

# مَنْظُومَةُ الْقَوَاعِدِ الْفِقْهِيَّةِ

Workbook

**Maxims of Fiqh [Poem]**

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فَمَنْ 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]





[٣] ثُمَّ الصَّلَاةُ مَعَ سَلَامٍ دَائِمٍ ... عَلَى الرَّسُولِ الْقُرَشِيِّ الْخَاتَمِ

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

[٤] وَآلِهِ وَصَحْبِهِ الْأَبْرَارِ ... الْحَائِزِي مَرَاتِبَ الْفَخَّارِ

and upon his family and noble companions,  
possessors of glorious ranks.



[٧] فَاحْرِضْ عَلَىٰ فَهْمِكَ لِلْقَوَاعِدِ ... جَامِعَةَ الْمَسَائِلِ الشَّوَارِدِ

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

[٨] لِيَتَرْتَبِيَ فِي الْعِلْمِ خَيْرًا مُرْتَقَى ... وَتَقْتَفِيَ سُبُلَ الَّذِي قَدْ وُفِّقَ

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

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[٩] وَهَذِهِ قَوَاعِدٌ نَظَّمْتُهَا ... مِنْ كُتُبِ أَهْلِ الْعِلْمِ قَدْ حَصَلْتُهَا

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

[١٠] جَزَاهُمْ الْمَوْلَى عَظِيمَ الْأَجْرِ ... وَالْعَفْوَ مَعَ غُفْرَانِهِ وَالْبِرِّ

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

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[١١] وَنِيَّتِنَا شَرْطٌ لِسَائِرِ الْعَمَلِ ... بِهَا الصَّلَاحُ وَالْفَسَادُ لِلْعَمَلِ

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

[١٢] الدِّينُ مَبْنِيٌّ عَلَى الْمَصَالِحِ ... فِي جَلِبِهَا وَالذَّرُّ لِقَبَائِحِ

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

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[١٣] فَإِنْ تَزَاحَمَ عَدَدُ الْمَصَالِحِ ... يُقَدَّمُ الْأَعْلَى مِنَ الْمَصَالِحِ

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

[١٤] وَضِدُّهُ تَزَاحُمُ الْمَفَاسِدِ ... يُرْتَكَبُ الْأَدْنَى مِنَ الْمَفَاسِدِ

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

[١٥] وَمِنْ قَوَاعِدِ الشَّرِيعَةِ التَّيْسِيرُ ... فِي كُلِّ أَمْرٍ نَابَهُ تَعْسِيرٌ

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

[١٦] وَلَا يَجِبُ إِلَّا بِإِقْتِدَارٍ ... وَلَا مُحَرَّمٌ مَعَ اضْطِرَارٍ

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







[٢٣] وَلَيْسَ مَشْرُوعًا مِنَ الْأُمُورِ ... غَيْرُ الَّذِي فِي شَرْعِنَا مَذْكُورٌ

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

[٢٤] وَسَائِلُ الْأُمُورِ كَالْمَقَاصِدِ ... وَاحْكُم بِهَذَا الْحُكْمِ لِلزَّوَائِدِ

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

[٢٥] وَالْخَطَأُ وَالْإِكْرَاهُ وَالنِّسْيَانُ ... أَسْقَطَهُ مَعْبُودُنَا الرَّحْمَنُ

Errors, coercion and forgetfulness,  
[the sin for it] has been relinquished by our deity, ar-Rahmān (the most merciful);

[٢٦] لَكِن مَعَ الْإِتْلَافِ يَثْبُتُ الْبَدَلُ ... وَيَنْتَفِي التَّأْتِيمُ عَنْهُ وَالزَّلُّ

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



[٢٧] وَمِنْ مَسَائِلِ الْأَحْكَامِ فِي التَّبَعِ ... يَثْبُتُ لَا إِذَا اسْتَقْلَّ فَوَقَعَ

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

[٢٨] وَالْعُرْفُ مَعْمُولٌ بِهِ إِذَا وَرَدَ ... حُكْمٌ مِنَ الشَّرْعِ الشَّرِيفِ لَمْ يُحَدِّ

