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# The Role of Language in Juristic Preference (Tarjīḥ) through the Interpretation of '*Anwar Al-Tanzil*' and '*Asrar Al-Ta'wil*'

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## ABSTRACT

This study aims to uncover the role of language in juristic reasoning (istinbāṭ) through the exegesis of the Shāfiʿī jurist, al-Qāḍī Al-Baydhawi. The study adopts an inductive-analytical approach to explore how Al-Baydhawi employed language as a juristic proof in preference (Tarjīḥ). An inductive analysis was conducted on selected verses pertaining to legal rulings (*āyāt al-aḥkām)* in Al-Baydhawi's *Tafsīr*, analysing the linguistic reasoning employed therein. The study revealed that language served as one of the tools of legal preference in Al-Baydhawi's methodology, although his use of it was relatively limited. Despite Al-Baydhawi's significant scholarly status, he did not exert independent reasoning in linguistic matters, instead following the grammarians—especially those of the Basran school. The main contribution of this study is its demonstration of how language functions as a tool for legal preference (tarjīḥ) in juristic reasoning (istinbāṭ) through an analysis of al-Qāḍī al-Bayḍāwī's exegesis. It emphasises the importance of linguistic evidence in legal interpretation and examines al-Bayḍāwī's reliance on grammatical authority over independent linguistic judgement. The study recommends guiding students of Islamic law toward more specialised research that highlights the importance of language as a source of legal reasoning. Such research would help ground this essential aspect more firmly within the disciplines of jurisprudence and legal theory, thereby enriching the jurist's toolkit and supporting the development of contemporary *ijtihād*.

*Keywords:* Language; Inference; Jurisprudence; Interpretation; Al-Baydhawi

# 1. Introduction

Language is a mirror of emotions, the most important means of communication, and the greatest tool for learning. There is no doubt that any written or spoken text is crafted in a language, and its absence from either of the conversing parties represents a decisive barrier to understanding or misunderstanding [1–3]. We see that the Quran, in Arabic, is the discourse of Allah for all humanity, and its application necessitates reading and contemplation. Surely, such reading and contemplation require learning the Arabic language, its rules, and its methods, to produce a sound understanding that leads to correct application [4, 5].

The Tafsīr "*Anwar Al-Tanzil wa Asrar Al-Ta'wil*" by Imam Al-Baydhawi is one of the most renowned and authoritative commentaries in the Islamic world, as it combines both jurisprudence and exegesis. This tafsir is distinguished by its ability to integrate deep linguistic analysis with juristic inferences, making it a crucial reference for understanding Islamic texts with depth and precision. This study focuses on the concept of juristic preference (tarjih) in language through this tafsir and how Al-Baydhawi used the Arabic language to prefer certain juristic rulings.

Juristic preference is the process of evaluating Sharia evidence to reach a preferred juristic ruling when the evidence is equally strong. Tarjih is considered necessary to achieve justice and fairness in Islamic jurisprudence, as it enables jurists to choose the stronger evidence among conflicting proofs. Juristic preference plays a pivotal role in juristic ijtihad (independent reasoning), as it enables jurists to resolve emerging and complex issues that may not have explicit texts in the Quran or Sunnah. Tarjih is a dynamic process that reflects the evolution of Islamic jurisprudence and its adaptation to social and economic changes [6, 7].

The Arabic language plays a vital role in the process of juristic preference. Understanding the meanings of words, grammar, and eloquence—all linguistic aspects—helps in interpreting Sharia texts in different ways. Juristic preference requires precise knowledge of Arabic grammar and eloquence to avoid any misinterpretation. Al-Baydhawi skillfully used the language to prefer juristic rulings, such as his interpretation the word meanings and directing them in accordance with the Sharia context. For example, the interpretation of the word "nikah," which can mean either contract or marital relationship, depends on the linguistic context and other Sharia texts.

Al-Baydhawi's tafsir shows how language is used to favor juristic rulings. For instance, when interpreting verses related to fasting, Al-Baydhawi employs precise linguistic analysis to determine the meanings of words and guide the appropriate juristic ruling. Al-Baydhawi demonstrates his proficiency in using language to direct juristic understanding. For example, his interpretation of verses related to inheritance relies on his deep linguistic understanding of sentence structures and the multiple meanings of words.

This study includes a comparison between Al-Baydhawi's interpretations and those of other commentators on the same juristic issues, with a focus on linguistic preferences. This analysis highlights how Al-Baydhawi used language differently and perhaps more accurately in some cases. The comparison shows how linguistic understanding can lead to different juristic preferences among commentators. For instance, the interpretation of divorce verses might differ based on the linguistic understanding of the word "divorce" and its grammar.

