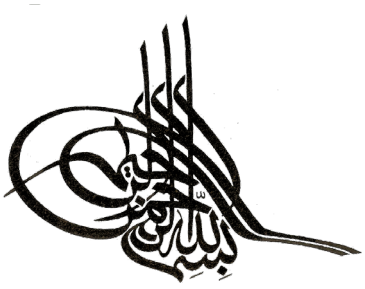
The Falsehood of Analogy

by Abu Hāzim al-Dhāhirī



The Falsehood of Analogy

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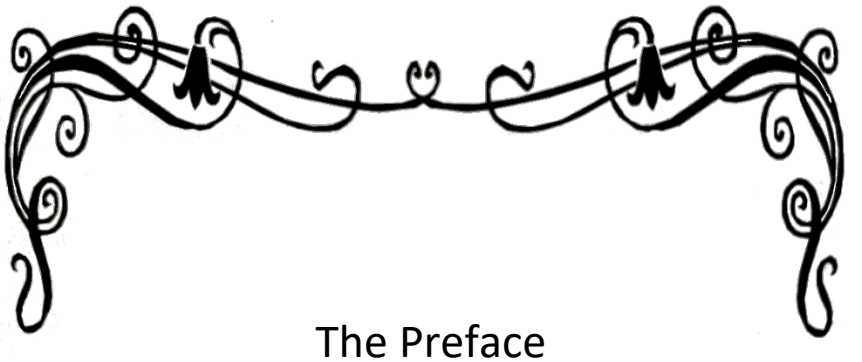


The Preface

In the name of Allāh, Most Gracious, Most Merciful. All praise is for Allāh. We praise Him, seek His help, ask for His forgiveness alone; and we seek refuge in Allāh alone from the evil in our souls and from the wrong of our deeds. Whomever Allāh guides, there is no one to misguide him; and whomever He leaves astray, there is none to guide him. I bear witness that there is no god except Allāh, the One, with no partner. I also bear witness that our revered Muhammad is His servant and messenger. May Allāh bless him and his family, his *ṣahābah* and his followers, and shower on them peace and favors. Everything in my book that is wrong is from me and satan, Allah and His Messenger are innocent of it.

Allāh the Most Exalted says that he completed the religion and has clarified everything. He says, “There is not a moving creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they will be gathered” [6:38]. And He says, “And We sent not before you except men to whom We revealed. So ask *ahl al-dhikr* (those who know the Qur’ān and the *sunnah*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *al-dhikr* (the Qur’ān and the *sunnah*) that you may make clear to the people what was sent down to them and that they might give thought” [16:44-45].

It was part of Allāh's preordained decree, in His knowledge, that differences would arise among His creation, He, the Almighty says, “Had your Lord willed, He would have made all the people a single community. But, they will continue to differ except those shown mercy” [11:118-119]. So, it is known with certainty from Allāh's revelations that *ikhtilāf* (any difference of opinion) will manifest among us, and He has forbidden us from such divisions. Allāh the Almighty says, “And hold firmly to the rope

of Allāh all together and do not become divided" [3:103]. And He says, "And do not be like those who became divided and fell into disputes after the clear signs had come to them. And for them there is grave punishment" [3:105]. And He, the Most Exalted says, "If it would be from other than Allāh, they would find many differences" [4:82]. And the Messenger of Allāh ﷺ said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets."[1] The Messenger of Allāh ﷺ also said, "You will surely follow the ways of those before you inch by inch and step by step so much so that if they had entered into the hole of the lizard, you would follow them in this also." He was then asked about this, "O Messenger of Allāh, do you mean Jews and Christians [with] 'those before you?'" He said, "Who else (than those two religious groups)?"[2]

After the passing of the Messenger of Allāh ﷺ, there emerged five innovations among the people that were falsely embraced as foundational aspects of the religion of *islām*. Allāh has guided the righteous away from these innovations. They are known as *ra'ī*, *qiyās*, *istiḥsān*, *tal'īl*, and *taqlīd*.

Ra'ī first surfaced during the time of the *ṣahābah* may Allāh be pleased with them, the first generation, yet none of them in the narrations attributed to them regarding their usage of *ra'ī* indicate them affirming *ra'ī with* absolute certainty. After them the righteous successors have continued to follow their lead in this matter to this day. The essence of *ra'ī*, over which there exists difference of opinion, pertains to a ruling in the religion for which there is no explicit *naṣṣ* (texts from the *Qur'ān* and the *sunnah*) for. It involves a scholar's discernment of the most equitable ruling for an isue, it is either ruling that issue as prohibited, permissible, or obligatory. Understanding this alone, one understands the prohibition of *ra'ī* without necessitating explicit evidence to be known, as *ra'ī* inherently lacks certainty. There is however no doubt that certain evidence from *nuṣūṣ* (plural of *naṣṣ*) exists regarding its prohibition.

After *ra'ī*, *qiyās* emerged in the second generation, with some proponents embracing it while others disavowed it, expressing their dissociation from it. The essence of *qiyās*, over which adherents hold differing opinions, is deducing a ruling for an issue that will either be a prohibition, obligation, or permissibility. This issue is one that is not explicitly addressed in the revelation of Allāh (*Qur'ān* and *sunnah*). *Qiyās* entails assigning a ruling to such an issue based on its similarity to another issue addressed in the *Qur'ān* and *sunnah*, with the new issue receiving the

[1] Sahih Muslim 1337
[2] Sahih Al-Bukhari 3456, 7319

same ruling as the one it is compared to due to their resemblance. The proponents of *qiyās* differed on this matter; some claimed that the ruling being likened to must share the same underlying *'illah* (rationale) while others argued that similarity in any aspect suffices. We will clarify all of this by the will of Allah.

This methodology is false from three distinct angles, and we intend to expound upon its fallacies in the greatest detail, by the will of Allah. Firstly, using *qiyās* entails acknowledging rulings devoid of textual evidence (*nuṣūṣ*), while the entire religion is *manṣūṣ* (object noun of *naṣṣ*). Secondly, some of them believe that as long as there is *nuṣūṣ* that the utilization of *qiyās* becomes false, this is a false claim for which there is no certain evidence. Thirdly, the claim that those issues receive the same ruling as what is similar because of their *'illah* (rationale) is baseless, as Allah has not prescribed any *'illah* for rulings within the religion. Claims of *'illah* lack certainty and remain unsupported by evidence from the Qur'an and *sunnah*. This will all be clarified in detail by the will of Allah.

Afterwards, *istiḥsān* emerged in the third generation, defined as judgments based on anything they perceive to be good or beneficial. This method is false as it succumbs to personal inclinations. Some have attempted to justify *istiḥsān* by proposing that scholars choose the optimal view from the statements of the scholars of earlier generations. This is false as the utterances of fallible humans are prone to error.

In the fourth generation, the practices of *taqlīd* and *ta'līl* emerged. *taqlīd* is adherence to a ruling simply because it was issued by a *ṣahābi*, *tābi'i*, or any scholar without any *naṣṣ* known by the *muqallid*. This method is false because it relies on claims lacking conclusive evidence. There is within the realm of *fiqh* (jurisprudence), a multitude of differing opinions among *ṣahābah*, *tābi'īn*, and scholars. Those who engage in *taqlīd* commit themselves to following certain individuals, thereby refraining from ever exceeding the views of the scholar they blindly adhere to.

As for *ta'līl* it entails fabricating a rationale (*'illah*) to justify a particular ruling. For example, claiming that alcohol is only prohibited because it causes harm. This is falsehood, as it suggests that Allah has only prohibited something based on a specific reason, and they claim that anything with a similar reason as that must receive the same ruling. Such attributions about Allah are baseless and constitute a direct falsehood. Those acquainted with the true nature of this method recognize its fallacy without requiring explicit evidence, particularly when there is overwhelming evidence against it in the *Qur'ān*, *sunnah*, and reasoned argumentation

(*ma'qūl*). We will clarify the falsehood of *qiyās* and *ta'lil* in great detail, by the will of Allah.

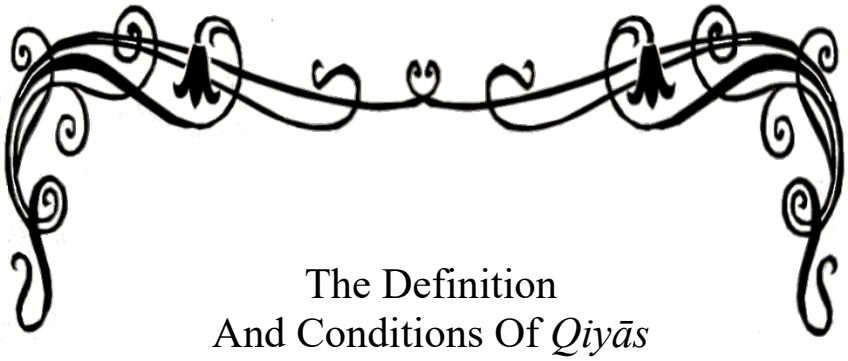
Certain evidences indicate that these created fundamentals like *qiyās*, *istiḥsān*, *ta'līl*, and *taqlīd* only emerged post the era of the *ṣahābah*. We are aware of all *fatāwa* that are issued by the *ṣahābah*, wherein they occasionally based their rulings on *ra'ī* without affirming its certainty. However, there is no authentic narration ever demonstrating their use of *qiyās*, except for one weak narration attributed to Umar, which we shall scrutinize meticulously to elucidate its weaknesses, by the will of Allah. In this dubious narration, Umar allegedly says, "Depend on the *qiyās* that is the most beloved to Allāh." It is impossible for Umar to make such a statement, as it is universally understood that knowledge of what is beloved to Allāh comes solely from His revelation through the Messenger of Allah ﷺ. Anyone attributing such statements to Allāh without revelation is without any doubt a liar. As Allāh states, "Say, 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know'" [7:33].

Istiḥsān began to surface in the third generation, but there's nothing narrated about it being used before Abu Hanifah and his companions. Malik rarely used it, preferring other methods of legal reasoning. They say regarding it, "*Qiyās* in this issue is like this, but we think so and so which is its opposite is better."

Taqlīd became prevalent after Abu Hanifah and Malik may Allah have mercy on them, with each group adhering to the teachings of the *ṣahābah* and refraining from diverging from their perspectives, even if their *fatāwa* varied. There is no certain evidence of anyone preceding them using *taqlīd*.

Ta'līl was introduced by the companions of Al-Shafi'i, followed by the companions of Abu Hanifah and then those of Malik. Subsequently, *taqlīd* emerged among the followers of Al-Shafi'i, extending to Al-Shafi'i himself, despite his various conflicting views and *fatwas*. However, all three, Abu Hanifah, Malik, and Al-Shafi'i, prohibited their followers from *taqlīd,* without making any difference between a scholar and a layman. Every group of them strives to uphold one of these three *imām*s and their companions. Their books are filled with this *taqlīd*, even most scholars among them while they claim *taqlīd* is only prohibited for the scholar.

Rejecting the false method of *ta'līl* and denouncing it as reprehensible has been the stance of the *ṣahābah*, a position we will elaborate on in great detail, by the will of Allah. This false approach proliferated beyond the early generations, leading to the widespread abandonment of the words of Allah and his Messenger ﷺ. In This book I will clarify the falsehood of *qiyās and ta'līl* in the greatest of details, by the will of Allah the Most Exalted.



The Definition And Conditions Of *Qiyās*

There has been a difference of opinion regarding the definition of *qiyās* in terminology (*iṣṭilāḥ*). Some said, "It is imposing a known matter upon another known matter to establish or negate a judgment for them, through a comprehensive command between them, regarding a ruling or attribute."

Others said, "It is the equivalence of a subsidiary issue (*far'*) to a principle (*aṣl*) regarding the rationale (*'illah*) of the judgment, or its addition to it in the sense considered in the judgment."

Others said, "It is the attainment of the judgment of the *aṣl* in the *far'*, due to their similarity in the *'illah* of the judgment according to the diligent scholar."

Others said, "The inclusion of specifics within generalities."

Others said, "Including what is implied within what is explicitly stated."

Others said, "The inclusion of the differing within the agreed upon."

Others said, "Extracting the hidden from the apparent."

Others said, "Imposing a matter upon another, and applying its ruling to it."

Others said, "Imposing a matter upon something else, and applying its ruling to it."

Others said, “Imposing a matter upon something else in some of its rulings, based on a resemblance.”

And to each of these definitions there are objections that would extend the discourse if mentioned.

To summarize with an accurate definition that garners unanimous agreement as mentioned before, *qiyās* is: Deducing a ruling for an issue that will either be a prohibition, obligation, or permissibility. This issue is one that is not explicitly addressed in the revelation of Allāh (Qur’ān and *sunnah*). *Qiyās* entails assigning a ruling to such an issue based on its similarity to another issue addressed in the Qur’ān and *sunnah*, with the new issue receiving the same ruling as the one it is compared to due to their resemblance. However, scholars differed on this matter; some claimed that the ruling being likened to must share the same underlying *‘illah* (rationale) while others argued that similarity in any aspect suffices.

The pillars of *qiyās* according to those who believe in it are: *aṣl*, *far’*, *‘illah* and *ḥukm*. A *qiyās* can not be free from any of these pillars

Aṣl is the basis of the analogy, it is from that which is from Qur’ān and *sunnah*.

Far’ is that which is likened to the *aṣl*, not to its ruling, it is that which is not from Qur’ān and *sunnah*.

‘Illah is the similarity between the *aṣl* and *far’*.

Ḥukm is the outcoming ruling of the *far’* .

Then they place twelve conditions for the validity of the *aṣl*, if any of them are not present then the *qiyās* is invalid.[3]

1. The ruling intended for transfer to the *far’* must be firmly grounded in the *aṣl*; if it has been abrogated, it cannot be used.

2. It must be *shar’i* not *‘aqli* or *lughawi*.

3. It must be *sam’i*.

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[3] Al-Bahr Al-Muḥiṭ Fi Usul Al-Fiqh 7/103-131
Qawati’ Al-Adillah Fi Al-Usul 2/119
Irshad Al-Fuḥul Ila Taḥqiq Al-Ḥaqq Min ‘Ilm Al-Usul 2/109
Al-Taḥṣil Min Al-Maḥsul 2/246

4. It must be from the Qur'ān and *sunnah*.

5. It must not already be a *far'* of another *aṣl.* It must not be something that already encompasses a *far'*, if it would already include it because of the *aṣl* being general and the *far'* falling under it, it contradicts the purpose and essence of establishing a *far'*.

6. It must have an *ijmā'*. There is however difference of opinion regarding this, Some argue for the obligation of an explicit *ijmā'* of the ummah regarding the *aṣl*, while others contend that the *aṣl's* validity is established through the judgment of two opposing parties.

7. There must not be a difference regarding the *'illah* of the *aṣl*, this is called *murakkab ul-aṣl*. If there is agreement on the *'illah*, but there is difference whether the *'illah* applies to the *far'* then this is *murakkab ul-waṣf.*

8. There must not be certainty, because if there would be certainty then *qiyās* is not allowed as *qiyās* only suffices conjecture.

9. It must not involve a specified quantity, such as the number of *raka'āt* in prayer, lashes in *ḥudūd* punishments, or witnesses for testimonies. Certain companions of Al-Shafi'i however permitted such *qiyās*.

10. The ruling of the *aṣl* must not have harshness on what is other than it.

11. The ruling of the *far'*, must not be established before the *aṣl*.

As for the *'illah*, the majority claim regarding it that it is a fundamental aspect of *qiyās*, without it *qiyās* is invalid. Some differed, Ibn Furak said, "Some have said that any resemblance suffices for a *qiyas*, they did not believe *'illah* to be a condition." Ibn Al-Sam'ani said, "Some of those who use *qiyās* from the *ḥanafiyyah* and others believe in the validity of *qiyās* without an *'illah*, as long as there is some resemblance between the *far'* and the aṣl in some aspect."

They also differ on the meaning of *'illah* with various different views. Some said, "*'Illah* is what elucidates a ruling, it is like a sign for the ruling, wherever its meaning is found then that ruling is also found." This is the view of Al-Sayrafi, Abu Zayd from the *ḥanafiyyah*, Sulaym Al-Razi mentioned this about some *fuqahā'*.

Others said, "It is the inherent nature of a ruling, but it is not something Allah made as an *'illah* for that ruling." This is the view of the *mu'tazilah*, based on their principle of *al-taḥṣīn wal-taqbīḥ* (intellectual assessment).

Others said, "It is the inherent nature of a ruling, but with the meaning that Allāh made that *'illah* for that ruling." This is the view of Al-Ghazali, Sulaym Al-Razi and Al-Safi al-Hindi.

Others said, "It is from the societal customs." This is the view of Al-Fakhr Al-Razi.

Others said, "It is that which is sent with the ruling, meaning that the description (*'illah*) must necessarily include a beneficial purpose intended by Allāh of the ruling."

'Illah has differed words and names, it can be called a *sabab*, *amārah*, *dā'ī*, *mustad'ī*, *bā'ith*, *ḥāmil*, *manāṭ*, *dalīl*, *muqtadi*, *mujīb* and *mu'athir*.

Some *Muḥaqqiqūn* have concluded that an *'illah* must have evidence of its validity because it is *shar'ī*, like the ruling. Just as there must exist evidence for a ruling, there must also exist evidence for its *'illah*.

Some of them said, "There must exist two evidences for an *'illah*: one to establish it as a *'illah* and another to confirm its validity."

Ibn Furak said, "Some of our companions said that the validity of an *'illah* is known by the mere presence of the ruling alongside it, and its non-existence with its non-existence."

Those who believe in *qiyās* have created twenty-two conditions for an *'illah* to be considered valid, if any of them is not present then the *qiyās* is invalid:

1. It must be *mu'athirah* (have influence), if it is not *mu'athirah* then it is an invalid *'illah*. This is the view of the majority of *ahl ul-uṣūl* who believe in *qiyās*. What they mean by it is suitability. Al-Baqillani said regarding a *mu'athirah 'illah*, "It is an *'illah* that prevails the conjecture of the jurist that the ruling is only established for the sake of that *'illah*, and not for any other reason."

2. It must be *waṣf al-ḍābiṭ*, meaning an accurate description that indicates suitability, it implies that the ruling is made for a wisdom (*ḥikmah*) which Allāh had intended for that ruling. It must not be an obscured wisdom such that other things are not encompassed by that wisdom.

3. It must be apparent and clear, otherwise it cannot be affirmed for the *far'*.

4. It must be safe such that no texts from Qur'ān, *sunnah* or *ijmā'* contradict it.

5. Other *'ilal* (plural of *'illah*) must not contradict it, and there must not exist an *'illah* which is better, because what is better is more deserving of the ruling.

6. It must be *muṭṭaridah*, meaning it must be consistent; wherever the *'illah* is found, the ruling must also be found.

7. It must be *thubūti*, this means that it must be confirmed and that means that it is not preceded by a negation, meaning a ruling that already exists is not invalidated with this *'illah*. Many of them however went with the view that such an *'illah* is valid.

8. It must be *muta'addiyah* and not *qāṣirah*, this means that an *'illah* must be able to move away where it has been placed by Allah in the Qur'ān and *sunnah*, such as the prohibition of the sale of wheat for wheat, the *'illah* of its prohibition is that it is food, this *'illah* is then *muta'addiyah*, because it can then apply for matters other than wheat.

9. That the ruling ceases with the disappearance of the *'illah*, and what is meant is the disappearance of knowledge or presumption of

it; as the absence of evidence does not necessarily entail the absence of what is inferred.

10. Its attributes should be acknowledged or inferred.

11. It must not be that which can imply a different ruling for the *far'* and a different one for the *aṣl*.

12. It must not entail contradictions.

13. Its existence must not be later than the ruling of the *aṣl*.

14. The description must be specific, because returning the *far'* to it is only valid through this medium.

15. The method of affirming it must be *shar'ī* for it must be *shar'ī* like rulings.

16. It must not be *muqaddarah*, meaning that it must not have an aspect that is supposed to exist when it does not, or supposed to be non-existent when it exists, such as the ruling that a wife is entitled to inherit a portion of the blood money of her killed husband, because the deceased husband is considered to own the blood money, but this ownership is imagination, not real. Al-Hindi said that many went with the view that a *muqaddarah 'illah* is valid.

17. If it is derived, then the condition is that it must not entail invalidation of the *aṣl*, or the invalidation of a part of it, to avoid acceptance of the less established over the more established; because the presumption derived from texts is stronger than the presumption derived from *qiyās*, as the *'illah* is a branch of *qiyās*, and a branch does not invalidate its root, otherwise it would be necessary to return to itself by invalidating it.

18. If it is derived, then it must not negate any texts from Qur'ān and *sunnah*.

19. If it is derived, then it must not have any addition on what the texts do not affirm.

20. It must not contradict another *'illah* which would necessitate two opposites in their ruling.

21. If the *aṣl* has a condition then it is not possible for the *'illah* to entail negation of that condition.

22. It must not indicate that the *aṣl* covers the *far'* in general as there is in that case no use in *qiyas*.

They also created four conditions for the *far'*, a *qiyās* is not valid without these conditions:

1. Its *'illah* must be equal to the *'illah* of the *aṣl*.
2. Its ruling must be equal to the ruling of the *aṣl*.
3. It must not be something which is already covered by Qur'ān and *sunnah*
4. It must not have preceded the ruling of the *aṣl*.

As for the *ḥukm*, it is nothing other than either a prohibition, obligation or permissibility, as mentioned before.

Qiyās According To The *Madhāhib*

According to their method, as clarified previously, *qiyās* is creating rulings on issues that are not mentioned by texts or *ijmā'*, applying a ruling to it from that which resembles to it from texts or *ijmā'*, based on shared *'illah* (rationale). According to them, *'illah* is defined as *'alāmah*, the known factor designated by Allah and his Messenger as the reason necessitating the ruling. This viewpoint is held by the majority of them, encompassing the companions of Al-Shafi'i, groups from the *ḥanafiyyah*, and *mālikiyyah*.

Beyond this and all the conditions, many differences appear, groups from the *ḥanafiyyah* and *mālikiyyah* said, "*Qiyās* relies on a similarity between two cases in some of their aspects." Muhammad Ibn Al-Tayyib Al-Baqillani said, "*Qiyās* is applying one known thing to known thing, whether some of it is obliging or omitting (the similarities between them) because of it being possible to gather them on the same matter in one of their aspects."

Abu Hanifah said, "A *mursal* narration or a weak narration from the Messenger of Allah takes precedence over *qiyās* and holds greater significance. The use of *qiyās* is not permissible as long as such narrations exist." Abu Hanifah also said, "The view of a *ṣaḥābi* for whom there is no difference of opinion is known for (*ijmā' sukūti*) takes precedence and holds greater weight than *qiyās*. Abu Hanifah also said, "It is not allowed to use *qiyās* for the issues of *kaffārāt*, *ḥudūd* and also not for *muqaddarāt* (every ruling that has an amount specified).

Al-Shafi'i said, "The use of *qiyās* is prohibited when there are texts from the Qur'ān or authentic connected narrations pertaining to the issue. However, if such texts do not exist, then it becomes obligatory to resort to *qiyās* in order to determine the ruling."

Abu Al-Faraj Al-Qadhi and Abu Bakr Al-Abhari both from the *mālikiyyah* said, "*Qiyās* takes precedence and holds greater weight than both a connected and a disconnected narration."

A group of the *shāfi'iyyah*, *ḥanafiyyah* and *ahl ul-ūṣul* said, "It is not allowed to use *qiyās* on *asbāb*." They prohibit using of *qiyās* when the reason for a ruling, such as in the case of *zinā* being the basis for *ḥudūd*, is explicitly derived from texts, to another another issue, like declaring homosexual intercourse having the same *ḥadd* ruling due to its similarity to *zinā*. This is the opposite of those who falsely use an *'illah* that is from the texts for other issues.

They then divide *qiyās* into three types. First is *qiyās al-ashbah* and *qiyās al-awlah*, they say regarding it, “An issue that lacks a specific ruling from texts is more deserving of receiving a ruling than an issue that already has that defined ruling. For instance the case of the obligatory *kaffārah* (expiation) such as for accidental killing and for breaking oaths that are not false. In such instances, individuals who intentionally kill or make false oaths are more deserving of receiving the same penalty as those involved in accidental killing or non-false oaths.”

Another example of this principle can be found in the perspective of the *mālikiyyah* and *shāfi'iyyah* regarding the ending of a marriage in the absence of sexual intercourse. Given that a ruling already exists for this situation, it is considered more appropriate to apply the same ruling when a marriage ends due to the husband's failure to provide financial support.

Another example is the *ḥanafiyyah*, *shāfi'iyyah* and *mālikiyyah* obliging the *mudhāhir* if he says the back of his mother is similar to his wife, if he then says the private of his mother is similar to the wife, that deserves the ruling of making the back similar more than what the ruling was of the making the backs similar.

The second type is *qiyās al-musāwah*, which is considering two scenarios as equivalent, unlike the first type where one issue is deemed more worthy of receiving the ruling. An example of this is the stance of Abu Hanifah and Malik regarding deliberate intercourse during daylight hours of *ramaḍān.* It is obligatory for a man to pay *kaffārah* in such a case, but they argue that intentionally eating during *ramaḍān* is to be treated the same as intentionally engaging in intercourse, and therefore, *kaffārah* is similarly obligatory for those who eat intentionally.

And they also say that a woman who has intercourse on purpose willingly during the daytimes of *ramaḍān* must also pay *kaffārah* just like the man is because of it being considered the same to the ruling of the man.

Similarly, there is the viewpoint of some *tābi’ūn* and their successors who argue that if a *mudhāhir* concerning his wife is obligated to pay *kaffārah*, then if the wife performs *dhihār* through which she becomes a *mudhāhirah*, she is also obligated to pay *kaffārah* in the same manner as the man.

And Al-Shafi’is requirement to wash a vessel that a dog has licked seven times, which is because of that deemed equivalent to the situation when a swine licks it, necessitating the same seven washes. And the ruling of *mālikiyyah*, which mandates that an unmarried *zāni* be lashed one hundred times and expelled from his city for a year. Likewise, when it

comes to someone who has wrongfully killed a person not subject to the death penalty but is subsequently forgiven by the victims *awliyā'*, they are given the same ruling as an unmarried *zāni*.

And the view of Al-Hasan regarding a woman who has been divorced three times, if she later inherits from her deceased husband, then the man should also inherit from the woman in the same manner.

The third is *qiyās al-adna*, it pertains to situations where one issue deserves the ruling less than the other two types previously discussed. The first type involved issues more deserving of the ruling, the second type considered them as equivalent, and the third type assigns a lower level of deservingness. This concept is exemplified in the opinions of Malik and Abu Hanifah. For instance, if it is obligatory to cut the hand of a person who has stolen, but only if the stolen amount exceeds a certain threshold that makes a body part (such as the hand) *ḥalāl*, then the *ṣadāq* (*mahr*, or dowry) for *nikāḥ* should also carry the same ruling and the same minimum threshold as required for cutting off the hand of the thief. This analogy is drawn because both the private part in the context of *nikāḥ* and the hand in the context of theft represent body parts whose ruling changes from it being prohibited to it being allowed to take that body part.

And the view of Abu Hanifah that if urine and excrement are considered *najis* (impure) and break the *wuḍū'*, then blood, which is also *najis*, should be given the same ruling regardless of where or how it exits the body.

And the view of Al-Shafi'i that if a man touches his private part, it invalidates *wuḍū'*, and similarly, touching the anus, because of it being considered *'awrah*, should have the same ruling.

And the view of *mālikiyyah* that if saying 'uff' on purpose during prayer invalidates the prayer, then intentionally blowing out air should also have the same effect of invalidating the prayer.

The Evidences For *Qiyās* Summarized

Here we will summarize the evidences they use for *qiyās,* its falsehood will all of be clarified later in the greatest details, by the will of Allah.

They use as evidence for *qiyās* the *āyah*, “Take a lesson O people of vision” [59:2].

And the *āyah*, “These are the parables We set forth for humanity, but none will understand them except the people of knowledge” [29:43].

And the *āyah*, “And he puts forth for Us a parable, and forgets his own creation. He says, ‘Who will give life to these bones after they are rotten and have become dust?’ Say, ‘He will give life to them Who created them for the first time!’” [36:79].

And the *āyah*, “He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life” [7:57].

And the *āyah*, “And it is Allāh Who sends the winds, which then stir up ˹vapour, forming˺ clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection” [35:9].

And they mention the *āyah*, “Do not say to them: ‘uff’” [17:23]. They say about this *āyah*, “Everything thar harms which is not ‘uff’ must takes the same ruling as ‘uff.’”

And they mention the *āyah*, “So whoever does an atom’s weight of good will see it. And whoever does an atom’s weight of evil will see it” [99:7-8]. They say about this *āyah*, “Anything that is lesser than an atom's weight takes the same ruling as an atom's weight.”

And they mention the *āyah,* “Do not kill your children for fear of poverty” [17:23]. They say about this *āyah,* “Killing children for reasons other fear of poverty takes the same ruling as killing for the reason of poverty.”

And they mention the *āyah*, “After the fulfillment of bequests and debts” [4:12 They say about this *āyah,* “Anything that is not inheritance takes the same ruling as what is mentioned about inheritance.”

And they mention the *āyah*, “There is no restriction on the blind, nor any restriction on the lame, nor any restriction on the sick, nor on yourselves, if you eat from your houses, or the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your father’s brothers, or the houses of your father’s sisters, or the houses of your mother’s brothers, or the houses of your mother’s sisters, or (from that) whereof you hold keys, or (from the house) of a friend. No sin on you whether you eat together or apart” [24:61]. They say about this *āyah,* “The houses of other than the parents takes the same ruling as the houses of the parents.”

And they mention the *āyah*, “Then, if the other husband divorces her, it is no sin on both of them that they reunite” [2:230]. They say about this *āyah,* “So anything other than divorce such as when the husband dies or the marriage becomes *mafsukh*, both take the same ruling as divorce mentioned in the *āyah*.”

And they mention the *āyah*, “And call two of your reliable men to witness” [65:2]. They say about this *āyah*, “Every ruling that has no mention of witnesses takes the same ruling as this Ayah.”

And they mention the *āyah*, “Whoever kills game intentionally must compensate by offering its equivalence—as judged by two just men among you” [5:95].

And they mention the narration attributed to the Messenger of Allah, “Do you think that if your father had a debt that you would pay it off?”[4]

And the narration, “‘Do you have a camel?’ He said, ‘Yes,’ he said, ‘What is its color?’ He said, ‘Red,’ he said, ‘Do you have any grey one among them?’ He said, ‘Yes,’ he said, ‘How could that be?’ He said, ‘Maybe it is from ’Irq.’ He said, ‘And that is the. maybe also from ’Irq.’”[5]

And the narration, “There is no prophet after me.”[6]

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[4] Sunan Al-Nasa’i 5393
[5] Sahih Al-Bukhari 5305
[6] Sahih Al-Bukhari 3455

And the narration, “Measure (perform *qiyās*) the people based on the weakest of them.” [7]

And the narration, “Whoever emancipates a share he had in a slave.”[8]

And the narration where Umar said, “I got excited then kissed.” The Messenger of Allah answered, “Do you think that if you would rinse your mouth…”[9]

They also say, “Allāh ordered us to follow *ijmā’*, this entails that *qiyās* is an evidence as there is *ijma‘* on issues *qiyās* can be observed, if Allāh willed they would not have used it.”

They also say, “The *ṣahābah* had *ijmā‘* in preceding Abu Bakr for the *khilāfah* because of the reason that the Prophet ﷺ allowed him to lead him in the prayer. And the *ṣahābah* had only an *ijmā‘* on fighting *ahl ul-riddah* based on *qiyās* from the issue of *zakāh* to *ṣalāh*. The *ṣahābah* also believed that the *ḥadd* for consuming *khamr* is the same as the *ḥadd* of *qadḥf* (claiming someone committed z*inā*).”

They further mention issues which have in reality come with texts while they claim that those issues have an *ijmā* with no texts for them, such as the ruling of a *ḥadd* applied against men who make *qadḥf* of Muslim women, they claim there is nothing other than a mere *ijma* with no texts that if men are made *qadhf* of that the *qādhif* (doer of *qadhf*) is also lashed the same *ḥadd.*

[7] Musnad Al-Bazzar 9318
[8] Sahih Al-Bukhari 2491
[9] Sunan Abi Dawud 2385

The Summarized Answer Against Them

As for the *āyah*, "So take a lesson, (*fa'tabirūw*, from the word *i'tibār*) O people of vision" [59:2]. If anyone would use this versr to invalidate every single *qiyās* using this *āyah* alone he would be closer to the truth than the one that affirms *qiyās* as a fourth source of evidence in the religion because of this *āyah*.

Because neither in the *sharī'ah* nor in the Arabic language has anyone comprehended that the order to take a lesson means, "Use qiyās!" It is also not understood that in this *āyah*, the order to take a lesson means the obligation of applying the ruling of *ribā* to the sale of metal and oak nuts in the same manner as clothes, and that metal and oak nuts do not receive the same ruling as clothes in *zakāh* or *zakāt ul-fiṭr.* Taking a lesson means nothing more than reflecting. The order of Allāh to reflect has also only come after Allāh said, "They destroyed their own dwellings with their own hands and the hands of the believers. Then reflect!" If this would be an order to use *qiyās* then we would be ordered to destroy our houses just as they destroyed their houses, with no alternative, this is false without any difference of opinion.

Al-i'tibār (reflecting) in Arabic means nothing other than amazement which is a feeling of surprise mingled with admiration and a feeling of great surprise or wonder. Allāh says, "Indeed in their stories, there is a lesson for men of understanding" [12:111]. This means that there is in their stories a sense of amazement, it is profoundly false that there would be in the story of Yusuf *qiyās* for men of understanding. Allāh says, "And verily! In the cattle, there is a lesson for you. We give you to drink of that which is in their bellies, from between excretions and blood, pure milk; palatable to the drinkers. And from the fruits of date-palms and grapes, you derive strong drink and a goodly provision. Verily, therein is indeed a sign for people who have wisdom" [16:66-67].

It is indisputable that this implies nothing other than reflection, and reflection in Arabic solely conveys a sense of amazement. It is impossible for it to mean that there is any *qiyās* for us regarding the cattle and it is impossible to claim that *qiyās* is the fourth source of evidence in the religion because of the cattle, as well as dates, grapes, and others; rather, this contradicts the very essence of *qiyās*. *Qiyās* is establishing the same ruling for two matters due to their similarity in *'illah* which is clearly not the case in the *āyah*. The *āyah* explicitly distinguishes between milk derived from

between blood and excretions and between intoxication and good provision, both of which can be obtained from grapes. While grapes can serve both purposes, one is prohibited while the other is permissible, so it invalidates the method of applying the same ruling to similar things. So, they bear no relevance to the *āyah*, “Reflect, O people of vision!”

Some of them use as evidence for *qiyās* the verse, “These are the parables We set forth for humanity, but none will understand them except the people of knowledge” [29:43]. We say: Yes but Allāh has also said, “So do not put forward similitudes for Allāh. Truly! Allāh knows and you do not know” [16:74]. This indicates the falsehood of *qiyās* because Allah's examples are inherently true and can only be derived from the texts of Allah and his Messenger, not t *qiyās*. We declare it false to put forth examples in the religion of Allāh, Allāh has prohibited us from that. It is obligatory to adhere to the words of Allāh and his Messenger and to believe in the examples put forth without ever exceeding the limits, by putting forward examples ourselves which Allah prohibited.

They also mention *āyāt*, “And he puts forth for Us a parable, and forgets his own creation. He says: ‘Who will give life to these bones after they are rotten and have become dust?’ Say: ’He will give life to them Who produced them for the first time!’” [36:79]. “He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life” [7:57]. “And it is Allāh Who sends the winds, which then stir up ˹vapour, forming˺ clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection” [35:9]. These *āyāt* all nullify *qiyās* because we do not reject the fact that the creations resemble each other. As we acknowledge that all creations indeed bear resemblance to one another in the aspect of being a creation of Allah. Rather than rejecting this fact, we recognize that they are all a *jism* (body) from the *ajsām* (plural of *jism*) and an *’araḍ* (symptom) from the *a’raḍ* (plural of *’araḍ*).

This is certain evidence that for the sole reason things resemblance, they can not take the same ruling for that mere reason. Our saying here entails declaring all *qiyās* as false which our opponents themselves see as correct. Because the creation of the first time is for the world while giving life, perishing is for the creation of the last time and that is different, the last time is for recompense and eternity. The same for the dead coming forth and resurrection, that is completely different and from giving life to land. Because the dead coming to life does not happen except at the Day of

Judgment once and after that there is eternity. And that is not like anything about the revival of a land after its death, so *qiyās* becomes then completely false. Because Allāh made them similar, while their rulings are different, whereas *qiyās* is giving the same ruling because of a similarity. This is against the method of anyone that believes in *qiyās*.

As for the *ayāh*, "Do not say to them, 'uff'" [17:23]. It has never been understood by any Arab that, 'uff,' means hitting or killing. The only thing prohibited by the usage of this word is saying, 'uff,' itself. There is unanimous agreement that if two witnesses claim that someone said, 'uff,' to their parents, they would be bearing false witness. Then how can it be permissible to attribute a statement to Allah that would render the speaker a liar?

