

Ishārat Al-Naṣṣ: Linguistic Origin and Terminological Meanings

Ishārat Al-Naṣṣ: Asal Linguistik Dan Maksud Istilah

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Abstract

Muslim scholars in the field of tafsīr and fiqh right after the time of the Last Prophet (s.a.w.) interpreted the Qur'ān by using certain methodologies that led to the emergence of principles to derive messages from the Qur'ān. Muslim jurists particularly Ḥanafī have developed, among others, Ishārat al-Naṣṣ as a principle to interpret the Qur'ān and derive messages from the Qur'anic statements. Shāfi'ī jurists developed similar principle of interpreting the Qur'ān but under different terms al-mantūq and al-mafhūm. The present paper represents a humble attempt to investigate, identify, and explain the origin and meaning of the term Ishārat al-Naṣṣ.

Keywords: The Qur'an, *Ishārat al-Naṣṣ*, Linguistic Origin, Terminological Meaning, Jurists

Abstrak

Ulama Islam dalam bidang tafsir dan fiqh selepas zaman Nabi Terakhir (saw) mentafsirkan al-Qur'an dengan menggunakan kaedah tertentu yang menyebabkan kemunculan prinsip-prinsip untuk memperolehi mesej daripada al-Qur'an. Ulama Islam terutamanya Hanafī telah membangunkan, diantaranya, Ishārat al-nas sebagai satu prinsip untuk mentafsir Al-Quran dan memperolehi mesej daripada pernyataan al-Quran. Ulama Syafi'i membangunkan prinsip mentafsirkan al-Qur'an yang sama tetapi di bawah istilah berbeza yaitu al-mantūq dan al-mafhūm. Kajian ini merupakan satu cubaan sederhana untuk menyiasat, mengenal pasti dan menerangkan asal-usul dan maksud istilah Ishārat al-nas tersebut.

Kata Kunci: al- Qur'an, Ishārat al-Naṣṣ, Asal Linguistik, Maksud Istilah, Ulama.

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Introduction

Muslim scholars in the field of *tafsīr* and *fiqh* right after the time of the last Prophet (s.a.w.) interpreted the *Qur'ān* by using certain methodologies that led to the emergence of principles to derive messages from the *Qur'ān*. Ḥanafī jurists have classified the most widely used principles of interpreting the Qur'anic text into four categories: (1) *'Ibārat al-Naṣṣ*, (2) *Dalālat al-Naṣṣ*, (3) *Iqtaḍā' al-Naṣṣ* and (4) *Ishārat al-Naṣṣ*.¹ Shāfi'ī jurists developed similar principles of interpreting the *Qur'ān* but they named them *al-manṭūq* and *al-mafhūm*. They discuss *'ibārat al-naṣṣ*, *Iqtaḍā' al-naṣṣ* and *ishārat al-naṣṣ* under the title of *al-manṭūq*.² Jurists did not introduce and confine these principles of interpreting the *Qur'ān* to merely derive legal rulings from the *Qur'ān*; they also defined them in a comprehensive manner and as general principles to understand and interpret the Qur'anic message. In the coming lines, *Ishārat al-Naṣṣ* will be discussed in perspective of its literal origin and definition.

Ishārat Al-Naṣṣ: Literal Origin and Definition

The term *ishārat al-naṣṣ* is a combination of two words, *ishārah* and *naṣṣ*. *Ishārah* according to its linguistic origin is an act to convey some meanings using some body parts instead of speaking words. If a person points out towards a physical object by its hands, eyes or eyelids it is called *ishārah*.

Originally the word *shāra* was used to squeeze the honey from the beehives situated at the skylight and *mashār* is the beehive. The honey is hidden inside the beehive and beehive is the sign of honey and furthermore honey is obtained by squeezing it. Thus the word *ishārah* has been developed for certain meanings with this background.³ The words *shaw-*

¹ Taftāzānī, Sa'd al-Dīn Mas'ūd, *Sharḥ al-Talwīḥ 'alā al-Tawḍīḥ li matn al-Tanqīḥ fī Uṣūl al-Fiqh* (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1996), 1:242.

