

The Introduction and Characteristics of Ramz Ul Haqāiq (The Compilation of A'Ilāma A'ini)

رَمَزُ الْحَقَائِقِ شَرْحُ كَنْزِ الدَّقَائِقِ

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ABSTRACT

It is a fact that Hanafi School of Thought in the domain of Fiqh is enriched with innumerable compilations/articles/books and there has been adequate/hefty research in every aspect of this Fiqh. However, fortunately, some jurisprudents of this Fiqh have been bestowed with the distinction of acceptance or popularity in this domain and their compilations have been an essential part of the Fiqh curriculum till now. Amidst these, we find the personality of A'Ilāma Badrud Din A'ini, who has rendered very lofty and majestic services in different branches of Islamic sciences such as Fiqh and Hadith.

The explanation of text Kanzul Daqāiq i.e. Ramzul Haqāiq is also one of these services which solves the text very excellently. Consisting of many opinions of different Fiqh Scholars, it also comprises many Fiqhi Hadith. The evidence for its importance is that it has also been a part of curriculum in the past. In this article, we try to present vividly the important properties/features of this book (Ramzul Haqāiq).

KEY WORDS: Fiqh Hanafi, A'Ilāma Badrud Din A'ini, Ramzul Haqāiq, Commentary, Hadith, Prophet Muhammad (PBUH)

INTRODUCTION

NAME, BIRTH AND ANCESTORS:

Maḥmūd bin Aḥmad bin Mūsā bin Aḥmad bin Ḥussain bin Yousaf bin Maḥmūd, E'intābi (A'ini), ḥanfi, Badruddin and his attribute is A'ini, which is attributed to the village E'intāb, a village/small city situated near Ḥalb. For this reason, he is called E'intābi and A'ini. ^[1]A'Ilāma A'ini was born in a pious and knowledge loving family. His father and grandfather was a judge. ^[2]A'Ilāma A'ini, being related to an educated family, received education from his early childhood. In the very E'intāb, he memorized the Holy Qu'rān and learnt different kinds of knowledge. After getting experience in Islamic sciences of that time, he became representative to his father in the field of Judgment (Qaḏa) ^[3]

JOURNEY FOR RECEIVING KNOWLEDGE:

He travelled to Ḥalb, (near E'intāb) in 783h, where he learned greatly from Yoūsaf Almalṭi (يوسف الملطى) and also heard from him some parts of Hidāya. Then he went to Bahesnā (بهسنا) Malṭiya (المطية) and Kakhtā (كختا), where he received Islamic knowledge from great scholars of Islam of that time.. At last, he acquired science of Hadith and related knowledge in Cairo from the experts of that area. ^[4]

TEACHING AND OTHER JOBS

He spent a greater part of his literary life in Cairo (Egypt), where he rendered different services, like teaching, compilation etc. He taught Islamic Sciences in Madrassah Moayyadiyah (مدرسه مؤيديه) from 819h to 855h and for some time in Madrassah Maḥmūdiyyah.

He has been on different posts like the charge of Accountability (Hisba-حسبة), Dedications (Iḥbās-إحباس) and the post of Judgment (Qaḏā). Alqāmūsul Waḥeed explains the Hisba as an accountability post to supervise the dealings of the people and to bring the wrong on the right path. ^[5]Iḥbās is a post of dedications. ^[6]A'Ilāma Sakhawī said that A'Ilāma A'ini, was the only scholar who was entrusted with the above mentioned three responsibilities at a time. ^[7]

DEATH:

A'Ilāma A'ini died at the age of 93 years . A large number of people attended his funeral in Jāmea Al azhar. ^[8] A part from so many books, he also founded a madrassa, near Jāmea Al azhar which still exists. ^[9]

THE INTRODUCTION OF RAMZ UL ḤAQĀIQ AND CHARACTERISTICS:

Fiqh Ḥanafī is amply with writings and compilations of Islamic Jurisprudence and a lot of research has been made on every aspect of Hanafi school of thought. Some experts of Fiqh (Jurists) are such that ALLAH has bestowed their writings with a lot of popularity which have been a part of syllabus till date. Amidst these, there is a prominent book, *KanzudDaqāiq*, which is regarded as an authentic, short and comprehensive text in Fiqh Ḥanafī. So many explanation of this book has been written by Islamic scholars, but the most important explanation is *RamzulḤaqāiq*. This book is of an average size, excellently solves its text, consists of many Hadith relating to Fiqh and also incorporates the opinion relating to the different schools of thought of Islamic jurisprudence. Hitherto, it has been given the honor of being a text book in the Islamic educational institutions in the whole Muslim world. Due to being an annotative book of *KanzudDaqāiq*, the content's arrangement is subordinate to *Kanz*. Its methodology is that first A'illāma A'ini, explains the text, adds a short expression to it. Later on, describes the differences among the jurists (Fuqahā'), Sahāba and Tabieen, specifies their arguments also. A'illāma A'ini himself, describing the characteristics of the book in its preface as follow.

