

## The Nature of Political Jurisprudence in Terms of Jurisprudential Proposition

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### Abstract

The present study has been aims to accurately explain the nature and scope of political jurisprudence in terms of its fundamental unit, namely the "jurisprudential proposition." I argue that the ambiguities and divergence of opinions existing in the definition of political jurisprudence and its demarcation from other disciplines, rather than being rooted in the ambiguity of the concept of "politics," result from a neglect of the epistemological nature of jurisprudence and an inattention to its propositional structure. Therefore, by adopting the "philosophy of" approach as second-order knowledge, this study attempts to provide a coherent framework for determining the identity of political jurisprudence through a logical analysis of the components of the jurisprudential proposition. In this process, it is first emphasized that political jurisprudence should not be viewed as a collection of empirical or descriptive issues within the political sphere; rather, its identity finds meaning only in the form of "prescriptive and normative propositions." In other words, political jurisprudence is a discipline that seeks to discover "divine legislation" for the regulation of political behaviors, and in this respect, it is distinguished from descriptive sciences that seek to explain "what is." Criticizing certain expansionist perspectives that equate political jurisprudence with the totality of political science, the author warns that such a conflation leads to the weakening of the epistemological foundation of jurisprudence and the destabilization of the validity of inferences.

The fundamental pillar of this research is the precise distinction between three levels: subject identification, ruling-ology, and instance-identification in the process of inferring jurisprudential propositions. The author argues that subject identification (in the sense of explaining concepts such as the state, allegiance, or elections at the stage of inference) is an inseparable part of the jurisprudential operation, as the divine ruling is always subject to the scope of its subject. However, a fundamental distinction must be made between subject identification and instance identification. Instance identification—that is, determining whether a specific international treaty or a particular political behavior constitutes a specific

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jurisprudential title—is not jurisprudential in nature but rather belongs to the stage of "compliance" (*imtithāl*) and expert judgment. For instance, a jurist infers the general ruling of "negation of dominance" (*nafy al-sabīl*), but determining whether joining treaties such as FATF constitutes dominance requires extra-jurisprudential expertise in political science and international relations. Neglecting this distinction has led to expectations of political jurisprudence sometimes extending beyond its actual function, or conversely, its scope being restricted to traditional issues.

In another layer, the article analyzes the types of divine rulings (prescriptive/declaratory and primary/secondary) and their implications for the nature of political jurisprudence. The author believes that political jurisprudence should not limit itself solely to "prescriptive rulings" (such as the obligation and prohibition of individual behaviors); rather, "declaratory rulings," which form the basis of institutional and legitimizing structures such as the "office of guardianship" (*manṣab al-wilāya*) or the "validity of contracts," constitute a large part of this discipline's scope. Furthermore, the distinction between primary and secondary rulings demonstrates that political jurisprudence possesses a dynamic capacity to respond to the changing needs of governance, provided that no conflation occurs between the "inference of a general secondary ruling" and the issuance of a governing decree (*ḥukm ḥukūmī*), the latter of which belongs to the category of application to instances. The findings of this research indicate that political jurisprudence can emerge as a coherent and efficient discipline in the realm of governance only when it remains faithful, on the one hand, to its traditional methodology (ijtihād based on the fourfold proofs) and, on the other hand, opens a systematic and organized channel of interaction with the humanities. This interaction does not mean the integration of jurisprudence into political science, but rather the utilization of data from descriptive sciences for more precise subject identification and more professional "instance identification." Finally, the author concludes that the nature of political jurisprudence is a function of the nature of its propositions, which revolve around "divine legislation and the relationship between the ruling and the subject. By adopting this approach, political jurisprudence not only remains immune to the danger of reductionism but can also, while maintaining its epistemological boundaries, undertake the normative guidance of the political system in a regulated manner and prevent the stagnation or baselessness of inferences when faced with modern phenomena such as digital or networked governance. Consequently, political jurisprudence, as a branch of public jurisprudence, is responsible for the inference of prescriptive rulings for political subjects; meanwhile, for the implementation of these rulings at the level of governance, it requires interdisciplinary teams and instance-identification protocols that establish a link between jurists and social science experts. This approach does not signify the end of the era of jurisprudence, but rather the beginning of a new chapter of knowledge-based governance in which jurisprudence maintains its central position in the normative engineering of society.

## Keywords

Political jurisprudence, jurisprudential proposition, normative approach, declaratory ruling, secondary ruling, subject identification, instance identification.

## 1. Introduction

### 1-1. Statement of the Problem and the Necessity of the Research

Political jurisprudence has gained twofold importance following the establishment of the Islamic Republic, and over time, the necessity of its development as part of the epistemological software for administering the Islamic system has become more apparent. However, the prerequisite for the development of political jurisprudence is a precise understanding of its nature, while there remains a divergence of opinion among thinkers even regarding its definition. This disagreement stems from the fact that the contraction and expansion of political jurisprudence over time have often emerged based on practical exigencies and the conditions of time and space, rather than a prior and theoretical perspective. Such an approach has occasionally led to the neglect of certain theoretical foundations during periods of stagnation and, conversely, has created expectations exceeding the function of jurisprudence during periods of the clerics' expanding social influence. On the other hand, the extensive impact of the elements of time and space has increased the gap between old and new issues in this field. Therefore, unlike the jurisprudence of acts of worship, the existing literature in political jurisprudence is less referable for solving contemporary issues (Feirahi, 2017, Vol. 1, p. 11). This matter has made utilizing the previous system of issues to redefine the nature of political jurisprudence in accordance with the exigencies of the time more difficult. Explaining the nature of political jurisprudence with an a priori approach—or in other words, a logical and meta-analytical analysis—requires understanding its interdisciplinary nature. Political jurisprudence is the product of the interaction between the two realms of jurisprudence and politics (Izadehi, 2026, p. 66), and although it was presented more slenderly in jurisprudential texts, it has always been considered a part of jurisprudence (Shahid al-Awwal, 2009, Vol. 5, p. 25; Fayḍ Kāshānī, 2016, Vol. 1, p. 74). Thus, epistemologically, political jurisprudence is closely linked to jurisprudence, and this link entails a shared methodology. Furthermore, the subjects of political jurisprudence are political in essence; hence, political jurisprudence is significantly linked to the "political matter" (Mirahmadi, 2011, p. 117). Nonetheless, a significant portion of errors in defining political jurisprudence, rather than arising from a lack of deep understanding of the "political matter," stems from an imprecise understanding of the "nature of jurisprudence" and the "nature of the jurisprudential proposition," and this issue has led to a weakness in knowledge production in political jurisprudence and an instability in its validity as a coherent discipline. Accordingly,

explaining the nature of political jurisprudence requires a correct understanding of the nature of jurisprudence and a precise grasp of the nature of the jurisprudential proposition, and it is necessary to explain the nature of political jurisprudence based on the explanation of the nature of the jurisprudential proposition.

