

طُرُقُ دَفْعِ التَّعَارُضِ بَيْنَ الْأَدِلَّةِ  
الشَّرْعِيَّةِ  
عِنْدَ الْإِمَامِ أَبِي جَعْفَرِ الطَّحَاوِيِّ  
في كتابيه « مشكل الآثار » و « شرح معاني الآثار »

رسالة مقدمة لنيل شهادة الماجستير في العلوم الإسلامية  
( تخصص أصول الفقه )

إشراف  
د. محمد علي فركوس

إعداد الطالب  
رضا كريمات

## الإهداء

إلى من ربّاني و أجهدا أنفسهما من أجلي...  
إلى والديّ الكريمين... أهدي هذا العمل المتواضع،  
بما شجعاني على إكماله، و بما أعاناني على إتمامه،  
خاصة بدعائهما المبارك النافع، أسأل الله العلي العظيم  
أن يرزقهما من الخير كلّه عاجله و آجله، وأن يجعلهما  
من أهل رضوانه، و أن يسكنهما واسع جنانه.  
و أهدي هذا العمل ثانياً إلى زوجتي، التي وقفت معي  
في ساعة العُسرة، و شجعتني عند ضَعْفِ القُوّة، فأعلت  
من همّتي و زادت من عزمي على إكمال بحثي.  
أسأل الله تعالى أن يحفظها في الدنيا و الآخرة و أن  
يجمعنا في جنّته الواسعة.

☺☺☺

## كَلِمَةٌ شُكْر

أتوجه بالشكر إلى أستاذي الدكتور محمد علي فركوس الذي قبل الإشراف  
على هذه الرسالة، فأشكره على توجيهاته الهامة و ملاحظاته النافعة و القيمة  
، فجزاه الله على ذلك خيراً كثيراً وبارك الله له في علمه و جهده.  
و أوجه شكري و عرفاني كذلك إلى كل من قدم لي يد العون في هذا البحث و  
لو بشيء قليل و أخص بالذكر الإخوة : مراد ديباش و منير غاوي و محمد  
عمارة و نبيل و أرسلان و زُهير، فبارك الله فيهم و جزاهم الله خيراً كثيراً.  
و لا أنسى كذلك أن أشكر الإخوة المشرفين على مكتبة مسجد "عمر بن  
الخطاب"، و"مكتبة المعهد" بما سهّلوا لي الاستفادة من الكتب  
الموجودة بهما، و، فبارك الله فيهم.

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# المقدمة

# III

- [ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ ]<sup>(1)</sup> .
- [ يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا، وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً، وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ]<sup>(2)</sup> .
- [ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ۖ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ، وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا ]<sup>(3)</sup> .

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- [ يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ ]<sup>(4)</sup> .

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[ (1) : 102 ] .

[ (2) : 1 ] .

[ (3) : 70-71 ] .

[ (4) : 24 ] .

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[ إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ ]<sup>(1)</sup>.

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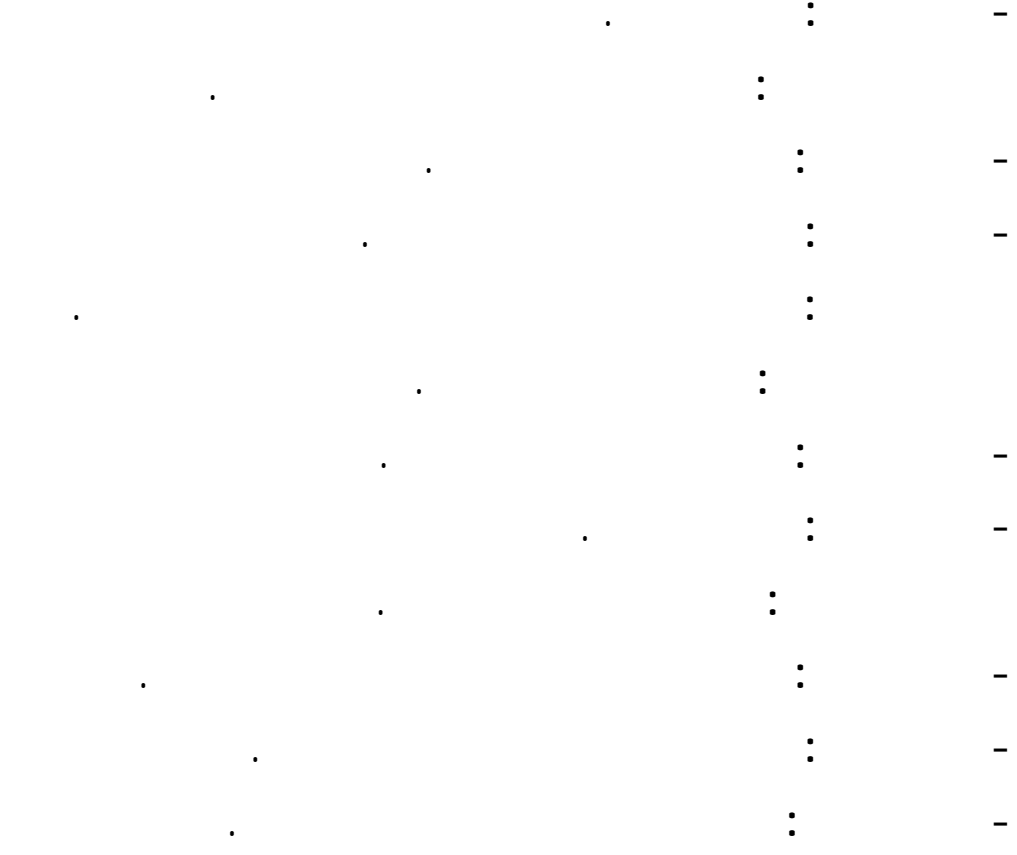
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# الباب الأول

التعريف بالإمام الطحاوي  
وبكتابه  
"مشكل الآثار" و"شرح  
معاني الآثار"

# الفصل الأول

## التعريف بالإمام الطحاوي

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المبحث الأول: عصر الطحاوي.

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الفرع الأول: الحالة السياسية في عصر الطحاوي

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239

656

334

232

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251

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334

232

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(2/3).

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الفرع الثاني: الحالة الاجتماعية في عصر الطحاوي

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(30 )		(195/6)	(4)
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	(45/11)	(93/13)	:
	(140/1)	(1/3)	

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(127-126/3)

(16/1)

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(191/7) (391/12) :

.(252/3) (41/9)  
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. (113/10) (33/11) (557/12) :  
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. (149/4) (54/11) (203/13) :  
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. (327/3) (66/11) (270/13) :  
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. (32/1) (123/11) (425/14) :  
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المبحث الثاني: حياة الطحاوي الشخصية (1)

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الفرع الأول : اسمه ونسبه :

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(32/4) (123/1) (142 )

(71/1) (126/8) (343/1)

(239/3) (116/1) (174/11)

(292 ) (350/1) (339 )

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(102-100 )

(22/4) (277-271/1)

(49-13/1) (101-35 )

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(29/15) (3)

(72/1) (4)

(22/4) (239/3) (123/1) (5)

(274/1) (28-27/15) (367/5) (6)

الفرع الثاني: مولده ونشأته:

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		.(72/1)	(142 )	(2)
		.(273/1)	(100 )	: (3)
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(275-274/1) (5)

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الفرع الأول: صفاته وأخلاقه.

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الفرع الثاني: وفاته.

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		(273/1)	(350/1)	(370/5)	: (2)
				(32/4)	(32/15)
				(102 )	(174/11)

المبحث الثالث: حياة الطحاوي العلمية.

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الفرع الأول: طلبه للعلم ورحلته.

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		(274/1)	(22/4)	
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189				:
	(408/2)	(134/9)	(135 )	:
(467/1)	:			(5)
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الفرع الثاني: شيوخه وتلاميذه.

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(101/12)	(262/5)	(92/1)	(270/18) :	
(305 )	(121/11)	(96/14)	:	(3)
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(332/3)	(270 )	(311/13)	:	(4)
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(78/4)	(324 )	(221/13)	:	(3)
				(222/3)
(339/4)	(151/16)	(170/5)	:	(4)
		(97/5)	:	(5)
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(283/11)	(940/3)	(154/16)	:	(1)
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(233/11)	(898/3)	(578/15)	:	(2)
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(297/11)	(960/3)	(214/16)	:	(4)
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الفرع الأول : مكانته العلمية

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	(51/1)	(323/4)	(452/18) :	
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		.(176/11) (8)
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الفرع الثاني: مؤلفاته.

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(8)  
(9)  
(10)  
. 1994- 1414 .

			<u>.(51/5)</u>	(1)
		(48/1)	:	(2)
		.(277/1)	(101 )	(3)
.(51/5)	(277/1)	(101 )	(277/1)	(4)
		"	"	
	.(51/5)	(277/1)	(101 )	(5)
		(52/1)		(6)
	.(51/5)	(277/1)	(101 )	(7)
		.(277/1)	(101 )	(8)
			.(51/5)	(9)
.(51/5)	(276/1)	(101 )	(277/1)	(10)



	(1)"	" "	" "	" "	" "	
-1929						
		1927-1926				1930
			(882-881)			
				" "	" "	
	1974	" "		" "	" "	(2) (1033)
	(3)					
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	1315					
						1406
					1994-	1415
				(6)		
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				<hr/>		
		.(276/1)	(101 )	(275/1)		(1)
		.(19 )"		"		(2)
				.(22 )		(3)
	.(51/5)	(277/1)	(101 )	(277/2)		(4)
		.(51/5)	(276/1)	(101 )		(5)
			.(277/1)	(101 )		(6)
		.(51/5)	(277/1)	(101 )		(7)
				.(51/5)		(8)

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.(277/1)	(101 )	<hr/>	(277/1)	(1)
	.			(2)

## الفصل الثاني

التعريف بكتابي الطحاوي:  
"مشكل الآثار" و"شرح  
معاني الآثار"

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المبحث الأول: التعريف بكتاب "مشكل الآثار"

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520 : (1)  
- 803 :  
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474  
(43/1) :  
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" " " : 643 577  
(207/4) (383/7) (1430/4) :

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.(244 ) : (1)

.(6/1) (2)

(71/3) : (3)

.(196/2)

(2) ρ " (1)"  
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-64 ) " " (1)  
 (200 ) (65  
 (276/1) " " (101 )  
 : ...": (591/9)  
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 .(112-108-105 ) (2)  
 .(8 ) (3)

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276

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الفرع الأول : (مختلف الحديث) و(مشكل الحديث) في كتاب "مشكل الآثار"

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(1)" "  
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(4) ( ) ( ) : \_\_\_\_\_  
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- (33 ) (1)  
(54 ) (30 )  
(196/2) (2)  
(36 ) (3)  
(38-37 ) (4)

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(1) "

$$\frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = \frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = -1$$

(2)

$$\frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = \frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = -1$$

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$$\frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = \frac{\rho}{\rho} \left( \frac{\rho}{\rho} \right) = -1$$

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(289/2) (1)

(538/11) (2)

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36

(210/2)

(220/2) :

(168-169/1) (4)

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	.(294/2)		(1)
			(2)
	.(472/12)	(378/4)	:
" :	(393/5)	(10/4)	(3)
	.(295/2)		:
		.(295/2)	(4)
	"	"	(5)
(107/1)	(168/1)	(158/16)	:



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(188/2) " " : (138/2) (1)

(203/3)

(8/3) (26-25/11) (44/2) :

(157/1) (3738) (2)

(71-70/2)

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(27/11) (157/1) (464/1) :

(194/5) (553/1) (3)

(27/11) (4)



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(1)

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83

.(467/2)

(512/2)

(406/3)

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-192/13)

(431/9)

(3)

