

Thirty Principles of Islamic Jurisprudence

Ayatollah Sayyid Fadhel Hosseini Milani

Recorded and edited by Amar Hegedüs

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In the Name of Allah, the Most Generous, the Most Merciful

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Editor's note

Islāmic Jurisprudence plays a significant role in Muslim life, be it in regard to involvement in trade and business, family law or legal and illegal action. In short, Muslims search for clarification to ensure they fully meet their liabilities towards their Creator.

In the face of new and more complicated situations that are the result of scientific and technological advancement, the need for *sharī'ah* clarity becomes ever more pressing.

As in every field of knowledge, it is only highly educated specialists who are in a position to provide clarity. Only those specialists in Islāmic Jurisprudence who are capable of exercising *ijtihād* by way of their expertise and experience in utilizing its 'tools', are able to provide clarity regarding the matters mentioned above.

Sayyid Fadhel Milani, who for the last 35 years has researched, studied and applied the most common principles and tools used by *mujtahids* — one of the most complicated subjects of jurisprudence — is in the position of being able to access the reliable sources of *sharī'ah*.

Islam in English Press is privileged to present his extensive knowledge of this subject in the English language.

Amar Hegedüs

Foreword

Dr. Sayyid Fadhel Hosseini Milani

Every branch of knowledge employs its own specific framework, methodology and processes to arrive at its objectives. In the early days of Islām, Muslims sought the Prophet's guidance to resolve matters they found problematic, and in some instances he ﷺ sought further Divine revelation to inform his response. When he was no longer with them, the Muslim community relied upon reports of his companions such as 'Alī ؑ, Ibn 'Abbas or Abdullah ibn Mas'ūd on how he ﷺ had dealt with specific matters.

Later Muslim scholars were faced with a variety of contentious issues regarding hermeneutics, the interpretation of the Qur'ān — especially its equivocal terms — the reliability of those who reported *aḥadith* and the interaction between the Qur'ān and the *ḥadith*. This necessitated the setting-up of guiding principles by which to meet ever-increasing requests for answers.

Discussions regarding these principles and rules has resulted in the discipline now referred to as jurisprudence. The general principles evolved from such scholarly debate and investigation developed into the sole 'tools' by which questions regarding *sharī'ah* are universally answered.

In this reference text, intended for students of Islāmic Jurisprudence at MA level, I have tried to provide a concise exposition of the thirty major principles most frequently used in this field. I hope that it will be followed in the future by a further work of greater depth.

Dr. Sayyid Fadhel

فاضل حسيني

Hosseini Milani