مَنظُومَةُ القَواعِدِ الفِقهِيَّة

Workbook

Maxims of Fiqh [Poem]

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{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

[١] الحَمدُ لِلهِ العَلَىِّ الأَرفَقِ ... وجَامِعِ الأَشيَاءِ وَالمُفَرِّقِ

All praise is for Allāh; al-'Aliyy (the most-high), the most gentle. The one who connects matters, and separates others.

[1] ذِي النِّعَمِ الواسِعَةِ الْغَزِيرَةُ ... والحِكَمِ الباهِرَةِ الكُّثيرَةُ

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

[٣] ثُـمَّ الصَّلاةُ مَعْ سَلامٍ دَائِمِ ... عَلَى الرَّسُولِ القُرَشِيِّ الخَاتَمِ الخَاتَمِ ... عَلَى الرَّسُولِ القُرَشِيِّ الخَاتَمِ ... عَلَى المَاتِهُ عَلَى المَاتِهِ ... عَلَى الرَّسُولِ القُرَشِيِّ الخَاتَمِ ... عَلَى المَاتِهِ ... عَلَيْهِ المَّلِيْ القُرْشِيِّ قَالِيَّةِ ... عَلَيْهِ ... عَالْمُعْمِي ... عَلَيْهِ ... عَلَيْهُ ... عَلَيْهُ ... عَلَيْهِ ... عَلَيْهِ ... عَلَيْهُ ... عَلَيْهُ ... عَالْهُ مِنْهِ .. عَلَيْهُ ... عَلَيْهُ مِنْهُ ... عَلَيْهُ ... عَل

Thereafter salutations of praise, and peace, everlasting, upon the Messenger, al-Qurashi, the seal;

عَراتِ وَصَحبِ الْأَبْرَارِ ... الحَائِنِي مَراتِبَ الفَخَارِ [٤] وَآلِبِهِ وصَحبِ الفَخَارِ and upon his family and noble companions, possessors of glorious ranks.

[٥] اعلَمْ هُدِيتَ أَنَّ أَفضَلَ المِنَنْ ... عِلمٌ يُزِيلُ الشَّكَّ عَنكَ وَالدَّرَنْ

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

[7] وَيَكشِفُ الحَقَّ لِذِي القُلُوبِ ... وَيُوصِلُ العَبدَ إِلَى المَطلُوبِ

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

and leading a person to what is sought.	

[۷] فَاحرِصْ عَلَى فَهمِكَ لِلقَواعِدِ ... جَامِعَةِ الْمَسَائِلِ الشَّوارِدِ So, focus your understanding on the principles, which connect far dispersed issues,

[٨] لِتَرتَقِي فِي العِلمِ خَيرَ مُرتَةً عَيى ... وتَقتَفِي سُبْلَ الَّذِي قَدْ وُفِّقَا

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

[٩] وَهَذِهِ قَواعِدٌ نَظَمتُها ... مِن كُتْبِ أَهلِ العِلمِ قَد حَصَّلتُها

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

[١٠] جَزاهُمُ المَولَى عَظِيمَ الأَجرِ ... وَالعَفوَ مَعْ غُفرانِهِ وَالبِرِّ

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

[١١] وَنِيَّتُنَا شَرِطٌ لِسَائِرِ العَمَلْ ... بِهَا الصَّلاحُ وَالفَسَادُ لِلعَمَلْ

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

[١٢] الدِّينُ مَبنِيُّ عَلَى المَصالِحِ ... في جَلبِهَا وَالدَّرِءِ لِلقَبائِحِ

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

[١٣] فَإِن تَـزاحَـمْ عَـدَدُ الـمَصالِـجِ ... يُـقَـدَّمُ الأَعـلَى مِـنَ الـمَصالِـجِ ... يُـقَـدَّمُ الأَعـلَى مِـنَ الـمَصالِـجِ ... يُـقَـدُ المَصالِـجِ ... يُـقـدُ المَصالِـجِ ... يُـدُ المَصالِـجِ ... يُـقـدُ المَصالِـجِ ... يُـقـدُ المَصالِـجِ ... يُـقـدُ المَصالِـجِ ... يُـقـدُ المَصالِـجِ ... يُـعُ المَادِي المَصالِـجِ ... يُـعُ المَادِي المَدْدِي المَادِي المَادِي المَادِي المَادِي المَادِي المَادِي المَادِي المَدْدِي المَادِي المَدِي المَادِي المَادِي المَادِي المَادِي المَادِي المَادِي المَادِ

If several common benefits coincide, preference is given to the greater benefit.