«فإنه وإن وقع عليه شروح ولكن منها ما يمل جداً، منها ما يخل جداً، فاستخرت الله تعالى واخترت له شرحاً يذلل صعبه ويستخرج عن قشره لبابه ويكشف عن وجوه مخدراته النقاب ويوضح فيه من المسائل الصعاب بحيث إنه عدل ووسط مجنب عن الإفراط والفرط موف حق حل المتن والتركيب كاف لذكر الدلائل بالترتيب»^[10]

Although several explanatory's texts have been compiled, but some among those are very lengthy which cause burden, others are too short which fails to explain the text's objectives. So, I wrote, (seeking guidance from Allah ("Istikhara" استخاره) such an explanation, having normal size, which would solve the difficulties of *Kanz*, and would unveil its hidden points.

The details of its characteristics are as under:

1: MODERATE EXPLANATORY TEXT:

Sizely, *Ramzul Ḥaqāiq* is a moderate and normal explanatory text. *Albaḥrul Rāiq*, (A'illāma Zainud din s/o Nojaim) has nine volumes, *Tabyīnul Ḥaqāiq* (A'illāma Fakhrud din Zaila'y) has four volumes, *Alnahrul Fāiq* (Umer s/o Nojaim) in three volumes, while *Kanzulbayān* (A'illāma Muṣṭafa s/o Muhammad Al tāi) is short having only 129 pages. Contrary to all these, *Ramzul Ḥaqāiq* (by A'illāma Aini) is a medium book, which has only two volumes.

2: CLARIFICATION OF KANZ TEXT:

Kanzul Daqāiq is extremely short text. Such books comprise of very complicated expressions. In such texts, unless the described pronouns, conjuncted nouns and the word's relation are explained, the under consideration matter is very difficult to understand. Hence, A'illāma A'ini has specially cared about such complications. For example,

(والجمع) بالرفع عطف على قوله: «حرم تزوج أمه» أي ويحرم الجمع (بين الأختين نكاحاً) أي من حيث النكاح؛ لقوله تعالى: (وأن تجمعوا بين الأختين) [1/194]

The text (والجمع) is conjuncted on the word «حرم تزوج أمه» i.e. gathering b/w two sisters in a single marriage is prohibited, in the light of Allah's saying: (وأن تجمعوا بين الأختين)^[11]

Here, the interpreter's word «بالرفع عطف على قوله...» is the grammatical explanation of the word: (عطف عليه) and hence, the Effective (عاطف) in the conjuncted (عطوف) and "conjuncted on" is grammatically one, therefore, denoting this fact, the author edited: «أي ويحرم الجمع». Such like, by adding the word «أي أن حيث النكاح», indicating that it is grammatically a discriminative word.

He explains the difficult words with the help of Arabic dictionaries. For example, the word «ظلة» which has come in the text, has been explained with such a detail:

Means a shade made upon a house-door, there is no construction upon it. Some said: «ظلة» means the vertex of which is the wall of one house on the wall of other. the book "Almughrib" describes: every umbrageous and covering thing is called "zullah" building it may be, or hill, or cloud. The Fuqahā's term means the veranda that is made upon the door^[12]. According to the book "Tilbatutṭalaba"^[13] it means the canopy upon a house-door.^[14] And according to the book "as Ṣiḥaḥ" it is like a terrace.^[15]

3: MENTIONING THE DIFFERENT OPINIONS OF FUQAHĀ:

A'illāma A'ini has mostly described the differences of Jurists of different school of thought. He describes three kinds of differences in this explanatory:

- Among the Ḥanafī scholars, elaborating it with the two-sided arguments.
- Among the three eminent scholars (Imām Mālik, Imām Shafī', Imām Aḥmad bin Ḥanbal).
- Among the companions (Saḥāba) of the Holy Prophet (PBUH). Examples are as under:

- If a minor marries without the consent of guardian (Wali) it will have the right to reject/cancel it after being adult? These inter differences have been described by A'illāma A'ini as under:

(ولهما) أي للصغير والصغيرة (خيار الفسخ بالبلوغ) أي إذا بلغا إن شاء أقاما علي النكاح، وإن شاء فسخا لكن (في غير الأب والجد) عند أبي حنيفة ومحمد رحمهم الله، وقال أبو يوسف: لا خيار لهما في الكل... [1/202]

Becoming adult, they have authority to cancel the marriage or maintain it. According to Imām Muhammad and Imam Abū-Ḥanifa, father and grandfather is exempted from this authority. Imām Abū-yousaf has refused any such authority.

