

Textual Indications (Dalālāt Alfāz) In The Foundations Of Islamic Jurisprudence Comparative Analysis Of The Hanafī And The Mutakallimūn Schools

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Abstract

This paper undertakes a discussion about textual indications (dalālāt alfāz) found in the science of usūl al-fiqh (foundation of jurisprudence). This will be done through considering the perspectives of two jurisprudence groups; namely, the Hanafī School and the Mutakallimūn, who are synonymous to the Shāfi'ī School, the Mālikī School and the Hanbalī School. It will be argued that the dalālāt alfāz is critical for the basis of Islamic legal interpretation from its primary sources, the Qur'an and the Sunnah. This is because there is a considerable significance attributed to this branch of usūl al-fiqh, i.e. to achieve a comprehension of intended meanings of the words and expressions within the textual sources; there is a prerequisite, the knowledge of dalālāt alfāz. Through this knowledge the main two groups were at variance in their methodology, interpretation and application of the law, which is what this article will discuss and analyse.

Key words: jurisprudence, textual indications (dalālāt alfāz), Mutakallimūn, Hanafī school, usūl al-fiqh

Introduction

In this paper I will attempt to undertake a critical analytical discussion concerning textual indications (dalālāt alfāz) as part of the science of usūl al-fiqh (foundation of jurisprudence). This study is carried out with the perspectives of two main jurisprudential groups; namely, the Hanafī school, which is associated with Nu'mān ibn Thabit known as Imam Abu Hanifa (d. 767), and the Mutakallimūn¹ (theologians), which in this context is synonymous to the Shāfi'ī school associated with Abu Abdullah Muhammad ibn Idrīs al-Shāfi'ī (d. 820) as well as the Mālikī school associated with Mālik ibn Anas (d. 795) and the Hanbalī school associated with Aḥmad bin Muḥammad bin Ḥanbal (d. 855).

Dalālāt alfāz is the critical part of the science of usūl al-fiqh as it constitutes the basis of Islamic legal interpretation from its primary sources, i.e. the Qur'an and the Sunnah (practices of the Prophet). A considerable significance is attributed to this branch of usūl al-fiqh; simply put, in order to achieve a comprehension of the intended meanings of the words and expressions within the textual sources there is a prerequisite; i.e. the knowledge of dalālāt alfāz. These consist of principles and methodologies devised comprehensively and specifically for accurate legal interpretation. In other words, the foundations established within this branch of knowledge is required in order to understand the commands of God and his Prophet, and to be effective in dealing with the textual indications present in the primary sources for the appropriate extraction of fiqh (practical, positive law).

It is important to remark on the significance of the Arabic language to the study of dalālāt alfāz, since dalālāt alfāz is inherently associated to the rules within the Arabic language and its grammar. The ulamā' (religious scholars) without reservation concurred that the discernment of the divine texts is first based on the mastery and comprehension of the lexical and linguistic interpretation, including when and whether to extend recognizable or ostensible meaning to a metaphorical understanding in an

aid to extract legal rules. Consequently, this branch of *usūl al-fiqh* deals with matters such as assigning the words to the literal or metaphorical meaning, or into the general or specific meaning, or if it is clear or ambiguous and so on. All such conceptual words and phrases and their assignments are discourses within the linguistic sphere, i.e. within the theme of *dalālāt alfāz*. It is pertinent to note here that throughout the present discussion in this article both terms, textual indications and *dalālāt alfāz*, are used interchangeably.

The Foundation of Jurisprudence (*usūl al-fiqh*)

The foundation of jurisprudence (*usūl al-fiqh*) as a science is correlated to the divine law (*ulūm shari'a*), which discusses the methodologies of extracting legal rulings through deductive and inductive processes for the purposes of applied Islamic jurisprudence, or in other words positive law. The composite title *usūl al-fiqh* consists of two words, *usūl* and *al-fiqh*; linguistically the word *usūl* is the plural of the word *asl* which means foundation, principle, or something upon which you build something else. From the conventional perspective, the word *asl* is used to refer to various identifiers in diverse Islamic disciplines, such as reason, original rulings etc. However within the context of *usūl al-fiqh* the best suited convention for *asl* is the evidence (*dalāla*) upon which you build new legal rulings (Zuhaylī, 1986:16-23). The word *fiqh* linguistically means understanding, but conventionally it means knowledge of the practical legal rulings that are extracted from the detailed analysis of sources of Islamic jurisprudence (*al-ilm ba al-ahkām al-shari'a al-amaliya al-muktasaba min adellatahā al-tafsiliya*) (Khallāf, 1956:13-14). It is clear from this definition that *fiqh* only focuses on the practical aspect of religious duties, such as how to perform prayer etc. and not on the doctrines of beliefs or theories related to it. Therefore, the jurist (*fiqhi*) looks at the detailed specifics (*juz'ī or tafsilī*) of the sources to deduct rulings, whereas the establisher of principles (*usūli*) looks at the generic totality (*ijmalī*) of the sources to define the framework that the jurist uses to derive the specific injunction (Khallāf, 13-14). In general, *usūl al-fiqh* deals with generic principle of rules (*kullyī*), whereas *fiqh* deals with the specific ruling (*juz'ī*).

The main objective of *usūl al-fiqh* was to lay down a coherent system of principles through which a qualified jurist could extract case decisions. In addition, *usūl al-fiqh* being defined as legal theory deals with legal theories that are interpretation of legal texts and methods of reasoning for deduction of rules. Khallāf describes *usūl al-fiqh* as the science of establishing principles for the discovery of practical legal rulings (*al-ahkām al-shari'a al-amali*) from the detailed indicative evidences (*adilla tafsilyi*) found within its sources (Khallāf, 1956:12-13). Also as a subject matter, *usūl al-fiqh* can be defined as the science of evidence that discusses the authoritative status of the sources of practical law (*fiqh*), and the ways or methods applied in its usage and the condition or qualifying status of the *usūl* scholar (*usūli*) which derives those principle rules.

Sayf al-Dīn al-Āmidī (d. 1233) argues that the subject matter of the science of theoretical jurisprudence is, as we have learned, the indicators of the rules of law. But, where are these indicators to be found? How do they function? Moreover, what qualifications must those who work with them for the purpose of articulating the law possess? As Āmidī puts it, an indicator is that through which a rule of law *becomes manifest* to us. This statement suggests that the rule, in and of itself, is not manifest. The indicators are thus clues to what is hidden from sight. Thus, scholars (the *mujtahids*) use them to bring the rules of law to light. It is for this reason that they must understand how the indicators function (Āmidī, cited in Weiss, 147). It can be seen from the preceding discussions of *fiqh* and *usūl al-fiqh* above that *fiqh* is concerned with the practical aspects of those entrusted with the commands (*afal mukalifīn*), such as prayer is compulsory and how prayer is to be performed, whereas *usūl al-fiqh* is concerned with the legal reasoning (*al-dalil*) behind these commands. The subject matters of *usūl al-fiqh* is normally divided into four spheres of study, namely, the legal sources (*adilla*), the legal ruling status (*ahkām*), the textual indications (*dalālāt alfāz*) and the condition and quality of the one who engages in legal reasoning (*mujtahid*).

Firstly, the legal sources (*adilla*) are generally divided into two groups, sources whose consensus of their validity already exist among jurists (*mutafiq aliha*), which consists of four sources; the Qur'an; the practices of the Prophet (Sunnah), the consensus of jurists (*ijmā'*), and finally the analogical reasoning (*qiyās*). The second group consists of sources where a general consensus does

not exist among jurists (*mukhtalaf feha*), which includes juristic preference (*istihsān*), public interest (*istislāh*), presumption of continuity (*istishāb*), local customs (*urf*), blocking the means to what is considered unlawful (*sad al-darāe*), sayings of the Prophet's companions (*aqwāl sahāba*), and laws of earlier faiths (*sharh min qablanā*).

Secondly, the rules' (*ahkām*) subject matter covers the ruling itself, which is defined as the speech of the Lawgiver relating to the acts of the entrusted (*mukallaf*), indicating whether the act to be performed is unconditional, or there is autonomy to perform or not to perform, or that the act may depend on certain qualifying condition (*wad*). In general, legal rules fall into two categories, legal rulings that are entrusted without depending on any external condition to its qualifying status (*taklifi*) and legal rulings that depend on certain condition (*wad*) (Zuhaylī, 1986:37-40). The *taklifi* legal rules falls into one of five categories: the obligatory (*wajib*), the recommended (*mandub*), the permissible or indifferent (*mubāh*), the repugnant (*makruh*), and the prohibited (*harām*). Hallāq describes it as:

The obligatory represents an act whose performance entails reward, and whose omission requires punishment. The recommended represents an act whose performance entails a reward but whose omission does not require punishment. The permissible or indifferent, as the name suggests, requires neither reward nor punishment for commission or omission, respectively. This category was intended to deal with situations in which textual indications are either silent on an issue or lacking in clear provisions as to the status of the case. The principle underlying the indifferent is that whenever the texts fail to provide clear indications as to the commission or omission of an act, the Muslim has a free choice between the two. An act falling into the fourth category, the repugnant, is rewarded when omitted, but is not punished when committed. Finally, the prohibited obviously entails punishment upon commission. (Hallāq, 2005:131).