(193

ε

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68

.(342/2)

(322/2)

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(1805)

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(3772)

(305/2)

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	(116/2)	(1)
(43/3)	(124/1)	(2)
	(72-71/6)	
	(117/2)	(3)

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.(118/2) (1)

.(237/4) (2)

(3)

68

(1480) .(211/4) (212/4) (574/2) :

(2858) (4)

(218/5)

.(237/4) (552/2) :

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[ وَاللَّهُ جَعَلَ لَكُمْ مِنْ بُيُوتِكُمْ سَكَنًا وَجَعَلَ لَكُمْ مِنْ جُلُودِ الْأَنْعَامِ بُيُوتًا تَسْتَخِفُّونَهَا يَوْمَ ظَعْنِكُمْ وَيَوْمَ إِقَامَتِكُمْ وَمِنْ أَصْوَابِهَا وَأَوْبَارِهَا وَأَشْعَارِهَا أَثَاثًا وَمَتَاعًا إِلَى حِينٍ ] (1)

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[ 80 : ] (1)

(239/4) (2)

(240-239/4) (3)

(375/4) (4)

(5)

53

(201/3)

(459/3)

(113/2)

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" : ρ  
 (1) "

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 (3) ρ

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 ρ (4) " ( )  
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(21-18/6) (514/1) (1)

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(380/4) (129 ) (12/2) :

(381/4) (2)

(218/4) (4)

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" (219/4) (2)

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(60/6) :

الفرع الثاني : ملامح من الصناعة الحديثة فيما يتعلق بالإسناد في كتاب  
"مشكل الآثار"

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	. (3) " ...			
	. (4) "		" :	-3
			" :	-4
	. (5) "			
			" :	-5
	. (6) "			
			-----	
			.(344/13)	(1)
			":	(2)
		:		
	ρ		."	
(1145)			(2116-2114)	
(431-430/3)				
"	":	(480/3)		
	.(344/13)	(368/2)		:
			.(67/8)	(3)
			.(423/13)	(4)
			.(243/13)	(5)
			.(73/8)	(6)

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			" :	-2	
	(2) "			" :	-3
		(3) "		... " :	-4
	(4) " ...			... " :	-5
	(5) "			" :	-6
				(6) "	

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.(70/8)	(1)
.(116/8)	(2)
.(303/12)	(3)
.(122/12)	(4)
.(244/5)	(5)
.(381/6)	(6)

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			:		-1
	(1) "				
(2) "				"	-2
				"	-3
	(3) "				-
				"	-4
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		(5) "			
			"		-6
		(6) "			

.(91/6)	(1)
.(97/13)	(2)
.(423/13)	(3)
.(95/3)	(4)
.(186/5)	(5)
.(109/2)	(6)

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			(1) "	...			
						..."	-2
	(2)						
			(3) "				
	(4) "					" :	-3
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			(5) "				
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			(6) "				
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						(7) "	
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(8) "						" :	-
						" :	-
					.(388/3)	(1)	
						(2)	
					.(47/2)	(3)	
					.(405/5)	(4)	
					.(388/3)	(5)	
					.(383/6)	(6)	
					.(384/6)	(7)	
					.(304/12)	(8)	

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- (3) (2)

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.(303/12) (1)  
(2)

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.(37/2) (283/7) (127/3) :  
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.(84/1) (44/1) (395/3) :  
: " " : (1021) (3999) (1424) (4)  
.(113/5)

(1)

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$$\frac{115}{5} \quad (1)$$

$$\frac{6}{7} \quad (2)$$

$$\frac{7}{7} \quad (3)$$

$$\frac{297}{4} \quad (4)$$

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الفرع الأول : الفقه في كتاب "مشكل الآثار" :

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(40/4) (1)

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(202/1) (34/3) (610/1) :

" : (259-155-139/3) (3)

(40/4) : "

(41-40/4) (4)

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(3) "

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ρ (101/10) (1)

ρ (2)

. 59

(436/4) (439/4) (201/2) :

(27/14) (98/10) (3)

" " : (1416) (46/1) (4)

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(1) "

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(2) "

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(44/4) (1)

(243/3) :

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(78/2) (75/4)

(205/3) :

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(3) "

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.(429/12)

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.(138/6)

(893)

(528/3)

(449/3)

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(1941)

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(300/3)

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.(121/9)

(366/1) "

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.(124/9)	(1)
.(123/9)	(2)
.(125/9)	(3)

الفرع الثاني: علوم القرآن في كتاب "مشكل الآثار":

" "

[ فَمَنْ عُفِيَ لَهُ

"

مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ]<sup>(1)</sup>

: " [ يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرِّ بِالْحُرِّ وَالْعَبْدُ

بِالْعَبْدِ وَالْأَنْثَى بِالْأَنْثَى ]<sup>(1)</sup>

[ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ

بِإِحْسَانٍ ]<sup>(1)</sup>

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(1) [ 178 : ]

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(1) "

(2)

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[ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ]

(3)

ρ

":

[ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ] (4)

[ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ]

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[ فَوْقَ اثْنَتَيْنِ ]

(1) (424-423/12).

(2) (427-424/12).

(3) [ 11 : ] .

(4) (320/3).

[ فَوْقَ ] : [ فَاضْرِبُوا فَوْقَ الْأَعْنَاقِ ] (1) :

[ فَإِذَا لَقِيتُمْ الَّذِينَ كَفَرُوا فَضَرْبَ الرِّقَابِ ] (2)

" "

: [ يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ أَمْرُو هَلْكَ لَيْسَ لَهُ وَكَذَلِكَ ]

[ أَخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ ] : [ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ ] (3)

[ فَلَهِمَا الثُّلُثَانِ ] : [ فَإِنْ كَانَتَا اثْنَتَيْنِ ]

[ مِمَّا تَرَكَ ]

" (4)

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":

[ لَا إِكْرَاهَ فِي الدِّينِ ] (5) " (6)

(1) [ : 12 ] .

(2) [ : 4 ] .

(3) [ : 176 ] .

(4) (322-321/3) .

(5) [ : 256 ] .

(6) (399/15) .



(1)

:" [ لَا إِكْرَاهَ فِي الدِّينِ ]

:" [ لَا إِكْرَاهَ فِي الدِّينِ ]

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(3) [ مِنْ لُدُنِي ]

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[ مِنْ ضُعْفٍ ] (5) : [ اللَّهُ الَّذِي خَلَقَكُمْ مِنْ ضَعْفٍ ] -

(6) "

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(382/1)

(11/4)

(321/4)

(82 )

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(2)

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(399/15)

(510/2)

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[76 : ] (3)

(401/12) (4)

[54 : ] (5)

(158/8) (6)

المبحث الثاني : التعريف بكتاب "شرح معاني الآثار" :

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(2) " ...  
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(1) " ...  
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463  
520 . (43/1) 520  
.(11/1) (2)

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.(11 ) \_\_\_\_\_ " " (1)

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	(4) "						
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					:	"	
	(5) "						

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.(227/1)	(1)
.(76/1)	(2)
	(3)
.(89/2)	(4)
.(74/1)	(5)

(1) " : " :  
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(2) " ... " : -4

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.(74/1) (1)  
.(259/1) (2)  
.(246/2) (3)  
.(75/1) (4)  
.(73/1) (5)

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.(484/1)

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الفرع الأول : منهج الطحاوي في دراسة المسائل الفقهية :

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الفرع الثاني: نماذج من المسائل الفقهية في كتاب "شرح معاني الآثار":

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ρ	-	-	(1)
	.	"	(2)
	"	"	
	.	"	(3)
		:	-2
		"	:
		"	(4)
(5)			
		_____	
	ε		(1)
		ε	
	.	58	ε
	.(200/4)	(200/4)	(578/2)
(158/1)		(102-101)	(2)
	.	(418/2)	
		.(74/1)	:
		.(27/1)	(3)
			(4)
			(5)
	."	": ε	
		.(286/10)	(445/3)
			:

(1) " ρ - - " :  
 : -3

ρ " :

(2) "

: -4

) ( ) " :  
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.

(3) " ...

... " :

(4) "

(80/5)	(40/1)	(145/1)	(17)	(1)
		(91/1)	(6/1)	:
			(27/1)	(2)
				(3)
				(4)

":  
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-5

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(1) "  
-6

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... "

(2) "

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.(28/1) (1)  
.(29/1) (2)

" "

$$\frac{\cdot}{\cdot(1)} \quad \frac{\cdot}{\cdot}$$


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$$\frac{\cdot}{\cdot} \quad \frac{\cdot}{\cdot} \quad -1$$

$$\begin{array}{ccc} - & & - (2) \\ \cdot (3) & \cdot & \cdot \rho \end{array}$$

$$\begin{array}{ccc} \cdot (4) & \cdot & \cdot \\ \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot \end{array}$$


---

$$\begin{array}{ccc} \cdot(184/1) & (84/1) & \cdot \\ \cdot & & (1) \end{array}$$

$$\begin{array}{ccc} \cdot & \cdot & \cdot \\ (245/1) & (153/1) & (154/3) \end{array}$$

$$\begin{array}{ccc} \cdot & \cdot & \cdot \\ (402/1) & (404/1) & (402/2) \\ (152/3) & & (295/1) \end{array}$$

$$\begin{array}{ccc} \cdot & \cdot & \cdot \\ & (233/4) & (594/1) \\ & & (4) \end{array}$$

(1) "

(2)

ρ

ρ " : - (4)

(3) "

(5) "

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(1)

(2)

74

(338/2) (333/2) (203/3) (49 ) :

(301/1) (297/1) (3)

(153/3)

ε (4)

78

(214/1) (223/1) (189/3) :

(9) (13) (5)

(136/1)

(360/3)

" " " "

"

(104/1) (245/1) :

(1) "

:

**-3**

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" :

(2) "

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.(235/4)	(1)
.(236/4)	(2)

المبحث الثالث : مقارنة كتاب "مشكل الآثار" بكتاب "خلاف الحديث" للشافعي  
وكتاب "تأويل مختلف الحديث" لابن قتيبة.

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" " " " " "  
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(1) " :  
" " " "  
(2) " ...  
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" "

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(1)

806 :  
(344/3) (87/9) (543 ) :  
(302-301/2) (2)

" " " " " " :  
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" " ⋮  
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⋮  
" " ⋮  
—

⋮

# الباب الثاني

التعارض بين الأدلة الشرعية  
وكيفية دفعه عند الطحاوي في  
كتابه

"مشكل الآثار" و"شرح معاني  
الآثار"

*M*

" " "

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# الفصل الأول

ماهية التعارض بين الأدلة  
الشرعية

*M*

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· · ·  
· · ·

المبحث الأول : تعريف التعارض وشروطه .