- Is the word “Nikah” necessary for the formation of the marriage? About the existing difference between the Ahnāf and other jurists, Allam A'ini says:

(وإنما) عقد (النكاح) بلفظ النكاح نحو: تزوجتك (وما) أي وبما (وضع لتمليك العين في الحال) كالتملك والصدقة والبيع والشراء ونحوها؛ لأنها ألفاظ تفيد الملك، وإنه سبب لملك المتعة بواسطة ملك الرقبة..... وقال الشافعي: لا ينعقد إلا بلفظ النكاح والتزويج، وبه قال أحمد. [1/191]

The marriage agreement is formed with the word “Nikāḥ”. As someone requested someone to marry him and the woman answered in positive form. And also with the word meaning the immediate ownership, like to make at-Tamlīk (owner), as-Ṣadaqa (give charity), al-Bai' and al-Shira (sale and purchase). Because all these words denote the meaning of possession. According to Imām Shafi' and Imām Ahmad, only the words “Nikah” and “Tazweej” (نكاح وتزويج) are necessary for marriage. [16]

- Describing the differences among Saḥāba (companions of the Holy Prophet) in the gathering of two sisters in the possession of one husband at a time, A'illāma writes:

«ويجوز الجمع بينهما ملكاً بدون الوطء وهو قول علي ابن أبي طالب رضي الله عنه، وقال عثمان: يجوز الجمع بينهما وطاً أيضاً؛ لإطلاق قوله تعالى: (أو ما ملكت أيمانكم). وعامة العلماء على قول علي رضي الله عنه» [1/194]

According to Ali, one can possess at a time the two Bondmaids, but without intercourse. Whereas, Hazrat Usman permits the intercourse also, due to the unconditioned text of the Holy Qu'rān: أو ما ملكت أيمانكم [17] But majority of the scholars (U'lamā) agree with the Ali's view point. [18]

4: THE DESCRIPTION OF THE JURISTS FUQAHHA'S ARGUMENTS:

Not only does A'illāma A'ini explains the diversities of Jurists, (Fuqahā), but also provide proofs of other school of thoughts. The arguments comprises of both rational and Nar rational. He has mentioned almost eight hundred Ḥadīth (sayings of the Holy Prophet Muhammad PBUH) as a proof. A'illāma was a Jurist, as well as an expert of Ḥadīth. (muḥaddis)

Therefore, sometimes, needingly, he also elaborates the authenticity of ḥadīth text or the narrator in the light of experts. For example, describing the minimum quantity of marriage fee (مهر), A'illāma A'ini, after being mentioned the sayings of Foqahā, asserts the related Ḥadīths and the sayings of experts of Ḥadīth.

(وأقله) أي أقل المهر (عشرة دراهم) وقال الشافعي وأحمد: ما جاز أن يكون ثمنًا جاز أن يكون مهرًا، حديث جابر أنه عليه السلام قال: «من أعطي في صداق امرأة ملاء كفيه سويقاً أو تمراً فقد استحل». رواه أبو داود، ولما روي «أن امرأة تزوجت بنعلين فأجازه عليه السلام» رواه الترمذي، ولما روي «أن عبد الرحمن بن عوف رضي الله عنه لما جاء إلى رسول الله ﷺ وبه أثره فأخبره أنه تزوج، فقال رسول الله ﷺ: «كَمْ سَقَتْ إِلَيْهَا؟» فقال: «رَبْنَةُ نَوَاحٍ مِنْ ذَهَبٍ» فقال له عليه السلام: «أَوَلَمْ يَشَأْ؟». رواه الجماعة.

ولنا ما روي في حديث جابر: «لا مهر أقل من عشرة دراهم» رواه الدار قطني، وفيه مبشر ابن عبيد وحجاج بن أروطة وهما ضعيفان، لكن البيهقي رواه من طرق وضعفها في سننه الكبير، والسهيلي رواه من طرق، والضعيف إذا روي من طرق يصير حسناً فيحتج به، ذكره النووي في شرح المهذب، وعن علي رضي الله عنه أنه قال: «أقل ما تستحل به المرأة عشرة دراهم» ذكره البيهقي وأبو عمر بن عبد البر. [1/208]

The minimum quantity of Mahr (marriage fee) is ten rupees (silver coin). According to Imām shāfe'i and Imām Aḥmad: the thing capable of being value in dealing, is capable of being Mahr. [19] Because, Hazrat Jābir narrates the saying of the Holy Prophet (PBUH): the one who gave two palm wheat fine flour or date, the woman will be legitimate for him. (Abū Ḍawūd). [20] Also in Ḥadīth, if a woman married against two shoes, the Prophet (PBUH) considered that marriage as legitimate. (Tirmizi) [21] mān bin A'wf visited the Prophet (PBUH), while there ḥRa Also it is narrated that Abdur [21] appeared upon him the effects of wedding, and informed him about his marriage, the Prophet (PBUH) asked him about the quantity of Mahr and Abdur Raḥmān bin Awf determined the gold equivalent to the kernel of date, then the Prophet (PBUH) said: invite for feast, though it would with the sacrifice of a goat.

