

Historical Development and Significance of Islamic Legal Maxims (Al-Qawa'id Al-Fiqhiyyah)

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ABSTRACT

The legal maxims of Islamic law or jurisprudential maxims or Shari'ah maxims (al-qawa'id al-fiqhiyyah) are the general rules of the Islamic law that can be applied in various issues which come under the common rulings. The legal maxims comprise statements involving general principles, derived from jurisprudential rulings, which can be implemented in specific cases of Islamic law. They play an important role in the formulation of Islamic law because they are used as principles for the deduction of any further rules of Islamic law. Many cases can be referred to these maxims for the solutions and they can determine the legitimacy or illegitimacy of certain cases.¹

KEYWORDS:

Islamic law, Al-Qawa'id al-Fiqhiyyah, Islamic Legal Maxims

Qawa'id is the plural of al-qa'idah from the root word of q-a-d and linguistically, it means "a concrete or abstract maxim or base" ², "rule and principle", "model and pattern".³ Technically, al-qawa'id means "a total rule or case which includes all the furu' (varied branches of fiqh) come beneath it or a major rule or case including the most furu' which flow beneath it" ⁴, "a general rule of fiqh which applies to all of its related particulars".⁵

Linguistically, "the proper understanding of what is intended is called fiqh". Technically, fiqh means "having the proper knowledge and understanding of the practical juristic rules derived from their detailed legal evidences. For example, saying that fasting or prayer is obligatory on a person".⁶

Abu Abdullah ibn Muhammad ibn Ahmad al-Maqqari, a classical Maliki jurist has propounded that "al-qawa'id al-fiqhiyyah are general principles from which specific rulings may be derived directly".⁷ Sheikh Mustafa Ahmad Zarqa, a renowned Hanafi Muslim scholar has defined al- qawa'id al-fiqhiyyah as "universal principles of Islamic law

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formulated in a compendious legal form containing broad general rulings in those cases which come under their particular subject”.⁸

Another definition of al-qawa'id al-fiqhiyyah by a commentator of Majallah, Salim Rustum Baz is “they are comprehensive and pre-dominant rules which are applicable to all of their particulars or most of them”.⁹ According to Dr. Ali Ahmad al-Nadwi, a notable contemporary scholar, “legal maxim is the specific juristic basis which includes some general legal rulings of different chapters and it relates to the issues which come under its subject”.¹⁰ It is difficult to figure out the peculiar jurist who first used this term qa'idah for these maxims, nevertheless, this term was so fit and apt then it became a trend among jurists to utilize it.¹¹

Islamic legal maxims have a significant role in Islamic law for they clarify and arrange the rulings of Islamic law and combine multiple and disperse segments of Islamic law under one notion so the basic job of Islamic legal maxims is merging and unifying similar legal principles under specific comprehensive and global rules. According to Majallah Ahkam al-Adaliyyah, while the development of Islamic legal maxims, the Muslim scholars gathered legal rulings under particular global principles that cover many legal rulings and are regarded as evidence for these rulings in Islamic law. After the formulation of 100 legal maxims, their implementation was thought to be valid generally due to their interrelation. A general view of the spirit and philosophy behind Islamic law is indicated through Islamic legal maxims which are helpful for determination of validity or invalidity of an issue presented to a jurist or a judge or ruler of a state for making decision.¹² It would be quite suitable to call Islamic legal maxims as the “proverbs” of the world of Islamic law.¹³ The study of Islamic legal maxims is one of the brightest parts among the jurisprudential sciences developed by the Muslims.¹⁴

Significance of Islamic Legal Maxims (Al-Qawa'id Al-Fiqhiyyah)