Allāh says however in the *ayāh*, "And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them, 'Uff, 'nor shout at them but address them in terms of honour. And lower unto them the wing of submission and humility through mercy, and say: 'My Lord! Bestow on them Your Mercy as they did bring me up when I was young'" [17:24-25]. The complete *ayāh* orders us to honor our parents and show them humility and kindness, forbidding any form of harm towards them, no matter how minor. This encompasses all forms of disrespect or harm toward parents**.** So prohibition for these issues are from additional orders that are general, not from the word, 'uff,' alone.

As for the *ayāh*, "So whoever does an atom's weight of good will see it. And whoever does an atom's weight of evil will see it" [99:7-8]. We know what is lesser than an atom's weight, from the *ayāh*, "Never will I allow to be lost the work of any of you" [3:195]. And the *ayāh,* "This Day shall every person be recompensed for what he earned" [40:17]. And the *ayāh*, "They will cry, 'Woe to us! What kind of record is this that does not leave any sin, small or large, unlisted?'" [18:49]. This includes anything other than and less than an atom's weight.

As for the *ayāh*, "Do not kill your children for fear of poverty" [17:23]. We know the prohibition of killing children and any Muslim, because Allah prohibited it in general. The Messenger of Allah also said, "Your blood and property are prohibited for each other." And Allāh, the Most Exalted says, "Do not kill a soul that Allāh has prohibited except with right" [6:151].

As for the *ayāh*, "After the fulfillment of bequests and debts" [4:12]. The Messenger of Allah did not pray for the one who passed away until his

debts were paid off. [10] And Allāh obliged bequests in general, He the Almighty says, “It is prescribed for you, when death approaches any of you, if he leaves wealth, that he makes a bequest to parents and next of kin, according to reasonable manners. (This is) a duty upon *Al-Muttaqūn*” [2:180]. There is also *ijmā‘ qaṭ’ī* that if any Muslim passes away, then no heir inherits except if the debts are paid off, then the bequests are carried out, and then the remaining estate is distributed among the heirs. The first obligation from the deceased's estate is to settle their debts, but the debts owed to Allah take precedence over all other creditors, such as *zakāh*, *kaffārah*, and other debts owed to Allah. If anything remains after settling the debts, it is used to repay creditors. If there is still property remaining, the cost of enshrouding the deceased is covered from it. If there is still property left after that, then one-third of what remains is used to fulfill any bequests made by the deceased, and the rest is inherited by the heirs. Allāh says, “After any bequest which was made or debt” [4:12]. This *ayāh* is general regarding any debts, including the debts owed to Allāh, the Messenger of Allah said, “The debts of Allāh are most deserving to be paid off.” The Messenger of Allah also said, “Pay off the debts of Allāh for he is the most deserving to be paid off.” The texts indicate that bequests are settled only after the debts are paid off. The Messenger of Allah prohibited taking property from Muslims unlawfully. After their passing, the property of the deceased belongs to the creditors and then to Allāh, so it is not permissible to take their property. This necessitates the order mentioned.

As for the *ayāh*, “There is no restriction on the blind, nor any restriction on the lame, nor any restriction on the sick, nor on yourselves, if you eat from your houses, or the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your father’s brothers, or the houses of your father’s sisters, or the houses of your mother’s brothers, or the houses of your mother’s sisters, or (from that) whereof you hold keys, or (from the house) of a friend. No sin on you whether you eat together or apart” [24:61. The houses of the sons are not mentioned; only the permissibility to eat from the houses of the father is mentioned. But we know from additional texts that sons are also included in the ruling. The Messenger of Allah said, “The best (most pure) food that a man eats is that which he has earned himself, and his child (the child's

[10] Sunan Abi Dawud 3343

wealth) is part of his earning."[11] This applies to ruling of the *ayāh* as all words from the Messenger of Allah is a revelation from Allāh.

As for the *ayāh,* "So if a husband divorces his wife (three times), then it is not lawful for him to remarry her until after she has married another man and then is divorced. Then it is permissible for them to reunite" [2:230]. This *ayāh* only mentions the permissibility to reunite if the new husband divorces her; there is no mention of the permissibility for her to reunite with the former husband if the new husband passes away or if *faskh* occurs. But there are additional texts from the Messenger of Allah that rule for a woman who is divorced three times. It is ruled that she is not allowed to remarry the same man who divorced her three times, except if she tastes his *'usaylah* and he tastes her '*usaylah* of the new husband. [12] This is an additional ruling that addresses this issue, both for the case of a husband passing away and for *faskh* in general. Tasting *'usaylah* refers to engaging in intercourse and experiencing pleasure. Afterward, regardless of the circumstances of their separation, whether it is by *faskh* or death, the Messenger of Allah stipulated that tasting *'usaylah* with each other's other spouse becomes a condition for her permissibility to remarry her previous husband, if the marriage end.

As for the claim that the prohibition of consuming swine's fat is derived solely from *qiyās* based on the prohibition of swine meat, and that the prohibition of female swines is derived similarly from the prohibition of male swines, is false. Allah the Almighty says about the swine in general, "Verily it is *rijs*" [6:145]. The pronoun in Arabic goes back to the nearest mentioned noun, this *ayāh*, pertains to the swine itself, not just its meat, which is not closer to *rijs* than the swine itself is to *rijs*. Therefore, this *āyah* prohibits all aspects of the swine: its fat, meat, bones, sinews, brains, skin, hair, milk, and everything else. This comprehensive prohibition is due to all of these components being *rijs*, as the swine itself is *rijs* and anything that is *rijs* must be avoided without any doubt, as established by both textual evidence and consensus.

Allah, the most Exalted also says, "Indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allāh], and divining arrows are *rijs* (abomination) from the acts of Satan, so avoid it" [5:90]. The noun for, "Avoid it (*fajtanibūhu*)" does not refer back to the four mentioned. Because if it did, Allāh would have said, "*Fajtanibūha*." The noun does not refer back to satan because no one can physically avoid him, as he cannot be seen

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[11] Sunan Abi Dawud 3529

[12] Sahih Al-Bukhari 2639

or sensed. Therefore, the noun here refers to the actions of satan, declaring his actions as *rijs*, and Allah orders us in this *ayāh* to avoid satans actions. Consequently, all aspects of a swine, divining arrows, stone alters, *khamr*, and gambling are *rijs* and must be avoided. These prohibitions are derived from texts not *qiyās.*

As for the gender of the swine, the word *khinzīr* in Arabic is a species which occurs to both males and females, with no difference from *ahl ul-lughah*. If the prohibition of swine fat were solely based on *qiyās*, then according to their methodology, its bones, hairs, sinews, brains, skin, and nails would also be prohibited only by *qiyās* to its meat, and no one has ever uttered anything about this before them. And if all of that would be prohibited solely because of *qiyās* to the meat, it lacks *iṭṭirād* (consistency) because they do not use the same *'illah* for sales.

As for the *āyah* concerning *raj'ah,* "And call two of your reliable men to witness" [65:2]. We seek refuge in Allah from concluding that this *āyah* pertains exclusively to all other rulings because of the reason it is the ruling for *raj'ah*, based on *qiyās*. We instead know that the Messenger of Allah said, "Your evidence (witnesses) or your oath"[13]. The Messenger of Allah also adjudicated cases based on evidence presented by the plaintiff and oaths taken by the defendant[14]. And this is general for every single claim made. Using *qiyās* as the fourth source of evidence based on this *āyah* does not precede instances where four witnesses are mentioned instead of two. None of this suggests that *qiyās* is the fourth source in the religion.

As for the *āyah*, "Whoever kills game intentionally must compensate by offering its equivalence—as judged by two just men among you" [5:95]. Recompense of game is against them with absolute certainty because Allāh ordered the *muḥrim* that kills game on purpose to offer its equivalence from cattle. The ruling of *qiyās* here would be that the one that kills anything in general which he does not own from cattle that he must in its place offer its equivelance from game, this is something the whole *ummah* has agreed on its falsehood. *Istidlāl* with this *āyah* on the falsehood of *qiyās* is very apparent.

As for the words of the Messenger of Allah, "Do you think that if your father had a debt that you would pay it off? The debt of Allāh is the most deserving to be paid off." They have no relation to this narration as Allāh

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[13] Sahih Al-Bukhari 4550
[14] Jami' Al-Tirmidhi 1341

has ordered us to pay off debts in general, Allah says, “After the fulfillment of bequests and debts” [4:12].

The questioner initially believed that the debt owed to Allah was not included in the general obligation to settle debts. However, the Messenger of Allah clarified that it indeed falls under this general obligation, emphasizing the significance of settling debts owed to Allah above all others. What is remarkable is that the *ḥanafiyyah*, *mālikiyyah*, *shāfi'iyyah* all use this narration as evidence for *qiyās*, yet they oppose this exact narration and prohibit performing *ḥajj* on behalf of others, and prohibit bequests on behalf of others, or fasting. They argue, “The debts of Allāh are not more deserving to be paid off than the debts of humans, because Allāh is not in need of anything while we are.” Yet, at the same time they believe that the *mahr* of the woman cannot be lower than the amount a thief’s hand gets cut. The contradiction is very evident. It is not possible for anyone to use as evidence that which they are the first ones to oppose.

As for the narration, “‘Do you have a camel?’ He said, ‘Yes,’ he said, ‘What is its color?’ He said, ‘Red,’ he said, ‘Do you have any gray one among them?’ He said, ‘Yes,’ he said, ‘How could that be?’ He said, ‘Maybe it is from *'irq*.’ He said, ‘And that is then maybe also from *'irq*.’” This narration invalidates *qiyās*; it does not affirm it in any possible way. the Prophet ﷺ did not base the differing descriptions of camels and humans as a reason for their differing rulings. We understand that the concept of *‘irq* in camels is neither prior, superior, nor distinct from that in humans, so it invalidates the claim that one is a *far'* and the other an *aṣl*. So, none of this goes according to the method of those adherent to *qiyās*. Because *qiyās* is only to judge a thing that is different which is not encompassed by any text, the same ruling as that which has texts or *ijma*‘. And the texts of this narration is that camels have *'irq* and that humans have *'irq*, not that one of them is mentioned by texts or *ijma‘* while the other is not mentioned at all,

As for the narration, “There is no prophet after me.” They say, “We use *qiyās* that this is also about Messengers.” This is false, because there is no Messenger except that he is a prophet, while there can be a prophet that is not a Messenger. If the Messenger of Allah would have only said, “There is no Messenger after me,” it would be possible for prophets to be sent after him. But since he said, “There is no prophet,” this indicates that there is no prophet and no Messenger after Muhammad ﷺ as all Messengers are prophets without any doubt. It is also narrated from an authentic *ṭariq* that

the Messenger of Allah said, “Allāh has sealed the Message and Prophethood with me, there is no Prophet and no Messenger after me.”[15]

As for the narration, “Measure (the verb *qiyās* is used here) the people based on the weakest of them.”[16] All narrations that have been narrated with this wording about this incident are weak. This wording about this incident has not been narrated except from *ṭuruq* that are not free from Talha Ibn ’Amr and he is from the pillars of lying.[17] Even if it would be authentic there would be no evidence for them in this narration because the Messenger of Allah ordered those leading the prayer nothing other than making it easier for the people.[18] And the way to make it easier for them is doing that which the weakest among them is able to. None of that is related to the *qiyās* the *madhāhib* use. This is instead the opposite of *qiyās* because in this incident the weakest one follows the stronger one or the strongest one, while they are different have no similarity in that aspect, they are instead two opposites.

As for the narration that the Messenger of Allah said, “Whoever emancipates a share he had in a slave.” They say, “The Messenger of Allah only spoke about the male slave and a female slave only takes the same ruling because of *qiyās*.” This is false because there are other narrations with the wording, “Whoever emancipates a share in a *mamluk* or emancipates anything in a human.”[19]

All of these are authentic and this encompasses the female slave also in the ruling as *mamluk* in Arabic means both the male and female slave and *mamluk* falls under human.

As for the narration, “I got excited then kissed.” “Do you think that if you would rinse your mouth.” This is narration is a clear evidence against them and invalidates *qiyās*, because none of the things mentioned in the narration are similar to each other from any aspect, while Umar thought they were similar, then the Messenger of Allah made a clear difference between rinsing the mouth and drinking water and between kissing and intercourse, he did not give a ruling because of the reason of a similarity.

As for their claim that the *ṣahābah* had *ijmā‘* on the *khilāfah* of Abu Bakr, based on *qiyās* that the Messenger of Allah appointed him to lead the prayer is a mere lie. The whole *ummah* is in agreement without any

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[15] Jami’ Al-Tirmidhi 2272
[16] Musnad Al-Bazzar 9318
[17] Tahdhib Al-Kamal 13/427
[18] Sahih Al-Bukhari 703
[19] Sunan Al-Kubra by Al-Nasa‘i 4944 | Sahih Al-Bukhari 2492

difference, including *ahl ul-qiyās* that not everyone that is suitable to lead the prayer is suitable for *khilāfah*. There is no difference that it is allowed to appoint a non-Arab slave for the prayer while that is not allowed for *khilāfah*. A group from the *ṣahābah*, *tabi'īn* and the *fuqahā'* have said that a child can lead the prayers whether the prayers are obligatory or voluntary. While they agree that it is prohibited and invalid to appoint a child for the *khilāfah*. They nave abandoned the *'illah* here and have left *iṭṭirād.* This indicates that they acknowledge the falsehood of this *qiyās*. It is not possible to ascribe to the *ṣahābah* an *ijmā'* for the validitiy of qiy*ās* as the fourth source of evidence in the religion, while the *qiyās* is false by agreement of them.

If they mention the narration where the Messenger of Allah said, "Follow those who come after me: Abu Bakr and Umar."[20] If this narration, along with any others that have a similar meaning, were authenticated, it indicates nothing other than the obligation of following their *khilāfah* and to adhere to what they transmitted from the Messenger of Allah. Nothing beyond, not from their own *fatāwa* or *ra'ī.* The reason for this specification is because everything else is without any doubt impossible as both of them differed regarding many issues and are not allowed to follow due to certain evidences which will become very evident soon, by the will of Allah.

As for their claim that the *ṣahābah* agreed with Abu Bakr on fighting *ahl ul-riddah* for not paying *zakāh* based on *qiyās* from the ṣalāh, this is a lie fabricated about him. *qiyās* holds no relevance in this matter, Allāh says, "Kill the Mushrikin wherever you find them… [But] if they repent, pray, pay *zakāh* then let them have their way" [9:5]. Allāh ordered fighting anyone in general till they repent from *shirk*, pray and pay *zakāh*. This is a ruling ordered by Allah which Abu Bakr carried out. Their claim that *zakāh's* ruling derives solely from the ruling on prayer is akin to claiming that prayer is only obligatory because of the reason *zakāh* is obligatory, or that the prohibition of swine is solely due to the prohibition of intoxicants. Such comparisons are unimaginable and impossible. Consider Abu Bakr, renowned for his exceptional intellect and virtue. His statement, "I will fight those who distinguish between prayer and *zakāh*," he was upon the truth, aligning with the order of Allah.

The claim that the *ṣahābah* used *qiyās* from the punishment for *ḥadd* of *khamr* to the *ḥadd* of *qadhf* (accusation of adultery) is false for two main

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[20] Sahih Ibn Hibban 15/328

reasons. Firstly, all narrations regarding this claim are weak. Secondly, such an analogy cannot be deemed as *qiyās*, as there is no substantive difference between applying *qiyās* from the punishment for *khamr* consumption to the punishment for *qadhf* and applying it to other prescribed punishments such as for *ḥirābah* (highway robbery), *sariqah* (theft), or *zinā*. How can they cite *qiyās* as evidence for its validity as a fourth source in religion from a concept they themselves regard as false? There is no difference of opinion that the potential actions of an intoxicated individual, may engage in false accusation, adultery, theft, highway robbery, murder, infliction of harm, apostasy, or may refrain from such actions altogether. It is narrated authentically from the Messenger of Allah that the prescribed punishment for *khamr* consumption is forty lashes.[21] The narrations about the amount being eighty are weak, there is no difference of opinion that *qiyās* is not possible in these matters.

As for the issues which have texts such as the ruling of the divorced Muslim woman and the *ḥadd* applied against the *qādhif* of a woman, and the claim that the *qādhif* of a man lashed only because of *qiyās*. Their proclamation of *ijmā'* on such matters is itself indicative of inconsistency. *Ijmā'* is a fundamental principle in the foundations of truth and can only occur if it is based on something established by the Messenger of Allah (*tawqīf*), as Allah says, "This day I have completed for you your religion" [5:3]. A complete religion entails no alterations or additions. The rulings of the religion, whether derived from texts in the Qur'ān and authentic *sunnah* or through consensus, fall into the categories of obligation, prohibition, or permissibility—there is no fourth category. Every ruling originates from Allah, and what is from Allah can only be known through the Qur'ān and *sunnah*. Anything beyond these sources is mere conjecture, and claiming certainty about it is baseless and lacking in knowledge. Allāh, the Most Exalted says, "And most of them follow nothing but conjecture. Certainly, conjecture can be of no avail against the truth" [10:36]. And He, the Almighty says, "Do not follow what you have no knowledge of" [17:36]. And He says, "The things that my Lord has indeed forbidden are *fawāḥish* (great evil sins and every kind of unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allāh for which He has given no authority, and saying things about Allāh of which you have no knowledge"

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[21] Sahih al-Bukhari 6776

[7:33]. The Messenger of Allah said, “Beware of conjecture, for it is the most false form of speech.”[22] So *ijmā*‘ is only if texts exists (it must be *mustanad*) otherwise it can not be an *ijmā*‘.

As for the ruling of divorced Muslim women Allāh, the Most Exalted says, “And so judge among them by what Allāh has revealed and follow not their vain desires” [5:49]. And He says, “And the religion (worship) will all be for Allāh Alone” [8:39]. So rulings in general all apply to every infidel whether male or female.

As for what is meant with the verse, “Those who accuse the *muḥṣanāt*” [24:4]. Private parts refer to *muḥṣanāt*, because there are no explicit texts or consensus indicating that accusing anything other than private parts warrants a *ḥadd*. Both textual evidence and consensus indicate that the prescribed punishment is only applicable when the accusation pertains to private parts. The Messenger of Allah said, “The hands, feet, heart, and eyes commit *zinā*. The private part either confirms it or denies it.” So *qadḥf* pertains exclusively to private parts, and the prescribed punishment is enforced solely upon those who falsely accuse others in this context. Consequently, both men and women fall under this ruling, not only women.

They say, “Allāh ordered us to follow those of authority, it implies that if they order us usimg *ra’ī* or *qiyās*, we must comply. Otherwise, Allāh would have solely emphasized obedience to Him and His Messenger in that *āyah*, without mentioning anyone else, instead he also ordered us to obey those in authority.” This statement is false because it implies attributing legislative authority to sources not sanctioned by Allāh, thereby illicitly permitting what is prohibited and obligating what is not, this is prohibited. Their false statement implies that the Messenger of Allah could then also legislate without revelation from Allah, because Allah did not in that *āyah* mention obedience only to himself but also to his Messenger. We instead know that obedience is to nothing other than the truth and the truth is in nothing other than the words of Allah and his Messenger. They unanimously concur that obedience to sinful acts, even when ordered by authority, is prohibited. And both *ra’ī* and *qiyās* are sins.

We also say to them: Since you believe it is permissible to issue religious rulings using *ra’ī* and *qiyās*, which Allah and His Messenger did not or allow (and instead prohibited), do you believe this was allowed during the lifetime of the Messenger of Allah or only after his passing? If

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[22] Sahih Al-Bukhari 5143

they say, “During his lifetime and after his passing.” It is said to them: So you believe it is permissible to nullify the rulings of Allah and His Messenger, which they ordained, prohibited, and permitted, at will, just as someone might apostatize as they please, without distinction between decrement and increment in rulings, the one allowing this is an infidel. If they say, “It is allowed only after his passing.” It is said to them: This constitutes issuing rulings without evidence and contradicts the *āyah* which they claim to cite as evidence. Moreover, there is no distinction between nullifying any rulings of Allah and His Messenger at will, whether during his lifetime or after his passing. They lack evidence to justify any distinction between the two periods.

If they say, “*Ra’ī* and *qiyās* are permissible only in matters where Allah and His Messenger have not explicitly legislated.” It is said to them: This is something which does in reality not exist, The Messenger of Allah said, “Leave me as long as I leave you, and if I order you to do something, do as much of it as you are capable, and if I prohibit you from something, then abstain from it.”[23] If *qiyās* would be the truth it would always be allowed at anytime, and if it would be prohibited for some cases and permissible for some it would require clear evidence for that specification. The narration emphasizes the impermissibility of opposing the Messenger of Allah. Whatever he did not prohibit or order is permissible, and it is impermissible to oblige or prohibit anything beyond his words.

Every single thing that exists is governed by clear directives found in directly in Qur’ān and *sunnah*, which dictate obligations, prohibitions, and permissions. Contravening these directives or distorting their meanings is prohibited. The rulings of Allah and His Messenger are immutable and cannot be altered. Allah has invalidated any methods or directives that do not originate from Him, including obligations, prohibitions, and permissions. Allāh, the Most Exalted says, “I follow nothing except what is revealed to me” [6:50]. And Allāh said to *jinn* and mankind, “And say not concerning that which your tongues put forth falsely, ‘This is lawful and this is forbidden’” [6:116]. Allah prohibited His Messenger from following anything not revealed to him, and He prohibited both *jinn* and mankind from inventing prohibitions or permissions not originating from revelation, declaring such actions as fabricated lies. So, their assumptions are declared false. Allah's directives to His Messenger fall into two categories, with the

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[23] Sahih Al-Bukhari 7288

second category further divided into two types. Firstly, there is the recited revelation (*al-waḥī al-matluww*), which comprises the words of Allah—the Qur'an. Secondly, there is the non-recited revelation (*al-waḥī al-matluww ghayr ul-manqūl*), consisting of the words, actions, and acknowledgments of the Messenger of Allah. All of these are revelations from Allah. Allah clarified this when He commanded, "Obey Allāh and obey the Messenger" [4:59]. Ensuring that the *jāhil* does not assume they are exempt from obeying Allah and His Messenger in matters not explicitly mentioned in the Qur'ān and *sunnah*, as both Allah and His Messenger are to be obeyed.

There are two other types: What *ijmā'* has narrated from the Messenger of Allah and what singular *thiqāt* have narrated from the Messenger of Allah. In this type difference of opinion occured, then Allah ordered obedience to what *ijmā'* (those in authority) narrated from the Messenger of Allah so that the *jāhil* does not think that he does not have to obey what *ijmā'* narrates except if he hears what *ijma'* narrates physically from the Messenger of Allah. And so that the *jāhil* does not think that he is not obliged to follow what singular *thiqāt* narrate except if *ijmā'* has also narrated it. All of this is revelation from Allāh that his Messenger came to us with. Allāh says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4]. And Allāh says, "I follow nothing except what is revealed to me" [6:50].

Now we will with the help of Allāh clarify the falsehood of *qiyās* with certain authentic evidences. It is said to those who believe in *qiyās*: What you declare obligatory or prohibited based on *qiyās* or *ra'ī*, who is the one that obliged or prohibited that issue, did Allāh and his Messenger rule that or anything other than Allāh and his Messenger? There is no third option. If they say, "Allāh and his Messenger ruled it." This is a very evident lie, they are burdened to bring where they found Allāh and his Messenger rule it obligatory or prohibited. There is no difference of opinion that the ruling of Allāh and his Messenger are not known except through the words of Allāh and his Messenger, either from Qur'ān or the narrations of the reliable narrators. If the ruling is not from any text from Allāh or his Messenger, then it is know with certainty that the one ascribing that ruling to Allah and his Messenger is a liar without any doubt and has said about Allāh without knowledge and this is made similar to *shirk* and a bequest from satan, Allāh the Almighty says, "My Lord has only forbidden immoralities, what is apparent of them and what is concealed — and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

And if they say, "Someone other than Allāh and his Messenger prohibited it or declared it obligatory." This is false because it is an institution of a religion which Allāh has not ordained. Allāh the Most Exalted says, "Or do they have partners with Allāh who have instituted for them a religion which Allāh has not ordained?" [42:21]. As they concur that it is a method of deriving rulings that are not from the words of Allāh and His Messenger, they acknowledge that they have ruled which Allāh did not rule and institute as a religion which Allāh has not allowed, this is false by *ijma'*.

If they say, "The ruling was from Allāh and his Messenger but he they did not mention it." This is false without any doubt, it is not possible for Allāh and his Messenger to oblige us rulings without clarifying it to us. Allāh the Most Exalted protected us from that when he said, "Allāh does not burden a soul except what it is able to" [2:286]. It is not in our ability to ever know what Allāh and his Messenger intend except when He or His Messenger clarify us, so this is false as no one can be burdened with that which they are unable to.

If they say, "The ruling is something Allāh and His Messenger have not said regarding it, but the Qur'ān and *sunnah* show an indication towards it." It is said to them, "Provide your certain evidences if you are truthful" [2:111]. Where is your certain evidences for it in the Qur'ān and *sunnah*? This does not exist, it is a mere claim that is free from certain evidences just as their claim that when Allāh prohibited the sale of wheat for more wheat that it inherently indicates the prohibition of selling figs for more figs, this is a mere claim with no evidences and a saying about Allāh which he did not say about himself.

There would only ever exist an indication for *qiyās* if Allāh or His Messenger would have said, "If Allāh or His Messenger rule an issue, then rule everything that is similar to it from a certain aspect the same and use the *'illah* of any ruling from texts for any issue with no texts that goes along with that *'illah the same*." If this exist it would be a clear obligation for *qiyās*, as for what they utter without knowledge and only depend on conjecture, none of it is an evidence. They believe the scholar is burdened to create as many rulings as possible because of that false method. While the Messenger of Allah said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets." Such an order does not exist from Allah or his Messenger, and if it would be the case that it did exist, then all *aḥkām* would become invalid as Allah, in all of His creation, has instilled similarities,

everything sharing certain attributes, yet differing in their *jismiyyah* and *'arḍiyyah*. If such a saying would exist then it would necessitate that everything in the world is all the same ruling, either prohibited, obligatory or permissible. And this is impossible, it invalidates all of the *sharī'ah* we seek refuge in Allāh from this.

If they say, "The ruling of an issue is only given with the same ruling of what is similar to it if there are texts from the words of Allah and His Messenger for that *'illah*." This is false because it attributes statements to Allah, which he did not say about himself. There is no way for us to know the *'illah*, which is the sign of a ruling except if there are texts from Allāh and his Messenger clarifying it being the *'illah* for that ruling. The method of using an *'illah* which is from texts for *qiyās* would only be the truth, if Allah or His Messenger would have ordered, "If a ruling in the Qur'ān and *sunnah* is associated with an *'illah*, then wherever that *'illah* is found, apply the same ruling as the one associated with it." Such an order does not exist, neither within the texts nor within the *aḥkam*. Anyone that looks in to their use of *'ilal* will ascertain its falsity, given the multitude of contradictions it entails such as their differences on the six types *ribā* occurs for *ribā al-bay'*.

Regarding their claim, "Allāh and His Messenger did not say anything directly about *qiyās*, but they indicated it." This is a mere claim that no one can substantiate. Bring forth the certain evidence for its obligation beyond mere claims, and bring the certain evidence that because of that the *'illah* of *ribā* is weight, food, storage and that the *'illah* of *mahr* is that a body part becomes permissible, and never will they bring any certain evidence.

And it is also said to them: If there is no ruling from Allāh for the method of *ra'ī* and *qiyās* which you use, then tell us how that ruling stands with Allāh. Does the ruling become the ruling of Allāh once you make a ruling with *ra'ī* and *qiyās* or does it not become the ruling of Allāh? There is no third option. If they say, "Allāh rules with our ruling once we make a ruling." The one saying such apostates as they position themselves rulers over Allāh compelling Him to abide by their devised rulings with *ra'ī*, *qiyās*, and *'ilal*. Especially when all of their rulings with that method are contradictory**,** which among them represents what Allah has ruled if this is your stance? Allah is exalted above all such claims. And if they concede that Allah did not rule with what they rule through *ra'ī*, *qiyās*, then they admit to legislating in the religion what Allah has not legislated.

We also ask them: What is the precise necessity of *qiyās*? Is it for matters governed by texts or those lacking such texts for their rulings? There is no third option. If they claim, "For matters governed by textual evidence,"

then they admit to opposing and contradicting Allah's orders, a stance no Muslim upholds. And if they argue, “We require it for matters that have no texts,” as is their perspective, we say: Such a need does not exist; Allah the Most Exalted invalidated it with His statement, “We have not neglected anything in the book” [6:38], and His statement, "Clarification for everything” [6:89]. Whatever Allah and His Messenger did not inform us about is never obligatory, and we do not comprehend Allah's intentions except through what is conveyed to us in the Qur’an and *sunnah*.

Whoever likens anything in the texts to something else and does *qiyās*, uses an aspect he identifies between them to equate their rulings, whether due to a shared similarity or an *‘illah* he perceives between them. No one is incapable of opposing the one using a certain qiyas by applying the *‘illah* the other used for other issues than what the former finds that *‘illah* to be according to him, and no one is unable to find other similarities to establish similar rulings. Some may discern a different *‘illah* for a ruling than what someone else assumes it to be, or someone might identify another similarity between issues and use that to establish uniform rulings. This is something that is filled in the books of those who believe in *qiyās*, all of them invalidate the *qiyās* of each other.

And also it is posed to the adherents of *qiyās*: What is the difference between you and the one that prohibits *qiyās* because of the reason two issues differ in their attributes from certain aspects, even if they would be similar in other aspects. If they say, “If this were the case then *qiyās* would be false, but we also know that nothing exists in the world except that they are different from each other in some of their attributes.” We say: Indeed, and we add to that, there is also nothing in the worlds except that they are similar to each other in some aspect. Then what justifies using the reason that they are similar in one aspect earlier and more likely than using the reason that they differ as the reason not to use *qiyās*?

Know that they are unable to provide any response to this question except to say, “We consider which aspect has the most similarity,” or to say, “We do not use *qiyās* except with the *'illah* of the ruling.” It's said to them: Then you invalidate every single similarity except what has the most similarity. This clearly indicates that similarity in of itself does not mean that the rulings must be the same because if similarity in of itself would mean that the rulings are the same then it would lead to that a small similarity would also necessitate the same ruling even if it is from one aspect only. If a few similarities between two things do not necessitate that the rulings are the same then it indicates that *qiyās* that no *qiyās* is applies

for any resemblance, whether much or less. If any resemblance would oblige *qiyās* then it would also for a few similarities. This applies for *ta'līl* as well.

And it is said to them: What you believe about *'ilal* does not cease to either be *'ilal* that are mentioned and applied to certain rulings by Allah and His Messenger, or *'ilal* from any source other than Allah and His Messenger. If the *'ilal* are from that which Allah and His Messenger stated in the Qur'an and *sunnah*, then we affirm and believe that the ruling which has come with that *'illah* applies to nothing other than that specific ruling. It is not permissible to transgress it by applying that *'illah* to other issues. Those who do so exceed the bounds, making rulings without certain evidence, relying on mere conjecture with no trace of evidence that the *'illah* is what Allah ordained for any issue that seems to share the same *'illah*. If they fabricate *'ilal* from sources other than the Qur'an and s*unnah*, it is absolutely false because there is no certain evidence for this method, and all the concerns mentioned before apply here as well. There is no way out of this.

There is a group that claims it is possible for the rulings of the religion to originate from *qiyās*. This claim is false for the following reasons: Firstly, it contradicts *ijma'*, no one before them ever suggested such a possibility. Secondly, it is impossible because if the religion originates, it is always without *qiyās* , as *qiyās* , according to all its believers, involves applying the rulings from the Qur'an and *sunnah* to an issue not mentioned in them. *Qiyās* inherently requires textual evidence; so, it cannot initiate itself. They agree that *qiyās* is separate from the Qur'an and *sunnah*. Thirdly, it is said to those who believe in this: Are you not certain that Allah sent His Messenger, and there were people who believed and apostatized? Everyone who believed during that time was not obligated to perform any prayer, fasting, *zakāh*, *ḥajj*, *ṭalāq*, '*itq*, '*iddah*, *ḥudūd*, prohibition of *khamr*, and other rulings of *Islām*, except what the women and *Anṣār* gave *bay'ah* for on the night of *al-'aqabah*. The obligation of prayer was revealed two years after prophethood, and the obligation of *zakāh*, fasting, *ḥajj*, the rulings of *ṭalāq* and *ḥudūd*, prohibition of khamr, *zinā*, and other rulings were revealed in *Madīnah*. Therefore, it is certain that the obligation of following the rulings only arises after the revelation reaches individuals. And that the prohibition and obligation of matters are solely from Allah, conveyed through the tongue of the Messenger of Allah. This was the state of Muslims without any distinction before the revelation was revealed and during the lifetime of the Messenger of Allah. If rulings were to originate from *qiyās*,

the *ṣaḥābah* would have known about it and used it, yet no Muslim among them ever claimed they could make rulings during the Prophet's lifetime ﷺ without his order. The people after the *ṣaḥābah* are even further from it being permissible for them to do so. If they argue, “This was only during Prophet's lifetime,” The answer is: Since you acknowledge it is not possible for anyone, you must provide certain evidence that this applies specifically to Prophet's time ﷺ from the Qur’an and *sunnah* and that anyone after his life is allowed to use *qiyās* and *ra’ī*. We seek refuge in Allah from this belief, as it constitutes disbelief, permitting arbitrary rulings.

If they say, “Show us the falsehood of *qiyās* from texts.” We say: Allāh the Most Exalted says, “And Allāh has brought you out from the wombs of your mothers while you know nothing” [16:78]. And He says, “He has taught you, which you knew not (before)” [2:239]. And He says, “Glory be to You, we have no knowledge except what you have taught us” [2:39]. And He says, “He only orders you to evil and immorality and to say about Allāh what you do not know” [2:169]. And He says, “So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything” [2:282]. Allah prohibited us with these texts from saying anything about Allah that we do not know. Since *qiyās* is something He never taught us and has not mentioned anything about it, we are certain that it is false and *ḥarām* to create ruling with it; it is not allowed to say anything about the religion using it. If Allah willed it from us, then it would not be difficult for Him to clarify it. We are certain that Allah has made clear for us what He wants us to know and taught us in the Qur’an and through the *sunnah*. Anything that is not from these sources, Allah does not want from us. The correct rule is that it is not allowed for anyone to say anything about Allah including his religion, except what He has taught us through His Messenger. No one has ever said that it is allowed to say anything about Allah and his religion until a prohibition reaches us because this allows lies about Allah, which is mere *kufr*, without difference. Allāh says, “And say not concerning that which your tongues put forth falsely, ’this is *ḥalāl*,’ and ‘this is *ḥarām*,’ so as to invent lies against Allāh. Verily, those who invent lies against Allāh will never prosper” [16:116]. *Qiyās*, according to everyone who believes in it, is something other than the Qur’an and *sunnah*. *Qiyās* is prohibiting, obliging, or allowing that which is not prohibited, obliged, or declared allowed by texts.

Allah indicates the prohibition of *qiyās*, He deems anyone who prohibits or allows what is not supported by texts as a liar against Allah. Such *āyāt* are general orders and prohibit any method that is part of it. The

certain evidence for this is the verse, “O you who believe! Obey Allah and obey the Messenger and those of you who are in authority. If you differ in anything, refer it to Allah and His Messenger, if you believe in Allah and in the Last Day” [4:59]. Allah did not ordain in the religion to refer any dispute to other than Allah and His Messenger from His actions or sayings.

If they say, “But *qiyās* is referring what is not *manṣūṣ* to what is *manṣūṣ*, so this *āyah* then indicates the permissibility of *qiyās*.” The answer: This claim is not exempt from the fact that what you conclude is either what Allah and His Messenger ordered, said, or did, or it is anything other than that. It is undoubtedly anything other than what Allah and His Messenger said, ordered, or did, and anything fitting this description is not what is referred to Allah and His Messenger, so the obligation remains unfulfilled. Moreover, if it were as they claim, then all that was previously stated applies here too: no one knows the limits of *qiyās* with certain evidences from the Qur’an and *sunnah*, no one knows what is correct from what is wrong, how it must be applied, when it must be applied, and all the certain evidences for the thirty-eight conditions they made up from the Qur’an and *sunnah*. There are no certain evidences of Allah ever ordering or teaching us any *qiyās*. If it were as they claim, then anyone could claim any false *ra’ī* or *qiyās* as “Referring the matter to Allah and His Messenger.” Instead Allāh did not allow returning to anything other than *qiyās* and ordered returning to nothing other than Qur’ān and *sunnah*. The falsehood of their claim is very evident.

