



## Research Paper

### The Position of *Ta'wīl* in *Usūl al-Fiqh* and Its Relation with Foundations of Text Interpretation

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#### Abstract

Ta'wīl, i.e. passing from the exoteric meaning of the word to the esoteric meaning, is a method of understanding the text. Since this method seems to be effective for understanding jurisprudential narrative proofs, and on the other hand, there are popular rules in the words of the science of usūl al-fiqh, such as the Appearance Principle, which prevent the interpretive (ta'wīl) approach, it is necessary to evaluate the status of ta'wīl in usūl al-fiqh, as well as, its relation with the Appearance Principle and its difference with interpretation (tafsīr). The main purpose of this research is to recognize the roots of ta'wīl in usūl al-fiqh. The worthy efforts of some of usūlīs in this regard are commendable, although such efforts have been neglected. Based on the descriptive-analytical method, this article tries to identify and introduce them. The most important findings are as follows: the necessity of not being satisfied with the inherent relationship between word and meaning, the necessity of establishing the absolute will of the speaker, the public plural, the necessity of adapting the rules used from the text to the inherent good and bad, synchronizing with the holy legislator intentions, distinguishing between direct and indirect audience, the possibility of departing from the implication of appearance in the assumption of corroboration, and the superiority of conventional meaning over literal meaning. These findings show the interpretive (ta'wīl) capacity of words in usūl al-fiqh to the extent of classical hermeneutics, which attaches ta'wīl to the text, the history of the text, and the intention of the author.

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## Extended Abstract

### 1- Introduction

The knowledge of the principles of jurisprudence in the discussions of words, which is considered one of its most important discussions, is responsible for explaining the authority of the Book and the Sunnah - the textual sources of Islam - and the method of understanding them. The dominant practice in the principles of jurisprudence is to consider the principle on the validity of the appearance of the words of the text, and on this basis, it considers the intention of the legislator to be manifested in the appearances of the Book and the Sunnah, and considers the possibility of contradicting the appearance to be negated by the principle of non-evidence, and they attribute this negation to the construction of the wise.

The result is that the appearance of the Book and the Sunnah is a proof, so legal rulings and rules can be deduced from those appearances and attributed to the legislator without any concern. The main issue is that today the wise do not apply such a construction as a current principle, especially in cases where the contexts, conditions, and circumstances change. It seems that with the change of contexts - which will be discussed - leaving the appearances does not lead to the disruption of the system. Ibn Rushd said: Muslims are unanimous that preserving the appearances is not obligatory everywhere. The reason for this is that each sect, in one case, deviated from the appearances.

Interpretation by going beyond the apparent meaning of the word and going to the non-apparent meaning is one of the methods of understanding the text. Since the use of this method seems effective for understanding the narrative evidence of jurisprudence, and on the other hand, in the discussions of the words of the science of principles, there are known rules such as the principle of appearance, which prevents the interpretive approach, it is

necessary to evaluate the status of interpretation in the principles of jurisprudence and its relationship with the principle of appearance and the difference between it and interpretation..

### 2- Method

The present study employs a descriptive-analytical approach and relies on desk studies.

### 3- Result

The non-sufficiency of the inherent relationship between word and meaning, the necessity of ascertaining the speaker's serious intention, common usage, the need for the conformity of the rulings derived from the text with the inherent goodness and badness of things, alignment with the purposes of the legislator, distinguishing between direct and indirect addressees, the possibility of departing from the apparent meaning when evidence is established, the superiority of common meaning over lexical meaning, are the most important findings of this research, all of which indicate the interpretive capacity of the discussions of words in the science of principles to the extent of classical hermeneutics, which considers interpretation to be bound by the text, the history of the text, and the author's intention.

### 4- Conclusion

From what has been said, the following results are obtained:

Despite the difference in the style and method of the textology of the principles of jurisprudence from hermeneutics, the science of the principles of jurisprudence contains rules and principles of understanding the text that lead to interpretivism. In fact, the hermeneutical contexts of the science of principles are very diverse, and numerous pieces of evidence were presented for this claim, and the most important hypothesis of the article based on the existence of



interpretive contexts in the science of principles was proven.

The contexts of interpretivism in the science of the principles of jurisprudence are not far from the basis of the psychological interpretive system of Schleiermacher and the historical hermeneutics of Dilthey's classic, because the evidence presented at the end of the research is positive about this, but it is still far from the modern hermeneutics of Gadamer and Heidegger. Elements such as the importance of identifying the author's spirit to identify his intentions, as well as the necessity of studying the history of the issuance of the text, have

been considered in both classical hermeneutics and fundamentalists.

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#### **6- Authors' contribution**

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#### **7- Conflict of Interest**

Authors declared no conflict of interest.