

The Significance of al-Ashbāh wa'l-Nazā'ir of Ibn Nujaym	
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Other works	Ibn Nujaym also authored <i>al-Baḥr al-Rā'iq sharḥ Kanz al-Daqā'iq</i>
Egypt	Author was born in Egypt at a time when the country was shifting to the Hanafī school after having followed the Shāfi'ī school <ul style="list-style-type: none"> <li>- Ottomans favored the Hanafī school</li> </ul>
Are some legal maxims specific to certain schools?	Most of the qawā'id fiqhiyyah are specific to individual madhāhib, although some of them are acknowledged by all schools
Qawā'id fiqhiyyah	Subkī: "A universal rule with which many particular cases agree whose legal determinations can be understood from it" الأمر الكلي الذي ينطبق عليه جزئيات كثيرة تفهم أحكامها منها
Types of qawā'id fiqhiyyah	Qawā'id kullīyyah - general principles that apply to all or most fields of law  Qawā'id khāssah - specific principles that apply to one or more, but not all, fields of law <ul style="list-style-type: none"> <li>- Also known as ḍawābiṭ</li> </ul>
Istithnā'āt	Cases that are exempt from the rule and are therefore exceptions
Earliest extant work on qawā'id Example	<i>Al-Usūl</i> by al-Karkhī al-Hanafī <ul style="list-style-type: none"> <li>- Karkhī's usūl appear in later works in shorter statements</li> <li>- الأصل أن أمور المسلمين محمولة على السداد والصلاح حتى يظهر غيره</li> <li>- الأصل براءة الذمة</li> </ul>
Ashbāh and Nazā'ir	Al-Ashbāh wa'l-Nazā'ir refers to the legal cases included in the discussions of the principles <ul style="list-style-type: none"> <li>- Ashbāh: cases that are governed by the rule embodied in the qā'idah</li> <li>- Nazā'ir: cases that appear as being governed by the rule but are exceptions</li> </ul>
Qawā'id fiqhiyyah versus al-Ashbāh wa'l-Nazā'ir	Al-Qawā'id al-fiqhiyyah refer to the principles  Al-ashbāh wa'l-nazā'ir refer to the specific cases discussed within the principles
Organization of Ibn Nujaym's book	All the principles he discusses also appear in al-Suyūṭī's <i>Ashbāh</i> and in the same order <ul style="list-style-type: none"> <li>- Under each principle, Ibn Nujaym cites only opinions of Ḥanafī scholars</li> </ul>

Qawā'id khamsa kubrā	<p>5 principles that govern all or most juridical cases and are accepted by all the schools of law</p> <ul style="list-style-type: none"> <li>- Acts are judged according to their objectives الأُمُور بِمَقَاصِدِهَا</li> <li>- Certainty is not removed by doubt الْيَقِينُ لَا يَزُولُ بِالشَّكِّ</li> <li>- Hardship brings about facilitation الْمُشَقَّةُ تَجْلِبُ التَّيْسِيرَ</li> <li>- Harm is to be removed الضَّرَرُ يَزَالُ</li> <li>- Custom is determinative الْعَادَةُ مُحَكِّمَةٌ</li> </ul>
Ibn Nujaym	<p>Added an additional principle: No reward unless the act is carried out with intent لَا ثَوَابَ إِلَّا بِالنِّيَّةِ</p>
Ḥiyal	<p>Criticised by some scholars of other schools who consider ḥiyal to be ruses used to circumvent the law</p> <ul style="list-style-type: none"> <li>- Ḥanafīs justify the use of ḥiyal with the verse: “And [We said to Ayyub], ‘Take [a bundle of] thin twigs in your hand, and strike with it, and do not violate your oath”</li> <li>- Ayyub AS had gotten angry and sworn an oath that he would strike his wife with 100 blows</li> </ul>

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