

## **Jamal Al-Bana's Approach to Studying the Qur'anic Text and Its Effects on Islamic Legal Rulings: A Critical Analytical Study**

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**ABSTRACT:** There are many different approaches employed by scholars in studying the Noble Qur'an (both in the ancient time and this era) between extremism and moderation, and between lenience and coarseness. This research paper aims to crystallize the points of view of Jamal al-Bana and his proposed approaches to studying the Noble Qur'an as a divine text in addition to unveiling his stance towards strenuous efforts and continual contributions made by scholars who are interested in studying the Qur'an and its Sciences. The study also inquires whether the approach proposed by Jamal al-Bana for studying the Qur'an can be considered in the present time. It also inquires whether it has certain implications on the deduction of Shariah rulings. This paper will follow both analytical and critical approaches in studying the significance of al-Bana's approach, especially its discussion in the light of the scientific principles approved by scholars. The study concludes with some findings and fruitful suggestions that can enrich the library in general and the Islamic legacy in particular.

**Keywords:** Approach – Jamal Al-Bana – Qur'anic Text – Islamic Legal Rulings

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### **I. A BRIEF OVERVIEW OF JAMAL AL-BANA AND HIS INTELLECTUAL ORIGIN**

The birth of Jamal al-Bana is traced to December 1920, in a region called Mahmoudiyah, the Bahairah Governorate of Egypt. al-Bana belonged to a renowned family with some outstanding contributions towards the service of Islam and its noble teachings. His father was a prominent scholar who authored the biggest encyclopedia of 24 volumes on the hadiths from the book titled, *Musnad Imam Ahmad Bn Hambal As-Shaibani*. His elder sibling is Imam Hassan Bana, the founder of Islamic Brotherhood.

Jamal al-Bana completed his primary and secondary education. However, due to a quarrel between him and an English teacher, he decided to leave the school's systematic study and began to read books to educate himself in some scientific fields until he became a famous personality to whom reference was made.

Since al-Bana was nurtured in a well civilized and educated Muslim family, the impact of this environment became apparent in his great love for reading to the extent that it became his hobby. He loved reading very much. However, this is not surprising because his father's library contained a huge amount of Islamic culture sources in addition to literature books and educational journals.

Jamal is regarded one of the most prolific Islamic thinkers for he authored more than 100 books. His first book titled, "Three obstacles in the way to glory" was written in 1945. In 1946, he authored another book titled, "A new Democracy". It should be noted that al-Bana's writings are not confined to the Islamic thought, but they cover some other aspects like Qur'anic studies, Jurisprudence issues, Political and Economic issues and so forth.

Jamal al-Bana died on Wednesday January 30, 2013 at the age of 93 at Agricultural Hospital in Dokki after suffering from sickness.

### **II. CHARACTERISTIC FEATURES OF JAMAL AL-BANA'S APPROACH TO STUDYING THE QUR'AN**

Before discussing the methodological principles adopted by Jamal al-Bana in studying the Qur'an or the Qur'anic discourse, it is worth to prepare a prelude that will explain his method as it is. This seems to be an important matter to be aware of for a better understanding of his approach to understanding the Qur'anic discourse. According to al-Bana, the overall view of the Qur'anic discourse is regarded as a fundamental pillar. So, any imbalance that arises during employing this view is considered heinous crime against the Qur'an. Giving the exegesis of one verse after the other without a reliance on the governing values and the themes under discussion prevents the understanding of the meaning and the intention of the Qur'an. He said: "Interpretation of the Qur'an one verse after the other implies cutting off its connections, preventing it from reaching its whole meaning as well as the effectiveness of its guidance that results from the cohesion between one verse and another. Moreover, it inculcates in minds an attitude which lessens the effectiveness of the Qur'anic discourse."

With this understanding, we can debrief his approach employed for understanding the Qur'anic discourse which has its impacts on his deduction of Shariah rulings. Hence, the following are the most important part of this approach:

### **III. FIRST: MAKING INTELLECT "AQL" THE BASIS FOR UNDERSTANDING THE QUR'ANIC DISCOURSE**

No one with knowledge of Shariah and its intents will doubt as to the outstanding roles played by the intellect "Aql" in Islam. Indeed, Islam honors intellect by making it the determinant of onus.

