

A Critical Evaluation of Contention of Qyas and Arguments of Imam Razi

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ABSTRACT

Literally “Qiyas” means measurement or comparison to establish similarity or equality between two things, while terminologically it’s the analogical deduction applied to those Islamic Laws not clearly mentioned in Quran and Sunnah. Qiyas refers to the extension of Shariah ruling (Hukam) from an original case (Asal) to a new case (Fara) on the basis of the same effective cause (Illat) as lying there in the original case. Quran and Sunnah provide permission to analogical reasoning on the occasion where no clear instructions have been paid on a particular matter. Similarly the jurists of Islam unanimously used this source as a tool for the deduction of all the new cases they faced. Imam Razi (Rh) one of the well-known scholars of Islam has provided bundles of proofs in support of Qiyas and washed all the misconceptions of the deniers.

KEY WORDS: Qiyas, Illat, Asal, Faran, Hukam, Comparison. Contention, argument, faith

INTRODUCTION

Preamble:

As it is a universal fact that Islam is a complete code of life and this faith of every Muslim is an evidence of being Mohammaden, but it is also a fact that many of the walks of life have to face numberless problems with the changing scenarios of the surrounding world. A complete solution to all these problems has not been described in the Qur’an. A number of problems have not been described in the Qur’an and Sunnah with great details. In order to bring such described problems in teachings of Shariah, help is being sought through other sources of Shariah like Ijmaa and Qyas.

Literary and Conventional Meaning of Qyas:

Literary, Qyas means measurement, estimation and comparison. Conventionally, Qyas means the solution of undescribed questions in the light of related described questions with common cause. Islamic scholars have decided Qyas as the fourth argument among all the arguments of Shariah. Imam Razi, like the democratic scholars, is in favor of Qyas. He has given arguments in favor of Qyas on many occasions and has also answered in detail to the opposers. The scholars of principles have defined Qyas thus:

“The question which has no clear and obvious solution in Qur’an and Sunnah must be solved according to the related described questions of Qur’an and Sunnah having similar kind of situations or such an incident which is directed by Qur’an and Sunnah should be equalized with the undescribed incident.”¹¹

According to Scholars of principles, there are more interpretations of Qyas. For example, equalizing, joining, catching and transforming the incidents. So, interpretations like Ilhaq, Taswiya, Ta’adia etc. are also used for Qyas.

It is come to notice that Qyas is declarative, not demonstrative because this order is proved to be timed equally both for decider and for the incident. The researcher has only to find that cause which is there in the incident and in Qyas, only the exemplar of the order is transformed from real to subsidiary. The solution of new questions has been discovered through Qyas which has no clear meaning, rather included in its meaning through a cause.

According to Hassami:²

“إذا اخذوا حكم الفرع من الاصل سمو ذلك قياساً لتقديرهم الفرع بالاصل في الحكم والعللة”

It means that new questions, derived from the previous decision of jurists, are called Qyas and in such cases, the jurists perceive according to the decision and cause of the incident.

In another interpretation, Qyas is to proclaim undescribed questions within the described questions in terms of common cause.³

According to Noor-ul-Anwar:⁴

“القياس في اللغة التقدير وفي الشرع تقدير الفرع بالاصل في الحكم والعللة”

“To accommodate the undescribed questions into the described ones in decision and cause.”

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Qur'an, Sunnah and Qyas:

Solid foundations for the reliability of Qyas in Qur'an and Sunnah exist. There are many Ayahs and Hadiths which affirm Qyas to be adopted and practiced.

Qur'an says:⁵

"فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ"

“So, be trustful O! “

According to jurists, this trust means:⁶

"ردالشئى الى نظيره اى الحكم على الشئ بما هو ثابت لنظيره"

“To return a thing to its premonitory, means a proved order for a thing which is proved for its premonitory”

Qur'an has stressed for the formation of a particular group for Tafaqa Fid-deen. With bookish knowledge, the knowledge of contrivance has been considered the purpose of Prophet's (SAW) apostleship and it is the second name of Tafaqa Fid-deen and of the knowledge of contrivance for inferences of the orders which becomes prominent in the shape of Qyas. Additionally, the defects and excesses of orders in Qur'an and Sunnah have been described and these defects and excesses pave the way for more inferences and edicts.

