

The Significance of al-Ashbāh wa'l-Naẓā'ir of ibn Nujaym	
Author	Khadiga Musa Latef - BA in Arabic & Islamic Studies (University of London), MA in Islamic Studies (University of London), PhD in Islamic Studies (University of London)
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'i school - Ottomans favored the Hanafī school
Are some legal maxims specific to certain schools?	Most of the qawā'id fiqhīyyah are specific to individual madhāhib, although some of them are acknowledged by all schools
Qawā'id fiqhīyyah	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 حكمها منها
Types of qawā'id fiqhīyyah	Qawā'id kulliyah - 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 - Also known as ḥawābiṭ
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 - Karkhī's usūl appear in later works in shorter statements الأصل أن أمور المسلمين محمولة على السداد والصلاح حتى يظهر غيره - الأصل براءة الذمة
Ashbāh and Naẓā'ir	Al-Ashbāh wa'l-Naẓā'ir refers to the legal cases included in the discussions of the principles - Ashbāh: cases that are governed by the rule embodied in the qā'idah - Naẓā'ir: cases that appear as being governed by the rule but are exceptions
Qawā'id fiqhīyyah versus al-Ashbāh wa'l-Naẓā'ir	Al-Qawā'id al-fiqhīyyah refer to the principles Al-ashbāh wa'l-naẓā'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 - Under each principle, Ibn Nujaym cites only opinions of Hanafī scholars

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"> - Acts are judged according to their objectives - Certainty is not removed by doubt - Hardship brings about facilitation - Harm is to be removed - Custom is determinative
Ibn Nujaym	<p>Added an additional principle: No reward unless the act is carried out with intent</p>
Hiyal	<p>Criticised by some scholars of other schools who consider hiyal to be ruses used to circumvent the law</p> <ul style="list-style-type: none"> - Hanafis justify the use of hiyal 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'" - Ayyub AS had gotten angry and sworn an oath that he would strike his wife with 100 blows

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