

Characteristics of the Qur'ānic Legislation

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Abstract

The Qur'ānic legislation embodies a distinctive framework characterized by its comprehensive, timeless, and divinely ordained nature. Rooted in the Islamic faith, these laws serve as guiding principles for personal conduct, societal governance, and spiritual enlightenment. At its core, Qur'ānic legislation reflects the principles of justice, equity, and compassion, aiming to foster harmonious coexistence and moral integrity within society. Central to Qur'ānic legislation is its universality, transcending temporal and cultural boundaries to address the needs of humanity across ages. Its adaptability and relevance endure through dynamic interpretation, accommodating diverse contexts while upholding core principles. Moreover, the legislation promotes accountability, emphasizing individual responsibility before both human society and the divine. A notable feature of Qur'ānic legislation is its holistic approach, integrating legal injunctions with moral guidance and spiritual teachings. It provides a framework for holistic human development, nurturing individuals' spiritual, moral, and ethical dimensions alongside their legal obligations. Furthermore, Qur'ānic legislation emphasizes the preservation of human dignity and rights, safeguarding the vulnerable and marginalized while promoting social cohesion and collective welfare. Its emphasis on justice ensures fairness and equity in all spheres of life, fostering a just and compassionate society.

Key words: Qur'ān, *aḥkām*, *naskh*, *ta'wīl*, *'illah*

Introduction:

The Qur'ān's authority surpasses all other sources of knowledge, including human senses and intellect, because it is inspired by God and covers topics that other sources are not even able to comprehend. Its contents on beliefs in the unseen are all to be trusted without question. It is without a doubt an unavoidable source of guidance. ⁽¹⁾ Since the revelation came to the Believers gradually over a period of twenty-three years, they had time to absorb its meaning, consider its implications, and consistently repeat it in their prayers. Allah explains the rationale of gradual revelation (*tanjīm*) as follows:

وَقَالَ الَّذِينَ كَفَرُوا لَوْلَا نُزِّلَ عَلَيْهِ الْقُرْآنُ جُمْلَةً وَاحِدَةً كَذَلِكَ لِنُثَبِّتَ بِهِ فُؤَادَكَ وَرَتَّلْنَاهُ تَرْتِيلًا

“And those who disbelieve say: Why is not the Quran revealed to him all at once? Thus (it is sent down in parts), that We may strengthen your heart thereby. And We have revealed it to you gradually, in stages.” ⁽²⁾

The Qur'ān has always been preserved, both in writing and in memory, since its revelation. The receiver of the divine word, the Prophet Muhammad, did a myriad of things to ensure a correct recording of the revealed text. Although the Prophet (peace be upon him) enlisted all possible measures to preserve the Qur'ān, but he did not bind all the *Surahs* together in one official volume. After his demise, there was a pressing need for the compilation of the Qur'ān into a single unified volume. The verses were gathered from multiple channels and compared with one another, so that an overwhelming majority agreed on one reading. Since then, a large number of transmitters have transmitted it in all ages (*twātur*) attesting to the veracity of its whole text. ⁽³⁾

Characteristics of the Qur'ānic Legislation:

Despite not being intended as a legal or constitutional text, the Qur'ān contains over six hundred verses that address legal topics. Here are a few traits of the Qur'ānic legislation that are significant in the opinion of jurists:

1. *Ijmāl* (Brevity) and *al-Tafsīl* (Detail):

Given that the Qur’ān is the primary source of *Sharī‘ah*, the majority of its laws offer general principles on topics pertaining to Islamic law as indicated by the following verse:

مَا فَزَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ

“We have neglected nothing in the Book.” (4)

On the subject of civil contracts, for example, the Qur’ānic legislation permits all contracts if they are done with justice, trust is not breached and the moral ideals of law are obeyed. Similar broad-base principles are laid down in other legal matters too. The exposition of such brief injunctions may be found elsewhere in the Qur’ān itself.⁽⁵⁾

Al-Shāṭibī explains that these guidelines are derived from a number of *Sharī‘ah* texts and general proofs (*Kulliyāt Manṣūṣah*) by induction. He observes that every jurist who strives to find a solution to a newly emerging problem at hand would find a guiding principle for that matter. Hence, with the help of these principles the jurists of later generations might resolve problems as they emerge in their lifetimes. This feature makes the Qur’ānic legislation comprehensive.⁽⁶⁾

2. *Tafsīr* (Explanation) and *Ta’wīl* (Interpretation):