Similarly, many of the Hadiths are in strong favor of Qyas. Moreover, it is stressed to adopt Qyas in day to day incidents. Hadith by Ma'az Bin Habal is an obvious proof regarding Qyas which is highly appreciated by Hazrat Muhammad (SAW).

Pious of the Past and Qyas:

It becomes quite clear after great pursuit in the book of instructions that Qyas has been brought into practice in the questions of inference in Khair-ul-Quroon. These people brought Qyas into practice in many questions. It is not proved from any Sahabi who objected or rejected Qyas. Those sayings which are related to some scholars do not mean to reject Qyas⁷ moreover, if one looks with reference to the context, it relates to that opinion which is equal to reality, conditions of Qyas and concession of rules are not there, there is not enough ability in decision-makers of Qyas, there is no proof of it in Qur'an and Sunnah and it is mere personal opinion of the person. Surely, such types of Qyases are inglorious. These are those Qyases about which Imam Abu Hanifa says:⁸

"البول فى المسجد أحسن من بعض قياساتهم"

“Some Qyases of the people are worse than their gossips in the mosque”

Moreover, the Qyas which is according to Shariah, have an Ijmaa of the Sahabas about its rightfulness.⁹ Allama Ibn-e-Qaim Jozia has discussed Qyas under the heading of Qyas in great detail in Ilam-ul-Mo'uyy'een Ann Rabb-ul-Aalameen. He says: “Sahaba Kiram paved the way to Ijtehaad for religious scholars by bringing Qyas into practice in the incidents of their own observations; methods are settled and lead the scholars.” Similarly, the quote of Imam Mazni has been copied. He says: “It is a continuous process from the era of Muhammad (SAW) to the present time. The jurists took Qyas in consideration during their inference of an order therefore; there is no space for Qyas to be refused by anyone¹⁰.”

Qyas and Rational Arguments:

Common sense demands the contention of Qyas. The sphere of Qur'an and Sunnah are limited and proposed whereas human society is continuously changing with the passage of time. Evolutionary development is producing new problems day by day so, it is impossible to say that these questions in Qur'an and Sunnah surely have the solutions to all these new problems. Therefore, it becomes necessary that great consideration should be taken in purpose and indisposition and these new indispositions should be made central to seek solutions for new incidents and happenings. The main purpose of order of Shariah to accomplish the needs of Muslims and these orders consist of contrivance of Shariah and this aim is achieved with the adaptation of Qyas. It is the demand of Allah's equity and contrivance. If it is observed from another angle, it becomes obvious that Qyas means to seek parallel solution in accordance with already existing solution and it can never be found in Shariah that a thing is illegitimate and its contrived solution is admissible.

Similarly, we apply Qyas from one thing to another for worldly affairs in numerous happenings of daily life, estimate about it and consider it a natural order by accepting it good. So, anything which is natural and appraisable has no reason to be rejected. As Islam is a complete code of life and life is full of problems, so undoubtedly this natural and appraisable action should be a part of worldly life of Muslims. If it is studied from a different angle, mind cannot refuse this truth of life of a Muslim rather it is compelled to accept it a bare truth. The fact is that our great religious scholars were the beacons of knowledge and they were unmatched in Allah's fear, righteousness, and intelligence

and in high-order thinking. They used Qyas for inference of orders for centuries, so it is never possible that they all were betrayed.

