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Approaches to the practice of tolerance: In the discourse and positions of the imams of the jurisprudential schools

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Abstract: This research calls for intellectual and methodological unity among Muslims considering the current fragmentation and disintegration affecting the community. It emphasizes the need for cohesion, moving away from confrontations with differing ideas and interpretations. The study highlights a key aspect of tolerance ethics, a trait exemplified by esteemed jurists throughout history, who incorporated these values into their writings and actions as a model for future generations. Their respectful conduct in dialogues, debates, and interactions with opposing views serves as a guiding example. Key themes include decorum towards differing opinions, the avoidance of offensive language, and fairness in judgments, refraining from examining others' intentions. These principles of tolerance are evident in historical and biographical works, showcasing the jurists' ethical approach and intellectual maturity in addressing both minor and major disagreements, reflecting an ethical dimension in their discourse.

Keywords: tolerance; forgiveness; literature; schools of thought; differences; opinions; jurists; dialogue; jurisprudential issues

1. Introduction

The call for intellectual and methodological unity among Muslims today has become both an urgent necessity and a humanitarian obligation, given the sensory fragmentation and intellectual disintegration that Muslims are currently experiencing. Voices have long been raised emphasizing the need for unification and cohesion, but these calls have often been silenced and met with opposing ideas and interpretations that conflict with all established legal and universal norms.

In light of this evident reality, the need to build an intellectual and methodological unity that restores the coherence and prestige of Islamic societies is increasingly essential. The intellectual fragmentation, clearly manifested in the proliferation of jurisprudential schools and the intensifying clash between conflicting ideas, has weakened the strength of the Muslim society and made it vulnerable to external negative influences.

The significance of this research stems from its focus on the ethics of tolerance as embodied by the jurists in Islamic history, a virtue that is sorely needed in today's reality. In an era where Muslims suffer from intellectual divisions and sectarian tensions, this research aims to offer a model for understanding and managing disagreements in accordance with the ethics of refined dialogue and debate, which were key characteristics of Islamic jurisprudential thought. Examining these aspects demonstrates how intellectual and ethical tolerance towards differing views can serve

as a critical factor in strengthening Islamic unity without sacrificing jurisprudential or interpretative diversity.

The central issue here lies in whether Muslims today can achieve this intellectual unity while preserving the freedom of jurisprudential disagreement that Islamic law acknowledges and avoiding the pitfalls of extremism or deviation from the ethical values of tolerance and moderation.

How can we draw inspiration from the ethics of early jurists in dealing with differing views and highlighting their intellectual and human tolerance, in order to present a contemporary and realistic model to solve this dilemma?

The study aims to clarify the role of intellectual unity in strengthening Islamic communities and achieving cohesion to counter current intellectual fragmentation and division.

It further aims to explore the ethics of tolerance in Islamic jurisprudential heritage, the research seeks to highlight the moral values held by scholars in Islamic history, such as tolerance and respect for differing opinions, and how these values were applied in various contexts, especially in jurisprudential dialogue and debates.

Also, the research aims to provide a practical framework based on tolerance and respectful discourse that Islamic communities can follow to manage current jurisprudential differences, drawing from the approach of early jurists who demonstrated coexistence with jurisprudential and intellectual diversity without compromising foundational principles.

From this perspective, this research discusses an essential aspect of the ethics of tolerance that our jurists adhered to in their lives, striving to implement it in their societies and reflecting it in their writings and legacies, so that others may follow their example. However, on the other hand, we find that these values and ethics have been neglected by many of the later adherents of the jurisprudential schools, who replaced them with practices contrary to these values, leading to a distorted image of the Imams of the schools in the eyes of people today.

In reality, the manifestations of tolerance in the positions of the jurists are diverse, to the extent that they have become exemplary in forums of dialogue, debates, and gatherings where different opinions on contested issues are expressed. The aspects of decorum towards those who disagree, avoiding verbal abuse, maintaining justice in the rulings issued by jurists against any individual, and refraining from scrutinizing hidden intentions that are not permissible to investigate, among other elements encompassed in the value of “tolerance,” are topics that have been covered in historical texts, biographies, and hagiographies. They can also be extensively observed in the major jurisprudential works that addressed both high-level and low-level disagreements, revealing the maturity of juristic reasoning and the ethical dimension that comes to light.

These ethics and others are matters that should not be separated from the subject of *ijtihad* in both jurisprudential and intellectual research. The correctness or incorrectness of an opinion should be considered in parallel with the manner in which the jurist arrives at his ruling, responding to opposing views with etiquette and tact, rather than dismissing them with harshness and hostility.

The scholars of old have established “values of tolerance” in individual works and specialized writings, to highlight the importance of this virtue and the necessity of embodying it in both the public and private lives of Muslims. From these works, I have gathered the following:

- 1) *Kitab Al-Hilm* by Abu Bakr Abdullah ibn Abi al-Dunya (d. 281 AH)¹.
- 2) *Hilm Muawiya* by Abu Bakr Abdullah ibn Abi al-Dunya (d. 281 AH)².
- 3) *Kitab Al-Afuw* by Abu Bakr Abdullah ibn Abi al-Dunya (d. 281 AH)³.
- 4) *Kitab Al-Afuw wal-Safh* by Abu Asim al-Nabil (d. 212 AH)⁴.
- 5) *Kitab Al-Afuw wal-I'tidhar* by Abu al-Hasan Muhammad ibn Imran al-Raqqam al-Basri, a companion of Ibn Duraid⁵.
- 6) *Kitab Al-Afuw wal-I'tidhar* by Abu al-Husayn Ahmad ibn Najih⁶.
- 7) *Al-Tadhkira fi Qabul al-Mu'dhira* by Muhammad ibn Abi al-Ish al-Tilimsani, who was alive in 654 AH⁷.
- 8) *Dhaw' al-Misbah fi al-Hath 'ala al-Samah* by Kamal al-Din ibn al-Adim al-Halabi (d. 660 AH)⁸.
- 9) *Kitab Al-Karam wal-Safh wal-Ghufran* by Abu Ja'far al-Labli (d. 691 AH)⁹.
- 10) *Kitab Hasan Al-Thana fi al-Afw 'amman Jana* by Shihab al-Din al-Maqrizi (d. 1041 AH)¹⁰.
- 11) *Al-Arba'un Hadithan fi al-Afw wal-Ghufran* by Muhammad ibn Abi Bakr al-Asfour¹¹.
- 12) With this, we have endeavored to elaborate on the subject through the following sections:
 - Introduction: Highlighting the significance of the research in a contemporary context.
 - Chapter 1: The literature of dialogue among the jurists.
 - Chapter 2: Manifestations of tolerance in the opinions of the Imams of the jurisprudential schools.
 - Chapter 3: The impact of tolerance on certain jurisprudential issues.
 - Conclusion: Summarizing the key findings of the study.