It is essential to comprehend the language used in the Holy Qur’ān to deduce *aḥkām* from its text. The jurist must be aware of the wording of the text and various implications it conveys. He should be able to use the tools of interpretation of the text. With respect to the exposition of the Holy Qur’ān, two common words, *tafsīr* and *ta’wīl*, are often used interchangeably. Although both have the same fundamental goal, which is to make the law more understandable and identify the intent of the lawgiver, there exists a slight difference between the two.⁽⁷⁾

Tafsīr, in its simplest form, is to expound on the words and phrases of a given text and clarify their meaning. Whereas, *ta’wīl* deciphers a secret meaning, often grounded in reasoning, that is inherent in the text. It is used, for instance, to specify a general text or to qualify the absolute proposition of a particular text. To ensure propriety, the *ta’wīl* must meet certain requirements: there should be present enough evidence to warrant its application; the text’s wording should be receptive to that *ta’wīl* and inclined in that direction; and the person who attempts it has to be

competent and knowledgeable about linguistic conventions. ⁽⁸⁾

3. *Ta'īl al-Aḥkām* (the Causation of Rules) and *Al-Aḥkām Al-Khamsah* (the Five Rules):

The effective cause of rulings in Islamic law is known as *ta'īl*. It is sometimes used interchangeably with the word *sabab* (reason), which is frequently employed in relation to devotion (*'ibādah*). For instance, intoxication (*ikhmār*) is the *'illah* of the proscription of alcohol, while the onset of Ramadan is the *sabab* of fasting. A jurist employing the analogical reasoning (*qiyās*) strives to identify *'illah* of a *ḥukm* in the Qur'ānic injunctions and subsequently apply it on a newly emergent situation. The Lawgiver Himself may reveal the *'illah*, or the jurist may use his logic to determine it. ⁽⁹⁾

Given the richness of the Qur'ānic language when it comes to legal affairs, its proscriptions and mandates take many different forms. Its verdicts can be classified as either *qaṭ'ī* (definitive) or *ẓannī* (speculative). Based on them, a jurist determines whether a Qur'ānic mandate is *Wājib* (obligatory), *mandūb* (favorable), or *mubabāḥ* (permitted). Comparably, a forbidden conduct in the Qur'ān might be *ḥarām* (prohibited) or *makrūh* (abominable). As a result, the text's exact legal significance is assessed using these five criteria known as *al-Aḥkām al-Khamsah*. ⁽¹⁰⁾

4. *Asbāb al-Nuzūl* (Reasons for Revelation) and *Al-Naskh* (the Abrogation or Repeal):

The Divine Message is primarily presented within a certain historical setting. The revelation is frequently preceded by specific events, situations, instances, and inquiries (*Asbāb al-Nuzūl*). The rationale for the revelation is exegetical in nature, aiding in the comprehension of the significance and meaning of the verses in the Qur'ānic text. But beyond from merely extending the story behind a verse, they may also connect them to general circumstances as opposed to particular occurrences. They so make it easier for jurists to apply the law to people of all ages. ⁽¹¹⁾

There may be a connection between the reason for revelation (*sabab al-nuzūl*) and the commandment (*ḥukm*) that was given. For example, if the Qur'ānic text specifies someone, the subject matter will only apply to the individual whose name has appeared. If the text mentions traits of a person or group and additional evidence

points to them, they are the only subject of the topic. On the other hand, if the occurrence is specific and there is no proof that it is unique, the generalization of the text will apply to all instances of a similar kind. For example, the verses on *zihār* that open *Surah Mujādalah* were revealed concerning *Khawlah*, but they are applicable to everyone. ⁽¹²⁾

Al-Naskh means to repeal a legal order through a legal argument. It is not a shift in the Lawgiver's perspective; it only suggests that a previous command was given in accordance with the requirements of a different time. Generally speaking, whenever two texts disagree, they need to be reconciled to the greatest extent feasible. Furthermore, if they cannot be reconciled but their dates can be determined, it suggests that the later command (*al-Nāsikh*) has superseded the one given earlier (*al-Mansūkh*). If their dates are likewise uncertain and they cannot be reconciled, they are ignored. ⁽¹³⁾

Nāsikh may have the same rank as that of *mansūkh*, such as a Qur'ānic verse by another Qur'ānic verse or a *ḥadīth* by another *ḥadīth*. It can also have a higher rank when a *ḥadīth* is repealed by a Qur'ānic verse, or a lower rank when a Qur'ānic verse is repealed by a *ḥadīth*. This final type of abrogation is debatable. Regarding the text of the Qur'ān, it is possible to repeal either the language (*naskh al-qirā'ah*), the law (*naskh al-ḥukm*), or both (*naskh al-qirā'ah wa al-ḥukm*). Following the Prophet's passing, no rule from the Qur'ān and *ḥadīth* may be annulled by *ijmā'or qiyās*. ⁽¹⁴⁾

