

The Role of Time and Place in Interpretation of Jurisprudential Verses of the Qur'an

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This paper seeks to state the effect of condition of time and place on understanding the subject of legal regulations of Qur'aic verses and presents a procedure by which one could study the Jurisprudential verses more accurately. The first and the most important source for the sacred law and legal regulations is the Qur'an. There are more than 500 jurisprudential verses (آیات الاحکام), which have very close relation to ethical and moral dimensions. Here are some characteristics of these jurisprudential verses:

1-They are general and common :

The Holy Qur'an mentions, at times, the legal regulations in a general and brief manner and does not discuss them in detail. For instance the verse: "Establish prayer" (اقیموا الصلاه) only states the necessity of Solat without explaining its details such as the number of units, timings, mechanism, method and the conditions of the prayer. These matters are only explained by the tradition; as the Honorable Prophet says: 1) صلوا كما رأيتموني اصلي ("Pray as you see me pray"), 2) "خذوا عني" "مناسككم" ("Take from me your ways of devotional rituals").

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2-They are scattered over different chapters :

Since the revelation of Qur'an came down in stages, covering more than two decades, the jurisprudential verses may not find confined to any one particular place. Qur'anic revelations represent certain particular socio-historical background. For example the verses related to Solat in al-Baqarah (البقره) verses 142 and 236 , also the first verse of al-Muminun (المؤمنون) and the verse no. 6 of al-Ma'idah (المائدہ).

3.They are gradual :

There are several rulings of the Qur'an which took the final shape after several revelation came down on the same subject matter. One of the spectacular example of such rulings is the prohibition of Drinking Wine. The verses which came down concerning wine are chronologically 2:219; 4:43 and 5:90. The first verse invited Muslims to think about the nature of wine in terms of its profits and loss; it was told to them that the wine does contain certain benefits but its losses outstrip its benefits. It was, then, left it to the audience to decide about the nature of wine whether it was good or bad for use. The second verse advised Muslims to avoid drinking alcohol at the time close to prayer because the wine caused the person concerned to become mentally disturbed. The Third verse serves as the final verdict on wine, declaring it forbidden for good. For thirteen years in Makkah nothing came down concerning wine. All the three verses as mentioned above came down in Madinah. Between the first and the second verses there is a gap of almost three-four years; and between the second and the third one the gap of time is around five years. It shows that the rulings of the Qur'an came down not all at once but in gradual manner.

4-The jurisprudential verses are various :

The jurisprudential verses are stated in various ways in different chapters of Qur'an. Some are very brief and some others are in detail.

5-They are in accordance with the human innate disposition:

The jurisprudential verses include some regulations which are exactly according to the innate disposition of human being, thus enabling the

entire humanity in all ages and environments to follow these regulations easily. These verses are also confirmed by the common sense and reason.

6-They are comprehensive and immutable:

The jurisprudential verses satisfy and fulfill all the needs of human in all times and all places. As a result they are universal, fresh, living, hence immutable. There cannot take place any change therein.

Conceptualization of the Terminology:

Jurisprudential Verses of Qur'an refer to collection of Qur'anic regulations and religious duties of Muslims. Some of them are for the society and some others are for individuals. These verses are the best source of *ijtihad* (الاجتهاد). Islamic rules contain matter (الموضوع) and regulation (الحكم).

The matter is similar to the basis for regulation and any variation in matters may cause variation in their regulations.

The matters are of different kinds: A) Either it remains unchanged in all situations whatsoever, B) or it is unchangeable according to the time and place. In the first group whenever the matter changes, the regulation will change.

Variation in matter might happen in four ways:

- 1) The quality of the matter changes, like change of ashes into smoke.
- 2) The apparent description of a matter changes into another, like evolution of wine into vinegar.
- 3) The title of the matter varies. For example, the change of Chess from being a gambling game to a mental exercise.
- 4) Sometimes, the change happens due to the variation of the true example (المصدق) .For instance, shooting match and game (السبق والرماية).

carried out with the new instruments.

“Time and Place” are two factors which affect the variation and change of the matters and in turn the regulation. These two are not discussed on their philosophical concepts but as two parameters in which the subject and matter of regulation changes. As a result, a Jurist or an interpreter who strive to comprehend the legal commands and divine duties, can understand better the meaning of these verses.

