

## INTRODUCTORY INTRODUCTIONS TO PRACTICAL FUNDAMENTALS

### INTRODUÇÃO AOS FUNDAMENTOS PRÁTICOS

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#### Abstract

This research examines the preliminary foundations of practical principles in the science of Islamic legal theory (Usul al-Fiqh). These principles play a central role when the jurist faces the absence of a definitive or reliable textual proof that can determine the legal ruling. The study aims to clarify the theoretical framework of practical principles and explain their role in determining the practical duty of the legally responsible person when uncertainty exists regarding a legal ruling. The research analyzes the historical development of practical principles within the Imami legal tradition. It traces their emergence in early works of legal theory and follows their development until they reached a mature methodological form in the writings of later Usuli scholars. The study also discusses the distinction between practical principles (al-usul al-'amaliyyah) and legal indicators (al-amārāt), focusing on their evidentiary nature and their different roles in legal deduction. In addition, the research explains the difference between rational principles and textual principles, particularly in relation to the source of their authority and the scope of their application. The study further addresses the main practical principles used in Islamic jurisprudence, including the principle of presumption of innocence (al-bara'ah), the principle of precaution (al-ihtiyāt), the principle of choice (al-takhyīr), and the principle of continuity (al-istishāb). It clarifies the conditions under which each principle operates and the

#### Resumo

*Esta pesquisa examina os fundamentos preliminares dos princípios práticos na ciência da teoria jurídica islâmica (Usul al-Fiqh). Esses princípios desempenham um papel central quando o jurista se depara com a ausência de uma prova textual definitiva ou confiável que possa determinar a decisão jurídica. O estudo visa esclarecer o quadro teórico dos princípios práticos e explicar seu papel na determinação do dever prático da pessoa juridicamente responsável quando existe incerteza quanto a uma decisão jurídica. A pesquisa analisa o desenvolvimento histórico dos princípios práticos dentro da tradição jurídica imami. Ela traça seu surgimento nas primeiras obras de teoria jurídica e acompanha seu desenvolvimento até que atingiram uma forma metodológica madura nos escritos dos estudiosos usulistas posteriores. O estudo também discute a distinção entre princípios práticos (al-usul al-'amaliyyah) e indicadores jurídicos (al-amārāt), com foco em sua natureza probatória e seus diferentes papéis na dedução jurídica. Além disso, a pesquisa explica a diferença entre princípios racionais e princípios textuais, particularmente em relação à fonte de sua autoridade e ao escopo de sua aplicação. O estudo aborda ainda os principais princípios práticos utilizados na jurisprudência islâmica, incluindo o princípio da presunção de inocência (al-bara'ah), o princípio da precaução (al-ihtiyāt), o princípio da escolha (al-takhyīr) e o*



contexts in which jurists apply them. The research relies on classical and contemporary Usuli sources to provide an analytical discussion that highlights the theoretical foundations of these principles and their importance in shaping the methodology of legal deduction in Islamic jurisprudence.

**Keywords:** Practical Principles. Usul Al-Fiqh. Legal Deduction. Presumption of Innocence. Istishab.

*princípio da continuidade (al-istishāb). Ele esclarece as condições sob as quais cada princípio opera e os contextos em que os juristas os aplicam. A pesquisa baseia-se em fontes clássicas e contemporâneas de Usuli para apresentar uma discussão analítica que destaca os fundamentos teóricos desses princípios e sua importância na definição da metodologia da dedução jurídica na jurisprudência islâmica.*

**Palavras-chave:** Princípios Práticos. Usul AL-FIQH. Dedução Jurídica. Presunção de Inocência. Istishab.

## 1 INTRODUCTION

In the name of God the most Merciful, the most Compassionate Praise be to Allah, Lord of the Worlds, and may peace and blessings be upon the most honorable of the Messengers, Muhammad Al-Sadiq Al-Amin, and upon his good family and productive companions.

The science of the fundamentals of jurisprudence is one of the mechanical sciences that the jurist uses to derive legal rulings with objective evidence, and its topics are divided into two main sections: obtained evidence and unobtained evidence, and our research is located in the preliminary introductions to the unobtained evidence, which are expressed in the practical principles that determine the practical position of the taxpayer if the obtained evidence is lost.

Because of the importance of these guides and their depth of knowledge in the formulation of the guide, I chose to search for their strengths, and it was as follows: I researched the development of the idea of practical principles and how to include them in the principles of jurisprudence, the difference between them and the emirates, as well as explaining the difference between the legal and mental principles, and finally the inventory of the practical principles and the sources of their flow, using the most important research sources and references.

And thanks be to Allah, the Lord of the worlds.

## 1.1 The first requirement: the development of practical principles in Imami jurisprudence

If we want to know and address the development of practical principles throughout history, the research on it is as follows:

## 2 FIRST: ADDRESSING THE APPEARANCE OF THE TERM IN ITS COLLECTIVE OR INDIVIDUAL FORM

### 2.1 The appearance of the term in its singular form

By this we mean adding the word "original" to the word "innocence", "choice", "companionship" or "precaution", and we will note its use among the fuqaha' and fundamentalists:

#### A. The Origin of Innocence

This term was used by a group of scholars, including Shaykh al-Tabarsi (d. 548 AH) in al-Mu'ta'lif<sup>1</sup> (Al-Tabarsi, n.d., p. 275) and he is considered the first to use it. After him, the scholar al-Hilli (d. 726 AH) is the second person to use it in his book Irshad al-Adahan, where he mentioned "and not drinking with the origin of innocence..."<sup>2</sup> (Al-Hilli, n.d., p. 211) He has used it in many ways.

After him, Ibn al-'Allama (d. 770 AH) came to use it again<sup>3</sup>, (Ibn al-'Allam, n.d., p. 427) followed by the first martyr (d. 786 AH) in the remembrance<sup>4</sup>, (Al-Shahid al-Awwal, n.d., p. 53) and then al-Miqdad al-Siuri (d. 826 AH in the revision<sup>5</sup>) (Al-Sayouri, n.d., p. 541) and then the term was used naturally on the tongues of the jurists and fundamentalists.

#### B. B The origin of choice

<sup>1</sup> Al-Mu'talif, al-Tabarsi, 1/275.

<sup>2</sup> Irshad al-Adhaan, al-'Allama al-Hilli, 2/211.

<sup>3</sup> Explanation of benefits, Ibn al-'Allam, 2/427.

<sup>4</sup> Zikra al-Shari'ah, al-Shaheed al-Awwal, 1/53.

