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A SCHOLARLY REVIEW OF THE JURISPRUDENTIAL ASPECTS OF SURAH AL-NOOR IN QAZI FAZLULLAH'S TAFSIR

Muhammad Junaid Khan¹, Prof Dr. Karim Dad²

1. *Ph.D Scholar, Department of Islamic Studies, Abdul Wali Khan University Mardan KP. Email :junaidjaann@gmail.com*
2. *Supervisor. Professor /Chairman, Department of Islamic Studies, Abdul Wali Khan University (AWKUM) KP Email: karim_dad@awkum.edu.pk*

Abstract

Tafseer has a great place in the Islamic sciences. And in every era, it has been the focus of the scholars of the Ummah, the Commentaries of Qur'an has been written with different Styles ("Asaalib") and Methodologies ("Manahij"), In which there is a commentary on a fiqh style that the fiqh issues are discussed in detail under the verses of the commandments (Ayaat e Ahkaam). There is an exegetical manuscript written in the same style, which is in the hands of the renowned scholar of Pakistan, Qazi Fazlullah Advocate. Qazi Sahib has explained the jurisprudential (Fiqhī) issues and the differing opinions of the jurists (Fuqahā') in detail. What is the style and methodology of Qazi Sahib in the statement of jurisprudence? In this article it is explained in detail

The Qur'an is the book of Allah and His message to all mankind. Therefore, it is its right to understand its meaning and understanding and to adapt it in our practical life. The rise and development of nations are attributed to the Qur'an. This is the reason why scholars and intellectuals of the Ummah devoted their lives to the service of the Qur'an, And wrote interpretations of Qur'an with different styles. An important link in this chain of service is the exegetical manuscript "Ḥusn at-Ta'wīl fī at-Tafsīr wa at-Tanzīl" of Fazlullah Sahib (based in North America), a renowned scholar and scholar of Pakistan, which is in the Pashto language. The Ph.D. level research work on this manuscript is completed, by the end of Surah Anfal, three Ph.D. scholars have been completed research work. The special thing about Qazi Sahib's commentary is that he has discussed the issues of jurisprudence in detail in the commentary of Ayat al-Ahkam. Therefore, it is important to describe his approach and style in

jurisprudential issues in detail. In the following pages, Qazi Sahib's minhaj will be mentioned in the commentary of Ayat al-Ahkam .

Keywords: *Tafseer, Islamic sciences, Ayat al-Ahkam, Islamic Shari'ah, Human Societies.*

This article consists of two Discussions. In the first part of the discussion, Qazi Sahib Sahib and his exegetical manuscript have been discussed in brief, and in the second part of the discussion, the Jurisprudential Aspects of Surah Al-Noor in Qazi Fazlullah's Tafsir "Ḥusn at-Ta'wīl fī at-Tafsīr wa at-Tanzīl".ⁱ

Introduction:

A Brief Introduction to Qazi Fazlullah Advocate

Qazi Fazlullah Advocate is considered one of the eminent and well-researched scholars of Pakistan. He belongs to District Swabi in Khyber Pakhtunkhwa and was born in the town of Chhota Lahore in 1952.ⁱⁱ

He completed his traditional religious education from Jamia Akora Khattak in 1974. Additionally, he pursued modern education from Peshawar University and the International Islamic University. He earned LLB from Peshawar University and LLM from the International Islamic University.

Outstanding Memory & Eloquence: Allah has blessed Qazi Sahib with an extraordinary memory, acknowledged by scholars. Whether it is a reformative topic, an academic discourse, or a complex technical discussion, he speaks with such fluency and eloquence that listeners are deeply impressed.ⁱⁱⁱ

Expertise in Various Fields: Qazi Sahib has mastery in all Islamic sciences, but he has a special and distinguished attachment to Qur'anic Tafsir, Politics, and Law. He has served as a Mufasssir (exegete) of the Qur'an for about 21 years in Swabi (Chhota Lahore). His Tafsir classes have gained widespread recognition in the academic world. Students from across Pakistan who are passionate about religious knowledge used to attend his Tafsir lessons and courses.^{iv}

Multilingual Skills & International Outreach: His mother tongue is Pashto, but he is also fluent in Urdu, Arabic, Persian, English, and several other languages. He has undertaken preaching tours in many countries, including the Middle East, Malaysia, European countries, and several states in Central America.^v

Political & Scholarly Contributions: Alongside being a great Islamic scholar, he is also a skilled politician. He served as the President of Jamiat Talaba Pakistan and was a Member of the National Assembly from 1993 to 1996. He was a classmate and close associate of Maulana Fazlur Rahman, a renowned Pakistani politician. Since 1996, he has been residing in the United States, where he teaches at an Islamic center, delivering lectures on the Tafsir of the Qur'an, the Seerah of the Prophet (PBUH), and Shah Waliullah's "Hujjatullah al-Baligha" in English.^{vi}

