



**Author's complete information is here.**

1. Name: Umeed Maalik Goraya

2. Department: Islamic Studies

**Author's information**

Institution: University of Gujrat, Hafiz Hayat Campus,  
Gujrat, Pakistan

3. City: Gujrat

4. Active Email address: [is.u.m.goraya@gmail.com](mailto:is.u.m.goraya@gmail.com)

**Title**

**THE SIGNIFICATION OF ISLAMIC MAXIMS AS SHARI'AH  
MAXIMS**

**Scope**

**Religion**

**Article Word Count**

**50700words +-50**

**Abstract**

**160 words**

**5 to 10.**

**Keywords**

**1. Keywords must be relevant and rational.**

**2. Must be alphabetically arranged.**

**3. Demarcated by semicolon.**

**Grammar**

**Checked several times.**

## THE SIGNIFICATION OF ISLAMIC MAXIMS AS SHARĪ'AH MAXIMS

### ABSTRACT

Sharī'ah Maxims are derived from the detailed study of Islamic jurisprudence (Fiqh), in the form of defined statements. These formulae are such general principles that infect not the law or its origin but are such a blueprint that the jurists assume to find the solution of problems in the light of Islamic Law. These maxims are formed as golden words that can be seen, or induced and implemented with any culture, race, and mentality. Like all Islamic teachings tending and describing the perfect compatibility with nature and its purposes. Expert Muslim jurists with rich Islamic knowledge of AL-Qur'an, Al-Hadith, Al-Fiqh, Quranic, Hadith and Fiqh Sciences, had formulated these pinpoints. In such a credential way that not only Monotheistic Religions rather each civilized human ideology or thought can cope with it. As the purpose of Presenting these maxims was in fact to convey the tough literary rules to common execution. Not only to communicate these law keys somewhat making preferably applicable.

**Keywords:** Islamic Maxims; Maxims; Sharī'ah; Sharī'ah Formulae; Sharī'ah Maxims;

### INTRODUCTION

The righteous trail, ever to be traced by the Human beings is the message of His Messengers. It aligns the tremendous aspects of creations in such a proper and nice manner which directs towards countless blessings. One major feature of life is to discipline its activities and actions by Law enforcement. The science of every field is based on intention bearing rules and regulations. The derivation and prediction of these objective deciding attributes is done by the efficient professionals. These constitutional frameworks are termed as **Maxims**. When these govern through the Prophetic pathway then are assumed as **Sharī'ah Maxims**.

The planned manner of life announced is precise and accurate. Its consideration for implementation is highly specific. So, the art of understanding the teachings of Islam from its true sources is also confined. The Prophetic ways, from the beginning to the day today walk are quite obvious so can be practiced and their themes can be predicted. This system and its techniques are thoroughly guided from dawn to down of life. Sharī'ah Maxims are certain hints

concluded from the past are enlightening the uncertain future. These intimations in the form of idiomatic expressions with specific objectives are determined by field specialists. They convey these illusions in most comprehensible wordings, instructive to the upcoming jurists and applicable to general life dealings. So, the guidance reaches without constraints in such a feasible way which can present a belief to the thought and motive to the activity.

These maxims of Islamic jurisprudence are the pinpoint for imminent academics to consult the real sources. Each maxim provides more than one extensive idea in most of the matters. Even the branches of these maxims are so effective and widespread which can cover a range of life affairs. Former jurists who plotted these maxims were aware of their decisive and influential accomplishment in Sharī'ah matters. They persuaded to these maxims in their legal activity and enlightened their progressive approach in impending issues.

**Sharī'ah Maxims** are formulated and fashioned in abstract form, although their practical validity is decisive, in various spheres of life as: Economics, Medical, Education and Law.

Soon after the induction of Islam, Muslim intellectuals bring into being the Sharī'ah knowledge into various theoretical forms. By the acknowledgement to compile the true sources a way opened to the academic struggle. To preserve the awareness treasures. To explore, what is hidden in the light of known facts.

Over the Centuries Muslim juristic scholars, intellectuals and academics fetched Sharī'ah commands and orders from delightful divine sources. Their impressive efforts generate gigantic Fiqhī material as form of books, articles, manuscripts, unpublished and published items.

Sharī'ah Maxims are the tools to understand the standard theory, consideration, and idea of Islamic Jurisprudence towards the issues. These help the jurists to identify the direction and futuristic approach in their work. Some of these inclusive expressions are more generalized. Envisage numerous hidden illusions which portray the **wisdom of Sharī'ah** message. While few are specified for their application in Fiqh, dealing with just one section like: worship, offences, penalties, surcharges or any social or moral aspect.

These axioms elucidate the beauty, flexibility, and objectivity of Sharī'ah orders in life stream. The flow, floating and functioning capability of these commands purely ensure all life forms in

their gush state. This attachment tendency of Islamic principles to life activity makes sure struggle for the right and defense from wrong. This is quite natural and realistic in approach and is never ever a blind following as few unacknowledged feels.

