



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

**قوادح العلة في القياس بين القبول والرد عند
الإمام الشافعي من خلال كتابه الأم
– نماذج تطبيقية مختارة –**

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

للطالبة

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المستخلص بلغة الرسالة

أولاً: اعتمد الامام رحمه الله في كتابيه (الرسالة والام) على وجود مناظر افتراضي يسأل الامام رحمه الله وينظره في مسألة ما فينبري الامام للإجابة عنها بالدليل والحجة القاطعة.
ثانياً: اختلف علماء الاصول واهل الجدل في نسبة القوادح، هل هي من علم الاصول ام من علم الجدل، والذي نميل اليه ان القوادح تشكل لها تعلق بالعلمين، فمن حيث هي عقلية ذهنية تكون داخلية علم الاصول، ومن حيث هي جدلية استفهامية تكون داخلية في علم الجدل والله اعلم.
ثالثاً: من القوادح ما يطرأ على القياس بصورة عامة كأحد أدلة الأحكام، ومنها ما يطرأ على أركانه كالأصل وحكمه والعلة والفرع، فيبطل عملها وتخرج عن دائرة الاعتبار.
رابعاً: هناك قوادح تتعلق بأركان القياس الاربعة الاصل، وحكمه، والعلة، والفرع تعود في حقيقتها الى قادح الممانعة والذي يعتبره الاصوليين أرفع وأعظم الأسئلة الواردة على القياس.
خامساً: يعدد الامام الشافعي بالقوادح في كتابه الام على الرغم من انه لم يفردها لمباحث خاصة بها.

Abstract

The life of human beings is not straightened except by lines and frameworks that define the paths, correct the distortions, illuminate the darkness, and guide to the path of righteousness, and God Almighty has decreed all of this with His great legislation. And all of this is only in following this divine approach that God Almighty conveyed to His Noble Prophet Muhammad (peace be upon him).

This great legislation has one source, the Great Legislator, and several evidences, which are the Noble Qur'an revealed to our master Muhammad (PBUH), and then the great Sunnah that clarifies what is in the folds of the Book of God, detailing what is more beautiful than it, and then unanimously agree on issues based on what came in the first two evidences. Then analogy, which is the basis for ijihad, and the origin of opinion is one of the most important sources of Islamic jurisprudence, and it is a method by which Islamic Sharia is unique from other laws.

In addition to being one of the evidence for legal rulings and based on texts and consensus, it is a rational guide through which the deducer works to mentally link two facts, an authentic fact that has a legal ruling, and another incident that lacks a ruling, so the deducer works to link the two facts with each other through a comprehensive meaning between them, which is the legal reason To prove the authentic ruling of the incident based on the evidence of transmission, then other evidence in which the scholars differed.

And what is under study in this research from these evidences of analogy: the analogy has arguments that occur to it, and challenge it in order to take it out of the circle of consideration, and these arguments may arise in the analogy itself as evidence of the evidence of judgments, so you challenge it and invalidate it, and this challenge may be by inquiry, or corruption of consideration Measurement, or by dividing, or saying the

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positive, or by heart. Its cause has arisen, and it is the pillar of analogy and one of its four most important pillars. To overrule it, or allocate it, or corrupt its status, or it may prevent the description related to it from being a reason for judgment, or take it out of the sphere of influence, or it may be slandered on its occasion, or in what it leads to, or it may undermine its appearance, its discipline, or it may expose it to fracture.

Moreover, there are predispositions to the origin of the analogy by preventing the existence of the cause in the original, or by opposition to the original, which may be through transgression, or difference, or it may occur in the rule of the original by preventing it, and the composition may be in the original one Reasons for ban.

Also among the Qadah is what may occur in the last pillar of the analogy, except that it is the branch by preventing the existence of the fault in it, or by opposition, or by the difference of the officer between the original and the branch and the union of wisdom, or the union of the officer between the original and the branch and the difference in the gender of interest between them, or by violating the rule of the branch to the rule the origin. The importance of the research is evident in explaining the triggers of the illness in particular, and extracting the jurisprudential applications of it from the book *Al-Umm* by Imam Al-Shafi'i and explaining what is acceptable and rejected by him from these triggers.

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**The Reason for the Reason in the
Analogy Between Acceptance and
Rejection According to Imam Al-Shafi'i
through his book Al-Umm
Selected Application Forms**

**A thesis submitted to the Council of the College of
Islamic Sciences, which is part of the requirements
for obtaining a master's degree in the field of Fiqh
and its Fundamentals**

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