THE FUNDAMENTAL PRINCIPLES OF JEWISH JURISPRUDENCE*

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In antiquity, only three peoples developed a juridical system: the Romans, the Persians and the Jews. There was no meaningful contact between the Persians and Romans. The Jews had to live under the dominion of both these peoples and therefore had to come to grips with their juridical systems. Since the Jews did not possess an independent police force charged with execution of the decisions of the judiciary, the validity of their legal system ultimately was a matter of legal competency.

In the Middle Ages Jewish jurists came in contact with Islamic jurisprudence and further developed their own legal system in light of the new challenges. The Jewish legal system continues to develop today, and in some Muslim countries (*e.g.*, Turkey, Syria, Morocco), the authority of the Rabbinic Court over the Jewish community is recognized by the government in such matters as family law, inheritance and arbitration. Jewish jurisprudence is the oldest legal system still in force. It reached vast geographical areas, from Goa, Cochin and Hong Kong in the East to the Americas and the Antilles in the West.

I. LAW AND SOVEREIGNTY

In order to understand the Jewish legal system it is best to begin by examining the concepts of law and sovereignty. In the view of Austin, law may be conceived as the effect of authority: law is a command expressing the will of the political superior. Since the ultimate ground of law is sovereignty, magistrates and government bodies issuing laws and legal decisions derive their authority from the sovereign. Sovereignty cannot be limited; the sovereign

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* To Mickey Kairey: In token of friendship.

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is not subject to law. Thus, sovereignty is the basis of law, not its effect.[1]

It should be emphasized that sovereignty in Jewish thought is not the basis of law but rather its effect.[2] This law, however, is not to be identified with "natural law," which is universal and requires no promulgation. In Judaism the *Tora* (Law) is binding only on the Jewish people, not on mankind; it became authoritative only after the theophany at Sinai. The Noachide laws, which apply to non-Jews,[3] similarly do not constitute a "natural law." In this respect it is important to note that the Noachide laws discussed in the Talmud are not universally applicable. Baḥye ben Asher of Toledo[4] observed that these laws are binding only in the Holy Land.[5] They governed the aliens residing in Israel[6] and thus constitute a Jewish *ius gentium*, or law for the foreigners. These laws most likely originated in the Maccabean Period, during which large numbers of aliens lived within boundaries of the Jewish state.[7]

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1. H. Jolowicz, Lectures on Jurisprudence 15-27 (1963).

2. The Maccabean uprising (167-164 B.C.E.) [regarding year designations, see note 15 *infra*] illustrates this point, for not only the political institutions but also the Temple clergy and Sanhedrin (the Supreme Court of Justice) upheld the policies of the Selucid government. E. Bickerman, From Ezra to the Last of the Maccabees 99-101, 106-11 (1962). The fact that the people revolted against all these forms of authority in the name of the "Law" clearly shows that sovereignty is not the source of, but rather is subject to, the law. In this connection, a passage from the Palestinian Talmud contrasts the view of Gentile kings as above the laws which they impose with the Jewish view of God as considering Himself bound to the law. Palestinian Talmud, *Rosh Ha-Shana* I, 3, 57B. *See also* S. Liberman, *How Much Greek in Jewish Palestine?*, in Biblical and Other Studies 128-29 (1963).

3. *See* Talmud, *Sanhedrin* 56a-59a; M. Maimonides, Mishne Tora, *Melakhim* ix, 1.

4. D. 1340 C.E.

5. Bahye ben Asher, 3 Commentary on the Pentateuch (in Hebrew) 378, 452 (1968); J. Faur, Studies in the *Mishne Tora* 150-51 n.42 (1978) [in Hebrew] [hereinafter "Faur"].

6. M. Maimonides, Mishne Tora, *Bi'ot 'Asurot* xiv. 7; Faur, *supra* note 5, at 150-51 n.42.

7. Finkelstein, *Some Examples of the Maccabean Halaka*, 49 J. of Biblical Literature 21-25 (1930). The Bible even recognizes the legitimacy of star worship by other peoples, *see Deuteronomy* 4:19, a point made explicit in The Septuagint and Dead Sea Scrolls. P. Skehan, *A Fragment of the "Song of Moses" (Deut. 32) from Qumran*, 136 Bull. Am. Schs. Oriental Research 12 (1954). The blessing prescribed by the Rabbis upon witnessing a broken idol, "Blessed Art Thou . . . who has removed idolatry from our land," Mishna, *Berakhot* ix, 1, is evidence that even the prohibition on idolatry was not binding over the gentiles outside the Holy Land. Further evidence may be derived from the legend that when God offered

