

## THE RULES OF INTERPRETATION UNDER THE ISLAMIC JURISPRUDENCE

BY

KAMALDEEN SOFIYULLAHI KAMALDEEN

### INTRODUCTION

To interpret the Qur'an or the Sunnah with the aim of deducing legal rules from the indications that they provide, it is necessary that the language of the Qur'an and the Sunnah be clearly understood. To be able to utilize these sources, the mujtahid must obtain a firm grasp of the words of the text and their precise implications. For this purpose, the scholars of *Usul* include the classification of words and their usages in the methodology of *Usul fiqh*. The rules which govern the origin of words, their usages and classification are primarily determined on linguistic grounds.

### FUNCTION OF INTERPRETATION

The function of interpretation is to discover the intention of the Lawgiver - or of any person for that matter - from his speech and actions. Interpretation is primarily concerned with the discovery of that which is not self-evident. Thus the object of interpretation in Islamic Law, as in any other law, is to ascertain the intention of the Lawgiver with regard to what has been left unexpressed as a matter of necessary inference from the surrounding circumstances<sup>1</sup>.

### CLASSIFICATION OF WORD

From the viewpoints of clarity, scope, and capacity to convey a certain meaning, words have been classified into various types.

### CLASSIFICATION OF WORD ACCORDING TO CLARITY

With reference to *conceptual clarity*, the Scholars of *usul* have classified words into two major categories of '*clear*' (واضح) and '*unclear*' (غير واضح) words. The main purpose of this division is to identify the extent to which the meaning of a word is made clear or left ambiguous and doubtful. The significance of this classification can be readily observed in the linguistic forms and implications of commands and prohibitions.

---

<sup>1</sup> Principles of Islamic Jurisprudence, Mohammad Hashim Kamali, p 87

The task of evaluating the precise meaning of a command is greatly facilitated if one is able to ascertain the degree of clarity (or of ambiguity) in which it is conveyed.

### **CLASSIFICATION OF WORD ACCORDING TO SCOPE**

Words are also classified, from the viewpoint of their *scope*, into ***homonym*** (متشابه), ***general*** (عام), ***specific*** (خاص), ***absolute*** (مطلق) and ***qualified*** (مقيد).

This classification basically explains the grammatical application of words to concepts: whether a word imparts one or more than one meaning, whether a word is of a specific or general import and whether the absolute application of a word to its subject matter can be qualified and limited in scope.

### **CLASSIFICATION OF WORD ACCORDING TO USAGE**

From the viewpoint of their actual *use*, such as whether a word is used in its ***primary***, ***secondary***, ***literal***, ***technical*** or ***customary sense***, words are once again divided into the two main categories of ***literal*** (حقيقة) and ***metaphorical*** (مجاز).

### **CLEAR AND UNCLEAR WORDS**

It has been pointed out above that words from the viewpoint of clarity (وضوح) are divided into two main categories of clear and unclear words.

A clear word conveys a concept which is understandable without recourse to interpretation. A ruling which is communicated in clear words constitutes the basis of obligation, without any recourse to *ta'wil*<sup>2</sup>.

A word is unclear, when the meaning which it conveys is incomplete, and requires clarification. An incomplete text which is in need of clarification cannot constitute the basis of action. The clarification so required can only be supplied through extraneous evidence, for the

---

<sup>2</sup> The scholars of usul have defined *ta'wil* as departure from the manifest (*Zahir*) meaning of a text in favor of another meaning where there is evidence to justify the departure. Badran, *Usul Fiqh-l-Islamy*, p. 400.

text itself is deficient and fails to convey a complete meaning without recourse to evidence outside its contents.

A clear text, on the other hand, is self-contained, and needs no recourse to extraneous evidence.

## **DIVISION OF CLEAR WORDS**

From the viewpoint of the degree of clarity and conceptual strength, clear words are divided into four types in a ranking which starts with the least clear, namely the manifest (*Zahir*) (الظاهر) and then the explicit (*Nass*) (النص), which commands greater clarity than the *Zahir*. This is followed by the unequivocal (*Mufassar*) (المفسر) and finally the perspicuous (*Muhkam*) (المحكم), which ranks highest in respect of clarity.

