



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

الاستنباطات الفقهية من الأحاديث النبوية المتضمنة للأيمان والندور في الكتب الستة - دراسة مقارنة -

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المستخلص

الحمد لله رب العالمين والصلاة والسلام على نبينا الأمين سيدنا محمد عليه أفضل الصلاة وأتم التسليم وعلى آله وأصحابه أجمعين ومن تبعهم بإحسان إلى يوم الدين، وبعد:

فإنَّ علم الحديث من أجل العلوم وأرفعها قدراً ومكانةً كيف لا ومداره سنة نبينا صلى الله عليه وسلم وما واظب عليه من قول أو فعل أو تقرير، فكان المصدر الثاني للتشريع بعد القرآن الكريم، لما احتوى من أحكام شاملة لمختلف مجالات الحياة، مأخوذة من نهج صلى الله عليه وسلم وتصرفاته المنوطة بالوحي الإلهي، وكانت أحكام الأيمان والندور من جملة ما جاءت به السنة النبوية واشتملت عليه، وكثيراً ما تصدر اليمين من الناس في حياتهم اليومية بصيغ مختلفة، ولأغراض مختلفة، فمنهم ليثبت صدق كلامه، ومنهم ليؤكد، ومنهم من جرت اليمين على لسانه في غالب أموره حتى صارت عادة له، وغير ذلك، دون أن يعلموا ما يترتب على ذلك من أحكام، أما النذر، فمن الناس من يلزم نفسه أموراً معينة منها ما يجوز شرعاً ومنها ما لا يجوز، ومنها ما لا يكون مشروطاً، ومنها ما هو مشروط بحصول أمر أو بلوغ مراد أو رفع بلاء، ونحو ذلك، ولأهمية هذين الموضوعين نرى أنَّ المحدثين والفقهاء في كتبهم ومصنفاتهم قد أفردوا لهما أبواباً خاصة، ورووا عن رسول الله صلى الله عليه وسلم ما ورد فيهما، وبينوا أحكامهما، ومن أجل كتب السنة وأكثرها فائدة "الكتب الستة" التي صنفتها أئمة علماء الحديث، لذا ونظراً لما سبق من أهمية هذين الموضوعين، وقع الاختيار على أن يكون موضوع هذه الرسالة ((الاستنباطات الفقهية من الأحاديث النبوية المتضمنة للإيمان والندور في الكتب الستة _ دراسة مقارنة))

Abstract

The science of Hadith is one of the most noble and exalted sciences in terms of status and position, how could it not be, when it revolves around the Sunnah of our Prophet, may God bless him and grant him peace, and what he consistently said, did, and approved. It was the second source of legislation after the Holy Qur'an, because it contained comprehensive rulings for various areas of life, taken from his approach, may God bless him and grant him peace, and his actions that were linked to divine revelation. God Almighty said: "And the rulings on oaths and vows are among what the Prophetic Sunnah came with and included. People often swear oaths in their daily lives in different forms and for different purposes. Some of them swear to prove the truth of their words, some to confirm them, some swear in most of their affairs until it became a habit for them, and other things, without knowing what rulings result from that. As for vows, some people He obligates himself to certain matters, some of which are permissible according to Islamic law, others are impermissible, some are unconditional, and some are conditional upon the occurrence of a matter, the fulfillment of a desire, the removal of a calamity, and so on. Given the importance of these two topics, we see that hadith scholars have devoted special chapters to them in their books and writings, and have narrated from the Messenger of Allah (peace and blessings be upon him) what is mentioned therein. This is also the case with jurists in their books. Among the most important and beneficial books of the Sunnah are the "Six Books," compiled by leading scholars of hadith. Given the importance of these two topics, and because many people are ignorant of the rulings related to them, I decided to discuss in this research ((On Jurisprudential Deductions from Prophetic Hadiths Containing Oaths and Vows in the Six Books - A Comparative Study))

- The Importance of the Research:

This study gains its importance from several aspects, the most important of which are:

- 1- Highlighting the role of the Prophetic Hadith as a primary source of legislation, and revealing the methodology followed by hadith scholars and jurists in deriving rulings from texts.

2. Contributing to enriching comparative jurisprudential studies, especially on issues of oaths and vows, on which the opinions of various schools of jurisprudence have varied.
3. Clarifying the legal rulings related to oaths and vows, thus helping Muslims apply them in accordance with legal guidelines and avoid violations that may occur due to ignorance.
4. Addressing some of the jurisprudential problems related to the formulas of oaths and vows and how to deal with them.

Methodology of the Thesis:

In my research, I followed the following approach:

1. In this thesis, I studied twenty-five issues derived from the hadiths on oaths and vows in the six books.
2. I defined the vocabulary of the title, as well as the six books: Sahih al-Bukhari, Sahih Muslim, Sunan Abu Dawud, Sunan al-Tirmidhi, Sunan al-Nasa'i, and Sunan Ibn Majah.
3. I cited the hadith, then explained the meaning of any of its vocabulary that needed clarification, and explained the overall meaning of the hadith, relying on commentaries and other sources.
4. A single issue may include one or more hadiths. If the issue includes more than one hadith, I explain the overall meaning of each hadith separately, provided each hadith has a specific meaning. If the meanings of the hadiths are similar or close, I explain their meanings all in a single paragraph, not separately.
5. I extract the rulings and jurisprudential issues from the hadiths, then I explain the opinions of the jurists therein, supporting each opinion with the most prominent evidence from the Qur'an and Sunnah, and other valid evidence, if available. When citing evidence from the Qur'an and Sunnah, I explain the significance of the evidence based on books of interpretation, commentaries, and other sources.
- 6- Weigh the evidence, then explain the most likely opinion, explaining the reason for its preponderance.
- 7- Regarding my methodology for classifying hadiths and narrations: I classified the hadiths mentioned in the treatise from the six books. I did not judge those found in the two Sahih, but those not found in either of them, I classified them from the rest of the six books, while judging the narration. If the hadith was not found in the six books, I classified

it from other books of Sunnah, such as Sunan, Musnad, or compilations. I usually limited myself to classifying the hadith from only one source from the books of Sunnah, along with a judgment on it. 8- If I mention Sunan al-Nasa'i without specifying it, I mean al-Sunan al-Sughra by al-Nasa'i. If I mean al-Sunan al-Kubra, I clearly indicate this in the margin.

9- I did not identify famous figures such as the Rightly-Guided Caliphs (may Allah be pleased with them) and the Mothers of the Believers (may Allah be pleased with them).

10- When citing a source for the first time, I provide the full title of the book and the author's fame, if he was a famous early author. I also provide his name and fame if there is another author with the same fame, or if the author is contemporary. I also specify the volume and page. If I repeat the source a second time, I only briefly mention the name of the book, specifying the volume and page. I have provided full information about the book in the list of sources and references.

11- I have clarified any unusual vocabulary found in the research.

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- A Comparative Study**

Farah Moatasem Abdul Razzaq Al-Douri

**Master's Thesis
in
Jurisprudence and its Principles**

Supervised by
**Professor Dr.
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