



جامعة الموصل
كلية العلوم الإسلامية
قسم الشريعة

مخالفات الإمام الشافعي للإمام أبي حنيفة في العبادات من
خلال كتاب الغرة المنيفة
للإمام الغزنوي (رحمه الله) (ت: ٧٧٣هـ)
- دراسة فقهية مقارنة -

رسالة مقدّمة إلى مجلس كلية العلوم الإسلامية
وهي جزء من متطلبات نيل درجة الماجستير في الفقه وأصوله

للطالبة

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إشراف

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فراس سعدون فاضل الجنابي

٢٠٢١

١٤٤٣هـ

المستخلص بلغة الاطروحة

توجيه البحث إلى الدراسة:

هذه الرسالة مختصة بدراسة مخالقات الإمام الشافعي للإمام أبي حنيفة في المسائل التي ذكرها الإمام الغزنوي في كتابه الغرة المنيفة في العبادات وربط هذه المسائل الفقهية بأصول الفقه من خلال تحرير الخلاف بين الإمامين أبي حنيفة والشافعي في المسألة مدار البحث، فكان عنوان الرسالة: (مخالقات الإمام الشافعي للإمام أبي حنيفة في العبادات من خلال كتاب الغرة المنيفة للإمام الغزنوي (رحمه الله) (ت: ٧٧٣هـ) - دراسة فقهية مقارنة)

جاء التمهيد في دراسة حياة الإمام الغزنوي (رَجَمَهُ اللهُ) من حيث سيرته الذاتية التي تشمل اسمه وكنيته ولقبه ونسبته ونشأته، وسيرته العلمية التي تشمل رحلته العلمية وشيوخه ومصنفاته والمناصب التي تقلدها ومن ثم وفاته، بعد ذلك تفصيل في دراسة منهج الإمامين أبي حنيفة والشافعي في أصول استنباط الأحكام، ومنهج الإمام الغزنوي في تصنيف كتابه الغرة المنيفة.

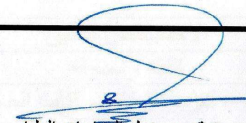
تناول الفصل الأول مسائل الخلاف في كتاب الطهارة والصلاة، وقد تضمن كتاب الطهارة خمسة مسائل، واحدة منها في النجاسة، وبقيت المسائل في الوضوء والغسل، على حسب ما جاء من مسائل في كتاب الغرة المنيفة، بينما تضمن كتاب الصلاة مسائل في مواقيت الصلاة ومسائل في أركان الصلاة وفي رخص الصلاة، وكانت دراسة المسائل تتناول أقوال المذاهب الفقهية في المسألة وتحرير الخلاف بين الإمامين أبي حنيفة والشافعي بالرجوع إلى كتب أصول الفقه وإلى الكتب الفقهية، ومن ثم ذكر أدلة كل مذهب في المسألة، مبينة وجه الدلالة منها والاعتراضات عليها والردود إن وجدت، ومن ثم المذهب الراجح مع ذكر سبب الترجيح غالباً.

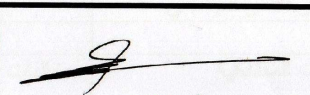
ويشمل الفصل الثاني مسائل الخلاف في كتاب الزكاة، وقد قسمت مسأله إلى قسمين: الأول ما يشترط في المزكي والمزكى، والثاني مسائل متفرقة في الزكاة.

وتخصص الفصل الثالث بمسائل الخلاف في كتاب الصوم والحج، ففي كتاب الصوم تناولت المسائل: النية في الصوم، وروية هلال رمضان، ومبطلات الصوم، ونذر الصوم والتطوع، أما كتاب الحج فإنه تضمن مسألتان: الأولى في التفاضل بين الأنسك، والثانية طواف القارن وسعيه.

ثم بينت في الخاتمة أهم النتائج التي توصلت إليها

والتوصيات التي يوصي بها الباحث


توقيع مسؤول الدراسات العليا
د. أ.م.د. إبراهيم محمود إبراهيم


تأييد المشرف
أويد بان مستخلص الاستمارة مطابق للرسالة

In the name of Allah the Merciful

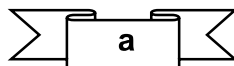
Abstract

Praise be to Allah, Lord of the Worlds, great, good, and blessed thanks, as our Lord loves and satisfied. A praise that fulfills his blessings, and bestows more of his giving. A prayers and peace be upon his Prophet, the chosen messenger, and upon his family and companions, and may peace be upon him greatly, and after...

The science of jurisprudence is one of the most important and noble sciences as scholars have been interested in, since the time of the Prophet - may Allah's prayers and peace be upon him - to this day. Among these scholars are the four imams Abu Hanifa, Malik, al-Shafi'i and Ahmed bin Hanbal - may God have mercy on them - who later had companions and followers, whom published their jurisprudential sayings and books, which they adhered, taught and spread among. God has prepared among these scholars who would convey the jurisprudential disagreements among the jurists, especially between the two imams Abu Hanifa and al-Shafi'i, and among these scholars is the imam jurist Omar Ibn Ishaq al-Ghaznawi al-Hanafi (d. Achieving some issues of Imam Abu Hanifa, on which the subject of our study revolves, under the title: "Imam Al-Shafi'i's disagreements of Imam Abu Hanifa in Worshipping through the Book of Al-Ghurrah Al-Munifa of Imam Al-Ghaznawi (may God have mercy on him) (D.: 773 AH) – A comparative jurisprudential study-."