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الفرع الأول : تعريف التعارض لغة :

			(1).	:					- 1
	(2)			:					- 2
		(3)		:					
	(4)			:					- 3
(5)				:					- 4
				:					- 5
									(6)

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				:					(1)
			(42/5)		(168/7)				(2)
	(335/2)		(48/5)		(168/7)				(3)
			(336/2)		(167/7)				(4)
			(272/4)		(186/7)				(5)
	(46/5)		(173/7)		(747/2)				(6)

الفرع الثاني : تعريف التعارض اصطلاحاً :

\_\_\_\_\_ :

- :
- (1) -1 " :
- (2) " (4) " (3) -2 " :
- (6) " (5) -3 " :
- (8) " (7) -4 " :

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			(1)
490	" " "	":	
	(315/5)	(234 )	:
		(12/2)	(2)
505	450		(3)
" " " "	" "		
	(22/7)	(18/6)	:
		(216/4)	(4)
		(395/2)	(5)
745			(6)
"		" "	794
	(60/6)	(572/8)	:
)"	":	(437 )	(6)
		(120/8)	(7)
			(141)
	861	790	
	(255/6)	(437/9)	:
		(474 )	(8)
		(2/3)	



(2) "

" : (1)

- 5

(3)

" :

(4) "

⋮  
⋮  
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" "

" "

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972            898

(1)

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.(6/6)

:

.(605/4)

(2)

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(29 )

(19/1)

(3)

(49-48 )

.(51-50 )

.(23/1)

(4)

" "
   
 (1) " - - " " " "
   
 " "
   
 " "
   
 (2) "

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(.54 ) (30 ) (33 ) (1)
   
 (.30 ) (196/2) (2)

(1)

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(162-153/1)

:

(1)

(52 )

(49 )

الفرع الأول : شروط التعارض عند الأصوليين :

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( ) ( )

(1)

.. (2)

.. (3) "

:

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.. (4)

\_\_\_\_\_ (65 )

(153/1)

(1)

.. (31 )

(2)

716

673

.. (127/3)

(71/8)

:

.. (677/3)

(3)

"

":

(4)

":

.. "

.. (154/1)

(120/3)

:

(1)

(2)

":

(3)"

:

"

(4)"

":

-

-

(5)"

(6)

:

⋮

879

825

(1)

.(49/7)

(490/9)

:

.(155/1)

(3-2/3)

(2)

.(3-2/3)

(3)

.(122/8)

(4)

.(156/1)

(5)

.(118/3)

(12/2)

(6)

.(1)

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(2)

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(3) "

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":

(4) "

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.(50)

."

(155/1)

(1)

": (3/3)

(2)

.(157/1)

(3)

.(67 )

(4)

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· (1)  
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(2) "

(3)

(4)

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\_\_\_\_\_ : 730 (1)

·  
.(13/4) (188 ) :  
.(137/3) (2)

(62 ) (159/1) (3)

(87/2) (120/3) : (45 ) (4)

·  
.(87/2)  
.(159/1) (3/3) (5)

(1)

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.(160-159/1)

(1)



الفرع الثاني : ماهية التعارض وشروطه عند الطحاوي :

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" "

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" "

": : \_\_\_\_\_ - 1

(1)"

":

(2) "

(3)

": : \_\_\_\_\_ - 2

(4) " ε

(1) (230/1)

(2) (201/1)

(3)

(227/1)

(4) (13-12/1)

":

ε

————— —————

": [ وَلَوْ كَانَ مِنْ عِنْدِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلافًا كَثِيرًا ] (1) ."

(2)

ε

: ——— - 3

(3)

ε

...":

(4) "

":

...

— (5) "

[ (1) : 82 ] .

(2) .(159/1)

(3) .(159/1)

(4) .(49/1)

(5) .(163/1)

ε

·  
": \_\_\_\_\_ - 4

(1) "

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: \_\_\_\_\_ :

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: \_\_\_\_\_

: Y "·

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.(57/2) (1)

(1)''

⋮  
—

- -

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":

(

(2) "

⋮  
—

(3)

(4)

(5)

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.(389/3) (1)

.(156/1) (2)

. (3)

(4)

.(210/3)

(607/4) (5)

(1)  
(2)

⋮  
\_\_\_\_\_

(3)

(4) " ...

"⋮

⋮  
\_\_\_\_\_

\_\_\_\_\_

- .(159/1) (1)
- .(158/1) (2)
- .(227/1) (3)
- .(510/1) (4)

المبحث الثاني : أسباب وقوع التعارض (1):

*M*

المطلب الأول : أسباب التعارض عامة :

(2)

- 1

" : (ε )

" (3)

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(88 )

(213 )

(1)

(59 )

(207/1)

(206/1)

(2)

(214-213 )

(3)

- 2

(1)

- 3

( ) " :  
(2) "

- 4

(3)

(4) " ( ε ) " :

ε

ψ

- 5

(5)

.(207/1)

(53-52 ) (1)

.(176 52 ) (2)

.(93 ) (3)

.(213 ) (4)

(89 ) (5)

.(321/1)

" :

(1) "

- 6

" . (2)

(3) "

ε

" :

(4) "

- 7

ε

(5)

" :

(6) "

---

.(577 213 ) (1)

(2)

691

751

(287/8) (299/10) (234/14) :

.(56/6)

.(321/1) (149/4) (3)

.(586 216 ) (4)

.(321/1) (105 ) (209/1) (5)

.(582 215-214 ) (6)



(2) "

" (1)

$\varepsilon$  - 8

(3)

" :

(4) "

- 9

" :

$\varepsilon$

(5) "

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629

(1)

(63/5)

(730/7)

: 691

(220 )

:

(224 )

(2)

(208/1)

(3)

(578 214 )

(4)

(149/4)

(5)

المطلب الثاني : أسباب التعارض عند الطحاوي :

(1) - 1

":  
 " ε  
 (2) " ...":  
 : ...":  
 (3) "  
 ε " : - -  
 (4) " : :  
 " : ε - -  
 (5) "  
 ε  
 : ...":

- 
- (1) (53-52 )  
 (2) (193/1)  
 (3) (381/4)  
 (4) (71 )  
 (5) (2380)  
 (720)  
 (515-514/1)  
 (498/2)  
 " :  
 (382/4) (51/4) (189/2) :

ذَلِكَ كَفَّارَةٌ أَيَّمَاتِكُمْ إِذَا

حَلَفْتُمْ (1)

:

" ":

...

(2) "

ε

ε

-

: "

" ε

(3) "

" (4) "

" :

ε

(5) "

ε

[وَأُوتِيَتْ مِنْ كُلِّ شَيْءٍ] (6)

[89 : ] (1)

(382-381/4) (2)

(1652) (419/6) (3)

(157/14) (475/2)

" : (2329) (4)

(403 235/2) "

" : (2330)

(692/8) (5)

[23 : ] (6)

				(1) "				
								- 2
						":		
	(2) "					ε		
						":		
		(3) "						ε
								- 3
						ε		
		(4)						
:	(5)	"		" "				"
		":	(6)"		": ρ			
(7) "								
ε	:		":	-				-
	"							
<hr/>								
						(.161/14)		(1)
						(.13-12/1)		(2)
						(.377/13)		(3)
						(.577 213 )		(4)
			ε					(5)
						21		
						(.217/1)		:
	(344/2)	(267-264/2)				(80/5)		(6)
						(.133/4)		(7)

:	$\varepsilon$	:	
(1) "	":		
	$\varepsilon$	":	
	"	":	
		":	
			(2) "
			.
			$\varepsilon$
			- 4
	":	(3)	
	$\rho$		
(4) "			
:	$\varepsilon$	":	
			.
			(5) "
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			-5
		":	
<hr/>			
			(1)
		.(133/4)	(2)
.(105 )		( 214 )	(3)
		.(11/1)	(4)
		.(294/2)	(5)

(1) "

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" : ε τ -

(2) "

" ε

-

(3) " ...

ε

:

ε

" :

.(36-35/1) (1)

(2567) (2)

.(35/1) (22) :

.τ ρ (181/8) (3)

(1) "

ε

- 7

":

ε

(2) "

":

(3) "

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.(36-35/1) (1)

.(164/1) (2)

.(73/2) (3)

## المبحث الثالث : ترتيب طرق دفع التعارض.

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الفرع الأول : عرض المذاهب :  
(1)

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(2)

(3)

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(391/2)	(457/2)	(395/2)	(1)
(677/3)	(294/4)	(612-611/4)	
(9-8 )	(210/3)	(330 )	
(259 )		(421 )	
		(115-114-113 )	
(243 )	(612/4)	(395/2)	(2)
(243 )	(127/8)	(613/4)	(3)

(1)

(2)

" : (3)

(4) "

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(5) "

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(6) "

" : (7)

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(8) "

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	. (262 )	(243 )	(167/8)	(1)
		.(457/2)	(391/2)	(2)
790				(3)
.(75/1)	(231 )	:	:	
			.(294/4)	(4)
			.(391/2)	(5)
			.(395/2)	(6)
474	403			(7)
.(125/3)	(120 )	(315/3)	:	
		.(330 )		(8)

... " : (1) -

(2) "

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(1)

. : . 620 541

.(67/4) (155/7) (210/14) :

.(457/2) (2)

.(688/3) (3)

.(612-611/4) (4)

(5)

. 584

(462/6) (325/3) (1363/4) :

.(117/7)

.(9-8) (6)

(1) "

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الفرع الثاني : أدلة المذاهب :

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(245 )

(1)

(3/3)

(190-189/2)

(103/2)

(2)

(3/3)

(3)

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(4)

1225

(71/7)

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(190-189/2)

(5)

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(4)

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(6) "

(117 )

(1)

.(178/1)

(2)

(3)

. 388

.(273/2)

(472-471/4)

(1019-1018/3)

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(1232)

(3503)

(4)

(334/4)

(403-401/3)

(16/2)

"

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.(132/5)

(5/3)

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(500/4)

: (5)

(41/11)

.(80/3)

(6)

( ) :  
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": ε - - (1)  
: (2)"  
(3)" ε "  
(4) " " : ε - - ε  
(5) ε  
- 2

(6)  
(7) - 3

(8)  
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" (1)  
(40/4) (38/4) (2)  
(181/4) (169/4) (3)  
(223/7)  
(220/7) (4)  
(204/2) (5)  
(182-181/1) (195/2) (6)  
(120-119)  
(182/1) (195/2) (7)  
(183/1) : (8)  
(78 ) (120-119)

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(1)

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(234/1)

(121 )

(1)

(1) "

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(4) "

(5) "

(1) " : [ إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ ] (2)

[ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ] (3) : [ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ

(1) ( ) (193).

(2) ( ) (122). (171/1)

(3) (294/4).

(4)

": "

311

:(365/14) (720/2) (149/11) (57/4).

(5) (433-432).



عَلَيْكُمْ نِعْمَتِي [4]

" (5)

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(1)

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. 456  
(254/4) (91/12) (1146/3) (184/18) :  
[9 : ] (2)  
[256 : ] (3)  
[3 : ] (4)  
(485/4) (5)

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ε

(1)

(2) "

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(214/5)

(675/2)

: (1)  
(676/2)

(164-163/1)

(2)

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(1) "

": - 3

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(2) "

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(3)

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.(215/1) (1)

.(434/1) (2)

: (3)

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(1) ε

ε  
ε                  ε  
...

