

The fundamental choices of Al Qadi Iyad in his book:

"Ikmal al-mu`lim bi fawa'id Muslim"

الاختيارات الأصولية للقاضي عياض من خلال إكمال المعلم بفوائد مسلم

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Abstract:

The science of fundamentals of jurisprudence (Usul El Fiqh) is the basic science in deriving the Shari'a provisions. The schools and methods of the scholars differed in dealing with it between who is a diligent and who is an imitator, and through this research I wanted to study Al-Qadi Ayyad's fundamental choices by his explanation of the hadith of the Prophet in Sahih Muslim, with the aim of spotting his fundamental views and his method followed in deriving the Shari'a provisions and the doctrine to which he belongs, and highlighting the extent of fundamentalist jurisprudence in his probabilities

Keywords: Choices; Al Qadi Iyad, fundamentalism, Ikmal al-mu`lim.

ملخص باللغة العربية

يعتبر علم أصول الفقه العلم الأساس في استنباط الأحكام الشرعية وقد اختلفت مدارس ومناهج العلماء في التعامل معه بين مجتهد ومقلد، وأردت من خلال هذا البحث دراسة اختيارات القاضي عياض الأصولية من خلال شرحه للأحاديث النبوية لصحيح مسلم، وذلك بهدف بيان آراءه الأصولية ومنهجه المتبع في استنباط الأحكام الشرعية والمذهب الذي ينتهي إليه، وإبراز مدى الاجتهاد الأصولي في ترجيحاته
كلمات مفتاحية: اختيارات: القاضي عياض؛ الأصولية؛ إكمال المُعلِّم.

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1-Introduction:

Al-Qadi Iyad is one of the most remarkable and impressive scholars who enhanced the Shari'a sciences in all sides, and that appears in his writings, among which his book "Ikmal al-mu'lim bi fawa'id Muslim", which served the Islamic Jurisprudence (Fiqh) in general and the Maliki School in particular.

His analysis was categorized by listing the Fundamental rules (Usul rules) and its application on Hadiths, also he has put his choices politely and fairly, and through this research I wanted to study Al-Qadi Ayyad's fundamental choices by his explanation of the hadith of the Prophet in Sahih Muslim and the extent of fundamental jurisprudence, by answering the following questions:

- Who is Al-Qadi Ayyad and what his book "Ikmal al-mu'lim bi fawa'id Muslim" is all about?
- What are his fundamental choices?
- What are the scientists' doctrines in it?
- What is his fundamental approach?

The importance of the study: The era of Al-Qadi Iyad was characterized by a kind of stagnation and imitation in the development of the science of jurisprudence since the third century AH, which led to the scholars describing that period as lack of diligence and imitation of other scholars, among these scholars is Al-Qadi Iyad who left a huge jurisprudential heritage, and Therefore, I wanted to study his fundamental choices, the importance of which is the following:

- Highlight the diligence of Al-Qadi Iyad and his fundamental views as he has not written a separate book on this.
- highlight his method and fundamental doctrine, and its effect on deriving jurisprudence provisions.
- highlight the modern or mental trend that characterized its fundamental approach.

Previous studies:

- Al-Qadi Ayyad and his efforts in modern science, a novel and know-how, a PhD dissertation for Dr. Al-Bashir Ali Hamad Al-Turabi, Al-Azhar University, College of Fundamentals of Religion in, 1395 AH / 1975 AC.
- The methodology of the jurisprudence of Hadith of Al-Qadi Iyad in his book Ikmal al-mu'lim bi fawa'id Muslim, doctoral dissertation by Dr. Al-Hussein Bin Muhammad Shawaz at Umm Al-Qura University in Saudi Arabia in 1993.

Al-Qadi Iyad's consensus in Islamic Jurisprudence, a PhD dissertation in favor of Bin Othman Bin Muhammad Al-Omari, 1418H / 1998AC.

The Method implemented in the research:

We have implemented in our research the inductive analytic method by following Al-Qadi Iyad's choices, which appears from his Fundamental opinions and probabilities; we also highlighted his fundamental method by analyzing them and spotting the scholars doctrines in it.

Methodology of the study: We have adopted in the research the collection of Al-Qadi Iyad fundamental choices by inducting the book *Ikmal al-mu`lim bi fawa'id Muslim*, and explaining the doctrines of scholars on every issue through the implemented references, and extracting his fundamental approach through its fundamental probabilities, according to the following plan:

The first claim: Introducing Al-Qadi Iyad and his book "Ikmal al-mu`lim bi fawa'id Muslim".

