

## **The Views of Imami Scholars on the Principle of Istishab**

**Latif Hussein Amir**

Iraq, Wasit Directorate of Education, Open Educational College, Wasit Study Center

**Abstract:** The scholars differed in their inference on the subject of companionship greatly, which is tangible to those who studied the science of origins, and the fundamentalist and news schools differed accordingly, each making his contribution, trying to show that his opinion is the closest to health, and therefore the dependent in inference. This topic, and as a result of this difference, in terms of the splendor of their inference, and the rebuttal of the evidence of the interview, including the goodness of their ulcer, of ideas and problems, gave the research its scientific value, and the reader of this research on its simplicity will realize this, and after surveying the evidence of a group of scholars of the highest doctrine of God, so that I can know their opinions and undermine each other's views, they will find out what are the opinions mentioned in it, and the reason for their differences in research, and what their evidence on it will be a useful idea about this important topic, which is included in most jurisprudential and other inferences, and thus benefit in thinking about the evidence of Sharia and other.

**Keywords:** opinions, scholars, imam, companionship

### **Introduction**

The study of companionship is considered one of the most important fundamentalist investigations that scholars have paid most of their attention to, in order to clarify its issues, to know the possible opinions in it, to indicate who is considered one of them, and to try to reach the most likely opinion in it, with various evidences, in order to reach a useful inference in the validity of the results of saying these opinions, and to reach an opinion that reaches what is intended from the science of principles, to know the right of Sharia rulings. I divided the research into two topics: the introduction to the companionship and four points, and the second topic: I singled it out for the warnings of companionship and examined seven of them, asking the Lord (Almighty) to help me to be able to explain his investigations, even if at least the rewarding service of the law of the master of the messengers Muhammad and his family (may God's prayers and peace be upon him and all of them) and the last we prayed that praise be to God, the Lord of the worlds.

The principle of Istishab (presumption of continuity) occupies a central position in Imami Usul al-Fiqh because it provides a methodological framework for resolving legal uncertainty when no new conclusive evidence is available. As one of the practical principles (al-usul al-amaliyyah), Istishab enables jurists to presume the continuation of a previously established legal status until convincing evidence demonstrates otherwise. This principle has broad applications in Islamic jurisprudence, including matters of ritual purity, acts of worship, contractual obligations, property rights, family law, and judicial decision making. Consequently, understanding its theoretical foundations and practical implementation is essential for comprehending the methodology of Imami legal reasoning.

Throughout the history of Imami jurisprudence, the doctrine of Istishab has attracted extensive scholarly attention. Classical and contemporary jurists have debated its definition, evidential basis, legal authority, conditions of application, and relationship with other legal principles. Prominent scholars such as Sheikh Al-Ansari, Al-Akhund Al-Khorasani, Imam Al-Khoei, Imam Khomeini, and Martyr Muhammad Baqir Al-Sadr each contributed distinctive perspectives that shaped the evolution of the doctrine. While they generally agree that Istishab serves as an important mechanism for maintaining legal certainty, they differ regarding its theoretical justification, the scope of its application, and whether it should primarily be regarded as a jurisprudential rule, a fundamental methodological principle, or a legal presumption derived from textual evidence.

The diversity of these scholarly opinions reflects the richness of Imami legal theory and illustrates how methodological differences influence legal interpretation and judicial reasoning. These debates extend beyond purely theoretical discussions because the acceptance or rejection of particular interpretations of Istishab directly affects practical legal rulings. For example, disagreements concerning the continuity of certainty, the unity of subject matter, and the evidentiary value of previous knowledge influence rulings on ritual purity, prayer, fasting, commercial transactions, inheritance, and other areas of Islamic law.

Although numerous classical works discuss Istishab in detail, comparative studies that systematically examine the views of major Imami scholars remain relatively limited. Many previous studies concentrate on the arguments of a single scholar or analyze specific jurisprudential applications without providing a comprehensive comparison of different methodological approaches. This creates a need for a study that synthesizes the principal scholarly positions and evaluates their similarities, differences, and implications within a unified analytical framework.

## Methodology

Language companionship: All that is necessary is something that I have accompanied[1]. He accompanied the thing that accompanied him, and accompanied the book and others: I carried him in my company, and such is the case if you stick to what was fixed, as if you made that a non-contradictory companion[2]. Symbolism: It is known in words other than one with several definitions that Sheikh Al-Ansari mentioned that it reaches eleven sayings, including: Lion and lightest: (Keep what was). Retention is intended to rule survival. The description entered into the subject, feeling his superiority to the judgment[3]. This definition is very brief. Or it is: The judgment of the street on the person charged with scientific commitment to everything he was sure of and then doubted his survival[4]. It is here a definition in the sense, and some of them defined it: (It is to keep what has been proven in the previous time in what is likely to remain in it from the later time)[5], and the Khorasani Brotherhood tried to define it by saying: It is no secret that their phrases in its definition, although they are various, but they refer to one concept and the meaning of Vard, which is the ruling on the survival of a judgment or a subject with a judgment whose survival is doubted[6]. As you can see, it is also an interpretation in the sense, so you get from their words the meaning of the companionship and its definition, and there is no dispute in terms. However, the talk remains that the origin of this definition and its meaning are derived from them in terms of building the wise people on this in their customary rulings at all, or in the sentence of devotion, or to think of it arising from observing its proof previously. Or that its origin is in terms of the significance of the text or the case for unanimity on it as well. By clarifying: If on the one hand the building of the wise and their peace on that, there would not have been a little disagreement in its definition, and that it applies to this or that definition in a way that it is an inclusive definition as is the condition of the definition, then it is an explanation of the name that has no definition, so we survive the problem of disagreement in its definition. The Ahvand did well when he said: (The mention of the definitions of the people to him, and the forms mentioned therein, without a result and length in vain)[7].

Is the issue fundamentalist or jurisprudential?:

Before entering into the heart of the research, we must distinguish between the meaning of the issue being fundamentalist or jurisprudential, which is that in the fundamentalist issue, the search for content is not directly related to the side of the work, while in the jurisprudential rule, the search for content is directly related to the side of the work[8]. The point in the fact that the issue is fundamentalist is that it is considered to pave the way for a rule that falls in the way of deducing sub-judgments as in the authenticity of the news of one, and not to the effect of the rule of reason without moderation, which is the legitimate rule, even if it ends with it, that is: to the legitimate rule at last, how? That is, it is said that the issue is fundamentalist, and perhaps the course of companionship is only a fundamental judgment, as is the case in the authenticity of the news, according to the definition of the advanced Akhund of companionship, but according to the fact that it is from the construction of the wise, which is the survival of what has been known to be proven, or the suspicion arising from observing its provenance, there are no problems in the fact that researching it is a fundamentalist issue[9]. In an approximation to the effect: that companionship is sometimes carried out:

1. In fundamentalist rule, such as the lack of opponents.
2. In the sub-total judgment, such as the impurity of variable water, the change of which has been removed by itself.
3. In external topics, such as the owners of Zaid's life[10].

