

العنوان:

أسباب اختلاف الفقهاء عند الإمام القرافي من خلال كتابه الذخيرة
دراسة تأصيلية تطبيقية

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المستخلص:

هذه دراسة تناقش موضوع أسباب اختلاف الفقهاء، من خلال تقارير الإمام القرافي - رحمه الله - في كتابه "الذخيرة" حيث تتبع الباحث فيها تلك الأسباب وفق منهج استقرائي تأصيلي، فناقش السبب الذي ذكره المؤلف وبين اختلاف الأصوليين فيه مع بيان الراجح، مثل له بالفروع الفقهية التي أشار إليها المصنف، مبينا وجه ارتباط وبناء هذا الفرع على السبب.

وقد رتب الباحث هذه الأسباب على الأبواب الأصولية، فبدأ بالأحكام التكليفية فالوضعية، ثم الأدلة المتفق عليها فالمختلف فيها، ثم الأسباب المتعلقة بدلالات الألفاظ، وبعدها تناول الأسباب المتعلقة باختلافهم في تعارض الأدلة وكيفية الترجيح بينها ثم ما يتعلق باختلافهم في تحقيق المناط وتنزيل الأحكام بعد اتفاهم في أصل السبب.

وقد قدم الباحث لهذا البحث بتمهيد ناقش فيه ثلاث موضوعات:

الأول: تحدث فيه عن علم أسباب الاختلاف عند الفقهاء: نشأته، وتطوره، وجهود العلماء في بحثه، ثم بيان المؤلفات في هذا الفن، ومن ثم بيان مجمل الأسباب التي ذكرها العلماء.

الثاني: التعريف بالإمام القرافي مولدا ونشأة ونسبا، مع الحديث عن حياته العلمية، ومكانته عند العلماء، وانتاجه العلمي الغزير في شتى الفنون.

الثالث: تحدث فيه الباحث عن كتاب "الذخيرة" ونسبته للقرافي، مع بيان منهج المصنف فيه، وشخصيته وأسلوبه فيه، وما هي موارد التي استقى منها مادته؟

وهذه الدراسة تهدف إلى بيان موقف العلماء قديما وحديثا من اختلاف الفقهاء، فإنهم لم يحاولوا اجتثاثه، وإنما عُنوا بمعرفة أسبابه؛ لما للعناية بهذه المعرفة من أهمية بالغة في البناء الفقهي لطالب العلم، وفهم أقوال العلماء

وإعذارهم فيما اختاروه من آراء، ففيه توسيع للأمة وإعذار للأئمة ورفعاً
للملام عنهم.

Research Title:

Causes of Differences between Jurists According to Al-Qarafi in His Book Al-Dhakhira -A Foundational and Applied Study

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Abstract

The following study aims to discuss the causes of disagreement among the scholars in regard to the statements made by Imam Shahabuddin Al-Qarafi Al-Maliki (may Allah have mercy on him), in his book entitled (Al-Dhakheerah). I traced these reasons for disagreement according to an inductive approach to the subject.

Accordingly, I discussed the causes mentioned by the author. I further shed light on the differences that have been discussed by the scholars, and I clarified the more correct opinion, while taking into consideration the branches of jurisprudence the author had noted. I shed light on the correlation between their differences and arranged them according to their fundamental categories. Moreover, I stated the causes pertaining to their differences on the same reason noted, starting with those that relate to religious rulings and secular laws, then with the cause that is agreed upon between them as well as the one that was differed upon, and eventually the causes related to semantics.

Afterwards, I discussed the causes related to their disagreement that deals with examining the cause after agreeing

upon its principle. Then, I moved to the point of conflicting evidences and the method that can be used to recognize the more correct opinion.

This study has an introduction, where the following three topics will be discussed:

First Topic: I discussed, based on knowledge, the cause of disagreement among the scholars, its emergence, its development, and the efforts exerted by the scholars in research, in their writings, and a summary of causes mentioned by the scholars.

Second Topic: includes an introduction to Imam Shahabbuddin A. Al-Maliki, his birth and place of origin, as well as information about his family and lineage. Then, I talked about his academic life and his position among the scholars, as well as his abundant academic works in various disciplines.

Third Topic: includes a discussion about the book entitled (Al-Dhakheerah), and its relation to Imam Shahabbuddin A. Al-Maliki. I further stated the methodology that was composed in the book, as well as his personality and the style he uses within it, and the sources from which he had derived the subject matter.

Hence, this study aims to recognize the position of the scholars in the past as well as in the present, while taking into consideration the differences among them; instead of being concerned with the root of their differences, they were more focused on recognizing the reasons and causes of differences, for giving consideration to knowing the causes of disagreement is given significant importance. This is for the student to gain a foundation in the subject of jurisprudence, and to gain an understanding of the statements of scholars and their reasoning for choosing a specific opinion. By doing so, the scope of knowledge would be further widened and the reasoning used by scholars will be well recognized and widely known.