

The Capacities of Ja'fari Jurisprudence against Secularism

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Abstract

Secularism and religion represent two contrasting concepts that engage in discussions about the influence of faith in societal governance. Secularism signifies the detachment of religious beliefs from political frameworks, whereas Fiqh serves as a branch of religious studies focused on interpreting and applying Islamic laws according to varying temporal and contextual factors to foster democratic principles while upholding religious values. Islam advocates for belief in a singular God along with adherence to His doctrines; its core tenets include Tawhid (the oneness of God), Prophethood, the Quran, Akhirah (the Day of Judgment), and Sharia law. Fiqh facilitates comprehension and derivation of Islamic legal principles while analyzing religious laws across diverse social, political, and cultural dimensions pertinent to Muslim life. This discipline draws upon four primary sources: the Quran, Sunnah (traditions), consensus among scholars, and rational thought. Islamic jurists harness these scholarly resources to meet societal legal needs effectively. This study utilizes library-based research along with a descriptive-analytical approach to explore how Fiqh can effectively engage with secularism. Findings suggest that Fiqh is adept at aligning legal rulings with actual circumstances by extracting relevant directives from Islamic texts while offering sound reasoning for addressing legal challenges; thus, it provides constructive solutions for societal issues without opposing secularism or hindering democratic progress.

Keywords: Secularism, Ja'fari jurisprudence, Islam, Religion, politics, Capacities of Fiqh

Introduction

Islam and secularism represent two distinct concepts that differ significantly in how they define and analyze the role of religion in society and governance. Although Fiqh and secularism are fundamentally different from one another, they both engage in discussions concerning religion and legal frameworks within society. Islam provides specific guidelines and structures for human social, cultural, and political life, which it offers to its adherents. As a branch of religious studies, Fiqh focuses on interpreting and applying religious laws according to varying temporal, spatial, and contextual factors. The discipline of Fiqh encompasses a comprehensive set of laws and interactive practices intended for the lives of Muslims. However, this research intends to explore both the concept of Fiqh as well as the notion of secularism.

Secularism fundamentally advocates for the separation of religion from political structures and governmental functions. This principle emphasizes the equal treatment of all religions and beliefs within society while promoting the distinction between religious matters and state affairs. Secularism maintains that religious laws should not have supremacy over civil laws; instead, religion should be treated as a personal dimension within the political framework. It involves relegating religion to a marginal role across various life domains—such as politics,

governance, supernatural concerns, rationality, and ethics—where it is often sidelined. In traditions such as Judaism, Christianity, and Shia Islam—exemplified by groups like the Hojjatie Society—there exists an outlook suggesting that followers should adopt a dual approach: they must firmly uphold their beliefs while simultaneously acting in a secular manner when addressing social issues or daily life challenges. This entails integrating personal Fiqh with adherence to religious principles in their lives while also engaging with society through a secular lens (Vică ML, et al., 2022).

The question arises as to whether engaging in dialogue between Fiqh and secularism can facilitate a form of secular daily life that neither succumbs to irreligion nor encounters the difficulties associated with a secular society, while also ensuring we do not lag behind current contexts and their demands. This study explores the potential of Ja'fari jurisprudence in addressing secularism as a means to respond to this question and related issues. In light of the continuous technological advancements across various scientific domains and the historical developments that have contributed to the rise of secularism in Europe—often linked to religious activities by churches—it is crucial for religious and jurisprudential matters to be regularly evaluated and adapted to meet the requirements of modern society. This approach aims to prevent a decline in religious adherence and mitigate challenges arising from secularism. Thus, it is imperative that both religion and Fiqh can effectively align with contemporary societal needs, thereby avoiding deterioration and irreligion.

