

Article 71: "The word of an interpreter is accepted in every respect."

يقبل قول المترجم مطلقاً

Article 72: "No validity is attached to conjecture which is obviously tainted by error", Or,

لا عبرة للظن البين خطؤه

General Principle: "Erroneous Conjectures Invalid"

Article 73: "No argument is admitted against supposition based upon evidence."

لا حجة مع الاحتمال الناشئ عن دليل

Article 74: "No weight is given to mere supposition."

لا عبرة للتوهم

Article 75: "A thing established by proof is equivalent to a thing established by visual inspection."

الثابت بالبرهان كالثابت بالعيان

Article 76: "The burden of proof is on him who alleges; the oath on who denies."

البينة على المدعى واليمين على من أنكر

Article 77: "The object of evidence is to prove what is the contrary to the apparent fact."

البينة لإثبات خلاف الظاهر واليمين لإبقاء الأصل

Article 78: "Evidence is an absolute proof in that it affects third person; admission is relative proof in that it affects only the person making such admission."

البينة حجة متعددة والإقرار حجة قاصرة

Article 64: "The absolute is construed in its absolute sense, provided that there is no proof of a restricted meaning either in the explicit text or by implication."

المطلق یجری علی إطلاقه ما لم یقم دلیل التقیید نصاً أو دلالة

Article 65: "A description with reference to a thing present is of no consequence, but the contrary is the case if such thing is not present."

الوصف فی الحاضر لغو وی الغائب معتبر

Article 66: "A question is considered to have been repeated in the answer."

السؤال معاد فی الجواب

Article 67: "No statement can be attributed to a man who keeps silence, but silence is tantamount to a statement where there is a necessity for speech."

لا ینسب إلى ساکت قول، لكن السکوت فی معرض الحاجة بیان

Article 68: "In obscure matters the proof of a thing stands in the place of such a thing."

دلیل الشئ فی الأمور الباطنة یقوم مقامه

Article 69: "Correspondence resembles conversation."

الکتاب کالخطاب

Article 70: "The recognized signs of a dumb person take the place of a statement by word of mouth."

الإشارات المعهودة للأخرس کالبیان باللسان

of continuance.”

Article 56: “Continuance is easier than commencement.”

البقاء أسهل من الابتداء

Article 57: “A gift becomes complete by delivery.”

لا يتم التبرع إلا بقبض

Article 58: “Authority in respect of people’s affairs should be exercised for their welfare only.”

التصرف على الرعية منوط بالمصلحة

Article 59: “Private trusteeship is more effective than public trusteeship.”

الولاية الخاصة أقوى من الولاية العامة

Article 60: “A word should be construed as have some meaning, rather than disregarded.”

إعمال الكلام أولى من إهماله

Article 61: “When the real meaning cannot be applied, the metaphorical sense may be used.”

إذا تعذرت الحقيقة يصار إلى المجاز

Article 62: “If no meaning can be attached to a word it is disregarded altogether.”

إذا تعذر إعمال الكلام يهمل

Article 63: “A reference to a part of an indivisible thing is regarded as a reference to the whole.”

ذكر بعض ما لا يتجزأ كذكر كله

Article 48: "An accessory to an object cannot be dealt with separately"

التابع لا یفرد بالحکم

Article 49: "The owner of a thing held in the absolute ownership is also the owner of the things indispensable to the enjoyment of such thing."

من ملک شیئا ملک ما هو من ضروراته

Article 50: "If the principle fails, the accessory also fails."

إذا سقط الأصل سقط الفرع

Article 51: "A thing which has been discharged or annihilated cannot be restored."

الساقط لا یعود كما أن المعدوم لا یعود

Article 52: "When a thing becomes void, the thing contained in it also becomes void."

إذا بطل شی بطن مالی ضمنه

Article 53: "When the original fails it is restored to its substitute."

إذا بطل الأصل یصار إلى البديل

Article 54: "A thing which is not permissible in itself, may be permissible as an accessory."

یفتقر في التوابع ما لا یفتقر في غیرها

Article 55: "A thing which is not permissible by way of commencement may be permissible by way

یفتقر في البقاء ما لا یفتقر في الابتداء

of that established by custom.”

Article 41: “The custom which is most widely prevalent and operative is to be relied upon”. Or, “Predominant Custom Prevails”

انما تعتبر العادة إذا اطردت أو غلبت

Article 42: “Credence is to be given that which is publically and generally operative, and not to what is rare”, Or, “Established Practice Predominates Rarity”

العبرة للغالب الشائع لا للنادر

Article 43: “What is a matter of common practice, has the same effect as an express condition”. Or, “Custom Determines Conditions”

المعروف عرفاً كالمشروط شرطاً

Article 44: “A matter recognised as customary amongst merchants is regarded as if agreed upon between them.”

المعروف بين التجار كالمشروط بينهم

Article 45: “A matter established by custom is like a matter established by a legal text.”

التعيين بالعرف كالتعين بالنص

Article 46: “When prohibition and exigency conflict, preference is given to prohibition.”

