

The Holy Qur'an as the First Source of Ijtihad

Jurisprudents of the various Islamic sects have expressed different views concerning the sources of *ijtihad*. Before these are examined in detail, their brief description will be in order.

1. The first view pertains to the majority of Imamiyyah jurisprudents of the Ja'fari school. They maintain that the Book, the Sunnah, *ijma'* (consensus), and *'aql* (reason) constitute the sources of *ijtihad*.
2. However, some, like the Akhbaris, who follow Mulla Muhammad Amin al-'Astarabadi (d. 1033/1623) accept only the Sunnah as the source for derivation of *ahkam*.
3. Some, like the jurisprudents of the Hanafi school, regard the Book, the mutawatir Sunnah, statements of the Companions, the Companions' consensus, *qiyas*, *istihsan* and *'urf* (custom) as the sources of *ijtihad* – as mentioned by Abu Zuhrah in his *Ta'rikh al-madhahib al-'arba'ah*.
4. Some others, like the 'ulama' of the Maliki school, followers of Malik ibn Anas al-'Asbahi, believe these sources to be the Book, the Sunnah, consensus of the jurists of Madinah, *masalih mursalah* (a kind of *qiyas*), such statements of the Companions as are not based on *ray*, and *qiyas mansus al-illah*. This is according to Dr. Subhi Mahmasani, in his book entitled *Falsafat al-tashri' Al al-Islam*.
5. Another group, like the Shafi'i jurisprudents, followers of Muhammad ibn Idris al-Shafi'i, regard the Book, the Sunnah, *ijma'*, and *qiyas mustanbat al-illah* as the sources of *ijtihad*. This too has been mentioned in *Falsafat al-tashri' fi al-Islam*.
6. According to some others, like the 'ulama' of the Hanbali school, followers of Ahmad ibn Hanbal al-Shaybani, the sources of *ijtihad* are: the Book, the Sunnah and the fatwas of the Sahabah when these do not contradict the Book and the Sunnah – even *mursal* and *daif* traditions.
7. Some others, like the 'ulama' of the Zahiri school, followers of Dawud ibn 'All al-Zahiri al-Isfahani, restrict themselves to the Book, the Sunnah, and *ijma'*: Furthermore, they see no scope for *ijma'* after the era of the Caliphs. In the words of the second leader of this school, Ibn Hazm al-Andalusi al-Zahiri, anyone who claims *ijma'* on questions arising after the period of the

Caliphs makes a false statement.

It is notable that whatever has been mentioned above on the subject are not the only viewpoints; there are many others as well. For example, Ustadh Mubammad al-Dawalibi in his book *al-Madkhal ila 'ilm usul al-fiqh*, describes the sources for inference of *ahkam* as:

- (1) the Book,
- (2) the Sunnah,
- (3) *ijma'*,
- (4) *ijtihad*.

This view has been accepted by Muhammad Rashid Rida, the renowned author of *al-Wahy al-Muhammadi*. Furthermore, according to that which has been ascribed to Malik ibn Anas al-'Asbahi the sources of *ijtihad* comprise:

- (1) the Book
- (2) the Sunnah
- (3) *ijma'*
- (4) *qiyas*,
- (5) *istihsan*
- (6) the principle of *istislah*,
- (7) *al-madhhab al-Sahabi*,
- (8) *sadd al-dhara'i*
- (9) *fath 'al-dhara'i*,
- (10) *qanun al-salaf*,
- (11) *istishab*,
- (12) *istiqra'*
- (13) *bara'ah asliyyah*,
- (14) *'urf*,

(15) *istidlal*, etc.

However, we will confine ourselves to the above views, proceeding to examine the impact of these different views of *ijtihad* and legal deduction.

It is evident that the theoretical differences about the sources of *ijtihad* should lead the jurists, in the process of legal deduction vis-à-vis new problems and developments, to adopt different courses resulting in divergent *fatawa*. Hence we find different schools of thought in the history of jurisprudence and *ijtihad*.

However, of the many schools of thought, only five came to be officially recognized, namely, the Ja'fari, the Hanafi, the Maliki, the Shafi'i, and the Hanbali. With the passage of time the others have been abandoned and forgotten.

The Sources of Ijtihad

We will now discuss and examine the sources of *ijtihad*, one by one, in order to gain a better acquaintance with the basic sources for inferring and deducing the *ahkam*.

As indicated earlier in our discussion, the very first source of *ijtihad* is the Book. Accordingly, the subject of discussion in this article will be the Qur'an, held in common accord by jurists of all schools of thought in Islam (including, besides the well-known five, the Zahiri, Jariri, Tamimi, Nakh'i, Awza'i, Thawri, Laythi, Kalbi, and other schools now extinct) as the primary source of reference for identifying the *ahkam* of the Shari'ah.

If any occasional difference among the schools of thought is discernible concerning the Qur'an, it relates to opinions concerning the interpretation of the verses, and other problems like *naskh* (abrogation), *tahrif*, the criteria of *amr* and *nahy*, *'amm*, *mutlaq*, etc. However, this procedural aspect does not affect the purpose of our present discussion.

The Holy Qur'an represents the primary source of Divine laws and, as such, the Book has precedence over the other sources to be consulted for obtaining the *ahkam* of the Shari'ah. The Qur'an has been, and will remain – in addition to being the comprehensive source of Divine laws – the criterion for judging traditions and ahadith. It is on this very basis that from the time of the Holy Prophet (S) till now and forever, the Book remains the primary source of reference for Islamic jurists.

The history of jurisprudence and *ijtihad* testifies to this fact. However, when this basic source is examined from the standpoint of *ijtihad* and legal deduction, certain noteworthy issues arise. It is invariably essential to pay due attention to such matters as fiqh al-Qur'an (juristic study of the Qur'an), the determination of the Qur'anic verses having a bearing on legal deduction, the determination of the *muhkam* and the *mutashabih*, the problem of restriction (*takhsis*) of the general import (*'amm*) of the verses by *khbar al-wahid*, the legitimacy of interpreting the Qur'an in the light of *khbar al-wahid*, etc.

These are issues that simply cannot be ignored. Their effect on the derivation of *ahkam* from the Qur'an, too, cannot be overlooked.

An Overview of the Ayat al 'Ahkam

A significant number of Qur'anic verses constitute *ayat al-'ahkam* (legally relevant verses). These verses have been, and are, the basis for deriving *ahkam*. Their number totals approximately five hundred. These were gradually revealed on various occasions during the years following the Prophet's Hijrah. Accordingly, the *ayat al-'ahkam* are to be sought in the Madani verses.

The *ayat al-'ahkam* lay down the Islamic laws and rules concerning social, penal and economic matters. In contrast, the Makkan verses mostly describe and prescribe doctrinal and ethical principles.

Over the centuries, the great Islamic jurists have painstakingly carried out continuous research concerning the *ayat al-'ahkam*, and in the course of their deductive endeavour have discovered many points of juristic and scientific interest. Many of the results of their efforts are now available to us.

Initial Research Concerning the Ayat al-Ahkam

To know when and by whom the first investigation into the *ayat al-'ahkam* was conducted is essential for familiarity with the history and development of *ijtihad*. Although there is no consensus in this regard, it is worthwhile that we recall what some scholars have opined in this connection.

1. 'Allamah Sayyid Hasan al-Sadr, in his esteemed work *Ta'sis al-Shi'ah li al-'ulum al-Islamiyyah* (p. 321), writes that the first book concerning *ayat al-ahkam* was written by Muhammad ibn Sa'ib al-Kalbi (d. 146/763). This view has been endorsed by Ibn al-Nadim in his *al-Fihrist* (p. 57), wherein he writes: "Al-Kalbi's *Kitab ahkam al-Qur'an* has been narrated by 'Abbas"

2. According to some the first research in this regard was conducted by Muhammad ibn Idris al-Shafi'i (d. 204/819), the founder of the Shafi'i school. 'Allamah Jalal al-Din 'Abd al-Rahman al-Suyuti (d.911/1505) in his *Kitab al-awa'il* accepts this, and writes: "Al-'Imam al-Shafi'i was the first writer on the subject of *ayat al-'ahkam*."

3. According to *Tabaqat al-nuhat*, some scholars are of the view that the first to write on *ahkam al-Qur'an* was 'Allamah al-Qasim ibn Asbagh ibn Muhammad al-Bayyati al-Qurtubi al-'Andalusi (304/916).

Among the aforementioned claims, the one in regard to the great Shi'i scholar Muhammad ibn Sa'ib al-Kalbi has greater validity, since his time precedes that of al-Shafi'i and al-Qasim ibn Asbagh al-Bayyati. That which has been claimed by al-Suyuti appears to signify his intention to mention the first Sunni writer on *ayat al-ahkam*.

From among the Sunni 'ulama', 'Ali ibn Mush al-Qummi (d. 305/ 917) from the Hanafi school, Abu Ishaq Isma'il ibn Ishaq (d. 282/895) from the Maliki, and Abu Ya'la Kabir (d. 458/1066) from the Hanbali, appear to be the first researchers in this field.

The Works on Qur'anic Fiqh

For acquainting ourselves further with the historical background of the subject under discussion, it seems appropriate that we list the important writings on *ayat al- ahkam* by 'ulama' of Islam.