Research Background

Nikzad (2003) conducted a study titled "Islam and Secularism," which investigates the interaction between Islam and secularism within Iranian society while critiquing seven common misconceptions about secularism concerning religion, politics, and governance. In his 2005 work titled "Religion, Secularism, Human Rights," Baghi presents three distinct perspectives on religion, human rights, and secularism relevant to modern Iranian society. Borayhi (2017) clarified various interpretations of secularism in his master's thesis titled "A Jurisprudential and Legal Examination of the Effects of Secularism," where he identifies its compatible and incompatible aspects with religious beliefs while exploring their interactions. Hedayatnia (2018) discusses the potential for Shia Fiqh to adapt family law to contemporary needs in his article "The Capacities of Ja'fari Jurisprudence and Updating Family Fiqh."

Kohansal and Garmroudi (2020) analyze how secularism functions across social, economic, managerial, political, and freedom domains in their article titled "The Confrontation of Islam and Secularism in Human Life." Taghipour (2021) explores how Ja'fari jurisprudence can embrace new private law institutions while emphasizing credibility and customs from a civilizational perspective. Karbalaee and Keikha (2023) employed a descriptive-analytical method to investigate Ja'fari jurisprudence's role in preventing divorce in their article "The Capacities of Ja'fari Jurisprudence in Preventing Divorce."

Enginir (2005) addresses questions regarding the compatibility of Islam with secularism in his study titled "Are Islam and Secularism Compatible?" He poses critical inquiries such as: "Is there genuine incompatibility between Islam and secularism? Is Saudi propaganda against secularism merely a rationalization? Is Abul A'la Maududi correct?" The conclusion drawn suggests that the relationship between religion and secularism depends on our interpretations. Ismail Ammar (2011), through his work titled "Islamic Awakening; The Confrontation of Political Islam and Secularism," examines the conflicts between political Islam and secular ideologies along with their points of contention within Islamic communities.

A review of existing literature on this topic reveals that no prior research—whether articles, theses, or dissertations—has specifically addressed the focus area of this study. Instead, previous studies have predominantly engaged with concepts surrounding Islam, human rights, or secularism individually or in combination.

1. Concepts

1.1 Islam

The term Islam in Arabic denotes health, well-being, and the absence of any flaws or corruption (Tabarsi, 1406 AH, vol. 2: 715; Ibn Faris, 2020, vol. 3: 90-91; Mostafavi, n.d., vol. 5: 191-192). In a behavioral context, it refers to "complete and unconditional obedience and submission," "recognition of divine authority," and "sincerity in

worship" (Ibn Manzur, 1405 AH, vol. 12: 245). Historically rooted in the Jahiliyyah period, the term was used to describe an individual who sacrifices something valuable for another's benefit; when that valuable entity is oneself, Islam thus embodies total and unconditional obedience and submission. From an Islamic viewpoint, individuals are encouraged to utilize reason—differentiating between what is absolute and what is relative—to yield to the will of the Absolute Being. Therefore, a Muslim is defined as someone who has willingly chosen to align their own will with that of God (Nasr, 2003: 31).

Islam is defined through four distinct meanings:

1. A Muslim is an individual who accepts a divine Sharia through reason and free will. Thus, anyone—be they Jewish, Christian, or Zoroastrian—who acknowledges some form of divine revelation qualifies as a Muslim in its broadest interpretation.
2. All beings that accept Sharia and divine laws are considered Muslims. Based on this definition, no other creature besides humans possesses free will; therefore, everything in existence other than humans can be regarded as literally Muslim. Humans have been entrusted with free will, allowing them to choose whether or not to submit to God's will.
3. The term "Muslim" also holds a significant meaning related to saints (Awliya). Among all of God's creations, only humans have a conscious awareness of their existence. In this context, they live each moment according to divine laws and principles but do so with conscious choice (Nasr, 2003: 31-41).
4. More specifically, Islam refers to the final divine Sharia revealed by the Prophet Muhammad approximately fourteen centuries ago. In this sense, Islam represents a reality that encompasses both humanity and its environment (Tabataba'i, n.d., vol. 1: 301).