For example, the most demanding and salient feature of all ethics is: **benefit to life forms**. This is fore mostly obtained and gained by practicing Islamic Sharī'ah. This realistic encroachment to the walk of life, where grants and prohibitions are all regarding life safety. When silence is accepted it is flexibility (for virgin girl), when it is rejected, it is necessity (for court evidence). The intention of twice Hajj is accepted by involving a helper (that is surely who do not have such access but is benefited in this way), intention of twice ṣawm is refused because fasting is beneficial for once own life as more observed.

The cognitive capacity of **Sharī'ah Maxims** is serving in association with various Fiqhī genera, especially in Ijtihād. These tell the direction of Ijtihād in a certain problem. These are the helping tools for finding solutions of current issues by the jurists. Their role is foremost important when there is no true evidence or statement available in the original sources. Then these maxims facilitate by enlightening the rational approach to solve the matter. The maxims and Ijtihād both work in collaboration for Fiqh species. As both are derivatives of true sources of Sharī'ah. From its origin Islam receives warmly the trials of mind. So, is the way followed throughout the time span? A variety of civil, social, and moral aspects are treated in the light of basic Islamic teachings. Meeting and treating the growing necessities of regional and seasonal consequences.

In literature of Fiqh, the terms axioms and controllers, correspondence and divergence, coherence and variance were relatively in process. The conventional flavors were presently conceived into more accessible formats. To convey, these proportionate maxims and relevant means to a richer logical canvas.

## LITERATURE REVIEW

Sharī'ah Maxims is most important with educational point of view rather than its legal vitality. It is also an easy approach for the understanding of reflection of sharī'ah in the daily life and its application in routine affairs. So, numerous scholarly efforts have been made in this regard. Some of these are mentioned here:

1. **“Al- Ashbah wa Nazair”** written by Ibn-e-Njaim:

In this book the author defined and described Qawâ'id Kulyah (Sharī'ah Maxims), Furuq and Ashbâh Wan-Nazâ'ir (resembling Ulom). The book comprises of seven portions. Each one is depicting a different trend. The first portion consists of defining and describing twenty-five Qawâ'id (Maxims). These are further sub-divided into two categories. First category explains the six leading or universal maxims. Second category explains nineteen maxims. This shows less comprehensiveness as compared to universal maxims.

2. **“Al-Farooq, al-Muqdimah”** written by Idrees Qrafi:

The author is one of the most talented jurists of time. In this book he gives the format of Qawâ'id according to Fiqh. It embraces two hundred and seventy-four Furuq. Further each furuq is giving two rules. Taking these rules as maxims the book involves about five hundred and forty-eight Sharī'ah maxims. Each maxim is explained with branching issues.

3. **“Takhrij al-Faroo wal-Uşul”** written by Alama Zanjani:

The author of this book was a chief justice of his time. It is his sole work that gains establishment. The subject of this book is to describe the branching issues of Islamic Fiqh and how to solve these. The solution bearing rules and maxims are regularly added. The scheme of chapters of this book is principally Fiqhī. Each chapter comprises various portions which start from a maxim or a rule. Then branching issues are added to these. The examples are taken from Ḥanfī and Shaf'ī schools of thought.

4. **“Tasis-Al-Nazr”** written by Imam Umer Dabosi:

This is a unique work in the field of Fiqh and Maxims. It gives maxims with their concerned examples. Similarly, it defines maxims with reference to their position as solutions to various judicial and transactional issues. The book is divided into nine portions each one comprises different chapters. Each chapter illustrates resembling maxims according a particular fiqhī subject. The appropriate examples are also quoted.

5. **“Uşul al-Karkhi”** written by Imam Abul Hassan Karkhi:

This is the oldest secured piece of work in the discipline of Sharī‘ah Maxims. This gives an account of about thirty-nine maxims. The author admits about these maxims as the basics of Ḥanfī school of thought. Few of these maxims are of such a great importance to be labeled as basic rules of Islamic jurisprudence. Others are either specific to the Ḥanfī Fiqh or Ijthād. Few maxims given in this work are controversial.

## **6. Majalah Al-Aḥkam Al-Adliyyah:**

This gives a high rank to the judicial and practical importance of Sharī‘ah Maxims. It precisely describes ninety-nine maxims. Each one of which is accurate, comprehensive, and beautifully attached. It is most probably the work activity concerned to great Ḥanfī contribution to Islamic Jurisprudence. Various interpretations are also time to time provided in this regard. Each commentator gives its explanations differently.

\*These works show the practical proficiency of maxims pertaining to their implication and application.