This Ḥadīth has been narrated by a group of moḥadhiseen [22]. Our argument is the narration of Hazrat Jābir that Prophet (PBUH) said: no mahr is permissible without ten dirham (silver coins). Imām Dārul Quṭni mentioned this Ḥadīth. [23] Yes, there exists in its chain of narrators the two transmitters: Mubashir bin U'baid and Ḥujjāj bin Arṭāt, who are unacceptable. [24] But Imām Baihaqi, [25] and Imām Sohail have also, described the said riwāya (narration) with several channels. Imām Nawawi specified that a weak (which has a technical weakness) riwāya becomes authentic when it is narrated with several channels and it can be presented as a proof. Also, [26] Imām Baihaqi and A'illāma Ibn e Abdul

Barr declared the utterance of Hazrat Ali: the minimum quantity of Mahr, with which a woman can be legitimate, is ten rupees. (Dirham).^[27]

Apart from it, A'Ilāma A'ini demonstrated rational arguments also in the book. For example, about the legal fairness of marriage, without mentioning the Mahr, he writes:

(صبح النكاح بلا ذكره) أي بلا ذكر المهر؛ لأن النكاح عقد ازدواج قيمت بالزوجين، وأما المهر فواجب شرعاً فلم يتوقف على التسمية. [1/207]

The marital bond is legitimate, also without specifying the Mahr. Because, nkāh is a bond of intermixture. Legally, Mahr is essential, but it does not depend upon specifying during the nikāh procedure.

Likewise, in the respect of equality in the nikāh, he writes:

«(من نكحت غير كفاء فرق الولي) بينهما إن شاء؛ لأنه يتضرر به؛ لأن الناس يتعابرون بعدم الكفاءة» [1/204]

After being married (of a woman) with an unequal person, the woman's guardian can separate both the man and woman from one another because, such marriage causes mental harassment. The reason is that the people regard it as a disgrace.

5: RESPONSE TO THE OPPONENTS' ARGUMENT:

Commonly, A'Ilāma A'ini also specifies the replies to arguments of Aḥnāf's opponents. For example, A'Ilāma A'ini, replying to the arguments of Imām Aḥmad and Imam Shāfi'ii, writes as follow.

«وحدیث أبي داود كان في المتعة وهو منسوخ، وحديث الترمذي محمول علي المعجل؛ لأن عاداتهم كانت بتعجيل بعض الصداق قبل الدخول، والنواة في حديث الجماعة خمسة دراهم عند الأكثر، وعند أحمد: ثلاثة دراهم وهو يزيد علي دينارين فكيف يحتج به علي جواز الفلوس؟! وقيل: النواة نواة التمر علي أنه علي هذا التقدير محمول علي تعجيل بعض الصداق كما ذكرنا» [1/208]

The Ḥadith of Imāmabū Dāwūd is about Mut'a marriage, which has been cancelled, the Ḥadith of Imām Tirmizi denotes the quantity of immediate Mahr, because, to pay some Mehr before intercourse was a part of Arab routine. And the kernel, recited above in the narration, had the value of five dirham as explained by majority of scholars (ulama), three dirham in the view of Imām Aḥmad, which is more than two gold coins (Deenār), So, for what reason, the said Ḥadith has been presented for the proof that one rupee also is enough for the legality of Nikah. (marriage)

6: THE IDENTIFICATION OF A SUPERIOR UTTERANCE:

Sometimes, more than one sayings are reported from Jurists or the Fiqh experts (Fuqahā'). In such cases, A'Ilāma A'ini prefers one of these in the light of supporting arguments / proofs. Also he denotes the saying upon which a religious verdict (Fatāwā) has been issued. For example, he says:

«إذا بكت؛ فإنه دليل السخط والكراهية، وقيل: إذا بكت بلا صوت لم يكن رداً بل حزن علي مفارقة أهلها، وعليه الفتوي، وذكر المرغيناني أن دمعها إن كان بارداً إن كان بارداً يكون رضا، وإن كان حاراً لا يكون رضا» [1/200]

When she started to weep, because, it is the symbol of undesirability. Some Fuqaha said: if she weeps without loud voice, it would be no refusal, but sorrow upon the separation from her parents and on the very decision the fatwā has been issued. Imām Marghināni said: if her tears would be cold, it denotes willingness, otherwise, in case of being hot, it denotes displeasure.^[28]

If someone gives divorce to his wife in the state of addiction, the Fatwa of Ḥanfi school of thought describes that it is effective. Whereas Imām Shāfi'i and some other Jurists (Fuqahā) regard it as ineffective. Describing the differences in this case, Allāma A'ini asserts:

قوله: (سكران) عطف علي قوله: "مكرها" أي ولو كان المطلق سكران، وعند الشافعي في قول واحد في رواية لا يقع طلاقه وهو قول الكرخي والطحاوي؛ لأنه يعتمد علي صحة العقل وهو زائل فصار كما لو زال بدواء أو بنج، واختيار أبي الفضل الكرماني أن الفتوي عليه [1/234]

The word is adjacent to the word. i.e., whether the divorcer would be an addict to narcotic.^[29] Imām Shāfi'i, Imām Aḥmad in his one report, consider it non effective^[30] That is the decision of Imām Karkhi and Tahāwi^[31]. Because it depends upon the accuracy of the intellect, which is now missing. So, it is like when it ceases with medicine or cannabis. AbūlFazal Kirmāni issued the Fatwa (verdict) upon it.^[32]

7: SUPPORT WITH LEGAL MAXIMS:

Legal maxims plays an importance, role it occupies many details. Whether a legal maxim can be presented as an argument for a case or not, it is a separate discussion among the experts. But, no doubt the Jurists (experts Fuqahā') have described importantly these rules only for the goal of support. A'Ilāma A'ini also has interspersed these rules in his book. From Kitābul Nikah to Kitābul Waqf consists of 40 rules, despite being a one fourth of the book. There can be guessed about the rest parts of the book.

SOME OF THE RULES MENTIONED IN RAMZ UL HAQĀIQ ARE GIVEN AS BELOW:

❖ الأصل أن فوات جنس المنفعة يمنع الجواز، والاختلال لا يمنع [1/284]

When the absolute avail of an animal's organ passes away, it is illegal to give such animal in penance (Kaffara). The same is the case of a defective animal.

❖ الأصل في الأموال الإباحة [1/429]

The original state in all the things is permissibility. to use all the things is legally (Sharia't) right.

❖ الأوصاف لا يقابلها شيء من الثمن [1/429]

Qualities existing in a thing would be determined against no price.

❖ التبع لا يكون له تبع [1/447]

A subsequent thing will never followed by another subsequent.

❖ أقدم العهد دليل الالتزام [1/292]

Taqāḍum (The passage of time upon a thing without the expression of any refusal) is the proof of acceptance.

❖ التقادم غير مانع في حقوق العباد [1/386]

Taqāḍum (The passage of time upon a thing without the expression of any refusal) does not become a hurdle in the human rights.

❖ جناية المرء على نفسه غير معتبرة [1/221]

Islamic Sharia'h is indifferent to the one's who harm/hurt to oneself.

8: THE ASCRIBING OF AN UTTERANCE TO HIS ORATOR:

During the explanation of Masāil (cases), A'Ilāma A'ini refers also to the speaker or the book, when he ascribes a saying to him. During the argumentation with a Ḥadīth, he also describes the name of reporter and the book. Majority of Ḥadīth have been reported with the reference to the basic sources and Siḥāḥ e Sittah (six authentic books of Ḥadīth). Almost seventy sources of Fiqh have been mentioned like Al-Ajnās by Nāṭiqi, Al-Ikhtiyārī Ta'līl Mukhtār by Mauṣālī, Al-Asrār by Imām ad-Dabūsi, Al-Iqdāḥ by Kirmānī, Tuḥfatul Foqahā by Samarqandī, Badāi'us Ṣanāi by kasānī, Fatāwā al-Walwālīji, Fatāwāahl e Samaqand, al-Mabsūt by imam Sarakhsi, Mukhtaṣarul Karkhi, al-Muḥīṭul Burḥani by ibnmazah.

9: OBSERVATIONS UPON JURISTS (FUQAHĀ):

A'Ilāma A'ini has a distinct position all the in Ḥanfī scholars, having depth and rootage in knowledge, which is obvious from his compilations. He criticized several times different Foqahā' in Ramzul Ḥaqāiq. From Kitābul Nikāḥ to the Kitābul Waqf (one fourth of the book), A'Ilāma reformed ten times the expression of A'Ilāma Zeilai and seven times of other Fuqahā.

For example, in the discussion of Nāsi (forgetter) and Mukhti (mistaker), A'Ilāma asserts:

«قال الشارح: «والمراد بالناسي أو المخطئ كما إذا أراد أن يقول: اسقني الماء فقال: والله لا أشرب الماء، وذكر في «الكافي» أنه المذهول عن التلفظ به بأن قيل له: ألا تأتينا فقال: بلى والله غير قاصد لليمين، وإنما ألبنا إلى هذا التأويل؛ لأن حقيقة النسيان في اليمين لا تتصور». قلت: لا ضرورة إلى هذا التأويل الذي يلزم منه الإلجاء، بل صورة الناسي أن يحلف أن لا يحلف ثم نسي الحلف السابق فحلف فهذا لا يمنع انعقاد اليمين الثانية،» [1/343]

According to A'Ilāma Zela'i, the example of Nāsi and Mukhti is like someone wants to say: give me water to drink, and instead he says: by God! I shall, not drink the water. Kitābul Kāfi describes the Nāsi, Mukhti that is the one who forgot to pronounce the words. For example, someone asks a person: why don't you come to us and he without intention answers him: why not, by God. This justification is necessary, because the real oblivion is unconceivable in Yameen (oath).^[33] A'Ilāma A'ini says criticizing this: there is no need to such justification, but the implication of oblivion is to take oath of not taking the oath, then he, forgetting it, takes the oath. So, such forgetfulness will not be considered and the oath will be counted.