Therefore, this juristic-linguistic study aims to present the impact of language on juristic inference and preference through its application to the interpretation of Imam Al-Baydhawi in "Anwar Al-Tanzil" and "Asrar Al-Ta'wil." This study emerged from deep reflection on the relationship between the Arabic language and the texts of revelation: The Quran and the Prophetic tradition, both revealed in Arabic. The significance of the study lies in revealing a precise relationship between language and jurisprudence, an association based on the use of language as a pathway for juristic inference and preference. Within the framework of his interpretation, the study highlights Al-Baydhawi's meticulousness and ability to infer and prefer linguistic evidence in certain jurisprudential issues he addressed in his interpretation.

Despite the numerous studies that have addressed Al-Baydhawi's book *"Anwār al-Tanzīl wa-Asrār al-Taʾwīl"*, focusing on his methodological, theological, or linguistic inclinations, the consideration of language as an independent criterion in legal preference (tarjīḥ) remains an area that has not been examined through a dedicated analytical lens. Most previous works have concentrated on exegetical, rhetorical, or theological aspects of the tafsīr, without focusing on language as an influential factor in shaping legal rulings within the exegesis. This study presents an original contribution

by examining how Al-Baydhawi employed linguistic tools, such as syntactic indication, lexical ambiguity, and rhetorical usage, to weigh legal opinions. It highlights the impact of linguistic analysis on determining legal meaning, offering a qualitative addition to both tafsīr and fiqh literature.

The study attempts to answer these questions:

1. What is the extent of Al-Baydhawi's invocation of linguistic issues in his juristic inferences in "Anwar Al-Tanzil"?

2. What is the impact of language on juristic preference by Imam Al-Baydhawi through his interpretation in "Anwar Al-Tanzil"?

The importance of this study lies in its illumination of the role of language in the juristic process, both in reasoning and preference, through the work of a distinguished jurist, Imām Al-Baydhawi. The theoretical value lies in uncovering the significance of the Arabic language in juristic reasoning and preference. The practical value is demonstrated in the way reaching the preferred legal opinion (*rājih*) allows for its correct application by those addressed by it. The study also highlights how the Arabic language can enhance the strength of legal preference, thus contributing to the work of contemporary fiqh councils.

## 2. Literature Review

Imam Al-Baydhawi's exegesis *Anwar al-Tanzil* has garnered significant scholarly attention, with various studies exploring different methodologies and themes. Among the most prominent are studies on his general exegetical method, such as the work by Yusuf[8], which highlights Al-Baydhawi's scholarly stature and his tafsir methodology. It examined his theological stance in detail, his approach to presenting juristic opinions, Qur'anic readings, rhetorical miracles, the strengths of his tafsir, and its criticisms. However, the thesis did not address the role of language in juristic reasoning[8].

Studies on Al-Baydhawi's grammatical approach, which show his inclination toward the Basran school, are exemplified by Al-Nour's study, which focused on Al-Baydhawi's application of grammatical rules and syntactic interpretations[9].

Studies on his principles-based methodology in weighing juristic opinions, such as Al-Salami's study, which presents examples of derivational methods from Al-Baydhawi's commentary, including istinbāṭ through textual allusion (dalalat al-isharah), illustrating the method and supporting it with examples from his tafsir. However, it lacks any linguistic reasoning[10].

Studies focusing on rhetorical and stylistic aspects of Al-Baydhawi's tafsir include the work by Abu Anzah, which highlighted his rhetorical techniques within his exegetical style[11]. Similarly, Hussein's study examined usuli tools of preference, such as analogical reasoning (qiyas) and presumption of continuity (istishab)[12].

Yusuf[8] focused on Al-Baydhawi's scholarly status and methodology in his Tafsīr, including his theological stance, treatment of juristic opinions, variant readings, rhetorical inimitability (*i'jāz*), and strengths and weaknesses of the Tafsīr. However, it did not address the role of language in juristic reasoning[8]. Al-Sharʿah[9] studied legal maxims (*qawāʿid uṣūlīyah*) embedded in the Tafsīr and their applications, but did not consider the impact of language on juristic reasoning or preference[9].

Al-Salami explored types of inference in Al-Baydhawi's commentary, such as inferencing through indirect indications (*dalālat al-ishārah*), yet did not include any analysis of linguistic reasoning[10]. Abu 'Anzah studied *ʿIlm al-Maʿānī* (the science of meanings) and topics from *ʿIlm al-Badīʿ* (rhetorical embellishments) in Qur'anic exegesis, but his work lacked any juristic analysis[11]. Al-Nour examined Al-Baydhawi's grammatical and linguistic orientations, without addressing juristic reasoning. His study focused heavily on presenting grammatical disagreements[9].

