

Received : 05 March 2024, Accepted: 25 April 2024

DOI: <https://doi.org/10.33282/rr.vx9il.31>

A Comparative Study of the Proscribed Persons in the Light of Alfiq-ul-Islami and Fatawa-Alamgeri

1. Abida , PhD scholar of Islamic Studies, AWKUM
Abidajan80@gmail.com
2. Abzahir Khan, Associate Professor of Islamic Studies/ Supervisor, AWKUM
abzahir@awkum.edu.pk
3. Zia-ul-Haq, Assistant Professor/Co-Supervisor, College of Sharia & Islamic Studies, University of Sharjah, UAE.
zulhaq@sharjah.ac.ae

ABSTRACT:

The main aim of this manuscript is to pinpoint the people in a society whom property or money should not be handed over until they acquire prudence and maturity. Kitab-ul-Hajar is an important topic in every book of Fiqh discussing the meaning, kinds and philosophy of Hajar. This manuscript discusses in detail all those people whom are prohibited from any kind of utilization of money under certain conditions. These proscribed people are like minors, morons, madmen, ignorant doctors, slaves and silly persons etc. This article discusses how the Shariah fixes some limitations in this regard and various provisions in the light of two main books of Fiqh such as Al-Fiq-ul-Islami and Fatwa-Alamgeri. It is basically a comparative study of these proscribed people. Numerous books of Fiqh and seerah will be consulted to validate this topic in this manuscript.

Key words: Islamic Law, Shariah, Prohibited people like Minor, Silly, Madman

Introduction:

The jurists have shed detailed light on the concept of "Hajr" and have discussed it in the book of Hajr. Among these discussions, there is a topic on "Mahjoor Alaih." This term refers to those individuals whom Shariah has prohibited from financial dealings. This prohibition can be either entirely applicable or partially applicable to a person.

This paper has selected two authentic books of Fiqh to examine the contemporary relevance of Mahjoor Alaih and its categories. In the light of a comparative study of these books of Fiqh, the paper reviews the categories of Mahjoor Alaih and their contemporary significance. Essentially, this paper is based on a comparative study within Fiqh. The summary of the paper and the references are provided at the end as endnotes.

Categories of Mahjoor Alaih:

According to the jurists, there are eight categories of individuals who are prohibited from financial dealings which follow below:

1. Minors
2. Slaves
3. Insane people
4. Ignorant Physician
5. Foolish people
6. The Naive (Incompetent)

All these people are considered Mahjoor Alaih. It means that the transactions and authority of these people are not permissible. This includes both verbal and financial transactions.

1. Children /Minors:

Childhood is a stage that every human undergoes from birth to maturity. There is a consensus of the scholars on the necessity of imposing restrictions on orphans who have not yet achieved puberty.

1

Childhood, or "non-attainment of puberty," is a phase every human has to go through, beginning at birth and ending at the age of maturity. Scholars unanimously agree that it is obligatory to impose restrictions (Hajr) on orphans who have not reached the age of maturity. The evidence for this restriction is the verse which says,

"And test the orphans [in their abilities] until they reach marriageable age" ²

The reason for this restriction is the lack of capability for conducting such transactions as they do not have completely developed the necessary understanding to evaluate the consequences of monetary transactions. Scholars have differed regarding the ruling on the transactions of minors and other related matters ³.

The appealing rationale is that orphans lack the capacity for do such transactions because they lack the necessary comprehension. Therefore, jurists have differed on the ruling regarding the monetary transactions of minors.

Opinions of Jurists on the Transactions of Minors and the Effects of Hajr:

Jurists have divergent views on the effects of Hajr on minors. Regarding the restrictions imposed on a child, the jurists have different schools of thought. The Hanafi and Maliki schools find it essential to distinguish between a discerning child (one who can differentiate between benefit

and harm) and a non-discerning child, whereas the Shafi'i and Hanbali schools do not deem this distinction necessary. ⁴

Hanafi and Maliki Opinion:

The Hanafi and Maliki jurists state that a child is either discerning (*mumayyiz*) or non-discerning (*ghayr mumayyiz*). A non-discerning child is one who has not completed seven years of age, and a discerning child is one who has completed seven years. Their evidence is the following hadith which says:

"Command your children to pray when they are seven years old."

