

Clarity, Ambiguity, and Interpretive Flexibility in Islamic Legal Theory from al-Shāfiʿī to Hassan Hanafi

Medieval Muslim legal theorists devised increasingly complex categorisations of linguistic clarity and ambiguity. This paper traces the emergence of key terms including *muḥkam*, *mutashābih*, *mujmal*, and *ẓāhir*, which eventually crystalised in a four-fold Shāfiʿī classification and an eight-fold Ḥanafī one. Both these systems treated clarity and ambiguity not as features of the words and sentences of scripture, but as interpretive claims about the hermeneutical relationship between a text and a proposed interpretation of it. Both the Shāfiʿī and Ḥanafī systems served the same purpose, which was not to pin down meanings but to give the jurists as much interpretive power and flexibility as they reasonably could within the bounds of ordinary linguistic usage. Those legal theorists who resisted this combination of power and flexibility, including *Ẓāhirīs* and *Akḥbārīs*, could not prevail against the flexible mainstream paradigm that took hold among *Sunnīs* and *Imāmīs* alike, and that still tacitly undergirds most legal discourse today.

Today modern reformers and traditionalists alike exploit the vocabulary of clarity and ambiguity to support their interpretations. One highly original reformulation of these concepts comes from the Egyptian thinker Hassan Hanafi, who compounds the flexibility of the classical hermeneutic by retaining the flexible mainstream legal theorists' analysis of ambiguity, albeit transposed into the language of twentieth-century European phenomenology, and then adding two more layers of ambiguity or subjectivity through his theory of how language relates to phenomenal reality and human action. This aspect of Hanafi's hermeneutic has been much appreciated in some quarters, but all by itself interpretive flexibility is not the panacea some reformers take it to be, for flexibility cuts both ways: it can be used to justify reform or to uphold the status quo, and if anything is more readily amenable to the latter. As Hanafi himself illustrates, those who seek to justify the most radical reinterpretations cannot pin their hermeneutical hopes on the ambiguity of language, but are compelled to reconsider the whole theory of language and meaning on which classical legal theory rested.



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