Viewpoint of the Negators of Qyas:

As it is mentioned earlier that Qyas is a contention of Shariah and majority of the religious scholars have considered Qyas as a contention of Shariah and they have continuously acted upon Qyas, yet some the scholars are the negators of Qyas. The negators of Qyas debate on the described orders of Qur'an but if one studies it deeply, it is not true¹¹. Moreover, somewhere their own debates are against them. Sometime they consider Qyas at specific points but it is not a Qyas of Shariah rather it is mere an opinion of their own intellect having no base of Qur'an and Sunnah. Those which have been refused by pious of the past, actually those are based on personal judgment without anything related to Qur'an and Sunnah. As mentioned earlier that it is necessary for establishing Qyas that the scholar must have that prescribed knowledge and intellect which can confirm the reliability of Qyas. Without that prescribed knowledge and intellect, Qyas is inglorious.

If negators and acceptors of Qyas are deeply studied, it will become clear that both of them are just in their respective point of views. The negators of Qyas tries to prove with their arguments that trust should be on those prescribed orders in Ijtehaad in order to save Shariah from dispersion and carnal wishes. On the other hand, the acceptors of Qyas are of the opinion that nor they oppose the described orders neither they repel them but they always seek solutions of the day's happenings within the sphere of those described orders. Moreover, if we look into this difference of opinions closely, it becomes quite clear that those conditions which are prescribed by the acceptors of Qyas can easily fulfill the needs of the negators of Qyas. The only difference between them is of their notions; otherwise both of them are right in their own ways.

Need and Importance of Qyas:

Undoubtedly, Allah's teachings which are with us in the shape of Qur'an and Sunnah are purely complete but they are collectively complete according to the principles and rules. It does not mean that the detailed description of every problem of every era are there in these unmatched teachings of Allah and in this way, they are fully complete. This completeness means completeness in principles and rules and these principles and rules are limited. Whereas this changing phenomenon of human life creates numerous and problems which need solution according to those prescribed principles and rules. The jurisprudents have described this truth. In accordance with ... the jurisprudents say:¹² "هو التنصير □ على قواعد العقائد والتوفيق على أصول الشرع وقوانين الاجتهاد لادراج حكم كل حادثة في القرآن"

"It is to introduce the rules of faith and the principles of Shariah in this Ayah. It is not so that the solution of every common incident or the details of every question is there in the Qur'an."

Further it is said:¹³

"ولا شك أن الأحكام التي ثبتت بصريح الوحي بالنسبة الى الحوادث الواقعة قليلة غاية القلة، فلوم يعلم احكام تلك الحوادث من الوحي الصريح وبقية احكامها مهملة لا يكون الدين كاملا، فلا بد من أن يكون للمجتهدين ولاية استنباط احكامها"

"It is undoubtful that those orders which are proven from evident revelation, they are too much less in number against today's incidents and accidents. If the orders of today's incidents and accidents have not been investigated with evident revelation through inference, these orders will remain absurd and the claim of superiority of religion will be fallacious. Over this discussion, it becomes essential to give the right of inference to the jurisprudents."

Naturally, it is needed to expand the sphere of rules and principles in accordance with due consideration and the soul and sense of described orders with rational comprehension for the purpose to hold the demands of every era and the name of this path is Qyas.

The Jurisprudential Status of Qyas:

Ihl-e-Sunnat-wa-Aljumaat is agreed upon that the status of Qyas is derived from Qur'an, Sunnah of the Holy Prophet (SAW) and Ijma-e-Ummat. In the presence of these three, Qyas is not legitimate. Similarly, the Qyas which is based on inference of cause, its command will be based on supposition because its caused is based on the opinion of jurisprudent and not on the described ones. It is obvious that the described commands and the opinions cannot have a similar jurisprudential status.

Contention of Qyas and Imam Razi:

Imam Razi who is the spiritual guide of philosophy and locution, has given numerous arguments on the contention of Qyas in his exposition Mafatih-ul-Ghaib Al-Marroof Ba tafseer-e-Kabeer and has given detailed answers to the negators of Qyas. In Tafseer-e-Kabeer (Edition-20), according to the Ayah of urah Ban-i-Israeel "وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ". he answered to the negators of Qyas on the basis of this Ayah.

