

5. Interpretation-II

Amm (General) and Khass (specific): From the point of view of scope, words are classified into Amm (General) and Khass (specific). **Amm** is basically a word which has a single meaning and which applies to many things, not limited in number, and it includes everything to which it is applicable. Insan (human being) 'whoever' are example of Amm. When the article Al (the) precedes a noun, the noun becomes Amm (see example in the text book quoting 24:2, etc.). The Arabic expressions Jami (all), Kaffah (all), Kull (all, entire) when precede or succeed a word, the word becomes Amm. An indefinite word (al-Nak?rah) when used to convey the negative becomes Amm. For instance the Hadith '*la darar wa la dirar fil Islam*' (no harm shall be inflicted, no harm shall be accepted), [see usul text books]. When a command is issued by Amm words, it shall be applicable to all it applies. In determining the scope of Amm, reference is made not only to the rules of the language but also to the usage of the people; and in case of conflict, priority is given to the latter. Amm can be of 3 types –

- a) Absolutely general [ref. The words "ma min dabbatin" in Hud 11:6]
- b) Amm which is meant to imply [Al Imran : 97].
- c) An Amm which has been specified elsewhere [see Baqarah : 228 and Ahzab : 49 together, see also usul text books for other examples and explanations].

The word "man" (in Arabic meaning he who) is Khass in application but when used in conditional speech it becomes Amm. (ref. The Al-Quran - 4 : 92, 2 : 185). *Khass* is a word which is applied to a limited number of things but applies to everything to which it can be applied. The words one, two, one hundred, Dina, Jannah, Imran, Boby, a horse, a human being are Khass. Legal rules or commands conveyed in specific terms are definite in application and are not normally open to Tawil. There is general agreement that Khass is Qati (definitive), i.e. it's meaning and application are beyond doubt clear.

Ulama have differed on Amm, whether it is Qati or Zanni. The majority holds it to be Zanni, minority holds it to be Qati. The result of this disagreement becomes clear in the event of conflict between Khass and Amm. In the case of two rulings on the same point, one Amm and one Khass (in the Quran or the Sunnah), according to the majority, Khass only explains the Amm. Minority holds that Khass specifies the Amm (see the example in Kamali's book under conflict between Amm and Khass).

According to all, Khass is Qati (Amm is not), as such it will prevail over Amm. According to minority, Amm is also Qati, and as such, Amm will be specified by Khass, if the two rulings are chronologically parallel. Khass will be abrogated if Amm is of later origin. Amm will be partially specified if Khass is of later origin. According to majority, an Amm (general) proposition may be specified by a dependent clause which may occur in the same text (same verse or in another text (another verse). This may be done by introducing an Istisna (an exception reference - 2 : 282), a Shart (condition, ref. 4 : 12) or Sifah (quality, ref. 4 : 23) or by indicating extent of application (ghayah, ref. 5 : 6).

The effect of Amm is that it remains in force unless specified. Even after partial specification, Amm remains legal authority for unspecified portion. According to the majority, Amm is speculative as a whole, whether before or after Takhsis (limitation) and as such open to Tawil. The cause (Sabab) of general ruling can not limit the application of the ruling. For instance, Asbab an Nazul (causes of revelation of verses of the Quran) will not limit the application of law based on the verse to the cause only.

Mutlaq and Muqayyid: *Mutlaq* denotes a word which is neither qualified nor limited in its application. When we say 'a ? book', it applies to any book without restriction. Mutlaq is unspecified and unqualified. When Mutlaq word is qualified by another word or words, it becomes *Muqayyad*. For instance, 'a red book'. Whereas Amm and Khass deal with scope of the words, Mutlaq and Muqayyad deal with essentially qualification (though Mutlaq has resemblance to Amm and Muqayyad has resemblance to Khass). An example of Mutlaq is "Fa tahriru rakabatin" (freeing a slave) in Sura Al-Maida (5 : 92). An example of Muqayyad is "freeing of a believing slave" in Sura Nisa (4 : 92).

Mutlaq remains absolute in application unless there is a limitation to qualify it (see example in the textbook). When Mutlaq is qualified into Muqayyad, the latter will get priority (see example in the textbook based on Quran 5 : 3 and 6 : 145). If there are two texts on the issue, one Mutlaq and the other Muqayyad, if they differ in their ruling and cause, both will operate, neither will be qualified. This is the majority view. Imam Shafii differs some what. He says that if the two texts vary in ruling but has the same cause, the Mutlaq will be qualified by the Muqayyad (see example based on verses 5 : 7 and 4 : 43 of the Quran). Early Hanafi scholars think that if Mutlaq and Muqayyad differ in their causes, one does not qualify the other.

