

The Refutation of Disagreement According to Imam Al-Rajrāji in His Book Manāhij al-Taḥṣīl "Matters of Prayer as a Model"

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Abstract

Praise be to Allah, we praise Him, seek His help, ask for His forgiveness, and seek refuge in Allah from the evils of ourselves and the misdeeds of our actions. Whomever Allah guides, there is no misguidance for him, and whomever He misguides, there is no guide for him. I bear witness that there is no god but Allah, alone without partner, and I bear witness that Muhammad is His servant and messenger. This research aims to study and analyze the jurisprudential book *Manāhij al-Taḥṣīl wa-Natā'ij Laṭā'if al-Ta'wīl fī Sharḥ al-Mudawwana wa ḥall Mushkilātihā* by Imam Abu al-Ḥasan Ali bin Said al-Rajrāji. This book is considered one of the most important works in Maliki jurisprudence, as Imam al-Rajrāji excelled in explaining and interpreting legal issues, especially those related to the Maliki *Mudawwana*. The book also addresses how to deal with issues in legal matters and provide clear solutions to them. This research will focus specifically on studying the legal issues related to prayer, which Imam al-Rajrāji argues there is no disagreement over, and it will compare these matters with the opinions of other Islamic legal schools. The study also seeks to highlight Imam al-Rajrāji's views and present them within their legal context.

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Introduction:

Allah (SWT) sent His Prophet as a guide and mercy to the worlds, and He clarified in the Quran and the Sunnah what Muslims need in terms of guidance and rules for worship and transactions. After the death of the Prophet Muhammad (PBUH), scholars took it upon themselves to interpret the legal texts and engage in *ijtihad* (independent reasoning) for new issues based on their deep understanding of the texts. Among these scholars who had a significant impact on the Maliki school was Imam Abu al-Ḥasan Ali bin Said al-Rajrāji, whose book *Manāhij al-Taḥṣīl wa-Natā'ij Laṭā'if al-Ta'wīl* is considered one of the most important jurisprudential sources in this school. Therefore, this research aims to specifically study this book, focusing on the issues in the chapter on prayer where Imam al-Rajrāji asserts there is no disagreement, and to examine the views of other Maliki jurists and scholars from other schools on these issues.

Reasons for Choosing the Research:

This topic was chosen due to the significance of the book written by Imam al-Rajrāji in clarifying the issues of Maliki jurisprudence and resolving its problems. Additionally, his scholarly status within the school and the fact that the book still requires broader study to encompass all aspects of his contributions to explanation and legal rulings made it an important subject for research.

Research Problem:

The research problem lies in the lack of sufficient study on this book, especially concerning Imam al-Rajrāji's refutation of disagreements in some legal issues. Therefore, the research poses the question: "Is Imam al-Rajrāji's assertion of the lack of disagreement in certain issues truly substantiated?" and "What is Imam al-Rajrāji's standing within the Maliki school?"

Previous Studies:

It can be said that this topic has not been sufficiently studied, apart from some works that either focus on the book's verification or clarify the methodology of Imam al-Rajrāji. This book attempts to systematically review the issues of

prayer where Imam al-Rajrāji denies any disagreement within the chapter on prayer, then study them to confirm or refute the disagreement, based on the statements of the Maliki jurists. The study will also assess whether the refutation of disagreement is internal to the Maliki school or extends to the four Sunni schools of thought when the disagreement is external to the school.

Methodology Adopted in the Research:

The research will employ four methodologies to address the research problem:

1. The Historical Approach: This approach will trace the evolution of the study of Maliki jurisprudence books and how the book was marginalized in certain periods, leading to renewed interest in it.
2. The Comparative Approach: This approach will allow for a comparison between Imam al-Rajrāji's views and those of other Maliki jurists to assess the validity of his stance on denying disagreement in specific issues, as well as to determine whether other jurists support or oppose his position.
3. The Analytical Approach: This involves analyzing Imam al-Rajrāji's texts and studying his status among Maliki jurists through reviewing his works and the responses to them. This will help determine his influence and impact on the Maliki school.
4. The Inductive and Deductive Approach: This will enable the extraction of jurisprudential and legal rules based on the analysis of Imam al-Rajrāji's legal texts, alongside the opinions of other jurists about his views. This approach will allow for interpreting and analyzing the legal conclusions resulting from his works, based on an examination of the practical cases in the jurisprudential texts and their applications.

Research Sections:

Chapter One: Introduction to Imam Abu al-Ḥasan Ali bin Said al-Rajrāji

Chapter Two: Study of the Book and Clarification of Key Concepts

Chapter Three: Practical Study of Jurisprudential Issues

Conclusion: Summary of Key Recommendations and Findings from the Research Across Its Various Sections

References and Sources Index

Chapter One: Introduction to Imam Abu al-Ḥasan Ali bin Said al-Rajrāji

Imam Abu al-Ḥasan Ali bin Said al-Rajrāji is considered one of the most prominent jurists of the Maliki school during the 5th century AH. He had a significant influence on Maliki jurisprudence through his works and legal opinions that emerged in several matters. In this section, we will introduce his personality and his works by closely examining his life and contributions.

Section One: Author's Biography

Regarding the birth of Imam al-Rajrāji, despite the limited references available on his biography, some writings indicate that Imam al-Rajrāji was born in the late 6th century AH. He authored numerous books, with *Manāhij al-Taḥṣīl* being one of his most prominent works, in which he explained the *Mudawwana* and resolved its issues.

Regarding his birth, due to the scarcity of references about Imam al-Rajrāji (may Allah have mercy on him), we encountered difficulty in finding a comprehensive biography. However, we did find some brief information that does not fully meet the needs of the research. According to Sheikh Ahmad Bab al-Tanbakti² in his book *Nayl al-Ibtihāj*, Imam al-Rajrāji's biography is not thoroughly mentioned in detail. Nonetheless, as per Imam al-Rajrāji's own writings in the introduction to his book, it is suggested that he was born in the late 6th century AH.