This paper is expected to treat the manifest and the explicit.

## **THE MANIFEST AND THE EXPLICIT**

### **DEFINITION OF MANIFEST**

Manifest (الظاهر) is defined as a word which conveys a clear meaning, while this meaning is not the principal theme of the text in which they appear<sup>3</sup>.

The manifest (الظاهر) is a word which has a clear meaning and yet is open to *ta'wil*, primarily because the meaning that it conveys is not in harmony with the context in which it occurs. It is a word which has a literal original meaning of its own but which leaves open the possibility of an alternative interpretation.

For example, the word 'lion' in the sentence '*I saw a lion*' is clear enough, but it is possible, although less likely, that the speaker might have meant a brave man.

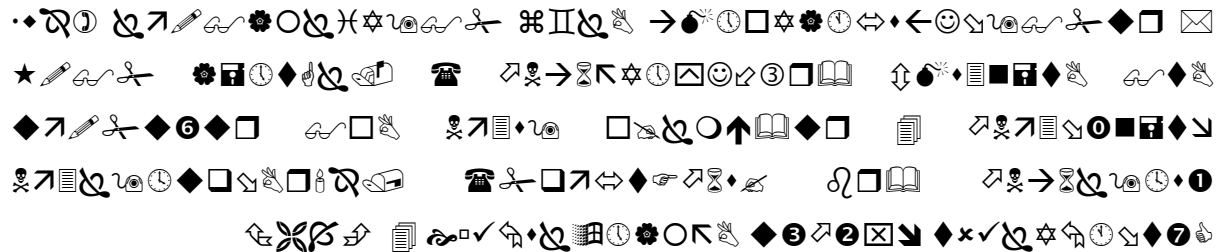
When we say that *Zahir* is open to *ta'wil*, it means that when *Zahir* is general, it may be specified, and when it is absolute, it may be restricted and qualified. Similarly, the literal meaning of the *Zahir* may be abandoned in favour of a metaphorical meaning. And finally, the *Zahir* is susceptible to abrogation which, in the case of the Qur'an and *Sunnah*, could only occur during the lifetime of the Prophet.

---

<sup>3</sup> Khallaf, 'Ilm Usul Fiqh, p.188, Badran, Usul Fiqh-l-Islamy, p. 403.

EXAMPLES OF MANIFEST

An example of the *Zahir* which is initially conveyed in absolute terms but has subsequently been qualified is the saying of Allah in Chapter 4 verse 24 which says



This verse spells out the prohibited degrees of relationship in marriage. The text then continues, 'and lawful to you are women other than these, provided you seek them by means of your wealth and marry them properly. . .'<sup>4</sup>



The verse above refers to a number of female relatives with whom marriage is forbidden, but there is no reference anywhere in this passage either to polygamy or to marriage with the paternal and maternal aunt of one's wife.

The apparent or *Zahir* meaning of first stated verse in this page (i.e. Quran Chapter 4 verse 24), especially in the part where it reads 'and lawful to you are women other than these'

<sup>4</sup> Quran Chapter 4 (An-Nisai) verse 24

would seem to validate polygamy beyond the limit of four, and also marriage to the paternal and maternal aunt of one's wife.

However, the absolute terms of this *ayah* have been qualified by another ruling of the Qur'an (al-Nisa', 4:3) quoted earlier which limits polygamy to four. The other qualification to the text under discussion is provided by the Popular Hadith which forbids simultaneous marriage with the maternal and paternal aunt of one's wife<sup>5</sup>.

This illustration also serves to show an instance of conflict between the *Zahir* and the *Nass*. Since the second of the two *ayat* under discussion is a *Nass*, it is one degree stronger than the *Zahir* and would therefore prevail.

To give an example of *Zahir* in modern criminal law, we may refer to the word 'night' which occurs in many statutes in connection with theft. When theft is committed at night, it carries a heavier penalty.

Now if one takes the manifest meaning of 'night', then it means the period between sunset and sunrise.