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In Judaism, therefore, the basis of the Law is the *Berit* (Covenant) established by God and the people of Israel at the foot of Mount Sinai and constituting a bilateral pact which determined the rules and stipulations governing God and Israel. These resulting rules are the *miṣvot* (commandments), or laws, of the Jewish people. The effect of these laws is the sovereignty of the Jewish people; it is guaranteed by the *Berit* between the people and God, a covenant that neither of the two parties can abrogate.[8]

The law also defines the powers and responsibilities of the political, ecclesiastical and judicial authorities. The power of these authorities derives from recognition of the law. Thus, when the authority fails to comply with the law it loses all legitimacy,[9] since in Judaism the law is autonomous from political officers, ecclesiastical authorities and judicial magistrates. The Scripture, however, recognizes the possibility of error on the part of the Supreme Court,[10] and when this occurs there is no obligation to accept the decisions of the Court.[11] The Palestinian Talmud interprets the verse "do not depart from the word that they [the Supreme Court] shall tell you neither to the right nor to the left"[12] to mean: "Only when they tell you that the right is the right and the left is the left, then you must obey their dictates. However, when they say that the right is the left and the left is the right, do not listen to them."[13] The same applies to the other two authorities, the *Naśi* (Ruler, Monarch), and *Kohen Masliuaḥ* (High Priest). Both are subject to error in judgment, upon discovery of which an expiatory offering is brought in acknowledgement. This concept of "error in judgment" presupposes an autonomous law transcending the boundaries of their authorities. When the biblical prophet charged the king, the priest and the judge in the name of the law, he was in fact postulating the principle that political, ecclesiastical

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his Law to other peoples, they asked for some examples of the Law, whereupon God described the prohibition of murder and robbery. They consequently refused to accept the Law. Since these prohibitions were already contained in the Noachide laws, it is clear that the gentiles were not thought to be bound by them; otherwise, both the proposal and its refusal would have been meaningless. The legend is recounted in Sifre 396 (L. Finkelstein ed. 1969).

8. Faur, *Understanding the Covenant*, 9 Tradition 33 (1967).

9. *See* M. Maimonides, Mishne Tora, *Melakhim* iv, 9 and *Sanhedrin* iv, 15. The point is further elaborated in Faur, *supra* note 5, at 19-25.

10. *See Leviticus* 4:13, 15:22.

11. Talmud, *Horayot* 3a; Faur, *supra* note 5, at 21-22.

12. *Deuteronomy* 17:11.

13. Palestinian Talmud, *Horayot* 45a.

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and judicial authorities are subject to the law.

The law is "sacred," which means that it cannot be abrogated by any authority, human or divine. According to Rabbinic jurisprudence, even God Himself cannot alter the covenant or reinterpret one of its laws. In the words of the Rabbis, "The Tora is not any longer in Heaven," that is, under divine authority.[14] Maimonides adds that if one would want to either confirm or dispute a matter of jurisprudence on the basis of divine inspiration, supernatural powers or prophecy, he could be charged as a false prophet.

The law does not require promulgation to be binding. The attitude of the Jews toward the autonomy of law may help us understand some significant aspects of their history. To begin with, the loss of the government institutions as well as the land of Israel does not impair Jewish national sovereignty. In contradistinction to heroic thinking that the *right of the sword,* the *merum imperium* or absolute sovereignty underlies the right for civil and criminal administration of justice, the Jewish view is that the law is the only basis of authority. With the destruction of the Temple in 70 C.E.[15] and the subsequent exile of the Jewish people, national sovereignty was politically redefined as *Galut* (Exile). This means that although vanquished in war the Jewish nation was not dissolved. Jewish sovereignty is not predicated upon the ability to control a particular geographical area but rather is an extension of the law establishing the internal, legal, religious and cultural institutions governing the Jewish people.[16] This may explain the peculiar problem of the Jews in pre-modern times: the problem was not merely one of religious freedom but also one of political rights to live "under the law" and to administer the civil and criminal affairs of the "Jewish nation."

