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Turkish Online Journal of Qualitative Inquiry (TOJQI)
Volume 12, Issue 9, August 2021: 5440-5446

**THE CHOSEN OPINION OF IMAM AL-ASBIJABI IN HIS EXPLANATION
OF THE SUMMARY OF AL-TAHAWI A COMPARISON FIQHI
STUDYPURIFICATION OF WELLS AS A SAMPLE**

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Summary:

This research deals with the Fiqhi choices of Imam Al-Asbijabi in his explanation of Mukhtasar Al-Tahawi. I studied an issue under the subject of "Purification of Wells" as a sample because the legal rules related to water are very important in the daily life of Muslims. These rules are related to the most important worship which is prayer. And we will see these details throughout this paper.

Keywords: Purification, Wells, Comparison

INTRODUCTION:

I thank Allah, and I pray him for our messenger Mohammad peace and blessed be upon him with his companions and followers till Judgment Day.

Studying the rules of purification of wells is very important for Muslims because they need them in their daily life especially with prayer. Scholars understand that, so they started their books with these issues and they were very interested in studying them for their relation to the most important worship which is prayer. Water is a very lack in some countries and the need for more water is increasing day by day. Some new cases appeared in life, one of them is wells and what is related to it, so I decided to study this issue to explain the chosen opinion of Imam Al- Asbijabi. I divided the research into an introduction, two chapters, and a conclusion.

The first chapter dealt with Al- Asbijabi's name, descent, birth, nickname, title, and growth. Then I talked about his scientific state and his teachers and students. The second chapter dealt with the issue

of the purification of wells in the comparison method. The important results were mentioned after that, then the list of references.

THE FIRST SECTION: AL- ASBIJABI'S LIFE

Name: Imam Ahmad Ibn Mansoor (Tarikh Al-Islam, Al-Thahabi, 33/353), The sources I reviewed did not mention anything but his name and the name of his father, and this is agreed upon by the authors of the autobiographical sources who wrote his biography.

Descent: Al-Asbijabi's descent from Asbijab city (Al-Wafi Bi Al-Wafiyat, 8/122), which lies on the north Shash coast on the right bank of Syr Darya river in the south of Kazakhstan now.

Birth: the whole autobiographical sources which I study didn't mention anything about the date or place in which he had a birth in (Tarikh Al-Islam, Al-Thahabi, 33/353).

Nickname: he was called Abu Al-Nasr (Al-Jawaher Al-Mudhia, 1/27).

Title: He had some titles:

1. Judge: This title refers to his assumption of the judiciary, without mentioning the duration or place of that mandate, and who appointed him this important religious mandate. (Al-Jawaher Al-Mudhia, 1/27)
2. Ahmed Ji: a Turkish title (Tarikh Al-Islam, Al-Thahabi, 33/353). The suffix (ji) denotes the owner of a profession, a craft, or a job. The Turkish used to add at the end of the suffix (ji) and say: Maktobji, that is, the censor who monitors publications, newspapers, and newspapers (Lawaheq Turkia, Muhammad Aqal, website).
3. Al-Mathari: relating to Mathar which is one of the villages of Mazandaran (Al-Hamawi, 4/13).
4. Al-Dhafari: the reason for this title is unknown (Al-Jawaher Al-Mudhia, 2/347).

His upbringing: The biographical books - which I reviewed - did not mention anything about his upbringing, nor anything about his family, as is known about the lives of scholars. But through his scientific efforts and his vast knowledge, he must have obtained a scientific upbringing that qualified him to reach the scientific rank he reached.

THE SECOND SECTION: HIS SCIENTIFIC STANDING, HIS TEACHERS AND STUDENTS

His Scientific Standing

There is no doubt that Jude Al-Asbijabi was a scholar who preserved his doctrine, collected his knowledge, was skilled in matters of dispute among scholars, knew the origins of the doctrine and its branches. He was issuing fatwas in his country, according to the testimony of the scholars who contemporaneously with him, and what was written about him in the autobiographical book.

Al-Laknawi said: "He traveled to Samarkand and discussed the imams, taught students and jurists, and became advanced in all matters... Religious matters became straight for him and beautiful effects appeared to him" (Al-Fawae'd Al-Bahia, 42). And Al-Qurashi said: "He entered Samarkand, and they seated him for the fatwa, and reference to him began in the facts" (Al-Jawaher Al-Mudhia, 1/159).

