupied and the principle is that it is not obligatory, so what is the increase? <sup>(vi)</sup>.

### **Third: An Example of Taking The Least That Was Said**

**differenceScientists**In the written blood moneySome of them said that a Muslim must pay blood money,And some of them said:Half of the Muslim's blood money is required,And some of them said:A third of the Muslim's blood money is required <sup>(vii)</sup>.

### **Researcher The Second**

#### **Opinion Imam Al-Shafi'i in Authentic Taking For Less What It Was Said**

alIf one examines the words of the fundamentalists, he will find that Imam Al-Shafi'iMay God have mercy on himHe is the first person to be credited with invoking this evidence, so much so that the name of the Imam became associated with itKhFundamentalist modeAndn in its subject unless it comesaAl-Shafi'i's name is with him, and whoever reads the book (The Mother) will find that Al-Shafi'i actually took it and built some branches on it <sup>(viii)</sup>This is in stating that the amountDrThe amount of a Jew or a Christian is a third, as he said: "We do not know of anyone who said that their blood money is less than this, and it has been said: Their blood money is more than this, so we obliged the killer of each one of these to pay less than what they agreed upon. So whoever kills a Jew or a Christian by mistake, and the killed person has a safe obligation for a period or A duty to give a tribute or security for an hour, and if he kills him at a time when he is safe from the Muslims, then he must pay a third of the Muslim's blood money."<sup>(ix)</sup>.

#### **This Statement Was Supported by The Evidence of The Scholars in Al-Shafi'i's Argument with It, As Follows**

"It was narrated on the authority of Al-Shafi'iAdhering to something like that, then he said: And thinking about it is otherwise, and perhaps the one speaking about it made a mistake in conveying his words.<sup>(x)</sup> .

Al-Razi mentioned-May God have mercy on him-"The Shafi'i doctrine It is permissible to rely in proving rulings on taking the least that has been said.... It is take the least"<sup>(xi)</sup>.

Al-Armawi, may God have mercy on him, stated: "The Shafi'i doctrine is that it is permissible to accept the least of what was said if it is the opinion of the entire nation and there is no auditory evidence at most."<sup>(xii)</sup>.

"Al-Shafi'i took it"The least said if there is no evidence."<sup>(xiii)</sup>.

It was reported on the authority of Al-Baydawi, may God have mercy on him: "Al-Shafi'i tookTo accept the least that was said if there is no evidence... based on consensus and original innocence."<sup>(xiv)</sup>.

"Our Imam Al-Shafi'i went "It is permissible to rely in proving rulings on taking the least that has been said."<sup>(xv)</sup>. Then they explainedthatSaying of Imam Al-Shafi'i-May God have mercy on him- It is not because it is the least, as Sheikh Al-Muti'i - may God have mercy on him - mentioned: "As for the saying that Imam Al-Shafi'i and his entourage took that as evidence that it was the least... it is a corrupt statement that is not appropriate to be attributed to such a venerable Imam, and for that reason he said in the collection of collections: And the least statement must be taken." Rather, it is necessary for his evidence to prevail, that it is consistent with the original."<sup>(xvi)</sup> Any reference from him to the situation being clear of the obligation and not being preoccupied with it, so it is thought that Al-Shafi'i's statement regarding the blood money for the Jew is one-third is adhered to.Unanimously because the whole is said by a third, if it is said by it, and by the half and the whole, and not because the negation of the extra is part of his statement and there is no consensus on it. which meanshe"The obligation of a third is unanimously established The necessity of what is more than that is questionable;toaWhere there is disagreement, it is not proven in the presence of doubt, and the principle is to absolve oneself of liability, and this is the meaning of adhering to consensus in it"<sup>(xvii)</sup>.

