

The Literal and Figurative Definition of Jurisprudence

The Arabic term for jurisprudence (*fiqh*) literally means: knowledge about something and understanding it; being clever. [1](#)

Fiqh's literal definition does not only mean understanding a word, instead it is a deep knowledge about it. *Fiqh* has been used in the Qurʾān in this meaning:

لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا

They have hearts wherewith they understand not. [2](#)

Figuratively, *fiqh* means: knowledge about Islamic legal rulings from their sources. So, *fiqh's* figurative definition is taken from its literal one in the sense that deriving religious rulings from their sources necessitates the *mujtahid* [3](#) to have a deep understanding in the different discussions of jurisprudence. He must look deep down into a matter and not suffice himself with just the apparent meaning. A person who only knows the appearance of a matter is not a *faqih*. [4](#)

The subject of thinking deeply (*tafaquh*) about religion has been repeatedly mentioned in the Qurʾān and traditions transmitted from the prophet (s) and the Imʿāms (a). What is taken from them, on a whole, is that Islam wants man to deeply understand religion. Of course, this understanding covers such subjects as Islamic theology, Islamic ideology, ethics, Islamic upbringing, the Islamic social system, worship, religious rulings and manners that one must have in his individual and social life. The term '*fiqh*' has become popular amongst Muslims since the second century after the *Hijra* A.H. to mean Islamic jurisprudence or the art of deriving religious rulings from their sources. It has obtained the following meaning: a precise and deep understanding and ability to derive religious rulings from their sources. [5](#)

The Meaning of Fiqh

Nowadays, the term *fiqh* is generalized to mean Islamic sciences or Islamic rulings in the broad sense. The broad meaning of Islamic rulings is broken up into three fundamental categories:

1. Theology; what is obligatory for a *mukallaf* to believe about Allah, his angels, books, messengers and the Day of Judgment.
2. Ethics; the positive traits that a *mukallaf* must obtain and the negative traits that he must stay away from.
3. Actions; the actions that a *mukallaf* must perform.

This is proved by the tradition from the prophet (s) who said: “Whoever wants Allah to treat him favorably must have a deep understanding (*yafqahu*) in religion.”⁶

Here, the word *fiqh* is used in its general sense, synonymous of Islam.

When the different sciences are categorized the term *fiqh* is used to mean the Islamic rulings regarding one's actions.

Fiqh, in its specific meaning and what is discussed in books of *fiqh*, includes everything that has to do with all aspects of man's life. Everything that is studied today including foundational laws, city management, family relations, individual actions, management, politics, etc is found in the different sections of *fiqh*.⁷

Shari'ah and Fiqh

Sharī'ah encompasses what was decreed in the time of prophethood found in the Qur'ān and prophetic traditions.

Fiqh is what has been gained from the efforts of scholars after the prophet's (s) demise.⁸

¹ Ibn Manzūr, Lisān al-'Arab

² 7:179

³ To be discussed later.

⁴ Tafsīr al-Manzūr, volume 9, page 420

⁵ Shahīd Muttaharī, Madkhal Ila al-'Ulūm al-Islāmīyah, page 3

⁶ Muslim, Sahīh, volume 3, page 95 (Nayshāpūrī print)

⁷ Shahīd Muttaharī, Madkhal Ila al-'Ulūm al-Islāmīyah, page 45

⁸ Ayatollah Ja'far Subhānī, Tārīkh al-Fiqh al-Islāmī wa Adwārīhi, page 6

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