The negators of Qyas have got inference from this Ayah that Qyas benefits in supposition and supposition is against knowledge. Therefore, to issue commands with Qyas in the faith of Allah is equal to issue command without knowledge. So, it is necessary to reject Qyas on the basis of this command of Allah. "ولا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ"

I give its answer by some means.

Answer No.1: it is lawful in many ways in accordance with Ijma-e-Ummat to impose command only with supposition in faith.

A: it is legitimate to act upon the verdict and it is supposition.

B: It is supposition to act upon testimony and it is legitimate.

C: It is supposition to struggle for ascertaining Qibla and it is lawful.

D: It is not possible without supposition to evaluate the organs of body and to punish the criminals for their crimes and it is lawful.

E: To cut a vein, to shave and treatment of all ailments are done on the basis of supposition and it is legitimate.

F: It is done with supposition to say that this slaughter is a Muslim's slaughter. It seems certain and it is lawful to have a base for it.

G: Allah says:¹⁴

" وَإِنْ جَفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ "

"And this difference is supposed rather than evident."

H:It is said about a rhombus person that he is a Muslim, is supposition and a number of things are based on this supposition like taking Zakat from him and burying him in Muslims' graveyard etc.

I:Many of the common stuffs of life like wandering in the world, urge for earning, giving concession up to some specific time, trust in friends and belief in the enmity of enemies are based on supposition and this is legitimate.

J:The Holy Prophet (SAW) said:¹⁵ " نَحْنُ نَحْكُمُ بِالظَّاهِرِ وَاللَّهُ يَتَوَلَّى السَّرَائِرَ "

"We impose only on evident and Allah knows about those which are not evident and it is reiteration over this fact that supposition is legitimate in these ten kinds of incidents. Therefore, the verdict of those people becomes invalid who say that supposition is not legitimate on the basis of already described command.

Answer No. 2: Supposition also comes under the meaning of knowledge. The strongest argument over this in Qur'an. Allah says:¹⁶ " إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ "

In this Ayah, this is certain that the fact about these women's faith will be considered by their verbal confession and it will benefit supposition and this supposition is declared knowledge by Allah.

Answer No. 3: When it is proved through a strong argument that it is essential to act upon Qyas, this argument became an argument of this fact which has been proved with the command of Allah about the method of Qyas and it will be based on the described rules. Everyone has to act upon this supposition. So, to act upon the supposition in this case will be by command and it will be based on true belief. The negators of Qyas have answered of the first question that the command of Allah " ولا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ " is common and these ten cases are exclusive. So, common will remain common except these ten cases.

We further say: The difference between these ten cases and common ones is that these commands are purely common and these commands are commonly established, in rhombus hours with a rhombus person. And in such condition, in which a person moves from one meaning to another meaning, it is wholly related with that rhombus person. Similarly, the rhombus hours of a rhombus person replace the described rules in witnessing, in ascertaining Qibla and in many incidents and it will begin an unfinished array which will have no limit and this is unavoidable. On the basis of this need, we did adequate supposition. Those commands which are proved through Qyas are changeable commands and they can be applied in certain situations and these commands are very limited and proved and to derive arguments from them is possible. This is the reason that the jurists brought forward those commands through Qyas, made them affirm and described them in their books.

When you came to know this fact, we say that it is impossible to derive argument on the basis of your personal description. So, there is no doubt that the negator did adequate supposition in this case. In the light of above-mentioned research, my results are as under:

- ❖ Qyas is an important source in the sources of Shariah which is a great dependence of day to day problems.
- ❖ According to a great number of jurists and Muhaddiseen, Qyas is a contention of Shariah.
- ❖ The debate of the negators of Qyas is based on the described rules of Qur'an and Sunnah which becomes a contention against them with slight reluctance.
- ❖ Imam Razi is amongst the acceptors of Qyas and he has proved the contention of Qyas in his exposition "Tafseer-e-Kabeer" in certain places and has answered to the negators of Qyas.

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