As for the words of the Messenger of Allah invalidating *qiyās*, it is narrated that he said, “O people Allāh has obliged *ḥajj*, so perform *ḥajj*.” A man asked him, “Is it every year O Messenger of Allah?” Then he remained silent till he was asked thrice. Then the Messenger of Allah said, “If I were to say, ‘yes,’ it would become obligatory according to what you are capable of doing. Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it.”[24]

This narration indicates the falsehood of *qiyās* because the Messenger of Allah stated that there is no ruling except if he orders it, and no prohibition except if he prohibits it. Anything he orders must be carried out to the best of one's ability, and anything he prohibits must be abstained

[24] Sahih Muslim 1337

from. Anything he remains silent about is left as a mercy for us, allowing us to either do it or leave it. Anything beyond this is false, and *qiyās* is with certainty included within this falsehood. This narration emphasizes that his orders are obligations until he provides further clarification, and anything he prohibits remains prohibited until he clarifies otherwise. There is no necessity for him to repeat an order for it to become an obligation.

Another aspect of this narration that decisively invalidates *qiyās* is Prophet's prohibition of asking questions. *qiyās* essentially involves asking questions about obligations and prohibitions to fabricate *'ilal* for the rulings, aiming to apply those rulings to other issues. By ordering everyone in general to refrain from questioning him until he issues a prohibition or obligation, the Messenger of Allah prohibited *ta'līl* and obligates adhering only to what he commands and prohibits. Anything else before he issues a prohibition or obligation is disregarded and not to be considered.

Another clear indication that this narration declares *qiyās* false is that the man did *qiyās* on pilgrimage based on that prayers are repeated, and that fasting is repeated, and that obligatory alms are repeated. Then the Messenger of Allah invalidated this *qiyās*, and he ordered them with that which Allah ordered from abandoning questioning.

The Messenger of Allah said, "Indeed Allāh has made obligations, so do not neglect them, and He has placed limits which you must not transgress, and he has remained silent about other matters out of mercy for you, not out of forgetfulness, so do not seek themout."[25]

The Messenger of Allah said, "*Ḥalāl* is what Allāh made *ḥalāl* and *Ḥarām* is what Allāh made *ḥarām*, anything he is silent about is that which he had pardoned."[26]

If they say, "*Qiyās* is something that cannot be obscured from anyone; everyone knows it by necessity, and there is no need to clarify it." The answer: Cleaning oneself after relieving oneself is also a matter not obscured from anyone, yet it was clarified by Allah and His Messenger. If even this is need to be clarified, then *qiyās*, which is according to them the fourth source of evidence in the religion, would be the most in need of it. How can there be no evidence for using a method as evidence in the religion? And let the one who says such reflect at the huge amount of differences in their *'ilal* and their differences in their *furū'*. If it were

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[25] Sunan Al-Daraqutni 4/184
[26] Sunan Al-Tirmidhi 1726

something everyone simply knows, then there would not be so many differences, the amount of differences to it are without any doubt more than the issue of excrement.

As for *ijmā'*, the *ummah* has unanimously agreed that Allah has clarified all rulings through the tongue of His Messenger. Whoever claims that *qiyās* is also clarified and ordered to be used must provide certain evidence, and there is no possibility for its existence. Let the one who believes in Allah and believes in the narration from *ṭarīq* of Salman, "Your Prophet teaches you everything, even excrement,"[27] think: Why did the Messenger of Allah leave the clarification of *qiyās*, its pillars, its conditions, whether it is obligatory or allowed only, when it must be carried out, and how, while it is from the *uṣūl* of the *sharī'ah*? Did the Messenger of Allah not know, while he was given all good, that the *'illah* for the six types of *ribā al-bay'* is food, weight, measure, and storing, yet he never clarified any of that? Allah says, "And your Lord is never forgetful" [19:64]. Anyone who comprehends even a small amount of this knows that such attribution cannot be attributed to the Messenger of Allah, and everything he did not clarify is rejected. Allah says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119]. Knowledge is from none other than Allah, and without any doubt, we mankind lack knowledge about *qiyās*, its pillars, when it must be used, and how it must be used, the dozens conditions it has. It is this lack of knowledge that has led mankind astray by their own desires, without any doubt.

The *ḥanafiyyah* also agree that it is not allowed to perform any *qiyās* for issues of *ḥudūd* and *kaffārat*. [28] They are asked about the difference between these two issues compared to all other issues in the religion, and the one who twists these two for all other issues in the religion and allows *qiyās* in *ḥudūd* and *kaffārat* only, while prohibiting *qiyās* in everything else. The *shāfi'iyyah* do not allow *qiyās* as long as there are texts available[29], while Allah the Most Exalted says, "We have not neglected anything in the book" [6:38]. As for the *mālikiyyah*, *qiyās* only originated from the latecomers among them, as it is narrated from Mālik that he prohibited *qiyās* and transgressing the texts and that he repented from every single *ra'ī.*

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[27] Sahih Muslim 262

[28] Sharh Mukhtasar al-Tahawi 2/417, 7/393

[29] Al-Muhadhab by al-Shirazi 2/197

The one who uses *qiyās* is not a *kāfir* or even a sinner (*fāsiq*) if it is done with *ijtihād*; instead, he is rewarded once and excused, while his view, which was by means of *qiyās*, is wrong. If anyone were to pray towards other than the *qiblah* with *ijtihād*, not knowing the correct direction, they are rewarded once but mistaken and excused. If anyone prayed towards other than the *qiblah* on purpose without being forced to, believing it is correct while knowing the direction, they apostate without any difference of opinion. And if anyone changed the Qur'ān unknowingly, he is excused, mistaken, and excused, whether it be one letter, one word, or a whole Ayah. If he does it on purpose, he apostates without any difference. So none of them can follow those scholars in their *ijtihād*, which is known to be wrong; only what they are correct in is followed, which is then in reality nothing but the words of Allah and His Messenger. Only those scholars who performed *ijtihād* are excused for a mistake, not the one who knowingly follows a wrong view.

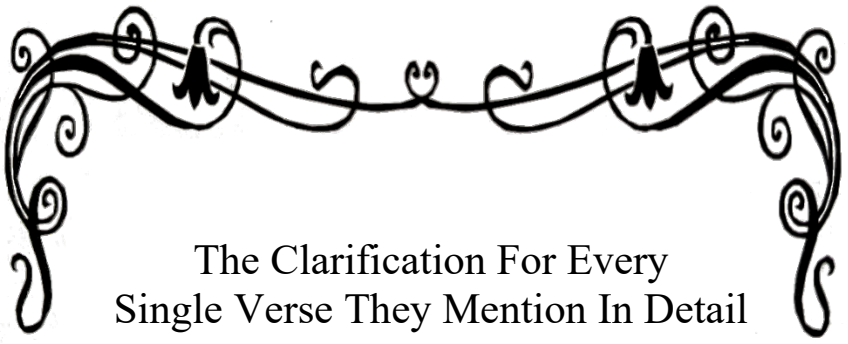
Regarding the existence of every single upcoming issue being covered by the texts and *qiyās* not ever being needed, we will clarify this now by the will of Allah. All of the religion of Islām is of three types with no fourth to it: obligatory (*wājib* and *farḍ* both are the same), the one not doing it sins; prohibited (*ḥarām*), the one doing it sins; and permissible (*mubāḥ* and *ḥalāl*, both are the same), the one doing it or leaving it does not sin. And we find that Allāh the Most Exalted says, "He it is Who created for you all that is on earth" [2:29]. And He says, "O you who believe! Do not ask about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qur'ān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. A people asked such questions before you; then they became thereby disbelievers" [5:101-102].

These two Ayahs indicate that everything Allāh created is *ḥalāl* for us, not *ḥarām*, as He has created it for us, and that nothing is obligatory on us except what He and his Messenger have obliged us. And Allāh the Almighty has said, "He has clarified to you what is prohibited for you" [6:119]. And Allāh says, "O you who believe! Obey Allāh and obey the Messenger and those of you who are in authority. (And) if you differ in anything refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59]. And the Messenger of Allah said, "Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

All of this indicates that everything Allah has prohibited on the tongue of the Messenger of Allah is what he has clarified with its exact name. And everything he has prohibited, it is obligatory to leave it, and that everything he orders us must be done according to our ability. As long as there is nothing obligatory or prohibited, then it is allowed to leave or do it, and it is pardoned. Allah says, “He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge” [6:119]. As for the proofs from the *’aql* invalidating *qiyās*, the *’aql* can never comprehend what is prohibited and what is allowed, and also not what is obligatory. Allāh the Most Exalted says, “O you who believe! If you obey and fear Allāh, He will grant you Furqan (a clarification to judge between right and wrong)” [8:29]. And He says, “O you who believe! Fear Allāh, and believe in His Messenger. He will give you a double portion of His Mercy, and He will give you a light by which you shall walk (straight). And He will forgive you” [57:28]. And He says, “They found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us” [18:65]. Allāh says, “So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything” [2:282].

A Muslim must fear Allah from becoming from these astray with his own desires without knowledge. Allah says, “Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided” [16:125]. Whoever goes astray with his desires has transgressed in that which he has become misguided without difference, and He has clearly clarified what is prohibited. This covers every ruling in the world till the day of judgment.

With this, the summary concludes and all praise is due to Allah. In the upcoming chapters, I will meticulously debunk every single argument put forth by the proponents of *qiyās*, by the will of Allah, the Most Exalted. There is no power or strength except by Allāh.



The Clarification For Every Single Verse They Mention In Detail

There is enough evidence from that which has preceded for the falsehood of *qiyās*, it was a very short and summarized, all of which will be clarified in detail, by the will of Allah. Now we will clarify every single verse in great detail, and how none of them have any relation to any of them, and how most of them are in reality against them, by the will of Allah, the Most Exalted.

The Verse Regarding Saying ‘Uff’ To The Parents

As for saying ‘uff’ to the parents. There is no evidence for any of the points they have put forth. In reality, these arguments stand as a clear evidence against their method, as their conclusions contradict their method of *dalīl al-khiṭāb* and *mafhūm al-mukhālafah*. They affirm with this method that anything not explicitly mentioned in the texts takes the opposite of what is clearly indicated, aligning with their approach. This implies that they permit actions beyond what is explicitly stated, it is then implies them to do the same for issues other than saying ‘uff,’ such as transactions involving currencies like *dīnār* and *qinṭār*, allowing consuming property other than wealth specifically, items smaller than a mustard seed or an atoms weight being invalid, allowing killing for reasons other than fear of poverty. All of these stand in contrast to the texts. In this light, their inconsistency becomes evident.

Some of our companions have answered this, they said, “As for the verse they mentioned, ‘And your Lord has decreed that you worship not except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them ‘uff’ and do not repel them but speak to them a noble word’ [17:23]. Understanding these verses like these do not rely on *qiyās*; rather, they are contingent upon understanding the nuances of language usage. When Allāh prohibited saying ‘uff’ to one’s parents, this prohibition was against using these two letters in Arabic to express annoyance, which is a minor form of disobedience. Some have even remarked that if there existed a lesser form of disobedience in the Arabic language than the word ‘uff,’ Allāh would have used it. The prohibition of saying ‘uff’ extends beyond the literal pronunciation of the two letters; it encompasses the broader meaning of causing harm. Therefore, the prohibition is not limited to merely pronouncing the letters *alif* and *fā’* together but encompasses a more general meaning to them. This is akin to the function of *asmā’ al-fi’l* in Arabic, such as ‘*hāt*,’ ‘*halum*,’ and ‘*hā’*.’ When Allāh the Almighty says, ‘Say, ‘Bring (*hātu*) forth your proof if you are truthful’’ [2:111] and when He says, ‘Say, ‘Produce (*halum*) your witnesses’’ [6:150], it is not an order to say ‘*hātu*’ or ‘*halum*,’ but an instruction to grasp the intended meaning of these words by examining their contextual usage from *asmā’ al-fi’l*. An excellent illustration of this understanding is when the Messenger of Allah ﷺ said, ‘Gold for gold is *ribā*

except if it is *hā'* and *hā'*, silver for silver is *ribā* except if it is *hā'* and *hā'*, wheat for wheat is *ribā* except if it is *hā'* and *hā'*, barley for barley is *ribā* except if it is *hā'* and *hā'*, dates for dates is *ribā* except if it is *hā'* and *hā'*[30].''

The term *hā'* is used to convey the idea of exchanging or transferring it between individuals. It is also an *ism al-fi'l*, the exact same as the other *asmā' al-fi'l* we discussed earlier. It is evident that the intention behind this narration can be fulfilled through various means, whether it involves verbal expression or actions. This can encompass a solitary action, vocalization, or a combination of both. If the sole basis for *ribā* consisted of this narration only, it might lead people to believe that vocalizing *hā'* is obligatory when dealing with the sale of the six types of *ribā*. But it is evident from other narrations that that is not necessary and that it clarifies that *asmā' al-fi'l* are understood to carry a meaning with it, instead of only uttering the two letters. Because *hā'* functions as an *ism al-fi'l*, it serves as a directive with a specific meaning, similar to other terms like '*sah*' in Arabic, '*sah*' is an *ism al-fi'l* that commands silence, carrying an inherent meaning, much like 'uff' which is also an *ism al-fi'l* with its own meaning. So it is incorrect to claim, as Al-Ghazali did, that the only way to prohibit causing harm to parents through the use of the word 'uff' is by means of *qiyās*, as this contradicts the linguistic norms. In the Arabic language, the consideration of word meanings is a well-established practice, supported by linguistic authorities. For instance, when Allāh the most Exalted said, 'And when the ignorant harassers address them, they say, 'Peace (*salām*)'' [25:63], the intended meaning encompasses more than just the word peace. It indicates the obligation of saying *salām* but also includes the use of words that indicate peace and discourage annoyance, provocation, and anger, as it is part of the meaning of that word. This aligns with the *tafsīr* of Mujahd on the verse. Similarly, in the verse where Allāh says, 'And say to people, 'Good (*ḥusn*)'' [2:83], the instruction is not limited to uttering the word good but encompasses conveying virtuous words and actions. This also aligns with Abu 'Aliyah's *tafsīr* of the verse."

This is an answer that is not far from the truth, it indicates that the rulings understood from this verse are not because of *qiyas*. There are some aspects that are however inaccurate, what they said would only be the case if Allah prohibited us from the verb of 'uff,' he did not prohibit us from that

[30] Sahih Al-Bukhari 2174

and prohibited us only from uttering the letters instead, the certain evidence for this is that Allah said, “Do not say to them, ‘uff’” [17:23].

The correct view by the will of Allah, which no one is allowed to oppose, is that the prohibition against harming one's parents is only indicated by the next verse, which clearly indicates the prohibition on any harm in general. In the verse, the prohibition is confined to uttering ‘uff’ without any accompanying actions. Allāh the Most Exalted says in the next verse, “And lower unto them the wing of submission and humility through mercy, and say, ‘My Lord! Bestow on them Your Mercy as they did bring me up when I was young’” [17:24]. This extends beyond mere verbal restraint. These words encompass the concept of *iḥsān* towards one's parents, emphasizing the need to interact with them respectfully, humbly, and compassionately. This entails lowering the wing of submission and humility before them and includes prohibitions against causing any harm through speech or actions to them. Furthermore, this verse obligates us to be kind and considerate towards our parents. There are also numerous narrations indicating the obligation of treating parents with goodness, and even any Muslim in general. It becomes clear that the prohibition against causing harm to parents is not solely derived from the prohibition of uttering the word ‘uff.’ If someone fails to exhibit kindness toward their parents without causing them harm, they are still committing a sin, as there exists an additional obligation to actively display goodness towards them, in addition to refraining from harming them. And if someone inflicts harm upon their parents, they not only defy the orders in the verses and narrations but also violate the principle of humbly submitting to and honoring their parents.

If the prohibition against causing harm to parents were solely derived from the prohibition of uttering the letters ‘uff,’ then the subsequent mention of lowering the wing of submission and humility towards parents in the next verses would lose its significance. It is indisputable that lowering the wing of submission and humility through mercy and the prohibition of saying ‘uff’ convey two different meanings, so it is impossible to equate the two. If we were to ask them: Did Allah prohibit harming and killing the parents only through this verse or through other orders? None of them would hesitate to concur that it originates from many other orders. Allāh did not restrict the expected behavior towards parents and harming them only through prohibiting uttering the letters ‘uff,’ it is false to claim that we can comprehensively understand the broader aspects of parental treatment solely through the prohibition of uttering these letters. Every word within the verse carries its specific meaning, and those who oppose our use a selective

approach, using a few words while disregarding others, leading to inaccurate conclusions. Conversely, a comprehensive understanding considers all the words in the verse, resulting in the accurate understanding of the intended meaning, unlike their method of using some of the verses and abandoning it in other places. Like they did regarding *istinbāṭ* from the verse, “If they would have returned the matter to… Or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it” [4:83]. They disregard what Allāh the Most exalted said in the beginning of the Ayah, “And when there comes to them something [information] about [public] security or fear, they spread it around. But if they had referred it back to the Messenger, or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it” [4:83]. The beginning of the verse invalidates their method of *istinbāṭ*. They do the same with many other verses, another example is the verse that they prohibit reciting *al-fātiḥah* when being led in the prayer because of the verse, “When the Qur’ān is recited, listen to it attentively and be silent, so you may be shown mercy” [7:204]. They disregard what comes after it, because Allāh said directly after that, “And remember your Lord within yourself, humbly and with fear and without loudness in words in the mornings, and in the afternoons and be not of those who are neglectful” [7:205].

Among the other certain evidences that the prohibition of uttering ‘uff’ to parents does not encompass a prohibition on causing harm beyond the specific letters ‘uff’ is a scenario where, for instance, Zayd kills or inflicts severe injury upon ‘Amr, along with falsely accusing him of adultery and spitting on his face. If witnesses who observed this incident were to claim that Zayd merely said ‘uff’ to ‘Amr, intending to encompass all of Zayd's egregious actions, their testimony is deemed false and unanimously rejected by consensus. It’s worth pondering how those who concur with our perspective, acknowledging that such a claim would be false, can still argue that ‘uff’ may imply causing harm beyond its literal expression. By claiming this, they indirectly attribute falsehood to Allāh, and we seek refuge in Allāh from ever implying that the prohibition of saying ‘uff’ to parents implies a prohibition on harming, killing, or slandering them, if it would not be for the Arabic language, without evidences from texts. Clearly in such as case in the Arabic language, terms like killing, hitting, or slandering are not synonymous with ‘uff.’ It is universally understood that ‘uff’ solely signifies the prohibition on uttering the letters ‘uff’ and nothing more. We also say to them: If someone says to you, “Do not say ‘uff’ to me!” Do you understand

from this inherently that you must not slander him, harm him, spit on him, kill him and not inflict any harm at all on him? No one with correct senses can understand something like this from this order.
Ibn Arabi said, "For example, when a man hits his father with a whip, *ahl ul-qiyās* say, 'There are no texts according to us regarding this issue, but since Allah the Most Exalted said, 'And do not say to them 'uff',' the prohibition on saying 'uff' is established, and that is very little, hitting with a lash is more severe. Allah guides us here to apply what is lesser to what is more severe, so *qiyās* must be used. Saying 'uff' and hitting with a lash are similar under the aspect of harming, so we draw a *qiyās* here to hitting with a lash which is *maskūt* from the prohibition of saying 'uff' which is *manṭūq*.'

As for us, we say: We do not have the authority to impose anything on Allah which is permissible upon the people, especially in this case. Even if nothing besides this was mentioned by Allah or His Messenger, we would still not resort to *qiyās*, nor would we return the matter to the prohibition of saying 'uff.' Instead, we rule according [harming the parents only according] to what Allah the Most Exalted said, 'And lower unto them the wing of submission and humility through mercy, and say, 'My Lord! Bestow on them Your Mercy as they did bring me up when I was young'' [17:24]. Here, Allah the Almighty made it general, so we apply this ruling to everything that is not *iḥsān* in general towards parents, and lashing parents is not from *iḥsān*. Therefore, we only rule according to the words of Allah and His Messenger (and do not use the two letters 'uff' alone to prohibit harm)." [31]

This verse only indicating the prohibition of uttering the letters 'uff' is also the view of Mujahid[32], Yahya Ibn Sallam[33] and Ibn Hazm. And Allah is the source of strength.

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[31] Futuhat Al-Makkiyyah 1/559-560
[32] Mawsu'sah Al-Tafsir Al-Ma'thur 13/113, 42776
[33] Mawsu'sah Al-Tafsir Al-Ma'thur 13/114, 42782

The Verses Regarding The Size Of A *Qinṭār*

They mention the verse, “But if you intend to replace a wife by another and you have given one of them a *qinṭār*, take not anything of it back” [4:20]. They say, “So whatever is below and above the amount of a *qinṭār* falls under the ruling of prohibition to take it back from them, and this can only be known through *qiyās*.”

They also mention the verse, “And among the People of the Scripture is he who, if you entrust him with a *qinṭār* he will return it to you. And among them is he who, if you entrust him with a [single] coin, he will not return it to you unless you are constantly standing over him [demanding it]. That is because they say, ‘There is no blame on us to betray and take the properties of the illiterates (Arabs).’ And they speak untruth about Allāh while they know [it]” [3:75]. They say, “So whatever is less or more than a *qinṭār* and whatever is less or more than a *dīnār* takes either the ruling of the amount of a *qinṭār* or a *dīnār*, and this is not mentioned in the verse and only known through *qiyās*.”

The answer: Allāh mentioning *qinṭār* in the verse of the dowry and entrusting wealth to infidels, it can not be inferred that any amount other than a *qinṭār* assumes the ruling of a *qinṭār*. A *qinṭār* always represents one *qinṭār*. This understanding is indicated by the verse, “Either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allāh. But if you fear that they will not keep [within] the limits of Allāh, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers [i.e., the unjust]” [2:229]. This verse clarifies that it is prohibited for the husband to take anything he gives to his wife whether the amount is much or less, except if he fears he won't be able to keep within the limits of Allāh. And Allāh the Most Exalted says, “But if they give up willingly to you anything of it, then take it in satisfaction and ease” [4:4].

Without these verses and other similar ones, as well as the narrations that prohibit unjustly seizing wealth from both a Muslim and a *dhimmi*, and also the prohibition against reclaiming gifts, there would be no prohibition against taking from her more or other than the amount of one *qinṭār* and other than a *qinṭār*. The certain evidence for this is that if two witnesses

testify that Zayd owes ‘Amr one *qinṭār*, then anything other than this specific amount, whether more or less, or other than it would render their testimony false beyond any doubt. Similarly, if ‘Amr explicitly says, “Take for me from him one *qinṭār*,” it is impossible for the recipient to take more or less than one *qinṭār*. This principle applies universally, whether it concerns anything mentioned by Allāh or an exact number specified by Him.

There is no difference between making such a false claim here and applying the same method to anything else mentioned by Allah, implying that it could be more or less than stated by Allah or His Messenger, and that when Allah mentions a specific amount, that it is more, less or other than that. It is said to them: According to your method, perhaps when Allah tells us about the seven heavens, He means more than that; maybe there are ten or fifteen heavens. Making such claims and holding such beliefs is from the gravest forms of falsehood.

In the mentioned verse, Allāh the Most Exalted tells us that when it comes to entrusting *dīnār* or *qinṭār* to the infidels, they betray our trust, regardless of whether the property in question is of small or great value. Allāh says, “There is no blame on us to betray and take the properties of the illiterates” [3:75]. There is in this a possibility made that the people of the book can betray us in general, no matter the amount. It is an undeniable fact that even before the revelation of this verse, there were both among the infidels and the Muslims those who fulfilled their trusts, whether in small or substantial amounts, and there were also those who violated these trusts, irrespective of the quantity involved. This behavior is inherent to human nature, where some may fulfill their obligations to a lesser degree but pretend otherwise, while others frequently breach trust for various reasons. Therefore, claiming that *qinṭār* refers to amounts lesser or greater than it holds no merit, as these distinctions were already well-understood and recognized.

If they ask, “What, then, is the benefit of the verse if we were already familiar with its meaning before its revelation?” We say: The benefit derived from it is manifold and significant. Among these benefits is the reward attained for reciting it while firmly believing that it is from Allāh. It serves as a reminder for us to contemplate the exalted power of Allāh and encourages us to reflect upon how Allāh enlightens us about the diverse nature of the individuals He has created. Among them are those who betray trust, and among them are those who faithfully return what has been entrusted to them. This is the same, when Allāh the Most Exalted says,

“Then do they not look at the camels - how they are created?” [88:17]. And when Allāh says, “And We have sent down blessed rain from the sky and made grow thereby gardens and grain from the harvest” [50:19]. The knowledge of these natural phenomena were known prior to the revelation of these verses. However, these verses serve as admonitions, lessons, and gentle reminders, urging us to seek rewards by contemplating the might of Allāh and remembering Him. They encourage us to reflect upon His signs in the world around us, deepening our faith and understanding. Allāh mentioning *qinṭār* is the same as him mentioning asking forgiveness seventy times, when he says, “Ask forgiveness for them, [O Prophet], or do not ask forgiveness for them. If you would ask forgiveness for them seventy times, never will Allāh forgive them” [9:80].

Allāh, in His omniscience, is aware that He will elucidate the intended meaning—that He does not accept any forgiveness from or for any disbeliever at all. This understanding aligns with numerous other verses and narrations. We emphasize repeatedly that questions like these are false; Allāh is never interrogated about His actions. It is we who will be held accountable for every single thing we utter and every action we undertake. And Allah is the source of strength.

The Verses Regarding Examples With Small Sizes And Property

As for the verse, “And We place the scales of justice for the Day of Resurrection, so no soul will be treated unjustly at all. And if there is [even] the weight of a mustard seed, We will bring it forth. And sufficient are We as accountant” [21:47]. And the verse, “So whoever does an atom’s weight of good will see it, And whoever does an atom’s weight of evil will see it” [99:7-8]. They say about these verses, “Anything that is lesser than an atom's weight takes the same ruling as an atom's weight.”

The answer: We only know about anything that is other than an atoms weight, or anything that is much or less than an atoms weight, when Allāh the Most Exalted said, “What is this book that leaves nothing small or great except that it has enumerated it? And they will find what they did present [before them]. And your Lord does injustice to no one” [18:49]. And when He said, “And their Lord responded to them, ‘Never will I allow to be lost the work of [any] worker among you, whether male or female’” [3:195.] And when Allāh said, “And everybody will be paid, in full, for what he has earned” [3:25]. These verses clarify that whatever is more or less than the size of a mustard seed, or an atom is counted and will be compensated in full for what the soul earned. Similar is when Allāh says, “If there should be anything to the measure of a mustard seed, and it be (hidden) in a rock or in the heavens or in the earth, Allāh will bring it forth. Surely, Allāh is All-Fine, All Aware” [31:16]. We know what is lesser than this size and what is other than it, when Allāh the Almighty said, “And there exists no moving (living) creature on earth except that its provision is due from Allāh” [11:3]. Allāh made any provision general and to this, what is less or more than a mustard seed then enters the meaning of the verse mentioned previously.

This is the same with every single other texts. Allāh says, “And do not consume one another’s food (wealth) unjustly” [2:188]. We know that this is not only about food but about every property owned in general by a Muslim or *dhimmi* in general. We know that taking any property besides food is also prohibited from the Muslims as the Messenger of Allah ﷺ said during *ḥajjah al-wadā’* in general, “Your blood, your property, and your honor are forbidden to be violated by each other.” This also indicates that it is not allowed to eat and take the property of the orphans. If it is said, “Then what about burning their property or destroying it, which is not the same as taking it in false means or eating it.” The answer: Taking can also mean to destroy

which is another *manqūl* meaning of *akhd*. And all of this is also prohibited by Allah in general, he said, “And do not come near to the orphan’s property except to improve it” [17:34]. And the Prophet ﷺ also said in general as mentioned before, “Your blood, property, honor are for each other prohibited.”[34] These words of the Prophet ﷺ prohibited doing anything to the property of the Muslims in a manner other than what he ordered, this encompasses the prohibition of destroying, taking and eating the property of another Muslim without right. The Messenger of Allah also prohibited us in general from doing any injustice to a *dhimmi* which rules taking, eating or destroying any of their property without right as prohibited.

If it would not be for all the general prohibitions and the evidence that *akl* is *manqūl*, these verses would not indicate the prohibition of taking any property other than food from another Muslim or *dhimmi*. They agree with us that Allāh only prohibited eating for the one that fasts and that the prohibition on eating food then did not inherently imply that Allāh also prohibited him from owning food and also not property other than food. From here the falsehood becomes apparent about the claim that the prohibition on consuming food unjustly, inherently must mean prohibition on taking property other than food. They concur with our view that it is permissible to partake of food from the households of both parents, friends, and close relatives, as Allah clearly stated in the verse, “There is not upon the blind [any] constraint nor upon the lame constraint nor upon the ill constraint nor upon yourselves when you eat from your [own] houses or the houses of your fathers or the houses of your mothers or the houses of your brothers or the houses of your sisters or the houses of your father’s brothers or the houses of your father’s sisters or the houses of your mother’s brothers or the houses of your mother’s sisters or [from houses] whose keys you possess or [from the house] of your friend. There is no blame upon you whether you eat tofether or separately” [24:61]. If they were to uphold the validity and necessity of *qiyās*, insisting on its obligatory use, as they claim, then they oblige applying it consistently as it is necessary for them. This would imply them to allow the taking of property other than food from both parents, friends, and close relatives, as they claim that consuming food inherently encompasses taking property other than food. Their inconsistency becomes evident as they do not use *qiyās* in this manner.

Moreover, they do not prohibit the sale or acquisition of property by a fasting person, assuming that food is prohibited for consumption, which,

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[34] Sahih Al-Bukhari 6785

according to their understanding, must include property other than food. This inconsistency indicates their abandonment from *qiyās*. We instead know that there is text and *ijmā'* on the understanding that consuming the wealth of others specifically is not only about eating their food only and that it is about taking every single other form of property. So the order specifically not to consume wealth itself means not to take any property in general. We know from a language perspective that eating (*akl*) in Arabic is also meant to mean taking (*akhd*), *manqūl* (a change in the meaning) from its specific meaning in the language to a different one.[35]

Allāh the Most exalted says, "And those, whom you invoke or call upon instead of Him, own not even a *qiṭmīr* (the thin membrane over the date-stone)" [35:13]. Allāh's statement in other verses clearly indicates that those whom people invoke or call upon instead of Him have no ability to cause harm, benefit, or even hear. So, based on this quality alone, it is evident that they possess absolutely nothing, also not what is smaller than a *qiṭmīr*. This principle applies to every argument they put forth. Had Allāh not explicitly mentioned this and had it not been discernible from a linguistic perspective, it would have been impermissible to exceed the boundaries set by the textual evidence, and one would have been obligated to affirm only what is explicitly stated. Allāh the Almighty says, "And whoever transgresses the limits of Allāh, it is those who are the wrongdoers" [2:229].

Regarding their claim that when someone says to someone, "Do not give him a seeds size," that it implies something smaller than a seed's size, we respond by stating that, firstly, this understanding is based on the comprehension of language and is not related to *qiyās*. Secondly, it is not necessarily understood from this sentence alone that the person who says it means something smaller than the size of a seed. This sentence could convey three potential meanings: more than the size of a seed, less than the size of a seed, or exactly the size of a seed. To clearly indicate that the person intends something smaller than the size of a seed, they would need to further specify, saying, "Do not give him anything, not even a seed." This is a common way people express themselves, and anyone claiming otherwise contradicts both rationality and the principles of language. This is something unrelated to the topic of *qiyās*.

If they mention the verse, "Or do they have a share in the dominion? Then in that case they would not give mankind even a *naqīr* (speck on the back of a date-stone)." [4:53]. We say: Allāh the Most exalted also says,

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[35] Sharh Al-Kafiyyah Al-Shafiyyah 1/418, 171

“Say [to them], ‘If you possessed the depositories of the mercy of my Lord, then you would withhold out of fear of spending’” [17:100]. Allāh mentioned here withholding from spending in general which includes what is lesser than *naqīr* and also what is other than a *naqīr.* And Allah is the source of strength.

The Verses Regarding Infanticide Due To Poverty

They mention the verse, “And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin” [17:31]. They say, “So we know that killing children for reasons other than fear of poverty also falls under the ruling of the prohibition, which is not mentioned in the verse and can only be known through *qiyās*.”

The answer: The prohibition on killing own children without the clause of fearing poverty is known from the words of Allāh the Most Exalted, “They will have lost who killed their children in foolishness without knowledge and prohibited what Allāh had provided for them, inventing untruth about Allāh. They have gone astray and were not [rightly] guided” [6:140]. And the verse, “And do not kill the soul which Allāh has forbidden, except by right. And whoever is killed unjustly. We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]” [17:33]. And the verse, “And when the girl [who was] buried alive is asked. For what sin she was killed” [81:8-9]. And the Messenger of Allah ﷺ said, “Your blood, your property, and your honor are forbidden to be violated by each other.” So it is prohibited through general orders and specified orders by its wording and there is no place for *qiyās* in this issue. And Allah is the source of strength.

The Verses Regarding Obedience To Those In Authority

They mention the verses, “You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and” [3:110]. And the verse, “O you who have believed, obey Allāh and obey the Messenger and those in authority among you” [4:59]. They say, “Allāh did not specify that we must only obey those in authority if what they say is from the *waḥī*, it is instead general, even if the authority orders *qiyās*, so we must obey them in that as well.”

The answer: Allāh has never ordered, nor permitted those in authority to say regarding *qiyās*, nor has He allowed them to say whatever they wish. Their obligation is solely as ordered by Allah is to say what they hear from the Prophet ﷺ, to obtain understanding in the religion which he has revealed to His Prophet ﷺ and to warn with that the people, as Allāh the Most Exalted said, “And hold firmly to the rope of Allāh all together and do not become divided” [3:103]. And He said, “These are the limits (rulings) of Allāh, so do not transgress them” [2:229]. And He said, “And do not pursue that of which you have no knowledge” [17:36]. And He said, “[Shaytan] only orders you to evil and immorality and to say about Allāh what you do not know” [2:169]. It is evident that anyone that speaks using *qiyās*, without a doubt, violates Allāh's decrees, as it is making unwarranted claims about Allāh and His commands, which He has never said about Himself and His religion.

When Allāh mentions those in positions of authority, it pertains to every single authority, not some, meaning *ijmā'* and they never had an *ijmā'* on the use of *qiyās* as they admit themselves. How can we be ordered to follow in that which they differed. This is against Allāh's order as Allāh the Most Exalted says, “If it had been from [any] other than Allāh, they would have found within it much contradiction” [4:82]. And a certain evidence is that Allah the Most Exalted said, “Whoever transgresses the limits of Allah has wronged himself” [2:229]. His limits are his rulings which is all clarified by Allah and His Messenger. It is not for anyone to transgress anything from the words of Allah and His Messenger. So it becomes false that the authority can ever have an *ijmā'* which transgresses the limits of Allah because that is false. We have agreed that they do not have an *ijmā'* on that which is false. Everything that is not from the limits of Allah which is his revelation is from other than Allah by necessity. And Allah the Most

Exalted said, “If it had been from [any] other than Allāh, they would have found within it much contradiction” [4:82]. So there can never be any *ijmā’* except what has come from Allah from *waḥī*, which has absolutely ended after the passing of the Prophet ﷺ, so it is impossible for there to exist *ijmā’* on other than texts. Those in authority are those who narrate what they hear from the Messenger of Allah.

We get to know about the Messenger of Allah through three manners, *khabar ul-wāḥid*, *mutawātir* and *ijmā’* which are those of authority. All of these are directly from the Messenger of Allah and none of these are things that came into existence after the Messenger of Allah which the Messenger of Allah did not prohibit, permit or oblige from the authentic narrations.

They mention the verse, “O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result”[4:59]. They say, “Allāh has made obedience to those in authority obligatory, just as He has made obedience to the Messenger ﷺ and Himself obligatory, suggesting no distinction between them. If obedience to those in authority was limited to what they narrate from the Messenger ﷺ, there would be no purpose in reiterating the command for obedience to those in authority, as obedience to the Messenger ﷺ is already binding. It would suffice for Allāh to command obedience to Himself and the Messenger ﷺ alone if, according to their perspective, obedience to the Messenger ﷺ and those in authority is the same. Therefore, it is necessary to exclude what would be redundant and include in this definition that Allāh has commanded obedience to those in authority in matters of *ra’ī* and *qiyās* where there is no explicit textual evidence from Allāh and His Messenger ﷺ. And Allāh says, ‘And when there comes to them something [information] about [public] security or fear, they publicize it. But If only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly). And if not for the favor of Allāh upon you and His mercy, you would have followed Satan, except for a few’ [4:83]. This is similar to the previously mentioned verse. Allāh also said, ‘But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, We will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!’ [4:115]. They faced severe threats for opposing the path of the believers, making it an obligation to adhere to their consensus, whether it be based on *ra’ī* or *qiyās*. The Messenger of Allah ﷺ also said, ‘A

group of people from my *ummah* will continue to obey Allāh's command and those who desert or oppose them shall not be able to do them any harm. They will be dominating the people until Allāh's Command (day of judgment).' It is, therefore, evident that the *ummah* of the Prophet ﷺ cannot unanimously agree on falsehood, as he foretold the perpetuity of those who faithfully follow Allāh's command. Therefore, their *ijmā'* on matters of *ra'ī* and *qiyās* holds true."