However, this meaning may not be totally harmonious with the purpose of the law. What is really meant by 'night' is the dark of the night, which is an accentuating circumstance in regard to theft. Here the meaning of the *Zahir* is qualified with reference to the rational purpose of the law and the nature of the offence in question<sup>6</sup>

## **DEFINITION OF EXPLICIT**

Explicit (النص) can be defined as a word that conveys a clear meaning that is also in harmony with the context in which it appears, and yet is still open to *ta'wil*<sup>7</sup>.

It will be noted that *Nass*, in addition to the technical meaning has a more general meaning which is commonly used by the *fuqaha'*. In the terminology of *fiqh*, *Nass* means a definitive text or ruling of the Qur'an or the *Sunnah*. Thus it is said that this or that ruling is a *Nass*, which means that it is a definitive injunction of the Qur'an or *Sunnah*. But *Nass* as

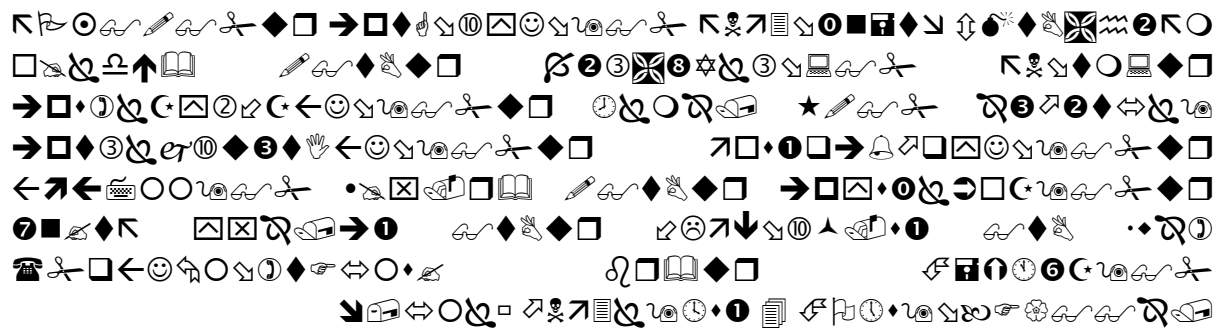
---

<sup>5</sup> Khallaf, 'Ilm Usul Fiqh, p.195

<sup>6</sup> Principles of Islamic Jurisprudence, Mohammad Hashim Kamali, p 94

<sup>7</sup> Khallaf, 'Ilm Usul Fiqh, p.189





Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah. that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety.<sup>9</sup>

As already stated, the *Nass*, like the *Zahir*, is open to *ta'wil* and abrogation. For example, the absolute terms of the *ayah* which we just quoted on the prohibition of dead carcasses and blood have been qualified elsewhere in the Qur'an where blood' has been qualified as 'blood shed forth' this is in Chapter 6 verse 145 and it says:



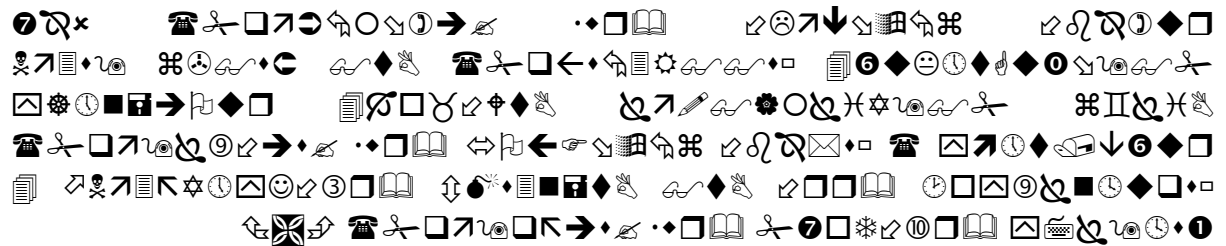
Say: "I find not In the Message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine,- for it is an abomination - or, what is impious, (meat) on which a name has been invoked, other than Allah.s".<sup>10</sup>

Similarly, there is a Hadith which permits consumption of two types of dead carcasses, namely fish and locust.

