



The Evolution Process of the Meaning of the Word "Fiqh" and the Rijālī Term of "Faqīh" Relying on the Earlier Rijālī Sources of Shiite

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Abstract

The word "Fiqh"¹ in the Holy Qur'an, the narratives and interpretations of the scholars of the science of rijāl, has been used in various verbal and nominal forms. A look at the applications of this root in the mentioned sources shows that this word has undergone a semantic evolution from the time of the revelation of the Qur'an to the middle Ages. From the absolute understanding of the science of religion to the knowledge of the rules of Sharia, etc. At first glance, it is thought that in the interpretations of the scholars of rijāl, the word "Fiqh" has observed its literal meaning, while there are evidences that show this word, from the very first century, has distanced itself from its lexical meaning and usage and has been used in a specific meaning. In the present study, by using the library method and by describing and analyzing the extracted data, first the lexical meaning of the material in the Qur'an, the narrations of the Holy Prophet (PBUH) and dictionaries have been examined and then with historical reference to the formation of Shiite hadith discourse, narrations and earlier rijālī reports in the use of this root has been analyzed. The result is that; what is meant by the Faqīh in the news of the authenticity of the narrators is the scholars aware of what is lawful and what is unlawful, rules and laws, which have sometimes been the place of reference and fatwā for other companions. However, the use of the word "Faqīh" in the earlier books of Shiite rijālī will mostly refer to the last stage of semantic evolution of the word "Fiqh".

Keywords: *Fiqh; Faqīh; Argumentative Evolution; Rijālī Sources*

Introduction

A look at the poetic heritage of pre-Islamic Arab (and specifically the poems of Amr al-Qays and al-A'sha al-Kabīr) shows that the root of "Fiqh" has been used in pre-Islamic Arabic usage in two senses; first: breaking, tearing and splitting, and second: knowledge and understanding of everything (Kurayyim, 2010, pp. 70 and 315). The uses of the word "Fiqh" and its current application in two forms of Thulāthī Mujarrad and Mazīd, and the variety of its belongings in the Qur'an and the narrations of the Infallibles

¹ jurisprudence

(AS) have largely hidden its meaning and signification. In addition, the word "Fiqh" has undergone a semantic evolution over time, in the sense that it has distanced itself from its original lexical meaning and has become prevalent in the idiomatic meaning.

Although hearing the word "Faqīh" often brings to mind the knowledge of the practical rules of the Sharī'a, which refers to the owners of the fatwā, but the fact is that the word, before the latter meaning, was applied to scholars of various religious sciences in a broader field and was relatively considered one of the widely used words in the science of rijāl, which was effective in describing or authenticating people. From the later and idiomatic meaning of Fiqh - detailed knowledge of the evidences of Sharī'a rulings - it is thought that the words "Fiqh", "Faqīh" and "Afqah" in narratives and in hadithī and rijālī reports, for some companions and narrators of the news, refer to its literal meaning. But by following the cases and positions of use of these words, it is obtained that the word "Fiqh", in a short period of time, has distanced itself from its literal meaning and has been used in its idiomatic meaning. However, the main issue of the present study is to explain the evolution of the meaning of the word "Fiqh" in the rijālī works and to clarify the characteristics of individuals who have been described as "Faqīh" or "Afqah". For this purpose, while making a brief reference to the uses and meanings mentioned for the word "Fiqh" in the Qur'an and dictionaries, the early rijālī books of Shiite will be examined to clarify the semantic meaning of this word in the system of Shiite rijālī books.

Discussion Background

Searching the written rijālī and fiqhī works, including books and articles, no independent work was found that explains the evolution of the meaning of Fiqh based on rijālī reports, but this issue has been addressed in some books and works implicitly and in a number of articles with a different approach. For example, in an article entitled "The historical course of the meaning of Fiqh" by Mas'ud Imāmī, which was published in the *Ahl al-Bayt Fiqh* magazine in 70-71, he has explained the three meanings of Fiqh based on historical narrations and reports. The result of this research was that the basic meaning of Fiqh was "deep understanding of meanings" which was gradually evolved to the meaning of "deep understanding of religion" after the revelation of verse 122 of Surah Tawbah and in the early fifth century AH, this word has been termed in the sense of "deep understanding of Shar'ī rules". As it turns out, in this brief study, only the semantic diversity of the word over time has been reported, while in the present study, the evolution of the meaning of the word in the application of Shiite scholars will be examined and analyzed.

1. Article of Fiqh

In order to be aware of the semantic evolution of the word "Fiqh", it is necessary to start from the Qur'an as the most important and oldest source of Islamic knowledge and then find its meaning in the narrations of the Messenger of God (PBUH) and then dictionaries.

1-1. Application of "Fiqh" in the Qur'an

Derivatives of "Fiqh" have been used in twenty places in the Holy Qur'an². In some verses of the Holy Qur'an, the "heart" is mentioned as a tool for Fiqh: "And of them there Are some who listen to you, [while you Recite the Qur'an]; but We have set Veils on their hearts so that they Cannot understand." Or in another verse of holy Qur'an, this act of heart has been mentioned besides seeing the eyes and hearing the ears; "Indeed We have created for the Hell, Many of the Jinns and the men: They Have hearts [but]they cannot Understand [the Truth] with them; and They have eyes[but]they cannot see[The Truth]with them; and they have Ears[but]they cannot hear[the Truth]With them." (Al-A'rāf / 179) in the

² And it is not proper for all believers to migrate [to jihad]. So why do they not migrate from every sect of them, so that they may become aware of the religion and warn their people, when they return to them, to afraid them [from the divine punishment]

Qur'an, "Fiqh" has been used three times with the object of saying (Hūd / 91; Kahf / 93; Tā Hā / 28) and has been used once with the object of the hadith (Nisā' / 78). Considering that what is meant by saying and hadith is talking, then talking is talking about Fiqh. (Pakatchi, 1392 HS, p. 24) Based on the uses of Thulāthī Mujarrad from the word "Fiqh", it can be concluded; this substance has been used in a sense very close to comprehension. (Previous); hence, in all Qur'anic applications, the article "Fiqh" has been used in the absolute sense of understanding and refers to customary and everyday matters.

One of the applications of the Thulāthī Mujarrad from the word "Fiqh" in the Qur'an, which is somewhat close to its idiomatic meaning and has most likely provided the ground for changing the meaning of this word is verse 122 of Surah Tawbah; "And the believers should not all collectively go out to fight; of every Group of them why should not a Number stay to acquire and study the Knowledge of Religion [at The Messenger's presence?] So that they may warn their people when they return to them from the war; perhaps they become aware of their duty to Allah and abstain from the disobedience Of Allah's Commands."³

This verse speaks of understanding the religion. Since one of the common meanings of Tafa'ul is duty and graduation, as it appears from the verse itself, "Tafaqquh" refers to a kind of gradual and difficult attempt to understand religious issues. In this application, the scope of "Tafaqquh" is limited from understanding customary and everyday affairs to understanding religious issues and warning people. However, the first ground for the semantic evolution of the word "Fiqh" can be found in the Qur'an itself.