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

[٢٩] مُعَاجِلُ الْمَحْظُورِ قَبْلَ آئِهِ ... قَدْ بَاءَ بِالْخُسْرَانِ مَعَ حِرْمَانِهِ

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

[٣٠] وَإِنْ أَتَى التَّحْرِيمُ فِي نَفْسِ الْعَمَلِ ... أَوْ شَرْطِهِ فَذُو فَسَادٍ وَخَلَلٍ

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

[٣١] وَمُتْلِفٌ مُؤْذِيهِ لَيْسَ يَضْمَنُ ... بَعْدَ الدَّفَاعِ بِالَّتِي هِيَ أَحْسَنُ

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

[٣٢] وَ(أَل) تُفِيدُ الكُلَّ فِي العُمومِ ... فِي الجَمعِ وَالإفرادِ كالعَلِيمِ

The definite article <sup>[1]</sup> 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] وَالتَّكْرَارُ فِي سِيَاقِ النَّفْيِ ... تُعْطِي الْعُمُومَ أَوْ سِيَاقِ النَّهْيِ

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

[٣٤] كَذَلِكَ (مَنْ) وَ (مَا) تُفِيدَانِ مَعًا ... كُلُّ الْعُمُومِ يَا أُخَيَّ فَاسْمَعَا

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

[٣٥] وَمِثْلُهُ الْمُفْرَدُ إِذْ يُضَافُ ... فَافْهَمْ هُدَيْتَ الرُّشْدَ مَا يُضَافُ

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

[٣٦] وَلَا يَتِمُّ الْحُكْمُ حَتَّى تَجْتَمِعَ ... كُلُّ الشُّرُوطِ وَالْمَوَانِعِ تَرْتَفِعُ

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



[٣٩] وَكُلُّ مَا نَشَأَ عَنِ الْمَأْذُونِ ... فَذَلِكَ أَمْرٌ لَيْسَ بِالْمَضْمُونِ

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

[٤٠] وَكُلُّ حُكْمٍ دَائِرٌ مَعَ عِلَّتِهِ ... وَهِيَ الَّتِي قَدْ أَوْجَبَتْ لِشِرْعَتِهِ

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

[٤١] وَكُلُّ شَرْطٍ لَا زِمٌ لِلْعَاقِدِ ... فِي الْبَيْعِ وَالنِّكَاحِ وَالْمَقَاصِدِ

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

[٤٢] إِلَّا شُرُوطًا حَلَّلَتْ مُحَرَّمًَا ... أَوْ عَكْسُهُ فَبَاطِلَاتٌ فَاعْلَمَا

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



[٤٣] تُسْتَعْمَلُ الْقُرْعَةُ عِنْدَ الْمُبْهَمِ ... مِنْ الْحُقُوقِ أَوْ لَدَى التَّرَاحِمِ

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

[٤٤] وَإِنْ تَسَاوَى الْعَمَلَانِ اجْتَمَعَا ... وَفُعِلَ إِحْدَاهُمَا فَاسْتَمِعَا

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

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[٤٥] وَكُلُّ مَشْغُولٍ فَلَا يُشْعَلُ ... مِثَالُهُ الْمَرْهُونُ وَالْمُسَبَّلُ

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

[٤٦] وَمَنْ يُؤَدِّ عَنِ أَخِيهِ وَاجِبًا ... لَهُ الرُّجُوعُ إِنْ نَوَى يُطَالِبًا

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

[٤٧] وَالْوَازِعُ الطَّبَعِي عَنِ الْعَصِيَانِ ... كَالْوَازِعِ الشَّرْعِيِّ بِلَا نُكْرَانِ  
a natural deterrent from a sin,  
is like a religious deterrent, without any denial.

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

[٤٩] ثُمَّ الصَّلَاةُ مَعَ سَلَامٍ شَائِعٍ ... عَلَى النَّبِيِّ وَصَحْبِهِ وَالتَّابِعِ  
Thereafter salutations along with peace in abundance,  
upon the Prophet, his companions and followers.

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