

**Scientific Quarterly**  
**Journal of Ahl al-Bayt (as) Teachings**  
**Vol. 2, Issue 4, Winter 2025**

**The Sources of Islamic Jurisprudence: A Comparative Analysis of  
 Shī'ī and Sunnī Perspectives**

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(Received: October 28, 2024, Accepted: December 19, 2024)

**Abstract**

English academic works on Islam and Islamic sciences are often written from a Sunnī perspective, neglecting the rich Shī'ī heritage. This oversight leads to an unbalanced presentation of Islamic ideas and teachings, particularly in the realm of Islamic jurisprudence (*fiqh*). This study examines the sources of Islamic jurisprudence from both Shī'ī and Sunnī perspectives using a comparative approach. Data were first collected from books and papers in Arabic, Persian, and English, and subsequently analyzed to provide a comprehensive comparison. The results indicate that while the jurisprudential sources are similar in terminology—namely, the Book, the Sunnah, consensus, and reason—their concepts, scopes, and methodologies differ significantly. These findings underscore that while the Prophet's companions hold a significant role in Sunnī thought, the Prophet's infallible Ahl al-Bayt (as) occupy a unique position within Shī'ī thought. Moreover, due to the centrality of the Imāms in Shī'ī Islam, based on their injunctions, the Sunnah is deemed reliable only if it aligns with the Qur'ān, consensus is accepted solely if it reveals the statements and ideas of an infallible Imām, and only certain rational arguments are considered valid, while conjectural arguments such as *qiyas* (analogy) are strictly prohibited.

**Keywords:** Sources of Jurisprudence, Shī'a, Sunnī, Qur'ān, Sunnah, Reason ( *'aql* ), Consensus ( *ijmā'* )

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## Introduction

In an interconnected world, the study of Islamic sciences can offer profound insights into how religious teachings and instructions shape legal and ethical systems and lifestyles. These sciences, the result of the efforts and struggles of the Prophet of Islam (pbuh), his Ahl al-Bayt (as), and generations of Islamic scholars over centuries, continue to guide Muslim life and thought in various aspects. Since *fiqh* (Islamic jurisprudence) defines one's responsibilities and obligations towards Almighty Allah, nature, and other people, regulating both the affairs of livelihood and the afterlife, it holds a unique position among Islamic sciences. Its significance is underscored by 'Allāmah Ḥillī, one of the greatest Shī'ī jurists, who described *fiqh* as 'the best knowledge after knowing Almighty Allah' (Ḥillī, 1999, p. 40).

We are witnessing a growing interest in academic communities to familiarize themselves with the vast treasure of Islamic sciences. This is evident in the extensive efforts made by Orientalists in recent decades to understand Islam and Islamic sciences. However, although numerous works have been written in academic circles, particularly in recent years, the Western academic community remains largely unfamiliar with the advanced and robust scientific system of Shī'ī jurisprudence, its scholars, and their invaluable contributions. For instance, Lukianov et al. (2020, pp. 30-31) emphasize that almost no research in Ukraine's scientific community directly deals with Shī'ī jurisprudence. This gap is evident in bibliographies of Islamic law that often underrepresent Shī'ī sources or misclassify them. For instance, a prominent Western bibliography lists 305 sources of Islamic jurisprudence in Arabic but includes only two works from the Twelver Shī'ī tradition - Sharā'ī' al-Islām and Mukhtaṣar al-Nāfi' - while erroneously categorizing the Ibāḍī School as a branch of Shī'ism (Modarresi Tabataba'i, 1989, p. 7).

This gap is further highlighted by the responses of AI-based chatbots like ChatGPT, which often rely solely on Sunnī sources when queried about Islamic jurisprudential questions. Even when clearly asked to provide a Shī'ī perspective, these tools frequently provide answers based on Sunnī jurisprudence, underscoring the limited representation of Shī'ī jurisprudential thought in widely accessible English resources.

It is also important to note that although many Shī'ī jurisprudential studies in the forms of books and papers are carried out in Arabic and Persian, their availability in other languages, including English, remains sporadic. As a result, much of this rich tradition remains inaccessible to those outside the Muslim world or unfamiliar with these languages. This underscores the necessity of writing more scholarly works to introduce this



precious treasure to a global audience, especially in English as the prevailing academic language.

Therefore, this study aims to address this gap in academic communities by introducing Shī'ī sources of jurisprudence and comparing them with Sunnī perspectives. By examining the Book (i.e., the Qur'ān), Sunnah, *ijmā'*, and *'aql*, the researcher will highlight areas of convergence and divergence, offering a balanced understanding of diverse Islamic jurisprudential schools.

### **Shī'a and Sunnī Schools of Thought**

There are various denominations within the religion of Islam, which are classified into two main schools of thought, namely Shī'a (also spelled Shiite and Shī'ah) and Sunnī (also called Ahl al-Sunnah and Ahl al-Sunnah wa al-Jamā'ah).

The word Shī'a's (Shī'ah) literal meaning is follower and partisan (Fayyūmī, 1977, p. 329). It is historically derived from Shī'atu 'Alī (شيعه علي), a term first used during the Prophet's lifetime to refer to a group of Muslims who followed Imām 'Alī (Ṭabāṭabā'ī, 1977).

