

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Al-Sayed Mohammad Al-Mojahid
Al-Tabatab'ei Al-Ha'eri's
Neglected Heritage
(Al-Wasa'el Al-Ha'ereya)
As a Model

By

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The Islamic Seminary _ Holy Najaf



العَتَبَةُ العَبَّاسِيَّةُ المَقْلَبِيَّةُ

قِسْمُ الشُّؤْنِ المَكْرُمِ وَالثَّقَافِيَّةِ

المَكْتَبَةُ وَرِثَةُ المَحَطَّوْطَاتِ

مَرْكَزُ الشَّيْخِ الطُّوسِيِّ فَهْذِهِ لِلدِّرَاسَاتِ وَالتَّحْقِيقِ

The Research: Al-Sayed Mohammad Al-Mojahid Al-Tabatab'ei
Al-Ha'eri's Neglected Heritage (Al-Wasa'el Al-
Ha'ereya) as A Model

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**A Statement from The Scientific and
Preparatory Committees
For the First International Scientific
Conference:
(Al-Sayyid Al-Mujahid and His
Scientific Legacy)**

All praise be to Allah Lord of the worlds, and may His peace and blessings be upon his noble messenger Muhammad and his pure progeny.

The sky of science and knowledge in the history of the Shias is filled with shining stars, whose bright light guides the lost. These great men carried the banner of truth and the torch of guidance and repelled ignorance. They are like how Imam Al-Sadiq (a.s) described as reported by Imam Al-Askari (a.s), "The scholars of our Shias are fighters at the border with Ibleesla and his warmongers, preventing them from advancing upon our weak Shias, and from them being overcome by Ibleesla and his adherents, the Nasibis (Hostile Ones). Indeed! So, the ones from our Shias who stand for that would be superior to the ones who fight against the Romans, and the Turks, and the Khazar, a thousand (upon a) thousand times,

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because he defends the Religion of ones who love us, but the other one defends their bodies "⁽¹⁾.

They spread the divine knowledge of Ahl al-Bayt (a.s) and lead their Shias to the correct and upright rulings, making them the cause of guidance and the apparent villages as mentioned by Imam Al-Sadiq (a.s), "So the one who accepts our merits that we are the apparent town between them and their Shias, the town which Allah has Blessed therein, the apparent villages is the Rasool, and the transferring (transmitting of Hadeeth) from us to our Shias, and scholars of our Shias, to our Shias. And the Words of the Exalted: and We Apportioned the traveling therein, so the traveling is like the knowledge, journeying with it nights and days. The example of the one who journeys from the knowledge during the nights and the days from us to them (Shias), regarding the Permissible and the Prohibited, and the Obligations and the Judgements, there is safety in it when it is taken from him, safety from the doubt and the straying, and then transferring from the Prohibited to (become) the Permissible, because they are taking the knowledge from the ones whom it is Obligated for them to take it from them, with the recognition. (This is) because they are the people who inherited the Knowledge from Adam to where it has ended, children of Mustafa, from each other. It has not ended up to you, but it has ended up with us, and we are the children, the Chosen ones, not you and those that

(1) Bihar Al-Anwar, v.2, p5.

resemble you, O Hassan!"⁽¹⁾.

Thus, the school of Ahl al-Bayt produced the most eminent and distinguished scholars the Islamic nation has seen, despite the repression, restrictions, and fears that the Shias faced. The last four centuries are considered the most virtuous academic era and the brightest in development and prosperity, which saw great productivity. The grand scholars of this era left behind many, many significant works, which should intensify scientific efforts to revive their memory by presenting examinations and studies and holding conferences and seminars about the most prominent of those personalities.

Among the brightest stars of the thirteenth century is one of the masters of jurisprudence, the excellent and comprehensively knowledgeable scholar, a competent scholar in the principles of jurisprudence, the great leader, Al-Sayed Muhammad Al-Tabatabaei, nicknamed: Al-Mujahid. Allah has combined unique aspects and numerous characteristics in his honorable personality, such as his knowledgeable family and noble lineage. His father was Al-Sayed Ali Al-Tabatabaei, known as the author of Riyad Al-Masa'il and his mother was Al-Wahid Al-Bihbahani's daughter. Muhammad Ali al-Tabatabaei and Abd Al-Hussain Al-Tabatabaei were his uncles. He married the daughter of his teacher, Al-Allama Bahr Al-'Ulum.

(1) Al-Ihtijaj, v.2, p.63.



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He was also blessed with God-given talents, a scientific environment, and a spiritual atmosphere that distinguished his scientific personality. In addition to that, his brilliance and intelligence aided his swift achievements. He studied in the holy seminary of Karbala under his father, in Najaf under Al-Sayed Muhammad Mahdi Bahr Al-'Uloom, and in the holy city of Kadhimiya under Al-Sayed Muhsin Al-A'raji. He then went to the Islamic seminary of Isfahan, in which he engaged in teaching and writing for thirteen years. Hence, he attended various Islamic seminaries and gained his knowledge from several religious schools.

After his father's death – the leading Shia authority – he succeeded his father and became the leading Shia authority and leader of the Islamic seminary. His noble presence in Karbala's Islamic seminary helped it flourish with knowledge and development. Many scholars attended his classes trained under him – some of which were his father's former students, the most important of whom are:

Al-Sheikh Al-Ansari

Dawud b. Asad Allah b. 'Abd Allah Burujirdi

Ibrahim Musawi Qazwini

Muhammad Salih Baraghani

Mulla Hasan b. Muhammad 'Ali Yazdi

Mulla Husayn Wa'iz Tustari

Muhammad Sharif Mazandarani

Mulla Safar 'Ali Lahijani Qazwini

Al-Sayed Muhammad Shafi' Japalaqi

Ahmad b. 'Ali Mukhtar Gulpaygani

'Ali b. Muhammad Wali Qa'ini

Mirza Nasr Allah Mashhadi

Mirza Muhammad 'Ali b. Muhammad Husayn Shahristani

Mirza Muhammad Rida b. Muhammad Baqir Qazwini al-Khuwaysini.

Another significant role Al-Sayed Al-Mujahid had was his fatwa of jihad to protect the Shia borders in the Russo-Persia war. This critical historical incident is considered a significant event in his honorable life, and an important historical turning point in his biography, even more, in the history of Shias. Thus, it becomes clear why he is nicknamed: Al-Mujahid (The Warrior).

Al-Sayed Al-Mujahid left behind various highly valuable works such as:

Mafatih al-usul

Al-Wasa'il fi l-usul

Risalat hujjiyyat al-zann

Al-Manahil

'Umdat al-maqal fi tahqiq ahwal al-rijal

Al-Masabih fi sharh al-Mafatih li l-Kashani

Jami' al-'Aba'ir fi l-fiqh

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Kitab fi al-aghlat al-mashhura

Al-Misbah al-bahir fi radd al-yadiri wa ithbat nubuwwat nabiyyina al-tahir

Based on the important historical roles, unique characteristics, and overlooked aspects Al-Sayed Al-Mujahid possessed, the Sheikh Al-Tusi Center for Studies and Examinations committed to holding an international scientific conference on the authority of Al-Sayed Muhammad Al-Mujahid Al-Tabatabaei. The conference aims to commemorate his memory and to preserve his tremendous hard work. In addition, it intends to supplement the Islamic library and fill scientific gaps by shedding light on various aspects of his life, biography, and sacrifices.

Astonishingly, Al-Sayed Al-Mujahid's works have not been published or examined until now. It is also surprising that there are no books, studies, theses, or scientific articles about Al-Sayed Al-Mujahid in Arabic, Persian, and foreign languages. The historical sources are scarce with information about him, and some of them, including errors and inaccurate information regarding the jihad fatwa. Therefore, the importance of holding this conference is undeniable.

The most important objectives of the conference are to shed light on the overlooked aspects of Al-Sayed Al-Mujahid's life and his scientific heritage, examine and publish his most important works, and study his role in the Russo-Persia war to respond to the false and fabricated allegations about his fatwa.

