

Epistemological and Hermeneutical Significance of the Concept of *al-Bayān* in Imām Shāfi'ī's Legal Thought

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Abstract

Imām Shāfi'ī's theory of the *al-bayān*, the central principle of his *al-Risāla*, is the very first fundamental legal principle discussed in depth in *al-Risāla*, and it serves as the framework for the entire work. According to the Imām Shāfi'ī, *al-bayān* is a comprehensive term that refers to both general legal precepts and specific legal regulations. Many eminent scholars have explored the concept *al-bayān*. A few claim that it just refers to a proclamation that includes specific legal aspects, while others assert that it not only proclaim, but also clarifies those regulations. "*al-bayān*" literally means guidance. The 2nd chapter of *al-Risāla*, Shāfi'ī titled *al-bayān*, is devoted to elucidating how Allah provides guidance for people. He categorizes Qur'ānic teachings into 5 types based on the fact that the divine Scripture utilizes almost the similar dialect as the individuals whom it was addressed and is thus easily comprehended by those who are acquainted with that speech.

Key Words: *al-bayān*, Epistemology, Hermeneutics, Legal Theory

Introduction

Imām Shāfi'ī's analyses, in the beginning of *al-Risālah*, the role of the Qur'ān in legislation and establishes that it serves as the source of all knowledge on the subject. He believes that the Qur'ān is indeed the primary source for all fundamental legal understandings. He asserts that indeed the Qur'ān provides instructions for all situation's (*nāzilah*) that may confront a believer. Imām Shāfi'ī's fundamental conviction is that Islamic law is a divine in nature. He uses verses from the Qur'ān to support his claim. For example Qur'ān says:

Does man think that he will be left neglected (*an yutraka sudā*)?¹

According to Imām Shāfi'ī, the word *sudā* in this verse refers to a condition of anarchy that occurs when a person is not bound by any regulations, directives, or restrictions. As a logical result, Divine laws govern people's behavior, and no one is permitted to make judgments only if that judgment is based on Divine scripture otherwise, that person would fall into the category of a purposeless.²

¹ Al-Qur'ān: 75:36.

² Al- Shāfi'ī, Muḥammad ibn Idrīs, *Al-Risāla*, ed. Aḥmad Muḥammad Shākir, Dār al-Hadith, Cairo, 2016/1437, p.166.

Imām Shāfi'ī developed the moral code that anything Allah instructs is beneficial and all He prohibits is harmful by asserting that individuals must abide by revelations. The existence of both goodness and ill is not caused just by reasoning. Even if it is not explicitly mentioned, it is conceivable that he did so in order to answer his critique of the Mutazilāh's judicial framework by pleading for the sacredness of law. The Mutazilāh, on the other hand, believed that there exists an ultimate good and an ultimate evil, and that rationality is the tool used to assess the moral values. Nothing can be termed as beneficial or ill just because Allah ordered it; rather Allah orders it because it is beneficial.³

Thus, Imām Shāfi'ī emphasizes that the Qur'ān serves as the basic repository of all *Sharī'ah* commandments. Its guidelines serve as a "precise proclamation" on all issues, both divine and worldly, that men are required to abide by. Several Qur'ānic passages are cited by him to support his opinions. Imām Shāfi'ī asserts that the Qur'ān contains instructions for each situation that individuals come across.⁴ The reference to the Qur'ān within which Allah states that He revealed the Book to the Messenger ﷺ in order to lead mankind from despair to illumination⁵, as well as the place where He asserts that He revealed the Commemoration and commanded the Messenger ﷺ to express it clearly to humanity⁶, are presented by Imām Shāfi'ī to justify his assertion that the Qur'ān has rendered the instruction for all of humanity's concerns.⁷ He also asserts that prior to the Qur'ān was revealed, there was no set of guidelines available to humanity.⁸

The Messengers ﷺ demise signified the closure of the divine guidance. Thus the need how the Scripture might offer resolutions to the issues that hadn't yet emerged at the period it was revealed? To address this issue, Imām Shāfi'ī dedicated the chapter two of *al-Risāla* to the consideration of the essence of the Qur'ānic legislative framework underneath the heading "*al-bayān*".