<sup>5</sup> Al-Taqeeh, al-Miqdaad al-Sayouri, 1/541.

The second martyr, Zayn al-Din al-'Amili (d. 965 AH), was the first to use it in writing *al-Rawdah*<sup>6</sup>, (Al-Shahid al-Thani, n.d., p. 140) and after him his grandson Muhammad ibn al-Shaykh Hassan (d. 1030 AH) came to use it again in his book *Investigation of Consideration*<sup>7</sup>, (Muhammad ibn al-Shaykh Hasan, n.d., p. 128) and after them he became very famous for using it.

#### A. The origin of companionship

The first person to use it was the father of Shaykh al-Baha'i (d. 984 AH) in his book *al-'Aqd*<sup>8</sup>, (Al-Ansari, n.d., p. 14) and then by al-Muhaqqiq al-Sabzwari (d. 1090 AH) in his repertoire<sup>9</sup> (Al-Khonsari, n.d., p. 141) *al-Ma'ad*. Then he was followed by al-Muhaqqiq al-Khonsari (d. 1099 AH) in *Mashariq al-Shamus*<sup>10</sup>, (Al-Khonsari, n.d., p. 76) followed by al-Fadil al-Hindi (d. 1137 AH) in *Kashf al-Latham*<sup>11</sup>, (Al-Hindi, n.d., p. 226) and then the use of the term became popular among the companions.

#### B. Reserve Origin

The first to use it was al-Muhaqqiq al-Naraqī (d. 1244 AH) in his returns<sup>12</sup>, (Al-Naraqī, n.d., p. 547) then Shaykh Ahmad al-Ta'an al-Bahrani (d. 1315 AH) in his *Ahmadiyya letters*<sup>13</sup>. (Al-Bahrani, n.d., p. 77)

## 2. 2 The emergence of the term in its cumulative form

By tracing the words of the fundamentalists and jurists, it is noted that the first person to use this term as it is now (practical principles) as a term and nothing more than was:

Shaykh Yusuf al-Bahrani (d. 1186 AH) in his book *Al-Hadadeek*, in which he says: "As for the practical principles, they are rules..."<sup>(14)</sup>. (Al-Bahrani, n.d., p. 144)

<sup>6</sup> Al-Rawdah al-Bahiyyah, al-Shaheed al-Thawniyah, 5/140.

<sup>7</sup> Investigation of Consideration, Muhammad ibn al-Shaykh Hasan, 2/128.

<sup>8</sup> See: The Strong Contract (14).

<sup>9</sup> See: Duhahirah al-Ma'aad, al-Khonsari, 1/141.

<sup>10</sup> See: Mashariq al-Shammous, al-Khonsari, 76.

<sup>11</sup> See: Kashf al-Latham, al-Fadhil al-Hindi, 10/226.

<sup>12</sup> See: 'Awa'id al-'Ayyam, al-Naraqī, p. 547.

<sup>13</sup> See: Ahmad al-Ta'an al-Bahrani, 2/77.

<sup>14</sup> Al-Hadaeq al-Nazirah, Yusuf al-Bahrani, 18/144.

(b) Shaykh Ali Kashif al-Ghita'a (d. 1253 AH) in his book *Al-Noor Al-Bright* ("The world of achievement and resurrection is the ruling to which his *ijtihad* led from a legal substance or a practical principle...")<sup>(15)</sup>. (*Kashf al-Ghita'*, n.d., p. 229)

(c) Shaykh Murtada al-Ansari (d. 1281 AH) mentioned him in this way: (... It is based on the verbal origin on the practical origin...)<sup>(16)</sup>. (*Al-Ansari*, n.d., p. 200)

### 3 SECOND: HISTORY OF PRACTICAL PRINCIPLES

In this hurry, we try to review the history of practical principles in its individual form and in its aggregate form, taking advantage of all that is possible for that:

#### 3.1 History of practical assets in its individual form

**(a) The date of the Istishaab:** If we take into account the hadiths that indicate the meaning of the *Istishaab*, then the beginning of the history of the *Istishaab* is from the time of the Imams (peace be upon them) – which is the time when the narrations were issued – even if it is not referred to as *Istishaab*.

But if we turn a blind eye to this and make the scale the fundamentalist books, then the first fundamentalist text that we have found includes the discussion of the companionship, which is what is mentioned in the brief letter of Shaykh al-Mufid, which was mentioned by his student al-Karajaki in the *Treasure of Benefits*, when he said: "The ruling on the companionship of the case is obligatory, because the ruling on the condition is proven with certainty, and what is proven is not permissible to move away from it unless there is clear evidence."<sup>17</sup> (*Kanz al-Fawa'iyah*, n.d., p. 30)

His pupils al-Sayyid al-Murtada and al-Shaykh al-Tusi followed him, and they dealt with him in a more extensive manner in their fundamentalist books, *al-Dhari'ah* and *al-'Iddah*:

<sup>15</sup> *Al-Noor al-Shin*, 'Ali Kashf al-Ghita', 1/229.

<sup>16</sup> *Mutarath al-'Azar*, Murtada al-Ansari, 200.

<sup>17</sup> *Kanz al-Fawa'iyah*, 2/30.

Al-Sayyid al-Murtada denied the authority by saying: "As for the companionship of the case, when it is investigated, it is not permissible to refer to it except that it has proved a ruling without evidence."<sup>18</sup> (Al-Excuse to Usul al-Shari'ah, n.d., pp. 829–830)

Shaykh al-Tusi proved it at the end of his research, stating: "( . . . What can be supported by the way of the companionship of the case is what we have indicated when it is said that if the second case were different from the first ruling, there would be evidence for that, and if we follow all the evidence, we do not find in it anything that indicates that the second case is contrary to the first case, which indicates that the ruling of the first case remains as it was."<sup>19</sup> (Al-Tusi, n.d., p. 125)

He mentioned in the introduction to the dispute, explaining his method: "And to associate every matter with evidence that we can invoke against those who disagree with us, such as the apparent Qur'aan, or the Sunnah that is truncated by it, or consensus, or evidence of a discourse, or a companionship of a situation based on what many of our companions say..."<sup>(20)</sup> . (Al-Tusi, n.d., p. 45)

Sayyid Ibn Zahra addressed it in his book al-Ghaniyyah, but he denied his argument<sup>21</sup>, (Ibn Zahra, n.d., p. 486) and Ibn Idris adhered to it in many places, and explained it in a way that is similar to the explanation contained in the narrations of the companionship, such as: "He does not return from certainty except with a certainty like him"<sup>22</sup> (Ibn Idris, n.d., p. 62) or "He does not depart from that certainty except with a certainty like himself"<sup>23</sup>, (Ibn Idris, n.d., pp. 115–116) but he said in another place: "... In our view, the companionship of the situation is not correct."<sup>24</sup> (M.N., n.d., p. 153)

**B. Patent History:** We will review the patent history in three points:

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<sup>18</sup> Al-Excuse to Usul al-Shari'ah, 2/829-830 .