<sup>9</sup> Quran Chapter 5 (Al-Ma'idah) verse 3 / Badran, Usul Fiqh-l-Islamy, p. 403.  
<sup>10</sup> Quran Chapter 6(Al-An'am) verse 145 / Badran, Usul Fiqh-l-Islamy, p. 404.

DIFFERENTIATING BETWEEN MANIFEST AND EXPLICIT

The distinction between the Zahir and Nass mainly depends on their relationship with the context in which they occur. Zahir and Nass both denote clear words, but the two differ in that the former does not constitute the dominant theme of the text whereas the Nass does. These may be illustrated in the Qur’anic text concerning polygamy, as follows:



And if you fear that you cannot treat the orphans justly, then marry the women who seem good to you, two, three or four<sup>11</sup>

Two points constitute the principal theme of this ayah, one of which is that polygamy is permissible, and the other that it must be limited to the maximum of four. We may therefore say that these are the explicit rulings (Nass) of this text. But this text also establishes the legality of marriage between men and women, especially in the part where it reads

'marry of the women who seem good to you'. [Decorative flourish]

However, legalizing marriage is not the principal theme of this text, but only a subsidiary point. The main theme is the Nass and the incidental point is the Zahir<sup>12</sup>.

THE CONSEQUENCE OF MANIFEST AND EXPLICIT

The effect of Zahir and Nass is that their obvious meanings must be followed and action upon them is obligatory unless there is evidence to warrant recourse to ta'wil, that is, to a different interpretation which might be in greater harmony with the intention of the Lawgiver. For the basic rules of interpretation require that the obvious meaning of words should be accepted and followed unless there is a compelling reason for abandoning the obvious meaning.

<sup>11</sup> Quran chapter 4 (An-Nisai) verse 3

<sup>12</sup> Badran, Usul Fiqh-l-Islamy, p. 402.



CONCLUSION

As earlier stated, Zahir is a word which conveys a clear meaning, while this meaning is not the principal theme of the text in which they appear and Nass is a word that conveys a clear meaning that is also in harmony with the context in which it appears, and yet is still open to ta'wil.

Nass is stronger than Zahir, and should there be a conflict between them, the former prevails over the latter. This may be illustrated in the following two Qur'anic verses, one of which is a Nass in regard to the prohibition of wine, and the other a Zahir in regard to the permissibility of eating and drinking in general. The two verses are:

وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ

O believers! Intoxicants, games of chance and sacrificing to stones and arrows are the unclean works of Satan so avoid them<sup>13</sup>

وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ  
وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ

On those who believe and do good deeds, there is no blame for what they consume while they keep their duty and believe and do good deeds<sup>14</sup>

The Nass in the first ayah is the prohibition of wine, which is the main purpose and theme of the text.

The Zahir in the second ayah is the permissibility of eating and drinking without restriction. The main purpose of the second ayah is, however, to accentuate the virtue of piety

<sup>13</sup> Quran chapter 5 (Al-Ma'idah) verse 90  
<sup>14</sup> Quran chapter 5 (Al-Ma'idah) verse 93

(*taqwa*) in that *taqwa* is not a question of austerity with regard to food, it is rather a matter of God-consciousness and good deeds.

There is a clear conflict between the two verses, but since the prohibition of wine is established in the *Nass*, and the permissibility regarding food and drink is in the form of *Zahir*, the *Nass* prevails over the *Zahir*<sup>15</sup>.

#### **REFERENCE**

1. The Glorious Quran
2. Usul Fiqh-l-Islamy, Badran Abu-l-Aynaini Badran, Muasasat Sababi -l- Jamiat, Alex, Egypt
3. 'Ilm Usul Fiqh, Abdul Wahab Khallaf, Darul Hadith, Cairo, 2003
4. Principles of Islamic Jurisprudence, Mohammad Hashim Kamali, Islamic Text Society, Cambridge. 1991

---

<sup>15</sup> Principles of Islamic Jurisprudence, Mohammad Hashim Kamali, p 94