The *wad* rulings include discussions of certain criteria that invoke a ruling. Major topics include 'the cause' (*sabab*), which activates a requirement, as an example the start of the noon prayer is 'caused' only when sun passes the meridian point. A rule may depend on a condition (*shart*), for instance the validity of prayer is 'conditioned' on the person praying having ablution. Another ruling may depend on preventive (*mān*) of the *hukum* or preventative of 'the cause'. An example that illustrates the 'preventive of *hukum*' is the ruling that the killer cannot inherit from the killed, i.e. the victim (Zuhaylī, 1986:93-103). There are other types of *wad* rulings, but this suffices for the purpose of explaining this category of rulings.

The third sphere of of the subject matters of *usūl al-fiqh* is *dalālāt alfāz*, the focus point of this article. This represents paying attention to valid interpretation, usage of indications and the methodology (*turuq istifādah*) of the sources. This includes identifying within the sources what is imperative, what is prohibitive, what is general, what is specific, and how to deal with homonym words. Moreover, a discussion on clarity and ambiguity of the text is carried out. There is a difficulty and a complicity to act upon the preceding notions, unless we have principles to comprehend the evidence in order to the affect found in the legal sources (*qawāyid istifād min adillah*).

Finally, the status of the scholar (*hal mustaftā*), the one who is engaged in extracting the legal ruling (*mustaftā*) in *usūl al-fiqh* is ascertained, i.e. is he or she a qualified jurist (*mujtahid*). The *mujtahid* looks at the valid sources (*adilla*) and employs the principles of *dalālāt alfāz* and *ahkām*, intending only to extract a legal ruling for a specific issue. Following from here is a short discussion on legal maxims concepts compared to *usūl al-fiqh*.

It is beneficial to the discussion to mention the difference between foundation of jurisprudence (*usūl al-fiqh*) and legal maxims (*qawāyid al-faqhiya*). We have already discussed the subject matter for *usūl al-fiqh*, and the legal maxims can be defined as generic practical legal principles. Legal maxims as generic principles are such as, 'all actions are based upon their purpose (*al-umūr ba maqāsidihā*)', 'no harm is made or reciprocated (*la darara wa lā darār*)'. There are various legal maxims among various schools of jurisprudence and in some ways there is a similarity between *usūl al-fiqh* and legal maxims in the sense that they are both related to 'principles' and referred to as general foundations. However, there is a difference, legal maxims is under the rubric of *fiqh* that is related to the actions, and actual practice of those entrusted to perform the religious acts (*afāl mukallifin*); whereas for *usūl al-fiqh*, its prime concern is the evidence presented within the

primary sources of *shari'a*. Also if we were to analyse the two principles we would observe that legal maxims has a direct relation between the ruling and the acts; whereas *usūl al-fiqh* relation is indirect and it requires a link between the ruling and the act, and that link is the evidence. To summarise, this subheading addressed the subject matter and its relation to *fiqh*, which led to a brief but comprehensive discussion of the *usūl al-fiqh* discipline. Subsequently, the following subheading will commence with discussing the focus of the article in.

***Dalālāt Alfāz*: Text Implication and Meaning**

The terminology of textual indications (*dalālāt alfāz*) consists of two Arabic words, *dalāla* (indication) and *alfāz* (words). The *dalāla* linguistically refers to the guide or the conductor. Accordingly, *dalāla* is considered as guidance or percept to a meaning. As usual within the disciplines of religious study, linguistic terms need to be understood in terms of both the lexical meaning and the conventional meaning. In conventional terms, the purpose of *dalāla* is to understand something from something else (*fahmu amrin min amrin ākhar*). For example, how do we understand the *dalāla* for *amm* (general) and for *khāss* (specific). Whereas, the Arabic term *alfāz* is simply the plural of *lafz*, and a synonym for *kalama* (word).

The Arabic words in their grammar structure are divided into noun (*ism*), verb (*fi'l*) or an article (*harf*). Therefore, textual indications within the sources of Islamic law include nouns, verbs and articles; accordingly, *dalālāt alfāz* deals with the interpretation and deduction of the intended meaning from such classes of words. The plural of *kalama* is *kalām* (sentence), which consists of two or more words indicating the intended meaning. Therefore, analysing these sentences lead to the discovery of legal rules.

The *kalām* is also divided into various types. First, based on usage it is divided into *haqīqī* (apparent or literal) and *majāzī* (metaphorical) meaning. Second, it is divided on the basis of the sentences containing a probability of truthfulness (*sidq*) or falsehood (*kazb*). In terms of rhetoric expressions, these are referred to as 'news sentences' (*khābar*), which may contain the possibility of either being valid or invalid. The other type is a 'statement' (*inshā*) that does not contain a validity or invalidity as part of its expression, such as the command to perform an act; for example, imperative act (*amr*) and prohibitive act (*nahy*) fall into this category. Third, there are words that are divided based on general (*āmm*) or specific (*khāss*) sense. Fourth, it is based on something absolute (*mutlaq*), or qualified (*muqayyad*). Finally, it is based upon its clarity (*wudūh*) and ambiguity (*khafā*) (Zuhaylī, 1986:202).

In this classification shown above the *ulamā'* of Hanafī and the *Mutakallimūn* differ within their respective interpretation. For the Hanafī school, there are four categories on clear words and also there are four categories within the unclear indication. The *Mutakallimūn* group divides this category of clarity and ambiguity only into three classes. Namely, *nass* (explicit meaning), *zāhir* (more than one meaning but one is preferred) and *mujmal* (ambiguous).

The Hanafī school's approach to the meaning of the text falls into four categories; *ibārat al-nass* (meaning of text as per denotation), *isharat al-nass* (meaning of text by reference), *dalālāt al-nass* (meaning of text by extrapolation) and *iqtidā' al-nass* (meaning of text with prerequisite). Whereas, for the Shāfi'i school the approach to the meaning of text falls into two classification, that of *mantūq* (explicit indication) and *mafhūm* (construed implication) and their various derivatives. All these categories are elaborated upon in the following subheadings beginning with the school of Hanafī.

Hanafī School's Approach

Ibārat al-Nass (Meaning of Text as per Denotation)

The first meaning is that of *ibārat al-nass*, i.e. the clear meaning of the text taken as per denotation. In its obvious and clear meaning the *ibārat al-nass* is always given priority over any alternative meanings of the text. For illustrative purposes, Khallāf explains the following Qur'anic passage regarding polygamy, a text which conveys more than one meaning as follows: 'And if you fear that

you will not be able to treat the orphans fairly, then marry of the women whom seem good to you, two, three or four; however, if you fear that you cannot treat them equitably, then marry only one. . . ' (Qur'an, 4:3). According to Khallāf, three or four meanings are deductible in this text which are: first, the legitimacy of marriage, second, limiting polygamy to four wives; third, if polygamy is going to lead to injustice then remaining monogamous; and fourth, the attention to fair treatment of orphaned girls. The second and the third represent the *'ibārat al-nass*, the clear meaning as per denotation of the meanings of the text, i.e. polygamy is to be limited to the maximum of four wives

Isharat al-Nass (Meaning of Text by Reference)

What is intended by the second meaning *isharat al-nass* is that which is not initiated through the literal understanding of the words presented. The intended purpose is not in its wording as mentioned, but that a necessary 'reference meaning' can be deduced through the obligatory nature contained outside the literal meaning of the words (*al-altizām*). The reference can be clear or hidden, for that reason what is referenced by the text requires detailed consideration and investigation (Khallāf, 1956:138). As an example in the Qur'ān there is a verse concerning the welfare of children: 'It is his duty to provide them with maintenance and clothing according to custom' (Qur'ān, 2:233). It is understood from the text that the verse is referring the responsibility of the welfare on to the shoulders of the father. This is what is deduced, although the text does not explicitly mentioning it as such. The reference in the text is via usage of the letter 'la' (*lam*) which point to a reference, or declares the exception pointing to the father. There is a *hadīth*: 'you and your wealth belong to your farther' (Ibn Mājah, 14: 2291) (Khallāf, 1956:147); this can be taken as added validation to the reference. Also another verse: 'we have not sent before you but men revealed to them, then ask the people of knowledge if you do not know' (Qur'ān, 16:43). Thus, *ishārat al-nass* can be deduced from this verse as referring to the need of having people of understanding within the community (Khallāf, 1956:147).