<sup>19</sup> Iddah al-Usul, 2/125.

<sup>20</sup> Al-Khilafah, 1/45.

<sup>21</sup> See: al-Ghaniyyah, Ibn Zahra, 486.

<sup>22</sup> Al-Saraa'ir, Ibn Idris, 1/62.

<sup>23</sup> Ibid., 1/115-116 .

<sup>24</sup> M.N. 1/153.

### 3.2 The first point: what Shaykh Muhammad Mahdi al-Asifi said

We find the first technical attempt to formulate mental innocence in the case of al-Muhaqqiq al-Hilli (may Allah have mercy on him), when he said: "If the ruling were fixed, one of these indications would indicate it, because if it does not have any indication, it is necessary to entrust the one who is charged with it to know what is intolerable."

This is not without discussion, because the assignment of the doubtful can be done as a precaution and not as intolerable, unless what is meant by the absolute unknown is something else, which is another matter and is not the subject of the discussion. The claim of mental innocence among the jurists after al-Muhaqqiq al-Hilli was established within these formulations or other formulations close to them until the era of al-Wahid al-Behbehani, who succeeded in formulating a solid artistic formulation of this rule, which was followed by the fundamentalists who came after him, including the school of Sheikh al-Ansari and those who graduated from this school.

### 3.3 The rule of ugliness of punishment without explanation

This rule is known as the "ugliness of punishment without explanation", and perhaps the intellectual battle that he only entered against the news school was behind this mental formulation of the originality of innocence.

Al-Wahid (may Allaah have mercy on him) said in his book *al-Fawa'id al-Ha'iriyah*: "Know that the mujtahids are of the view that what is not stated and the doubt about the subject matter of the original ruling are innocent. Then he said: "The evidence of the mujtahids is the ruling of the intellect on the ugliness of assignment and punishment, unless it is a statement."

Sayyid Muhammad al-Mujahid al-Tabataba'i, the son of al-Sayyid 'Ali Sahib (Riyad al-Masa'il), amended its wording after him in his great *Encyclopedia of Fundamentals (Keys to Origins)*, and he said in the inference of mental innocence: One of them was what my grandfather (al-Wahid al-Behbehani) referred to, and he said: "The evidence of the great is that if it is not a text, then it is not a ruling, then the punishment is ugly." If the ruling does not reach it, it is not a punishment for the ugliness of the mandate and punishment in that case."

Shaykh al-Ansari considered this rule to be one of the axioms that no rational person doubts, and the Shaykh did not infer this rule based on its clarity and self-evident<sup>25</sup> evidence. (Al-Asfi, n.d., p. 65)

### 3.4 The second point: what was decided about Sayyid Baqir al-Sadr

#### 3.4.1 History of mental innocence

Mental innocence is not known to us as an eye or a trace before Shaykh al-Mufid (may his secret be sanctified). Yes, al-Saduq (may Allaah have mercy on him) stated that the principle is permissibility, but his words are applicable to permissibility that is established in the texts and narrations, and he does not know or think that his view is based on a rational rule in the maqam.

**As for Shaykh al-Mufid and Shaykh al-Tusi** (may Allah bless them), they went against this rule, with regard to the issue of prohibition and permissibility, because there is a matter of the old origins and its title was stopped after the letters, which is the issue of prohibition and permissibility.

**The scholars** of usul who say that rational improvement and ugliness are of the view that sometimes the intellect judges the ugliness of a thing on a severe level, which is the mental prohibition, or on a light level, which is hatred, or on a very good level, which is obligatory, or on a light level, which is mustahabb. But if the intellect does not realize that there is an interest or a bad thing, and it does not see anything that requires it to be good or ugly, does the intellect judge here by ugliness, which is the prohibition, or by not ugliness, which is permissible?

There was a dispute about that, and Shaykh al-Tusi and al-Shaykh al-Mufid (may Allah be pleased with him) went on to stop, in the sense that reason does not rule on whether it is proven or negative, because it is doubtful, so there is no reason to rule on one of the two sides. Shaykh al-Tusi said in al-'Iddah that it is obligatory to take precautions based on reason, because doing what is not believed to be a warning and corrupting it is as ugly as doing something that is known to be corrupt in it. In the case of

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<sup>25</sup> See: Shaykh Muhammad Mahdi al-Asfi's introduction to al-Wahid al-Bihbehani, p. 65.

ruling, even if the intellect stops, but in the case of action, the one who is charged with precautionary duty is obliged to take precautions, then he says: This rule – i.e., the rule that precautions must be taken by reason – we do not give up on it except what is proven in sharee'ah from the text about them (peace be upon them): "Everything is permissible until the prohibition comes into it." This is a statement from Shaykh al-Tusi, who adds it to his Shaykh, who is al-Mufid (may Allaah be pleased with them), and it is clear that he contradicts the idea of the rule of ugliness of punishment without explanation.

**As for Ibn Zahra** , a hundred years after Shaykh al-Tusi (may Allah have mercy on him), he mentioned in al-Ghani the ruling on mental innocence, but not in the sense of the rule of the ugliness of punishment without explanation, rather it is because of the ugliness of the punishment that is intolerable, and it is clear that this is foreign to the rule of the ugliness of punishment without explanation. Rather, it is tolerable to comply with it, even if with precautions, and the great Shaykh (may Allah have mercy on him) was exposed to the words of Ibn Zahra and his intention. From the entrustment of the intolerable, the assignment of the intolerable is to comply with it with the intention of complying, because with doubt the intention of compliance is not fulfilled (1). This is what the great Shaykh said, with which Ibn Zahra directed. It is as if Ibn Zahra believed that the obligation was so ugly that it was unbearable to comply with it with the intention of complying.

**With regard to the researcher, who** is one of the students of Ibn Zahra, who was a contemporary of Ibn Zahra, who is the son of Idris, he approached the acquittal with two statements:

One of them is that innocence is the companionship of the state of mind, whereas a person, according to his previous state, was innocent, so he accompanies this innocence until it is raised with evidence. This was said in the words of many of those who were late to the investigator, and it was common for the innocence to be attributed to the companionship, and they used to say that by the rule of reason, it is necessary to refer to the companionship in terms of the revelation of the previous situation in their eyes, and not in terms of the chapter of good and ugliness.