There are two viewpoints (agreement or objection):

1-Some believe that the matter of regulations are always the same so there should not take place any change in any situation of time and place. Thus the interpreter must try to develop the meaning of these verses according to condition of the age and environment of the Prophet (peace be upon him).For instance in the verse: (واعدوا لهم ما استطعتم من قوة... الانفال/٦٠): he could not have any interpretations but only horse ,arch and arrow .

2-Others believe in dynamism and relevance of the Qur'an in all ages and see the reason for the implementation of the Qur'an in the original spirit. So they believe one could not ignore the situation of time and place, cultural, economic and social conditions in the interpretation of Jurisprudential verses .On the other hand, this situation will evolve in future, and the Qur'an flows according to the needs of all ages and environments. Thus one should consider the modern army instruments and new games.

In interpreting the verses, although the interpreter should never ignore the original style and structure of the Holy Qur'an and the traditions of the Prophet, he should pay serious attention to the fact that the original message does not get distorted.

The question of changeable and unchangeable verses:

If we introduce the Qur'an as the immutable and unchangeable Book for all the ages and generations, a new question arises: If Islam is an unchangeable religion and the Qur'an is always the same, how could it

satisfy all the constantly evolving needs of human generations? How could it present decisive regulation in various historical and economic, geographical and cultural situation?

The answer to this question is that the regulations of the Islam can be divided into two parts : 1) The unchangeable and fixed regulations and 2) The changeable regulations.

The fixed regulations are in fact the unchangeable regulation, i.e., they act as an structure which strengthens the foundation of Islam. The fixed regulations in the Qur'an include:

1-Those related to the principles of religion such as unity of God, prophethood and Resurrection .

2-Those related to devotional matters that are implied through jurisprudential verses such as necessity of Solat, Fasting, Religious war, Pilgrimage of Mecca, Islamic poor taxes. There are some legal orders about prohibition such as usury or Marriage to certain specified blood relatives, telling a lie, and committing robbery etc.

3-The regulations related to morality that are always the same. Some of these regulations are : Doing good to the parents, Helping the poor, Justice, truthfulness, trust etc. All of these are rooted in innate disposition of humanity and will never change .

They are mentioned through the jurisprudential verses and serve to strengthen the religion. So nobody could change their basic regulations.

The Changeable regulations are of various sorts. The necessity and usefulness of some regulations are related to specific time and environment. It is also possible that they have been legislated in a certain time and environment and are no long necessary in other times or situations .A good example is the necessity of solat facing Masjid Al- Aqsa in Jerusalem which was changed to solat facing Masjid Al-Haram in Makkah. .The interpretation of the related verses is only possible if the interpreter is aware of the historical events. It will be

extremely useful if one knows about conditions of revelation (اسباب
(انما النسيء زياده في الكفر يضل به: (التوبه/٣٧) of the verses. For example,
الذين كفروا يحلونہ عاما و يحرمونه عاما ليواطنوا عده ما حرم الله فيحلوا ما حرم الله..)

“The intercalation of month is but one more instance of their refusal to acknowledge the truth—by which those who are bent on denying the truth are led astray. They declare this to be permissible in one year and forbidden in another year in order to conform to the number of months which Allah has hallowed: and thus they make allowable what Allah has forbidden”.

This verse can be interpreted only in the light of the pre-Islamic period. Since Arabs respected the sacred months as the followers of Abraham (peace be upon him), it was sometimes difficult not to fight during these months one after another. So they put the month of Safar instead of Moharram as sacred to get involved in war and bloodshed.

Also, the regulations related to “Zihar” (الظهار) and “ila” (الايلا) which were customary in divorce in the pre-Islamic periods, are not controversial matters in our age. Although jurisprudential verses concerning them are not omitted.

The regulations about Slavery and Emancipation of slaves, are no longer acted upon even in Saudi Arabia and are not controversial. So, these verses must be interpreted according to those times and conditions.

Some other jurisprudential verses contain unchanged matters, but are related to particular time and environment. For example, the regulations related to the wives of the prophet: 1) prohibition of the prophet's remarriage, 2) prohibition of remarriage for his wives, 3) all those verses which were particularity revealed for the Prophet and his wives. That is why these matters are of no significance for today because their addresses are no longer available now. After their passing away these regulations are of not so much value. So we must interpret them according to their situations and their times and places.