Dalālāt al-Nass (Meaning of Text by Extrapolation)

The third meaning is that of *dalālāt al-nass* (meaning found through extrapolation), where the text is understood via rationale consideration and the spirit of the text. The meaning is derived through analogy and the identification of an effective cause (*'illah*) which is common between the denotative meaning and the meaning that is derived through extrapolation. Khallāf and Abu Zahrah both illustrate this with reference to the Qur'anic text on the obligation to respect one's parents. In particular, the text provides the following words, 'and say not *ūff* to them' (17:23), which obviously forbids the utterance of the slightest word of contempt to the parents. The effective cause of this prohibition is honouring the parents and avoiding offence to them. There are, of course, other forms of offensive behaviour, besides a mere contemptuous word such as *ūff*, to which the effective cause of this prohibition would apply. The extrapolation meaning of this text is thus held to be that all forms of abusive words and acts, which offend the parents, are forbidden even if they are not specifically mentioned in the text under consideration (Abu Zahrah, 1958:112). Khallāf also points to another verse: 'those who unjustly devour the property of the orphans only devour fire into their bodies' (Qur'ān, 4:10). The explicit meaning of this text forbids guardians and executors from devouring the property of their orphaned wards for their personal gain. However, by way of extrapolation the same prohibition is extended to other forms of destruction and waste, which might have been caused, for example, through financial mismanagement that does not involve personal gain and yet leads to the loss and destruction of the property of the orphans. Although the text provides no indication as to the different ways in which destruction can be caused, they are nevertheless equally forbidden. As already stated, this kind of extrapolation is equivalent to what is known as obvious analogy (*qiyās jali*), which consists of identifying the effective cause of a textual ruling, and when this is identified; the original ruling is analogically extended to all similar cases. The effective cause of the ruling in the foregoing *ayah* is protection of the orphans' property, and any act, which causes destruction, or loss of such property falls under the same prohibition (Khallāf, 1956:141).

Iqtidā' al-Nass (Meaning of Text with Prerequisite)

What is understood by the fourth and last meaning, *iqtidā' al-nass* (meaning that requires a prerequisite), is that the text does not make sense with its explicit meaning unless there is a prerequisite that is taken into account. As an example, the Qur'ān proclaims concerning the prohibited degrees of relations in marriage: 'unlawful to you are your mothers and your daughters . . .' (Qur'ān, 4:22). This text does not mention the word 'marriage', but even so, it must be read into the text to complete its meaning. Similarly we read elsewhere in the Qur'ān; 'unlawful to you are the dead carcass and blood' (Qur'ān, 5:3), without mentioning that these are unlawful 'for consumption'. However, the text requires the missing element to be supplied in order that it may convey a complete meaning (Khallāf, 1956:142).

In conclusion, with respect to the Hanafī school a legal text may be interpreted through the application of any one or more of the four varieties of textual implications. The meaning that is arrived at may be indicated in the words of the text, by the signs, which occur therein, by extrapolation, or by the supplementation of a missing element. These methods of legal construction may be applied individually or in combination with one another, and they are all designed to carry the text to its proper and logical conclusions. In the event of a conflict between the *'ibārat al-nass* and the *ishārat al-nass*, the former prevails over the latter. This may be illustrated by reference to the two Qur'anic verses regarding the punishment of murder. One of these explicitly proclaims that 'retaliation is prescribed for you in cases of murder' (Qur'ān, 2:178); however, another verse mentions: 'Whoever deliberately kills a believer; his punishment will be permanent hellfire' (Qur'ān, 4:93). The denotative meaning of the first verse provides that the murderer must be retaliated against; the denotative or clear meaning of the second verse is that the murderer is punished with permanent hellfire. The referenced meaning of the second verse is that retaliation is not a required punishment for murder; instead, the murderer according to the explicit terms of this verse will be punished in the hereafter. There is conflict between the denotative meaning of the first and the reference meaning of the second. A conflict thus raises the question as to which of the two punishments are to be upheld. Since the first ruling constitutes the denotative clear meaning of the text and the second is a reference meaning, the former prevails over the latter (Abu Zahrah, 1958:115; Khallāf, 1956:143-144). Having discussed the Hanafī school in this regard, subsequently the *Mutakallimūn* school methodology will be discussed with respect to the same issue of understanding the text.

The *Mutakallimūn* Approach

First, it is of benefit to present some preliminaries which will aid in better appreciation of the language usage attached to the derived concepts within this topic and discussions of textual indication in general. As a brief reference was while introducing textual indications, what are of interest are the two conceptual based Arabic expressions. One being *khābar* (a statement which requires validity) and the other is *inshā* (a statement which does not require validity). The *khābar* carries the likelihood of correctness or incorrectness on the basis of the statement only not on the integrity of the reporter; and the *inshā* which does not carry the likelihood of correctness or incorrectness is also divided into *inshā talabī* (a requested statement) and *inshā ghayr talabī* (an unrequested statement). In *inshā talabī*, a request may contain an explicit command (*amr*) or a prohibition (*nahy*).

Following that preceding statement and looking at the *Mutakallimūn* school, there is another preliminary concept, which is the degree of expression's relevance to a meaning. For that the *Mutakallimūn* have divided the indications (*dalālāt*) of an expression (*khābar* or *inshā*) to its meaning into three types, namely, total indication (*dalālāt mutābaqa*) which refers to the application of the expression to the complete meaning, an example is the word 'prayer' that include all aspects of the prayer. The second type is partial indication (*dalālāt tazamun*), which refers to application of expression to partial meaning, such as to say prayer is to read the *fātiha* (opening chapter), but *fātiha* is part of the prayer and not the complete prayer. The third type is external but related quality (*dalālāt altazāmiya*) such as the sun entered the room, meaning the light, a related quality of the sun, entered the room (Zuhaylī, 1986:359).

Having discussed those preliminaries, the meaning that is extracted from the sources of *shari'a*, according to the *Mutakallimūn* is either through the pronounced, pure textual expression (*mantūq*) or from the concept, implication, intelligible meaning (*mafhūm*). *Mantūq* includes *khābar* and *insha* which includes literal meaning (*haqīqī*), the metaphorical (*majāzī*), general (*āmm*), specific (*khāss*), absolute (*mutlaq*), qualified (*muqayyad*), *nass*, *zāhir* and *mujmal*. Examples of *mantūq* include all that is understood at the point of its mention, i.e. such as stand for prayer, pay alms (*zakāt*) etc. The ruling (*hukm*) exist within the text itself, and can be taken from it. On the other hand, *mafhūm* according to the *Mutakallimūn* relates to understanding the *hukum* not within the text itself but outside, implication, since the ruling is not directly mentioned in the expression but is imbedded in the text as a concept to be understood. The *Mutakallimūn* divided *mafhūm* into two types, *mafhūm muwāfiqah* (congruent implication) where the implication agrees with the text and *mafhūm al-mukhālīfah* (counter implication) where the implication disagrees with the text (Zuhaylī, 1986:360-366). In the following paragraphs, discussions will focus on *mantūq* and *mafhūm* and their verities beginning with *mantūq*.

Mantūq (Explicit Meaning)

Mantūq (explicit) are word indications that are found within the literal texts (*dalālāt al-lafz fi mahal nutq*). These are divided into two type, direct (*sarīh*) and indirect (*ghayr sarīh*). Under *mantūq* falls what has already been discussed within the Hanafī school of the terms *Ibārat al-nass*, *ishārat al-nass* and *iqtidā' al-nass*. With respect to the direct and indirect types, for direct the indication types of 'total indication' (*dalālāt mutābaqa*) and 'partial indication' (*dalālāt tazamun*) are of interest, such as the issues of imperative (*amr*), prohibitive (*nahy*), general (*āmm*), specific (*khāss*), absolute (*mutlaq*) and *qualified* (*muqayyad*). These will be covered later as part of this paper. All are linked to the actual explicit mentioning of words (*mantūq*).

The indirect, which relates to indication 'outside the literal meaning' (*dalālāt altazāmiya*) is divided into three categories; namely, prerequisite indication (*dalālāt iqtidā'*), descriptive indication (*dalālat al-tanbīh wa'l-īmā'*) and reference indication (*dalālāt ishāra*) (Zuhaylī, 1986:360). Each is described in detail below in the following paragraphs.

In *dalālāt al-iqtidā'* (prerequisite indication) the wording requires an intended action (*amran lazim*), which is not directly apparent in the text, and its correctness or the validity depends within the legal sphere of reasoning which must be understood by a prerequisite. Such as the Qur'ānic verse 'if any of you was sick or travelling then the number of days from other days' (Qur'ān, 2:184), this is in relation to fasting. The text here does not explicitly say to break your fasting under that condition, but breaking the fast is what is intended. Also another Qur'ānic verse where the wording expresses: '...ask the village..' (Qur'ān, 12:82), which implies to ask the people of the village, therefore the correct interpretation is via analysis and reasoning. This is very similar to the discussion of *iqtidā' al-nass* found within the Hanafī school description (Zuhaylī, 1986:362).

In *dalālat al-tanbīh wa'l-īmā'* (descriptive indication), the type of *mantūq* requires coupling the purposes of the text with the descriptive nature contained within the text, in such an approach that the description beckons to be the reason the effective cause (*illa*) of the legal ruling taken from the text (Zuhaylī, 1986:361).

Dalālāt al-ishāra (reference indication) refers to a required ruling which is not explicit in the intended wording mentioned but is understood by a reference. This is the difference that exists between the *iqtidā'* (intended purpose within text) and the *ishāra* (not the intended purpose within text). For illustrative purposes, consider the two Qur'ānic verses: 'mothers may breastfeed the children two complete years for whoever wishes to complete the nursing [period]' (Qur'ān, 2:233) and '...and his gestation and weaning [period] is thirty months' (Qur'ān, 46:15) – When we join these two verses, we can deduct that the least period of pregnancy is six month, but this was not the intended purpose of the verses. This is similar to the Hanafī school's *ishārat al-nass* that was covered earlier (Zuhaylī, 1986:361).