² He is Ahmad Baba bin Ahmad bin Umar al-Takruri al-Tinbukti al-Sudani, Abu al-Abbas, a historian from the people of Timbuktu in Africa, from the Sanhaja tribe. He was born in the year 693 AH and passed away in 1036 AH. He has many works, including *Nayl al-Intihaj*. See: *Shajarat al-Noor al-Zakiya fi Tabaqat al-Malikiyya* by Muhammad bin Muhammad bin Umar bin Qasim Makhlouf, edited with notes by Abdul Majid Khayali, publisher: Dar al-Kutub al-Ilmiya, Beirut, Lebanon, Volume 1, page 414.

In this context, Imam al-Rajrāji mentions: "I began composing this book in the month of Dhu al-Ḥijjah in the year 633 AH in the region of Jabal al-Kasta in the mountains of Juzula, may Allah preserve it."³

Moreover, Al-Mukhtār al-Sūsī in Al-Asūl stated that Abu al-Ḥasan Ali bin Said al-Rajrāji was a scholar of the 7th century. He also quoted Sidi al-ʿĀbid al-Fāsī, who, when asked by Al-Mukhtār al-Sūsī for a biography of Imam al-Rajrāji, wrote: "Al-Rakrākī Abu al-Ḥasan Ali bin Said, the most distinguished jurist, a great imam with independent ijtihād (reasoning), was alive in the middle of the 7th century, but I did not find a detailed biography of him in any particular book."⁴

Section Two: His Name and Lineage

Imam al-Rajrāji's full name was "Abu al-Ḥasan Ali bin Said al-Rajrāji." He belonged to the Rajrāja tribe, one of the Musāmida tribes. Some narrations suggest that the Rajrāja tribe was connected to the Prophet Muhammad (PBUH) through seven men from the tribe who learned Islam directly from him and then spread the teachings of Islam in their homeland. These men are known as the Seven Saints, with their tombs spread across the region of El Jadida.

First: His Name: "Ali bin Said al-Rajrāji, also known as Abu al-Ḥasan⁵." Al-Mukhtār al-Sūsī⁶ mentioned a brief note about Imam al-Rajrāji in his book Al-Maʿsūl, stating: "Al-Rakrākī Abu al-Ḥasan Ali bin Said."⁷

³ *Mansahij al-Tahsil wa Nata'ij Latayif al-Ta'wil fi Sharh al-Mudawwana wa Hal Mushkilatiha*, by Abu al-Hasan Ali bin Said al-Rajrāji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 46.

⁴ *Al-Ma'soul*, by Muhammad al-Mukhtar al-Soussi, publisher: Matba'at al-Najah, Casablanca, 1st edition, 1962, page 306.

⁵ This is confirmed by what is written on the manuscript's surface

⁶ *Al-Mukhtar al-Soussi* (1318 - 1383 AH = 1900 - 1963 CE), Muhammad bin Ali bin Ahmad al-Ilghi al-Soussi: a historian, jurist, and literate, known as the "Minister of the Crown." He was born in the town of Ilgh in the Sous Mountains, southern Morocco, into a scholarly Berber family. His father was the greatest Sheikh of the Darqawi Sufi order. He grew up with a Sufi upbringing, learned Arabic and excelled in it, studied religious sciences and literature in Sous, Marrakesh, and then in Fez. His notable work is *Al-Ma'soul*. He passed away in Rabat.

See: *Al-A'lam*, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm lil-Malayin, Beirut, Lebanon, 15th edition, 2002, Volume 7, page 92.

Second: His Lineage: Imam al-Rajrāji's lineage traces back to the Rajrāja tribe, which is part of the Musāmida tribes. Al-Mukhtār al-Sūsī states: "The fame of Rajrāja is linked to a narration that seven men from Rajrāja met the Prophet (PBUH), received the teachings of Islam from him, and then returned to their land spreading the new religion. These men are known as the Seven Saints, and their tombs are spread across the region of El Jadida."⁸

When Al-Mukhtār al-Sūsī mentioned the merits of the Rajrāja family and their scholarly status, he referred to Imam al-Rajrāji, stating: "Before we delve into the biographies of the men from this family, we note that there was a distinguished scholar, a Rakrākī residing in this region at the beginning of the 7th century, and we know of him primarily through his commentary on the Mudawwana, entitled Manāhij al-Taḥṣīl."⁹

Section Three: His Upbringing and Knowledge

Imam al-Rajrāji received his education in several scholarly institutions, where he distinguished himself with a deep understanding of jurisprudence, hadith, and foundational principles. He was particularly known for his mastery of the Arabic language and his thorough knowledge of key jurisprudential texts. He was renowned for his ability to interpret the texts and derive rulings from them with a meticulous understanding of the legal texts.

After my research in biographical books, I was unable to find a complete or even brief biography of Imam al-Rajrāji (may Allah have mercy on him), except for what was mentioned by Muhammad Al-Mukhtār in Al-Asūl in a summary form and by Ahmad Bab al-Tanbakti in his book Nayl al-Ibtihāj within Tatrīz al-Dībāj.

Ahmad Bab stated: "Ali bin Said al-Rajrāji, the author of Manāhij al-Taḥṣīl, which is a commentary on the Mudawwana, was a distinguished scholar, a guardian of the legal rulings, an esteemed jurist, and a learned figure. In his

⁷ *Al-Ma'soul*, by Muhammad al-Mukhtar al-Soussi, publisher: Matba'at al-Najah, Casablanca, Western Morocco, 1st edition, 1962, Volume 5, page 306.

⁸ *The same source*, Volume 3, page 77.

⁹ *The same source*, Volume 5, page 305.

commentary, he summarized the various interpretations offered by the imams on various issues. He was well-versed in the Arabic language and the two fundamental sources (the Quran and Sunnah)."¹⁰

This indicates that Imam al-Rajrāji (may Allah have mercy on him) had a vast knowledge, reaching the highest levels of scholarship. He was a memorizer of jurisprudential details, well-versed in the views of scholars, and adept at linguistic and legal interpretations in the Quran, Sunnah, foundational principles, and jurisprudence. He himself mentions this in the introduction to his book.

Imam al-Rajrāji (may Allah have mercy on him) said: "I have spent my time in assemblies and dedicated my life to studying at schools, reviewing major foundational texts in jurisprudence and narrations... I have also thoroughly studied many books of hadith, their explanations, and the interpretations of the Qur'an."¹¹

Imam al-Rajrāji (may Allah have mercy on him) referred to this when he discussed the legal status of adolescents and whether their rulings are the same as those for adults. He clarified how he had studied the works of earlier scholars in various fields of knowledge, including the fundamentals of jurisprudence, hadith, and tafsir (Qur'anic exegesis), among other sciences.

