

# **The Philosophy Of Islamic Law As Seen**

## **By Allameh Tabatabai<sup>1</sup>**

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Unlike other theological doctrines, Islamic jurisprudence is equipped with the distinctive attribute of taking into account all aspects of man's existence, and it does not see religion as belonging only to the individual's personal and private life as an aridity free of other social and legal aspects which properly belong to man's existence as such.

It is from this same window that Islamic law takes its form and idea, and its foundations are permeated by discussions of such Islamic subjects which call for a high degree of sophistication and ability in dialectic

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1. Allameh Seyed Hossein Tabatabai (1902-1981) was among the great contemporary thinkers within the world of Islam, and the mind behind one of the most celebrated interpretations of the Holy Quran, "*Almizan*". Among this noble scholar's distinctive intellectual attributes, what seems most significant is his ability to transcend the boundaries of his own time through scientific research and analysis of the subject, especially in his *Almizam*, wherein the answers to many novel scientific subjects, methods of investigation, and discussions of disputed issues were offered by this great scholar, which up to that time were not given any particular attention by those in the tradition.

Amongst the many aspects of the Allameh's scientific character, what has received less attention is his jurisprudential views and works. This is because he is known more as a renowned philosopher and an interpreter of the Holy Quran despite the fact that he studied religious jurisprudence and the principles of jurisprudence under such a great scholarly figure as Mohaghegh Naeeni (PBUH). Also, he taught texts outside of the orthodox religious teachings (Kareje Fiqh) in the Qom Seminary. On the principles of jurisprudence, he wrote his annotations to "Kifayat-ul-Osul" of Akhund Molla Mohammad Kazem Khorassani, containing precious jurisprudential discussions and research.

based on genuine Islamic sources and documents especially the Holy Quran and the Tradition, going back to more than a thousand years.

Today, as we take a closer look at this dynamic and meaningful macrocosm, in addition to the specific documents and principle concepts underlying each religious law, we are led to a series of universal rules and principles which run like a thread through the whole of the Islamic jurisprudential system, and in spite of their significance in making meaningful reference to the validity of such laws, they have not been put under attentive study.

This work hopes to initiate a study into the works and views of Allameh Sayyed Mohammad Hossein Tabatabai, one of the great contemporary Islamic thinkers examining his research on the fundamentals and philosophical grounds of Islamic law and jurisprudence.