1-2. Fiqh in the narratives of the Messenger of God (PBUH) and Amir al-Mu'minin Ali (AS)

One of the relatively well-known examples of the use of the word Fiqh is a narration attributed to the Messenger of God (PBUH); he said about Imam Ali (AS) and according to a more famous saying, about Ibn Abbas⁴; "Oh God, make him jurisprudent in religion and taught him to interpret" (Rāghib, 1412 AH, p. 445; Majlisī, 1403 AH, 66: 92) In this narration there is a talk of Fiqh in religion. This usage for the word Fiqh is exactly the same as what is mentioned in verse 122 of Surah Tawbah.

In another narration from the Prophet (PBUH), the interpretation of Fiqh is seen near to its rijālī or idiomatic usage:

"رَحِمَ اللَّهُ امْرَأً سَمِعَ مَقَالَتِي فَوَعَاها ثُمَّ أَبْلَغَهَا عَنِّي فَرُبَّ حَامِلٍ فِقْهِهِ وَ لَا فِقْهَ لَهُ وَ رَبُّ حَامِلٍ فِقْهِهِ إِلَى كَمَنْ هُوَ أَفْقَهُ مِنْهُ"

(Sulaym, 1405 AH, 2: 654) Although the words of the Holy Prophet (PBUH) are absolute and it can mean any kind of knowledge, but as often as the words of the Holy Prophet (PBUH) are in the field of religious issues, the meaning of Fiqh In this speech, will be religious knowledge.

According to the trust in the issuance of the exact words of Nahj al-Balāghah by Imam Ali (AS), in the wisdom 90 of Nahj al-Balāghah, the term Faqīh has been used for the preacher;

"الْفَقِيهَ كُلُّ الْفَقِيهَ مَنْ لَمْ يُفَقِّطِ النَّاسَ مِنْ رَحْمَةِ اللَّهِ وَ لَمْ يُؤَيِّسُهُمْ مِنْ رَوْحِ اللَّهِ وَ لَمْ يُؤْمِنْهُمْ مِنْ مَكْرِ اللَّهِ"⁶

Since the role of the preacher is to invite people to religiosity, Faqīh in this verse means the jurist aware of religious issues. Another example of the use of Fiqh as a comparative adjective of "Fiqh" is in

³ May God have mercy on the person who hears my words and remembers them and then conveys them to others," Maybe someone is burdened with knowledge but does not have knowledge, maybe someone conveys knowledge to another who is more knowledgeable than He is." (Iftikharzadeh, 1377 HS, 280)

⁴ A perfect jurist (Faqīh) is one who does not make people despair of God's forgiveness, and does not make them despair of His mercy, and does not make them safe from His sudden torment. (Shahidi, 1378 HS, 374)

⁵ It is said: Imam Ali (AS) was sitting among his companions, suddenly a beautiful woman passed by them and they gaze at her with their eyes. Imam said: If you, look at a woman and like her, go to your own wife since this is a woman like your own wife. A man from the Khawārij said: Imam is a wonderful jurist. (Hashemi Khoei, 1400, 21: 500)

⁶ The theme of "Tafaqquh in religion" in different terms can be seen in narrations attributed to the Messenger of God (PBUH) and other infallibles (AS), for example, see: Kulaynī, Kitāb Faḍl al-Ilm, 1429 AH, 1:30, Hadith:6,7,8 and 9; Ibid.2:130; Ibid.,2: 221.

the wisdom 420 of Nahj al-Balāghah, narrated from one of the Khawārij addressed to Imam Ali (AS). According to this report, one of the Khawārij who was sitting in the presence of the Imam, when he saw his surroundings and point of view on a particular case, said: قَاتَلَهُ اللهُ كَافِرًا مَا أَفْقَهَهُ⁷.

The foregoing briefly says; the subject of Fiqh and Fiqāhat indicated a specific and deep understanding to a subject or matter, which could happen to be a religious subject. In fact, according to its Qur'anic uses, especially verse 122 of Surah Tawbah, these applications can be the beginning of the semantic evolution of the word Fiqh from absolute understanding or deep understanding of the meaning of science in religion⁸. The latter meaning has been established to some extent in early dictionaries.

1-3. Fiqh in dictionaries

The first dictionary books were written about two centuries after the Qur'an, so some of the meanings mentioned in these books were somewhat abandoned and others were established. Khalil ibn Ahmad and others have called Fiqh "science in religion." (Farāhīdī, 1409 AH, 3: 370; Azharī, 1421 AH, 5: 263) In some dictionaries, while referring to the meaning of "understanding" for the word Fiqh, it is pointed out that the meaning of "science in religion" has been gradually overcome. (Ibn Manẓūr, 1414 AH, 13: 522; Ibn Sīdah, 1421 AH, 4: 128) It is clear from the expression of these people that in their time the word Fiqh had been established in the sense of "knowledge in religion". As a result, before Fiqh was used in the sense of science in religion, in its Thulāthī Mujarrad form, it was in the absolute sense of "understanding." (For example: Farāhīdī, 1409 AH, 3: 370; Johari, 1404 AH, 6: 2243) In some dictionaries, the meaning of science has been said for one thing. (For example: Ibn Sīdah, 1421 AH, 4: 128; Ḥumayrī, 1420 AH, 8: 5230) The meaning of instinct and shrewdness can also be seen in some sources for Thulāthī Mujarrad of Fiqh. (Zubaydī, 1414 AH, 9:72) All these meanings have been said in the following dictionaries together for Fiqh. (For example: Firuzabadi, 1415 AH, 4: 304)

Among the other meanings mentioned for the article of Fiqh is the meaning of "Bayyin" for the verb "Afqah" namely the form of Thulāthī Mazīd the root If'āl from the article of Fiqh. (For example: Farāhīdī, 1409 AH, 3: 370; Ḥumayrī, 1420 AH, 8: 5236) and while this meaning is not used in the Holy Qur'an. (Pakatchi, 1392, 25)

Since Khalil ibn Ahmad (75-100 AH) has taken Fiqh to mean science in religion, it can be concluded that this meaning was established in the second century for the subject of Fiqh⁹. One of the proofs of this claim is that in the introduction of the book "Al-Fiqh al-Akbar" attributed to Abu Ḥanīfah, it has been said about "Fiqh in religion" and "Fiqh in science". (Abu Ḥanīfah, Mullah Ali Qāri, 1428 AH, 5) Another confirmation that Shāfi'ī has written in a treatise in proof of a single news, he has described Imam Sajjad as "the most jurist one of the people of Medina¹⁰". In fact, in this period, the word Fiqh has been in the middle stage of its semantic evolution;

Science in the Sharia¹¹ ← Science in the religion ← Abs← Understanding

⁷ May God kill him, how Faqih is he.