For their juristic research works, the jurists have taken advantage from Islamic legal maxims which possess the status of fundamental legal precepts according to their higher purpose and vital importance. Regardless the difference among their names, these maxims secure the true spirit of Islamic legislation, protect the interests of people and fulfill the requirements of the present age by providing benefits and averting harm to an Islamic society. In the case of unavailability of a legal ruling from explicit texts, the subsidiary issues are solved by the jurists with the help of this discipline of Islamic law. That's why, the jurists have compiled a large number of separate works on these maxims of Shari'ah, left a marvelous treasure on this science and tried their best to present the different versions of these maxims along with their excellent

interpretation and exposition of their epic practical and serviceable nature.¹⁵ Al-Qarafi, in the introduction of his celebrated work, has said:

“Islamic Shari’ah is based upon certain *usul* and *furu’*. Its *usul* are of 2 types; the first one is *usul-al-fiqh* and the second one is *qawa’id-e-fiqhiyyah*. *Qawa’id-e-fiqhiyyah* are countless in their number and they are the guiding principles for achieving comprehension of the secrets and symbols of Shari’ah. Each and every legal maxim covers numerous subsidiary legal issues and creates scope for the declaration of *fatawa* and formulation of *ijtihadaat*. The distinction among the jurists is expressed on the basis of these maxims. The one who utilizes them in jurisdiction, will succeed in his purpose”.¹⁶

The primary and secondary sources of Islamic law do not provide each and every detail for every new legal issue. This highlights the need for an organized and standard approach to the contemporary cases where, rather than finding out a direct Qur’anic commandment or Prophetic Tradition, the legal maxims based on Shari’ah injunctions could be utilized to cover the particulars of the cases and to issue judgments. The Islamic legal maxims are neither law themselves nor they are a foundation for any permanent legal ruling, however, argumentation on the basis of a legal maxim or its application to contemporary cases is absolutely valid. An argument based on a legal maxim will be called an argument metaphorically because that is not based on an actual source of Islamic law. Such argument would have the status of a derivative, by knowing whose general value, its details or sub-details and similarly, the details or sub-details of the relevant legal maxim would be easy to know. According to Dr. Mustafa Ahmad al-Zarqa:

“The Islamic legal maxims that help a jurist to create deep jurisprudential enlightenment in him, are not the explicit legal texts (*nasoos*) which can serve as a foundation for making judicial decisions.”¹⁷

Historical Development of the Legal Maxims of Islamic Law (Al-Qawa’id Al-Fiqhiyyah)

The development of the legal maxims of Islamic law is one of the greatest intellectual contributions of the history of Islamic law. They are the universal formulas of Islamic legislature and the most comprehensive juridical principles, constituted by the jurists in accordance with the textual evidences of Shari’ah to explain specific cases and thus to participate in forming Islamic legal theories. It is difficult to determine the exact timing for the emergence of legal maxims of Islamic law as a separate subject. The entire body of this distinct

discipline of Islamic law was not organized at once by single scholar but it was developed by jurists gradually parallel with the development of Islamic law in different time periods, especially on the later stages of flourishing Islamic law so that it could receive its own framework and structure as a distinct field for the extraction of legal rulings and their application to variant existing and upcoming issues.¹⁸ Infinite number of jurists belonged to several schools of thought exceeded the legal maxims over time to the number of 3,000. After the Hanafis, the Shafa'is, then the Hanbalis and following them the Malikis added their contributions to the literature on Islamic legal maxims.¹⁹ The final statements of legal maxims came into existence after great refinement, modification, edition and arrangement by the scholars belonged to later centuries. So this valuable treasure of Islamic legal maxims is the fruit of the collective efforts of almost 1000 years by the jurists.²⁰ Discussion of the historical context of Islamic legal maxims within 4 stages and the most renowned works on this discipline are presented here.