The second claim: the Fundamental choices of Al-Qadi Iyad and the doctrines they are based on.

The third claim: highlight the Fundamental approach of Al-Qadi Iyad and the fundamental school he belongs to.

2- Development :

1-Introducing Al Qadi Iyad and his book "Ikmal al-mu`lim bi fawa'id Muslim:

A- Al Qadi Ayyad biography:

He is Abu al-Fadl. Iyad ibn. Musa ibn. Iyad ibn. Amr ibn. Musa ibn. Iyad Ibn. Mohammed ibn. Musa ibn. Iyad al-Yahsubi al-Sabti, he was born in 476 h in Ceuta (a strategic location where most scientists have crossed and settled), which means he learned from the best scholars in Ceuta, including Al-Qadi Abu Abdullah Mohammed bin Issa Tamimi, who assisted him in studying El Mudawana, El Muwatta and El Musannafat, and the jurist Abu Ishaq Ibrahim bin Jaafar bin Ahmed also known as Ibn al-Fasi, Hassan bin Ali al-Taherti, and others. Then, he traveled to Andalusia, Murcia, Cordoba, and other cities to continue his journey in search of knowledge and learned from the most esteemed scholars at that time. Scholars like: Abu Ali al-Hussein bin Mohammed al-Sadafi, also known as Ibn Sukkara, Abu Mohammed Abdulrahman bin Atab El Judami, Abu al-Walid Mohammed bin Ahmed bin Rushd, and others of his scholars whom he acknowledged in his book El Ghaniya. He also wrote many other valuable books in several subjects that were used by scholars from diverse regions because of the content quality and creativity, among these books: "Mashariq al-Anwar," "Ikmal al-mu`lim bi fawa'id Muslim," "al-f'lam bi-hudud qawa'id al-Islam," "al-f'lām bi ouloum al-hadith wa' chawahid," "Tartib al-Madarik fi Alam Madhab Malik," and ash-Shifa bi ta'rif huquq al-Mustafa and other valuable books. Al-Qadi 'Iyad died in Marrakech in Jumada al-Thani, in 544 h. (Iyad, 1983, p87).

B-Introducing the book “Ikmal al-mu`lim bi fawa'id Muslim”:

This book is considered as one of the most important explanations of Sahih Muslim, by which he completed the explanation of Abu Abdullah Muhammad Maziri; it is considered as the most valuable books that contained the explanation of hadith on Sahih Muslim, in which he stated various jurisprudential derivations, fundamentalist issues and jurisprudential principles that is adopted by the prophet's companions and their predecessors. He have also simplified the four doctrines jurisprudence and stated the difference between them and the difference inside each doctrine sometimes, he even stated the difference in Immams discourses over specific issue and their consensus or disagreement.

2-AL-QADI AYYAD'S FUNDAMENTAL CHOICES IN THE BOOK OF IKMAL AL-MU`LIM BI FAWA'ID MUSLIM:

A-HIS CHOICES RELATED TO AGREED EVIDENCE:

1. The matter of specification (takhssis) appeared in Quran with a lone report (Khabar El ahad): he disagreed in this matter with two sayings:

The first saying: The acceptability of the specification(**takhssis**), which was granted by the general public (al-jumhur) of jurists and fundamentalists (uṣūliyyun), of the Malikis, Shaafi'is, Hanabila and some Hanafis. This view was also adopted by Abu Hussein al-Basri of Mu'tazila (bu al-Muzaffar, 1999, p.368) (Ṣaukani, 1999, 2/p.685)and by Al-Qadi Ayyad as well, who said: "Muslims agree on the prohibition of marrying two sisters at once, and in marrying the spouse and her aunt at once, or in having sexual intercourse with a right hand possess (Milk al Yamin), this last one has occurred a disagreement among some Salafis, but a small group of Kharijites said that it is permitted to have sexual intercourse with a right hand own and between the women and her aunt in general based on the Quranic verse : “and two sisters in wedlock at the same time” Surat An-Nisa (24) and also : “Thus has Allāh ordained for you. All others are lawful,” Surat An-Nisa (24), Suspending that lone report does not specify Quran in general; which are two issues of disagreement between Fundamentalists, yet what is right is their permissibility because the Prophets (S.A.W. peace and blessings of Allah be upon him) narrated the explanation of the words of Allah that we should obey, such as the prohibition in getting married to two sisters at once. (Iyad, 1998, 4 /p. 547)

The second saying: The impermissibility of the specification (takhssis) Quran in general by a lone report (Khabar El Ahad); some of the Shaafi adopted this view, a group of Mu'tazila, and some of the Hanabila. (Iyad, 1998, 2/p.137).

