

GLOSSARY

Adillah - (plural. of dalil) proofs, evidences, indications.

Ahadith - (plural. of hadith) narratives and reports of the deeds and sayings of the Prophet

Ahkam - (plural. of hukm) laws, values and ordinances

Ahl al-Ray – the rationalists, those who held that the law may be derived through human reason as guided by social; and worldly experience.

Ahliyyah al-ada - active legal capacity which can incur rights as well as obligations

Ahliyyah al-wujub - receptive legal capacity which is good for receiving but cannot incur obligations

Ahliyyah - legal capacity

Al-hukm al-taklifi - defining law, law which defines rights and obligations

Al-hukm al-wad'i - declaratory law, that is, law which regulates the proper implementation of al-hukm al-taklifi, such as by expounding the conditions, exceptions and qualifications thereof.

Ashab al-Masail – Court examiners who investigated the character of witness.

Baghy - Rebellion

Dalalah al-nass - inferred or implied meaning of a given text

Dalil - proof, indication, evidence

Diwan (al-qadi) – the court register in which the scribe recorded minutes of court sessions, judgments and a variety of documents, such as contracts, pledges and acknowledgements

Diyat – Blood money in lieu of revenge

Faqih - a person who is an expert on Islamic jurisprudence (law), fiqh.

Far' - literally a branch or a sub-division, and in the context of qiyas a new case.

Fard 'ayn - personal obligation - such as the fard salat (compulsory daily prayers)

Fard kafa'i - collective obligation - such as salat al-Janazah. If a group of the community fulfils this fard, then it is enough, and the duty is fulfilled.

Fard - something which is obligatory on a Muslim. It is sometimes used in reference to the obligatory part of salat.

Fasad - rottenness, corruption, or depravity. In an Islamic context it can refer to spreading mischief in a Muslim land, moral corruption against God, or disturbance of the public peace.

Fasad fil Ardh - Spreading corruption on Earth, Spreading anarchy and disorder in the land.

Fatwa - Considered opinion given by a qualified scholar, a mufti (jurisconsult), or a mujtahid (one who is competent enough to conduct ijtihad) concerning a legal/religious issue; a religious edict

Fiqh - Islamic law as developed by Muslim jurists. The term is often used synonymously with Shari'ah; the main difference being that Shari'ah bears a closer link with divine revelation, whereas fiqh mainly consists of the works of religious scholars and jurists.

Fitna - There are many shades of meaning, mostly referring to a feeling of disorder or unrest. It can be used to describe the difficulties faced during personal trials, the oppression of the powerful against the weak, or to individuals or communities giving in to the "whispers" of Satan and falling into sin.

Fuqaha - plural form of faqih

Hadd - (plural hudood) literally limit, divinely prescribed penalty.

Hadith – Reported prophetic traditions; reports of what the Prophet had said, done or tacitly approved.

Hakam - (pl.Hukaam) pre-Islamic arbiter whose decision, although non-binding was usually accepted by the two parties.

Halal - something that is lawful and permitted in Islam

Haram - something which is unlawful or prohibited in Islam.

Hirabah - waging war against society.

Hudood - the limits ordained by Allah. This includes the punishment for crimes

Hukm - (plural ahkam) as in hukm shar'i: law, value, or ruling of Shari'ah.

Ibahah - Permissibility, being the verbal noun of mubah (permissible), which represents a value point in the Islamic scale of five values, coming next after wajib and mandub.

Ightisab - Rape

Ijma' - consensus of the scholars of a particular region as embodying their sunnaic practice, by definition exemplary; in later theory, consensus of the mujtahids (q.v.) – as representatives of the community of Muslims – on a legal matter.

Ijtihad - a process of legal reasoning and hermeneutics through which the jurist/mujtahid derives or rationalizes law on the basis of the Quran and the Sunna; during the early period, the exercise of one's discretionary opinion (ray) on the basis of ilm

Ikhtilaf - juristic disagreement; the science of juristic disagreement.

'illa - effective cause, or ratio legis, of a particular ruling

Irtidad – Apostasy.

istidlal - Reasoning in general (istidlal) by methods other than the recognised sources

Istihsan - to deem something good, juristic preference based, in the early period, upon practical considerations, and later, on a particularized textual ratio legis

istishab - Accompanying circumstances to be taken into consideration

Istislah - consideration of public interest, legal reasoning dictated by considerations of public interest that are, in turn, grounded in universal legal principles

Jarh - Injuries

Jilwaz - court sheriff or bailiff.

Liwatat - Sodomy

Madhhab - legal opinion or legal doctrine espoused by a jurist; after the third/ninth century, it also referred to a doctrinal school

Madhhab-Opinion - a legal opinion held to be the most authoritative by a doctrinal school.

Majlis al-qada - the place where the activity of qada, performed by the judge, takes place. By extension, it is any place where the judge sits to adjudicate cases.