⁸ قال الشافعي في الرسالة في إثبات خبر الواحد وجدت علي بن الحسين و هو أفقه أهل المدينة يعول على أخبار الأحاد. (ابن

أبي الحديد، 1404ق، 15: 272)

⁹ Other sources that can be used to explain the meaning of Fiqh are interpretive works that have been left from the first two centuries AH; In the commentary of Maqātil (d. 150 AH), the meaning of bestowing wisdom in verse 269 of Surah Al-Baqarah is said to be knowledge of the Qur'an and jurisprudence (Maqātil, 1423 AH, 1: 223). Most likely, jurisprudence refers to the knowledge of the tradition of the Messenger of God, which is often considered the practical tradition of the Prophet.

¹⁰ Imam Ṣādiq (AS) Hadiths narrated many traditions in order to encourage narration: Know the homes of the men from us, according to their narrations. (Kashshī, p. 3), Know the homes of our Shiites about the extent of their narration about us and their understanding of us. (Majlisī, 1403 AH, 2: 148), whoever of our Shiites memorized forty narratives, He will be resurrected on the Day of Resurrection by God Almighty as a jurist. (Ibid, 2: 153)

¹¹ Ibrahim Karkhi narrated from Imam Ṣādiq (AS): If you have fully understood a hadith, it is more valuable than a thousand narrations that you can narrate it to others (like a parrot), and also none of you will be jurist in the laws and rules of the religion

2. The Discourse of Imamiyyah Hadith in the Time of Ṣādiqayn (AS)

After referring to the lexical meaning of *Fiqh* in the Holy Qur'an and dictionaries, in order to follow the evolution process of the word in narrations and *rijālī* reports, familiarity with the formation of the Shiite hadith discourse in the first two centuries AH is necessary. In fact, historical phenomena should be studied with a chronological view, because the aftermath results are the result of a priori events, and nothing sudden and unforeseen appears unless factors and causes gradually provide the ground for their realization. Therefore, the historical context of issuing narrations, requirements and preconditions for the formation of Shiite hadith and the necessity of training the jurist disciples should be studied.

2-1. Formation and consolidation of Shiite identity

Although in the first century AH the story of Saqīfah and later during the rule of Imam Ali (AS), his three great wars with the companions of Jamal, Mu'āwiya and Khawārij had led to a series of divisions, but these positions were based on socio-political differences. These confrontations had led less to the differentiation and formation of an independent Shiite identity. Rather, in general, it seems that the formation, consolidation and continuation of the Imāmī discourse was due to the efforts of Imam Ṣādiq (AS) and his noble father. Before him, not only the independent identity of the Shiites had not been established, but also the aspects of its distinction from the public discourse were not well known and even in some cases it was affected by it (with a slight change; Gerami, 1396 HS, 13)

In fact, with the efforts of the Ṣādiqayn (AS), the Imāmiyyah discourse was organized especially in jurisprudential issues, and they even became their place of reference and influence instead of being influenced by public discourse. (Ibid) The actions of the Ṣādiqayn (AS) has been in order to form and establish the identity of numerous Shiites, some of which we will briefly mention.

2-1-1. Paying attention to quoting hadiths

Along with the formation of the phenomenon of documents and its importance, which arose in the position of standardizing the narration of hadith, the spirit of narrating hadiths also became popular. From the beginning of the second century AH and in order to encourage the narration of hadiths from Imam Bāqir (AS), several narrations have been received. Some of its contents are: The hadith of the Ahl al-Bayt revives the hearts and its benefit for the religion and its misfortune for the devil is more than the worship of seventy thousand worshipers (Majlisī, 1403 AH, 22: 151) The narration of the hadiths causes the revival of the Ahl al-Bayt (Ibid, 2: 144) Receiving a hadith from an honest person in Halal and Haram is better than all the gold and silver that is on earth. (Barqī, 1371 AH, 1: 277) These reports, the issuance of which is unprecedented in the period before Imam Bāqir (AS) and is increasing in the period of Ṣādiqayn (AS)¹², it well indicated that from the end of the first century AH and the beginning of the second century AH, the spread of the discourse of hadith narration among Shiite circles has been directly related to the efforts of Imam Bāqir (AS) in this The field. (Gerami, 1396, 100)

2-1-2. Training students

The result of the encouragement of Imam Bāqir (AS) to quoting the hadiths caused the spread of commuting to Medina and learn the hadith from the Ahl al-Bayt (AS), so that some of his companions stayed near Medina for several years in order to benefit from the presence of the Imam. According to a report by Kashshī, it is said that Muhammad ibn Muslim stayed in Medina for four years (Kashshī, 1409 AH, 167). He learned thirty thousand hadiths from Imam Bāqir (AS) and then listened to about half of these hadiths from Imam Ṣādiq (AS). (Ibid) According to another report from Kashshī, Jabir ibn Yazīd

unless you understand various meanings of our speech. Certainly, every sentence of our speech is interpreted in seventy ways, and the way out of each of them is open for us. (Mohammadi Shahrudi, 1377 HS, 1: 5)

¹² امام صادق (ق) : عَلَيكُمْ بِالذَّرَائِبِ لَا بِالرَّوَايَاتِ، (مجلسی، 1403ق، 2: 206) وَ رُوِيَ عَنْ طَلْحَةَ بْنِ زَيْدٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (ع): رُوَاةُ الْكِتَابِ كَثِيرٌ وَ رِعَاةُهُ قَلِيلٌ فَكَمْ مِنْ مُسْتَسْبِحٍ لِلْحَدِيثِ مُسْتَعِينٌ لِلْكِتَابِ وَ الْعُلَمَاءُ تَحْرُثُهُمُ الدَّرَائِبُ وَ الْجُهَالُ تَحْرُثُهُمُ الرِّوَايَةُ. (همان)

Ja'fī, who was from Kufa, reached the service of Imam Bāqir (AS) in his youth only to seek knowledge. (Ibid. 192-193) It is narrated from him that Abu Ja'far told me fifty thousand hadiths. (Ibid. 194) Jābir felt heavy about many of the secrets that Imam Bāqir (AS) had told him, (Ibid) Abān Ibn Taghlab understood the presence of three infallibles (Tūsī, 1420 AH, 44) And he learned thirty thousand hadiths from Imam Ṣādiq (AS) alone. (Najjāshī, 1365 HS, 12)