7. “**Al-Mudakhal al-Fiqhi al-aam**” written by Sheikh Muṣṭafa al-zarqā’.
8. “**Al-Fiqh ‘āla Madhahib al -Arb’a**” written by Sheikh Mustafa al-zarqā’.
9. “**Al-Mu‘āmlāt fī al-Sharī‘ah al-Islāmīah**” written by Ahmad Abu al-fatah.
10. “**Al-Mansoor fī al-Qawā‘id al-Fiqhia**” written by Imam Zarkashi.
11. “**Al- Qawā‘id al-Fiqhia**” written by Muhammad Al Zuḥaylī.
12. “**Bayan Jam\_e\_al-Ilm wal Fuḍlā’**” written by Ibn-e-Abdul ber.
13. “**Kitab-ul-Khiraj**” written by Imam Abu-Yousaf Yaqob bin Ibraheem.
14. “**Keemyay\_e\_Saadat**” written by Imam Ghazali.
15. “**Mirat-ul-Mujalah**” written by Yousaf Osaf.
16. “**Muḥāḍrāt Fiqh**” written by Maḥmūd Aḥmad Ghazī.
17. “**Qawā‘id al-ahkam fī Masaleh al-Inam**” written by Sheikh Izu-din Abdusalam.

18. “**Qawā'id Ibn-e-Rajab**” written by Ibn-e-Rajab.
19. “**Takhrij al-Faroo alal-usul**” written by Alama Zanjani.

## METHODOLOGY

1. Descriptive, analytic, and comparative schemes are adopted.
2. Primary and secondary sources are consulted equally.
3. Secondary sources consist of mostly concerned research articles, books, journals, websites, and video records.
4. The whole work comprises mainly three chapters, each with three portions. While each portion is divided into five sub-divisions.
5. Footnotes are comprehensively added to each discussion.
6. Arabic language without alteration is just used keeping its wholesome beauty. To give the sacred words of ALLAH ALMIGHTY & to the beautiful words His Beloved Prophet (ﷺ).
7. **A.H.** /**A.D.** are giving to show dates regarding Al-Hijrī/After.Departure.
8. The italic letters are used to show the quotes that are just few in whole work.
9. The inverted commas are provided to show the borrowed lines. These could be the definitions, ideas, thoughts, or conclusions. These are entered from their origin with the change of language. Because mostly taken from the Arabic sources. Their translation and transliteration are not copied from any source but newly generated.
10. The most beautiful Arabic alphabet (ع), according to transliteration table command is described with a sign (‘). So, the worthy words ‘Ā’shah, ‘bdullah, ‘Li, ‘Mr, & ‘Thman have not to be confused.
11. First Arabic alphabet is converted to (â) when appears in joint & (ā) when appears separate.

12. Verses from the Holy Quran are given in the Arabic language (their exact wording). Mostly translation from two different sources is added to these.
13. Hadith work is inclusive. The chain of narrators is mostly added in English text. Just the scrupulous words of the Holy Prophet (ﷺ) are added in Arabic to grace. While mostly just English text is added to the give the whole Hadith.
14. The method encircles to solve the problem of multiethnic societies.
15. To ensure the text language experts are requested time to time proof reading.
16. This work is an effort to introduce beautiful life routine involving heavenly gifted secret codes.

This presentation is not just readable as well as absorbable to Islamic Studies & Economics but everyone who consults can find the flavor. As timeline is not direct rather pattern is kept general.

## RESULTS

Sharī'ah Maxims are rich source of knowledge to resolve contemporary routine affair. These maxims are not the true bases of Islamic law rather these are helping directions towards the solutions of issues. These only explain the common sense, logic, and idea of the jurisprudence regarding the situation under discussion. The scheme these maxims point out must have a matching with the true sources of Islamic Jurisprudence in case of contrast the will be rejected.

- a. Leading Maxims are comprehensively covering whole syllabus of sharī'ah information.
- b. The trend to utilize this clear approach in daily transactions is an easy approach.
- c. The maxims help to apply sharī'ah rules in variety of ways.
- d. These maxims have great power of promoting Muslim and non-Muslim world equally to the right path close to natural extent.
- e. Present crisis of world regarding terror and conflicts can be eased by creating a phase of more tolerance not to return harm by giving back more harm.
- f. The present need of proving social peace can be generated among living beings.



## DISCUSSIONS

### 1.1: Introduction to Sharī‘ah Maxims

#### 1.1.1: Sharī‘ah

#### 1.1.2: Maxims

#### 1.1.3: Sharī‘ah Maxims

#### 1.1.4: Sharī‘ah Maxims as a legal Subject

#### 1.1.5: Importance of Sharī‘ah Maxims.

#### 1.1.1: Sharī‘ah:

##### 1.1.1.1: Literal meaning:

\*The term Sharī‘ah, in the Arabic dictionary is described as a pathway which is furnished as carpeted road. A passageway can be so equipped and prepared by continuous water channel and passengers travel, which make it compact. This dense, solid, and compressed way appears as a concrete one.<sup>1</sup>

##### For Example:

- i. Where water channel is constant and running without any gap or shortage.  
The water here is accessible and can be fetched out with a bucket.
- ii. Riverbank where washing or bathing is possible.
- iii. The place where washer men or women can wash clothes.

\*The word **Sharī‘ah** is from its Arabic origin as: Sh+r+ ‘a.

It gives the meaning of religion, way, or path to be followed, style and fashion to be adopted.