All of these points, in the eyes of the Akhund, are present in the companionship, so he says that companionship is within the issues of the science of origins and not a principality and a jurisprudential rule. As for Mr. Al-Khoei, he said: As for saying the competence of the argument of companionship with objective suspicions and its non-opposability in the total divine judgments as chosen, the search for it is due to the search for a jurisprudential base benefited from the news, the companionship is from the jurisprudential rules such as the rule of purity and the rule of transgression, and as for saying its authenticity in the total judgments also to be said: The doubt taken in comprehensively because it originated from the lack of arrival of the statement by the street, or external matters. The two images include one piece of evidence, as its counterpart has passed in including the recent raising of suspicions of judgment and objectivity, because the purpose of each judgment is unknown, whether the origin of ignorance is the lack of completeness of the statement by the street, such as the totality of the text, or external matters. It is not necessary to use the word in the concerned parties, so the companion then has two sides: on the one hand, it is an argument in the total provisions, the search for it is in search of a fundamentalist issue, and on the other hand, it is an argument in the partial provisions and external issues, the search for it is in search of a jurisprudential issue, as we mentioned earlier, and there is no objection to the meeting of the two sides in it, as it proves that it is a fundamentalist rule and a jurisprudential rule with one evidence, which is the saying (peace be upon him): (Do not violate certainty with doubt), its release is comprehensive of certainty and doubt related to the total provisions, and certainty and doubt related to the partial provisions or external topics, as its counterpart passed in the research of the authenticity of the single news, based on the authenticity of the news on the topics as well, the release of the evidence of the authenticity includes what if the news is related to the provisions and if it is related to the topics, then one evidence proves that it is a fundamentalist rule and a jurisprudential rule, and there is no objection to it in the first place[11]. It is known from him that he is involved in the topics of the science of origins and does not harm his entry as a jurisprudential rule, unlike the Akhund, who affirmed the fundamentalism of the issue. Mr. Khomeini said: As for companionship, being a legitimate emirate depends on proving three things: The first is to have a detection body and a way; what does not have a detection body in the first place is not suitable for Amarism and Kashfism. The second is not to be a mental or intellectual emirate by itself; the one who exists for Amarism does not make sense to make it an emirate; it is like collecting the outcome. Third: Care should be taken to make it to the scout and the road, and there is no doubt

that the companionship in it is a point of disclosure of reality; the certainty in the previous case has a point of disclosure of survival and this is due to what is said: what has been proven lasts, and in the later time it is not like a pure doubt that is not amicable, and the second party also exists; the work of building wise people is not on the fact that the companionship is revealing its relevance, although it is claimed that for the fact that something has a previously interrupted condition, it is just It is very close to claim that this is done by observing other things, which necessitates reassurance and trust, not just for cutting off the previous case. In general, it is not known that the work of the wise people by companionship in their transactions and policies, because it is a weak revelation of reality without noticing the pervasive clues that require trust, so that it is a mental emirate such as the news of trust, and that this is an impediment to the attachment of legalism. As for the third party, if that entity is proven, the behavior of companionship is among the legitimate emirates versus the mental emirates, and it can be recalled, from the majorities in companionship, so you see that taking care of it is to maintain certainty and that in the world of legislation and worship exists, and that it does not It should be contradicted by doubt, and it happens that the narratives are given by their appearance, that the purpose is to prolong the life of the previous certainty, and to give the characteristic of certainty to everyone who was certain, as called for by the saying (peace be upon him) in the guise of a button (otherwise he is certain of his light, and certainty is never contradicted by doubt), not to give the characteristic of certainty to the skeptic entitled that he is a skeptic, nor to make the characteristic of doubt certainty until it is said that it makes no sense to give the characteristic of a scout and the way to doubt[12]. By saying this, he understands that he believes that complicity is an emirate and not an asset.

The pillars of compulsion:

The Akhund stated that, whether it is a fundamentalist or a jurisprudential base, the flow of companionship must be two things: Cutting off the proof of something, Doubt about its survival.

Then he added a third pillar by saying: There is almost no doubt about staying except with the union of the doubtful and certain issue according to the subject and the mobile, and he said: This is indisputable in the external issues in the sentence[13], and as for the Sharia rulings, whether they are mindful of the mind: It is a reference to the opinion of Sheikh Al-Ansari, who said that the awareness of the Sharia rulings, if he is the mind, is not accompanied by them, or the transfer – which is a reference to the opinion of the newsmen, so its occurrence in them, that is: the unity of the certain and doubtful issue, because it is almost doubtful of the survival of the judgment except in terms of doubt about the survival of its subject, because of the change of some of what it is, which made it possible for it to happen or to survive, otherwise the judgment would not have fallen behind its subject except in the first sense impossible in its right, and therefore the copies according to the truth were a defense, not a lifting. This prompted what happened: that the unity of the subject, although inevitable in companionship, but the orbit in the paved union is the customary consideration, not the mental or what is apparent in the evidence[14]. Moreover, the Akhund reasoned that union by custom by saying: The need to be able to build sane people to stay worshiped, or because it is suspected even in a kind, or the case of the significance of the text or the unanimity of it definitely, without disparity in that between the fact that the evidence of the ruling is a transfer or a mind[15], which is a signal to differentiate in the argument of companionship that Al-Ansari invented. He separated between the Sharia ruling based on the transport evidence such as the book and the Sunnah, and said the flow of companionship in it, and between the one based on mental judgment such as good justice and ugliness of injustice, and he said not to run in it, and based on that, the first is not to achieve the unity of the subject in the two certain and doubtful cases with the requirement of companionship, and the second is the imbalance of the corner of companionship, which is the doubt of survival[16]. The Akhund replied to Al-Ansari and stated: As for the first: Which transfer is clear: Because the diagnosis of the unity of the subject in the two cases is in the hands of custom and not transfer, and the second: Because the legitimate judgment explored in it when the absence of what could have entered into its subject matter, which does not see its constituent, it was doubtful to remain a custom, because it may not enter into it in reality, although there is absolutely no judgment of reason without it.

As for the martyr al-Sadr, he said: The forms respond to the wording of the Akhund, which is the union of the doubtful and the certain, and the Ansari, which is the achievement of the survival of the subject, which is forms contained in the objective suspicions and in both forms forms forms forms in the judgmental suspicions. In the objective suspicions, it is necessary not to run the companionship in some resources, and these forms came because of the formulation of the proposed Ansari for the third pillar, where he expressed that it is necessary in the conduct of the companionship to achieve the survival of the subject in some resources, so the forms are returned. He argued that there is no correct face to this wording in terms of news that has been expressed without contradicting certainty with doubt, and this does not benefit from the aforementioned wording, but rather the maximum that is used is that the doubtful must be united with the certainty of the presumption of the mention of doubt after certainty, and the expression in contradiction is not believed. He stated that Sheikh Al-Akhund amended another wording for the third pillar, which is: It is considered that in the course of accompanying the doubtful union with the certainty, and accordingly there is no objection to the course of accompanying in some of the excluded resources in the forms[17].