2. The issue of the contradiction between a lone report (Khabar al-waḥid) and analogical reasoning (qiyas):

Al-Qadi Iyad highlights the application of the lone reports over analogical reasoning (qiyas), by saying that: "lone report should be applied, referred to and prioritized over analogical reasoning based on the prophet's companions' consensus (ijma) who don't doubt the narrations of the prophet and apply them without questioning their truthfulness." (ar-Razi, 1997, 4/P.432)

He also said: "the use of independent reasoning (ijtihad) with the availability of the text is a significant error. Even if the text is a lone report, applying ijtihad with it is wrong unless the report contradicts the fundamentals (uṣul) and opposes the analogical reasoning.

There is a disagreement between jurists and fundamentalists (uṣuliyyun) over this. Therefore, it is better to prioritize a lone report and follow the companions' compliance, and to prevent disputes and resolve disagreements of independent reasoning (ijtihad) when it occurred." (M. El Chankiti, 2001, p. 146) This is the doctrine of the general public (al-jumhūr) of jurists and imams of hadith (Al-Qarafi, 1973, 301), including the Maliki Doctrine, as stated by Al-Qadi Iyad (Ar- Razi, 1997 , p433/4) (Es-Subki, 1995, 2/p.326) This issue implies other views, such as the prioritization of analogical reasoning (qiyās), which 'Al-Qarafi' referred to imam Malik (Iyad, 1998 , 1/248) , and Al-Baqillani doctrine of combining opinions (tawakuf) because of evidences contradiction. (Al- Qarafi, 1973, p.263)

3. The issue of the disagreement of one scholar on the consensus (ijmā'): scholars are divided into two sayings:

The first saying: The consensus (ijma') is not valid if one accredited independent reasoner (mujtahid) expresses his disagreement. It is considered to be the Hanafi, Maliki, Shafi'i and Hanbali general public (al-jumhur) doctrines, and the choice of Al-Qadi 'Iyad, who said: "the matter shall be not applicable by the general public if there is one disagreement (mukhalif) of the consensus (ijma'), as jurists are faithful, they do not conceal their knowledge, and do not cajole in the religion of Allah. If an imam appeared in their presence with a different opinion, and they expressed their consent to him, and they agreed with him, since most of fundamentals don't see this as a consensus (ijma). Then, he said when talking about those who preclude zakat (mani'i zakat): if one scholar disagrees with the general public, his disagreement should be taken into account; there will be no consensus, unlike. (Al- Qarafi, 1973 , p.258) (aš- Širazi, 1403 h, p.219)

The second saying: The disagreement between one or two scholars does not affect the consensus on the issue. This was the opinion of Ibn Khuwayz Mindad El Maliki and Abu El Hussein El Khayat El Mu'tazili. (Iyad, 1998 , 1/p.248).

4. The question of the requirement of the disappearance of an era (inkradh El a'ssar):

This means the death of all the scholars who had a consensus over a specific matter that occurred during the time of their era. Scholars are divided into two sayings:

The first saying: The obligation of the disappearance of an era as Ahmed stated it, and most of his companions, this saying was also adopted by Abu Bakr bin Furak and Aljebai (Iyad, 1998, 3/p233) and by Al-Qadi 'Iyad, who said in the issue of fighting those who don't accept to give zakat and the fact that the companions obeyed the words of Abu Bakr after refraining from it: « If the disagreement occurs and then the consensus is held before the disappearance of the era, the disagreement is not considered. There is also disagreement between fundamentalists (usuliyun), but this is the right view. (Al- Qarafi, 1973 , 259) (M. Ibn Nizam-ad-Diin, 2002, 2/p291) (El Ghazali, 1993, 1/p358)

The second saying: The disappearance of an era is not considered as the validity of a consensus but turn out to be a disagreement after its completion, which is the opinion of the majority of scholars and theologians (mutakallimun), it is also the opinion of Ahmed, some Mu'tazilites, Shirazi, Ghazali, Fakhr ar-Razi and others.