Transactions are either verbal or actual: The actual transactions such as usurpation and destruction, the Hajr imposed on a child or a mad person has no effect. Both the child and the mad person are liable for what they have destroyed, whether it is property or life, as there is no Hajr on actions, only on words.

Verbal Transactions:

If verbal transactions are made by a non-discerning child, all such transactions are invalid due to the lack of the capacity for performing an act or transaction because the child lacks reasoning and discernment. Therefore, the consent and intention of the non-discerning child are not considered valid, regardless of whether the transaction benefits or harms the child, or if it is ambiguous between benefit and harm. The contracts, acknowledgments, and divorces of a non-discerning child are not valid, similar to those of a mad person, as their verbal transactions are not considered valid. ⁵.

Types of Discerning Transactions:

If transactions are made by a discerning child, they fall into three categories:

1. **Beneficial Transactions:** A beneficial transaction is the one which is purely advantageous, such as accepting a gift or a bequest, or embracing Islam. Such transactions are valid and enforceable without needing the consent of the guardian or executor, due to their beneficial nature.
2. **Harmful Transactions:** A harmful transaction is the kind of transaction which results in pure loss, such as donating property, lending money, giving something as a loan, or divorcing a spouse. These transactions are invalid and cannot be validated by the guardian's consent, as consent cannot rectify a nullity. According to Hanafi jurisprudence, "Every divorce is valid except that of a minor and a mad person." Although this principle is supported by a hadith, it is not authentic.⁶
3. **Ambiguous Transactions:** An ambiguous transaction is one that is uncertain between benefit and harm, such as buying, selling, leasing, renting, or marriage. These transactions depends on the guardian's approval, provided the discerning child understands the transaction—knowing that selling results in parting with an item and

buying results in acquiring ownership—and that the child is serious, not joking. Since the transaction has the potential for harm, if the guardian approves of it, it will be valid; if not, it will be void. The guardian cannot approve if there is significant disadvantage, and the guardian has the option to approve if there is a benefit, or to annul it if not. ⁷

Opinions of Jurists on Discerning Transactions:

Shafi'i and Hanbali Schools: The Shafi'i and Hanbali schools state that financial transactions of a child, whether discerning or non-discerning, are invalid. However, the Shafi'i school thinks that the transactions of a discerning child are not valid even if the guardian gives permission. The permission of a discerning child is considered valid for entering into a state of Ihram and accepting gifts, and their worship is valid. The discerning child can also remove harmful things and will be rewarded like an adult, similar to how the Islam of Imam Ali (may Allah be pleased with him) as a child is considered valid. ⁸

Hanbali School: The Hanbali School states that the transactions of a discerning child are valid with the guardian's permission. The Hajr is lifted for those transactions permitted by the guardian, and the child's acknowledgment is also valid for such permitted transactions. Both the Hanbali and Shafi'i schools agree that the child must compensate for any destruction of property or harm caused, similar to the Hanafi and Maliki schools. ⁹

Summary: According to the Hanafi and Maliki schools, the transactions and acknowledgments of children and mad persons are not valid. In contrast, the Shafi'i and Hanbali schools hold that the acknowledgment is not valid.

Non-Delivery of Property to a Child:

Scholars agree that property should not be handed over to a child until they reach maturity and understanding.

This is based on the fact that Allah has made the delivery of property to a child conditional upon two criteria: maturity and sound judgment. ¹⁰

Scholars agree that a child's property should not be handed over to them until they reach maturity and understanding. ¹¹ This is so because Allah Almighty has set two conditions for handing over property to a child:

"And test the orphans until they reach marriageable age. ¹²

Then, if you perceive in them sound judgment, then return to them their properties..." (Quran 4:6).

These verses clearly indicate to the two following conditions:

1. Maturity (Bulugh)
2. Sound Judgment (Rushd)

The ruling that is conditional on these two reasons cannot be established without them. Therefore, once the child matures, he/she will either be of sound judgment or not.

1. **When He/She Reaches Maturity:**

If he/she is prudent with money, his/her wealth should be handed over to him/her and the guardianship will be removed, as Allah says:

"If you find in them sound judgment, then deliver over to them their property."