In summary, Islam can be described as a religion established by the Prophet Muhammad in the seventh century CE in Arabia that emphasizes belief in one God and adherence to His teachings and commandments. Generally speaking, it signifies submission and obedience to God. The core foundations of Islam consist of five principal tenets: Tawhid (the belief in the oneness of God), Prophethood (the belief in divine prophets with Muhammad as the final prophet), Scripture (the acknowledgment and respect for previous divine texts such as the Torah, Psalms, Gospel, and Quran), Akhirah (the belief in the Day of Judgment and eternal life for the soul), and Sharia (the acceptance and adherence to divine laws outlined in the Quran and the traditions of Prophet Muhammad).

1.2 Fiqh

The term Fiqh linguistically denotes understanding, knowledge, and wisdom (al-Farahidi, 1409 AH, vol. 3: 370), while technically it refers to the comprehension of legal rulings or the identification and acquisition of an individual's practical obligations derived from religious sources (Meshkini, 1416 AH: 480). In a specific context known as "Fiqh al-Asqar," it is defined as an accurate understanding of practical legal rulings (al-Shāhīd al-Awwal, 1419 AH, vol. 1: 40). Conversely, in a broader context termed "Fiqh al-Akbar," it encompasses religious beliefs and principles along with ethics and mysticism alongside legal rulings (Thanwi, 1418 AH, vol. 3: 478).

Fiqh relies on four primary sources: the Quran, Sunnah (the traditions of Prophet Muhammad), consensus (ijma), and reason (aql), collectively referred to as the "four proofs." Jurists utilize these sources to derive legal rulings. Allameh Tabataba'i articulates that "the aim of understanding religion is to grasp all religious knowledge from its foundational principles and branches rather than focusing solely on practical rulings" (Tabataba'i, 1995, vol. 9: 550). Ayatollah Khamenei further elaborates that Fiqh represents comprehensive religious knowledge—including divine teachings and beliefs—as well as ethical understanding; thus mere familiarity with subsidiary rules does not fully encompass Fiqh. He asserts that "the study of religion's Fiqh transcends mere branches; Fiqh al-Akbar includes Tawhid and essential religious teachings" (Khamenei, July 5, 2004).

In Islamic discourse, Fiqh pertains to the legal framework governing Islamic law. It entails examining and clarifying religious laws across diverse areas such as worship practices, transactions between individuals, personal status issues like marriage or divorce, inheritance matters, criminal law, etc., to uncover divine commandments. The divine laws concerning various occurrences in daily life are not always explicitly articulated according to contemporary circumstances; therefore, the essence of Fiqh lies in investigating these laws through jurisprudential

sources to provide clarity on divine directives where individuals seek guidance (Jannaati, 1995: 8). The process by which a jurist seeks to uncover divine rulings is termed *ijtihad* or independent reasoning.

From the definitions provided about *Fiqh*, it can be inferred that all practical laws governing individual conduct as well as social regulations within Islam form the core subject matter of *Fiqh* (Noori, 1999: 15; Mousavi, 2000: 49).

1.3 Ja'fari Jurisprudence

Ja'fari jurisprudence is one of the key schools of thought within Islamic law, significantly influencing the development of Islamic culture and civilization. Its adherents are predominantly Twelver Shiites, and it derives its name from its deep association with the teachings attributed to Imam Ja'far al-Sadiq, the sixth Imam in Shiite belief. This school is grounded in primary Islamic sources, including the Quran, the traditions of both prophets and Shiite Imams, reason, consensus (*ijma*) among jurists, and various arguments and interpretations drawn from these texts. Before Imam Sadiq's time, Ja'fari jurisprudence largely depended on jurisprudential positions passed down from Imam Ali and displayed a degree of diversity in approaches to deriving legal rulings. Up until the early second century AH, various Shiite factions maintained their unity on jurisprudential matters despite significant doctrinal disagreements. The contributions of Imam Sadiq were pivotal in establishing a cohesive framework for Ja'fari jurisprudence (Pakatchi, 1996: 14-17).