5. The question of the absolute consensus (ijma' soukouti): scholars divided it into two different sayings:

The first saying: the absolute consensus is regarded as an argument and a valid consensus, which is the view of the general public of fundamentalists, and also the choice of Al-Qadi 'Iyad who said: "This is the opinion of Omar that was admitted by the general public of the prophet's companions, who didn't contradict or opposed him; therefore, it can be considered as a consensus (ijma'), as the general public of jurists and fundamentalists see it as a consensus and an argument as well as the general jurists and fundamentalists." (Iyad, 1998, 2/p438)

The second saying: it is not a consensus nor an argument, which is the opinion of Dawud al-Zahiri, Abu Bakr Al Baqillani and in different transmission (riwaya) about Shafi'i, and by El Ghazali and El Fakhr Ar-Razi. (Amidi, 3/p95)

B. HIS CHOICES RELATED TO OPPOSED EVIDENCE:

1. The issue of the implication of the title (mafhoum el lakab): This means the suspension of the judgment on names. Scholars oppose on whether it is considered as an argument or not with two sayings:

The first saying: The implication of the title is an argument. It is the opinion of the fundamentalist general public, and the choice of Al-Qadi 'Iyad as well, who said: " referring to the hadith of our prophet (S.A.W) peace be upon him: "the whole earth has been made a mosque for us,

and its dust has been made a purifier for us in case water is not available " (Muslim, 2009 ,The Book of Mosques and Places of Prayer,N:522 ,1/p370) If the ruling is related to an abstract name and not to an adjective, the connection of deduction (Istidlal) and its specification weakens to anything else contrary to its connection to an adjective." (El Ghazali, 1993 , 1/p396) (El Ġuwaini, 1997 , 1/p189)

The second saying: The implication of the title is not an argument in ordinances presumption (istinbat), this view was adopted by Abu Bakr Dakkak and Abu Bakr al-Sayrafi of the Shaafi'is and the companions of Imam Ahmad. (Iyad, 1998, 7/p303)

2. The issue of whether what is ordained previously should be considered ordained for us: scholars disagreed on this issue by three different sayings:

The first saying: what was ordained previously should be considered as ordained for us unless it is not abrogated (manssoukha) or changed, and it should be received by revelation and not by distorted books. This is the opinion of the general public of scholars of Hanafis, Maliki School and some Shaafi'is, Imam Ahmad and most of his companions.

The second saying: what was ordained previously should not be considered as ordained for us, which is the opinion of most of Shaafi'is, Ahmad, the Ash'aris and Mu'tazila (Iyad, 1998, 8/p11). It is also the opinion of Al-Qadi 'Iyad who said: in his response to those claiming that all the distortions are of the same nature by referring to the hadith of Juraih saying: ' We are prepared to construct your temple with gold. He said. No, just rebuild it with mud as it had been, and they did that " (Muslim, 2009 , The Book of Virtue, Enjoining Good Manners, and Joining of the Ties of Kinship Chapter: Being Dutiful To One's Parents Takes Precedence Over Voluntary Prayer, N: 2550, 4/p1976) this argument is not valid, because this was ordained previously for other people, and not for us, and our prophet did not command us to do it. (Iyad, 1998, 4/25)

C. HIS CHOICES RELATED TO THE TERMS (DALALAT EL ALFATH), CHARGING LEGAL LAW (EL HOUKM EL TAKLIFI) AND INDEPENDENT REASONING (IJTIHAD).

1. The issues of the interpretation of words that carry two meanings: scholars disagree on the matter of interpreting words that carry two meanings:

The first saying: The prohibition of using a term that carries two meanings, either in its real or metaphoric signification. This is the opinion of the Hanafi School, a group of the theologians, El Ghazali, Er-Razi (Ar-Razi, 1997 , 1/p269) (Ibn Taymiyya, 1987, 13/p341) (Zarkaši, 1994, 2/p391) and Al-Qadi Iyad who said: It is obligatory to stop at the words that carry two meanings and explain them. They should not be interpreted explicitly, and should not be used until we provide a proper explanation,

because the act of explanation was such an important element during the life of the prophet peace be upon him. (Ar-Razi, 1997, 1/p283) (El-Ghazali, 1993, 2/p68)

The second saying: The permissibility of the use of words that carry two meanings. This is the opinion of most of the scholars of Maliki, Shafi'is, Hanbali School, and Mu'tazila (Iyad, 1998, 2/ p412)

2. The issue of interpreting the commands: scholars disagree on the interpretation of commands (amr) that are not linked to a presumption (Karina) by four sayings:

The first saying: It is mandatory to use commands that are not related to a presumption. This view is adopted by the general public of scholars (Iyad, 1998, 2/p 469) and it was the choice of Al-Qadi Iyad, who said: referring to the prophet - peace be upon him – who said: "When anyone of you prays, he should say: 'at-tah, iyatu-li l-lahi.'" (al-Bukhari, 2009, [Book of Call to Prayers](#), Chapter: (Saying of the) Tashah-hud in the last Rak', N:402 ,1/p301) This order is an obligation (Al- Qarafi, 1973, 1/p104)

