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The Conceptualization of Jurisprudential Exegesis as the Intersection of Tafsir and Fiqh: A Critical Approach

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Abstract: This article comprehensively analyzes the conceptual and methodological differences between tafsīr and fiqh, two core disciplines in Islamic scholarship, emphasizing their respective relationships with the Qur'ān. The study employs a historical and comparative approach to explore key Islamic texts, highlighting the evolution of each discipline and their distinct approaches to Qur'ānic interpretation. The primary objective is to clarify the unique intellectual aims, methods, and outcomes of tafsīr and fiqh, despite both disciplines engaging with the Qur'ān as their foundational text. The research concludes that tafsīr, as an exegetical field, is dedicated to interpreting the Qur'ān's verses by examining their original meaning within their historical, linguistic, and theological contexts. In contrast, fiqh focuses on deriving legal principles from the Qur'ān, addressing the pragmatic needs of the Muslim community through ijtihād. This foundational methodological divergence has led to the frequent merging of tafsīr and fiqh, especially in the formulation of fiqh-based tafsīr (tafsīr fiqhī), which the study contends distorts the independent scholarly character of tafsīr and obscures the distinct functions of both disciplines. This article contributes to the academic discourse by challenging contemporary interpretations of fiqh-based tafsīr, urging a more precise differentiation between tafsīr as an exegetical discipline and fiqh as a juridical field. The study advocates for a more thorough and methodical approach to Qur'ānic interpretation, stressing the importance of maintaining tafsīr's independent role in understanding the Qur'ān in its original context, without the influence of the legal frameworks that often shape fiqh interpretations. Additionally, the article encourages further scholarly investigation into the historical progression of the Aḥkām al-Qur'ān literature, particularly about the influence of madhāhib (legal schools) on Qur'ānic exegesis. The study proposes that such future research would significantly enrich contemporary Islamic scholarship and offer a deeper understanding of tafsīr and fiqh's roles in Qur'ānic interpretation.

Keywords: tafsīr fiqhī; Aḥkām al-Qur'ān; tafsīr al-Aḥkām; methodological distinctions between tafsīr and fiqh; doctrinal approach in fiqh

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1. Introduction

Each Islamic science, qualifying as a distinct field of knowledge, performs specific tasks and occupies a particular area of interest. At the forefront of the sources these sciences rely upon is the Qur'ān. The science of jurisprudence (fiqh) focuses on the legal and practical rulings derived from the Qur'ān. In the field of tafsīr, the Qur'ān as a whole is subject to the effort of discerning God's intent. The intersection between tafsīr and jurisprudence appears in their common engagement with the processes of deduction (istinbāt) and reasoning (istidlāl) from the Qur'ān, both seeking to understand its meaning. This overlap necessitates a distinguishing feature that separates the functions and roles of tafsīr from fiqh.

Contrary to the traditional approach, some classical scholars have held that the interpretations and explanations found in the sciences of jurisprudence and theology should also be considered part of tafsīr. Among these scholars is ʻAlāuddīn ʻAlī Ibn Muḥammad al-Shahrūdī, known as Muṣannifak (d. 875 AH/1470 CE), who argued that the matters addressed in tafsīr are foundational principles in both jurisprudence and theology, as both fields investigate the divine will in Qur'ānic verses. Therefore, he maintained that such explanations should also be classified as tafsīr (al-Shāhrūdī n.d.). While there is no substantial evidence to suggest that this perspective gained significant traction in the classical period, reflections of this approach can be observed in contemporary discussions on the science and literature of tafsīr. For instance, the conceptualization of "jurisprudential tafsīr" (tafsīr fiqhī) or "thematic tafsīr of rulings" (tafsīr al-aḥkām) further reinforces this perception. At the very least, in the modern period, there seems to be an understanding that the jurisprudential interpretations in these works are considered part of the broader field of Qur'ānic exegesis.

Several studies have explored the possibilities and limitations of the science of tafsīr. This subject was brought to attention in 2010 during an academic conference organized by İslâmî İlimler Araştırma Vakfı (the Foundation for Islamic Sciences Research) in Istanbul under the title "What Kind of Science is Tafsīr?" in which various aspects of the discipline, such as its scope, limitations, and functions, were discussed (Sülün 2011). Subsequently, a volume edited by Karen Bauer focused on the methods, objectives, sources, and intellectual contexts that exegetes addressed in the introductions to their tafsīr works (Bauer 2013).

In the study titled *Tefsir İlminin Mahiyeti Sorunu* (The Question Regarding the Nature of Tafsīr as a Science), authored by Enes Büyük, the definition of tafsīr, its status as a science, its epistemological value, function, and its relation to other disciplines are examined (Büyük 2019). Additionally, the work *Tefsir İlminin Mahiyetine Yaklaşımlar-Klasikten Çağdaş Döneme-* (Approaches to the Nature of the Science of Tafsīr-From the Classical to the Contemporary Period-), edited by Enes Büyük, explores how both classical and modern scholars approached the nature of tafsīr, as well as the reconstruction of tafsīr from a hermeneutical perspective (Büyük 2023). In *Mafhūm al-tafsīr wa al-ta'wīl wa al-istinbāṭ wa al-tadabbur wa al-mufassir*, Musāʻid Ibn Sulaymān al-Ṭayyār discusses the concepts of tafsīr, ta'wīl (interpretation), istinbāṭ (derivation of legal rulings), and mufassir (exegete), attempting to define the boundaries of these terms (al-Ṭayyār 2006). Gıyasettin Arslan, in his article "Tefsir Usulüne Fıkıh Usulünü Karıştırmak" (Blending Jurisprudence with Tafsir Methodology), opposes the use of terms and concepts from the principles of fiqh in the field of tafsīr, arguing that the two disciplines are uniquely differentiated (Arslan 2008). Mehmet Demirci, in his article titled "Mana İle Hüküm Ayrımında Tefsir İlminin Yeri" (The Role of Tafsīr in the Distinction Between Meaning and Ruling), seeks to explain the differences in approaches to the Qur'ān between the disciplines of tafsīr and fiqh, grounding his argument on the divergence between meaning (al-maʻnā) and legal ruling (ḥukm) (Demirci 2010).

While the existing studies emphasize the unique features of tafsīr in relation to the discipline of fiqh, they primarily remain confined to theoretical discussions and elucidations. However, the volume edited by Karen Bauer marks a significant divergence from this trend. The various contributions within this work offer a comprehensive practical analysis of the methods and objectives of tafsīr through a meticulous examination of primary tafsīr sources. Nonetheless, like other studies, this volume does not engage with the critical question of the appropriateness or accuracy of the term "jurisprudential tafsīr". In addition, other scholarly works that incorporate the term "jurisprudential tafsīr" provide explanations wherein this concept is accepted a priori. These studies readily accept, without rigorous critical scrutiny, the presumption that a distinct subfield termed "jurisprudential tafsīr" exists in the discipline of tafsīr (al-Rūmī 1997; al-Shinqīṭī 2009; Yüksel 2015).

In this study, we aim to critically interrogate the concept of "jurisprudential tafsīr", assessing whether this categorization is consistent with the fundamental nature of the science of tafsīr. The methodology for this investigation involves a textual analysis of specific examples from works belonging to the Aḥkām al-Qur'ān genre. Through these examples, we will argue that while fiqh and tafsīr share certain intersections, they ultimately represent two independent domains of scholarly inquiry. By conducting this analysis, we highlight the need for a more considered approach when employing the term "jurisprudential tafsīr", advocating for classical terminology, which we argue is more fitting in light of the historical and methodological context.