The second is what he mentioned in his other book that the jurist performs two operations: one is to limit what evidence the street relies on in terms of delivering rulings, such as the Qur'aan, Sunnah and consensus.

The second is that he should be sure that this questionable ruling has not been indicated by any of these evidences, and then he should say: This assignment does not exist, because the assignment of something that is not indicative by the street is an intolerable assignment. We said: This is contrary to the first operation, because we have imposed the limitation of the signifiers.

This differs from what Ibn Zahra said in the past, that if we assume that there is a possibility that there is another indication that has not reached and the first act is invalidated, then there is nothing ugly in the assignment, and the apparent words of Ibn Zahra were the claim of the ugliness of the assignment in a way that we have no way of knowing about in fact. In any case, as you can see, this is not related to the rule of ugliness of punishment without explanation.

**After the time of the researcher, it became common to include innocence in the companionship**, and it resulted in the innocence being made one of the presumptive evidences, since the companionship is a conjecture of conjecture for them, so the acquittal went from being conclusive evidence of the verdict - as Ibn Idris believed - to being conjectural evidence against it. Rather, they said that they were innocent out of conjecture, and the great Shaykh (may Allah sanctify his secret) admitted this in his Letters, and he said: It is apparent that the words of the author of the Ma'alim and the Baha'i Shaykh (the Baha'i) are to consider the authenticity of the innocence out of conjecture, and this idea was leaked to some investigators from the third era, such as al-Muhaqiq al-Qummi (may Allah have mercy on him), from whom the Grand Shaykh quoted some words that give him the illusion of this or feel it<sup>26</sup>. (Al-Ha'iri, n.d., p. 69)

#### **4 HISTORY OF PRACTICAL ASSETS IN GENERAL**

The method of deduction in Imami jurisprudence is based on the assumption of two stages of deduction, in the first of which is to ask for evidence of the legal ruling, and in the second, to diagnose the practical function towards it as an achievement or an excuse. This approach is distinguished by Imami jurisprudence from the general jurisprudence, which tends to prove the Shari'a ruling always - the first stage - if it cannot

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<sup>26</sup> See: Mabahith al-Usul, report on the research of al-Sadr by al-Ha'iri, 3/69.

be proved by conclusive evidence or its evidence is taken for granted by Sharia, it has become a weaker party in the place of proof than the emirates and suspects based on considerations, occasions and favoritisms, it begs by all means to The verses of the Shari'a ruling, whatever it is, while in Imami jurisprudence, whenever the jurist does not have the conclusive or legitimate evidence that is assumed, he moves to the second stage, which diagnoses the function prescribed in case of doubt, even if reasonably, without turning to seeking the evidence and the missing evidences, not the stability of the realistic legal ruling, and from here we find that Imami jurisprudence has expanded the study of the practical principles, their sections and the tapes of each of them, while the general jurisprudence has not been exposed to these researches, on the contrary, we find that The search for the emirates and suspicions and the attempts to prove the shar'i ruling on the basis of them has a wide scope in the principles of general jurisprudence, while the search for them in our country is limited to the limits of what is in the context of the existence of a udder evidence for its argument.

However, the idea of practical principles was not so clear in the words of our companions since the dawn of the history of Imami jurisprudence and its codification, but in the principle of the matter, the practical principles were included in the evidence of the intellect and it was accepted that the four sources of jurisprudence are the Qur'an, the Sunnah, the consensus and the intellect, and the authenticity of innocence was included in the end, and a group such as Sayyid al-Murtada Ibn Zahra (may Allah be pleased with them) claimed that all these proofs were conclusive, so the innocence was considered definitive and the application of it was done with the evidence of the definitive reason, and thus they answered the general jurisprudence that they work with certainty and do not need to It should be noted that the acquittal is later followed by the companionship and it is considered to be from it, because the original case is acquittal before sharee'ah, and it is proven by the companionship of the sane and it is called the definitive mental evidence, even though it is not evidence of the ruling, let alone definitive, rather it is definitive. In the words of the investigator (Qadda) and others at that stage, we find that they formulated the inference of innocence on the permissibility and non-obligation to formulate a definitive mental inference in order to normalize the methodology of the evidence for it, and they said that assigning the unknown is unreasonable because it is an intolerable assignment or that the lack of evidence for the verdict is evidence of

nothingness, because all the rulings have reached and thus they tried to clothe the innocence as the definitive proof of the realistic Shari'a ruling, and after paying attention to the evidence adopted in jurisprudence as what is conjectural. However, it is considered shar'i as an appearance and the news of trust, for example, and it is common to accept the idea of doing deeds by conjecture if it is considered shar'i with definitive evidence.

After that, the correct idea of the practical principle was gradually fermented, and that he is not asked to reveal the factual judgment and make it evidence for it in order to look for its conclusive or conjecture, but what is required of him is to determine the practical position of the taxpayer towards the factual judgment when it is not possible to prove it with evidence, and hence it is definitive, because the void of liability in it is definitive, but nevertheless it is not correct to include it in the evidence, and in the words of the investigator Jamal al-Din, there was a reference to such a distinction, which was rightly. At the beginning of the fermentation of this idea, and at the hands of the only professor Al-Behbehani (may Allah be pleased with him) and his students, especially the owner of the footnote on the monuments, the idea was defined and revised further, until we find that the contemporary owner of the gardens of the only professor reviews in his book *Al-Durra al-Najafi* the evidence of those who say the origin of innocence and discusses it, all in the spirit that innocence is superior to judgment, and then he says at the end of that, and from here some of the late scholars went that the innocence is not evidence of the judgment but of the negation of our assignment to rule, and perhaps his view of the investigator Jamal Religion or to the only one of the behbehani (Qadham) and the fermentation of this idea was one of the things that made us consider the era of the only one and its stage in the history of the science of origins as the third era of this work and its history, and this was a great opening in the methodology of research in the science of origins, although this was not reflected in the classifications written except by Sheikh Al-Ansari (may Allah be pleased with him), where his book "*Fara'id al-Usul*" was classified according to this methodology. In it, it was quoted from Al-Wahid that he called the emirates as *ijtihad* evidence and the principles as jurisprudential evidences, and said that he attributed the joke of his review to the definition of both *ijtihad* and jurisprudence, where the former is known because it is the achievement of the work by the Shari'a mandate, as if the only professor carried the ruling of the Shari'a in the first over the realistic, otherwise the Imami jurisprudence depends on the belief in the realistic ruling

without confirming its authority, and the second is more general than it and the apparent, but it should mean the most general of the two and the practical mental function, otherwise the jurisprudence It is not always obligatory to act according to the realistic Shari'a ruling. This is the entire history of the idea of practical origin<sup>27</sup>. (Al-Hashimi, n.d., p. 11)

#### **4.1 The second requirement: the inclusion of practical principles in the science of origins**

One of the things that scholars of Usul have been exposed to is how to include "practical fundamentals" in the definition of Usul, and the reason for this is that the well-known definition cannot do that.