5. *Qaṭ'ī* (the Definitive) and *Zannī* (the Speculative):

The text of the Qur'ān provides fundamentally definite proof (*Qaṭ'ī al-Thabūt*). However, its meaning can be unambiguous or ambiguous. The passage of the Qur'ān known as *Qaṭ'ī al-Dalālah* expresses a precise and unambiguous interpretation. It leaves no space for interpretation and simply expresses one message. ⁽¹⁵⁾ For instance, the meaning of *mi'atah* as one hundred is *qaṭ'ī* in the following verse:

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ

“The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes.” ⁽¹⁶⁾

In contrast, the meaning of the *Zannī al-Dalālah* passage is equivocal and vague, leaving room for several interpretations. For example, Allah says about

ablution:

وَامْسَحُوا بِرُءُوسِكُمْ

“And rub (by passing wet hands over) your heads.” ⁽¹⁷⁾

This command is clear about wiping of the head (*qaṭ'ī al-dalālah*), but it is ambiguous (*ẓannī al-dalālah*) about the part of the head to be wiped: Should it be the front of head or back of it? Should it be wiped completely or partially? The jurists' opinions vary on this point. ⁽¹⁸⁾

Generally speaking, the Qur'ān's *qaṭ'ī* is crucial, and to reject or deny its veracity is to renounce Islam; but, to deny the *ẓannī* is not to commit this kind of transgression. And when a *ẓannī* injunction is supported and made clear by a conclusive proof, it gains the same strength and validity as a *qaṭ'ī* injunction. If not, it is subjected to *ijtihād* and is, therefore, nonbinding. ⁽¹⁹⁾

6. *Khāṣ* (the Specific) and '*Āmm* (the General):

Khāṣ (specific) is a word used to denote one particular thing and not others. This type of term can refer to a specific person, such as Zayd, or a specific member of a species, such as *rajul* (man), or of a genus, such as *insan* (human being). '*Āmm* (general) is a word used to denote many things and encompasses all of them. Sometimes it is represented by the form of a word, such as *muslimūn* (Muslims). Not infrequently, the form is singular but its meaning is general such as *al-insān* (people). The pronouns *mā* (whatever) and *man* (whoever) are also '*āmm*. If a word is used to denote many things, but it does not encompass all of them, it is known as *Jama' Munkar* (indeterminate plural). For example, the word *rijāl* in the sentence “I saw men (*rijāl*) in the street.” *Rijāl* denotes all men but here only a few of them were seen. ⁽²⁰⁾

It is mandatory to act upon the Qur'ān's *khāṣ*. The text regarding a divorced woman's waiting time states:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۖ

“And divorced women shall wait for three menstrual periods.” ⁽²¹⁾

Thalāthah (three) in the above verse is *khāṣ*; its meaning is clear. But the

meaning of the word *qurū* in ambiguous-either menstrual period (*ḥayḍ*) or period of cleanliness (*ṭuhūr*). According to Ḥanafīs, her waiting period is three menstrual periods, and in the view of Shāfi'īs, it is three periods of cleanliness. ⁽²²⁾

The *‘āmm* of the Qur’ān may be applicable to all of its constituents, and nothing is specified from them. This category acts like *khāṣ*, and must be acted upon. For example:

فَاقْرَأُوا مَا تيسَّرَ مِنَ الْقُرْآنِ ۚ

“So, recite you of the Quran as much as may be easy for you.” ⁽²³⁾

The word *mā* is general, therefore one can recite any portion of the Qur’ān in prayer, no matter how small, and his *Ṣalāh* will be accepted. Reciting the *Fātiḥah* during prayer is *wājib* rather than *farḍ*. ⁽²⁴⁾

Sometimes, *āmm* does not apply to its all constituents, rather some of them are specified. The segment thus specified becomes *khāṣ*, and is exempted from the original injunction. The rest of the *‘āmm*, however, abide by the original injunction. For example:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ

“Allāh has permitted trading and forbidden usury.” ⁽²⁵⁾

The command in the verse is *āmm*, and all kinds of sales are lawful. But the *Sunnah* specifies some of them as being unlawful, such as the sale of unripe fruit on a tree. Those sales would remain unlawful. ⁽²⁶⁾

A dependent phrase that introduces an exception (*istithnā’*), a condition (*sharṭ*), a characteristic (*ṣiffah*), or specifies the scope of application of the initial proposition (*ghāyah*) may qualify the *‘āmm*. If *‘āmm* is qualified by an independent speech, it is called specification or limitation (*takhṣīs*). In this case, it will not be treated as *qaṭ’ī*, but it is still binding though with the possibility of further limitation. ⁽²⁷⁾