Mafhūm (Construed Implication)

In *mafḥūm* (construed implication) what the words indicate is outside the literal text's expressed deliberation (*dalālat al-lafz fī ghayri mahalli 'l-nuṭq*). It is an indication to a ruling to which the text is silent. This implication understanding is divided into two categories- *mafḥūm al-mūwāfiqah* (congruent Implication) and *mafḥūm mūkhālifah* (Counter Implication). Hence, *mafḥūm al-mūwāfiqah* is a textual implication that confirms the application of the rule present in the explicit text to another silent case where both cases share the same effective cause (*illa*). The explicit text is in agreement with the silent implication. In other words, the unmentioned case is in harmony with the mentioned text, since both share common cause; if there is a contrast, a disagreement between the text and the silent implication then implication is referred to as *mafḥūm al-mūkhālifah* (Zuhaylī, 1986:362). *Mafḥūm mūwāfiqah* can be of two types. First, is the silent ruling itself can be 'higher in magnitude' (*awlawī*) than the explicit textual understanding such as the Qur'ānic verse: 'whoever does an atom's weight of good will see it' (Qur'ān, 99:7). So if one performs much more than an atom size then this is in agreement and in harmony with the text. Second, is the ruling that can be 'equal' (*mūsawī*) to the textual understanding. An example from the Qur'ān to demonstrate *mafḥūm mūwāfiqah mūsawī*, is the verse which forbids the ones misuse of the property of orphan (Qur'ān, 4:6). If the property is to be given to someone else then this is also forbidden on the basis of 'equal' (*mūsawī*); because the causes of harm has not changed, whether it is for one's own consumption or for someone else, the end results is the same (Zuhaylī, 1986:362). On the other hand, *Mafḥūm al-mūkhālifah* (counter implication) is the opposite implication of *mūwāfiqah*, where the silent, the unmentioned case is not in harmony, i.e. it is not in agreement with the expressed deliberation of textual statement. There is a disagreement in the usage of *mafḥūm al-al-mūkhālifah* between the *mūtakallimūn* and the Hanafī school. The Hanafī school does not apply this category of textual implication and regards such evidence as invalid (Zuhaylī, 1986:362). Many issues that differ between Hanafī school and *Mutakallimūn* is usually related to the usage of this classification of *mafḥūm al-mūkhālifah*. There are a number different types related to *mafḥūm al-mūkhālifah*, below, will start with the *mafḥūm al-sifah* (Implication of the Attribute) and present few other types as part of inclusion to this discussion to give a flavour to the concept covered under this topic.

Subsequently, *Mafḥūm al-Sifah* in *al-al-mūkhālifah* refers to a contrast implication with respect to the attributes described in the text. It is related to considering a rule for an attribute that is missing from the text and which is in contrast (the anti-) of the literal descriptive attribute mentioned in the text. Therefore, the textual indication can be to 'an attribute that is not mentioned in the text'. For example, the Qur'ān verse mentions 'if any of you is not able or afford to marry a free believing women, then marry the believing slave girls' (Qur'ān, 4:25). If we consider it through *mafḥūm al-mūkhālifah*, it means that marrying a non-believing slave is forbidden. The Qur'ānic verse refers to 'believing' women as an attribute, but the ruling for the opposing attribute is for 'non-believing women'; this is an implication under this classification (Zuhaylī, 1986:363).

Mafḥūm al-Gḥāyah (implication of the extent) applies to when the text itself presents the extent or limits of the application of the rule; the *mafḥūm al-al-mūkhālifah* will then operate outside the limits or boundaries set in the text. To illustrate this the Qur'ānic verse mentions 'eat and drink until you see the white streak [of dawn in the horizon] distinctly from the black' can be illustrated (Qur'ān, 2:187). By way of *mafḥūm al-mūkhālifah*, it is concluded that one may neither eat nor drink when the whiteness appears in the horizon (Zuhaylī, 1986:364).

Mafḥūm al-Adad (implication of the stated number) applies when the ruling within the text is presented in the form a defined number, *mafḥūm al-mūkhālifah* declares an understanding to restrict and not exceeding those limits. By way of example, the Qur'ānic verse defines hundred lashes as a precise number for the committer of adultery (Qur'ān, 24:2) In *mafḥūm al-mūkhālifah* it can be deduced that it is not permissible either to increase or decrease the defined number of lashes in the verse (Zuhaylī, 1986:365).

Mafḥūm al-Shart (implication of the condition) applies when the ruling of the text is based and linked to a condition, then *mafḥūm al-mūkhālifah* applies to a condition in which this new condition is not defined within the actual text. For example the Qur'ānic verse on the entitlement of maintenance for a divorced woman observing her waiting period (*iddah*): 'If they are pregnant, then provide them with maintenance until they deliver the child' (Qur'ān, 65:6). The ruling is conditioned only on the pregnancy. In *mafḥūm al-mūkhālifah* it can be deduced that sustenance is not required for a non-

pregnant divorced woman (Zuhaylī, 1986:363). The comparative analysis of these methodologies in respect of text implication and meaning will be taken up later in the article under the subheading of analysis, but at this juncture it is vital to go onto investigate textual indications from the perspective of clarity and ambiguity.

***Dalālāt Alfāz*: General Text Clarity and Ambiguity**

Classification of the words with respect to its clarity and ambiguity (*aqsām dalālāt lafz min haith zuhur wa khaḥfā*), contains various types. There are words and texts that are very clear to which there is no disagreement among the *ulamā'*, and therefore *ulamā'* have consensus on its rulings. Also there are words or texts that have clarity but at the same time has an element of doubt to its meaning. Additionally there are texts that are not clear at all and difficult to get the exact meaning.

With respect to clarity and ambiguity of the words, the Hanafī school has classified each cases of clarity and ambiguity into four groups; *zāhir* (evident), *nass* (explicit), *mufassir* (explained), *muhkam* (lucid), these are defined as levels of clarity, whereas, *khaḥfī* (obscure), *mushkil* (difficult), *mujmal* (inconclusive) and *mutashābah* (complicated) are defined as levels of ambiguity. On the other hand, the *Mutakallimūn* divided the text in terms of its clarity or ambiguity into three types. First is the *nass* (clear text, explicit), second is *zāhir* (evident), and third is *mujmal* (inconclusive). In the following pages a discussion of each type is covered starting with the *zāhir* text.

Zāhir (Evident)

The *Zāhir* (evident) normally does not carry a single meaning only, its carries more than one meaning but one of the meanings is more preferred and favourable. Therefore, the ruling can include *wujūb* (compulsory) and *nadab* (recommended) at the same time. Similarly can have a forbidden cases or a dislike, or can be a general or specific, but one of the cases will have more weighing to be taken as ruling. The definition is similar to both Hanafī and *Mutakallimūn* schools. The *zāhir* is open to *ta'wīl* (allegorical interpretation) and this aspect will be explored later in the article. As an example, consider the word *asad* (lion) which has two meaning, lion the animal or lion a brave man. Therefore, if a sentence reads 'I saw a lion', it is open to interpretation. The ruling on *zāhir* is that it's evident meaning is obligatory and must be acted upon unless there is an indication (*qarīna*), a compelling reason to warrant a recourse to *ta'wīl*, which is more compatible or more in harmony with the intended text of the Lawgiver (Khallāf, 1956:153; Zuhaylī, 1986:317-318). As example from the Qur'ānic verse 'God permitted the buying and selling and forbidden usury' (Qur'ān, 2:275), the evident meaning indicates that all buying and selling is permitted and all usury related dealing is forbidden, this is what initiates to the mind from the usage of the words permitted (*halal*) and forbidden (*haram*). However, this is not the intended meaning from the pattern of the verse, where the verse actually responds to those claiming that buying and selling is the same as dealing with usury (Khallāf, 1956:153). Next, will cover then *nass* (explicit).

Nass (Explicit)

The *nass* in the conventional usage among *usūlis* is a text that the pattern of the evident meaning is also in agreement with the intended intention of the Lawgiver; however, if there is a compelling evidence (*qarīna*) then it is also open to *ta'wīl*. Āmidī defines *nass* as "to include all meaning that is not implied, all meaning that can be regarded as carried by the words by virtue of their primordial assignment (*wad'*). Many words are, of course, ambiguous or vague, and thus ambiguity and vagueness can creep into explicit meaning. A rational speaker will seek to overcome this ambiguity and vagueness by supplying the necessary contextual clues to the intended meaning" (Āmidī, cited in Weiss, 2010:325). Similar to *zāhir*, the ruling is that its evident meaning is obligatory and must be acted upon unless there is an indication (*qarīna*), to warrant a recourse to *ta'wīl*. As an example of this from the Qur'ān is the verse; 'marry that you wish of women one, two,

three, or four' (Qur'ān, 4:3). The text limits the maximum number to marry to four, or just one in case if the man is not able to be just among all of them. The apparent meaning initiates and it is also the intention originating from the pattern of the expression (Khallāf, 1956:155). The *Mutakallimūn* group is similar to the Hanafī school in defining *nass* (explicit) as carrying one meaning. In reality, the majority of the legal texts fall under the category of *zāhir* and not *nass*. Acting upon *nass* is compulsory, unless there is an abrogation to the contrary which replaces its ruling, also the *nass* text does not accept any exception.