2-1-3. paying more attention to understanding than narrating

With the expansion of encouragement and persuasion of Imam Bāqir (AS) to quote the hadiths of the Ahl al-Bayt (AS) and the success of the companions, in the next stage we are faced with hadiths of Imam Ṣādiq (AS) which emphasize the understanding of the words of the Ahl al-Bayt (AS). The common theme of these hadiths is the priority and superiority of understanding over narrating. It is natural to pay attention to the understanding of the words of the Ahl al-Bayt (AS) after the spread of its narration and learning. Because what was important in the first place was the narration of the news and the transmission of hadiths to the students, but what guaranteed its survival and correct transmission to others was knowledge of the contents of the hadith and its understanding, because the narration, although relevant, but insist on complete transmission, on the other hand, make pious people avoid quoting the news, lest they don't recite the exact words of the Imam. On the other hand, what was important was to convey the message and the content of the words of the Infallible Imams (AS) because there was a possibility of forgetting the same words or making some errors in what they had heard. Therefore, it was necessary for the companions, after learning the narrations, to have an understanding of them, in order to protect the hadiths from any distortion. One of the famous examples of the superiority of understanding over narrating is the famous hadith of Imam Ṣādiq (AS);

"حَدِيثُ تَدْرِيهِ خَيْرٌ مِنْ أَلْفِ حَدِيثِ تَرْوِيهِ وَ لَا يُكُونُ الرَّجُلُ مِنْكُمْ فَقِيهًا حَتَّى يَعْرِفَ مَعَارِيضَ كَلَامِنَا وَ إِنَّ الْكَلِمَةَ مِنْ كَلَامِنَا لَتُنْصَرَفُ عَلَي سَبْعِينَ وَجْهًا لَنَا مِنْ جَمِيعِهَا الْمَخْرُجُ"¹³

(Ibn Babawayh, 1403 AH, 2) This theme has been narrated in several ways¹⁴.

There are several important points in the recent narrative; Imams, while preferring understanding over narrating, make understanding conditional on awareness of the contradictions of the word. In fact, a human jurist is one who understands the various semantic and interpretive aspects of the narrations and news of the infallibles. The discussion of insisting on understanding, on the other hand, is linked to quoting meaning, in other words, those who have quoted the news can understand the meaning and understand the content and meaning of the infallible. Hence, we see when Muhammad ibn Muslim says to the Imam: I hear a hadith and I increase or decrease it when quoting it. The Imam said: There is no problem if you consider the meanings of the hadith (Kulaynī, 1429 AH, 1:51) but the more important point is that the person who is aware of the interpretive aspects and meanings of speech is called Faqīh. Faqīh, in this word, has been used in the sense of the scholar of religious affairs, that is, in its second meaning.

2-1-4. introducing some students as a reference for fatwās and hadiths

Another action of Ṣādiqayn (AS) in shaping the Shiite jurisprudential-theological identity was that the two Imams, in order to accelerate and stabilize this situation, introduced some prominent students who had tried to educate them as a reference for others and referred people to them to publish news with more speed and decrease the focus on the Imam. The following are two of these companions and their works.

¹³ أو كان (ابن تغلب) قارئاً من وجوه القراء، فقيهاً، لغويًا، سمع من العرب و حكى عنهم (نجاشي، 1365ش، 10) و كان قارئاً فقيهاً، لغويًا، بشاراً، سمع من العرب، و حكى عنهم. (طوسي، 1420ق، 44)

¹⁴ For example see: Usūl Kāfi and Wasā'il al-Shi'a

2-1-4-1. Abān ibn Taghlab

Abān Ibn Taghlab (d. 141 AH) was a prominent figure who understood the presence of the three Imams (Najjāshī, 1365 AH, 10). He was known at his time in the science of the Qur'an, Fiqh, hadith, literature, words and syntax. (Ibid. 11) According to the report of Najjāshī and Tūsī, Imam Bāqir (AS) and according to the report of Kashshī, Imam Ṣādiq (AS) said to him: Sit in the mosque of Medina and give fatwās to the people. I would like among my Shiites someone like you is seen. (Ibid. 10) Narrated by Abān Ibn 'Uthman, Imam Sadiq (AS) said: Abān Ibn Taghlab has narrated thirty thousand hadiths from me and you should narrate them from him. (Ibid., P. 12) According to another report, Sulaym ibn Abi Hayyah said goodbye to Imam Sadegh, he asked the Imam for more hadiths. The Imam said to him: Go to Abān Ibn Taghlab. He has heard many hadiths from me. Whatever he narrated to you, narrate them from me. (Kashshī, 1409 AH, 331; Najjāshī, 1365 AH, 13)

What we have mentioned in the description of Abān Ibn Taghlab is well used that he had learned a large amount of narrations due to his understanding of the presence of the three Imams. Therefore, he became well aware of the meanings of the words and hadiths of the infallibles, and these two characteristics made him worthy of the position of infallible. On the other hand, there is a direct relationship between the position of fatwā and awareness of what is Halal and what is Haram. In other words, Abān ibn Taghlab was a jurist who was appointed by Imam Bāqir (AS) to issue fatwā¹⁵. On the other hand, with the historical references we had to the Shiite hadith discourse, it became clear that in the era of Ṣādiqayn (AS), the Shiite identity is distinguished in all dimensions and especially in practical rulings. One of the most important evidences of this claim is the large volume of jurisprudential narrations that have been narrated from these two Imams in hadith sources¹⁶.

2-1-4-2. Muhammad ibn Muslim

Another person who has been explicitly confirmed by the Imam is Muhammad ibn Muslim (d. 150 AH). According to a report from Kashshī, when Abdullah Ibn Abi Ya'fūr complains about the problem of referring to Imam Ṣādiq and that he is sometimes asked questions that he does not know the answers to, Imam refers him to Muhammad Ibn Muslim. (Kashshī, 1409 AH, 162) Ibn Abi 'Umayr, quoting Abd al-Rahman ibn Hajjāj and Ḥamād ibn 'Uthman, says: Muhammad ibn Muslim is a Shiite jurist. (Ibid. 167) Najjāshī has described Muhammad ibn Muslim as a jurist and a pious man who had a book called "Four hundred issues on Halal and Haram." The description of Faqīh and having a book containing issues related to what is lawful and what is unlawful, and considering the efforts that we made from Ṣādiqayn (AS) in order to differentiate and shape the Shiite jurisprudential identity, can reveal the first contexts in transmitting the word Fiqh in Shiite works. The second meaning (science in religion) is in its third meaning, that is, knowledge of the Shari'ah.

3. Confirmations of the Idiomatic Meaning of Fiqh from the Second Century AH

Contrary to the general perception that the earlier uses of Fiqh in the literal sense imply, we briefly make this claim with a concise report on the formation of Shiite identity in the time of Ṣādiqayn (AS) and the training of disciples of the jurisprudent and aware of Halal and Haram, we have mentioned that the subject of Fiqh has moved away from the literal meaning since the first century AH and has turned to the term. In the following, we will strengthen the recent claim by mentioning some rijālī interpretations and analyzing them.