Despite the value of these previous studies, none has treated *language specifically* as an independent tool for juristic preference (*tarjīḥ*). They have not shown how Al-Baydhawi employed semantic meanings and syntactic constructions to support the legal opinion he favored or to rebut opposing views. This study aims to fill that gap by offering an applied analysis of juristic passages in which Al-Baydhawi used language not merely to clarify meaning, but as a means of constructing legal arguments and formulating legal rulings. The study also seeks to integrate both grammatical and semantic perspectives, partially intersecting with grammatical studies but distinguishing itself by focusing on the juristic dimension and linguistic preference—an area not detailed in previous scholarship[13].

While earlier works have examined *Anwār al-Tanzīl*

*wa Asrār al-Taʾwīl* in terms of its uṣūlī methodology or theological and linguistic tendencies, the invocation of language as an independent tool in the juristic process of *tarjīḥ* has yet to be independently and analytically explored. Most previous studies have concentrated on the interpretive, rhetorical, or dialectical elements of the Tafsīr, without considering language as a decisive factor in shaping legal opinion.

The study aims to demonstrate how Al-Baydhawi utilised linguistic tools in juristic preference and how his linguistic handling shaped the intended legal meaning. This represents a qualitative addition to both exegetical and juristic literature. The study benefits from earlier works while building upon them, aiming to clarify Al-Baydhawi's use of language in juristic reasoning by:

1. Uncovering Al-Baydhawi's linguistic tendencies and their impact on his juristic preferences.
2. Demonstrating how Al-Baydhawi employed language to support his juristic school.
3. Showing the degree of independence Al-Baydhawi exercised from his Shāfiʿī affiliation in legal preferences based on linguistic reasoning.
4. Identifying the influence of the Arabic language on the strength of juristic preference, in a way that contributes to the work of contemporary fiqh academies.

# 3. Methodology

This study adopts the inductive-analytical method by tracing instances in which Al-Baydhawi utilized the Arabic language in *Anwār al-Tanzīl wa Asrār al-Taʾwīl* as a preferred tool in juristic issues. The selected verses were chosen based on two criteria:

1. The verse should pertain to a legal matter, i.e., one that gives rise to practical legal rulings.
2. The Tafsīr of the verse should contain prominent linguistic usage that plays a direct role in preferring one juristic view over another.

The study selected four well-known verses that concern:

1. The extent of wiping in *wuḍūʾ* (ablution),
2. The wording of the marriage contract,
3. The interpretation of the term *al-quroo'* in the waiting period (*ʿiddah*), and
4. The ruling on dust adhering to the body during *tayam-*

*mum* (dry ablution).

Analytical tools were applied on two levels:

1. Grammatical analysis focusing on Al-Baydhawi's use of prepositions, transitivity, and syntactic constructions, and their influence on legal preference.
2. Semantic analysis emphasises lexical ambiguity, contextual meaning shifts in poetic or linguistic usages, and identities the preferred meaning in the juristic context.

It should be noted that this study does not adopt a modern linguistic framework but follows the classical Arabic linguistic tools used by Al-Baydhawi himself, with insights from Basran and Kufan grammarians to clarify the angles of preference. Through these two levels, the study aims to highlight linguistic reasoning in juristic issues and to critically evaluate Al-Baydhawi's linguistic orientation in legal reasoning in the light of classical grammatical discourse.

# 4. Results and Discussion

## 4.1. Imam Al-Baydhawi and His Tafsīr (Interpretation)

Al-Imām Al-Baydhawi is Abū al-Khayr—or, according to some reports, Abū Saʿīd—Nāṣir al-Dīn, the judge ʿAbd Allāh ibn Abī al-Qāsim ʿUmar ibn Muḥammad ibn ʿAlī Al-Baydhawi, named after the city of Bayḍāʾ, part of the Shiraz region in Persia. He was born in Bayḍāʾ in 1190 AH (1776 AD) and died in Tabrīz in 1287 AH (1870 AD), where he was also buried. He was among the prominent scholars of the Shāfiʿī school, one of its foremost authorities. He studied under his father, and his grandfather, Fakhr al-Dīn Muḥammad, was Chief Judge. Al-Baydhawi excelled in the fields of uṣūl al-fiqh, jurisprudence, tafsīr, kalām (theology), grammar, and others [13]. Among his most important works are:

1. Anwār al-Tanzīl wa Asrār al-Taʾwīl (his famous tafsīr),
2. *Tuḥfat al-Abrār*, a commentary on *Maṣābīḥ al-Sunnah* by al-Baghawī,
3. Al-Ghāyah al-Quṣwā fī Dirāyat al-Fatwā, a manual of Shāfiʿī jurisprudence,
4. *Lubāb al-Iʿrāb* on Arabic syntax,
5. *Ṭawāliʿ al-Anwār* in the science of creed,
6. Minhāj al-Wuṣūl ilā ʿIlm al-Uṣūl, and others.