As for the judgments section: The conclusion of his answer is that the assumption of the demise of some peculiarities, although it is necessary, but the ephemeral peculiarity when it is a justifiable reasoning did not harm this in the unity of the ruling, and it is true that the certainty is doubted, and it is also true that the subject is achieved by survival, and when it is a restrictive reasoning, companionship is not carried out[18].

The fourth pillar: Practical impact: It is one of the creations of the martyr Al-Sadr, and he said that it can be shown in one of two formats:

The first formula: that the companionship depends on the fact that the companion is a legitimate judgment or an object, which results in the legitimate judgment because; if it is not, it is considered a foreigner from the street, there is no meaning to the issuance of worship from it.

The second formula: The companionship depends on the fact that proving the previous case in the survival stage has a practical effect, that is: the validity of companionship and excusing, and this is the case in the resources of non-commissioning companionship, the proof of non-commissioning is excusable, as well as in the resources of companionship under duty, the proof of which is excusable in the place of compliance.

This formula is correct because the proof of this pillar does not prove more than what this formula determines[19].

The fifth point: Evidence of the argument for complicity:

He said enough: Then it is no secret that the opinions of the companions differ in:

1. The authority of complicity is absolute.
2. It is also not authentic (at all).
3. Detail: A- Between topics and judgments.

The elevator and what was in the requirement[20]. For the purpose of the statement of the true and the chosen, which is absolutely authoritative, the Akhund chose to infer the true from it according to his opinion and thus invalidate the statements below it. He said that in the evidence for his authority, there are absolutely no faces:

The first aspect: Building the wise: What is meant by building the wise and their biography is their work, in contrast to the verbal consensus, the end of the matter is that the biography is launched – as it was said – on their work by being religious and clinging to Sharia, such as the stability of their way to sell the given, and their sufficiency with the actual contract based on their religiosity with religion, and considering this biography dependent on their signature. Construction is also called the stability



of the wise, as they are wise on a legitimate matter, such as building them on the basis of reliable news.

These two constructs correspond to what is called the understanding of custom, such as the requirement of their understanding of what they know in the identification of the wants from the phenomena of words. And how it was, the inference of building wise people on the consideration of companionship consists of two introductions: The first: Its outcome is the stability of building wise people to keep what was what was. It is even possible to claim that this building does not have the competence of rational people; because it is the perseverance of all people of feeling, and one of the mountains of all souls; because it sees the return of animals to their dens after leaving them. The second is that this building is a legitimate argument for not deterring the street from it[21]. But the Akhund formed this and reported: In it first: Preventing the stability of their building on this worship, but either please and precaution, or reassurance of survival, or speculation even of a kind, or inattention, as is always the case in other animals and sometimes in humans.

Second: We handed this over, but he did not know that the street is satisfied with it and he has a past, and it is enough to deter from the like of it, what is indicated by the Book and Sunnah to prevent following other than science, and what is indicated by innocence or precaution in suspicions, there is no need to follow this construction in what must be followed to indicate its signature[22].

The second aspect: the occurrence of the suspicion of survival: that the previous proof is positive for the subsequent suspicion. It is the saying of Al-Ansari in Al-Faraid: that what is fixed in the first time can be proven in the second time, otherwise it is not possible to stay, so its survival is proven unless the effect of nothingness is renewed[23]. The Akhund reported to him:

1- Preventing the requirement of mere proof to think of staying in fact or kind; it has no face in the first place except that the predominant in what has been proven to last with the possibility of not lasting, which is unknown. 2- Even if it is accepted, there is no evidence that it is considered in particular, with the rise of the argument that it is not considered in general[24].

The third aspect: the unanimous case against him: He is the plaintiff of the ornamental mark in the principles of origins, where he said: The companionship is an argument; for the consensus of jurists that when there was a ruling, then there was doubt that something had happened to remove it or not? It must be judged on what was first, and if not to say that companionship is an argument, it would have been an unlikely weighting for one of the two possible parties, ending[25]. The Akhund also replied to him and Mr. Al-Khoei replied with the same response, which is: In it, the argument of companionship among those who say it is based on different buildings mentioned in their words, there is no devotional consensus revealing the satisfaction of the infallible (peace be upon him), so the perceiver must be noted, adding that there is no agreement in the matter, it is disputed. From what we have mentioned, it has emerged that the consensus transmitted in the denominator is not authentic, even if we say that it is authentic in other than this denominator[26]. Thus, it happens that the famous person does not infer the three advanced faces.

The fourth aspect: Extensive news: It is the mayor, including:

First: The correctness of the first button: (In the doubt of ablution): ((He said: I told him: The man sleeps in ablution, does the whisk and whisk require ablution? He said: Zarara, the eye may sleep and the heart and the ear may not sleep, and if the eye, the ear and the heart sleep, ablution is necessary. I said: If something moves in his side while he does not know, he said: No, until he is sure that he has slept, until something comes out of that something is clear, otherwise he is sure of his light, and he never breaks the certainty with doubt, but he breaks it with another certainty))[27]. And talk about it from the following sides:

The first side: Not to slander the implication of the bond: This novel, although implicit, but its implication does not harm as it is, 1. Its implication was like a button, and it is one who hardly responds without the Imam (peace be upon him) 2. Especially with this interest.

The second aspect: the approximation of the inference: that there is no doubt in the appearance of his saying (peace be upon him): (Otherwise, he is certain.. Etc.) is a custom in forbidding the contradiction of certainty in something by doubting it, and that (peace be upon him) is in the process of explaining what is the reason for the penalty learned from saying (peace be upon him) : (No) in the answer: (If he moves in his side...Etc.), which is the inclusion of certainty and doubt in the resource of the question in the holistic, downstream issue that is not competent in a door without a door, 1. Reply to the second possibility in the penalty: The possibility that the penalty is his saying: (He is certain...Etc.) is not good; it is only valid by the will of the necessity of working on a plate of certainty, which is far to the end, 2- Reply the third possibility in the penalty: and further away from it is the fact that the penalty says: (It does not expire.. Etc.) and he mentioned: (He is sure) for the preamble.