Imām Shāfi'ī's Concept of *al-Bayān*

Imām Shāfi'ī's theory of the *al-bayān*, the central principle of his *al-Risāla*, is the very first fundamental legal principle discussed in depth in *al-Risāla*, and it serves as the framework for the entire work.⁹ According to the Imām Shāfi'ī, *al-bayān* is a comprehensive term that refers to both general legal precepts and specific legal

³ al-Qādhi Abū al-Hasan Abd al-Jabbār, *al-Mughnī fi Abwāb al-Tawhīd wal-Adl*, ed. Ahmad Fuad al-Ahwani, Cairo, al-Dar al-Misriyyah li-al-Tabāh wal-Tarjumah, vol.6, 1965, p.102-114; Makdisi, George, *The Rise of Humanism in Classical Islam*, Edinburgh, Edinburgh University Press, 1990, p.23; Goldziher, Ignaz, *Introduction to Islamic Theology and Law*, trans. Andras and Ruth Hamori, Princeton, Princeton University Press, 1981, p.91.

⁴ Al- Shāfi'ī, Muḥammad ibn Idrīs, *Al-Risāla*, *op.cit.*, p.162.

⁵ "[This is] a Book which We have revealed to you, [O Muhammad], that you might bring mankind out of darkneses into the light by permission of their Lord - to the path of the Exalted in Might, the Praiseworthy" Al-Qur'an; 14:1.

⁶ "[We sent them] with clear proofs and written ordinances. And We revealed to you the message that you may make clear to the people what was sent down to them and that they might give thought" Al-Qur'an; 16:44.

⁷ "And [mention] the Day when We will resurrect among every nation a witness over them from themselves. And We will bring you, [O Muhammad], as a witness over your nation. And We have sent down to you the Book as clarification for all things and as guidance and mercy and good tidings for the Muslims" Al-Qur'an; 16:89.

⁸ "And thus We have revealed to you an inspiration of Our command. You did not know what is the Book or [what is] faith, but We have made it a light by which We guide whom We will of Our servants. And indeed, [O Muhammad], you guide to a straight path" Al-Qur'an; 42:52.

⁹ Lowery, Joseph, *Early Islamic Legal Theory The Risāla of Muḥammad ibn Idrīs al-Shāfi'ī*. Brill, Leiden Boston, 2007, p.23-24.

regulations. Many eminent scholars have explored the concept *al-bayān*. A few claim that it just refers to a proclamation that includes specific legal aspects, while others assert that it not only proclaim, but also clarifies those regulations.¹⁰ “*al-bayān*” literally means guidance. The 2nd chapter of *al-Risāla*, Shāfi’ī titled *al-bayān*, is devoted to elucidating how Allah provides guidance for people. He categorizes Qur’ānic teachings into 5 types based on the fact that the divine Scripture utilizes almost the similar dialect as the individuals whom it was addressed and is thus easily comprehended by those who are acquainted with that speech.

The 1st Type of *al-Bayān*: Self-explanatory Text of the Qur’ān

The first category includes those instructions that are evident from the wording themselves. The only prerequisite for the content for expressing their message to the reader is that they must be well acquainted with its language. In order to explain the first type of *al-bayān*, Imām Shāfi’ī provides three illustrations from the Qur’ān. One of them pertains to the *hajj tamatū* performer’s obligation to *Sawm*. Allah says in Qur’ān;

And when you are secure, then whoever performs ‘umrah [during the ḥajj months] followed by ḥajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during ḥajj and of seven when you have returned [home]. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Ḥarām. And fear Allāh and know that Allāh is severe in penalty.¹¹

The individuals to whom this passage is directed are informed that a total of 10 days must be fasted, which includes a 3 fast while on hajj and a 7 day fast following the return. Perhaps a message is quite apparent, so the statement "which is 10 entirely" likely seeks to accurately convey its message or instructs listeners that 3 and 7 equals 10.

Another example that Imām Shāfi’ī provides for the explanation of *al-bayān* is Allah’s appointment of Mūsa(*alaihi salām*): Allah says:

And We made an appointment with Moses for thirty nights and perfected them by [the addition of] ten; so the term of his Lord was completed as forty nights.¹²

So it is clear to comprehend that thirty and ten nights equal forty. The phrase “and he accomplished the duration allotted by his Creator of forty nights” might either have been provided to clarify the message or be meant to specify the whole count accurately, similar to the situation in the preceding example.

The final illustration in this category relates to the *wajūb* of *Ramadhān* fast. Allah says in the Qur’ān;

¹⁰ For more expalination refer to; al-Ghazzali, *al-Mustasfā*, Vol. I, pp. 304-66; Abu Ishaq al-Shatibī. *al-Muwāfaqāt*, ed. ‘Abd-Allah Duraz (Cairo, n. d .), Vol. III, pp. 308-14; Sayf al-Din al-Amidi, *al-lhkām Fi Usul al-Ahkām* (Cairo, 1347/1928), Vol. II, pp. 121-34.; c.f Khadduri, Majid, *Al-Imam Muhammad ibn Idris al-Shafi'i's al-risala fi Usul al-Fiqh: Treatise on the foundations of Islamic jurisprudence*. Cambridge, UK: Islamic Texts Society, 2012, p.34.