Furthermore, we aim to provide a concrete analysis of how these discourses manifest in practice by moving beyond purely theoretical discussions. This approach not only situates our study within a broader critical framework but also establishes it as a unique and original contribution to the ongoing scholarly debates surrounding the intersection of fiqh and tafsīr.

This study refrains from delving into the ontological question of whether tafsīr should be considered a formal science. The justification for this omission is rooted in the longstanding historical and practical consensus, from the earliest periods to the present, that tafsīr is unequivocally recognized as an autonomous scholarly discipline. The vast and comprehensive body of literature in this field further substantiates its recognition as a science. Given the empirical evidence of this longstanding tradition, the issue is treated as settled and thus falls outside the purview of this investigation.

2. A General Overview of Assessments Regarding the Boundaries of Tafsīr as a Discipline

When examining the relevant analyses, it becomes evident that there are varying perspectives regarding the basic difference between the approach of the science of tafsīr and that of other Islamic sciences ('ulūm Islāmiyya) toward the Qur'ān. The fundamental reason for this disagreement lies in the fact that numerous tafsīr works do not impose clear limitations, addressing nearly every topic, from transmission (riwāya) to jurisprudence (fiqh), from theology (kalām) to historical information, and from science ('ilm) to esoteric interpretation (tafsīr ishārī). In contrast, works on jurisprudence and theology demonstrate a greater sensitivity to the limitations of their respective disciplines and allocate less space to unrelated issues and debates. The broad scope of tafsīr can be attributed to the Qur'ān's status as the primary source for all Islamic sciences, addressing topics pertinent to these domains. This reality has likely inspired the modern classification of tafsīr books into linguistic, juridical, esoteric, and sectarian categories. The reluctance within the tafsīr corpus to impose strict boundaries and exclude topics that exceed those limits is likely due to this factor. Moreover, the fact that classical scholars ('ulamā') possessed deep knowledge in almost every branch of Islamic sciences led them to engage in issues related to grammar (ṣarf), syntax (naḥw), rhetoric (balāġa), variant readings (qirā'āt), jurisprudence, theology, and history within the tafsīr they composed. In this context, when viewed through the lens of tafsīr's reliance on other sciences, such an approach might be seen as quite natural.

Nonetheless, a closer examination of Abū Ja'far al-Ṭabarī's (d. 310 AH/922 CE) *Jāmi' al-bayān* reveals a marked adherence to the limits of the science of tafsīr. Conversely, one of the most extreme examples in this regard is perhaps the tafsīr of Fakhr al-dīn al-Rāzī (d. 606 AH/1210 CE). In this context, the well-known critique attributed to Taqī al-dīn Ibn Taymiyya (d. 728 AH/1328 CE) states, "There is everything in his tafsīr except tafsīr" (al-Ṣafadī 2000) should be recalled. Among the critics of al-Rāzī is Abū Ḥayyān (d. 745 AH/1344 CE), an exegete who made efforts to delineate the boundaries of the science of tafsīr. According to him, Al-Rāzī incorporated numerous subjects in his tafsīr that fell

outside the scope of the discipline. Indeed, Abū Ḥayyān's sensitivity to drawing the parameters of tafsīr and excluding topics unrelated to the field is clearly evident. For instance, in the context of the verse, "We do not abrogate a verse or cause it to be forgotten except that We bring forth one better than it or similar to it" (Q. 2:106), Abū Ḥayyān notes that while the commentators provided detailed explanations about abrogation (naskh), its types, the points of agreement and disagreement on the issue, and the possibility of abrogation both rationally and legally, these are matters belonging to the discipline of uṣūl al-fiqh. He emphasizes that when tafsīr benefits from principles existing in other sciences, it merely adopts them as established knowledge. However, focusing extensively on such topics, as scholars like al-Rāzī have, is an unnecessary endeavor (Abū Ḥayyān 1999).

It is noteworthy and intriguing that al-Rāzī himself, who has been at the center of criticism on this issue, points out the confines of this science by criticizing al-Bāqillānī (d. 403 AH/1013 CE) for exceeding the related verse and the scope of tafsīr in the matter of ru'yat Allāh (vision of God) (al-Rāzī 1999).

In the classical and contemporary tafsīr literature, while we occasionally encounter explanations and critiques that highlight the limits of Tafsīr, it is generally observed that subjects falling within the domains of other disciplines are also included in tafsīr works. It is natural for researchers facing such a situation to see it challenging to conspicuously comprehend tafsīr's function. Nonetheless, it should be acknowledged that every discipline has connections with other fields of knowledge. For instance, jurisprudence is related to sciences such as grammar, rhetoric, and logic, while theology is similarly intertwined with logic, philosophy, grammar, and rhetoric; likewise, tafsīr is interconnected with these related disciplines.

Undoubtedly, with the codification of the Islamic sciences, fields such as tafsīr, hadith, jurisprudence, and theology became distinct in the minds of scholars. One of the most explicit indications of this is the considerable number of works that were authored under the names of these respective disciplines following their codification. However, scholars' statements to define the boundaries of tafsīr should not be seen as a complete closure to the overlapping areas between tafsīr and jurisprudence. Rather, these comments should be interpreted as an expression of the view that tafsīr works are not appropriate for the detailed discussions and debates in fiqh. Given the need to explain Qur'ānic verses that contain legal rulings, the opposite view would not be supposed. Indeed, the approach we observe in al-Ṭabarī's tafsīr supports this perspective. While al-Ṭabarī mentions different opinions when explaining verses that contain practical rulings and occasionally employs fiqh terminology, he avoids doctrinal assessments tied to specific legal schools, focusing instead on the meaning and ruling of the verse (Güvenç 2020).[1]

In contemporary times, various approaches have been proposed on this issue, yet it cannot be said that a consensus has been reached. Despite attempts to delineate boundaries between tafsīr and other sciences—especially jurisprudence—we observe definitions that conflict with this effort. Terms such as "tafsīr al-aḥkām" (jurisprudential exegesis) and "al-tafsīr al-fiqhī" (legal exegesis) give the impression that legal reasoning and debates fall within the scope of tafsīr. Indeed, this perception has a clear rationale: these works interpret Qur'ānic verses according to the order of the Muṣḥaf, similar to tafsīr texts.[2] Although these works cover a range of topics, they predominantly focus on legal matters, adopting the style and methodology of fiqh. Nevertheless, it remains crucial to identify the point at which these discussions intersect with tafsīr and where they diverge from it.

3. The Emergence of the Concepts of Ahkām al-Qur'ān and Tafsīr Fiqhī

The term aḥkām in the phrase Aḥkām al-Qur'ān is the plural form of ḥukm, which linguistically means "to prevent" or "to deter." It is defined as "the attribution of a quality

to something in either a positive or negative manner" (al-Azharī 2001) or "establishing a connection between two entities, propositions, or ideas, either affirmatively or negatively." It is categorized into legal (shar'ī), customary (ādī), and rational ('aqlī) rulings (Topaloğlu and Çelebi 2020). This term is used in the kalām, logic, and jurisprudence. In the context of *Ahkām al-Qur'ān*, the word ahkām specifically refers to legal, practical rulings derived from Islamic law (sharī'a). Therefore, in works focused on *Ahkām al-Qur'ān*, Qur'ānic verses are examined according to the divisions of fiqh, including 'ibādāt (acts of worship), mu'āmalāt (social transactions), and 'uqūbāt (penal law).

