



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الاسلامية

قسم الشريعة

الدراسات العليا

منهج السالك وشرعة الناسك

للإمام شمس الدين محمد الطرابلسي الحنفي (ت: ٧٩٩هـ)

( من بداية المخطوط إلى نهاية باب حكم الجماع ودواعيه )

- دراسة وتحقيق وتعليق -

عبدالستار أحمد عبدالرزاق العبادي

رسالة ماجستير

في الفقه وأصوله

إشراف

الأستاذ الدكتور

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أستاذ الفقه المقارن

## المستخلص

الحمد لله رب العالمين والصلاة والسلام على نبينا محمد وعلى اله وصحبه اجمعين ورضي الله عن صحابة الطيبين وعن من تبعهم الى يوم الدين واما بعد: فإن رسالتي هذه تتعلق بتحقيق القسم الأول من كتاب منهج السالك وشرعة الناسك للإمام شمس الدين محمد الطرابلسي الحنفي (ت: ٧٩٩هـ) من بداية المخطوط إلى نهاية باب حكم الجماع ودواعية وتتضمن الرسالة قسمين

القسم الأول : تناولت فيه شيئاً عن حياة الإمام محمد الطرابلسي الحنفي، وأهم مؤلفاته وشيوخه وتلامذته، وكذلك الحديث عن عصره ، وما تم العثور عليه من ترجمته.

والقسم الثاني: تحقيق جزء من المخطوط الذي يحتوي على (كتاب الناسك، باب في فضل الحج وذم تاركه، باب في شرائط الحج وفرائضه واجباته وسننه، باب في مقدمات السفر وآدابه، باب المواقيت، باب الإحرام، الجنائيات، باب في الطيب والدهن وحكمها، باب حكم الحلق وقلم الاظفار، باب حكم الجماع ودواعيه) وانتهت الرسالة بخاتمة تضمنت أهم النتائج والتوصيات، وبعض المهارات التي تخدم المخطوط .

كما يستعرض في هذا البحث أحكام الحج، من حيث فضل أداء الحج، بما له فضل عظيم في الدنيا والآخرة، وتركه مع القدرة عليه أثم عظيم، وكلك يُستحب الاستعداد له بالسفر بنية صالحة، واتباع السنن والآداب، ومن فرائضه الإحرام وطواف الزيارة والوقوف بعرفة، ويحرم على المحرم الجماع ولبس المخيط والتطيب وقص الاظفار وحلق الشعر ومن فعله شيء منها فعليه فدية، يبحث فيه أقوال الفقهاء بالأدلة مع الردود أيضاً، والمناقشات. كما أن هذا البحث يهدف إلى إثراء المكتبة الاسلامية ببحث فقهي مختص في أحكام الحج وبيان أهميته .

الكلمات المتاحة: الشهادة - القضاء- الصلح- الوصي- الدعوى

## صور



## **Abstract**

This thesis concerns the investigation of the first part of the book “Manhaj al-Salik wa Shari’at al-Nasik” by Imam Shams al-Din Muhammad al-Tarabulsi al-Hanafi (d. 799 AH) From the beginning of the manuscript to the end of the chapter on the ruling on sexual intercourse and its reasons. The thesis includes two parts.

The first part: I discussed something about the life of Imam Muhammad al-Tarabulsi al-Hanafi, his most important works, his sheikhs, and his students, as well as discussing his era and what was found of his biography. Second section :The second section: Verification of a part of the manuscript that contains (The Book of the Ascetic, a chapter on the virtue of Hajj and the blame of abandoning it, a chapter on the conditions of Hajj, its obligations, its duties and Sunnahs, a chapter on the introductions to travel and its etiquette, a chapter on the times, a chapter on Ihram, crimes, a chapter on perfume and oil and their ruling, a chapter on the ruling on shaving and trimming the nails, a chapter on the ruling on sexual intercourse and its motives). The thesis ended with a conclusion that included the most important results and recommendations, and some skills that serve the manuscript.

**Keywords: Testimony - Judiciary - Reconciliation - Guardian - lawsuit**

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## Abstract

1- The authenticity of the attribution of the manuscript to its author Imam Abu Abdullah Shams al-Din Muhammad al-Trabelsi - may God have mercy on him - by mentioning it in the introduction .

2- Imam Abu Abdullah Shams al-Din Muhammad al-*Trabelsi* (may Allah have mercy on him) was moderate in citing Qur'anic verses and hadiths, with sound logic in matters of jurisprudence .

3- The author Abu Abdullah Shams al-Din Muhammad al-Trabelsi - may God have mercy on him - was one of the scholars of the Hanafi school, one of the scholars of the eighth century AH, of Tripoli origin, and he grew up there and traveled to Egypt and took over the management of fatwas, teaching and the guardian of the judiciary twice .

4- The author collected in this book many of the sayings of the scholars, it was not just a carrier of the opinions of scientists, but was a personality that improves dealing with sources, so it is abbreviated if there is a need for abbreviation, and details what needs to be detailed, and adds a lot of it, and weights according to what the evidence requires when .

5- The phrases of Imam Trabelsi - may God have mercy on him - in the book Minhaj al-Salik and the Law of the Hermit differed between difficult that need to decipher many of its phrases, and easy and clear .

6- Imam Trabelsi -may Allah have mercy on him- was proficient in rhetoric, logic, grammar, language, principles, and others, and this indicates the breadth of his knowledge and the sharpness of his taste.

7- The Imam relied on many and varied sources, and he was widely adopted by the books of: Al-Mabsout, Al-Muheet Al-Razavi in the Hanafi branches, Fatwas of Qazi Khan, Al-Masar in rituals, Khazanah Al-Akmal and others .

8- The degree of hadiths that he inferred varied between the correct, the good and the weak, and perhaps this is due to most of his suspicion when transmitting it in terms of it being an acceptable or authentic hadith, and that is what most human beings fall into .

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**Methodology Salik and charter Hermit**

**Imam Shams Al-Din Muhammad Al-Trabelsi Al-Hanafi  
(d.799AH)**

From the beginning of the manuscript to the end of the chapter on the  
rulings of intimacy and its reasons

– Study, investigation and commentary -

A thesis submitted to the Council of College of Islamic Sciences  
In Partial Fulfillment of the Requirements for the Degree of Master in  
jurisprudence and its fundamentals

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