##### *4.1.1 Definition of fundamentals*

The science of fundamentals has been defined as "the knowledge of the rules that pave the way for deriving the legal ruling",<sup>28</sup> (Al-Qummi, n.d., p. 5) which is the well-known definition among the fundamentalists. However, it has been noted with a number of revenues, some of which we mention the actual need:

##### *4.1.2 Problem with the definition*

It does not include practical principles, because they are only practical functions and not evidence, so the shar'i ruling is not established by them, rather the practical function is determined by<sup>29</sup> them . (Al-Sadr, n.d., p. 15)

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<sup>27</sup> See: Research in the Science of Origins, report of the research of al-Sadr by al-Hashimi, 5/11.

<sup>28</sup> The Laws of the Court, al-Qummi: 1/5.

<sup>29</sup> See: Lessons in the Science of Origins, 3/15.

## 4.2 Answering the problem

Some fundamentalists have tried to answer this problem and push it forward, as follows:

### A. Attempt by Sheikh Muhammad Kazem Al-Khorasani

Shaykh al-Khorasani tried to push the aforementioned problem by adding a restriction to the definition, i.e., (or that which ends in the place of work), so that the definition is then as follows: "An industry by which the rules that can fall in the way of deriving rulings, or which it ends up in the place of work."<sup>30</sup> (Al-Khorasani, n.d., p. 9) Thus, the aforementioned problem arises.

### B. Mirza al-Na'ini's attempt

Sheikh Al-Na'ini went on to say that it is possible to push the aforementioned problem by interpreting the word "ruling" in the definition of what is more general than the real and apparent ruling, and thus the inclusion of practical principles in the definition based on the fact that it is one of the apparent rulings whose purpose is to explain the practical position of the taxpayer, and this is the text of his phrase (Qadda) as in the report: "Then it is no secret that if the ruling taken in the definition is to be what is more general than the real and the apparent, then the scientific principles are involved in the issues from which the ruling is deduced. But since we have singled it out as realistic, it is inevitable that in its inclusion in the fundamentalist mabahiths, it is inevitable that another restriction will be added to the definition, which is our statement or that which it ends up in the place of action."<sup>31</sup> (Al-Khoei, n.d., p. 3)

### C. Mr. Al-Khoei's attempt

The answer given by Sayyid al-Khoei to the word "inference" is based on the fact that it is known to indicate that the shar'i rulings are derived from its evidence, while al-Sayyid al-Khoei gave it another explanation, which is "attainment and excuse", and this is the text of his words: "The investigation of the answer to it is that this problem is based on the fact that what is meant by the deduction taken is a pillar in the definition, the real proof by knowledge or knowledge, because on this it is not possible to inquire about this

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<sup>30</sup> Kifayat al-Usul, al-Khorasani: 9.

<sup>31</sup> The best reports, the report of al-Na'ini's research by al-Khoei, 1/3.

problem at all, but it is not meant by it. What is meant by this is a comprehensive meaning between it and others, which is the proof that unites whether it is emotional, legal, consequential, or excusable, and therefore the aforementioned issues fall in the way of deduction, because they prove the achievement once and the excuse again, so the definition is validated in that case because this condition is fulfilled in them, and it is not necessary for the wary person to enter into the rules of jurisprudence in it.<sup>32</sup> (Lectures, n.d., pp. 5–6) The process, and Mr. Al-Sadr has recommended this directive with some discussions<sup>33</sup>. (Al-Irawani, n.d., p. 15) and therefore it is possible to include it in the science of origins, so that the aforementioned problem arises.

#### D. Attempt of Mr. Baqir al-Sadr

Although Sayyid al-Sadr considered what Sayyid al-Khoei presented as a solution to the aforementioned problem, he believes that in his push and other problems, such as the emergence of some linguistic issues, the science of the origins should be defined by the following: "Knowledge of the common elements in order to derive a legitimate construction."<sup>34</sup> (Al-Sadr, n.d., p. 18)

In his view, this definition is able to get rid of the problems that arise in the definition of the well-known as it is mentioned above.

## **5 THE THIRD REQUIREMENT: THE DIFFERENCE BETWEEN EMIRATES AND ASSETS**

One of the concepts that the fundamentalists frequently use verbally (the emirate and the origin) is that they are apparent rulings, so before explaining the difference between them, it is necessary to define the apparent ruling and then explain the difference between them, as follows:

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<sup>32</sup> See: Lectures: 1/5-6.

<sup>33</sup> See: The third episode in its second style, Baqir al-Irawani, 1/15.

<sup>34</sup> Lessons in the Science of Origins, Muhammad Baqir Al-Sadr: Episode Three, Part One: 18.

## 5.1 Virtual judgment

The apparent ruling has two terms:

The first is the ruling that takes into account the doubt about the factual ruling.

The second is the judgment that is made in the context of ignorance of the factual judgment, regardless of whether ignorance and doubt about the factual judgment are taken as the subject matter of the judgment or not<sup>35</sup>. (Sanqour, n.d., p. 48)

## 5.2 Sections of virtual governance

The apparent ruling is divided into two parts with regard to the achievement of reality or the diagnosis of the practical function of the taxpayer in the absence of the evidence obtained for the shar'i ruling:

a) The apparent ruling in the Bab al-Emarat

These are the rulings that the street makes in order to achieve reality, and their language is the language of "that reality is such", and through them the reality is diagnosed and determined, whether it is obligatory, forbidden or otherwise, according to what the emirate leads<sup>36</sup>. (Al-Mansoori, n.d., p. 153) These are speculative rulings that reveal the reality in an incomplete way that makes the street have the authority and consideration to reach the shar'i ruling.

b) The apparent rulings that are presumed in the chapter on practical principles

It refers to those provisions that make for the determination and determination of the practical function, and the practical position that the taxpayer should take towards the questionable judgment, without being concerned with the realization of reality, but with the purpose of determining the practical function<sup>37</sup>. (Al-Mansoori, n.d., p. 154)

Thus it becomes clear that the apparent rulings either achieve the reality for the taxpayer and are called "emirates", even if they reveal an incomplete revelation, or they specify the practical function as an accomplishment or an excuse.