The conference's scientific committee followed meaningful and accurate steps to hold the conference in the best and most complete way. The activities of the conference were divided into the following categories:

The First: Document Examinations of Al-Sayed Al-Mujahid's Works

Most of Al-Sayed Al-Mujahid's works are neither published nor examined and still in the form of manuscripts. Since some scientific centers have announced that they have begun to examine his two books in the field of Principles of Jurisprudence: (Mafatih Al-Usul) and (Al-Wasa'il Fi l-Usul), we turned to his most important remaining scientific works. Al-Sheikh Al-Tusi Center has also made great strides in examining Al-Manahel. This will be the first time these works will be examined and published, except for 'Umdat al-maqal, which was previously published.

The Second: Studies About Al-Sayed Al-Mujahid

Several independent studies have been written about Al-Sayed Al-Mujahid, in which we have tried to complete the various aspects of his scientific personality. This was through writing about the most important fields he mastered and highlighting his role in developing these sciences, such as Jurisprudence, Principles of Jurisprudence, Biographical Evaluation, and Hadith. Moreover, some studies looking at the most overlooked aspects of the personal and academic

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life of Al-Sayed Al-Mujahid have been written.

The Third: Researches and Articles

Researches and articles written on the personality of Al-Sayed Mujahid – especially the scientific ones –are varied with the variety of sciences and knowledge. Honorable students and eminent figures in the Islamic seminary and several Iraqi university professors wrote various researches. It must be noted that the participants were from different countries, including Iraq, Iran, Saudi Arabia, Lebanon, Kuwait.

The Fourth: Media Work About Al-Sayed Al-Mujahid

This category consists of numerous works, the most important of which was preparing a documentary film on the scientific and historical life of Al-Sayed Al-Mujahid.

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and appreciation, and we ask Allah Almighty to accept their deeds and greaten their rewards, and our last supplication is that praise is to Allah, Lord of the worlds.

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Abstract

The book (Al-Wasa'el Al-Ha'erya) in the field of Principles of Jurisprudence is one of the significant works of the Usuli jurist, investigator, prestige scholar, and author of (Al-Mafatih) and (Al-Manahil); Al-Sayed Mohammad Al-Mojahid Al-Tabatab'ei Al-Ha'eri (d. 1242 A.H). However, the book is highly neglected as it is still in the form of a manuscript that has yet been examined or published.

The author arranged a table of contents for his three volumes book. In it he put forward the main titles and topics of the book. Also,

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he mentioned the significant benefits that were researched under each topic.

The researcher in this article intended to raise awareness about this book to highlight and show its importance. This was accomplished by referring to its available manuscripts and the examination of the table of contents of the three volumes which informs the reader about the topics in general. Also, the researcher added scientific biography of the author, mentioning his educational journey.

السيد محمد المجاهد الطباطبائي الحائري وتراثه المغمور الوسائل الحائرية أنموذجاً

مسلم الشيخ محمد جواد الرضائي

الحوزة العلمية - النجف الأشرف

الملخص

يعدّ كتاب (الوسائل الحائرية) في علم أصول الفقه من أهمّ المؤلفات المغمورة للفقيه الأصولي، المحقّق المتبّع السيد محمد المجاهد الطباطبائي الحائري (ت: 1242هـ) صاحب كتابي (المفاتيح) و(المناهل)، حيث ما زال مخطوطاً لم يأخذ طريقه إلى التحقيق والطبع، وقد أعدّ المؤلف لكتابه هذا بأجزائه الثلاثة فهرساً ذكر فيه عناوين الوسائل، بالإضافة إلى ذكر الفوائد المهمّة التي تعرّض لها في طيّات البحوث. فعمد الباحث في هذه الدراسة إلى التعريف بهذا الكتاب بغرض تسليط الضوء عليه وبيان أهمّيّته، وذلك بالرجوع إلى مخطوطاته المتوافرة، وفي هذا السياق قام أيضاً بتحقيق فهرس الأجزاء الثلاثة للكتاب كي يتعرّف القارئ على بحوثه إجمالاً، بالإضافة إلى بيان السيرة العلميّة للمؤلف.

Introduction

In the name of Allah, the Most Gracious, the Most Merciful. All praise is due to Allah, the Lord of the Universes. May all His prayers and peace be upon the most honorable prophet and messenger, our master Mohammad and his sanctified and purified household. May the ever curse be upon all of their enemies.

Now then, some of our scholars are known by a book or more to the point that the author's name would be known only by attribution to their books. In some cases, the reputation of one of their books may overstep the others. This causes the other works to become forgotten and negligible. Thus, they would only be mentioned in bibliographies and the biographies of their authors, and unfamiliar between students and scholars, except for a few who specialize in the fields of bibliographies and manuscript examinations.

Therefore, it is crucial to inform about these works that have been forgotten and are trapped because of idleness. In this way, we contribute to enlightening scholars and disciples of knowledge about them and their scientific treasures, sophisticated issues, and detailed views and opinions, which have not reached us merely because they are unknown.

From those scholars is the Usuli jurist, the dignified scientist, and precise examiner, Al-Sayed Mohammad Al-Mojahid Tabatab'ei

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Al-Ha'eri (d.1242 A.H). He – may Allah be pleased with him – is renowned by two of his books; (Al-Manahil) in jurisprudence and (Al-Mafatih) in the principles of jurisprudence, to a point where is known as Sahib Al-Manahil (The author of Al-Manahil) or Sahib Al-Mafatih (The author of Al-Mafatih). Yet, his scientific heritage is not confined to the two books as he has other splendid works that are perhaps no less important than the main two.

Out of these neglected works is (Al-Wasa'el Al-Ha'ereya), which has not received any attention from examiners and is yet to see the light of publication, causing the disciples of knowledge to miss out on its benefits. It is still neglected, as only a few know about it, which is illustrated by the fact that it is rarely mentioned and hardly ever used as a source. This has made it more sunken in the abyss, to a point it is almost forgotten completely. This is unfortunate because of the significant aid it can bring in various studies, accurate views, and topics rarely researched by the principal's jurists, as we will try to explain that in this research.

As Al-Sayed Al-Mujahid (may Allah sanctify his secret) has taken in this book a different approach in ordering the topics, contrasting to the ordinary structure of the principles of jurisprudence issues. Hence, it was apparent that it would cause difficulty for readers to find the precise topics they need, so the author arranged an index where he mentioned the titles of his issues to make it easier for the reader to reach their aim.

Consequently, I didn't find a better way to shed light on the book and what it included of issues than examining the index, in the hope that the scholars will gain information on its topics in general. Also, I added a study about the index that clarifies and explains the book and its issues. This article consists of –after this introduction– three issues and a conclusion.

The first issue studies Al-Sayed Mohammad Al-Mojahid Tabatab'ei Al-Ha'eri's curriculum and works.

The second issue is a glance at the book: Wasa'el Al-Ha'ereya, a study that highlights the book's topics and their importance and mentions what distinguishes it.

The third issue is an examination of Wasa'el Al-Ha'ereya's index arranged by the author himself.

Finally, as a conclusion –as usual– the most important results reached in the article are mentioned.

The First Issue

The first issue consists of two subjects:

The First Subject: Al-Sayed Mohammad Al-Mojahid Tabatab'ei Al-Ha'eri's Curriculum

Al-Sayed Mohammad Ali ibn Al-Amir Al-Maali Al-Tabataba'ei Al-Hasani Al-Ha'eri, also known as Al-Sayed Al-Mujahid, was one of the Imameya supreme authorities (Marja') and was the chief of the Islamic seminary of Holy Karbala. He was born in Karbala in the year 1180.

His father is the grand jurist Al-Sayed Ali Al-Tabataba'ei Al-Ha'eri (1161-1231 A.H), the author of the famous book Riyad Al-Mas'el. The book is still taught in the seminaries, even if its disciples are diminished nowadays. Al-Sayed Ali Al-Tabataba'ei was born on Rabi' I 12th of 1161 / March 12th 1748 in Kadhimiya. He studied under the great scholars of Al-Ha'er, most notably his uncle and father-in-law Al-Wahid Bihbahani.

Al-Sayed Al-Mojahid's notable teachers were his father Al-Sayed Ali and Al-Sayed Mohammad Mahdi Bahr Al-Uloom Al-Tabataba'ei, Al-Sayed Al-Mojahid's father-in-law.