Haqiqi (literal) and Majazi (metaphorical): Words are normally used in their Haqiqi (literal) sense. Literal will normally prevail over metaphorical, particularly in law. Most of the Quran is Haqiqi. But Majazi also occurs in the Quran. For instance, the Quran says in 40 : 13 that "Allah sends down sustenance from the heavens" which in fact means 'rain' (other examples, see textbook).

If the metaphorical (Majazi) meaning becomes dominant, it will prevail over the literal. For instance, the literal meaning of "talaq" (that is release or removal of restriction) has been abandoned for metaphorical meaning of divorce. Haqiqi has sub-divisions of linguistic, customary and juridical (please see the textbook). Haqiqi and Majazi have been subdivided into "Sarih" and "Kinayah".

Sarih (plain) is a word where the meaning is plain. You need not ask the speaker or writer to know the meaning. *Kinayah* (allusive) is a form of speech which does not disclose the intention of the speaker, you require further explanation from the speaker to know the intention. For instance, the use of the word 'Itaaddi' (start counting). Divorce is not clearly indicated (see, Kamali).

Mushtarak: A Mushtarak is a word which has more than one meaning. 'Ayn' in Arabic is a Mushtarak which may mean eye, water-spring, gold and spy. Plurality of meaning of Mushtarak may be because of usage or acquisition of metaphorical meaning over time. The rule in regard to commands and prohibitions of the Shariah is that the lawgiver does not

intend to hold more than one meaning of the Mushtarak (see examples in Kamali). The Mushtarak is in the nature of Mushkil and it is for the expert (Mujtahid) to determine the correct meaning in the context (Mujtahids may differ in this - this happens always with Ijtihad).

Textual Implications (Al-Dalaʿah): There are two major analysis regarding levels of meaning of words and texts, the Hanafi and Shafii. There is not much difference in essence between the two. The Hanafi Ulama of Usul have distinguished four levels of meaning:

1. First level is *Ibarah al Nass* (the explicit meaning): Ibarah al Nass is obviously perceptible from the text and also represents the principal theme of the text, if there are subsidiary themes also. (For example, limiting polygamy is a conclusion derived by Ibarah an Nass from the verse 4 : 3) Most of the Nasus (legal texts) of Shariah convey their rulings by way of Ibarah Al Nass. Ibarah Al Nass conveys a Hukm Qati (definitive ruling) on its own and does not require corroborative evidence.
2. Second level is *Isharah Al Nass*: This is an indicative meaning or alluded meaning present in the text. An example of indicative meaning is the verse 2:236 where it is not clearly said that marriage can be contracted without prior fixation of marital gift but deeper investigation suggests so. (see, Kamali for this and other examples. It may be noted that in any event marital gift has to be given to wife in terms of verse 4 : 4 of the Quran).
3. Third method of deduction is *Dalalah Al Nass* (inferred meaning): This is a meaning derived from the spirit and rationale of a legal text even if it is not indicated in the text. For instance, from verse 17 : 23, we can infer that not only we can not say "Uff" to parents, we can not use any abusive language (see Kamali or other Usul books for examples).
4. Fourth method of deduction or level of meaning is *Iqtida Al Nass* (required meaning): That is a meaning on which the text is silent, yet it must be assumed to fulfill proper objective. For instance, in verse 4: 22, it must be assumed that prohibition of marriage of mother or daughter means who are mothers or daughters through marriage (see examples in Kamali and other Usul books). In case of conflict, the first level (Ibarah Al Nass) will take precedence over second level (Isharah Al Nass) and so on (for examples, see Kamali).

The Shafii Ulama of Usul have classified Textual implications into two basic types - Dalalah Al Mantuq (pronounced meaning) and Dalalah Al Mafhum (implied meaning). Dalalah Al Mantuq has been divided into Dalalah Al Iqtida (required meaning) and Dalalah as Isharah (alluded meaning). Dalalah Al Mafhum (implied meaning) has been subdivided into Mafhum al Muwafaqah (harmonious meaning) and Mafhum Al Mukhtalifa (divergent meaning or meaning not in accord with the purpose of text). Shafiis do not accept Mafhum al Mukhtalifa unless they fulfil six conditions (see Kamali for explanation and examples). They have also imposed restrictions in regards to Sifah (attribute), Shart (condition) and Ghayah (extent).

Hanafi scholars are more opposed to Mafhum Al Mukhtalifa. They do not accept any meaning which is not in accord with the text or its spirit. They do not accept it at all in the case of interpretation of the Quran and the Sunnah.