مَنظُومَة القَوَاعِد الفِقهِيَّة

Workbook

Poetry of the Maxims of Fiqh

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Publisher
Madeenah.com
al-Madeenah an-Nabawiyyah
Saudi Arabia

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Workbook: Mandhūmat al-Qawā'id al-Fiqhiyyah

Electronic Edition - Version 1.00 Sunday 25th May, 2020
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{فَمَن كَانَ يَرْجُو لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا}

{So whoever hopes for the meeting with his Lord, let him work righteousness and associate none as a partner in the worship of his Lord} [18:110]

Notes

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الحمدُ للهِ العليِّ الأَرْفَقِ ... وجَامِعِ الأَشْياءِ وَالمُفَرِّق

All praise is for Allāh; Al-‘Aliyy (Most High), most gentle.
The one who connects matters, and separates them.

ذِي النِّعَمِ الواسِعَةِ الْغَزِيرَه ... والحِكَمِ الباهِرَةِ الكَثيرَه

Possessing blessings, vast and abundant;
and wisdom, splendid and numerous.

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ثُـمَّ الصَّـلاةُ معْ سَـلامٍ دَائـمِ ... عَلى الرَّسولِ القُرَشِيِّ الخاتَمِ

Thereafter salutations and peace, everlasting,
upon the Messenger, from Quraysh, the seal;

وَآلِهِ وصَحبِـهِ الأَبْـرارِ ... الحائِزِي مَراتِبَ الفَـخَـارِ

and upon his family and noble companions
bearers of glorious ranks.

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اِعْلَمْ هُدِيتَ أَنَّ أفضلَ الْمِنَنْ ... عِلمٌ يُزِيلُ الشَّكَّ عَنْكَ وَالدَّرَنْ

Know, may you be guided, that the most virtuous of blessings
is knowledge which removes from you doubt and dirt [of sins];

وَيَكْشِفُ الحقَّ لِذِي القُلُوبِ ... وَيُوصِلُ العَبْدَ إِلى المطْلُوبِ

exposing truth to those possessing hearts,
and leading a person to what is sought.

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فَاحْرِصْ على فَهْمِكَ للقَواعِدِ ... جَامِعَةِ المَسَائِلِ الشَّـوارِدِ

So, focus your understanding on the principles,
which connect together far dispersed issues,

لِتَرْتَقِي فِي العِلْمِ خَيْرَ مُرتَقَى ... وتَقْتَفِي سُبْلَ الَّذِي قَدْ وُفِّقَا

such that you are able to progress well in your knowledge,
thereby following the paths of those guided to success.

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وَهَـذِهِ قَواعِـدٌ نَظَمْتُهـا ... مِنْ كُتْبِ أَهْلِ الْعِلْمِ قَدْ حَصَّلْتُها

And these principles, I penned as poetry,
from the books of the people of knowledge, I gathered them.

جَزاهُمُ المَوْلَى عَظِيمَ الأَجْرِ ... وَالْعَفْوَ مَعْ غُفْرانِـهِ وَالْبِـرِّ

May the Guardian reward them with a great reward.
and pardon along with His forgiveness and goodness

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وَنِيَّةٌ شَرْطٌ لِسَائِرِ الْعَمَلْ ... بِهَا الصَّلاحُ وَالفَسَادُ لِلْعَمَلْ

An intention is a prerequisite for all actions;
upon it, is the validity and corruption of every action.

الدِّينُ مَبْنِيٌّ عَلَى المَصالِحِ ... في جَلْبِهَا وَالدَّرْءِ لِلْقَبائِحِ

The religion is built upon common benefits,
establishing them, and repelling harms.

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فَإِنْ تَزاحَمْ عَدَدُ المَصالِحِ ... يُقدَّمُ الأَعْلَى مِنَ المَصَالِحِ

And if a number of common benefits collide,
preference is given to the greater benefit.

وَضِدُّهُ تَزاحُمُ المَفَاسِدِ ... يُرْتَكَبُ الأَدْنَى مِنَ المَفَاسِدِ

Its opposite is the coinciding of harms,
the least of the harms is committed.

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وَمِنْ قَوَاعِدِ الشَّرِيعَةِ التَّيْسِيرُ ... فِي كُلِّ أَمْرٍ نَابَهُ تَعْسِيرُ

From the principles of the Sharee'ah, is ease;
in every matter, stricken with difficulty.

وَلَيْسَ وَاجِبٌ بِلا اقْتِدَارِ ... وَلاَ مُحَرَّمٌ مَعَ اضْطِرارِ

There is no obligation without an ability,
nor prohibition in a state of dire necessity.