The answer: Their claims about these verses to validate *ijmā'* on *ra'ī*, and *qiyās* is false. While many of the narrations indicating *ijmā'* of the *ummah* are not authentic, their meanings are still the truth. We do not oppose them on the validity of *ijmā'*. Our disagreement with them lies in two aspects of their claims. Firstly, their allowance for the existence of *ijmā'* without textual evidence. Secondly, their claim of *ijmā'* in cases where there is no certainty of unanimity, as there is still room for differences of opinion. Such claims are still cases *ikhtilāf* (difference of opinion), which contradicts the concept of *ijmā'*. In reality, they themselves oppose *ijmā' qaṭ'ī*, as it will become evident soon, by the will of Allah. There is no *ḥujjah* (evidence) for them in any of the narrations they mentioned. The narration where the Prophet ﷺ said, "Indeed Allah will not gather my *ummah* upon misguidance,"[36] or any other narration that regarding *ijmā'* from the Messenger of Allah, ﷺ He merely indicated that the *ummah* does not unanimously agree upon misguidance at any time, not even for a second. This implies that there will always be someone among them standing up for the truth, and the narration indicates the presence of *ikhtilāf* rather than *ijmā'*. These narrations do not indicate that there will be any time where the entire *ummah* has a consensus, let alone indicating that they will have a consensus on anything other than the texts. The narration is only a *khabar* that the *ummah* will never have an *ijmā'* on falsehood and that even if they would have an *ijmā'* then the *ijmā'* is in reality nothing other than an *ijmā'* on texts, nothing other than that, as everything other than texts is falsehood. The narration indicates the continuous existence of those who advocate for the truth. This is the essence of the narration. So when the Messenger of Allah said, "My *ummah* will not unite on misguidance," misguidance is only the words of other than Allah and His Messenger. The *mujtahid* that is wrong is also not misguided, he is instead rewarded once for his intention to seek the truth, only the false view is rejected. As for the verses, "O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims)

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[36] Jami' Al-Tirmidhi 2167

who are in authority And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. And the verse, "But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, We will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!" [4:115]. All of this are evidences against them rather than in their favor. That is because Allāh did not threaten solely those who deviate from the way of the believers only. The way of the believers cannot include opposition to the Messenger of Allah ﷺ, and any form of opposition to him deserves the same warning. The way of the believers is nothing other than obedience to the Qur'ān and the authentic *sunnah* of the Prophet ﷺ. Any legislation that emerges without textual evidence from the words of Allah and his Messenger are not part of the way of the believers; rather, it belongs to the way of *kufr*. Allāh says, "The only saying of the faithful believers, when they are called to Allāh to judge between them, is that they say, 'We hear and we obey.' For those are the successful (who will live forever in Paradise)" [24:51]. This represents the definitive way the believers, as derived from the words of Allāh. There is no other path that can be the way of the believers apart from this. Therefore, that verse holds no evidence or support for any of their claims. As for the verse they mentioned where Allāh says, "O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. And the verse, "And when there comes to them something [information] about [public] security or fear, they publicize it. But If only they had referred it to the Messenger or to those in authority among them, the proper investigators would have understood it from them (directly). And if not for the favor of Allāh upon you and His mercy, you would have followed Satan, except for a few" [4:83].

There is a difference of opinion regarding the definition of those in authority. According to Abu Hurairah, they are solely the rulers. And According to Mujahid, Al-Hasan, 'Ikrimah, and 'Ata', they are the jurists. As there is no specific specification indicating whether those in authority refers only to only the jurists or the rulers, it becomes necessary to use the apparent meaning without restricting it to a specific other meaning, the apparent meaning implies using all definitions of a word other than the *majāz*, and these are the apparent definitions of the word. A restriction is permissible only with clear evidence; otherwise, it is *taqwīl* of Allāh what

Allāh Himself did not specify. If Allāh intended to refer to some of those in authority, the full meaning would have been clarified. We would not be left in a state of ambiguity regarding the intended meaning. Therefore, it must be understood in its general sense, encompassing both definitions. This certainty is undeniable and must not be contradicted. Claiming that Allāh commands us to obey the rulers in matters not sanctioned by Allāh or His messenger ﷺ is entirely false. Obedience to both the rulers and the jurists is equivalent and becomes obligatory only when it aligns with what Allāh and His Messenger ﷺ have ordained.

And as for what their claim, "If Allāh had intended the meaning you claim, He would have mentioned obedience to the Messenger of Allah ﷺ only, then it would be equivalent to obedience to those in authority, but He the Most Exalted instead mentioned both separately, this indicates that there is separate obedience to both and that one is different from the other and that they are not the same." This is false, because if one claims that obedience to Those in authority applies to matters of *ra'ī* and *qiyās*, but not to what was revealed to the Messenger of Allah ﷺ from Allāh, because of the reason Allāh mentioned obedience to the Messenger of Allah ﷺ separately from those in authority, their claim implies then that Allāh's order to obey the Messenger of Allah ﷺ after commanding obedience to Himself the Most Exalted indicates that there is obedience solely to what Messenger of Allah ﷺ said based on his own judgment, excluding what was revealed to him by Allāh. Because Allāh had already stated the obligation of obeying Him, making a repetition unnecessary. This false understanding presents a glaring inconsistency in their methodology, it is against the consensus of the *ummah*. By permitting the possibility that the Messenger of Allah ﷺ introduced *shara'i'* other than what was revealed to him by Allāh, they diverge from the collective agreement of the *ummah*.

Their approaches in this matter are all false. Allāh the Most Exalted ordered the Messenger of Allah ﷺ to say, when He said, "I follow nothing except what is revealed to me" [6:50]. And Allāh says, "When you do not bring them a sign, they say, 'Why do you not invent one?' Say, 'I follow only what is revealed to me by my Lord. This Book is nothing but evidence from your Lord and a guide and mercy to true believers'" [7:203]. And Allāh says, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109]. And Allāh says, "And follow that which is revealed to you from your Lord. Indeed Allāh is All-Aware of what you do" [33:2]. And Allāh says, "Say, 'I am not different from the other messengers, and I do not know what will be done with me or

with you. I follow nothing except what is revealed to me, and I am only a clear warner'" [46:9]. And Allāh says, "I have chosen you (for prophet-hood), So listen to that which will be revealed (to you)" [20:13]. And Allāh says, "I am obliged to say nothing concerning Allāh except the truth" [7:105]. And Allāh says, "And what is there, after truth, but error?" [10:32]. And Allāh says, "I have not said to them anything except what You have ordered me to" [5:117]. And Allāh says, "They said, 'Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh'" [3:154]. And Allāh says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

Allāh affirms in regard to the Messenger ﷺ that he speaks only from the revelation (*waḥī*) sent to him and follows nothing except what Allāh reveals to him exclusively. Therefore, it is entirely baseless for any new sources of deriving rulings to emerge at all. Allah repeating the order to obey him, the Messenger and the authority indicate nothing other than obedience to the revelation alone. And Revelation is nothing other than the words of Allah and His Messenger from texts, and this can not ever change after the passing of the Messenger of Allah.

Allah mentioned obedience to His Messenger after he mentioned obedience to Him, so the ignorant can not claim there is no obedience to the Messenger. If there would only be obedience to the authority the ignorant would say there is no obedience to the Messenger of Allah except what we hear physically from him, But since we are obliged to obey the authority from the Muslims and also at the same time Allah and His Messenger the obligation has become clear to adhere to what the scholars narrate about the Messenger of Allah, Praise be to Allah.

If they claim, "There remains then no meaning in the verse where Allāh says 'And if you dispute over anything, refer it to Allāh and the Messenger, if you believe in Allāh and the Last Day" [4:59]. For what is conveyed to us from Allāh and His Messenger ﷺ, it is obligatory upon us to accept and adhere to it, regardless of whether there is agreement or disagreement among scholars. If Those in authority were already the authorities from whom we must accept their narrations, whether there is disagreement or agreement, then what significance would remain in the verse that commands us to refer matters to Allāh and His Messenger ﷺ. Why are we ordered to obey the authority if we must refer any disagreement to the Qur'an and *sunnah* alone?"

The answer: There is not in the verse, "If you dispute over anything, refer it to Allāh and the Messenger," any opposition to the obligation of

adhering to the authority. All of that is nothing other than solely the obligation to adhere to the Qur'ān and *sunnah* only, nothing else. There is however in the verse, "If you dispute over anything, refer it to Allāh and the Messenger," an additional meaning which is not in the previous verses, which is the prohibition of making *taqlīd* of anyone and a limit to follow nothing other than the Qur'an and *sunnah*. All Muslims unanimously concur that the Messenger of Allah ordered us first to pray towards *bayt al-maqdis* for a while, then he ordered us to abandon that direction and ordered directing the prayers towards Mecca, so it becomes obligatory. And that the Prophet ﷺ obliged praying the five daily prayers and fasting, the same for every other ruling. Would you then stop praying the five daily prayers and fasting and prohibit them if every single human on earth would prohibit it after the passing of the Prophet ﷺ, if they say, "Yes," they apostate. If they say, "No," they have made a clear difference between obedience to the authority and to the Prophet ﷺ. If they say, "That is impossible, it is not possible for them to gather on that because its *kufr* and misguidance," then they have spoken the truth, it is likewise impossible for them to gather on any ruling which Allah and His Messenger did not order, with *ra'ī* or *qiyās* without any difference.

If they say, "*Ijmā' sukūtī* and further agreements indicate that it was something that the Messenger of Allah had ordered, permitted or prohibited."

The answer, "This view is false for many reasons. Firstly, they agree that *ijmā'* is an agreement that comes into existence some time after it did not exist yet, after the passing of the Messsenger of Allah. There is then no difference in their claim and in believing that there was *ijmā'* on the opposing view of the *ijmā'* before the *ijmā'* they are claiming and then those who differ as that *ijmā'* takes place, they are instead the *shādh* ones as no one among them can claim that one is more of an *ijmā'* than the other.

Secondly, there is no such thing as the *ṣaḥābah* physically attending a certain place to gather on a view and also not them seeking to gather on a view, and announcing the establishment of an *ijmā'* which no one is allowed to oppose, there are only scenarios of them seeking advise from each other, unrelated to *ijmā'*. All the claims of *ijmā'* on issues are only when the companions hold views separately, not aware of the others or views that are known of them without any of them actively seeking to establish a firm agreement.

Thirdly, the number of *ṣaḥābah* in one case of *ijmā'* is very limited. There is no such thing as the *ṣaḥābah* calling the people around them or the

whole town to agree on an issue. If they would have been burdened by Allah to come to an agreement which did not exist before the passing of the Messenger of Allah, it would never be difficult for them to easily announce it everywhere, as that view would have been from the revelation in that case and Allah has protected the revelation. As we know that it is not from Allah, this never happened and none of them ever said, "We are ordered from Allah to come to an agreement."

Fourthly their corrupt view leads them to the saying that Allah did not preserve the religion through the Messenger of Allah and needs non-*ma'ṣūmīn* (fallible men) after the passing of the Messenger of Allah, by burdening them to come to an agreement after the opposite view was additionally being practiced.

Fifthly, according to them Allah burdens non-*ma'ṣūmīn* after the passing of the Prophet ﷺ to start gathering on an issue. We are certain that nothing other than the words of Allah and the Prophet ﷺ are preserved, exactly as Allah had said. From the most evident indications that none of such an agreement is a certainty that it is from the Prophet ﷺ is that none of the *ṣaḥābah* ever uttered, "Allah ordered us to gather on an agreement to affirm that it is what the Prophet ﷺ ordered, prohibited or permitted."

Sixthly, there are many narrations from *ṣaḥābah* inquiring each other if their view is from the Messenger of Allah or not ﷺ. If it would be the case that their own views without them ever attributing it to the Prophet, is from the Prophet ﷺ while they did not attribute to Prophet ﷺ then they would not ask each other if they got it from Prophet ﷺ. Seventhly, the *ṣaḥābah* taught everything they knew from the Messenger of Allah ﷺ, by ascribing it to the Prophet ﷺ, as Allah has without any doubt preserved the Religion and the *ṣaḥābah* know the danger of hiding any knowledge from the Prophet ﷺ, it is then from the most false beliefs to assume that anything they do not ascribe to Prophet ﷺ while it is from the Prophet ﷺ, such an obligation that their *ijmā'* means that it is from *waḥī* must require a text from Allah and his Messenger ﷺ which does not exist.

And lastly, what is more deserving to be said regarding their claim, "Because of the reason there is *ijmā' sukūtī* we know it is from the Prophet," Is: Because of the reason we know there is no authentic texts from the Prophet ﷺ regarding this *ijmā' sukūtī* we know that it is not from the Prophet.

And everything we mentioned just before applies here as well. All praise be to Allah, there is no power or strength except by Allah. The Most High, the Most Great.

The Verses Regarding Inheritance

They mention the verse, “If it is a man that dies leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance” [4:176]. They say, “You say that inheritance is only after debts and after bequests, and this is not in the verse, you only say this based from *qiyās* drawn of the rulings of other verses about inheritance.

The answer: This is a grave mistake, we do not affirm inheritance after bequests and debts because of *qiyās*, but rather, it is explicitly from texts. The Prophet ﷺ would attend funerals and inquire if the one that passed away had unpaid debts, if the answer was ‘Yes,’ he would inquire if there is anyone that pays it off for him. If the answer was ‘No,’ he would order praying for the deceased but he himself would not. [37]

And the Prophet ﷺ said that everything from the martyr is forgiven except his debts. [38]

And the Prophet ﷺ also said, “Your brother is detained (from entering *jannah*) by his debt, so pay it off for him.” [39]

And the Prophet ﷺ also in general ordered *waṣiyyah* of one third, and we know that a debt by default after the passing is the property of the creditors, so it belongs to them first and after that the remaining property is used for *waṣiyyah* and then inheritance, the Prophet ﷺ said, “You give one third, which is still a lot. To leave your heirs rich is better than to leave them poor and begging from people.” [40]

So the Prophet ﷺ made inheritance for everyone and did not specify it for the brother, sister or others. So it is established by necessity that there is no inheritance for anyone except after the debts are paid off and then the bequest is carried out, so the falsehood of their claims have become clear.

We then reverse the question mentioned against them and say: If you apply the principle of *qiyās*, on the verse of *kalālah* based from *qiyās* on the remaining inheritance rulings then you commit yourself to the obligation of providing food as *kaffārah* for unintentional killing, when the offender is incapable of fasting or freeing a slave, derived from the rulings of *dhihār* and those who engage in sexual relations during the daytime of *ramaḍān*.

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[37] Sunan Abi dawud 3343
[38] Sahih Muslim 1886
[39] Musnad Ahmad 33/310, 20124
[40] Sahih Al-Bukhari 1295

Do not make a difference between these two matters, as Allah as mentioned in both verses freeing a slave and then fasting two consecutive months. Then in one of these cases, Allāh explicitly mentions the requirement of giving food, apply then on the *maskūt* here, the ruling which is mentioned in the other, especially since you have already done such a *qiyās* on the *maskūt* from of freeing a slave for *dhihār* to obliging it as as there are texts for obliging it for killing unintentionally. This is the exact same, then what makes this *qiyās* more deserving of the ruling than the *qiyās* of feeding as a compensation for fasting applied for killing unintentionally and is instead false. If it were only for the amount of contradiction and confusion, we seek refuge in Allah from being deserted.

The Verses Regarding Twenty Muslims Against Two Hundred Infidels

They say, “The verses about two hundred Muslims winning against two hundred infidels is abrogated because of the *qiyās* that one hundred Muslims can win against one thousand infidels. Allāh the Most Exalted says, ‘If there are from you one hundred [who are] steadfast, they will overcome two hundred. And if there are among you a thousand, they will overcome two thousand by permission of Allāh. And Allāh is with the steadfast’ [8:66]. And He says, ‘If there are among you twenty [who are] steadfast, they will overcome two hundred. And if there are among you one hundred [who are steadfast], they will overcome a thousand of those who have disbelieved.’” [8:65]

The answer: This is false because there is no *ijmā’* on this, and there is also no clarification of the abrogation. It is not permissible for any Muslim to declare that a verse or narration is abrogated unless supported by other authentic textual evidence. This is because obedience to Allāh and His Messenger is obligatory, and abrogation involves replacing one obligation with another. Claiming abrogation without evidence is tantamount to ascribing falsehood to the Messenger of Allah ﷺ, which is without doubt rejected. The only valid way for an abrogation to be established is through authentic textual evidence; otherwise, the person making such a claim is falsely attributing falsehood. However, if there is no evidence for them, their view is false and mistaken, but they are excused for their *ijtihād* if they genuinely sought the truth.

The verses only indicates the obligation to advance towards the polytheists in war and indicates that once engaged in battle, it is impermissible for any of us to flee from any polytheist on the face of the Earth, except in the case of strategic planning or joining another group of Muslims. The verses clarify that if we remain patient, even one hundred of us can prevail against two hundred. This doesn't imply that a smaller or larger group than one hundred cannot prevail against a larger force like ten thousand. As Allāh the Most Exalted says, “And when Saul went forth with the soldiers, he said, ‘Indeed, Allāh will be testing you with a river. So whoever drinks from it is not of me, and whoever does not taste it is indeed of me, excepting one who takes [from it] in the hollow of his hand. But they drank from it, except a [very] few of them. Then when he had crossed it along with those who believed with him, they said, ‘There is no power for

us today against Goliath and his soldiers. But those who were certain that they would meet Allāh said, ‘How many a small company has overcome a large company by permission of Allāh. And Allāh is with the patient’” [2:249].

This indicates how Allāh supports those among us who display patience, regardless of our numerical strength. The verse that mentions a hundred of us prevailing against two hundred represents just a portion of our potential, much like the verse that indicates a hundred of us can overcome a thousand. Both of these instances are not exhaustive demonstrations of our capabilities with Allah’s permission, as any numerical scenario is attainable, as emphasized in the preceding verse where Allāh the Most Exalted said, “They said, ‘There is no power for us today against Goliath and his soldiers. But those who were certain that they would meet Allāh said, ‘How many a small company has overcome a large company by permission of Allāh. And Allāh is with the patient’’” [2:249]. Allāh did not specify in this verse a specific number that can defeat a specific number, but made it completely general.

They say, “What is then the significance of Allāh repeatedly mentioning the specific numbers defeating a larger force?”

We say: The significance of this repetition holds numerous and profound benefits. Among them is the reward one gains from reciting these verses, firmly believing in their divine origin from Allāh, and reflecting upon the exalted might of Allāh. This repetition is no different from Allah’s recounting of the story of Musa in various places in the Qur’ān, with some passages offering more detailed narratives while others provide similar details. It's akin to Allah’s mention of blessings like prayers, grapes, and date-palms, and even His repetition of the verse. So which of the favors of your Lord would you deny thirty one times in *sūrah al-raḥmān*. Inquiries into the reasons behind Allah’s choices are only raised by individuals who question His existence, but as long as we recognize that Allāh sometimes delivers general statements followed by more specific explanations, no one must delve further into questioning His wisdom. And Allah is the source of strength.

The Verses Regarding The Angels' Usage Of *Qiyās* Before The Cursed Iblis

Some of them also claim that the angels used *qiyās* before Iblis, the cursed. Because of the verse, "And (remember) when your Lord said to the angels, 'Verily, I am going to place (mankind) generations after generations on earth.' They said, 'Will You place therein those who will make mischief therein and shed blood, while we glorify You with praises and thanks and sanctify You.' He (Allāh) said, 'I know that which you do not know'" [2:30].

The answer: even if the angels used *qiyās*, there is no evidence in this to use *qiyās* in *aḥkām*, and it instead would then invalidate *qiyās.* The angels never used a *qiyās* to attribute it to the *aḥkām* of the religion. It is possible to ask based on an event that occurred previously, and none of that is *qiyās*. They never affirmed their question, Allah also said regarding the angels as mentioned previously that they never act except if they are ordered to, which invalidates everything from *qiyas*.

And if this should mean *qiyās* of their method then Allāh rejected it from them clearly, as Allāh said to them directly after they used *qiyās*, "I know that which you do not know." Later the angels said, "Glory be to You! We have no knowledge except what You have taught us. You are truly the All-Knowing, All-Wise" [2:32]. So this in reality invalidates *qiyās* clearly if it should indicate any *qiyās*. Their words are also not from our *sharī'ah*, it is not allowed to follow the *sharī'ah* of the Prophets of before. Allah, the Most Exalted said, "To each among you, We have prescribed a law and a clear way" [5:4]. And Allah is the source of strength.

The Verses Regarding Hunting

They mention the verse, “O you who believe, do not kill game when you are in *iḥram* (state of consecration for *ḥajj* or ‘*umrah*). If someone from among you kills it deliberately, then compensation (will be required) from cattle equal to what one has killed, adjudged by two upright men among you” [5:95].

This verse, the verse of *i’tibār* and the verse where Allāh says, “We said, ‘Strike him (the dead man) with a piece of it (the cow). Thus Allāh brings the dead to life’” [2:73] are among the matters adherents to *qiyās* use as an evidence for *qiyās* the most and none of them is in reality an evidence for them.

When it comes to the verse related to hunting, we find it quite peculiar to use it as evidence for drawing conclusions through *qiyās*. This verse alone neither commands the use of *qiyās* nor negates it altogether. *Qiyās* would only be applicable if someone attempted to extend this ruling to situations beyond *ḥajj* and ‘*umrah*, such as obligating compensation for the killing of someone's cattle. Even if we were to consider this as a form of *qiyās*, it would imply that all *qiyās* is valid only when judged by two upright men among us, as the same verse mentions attaches the ruling with, “With two upright men from among you judging it” [5:95]. They differ on this verse, a minority of them even say that a *qiyās* is only valid if two fair-minded men judge it as we mentioned in the chapter regarding the conditions of *qiyās*. Others such as Abu Hanifa weakend using these verses as an evidence for *qiyās* in the religion. [41]

A case from this issue could only ever be *qiyās* if they would say, “Just as we are ordered to recompense from the same animal when we kill what is prohibited to kill during *iḥram*, it is then also obligatory because of that reason to recompense an animal we kill outside *iḥram*, if that animal is in the ownership of someone.”

There is in the verse nothing other than that the compensation must be the same as what was hunted from cattle. This is something that we do not and cannot reject. Everything in the world resembles each other in some of their attributes. What we only reject is *qiyās*, which is to actually create rulings for issues which is not covered by the Qur’ān and the *sunnah* of the Messenger ﷺ or *ijmā’* the same ruling as what is covered because of some

[41] Hujjiyat Ul-Qiyas Wal-Radd ‘Ala Al-Mukhalifin pg 17

similarity between them. In this verse, it is very clear, even to someone with a modicum of comprehension, that Allah does not order us to make rulings. Let alone Him ordering to make rulings on issues which he did not mention in the revelation the same ruling as what he did mention in His revelation due to a similarity between the two. And Allah is the source of strength.

The Verses Regarding *Tayammum*

They mention the verse, “And [if you] find no water, then seek clean earth” [4:43]. And and the verse, “And a believing slave [is] to be freed. And whoever does not find one must fast for two consecutive months” [4:92]. They say, “You used *qiyās* regarding the one who finds or has money, that they then must buy water for ablution, if they can not find water you do not allow *tayammum* before they have tried to buy it with their own money. You do the exact same for freeing a slave and for fasting.”

The answer: This is a false understanding, because Allāh uses the word, “*yajid*,’ this indicates any resource that can be used to free a slave is acceptable. As long as any resource is available, it exempts a person from fasting. This applies for the *kaffārah* for someone who has intercourse during the daytimes of *ramaḍān*.

Regarding *tayammum* for those without water but with the means to purchase it, then it is the exact same, Allāh the Almighty said regarding it, “*tajidū*,” *wujūd* here is the same as before that anything must be used to get it which includes money as well. Except that the one who does not have water or can not find it does not have to buy water for ablution or *ghusl*, the price of the water does not matter and even if the water is bought then ablution or *ghusl* from it remains invalid and *tayammum* becomes obligatory with no other option. He has to buy it if the seller gives it without price. If he asks it for ablution then it must become his, if he gives it to him for ablution then he does ablution with it. The Messenger of Allah ﷺ prohibited selling water. It is narrated on the authority of Iyas Ibn Abd Al-Muzani, “Do not sell water, for I heard the Messengers of Allah ﷺ forbidding the sale of water.” [42] As for buying water, for having no other choice, or being unable to find any water except that it is being sold, or being forced to buy it. Then it is permissible to drink such water, to use it for ablution and *ghusl* as there is no other way. As it is permissible in such a case then *tayammum* becomes also invalid in such cases.

The Prophet ﷺ prohibited the sale of water, and this prohibition extends to buying water. Acquiring water through such means is obtaining it by false means. If water is obtained through false means, the person who purchases it does not have valid ownership over that water, and using water that one does not own is not permissible. Allāh the Most Exalted says, “Do not

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[42] Al-Musannaf by Ibn Abi Shaybah 4/351, 20948

consume one another's property unjustly." In situations where water cannot be found except through means involving actions that are by default prohibited like theft or unauthorized selling, the obligation arises to purchase the water out of necessity and the fear of not finding any alternative water source. If there is enough water left after consumption, performing ablution with it is also permissible. When one is compelled to purchase water due to a lack of alternatives or the unavailability of any water source except through purchase, or if one is forced to use such water, it becomes permissible to do so. As water is permissible for use in that case, ablution must be performed with it, and there is no need for *tayammum*, *tayammum* becomes also invalid. The wealth acquired by selling such water is false, as the seller takes without right and sells what the Prophet ﷺ explicitly prohibited, so he must have give it for free. A person in such a position is in a situation akin to someone forced to consume carrion or swine when they have no other food available to them for survival. In dire circumstances, where sustenance is only obtainable through that specific means, purchasing it becomes a necessity for survival. The act of using money to free prisoners or combat injustice falls within the same category of extreme necessity. If the seller only asked money for the bottle with no price for the water, it is permissible to buy from it. As for asking water as a gift and giving it as a gift with no exchange for it, then that has no prohibition in it at all. Ownership from gifts is a valid right.

If, according to their understanding, this is a matter of *qiyās*, then they must adhere to the viewpoint of Al-Hasan, which entails expending ones entire wealth to gain ownership of the water required for ablution. As per this perspective, as long as a person has the means to pay for it, regardless of how expensive it may be, they are considered a *wājid* for it, and *tayammum* must not be performed as long as they can purchase it. This aligns with their stance on someone unable to find a slave to emancipate; they argue that a person remains obligated to do so as long as they can afford a slave, regardless of the price, provided they can still support their family after the purchase. In essence, they claim that apart from what is necessary to sustain their family, all of their wealth should be dedicated to freeing the slave. Therefore, to remain consistent, they must uphold the same principle for individuals who can only obtain water for ablution through purchase, lest they contradict their own viewpoint. And Allah is the source of strength.

The Verses Regarding Eating In The Houses Of The Relatives

They mention the verse, "[There is no blame] on yourselves when you eat from your [own] houses or the houses of your fathers" [24:61]. They say, "Allāh did not explicitly mention the permissibility of the father eating what he finds in the houses of the sons and daughters, so it must be considered permissible by drawing a *qiyās* from the houses of the father."

We say: The permissibility of eating what is in the houses of sons and daughters does not stem from *qiyās*. It is derived from Allāh the Almighty saying, "[There is no blame when you eat from houses] whose keys you possess" [24:61]. The Prophet ﷺ also said, "The best (most pure) food that a man eats is that which he has earned himself, and his *walad* (and his child's wealth) is part of his earning." [43] And the word *walad* encompasses both genders in Arabic.

If they base their conclusion of this on a *qiyās* drawn with the houses of the father, then they are obliged to apply the same principle and omit the *ḥadd* punishment against the son if he engages in sexual intercourse with a slave-girl owned by the father, just as they do not enforce the *ḥadd* punishment on the father if he has intercourse with a slave-girl owned by his son. If they are consistent they must treat the son and father equally in all matters related to their rights and responsibilities, just as they did with the permissibility of eating from the houses of the son. Failing to do so clearly indicates a contradiction in their argument. And is against the conditions of *qiyās*. And they are the same ones that believe an *'illah* is only valid if it is consistent as we showed in the chapter of the conditions of *qiyās*, the same applies for every other chapter. And Allah is the source of strength.

[43] Sunan Ibn Majah 2137

The Verses Regarding A Woman Showing Herself To The *Maḥārim*.

They mention the verse, “There is no blame upon them (women) concerning their fathers or their sons” [33:55]. And the verse, “And tell the believing women… Not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headcovers over their chests and not expose their adornment except to their husbands, their fathers, their husbands fathers” [24:31]. They say, “According to you this ruling encompasses all *maḥārim* who have the right to see the woman, while they are not mentioned in the verses, such as uncles and cousins. Only the husband, fathers and the father of the husband are mentioned.”

The answer: Them being included in the ruling is not based on *qiyās*. It is in line with the orders of the Prophet ﷺ, who directed Aisha to allow her uncle to visit her to see her,[44] And the Prophet ﷺ also ordered a woman to travel only with a *maḥram*.[45] So all *maḥārim* of a woman can see her. And Allah is the source of strength.

[44] Sunan Ibn Majah 1949
[45] Sahih Muslim 1338

The Verses Regarding Whom It Is Prohibited To Marry

They mention the verse, “Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your fathers sisters, your mothers sisters, your brothers daughters, your sisters daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allāh is ever Forgiving and Merciful” [4:23].

They say, “According to you this ruling encompasses a broader range of individuals, such as the daughters of sons, subsequent generations like granddaughters, great-granddaughters, and so on. You also argue for the inclusion of daughters of daughters and their descendants. You also propose extending this to grandmothers and preceding generations (her parents). You further include paternal aunts from the father's side, as well as grandfathers, maternal aunts, paternal aunts from mothers, and grandmothers, along with maternal aunts. While none of these are mentioned in the verses.

The answer: This claim is false; all of these are explicitly addressed. In the Arabic language, any offspring, whether male or female, from the lineage and descendants of sons, daughters, and their subsequent generations are collectively referred to as sons and daughters. This linguistic understanding is also indicated from the verse, “O children of Adam!” [7:26].

Both parties, us and them, are in agreement regarding the clear *ijmā’* on the prohibition of marrying certain relatives. We prohibit marriage with the mother, grandmother, whether from the father's or mothers side, and any ancestors preceding them. Marriage is also prohibited with the daughter, granddaughter, and any descendants after them, including daughters of sons and their subsequent generations. The prohibition extends to marrying a sister, daughters of brothers or sisters, and anyone descending from them. It is also forbidden to marry paternal and maternal aunts, as well as anyone preceding them in lineage. Marriage is also prohibited with the mother, grandmother, and their ancestors. Lastly, it is not permissible to marry the mother of a slave girl with whom one is allowed to engage in sexual

intercourse, nor is it allowed to marry her grandmother or any ancestors preceding them.

When Allāh said, “O children of Adam!” [7:26]. It signifies that Allāh has established us as the children of Adam, and offspring of a child are also referred to as children. Similarly, regarding grandparents and ancestors preceding them, they are also referred to as mothers and fathers, as Allāh says, “O children of Adam, ‘Do not let Satan put you in trouble the way he had your parents expelled from Paradise’” [7:27].

The grandmother is, in any possible case, either the mother of the father, the mother of the grandfather, the mother of the great-grandfather, the mother of the mother, the grandmother of the mother, or the grandmother of the grandfather. She is in any of these cases always a mother, and Allah says, “O children of Adam! Do not let Satan deceive you as he tempted your parents out of Paradise” [7:27]. And it is not allowed to marry the mother.

And the sister can be a stepdaughter from either the father's or mother's side, or from the same parents. She can also be a daughter of the daughter, daughter of the son, or have other familial connections. All of them are daughters. Allah says, “O children of Adam” [7:26]. The Messenger of Allah also said, “This is something Allah prescribed for the daughters of Adam.”[46] And it is not allowed to marry the sister.

The great-granddaughter of the brother, the daughter of the son of the brother, are all daughters of the brothers, and the granddaughter of the sister and the daughter of the son of the daughter are all daughters. And it is not allowed to marry the daughter.

The sister of the grandfather, the sister of the great-grandfather, and further relations are all paternal aunts. And it is not allowed to marry the paternal aunt.

The sister of the mother, grandmother, and great-grandmother are all maternal aunts. And it is not allowed to marry the maternal aunt.

The wife and slave girl with whom it is allowed to have intercourse are all considered his women. There is no difference of opinion in any of this.

When Allāh said, “O children of Adam! Do not let Satan put you in trouble the way he had your parents expelled from Paradise” [7:27]. This reference is not exclusive to Adam and Hawa’ alone. Rather, it encompasses any descendants resulting from the unions of brothers and sisters, as well as

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[46] Sahih al-Bukhari 5548

those from the paternal and maternal sides. Children of a person's brother are considered that child's uncle and paternal aunt, while the child is also considered the child of both the uncle and aunt. Conversely, when someone's sister has a child, that individual is known as the maternal uncle, encompassing both the sister and brother of one's parents, and the child is regarded as the child of both the uncle and aunt.

We affirm that sometimes specific names may entail distinct rulings, as stipulated explicitly by Allāh or His Messenger ﷺ. In such cases, it is not based on conjecture but rather on clear *manqūl* (change in meaning). There is also *ijmā'* that these fall within the category of those with whom marriage is prohibited (*muḥarramāṭ*).

If their claim is solely grounded in *qiyās* then they must be consistent and apply it to other aspects, such as rulings of inheritance and the obligation to provide for these relatives. However, none of them make this claim, leading to a clear contradiction in their position. While it is from their conditions that the *'illah* must be consistent, as we mentioned in the chapter on the conditions of *qiyās* to remain consistent, it is necessary for them to extend their *illah* to all relevant situations where *qiyās* is applicable, but it is very clear that they abandon this method. And Allah is the source of strength.

The Verses Regarding A Woman That Is Divorced Thrice.

They mention the verse, “And if he has divorced her [for the third time], then she is not lawful to him afterward until [after] she marries a husband other than him. And if he [the latter husband] divorces her, there is no blame upon them [i.e., the woman and her former husband] for returning to each other” [2:230]. They say, “You used *qiyās* here because you state that it is not only a divorce that allows her to return to the former husband. You also believe that if her current husband passes away or if *faskh* occurs, she can return and is allowed to marry the first husband again, provided that she had intercourse with the second husband. But what is even more contradictory from you is that at the same time, if a Muslim man divorces a *dhimmiyyah* woman three times, and she marries a *dhimmi* man and engages in intercourse, you still do not allow her to return. However, simultaneously, you make her permissible to go back to the former husband if that *dhimmi* passes away or if *faskh* between them.

The answer: We maintain our position, allowing her to return after the *dhimmi* husband's passing or after *faskh*, and we justify this stance based on compelling reasons from authentic narrations. It is narrated on the authority of Aisha said, “The wife of Rifa’ah, who is Al-Quradhi came to the Prophet ﷺ and said, ‘I was married to Rifa’ah but he divorced me thrice, making my divorce irrevocable. Afterwards I married Abdul Rahman Ibn Al-Zubair, but all he possesses is like the fringe of a garment. The Prophet ﷺ asked her whether she wanted to return to Rifa’ah. She said, ‘Yes.’ The Prophet ﷺ said, ‘You may not until Abdul Rahman and you have experienced the sweetness of intercourse with one another.’”[47]

This narration carries a more general meaning than the verse and indicates additional rulings on the issue, and additional rulings are always taken into consideration. The narration with certainty establishes that regardless of the circumstances leading to the separation of a husband and wife—whether it be due to the husbands passing away, a formal dissolution (*faskh*), or a divorce (*ṭalāq*)—if they had engaged in intercourse experiencing the sweetness, she is eligible to return to her first husband who had divorced her thrice. The termination of the marriage can occur through *faskh*, the husband's passing away, or divorce, all having the same

[47] Sahih Al-Bukhari 6084

condition: experiencing the sweetness of intercourse. The Messenger of Allah ﷺ did not differentiate between these scenarios; he regarded them equally and stipulated that the essential criterion for her return is the occurrence of intercourse. Therefore, whether it results from the husband's passing away, *faskh*, or *ṭalāq*, she retains the option to return to her former husband. Importantly, it's universally acknowledged among Muslims that the former husband has no rights over her as long as she remains in the marriage of the husband who followed him.

As for an infidel issuing a divorce, it holds no validity because all actions and statements of an infidel concerning Islamic rulings are null and void, except that which is made valid by the Prophet ﷺ. So, if an infidel or *dhimmi* utters the words of *ṭalāq*, it holds no weight and is disregarded, as there is no textual basis that allows for the possibility of *ṭalāq* for them. A *dhimmiyah*, therefore, cannot be divorced and remains in her marriage since their marriage is valid as the Prophet ﷺ validated all the marriages of the infidels. This is evident from that when the Prophet ﷺ conquered Mecca, he did not instruct the disbelievers to renew their marriages.

So what Allāh mentioned in the verse does not preclude her from returning to her former husband after the passing away of the second husband or through *faskh*, as long as intercourse took place. Allāh specifically mentions *ṭalāq*, and the Prophet ﷺ extended this to include other scenarios such as *faskh* and the husband's passing away. Anyone who understands the Qur'ān through *dalīl ul-khiṭāb* is bound by their own methodology not to permit her return except after *ṭalāq*, excluding *faskh* or the passing away of the second husband. This understanding, however, contradicts the verse's broader applicability as understood through *dalīl ul-khiṭāb*, and no supporting evidence can be found to justify such a restriction through *qiyās*.