### Contemporary scholastic views about word Sharī‘ah:

\*In Arabic the technique which is implemented to approach a required objective, destination and purposeful aim is termed as **Sharī‘ah**.<sup>2</sup>

\***Sharī‘ah**: In Islamic canonical framework rooted in the perception of Holy Quran, Hadith and Sunna of The Final Prophet (ﷺ).<sup>3</sup> This is the way promulgated throughout the life of a Muslim from childbirth to the deathbed and body’s burial.

*“Sharī‘ah is the confirmed rules that ALLAH has legislated in*

*The Quran, Sunah and other sources which branch out of them”.*<sup>4</sup>

It is prescribed by the total subjects of Al-Qur’an, Hadith and Sunah of the Prophet (ﷺ). Its manners life to a Muslim is according to the Will of Allah Almighty. This makes life meaningful, purposeful, and peaceful, so that the life after death can gain all bounties of the Splendor Creator.

---

For further Study:

- 1: This reference includes following citations a, b, c & d:
  - a: Zubaydi, Moḥammad Murtaḍā, Syed, Taj-ul-‘ūrws Min Jwahr-ul-Qamws. page 260, volume 21, Al-Kwyt: 1404A.H/1984A.D.
  - b: Ibn-E-Manzwr, Moḥammad bin Mukarram, Jamal-u-Din, Abul-Fazal, Lisan-ul-‘Arb, page 175, Volume 8, Dār Ṣādir, Beirut Lebanon: 1387-88A.H/1968A.D.
  - c: Zmahshri, Maḥmood Bin ‘Mr, Jar-ulah, Asas-ul-Blaghah, Dar-ul-m‘arfah, Beirut Lebanon.
  - d: Frahydi, Khlyl Bin Aḥmed, Naḥwi, Kitab-ul-‘ayn, page 323, Volume 2, dar-ul-kutb al-‘Ilmiyah, Beirut Lebanon, 1423-24 A.H/2003A.D.
- 2: Ghazi, Maḥmood Aḥmed, Dr. Mhadrat-E-Fiqh, page 35, Ghazni Street, Urdu Bazar, Lahore: Al-Faisal Nashran, 1437-38A.H/2016A.D.....
- 3: <https://en.oxforddictionaries.com/definition/sharia>.
- 4: C.Mofty(©2013NewMuslims.com), Introduction to Shariah, (Part 2 of 2), Published on 17 Jun 2013.

#### **1.1.1.2: Technical meaning:**

\*In the words of most popular Islamic jurist Ibn\_E\_Tymyh:

“The believes and actions issued from  
THE ALMIGHTY all is referred as  
**Sharī‘ah.**”<sup>5</sup>

\*In the words of famous Imam Jarjani:

“It is to make allegiance obligatory by the intention of worship.”<sup>6</sup>

\*In the words of well-known scholar Sheikh Thanvi:

“The commands send from ALLAH ALMIGHTY by the  
Prophets to the mankind is **Sharī‘ah** if these commands

are as form of practical performances then it is termed,  
as branched and **practiced Sharī'ah** if these commands  
are as form of believes then it is called as real and  
**convictional Sharī'ah.**" 7

\*In the words of **The Holy Quran:**

لكل جعلنا منكم شرعة و منهاجا ج 8

"To each of you We prescribed a law and a method."9

Another expression of the Holy verse:

"For each of you We have assigned a law and a method."10

Another statement in this regard:

"ثم جعلناك على شريعة من الامر فاتبعها ولا تتبع اهواء الذين لا يعلمون."11

"Then We put you, [O Muhammad], on an ordained way.

concerning the matter [of religion]; so, follow it and do not  
follow the inclination of those who do not know."12

Another expression of the same verse:

"Then We set you upon a pathway of faith, so follow it, and  
do not follow the inclinations of those who do not know."13

In these proclamations the word **Sharī'ah** is accurately defined as the predestined,  
designed, calculated, and planned confined route.

---

For further Study:

- 5: Ibn-E-Tymyah, Aḥmed bin ‘ Abdul-ḥalym, Imam, Mjmw‘ al-ftawā, page 306, Volume 19, Saudi Arabia.
- 6: Jurjani, Ali bin Mohammad bin Ali, Kitab-ul-T‘aryfat, dar-ul-ktab al-Arabi, Beirut, Lebanon, 1405-06A.H/1985A.D.
- 7: Thanvi, Mohammad Ali bin Ali, Kitab-ul-Kshaf Istlahat Al-Funon, page 759, Vol.2, Dār Ṣādir, Beirut.
- 8: AL-Maydah 5, portion from Verse 48.
- 9: THE NOBLE QUR'AN, <https://quran.com/5>
- 10: Itani, Talal, QURAN English Translation, page 191, Edition A, ClearQuran, Dallas, Beirut.
- 11: AL-Jathiyah 45, Verse 18.
- 12: THE NOBLE QUR'AN, <https://quran.com/45>
- 13: Itani, Talal, QURAN English Translation, page 40.