² Al-Juwaynī, 'Abd al-Malik bin 'Abd Allah, *Al-Burhān fī Uṣūl al-Fiqh* (Qaṭar: Dār al-Wafā', 1992), 1:298.

³ Ibn Manẓūr, Abū Al-Fadl, Jamāl al-Dīn. Muhammad bin Mukarram, *Lisān al-'Arab* (Qum: Nashr Adab al-Hawzah, 1405AH), 4.434

wara is the direct origin of the word *ishārah*.⁴ It is mentioned in *al-Qāmūs al-Muḥīṭ* and other primary lexicographical sources that *ishārah* is to indicate towards anything by hand, eye or eyelid.⁵ The use of the word *ishārah* is not confined to point out to physical objects merely. The Qur'anic *āyah* *و شاورهم في الامر*⁶ conveys that *ishārah* might be non-physical and rational. The word *mashwarah* is also originated from same root. The words or sentences of an advisor or speaker also indicate towards some implied meanings indirectly that can be understood by contemplating on the words or on the structure of the sentence. It can be said that *ishārah* is sometime physical and sometime rational.⁷

The *Qur'ān* has used this word in its literal meanings. The *Qur'ān* says: *فَأَشَارَتْ إِلَيْهِ قَالُوا كَيْفَ نُكَلِّمُ مَنْ كَانَ فِي الْمَهْدِ صَبِيًّا*⁸ “Then she pointed to him. They said:” *How can we talk to one who is a child in the cradle?*⁹ Similarly this word has been used in the narrations of the Prophet (S.A.W) in its literal meanings. For example, it has been narrated that the Prophet (S.A.W) said:¹⁰ *التقوى ههنا ويشير إلى صدره ثلاث مرات* (Piety is here and the Holy Prophet (S.A.W) was pointing to his chest three times.) It is concluded that:

- i. The literal meanings of *ishārah* are to point out or to indicate.

⁴Abū Naṣr Ismā'īl bin Ḥammād al-Jawharī, *Al-Siḥāḥ al-Musammā Tāj al-Lughah wa Ṣiḥāḥ al-'Arabiyyah* (Ed: Shihāb al-Dīn Abū 'Amr), (Bayrūt: Dār al-Fikr, 1998), 1:574

⁵Muhammad bin Ya'qūb al-Ferozabādī, *Al-Qūmūs al-Muḥīṭ* (Bayrūt: Dār Iḥya' al-Turāth al-'Arabī, 1997), 1:591

See also: Abū al-Faṭḥ Musā bin Muhammad, Ibn Amīr al-Ḥājj, *al-Taqrīr wa al-Taḥbīr Sharḥ'alā Teḥrīr al-Kamāl ibn Humām fī'ilm al-Uṣūl*, (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1983), 1:107.

⁶*Al-Qur'ān, Āl-Imrān*:159

⁷Ismā'īl bin Hammād al-Jawharī, *Al-Siḥāḥ al-Musammā Tāj al-Lughah wa Ṣiḥāḥ al-'Arabiyyah*, 1: 574

⁸*Al-Qur'ān, Maryam*: 29

⁹ Muhammad Taqī al-Dīn Al-Hilālī, Muhammad Muḥsin Khān, *The Noble Qur'ān*, (Madina: King Fahad Complex for the Printing of the Holy Qur'ān, 1417AH), 405

¹⁰ Al-Baiḥqī, Abū Bakr Ahmad bin al-Ḥusain, *Al-Sunan al-Kubrā*, (Bayrūt: Dār al-Fikr, n.d.), *Jima' abwab al-Qadhif, Bāb: Mā jā' fī teḥrīm al-Qadhif*, 12:498

- ii. *Ishārah* is a symbolic or an implicit mode to convey the message and it takes the place of explicit and illustrative mode of expression.
- iii. *Ishārah* is not merely physical phenomenon. It may be rational or logical.