Ultimately, this work serves as a foundation to refute all the false allegations against our Imams and jurists and also acts as a cornerstone for intellectual development and the practical application of the principles of tolerance within Islamic jurisprudence as both a solution and an outcome.

2. Chapter one: The etiquettes of dialogue among jurists

In discussing the etiquettes of dialogue among jurists, we will focus on some key manners associated with tolerance, patience, mercy, humility, respect, and fairness. These aspects are closely linked to the theme of this research and have a profound impact on shaping the principles and rules of dialogue between large groups of people in general.

The root causes of many major problems in our time—leading to the emergence of extremism, fanaticism, and various types of conflicts—can often be traced back to the complete absence of dialogue or the neglect of some of its key pillars and regulations, which are grounded in the principles previously mentioned. Islamic law has laid down the foundations and regulations of dialogue in the Qur'an and the

Sunnah. These principles were also demonstrated in numerous instances by the Companions, may Allah be pleased with them, after the death of the Prophet (Peace and Blessing be upon Him). One of the most famous examples is the dialogue of Ibn Abbas, may Allah be pleased with him, with the Kharijites when they rebelled against Ali, may Allah be pleased with him. Ibn Abbas engaged them in dialogue, refuted their errors, and successfully guided them back to the truth¹² (Al-Hakim, 1990).

The followers (Tabi'in) and the generations after them emulated the Companions in this regard. The scholars of the jurisprudential schools had a significant role in establishing the foundations and etiquettes of engaging with opposing views in their jurisprudential writings. They even composed independent treatises that focused on the rules and manners of dialogue, debate, and disputation.

One of the most prominent etiquettes exemplified by the jurists, encompassing tolerance, respect, brotherhood, humility, and fairness, was the manner of "*respecting the opinion of the opponent.*" Differences in opinion did not negatively affect the relationships among jurists in the past. Despite differing viewpoints, these differences never overshadowed the bonds of brotherhood or severed ties of friendship. An example of this can be seen in the statement of Yahya ibn Sa'id al-Ansari, who narrated the following about the jurists of his time: "*The people seeking fatwas have always sought them—this one permits, and that one prohibits—but neither the one who prohibits thinks that the one who permits is ruined for his permitting, nor does the one who permits think that the one who prohibits is ruined for his prohibiting.*"¹³ (Ibn Abd al-Barr, 2008).

This sentiment was conveyed in various contexts by many scholars. Sufyan said, "*If you see someone practicing something on which there is a disagreement, and you hold a different view, do not forbid them.*"¹⁴ (Al-Baghdadi, 1421 AH). Ibn Abd al-Barr remarked, "*This is the position of al-Qasim ibn Muhammad and those who followed him, as well as Imam Malik, al-Shafi'i, and their companions. It is also the view of al-Layth ibn Sa'd, al-Awza'i, Abu Thawr, and a group of scholars, who held that differences, when opposed, represent right and wrong.*"¹⁵ (Ibn Abd al-Barr, 1994).

Al-Dhahabi narrates that Yunus al-Sadafi said: "*I have never seen anyone more reasonable than al-Shafi'i. I debated with him one day on an issue, and after we parted ways, he took my hand and said: 'O Abu Musa, is it not possible for us to remain brothers, even if we disagree on a matter?'*" Al-Dhahabi comments after this narration: "*This demonstrates the wisdom and intellectual maturity of this Imam, for opponents have always differed.*"¹⁶ (Al-Dhahabi, 1985).

Similarly, Muhammad ibn Ahmad al-Fanjari said: "*Ibn Salam had writings on every branch of knowledge, and there was a close friendship and brotherhood between him and Abu Hafs Ahmad ibn Hafs the jurist, despite their differences in jurisprudential school.*"¹⁷ (Al-Dhahabi, 1985).

The scholars of Islamic legal theory built upon these examples to establish a jurisprudential principle: "Ijtihad does not invalidate another ijtihad." They said: "*If the first judgment were to be invalidated by the second, then the second could be invalidated by a third, for no ijtihad is final. This would lead to a lack of stability. If a judge rules on a case according to his ijtihad and later changes his opinion, he should not overturn the previous ruling but say, as Umar did when he ruled differently in a*

similar case: ‘That was what we ruled, and this is what we rule now.’ Similarly, if there are two judges, for instance, a Shafi’i judge rules on a case based on his *ijtihad*, and then a Hanafi judge is presented with a similar case but holds a different view, the latter should not invalidate the former’s judgment but enforce it and rule according to his *ijtihad* in other cases.’¹⁸ (Al-Zarqa, 1989).

Imam al-Nawawi also commented in this context: “It is not permissible for a jurist or judge to object to someone who holds a different view unless it contradicts a clear text, consensus, or an explicit analogy.”¹⁹ (Al-Nawawi, 1392 AH).

This reflects the etiquette of Islamic jurists, may Allah have mercy on them, in the most challenging of situations—jurisprudential disputes. How much we need to follow the example of our Imams in a time when disagreement has become a cause of division and conflict.