Chapter Two: Study of the Book and Clarification of Key Concepts

The book "*Manāhij al-Taḥṣīl wa Nata'ij Laṭā'if al-Ta'wīl*" is one of the most important jurisprudential texts in the Maliki school of thought. This book addresses issues within the *Mudawwana*, offering solutions to problems and clarifying points of disagreement among scholars. In this section, we will define the concepts of the book and outline its contents.

Section One: Introduction to the Book "*Manāhij al-Taḥṣīl*"

¹⁰ *Nail al-Ibtihaj bi-Tatreez al-Dibaj*, by Ahmad Baba al-Timbukti, introduction by Abdul Hamid Abdullah al-Harama, publisher: College of Islamic Da'wah, Tripoli, 1st edition, 1989, page 316.

¹¹ *Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha*, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 3, page 333.

The goal of the book *Manāhij al-Taḥṣīl* is to explain the *Mudawwana* and resolve its problems. In it, Imam al-Rajrāji (may Allah have mercy on him) tackles many issues in which there was disagreement among jurists and provides detailed clarifications to remove any confusion surrounding them.

First: Reasons for Imam al-Rajrāji's Authorship of *Manāhij al-Taḥṣīl*:

The reason Imam al-Rajrāji (may Allah have mercy on him) wrote *Manāhij al-Taḥṣīl* is mentioned in the introduction of the book. He lists two main reasons:

1. Requests from Students: Some of his students, who had been in his company for a long time studying the *Mudawwana*, asked him to compile a book that would clarify the difficult issues they encountered in the *Mudawwana*. Imam al-Rajrāji (may Allah have mercy on him) said: "Some of our students, who had long been in our company and studied the *Mudawwana* with us, asked me to gather some of the clarifications we discussed in our lessons regarding the issues in the *Mudawwana* that were problematic, offering solutions and addressing potential ambiguities."¹²

2. Rebuttal of Unauthorized Teachers: Imam al-Rajrāji (may Allah have mercy on him) also wrote this book in response to those who began teaching the *Mudawwana* without proper authorization from their teachers. He mentioned: "After them, groups appeared in the far West who deviated from the straight path, ignoring the scholarly methods of investigation, and embarked on teaching the *Mudawwana* without proper authorization or a deep understanding of its explanation¹³." These two factors prompted Imam al-Rajrāji (may Allah have mercy on him) to author *Manāhij al-Taḥṣīl wa Nata'ij Laṭā'if al-Ta'wīl*, a book that addresses these issues and clarifies the text.

Second: Attributing the Book to Imam al-Rajrāji:

¹² *Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha*, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 39.

¹³ *The same source*, Volume 1, page 39

There is consensus among scholars who have reviewed *Manāhij al-Taḥṣīl wa Nata'ij Laṭā'if al-Ta'wīl* that it was indeed written by Imam al-Rajrāji (may Allah have mercy on him). This is clearly stated in the introduction to the book. Imam al-Rajrāji (may Allah have mercy on him) himself wrote: "I have undertaken to write this book, which I have entitled *Manāhij al-Taḥṣīl wa Nata'ij Laṭā'if al-Ta'wīl*."¹⁴

Thus, the attribution of *Manāhij al-Taḥṣīl* to Imam al-Rajrāji (may Allah have mercy on him) is supported by his own words in the introduction to the book. This is further confirmed by scholars such as Muhammad al-'Alīsh, who stated: "Imam al-Rajrāji clearly declared in his book *Manāhij al-Taḥṣīl* that it was his work, and this is sufficient evidence¹⁵ for its attribution to him." Furthermore, Shams al-Dīn Muhammad bin 'Arfaḥ al-Disūqī supported this attribution in his *Hashiya al-Disūqī* on the *Sharḥ al-Kabīr*.¹⁶

Al-Disūqī¹⁷ commented: "As Imam al-Rajrāji clarified in his explanations of the *Mudawwana*.¹⁸." referring specifically to the issue of *al-Ḍamān* (guarantee) in

¹⁴ *Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha*, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 37.

¹⁵ *Mawahib al-Jaleel Sharh Mukhtasar Khalil*, by Abu Abdullah Muhammad bin Muhammad bin Abdul Rahman al-Maghrebi al-Hattab, edited by Zakariya Amirat, publisher: Dar Alam al-Kutub, 1st edition, 2003, Volume 2, page 538.

¹⁶ Muhammad bin Ahmad bin Muhammad Alish, a prominent Maliki scholar, of Moroccan origin, born in Cairo. He studied at Al-Azhar and became the Sheikh of the Maliki school there. During the Urabi Revolt, he was accused of supporting it. He was taken from his home while sick, carried motionless, and thrown into prison in the hospital, where he died. In Cairo, among his works was *Hidayat al-Salik ila Aqrab al-Masalik fi Furu' al-Malikiyya*.

Refer to: *Al-A'lam*, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm lil-Mala'yn, Beirut, Lebanon, 15th edition, 2002, Volume 6, page 19.

¹⁷ He is Muhammad bin Ahmad bin Arfa al-Dusouqi al-Maliki, a scholar of Arabic. He was from the town of Desouk in Egypt, where he studied, lived, and passed away in Cairo. He was one of the teachers at Al-Azhar. He has written several books, including *Al-Hudood al-Fiqhiyya fi Fiqh al-Imam Malik* (The Legal Boundaries in the Jurisprudence of Imam Malik).

Refer to: *Al-A'lam*, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm lil-Mala'yn, Beirut, Lebanon, 15th edition, 2002, Volume 6, page 17.

the book. These references are ample evidence for attributing Manāhij al-Taḥṣīl to Imam al-Rajrāji.

Section Two: Study of Imam al-Rajrāji's Methodology in Explaining the Mudawwana

Imam al-Rajrāji (may Allah have mercy on him) followed a unique approach in explaining the Mudawwana. He classified scholars into different groups based on their methods of dealing with the texts, and he presented a clear, systematic way to handle issues that might raise doubts.