1. The Foundation Stage of Islamic Legal Maxims

This stage started from 610 A.D. / 1st Nabwi right from the revelation of the Holy Qur'an and lasted till 9th century A.D. / 3rd century after hijrah. It includes the apostolic age, time period of the Companions, the Successors and the early Successors of the Successors.²¹ This is the primary stage for the emergence of Islamic legal maxims so their compilation was not started yet. The spirit behind the Qur'anic injunctions, the Prophetic Traditions and the Sayings of Sahabah and Tabi'een caused the development of legal maxims actually. The Book of Allah and the Sunnah of the Prophet (peace be upon him) provide foundation for utilization of their original text for the deduction of principles, for instance, the philosophy behind the legal maxim "A matter is determined according to intention" has been developed from the following Hadith of the Messenger of Allah (peace be upon him):

الأَعْمَالُ بِالنِّيَّةِ، وَلِكُلِّ أَمْرٍ مَا نَوَى

"The reward of deeds depends upon the intention and every person will get the reward according to what he has intended".²²

The Apostle of Allah (peace be upon him) has often encouraged his Sahabah to extract juristic rulings for several problems by using comprehensive original textual sources which was also their duty for many of them became jurists, judges and rulers later on in the different regions of Islamic state. The basis of the legal maxim "Custom is the basis of judgment" is established on a Saying of the Sahabi, Hazrat Abdullah ibn Mas'ud (may Allah be pleased with him):

“What the Muslims deem to be good is good in the eyes of God”.²³

The juristic activities and legal debates of Tabi'een were the representative of the formulation of Islamic legal maxims as well. There are numerous speeches of particular Sahabah, Tabi'een and the early major jurists from which Islamic legal maxims have been emerged.²⁴ The Muslim jurists belonged to the different schools of thought showed their special concern for the cultivation of the roots of the Islamic legal maxims. This is the reason that from the time of the leading jurists uptill the contemporary scholars, considerable number of legal maxims are scattered in almost every book of Islamic law for different purposes, for example, the works of Qadhi Shurayh and Khayr ibn Nu'aym, Al-Mudawwanah al-Kubrah by Imam Malik.²⁵ In his outstanding work Kitab-ul-Umm, Imam Shafa'i presented many legal maxims like in a chapter of his work named, “Coercion And the Like”, he mentioned some juristic principles regarding the person who is pressurized for the commission of apostasy and given the threat of death. As apostasy causes several other specific legal rulings, for instance, death sentence, separation from the wife but if the offender repents from his offence then Allah forgives him and all other consequences collapse as well for:

Al-A'zamu Idha Saqata 'An al-Nasi Saqata Ma Huwa As'gharu Minh
“When a greater thing fails, smaller things resulting from it also fail”.

And that is a legal maxim.²⁶

2. The Stage of Recording and Flourishment of Islamic Legal Maxims

This stage started from 9th century A.D. / 3rd century after hijrah and lasted till 15th century A.D. / 10th century after hijrah. This was the golden time period when the attempts were made for recording and transmitting the science of Islamic legal maxims as a separate subject. The Muslim scholars flourished this field of Islamic law and produced considerable number of treatises on this field.²⁷ However, all of these treatises were not pure legal maxims works, instead they were the works on Islamic law that comprise significant portions and chapters related to legal maxims as well. The reason is that the jurists were busy at that time in compilation of the particulars of Islamic law and various schools of thought were being emerged. Contribution in the compilation of Islamic legal maxims was done first of all by the Hanafi jurists. They have the honour to be the pioneers of this discipline of Islamic law. At that time, legal maxims were regarded as *usul* (principles).²⁸ Later jurists within and without the very school of thought improved these formulations. Most of the writers of the Islamic legal maxims are not known by their name. Only those legal maxims that were originally

derived from the Qur'anic verses, Prophetic Traditions or formulated by specific jurists like the early jurist Imam Abu Yusuf's remarkable book *Kitab-ul-Khiraj*, *al-Asl* of Imam Muhammad al-Shaybani are available today.²⁹ The first 17 legal maxims were introduced by a notable Hanafi jurist Imam Abu Tahir al-Dabbas. Abul Hasan al-Karkhi expanded them to the number of 39 in his work *Al-Usul*, *al-Karkhi* which is considered an authoritative Hanafi precursor on legal maxims. Then a dissertation comprising of 86 legal maxims was assembled by Ubaydullah bin Umar al-Dabbusi with the title of *Ta'sis al-Nazar*. Ibn Nujaym compiled his book on 25 legal maxims and entitled it with the name of *Al-Ash'bah Wan-Naza'ir*.³⁰ *Al-Qawa'id Fil-Furu'* was written by Sharaf al-Din al-Ghazzi.³¹ *Idah Al-Qawa'id* was organized by Imam Ala-ud-Din Muhammad Ibn Ahmad As-Samarqandi.³²