3. Chapter two: Manifestations of tolerance in the views of the imams of the jurisprudential schools

The Imams of the jurisprudential schools, may Allah be pleased with them, drew their ethical practices and educational paths from the guidance of the Prophet (*Peace and Blessing be upon Him*), followed by the noble Companions, and then from their teachers and mentors among the scholars and pious individuals of the Tabi’in (Successors). Among the notable examples of their nurturing in forgiveness, pardoning, and tolerance is the saying of Al-Ahnaf ibn Qais (d. 72 AH), one of the great Tabi’in who was renowned for his forbearance: “No one ever argued with me without my dealing with him in one of three ways: If he was superior to me, I acknowledged his rank; if he was inferior, I honored myself by overlooking him; and if he was my equal, I showed him grace.”²⁰

A poet later took this statement and composed it into verses of poetry, which go as follows (**Table 1**):

Table 1. The poetry of Muhammad Al-Warraq on forgiveness and tolerance.

سألزِمَ نَفْسِي الصَّفْحَ عَنْ كُلِّ مُذْنِبٍ	وإن كَثُرَتْ مِنْهُ إِلَيَّ الجِرَائِمُ
وَمَا النَّاسُ إِلَّا وَاجِدٌ مِنْ ثَلَاثَةٍ	شَرِيفٌ وَمَشْرُوفٌ وَمِثْلٌ مُقَاوِمٌ
فَأَمَّا الَّذِي فَوْقِي فَأَعْرِفُ فَضْلَهُ	وَأَحْمِلُ عَنْهُ ظُلْمَهُ وَهُوَ ظَالِمٌ
وَأَمَّا الَّذِي دُونِي فَإِنِ قَالَ صُنْتُ عَنْ	إِجَابَتِهِ عَرَضِي وَإِنِ لَمْ يَلْنِمُ
وَأَمَّا الَّذِي مِثْلِي فَإِنِ زَلَّ أَوْ هَفَا	تَقَضَّيْتُ أَنْ الْفَضْلَ بِالصَّفْحِ حَاكِمُ

“I will compel myself to pardon every wrongdoer,
 Even if their crimes against me are many.
 Humanity consists of one of three types:
 The noble, the inferior, and the equal contender.
 As for the one superior to me, I acknowledge his virtue,
 And bear his wrongdoing, even if unjust.
 As for the one beneath me, if he speaks,
 I protect my honor by not responding, even if criticized.
 And as for the one equal to me, if he errs or slips,
 I show him grace, for pardon governs in nobility.”

(Ibn Hibban, n.d.; Ibn Abd al-Barr, 2008).

It is no surprise that Imam Al-Dhahabi, when describing Al-Ahnaf ibn Qais, said: “*He was one whose patience and leadership were legendary*”²² (Al-Dhahabi, 1985). It is narrated that when someone asked Al-Ahnaf from whom he learned such forbearance, he replied: “From Qais ibn Asim al-Minqari.” When asked about the extent of Qais’ character, Al-Ahnaf recounted: “*Once, while he was sitting in his home, a servant accidentally dropped a skewer of roasted meat, which fell on his young son and killed him. The servant panicked, but Qais calmly said: ‘Do not be alarmed, you are free for the sake of Allah*”²³.” (Al-Ghazali, n.d.).

This incident involving the mentor of Al-Ahnaf ibn Qais represents one of the greatest tests of a person’s ability to forgive and show tolerance. It exemplifies how to maintain control of oneself in the face of extreme provocation, offering a powerful lesson in restraint and forgiveness.

Al-Hasan Al-Basri (d. 110 AH), another renowned figure of the Tabi’in, once said: “*A believer is patient and does not act foolishly, even when others act foolishly towards him. He is forgiving when wronged, does not sever ties even if others do, and is generous even when treated with stinginess.*”²⁴ (Ibn Abi al-Dunya, 2012).

It is also reported that a man insulted Amir ibn Sharahil Al-Sha’bi (d. 103 AH), a prominent jurist among the Tabi’in. Al-Sha’bi responded by saying: “*If what you say about me is true, may Allah forgive me. If it is not, may Allah forgive you.*”²⁵ (Ibn Abi al-Ish, 2008).

He also famously said: “*I have not seen Allah bestow a greater gift upon His servants than forbearance.*”²⁶ (Ibn Abi al-Ish, 2008).

Another Tabi’i, Tawus ibn Kaysan Al-Yamani (d. 106 AH), said: “*No knowledge is carried better than in a vessel of forbearance.*”²⁷ (Ibn Abi al-Ish, 2008).

These examples from the Tabi’in illustrate their commitment to forgiveness, patience, and tolerance. As we mentioned earlier, these figures served as the moral and ethical foundation from which the jurists of the schools of thought derived their values and education. They also represent the rich jurisprudential legacy upon which the schools were built, particularly in the area of broad diversity in secondary legal matters. Unfortunately, later deviations from their path led to a shift where disagreements became based on opposition and fanaticism rather than diversity and compassion.

The four Imams of the recognized jurisprudential schools—may Allah have mercy on them—followed the paths of the Tabi’in in these aspects of ethics. In the following, I will present the views and actions of each Imam individually to demonstrate their adherence to this path, confirming to the reader that they were firmly rooted in the same tradition of the Companions and the Tabi’in in terms of education in tolerance, forbearance, pardoning, and forgiveness.

3.1. First: Imam Abu Hanifa al-Nu’mān (d. 150 AH)

He is one of the four renowned Imams, known for his piety, dignity, abundant worship, sincerity, and strong character. Imam Abu Hanifa, may Allah have mercy on him, was among the Tabi’in, as he met several Companions, including Anas ibn Malik and others. One of the narrations regarding his character is what Ibn Abi al-Awwam related, with a chain of transmission, from Abdullah ibn al-Mubarak, who said: “*I have*

*never seen a man, whether a scholar or not, who was more dignified in his gatherings, or had better composure and forbearance than Abu Hanifa.*²⁸ (Ibn Abi al-Awwam, 2010).

This is a remarkable testimony from the Imam of ascetics and the leading figure of worshipers, Abdullah ibn al-Mubarak (d. 181 AH), affirming that Abu Hanifa embodied the qualities of a devout scholar adorned with Prophetic character.

Ibn Abi al-Awwam also narrated, with a chain of transmission, from Yazid ibn Harun, who said: *“I met a thousand jurists, and wrote from most of them. Among them, I found none more knowledgeable, more pious, or more forbearing than five, and the first of them was Abu Hanifa.”*²⁹ (Ibn Abi al-Awwam, 2010; Ibn Abd al-Barr, n.d.).