## **1-2. Research Background**

The contraction and expansion of political jurisprudence, and the explanation of its nature and scope, have predominantly taken shape based on practical exigencies and historical conditions rather than an a priori and theoretical perspective. In this a posteriori approach, political jurisprudence has been defined either by relying on the issues contained within jurisprudential texts or based on historical experience. Although this perspective offers a realistic depiction of the presence of politics within jurisprudence, it has led to a neglect of theoretical foundations during periods of stagnation and created expectations exceeding the function of jurisprudence during periods of the jurists' expanding influence; furthermore, it fails to provide a clear criterion for determining the realm of political jurisprudence when encountering modern phenomena. Therefore, explaining the nature of political jurisprudence requires an a priori approach. Recent studies have emerged with this objective, yet many of them, rather than being grounded in a methodical basis within the framework of the philosophy of Islamic science, rely on general notions of the Islamization of sciences, consequently creating new ambiguities in the definition of political jurisprudence. The common feature of these works is the neglect of the "jurisprudential proposition" as the fundamental unit of political jurisprudence. Adopting the approach of "philosophy of [applied philosophy]," the present study demonstrates that the main challenge in defining political jurisprudence arises from the lack of a precise distinction between the three levels of subject identification, ruling identification, and instance-identification, and it seeks to provide a non-reductionist yet regulated definition of political jurisprudence by refining these boundaries.

## **1-3. Research Methodology**

Adopting the "philosophy of" approach toward political jurisprudence, this research reflects on the nature of political jurisprudence based on its relationship with jurisprudence. According to this approach and utilizing a descriptive-analytical method, this study first analyzes the nature of the jurisprudential proposition (including the nature of the ruling, its types, and its

relationship with the subject and the instance) and, through "logical analysis," deduces the implications of these concepts for the definition, scope, and boundaries of the discipline of political jurisprudence; in addition to the analysis, it also critiques existing definitions. Data collection has been conducted through the library method, referencing classic and contemporary texts of jurisprudence, the principles of jurisprudence (*uṣūl al-fiqh*), and political jurisprudence.

## 2. Theoretical Preliminary: An Analysis of the Fundamental Pillars of Jurisprudential Propositions

### 2-1. Nature of Jurisprudence

To understand the jurisprudential dimension of political jurisprudence, one must first examine jurisprudence (*fiqh*) itself from both lexical and technical perspectives. The term *fiqh* has undergone a semantic evolution throughout its historical trajectory, and this very evolution has become a source of disagreement in defining political jurisprudence. Lexically, *fiqh* means "profound knowledge and understanding," and as the position of religious sciences became more prominent among human fields of knowledge, it gradually became dominant in the sense of "understanding religion" (Ibn Manẓūr, 1994, Vol. 13, p. 522; Al-Farāhīdī, 1988, Vol. 3, p. 370). In hadith texts, this term has also been frequently used in this same sense—namely, insight into religion (Shaykh al-Bahā'ī, 2010, p. 72)—encompassing detailed knowledge of rulings, beliefs, ethics, and other religious teachings. Over time, *fiqh* acquired a more restricted meaning, and in the well-known definition, it was applied to "the knowledge of subsidiary Sharia-based rulings derived from detailed proofs" (Shahīd al-Thānī, 1995, pp. 32–33). In this definition, each of the qualifiers specifies the boundaries and limits of jurisprudence:

- The qualifier "Sharia-based" (*shar'īyya*): This excludes rational judgments, ethical propositions, or descriptive theories derived from tradition from the realm of *fiqh*; for *fiqh* is concerned with "Sharia-based legislation," not merely reporting external reality (Hillī, 2002, p. 75).
- The qualifier "subsidiary" (*far'īyya*): This indicates that matters of belief (theology) are outside the scope of *fiqh* (Shahīd al-Thānī, 1995, pp. 32–33).
- The qualifier "detailed" (*tafsīliyya*): This excludes the follower's (*muqallid*) knowledge of rulings—which is obtained without reasoning—from the circle of *fiqh* (Sobhani Tabrizi, 2008, p. 9).

## 2-2. Nature, Varieties, and Scope of Rulings

Given the definitions of jurisprudence, it becomes clear that in *fiqh*, we seek to discover "Sharia-based legislation" (Hillī, 2002, p. 75) and the ruling of the Legislator or Lawgiver (*Shāri*). Therefore, a precise understanding of the nature of the divine ruling and its types is essential for a correct explanation of the nature of political jurisprudence. In this section, we first address the definition and nature of the "ruling" and subsequently outline its various types.