[١٤] وَضِدُّهُ تَزاحُمُ المَفَاسِدِ ... يُرتَكَبُ الأَدنَى مِنَ المَفَاسِدِ

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

[۱۰] وَمِنْ قَوَاعِدِ الشَّرِيعَةِ التَّيْسِيرُ ... فيي كُلِّ أَمْسٍ نَابَهُ تَعْسِيرُ [۱۰] From the principles of the sharī'ah, is ease, in every matter, stricken with difficulty.

[١٦] وَلَيسَ وَاجِبُ بِلَا اقتِدَارِ ... وَلاَ مُحَرَّمٌ مَعَ اضطِرارِ There is no obligation without an ability, nor prohibition in a state of dire necessity.

[۱۷] وكُلُّ مَحظُ ورٍ مَعَ الضَّرُورَه ... بِقَدرِ مَا تَحتَاجُهُ الضَّرُورَه And every forbiddance in a state of necessity, [is permitted] according to the level of necessity.

وَتَرجِعُ الأَحكَامُ لِليَقِينِ ... فَلَا يُنزِيلُ الشَّكُ لِليَقِينِ [۱۸] وَتَرجِعُ الأَحكَامُ لِليَقِينِ ... وَلَا يُنزِيلُ الشَّكُ لِليَقِينِ ... وَاللّهُ اللّهُ الللّهُ اللّهُ الللّهُ اللّهُ اللّهُ اللّهُ اللّهُ اللّهُ اللّهُ اللّهُ اللّهُ اللللّهُ اللّهُ اللللّهُ اللّهُ اللللّهُ اللّهُ الللللّهُ الللللّهُ اللّهُ اللّ

and doubt is not a removal of certainty.			

[١٩] وَالأَصلُ فِي مِياهِنَا الطَّهَارَه ... وَالأَرضِ وَالثِّيابِ وَالحِجارَه

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

[٠٠] وَالأَصلُ فِي الأَبضاعِ وَاللُّحُومِ ... وَالنَّفسِ وَالأَموالِ لِلمَعصُومِ

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

[٢١] تَحريمُها حَتَّى يَجِيءَ الحِلُّ ... فَافَهَمْ هَداكَ اللَّهُ مَا يُمَلُّ

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

The default ruling with regards to our customs, is permissibility, until [a proof is established] diverting the permissibility.

[٢٣] وَلَيْسَ مَشْرُوعًا مِنَ الأُمُورْ ... غَيْرُ الَّذِي فِي شَرِعِنَا مَذَكُورْ ... غَيْرُ الَّذِي فِي شَرِعِنَا مَذَكُورْ ... الأُمُورُ ... كُورُ ... No matter is legislated, other than what, in our sharī'ah, is mentioned.

[52] وَسَائِلُ الأُمورِ كَالمَقاصِدِ ... وَاحكُم بِهَذَا الحُكمِ لِلزَّوائِدِ

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

[٥٠] وَالْخَطَّأُ وَالْإِكْرَاهُ وَالنِّسيَانُ ... أَسقَطَهُ مَعبُ ودُنَا الرَّحمٰنُ

Errors, coercion and forgetfulness,

[the sin for it] has been relinquished by our deity, ar-Raḥmān (the most merciful);

[٢٦] لَكِن مَعَ الإتلافِ يَثبُتُ البَدَلْ ... وَيَنتَفِي التَّأْثِيمُ عَنهُ وَالزَّلَلْ

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

[٧٧] وَمِن مَسائِلِ الأَحكَامِ فِي التَّبَعْ ... يَثبُتُ لا إِذَا استَقَلَّ فَوَقَعْ

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

[٢٨] وَالعُرْفُ مَعمُ ولُّ بِهِ إِذَا وَرَدْ ... حُكمٌ مِنَ الشَّرِعِ الشَّرِيفِ لَم يُحَدْ

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

[٢٩] مُعَاجِلُ المحظُورِ قَبلَ آنِهِ ... قَدْ بَاءَ بِالخُسرَانِ مَعْ حِرمَانِهِ

The one who hastens to what is forbidden, before its time, has only returned with loss, along with being deprived.

[٣٠] وَإِنْ أَتَى التَّحرِيمُ فِي نَفسِ العَمَلْ ... أَوْ شَرطِهِ فَذُو فَسَادٍ وخَلَلْ

If the forbiddance is connected to the action [itself], or its condition, then it is one of corruption and deficiency.