In the Sunan of Abu Dawood, it is mentioned,

"There is no orphan-hood after puberty." ¹³

When the wealth is handed over to him/her, witnesses should be present during the handover, as Allah says:

"When you deliver their property to them, take witnesses upon them." Is a judge's ruling needed to lift the guardianship from a minor? ¹⁴

The Opinion of the Majority of Jurists :

The majority of jurists like Hanafis, Shafi'is, and Hanbalis state that the guardianship over a minor is lifted when he/she reaches maturity without the need for a judge's ruling. ¹⁵

This is so because the guardianship is established without a judge's ruling, so it can be removed without one, similar to the guardianship over an insane person. Another view among the Shafi'is is that it requires a judge's ruling because it needs examination and testing, similar to lifting the guardianship over a foolish person. The opinion of the majority is more predominant as it aligns with reality and ease. ¹⁶

The majority of scholars say that the guardianship over a child can be lifted without a judge's ruling, provided that the child has reached maturity, since the guardianship was imposed on the child without a judge's decision. Therefore, the guardianship can also be lifted without a judge's ruling, just as the restriction on an insane person can be lifted. According to the Shafi'is, there is another reason which is that the child requires care and testing, similar to lifting the guardianship over a foolish person. The opinion of the majority is more predominant because it is easier and more practical.

The Opinions of Maliki Jurists:

The Maliki jurists state that the child can be either a boy or a girl. If it is a boy, there are three scenarios:

1. **If his father is alive:** In this case, the guardianship (ḥajr) is lifted upon reaching maturity without the need for a judge's ruling, unless the child shows signs of foolishness or the father himself imposes the guardianship.

2. **If his father has passed away and he has a guardian (waṣī):** The child does not exit the guardianship except through rationalization (tarshīd). If the guardian is appointed by the father, he can rationalize the child without the judge's permission, as the guardianship was established without anyone's imposition, so lifting it does not require a judge's ruling. However, if the guardian is appointed by the judge, he cannot rationalize the child without the judge's permission, as mentioned by Ibn Juzayy. Nonetheless, according to what al-Dardīr has stated, which is the more predominant view, whether the guardian is appointed by the father or the judge, rationalizing the child does not need the judge's permission. Rationalization means that the guardian declares before just people that he has lifted the guardianship from a specific person and restored their right to manage their affairs, as the child has shown maturity and good judgment in his actions. The judge can also rationalize the ward if he finds him to be mature. ¹⁷
3. **The Third Scenario:**
If the child reaches maturity without a father or a guardian (waṣī), he is referred to as "muhmal": Such a child is presumed to be mature unless foolishness is clearly evident. ¹⁸
If it is a girl: According to Maliki jurists, if the girl's father is alive and has not rationalized (tarshīd) her, the guardianship (ḥajr) is lifted due to four factors:
- Her reaching maturity,
 - Her good management,
 - The testimony of just witnesses to her good condition,
 - And her husband's consummation of the marriage with her.

The father has the authority to rationalize her before consummation by saying,

"I find you to be mature, so I have lifted the guardianship from you," thus lifting the guardianship, and her actions become effective even if the just witnesses have not testified to her good condition.

If the girl's father is alive and has not rationalized her, the guardianship is lifted due to the following four factors:

- Reaching maturity,
- Good management,
- Testimony of just witnesses,
- And the husband's consummation of the marriage.

The father has the authority to rationalize her before consummation by saying, "I find you to be mature, so I have lifted the guardianship from you," thus lifting the guardianship, and her actions become effective even if the just witnesses have not testified to her good condition.

Regarding a girl with a guardian (whether chosen or appointed by a judge):

The guardianship is not lifted except by five factors:

- Reaching maturity,
- Good management,
- Testimony of witnesses,
- Consummation of the marriage,
- And the guardian's rationalization.

Lifting the guardianship does not require the permission of a judge, meaning the girl does not need a judge's ruling to lift the guardianship. Therefore, the Maliki school of thought is close to the majority's opinion that lifting the guardianship over a minor does not require a judge's ruling unless the minor is under the judge's guardianship, in which case the judge's rationalization is needed just as the guardian's rationalization is needed.¹⁹

2-Slave (Raqīq)

A slave cannot engage himself in transactions without the permission of his master so that the benefits of the master's property are not wasted, and the slave does not become indebted, as the slave's body is the property of the master. However, if the master permits the transaction, it is allowed because the master has consented to the loss of his rights.²⁰

Brief Explanation: The issue with a slave is that, being occupied with serving his master, he does not learn the methods and arrangements of transactions and becomes indebted. This causes trouble for him, and when he is sold for the debt, the master's rights are nullified. Therefore, without the master's permission, the slave's transaction will not be valid. If the master consents to waiving his rights and permits the transaction, there is no reason for the judge to stop it. If the master is satisfied, what can the judge do?