The presence of verses in the Qur'ān that address legal rulings as well as theological and moral injunctions has provided the foundation for the development of the *Ahkām al-Qur'ān* literature since the classical period. In these works, scholars from various Islamic legal schools have analyzed the verses deemed to contain legal content. Although some scholars have adopted a relatively more flexible approach regarding this issue, the dominant trend has been the defense of a particular school of thought, often accompanied by refutations of opposing views. Even though they do not focus on legal matters as extensively as the *Ahkām al-Qur'ān* works, most comprehensive tafsīr books also address, to some extent, legal issues. This is primarily because relevant verses directly pertain to practical applications, and the exegetes naturally orient their explanations accordingly.

A vast body of literature on *Aḥkām al-Qur'ān* has developed since the second century of the Hijra.[3] The first work in this genre is attributed to Abū Naḍr Muḥammad Ibn al-Sā'ib al-Kalbī (d. 146 AH/763 CE) (İbn al-Nadīm 1997), though it is unclear whether this work has survived to the present day. One of the earliest surviving examples of this genre is *Tafsīr khams mia āyah min al-Qur'ān* by Muqātil Ibn Sulaymān (d. 150 AH/767 CE). In this work, Muqātil primarily interprets the legal rulings of the Qur'ān, often following a similar approach that he employed in his tafsīr covering the entire Qur'ān and occasionally considering socio-cultural contexts as well.[4] Therefore, it should be noted that the style and method of Muqātil's explanations regarding legal rulings differ significantly from later *Ahkām al-Qur'ān* works. This gives the impression that the explanations in this book are more aligned with tafsīr than with fiqh. Indeed, the title of his book reflects this reality. However, in later works, following the formation of legal schools, the doctrinal nature of jurisprudence became more prominent.

The views attributed to Imām al-Shāfi'ī (d. 204 AH/819 CE) were compiled by Abū Bakr al-Bayhaqī (d. 458 AH/1066 CE) under the title *Ahkām al-Qur'ān*, and this work is esteemed as one of the pioneering exemplars of this genre. In the text, discussions on foundational legal principles such as 'umūm-khuṣūṣ (general and specific), the authority of sunnah and khabar al-wāḥid (solitary narrations), and the rejection of istiḥsān (juridical preference) are included alongside practical legal matters related to furū' al-fiqh[5], such as prayer, fasting, almsgiving, pilgrimage, jihad, and expiations. In subsequent historical periods, many works of the *Ahkām al-Qur'ān* genre were written, though we would like to highlight a few of the most renowned today. In this context, the works of Abū Ja'far al-Ṭaḥāwī (d. 321 AH/933 CE) and Abū Bakr al-Jaṣṣāṣ (d. 370 AH/981 CE), both of whom wrote from the perspective of the Ḥanafī school, are of particular significance. Likewise, the *Ahkām al-Qur'ān* of Kiyā al-Harrāsī (d. 504 AH/1110 CE), grounded in Shāfi'ī jurisprudence, and the *Ahkām al-Qur'ān* of Abū Bakr Ibn al-'Arabī (d. 543 AH/1148 CE), written according to Mālikī law, are noteworthy. In the classical period, these works were consistently referred to as *Ahkām al-Qur'ān*, and in the tradition, the term *Ahkām al-Qur'ān* was exclusively used for topics related to legal rulings (al-Muzanī 1990; al-Marwazī 1987).

In the later stages of the classical period, Shāh Walī Allāh al-Dihlawī (d. 1176 AH/1762 CE), in his concise work *al-Fawz al-Kabīr fī Usūl al-Tafsīr*, made a pioneering classification of the tafsīr (Qur'ānic exegesis) and tafsīr methodologies. He categorized them under

headings such as "the exegesis of the hadith scholars (muhaddithīn)", "the exegesis of the theologians (kalamiyyūn)", "the exegesis of the jurists with usūl (usūl al-fuqahā)", "the exegesis of master literary figures (ustād al-adab)", and "the exegesis of ascetic mystics (zāhid sufīs)". Through these classifications, he adopted an approach consistent with the thought advocated by Muṣannifak. However, in these clarifications, he did not address the Aḥkām al-Qur'ān literature (al-Dihlawī 1986).

In the contemporary period, unlike the traditional ṭabaqāt works that focus on the biographies of exegetes, new works have been produced on the history of Qur'ānic exegesis, which includes classifications of tafsīr. It must be acknowledged that Ignaz Goldziher was the first to pioneer this approach at this period. In his work *Die Richtungen der Islamischen Koranauslegung*, Goldziher classified tafsīr into categories such as Die primitive Stufe der Koranauslegung (The Primitive Stage of Qur'ānic Exegesis), Die traditionelle Koranauslegung (Traditional Exegesis), Dogmatische Koranauslegung (Dogmatic Exegesis), Koranauslegung der islamischen Mystik (Mystical Exegesis), Sektiererische Koranauslegung (Sectarian Exegesis), and Der islamische Modernismus und seine Koranauslegung (Modernist Qur'ānic Exegesis) (Goldziher 1920). Subsequently, in works on the history of tafsīr and the Qur'ānic sciences ('ulūm al-Qur'ān)[6] in the Islamic world, we encounter various modifications of Goldziher's work (Cündioğlu 1999).

According to Goldziher's framework, one distinctive aspect of later works is the assertion that the *Ahkām al-Qur'ān* texts, written during and after the classical period, are products of the legal exegesis movement, and they are grouped under the category of "legal exegesis" (tafsīr fiqhī) as containing legal content. In this approach, the field of fiqh is related to tafsīr. To the best of our knowledge, this approach, which has no precedent in tradition, was first introduced by Muḥammad Ḥusayn al-Dhahabī (d. 1977). In his work *al-Tafsīr wa al-mufassirūn*, originally his doctoral thesis completed in 1946 and first published in 1961, al-Dhahabī addressed topics under the heading "tafsīr al-fuqahā'" including legal exegesis during the formation of legal schools (madhāhib fiqhī), the emergence of imitation (taqlīd) and sectarian partisanship (ta'aṣṣub), and how legal exegesis varied according to the views of different legal factions. He then elaborated on these issues with examples from the *Ahkām al-Qur'ān* literature.

His explanations show that he regarded these works as part of the tafsīr literature. Conversely, when discussing Abū Bakr al-Jaṣṣāṣ's *Ahkām al-Qur'ān*, he noted that the author extensively addressed legal disputes among jurists and included detailed discussions on legal issues beyond the Qur'ānic rulings, rendering the book more akin to a legal manual rather than a typical Qur'ānic exegesis. This observation can also be found—albeit implicitly—in his evaluations of other *Ahkām al-Qur'ān* works. For example, regarding Kiyā al-Harrāsī's work on this subject, al-Dhahabī criticized him for displaying sectarian bias and focusing on the defense of the Shāfi'ī school, to the point of engaging in strained interpretations (ta'wīl). A similar assessment is made of Ibn al-'Arabī's *Ahkām al-Qur'ān* (al-Dhahabī n.d.). In the introduction to his work, Kiyā al-Harrāsī explicitly states that the Shāfi'ī school is the closest, most reliable and that he will apply the principles of this school to the Qur'ānic rulings while also explaining the evidence used by the school in addressing complex issues (al-Harrāsī 1984). This assertion supports al-Dhahabī's critique regarding the sectarian tone in these interpretations.

Despite this, al-Dhahabī, in his traditional classification, categorized the works identified as *Aḥkām al-Qur'ān* under the conceptual framework of tafsīr fiqhī, integrating them into the broader corpus of Qur'ānic exegesis. This approach highlights his view that legal exegesis remains an integral part of tafsīr, even when such works engage extensively with jurisprudential matters. Subsequent studies on 'ulūm al-Qur'ān (Qur'anic sciences) have

adopted the same classification, further incorporating *Aḥkām al-Qur'ān* within the broader exegetical tradition (Muḥammad 'Abd al-Jawwād n.d.).