Al-Baydhawi's most notable teachers include his father, Muḥammad al-Kaḥṭāʾī, and Sharaf al-Dīn al-Būshkānī

al-Zakī. Among his most famous students were Fakhr al-Dīn al-Jārburdī, ʿUmar al-Marāghī, and Zayn al-Dīn al-Hankī. Scholars have praised him greatly. Ibn Ḥabīb al-Dimashqī said: "A scholar whose excellence flourished and shone, who mastered jurisprudence and uṣūl, combining reason and transmitted knowledge...". Ibn al-Subkī described him as "A distinguished Imām, an acute thinker, a righteous, devout ascetic"[14].

## 4.2. The Book: Anwār al-Tanzīl wa Asrār al-Taʾwīl

Al-Baydhawi composed his tafsīr after much inner deliberation. He said that he had long spoken to himself about authoring a book in this field that contains the distilled insights he had received from the great Companions, the learned Tābiʿūn, and the righteous scholars of the Salaf. It would include subtle insights and exquisite points that he and others among the eminent later scholars have derived"[15].

*Anwār al-Tanzīl* is a concise version of al-Zamakhsharī's *al-Kashshāf*. As Muḥammad al-Sayyid al-Dhahabī stated, Al-Baydhawi's tafsīr is of moderate length, combining tafsīr and taʾwīl in accordance with Arabic linguistic principles. He affirms the doctrinal foundations of the Sunnīs. He abridged his work from al-Kashshāf, omitting its Muʿtazilite elements, although he sometimes agrees with al-Zamakhsharī's views"[16].

Ḥājjī Khalīfah praised it, saying that tafsīr holds a great status and requires no introduction. It distills from al-Kashshāf what pertains to syntax, semantics, and rhetoric; from al-Tafsīr al-Kabīr what pertains to wisdom and kalām; and from al-Rāghib what relates to etymology and esoteric meanings."

## 4.3. Reasoning, Preference (Tarjīḥ), Language, and Jurisprudence

### 4.3.1. Reasoning (Istidlāl)

Istidlāl is derived from the root meaning "to seek a proof," as the Arabic prefixes *sīn* and *tāʾ* often indicate request (e.g., *istisqāʾ* = requesting water). A *dalīl* is that which leads to knowledge; one says, "He guided me to the path" (*dallani ʿalā al-ṭarīq*). Some scholars define istidlāl broadly as the search for evidence from any source—text, consensus, and analogy—thus treating the term according to its linguistic origin. Al-Jaṣṣāṣ pointed out that Istidlāl is the seeking

of a proof and reflection upon it to arrive at knowledge of that which is indicated. Al-Bāqillānī stated that Istidlāl may refer to reflection upon a proof to reach understanding of its subject, or it may refer to the demand for proof itself." From these definitions, the technical meaning of istidlāl closely aligns with its linguistic origin, even though these scholars use it in a juristic context[17].

### 4.3.2. Tarjīḥ (Preference)

Tarjīḥ comes from *rajḥ*, which connotes heaviness and predominance. Linguistically, *rajḥ* means "to outweigh" or "to tip the balance." Thus, in language, tarjīḥ refers to an increase that causes something to outweigh another. Al-Manāwī stated that Tarjīḥ is linguistically the increase of the weighed object. Technically, tarjīḥ is defined as the association of a proof with a supporting factor that strengthens it against an opposing one. It is to strengthen one of two indicators over the other so it may be acted upon. Also, it is the establishment of superiority in one of two pieces of evidence over the other[18].