As the claim of Al-Shafi'i - may God have mercy on him - to adhere to consensus is a misconception about him, and is supportive this talk he defense Scholars Shafi'i And others on Imam Al-Shafi'i And they denied it that it Taking By work with it And it was Manat took him Him Consensus Just And they were foolish He said:Some people thought that he adhered to consensus, which is a misconception of Al-Shafi'i-May God have mercy on him-If there is consensus on the obligation of this amount, there is no disagreement about it, but

what is disputed is that the increase is dropped and there is no consensus about it. Rather, if the consensus on the third was a consensus that the increase was dropped, then the obligation of the increase would have violated the consensus and his doctrine would be invalid on the absolute basis, but Al-Shafi'i obligated what they agreed upon and searched for the paths of evidence. There was no valid evidence for him that the increase was required, so he returned to the necessity of the situation in the original innocence indicated by reason. He adhered to the necessity and the evidence of reason, not the evidence of consensus. The restriction to a third includes the obligation of a third and the denial of the increase, so the obligation of a third is unanimously agreed upon and there is no disagreement about it. As for denying the increase, there is no consensus on it. Because of the occurrence of disagreement regarding it, rather its denial according to those who denied it is based either on the appearance of evidence in his opinion of the existence of an impediment or the failure of a condition or lack of awareness and relying on the accompaniment of the original denial, and that is not a matter of consensus in any way, so a third was the least that was said about it, so it must be done by consensus. Anything more than that is not obligatory. Because the basic principle is a release from the obligation, and its obligation requires legal evidence, and we did not find evidence to indicate it, so the blood money must remain based on the release <sup>(xviii)</sup>.

That is, Imam Al-Shafi'i - may God have mercy on him - said by consensus, and by it he meant [the common destiny] that intersected between the opinions and that which was agreed upon, because there was no less than it, so there was consensus on it. Then his original reasoning for acting upon it was that when he searched for evidence, he did not find anything that would justify the statement of an increase, so he accompanied the evidence of reason to The liability is not required and the original is cleared until there is legal evidence that requires an increase.

### **Researcher The Third**

#### **Opinions Scientists in Authentic Taking for Less What It Was Said**

#### **The Requirement the First: Opinions Installers Lahjiya Taking for Less What It Was Said**

#### **Firstly: Sayings Of The Installersit Is Permissible To Take The Least That Is Said**

MultipleRaThey are encouraged to act and protest against it;Sometimes they use it as evidence, and the basis for taking it is because it is like having rational evidence to clear the obligation, meaning that it is like acting on the original acquittal and there is no obligation at all, so it does not concern the liability, and at other times they add to it the implied consensus.;Since the statement of the common amount is certain, and what is more than it is doubtful, it is not validBAnd the increase in doubt and statements is likecame:

Abu Al-Hussein Al-Basri is goneMay God have mercy on himTo the permissibility of acting on it, when he stated in his words: "If it is said: Isn't it permissible to take the least of what was said if there is no evidence of an addition? It is said that the least of what was said is agreed upon, and the addition, if it is a legal ruling, must be denied if no evidence indicates it, and likewise Evidence of acquittal.<sup>xix</sup> .

UnscrewaHis action on it is based on the existence of consensus on the consensus on it and the condition being accompanied by the original acquittal.

A father mentionedAndFur May God have mercy on him" "As for saying the least that was said about it, it is permissible to use it as evidence, and its meaning is due to the use of the rule of reason in clearing one's obligation, as in the case of blood money for a Jew, one-third is the least that was said about it, so that is obligatory according to consensus, and anything more than that is not obligatory, because the basic principle is that it is cleared of one's obligation, and it is obligatory. It requires legal evidence, and we did not find evidence to prove it, so it must remainHBlood money for innocence."<sup>(xx)</sup>

Shirazi mentionedMay God have mercy on himInvoke itAnd he said: "As for saying the least that was saidThe reasoning for it is from two aspects, one of which is from the point of view of accommodating the case in clearing one's duty, which is to say the basic principle is clearing one's duty except for what the evidence indicates from the point of view of Sharia law, and the second is to say this statement is certain, and whatever is added is doubtful, it is not permissible to answer it with doubt."<sup>(xxi)</sup>