In his work, *Qur'ānic Studies*, John Wansbrough (d. 2002) drew upon terminology from the Jewish exegetical tradition and raised accusations of plagiarism regarding the classifications in the Islamic exegetical tradition. He categorized Qur'anic exegesis into haggadic exegesis, halakhic exegesis, masoretic exegesis, rhetorical exegesis and allegorical exegesis.[7] In this classification, Wansbrough employed the term halakhic exegesis in place of tafsīr ahkām (legal exegesis), seemingly failing to acknowledge the distinction between fiqh (Islamic jurisprudence) and tafsīr (Qur'anic exegesis) as separate disciplines (Wansbrough 2004).

In his classification of Qur'ānic exegesis, Mannā' Ibn Khalīl al-Qaṭṭān (d. 1999), following the approach of al-Dhahabī, attributed the emergence of "tafsīr fiqhī" to the period of legal imitation (taqlīd) in Islamic history. He argued that this phase began with the rise in sectarian partisanship (ta'aṣṣub), during which adherents of specific legal schools (madhhabs) began producing works to defend their sects, often resorting to strained interpretations of verses. Despite this observation, al-Qaṭṭān chose to label these works as tafsīr fiqhī (al-Qaṭṭān 2000).

Among other scholars following this approach, Fahd al-Rūmī listed the *Ahkām al-Qur'ān* works authored by Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī scholars under the heading "The Method of Legal Exegesis" (al-Rūmī 1997). Similarly, Nūr al-dīn (d. 2020) characterized " tafsīr fiqhī " as a type of exegesis that deals with the examination of legal verses and the method of deriving rulings from them. He traced the origins of this genre back to the time of the Prophet and his Companions, noting that the scope expanded during the Successors (tābi'ūn) period with the rise in new legal issues. However, he also mentioned that, after the emergence of the legal schools, scholars began engaging in debates to assert their sects, particularly from the fourth century after Hijra onward, when rival sects sought to suppress one another (Nūr al-dīn 1993). These explanations resemble what is recounted in works on the history of Islamic jurisprudence (tashrī'). Moreover, given the discussions by these authors, it seems evident that they did not see a need to distinguish between fiqh and tafsīr in their conceptualization of rulings derived from the Qur'ān.

This perspective has gained traction over time and has become increasingly disseminated, evolving into a distinct genre of authorship. Indeed, the numerous works produced under the title *Tafsīr āyāt al-aḥkām* reflect a typical manifestation of this modern approach. Notable examples of such works include *Nayl al-marām min tafsīr āyāt al-aḥkām* by Muḥammad Ṣiddīq al-Kannawjī (d. 1890), *Tafsīr āyāt al-aḥkām* by Muḥammad 'Ali al-Sāyis (d. 1976), *Tafsīr āyāt al-aḥkām* by Abdulqādir Shayba Ḥamd (d. 2019), and *Tafsīr āyāt al-āḥkām* by Muḥammad 'Alī al-Ṣābūnī (d. 2021). These works collectively highlight the ongoing evolution of legal exegesis within contemporary Islamic scholarship.

In this context, one of the most evident manifestations of the confusion between the fields of tafsīr and fiqh is the reconstitution of works traditionally known as 'ulūm al-Qur'ān into modern texts under the title uṣūl al-tafsīr (the methodology of exegesis). These works were primarily adapted from uṣūl al-fiqh (the methodology of Islamic jurisprudence). Just as the content of *Aḥkām al-Qur'ān* was classified under the umbrella of tafsīr, similar concepts and terminology from uṣūl al-fiqh have been applied and classified within the framework of uṣūl al-tafsīr. For instance, in Khālid 'Abdurraḥmān al-'Akk's *Uṣūl al-tafsīr wa qawā'iduh*, concepts traditionally found in legal theory, such as ẓāhir (apparent), naṣṣ (explicit), mufassar (elaborated), muḥkam (definitive), khafī (obscure), mushkil (problematic), mujmal (ambiguous), mutashābih (allegorical), as well as the meanings derived from statements (dalālat al-'ibāra, dalālat al-ishāra, dalālat al-naṣṣ, dalālat al-iqtiḍā'). Furthermore, terms such as 'ām (general), khāṣṣ (specific), and mushtarak (homonymous) have also been

transferred from legal discourse to the methodology of tafsīr. This transfer underscores the conceptual and disciplinary overlap between the two fields (al-ʻAkk 1986). Following this discussion, we can delve into the legal deductions (istinbāṭāt) present in these works, examining how they reflect the intertwined nature of tafsīr and fiqh.

4. An Analysis of Juridical Deductions in *Aḥkām al-Qur'ān* Works

As expressed in the previous section, in the classical period, the works addressing verses in the Qur'ān containing legal rulings were categorized under the genre of *Aḥkām al-Qur'ān*. However, in the contemporary era, these works have increasingly been viewed under the headings of "juridical exegesis" (tafsīr fiqhī) or "exegesis of legal rulings" (tafsīr al-aḥkām). According to this approach, the juridical deductions (istinbāṭ) and inferences (istidlāl) of a sectarian character derived from the verses in this literature are regarded as part of exegetical activity, and these works are considered components of the corpus of Qur'ānic exegesis.

While these works in the tradition were called *Aḥkām al-Qur'ān*—focusing on verses with legal content—there is a shift in the contemporary period, where these works are associated not with the field of jurisprudence (fiqh) but rather with the discipline of exegesis (tafsīr). This change is likely related to the mission attributed to the tafsir in the modern period. During the Middle Ages, when Muslims were prominent actors in history, the ideological framework of Islamic thought was largely shaped by jurisprudence and theology (kalām). The decline of power in the Islamic world, combined with the setbacks faced in comparison to the modern Western civilization in fields such as science, technology, and economy, also resulted in political and military defeats. In response, scholars, intellectuals, and writers from various segments of society sought ways to rescue the Islamic world from this situation.

One of the most influential proposals during this period was the call for reform and renewal, accompanied by calls from some authors for a return to the Qur'ān. As a result of this process, intellectuals and writers in the Islamic world began to concentrate on the Qur'ān's messages, attempting to explain the adverse conditions through Qur'ānic interpretation. In doing so, they wrote articles in newspapers and magazines that emphasized the social content of the Qur'ān and its enlightening (hidāyah) aspects, which showed the path to salvation for Islamic societies, inspired by his teacher Muḥammad ʻAbduh (d. 1905) and his lessons at al-Azhar Mosque, Rashīd Riḍā (d. 1935) published such writings in the *al-Manār Journal*. These writings were later published as an exegetical work under the same title, *al-Manār*. Similarly, works such as *Fī ẓilāl al-Qur'ān* by Sayyid Quṭb (d. 1966), *Tafhīm al-Qur'ān* by Abū al-Aʻlā al-Mawdūdī (d. 1979), and *Tafsīr al-Marāghī* by Aḥmad Muṣṭafā al-Marāghī (d. 1952) were written with similar sentiments.