The non-Hanafi jurists got familiar with the Islamic legal maxims when a Shafa'i jurist and judge, Abu Sa'id al-Harawi tried to take information about the Hanfai doctrines from a blind Hanafi jurist, Abu Tahir al-Dabbas who had enveloped them into 17 legal maxims. He did not intend to disclose those maxims so al-Harawi tried to listen them secretly by hiding himself in a straw mat in the particular mosque, al-Dabbas used to go every night. When the people left from the mosque, al-Dabbas started reciting the legal maxims and he was at the 7th legal maxim when al-Harawi sneezed or coughed accidentally. Al-Dabbas along with his companions beat and got him out of the mosque and left reciting the maxims after that. Thus through al-Harawi, his companions came into contact with those 7 legal maxims which were refined to 4 maxims later on.³³ Nevertheless, many scholars due to various reasons consider this story, inaccurate, self-created and mythical.

The contribution of Shafa'i jurists to the discipline of Islamic legal maxims was much more than the contribution of the jurists of any other school of thought. The most remarkable works on this discipline were assembled by the following eminent Shafa'i jurists:

Al-Qawa'id fil Furu' al-Shafi'iyah by Muin-al-Din Muhammad bin Ibrahim al-Jajirmi, *Qawa'id al-Ahkam fi Masalih al-Anam* by Izz al-Din Abd al-Salam, *Al-Ash'bah Wan-Naza'ir* by Jalaluddin Suyuti (the main reference for the doctrines of Shafa'i school of thought), *Al-Majmu' al-Mudh'hab fi Dabt Qawa'id al-Madh'hab* by Salah al-Din Khalil al-Shafa'i consisted of 20 legal maxims, *Al-Qaw'id al-Manzumah* by Shihab al-Din Ahmad bin Muhammad al-Shafa'i,³⁴ *Al-Ashbah wa'l-Naza'ir* by Tajuddin Subki, *Al-Manthur fi al-Qawa'id* by Badruddin Zarkashi included 100 legal maxims, *Al-Majmu Sharh Al-Madh'hab* by Imam Abu Zakariyyah Muhiy-ud-Din Yahya Ibn Sharaf an-Nawawi,³⁵ *Al-Qawa'id* by Taqiyyuddin Abu Bakr ibn Muhammad ibn Abdul-Mu'min,³⁶ *Majmu' fil Qawa'id Mudh'hab al-Madh'hab* by Salahuddin Abi Said al-Ala'i.³⁷ All of

them are considered among the most important contributions to this field by these popular Shafa'i scholars.

The major jurists of Hanbali school of thought composed the significant treatises on Islamic legal maxims as under:

Al-Qawa'id al-Kubra fi Furu' al-Hanabilah by Najmuddin Sulaymn al-Tufi, Taqrir al-Qawa'id wa Tahrir al-Qawa'id by Abdul Rahman ibn Rajab al-Hanbali who constructed his researches on 260 legal maxims, Al-Qawa'id al-Nuraniyyah by Ibn Taymiyyah, Hawashi al-Qawa'id al-Fiqhiyyah by ibn Nasrullah al-Hanbali³⁸, Al-Qawa'id al-Kulliyyah wal-Dawabit al-Fiqhiyyah by Jamaluddin Yusuf ibn Hasan ibn Ahmad Abdul-Hadi,³⁹ Al-Qawa'id al-Fiqhiyyah by Ibn al-Jabal Qadi Ahmad ibn al-Hasan.⁴⁰ The authors have encapsulated legal maxims in these works methodologically and scientifically.