The word *al-naṣṣ* has been used in multiple shades of meanings. The majority of the words that originate from the same root give the meanings of rise, elevation, increase, to expose and exhibit. The word *naṣṣ* has been employed in a tradition of the Prophet (s.a.w.) in the meanings of acceleration which also includes the shade of increase and rise. It is narrated that the Prophet (s.a.w.) was leaving ‘Arafāt نص فاذا وجد فجوة نص¹¹ (when there was enough space he would (make his camel) go very fast.) A word *al-miniṣṣah* having the same root is used for the high chair, pulpit prepared for the sermon delivering and for the elevated bed of the bride.¹² It can be concluded that all the words belonging to the family of *al-naṣṣ* gives the meaning of rise and exposure.¹³

Terminological development of *al-Naṣṣ*

The use of word *al-naṣṣ* has travelled through different phases and resultantly this word has been established as a common word attached with two terminological meanings as under.

- i. Every Qur’anic *āyah* and saying of the Holy Prophet (s.a.w.) is called *al. naṣṣ* that imparts some ruling.
- ii. The Qur’anic *āyah* or the Hadith text that imparts its meanings evidently without any doubt and the context of the text is expounding on the meanings.

We will elaborate above mentioned two terminological dimensions of *al-naṣṣ* and will probe the relevant terminological meaning of *al-naṣṣ* in the context of our research.

¹¹ Al-Bukhārī, Muhammad bin Ismā‘īl, *Al-Jami‘ al-Ṣaḥīḥ* (Ed: Muṣṭafā Dīb al-Baghā), (Bayrūt: Dār Ibn Kathīr, 1987), Hadith no.4151, Chapter: Ḥajjah al-widā‘, 4:1601

¹² Muhammad bin Ya‘qūb al-Ferozabādī, *Al-Qāmūs al-Muḥīṭ*, 1:858

¹³ Muhammad Murtadā al-Zabīdī, *Tāj al-‘Urūs*, (Bayrūt: Dār al-Fikr, 1987) 18: 179

It has been traced out that very first use of the word *al-naṣṣ* as a specific term was made by Imām al-Shāfi‘ī in his famous book *al-Risālah* that is considered as the first book in the field of *uṣūl al-fiqh*.¹⁴ He has applied this word as a term, simultaneously, for the Qur’anic text and narrations of the Prophet (s.a.w.) in exchange for elicitation (*istinbāt*). Abū al-Ḥusain al-Baṣarī describes that *al-naṣṣ* has been defined by al-Shāfi‘ī as a divine text communicating some commandment directly or logically from its words.¹⁵ Al-Ghazālī also endorsed that use of the word *al-naṣṣ* as a term was initiated and introduced by al-Shāfi‘ī.¹⁶ Statements of both scholars affirm that at the first step terminological formulation of the word *al-naṣṣ* was made by al-Shāfi‘ī and he incorporates every divine letter into the term *al-naṣṣ* that gives some legal rulings.

The second terminological meanings of *al-naṣṣ* were primarily developed in the field of Islamic jurisprudence. The jurists have divided that Qur’anic words from the viewpoint of clarity (*wudūh*) into two main categories of clear and unclear words.¹⁷ A clear word discloses a concept which is comprehensible without any interpretation. From the viewpoint of the degree of clarity and conceptual sturdiness, clear words are divided into four: *Zāhir* (manifest), *Naṣṣ* (explicit), *Mufassar* (unequivocal), and *Muḥkam* (perspicuous)¹⁸. The manifest (*Zāhir*) is a word that holds a clear meaning and its meaning can be understood, merely by the words. However, it is not necessary that it is also associated with the context in

¹⁴ Al-Shāfi‘ī, Muhammad bin Idrīs; *Al-Risālah* (Ed: ‘Abd al-Fattāh kubbārah), (Bayrūt: Dār al-Nafāis, 1419 AH), 37

¹⁵ Abū al-Ḥussain Muhammad bin Alī al-Baṣarī, *Al-Mu‘tamad fī Uṣūl al-Fiqh* (Ed: Muhammad Ḥamīd Allah wa ākharīn), (Dimashq: Maṭba‘ Katulaikiyah 1384 AH), 1:294.95

¹⁶ Al-Ghazālī, AbūḤāmid Muhammad bin Muhammad, *Al-Mustasfā min Ilm al-Uṣūl* (Ed: Muhammad bin Sulaimān al-Ashqar), (Bayrūt: Muassisah al- Risālah,, 1997), 2:48