## 4.4. Applications of Language's Role in Legal Reasoning and Preference in Al-Baydhawi's Tafsīr

### 4.4.1. Theoretical Framework: Language and Legal Reasoning

Language holds a central place in Islamic sciences, being the primary tool for understanding texts, deriving rulings, and evaluating scholarly opinions. Usul have long divided proofs into transmitted (*samʿī*) and rational (*ʿaqlī*) types, and language is key to both, particularly through semantic rules, general vs. specific terms, and the implicit vs. the explicit. Istidlāl refers to constructing a religious proof through premises leading to a binding conclusion. It intersects with both legal theory (uṣūl al-fiqh) and logic. Tarjīḥ involves preferring among multiple opinions using a stronger criterion, one of which is linguistic evidence[19].

Usul dedicated entire chapters to "preference through wording," such as preferring explicit over implicit meaning, literal over metaphorical, and general over specific wording. In this context, Al-Baydhawi's tafsīr stands out—not merely as a linguistic commentary, but as a legal platform where linguistic analysis bolsters legal preferences (often in favor of Shāfiʿī positions). Thus, his tafsīr reveals how grammatical

and semantic interpretations serve as tools of legal preference in areas of scholarly dispute. Accordingly, this theoretical framework is not presented as a separate treatment, but rather as a necessary introduction for understanding the tafsīr-based applications that follow, which exemplify how language is used as a legal reasoning tool in *Anwār al-Tanzīl*.

## 4.4.2. Applied Framework: Language and Its Role in Legal Preference in Al-Baydhawi's Tafsīr

Arabic language as a source of legal reasoning and preference in Al-Baydhawi's Tafsir "Anwar al-Tanzil" was one of the sources of reasoning and preference (tarjih) for Al-Baydhawi in his tafsir *Anwar al-Tanzil*. What follows is a presentation of all the jurisprudential applications that reflect this type of reasoning.

### The "Bā'" ( بِ ) in Wudū' (Ablution)

This issue is one of the well-known matters that have been extensively discussed, and repeating it would be redundant. Thus, I will present Al-Baydhawi's statement, limiting it to the linguistic evidence he used in his preference.

Allah Almighty said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا **بِرُءُوسِكُمْ** وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

"O you who have believed, when you rise to [perform] prayer, wash your faces and your forearms to the elbows and <u>wipe over your heads</u> and [wash] your feet to the ankles" [*Al-Mā'idah*: 6].

Al-Baydhawi said in his tafsir of the verse: (And wipe over your heads): the *bā'* ( بِ ) is either extra (zā'idah), or for partialness (tabʿīḍ), as it distinguishes between saying 'I wiped the cloth' and 'I wiped with the cloth'. The preferred explanation is that it indicates the verb implies contact, as if it were said: 'Attach the wiping to your heads,' which does not necessitate full coverage — unlike the phrase 'and wipe your heads', which is akin to 'wash your faces'." Al-Baydhawi prefers the opinion that the *bā'* ( بِ ) is extra, intended to indicate partialness, and it implies attachment but not necessarily full coverage. This aligns with the view of the Kufan grammarians who said the *bā'* ( بِ ) in the verse signifies partialness, i.e., "wipe part of your heads." A parallel is seen in the verse: عَيْنًا يَشْرَبُ بِهَا عِبَادُ اللَّهِ يُفَجِّرُونَهَا تَفْجِيرًا "A spring from which the servants of Allah will drink..." [ *Al-Insān*: 6].

This opinion is also supported by Ibn Mālik among the Basrans (Basra is a city in southern Iraq). Some early scholars like Sībawayh and Al-Mubarrad did not mention a meaning for *bā'* other than attachment, saying that any additional meanings revert to that core. Meanwhile, scholars like Ibn Qutaybah and Ibn Kaysān affirmed that *bā'* can indicate partialness — a valid view, as it is attested in usage [20].

Some grammarians, including Al-Muradi [21] and Al-Qurtubi [22], supported this with lines of pre-Islamic poetry, such as this line from Antarah:

شربت بماء الدحرضين فأصبحت      زوراء تنفر عن حياض الديلم

"I drank from the water of al-Daḥraḍīn, and woke up... reluctant to approach the watering places of the Daylam."

Al-Baydhawi's preference that the *bā'* is extra and signifies partialness — implying contact without requiring full coverage — corresponds to the view of the Shāfiʿīs and one opinion among the Ḥanbalīs: that wiping part of the head suffices. Thus, language becomes a decisive argument supporting one legal view over another, which requires full head wiping, as held by the Mālikīs. This stance opposes that of some Ḥanafī commentators, such as Abū Bakr al-Jaṣṣāṣ, who held that complete wiping is obligatory and considered the *bā'* merely extra, without implying partial-ness. Al-Baydhawi also diverged in some details from Al-Zamakhsharī, who leaned more towards a Basran linguistic interpretation.