7. Muṭlaq (the Absolute) and Muqayyad (the Qualified):

When there is no restriction clause connected to a word, it is called *muṭlaq*; and when some restriction is placed on limiting its application, it is called *muqayyad*. Generally speaking, neither of them alters from how they are in their application. In other words, the *muqayyad* functions with the constraint placed upon it, but the *muṭlaq*

functions according to its wide, unlimited applicability. As a result, jurists try to apply the general nature of *muṭlaq* as much as possible; it is not acceptable to add conditions that are derived from *khavar wāḥid* or *qiyās* in order to confine it and convert its character to *muqayyad*. For example:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ

“O you who believe! When you intend to offer the prayer, wash your faces and your hands up to the elbows.” (28)

The command to wash faces is *muṭlaq*, and there is no further condition for the ablution. As a result, Ḥanafis forbid limiting this by making other components of the ablution procedure, such as purpose and order of acts, obligatory. (29)

Expiation for *ḡihār* is mentioned in Surah *Mujādilah*. It offers three choices: Freeing a slave before they come into contact with one another; two months of continuous fasting; and to feed sixty underprivileged people. The Qur’ānic injunction runs as follows:

وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا

“And those who make unlawful to them (their wives) (by *al-ḡihār*) and wish to free themselves from what they uttered, (the penalty) in that case (is) the freeing of a slave before they touch each other.”

فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا

“And he who does not find (a slave) - then a fast for two months consecutively before they touch one another.”

فَمَنْ لَمْ يَسْتَطِعْ فَاِطْعَامُ سِتِّينَ مِسْكِينًا

“And he who is unable - then the feeding of sixty poor persons.” (30)

As is evident, the first two options for expiation are *muqayyad* with the restriction “before they touch each other.” Thus, physical intimacy between them cannot be resumed before they are finished. The last option is *muṭlaq*, and shall be implemented as such. As a result, in contrast to the first two expiations, the couple may be intimate with one another while still providing food for sixty underprivileged individuals. (31)

Sometimes, the *muṭlaq* text is read subject to the *muqayyad* if both of them being distinct relate to a single injunction. For example, the transaction of sale requires the presence of an unqualified witness:

وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ

“And take witnesses whenever you make a commercial contract.” (32)

But with regard to the revocation in divorce (*rij‘ah*), a qualified witness is asked for:

وَأَشْهَدُوا ذَوَىٰ عَدْلٍ مِّنكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ

“And take for witness two just persons from among you (Muslims).

And establish the witness for Allah.” (33)

The ‘ulamā conclude that the second *āyah*’s qualifier (*qayd*) must also be applied to the first, meaning that a witness must be just in the event of a business transaction as well. (34)

Muṭlaq is *ẓannī* in its application, much like the *‘āmm*, but the *muqayyad* is similar to *khāṣ*. Still, there are notable differences between the two. In contrast to the *muṭlaq*, which only applies to a single member of a multitude, the *‘āmm* encompasses all to which it is applicable. Whereas the term *muqayyad* suggests an undefined entity that is only differentiated by certain qualities and qualifications, the word *khāṣ* alludes to a specified thing. The *Qur’ān* and *Sunnah* can qualify the *muṭlaq*, and it takes a great deal of conjecture on the part of the jurist to determine the qualifier (*qayd*) and the connection between the *muṭlaq* and *muqayyad*. (35)

8. *Mushtarak* (the Homonym) and *Mu’awwal* (the Interpreted):

A word with several meanings is called *mushtarak*. *Jāriyah*, for instance, might refer to a boat or a slave girl. However, following legal effort, if we decide on and favour one of those interpretations, it is referred to as *mu’awwal*. We are unable to act simultaneously on several meanings of a word. When a *mushtarak* word is made *mu’awwal*, one usually has to act on the chosen meaning and exclude other interpretations, given that there is a chance for mistake. For example:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْتُلُوا الصَّيِّدَ وَأَنْتُمْ حُرْمٌ ۚ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِّثْلُ مَا

قَتَلَ مِنَ النَّعَمِ

“O you who have believed, do not kill game while you are in the state of ihram. And whoever of you kills it intentionally - the penalty is an equivalent from sacrificial animals to what he killed.” ⁽³⁶⁾

The term *mithl* (equivalent) in this case is *mushtarak*, which can refer to either a monetary amount equal to the animal's worth or an animal of a similar size. The interpretation of monetary equivalency has been selected by the scholars in favour of others. ⁽³⁷⁾

9. *Haqiqi* (the Literal) and *Majazi* (the Metaphorical):

