

**Module Title:** *Uṣūl ‘Amaliyya*

**Module Code:** USLAML

**Course Duration:** 17 Weeks

**Teaching Method:** 2 units/week

**Credits:** 15

### **Overview:**

This module engages in an intensive and detailed study of four major practical principles (*al-uṣūl al-‘amaliyya*) that give an apparent ruling (*ḥukm ḡāhirī*) when a jurist has no recourse to evidence that gives an actual ruling (*ḥukm wāqī‘ī*). Moreover, this module provides a critique of the traditional discourse as presented by orthodox jurists of Islamic law, which enables a student to become deeply familiar with the meaning, conditions, and applications of practical principles and their differences

### **Syllabus:**

To study intensively and comparatively the second step in legal reasoning. This will include topics such as:

- *Aṣālat al-Barā‘a*
- *Aṣālat al-Iḥtiyāt*
- *Aṣālat al-Takhyīr*
- *al-Istiṣhāb*

### **Learning outcomes:**

On completion of this module, the successful student will be able to:

- Critically and independently discuss and debate topics and discourses pertaining to *al-uṣūl al-‘amaliyya* (procedural principles) from the second and the third volumes of Shahīd al-Ṣadr’s *al-Ḥalaqāt*.
- Independently critique the orthodox positions related to this topic.
- Develop their research skills through comparative studies between classical Muslim legal theory and contemporary philosophy of law.

### **Assessment Weighting:**

- 100% oral exam

## **Learning Materials:**

### Essential Reading:

- Shahīd al-Şadr, M. B., *Ḥalaqāt al-Uşūl*, Volume 2
- Shahīd al-Şadr, M. B., *Ḥalaqāt al-Uşūl*, Volume 3
- Muzaffar, M. R., *Uşūl al-Fiqh*, Volume 4