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ε

(2)

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. (371-369/3) :  
(1)

.(13/3)                  (221/2)                  . ε  
(95/4) :  
. (197/1)                  (2)

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" " (1) "

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(2) "

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(14/5) (648/1) (1)

.(216-215/4) (2)

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ε

(1)

ε

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ε

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ε

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ε

:ε

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ε

(2) "

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.(143 ) (1)

(220/7) (2)

(1) "

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(2)

(3)

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... "

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. (18-17/2) (1)

(2)

.(461-460/3)

. (203/3)

(444/3)

ε

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(3)

.(219/5)

(147/4)

(222/7)

:

(1) "

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ε

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ε

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ε

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(2) "

(3) "

ε

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(4) "

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.(2945)

(504/9)

(246/2)

.(18/2)

(1)

(5309)

(2)

"

":

.(125/12)

(58/4)

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(186/4)

(2841)

(3)

"

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"

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.(66/3)

(379/4)

(147/4)

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(1513)

(4)

(281-280/2)

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(251-158-31/6)

"

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.(69/3)

(390/4)

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(1) "

... " :

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(2) "

(3) "

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3

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(71/3)

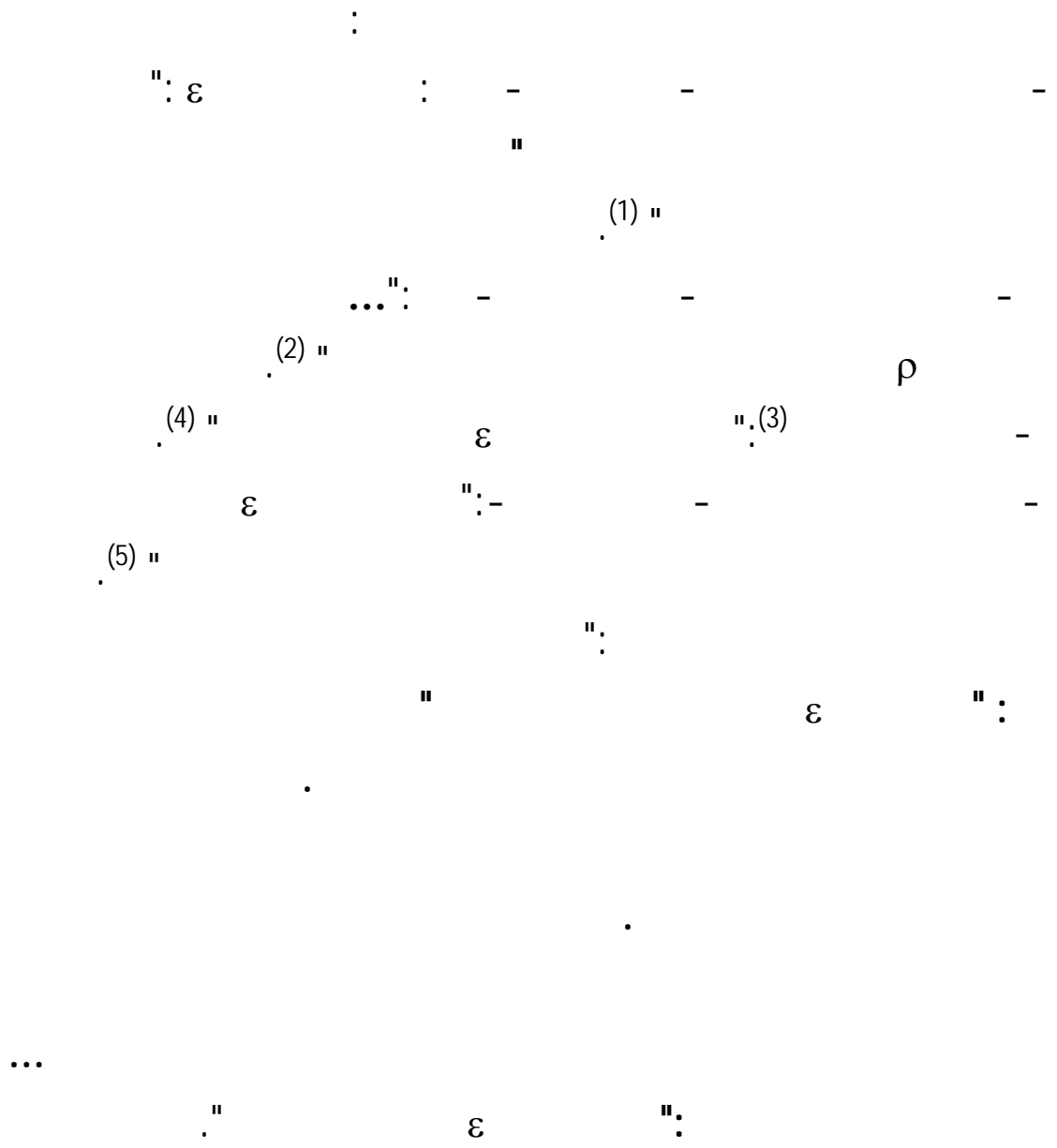
(1)

(193 )

(2)

(232/4)

(3)




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		.(101 )	(1)
		.(102 )	(2)
			(3)
40		$\rho$	
.(161/4)	(157/4)	(449/2)	:
		(10)	(4)
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.(236-235/4) (1)

.(236-235/4) (2)

.(230/1) (3)

(4)

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.(145/10) (350/4) :

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51

.(18/2)

(30/2)

(92/1)

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(2)

.(85/3)

(273/2)

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(18-17/5)

(3)

.(230/1)

(4)

(238/6)

(5)

.(57/8)

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(6)

(221/11)

(182/12)

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.(247/6) (1)  
 .(108/10) (2)

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.(415/10) (1)

.(3/3) (2)

## الفصل الثاني

كيفية دفع التعارض بين  
الأدلة الشرعية عند

الطحاوي

في كتابيه :

"مشكل الآثار" و"شرح

معاني الآثار".

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⋮  
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المبحث الأول : دفع التعارض بين الأدلة الشرعية عند الطحاوي بالجمع والتوفيق:

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الفرع الأول : تعريف الجمع والتوفيق لغة واصطلاحاً :

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(309/5)

(53/8)

(14/3)

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(2)

(91/7)

(383/10)

(3)

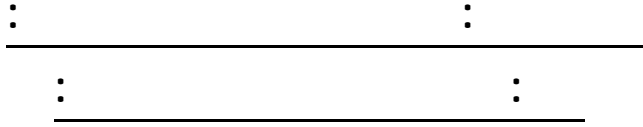
(382/10)

(4)

(91/7)

(290/3)

(5)



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.(141) (1)

.(924 -341 ) (2)

.(925 -342 ) (3)

.(80/3) (4)

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631

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.(185-184/9)

(618/7)

(1470/4)

676

.(198-197/2)

.(391/2)

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.(142 )

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.(212/1)

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$$\text{":} \quad : \underline{\hspace{2cm}} - 1$$

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(308/2) (1)

(84/1) (2)

(510/1) (3)

(192/1) (4)

(170/4) (5)

الفرع الثاني: شروط الجمع :

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(380/1)	:	(218/1)
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(219/1)	(677/3)	(2)
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(266 )	(222/1)	(4)
		.(144 )

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(169/10)

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(106-105/3)

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(148 )

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(387/1)

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(31-30/2)

(3)

(366/1)

(50/3)

(381/1)

(148 )

(4)

(380/1)

(156 )

(44/5)

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(164/1)

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(234/1)

(349/1)

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.(154 )

.(349/1)

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(227/1) (2)

(137/3) (3)

(395/2) (4)

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.(389/3) (2)

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(236/4) (1)

(65-64/1) (2)

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.(17/2) (2)

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.(143 ) (4)

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الفرع الأول : الجمع بتخصيص العام عند الطحاوي.

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(125/1)	:			
(120/2)	(38 )	(413/2)	(32/2)	
		(101/3)	(5/4)	
(267/3)	(51 )	(261 )	(2)	
		(125 )	(325/4)	

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[ الْيَوْمَ أَحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الدِّينِ ]

أَوْثُوا الْكِتَابَ حِلًّا لَكُمْ وَ طَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الدِّينِ  
 أَوْثُوا الْكِتَابَ مِنْ قَبْلِكُمْ (4) [

(5) "

: [ وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ ] (6)

(202 )	(520/2)	(102/2)	(1)
(359/3)	(161/2)	(309/1)	
		(138 )	(345/1)
	(117/9)	(339/15)	(2)
			(3)
(478/4)	(	)	
			[5 : ] (4)
			(69/6) (5)
			[221 : ] (6)

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(4) "

: [ وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً

بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ ] (5)

(260/1)

(525/2)

(102/2)

(1)

(359/3)

(161/2)

(206 )

.(310/1)

(479/4)

.(349/1)

(2)

.(117/9)

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(99/12)

(4)

(183/11)

. [38 : ] (5)

(1) "

(2)

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(3) [ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرْمًا ] :

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(6) [ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ ]

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(167/3) (1)

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(106/12)

(242/10)

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[ 96 : (3)

(117/9) (4)

(115/8)

(42/4) (5)

[ 9 : (6)

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∴(147/1) (1)

(161/2) (528/2) (102/2) (2)

(352/1) (310/1) (369/3) (202 )

∴(141 )

∴(161/2) (3)

1250 1173 (4)

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∴(298/7) ∴

∴(352/1) (141 ) (5)

∴(223/6) (6)

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(1) "

": [وَإِذَا ضَرَبْتُمْ

فِي الْأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا مِنَ الصَّلَاةِ إِنْ خِفْتُمْ أَنْ يَفْتِنَكُمُ الدِّينَ كَفَرُوا ] (2)

... [ وَإِذَا ضَرَبْتُمْ فِي الْأَرْضِ ] :

(3) "

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(1) (117/9).

(2) [ 101 : ] .

(3) (190/1).

(4) (191/1).

(5) (123-122/2) :

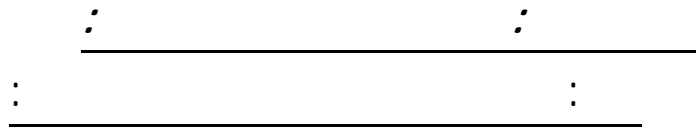
(536/2) (203 ) (200 ) -169/2

(170) (377/3) (357/1) (140 ) .

(1) "

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			<u>.(140 )</u>	(1)
			.(294/1)	(2)
(205 )	(533/2)		(113/2)	(3)
			.(219 )	
.(375/3)	(168/2)		(355/1)	(4)
			.(55/2)	(5)

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⋮

⋮ : - [ يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ ] : - " :  
[ إِن شَاءَ ] (3)

⋮

(4)

[ إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ ]

⋮ (5) "

\_\_\_\_\_ (1) (113/2).

(2) (181/5).

(3) [ : 28 ].

(4)

⋮ (207/2).

(390/9)

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⋮

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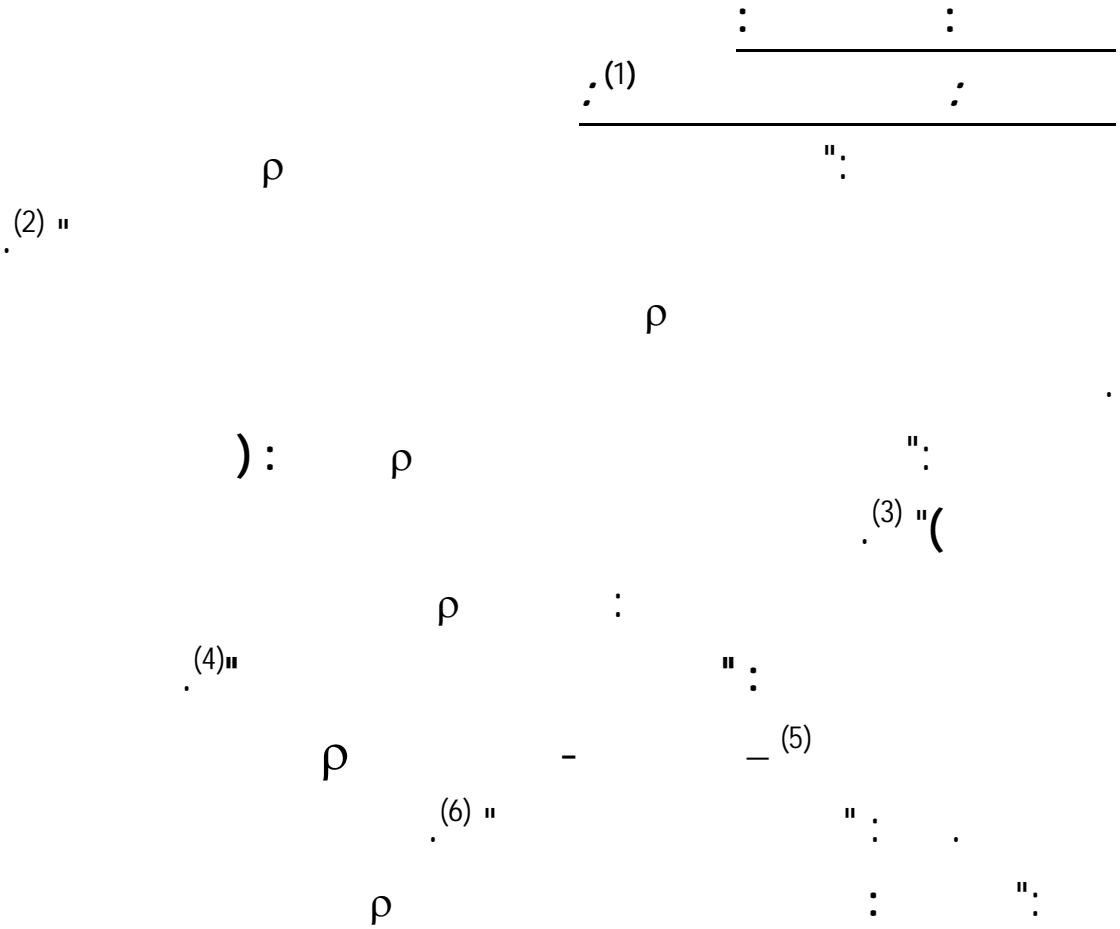