A term is *haqiqah* when it is used in its original meaning for which it was created. However, when we use it in a context other than that, it is referred to as *majaz* in regard to its original purpose. There is always present a relationship between the two meanings. ⁽³⁸⁾ Sometimes a word is transferred from its literal meaning to some other connotation. Since humans are unable to give a word two meanings at once, the new meaning eventually takes precedence in usage. For instance, the word *khmr*, which originally meant “something which covers or clouds the senses,” has been used to refer to a specific type of alcoholic beverage in legal contexts. Thus, in legal parlance, *khmar* refers to that specific beverage rather than other substances that impair senses. ⁽³⁹⁾

Generally speaking, it is usual to depend on the text's *haqiqi* meaning, but occasionally it could be essential to disregard it and adopt its *majazi* meaning instead. For example,

وَأِنْ كُنْتُمْ مَّرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَبَسْتُمْ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا.

“But if you are ill or on a journey or any of you comes from answering the call of nature, or you have been in contact with women and you find no water, and then perform *tayammum* with clean earth.” ⁽⁴⁰⁾

The *haqiqi* meaning of the word “*lams*” in this context is “to touch,” but Hanafis imply *majaz*, which refers to having sex with women. ⁽⁴¹⁾

The connection between *ḥaqīqah* and *majāz* can be mental, for example, when the name of a thing is applied to denote its reverse, or of an outward character, for example, when the name of the whole is applied to a part or vice versa; the plural is applied for the singular or vice versa; the cause is used for the effect or vice versa; the condition of a thing is used to denote the thing itself; and a thing is used for its quality.⁽⁴²⁾ In which sense a legal expression is used has to be ascertained from the context, or the surrounding circumstances, or by the application of our judgment or experience, or in the light of custom or law. ⁽⁴³⁾

10. *Ṣarīḥ* (the Plain) and *Kināyah* (the Allusive or Metonym):

A clear, unambiguous, and unequivocal word or expression is called *Ṣarīḥ*. Its meaning is established and the speaker's intention is revealed without needing to be further investigated. For example, regarding *tayammum*, Allah says:

مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ

“Allah does not want to place you in difficulty, but He wants to purify you.” ⁽⁴⁴⁾

The word *yutahhirakum* in the passage is *ṣarīḥ*, suggesting that *tayammum* convey the meaning of *tahārah* (purification) unambiguously. We can attain purification with it, and as a result, it is acceptable to offer two prayers with a single *tayammum* in the eyes of Ḥanafīs. ⁽⁴⁵⁾

Kināyah is a term that is vague, ambiguous, and equivocal. Its meaning is cleared either by the speaker himself or the situation at hand clarifies it. For instance, if a husband asks his wife to “go!” He needs to make it clear if he intends for her to exit the room or break the marriage vow. There are occasions when the circumstances make the *kināyah* clear and the speaker's intention is meaningless. For instance, if a wife begs him “Give me a divorce?” He replies, “Go!” The circumstances now indicate that he intends a divorce. Expressions such as “you are separated” and “you are *ḥarām*” are also considered *kināyah*. ⁽⁴⁶⁾

When it comes to the application, a *ḥaqīqī* term whose original use has been kept is *ṣarīḥ*; but, if its original use has been lost or compromised, it is *kināyah*. At times, the word's *majāzī* meaning takes precedence; in this case, it is *ṣarīḥ*

in relation to its *majāzī* sense and *kināyah* in relation to its *ḥaqīqī* sense. *Kināyah* cannot establish legal issues that need to be shown with certainty. ⁽⁴⁷⁾

11. *Zāhir (the Manifest), Naṣṣ (the Explicit), Mufassar (the Explained) and Muḥkam (the Fixed):*

Depending on how obvious their meaning is, we may categorize the words in a text. It is referred to be *Zāhir* when the listener understands the text immediately upon hearing it. It is referred to as *Naṣṣ* if the context of the verse clarifies its meaning further. The disbelievers, for instance, asserted that the concepts of *bayʿ* (trade) and *ribā* (interest) are similar. The verse that follows was given by Allah to highlight their differences:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ

“Allāh has permitted trading and forbidden usury.” ⁽⁴⁸⁾

As soon as we hear the verse, its obvious meaning becomes clear. The *zāhir* of the verse reveals that *bayʿ* is *ḥalāl* and *ribā* is *ḥarām*.. Furthermore, the passage tells the motivation behind this verse. It is *naṣṣ* in establishing the distinction between *ribā* and *bay*. ⁽⁴⁹⁾

