

Usul al-Fiqh

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4. Interpretation-I

An important issue in Usul-al-Fiqh is how to interpret the basic sources of Islam, the Quran and the Sunnah. This would require understanding the Quran and the Sunnah i.e., their text and meaning of their texts. As such a person who wants to interpret the Quran and the Sunnah at any level (in depth or otherwise) would require the knowledge of Arabic language. For this reason, Ulama of Usul include the classification of words and understanding their meaning in the study of Usul-al-Fiqh.

Interpretation is not normally attempted if the text itself is self-evident. However, the greater part of Fiqh or law is derived through interpretation because most of the legal texts not self-evident. It should be noted that Tawil (interpretation) and Tafsir (explanation) is not the same thing. Tafsir aims at explaining the meaning of the given text and deducing a Hukum (rule) from it within the confines of its sentences. Tawil (interpretation) goes beyond the literal meaning of the text and bring out hidden meaning, which is often based on speculative reasoning and Ijtihad.

All words are presumed to convey their absolute (Mutlaq), general (Amm) and literal (Hakiki) meaning unless departure to alternative is justified. (Discussion of these terms will come later in this discussion). If the explanation or Tawil of one part of the Quran and the Sunnah is provided in another part of the Quran and Sunnah, it is called *Tafsir Tashrii* that is considered integral part of the law. However, if Tafsir or Tawil take the nature of opinion or Ijtihad, this is not considered integral part of the law (the status of this part of law is less than the first one, there is more difference among jurists on this part of law). Interpretation (tawil) can be relevant. This type of Tawil is accepted by all. However, interpretation can be very far-fetched which is not accepted by a majority of scholar (for example, see Hashim Kamali's book or any other text book on Usul). Zahiri scholars do not normally accept interpretation. However, this position is weak and impractical.

Clear words are of four types, according to a major classification. They are Zahir, Nass, Mufassar and Muhkam. *Zahir* (manifest) is a word which has a clear meaning and yet open to Tawil, primarily because the meaning is not in harmony with the context. *Nass* is a clear word that is in harmony with the context, but still open to Tawil. The distinction between Zahir and Nass is whether the meaning is in harmony with the context or whether the meaning is primary or secondary in the text concerned (see example in usul text books). The obvious meaning of Zahir and Nass should be followed unless there is reason to warrant recourse to Tawil. By Tawil (interpretation), Amm may be specified, Mutlaq may be made Muqayyad, Hakiki meaning may be abandoned in favor Mazazi. (See examples in usul text books). Nass, apart from the above meaning has another important meaning used by Fuqaha

which means definitive text or ruling of the Quran and Sunnah (we are not using this meaning here).

Mufassar (unequivocal) and *Muhkam* (perspicuous) are words whose meaning is absolutely clear and there is no need to take recourse to Tawil. (Here is the difference between these words and Zahir and Nass). There is no real distinction between Mufassar and Muhkam in terms of clarity. However, the jurists have made a distinction between Muhkam and Mufassar, which one is liable to abrogation and which one is not. They hold Muhkam is not liable to abrogation and Mufassar is liable to abrogation. However, there is not much purpose in the distinction because nothing can be abrogated now. (For examples, see Kamali's book).

Unclear words (Al Alfaz Ghairal Wadiha) are of four types - Khafi (obscure), Mushkil (difficult), Mujmal (ambivalent) and Mutashabih (the Intricate). [see details and examples in the text books on Usul].

instance, the word Sariq (thief) is unclear as to whether it includes a pickpocket. This has important implication because if pickpocket is not included (as the majority holds) then, he would not be liable to Hadd (that is, punishment prescribed in the Quran or Sunnah) but will be liable to Tazir (punishment prescribed by the legislative authority in the present day world, punishment given by judges in the past). *Mushkil* (difficult) is a word which has several meanings. So Ijtihad and Tawil would be required in determining the correct position in the context (there may be difference of opinion in this area). Mushkil is inherently an ambiguous word, whereas Khafi has a clear basic meaning. A text may become Mushkil in the existence of conflicting text (see the conflict in verse 4:79 and 3:154 cited by Kamali in his Islamic Jurisprudence).

Mujmal denotes a word or text which is inherently unclear and gives no indication as to its precise meaning. It may have several meanings or it may be unfamiliar word or the lawgiver may not have explained the word to clarify it. For instance, the words such as Salah, Hajj, Riba and Siam. They have lost their literal meaning and taken a technical meaning given by the lawgiver. However, these words have become totally clear or Mufassar due to explanations provided in the Sunnah. The word Al-qariah in the verses 101:1-5 is a mujmal word. However, it has been explained by the Quran itself and has become clear. If the explanation provided by the lawgiver is insufficient, Mujmal turns into Mushkil which is open to Ijtihad and Tawil. *Mutashabih* (Intricate) is a word whose meaning is a mystery. Harful Muqattaat (such as Alif Lam Mim) are Mutashabihat. Nobody knows their meaning (please see various opinions regarding the use of these words in the text books on Usul). Many scholars hold that passages of the Quran which draw resemblance between man and God are Mutashabihat. Some scholars hold there is no Mutashabihat except Harful Muqattaat. Mutashabihat do not occur in the legal texts.