Mufassir (Explained)

Mufassir refers to the text whose meaning is clear within the details given, the text explains itself and the Lawgiver's intention has clarity; therefore there is no need for recourse to *ta'wīl* in such cases. It is only open to abrogation (*naskh*) in reference to the Qur'ān and Sunnah. For example the Qur'ānic verse: 'and those who accuse chaste women and then do not produce four witnesses lash them with eighty lashes' (Qur'ān, 24:4), this is a clear wording on the number of lashes, therefore no need to recourse to *ta'wīl* (Khallāf, 1956:156-157). There are two varieties of *mufassir*, first being self-explained and the second is where two texts on the same subject are integrated to remove any ambiguity that may exist in one of the texts and clarified by the second to obtain the *mufassir* status (Abu Zahrah, 1958:96).

Muhkam (Lucid)

The *muhkam*, which means lucid, refers to words and texts whose meaning is very clear, beyond any feasible doubt. Therefore, in these cases there is no need for recourse to *ta'wīl* or abrogation. An example of *muhkam* is the frequently occurring Qur'ānic verses of 'God knows all things'. Such clear text cannot be interpreted differently and are not open to abrogation at any time (Abu Zahrah, 1958:96). It is observable that the clarity levels increases in stages, moving from *zāhir* to *nass* and then to *mufassir* and finally to *muhkam*, the clearest of the texts. Having discussed the clarity classification with various levels, next we will discuss the ambiguity levels within the texts starting with *khafī* (obscure), the least ambiguous case.

Khafī (Obscure)

Khafī refers to cases where the textual indication has an evident meaning from its wordings but the application of its meaning to some individuals is rather unclear and has a degree of ambiguity that requires reviewing and consideration. It is regarded as obscure in respect to some of the concerned individuals. The source of obscurity is related to cases where there are extra attributes to an individual compared to the other individuals or there is a lack of attribute in the individual compared to others, or there is a specific known title to the concerned individual that makes it the subject of mistake. As an example of *Khafī* is the Qur'ānic word *sariq* (thief) that has an evident meaning but when applied to cases such as a pickpocket, or the one who steals the shrouds of the dead (*nabbāsh*), it becomes unclear. Whether the 'thief' includes all these classifications or not, and whether the punishment of theft can be equally applied to all cases is the challenge. Although the act of theft has taken place in all these activities, the methods are different. The pickpocket skilfully takes the property openly, which makes it different from a hidden theft. Likewise, how about the *nabbash* who steals the shroud of the dead since it is unguarded property (*mal muhraz*). The *Mutakallimūn* it seems will apply the prescribed theft penalty to the *nabbash*, whereas the majority of Hanafī school jurists will make him subject to the discretionary punishment of *ta'zir* (Khallāf, 1956:161).

Mushkil (Difficult)

The term *Mushkil* refers to a text, which does not indicate its purpose through its pattern of expression, but it is necessary to have an external indicator (*qarīna*) to explain its proper meaning. In the case of *khafī* the obscurity is not in its meaning but in its application to individuals, whereas for

mushkil the ambiguity is in the actual text, indicating a number of meanings. To illustrate we can refer to the Qur'ān's use of the word '*qurū*' (Qur'ān, 2:228) which means periods. It is a *mushkil* word because it has two distinct meanings: The *ṭuhūr* (clean period between two menstruations) and *hayd* (menstruation). Accordingly, this multiplicity in meaning creates diverse opinions. The *Mutakallimūn* have interpreted the *qurū* to be taken as the *ṭuhūr* (clean periods) whereas the Hanafī School interpreted the word *qurū* to mean the menstruation periods. The *mujtahid* is however bound to discover the external indicator (*qarīna*) for identifying the valid meaning of the word before it can be executed and adopted as a premise of action (Khallāf, 1956:162).

Mujmal (Inconclusive)

The category of *mujmal* (inconclusive) refers to words where its pattern of expression is not showing a clear intention and there is no obvious indication in the text (*qarīna*) to clarify the statement. Furthermore, under *mujmal* arises the use of words where the Lawgiver departs from the literal assigned meaning of words to the usage of a conventional meaning for specific legal terms such as the use of the words *ṣalāt* (prayer), *sawm* (fasting), *zakāt* (alms giving), *Hajj* (pilgrimage) and so on. These inconclusive and indeterminate statements are then clarified either by Qur'ānic texts or by the Sunnah. Most worship (*ibādah*) associated acts are explained by the Prophet, for instance in the case of prayer he said 'pray as you see me praying' (Khallāf, 1956:163). The *Mutakallimūn* group is similar to Hanafī in that the *mujmal* (inconclusive) refers to all meanings to have an equal applicability; it is difficult to distinguish precisely except with some detail clarification such as the Qur'ānic verse with respect to alms giving of the agricultural produce, 'give its portion on the day of harvest' (Qur'ān, 6:143). This can be a *mujmal* and was clarified by the *hadīth* on how much to give and how to give. In addition, the letters that are mentioned at the beginning of some chapters are *mujmal* but we would not know its exact meaning, but lack of understanding does not reflect its meaningless nature. In a broad sense, the *Mutakallimūn* included the four ambiguous classification of Hanafī school into one and referred to them all as *mujmal*.

Mutashabah (Complicated, Intricate)

The category of *Mutashābah* (complicated) refers to words where no indication to its meaning exists within the textual expression and there is no other indication in the text (*qarīna*) to clarify the statement. The Islamic jurisprudence does not consider any *mutashābah* texts for its ruling. For examples, as mentioned earlier, the Qur'ānic chapters that begins with letters, what is called *hurūf al-muqatta'āt*, that is, abbreviated letters whose meaning is undisclosed and unrevealed (Khallāf, 1956:165).

Ta'wīl (Construed Interpretation) and Bayan (Explanation)

In *ẓāhir* texts as discussed in the preceded subheading, which may have more than one meaning, the preferred meaning can be taken as long as is based on a valid reason (*dalīl*) through extensive analysis and interpretation. This process of investigation that may include allegorical reasoning is referred to as *ta'wīl*. Therefore *ta'wīl* is an elaborated interpretation to seek a definite and correct ruling applicable to expressions such as *ẓāhir*. There has to be an indication (*qarīna*) that reasoning is needed. There are two types of *ta'wīl* in terms of its composition. First, *ta'wīl maqbūl* (valid) and the second is *ta'wīl mardūd* (doubted). *Maqbūl* is referring to those words that carry more than a single meaning and there must be a reason to perform *ta'wīl*, but if the text fails these two conditions than it falls into the second category, which is that of *mardūd* or *mazmūm*, i.e. it is a doubtful case (Zuhaylī, 1986:313-317). The *ta'wīl* normal takes effect if there is a conflict within the text, whether it is from the Qur'ān or Sunnah. An example can be of the *hadīth*, 'whoever touches his private parts requires *wudu* before praying', and then there is another *hadīth* when the prophet was asked about touching ones private parts, he said, 'it is part of your body, therefore it may indicate that touching it does not break the *wudu*'. By *ta'wīl*, some *ulamā'* argued that the first *hadīth* means if one touches it deliberately, whereas the second *hadīth* refers to if one touches by error. Others argued that

the first *hadīth* meaning is that if one touches it directly (*mubāsharatan*), without any shielding, and the second refers to as touching it through a form of shield like a cloth etc. This is a type of *maqbul ta'wīl* or valid *ta'wīl* (Zuhaylī, 1986:313-317).

On the *ta'wīl madrūd*, the doubted or invalid *ta'wīl* some argue that the metaphorical interpretation of the verse fall into this class. Such as the issues of anthropomorphism verses related to God and its interpretation, which created theological debates among the traditionalist, the *Ash'ari*, and the *Muta'zali* and other such theological groups. In addition, the exegesis of some of the *Sufi* scholars is classed as falling into *ta'wīl* who extended their interpretation from the apparent and evident points of the verses to allegorical references. Such as the interpretation of '*yaqīn*' (death) to worship until you, reach the certainty or unity with God as opposed to meaning worship till the end of your life. Sometimes *ta'wīl* is also used to mean exegesis (*tafsīr*).

The *Bayān* (explanation) means clarifying, moving from a difficult understanding to a clear understanding. For clarification of *mujmal* (ambiguous) words and texts, one requires *bayān* such as the case of prayer noted in the Qur'ān being *mujmal*, and then clarified by the prophet. *Bayān* can have many forms, by words, actions or written record or by silence (*taqririya*) but mostly issues that require *bayān* are covered through words that include all acts of worship (*ibādāt*).

Inclusion and Exclusion of Textual Indications

The textual indication wording with respect to the inclusion or exclusion of its intended audiences can vary; or the textual indication may take the form of an imperative action or prohibitive. With respect to the inclusion and exclusion, the texts are classed as *āmm* (general), *khāss* (specific), *mushtarak* (homonym), *mutlaq* (absolute) or *muqayyad* (qualified); while with respect to command and prohibition these are defined as *amr* (command) and *nahy* (prohibitive). In the subsequent pages a detailed discussion of these textual concepts will be covered, highlighting both Hanafī and *Mutakallimūn* perspective.