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<sup>35</sup> See: al-Mu'jam al-'Usuli (Muhammad Sanqour, 2/48).

<sup>36</sup> See: al-Bayan al-Mufid, Iyad al-Mansoori, 1/153.

<sup>37</sup> See: al-Bayan al-Mufid, Ayyad al-Mansoori, 1/154.

Hence, the search for the most important differences between the UAE and the assets is the whole point of this important research.

### 5.3 Distinction between the Emirate and the Origin

The fundamentalists mentioned a number of things to differentiate between what reveals reality – even if it is an incomplete revelation – and what determines the practical function of the taxpayer, as follows:

(a) The attempt of Mirza al-Na'ini (d. 1355 AH)

Al-Mirza al-Na'ini is of the view that the distinction between the Emirate and the Principal is that the Maj'ool in the Bab al-Amarah is different from the Maj'ool in the chapter on the original, for the Maj'ool in the Bab al-Amarah is the revelation and the way, whereas the maj'ul in the original is the practical function, and this is what was noted in his research report, and he (Qaddah) referred to two types of practical principles, and he explained this as follows:

The first point: The Emirate and the origin of the Mirza al-Na'ini

Al-Na'ini pointed out that the predicate of the emirate is the revelation and the way: "The requirement of investigation is that the predicate is in the chapter of emirates and roads... Rather, it is the second level of methodological knowledge, which is the Mehriyya and the Moderation in proof, without the Baathist or injunctive rulings...)"<sup>(38)</sup>. (Al-Khoei, n.d., p. 75)

In another place, he pointed out that the rational in the chapter on the origin is the function and the process (and it is possible to rationalize this in the origins by saying that it is taken away from the ruling of the street by making the resource of the asset the reality in terms of practical run...))<sup>(39)</sup> (Al-Khoei, n.d., p. 78) From this it is clear that the essence of the difference according to Shaykh al-Na'ini is the form of the maj'ul, for the maj'ul in the emirate is the kashifiyyah and the tariqiyah, and the maj'ul in the chapter on the origin is the practical function.

<sup>38</sup> The best reports, report on the research of al-Na'ini by al-Khoei, 2/75.

<sup>39</sup> Ibid., 2/78.

Al-Mirza has another phrase that combines the difference between the Emirate and the origin, namely: "The Manifest and the Method of the Emirate or the Origin of the Reality, and when they are realized, the reality is the origin of itself, and the violation of it is in violation of the mandate of the Emirate itself, and it entails the deserving of the punishment..."<sup>(40)</sup>. (Al-Khoei, n.d., p. 11)

The second point: the division of practical assets according to Mirza al-Na'ini  
Shaykh al-Na'ini divided the practical principles into two sections:

The first is a practical origin that has been achieved, and doubt degrades it to reality, so it is called a practical and descending principle.

The second is a practical origin that has not been achieved, the purpose of which is to record the practical situation without downloading.

B. The Attempt of Agha Dīā Al-Dīn Al-Iraqī (d. 1361 A.H.)

The Iraqi Shaykh has two reports of his blessed research, one by al-'Allama al-Tabataba'i and the other by al-Burujerdi, and in each of them he mentioned a special way of differentiating between the emirate and the origin, as follows:

First: The Difference Mentioned in the Revision of the Origins of Tabataba'i

Shaykh al-Iraqi was of the view that the difference between the Emirate and the origin is that the doubt is taken between them, for in the Emirate it is a source of its authority, and in the origin it is the object of its authority, and this is the text of his phrase: "This is the difference between the Emirate and the origin, in terms of taking doubt as a source of authority for the Emirate and as a subject of practical principles, in other words, the Emirate is a lever of the veil of reality in worship, and practical principles are a function in the circumstance of concealment, and the reality is not exposed..."<sup>(41)</sup>. (Tabataba'i, n.d., p. 45)

Second: The Difference Mentioned at the End of Boroujerdi's Ideas

What appears from the end of the ideas is that the distinction is based on the issue of the street being revealed, for what the street considers to be a sign in this regard (the aspect of revelation) is a sign, and what it does not consider is an origin, as it is stated in his words: "The balance in the fact that a thing is originally is that the evidence of its

<sup>40</sup> The best reports, the report of al-Na'ini's research by al-Khoei, 2/11.

<sup>41</sup> Revision of the Origins, Al-Iraqi's Research Report by Tabataba'i: 45.

being considered a sign is not a proof of its being a point of view to the completion of its revelation, even if it has a body that reveals reality, and the balance in the fact that a thing is a sign is that it reveals reality, even if it is to a certain degree. If the evidence of his consideration is waiting for the completion of his revelation, then "all" of what the street considered to be in terms of its disclosure of reality is a sign of "wakal" that which the street did not consider to be from this side, but if it does not have a revelation of reality at all, or it has that but it is not considered from this point of view to be an original, even if it is in itself a precedence to some principles, such as the companionship, for example...))<sup>(42)</sup>. (Boroujerdi, n.d., p. 20)

The first distinction is based on considering the doubt as a source or object, and the second distinction is based on the consideration of the street as a source of revelation, so it is a sign, or it is not considered as an asset.

c. The attempt of Sayyid Hassan al-Bojnordi (d. 1379 AH)

This attempt is based on the distinction between the maj'ul, but not as stated by al-Muhaqqiq al-Na'ini as mentioned above, but rather on the fact that ma'jul in the emirate means a meaning that includes the shar'i effects of the performer, and originally a maj'ul meaning does not include those effects for the performer, as he mentioned in his words: "The maj'ul in the chapter on the origins means that it cannot include the shar'i effects of the performer through the mediation of mental or ordinary effects... As for the word "maj'ul" in the chapter of the emirates, it has a meaning that includes everyone in the sense that has been explained."<sup>43</sup> (Al-Bojnordi, n.d., p. 485)

D. The attempt of the Sheikh who is the owner of the sufficiency

Shaykh al-Akhund is of the view that the difference between the two is that the emirate narrates about its performer and its effects as well, whereas in the origin it only tells about what the devotional evidence is based on. Limiting what it contains is an indication of worship by proving it, and it has no indication except that worship is proven by the proof of its doubtful effect, as I know, and it does not indicate that it is proven by it, like all other acts of worship, except that the effect of wasta is considered to be an

<sup>42</sup> End of Ideas, Iraqi Research Report by Boroujerdi: 4: 20 of the second section.