In this connection it is worth noting that when the first group of Jews sought permission to settle in New Amsterdam in January 1655, the petition was made in the name of the "Jewish nation."[17] Whatever Governor Peter Stuyvesant's personal feelings concern-

14. Talmud, *Baba Meşi'a* 58a; M. Maimonides, Mishne Tora, *Yesode Ha-Tora* ix, 1. This concept is one of the 13 basic dogmas of Judaism. M. Maimonides, Commentary to the Mishna, *Sanhedrin* x, 1. *See* Faur, *supra* note 5, at 16.

15. Dates herein are referenced to the "common era." Thus, B.C.E. (before the common era) is equivalent to B.C.; C.E. (common era) is equivalent to A.D.

16. Faur, *Early Zionist Ideals Among Sephardim in the XIXth Century*, 15 Judaism 54-55 (1976).

17. I. Sloan, The Jews in America, 1621-1970, at 51 (1971).

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ing Jews and Judaism may have been, his refusal to grant the permit was not a matter pertaining only to religious freedom; the situation of the Jews was radically different than that of other minorities. A Christian sect, for instance, could claim to be a separate *religious* group, but not a separate *national entity*. Although the government may have been willing to grant religious freedom to its subjects, it still refused to recognize the political autonomy of a particular group living within its borders.

In summary, law in Jewish tradition is grounded on a Covenant with God. That law does not depend on authority and therefore does not require promulgation; nor can it be subject to abrogation. As the sole source of the institutions governing the Jewish people, the law is the only basis of national sovereignty. Much of Jewish history is a commentary of this juridical principle.

II. The Sources of the Law

In Rabbinic jurisprudence, law is classified into *De-'Oraita*, *De-Rabbanan*, and *Dinim Mufla'im*. *De-'Oraita* (Scriptural),[18] are the laws contained in the Covenant. The Karaites, a Jewish sect flourishing in the eighth century C.E., maintained that all laws are to be deduced directly from the text of the Bible. For normative Judaism, scriptural laws are known and transmitted through the oral tradition as that is contained in the Talmud and taught by the *Geonim* (singular, *Ga'on*, Eminence), or heads of the academies in Babylonia. The object of the Bible is cultural and spiritual edification, not jurisprudence.[19] These "scriptural" laws form the legal constitution of the Jewish people and, as mentioned before, require no promulgation. Although the court can temporarily suspend these laws (with the exception of the law against idolatry)[20] in certain circumstances, the laws cannot be abrogated.

De-Rabbanan (Rabbinic) are the laws promulgated by the Rabbinic courts (*i.e.*, the Judiciary). These laws, which require promulgation, can therefore be abrogated by another court. According to Maimonides, since the judicial authority to promulgate new laws is *De-'Oraita*, Rabbinic enactments are basically covenantal

18. "Scriptural," as used for the purposes of this article, will refer to the oral laws which came down with and which implement the legal principles of the Bible. They are considered to have the force of biblical laws which require no promulgation and cannot be abrogated.

19. Faur, *Some General Observations on the Character of Classical Jewish Literature*, 28 J. Jewish Stud. 31, 31-36 (1977) [hereinafter "Faur, *General Observations*"].

20. Talmud, *Sanhedrin* 46a; M. Maimonides, Mishne Tora, *Mamrim* ii, 4.

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laws. The only fundamental difference between *De-'Oraita* and *De-Rabbanan* is that the latter requires promulgation and can be abrogated whereas the former is not subject to abrogation. The differences separating scriptural laws from Rabbinic legislation were established by the Rabbis themselves, and they were not part of the original covenantal laws.[21]

Dinim Mufla'im (Undefined Laws) are the elements of the covenantal laws not defined by oral tradition and definition of which is the exclusive right of the judiciary. Since there are no absolute guidelines in these issues, the decision of the court cannot be challenged "even when they tell you that your left is the right and your right is the left," that is, even when in disagreement with one's own view on how these issues ought to be defined.[22] The arguments advanced by the jurists when debating their individual views are of a rhetorical character. The ultimate purpose of this type of discussion is to convince, rather than to demonstrate in a scientific, objective fashion. Views are accepted or rejected on the basis of a majority vote rather than by some "criterion of true interpretation."[23] Once a definition is accepted, it becomes the legal interpretation of the law. Most of the Talmudic discussions which use biblical exegesis concern *Dinim Mufla'im.*