Āmm (General)

Āmm meaning general and inclusive (*shāmel*); conventionally it is defined as that which is inclusive in totality to all that it may refer and applies its legal ruling. *āmm* in its ruling includes a number of similar entities under its indication. Inclusive ruling (*hukm āmm*) is understood through the form of its narrative, the pattern of expression (*sīgha*). There are many patterns of expressions within *āmm* but two are most important; the first one is the usage of the word 'all' (*kul*) and the second is the use of expression 'all, altogether'. As an example, the Qur'ānic verse: 'all food were permitted to children of Israel' (Qur'ān, 3:93). An example of *hadīth*: 'Every intoxicant is wine (Muslim, 23:4699). Sometimes the definitive article '*al-*' (the) such as 'the believers succeeded' is an indication of *āmm*. Also the use of relative pronouns such as '*al-lazī*' (that) etc. and conditional nouns such as '*man*' (whomever) etc. indicate a general ruling. An example from the Qur'ān: 'whoever gives a loan to God' (Qur'ān, 2:245).

The ruling of *āmm* is to carry the required command as indicated in its expression upon all qualifying persons; however, there can be exception where the general application becomes a specific. This exception must be supported by evidence. *āmm* can be none speculative (*delāla qatī*), this is according to Hanafī school and can also be taken as speculative evidence (*delāla zannī*) according to *Mutakallimūn*. One critical usage that is present in the Qur'ān, is the usage *āmm* expression but intended to be meaning specific (*khāss*), this is a common phenomenon within the Arabic language usage, the intention of the speaker needs to be considered at all times. (Zuhaylī, 1986:242-250).

Khāss (Specific)

The *khāss* refers to instances where the text indicating its ruling only applicable to a single person or a specific group of people. This is in contrast to *āmm* as discussed earlier. *Khāss* may also be referred to as exception (*takhsīs*) of a *āmm* ruling, which is the reduction of an inclusive, general rule to some of its constituent's members only and not applicable to all. Some exceptions are called

muttasal (dependent), which means it is linked to the general evidence present within the text; others are called *munfasal* (independent) which is not linked to the general evidence. Examples of *muttasala* (dependent) exception are usually seen with the usages of the word 'except' (*istisnā*) within the text or using conditional phrases (*shart*), or a descriptive hint (*sifa*) to make it exception, or using a purpose (*ghaya*) as indication of exception. The exceptions of *munfasal* (independent) is the feeling, the spirit or the sensing within the context that exception is required (Zuhaylī, 1986:242-250). The textual *nass* (explicit) exception includes all references in the Qur'ān and the well-known *ahādīth*. As an illustration we can use the Qur'ānic verse: 'leave the divorcee to wait for three periods of menstruation' (Qur'ān, 2:228) but there is an exception with respect to the pregnant women, for which her waiting period is until she gives the birth of the child. This is an example of reducing the application of a general rule on specific people. Also the generic inheritance verse in the Qur'ān where offspring are expected to inherit; however, there is an exception established by *adīth* that removes the right of inheritance from the one who murders someone from whom he or she stands to inherit (Ibn Mājah, 23:2645). Also, exception acted up through consensus (*ijmā'*). As an example, the Qur'ānic verse on the inheritance distribution of someone who has no offspring (*kalāla*), although the verse indicated inheritance to be given to siblings, then by consensus the inheritance is offered to the siblings from the mother side only. (Zuhaylī, 1986:245-250).

Mushtarak (Homonym)

Mushtarak refers to a word which has more than one meaning. The word 'ayn is an example of the *mushtarak* in Arabic, which indicates diverse things, such as the eye, the spy, and water-spring. An example in the Qur'ānic verse we have the word period '*qurū'*' (Qur'ān, 2:228) which discussed before, has two meanings, namely period of menstruation, and the period of cleanness between two menstruations. The Hanafī school have upheld the view of menstruation period, while the *Mutakallimūn* school have upheld the cleanness period for *qurū'*. (Abu Zahrah, 1958:193). The literal (*haqīqī*) and the metaphorical (*majāzī*) words also fall under this classification. The *haqīqī* (actual) is the intended meaning as per wording, the usage of the word to which it was assigned. That is what initiates to mind as meaning, is the actual meaning. Such as saying a book, a house etc.

There are three types of *haqīqī*, the *haqīqī lughawī* (linguistic) which is based on agreement with the linguistic interpretation; *haqīqī shari'a* (conditional), which is based on harmony with the law, agreement with the established religious understanding and not on the linguistic interpretation. If there is a conflict between *haqīqī lughawī* and *haqīqī shari'a*, then *haqīqī shari'a* is favoured. Finally, there is *haqīqī rfi* (custom), which is based on the custom, where words could mean different things to different people and the meaning changes in different locations (Zuhaylī, 1986:292-298).

The *majāzī* (metaphorical) usage is where the understanding is beyond the evident meaning. It is taking a form of figurative understanding. In principle, the meaning of the words are taken as it is assigned to, but *majāzī* comes into effect when there is an indicator (*qarīna*) directly or indirectly within the text that makes it moving from the literal understanding of the words to the metaphorical understanding. There are different views as to the usage of *majāz* within the Islamic disciples, or its existence with the primary sources (Qur'ān and Sunnah). In general, the views are divided into two main categories. First is the understanding that *majāz* exist in the Arabic linguistic and is used in the Qur'ān. Large group of *ulamā'* have accepted this view and use *majāz* in their interpretation. They point out that there are numerous examples of metaphor usage in the Qur'ānic verses, such the Qur'ānic verse 'and lower your wing to those who follow you of the believers' (Qur'ān, 26:215). This expression cannot be taken literally but in a metaphorical sense, which meaning shower you attention and kindness. The second view is that *majāz* does not exist in the language or in the Qur'ān. They argue that in Arabic, there are various types of usage of Arabic and metaphor is a specific type of these various usages. It is not called *majāz* but is a composition of the linguistic terms. Ibn Tamiya (d. 1328) and his followers are advocating the view that *majāz* does not exist in the Arabic language or the Qur'ān (Zuhaylī, 1986:298-307).

Mutlaq (Absolute, Unqualified)

Conventionally *mutlaq* meaning absolute or unqualified understanding and the application of the ruling without restriction to a specific and descriptive nature (Zuhaylī, 1986:208-209). Such as saying ‘book’, that signifies the actual item but lacking details as to what type of book is it or the details of its content. There is a similarity do exist between *mutlaq* and *āmm*. The difference between relates to what is acted upon. The *āmm* ruling is inclusive; meaning requires to be acted by all, whereas the *mutlaq* only associated to a single person only. An example is the Qur’ānic verse in connection with expiation (*kaffāra*), ‘freeing a female slave’ (Qur’ān, 4:92). The text uses a generic term for a ‘female slave’ without any condition. This may include a believing or non-believing slave; however, in another verse we read ‘freeing a believing women slave’. Specifies a condition a ‘believing women’. The accepted ruling is to act by the *mutlaq* wording unless there are compelling evidence within the text to preform otherwise (Zuhaylī, 1986:208-209).

Muqayyad (Qualified)

The *muqayyad* (qualified) refers to textual indication where the ruling carries a specific quality or condition which in a sense limiting its application to a qualified condition. As an example of comparative analysis with *mutlaq*, one could say, I went on holiday; this statement is considered as *mutlaq* since its absolute with no further details. However, if one to say I went on holiday to Turkey then its *muqayyad*, since it qualifies with extra information in its usage. At times, there can be similar ruling given in both *mutlaq* and *muqayyad* formats, similarly to the *āmm* and *khāss* as discussed previously. The normal approach would be to judge the context; however, as in the case of *takhsīs*, the *muqayyad* is acted upon. In a sense letting *mutlaq* to be expressed in terms of *muqayyad* (*haml mutlaq alal muqayyad*). An illustrative example from *hadīth*s can be on the issue of a person who leaves bear his ankles during prayer. One *hadīth* reports ‘The part of garment which hangs below the ankles is in the fire’ (Bukhari, 72:678); however another *hadīth* mentions, ‘God will not look at the person who drags his garment (behind him) out of conceit’ (Bukhari, 72:674). How to reconcile between the two *hadīth*s? *ulamā*’ consensus is to apply the second *hadīth* being *muqayyad* over the first one which is *mutlaq* (Zuhaylī, 1986:209-212).

