

Usul al-Fiqh

by Shah Abdul Hannan

2. The Quran

In some classical books of Usul (such as, 'Nurul Anwar', by Sheikh Ahmad Ibn Abu Said or 'Manar', by Sheikh Abul Barakat Abdullah Ibn Ahmad Nasaki) most of the discussion of Usul have been made under the heading "Kitabullah" (that is the Quran). Such discussion includes discussion on the classification of words in the Quran (or Arabic language), grammatical issues pertinent to interpretation of the Quran and Sunnah, such as Haruful Maa'ni (words with meaning), Haruful Atf (conjunction), Haruful Zar (which gives Kasra to the noun when it is used before noun), Haruful Asmauz Zaruf (Haruf which indicate time, place, etc.) and Haruful Shart (haruf which indicates conditions). Discussion under Kitabullah also includes the methods of interpretation such as Ibaratun Nass, Isharatun Nass, etc.

we shall not discuss any of the aforesaid things. In following some modern Usul scholars, we shall take the discussion on the methods of interpretation and classification of words under "Methods of Interpretation". We shall not discuss rules of grammar in Usul and ask the readers to study Arabic language and its grammar separately. In this part, we shall discuss some of the characteristics of Quran as its introduction.

Quran is the book which Allah revealed in His speech to His Prophet Muhammad (SM) in Arabic and this has been transmitted to us by continuous testimony or *tawatur*.

There are 114 surahs of unequal length. The contents of the Quran are not classified subjectwise. The Quran consists of manifest revelation (*Wahy Zahir*) which is direct communication in the words of Allah. This is different from *Wahy Batin* (non-manifest revelation) which consists of inspiration and concepts. All the *Abadith* of the Prophet (SM) fall under this category.

Hadith Qudsi, in which the Prophet (SM) quotes Allah in the Hadith, is also not equivalent to the Quran. In fact, this kind of Hadith is also subject to examination of Isnad (chain of narrators from the Prophet (SM) to the compiler of the Hadith compilation). If the *sanad* (chain) is weak, the Hadith will be treated as weak, even though it is Hadith Qudsi. It should be noted that the Prophet (SM) did not make any distinction between Hadith Qudsi and other Hadith.

Only meaning (Maa'ni) or text (Nazm) is not the Quran. Jurisprudents agree that text and meaning together constitute the Quran.

Quran was revealed in stages (17:106), and gradually (25:32). Graduality in the revelation afforded opportunity to reflect over it and memorize it. The Ulama are in agreement that the

entire text of the Quran is "Mutawatir", i.e., its authenticity is proven by universally accepted testimony.

The larger part of the Quran was revealed in Mecca (about 19/30th part) and rest in Madinah. The Meccan revelations mostly deal with beliefs, disputation with unbelievers and their invitation to Islam. But the Madinan surahs, apart from the aforesaid, deal with legal rules regarding family, society, politics, economics, etc. The surah is considered Meccan if its revelation started in Mecca, even if it contains Madinan period Ayats. The information regarding which one is Meccan or Madinan are based on the sayings of the Sahabis or the following generation.

The legal material of the Quran is contained in about 500 Ayats, according to various estimates. These injunctions were revealed with the aim of repealing objectionable customs such as infanticide, usury, gambling, unlimited polygamy; prescribing penalties and core Ibadah like Salat, Siam, Zakat, Hajj. Other legal Ayats deal with charities, oaths, marriage, divorce, Iddah, revocation of divorced wife (Rijah), dower, maintenance, custody of children, fosterage, paternity, inheritance, bequest; rules regarding commercial transaction such as sale, lease, loan, mortgage, relations between rich and poor, justice, evidence, consultation, war and peace.

Qati & Zanni: One of the things that has been discussed is about Qati (definitive) and Zanni (speculative). Qati and Zanni concepts have been discussed in terms of text and in terms of meaning. The whole of the Quranic text in Qati (definitive) that is its Riwyah (report) is conclusive and beyond doubt. Only other text, which has been considered Qati is only Mutawatir Sunnah or Hadith (at least in essence). Other Hadith and Ijtihad are Zanni material.

The text of the Quran which has been reported in clear words (Alfaz al Waziha) which has only one meaning are considered Qati also in terms of meaning (Dalalah). Qati and Zanni have significance in the matter of belief and in the gradation of Ahkam into Farz, Wazib, Sunnah, Haram, Makruh, etc. Articles of faith can be determined only by Qati text with Qati meaning. A person can be declared Kafir if he denies the Qati text of the Quran or Mutawatir Sunnah, otherwise not. Similarly Farz is determined only by Qati text with Qati meaning (please see chapter 17 of Kamali's book).

Most of the text of the Quran are Qati in meaning. Example of Zanni in meaning are the words "banatukum" in Nisa:23 and "yanfaw minal ard" in Maida:33.

In the discussion on Qati and Zanni, Quran and Sunnah are integral to one another. Zanni of one verse can be made Qati by another verse or by definitive Sunnah. Similarly, the Zanni Sunnah can be elevated to Qati by Qati Ayat of the Quran or by other corroborative evidence of Qati Sunnah.

By far, the large part of the Quranic legislation have been given in broad outlines; only in a few area, the Quran has given instruction in considerable details. Hardly there is anything where Quran has given all details. We are dependent on Sunnah and Ijtihad to fill up the gaps or for explanations.

One issue of concern is whether it is permissible to research the cause (*talil*) of Ahkam. Majority of scholars hold that this is permissible, indeed a must for development of Islamic law through Ijtihad (primarily Qiyas).

However, a few hold that talil is not permissible and as such deny legality of Qiyas. This view is weak and appears to have been born out of misunderstanding the purpose of talil.

Another issue is *Asbab al-Nazul* or events which are related to revelation of the Ayats. The Hakm (law) is not limited to the events or circumstances. However, Asbab al-Nazul helps to understand the Quran and its law.