### 2-2-1. Definitions of the Prescriptive Nature of Sharia-Based Rulings

Broad definitions of the ruling are divided into two main categories. Some, such as al-Shahīd al-Awwal, have considered the ruling to be of the nature of the divine address pertaining to the actions of the subjects, in addition to declaratory rulings (*ahkām waḍ'īyya*) (Shahīd al-Awwal, 1980, Vol. 1, p. 39). In contrast, many scholars, while critiquing and departing from this definition, have considered it to be the result of the address rather than the address itself (Na'ini, 1997, Vol. 4, p. 379). Definitions of the ruling and the emphasis on its being "legislated for the organization of human life (Sadr, 2000, Vol. 1, p. 124)" indicate that the jurisprudential approach is normative and prescriptive rather than descriptive. Even declaratory rulings, by virtue of the prescriptive rulings (*ahkām taklīfīyya*) that follow them, pertain to the actions of the subjects (Na'ini, 1997, Vol. 4, p. 384; Sistani, 1994, p. 51) and are consequently regarded as prescriptive propositions. The normative or prescriptive approach seeks to discover prescriptive propositions and broadly encompasses all theorizing that deals with "what ought to be" instead of "what is" (Marsh & Stoker, 2009, p. 49). This approach attempts to determine moral and value-based criteria and standards for judging institutions, behaviors, and policies (Okkonen, 2022). Conversely, descriptive research is conducted with the aim of accurately and systematically describing a state or phenomenon and answers "what," "where," "when," and "how" questions (McCombes, 2019). For instance, how people vote requires a descriptive approach, but what criteria they should have for selecting the most eligible candidate requires a prescriptive approach. The normative approach possesses various types, such as applied, ethical, and jurisprudential types, and is not exclusive to jurisprudential propositions. Even the propositions of practical ethics, while dealing with external actions like jurisprudence and sometimes sharing subjects with jurisprudential issues, differ from jurisprudential propositions in terms of the predicate, and their predicate is not a prescriptive or declaratory Sharia-based ruling (Sobhani, 2012).

## 2-2-2. Varieties of Rulings

To understand the nature and scope of jurisprudence and, consequently, political jurisprudence, one must examine the types of rulings in addition to the nature of the ruling itself. The Sharia-based ruling has been categorized from various perspectives; in the present discussion, we will examine two significant classifications that will further clarify the nature of political jurisprudence: the division of the ruling into primary and secondary, and its division into prescriptive and declaratory.

### 2-2-2-1. Classification of Rulings into Primary and Secondary

The division of the ruling into primary and secondary is among the classifications of "actual rulings." A primary actual ruling is a fixed ruling established without considering special conditions; in contrast, a "secondary actual ruling" is a ruling legislated in light of specific circumstances, such as necessity (*iḍtirār*). For instance, although the primary ruling is the prohibition of breaking an obligatory fast, with the emergence of necessity, another ruling (permissibility) arises and the primary ruling is set aside (Hakim, 1997, p. 69). The primary ruling applies to "primary titles" (*al-ʿanāwīn al-awwaliyya*); that is, titles incorporated into the subject of the ruling without regard to the contingencies that cause a change in the ruling. Conversely, a "secondary title" is one incorporated into the subject while considering the contingencies effective in changing the ruling (Makarem Shirazi, 2001, p. 502). Secondary titles are of numerous types, the most important of which include: necessity, harm to oneself or others (*ḍarar*), excessive hardship (*ʿusr wa-ḥaraj*), the preliminary to an obligation (*muqaddamat al-wājib*), the preliminary to a prohibition (*muqaddamat al-ḥarām*), assisting in a religious obligation (*iʿāna ʿalā al-wājib*), assisting in oppression (*iʿāna ʿalā al-ẓulm*), the rule of the "more important and important" (*al-aḥamm wa-l-muḥimm*), vows (*nadhhr*), oaths (*qasam*), and covenants (*ʿahd*) (Makarem Shirazi, 2001, p. 260).

### 2-2-2-2. Classification of Rulings into Prescriptive and Declaratory

One of the fundamental classifications of Sharia-based rulings is their division into prescriptive and declaratory rulings. Both types belong to the category of Sharia-based legislation, with the difference being that prescriptive rulings directly pertain to the actions of the accountable (*mukallaf*) individuals and involve the imposition of effort and burden, whereas declaratory rulings initially have no direct connection to the actions of the accountable individuals, except when they become linked to the actions of the accountable person as a consequence of obligatory rulings that depend upon them (Naʿini,

1997, Vol. 4, p. 384; Sistani, 1994, p. 51). For example, the ruling regarding the permissibility of government is a declaratory ruling, but it leads to obligatory rulings such as obedience to governmental institutions and paying legitimate taxes. Although there is disagreement among scholars regarding the nature of the divine legislation of declaratory rulings—whether the declaratory ruling is derived from an obligatory ruling (Anṣārī Dizfūlī, 1995, Vol. 2, p. 601), whether it possesses independent divine legislation (Muzaffar, 2009, Vol. 3, p. 50), or whether it is a combination of both (Akhund Khorasani, 1990, p. 400)—its connection to the divine legislation of the Legislator is certain (Muzaffar, 2009, Vol. 3, p. 50). Therefore, declaratory rulings, alongside obligatory rulings, fall within the realm of jurisprudence.

### **2-3. The Nature of “Subject” and Its Relation with the Inferential Process**

One of the essential foundations for understanding the nature of jurisprudence and juristic propositions is grasping the reliance of ruling-identification on subject identification. The necessity of clarifying concepts prior to theoretical development is self-evident, and scholars have strived to define the concepts employed in scientific theories in conceptual terms (Iman, 2012, pp. 26–27). Jurisprudence is no exception to this rule; however, the concepts of a discipline are considered theoretical foundations and precede the discipline itself. Based on this, some researchers, by distinguishing between "derived subjects" (which possess Sharia validity) and "non-derived subjects" (which lack Sharia validity), and by assigning the former group to the domain of legal theory, have concluded that the subject theory of non-derived subjects lies outside the scope of the jurist's work. From their perspective, knowledge of rulings is not necessarily dependent on knowledge of subjects, and even jurists who do not engage in subject theory may be more successful in deriving rulings than those who pursue both (Mousavi Gorgani, 1996, pp. 282–283). Thus, the question arises: How can subject theory be considered a part of jurisprudence?

By clarifying two fundamental errors in the aforementioned viewpoint, the position of subject theory in jurisprudence can be explained: First: Confusion between subject identification and concept identification; Second: Neglect of the fact that the derivation of a ruling is based on subject identification, even if subject identification is equated with concept identification.