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Al-Juwayni added May God have mercy on him saying : "What we are satisfied with among the schools of thought is to say: As for the least, it is established by consensus, and as for denying anything other than it, It depends on the evidence, so if there is evidence to negate anything else, it is negated, even if there is evidence to negate Obligation...Related to this sentence is that if the consensus is at least proven and the diligent examines the evidence and does not find evidence, it requires an affirmative, beyond the least, it is permissible for him to adhere to the solution.-How much mind in b-"freedom"<sup>(xxii)</sup>. That is, if he does not have evidence of the increase, then the liability is not occupied, and in that case it is ruled that the case is not obligatory at all and she is acquitted.

And some of them count H "It is a kind of companionship when one is cleared of responsibility, and it is valid evidence."<sup>(xxiii)</sup>.

And between Ibn Aqeel May God have mercy on him His saying: "The basic principle is a discharge of responsibility, and the minimum has been proven by consensus, and whatever is more, there is no evidence for it, so it is not binding except with a proven matter and sound evidence."<sup>(xxiv)</sup>.

As for Al-Razi May God have mercy on him He stated: "And know that this rule is based on two principles: consensus and original disavowal:"<sup>(xxv)</sup>.

Rather, he supported Ibn Qudamah Al-Maqdisi May God have mercy on him Adopting it was not based solely on adherence to consensus, as he said: "And if there was consensus, then opposing it would violate the consensus, and this is apparent corruption"<sup>(xxvi)</sup>.but rather And in the least that has been said, the same as the Kitabā's third, with it and with its approval, not with it only. That is, adhering to the least that has been said, or adopting the least of the sayings, is not adhering to consensus only. Because the consensus on this is to affirm the third, but as for denying the excess of it, there is no consensus on it, otherwise its affirmation would be contrary to the consensus, so it is proven by this that the one who takes the less; Rather, he adhered to unanimity in proving it, and adhering to the situation in denying any addition to it. This is the meaning of his saying: Since the minimum is unanimously agreed upon without denying the increase<sup>(xxvii)</sup>.

And he mentioned thea Asthma May God have mercy on him "It is adherence to the consensus on the lesser obligation and the original disavowal on the denial of the additional"<sup>(xxviii)</sup>.

He promised him annual May God have mercy on him Among the acceptable evidence: "I say the fourth piece of acceptable evidence is taking the least It was said "<sup>(xxix)</sup>.

a promise Al-Ansari May God have mercy on him Stick to it right: "It is known that adhering to the least of what has been said from the sayings of scholars, where there is no evidence other than it, is correct according to what has been unanimously agreed upon, even though the basic principle is that what is more than it is not obligatory."<sup>(xxx)</sup>.

Local mentioned May God have mercy on him "Adhering to the least that is said is true"<sup>(xxxi)</sup>.

Al-Attar added May God have mercy on him With its footnote: "Adhering to the lesser is not the same as adhering to consensus, because denying what is more than that lesser is not unanimously agreed upon. Rather, adhering to the principle in it, that is, the principle of acquitting oneself from that excess, and that the principle is that something is not obligatory unless there is evidence for it."<sup>(xxxii)</sup>.

It was a document for taking the buggy May God have mercy on him His is that: "It is attached to consensus and attached to the adequacy of the situation"<sup>(xxxiii)</sup>. which means a The consensus responds to it, and it is the least because what was added is different and doubtful, and since the original was the acquittal of the duty until evidence indicates the increase, then the situation of the original applies to what was added to the consensus, which is the acquittal and not being preoccupied and charged with the duty.

Among the Malikis, those who took the lesser view are Ashhab and the clearest example of this issue: "If one hundred and fifty bequeathed to him in one book with two wills, then...Y For: The most is given, and it is said that half of each is given, and according to Ashhab's statement, the less is given."<sup>(xxxiv)</sup>.

