



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

**اختيارات الإمام الطحطاوي رحمه الله (ت ١٢٣١هـ)
في كتابي الزكاة والصيام من خلال حاشيته على
الدر المختار - دراسة في الفقه الحنفي -**

رسالة قدمت إلى مجلس كلية العلوم الإسلامية
وهي جزء من متطلبات نيل شهادة الماجستير في الفقه وأصوله

من قبل الطالبة

فاتن عز الدين عبدالسلام الخليفة

بإشراف

الأستاذ المساعد الدكتور

هيثم حازم عبد الحيالي

مستخلص الرسالة

فإن الفقه من المقاصد الأساسية للدين؛ لأنه يصحح عبادة المسلم مع الله سبحانه وتعالى، ومن هنا قال النبي - صلى الله عليه وسلم -: « مَنْ يُرِدِ اللَّهُ بِهِ خَيْراً يُفَقِّهْهُ فِي الدِّينِ ». ولأجل ذلك درج العلماء منذ زمن الصحابة الكرام - رضي الله عنهم - والى يومنا هذا على دراسة الفقه واستخراج مسأله من أدلتها المعروفة بغية نشرها والإهداء بنورها ليكون المسلم في عباداته ومعاملاته على بينة من أمره، مطيعاً لربه، ومقتدياً بسنة نبيه محمد - صلى الله عليه وسلم - .

ومن فضل الله تعالى عليّ أن يسر لي إكمال مشروع بدأه طلبة قبلي الا وهو اختيارات الإمام الطحطاوي - رحمه الله - (ت: ١٢٣١هـ) في كتابي (الزكاة والصيام) من خلال حاشيته الشهيرة على الدر المختار للإمام الحصكفي (ت: ١٠٨٨هـ) - رحمه الله - .

Abstract

This dissertation dealt with the choices of Imam al-Tahtawi - may God have mercy on him - (d. 1231 AH) in the book Zakat and Fasting through his footnotes on al-Durr al-Mukhtar, and studied it as a jurisprudential study in the Hanafi school of thought. My thesis included an introduction and three chapters.

The introduction included four topics:

The first topic: defining choices linguistically and idiomatically.

The second topic: defining the “Matn al-Tanweer” and its author, and it contains three demands:

The first requirement: his name and birth.

The second requirement: his writings.

The third requirement: his death.

The third topic: introducing "Al-Durr Al-Mukhtar" and its author

The first requirement: his name, birth and virtue

The second requirement: his writings.

The third requirement: his death.

The fourth topic: the translation of Imam Al-Tahtawi, peace be upon him.

The first requirement: introducing the imam

First: His name, birth, and nickname

Second: his title

Third: his family

The second requirement: his request for knowledge

The third requirement: the most prominent of his sheikhs

The fourth requirement: his methodology in the footnote to Durr Al-Mukhtar

The fifth requirement: imitated by the Hanafi sheikhdom

The sixth requirement: his death



The first chapter: the choices of Imam Al-Tahtawi (Peace be upon him) in the Book of Zakat, and it contains two topics:

The first topic: an introduction to the book of zakat, and it contains four requirements:

The first requirement: Define zakat linguistically and idiomatically.

The second requirement: evidence of the legality of zakat.

The third requirement: the types of funds on which zakat is due.

The fourth requirement: the purpose of zakat.

The second topic: the choices of Imam Al-Tahtawi in the issues of zakat, and it includes ten issues:

The first issue: Zakat on the debt that occurred after one year.

The second issue: Zakat on the deferred dowry.

The third issue: Zakat on basic needs.

The fourth issue: Zakat on lost and usurped money (damaged money).

The fifth issue: the indication of the situation takes the place of the intention in trade.

Sixth issue: Zakat on blind and legless livestock.

The seventh issue: Zakat on small livestock.

The eighth issue: the destruction of the zakat quorum due to transgression.

The ninth issue: Giving zakat to a poor person who has earned it.

The tenth issue: Giving the Banu Hashim of alms money.

The second chapter: Imam Al-Tahtawi's choices in the book of fasting, and it contains two topics:

The first topic: an introduction to the book of fasting, and it includes five demands:

The first requirement: defining fasting linguistically and idiomatically.



The second requirement: evidence of the legitimacy of fasting.

The third requirement: the virtues of fasting.

The fourth requirement: the pillar of fasting.

The fifth requirement: the conditions for the obligation of fasting.

The second topic: the choices of Imam Al-Tahtawi, peace be upon him, the book of fasting. It includes eleven issues:

The first issue: singling out Friday for fasting.

The second issue: Delaying the intention to fast.

The third issue: Fasting on the day of doubt for muftis.

The fourth issue: the astronomical calculation to establish the first month of Ramadan.

The fifth issue: Testimony at the end of the month of Ramadan.

Sixth issue: The fasting person ate out of forgetfulness.

The seventh issue: Is it to spend Ramadan immediately or to relax?

The eighth issue: Vomiting returns to the stomach of the fasting person.

The ninth issue: the ruling on the fast of those with hard work.

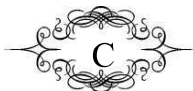
The tenth issue: Whoever deliberately broke his fast and died, he must make a will.

The eleventh issue: Iftar for a fasting person with the excuse of hospitality.

Conclusion: It included the most important findings of the researcher and recommendations.

These issues were studied in a jurisprudential, scientific, and comparative study in the Hanafi school, according to a logical order as follows:

First: mentioning a name for each issue, according to what Imam al-Tahtawi preferred - may God have mercy on him -.



Secondly: He mentioned the text of Imam Al-Tahtawi's statement - may God have mercy on him - which indicates the weighting, whether he stated it with the words of weighting (which is the most correct one, and he has the fatwa, and the correct one...) or indicated that he preferred it by quoting one of the sayings and not others.

Third: Editing the subject of the dispute, in which it clarified the point of agreement, the subject of disagreement, and the subject of the dispute.

Fourth: Al-Tamheed, in which I learned the terminology of the issue linguistically and idiomatically, then I referred to matters that help in portraying the issue and understanding it in a deep and accurate way in order to reach the truth of the issue.

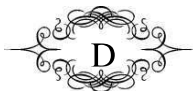
Fifth: Presentation of the sayings of the jurists on the matter, mentioning the attribution of each saying to its speaker.

Sixth: Mentioning the evidence used by the owners of each saying and the location of the witness in it, and mentioning some responses, discussions, and objections to it, if any.

Seventh: The most correct opinion, in which I mentioned the extent of its disagreement and agreement with the choice of Imam Al-Tahtawi - may God have mercy on him - and the most important reasons that led to this weighting.

Then I concluded this letter with a conclusion in which I mentioned the most prominent results that I reached, through this scientific journey, in which I mentioned the status of Imam Al-Tahtawi - may God have mercy on him -, his approach in writing, and his method of weighting.

Asking Al-Bari, may He be glorified and exalted, to make this work purely for His honorable sake beneficial for the seekers of knowledge until the Day of Judgment.



**Ministry of Higher Education and Scientific Research
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College of Islamic Sciences
Sharia section**



**Choices of Imam Al-Tahtawi, (may God
have mercy on him) (D. 1231 A.H.) in the
book Zakat and Fasting through his
footnotes to Al-Durr Al-Mukhtar
-Study in Hanafi jurisprudence-**

**A submitted to the Council of the College of Islamic Sciences
It is part of the requirements for obtaining a master's degree
in jurisprudence and its principles**

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