Explanation and clarification of these points require a clear definition of the term "subject" and its relationship with concept identification. The word

"subject" (*mawḍūʿ*) has various applications in religious propositions:

1) Sometimes, the term "subject" is used in contrast to "attribute" or "attribute of the attribute" to mean "the person obligated or addressed by the ruling" (Na'ini, 1997, Vol. 1, p. 145). For example, who is the obligated party addressed by the ruling requiring the establishment of an Islamic government: the general public or the qualified jurist? Choosing either option entails significant legal implications.

2) Sometimes, "subject" refers to the set of elements upon which the validity of a ruling depends, meaning what lies outside the scope of the ruling's demand and fulfillment (Sadr, 1996, Vol. 1, p. 121; Na'ini, 1997, Vol. 4, p. 389; Na'ini, 1973, Vol. 1, p. 108). For example, is the obligation to establish an Islamic government during the era of occultation contingent upon the consent of the majority of people, or does people's consent have no bearing on the fulfillment of the ruling?

3) Sometimes, "subject" refers to the "object of the ruling" or "the intended outcome of the ruling"; that is, what falls within the scope of the ruling's demand and to which the ruling is directed. From this perspective, the relationship between subject and ruling is analogous to the relationship between "subject" and "predicate" in a categorical proposition (Hakim, 2007, Vol. 2, p. 415). For example, in the statement "Establishment of government is obligatory," "government" is the subject of the categorical proposition and the subject of the ruling of obligation.

Subject identification—regardless of its three meanings above—plays a practical and determining role in deriving a juristic proposition. Although the first stage of derivation is usually focused on the third use of "subject" (i.e., the object of the ruling and the intended outcome), *ijtihad* also encompasses the identification of the subject in its first and second applications: the first application determines who the ruling is directed toward and who the addressee is; the second application (the assumed condition for fulfillment) is considered as a cause for the ruling and, in this sense, precedes the ruling, since the effect cannot be realized until the cause exists (Na'ini, 1997, Vol. 1, p. 146; Amoli, 2016, Vol. 4, p. 28). Therefore, deriving a ruling is impossible without identifying its subject (Mousavi Bojnourdi, 1998, Vol. 2, p. 231): until it is clear which conditions are involved in the realization of the ruling, the religious ruling has not truly been uncovered. Sometimes, identifying the subject in these senses is mistakenly thought to be equivalent to "semantic analysis of words" (Farahnak, 2011, pp. 268–269), but in reality, "subject" in many cases may not be explicitly stated in the textual evidence, and therefore

does not fall under the category of "semantic analysis of the words of the textual evidence."

Of course, in traditional jurisprudence, most juristic issues are those explicitly mentioned in the language of the evidences; therefore, the majority of subjects are explicit, and topic identification primarily focuses on concept identification. However, even in the case of explicit subjects, identifying the subject occurs through two methods: knowledge of the meanings of the concepts used in the textual evidence and attention to contextual clues (Mousavi Khoei, 1989, Vol. 1, p. 104; Sadr, 1996, Vol. 1, p. 163). Thus, topic identification includes both concept identification and will involve two stages: understanding the concepts and recognizing contextual clues. It is through contextual clues that we determine that the terms used in a narration are not necessarily the actual subject; rather, they may sometimes merely be instances of the real subject (Maraghi, 1996, Vol. 1, pp. 178–179). Therefore, it is possible that a term mentioned in the narration has lost its applicability due to changes in time and place, or that the actual subject of the ruling has acquired new instances. Similarly, through contextual clues, we sometimes discover that a term used in a ruling is merely an indicator of the real subject and does not directly affect the ruling; for example, the term "jālis" (sitting person) in the Imam's statement: "Take your religion from this sitting person," is merely an indicator, and through contextual clues, we understand that the actual subject is not the sitting person, but rather a trustworthy scholar (Sistani, 1993, p. 257). Furthermore, through contextual clues, we find that in many cases, the term used is either a general or specific expression of the real subject; just as the term may be a general expression in cases of generalization and a specific expression in cases where the ruling removes the specificity. Therefore, topic identification cannot be reduced to concept identification, nor can concepts be considered merely theoretical and separate from knowledge.

#### **2-4. The Nature of "Instance" and Its Place in Compliance**

In the science of the principles of jurisprudence, the term "mišdāq" (instance) has often been used interchangeably with "mawḍū'" (subject) (Anṣārī Dizfūlī, 1995, Vol. 1, p. 310; 1994, Vol. 1, p. 298), and the two are closely related. However, "instance" differs from the subject of a religious ruling, and while the concept of "subject" is generally a general one, given the factual nature of the juristic statement (Hakim, 1997, p. 300), "instance" refers to a particular instance (Anṣārī Dizfūlī, 1995, Vol. 1, p. 368; Meshkini Ardebili, 1995, Vol. 1, p. 148), representing the application of the subject (in all three

meanings mentioned) to individual cases, not the derivation of the ruling or even the derivation of the subject itself. Instance identification holds a fundamental position in the realm of religious governance; because a significant portion of the functions of the three branches of power in the Islamic state takes place in the domain of identifying and determining instances, and most political disputes, both in number and importance, arise in the determination of instances (Jalali Asl, 2023, pp. 124–127); because subject-identification and ruling-identification each occur only once, and their results are presented as factual propositions (Hakim, 1997, p. 300), but this factual proposition can have countless instances. Therefore, the methodical approach to instance identification in the religious political system is of great importance. Despite this importance, instance identification, in terms of its nature, is not considered part of the juristic process. According to the definitions of scholars, *fiqh* is responsible for uncovering general religious rulings, and in some views, it ultimately deals only with the discovery and refinement of derived subjects (Sobhani Tabrizi, 2008, p. 9). Religious rulings are issued as factual propositions, and the Legislator has entrusted the determination of external instances to the obligated individual, who must identify the instance by utilizing valid methods (Hakim, 1997, p. 300). Therefore, *fiqh* is not responsible for identifying instances. In the case of doubt, the path of recognizing an instance differs from that of recognizing a subject. Doubt regarding the subject of the religious evidence is considered a doubt about the ruling, but doubt regarding the instance is a doubt about the subject (Lari Shirazi, 1997, Vol. 2, pp. 311–312). The cause of this type of doubt is not the absence, generality, or conflict in religious evidence, but rather external obstacles; thus, its removal must also be achieved by removing those obstacles, not through the rules of juristic derivation (*ibid.*, p. 312). Accordingly, the Imami jurists have stated that identifying instances does not fall within the scope of *taqlīd* (imitation or following a mujtahid); for example, the author of *Jawāhir al-Kalām* has considered the duty of the jurist to be merely the expression of general rulings (Najafī, 1984, Vol. 27, p. 284).