His Teachers and Students:

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Undoubtedly, Al-Asbijabi judge sought knowledge until he became prominent in it, and was able to learn until he became a judge, he must have learned from the famous scholars of his country and his time. He must have students who learned about him, but the biographers in the sources I reviewed did not mention anything about his teachers or his students (Al-Tahbear Fi Al-Mujam Al-Kabeir, 1/29).

His Books:

He wrote some books in the Hanafi doctrine. All of Al-Asbijabi's writings are still in the manuscript, and only a few have been studied. They are:

1. Sharh Mukhtasar Al-Tahawi (Tarikh Al-Islam, Al-Thahabi, 33/353).
2. Sharh Al-Jame'a Al-Sagir, by Muhammad Ibn Al-Hassan Al-Shaibani (Kashf Al-Dhunoon, 1/563).
3. Sharh Al-Jame'a Al-Kabir, by Muhammad Ibn Al-Hassan Al-Shaibani (Hudiat Al-A'refin, 1/80).
4. Sharh Al-Kafi, by Al-Hakem Al-Shahid (Hudiat Al-A'refin, 1/80).
5. Al-Fatawa Al-Asbijabia (Hudiat Al-A'refin, 1/80).
6. Sharh the book which written by Ibn Maza on the order of Al-Dabbas for Al-Jame'a Al-Sagir (Kashf Al-Dhunoon, 1/563).

His Death:

The autobiographical books that I have reviewed do not mention a specific date for Al-Asbegabe's death. There are different opinions of it. It was said that his death was in the year 480 AH (Hudiat Al-A'refin, 5/80), and it was said in the year 500 AH (Kashf Al-Dhunoon, 1/569). Some of them mentioned that his death was after 480 AH (Tarikh Al-Islam, Al-Thahabi, 33/353). And I can say that he died after the year 480 AH, as Al-Thahabi mentioned, without specifying a specific year, because there is no evidence for that.

PURIFYING WELLS AND BASINS

It should be noted at the beginning of this topic that the methods mentioned in this issue are old methods according to the time in which these scholars lived. Now, there are modern methods for purifying wells and basins, similar to what the scholars mentioned, with a difference in the techniques used. (Mua'lajat Al-Miah, Abdul-Kareem Darwish, p.61)

There are several methods mentioned by scholars to purify wells and basins, some of which were adopted by all scholars, and some were adopted by some without others, and some of them differed about whether the well is pure by using it or not? These methods are:

The First Method: Drain

All scholars have adopted this method, and they have agreed that dewatering purifies impure water (Al-Awsat, Ibn Al-Munther, 1/274). However, the Shafi'is and Hanbalis restricted it to more than two pottery jars. Although they agreed that dewatering makes the impure water pure, they differed in the manner and amount of the water that was drained from the well in detail in each doctrine: Hanafi doctrine (Mukhtasar Al-Qudduri: 1/14), Maliki doctrine (Al-Talqin: 1/26), Shafi'i doctrine (Al-Hawi Al-Kabeer: 1/337), Hanbali doctrine (Al-Mughni: 1/32), Dhahiri doctrine (Al-Muhalla, 1/148), Zaydi doctrine (Al-Rawd Al-Nadir: 1/312), and Imami doctrine (Al-Istisar: 20/3), as follows. It should be noted that the Hanafi school of thought is one of the most detailed schools of thought on the issue of

dewatering. They detailed in detail the type of impurity, the number of displaced buckets, the size of the buckets, and other details.

The Second Method: Disinfecting the water by leaving it in place

First opinion: To leave the well water until it changes by itself over time, and the water returns to purity. This was adopted by: Al-Malikiyah (Mawahib Al-Galil: 1/84), The Shafi'is (Al-Majmoo', 1/184), and the Hanbalis (Al-Mughni, 1/37).

Second opinion: The impure water does not become pure if the change is removed by itself. This is the opinion of the Hanafis (Al-Hidaya, 1/21), and a saying of the Malikis (Mawahib Al-Galil, 1/84), and the Shafi'is (Al-Majmoo', 1/184), and a narration of the Hanbalis (Kashaf Al-Qina': 1/185).

The Third Method: Purification of unclean water by soil

First opinion: To add soil to the impure well water to remove its change. This is the opinion of the Malikiyah (Mawahib Al-Galil: 1/84), and a saying of Shafi'is (Bahr Al-Mathhab, 1/262), and an opinion of Hanbalis (Al-Mubde' 1/40).