¹⁵ For information on the differences of opinion of scientists, refer to the seventh volume of Khatamah al-Mustadrak.
¹⁶ أَجْمَعَتِ الْعَصَابَةُ عَلَى تَصْحيحِ مَا يَصِحُّ مِنْ هَؤُلَاءِ وَ تَصْديقِهِمْ لِمَا يَقُولُونَ، وَ أَقْرَأُوا لَهُم بِالْفَقْهِ، مِنْ دُونِ أَوْلِيكَ السَّنَةِ الَّذِينَ عَدَدْنَاهُمْ وَ سَمَّيْنَاهُمْ، سِنَّةً نَفَرًا: جَمِيلٌ بِنُ دَرَّاجٍ، وَ عِنْدَ اللَّهِ بِنُ مُسْكَانٍ، وَ عِنْدَ اللَّهِ بِنُ بُكَيْرٍ، وَ حَمَّادُ بِنُ عَيْسَى، وَ حَمَّادُ بِنُ عُمَّانَ، وَ أَبَانُ بِنُ عُمَّانَ، قَالُوا وَ زَعَمَ أَبُو إِسْحَاقَ الْفَقِيهَ يُعْنِي ثَعْلَبِيَّةَ بِنُ مَيْمُونٍ: أَنَّ أَفْقَهُ هَؤُلَاءِ جَمِيلٌ بِنُ دَرَّاجٍ وَ هُمْ أَحَدَاتُ أَصْحَابِ أَبِي عَبْدِ اللَّهِ (ع). (كششى، 1409ق، 375)

3-1. The rijālī interpretation of the companions of consensus

In describing some of the companions of the Infallibles (AS), Kashshī has reported that the late rijālī scholars disagree on what they mean¹⁷, but with regard to the brief explanation of the context of the formation presented to the Shiite identity, the path to understanding the report of Kashshī was somewhat paved; he has mentioned under the title of "In the name of the jurisprudence of the companions of Abu Ja'far and Abu Abdullah (PBUH)¹⁸":¹⁹

"اجْتَمَعَتِ الْعَصَابَةُ عَلَى تَصْدِيقِ هَؤُلَاءِ الْأَوْلِيَّيْنَ مِنْ أَصْحَابِ أَبِي جَعْفَرٍ (ع) وَ أَبِي عَبْدِ اللَّهِ (ع) وَ انْقَادُوا لَهُمْ بِالْفَقْهِ، فَقَالُوا أَفْقَهُ الْأَوْلِيَّيْنَ سِنَّةً: زُرَّارَةَ وَ مَعْرُوفَ بْنَ خَرْبُودَ وَ بَرِيدَ وَ أَبُو بَصِيرِ الْأَسَدِيِّ وَ الْفَضِيلَ بْنَ يَسَارٍ وَ مُحَمَّدَ بْنَ مُسْلِمِ الطَّائِفِيِّ، قَالُوا وَ أَفْقَهُ السَّنَةَ زُرَّارَةَ"

According to three reports of Kashshī, six of those common companions of Imam Bāqir and Imam Ṣādiq (AS) and six companions of Imam Ṣādiq²⁰ (AS) and six common companions of Imam Kāzīm and Imam Rezā²¹ (AS) have become known as the companions of consensus.

Muhammad Bāqir Behbudī (1307-1393 HS), a contemporary hadith scholar, considered the meaning of this consensus to be the consensus of the jurists and narrators of that time, in such a way that the jurists and narrators relied on the mastery and expertise of the consensus companions. If these people declared the content of a hadith to be false or true, because of their expertise in knowing the religion and because of their knowledge of the rules of Fiqh, others would accept their opinion. Even if they issued a fatwā on religious issues, a document would be adopted from their fatwā and any hadith that disagreed with their fatwā would be considered invalid, whether they had heard it from the Imam themselves or recorded it from the narration of other jurists or have heard from a common market person. This imitation was founded by Imam Bāqir (AS) and with the guidance and attention of Imam Ṣādiq (AS), it was strengthened and approved by the signatures of the next Imams. (Behbudī, 1374 HS, No. 4 and 5)

One of the confirmations in the text that confirms Mr. Behbudī's interpretation is the definitions of "Afqah", "Fiqh" and "Fuqahā"²² in these three reports. In other words, the reason why they were the place of reference of the companions and endorsed their sayings and opinions was their Fiqh. As external evidences of this perception, we can refer to the jurisprudential expertise and works of each of these people; earlier, the jurisprudential authority of Abān Ibn Taghlab and Muhammad Ibn Muslim and his book were mentioned in Halal and Haram. Another prominent figure is Zurarah ibn A'yan.

3-1-1. Zurarah ibn A'yan

According to Kashshī, Zurarah (d. 150 AH) was the most jurist of first group of the consensus companions. According to another report, Jamil Ibn Darāj says to Ibn Abi 'Umayr: By God, we around Zurarah were like novice children who came to the teacher. (Kashshī, 1409 AH, 134) According to another narration, Imam Ṣādiq (AS) says: May God have mercy on Zurarah ibn A'yan, if it were not for Zurarah and those like him, my father's hadiths would have been destroyed. (Ibid. 136) According to another narration, Imam Ṣādiq (AS) has cited Zurarah, Abu Baṣīr, and Muhammad ibn Muslim and Burayd as examples of the former. (Ibid) Zurarah's authority in giving opinion is well illustrated in

أَجْمَعَ أَصْحَابُنَا عَلَى تَصْحِيحِ مَا يَصِحُّ عَنْ هَؤُلَاءِ وَ تَصْدِيقِهِمْ، وَ أَقْرُوا لَهُمْ بِالْفَقْهِ وَ الْعِلْمِ: وَ هُمْ سِنَّةٌ نَفَرِ آخِرِ دُونَ السَّنَةِ نَفَرِ 17 الَّذِينَ ذَكَرْنَا فِي أَصْحَابِ أَبِي عَبْدِ اللَّهِ (ع)، مِنْهُمْ يُونُسُ بْنُ عَبْدِ الرَّحْمَنِ، وَ صَفْوَانُ بْنُ يَحْيَى بِياعِ السَّابِرِيِّ، وَ مُحَمَّدُ بْنُ أَبِي عَمِيرٍ، وَ عَبْدِ اللَّهِ بْنِ الْمَغِيرَةِ، وَ الْحَسَنُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ، وَ قَالَ بَعْضُهُمْ: مَكَانَ الْحَسَنِ بْنُ مُحَمَّدِ بْنِ يَحْيَى: الْحَسَنُ بْنُ عَلِيِّ بْنِ فَضَالٍ وَ فَضَالَةَ بْنِ أَبِي يُونُسَ، وَ قَالَ بَعْضُهُمْ: مَكَانَ ابْنِ فَضَالٍ، عُثْمَانُ بْنُ عَيْسَى، وَ أَفْقَهُ هَؤُلَاءِ يُونُسُ بْنُ عَبْدِ الرَّحْمَنِ وَ صَفْوَانُ بْنُ يَحْيَى. (همان، 556)