A. Shi'i Works on Fiqh al-Qur'an

1. *Ayat al- ahkam* by Muhammad ibn Sa'ib al-Kalbi (d. 146/763). Besides this book, he had written a complete tafsir of the Qur'an.
2. *Tafsir al-khamsimi'at ayah fi al-'ahkam*, by Muqatil ibn Sulayman al-Khurashni al-Balkhi (d. 150/767).
3. *Tafsir ayat al- ahkam*, by Hisham ibn Muhammad ibn Sa'ib al-Kalbi al-Kufi (d. 204 or 206/819 or 821).
4. *Ahkam al- ahkam*, by 'Abbad ibn al-'Abbas al-Taliqani (d. 385/995).
5. *Sharh ayat al-'ahkam*, by Isma'il ibn 'Abbad (d. 385/995).
6. *Al-Ibanah 'an ma'ani al-qira at*, by Makki ibn Abi Talib al-Qaysi (d. 437/1045).
7. *Fiqh al-Qur'an fi ayat al-'ahkam*, by Qutb al-Din al-Rawandi (d. 573/ 1177).
8. *Tafsir ayat al- ahkam*, by Muhammad ibn al-Husayn al-Bayhaqi al-Nishaburi (d.c. 576/1180).
9. *Al-Nihayah fi tafsir al-khamsimi'at ayah fi al-'ahkam*, by Ahmad ibn 'Abd Allah Mutawwaj al-Bahrayni (dc. 771/1369).
10. *Kanz al-'irfan fi fiqh al-Qur'an*, by Fadil Miqdad ibn 'Abd Allah al Suyuri al-'Asadi al-Hilli (d. 826/1423). This book has been translated into Persian.
11. *Minhaj al-hidayah fi tafsir ayat al-ahkam*, by Ahmad ibn 'Abd Allah, known as Ibn al-Mutawwaj (d.c. 836/1432).
12. *Ayat al-'ahkam*, by Nasir ibn Jamal al-Din (d.c. 860/1456).
13. *Ma'arfa sa'ul wa madarij al-ma'mul fi tafsir ayat al- ahkam*, by al Hasan ibn Shams al-Din al-'Astarabadi (d.c. 900/1494).

14. *Ayat al-ahkam*, by 'Ali ibn Muhammad al-Shahaftiki (?) al-Mashhadi (d.907/1501).
15. *Tafsir shahi fi ayat al-ahkam*, by Abu al-Fath ibn Amir al-Husayni (d. 986/1578). This book has been written in Persian.
16. *Zubdat al-bayan fi sharh ayat ahkam al-Qur'an* and *Tafsir ayat ahkam al-Qur'an*, by Ahmad ibn Muhammad, known as al-Muqaddas al-'Ardabili (d. 993/1585).
17. *Ayat al-ahkam* by Muhammad ibn 'Ali al-Husayni al-Mar'ashi (d. during the reign of Shah Tahmhsib I).
18. *Ayat al-ahkam*, by Muhammad ibn 'Ali al-'Astarabadi (d. 1026/ 1617).
19. *Tafsir ayat al-ahkam*, by Rafi' al-Din Muhammad Husayn al Mar'ashi (d. 1034/1625).
20. *Tafsir shahi fi sharh ayat al-ahkam*, by Muhammad Yazdi, known as Shah Qadi (d.c. 1040/1630).
21. *Masalik al-ifham fi tafsir ayat al-ahkam*, by Fadil Jawad al-Kazimi (d. mid 11th century).
22. *Fath abwab al-jinan fi tafsir ayat ahkam al-Qur'an* by Muhammad ibn Husayn al-'Amili (d.c. 1080/1669).
23. *Mafatih al-ihkam fi sharh ayat al-ahkam al-Qur'aniyyah*, by Muhammad Said ibn Siraj al-Din al-Tabataba'i (d. 1092/1681). This book represents an exposition of *Zubdat al-bayan* by al-Muqaddas al-'Ardabili
24. *Inas al-mu'minin bi iqtibas 'ulum al-Din 'an al-nibras al-mujiz al mubin fi tafsir al-ayat al-Qur'aniyyat al-lati hiya al-ahkam al-asliyyah- wa al-far'iyyah*, compiled by Muhammad ibn 'Ali al-Musawi al-'Amili (d. 1139/1726).
25. *Tahsil al-itminan fi sharh Zubdat al-bayan fi tafsir ayat al-ahkam min al-Qur'an*, by Muhammad Ibrahim, known as Mir Ibrahim al-Husayni al-Tabrizi (d. 1149/1736).
26. *Qalayid al-durar fi ayat al-ahkam bi al-athar*, by Ahmad ibn Isma'il al-Jaza'iri (d. 1150 or 1151/1737 or 1738).
27. *Dala'il al-maram fi tafsir ayat al-ahkam*, by Muhammad Ja'far ibn Sayf al-Din al-'Astarabadi, known as Shari'atmadar (d. 1263/ 1847).
28. *Al-Wajiz Al tafsir ayat al-ahkam*, by 'Abd al-Husayn ibn Ibrahim al-Makhzumi (d. 1279/1862).
29. *Nathr al-durara' al-aytam fi sharh ayat al-ahkam* and *al-Durar al-aytam fi Tafsir ayat al-ahkam*, by 'All ibn ja'far al-'Astarabadi (d. 1315/1897).
30. *Muwaddih al-ahkam fi sharhiha*, by Muhammad ibn Fadl Allah al-Musawi al-Sarawi (Pahne Kolayi)

(d. 1342/1923).

31. *Miqḥad al-rashad fi sharḥ Ayat al-ahkam*, by Muhammad Mahdi al-Banabi al-Maraghehi (d.c. 1345/1926).

32. *Ayat al-ahkam*, by Muhammad Baqir ibn Muhammad Hasan Qayini (d. 1352/1933).

Of course, there are many other books and treatises written by Shi'i scholars that have been omitted from the above list, which represents only a selection.

B. Zaydi Works on Fiqh al-Qur'an

Some 'ulama' among the Zaydis who have acquired well-deserved fame have compiled books on *ayat al-ahkam*. Following are some of their works:

1. *Sharḥ ayat al-ahkam*, by Yahya ibn Hamzah al-Yamani (d. 749/1348).
2. *Ayat al-ahkam*, by Ahmad ibn Yahya al-Yamani (San'a') (d. 840/1436), not printed.
3. *Sharḥ ayat al-ahkam*; by Muhammad ibn Yahya Sa'di al-Yamani (d. 957/1550).
4. *Ayat al-ahkam*, by Husayn al-'Amri al-Yamani (d.c. 1380/1960).
5. *Sharḥ Ayat al-ahkam*, by Yahya ibn Muhammad al-Hasani, not printed.

C. Hanafi Works on Fiqh al-Qur'an

Among the Hanafi 'ulama', too, several have attained fame as contributors to the development of fiqh al-Qur'an. Some of their works are noted below:

1. *Ahkam al-Qur'an*, by 'Ali ibn Hajar Sa'di al-Maruzi al-Khurasani (d. 244/858)
2. *Ayat al-ahkam*, compiled by 'Ali ibn Musa (d. 305/917). He belonged to Qumm, and was the leader of Hanafis in his time.
3. *Ahkam al-Qur'an*, by Ahmad ibn Muhammad al-'Azdi al-Tahawi al-Misri (d. 370/933).
4. *Sharḥ ahkam al-Qur'an*, compiled by Ahmad ibn 'Ali al-Razi, known as al-Jassas (d. 370/980).
5. *Mukhtasar ahkam al-Qur'an* by Makki ibn Abi Talib al-Qaysi al-Qayrawani (d. 437/1045).
6. *Anwar al-Qur'an fi ahkam al-Qur'an*, by Muhammad Kafi ibn Hasan al-Basandi al-Iqhisari (?) (d. 1025/1616).
7. *Anwar al-Qur'an fi ahkam al-Qur'an*, by Muhammad Shams al-Din al-Harawi al-Bukhari (d.

1109/1697), apparently not printed.

8. *Ahkam al-Qur'an*, by Isma'il Haqqi (d. 1127/1715).

9. *Madarik al-'ahkam* and *Anwar al-Qur'an* by 'Abd Allah al-Balkhi (d. ~1189/1775), not printed.

10. *Ayahkam al-Qur'an* by 'Abd Allah al-Husayni al-Hindi (d. 1270/ 1853).

11. *Nayl al-murad min tafsir ayat al-'ahkam*, by Muhammad Siddiq al-Bukhari (d. 1307/1889).

D. Maliki Works on Fiqh al-Qur'an

Several among the Maliki 'ulama', as well, have been noted for their substantial research and contributions to fiqh al-Qur'an. Some of these are noted below:

1. *Ahkam al-Qur'an*, by Abmad ibn Mu'dhal (d. 240/854).

2. *Ahkam al-Qur'an*, by Muhammad ibn 'Abd Allah, known as Ibn alHakam (d. 268/881).

3. *Ayat al-'ahkam*, by Isma'il ibn Ishaq al-'Azdi (d. 282/895).

4. *Ayat al- ahkam*, by al-Qasim ibn Asbagh al-Qurtubi al-'Andalusi (d. 304/916).

5. *Ahkam al-Qur'an*, by Muhammad ibn Ahmad al-Tamimi (d. 305/917).

6. *Ahkam al-Qur'an*, by Musa ibn 'Abd al-Rahman, known as Qattan (d. 306/918).

7. *Ahkam al-Qur'an*, by Muhammad ibn al-Qasim, known as Ibn al-Qurtubi (d. 355/966).

8. *Ahkam al-Qur'an*, by Ahmad ibn 'Ali, known as al-Baghati (d. 401/1010).