The word Sunnī is derived from the term "Sunnah", signifying a commitment to following the traditions of the Prophet Mohammad (pbuh) (Campo, 2009, p. 646). Historically, the term Ahl al-Sunnah emerged during the reign of the Abbasid Dynasty, specifically under the rule of Abū Ja'far Al-Manṣūr and Hārūn Al-Rashīd. This coincided with the rise of Abū Ḥasan Al-Ash'arī (d. 936), the founder of the Ash'arite School, and Abū Manṣūr al-Māturīdī (d. 944), the founder of Maturidism, who both identified themselves as Ahl al-Sunnah (Hamid et al., 2023, p. 53).

Two important factors led to this classification. The first factor concerns who is referenced in disagreements and scientific disputes concerning the Prophet's words and Sunnah. As Abān ibn Taghlib, a disciple of Imām Moḥammad Bāqir (a), defines the Shī'a as those who refer to 'Alī, the gateway to the Prophet's knowledge<sup>1</sup>, and the household of the Prophet (pbuh) when disagreements arise about the Prophet's words and Sunnah (Al-Najāshī, 1997, p. 12). On the contrary, the Sunnīs are those who refer to either of the Prophet's companions in such cases.

The second differentiating factor is successorship to the Prophet Moḥammad (pbuh). According to the Shī'a, the holy Prophet did not leave his Ummah without specifying a leader who continues his ideals; rather, he explicitly appointed and introduced 'Alī as his immediate successor on different occasions, especially while returning from the Hajj pilgrimage in a place called Ghadīr Khum. They believe that after Imām 'Alī, eleven of

1. The Holy Prophet said, 'I am the city of knowledge and 'Alī is its gate. Hence, whoever seeks knowledge should come to the gate of the city' (Ibn 'Asākir, 1995, vol. 42, p. 379)

his offspring, the last of whom is Imām Mahdī, are the Prophet’s successors (Shomali, 2010, pp. 52-54). In contrast, the Sunnīs believe that the Holy Prophet, after 23 years of struggle to establish an Islamic society and government, left this world without appointing a successor for himself, and the designation of a successor (caliphate) was left to the Muslims, and they themselves were to decide on who would lead (Hamid et al., 2023, p. 51).

Both these factors are mentioned in the definition of Shī‘a provided by ‘Allāmah Ṭabāṭabā‘ī (1975, p. 31):

Shi‘ah, which means literally partisan or follower, refers to those who consider the succession to the Prophet, may God’s peace and benediction be upon him, to be the special right of the family of the Prophet and who, in the field of the Islamic sciences and culture, follow the school of the Household of the Prophet.

It should be noted that there are currently three branches of Shī‘a Islam: Zaidi, Ismaili, and Jafari (also known as Twelver and Imāmī), with the latter comprising the majority. Twelver Shī‘a is meant by the word Shī‘a in this work.

### **Definition of Fiqh (Islamic Jurisprudence)**

Before delving into the discussion, it is necessary to define the science of fiqh in Islam. Lexically, the word fiqh means understanding and comprehension (Ibn Manzūr, 1956, vol. 13, p. 522). In the terminology of the Qur’ān and Sunnah, fiqh means extensive and profound knowledge of Islamic teachings and instructions (Shahīd Muṭahharī, 1997, vol. 20, p. 65). However, in the context of Islamic studies, Shī‘a jurists define fiqh as “the knowledge of secondary religious rulings based on their detailed evidence and proofs” (Shahīd Awwal, 2008, Vol. 15, p. 3).

It is important to notice that the use of the term "*fiqh*" (Islamic jurisprudence) is only correct when the knowledge of rulings and their understanding are organized according to the established principles of *ijtihād*. Otherwise, neither *ijtihād* contradicting a clear text (*naṣṣ*) constitutes a legitimate "*fiqhī* operation", nor can knowledge derived from unsubstantiated speculations which are not based on *sharī‘ah* be considered to be "fiqh," nor should a person who acquires their knowledge through this way be called a "*faqīh*" (jurist) (Al-Majlis al-A‘lā lish-Shu‘ūn al-Islāmīyyah, 1997, pp. 10-11).

The “detailed evidence” in the definition mentioned above refers to the Holy Qur’ān, Sunnah, *ijmā‘* (scholarly consensus), and *‘aql* (reason) (Mar‘ashī, 2010, p. 17). In fact, these four constitute the primary sources of Islamic jurisprudence, which will be explored in this study, highlighting areas of their convergence and divergence from the Shī‘ī and Sunnī perspectives.



## Research Background

Various motives have driven academics to conduct extensive studies on Islam, its sects, and their teachings. These motives include a growing desire to learn about other nations and cultures, to find common ground and foster connections, and to promote peace and justice globally. Additionally, there is an increasing interest in exploring others' scientific heritage. Furthermore, Islam and Muslims are now integral to many Eastern and Western societies; therefore, appreciating their beliefs and practices can foster more peaceful and understanding interactions among citizens.