### **3. Research Findings: Redefinition of the Nature and Scope of Political Jurisprudence**

Given what has been discussed in the theoretical preliminaries, attention must be paid to the implications of the ontological statements of Islamic jurisprudence in explaining the nature of political jurisprudence. Accordingly,

in the following, we will elaborate on the nature of political jurisprudence in four sections.

### **3-1. Implications of the Nature of Jurisprudence for the Scope and Boundaries of Political Jurisprudence**

Based on what has been stated regarding the conceptual explanation and nature of jurisprudence, this discipline, in its contemporary sense, is a coherent body of knowledge with a specific methodology and a distinct set of problems. Therefore, any definition of political jurisprudence based on the general and pre-technical meaning of *fiqh* (Izadehi, 2025, pp. 119–120; Mirahmadi, 2011, p. 117) is considered a departure from the technical term and necessitates the establishment of a new discipline with a different method and structure. Despite its expansionist appearance, such a view practically weakens political jurisprudence by severing it from the epistemic and methodological foundations of inferential jurisprudence. Furthermore, it must be noted that not all elements influential in the process of jurisprudential inference are considered part of jurisprudence itself. Like other sciences, jurisprudence consists of propositions where proving the predicate for the subject in each case relies on a series of prior cognitions; these cognitions, known as the "principles of sciences" or "axioms" (Mesbah Yazdi, 2004, Vol. 1, p. 118), encompass the conceptual and assertive principles of the science (Mesbah Yazdi, 2004, Vol. 1, pp. 87–88). However, neither of these two categories of principles is considered part of the science itself. Hence, the conceptual principles of political jurisprudence—such as the concept of the nation-state—and its assertive principles—such as the theological basis of Divine Legislative Guardianship (*al-wilāyat al-tashrīʿiyya*)—though essential for inferring political rulings, do not fall within the definition and scope of jurisprudence, and consequently, within the definition of political jurisprudence. Moreover, considering what was discussed regarding the prescriptive nature of jurisprudence and, by extension, political jurisprudence, it becomes clear that certain definitions extending the scope of political jurisprudence beyond jurisprudential prescriptive propositions have not paid sufficient attention to the prescriptive nature of jurisprudential statements. For instance, one scholar of political jurisprudence believes: "Since political jurisprudence aims to answer political issues, the problems of the political sphere can be regarded as the very problems of the sphere of political jurisprudence, addressing these issues through a jurisprudential approach and sources" (Izadehi, 2025, p. 35). Additionally, believing in the necessity of

political jurisprudence entering the realm of political theorizing, he states: "Political jurisprudence must ... expand toward the *ijtihād* and inference of socio-political theories, thereby transforming from passive political jurisprudence to active political jurisprudence. Based on this approach, political jurisprudence does not suffice with investigating the permissible (*ḥalāl*) and the forbidden (*ḥarām*), but rather, political theories also become the subject of inference and *ijtihād*" (Izadehi, 2025, p. 130). This is while politics possesses both descriptive and prescriptive aspects, and its prescriptive dimensions are not limited to the domain of jurisprudence. Furthermore, if the intention of "theorizing" goes beyond prescriptive theories, this interpretation also stems from a lack of precise understanding of the nature of jurisprudential propositions; it would mean removing political science from the hands of experts and entrusting it to non-experts who, in their ambition to Islamize politics, will degrade the level of political science. Should the intention be to revert *fiqh* to its past meaning—encompassing ethics and other religious teachings—the objection previously raised regarding the nature of *fiqh* would apply once again.

### **3-2. Implications of Various Rulings in Explaining the Nature of Political Jurisprudence**

Given what has been stated regarding the classifications of jurisprudential rulings, the thematic field of political jurisprudence encompasses any subject or title—whether primary or secondary—that possesses a declaratory or prescriptive ruling. Therefore, any subject that fits within this definition can be considered a subject of political jurisprudence, even if it has not been discussed in the traditional chapters (*abwāb*) of jurisprudence thus far. Consequently, one cannot, like some researchers, regard political jurisprudence merely as a collection of issues that have historically been raised within the text of jurisprudence, thereby overlooking the capacities of political jurisprudence in contemporary political spheres (Amid Zanjani, 1998, Vol. 2, p. 50). As the author of the aforementioned work has emphasized in subsequent writings, there is a need for a new definition of political jurisprudence to address contemporary issues (Amid Zanjani, 1999, pp. 7–8). In this section, based on the implications of what was discussed regarding the types of rulings, we shall proceed to explain the nature of political jurisprudence.

#### **3-2-1. Implications of Classifying a Ruling into Primary and Secondary for Explanation of the Nature of Political Jurisprudence**