## Second: Evidence From Those Who Prove the Validity of Accepting the Least That Has Been Said

### After Presenting the Statements of The Scholars Who Took (Accepting the Least of What Was Said), The Basis For Their Taking It Was

If there was no consensus on what was said and he was the common denominator between the sayings implicitly, he would not have taken it.

Because if we assume that there is no consensus on it among the sayings, then what is unanimously agreed upon would not be necessary, but for its existence, it is proven to be taken because it is shared between them, because what is necessary entails what is necessary.

The basis for adopting it, in addition to the implied consensus, is the origin of the thing, clearing its responsibility and not being preoccupied with anything because there is no text in it, and the additional signs and saying what was not said?

And because it is agreed upon, deviating from it is at least impossible, and contrary to the existence of consensus on it, so it has been proven here definitively that it is the rule of any evidence because it is not permissible to depart from consensus, and adding to what is agreed upon has not been unanimously agreed upon, and the point of it is because the basis for attaining the matter was deductive by looking and thinking about the texts, their indications, and the overall content of their meanings. To achieve the interest and ward off corruption, this is the basis of Sharia law and its goal is the interest for all times and places.

My previous statement is clear from the following evidence:

What we accept from the schools of thought is to say: As for the least, then it is unanimously established. If we assume that the nation was divided It is divided into four categories, one of which requires the Jew to pay the same blood money as a Muslim, the second requires half, the third requires a third, and the fourth does not require anything. Taking the least of what was said was not obligatory, because that less is the opinion of some of the nation and that is not an argument. However, if this fourth section does not exist, then the statement that a third is obligatory is the opinion of the entire nation. Because whoever obligates all of the blood money for a Muslim has obligated a third, and whoever obligates half of it has also obligated a third, and whoever obligates a third has said that, so obligating a third is a statement that the entire nation has said, so it is an argument because each of those who say that something is obligatory is included in the statement of others or the statement of another is included in it. in it<sup>(xxxv)</sup>.

And he mentioned In their response to: to The opponent's protest is that Positive The least An inference was said by mere negation I We guide this way But we say the origin Innocence of deliciousness Mh from the increase except if Sharia evidence is provided ( agreed ) Yes gher so And he transmits it on the origin , If it is said: We agreed to deal with slander H With the crime, whoever claims Her innocence is based on this evidence. It was said: But We agreed to deal with slander H With my guilt It pays one-third of the blood money If its preoccupation with what is added is not proven except with evidence, because the additional is not specified, because the speaker is part of the nation, it is not unanimous, and the assumption is the lack of evidence, so its meaning is due to the presence of the rule of reason in clearing the obligation, so it is not permissible to affirm it except with evidence, because this statement is certain, and what is more is doubtful, so it is not permissible to affirm it with doubt, as this is not the case. It is valid because what is intended can only be proven in two ways, one of which is the establishment of an indication that necessitates a ruling, and the other is the absence of evidence that necessitates the fulfillment of the obligation. If it is absent, the rule of reason must be accompanied. For this reason, we stipulate in the ruling, with the least that has been said, the absence of any auditory evidence, for if any of that is reported, the ruling is for its sake, not for the sake of it. Back to what was said<sup>(xxxvi)</sup>.

Since the consensus only indicated the least of what was said about it, the excess of that was the least. If it had been proven, it would have been proven without evidence, and that is not permissible because that would become an unbearable obligation. Also, God Almighty worships us with original innocence if we do not find auditory evidence to divert us from it. If there is no evidence. Hearing indicates the increase. We learned that

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God Almighty worshiped us with original innocence and timeyIt is certain that only that amount which is the smallest amount is required<sup>(xxxvii)</sup> Otherwise, "then you become a rhyme of what you have no knowledge of and prove a ruling without proof. This is forbidden according to the text of the Qur'an and by the consensus of the nation. No one said it, and the one who says it becomes a transgressor, either by a forbidden offer or by forbidden money or by a religious requirement that God Almighty has not permitted, and all of that is forbidden and not permissible at all."<sup>(xxxviii)</sup>.