¹⁸ فِي تَسْمِيَةِ الْفُقَهَاءِ مِنْ أَصْحَابِ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِمَا السَّلَامُ)

كشّي، ص 238¹⁹

أبو الحسن، شيخ أصحابنا في زمانه و متقدمهم، و كان قارنا فقيها متكلما شاعرا أدبيا، قد اجتمعت فيه خلال الفضل و الدين²⁰

، صادقا فيما يرويه (نجاشي، 1365 ش، 175)

²¹ و كانت له [يونس بن عبد الرحمن] تصانيف كثيرة، منها: كتاب السهو، كتاب الأدب و الدلالة على الخير، كتاب الزكاة، كتاب جوامع الآثار، كتاب الشرائع، كتاب الصلاة، كتاب العلل الكبير، كتاب اختلاف الحج، كتاب الاحتجاج في الطلاق، كتاب علل الحديث، كتاب الفرائض، كتاب الفرائض الصغير، كتاب الجامع الكبير في الفقه، كتاب التجارات، كتاب تفسير القرآن، كتاب الحدود، كتاب الأداب، كتاب المثالب، كتاب علل النكاح و تحليل المنعة، كتاب البداء، كتاب نواذر البيوع، كتاب الرد على الغلاة، كتاب ثواب الحج، كتاب النكاح، كتاب المنعة، كتاب الطلاق، كتاب المكاسب، كتاب الوضوء، كتاب البيوع و المزروعات (نجاشي، 1365 ش، 447-448)

²² «افقه»، «فقه»، و «فقهاء»

another report cited by Kashshī; Ibn Maskān says: There was talk with Zurarah about something Halal and Haram. Zurarah expressed his opinion. I said, "Is this your opinion or a hadith?" "I am more aware," said Zurarah. Is not the expert better than the work and the narration? (Ibid., P. 156)

Numerous reports of Kashshī about Zurarah are completely in line with what Najjāshī has said²³. Zurarah was the foremost companion in Fiqh and those who wanted to debate with Imam Ṣādiq (AS) on the subject of Fiqh, the Imam would refer them to Zurarah. (Kashshī, 1409 AH, 276) Moreover, with a brief look at Shiite narrative societies, a large volume of jurisprudential narrations narrated by Zurarah clearly show the position of his jurisprudential authority.

3-1-2. Yūnus ibn Abd al-Rahmān

Yūnus ibn Abd al-Rahmān (d. 208 AH), who is introduced as most jurist of the third sect of the companions of consensus, according to a report from Kashshī, Imam Rezā (AS) referred Abdul Aziz Ibn Muhtadi, who was his lawyer, to Yūnus ibn Abd al-Rahmān to receive religious teachings. (Kashshī 1409 AH, 483) Imam Rezā (AS) has introduced Yūnus as the Salmān of his time. (Ibid. 203) Faḍl Ibn Shādhān says in his description: In Islam, there was no jurist more than Salmān Fārsī and after him Yūnus. (Ibid. 484) Incidentally, when we pay attention to the written works of Yūnus in the Rijālī books, it is seen that it is mainly about duties and laws²⁴.

For other people, some of whom Kashshī has referred to as "the names of the jurists", there are some reports that confirm their characteristic of Fiqh and their authority in Halal and Haram²⁵. We use from these news that the title "Faḳīh" for a narrator does not only mean the credibility of that person; rather, it refers to the expertise and authority that he has found due to learning a large volume of narrations from Ṣādiqayn (AS) and, consequently, the aristocracy and domination that they had found on Halal and Haram, the result of which is their opinion in proving or rejecting the hadiths was accepted by others. A look at the titles of the works attributed to some of these companions in the rijālī books confirms their scientific and jurisprudential authority in the Shari'ah²⁶.

From the aforementioned cases, this point was briefly obtained; the word Faḳīh, in addition to some evidences, has been used for people who have been jurist in Halal and Haram, duties and Shari'ah. However, these people also have works in the field of beliefs and theology, because at that time, Islamic sciences were in their infancy and formation period, and all religious sciences were in the form of hadith. Of course, the science of Halal and Haram was one of the most important and prominent hadith sciences at that time, which, as a separating, distinguished religious tendencies and was very effective in identifying the Shiites. Therefore, in some rijālī writings, the interpretation of the theologian and the jurist are placed next to each other²⁷. Or in some cases, a person has written both in the field of beliefs and duties. (Najjāshī, 1365 HS, 214)

عَنْ سَلْمَانَ بْنِ خَالِدِ الْأَقْطَعِ، قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (ع) يَقُولُ مَا أَحَدٌ أَحْبَبَ ذِكْرَنَا وَأَحَادِيثَ أَبِي (ع) إِلَّا زُرَّارَةَ وَأَبُو بَصِيرٍ²³ لَيْثُ الْمُرَادِيِّ وَمُحَمَّدُ بْنُ مُسْلِمٍ وَبُرَيْدُ بْنُ مُعَاوِيَةَ الْعَجَلِيُّ وَ لَوْ لَا هَؤُلَاءِ مَا كَانَ أَحَدٌ يَسْتَنْبِطُ هَذَا، هَؤُلَاءِ حِفْظُ الدِّينِ وَ أَمْنَاءُ أَبِي (ع) عَلَى خَلَالِ اللَّهِ وَ حَرَامِهِ، وَ هُمْ السَّابِقُونَ الْبُتْنَا فِي الدُّنْيَا وَ السَّابِقُونَ الْبُتْنَا فِي الْآخِرَةِ. (كشش، 1409ق، 136-137) عَنْ أَبِي الْعَبَّاسِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ، قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (ع) يَقُولُ أَحَبُّ النَّاسِ إِلَيَّ أَحْبَاءٌ وَ أَمْوَاتٌ أَرْبَعَةٌ: بُرَيْدُ بْنُ مُعَاوِيَةَ الْعَجَلِيُّ، وَ زُرَّارَةُ، وَ مُحَمَّدُ بْنُ مُسْلِمٍ، وَ الْأَحْوَلُ، وَ هُمْ أَحَبُّ النَّاسِ إِلَيَّ أَحْبَاءٌ وَ أَمْوَاتٌ (همان، 135) عَنْ جَمِيلِ بْنِ دَرَّاجٍ، قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (ع) يَقُولُ بَشَرُ الْمُخْتَبِينَ بِالْحَجَّةِ بُرَيْدُ بْنُ مُعَاوِيَةَ الْعَجَلِيُّ وَ أَبُو بَصِيرٍ لَيْثُ بْنُ الْبُخْتَرِيِّ الْمُرَادِيُّ وَ مُحَمَّدُ بْنُ مُسْلِمٍ وَ زُرَّارَةُ، أَرْبَعَةٌ تُجَنَّبُ أَمْنَاءُ اللَّهِ عَلَى خَلَالِهِ وَ حَرَامِهِ، لَوْ لَا هَؤُلَاءِ انْقَطَعَتْ آثَارُ النَّبُوَّةِ وَ انْدَرَسَتْ. (همان، 170)