Amr (Imperative Command)

The *Amr*, the imperative command is one of the most important topics within the *usūl al-fiqh* discourses. Many legal rulings that are established within the *shari’a* are part of the commands (*awāmer*). How to know the expression is an *amr*? What are its intended meaning and what are the linguistic parameters indicating that the expression refers to a command. Often the *amr* is directly, but on occasion can be indirectly. *Amr* may requires an act to be performed unconditionally or with certain conditions. These are fundamental issues that *usūlis* pay attention to when deducting rules; through detail analysis identifying the intended meaning of the Qur’ānic verses and the reports of Prophet. Conventionally in *usūl al-fiqh* the *amr* is a command initiated by a higher order of authority in a hierarchical sense. Therefore, God asking for an action to be performed by servant is an *amr* (*talab al-f’al ala jihat istilā’*). If the *amr* is from the servant (lower hierarchy) then it is referred to as supplication (*dua*). (Khallāf, 1956:171-174). The sign or format (*sīgha*) that indicates *amr* (command) is mainly the usage of imperative verb *if’al* (do!), such as saying *aqīm ṣalāt* (stand for prayer). In addition, the usage of present verb preceded by the letter *lam* instructs a command. Such as the Qur’ānic verse ‘let the man of wealth spend from his wealth’ (Qur’ān, 65:7). Here the letter ‘*la*’ indicates the sign of an imperative command meaning. In addition, the usage of the words *wajaba* or *farada* (made compulsory) within the text indicates the imperative nature of the meaning. Additionally there are texts pointing to actions that may result in rewards or punishment, or texts that praises the doer or narrative of praises to the doer in its context. All such signs indicate an imperative command within the text (Zuhaylī, 1986:232-242).

Acting on *amr* is *wajab* (compulsory); however, it can indicate a non-compulsory nature if there exist a *qarīna* (indication to that effect). Also the *wujūb* status will be dropped to a recommended status if there is a reason on the basis from the Qur’ān, Sunnah or *ijmā’*. As an illustrative example, a Qur’ānic verse advocates having witnesses in purchase related dealings

(Qur'ān, 2:282); however, the Prophet did not take witnesses in his dealing. Accordingly, the verse is taken as mere recommendation since we identified a reason in the practice of the Prophet that lessen the compulsory nature of the verse. Another consideration for *amr* is whether the action be acted upon immediately or can be delayed? Within the rulings, there are acts that does not specify a time or period (*mutlaq*) and those that require immediate (*fawr*) action. In general, commands for compulsory actions are performed once unless there is a reason or other indication to be repeated (Zuhaylī, 1986:232-242).

Nahy (Prohibitive)

The *Nahy* (prohibitive), a prohibitive command initiated from a higher order of authority (*talab tark al jahit istilā'*). Many issues related to the *nahy* and *amr* are linked to the accepted theological concepts. The sign or format (*sīgha*) that indicates the *nahy* can be a clear statement but on occasions, it is not obvious within the text. The clear *nahy* is based on the usage of verbal form 'do not!' (*la taf'al*), such as the Qur'ānic verse: 'and do not approach immoralities' (Qur'ān, 6:151). In other instances, the text may admonitions someone or something, and that is taken as an indication of prohibition. Also the actual usage of the 'prohibition words' (*lafz tahrīm*) if often given. Such as the Qur'ānic verse: 'forbidden to you the dead animal.. .' (Qur'ān, 2:173). Another occurrence of a *nahy* classification can be while describing penal codes or admonishment for dissent.

Principally the expression of *nahy* is a forbidden (*tahrīm*) statement; however, the expression can take other forms of avoidance beside *tahrīm* if there is indication (*qarīna*) or a reason within the context. As *amr* indicates an immediate application of the ruling and continuity, the same applies to *nahy* that is avoiding what is forbidden immediately and continually. As an example is the prohibition of alcohol, it is forbidden now and will continue to keep the same prohibitive status. *Nahy* can have levels, some are absolutely insisted upon to avoid, and there are other *nahy* text that are lesser in its levels of seriousness. Categories are generally of two types, the major sins (*kabayer*) and the minor sins (*saghayer*). The expiation (*kaffāra*) of major sins are only through asking God for forgiveness and repentance (*tawba*), but expiation of minor sins are through certain acts of charitable or religious partaking activities. Example of the major sins includes fornication (*zinā*), disbelieve (*kuf*), these are also referred to as inherent prohibitions (*al-munhi anhu lazātehe*). The minor sins are linked to a situational or to avoid a pretext that may lead to the actual act that is forbidden (*al-munhi anhu lahayrehe*) (Zuhaylī, 1986:232-242). Let us now focus on the analysis of aforementioned discussions with respect to textual indications.

Analysis of the Subject Matter

Looking at the previous aspects of the article it becomes discernible that textual indications has roots within the sciences of system of belief (*ilm al-aqedah*), theological postulates (*ilm al-kalām*), and the Arabic language with its lexical and philological roots. In addition what is observable is that the knowledge of existing and established practical rulings (*ilm ahkām shari'a*), or *fiqh*, itself helps *usūlis* drawing similarities and in effect driving principles based on these established practices. It is commonly acknowledged that *fiqh* precedes the *usūl al-fiqh* and as indicated it was only during the second century of Islam that important developments took place in the field of *usūl al-fiqh*. Through the works of al-Shāfi'ī and his later disciples as well as later disciples of Abu Hannifa it was agreed that *usūl al-fiqh* was articulated into a coherent body of knowledge. Al-Shāfi'ī devoted his *risālah* (treatise) exclusively to this subject, and this is widely acknowledged to be the first work of authority on *usūl al-fiqh*. He discussed commands and prohibitions, syntax and style, traditions, abrogation, and the position of *ratio legis* indicated in a text in relation to analogy (Ibn Khaldūn, 2001:6:13).

Another important element that associated with discipline of *usūl al-fiqh* in general is the close ties with rhetoric (*balāgha*). Since Qur'ān and *hadīth* were regarded as major examples of eloquent prose in Arabic and as the first Arabic rhetorical discussions arose around the verses of the

Qur'ān, the proper understanding of the verses depended on rhetorical principles; and, subsequently, knowledge of the rhetorical principles was deemed to play a principal role in legal reasoning (Modarressi, 1986:787).

The early discussions on various aspects of *dalālāt alfāz* also confirm what Ibn Khaldūn (d. 1406) mentions in his *Muqaddimah* commenting that there are two methodological approaches to the sciences of *usūl al-fiqh*, indicating one as the school of Hanafī and the other as the *Mutakallimūn*. Hanafī jurists wrote on the subject of *usūl al-fiqh* and they verified the basic rules and discussed them extensively. The speculative theologians also wrote on the subject, however, treatment by jurists is more germane to jurisprudence and more suited for practical application to special cases, (than treatment of the subject by speculative theologians), because (juridical works) mention many examples and cases and base their problems on legal points. The theologians, on the other hand, present these problems in their bare outlines, without reference to jurisprudence, and are inclined to use (abstract) logical deduction as much as possible, since that is their scholarly approach and required by their method (Ibn Khaldūn, 2001:6:13).

Touching on the historical development of the methodologies, the method of jurists (*fuqahā*), which is identified to the methodology of Hanafī school pays attention to existing rulings (*ahkām*) and new decrees (*fatwas*) that were reported from the scholars of the school, then built their principles through an inductive process. The Hanafī jurists, including Abu Hanifah himself, left no systematic book on *usūl al-fiqh* as did al-Shāfi'ī. Instead, they left a number of books that are full of cases of *fiqh* containing the opinion of Hanafī leading jurists such as Abu Hanifah, Abu Yusuf (d. 798), and Muhammad al-Shaybanī (d. 805). Hence, the later Hanafī jurists established principles and theories of sources by observing cases pre-determined by their imams. In consequence, principles of *fiqh* in Hanafī school of law are formulated in the light of its applicability to relevant cases where cases are the proof of the rationality of a particular principle. Some of the important writings on the Hanafī methodology is associated to scholars such as Ali Muhammad al-Bazdawī (d. 1089) referred to as *usūl al-bazdawī*, Muhammad al-Sarkhasī (1096) and his *usūl al-sarkhasī*, and *usūl al-Shashī* either from Nizam al-Din al-Shashī (d. 13th Century) or Abu Ibrahim Ishaq al-Shashī (d. 937) (Ibn Khaldūn, 2001:6:13).

In contrast, the *Mutakallimūn* methodology applies a deductive process from the principles to the rulings. As indicated by Ibn Khaldūn, this method is described as a purely theoretical method; thus not influenced by any derivative rules. According to this method, the principles of *usūl al-fiqh* must be based on logical and rational argument; supported by sound evidence (Ibn Khaldūn, 2001:6:13). Whether these principles are against pre-determined branch rules or not does not affect the establishment of a particular principle. Ibn Khaldūn mentions that the first scholar to write on the subject was al-Shāfi'ī. He dictated his famous *risālah* on the subject. In it, he discussed commands and prohibitions, syntax and style, traditions, abrogation, and the position of *ratio legis* indicated in a text in relation to analogy (Ibn Khaldūn, 6:13). It is obvious that many scholars have followed the same method in their writings. Thus, this method is referred to as the method of majority (*jumhur*) of jurists (Ibn Khaldūn, 6:13). The important writings within the theologian methodology includes *ar-rāsala* of Imam al-Shāfi'ī; *al-ahkām fī usūl al-ahkām* of al-Āmidī (d. 1233), *a1-Burhan* of Imam al-Haramayn al-Juwaynī (d. 1085), *al-Mustasfā* of al-Ghazālī (d. 1111). In addition to the two methodologies described; in recent times there is a considerable interest in the methodology based on the objectives, or purposive of law (*maqāsid shari'a*). The most important development in this field is the work of Abu Ishaq al-Shātibī (d. 1388) in his book the *al-muwāfiāt fī usūl al-shari'a*. This method has taking a significant interest in the modern era among reformist movements and scholars advocating for the reinterpretation of legal rulings, arguing on the theoretical principles presented by al-Shātibī.