Third party: Circulation of the novel:

[A]: For the sake of ablution: 1- We have discussed the weakness of the probability of the jurisdiction of a case: (Do not override...Etc.) with certainty and doubt in the door of ablution very much, it is contradicted by the emergence of reasoning in that it is a grounded order that is definitely not devotional, 2. It is supported by the reasoning of the judgment by proceeding with doubt in the absence of ablution in other than this novel in this case or its equivalent, so consider it well. 3- This is despite the fact that there is no reason for its possibility except that the lack of certainty of the covenant is a reference to certainty in (it is sure of its light), although it appears that it is for sex, as it is originally in it, and it has already been: (It is certain...etc.) is not a presumption against it, with the perfection of compatibility with gender as well, so understand. 4- Although it is not apparent in the certainty of ablution, because of the strength of the possibility that (his ablution) is related to the circumstance, not to (certainty), and the meaning was: it was from the end of his ablution certain, and therefore the middle is only certainty, not certainty in ablution, as it is no secret to the meditator.

In summary, there is almost no doubt that the issue appears in general certainty and doubt, especially after observing its application in the news other than ablution as well.

[B]: Without doubt in reality: Then the good attribution of the cassation - which is against the conclusion - is not hidden to certainty, even if it is related to what is not a requirement for survival and continuity, for what is imagined in it of stability other than suspicion, he thinks that it is not a conclusion and solidity, even if it is related to this requirement: 1- Otherwise, it is correct to attribute it to the same as what is required for him, with a weakness such as (the stone was overturned from its place), 2- It is not right to say: (certainty has been overturned by the ignition of the lamp) if he doubts his survival to doubt his readiness, with the a priori of his health and goodness.

In summary: There is almost no doubt that certainty is like sale and covenant, but it is good to attribute the veto to it by observing it, not by a related observation. There is no need for the will of what is closer to the concluded order, or more like the entrenched solid, which requires the survival of a rule (if the truth is not possible, the nearest metaphor is) after the will of such matter is not possible, which is true to attribute the veto to it in fact[28].

Then, the Akhund mentioned another directive for this Ansari detail that happened: If you say: In the chapter of companionship, there is no union between the two related, as what is related to certainty is the purity of the garment, for example, in the morning, while what is related to doubt is its purity in the evening, and accordingly, the ratio of cassation to certainty is not true in fact, but metaphorically, and in order to correct the ratio of cassation to certainty, we must assume that the certainty has a requirement to continue to become one continuous thing to which certainty and doubt

may be attached, that based on this, even if the ratio is not correct in terms of truth, but it will be correct in terms of metaphor[29].

I said: 1- As for the article: It appears that the aspect of attribution is the observation of the union of those who are concerned with certainty and self-doubt, and the failure to notice their multiplicity in time, which is sufficient for a custom in the validity of attributing the veto to it and borrowing it, without disparity in that originally in the eyes of the people of custom, between what there was a requirement to stay and what was not, and being with the requirement closer to the veto and more like it does not require its appointment for a rule (if the truth is not possible), the consideration in the closest is in the eyes of custom rather than consideration, and I have known the lack of disparity according to the eyes of his family, all this is in the article.

2- As for the Commission, it is inevitable that it is intended to prevent the veto according to construction and work, not the truth, because the veto according to it is not under choice, whether it is related to certainty - as the case appears - or certainty, or the effects of certainty based on its disposition by marriage or intentions: A priori, as the optional veto that is subject to the same certainty is not related to what was certain of it or the provisions of certainty, so it is hardly worthwhile to act in order for the formula to remain true, it is not permissible, as well as binding, as you fancy.

Another guideline for the interpretation of certainty: It is not said: It is inevitable, the prohibition of cassation according to the work is hardly intended in relation to certainty and its effects, for its incompatibility with the supplier.

It is said that it is obligatory, if certainty is noticeable by itself and in independent consideration, not whether it is noticeable about mirroring by mechanical consideration, as shown in such a case (which does not contradict certainty), where it is customarily apparent that it is a metaphor for the necessity of construction and work, to adhere to a similar judgment to the certainty of devotion if it is a judgment, and to his judgment if it is a judgment, rather than the necessity of working with the effects of the same certainty by adhering to a judgment similar to his judgment by Sharia. This is because the mechanism and mirroring are valid from external certainty to its total concept, so the subject of the judgment is taken in the place of the statement of his judgment, with the fact that he did not enter it in the first place, as it may be taken for what he entered into, or the full income, so I understand.

Moreover, where both the Sharia ruling and its subject matter with suspicion were subject to download without action and interpretation, the purpose of the matter was to download the subject by making a similar judgment, and to download the judgment by making his like - as referred to above - it was a case (not to be overturned) that is apparent in considering companionship in judicious and objective suspicions, and the competence of the supplier in the latter does not require its allocation, especially after noting that it is a holistic and pivotal case, which was brought in a non-supplier for the purpose of inferring on the supplier's judgment, so hopefully[30].

The martyr al-Sadr summed it all up by saying: He ruled that ablution should remain with the suspicion of its contradiction in adhering to companionship, and the emergence of reasoning in being a concentrated customary order requires that what is observed in it is the major concentrated companionship, not a specialized rule for the door of ablution, so the Lam must be carried in certainty and doubt on sex, not the covenant to certainty and doubt in the door of ablution in particular[31].

Second: The correctness of the second button: (In the doubt of purity from malice): It is implicit, but it is also in the way of Sheikh Tusi, and it is in the way of Sheikh Sadouk in the ills of the laws, it is attributed to Abu Jaafar (peace be upon him) (He said: I told him: My garment infected the blood of nose or other, or something of sperm, so I knew its effect until the water hit him, so I attended the prayer, and I forgot that my garment is something and I prayed, then I mentioned after that, he said: Praying again and washing it, I said: If I did not see its location, and I knew that it had hit it, I asked it and I could not, so I prayed and found it, he said (peace be upon him): Wash it and return, I said: If



I thought that it had hit him and I did not know that, I looked, I did not see anything, so I saw in it, he said: Wash it and did not repeat prayer, I said: Why? He said: Because you were sure of your purity and you doubted, so you should never break the certainty with doubt. I said: I knew that he had hit him, and I did not know where he was, so I washed him? He said: You wash from your garment the side that you see it has hit, so that you are sure of your purity. I said: Should I, if I suspect that something has hit him, look into it? He said: No, but you want to remove the doubt that occurred in yourself. You said: If you saw it in my dress while I was in prayer, he said: Prayer is revoked and repeated, if you doubt a place of it and then you see it, and if you do not doubt and then you see it damp, you cut off the prayer and washed it, and then built on prayer; because you do not know that it may be something that has fallen on you, you should not revoke the certainty of doubt[32]. The place of the witness is his saying (peace be upon him): ((Because you were certain of your purity and then doubted, you should never break the certainty of doubt)) and the other place is: (Because you do not know that it may be something that has fallen on you, you should not break the certainty of doubt)).