¹⁷ Muhammad Ya‘qūbal-Banānī, *Al-Ḥashiyah li Mawlānā Muhammad Ya‘qūb al-Banānī al-Mashhūr bi MolvīḤusāmī* (Peshawar: Maktabah Ḥaqqāniyah, n.d), 26

¹⁸ M. H. Kamālī, *Principles of Islamic Jurisprudence* (Malaysia: Islamic text society, 1991), 80-81

which it occurs.¹⁹ When a word conveys a clear meaning that is also in accordance with the context, it is classified as *naṣṣ*. The difference between the *ẓāhir* and *naṣṣ* mainly depends upon their relationship with the context in which they occur. For example, the *Qur'ān* says that God has permitted sale but prohibited usury.²⁰ This *āyah* is *ẓāhir* in the meanings of legitimacy of trade and prohibition of usury as these meanings are clear from the words without any need of explanation but the context declares that text has not been aimed to convey these meanings. The intended meanings of the text that are clear from context to convey that trade and usury are not same things. The Lawgiver has, in other words, explained His own intentions with complete clarity, this is *al-naṣṣ*.

Now the question that what is meaning of *al-naṣṣ* in the context of our research topic can be replied easily. Keeping in view the above mentioned discussion, it is crystal clear that the term *al-naṣṣ* in the *ishārat al-naṣṣ* belongs to the first terminological meaning because when we pronounce *ishārat al-naṣṣ*, we are talking about the *ishārah* of each and every Qur'anic *āyah*, not *ishārah* of the some particular Qur'anic *āyāt* that are considered as *al-naṣṣ* as per *uṣūl al-fīqh* term.

Definition of *Ishārat al-Naṣṣ*

Ishārat al-Naṣṣ has been defined by different scholars and jurists according to their understanding and approach. *Ishārat al-Naṣṣ* is may be considered as implied meaning of a Qur'anic text that can be extracted from the words of the text by pondering upon it without performing any addition or subtraction in the meanings of words. The meaning derived by *ishārat al-naṣṣ* is not intended meaning of that text but logical thinking over the words leads towards the hidden meaning.

Al-Sarkhasī, famous Ḥanafī scholar and jurist, writes that *ishārat al-naṣṣ* refers to the meanings of the words that are not intended to convey and the *āyah* is not revealed for that purpose. The hidden meanings

¹⁹ Mullā Jīwan, *Sharḥ Nūr al-Anwār 'alā al-Manār* (Bayrūt: Dār al-Kutub al-ʿIlmiyyah, 1986), 1:206

²⁰ *Al-Qur'ān: al-Baqarah*: 275

of the words or text can be obtained by pondering upon the words without linking the text to any other text or context.²¹

Another famous scholar al-Nasfī describes *ishārat al-naṣṣ* as the meanings of the words that are derived without need of any addendum or supplement. These meanings are meanings of the words but not aimed to relay. Furthermore these meanings are not apparent and evident. No one can perceive these hidden meanings without deep thinking over the words.²² *Ishārat al-Naṣṣ* has also been defined as the meanings of the words that are detectable by deep thinking on the words but these are not the meanings of the text directly or indirectly. The logical reasoning compels to accept these essential hidden meanings as concomitant meanings.²³ After going through the definitions originated by different scholars, the primary theme of their definitions can be concluded into the following points.

- i. The meanings obtained by *ishārat al-naṣṣ* are implicit and cannot be identified without intensive meditation on the words or text.
- ii. The meanings derived by *ishārat al-naṣṣ* are not intended and principle meanings. However these meanings are indispensable.
- iii. The process of finding out the hidden meanings by *ishārat al-naṣṣ* depends upon the intellectual capability and wisdom of the interpreter.