1.4 Secularism

Secularism was first articulated during the Peace of Westphalia in 1648 to describe the transfer of territories from church control. Over time, it evolved to include various interpretations such as the separation of religion and politics, the dominance of state authority over religious institutions, the exemption of clergy from certain responsibilities, and ultimately the removal of religion from social life. This concept has taken on numerous meanings throughout history. Essentially, it embodies a belief in separating government from religion and religious authorities, which can also be understood as delineating religion from political affairs (Parsa, 1996: 73).

The New Webster's Dictionary defines secularism as a lack of influence exerted by religious organizations on public culture, education, and other civic matters (New Webster's Dictionary of the English Language, 1988: 86). Similarly, the Cambridge Dictionary describes secularism as a belief that religion should not interfere with social and political activities (Cambridge Dictionary: under the entry for secularism). The Britannica Encyclopedia notes that secularism is derived from "secular," indicating non-interference of religion in governmental matters (Eyvazi, 2013: 42-43). Overall, secularism denotes a worldly and non-spiritual perspective advocating for the separation of religion from politics and is positioned against sacredness or spirituality (Shakerin, 2008: 11).

Abdolkarim Soroush describes secularism as the scientific and rational structuring of society, which involves deliberately removing religion from life and political spheres, thereby creating a government that is secular and based on scientific principles (Soroush, 1997: 423-424). Allameh Mohammad Taqi Ja'fari further elaborates that secularism represents a stance against religious teachings and the essence of worldly living, supporting secular values. In this context, the term indicates a rejection of religious laws and advocates for a life that is both non-religious and devoid of spiritual influence (Ja'fari, 2013: 51-178).

2. The Capacities of Ja'fari Jurisprudence in Confrontation with Secularism

The capacities of *Fiqh* encompass the skills that allow this discipline to meet the needs and legal challenges faced by society. *Fiqh* is equipped to adapt legal rulings to actual circumstances, extract judgments from Islamic sources, and offer logical reasoning for addressing legal issues. Scholars and jurists specializing in *Fiqh* possess a comprehensive understanding of legal rulings, foundational principles of jurisprudence, Quranic interpretation, Islamic history, and other relevant areas. This expertise enables them to analyze legal matters thoroughly while presenting coherent arguments that address societal needs. They are also capable of interpreting and clarifying rulings under the guidance of religious authorities across various contexts. This field emphasizes the importance of safeguarding human rights and ensuring justice in legal decisions, with scholars committed to promoting individual rights and fairness within their communities. As such, *Fiqh* is well-positioned for fruitful collaboration with experts from other academic fields, allowing it to effectively tackle everyday societal challenges when integrated with other areas of knowledge.

In subsequent sections, we will explore some specific capacities of Ja'fari jurisprudence in its engagement with secularism. As mentioned earlier, this research focuses on examining these capacities of secularism while striving to present them succinctly and meaningfully by the objectives of the study.

3.3.1 The Capacity of Reason

Epistemologists consider reason to be a significant source of knowledge and assert that it can facilitate the understanding of general concepts (Hosseinzadeh, 2014: 38). Within the context of jihad science, reason serves both independent and dependent roles; when applied independently, it stands as a distinct source alongside the Quran, Sunnah, and consensus. The principle of correlation—an established tenet in jurisprudence—asserts that «كُلُّ مَا حَكَمَ بِهِ الْعَقْلُ حَكَمَ بِهِ الشَّرْعُ» "Whatever is deemed by reason is also deemed by Sharia." Therefore, there are no hadiths that prohibit utilizing the reason for deriving legal rulings; instead, prohibitions inferred from hadiths pertain to analogy (qiyas), issuing fatwas without knowledge, and reasoning based on flawed intellects (Ansari, n.d.: 62; Ansari, n.d.: 62; Behsoodi, 2007: vol. 3: 34). Muhammad Rida al-Muzaffar—a jurist from the fourteenth century AH—recognizes reason as one of the four primary sources for deriving legal rulings along with the Quran, Sunnah, and consensus (Muzaffar, 1430 AH: vol. 1: 51). Shiite jurists frequently employ reason in their ijtiḥād (independent juristic reasoning). The following outlines some applications of reason in deriving jurisprudential matters:

Source for Legal Rulings Alongside the Quran and Sunnah: This definition indicates that in certain situations, reason can independently provide specific legal rulings based on rational assessments of goodness and badness. In other cases, it may support an existing legal ruling to affirm another ruling; for instance, establishing a connection between a legal ruling and a rational judgment may yield a new legal conclusion.