He put so much effort and dedication into studying jurisprudence and its principles till he exceeded in the two fields. It is even said that



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his father believed that he exceeded him, and he had never issued any verdict (Fatwa) when his son was in Karbala. When Al-Sayed Al-Mojahid understood that, he decided to leave Karbala to respect his father and prevent his students from abandoning him. Therefore, he went to Isfahan in 1218 A.H, which was one of the science capitals at that time. He took up residence there for thirteen years, in which he became a distinguished teacher for jurisprudence and its principles. There, he started composing a group of his books, such as Al-Mafatih and others. He didn't return to his birthplace, Karbala, till his father passed away in 1231 A.H. At his return, he gained the title of the Imameyya supreme authority, and from that time on, the disciples of education traveled from all over the world to take part in his lessons.

Al-Sayed Al-Mojahid passed away in Qazvin on Safar 1242 A.H while returning from the war against the Russian forces that seized Iranian cities during the region of Sultan Fatih Ali Shah Al-Qajar. The biographer had issued a verdict regarding Jihad (The holly struggle) in defense of Islamic territory. His funeral was carried to Karbala, and he was buried in his known spot Bayn Al-Haramayn (between the two Shrines).

The Second Subject

His Works

The works of Al-Sayed Mohammad Al-Mojahid have diversified into Jurisprudence, Principles of Jurisprudence, Biographical Evaluation, and Theology. It must be acknowledged that most distinguished works were in Jurisprudence and its principles.

1. Al-Istishab, which is about the evidence of the topic.
2. Al-Islah, also known as (Islah Al-A'mal), consists of laws regarding worship and transactions. It starts with the laws regarding Ijtihad (making deductions in matters of law) and Taqlid (acting according to the verdict of a mujtahid). It has been summarized and translated to Persian more than once, which shows the vastness of his authority.
3. Al-Aghlat Al-Mashhoura, which is a small book that Al-Tankaboni quotes about Shia Scholars' lives.
4. Jame'a Al-Akhbar, which is in the field of Jurisprudence.
5. Jame'a Al-Masail, which consists of questions and answers regarding doctrine and jurisprudence issues. It is mentioned that the question and answers were collected by his student Al-Sheikh Hussein Al-Shustari.

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6. Hasehya Al-Ma'alem.
7. Resala fi Hujiyat Al-Shuhra, which was explained by Al-Sayed Mohammad bin Al-Mirza Habib-Allah Al-Radawi Al-Mashhadi (d. 1264 A.H), who objected Al-Sayed Al-Mujahid in the explanation very much.
8. Omdat Al-Maqal fi Tahqiq Ahwal Alrijal, which is the field of Biographical Evaluation. In it, Al-Sayed discusses the situations of a group of narrators according to alphabetical order. The book has been published with the document examination of Al-Shiekh Muhye Al-Deen Al-Wa'ethi.
9. Al- Misbah Al-Bahir fi Ithbat Nubuwat Nabiyena Al-Taher, a reply of doubts placed by a Christian scholar called Al-Yardi (Al-Bardi). In the book, the meaning of the prophecy, the difference between marvels and miracles, the difference between the two (miracle and marvels) and sorcery, and answers to the Christian's doubts are mentioned. The author also provides the prophets' tidings of Muhammad's prophecy and the unique nature of the Holy Qur'an, along with other similar issues.
10. Mafatih Al-Usul, which is concerned with the Principles of Jurisprudence. It is considered the most famous works of the author in the field. He started with it during his stay in Isfahan. However, some topics are not mentioned in the book, such as Preparatory of Obligations, Combination of Command and Prohibition, and the Reliability of Assumptions. Al-Mafatih is yet

to be published but is said to be under examination.

11. Miftah Al-Ahkam, which deals with the reliability of assumptions. It consists of an introduction, three chapters, and a conclusion. This book and Al-Miqlad might be one.
12. Al-Miqlad, which deals with the reliability of assumptions. It is available with Al-Mafatih manuscripts.
13. Al-Manahil, which deals with jurisprudence. It is his most famous work. It highly consists of proofs, quotes, and vast issues. This book has been summarized by Al-Shaykh Hussain bin Hassan, ibn Al-Shaykh Ali Al-Najjar Al-Shoshatri, one of the author's students.
14. Nehayat Al-Maram fi Sharh Mafatih Al-Ahkam: it is an explanation of Al-Fayd Al-Kahani's Mafatih Al-Shar'eh. The great Al-Tehrani talking about the book, stated, "Some of the volumes of the encyclopedia were written by himself. He wrote it during his leadership in very clear handwriting on most of its pages, contrary to the norm in the rest of his books. One of his grandsons, whom I saw the manuscript with, informed me that he did that to fulfill a vow to write specific pages from this explanation daily."
15. Al-Wasa'el Al-Ha'ereyya, which is in the field of the Principles of Jurisprudence and its rules.

The Second Issue

A Glance at the Book

To have a glance at the book, a couple of points have to be studied:

The First Point: The Book's Title:

It is noteworthy that this book is contributed with the several names by indexers, bibliographers, and biographers. The great researcher and scholar Al-Tehrani has pointed out several names for it, which are:

1. Al-Wasa'el Ila Al-Najat.
2. Al-wasa'el Al-Ha'eriya.
3. Wasa'el Al-Usul.
4. Al- Wasa'el Ila Ma'arefat Usul Al-Masa'el.

It seems that these names, bar (Al-Wasa'el Al-Ha'ereya) were ascribed by the transcribers or indexers to distinguish this book from others that are named by Al-Wasa'el, like the books (Tafsil Wasa'el Al-Shi'a ila tehsil Masa'el Al-Shari'a) –which is called in brief (Al-Wasa'el), which deals with jurisprudence traditions authored by Al-Shaykh Mohammad bin Al-Hassan Al-Hur Al-Ameli (d. 1104 A.H)–, (Wasa'el Al-Shi'a ila Ahkam Al-Shari'a) –by the sacred

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researcher Al-Sayed Mohsen Al-A'araji Al-Kathemi (d 1227 A.H) which is in the field of Jurisprudence-, and may other books that are named the same. Therefore, when (Wasa'el Al-Usul) is mentioned, it would be distinguished from Al-Hurr Al-Ameli's Wasa'el, which is concerned with Hadith (the traditions), also from Al-Kathemi's Wasa'el, which is concerned with jurisprudence, and so on.

The reason for the stated conclusion is that in the manuscripts which have reached us, the author only mentioned two names: (Al-Wasa'el) without the term (Al-Ha'ereya), which was stated in the introduction of the index he arranged, and (Al-Was'el Al-Ha'ereya) which he mentioned at the end of the second chapter in both transcripts (M) and (Sh) which will be mentioned.

Thus, we can conclude that the author named the book (Al-Wasa'el Al-Ha'ereya), and (Al-Was'el) for short. However, we cannot be certain, as the issue needs more tracking, Allah knows best.

The Second Issue: General View of the Book

The book is in the field of Principles of Jurisprudence. Its author Al-Sayed Al-Mujahid arranged it contrary to the usual issue arrangement and structure of the field. Traditionally, the Principles of Jurisprudence scholars start their compilations and books with an introductory chapter that studies the definition of the science, its motive, and its aim. Then they state linguistic issues, which are elements or first principles of the verbal issues such as the nature of

verbal conventions, their signs, issues regarding terms, the problem of whether words of acts of worship only refer only correct acts of an act of worship or both correct and incorrect ones. After, they study verbal issues including commands and forbiddances, implicatures (mafahim), general (al-'amm) and specific (al-khass), qualified (muqayyad), and unqualified (mutlaq), indeterminate (mujmal), and determinate (mubayyan). After finishing all of these, they move on to the problems of proofs where they discuss the topics such as the reliability of the consensus, the reliability of the apparent meanings of the Holy Qur'an, The reliability of Khabar al-Wahid. Then they move to the practical principles before ending their books with the topic of Ijtihad and Taqlid. It must be noted that most scholars of Principles of Jurisprudence discuss the rational concomitance of adequacy, the premise of obligation, the combination between obligations and forbidding, and the opposite in the verbal issues.