The leading jurists of Maliki school of thought had strong presence in all stages of the development of Islamic legal maxims, adopted unique methodologies in their authorship and collated the following outstanding books on this field:

Al-Madh'hab by Abdullah bin Rashid al Qafasi, Al-Qawa'id by Abu Abdullah ibn Muhammad ibn Ahmad al-Maqqari includes 1200 legal maxims, Usul al-Futya by Imam Muhammad ibn Harith al-Khushni al-Maliki, Anwar al-Buruq fi Anwa al-Furuq is a splendid work including 548 legal maxims compiled by al-Qarafi, Tahzib al-Furuq wa'l-Qawa'id al-Sanniyyah fi al-Asrar al-Fiqhiyyah by Muhammad Ali bin Husain, the Mufti of Makkah al-Mukarramah, Al-Muqadimat wa Al-Mumahidat by Imam Abul-Walid Muhammad ibn Ahmad ibn Rushd,⁴¹ Manzumat al-Man'haj al-Muntakhab by Abu al-Hasan al-Zaqqaq, Al-Nur al-Muqtabas fi Qawa'id Malik ibn Anas by Abd al-Wahid al-Wansharisi,⁴² Al-Kulliyyat by Muhammad ibn Ahmad ibn Muhammad al-Miknasi, Qawa'id al-Imam Malik by Abu Muhammad ibn Yusuf ibn al-Abdirrahman Musjini,⁴³ Sharh al-Muntakhab Man'haj alaa al-Madzhah Qawa'id by Shaikh Abul-Qasim ibn Muhammad Siwani⁴⁴ have been highly acclaimed. Also Imam Abu Al-Hasan Ar-Raqaq An-Najibi Al-Maliki who reorganized Islamic legal maxims from the previous books on this science.⁴⁵

The distinguished Shi'ah jurists organized the note-worthy works on Islamic legal maxims. First noteworthy Shi'ah collection related to Islamic legal maxims was written by Allamah al-Hilli with the title of Al-Qawa'id, then Al-Qawa'id Wal-Fawa'id by Jamiluddin al-Amilis.⁴⁶

3. The Stage of Establishment and Arrangement of Islamic Legal Maxims

This stage started from 15th century A.D. / 10th century after hijrah and lasted till 20th century A.D. / 14th century after hijrah. The basic purpose of classical works was collection of Islamic legal maxims and to show their implementation in variant fields of Islamic law. But from the

beginning of this period, organizing, scripting and interpreting the legal maxims of Islamic law became increasingly crystallized and this discipline gained maturity. A huge number of creative writings were conducted on this field of Islamic law and summaries, commentaries and addition was made. Allamah Muhammad Abu Sa'id Khadimi (a Hanafi scholar) composed 154 legal maxims alphabetically in his juristic work named Majami' al-Haqa'iq. Mustafa Ahmad al-Zarqa (a Hanafi scholar) compiled his work on legal maxims with the name of Al-Madkhal al-Fiqhi al-Amm.⁴⁷ Commentaries on classical books of Islamic legal maxims include Manafi' al-Daqa'iq Sharh Majami' al-Haqa'iq by Mustafa al-Kuzalhasari,⁴⁸ Hashiyah Ala al-Ashbah wal-Naza'ir by Baha al-Din al-Na'ini (a Shi'ah Imamiyah scholar),⁴⁹ Zawahir al-Jawahir al-Nada'ir Ala al-Ashbah wal-Naza'ir by Salih al-Ghazzi frequently available in Egypt,⁵⁰ Sharh al-Man'haj al-Muntakhab by Ahmad al-Manjur, an authentic Maliki work summarized and edited by many authors in later time,⁵¹ Hukkam Durar al-Sharh al-Ahkam Majallah by Dr. Ali Haydar⁵² and incredibly well-arranged commentaries of al-Majallah by Salim Rustum al-Baz and Khalid al-Ataasi, the grand Mufti of Hims in Syria both entitled with the name of Sharh al-Majallah.⁵³ The culmination of the importance of legal maxims was shown by their application in the civil code, Majallah al-Ahkaam al-Adaliyyah (The Corpus of Juridical Rules), based on Hanafi doctrines, prepared by the Council of Jurists (Tanzimaat Council) and inaugurated by Sultan Abd al-Aziz I, under the supervision of Ahmad Jawdat Pasha (an prominent scholar, influential politician and director of the Bureau of Legislation). This was the first attempt for the codification of Islamic law enforced in Turkish Ottoman Empire which was a portrayal of the most advanced composition of legal maxims. Al-Ashbah wal-Naza'ir by Ibn Nujaym was the main source of Majallah. This civil code comprised 1,851 articles in 16 volumes including 99 Islamic legal maxims widely accepted in Shari'ah courts as well as have been utilized in many research works. The next major development on Islamic legal maxims was occurred by Sayyid Mahmud bin Muhammad Nasib Hamzah Afandi, the Hanafi Mufti of Damascus who arranged 250 legal maxims according to the headings found in the books of Islamic law and entitled his compendium as Al-Fawa'id al-Bahiyyah fi'l-Qawa'id al-Fiqhiyyah.⁵⁴