Sometimes, even when one understands the text’s meaning, more clarification is required. In these situations, the speaker himself clarifies his meaning, making his comment the *Mufassar*. After this, there is no space for exposition. For instance, Allah describes the time when angels bowed before Adam (blessings be upon him) as follows:

فَسَجَدَ الْمَلَائِكَةُ كُلُّهُمْ أَجْمَعُونَ

“So, the angels prostrated themselves, all of them together.” ⁽⁵⁰⁾

The verse describes angels prostrated, but it’s unclear if this was the case for all of them or just some of them. Did they all prostrate at once or one by one? Thus, Allah the Almighty clarifies their deed of prostration by saying *kulluhum ajmaʿūn* and dispels the myth that they all prostrated at once. ⁽⁵¹⁾

Muḥkam is a text whose opposing meaning cannot be deduced and whose meaning is so evident and unambiguous that one must act or believe on it. It is final or irreversibly fixed, and repeal is not an option. For example, the following verse is

muḥakm about the attributes of Allah, and its contrary meaning is not possible:

يَخْلُقُ مَا يَشَاءُ وَهُوَ الْعَلِيمُ الْقَدِيرُ

“He creates what He wills. And it is He Who is the All-Knowing, the All-Powerful.”⁽⁵²⁾

12. *Khafī (the Obscure), Mushkal (Difficult), Mujmal (Vague), Mutashābih (Unintelligible):*

Khafī is the opposite of *ẓāhir*. It alludes to a text whose meaning is unclear for reasons unrelated to the term itself or its structure. For example:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“Cut off (from the wrist joint) the (right) hand of the thief, male or female, as a recompense for that which they committed, a punishment by way of example from Allah. And Allah is All-Powerful, All-Wise.”⁽⁵³⁾

The above verse is *ẓāhir* regarding the punishment of a thief (*sāriq*) and *khafī* on the penalty of a pickpocket (*tarrār*) and someone who steals from graves (*nabbāsh*). The reason for the misunderstanding is that *sāriqs* steal from secure places, but *tarrār* and *nabbāsh* steal from unsecured areas. Amputation of their hands is thus not practiced by Ḥanafīs. ⁽⁵⁴⁾

Mushkal is the opposite of *naṣṣ*. Although its meaning is more obscure than that of *khafī*, it may still be deciphered by using our judgment. *Mujmal* is the opposite of *mufassar*. It is impossible to determine its precise meaning without consulting another text because of its multiplicity of interpretations. The passage “Allah has forbidden *ribā*,” for instance, is *mujmal*. The word *ribā* means increase, it is unclear what kind of increase it is unless the Prophet (peace be upon him) makes it clear.

Mutashābih is the opposite of *muḥkam*. Its meaning is so obscure that there is no way to decipher it. Even though we are unsure of its precise meaning, we must have faith in it. For instance, *muqatta‘āt* (the Disjointed Letters) are *mutashābih*, indicating that only Allah knows what they imply. ⁽⁵⁵⁾

13. *Al-Dalālāt* (Textual Implications):

Textual implications (*al-dalālāt*) are expressions that are derived from a text through inference and logical construction. The Ḥanafīs differentiate between four ways in which a text might be understood. They contend that the meaning can be inferred from the text's words, from indications that appear in it, from inferences drawn from it, or from the addition of a missing premise. ⁽⁵⁶⁾

The text's immediate meaning is '*Ibārah al-Naṣṣ* (the Explicit Meaning). It is determined by its words and phrases. Implied meanings are subordinate to it since it embodies the text's main idea and intent. The majority of *Sharī'ah* writings use '*ibārah al-naṣṣ* to communicate their verdicts. Its legal consequence is that it communicates a conclusive (*qaṭ'ī*) decision all by itself. A general text may, however, provide merely speculative (*ẓannī*) evidence if it leaves room for qualification. For example, a Qur'ānic verse on the subject of marriage says:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِثْلَىٰ وَلَدِكُمْ وَرُبْعٌ
فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

“And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice, two or three, or four, but if you fear that you shall not be able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.” ⁽⁵⁷⁾

Four meanings are conveyed by the words and sentences of the text: fair treatment with the orphan girls, the legality of marriage, limitation of polygamy to four, and preference for monogamy if injustice is feared. But the passage was revealed with the intent to limit the number of marriages, and that is the '*ibārah al-naṣṣ*. ⁽⁵⁸⁾

A text may convey meaning in addition to its obvious meaning, which is suggested by any indications and references it may have. The phrase *Ishārah al-Naṣṣ* (the Alluded Meaning) refers to this. The implied meaning could be inferred from the text itself or by applying rigorous logic. *Ishārah al-naṣṣ* and '*ibārah al-naṣṣ* have comparable legal implications. Unless there is proof to the contrary, the two of them form the foundation of obligation. For example, the Qur'ānic text concerning the maintenance of young children says:

وَعَلَى الْوَلَدِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

“And the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis.”⁽⁵⁹⁾

The ‘ibārah al-naṣṣ tells that it is a father’s duty to support his children. However, the phrase *al-mawlūd lahu* (child born to him) also alludes to the child’s identity and descent, which is determined with reference to his father. This ruling has been derived by way of *ishārah al-naṣṣ*, and is *qaṭ’ī*.⁽⁶⁰⁾

A legal text may transmit a meaning that is supported by its logical intent in addition to the meaning that is given by its words or signs. This is known as *Dalālah al-Naṣṣ* (the Inferred Meaning). This involves determining the textual ruling’s effective cause (‘*illah*’) and applying it analogously to all other situations that are comparable and have the same cause. As a result, some academics confuse analogical deduction (*qiyās jalī*) with *dalālah al-naṣṣ*. Regarding the respect for parents, the Qur’ān says:

فَلَا تَقُلْ لَهُمَا أُفٍّ

“Say not to them “uff” (a word of disrespect).”⁽⁶¹⁾

The passage prohibits calling the parents “uff,” a derogatory term that they take offense with. The effective cause (‘*illah*’) of this injunction is to avoid offence to them. Therefore, it may be deduced from *dalālah* that any kind of speech or behavior that causes offense to the parents is prohibited, even if it isn’t stated in the text in question.⁽⁶²⁾

The Required Meaning, also known as *Iqtidā’ al-Naṣṣ*, is a logical interpretation that is essential to the text’s completion and accomplishment of its intended goals. Its appropriate goal cannot be achieved unless it is presumed that the prerequisite fits in the text. For example, a man can say, “Emancipate your slave on my behalf for one thousand rupees.” It must be considered that he should sell the slave to the speaker first, then serve as his agent and emancipate the slave on his behalf in order to maintain the veracity of this statement.⁽⁶³⁾

14. *Dalālah al-Manṭūq* (the Pronounced Meaning) and *Dalālah al-Mafhūm* (the Implied Meaning):

Shāfi'īs divide *al-dalālat* into two: One comes from the obvious text, and is known as *Dalālah al-Manṭūq*. The other kind is *Dalālah al-Mafhūm* which is an implied meaning not indicated in the text, but can be arrived at by way of inference. The *mafhūm* may be in harmony with the *manṭūq*, and is known *Mafhūm al-Muwāfaqah* (the Harmonious Meaning). It may be divergent from the *manṭūq*, which is *Mafhūm al-Mukhālafah* (the Divergent Meaning). ⁽⁶⁴⁾

The *mafhūm al-muwāfaqah*, in turn, may be equivalent to the *manṭūq*, which is called *Laḥn al-Khitāb* (the Parallel Meaning), or it may be superior to the *manṭūq*, which is called *Faḥwā al-Khitāb* (the Superior Meaning). For example, the text on the rights of orphans says:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا

“Verily, those who unjustly eat up the property of orphans, they eat up only a fire into their bellies.” ⁽⁶⁵⁾

This ruling forbids devouring the property of orphans, but if we extend this prohibition to other forms of mismanagement and waste is *laḥn al-khitāb*. Similarly, the text on the rights of parents says:

فَلَا تَقُلْ لَهُمَا أُفٍّ

“Say not to them “uff” (a word of disrespect).” ⁽⁶⁶⁾

This ruling forbids saying *uff*, but to extend this ruling to physical abuse of parents or other forms of disrespect ‘superior’ to saying ‘uff’ is *faḥwā al-khitāb*. ⁽⁶⁷⁾

Although the Shāfi'īs accept *mafhūm mukhālafah* under certain conditions, according to the Ḥanafīs, it is not a valid method of interpretation. Therefore, when an affirmation is made with respect to a particular method, it does not imply the negation of the proposition with respect to another matter. Nor does a prohibition imply that an obligation is imposed with respect to the contrary. ⁽⁶⁸⁾

Conclusion:

The Qur'an stands as the paramount and ultimate source of guidance for humanity. Its message, delivered in a clear, simple, and consistent manner, is both comprehensive and timeless, offering universal principles for individuals and

societies. To fully grasp the essence of the Shari‘ah, the jurisprudential tools employed in interpreting the Qur’an become indispensable for any reader. These tools serve as the means through which one can appreciate the profound wisdom embedded in the verses, allowing for a nuanced understanding of the divine guidance encapsulated within the sacred text. These tools primarily deal with the text at three levels: the character of the words (*Qaṭ‘ī*, *ẓannī*, *khāṣ*, *‘amm*, *muṭlaq*, *muqayyad*, *mushtarak*, *mu‘awwal*, *ḥaqīqī*, *majāzī*, *ṣarīḥ* and *kināyah*), the nature of their meaning (*Zāhir*, *naṣṣ*, *mufassar*, *muḥkam*, *khafī*, *mushkal*, *mujmal*, and *mutashābih*), and implications of the text in general (*al-dalālāt*).