Considering what has been discussed regarding the division of rulings into

primary and secondary types reveals the deficiencies in certain interpretations of political jurisprudence. For instance, some scholars have regarded governing decrees alongside primary and secondary rulings as the subject of political jurisprudence (Izadehi, 2025, pp. 49–50). However, from the perspective of jurisprudential foundations and based on the definition of a Sharia ruling and its primary and secondary types, it becomes clear that the objective of jurisprudence is to infer Sharia-based Legislation (Ḥillī, 2002, p.75), not the "governmental ruling," which is the legislation of the ruler. On the other hand, as the esteemed author correctly explains further on, governmental rulings are particular rulings issued for the purpose of implementing general divine rulings (Izadehi, 2025, p. 50); meanwhile, jurisprudence seeks to infer Sharia rulings by referring to detailed evidence (or the four sources) (Shahīd al-Awwal, 2009, Vol. 5, p. 5). What is extracted through the four sources are the general rulings of the Sharia, not the governmental ruling, which is a particular ruling (Islamic Information and Documents Center, 2010, p. 108) issued by the ruler after identifying the instances for the realization of primary or secondary titles (Makarem Shirazi, 2001, pp. 512–513). Such rulings are merely the application of an inferred general ruling to a particular case, rather than a Sharia inference; therefore, although the basis of their validity traces back to Sharia-based legislation, the governmental ruling itself cannot be regarded as "Divine legislation" and, consequently, as a "jurisprudential proposition." Thus, one must not confuse the jurisprudential legitimacy of a governmental ruling with its essence and its methodological requirements. While the governmental ruling possesses divine legitimacy in terms of its source of legitimacy, in its essence, it has an applicative nature rather than an inferential one. Although issuing a governmental ruling—given the broad scope of conflicts (*tazāḥumāt*) between instances of primary and secondary rulings—requires high expertise in jurisprudence, the ability to discern the stronger criterion (*manāṭ al-aqwā*), and the capacity for inference, what is ultimately issued is a particular ruling and the application of primary and secondary titles to specific instances; it is not the inference of a general ruling, which is the task of jurisprudence and, by extension, political jurisprudence. Furthermore, it appears that unawareness or neglect of the diverse types of secondary titles, the restriction of secondary titles to "necessity," and insufficient attention to titles such as preliminary to an obligatory act, preliminary to a prohibited act, the principle of the more important and the important, and covenant, have played a role in the incorrect understanding of the nature of governmental rulings, which necessitates a separate study.

### **3-2-2. Implications of Classifying the Rulings into Prescriptive and Declaratory in Explaining the Nature of Political Jurisprudence**

The inclusion of declaratory rulings within jurisprudential rulings has a significant impact on explaining the scope of jurisprudential propositions in politics, as declaratory rulings can form the basis of institutional structures, such as government and the legitimacy of institutions. In contrast, a perspective limited to prescriptive rulings is, at most, capable of inferring the rulings of certain propositions based on the functions of government. Accordingly, a definition such as the science of knowledge regarding the Sharia rulings of the political behavior of the accountable subject (*mukallaf*) (Varaei, 2017, p. 7) does not appear to be precise, as it encompasses only prescriptive rulings. Even if, by expanding the concept of political behavior, we include actions such as forming a political party, membership in it, candidacy in elections, and voting (Varaei, 2017, p. 7), the definition still remains within the framework of prescriptive rulings and overlooks the domain of declaratory rulings. Ignoring the role of declaratory rulings in political jurisprudence practically leads to the restriction of the field of this discipline. Thus, some scholars, despite acknowledging that political jurisprudence follows the general function of the apparatus of jurisprudence, have considered it a science for producing binding rulings to regulate the legitimate rules of life in time and space (Feirahi, 2017, Vol. 1, p. 44). Such a definition reduces jurisprudence—in terms of content—to binding rulings (*al-ahkām al-ilzāmiyya*), whereas prescriptive rulings are not limited to binding ones, while also ignoring the position of declaratory rulings. Therefore, considering the link between prescriptive and declaratory rulings in the analysis of political jurisprudence not only expands the conceptual horizon of this discipline but also provides the basis for offering more precise and efficient definitions of it. Accordingly, criticisms leveled against the limitations of the definition of political jurisprudence—such as the claim that concepts like legitimacy are not subjects of political jurisprudence because they do not fall under the category of the actions of the subjects (Mirahmadi, 2013, pp. 142–143)—actually stem from a restricted view of jurisprudential propositions as mere prescriptive rulings, rather than being a challenge that necessitates expanding the definition of political jurisprudence.

### **3-3. The Necessity of the Involvement of Political Jurisprudence in Subject Identification**

Given what has been stated regarding the position of subject identification in

jurisprudence, it becomes clear that political jurisprudence, following the general discipline of jurisprudence, encompasses subject identification in all three senses; with the distinction that in political jurisprudence, political subjects are examined. A political subject is sometimes a political concept such as a party, civil society, or sovereignty, and at other times, it consists of subjects that acquire a political function; such as the "Principle of Ownership/Dominion" (*qā'idat al-salṭana*) (Mousavi Bojnourdi, 1998, Vol. 1, p. 242), which, although not seemingly political at first glance, carries extensive implications for the structural formation of the political system. It must be noted, however, that the sources for discovering many types of subjects differ from the sources of ruling-identification—namely, the four sources (namely, the Quran, Hadith, consensus, and reason). Many subjects, particularly in the realm of political jurisprudence, do not require jurisprudential operations and are not considered "Sharia-invented subjects" (*al-mawḍū'āt al-mukhtara'a*) or even "conventional subjects" (*al-mawḍū'āt al-'urfiya*) containing an element of devotional submission (*ta'abbud*) (Jalali Asl, 2021, pp. 256–275). Consequently, these subjects possess sources and methodologies distinct from canonical subjects (*al-mawḍū'āt al-manṣūṣa*); nevertheless, understanding these very subjects is a prerequisite for ruling-identification. In light of what has been stated regarding the status of subject identification, just as definitions that characterize jurisprudence merely as ruling-identification—or, at most, as subject identification based on the inference of inferred subjects (*al-mawḍū'āt al-mustanbaṭa*)—are erroneous, so too are definitions that present political jurisprudence solely as the science of inferring the rulings of individuals' political behavior (Varaei, 2017, p. 8), unless they regard subject identification as a presupposition for ruling-identification. Nevertheless, it appears that the failure to distinguish subject identification from ruling-identification results in an excessive focus on traditional rulings and an inability to perform inference for contemporary issues. Furthermore, since subject identification and ruling-identification each possess their own specific sources and methodologies, neglecting to differentiate between the two leads to a concentration on the sources of ruling-identification—namely, the four sources—and the specific methodology of inferring rulings. This has caused scholars in the field of political jurisprudence to overlook the distinct role of sources such as custom (*'urf*) or the views of humanities experts in the methodology of various subjects, particularly new non-canonical subjects. This is while, considering that subject identification serves as the foundation for ruling-identification, jurists who are