First: Imam al-Rajrāji's Methodology in Explaining the Mudawwana:

From my study of Imam al-Rajrāji's (may Allah have mercy on him) book, it became clear that he developed his own methodology for explaining the Mudawwana. He outlined the different groups of scholars who had previously explained the Mudawwana, categorizing them as either excessive or insufficient, with a third group considered moderate. Imam al-Rajrāji (may Allah have mercy on him) stated:

"One group neglected and fell short... Another group overemphasized the evidence and closed the door to interpretation... The moderate group, however, found the right balance. They adhered to the middle path, recognizing both the apparent and hidden meanings in the text, drawing out benefits from its words... This group is rare in the Maghreb today, even rarer than the black crow."¹⁹

Imam al-Rajrāji's (may Allah have mercy on him) approach aligns with this last group, as his methodology was apparent in his book. He never ignored foundational principles, using them when necessary, relying on his knowledge of the Arabic language and his comprehensive study of the major works of scholars who came before him. This aided him in selecting appropriate words, presenting

¹⁸ *Hashiyat al-Dusouqi 'ala al-Sharh al-Kabir*, by Shams al-Din Sheikh Muhammad Arfa al-Dusouqi, publisher: Dar Ihya' al-Kutub al-'Arabiyya, 1st edition, undated, Volume 1, page 216.

¹⁹ *Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha*, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 43.

clear explanations, and forming sound legal principles. His approach was pioneering, widely accepted, and clear, making his language accessible to readers.

He expressed his approach clearly in the following statement: "By the grace of Allah, we have followed the method of this moderate group in our book. We have walked in their footsteps, taken from their sources, and built upon their principles. We have added to their work by enhancing the structure and arrangement of the issues, refining the presentation of proofs, and deducing the intended interpretations based on the clearest paths. We aim to show the potential differences in the questions, statements, and conditions, and these three factors will determine the possible meanings."²⁰

Second: Summarizing the Key Points Imam al-Rajrāji Reached in Explaining the Mudawwana

Through the explicit statement of Imam al-Rajrāji (may Allah have mercy on him) and his depiction of his legal methodology in explaining the Mudawwana, the most important points can be summarized as follows:

1. Surveying the opinions and clarifying them as problematic or probable.
2. Indicating the place of disagreement in them.
3. Citing evidence for the issue from the Qur'an and the Sunnah.

Section Three: Opinions of the Jurists and Defining the Concepts of the Topic

Imam al-Rajrāji (may Allah have mercy on him) discussed many issues that he considered free of disagreement, reflecting his vast knowledge and his determination to highlight the correct opinions within the Maliki school. In this section, we will classify these issues and determine their authenticity.

First: Opinions of Non-Maliki Jurists:

When Imam al-Rajrāji (may Allah have mercy on him) presents the opinions of jurists from outside the Maliki school, he addresses them in two ways: negating

²⁰ **Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 43.

disagreement and mentioning consensus. For this, he uses certain terms, which we will explain below:

1. "There is no disagreement among the scholars": This phrase is used by Imam al-Rajrāji (may Allah have mercy on him) to negate disagreement within the four schools of thought. However, when he intends to negate disagreement specifically within the Maliki school, without reference to other schools such as the Hanafi, Shafi'i, or Hanbali schools, he clarifies it by saying: "There is no disagreement in the Maliki school," or "There is no disagreement among us," or "There is no disagreement in the madhhab." Thus, from his words, it is clear that, except for these specific phrases, he refers to the four madhhabs generally. We will now mention some issues in which he negates disagreement using the phrase "There is no disagreement among the scholars."

Imam al-Rajrāji (may Allah have mercy on him) said: "There is no disagreement among the community that they are addressed with faith."²¹

This is a negation of disagreement in general among the imams of the four madhhabs, without specifying any particular one. The same phrase was repeated in his book on prayer when he discussed the preferred time to pray, stating:

Imam al-Rajrāji (may Allah have mercy on him) said: "There is also no disagreement among the scholars that performing the prayer at its earliest time is better for every individual, whether they are an imam or a follower."²²

2. "There is no disagreement among the community": Imam al-Rajrāji (may Allah have mercy on him) uses this phrase to refer to the entire Muslim community, from the common folk to the scholars. The negation of disagreement on certain issues is something that no rational person would deny, such as the obligation to cover the 'awrah (private parts) during prayer, which is universally

²¹ **Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali bin Said al-Rajraji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 195.

²² Same source, Volume 1, page 203.

known and undisputed. Imam al-Rajrāji (may Allah have mercy on him) said: "There is no disagreement among the community that covering the 'awrah is obligatory in general."²³ He also used the same phrase in the section on fasting when he discussed the issue of fasting on the days of Eid al-Fitr and Eid al-Adha, stating: Imam al-Rajrāji (may Allah have mercy on him) said: "As for the days of Eid al-Fitr and Eid al-Adha, there is no disagreement among the community that fasting on these days is not permissible, neither as a make-up (qada'), a vow, nor as voluntary fasting."²⁴

If he encounters a situation where the opinions are conflicted and he is uncertain about the negation of disagreement and consensus, he adds the phrase "to the best of my knowledge." This indicates that he may not be aware of all the opinions of the jurists on the matter. An example of this is in his discussion on funeral prayers, where he states that it is a Sunnah to perform the prayer in congregation, not individually.

Imam al-Rajrāji (may Allah have mercy on him) said: "Once this is established, it is from the Sunnah that the funeral prayer is offered in congregation with an imam. If they pray individually, there is no disagreement, as far as I know, that this does not prevent the congregation with an imam."²⁵

Second: Defining Disagreement and Prayer:

1. Disagreement: Linguistically and Technically:

• Linguistically: In Lisan al-'Arab, it is stated: "The two things are opposed and differ²⁶, and anything that is not in agreement has diverged or differed." In this context, Al-Mufradat in the Gharib al-Qur'an defines disagreement and

²³ **Matahij al-Tahseel wa Nataij Lata'if al-Tawil fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali bin Said al-Rajrāji, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 349.

²⁴ Same source, Volume 2, page 120.

²⁵ **Same source**, Volume 2, page 8.