From this point on, the desire to return to the Qur'an and the Prophetic Sunnah, and to the early period of Islam (ṣadr al-Islām), will continue to dominate discussions in the Islamic world. Movements such as Ahl al-Qur'ān, or Qur'āniyyūn, have arisen from this aspiration, advocating a central role for Qur'anic exegesis, directly tied to the text of the Qur'ān itself. This also implies, albeit subject to some criticism, the bestowal of a leading role in the discipline of exegesis, which is directly connected to the Qur'ān. In such a psychological atmosphere, the focus on exegesis led to the perception that deductions and inferences made from the Qur'ān in disciplines such as fiqh, kalām, and mysticism (taṣawwuf) were also elements of exegesis, granting it a central role (Paçacı 2008). We will here evaluate some of the most famous *Aḥkām al-Qur'ān* works, which are often cited under the category of tafsīr fiqhī in various contemporary studies. The critical point we aim to address under this heading is whether the exegetical or juridical aspect of these works predominates, as determining this point will shed light on which discipline these

works are more appropriately classified under. It is worth noting that elements from other sciences—sometimes even intensively—can be found in works in any field. However, this does not justify attributing a work to another discipline. What matters is identifying the characteristics that give the work its primary nature. Thus, it is essential to determine whether scholars approached their *Aḥkām al-Qur'ān* works with the mindset of a jurist (faqīh) or an exegete (mufassir) in terms of style, method, and content. Distinguishing between the science of fiqh, which concentrates on Qur'ānic verses addressing legal and practical rulings, and tafsīr, which encompasses the Qur'ān in its entirety, presents a considerable challenge. This arises from verses containing legal and practical elements, which are also directly within the scope of Qur'ānic exegesis. In this case, if we can identify both the points of intersection between the two disciplines and the differences in their approaches to the same group of verses we can gain clarity on their unique roles. We believe that the definition of juridical exegesis is, to some extent, influenced by this transformative movement, which was nourished by the climate and spirit of this shift in Islamic thought.

The term tafsīr lexically signifies the explanation or clarification of something, particularly by revealing its ambiguous dimension. As a structured science, tafsīr refers to a discipline with specific subjects, issues, and principles. Numerous definitions of tafsīr have been provided with notable contributions from al-Bayḍāwī (d. 685 AH/1286 CE), Abū Ḥayyān (d. 745 AH/1344 CE), Quṭbuddīn al-Rāzī (d. 766 AH/1365 CE), Sa'duddīn al-Taftāzānī (d. 792 AH/1390 CE), and Mulla Fanārī (Shams al-din Muḥammad b. Ḥamza) (d. 834 AH/1431 CE). Their definitions are esteemed for their comprehensiveness, reflecting a nuanced understanding of tafsīr.

Al-Bayḍāwī defines tafsīr as "the knowledge of understanding and clarifying the meanings of the book revealed to the Prophet of Allah and deducing its rulings." Yet this definition lacks precision, as it could encompass the fields of fiqh and kalām, which also engage with Qur'ānic meanings. In contrast, Abū Ḥayyān describes tafsīr as "a science that investigates the pronunciations of the Qur'ān's words, their meanings, grammatical rules, and the meanings implied by these combinations and other supplementary aspects" (Abū Ḥayyān 1999). His definition is broader, addressing fields such as qirā'āt (variant readings), lughat (lexicon), ṣarf (morphology), naḥw (syntax), i'rāb (grammatical analysis), bayān (rhetoric), and badī' (rhetorical figures), along with sciences like naskh (abrogation), asbāb al-nuzūl (occasions of revelation), and identification of obscure terms. Despite its inclusivity, this definition remains vague about how these sciences specifically contribute to tafsīr, leaving unclear how tafsīr uniquely distinguishes itself from other disciplines.

In our view, the definitions by Quṭbuddīn al-Rāzī and Taftāzānī are the most comprehensive and exclusive. According to al-Rāzī, tafsīr is "the science that investigates the intent of Allah in His noble Qur'ān". Al-Taftāzānī defines it as "the science that investigates the states of the words in Allah's speech concerning their indication of the intended meaning." Mulla Fanārī, who cites these definitions, criticizes al-Rāzī's definition for not including issues such as qirā'āt, abrogation, the occasions of revelation, the order of revelation, and distinguishing between Meccan and Medinan verses. Nevertheless, his critique about fiqh and kalām being included is not entirely valid, as the phrase "indicating the intended meaning" excludes those fields. This is because, in fiqh and kalām, the Qur'ān serves as a source rather than the direct object of study.

Al-Fanārī evaluates al-Taftāzānī's definition, suggesting that the inclusion of "the states of words" resolves the first issue, while specifying "the direction and aspect of words" (ḥaythiyat) addresses the second. Al-Fanārī also criticizes al-Taftāzānī's definition on several grounds. He argues that limiting it to "the states of words in terms of their indication of meaning" excludes certain phonetic aspects in Qur'ānic recitation, such as tafkhīm (pharyngealization), imāla (vowel inclination), madd (elongation), qaṣr (shortening), and

iṭāla (lengthening), which are considered integral parts of the science of Qur'ānic interpretation, despite not affecting meaning. Furthermore, al-Fanārī points out that Taftāzānī's phrase "indicating the intent" lacks specificity, as it omits "the intent of God". He also notes that the definition overlooks several crucial aspects: tafsīr's reliance on conjecture (ẓann) rather than certainty, the limitations of human understanding, the absence of a systematic methodology and principles, and the lack of an acquired interpretative skill (malaka). Finally, despite these perceived deficiencies, al-Fanārī critiques the inclusion of the term "science" ('ilm) in the definition, arguing that tafsīr does not fully qualify as such.

In al-Fanārī's view, which offers these extensive criticisms, the definition of tafsīr should be as follows: "The knowledge of the states of Allah's speech (the Qur'ān), indicating what is known or conjectured to be Allah's intent, within the limits of human ability" (al-Fanārī 1909). This definition aligns with our approach by excluding fiqh, kalām, and linguistic sciences, as it focuses solely on "indicating Allah's intent". Thus, none of the definitions or explanations reviewed so far have considered fiqh deductions from Qur'ānic verses as part of tafsīr. However, according to Muṣannifak, investigations in *fiqh al-akbar* (the science of theology) and *fiqh al-asghar* (jurisprudence) based on Qur'ānic expressions also fall within the scope of tafsīr, although this unique perspective contradicts traditional views.

In the contemporary period, al-Dhahabī, who incorporates the conceptualization of fiqh-based tafsīr, after presenting various definitions made during the classical period, has argued that these definitions are forced and, despite employing different terminology, convey a common meaning. After citing four different definitions from classical scholars, he argued that these definitions converge on the idea that tafsīr is "the science that, within the limits of human capacity, seeks to understand the divine intent of almighty Allah." He further asserted that this encompasses all sciences related to the comprehension of meaning and the clarification of intent (al-Dhahabī n.d.). As can be observed in these explanations, the statement that tafsīr "encompasses all sciences related to the comprehension of meaning and the clarification of intent" includes disciplines that are not directly involved in the activity of tafsīr itself. According to this definition, it appears natural to consider the sciences of theology and jurisprudence within the scope of tafsīr. As a result of this flexible approach, tafsīr works are categorized into various types, such as esoteric tafsīr (tafsīr ṣūfī/ishārī), philosophical tafsīr (tafsīr falsafī), scientific tafsīr (tafsīr 'ilmī), and juridical tafsīr (tafsīr fiqhī).

From the preceding definitions and discussions, it becomes clear that tafsīr is concerned with determining Allah's intent in Qur'ānic verses. The term fiqh, on the other hand, lexically means "understanding and comprehending" (el-Khalīl Ibn Aḥmad n.d.). As a science, fiqh is defined as the discipline in which legal rulings concerning practical actions are derived from primary sources such as the Qur'ān, Sunnah, consensus, and analogical reasoning (al-Shawkānī 1999).