إذا تعارض المانع والمقتضى يقدم المانع

Article 47: “An accessory which is attached to an object in fact is also attached to it in law.”

التابع تابع

private, lead to Necessity.”

Article 33: “Necessity does not invalidate the right of another” Or, Necessity Cannot Infringe Rights (of others)”

الإضطراب لا يبطل حق الغير

Article 34: “When it is forbidden to take a thing it is also forbidden to give it.”

ما حرم أخذه حرم إعطاؤه

Article 35: “When it is forbidden to perform an act it is also forbidden to request its performance.”

ما حرم فعله حرم طلبه

Article 36: “Custom is arbiter”

العادة محكمة

Article 37: “Public usage is conclusive and action must be taken in accordance therewith.”

استعمال الناس حجة يجب العمل بها

Article 38: “A thing that is customarily regarded as impossible is considered to be impossible in fact.”

المتنع عادة كالمتنع حقيقة

Article 39: “It is undeniable that rules of law vary with change in time.”

لا ينكر تغير الأحكام بتغير الزمان

Article 40: “The original (real) meaning is to be regarded in favor

الحقيقة تترك بدلالة العادة

Article 25: "Harm is not removed through another of the same kind".
Or, "Harm can not compensate Harm"

الضرر لا يزال بمثله

Article 26: "Specific harm may be borne to prevent public harm"

يحتمل الضرر الخاص لمنع الضرر العام

Article 27: "A greater harm may be avoided by enduring a lesser harm"

الضرر الأشد يزال بالضرر الأخرى

Article 28: "In the presence of two evils, the one whose injury is greater is avoided by the commission of the lesser."

إذا تعارض مفسدتان روعي أعظمهما ضررا بارتكاب أخفهما

Article 29: "The lesser of evils is preferred."

يختار أهون الشرين

Article 30: "Repelling evil supersedes securing benefits."

درء المفسد أولى من جلب المنافع

Article 31: "Injury is removed as far as possible."

الضرر يدفع بقدر الإمكان

Article 32: "A *hājah* (need) whether of a public or private nature, is treated like *darūrah* (necessity)", Or, "Needs, public or

الحاجة تولد منزلة الضرورة عامة كانت أو خاصة

Article 16: "One legal interpretation does not destroy another."

الاجتهاد لا ينقض بمثله

Article 17: "Hardship begets Ease."

المشقة تجلب التيسر

Article 18: "Relaxation when excessive is narrowed down."

الأمر إذا ضاق اتسع

Article 19: "Harm and retaliation by harm is not allowed."

لا ضرر ولا ضرار

Article 20: "Harm has to be redressed".

الضرر يزال

Article 21: "Necessities relax prohibitions."

الضرورات تبيح المحظورات

Article 22: "The extent of necessities limits action thereof." Or, "Necessities determine proportionate action"

الضرورات تقدر بقدرها

Article 23: "What is lawful for a reason, becomes invalid when such reason disappears", Or, "Relaxation ceases if excuse ceases".

ما جاز لعذر بطل بزواله

Article 24: "When a prohibition is removed, the thing to which such prohibition is attached reverts to its former status of legality."

إذا زال المانع عاد المنوع

Article 9: "Non-existence is a fundamental presumption attached to intervening (transitory) attributes and matters." Or, "Intervening Matters are Immaterial."

الأصل في الصفات العارضة
العدم

Article 10: "Judgment shall be given in respect to any matter, which has been proven at any particular time, unless the contrary is proved."

وما ثبت بزمان يحكم ببقائه ما لم
يوجد دليل على خلافه

Article 11: "It is a fundamental principle that any new event shall be regarded as happening at the time nearest to the present."

الأصل إضافة الحادث إلى
أقرب أوقاته

Article 12: "In principle, words shall be construed according to their real meaning(s)."

الأصل في الكلام الحقيقة

Article 13: "No attention shall be paid to inferences (implication) in the face of an explicit statement."

لا عبرة للدلالة في مقابلة
التصريح

Article 14: "Where there is a text there is no room for interpretation."

لا مساع للاجتهاد في مورد
النص

Article 15: "A thing established contrary to the *Qiyās* can not be used as an analogy for other things."

ما ثبت على خلاف القياس فغيره لا
يقاس عليه

Sharī'ah Maxims of *Al-Majallah*

Article 2: "Basis of all acts is objective thereof" الأمر بمقاصدها

Article 3: "In contracts, effect is given to intention(s) and meaning(s) and not to word(s) and phrase(s)." العبرة في العقود للمقاصد والمعاني لا للألفاظ والمباني

Article 4: "Certainty is not dispelled by doubt." اليقين لا يزول بالشك

Article 5: "It is a fundamental principle that a thing shall remain as it was originally." الأصل بقاء ما كان على ما كان

Article 6: "Things which have been in existence from time immemorial shall be left as they were." القديم يترك على قدمه

Article 7: "Injury cannot exist from the time immemorial." الضرر لا يكون قديما

Article 8: "Freedom from liability is a fundamental principle." الأصل براءة الذمة