One of the stories that demonstrates his great forbearance is what Yazid ibn Kumait narrated:

I heard a man insult Abu Hanifa, calling him a disbeliever and a heretic. Abu Hanifa replied: ‘May Allah forgive you; He knows that I am not as you say. Since I came to know Him, I have not preferred anyone over Him, and I have never hoped for anything except His pardon, nor feared anyone except His punishment.’ He then wept at the mention of punishment until his temples quivered and his shoulders trembled. The man then approached him and said: ‘Please forgive me, may Allah have mercy on you.’ Abu Hanifa replied: ‘Yes, you are forgiven and in abundance, and so is anyone who has attributed to me what you did. My brother, how harmful is fame! My brother, how harmful is fame!’³⁰ (Ibn Abi al-Awwam, 2010).

This response from Abu Hanifa, may Allah have mercy on him, demonstrates the utmost level of tolerance and forgiveness, a trait every believer should aspire to. Abu Hanifa did not attain his high status and esteemed rank except through his noble character and exemplary values. As one of the spiritual scholars, Ibn Ata’ Allah al-Sakandari (d. 709 AH), once said: *“No one is elevated except through good character, and no one attained perfection except our master, the Prophet (Peace and Blessing be upon Him). The closest of creation to Allah Almighty are those who follow his (Peace and Blessing be upon Him) footsteps.”*³¹ (Al-Ghazali, n.d.).

3.2. Second: Imam malik ibn anas (d. 179 AH)

The renowned scholars unanimously attested to the nobility and elevated character of Imam Malik ibn Anas, may Allah have mercy on him. His student, Imam Al-Shafi’i, famously said: *“When scholars are mentioned, Malik is the star,”*³² (Ibn Abd al-Barr, n.d.), signifying that Malik was a shining example in terms of his noble character, refined manners, and high status in knowledge. The famous hadith scholar and critic Yahya ibn Ma’in said: *“Malik is one of Allah’s proofs for His creation.”*³³ (Iyad, 1983). There are many narrations praising him, too numerous to recount here.

However, in this context, we will focus on Imam Malik’s tolerance and forbearance as demonstrated in his statements and actions. One of the narrations attributed to him is from Muhammad ibn Umar Al-Waqidi, who said: *“Malik would sit in his house on a cushioned seat, with pillows laid out to his right and left for the people of Quraysh, the Ansar, and others who came to visit. His gathering was one of dignity and forbearance. He was a man of awe-inspiring nobility, and there was no disputation or argument in his gatherings.”*³⁴ (Ibn Abd al-Barr, n.d.).

This is the Imam Malik, and these are the qualities of his gatherings—calmness, dignity, forbearance, tolerance, and good character. This is not surprising for such a noble figure. He is also known to have said: “*Learn forbearance before knowledge*,”³⁵ (Iyad, 1983), reflecting a teaching that is deeply rooted in Prophetic guidance. Abu Darda’ (may Allah be pleased with him) narrated, with an elevated chain of transmission, that the Prophet (*Peace and Blessing be upon Him*) said: “*Knowledge is gained through learning, and forbearance through practicing forbearance. Whoever seeks good will be granted it, and whoever avoids evil will be protected from it.*”³⁶ (Al-Bayhaqi, 2003).

This methodology of Imam Malik left a profound impact on the character and training of his students. Ibn Wahb said: “*What we learned from Malik’s manners far exceeds what we learned from his knowledge.*”³⁷ (Iyad, 1983). This reinforces the principle of prioritizing etiquette before knowledge, which was central to Malik’s approach in educating his students. Malik was known to have said in his advice to Ibn Wahb: “*Deliver what you have heard, and that is sufficient for you. Do not burden yourself with others’ obligations, for he would say: ‘The greatest loser is one who sells his Hereafter for his worldly life, and even worse is the one who sells his Hereafter for another’s worldly life.’*”³⁸ (Iyad, 1983).

Malik’s advice and moral guidance extended not only to his students but also to his relatives. One of his statements to some of his nephews is: “*If you learn any knowledge in obedience to Allah, let its effect be seen on you. Let your character reflect it, and learn that knowledge should be accompanied by calmness, forbearance, and dignity.*”³⁹ (Iyad, 1983).

Another significant aspect of his character, closely related to forbearance and tolerance, was his adherence to the principle of “overlooking faults and maintaining diplomacy.” Imam Malik, may Allah have mercy on him, was one of the most committed to this principle, basing it on the saying of the Prophet (*Peace and Blessing be upon Him*): “*Diplomacy with people is a charity.*”⁴⁰ (Ibn Hibban, 1993). Abdullah ibn al-Mubarak narrated: “*Malik was one of the most diplomatic people, and one who avoided matters that did not concern him.*”⁴¹ (Iyad, 1983).

3.3. Third: Imam Muhammad ibn Idris al-Shafi’i (d. 204 AH)

Imam al-Shafi’i was a paragon of noble character, known for his generosity, humility, kindness, and loyalty. This comes as no surprise, as he was a graduate of Imam Malik ibn Anas’ school. One of the finest accounts of his character is narrated by Al-Bayhaqi, with a chain of transmission from Nasr ibn Muhammad al-Adl, who said: “*I found in my records from Ibrahim ibn Muhammad that he was in the gathering of Ahmad ibn Yusuf al-Taghlabi, a companion of Abu Ubayd al-Qasim ibn Salam. They discussed al-Shafi’i, his manners, knowledge, and generosity, and someone recited verses of poetry by Hafs ibn Umar al-Azdi, a reciter from among the Arabs* (see **Table 2**):

Table 2. The morals and tolerance of Al-Shafi'i.