²⁶ **Lisan al-Arab**, by Abu al-Fadl Jamal al-Din Muhammad bin Makram ibn Manzur al-Afriki, publisher: Dar Sader, Beirut, no edition, no date, Volume 9, page 91.

opposition as each party following a different path in terms of their actions or statements. Disagreement is broader than opposition, as every pair of opposites is a disagreement, but not every disagreement is oppositional. Since disagreement²⁷ in speech may lead to disputes, it is used metaphorically to mean quarrel or dispute. Allah (SWT) says: "The factions among them differed."²⁸

- Technically: According to Al-Ta'arīf, disagreement is "a dispute between two opposing sides to establish the truth or to invalidate falsehood."²⁹

2. Prayer: Linguistically and Technically:

- Linguistically: Prayer (ṣalāh) is "supplication and seeking forgiveness... from Allah, asking for mercy," as shown in the Arabic expression of "ṣalā Allāh 'ala fulān," meaning that Allah has granted mercy to someone.³⁰

Allah (SWT) says: "Indeed, Allah and His angels send blessings upon the Prophet. O you who have believed, ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace."³¹

In the book *Adwā' al-Bayān*, it is explained that "the prayers of Allah upon the Prophet and the prayers of the angels and believers do not cease, day or night, and they are mercy from Allah and supplication from the angels and believers."³²

- Technically: Ibn 'Arfaḥ said: "It is an act of worship that has a specific opening (ihrām) and concluding (salām), or only a prostration, such as in the case of the prayer for recitation or the funeral prayer."³³

²⁷ [?] **Al-Mufradat fi Gharib al-Quran**, by Abu al-Qasim al-Husayn bin Muhammad al-Isfahani, edited by: Center for Studies and Research, publisher: Library of Nizar Mustafa al-Baz, no edition, no date, page 156.

²⁸ Surah Maryam, Ayah: 37.

²⁹ **Al-Ta'arifat**, by Abu al-Hasan Ali bin Muhammad al-Jurjani, publisher: Dar al-Fikr, Beirut, 1st edition, 1997, page 135.

³⁰ **Lisan al-Arab**, by Abu al-Fadl Jamal al-Din Muhammad bin Makram ibn Manzur al-Afriki, Dar Sader, Beirut, no edition, no date, Volume 14, page 464.

³¹ **Surah Al-Ahzab**, Ayah 21

³² **Adhwa' al-Bayan fi Izhah al-Quran bil-Quran**, by Muhammad al-Amin bin Muhammad al-Mukhtar al-Shanqiti, publisher: Printed at the expense of Muhammad bin Awad bin Laden, 2nd edition, 1985, page 369.

³³ **Al-Fawakih al-Dawani ala Risalat Ibn Abi Zayd al-Qirawani**, by Ahmad bin Ghanim bin Salem al-Nafrawi, publisher: Dar al-Kutub al-Ilmiyyah, Beirut, Lebanon, 1st edition, 1997, Volume 1, page 182.

Through this, we can see that there is a difference in the linguistic and technical definitions of prayer. Linguistically, prayer is defined as general supplication, while technically, scholars define it as a specific act of worship that involves a specific initiation (ihrām) and conclusion (salām), with prostration included in some cases.

Chapter Three: Practical Study of Jurisprudential Issues

In this section, we will examine some of the jurisprudential issues related to prayer that Imam al-Rajrāji (may Allah have mercy on him) considered free of disagreement and compare them with the opinions of the jurists in the Maliki and other schools.

Section One: Removing Disagreement Regarding What Prevents Prayer

We will discuss the issues Imam al-Rajrāji (may Allah have mercy on him) addressed in the section on prayer, particularly those in which he negates disagreement, such as the issue of what prevents one from praying. We will study these issues based on what Imam al-Rajrāji (may Allah have mercy on him) mentioned.

First: The First Issue - What Prevents Prayer:

Imam al-Rajrāji (may Allah have mercy on him) said:

"As for the cessation of menstruation and postnatal bleeding, there is no disagreement in the madhhab that they prevent the obligation of prayer and the validity of performing it. In fact, there is unanimous agreement on this."³⁴

Second: Verification of the Issue:

Imam al-Rajrāji's (may Allah have mercy on him) negation of disagreement in this issue refers to the Maliki madhhab specifically, not other madhhabs. Therefore, verifying the issue requires looking into the Maliki sources.

³⁴ **Manahij al-Tahseel wa Nata'ij Latayif al-Ta'weel fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali bin Said al-Rajragi, edited by Abu al-Fadl Ahmad bin Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 194.

He said in Al-Mawahib al-Jalil: "Prayer is not obligatory on a menstruating woman, nor on a woman in postpartum bleeding, nor is it valid from either of them."³⁵

He said in Al-Talqin: "The blood of menstruation and postpartum bleeding prevents the obligation of prayer and the validity of performing it."³⁶

In the Hashiya al-Saawi, it is mentioned: "It prevents the obligation of prayer and fasting, so prayer and fasting are not obligatory on the menstruating woman, nor are they valid from her"³⁷.

In this regard, the author of Al-Kharshi on Mukhtasar Khalil stated: "The menstruation prevents the validity of both obligatory and voluntary prayer, whether performed as an act of worship or as a make-up, and it also prevents the obligation of prayer by consensus, meaning that it is not permissible for a menstruating woman to perform any acts of worship while menstruating because menstruation invalidates prayer, fasting, and also prevents their obligation, and as for the obligation of prayer, there is no disagreement about it."³⁸

What Imam al-Rajrāji mentioned regarding the negation of disagreement in the non-obligation of prayer for the menstruating woman and the postpartum woman, and its invalidity from them, when looking into the opinions of the Maliki jurists, we find that they support what he stated. Therefore, what Imam al-Rajrāji said is correct, as we find support for his position from many of the great scholars of the Maliki school.

³⁵ **Mawahib al-Jalil Sharh Mukhtasar Khalil**, by Abu Abdullah Muhammad bin Muhammad bin Abdul Rahman al-Maghribi al-Hattab, edited by Zakariya Amirat, publisher: Dar Alam al-Kutub, 1st edition, 2003, Volume 2, page 137.

³⁶ **Al-Talqeen**, by Judge Abu Muhammad Abdul Wahab al-Baghdadi al-Maliki, edited by Muhammad Thalith Said al-Ghani, publisher: Library of Nizar Mustafa al-Baz, Riyadh, Makkah, 1st edition, 1415 AH, page 74.