Validating Religious Texts: A ruling's validity is confirmed when it does not conflict with an absolute judgment made by reason. For example, since Prophet Muhammad's infallibility has been substantiated through definitive rational arguments, any narration suggesting his fallibility lacks credibility.

Facilitating Derivation of Legal Rulings from the Quran and Sunnah: Certain jurisprudential principles that enable deriving legal rulings from these texts are identified with the assistance of reason (Ziaieifar, 2003: 230-234).

3.3.2 The Capacity of Time and Place

In linguistic terms, "time" refers to a "moment," while "place" denotes a "location." Although some ancient Greek philosophers regarded time as an illusory concept, most philosophers—especially Muslim scholars—view it as a real phenomenon that can even be considered within the fourth dimension of matter (Copleston, 1989: vol. 1: 68). The following points illustrate aspects of time and place that are relevant to jurisprudential and social matters:

Regarding natural and historical changes: Here, "time" signifies a specific historical period while "place" refers to nature itself. When both terms are used together, they represent historical events or natural occurrences such as revolutions or disasters like earthquakes or floods. Time and place relate closely to jurisprudential issues—particularly those involving governmental rulings or assessments of public interest that depend on specific temporal or spatial contexts.

Concerning human actions influenced by time and place: Human will is shaped by knowledge at any given moment; this ultimately leads to social or individual transformations closely linked to jurisprudence. For example, during early Islam, people's view of chess as a tool for mental enhancement led to shifts in legal rulings regarding this game.

Concerning human thought across different times and places: Individuals develop diverse perspectives on society, history, and nature based on advancements in science or technology at various temporal or spatial points. These shifts can alter behaviors or actions over time—sometimes resulting in changes within jurisprudential subjects as certain legal rulings evolve.

Concerning new civilizations: Human life undergoes various transformations over time and across locations. When a new civilization emerges, it introduces numerous changes into human existence; what we experience

often involves the material aspects associated with this civilization while conceptual frameworks also transform. The influence of new civilizations on recognizing emerging subjects or deriving legal rulings is significant (Mojtahed Shabestari, 1994: 49). For instance, Imam Khomeini wrote a letter to a scholar in Qom stating that holding certain views implies rejecting modern civilization when acceptance is necessary¹ (Khomeini, 1989: vol. 21: 34).

Time and place concerning social events: Socially relevant events—political or religious—impact scholars' decisions at any given moment; these influences can sometimes lead to fatwas being issued. An example includes the Tobacco Protest initiated by Mirza Shirazi in 1891 against the "Tobacco Contract" between the Iranian government and a British company.

The concept of time and place regarding new subjects: The notion of time and place extends beyond merely recognizing new subjects; it also affects methods of legal derivation which may lead to changes in certain fatwas (Mojtahed Shabestari, 1994: 50).

Requirements associated with time and place: Morteza Motahhari identifies three meanings related to these requirements:

1. In every era, phenomena emerge that individuals must follow while adapting their responses to events occurring during that period.
2. Tastes vary among people across different periods; thus public demands change over time—indicating that trends often dictate behavior similar to fashion.
3. Humanity's genuine needs evolve; each need represents a specific demand which means tools differ across periods due to scientific advancements necessitating adaptation (Motahhari, 2001: vol. 2: 184-194).