<sup>43</sup> Muntaha al-Usul, Hasan al-Bojnordi, 2/485.

effect of it because of its concealment, or because of its intensity and clarity, as we have achieved.<sup>44</sup> (Al-Khurasani, n.d., p. 416)

E Sayyid Baqir al-Sadr attempt

Sayyid al-Sadr believes that the distinction is based on the power of probability and probability, so he mentioned the following: "In that case, if some possibilities are presented over others, and the apparent judgment is made according to them because of the strength of their probability and the preponderance of its coincidence with reality without taking into account the type of probability, then this is the meaning of importance in terms of probability, and thus the presented possibility becomes an emirate... If some possibilities were presented over others because of the importance of the probability without income to reveal the probability in that, the ruling would be one of the purely practical principles, such as the authenticity of the permissibility and the originality of the precaution observed in one of them, the importance of the possible licensing ruling...)"<sup>(45)</sup> . (Al-Sadr, n.d., p. 24)

## **6 THE FOURTH REQUIREMENT: THE DIFFERENCE BETWEEN SHARI'AH AND RATIONAL PRINCIPLES**

The practical principles are divided into two parts: shar'i and mental, and each of them is distinguished from the other by a number of advantages, and this is explained by the following:

### **6.1 Definition of Shari'a and mental principles**

(a) Practical principles of shar'i'ah: practical functions that are prescribed by the street, and they are made a reference in circumstances of doubt and there is no evidence to support it, but it is so called, because it is identified by the shar'i evidence (the Qur'aan and the Sunnah).

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<sup>44</sup> Kifayat al-Usul, Muhammad Kazim al-Khurasani, 416.

<sup>45</sup> Lessons in the Science of Origins, Muhammad Baqir Al-Sadr: Episode Three – Part One: 24.

(b) Practical mental principles: They are those which are independent of the mind by perceiving them, or they are the practical functions perceived by the practical mind, and it is natural that they occur along the length of the practical principles of law.<sup>46</sup> (Sanqour, n.d., pp. 271–273)

## 6.2 Advantages of practical principles of Sharia and mental

Some of the fundamentalists mentioned a number of advantages for both categories, as follows:

a) The practical principles of Shari'ah are shar'i rulings, and the practical principles of the mind are practical functions that are due to the perceptions of the practical mind in relation to the right of obedience.

(b) It is not assumed that there is a legitimate practical origin in every resource, and this is contrary to the assumption that there is a practical and rational principle in every resource.

A: The practical assets are limited to two assets, namely (employment and innocence), while the practical principles are not limited to the Shari'ah.

d. The practical and rational principles do not conceive of the contradiction between them as proof and proof, while the legitimate practical principles are the contradiction in the language of their evidence, and we refer to the resolution of such a contradiction by referring to the rules of resolving the conflict in its proper<sup>47</sup> place. (Al-Sadr, n.d., pp. 321–323)

## 6.3 Sections of Shari'a practical principles

The practical principles of Shari'ah are divided into three sections:

(a) The descending principle is the removal of the doubtful from reality, such as the authenticity of the solution (everything is permissible for you until you know that it

<sup>46</sup> See: al-Mu'jam al-'Usuli (Muhammad Sanqour, 1/ 271-273).

<sup>47</sup> See: Lessons in the Science of Origins, Muhammad Baqir al-Sadr, Episode Three: 321-323 .

is haraam), which is evident from al-Mirza al-Na'ini, which was denied by Shaykh al-Akhund and his disciple al-Muhaqqiq al-Isfahani.

One of its fruits is the ornament of rabbit meat, because of the rule of the halal (everything is permissible for you), and then the purity of its urine, because every animal that eats its meat according to sharee'ah is pure.

(b) The principle that the possibility of survival should be reduced to the level of certainty, as in the case of the companionship, which is the opinion of Mirza al-Na'ini and al-Sayyid al-Khoei, although they differ as to whether this is a reduction in the possibility, whether it is in terms of practical runs, as is Mukhtar al-Na'ini, or in terms of the specificity of the revelation, as Sayyid al-Khoei believed.

#### 6.4 Caution

Based on the fact that the origin achieved is the reduction of probability to the status of certainty in terms of the specificity of the disclosure that exists in the origin that has been achieved, there is no room for differentiation and differentiation between the original and the emirate, and therefore the companionship is a sign and not an origin, as is the opinion of Sayyid al-Khoei.

A: It is a purely original: there is no peculiarity in it of lowering the doubtful to the status of reality, nor the depreciation of possibility as<sup>48</sup> certainty . (Al-Irawani, n.d., pp. 33–36)

### 7 THE ORIGINAL OBTAINED BY SAYYID BAQIR AL-SADR

Sayyid al-Sadr argues that there is no descending origin from the beginning, rather what exists is an attainment origin and a practical origin, and this is the text of his words: "There is another meaning of the practical principles that are attained, which is in line with our way of distinguishing between the emirates and the assets, which is that whenever it is observed in making the apparent judgment a proof of the importance of the probable, it is a practical origin, and it is observed that the power of probability is also

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<sup>48</sup> See: The third episode in its second style, Baqir al-Irawani, 3/33-36 .

joined to it, for it is a practical origin that has been achieved, as in the rule of void, otherwise it is not. It makes it an argument in its evidence, but its recall from the evidence of the rule also has some consequences, such as the fact that the evidence of the rule does not include the sources of the absence of evidence and the disclosure at all.<sup>49</sup> (Al-Sadr, n.d., p. 325)

## **8 FIFTH REQUIREMENT: INVENTORY OF PRACTICAL ASSETS AND THE SOURCE OF THEIR FLOW**

### 1. Inventory of Practical Assets

The practical principles are not limited to a certain number, and the most important of them are the four knowledges (innocence, precaution, choice, and companionship), and just as practical principles are not limited to their course, their course is not limited, and the limitation mentioned in the words of the fundamentalists is not a mental limitation.

Al-Muhaqqiq al-Isfahani pointed out this by saying: "It is not to limit the practical principles to the four, nor to limit their courses mentally... As for the lack of mental limitation in relation to the principles, it is clear that there is no rational objection to the street being considered as another rule such as the rule of certainty, for example, in some of these streams. As for the confinement of the sewers, because the previous case may not be noticed at all, and you may not notice some of them without each other...)"<sup>(50)</sup>. (Sabzwari, n.d., p. 568)

### 1. Operational Asset Flow Resource

It is clear that the source of the flow of practical assets is doubt about the factual ruling, and if we doubt that, it is a source of the flow of practical principles.

