

*In the name of God,
Most Gracious, Most Merciful*

**A Study on the Ijma'at of Ibn Hazm in his book
"Ranks of Consensus"
A Comparative Doctrinal Study of Part V of the Book
of Religious Duties**

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Synopsis

Praise be to God. We praise Him and seek His help and pray for His forgiveness, and turn to Him with repentance, and we seek refuge with Allah from the evils of ourselves and the evils of our deeds. He whom God gives guidance will not go astray, and he whom God leaves to stray, for him there is no guide, and I bear witness that there is no deity but Allah alone, with no partner to him, and I bear witness that Mohammad is His Servant and His Messenger, peace and blessings of Allah and a lot of salutations be upon him and his companions.

After, it was a grace of God Almighty for his servant, that He made it possible for him to study the lawful science, given that the lawful science is the greatest quest and the best intention, and of the most glorious lawful sciences is the "jurisprudence".

It was by the grace of God that He made it easy for me to study the Master Degree at the Department of Comparative Jurisprudence at the Higher Judicial Institute. However, one of the requirements to pass this stage of study is to prepare a supplementary research, and it was by the kindness of God Almighty that I have chosen the book "Ranks of Consensus in Worships, Transactions and Beliefs" by Imam Abu Mohammad Ali bin Sa'eed Ibn Hazm, through studying Part V of the Section of Religious Duties, and I called it ["A Study on the Ijma'at of Ibn Hazm in his book "Ranks of Consensus" - A Comparative Doctrinal Study of Part V of the Book of Religious Duties], starting from the words of the workbook: (and they agreed that if the statutes were numerous, and were not carried by money, he who has a designated religious duty in a certain position, lower than the other, he must descend from the position designated to him, and therefore change that position) to the end of the book of Religious Duties.

The Importance of this Research:

The importance of this topic lies in the following:

- ١ - The Consensus is the third source of legislation.
- ٢ - Compilation of the questions of Consensus, counting them, and knowing the true nature of their occurrence.
- ٣ - The importance of the Law of Inheritance, being a knowledge much needed by the people.

Reasons for selecting the topic:

My reasons for selecting this topic are as follows:

- ١- The importance of the jurisprudence of Imam Ibn Hazm, and the status of the Doctrine of Virtual.
- ٢- The scarcity of literature in the area of Consensus, taking into consideration the dire need for such literature.
- ٣- The great importance of the Act of Inheritance among the Sharia sciences.

Previous studies:

After research and access to the catalogues of the libraries, such as King Fahd National Library, and King Faisal Center for Research and Islamic Studies, and the catalogue of the theses and papers of the Higher Judicial Institute, in addition to searching about in the Search Engines on the network (the Internet), I found that no-one has addressed this topic or raise issue, except the well known study conducted by Sheikh al-Islam Ibn Taymiyyah - may Allah have mercy on him - titled the Criticism of the Ranks of Consensus , while he did not abide by grasping all issues, and thus did not address the criticism of Consensus (Ijma'at) in the Section of Inheritance.

Subdivisions of the Research:

The research consists of an introduction, preface, five chapters and a conclusion, followed by the bibliography of the research.

Preface:

It includes the Profile of the author, his book, and his doctrine, and an introduction to the "Consensus" and the

difference between it and the "Agreement", and a statement about its legitimacy, conditions, and ranks, and an introduction to the Act of Inheritance, and it includes five fields of research, as follows:

The ١st Field of Research: (includes Six Topics) Biography of the Author	
The ١ st Topic	His name,
The ٢ nd Topic	Belief and Doctrine
The ٣ rd Topic	His Sheikhs and his disciples
The ٤ th Topic	His works and books
The ٥ th Topic	What was said about him
The ٦ th Topic	His death.

The ٢nd Field of Research: (includes three Topics) Introduction to the Book	
The ١ st Topic	Name of the Book and its importance.
The ٢ nd Topic	The Scholars who commended the Book and gave it credit
The ٣ rd Topic	The Author's Methodology in his Book.

The ٣rd Field of Research: (includes Four Topics) The Virtual Doctrine	
The ١ st Topic	Its founder.
The ٢ nd Topic	Its origins.
The ٣ rd Topic	Its distinguished personalities and most prominent books
The ٤ th Topic	The discord of the Virtual

	Doctrine, and the extent of its worth.
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The 1st Field of Research: (includes Five Topics) Introduction to Consensus, and the difference between Consensus and Agreement, and showing its Legitimacy, Conditions and Ranks.	
The 1 st Topic	Introduction to Consensus as a Language and as an Idiomatic Term
The 2 nd Topic	Displaying the difference between Consensus and Agreement
The 3 rd Topic	Displaying the Legitimacy of Consensus
The 4 th Topic	Conditions of Consensus
The 5 th Topic	Ranks of Consensus

The 6th Field of Research: (includes Five Topics) Introduction to the Act of Inheritance	
The 1 st Topic	Introduction to Inheritance as a Language and as an Idiomatic Term
The 2 nd Topic	The big idea behind learning Inheritance

Chapter I
The Ijma'at mentioned by the Author in the inheritance of the owners of the statutes (includes five Fields of Research)

The ١st Field of Research:	The ruling on the apportionment of the legacies in case the statutes were numerous, and were not carried by money
The ٢nd Field of Research:	The ruling on bequeathing he who has a statute in each position.
The ٣rd Field of Research:	The ruling on the apportionment of the legacies if the shares were based on money.
The ٤th Field of Research:	The ruling on bequeathing he who has a statute in some positions.
The ٥th Field of Research:	The ruling on bequeathing he who has a statute anyway.