³⁷ **Hashiyat al-Sawi ala al-Sharh al-Saghir**, by Ahmad al-Sawi, edited by Mustafa Kamal Wasfi, publisher: Dar al-Ma'arif, Egypt, no edition number, no date, Volume 1, page 215.

³⁸ **Hashiyat al-Khurshi ala Mukhtasar Khalil**, by Abu Abdullah Muhammad bin Abdullah al-Khurshi al-Maliki, publisher: Al-Matba'ah al-Kubra al-Emiriya, Egypt, 2nd edition, 1318 AH, Volume 3, page 9.

Section Two: The Removal of Disagreement Regarding the Non-Obligation of Prayer Before Its Time

We will explore the extent of agreement or disagreement among the jurists with Imam al-Rajrāji regarding the issue of prayer not being obligatory before its time, by reviewing the opinions of different scholars across the four schools of thought.

Imam al-Rajrāji (may Allah have mercy on him) said: "There is no disagreement among the ummah that prayer cannot be performed before its time, except for a rare opinion; it has been narrated from Ibn Abbas³⁹, and also some scholars' views on the Friday prayer⁴⁰."

First: Verification of the Issue: The apparent meaning of Imam al-Rajrāji's statement regarding the negation of disagreement in this issue is that he refers to the general position of the four schools, as indicated by the term "ummah". Therefore, the verification of this issue should be done by referring to the authoritative sources in each school.

- Hanafis: "Hassan narrated from Abu Hanifa⁴¹ (may Allah have mercy on them) that delaying the prayer on cloudy days is better, and the reason for it is that it is closer to precaution. Therefore, performing the prayer at its time or after it passes is permissible, but it is not permissible to perform it before its time."⁴²

³⁹ **Abdullah ibn Abbas**, the sea of knowledge and the scholar of the nation, the Imam of exegesis, Abu al-Abbas Abdullah, was born in the tribe of Bani Hashim, three years before the migration. He lived for seventy-one years. His hadith collection includes one thousand six hundred and sixty hadiths. Ibn Abbas died in 68 AH. **Source:** *Siyar A'lam al-Nubala*, by Shams al-Din Muhammad ibn Ahmad ibn Osman al-Dhahabi, edited by Shu'ayb al-Arna'ut, publisher: Al-Risalah Foundation, Beirut, 1981, Volume 3, page 331.

⁴⁰ **Mawahib al-Jalil Sharh Mukhtasar Khalil**, by Abu al-Hasan Ali ibn Said al-Rajragi, edited by Abu al-Fadl Ahmad ibn Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 194.

⁴¹ **Abu Hanifa al-Nu'man ibn Thabit ibn Zuti al-Tamimi al-Kufi**, was born in 80 AH during the time of the companions. He met Anas ibn Malik when he came to Kufa. He was dedicated to seeking knowledge of traditions and is credited with precision in the science of opinion. He died in 150 AH.

Source: *Siyar A'lam al-Nubala*, by Shams al-Din Muhammad ibn Ahmad ibn Osman al-Dhahabi, edited by Shu'ayb al-Arna'ut, publisher: Al-Risalah Foundation, Beirut, 1981, Volume 6, page 429.

⁴² **Al-Mabsut**, by Abu Bakr Muhammad ibn Ahmad al-Sarakhsi, publisher: Dar al-Kutub al-Ilmiyyah, Beirut, Lebanon, 1st edition, 1993, Volume 1, page 300.

- Malikis: "Know that knowing the time, according to Al-Qarafi,⁴³ is a communal obligation, and it is permissible to follow others in this matter. However, according to the author of Al-Madkhal, it is an individual obligation. The two opinions can be reconciled by interpreting the statement of the author of Al-Madkhal to mean that it is not permissible for a person to enter into prayer until the time has definitely entered."⁴⁴

- Shafi'is: "If one is certain that their prayer was performed before its time, it will count as a voluntary prayer due to their excuse, and it does not count as the prayer they intended. It must be made up if they realize it after the time has passed; if they realize it during the time, it must be repeated according to consensus."⁴⁵

- Hanbalis: "Know that prayer only becomes obligatory with the entry of its time by consensus: when the time enters, it becomes obligatory."⁴⁶

After surveying the opinions of the jurists from the four madhhabs on the issue of repeating the prayer for someone who prayed before the time, it becomes clear that Imam al-Rajrāji's view is in line with the consensus of the four madhhabs. Based on this, the statement of Imam al-Rajrāji is sound, and is supported by the opinions of the great scholars from the four madhhabs.

Imam al-Rajrāji (may Allah have mercy on him) also said: "There is no disagreement among the scholars that performing the prayer at its earliest time is

⁴³ **Al-Qarafi** (d. 684 AH = 1285 CE) Ahmad ibn Idris ibn Abdul Rahman, Abu al-Abbas, Shihab al-Din al-Sanhaji al-Qarafi, was a scholar of the Maliki school. He belonged to the Sanhaja tribe (Berbers of Morocco) but was born, raised, and died in Egypt. He authored significant works in jurisprudence and fundamentals, including *Anwar al-Buruq fi Anwa' al-Furuq*, which spans four volumes. **Source:** *Al-A'lam*, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm li al-Malayin, Beirut, Lebanon, 15th edition, 2002, Volume 1, page 94.

⁴⁴ **Hashiyat al-Dusouqi ala al-Sharh al-Kabir**, by Shams al-Din Sheikh Muhammad Irfah al-Dusouqi, publisher: Dar Ihya' al-Kutub al-Arabiyyah, 1st edition, no date, Volume 1, page 175

⁴⁵ **I'ana al-Talibin ala Hal Alfaz Fath al-Mu'in**, by Uthman ibn Muhammad Shata al-Dimyati, publisher: Dar Ihya' al-Turath al-Arabi, 1st edition, no date, page 136.

⁴⁶ **Al-Insaf fi Ma'rifat al-Rajih min al-Khilaf**, by Abu al-Hasan Ali ibn Suleiman al-Mardawi, edited by Muhammad Hamed al-Faqi, publisher: Dar Ihya' al-Turath al-Arabi, Beirut, no date, Volume 2, page 213.

better for every individual, whether they are praying alone or following an imam."⁴⁷

Second: Verification of the Issue: From Imam al-Rajrāji's statement (may Allah have mercy on him), it appears that when he negates the disagreement, he is referring to an unrestricted consensus that includes all four schools.