صنف [صفوان بن يحيى] ثلاثين كتابا، كما ذكر أصحابنا. يعرف منها الآن: كتاب الوضوء، كتاب الصلاة، كتاب الصوم،²⁴ كتاب الحج، كتاب الزكاة، كتاب النكاح، كتاب الطلاق، كتاب الفرائض، كتاب الوصايا، كتاب الشراء (الشري) و البيع، كتاب العتق و التدبير، كتاب البشارات نوادر (همان، 198)

الحسن [زراره بن اعين] شيخ أصحابنا في²⁵ الحسن بن علي: الحسن بن علي بن يقطين، (مولى بني هاشم) بغدادي. و كان فقيها، متكلماً (طوسي، 1420ق، 125)؛ زمانه و متقدمهم، و كان قارنا فقيها متكلماً شاعرا أدبياً (نجاشي، 1365ش، 175)؛ يحيى بن محمد بن أحمد بن محمد بن عبد الله بن الحسن بن علي بن الحسين بن علي بن أبي طالب عليهم السلام، أبو محمد كان فقيها، عالماً، متكلماً (همان، 443)؛ الفضل بن شاذان النيشابوري، متكلم، فقيه، جليل القدر. (طوسي، 1420ق، 361)؛ قال أبو غالب: زرارة أكبر رجال الشيعة فقهائهم، و حديثاً، و معرفة بالكلام و التشيع. (ابو غالب، 1369ش، 208)

و عده المفيد في الفقهاء الرؤساء الأعلام، المأخوذ عنهم الحلال و الحرام، و الفتيا و الأحكام، الذين لا يطعن عليهم، و لا²⁶ طريق إلى ذم واحد منهم (رساله ابو غالب، 1369ش، 215)

و كان عبد الله [ابن جبلة] إرفاقاً، و كان فقيها ثقة مشهوراً. له كتب: منها: كتاب الرجال، و كتاب الصفة في الغيبة على مذاهب²⁷ الواقفة، كتاب الصلاة، كتاب الزكاة، كتاب الفطرة، كتاب الطلاق، كتاب موارث الصلبي، كتاب النوادر (نجاشي، 1365ش، 216)

3-2. Clarification of Rijālīyūn to the Fiqh of the Companions of Consensus

Other confirmations that indicate the jurisprudential authority of the companions of consensus are the descriptions of the early Rijālīyūn and the titles of the works to which they have been attributed; Burayd Ibn Mu'āwiya 'Ajalī is one of the first group of the companions of consensus, Najjāshī has mentioned in his endorsement: "One of the faces of our companions, and also jurist" (Najjāshī, 1365 AH, 112) In narrating the biography of Abdullah Ibn Mughayra, Najjāshī refers to his book "Al-Wuḍū', al-Salāt, al-Zakat, and al-Farā'id. (Ibid. 125) Sheikh Tūsī in his description of Ḥamād ibn 'Īsā has referred to his book al-Nawādir, his book al-zakāt and his book al-Salāt. (1420 AH, 116)

3-3. Companionship of the word Fiqh with the position of fatwā

Another evidence that links the use of the word Faqīh to "knowledge of the Shari'ah" is its association with the position of fatwā; in a description of the family of Āl A'yan in the treatise of Abu Ghālīb al-Zurārī, it is stated as follows:

"وحدثني عن آل أعين فقال كل واحد منهم كان فقيها يصلح أن يكون مفتي بلد ما خلا عبدالرحمن بن أعين"²⁸

According to this report, Zurarah and his brothers - except for Abdul Rahman - have been introduced as jurists who have qualified for the position of fatwā.

Abdullah Ibn Bukayr is one of the second group of consensus companions. Although his religion was Faṭhī, Abu Ghālīb has said in his description: He was a Faqīh who had a lot of Hadiths (Ibid. 214) Kashshī has also called him the jurist of the Shiite companions. (Mufīd, 1413 AH, pp. 19-20) Sheikh Mufīd has considered him as one of the prominent jurists who has been the source of obtaining halal and haram, fatwās and rulings²⁹.

In fact, during the time of the presence of the Imams (AS), there were no precise boundaries between the Shiite religions such as: Imāmīyyah, Faṭhīyyah or Wāqīfīyyah, so that the written works or sciences of these people as long as they are reliable people are referred by the companions and on the other hand among Islamic sciences such as: Kalām and Fiqh; although there is a distinction in written works, but there has been no clear boundary in the field of individuals and owners of these sciences³⁰. In the early books of Shiite rijālī, there are many cases in which a person, whether he is an Imāmī or a Faṭhī or a Wāqīfī, has written works both in the field of beliefs and in the Shari'ah. In one person, however, either of these two aspects may prevail over the other. But as the problems of science and their codification expand and the scientific mastery of individuals grows, we come to a clearer distinction and demarcation.

3-4. The word Faqīh in narratives

Another evidence that strengthens the possibility of the construction of the term Faqīh in the second century AH is the existence of narratives in which the word "Faqīh" has been explicitly mentioned. Some of the themes of these narratives are as follows; the death of the jurist is lovely to Iblis. (Kulaynī, 1429 AH, 1:38) The death of a believer jurists creates a big gap in Islam, (Ibid) jurists are the strongholds of Islam. (Ibid) However, it is highly probable that Faqīh in these hadiths means religious scholars in the general sense; whether it is in the field of rules and laws or the beliefs and interpretation of

²⁸ ابو غالب، 1369ش، 190
²⁹ قَالَ أَبُو حَمْرَةَ فَجَلَسْتُ حَيْثُ أَسْمَعُ الْكَلَامَ وَ حَوْلَهُ عَالِمٌ مِنَ النَّاسِ فَلَمَّا قَضَى حَوَائِجَهُمْ وَ انصَرَفُوا التَفَتُّ إِلَى الرَّجُلِ فَقَالَ لَهُ مَنْ أَنْتَ قَالَ أَنَا قَتَادَةُ بْنُ دِعَامَةَ الْبَصْرِيُّ فَقَالَ لَهُ أَبُو جَعْفَرٍ ع أَنْتَ فَيِّهِ أَهْلُ الْبَصْرَةِ قَالَ نَعَمْ فَقَالَ لَهُ أَبُو جَعْفَرٍ ع وَبِحُكِّكَ يَا قَتَادَةُ إِنَّ اللَّهَ جَلَّ وَ عَزَّ خَلَقَ خَلْقًا مِنْ خَلْقِهِ فَجَعَلَهُمْ حُجْبًا عَلَى خَلْقِهِ فَمَنْ أَوْلَتْهُ فِي أَرْضِهِ (كَلِينِي، 1429ق، 2: 256)