بَلِّغْ رَاحَتَهُ بِالْجُودِ وَالذِّمِّ يَقُولُهَا بِفَمٍ نَحْبَحْتِ فَاجْتَكِمِ إِنْ كَانَ ذَا رَجْمٍ أَوْ غَيْرِ ذِي رَجْمٍ يَقُولُهَا بِفَمٍ قَدْ لَحَّ فِي نَعَمٍ ⁴²	إن زرت ساحتَهُ تَرَجو سَمَاحَتَهُ أَخْلَافُهُ كَرَمٌ وَقَوْلُهُ نَعَمٌ مَا ضَرَّ زَانِرَهُ يَرْجُو أَنَايِلَهُ الجودُ غُرَّتُهُ والمجدُ غَايِبَتُهُ
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*“If you visit his home, seeking his generosity,
His hand will refresh you with bounty and rain.
His character is generosity, and his word is ‘yes,’
He speaks it with ease, in judgment and decisions.
His visitor is not harmed, whether kin or not,
If one seeks his fingers, he will not be let down.
Generosity is his bright star, and glory is his aim,
He says it with a mouth that readily agrees, “yes.””*

(Al-Bayhaqi, 1970).

Imam al-Shafi'i inherited from Imam Malik the method of learning forbearance before knowledge, as he believed that a scholar does not truly achieve complete knowledge until he possesses qualities of forbearance and generosity. His student, Al-Rabi' ibn Sulayman, narrated: “I heard al-Shafi'i say, *‘The adornment of scholars is piety and forbearance.’*”⁴³ (Al-Bayhaqi, 1970). Al-Rabi' also related another saying from al-Shafi'i: “Forbearance is stronger than men. The first reward for a person with forbearance is that the people become his supporters against the ignorant.”⁴⁴ (Ibn Abd al-Barr, n.d.).

The trustworthiness of narrators highlights al-Shafi'i's qualities of generosity and forbearance, both in times of health and illness. One narration comes from Abu al-Abbas al-Asamm: Al-Rabi' ibn Sulayman said, “I visited al-Shafi'i while he was sick, and he asked me about our companions. I told him they were discussing. He responded: *‘I have never debated anyone for the sake of victory, and I would love for all of creation to learn this book (his writings), as long as nothing is attributed to me.’*”⁴⁵ (Ibn Abi Hatim, 2003; Al-Dhahabi, 1985).

Another narration from Abu al-Hasan al-Abruri with a chain of transmission quotes al-Shafi'i as saying: “*I have never debated anyone wishing for them to err, and there is no knowledge in my heart except that I wish it were with everyone, and not attributed to me.*”⁴⁶ (Al-Aburi, 2009).

In another account, Az-Zafarani related that al-Shafi'i said: “*I have never debated anyone except out of sincere advice.*”⁴⁷ (Al-Dhahabi, 1985).

These sayings and actions reflect a crucial aspect of the scholar's life: nurturing tolerance, forgiveness, pardoning, and wishing well for all people. These are values that the esteemed Imams established and built their principles of jurisprudential disagreements upon. However, as time passed, and as new external influences emerged, these values began to fade, replaced by the ugly rise of fanaticism and sectarian bias.

3.4. Fourth: Imam Ahmad ibn Hanbal (d. 241 AH)

Imam Ahmad ibn Hanbal, may Allah have mercy on him, followed the path of the earlier Imams in matters of ethics and values. His statements and actions bear witness to his refined manners, forbearance, and remarkable tolerance. Although his discussions on the evaluation of narrators (al-jarh wa al-ta'dil) were more prominent than those of the other Imams, leading some to assume that his criticism stemmed from harshness or severity in judgment, this perception is misleading. His judgments were motivated by a defense of the religion and a protection of the Sunnah. Imam Ahmad was able to balance between the strictness required in judging narrators and the etiquette, mercy, and tolerance in his general interactions with people—a delicate path to navigate.

One of the incidents that illustrate this balance is what Ibn al-Jawzi narrated with a chain of transmission from Ibrahim al-Harbi: *Ahmad ibn Hanbal was like a man who was divinely guided in matters of etiquette, endowed with forbearance, and filled with knowledge. One day, a man came to him and asked: 'Do you have a book on heresy (zandaqa)?' Imam Ahmad remained silent for a while and then replied: 'The believer's protection is his grave.'*⁴⁸ (Ibn al-Jawzi, 1409 AH).

In another testimony from a trustworthy scholar familiar with Imam Ahmad, Ibn al-Jawzi reported from Sufyan al-Thawri, who was asked about the qualities of futuwwa (chivalry). He replied: "*Chivalry is intellect and modesty. Its foundation is trustworthiness, its adornment is forbearance and manners, and its honor is knowledge and piety.*" Bishr al-Hafi (d. 227 AH), who narrated this statement, commented: "*Such was Ahmad ibn Hanbal, for he combined all these traits.*"⁴⁹ (Ibn al-Jawzi, 1409 AH).

One of the notable examples of Imam Ahmad's forbearance, even when dealing with his own relatives, is narrated by Abu Bakr al-Marwadhī: "Abu Abdullah (Imam Ahmad) was never ignorant, and if someone was ignorant towards him, he would endure it and respond with forbearance, saying: 'Allah is sufficient.' He was neither vindictive nor quick to anger. There was once a dispute between his uncle and some neighbors. People would come to Ahmad, but he never showed partiality to his uncle, nor did he become angry on his behalf. Instead, he would greet everyone with kindness, showing the same honor to them as they knew of him. He was humble, loved the poor, and I never saw anyone more honored in his gathering than the poor. He preferred them over the people of the world. Tranquility and dignity surrounded him..."⁵⁰ (Ibn al-Jawzi, 1409 AH).

4. Chapter three: The impact of tolerance on certain jurisprudential issues

The Islamic jurisprudential heritage has preserved a vast and rich collection of foundational principles, many of which can be beneficially applied to contemporary issues. Among the most critical of these principles, which our modern society desperately needs, are the principles that promote tolerance and coexistence within communities.

A study of the books of Islamic jurisprudence, particularly those dealing with contemporary legal issues (*nawazil*), reveals the extent to which jurists placed great

importance on these values. They emphasized tolerance in various sections of their works, addressing issues related to coexistence with non-Muslims, trading with them, marriage contracts, accepting their gifts, visiting their sick, offering condolences, and accepting invitations, among other matters. In all these cases, the jurists underscored how Islamic law promotes human coexistence through principles of tolerance, peace, and the rejection of violence and hatred. These values also appear in many rulings concerning prayer, partnerships, transactions, imprisonment, and other areas, demonstrating how Islamic law affirms the values of tolerance.