Rationale for *Ishārat al-Naṣṣ*

The Qur'anic words on the basis of the modes of imparting its meanings have been classified into four by Ḥanafīs (1) *Ibārat al-Naṣṣ*, (2) *Dalālat al-Naṣṣ*, (3) *Iqtadā' al-Naṣṣ* and (4) *Ishārat al-Naṣṣ*. The ra-

²¹ Al-Sarkhasī, Muhammad bin Ahmad, , *Uṣūl al-Sarkhasī* (Ed: Abū al-Wafā Afghānī), (Bayrūt: Dār al-Fikr, 2005), 184

²² Al-Nasfī, 'Abd Allah bin Ahmad, , *Kashf al-Asrār Sharḥ al-Muṣannif 'alā al-Manār*, (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1986), 1:375

²³ Abd al-Wahhāb Khallāf, *Ilm Uṣūl al-Fiqh* (Kuwait: Dār al-Qalam, 1970), 145

tionale behind this classification is that when an argument is given on the basis of a text, the reasoning will be made whether from the composition and words of the text or from the meanings of that text. If argumentation is established on the basis of composition and words, it will be divided into two types. First is that the words of the text under discussion are formulated deliberately to convey some specific meanings directly, it will be called *'ibāratal-naṣṣ*. Second, the words will be transmitting some subsidiary meanings implicitly that are not aimed to convey intentionally by these words, it will be called *ishārat al-naṣṣ*. If reasoning is based on the meanings of the text, it is further divided into two categories. If the meanings of the text are understandable merely with the knowledge of lexical background of the words and no extraordinary linguistic expertise and deep thinking is required. It will be classified as *dalālat al-naṣṣ*. On the other hand if the meanings of the text are drawn from the words by applying some intellectual effort and the additional meanings are required logically to complete the text and without this text would fail to accomplish its desired purpose, it is called *Iqtadā' al-naṣṣ*.²⁴

Reasoning on *ishārat al-naṣṣ* has also been used by the companions of the Holy Prophet (s.a.w.) in the Qur'anic interpretation. From the following two examples, we can easily claim that *ishārat al-naṣṣ* is a methodology that was discerned by the disciples from the Prophet (s.a.w.)

'Abd Allah ibn 'Abbās derived implied message from the *āyāt* of *sūrah al-Naṣr* saying that it is the news of the death of the Prophet (s.a.w.) and 'Umar seconded and appreciated him by saying that I comprehend it as well.²⁵ We are sure that this *sūrah* is not revealed to inform about the demise of the Prophet (s.a.w.) but implicitly the *āyāt* convey the message that was decoded by Ibn 'Abbās.

²⁴Taftāzānī, Sa'dal-Dīn Mas'ūd, *Sharḥ Talwīḥ'alā al-Tawdīḥ* (Bayrūt: Dār al-Kutub al-'Ilmiyyah,1986) 1:242

²⁵ Al-Zamakhsharī, Maḥmūd bin 'Umar, *Al-Kashshāf 'an Ḥaqā'iq Ghawāmid al-Tanzīl wa Uyūn al-Aqāwīl fī Wujūh al-Ta'wīl* (Bayrūt: Dār al-Kitāb al-'Arabī, 1407 AH), 4:812

Similarly, it is narrated that ‘Alī derived that minimum period for pregnancy and child birth is six months after combining two *āyāt*. These *āyāt* are: “وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْرًا” (and the bearing of him and the weaning of him is thirty months.)²⁶ and “وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ” (Mothers shall suckle their children for two whole years.)²⁷ First *āyah* tells the total duration of pregnancy and fosterage is thirty months and second *āyah* tells that fosterage will be completed in two years (twenty four months). It was derived by *ishārat al-naṣṣ* that minimum duration of pregnancy is six months.²⁸

It is concluded that logically, it is proved that there are some implicit meanings behind the literal and first meanings of the words that are understandable by applying some meditative effort and this is *ishārat al-naṣṣ*. Moreover, from above mentioned two examples of the companions of the Prophet (S.A.W), it is also established that *ishārat al-naṣṣ* is the means of deriving Qur’anic messages, since the antiquity.

Authenticity of *Ishārat al-Naṣṣ*

There are three schools of thought, mainly regarding the authenticity of *Ishārat al-Naṣṣ* for legislative purposes in the Islamic jurisprudence.

- i. The ruling obtained by *ishārat al-naṣṣ* is definitive and binding (*Qat’ī*).
- ii. The meanings derived by *ishārat al-naṣṣ* are speculative (*Zannī*).
- iii. It is between definitive and speculative and its will be finalized according to the indications provided by the context, circumstances and other rulings.