Research importance:

- 1- Demonstrating the status of one of the Hanafi imams, which is Imam Omar Al-Ghaznawi, in his biography and academic statement.
- 2- Highlighting the scientific knowledge of the two great imams, Abu Hanifa and al-Shafi'i; By spotlighting the jurisprudential dispute between them in some issues of worshipping by elucidating the disagreement between them.
- 3- Explanation of the close connection between jurisprudence and its principles, as it is impossible to break the connection between them by studying one without the other.



4- Elaborating jurisprudential issues in a new way; by linking and then attaching it to its jurisprudence.

5- Knowing the methodology of Imam Al-Shafi'i in opposing Imam Abu Hanifa in a way that is characterized by shortness and clarity.

• **Reasons for choosing the research:**

1- I had a passion for reading the books of the Hanafi and Shafi'i sects, for their high status, besides that, studying the disagreement between them and its impact on the jurisprudential inheritance that was transmitted to this nation, so as I can stand on all these facts, and shed the light on these two imams and their great status. Therefore, I decided to go for this field.

2- Through searching for a title of my thesis, I was offered the idea to go for the book of Al-Ghurrah Al-Munifa- in the investigation of some issues of Imam Abu Hanifa-, which came in the statement of the jurisprudential difference between the two Imams Abu Hanifa and Al-Shafi'i, but in the preceding scholars way in a brief references and abbreviated phrases, not as it is in the jurisprudential studies today that it is characterized by a broad scholarly, jurisprudential characteristics in terms of presenting the sayings and evidence of the jurists, discussing them and clarifying the most correct ones. Therefore, I wanted to add something new, which is to elucidate the issue of disagreement and put it under discussion, within a specific circle, which is what Imam Ghaznawi transmitted in his book Al-Ghurrah Al-Munifa, as this book is one of the books worthy of attention.

3- The many inquiries related to worship made me choose to search in the field of worshiping.

Difficulties of research:

- 1- The negative impact of COVID-19 pandemic that affected the whole world had constricted the activity, movement, and accessibility of libraries, besides that, decreasing the direct and needed meetings with Assist. Professor supervisor.
- 2- The book of Al-Ghurrah Al-Munifa is one of the old books that needs decoding the phrase, as its phrases were highly articulated and worded, so I found some difficulty in that.
- 3- Family and social obligations had a significant impact on adding additional effort and hardship to writing the research.

Research methodology: It can be summarized as follows:

- 1- Studying the jurisprudential issues mentioned by Imam Al-Ghaznawi from the book of Purity (Al-Taharah) to the end of the chapter of worshipping from his book Al-Ghurrah Al-Munifa in the investigation of some issues of Imam Abu Hanifa as a comparative jurisprudential study, then classifying them according to the chapters of jurisprudence.
- 2- Exposing the jurisprudential issue from the book of Al-Ghaznawi with an elaboration, then showing the sayings of the four schools of jurisprudence about it.
- 3- Citing and documenting the sayings of the jurists from the original sources approved in their doctrines, as well as attributing the saying to the books of jurisprudence.
- 4- Explaining the reason for Imam Shafi'i's disagreement with Imam Abu Hanifa through revealing the disagreement between them by referring to the books of Usul al-Fiqh and to the jurisprudence books of the each one's doctrine.
- 5- Mentioning the evidence of each sect in the matter under discussion, showing the evidence, the objections and the responses, if any, and then the most correct sect with the reason for the outbalanced one.
- 6- Attributing the noble verses and extracting the honorable Hadiths of the Prophet contained in the thesis according to the methodology adopted in the academic jurisprudence research.
- 7- A definition to the scholars mentioned in this letter.

Research plan:

The research plan consisted of an Abstract, a preface, three chapters, and a conclusion:

The introduction dealt with the importance of the research, the reason for choosing it, its difficulties, the research method, and the research plan.

As for the preface: it came in two sections: The first topic: it included the life of Imam Al-Ghaznawi - may God have mercy on him -, and it contains two demands: the first: his biography, and the second: his scientific biography. The second topic: a study of the curriculum, and it contains two demands: the first: the approach of Imam Al-Shafi'i in his opposition to Imam Abu Hanifa, and the second: the approach of Imam Al-Ghaznawi in classifying the book.

Yet, the first chapter: The Book of Purification and Prayer, which includes two topics:

The first: the book of purification, and it contains two requirements: the first: impurity, and the second: ablution and washing.

The second topic: The Book of Prayer, which includes three demands: the first: the times of prayer, the second: the pillars of prayer, and the third: the permits for prayer.

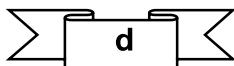
The second chapter: The Book of Zakat, which includes two topics:

The first topic: what is required in the person who gives the charity (Zakat) and the needy person who takes it, and there are two requirements: the first: what is required in the giver, and the second: what is required in the taker.

The second topic: Miscellaneous issues in Zakat.

As for the third chapter: Fasting and Hajj, which includes two topics:

The first topic: Fasting, and it includes four demands: the first: the intention to fast, the second: sighting the crescent of Ramadan, the third: nullifiers of fasting, and the fourth: the vow to fast and voluntary.



The second topic: Hajj.

And the conclusion: it included the most important findings and recommendations.

At the end: I was looking to reach perfection, yet the perfection only for Allah, and my concern was to show this research free of errors. As if I am right, then I thank God for that, and if I am wrong, then I ask God Almighty to forgive me for that, and to make what I have done purely for his noble face, seeking his pleasure, and for Muslims to benefit from it.

Praise be to Allah, the Lord of the Worlds.