### 1. Sunnī-Centric Works

Some authors have written about Islam in its entirety; however, most including Hodgson (1974), Goldziher (1981), Schacht (1983), Esposito (1998), Armstrong (2000), Lewis (2008), Winter (2008), Ruthven (1997), and Mabon (2013) have equated Islam solely with its major school of thought, namely the Sunnī tradition, while neglecting the Shī'a perspective. Unfortunately, some Western writers, such as Goldziher (1981), have evaluated Islamic law from a negative and biased perspective, attempting to undermine its ability to address contemporary issues. However, some other writers, such as Marshall Hodgson (1974, vol. 1), a professor at the University of Chicago, have examined Islamic civilization with a fair and scholarly approach and highlighted the civilizational dimensions of Islamic history. He introduces Sharī'ah as the core of Islamic civilization and the organizing principle of Islamic society. Esposito (1998) seeks to differentiate between real Islam and Islam as portrayed by media headlines and images. He provides a concise overview of Islamic beliefs, history, and practices. Joseph Schacht (1982, p. v) conducted a study on Islamic law; however, as he notes in the preface of his book, he limited his focus to the Sunnī community, skipping the developments of Shī'a law. Furthermore, he concentrated primarily on the doctrines of the Hanafi School. To demonstrate the capacity and credibility of Islamic law in addressing contemporary social issues, Abdur Rahman I. Doi (1984) explains the sources of Islamic law and elaborates on its applications concerning significant social matters, such as marriage and divorce, criminal law, and inheritance. Nevertheless, he, too, discusses only the Sunnī perspective.

### 2. Shī'a-Centric Works

*Introduction to Shī'ī Law: A Bibliographical Study*, is a rare English-language overview of Twelver Shī'ī jurisprudence by Modarresi Tabataba'i (1984), which, despite its precision, lacks a profound and thorough comparative approach.

### 3. Comparative Jurisprudential Works

Several studies have sought to analyze the perspectives of the two predominant schools of thought within the Islamic tradition, namely Sunnī and Shī‘a, regarding various jurisprudential topics, including the interpretation of the Qur’ān, the Sunnah, and the role of reason, etc., such as Hallaq (2005), Abisaab (2015), Karimi and Jafari Harandi (2021), and Nyazee (2003). Hallaq (2005) examines the development and evolution of Islamic law, concentrating on the four main Sunnī schools. Karimi and Jafari Harandi (2021) focus on the reasoning among four sources, aiming to elucidate the role and significance of reason in educating younger generations, with particular emphasis on comparing Shī‘ī and Sunnī jurisprudence. Abisaab (2015) examines the akhbārī jurisprudential school within the Shī‘a tradition and presents the thoughts of its founding scholar, Mohammad Amin Astarābādī, while attempting to trace their origins in Sunnī or Shī‘a traditions. Lukianov et al. (2020) have examined the Holy Qur’ān from both Shī‘ī and Sunnī perspectives.

As previously mentioned, there are numerous valuable works available in Arabic and Persian, such as *Maṣādir al-Fiqh al-Islāmī wa Manābi‘uh* [Sources and Origins of Islamic Jurisprudence] by Ayatollah Subḥānī, and *Manābi‘ Ijtihād az Dīdgāh Madhāhib Islāmī* [Sources of Ijtihād from the Perspective of Islamic Schools of Thought] by Ayatollah Jannātī. However, there is a notable scarcity of English-language works that adequately address Shī‘a jurisprudence and provide a fair comparison with Sunnī jurisprudential sources.

#### Sources of Jurisprudence

One of the most important issues in fiqh about which a multitude of discussions are presented is *Manābi‘ al-fiqh* or *Maṣādir al-fiqh*, which means the sources of jurisprudence. Sources of fiqh are the sources that a *mujtahid* relies upon when deriving religious rulings (Imām Ṣādiq Institute, 1997). As mentioned, according to the view of Shī‘a jurists, four things are considered to be the sources of fiqh: 1. The Holy Qur’ān, which jurists refer to as “The Book” (*al-Kitāb*), 2. Sunnah, 3. Consensus (*ijmā‘*), and 4. Reason (*‘aql*) (Mūsawī Bujnūrdī, 1999, p. 7).

When we refer to jurisprudential works in various Islamic denominations, we find that the sources of jurisprudence differ among them. Ḥanafī jurists have accepted the Qur’ān, *mutawātīr* (mass-transmitted) Sunnah, statements of the Prophet’s Companions, consensus of the Companions, *qiyās* (analogy), *istihsān* (juristic discretion), and customary practices of people as sources of ijtihād (Abū Zahrah, 1996, pp. 371-373).



According to the perspective of scholars following Mālik ibn Anas, the sources of jurisprudence are the Qur'ān, Sunnah, consensus of the people of Medina, considerations of public interest (*Maṣāliḥ al-Mursalah* - a type of analogy), the statement of a Companion not based on personal opinion, and analogy (*qiyās*) with a stated reason (Mahmassani, 1975, p. 55).

The sources of jurisprudence in the view of Shāfi'ī jurists are: the Qur'ān, Sunnah, consensus, and *qiyās* (Faizi & Ali, 2024, p. 66).

Scholars following Aḥmad ibn Ḥanbal considered the sources of *ijtihād* to be the Qur'ān, Sunnah, consensus of the Companions, the *fatāwā* of the Companions, and rarely *qiyās* (Ramadan, 2006, p. 71).

However, all these cases can be categorized into four groups: the Qur'ān, Sunnah, reason, and consensus. These four are common in Shī'a and Sunnī schools of thought in terms of terminology but have different definitions and examples. Therefore, since this study primarily aims at introducing Shī'ī sources of jurisprudence, first, the Shī'ī sources, their definitions, and applications will be examined, then their similarities and differences with Sunnī sources will be highlighted.

### 1. The Book

*Tawḥīd* (Monotheism) necessitates that we consider the right to legislate (*Tashrī'*) as exclusively belonging to God Almighty. Therefore, Allah is the sole Legislator, and other legislations only gain legitimacy if they have His permission (Imām Ṣādiq Institute, 1997, Introduction Volume, p. 11). The most important way to access divine legislation is to refer to His word, which is the Holy Qur'ān.