The first opinion is of Ḥanafīs *mutakhhirūn*. They state that the ruling by *ishārat al-naṣṣ* is derived from the Qur’anic words and text,

²⁶ *Al-Qur’ān: al-Aḥqāf: 15*

²⁷ *Al-Qur’ān: al-Baqarah: 233*

²⁸ Al-Khabbāzī, ‘Umar bin Muhammad bin ‘Umar, *Al-Mughnī fī Uṣūl al-Fiqh* (Ed: Dr. Muhammad Mazhar Baqā), (Umm al-Qurā University: Markaz al-Baḥth al-‘Ilmī wa Iḥya’ al-Turāth al-Islāmī, 1403AH), 51

thus it is binding and definitive (*Qaṭ'ī*). It does not matter, whether meanings of Qur'anic *āyāt* are explicit or implicit.²⁹ The second point of view is of the *mutaqaddimūn* Ḥanafīs like al-Sarkhasī. He says that the meanings derived by *ishārat al-naṣṣ* are not intended, clear and direct meanings. The context of the text too, is not articulated to convey these meanings. The derived meanings of the text cannot be declared equal to the meanings that are intended to express by an *āyah*. So, the meanings derived by *ishārat al-naṣṣ* are speculative (*ẓannī*).³⁰ Third point of view is that some time meanings derived by *ishārat al-naṣṣ* are speculative (*ẓannī*) and sometime definitive (*Qaṭ'ī*). It is the same case as the meanings by *ibārat al-naṣṣ* are sometime speculative (*ẓannī*) and sometime definitive (*Qaṭ'ī*).³¹

Keeping in view the arguments of three schools, it seems that third opinion is balanced and pragmatic. Because, when we are deriving something from a text with our intellect, we are not authorized to assert it as a divine decree, till we have rationale without any minor doubt. As it is known that *ibārat al-naṣṣ* is also *ẓannī* many times. (It is declared *ẓannī* when a word gives dual meanings literally or *takhsīṣ* has been made from an *Ām*). For example, in the *āyah* word *qurū'* has been used that tells the time period of *'iddah*.³² *Qurū'* has dual literal meanings of menses and cleansing.³³ Here, we would have to prefer one meaning, keeping in view different reasons and justifications. Thus, *'ibārat al-naṣṣ* is *ẓannī* in its implication because of two similar meanings. The decision of *qaṭ'ī* and *ẓannī* will be made keeping in view the original meanings of words, context of *āyah* and coherence of *sūrah*.

²⁹ Al-Khabbāzī, 'Umar bin Muhammad bin 'Umar, , *Al-Mughnī fī Uṣūl al-Fiqh*, 149, Mullā Jīwan, *Nūr al-Anwār*, 1:381

³⁰ Muhammad bin Ahmad, al-Sarkhasī, *Uṣūl al-Sarkhasī*, 184

³¹ Shams al-Dīn al-Asfāhānī, *Bayān al-Mukhtaṣar fī Uṣūl al-Fiqh* (Ed: Dr. Muhammad Maḥzar Baqā), (Umm al-Qurā University: Markaz al-Baḥth al-'Ilmī wa Iḥya' al-Turāth al-Islamī, 1406AH), 2:132

³² *Al-Qur'ān: al-Baqarah*: 228

³³ Ibn Qutaybah, Abū Muhammad, 'Abd Allah bin Muslim, , *Gharīb al-Qur'ān* (Ed: Ahmad Saqar), (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1978), 86

Some Examples of Qur'anic Interpretations by *Ishārat al-Naṣṣ*

Here three examples are presented to demonstrate that how this tool has been utilized by the Qur'anic commentators to decipher the Qur'anic meanings.