Books & Publications: Qazi Sahib has authored books on Tafsir, Hadith, Fiqh, Seerah, Socialism, Secularism, and Politics. Some of his books include:

1. Islam and Politics
2. The Concept of Islamic State
3. Fundamentalism, Secularism, and Islam
4. The History and Evolution of Fiqh
5. Usul al-Tafsir (Arabic)
6. Al-Qawaid al-Fiqhiyyah fi al-Madhahib al-Arba'ah

May Allah accept his efforts and grant him blessings in his life.^{vii}

Qazi Fazlullah's Methodology in Explaining the Legal Rulings of Surah Al-Noor

In his Tafsir, Qazi Sahib elaborates extensively on the legal rulings of the Qur'an, making his work a jurisprudential Tafsir. Below are key methodological aspects of his approach:^{viii}

1. Presentation of Multiple Juristic Opinions:
 - Although Qazi Sahib follows the Hanafi school, he does not confine himself to it.
 - He presents the opinions of all four major Sunni schools (Hanafi, Shafi'i, Maliki, Hanbali).
 - This allows followers of different schools to benefit from his Tafsir.
2. Use of Textual and Rational Arguments:

- He does not rely only on textual evidence (Naql) but also uses rational reasoning (Aql).
- For example, in the rules of Tayammum (dry ablution), he explains why wiping the entire face and hands is obligatory.
- 3. Application of Usul al-Fiqh (Principles of Jurisprudence):
 - He clarifies the principles of Islamic law in various rulings.
- 4. Prioritization of Hanafi Views with Consideration of Other Schools:
 - While Qazi Sahib often favors the Hanafi school, he gives preference to other opinions where Hanafi arguments seem weaker.

Jurisprudential Issues in Surah Al-Noor

Qazi Sahib discusses major legal issues under Surah Al-Noor, including:

1. Punishment for Adultery (Zina)
2. Stoning (Rajm) for Married Adulterers
3. Punishment for False Accusation (Qadhf)
4. The Laws of Li'an (Mutual Cursing)
5. Hijab & Modesty Regulations

1. Punishment for Adultery (Zina)

Qazi Sahib has presented the punishment for Zina as per Surah Al-Noor and discussed the differences among jurists.^{ix}

- The Qur'an clearly states that unmarried adulterers should be given 100 lashes:

"فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ"

"So lash each one of them a hundred lashes."

- Disagreement on Exile Punishment:
 - Imam Shafi'i & Imam Muhammad: Exile is part of the punishment and applies to both men and women.

- Maliki school: Exile is only for men.
- Hanafi school: Exile is not part of the punishment; it was a political decision in some cases.
- Proof of Zina:
 1. Four Witnesses: The Qur'an requires four righteous witnesses to testify clearly.
 2. Self-Confession: If a person confesses four times, the punishment is applied.
- Differences Among Jurists:
 - Hanafi school: Confession must be made four times in separate sittings.
 - Hanbali school: Four confessions in one sitting are enough.
 - Shafi'i & Maliki schools: One confession is sufficient.

2. Stoning (Rajm) for Married Adulterers

- The Qur'an mentions 100 lashes, but the punishment for married adulterers is proven from Hadith.^{xi}
- Consensus of Scholars: Unmarried adulterers receive 100 lashes, while married adulterers are given the punishment of stoning to death (Rajm).^{xii}
- Proofs for Rajm:
 1. Incident of the Two Jews – The Prophet ﷺ stoned two Jews for adultery, confirming it was also in the Torah.
 2. Hadith of Ma'iz ibn Malik (RA) – He confessed four times and was stoned.
 3. Incident of Banu Ghamid's Woman – A woman confessed to Zina, the Prophet ﷺ postponed the punishment until she delivered her child, after which she was stoned.
- Jurists' Debate on Stoning & Lashing Together:

- Some Hadith mention that a married adulterer should receive 100 lashes and stoning.
- Hanafi school: Stoning is the complete punishment, and lashes are not required.
- Shafi'i school: Both stoning and lashes are required.^{xiii}

3. Punishment for False Accusation (Qadhf)

- Qadhf (false accusation of Zina) is a serious crime in Islam, carrying a punishment of 80 lashes.

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً^{xiv}

"And those who accuse chaste women and do not bring four witnesses – lash them with eighty lashes."

- Conditions for Qadhf:
 - The accusation must be explicit.
 - The accuser must bring four witnesses; otherwise, 80 lashes will be applied.
- Different Schools' Opinions:
 - Maliki school: If the accusation is direct, the punishment is mandatory.
 - Shafi'i school: A judge must verify the clarity of the accusation.