### 1.1.2: Maxims: 14

“A well-known phrase which expresses a general truth about the life or a rule about behavior”.<sup>15</sup>

#### 1.1.2.1: Literal meanings:

A **Maxim** is a general truth, a fundamental principle, some proverbial saying or a short saying.<sup>16</sup>

#### For Example:

1: **Live and let Live.** 2: **Time cures all things.** 3: **Live and Learn.....**<sup>17</sup>

A general principle with a clear moral or practical motive behind is maxim. It is a brief statement packed with lot of ideas and is more appealing. A proverb or maxim is a concrete saying or formulaic expression predicts the sense or logic behind.

It is a faculty highly specified regarding its power, situation, intention, activity and moral. It can be split into number of tasks according to its objectives as it can also be converted into an inclusive law depending upon its affectivity.<sup>18</sup>

#### 1.1.2.2: Technical definitions:

“An aphoristic (**maxim**) expression of an ostensible (apparent) general rule of science or experience...”<sup>19</sup>

A saying which is widely time-honored on its merits, as In New York Times Smith quoted: “The **Maxim** is so perfectly self-evident that it would be absurd to attempt to prove it”. <sup>20</sup>

\*“The notion of a “**maxim**” is the fulcrum (lever, supporting device) of the “Universal Formula.”<sup>21</sup>

A Maxim is a fictional apparatus, unforgettable motivating line’ having connection with various forms of expression, concerning; Truth, Friendship, Marriage, Family, ability, punctuality, Ethics and law, etc.

For Islamic Law these maxims are, **Legal Maxims**, and for Islamic way of life (Sharī‘ah) these phrases are **Sharī‘ah Maxims**.

---

For further Study:

14: **Maxims**: Its singular is, “**Maxim**” which is a noun, while plural is “**Maxims**”. It is “**Maxima**” from Late Latin, and is “**Maxime**” from middle French and late Middle English. It is “a principle or rule of conduct”.

(Citation: [www.dictionary.com/browse/maxim](http://www.dictionary.com/browse/maxim))

15: [www.learnersdictionary.com/definition/maxim](http://www.learnersdictionary.com/definition/maxim)

16: [www.merriam-webster.com/dictionary/maxim](http://www.merriam-webster.com/dictionary/maxim)

17: [www.solitaryroad.com/pr11.html](http://www.solitaryroad.com/pr11.html)

18: This reference includes following citations a & b:

a: <http://myweb.ecu.edu/mccartyr/GW/MaximsOfAction.asp>

b: <http://literarydevices.net/maxim/>

19: This reference includes following citations a & b:

a: Oxford English Living Dictionaries, <https://en.oxforddictionaries.com/definition/maxim>

b: Stuttgart and Tuebingen: page 104, J.G.Gotta'schen Verlag, Germany: 1851A.D/1267A.D.

20: **New York Times**, Feb 9 2017, (Citation: <http://www.vocabulary.com/dictionary/maxim>)

21: Kitcher, Patricia, **What Is a Maxim?**, Journal Article page 215, University of Arkansas Press, US: 2003.

### 1.1.2.3: Qawā‘id: 22

Most probably it is conveying the idea of a strong base or foundation which could be a starting point.

#### 1.1.2.3.1: Literal Expressions:

The word Qawā‘id is from its Arabic origin as: Q+‘+d

The word transmits the sense of strength, stability, steadiness, firmness, reliability and dependability. 23

**For Example:** 1: The concrete evidence to build a belief.

2: The foundation stone for the building.

#### 1.1.2.3.2: Scholarly Explanations:

\*A definition provided by the famous scholar al-Subki:

“An expansively valid regulation which applies to many  
Particulars, So as to their legal determinations can be  
figured out from it”.<sup>24</sup>

An idiomatic Law bearing expression which is a wide ranging and complete sense giving idea or thought.

\*Holy Qur'an describes as:

وَأَذِ يَرْفَعُ إِبْرَاهِيمَ الْقَوَاعِدَ مِنَ الْبَيْتِ ..... 25

واسمعي

“And [mention] when Abraham was raising the foundations of the House and [with him] Ishmael  
..... 26

Another expression from AL-Quran portrays the word Qawā'id as: 27..... فَاتَى اللَّهَ بَيْنَهُمُ الْقَوَاعِدَ .....  
.....

.... “but ALLAH came at their building from the foundations”..... 28

or ... “but Allah took their structures from the foundation”.....<sup>29</sup>

---

For further Study:

22: **Qawā'id** is plural of **Qā'idah**, from lexical meaning it is base, pedestal, foundation, Support and maxim.

23: This reference includes following citations a, b & c:

a: Ibn Manẓūr, **Lisān al-'Arab**, Dār Ṣādir, Beirut, Lebanon: 1387-88A.H/1968A.D.

b: Al-Qurṭubī, **Al-Jāmi' li-Ahkām Al-Qur'ān**, page 309, Volume 12, Cairo: Dār al-Ktāb al-'Arabī, 1386-87A.H/1967A.D.

c: Abū Ḥayyān, **Al-Bahr al-Muhīt**, Second Edition, Beirut, Dār al-Fikr, 1403-04A.H/1983A.D.

24: Al-Subkī, Tāj-u-din, **Al-Ashbāh wal-Nazā'ir**, page 11, Volume 1, Beirut: Dār al-Kutab al-'Ilmiyyah, 1411-12A.H/1991A.D.