He also said: " We were forbidden to speak" (Muslim, 2009, [The Book of Mosques and Places of Prayer](#), Chapter: The prohibition of speaking during the prayer, and the abrogation of its former permissibility, N: 539, 1/p383) as evidence of the prohibition of speaking during prayer, thus, it is obligatory based on the two most correct sayings, it is also said: Sunnah. The disagreement on this matter is part of the disagreement on all of his abstract orders – peace be upon him-. So, are these orders obligatory or recommended (Sunnah)? The view of most scholars is that it is obligatory.

The second saying: It is recommended (Sunnah), which is the view of a group of jurists, and adopted by a lot of Mu'tazila such as Abu Hashem Aljebai.

The third saying: Is permissible, which is the view of some Shafi'is, as narrated by Abu Ishaq al-Isfarayini.

The fourth saying: the standstill (al-tawaquf), which is the view of Ibn Sareej of Shafi'is, many Ash'arites, and Abu Bakr Ibn At-Tayyib Al Baqillani, El Amid, and Al-Ghazali. (Iyad, 1998, 5/p576)

3. The issue of whether the prohibition requires invalidity (fassad): scholars disagree on whether prohibition requires invalidity and nullity (boutlan):

The first saying: Prohibition entails invalidity unless there is a separate evidence, which is the view of the Hanafi, Maliki, Shafi'i, and Hanbali general public, whether the prohibition is in worshiping acts or in life attitudes (Amidi, 2/p48) This is the choice of Al-Qadi Iyad who said when explaining the hadith: "who innovates things in our affairs for which there is no valid (reason) (commits sin) and these are to be rejected." (Muslim, 2009, [The Book of Judicial Decisions](#) ,Chapter: Rejection of wrong rulings and of newly-invented matter, N:1718, 3/p1343), rejected means invalid. (Ġuwaini, 1997, 1/p283) (El Ghazali, 1993 ,2/p24)

However, they disagree on the part that entails invalidity. Most of them agree that prohibition doesn't mean invalidity but only from the Sharia side, which was the opinion of El Amidi and Ibn Al Hajib. (Er-Razi, 1997, 12/p486)

The second saying: Prohibition doesn't indicate invalidity, which is the view of Hanafis, Shafi'is, Al-Qaffal, Imam Al Haramain and Al-Ghazali. (Er-Razi, 1997, 1/p159) (Es-Subki, 1995, 1/p135)

The third saying: Distinguishing between the acts of worship and attitudes, which is the opinion of Al Baqillani, Abu' l-Husayn Al-Basri and Fakhr Ar-Razi. (Ar-Razi, 1997, 1/p123) (Al- Qarafi, 1973,p 75)

This issue implies other sayings.

4. The question of whether to consider something good or bad (tehsin / tekbeeh):

It means the disagreement over a matter that yields praise or slander sooner, and reward or punishment later, like worshiping acts and sins. What is good is what is related to praise and reward, and what is bad is what is linked to slander and punishment sooner or later. Anything else that is not linked to these elements is not bad neither good. (Iyad, 1998, 6/p370) This matter produced a divergence among scholars:

The first saying: what is good or bad is part of our divine law (char'e) which is the view of the Ash'aris and the majority of the fundamentalists of Maliki, Shafi'i, Hanbali School (Iyad, 1998, 4/p345) and the choice of Al-Qadi Iyad who said: "Sunni Muslims believe that what is good or bad is related to the divine law (char'e) not to reason, as evidenced by the disagreement among rationalists." (Iyad, 1998, 8/242) He also said in his explanation of the hadeeth of 'Umar when he kissed the Black Stone: "I am kissing with full consciousness of the fact that you are a stone and that you can neither do any harm nor good; and if I had not seen Allah's Messenger kissing you. I would not have kissed you", (Muslim, 2009, [The Book of Pilgrimage](#) ,Chapter: It is recommended to kiss the black stone during circumambulation (Tawaf), N:1270 ,2/p925) "which means that what is good or bad is related to the divine law, not to reason." In another example, he said: "repentance (tawba) is obligatory for everyone when committing a serious or small sin. In other words, repentance is regarded as one of the most important obligations in Islam, so it is obligatory - according to Sunni Muslims - by the divine law (char'e) and not by reason (a'kl), unlike Mu'atazila who believe that repentance (tawba) is obligatory by reason." (M. Ibn Nizam-ad-Diin, 2002, p29)