Likewise, if a husband says to his wife: تاريخي تاريخي (You have the choice of two ways: divorce or wifehood), in this case A'Ilāma A'ini criticizes A'Ilāma Murghināni in the following words.

(ولو قالت) في جوابه في المسئلة المذكورة: «طلقت نفسي» أو «اخترت نفسي بتطبيق» باتت بواحدة أي بطلقة واحدة... وما ذكره في "الهداية" من أنه يقع رجعيًا غلط لا معنى له؛ لأنه وإن أوقعت بالصرح لكنه لا عبرة بإيقاعها بل لتفويض الزوج. [1/248]

Now, if the wife answered in the words, she will be separated with one divorce. This the decision of the Kitābul Hidāya's author, A'Ilāma Murghenāni, that the divorce will be Rajee (the one after which a husband can accept his wife without the renewal of Nikāḥ.) is wrong, meaningless. Because, although she gave herself with "Ṣarīḥ words" (the words which are specified for divorce), but there is no account to her action, the focus is upon the husband's Tafweez (delivering of divorce).

A DIFFICULTY AND ITS SOLUTION:

A‘llāma Ibn A‘bideen writes in the preface of Raddul Muhtār:
 «وفي شرح الأشباه لشَيْخِنَا الْمُحَقِّقِ هَيْبَةِ اللَّهِ الْبَيْهَقِيِّ، قَالَ شَيْخُنَا الْعَلَمَةُ صَالِحُ الْجَنْبِي: إِنَّهُ لَا يَجُوزُ الْإِفْتَاءُ مِنَ الْكُتُبِ الْمُخْتَصَرَةِ كَالنَّهْرِ وَشَرْحِ الْكَنْزِ لِلْعَيْنِيِّ وَالذَّرِّ الْمُخْتَارِ شَرْحَ تَنْوِيرِ الْأَبْصَارِ»

My teacher Hibatullah Ba‘li says in his explanatory text of Ishbāh: our teacher A‘llāma Sāleḥ Junaini asserted: it is not permissible to give Fatāwā (sharia opinion) from the short texts, like Alnahrul Fāiq, A‘llāma A‘ini, s explanatory text of Kanz (Ramzulḥaqāiq) and Ad-durrul Mukhtār.^[34]

Apparently, the idea can be derived that Ramzul Ḥaqāiq is unauthentic and unreliable book. But the fact is that its shortness is not the proof of weakness. Otherwise, the text KanzulDaqāiq is shorter than it. So, it should have been a more unacceptable book. Still the Fuqahā have counted it an acceptable texts. Although weaknesses exists in every book, but it doesn't mean its total rejection. Moreover, a short book consists of the basic aspects of a case. It doesn't enclose all the related sides of a case.

Therefore, the prescribed expression is about the precaution in the field of Fatāwā writing, not for the degradation of Alnahrul Fāiq

THE COMMENTARIES ON RAMZ UL ḤAQĀIQ:

1. Miftāḥ ul Kanz wa Miṣbāḥ ul Ramz a‘lā Ramz ul Ḥaqāiq: auth: Ibn e A‘rab shāh, the chief justice of Damascus, s Ḥanafī Foqāḥā, Abdul Wahāb bin Aḥmad, (901h).^[35]
2. Ḥāshia (commentary) a‘la sharḥil A‘ini a‘la Kanz ul daqāiq: Ibn e Zuhaira Ali bin Jār ullah bin Muḥammad Makki Ḥanafī (1010h), the orator of Masjīd ul Ḥarām. The commentary is limited to Kitāb ul Ḥodūd.^[36]
3. Ḥāshia (commentary) a‘la sharḥil A‘ini a‘la Kanz ul daqāiq: Ibrāhīm bin I‘ṣā bin Muḥammad, the imām (pray leader) of Ḥaram e Makki, (1076h)
4. Kashf ul Ḥaqāiq ul Ḥadāiq, commentary on preface of Ramz ul Ḥaqāiq and Kanz ul Daqāiq: Sulaimān bin Muṣṭafā bin U‘mar Maṣṣūrī (1179h)
5. Raf‘u ul A‘wāiq un Fahm e Ramz ul Ḥaqāiq (Ḥāshia a‘la Sharḥ el A‘ini): Abdul Mūn‘em bin Muḥammad Tāj uddin bin Abdul Muḥsin, Makki, Ḥanafī, Mufti at Makkah ul Mukarrama (1174h). It is the detailed commentary upon Ramz. There exists a script in Shāh Sa‘ūd University, containing three volumes, of 1200 pages. It has been written in 1257h.^[37]
6. Ḥāshia a‘la Sharḥil A‘ini a‘la al Kanz: Muḥammad Ḥussain Ḥanafī, Mufti at Makka Mukarrama: (1281h). It is an incomplete commentary. Its author is the pupil of A‘llāma Ṭaḥṭāwī and also assistant of A‘llāma Ṭaḥṭāwī in writing of a commentary upon Durr ul Mukhtār.^[38]
7. Al Rawḥ ul Fāiq a‘la Sharḥil Kanz ul Daqāiq: A‘llāma Muḥammad Khaleel bin Ibrahim Trablusi ḥanafī (1305h).^[39]
8. Ḥāshia a‘la Sharḥil A‘ini a‘la al Kanz: Abdullah bin Ḥussain Shareef (after 1289h).^[40]
9. Taqreer a‘la Sharḥil A‘ini a‘la al Kanz: Abdur Raḥmān Baḥrāwī Azhari Ḥanafī, (1330h), who was the teacher of A‘llāma Muḥammad Bukhiat Muṭe‘i.^[41]
10. Khātema a‘la Sharḥil A‘ini: its script is present in Dārul Kutub Al Miṣriyyah. Its number is 22654.

THE VARIED COPIES OF RAMZ UL ḤAQĀIQ:

Although, there exists many more copies of Ramz in the world libraries, yet some published and scripts of Ramz are as under:

1. **Hindi Print:** published by the Nul Kishur Press in India, consisting of four volumes and 1578 pages. Along with it also a Ḥāshia, but nowadays it is not publicized. Secured in the different libraries of Pakistan. It has no writing mistakes.
2. **Scripts:** One has been put in Shāh Sa‘ūd University, consists of 316 pages. Every page has 31 lines. It exists on the website of university, which is downloadable by page. Also, some other script exists in Peshawar Library, numbered 518. The third one is in A‘ligarh Maktaba, numbered 32/104. The fourth one in Maktaba Āsifiya ḥayder Abād India, numbered 2/1088 29/32 2/1096 (349), the fifth one in Rāmpur India numbered 1/202(331-333), 2/358 (610). The sixth one in Maktaba Khuda Bakhsh, Patna, India, numbered as 1/19(1698...1697). Thirty six scripts of Ramz ul Ḥaqāiq scattered in different countries have been mentioned in the book: Jām e al Shorūḥ wal Ḥawāshi, five of which are existed in Sub continent.⁽⁴²⁾
3. **Maimaniya edition:** it is an old Miṣri publication, consists of two volumes. In its margin, there is also Ḥāshia ul Ṭāi a‘lal Kanz. Idārat ul Qu‘rān wal U‘loomil Islāmia also has published it. This does not comprise of writing mistakes.

4. **Beirut edition:** Idarat ul Qu'rān wal Oloom el Islamia has published it for itself from Beirut. It is the most modern and nice publication, although it has many writing mistakes, which must to be corrected.

CONCLUSIONS:

1. Ramz ul Haqāiq is a moderate explanatory text of Kanz. Neither it is so lengthy to cause of fatigue, nor is too short to be explained.
2. A'llāma A'ini has also solved the expression of Kanz with a great enthusiasm. In addition, he created the relation among the words with the mention of missing words and the real personalities of pronouns.
3. It is a mixed explanatory text i.e. the expressions of Kanz and Ramz are joined together.
4. A'llāma criticized the text of Kanz several times, of which A'llāma A'ini answered very seriously. In addition, on several occasions, he criticized other scholars.
5. Since A'llāma A'ini was also a muḥaddith (expert in Ḥadith), therefore a great collection of Ḥadith also came into being in it.
6. During explanation, A'llāma also mentioned many Fiqhi rules, which become helpful in the creating of fiqhi abilities and enclosing of details.
7. Also he described the points of view of three great Imāms (Imām Mālik, Imām Shāfi'i, Imām Aḥmad bin Ḥanbal), whereas, there is no such detail in any other explanatory text of Kanz. He also asserted other details related to a case, along with references.