25: **AL-Baqarah** 2, Verse 127.

26: THE NOBLE QUR'AN, <https://quran.com/2/127>

27: **AL-Nahl** 16, Verse 26.

28: THE NOBLE QUR'AN, <https://quran.com/16>

29: Itani Talal, **QURAN ENGLISH TRANSLATION**, page 97, Edition A, CleatQur'an, Dallas, Beirut.

### 1.1.3: Sharī'ah Maxims: 30

Sharī'ah Maxims are the formulae of Islamic Jurisprudence fetched, framed and assembled by the expert jurists from the accurate sources.

#### 1.1.3.1: Grammatical description:

\*The term Sharī'ah Maxims is a combination of two words with different origins. In Arabic for this concept term Qawâ'id \_E\_ Sharī'ah or Qawâ'id \_E\_ Kulyah is in use. It is grammatically referred as “**Mrkb\_E\_Idafi**”.<sup>31</sup>

\*The term Sharī'ah Maxims is a combination of two nouns. In English Grammar it is a “**Noun**” or most preferably a “**Compound Noun**”.<sup>32</sup>

\*By definition of Maxims the term Sharī'ah Maxims describes the **Idiomatic expressions**<sup>33</sup> or the **phrasal Verbs**.<sup>34</sup> Which are relating to Islamic way of life specifically theses are about Islamic Law.

#### For Example:

“الامور بامقاصدها”<sup>35</sup>

“Matters are to be settled by their objectives.”

---

For further Study:

30: Sharī'ah Maxims are the legal maxims obtained from the detailed study of Islamic Jurisprudence (Fiqh), in the form of defined statements. Various alternative terms defining this phrasal verb are also in use as: al-Qawâ'id al-Fiqhiyyah, Îlm al-qawâid al-fiqhiyyah, Îlm-al-Furuq, and Îlm al-Ashbâh wal-Nazâ'ir.

The original wordings of Sharī'ah Maxims are from the main sources of Sharī'ah like: AL-Qur'an, Hadith, Sunnah and Ijmâ, while sometimes these are the words of leading jurists as well.

(For detail following citations a & b are to be consulted:

a: Ibn Masud, An Introduction to Qawâ'id al-Fiqhiyyah and the 5 maxims that govern sharī'ah law, 2013. <https://sunnahmuakada.wordpress.com>)

b: Kamali, Mohammad Hashim, Qawâ'id Al-Fiqh: The Legal Maxims of Islamic Law, The Association of Muslim Lawyers, United Kingdom.

31: **Mrkb\_E\_Idafi** is a grammatical tool. It is a combination of two words (Mḍaf + Mḍaf Ilyh), first word is called **Mḍaf** while second is called **Mḍaf Ilyh**. “**Here first word acts as an attributing device for the second word**”. Here first word works as **pertain** (to show relation to something), while the second word works as **ascribe** (to attribute, to credit or assign). **E.g.:** Fyḍan\_E\_M'alim is Generosity of Teacher.

32: **Compound Noun** is a Noun which is made with two or more words. Mostly it is (noun + noun) and is closed, spaced or hyphenated. **E.g.:** Haircut, Full Moon and Well-Being.

(Citation: [www.gingersoftware.com/content/grammar-rules/nouns/compound-nouns/](http://www.gingersoftware.com/content/grammar-rules/nouns/compound-nouns/))

33: **Idiomatic Phrases** or **Idioms**, in English grammar, are such expressions enlightening a particular meaning relating to the culture of natives but that is entirely different from the actual meaning of the words. E.g.: **Last Straw** (means: The ending issue from the series of crisis.).

(Citation: [www.english-grammar-revolution.com/idiomatic-expressions.html](http://www.english-grammar-revolution.com/idiomatic-expressions.html))

34: **Phrasal Verb** is a verb in combination with an **adverb** (adding or explaining the meaning of verb), or a

**Preposition** (linking words), giving a sense different from the meaning of words in separate.

E.g.: **Run into** (means: meet) and **Run away** (means: leave home).

(Citations: [www.englishpage.com/prepositions/phrasaldictionary.html](http://www.englishpage.com/prepositions/phrasaldictionary.html))

35: Ibn-E-Nujym, Zain-u-din bin Ibrahim, Alama, **Al-Asbāh wal-Nazā'ir, fil Fiqh Al-Hanfi**, page 31, Maktabah Rehmanyah, Iqra Center, Ghazni Street, Urdu Bazar: Lahore.

### 1.1.3.2: Technical Definitions: \*A definition provided by the famous scholar Ar-Rokkî:

“Al-Qâ‘dah Al-Fiqhiyyah is an all-inclusive decree based on legal verification written precisely in comprehensive expressions and it includes all or most elements, juz’iyât (cases pertaining to Fiqh) which come in its pedestal.” 36

These formulae are such general principles which infect not the law or its source but are such a draft, jurists assume to find the solutions of troubles in the light of Islamic Law. The way of appliance of these maxims is highly precise only most qualified jurists can depict the utility of a certain maxim to sort out the definite issue’s way out.