In a sense *Dinim Mufla'im* is a middle term between the two other classes. On the one hand, like the laws *De-Rabbanan*, these laws depend on legislation. They therefore require promulgation by the court and can be abrogated by another court. Furthermore, the judiciary can make stipulations and grant exceptions that would be inadmissible in scriptural laws. On the other hand, since the *Dinim Mufla'im* define scriptural laws, they affect the laws *De-'Oraita* and thus acquire the status of the laws that they are defining. For example, the scriptural expression "to take a wife"[24] is taken as the basis for the wedding ceremony current among Jews since Rabbinic times. Because this ceremony defines an element of the covenantal law, upon the performance of this wedding the parties are duly married according to the full meaning of the law. Since this ceremony was not defined by covenantal law but rather by the judiciary, however, the court has the power to annul this class of matrimony.[25]

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21. Faur, *supra* note 5, at 19-25.
22. *Id.* at 22.
23. *Id.* at 46-49.
24. *Deuteronomy* 22:13.
25. Faur, *supra* note 5, at 28-29.

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There is the additional category of *Minhag* (Custom, Customary Law). This type of law is also *De-Rabbanan*, since although the *Minhag* originates outside the court of justice, it is binding only because it was adopted by the court. Thus Maimonides considers the *Minhag* an edict issued by the judiciary. The only difference between it and other laws *De-Rabbanan* is that *De-Rabbanan* is binding on all Jews whereas the *Minhag* is limited to a particular locale.

Each of these classes of law serves a specific purpose. *De-'Oraita* is the basis of government, authority and national sovereignty; the fact that this class of law is valid even without territorial integrity assures national autonomy even after vanquishment of the State. Legal stability, the basic rights of the individual, and a check on arbitrariness and abuse of power are some of the effects of this class of law, which cannot be altered by a "superior authority." The purpose of *Dinim Mufla'im*, however, is to meet the political, economic and social conditions peculiar to each historical situation. Through the interpretation of the undefined elements of the Covenant, the laws of the Scripture are adapted to the new circumstances.[26]

A few examples clarify this point. In the Scripture, *'Aboda* (Worship) refers to the offering of sacrifices at the Temple. With the destruction of the Temple in 70 C.E., Israel no longer had a sanctuary in which to offer a daily national sacrifice. By defining the passage "and to worship Him (*wul-'obdo*) with all your hearts"[27] to mean the prayers, and by further establishing that the time of the prayers must coincide with the time of the daily sacrifice, the institution of the prayers and the synagogue were established. The synagogue became a "mini-Temple" and the prayers the means by which Israel worshipped God nationally.[28]

Another example, found in criminal law, is the notion that no criminal punishment can be executed unless the criminal has been formally forewarned by witnesses and has acknowledged the warning. Since there is no scriptural basis for these requirements, they are the result of Rabbinic exegesis designed to redefine the law.[29] This further illustrates how biblical criminal law was adapted to reflect the new sensitivities of the times: the Jewish

26. *See* Faur, *Law and Justice in Rabbinic Jurisprudence*, Samuel K. Mirsky Memorial Volume 17-19 (1970).

27. *Deuteronomy* 11:13.

28. Faur, *General Observations, supra* note 19, at 37-38.

29. Talmud, *Sanhedrin* 40b-41a.

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community had become horrified at any form of criminal punishment. The famous biblical passage "an eye for an eye,"[30] interpreted by the Rabbis to mean monetary compensation,[31] is another instance in which scriptural law was interpreted to reflect the sensitivities of the times.

Occasionally, laws that were no longer compatible with the spirit of the times were restricted by reinterpretation, and their literal applications were thus made impossible. One such law is the right of parents to have a rebellious son put to death by the court.[32] The laws *De-Rabbanan* are designed to meet new eventualities and situations not contained in the other classes of law. They may not, however, infringe upon the rights stipulated in *De-'Oraita*. They must be accepted by the majority of the public and can be abrogated by another court when it deems that the political, social and economic conditions no longer warrant them.