It is not hidden that the rulings are realistic and some of them are superficial, so is it possible to make a practical basis in the case of doubt about the apparent ruling or not? As if we question the realistic mandate of Jumu'ah prayer and secondly we question the basis of the argument for that ruling, is it possible to make two practical principles, the first of which is based on the realistic ruling of Jumu'ah prayer, which is the origin of

<sup>49</sup> See: Lessons in the Science of Usul, Muhammad Baqir al-Sadr, Episode Three: 325.

<sup>50</sup> The Means of Accessing the Facts of the Origins, Al-Isfahani's Research Report by Sabzwari: 568.

innocence, and then we make a second innocence based on the argument based on the factual ruling?

In other words, is it permissible to perform two acquittals, the first is to lift the factual ruling on Jumu'ah prayer, and the second is to raise the argument against that ruling?

Sayyid al-Sadr's answer:

With regard to the answer, Sayyid Baqir al-Sadr is of the view that there is no need to make a second acquittal in order to raise the argument against the ruling on Friday prayers, rather it is sufficient to perform the first acquittal in case of doubt about the obligation to pray Jumu'ah.<sup>51</sup> (Al-Sadr, n.d., p. 327)

### 8.1 Research results

Through scientific research, the research reached a number of results, which it presents in the following way:

1. The first to use the term "practical principles" was Shaykh Yusuf al-Bahrani (may Allah be pleased with him) in his gardens.
2. Practical principles did not fall within the definition of the principles of jurisprudence, so the fundamentalists made attempts to include them by adding a restriction or modifying the description.
3. The difference between the emirate and the practical principle is that the principal determines the practical function, whether with or without the possibility of it, and the emirate is not revealing and a path to the shar'i ruling.
4. It is not possible to assume a contradiction between the rational principles, because the intellect does not contradict itself.
5. There are countless practical assets, and the mentioned is the most important, the most common and applicable.

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<sup>51</sup> Lessons in the Science of Origins, Muhammad Baqir al-Sadr, 3/327.

## REFERENCES

1. Al-Ansari, M. (n.d.). *Mutarath al- 'Azar* (p. 200).
2. Al-Asfi, M. M. (n.d.). Introduction to *Al-Wahid al-Bihbehani* (p. 65).
3. Al-Bahrani, A. (n.d.). *Ahmad al-Ta 'aan* (Vol. 2, p. 77).
4. Al-Bahrani, Y. (n.d.). *Al-Hada 'iq al-Nazirah* (Vol. 18, p. 144).
5. Al-Bojnordi, H. (n.d.). *Muntaha al-Usul* (Vol. 2, p. 485).
6. Al-Ha'iri. (n.d.). *Mabahith al-Usul: Report on the research of al-Sadr* (Vol. 3, p. 69).
7. Al-Hashimi. (n.d.). *Research in the Science of Origins: Report of the research of al-Sadr* (Vol. 5, p. 11).
8. Al-Hilli, A. (n.d.). *Irshad al-Adhaan* (Vol. 2, p. 211).
9. Al-Hindi, F. (n.d.). *Kashf al-Litham* (Vol. 10, p. 226).
10. Al-Irawani, B. (n.d.). *The Third Episode in Its Second Style* (Vol. 1, p. 15; Vol. 3, pp. 33–36).
11. Al-Khonsari, M. (n.d.). *Dhuhahirah al-Ma 'aad* (Vol. 1, p. 141).
12. Al-Khonsari, M. (n.d.). *Mashariq al-Shammous* (p. 76).
13. Al-Khoei, A. (n.d.). *The Best Reports: Report on the Research of al-Na 'ini* (Vol. 1, p. 3; Vol. 2, pp. 11, 75, 78).
14. Al-Khurasani, M. K. (n.d.). *Kifayat al-Usul* (pp. 9, 416).
15. Al-Mansoori, I. (n.d.). *Al-Bayan al-Mufid* (Vol. 1, pp. 153–154).
16. Al-Naraq, M. (n.d.). *'Awa 'id al-Ayyam* (p. 547).
17. Al-Qummi, M. (n.d.). *The Laws of the Court* (Vol. 1, p. 5).
18. Al-Sadr, M. B. (n.d.). *Lessons in the Science of Origins* (Vol. 3, pp. 15, 327).
19. Al-Sadr, M. B. (n.d.). *Lessons in the Science of Origins: Episode Three* (pp. 18, 24, 321–323, 325).
20. Al-Sayouri, A. M. (n.d.). *Al-Ta'qeeh* (Vol. 1, p. 541).
21. Al-Shahid al-Awwal. (n.d.). *Zikra al-Shari 'ah* (Vol. 1, p. 53).
22. Al-Shahid al-Thani. (n.d.). *Al-Rawdah al-Bahiyyah* (Vol. 5, p. 140).
23. Al-Tabarsi. (n.d.). *Al-Mu 'talif* (Vol. 1, p. 275).
24. Al-Tusi, M. (n.d.). *'Iddah al-Usul* (Vol. 2, p. 125).
25. Al-Tusi, M. (n.d.). *Al-Khilaf* (Vol. 1, p. 45).
26. Boroujerdi, H. (n.d.). *End of Ideas: Iraqi Research Report* (Vol. 4, Section 2, p. 20).
27. Ibn Idris. (n.d.). *Al-Sara 'ir* (Vol. 1, pp. 62, 115–116).
28. Ibn Zahra. (n.d.). *Al-Ghaniyyah* (p. 486).
29. Ibn al- 'Allam. (n.d.). *Explanation of Benefits* (Vol. 2, p. 427).
30. Muhammad ibn al-Shaykh Hasan. (n.d.). *Investigation of Consideration* (Vol. 2, p. 128).
31. Sanqour, M. (n.d.). *Al-Mu 'jam al-Usuli* (Vol. 1, pp. 271–273; Vol. 2, p. 48).
32. Sabzwari, M. (n.d.). *The Means of Accessing the Facts of the Origins: Al-Isfahani's Research Report* (p. 568).
33. Tabataba'i, M. (n.d.). *Revision of the Origins: Al-Iraqi's Research Report* (p. 45).
34. *Al-Excuse to Usul al-Shari 'ah*. (n.d.). (Vol. 2, pp. 829–830).
35. *Kanz al-Fawa 'iyyah*. (n.d.). (Vol. 2, p. 30).
36. *Lectures*. (n.d.). (Vol. 1, pp. 5–6).

### **Authors' Contribution**

All authors contributed equally to the development of this article.

### **Data availability**

All datasets relevant to this study's findings are fully available within the article.

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