\*Sharī‘ah Maxims, a definition by well-known jurist Muṣṭafā al-Zarqā:

“All-embracing Fiqhī regulations which are accessible in a simple arrangement, consisting of wide legal verdicts of the particulars associated to it.” 37

Sharī‘ah Maxims are the legal prescriptions designed by the jurists and used by the jurists. In this way, they have easy approach to sort out the solutions of law concerned problems. So, these maxims are of great importance for education of judiciary. Their validity in academic, Sharī‘ah and rational Ijtihād is highly specified. These provide a progressive order and sequence to the general rules and principles of Islamic jurisprudence.



\*Sharī'ah Maxims, a definition by renowned jurist Al-Bāḥusayn:

“A Qā'idah is a wide-ranging rule who's isolated  
elements are also comprehensive rules.”

**For Example:** A particular can also be so wide in effect like:

Qaḍā' and Kaffārah are mandatory penalty for intentionally breaking one fast in Ramaḍān. In other words it is a compensation which is 60 other days in place of just one obligatory fasting. 38

---

For further Study:

36: Ar-Rokkī, Muhammad, Dr., Nazariyyat-ul-Taḳ'īd Al-Fiqhiyy wa Âtharuhâ fi Ikhtilâf Al-Fûqahâ', Page 48, First Edition, Morocco, Casablanca: An-Najâh Al-Jadīdah Press, 1414-15A.H/1994A.D.

37: Al-Zarqā, Muṣṭafā, Al-Madkhal al-Fiqhī al-'Ām, First Edition, Damascus, Dār al-Qalam, 1418-19A.H/1998A.D.

38: Al-Bāḥusayn, Ya'qūb bin Abdul Wahhab, Al-Qawā'id al-Fiqhiyyah, page 54-55 & Al-Ma'avīr al-Jaliyyah, First Edition, Maktabat al-Rushad, Riyadh: 1426-27A.H/2006A.D.

#### 1.1.4: Sharī'ah Maxims as a Legal Subject

Sharī'ah Maxims and Islamic law (Fiqh 39) are compiled by the Muslim jurists as a legal activity. These maxims are the theoretical basis of Islamic jurisprudence. As an imperative subject of Fiqh their vitality and utility is marked.

**1.1.4.1: Formation of Sharī'ah Maxims as a legal Discipline:** The jurists who framed these maxims are more explicit about their working efficiency rather than their grammatical expressions. Some of these maxims are compiled as single law order.

**For Example:** 1: A Muslim cannot be stated as a non-believer.

2: A prisoner cannot be released without willingness of his opponent.

Both are clear legal bindings but are mentioned as Sharī'ah Maxims by famous jurist Al-Sywhī.

40

**1.1.4.2: Sharī'ah Maxims execute as a judicial tool:** Their functioning is evident because:

*“Qawâ'id al-Fiqhiyyah allows one to know the ruling of new occurrences when there is no clearness from the lawgiver, and it allows one to understand a large amount of furû in a relatively short period of time.”<sup>41</sup>*

Sharī'ah Maxims help to find the solution of contemporary issues in the light of Islamic viewpoint related to all fields of Human life, particularly: Economics, Medical, Judiciary, Education and so on. These maxims are considered as authentic as any other judicial rule or tool. When there is no clear indication available in the original sources of Sharī'ah. Each one of the maxims is highly specific in its application. Any discrepancy or variance can be suggested even from the judgment of secondary legal devices.

---

For further Study:

39: Islamic law (Islamic jurisprudence) is termed as **Fiqh**: In Arabic literally it is profound intellectual. It's technical definition is: **“The knowledge of Sharī'ah orders related to the practical life and are derived from the superb divine sources Al-Qur'an, Al- Ḥadyth, and scholarly efforts of Ijma' and Qyas.”**

(Citation: Al-Shyrazi, Aḥmed bin Ishaq, Al-Ibhaj fi Sharh Al-Minhaj, Al-Bayḍavy, ( **Al-Bayḍavy**: For being a commentary of Al-Minhaj, by Al-Bayḍavy, Nasir al-din Al-Shyrazi, Imam.)

page 28, Volume 1, Dar al-Sami'i, Riyadh, S'awdi Arabia.

40: Al-Sywti, Jalāl-u-din, Al-Ashbah wal-Nazā'ir, First Edition, Beirut, Dār al-Kutub al-Ilmiyyah, 1403-04A.H/1983A.D.

41: **Furû**: Branching, **Juz'iyyah**: particular issue or problem under legal consideration. **Uşwl**: The fact or foundation of a ruling, a rule making knowledge or science for a discipline. **E.g.:** **‘Usul-E-Fiqh**.

Ibn Masud, An Introduction to Qawâ'id al-Fiqhiyyah and 5maxims that govern Sharī'ah law.

(Citation: <https://sunnahmuakada.wordpress.com>).