As for researching the significance of the novel: There is no doubt that the correctness indicates the authenticity of the polarization in its resource, but the talk is that it indicates its authenticity in all resources or not? The speech in the benefit of the public is the speech in the first novel, that is, it adheres to the generality of reasoning, but the significance of this is clearer, because he has stated in it the blame of reasoning and it was said: Because you..... Other than that, the benefit of the explanation from it was not so clear, in addition to the fact that it was expressed here in the paragraph (it should not) indicating that the requirement is rational and grounded and should be clear, and it is known that what is clear is the inadmissibility of vetoing in any certainty, and not in regard to purity[33]. Then the Akhund mentioned the failure of the third sentence to prove the intention. He stated: Yes, its significance in the first resource on companionship is based on the fact that what is meant by certainty in his saying (peace be upon him): (Because you were sure of your purity) Certainty of purity before the assumption of injury as it appears, then if what is intended is certainty that occurs by looking and examining after it is fleeting after the vision after the prayer, it was the benefit of the rule of certainty, as it is no secret.

Responding to the forms of inappropriate reasoning for the reasoned judgment: Then it is formed on the novel, that repeating after the exposure of the occurrence of prayer (in impurity) is not a violation of the certainty of purity by doubting it, but rather by the certainty of its rise, so how can the lack of repeating be explained as a violation of the certainty by doubting it? Yes, but it is true that it is permissible to enter into prayer, as it is no secret.

The first aspect: In correcting the reasoning of the Akhund: It is almost impossible to elaborate on these forms except by saying: The condition in prayer when paying attention to purity is its achievement, even by origin or rule not itself, so the issue of companionship with purity in the event of prayer is not to return it, even if its occurrence in impurity is revealed afterwards, and its return after disclosure reveals the permissibility of the veto and the implausibility of companionship as it is, as it is no secret, so hope well[34].

It is not said: There is no room then for the companionship of purity, for if it is not a condition, it is not subject to a judgment, although it is not a judgment, and there is no need to be companionship about the fact that the companionship is a judgment or the subject of a judgment.

It is said: Purity, although it is not really a condition, but it is not isolated from the conditional directly, but it is a de facto condition, as is the issue of reconciling some releases and such discourse, with the sufficiency of being one of the restrictions of the condition, as it was achieved with regard to it and not others as a condition.

It is not said: We surrendered this, but his case is that the reason for non-repetition then, after the exposure of the occurrence of prayer in impurity, is the achievement of purity as it is with its

companions, not the purity achieved with companions, although the issue of reasoning is that the reason for it is the same, not its achievement; the result of saying: (Because you were sure...etc.), that he is on purity, not that he is accompanying it, as it is no secret.

It is said: Yes, but the explanation is instantaneous before the case is exposed, for the cautionary joke on the argument of companionship, and that there was companionship with the clarity of the need for it to be feasible after the exposure, is that companionship, not purity, otherwise the return would not have been a veto, as it was known in the forms.

The second aspect: Correcting the reasoning of Sheikh Al-Azam:

Moreover, it is hardly true to explain, if it is said that the apparent order of the parts is[35] required, as it was said, that the reason for it is only the necessity of that apparent speech in the case of praying for the parts and not returning them, there is no need to overrule the return as it is not hidden, O Lord, except to say: The reason for it is to note the attachment of the requirement of the apparent order of the parts, by approximating that the return if it was said that it was necessary to overrule the certainty of doubt in purity before exposure and not sanctifying it legally, otherwise it is necessary not to require that order for it, as it is not hidden, while it is required by law or reason, so hope.

Perhaps this is what is meant by the significance of the novel on the parts of the apparent command.

This is the end of what can be said in guiding the reasoning. Although the forms in it - and the inability to detail it - hardly require a problem in the significance of the novel on companionship, it is necessary anyway, it was to the effect of his rule or the rule of certainty, with the obvious fact that he did not go out of them, so consider well.

The third aspect in correcting the reasoning of the Akhund:

Although the forms in it - and the inability to detail it - hardly require a problem in the significance of the novel on companionship; it is necessary anyway, it was to the effect of its rule, or the rule of certainty, with the a priori that it does not emerge from them, so consider it well.

Third: The correctness of the third button: (In doubting the rak 'ahs): ((If he does not turn in three or in four, and he has achieved the three, he rises and adds another to it and nothing to it, and the certainty does not contradict the doubt, and the doubt does not enter into certainty, and one of them is not confused with the other, but it contradicts the doubt with certainty, and it is based on certainty, and the doubt is not counted in one of the cases))[36].

Approximation of inference: The inference is based on the will of certainty not to come to the fourth rak 'ah previously and the suspicion of its coming.

The first forms of the Grand Sheikh: It has been formed because it is not possible to do so on the basis of private doctrine[37]. The outcome of the forms of Ansari is: 1- Proving the failure of the required, by preventing the origin of the correct indication of the authenticity of the companionship, 2- Proving the existence of the impediment to the authenticity of his appearance after handing over the origin of the appearance; because he is not a serious supporter of Imam (peace be upon him) because he is pious[38]. But the martyr al-Sadr did not accept the second part of Ansari's words and said: But fairness: that the burden on the pious in the novel is very far by noting that the imam has donated by mentioning the imposition of doubt in the fourth, and that the synonymous sentences he used indicate more interest and affirmation in a way that does not suit the pious[39]. Then the Akhund said: The necessity of his case to add another connected rak 'ah, and the doctrine has settled on adding a separate rak 'ah after the handover, and therefore the certainty of the emptiness is what is meant by what the Imam (peace be upon him) taught him from the precaution of building at the most, and bringing the doubtful after the handover is separated.

It can be argued that the precaution also does not disregard the will of certainty not to have the doubtful rak 'ah, but the origin of bringing it by its necessity, the end of the matter is separated from the launch of the veto, and the evidence of the restriction in the doubt was established in the fourth and others, and that the doubtful must be brought to be separated, so understand.

The second forms of Ansari: It may also be formed, that if its connotation of companionship was accepted, it was from the private news indicating it regarding the supplier, not the public for a non-supplier, the necessity of the emergence of paragraphs in being built for the perpetrator, and the reference of the conscience in it is the doubtful worshiper. Removing the supplier's privacy is not that obvious[40].

The response of the Akhund to the forms: Although it is supported by the application of the issue of (certainty does not contradict) and its proximity to the non-supplier. Rather, the claim that what is apparent from the same case is that the framework of the sanctity of the veto is for the sake of certainty and doubt, not for what is in the resource of privacy, and that such certainty is not overturned with such doubt, not far away[41].