Below are a few examples of jurisprudential rulings where the jurists exemplified the highest levels of tolerance, forgiveness, and pardon:

In discussing the differences between prescribed punishments (hudud) and discretionary punishments (ta'zir), Imam Abu al-Hasan al-Mawardi (d. 450 AH) may Allah have mercy on him, said:

The second point is that although pardon and intercession are not allowed in the case of hudud (prescribed punishments), pardon is allowed in ta'zir (discretionary punishments), and intercession is also permitted. If the ta'zir relates solely to the authority of the ruler and serves the purpose of correction, and no personal rights are involved, it is permissible for the ruler to choose between pardoning or punishing, depending on what is more beneficial. It is also permissible for someone to intercede for pardon from the sin. The Prophet (Peace and Blessing be upon Him) said: 'Intercede with me, and Allah will pass judgment on the tongue of His Prophet as He wills.' However, if the ta'zir involves the rights of another individual—such as insults or physical assault—then both the rights of the victim and the ruler's authority must be considered. The ruler cannot waive the victim's right by his pardon; the victim must be compensated by punishing the offender. However, if the victim pardons the offender, the ruler is then free to decide whether to proceed with punishment or also pardon the offender. If reconciliation occurs before the matter is brought to the ruler, the ta'zir is dropped.⁵¹ (Al-Mawardi, n.d.).

This passage illustrates the balance Imam al-Mawardi, may Allah have mercy on him, struck between maintaining legal boundaries while promoting tolerance and forgiveness. He affirmed that, while the strict implementation of hudud leaves no room for pardon, Islamic law provides greater flexibility in ta'zir, which is intended to serve corrective purposes. Ta'zir is the broadest category in Islamic criminal law, while hudud is more limited, and its conditions are stringent. This shows that Islamic law aims for mercy, highlighting the divine wisdom of prioritizing forgiveness and tolerance over retribution. This is further emphasized in the verse:

"Your Lord has decreed upon Himself mercy: whoever among you does wrong out of ignorance and then repents after that and reforms, indeed, He is Forgiving and Merciful."⁵²

Ibn al-Qattan al-Fasi, may Allah have mercy on him, noted:

"The majority of Muslim scholars agree that in the case of individual rights, pardon is permissible if the individuals forgive, by consensus."⁵³ (Ibn al-Qattan, 2004).

Tolerance is also notably evident in the jurisprudential rulings concerning the coexistence of Muslims with non-Muslims. Islamic law guarantees their safety and

preserves their rights, lives, and honor as if they were in their own lands. The Hanbali jurist, Mustafa ibn Sa'd al-Suyuti (d. 1243 AH), discussed the rights of dhimmis (non-Muslim citizens under Islamic rule), saying:

*“It is the duty of the ruler to protect them and prevent harm from reaching them. He must also work to free their captives, as they are subject to Islamic rulings, and their protection is permanent. Thus, it is incumbent upon him to safeguard them just as he safeguards Muslims.”*⁵⁴ (Mustafa al-Suyuti. 1994).

Among the notable statements on this matter is what the distinguished scholar, Abu al-Abbas al-Qarafi al-Maliki (d. 684 AH), relayed regarding the consensus (*ijma'*) on the obligation to defend a non-Muslim under the protection (*dhimma*) of the Islamic state. He stated that if enemies from the lands of war were to invade our territories seeking to harm those under our protection, it becomes obligatory upon us to go out and fight them with cavalry and arms, and even die in defense of those under the *dhimma*, as abandoning them would be a neglect of the covenant of protection (*dhimma*).⁵⁵ (Al-Qarafi, n.d.).

Al-Qarafi then elaborated on the rights of non-Muslims in Muslim lands by saying:

*“Among these rights is that if anyone wrongs them, even by a harmful word, backbiting about one of them, or any other type of harm, or assists in such harm, they have violated the covenant of Allah and His Messenger ﷺ and the covenant of Islam. We are obligated to treat them with kindness in every matter that does not lead to two things: first, any outward appearance of affection for them in our hearts; second, any outward appearance of reverence for symbols of disbelief. Examples of kindness include being gentle with their weak, helping their poor, feeding their hungry, clothing their naked, speaking softly to them with gentleness and mercy—not out of fear or humiliation—and bearing their harm in neighborly relations when able to remove it, doing so out of kindness, not fear or reverence. We should pray for their guidance, that they may be among the blessed, advise them in all their matters, whether in religion or worldly affairs, protect their reputations from slander, safeguard their wealth, children, and honor, and protect all their rights and interests. Furthermore, we must assist in preventing any injustice against them and ensure they receive all their rights.”*⁵⁶ (Al-Qarafi, n.d.).

Based on the rulings established by the jurists, as we have seen, there is unanimous agreement on the prohibition of harming a dhimmi (non-Muslim under protection) in any way, and on the prohibition of backbiting them, just as it is prohibited to backbite a Muslim. They also unanimously agreed that killing a dhimmi is a grave major sin. As the notable Hanafi scholar, Ibn Abidin (d. 1252 AH), said:

*“With the dhimma covenant, the dhimmi is entitled to the same rights as we are. Just as the backbiting of a Muslim is prohibited, so too is the backbiting of a dhimmi. In fact, some have said that wronging a dhimmi is even worse.”*⁵⁷ (Ibn Abidin, 1992).

5. Conclusion

In conclusion, after reviewing the foundational intellectual and behavioral

principles that the jurists of the Islamic schools of thought followed in dealing with jurisprudential disagreements, it is clear that tolerance has always been, and remains, a central pillar of their scholarly and jurisprudential lives. Tolerance provided a solid foundation for resolving disputes and handling differences, enabling a fruitful diversity in jurisprudence without fragmenting or undermining the unity of the Muslim society. Upon close examination of their various stances, we find that this tolerance was not merely an ethical virtue but rather the result of a deep scholarly education. These jurists were trained by their teachers, who instilled in them the importance of balance and moderation in judgment.