3.3.3 General Quranic Texts

General texts are recognized as credible legal documents that can be used to derive overarching laws. For instance, when deriving rulings concerning contracts, jurists refer to general texts from the Holy Quran and relevant narrations. While these texts may not provide a thorough or independent analysis of contract-related rules, they still hold the necessary authority for legal derivation. A notable example is verse 1 of Surah Al-Ma'idah, which states: "O you who have believed, fulfill [all] contracts"² (Al-Ma'idah, 5:1), indicating that believers should honor their agreements and contracts. This verse addresses transactional matters without being limited to a specific case (Al-Hurr al-Amili, 2019: 40-41). Consequently, jurists and Fiqh scholars place significant emphasis on such texts in their writings concerning verses of rulings and jurisprudential principles. They continually seek to extract rules and laws from these sources to align themselves with societal developments throughout history (in terms of time and place) while striving to promote justice and democracy within the context of their religious beliefs.

3.3.4 Monitoring Sources

As previously noted, the sources for deriving legal rulings are confined to four primary sources... These four sources—especially reason—reflect specific instances that may occasionally be present within them. However, when it comes to analytical work, the interpreter must also explore how these four sources manifest in other contexts and elucidate their implications. For instance, when examining how reason is embodied in customary practices, it is highlighted that custom serves as a source of Sharia and acts as a tool for uncovering legal documents. Thus, it is inaccurate to categorize custom alongside the four main sources. What holds significant importance in this regard—requiring meticulous attention—is the dissection, origin analysis, and historical exploration of customs and rational norms (Alidoost, 2006: 206-207).

¹ Response to the letter dated September 24, 1988, regarding the content of Imam Khomeini's speech.

² «يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ أَجَلْتُ لَكُمْ بَهِيمَةَ الْأَنْعَامِ إِلَّا مَا يُتْلَى عَلَيْكُمْ غَيْرَ مُحْلِي الصَّيْدِ وَأَنْتُمْ حُرْمٌ إِنَّ اللَّهَ يَخُكِّمُ مَا يُرِيدُ»

O you who have believed, fulfill [all] contracts. The grazing livestock and their offspring have been made lawful for you, except for that which is recited to you. And do not permit hunting while you are in the state of ihram. Indeed, Allah decrees what He wills.

A challenge arises in dissecting the foundations of rational norms and customs due to the unclear environment in which these customs develop. This suggests that while a jurist may confront a universal custom, the reasons, criteria, and principles underlying this custom may differ across various societies (see: al-Haeri, 1408 AH, vol. 2: 114). It falls upon the jurist to apply thorough precision and inquiry when analyzing customs and rational institutions by performing dissection and origin analysis to reveal that many customs possess valid rational foundations. Ultimately, these capabilities should be harnessed to tackle societal challenges at social, political, and cultural levels while striving to implement justice alongside democracy and secularism within their religious framework.

3.3.5 Systematic View of Sharia

A systematic approach to Sharia entails adopting a holistic perspective capable of addressing any gaps. This means that jurisprudence serves as a reflection of a comprehensive, universal, and timeless Sharia; consequently, jurists should aim to construct an all-encompassing representation of Islamic Sharia by synthesizing details and secondary issues in their interpretations. Generally speaking, systematically viewing Sharia involves interpreting written texts, elucidating their meanings, and analyzing their implications—an endeavor that holds significant potential within the field of jurisprudence. Scholars like Shahid Sadr have persistently aimed to identify a coherent system; he asserts that Islam encompasses an economic framework that can be uncovered (Sadr, 1401 AH: 138). He recommends that Islamic economics researchers consult other juristic interpretations when facing inconsistencies in rulings since the outcomes from such collaboration are likely to align closely with authentic Islamic legislation (ibid, 1996: 369-406).

Shahid Sadr's perspective suggests that a fatwa derived by a jurist according to their methodological foundations is only obligatory for them and their adherents; it lacks authority for other jurists or legal authorities. Nonetheless, a critique of Shahid Sadr's stance is his insufficient consideration of rational understanding and the need to account for the objectives of Sharia alongside its comprehensive framework. Therefore, if a jurist derives rulings using the four sources while taking into account the goals and overall structure of Sharia, they are unlikely to encounter blind spots or uncertainties in their deductions across various domains (Alidoost, 2009: 800-801).