The Holy Qur'ān, which acts as the cornerstone of the religion of Islam and Islamic teachings and instructions, comprises the words of Allah that were revealed to the Prophet of Islam over 23 years. It consists of more than 6200 verses, which are classified into 114 surahs and 30 *ajzā'* (plural of *juz'*, meaning part).

Though the verses of the Holy Qur'ān address a wide range of topics and are not restricted to mentioning jurisprudential and legal rulings (*aḥkām*), approximately one-thirteenth of the Qur'ān's verses, meaning 500 verses out of the total number of verses, are dedicated to rulings. For this reason, Islamic scholars have authored numerous books regarding these verses, under the titles *Āyāt al-Aḥkām*, *Aḥkām al-Qur'ān*, *Fiqh al-Qur'ān* and the like.

Some famous works among the Shī'a are:

1. *Āyāt al-Aḥkām* written by Moḥammad ibn Sā'ib al-Kalbī (d. 763)
2. *Fiqh al-Qur'ān* written by Sa'īd ibn Hibatullāh known as Quṭb Rāwandī (d. 1177), one of the first commentators of Nahj al-Balāghah and

the first Shī'a jurist who has compiled a book on the jurisprudential verses of the Qur'ān.

3. *Kanz al- 'Irfān fī Fiqh al-Qur'ān* by Miqdād ibn 'Abdullāh known as Fādīl Miqdād (d. 1422 AH), a renowned Shī'a jurist and theologian

4. *Tafsīr Shāhī* (also *Āyāt al-Aḥkām*), the first Shī'ī work on jurisprudential verses of the Qur'ān in Persian by Abulfath Ḥusaynī (d. 1568)

5. *Zubdah al-Bayān fī Barāhīn Aḥkām al-Qur'ān* by the renowned Shī'a jurist Mullā Aḥmad Ardabīlī, known as Muqaddas Ardabīlī (d. 1585)

6. *Āyāt al-Aḥkām* by Moḥammad ibn 'Alī Astar Ābādī (d. 1618), the Greatest Akhbārī (Scripturalist) jurist

The Infallible Imāms (as) used to refer to the apparent meanings of the Qur'ānic verses when explaining religious rulings (*Aḥkām*) and encouraged and guided their followers to derive rulings from them (Shaykh Anṣārī, 2016, pp. 101-105). That is among the reasons for the authenticity of the words of the Qur'ān and the permissibility of referring to it as a source for inferring and deducing religious rulings.

Some famous works among the Sunnīs are:

1. *Aḥkām al-Qur'ān* by Moḥammad ibn Idrīs al-Shāfi'ī (d. 819) known as Imām Shāfi'ī, the head of one of the four major Sunnī schools of thought.

2. *Aḥkām al-Qur'ān* written based on Ḥanafī school which is almost the lengthiest work of the type by Aḥmad ibn 'Alī al-Jaṣṣāṣ (d. 980)

3. *Aḥkām al-Qur'ān* written based on Shāfi'ī school by 'Alī ibn Aḥmad al-Ṭabarī known as al-Kiyā al-Hirāsī (d. 1110)

4. *Al-Jāmi' li-Aḥkām al-Qur'ān* (also *Tafsīr al-Qurṭubī*) written based on Mālikī school of thought by Moḥammad ibn Aḥmad al-Qurṭubī (d. 1273)

5. *Tafsīr Āyāt al-Aḥkām* by Moḥammad 'Alī al-Sāyis (d. 1976) a renowned professor at al-Azhar University

6. *Rawā'i' al-Bayān fī Tafsīr Āyāt al-Aḥkām min al-Qur'ān* by Moḥammad 'Alī al-Ṣābūnī (d. 2021)

Shī'a scholars consider the Qur'ān to be the primary source of deriving rulings in jurisprudence, and the indications of its general statements to be definitive. The definitive Sunnah, including the solitary report, can specify the Qur'ān's general statements (Jannātī, 1991, pp. 5, 21).

From the perspective of Abū Ḥanīfah, the Qur'ān is the primary source of deduction, and the indications of its general statements are definitive. Specific Sunnah, if widely transmitted (*Mutawātir*) or well-known (*Mashhūr*), can specify the Qur'ān's generalities. Otherwise, that report will be deemed incorrect (Abū Zahrah, 1996, pp. 283-284).



In the Mālikī school of thought, the Qur'ān is the first source of jurisprudence, but the indications of its general statements are not definitive. A solitary report (*Khabar Wāḥid*), and *qiyās* can specify the Qur'ān (Āl-i Ja'far, 1984, p. 237). Mālik believes that the commands in the Qur'ān indicate obligation until they are accompanied by phrases that indicate recommendation or permissibility (Ibn Rushd, 1988, vol. 2, pp. 276-277).

In the Shāfi'ī school of thought, the Qur'ān is recognized as the reference for legislation. However, scholars within this school hold varying opinions regarding its significance and position among other sources. Shāfi'ī himself considers the Qur'ān to be the first and most important source. For this reason, he asserts that the Sunnah, even if widely transmitted, cannot abrogate the Qur'ān (Shāfi'ī, 2009, p. 132). Nevertheless, the current principles of this school indicate that the implications of the Qur'ān's general statements are not definitive and are considered on par with the Sunnah. Both solitary reports and widely transmitted reports can abrogate the Qur'ān, specify its generalities, and clarify its ambiguities (Abū Zahrah, 1996, p. 447).