In his interpretation of the ablution verse, Al-Baydhawi prefers that the *bā'* in "your heads" implies partialness, based on a widely recognised linguistic implication. Though this aligns with the Shāfiʿī view that wiping part of the head is sufficient, Al-Baydhawi does not explicitly state that his position is based on his school of thought; instead, he supports it with independent grammatical and contextual analysis.

Nonetheless, given that Al-Baydhawi was a leading Shāfiʿī jurist and judge, his general practice of aligning with his madhhab makes it likely that the preference was at least influenced by it.

**The Use of "Gift" (Hibah) in Marriage Contracts**

Allah Almighty said:

وَامْرَأَةً مُؤْمِنَةً إِنْ **وَهَبَتْ** نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَنْ يَسْتَنْكِحَهَا خَالِصَةً لَكَ مِنْ دُونِ الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِمْ فِي أَزْوَاجِهِمْ وَمَا مَلَكَتْ أَيْمَانُهُمْ لِكَيْلَا يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

"And [a believing woman] if she **offers** herself to the Prophet [without dowry], and the Prophet wishes to marry her, [she is] exclusively for you, not for the [rest of] the believers..." [*Al-Aḥzāb*: 50].

Al-Baydhawi said:

"His saying 'exclusively for you among the believers' indicates that this is among the things that were specific to him due to his noble status. Our scholars use this verse as evidence that marriage cannot be contracted using the word 'gift' (*hibah*), because words follow meanings. Since the meaning — a gift of the self in marriage—was specific to the Prophet (peace be upon him), so too is the expression."

This position — that marriage is not valid using the word *hibah* — is held by the Mālikīs, Shāfiʿīs, and is the correct opinion among the Ḥanbalīs. The Ḥanafīs, however, allow it and argue that the exclusivity mentioned refers to the dowry, not the wording of the contract. Al-Baydhawi's interpretation that *khāliṣatan* (exclusively) means "specific" and refers to the contract itself aligns with the views of most grammarians. In Arabic, *khāliṣah* means "exclusive" or "private," as in the expression: "This is mine exclusively." For example, the verse "exclusively for you among the believers" expresses such exclusivity. Similarly, the verse "Bring him to me; I will reserve him exclusively for myself" [*Yūsuf*: 54] supports this.

This understanding is also supported by verses such as, "So when they despaired of him, they secluded themselves in private consultation" [Yusuf: 80], meaning: they withdrew exclusively among themselves, away from others. And Allah's saying: ونحن له مخلصون [البقرة/139] "And we are sincere to Him [in worship]" [Al-Baqarah: 139], meaning: our worship is exclusively for Him. Allah also said: دينهم لله وأخلصوا "And they devote their religion sincerely to Allah" [An-Nisa: 146], and He said: إنه كان مخلصا وكان رسولا نبيا "Indeed, he was devoted and was a messenger and a prophet" [Maryam: 51]. Thus, the essence of ikhlāṣ (sincerity) is to disassociate oneself from everything other than Allah, and this is the true meaning of exclusivity[22]. The essence of sincerity (*ikhlāṣ*) in Arabic is the elimination of all others besides Allah — the essence of exclusivity.

The invalidity of concluding a marriage contract using the word "gift" (hiba) is the view of the Mālikīs, the Shāfiʿīs, and the correct view within the Ḥanbalī school, while the Ḥanafīs allowed it. They held that the word "exclusive" (*khāliṣah*) refers to the dowry, not the term *hiba*. Thus, the linguistic understanding influenced the juristic disagreement: those who interpreted *khāliṣah* as "exclusive" and referring to the contract prohibited the use of *hiba* in marriage contracts; those who interpreted it as referring to the dowry permitted it.

Al-Baydhawi's interpretation of *khāliṣah* as "exclusive," referring to the contract, aligns with the views of most commentators, such as al-Baghawī and Ibn al-Jawzī, among others. However, some exegetes affiliated with the Ḥanafī school, such as al-Nasafī, disagreed.

In Al-Baydhawi's interpretation of the phrase *khāliṣatan laka* in the verse: And a believing woman who offers herself to the Prophet... a privilege for you only, not for the [rest of] the believers [al-Aḥzāb: 50], he leans toward the Shāfiʿī position, viewing exclusivity as referring to the contract, thereby invalidating marriage by hiba. Though grounded in linguistic evidence, this aligns with his typical method of supporting the Shāfiʿī school, suggesting that had he belonged to the Ḥanafī school, he might have employed linguistic evidence in its favor.