Thus, the key findings of this research are as follows:

- It has been demonstrated that jurisprudential tolerance was not only an ethical approach to handling opposing views, but it was also a scholarly methodology that embraced differences and encouraged debate without violating the principles of mutual respect and decorum.
- The disciplined behavior of jurists in managing differences played a significant role in preserving the unity of the Muslim community, preventing division despite the existence of diverse jurisprudential opinions.
- The separation of education from proper upbringing over time has led to the rise of fanaticism and extremism in jurisprudential thought, exacerbating conflicts and divisions among Muslims.

Therefore, we recommend the following to scholars and researchers interested in this subject:

- 1) Reviving the values of tolerance in religious education: Jurisprudential education should emphasize instilling the concept of tolerance in students, avoiding fanaticism toward any single opinion or school of thought, and focusing on character development alongside formal education.
- 2) Encouraging respectful jurisprudential dialogue: Today, it is essential to promote a culture of dialogue between scholars and jurists of different schools, and to revive the spirit of academic debate that is founded on mutual respect and recognition of jurisprudential diversity.
- 3) Highlighting the role of early jurists in resolving disagreements: Researchers should be encouraged to conduct studies that explore examples of how early jurists dealt with jurisprudential disagreements and how they prioritized the common good over narrow differences.
- 4) Activating the role of religious institutions in promoting moderation: Religious and academic institutions should play a pivotal role in spreading the values of tolerance and moderation, correcting misconceptions that lead to fanaticism and extremism.

In conclusion, we ask Allah, the Almighty, to make this work sincerely for His sake, to benefit students of knowledge and researchers, and to contribute to reviving the values of tolerance and moderation, which are fundamental to contemporary life.

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Notes

- 1 Printed within The Encyclopedia of Ibn Abi al-Dunya's Treatises, Dar Atlas al-Khadraa, Riyadh, 1st edition, 1433 AH/2012 CE.
- 2 Published with editing by Ibrahim Saleh, Dar al-Basha'ir, Beirut, 1st edition, 1424 AH/2003 CE.
- 3 Abu al-Faraj al-Nadim, *Al-Fihrist*, (Beirut: Dar al-Ma'arifah, 2nd edition, 1417 AH/1997 CE), p. 230.
- 4 *Ibid.*, p. 207.
- 5 Published with editing by Dr. Abdul Quddus Abu Saleh, Dar al-Bashir, Amman, 3rd edition, 1414 AH/1993 CE.
- 6 Al-Nadim, *Al-Fihrist*, p. 207.
- 7 Published with editing by Abdul Rahman Hibawi, (Publications of the Center for Studies, Research, and Revival of Heritage at the Muhammadan League of Scholars, Rabat, 1st edition, 1429 AH/2008 CE).
- 8 Published in Cairo, 1363 AH/1944 CE.
- 9 Attributed to him by Muhammad ibn Jabir al-Wadi Ashi in his Program, (Beirut: Dar al-Gharb al-Islami, 1st edition, 1400 AH/1980 CE), p. 54.
- 10 Lithographically printed in Egypt, no date.
- 11 To be re-edited based on the most complete manuscript copies and will be published soon, God willing.
- 12 He narrated this story in full length, Al-Hakim in *Al-Mustadrak*, Hadith No. 2656, from the narration of Abdullah ibn Abbas, may Allah be pleased with them. Al-Hakim commented afterwards: "This is a sahih hadith according to the conditions of Muslim, but they (Bukhari and Muslim) did not include it."
- 13 Abu 'Umar Ibn Abd al-Barr, *Jami' Bayan al-'Ilm wa Fadlih*, (Riyadh: 1st edition, 1414 AH/1994 CE), vol. 2, p. 902.
- 14 Al-Khatib al-Baghdadi, *Al-Faqih wa Al-Mutafaqqih*, (Riyadh: 2nd edition, 1421 AH), vol. 2, p. 136.
- 15 Abu 'Umar Ibn Abd al-Barr, *Jami' Bayan al-'Ilm wa Fadlih*, vol. 2, p. 902.
- 16 Shams al-Din al-Dhahabi, *Siyar A'lam al-Nubala'*, supervised by a group of researchers, *Mu'assasat al-Risalah*, (Beirut: 3rd edition, 1405 AH/1985 CE), vol. 10, pp. 16-17.
- 17 *Ibid.*, vol. 10, p. 630.
- 18 Ahmad ibn Muhammad al-Zarqa, *Sharh al-Qawa'id al-Fiqhiyyah*, (Damascus: Dar al-Qalam, 2nd edition, 1409 AH/1989 CE), p. 155.
- 19 Sharaf al-Din al-Nawawi, *Al-Minhaj Sharh Sahih Muslim ibn al-Hajjaj*, (Beirut: Dar Ihya' al-Turath al-Arabi, 2nd edition, 1392 AH), vol. 2, p. 24.
- 20 Ibn Abd Rabbih, *Al-'Iqd al-Farid*, (Beirut: Dar al-Kutub al-Ilmiyyah, 1st edition, 1404 AH), vol. 2, p. 141.
- 21 Abu Hatim Ibn Hibban al-Busti, *Rawdat al-'Uqala' wa Nuzhat al-Fudhala'*, (Beirut: Dar al-Kutub al-Ilmiyyah, no date), p. 166, and Abu 'Umar Ibn Abd al-Barr, *Bahjat al-Majalis wa Uns al-Majalis*, (Beirut: Dar al-Kutub al-Ilmiyyah, 1st edition, 2008), vol. 1, p. 606. The former attributed it to Mansur ibn Muhammad al-Kuraizi, while the latter attributed it to Mahmoud al-Warraaq.
- 22 Al-Dhahabi, *Siyar A'lam al-Nubala'*, vol. 4, p. 86.
- 23 Abu Hamid al-Ghazali, *Ihya' Ulum al-Din*, (Beirut: Dar al-Ma'arifah, no date), vol. 2, p. 220, and vol. 3, p. 71.
- 24 Ibn Abi al-Dunya, *Kitab al-Hilm*, published within The Encyclopedia of Ibn Abi al-Dunya's Treatises, (Riyadh: Dar Atlas al-Khadraa, 1st edition, 1433 AH/2012 CE), pp. 54-55.
- 25 Ibn Abi al-'Aish al-Tilmisani, *Al-Tadhkirah fi Qabul al-Ma'dhirah wa Fima Ja'a fi al-'Afw 'Ind al-Maqdirah*, (Rabat: Center for Studies, Research, and Revival of Heritage, 1st edition, 1429 AH/2008 CE), p. 89.
- 26 *Ibid.*, p. 89.
- 27 *Ibid.*, p. 89.
- 28 Ibn Abi al-'Awam, *Fada'il Abi Hanifa wa Akhbaruha wa Manaqibuhu*, (Makkah: Al-Maktabah al-Imdadiyyah, 1st edition, 1431 AH/2010 CE), p. 49.