## **The Requirement the Second**

### **Opinions The Naveen Lahjiya Taking for Less What It Was Said**

#### **Firstly: Alan's Sayings There Any Reason to Accept The Least That Has Been Said?**

The reason for their denial of taking the least that was said was several things, such as aT:

Whoever says that [the consensus on] is agreed upon by all, but perhaps he is in disagreement with it, i.e. most of it is the origin and the correct one, i.e. [the ruling] that is proven by reasoning by reconciling the texts, and the evidence that there is no consensus is to contradict it, otherwise contradicting it would be a violation of it, so how can theCWhat's wrong here?

Then whoever said that the principle is that she is clear of responsibility and is not preoccupied, and she is preoccupied with money after realizing the situation when the act occurred, so her preoccupation is proven here, so what is the claim of innocence here?

#### **And The Sayings Are Likecame**

Ibn Hazm said May God have mercy on him" This really would have been trueIf it were possible to control the statements of all the people of AFor IslamIn every era, since there is no way to do this, it costs him meaningless trouble, and the text must be included in every ruling of Sharia law.<sup>(xxxix)</sup>In order for it to be valid, it is required that all statements in different eras be confirmed, and since it is an impossible matter and cannot be done due to the expense and trouble, as he said, it is not taken into account.

Al-Samani wentMay God have mercy on himHe pointed out that he should not take into account the least that has been said about knowing the rulings, while providing details about it, and he stated: "Even if there is disagreement about its value after agreeing on its obligation...Is taking the lesser evidence so that it can be narrated from it? The companions of Al-Shafi'i, may God have mercy on him, disagreed about it in two ways, one of which is evidence and the other is not evidence.<sup>x)</sup> And he said : "Some of our companions mentioned the ruling as little as was said This is in two folds:

**one of them:** thatIt is in its originDisclaimer: If there is a difference in the obligation of the right and its lapse, then its lapse is more important than its obligation because it agrees with the disclaimer.Except AIf there is evidence to prove its obligation, then its obligation is ruled based on evidence, even if the difference in its value after agreeing on its obligation is like blood money for slander.YIf you kill him,...**And the second multiplication**The scholars differed regarding the number of its meetings, so adopting the lesser is not evidence that the obligation is subject to it, so the obligation is not absolved by doubt.<sup>(xli)</sup>.

#### **Then He Said: "Is Taking The Most Evidence?"**

**one of them:** It is evidence and cannot be transmitted from it except with evidence, because the obligation is cleared with the most consensus and with the least disagreement, and Al-Shafi'i, may God have mercy on him, made it based on forty because this number is the most that has been said.,

**And the second:** Taking the most is not evidence because disagreement is not based on evidence, and Al-Shafi'i, may God have mercy on him, only considered the number of forty as evidence." <sup>(xlii)</sup>

#### **And Among Those Who Did Not Take It And It Was Under The Name (Taking It Lighter) Who Are They:**

Al-Shattabi This came in his words in his response to those who cited the lighter evidence and it was based on working with it from the book: } **And Whoever is sick or on a journey, then a number of other days. God desires ease for you and does not desire hardship for you. And that you should complete the number of days and glorify God for what He has guided. Come and perhaps you will be grateful** { (xliii) And he said: } **And He has not placed upon you any difficulty in religion** { (xliiv)

And Sunnah saying: ((No harm, no foul...)) (xlv), And he said ((I was sent with the generous tap ((xlvi) All of this is contradictory the Evil A Heavy work.

In terms of measurement "God is rich and generous, and the servant is needy and poor, and if a conflict occurs between the two sides, the burden is on the side of the rich Yes first" (xlvii).

