THE HANAFI APPROACH TO THE CLEAR (WĀḌĪḤ) WORDS OF THE LEGISLATIVE TEXT (ẒĀHIR AND NAṢṢ)

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Abstract

This paper elaborates on how the scholars of the Hanafi School of Law theoretically considered the clear meaning of the legislative text (wāḍīḥ) and how the Hanafis categorized it. Out of the four categories: ẓāhir, naṣṣ, mufassar and muḥkem, this paper deals with the first two. Naming examples, the paper presents the use of these categories in the Hanafi scholars’ ijtihād and shows the results of their understanding of the issue. At the beginning of the paper, the discipline of linguistics in Uṣūlu-l-fiqh is briefly explained, and then the linguistic and terminological definition of the concepts of ẓāhir and naṣṣ in the Hanafi School of Law is presented. The use of ẓāhir and naṣṣ as well as the understanding of their indication in the Hanafi School of Law are clarified through examples. At the end, the value of the indications of ẓāhir and naṣṣ and their legal force in ijtihād are explained.

Keywords: Ḥanafi scholars, ḥadīth, legislative text, clear meaning (wāḍīḥ), visible, obvious meaning (ẓāhir), explicit meaning (naṣṣ), legal reasoning (ijtihād).