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.(132/1) (1)



(7) [ وَمِنْ أَسْوَافِهَا وَأُوبَارِهَا وَأَشْعَارِهَا أَثَاثًا وَمَتَاعًا إِلَى حِينٍ ] :

(200 )	(524/2)	(19/2)	(1)
	(359/3)	(310/1)	(161/2)
		(295/8)	(2)
		(237/4)	(3)
		(69 )	(4)
			(5)
74			$\epsilon$
	(32/2)	(89/4)	(168/3) :
	"	" :	(239/4) (6)
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.(240-239/4) (1)

.(502/3) (2)

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	(1376)		(3594)	(2)
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		(142/5)	(23/3)	:
			(655/1)	(3)
			(144/10)	
			(90/4)	(4)
(264/1)		(52/2)	(106/2)	(5)
	(167/2)	(202 )	(531-530/2)	
(310/ 1)	(354/1)	(371/3)	(210 )	
			(251-250/6)	

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(383/3) (1)

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(365/3)

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(2) [ فَتْحَرِيرُ رَقَبَةِ مُؤْمِنَةٍ ] :

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(360/1)

(393/3)

(191/2)

(144 )

[ 92 : ] (2)

(295-294/4) (3)

(163 ) (4)

(395/3)

(199/2)

(6/3)

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(28/2)

(146-145 )

(361/1)

(165 )

(200/2)

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		.(133/2)			(1)
-74/8)		(69/4)			(2)
					(75
		(76/8)			(3)
		.(134/2)			(4)
					(5)
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	.(191/2)	(403/3)			:

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.(134/2)      (1)  
           (63/4)      (2)  
 .(135/2)      (3)  
 .(134/2)      (4)



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الفرع الثالث: الجمع بحمل الأمر على الندب عند الطحاوي.

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(2)

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(369/2)

(420/1)

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(15/1)

(171/1)

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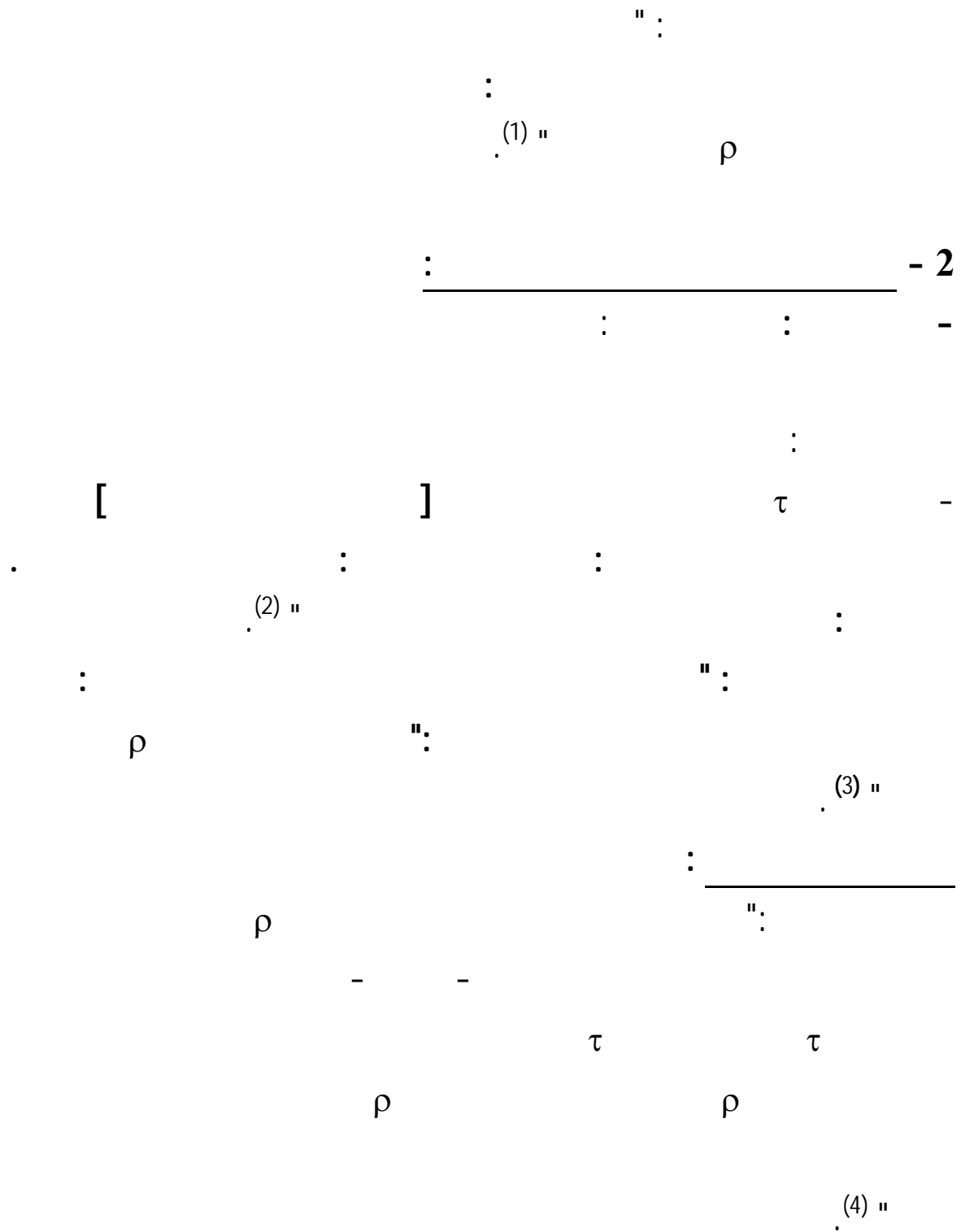
106

.(40/2) (38/5) (73 ) :

(133-132/6) (431/2) (5)

.(304/3) (104/2) (6)

(132/6) (415/2) (7)



(131/6)

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(132-131/1)  
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(57/1) (356/1) :  
(121/1) (2)  
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(141-140/1) (35) (4)  
(29 ) (257/1) :

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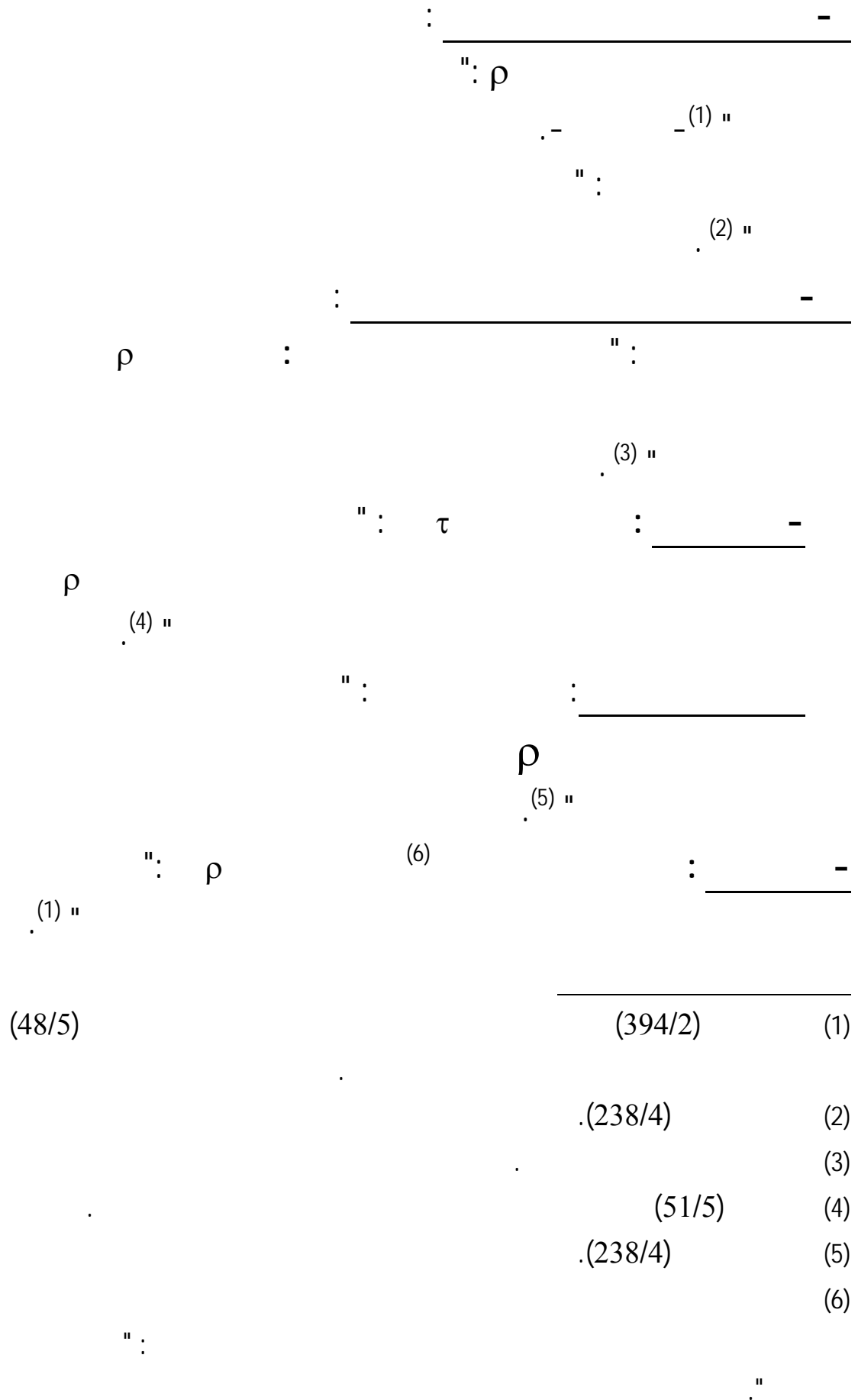
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.(726/2) (157/8) :

.(238/4) (2)

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.(575/9) (51/5) :

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.(177) (342/5) :

(194/13) (5)

.(273/4) (6)

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			(431-376/6)	(5)
			(274/4)	(6)
			(274/4)	(7)
	(460-459/7)		(283/2)	(7)
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الفرع الخامس: الجمع بالأخذ بالزيادة عند الطحاوي:

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(338/2) (3)

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(315/1) (337-336/2) (168/1) : (5)

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.(71/3) (1)

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.(213/1) (229/1) (186/3) :

(196-195/11) (3)

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.(837/3) (123/12) :

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(193-192/11) (165/10) :

.(125/12)

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الفرع السادس : الجمع بالحمل على المجاز عند الطحاوي.

