

A new perspective of Fiqh's structure in light of the requirements of this age

Amin Kerbassi Zadeh

Abstract:

Over history, Faqih's used varied ways to regulate the issues they handle and the mechanisms of handling it. This is what were refer to as Fiqh's structures, and we discuss it here to reach a new structure which agrees with the requirements of our age. This paper begins with the definition of structures, then the clarification of their importance. After that, the structures existing in Shia Fiqh is presented, highlighting the weaknesses in them. Then Fiqh, as a discipline, its domain and goals as theoretical structures are discussed. In the end, a the proposed structure for Fiqh is presented. Fiqh, in this structure, is divided into an individual Fiqh and a governmental one. Individual Fiqh is then divided into six parts: the relationship of the charged individual with himself, his Lord, his fellow human beings, his environment, with the government, and all issues relating to finances. Then governmental Fiqh is divided into four parts: the relationship of the Islamic government with Allah (Exalted is He), with the people, with international institutions, and other governments, in addition to issue relating to government institutions.

necessitates challenges of relating to the roots of the law, such as partially following a Mujtahid, and whether a specialized Faqih is someone where others are allowed to follow partially or not.

Collective Fiqh: Its concept and reasoning -

Dr. Hassan Mubini, Dr. Hussein Nasser Muqaddam

Abstract:

Ijtihad is when the Faqihs go through a systematic diligence to derive religious rulings, and in this sense it has a deep history in Islam. This diligence depended, in the stages of Shia Fiqh and most stages of Sunni Fiqh on individual efforts. Despite the importance and value of this issue, it faces serious problems now because of the expansion and increased sophistication of sciences and human relations. One of the solutions is transforming Ijtihad into a collective effort, and this was interpreted in several ways, one of them is the gathering of a group of qualified Faqihs, and reaching a unified outcome based on their conflicting views. Yet, this type of Ijtihad remains obscure from both the theoretical and practical aspects, but it still is more useful than individual Ijtihad.

This topic is wide ranging, and this paper only addresses collective Fiqh and its reasoning.

Specialization in Fiqh: a reading in the definition of the concept and the presentation of the motives

Sheikh Samer Tawfiq Ajami

Abstract:

Specialization in Fiqh is linked to a trend to the modernization of this discipline and the development of the mechanisms of Ijtihad in it. The debate is open in this regard in a dialectic of tradition and modernity, with some convinced of its necessity and others denying the need for it.

The meaning of the concept is still confused, and therefore this requires a deeper insight into its connotations. Therefore, this concept was addressed in three dimensions relating to the academic, research, and religious authority.

To clarify just how much we need specialization in Fiqh in the latter two meanings, we addressed the issue in several points:

First: Addressing the objectives of Fiqh and how they extend to the organization of human life in all of its aspects.

Second: the analysis of the current features of human civilization. There is no doubt that the development of human societies is on the rise. The world changes day to day in knowledge, culture and technology; and on both the intellectual and physical levels.

Third: both Fiqh and its mechanisms saw a high momentum of change within it, and the opening of the doors of Ijtihad allowed a quantitative and qualitative accumulation of research in this respect.

Fourth: the issues of Fiqh present in Islamic traditions were in harmony of human life at that time. They addressed issues of trade and agriculture and so forth, which were the needs of those ages. However, we find nothing relating to the environment, or management, or media, or international affairs and so forth.

Fifth: the individualism inherent in the act of Ijtihad. Individualism was, and still is, prominently present in the act of deriving rulings of Shariah. This only enhances the psychology of reverting to old rulings rather than seek specialization.

There remains a third meaning, relating to religious authority. This

The order of articles in issue 4, year 2, Fall-Summer 2017

The current state of Ijtihad and Cultural Ijtihad in light of the need for specialization in Fiqh and the expansion of the roles of Fiqh and Ijtihad -

Sheikh Dr. Ali Rida Arafi

Abstract:

This article addresses the advantages and disadvantages of the current state of diligence. Its advantages include: depth in research, inclusiveness of many sub-disciplines, and the consideration of proof in research. However, it is plagued with individualistic perspectives to Fiqh, insufficiency of comparative studies, ignoring humanities and social studies, lack of knowledge of scientific and specialized disciplines, its confinement to Fiqh, and justifying reality rather than dealing with it at times. Some solutions were suggested to handle these issues, such as: the expansion of the themes of Fiqh, restructuring the sciences taught in Hawzas, considering priorities, introducing further specialization in Fiqh, taking comparative Fiqh into account, monitoring new themes and topics, a more holistic view of Fiqh. Moving to Cultural Fiqh, the meaning of this word was explained in its current context, and that it is a vision of understanding religion as a whole rather than religious rulings. Some of the functions expected from this notion were explained, such as: the explication of the individual and social religious system, the Islamization production of humanities and social sciences, and enabling the Hawza to address the inquiries and needs of society, etc. finally, some of the advantages of cultural Fiqh, in both theory and practice, were discussed.

Issue's file: The Renewal of Islamic Fiqh in Light of the Needs of Our Time

This issue looks at the renewal of Islamic Fiqh in light of the needs of our time. Specifically, it brings together the three questions of (1) Specialization in fiqh, (2) Collective research in fiqh, as well as (3) Rebuilding the structure of jurisprudence. A number of authors and researchers addressed the subject in four articles in the following order:

- 1_ The current state of Ijtihad and Cultural Ijtihad in light of the need for specialization in Fiqh and the expansion of the roles of Fiqh and Ijtihad
- 2_ Specialization in Fiqh: a reading in the definition of the concept and the presentation of the motives
- 3_ Collective Fiqh: Its concept and reasoning
- 4_ A new perspective of Fiqh's structure in light of the requirements of this age

Research and studies:

- 1_ Islamic Rule and the Contemporary Jurisprudence of Governance – Analytical Study for the Vision of Renewal in Imam Al-Khomeini (May His Secret be Sanctified)
- 2_ A reading of Imam Khamenei's approach towards the men narrating Hadith

Academic readings:

- A reading of «Consultation in issuing Fatwas»

Anchor of Ijtihad

- Plan of Issue (5)

Summary of this issue:

- 1_ Arabic summary
- 2_ English summary