

هذه الدراسة تناقش موضوع أسباب اختلاف الفقهاء، من خلال تقارير الإمام القرافي - رحمه الله - في كتابه "الذخيرة" حيث تتبعت تلك الأسباب وفق منهج استقرائي تأصيلي، فناقشت السبب الذي ذكره المؤلف وبينت خلاف الأصوليين فيه مع بيان الراجح، مثلت له بالفروع الفقهية التي أشار إليها المصنف، مبينا وجه ارتباط وبناء هذا الفرع على السبب، وربت هذه الأسباب على الأبواب الأصولية، فذكرت الأسباب المتعلقة باختلافهم في نفس السبب فبدأت بالأحكام التكليفية والوضعية، ثم الأدلة المتفق عليها والمختلف فيها، ثم الأسباب المتعلقة بدلالات الألفاظ، وبعدها تناولت الأسباب المتعلقة باختلافهم في تحقيق المناط بعد اتفاقهم في أصل السبب، ثم ما يتعلق بتعارض الأدلة وكيفية الترجيح بينها. وقد قدمت لهذا البحث بتمهيد ناقشت فيه ثلاث موضوعات: الأول: تحدثت فيه عن علم أسباب الخلاف عند الفقهاء: نشأته، وتطوره، وجهود العلماء في بحثه، والمؤلفات فيه، ومجمل الأسباب التي ذكرها العلماء. الثاني: التعريف بالإمام القرافي مولدا ونشأة ونسبا، مع الحديث عن حياته العلمية، ومكانته عند العلماء، ونتاجه العلمي الغزير في شتى الفنون. الثالث: تحدثت فيه عن كتاب "الذخيرة" ونسبته للقرافي، مع بيان منهج المصنف فيه، وشخصيته وأسلوبه فيه، وما هي موارده التي استقى منها مادته؟ والهدف من هذه الدراسة بيان موقف العلماء قديما وحديثا من اختلاف الفقهاء، فإنهم لم يحاولوا اجتهثائه، وإنما عنوا بمعرفة أسبابه؛ لما للعناية بمعرفة أسباب الخلاف من أهمية بالغة في البناء الفقهي لطالب العلم، وفهم أقوال العلماء واعدارهم فيما اختاروه من آراء، ففيه توسيع للأمة وإعذار للأئمة ورفعاً للملام

عنهم

The following study aims to discuss the causes of disagreement among the scholars in regard to the statements made by Imam Shahabuddin Al-Querafi 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