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	(63/2)	(3)
	(64/2)	(4)
	(183/4)	: (5)

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الفرع السابع : الجمع بالتثوية أو التبعية عند الطحاوي:

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(18/2)	(30/2)	(457/2)	(395/2)	: (2)
	(227)	(194/2)	(4/3)	
	(248/1)	(184 )	(140/3)	
			(215 )	
			(184 )	(3)
			(194/2)	(4)
			(457/2)	(5)
			(395/2)	(6)

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.(194/2) (1)

.(185 ) (2)

.(248/1) (3)

.(431/1) (4)



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.(141/3) (408/2) (68/1) :  
(398) (2)

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.(246/2)

(325-324/1)

(60/5) (3)

.(432/1) (4)

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		(63-62/5)	(3)
		(434/1)	(4)
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(159-158/10)	(1)
(159/10)	(2)
.(4/3)	(3)
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.(373/4) (319/2) :

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الفرع الثامن : الجمع بالحمل على الإضمار عند الطحاوي .

(94/10) (1)

(6/3) (2)

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(198/9)

(180 )

:(199/9)

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.(528 ) : (1)

.(71 ) (2)

.(131 ) (3)

(381/4) (4)

(5)

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.(175/4) :

الفرع التاسع : الجمع بالحمل على التقديم والتأخير عند الطحاوي .  
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: [يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا  
وَتَسَلِّمُوا عَلَى أَهْلِهَا] (4) .

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: [مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ

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(1) ( 523 ) .

(2) ρ

42

(352/2) : (363/2)

(3) (130/14)

(4) [ 27 : ] .

: [يَا مَرْيَمُ اقْنُتِي لِرَبِّكِ وَاسْجُدِي

(1) [دِينَ]

(2) [وَارْكَعِي مَعَ الرَّاٰكِعِيْنَ]

(3) " ...

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(1) [ : 11 ] .

(2) [ : 43 ] .

(3) (249/4) .

المبحث الثاني: دفع التعارض بين الأدلة الشرعية عند الطحاوي بالنسخ.

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الفرع الأول: تعريف النسخ وماهيته:

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.(282/2)

.(282/2) (61/3) (425-424/5) (2)

(107/1) : (3)

(125/3) (190/1) (101/3) (7/2)

.(162 ) (197/5) (53/2)

.(101/3) (4)

	(1) "	":	-2
	"	"	
		":	-3
		(2) "	:
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		(3) "	-1
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(5) "			
		(1)	(1)
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		(3)	(3)
		(4)	(4)
		(5)	(5)

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الفرع الثاني: شروط النسخ.

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(526/3)

(106/3)

(253/3)

: (2)

(312/1)

(210/5)

(163 )

(285 )

.(312/1)

(529/3)

: (3)

.(195/7)

(4)

.(163 )

(527/3)

(106/3)

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	.(163)	(527/3)	(1)
.(163 )	(527/3)	(106/3)	(2)
(527/3)	(106/3)	(186/2)	(3)
		.(163 )	
.(163 )	(543/3)	(199/2)	(4)
.(288 )	(313/1)	(106/3)	(5)




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.(62/1)	(1)
.(139/3)	(2)
.(39/3)	(3)
.(365/4)	(4)

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.(518/12)	(1)
.(247/4)	(2)

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الفرع الأول : أنواع النسخ عند الطحاوي :

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- : [ إن يَكُنْ مِنْكُمْ عِشْرُونَ صَابِرُونَ يَغْلِبُوا مِائَتَيْنِ وَإِنْ يَكُنْ مِنْكُمْ

مِائَةٌ يَغْلِبُوا أَلْفًا ] (3).

- |         |         |         |   |             |
|---------|---------|---------|---|-------------|
| (132/3) | (45/2)  | (213/2) | : | (1)         |
|         | (223/1) | (311)   |   | (267 )      |
| (259/5) | (67/2)  | (76/2)  |   | (559/3)     |
|         |         |         |   | (167 )      |
|         |         |         |   | (270/5)     |
|         |         |         |   | [65 : ] (3) |

: [ الْآنَ حَقَّقَ اللَّهُ عَنْكُمْ وَعَلِمَ أَنَّ فِيكُمْ ضَعْفًا فَإِنْ يَكُنْ مِنْكُمْ

مِائَةٌ صَابِرَةٌ يَغْلِبُوا مِائَتَيْنِ وَإِنْ يَكُنْ مِنْكُمْ أَلْفٌ يَغْلِبُوا أَلْفَيْنِ ] (1) " (2) .

- \_\_\_\_\_ :

: [ يَا أَيُّهَا الْمُزَّمِّلُ ۞ قُمْ اللَّيْلَ

":

إِلَّا قَلِيلًا ۞ نِصْفَهُ أَوْ انْقُصْ مِنْهُ قَلِيلًا ۞ أَوْ زِدْ عَلَيْهِ وَرَتِّلِ الْقُرْآنَ تَرْتِيلًا ] (3) .

: [ عَلِمَ أَنْ سَيَكُونُ مِنْكُمْ مَرْضَى وَآخَرُونَ يَضْرِبُونَ فِي الْأَرْضِ يَبْتَغُونَ

مِنْ فَضْلِ اللَّهِ وَآخَرُونَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَاقْرَأُوا مَا تيسَّرَ مِنْهُ ] (4)

"(5)

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(1) [ 66 : ]

(2) (271/5).

(3) [ 4-1 : ]

(4) [ 20 : ]

(5) (271/5).

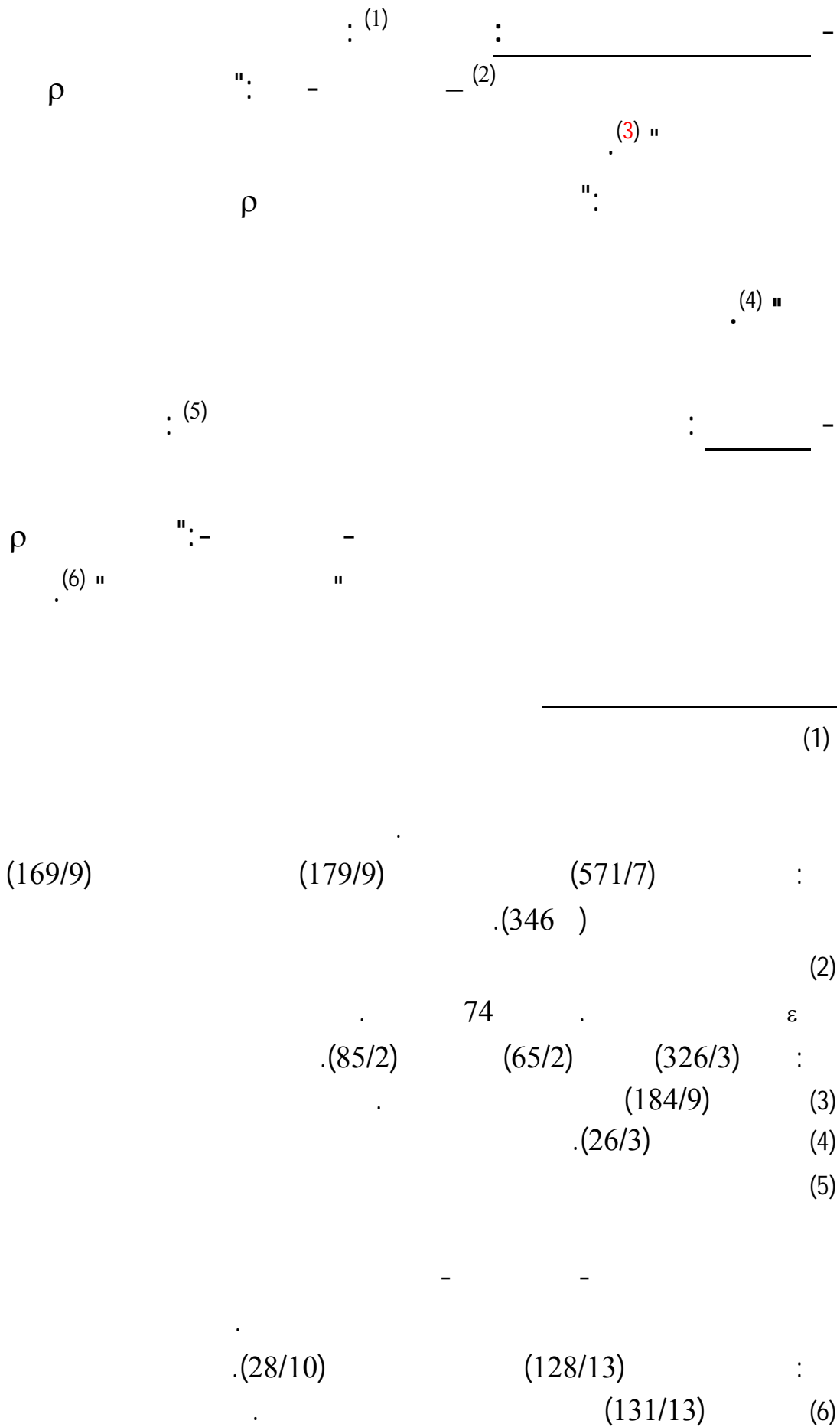
(6) : (213/2) (67/2) (132/3)

(267 ) (311 ) (223/1) (559/3)

(76/2) (259/5) (167 )

(7) (139/3).





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: [ وَمَا يَنْطِقُ ]

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عَنْ الْهَوَىٰ ۖ إِنَّ هُوَ إِلَّا وَحْيٌ يُوحَىٰ [ (3)

(4)

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: [ فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ ]

فَلْيَصُمْهُ [ (5)

: [ فَوَلِّ وَجْهَكَ شَطْرَ الْمَسْجِدِ ]

الْحَرَامِ [ (6)

			(187/4)	(1)
(255 )	(45/2)		(214/2)	: (2)
(223/1)	(312 )	(269 )	(135/3)	
	(78/2)	(124/1)	(559/3)	
		(168 )	(272/5)	(67/2)
			[4-3 :	] (3)
(223/1)	(136-135/3)		:	(4)
			[185 :	] (5)
			[144 :	] (6)

-  
[ فَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ

الْأَسْوَدِ مِنَ الْفَجْرِ ] (1).

:(2)

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[ وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا

نُزِّلَ إِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُونَ ] (3)

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[ وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا

لِيُطَاعَ بِإِذْنِ اللَّهِ ] (4).

:(5)

[ لِتُبَيِّنَ لِلنَّاسِ ]

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[ لِتُبَيِّنَ لِلنَّاسِ ] :

(1) [ : 187 ] .

(137-136/3).

(2) (69-68/2)

(3) [ : 44 ] .

(4) [ : 64 ] .

(138-137/3).