This is a general view of the arrangement of subjects in the science of Principles of Jurisprudence traditionally followed in its respected books. However, in his book (Al-Wasa'el Al-Ha'ereya), Al-Sayyed Al-Mujahid didn't mind this arrangement; instead, he discusses the issues separately by starting with every topic mentioned in the book with the title "A tool for ..." (Wasila fi ...). The reason for following this method is unclear to us. Still, it seems that the book is a collection of essential benefits and points used in the deduction of the legal rulings, that were gradually noted until they became an independent book.

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The "tools" vary in size. Some are briefed in a few lines, like tool (28), which is (A tool for implicatures of time and place), and tool (73), which is (A tool for opting abrogation or the other stated things). In comparison, some others are almost half a page of the manuscript, like tool (59) (A tool that homonyms' meanings are held as the predominant meaning of the word, even if it was a noun). And some of them are studied in several papers, like tool (37), which is (A tool for the reliability of induction in legal rulings and linguistic issues).

The Third Point

The Composition Period

The importance of investigating the period Al-Sayed Al-Mujahid authored this book is undeniable. This is because it is mentioned that the book was his first work, which reduces the dependence on it to know Al-Sayed Al-Mujahid's final opinions and independent judgments. The claim that the book was his first also means that it does not reveal his scientific maturity. On the contrary, if the book was authored near the end of his life, it would show his scientific maturity and have a high dependence on it to know his opinions.

Accordingly, Al-Allama Al-Tehrani quotes from someone who stated, "It was his first work during his beginnings." This expression implies that we cannot depend on (Al-Wasa'el Al-Ha'ereya) to grasp the opinions of Al-Sayyed Al-Mujahid regarding the principles of jurisprudence, considering that he completed it during his beginnings.

However, Al-Allama Al-Tehrani was not contented with this quote. Instead, he believed that the first book he wrote when he was in Isfahan was Al-Mafatih.

We can say that there are indications that attest (Al-Wasa'el Al-

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Ha'ereya) was not the first of his works, thus, allowing us to depend on it to grasp Al-Sayed Al-Mujahid's opinions in the principles of jurisprudence.

We prove our claim with several indications, as follows:

The first indication: The dated copies that Al-Sheikh Al-Tehrani saw, which are as follows:

- 1.(I saw a volume of Al-Wasa'el with his handwriting, in possession of his grandson Al-Hasan bin Jaafar bin Ali Naqi bin Al-Hasan bin Al-Musanif (the author). It consisted of the title "Waseela, Waseela" (tool, tool). He finished writing this volume in 1234 A.H, which was eight years before his death).
- 2.(I saw a copy with the handwriting of his student Mulla Muhammad bin Al-Hasan bin Ali Al-Najjar. He wrote it in 1216 A.H. It states that the author finished writing in 1213 A.H.).
- 3.(and a copy written by Muhammad ibn Zayn Al-Abadeen ibn Muhammad Taqi Al-Warnusfadarani Al-Isfahani, who completed copying around 1221 A.H)

These dates can reveal that (Al-Wasa'el Al-Ha'ereya) was written more than once by the author, as it might have been written in 1216 A.H, then he rewrote it in the year 1234 A.H. The different dates might be for different volumes.

Also, it could be found that in many cases –as available in Al-Waseela (15) of the third volume– he mentions his father and prays

that Allah prolongs his life, which means that he wrote it during his father's life.

The second indication: Al-Sayyed Al-Mujahid referencing to this book, in his Al-Manahil.

The person who reads Al-Manahil will find many cases where he referred to his book Al-Wasa'el, which reveals his adherence to its ideologies and opinions. If his compilation for Al-Wasa'el was during his beginnings and was not reliable for him, he would not refer to it; and even inform that he had modified his opinion. Some of these cases –as stated in the stone copies of Al-Manahil– are:

1. In the topic of distribution, he states that the distributor must be in a state of being virtuous, referring in his proof to what he had mentioned in his book Al-Wasa'el, where he said: (... the accurate view is the stipulation of virtuousness [in the distributor], for reasons mentioned in Al-Wasil...).
2. In another case, he stated: (but this is worthier as proven in Al-Wasa'el...).
3. In a third case, he responded against reasoning with implicatures of attributes and names: (...except if it was accepted that implicatures of attributes and names are reliable in deduction, which is opposed to by our research Al-Wasa'el and Al-Mafatih).
4. Also, he said in response against using the verse: (Honor your obligations) as a deduction for the principle "the validness of contracts" (I have researched the indication of the noble verse in

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both books Al-Wasa'el and Al-Mafatih, so no more on it).

Likewise, he referred to many other situations in his works to the book Al-Wasa'el, which reveals the book's reliability and the author's dependability on the opinions mentioned within it. It also reveals the inaccuracy of saying that he wrote it during his beginnings because if that were the case, at least some opinions would have changed, and he would have noted. Allah knows best.

The Fourth Point

Arranging the "Tools" Under Main Titles:

Al-Sayed Al-Mujahid did not organize the cases under main titles, as he discusses them scattered and separately under the title (Wasila) until the end of the book. Nevertheless, we can present these "tools" in five main titles to make it easier to reach, with some examples, as follows:

The First Title: The Issues That Relate to Principles of Jurisprudence:

Examples from the first volume include: (Al- Wasila number 24) – which is about the implicature of conditions –, number (25) – which is about the implicature of limits –, number (27) – which is about the implicature numbers –, number (28) – which is about the implicature of times and the places –, and number (29) – which is about the implicature of names –. As it can be noticed, these issues are all about implicatures, which are studied by scholars in the field of Principles of Jurisprudence.

An example from the second volume is number (5), which is about verbs' implication of obligation in the present tense.

An example from the third volume is (Al-Wasila) number (23), which studies the theory stated by scholars that the certainty in most legal cases' rulings is blocked.

The Second Title: The Linguistic Issues:

Cases in the first volume include:

Al-Wasila number (7) – which is about the meanings of the letter (Ba'a) that is added to the transitive verb – , number (63) – which is about the meaning of the word (Fi), number (64) – which is about the meanings of the term (Min) –, number (65) – which is about the meaning of the term (Ila)–, etc.

Examples in the second volume are number (8), which is about the interrogative (Man) and if it is used for generality or commonness, and the number (28), which is about the meanings of the term (Thumma).

The Third Title: Legal Maxims:

Examples in the first volume include "Tool" number (23), – which is about the rule when it is impossible to act the part of worship, and the famous rule (the possible would not be dropped because of the impossible) –, and number (58) – which is about the principle of leniency in evidence for non-obligatory acts and its jurisdiction –.

An example from the second volume is number (17) which deals with the known rule (no hardship) and the meaning of hardship.

The Fourth Title: Bibliography Evolution Issues:

Examples in the first volume are: The "tool" number (20) – which is about the omitted reports of Ibn Abi Umayer –, number (33) – which is a study of (Fiqh Al-Rida A.S) and its source –,

number (39) – the status of a saying not known whether its chain of narrators goes back to an Infallible is on hand with a well-known Fatwa (legal ruling) –, number (42) – which is to distinguish Mohammad bin Ismael whom Al-Kulayni narrates from without any medium –, number (48) – which talks about the narrations which were proven authentic Al-Allama Al-Hili –, number (50) – which shows the authenticity of Al-Shaykh's narrations from Ahmad bin Mohammad from Safwan –, number (54) – which states the legal ruling of the narrator in case he was righteous in a period and dissolute in another –.

As for the second volume, there is (Al-Wasila) number (19), which explains the meaning of the term (Al-Theqa), the term which is vastly used in the field of Bibliography Evolution. In this "tool," he proves that the person described by the term is trustful, honest, righteous, avoid sins, his testimony is accepted, and is an Imamiyi (belongs to Al-Imameya).

The Fifth Title: Elements Used for Deduction in Verbal Issues:

This will be discussed later on in detail with many examples in order to demonstrate its importance.