They then mention the verse, where Allāh says, "When you marry believing women and then divorce them before you have touched them (consummated the marriage), then there is not for you any waiting period to count concerning them" [33:49]. They say, "You use *qiyās* here, because you include idolatresses also part of the ruling of the waiting period (*'iddah*)."

The answer: This is a false claim. We have previously clarified with utmost clarity that all rulings are applicable to every individual on earth, both Muslims and non-Muslims. The distinction we made earlier about the invalidity of *ṭalāq* when uttered by an infidel pertains to an individuals actions, whereas the matter under discussion pertains what does become

obliging on every single human whether Muslim or infidel. Allāh says, “And judge between them [O Prophet] by what Allāh has revealed” [5:49].

This general obligation extends to encompass every ruling, including the *‘iddah* for non-believing women, except in cases where specific exceptions are explicitly mentioned. Furthermore, there exists *ijmā’* among the entire *ummah* that the *‘iddah* for non-believing women is the same as that for Muslim women.

If there is a specific case from texts or *ijmā’* that only applies to Muslims without including non-believers, then it is exclusively applicable to Muslims. Any mention of exclusivity for Muslims is a *karāmah* that does not extend to non-believers. And Allāh the Most Exalted says, “Fight those who do not believe in Allāh and the Last Day, nor comply with what Allāh and His Messenger have forbidden, nor embrace the religion of truth from among those who were given the Scripture, until they pay the tax, willingly submitting, fully humbled” [9:29].

The obligation of *ṣaghār* (them willingly submitting, fully humbled) for them goes against *karāmah* which consists of rulings that apply exclusively to us, the Muslims. Additionally, there is *ijmā’* that the *‘iddah* after *ṭalāq* is applicable to both a Muslimah and *dhimmiyyah*. Moreover, there is unanimous agreement that this ruling is only applicable to those who have engaged in sexual intercourse.

The fundamental principle is that no one can oblige any ruling unless it is explicitly mandated by texts or *ijmā’*. Otherwise, it does not become obligatory for anyone. In light of everything mentioned, the only situation not explicitly addressed by textual sources or consensus is the case of a *dhimmiyyah* who has not engaged in sexual intercourse. In such a case, there is no *‘iddah* prescribed for her, and it is impermissible for anyone to impose it on her, as it lacks any textual evidence. Instead, for a *dhimmiyyah* in this situation, *mut’ah* (the expenses of a divorced woman due to her from her divorcing husband, other than her dowry) becomes obligatory, and she is entitled to half of the *ṣadāq* (dower) as prescribed by Allāh and His Messenger ﷺ for every divorced woman. And Allah is the source of strength.

The Verse Regarding *I'tibār*

Allāh the Most Exalted says, "He is the One who expelled the disbelievers of the People of the Book from their homes at the time of the first gathering. You did not expect that they would leave, and they deemed that their fortresses would protect them from Allāh. But Allāh came to them from where they did not expect, and cast fear in their hearts [so] they destroyed their houses by their [own] hands and the hands of the believers. So, take a lesson (*fa'tabirū*, take *i'tibār*), O people of vision. And if Allāh had not destined exile for them, He would have punished them in the world. And for them in the Hereafter is the torment of the Fire. That is because they were hostile to Allāh and His Messenger. And whoever has hostility with Allāh, then Allāh is severe in punishment" [59:2].

Many advocates of *qiyās* use the verse of *i'tibār* to indicate the validity of *qiyās*. Prominent figures who align with this belief include Al-Amidi, Al-Sarakhsi, Al-Bazdawi, Ala' Al-Din Al-Bukhari, Ibn Al-Qayyim, Al-Baji, and others. Al-Amidi said, "[As for the validity of *qiyās*] It highly depends on the verse, 'So, take a lesson (take *i'tibār*), O people of vision.' *Al-i'tibār* means moving from something to something else, which also happens in *qiyās* which is moving a ruling from the *aṣl* to the *far'*, so we know then that we are ordered to use *qiyās*."[48]

However, opinions diverge within this group. Some, like Ibn Juzay Al-Maliki, do not believe that this verse indicates *qiyās*. Ibn Juzay Al-Maliki remarked regarding the verse, "Those who affirm *qiyās* in *fiqh* use this verse to indicate *qiyās* and their *istidlāl* for it, with this verse is weak, and it deviates from the actual meaning of the verse."[49]

And Ibn Abd Al-Salam said regarding the verse, "From the (unreasonable) wonders is their *istidlāl* to indicate the validity of *qiyās* with this verse, while *i'tibār* in the verse only means to have caution and to stay away [from sin]."[50]

From the languages perspective they claim, "There is agreement from *ahl ul-lughah* that *i'tibār* is a word that encompasses similarity of a thing with something else and applying the ruling of it to that the similarity. Taking caution and pondering is only also considered *i'tibār* because what is intended with it is making the matter equal and applying the same ruling

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[48] Ihkam by Al-Amidi 4/26-27
[49] Tafsir Ibn Juzay 2/358
[50] Al-Bahr Al-Muhit Fi Usul Al-Fiqh 7/29

to what is similar to it, because otherwise no one has actually pondered and has not been cautious from the sin for what had occurred to the people of opposition who were punished, this is what is recorded from Tha'lab."[51]

They also say, "Ibn Mandhur, Ibn Faris and Abu al-'Abbas Ahmad Ibn Yahya Tha'lab who are from the scholars of the language said all regarding the verse of *i'tibār* that *fa'tabirū* in the verse means to perform *qiyās*."

The answer: The word *i'tibār*. When someone engages in *i'tibār* with the form *ifti'āl*, they derive an *'ibrah*, which essentially encapsulates the word's essence. Everything we are about to discuss, by the will of Allah, can also be inferred from the writings of Ibn Sidah, Ibn Faris, Al-Raghib, and the insights of the *mufassirīn*. However, Ibn Mandhur offers from what can assumed, a distinct perspective on the verse, he said, "The verse means, 'Contemplate on it and look what happened to Quraidhah and Al-Nadhir and use *qiyās* of what happened to them to take a lesson from the punishment that happened to them."[52]

There is no substantive evidence for their claims in the statements of Ibn Mandhur, Ibn Faris, or Abu Al-'Abbas Ahmad Ibn Yahya Tha'lab. To begin with, none of these scholars are infallible, and their statements lack evidences necessary for obligatory adherence. While at the same time there is no evidence in the words of those scholars for them, as all of them oppose the method of *qiyās* as we will clarify by the will of Allah. We will also, cite other scholars who precede them and hold contrary views to what they propose — specifically, those who argue that the verse does not indicate *qiyās*, by the will of Allah.

We disagree with Ibn Madhur's claim that the word *i'tibār* means *qiyās*. There is also a notable absence of any indication within Ibn Mandhur's discourse that aligns with the approach of those that adhere to *qiyās*. Those who believe the verse indicates their method of *qiyās* are contend that the directive to use *i'tibār* in the verse necessitates applying *qiyās* to every conceivable matter, provided it meets the stipulated conditions of *qiyās*, making *qiyās* obligatory for all rulings. Contrastingly, Ibn Mandhur limits the scope of *i'tibār* mentioned in the verse to the specific events involving Quraidha and Al-Nadhir which directly invalidates the claim of Al-Baji and others. Even if one were to understand it as *qiyās*, the verse in question does not provide a clear and comprehensive alignment with any recognized *muṣṭalāḥ* definition of *qiyās*. The linguistic definition

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[51] Al-Bahr Al-Muhit Fi Usul Al-Fiqh 7/29
[52] Lisan Al-'Arab 4/531

of *qiyās* pertains to the comparison of two similar matters, which is absolutely different from the *qiyās al-iṣṭilāḥī*, we have said it many times that we do not reject that matters are similar to each other, which does not go against *qiyās* in the language. What we only absolutely reject is giving the same ruling because of a similarity and this is something *qiyās* in the language absolutely does not mean. We clarified *qiyās al-iṣṭilāḥī* in detail before in the chapter on the conditions of *qiyās*. So there is no evidence for them in the sayings of Ibn Mandhur in any possible way and we will clarify in great detail why *i'tibār* in the first place is not related to anything to *qiyās,* by the will of Allah.

As for Ibn Faris, he said, "If you were to express, 'I have applied *i'tibār* to a situation, it suggests that you've thoroughly examined a situation, deriving a valuable *'ibrah*, meaning a lesson or warning, from it for another circumstance. When these two matters hold equal weight, it embodies *i'tibār*. Therefore, when Allāh the Most Exalted says, 'So, take a lesson, O people of vision,' it's akin to urging you to scrutinize the events, comprehend the reasons behind their punishment, and steer clear of their actions to prevent a similar punishment from befalling you."[53] Then he mentions *maqāyīs* of the language and nothing about it meaning *qiyās*, not *lughawi* and also not *iṣṭilāḥī*.

As for Abu Al-'Abbas Ahmad Ibn Yahya Tha'lab, there are a couple of significant points to address. Firstly, in response to inquiries about *i'tibār*, his explanation diverges from the established *muṣṭalāḥ* definition of *qiyās*. He doesn't delve into the topic of *qiyās*; rather, he exclusively focuses on defining the word *i'tibār* only, he also did not associate his definition of it with the verse. He does not mention anything related to the actual *qiyās* as the adherents to it believe. He also does not emphasize the necessity of matching *'ilal* as a condition for valid *qiyās*, as advocated by proponents of this concept, nor does he touch upon *ta'līl*.

He said that the one that returns the ruling of an incident to what is similar to it can be considered the one that does *i'tibar*.[54] This is something too general, there must be a limit for this general definition as the adherents to *qiyās* themselves believe *qiyās* can only actually become *qiyās* if it goes along dozens of conditions. So it is established then that he can without any doubt not mean *qiyās* specifically and exclude considering returning the ruling of an issue to its general ruling as *i'tibar*. As we know that he could

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[53] Maqayis Al-Lughah 4/210
[54] Al-Bahr Al-Muhit Fi Usul Al-Fiqh 7/28

not have meant without any doubt only *qiyās* and exclude methods which we agree upon such as returning the ruling of an issue to its general ruling from texts, we know that he said this then in general. It becomes obligatory to understand this properly without exceeding its limit.

We know with certainty that at many times an issue can have texts that it is part of a general ruling, but at the same time the issue can often be something that is similar the text, so this does not contradict declaring *qiyās* as false, because *qiyās* is an issue that is not covered by the Qur'an and *sunnah* receiving the same ruling because of a similarity between them and this similarity is unrestricted, while an issue may be part of a general ruling while may seem the same but it may also not be part of a general ruling while it is seems the same. So we only reject this definition with which applies it unrestrictedly, while we do not affirm this is the definition of *i'tibar* in the first place. Because we do not believe *i'tibār* is related to creating rulings, but even if it would be then taking *i'tibār* would be from the methods that are correct, not false such as *qiyas*.

That which indicates certainty on that which we have said here, are the words of Murtadha Al-Zubaydi, he said, "The one doing *i'tibār* is the one that uses something as an evidence to conclude something."[55]

And this is very general, which clarifies further what we said about the definition of Tha'lab before, if it would mean using something as an evidence to include it in something general it can never mean *qiyās* itself excluding the other methods which we adhere to such as making issues part of a general ruling, only if the ruling of a word encompasses the issue.

This is while we do not agree with this definition of *i'tibar* in the first place, while there is at the same time absolutely no evidence that his definitions of *i'tibar* means itself *qiyās*. We will clarify the correct definition soon by the will of Allah.

We mentioned some of those who oppose the method of *ahl ul-qiyās* on this verse. Ibn Juzay Al-Maliki said regarding the verse, "Those who affirm *qiyās* in fiqh use this verse to indicate *qiyās* and their *istidlāl* for this verse with it is weak and it deviates from the actual meaning of the verse."[56]

Ibn Abd Al-Salam said regarding the verse, "From the wonders are their Istidlal to indicate the validity of *qiyās* with this verse, while *i'tibār* in the verse only means caution and staying away [from sin]."[57]

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[55] Taj Al-'Arus 12/510
[56] Tafsir Ibn Juzay 2/358
[57] Al-Bahr Al-Muhit Fi Usul Al-Fiqh 7/29

Ibn Abi Al-Zamanayn said regarding the verse, “The order to perform *i’tibār* means to reflect (*tafakkur*).”[58]

Murtadha Al-Zubaydi said, “*I’tibār* is reflecting.”[59]

Al-Fayruzabadhi said, “The one that does i’tibar reflects.”[60]

Ahmad Mukhtar Umar said, “Someone that does *i’tibār* of death, means him reflecting on it and taking a lesson from it, [another example is] someone that does *i’tibār* of an accident that happened to his neighbor. [another example is] doing *i’tibār* of what happened to the nations before and not oneself becoming the *‘ibrah* for the nations to come after you. Allāh says, ‘So, take a lesson, O people of vision.’”[61]

And this is exactly also our view, that it is *tafakkur* and *ta’ajjub*, meaning reflecting in order to stay away from sin and to return to obedience, not at all related to making rulings oneself, Allah neve ordered us to create rulings in that verse. All of this goes according to our view that it means reflecting, not related to any *qiyās*.

Muqatil Ibn Sulayman said regarding the verse, “‘But Allāh supports with His victory whoever He wills.’ So Allāh supports whoever he wills, such as a few in number winning against a large number, ‘Indeed, that is a lesson for those of vision.’ Meaning those who reflect on the order of Allāh and [return to] obedience to him. There is a lesson for them in it and a reflection (*tafakkur*) for those of vision.”[62]

Qatadah Ibn Di’amah said regarding the verse, “‘Indeed in that is a lesson for those of vision.’ There is for them a lesson and a reflection (*tafakkur*). Allāh helps them win against the enemies.”[63]

In the last sentence of the verse Allāh orders, “*fa’tabirū*.” The *aṣl* for the word *i’tibār* is someone who passes (verb: *‘abara*) or goes through something or moves from one place to another either rapidly or slowly. That can be said regarding someone who passes through a river or a road. *‘Abrah* can be said for a flowing tear. And *‘abbara* is meant for something that someone brings out from himself, it can be a thought or anything someone wants to say and others, from that also comes *‘ibārah* with the same meaning. *‘Abbara* can also be used to mean to explain a dream, because it is

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[58] Tafsir Al-Qur’an Al-‘Aziz by Ibn Abi Zamanayn 4/366
[59] Taj Al-‘Arus 12/511
[60] Al-Qamus Al-Muhit pg. 435
[61] Mu’jam Al-Lughah Al-‘Arabiyyah Al-Mu’asirah 2/1450
[62] Tafsir Muqatil Ibn Sulayman 1/266
[63] Tafsir Al-Tabari 12/31

an act of bringing out, so a movement of the signs that a person saw in the dreams.

They say, "But *'ubūr* means passing something such as a river, and *qiyās* is passing a ruling that is mentioned from texts to something that is not covered by the texts, so the origins of *i'tibār* implies *qiyās*."

The answer: This is false because this is from the words that are *mushtarak* in meanings, like *ḍarb*, You can say *ḍirab ul-jamal*, which is a camel becoming pregnant (*sifad*), and *ḍarb* with the meaning of hurting a body, and *ḍarb* with the meaning to fasten something with a lock. And just like this, it is the same for *'abara*, If it is *'abartu al-ru'ya*, then it means that the dream got explained, and *'abartu al-nahr* means crossing it. These two then mean different things, one of them has nothing to do with the other. The *masdar* of *'abartu al-nahr* is only *'ubur* while the *masdar* of *'abartu al-ru'ya* is *'ibārah*. And that is also the *masdar* of *i'tabartu fi shay* which means reflecting upon something. Then there are other *mushtarak* meanings such as *'abrah* meaning plants which are nearby rivers and *'abraniyyah* which is the language of Banu Isra'il. And *'abīr* which is a type of perfume. So when we say *'abartu al-nahr* means crossing the river and that the meaning of *'abartu al-ru'ya* is only explaining it, it becomes apparent and known that the two are different. If a *mu'abbir* of a *ru'ya* would only cross, he would not ever be someone who clarifies the dream and would instead literally leave the dream as it only then would mean to cross. So we know then that *'ubur* is not related to *ibārah*.

As for *'ibrah*, it hinges on the significance of the lesson it imparts, it is a movement from one state to another. This transition can take various forms, such as an individual who was once neglectful becoming aware or someone ignorant gaining knowledge about a particular matter. Allāh says, "They saw them [to be] twice their [own] number by [their] eyesight. But Allāh supports with His victory whom He wills. Indeed, that is a lesson (*'ibrah*) for those of vision" [3:13]. This emphasizes that the events described can recur, for Allāh's support can manifest at any time as a valuable lesson. When something is initially concealed but later becomes evident through perception, it serves as a lesson for those with insight. Similarly Allāh says, "And indeed, for you in livestock is a lesson (*'ibrah*). We give you drink from that which is in their bellies, and for you in them are numerous benefits, and from them you eat" [23:21]. Livestock offer various insights and knowledge, such as the production of milk. Here, *'ibrah* reminds humans of the wonders within Allāh's creations. *'Ibrah* is not confined, limited, or required to be similar to anything else; instead, it

represents a transformation from a state of neglect or ignorance to one of awareness and knowledge. *'Ibrah* is then a movement that is related to moving from a neglectful or ignorant state to remembrance and knowledge. This is the view of Ibn Sidah, Ibn Faris, Al-Raghib from the scholars of the language and the words of the *mufassirīn* as we mentioned some of them previously. And it is then established that the definition we use does not contradict the definition and that in reality none of it can ever specifically mean *qiyās*.

They also use many verses other than the verse of *i'tibār* to indicate *qiyās* with those verses carrying a similar meaning with the verse of *i'tibār*. Ibn Al-Qayyim said, "As for *qiyās al-dalālah*, it is combining the *aṣl* with the *far'* with an evidence for the *'illah*, an example for that is when Allāh the Most exalted said, 'And among His signs is that you see the land inactive, Then, once We send down water thereto, it gets excited and swells. Surely, the One who has given life to it is the One who gives life to the dead. No doubt, He is powerful to do everything' [41:39]. Allāh showed his servants the giving of life which they witnessed to giving life which they (the humans) seek to distance themselves fom (death). This is a *qiyās* of giving life to another form of giving life. There in this *i'tibar* of what is similar to it And its necessary *'illah* is the general might and perfect knowledge of Allāh, and giving life to the earth is then an indication for the *'illah* which is the might and perfect knowledge of Allāh."[64]

The answer: If they derive *qiyās* from this verse, it is against *qiyās al-iṣṭilāḥī*, as they claim it is *qiyās* to draw a parallel between giving life to a dead land and giving life to a dead person. According to them, it becomes possible to have *i'tibar* between a *far'* and an *aṣl*, when they are not of the exact same thing, but while they both still fall under something general. This directly indicates what he have mentioned before. For example, the attribute of giving life in general, even though the specifics of giving life to the dead are fundamentally different from giving life to barren land. Claiming *qiyās* from this verse, therefore, is false as this situation is about nothing other than understanding *'umūm* (generality), which, in reality, does not mean *qiyas* at all, as we clarified in the chapter on the conditions of *qiyās*. This is why Al-Ghazali's argument falls short, as he was unable to provide evidence that a *far'* and *aṣl* are of the same type, while he still used *qiyās* between them because the ruling of the *aṣl* suits the *far'*. [65]

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[64] I'lam Al-Mawqi'in 1/138
[65] Shifa' Al-Ghalil pg. 118-125

Considering certain specific matters to be part of a general ruling, as long as the ruling of a word encompasses the issues it is obligatory to include it. An example of this is when something is specified in texts for a particular matter, but that specification also implies other matters that are similar to it and fall under it. In such cases, the matter can be understood as being general, either explicitly from the text itself or when viewed with the understanding from other texts. A notable example is the verse, "O you who have believed, when [the *adhān*] is called for the prayer on the day of *jumu'ah*, then proceed (*fas'aw*) to the remembrance of Allāh and leave trade" [62:9]. From this verse, it can be inferred that it encompasses abstaining from various transactions, such as selling, hiring, business, marriage, and other related matters instead of only trade which is mentioned in the verse. This inclusion is not based on *qiyās* at all. Allah's command to proceed to the remembrance of Allāh with urgency, as indicated by the imperative form *fas'aw*, and the form of *fā'* implies that no time should be wasted from the moment the call is made, except in rushing to attend the *jumu'ah* prayer. This urgency, in turn, entails refraining from all commercial activities and employment. Furthermore, Allah's subsequent mention of leave trade does not negate what was stated immediately before it.

The directive to abstain from trade after it serves as a comprehensive reminder (*ta'kīd*), encompassing all that was previously mentioned in the general order to hasten to the remembrance of Allāh and invalidates any claim permitting a delay for attending to the remembrance. This principle aligns with the examples cited by those who believe in *qiyās*; while the conclusions may resemble each other, it's not because of *qiyās*. Allāh, in His omnipotence, grants life to anything He wills in a manner of His choosing. Allāh possesses complete sovereignty over all His actions. Given this undeniable reality, there is no room for *qiyās* in any of the verses Ibn Al-Qayyim uses. No *far'* is being moved to an *aṣl*, there is the case of an *aṣl* and another *aṣl*. And there is no difference that *qiyās* is not possible from an *aṣl* to another *aṣl*. This is the same regarding the claims of *qiyās* regarding Allah's debt taking precedence over the debts of individuals; in essence, Allah's debt always precedes any debt of humankind.

Another example is when Allāh says, "And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity not unlawful sexual intercourse" [4:24]. It is evident that Allāh permits marriage with the use of wealth, but the specific amount of wealth is not delineated in the verse. And the

narrations mentioning the minimum amount of *mahr* are all weak. *Al-ḥanafiyyah* and *al-mālikiyyah* claim that the *mahr* (dower) cannot be less than four *dīnārs* of gold, which is the *niṣāb* of the one who steals whose hands are to be amputated. It is also the view of Malik. They say the private parts are a body part which become permissible through an unknown amount of property. And that the hand is also a body part and that it becomes allowed to amputate it, but by a known amount of property, this *qiyās* is mentioned by Abu Bakr Al-Jassas and he concurs with such a *qiyās*.[66]

We say: The property mentioned in the verse is not unknown; rather, it is a general concept, and its quantity is elucidated by the *sunan*, which affirm that it can be of any amount. It is impossible to infer from the verse, "So, take a lesson! O people of vision," that we are compelled to use such *qiyās* or any *qiyās*. This is all false because the property which Allāh mentioned is not something unknown, it is instead something known and something general, its amount is clarified by the *sunan* and it can be concluded that any amount is sufficient. There is not a single reason to use the amount of the one who steals which makes his hand become allowed, it is not an atoms weight more false than using it for the amount of where someone's back becomes allowed to lash when he sips *khamr* and the amount of it does not equal an atom's weight. This false approach fails to provide any sound basis for permitting one's private parts to be amputated earlier than the back. They use the *'illah* of body part here, then according to their method they can also use the back as the back is a body part which is more near to the private parts than the hands are and use that amount. What also indicates the falsehood of their approach is that neither the back nor the private parts are subject to amputation, whereas the hands are.

Another example is when Allāh says, "But once they are sheltered in marriage, if they should commit adultery, then for them is half the punishment for free [unmarried] women" [4:25]. *Al-qā'isūn* take the *ḥadd* of slave girls as an *'ibrah*. And have concluded terrible conclusions because of that. Taking the method of *qiyās* while seeing it as an *'ibrah* is the same as saying: It is not Allowed for a slave to have any more than two wives. Some of them even say, "Their menstruation period for *īlā'* is two months." And others say that the *'iddah* of a slave girl is two menstruation periods and that

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[66] Ahkam Al-Qur'an 2/140
Tafsir Al-Qurtubi 5/127-128

the *'iddah* from the passing away of the husband is two months and five days.

They also say that a slave has two *ṭalāqs* and that fasting for the slave for *dhihār* is one month. There would be no issue if any of these would be concluded from what can clearly be understood from general authentic text, but this does not exist for these issues. The only issue is when these are concluded from *qiyās* only, such as claiming these rulings based on *qiyās* from the *ḥadd* of the slave for *zinā*. We say to them: Your method implies the obligation on you to affirm that the prayer of a slave is only two *rak'ahs* only, that his fasting is only half of *ramaḍān*, that *wuḍū'* for him only requires half of the body parts and that *ghusl* for him is only half of his body. If you do not affirm these matters then you abandon your method as *qiyās* according to your own conditions must be consistent and that otherwise the *qiyās* is false, as we clarified in the chapter on the conditions of *qiyās*. They oblige *qiyās* that the *ḥadd* is half on a slave girl, but they do not differ that the *ḥadd* of the slave girl for stealing is the same as a free person. There is also not a single trace of evidence for the claim that the *'iddah* of the slave girl must be half that of a free person because of *qiyās* from the *ḥadd* of *zinā*. While they also do not use that *qiyās* for the *ḥadd* of stealing, and while these rulings are all from *ḥudūd* and *'iddah* being totally unrelated to *ḥudūd*. It is also necessary for them to use *qiyās* on the *'iddah* of the slave girl from *ṭalāq*, passing away, while they do not differ that their *'iddah* on all of that even if she is pregnant is exactly the same as the free woman. They use *qiyās* on the former but neglect it on all these matters. If *qiyās* would ever be true, then *qiyās* on the *'iddah* of passing away and *ṭalāq* on the *'iddah* of passing away would be more deserving of the ruling, than *qiyās* that the *'iddah* should be because of the *ḥadd* of *zinā*. And in this exact same manner there are dozens of rulings based on *qiyās*, where they abandon their own conditions they made for *qiyās*. These rulings based on *qiyās* invalidate the other rulings, contradict it and is never consistent, while it is from their own conditions.

It is now evident that in cases where there is no explicit evidence from the Qur'ān and the *sunnah* that directly covers the *far'* with the precise ruling of the *aṣl* as we previously elucidated using the example of the verse concerning the urgency of proceeding to the remembrance of Allāh, any claims made of them regarding *i'tibār* has become false and invalid. Indeed, such a claim cannot truly be considered *i'tibār* even if it were claimed to be. In essence, it would amount to conflating distinct rulings merely because they share a resemblance, a false approach that anyone could make up.

Allāh vehemently rejected this method when disbelievers attempted to equate *ribā* with trade through *qiyās*, when they endeavored to liken prophets to ordinary humans through *qiyās*, or when they sought to draw parallels between carrion (*maitah*) and other lawful forms of slaughtering through *qiyās*. Even Iblis himself resorted to *qiyās* and also besides *qiyās* he was also the first one to ever make use of *ta'līl*.

Allāh says, "They say, 'Trade and *ribā* are certainly the same'" [2:275]. An infidel sees *ribā* only as a price to gain profit from, it is according to them then the same as any sales. The disbelievers perceived *ribā* as merely a means to profit, categorizing it as a form of trade. This perception, though fundamentally false, is no less fallacious than many of the *ṭashbīhāt* that the adherents of *qiyās* use.

The disbelievers argued for the permissibility of consuming carrion (*maitah*) by drawing an *i'tibār*, suggesting that it is no different from any other form of slaughtering since both are a death, and fall under that general sense. They argued that the sole distinction lay in the fact that *maitah* is killed by Allāh, whereas others are killed by people. Allāh says, "And do not eat of that upon which the name of Allāh has not been mentioned, for indeed, it is sin. And indeed do the devils inspire their allies [among men] to dispute with you. And if you obey them [by making *maitah* permissible], then you would indeed be infidels" [6:121]. Ibn Abbas said regarding the Ayah, "The infidels argued with the Muslims and said to the Muslims, 'How can you not eat what Allāh kills, but you do eat what you yourselves kill, while you follow the command of Allāh [as Allāh let the animal die]?' Then the verse was revealed. This is also narrated authentically from Mujahid, Qatadah, Al-Suddi, Al-Dhahhak and 'Ikrimah.

The disbelievers consistently raised objections and denied the prophethood of the Prophet ﷺ, primarily because they claimed he was a mere human, similar to themselves. They questioned how something could be revealed to the Prophet ﷺ something that was not revealed to others. Allāh says, "The disbelieving chiefs of his people said, 'We see you only as a human being like ourselves, and we see that no one follows you except the lowliest among us, who do so ˹hastily˺ without thinking. We do not see anything that makes ˹all of˺ you any better than us. In fact, we think you are liars'" [11:27]. And Allāh says, "They said, 'You are nothing but human beings like us, and the All-Merciful did not send down anything; you are only lying'" [36:15]. If the act of comparing two distinct matters were to hold the same implications as *i'tibār*, according to the method used by those who advocate for *qiyās*, then the Messenger of Allah ﷺ would have engaged

in it and further expounded upon it. However, the Prophet ﷺ did not ever resort to such comparisons. When he was asked about *zakāh* concerning donkeys, he did not engage in *i'tibār* by drawing a parallel with camels, horses, or cows. Abu Hurairah said, "The Messenger of Allah ﷺ spoke about treasure and *zakāh* on camels, cattle, horses, and weight. Then the Prophet ﷺ was asked about donkeys and he replied, 'Nothing has been revealed to me regarding donkeys except this comprehensive verse which includes everything, 'So whoever does good equal to the weight of an atom shall see it; and whoever does evil equal to the weight of an atom shall see it.'"[67]

If any other method would be possible to be used after the Qur'ān and the *sunan* of the Prophet ﷺ. Then the Prophet ﷺ would have made use of it and taught it in the greatest of details and all of its conditions. He would have also ruled donkeys the same in ruling because of it being similar to cattle, camels and cows.

Al-qā'isūn claim that *i'tibār* or *qiyās* is false when two matters are completely similar, and that at most, there should only be an affirmative connection between them. By leaving out some similarity. However, *qā'isūn* firmly hold that this affirmative connection can be established based solely on assumptions. These assumptions do not raise a *mustanbaṭ* ruling to be from Qur'ān and *sunnah*.

The essence of *i'tibār*, as previously mentioned, is a means of drawing an *'ibrah*, which is essentially a lesson, from which someone can reflect and return to obedience to Allah, as we clarified earlier. A concept can exhibit a resemblance to another, prompting one to draw connections. However, if this means moving from one ruling (*ḥukm*) to another ruling, it becomes an act driven by desires. Such a leap opens the door to the potential for shifting between various rulings and their opposites, solely based on similarities from one angle, even if substantial differences exist from other perspectives.

Correct *i'tibār* entails movement but is not related to rulings (a*ḥkām*). For instance, it involves moving from a state of neglect and ignorance to one of remembrance and knowledge, as we previously clarified. *I'tibār* can also serve as remembrance of the rulings without necessitating the creation of new rulings. For example, if a man is witnessed intentionally killing someone, and *qiṣāṣ* (retaliation) is decreed upon him, it can be appropriate to say to someone known for theft if they are present, "Take *i'tibār* (a lesson/warning) from this." In this context, it serves as a reminder for them

[67] Sahih Al-Bukhari 4963

to avoid falling into sin and does not imply that the thief must be sentenced to death, which would be the case if he performed *qiyās* instead of *i'tibār*, that would mean creating rulings. Because know that *qiyās* is creating rulings while we know with certainty that *i'tibār* in of itself does not mean creating rulings. We also clarified that before in detail that *i'tibār* would still not imply *qiyās* if it would mean creating new rulings.

It is from the most false claims that when Allāh orders us to perform *i'tibār* that that should mean an order to us to create *aḥkām*. Therefore, the *mu'tabir* (one who draws lessons by moving from ignorance to remembrance) in this scenario is not a judge or a jurist continually deducing legal rulings; rather, it refers to the person who committed a transgression and should reflect upon it to return to obedience, or anyone that reflects on any incidents and returns through that to obedience. This becomes even more evident when Allāh the Most Exalted said, "And you know about those among you who broke the Sabbath, whereupon We said to them, 'Be apes!, living in disgrace. Thus, We made it a deterrent for those who were present and those [who will be] after them and a lesson for the God-fearing'" [2:65-66]. And Allāh also says, "So, when they provoked Our anger, We took vengeance on them, and drowned them all together, and made them a people of the past, and an example for the later generations" [43:55]. These punishments serve as exemplary lessons for both those who witnessed them and those who will come after, serving as a warning to the righteous to be vigilant and avoid disobedience to Allāh to escape punishment. And it does not imply that the punishments themselves are of the same type, such as transforming individuals into apes or drowning. Instead, *i'tibār* signifies that a believer must exercise caution to prevent falling into neglect of Allāh's commands and, subsequently, facing punishment. Allāh has the prerogative to choose the form of punishment as He wills.

They say, "There is no doubt that Allāh chooses what he wills. But when Allāh punishes everyone who does an act of those who had transgressed regarding Sabbath by making them apes and punished everyone who did the act of Fir'awn and his soldiers by drowning them then that is according to the *sunnah* of Allāh and his justice. And it is not rejected that there is in the *'ilm* of Allāh other punishments fit which he did not choose. Such is the case for *fiqh*, wherever an *'illah* is found of a ruling then it is from justice and goes according to the *sunnah* of Allāh to repeat the same ruling by using the *'illah* which we know and it is not prevented of there existing in the *'ilm* of Allāh other rulings fit for that *'illah* which we

do not know. And this is exactly what *i'tibār* then is, to repeat rulings whenever the *'illah* is found to match a case to repeat that ruling."

We say: The repetition of rulings with their *'illah* is something which is not rejected but with conditions, and if these conditions are fulfilled it is never *qiyās*. A ruling with its *'illah* is not repeated except for one reason only, this is when a ruling occurs because of a certain reason, Allāh the Most Exalted says, "As for a man or woman who commits theft, cut off the hands" [5:38].]. Here, the *'illah* is theft under established conditions, and the resultant ruling is hand amputation. When this particular act of theft recurs, the corresponding ruling of hand amputation, under the established conditions, is reiterated. It is impossible to extend this ruling to cases of murder, fornication, or alcohol consumption by claiming the applicability of *i'tibār*. This transgression is worse than thes claim made by infidels equating *ribā* with general sales, based on their use of *i'tibār*.

We only allow a ruling to be repeated with its *'illah* in this manner only. As for using an *'illah* that is mentioned by the text (*manṣūṣah*) and using that *'illah* for issues other than where Allah and His Messenger placed that *'illah*, this is from the most false methods. This is an issue we will clarify in detail in the chapters on the falsehood of *'ilal* by the will of Allah.

So repetition of rulings with an *'illah* are false in a manner other than we have mentioned because there is not a single trace of evidence to use *'ilal* in such a manner. Such a method is ascribing lies to Allah and His Messenger.

Moving any ruling to an issue not substantiated by Qur'ān and *sunnah* is false. Drawing parallels between two matters holds little significance, as the world is replete with resemblances among diverse entities, everything resembles each other in some aspect. Claiming that such resemblance serves as a valid *'illah* for *ta'līl* (making lawful) or *i'tibār*, to draw *qiyās* is false; it amounts to mere conjecture to consider resemblance as a valid basis. We provided examples, such as likening *ribā* to ordinary sales or likening carrion to slaughtered meat, regarding prophets the same as other human beings. This is *qiyās* the infidels reached with that method, and we also mentioned similar *aqyisah* of the *fuqahā'*.

So it is false to use an *'illah* found in any text to formulate new ruling, which is the method of *qiyās*. While it is acceptable to believe that one case bears some resemblance to another case, even if they do not align under the same ruling or within the general understanding derived from the Qur'ān and the *sunnah*, if there are two similar cases, it must be known that the ruling of the second case merely shares similarity in certain aspects with the

first case. While it is not exactly similar to the first ruling but merely exhibits similarity from a specific perspective. This is like everything else in the world as everything resembles each other in a certain aspect.

According to some of those who believe in *qiyās* a *far'* becomes the exact same thing as the *aṣl* after the *far'* moved to the *aṣl* and that before the movement of the ruling that it is something completely different. They concur that there is only some similarity between the *aṣl* and the *far'* just as there are many differences between them. There is no doubt that the *aṣl* is something completely different than the *far'*, no matter the amount of similarities between them, otherwise that *far'* would be an *aṣl*. There is no order to create the same rulings for issues because of the reason of a similarity, as we are not ordered this *qiyās* is nothing but a transgression. The claim that the *far'* becomes the exact same only after moving it to the *aṣl* is a matter false such that simply mentioning it suffices. What indicates the falsehood of this are the words of Allah the Most exalted, "Or they say, 'He (the Prophet) forged it (the Qur'ān). Say, 'Then produce ten forged *surahs* like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!'" [11:13]. Reflect on how any creature fails this challenge which includes the challenge of bringing any size like it as indicated when Allāh said, "Let them then produce anything like it." No creature is able to produce anything of any size like it. All of them agree that *qiyās* is separate from Qur'ān and also they claim that the *furū'* of issues are to be the same ruling as the *uṣūl* from Qur'ān and *sunnah*. So they try to bring something like it and they are not able to as no creature is able to. They also believe in *istinbāṭ* that has no relation to any text which is the *manhaj* of those who believe in *qiyās* regarding *'ilal*. There is clear evidence in this in restricting knowledge only to revelation (*nuṣūṣ*) only.

Some of them believe that Ibn Abbas used *i'tibār* in a manner similar to how those who use *qiyās* use it. This pertains to the issue of *diyah* (blood money) for teeth. We will clarify this specifically in a separate chapter, by the will of Allah.