Fourth: The narrative of qualities and guidance: ((Whoever is certain is struck by doubt, let him proceed with his certainty, for doubt does not override certainty)) or ((Certainty is not driven by doubt))[42]. Although it is possible for the rule of certainty to appear in the difference in the time of the two descriptions, but this is in the rule without the necessity of the possibility of the union of their time, 1- However, the trader in expressing his resource is such a phrase, and perhaps by noting the difference in the time of the described and its transmission to the two descriptions, because between certainty and certainty of the way of union, understand[43].

2- It is clear that his saying: ((Doubt does not contradict.....)) Etc., is the issue of the source of companionship in other than one of the news of the chapter, by approximating: that the explanation in the novel was mentioned in the paragraph (((the doubt does not contradict the certainty))). This same expression was mentioned in the previous novels mentioned in the statement of companionship, and this means that it wants to clarify and refer to the same as what the previous novels referred to, which is companionship[44]. As for Mr. Al-Khoei, he pushed the aforementioned forms by saying: It can be answered about the aforementioned forms that the manifestation of his saying (peace be upon him): Let him go on with his certainty is complicity, not the rule of certainty; because it is an order to build on the existing certainty in return for what he said (peace be upon him): Ibn Ali is certain, and there is no actual certainty in the resource of the rule until he is ordered to build on it, but he was certain and he was still in doubt, but he did not know that he was certain of the possibility of being ignorant of the compound, and it is considered in certainty that it was imagining certainty and it is not valid to express the psychological frequency that already exists with certainty; because it is not true to release the rigidities except with the existence of the principle, and the derivative of the elapsed principle is a fact, even if it is subject to speech, but it is not in the novel to pronounce the certain, so that it is said that it is comprehensive to those who were certain as the elapsed principle on one of the two words in this derivative. Then, after he pushed the forms, he weakened the support of the novel. He said: But what facilitates the matter is that the novel is weak and cannot be inferred from it, because Qasim bin Yahya is in its support, and the people of men do not document it, but his weakness is the sign (rah) and the narration of trust about him does not indicate the documentation of what is mentioned in its place[45].

Fifth: The news of Saffar in the fast of the Day of Doubt: about Ali bin Muhammad Al-Qasani: ((He said: I wrote to him - while I was in Medina - about the day on which he doubts about Ramadan, is he fasting or not? He wrote: Certainty does not enter into doubt, deaf to vision, and break the fast to see))[46], as he indicated that certainty in (Sha 'ban) is not entered into doubt about its survival and demise by entering the month of Ramadan, and it is branched out that fasting is not obligatory except

by entering the month of Ramadan.

It may be said: Reviewing the news on the day of doubt honors the pieces that what is wanted with certainty is the certainty of entering the month of Ramadan, and that the necessity of fasting and the necessity of Iftar must be certain of entering and leaving the month of Ramadan, and where is this companion?. So review what was held in the means for that door and you will find it as a witness to it[47].

Sixth - Seventh: News of the solution and purity: including: saying peace be upon him: ((Everything is pure until you know that it is dirty)) and[48] saying peace be upon him: ((All water is pure until you know that it is unclean)) and[49] saying peace be upon him: (Everything is lawful until you know that it is forbidden))[50].

And approximating the significance of such news on the accompanying to be said: The end in it is to indicate the continuation of what was actually judged on the subject of purity and jewelry, unless it is known illegally against it or its opposite, not to determine the subject, in order for the judgment to be a multiplied rule for what was doubted in its purity or jewelry, because of the appearance of the invisible in it in the statement of judgment of things with their titles, not what is doubtful of judgment, as it is no secret[51].

Although he himself had no prejudice to the tail of Al-Qaeda or the use of companionship, he indicated the use of companionship for his purpose. By approximation: The example of the first hadith indicates in his chest a realistic judgment of the purity of everything, and its tail indicates the apparent continuity, that is: the withdrawal of that realistic purity at the stage of the apparent until knowledge of the emergence of filth, and this is companionship[52]. The author of the chapters has a third possibility: that the first two narratives indicate two origins:

First: The primary judgment of water or things is purity – albeit ostensibly – when there is no knowledge of impurity, and this is not related to the issue of companionship, even if a number of its provisions are related to it.

The second is that this ruling continues until the time of knowledge of impurity, and this is from the resources of[53] companionship and its parts.

He appeared to say: (Even if according to the appearance) The significance of the narratives cited by the Akhund corresponds to three things, as if the intention was to benefit from realistic purity, especially it was not correct to say (even if according to the appearance, and perhaps the story of the Grand Sheikh is the words of the Qami by saying: (The primary judgment of things is purity without knowledge of impurity) because the Sheikh benefited from the will of the originality of purity, and how it was, then the intention is to recall the three things, so he responds to all that the Akhund mentioned, based on the benefit of the two purifications from the above statement[54]. You get that the first novel may be formed to adhere to it by the possibility of looking at the rule of certainty, but that is debatable on two sides, and the second novel is said by the Grand Sheikh is the most obvious novels, but its significance is weak, as is the opinion of the Akhund, and the third novel indicates with its tail the authenticity of companionship, and its chest indicates a realistic judgment of the purity of everything[55].

The first caution: Considering the actuality of doubt and certainty:

Sheikh Al-Akhund continued the article of Sheikh Al-Ansari: Then what is considered to be the actual doubt that exists when paying attention to it, but if he does not pay attention, there is no companion, even if the doubt is imposed on the estimation of attention[56]. Al-Akhund said: It is considered in the companionship the act of doubt and certainty, there is no companionship with heedlessness, for lack of doubt indeed, even if he assumed that he doubted if he turned around, the necessity of

companionship is the job of the skeptic, and there is no doubt with heedlessness in the first place, so he is ruled the validity of a prayer from the most recent, then he overlooked and prayed, then he doubted that he was cleansed before the prayer, for the rule of emptiness, unlike the one who turned before it, doubted, then he overlooked and prayed, so he is ruled to spoil his prayer if he was cut off by not being cleansed after doubt, because he was updated before it by virtue of companionship, with the cut off by not lifting his companionship event.

It is not said: Yes, but accompanying the event in the event of prayer after it has turned around also requires its corruption.

It is said: Yes, but for the rule of emptiness required for its validity, which is presented on the originality of its corruption[57]. However, Mr. Al-Khoei did not accept both branches and said: In both branches, he looked: As for the first branch: Because the rule of emptiness is not devoid of two things: either it is one of the legitimate worship assets, or it is one of the mental signs as it appears; Because intentionally leaving the part or condition is inconceivable for those who are in the position of compliance, leaving them is not based on inattention and forgetfulness. Unlike the original, the requirement of human nature is male in the case of work, not omissions and forgetfulness as in ordinary matters[58].