3-Madness (Junūn):

A mad person is different from a slave and a child. A mad person who never recovers and is always in a state of madness cannot have his transactions considered valid under any circumstances because he can never develop the capacity to transact. For a child and a slave, this capacity is expected to develop; their transactions can become valid and permissible either with permission at present or by gaining capacity later. However, the transactions of a perpetually mad person can never be valid.

4-Ignorant Doctor:

The Opinion of Imam Abu Hanifa Regarding the Ignorant Doctor:

Imam Abu Hanifa states

"The judge should not place any free, sane, adult under guardianship except for someone whose harm extends to the public, and they are of three groups." ²¹

The ignorant doctor who gives people harmful and fatal medicines, thinking they are remedies and cures. ²²

5-Foolishness (Sufāh)

Meaning of Foolishness:

Foolishness is defined as acting contrary to what is prescribed by Islamic law, following whims, and neglecting what indicates guardianship (ḥajr). ²³

Foolishness refers to actions that go against what is prescribed by Islamic law and are driven by whim. It involves neglecting the principles that lead to guardianship. ²⁴

Characteristics of a Fool:

A fool is someone who habitually wastes and extravagantly spends his/her money or engages in transactions with no rational purpose or with a purpose that reasonable and principled individuals would not consider valid. Examples include giving money to entertainers or purchasing expensive pigeons for flying, and incurring unwise losses in trade without any benefit.

Opinions of the Jurists Regarding Foolishness (Sufāh):

Wastefulness of wealth can occur in both wrongful and righteous contexts. For example, it is wasteful to gather drunkards and immoral people in one's home, spending money on their food, drink, and lavish gifts. Similarly, it can take place in righteous acts if someone spends all their wealth on building a mosque or similar charitable causes. According to the two jurists (the أصحاب), a judge would place such a person under guardianship.

There is no disagreement between the two jurists that guardianship due to debt cannot be established without a judge's ruling. However, there is a difference of opinion regarding guardianship due to corruption or foolishness. Imam Abu Yusuf says that guardianship due to corruption or foolishness also requires the ruling of a judge. In contrast, Muhammad (Ibn al-Hasan) holds his opinion that guardianship due to foolishness is established by the foolishness itself and does not depend on a judge's ruling. ²⁵

Important points:

- **Wastefulness (Tabdhīr):** Wastefulness can occur in both harmful and beneficial contexts. For instance, squandering wealth on immoral activities is wasteful, but so is spending all one's money on building a mosque or similar good deeds. According to the two jurists, such wastefulness would lead to a person being placed under guardianship by a judge.
- **Guardianship Due to Debt:** The consensus is that guardianship due to debt cannot be established without the ruling of a judge.

- **Guardianship Due to Corruption or Foolishness:** There is a difference of opinion:
Abu Yusuf: Guardianship due to corruption or foolishness requires a judge's ruling.
Muhammad (Ibn al-Hasan): Guardianship due to foolishness is established by the foolishness itself and does not require a judge's ruling

Further Details on Foolishness (Sufāh):

If a fool makes an oath, gives a charity, or makes a vow, or performs *zihār* (a form of divorce), is he obligated to pay the money or not? ²⁶

- **Oath or Vow:**

If a fool takes an oath, makes a vow for a sacrificial offering (hady), gives a charity, or performs *zihār* with his wife, he is not obligated to pay money. Instead, he must atone for his oath or *zihār* by fasting.

- **Atonement for *Zihār*:**

If the fool performs *zihār* with his wife and then frees a slave as an atonement, this slave does not suffice for the *zihār* atonement. The slave must be used to pay for the atonement, and the fool is required to fast for two consecutive months.