9. *Ayat al-'ahkam*, by Muhammad ibn 'Abd Allah al-Andalusi, known as Ibn al-'Arabi (d. 542 or 543/1147 or 1148).

10. *Ahkam al-Qur'an*, by 'Abd al-Mun'im ibn Muhammad al-'Andalusi al-Gharnati (d. 597/1200).

11. *Ayat al- ahkam*, by Yahya ibn Sa'dun al-'Azdi al-'Andalusi (d. 670/ 1271).

12. *Jami ' ahkam al-Qur'an al-mubin*, by Muhammad ibn Ahmad al'AnsAri al-Khazraji(d. 671/1272).

Of course, there are other Maliki works on the subject besides those mentioned.

E. Shafi'i Works on Fiqh al-Qur'an

Several Shafi'i 'ulama' have attained fame for their compilations concerning fiqh al-Qur'an. Some of their works are noted below:

1. *Ahkam al-Qur'an*, compiled by Muhammad ibn Idris al-Shafi'i, the leader of the Shafi'i school of fiqh (d. 204/819).
2. *Ahkam al-Qur'an*, by Ibrahim ibn Khalid, known as Abu Tur alKalbi (d. 240/854).
3. *Ayat al-'ahkam*, by Ahmad ibn al-Husayn al-Bayhaqi (d. 458/1066).
4. *Ayat al-'ahkam*, by 'Ali ibn Muhammad al-Tabarsi (d. 504/1110).
5. An incomplete work by Ahmad ibn 'Ali, known as Ibn Hajar al'Asqalani (d. 852/1448).
6. *Ahkam al-Qur'an*, and *Ikliil fi istinbat al-tanzil*, by 'Abd al-Rahman ibn Abi Bakr al-Misri (d. 911/1505).
7. *Manar al-Islam fl sharh ayat al-'ahkam*, by Ahmad Zayni Dahlin alHasani (d.1304/1886), Mufti of Makkah.
8. *Ahkam al-Qur'an* by Ahmad ibn Yusuf Samin (d. 756/1355).

F. Hanbali Works on Fiqh al-Qur'an

Hanbali 'Ulama' have also greatly contributed to this subject and compiled several treatises. Of their compilations are:

1. *Ayat al-'ahkam*, compiled by Qadi Abu Ya'la al-Kabir (d. 458/1066).
2. *Ayat al-'ahkam*, by Muhammad Abu Bakr al-Dimashqi al-Razi, known as Ibn Qayyim al-Jawzi (d. 751/1350).

G. Zahiri Works on Fiqh al-Qur'an

Some 'ulama' of the Zahiri school have as well written books on fiqh al-Qur'an. Of their works are:

1. *Ahkam al-Qur'an*, compiled by Dawud ibn 'Ali al-Zahiri al-'Isfahani (201-270/816-883).
2. *Ahkam al-Qur'an*, by 'Abd Allah ibn Ahmad, known as Ibn al-Mufliis (d.324/936) .

Among the above-mentioned works, the best, perhaps, are: *Qala'id al-durar fi ayat al- ahkam bi al- athar* by Ahmad ibn Isma'il al-Jazairi from the Shi'i 'ulama', and *Ayat al-'ahkam* by al-Jassas Abu Bakr al-Razi al-Hanafi from among the Sunni scholars. Nevertheless, some of the discussions in these works evidence certain shortcomings. God willing, the salient features of these works will be described later.

In concluding this section of the article, it seems necessary to make a general observation concerning the jurisprudential study of *ayat al-'ahkam*. The thinkers of the Islamic legal schools have focused their

attention and research largely on matters relating to *'ibadat* (rituals), in which no shortcoming is noticeable.

The other areas inadequately dealt with include: *aradi* (land), *anfal* (use of natural resources), *jihad*, *qadawat* (adjudication), *hudud*, *qisas*, *ta'zirat*, *civil rights*, economic and social affairs, etc. It is to be hoped that the 'ulama' will fill this vacuum as early as possible.

Legal Deduction from the Qur'an

The most authentic of all the sources for identifying the Divine laws is the Holy Qur'an. With regard to this fact, there is no difference of opinion whatever between Shi'i and Sunni scholars. However, in making use of this great and everlasting source, it is essential that one should have knowledge of certain prerequisite matters. Without the knowledge of these prerequisites, an effort to infer *ahkam* from the Qur'an will neither be productive nor indicative of correct judgement.

For properly inferring the Divine *ahkam* from the Qur'an, there exist certain criteria and standards, for the Qur'an has certainly entrusted mankind with the framework for answering all the legal and legislative needs of man until the Judgement's Day. Evidently, one cannot expect to find a detailed and elaborate description of the *ahkam* in some five hundred verses.

Thus, in the Qur'anic verses we find mostly the general basic principles, which are susceptible to the derivation of particular laws. Furthermore, in many instances, it is possible to adjudge matters on the basis of an all-inclusive consideration of the Qur'anic statements of a general or specific nature, as well as its *nusus* and *zawahir*.

For this very reason, deduction of a *hukm* from the Qur'an requires expertise in usul and jurisprudential principles, and any novice unfamiliar with the subtleties of the revelation can hardly be expected to possess the power of deduction of the *ahkam* of the Shari'ah from the Qur'an.

On the other hand, it is these criteria and standards, as well as the degree of the understanding of scholars of them, that have given rise to differences among the Islamic sects in regard to the deduction of the *ahkam*.

Amir al-Mu'minin 'Ali (A) has given a statement in this regard. He says:

إن الله تبارك وتعالى أنزل القرآن على سبعة أقسام، كل منها شاف كاف، وهي: أمر، وزجر، وترغيب، وترهيب، وجدل، ومثل، وقصص وفي القرآن ناسخ ومنسوخ ومحكم ومتشابه، وخاص وعام، ومقدم ومؤخر، وعزائم ورخص، وحلال وحرام، وفرائض وأحكام، ومنقطع ومعطوف، ومنقطع غير معطوف،

وحرف مكان حرف ومنه ما لفظه خاص، ومنه ما لفظه عام محتمل العموم، ومنه ما لفظه واحد ومعناه جمع، ومنه ما لفظه جمع ومعناه واحد، ومنه ما لفظه ماض ومعناه مستقبل، ومنه ما لفظه على الخبر ومعناه حكاية عن قوم آخر، ومنه ما هو باق محرف عن جهته، ومنه ما هو على خلاف تنزيهه، ومنه ما تأويله في تنزيهه، ومنه ما تأويله قبل تنزيهه، ومنه ما تأويله بعد تنزيهه ومنه آيات بعضها في سورة وتامها في سورة أخرى، ومنه آيات نصفها منسوخ ونصفها متروك على حاله، ومنه آيات مختلفة اللفظ متفقة المعنى، ومنه آيات متفقة اللفظ مختلفة المعنى، ومنه آيات فيها رخصة وإطلاق بعد العزيمة لأن الله عز وجل يحب أن يؤخذ برخصه كما يؤخذ بعزائمه و...

On this basis, the inference of the Divine *ahkam*, the laws of the Shari'ah, and Islamic values presuppose sufficient knowledge of these kind of subtleties, nuances, specifics and particulars required for investigation and research into the meaning and significance of the Qur'anic verses. It is obvious that the different categories mentioned in the above narrations are to be found in the Qur'an, and each of them calls for meticulous and intensive study and investigation.

In this article, however, we will confine our discussion to only some aspects of the verses, *zawahir al-Qur'an*, *muhkamat* and *mutashabihat*, the *takhsis* (limitation) of the general statements of the Qur'an by *khbar al-wahid*, and some other issues.

The Authority of Zawahir al-Qur'an

That *zawahir* (literal meanings) of the Qur'an have authority (*hujjiyyah*), in that law can be deduced from the same, is something to be recognized at the outset.

The Akhbhris did not consider the *zawahir* of the Qur'an as a valid basis for action for anyone except the contemporaries of the Holy Prophet (S). They exclude even those who were not present during the period of revelation in Madinah. They believed that the *zawahir* had authority only for those whom the Qur'an was orally addressed to.

They held the conviction that the Qur'an is unlike other scientific books, whose authors generally do not have any specific audience in their minds, having only the exposition of their ideas in view. On the contrary, the Qur'an involves particular addressees to whom it speaks (elsewhere we have discussed the invalidity of this view and given answers to some of the doubts raised by the Akhbbaris).

The Usulis on their own part have advanced elaborate arguments upholding the validity of the Qur'anic *zawahir*.

Muhkamat and Mutashabihat

The Qur'an itself expressly states that its verses are divisible into two groups: *muhkamat* and *mutashabihat* (3:7). Since the faqih has to deal with both the kinds in the process of *istinbat* (legal deduction), it is necessary to discuss even if in passing the nature of the two.

The term '*muhkam*' is derived from '*ihkam*', signifying something that is stable, and firmly established and is not vulnerable. Accordingly, the *muhkamat* are verses which are clear and firm, easy to understand without requiring any special investigation and research.

When different components of something have similarity and are of an ambiguous or complicated kind, it is called '*mutashabih*'. Likewise, verses with ambiguous meaning and susceptible to various probabilities are called *mutashabihat*. Their comprehension is not easy without close examination and investigation in depth. To quote a tradition in this regard:

سئل أبو عبد الله عليه السلام عن المحكم والمتشابه، قال: المحكم ما نعمل به
والمتشابه ما اشتبه على جاهله.