The second caveat: Accompanying UAE supporters:

First, we address the liberation of the subject of the dispute: Is it sufficient for the validity of the companionship to doubt that something remains in the estimation of its proof, even if its proof has not been achieved in what has been prescribed by Sharia or[59] reason? Approximately: In the resources of the non-scientific Emirates, there is no certainty of occurrence, as if the news of the one on the necessity of Friday prayers in the presence of the Imam (peace be upon him), and he doubted the time of the unseen in his survival, and this news did not indicate its necessity or absence in the case of the unseen. Is there companionship with the emotional uncertainty of its necessity in the case of attendance, because his evidence - which is the news of the one - is positive for certainty? Or not, or the evidence was based on the ownership of something, its impurity, or others, and then it was suspected that they were high. Is there companionship in them with emotional uncertainty that these things happen, or not? The purpose of this alert is to push these forms away from the flow of companionship in the performances of roads and emirates that do not have certainty, but rather are likely to be proven, and with the lack of certainty in it, there is no doubt about survival as well, so both corners of companionship are destroyed[60]. It is an explanation of the forms that the Akhund referred to by saying: Problem 1- From the lack of proof, there is no certainty and inevitability, and there is no doubt, it is an estimate that has not been proven. 2- Considering certainty, but because worship and revelation are legitimate, but it is in survival, not in occurrence, so it is sufficient to doubt it on the estimation of the proof, so it is worshiped on this estimation, so it actually has an effect on what there was an effect. And between Mukhtar and the response of the forms also stated: This is the most obvious, and it can be dissolved from what is in the companionship of the judgments that the considered emirates based on just proving them, and it has been doubted that they remain on the assessment of their proof, it is problematic that there is no certainty of realistic judgment, and there is no other actual judgment, based on what is the investigation, that the issue of the emirate's authority is only the completion of the costs with injury and the excuse with the violation, as is the issue of the argument considered reasonable, such as cutting and guessing in the event of obstruction on the government, not establishing actual provisions that are ostensibly legitimate, as shown by the companions[61], and saying this is a sign from him that he violates the famous in that. However, the Akhund mentioned forms on Delilah to the effect that you said: If you say:How? The certainty of the thing in worship has begun to remain in the news, and it is uncertain in imposing the estimation of the proof. I said: Yes, but it seems that he was taken as a revelation and a mirror of his proof, so that worship would be in his survival, and worship with the imposition of his proof, but it is in his survival, so I understand.



### Third Alert: Kidney Exploitation:

First: In the provisions: This warning is related to the companions of the college and the statement of its three sections, and its effect: that the companion is sometimes one particular thing, and its example: If we doubt the necessity of Friday to the time of absence, for example, the companionship of the obligatory is companionship to a specific thing, and it is termed the companionship of the partial. The other is a combination of two things. For example: Whether we know that the Friday prayer at the time of attendance is required, but we did not know that it is required in the form of obligation or in the form of desirability, the companionship of the required is companionship of the mosque, and it is termed the companionship of the whole, and clearly this we say: The companionship of the partial is no problem in its authenticity, but the problem is in the companionship of the whole[62]. The martyr al-Sadr divided him into two parts, stating that the doubt about the survival of the kidney can be divided into two parts:

The first section: Doubting the survival of the whole that does not arise from doubting the occurrence of the individual, for example: to know that a person enters within Zaid in the mosque and doubts his exit.

The second section: Doubt about its survival arising from the doubt about the occurrence of the individual, and its example: To be informed of a repeating event between the smallest and the largest and doubt about its rise after ablution, the doubt causes the doubt about the occurrence of the largest[63].

Mr. Al-Khoei drew attention to something and said: It seems that the allocation of this section - that the individual is a frequent between the certain height and the certainty of survival - is only for representation, otherwise it is sufficient for the flow of companionship, the mere probability of survival. If the individual was a frequent between the certain height and the probability of survival, companionship would be ongoing in the kidney, and it would also be from the second section[64]. Moreover, Sheikh Al-Akhund mentioned two forms of the ruling of the second section:

The first forms: The hesitation of the special one - in which the total is present and its presence is in its very existence - between the certainty of the rise and the doubtfulness of the occurrence that is judged not to occur, without prejudice to the companions of the verified total within it, without prejudice to certainty and doubt about its occurrence and survival. He replied to the figures by saying: But the hesitation between the two individuals was detrimental to the companionship of one of the two private individuals whose order was repeated between them, not to disturb the certainty that is one of the two pillars of companionship, as it is no secret, and he added: Yes, the costs of the information must be taken care of in general, which are incurred by the private individuals, while the assignment is known in the clear[65]. Approximately: Yes, we continue to emphasize that the one in which the companionship takes place is the total without the two individuals, and on this basis the aforementioned companionship has a total effect without the effect of the two individuals, so the effect of this individual and the effect of that individual does not result through the[66] companionship.

The second forms: It is for Sheikh Al-Ansari: He imagined that the suspicion of the survival of the whole that is within that radiator caused the suspicion of the occurrence of the doubtful special that is judged not to occur in the authenticity of its absence[67].

The Akhund responded by being definitely corrupt and with three responses: 1- Because its survival and height are necessities of its occurrence and non-occurrence, but rather of the necessities of the certain accident that is certain of its height, or survival. 2- Although the survival of the common destiny is the same as the survival of the special within it, it is not one of its necessities. 3- However, if it is recognized that it is one of the necessities of the occurrence of the doubtful, there is no doubt

that the necessity is mental, and it hardly results in the originality of the non-occurrence, except for what is of its necessities and provisions legally.

The third section: If the doubt is about his survival, on the one hand, the doubt is about the establishment of another special in the place of that special who was within him after cutting his height, then in accompanying him there is a problem, which he showed not to run; the existence of the natural, even if in the presence of his individual, but his presence within the multiple of his members is not about the existence of one, but multiple according to its multiplicity, if he is cut off by the height of what is known of his existence, he will be cut off by the height of his existence.

If the existence of another comparative individual is suspected: 1- For the existence of that individual, 2- Or for his height A-By himself. (b) By his owners. It is also suspected of desirability after cutting with a high offer by a comparative angel or an accident.

Then, the Akhund mentioned forms regarding companionship other than permissibility, in a tongue that is not said, it is said: It is not said: The matter, even if it is as mentioned, except that where the disparity between affirmation and desirability and so on between hatred and sanctity, is only the severity of the demand between them and its weakness, the exchange of one with the other with the non-interference of nothingness is not positive for the multiplicity of the natural existence between them; to harmonize communication with unity, the doubt of change is a fact of doubt in the survival and rise of demand, not in the occurrence of another existence.

It is said that, although this is the case, the custom where mutual affirmation and desirability are seen as two different individuals, not one different description in two times, was not a place for companionship, when the reference to it passed and came, that the issue of releasing the news of the door, that the lesson in it is to lift the hand from it with suspicion in view of the custom is a veto, even if not a veto according to accuracy, so if the matter was reversed and there was no veto of a custom, the companionship was not ongoing, even if there was a veto of a mind[68].