**The Linguistic Meaning of "Qurooʾ" (قُرْء)**

Allah says: "Divorced women shall wait [observ-

ing] themselves for three "quroo'" [al-Baqarah: 228]. Al-Baydhawi says: "quroo' refers to both menstruation and the purity between two menstruations. For example, the Prophet said: 'Refrain from prayer during your "aqrā'" (menstrual periods).' And al-Aʿshā said: '... for what was lost in your women's quroo'.' Its root meaning is the transition between purity and menstruation. The intended meaning in the verse is *purity*, since that indicates the uterus is clear of pregnancy, contrary to the Ḥanafī view which holds it refers to menstruation. This is supported by the verse "*Divorce them at [the beginning of] their waiting period* (i.e., not during menstruation, as valid divorce does not occur during menses)" (Surah At-Talaq: 1).

Al-Baydhawi affirms that *quroo'* is a polysemous term indicating both menstruation and purity but favors the latter. He cites al-Aʿshā's verse as linguistic evidence. Lexicographers agree that *quroo'* is a homonym shared between *ḥayḍ* (menses) and *ṭuhr* (purity). Al-Kafawī stated that the people of Ḥijāz understood *quroo'* as *ṭuhr*, while Iraqis interpreted it as *ḥayḍ*—both interpretations are correct, as the root implies movement from one state to another. Additional linguistic arguments include the masculine grammatical form (*thalātha quroo'*), which suggests *ṭuhr* (a masculine noun), as well as morphological parallels with words of gathering (e.g., *qarʾa al-māʾ*, to gather water). This supports understanding *quroo'* as the period during which blood accumulates, i.e., *ṭuhr*. Ibn ʿĀshūr also stated that the most common meaning of *quroo'* in Arabic is purity.

Al-Baydhawi's preference for *ṭuhr* aligns with Mālik, al-Shāfiʿī, and Aḥmad. Their evidence is that when a word is used equally for multiple meanings, all meanings are considered for precaution, as seen in the example: *Indeed, Allah and His angels send blessings upon the Prophet*, where *ṣalāh* means both mercy and prayer. The Ḥanafīs, however, hold that *quroo'* means menstruation, which is also a view from Aḥmad and among the Companions, including Ibn ʿAbbās. They argued that grammatical gender variation does not negate unity of meaning (e.g., *al-burr* and *al-ḥinṭah* are feminine in usage, though they refer to the same thing). Thus, the linguistic ambiguity of *quroo'* generated a juristic debate that was resolved through interpretive preference based on linguistic reasoning.

Al-Baydhawi's interpretation that *al-qoor'* refers to *purity (ṭuhr)* aligns with the general view held by exegetes from the Mālikī, Shāfiʿī, and Ḥanbalī schools, such as Al-Samaʿil[23]. However, he was opposed by Ḥanafī exegetes like Al-Nisaburi[23]. Both sides used linguistic evidence, relying on the usage of *al-qoor'* in classical Arabic poetry and applying grammatical rules concerning numerals and counted nouns[24].

In the matter of the meaning of *al-qoor'* in the verse: *"Divorced women shall wait for three quroo'"* [al-Baqarah: 228], Al-Baydhawi initially attempts to be independent from the Shāfiʿī madhhab, acknowledging the word's dual meaning—*menstruation* and *purity*. However, he soon reaffirms the Shāfiʿī position that it refers to *menstruation*, supporting this stance with linguistic arguments. This shows his deep linguistic insight and strong adherence to his madhhab.

### The Meaning of الصعيد **al-Ṣaʿīd and the Requirement of Soil Adherence in Tayammum (Dry Ablution)**

Allah says: "O you who believe! Do not approach prayer while you are intoxicated... and if you are ill or on a journey, or one of you comes from relieving himself or you have touched women and cannot find water, then perform tayammum with clean earth and wipe your faces and hands with it..." [al-Nisāʾ: 43]. Al-Baydhawi explains: "*Then perform tayammum with clean earth and wipe your faces and hands with it*—that is, direct yourselves toward something of the earth's surface that is pure. Based on this, the Ḥanafīs held that striking one's hand on a solid rock suffices. But Shāfiʿī scholars said that some soil must cling to the hand, citing Allah's statement in al-Māʾidah: *"...wipe your faces and your hands from it"* [al-Māʾidah: 6], meaning "some of it." To claim that "min" here indicates the beginning of a sequence is far-fetched, for it typically implies *partiality*.