The Fifth Point

The Main Distinguishing Features of (Al-Wasa'el Al-Ha'ereya)

Probably one of the main distinguishing features of the book (Al-Wasa'el) is the method it was authored in by Al-Sayed Al-Mujahid. He did not abide by the ordinary issue arrangement followed by the scholars of Principles of Jurisprudence. Because of the mentioned, the author had freed himself from the classic constraints and discussed many issues that were rarely researched. This will become more obvious when going over the index.

The clearest example for such issues is his studies of the elements used for deduction in verbal issues. That is because the elements used for deduction in "Problems of Proofs" and the practical principles of jurisprudence are all available and confined in the Principles of Jurisprudence science.

For example, the reliability of Al-Khabar Al-Wahid is proven by consensus, which is studied in the Principles of Jurisprudence if it is reliable or not. Also, the reliability of Al-Khabar Al-Wahid is proven by the apparent meaning of the Quran's verses which is highly studied in the Principles of Jurisprudence, if it is reliable or not.

It is noticeable that the many pieces of evidence that prove verbal issues can be divided into three categories:

The First: The pieces of evidence that are discussed in the introduction of Principles of Jurisprudence, such as literal and figurative uses, etc. For example, what comes to someone's mind could be evidence that commands indicate obligation and forbidding indicates prohibition.

The Second: The researchers studied under "Problems of Proofs." For example, we can find that they use the consensus to prove verbal issues, acknowledging that the reliability of consensus is an issue in the principles of jurisprudence that is discussed in "Problems of Proofs".

The Third: The issues that were not discussed in the Principles of Jurisprudence, but only as a follow-up and excursively, or it may not be found at all. In this case, the researcher would hardly find scholars' opinions about the evidence and its reliability. That is because most – if not all – Principles of Jurisprudence books have not studied them separately.

Here, the importance of Al-Wasa'el is highlighted, as the author Al-Sayed Al-Mujahid focused on stating separate titles for big groups of these proofs (elements of deduction). He discussed and indicated them, whether he substantiated or negated their reliability, which is very significant for the science and field of Usul.

To strengthen the claim and to bring up examples, some of the titles are listed below and will be discussed in another study, god willing:

1. Waseela for the recurrent Hadith from the infallible (Al-Ma'soom A.S) deals with a word's status.

2. Waseela for the content of the form (do – Ifa'l). It points out that the status is not confirmed in the principle of Al-Bara'a.
3. Waseela for the evidence of induction in the legal rulings and the linguistics. It points to the case of finding without proof and the evidence of higher probability in linguistics with all its parts.
4. Waseela for the refrainment of etymology is an indication for the metaphor.
5. Waseela, for the meaning that needs to be expressed, usually has a paralleled term.
6. Waseela for evidence of the famous linguistics issues.
7. Waseela for the consensus of Al-Imamiyyah is evidence for linguistics.
8. Waseela for partitioning indicates the variable word.
9. Waseela for the word, restricted in two boundaries, is originally real just in common (literal Homonym).
10. Waseela for the word used for two meanings is originally real in common between them (abstract Homonym).

Hence, ten means have been done.

Notice that many others could be stated under the credence rules for the research of expressions or their indications and evidence.

The excellence of this book is not limited by the elements of indications of the verbal issues, as there are many others, or let us say, many discussions that scholars had not studied that Al-Sayyed

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Al-Mujahid shed light on. Here are some examples that represent some methods that are not related to verbal issues:

1. Waseela for the requisite to depend on the least if the scholars controverted with many interrelated opinions.
2. Waseela for its not prohibited to change the form of the recommended.
3. Waseela for justifying that performing the recommended would not transform it into an obligation.
4. Waseela for the Emulation and its role.

Al-Sayyed Al-Mujahid Had focused on the Emulation. He verified where it is considered an indication and where it is not. Remember that the Emulation is considered one of the evidence researches and the authority of the sunna. However, for the book's excellence, a group of essential emulation issues had been discussed. The issues were primarily burdensome for the jurists to deduct the legal rulings. However, he highlighted it in an independent title in which the researchers would reach it easily.

Some of these issues, in addition to the previous ones:

1. Waseela about the prophet (p.b.u.h) saying: "offer your prayers in the way you saw me offering my prayers" is not considered proof for the obligation of simulation in the prayers.
2. Waseela for proving that the Infallibles (a.s) recurrent doing is not indicative of its obligation.
3. Waseela for proving that is unrequired to emulate in Wudu'.

The Third Issue

The Investigation of Al-Wasa'el's Index

Before we mention the indexes of Al-Wasa'el parts, it is necessary to state the adopted manuscripts and the strategies of investigation:

I have examined eight manuscripts for Al-Wasa'el. Some of them were limited to the first part. Others were complete. Also, some others did not include the author's index, so we did not adopt them. However, the adopted manuscripts that included indexes are:

1. The manuscript of the Islamic Consultative Assembly's library in Tehran, number (1304).

It is dedicated to Al-Sayyed Muhammad Sadeq Al-Tabataba'ei.

It is a complete manuscript with an index for all three parts. Its symbol is (ش).

2. The Manuscript of Zunjan Friday Imam's library, number (042). It is a complete manuscript with an index for all three parts. Its symbol is (ب).

3. The manuscript of ser Yazedi Bayzed Library number (180). It is a complete manuscript, but it does not include indexes for the first part only. Its symbol is (س).

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4. Another manuscript in ser Yazedi Bayzed Library, Number (456), includes only the first part with its index, its symbol is (د).

According to the strategy of investigation:

1. We compared the manuscripts and almost rated the differences. As I have examined all of the manuscripts, all of them had mistakes and required many corrections, so I demonstrated the correct ones as much as possible. Sometimes I needed to go back to the text in order to know the truth.

My aim after this investigation is to reveal the issues of Al-Wasa'el book. That is why I did not mention the differences among the manuscripts, but I mentioned some of them only. Since most of the differences were somehow corrections and apparent mistakes, no worn needed. Nevertheless, I did not leave them at all.

2. Avoiding any slight mistakes, I compared the indexes with the text. Thus, I compared the index of the first part with the text of the manuscript (م) and the last two parts indexes with the text of the manuscript (ش). I found that some Wasa'el (methods) was not mentioned in any index but only in the text, so I pointed to them.

3. I punctuated the index and rearranged it into paragraphs in which each method is a separate paragraph.

4. I numbered the methods; the author arranged them according to

the alphabet. It was hard to reach them, especially for studying, that is why I rearranged them according to the numbers.

5. I narrated the scholars' biographies whom the author mentioned in the index, like Al-Sheikh and Al-Allama.
6. I exposed the verses and the narrations that the Musannif (the compiler) had mentioned.
7. While the context sometimes needed to add a word, I put it between square brackets [], and sometimes I needed to add from the text of the manuscript, so I put it between square brackets as well.
8. For further clarifications, I used to copy some from the text of the manuscript. Considering that the index included a sign for the research, it may not be evident for all the readers. They were limited, and I copied them from the manuscript (ش).

I also wish to thank all the brethren at the investigation unit in Karbala Heritage center. They assisted me to typeset the index of the first and the second parts. Al-Sayyed Mohammad Jassem has typeset the first index of the first part, and Al-Sayyed Akil Jamal Wl-Deen has typeset the second part with brother Mustafa Al-Hamadani's assistance.

At last, my lord accepts this work and records it with my good deeds. Furthermore, I ask God to grant me the success of writing the other series of his Honored book. All the praise is due to Allah, the

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lord of the universe, and all the prayers and the peace be upon the most honorable prophet and messenger, our master Mohammad and his sanctified and purified household, and in particular upon the lady of the ladies of the world, the oppressed, the deprived of her right, my lady Fatima Al-Zahraa (A.S).

The Index of Volume One:

In the Name of Allah, the compassionate, the merciful, whom we trust and seek help.

All the praise is due to Allah, the lord of the universe. All the prayers and peace be upon his most honorable creation Mohammad and his sanctified and purified household.

Now then, the most critical issues in the principles of jurisprudence and the legal rules were included in Al-Wasa'el book, wishing the sovereign, the Exalted, grant us the success to indicate and lead clearly to the truth. Since contrary to the other well-known books, it was neither well-arranged nor classified, and it was challenging to study throughout methods. For this reason, I liked to make an index that facilitates that. I intended to arrange the methods alphabetically. Thus, I intended to point to the mentioned rules by stating its method.