From the perspective of Aḥmad ibn Ḥanbal, the Qur'ān and Sunnah hold equal validity and authority, with no distinction that would allow one to be prioritized over the other. Consequently, the Qur'ān can be elucidated and specified by any hadith that offers an explanatory or specifying aspect (Abū Zahrah, 1996, p. 283).

Both Shī'a and Sunnī schools of thought believe in the centrality of the Holy Qur'ān in deriving Islamic rulings. Therefore, they reject hadiths and interpretations that contradict the Qur'ān (Baru et al., 2017, pp. 63-64; Subḥānī Tabrīzī, 2002, p. 81). However, their understandings of the verses may differ according to theological doctrines, moral principles, and historical accounts.

Aspect	Shī'ī Jurisprudence	Sunnī Jurisprudence
<b>Interpretive Authority</b>	Imāms as living exegetes	Scholarly Opinions
<b>Hermeneutical Method</b>	Bāṭin-Zāhir balance	Zāhir-first approach
<b>Abrogation Handling</b>	Rejects post-Prophetic <i>naskh</i> (abrogation)	Accepts chronological abrogation
<b>Legal Expansion</b>	Reason ( <i>'aql</i> ) as a supplement	Analogical reasoning ( <i>qiyās</i> )

### Case Study: *Wuḍū*

Take the verse of *wuḍū* (Qur'ān 5:6) as an example. Shī'a jurists believe that when performing ablution (*wuḍū*), washing the hands must be done from the top down. However, Sunnī scholars state that an individual has the choice to wash their hands from bottom to top or vice versa, although washing from the bottom (from the fingertips) upward is recommended.

From the Shī'a perspective, the word "إلى" (meaning "up to") in "إلى المرافق" (meaning "up to the elbows") is only to indicate the limit of washing, not the manner of washing because the word "يد" in Arabic can refer to the hand from the fingertips to the wrist, to the elbow, or to the shoulder. This verse states: wash the hand up to the elbow to clarify the scope of washing; however, Sunnī scholars have interpreted the word "إلى" to imply that washing should be from the tip of the hand to the elbow.

Regarding wiping the feet, Shī'a scholars believe that the feet should be wiped, while Sunnī jurists believe that one must wash the feet. The Shī'a hold that according to Arabic grammar, the word "أرجلكم" (meaning "your feet") is an apposition to "رؤوسكم" (meaning "your heads"); therefore, just as the head must be wiped, the feet should be wiped as well. Many have even read "أرجلكم" with a جَزْ (a vowel sounding 'e'); even if it is read in the نَصْب (a vowel sounding 'a'), the obligation of wiping can still be inferred from it, since "رؤوسكم" (meaning "your heads") is the object of "امسحوا" (meaning "wipe"), making it in the accusative case. However, Sunnī scholars have considered the word "أرجلكم" as being in apposition to "وجوهكم" (meaning "your faces") and have derived the necessity of washing the feet in ablution from this (Rezvān Ṭalab, 2009, pp. 96-100).

## 2. The Sunnah

The Sunnah is regarded as the second source after the Qur'ān in both Shī'ī and Sunnī fiqh. The Prophetic Sunnah sometimes serves to explain and interpret the verses of the Holy Qur'ān. God Almighty, in the Qur'ān 16:44, assigns the responsibility of clarification and explanation to His noble Messenger. Therefore, the Prophet clarifies the concise statements of the Qur'ān, specifies what is general, and qualifies what is absolute. Sometimes, the Sunnah independently addresses rulings and issues that are not explicitly mentioned in the Qur'ān (Subḥānī Tabrīzī, 2006, pp. 82-86).

### 2.1 The Definition of Sunnah in Shī'a and Sunnī Jurisprudence

According to Sunnī scholars, the Sunnah is strictly defined as the words, actions, and approvals of the Prophet Moḥammad (pbuh) (Al-Zuḥaylī, 2006, p. 185). However, when examining Sunnī scholarly works, we observe that the Sunnah of the Ṣaḥābah (the Prophet's Companions) is treated as equal to that of the Prophet. In contrast, Shī'a jurists consider Sunnah to encompass the sayings, actions, and approvals of both the Prophet and the infallible Imāms from his household (peace be upon them). They regard the Sunnah of the Infallibles as equally authoritative and valid as that of the Prophet, considering it a reliable source for deriving God's religious rulings (Mūsawī Bujnūrdī, 1999, p. 24).

Based on the Ḥanafī school of thought, in the absence of a Qur'ānic ruling on a particular subject, one should refer to the Sunnah of the Prophet



(pbuh). If the Sunnah is also silent on the matter, the statement of a *ṣaḥābī* (companion) is considered, and if the companions do not have a unanimous opinion on the matter, the opinion of one of them will be acted upon. However, the views of the *tābi'īn* (the next generation after the companions) are opinions that have been derived through *ijtihād* and thus cannot be considered a source of deduction (Abū Zahrah, 1996, pp. 370-371).

Mālik believes that the Sunnah (both *musnad* and *marfū'*) encompasses the views of the companions and the *tābi'īn* (Āl-i Ja'far, 1984, p. 184).

This implies that the statements of the Prophet's companions are also considered Sunnah in the view of some Sunnī scholars and schools. On the contrary, Shī'a scholars accept the statements of companions only as a means of showing prophetic Sunnah after examining the chain of narrators (Shahīd Thānī, 2015, pp. 220-226).