Al-Shatibi replied May God have mercy on him: This leads to the obligation to drop the obligation altogether because it is all onerous and heavy. Otherwise, it would not be called an obligation from the cost, which is hardship. If the hardship was inflicted on The assignment requires lifting With these indications, this is required in purifications, prayers, zakat, Hajj, jihad, and other things, and it does not stop at a limit unless the servant has no obligation left, and this is impossible, so what leads to it is like it. Removing the Sharia while assuming its status is impossible, and if we rule on that principle here, it is necessary for him that the principle is removing the obligation after placing it. On the assigned person (xlviii).

It was attributed to Judge Abdul Wahab Al-Maliki May God have mercy on him He says: "It can be said The middle duty of this and the clearest example of this issue is the value of the spoiled item, when he collects a commodity. Experts differ in valuing it, so some value it at a hundred, and some at two hundred, and likewise if he sustains a surgical wound in which there are no damages. (xlix) "destined" (0). That is, the judge favored the middle, not taking the least or the most.

Ibn al-Najjar mentioned May God have mercy on him: "And it will not be a To take the least of what was said as the written redemption of one-third, according to consensus, for disagreement regarding the excess, contrary to those who thought it was consensus, and this is not correct. Because his statement includes the obligation of a third and the denial of the excess. The consensus did not indicate that the excess was denied, but rather that only a third was required, which is some of the claimed. The third and a It was unanimously agreed upon, but the denial of the increase was not unanimously agreed upon, so the total is not unanimously agreed upon. And the one who says a third is required H It is composed of two matters of a third and the denial of the addition, so his doctrine is not agreed upon." (li) That is, his words were in response to those who claimed and thought that it was a consensus, but in his view it is not correct, because the one who said it based his statement on affirming the less and denying the excess, and this is impossible, since how can there be consensus when the consensus itself did not indicate the denial of the excess? Rather, it is positive if there is consensus on the common value, which is some of what is claimed. Otherwise, there would not be a dissent requiring an increase.

Among those who denied acting on it was Ibn Abd al-Shakur-May God have mercy on him-He said: "Right that Like Al-Shafi'i said: Dither third Jew does not It is permissible to touch it unanimous Menisci dis agreed Say in sin determining The thing and It is not valid in the limit the least unanimous Contrary to some and the lawsuit necessary, But More important A revelation preceded by the opponent, who said, "They said: the mom HAs for He says everything or Halftone third) The third is present in the half and the whole" (lii) So it is confirmed in every estimation, it is necessary from the statement of the whole, so it is unanimously agreed upon (We said: The consensus indicates the obligation of a third more general than that it is with or without an increase, so it is not permissible to detract from it. (As for) its indication of it only, without an increase, it is not necessary except with evidence. This is different because what is supposed to be The evidence is consensus, and the bottom line is that the one who says less should increase, and this is not necessary from consensus." (liii) That is to say, we accepted the view that the joint amount is obligatory, and it was the necessary statement of saying the whole, in the case of disagreement in the estimation of a thing, as in the case of blood money for the Jew. Some of them said the whole, and among them were those who said the half or third according to each estimation, because it is present in the whole and the half, since the necessary entails the necessary, and it was unanimous. It is not permissible to detract from it, but to make it obligatory and to indicate it without anything



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else is impossible, because the evidence is supposed to be consensus, and the bottom line is that the one who says it should add more, so what is the claim of consensus here? Do not cling to it.

Among the later Malikis are those who denied working on it, such as Al-Shanqeeti - may God have mercy on him - and he explained that:

“Adhering to consensus is not adhering to consensus... and the clearest evidence for that is the permissibility of contradicting it.”<sup>(iv)</sup>.

Al-Mashat - may God have mercy on him - stated in presenting Imam Malik's opinion: “As for our Imam, may God Almighty have mercy on him, he did not adhere to this evidence, so at that time he considered it among the evidence that is subject to consideration.”<sup>(iv)</sup>.