3.3.6 Uṣūl al-‘Amaliyyah

Uṣūl al-‘Amaliyyah is based on the traditions of Ahl al-Bayt and comprises a collection of rules that clarify the legal ruling and practical obligations for individuals in situations of uncertainty (Muzaffar, 1430 AH, vol. 2: 234). These legal principles are utilized by jurists or mujtahids when they explore the four sources of evidence but cannot find a specific legal ruling; thus, they rely on the principles established by the legislator. The application of ‘Amaliyyah principles spans all areas of Fiqh and includes concepts such as the presumption of innocence, precautionary measures, choice, and continuity. They are also relevant in specific contexts like the principle of purity (‘Aṣālah al-Ṭahārah) and the principle of soundness (‘Aṣālah al-Ṣiḥḥah) (Pakatchi, 1996, vol. 1: 285).

It is crucial to avoid excessive reliance on these principles; there must first be an existing ruling before an individual can express doubt or lack knowledge about it. Only after this can they investigate these principles further (Ansari, 1428 AH, vol. 1: 308). In this regard, it can be asserted that when uncertainties arise concerning governance and rulings within Islamic society, individuals may refer to these scientific principles while also striving to implement justice, democracy, and secularism alongside their religious commitments.

CONCLUSION

The discipline of Fiqh, which is based on the teachings of revelation and the sayings of prophets and their successors, has developed frameworks and necessities throughout its extensive history that collectively establish the norms of ijtihad. Any transformation or response to contemporary issues must adhere to these essential norms of ijtihad. The science of Fiqh is grounded in four primary sources: the Book (the Quran), Sunnah, consensus (ijma), and reason (aql). It possesses various capabilities and potentials to address legal needs and issues, which are referred to as the capacities of Fiqh.

As discussed throughout this research, the capacities of Ja‘fari jurisprudence—specifically, the legal and jurisprudential foundations of Shiite Islam—can be particularly effective and relevant in confronting secularism and fostering a cohesive society. It is important to note that while these capacities require interpretation and

enhancement to adequately respond to contemporary questions and challenges, they still provide appropriate and comprehensive answers in many instances. As previously mentioned, the four sources of evidence and the overall capacities within Fiqh continue to offer suitable responses to various issues. Citing religious and jurisprudential sources can significantly assist in formulating perspectives on secularism.

Although secularism emphasizes the separation of religion from politics and societal governance, there is much to discuss regarding this concept, its implications for religious thought, and its opposition to both religion and Fiqh on a global scale as well as within our own country, Iran. However, it can be succinctly stated that Ja'fari jurisprudence, with its emphasis on the concept of human rights in Islam alongside its spiritual and ethical foundations, can effectively address the challenges posed by secularism while providing models for living harmoniously in a multicultural society. Furthermore, as one of the schools of Islamic jurisprudence, Ja'fari's thought focuses on God's laws and fundamental religious principles that can serve as a reference point in countering secularism. The Islamic laws, ethical principles, social governance systems, and other issues related to politics and society within Ja'fari jurisprudence are rooted in religious rulings. These can be utilized as guiding principles for absolute guardianship and discretionary responsibility when confronting secularist ideas and values.

Nevertheless, when addressing sensitive societal issues regarding the application of Ja'fari jurisprudence's capacities against secularism, it is essential to employ appropriate methods through fatwas issued by qualified scholars while considering contemporary developments and societal needs. Additionally, effectively communicating the message of Ja'fari jurisprudence to society and its institutions necessitates a clear understanding of its concepts and principles among the public. Overall, the capacities inherent in Ja'fari jurisprudence can play a significant role in effectively confronting secularism while offering suitable frameworks for living together and participating actively within society.

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