Consequently, when examining the hadith collections from which the Sunnah is derived, we observe a significant disparity between the two schools of thought. Sunnī texts infrequently narrate ahadith from Ahl al-Bayt (a), while a substantial portion of their collections consists of hadiths transmitted by the companions of the Prophet. In fact, they tend to prioritize the companions over Ahl al-Bayt (as). For instance, Bukhārī has recorded 446 hadiths from Abū Hurayrah, who, according to his own account, accompanied the Holy Prophet for only three years (Abū Rayyah, 2010, p. 96; Al-Hasanī, 1978, p. 124). In contrast, Bukhārī has documented only 29 hadiths from Imām 'Alī, who was with the Prophet from his birth until the Prophet's passing—a period of 33 years. Additionally, he has narrated only one hadith from the Holy Prophet's esteemed daughter, Fāṭimah. Notably, Sunnī hadith collections include 5,374 hadiths from Abū Hurayrah, despite his brief companionship with the Prophet, while they contain only 536 hadiths from the Prophet's cousin and son-in-law, Imām 'Alī (Ibn Ḥazm, 1992, pp. 37, 44).

On the contrary, according to the Qur'ānic verses such as 33:33, 4:55, and 4:59, and based on prophetic narrations including Hadith al-Thaqalayn and Hadith Safīnah, the Shī'a prioritizes the Ahl al-Bayt (as) over the companions.

## 2.2 Sunnah vs. Hadith

Sunnah, encompassing the statements, actions, and tacit approval of the Prophet (or, in a broader sense, an infallible figure), is transmitted via *hadith*. Nevertheless, the terms “sunnah” and “hadith” are occasionally employed as substitutes for one another.

### 2.3 Hadith Collection

Due to the important position of hadith in Islam, both Shī‘a and Sunnī scholars have made a tremendous effort to save this precious treasure by compiling hadith collections. However, it is important to note that despite the Prophet’s recommendations and encouragement for documenting hadith (Abī Dāwūd, 1999, v. 3, p. 315), not only did narrating and recording hadith become prohibited in the Sunnī community for nearly a hundred years but also a great number of existing hadiths were burned and destroyed under the rule of the first two caliphs (Muttaqī Hindī, 1980, vol. 10, p. 285). Naturally, this long gap caused several problems:

1. The disappearance of many prophetic hadiths: Sha‘bī had stated, ‘I spent a year with ‘Abdullāh ibn ‘Umar, and I did not hear him narrate anything from the Messenger of Allah (as)’ (Ibn Mājah, 1998, v. 1, p. 61).
2. Spread of fake hadith: Not compiling the hadith provided an opportunity for hadith forgers in the future.
3. Disagreement among hadiths: The failure to record hadiths led to discrepancies among the narrations due to errors, forgetfulness, and negligence of the narrators who relied solely on their memory.
4. Providing the ground for accusing Islamic culture: Some orientalist, such as Goldziher (1981), questioned the authenticity of the narrations.

Nevertheless, Shī‘a, who continued their written culture from the time of the Holy Prophet (pbuh) until the end of the era of Imām ‘Askarī (as) and during the minor occultation of Imām Mahdī (as), were immune to these harms.

#### ***Al-Kutub al-Arba‘ah in the Shī‘a***

Four collections of Hadith are of the highest importance among the Shī‘a.

1. Al-Kāfī by Shaykh Kulaynī, which consists of 16000 hadiths.
2. Man Lā Yaḥḍuruhū al-Faqīh by Shaykh Sadūq that contains 6000 hadiths.
3. Tahdhīb al-Aḥkām by Shaykh Ṭūsī, containing 13590 hadiths.
4. Al-Istibṣār fī mā Ikhtalafa min al-Akḥbār by Shaykh Ṭūsī, including 5511 hadiths.

#### ***Ṣiḥāḥ al-Sittah in Ahl al-Sunnah***

The six most important collections of hadith among Sunnī scholars are:

1. Ṣaḥīḥ al-Bukhārī by Moḥammad Ismā‘īl al-Bukhārī, which contains 7275 hadiths, which, by removing duplicates, becomes four thousand hadiths.
2. Ṣaḥīḥ Muslim by Muslim ibn al-Ḥajjāj al-Nayshābūrī, consisting of 7395 hadiths.



3. Sunan al-Tirmidhī by Moḥammad ibn ‘Isā al-Tirmidhī, including approximately 5000 hadiths.

4. Sunan al-Nisā’ī by Abū ‘Abdurrahmān al-Nisā’ī, which contains 5758 hadiths.

5. Sunan Abī Mājah by Abū ‘Abillāh ibn Mājah al-Qazwīnī that consists of 4341 hadiths

6. Sunan Abī Dāwūd by Sulaymān Abī Dāwūd al-Sajistāni, including 4800 hadiths.

As Nawawī (2009, p. 58), one of the greatest Sunnī hadith scholars, states, the Sunnī school has agreed on the authenticity of these two books (Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim) and the necessity of acting upon their hadiths. In contrast, Shī‘a scholars do not evaluate narrations based solely on the book in which they appear; instead, each narration is meticulously examined in terms of its narrators and its alignment with the Qur’ān.

Aspect	Shī‘a View	Sunnī View
<b>Participants</b>	Prophet and Infallible Imāms	Prophet and Companions
<b>Temporal Scope</b>	Till the beginning of the major occultation	Till the end of Companions’ life
<b>Authenticity</b>	No completely authentic book. Each narration must be examined separately.	Two Ṣaḥīḥ books are totally authentic

### 3. Reason or Rational Proof

The concept of ‘*aql* (reason) is also different from the perspective of Shī‘ī and Sunnī jurists.