Despite the status enjoyed by intellect, al-Bana goes further to see the necessity of prioritizing intellect on the Qur'anic text since the latter is only a confirmation of the former. However, giving the Qur'an priority over the intellect is regarded an act contrary to the Qur'an itself. This is because the Qur'an prioritizes the intellect. "To implement the Qur'an, it is necessary to make use of reason for its understanding because the style of Qur'an can suggest more than one meaning."

al-Bana confirms once again that: "whatever is related to Shariah is supposed to be in agreement with the intellect first, then the revelation is only its confirmation and complement. This makes rationality an Islamic reference with regard to Shariah"

In his opinion, intellect is an important tool which can eliminate the application of the Qur'anic text when it sees no point in that application. He said: "The use of intellect can end up suspending the application of the Qur'anic text or stopping it if the reasons that led to it have ended, or as they say, "negation of ruling due to the absence of its reason" or the rise of ruling due to the rise of its reason or lack of ruling due to lack of its reason. Nothing like this is clearer in indication that human reason is given priority over the Qur'anic text and that its implementation is necessary while dealing with the Qur'an. This is what the Prophet (S.A.W) did and even Omar in his well-known analogical deductions and what the companions tacitly approved of in his deeds.

### **IV. SECOND: REFERRING TO THE QUR'AN DIRECTLY**

It is obvious that interpretation of the Qur'an is given by scholars using different styles. It can be the interpretation of the Qur'an by the Qur'an, interpretation of the Qur'an by the hadeeth, interpretation of the Qur'an by sayings of companions, and interpretation of the Qur'an by sayings of predecessors. All these kinds of Qur'anic interpretation are the ones considered by the pioneers of Qur'anic exegesis who advocate the conveyance of the Qur'anic meaning with the help of texts. On the other hand, scholars have made permissible the interpretation of Qur'an with the help of praiseworthy views.

However, Jamal al-Bana emphasizes in many occasions that the interpretation which serves the spirit of the Qur'an, and capable enough to achieve the exact meaning it portrays is the interpretation of the Qur'an by the Qur'an without resorting to any other texts. He said: "The only Qur'anic interpretation that is reliable and free of defects is the act of interpreting the Qur'an by the Qur'an. Whatever is explained briefly in one passage will be explained in detail in another. And whatever appears obscure somewhere will be made evident elsewhere." He opines that the helping factor which plays a huge role in explaining the meanings of the Qur'an is to consider the context. He said: Context is the greatest interpreter of the Qur'an. At this juncture, it is justifiable to say that it is very wrong to interpret a verse without knowing what is before and what is after. It must be interpreted with the context put in consideration... All this is in the Qur'an itself, so there is no need for an external interpreter"

In this regard, a fierce attack is launched against the Qur'anic exegetes and jurists, for they – according to his view – have conveyed the Qur'anic texts in a way contrary to what it intends.

At this point, al-Bana contends that "the interpretation given by exegetes and rulings deduced by jurists narrow down the broadness of the Qur'an, make difficult what has been simplified, make rigid what is flexible, and reject what is made permissible by its miraculous wording. This happened because the tyrannical spirit of the ancient era, the ignorance that permeated its atmosphere as well as widespread oppression at that time did not allow freedom, equality and exposure that the Qur'an advocates. Today, we are bringing back to Islam its strength and effectiveness by returning to the Qur'an directly without being restricted by the interpretation of the interpreters, or the jurisprudence of jurists."

While scholars are subjected to a harsh campaign, it has been somewhat tempered when the discrepancy between the Qur'anic texts and their jurisprudence is remitted to a jurisprudence influenced by the environment of jurist and his society. He stated as thus, "Jurisprudence of scholars has to be influenced by their era and the general climate, with no immunity from human shortcomings. This is an act of taming the Qur'an to cohere with their jurisprudence despite the incompatibility of the latter with the spirit of the former and its text. This prevents the embarrassment of relying on narrations and warding off pretexts."

In this regard, it becomes obvious that a better understanding of the Qur'an entails a lack of reliance on the ancient interpretations. This is because these interpretations have prevented the understanding of the exact

meanings intended by the Qur'an by imposing themselves as intermediary between the Qur'an and the reader... such as the interpretation of Tabari, Ibn Katheer, Razi and Qurtubi and even Dhilal written by Sayyid Qutub."

#### **V. THIRD: LACK OF CONSIDERATION FOR ABROGATION "AL-NASKH" IN THE QUR'AN:**

Jamal al-Bana contends in many of his works that the issue of abrogation on which many books were written by ancient scholars of Qur'anic exegetes has driven them away from the true spirit of the Qur'an and its intended meanings.

According to him, "the case of abrogation as misleading." He goes on and states: "There is nothing worse in indication than what jurists refer to as abrogation with which they call for the obstruction and solidification of hundreds of verses."

al-Bana specified a chapter that is not less than 70 pages for the issue of abrogation in his book titled, "al-Aslaan al-Adheemaan" in which he give a lengthy discussion. He concludes claiming that abrogation is never a Qur'anic method to which one can be submissive or to which one can make reference. He refutes the claim for the existence of abrogation in the Qur'an by pointing out that the focus of scholars on two verses in the Qur'an whose apparent meaning indicates the presence of abrogation does not support their claim at all. The first is the verse 106 of chapter 2, while the second is the verse 101 of chapter 16. The verse in the Qur'anic discourse is not in the sense of "text," but as "miracle", "presumption" or "indication".