## **Secondly: Allen's Evidence is There Any Reason To Accept The Least That Has Been Said?**

Taking the least of what was said is not adherence to consensus, like the disagreement regarding the blood money of a writer. It was said: the blood money of a Muslim, and it was said: half of it, and it was said: a third of it, so adhering to a third is not consensus, and evidence for that has shown that it is permissible to contradict it, so it is not a consensus for disagreement regarding the excess, contrary to those who thought it was consensus, and this is not correct because his statement includes On the obligation of a third and the denial of the additional, and the consensus did not indicate the denial of the additional on the obligation of a third only, which is some of what is claimed, so the third, even if there is consensus on it, but denying the increase was not unanimous on it, so the total is not unanimous on it, and the one who says the third Required Compound of two matters of the third, Denying the addition, his doctrine is not agreed upon, because the disagreement is regarding the nullification of the addition, and there is disagreement about it, so how can it be a consensus? If there was consensus, then contradicting it would violate the consensus, and it is apparent corruption, and God knows best.<sup>(vi)</sup>.

It is necessary to take into account most of what was said, because something has been proven in the matter and the matter differed Regarding the quantity, some people said it is the whole blood money, others said, rather, half of it, and others said, but a third of it. If there is no auditory evidence with any of these sayings, and the discharge of the obligation does not occur with certainty except when the entire Muslim blood money is paid, then it must be said in order for the departure from the covenant to occur with certainty.<sup>(vii)</sup>.

There is no doubt that the certainty of the person in charge of fulfilling his responsibility for what he owes is only by paying the most, which is like the blood money of a Muslim, especially since the dispute of a non-Muslim on the Day of Resurrection against a Muslim is more severe than the dispute of a Muslim against a Muslim, because a Muslim's dispute with a Muslim is a way to satisfy the opponent with what he gives. Yeh Of the bliss of Paradise in exchange for pardoning his Muslim brother, and there is no way to dispute the non-Muslim, so it was necessary to retaliate and be held accountable for the rights of the non-Muslim, and forgiveness would not obtain from him in the afterlife, and it did not occur in this world.<sup>(viii)</sup>.

Consensus on something does not indicate the denial of anything else; It is not permissible to drop the increase due to doubt, Adopting the most is evidence and cannot be moved from it except with evidence; Because a duty is cleared with the most consensus and the least disagreement, so when the duty is concerned with something, acquittal is not achieved with certainty except with the most, so it is necessary in order to be certain of salvation <sup>(lix)</sup>.

Suppose that there was no evidence other than consensus, but the lack of evidence does not necessitate the absence of the meaning. Perhaps a right greater than what was said has been established in the obligation. If this possibility exists, the departure from the covenant will not be proven except by the most of what has been said.<sup>(lx)</sup>.

Affirming the least of what was said is an inference based on the mere denial, because you say, “I do not find evidence for the addition,” just as the negator said to the judge, “I do not find evidence for it,” because we agreed that the liability is concerned with the crime, so whoever claims her innocence must prove it <sup>(lxi)</sup>.

Ibn al-Subki reported May God have mercy on him If you say that the sum of what you have decided is that it is composed of consensus, and it is evidence without a doubt, and of original innocence, which it is, then what is the reason for making it an independent piece of evidence? And the other is to deny the addition. I said, "This question has not been mentioned yet, and no answer has been obtained for it" (lxii).

What appears to be the case is that this objection assumed by Ibn al-Subki is correct in its place, as the extent of the issue is...a There was a text in its definition that clarifies it and it was taken into account and it was the evidence whether that amount was the most of what was said on the issue or the least or otherwise. This is also the case when a text is not proven, as it turns to reliable evidence other than knowing the ruling, so if this evidence is consensus, analogy, or interest. Or the presence of the original innocence is what is considered in the reasoning and by it the protest is made and the ruling is attributed to it.<sup>(lxiii)</sup>.

If it is said: What is the matter with Al-Shafi'i, may God have mercy on him, he stipulated Forty On Friday, while some scholars were satisfied with three times and stipulated seven in the number of ritual ablutions after dog urination, while three times were sufficient for it?