#### 3.1 Reason in Shī‘ī Jurisprudence

In Shī‘ī jurisprudence, ‘*aql* is considered a primary source of jurisprudence, especially within the Uṣūlī School (Scharbrodt, 2022, p. 316). The emphasis on reason is rooted in the belief that rationality is divinely endowed and serves as a tool for discerning what is right and what is wrong and for guiding us to understand divine will when explicit textual evidence is absent or ambiguous. In this sense, rational proof and narrative proof are alike (Jawādī Āmulī, 2021, pp. 43, 66-67).

Unlike the Sunnīs, Shī‘a scholars only accept pure rational argumentation as a source for jurisprudential ruling. Therefore, according to Shī‘a, reasoning based on rational premises, resulting in a rational conclusion, is called rational proof (*dalīl ‘aqlī*) (Muḥaffar, 2008, vol. 2, p. 262). The rational proof is divided into two categories: independent rational arguments (*al-mustaqillāt al-‘aqlīyyah*) and dependent rational arguments (*ghayr al-mustaqillāt al-‘aqlīyyah*) (Muḥaffar, 2008, vol. 2, pp. 262-263).

#### 1. Independent Rational Arguments (*al-Mustaqillāt al-‘Aqlīyyah*)

If both premises of reasoning are rational, it is said that reason alone, without relying on religious sources, can derive a legal ruling (*ḥukm sharʿī*). This type of reasoning is called independent rational arguments. Examples include the rational judgment of the goodness of fairness and truthfulness or the evilness and undesirability of oppression and injustice (Muzaffar, 2008, vol. 2, pp. 263-264).

## 2. Dependent Rational Arguments (*Ghayr al-Mustaqillāt al-ʿAqlīyyah*)

If one premise is rational and the other is taken from canonical sources, this reasoning is called a dependent rational argument. An example is the rational judgment of the obligation of a prerequisite when the main action is mandatory (*wājib*). Since the rational premise dominates the other, it is termed rational reasoning. However, as reason alone cannot reach the conclusion (i.e., the ruling), it requires the support of a religious premise, making it a dependent rational argument (Muzaffar, 2008, vol. 2, p. 264).

*Akḥbārī* scholars (scripturalists) are considered the most significant opponents of deriving religious rulings using rational reasoning in Shīʿa Islam (Muṭahharī, 1997, vol. 20, p. 169).

### Application in Modern Issues

Shīʿī jurists permit dissection, organ donation, and stem cell research based on the rational principle of preserving life and minimizing harm (Imām Khumaynī, 2006, vol. 2, pp. 660-661; Makārim Shīrāzī, 2001, pp. 320-321, 328-329; Muʿmin Qumī, 1994, pp. 135-137, 174).

### 3.2 Analogical Reasoning in Sunnī

It must be noted that by “reasoning or *ijtihād*” the Sunnī scholars mean *qiyās*, which means reasoning by analogy (Weeramantry, 1988, pp. 40-41). In Sunnī jurisprudence, *qiyās* is seen as a secondary source of law used when explicit evidence from the Qurʾān or Sunnah is unavailable. It involves deriving legal rulings for new cases by drawing analogies with established precedents (Nyazee, 2003, pp. 149-150).

However, since the analogy is a speculative argument, not a certain one, and also due to the abundant narrations from the infallible Imāms that strongly criticize and forbid analogy, *qiyās* is not valid in the Shīʿa school of thought (Mīrzāyī Qumī, 1999, p. 443).

In the view of Ḥanafī jurists, *qiyās* (analogical reasoning), *istiḥsān* (juristic preference), and *ʿurf* (custom) are considered rational sources of *ijtihād* (Āl-i Jaʿfar, 1984, pp. 172-173).

*Istiḥsān* (juristic preference), *Istiḥāb* (presumption of continuity), *maṣāliḥ mursalah* (considerations of public interest), *sadd al-dharāʿi* (blocking the means), *ʿurf* (custom), and the practice of the people of



Medina are among the accepted sources of the Mālikī School (Āl-i Jaʿfar, 1984, p. 185)

Although *qiyās* (analogical reasoning) is considered authoritative by Shāfiʿī (Abū Zahrah, 1996, p.455), he does not consider *istiḥsān* (juristic preference) and *maṣāliḥ mursalah* (considerations of public interest) valid, and he considers the use of these two sources to be forbidden (Shāfiʿī, 2009, pp. 426-431).

In the Mālikī school, reason can be applied to *qiyās* (analogical reasoning), *maṣāliḥ mursalah* (considerations of public interest), *istiḥāb* (presumption of continuity), and *urf* as sources of Islamic jurisprudence (*Fiqh*) (Āl-i Jaʿfar, 1984, p. 185; Faiz & Ali, 2024).

This array of arguments provides Sunnīs with more options for addressing contemporary issues and answering questions where no Qurʾānic injunction or evidence from Sunnah exists. However, these arguments often lack authenticity and credibility as they are based on speculation and uncertain assumptions rather than sound reasoning and rational discourse. Consequently, while the limited scope of reason in Shīʿa jurisprudence makes *ijtihād* based on rational arguments challenging for Shīʿa scholars, their rulings benefit from a greater degree of authenticity and credibility.

#### 4. *Al-Ijmāʿ* (Scholarly Consensus)

The term *ijmāʿ* refers to a jurisprudential concept meaning the consensus of jurists regarding a religious ruling (Narāqī, 1996, p. 702).