The second saying: what is good or bad is subjective and can be recognized by reason, which is the opinion of Mu'atazila who think that people can differentiate between what is good and bad by using their reason even if messengers were not sent to us. (Ibn Taymiyya, 1987, 8/p434)

The third saying: Both Good and bad actions can be identified by reason while reward and punishment depend on the divine law (Shar'e), which is the view of Hanafi, Maturidiyya (M.Ibn Nizam-ad-Diin, 2002. p45) (Ibn Taymiyya, 1987, 10/p534)

and Ibn Taymiyya who referred it to the general public of ancestors (salaf), the general public of Muslims and the four imams.

5. The issue of whether the origin of acts/things is permissibility (ibaha) or prohibition (hadr)? Scholars disagree on this matter by the following views:

The first saying: The origin of acts/things is permissibility (ibaha) and what they were before the arrival of the divine law (sharia), except what is confirmed to be prohibited by Sharia. This is the opinion of most of Hanafis, Dhahiriya, and Al-Qadi Iyad who said, referring to the hadith of the Prophet (peace be upon him) who said: "Oh People, Allah is giving an indication (of the prohibition) of wine, and He is probably soon going to give an order about it. So he who has anything of it with him should sell that, and derive benefit out of it." (Muslim, 2009, [The Book of MUSAQAHA](#), Chapter: The prohibition of selling wine, N:1578, 3/1205)

This hadith shows that things are permissible unless they are prohibited by the divine law and that the matter of wine is still in its natural state" (Iyad, 1998, 5/p24 -6 /p 369) which means that it (wine) was permissible.

The second saying: Acts/things are based on prohibition, except for what is permissible or prohibited by the divine law (share'). This saying was adopted by Abu Bakr El Abhari of Maliki School, some of Hanafia, Shafi'a, and Hanabila. (Assam'any, 1999, 3/p409) (as-Subki, 1995, p142)

The third saying: Pause (Waqf) until it is confirmed by a shred of evidence from the divine law (shari'a), which is the opinion of most theologians (mutakalimoun) and jurists. (Iyad, 1998, 6 / p369)

3. RESULTS:

The third claim: highlight the Fundamental approach of Al-Qadi Iyad and the fundamental school he belongs to:

After analyzing the fundamental choices of Qadi Ayyad in his book *Ikmal El Muallim Bifawaid Muslim*, we have reached the following results:

- 1 - The Jurisprudence and Fundamental method of Qadi Ayyad corresponds to the Sunnah and Jamaa as he declared.
- 2 - He followed the Doctrine of al-Aṣ'ariyya in the theological (kalamiya) issues, such as in the issue of what is bad or good and reason.
- 3 - He preferred the School of hadith in authentication (ta'ssil), such as in the issue of prioritizing lone reports above analogy.
- 4 - We rarely find his apparent choices, and most of them according to the fundamentalists' audience doctrine.
- 5 - The imitation overcame most of his choices due to his adherence to Malik's doctrine

6 - He disagreed with the Maliki School on an opposed shred of evidence related to the revealed laws preceding Islamic Sharia, and the issue of not addressing unbelievers by Islamic Sharia after referring to hadiths as being authentic evidence.

7 - He disagreed with the general public of fundamentalists (usuliyoun) on the issue of the requirement of the disappearance of an era in consensus "Ijma".

4. CONCLUSION:

To conclude this research and after analyzing Qadi Ayyad's Fundamentalist choices in his book Ikmal Al Mualim Bifawaid Muslim, we have reached to the following results:

- 1- Qadi ayyad is considered as a scientific encyclopedia in Fundamentals of jurisprudence even if he didn't write a special book for it.
- 2 - His book Ikmal El Mualim Bifwaid Muslim is characterized with Jurisprudence authentication (ta'ssil Fiqh) in jurists' doctrine
- 3 - He have shown his school through inference of hadith and Sunnah
- 4 - He followed the audience and Maliki doctrine in his fundamental choices
- 5 - He followed and defended El-Ashaera doctrine unlike the Mu'tazila

Finally, we recommend studying the school of Qadi Ayyad in language, history, Tafsir and recitation because he is considered as a scientific encyclopedia , also studying the disagreement between the opinion school (the reason) and the Hadith school in Jurisprudence (Fiqh) and Fundamentalism (Usul) and the most important pioneers of the two schools.

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