What is sufficient to know regarding that narration is that *Qiyās* according to those who believe in it is to return the matter what has been differed on, which is a *far'* that has *ikhtilāf* to an aṣl that has *ijmā'*, as mentioned in the chapter on the conditions of *qiyās*. And there is not on the fingers and also not on the teeth *ijmā'*, there is instead very apparent *ikhtilāf* on this issue. *Mufāḍalah* of the *diyah* of the fingers and teeth is narrated from Umar while at the same time it is also narrated that the *diyah* of the fingers is all the same and from others as well that it is all the same. It

becomes invalid according to their own conditions here to return the matter to *ikhtilāf* . It is from the worst of falsehoods to believe that Ibn Abbas would narrate authentically from the Prophet ﷺ himself that the *diyah* of the fingers and teeth are the same and then continue afterwards to give a *fatwah* based upon *qiyās*. The fact that what he said was the exact same ruling as the words of the Messenger of Allah, indicates that when he said that he was aware of the narration.

What is more deserving regarding the narration of Ibn Abbas is that he meant, "*Qiyās* being invalid to be applied for the *diyah* of the fingers is an *'ibrah* that indicates the falsehood of applying it also for the *diyah* of the teeth." This is the approach and understanding that is more likely, it is establishing a similarity based from an ambiguous matter that can not encompass a specific ruling this is what those who believe n qiyas falsely do, it is establishing a method of ruling from which the limits are not known, except with revelation. This is like when Allah said, "He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life, so perhaps you will be mindful" [7:57]. And when He said, "And it is Allāh Who sends the winds, which then stir up ˹vapour, forming˺ clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection" [35:9]. The *'ibrah* of producing fruits and giving life to land is that: just as Allāh is able to give life to a land and produce fruits, he is also able to give life to the dead and resurrect them for reckoning and he is the only one able of doing that in general. The *'ibrah* here is not that rulings of giving life to the dead and the resurrection are only known because of the *i'tibār* of the rulings of Allāh giving life to lands and producing fruits, which is what those who believe *qiyās* do here and use this method for *fiqh*.

If their approach were to be applied here, it would equate to use *qiyās* and considering that the process of giving life to dead human bodies must be approached in the same manner as the annual cycle of growth that plants have and decay seen in lands, as observed in farming. Or considering the resurrection to have four stages just as that is the case for lands gaining life in the verses of *sūrah al-fāṭir*. Which is by sending the winds, which then stir up vapour forming clouds, and then driven to lifeless lands. Or considering making any rulings the same as any of the rulings of giving life to land with giving life to the dead because of them sharing some sort of similarity. There is no doubt that moving these rulings in these manners is not done by any *'ālim* while this is their exact method, and if they would do

it as it is necessary on them because of it being their method then they are the ones who are the most ignorant of *i'tibār*.

None of those who serve as linguistic authorities in the language in which the Qur'ān is revealed have ever equated *i'tibār* with *qiyās al-iṣṭilāḥī*. Allāh ordered us nothing more than to have *tafakkur*, which is reflecting His might and the result of those who disobey which is punishment. As Allāh said regarding the story of the brothers of Yusuf ﷺ, "There was certainly in their stories a lesson (*'ibrah*) for those of understanding" [12:111]. If the verse of *i'tibār* would ever indicate *qiyās* as the fourth source of evidence in the religion according to them, then they are compelled to apply it for the story of Yusuf ﷺ as well, which they will never apply as it will contradict their method.

In the initial part of the verse about *i'tibār*, Allāh conveys that He displaces the disbelievers among the People of the Book from their positions. Both the believers and the disbelievers never anticipated this occurrence. So, it is affirmed by Allah's words that His revelation diverges from what anyone expects. While *qiyās*, on the other hand is nothing but that which aligns with the expectations of the presumptive.

For instance, their expectations regarding the *'illah* of *ribā* differ: *Al-ḥanafiyyah* claim its based on weight, *al-mālikiyyah* argue its to store, and *al-shāfi'iyyah* claim its related to food. All these are inaccurate assumptions and fundamentally contradictory. It is therefore only accurate to believe that Allah's rulings align differently with peoples expectations. So it is obligatory to restrict our understanding to the words of Allāh and His Messenger ﷺ alone, rather than relying on any *qiyās*. Which is other than their words without any difference.

Allāh the Most Exalted said, "And Allāh is the One who sends the winds, then they raise up the clouds, then We drive them to a dead land and revive the land through them after its death. In a similar way shall be the resurrection" [7:57]. If we were to understand this as *qiyās*, it would imply that everyone who has passed away would be resurrected every year, just as the earth rejuvenates. And no one with the least amount of intellect can ever understand that when Allāh says, "So, take a lesson, O people of vision," that it signifies the prohibition of selling five hundred forty-four grams of oak nuts for one thousand eighty-eight grams of oak nuts. They only use a deceptive method of twisting words, assigning incorrect meanings to correct ones in order to justify their falsehood. Allāh says, "They are not but [mere] names you have named them you and your forefathers for which Allāh has sent down no evidence. They follow not except assumption and what [their]

souls desire, and there has already come to them from their Lord guidance" [53:23]. Allāh invalidates any naming that lacks evidence in religion, whether derived from language or established texts. Anything else is void and baseless. When Allāh speaks about the story of Yusuf ﷺ, He only urges us to reflect on His supreme might in creating the heavens and earth and the consequences faced by the disobedient and to return to obedience. Allāh says regarding the story of Yusuf ﷺ, "There was certainly in their stories a lesson (*'ibrah*) for those of understanding" [12:111].

The method they use, misplacing words, is akin to a livestock trader naming his animals after cities and then takes an oath by Allāh that, "These animals came yesterday from so and so city," in a deceitful manner, while he only named them after the cities. *Ahl ul-qiyās* use the exact same method when they label *i'tibār* as *qiyās*. We ask them in which language did they find anything they claim about *qiyās*. We question them: In which language did you discover anything supporting your claims about *i'tibār* being *qiyās al-iṣṭilāḥī*? Allāh dismisses all your methods when referring to Yusuf's ﷺ story, "There was certainly in their stories a lesson (*'ibrah*) for those of understanding" [12:111]. How can anyone deduce *qiyās* from this? According to their false method, it becomes necessary, through *qiyās*, to sell our own brothers just as Yusuf's ﷺ brothers sold him. Do they believe that anyone sold by their own brothers will become a ruler of Egypt?

And when Allāh says, "They destroyed their houses by their [own] hands and the hands of the believers. So, take a lesson, O people of vision" [59:2], their method imply that we, due to *qiyās*, must destroy our own homes with our hands and the hands of others, because Allāh instructs us to reflect on the destruction of the houses of the Jews by their own hands and those of others? Or when Allāh the Most Exalted says, "And verily! In the cattle, there is a lesson for you. We give you to drink of that which is in their bellies, from between excretions and blood, pure milk; palatable to the drinkers" [16:66]. Can anyone with a modicum of intellect claim that the lesson here is *qiyās*, and the meaning of the verse is, "Verily in the cattle there is *qiyās* for you." Clearly, this verse invalidates *qiyās*. When Allāh mentions that grapes are used for *ḥarām khabīth* intoxication, they still remain permissible as a means of sustenance simultaneously, despite being the same substance. This declares the claim that two seemingly similar things must have the same ruling due to their similarity which is *qiyās*, as false.

An *'ibrah*, then, serves as a means for reflect and a pathway towards obedience to Allāh alone only. This is a concept that can be easily grasped by even women and children, as well as the laypeople.

If they mention the verse, "And these examples We site for people, and no one understands them except the knowledgeable ones" [29:43]. And the verse, "He is the One who sends the winds carrying good news before His blessings, until when they lift up the heavy clouds, We drive them to a dead land, then there We pour down the water, then, with it We bring forth of all the fruits. This is how We bring forth all the dead, so that you may observe advice" [7:57].

The answer: *qiyās* according to them entails either obligating, prohibiting, or permitting an issue based on the *'illah* (rationale) behind the obligation, prohibition or permission in another ruling. Then the concept of Allāh reviving the dead cannot be deduced through *qiyās* from His act of giving life to barren lands. Because with this belief there is only two options for them with no third to it: First, they would have to claim that they are obligated to use *qiyās* for every single matter that comes into existence and that they oblige the believe that, "This thing is based on *qiyās* from Allāh moving heavy clouds, causing rain, and bringing forth fruits." With this they oblige the belief that everything other than that is only the way it is because of *qiyās* and affirm this as the reason for the *qiyās* as the fourth source of evidence in the religion. While none of them ever believe this and have never said anything like this.

Or secondly, they believe that Allāh Himself uses *qiyās* to create everything that exists, because of the reason that Allāh moved heavy clouds and let it pour down the water and brought forth all the fruits. Which is from the most false of falsehoods to believe which does not occur in the minds of no one with even a modicum of intelligence. Since none of them ever believe this and have never uttered any of it. It becomes known that they admit and understand very clearly and very apparently and believe like we do that Allāh is in general able to do anything and cause anything and his will and might are not related to any *qiyās*. Allāh never said that he uses *qiyās* and it cannot be inferred from the revelation ever for the existence of *qiyās*. Him capable of giving life, if it would mean *qiyās* then it implies attributing a defect for Allah and ascribing a falsehood to him which he did not tell us about himself. Because the one that says this essentially claims that Allah only gives life or is able to give life only because of the reason he gave life to the other. This is something that Allah has never said about himself, it is not allowed for anyone to affirm it. And there is no *'illah* and

also not *far'* because they concur that giving life for the resurrection is without any doubt an *aṣl* and that giving life to a land is also an *aṣl*, because both of these and everything else are created by Allah and Allah is able to create them and cause it. So it is not possible for any of these to become a *far'*, otherwise it would mean that a *far'* is uncreated and this is from the most false beliefs. They are themselves as we mentioned before the ones that claim that the *'illah* is the might of Allah the Most Exalted and that he is in general able to create anything.

Allāh the Most Exalted says, "Have they not traveled through the earth and seen how was the fate of those who used to be before them … And there was no one to save them from Allāh" [47:10-11]. There is in this evidence that the *i'tibār* which we are ordered to, is not the *i'tibār* from those who use *qiyās*. This verse clarifies that *i'tibār* is nothing more than remembrance for the *mu'min* by which he becomes fearful of Allāh, the fear which saves a person from the punishment of Allāh by returning to obedience by repentance. The ones who do not know this much have not looked and have not reflected at the destruction of the nations before such as Nuh, 'Ad, Thamud and others

Allāh the Most Exalted says, "You passed by the ruins of those ˹destroyed peoples˺ who had wronged themselves. It was made clear to you how We dealt with them, and We gave you ˹many˺ examples" [14:45]. And Allāh says, "Indeed, We have made this ˹Qur'ān˺ easy in your own language ˹O Prophet˺ so perhaps they will be mindful" [44:58]. And He says, "You have been sent˺ as a mercy from your Lord to warn a people to whom no warner has come before you, so perhaps they may be mindful" [28:46]. And He says, "Have they not seen how many ˹disbelieving˺ peoples We destroyed before them? We had made them more established in the land than you. We sent down abundant rain for them and made rivers flow at their feet. Then We destroyed them for their sins and replaced them with other peoples" [6:6]. And He says, "And We do not send the signs except to warn, and to make them afraid (of destruction)" [17:59].

We say: *i'tibār* is not *mujāwazah* and instead only *itti'adh*, which is reflecting to take a lesson from, for many reasons. We mentioned many of them and among others are that: Firstly, *mujāwazah* is not the *iṣṭilāḥī* definition of *qiyās*. Secondly, everyone that has evidence for a matter, makes it clear (does *'abbara*) from the evidence to conclude the ruling with that evidence. *i'tibār* is then a word that is general, as it has more definitions as more things can be an evidence that leads to a concluding ruling such as using what the *'aql* as evidence or the sayings, orders or actions of the

Messenger of Allah ﷺ or *barā'ah al-aṣliyyah* and many other methods from *uṣūl ul-fiqh*. And all these evidences are different from each other. And it is false to specify *qiyās* only one from these numerous sources. It is then only allowed to affirm the correct methods which excludes *qiyās*. If the mere meaning of *i'tibār* only is used then it only means all those types of evidences which we already believe is valid, restricting everything to the revelation, which is the texts only, and that leaves out any *qiyās*. So it is impossible to specify one source as they claim, meaning *qiyās* and leaving the others sources of evidence. If that would be the case then every other sources of evidence are not *i'tibār*, which they themselves reject.

They say, "*Mujāwazah* (moving) also means taking a lesson, because as long as a person does not conclude evidence from something he sees to something else he has not taken a lesson."

We say: Not only did we clarify that taking a lesson has nothing to do with *qiyās* itself, but also *mujāwazah* itself does not mean to take a lesson not from the language and also not from the *shar'* and also not the *'aql*. If someone reflects at the creation of Allāh he takes a lesson from it only and he is not described doing *mujāwazah*. Not only that but *mujāwazah* also has nothing to do with *qiyās*, if it would be according to their false definition then every single *'ubūr* (movement) would mean *qiyās* which none of them follow such as a flowing tear, or crossing a place or explaining a dream

They say, "But Allāh, the Most Exalted says, 'Indeed, Allāh does not shy away from setting forth any examples, even of a mosquito or anything above it. So as for those who have attained faith—they know that it is the truth from their Lord. But as for those who disbelieve—they say, 'What did Allāh mean with this example?' He misguides many thereby and He guides many thereby, but He does not misguide thereby except the defiantly disobedient' [2:26]. So Allāh who is the best of giving examples, the Creator of everything who is free from any *jahl* and deficiency gives an example, so it must be permissible then for us to do this as well."

We say: Not only does giving examples have nothing to do with the *iṣṭilāḥī qiyās* but if Allāh, who is the best of giving examples, creator of everything puts forth, free from any *jahl* and any deficiency an example, it does not imply that it is allowed for us to start creating rulings, the same as he brings forward rulings because we are not free from deficiency and we are not ordered to do it, and instead prohibited because it is attributing to the religion of Allah what is not part of it. This is sufficient to understand that examples alone are not *qiyās* and we will clarify the examples put forth by Allah and His Messenger specifically in the next chapter, by the will of

Allah. We can never be certain of the correctness of anything except if it is from what Allāh has revealed His Messenger ﷺ.

The verses they cite is against them not for them as there is rejection in it for questioning the actions of Allāh and *ta'līl* is part of *qiyās* which is questioning the actions of Allāh. Allāh also prohibits us from putting forth any examples before Allāh and his religion Allāh, the Most Exalted said, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74]. And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48]. And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17]. And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!'" [11:13]. And He says, "Or do they say, 'He (the Prophet) has forged it (the Qur'ān)?' Nay! They believe not! Let them then produce anything like it, if what they are truthful" [52:33-34]. Reflect on how any creature fails this challenge which includes the challenge of bringing any size like it as indicated when Allāh said, "Let them then produce anything like it." No creature is able to produce anything of any size like it. All of them agree that *qiyās* is separate from Qur'ān and also they claim that the *furū'* (plural of *far'*) of issues are to be the same ruling as the *uṣūl* (plural of *aṣl*) which is everything from Qur'ān and *sunnah*. So they try to bring something like it and they are not able to as no creature is able to. They also created *istinbāṭ* that has no relation to any text which is the *manhaj* of *al-Qa'isīn on al-'illah*. There is clear evidence in this in restricting knowledge only to revelation.

Also What makes it even more evident that *i'tibār* is only reflecting, is the saying of Allāh, "We will show them Our signs in the horizons and within themselves until it becomes clear to them that it is the truth. But is it not sufficient concerning your Lord that He is, over all things, a Witness?" [41:53]. And the saying of Allah, "Then is he who knows that what has been revealed to you from your Lord is the truth like one who is blind? They will only be reminded who are people of understanding" [13:19]. And Allāh says, "And these examples We present to the people, but none will understand them except those of knowledge" [29:43]. Nothing other than our view can be understood from these verses, as everything else implies falsehood as clarified in detail.

They also claim that the following verse is an indication for *qiyās* and that it is related to *i'tibār*, "Allāh says, 'And ˹one day˺ the King said, 'I dreamt of seven fat cows eaten up by seven skinny ones; and seven green ears of grain and ˹seven˺ others dry. O chiefs! Tell me the meaning of my dream if you can interpret dreams'" [12:43].

This is not possible, what is mentioned in the verse is firstly not related to *i'tibār* but *'ibārah*. And *'ibārah* according to *ahl ul-lughah* only means *bayān*, and that is clarification for something. It can be said, "This speech is an *ibārah* for this," which means that it is clarification for that speech. And a person can do *i'tibār* of someone with the meaning that he gets clarification from him on a certain matter. There is no place for the meaning that it means to give a ruling to something which is not mentioned from texts.

They say, "But *'ubūr* means passing something such as a river, and *qiyās* is then passing a ruling that is mentioned from texts to cases that are not mentioned."

The answer: This is false, we clarified before that this is from the words that are *mushtarak* in meanings, like *ḍarb*, You can say *ḍirab ul-jamal*, which is a camel becoming pregnant (*sifad*), and *ḍarb* with the meaning of hurting a body, and *ḍarb* with the meaning to fasten something with a lock. And just like this, it is the same for *'abara*, If it is *'abartu al-ru'ya*, then it means that the dream got explained, and *'abartu al-nahr* means crossing it. These two then mean different things, one of them has nothing to do with the other. The *masdar* of *'abartu al-nahr* is only *'ubur* while the *masdar* of *'abartu al-ru'ya* is *'ibārah*. And that is also the *masdar* of *i'tabartu fi shay* which means reflecting upon something. Then there are other *mushtarak* meanings such as *'abrah* meaning plants which are nearby rivers and *'abraniyyah* which is the language of Banu Isra'il. And *'abīr* which is a type of perfume. So when we say *'abartu al-nahr* means crossing the river and that the meaning of *'abartu al-ru'ya* is only explaining it, it becomes apparent and known that the two are different. If a *mu'abbir* of a *ru'ya* would only cross, he would not ever be someone who clarifies the dream and would instead literally leave the dream as it only then would mean to cross. So we know then that *'ubur* is not related to *ibārah*.

Allāh, the Most Exalted says, "They want to blow out the Light of Allāh with their mouths, and Allāh rejects everything short of making His light perfect, no matter how the disbelievers may hate it" [9:32].

If they claim, "When Allāh orderd in the verse of *i'tibār* using *qiyās* in general for everything."

The answer: This is false. We clarified before that *i'tibār* is only moving from a state of ignorance to a state of remembrance to avoid consequences and to return to obedience to Allāh as clarified in the greatest of details.

This is also without any doubt limited to where Allāh placed the limit himself. Allāh says, "These are the limits (Rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229]. Allāh never allowed ever transgressing where he put the limit and never burdened creating rulings ourself.

If they say, "We accept that *i'tibār* means *tafakkur* but *i'tibār* must lead to knowledge and that knowledge without any doubt is regarding the rulings of the religion. That is why Allāh mentioned the verses about putting forth examples. If it would not lead to knowledge of the rulings of the religion, then there would remain no meaning in the order to perform *i'tibār* and there would be no meaning in *tafakkur* as you claim."

The answer: We clarified many times that *i'tibār* is nothing other than moving from a state of ignorance to a state of remembrance to return to obedience to Allāh, no Muslim can deny that this is knowledge. And Allāh says, "These are the limits (rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229]. Your method is directly transgressing the limits set by Allāh, Allāh never burdened us to create rulings from ourselves. And we clarified in great detail why it is not possible for *qiyās* to be that specified method by which one can attain "knowledge" which you claim, you clearly forsake other methods that could lead to that "knowledge," choosing only one of the various methods while abandoning others false and full of contradiction. What is the truth is that the method from which we attain "Knowledge" is without any doubt the revelation only, taking from the general orders by default, the apparent rulings, forsaking the words uttered by anyone other than Allah and His Messenger.

Abd Al-Aziz Al-Harbi said regarding the claims of *ahl ul-qiyās* regarding the verse of *i'tibār*, "What the verse indicates, is not this [false] meaning (their claims), because *i'tibār* means taking a lesson and a lesson is anything that serves to warn, this is the reason many of the *muḥaqqiqīn* did not see this a valid *istidlāl* for *qiyās*, as it is not correct for the composition of the words (in the verse) to be, 'They destroyed their houses with their hands and the hands of the Muslims, so perform *qiyās* from the issue of corn to the ruling of wheat.' If that would be the case then it would be a weak composition, Allah is far exalted from that, this is what Al-Razi said in *al-*

maḥṣūl. And Ibn Juzay said, 'Their *istidlāl* (for *qiyās*) using this verse is weak, departs from the meaning of the verse.' And Al-Shawkani said, 'The conclusion is that this verse does not indicate *qiyās al-shar'i*, not through correspondence, nor deduction and also not through implication. Whoever excessively occupies himself with *istidlāl* using this verse for such purposes has occupied the space with what is of no benefit beneath it.'"[68]

And in this manner all of their claims are cleared out. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

[68] Al-Khulasah Fi Usul Al-Fiqh 'Ala Minhaj Ahl Al-Dhahir pg. 93 | Irshad Al-Fuhul 2/97

The Verses Regarding The Examples Put Forth By Allah

They mention the verse, “Have they not travelled through the earth, and seen what was the end of those before them? Allâh destroyed them completely, and a similar (fate awaits) the disbelievers” [47:10].

They say, “Allah told us that the ruling of a thing must be that which is similar to it. Everywhere Allah ordered us to travel, it indicates *i’tibār* and to be cautious from falling into what the ones that are mentioned in the verses fell into. This is why Allah ordered those of vision to have *i’tibār* from that which happened to those who belied. If it would not be the case that the ruling of a thing must be that which is similar to it, *i’tibār* would not be possible. They are the *aṣl*, we are the *far’*, the *‘illah* is sins and the *ḥukm* is the destruction.”

The answer: Claiming *qiyās* here is a lie attributed to Allah the Most Exalted because it implies that the only reason we will be punished by Allah is because of the reason those before us were punished and that we would not be punished if they would not be punished. This is something Allah has not said about himself so it is not allowed to affirm this about him. It is impossible for them to be the *aṣl* and us to be the *far’* as we know with certainty from other texts that Allah will punish for sins in general as he wills, not because of the reason the nations before us were punished for their sins. This verse and all other similar verses oblige nothing other than reflecting to return to obedience to Allah only.

They also mention the verse, “Verily, the likeness of Jesus before Allâh is the likeness of Adam. He created him from dust, then (He) said to him, ‘Be!’ - and he was” [3:59].

They say, “Allah told us that Jesus is the same as Adam so they both have similarities. How can the existence of Jesus without a father be criticized by one who acknowledges the existence of Adam without a father or mother? And the existence of Eve without a mother?”

The answer: This is from the greatest evidences that invalidate *qiyās*, because Allah did not because of that similarity make them the same in ruling nor reveal similar rulings, He instead revealed to both of them a complete different *sharī’ah*. Allah says, “To each of you, We have prescribed a law and a clear way” [5:48]. Because *qiyās* is a ruling because of a similarity and Allah did not because of that similarity make them the

same. Allah mentioned and made a similarity as He willed. Allah mentioned no *'illah*, there is also no *aṣl* and no *far'*.

They also mention the verse, "Have they not seen how many a generation before them We have destroyed whom We had established on the earth such as We have not established you? And We poured out on them rain from the sky in abundance, and made the rivers flow under them. Yet We destroyed them for their sins, and We created after them other generations" [6:6].

They say, "So He mentioned, glorified be He, the destruction of the generations before us, and clarified that it was because of *qiyās*, which is their sins. They are the *aṣl* and we are the *far'*, and the sins are the *'illah*, and the judgment is the destruction. This is purely *qiyās al-'illah*, and He, glorified be He, confirmed it with a precedent, which is that those before us were stronger than us, so their strength and severity did not protect them from what befell them."

They also mention the verse, "Like those before you: they were mightier than you in power, and more abundant in wealth and children. They had enjoyed their portion (awhile), so enjoy your portion (awhile) as those before you enjoyed their portion (awhile); and you indulged in play and pastime (and in telling lies against Allah and His Messenger) as they indulged in play and pastime. Such are they whose deeds are in vain in this world and in the Hereafter. Such are they who are the losers" [9:69].

They say, "The intended meaning is that He, glorified be He, associated them with them in the warning, and made them equal in it as they were equal in actions. And them being stronger than them in strength and had more wealth and children, was not an effective difference, and the effect that made no difference was ignored. Then he pointed out that their participation in actions necessitated their participation in the punishment as he said, 'So enjoy your portion (awhile) as those before you enjoyed their portion (awhile); and you indulged in play.' That is the effective *'illah* and, 'Such are they whose deeds are in vain in this world and in the Hereafter.' Is the ruling. Those who were in the past are the *aṣl* and the ones that are addressed are the *far'*, so it is established that a ruling of a thing is that which is similar to it."

They also mention the verse, "Has not the story reached them of those before them? - The people of Nuh, 'Ad, and Thamud, the people of Ibrahim, the dwellers of Madyan and the cities overthrown; to them came their Messengers with clear proofs. So it was not Allah Who wronged them, but they used to wrong themselves." [9:70].

They say, “Notice the correctness of his *qiyās*. The *aṣl* and the *far’* have been associated with the punishment and he ascertained with an example of something more deserving than the remaining, which is the severity and abundance of wealth and children. It is not difficult in any way for Allah to punish the strongest ones among them for their sin, then how could it be of any difficulty to punish those lower than them?”

They also mention the verse, “Nay, they have belied the knowledge whereof they could not comprehend and what has not yet been fulfilled (i.e. their punishment). Thus those before them did belie. Then see what was the end of the *dhālimūn* (polytheists and wrong-doers)!” [10:39].

They say, “So he told us that those before us belied are an *aṣl* from who we must take *i‘tibār* and *far’* is us, as we associates them in meaning he also associates them in the ruling which is the punishment.”

The answer: This is from the exact same claims as just before, the claim that we are the *far’* and they the *aṣl* is a false claim. They do not differ that Allah did not begin the punishment for sins because of the reason this exact nation sinned. He, instead punishes everyone in general for sins however He wills. As this is the case without any possible way for disagreement, it is established that Allah did not initiate punishing mankind for sins only because of the reason a nation began to sin, but because of sins in general, claiming otherwise is a lie attributed to Allah as it is something he has not said about himself. There is no indication in this verse and the ones before except reflecting to abstain from sins.

The one who claims this is *qiyās* has no idea what *qiyās* is. It is very evident that this is not *qiyās*, because we do not reject the possibility of a similarity between matters, this is not *qiyās*. What we do reject is *qiyās*, which is creating rulings for issues that have no texts for them from the words of Allah and His Messenger because of the reason they have the same *‘illah*. There is no *aṣl,* no *far’*, no *‘illah* and no *ḥukm* stated in any of this.

They are asked: Assume there is a person that is known to shoot vicious animals because they attack. The second vicious animal that he killed, was it only because of the reason the first vicious animal attacked or is it because this person shoots vicious animals in general because they attack? No one with a modicum amount of comprehension would say, “He did *qiyās* and shot the second vicious animal because of the first one was only not because he shoots vicious animals that attack in general.” So If we were to then ask them: Did Allah use *qiyās* or did he not use *qiyās*? They would not differ that He the Almighty did not use *qiyās* and do this because of *qiyās*. Claiming this is *qiyās* implies that *qiyās* is possible from an *aṣl* to another

aṣl as all of it is already from the words of Allah and His Messenger, they do not differ that this is impossible. As they concur that this is impossible, it is established that Allah and His Messenger also never indicated that we must create rulings for new issues that are not covered by the Qur'an and *sunnah*, and that it is not possible to deduct *qiyās* from their words because all of it is moving an *aṣl* to another *aṣl*, while *qiyās* is moving a *far'* to an *aṣl*. As this is also established we know with certainty that when Allah tells us that he punishes nations, that he does not do it again with other nations only because of the reason one nation sinned nor the previous, but that he does it in general and this invalidates all of their claims because it is impossible then for that to be *qiyās*, according to their own conditions as we clarified in the chapter regarding the conditions of *qiyās*. The same answer applies to all other similar verses where they claim *qiyās*

They also mention the vese, "Indeed, We have sent to you a Messenger as a witness upon you just as We sent to Fir'awn a messenger. But Fir'awn disobeyed the messenger, so We seized him with a ruinous seizure [73:15-16].

They say, "So he the Most Exalted told us he sent a Messenger just as he sent Musa to Fir'awn and that Fir'awn disobeyed the Messenger and that he was seized with a ruinous seize for that. The ones that disobey Muhammad receive the same ruling as him."

The answer: There is nothing in this verse other than that the Messenger was sent and that one was sent to Fir'awn, and that Fir'awn disobeyed the Messenger and that he was for that seized with a ruinous seizure. Allah did not ever say that because of the reason Musa was disobeyed that those who disobey Muhammad receive the same ruling. Otherwise those who disobeyed the Prophets before Musa would not be punished, so we know with certainty that punishments for disobedience is general as Allah wills. Allah did not say that he sent a Messenger because of the reason Musa was sent to Fir'awn. There is no *aṣl*, no *far'* and also no *'illah*.

They also mention the verse, "And among His Signs (in this), that you see the earth barren; but when We send down water (rain) to it, it is stirred to life and growth (of vegetations). Verily, He Who gives it life, surely, is Able to give life to the dead (on the Day of Resurrection). Indeed He is Able to do all things" [41:39].

They say, "Allah indicated by him giving life which they witness, the giving of life which they seek to distance themselves from (resurrection after death). This is a *qiyās* from giving life to another giving life. It is *i'tibār* of a thing with that which it is similar with. The implied *'illah* is the

general ability of Allah the Most Exalted and His perfect Wisdom, giving life to a land is the evidence for the *'illah*."

They also mention the verse, "He brings out the living from the dead, and brings out the dead from the living. And He revives the earth after its death. And thus shall you be brought out (resurrected)" [30:19].

They say, "He indicated the same ruling due to it being similar. He associated them, they shall be brought out the earth just as the living comes from the dead and the dead from the living."

The answer: The claims that these verses are about *qiyās* are all false. Because Allah did not say that he will give life to the dead on the Day of Resurrection because of the reason he is able to give life to a barren land. There is only mention in it that Allah, the Most Exalted, who is able to do anything, is able to give life to a barren land and is able to give life to the dead on the Day of Resurrection. Claiming this is *qiyās* is nothing but attributing a lie to Allah, because the one that says that claims Allah can only give life to the dead on the Day of Resurrection because of the reason he gave life to a dead land. We ask them: Do you accept that Allah gives life on the day of resurrection only because of the reason he can give life to a dead land? If they say, 'Yes.' They have ascribed a lie to Allah, and if they say, 'No.' They have returned to the truth. None of them in reality accept that this is the reason or that he does this from this *aṣl*. This verse instead invalidates *qiyās* because Allah did not because of that make them the same in ruling, because the dead brought out from the living, the living brought out from the dead and the revival of the earth after its death have without any doubt all different rulings, and none of them have one ruling which they are the same in because of this example.

This correct understanding , which is not allowed to be opposed also applies to the verse, "Does man think that he will be left neglected. Was he not been a sperm from semen emitted? Then he was a clinging clot, then [Allāh] created [his form] and proportioned [him]. And made of him two sexes, male and female. Is not that [Creator] Able to give life to the dead" [75:36-40].

And the verse, "And it is He Who sends the winds as heralds of glad tidings, going before His Mercy (rain). Till when they have carried a heavy-laden cloud, We drive it to a land that is dead, then We cause water (rain) to descend thereon. Then We produce every kind of fruit therewith. Similarly, We shall raise up the dead, so that you may remember or take heed. The vegetation of a good land comes forth (easily) by the Permission of its Lord;

and that which is bad, brings forth nothing but (a little) with difficulty. Thus do We explain variously the *āyāt* for a people who are grateful" [7:57-58].

They claim similarly as before, "So He informed us that there are two kinds of giving life: one based from *i'tibār* and *qiyās* from the other. Then He mentioned another *qiyās* that from the earth good vegetation comes forth when watered by His permission, while there are lands that produce nothing except what is bitter, meaning little benefit from it. So when rain falls upon it, it does not produce what the good land produces. So, He likened the revelation sent down from the sky to the hearts with the water that brings forth life, both for this and that. And He likened the hearts to the land, as it is the place of actions just as the land is the place of plants. And indeed, the heart that does not benefit from the revelation, does not purify through it, and does not believe in it is like the land that does not benefit from the rain and does not produce its plants except a little, which is of no use. And the heart that believes in the revelation, purifies through it, and acts upon it is like the land that brings forth its vegetation through the rain. So when the believer hears the Qur'ān, reflects upon it, and ponders over it, its effect is evident on him. He is likened to the good land that is irrigated and fertilized, and the impact of the rain on it is good, so it produces from every noble kind. And turning away from the revelation is the opposite."

They also mention the verse, "O mankind! If you are in doubt about the Resurrection, then verily We have created you from dust, then from a *nuṭfah* (mixed drops of male and female sexual discharge i.e. the offspring of Adam), then from a clot (a piece of thick coagulated blood) then from a little lump of flesh - some formed and some unformed (as in the case of miscarriage) - that We may make (it) clear to you (i.e. to show you Our Power and Ability to do what We will). And We cause whom We will to remain in the wombs for an appointed term, then We bring you out as infants, then (give you growth) that you may reach your age of full strength. And among you there is he who dies (young), and among you there is he who is brought back to the miserable old age, so that he knows nothing after having known. And you see the earth barren, but when We send down water (rain) on it, it is stirred (to life), and it swells and puts forth every lovely kind (of growth)"

They say, "If you are in doubt about the resurrection, then surely you are not in doubt about being created. You are not in doubt about the transition from one state to another until death. And the resurrection that you have been promised is similar to the first creation. They are similar in possibility and occurrence. Your return after death is a new creation, just

like the first creation which you do not doubt. So, how can you deny one of these creations while witnessing that which is similar to it? Indeed, Allah the Most Exalted has reiterated and elaborated on this meaning in His book with the most concise expressions, the clearest evidence, the most eloquent speech, the firmest basis for excuse, and the strongest argument."

And they mention the verse, Then tell Me (about) the (human) semen that you emit. Is it you who create it, or are We the Creator? We have decreed death to you all, and We are not outstripped, To transfigure you and create you in (forms) that you know not. And indeed, you have already known the first form of creation: why then do you not remember (or take heed)?" [56:58-62].

They say, "He indicated using the first form of creation, the second one, if they would they heed they would know that there is no difference between them."

And they mention the verse, "Do they not see that Allāh, who created the heavens and earth, is [the one] Able to create the likes of them? And He has appointed for them a term, about which there is no doubt. But the wrongdoers refuse except disbelief" [17:99].

They say, "What is meant is that Allah indicated using the creation on the heavens and earth the resurrection and affirmed this *qiyās* in a manner of *al-awla*. Which is that the creation of the heavens and earth is greater than the creation of mankind, so the one that is able to create what is greater than you is most able to create you. The first creation is not any more difficult for him than the resurrection. So the deniers of the resurrection will not deny it except by simply rejecting Allah and His messengers, and by attempting to limit His power and attributing His actions to deficiency, and by casting doubt on His wisdom. Therefore, Allah, exalted be He, informs us that whoever denies this is an infidel. As Allah says, 'Say, 'Travel in the land and see how (Allah) originated the creation, and then Allah will bring forth the creation of the Hereafter'' [29:20]. And He says, 'Do you disbelieve in Him Who created you out of dust then out of mixed semen drops of male and female discharge, then fashioned you into a man?' [18:37]. And He says, 'He brings out the living from the dead, and brings out the dead from the living. And He revives the earth after its death. And thus shall you be brought out (resurrected)'" [30:19].

And they mention the verse, "And (remember) the Day when We shall roll up the heaven like a scroll rolled up for books. As We began the first creation, We shall repeat it" [21:104].

They say, 'The ruling of a thing is that which is similar to it."

And they mention the verse, “So let man see from what he is created! He is created from a water gushing forth, Proceeding from between the backbone and the ribs. Verily, (Allah) is Able to bring him back (to life)! The Day when all the secrets will be examined” [86:5-9].

And the verse, “Then let man look at his food: We pour forth water in abundance. And We split the earth in clefts. And We cause therein the grain to grow, And grapes and clover plants And olives and date-palms, And gardens dense with many trees, And fruits and herbage” [80:24-31].

They say, “So He, glorified be He, made the similarity of bringing out his food from the earth as evidence to bringing him out after his death, a ruling based from a similarity.”

The answer: The exact same answer applies for these cases. As clarified before, claiming Allah used *qiyās* here is a lie attributed to him, it implies that he only will give life on the Day of Resurrection because he is able to proportion mankind, this is something He, the Most Exalted has never said about himself. There is then no *far’* returned to an *aṣl*. If they claim that the day of Resurrection is the *far’*, Then this *far’* is returned to multiple *aṣl*’s such as to giving life to a barren land, proportioning mankind. And also if they affirm that these are the *aṣl*’s to which this exact *far’* is returned to, then it implies according to them that if Allah would not put forth the examples of giving life to a barren land, or about proportioning mankind that he would not have given life on the day of Resurrection.

Allah instead put forth the example however he willed, and the examples put forth by Allah are the absolute truth. There is nothing in these verses other than reflecting in order to return to obedience to Allah only, without any order for us to create rulings ourselves. There is no composition more false than that any of these mean the order to draw *qiyās* from the issue of corn to the ruling of wheat.