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 - (3) Sakhāwī, Muḥammad bin AbdurRaḥmān, AbūlKhair, (902h), Alḍawullāmi' liAhlil QarnetTās'i, DārMaktabaulḤayat, Beirut/ DārulJil Beirut, vol10/pg 131 *Saleh bin YousafMa'tūq, Badruddin al A'iniwaAtharoho fi IlmulHadeeth, pg55/ with the reference to A'qduJumān fi Tarīkh e Zamān by A'llāmaA'ini , vol 26/pg 287
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 - (9) Sakhawī, Alzawullāme', vol10 pg 133 *Jahān e dīdah, Muḥammad Taqī Usmani, Idaratul Ma'rif, Dārulu'lūm e Karachi, pg 159
 - (10) A'llāmaA'ini, RamzulHāqā'q, Idāratul QurānwālU'lūm el Islamīa, Karachi, 2004, vol1,pg5
 - (11) Alnisā, (4), 23
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 - (13) ṬilbatuṭṭalḥafīlIṣṭilāḥāt el Fiqhīa: Umer bin Muḥammad, AbūHafs, Ḥanafī (537h) has written it, consists foFiqh chapters, each of them explains the Fiqh terms literally and termally in alphabetic order. The book is published. (ibn Qatlubigha, TajuTarājim, Dārul Qalam, Damascus, vol 2/pg219*Haji Khalifa, Kashfuz Zonūn, vol2/pg114.

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- (16) ImāmShāfiʿi, Kitābul Umm, DārulMarifa, Beirut 1410h, vol5/pg40
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- (18) ImāmMālik, MoaṭṭaImāmMālik, DārIḡyāul Turāsalarabi Beirut, vol2/pg 538, Musnad Shāfiʿi, DārulKutubuliʿImiya, Beirut, vol2/g288
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- (21) Sunan e Tarmizi, Dārulḡharb, vol 2/pg411
- (22) ImāmMālik, MoaṭṭaImām Mālik, vol3/pg 783 *ShaiḡulBukhari, DārTuḡ un najat, Beirut, vol3/pg52 *Shaiḡ Muslim, IḡyāuTurās, vol2/pg1042 *SunanAbi Dawud, makAlasriya, vol2/pg235
- (23) SunanDārulQuṭnī, Kitāb un Nikāḡ, chapter of Mahr, vol4/ pg 358
- (24) **Mubashir bin Uʿbaid**: related to Kūfa, lived in ḡims, died in 161....170h. Imām Aḡmad says about him: he fabricated Hadith. Abūḡāṭim called him weak in Hadith, and Aʿllāma Juzqani as Matrukul Hadith (one whose Hadith has been neglected). Zahbi, Tarikhul Islam, vol4/pg490 *Zahbi, MeezanulIṭidāl, vol3/pg433 *Mughlaṭāi, ḡanaḡi, Ikmaltaḡzeebul Kamal, vol11/pg62
- ḡajjaḡ bin arṭāṭ**: Bin Thaur bin Hubayra, Qazi, and kūfi, (one of the Tab e Tabeen (one who met those who met the followers of the Holy Prophet (PBUH). died in Khurāsān in 145h. ImāmNasāiʿ says that he deceives (Tadlees) in the narration of weak narrators of Hadith, while Ibn e Mubārak, Ibn e Qaṭṭan, ibnMaʿṭn and ImāmAḡmad regarded him absolutely deceiver (Modallis).
- Almajrūḡīn, Ibn e Habban, vol1/pg225.*Almodallisīn, IbnulIṛāqī, pg40 *Ṭabqāṭul Modallesīn, Ibn e ḡajr Asqalani, pg 49
- (25) ImāmBayḡaqi, Sunan e Bayḡaqi, Kitāb us Ṣidāḡ, chapter: the things which are able to be Mahr, vol7/pg392
- (26) AʿllāmaNawawī, Almajmūʿ sharḡul Mohadhdhab, Kitābulḡaj, Dārulḡfīkr, Beirut, vol7/pg197
- (27) Bayḡaqi, Sunanul Kubrā, vol 7/pg393 *Ibn e Abdul Barr, Al Tamḡīd, vol21/pg 116 * *But ImāmBayḡaqi and Ibn e Abdul Barr both of them regarded it a weak hadith.
- (28) Marghinānī, Alḡidāyahsharḡul Bidāyah, vol1/pg192 *Ibn e Māzah Bukḡāri, Almoḡṭīl Burḡānīḡil Fiqḡinnuʿmānī, vol2/pg 58
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- (32) **Al oʿyūn**: its full name is Oʿyūnul Masāil, the compilation of Naṣr bin Muḡammad, Samarqandi (373h). One explanatory of it is ḡaṣrul Masāilwa Qaṣrud Dalāil, by Muḡammad bin Abdul ḡamīd Samarqandi (552h).
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- (34) AʿllāmaIbn e Aʿbedin, Shāmi, Raddul Muḡṭāraʿlad Durriḡ Mukḡṭār, Dārulḡfīkr, Beirut, 1312h, vol1/pg70
- (35) Sāʿid Bukdāsh, preface of Kanz ud daḡāiq, Dārul Bashāyr, Dārul sirāj, pg103
- (36) Mukḡṭasar Nashr un Noor w Zahr fi Tarāḡim Afāzil Makkah, pg 361
- (37) Zarkali, Alalam, vol 4/pg164
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