1. Waseela for proving that language [usages] is affirmed by the reports (frequent or not) of philologists and scholars of the language.
2. Waseela for establishing the rule in case of the occurrence of contradictory reports between philologists.

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3. Waseela for establishing the rule if there was a saying from an infallible about the definition of a term.
4. Waseela for proving that what comes to someone's mind when hearing a word is the literal meaning of the word, and vice versa with the meaning that does not come to mind when hearing the word; thus, that meaning would be a figurative use for the word.
5. Waseela for proving that limits are not a part of objectives.
6. Waseela for clarifying that the narrator's doctrine cannot specify general rules.
7. Waseela for explaining the meaning of the letter (Baa) added to the transitive verb.
8. Waseela for the rule of declarative sentence used in the command form.
9. Waseela clarifies that if a statement was towards a specific group, it is not generalized to others. Also, it clarifies that statements towards men are not generalized towards women.
10. Waseela identifies that the original status of the obligation indicated by consensus should be personal and not collective.
11. Waseela for solving the situation of difference between scholars the in one worship ruling.
12. Waseela for proving that one must take the most minor [parts] if the scholars were contrary and interrelated.

13. Waseela for showing the case of imitation, in which the contradiction between two acts or between an act and a saying is discussed.
14. Waseela for showing that the negation of the indefinite noun leads to generalizing. Also, it points out that the exception leads to generalizing as well and that verbs are indefinite.
15. Waseela for showing that leaving the request of elaboration leads to generalizing except if it was an issue of showing circumstances.
16. Waseela for revealing the legal ruling of two consecutive opinions that oppose each other. Also, it shows that the conjunction implies dissimilarity and that the usage of words that indicate affirmation is not figurative usages.
17. Waseela for revealing the general meaning of (Ifa'l). It also points out that the emplacement of words cannot be confirmed by the practical principle of exemption (Al-Bara'a). Also, it confirms the principle of considering an act recommended when there is doubt if a good act is an obligation or not. Moreover, it proves the priority of a term being univocal over being a synonym or used as a figurative. Finally, it shows the command's status in narrations from the Imams (a.s) and the commands' status post-forbiddance.
18. Waseela for proving that the command does not indicate the need for repetition for obligations. It is also pointed out that the status of a command is dependent on conditions.

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19. Waseela for assuming that the command does not require prompt action if there was no evidence otherwise. Also, it points out the ruling of a term if it has proved that it has two technical applications in two subjects, and there was no certainty that one of them is under the meaning in language. Furthermore, it discusses the principle to follow if there was doubt if the act should be conducted at once after proving its obligation.
20. Waseela for showing the reliability of mursal hadiths (omitted reports) by Abi' Umayr.
21. Waseela for to disprove the indetermination of a general word that an indeterminate proceeding word might specify.
22. Waseela for proving the requirement to hold words on their literal meanings. It also discusses the predominance of figurative uses and the conflict between them and subsidiary literal uses.
23. Waseela to show the ruling when if a part of worship could not be performed. It talks about the famous rule (What is possible does not cease to be obligatory because of what is impossible) and its results.
24. Waseela for the implication of conditions.
25. Waseela for the implication of limits.
26. Waseela for what could indicate limitation – enunciated or implicated –. It points out that (Innama) with Fatha or Kasra

means the same. There is also a comment on words that have two uses which are not known which one is literal, and one of them must be found while the other must be affirmation; here, it should be considered the first one. In addition, there is a remark which tells that the exception with the negation means it. Another remark is that defining the subject of the nominal sentence (the inceptive) with a more specified predicate also means it.

27. Waseela for the implication of numbers.
28. Waseela for the implication of time and space.
29. Waseela for the implication of titles.
30. Waseela for the implication of attributes. It points out that the author of Al-Qamoos and Al-Khalil are transmitters of the language and do not give personal judgments on words or their meaning. Also, it points out the conditions of implication.
31. Waseela for showing that all implications are verbal associative signification.
32. Waseela for the ruling when scholars agree on the obligation of something but contradict in restricting it due to the principles.
33. Waseela for showing research about the reliability of (Fiqh Al-Rida (a.s))
34. Waseela for the solution in case of contradiction between a Hadith that includes a positive partial, such as (eating apples is

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beneficial), and a Hadith that includes the negative such as (eating apples is not beneficial).

35. Waseela for proving that changing the form of a recommended action is not prohibited.
36. Waseela for showing that starting a recommended act would not change it to obligation.
37. Waseela about the reliability of scrutiny in legal rulings and linguistic issues. It also points out when conscience is considered valid proof. Also, it discusses the reliability of predominance in linguistic issues.
38. Waseela for justifying that the scholars' reasoning with principles is accepted. Also, it points out that the rational evidence does not accept specification.
39. Waseela for explaining that if a Maqtu' Hadith (unknown narrator) was the same as a predominant judgment, then it is considered reliable.
40. Waseela for the ruling in the case if there was a conflict between an Infallibles' customs and the customs of a narrator.
41. Waseela, for the meaning the needs to be expressed, usually has a paralleled term.
42. Waseela for distinguishing Mohammad bin Isma'el when Al-Kulayni narrates from without any mediatory, and he narrates from Al-Fadil bin Shathan, as well.

43. Waseela for the authority of the renown in case of linguistic issues.
44. Waseela for the authority of Al-Imameyya's consensus's authority in linguistic issues.
45. Waseela for proving that priority indicates the variable word.
46. Waseela for restricting the absolute word by two restrictions that are principally a truth in the variable word between them.
47. Waseela for using a word in two meanings is to be principally a truth in between.
48. Waseela for showing that Al-Allama's correction proves that the Hadith is authentic.
49. Waseela for the consensus of opinions claim an inclusive one and the claimant does not believe in individuality, then the legal ruling would not be stable.
50. Waseela for the trustworthiness of Al-Sheikh's narrations from Ahmad bin Safwan.
51. Waseela for that it is not conditioned to take the real meaning of the word with the presumption; it is enough without it.
52. Waseela for explaining the meaning of letter (و) -- one of the syndesis particles – it points out that the frequent use is the evidence of truth. It also signifies why some jurists adopt rational evidence concerning linguistic issues. However, it addresses the ruling in doubt case according to the obligation of ordering after we know the obligation in the sentence.

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53. Waseela for the adoption of generality on the specification. It points to the ruling of the linguists' consensus and the specification predominance on the metaphor, the ellipsis, and the abrogation. Also, it points out that the fane is valid to prefer one speech from another. It affirms the presumption of continuity if the legal ruling was stable and one text proved its continuity and the other one proved its nihility. Furthermore, it shows the ruling of the conflict of partial generality and the predominant authority.
54. Waseela for the ruling when the narrator was once a reliable witness and wicked on another time.
55. Waseela for the explanation of (أَنْ) (that, to, yes, if, because) principally, the intention is unconditioned for the commanded.
56. Waseela for forbidding of abrogation a book with one source.
57. Waseela for the legal ruling of two opposed Hadiths, and they could be collected together. However, they cannot be preferred by one another.
58. Waseela about the permissibility of the indulgence in the proofs of prophetic traditions and the abhorrence.
59. Waseela for clarifying that the variable word is taken in the meaning that is used more even if it was of Al-Allama's names.
60. Waseela to prove that it is not necessary to have emulation at Wudu'.

61. Waseela for the word with one meaning, the ruling requisites the real meaning. It also transmits Al-Allama's opinion: the principle of generalization is the truth. In addition, it points out the ruling of adherence to fabrication nihility principle.
62. Waseela for proving that the principle is the subjective obligation not through an outside factor. It points out a compelling cause between the conditional obligatory and the one from an outside factor. It shows the ruling of the premise before the speech.
63. Waseela for the meaning of the preposition (Fi-في). It points out the principle of synonymy nihility.
64. Waseela for the meaning of the preposition (Min-من).
65. Waseela for the meaning of the preposition (Ila-إلى). Also, it points out the ellipsis contrary to the principle and the consistency of an effective cause between synchronism and quantum's absence.
66. Waseela for proving that the preposition (Fa-ف) is for syndesis.
67. Waseela for the consistency of an effective cause between metaphor and ellipsis or requisite. Moreover, it assures the consistency between ellipses and requisite. Also, it points out to some scholars opinions about the substantiation of the legal meaning for the way of salaat in which it has been performed a lot according to the real meaning, and that it is evidence for the truth, and its reply as well.