Abu 'Abd Allih (al-'Imam al-Sadiq) (A) was asked about the *muhkam* and the *mutashabih*. He said: "*Muhkam* is that upon which we act, and *mutashabih* is that which appears ambiguous to one who is ignorant of it (i.e. of the exact import of the verse). (*Bihar*, vol. 92,p.382)

In the above narration, *على جاهله* (to one who is ignorant of it) signifies a fine distinction. It indicates that the *mutashabihat* are not unclear to one and all, including the Masumun (i.e. the Prophet [S], Fatimah [A] and the Imams [A]). The "*mutashabihat*" are so called because of the difficulty that most people face in understanding the verses. Al-'Imam al-Shdiq (A) has also pointed out that:

المحكم ما يعمل به، والمتشابه الذي يشبه بعضه بعضا.

...The *muhkam* is that which is acted upon, and the *mutashabih* is that some of which resembles some other. (*Bihar*, vo1.92, p.383)

In any case, it is obvious that derivation of *ahkam* is easier in the case of *muhkamat*. As for *mutashabihat*, much effort is needed, involving the referring of Sunnah to *muhkamat*. Al-'Imam 'Ali ibn Musa al-Rida (A) has said

من رد متشابه القرآن إلى محكمه هدي إلى صراط مستقيم.

...One who refers the *mutashabihat* of the Qur'an to its *muhkamat* is guided to the path. (*Bihar*, vo1.92, p.377).

The *muhkamat* verses are not only clear in themselves, but also help in the interpretation of the other verses. From this point of view, they have been called '*umm al Kitab*' (lit. the mother of the Book), for the *muhkamat* form the foundation of the other verses.

Why Mutashabih Verses?

Considering that the Qur'an is the basic source as well as the primary reference for deriving *ahkam*, a question may possibly arise in one's mind as to why not all the verses of the Qur'an have been revealed as *muhkamat*. In that event, there would have been less differences among the jurists and their *fatwas* (decrees).

Further, it may be argued that, especially since the Qur'an is the book of enlightenment and guidance for all mankind and for all ages, not merely a source for the derivation of *ahkam*, it would have been followed without errors or deviations, arising from its misinterpretation, had its verses been entirely *muhkamat*.

In answer to the question mentioned above, certain reasons have been suggested by scholars. Some of these are noted below:

1. Al-Shaykh al-Tusi, in his tafsir, *Tibyan* (p. 11), has said: "Wisdom has required that the Qur'anic words and phrases be used in a way that their understanding should require investigation, effort and exertion, so as to result in the growth of knowledge."

That is, since human development and growth, on the level of the individual as well as of society, is a law of God embedded in nature, God has set forth the verses of the Qur'an in such a profound and rich fashion so as to afford human beings to benefit from them and seek inspiration from them in step with their growing intellectual, spiritual and material needs in their individual and social lives, and thus traverse the Divinely-envisaged path of development and perfection without encountering any stagnation.

2. The *mutashabih* verses, by their very existence in the Qur'an, point towards the need that people have for the Prophet (S) and his Successors (A). That is, they cause the people to make recourse to them for necessary clarifications, in the manner of pupils approaching their teachers for the solution of their difficulties. Amir al-Mu'minin (A) has said: "God has set forth the Qur'an in three categories: *muhkam*, *mutashabih*, and *mujmal*, so that the truth should be distinguished from falsehood through the means of the Prophet's Successors."

The importance of what has been stated above becomes clear when we realize the essential need for the Imam's existence and its impact on the growth of humanity and Islamic society. Furthermore, it is realizable by referring to the Qur'anic verses and traditions concerning Imamate and the need for the leadership of society. It is equally recognizable in the light of the realities of human life and the past and contemporary history of human societies in general and of Islamic countries in particular.

The role of an imam, or leader, in guiding or misguiding mankind is not to be denied. God, in order to set apart the righteous leaders, who guide towards light, from those who lead into darkness, and to enable people to distinguish between them on the basis of clear criteria, so that they may elect to follow the righteous leaders, has set forth some of the Qur'anic verses in such a fashion that none other than the Infallible Imams or the Prophet have the requisite capacity of understanding and elucidating them.

This fact has been instrumental in prompting believers to seek understanding of the Qur'anic meanings from them. The people's other profound requirements, too, were answered in this process. This fact has been indicated in the hadith from Amir alMu'minin (A).

سئل أمير المؤمنين عليه السلام عن تفسير المحكم من كتاب الله عز وجل
فقال: أما المحكم الذي لم ينسخه شيء من القرآن فهو قول الله عز وجل ((هو
الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات))
وإنما هلك الناس في المتشابه لانهم لم يقفوا على معناه، ولم يعرفوا حقيقته
فوضعوا له تأويلات من عند أنفسهم بأرائهم واستغنوا بذلك عن مسألة
الاصياء...

Amir al-Mu'minin (A) was asked concerning the exposition of *muhkam* (verses) of the Book of God Almighty. He said: "As to the *muhkam* (verse) which has never been abrogated by any other verse of the Qur'an is the utterance of God Almighty: 'It is He Who sent down upon thee the Book, wherein are *muhkam* verses that are the *umm al-Kitab*, and others are *mutashabih*. Verily, the people have perished on account of the *mutashabihat*, for they did not understand their meaning and reality. Thus they fabricated their *ta'wilat* themselves, in accordance with their own opinions, seeking thereby to be able to do without the Awsiya' (the Prophet's Successors, i.e. the Imams)." (vol.93, p.12)

The last sentence of the above tradition indicates that for understanding the *mutashdbihdt* the followers of Islam cannot do without the Awsiya' (A) of the Prophet (S) and that they should refer to them.

3. Some of the *mutashabihat* pertain to the realms of Resurrection and the Hereafter, which are beyond human experience and thought; hence their obscurity is something natural and inevitable.

The Qur'an on Muhkamat and Mutashabihat

The first verse of the *Surat Hud* states:

كِتَابٌ أَحْكَمَتْ آيَاتُهُ

"A Book whose verses are set muhkam" (1 : 11)

This can be taken to mean that all the Qur'anic verses are *muhkamat*. However, the twenty-third verse of the *Surat al-Zumar* states:

اللَّهُ نَزَّلَ أَحْسَنَ الْحَدِيثِ كِتَابًا مُتَشَابِهًا مَثَانِي

God has sent down the fairest discourse as a Book, consimilar (mutashabihan) in its opt-repeated. (23 : 39)

This can be interpreted to mean that the entire verses of the Qur'an represent *mutashabihat*. The seventh verse of the *Surat Al 'Imran* states:

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ
مُتَشَابِهَاتٌ

It is He Who sent down upon thee the Book, wherein are muhkam verses that are the umm al-Kitab, and others are mutashabih. (3: 7)

From this verse, it can be inferred that the Qur'anic verses are of two kinds; some are "*muhkamat*" and some others "*mutashabihat*."

One's first unstudied impression concerning the above verses is that they may seem contradictory. However, on a close examination it will become clear that there is no such contradiction whatsoever.

For the first verse, which implies that all the Qur'anic verses are *muhkamat*, signifies that the Divine verses are firm and *muhkam* in regard to their words and phrases, their arrangement, as well as their meaning and similar other aspects. They do not contain any kind of weakness or infirmity whatsoever.

The meaning of the second verse quoted above is that all the verses of the Qur'an are similar

(*mutashabih*) in their harmony, consistency, sublimity, clarity, eloquent delivery and miraculous nature. There is neither any disharmony nor any inconsistency in them.

The third verse implies that some of the Qur'anic verses are self-contained, in that their sense does not depend for their full comprehension on that of the other verses, and these are clear and *muhkam*. The other verses which are not such are labeled *mutashabihat*. This explanation ought to suffice for dispelling any impression of a contradiction.

A-Shayhh al-Tusi's Remark

The great Islamic scholar al-Shaykh al-Tusi says something illuminating in this regard. He states:

Among these verses, there is no inconsistency or contradiction. The first verse denotes that the Qur'an is not vulnerable to any inconsistency or contradiction in its verses. Accordingly, the verses are considered *muhkamat*. The second verse conveys the similarity of some verses with some of others.

However, the third verse conveys that the meaning of some verses is comprehensible, and that of some other verses is not so. The meaning of these three verses is nothing except that which has been mentioned. Hence there remains no basis for sensing a contradiction.

Examples of Muhkamat and Mutashabihat

Here it would be proper to give some examples of *muhkamat* and *mutashabihat* in order to illustrate their character. Here are some examples of the *muhkamat*:

اللَّهُ خَالِقُ كُلِّ شَيْءٍ ۗ

God is the creator of everything... (39: 62)

إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

Verily, God is powerful over everything. (2:20)

لَمْ يَلِدْ وَلَمْ يُولَدْ

He has not begotten, nor He has been begotten. (112:3)

لَيْسَ كَمِثْلِهِ شَيْءٌ ۚ

... *Nothing is like Him.... (42: 11)*

The meaning of the above verses is quite distinct and clear. They can be understood without any reflection. The following is an example of a *mutashabih* verse:

وَالْمُطَلَّقاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۚ

Divorced women shall wait by themselves for three quru'.... (2:228)

In the above example, the word *quru'* has two different meanings in Arabic. One meaning is menstruation (*haya*) and the other is purity from menses (*tuhr*). Because of this a kind of doubt has come about for jurists in understanding it. Some of them interpret it as 'purity', while others take it to mean 'menstruation.' In the following verse:

أَوْ يَعْفُوَ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ ۚ

... *Or he makes remission in whose hand is the knot of marriage.... (2:237)*

it is not clear whether the one who makes remission is the guardian or the husband, for it can mean either of them. In another example:

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

O believers, when you stand up to pray, wash your faces, and your hands up to (ila) the elbows.... (5:6)

it is not clear whether the word ?? is used in the sense of inclusion or in the sense of 'extreme limit' and whether the extremity is to be included, from the viewpoint of the rule of ablution, in the part of the hand to be washed or not. Furthermore, in the verse:

فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا...