Therefore, the verification of this issue should be done by referring to the authoritative sources from these schools, as follows:

- Al-Kasani said: "Whoever performs the prayer at the beginning of its time has earned the pleasure of Allah and has been saved from His anger and punishment for fulfilling His command and performing what was obligatory upon him. Whoever prays at the end of the time has received Allah's grace, and receiving Allah's grace cannot happen without His pleasure. Therefore, this degree (praying at the beginning) is better than the other."

- Hassan narrated from Abu Hanifa that delaying the prayers in all circumstances is preferable, and the distinguished scholar Abu Ahmad al-'Iyadi also favored delaying it. He explained that in delaying, there is a hesitation between two lawful options, either performing it later or performing it earlier. But in hastening, there is hesitation between lawfulness and invalidity, so delaying is preferable. And Allah is the ultimate guide."⁴⁸

Imam al-Rajrāji's statement that performing the prayer at the beginning of its time is one of the best actions and most excellent has some reservations, as one of the major Hanafi scholars, Al-Kasani⁴⁹, disagreed with Imam al-Rajrāji on this issue

⁴⁷ **Manahij al-Tahsil wa Nata'ij Lata'if al-Ta'weel fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali ibn Said al-Rajragi, edited by Abu al-Fadl Ahmad ibn Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 203.

⁴⁸ **Bada'i' al-Sanai' fi Tartib al-Shara'i**, by Abu Bakr ibn Mas'ud al-Kasani, publisher: Dar al-Kutub al-Ilmiyyah, Beirut, Lebanon, 2nd edition, 1986, Volume 1, page 124.

⁴⁹ **Al-Kasani (d. 587 AH = 1191 CE)**, Abu Bakr ibn Mas'ud ibn Ahmad al-Kasani, Alaa al-Din: A Hanafi jurist from Aleppo. He authored *Bada'i' al-Sanai' fi Tartib al-Shara'i* in seven volumes, along with *Al-Sultan al-Mubin*

and said that delaying the prayer until the last time is superior. The position held by Al-Kasani regarding the preference for delaying prayer until the end of the time weakens Imam al-Rajrāji's claim of consensus on this matter. This shows that there is room for differing views on this issue.

Section Three: The Removal of Disagreement Regarding the Permissibility of Delaying Prayer Beyond Its Time

We will compare the views of the four madhhabs on the negation of disagreement regarding the issue of delaying prayer beyond its time, an issue in which Imam al-Rajrāji has removed disagreement, and determine whether there are significant differences between these positions.

Imam al-Rajrāji (may Allah have mercy on him) said: "There is no disagreement within our madhhab that it is not permissible to delay prayer beyond its preferred time into the time of necessity, except for a valid excuse."⁵⁰

First: Verification of the Issue: The statements of Imam al-Rajrāji (may Allah have mercy on him) are clear in that he is negating disagreement within the Maliki school only, not across other madhhabs. His statements indicate a restriction rather than an unrestricted negation.

Therefore, the verification of this issue must be done by looking into Maliki sources and the main books in the Maliki school. This becomes clear from the following quotes:

- The author of Al-Miyara said: "It is not permissible to delay the prayer beyond its time except for those who are in necessity."⁵¹

fi Usul al-Din. He passed away in Aleppo.

Source: *Al-A'lam*, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm li al-Malayin, Beirut, Lebanon, 15th edition, 2002, Volume 2, page 70.

⁵⁰ **Manahij al-Tahsil wa Nata'ij Lata'if al-Ta'weel fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali ibn Said al-Rajragi, edited by Abu al-Fadl Ahmad ibn Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 213.

⁵¹ **Al-Durr al-Thameen wa al-Mawrid al-Mu'een**, by Muhammad ibn Ahmad ibn Muhammad al-Miara, publisher: Mustafa al-Halabi Library and Printing House, no date, 1954, Volume 2, page 96.

- Al-Qarafi also said: "The Maliki scholars are unanimous that it is not permissible to delay prayer beyond its preferred time into the time of necessity, and it is only permissible for those in necessity."⁵²

- The Hashiya al-Saawi states: "The time of necessity begins immediately after the preferred time, and it is called 'necessary' because it is not permissible to delay prayer into it except for those who have a valid excuse."⁵³

From the statements of the Maliki scholars, it becomes evident that the negation of disagreement mentioned by Imam al-Rajrāji regarding the non-permissibility of delaying prayer beyond its preferred time into the time of necessity without a valid excuse is correct. This position is supported by the Maliki scholars, who permit delay only in cases of necessity.

Imam Al-Rajraji (may Allah have mercy on him) said: "However, if he prays it at that time, or if he catches one rak'ah before sunset, and then prays the remaining after sunset, there is no disagreement among us in the madhhab that he is sinful, and there is no impossibility in that; because he became, by his saying, peace be upon him: 'Whoever catches one rak'ah of Asr before the sun sets, has caught the Asr,'⁵⁴ a performer, and the benefit of catching it is that he becomes a performer, not a substitute, and he becomes sinful due to neglect and carelessness, and the Prophet (peace be upon him) likened him to the hypocrites in this matter."⁵⁵

Second: Investigating the Issue: The statements of Imam Al-Rajraji indicate that the denial of disagreement is specific to the Maliki madhhab and not others.

⁵² **Al-Dhakhira**, by Abu al-Abbas Shihab al-Din Ahmad ibn Idris al-Qarafi, edited by Ahmad Haji, publisher: Dar al-Gharb al-Islami, Beirut, Lebanon, 1st edition, 1994, Volume 2, page 24.

⁵³ **Hashiyat al-Saawi 'ala al-Sharh al-Saghir**, by Ahmad al-Saawi, edited by Mustafa Kamil Wasfi, publisher: Dar al-Ma'arif, Egypt, no date, page 392.

⁵⁴ **Narrated by al-Bukhari and al-Muwatta**, page 145.

⁵⁵ **Manahij al-Tahsil wa Nata'ij Lata'if al-Ta'weel fi Sharh al-Mudawwana wa Hall Mushkilatiha**, by Abu al-Hasan Ali ibn Said al-Rajragi, edited by Abu al-Fadl Ahmad ibn Ali al-Dimyati, publisher: Dar Ibn Hazm, Beirut, 1st edition, 2007, Volume 1, page 213.