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68. Waseela for the consistency of an effective cause between the specification and the variable word.
69. Waseela for the consistency between the ellipsis and the variable word.
70. Waseela for the consistency of an effective cause between the metaphor and the variable word.
71. Waseela for the consistency of an effective cause between the transmission and the variable word.
72. Waseela for the consistency between the metaphor and the variable word. It points out the authority of presumption in linguistics. It assures the unpredominance of the variable word in linguistics but the predominance of the metaphor. It also shows that the frequent use is evidence for the truth and that the particles are not variable, so are the verbs and the present tense. Moreover, it proves that the word is not variable between itself and its meaning and that the relationship is not limited by what the jurists say. Furthermore, it indicates the unoccurrence as a principle, and it indicates that the truth does not require the metaphor. Also, it talks about the word that has two meanings, which is identified in one of them, that it is real in general, and is not identified in the other.
73. Waseela for the consistency of an effective word between the abrogation and one of the previous issues.
74. Waseela for proving that it is evidence for adhered when it is

well-known and familiar with the people to leave an apparent meaning and not hidden.

75. Waseela tells about the opposition between the general custom and the language. It points out the untransmission and the delay of the occurrence as two principles.
76. Waseela for partitioning the verbal indication into textual and apparent, and the reason for that. Entirely there are 136 issues in this volume, and as it seems.

[The Index of Volume Two]:

All the praise is due to Allah, the Lord of the universe. And all the prayers be upon his most honorable creatures Mohammad and his sanctified, purified and infallibles household.

Now then, this is the second volume index, and I followed the same way of the first volume's index.

–Waseela number (1): It is about the literal homonym. It points out to the word that has two meanings without any real or metaphor features.

–Waseela number (2): It is about the ruling of the abstract homonym. It affirms the principle of unbuilding upon the textual word.

–Waseela number (3): It shows that it's not necessary to keep on the attribute in order to prove the derivation. It points out to a general rule for the presumption of continuity. Also it proves that derivations are not evidences for permanence and continuity. It also shows that the unrestricted is related to the generality, so that when it is said: "X is good", this means he's good in all situations.

–Waseela number (4): It shows that the singular definite noun cannot generalize by the state of the word. It points out to an

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important rule due to the difference between the national realization and the realization narrations. Also it highlights the positions of the singular definite noun without the status of the word where should the unrestricted word be taken as generality and that the generalization leads to the circulation and the causes that oblige the news unrestricted to be taken as generalization even if it has circulation. Furthermore, it assures that the intimation is not considered an evidence and the article (The – ال) that comes before the indefinite is used for the known ones. It claims for the consensus of opinion requisite in order to take the apparent meaning of the word and what the rational principle requires if the commanding was related to the general.

–Waseela number (5): The present tense leads to the obligation if it is used in composition.

–Waseela number (6): If it was doubted that a worship or deal is conditioned by anything, this means that it requisites doubt on its correctness. Also, if both were surely conditioned by a thing, and it was doubted if that thing has been done, this means that it requisites to doubt on the correctness of the condition, too. It also points out to the ruling if the request consistency of the ellipsis was either to conceal the meaning of the word by many or to conceal the meaning of the word by few, then it couldn't be ruled according to the latter since the principle states that not to use the ellipsis so much.

–Waseela number (7): As a principle, if the pure animal, which

is not to be eaten, had been impured, then it's pure and its allowed to get benefit from it. It points out to the ruling when the purification is doubted.

–Waseela number (8): The interrogative term (Who–مَنْ) means the generality. It points out that it's requisite for the answer to follow the question.

–Waseela number (9): it tells about the usage of the metaphor in language, the Holy Qur'an, and the Sunna (narrations).

–Waseela number (10): It shows the ruling when a part of the worship had been doubted. It points out that the principle of worships and deals is the individuality. It proves that the nihility of the evidence is the evidence of nihility. It also proves that the principle of wodo' is to give consideration to the cautions. Then, it assures the deals concepts and the worships concepts and that they were put in order to generalize out of the invalid and the right. It affirms that the forbiddance in worships does not require correctness. Moreover, the principle of nihility does not deal with the substantiation of not to increase the quantity and quality, the width and the length of the external existence. In addition, it claims the recommended, as a principle, if the action was superior but its obligation was doubtful.

–Waseela number (11): It talks about the ruling of the partition of qualifications of Ijtihad and the authority of the presumptive Mujtahid according to the partition.

–Waseela number (12): it proves that if the unrestricted word had

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a famous meaning but the ruling was fixed for some uncommon meanings, then it's okay to take the famous one. Also, it does not require the generalized meaning of the famous or others.

–Waseela number (13): it says that when the linguist mentions a word with a specific meaning in one of his books, this is not considered as evidence to be a real meaning.

–Waseela number (14): it's about the prophet's (PBUH) saying: "offer your prayers in the way you saw me offering my prayers.." which is not considered a proof for the obligation of emulation in the prayers.

–Waseela number (15): it shows that the infallible (AS) recurrent doing is not an indication for its obligation.

–Waseela number (16): it says that adding anything for the worship or the deal is not an evidence to be out of its concept.

–Waseela number (17): it says that the hardship is legally denied.

–Waseela number (18): it says that the submission of the request requires the partitioning.

–Waseela number (19): it shows the meaning of the term (reliability). It points out that, as a principle, the narrated should have closer meaning to the original one.

–Waseela number (20): it says that the constancy is an evidence for the truth, and when it's not, then it's an evidence for the metaphor.

–Waseela number (21): it says that using the word in its forgotten meaning is an evidence for the metaphor.

–Waseela number (22): it says that the metaphor is known by its addition to a form which is different from another one its added to, that has another term [where it is a truth].

–Waseela number (23): it says that the metaphor is known by its restricting.

–Waseela number (24): it says that the metaphor is known by the link between both titles, in order to choose one of them, is a condition.

–Waseela number (25): it says that the absence of etymology is an evidence for the metaphor.

–Waseela number (26): it says that rationally it's allowed to worship according to the solitary (Hadith). It points out to the definition of the solitary Hadith as an idiom and the recurrent Hadith. It also appoints that the solitary Hadith, by itself, is not considered as a knowledge, however, by adding the interferences, it may be.

–Waseela number (27): it says that if the generalized and the restricted word were mentioned but differed legally, then it's not an obligation to restrict. Also, it points out to the definition of the generalized.

–Waseela number (28): it says that it's not allowed for the reasonable person to address words that has apparent meaning while he means the contradictory.

–Waseela number (29): it says that it's not allowed for the reasonable person to address neglected words. It points out to the definition of the speech.

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-Waseela number (30): it shows the ruling of the speech that has legal truth in case of forbidding. It points out to the legislator's speech should be, principally, concerned about his objective. Also, he should refute the suspicion in order to take the legal meaning, as an obligation. That's because we're not sure about the legal truth for the speech when it has been given.

-Waseela number (31): it shows the ruling when the custom is opposed [with the special custom].

-Waseela number (32): it shows the ruling of the idiomatic words.

-Waseela number (33): it shows the authority of the linguists views.

-Waseela number (34): it shows that it's obligatory to take the closer meaning of the metaphor when the truth is unattained. Also, it says that if the legal terms, that are used in other meanings, were once unattained according to these meanings, then it's obligatory to take them in the legal meanings. That's because the legal truth has not been proved. Moreover, its says that if the word, that could be customary and linguistic, here we may put the latter first, in case of opposing, and it couldn't be taken like that for a cause, then it's obligatory to take the first as a meaning. It also proves that when it's difficult to take the commands and the forbiddances, as obligations and prohibitions, then we should take them as recommended and abominable. Furthermore, the negation is obligatory and the nearest metaphor meaning as well if the negation of the central part was

unattainable, such as, the Infallible's (A.S) saying: "No matrimony without a guardian". It shows the ruling of the word that couldn't be taken as real according to the metaphors.