(5) :

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: [وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۖ إِنْ هُوَ إِلَّا

وَحْيٌ يُوحَىٰ ]

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.(64-63/1)

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[ وَأَوْلُوا الْأَرْحَامَ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ مِنَ الْمُؤْمِنِينَ وَالْمُهَاجِرِينَ ] (1)

: -  
ρ  
[ قَدْ نَرَىٰ تَقَلُّبَ وَجْهِكَ فِي السَّمَاءِ فَلَنُوَلِّيَنَّكَ قِبْلَةً تَرْضَاهَا فَوَلِّ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ وَحَيْثُ مَا كُنْتُمْ فَوَلُّوا وُجُوهَكُمْ شَطْرَهُ ] (2)

: -  
[ وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ] (3)

" ... (4)

" : " " : -  
: : -  
أَجَلٌ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلَّبِينَ (5)

(6) ρ " "

:

[ 6 : ] (1)

[ 144 : ] (2)

[ 280 : ] (3)

(61/1) (4)

[ 4 : ] (5)

ρ (6)

ρ :  
 [يَسْأَلُونَكَ مَاذَا أَحَلَّ لَهُمْ قُلُوبَ أَحِلَّ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُم مِّنَ  
 الْجَوَارِحِ مُكَلَّبِينَ] (1)

ρ : "

" (2)

ρ :  
 [يَسْأَلُونَكَ مَاذَا أَحَلَّ لَهُمْ قُلُوبَ أَحِلَّ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلَّبِينَ] :  
 (3)

ρ :  
 [حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلَاةِ الْوُسْطَى وَقُومُوا لِلَّهِ قَانِتِينَ] (4)  
 " (5)

"(6) [ حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلَاةِ الْوُسْطَى وَقُومُوا لِلَّهِ قَانِتِينَ ] :

---

	(69/4)	(68/4)	:
(428/4)	" (57/4)	"	(1)
	"	":	(311/2)
		(57/4)	(2)
		[4 :	(3)
		[238 :	(4)
			(5)
	66		ε
	(542/1)	(165/3)	:
(26/5)		(88/3)	(6)

: " :

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(1) " ...

p

: " :

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(2) " ...

p

: " :

\_\_\_\_\_ : :  
: (3) :  
\_\_\_\_\_

			.(170/15)	(1)
				(2)
(124/1)	(43/2)	(217/2)	:	(3)
(224/1)	(67/2)	(255 )		(138/3)
(247/2)	(78/2)	(261/5)		(562/3)
(167 )	(264/3)	(313 )		
		.(323/1)		

- \_\_\_\_\_  
:

-1

-2

- ρ :

- (1) ρ : (2) "

- [ فَاْمَسِكُوْهُنَّ فِي الْبُيُوْتِ ] :

ε : (3) حَتَّىٰ يَتَّوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيْلًا ]

" (4)

-3 [ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ ] (5)

:

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\_\_\_\_\_ ] (1)

[ : 180 ] .

(2120) (3565) (2)

(159/2) (557/3)

" : (267/5)

(87/6) (92/3) :

[ : 15 ] (3)

(188/11) (4)

[ : 44 ] (5)



- \_\_\_\_\_ :

:

-1 : [ لِثَبِّينَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ ]<sup>(1)</sup>

-2 : [ قُلْ مَا يَكُونُ لِي أَنْ أَبَدِّلَهُ مِنْ تَلَقَاءِ نَفْسِي ]<sup>(2)</sup>

-3 : [ مَا نُنسَخُ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا أَلَمْ تَعْلَمْ أَنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ ]<sup>(3)</sup>

- -

-4 ρ

:

-1 : [ لِثَبِّينَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ ]

(4)

[ (1) : 44 ]

[ (2) : 15 ]

[ (3) : 106 ]

(325/1)

(72/2)

(4)

-2 : [ قُلْ مَا يَكُونُ لِي أَنْ أُبَدِّلَهُ مِنْ تَلَقَاءِ نَفْسِي ]

ρ

(1)

-3 : [ مَا نُنسخَ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِثْلَهَا أَوْ مِثْلَهَا

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(2)

-4 :

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(3)

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(4)''

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(1) (125/1).

(2) (140/3) (142/3)-

(143).

(3) (72/2) (65/3).

(4) (139/3).

(1) " ...

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" :

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(2) "

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...":

[ وَ اللَّاتِي يَأْتِينَ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهَدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ فَإِنْ

شَهِدُوا فَامْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ]<sup>(3)</sup>

" : ρ

(4) "

(5) "

ρ

(1) (62/1).

(2) (62/1).

(3) [ 15 : ]

(4) (238 )

(5) (62/1).

: " :  
[ وَالزَّانِيَةَ ] :

وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ [ (1) ] .

: ρ :  
" "

:  
[ وَالزَّانِيَةَ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ ] .

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ρ ρ  
: \_\_\_\_\_ :

":  
[ كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ

المَوْتُ أَنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلوَالِدَيْنِ وَالْأَقْرَبِينَ ] (3)

(1) " .

ρ :

[ (1) : 2 ] .

(2) (63-62/1) .

[ (3) : 180 ] .

: " :

- - :

- -

" ρ  
(2) "

: :  
\_\_\_\_\_

ρ : [قُلْ مَا يَكُونُ

: " :

(3) [ لِي أَنْ أَبَدِّلَهُ مِنْ تَلَقَاءِ نَفْسِي ]

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- -

(4) "

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(1) (249 ) .

(2) (63/1) .

(3) [15 : ] .

(4) (64-63/1) .

الفرع الثاني : طرق معرفة النسخ عند الطحاوي .

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(1)  $\rho$  \_\_\_\_\_ :

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\_(2)

$\rho$

"  $\rho$

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(3) " ...

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(4) "

$\rho$

$\rho$

(163/3)

(128/1)

(235/2)

: (1)

(78/3)

(318/5)

(321 )

(235/1)

.(173 )

(575/3)

(95/2)

$\varepsilon$

(2)

63

.(150/1)

(469/2)

:

(134/13)

(3)

.(187/4)

(4)

	(1)		:
" "	" "	" "	"
.	:	:	-
ρ	": -	-	(2) "
ρ	":	":	(3) "
ρ	" -	-	(4) "
ρ	":	":	(5) "
-116/1)	(566/3)	(128/1)	(237/2) (1)
"	(320/5)	(235/1)	(173 ) (2)
ρ	(311/1)	(43/4)	(232 ) (3)
(311/1)	(42/4)	(67/1)	(26/3) (4)
(311/1)	(42/4)	(183/1)	(192) (4)
(311/1)	(42/4)	(183/1)	(117)
(311/1)	(42/4)	(183/1)	":
(311/1)	(42/4)	(183/1)	:
(311/1)	(42/4)	(183/1)	(5)
(311/1)	(42/4)	(183/1)	:

(1)  $\frac{\rho}{\rho}$

$\rho$  : - - " : (2) "

" : (3) "

( ) : - -  $\rho$  - -  $\rho$  (4) "

" : - -  $\rho$  ) : - - ( (5) " ...

... " :

	(235/1)	(128/1)	(163/3)	(1)
.(325/5)	(95/2)	(261/2)	(321)	
		.(33/2)	(2)	
		.(33/2)	(3)	
		.(196 )	(4)	
		.(43/2)	(5)	



:(1) :

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(2) "

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(3)

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$\rho$

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$\rho$

(128/1)	(236/2)	:	<hr/>	
	(563/3)	(235/1)	(163/3)	(1)
	.(173 )	(95/2)	(78/3)	(319/5)
			.(236/2)	(2)
			(70-69/10)	(3)

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(1) "

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... " : -

(2) "

(3)

(4)

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-3

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.(57-56/3) (1)

.(158/3) (2)

(3)

(507/1) (202/3) (23/7) :

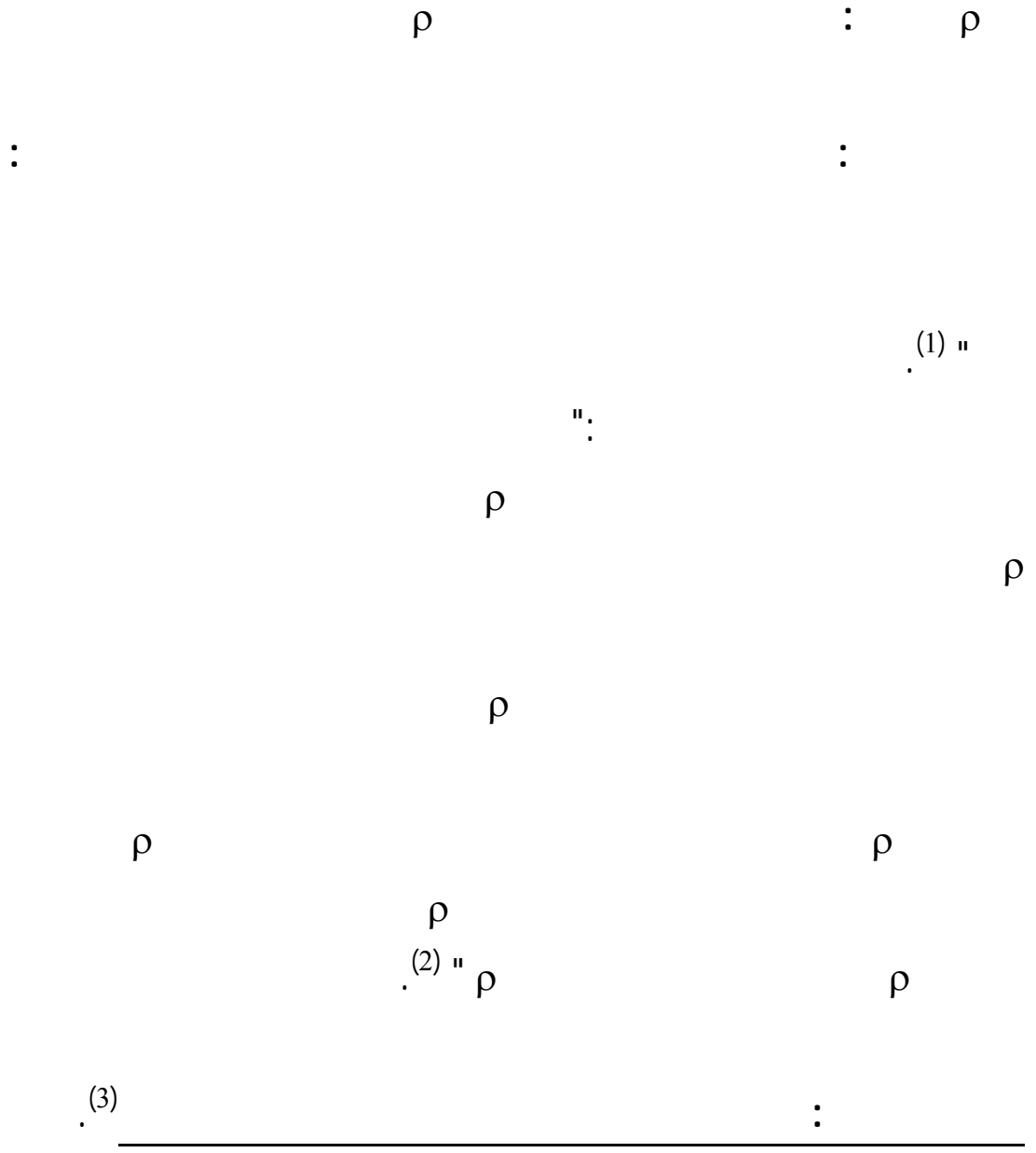
50 .(50/5)

(4)

95

." " :

.(387/1) (520/4) (82 ) :



(61/4)

(496/1)

(1)

(60/4)

(202/3)

:

(496/1)

(2)

(100/3)

(7/2)

(95/2)

(3)

(80/2)

(217 )

$$\begin{array}{r} \vdots \\ - \quad - \quad \rho \quad \rho \quad \vdots \\ -1 \end{array}$$

$\rho$

(1) "

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(2)

$\rho$

$\rho$

(3) "

$\vdots$

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(4)

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(330/1)

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(182/3)

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(215/2) (1)

" :  $\rho$  (2)

(23/1) (3)

(9 ) (7/2) (95/2) (4)

(1)

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(2)·  
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·(163/3) (1)  
·(52/3) (2)

المبحث الثالث : دفع التعارض بين الأدلة الشرعية عند الطحاوي بالترجيح .

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:

الفرع الأول : تعريف الترجيح لغة واصطلاحاً.