#### **FOURTH: LACK OF ATTENTION TO THE OCCASIONS OF REVELATION**

al-Bana stresses that the understanding of the Qur'anic discourse should not be related to what the scholars of interpretation call "occasions of revelation Asbaab al-Nuzuul". He points out that "most of the narrations about occasions of revelation are either distorted or fabricated, or narrated with the meaning that could be derived for another purpose. However, exegetes grabbed these hadeeths because they offer solution to their problems even though they say: "consideration is given to a general meaning of words and not to the specific reason".

#### **ROLES PLAYED BY THE SUNNAH IN THE QUR'AN**

It is worth to note that al-Bana classifies Sunnah into three types:

1. Sunnah of worship: This Sunnah explains the relation between a creature and the Creator. It also explains all acts of worship such as Salat, Pilgrimage, fasting and so forth.
2. Sunnah of life: It represents the pivot of transactions and dealings. It regulates people's relations with each other, and determines the basis on which these dealings should be.
3. Sunnah of Politics: This Sunnah has to do with the policies that the prophet (S.A.W) adopted as the leader of Muslims in entirety and the one who governed their affairs.

Whoever scrutinizes deeply into his poetry tilted, "al-Mandhum al-Ma'rifiy" will see that Jamal al-Bana holds a stance that is completely different from that of ancient hadeeth scholars. Perhaps, he may possibly be depicted as an Islamic thinker who struggles to oppose Sunnah. He draws attention to this possibility in the second part of his book, "Nahwa Fiqh Jadeed" when he states: "The most obvious obscurity provoked by the second part is that some are prompted to think that we are among the deniers of Sunnah." Although this probability is on the part of those who view the matter in the external perspective, al-Bana denies the truthfulness of that possibility since his books provide corroborative arguments that he is not a denier of Sunnah at all. He has defended himself when he says: "This is not true at all. In 1972, I published my book, "al-Aslaan al-Adheemaan al-Kitab wa Sunnah" which regards Sunnah as the second source....".

The Sunnah should relate with the Qur'an in a way that the latter serves as the judge over the former. This is because the Qur'an is distinguished by immortality rather than the Sunnah. He asserts that the act of forbidding the companion to codify the Sunnah is an indication that the Prophet (S.A.W) himself did not want the Sunnah to be immortalized like the Qur'an.

One of his works presented is a dissertation for Sunnah studies which is characterized as scrutiny or recantation of the views of the ancient scholars of hadeeth. "This work condemns almost half of the hadeeths we have in our books including authentic ones."

The Sunnah that we are obliged to be submissive and resort to is that which agrees with the Qur'an and its noble intents. Before a Sunnah can be implemented, it should be judged by the Qur'an. If it agrees with it, we accept it. But if it disagrees with it, we reject it. In his view, this approach is a moderation between the denial of the Sunnah and its extreme advocacy. He states: "There is no ruling except Qur'an. Hence, having a recourse to it is the first step towards finding a method that is objective....what is consistent with the Qur'an will be attributed to the Prophet (S.A.W), but if otherwise, its attribution to the Prophet (S.A.W) will be a doubtful matter."

“The Sunnah, with all the defects that it suffers such as fabrication, inclusion made by narrators into its text, abnormality and disorders, and narration by meaning without the original wording, all of which cast doubt to it and adversely affect its trust and reliance.”.

#### **STUDYING AND EVALUATING THE APPROACH PROPOSED BY JAMAL AL-BANA**

Those are the most significant principles and methods employed by al-Bana towards understanding the Qur'anic discourse all of which represent the fundamental pillars for deducing the rulings of Shariah.

As we see, despite the analogical reasoning of al-Bana, his act of subjecting ancient scholars and the Qur'an exegetes to a serious campaign in many occasions is far from benefit.

al-Bana sees the need to surrender to the usefulness of thematic interpretation in the exegesis of the Qur'an. However, this should not lead us to impose it on other methods of interpretation or to render useless the efforts of scholars who employ analytical approach.

The view of al-Bana which prioritizes human reason on the revelation is not consistent with the Shariah of Islam in any circumstances. We have mentioned earlier that Islam honors the intellect in many occasions. However, it does not behoove of any one to put revelation under the control of intellect “Aql”. al-Bana does not show the characteristics of the intellect that he implies in this regard, because intellects are inherently different in their view of things, in addition to the fact that the intellects, whatever sapient they are, they cannot by themselves reach some things which are not within the realm of their capacity.