- **Accidental Killing:**

If the fool accidentally kills someone, the blood money (diya) is obligatory on him/his tribe. The fool cannot atone for this act by freeing a slave; he must instead fast for two consecutive months. If he frees a slave for the atonement, the slave is required to work to repay its value.

- **General Atonement:**

If the fool frees a slave as an atonement, it is not considered sufficient. Instead, fasting for two consecutive months is needed. If the fool frees a slave as part of his atonement, the slave must work to repay its value. If the fool fasts for a month and then takes a break, he is still required to fast for two consecutive months for atonement, and freeing a slave alone will not suffice.

Important Points:

- **Oath or Vow:** A fool's oath, vow, or *zihār* requires fasting as an atonement, not a financial payment.
- **Atonement for *Zihār*:** Freeing a slave does not suffice; fasting for two consecutive months is required, and the slave must repay its value.
- **Accidental Killing:** The blood money is due from the fool's tribe, and he must fast for two consecutive months; freeing a slave is not sufficient for atonement.
- **General Rule:** If the fool reforms after fasting, freeing a slave alone is not sufficient; fasting remains necessary.

Foolish Person and Voluntary Pilgrimage:

If this foolish person intends to undertake a voluntary pilgrimage (Hajj), he/she will not be provided travel expenses for it. Instead, he/she will receive enough funds for his/her stay at his/her home, but no additional funds for travel expenses or transportation. He/she will be advised to walk if he/she wishes. However, if he/she is wealthy and the judge has previously been generous with him/her, and the funds provided to him exceed his/her basic needs, he/she may opt to arrange his/her own travel and expenses. In this case, he/she will not be given additional funds but may pay a trusted person to manage his/her expenses as needed.

If he is unable to leave on foot and remains in the state of Ihram (pilgrimage attire) for a long time, and if this extends stay in Ihram leading to a situation where he fears illness or other problems due to a necessity, he may be supported from his own funds until he completes his pilgrimage and returns.

Similarly, if he is restricted during his voluntary pilgrimage and cannot send a sacrificial animal (hady), he may choose to send it from his own funds if he desires, and this does not prevent him from doing so. If he does not have sufficient funds to send the sacrificial animal, he will be left in his current state until a necessity arises, and then he may send the sacrificial animal from his funds to complete his pilgrimage. The consideration here is about what will be beneficial for him and his funds.²⁷

Important Points:

- **Travel Expenses:** A foolish person going for voluntary pilgrimage does not receive travel expenses, only enough for his stay at home. If wealthy, he can manage his own expenses.
- **Walking or Transportation:** He may choose to walk or arrange transportation at his own expense.
- **Necessity:** If he cannot walk and faces difficulties leading to health issues, he may receive support from his funds.
- **Sacrificial Animal:** If restricted during pilgrimage, he can send a sacrificial animal from his own funds if desired. If not possible, he will wait for necessity and then send it as needed.²⁸

An **ignorant person** (ذو الغفلة أو المغفل) is someone who is easily deceived in transactions, unable to make profitable decisions in buying and selling due to a lack of experience and a naïve disposition. This person differs from a fool (سفيه) because of difference between

ignorance and foolishness: An ignorant person does not deliberately waste or damage his wealth nor is he/she driven by caprice. He lacks the ability to manage affairs profitably due to inexperience and naivety.

Foolishness (Sufāh): In contrast, a fool intentionally wastes his/her wealth and follows whims, often with malicious intent.

Difference from the Insane (Matuwwa): The ignorant person is not the same as the insane (معتوه) who is characterized by incoherent speech and confusion.

Ignorant Person: He is easily deceived in transactions due to inexperience, not driven by malicious intent or caprice.

Fool (Sufāh): He/she intentionally wastes wealth and follows whims, often with a harmful intent.

Insane (Matuwwa): He has an incoherent speech and confusion, different from the ignorant person.

Opinions on the Restriction of the Ignorant (Al-Mughafil) and the Fool (Sufāh):

Imam Abu Hanifa and the Opinion of the Şahibayn:

Imam Abu Hanifa: He has the opinion that an ignorant person (المغفل) should not be placed under guardianship.²⁹

The Şahibain: They hold the opinion that guardianship should be imposed on the ignorant person. This view of the Şahibain is also adopted by other scholars, as it serves the benefit of the ignorant person, and his transactions are regulated similarly to those of a fool (سفيه).