4. Modern Stage of Development of Islamic Legal Maxims

This stage started from 20th century A.D. / 14th century after hijrah and lasted till the present age. The classical works on Islamic legal maxims were written all in Arabic but in the present age, a lot of awesome manuals and extraordinary research papers have been conducted upon this science in Arabic, Urdu, English, Malaysian,

Nigerian and many other languages. Some Arabic books have also been translated in other languages.⁵⁵ The historical background, significance, theoretical aspects, legal themes and application of Islamic legal maxims to several fields of Islamic law including criminal law have been tried to cover. One can see advancement and progress in the methodologies and approaches utilized in these modern works. Compartmentalization, edition and extraction of legal maxims from the traditional classical works is being performed.⁵⁶ Although this research work is not quite enough, yet it is appreciable and very systematic. In this time period, study of legal maxims has become a complete distinctive science. Some of the modern innovative academic compilations by contemporary scholars which provide extensive analysis on this subject of Islamic law are the PhD dissertation, *Al-Qawa'id wal-Dawabit al-Fiqhiyyah Fi Kitab al-Mughni li-ibn Qudamah* by Muhammad al-Sa'dan including legal maxims related to hudood, jihad and tribute,⁵⁷ *Principles of Islamic Jurisprudence* by Muhammad Hashim Kamali, the PhD thesis named, *Legal Maxims in Islamic Jurisprudence, Their History, Character and Significance* submitted by Rashed Saud al-Amiri, *Legal Maxims in Islamic Criminal Law: Theory and Applications* by Luqman Zakariyah, *al-Qawa'id al-Fiqhiyyah* by Dr. Yaqub al-Bahusayn, *al-Qawa'id al-Fiqhiyyah* by Dr. Ali al-Nadwi,⁵⁸ *Khulasat al-Tashri' al-Islami* by Abd al-Wahhab Khallaf, *Tarikh al-Tashri' al-Islami* by Manna' al-Qattan,⁵⁹ *Islamic Legal Maxims: Essentials and Applications* by Azman Ismail and Md. Habibur Rahman.⁶⁰ Among the modern encyclopedias in which Islamic legal maxims have been collected and organized to serve the contemporary scholars for passing judicial judgments and the academic institutions for conducting research are; *Ma'lamah al-Qawa'id al-Fiqhiyyah* enveloped legal maxims from 120 books of Islamic law commenced by the International Islamic Fiqh Academy in Jeddah with the coordination of Dr. Ali al-Nadwi and Dr. Muhammad Sidqi al-Burnu,⁶¹ *Mawsu'at al-Qawa'id al-Fiqhiyyah* by Dr. Muhammad Sidqi al-Burnu including 12 volumes and 4192 legal maxims alphabetically related to almost all the issues under Islamic law.⁶²