Āyah on Gravity of the Hypocrisy

أُولَئِكَ الَّذِينَ اشْتَرُوا الضَّلَالَةَ بِالْهُدَىٰ فَمَا رَبِحَتْ تِجَارَتُهُمْ وَمَا كَانُوا مُهْتَدِينَ (These are the people who have purchased error at the price of guidance, their trade is not profitable and they are righteous person.)³⁴

The *āyah* is describing the idiocy of hypocrites of the era of the Prophet (s.a.w.) who had preferred transgression in place of faith and trust on Allah. The *Qur'ān* has provided guidance about some economic issues in human life by *ishārah* of the words. Following three rulings are inferred by *ishārat al-naṣṣ* though *āyah* textually condemns the behavior of hypocrites but implicitly communicates following commandments:

- i. To earn profit from a trade is not merely allowed but preferred. The *Qur'ān* criticizes the hypocrites on their unprofitable dealings by saying *famā rabiḥat tijāratuhum*. It means a business must be aimed to profitability.
- ii. The trade (*al-tijārah*) that has been narrated in this *āyah* is purchase of error in exchange of guidance. It means in principle barter trade is allowed. Here it is condemned because of the things that were interchanged otherwise it is allowed to do trade of commodities by exchange.
- iii. The sale of intellectual property or rights is allowed. *Al-Hudā* is an intellectual property, not some tangible or physical thing. It has been condemned that it is sold out against wrong thing if it was exchanged with some good thing like *ajr* or *thawāb* it will be good and profitable trade. In the current era, sale purchase of rights had become prevalent business that was not found in ancient times.

Āyah Condemning Hypocrites

³⁴ *Al-Qur'ān: al-Baqarah:16*

وَمِنَ النَّاسِ مَن يَقُولُ آمَنَّا بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَمَا هُمْ بِمُؤْمِنِينَ (And among the people there are some who say that we believe in Allah and the Day of Judgment but they are not believers).³⁵

Ishārat al-Naṣṣ leads towards following points regarding believes.

- i. *Īmān* is not the name of uttering words of belief in Allah, merely by tongue. The *Qur'ān* says that a group of people, declares their faith in Allah by words, but they are not *mu'minūn* (believers).

It is not an obligatory condition for *īmān* to testify each and every attribute of Allah and Islamic beliefs by words. The reason behind this inference is that in this *āyah*, the *Qur'ān* has mentioned only two beliefs for faith i.e. *īmān bi Allah* and *bi al-ākhirah*. Here *īmān bi al-risālah* has not been mentioned that shows declaring faith in Allah includes all other beliefs.³⁶

Āyah Recounting Family Life as Blessing of Allah

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً (It is among his signs that He created for you wives from yourself so that you may find comfort from them and he cultivated love and kindness between you.)³⁷

The textual meanings are clear from translation that *āyah* is revealed to mention the blessing of Allah regarding personal family life of a human being. It has been derived by *ishārat al-naṣṣ* that marriage between man and female *jinn* (Genie) is not lawful. The Qur'anic words *min anfusikum azwājā* are the base of this ruling because the words explicitly reveal that your wives had been created from you. It means wives are allowed only from human race.³⁸

Some Shāfi'īs and Ḥanbalīs are of the opinion from the *ishārah* of Qur'anic words “*mawaddah and raḥmah*” that punishment of hand cut-

³⁵ *Al-Qur'ān, al-Baqarah*: 08

³⁶ Al-Rāzī, Fakhr al-Dīn, Muhammad bin 'Umar, *Maṣā'ir al-Ghayb*, (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 2000), 2:272

³⁷ *Al-Qur'ān: al-Rūm* : 21

³⁸ Al-Suyūṭī, Jalāl al-Dīn, *Al-Iklīl fī Istinbāṭ al-Tanzīl*, 207

ting on theft will not be extended to spouses on stealing each other's belongings. The wife will not be considered culpable if she steals the money of her husband and vice versa. The reason is that this punishment is against mercy and benevolence while the *Qur'ān* describes the nature of this relation with the words “*mawaddah and raḥmah*”.³⁹

Conclusion

The term *ishārat al-naṣṣ* has assumed a principle to derive messages from the *Qur'ān*. The meaning derived from the *Qur'anic* statements through the method of *ishārat al-naṣṣ* may not necessarily be absolute (*qaṭ'i*); it will rather be considered speculative (*ẓanni*). As the origin of the term *ishārat al-naṣṣ* testifies, using it as a principle to interpret the *Qur'an* is highly delicate task. It needs extraordinary sensitivity towards the *Qur'ān*.

³⁹ ‘Abd al-Raḥmān al-Jazā’rī, *Al-Fiqh ‘alā al-Madhāhib al-Arb‘ah*, (Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 2008), 5:78