Within the science of tafsīr, two types of activities—tafsīr and ta'wīl–are recognized. Tafsīr refers to the definitive determination of Allah's intent based on narratives and language. By contrast, ta'wīl involves selecting one meaning from multiple interpretations, often based on linguistic, historical, or contextual considerations. Istinbāṭ and istidlāl are also another related terms. It would be appropriate to focus on the concepts of istinbāṭ and istidlāl, which are used in both the fields of fiqh and tafsir, and to explain the meaning and methodological differences these two concepts represent in each discipline. Istinbāṭ means "to extract" and refers to the process of deriving meaning from a verse by establishing a connection between the Qur'ānic text and relevant legal, literary, moral, or spiritual concepts (al-Jawharī 1987; al-Ṭayyār 2006). In another explanation, istinbāṭ, which literally means "to extract water from a source", refers to uncovering a text's hidden aspects and meanings by using all intellectual faculties and capabilities (al-Jurjānī 1983). In fiqh, it

often denotes the process of deriving legal rulings through qiyas (analogy), determining ʾillah (cause) and manāṭ (basis), as well as extracting rulings from the naṣ (scriptural texts) (Qal'ajī and Ṣādiq 1988). This concept has also been found to be applicable in tafsir. Generally, in tafsir, istinbāṭ refers to deriving various interpretations from verses, whether their implications are explicit or implicit (al-Ṭayyār 2006). These inferences relate to fiqh, ethics, pedagogy, and natural sciences. In this sense, it functions as a form of ta'wīl (interpretation) (al-Tahānawī 1996).

When comparing the use of istinbāṭ in tafsir and fiqh, we find a distinction: in tafsir, the use of istinbāṭ is more encompassing, and such inferences do not carry a doctrinal nature (al-Ṭabarī 2001). In contrast, in fiqh, there are two types of investigations: superficial and more profound. The former overlaps with the concept of istinbāṭ in tafsir, while the latter represents the area in which the two disciplines diverge. To illustrate this point, in his commentary on the verse "Eat and drink until the white thread of dawn becomes distinct from the black thread of night" (Q. 2/187), al-Jassas presents a narrative found in the tafsir literature, explaining that this verse relates to the lifting of the prohibition on sexual relations during the nights of Ramadan in the early period of Islam. He then makes the following inference: "This verse indicates that the Qur'ān can abrogate sunnah (prophetic tradition) because the prohibition of sexual relations during the nights of Ramadan was established by sunnah, and its abrogation was clarified in the Qur'ā, making it permissible". This explanation is a fiqh-based inference and does not fall within the scope of tafsir. Similarly, al-Jassas's inference from the same verse regarding the effect of ritual impurity on the validity of fasting is also a fiqh-related inference, which does not belong to the realm of tafsir (al-Jaṣṣāṣ 1984).

The concept of istidlāl, which has the literal meaning of seeking guidance and searching for evidence to support an opinion, is a term commonly used in logic, fiqh, and kalam (Koca 2001). However, it has also found application in the tafsir literature. Within the context of fiqh, istidlāl refers to reasoning based on juridical evidence to reach a conclusion, to substantiate a result, and to engage in evidence-dependent reasoning. In tafsir, although istidlâl is used similarly to its meaning in fiqh, a key difference is that tafsir does not incorporate doctrinal explanations. For instance, al-Ṭabarī, in his explanation of the verse "Indeed, We have created for Hell many of the jinn and mankind. They have hearts with which they do not understand, ears with which they do not hear, and eyes with which they do not see" (Q. 7/179), uses istidlāl to describe the neglect of the signs of Allah by those who are heedless, emphasizing that they do not engage in reasoning that points to the unity of their Lord (al-Ṭabarī 2001).

In contrast, al-Jassās, commenting on the verse regarding those who are unable to fast and must offer a fidya (compensation) instead, asserts that the option to either fast or give fidya is a choice, and it would be incorrect to cite this verse as evidence (istidlāl) to argue that both are obligatory. This represents a fiqh-related inference (al-Jaṣṣāṣ 1984). Thus, once again, the distinction between tafsir and fiqh in deriving practical–legal rulings from verses lies in tafsir not using the doctrinal concepts of fiqh.

Additionally, since istinbāt refers to drawing inferences from the verses through various means, it can be considered more general and inclusive than the concept of istidlāl. For this reason, although we will use both terms where appropriate in our article, we will predominantly use the concept of istinbat.

Thus, the intersection of tafsīr and fiqh lies in both disciplines' use of istinbāṭ (extraction) from verses. On the other hand, contrary to popular belief, not all legal rulings derived from Qur'ānic verses are considered tafsīr. Tafsīr focuses on the direct interpretation of the Qur'ān to identify Allah's intent, whereas fiqh builds upon the Qur'ān to establish new legal rulings. Fiqh engages in detailed legal discussions, often involving sectarian

principles and terminology such as wājib (obligatory), ḥarām (prohibited), and mustaḥab (recommended). This distinction between tafsīr and fiqh becomes evident when analyzing *Aḥkām al-Qur'ān* books. When such works delve into detailed legal rulings, sectarian debates, and legal terminology not explicitly addressed in the Qur'ānic text, they enter the realm of fiqh rather than remaining within tafsīr. For example, in interpreting the verse, "O you who believe, when the call is made for prayer on Friday, hasten to the remembrance of Allah and leave off trade. . ." (Q. 62:9), tafsīr and fiqh explanations often intertwine. The verse in question is accompanied by the following detailed exegesis: "When the imam ascends the pulpit to deliver the sermon and the muadhdhin (the caller to prayer) calls the adhān (call to prayer), people are commanded to attend the Friday prayer and cease trading. The prohibition of trade on Friday begins at the time of zawāl (when the sun declines from its zenith) and lasts until the prayer is completed. However, despite opposing views, it is considered that trading on Friday is makrūh (disliked but permissible) because the prohibition does not stem from the act of trading itself but is instituted to prevent neglect of the Friday prayer. According to the principle (asl), when an act is prohibited due to an external cause, the issue lies not in the act itself but in the incidental reason for the prohibition. This is akin to the hadith narrated from the Prophet: 'The one in a state of iḥrām cannot marry or arrange a marriage' (Ibn Anas 2004). If a person in ihrām marries despite the prohibition, the marriage is not invalid, although consummation would invalidate the Ḥajj. This is comparable to praying on usurped land, which, while improper, does not invalidate the prayer." (al-Ṭabarī 2001; al-Zajjāj 1988; al-Māturīdī 2005; al-Zamakhsharī 1986). These statements reveal a composition formed by the convergence of tafsīr and fiqh. The tafsīr-related aspect deals with the prohibition of engaging in trade when the adhān is called on Friday. In contrast, the fiqh-related aspect addresses the legal rulings on such trade, relying on fiqh terminology and principles. The issue is further clarified by drawing analogies with other juristic matters.

A similar phenomenon can be observed when examining the Aḥkām al-Qur'ān literature. Regarding the Qur'ānic phrase "leave off trade" (Q. 62:9), Abū Ja'far al-Ṭaḥāwī reports differing opinions among scholars as to whether the prohibition on trade is tied to the adhān or the time itself. He notes that scholars are supporting both views. According to Muslim Ibn Yasār (d. 100 AH/719 CE), Ḍaḥḥāk (d. 105 AH/723 CE), and Masrūq (d. 63 AH/683 CE), the prohibition begins with the entrance of the time for prayer, whereas Mujāhid (d. 103 AH/721 CE) and al-Zuhrī (d. 124 AH/742 CE) maintain that it starts when the adhān is called. Al-Ṭaḥāwī adds that Mujāhid and al-Zuhrī argue that the impediment to trade is the adhān, not the time of zawāl. They assert that even if the adhān is delayed, it does not relieve the obligation to attend the prayer, and it is the entry of the time that necessitates the cessation of trade, not the adhān itself. The adhān, when called at zawāl, serves only to indicate the entry of the time, not to establish it (al-Ṭaḥāwī 1998).