–Waseela number (35): it talks about the recurrence of the seven recitations. It points out to the bisections of the saying when it's not recurrent, and that it's allowed to recite any of them when it's not recurrent. It also points out to the seven reciters and narrators to follow them. It declares the ruling of the seven recitations, out of the others, concerning their recitation and their authority. It shows how the recitation is divided into recurrent, individuals and the solitary one. It affirms that the recurrence of what is related to Qur'an is obligatory. Moreover, it differentiates between the Holy Qur'an and the recitations, and it reveals the reason for the recitations. It says that the difficulties among the recitations leads to the differences in the rulings, so that it's better to follow the recitations.

–Waseela number (36): it's about the authoring of the reported consensus, if the reporter has claimed opposite view to the consensus.

–Waseela number (37): it shows the conditions of the metaphor, it points out that the narration is not conditioned in case of individual metaphor. It reveals the relations of the metaphor and that the metaphor requisites the truth.

–Waseela number (38): it shows that not all truth for the custom trend is a custom truth.

–Waseela number (39): it denies the illusion of the certainty of

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the four books of narrations: (Al-Kafi), (Al-Tahtib), (AL-Istebzar), and (Man La Yahdoroho Al-Faqih). It points out to the objection of what is mentioned in (Al-Kafi) authority, as a principle. It tells the meaning of the word of knowledge. It proves a way that has the evidence [for] unpermitting the acting according to suspicion. Also, it denies [the principle illusion] of the narrators authority that are mentioned in (Man La Yahdoroho Al-Faqih).

-Waseela number (40): it investigates in the meaning of the word (matrimony).

-Waseela number (41): it shows what the principle requires in order to sustain the intention.

-Waseela number (42): it shows the confirmation position in language.

-Waseela number (43): it says that if the generalization had only few and its ruling was proved by some of them, when it is not necessary to return to the other's proofs.

-Waseela number (44): it talks about the synonyms in the language. It points out that it may be found in Shari'a of Islam (The law) and that the word Laytan (following or close) in the proverb: "Shaytan Laytan" (following devil or close devil) is not a synonym, the definition is not and the confirmed is not as well.

-Waseela number (45): it shows the ruling of replacing the synonyms words.

-Waseela number (46): it talks about the testimony of the rightful

in case he followed a narration that was edited by its narrators.

–Waseela number (47): it's about the authority of the narrator. It points out that the narration of the rightful narrator is not confirming of his honesty. It claims the consideration of confirming the rightful honesty even if it's unknown. It also claims the authority of the moderator who's known by its narration in which he doesn't do except from a trustful narrator. It assures the authority of the moderator who is depending on the leaders of narration. Moreover, it talks about the authority of the narration which is in an obvious chain once and is disconnected (which is a successor directly attribute to the prophet without mentioning the name of the companion who narrated it from the prophet) on another, and is considered Hadith in chain by one narrator and disconnected by another. This Waseela also shows the situation of Hadith which is considered in a chain to the prophet (PBUH) and is not by another one, the authority of the narration of the narrator if he stated the chain of Hadith, and what is the discussion known by Waseela (48): It talks about the meaning of the term "then".

The whole number of the issues that are discussed in this volume is apparently 133.

[The index of part 3]:

In the Name of Allah, the Compassionate, the Merciful and whom we seek His help.

All the praise is due to Allah, the Lord of the universe. And all the prayers and the peace be upon his most Honorable creatures, Muhammad and his purified and the infallible household.

Now then, it's the third volume's index of our book (Al-Wasa'el), and I followed the same way of the first volume's index.

-Waseela number (1): It says that the principle of selling is the validity. It points out, in general, to the conditions of the selling and the renting, and what is legally permitted to get as a rent.

-Waseela number (2): it shows that the validity and the commitment are principles for the transactions and the contracts.

-Waseela number (3): it shows that, if a generalization of Shi'a was a source for a ruling, such as (the noblest of the scholars) but later on that ruling had been denied by some members, and that denial was doubted after all, then the principle is to stop denying.

-Waseela number (4): It shows the extreme limit of exclusions and its prohibition until the minimal limit is reached. It points out that the bad usage of language and others does not indicate a mistake. Also, when it's unused in the language that's not a condition for being a mistake.

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–Waseela number (5): it shows the extent that should be after the specification and the generalized. It points to a rule that deal with the induction.

–Waseela number (6): it shows that if the transmitted matter has been rounded between the linguistic meaning or any other one, then the latter is the principle.

–Waseela number (7): it shows that we couldn't take by the doubt which is proved even more than the testimony of two rightfuls.

–Waseela number (8): it shows that the command is apparently a clear obligation.

–Waseela number (9): it shows that the authority denied for the rightful Hadith is a principle.

–Waseela number (10): it proves the authority of the well-known Hadith. It points out to the ruling of the weak one, in case it approves with the majority Fatwas. It also obliges the old well-known preference on the latest ones, in case of opposing.

–Waseela number (11): it shows the ruling of Al-A'alam Taqlid (immitation).

–Waseela number (12): it shows the ruling of the conflict of specification and the closet metaphor.

–Waseela number (13): it says that it could be ruled of specifying two generalizations in case they were opposed with each other.

–Waseela number (14): it proves that it's forbidden to immitate the dead one.

-Waseela number (15): it proves that the principle of accusation is to unforbid the acceptance of the testimony.

-Waseela number (16): it shows the meaning of the righteousness.

-Waseela number (17): it proves that the sins in all, do not degrade the righteousness. It points out to an investigation of The Almighty saying: "if there comes to you a disobedient one with information, investigate", and "and incline not to those who do wrong.." (the verse 125). Also it points out that the term "are not equal.." means generalization.

-Waseela number (18): it shows that not all the sins are great, but they are divided into great and minor. It points out to the great sins accomplishment.

-Waseela number (19): it shows that the righteousness is not related to the virility.

-Waseela number (20): it shows that leaving the recommended deeds won't degrade the righteousness.

-Waseela number (21): it shows that it's a principle for the witness to be righteousness. It points out that the one whose situation is [Unknown], would not be accepted.

-Waseela number (22): [it says that the usage of the term (salat) according Shari'a's custom, while performing the Salat of the dead, could be either real or metaphor, the same as in Dua'a].

-Waseela number (23): it investigates on what some companions

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have claimed about the new legal rulings, in which most of them are unattainable.

The index of the third volume has been done.

[The Index of Volume Three]:

In the Name of Allah, the Compassionate, the Merciful and whom we seek His help.

All the praise is due to Allah, the Lord of the universe. And all the prayers and the peace be upon his most Honorable creatures, Muhammad and his purified and the infallible household.

Now then, it's the third volume's index of our book (Al-Wasa'el), and I followed the same way of the first volume's index.

-Waseela number (1): It says that the principle of selling is the validity. It points out, in general, to the conditions of the selling and the renting, and what is legally permitted to get as a rent.

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have claimed about the new legal rulings, in which most of them are unattainable.

The index of the third volume has been complete.

Conclusion

Through the brief study and the run-through, we found that Al-Sayed Mohammad Al-Mujahid Al-Tabataba'ei Al-Ha'eri has no less important works than his great pieces (Al-Mafatih) and (Al-Manahil) and that his heritage is vast. The most significant of which is (Al-Wasa'el) that consists of many views and theories of the author, which is considered the only source for a group of them, to which he returns to in his book (Al-Manahil). Unfortunately, most of his scientific heritage is still either manuscripts or old books written on stone, making them difficult to use and find.

Furthermore, it is evident that (Al-Wasa'el) is a great book. It was known by (Al-Wasa'el Al-Ha'ereya). It has been known as a principle of jurisprudence book in bibliographies and biographies. However, the issues in it are diverse, ranging from principles and jurisprudence issues to linguistic and narration research.

Therefore, it is considered a fruitful matter for today's scholars to study (Al-Wasa'el). The book is helpful for the professionals of the Arabic language and the grammar, for the scholars of the study of narrators, and so on because of its vast issues.

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