There are also some jurisprudential verses that contain the details of regulations of unchanged matters, such as: Solat, Fasting and Major pilgrimage to Makkah, that are affected by the situation of time and environment. The performance of the major pilgrimage is certainly different from the beginning years of Islam in terms of costs, means of transportation, financial status. Even some of the Hajj rituals such as throwing the stones is changed due to the change in population. But the necessity of physical and financial ability (الاستطاعه) and other main orders of Pilgrimage remain unchanged.

A similar matter is the Islamic poor tax (الزكاة) which fundamentally remain unchanged, but the possibility of variation exists in cases where one should pay the Islamic poor tax. Islamic jurists may decide whether it is possible to include rice, fruit, or car and other things in the list of taxable items.

A good example for it can be found in the narration of Muslim: Ali-Ibn –Abi Talib charged the Muslims two Dinars for each young horses which grazed in the pastures and one Dinar for monkeys. Another instances are Solat or Fasting during journey. The traveler is allowed not to fast or pray completely. Here one may understand that the necessity of fasting during journey is changed by a change in situation.

3-The Qur'anic Regulations imply the necessity and sanctity of some matters in the first place, but if it happens in some special situation such as forget fullness, urgency ,or compulsion, there will be a secondary regulation, which might be different from the primary ones. So as soon as the secondary matter is no longer needed, the primary regulation will take its place. For instance, a person who is threatened to be murdered unless he drinks wine, the drinking wine for his safety is allowed. Or a person who is starving in a desert and the only things to eat is the flesh of the dead, it is not strictly forbidden. As a matter of fact, evolution of the matter brings about the evolution of the regulation.

The regulations are affected by their matters .So if there is a change in the matter there will be a new regulation for it .i.e. There exists a

cause and effect relationship between the matter and its regulation. There are some factors that affect the matter and thus the regulation is effected. We have to talk about some of them.

Time and environment are among the factors that affect the matters. They always have a great impact on comprehension and interpretation of jurisprudential verses.

Here we present some examples: chess had long been played as gambling. It is a right example of harmful game. Because it had economic injustice, but nowadays it is know as a mental exercise . In the beginning of Islamic Revolution in Iran, the great Leader, Imam Khomeini, changed its regulation to legal. by changing the matter from gambling into a mental exercise and announced it as a sport (Al. kolaini, Vasael Ashieh vol.9, p.78)

The time and environment in the present situation has brought about development in science and technology and thus there arise new matters and phenomena (المسائل المستحدثة) that ay help in the explanation of matters which will be true example of jurisprudential verses. One who try to interpret these verses, must identify new regulations or find new interpretations from the Qur'an. Of course, the meaning and content of the verses must remain safe from any distortion and alteration. There is an example :

In the verse “Allah has made the trade lawful and the usury unlawful” (احل الله البيع وحرم الربا البقره/٢٧٥) regulations of monetary transaction are legal, and according to convention the religion also confirms them on the condition that they are not based on usury and do not cause damage as Islam totally prohibit any kind of harm to any party involved: (لا ضرر ولا ضرار في الاسلام).

Various business affairs like those on Banking, time sharing, insurance and some other contracts in the field of economics that can be new true examples for this verse. Even modern medical questions such as selling or buying body organs or blood are among the new controversial matters .

Since the title of illegal benefit (المنفعة غير المحللة) of dead membranes or blood is changed into legal benefit (المنفعة المحللة), such monetary transaction have some advantages, as it may save some lives. It is now time for jurists to think and identify whether such kind of trade falls under what Allah declares in this verse: (احل الله البيع) or not? Some Muslim experts are of the view that these kinds of trades are lawful. Likewise, the use of contraception might be favorable in a certain country to avoid increasing financial pressure, unemployment, problem in education etc. But it can be completely unreasonable in another country with no such problem. In this case in all of legal orders we should consider the conditions and situations in relation to the matters concerned..

One of the affecting factors which may have impact on the interpretation of the jurisprudential verses is the convention of the people in various times and places. For instance, in revival of the dead land and fertilization of barren lands, the convention may cause different interpretation in different ages.

Another example as already mentioned above, is the ability of performance of the major pilgrimage which is interpreted differently for different groups of people and different countries according to their financial, political or social status.

Conclusion:

An interpreter and Jurist should comprehend the conventional matters according to the conditions of their times and places, because the new matters and phenomena are changeable. But there are many fixed matters which remain unchangeable; also many divine laws and religious duties, principles of *Shari'ah* are everlasting and immutable. The jurisprudential verses should be looked at in the light of the situation and condition concerned.