This explanation refers to two interpretive approaches toward the sacred texts: one literal (lafẓī/ẓāhirī) and the other intent-based (ghā'ī/maqāṣidī). In simpler terms, the command to cease trading when the adhān is called is interpreted in two ways: one based on the literal wording and the other based on the underlying intent. According to the first, the command to attend prayer and stop trading is tied to the adhān, while the second interpretation links it to the entry of the prayer time. In the latter view, the mention of the adhān in the verse indicates the time of prayer. Even without the adhān, prayer time necessitates the cessation of trade. This issue of interpreting sacred texts is relevant to both tafsīr and fiqh. After explaining this, al-Ṭaḥāwī mentions the differing opinions among scholars regarding the ruling on trading during the time of Friday prayer. He notes that Abū Ḥanīfa (d. 80 AH/150 CE), Zufar (d. 158 AH/775 CE), Abū Yūsuf (d. 182 AH/798 CE), Muḥammad Ibn al-Ḥasan (d. 189 AH/805 CE), and al-Shāfi'ī (d. 204 AH/820 CE) consid-

ered such trade to be makrūh but valid, while Mālik regarded it as invalid. Despite these differences, al-Ṭaḥāwī reports that all scholars agreed that it is impermissible to engage in any activity other than prayer when the time for prayer is imminent (al-Ṭaḥāwī 1998).

These discussions fall within the domain of Fiqh since they involve normative terms like "valid", "invalid", and "prohibited" and are concerned with practical applications. Al-Jaṣṣāṣ, who offered similar explanations, argued that the prohibition on trade is not due to the act of trading itself but because it distracts from prayer. Thus, the contract remains valid (al-Jaṣṣāṣ 1984). Kiyā al-Harrāsī similarly noted that the prohibition is not on trade but on actions that distract from prayer. The mention of trade in the verse is due to its being a common cause of distraction. This explanation is consistent with the methodology of tafsīr. However, al-Harrāsī also references Mālik's view that such trade is invalid, and he discusses the issue in the context of uṣūl al-fiqh (al-Harrāsī 1984). Al-Qurṭubī offers a similar explanation, stating that the prohibition only applies to those for whom the Friday prayer is obligatory. There is no issue with others engaging in trade during this time. After discussing the timing of the prohibition, al-Qurṭubī argues that all actions that distract from the prayer are invalid, citing the hadith: "Every action that does not conform to our practice is rejected" (al-Bukhārī 2001; al-Qurṭubī 1964).

Another example is the verse "We have enjoined upon man to show kindness to his parents" (Q. 31:14), which *Aḥkām al-Qur'ān* scholars have interpreted to derive legal rulings. The historical context of this verse includes the narration of Sa'd Ibn Abū Waqqās (d. 55 AH/675 CE), whose mother, distressed by his conversion to Islam, vowed not to eat or drink until he returned to her. This event is reported as the reason for the revelation of the verse (al-Ṭabarī 2001; al-Qurṭubī 1964). Following this verse, Sa'd is advised to show kindness to his polytheistic mother while being cautioned against obeying her in matters of polytheism. Despite this historical context, al-Jaṣṣāṣ does not take it into account, instead emphasizing the obligation to treat all parents with respect, regardless of their religious beliefs. He uses this verse as a basis for deriving judicial rulings, such as the father who has killed his child not being subject to qiṣāṣ (retributive justice) and exempting him from ḥadd punishment or imprisonment if he insults the child's honor. Regardless of the validity of this ruling, deriving such a conclusion from the verse seems to involve overinterpreting.

In summary, al-Jaṣṣāṣ demonstrates an approach that overlooks the specific context of the verse. His support for this ruling by referencing the narration of Prophet Muḥammad preventing Ḥanẓala Ibn Abū 'Āmir (d. 3 AH/625 CE) from killing his father, who opposed the Muslims, does not contradict our assessment. The concern is not the ruling's validity but rather the methodology used in deriving this legal conclusion. Al-Jaṣṣāṣ's interpretation underscores a significant difference between the approaches of tafsīr and fiqh toward Qur'ānic verses. Kiyā al-Harrāsī similarly derives comparable conclusions from the verse. He further elaborates that if two or more people are involved in a murder, all of them are considered killers. If some committed the murder intentionally and others by mistake, they are all considered to have committed it by mistake. He then provides a series of detailed judicial discussions regarding diyah (blood money) and qiṣāṣ.

It is not surprising that both al-Jaṣṣāṣ and al-Harrāsī, despite being out of context, derive such rulings from the verse. This highlights a key point where tafsīr and fiqh diverge. To reiterate, tafsīr involves deriving the intended meaning based on linguistic data alongside historical and cultural contexts, whereas, in fiqh, the scholar seeks to find scriptural support for a legal ruling that has already been reached through various methods and sources. This is not an isolated case, as numerous similar examples can be found in fiqh sources. Classical tafsīr sources tend to remain within the literal meaning of the verse, explaining it only to the extent that the text allows. In this context, the command to be kind to parents is emphasized, with particular attention given to the

hardships endured by the mother, suggesting her elevated status compared to the father (al-Ṭabarī 2001; Ibn ʻAṭiyyah 2001; al-Rāzī 1999).

Likewise, the verse "Do not say of those slain in the way of Allah, 'They are dead'. Rather, they are alive, but you do not perceive" (Q. 3:169) is one of the verses analyzed in works of *Aḥkām al-Qurʾān*. Explanations concerning the meaning of the verse and legal rulings derived from it are discussed. Al-Jaṣṣāṣ critiques the interpretation of the verse's mention of "the martyrs being alive in the way of Allah" as referring to their state in paradise, not to their existing position. He rejects the notion that interpreting the verse in a way that their souls return after being killed may lead to the belief in reincarnation and thus misrepresent the verse's meaning. He emphasizes that elucidating the verse to mean their state in paradise undermines its meaning. Furthermore, scholars such as Imām Mālik and Imām al-Shāfiʻī have used the verse's mention of the martyrs being alive to argue that martyrs should not be washed before burial. Even Abū Ḥanīfa suggested that praying over martyrs is unnecessary as their martyrdom purifies them, eliminating the need for additional rites (Ibn al-ʻArabī 2003).

When read within its context, the verse instructs not to consider those slain in the way of Allah as dead since the dead do not enjoy blessings after death, whereas those who die in Allah's way receive great rewards in His presence (al-Ṭabarī 2001). Their "being alive" has also been interpreted to mean they are being remembered and honored, not to be forgotten after being killed (al-Māturīdī 2005), rather than they are being alive in a worldly sense. It means the life of the soul, receiving sustenance in a manner specific to the soul (Ibn Āshūr 1984). Therefore, the legal rulings derived from the verse by the jurists are not in harmony with the exegesis. Even though this interpretation related to fiqh could be considered valid as a legal opinion, it cannot be accepted as an exegetical one.

Similarly, Ibn al-ʻArabī used the verse "Indeed, We have sent down the Book to you for a purpose, so worship Allah with sincere devotion" (Q. 39:2) as evidence for the necessity of intention in all actions, particularly ablution, criticizing the opinions of Abū Ḥanīfa, Walīd Ibn Muslim (d. 195 AH/810 CE), and Imām Mālik, who argued that intention is not necessary for ablution. However, the verse emphasizes the necessity of sincerity in worship and avoiding shirk (associating partners with Allah) (Muqātil Ibn Sulaymān 2003; al-Ṭabarī 2001), without addressing the issue of intention in ablution. Nonetheless, Ibn al-ʻArabī misinterpreted the verse by taking it out of context, transforming a verse intended to emphasize the oneness of Allah into a topic of legal debate in fiqh.