Second opinion: Impure water does not purify by throwing soil into it. This is the opinion of the majority of scholars. Imam Al-Nawawi said: Most of them have corrected that it does not purify, and this is the chosen opinion (Al-Majmoo', 1/134).

The Fourth Method: Purification of unclean water by adding pure water

This is the method that concerns our issue. The meaning of multiplication is the addition of pure water to the unclean water to remove its impurity, whether that is by pouring pure water into it, or new water springing from the well.

This method was adopted by the majority of scholars, including the Malikis (Mawahib Al-Galil, 1/84), the Shafi'is (Al-Majmoo', 1/136), the Hanbalis (Al-Mughni, 1/28), and the Dhahiri (Al-Muhalla, 1/148), despite their differences in the conditions of this method.

According to these methods, judge Al-Asbijabi mentioned three issues and chose opinions on them, and we will study one issue of them.

**RULING ON THE PURIFICATION OF A WELL
IF AN IMPURITY FALLS INTO IT IF THE WATER
BECOMES DRY AND THE WELL DRIES UP,
THEN THE WATER RETURNS AGAIN**

Al-Asbijabi said: " If an impurity falls into the well and the water goes and the bottom of the well dries up, then the water returned. Nasir bin Yahya said: The well became clean, and the process became like draining. And the saying of Muhammad bin Salamah is more reliable and more cautious. And the well shall be unclean" (Sharh Al-Asbijabi Ala Mukhtasar Al-Tahawi, Studied by Dr. Firas Majid, p.146).

The scholars differed on this issue, with two opinions:

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The first opinion: The water will return pure according to the conditions mentioned in the purification of wells.

This is the opinion of Muhammad Ibn Al-Hassan, and the selected opinion of Al-Kasani (Bada'ea Al-Sana'e, 1/73), Al-A'ini (Al-Muhit Al-Burhani, 1/110), Ibn A'bidin (Rad Al-Muhtar, 1/217), and some other scholars from Hanafi doctrine. This is also the opinion of Malikis, Shafi'is, Hanbalis, and Dhahiris according to the methods of purification of wells that we mentioned a while ago.

Their proof:

Muhammad Ibn Al-Hassan said: The well is cleaned by drought because draining was not obligatory for the same well. Rather, it was the dryness of the water next to the impurity. This meaning in drought is clearer (Al-Muhit Al-Burhani, 1/110).

Under the ground, there is running water, and the submerged water mixes with it, so we do not judge the return water to be unclean by doubt (Bada'ea Al-Sana'e, 1/73).

The second opinion: The well is unclean, according to the Hanafi, Zaydi, and Imamate doctrine, because they limit the purification of the well to the process of draining only. This is the opinion of Muhammad bin Salama, and this opinion was narrated on the authority of Abu Yusuf, and Hisham on the authority of Muhammad, the same as the opinion of Muhammad bin Salama. Abu Nasr bin Salam said: The opinion of Muhammad bin Salama is to protect people. Al-Aini said: This opinion is more reliable (Al-Binaia Sharh Al-Hedaia, 1/387). And this is the opinion chosen by judge Al-Asbijabi (Sharh Al-Asbijabi Ala Mukhtasar Al-Tahawi, Studied by Dr. Firas Majid, p.146).

Their proof:

1. The purity of water is suspended by draining wells (Bada'ea Al-Sana'e, 1/73).
2. The water that springs up again may be new water, and it may be impure water, so do not judge its purity by doubt, as it is unclean; Because there was nothing to cleanse it (Al-Muhit Al-Burhani, 1/100).

The most correct opinion:

I think that the most correct opinion is the opinion of the majority of scholars who say: The water from the well, if it returns, is pure, whether water is poured into it or the water springs from below it. Because the basic principle concerning water is that it be pure, and that certainly does not disappear in form, and because the rule says: little water does not change.

Conclusion:

In conclusion, the results of this research can be summarized as follows:

The scientific position of Al-Asbijabi in the Hanafi doctrine. He was an imam, a scholar, a memorizer, an ascetic, an expert in Hanafi doctrine. He held several positions, and they made him sit for a fatwa.

His book (Sharh Mukhtasar al-Tahawi) is considered one of the important books on the Hanafi doctrine. His opinions, which he chose, were based on legal evidence. He was far from religious fanaticism. In this issue of ours, the term "Al-Adhhar" has been used to denote his chosen opinion.

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