...And if you can find no water, then have recourse to wholesome dust..., (4:43)

the meaning and significance of the word *said is* not clear. It can be understood to mean either the 'ground surface' or 'soil.' Also, in the case of the verse:

فَامَسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۚ

...And wipe your faces and your 'hands'..., (4:43)

it is unclear as to whether or not the word *aydi* (hands) indicates only the back of the palm, or includes the wrist and the forearm, or includes the forearm and the elbow, or the forearm together with the elbow and the upper arm.

Later on in the verse:

أَوْ لَامَسْتُمُ النِّسَاءَ

...or if you have touched women (4:43)

the meaning and significance of the word *lams* (touch) is unclear as well. Does it mean touching by the hand or sexual intercourse?

There are many other examples, including some cited below:

ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ..

...Then He sat upon the Throne.... (7:54)

وَيَبْقَىٰ وَجْهَ رَبِّكَ

... Yet the Face of thy Lord abides.... (55:27)

وَنَفَخْتُ فِيهِ مِنْ رُوحِي..

...And I breathed in him (Adam) of My Spirit ... (15:29)

يَدُ اللَّهِ فَوْقَ أَيْدِيهِمْ ۗ

...God's hand is above their hands ... (48:10)

وَنَضَعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ

...And We shall set up the just balances for the Resurrection Day... (21:47)

وَجَاءَ رَبُّكَ وَالْمَلَكُ صَفًّا صَفًّا

And thy Lord comes, and the angels rank on rank. (89:22)

وَمَكْرُوا وَمَكَرَ اللَّهُ ۗ

...And they devised, and God devised.... (3:54)

There is some ambiguity or the other in all the above verses. Their proper understanding requires a comprehensive and expert knowledge of the Islamic sources and Qur'anic concepts, necessitating in particular reference to the Ahl al-Dhikr, the Household of Revelation, about whom the Glorious Qur'an says

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

... Question the People of the Remembrance, if you do not know. (21:7)

The Hidden Meanings of Qur'anic Verses

Just as the Qur'an contains *mutashabihat* and *mujmalat*, it also contains hidden meanings. That is, besides the literal meanings of the words and their apparent, ordinary sense, other meanings and

concepts underlie the same that are beyond the grasp of many. Just as the *mutashabihat* and *mujmalat* cannot be understood without reference to the Ma'sumun (A), the grasp of what lies beyond the apparent meaning of Qur'anic words, too, cannot be attained without reference to the Household of the Revelation.

Marhum 'Allamah Majlisi, in his most precious book *Bihar al'anwar* (vol.92, p.78) has reported a hadith:

إن القرآن نزل على سبعة أحرف لكل آية منها ظهر وبطن ولكل حد مطلع.

Verily, the Qur'an came down on seven letters. Every one of its verses has an exoteric and esoteric aspect, and every one of its letters has a *hadd* (lit. limit) and *matla'* (lit. beginning).

In *Hilyat al-awliya'*, Abu Nu'aym has quoted the above hadith in the following manner:

إن القرآن نزل على سبعة أحرف لكل حرف ظهر وبطن وكل آية عند علي.

Verily, the Qur'an has come down on seven letters. Every one of its letters has an exoteric and esoteric aspect, and every verse is with 'Ali (A).

Al-'Imam al-Sajjid (A) says:

كتاب الله عز وجل على اربعة اشياء، على العبارة والاشارة واللطائف والحقائق. فالعبارة للعوام، والاشارة للخواص، واللطائف للاولياء والحقائق للانبياء.

...The Book of God is constituted of four things: *'ibarah* (diction, text), *isharah* (indication), *lata'if* (subtleties) and *haqa'iq* (realities). The *'ibarah* is for the common people, *isharah* is for the elect, *lata'if* are for the awliya' and *haqa'iq* for the prophets. (*Bihar al-'anwar*, vo1.92, p.20)

Al-'Imam al-Baqir (A) says:

إن للقرآن بطنا وللبطن بطن، وله ظهر وللظهر ظهر، ... وليس شيء أبعد عن عقول الرجال من تفسير القرآن، ان الآية لتكون اولها في شيء وأوسطها في شيء

وهو كلام متصل يتصرف على وجوه.

The Qur'an has a *batn* (inward or esoteric aspect) and that *batn* (in turn) has a *batn*. And it has 'a *zahr* (outward or exoteric aspect) and the *zahr* has a *zahr* ... and there is nothing farther from the intellect of men than tafsir of the Qur'an. The beginning of an ayah may concern something and its end some other thing, and it is continuous speech that is susceptible to different interpretations. (*Bihar*, vo1.92, p.95)

عن زيد الشحام قال: دخل قتادة بن دعامة بن علي أبي جعفر عليه السلام فقال: يا قتادة أنت فقيه أهل البصرة؟ فقال: هكذا يزعمون، فقال أبو جعفر عليه السلام: بعلم تفسره أم بجهل؟ قال لا بعلم - إلى أن قال - يا قتادة إنما يعرف القرآن من خوطب به.

Zayd al-Shahham reports: Qatadah ibn Da'amah came to Abu Ja'far (A). The Imam (A) asked him, "Are you the faqih of the people of Basrah?" "That is what they say," replied Qatadah. Abu Ja'far (A) said, "I heard that you expound the Qur'an"... (the tradition goes on until where the Imam says to Qatadah). "Woe to you, O Qatadah! Only those to whom the Qur'an has been addressed understand it." (*Furu' al-Kafi*, vol.8, p.312)

Anyhow, it is definite that one cannot understand a part of Qur'anic meanings and Islamic teachings without reference to the *Awsiya'* of the Prophet (S). No doubt, those who feel it to be unnecessary are bound to fall into error in regard to the *mutashabihat* of the Qur'an, to the extent that instead of referring the *mutashabihat* to the *muhkamat* they may construe the *muhkamat* in their minds as *mutashabihat*.

This has led to deviations in the doctrinal sphere, leading to belief in anthropomorphism (*tashbih*), determinism (*jabr*), and absence of the necessity of Divine Justice, not to speak of the adverse effects on deduction of the laws of the Shari'ah and its practical rules and the resolution of social problems.

The Qur'an and Khabar al-Wahid

One of the controversial issues relating to inference of *ahkam* from the Qur'an is that of the legitimacy of limiting the jurisdiction (*takhsis*) of the Qur'an's general statements (*'amm*) by *khabar al-wahid* (a *non - mutawdtir* tradition). Difference of opinion exists in this regard among Islamic scholars. Some consider such a *takhsis* permissible and others regard it as impermissible.

Of those who favour it, some have put forward the argument that if the *hujjiyyah* (authority) of *khabar al-wahid* can be substantiated by definite proofs, its use for the *takhsis* of the Qur'an's general statements is permissible. It must be added that a majority of Shiite 'ulama' believe in the permissibility

of such *takhsis*.

Some, like 'Isa ibn Aban, believe that if a certain general statement of the Book has been limited by a valid proof (*dalil qati*) other than a *khobar al-wahid*, the latter's use for the same purpose becomes permissible. Some others, like al-Karkhi, have permitted it in the particular case where the Book's 'amm has been restricted by a separate proof (*dalil munfasil*).

Finally, some, like Qadi Abu Bakr, have refrained from expressing any opinion at all in this connection.

However, those who believe in the impermissibility of such *takhsis* (even when the *khobar al-wahid* is *sahih* and reliable), who belong to Ahl al-Sunnah, have advanced arguments in support of their view. These arguments are briefly stated and evaluated below.

Arguments against the Permissibility of the Takhsis

1. Some have said that the Qur'an enjoys definite authenticity, i.e. it is *qat'i al-sudur*, whereas the authenticity of *khobar al-wahid* is not free from doubt because of probability of error on the narrator's part. That is, it is *zanni al-sudur*. And it is not reasonable, therefore, that a *mukallaf* person should forego something of definite authenticity for something whose authenticity is only probable.

In answer we might say that the Qur'an is doubtlessly of certain authenticity; yet it is uncertain (*zanni*) from the viewpoint of its indicating the real intent of the Lawgiver, because one cannot be certain of having completely understood the Lawgiver's intent from his understanding of the literal meaning of a verse or its general import and be certain that the general import is not subject to any qualification or restriction.

Furthermore, we should take into consideration the occurrence in the Qur'an of: (1) *muhkam* and *mutashabih*, (2) *mutlaq* and *muqayyad*, (3) *nasikh* and *mansukh*, and (4) *mujmal* and *mubayyin*, etc. On the other hand, although *khobar al-wahid* is *zanni al-sudur*, those who uphold the *hujjiyyah* of *khobar al-wahid* do not consider every such tradition as authentic and reliable. They have laid down certain requirements which a *khobar al-wahid* should fulfill in order to be considered reliable.