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وَكُلُّ مَحْظُورٍ مَعَ الضَّرُورَهْ ... بِقَدْرِ مَا تَحْتَاجُهُ الضَّرُورَهْ

And every forbiddance in a state of necessity,
[is permitted] according to the level of necessity.

وَتَرْجِعُ الْأَحْكامُ لِلْيَقِينِ ... فَلَا يُزِيلُ الشَّكُّ لِلْيَقِينِ

Rulings are based on certainty;
and doubt is not a removal of certainty.

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وَالْأَصْلُ فِي مِياهِنَا الطَّهَارَهْ ... وَالْأَرْضِ وَالثِّيابِ وَالْحِجارَهْ

The default ruling regarding our water is purity,
as well as earth, garments and stones.

وَالْأَصْلُ فِي الأَبْضاعِ وَاللُّحُومِ ... وَالنَّفْسِ وَالْأَمْوالِ لِلْمَعْصُومِ

And the default ruling for intercourse, meat,
life and wealth of the protected,

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تَحْرِيمُها حَتَّى يَجِيءَ الحِلُّ ... فَافْهَمْ هَداكَ اللهُ مَا يُمَلُّ

is prohibition until an allowance [is proven].
So understand, may Allāh guide you, what has been dictated.

وَالْأَصْلُ فِي عَادَاتِنَا الْإِبَاحَهْ ... حَتَّى يَجِيءَ صَارِفُ الْإِباحَهْ

The default ruling with regards to our customs, is permissibility,
until [an evidence] comes changing the permissibility.

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وَلَيْسَ مَشْرُوعًا مِنَ الأُمُورْ ... غَيْرُ الَّذِي فِي شَرْعِنَا مَذْكُورْ

No matter is legislated,
other than what, in our Sharī'ah, is mentioned.

وَسَائِلُ الْأُمورِ كَالمَقاصِدِ ... وَاحْكُمْ بِهَذَا الحُكْمِ لِلزَّوائِدِ

The means to an end, assume the ruling of the objectives;
and apply this ruling for additional actions [related to it]

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وَالخَطَأْ والإِكْرَاهُ وَالنِّسْيَانُ ... أَسْقَطَهُ مَعْبُودُنَا الرَّحْمَنُ

Errors, coercion and forgetfulness,
[the sin for it] has been relinquished by our Deity, the Merciful;

لَكِنْ مَعَ الإتلافِ يَثْبُتُ الْبَدَلْ ... وَيَنْتَفِي التَّأْثِيمُ عَنْهُ وَالزَّلَلْ

However, with damage [to property], a liability is affirmed,
whilst the sin and shortcoming are negated.

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وَمِنْ مَسائِلِ الْأَحْكَامِ فِي التَّبَعْ ... يَثْبُتُ لا إِذَا اسْتَقَلَّ فَوَقَعْ

From the rulings of connected matters,
is allowance; however not when it independently occurs.

وَالْعُرْفُ مَعْمُولٌ بِهِ إِذَا وَرَدْ ... حُكْمٌ مِنَ الشَّرْعِ الشَّرِيفِ لَمْ يُحَدْ

Customs are implemented in the case of
a ruling of the noble Sharī'ah, left ambiguous.

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مُعاجِلُ المَحْظورِ قَبْلَ آنِهِ ... قَدْ بَاءَ بِالخُسْرانِ مَعْ حِرْمانِهِ

The one who hastens to a forbidden [reward] before its time,
will be at a loss as well as deprived of it.

وَإِنْ أَتَى التَّحْرِيمُ فِي نَفْسِ الْعَمَلْ ... أَوْ شَرْطِهِ فَذُو فَسَادٍ وَخَلَلْ

If a prohibition is committed within an action,
or in its conditions; the action is corrupted and deficient

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وَمُتْلِفٌ مُؤْذِيهِ لَيْسَ يَضْمَنُ ... بَعْدَ الدِّفاعِ بِالَّتِي هِيَ أَحْسَنُ

The one who harms an aggressor, is not liable,
after trying to repel in a manner, appropriate.

وَ(أَلْ) تُفِيدُ الْكُلَّ فِي الْعُمُومِ ... فِي الجَمْعِ وَالإِفْرادِ كَالْعَلِيمِ

The definite article **[1]** indicates a comprehensive generality
In plurals and individual entities like al-'Alīm.

[1] The "definite article" is when a noun is suffixed with "Alif" and "Laam" such as al-'Alīm as opposed to 'Alīm.