³⁰ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَتَى رَجُلٌ أَبِي ع فَقَالَ إِنِّي وَرِثْتُ مَالًا وَ قَدْ عَلِمْتُ أَنَّ صَاحِبَهُ الَّذِي وَرِثْتُهُ مِنْهُ قَدْ كَانَ بُرِّي وَ قَدْ أَعْرَفْتُ أَنَّ فِيهِ رَبًّا وَ اسْتَبَيْتُ ذَلِكَ وَ لَيْسَ يَطِيبُ لِي حَلَالُهُ لِحَالِ عِلْمِي فِيهِ وَ قَدْ سَأَلْتُ فَفَهَاءَ أَهْلِ الْعِرَاقِ وَ أَهْلِ الْحِجَازِ - فَقَالُوا لَا يَجِلُّ أَكْلُهُ فَقَالَ أَبُو جَعْفَرٍ ع إِنَّ كُنْتَ تَعْلَمُ بِأَنَّ فِيهِ مَالًا مَعْرُوفًا رَبًّا وَ تَعْرِفُ أَهْلَهُ فَخُذْ رَأْسَ مَالِكَ وَ رُدِّ مَا سِوَى ذَلِكَ وَ إِنْ كَانَ مُخْتَلَطًا فَكُلْهُ هَنِينًا فَإِنَّ الْمَالَ مَالِكَ وَ اجْتَنِبْ مَا كَانَ يَصْنَعُ صَاحِبَهُ فَإِنَّ رَسُولَ اللَّهِ ص قَدْ وَضَعَ مَا مَضَى مِنَ الرَّبَا وَ حَرَّمَ عَلَيْهِمْ مَا بَقِيَ فَمَنْ جَهِلَ وَسِعَ لَهُ جَهْلُهُ حَتَّى يَعْرفَهُ فَإِذَا عَرَفَ تَحْرِيمَهُ حَرَّمَ عَلَيْهِ وَ وَجِبَ عَلَيْهِ فِيهِ الْعُقُوبَةُ إِذَا رَكِبَهُ كَمَا يَجِبُ عَلَى مَنْ يَأْكُلُ الرَّبَا. (حر عاملی، 1409ق، 18: 129)

the Qur'an. However, with regard to some other narrations and evidences, it can be considered as the scholars aware of Halal and Haram and Shari'ah in a special sense; Imam Ṣādiq (AS) said in condemnation of some people who claimed to be jurists: "These people think that they have gathered all the knowledge and Fiqh in the religion that the Ummah needs, while they have not preserved all that the Messenger of God has said. Because if they are asked about something Halal and Haram and the rules and they do not have a narration from the Messenger of God (PBUH) about it, they are ashamed that people attribute ignorance to them and on the other hand they are reluctant to ask it from another. They have turned to personal opinion and analogy in religion and abandoned hadiths and news. ('Ayyāshī, 1380 AH, 2: 331) What was mostly questioned in the first centuries AH, were duties and laws, in addition to analogy that is a tool to deduce the rules of Fiqh in similar cases. According to another narration, in the address of Imam Bāqir (AS), there is an interpretation of "the jurist from Basra"³¹. Other evidences include narrations that words of Fiqh, Faqīh and Afqah are accompanied by questions about some of the Shar'ī rulings.

3-5. Reference to Nuwwāb and jurists of the companions

In the era of the last three Imams, Shiites rarely referred to the Imam, and this can be attributed to the difficult conditions of access to the Imam and the self-sufficiency of the companions due to the large number of narrations and the training of students that was achieved in the era of the Ṣādiqayn (AS). As it was mentioned, Ṣādiqayn (AS) had many efforts in order to train and establish their scientific authority. The companions of the consensus mentioned above were one of the fruits of these efforts. In fact, referring to some of the companions provided the ground for, firstly, the authority to be dependent on the Imam and, secondly, in cases where access to the Imam is not possible, the Shiites know to whom they should refer and obtain their religious teachings and in particular, the practical rules from them. Therefore, the reports referring to Nuwwāb and some prominent companions in the period of the last three Imams, will be another confirmation on the prevalence of the term meaning of Fiqh during the presence of the Imams (AS).

Conclusion

The subject of Fiqh has been used extensively in the Qur'an, narratives and rijālī books in both nominal and verbal forms, the most widely used of which are; Fiqh, Faqīh, Afqah and Tafaqquh. In these applications, there are several matters belonging to Tafaqquh, the most common of which are utterances and anything of the kind of speech, such as: text or oral speech.

By searching in the Qur'anic applications of Fiqh, it was briefly concluded that the affiliate of Fiqh is in the forms of Thulāthī Mujarrad, every day and customary affairs, the word Fiqh is used in a very close meaning to understanding. And the soul of "understanding" means deep awareness and cognition. But what provided the ground for its semantic change was verse 122 of Surah Tawbah, the meaning of which is to invite certain believers to join to Tafaqquh in the religion to warn others. At the same time as the revelation of the Qur'an and throughout it, in narrations attributed to the Holy Prophet of Islam (PBUH), there is talk of Tafaqquh in religion, which means achieving a deep understanding of religion and joining the ranks of religious scholars. From the end of the first century AH, the word Fiqh was transferred from the absolute meaning of understanding to its second meaning, that is, the understanding of religion, although its use in other meanings was more or less common. In the second century AH, the latter meaning to some extent limited the scope of use of Fiqh. This restriction was in terms of belonging to jurisprudence, that is, if before that any customary matter could belong to Fiqh i.e. jurisprudence, in the second century AH there is talk of "jurisprudence in religion" and "jurisprudence in science". Gradually, this restriction led to the use of Fiqh as an attempt to understand religion, which was

³¹ It should be noted that this is not true on the deputies of Imam Mahdi (AS). An example of this is the reference of the book to the jurists of Qom by Hussein ibn Rūh.

completely consistent with verse 122 of Surah Tawbah. However, by mentioning numerous cases and various evidences, we showed that the subject of *Fiqh* quickly distanced itself from its literal meaning and moved towards becoming a term. In the earlier *rijālī* books, the interpretation of *Faqīh* and *Afaqh* has been used more than other derivatives of *Fiqh*. By analyzing the endorsements and reports of the *Rijālīyūn* against some of the companions, this was achieved; the meaning of *Faqīh* in the earlier *rijālī* books has been the awareness of Halal and Haram, religious rules and duties. However, they were also scholars of interpretation or ethics or beliefs, and even had written works in those fields. In other words, *rijālī*'s explicit endorsement to a person as a jurist in addition to his works in the field of Prayer, fasting, Hajj, Zakat and other rules and laws, reinforces this possibility. In the second century AH, the word *Faqīh* has given way to the world of Sharia. However, even in the following centuries, there have been few uses of *Fiqh* in its idiomatic meaning.

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