Accordingly, in the event a *khobar al-wahid* that has already been proved to be reliable and valid conflicts with a general rule ('amm) deducible from the Book's literal meanings, there are two alternatives in front of us:

- (i) Setting aside and ignoring the *khobar al-wahid*, despite its fulfilling the criteria of validity, and acting in accordance with the general rule understandable from the Qur'an's literal meanings.
- (ii) Adopting the valid *khobar al-wahid* as well as acting upon the verse by limiting the Book's general rule by applying the reliable *khobar al-wahid*. In this case we have neither gone against the *khobar al-wahid* nor set aside the Qur'anic verse.

The scholars have selected the second alternative because they believe that the *khobar al-wahid* is indicative of the absence of a general intent.

In other words, since on the one hand the Qur'an *is zanni al-dalalah* from the viewpoint of one's subjective understanding and inference, and on the other hand the *khobar al-wahid* is, *zanni al-sudur*, it is inevitable that we should give precedence to one of these two. In the event the *khobar al-wahid* satisfies the criteria of validity, the same fact would justify giving priority to it over the presumed general import of the Qur'anic verse, and this will not give rise to any difficulty.

However, when we act in a contrary fashion and give precedence to the Book's *'amm* over the *khobar al-wahid*, the question will arise as to on what basis precedence is being given to something which is *zanni al-dalalah* over something which is *zanni al-sanad* but of proved reliability. This is a question to which a satisfactory answer cannot be given.

2. Some have pointed out that there are traditions relating to the resolution of conflict between traditions (*'ilaj al-ta'arud bayn al-akhbar*). According to these traditions if the content of one of two contradictory narrations happens to agree with the Qur'an, then that narration should be accepted and the other one should be discarded.

The aforementioned traditions doubtlessly apply to any conflict between a *khobar al-wahid* and the Book's general statement as well. Those traditions make it all the more clear and definite that the *khobar* should be discarded and the Qur'an's general statement should be acted upon, for a tradition can never be construed as strong evidence to the extent of opposing the Book.

In reply we may say that without denying the above-mentioned traditions and their applicability in the appropriate context, it is necessary first to identify the area of their applicability. It is to be seen whether or not they are relevant to the topic of our discussion.

In fact, the above traditions are not relevant to the subject of our present discussion. This is because contradiction between the Book and a hadith can possibly exist only when the two are mutually exclusive, blocking any possibility of a reconciliation, so that acting upon or believing in both would constitute a contradiction.

In other words, in some cases there may be a conflict between a tradition and the essential import of the Qur'anic text. In other instances there may be an incompatibility between a tradition and the general import of the Qur'anic text. In the latter case, a reconciliation is possible, and the tradition can be regarded as one that elucidates the Qur'anic text. This will not constitute a case of contradiction between the tradition and the Qur'anic verse.

3. Some have argued that those who favour the permissibility of the *takhsis* of a Qur'anic *'amm* through a *khobar al-wahid* are permitting a special kind of *naskh* (abrogation), for *naskh* is also a kind of *takhsis*. If the possibility of *naskh* on the basis of *khobar al-wahid* is not acceptable, then the protagonists of

takhsis ought to disallow the *takhsis* of the Qur'an by *khavar al-wahid*.

In reply, we may point out that, firstly, *naskh* means the restriction of the jurisdiction of a law in regard to time, whereas *takhsis* is its limitation in regard to individual cases.

Secondly, the impermissibility of *naskh* through *khavar al-wahid* is based on *ijma* ' (*consensus*). There is no such consensus regarding the impermissibility of *takhsis* through *khavar al-wahid*.

Thirdly, *naskh* is not something that can be proven or substantiated by a *khavar al-wahid*, for the Qur'anic verses expound the principles and foundations of the Divine *ahkam* and, as such, they ought to enjoy especial stability and security. From this point of view, should any *naskh* occur therein, the importance of the matter requires that the *naskh* be widely reflected and reported by several narrators through *mutawatir* traditions.

Qur'anic Exegesis Through Khavar al-Wahid

Having made a cursory appraisal of the topic of *takhsis* through *khavar al-wahid*, that of interpreting the Qur'an through *khavar al-wahid* too may be discussed here. Some believe that such *tafsir* is not permissible.

They reason that the authority and reliability of *khavar al-wahid* is confined to the deduction of the practical laws of the Shari'ah.

But whenever a *khavar al-wahid* concerns doctrinal issues or pertains to the historical events and anecdotes (*qisas*) mentioned in the Qur'an, or concerns matter of social or moral significance, the grounds justifying reliance on *khavar al-wahid* are not valid in such cases.

Since many Qur'anic verses pertain to issues other than those concerning the *ahkam*, many traditions relating to *tafsir* pertain to such issues. Accordingly, it can be concluded that, on the whole, Qur'anic exegesis through *khavar al-wahid* is not lawful, except in the case of *Ayat al-'ahkam*, which constitute nearly one-sixth of all the verses.

In contrast, many of those who accept the *hujjiyyah* of *khavar al-wahid* also accept its general applicability for the purpose of interpreting the Qur'an as well. In this regard, they do not make a distinction between *ayat al-ahkam* and other verses. According to their reasoning, the practice of rational people (*sirat al-'uqala*) can be the best testimony for the support of this viewpoint.

This is because in the same way as rational people accept definite proofs and *mutawatir* reports, they also accept reliable proofs creating probability (*dalil zanni*). Of course, if a *khavar al-wahid* is not reliable, it cannot be used for interpreting the Qur'an.

This is because, firstly, following a *dalil zanni* of an unreliable kind is not permissible. Secondly, to

ascribe something to God without any justification is tantamount to ascribing a falsehood to Him, which is reckoned as an unforgivable sin. Thirdly, there are many ahadith which forbid tafsir based on subjective opinion (*ray*), and those who indulge in it have been threatened with chastisement.

In view of the foregoing, Qur'anic tafsir is lawful only when it is carried out with reference to traditions which are *mutawatir*, or in accordance with a definite proof or a *khobar al-wahid* of established reliability. Qur'anic exegesis through unreliable traditions amounts to interpreting it in accordance with one's subjective judgement and ascribing a falsehood to God, and this is prohibited.

The point around which all these judgements revolve is the essential need for safeguarding the Qur'an as the source of all religious knowledge and teachings. Just as the Qur'an has sanctity and credibility, its exposition and explanation too should bear a seal of reliability.

Role of Exegesis in Legal Deduction

No doubt, the difference of viewpoint regarding Qur'anic tafsir has a significant effect upon the process of a jurist's deduction of *ahkam* from the Qur'an. Hence a *mujtahid* cannot afford to be unfamiliar, in the course of his work, with tafsir and its historical development (to the extent that it has a bearing on legal deduction).

Researchers in the field of Qur'anic studies have identified three separate areas for the sake of classifying and systematizing these studies:

1. *'Ilm al-tajwid*, dealing with phonetics and the pronunciation of consonants and vowels.
2. *'Ilm al-qira'ah*; dealing with words, their syllabication and composition and the techniques of recitation.
3. *'Ilm al-tafsir*, dealing with the meanings of words, the historical circumstances of the revelation of verses (*asbab al-nuzul*), etc. Discussions regarding *nasikh* and *mansukh*, and *muhkam* and *mutashabih* also relate to *'ilm al-tafsir*. Researchers in Qur'anic sciences have compiled various books and treatises in this field. However, for reasons of space, we shall refrain from mentioning them here.

The Mode of Revelation

The temporal aspect of the Qur'an's revelation, too, has received attention among the topics of discussion pertaining to Qur'anic studies. However, it is difficult to visualize any effect of the aforesaid topic on the process of legal inference from the Qur'an.

Some are of the opinion that the Qur'an was revealed all at once and completely, although the Holy Prophet recited the same in parts in different contexts. Some others believe that the Qur'an was gradually revealed over a period of time, and its revelation, being in the temporal order of its communication, was also gradual.

Some of the verses, like those of the *Surat al-Qadr*, apparently confirm the first view, and some others, like verse 106 of *Surat al-Isra*; are compatible with the theory of gradual revelation. Be that as it may, this question does not significantly affect *ijtihad* and the understanding of the Qur'an, for it is an established fact that the Prophet (S) conveyed the Qur'anic verses at different times and on various occasions and recited them to the Muslims at Makkah and Madinah over a period of time.

The time, place and circumstances of revelation, however, do help in the process of understanding the Qur'an. But the question as to whether or not the verses were revealed at one time and completely or gradually and in parts does not make any difference. Accordingly, we refrain from further discussion in this regard.

Makki and Madani Verses

The division of the Qur'anic verses into Makki and Madani is also a topic of discussion in the Qur'anic studies. It does considerably affect the understanding of the Qur'an and the Lawgiver's intent, and consequently the deduction of *ahkam*. Experts and researchers have considered twenty of the Qur'anic *surahs* as Madani. Opinions differ in respect of twelve *surahs* and the remaining *surahs* have been reckoned as Makki.

Some investigators have sought for the distinctive characteristics of Makki and Madani *surahs*. A close study of these qualities will indicate the historical order of the exposition of different ethical, spiritual, doctrinal and ritual issues. Al-'Allamah al-Suyuti has specified some special features of Makki *surahs*, as follows:

1. The Makki *surahs* contain verses that mention *sajdah* (prostration).
2. The name 'Makkah' occurs in some of them.
3. The phrase **يا أيها الناس** 'O people,' is used therein to address the Muslims in general.
4. The stories of the prophets and of past peoples, as well as the episode of Iblis (with the exception of *Surat al-Baqarah*), are narrated therein.
5. The *surahs* begin with what are called *al-huruf al-muqatta'ah* such as **الم** etc.