Start and End of Guardianship for the Fool and Ignorant:

Imam Muhammad ibn al-Hasan and Ibn al-Qasim al-Maliki:

They state that guardianship on the fool and the ignorant is established from the moment the signs of foolishness or ignorance appear. This guardianship ends when these signs disappear, without waiting for a judicial decree, because the cause (signs of foolishness or ignorance) dictates the presence or absence of the effect (guardianship).³⁰

Imam Abu Yusuf and the Majority of Scholars:

Imam Abu Yusuf and the majority of scholars argue that guardianship over the fool and the ignorant is not established except by a judicial decree. This is because foolishness and ignorance are not tangible like insanity or mental derangement. They are determined through an observed behavior, which is interpretative and subjective, varying with perspectives. Thus, a judicial decree is necessary to confirm the situation and resolve any disputes to prevent harm or deceit.³¹

According to this view, the transactions conducted before the judicial decree of guardianship are valid, as this ensures fairness and avoids harm to others.

Important Points:

Imam Abu Hanifa: He does not impose guardianship on the ignorant.

Ṣaḥibain: They impose guardianship on the ignorant. This opinion is widely accepted among scholars for the benefit and protection of the ignorant person.

Imam Muhammad ibn al-Hasan and Ibn al-Qasim al-Maliki: Guardianship begins with the appearance of signs and ends when they disappear, independent of a judicial decree.

Imam Abu Yusuf and the majority: Guardianship requires a judicial decree as foolishness and ignorance are not tangible like insanity. Transactions before such a decree are considered valid.

Conclusion:

Islamic Sharia has established detailed and principled rulings regarding individuals under guardianship, such as the foolish, insane, ignorant, children, and slaves. These rulings are comprehensively recorded in jurisprudential books under the title "Kitab al-Hijr" (The Book of Guardianship). Sharia has emphasized upon the importance of wealth for human life and advocates for moderation in its use.

In a human society, some individuals are not considered normal due to various reasons. Therefore, the Sharia has appointed guardians for these individuals to oversee their financial matters to prevent waste and loss. Thus, Sharia prohibits giving wealth directly to these individuals to avoid its misuse and exploitation. Each category of the person under guardianship has specific rules and details presented in this paper.

References and notes:

1 Al-Asadi, Badr al-Din Abu al-Fadl Muhammad ibn Abu Bakr al-Shafi'i. *Bidayat al-Muhtaj fi Sharh al-Minhaj*. Edited by Dar al-Manhaj. Vol. 2, p. 275.

2 *Quran*, 4:6.

3 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 417

4 *IBID*

5 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 418.

6 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 418.

7 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 419.

8 *Mughni al-Muhtaj*. Vol. 2, p. 166; *Kashaf al-Qina'*, Vol. 2, p. 421

9 *Mughni al-Muhtaj*. Vol. 2, p. 166

10 *Bidayat al-Mujtahid*. Vol. 2, p. 277.

11 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 419.

12 *Quran*, 4:6.

13 *Bidayat al-Mujtahid*. Vol. 2, p. 277.

14 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 420.

15 *Bidayat al-Mujtahid*. Vol. 2, p. 277.

- 16 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 420
- 17 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 420
- 18 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 421
- 19 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 420
- 20 *Fatawa al-Hindiya* (also known as *Fatawa al-Alamgiriyya*). Vol. 5, p. 69.
- 21 *Fatawa al-Hindiya*. Vol. 5, p. 69.
- 22 *Fatawa al-Hindiya*. Vol. 5, p. 69.
- 23 *Fatawa al-Hindiya*. Vol. 5, p. 55.
- 24 *Fiqh al-Islami wa Adillatuhu*. Vol. 4, p. 452.
- 25 *Fatawa al-Hindiya*. Vol. 5, p. 55
- 26 *Fatawa al-Hindiya*. Vol. 5, p. 69
- 27 *Fatawa al-Hindiya*. Vol. 5, p. 74
- 28 *Fatawa al-Hindiya*. Vol. 5, p. 73
- 29 *Al-Mughni*. Vol. 3, p. 73.
- 30 *Fiqh al-Islami wa Adillatuhu*. Vol. 5, p. 447.
- 31 *Rad al-Muhtar*. Vol. 5, pp. 102, 106.