As for his view that it is not permissible to be submissive to the Sunnah until after it is presented to the Qur'aan on the grounds that there are hadeeths that are fabricated in the Sunnah. This statement is, indeed, invalid. Which authentic Sunnah is contradictory to the Qur'an? Except if the conflict arises in the understanding of human rather than the revelation itself, be it the Quran or the Sunnah. In addition, the reliable scholars in the hadeeth have done great and good job in classifying the weak or fabricated hadeeths, and they have written specialized books to explain the weakness of these narrations and their fabrication.

However, the dissertation presented by al-Bana leads us to disprove the effectiveness of Sunnah, and thus it is rejected in one word. The Prophet (S.A.W) does not make any utterances except that it is a divine revelation revealed to him. Hence, submission to his sayings is a submission to the Qur'an. Allah says: “Cling to that which the Prophet offers to you and refrain from that which he forbids”. It appears as if the saying of the Prophet (S.A.W): “Indeed, I am given the Qur'an and its like. Then a replete man is about to say while on his sofa: O people, be adherent to this Qur'an; make lawful what it legitimizes, and declare unlawful whatever it makes unlawful! O people, whatever is prohibited by the Prophet (S.A.W) is as that prohibited by Allah.” It is evident from the perspective of al-Bana the lack of submission to the Sunnah as an independent source of legislation. As for his claim that Sunnah does not possess the attribute of immortality, this assertion is far from objectivity. Also, he does not have any proof with which to corroborate this claim. If Sunnah as a part of revelation is not immortal, what remains for us?!

As for his claim that the issue of abrogation and occasions of revelation should not be considered in the Qur'anic exegesis, this should not be accepted at all. The act of marginalizing the Sciences of Qur'an in the interpretation of the Qur'an will leave some adverse effects on the spirit of the Qur'an and its intents. The claim that it is more than necessary to be cognizant of occasions of revelation does not imply that a Qur'an exegete should confine the verse in question to its occasions without making it applicable to other relevant circumstances. The absence of knowledge of the reasons of revelation of verses is in fact the destruction of knowledge of the historical sequence of the revelation of the Qur'an.

#### **VI. THE EFFECTS OF AL-BANA'S APPROACH ON ISLAMIC LEGAL RULINGS:**

It is known that there is no approach except with certain effects. Since the aforementioned al-Bana's approach connects with the principles of Shariah rulings, its effects have been evident in his deduction of Shariah rulings from the Qur'an and Sunnah. In the next few lines, some light will be thrown on the effects of his approach.

#### **VII. ISSUE OF MARRIAGE IN ISLAMIC LEGAL RULINGS:**

One of the important issues that al-Bana refers to in the application of his approach to understanding the Qur'anic text is that of marriage.

Although he sees the inevitability of referring to the Qur'aan directly without having a recourse to the Sunnah, this approach led him to claim the permissibility of a woman to marry without a guardian or witnesses. He sees that the Quran does not stipulate these two conditions either from near or far. He emphasizes that these conditions were laid down by jurists and are being imposed on couples, and thus they are incompatible with the spirit of Islam and the Qur'anic text.

He says: “Books of Fiqh have elaborated at length on the necessity of “a guardian”. However, the Qur'an does not make any reference to that. It only points out the necessity of seeking permission from the guardian with regards to a slave woman. Then, he quotes the following verse: “If any of you have not the means

wherewith to wed free believing women, they may wed believing girls from among those whom your right hands possess: And Allah hath full knowledge about your faith. Ye are one from another: Wed them with the leave of their owners, and give them their dowers, according to what is reasonable: They should be chaste, not lustful, nor taking paramours: when they are taken in wedlock, if they fall into shame, their punishment is half that for free women. This [permission] is for those among you who fear sin; but it is better for you that ye practice self-restraint. And Allah is Oft-forgiving, Most Merciful." (Qur'an 4: 25). It can be said that the requirement of permission here is understood as not required for the free women"

### **VIII. CONCLUSION**

It is possible to say that the approach introduced by al-Bana in which he rejects the great and painstaking efforts exerted by scholars of the Qur'anic exegesis of ancient and modern times leads us to reject many of the Shariah rulings sometimes with the argument that the Qur'an does not declare them, while sometimes with the argument that they do not agree with reason. However, the interpretation of the Qur'an based on the main themes around which the Qur'an revolves is very important.

I hold that there is an urgent need to scrutinize the works of Jamal al-Bana and conduct a thorough and objective study on them.