The presence of these characteristics indicates that a *surah* is Makkan. There are, of course, other characteristics of Makkan *surahs* that have been pointed out, such as the shortness of the *surahs* and verses, powerful phrases and expressions, reference to doctrinal issues, the recurring oaths, arguments addressed to the idolaters and so on. But these characteristics are not generally applicable, though they may be of assistance to the researcher in pursuit of a more definite viewpoint.

The Different Readings

Another subject relevant to the study of the Qur'an and legal deduction is the difference of readings. There are three matters that need to be studied in this regard.

- (a) The reasons for the emergence of the various readings.
- (b) The identification of reliable and more common readings, both from Sunni and Imami viewpoints.
- (c) The effect of the difference of readings on the understanding of the verses and the Lawgiver's intent and, as a result, on the deduction of *ahkam*.

a. The Reason Behind Variant Readings

At the outset when the Qur'an was collected and compiled, the scribes and copyists wrote the text without using any diacritical points or marks. They relied on their familiarity with the text for correct reading. However, with the passage of time the readers of the Qur'an faced difficulties in this respect and they came to read and understand the verses in ways that differed slightly from one another.

The emergence of this difference compelled some experts on the recitation of the Qur'an to take steps to specify the correct manner of reading. Seven of such experts came to acquire fame. They were:

1. *Ibn 'Amir*: Abu 'Imran 'Abd Allah ibn 'Amir al-Dimashqi (8–118/6269–736) was the expert of *qira'ah* among the people of Syria. It is commonly said of him that he had learnt it under al Mughirah ibn Abi Shihab.
2. *Ibn Kathir al-Makki*: 'Abd Allah ibn Kathir ibn 'Abd Allah ibn Zadan ibn Firuzan ibn Hurmuz (45–120/664–737). According to a tradition, he had learnt *qira'ah* from 'Abd Allah ibn Sa'ib al-Makhzumi. But that which is widely known is that he learnt it from Mujahid.
3. *'Asim al-Kufi*: Abu Baler 'Aim ibn Abi al-Najud al-'Asadi (d. 127 or 128/745 or 746), according to various narrations that have come down from him, had learnt *qira'ah* from Abu 'Abd al-Rahman al-Salami, who had learnt it from 'Ali ibn Abi Talib (A).
4. *Abu 'Amr al-Basri*: Zabban ibn 'Ala' ibn 'Amman al-Mazini (68r–154/687–770) was from Basrah and was an Iranian according to one tradition. He had learnt *qira'ah* in Makkah, Madinah, Kufah and Basrah. He was the most eminent *qari* of his period.
5. *Hamzah al-Kufi*: Abu 'Ammar Hamzah ibn Habib ibn 'Umarah ibn Isma'il (80–156/699–772) belonged to the tribe of Tamim and was a Kufan. According to the author of *al Kifayat al-kubra wa al-taysir*, he had learnt *qira'ah* from Muhammad ibn 'Abd al-Rahman and Talhah ibn Mu'arrif. According to the book *al Mustanir*, he had learnt it from al 'Imam al-Sadiq (A).

According to other traditions he had learnt it from al-Mughirah ibn Muqsim, al-Mansur, Layth ibn Abi Sulaym, Sulayman ibn al-'A'mash, and Humran ibn A'yan.

6. *Nafil al-Madani*: Nafi' ibn 'Abd al-Rahman ibn Abi Nu'aym (d. 169/785), an Iranian from Isfahan, had learnt *qira'ah* from the tabi'i scholars of Madinah.

7. *Al-Kisa'i*: Abu al-Hasan 'Ali ibn Hamzah ibn 'Abd Allah ibn Behman ibn Firuz (d. 189/804), according to Ibn al-Jazari, had acquired the leadership of the *qurra'* of Kufah after Hamzah. He had heard *qira'ah* from al-'Imam al-Sadiq (A), al-'Azrami, and Sulayman ibn Arqam, and learnt it from Hamzah, Muhammad ibn 'Abd al-Rahman and 'Isa ibn 'Umar.

Later, other names that were added to these were the following:

1. Khalaf ibn Hisham: Abu Muhammad Khalaf ibn Hisham ibn Taghlib al-Bazzaz (150-229/767-843). He was from Baghdad and is said to have a very powerful memory. Having memorized the Qur'an at the age of 10, he began his study of *qira'ah* at 13.

2. Yaqub ibn Ishaq: Abu Muhammad Ya'qub ibn Ishaq (d. 205/820) belonged to Basrah. He said that he had learnt the entire *qira'ah* in a year and a half.

3. Qa'qa: Abu Ja'far Yazid ibn Qa'qa' al-Makhzumi of Madinah was the leading *qari'* of Madinah. He had learnt it from 'Abd Allah ibn 'Ayyash and 'Abd Allah ibn 'Abbas.

This was a brief account of the ten *qurra*; to whom four more names were subsequently added:

al-Hasan al-Basri, Ibn Mahid, Yahya ibn Mubarak al-Yazdi and Muhammad ibn Ahmad al-Shanbudhi. These came to be known as "the fourteen *qurra'*." For further details about them one may refer to these books: *Tabaqat al-qura*; *Tahdhib al-Tahdhib*, *Lisan al-mizan*, and *Tibat al-nashr fi al-qira'at al-'ashr*.

A group of the Prophet's Companions possessed special expertise and fame in the *qira'ah* of the Qur'an. Having learnt it from the Prophet (S) they endeavoured to teach it to others. Among the Tabi'un those who had learnt it from the Sahabah and are well-known are:

'Ubayd ibn 'Umayr, 'Ala' ibn Abi Riyah, Tawus, Mujahid, Ibn Abi Malkiyah in Makkah.

Said ibn Musayyib, 'Urwah, Salim, 'Umar ibn 'Abd al-'Aziz, Sulayman ibn Yasar, 'Ata' ibn Yasar, Mu'adh ibn al-Harith, 'Abd al-Rahman ibn Hurmuz, Ibn Shihab al-Zuhri, Muslim ibn Jundab and Zayd ibn Adam in Madinah.

'Alqamah, al-'Aswad, Masruq, 'Ubaydah, 'Amr ibn Shurahbil, al-Harith ibn Qays, Rabi' ibn Khashim, 'Amr ibn Maymun, Abu 'Abd al-Ahman al-Salami, and Zirr ibn Hubaysh in Kufah.

Abu 'Aliyah, Abu Raja', Abu al-'Aswad al-Du'ali, Nasr ibn ' , &4im, and Yahya ibn Ya'mar in Basrah.

Al-Mughirah ibn Abi Shihab al-Makhzumi and Khalifah ibn Sa'd in Syria.

b. The Reliable Readings

Now it should be seen to what extent the above-mentioned readings are to be relied upon. Some scholars have divided the *qira'at* into three kinds: *mutawatir*, *ahad* and *shadhdh*. According to this division, the *qira'at* of the seven *qurra'* have been considered *mutawatir*, the *qira'at* of the other three as *ahad*, and those of the next four as *shadhdh*. Some, like Jalal al-Din al-Balqini, have accepted this classification, while al-Suyuti considers the *tawatur* of the seven *qurra'* as doubtful for the following reasons.

1. Because they have been transmitted through *akhbar ahad*.
2. Because some of the seven *qurra'* were not reliable (*muwaththaq*) as narrators.
3. Because these *qira'at* depend on subjective judgement (*ray*) and personal *ijtihad* of the *qurra'*. Had these been received through *tawatur* from the Messenger of Allah (S), there would have been no need of a proof to establish their authenticity.
4. Because some scholars have rejected some instances in the readings of the seven *qurra'*.

According to al-Zarakshi in *al-Burhan fi 'ulum al-Qur'an* (i, 318), those who believe in these seven *qira'at* being *mutawatir* do so on the following bases:

- a. They claim *ijma'* on the affirmation of their *tawatur*.
- b. They furnish evidence in favour of their authenticity on the basis of the care exercised by the Sahabah and Tabi'un in the memorization and recitation of the Qur'an.
- c. They argue that not to regard these *qira'at* as *mutawatir* necessarily leads to regarding the Qur'an also as non-*mutawatir*.

That which is significant in this relation is that believers in the *tawatur* of the seven *qira'at* put a special kind of reliance upon them, to the extent of considering them as permissible bases for deduction of *ahkam*. Those who deny that such a *tawatur* existed do not consider such a reliance as legitimate. 'Abd al-Rahman al-Suyuti in his work *al-Itqan fi 'ulum al-Qur'an* (i, 13.) states that Ibn al-Jazari has divided the *qira'at* into six categories.

1. The readings which are *mutawatir*, having been narrated by so many different narrators that any possibility of a conspiracy to establish something false as true is not imaginable.
2. The *mashhur* readings whose narrators are '*adil*' although their number does not reach the extent of *tawatur*.
3. The readings whose narrators are '*adil*' but are either different from the writing of the 'Uthmani codices

or are not in harmony with the rules of Arabic grammar. This kind of reading should not be used in reciting the Qur'an, in prayers or something else.