Therefore, the investigation into the denial of disagreement mentioned by Imam Al-Rajraji should be based on the primary Maliki books and their sources.

Al-Qarafi said: "If he deliberately delays it until the last necessary time, he is not sinful according to Ibn Al-Qassa⁵⁶r, based on his saying, peace be upon him: 'Whoever catches one rak'ah of Asr before the sun sets, has caught the Asr,' as catching the performance, and the performer is not sinful because he did what he was commanded to do."⁵⁷

Judge Abdul Wahab ⁵⁸said: "Our proof against those who claim that the obligation is related to the first time and not the last time is our agreement that whoever reaches or converts in the middle or at the end of the time, the prayer is obligatory upon him just like it is upon the one who catches the beginning of the time. And whatever he does, he does as an obligatory performer, not a substitute... because the last time, when it was set for the action, is like the first time, and because the last time is like the first time, the obligation should be attached to it as it is to the first time, and delaying the prayer from its first time, which is the zenith,

⁵⁶ **Ibn al-Qassar**, the Sheikh of the Maliki school, the judge, Abu al-Hasan Ali ibn Umar ibn Ahmad al-Baghdadi, was one of the senior students of Judge Abu Bakr al-Abhari, and was mentioned alongside Abu al-Qasim al-Jallab. He died on the 8th of Dhul-Qa'da, in the year 397 AH. It is said he died in the year 398 AH, but the first date is more accurate. See: **Siyar A'lam al-Nubala**, by Shams al-Din Muhammad ibn Ahmad ibn Osman al-Dhahabi, edited by Shu'ayb al-Arna'ut, publisher: Dar al-Resalah, Beirut, 1981, Volume 17, page 109.

⁵⁷ **Al-Dhakhira**, by Abu al-Abbas Shihab al-Din Ahmad ibn Idris al-Qarafi, edited by Ahmad Haji, publisher: Dar al-Gharb al-Islami, Beirut, Lebanon, 1st edition, 1994, Volume 2, page 23.

⁵⁸ **Al-Qadi Abdul Wahab (362 - 422 AH = 973 - 1031 CE)**, Abdul Wahab ibn Ali ibn Nasr al-Tha'labi al-Baghdadi, Abu Muhammad: A judge and scholar of Maliki jurisprudence, known for his poetry and literary knowledge. He was born in Baghdad, served as a judge in Iraq, and later moved to Egypt, where his fame grew and he passed away. He authored the book **Al-Talqin** on Maliki jurisprudence and is famous for the following lines of poetry:

"Baghdad, a city for the rich

,And for the poor, it is a place of distress;

I wandered, confused, in its alleys,

As if I were a Quran in a heretic's house."

See: **Al-A'lam**, by Khayr al-Din al-Zirikli, publisher: Dar al-Ilm lil-Malayeen, Beirut, Lebanon, 15th edition, 2002, Volume 4, page 184.

does not entail, according to this speaker, that he deserves blame or reproach, and it is agreed upon that he does not deserve that."⁵⁹

What Imam Al-Rajraji said regarding committing a sin for someone who catches a rak'ah of prayer before the necessary time ends is questionable, as some of the scholars of the Maliki madhhab disagreed with him on this. Therefore, the matter has disagreement, and what he stated about the denial of disagreement is subject to review.

Conclusion:

At the end of this research, we praise Allah for His support, assistance, and success, and through Him, the conclusion of this research was reached. I praise Him with the praise of the grateful, and I thank Him with the thanks of the thankful. As for the research, we find that the topic of classifying digital works as intellectual creations under copyright law is a vital and ever-renewing issue in our modern age. The laws related to protecting intellectual property have developed to keep pace with rapid technological advancement, making it necessary to reconsider how digital works are classified and legally protected. The shift from protection under industrial property law to literary and artistic property law reflects a deeper understanding of the importance of personal intellectual creativity in these works, despite their technological basis. Additionally, strengthening this classification requires considering the legal aspects of originality and embodiment, which are essential conditions for digital works to receive legal protection. Through studying the evolution of this concept over time, we find a noticeable shift in legal thought contributing to creating a legal framework that suits the uniqueness of digital works and enhances the protection of creators' rights in this field. After this study, a number of conclusions and recommendations were reached, which can be summarized in the following:

First: Related to the theoretical section

⁵⁹ **Al-Ishraf 'ala Nukt Masa'il al-Khilaf**, by Abu Muhammad Abdul Wahab ibn Ali ibn Nasr, publisher: Dar Ibn Hazm, Beirut, Lebanon, 1st edition, 1999, page 211.

1. Imam Al-Rajraji, may Allah have mercy on him, is considered one of the prominent scholars of the Maliki madhhab, especially in the era in which he lived. He witnessed the conflict between the Almohad and Marinid dynasties, but this did not prevent him from seeking knowledge; he traveled to the holy lands for Hajj and to acquire more knowledge.

2. His approach to explaining the problems of the Muwatta' was pioneering, and the Muwatta' had not seen such an explanation before. Imam Al-Rajraji took a middle ground between those who were excessive and those who were negligent.

3. May Allah have mercy on him, he paid special attention to his issues with precise and careful consideration, making preferences and choices. He did not just mention the opinion in isolation but would refer it to the sources of the Qur'an, the Sunnah, and the primary books of the Malikis and others.

4. There is a relationship between denying disagreement and consensus. Some scholars said they are synonymous, others said they are different, and some said they sometimes overlap and sometimes differ.

Second: Related to the applied section

1. The denial of disagreement in Imam Al-Rajraji's work pertains to two categories: within the Maliki madhhab and sometimes across the four madhhabs.

2. Many issues include the denial of disagreement, but few include disagreement.

Second: Recommendations Imam Al-Rajraji is one of the scholars whose scientific contributions have not been adequately studied, and this research opens the door for anyone who wants to study a scholarly figure still in the folds of oblivion. Some topics that need further study include:

1. His jurisprudential choices through his book "Manahij al-Tahseel."
2. The fundamental principles and jurisprudential rules through his book "Manahij al-Tahseel."

Finally, I say: O Allah, grant tranquility to our hearts, love to our souls, smiles to our faces, happiness to our homes, and make Your remembrance never depart from us, O Lord of the worlds.

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