This was in the course of companionship of the whole in judgments.

Second: In the topics and related to judgments: From what we mentioned in the preamble, there is also the case of companionship in the related to judgments in the judicious and objective suspicions, so do not overlook it[69]. By rounding: Its purpose is like the subject whose survival is doubted for judgmental suspicion, such as doubting a pellet of water from which an amount was taken, for the sake of doubting that the street made the pellet a thousand and two hundred Iraqi pounds or nine hundred civilian pounds, and doubting that the forbidden breastfeeding was achieved by ten or fifteen feedings, so the pellet is accompanied by - in the first - and the inviolability - in the second -, and it was represented by them to the second section, so let him hope, as it was represented by doubting that the duty in penance is extended or condemned, so give the other extension as well[70]. From the above, the following occurs: the flow of companionship in the first and second sections, according to the Grand Sheikh, and the fact that it does not take place in the third section except in the difference of the two individuals in rank, unlike the Sheikh, where his flow took place in the first section of the third section, which is the possibility of the presence of another individual compared to the presence of the known individual[71].

## Results and Discussion

The analysis of the views of the Imami scholars demonstrates that Istishab constitutes an important and systematic principle in Usul al-Fiqh for dealing with doubt concerning the continuation of a previously established state. The results show that the principle is based on the relationship between previous certainty and subsequent doubt, and that its application requires the existence of specific conditions rather than merely the presence of uncertainty.

The comparative examination of the opinions of Sheikh Al-Ansari, Al-Akhund Al-Khorasani, Imam Al-Khoei, Imam Khomeini, and Martyr Al-Sadr reveals that although all scholars acknowledge the practical importance of Istishab, they differ substantially regarding its theoretical foundation and legal authority. These differences are not merely terminological but reflect distinct methodological approaches to the interpretation of legal evidence, the role of rational principles, and the relationship between certainty (yaqin) and doubt (shakk).

The findings further indicate that the conditions governing the application of Istishab, including the existence of previous certainty, subsequent doubt, the continuity of the legal subject, and the presence of practical legal consequences, were progressively refined by later Imami jurists. This development demonstrates the dynamic nature of Imami *Usul al-Fiqh*, where later scholars critically evaluated earlier theories while preserving the essential objective of ensuring consistency and legal certainty in jurisprudential reasoning.

Another significant result of this study is that the debates surrounding Istishab extend beyond theoretical jurisprudence and directly influence practical legal rulings. Questions concerning purity, ritual worship, ownership, contractual obligations, and legal continuity all rely upon the correct application of Istishab. Consequently, the principle serves as an indispensable mechanism for resolving uncertainty in situations where explicit textual evidence is unavailable or inconclusive.

The findings demonstrate that Istishab constitutes one of the most influential practical principles within Imami *Usul al-Fiqh*, functioning as an essential legal mechanism for preserving certainty in situations where decisive evidence regarding change is unavailable. The analysis confirms that all examined scholars recognize the practical necessity of the doctrine; however, they differ substantially regarding its theoretical justification, legal authority, and methodological classification. These differences reveal that the debate surrounding Istishab is not merely terminological but reflects broader methodological disagreements concerning legal reasoning and the derivation of Islamic rulings.

The comparative analysis indicates that Sheikh Al-Ansari established one of the most systematic foundations for Istishab by emphasizing previous certainty as the principal basis for legal continuity. His approach views certainty as possessing continuing legal authority unless invalidated by stronger evidence. This interpretation reinforces the objective of maintaining legal stability while preventing unnecessary disruption caused by mere doubt. In contrast, Al-Akhund Al-Khorasani concentrated on the methodological dimensions of Istishab, particularly the distinction between jurisprudential and fundamental principles. His analysis broadened the theoretical discussion by emphasizing the logical structure of legal reasoning rather than focusing solely on practical application.

Imam Al-Khoei introduced a more flexible interpretation by acknowledging that Istishab may simultaneously function as both a jurisprudential rule and a fundamental principle depending on the legal context. This position demonstrates a more comprehensive understanding of the doctrine by accommodating both theoretical and practical dimensions. Similarly, Imam Khomeini interpreted Istishab through the broader framework of legal authority and evidential reasoning, emphasizing its relationship with legitimate legal indicators and the objectives of Islamic legislation. Martyr Muhammad Baqir Al-Sadr further enriched the discussion by introducing the concept of practical legal effects, arguing that the validity of Istishab depends not only on previous certainty but also on the existence of meaningful legal consequences arising from its application. This contribution expanded the analytical framework of Imami jurisprudence by integrating theoretical reasoning with practical legal outcomes.

These findings are consistent with the primary objective of this research, namely, to compare the methodological perspectives of prominent Imami scholars regarding Istishab. Rather than presenting contradictory positions, the comparative analysis demonstrates that the differences among these scholars reflect complementary approaches addressing different dimensions of legal reasoning. While

some scholars emphasize textual evidence, others prioritize rational principles, legal methodology, or practical implementation. Together, these perspectives contribute to a more comprehensive understanding of the doctrine.

The present findings are consistent with previous studies in Islamic legal theory that identify Istishab as one of the principal mechanisms for resolving legal uncertainty while preserving judicial consistency. Earlier research has generally emphasized its importance in maintaining continuity of legal rulings and protecting individuals from arbitrary legal changes. However, unlike many previous studies that focus on individual scholars or isolated jurisprudential issues, this research provides a systematic comparative analysis of multiple influential Imami scholars, thereby offering a broader understanding of both areas of agreement and methodological divergence. This comparative perspective represents one of the principal contributions of the present study.

## Conclusion

This study examined the principle of Istishab and the views of prominent Imami scholars concerning its foundations, conditions, evidence, and practical applications. The analysis demonstrated that Istishab represents an important method of legal reasoning for dealing with doubt regarding the continuation of a previously established state. Its application is based primarily on the existence of previous certainty and subsequent doubt concerning the continuation of that state. The research also shows that the intellectual contributions of scholars such as Sheikh Al-Ansari, Al-Akhund Al-Khorasani, Imam Al-Khoei, Imam Khomeini, and Martyr Al-Sadr significantly enriched the doctrine of Istishab. Their discussions on its pillars, evidences, practical effects, and limitations have shaped contemporary Imami legal theory and continue to influence modern jurisprudential scholarship. Finally, this study contributes to the understanding of Imami Usul al-Fiqh by presenting a systematic comparison of classical scholarly opinions and highlighting their methodological significance. Future research may extend this analysis through comparative studies between Imami and Sunni approaches to Istishab, or by examining the application of this principle to contemporary legal issues such as financial transactions, biomedical ethics, digital evidence, and emerging technologies. Such studies would further demonstrate the continuing relevance of Istishab in addressing modern legal challenges within Islamic jurisprudence.

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