[٣١] وَمُتلِفُ مُؤذِيهِ لَيسَ يَضمَنُ ... بَعدَ الدِّفَاعِ بِالَّتِي هِيَ أُحسَنُ

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

[٣٢] وَ(أَل) تُفِيدُ الكُلَّ فِي العُمُومِ ... فِي الجَمعِ وَالإِفرادِ كَالعَليمِ

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 "lām" such as the Arabic word "al-'Alīm" as opposed to "'Alīm".

[٣٣] وَالنَّكِ راتُ فِي سِيَاقِ النَّف فِي ... تُعطِي العُمُومَ أُو سِياقِ النَّه فِي

Indefinite articles, in the context of a negation, indicate a generality; [similarly] in the context of a prohibition.

[٣٤] كَذَاكَ (مَن) وَ (مَا) تُفيدانِ مَعَا ... كُلَّ العُمُ ومِ يَا أُخَيَّ فَاسمَعَا

Similarly, "whoever" and "whatever" both indicate, every generality, O my young brother, so listen.

[٣٥] وَمِثلُهُ المُفرَدُ إِذْ يُضافُ ... فَافْهَمْ هُدِيتَ الرُّشْدَ ما يُضَافُ

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

[٣٦] وَلا يَتِمُّ الحُكمُ حَتَّى تَجتَمِعْ ... كُلُّ الشُّرُوطِ وَالمَوانِعْ تَرتَفِعْ

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

[٣٧] وَمَن أَتَى بِمَا عَلَيهِ مِنْ عَمَـلْ ... قَدِ استَحَقَّ مَالَهُ عَلَى العَـمَـلْ ... قَدِ استَحَقَّ مَالَهُ عَلَى العَـمَـلْ ... قد استَحَقَّ مَـالَـهُ عَلَى العَـمَـلُ ... قد استَحَقَّ مَـالَـهُ عَلَى العَـمَـلُ ... قد استَحَقَّ مَـالُهُ عَلَى العَـمَـلُ ... قد العَلَمُ العَ

[٣٨] وَيُفعَلُ البَعضُ مِن المَأْمُورِ ... إِن شَقَّ فِعلُ سَائِرِ المَأْمُورِ

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

[٣٩] وَكُلُّ مَا نَشَاعَنِ المَأْذُونِ ... فَذَاكَ أَمرُ لَيسَ بِالمَضمُونِ

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

[٤٠] وَكُلُّ حُكمٍ دَائِرُ مَعْ عِلَّتِهِ ... وَهِيَ الَّتِي قَدْ أُوجَبَتْ لِشِرعَتِهِ

Every ruling revolves around its cause, which is the very reason for its legislation.

[٤١] وُكُلُّ شَرطٍ لَازِمُّ لِلعَاقِدِ ... فِي البَيعِ وَالشِّكَاحِ وَالمَقَاصِدِ

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

[27] إِلَّا شُرُوطًا حَلَّكَ مُحَرَّمَا ... أُو عَكسُهُ فَبَاطِلاتٌ فَاعلَمَا

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

التَّزَاحُمِ التَّزَاحُمِ المُبهَمِ ... مِنَ الحُقُوقِ أُولَدَى التَّزَاحُمِ [٤٣] كُستَعَمَالُ القُرعَةُ عِندَ المُبهَمِ ... مِنَ الحُقُوقِ أُولَدَى التَّزَاحُمِ Lots are drawn in cases of ambiguity, in rights or [in conflict] due to overcrowding.

[٤٤] وَإِن تَسَاوَى العَمَلانِ اجتَمَعًا ... وَفُعِلَ إِحدَاهُمَا فَاستَمِعًا

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

[20] وَكُلُّ مَشغُولٍ فَلَا يُشَغَّلُ ... مِثالُهُ المَرهُونُ وَالمُسَبَّلُ

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

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

العَالِوَازِعُ الطَّبِعِي عَنِ العِصيانِ ... كَالَـوَازِعِ الشَّـرِعِي بِـلَا نُكَـرَانِ a natural deterrent from a sin, is like a religious deterrent, without any denial.

[٤٨] وَالْحَمْدُ لِلَّهِ عَلَى التَّمَامِ ... في البَدءِ وَالْخِتَامِ وَالْدَّوامِ All praise is for Allāh, upon completion; in the beginning, ending and throughout.

[٤٩] ثُمَّ الصَّلاةُ مَع سَلامٍ شَائِعٍ ... عَلَى النَّبِيْ وَصَحبِهِ وَالتَّابِعِ Thereafter salutations along with peace in abundance, upon the Prophet, his companions and followers.

Benefits