##### The Criteria for Validity of *Ijmāʿ*

In the view of Sunnī jurists, *ijmāʿ* (consensus), in itself, is considered valid proof and an independent source for deriving religious rulings (Rāzī, 1997). It is valid if all Muslim mujtahids belonging to a single determined period after the demise of the Messenger of Allah agree upon a religious ruling (Nyazee, 2003, pp. 183-185).

According to Shīʿa jurists, consensus is only valid if it reveals the statement of an infallible (*maʿṣūm*) (Ibn Shahīd Thānī, 1991, p. 208). Unlike Sunnī scholars, Shīʿa jurists who regard consensus as authoritative proof never recognize it as an independent source of juristic inference alongside the Qurʾān and Sunnah. Instead, they consider *ijmāʿ* to be a subset of the Sunnah. This is because, through consensus—provided all its conditions are met—the statement of the infallible is ascertained. What serves as the basis for jurisprudential reference, reveals Allah’s rulings, and acts as a source of understanding religion and religious authoritative proof is the Sunnah of the *maʿṣūm*—that is, their words, actions, and silent approvals—not the consensus or agreement of jurists. This is because *ijmāʿ* itself never directly reveals Allah’s ruling (Jawādī Āmulī, 2021, pp. 1152-

153). However, due to the Sunnīs' disconnection from the appointed successors of the Prophet and the interpreters of the Qur'ān and Sunnah, namely the Ahl al-Bayt, after the demise of the Holy Prophet, they were compelled to seek an alternative source beyond the Book and Sunnah through which they could exercise ijtihād. This led them to resort to ijmā' as an independent source of ijtihād alongside the Qur'ān and Sunnah (Abū Jayb, 2011, p. 25).

### **Temporal Scope**

Based on the mentioned criteria, the valid ijmā' is restricted to the period of the presence of infallible Imāms (up until 940) according to the Shī'a scholars. In contrast, ijmā' can remain valid to the present day from the Sunnī jurists' perspective.

### **Evidence-Based Consensus**

According to the Shī'a perspective, if ijmā' is based on narrations, this consensus loses its authority, prompting us to scrutinize the evidence (Subhānī, 2008). If we consider that evidence to be authoritative, we will act upon it; if not, we refrain from taking action. In contrast, the majority of Sunnī scholars maintain that evidence-based ijmā' is indeed authoritative, with some arguing that consensus cannot be reached without supporting evidence (Ibn Hājib, 1986).



## Conclusion

The study of Islamic jurisprudence, or *fiqh*, reveals a rich and complex tradition that has evolved over centuries, shaped by the diverse interpretations and methodologies of both Shī'ā and Sunnī scholars. This paper has sought to introduce Shī'ī jurisprudence by providing a comparative analysis of the sources of Islamic jurisprudence from these two major perspectives, highlighting areas of convergence and divergence. By examining Islamic jurisprudential sources—the Qur'ān, Sunnah, *ijmā'* (consensus), and *'aql* (reason)—the author has explored how the Shī'ā school of thought approaches the sources of religious rulings, reflecting their unique theological and historical contexts in comparison to the Sunnī school of thought.

The Qur'ān, as the foundational text of Islam, is universally recognized by both Shī'ā and Sunnī jurists as the primary source of Islamic law. However, differences arise in the interpretation of its verses, particularly in cases where the Sunnah or reason is invoked to clarify or expand upon its rulings. The Sunnah, which includes the sayings, actions, and approvals of the Prophet Muhammad (pbuh), is equally central to both Sunnī and Shī'ā traditions. However, Shī'ā jurisprudence extends this authority to the infallible Imāms, considering their teachings as an extension of the Prophetic Sunnah. In contrast, Sunnī thought often includes the Prophet's companions within the scope of the Sunnah. This distinction underscores the Shī'ā emphasis on the continuity of divine guidance through the Imāmate, a concept that remains a defining feature of Shī'ā thought.

The role of *ijmā'* (consensus) and *'aql* (reason) further illustrates the methodological differences between the two schools. While Sunnī jurists often regard *ijmā'* as an independent source of law, Shī'ā scholars view it as valid only when it reflects the teachings of the infallible Imāms. Similarly, the use of reason in jurisprudence is more pronounced in Shī'ā thought, particularly within the *Uṣūlī* School, where rational proof is considered a legitimate means of deriving rulings in the absence of explicit textual evidence. In contrast, Sunnī jurisprudence tends to rely more heavily on analogical reasoning (*qiyās*) and other secondary sources, such as juristic preference (*istihsān*) and customary practice (*'urf*).

This comparative analysis underscores the importance of understanding the diverse approaches to Islamic jurisprudence, not only for academic purposes but also for fostering greater mutual understanding and respect between different Muslim communities as well as between Muslims and non-Muslims. The Shī'ā tradition, with its emphasis on the infallibility of the Imāms and the role of reason, offers a unique perspective that differs from the Sunnī approach, which prioritizes the consensus and the analogical

application of established rulings. Both traditions, however, share a common commitment to the Qur'ān and Sunnah as the ultimate sources of divine guidance.

In conclusion, the study of Islamic jurisprudence is a dynamic and evolving field that reflects the rich intellectual heritage of Islam. By exploring the similarities and differences between Shī'a and Sunnī perspectives, this paper aims to contribute to a deeper understanding of the sources of Islamic law and the ways in which they continue to shape the lives of Muslims worldwide. It is hoped that this work will encourage further research and dialogue, bridging gaps in knowledge and fostering a more inclusive appreciation of the diverse traditions within Islam.



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