4. The *shadhdh* readings, whose chains of narrators are not *sahih*. An example of it is the reading of Ibn Samigh' of verse 92 of *Surat Yunus*, in which **فَالْيَوْمَ نُنَجِّيكَ بِدَنِكَ** is read with a *ha'* instead of *jim* and **لَتَكُونَنَّ** is read with *fathah* on the *lam* of **خَلْفَكَ**. The reading of Hafs is

فَالْيَوْمَ نُنَجِّيكَ بِدَنِكَ لَتَكُونَنَّ لِمَنْ خَلْفَكَ

5. The reading which is *maj'ul* or *mawdu'* (fabricated) is one which is ascribed to its author and has no other basis. An instance of it is the reading mentioned by Abu al-Fadl Muhammad ibn Ja'far al Khuzai' (d. 408/1017) in his book *al Muntaha* that he has attributed to Abu Hanifah.

One of such readings is that of the verse

إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ (35:28)

with *raf'* on '*Allah*' and *nasb* on al-'*ulama*'.

6. Like the *mudraj hadith*, this is a reading in which an expository word or phrase is added to the accepted reading of the text. An instance of this kind is the *qira'ah* of Sa'd ibn Abi Waqqas of 4:12 as **من أم** with the addition of **أُم**, Another instance of it is the *qira'ah* of verse 2:198 as **لَيْسَ عَلَيْكُمْ** with the addition of the phrase **في مواسم الحج**

For more details in this regard one may refer to these books: *al-Taysir dal-qira'at al-sab'* by al-Dani, *al-Shatibiyyah* by Abu Muhammad al-Qasim al-Shatibi, and *Tibat al-nashr fi al-qira'at al-'ashr* by Ibn al-Jazari.

c. The Effect of the Readings on Legal Deduction

The difference of readings can influence one's understanding of the doctrinal and ideological issues from the Qur'an as well as effect the deduction of practical *ahkam*. For instance, in the verse **إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ** if the word '*Allah*' be read as *marfu'* (as **الله**) and al-'*ulama*' as *mansub* (**الْعُلَمَاءُ**), the meaning becomes something which is not in harmony with Islamic doctrine and ideology (for then if it means, "God is apprehensive of His knowledgeable servants").

Rather, it would then be in accordance with the belief of some non-Islamic modes of thought according to which the prohibited tree in Paradise was the tree of knowledge and that God expelled Adam from

Paradise because of his inclination for knowledge. But if the verse is read with *nasb* on "Allah " and *raf* ' on *al-Ulama'* the meaning derived is the opposite of the above one and in harmony with the other Qur'anic verses that constantly call man to knowledge, understanding, contemplation and intellection, and consider the basis of man's obedience and servitude to God to be his intellect and consciousness.

Although such differences of reading are few, the knowledge of them and complete familiarity with them is essential for someone who wants to acquire expert understanding of the Qur'an, both the verses relating to *ahkam* and other verses besides them.

For instance, in verse 222 of *Surat al-Baqarah*, God Almighty says:

فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ ۖ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ ۖ

....Go apart from women during the monthly course, and do not approach them till they are clean. (2: 222)

There is a difference of reading regarding the word *يَطْهُرْنَ*, some read it as *يَطْهُرْنَ* and others as *يَطْهُرْنَ*. If read as *يَطْهُرْنَ* it means that it is permissible to have intercourse with a woman after her menses have ceased but before she has taken a ritual bath. If read as *يَطْهُرْنَ* means that intercourse with her is not permissible before she takes the bath. *يَطْهُرْنَ* means ' (until) they become clean' and *يَطْهُرْنَ* means '(until) they clean', i.e. through a ritual bath.

A group of jurists belonging to different schools of Islamic law, including some eminent Shi'i jurists, Abu Hanifah and his followers, have given their *faatwa* according to the first reading. Another group, including Malik, al-Shafi'i and Ahmad ibn Hanbal as well as some Shi'i jurists have given fatwa in accordance with the second reading.

By the way, a third viewpoint is found among the Sunnis according to which '*taharah*' in the verse is taken to mean washing clean of the bloody locale, not bath. Among them are 'Abd al-Rahman al-'Awza'i, the founder of the Awza'i school of law and Ibn Hazm, the second ranking leader of the Zahiri school.

The reason for the divergence of views between the jurists is due to the fact that the word *tuhr* is used in all the three meanings in the Arabic tongue.

The Comprehensive Character of the Qur'an

After this brief outline of legal studies relating to the Qur'an, it is necessary to point out that the terms '*fiqh* ; '*faqahah*' and '*faqih*' in the parlance current in Islamic society convey a significance related exclusively to matters of worship and ritual. As a result of it the task of *jtihad* has practically been confined to

about 500 verses, or nearly one sixth, of the Qur'an. Accordingly, the rest of the Qur'anic verses have not been studied sufficiently from the viewpoint of *ijtihad*.

But it is a fact that the *fiqh*, *faqahah* and *tafaqquh* which are mentioned in the Qur'an and many traditions as an activity possessing sublime value are not what these terms have come to mean in our current vocabulary. Rather, the meaning that they signify today may be considered only a part of the real meaning of '*fiqh*' and '*faqahah*' because the spirit of Islam is a social and an all-embracing one.

The movement of the prophets has been a comprehensive and an all-embracing movement which, for the purpose of developing spirituality, devotion and observance of divine laws, has placed the reform of human society, the purification and education of human beings, their moral development and the implementation of social justice at the head of its programme.

Fiqh or *tafaqquh* includes the recognition and understanding of all the values that the Messenger of Allah (S) has brought in his capacity as the messenger and communicator of the revelation. Evidently, that which the Prophet (S) has brought meets all the real needs of man and those of his spiritual and material life.

The Qur'an, obviously, occupies the foremost and the most fundamental position in the message. Accordingly, attention to a part of its contents and neglect of its other parts amounts to deviation from the straight path, which is condemned by the Qur'an, which declares:

...وَرُسُلِهِ وَيَقُولُونَ نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا أُولَئِكَ هُمُ الْكَافِرُونَ حَقًّا ۗ

Those who say, 'We believe in part, and disbelieve in part,' desiring to take between this and that a way - those in truth are the unbelievers. (4: 150- 151).

And also says:

وَاحْذَرِهِمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ ۗ

And (O Prophet) beware of them lest they tempt thee away from any of what God has sent down to thee. (5:49).

To limit *fiqh* to the *ayat al-ahkam*, and that too to a section of them related to prayer, fasting, hajj and such matters of ritual as *wudu'*, *tayammum* and so on, is equivalent to the exercise of a selective, discriminatory approach in relation to the Divine *ayat* and *ahkam* - something which has taken place

unwittingly and unconsciously.

The same thing has been responsible for the decline of the Muslim society after the first centuries of rising glory. This is because the Qur'an and Sunnah that guarantee the flourishing life of human society are the *whole* of the Qur'an and the Sunnah in their uncompromised totality. If this totality is ignored or neglected, that guarantee too shall cease to operate.

If we observe that the magnificent Prophet of Islam (S) was able to mould a primitive and unlettered people within half a century into a civilized, progressive and exemplary society with a system of political and social life, law, morality and doctrine superior to all the other systems that existed in the world of those days, that was because he presented a perfect and multifaceted totality to the Muslims. This totality in all its dimensions was understood, absorbed and put into practice by genuine Muslims.

And if we observe that the same Islam lost its effectiveness in the social arena after the passage of some centuries, that was because those who were entrusted with the duty to safeguard its intellectual and ideological frontiers had come to forget its totality and comprehensiveness, thus depriving Islam of its real power and efficiency.

The biggest factor in this crisis was the existence of the unwholesome dominance of the tyrannical and despotic regimes that had captured the leadership of Islamic society in the name of the Prophet's *khilafah* and produced rulers who in the impious state of ignorance and intoxication stood up in the *mihrab* to lead Muslims in congregational prayers. These rulers promoted mercenary scholars and pseudo-fuqaha' devoid of *taqwa* who served their interest and sent into exile the committed, aware and authentic fuqaha' who strove to awaken the people or often subjected them to martyrdom.

Elsewhere, while discussing the nine fold eras of the development of fiqh that followed the period of legislation, the sevenfold eras in the history of *ijtihad*, and the six fold eras in respect of the exposition of fiqh, we have shown the real faces of these pseudo-fuqaha' and pseudomujtahids, pointing out their nefarious views in every period, and revealed the havoc that has been wrought on the body of fiqh and *faqahah* by these mercenaries in the garb of fuqaha' in their pursuit of worldly gain.

The harm done by them to fiqh was so serious that they made fiqh, with its spring of *ijtihad* and all its effusive vigour and dynamism, lose its relevance and withdraw into isolation in front of the expansion of human knowledge and civilization, to the extent that the people of the world came to believe that Islamic law has no solution to the multifaceted problems of life.

Although in the early eras there did exist great fuqaha' and pious and aware *mujtahidun*, but none of them had the free hand – which the *wali al-faqih* does at the present – to take punitive measures against such elements. But that which is certain is that they have been and shall remain the object of history's censure. This is because they have made the shining face of progressive Islamic fiqh to appear dark and clouded and have distorted its features.

In any case, if we really intend to revive authentic fiqh and true *faqahah* and if we have concern for the genuine life of Islam and the Islamic Ummah and revival of the past glory and sublimity of the word of *tawhid*, we should direct our understanding to the totality of the human and the comprehensiveness of Islam in all its dimensions: devotional, economic, political, legal and cultural in the spheres of social and individual life. Only then can we use this invaluable source which is a great Divine trust and the *al-thaq/ al-'akbar*, for the benefit of humanity in the contemporary era.

Source URL:

<https://www.al-islam.org/al-tawhid/general-al-tawhid/ijtihad-its-meaning-sources-beginnings-and-practice-ray-muhammad-ibrah-2>