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ABSTRACT

This dissertation commits itself to studying one of the 'Means Principles' in Islamic law. This principle reads 'Every action that fails to achieve its aim is void'. Action here refers to 'the means'. The study defined all the technical terms used in phrasing the principle and highlighted the origins of this particular principle, its emergence in Islamic legislative history and its interrelation with other similar principles. The study treated the role of this principle in the interpretation of some textual evidence and associated evidence. The study, then, provided some examples of the disability of the means, the conditions by which a means is considered disabled, the relationship between the aims and the means and the relationship between these two components on one hand and the fundamental and flexible matters in Islamic law, on the other. In the final chapters, the study presented some juristic implementations of the principle, the deductive methodology to extract what might disable the functioning of the principle, and comparative analysis of the views of several scholars. The study concluded with some results, the most significant of which is that this principle is considered a purposive principle that has its links with jurisprudence. Hence, it is a judicial purposive ruling. It also found out that a means is of two types; invariable and variable. The latter changes according to time, place, circumstances and conclusions. Consequently, the judicial stance might change and the means might be subject to *ijtihad* wherever there is no textual evidence. Besides, the means may not lead to the aim in a proper manner. Thus, the means is disabled here, though, as clearly stated in the research, this does not mean that it is illicit, nor does it mean it cannot be handled. It is disabled due to malfunctioning solely or occasionally. The study has also shown that the relationship between the aims and the means is associative and inseparable to the extent that it is impossible for any of them to stand without the other. On the one hand, the aims would not be achieved without the means and, on the other, the means are worthless if they have no aims to fulfil.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Usul al-Fiqh*).

Salih Qadir Kareem Hasan al-Zanki
Supervisor

I certify that I have examined and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Usul al-Fiqh*).

Sano Koutoub Moustapha
Examiner

This thesis was submitted to the Department of *Fiqh and Usul al-Fiqh* and is accepted as a fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Usul al-Fiqh*).

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This thesis was submitted to the Kulliyyah of Islamic Revealed Knowledge and Human Sciences and is accepted as a fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Usul al-Fiqh*).

Hazizan Md Noon
Dean,
Kulliyyah of Islamic Revealed
Knowledge and Human
Sciences

DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and bibliography is appended.

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