Al-Baydhawi's view—that *al-ṣaʿīd* means soil and that some must adhere to the hand—is consistent with linguistic authorities such as Abū ʿUbaydah and al-Farrāʾ (al-Wāḥidī 1994), who said *al-ṣaʿīd* refers to what rises from the ground. Thus, *ṣaʿīdan ṭayyiban* means clean earth. Furthermore, Allah made *ṭayyib* (good) a condition for the earth, and good land is that which grows vegetation, as seen in: *"And the good land brings forth its vegetation by the permission of its Lord"* [al-Aʿrāf: 58]. This implies barren land is not *ṭayyib*, supporting the view that the verse commands tayammum using *soil only*. Given the consensus that this form of tayammum is valid, the phrase *ṣaʿīdan ṭayyiban* must be interpreted

accordingly, following the principle of precaution [25].

Al-Baydhawi's view that *al-ṣaʿīd* is soil and that some of it must cling to the hand is shared by some scholars from the Ḥanafī, Mālikī, Shāfiʿī, and Ḥanbalī schools. The dominant Shāfiʿī and Ḥanbalī view, affirmed by the majority, is that tayammum is invalid unless soil adheres to the hand, based on the preposition *min*, which implies *partiality*, thus indicating the necessity of actual soil. The Ḥanafīs, however, argue that *al-ṣaʿīd* encompasses not only soil but also sand and any surface of the earth. Their reasoning, drawn from the linguistic usage of *al-ṣaʿīd* in Arabic, includes the notion that it refers to anything elevated from the earth, including a grave, and thus is not limited to soil [26].

Al-Baydhawi's interpretation that *al-ṣaʿīd* specifically means soil is shared by al-Thaʿlabī [27] and Al-Alusi [28], while others, such as al-Zamakhsharī and al-Zajjāj, disagreed, interpreting *al-ṣaʿīd* as the surface of the earth, whether it be soil or bare rock. Even if the rock is devoid of soil, they say wiping on it suffices, aligning with Abū Ḥanīfah's view. When challenged with the verse "*...wipe your faces and your hands from it*", they claim *min* indicates origin, not partiality. However, the counterargument is that Arabs understand *min* in such contexts to imply *some of it*, as in "*I wiped my head with oil/water/soil*"—meaning part of it. The response: admitting this interpretation is more appropriate than insisting on a strained view [29].

This issue demonstrates Al-Baydhawi's preference for his own Shāfiʿī madhhab. He even described opposing views as contrived after using language to support his school's position. This reinforces the previous conclusion that Al-Baydhawi did not display independent juristic reasoning, but instead used language in service of his school's doctrine.

# 5. Conclusions and Recommendations

The results of the study showed that language, according to Al-Baydhawi, was prominent and convincing evidence of jurisprudential issues in his interpretation. Linguistically, Al-Baydhawi's approach to his interpretation was more influenced by visual aspects than by the Kufic style. Al-Baydhawi did not demonstrate a distinctive linguistic innovation in his interpretation, independent from others. The study revealed

Al-Baydhawi's high linguistic proficiency, who utilised language in favoring his school of thought, the Shafi'i school, in the study of controversial issues.

Al-Baydhawi consistently employed linguistic arguments as decisive evidence in juristic matters. His grammatical orientation leaned more toward the Baṣran school than the Kūfan. He did not demonstrate independent linguistic reasoning but adhered closely to Shāfiʿī thought. He possessed exceptional linguistic and grammatical competence. He utilized linguistic analysis to support his madhhab's rulings in disputed issues.

The Arabic language has a profound impact on legal deduction and preference, which must be further integrated in juristic councils and fatwa institutions. This can be enhanced by involving linguists and focusing on linguistic aspects in juristic debates, as well as by developing digital tools using AI for interpreting and analysing exegetical texts. Greater attention should be given to language's role in jurisprudence, including its inclusion in curricula and the introduction of university courses specialising in this subject.

The study recommends directing students of Islamic jurisprudence towards further studies that reveal how language serves as a tool for Islamic sciences, being one of the evidences for legal rulings. Additionally, it suggests organising an international conference on the impact of language on jurisprudential issues, both as evidence and in preference.

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Conceptualization, A.M.S.A. and O.A.A.G.; methodology, A.M.S.A.; software, Z.S.S.; validation, O.A.A.G., N.N.A., and M.A.R.; formal analysis, A.M.S.A.; investigation, A.M.S.A.; resources, Z.S.S.; data curation, O.A.A.G.; writing—original draft preparation, A.M.S.A.; writing—review and editing, M.A.R., O.A.A.G.; visualization, N.N.A.; supervision, O.A.A.G.; project administration, Z.S.S. All authors have read and agreed to the published version of the manuscript.

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