(1)	:	-1
(2)	:	-2

	" :	-1
	(3) "	
(4) "	" :	-2
	" :	
	(5) "	
	" :	-3
	(6) "	
(7) "	" :	-4

(234 )	(221/1)	(1)
(445/2)	(141/2)	(2)
	(112/4)	(3)
	(616/4)	(4)
	(241 )	(5)
(460/4)		(6)
(327 )		(7)

" : (1) -5

(2) "

(3)

" " " " -1

" -2

"

-3

-4

الفرع الثاني : شروط الترجيح<sup>(1)</sup>

793

711

(1)

(219/7) (547/8) :

(103/2) (2)

(462/4) : (3)

(279 ) (80/1)

(337 )



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(2)  $\frac{\quad}{\quad}$

$\frac{\quad}{\quad}$

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(3) " ...

$\frac{\quad}{\quad}$

(4) "

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(5)  $\frac{\quad}{\quad}$

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(128/2)	(241 )	:	(1)
.	(341 )	(296 )	
	.(241 )	(460/4)	(2)
		.(244 )	(3)
		.(457/2)	(4)
.(129/2)	(462/4)		(5)

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(3)

:(4)

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(5)

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.(462/4) (1)

(462/4) (393/2) : (2)

.(607/4) (147/8) (420 )

.(343 ) (112/1) (3)

.(130/2) (242 ) (462/4) (4)

.(130/2) (5)

(1)

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.(241 ) (1)

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الفرع الأول : أوجه الترجيح عند الطحاوي باعتبار الرواة والسند:  
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(2) "

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(3) "

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(395/2)	(435 )	(245 )	(1)
(331 )	(10 )	(464/4)	(459/2)
(27/3)	(206/2)	(422 )	
(244 )	(635/4)	(222/3)	(178/7)
		(623 )	
:"(188/16)	(266/1)		(2)
."		(82/5)	(3)

(1) "

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(2)

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(4) - - (3) ρ -1

(6) (5) "

(1) -2

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			(267/1)	(1)
(14 )	(465/3)	(220/3)	(392/2)	(2)
(172/8)	(27/3)	(206/2)	(423 )	
(436 )	(246 )	(244 )	(635/4)	
. 51	ρ			(3)
	(391/4)	(397/4)	(238/2)	:
	(196/9)		(62/4)	(4)
			(271/2)	(5)
		ρ		(6)
"		":(205/9)		
"	ρ	":		
(165/9)	(194/9)	(312/3)		:

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.(179/7)

(78/5)

(69 )

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.(500/12)

(478/12)

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.(425/10)

(3)

(11 )

(423 )

(336 )

(393/2)

(4)

(636/4)

(184/7)

(245 )

.(246 )

.(11 )

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(315/2) (573/1) (115/4) :

(1)

(267/6) (78/4) :

(266/1) (2) :

(266/1) (3)

(464/4) (460/2) (396/2) (392/2) (4)

(11 ) (423 ) (221/3)

(208/2) (637/4) (174/8) (244 )

(624 ) (246 )

(5)

64



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		(3) "			
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		(4) "		ρ	
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-			ρ		
		(5) "		-	
		":	"		
(1) "					
			.(400/3)	(390/3)	:
					(1)
65					
	.(82/10)		(456/3)	(476/3)	:
	"	"		(323/4)	(2)
	":	"		":	
				":	"
				"	":
				"	
	.(440/7)	(440/3)	(8-5/7)		:
			(68-67/9)		(3)
			.(175/4)		(4)
					(5)

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(4)

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(424-423 )	(465/4)	(391/2)	(2)
(647/4)	(172/8)	(244 )	(10 )
.(621 )	(246 )	(29/3)	(208/2)
		(154/4)	(3)
			(4)
	. 65		
	.(522/3)	(529/3)	(411/3) :

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(69/11) (1)

(77/13) (2)

(175/8) (11 ) (464/4) (392/2) (3)

(246 ) (28/3) (641/4)

(630 )

(257) (748) (4)

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(592/3)

(572/2)

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(93/4)

(2)

(3)

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(220/2)

(95/4)

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(226/1)

(4)

(92/2)

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(293/1)

(5)

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 (3) "  
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 (4) "  
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 (6)(5)"  
 " ..."  
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58		(1)
-	(156/2)	(562)
"	(382/1)	(11/5)
(131-130/3)	(92/2)	(3)
(204-203/6)	(275/2)	(4)
(549/2)	(204/6)	(5)
	(198/4)	(6)

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ρ (2) " ρ

(3) :

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(4) (5) (6)

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(646/4)	(175/8)	(393/2)	(1)
		.(626 )	(244 )
		.(266/1)	(2)
(635/4)	(223/3)	(464/4)	(3)
		.(245 )	(178/8)
" :		(2385)	(4)
		.	"
.(453/2)	(152/4)		:
		ε	(5)
	.(481/12)	(399/4)	:
(463/6)		(516/1)	(6)
	" :		

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.(130 )

(305/12)

(588/4)

:

.(89/2)

(1)

.(246 )

(221/3)

(12 )

(2)

.(65 )

(3)

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(2) "

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(3) "

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- .(65 ) (1)
- .(65 ) (2)
- .(27/11) (3)
- .(15-14 ) (4)
- (5)



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(1) "

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: " " : : "

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(2) " " "

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(3) " " " : " " :

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(102/16)

(379/4) (1)

(415/10) (2)

(102/16) (3)

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(1) (371/3)

(2) (27-26/3) (466/4)

(3) (596/1) (86-83/9) [واتخذوا من مقام إبراهيم مصلى]

(4) (392/1)

(5) (208/2) (174/1)

(202/3)

(189/2)

(7-6/3) (464/1) :

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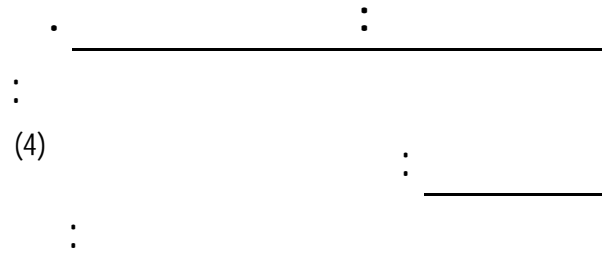
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(245 ) (9 ) (244 ) (628/4)

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(2101-2100)		(432/3)	(21/3) :
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		(29-28/11)	(4)
	(15/7)	(229/3)	(5)
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(213-212/2) (107/4) (2)

(491-490/3) (2964) (3)

(228/8) (220/2)

(212/2)

(205/2) :

(206/2) (4)

(70/8) (5)

الفرع الثاني : أوجه الترجيح عند الطحاوي باعتبار المتن :  
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 .(633 ) (434 ) (245 )  
 .(255/1) (2)  
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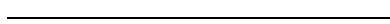
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.(391-390/1) (1)

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.(114-113/7) (210/3) (198/2) :

.(128/2) (4)



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(38/6)	(364/2)	(483/2)	:
		(71/3)	(4)
	(215/1)	(667/2)	(5)
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		(480/4)	(2)
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الفرع الثالث : الترجيح عند الطحاوي بأمر خارجي :

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(635/4)	(420 )	(396/2)	(1)	
	.(436 )	(483/4)		
	.(33/3)	(210/2)	(2)	
	.(420 )	(483/4)	(3)	
		.(483/4)	(4)	

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.(532-531 ) (4)

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(464/2) (483/4) (396/2) (395/2) (1)  
 (15 ) (247 ) (695/4) (202/8)  
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 .(461/3) (434/3) (427/3) :  
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: [وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ

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			(247 )	(695/4)
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.(407/4) (3)  
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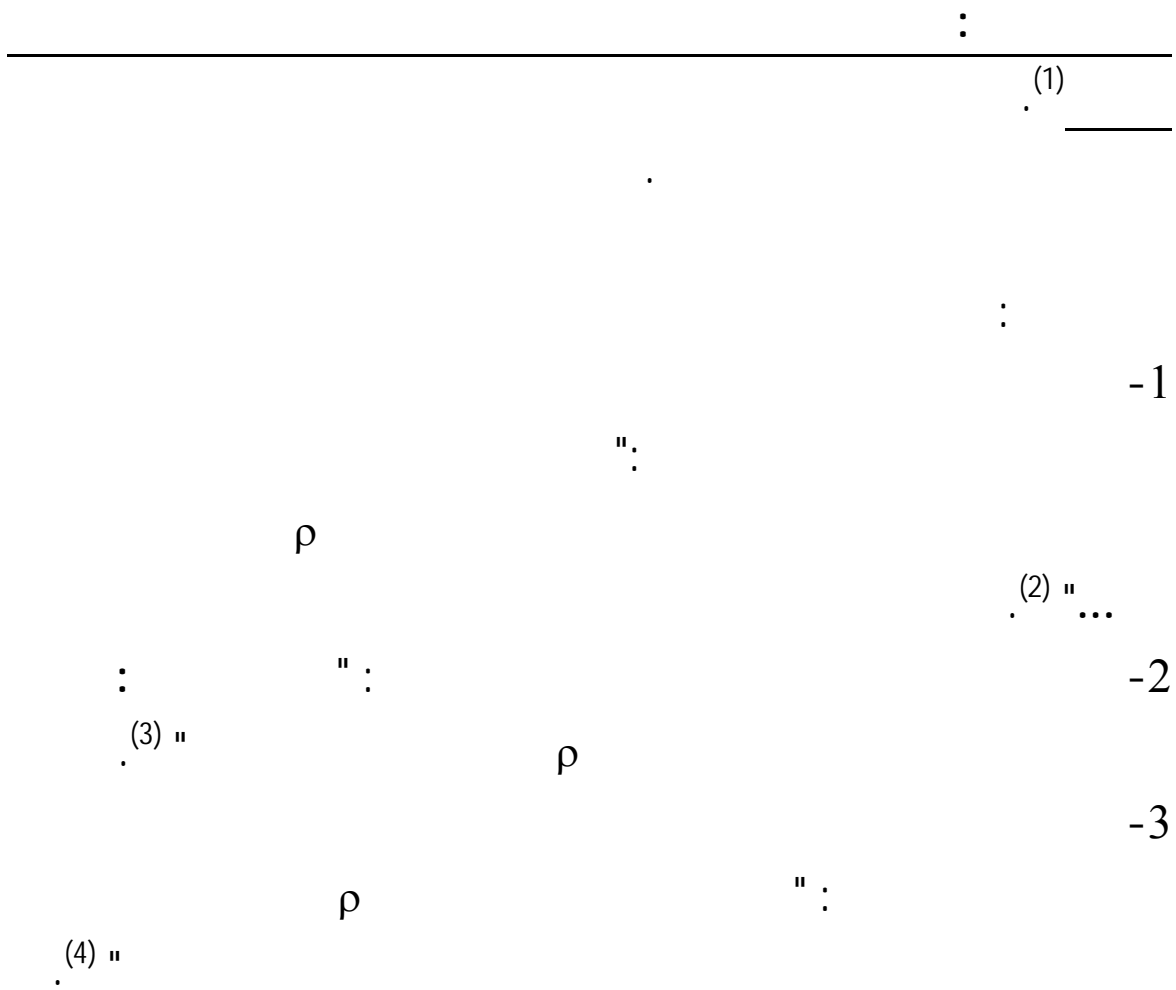
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		.(279/4)	(2)
		.(247/6)	(3)
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# الختامة

نتائج البحث

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EEE

## الفهارس العامة

- 1- فهرس الآيات القرآنية.
- 2- فهرس الأحاديث النبوية.
- 3- فهرس الآثار.
- 4- فهرس الأماكن و البلدان.
- 5- فهرس الأعلام المترجم لهم.
- 6- فهرس المصادر و المراجع.
- 7- فهرس الموضوعات.

## فهرس الآيات القرآنية

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## فهرس الأحاديث النبوية

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## فهرس الآثار

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## فهرس الأماكن و البلدان

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-26-24.....	41-37-36
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## فهرس الأعلام

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