¹¹ Al-Qur’ān; 2:194.

¹² Al-Qur’ān; 7:143.

O you who have believed, decreed upon you is fasting as it was decreed upon those before you that you may become righteous. [Fasting for] a limited number of days. So whoever among you is ill or on a journey [during them] - then an equal number of other days [are to be made up].¹³

Allah further says:

The month of *Ramadhān* [is that] in which was revealed the Qur'ān, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the crescent of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days.¹⁴

Since it is well recognized that a month is the time between two subsequent crescents, which can be twenty-nine or thirty days, Allāh mandates that everyone should fast and explicitly states that it must last for a month in the lines mentioned.

So the above examples from the Qur'ān illustrates that there are *āyāt* in the Qur'ān which explicitly reveal what Allāh intends by them. These *āyat* are recognized by Imām Shāfi'ī as the Allāh's guidance revealed by the text explicitly.¹⁵

The 2nd Type of *al-Bayān*: Qur'ān and the Specificity of Sunnah

The 2nd group comprises general legal norms that the Messenger ﷺ specified. In an illustration to this particular mode of *al-bayān*, Imām Shāfi'ī provides two examples. In its first illustration, Imām Shāfi'ī quotes the *āyāt* from *sūrah maidā* of the Qur'ān which pertains to the ritual purification for *salah*. Allah says in the Qur'ān, in *surah maidā*;

O you who have believed, when you rise to [perform] prayer, wash your faces and your forearms to the elbows and wipe over your heads and wash your feet to the ankles. And if you are in a state of *janābah*, then purify yourselves.¹⁶

The requirements for ritual purification are stated in the passage above, but it is not still explicit how often one needs to wash his face & his feet. In this passage, washing one's face and one's feet may be done simply once or multiple times. The Messenger make it specific that the ritual purification could only be done once, though he actually did it 3 times. Therefore, just single washing is necessary for the face and feet during ritual purification. Moreover, as the Prophet ﷺ did it thrice, so washing three times is voluntary.

¹³ Al-Qur'ān; 2: 183,184.

¹⁴ Al-Qur'ān; 2:185.

¹⁵ Al- Shāfi'ī, Muḥammad ibn Idrīs, *Al-Risāla*, *op.cit.*, pp.167,168.

¹⁶ Al-Qur'ān; 5:6.

Another example that Imām Shāfi'ī provides in this type of *bayān* pertains to the rules of inheritance laws given in Sūrah Nisā, verse 11&12.¹⁷ In these two *āyāt* different identified beneficiaries inherit specific inheritance portions from a departed person's property, subjected to bequests and liabilities. Allāh outlined the obligation that an inheritance not be shared unless bequests are completed and all liabilities are paid. The Messenger in this exposition stipulated that a bequest cannot be greater than one-third of the inheritance.¹⁸

The 3rd Type of *al-Bayān*: Qur'ān and the Descriptive Sunnah

Imām Shāfi'ī, While discussing the 3rd type of *bayān*, says that it includes those Qur'ānic *ahkām* which are mentioned concisely and the Messenger of Allāh elaborated them by providing their details. For example the various Qur'ānic *ahkām* like *Salah*¹⁹, *Zakāh*²⁰ and *Hajj*²¹ are mentioned in the Qur'ān in a general way without mentioning the details. Therefore, this type of *bayān* entails laws that are mentioned in the Qur'ān in an extremely broad sense but whose essential specifics are provided by the Sunnah. Imām Shāfi'ī's description of this correlation is one of interdependence and connection. In these circumstances, the Sunnah must be added to the commandment as stated in the Qur'ān. They vary considerably from those in the preceding type of the *bayān* in that the Qur'ānic proclamation does not include all the pertinent facts necessary in this case to perform the specific obligation that it stipulates.

The 4th Type of *al-Bayān*: Sunnah Alone Paradigm

Under this form of the *bayān*, laws are articulated by independent Sunnaic reports. Therefore as corollary, this type of *bayān* reflects the first *bayān* paradigm, in which laws are articulated through independent Qur'ānic passages. However at this moment in the *Risāla*, Imām Shāfi'ī does not provide illustrations of this type of *bayān*, although his explanation of how to read Sunnahic base legal provisions makes up more than one-third of the *Risāla*'s content.