- 29 Ibid., p. 56. A similar narration was reported by Ibn Abd al-Barr with his chain of transmission from Abd al-Razzaq ibn al-Hammam in *Al-Intiqa' fi Fada'il al-Thalathah al-A'immah al-Fuqaha' Malik wa al-Shafi'i wa Abi Hanifa, Radiyallahu 'Anhum*, (Beirut: Dar al-Kutub al-'Ilmiyyah, no date), p. 135.
- 30 Ibn Abi al-'Awam, *Fada'il Abi Hanifa wa Akhbaruhi wa Manaqibuhu*, p. 64.
- 31 Abu Hamid al-Ghazali, *Ihya' Ulum al-Din*, vol. 3, p. 52.
- 32 Ibn Abd al-Barr, *Al-Intiqa' fi Fada'il al-Thalathah al-A'immah al-Fuqaha' Malik wa al-Shafi'i wa Abi Hanifa, Radiyallahu 'Anhum*, p. 23.
- 33 Qadi Iyad, *Tartib al-Madarik wa Taqrib al-Masalik fi A'lam Madhhab Malik*, (Muhammadiyah: Matba'at Fadala, 1st edition, 1965-1983 CE), vol. 1, p. 77.
- 34 Ibn Abd al-Barr, *Al-Intiqa' fi Fada'il al-Thalathah al-A'immah al-Fuqaha' Malik wa al-Shafi'i wa Abi Hanifa, Radiyallahu 'Anhum*, pp. 41-42.
- 35 Qadi Iyad, *Tartib al-Madarik wa Taqrib al-Masalik fi A'lam Madhhab Malik*, vol. 2, p. 62.
- 36 Reported by Al-Bayhaqi in *Shu'ab al-Iman*, Hadith No. 10254, (vol. 13, p. 236), and others.
- 37 Qadi Iyad, *Tartib al-Madarik wa Taqrib al-Masalik fi A'lam Madhhab Malik*, vol. 1, p. 127.
- 38 Ibid., vol. 2, p. 61.
- 39 Ibid., vol. 2, p. 63.
- 40 Reported by Ibn Hibban in his *Sahih*, Hadith No. 471, from the narration of Jabir ibn Abdullah, may Allah be pleased with him, in marfu' form. He commented afterwards: "The gentleness that is considered as charity for the gentle is the practice of a person of commendable traits with those he interacts with, as long as it does not involve disobedience to Allah. Hypocrisy (mudahana) is using traits that are commendable in social interactions, which may involve what Allah dislikes."
- 41 Qadi Iyad, *Tartib al-Madarik wa Taqrib al-Masalik fi A'lam Madhhab Malik*, vol. 1, p. 128.
- 42 Abu Bakr al-Bayhaqi, *Manaqib al-Shafi'i*, (Cairo: Maktabat Dar al-Turath, 1st edition, 1390 AH/1970 CE), vol. 2, p. 225.
- 43 Ibid., vol. 2, p. 148.
- 44 Ibn Abd al-Barr, *Al-Intiqa' fi Fada'il al-Thalathah al-A'immah al-Fuqaha'*, p. 101.
- 45 Ibn Abi Hatim al-Razi, *Adab al-Shafi'i wa Manaqibuh*, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1st edition, 1424 AH/2003 CE), p. 248, and *Al-Dhahabi, Siyar A'lam al-Nubala'*, vol. 10, p. 76.
- 46 Abu al-Hasan al-A'bari al-Sijistani, *Manaqib al-Imam al-Shafi'i*, (Amman: Al-Dar al-Athariyyah, 1st edition, 1430 AH/2009 CE), p. 67.
- 47 Shams al-Din al-Dhahabi, *Siyar A'lam al-Nubala'*, vol. 10, p. 29.
- 48 Abu al-Faraj Ibn al-Jawzi, *Manaqib al-Imam Ahmad*, (Egypt: Dar Hajar, 2nd edition, 1409 AH), p. 305.
- 49 Ibid., pp. 160-161.
- 50 Ibid., p. 298.
- 51 Abu al-Hasan al-Mawardi, *Al-Ahkam al-Sultaniyyah*, (Cairo: Dar al-Hadith, 1st edition, no date), p. 346.
- 52 The Holy Qur'an, Surah Al-An'am, verse 54.
- 53 Ibn al-Qattan al-Fasi, *Al-Iqna' fi Masa'il al-Ijma'*, (Cairo: Dar al-Faruq al-Hadithah for Printing and Publishing, 1st edition, 1424 AH/2004 CE), vol. 2, p. 267.
- 54 Mustafa bin Sa'd al-Suyuti, *Matalib Uli al-Nuha fi Sharh Ghayat al-Muntaha*, (Beirut: Al-Maktab al-Islami, 2nd edition, 1415 AH/1994 CE), vol. 2, pp. 602-603.
- 55 Abu al-Abbas al-Qarafi al-Maliki, *Anwar al-Buruq fi Anwa' al-Furuq*, (Beirut: Alam al-Kutub, no edition or date), vol. 3, pp. 26-27.
- 56 Ibid., vol. 3, p. 27.
- 57 Ibn Abidin al-Hanafi, *Al-Durr al-Mukhtar wa Hashiyat Ibn Abidin (Radd al-Muhtar)*, (Beirut: 1st edition, 1412 AH/1992 CE), vol. 4, p. 171.

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