4. The Laws of Li'an (Mutual Cursing)

Li'an refers to a situation where a husband accuses his wife of adultery but does not have four witnesses.^{xv}

- The Qur'anic Command:

وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ^{xvi}

"And those who accuse their wives and have no witnesses except themselves..."

- Procedure of Li'an:
 - The husband swears four times that he is telling the truth.
 - The fifth oath invokes Allah's curse if he is lying.
 - The wife also swears four times to deny the accusation.
 - The fifth oath invokes Allah's wrath if she is lying.
- Different Jurists' Views:
 - Hanafi & Maliki schools: Li'an replaces the punishment for Zina.
 - Shafi'i & Hanbali schools: Li'an follows the Qur'anic procedure, even if the couple are non-Muslims.
- Effect of Li'an:
 - The couple is permanently separated.
 - The child remains legitimate, but the father denies paternity.^{xvii}

5. Hijab & Modesty Regulations

Qazi Sahib has discussed the Qur'anic verses on Hijab in detail.

- The Qur'anic Command:

^{xviii}"وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا"

"And not display their beauty except what is apparent."

- Different Interpretations:
 - Ibn Abbas (RA): Women can show face and hands.
 - Hanafi school: Face and hands are allowed in normal conditions but must be covered if there is fear of Fitnah.
- Types of Hijab:
 - Obligatory: Covering entire body except the face and hands.
 - Stricter View (Hanbali school): Covering everything, including the face.^{xix}

Conclusion:

"Hasan al-Ta'weel fi al-Tafsir wa al-Tanzeel" is an exceptional work in the field of Qur'anic exegesis (Tafsir) that delves deeply into the interpretation and contextual understanding of the Qur'an, with a specific emphasis on its legal rulings (Ahkam). This Tafsir distinguishes itself by addressing not only the linguistic and theological dimensions of the Qur'an, but also its legal and jurisprudential aspects. The author's approach is systematic and rigorous, employing classical methods of Tafsir while engaging with modern concerns. It provides an in-depth analysis of various Qur'anic verses, offering a scholarly examination of how these verses are understood in light of Islamic jurisprudence (Fiqh).

One of the standout features of this work is its focus on contemporary issues, which allows readers to draw practical and relevant insights from the Qur'anic text in addressing current societal and legal matters. The author often draws connections between ancient jurisprudential rulings and modern-day challenges, making this Tafsir a crucial tool for both Islamic scholars and students of law. The meticulous exploration of Qur'anic verses helps the reader to understand the foundational principles of Islamic law while also reflecting on how these principles can be applied today.

"Hasan al-Ta'weel fi al-Tafsir wa al-Tanzeel" serves as a significant resource for anyone seeking a scholarly understanding of the Qur'an, not only in terms of its spiritual and moral teachings but also in the realm of legal frameworks and their applications. It is particularly useful for researchers and students who wish to delve into Islamic legal theory, as well as for general readers who are interested in learning how the Qur'an's messages remain relevant to modern legal systems and ethical discussions. This combination of traditional jurisprudential analysis and contemporary relevance makes the Tafsir both a timeless and modern contribution to Islamic scholarship.

Suggestions and Recommendations:

Integration of Legal Principles with Contemporary Issues: The author encourages scholars and jurists to engage the Qur'anic text with a focus on applying its legal principles to modern-day challenges. This approach ensures that Islamic jurisprudence remains dynamic and relevant to contemporary societies, especially in areas like human rights, environmental law, and social justice.

Interdisciplinary Research: One of the key suggestions is the importance of interdisciplinary research, where Islamic scholars collaborate with experts in fields such as sociology, politics, economics, and law. This would enrich the understanding of Qur'anic rulings in the context of modern developments and help provide more comprehensive solutions to current issues.

Contextual Interpretation: The Tafsir stresses the need for a contextual understanding of Qur'anic verses. Rather than applying rigid interpretations from the past, it suggests that scholars should consider the historical and societal context in which the verses were revealed, while also reflecting on how they can be interpreted to address contemporary problems.

Encouragement for Continued Dialogue: The Tafsir calls for ongoing dialogue between Islamic scholars, legal experts, and society. This dialogue should focus on creating legal rulings that are not only rooted in the Qur'an and Hadith but are also adaptable to changing times and circumstances.

Education and Accessibility: The work recommends making Qur'anic jurisprudential knowledge more accessible to general readers, students, and the wider public. By simplifying complex legal concepts and making them understandable, the Tafsir encourages better comprehension of how Islamic teachings can guide modern legal systems and ethical behavior.

Emphasis on Critical Thinking: The author suggests fostering critical thinking among students and researchers of Islamic studies, especially when interpreting legal verses. This approach ensures that Islamic legal rulings evolve with the times, without deviating from the core principles of justice and equity in Islam.

These recommendations highlight the necessity of updating and adapting Islamic jurisprudence to contemporary challenges while staying true to the fundamental teachings of the Qur'an.

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