Moving on from the historical discussions, we will now engage in the analyses of the deliberations on various aspects of *dalālāt alfāz* as presented earlier in the articles. It can be argued that in most respects there seems to be a harmony between the Hanafī and *Mutakallimūn* schools and this is found in most of the discussions and definitions presented in this article. A comparative analysis demonstrates and makes it apparent that differences are mostly related to the usage of terminology, whilst the substance and content understanding tend to be the same in majority cases for both of the schools. For instance, to analyse the terms used within the two schools; firstly, the Hanafī

classification of *ishārat al-nass* (meaning of text by reference) is the equivalent of *Mutakallimūn* classification of *dalālāt ishara* (reference indication), in its actual meaning and usage. Secondly, the Hanafī classification of *iqṭadā al-nass* (meaning of text with prerequisite) is very alike the *Mutakallimūn* classification of *dalālāt iqtidā'* (prerequisite indication). Thirdly, the Hanafī classification of *dalālāt al-nass* (meaning of text by extrapolation), is similar to the *Mutakallimūn* classification of *mafhūm muwāfiqah* (congruent implication). Fourthly and finally, the Hanafī classification of *Ibārat al-nass* (meaning of text as per denotation) is the same as the Hanafī classification of *mantūq sarīh* (explicit meaning) and *dalālat al-tanbīh wa'l-īmā'* (descriptive indication) (al-Khen, 1982:146).

One important difference between them, however, is that the Hanafī school does not recognise *mafhūm mūkhalifah* (counter implication) as presented by the *Mutakallimūn*. The reason that the Hanafī school does not take *mafhūm al-mūkhalifah* as evidence in their rulings is that they regard 'the unmentioned, the silent (*maskūt*)' cannot be taken as a valid reason for deduction purposes. On the other hand, the *Mutakallimūn* argue that there are reasons to adopt *mafhūm al-mūkhalifah*, first is the understanding and reports from the Prophet, for instance when the Prophet was asked what to wear when performing pilgrimage, he said not to wear attires; which indicates for them to wear anything else (*iḥram*). The second reason is the inherent understanding of the Arabs; they habitually use *mafhūm al-mukhālifah* and therefore find it natural to build upon it a ruling (al-Khen, 1982:181).

On the subject of text clarity and ambiguity, as presented in earlier discussion, the Hanafī school classified clarity into four groups of *zāhir* (evident), *nass* (explicit), *mufassir* (explained) and *muhkam* (lucid), with *zāhir* being the least clear text and *muhkam* being the most clear. Similarly, ambiguity of the text is divided into four groups; *khafī* (obscure), *mushkil* (difficult), *mujmal* (inconclusive) and *mutashābah* (intricate), where *khafī* is the least ambiguous text or word and *mutashābah* being the most ambiguous text or word. In comparison to the Hanafī school the *Mutakallimūn* school is simpler, they only classified clarity and ambiguity into three groups of *zāhir*, *nass* and *mujmal*. In effect once again, there is a similarity and close terminology usage between the two schools. The *zāhir* definition in *Mutakallimūn* school is the same to what the Hanafī school agreed upon. The *nass* in *Mutakallimūn* school definition in reality includes what the Hanafī defined as *nass*, *mufassir* and *muhkam*. Similarly, the *mujmal* definition in the *Mutakallimūn* school is inclusive of the four ambiguity levels that the Hanafī school has identified in their assessment.

With respect to text inclusivity and exclusivity, both school use common terminology and definitions as discussed, namely, *āmm* (general), *khāss* (specific), *mushtarak* (homonym), *mutlaq* (absolute, unqualified) and *muqayyad* (qualified). However, there are some differences, for the purposes of comparative analysis, looking at the case of *āmm* (general) there is a technical difference between the two schools. The *Mutakallimūn* argue that the application of the rule to its constituents, as stated in the inclusive indication of the text, is only speculative, that it cannot be taken as absolute certainty, whereas, the Hanafī school claim that the application of the rule to its constituents in the *āmm* indication within the text is certain, not speculative. The *Mutakallimūn* school reasoning is that in the case of *āmm* there is always a possibility of exception (*takhsīs*); but the Hanafī school argue that the wording which is assigned will carry its meaning, that it is applicable as stated unless there is a specific reason, or evidence within the text to the contrary (al-Khen, 1982:204).

With regard to the *amr* (imperative) and *nahy* (prohibitive) texts as discussed, once again, with respect to its rulings, an overall common understanding is apparent between the Hanafī and the *Mutakallimūn* schools, but there exist differences in their detail definitions. For instance, comparing the attitude of the two school in the case of *amr*, most jurists including school of the *Mutakallimūn* assume that *amr*, as it is worded, is a request that must be acted upon (*wujūb*) unless there is an indication (*qarīna*) that negates that command. On the other hand, some Hanafī scholars regard the wording of *amr* to carry one or to have both, a compulsory (*wujūb*) and a recommended (*mandūb*) meaning (al-Khen, 1982:301).

Conclusion

The first part of the article delivered a brief but comprehensive understanding of the foundation of jurisprudence and the following subheadings provided a precise account of the various topics that are associated with the subject matter of *dalālāt alfāz*. It illustrated with examples the perspective of the Hanafī and the *Mutakallimūn* schools with regards to the interpretation of textual indications. Moreover, the article demonstrated the major differences that exist with respect to *dalālāt alfāz* between the two aforementioned methodologies.

The paper illustrated through comprehensive analysis an insight that the foundation of jurisprudence described along with textual indications is based upon core legal evidences, and that it engages many differences of opinion among scholars of independent judgment and those within the respective schools of Hanafī and *Mutakallimūn*. Differences of opinion result from the different sources and differing methodologies they use. Their different outlooks are unavoidable as stated in the aforementioned topical discussions of textual indications. Hallāq put it very well as a general conclusion to this dilemma of diverse approaches to textual interpretation by the two schools under study in the following terms; ‘the challenge for the jurist starts by looking at a particular word in legal language from the aspects of metaphor or in its real sense’. Meaning that metaphorical or otherwise, words may also be clear or ambiguous. When ambiguous, they can brook different interpretations, because the referent of such words includes several attributes or different genera. General terms are also problematic in the sense that they refer to two or more individuals, as in the case of plural nouns and general statements that include more than one genus. When confronted with such language, the jurist is faced with the task of particularization, namely, determining which genus or genera is meant by the general statement. Hallāq further expounds on it by saying:

As a system of obligations, law depends heavily on prescriptive textual expressions of the type ‘Do’ or ‘Do not do,’ known, respectively, as imperatives and prohibitive. Such expressions were not devoid of interpretive problems either, as their effects were often ambiguous. For example, when someone commands another, telling him ‘Do this,’ should this command be construed as falling only within the legal value of the obligatory norm, or could it also be within that of the recommended and/or the indifferent? The position of the majority of legal theorists seems to have been that imperatives, as a rule, are assumed to engender obligation, unless shown otherwise by circumstantial or contextual evidence. Furthermore, an imperative form that is non-specific does not require performance at a particular time, as long as what is commanded is performed within the widest definition of the allotted time. Some theorists viewed prohibitive as encompassing commands not to do either of two types of acts: sensory and legal acts”. (Hallāq, 2005:133-134)

Many may say that there is a sense of over-complication in the interpretation of textual indications, but one has to appreciate the extent to which the schools attempted in being precise. It is a wonder to look at the Hanafī school’s industrious attempt in their categorization to approaches in extracting the meaning of text (textual Implication) including *ibārat al-nass*, *ishārat al-nass*, *dalālāt al-nass* and *iqtidā’ al-nass*. Additionally, on the levels and depth of clarity and ambiguity of the actual words, which includes *zāhir*, *nass*, *mufasssir*, *muhkam*, *khafī*, *mushkil*, *mujmal*, *mutashābah* are all testimony to the diligent efforts of the jurists. Then we see a different but still comprehensive viewpoint from *Mutakallimūn*, who approached it from a logical and theological perspective, embarked on a significant classification of speech into *mantūq* and *mafhūm* and their various derivatives. These all are an illustrative example of a meticulous and painstaking approach in the attempt of trying to be very explicit, clear-cut in their final deliberations while devising the framework of *usūl al-fiqh*. Equally as exemplified is the extensive consideration of textual inclusion and exclusion that occupied the minds of scholars from both schools.

In conclusion, there is a common ground with *dalālāt alfāz* for both schools in the interpretation of the text from perspective of its actual meaning despite their usage of differing terminology, as illustrated within the analysis section of the article where the Hanafī school disregard *mafhūm al-mūkhālifah*. Within the perspective of clarity and ambiguity, various discourse as *zāhir*, *nass*, *mufasssir*, *muhkam*, *khafī*, *mushkil*, *mujmal* and *mushābah* were discussed and once again noticeable commonality was apparent despite the *Mutakallimūn* school limiting clarity and ambiguity

to only three of *zāhir*, *nass* and *mujmal*. Moreover, when looking at inclusivity and exclusivity of the text and the imperative and prohibitive command, only minor variation were observed.

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