**1.1.5: Importance of Sharī'ah Maxims:** by former and contemporary Islamic jurists.

**1.1.5.1: Al-Qarâfi:** In the words of an eminent jurist of Maliki school of thought, Allama Abul-Abbas Qarâfi, who is truly a leading figure of Ilm Al-Furûq. He says:

“From the whole collection of Islamic

jurisprudence the most prominent of which are Sharī'ah Maxims. These maxims are so rich for their scholarly significance that can neither be neglected nor be rejected. Anyone having talent with which he develops skill to enhance ability in Sharī'ah Maxims. As much he gains proficiency and expertise in Islamic Jurisprudence and his rational opinion in this regard emerges at a greater extent. In spite of this, if someone, discount these maxims and begins to learn merely the particles and branched problems then he will be confused, puzzled and troubled. Because the way he selected to approach is infinite and so it is exhausting. But as the former, who have a right choice of path by gaining capability to Sharī'ah Maxims will definitely proceed to the particle. Such a person will have no need to remain stagnant and fill up one by one particles. Because: most of the particles are already covered by him with these maxims. Similarly, many other issues and problems that others find separately he conceives and envisions in a disciplined manner which can remain as brainstorming".<sup>42</sup>

The pattern Allama Qarāfi described to be followed elect an expert is an unbiased equitable advancement in the field of Islamic Jurisprudence. He points out the easiest innovative and progressive move towards ongoing alarming situations.

---

For further Study:

42: Al-Qarāfi, Shihāb-u-din, Abūl-'Abbās, Aḥmed, ibn Idrīs, **Anwār Al-Borûq fi Anwâ' Al-Furûq**, Muqadimah, Beirut, Lebanon: Dâr ul-Kutub al-'Ilmiyyah press, 1417-18A.H/1997A.D.

### 1.1.5.2: By Al-Zarqā:

Muṣṭafā al-Zarqā is one at the top ranking of Islamic jurists of twentieth century. He served as a fabulous teacher in the faculty of Sharī‘ah and Law. His books in this regard act as a bridge to cover up the gap of traditional and modern studies. The significance of Sharī‘ah Maxims in his words:

“Qawā‘id were not all originated at a distinct occasion in history by specified individuals in the same manner as recent legal transcripts, nor can they be attributed to unambiguous jurists.”<sup>43</sup>

### By Al-Zuhayli:

Wahbah Al-Zuhayli was a prominent Islamic jurist of modern times. He is high-flying student and teacher of his time, who left a lot of written academic contributions. His words regarding Sharī‘ah Maxims:

“Relief from crisis and to generate capability, are the two crucial aspects of Islamic Sharī‘ah.”<sup>44</sup>

### By Moḥammad Aḥmed Kamali:

A well reputed teacher and research scholar of Islamic Jurisprudence. His words about Sharī‘ah Maxims:

*“These genres of Fiqh literature seek, on the whole, to consolidate the vast and sometimes unmanageable corpus juris of Fiqh into brief theoretical statements. They provide concise entries into their respective themes that help the task of both students and practitioners of Islamic law.”* <sup>45</sup>

**By Ahmed Munir Mughal:** A scholar and academic, “...*the collective asset of Islamic Fiqh...*”<sup>46</sup>

---

For further Study:

43: Al-Zarqā, Muṣṭafā, al-Madkhal al-Fiqhī al-‘Ām, page 969, Volume 2, First Edition, Damascus, Dār al-Qalam, 1418-19A.H/1998A.D.

44: Al-Zuhayli, Wahbah Muṣṭfā, Al-Fiqh Al-Islami wa Adillatuh, page 83, Volume 1, Dar-ul-fikr, Beirut, 1433-34A.H/2012A.D.

45: Kamali, Mohammad Hashim, Sharī‘ah Law: An Introduction, page 141, Oxford, Oneworld publications, 1429-30A.H/2008A.D.

46: Mughal, Munir Ahmed, Justice, Islamic Legal Maxims, Consisting of Al-Karkhi’s Al-‘Usul, page 2, Hammad Law House, 1 Turner Road: Lahore.

## CONCLUSION:

**The** life traits of pious people, who gained highest status and ranks from, THE ALL PRAISEWORTHY, are the Prophets. They come to show HIS fear and mercy to the Creations. Their way is so well equipped to be convinced. Such pathway which remains in continuous use followed by the guiding stars and adopted by the common ones. This glorious path leading the rational advancement is termed as **Sharī‘ah**.

The assertion of Islam is fully experienced from its origin. The intellectuals and logical brain bearing people are exploring its secrets. The cerebral, analytical, and critical fame of Muslim world is everlasting. Their situation recognizing approach to predict the way out from crisis is proficient. Where others disappoint their eternal divine source makes forward thinking possible. In this light, handling the crucial and decisive circumstances becomes potential. The axioms, **Sharī‘ah Maxims** framed in this regard as short words statements activating the admirers and stirring the dormant and critics. So, these purposeful proficiency enhancing tools of Islamic jurisprudence are crucial for professionals and others. The effectiveness of these instruments is covenant for wide range of life activities. The branched principles of each maxim are also transacting with spacious existing associations. For instance, these maxims execute in worship, personal and family affairs, financial transactions, educational perceptions, medical perspectives, and judiciary etc.