Some legal interpretations made by jurists are inconsistent with the principles of tafsīr, such as considering the context, the verse's place in the Qurʾān, and its historical background. This discrepancy stems from the differing approaches between tafsīr and fiqh. While tafsīr emphasizes coherence and context, such sensitivity is occasionally lacking in fiqh.

5. Conclusions

This study critically examines the conceptual and methodological distinctions between tafsīr and fiqh, two essential disciplines in Islamic scholarship, with particular attention to their relationship with the Qurʾān. While both fields engage with the Qurʾān as their central text, they diverge significantly in their intellectual and practical purposes. Tafsīr, as an exegetical discipline, aims to uncover the Qurʾān's divine message by interpreting the verses within their historical, linguistic, and theological contexts. The goal of tafsīr is to offer a comprehensive understanding of the Qurʾān's original intent and to clarify the meaning of its verses as they were revealed. It focuses primarily on the textual and contextual aspects of the Qurʾān, seeking to capture the original message of divine revelation.

In contrast, fiqh is concerned with deriving legal rulings (aḥkām) from the Qur'ān to address the practical needs and issues of the Muslim community. Fiqh relies on ijtihād, or independent juristic reasoning, where scholars deduce legal rulings from Qur'ānic verses and other sources. It extends beyond the Qur'ān's immediate text to construct broader legal principles applicable to various situations in Muslim societies. While tafsīr is focused on understanding the Qur'ān, fiqh applies the Qur'ān's principles to contemporary legal issues.

A critical issue addressed by this study is the frequent conflation of tafsīr and fiqh, particularly in the concept of fiqh-based tafsīr (tafsīr fiqhī). This merging misrepresents the independent nature of tafsīr as an exegetical discipline and blurs the methodological distinctions between the two fields. The study argues that such conceptualizations obscure tafsīr's role in Qur'ānic interpretation and diminishes its scholarly recognition as distinct from legal or doctrinal concerns. The article highlights the necessity of reevaluating this conflation and advocates for preserving tafsīr as an independent academic discipline, focused solely on understanding the Qur'ān within its original context, free from legal or doctrinal biases.

One of the key contributions of this study is its exploration of the relationship between tafsīr and the Aḥkām al-Qur'ān literature, which deals with legal rulings derived from the Qur'ān. The study traces the historical development of these legal interpretations, noting the shift from earlier, more exegetical approaches to later, doctrinally driven interpretations. It also emphasizes the role of legal schools (madhāhib) in shaping the approach to Aḥkām al-Qur'ān, highlighting how their doctrinal positions influenced interpretations. From the fourth century onward, the emergence of legal schools led to fiqh-based tafsīr, which often prioritized defending a particular madhhab (legal school) and refuting opposing views. This shift resulted in interpretations prioritizing doctrinal concerns over the original contextual meaning of the verses, leading to a departure from the internal and socio-cultural coherence of the text.

The study also addresses the methodological differences between tafsīr and fiqh in their treatment of narrations (riwāyāt). In tafsīr, narrations are used to elucidate the meanings of verses, while in fiqh, narrations contribute to legal reasoning and broader inferential processes (istinbāṭ). This distinction underscores an epistemological difference between the two disciplines, with tafsīr focused on understanding the Qur'ān's message and fiqh concerned with extracting legal rulings. Despite their shared reliance on Qur'ānic texts and narrations, the goals, methods, and outcomes of tafsīr and fiqh are distinct.

Furthermore, the article critiques the tendency to classify Aḥkām al-Qur'ān works as fiqh-based tafsīr. While classical tafsīr works often incorporate topics beyond mere exegesis, they do not equate to legal deductions found in fiqh. The study suggests that the concept of fiqh tafsīrī (exegetical jurisprudence) is more appropriate than tafsīr fiqhī (jurisprudential exegesis), as it better captures the relationship between legal interpretations and classical tafsīr practices. This distinction highlights the need for a clearer understanding of the boundaries between tafsīr and fiqh in contemporary scholarship.

Despite its contributions, the study has limitations, notably its primary focus on classical texts and its limited engagement with non-Arabic-speaking scholarly traditions. Future research should explore how the relationship between tafsīr and fiqh has evolved in light of modern challenges such as globalization and secularism.

A notable limitation of the article is that, while it effectively delineates the differences between the approaches of tafsīr and fiqh to the Qur'ān as two distinct disciplines, it does not engage with the question of which of these methodologies provides a more accurate or reliable means of understanding the Qur'ān. In particular, as frequently encountered in the Aḥkām al-Qur'ān literature, the article does not address whether the legal inferences

drawn from Qur'ānic verses in fiqh are consistent with the Qur'ān's holistic structure. This issue remains outside the scope of the article. Therefore, scholars in Islamic studies should devote further attention to this matter.

The study also calls for further exploration into the practical implications of the distinction between tafsīr and fiqh, particularly in contemporary Islamic law and governance. Given the growing importance of Islamic law in global political discourse, understanding how this distinction influences contemporary legal practices in Muslim-majority states is essential. Additionally, the study suggests that scholars should examine whether the legal inferences from the Qur'ān in fiqh align with the Qur'ān's holistic structure.

In conclusion, this study critically analyzes the differences between approaches of tafsīr and fiqh to the Qur'ān and calls for reevaluating the contemporary understanding of fiqh-based tafsīr. This work contributes to a more nuanced understanding of the relationship between Qur'ānic exegesis and Islamic jurisprudence, urging scholars to preserve tafsīr as an independent discipline focused on the Qur'ān's original context and message. In this context, it is recommended that researchers engage in studies that emphasize interdisciplinary distinctions. In this framework, conducting research aimed at elucidating the differences in the approaches of the disciplines of exegesis (tafsir), theology (kalam), and mysticism (tasawwuf) toward the Qur'an would be of considerable academic value.

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Notes

1 This observation is confirmed in a doctoral dissertation conducted on the subject (Güvenç 2020).

2 Nevertheless, there is an exception to this situation: Abū Ja'far al-Ṭaḥāwī organized his work *Aḥkām al-Qur'ān* in a structure similar to that of jurisprudence books, dividing it into chapters such as *Kitāb al-Ṭahārāt* (Book of Purification), *Kitāb al-Ṣalāt* (Book of Prayer), *Kitāb al-Ṣiyām* (Book of Fasting), *Kitāb al-I'tikāf* (Book of Retreat), *Kitāb al-Ḥajj wa al-Manāsik* (Book of Pilgrimage and Rites), *Kitāb al-Ṭalāq* (Book of Divorce), and *Kitāb al-Mukātabah* (Book of Manumission Contracts).

3 The Hijra refers to the migration of the Prophet Muhammad and his followers from Mecca to Medina (then known as Yathrib) in 622 CE, which marks the beginning of the Islamic lunar calendar.

4 For instance, he states that the verse "O Children of Adam! Take your adornment. . ." (al-A'rāf 7:31) was revealed regarding the people of the pre-Islamic era who would circumambulate the Kaaba unclothed, thus instructing them to wear garments (Muqātil Ibn Sulaymān 1980).

5 Furū' al-Fiqh refers to the detailed rulings and practical applications derived from the foundational principles of Fiqh (Islamic jurisprudence).

6 'Ulūm al-Qur'ān refers to the various disciplines and fields related to the Qur'ān.

7 For a critique of this claim, see (Uzun 2022).

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