5. Stage of Progression of Islamic Legal Maxims in Pakistan

Several impressive and praiseworthy Urdu books and dissertations have been written and being written on Islamic legal maxims in Pakistan by significant scholars belonged to different schools of thought. They are as follows:

Irshad Usul-ul-Fiqh written by Maulana Manzur Ahmad with 99 Islamic legal maxims, their evolution, formulation, legal status and interpretation. *Islami Qanoon Key Kuliyaat* by Dr. Abdul Maalik Irfani having 201 legal maxims alphabetically in the form of an encyclopedia

with brief explanation, useful for the courts, legal experts and law students.⁶³ *Fiqh-e-Hanafi Key Asaasi Qawa'id* by Muhammad Anwar Maghalwi including 100 legal maxims from as well as other than al-Mujallah along with their translation and handful explanation.⁶⁴ *Qawa'id al-Fiqh* by Maulana Muhammad Nauman which comprises 100 important legal maxims from al-Mujallah with their historical overview, derivation sources and elaboration.⁶⁵ Chief Justice of Federal Shari'ah Court, Dr. Tanzeel-ur-Rehman (Retd) has arranged 100 legal maxims from al-Mujallah, their translation and commentary as well as Herbert Broom's Latin legal maxims as appendix in his work *Kuliyat-e-Shari'at* that is beneficial for the courts, legislators and law students. Dr. Mehmood Ahmad Ghazi has compiled a brief and comprehensive booklet named, *Qawa'id-e-Kuliyah Aur Unka Aaghaz-o-Irtiqa* including 86 Islamic legal maxims, their historical background, explanation, legal status and significant books of 4 founding schools of thought.⁶⁶ *Islamic Legal Maxims Consisting of Al-Karkhi's Al-Usul* assembled by Justice Dr. Munir Ahmad Mughal consisting of 40 legal maxims, their English translation, a short historical introduction, types, sources, advantages and worth mentioning books of 4 founding schools of thought.

The scholarly research works performed by Pakistani authors are as follows:

Islami Qanoon Ka Nazriyah-e-Maslihat by Sayyad Abdul Rehman Bukhari containing a small number of Islamic legal maxims, their elaboration, introduction, significance and difference between *qawa'id-e-fiqhiyyah* and *qawa'id-e-usuliyyah*. *Talkhees Usul al-Shashi Ma'a Qawa'id Fiqhiyyah* (author's name is kept secret) possessing 28 legal maxims, their translation and short commentary. Mufti Muhammad Ishfaq Basheer has composed his work entitled, *Qanoon Nazriyah-e-Zarurat Aur Usul-e-Ifta'* having few legal maxims without any arrangement along with some other subjects of Islamic jurisprudence.⁶⁷

Among the articles, one is written by Dr. Hafiz Abdul Ghani who gathered few legal maxims, their history, types, use, legal status, exceptions, and some valuable books in his article, *A Study of the History of Legal Maxims of Islamic Law*.

Conclusion

The gradual progress of Islamic legal maxims was normally equivalent to the development of Islamic law itself in history. From amongst the leading jurists, Hanafis were the first ones who constructed legal maxims of Islamic law in history.⁶⁸ Then Shafa'i, Hanbali, Maliki and Shi'ah jurists also contributed in the development of Islamic legal maxims. The history of Islamic law witnesses that the legal maxims have been a valuable foundation for the emergence of further legal rulings and they have been frequently brought into service by the Muslim jurists

as a gap filling measure regarding the matters about which explicit religious texts are silent; or although they have provided rulings but those rulings are ineffective in certain situations. Islamic legal maxims are the perfect principles and guidelines of Shari'ah with the non-absolute authority of derivation and deduction of juristic rulings for legal issues related to almost every field and theme of Islamic law. It is indispensable to apply the legal maxims of Islamic law on the newly-faced questions and controversial problems to find out legal rulings as the legal maxims have the capability to give solution for the issues according to the need of time, cases and circumstances.

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