



In the Name of Allah, the Compassionate the Merciful
به نام خداوند بخشنده مهربان

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Distribution Centers

- Al-Mustafa Translation and Publication Center, 18th alley corner, Western Mu'allim St., Qom, Iran
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Fax: (Ex.105) 025 37839305
- Al-Mustafa Translation and Publication Center, Sālāriya Three Ways, Mohammad Amin Boulevard, Qom, Iran
Tel: +98 25 32133106

📧 @ pub_almustafa

🌐 pub-almustafa.ir

✉ miup@pub.miu.ac.ir

Thanks are due to those who assisted us in making this work available

Publication manager: Mustafa Noubakht

Production manager: Jafar Qasimi Abhari

Technical supervisor: Sayyid Muhammad Reza Jafari

Printing and publication supervisor: Ayyub Jamali

Graphic supervisor: Masud Mahdavi

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Lessons in Islamic Laws A Guide to Islamic Practice

Volume Two

Textbook Board

**Translated by
Jawid Akbari**

Publisher's Forward

To begin and execute a research is like walking in the path of development and evolvement. When the seeds of the “questions” are planted, in the soil of the mind of the researcher, this phase initiates, and its end is culminated when the result and the outcome of knowledge and wisdom is gained.

Evidently, this end is a new chapter in itself, for growth, and announces beforehand this good news to humans. For the result of all those mental efforts will not only bring the blooming and flowering of talent and all kinds of Blessings to humans, but it also makes the mind of the researcher to ponder and shape new, more questions.

This will produce a great collection of growing plants and flowers for the seeking mind... Those “questions” are in fact, the seeds, which according to the necessities of Time and the strength of the researchers will grow and bloom by themselves. They will make Culture and Civilization to move forward.

In like manner, the increasing rate of transferring oneself from one place to another place and the decrease of the distances will make those seeds travel miles and miles, to faraway places, in order to install them inside the curious mind of other seekers. This will bring an amazing diversity and a novelty for another civilization...

It is true then, that the presence of knowledge and a good, capable management will help this project to develop itself and one has to admit indeed, that it has always played an important role...

Al-Mustafa International Publication and Translation Center, because of its global mission, and its special position among the Religious Schools and the colorful human diversity that it has developed inside itself, sees it as a moral duty to procure all the appropriate conditions for any research works, and takes its role in this matter, most seriously. To procure all kinds of necessary grounds, with an excellent management of all the existing possibilities and talents, and to care and protect all its researchers in religious fields; these are the most crucial responsibilities of the Department of Research in this International center.

We dearly hope that by being attentive to all these autonomous scientific movements, and by fortifying all the existing motives, we shall be able to witness the blooming of the Religious Culture in every part of this wide world!

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

Preface

Islam must be recognized as the religion of knowledge and education for the prosperity of mankind in this world and in the hereafter. The Holy Qur'an and Ahl al-Bayt emphasize on education and knowledge. Moreover, science and the scholars are deemed better than piety and pious persons. Based on the religious teachings, the human status is determined in accordance with one's level of knowledge and to the extent he acts upon his knowledge. Thus, it is stated in the Holy Qur'an that, afterwards all the knowledge of the names (al-Asmā), were taught to Adam, the angels were ordered to prostrate themselves before him. (Holy Quran 2:31)

The mission of the holy prophets, messengers of God and religious preachers, is to advance the human knowledge. That is because proximity to God is attained by knowledge and its application just as the worldly power and dominance, could be obtained by them. Imam 'Alī (a) stated: "Knowledge is power, one who acquires it, will win and one who doesn't, will be defeated".

Based on such thinking, Iranian authorities founded al-Mustafa International University (MIU) in order to influence the world through producing pious scholars and thinkers with the aim of disseminating pure Islamic thoughts, bettering the lot of Muslim community and creating a great Islamic civilization.

Having established academic educational and research centers in Iran and in various parts of the world, MIU rendered great and profound services to science and knowledge. Training more than one hundred thousand students in

the fields of humanities and Islamic sciences, writing and publishing numerous books and journals and holding workshops, academic meetings and conferences, are some of the valuable services MIU has offered.

Al-Mustafa International Research Institute (MIRI), one of the MIU branches was founded in 2008 with the aims to achieve MIU's great objectives in promoting and spreading the teachings of pure Islam and to take steps to promote humanities and Islamic sciences.

This institute works in collaboration with the following research centers: Islamic Sciences (with 6 academic departments); Humanities (with 8 academic departments); Religions and Denominations (with 3 academic departments); Regional Studies (with 4 academic departments); Islam and the West. MIRI also includes General Managements of Translation and Text-book Compilation as well as the Secretariat of Interfaith Dialogue and the Secretariat of Al-Shaykh al-Ṭūsī International Festival (biennial). It has thus far accomplished about 1000 academic works in different languages.

The General Management of Translation translates academic religious works for MIU and has so far accomplished more than 1000 works in 16 languages such as Arabic, English, French, Urdu, Hausa, Turkish, Azeri, Kurdish, Pashto, Filipino, Sindhi, Bengali, Italian, Spanish etc. Many of these works are published and are available to general audience and MIU students in and outside of Iran.