References:

- ¹ Taqī Uthmani, *An Approach to the Qur’ānic Sciences*, trans. Swaleh (Karachi, Pakistan: Darul Isha‘at, 2000), 31-33
- ² Al-Furqān 25:32
- ³ Muhammad Mustafa al-A‘zami, *The History of the Qur’ānic Text from Revelation to Compilation: A Comparative Study with the Old and New Testament* (Leicester, England: UK Islamic Academy, 2003), 77-83
- ⁴ Al-An‘ām, 6:38
- ⁵ Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Lahore: Punjab University Law College PULC, 1991), 36
- ⁶ Ahmed Hasan, “The Sources of Fiqh: A General Survey,” *Islamic Studies* 29, no. 2 (1990): 118
- ⁷ Kamali, *Principles of Islamic Jurisprudence*, 84
- ⁸ Ibid, 86-87
- ⁹ Ibid, 40-42
- ¹⁰ Ibid, 32
- ¹¹ Imran Ahsan Khan Nyazee, *Outlines of Islamic Jurisprudence* (Islamabad, Pakistan: Advanced Legal Studies Institute, 2010), 165
- ¹² Uthmani, *An Approach to the Qur’ānic Sciences*, 90-93
- ¹³ Abdur Rahim, *The Principles of Muhammadan Jurisprudence: According to the Hanafi, Maliki, Shafi’i and Hanbali Schools*, (Madras: S.P.C.K. Depository, 1911), 111-112
- ¹⁴ Ibid., 112-114
- ¹⁵ Ibid., 112-114
- ¹⁶ Al-Nur 24:2
- ¹⁷ Al-Maidiah 5:6
- ¹⁸ Kamali, *Principles of Islamic Jurisprudence*, 30
- ¹⁹ Ibid, 34
- ²⁰ Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 79
- ²¹ Al Baqarah 2:228

- 22 Abdul Aleem, *Introduction to Usul-ul-Fiqh According to the Hanafi School Usul ash Shashi of Imam Nidham al-Din ash-Shahshi*, 14. Available: <https://archive.org/details/228585391UsulAlShashi2>
- 23 Al-Muzammil 73:20
- 24 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 17
- 25 Al-Baqarah 2:275
- 26 Kamali, *Principles of Islamic Jurisprudence*, 31
- 27 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 84-85
- 28 Al-Maidah 5:6
- 29 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 20
- 30 Al- Mujādilah 58:3-4
- 31 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 21
- 32 Al-Baqarah 2:282
- 33 Al-Talaq 65:2
- 34 Kamali, *Principles of Islamic Jurisprudence*, 32-33
- 35 Ibid, 110
- 36 Al-Maidah 5:95
- 37 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 25-26
- 38 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 92
- 39 Ibid, 93
- 40 Al-Maidah 5:6
- 41 Abdul aleem, *Introduction to Usul-ul-Fiqh*, 28-30
- 42 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 94
- 43 Ibid, 95-96
- 44 Al-Maidah 5:6
- 45 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 30
- 46 Abdul Aleem, *Introduction to Usul-ul-Fiqh*, 30
- 47 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 97
- 48 Al-Baqarah 2:275
- 49 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 98-99
- 50 Al-Hijr 15:30
- 51 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 98-99
- 52 Al Rum 30:54
- 53 Al Ma'idah 5:38
- 54 Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 99-100
- 55 Ibid.
- 56 Kamali, *Principles of Islamic Jurisprudence*, 118-119
- 57 Al-Nisa 4:3
- 58 Kamali, *Principles of Islamic Jurisprudence*, 118-119
- 59 Al-Baqarah 2:233
- 60 Kamali, *Principles of Islamic Jurisprudence*, 119-120
- 61 Al-Isra 17:23
- 62 Kamali, *Principles of Islamic Jurisprudence*, 121

- ⁶³ Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 101
⁶⁴ Kamali, *Principles of Islamic Jurisprudence*, 125
⁶⁵ Al-Nisa 4:10
⁶⁶ Al-Isra 17:23
⁶⁷ Kamali, *Principles of Islamic Jurisprudence*, 125
⁶⁸ Abdur Rahim, *The Principles of Muhammadan Jurisprudence*, 103