III. The Rabbinic Court

The Rabbinic Court had the power to transmit the Oral Law (*De-'Oraita*), to interpret and define the law (*Dinim Mufla'im*) and to promulgate new laws (*De-Rabbanan*). In theory, this court had jurisdiction over all Jewry. Medieval Jewry was divided as to the duration of the Rabbinic Court. The *Geonim*, who were the heads of the Talmudic academies in Babylonia and flourished from the end of the sixth to the end of the eleventh centuries C.E.,[33] considered themselves the perpetuators of the Rabbinic Court.[34] Within the Rabbinate, a systematic challenge to the supreme authority of the *Geonim* was developed by the seminal school of Lucena, Spain, in the works of its most distinguished representatives Isaac Alfasi,[35] Joseph ibn Megas[36] and Maimonides.[37] Maimonides distinguished the public courts functioning in Talmudic times from the courts functioning in post-Talmudic times, which he designated as "private courts."[38] This distinction presupposes

30. *Leviticus* 24:20.
31. Talmud, *Baba Qamma* 84a.
32. Halivni, *Can a Religious Law be Immoral*, in Perspectives on Jews and Judaism 165, 169-70 n.7 (1978).
33. On the institution of the *Geonim*, see L. Ginzberg, I Geonica 1-71 (1968).
34. For sources, see Faur, *supra* note 5, at 33-36.
35. Isaac Alfasi, 1013-1103 C.E.
36. Joseph ibn Megas, 1077-1141 C.E.
37. Maimonides, 1135-1204 C.E.
38. Faur, *supra* note 5, at 42-45.

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that a court—like any form of authority—is valid only when there is a public which, to borrow an expression from Austin, "is in a *habit* of obedience or submission." To be valid, therefore, a Rabbinic Court presupposes the actual existence of a Jewish society that accepts its authority.[39]

During the Talmudic period the bulk of the Jewish people lived in the Mesopotamian and Babylonian regions called "Babel" by the Rabbis. By the end of the Talmudic period, the end of the fifth century C.E., Jewish demography began to undergo profound changes. At the time of the *Geonim*, from the end of the sixth until the eleventh century C.E., Jews were dispersed in places as far as Italy, France and Spain. Therefore, there was no longer a single Jewish society; rather, there were communities of Jews. Hence, Maimonides argued, on the basis of demography alone, that a public court with jurisdiction over all Jews no longer could exist. The courts established by the different communities were "private," that is, they had jurisdiction only over the community which had appointed them. The last court having jurisdiction over all Jewry was the one which by the end of the fifth century had compiled the Babylonian Talmud; this compilation represented the decisions and opinions of the Jewish public courts.[40]

For the school of Lucena, therefore, the Talmud was the supreme and definitive legal authority of the Jews. The post-Talmudic private courts had no authority either to transmit the oral tradition[41] or to interpret and define scriptural law. They could promulgate new laws for their communities provided that those laws did not contradict the Talmud and that they were accepted by the members of the communities. The authority of the post-Talmudic rabbi depends exclusively, therefore, on his scholarship and erudition in Talmudic sources and related material: the rabbi only expounds and formulates the decisions and opinions of the public courts as recorded in the Talmud. To reinstate a public court with the same status and authority as in Talmudic times, it would be necessary for all the rabbinic authorities to "ordain," that is, to delegate authority to one of their colleagues and to appoint others as judges, thus forming a Rabbinic Court. These

39. *Id.* at 44 n.78.

40. Faur, *General Observations*, *supra* note 19, at 38-40.

41. Only the Supreme Court has the authority to transmit legal traditions not explicitly contained in the recognized sources. M. Maimonides, Mishne Tora, *Mamrim* i, 2.

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views of the school of Lucena were eventually accepted by the Jews in the Iberian Penninsula, the Mediterranean Basin and the Near East.[42]

In Northern France during the twelfth and thirteenth centuries there developed another school, known as Tosafot.[43] Ideologically, this school stands between the school of Lucena and the *Geonim*. Like the school of Lucena, the Tosafot recognized the supreme authority of the Talmud and the limited power of the rabbi in post-Talmudic times. However, by developing a form of textual analysis known as *pilpul*[44] (casuistry), they were able to remold Talmudic law and to accommodate it to reflect the specific views and concerns of the individual rabbi, as the French Glossators had done in their study of Roman law in the eleventh century.[45] Although the supreme authority of the Talmud was formally acknowledged, it thus was the personal view of the rabbi employing the text of the Talmud which became the law.[46] This approach to Rabbinic jurisprudence eventually was accepted by the communities in Northern France, Germany and Eastern Europe.