¹⁷ Al-Qur'an; 4:11,12.

“Allāh instructs you concerning your children [i.e., their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allāh. Indeed, Allāh is ever knowing and Wise.”

“And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for them [i.e., the wives] is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allāh, and Allāh is Knowing and Forbearing.”

¹⁸ Al- Shāfi'ī, Muḥammad ibn Idrīs, *Al-Risāla*, *op.cit.*, p.170.

¹⁹ Al-Qur'ān; 4:103.

“Indeed, prayer has been decreed upon the believers a decree of specified times.”

²⁰ Al-Qur'ān; 2:43.

“And establish prayer and give *zakāh*[24] and bow with those who bow [in worship and obedience].”

²¹ Al-Qur'ān; 2:196.

“And complete the ḥajj and 'umrah for Allāh.”

Imām Shāfi'ī references the verse from the Qur'ān that reads, "... He sent down to you the Book and the wisdom (*al-hikmah*)"²² to substantiate the argument that the Messenger ﷺ possessed law making authority. Imām Shāfi'ī defines "wisdom" to mean the Prophet's ﷺ Sunnah in this verse and other places. In addition, he claims that since Allah has instructed His people to obey His Messenger ﷺ, obeying the Messenger ﷺ is equivalent to obeying Allāh directly.²³

The 5th Type of *al-Bayān*: *Ahkām* Through *Ijtihād* and *Qiyās*

The 5th type of the *bayān* deals with circumstances in which there isn't any immediately applicable legal content and which demand for correlative legal opinion. Legal explanation may be mandated by a verse that, by its essence, demands for an act of approximation, or it may involve using a content that is only tangentially significant in determining a norm. Therefore the norms that are explored through the practise of *ijtihād* via *qiyās* are included in this type of *bayān*. According to Imām Shāfi'ī, *ijtihād* is legitimate because it is a means through which Allāh provides guidelines as Allāh commanded His creatures to employ it whenever required. Imām Shāfi'ī illustrates from the verse of Qur'ān, in which Allah says:

And from wherever you go out [for prayer], turn your face toward al-Masjid al-Ḥarām.²⁴

Allāh has outlined the obligation through this text that whenever believers are praying, they should face toward al-Masjid al-Ḥarām, regardless of wherever they might be. As per 'Arab interpretation, the word *shatrah* signifies that when the thing is in vision, the orientation will be chosen by glimpse; however, if somehow the thing is away from field of vision, the orientation will be identified by *ijtihād*. That one is employed to exercise *ijtihād* is further substantiated by Allāh's declaration:

And it is He who placed for you the stars that you may be guided by them through the darkness's of the land and sea. We have detailed the signs for a people who know.²⁵

In addition to this Allāh also pronounces:

And landmarks. And by the stars they are [also] guided.²⁶

Therefore, Allāh has established signs to assist individuals in navigating the location of al-Masjid al-Ḥarām, where they have been commanded to orient their bodies while praying.

Conclusion

The first fundamental epistemological and hermeneutical idea stated in the *Risāla* is presented in Imām Shāfi'ī's explanation of his notion of types of the *bayān*. It is desirable to think about the most obvious consequences as

²² Al-Qur'ān; 2:231.

²³ Al- Shāfi'ī, Muḥammad ibn Idrīs, *Al-Risāla*, *op.cit.*, p.172.

²⁴ Al-Qur'ān; 2:150.

²⁵ Al-Qur'ān; 6:98.

²⁶ Al-Qur'ān; 16:16.

an exposition of the legislation prior going to its position in Imām Shāfi’ī’s legal philosophy as it is presented in the *Risāla* and to its structural function in the *Risāla*. The *bayān*, according to Imām Shāfi’ī, is a representation of the authoritarian guidance as a comprehensive framework. The Qur’ān and the Sunnah are the only revelation-based authorities from which each specific regulation in this framework derives; any other possible sources of guidance are excluded. The *bayān* methodology exhibits an equitably collectivistic propensity in its efforts to compensate for each and every specific interactions between the Qur’ān and the Sunnah inside the parameters it sets up, suggesting that its explanatory statement of that engagement serves as a normative record of the organization and operation of the legal system. In other words, the *bayān* paradigm outlines the five fundamental possibilities, which were discussed above, that the Qur’ān and Sunnah can be integrated before attempting to show how any particular legal issue can be resolved by this particular assimilation of components.