proficient only in the fourfold proofs and traditional jurisprudential concepts lack the ability to produce sound inferences regarding contemporary propositions. This is while jurisprudence must be responsive to the jurisprudential issues of humanity across all times and places; in this regard, there is no difference between traditional and contemporary subjects. A scholar who lacks the ability to infer rulings for new subjects does not possess all the requirements for issuing fatwas (Hillī, 1992, Vol. 1, p. 526), and the prerequisite for inferring the rulings of new subjects is the understanding of those subjects. Furthermore, if subject identification finds its rightful place within political jurisprudence, the insufficiency of traditional propositions in political jurisprudence will by no means imply the impossibility of forming a coherent discipline. This is because politics possesses normative and prescriptive dimensions in every era, and it is not necessary for jurisprudential propositions in the realm of politics to be limited to the traditional concepts of political jurisprudence. If the status of subject identification is neglected, one might even deny the existence of a discipline called "political jurisprudence." Given the abundance of new issues in the political sphere, traditional propositions in political jurisprudence would by no means suffice to form a coherent body of knowledge, as the requirements of time and space have led to a conceptual rupture between political jurisprudence and modern concepts. This means that within political jurisprudence, there is no conceptual precedent or background regarding these concepts. Consequently, neglecting subject identification and sufficing with canonical subjects found in jurisprudential proofs will lead to the impossibility of jurisprudential discussion regarding contemporary subjects, or at best, to unmethodical pattern-matching and analogy (*qiyyās*) between historical and contemporary issues, and perhaps even to reactionary regression.

### **3-4. Explaining the Jurisprudential Implications of Lack of Subject Identification in Explaining the Scope of Political Jurisprudence**

Any definition of political jurisprudence or the demarcation of its scope must take into account that identification of instances—whether it pertains to instances of primary titles or secondary titles—while being a crucial part of religious governance and based on jurisprudence, is not considered part of political jurisprudence itself. Its challenges pertain to the requirements of the stage of "compliance" with jurisprudential rulings. However, an examination of the scope assigned to political jurisprudence in certain definitions reveals that the identification of instances has been included within its domain, which

has made understanding the nature of political jurisprudence more difficult. For example, the failure to distinguish between the identification of instances and subject identification has led some researchers to consider the primary characteristic of political jurisprudence to be the "relativity" of most of its rulings. They argue that the rulings of political jurisprudence are often either "apparent rulings" (*al-aḥkām al-zāhiriyya*) subsequent to "actual rulings," or secondary rulings, and so forth (Feirahi, 2017, Vol. 1, p. 54). This is while Sharia rulings, whether primary or secondary, are legislated by the Lawgiver, and their mutability contradicts the perpetuity of the Sharia and the eternal nature of Divine rulings (Ḥillī, 2004, Vol. 5, p. 103; Imam Khomeini, 2000, Vol. 5, p. 183). What changes across time and space is neither the ruling nor even the subject, but rather the instances and, at times, our understanding of the subjects. Neglecting this distinction has sometimes led to the unregulated expansion of the scope of political jurisprudence; for instance, some thinkers have considered the design of the ideal Shiite political system during the Age of Occultation to be among the duties of political jurisprudence (Izadehi, 2025, pp. 45, 329). From Almond's perspective, a political system is a system of patterned actions among roles related to political decision-making and based on observable behaviors. Within the Weber-Parsons tradition, he emphasizes "action" and "patterns of interaction," viewing the political system as a set of stable interactions among actors effective in the process of decision-making and its implementation (Almond, 1956, p. 395).

Accordingly, the political system can be analyzed at two levels:

**1) Institutional Level:** Pertaining to decision-making structures and organizations.

**2) Functional Level:** Concerning the roles and processes involved in performing political functions.

At both levels, the normative dimension plays a fundamental role, and in this respect, jurisprudence assumes a pivotal position. At the institutional level, jurisprudence determines the rules and frameworks that legitimize the power structure; at the functional level, it primarily infers the rulings governing political behaviors. Nevertheless, jurisprudence is only one of the sources of system-building; alongside it, disciplines such as theology and political philosophy (especially at the normative level), as well as political science, sociology, and international relations (at the analytical and functional levels), play significant roles. In many cases, the process of system-building depends on the identification of instances of Sharia titles. This identification is not jurisprudential in nature, and regarding the authority of identification, it

primarily falls within the domain of social science experts rather than jurists (Jalali Asl, 2023, pp. 117–118). Therefore, system-building is not a purely jurisprudential matter and requires collaboration between jurists and experts in the humanities. A historical example of this interaction can be observed in the drafting of the Constitution of the Islamic Republic of Iran. Imam Khomeini assigned the mission of drafting the preliminary version of the constitution to Dr. Hassan Habibi—who held doctorates in sociology and law from the Sorbonne University in France. Considering the normative dimensions of system-building, Habibi sought answers to his jurisprudential questions from Imam Khomeini and, under his guidance, from Ayatollah Sayyid Muhammad Baqir Soltani Tabatabai Borujerdi and others (Adib, 2016; Rahideh, 2016; Guardian Council, 2022). What Imam Khomeini did was grounded in jurisprudential principles and the methodological requirements of the stage of compliance with Sharia rulings; for system design—even at the level of designing a single branch of power—can essentially fall within the domain of discovering the instances of primary or secondary titles. This is similar to how Muhaqqiq Na'ini justifies the principle of drafting a constitution and the institution of parliament based on the secondary title of the preliminary to an obligation (Na'ini, 2003, pp. 88–89, 78). System-building is, in fact, a stage beyond the inference of general Sharia rulings and is primarily concerned with the stage of compliance. However, the requirements of the stage of compliance with jurisprudential rulings sometimes necessitate jurisprudential inference; the involvement of political jurists in the field of instance-identification is necessary to discover the stronger criterion in cases of conflict. Nevertheless, these instances also pertain to the station of legislation rather than compliance; for they are, in truth, related to discovering the relationship of absoluteness (*itlāq*) between two conflicting proofs (Madadi, n.d.). Consequently, discovering the stronger criterion is also a jurisprudential process that requires recourse to the proofs and the discovery of "real propositions" (*al-qadāyā al-ḥaqīqiyya*), even if it appears, on the surface, to occur in the context of compliance and the conflict between instances.