What is not rejected without any doubt is that a creation can indicate something, if it is exactly as Allah has said. Allah is in general able to create anything however He wills. Even if Allah had told us that he will give life to the dead on the day of Resurrection because of the reason he gave life to mankind the first time, this would then *qiyās*. We do not reject that rulings can have reasons, just as here the reason of the Day of Judgment would have a reason. What we only reject is moving that reason to where it is not mentioned to create another ruling, such as if someone would say, “Because of this reason there is a third Day of Judgment.” This is something impossible and is apostasy without any doubt, while that would be only possible through *qiyās*. And if these verses would indicate *qiyās* then the

creation would be repeated a third time and a fourth time, and this belief is apostasy without any doubt, from their own conditions is that an *'illah* must be consistent, if they claim these verses are *qiyās* then it implies that they belief the creation is repeated a third time, fourth time and so on. This is something none of them belief in reality which clearly indicates them forsaking *qiyās*. And as they do not belief in this, these verses in reality invalidate *qiyās* because Allah did not for that reason say that he will repeat the creation a third time and a fourth time.

If these verses would be *qiyās*, and they concur that the Day of Judgment is the *aṣl* as they claim and the food a *far'*, then the rulings of food would be applied to the Day of Judgment. It is impossible for any of these verses to be *qiyās* because not a single ruling in the first place and the second on the Day of Judgment are made similar because of the reason of these examples without any differnece of opinion, and a claim of such is a claim without knowledge and a lie attributed to Allah, the Most Exalted.

And also these verses all invalidate *qiyās* because the rulings of the first life and the life on the Day of Judgment are completely different such as that there is after that Day eternity, while this without any doubt not in the first life.

If verses such as, "The likeness of the two parties is as the blind and the deaf and the seer and the hearer. Are they equal when compared? Will you not then take heed?" [11:24] would ever indicate *qiyās*, then every blind and deaf would take the rulings of the infidels, which is something that no one has ever uttered before, we know that as Allah did not make them the same in ruling because of this example, that Allah has in reality invalidated *qiyās*, as this is what *qiyās* is and he never ordered its implications here and also not in any of the verses they mentioned before.

We do not ever reject that everything in the world resembles something in at least one aspect, none of a similarity alone is related to *qiyās*, something is only *qiyās* when because of a similarity a ruling is made the same. Allah the Most Exalted did not clarify in it the forty conditions for a valid *qiyās*, he also did not indicate its permissibility and also did not order it, there is no other possibility, this is the truth which no one is allowed to oppose.

This correct understanding applies also for the verse, "And that He creates the pairs, male and female, From *nuṭfah* (drops of semen - male and female discharges) when it is emitted" [53:45-46]. And the verse, "Until, when they have carried heavy rain clouds, We drive them to a dead land and We send down rain therein and bring forth thereby [some] of all the fruits.

Thus will We bring forth the dead; perhaps you may be reminded" [7:57]. And the verse, "And you see the earth barren, but when We send down upon it rain, it quivers and swells and grows [something] of every beautiful kind" [22:5]. And the verse, "And it is Allāh who sends the winds, and they stir the clouds, and We drive them to a dead land and give life thereby to the earth after its lifelessness. Thus is the resurrection" [35:9]. And the verse, "And We have sent down blessed rain from the sky and made grow thereby gardens and grain from the harvest And lofty palm trees having fruit arranged in layers - As provision for the servants, and We have given life thereby to a dead land. Thus is the emergence [i.e., resurrection]" [50:9-10]. And the verse, "And they will say: 'Who will restore us? Say, 'He who brought you forth the first time'" [17:51].

These verses and all verses similar to it fall into the same category as those we mentioned earlier which we clarified in great detail when we discussed the verse of *i'tibār*. Anyone who uses these verses to affirm *qiyās* for *aḥkām* is either a blind *jāhil* who does not know what *qiyās* is or uses it by deception, or someone that does not care and says whatever he wishes. Allāh only tells that he gives life to the dead and is able to do anything, not some, and not that he does what he does because of a *qiyās*, also not that Allāh needs *qiyās* to do it, and also not that he uses it. And also no order for us to use *qiyās*, there is also nothing clarified about *qiyās*. If it would be *qiyās* then Allāh would as we mentioned previously, give life to the dead every year in the beginning of spring and let them die at the beginning of winter. Allāh the Most Exalted only says that he gives life to the earth and life to the dead and is able to do both and beyond that, not that he is able to do a matter because of the exact reason he is able to give life to the other. The same correct understanding applies for the verse, "And man [the disbeliever] says, 'When I have died, am I going to be brought forth alive?' Does man not remember that We created him before, while he was nothing?" [19:66-67]. All of this is against *qiyās* because Allāh never said that he will bring us forth the second time from semen, soil, or a clinging substance. This verse is only for us to reflect on the might of Allāh and that he can do however he wills and say as he wills, none is worthy of worship except Allāh alone. These verses are the same as the ones before. That humans did not exist and were then created by Allāh. And Allāh also never said that it would return to that nonexistence ever as there is after judgment day only eternity without an end and no perishing, either in bliss or in punishment. The same correct understanding applies for the verse, "Are you a more difficult creation or is the heaven? He [Allāh] constructed it. He

raised its ceiling and proportioned it" [79:27-28]. Allāh only clarifies his might from what we can see and from what he told us from which we can not see and this is again from what is against *qiyās* because *qiyās* is only giving the same ruling if the *'ilal* between two issues are similar and there is not given here the same ruling for that, these are the same for all similar verses such as, "And present to them the example of the life of this world, [its being] like rain which We send down from the sky, and the vegetation of the earth mingles with it and [then] it becomes dry remnants, scattered by the winds. And Allāh is ever, over all things, Perfect in Ability" [18:45]. And the verse, "Indeed, We have tried them as We tried the companions of the garden, when they swore to cut its fruit in the [early] morning Without making exception" [68:17]. And the verse, "Such is the punishment (in this life), but truly, the punishment of the Hereafter is greater if they but knew" [68:33].

No comparison is more similar than when Allāh makes them similar to each other, Allāh made the life of this world similar to plants growing from water in verse, "The life of this world is just like rain We send down from the sky, producing a mixture of plants which humans and animals consume. Then just as the earth looks its best, perfectly beautified, and its people think they have full control over it, there comes to it Our command by night or by day, so We mow it down as if it never flourished yesterday! This is how We make the signs clear for people who reflect" [10:24]. And other examples which never implied that because of it being similar, that it also must have the same ruling. This then indicates the falsehood of *qiyas* because Allah did not with these examples oblige the same rulings between which is the exact meaning of *qiyas*.

If Allāh makes matters similar that is the best of similarities and that is when things become the most similar to each other. The same applies for the verse, "And their description in the Gospel is as a plant which produces its offshoots and strengthens them so they grow firm and stand upon their stalks, delighting the sowers - so that He [Allāh] may enrage by them the disbelievers" [48:29]. That plant which produces its offshoots is not something that worships and also not something that will get judged for its actions in the hereafter, the people that are resembled to the plant are without a doubt much different from it they worship and will get judged for all their actions unlike plants. So this has nothing to do with *qiyās*, and also has not a single indication for *qiyās* and it invalidates the method of *Qā'isūn* as there was not necessitated similar rulings for what they been made similar for. And also the verse, "The likeness of those who take (false deities as)

protectors, helpers other than Allah is the likeness of a spider who builds (for itself) a house; but verily, the frailest (weakest) of houses is the spider's house - if they but knew" [29:41]. The infidels are not made the same ruling as spiders, so it invalidates *qiyās*, only a similarity between them is mentioned. This also applies for the verse, "As for those who disbelieve, their deeds are like a mirage in a desert. The thirsty one thinks it to be water until, when he comes with it, he finds it to be nothing; but he finds Allah with him, Who will pay him his due (Hell). And Allah is Swift in taking account. Or [the state of a disbeliever] is like the darkness in a vast deep sea, overwhelmed with waves topped by waves, topped by dark clouds, (layers of) darkness upon darkness: if a man stretches out his hand, he can hardly see it! And he for whom Allah has not appointed light, for him there is no light" [24:39-40]. The rulings of a mirage on a desert is not made the same to the infidel, which invalidates *qiyās*, there is only a similarity mentioned between them.

The same correct understanding applies for the verse, "Allah is the Light of the heavens and the earth. The parable of His Light is as (if there were) a niche and within it a lamp: the lamp is in a glass, the glass as it were a brilliant star, lit from a blessed tree, an olive, neither of the east (i.e. neither it gets sun-rays only in the morning) nor of the west (i.e. nor it gets sun-rays only in the afternoon, but it is exposed to the sun all day long), whose oil would almost glow forth (of itself), though no fire touched it. Light upon Light! Allah guides to His Light whom He wills. And Allah sets forth parables for mankind, and Allah is All-Knower of everything" [24:35]. And the verse, "Or do you think that most of them hear or understand? They are only like cattle - nay, they are even farther astray from the Path" [25:44].

The same correct understanding applies for the verse, "He sets forth for you a parable from your own selves: Do you have partners among those whom your right hands possess (i.e. your slaves) to share as equals in the wealth We have bestowed on you whom you fear as you fear each other? Thus do We explain the signs in detail to a people who have sense" [30:28]. And the verse, "Was he not been a sperm from semen emitted? Then he was a clinging clot, and [Allāh] created [his form] and proportioned [him]. And made of him two sexes, male and female. Is not that [Creator] Able to give life to the dead?" [75:37-40]. And the verse, "And he puts forth for Us an example, and forgets his own creation. He says: 'Who will give life to these bones after they are rotten and have become dust?' Say, 'He will give life to them Who created them for the first time! And He is the All-Knower of every creation!' He Who produces for you fire out of the green tree, when

behold you kindle therewith. Is not He Who created the heavens and the earth, Able to create the like of them? Yes, indeed! He is the All-Knowing Supreme Creator. Verily, His Command, when He intends a thing, is only that He says to it, 'Be!' - and it is! So glorified be He and exalted above all that they associate with Him, and in Whose Hands is the dominion of all things: and to Him you shall be returned" [36:78-83]. And the verse, "And man (the disbeliever) says, 'When I am dead, shall I then be raised up alive?' Does not man remember that We created him before, while he was nothing?" [19:66-67]. And the verse "And they say, 'When we are bones and fragments (destroyed), should we really be resurrected (to be) a new creation?'" [17:49]. And the verse, "Say, 'Be you stones or iron or some created thing that is yet greater (or harder) in your breasts (thoughts to be resurrected, even then you shall be resurrected).' Then, they will say, 'Who shall bring us back (to life)?' Say, 'He Who created you first!'" [17:50-51]. And the verse, "'When we are bones and fragments (destroyed), should we really be resurrected (to be) a new creation?'" [17:49]. And the verse, "Verily, the likeness of (this) worldly life is as the water (rain) which We send down from the sky; so by it arises the intermingled produce of the earth of which men and cattle eat: until when the earth is clad in its adornments and is beautified, and its people think that they have all the powers of disposal over it, Our Command reaches it by night or by day and We make it like a clean-mown harvest, as if it had not flourished yesterday! Thus do We explain the verses in detail for the people who reflect. Allah calls to the Home of Peace (Paradise) and guides whom He wills to the Straight Path" [10:24-25].

No one ever rejects Allāh setting forth examples except an infidel. Instead Allāh set forth examples of farms like the earth and the acts of infidels like a mirage in a desert and the oppressors like the previous nations. Allāh set forth numerous examples, whoever turns away from these exact examples that are brought forth by Allāh, which are the best of examples and transgresses by prohibiting the selling of dry meat except with equal exchange, claiming it to *ribā* or transgresses to the point where he claims the wife of the husband, who the husband had intercourse with during the daytimes of *ramaḍān* has to free a slave. Or transgresses to the point where *mahr* can not be except ten *dirhams* or four *dinars*. Or transgresses to the point where the one doing sodomy is lashed the same lashes as *zinā* attributes many lies against the *sharī'ah* with this false method of many false matters. There is no difference in claiming these verses to mean the opposite of what they claim. Allāh sets forth examples,

and the examples he sets forth are all truth and the best of examples and we say exactly as Allāh has said because of it being matters that is said by Allāh. And we also say that which is the truth which no one is ever allowed to oppose and that is that it is not allowed for us to transgress anything where Allāh made the example to be for many reasons, among them is it attributing a lie to Allāh with no knowledge and affirming it is affirming speculations and assumptions. And not only does giving examples have nothing to do with the *isṭilāḥī* meaning of *qiyās* but if Allāh, who is the best of giving examples, creator of everything gives, free from any ignorance and any deficiency an example, it does not mean that it is allowed for us to create rulings ourselves because we are not free from deficiency and we are not ordered to do it, we can never be certain of the correctness of anything except if it is from what Allāh has revealed and to his Messenger ﷺ. The verses they cite is against them not for them as there is rejection in it for questioning the actions of Allāh and *ta'līl* is part of *qiyās* which is questioning the actions of Allāh. That which confirms the correctness of our view further is that Allāh, the Most Exalted said, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74]. And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48]. And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17]. And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!'" [11:13]. And He says, "Or do they say, 'He (the Prophet) has forged it (the Qur'ān)?' Nay! They believe not! Let them then produce anything like it, if what they are truthful" [52:33-34].

They also mention the verse, "Allah puts forward the example of (two men - a believer and a disbeliever); a slave (disbeliever) under the possession of another, he has no power of any sort, and (the other), a man (believer) on whom We have bestowed a good provision from Us, and he spends thereof secretly and openly. Can they be equal? (By no means). All the praises and thanks are to Allah. Nay! (But) most of them know not. And Allah puts forward (another) example of two men, one of them dumb, who has no power over anything (disbeliever), and he is a burden on his master; whichever way he directs him, he brings no good. Is such a man equal to

one (believer) who commands justice, and is himself on the Straight Path?" [16:75-76].

They say, "There is *qiyās al-'aqs* here. The first example Allah put forward of himself to idols. Allah is the owner of everything and gives whatever he wills to his slaves, while idols in the other hand are owned and are unable to do anything, so how can they make partners for Allah and worship other than Allah with that clear difference."

The answer: What has been clarified before in detail applies here as well. And it is from their own conditions for *qiyās* is that it must not be something that is already known in general before moving the *far'* to the *aṣl*. And it is known that Allah is the owner of everything and that he gives whatever he wills to his slaves before idols became owned by mankind.

They also mention the verse, "Then what is wrong with them (the infidels) that they turn away from (receiving) admonition? As if they were (frightened) wild donkeys" [74:49-50].

And they mention the verse, "The likeness of those who were entrusted with the Torah (to obey its commandments and to practice its laws), but who subsequently failed in those (obligations), is as the likeness of a donkey which carries huge burdens of books (but understands nothing from them). How bad is the example of people who deny the *āyāt* of Allah. And Allah guides not the people who are wrong-doers" [62:5].

They say, "So Allah did *qiyās* and likened whoever was entrusted with His book to believe in it, ponder over it, act upon it, and invite others to it, then contradicted that and did not carry it except on the back of a heart, to the reading of it without reflection, understanding, or following it, nor making judgments based on it, nor acting in accordance with its requirements, like a donkey carrying volumes on its back, unaware of their content, and its share of them is nothing but carrying them on its back. So, his share of the Book of Allah is like the share of this donkey of the books on its back. This example, even though it was given concerning the Jews, is applicable in meaning to whoever carried the Qur'an but abandoned acting upon it, did not fulfill its rights, and did not properly care for it."

They also say, "He likened them in their turning away from and aversion to the Qur'an to the reaction of donkeys when they see a lion or a shooter, so they flee from it. This is from the ingenious analogy and simile. For indeed, the people, in their ignorance of what Allah has sent His messenger with, are like donkeys that do not understand anything. So when they hear the roar of the lion or the sound of shooting, they flee from it in utmost aversion. This is the extreme condemnation for these people, for they

have turned away from the guidance in which their happiness and life lie, just as camels flee from what destroys and cripples them."

The answer: If this would be *qiyās*, then the infidels take the same rulings as donkeys and according to the *mālikiyyah* eating the flesh of human infidels would be permissible as the *mālikiyyah* allow the consumption of donkeys, [69] especially since there is here a case of *dalālah al-iqtirān* according to them. There is no *aṣl* and no *far'* here, we have said many times that a mere resemblance itself is not rejected, and that a mere resemblance itself is not *qiyās*. The same applies for the verse, "And recite to them the story of him to whom We gave Our *āyāt* but he threw them away; so Satan followed him up, and he became of those who went astray. And had We willed, We would surely have elevated him therewith but he clung to the earth and followed his own vain desire. So his parable is the parable of a dog: if you drive him away, he lolls his tongue out, or if you leave him alone, he (still) lolls his tongue out. Such is the parable of the people who reject Our *āyāt*. So relate the stories, perhaps they may reflect" [7:175-176].

They also mention the verse, "O you who believe! Avoid much suspicion; indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it. And fear Allah. Verily, Allah is the One Who forgives and accepts repentance, Most Merciful" [49:12]

They say, "This is one of the finest examples of *qiyās*, as He likened backbiting a brother to tearing his flesh. When the backbiter tears the honor of his brother in his absence, it is akin to someone cutting the flesh of his brother as the backbitten is absent due to death. And as the backbitten is incapable of defending himself because he is absent from getting blamed, he is like a dead person whose flesh is cut and who cannot defend himself. Since brotherhood necessitates compassion, support, and protection, the backbiter's actions contradict these requirements, resembling the cutting of his brother's flesh. Brotherhood requires safeguarding and defending, while backbiting entails the opposite—reproaching and blaming. When the backbiter enjoys the defamation of his brother, reveling in his absence and criticism, he is likened to someone who relishes eating his brother's flesh after cutting it. His enjoyment of this act exceeds mere consumption, just as his eating surpasses mere tearing. Reflect on this *qiyās*, its appropriateness, and its resonance with human reason. Consider His mention of their disgust

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for eating their brother's flesh, described at the end of the verse, and His denial in the beginning that any of them would desire it. If they abhor this act, how could they love what is similar to it? He argued against them with what they detested to illustrate what they loved, which is the opposite. They are most repulsed by it. So, reason, instinct, and wisdom dictate that they should be most repulsed by what is similar to it and resembles it. Success comes from Allah."

The answer: If this would be *qiyās*, then *qisās* (of blood) would be obligatory for backbiting as *qiyās* is applying the same ruling because of a similarity. As we know that Allah and His Messenger did not apply the same ruling because of a similarity, we know that this is instead invalidating *qiyās*. They do not differ that there is no *qisās*, which clearly indicates that they have forsaken *qiyās*. Everything we mention before applies here as well. The same correct understanding applies for the verse, "The parable of those who disbelieved in their Lord is that their works are as ashes, on which the wind blows furiously on a stormy day; they shall not be able to get aught of what they have earned. That is the straying, far away (from the Right Path)" [14:18].

And the verse, "See you not how Allah sets forth a parable? A goodly word as a goodly tree, whose root is firmly fixed, and its branches (reach) to the sky (i.e. very high). Giving its fruit at all times, by the Leave of its Lord, and Allah sets forth parables for mankind in order that they may remember" [14:24-25].

And the verse, "Shall We treat those who believe and do righteous good deeds as *mufsidūn* (those who associate partners in worship with Allâh and commit crimes) on earth? Or shall We treat the pious as the *fujjār* (criminals, disbelievers, the wicked)?" [38:28].

And the verse, "It is Allah Who has sent down the Book in truth, and the Balance (*mīzān*)" [42:17].

And the verse, "Indeed We have sent Our Messengers with clear proofs, and revealed with them the Scripture and the Balance (*mīzān*) that mankind may keep up justice" [57:25].

And the verses, "The Most Gracious. He has taught (you mankind) the Qur'an (by His Mercy)... And the heaven: He has raised it high, and He has set up the Balance (*mīzān*)" [55:1-7].

They say, "Do you not see how he reminded using the *'aql* and reminded using the *fiṭrah* which he gave to mankind which to apply a ruling on a matter as what is similar to it. All of this is from the *mīzān* Allah revealed with his book and associated it with it. What is meant with *mīzān* is

justice and a tool used to know with it the justice and what contradicts it. Correct *qiyās* is the *mīzān*. The only reason *qiyās* is not mentioned in the Qur'ān while it is the *mīzān* is because *qiyās* can be false and correct and the *mīzān* is always something correct."

The answer: These are among the most false claims without any trace of evidence. As for the claim about the *'aql* and *fiṭrah*, The *'aql* and *fiṭrah* know nothing other than following the words of Allah and His Messenger alone. As for the claim about it being from the *'aql* and *fiṭrah* to make a ruling of an issue as its similarities, we do not know how a slave of Allah can utter such. We do not know when a ruling is similar and when it is not except when Allah and His Messenger inform us. We also know with certainty that there are dozens of issues that are similar yet have different rulings, this is something undeniable. And any similarity between two issues is not a valid *qiyās* according their own conditions of *qiyās*. It is possible for an issue to be part of a general ruling while it may be similar and also while it may not be similar. It is not one of the two. Regarding their sayings about *Mīzān*, they are mere claims with no roots to it, *mīzān* means justice and there is nothing more just than following the words of Allah and His Messenger alone. And there is nothing more unjust than following something other than the words of Allah and His Messenger.

Everything we mentioned applies also for the verse, "And among His Signs (in this), that you see the earth barren; but when We send down water (rain) to it, it is stirred to life and growth (of vegetations). Verily, He Who gives it life, surely, is Able to give life to the dead (on the Day of Resurrection). Indeed He is Able to do all things" [41:39].

And the verse, "And the earth! We have spread it out, and set thereon mountains standing firm, and have produced therein every kind of lovely growth (plants). An insight and a Reminder for every slave who turns to Allah in repentance" [50:7-8].

Regarding *ḥūr al-'ayn* and good deeds of the infidels. They mention the verse where Allāh says, "The good they do in this worldly life is like the harvest of an evil people struck by a bitter wind, destroying it ˹completely˺. Allāh never wronged them, but they wronged themselves" [3:117].

The answer: Allāh likened the falsehood of the acts of infidels to the destruction of harvest by bitter wind. And there is no *qiyās* in any of that. We ask them: Tell us what *qiyās* can be concluded from this: Is the one whose harvest gets destroyed going to hellfire for eternity like the one dying while he is an infidel because of that being likened to the acts of the infidels.

Or do you think that if the acts of the infidel gets invalidated that his harvest will get destroyed like the harvest that gets destroyed by a bitter wind?

They also mention the verses, “Those ˹maidens˺ will be ˹as elegant˺ as rubies and coral” [55:18].

And the verse, “There will circulate among them [servant] boys [especially] for them, as if they were pearls well-protected” [52:24].

And Allāh the verse, “Plucking people away, as if they were trunks of uprooted palm-trees” [54:20]. And the verse, “They will emerge from the graves as if they were locusts spreading” [54:7].

We say: It is known by anyone that rubies and coral can be sold, stolen, are brought forth from the salty sea, that rubies and coral do not have intellect, and that rubies and coral are not humans and not animals. *ḥūr al-ʻayn* are nothing like this, It is established that *ḥūr al-ʻayn* have intellect, are alive, speak, have intercourse, drink and eat. Rubies and coral are nothing like this. The same with every other example made by Allāh: people are nothing like palm-trees, locusts or pearls as mentioned in the previous verses. Allāh only likened *ḥūr al-ʻayn* with rubies and coral in the aspect of being pure, and likewise for the other examples only in a few aspects, and none of that is *qiyās*. We do not reject that things can be similar in certain aspects with each other, we only reject giving them rulings because of the reason something is similar to something in certain aspects. For issues that have no texts from the Messenger of Allah for that. These verses are all instead annul *qiyās*, because Allāh made *ḥūr al-ʻayn* similar to rubies, coral, and He made actions of infidels similar to harvest that gets destroyed by bitter wind, and He made Humans similar to trunks, palm-trees and locusts. And them being similar never implied that rubies and coral must take the rulings of *ḥūr al-ʻayn*, and also does not necessitate that the harvest takes the ruling of the actions of the infidels such as getting cursed, *barāʾah* from them, threatening them. No one ever does that against harvest. And also not that the actions of the infidels take the ruling of harvest such as benefiting animals and other things. This proves that things being similar in a certain aspect does not necessitate that they must be from the same ruling. And there is no thing that is more similar to each other than when Allāh tells us about their similarity, if that perfect similarity Allāh made between All of them never necessitated that they should be similar in rulings then it is established that the method of *ahl ul-qiyās* is all deceit and full of lies.

Regarding Messengers being sent one after another, they also mention the verse where Allāh says, “By the winds (or angels or the Messengers of Allāh) sent forth one after another” [77:1].

There is evidence in this for corruption in the intellect of the one using this as an evidence to affirm *qiyās* and the low *ḥayā'* with nothing more to mention about them and in Allāh we seek refuge and we ask him for success. There is no sending forth one after another except how Allāh told it to be. As for the people other than Messengers being sent one after another there is no specific ruling for them and no meaning for it, since people that are created besides them did not come after another except as oppressive.

The verse regarding Adam ﷺ covering himself. They mention the verse where Allāh says regarding Adam, "They began to cover themselves with the leaves of Paradise" [7:22]. There is not a single possible way to indicate *qiyās* with this. They also mention the Ayah where Allāh says regarding Ibrahim ﷺ, "My Lord, show me how You give life to the dead" [2:260]. This is the same as the verse before, no one has ever understood Allāh giving life to birds to mean *qiyās* or to have any indication for *qiyās* and also not that because of Allāh giving life that it means the prohibition on selling rice for more or less rice. Anyone who claims this from any of these verses must fear Allāh. It is now clear that all such verses can not ever indicate *qiyās*, and All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

The Verses Regarding Accusing Women Of Adultery

They mention the verse, “Those who accuse *al-muḥṣanāt* of adultery˹ and fail to produce four witnesses, give them eighty lashes ˹each˺. And do not ever accept any testimony from them” [24:4].

They say, “This ruling can only be applied also for men because of *qiyās*.”

The answer: This ruling is not for Muslim women only, but also for men, the infidel women, and children, and none of that is because of *qiyās*. It is general for all those mentioned besides women, because Allāh said in another verse, “And *muḥṣanāt* among (*min*) the women (are forbidden unto you)” [4:24].

If *muḥṣanāt* would only be applicable for women only then there would be no meaning in this verse where Allāh mentions *muḥṣanāt* among (*min*) the women. This verse makes a *tab’īḍ* for *muḥṣanāt*, meaning that *muḥṣanāt* can include anyone other than women as well. So *muḥṣanāt* is applicable for men and women in general.

Allah also meant with *muḥṣanāt* only the *furūj* (private parts) of *muḥṣanāt*. If there are four witnesses then there is no difference of opinion from anyone in the *ummah* for testimony, that for fornication the only thing that is burdened to be seen is the private part of a man entering the private part of a woman and leaving it. This is according to *ijmā’*, from us and them, and anything other than that seen can not be used as a testimony from the witness for fornication, This is according to *ijmā’*, from us and them.

The *qādhif* (the plaintiff, accusing someone of fornication) that uses anything else as a testimony can not in that case free himself from the *ḥadd* that is due on him for this false testimony. So slandering is only for the private parts only. It is narrated on the authority of Ibn 'Abbas said, “I have not seen anything resembling *lamam* (minor sins) except what Abu Huraira narrated from the Prophet ﷺ, that he said, ‘Allāh has written for all sons of Adam his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it.’”[70]

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[70] Sunan Abi Dawud 2152, 3/483

So the Prophet ﷺ did not make adultery except for the private part only and annulled it for any other body part. So every body part besides the private part is not what is accused for adultery. So when Allāh said, "Those who accuse *muḥṣanāt* of adultery." He meant nothing other than the private parts only.

If they say, "*Muḥṣanāt* is a *na't* (adjective) and a *na't* can not be alone without also having a *man'ut* (subject)."

We say: This is a mistake, a claim without certain evidence, the Qur'ān is filled with the opposite of this claim and also poems of the Arabs. Allāh, the Most Exalted says, "*Al-ṣā'imīn wal-ṣā'imāt* (The fasting men and fasting women)" [33:35]. And Allāh says, "*Inn al-muṣaddiqīna wal-muṣaddiqāt* (Indeed, the men who practice charity and the women who practice charity)" [57:18]. There is *na't* without the *man'ut*.

And the poet said, " وَلَا جَاعِلَاتِ الْعَاجِ فَوْقَ الْمَعَاصِمِ "

"And not those women who wear ivory above their wrists (as ornaments)."[71]

It mentions the *na't* (adjective) and not the *man'ut* (the object that is described by the adjective) no *naḥwi* ever prevented this.

Also if it would be according to them that only women is meant in the verse, they would contradict and it would be against them as there must be a *man'ut* also, otherwise they themselves rely on the *na't*, then there remains no value in their argument requiring a *man'ut* for the *na't*. Because they say that what is meant is, "*Al-nisā' al-muḥṣanāt*." (The *muḥṣanāt* women) limiting to *na't* with no *man'ut*, making a *hadhf* for the *man'ut*.

In any case He made *hadhf* of the *man'ut* and restricted it to the *na't*, there is then no difference in Him, the Most Exalted mentioning *al-muḥṣanāt* and the *hadḥf* of *furūj* (private parts) based on our view, or *hadhf* of *al-nisā* according to their view. So this opposition is complete invalidated.

For our view there is texts while for their false claim that it applies only for women is weak and false as they leave out *ḥadd* on the *qādhif*, which is the one accusing of adultery, if he accuses slave girls, infidel women, and children. First they claim it is about women and then leave out the *ḥadd* for many women. They only rely on Allah mentioning women and not forsake *muḥṣanāt* mentioned.

Allāh also says, "And We have sent down from the rainy clouds abundant water" [78:14]. From clouds here, what is meant are rainy clouds

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[71] Diwan Jarir 2/994

only, not other clouds. Similarly we mean with *muḥṣanāt* only the *furūj* (private parts) of *muḥṣanāt* only. *Takhsīs* is not allowed except with evidence from text which we showed before and we will clarify it further by the will of Allah.

The additional evidences that only the private parts is that which is accused for *zinā* for both men and women besides the *ijmā'* on it, is that Allah says, "And they who guard their private parts. Except from their wives or those their right hands possess, for indeed, they will not be blamed" [23:5-6].

And Allāh says, "Tell the believing men to lower their gaze, and protect their private parts" [24:30].

And Allāh says, "The men and the women who guard their private parts" [33:35].

So from texts and *ijmā'* we know with certainty without a single doubt that the private parts are what are accused of *zinā* only.

And Allāh says, "And she who guarded (*aḥṣanat*) her private part" [21:91, 66:12]. So a *farj* is a *muḥṣan* and the one having it is a *muḥṣin* according to the words of Allah and His Messenger. And when the Prophet ﷺ said, "Allāh has written for all sons of Adam his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it."[72]

We know with certainty that what is accused of *zinā* are the private parts only and that a *muḥṣanah* is the *farj* only, not anything other than that. Obligatory *ḥadd* for *zinā* is then because of the private parts only, not any other body parts such as feet, tongue, ears or the heart. The one accusing the eyes, feet, ears, hands or heart of *zinā* or any other body part has made a false accusation. So it is only for the private parts only with certainty, without a single doubt. As the verses are also about the private parts only, then men and women are part of the ruling in the same manner.

We ask them: Tell us about the verse, "Those who accuse the *muḥṣanahat*" [24:4]. If you say, "Allāh intended here with this word only women." Did Allāh then want the *qādhif* of a man (the one that accuses a man of adultery) to be lashed or did he not want it? There is no other option. If they say, "Allāh did want the *qādhif* of a man to be lashed." We say: It is from the wonders for Allāh to want from his slaves the *qādhif* of a man to be

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[72] Sunan Abi Dawud 2152, 3/483

lashed, but then does not order that, but mentions women only. If they say, "It only is for women." We remind them that they included men as well in the ruling. Bring your evidence if you are truthful. They do not bring more than mere false claims. If they say, "It is because of *ijmā'*." We say: You claim that this implies *qiyās*. Then bring evidence for *qiyās* in this case and there is not a single way for them to bring evidence for that at all as *qiyās* by moving rulings to the other genders is not possible.

To indicate further that this has nothing to do with *qiyās*, we find the rulings of men and women to differ often in specific cases and to concur on many cases. It is obligatory on men to attend the *jumu'ah* and congregational prayers, while both are not obliging for women. Men and women are the same in the rulings of the prayer and obligatory alms. A woman can not travel for non-obligations except accompanied with the husband or a *mahr*am. A man can travel however he wants without his wife and without his *maḥram*. They are the same regarding fearing *zinā*. The rulings for clothing for women differ from men, it is not allowed to wear *qamīṣ*, *'imāmah*, *sarāwīl* for men during *iḥrām* while it is allowed for women, and hey have the same ruling for wearing perfume, that it is prohibited. It is obligatory on men to pray in congregation with an *imām* at Muzdalifah for the *ṣubḥ* prayer. While it is allowed for women to leave from Muzdalifah before that. They are similar in rulings other than that during the *iḥrām*. *Ighārah* is obligatory on men while it is not for women. The testimony of two women equals that of one men. Our opponents here do not make the rulings for women here in these cases the same for men and do not make the rulings of men the same for women. They do not use *qiyās* in any of those cases and others cases to make it the same and there no *ijmā'* in any of those cases. The *diyah* of a woman is half of a man. Many of the *qā'isūn* make them equal till a certain, they do this regarding issues of the *diyah* and then forsake making them the same for other rulings and do not use *qiyās* in those cases. The *ḥadd* on a woman is the same as that of a man regarding issues like *qadhf*, *khamr*, *zinā*, *qatl* and *qat'*. Some of the *qā'isūn* make the genders different in ruling of *taghrīb* (expelling from the city) because of *zinā* between men and women. Some of them also make the *ḥadd* of *riddah* different between men and women. They claim that men must be killed for *riddah* but not women. In these cases they abandon *qiyās* as they do not apply it everywhere. A man may marry four women and get slave girls while a woman can not marry any man except one and may not get slaves. They do not use *qiyās* here in any of these cases. These are enough examples from the many where they contradict their method and claim a

matter is because of *qiyās* while they can not produce any evidence that it is because of *qiyās* and then at the same time abandon their own method when it is related to other issues.

Since we find the rulings of men and women to be different very often and to be the same very often, only according to texts, it becomes false without any doubt to claim that they are the same in one case because of *qiyās* when there is only mention of one gender. Because they are similar or different is never because of the reason of *qiyās* this is the utmost clarity on the falsehood of their method.

From the clearest evidences that the *ḥadd* of the *qādhif* of men is the same ruling in ruling, and that it can not be because of *qiyās,* after Allāh ordered the lashing of the *qādhif* of *muḥṣanāt* with one sentence only. Allāh says after that order, "And for those who accuse their wives (of *zinā*), but have no witnesses except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allāh that he is one of those who speak the truth" [24:6].

There is no difference from anyone from the *ummah* that there is no *qiyās* used to apply this ruling for the female *qādhifah* of her husband for her to do *li'ān* to the *qādhif* of his wife by *li'ān*. If *qiyās* would have ever been the truth then *qiyās* on the male *qādhif* to a female *qādhifah* would not be more true and more correct than *qiyās* of a *qādhifah* wife of her husband to the *qādhif* husband of his wife for her to do *li'ān* as well.

Some of them said, "But Allāh says, 'Verily, those who accuse *al-muḥṣanāt*, unaware, believing women" [24:23]. And Allāh says, "(Forbidden for you are:) Married ones (*muḥṣanāt*) among women" [4:24]. And Allāh says, 'They (the above said captive and slave-girls) should be chaste (*muḥṣanāt*), not committing illegal sex, nor taking boyfriends' [4:25]. So how can *muḥṣanāt* here mean private parts, is it not clear from the apparent fact that it has nothing to do with private parts? No one with senses can say, 'Those who accuse the private parts, unaware, believing women.'"

We say: When Allah said, "Those who accuse *al-muḥṣanāt* of adultery," [24:4] he did not specify which and what *muḥṣanāt*. This word here is general, which cannot be specified except with texts or *ijmā'*. It is possible that Allah meant here the *muḥṣanāt* women as you say, and it is possible that he meant the private parts of the *muḥṣanāt* in general which encompasses both in general, as we say, making no specification as you do. Private parts are more general than women, claiming specifications is not allowed except with texts. The private parts are also the only thing that are

accused for adultery, understanding this and that Allah said, “And they who guard their private parts” [23:5-6].

And that Allah said, “Tell the believing men to lower their gaze, and protect their private parts” [24:30].

And that Allah said, “The men and the women who guard their private parts” [33:35].

And that Allah said, “And she who guarded (*aḥṣanat*) her private part” [21:91, 66:12]. It is then established that the private part is the *muḥṣan*, and the one having it is a *muḥṣin* Allah called it here the object of the verb *aḥṣana*. And the one doing that does it with nothing other than their private part.

If this is understood, then where does it contradict the verses you mentioned? In every single verse you mentioned, Allah always specifies that it is about the women specifically. We do not negate the possibility that Allah can specify matters, this is something not rejected by anyone. However in the verse, “Those who accuse *al-muḥṣanāt* of adultery,” [24:4] Allah does not specify anything, this remains general as clarified.