I answer: This is the question of those who have not understood the facts, so Al-Shafi'i (May God have mercy on him) It did not contradict its origin, because its origin is to accept what is certain and discard the doubtful (lxiv) Al-Shafi'i took it (May God have mercy on him) In both of them, they are based on what is certain, which is that there is at least auditory evidence (lxv).

### The Third Requirement: The Most Likely Opinion

Taking the least of what was said is consistent with the principle of facilitation and removing embarrassment based on original permissibility and original innocence. If we take the most of what has been said, we will thus move away from original innocence and original permissibility, which narrows the space for pardon, since the obligation is based on obligation. Therefore, adopting the least strengthens the legislative pardon and increases its area, so it becomes The relationship between them is positive. Hence, accepting the least of what was said is closely linked to accepting the lesser, so accepting the lesser of what was said would be accepting the lesser, so pardon would be more likely to accept the lesser. Many texts from the Qur'an and Sunnah testify to it, as do the objectives of Sharia law, since entrusting a heavy burden contradicts the purpose of legislating rulings, and if there are those who say to adopt the heavier or the more, which leads to a contradiction, then one must return to the considered preferences, and since forgiveness is one of the considered options, we prefer it to take the less. What was said (lxvi) As for the analogy, God Almighty is Rich and Generous, and the servant is poor, so adopting the least that was said serves the needy and the poor, for God Almighty is above need (lxvii).

What must be taken into consideration and must be acted upon is what the evidence for which is sound. If the evidence conflicts, it is not appropriate for the lighter than what it indicates to be, or the more difficult to be, to be more likely. Rather, one must go to the considered probable ones. It is not hidden from you that the difference in estimation is small and large if it is taking into account the evidence, so the diligent person is obligated to take Whatever is correct for him, combining them if possible, or giving preference if not possible, and it has been decided that the additional increase comes from a way out...correct The incident, Not inconsistent with more is acceptable, It must be taken into account, and the decision should be made to its meaning, and if the difference in estimation is based on the schools of thought, then the (mujtahid) has no regard for the schools of thought of the people. Rather, he is worshiped by his own effort and what his consideration leads to, whether he takes the least, the most, or the middle. As for the imitator, he has nothing to do with it. Rather, he is a prisoner of his imam in all matters of his religion, and I wish he had not done so.)<sup>(lxviii)</sup>.

### CONCLUSION

The most important results that I reached from this study are as follows:

One who examines the words of the fundamentalists will find that Imam al-Shafi'i (may God have mercy on him) is the earliest person to be attributed with invoking the evidence of (accepting the least of what was said), so much so that the name of the Imam became associated with him, so the fundamentalists do not delve into

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his subject unless the name of al-Shafi'i (may God have mercy on him) comes with him and the one who reads the book ( Al-Mother) finds that Al-Shafi'i (may God have mercy on him) actually took it and built some branches on it, and he used to say it based on: A - Consensus (because the common value that is implicitly agreed upon is present in all opinions, and it is the statement of the least).

B - Accompanying the original patent (i.e. accommodating the original with the original patent that the liability is not occupied and the original is not obligatory).

The doctrine of those who used it as evidence was that the basis for taking it was: because it is like having rational evidence to clear the obligation, meaning that it is like acting on the original acquittal and not being obligated at all, so it does not concern the liability. And at other times they add to it the implied consensus as evidence; Since the statement about the combined amount is certain, and what is in excess of it is doubtful, they do not require an increase due to doubt.

As for the doctrine of those who deny working by taking into account the least that has been said, it is: Whoever says that [the consensus on] is agreed upon by everyone, but perhaps he is in disagreement with it, that is, the most is the origin and the correct one, that is, [the ruling] that is established by reasoning by reconciling the texts, and the evidence that there is no consensus is contradicting it. Otherwise, his contradiction would be a violation of it. Then whoever said that the principle is that she is clear of duty and is not preoccupied, and she is preoccupied with money after realizing the situation when the act occurred, then her preoccupation is proven here.

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