





1250

## Al-Mustafa International Research Institute

Mutahhari, Murtaza .۱۳۵۸ - ۱۲۹۸ مطهری، مرتضی، مترجم: اصول فقه در آثار استاد شهید مرتضی مطهری . برگزیده. انگلیسی Islamic law/ by Murtada Mutahhari; translated by Salman Tawhidi.  
Qum: Al-mustafa International Translation and Publication Center, 2017.1395 =

مشخصات نشر:  
عنوان قراردادی:  
عنوان و نام پدیدآور:

مشخصات ظاهری:  
شابک:  
وضعیت فهرست نویسی: فیبا  
یادداشت: انگلیسی.  
یادداشت: ص.ع. به فارسی: قانون اسلامی.  
یادداشت: کتابنامه .  
یادداشت: نمایه.  
موضوع: اصول فقه شیعه  
موضوع: Islamic law, Shiites -- Interpretation and × construction

Tawhidi, Salman توحیدی، سلمان، -، مترجم: BP159/8/م۵۷۰۴۹۵۲۱۳۹۵

شناسه افزوده: رده بندی کنگره:  
ردہ بندی دیوبی: شماره کتابشناسی ملی:

# ISLAMIC LAW

Murtaḍā Muṭahharī

Translated by:  
Salman Tawhidi



Al-mustafa International  
Translation and Publication Center

## ISLAMIC LAW

**Author:** Murtadā Mutahharī

**Translated by:** Salman Tawhidi

**Year of publication:** 1395 Sh / 2017

**Publisher:** Al-Mustafa International Publication and Translation Center Translation Center

**Printing:** Narenjestan - Tehran

**Print-run:** 300

**ISBN:** 978-600-429-169-9

### أصول فقه در آثار شهید مطهری رحمه‌الله

ناشر: مرکز بین‌المللی ترجمه و نشر المصطفی رحمه‌الله

تیراژ: ۳۰۰

مؤلف: مرتضی مطهری

مترجم: سلمان توحیدی

چاپ: نارنجستان

قیمت: ۸۰۰۰۰ ریال

چاپ اول: ۱۳۹۵ ش / ۲۰۱۷ م

●IRAN, Qom; Muallim avenue western , (Hujjatia).

Tel: +98 25 378 36 134 Tel-Fax: +98 25-37839305-9 (Ext 105)

●IRAN, Qom; Boulevard Muhammad Ameen,

Y-track Salariyah. Tel: +98 25-32133106



<http://buy-pub.miu.ac.ir/>



[https://telegram.me/pub\\_almoststafa](https://telegram.me/pub_almoststafa)



<http://pub.miu.ac.ir>



[miup@pub.miu.ac.ir](mailto:miup@pub.miu.ac.ir)

We wish to acknowledge the assistance of all for finalization of this book

## Contents

<i>Transliteration .....</i>	<i>IX</i>
<i>Preface.....</i>	<i>XI</i>
Biography of the Author.....	1
Introduction .....	5
The Word Jurisprudence ( <i>Fiqh</i> ) in the Qur'an and the Traditions.....	5
The Word Jurisprudence ( <i>Fiqh</i> ) in the Terminology of the 'Ulamā .....	6
Two Types of Law .....	7
Types of Obligation.....	9
Brief History of Jurisprudence and Jurisprudents.....	13
The Shī'ite Jurisprudents.....	14
Summary and Review .....	27
The Sections and Chapters of the Issues of Jurisprudence ....	30
Worship .....	33
The Book of Cleanliness ( <i>Kitāb al- Tahārah</i> ).....	33
The Book of Prayer ( <i>Kitāb al- Ṣalāt</i> ) .....	34
The Book of Zakāt.....	34
The Book of Khums.....	34
The Book of Fasting ( <i>Kitāb al- Ṣawm</i> ) .....	35
The Book of Going into Seclusion ( <i>I'tikāf</i> ) .....	36
The Book of <i>Hajj</i> .....	36

C O N T E N T S

The Book of ‘Umrah .....	37
The Book of <i>Jihād</i> .....	37
Contracts (‘uqūd) .....	39
The Book of Buying and Selling ( <i>Kitāb al-Bay’</i> ) .....	39
The Book of <i>Rahn</i> .....	40
The Book of the Bankrupt ( <i>Iflās</i> ) .....	40
The Book of Prohibition ( <i>Hajr</i> ) .....	40
The Book of Liability ( <i>Dimān</i> ) .....	40
The Book of Peace ( <i>Sulh</i> ) .....	41
The Book of Partnerships ( <i>Sharikah</i> ) .....	42
The Book of the Partnership of Capital and Labour ( <i>Mudārabah</i> ) .....	42
The Book of Agricultural Partnerships ( <i>Muzāra‘ah</i> and <i>Musāqāt</i> ) .....	43
The Book of Trusts ( <i>Wadī‘ah</i> ) .....	44
The Book of Lending ( <i>Āriyah</i> ) .....	45
The Book of Hire ( <i>Ijārah</i> ) .....	45
The Book of Representatives ( <i>Wikālah</i> ) .....	46
The Book of Endowments and Charity ( <i>Waqt</i> and <i>Ṣadaqah</i> ) .....	46
The Book of Temporary Endowments ( <i>Sukna</i> and <i>Habs</i> ) .....	46
The Book of Giving ( <i>Hibah</i> ) .....	47
The Book of Wagers ( <i>Sabq</i> and <i>Rimāyah</i> ) .....	47
The Book of Wills ( <i>Waṣīyyah</i> ) .....	48
The Book of Marriage ( <i>Nikāh</i> ) .....	48
Unilateral Instigations ( <i>Īqā‘āt</i> ) .....	48
The Book of Divorce ( <i>Talāq</i> ) .....	48
The Book of Divorce Wholly or Partly Instigated by the Wife ( <i>Khul’</i> and <i>Mubārāt</i> ) .....	49
The Book of Illegal Divorce ( <i>Zihār</i> ) .....	50
The Book of Vows of Abstention ( <i>Ilā‘</i> ) .....	50
The Book of Cursing ( <i>Li‘ān</i> ) .....	51

I S L A M I C L A W

The Book of Freeing ( <i>'Itq</i> ) .....	52
The Book of Acquiring Freedom through Will, by Purchase and through Relationship .....	52
The Book of Confessing ( <i>Iqrār</i> ) .....	53
The Book of Reward ( <i>Ju'ālah</i> ) .....	54
The Book of Vows ( <i>Aymān</i> ) .....	54
The Book of Taking an Oath ( <i>Nadhr</i> ) .....	54
Laws .....	57
The Book of Hunting and Slaughtering ( <i>Sayd</i> and <i>Dhibh</i> ).....	57
The Book of Eating and Drinking .....	58
The Book of Misappropriation ( <i>Ghaṣb</i> ) .....	61
The Book of Right of Preference ( <i>Shuf'ah</i> ) .....	61
The Book of Reviving Dead Land ( <i>Iḥyā al-Mawāt</i> ).....	62
The Book of Finds .....	62
The Book of Inheritance .....	63
The Book of Arbitration ( <i>Qadā</i> ) .....	64
The Book of Testimony .....	65
The Book of Punishments ( <i>Hudūd</i> and <i>Ta'zīrāt</i> ).....	65
The Book of Retaliation ( <i>Qisāṣ</i> ) .....	66
The Book of Financial Recompense ( <i>Diyah</i> ) .....	67
Translator's Epilogue .....	69
<i>Index</i> .....	71