#### 4. Conclusion

This research, employing a philosophical approach and logical analysis of jurisprudential propositions, has demonstrated that a correct understanding of the "nature of political jurisprudence" is impossible without clarifying the essence of jurisprudential propositions and defining the epistemic boundaries of jurisprudence. The key conclusions, as well as the practical and theoretical

implications of this study, are summarized as follows:

1. Political Jurisprudence as a Domain within Public Jurisprudence with a Prescriptive Approach: The findings emphasize that political jurisprudence should not be equated with "all issues in the realm of politics" or the collection of every proposition related to politics or even to political jurisprudence. The criterion for a problem's eligibility to enter the scope of political jurisprudence is the nature of the proposition being inferred: the mere existence of "political dimensions" or the political application of a proposition does not place it within political jurisprudence; rather, there must be a normative question regarding "Sharia-based legislation" and its "subject" that necessitates jurisprudential inference. Jurisprudence, by virtue of its prescriptive and normative approach, is an appropriate tool for generating "prescriptive" theories in the political sphere; however, this does not imply a claim that jurisprudence is sufficient for general political theorizing (in its descriptive or explanatory sense). Attempting to capture all theoretical domains of politics through jurisprudence could lead to a decline in the credibility of both political jurisprudence and political science.

2. The Distinction of Rulings: Prescriptive-Declaratory and Primary–Secondary, and its Implications for Political Jurisprudence: An examination of the types of rulings revealed that Sharia-based legislation occurs within the framework of primary rulings or secondary titles. Conversely, a governmental ruling, given that it is the decree of the ruler, belongs to the category of application (*taṭbīq*) rather than inference (*istinbāt*), and thus is not considered a jurisprudential proposition. While issuing a governmental ruling—given the prevalence of conflicts between instances of primary and secondary rulings—requires profound jurisprudential expertise and the capacity to identify the stronger criterion, what is ultimately issued is a particular ruling and the application of primary and secondary titles to specific instances. It is not the inference of a general ruling, which remains the primary task of jurisprudence and, by extension, political jurisprudence. Furthermore, the findings indicated that the distinction between prescriptive rulings and declaratory rulings is vital for demarcating the scope of jurisprudential intervention in "institutional design" and "procedural rules." Consequently, political jurisprudence cannot be limited merely to discovering the rulings of individual or collective behaviors.

3. The Significance of Subject Identification: This research demonstrated that subject identification—in a sense broader than mere conceptualization, which is among the conceptual foundations of political jurisprudence—must,

in all its three senses, be situated within the framework of jurisprudence as an inferential operation. The prerequisite for inferring rulings for new subjects is the comprehension of those subjects. If subject identification finds its rightful place within political jurisprudence, the inadequacy of traditional propositions in political jurisprudence will by no means signify the impossibility of forming a coherent discipline; for politics, in every era, possesses normative dimensions, and jurisprudential propositions in the realm of politics need not be confined to traditional concepts of political jurisprudence. Consequently, definitions that present political jurisprudence merely as the science of inferring rulings for the political behavior of individuals are erroneous. It appears that the failure to distinguish subject identification from ruling-identification has led to a narrow focus on the sources of ruling-identification—namely, the Four Sources and the specific methodology of inferring rulings. This has caused researchers in the field of political jurisprudence to neglect the role of the proofs and methodologies required for identifying subjects, such as the role of custom in explicitly canonical subjects and the findings of social science experts regarding contemporary and novel subjects.

4. The Place of Instance-Identification in Political Jurisprudence and the Necessity of Organized Interaction Between Jurisprudence and the Humanities in System-Building: One of the primary sources of confusion in the literature of political jurisprudence is the conflation of the two domains of subject identification and instance identification. This research has demonstrated that instance-identification is not jurisprudential in nature and requires methodologies and expertise external to jurisprudence (such as sociology, comparative law, and political science). Neglecting this point has led the rulings of political jurisprudence to be frequently perceived as relative or posterior to the actual ruling. Furthermore, incorporating specific instances into the jurisprudential inference of politics has contributed to a misunderstanding of the functions of political jurisprudence, leading "system-building" to be regarded as a direct objective of jurisprudence. While political jurisprudence plays a fundamental role in the normative dimension at both institutional and functional levels, it remains only one of the sources of system-building. Alongside it, disciplines such as theology and political philosophy (especially regarding normative foundations), as well as political science, sociology, and international relations (especially regarding analysis and function), are instrumental. Moreover, many dimensions of system-building—even the establishment of a branch of power—can be classified as

instance-identification and, consequently, as non-jurisprudential. To be sure, the requirements of the stage of compliance sometimes necessitate jurisprudential inference due to conflict; however, these cases also pertain to the station of legislation rather than compliance. This is because they essentially involve discovering the relationship of absoluteness between two proofs whose instances have conflicted. Consequently, the findings emphasize the need for systematic processes of collaboration between jurists and experts in other disciplines. Forming interdisciplinary teams and drafting protocols for identifying instances are among the practical necessities for the implementation of political jurisprudence.

5. Directions for Future Research: Just as this study examined the nature of political jurisprudence based on the explanation of the "jurisprudential proposition," future research should address the same issue with a focus on the nature of "the political." Synthesizing the findings of these two studies will provide a foundation for demarcating the scope and the system of problems within political jurisprudence.

Political jurisprudence can play a rational and constructive role in contemporary governance only when it clearly recognizes its epistemic boundaries, strengthens its inferential methodology, and—while remaining committed to its normative approach—embraces the capacity to interact with descriptive and analytical sciences. The present study represents a significant step toward articulating such a methodological and conceptual framework for political jurisprudence, serving as a practical guide for researchers, decision-making bodies, and educational planners.

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