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Chapter II The Ijma'at mentioned by the Author in the inheritance of the Freedman (includes Nine Fields of Research)

The ١st Field of Research:	The ruling on the heritage of died with no one to inherit them, and , and they have a master
The ٢nd Field of Research:	Those who bred from the offspring of a freedman, they would return in loyalty to those who set them free and released them from servitude

The ٣rd Field of Research:	The loyalty of the Freedman is to the person who set his father free and released him from servitude
The ٤th Field of Research:	The Arab Muslim freeman is not obligated to give loyalty to anyone.
The ٥th Field of Research:	Father brings loyalty of his sons who were born after being freed
The ٦th Field of Research:	The woman is entitled to the heritage of the person whom she freed.
The ٧th Field of Research:	Loyalty is due from those were rightly and properly freed
The ٨th Field of Research:	The freedom pertains to human-beings
The ٩th Field of Research:	The ruling on those who became equal in rank consequent to the liberation, and have no inheritors or immediate relatives.

Chapter III The Ijma'at mentioned by the Author in the inheritance of the hermaphrodite - the problem (includes Four Fields of Research)

The ١st Field of Research:	The amount of the share of the hermaphrodite – the
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	problem.
The ٧nd Field of Research:	The marks of Men
The ٧rd Field of Research:	The marks of the female.
The ٤th Field of Research:	The marks of the Hermaphrodite

<p>Chapter IV</p> <p>The Ijma'at mentioned by the Author on the Agreement or Disagreement of the religious in the inheritance</p> <p>(includes Four Topics)</p>
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The ١st Field of Research:	Of the conditions of inheritance, the religious conformity, and no party would a killer either through premeditation or manslaughter
The ٧nd Field of Research:	The ruling with regard to the heritage of the Magi
The ٧rd Field of Research:	The ruling with regard to the inheritance of the followers of other religions from each others
The ٤th Field of Research:	The rule with regard to the inheritance shared between the military prior to their Islam

<p>Chapter V</p> <p>The Ijma'at mentioned by the Author on the conditions of the wife and the divorced woman.</p> <p>(includes Four Topics)</p>
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The ١st Field of Research:	The rule of inheritance of the military husband and wife
The ٢nd Field of Research:	The rule of the heritage of the woman who is divorced three times if she met the terms of the divorce.
The ٣rd Field of Research:	The rule of the heritage of the woman who is divorced a revocable as long as she is within the waiting period (idda)
The ٤th Field of Research:	Provisions of inheritance between the spouses

Conclusion:

First:

The most important results:

In this paper, I could reach some results, primarily as follows:

١	The Consensus is an evidence of the Sharia evidences agreed upon by the Senior Scholars.
٢:	The serious nature of the action of Consensus and the seriousness of violation of Consensus. Care should therefore be taken to know the issues that was narrated by Consensus, and beware of the action of Consensus, just because of non-awareness of the different opinion

٣	The varying accuracy of Ibn Hazm in the transfer of Consensus, as in some cases he succeeds in the transfer of Consensus and in other cases the Consensus was nothing but avoiding dispute.
٤	Many authors, who came after Ibn Hazm, depended on what was mentioned by Ibn Hazm in his book "Ranks of Consensus".
٥	The Book of the Inheritances of the Book of the "Ranks of Consensus" is one of the main sections of the book where Ibn Hazm gave an account of the Consensus.
٦	It is uncommon to find an issue that have Consensus in the Book of Inheritance, where Ibn Hazm did not mention the Consensus or deny the disagreement

Second:

Recommendations:

Through my study of this subject, the importance of the following topics became clear to m:

١	Study of the book "Ranks of Consensus" in terms of fundamentalism, to be applicable upon all matters of Consensus fundamentalism, such as: Does the extinction of age is necessary? Or did any one overrule the Consensus
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	after it was established, and other matters.
٢:	Stating the Ijma'at (Consensuses) that were not mentioned by Ibn Hazm, of the other Consensus books, so that the book would form a jurisprudential document to quote the Consensus from it.
٣	To publish the book on the modern means information technology and the worldwide web (Internet) so that its benefit would prevail all over the world, especially among the minorities and Muslim communities.
٤	Compilation of the Ijma'at (Consensuses) existent if scientific theses in one digested book that only mentions the issues and the scholars who were adopted by Consensus, and refer the reader to the source from which it was derived.

Anyway, I do not claim infallibility in what I wrote and came to. What was right in them was a bounty from Allah, and I'm grateful for Him for that favor, and what was wrong was from me and Satan, and I pray to God to forgive me for that, and I welcome every constructive criticism, and every meaningful dialogue, and pray to God to benefit me with what I say and what I write, He Has the power over that and is quite capable to do it.

May Allah bless our Prophet Mohammad and a lot of *salutations be upon him and his family.*