The present work, translated by Jawid Akbari with the endeavor of MIRI into English, is among the publications on Islamic laws with educational and research content.

We hereby thank all those who helped us in the preparation and translation of this work especially the respected translator Jawid Akbari, editor Dr. Sayyid Abd al-Rauf Afzali and our colleague Mr. Ja'fari.

We earnestly urge our dear readers to kindly share their views concerning this book with us using this email address: Gdt.miu@gmail.com.

Al – Mustafa International Research Institute

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Foreword

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى خَيْرِ خَلْقِهِ أَجْمَعِينَ مُحَمَّدٍ وَآلِهِ الطَّيِّبِينَ الظَّاهِرِينَ.

All praise is due to Allah, the Lord of the Worlds and peace and blessings of Allah be upon the best of His entire creatures, Muhammad and his pure progeny.

It is crystal clear that *fiqh* (Islamic jurisprudence) is the law that regulates a Muslim's life and his various activities. Unless he is familiar with the codes of conduct that regulate his life and his actions, he will not be able to live a happy and healthy life. Without it, man's social life would be marked by chaos, transgression, altercation and dispute. Allah, the Exalted, says:

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ¹

“And whoever transgresses the limits of Allah, he indeed does injustice to his own soul.”

It is, therefore, obligatory on every believing individual to acquaint himself with these rules and learn them as and when he reaches an age of legal responsibility i.e. after he attains puberty, though it is better to help him learn and practice the religious code of conduct before puberty. The Islamic Shari'a is so keen to regulate man's social life that it does not content itself with only the legislation of the required law, nor with the call to practice it, nor with its encouragement to the parents to train their children in exercising it before attaining puberty; rather it has urged the

1. Al-Talāq (65): 1

believers to choose a particular group from among them in order to undertake the study of and specialization in Islamic jurisprudence, hence playing a crucial role at the level of legal and intellectual authority in the Islamic society. Allah, the Exalted, says:

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرْنَا مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ¹

“And it does not beseem the believers that they should go forth all together; why should not then a company from every party from among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious?”

Hence comes into view jurisprudence as an academic discipline that requires the presence of teachers, experts and textbooks, and involves an in-depth study through which the students, after years of learning and investigation, may attain the level of independent reasoning (*ijtihād*) and proficiency in Islamic law.

As well, several modes of thought have come into being in relation to particular procedures and technical terms of which the jurists make sure in their inferences and deduction of the rulings and theories as is the case in all scientific fields. However, the preceding state has created a division between the language of the jurists and that of the public, this division has grown into a problem on two levels:

1- Level of common people or laymen, who wish to adhere to and act upon Islamic laws, but encounter ambiguous technical terms and jargons which they cannot fully and accurately comprehend.

2- Level of beginners in the study of the science of jurisprudence.

Our present concern in this study is the second level in particular, for there has been an urgent need for a simplified textbook as an introductory course of a study in jurisprudence. Thereafter, the curriculum will be deepened so that the seminary student may be ready to enter the higher studies that are technically called *khārij* program with a suitable academic qualification. For this reason, the present study, *Lessons in Islamic Laws*, has taken into consideration the following points:

1. Al-Tawba (9): 122.

1- To use current and easy phrases and locutions in accordance with the cultural particularities, which man experiences in the modern age.

2- To expound on the juristic views and opinions together with the Quranic verses and prophetic traditions as far as possible.

3- To refer to the opinion of the four major Islamic schools of jurisprudence as much as possible in relation to the Imāmī viewpoints upon which the book principally is based.

4- To refrain from the details, unlikely suppositions and assumptions that may lead to confusion, ambiguity and complication for the students.

5- To rely on the popular belief of the Imāmī schools of law as the basis and eschew the different opinions within the school as far as possible. However, we may at times refer to the rulings of late Imam Khomeini in particular. Therefore, the major sources which have been used to accomplish this book are “*Islamic Law according to the Four Schools and the Ahl al-Bayt (a) School of Jurisprudence*”, “*Tahrīr al-wasīla*”, “*al-‘Urwa al-wuthqa*”, “*Islamic Law according to the Five Schools of Jurisprudence*” and “*Fiqh al-Imam Ja‘far al-Šādiq (a)*”.

6- To lessen the recourse to the juristic precautions as far as possible.

7- To adhere to the scholastic procedure in putting forward the topics and themes under discussion.

8- To ensure that the contents of the book and lessons include, as far as possible, proper and sufficient references to the characteristics of Sharī‘a.

9- To put an emphasis on the comprehensiveness of Islamic Sharī‘a as well as the fact that it is a universally revealed law that is not restricted to a single aspect of life. This point can be clearly seen in every part of the curriculum and its area of concern.

Lastly, our gratitude goes out to all the members of the scientific board of the Organization of Foreign-based Islamic Seminaries and Schools for their dedication and efforts before and after compilation of this book. Also, special thanks are due to the author of this book al-Al-Shaykh ‘Abd al-Karīm Āl-i Najaf (may Allah grant him long life) and we pray to Allah to grant him success and enable him to accomplish subsequent works. Surely, Allah is the best Master and the Best Helper.

Textbook Board

1424 A.H.