These two schools of jurisprudence are represented by the Sephardic and Ashkenazic rabbinates. Sephardim (literally, Iberian, but actually including the communities of the Mediterranean and Near East) have followed the legal teachings of the school of Lucena and have developed further its juridical ideology. Likewise, Ashkenazim (literally, German, but actually comprising the communities in Eastern and much of Western Europe) have followed in the footsteps of the Tosafot and continue today to interpret Rabbinic law.[47]

In Hebrew thought, the ultimate purpose of law is justice. The prophets distinguished between "legal laws"—laws enacted

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42. Faur, *General Observations, supra* note 19, at 39-40.

43. For a detailed historical study of the school of the Tosafot, see E. Urbach, Baale Ha-Tosafot (1955).

44. For a full analysis of this method of analysis, see Faur, *The Legal Thinking of Tosaphot—An Historical Approach*, 6 Dine Israel XLIII (1975).

45. *See* P. Vinogradoff, Roman Law in Medieval Europe 73-77, 82-83, 93 (1929). *See also* Pollock, *The Stone that the Builders Rejected: Adventures of Some Civil Law Texts*, 12 Seminar 39 (1954).

46. Faur, *The Legal Thinking of Tosaphot—An Historical Approach*, 6 Dine Israel XLIII, LVI-LXI (1975).

47. For illustrations of modern Sephardic jurisprudence, see Faur, *Lessons for our Day from Sephardic Halakhic Sources*, 40 The Rabbinical Assembly 57 (1978).

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by the proper authorities—and "just laws."[48] Since human society will not remain unchanged, it is the duty of the legislative authorities to enact new laws and reinterpret old ones with the aim of adjusting human relations in a just and equitable way. The order provided by justice is *Shalom* (Peace).[49] In the minds of the prophets, when law produces order without justice, the society will ultimately collapse.[50] Two thousand years of Jewish societal survival in a hostile environment, where being a Jew could mean death, exile and the confiscation of goods and properties, may be evidence that the Jewish legal system produced a modicum of internal harmony and peace.

48. *See Isaiah* 10:1-2.
49. *See Isaiah* 32:17, 54:10; *Jeremiah* 8:16, 14:19; *Zechariah* 8:16.
50. *See Isaiah* 58:1-3; *Jeremiah* 23:1-7.

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GLOSSARY*
OF ARABIC TERMS

Asl: source, root, foundation, basis.

Basmala: the name for the formula, "In the name of God the compassionate, the merciful."

Darar: harm, loss, hardship.

Darura: necessity, distress.

Hadīth: a Tradition, that is, an anecdote carrying the weight of precedent, about the words or deeds of the Prophet Muhammad.

Hanafī: related to the school of law founded by Abū Hanafī. The four principal schools of Islamic law are the Hanafī, Hanbalī, Mālikī, and Shāfi'ī.

Ḥanbalī: related to the school of law formed by Ahmad Ibn Hanbal. See Hanafī.

Ḥikma (pl. *Hikam*): wisdom, philosophy, maxim.

'Ibāda (pl. *'Ibādāt*): a religious duty or devotion.

Ijmā': the consensus of the community's scholars.

Ijtihād: an independent decision or judgment without support in the Koran, *sunna*, *ijmā'* or *ḳiyās*.

'Illa: cause, reason, excuse.

Istiḥsān: judicial discretion, choosing the preferable alternative.

Kiyās: analogy, reasoning by analogy.

Makādīr: measures, quantities.

Mālikī: related to the school of law founded by Mālik Ibn Anas. See Hanafī.

al-Maṣaliḥ al-Mursala: see *Maṣlaḥa*.

Maslaha (pl. *Masalih*): that which is beneficial, that which promotes good [used here in the sense of public interest. *Al-Masālih al-Mursala* refers to this same concept of public interest].

Maẓānn al-Ibāda: places of devotion, occasions of devotion.

Mu'āmalāt: social conduct or behavior; civil law.

Qiyas: see *ḳiyās*.

Qur'an: the Quran (also spelled Koran in English).

Ribā: usury.

Salaf: elders, predecessors.

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* Extracted from H. Wehr, A Dictionary of Modern Written Arabic (2d ed. 1966).

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Shāfi'ī: related to the school of law founded by Shāfi'ī. See Hanafī.
Sha'n al-nuzūl: circumstances of revelation.
Sharī'a: the law of Islam.
Sunna: customary usage or practice.
Zakāt: almsgiving, which is one of the duties of every Muslim.

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