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وَالنَّكِراتُ فِي سِيَاقِ النَّفْيِ ... تُعْطِي الْعُمُومَ أَوْ سِياقِ النَّهْيِ

Indefinite objects, mentioned in the context of a negation,
indicates a generality; [similarly an indefinite article] in the context of a prohibition.

كَذاكَ (مَنْ) وَ(مَا) تُفيدانِ مَعَا ... كُلَّ الْعُمومِ يَا أُخَيَّ فَاسْمَعَا

And also “whoever” and “whatever” both indicate,
every generality, O my younger brother, so listen.

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وَمِثْلُـهُ المُفْـرَدُ إِذْ يُضـافُ ... فَافْهَـمْ هُدِيتَ الرُّشْدَ ما يُضـافُ

Similarly, a singular noun if it is possessive,
understand, may you be guided to intelligence, what proceeds.

وَلا يَتِـمُّ الحُكْـمُ حَتَّى تَجْتَمِـعْ ... كُلُّ الشُّرُوطِ وَالمَوانِعْ تَرْتَفِـعْ

A ruling is not passed until there is a fulfilment
of all conditions; and preventions are lifted.

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وَمَنْ أَتَى بِمَا عَلَيْهِ مِنْ عَمَلْ ... قَدِ اسْتَحَقَّ مَالَهُ عَلَى الْعَمَلْ

Whoever fulfils the requirements of an action,
is deserving of what is due from the action.

وَيُفْعَلُ الْبَعْضُ مِنْ المَأْمُورِ ... إِنْ شَقَّ فِعْلُ سَائِرِ المَأْمُورِ

A part of an obligation is fulfilled,
if there is difficulty in fulfilling the entirety of the obligation.

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وَكُلمَا نَشَا عَنِ المَأْذُونِ ... فَذَاكَ أَمْرٌ لَيْسَ بِالمَضْمُونِ

Everything which emanates from an allowance,
such an action, for it, there is no liability.

وَكُلُّ حُكْمٍ دَائِرٍ مَعْ عِلَّتِهِ ... وَهْيَ الَّتِي قَدْ أَوْجَبَتْ لِشِرْعَتِهِ

Every ruling revolves around its cause,
which has obligated its legislation.

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وَكُلُّ شَرْطٍ لَازِمٌ لِلْعَاقِدِ ... فِي الْبَيْعِ وَالنِّكَاحِ وَالْمَقَاصِدِ

Every condition is binding upon the contactor,
in transactions, marriage and other objectives;

إِلَّا شُرُوطًا حَلَّلَتْ مُحَرَّمَا ... أَوْ عَكْسَهُ فَبَاطِلاتٌ فَاعْلَمَا

except conditions which permit a prohibition,
or it opposite; they are invalid, you should know.

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تُسْتَعْمَلُ الْقُرْعَةُ عِنْدَ الْمُبْهَمِ ... مِنَ الحُقُوقِ أَوْ لَدَى التَّزَاحُمِ

Lots are drawn in cases of ambiguity,
in rights or [in conflict] due to overcrowding.

وَإِنْ تَسَاوَى الْعَمَلانِ اجْتَمَعَا ... وَفُعِلَ أحدُهُما فَاسْتَمِعَا

If two actions of similar [legislation] coincide at the same time,
either one can be performed, so listen attentively.

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وَكُـلُّ مَشْغُولٍ فَـلَا يُشَغَّـلُ ... مِثالُهُ المَرْهُونُ وَالمُسَبَّـلُ

every person engaged [with a contract], cannot be engaged further,
an example of it is a pawned item and an endowment.

وَمَنْ يُؤَدِّ عَنْ أَخِيهِ وَاجِبَا ... لَهُ الرُّجُوعِ إِنْ نَوَى يُطالِبَا

Whoever fulfils an obligation on behalf of his brother,
for him is a return, if he intended to request it.

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وَالْوَازِعُ الطَّبْعِي عَنِ الْعِصْيانِ ... كَالوَازِعِ الشَّرْعِي بِلَا نُكْرَانِ

a natural deterrent from a sin,
is similar to a religious deterrent, without any denial.

وَالحَمْدُ للهِ عَلَى التَّمَامِ ... فِي الْبَدْءِ وَالخِتامِ وَالدَّوامِ

All praise is for Allāh, upon completion;
in the beginning, ending and throughout.

ثُمَّ الصَّلاةُ مَعْ سَلامٍ شَائِعِ ... عَلَى النَّبِي وَصَحْبِهِ وَالتَّابِعِ

Thereafter salutations along with peace in abundance,
upon the Prophet, his companions and followers.

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