Makruh - abominable, reprehensible

Mandub - Recommended, praiseworthy; a course of conduct which earns moral reward if followed; however a person who does not follow such a course of conduct is not open to punishment. It is also synonymous with mustahabb.

Mansukh - abrogated, repealed

Mubah - permissible.

Mufti: jurisprudent who issues fatwas

Muharabah – Waging war against authority or state.

Muhkam - perspicuous, a word or a text conveying a firm and unequivocal meaning

Mujmal - ambivalent, ambiguous, referring to a category of unclear words

Mujtahid: often interchangeable with mufti, one who is competent to reason from the revealed texts, fashion new rules or justify and rationalize pre-existent law; see also *ijtihad*.

Mukallaf - a competent person who is in full possession of his faculties

Mukhtasar - abridgement, summary, esp. of juristic manuals composed for mnemonic and teaching purposes.

Munasib - appropriate, in harmony with the basic purpose of the law

Muqallid: a jurist or layman who follows a mujtahid

Mutashabih - intricate, unintelligible, referring to a word or a text whose meaning is totally unclear

Mutashabihat - (singular. *mutashabih*) Ambiguous, obscure, difficult to understand - the abbreviated letters which occur at the beginning of some chapters of the Quran are typical examples; the ambiguous passages in the Qur'an

Nahy - prohibition

Naskh: abrogation.

Nass - a clear injunction, an explicit textual ruling

Nikah - Islamic Legal marriage contract.

Nusus. - (plural. of *nass*) clear textual rulings

PBUH - Peace Be Upon Him (This is usually referring to Prophet Muhammad)

Qada: judgeship, the entire range of the judge's judicial activities

Qadah - plural form of *qadi*

Qadhf - Falsely accusing someone of Fornication

Qadi Al-Qudat: chief justice.

Qadi – Judge

Qat' al-tariq - highway robbery

Qatl – Murder

Qawl Al-Sahabi - The opinion of a Companion of the Prophet. Also known as *madhhab al-Sahabi*

Qisas – Just retaliation.

Qiyas - a collective name for a variety of legal arguments including, inter alia, analogy, *argumentum a fortiori*, *reductio ad absurdum*, or deductive arguments;

Ra'y - Considered personal opinion, often used in contradistinction to nass (see above)

Rukhsah - concession or concessionary law, that is, law which is modified due to the presence of mitigating factors

Sabb - to insult, revile, curse, and blaspheme

Sahih - valid, authentic

Sanad - basis, proof, authority

Sariqa - Theft

Shar' man qablana - Pre-Islamic divine laws

Shar'i - Juridical, legal

Shari'ah - Islamic law as contained in the divine guidance of the Qur'an and Sunnah. 'Islamic law' is the nearest English translation of Shari'ah, yet the latter is not confined specifically to legal subject matter and extends to the much wider areas of moral and religious guidance

Shart - (plural. shurut) condition

Shatim - Blasphemy

Shatim - The one who indulges in abuse or vilification

Shatm - abuse, vilification

Shurb - Consumption of liquor

Sihaq - Lesbianism

Siyasah Shari'ah - Shari'ah-oriented policy; often refers to discretionary decisions taken by the Head of State or qadi in pursuit of public good, in response to emergency situations, or in cases where a strict application of the established law would lead to undesirable results

Sunnah – Sunnah means the way of life which Prophet taught the people in theory and practice.

Tahlil - an intervening marriage contracted for the sole purpose of legalising remarriage between a divorced couple

Tahrim - prohibition, or rendering something into haram

Tahsiniyyat - Embellishments, or things which are merely desirable, as opposed to daruriyyat which are deemed to be essential

Taklif - liability, obligation

Talaq - divorce initiated by the husband

Ta'lil - ratiocination, search for the effective cause of a ruling

Tarjih - Preference (of one legal opinion over others).

Tashri - legislation

Tawatur: recurrent Prophetic traditions, transmitted through so many channels and by so many people that collusion upon forgery is inconceivable; as such, their contents are known with certainty.

Ta'wil - allegorical interpretation

Ta'zir - deterrence, discretionary penalty determined by the qadi.

Ulama - the learned, knowledgeable people in Islam. Plural form of alim

'Urf - Custom.

Usul al-fiqh - Sources or roots of Islamic law and jurisprudence; refers mainly to the Quran and Sunnah as the principal sources of the Shari'ah, but also to a number of other sources and methods which are used in order to facilitate the proper exercise of ijtihad.

Usul al-Qanun - modern jurisprudence.

Wajib ayni - personal obligation.

Wajib kafa'i - collective obligation of the entire community

Wajib - obligatory, often synonymous with fard

Waqf - charitable endowment

Wilayah - (walayah) authority, guardianship (of minors and mentally ill).

Wujub - obligation, rendering something obligatory

Zina – Sex outside marriage, fornication or adultery

Zina bil Jabr - Rape