They also claim,

As for the claim, ‘No one with senses can say, ‘Those who accuse the private parts, unaware, believing women.’’ Is invalid as the definitions of a word are only used as long as it is possible. It is established from the previous mentioned verses that a *muḥṣan* is indeed a *farj* (private part).

Murtadha Al-Zubaydi said, “And in the *tanzīl* [it is said], ‘And she who guarded (*aḥṣanat*) her private part.’ So she is a *muḥṣinah*.”[73]

Al-Zajjaj said, “*Al-iḥṣān* is *iḥṣān* of the private part.”[74]

A word can have multiple definitions and it is obligatory to make use of all of them as long as it is possible. When it is not possible, only that which is possible it used. And since Allah in the verse, “Those who accuse *al-muḥṣanāt* of adultery,” [24:4] did not specify anything, it is possible to use all of its meanings, including the private parts. No *naḥwi* ever prevented it, this view is also affirmed by Abu Hayyan Al-Andalusi and Al-Zahrawi.[75]

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[73] Taj Al-‘Arus 34/435
[74] Taj Al-‘Arus 34/436
[75] Al-Bahr Al-Muhit 8/12

Ibn Al-Qayyim also said regarding these verses including men as well in the ruling, "(The reason men are included, is because) This is from the *'urf* of Allah, he mentions a specific word on behalf of a general word, this [ruling] is not because of *qiyas*."[76]

From the other certain evidences that the punishment of *qadhf* applies to both men and women is that Allāh the Most Exalted said, "Verily, those who like that (the crime of) illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the Hereafter. And Allāh knows and you know not" [24:19].

So we know with certainty that both men and women do *qadhf* and that for them there is a punishment for both, the punishment is then *mujmal* and its *mufassar* is found in other verses.

And the Messenger of Allah ﷺ said, "He who accuses his slave of committing adultery (without proof) will be lashed for the *ḥadd* (of *qadhf*) on the Day of Resurrection unless it is (true) as he said."[77] So we know from this as well that the man that does *qadhf* of a slave gets *ḥadd* of *qadhf*.

And it is narrated on the authority of Abdullah, "We were in the mosque one friday night, and a man said, 'If a man finds another man with his wife (having *zinā*) and [the husband] kills that man, would you kill that husband, and if he speaks (does *qadhf* of him by accusing him of *zinā*), will you lash him?' By Allāh I will mention that to the Prophet ﷺ. So he mentioned that to the Prophet ﷺ, and then Allāh revealed the Verses of *li'ān*. After that the man came and accused his wife, so the Prophet ﷺ told them to go through the procedure of *li'ān* and he said, 'Perhaps she will give birth to a black child.' Then she gave birth to a black child with curly hair."[78]

So there remains no doubt in any possible way that the *ḥadd* of *qadhf* applies both to men and women, all because of clear texts regarding it.

And Allāh says, "Neither has He made your wive whom you declare to be like your mothers backs, your real mothers. Nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the truth" [33:4].

Allāh made what a man says to his wife, "You are to me like the back of my mother," the same as claiming adopted sons to be the real sons and he did not oblige *kaffārah* for both of them, but instead only in one. It is then

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[76] A'lam Al-Mawqi'in 'An Rabb Al-'Alamin 2/203
[77] Sahih Muslim 1660
[78] Sunan Ibn Majah 2068, 3/218

established that matters having a similarity do not imply them to be similar in ruling, so their sayings about *ta'līl* are all false as the *'illah* which they claim did not apply in another ruling which is of the exact same attribute and there is no *kaffārah* on both, only one. This is one of the many indication on the absolute falsehood of their method.

If they falsely claim *ijmā'* that the one slandering a man of fornication is lashed eighty times because of *qiyās* from the ruling of men, where is that *ijmā'* here? How can *ijmā'* of the entire *ummah* on a method, not apply the exact same method with something it is the most similar with? We instead know with certainty that there are clear texts regarding the obligation of carrying it out on the one slandering man, and that the entire *ummah* during the time of the *salaf* has a clear *ijmā'* on the falsehood of *qiyās* when they abandoned applying it for the man. All praise is due to Allah, there is no power or strength except by Allāh.

The Verses Regarding The *Mutashābihāt*

Regarding the *mutashābihāt*. Allāh says, “The Book; in it are verses [that are] precise - they are the foundation of the Book - and others unspecific” [3:7].

We say: his does not imply *qiyās*. Nothing is more detrimental than claiming that Allāh has obscured matters for His servants, intending for them to comprehend it while burdening them with it, while the Prophet ﷺ did not elucidate these issues and left them enigmatic. And claiming this means *qiyās* invalidates *qiyās* because that which is from the *mutashābihāt* is that which can not be known.

Regarding the *mutashābihāt* in general, it is impermissible for anyone to attempt to comprehend or follow what is *mutashābih*; ones sole duty is to affirm it and believe that it originates from Allāh. Allāh, in the latter part of the verse, indicates that those who seek to understand it harbor a deviation in their hearts and seek *fitnah*. Allāh, the Most Exalted says, “And those who are firmly grounded in knowledge say: 'We believe in it; the whole of it (clear and unclear Verses) are from our Lord” [3:7]. And He says, “So as for those in whose hearts there is a deviation (from the truth) they follow that which is not entirely clear thereof, seeking *fitnah* (polytheism and trials), and seeking for its hidden meanings and none knows its hidden meanings except Allāh” [3:7].

Therefore, it is impossible to fathom its *ta’wīl* because seeking knowledge of it is *ḥarām*. If the quest for its knowledge is prohibited, it is impossible to ever comprehend it. Those who attempt to harbor deviation in their hearts must refrain. The means by which one can comprehend a matter are well-known and highly limited: the senses (*ḥawās*), intellect (*‘aql*), which Allāh has endowed in those who worship Him among animals, the angels, the *jinn*, and some of it within humanity. One must adhere to what Allāh has ordained for comprehension of His rulings, which is the Qur’ān and the *sunnah* only. These are the paths we must utilize as evidence, while simultaneously refraining from delving into the meanings of the *mutashābihāt*. It is, therefore, established without doubt that there is no conceivable way to comprehend it through any means, be it *ḥawās*, *‘aql*, Qur’ān, or even *sunnah*. So creation cannot fathom anything from the verses except the *muḥkamāt*, which Allāh has commanded us to reflect on it, learn, teach, and seek understanding and *tafaqquh* from.

We must then look into what we can not understand and what is not clarified, because only that can be from the *mutashābihāt* and everything

else is absolutely *muḥkam*. We find that in the Qur‘ān then only *iqsām* which is in the beginning of some chapters such as when Allah says, “By the forenoon. By the night when it darkens (and stand still)” [93:1-2]. And when Allah says, “By the dawn. By the ten nights” [89:1-2], and the *hurūf al-muqatta‘ah* in the beginning of the chapters are from the *mutashābihāt* and nothing else. Everything else in the Qur‘ān is *muḥkam*. This is also the view of Ibn ‘Aqil, Abd Al-Aziz Al-Harbi.[79]

[79] Al-Khulasah Fi Usul Al-Fiqh 'Ala Minhaj Ahl Al-Dhahir pg. 55

The Verses Regarding The Meat Of Swine

They claim, "Every single time Allah and His Messenger prohibited swine, they only mention the meat of swine, not everything from the swine. The only way we can prohibit other parts of a swine is through *qiyās*, and on this *qiyās ijmā'* exists of the entire *ummah*."

The answer: Allāh prohibited consuming fat for Banu Isra'il, but He did not prohibit them from consuming meat, making it clear that the prohibition of fat is distinct from meat. If fat would have had the same ruling as meat, then the prohibition of fat would entail a prohibition of meat for Banu Isra'il. Allāh also did not prohibit the fat of the backs and also not the fat of the chest and also not the fat of the stomach. All of that was not prohibited because of the mere prohibition of fat, if that is the case then swine fat is also not prohibited because of *qiyās* from the prohibition of meat only. And the *'illah* that is claimed between fat and meat is then absolutely false as Allāh did not imply that meat must then also be prohibited. No sane person ever says that if meat is prohibited, that then fat must be also prohibited because of the reason meat is prohibited, the same with milk and bones, they are all unrelated. It is said then to them: Is also the bones, hair and milk of a swine prohibited because of *qiyās* that the meat of the swine is prohibited? If they say, "Yes." We say: There is not a single *'illah* in fat that goes along with meat. We are also not born from meat. And nothing is born from some fat and some meat. We were created from soil and we are not soil. A chicken comes from an egg and is not an egg, dates come from date trees and are not trees. Meat and milk comes from blood and they are not blood. When Allāh prohibited fat for Banu Isra'il he did not imply that because of that meat is also prohibited, which invalidates all the claims made for matching *'ilal* between fat and meat.

It is also said to them: Did Allāh prohibit the fat, hair, bones and milk of a swine or did he not prohibit all of it. If they say, "Allāh prohibited all of it." We say: If you agree that meat is not milk and that fat is not meat and that bones are not meat and that they have nothing to do with each other and at the same time you do not believe that Allāh prohibited a swine in general, except by using *qiyās* which the *'illah* for is absolutely false, then where do you get the prohibition for each part of the swine from? Nothing can then be prohibited except if Allāh or his messenger ﷺ clarified it. Anyone who claims that it is in this case prohibited makes a claim that Allāh prohibited something without any revelation that came regarding it, then this person lies about Allāh and his Messenger ﷺ. If they say, "Allāh did not prohibit it

and also not his Messenger ﷺ, but all of the Muslims had an *ijmā'* on its prohibition." We say: This is a lie attributed to the entire *ummah*, *ijmā'* only goes along with what Allāh and his Messenger ﷺ prohibited or allowed. If Allāh did not prohibit it and also not his Messenger ﷺ, then according to you the *ummah* gathered opposing Allāh and his Messenger ﷺ. Allāh saved the Muslims from this false claim, there exists no *ijmā'* that fat is prohibited only because of *qiyās* and they never prohibited it only because of *qiyās*. The *ummah* only prohibited it by following the texts regarding its prohibition and not because of *qiyās*.

All this falsehood, while most of them are themselves of the view that fat is a type that is not meat and they allow selling four hundred seven grams of a meat for eight hundred fourteen grams of a fat, and they are also of the view that the fat of the back is different from the fat of the stomach, they allow selling four hundred seven grams of the fat of the stomach of cattle for eight hundred fourteen grams of the fat swans. They all say that who ever makes vows not to eat fat, but eats meat that he does not break his vow then, they also concur that if someone says, "Buy for me with this *dirham* meat," while he buys for him fat, that he is obliged *ḍamān* (warranty) for buying something wrong. This all goes against their claim that the prohibition of the fat of swine is only because of *qiyās* from meat. Also they agree that the bones have no relation to meat and they do not use *qiyās* to prohibit it, while they at the same time agree with us that whoever grins the bones of swine to make it fine and eats it that he still sins. This is while *iṭṭirād* is from the conditions of *qiyās*.

As for us, everything from the swine is prohibited to eat and drink even one hair of it, including its milk, blood and nails. Allāh says, "Say, 'I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a carrion (*maitah*) or blood spilled out or the flesh of swine, for it is *rijs*'" [6:145]. Ibn Hazm said, "The pronoun for 'it' here returns to the earliest mentioned noun before, which is the swine, not the meat."

Ibn Tamim *al-dhāhirī* said, "Abu Hayyan established in his *tafsīr* that if a pronoun is preceded by the *muḍāf* (possessed) and *muḍāf ilayh* (possessor), and can refer to either element separately, as in the phrase, 'I passed by Zayd's servant and honoured him,' the pronoun for 'him,' refers to the possessed (Zayd's servant) and not the possessor (Zayd), because the possessed is who is spoken about, while the possessor is mentioned incidentally, to define or specify the possessor. Using this Abu Hayyan invalidated the *istidlāl* of Ibn Hazm regarding this verse and whoever went

with his view such as Al-Mawardi, who said regarding the verse, ‘Verily it is *rijs*,’ [6:145] ‘It returns to swine alone.’ Determining the possibility of a pronoun's return has no meaning whatsoever; this determination belongs to the listener, not to the speaker's words. Our assumption that the speaker meant the servant or Zayd is not the speaker's intended meaning. Therefore, Abu Hayyan *al-dhāhirīs* argument is weak and cannot be used to object to those who argue that a pronoun refers to the nearest mentioned noun. The certainty of this is supported by the Arabs' convention of referring to the nearest mentioned noun.”[80]

And Allāh says, “O those who believe, the truth is that wine, gambling, altar-stones and divining arrows are *rijs*, a work of Satan. Therefore, refrain from it, so that you may be successful” [5:90]. Allāh described here swine as *rijs*, not only the meat of the swine but all of the swine is then *rijs*, which means *khabīth*, and everything that is then *rijs* must be avoided and it is prohibited to eat it. The noun here to avoid returns to *rijs* and *rijs* is what must be avoided, the noun does not mean that we must avoid Satan because we are not able to avoid him, but at the same time *rijs* is from the actions of Satan which is what we must avoid. And whatever is *rijs* must then be avoided and swine are one of them, same with *khamr*, *maysir*, *anṣāb* and *azlām*. The word *khinzīr* alone in Arabic covers the definition of both genders, small and large, young and old, from the swines. What is slaughtered for altar-stones is anything what is slaughtered for any ṭāghūt, its meat is prohibited.

It is from the obligatory *sunan* of the Messenger of Allah ﷺ, not to waste any food and more specifically any property and the Prophet ﷺ called killing swine in any way possible as long as it is not mutilating, an act of righteousness. If anything besides the meat of the swine would be permissible, then the Messenger of Allah ﷺ would not call killing it in any way possible an act of righteousness if it would include wasting what would be permissible food. Except that there can be benefit from the skin of swine after it is tanned. It is narrated on the authority of Abu Hurairah, “The Messenger of Allah ﷺ said, ‘By Him in Whose Hands my soul is, ‘Isa, the son of Maryam, will shortly descend amongst you people as a just ruler and will break the Cross and kill the swine.’”[81]

It is also narrated on the authority of Mu’awiyah, “I wrote to Al-Mughirah Ibn Shu’bah, ‘Write to me something which you have heard from

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[80] Mulakhas Ibtal Al-Qiyas Wal-Ra’i Wal-Istihsan pg. 33
[81] Sahih Al-Bukhari 2222

the Prophet ﷺ .' He said, 'I heard the Prophet ﷺ say, 'Allāh has forbidden for you three things: vain talks, that you talk too much or about others and wasting property.'"[82] So if anything other than swine meat would be permissible food that is allowed to eat, then it would not be allowed to waste it and it would be obligatory to eat it and the Prophet ﷺ described the killing of the swine a good act in anyway possible, then all of a swine is always *maitah* in whatever way it is killed and it is not permissible to eat anything from swine.

It is also narrated on the authority of Umm Habibah, "A person asked the Prophet ﷺ , 'What about those apes and swine [which we see nowadays, are they from those] which suffered a change of appearance [as a punishment, from the nations]?' The Prophet ﷺ said, 'Verily, Allāh, the Exalted and Glorious, did not destroy a people and did not torment a people, [except that he did not] let their race grow [because of punishing them by changing their shapes to swine and apes]. Apes and swine had existed even before that [punishment].'"[83]

Allāh, the Most Exalted also says, "So when they exceeded the limits of what they were prohibited, We said to them, 'Be you monkeys, despised and rejected'" [7:166].

And He says, "And indeed you knew those amongst you who transgressed in the matter of the Sabbath. We said to them, 'Be you monkeys, despised and rejected'" [2:65]. It is known with necessity that Allāh does not change the appearance of anything to swines and to apes as a punishment and a threat for things that are good and pure. If that is the case then apes and swine are not from the good and pure, as they are not from good and pure then they are from the *khabā'ith*, because something is either good and pure or *khabīth*. And they are mentioned here in general, not with the prohibition on their meat only, then all of the swine and all of the apes are prohibited. All praise is due to Allah, there is no power or strength except by Allāh.

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[82] Sahih Muslim 593
[83] Sahih Muslim 2663

The Verses Regarding Fighting The Infidels If There Is A War

Regarding fighting the infidels. They also mention the verse, “So when you meet the disbelievers ˹in battle˺, strike ˹their˺ necks” [47:4].

They also say, “So we can not fight in a war except in this manner, and every other manner is not possible, because the manners of how to do it are all mentioned in the verses.”

The answer: The verse is not only about striking the necks and it is not limiting a way of fighting, there are orders to fight in such case in general, without limiting it to any specific method. So the other verses about sieges also do not limit to a certain method of fighting, Allāh says, “Strike off every fingertip of theirs” [8:12]. And Allāh says, “Kill the infidels wherever you find them” [9:5]. So if there is a war, there is not a limited manner of fighting back to defend ourselves. The amount of texts on this topic affirming it being general is plenty. So fighting them is obligatory in any way possible.

The Verses Regarding What Is Permissible To Consume

They also mention the verse where Allāh says, “They ask you, ˹O Prophet,˺ what is permissible for them ˹to eat˺. Say, ‘What is good and lawful’” [5:4]. They say, “There does not exist a prohibition on eating defecation and drinking urine, from texts so we use *qiyās*.”

The answer: *ṭayyibāt* are allowed to be eaten and *khabā’ith* are prohibited as it is mentioned in the verse, urine and defecation are called in the Arabic language *khabā’ith*,[84] no matter if it is from humans or animals, and the religion is taken from the Arabic language only.

The Messenger of Allah ﷺ also called both of them *khabā’ith* directly, he said, “No prayer can be prayed with food brought or when he is resisting the urge to relieve himself of the two filths (urine and defecation).”[85] The narration about the Prophet ﷺ ordering some sick men to drink camel urine is meant for cases of using it as a remedy only. It is not allowed to use it for any other reason.

[84] Al-Sihah Taj Al-Lughah 1/281 | Lisan Al-‘Arab 2/744
[85] Sahih Muslim 560

The Verses Regarding Ablution

They mention the verse, “Up to the elbows” [5:6].

They say, “So according to you, you can not to begin washing the elbows for ablution except by beginning from the fingertips.”

The answer: Allāh never mentioned a place where anyone must begin when washing the hands till the elbows. The elbows are only made the furthest point, it is not made the beginning or ending. As long as that is done then in whatever way the elbows are washed it is sufficient.

The Verses Regarding Testimonies

They mention the verse, “And call two of your reliable men to witness” [65:2].

They say, “Requiring testimonies from the upright (*‘adl*) Muslims for any issue besides *ṭalāq*, *raj’ah* are all because of *qiyās*.”

We say: This claim is incorrect. Firstly, if the one presenting this argument is a *mālikī*, they overlook their stance by accepting the testimony of a *fāsiq* doctor and children concerning matters of blood and wounds, both of which lack uprightness (*‘adālah*). If the proponent is *ḥanafī*, they inadvertently validate their argument by accepting the testimony of infidels, thereby invalidating their own position. They also reject the testimonies of upright slaves and close relatives.

As for us, we do not accept the testimonies of upright Muslims for matters beyond *ṭalāq*, *raj’ah*, or debts due to *qiyās*. Allāh, in general without any specification, ordered us not to accept anyone's testimony except if they are upright, encompassing the rejection of testimonies from any infidel unless specifically permitted, it is also rejected from any non-Adult, who has not reached puberty. Allāh says, “If there comes to you a *fāsiq* (any sinner) with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful” [49:6].

Allāh prohibits accepting any news, which includes testimonies from a *fāsiq*, which means any sinner, who is known to sin. Sane adults are either *fāsiq* or *‘adl*. It is obligatory to ascertain the credibility of anyone bringing news before spreading it. If they are a *fāsiq*, their news and testimony are rejected. If they are *‘adl*, we accept their news and testimony and disseminate it. It is important to know that this verse does not mean to investigate the news, it is regarding investigating the virtuousness of the individual sharing the news.

As for accepting two upright Muslims in other rulings then the ignorant one who uses this argument, it becomes necessary on him to apply that *qiyās* also on requiring testimonies for *sariqah*, *qadhf*, *khamr*, *qiṣāṣ*, *qatl* all because of the reason testimonies that is required for *zinā* and they need four in total, not less is ever accepted. They necessitate themselves to apply four testimonies for all *ḥudūd*. Because they are all from *ḥudūd* and they are more similar to each other than *ṭalāq*, *raj’ah* or debts. There is also *ḥudūd* for everything we mentioned, the same way as *zinā* so they are more similar than what the adherents to *qiyās* use here as an argument and it would be necessary according to their method to apply it.

It would also be necessary for them to apply the *qiyās* of testimonies of one man and two women on debts, given that these testimonies exist for debts. Otherwise, the method of using *qiyās* for *raj'ah* and *ṭalāq* without also applying it to debts and all other *ḥudūd* lacks consistence, while consistence is a condition of *qiyās*.

If they claim *ijmā'*, then they have lied and are ignorant. Al-Hasan Al-Basri only accepted four testimonies from upright Muslims for *qatl*. Umar Ibn Al-Khattab and ‘Ataa Ibn Abi Rabah accepted for testimonies of *ṭalāq* testiomnies of women, but not men. ‘Ataa accepted eight testimonies only for *zinā*. Abu Hanifa accepted one man and two women for *ṭalāq*, *raj'ah*, and *nikāḥ*, but did not require this for *ḥudūd*. Al-Hasan Al-Basri's position aligns with *qiyās* because *qatl* is akin to *zinā*; both involve consequences for a married individual, relating them through the same aspect of punishment which is death, making them more similar than the testimonies of *ṭalāq*. Umar and ‘Ataas view is better suited for *qiyās* since it requires one man and two women for all cases, and the *ḥadd* for *zinā*, *qadhf*, and *khamr* is lashing. Therefore, lashing is more similar to another punishment involving lashing than it is to *raj'ah* or *nikāḥ*. It's evident to anyone with intellect. Particularly, the *mālikiyyah* who apply *qiyās* on killing due to *zinā*, stating that if the killer is forgiven by the *awliyā'* of the victim, they must be lashed one hundred times and expelled for a year, a *qiyās* drawn from the punishments for an unmarried *zāni*. It is incumbent on them to apply *qiyās* here to accept the same number of testimonies. However, this diverges from the path of Allāh, yet they deem it necessary while not acting on it.

A wonder is that Malik allowed for only one testimony for *qatl* and also accepted one vow from a *wali* for it. This stems from *qiyās* based on the testimony of vowing for *amwāl*. This implies that they oblige themselves to extend this allowance to *ṭalāq*, *nikāḥ*, *'itq*, and others, without any distinction between them.

The Verses Regarding Dream Interpretation

Some of them also reference the verses regarding dream interpretation, their claims regarding it are all false. Anyone that claims this is *qiyās* is a j*āhil* that does not know what *qiyās* is. Firstly, a dream can never be accurately interpreted. They can be *adgāth* (difficult to conclude a correct *ta'wīl*). It is prohibited to derive religious rulings regarding blood, private parts, wealth, or any obligation and any omission of *'ibādāt* from dreams by anyone other than the Prophet ﷺ. If a person uses this as an argument to validate the correctness of *qiyās*, which is not permitted to claim certainty in the religion of Allāh, then *qiyās* would be even more false than any previous claims they made. A dream is often interpreted with a conclusion opposite to what is observed. If *qiyās* were to be applied as they claim, they would have to adopt the opposite of a prohibition or order from Allāh and His Messenger. According to their definition, *qiyās* is: Judging matters that have not been directly addressed in texts by using a similar ruling to what has been determined by texts. This does not align with how dreams are interpreted. Anyone using dreams to bolster their argument on religious matters invalidates their argument from the start. We elaborated on what suffices for this when we clarified *i'tibār*.

The Verses Regarding Justice

Ibn Taymiyyah used as evidence for *qiyās*, the verse, "Verily Allah orders justice and the good." [16:90]. He said, "Justice is making two things equal. And *qiyās* is making two matters equal in ruling."

The answer: This is instead the greatest evidences against *qiyās* as Allah did not say that equality alone implies similarity in ruling, and there are dozens if not hundreds of rulings that are similar to other matters, yet are different in ruling, this is from the certain evidences for the falsehood of *qiyās*.

Al-Shawkani responded to Ibn Taymiyyah, May Allah have mercy on them, "This is answered by that there is no evidence in it for what exactly is sought from it. If we would accept, then it would apply for matters that are (merely) identical, unrelated to *qiyās* which is a branch from *ra'ī*, weak *dhann* and corrupt imaginations."[86]

Abd Al-Aziz Al-Harbi said, "I add (on to what Al-Shawkani said) that it is not from the justice for two matters to be equal merely due to a similarity between them. It is affirmed that the Prophet ﷺ said, 'Horses may be used for three purposes: For a man they may be a source of reward (in the Hereafter); for another, a means of protection; and for another, a source of sin. The man for whom they are a source of reward, is the one who keeps them for Allah's Cause and ties them with long ropes and lets them graze in a pasture or garden. Whatever those long ropes allow them to eat of that pasture or garden, will be written as good deeds for him and if they break their ropes and run one or two rounds, then all their footsteps and dung will be written as good deeds for him, and if they pass a river and drink from it though he has had no intention of watering them, even then, that will be written as good deeds for him. So such horses are a source of reward for that man. For the man who keeps horses for his livelihood in order not to ask others for help or beg his bread, and at the same time he does not forget Allah's right of what he earns through them and of their backs (that he presents it to be used in Allah's Cause), such horses are a shelter for him (from poverty). For the man who keeps them just out of pride and for showing off, they are a source of sin.' Then the Prophet ﷺ was asked about donkeys. He said, 'Allah has not revealed anything to me regarding them except this comprehensive Verse, 'Then anyone who has done good, equal

[86] Irshad Al-Fuhul pg. 343

to the weight of an atom (or a small ant) shall see it, and any one who has done evil, equal to the weight of an atom (or a small ant) shall see it'' [99:7-8].[87] If *qiyās* would have been an evidence then this would have been its place, and *qiyās* of the donkeys to horses would have been the most appropriate *qiyās*."[88]

[87] Sahih Al-Bukhari 7356
[88] Al-Khulasah Fi Usul Al-Fiqh 'Ala Minhaj Ahl Al-Dhahir pg. 94-95

The Verses Regarding Game Caught By Trained hunting animals.

They mention the verse, “They ask you, what has been made lawful for them. Say, ‘Lawful for you are [all] good foods and [game caught by] from hunting animals (*jawāriḥ*) you have trained (*mukallibīn*)” [5:4].
They say, “We know that this ruling applies also to animals other than dogs and that is only because of *qiyās*, because the word *kalb* only is used in the verse, there is also *ijmā’* of the *ummah* on this *qiyās*.”

The answer: We believe that it extends to animals beyond dogs. However, there is no unanimous agreement (*ijmā’*) on this matter; instead, there is a difference of opinion (*ikhtilāf*): Ibn Umar, Mujahid, Al-Dhahhak, Al-Suddi, Ibn Jubair, ‘Ataa and others contend that it exclusively pertains to dogs only, while Ibn Abbas and the majority claim that it encompasses any trained animal.

Proponents that it is exclusive to dogs might argue that all narrations from the Prophet ﷺ regarding the topic only mention dogs, and the verse itself appears to refer specifically to dogs. They could also argue that it is not feasible to train birds or animals other than dogs.

We agree that *nuṣūṣ* from the Prophet ﷺ only mentioned dogs in the narrations regarding hunting, except that our stance still includes animals beyond dogs because the verse is more general, Allāh the Most Exalted said, “From hunting animals *mukallibīn*,” signifying that Allāh has made this applicable to all hunting animals. It is not permissible to disregard what is made general in one *naṣṣ* based on other *nuṣūṣ* that only mention something specific within something general.

As for when Allāh said, “*Mukallibīn*,” there is no evidence within it to suggest that it is prohibited for animals other than trained dogs to engage in hunting. Dogs cannot be conclusively inferred solely from this word; it would require the use of the term *kilāb* in the verse for such a specific restriction. The word, “*Mukallibīn*,” means, “*Mu’addibīn*,” “*Muḍrīn*,” and, “*Mu’awwidīn*.” A *mukallib* is the one that teaching a dog to hunt,[89] and Allah says, “From the hunting animals,” this indicates that dogs are only some of the animals used to hunt, and not the only animal that can be used to hunt with.

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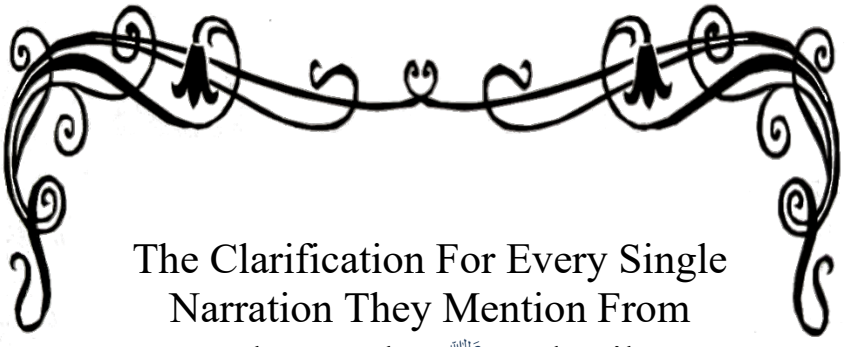
[89] Taj Al-‘Arus 4/169



The Clarification For Every Single Narration They Mention From The Prophet ﷺ In detail

It is now evident, and all praise is due to Allah, that there is not a single word from Allah that indicates anything of their method. Now we will continue and clarify how there is no evidence in any narration attributed to the Prophet ﷺ, by the will of Allah, the Most High, the Most Great. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

The Narration Regarding The *Imām* Using *Qiyās* When Leading The Prayer

They mention the narration that the Prophet ﷺ said, "If you are the *imām* then use *qiyās* (here with the meaning: measure) to lead the prayer accordingly to the weakest one in the congregation."[90]

The answer: This *ṭarīq*, which includes the word *qiyās*, its chains is not free from Talha Ibn 'Amr, he is known for falsehoods and is *matrūk*. This view is also held by Ahmad, Yahya, and others. On the other hand, well-known narrations from Abu Hurairah, Uthman, and Ibn Abi Al-'As do not include the term *qiyās*. The *ṭarīq* that does include it is the one we previously mentioned, and it is weak and *matrūk*.

Even if it were authentic, which it certainly is not, it does not relate to at all prohibiting the sale of oak nuts for more oak nuts. The word *qiyās* here only signifies: to measure as per one of the definitions of *qiyās* in the language. This narration does not indicate deducing a ruling on what is not mentioned from texts based on *qiyās* from what is from the texts. It solely emphasizes the Prophets ﷺ instruction to be considerate of the weaker individuals in the congregation. Additional narrations from the Prophet ﷺ further emphasize making prayers more manageable. Uthman Ibn Abu al-'As said, "O Messenger of Allāh, appointment me as the *imām* of my people (in prayers). The Prophet ﷺ said, 'You are their *imām*, but you follow (observe the strength of) the weakest among them and appoint a *mu'adhin* who does not charge for the call of *adhān*."[91] Abu Huraira said, "The Prophet ﷺ said, 'When any of you leads the people in prayer he must be brief, for among them are the sick, the weak, and the aged. But when one of you prays by himself he may be as long as he likes."[92]

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[90] Musnad Al-Bazzar 9315, 16/191
[91] Al-Mustadrak 'Ala Al-Sahihayn 715, 1/314
[92] Sahih Al-Bukhari 703

The Narration Regarding A Muslim not being stung From The Same Hole Twice

They mention the narration where the Messenger of Allah ﷺ said, "A Muslim is not stung twice from the same hole."[93]

They say, "The literal meaning is not used here; rather, it indicates the obligation of being cautious and not to return to harm again, and this interpretation is drawn from *qiyās*."

The answer: We have emphasized numerous times that we do not dismiss *manqūl*, that words can be inferred with another meaning, if it is supported by authentic texts, or the Arabic language. And this is a case where it is understood in that manner from the Arabic language.[94] No one has ever said that *majāz* (*ta'wīl*) means *qiyās*. The *majāz* is taken as long as the definitions of the apparent meaning are not possible. However, if this were, according to their perspective, based on *qiyās*, then they should consistently apply *qiyās* whenever they encounter the word "hole" to all contexts in the world. For instance, when the Prophet ﷺ forbade urinating in a hole, they should perform *qiyās* to prohibit it in other places. Since they themselves do not do that, they have acknowledged that it is derived from the literal meaning because of the *ijmā'*. It is impossible to substitute another definition based on *qiyās*, as it should then be applicable to all *'ilal* mentioned in the narration, which they neither use nor apply.

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[93] Sahih Al-Bukhari 6133

[94] Taj Al-'Arus 22/148 | Lisan Al-'Arab 8/318

The Narration Regarding The Man Repudiating Paternity Of His Black Child

In the name of Allāh the Compassionate, the Merciful. It has been narrated on the authority of Abu Hurairah, "A man from *banī fazārah* came to the Messenger of Allah ﷺ and said, 'My wife has given birth to a black boy.' He was intending to repudiate his paternity. The Prophet ﷺ said, 'Do you have camels?' He said, 'Yes,' the Prophet ﷺ said, 'What color are they?' He said, 'Red,' the Prophet ﷺ said: 'Are there any dark ones among them?' He said, 'There are some dark ones among them.' The Prophet ﷺ said, 'Where do you think they come from?' He said, 'Perhaps it is hereditary (*'irq*). The Prophet ﷺ said, 'Likewise, perhaps this is hereditary.'"[95]

They say, "The Messenger of Allah ﷺ used *qiyās* by recalling what is similar to the situation and instructed the man to give it the same ruling as with camels, as they seem alike."

They also say, "The Messenger of Allah ﷺ taught *qiyās* in this narration."

The answer: Anyone who examines the narration knows that nothing affirmative is mentioned in the narration; mere possibilities are presented. If the Messenger of Allah ﷺ had indeed taught *qiyās* as a fourth source of evidence in the religion in this narration, it would have been necessary to clarify the pillars and conditions of *qiyās*.

Certainty is obligatory for repudiating paternity of a child, not mere assumptions. Every single doubt must cease before repudiating paternity, the man wanted to repudiate paternity of his child while, then the Messenger of Allah ﷺ made it clear that there is still a possibility that the child is his because of hereditary. As long as there remains a possibility, it is not allowed to repudiate paternity of a child based on assumptions. Even if the narration contained certainty, it would not suffice as evidence for *qiyās*.

They say, "At the time the child appeared different in skin color from the father, there was no similarity between the *aṣl* and the *far'* as their colors were different. So, *qiyās* was invalid at that moment due to the presence of a *fāriq* (negating effect) and the absence of a valid *'illah* between them, as they are dissimilar. The child inherited different genes from predecessors, resulting in a different color from the father. At the same time, the child

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[95] Sahih Muslim 1500

inherits genes from predecessors, leading to the same colors with one of the predecessors, which is the *nafī al-fāriq* (affirmative effect) that makes the child and predecessors have the same colors. Therefore, the hereditary (*'irq*) is both a *fāriq* (negating similarity between the father and child), and a *waṣf al-jāmi'* (having the same color as the predecessors). The Messenger of Allah ﷺ clarified that this *qiyās* is the correct one. So, The Prophet ﷺ invalidated his initial *qiyās* and simultaneously corrected it. To put it simply: the man first used a false *qiyās* with no *'illah*, then the Prophet ﷺ presented a correct *qiyās* with an *'illah* which is the hereditary."

The answer: As mentioned before, there are only assumptions presented in the narration, nothing affirmative. The claims made, however, are false as well. There was no false *qiyās* used here according to your method; it would still be correct. And this would imply that there is then also no correction made by the Messenger of Allah ﷺ by him using another *qiyās*.

The man, as it is evident in the narration, knows what a hereditary is. According to them the *'illah* of hereditary is invalid if the child is not the same color as the father, and that it is at the same time correct as it would go along with one of the predecessors of the child.

This is a false *'illah* because the color of the child is not the only thing that is included in hereditary. It is without any doubt every single trait, from face, hair color, eye color, body type, height, including the skin color of the child. It is then false to say that hereditary is false and correct at the same time; it is instead something that is always correct as it always includes some features of the father. *'Illah* means that which always necessitates a thing in the other as we will clarify in great detail in the chapters of *'ilal*. Hereditary inherently always carries some of the father and of the predecessors. If that is the case, then the man chose one aspect only of hereditary, which is the skin color and chose that to repudiate paternity, neglecting others. The man focused only on this particular aspect of hereditary, while he at the same time knows what hereditary is and had at the same time the *'illah* in his mind that the child must be similar to him in skin color, and that he would otherwise repudiate paternity. This is the *'illah* the Messenger of Allah ﷺ opposed of the man making the child being different in color the *'illah* to repudiate paternity.

The Prophet ﷺ invalidated the man wanting something similar, which is in this case the skin color being the same only. This indicates that the *'illah* they claim is false, and as it is false, the Messenger of Allah did not correct the *qiyās* as claimed by them. Hereditary was used as an *'illah* against the man repudiating paternity. Know that a mere *'illah* attached to a ruling is

not *qiyās* without any difference; it is only *qiyās* if the *'illah* attached to a ruling is applied to another ruling. *Qiyās* is moving the ruling of the *aṣl* to the ruling of the *far'*, we then ask them: Did the Prophet ﷺ move a ruling of animals to the ruling of humans? This is something impossible, it is not possible to move a ruling of animals who are not addressed any ruling to the ruling of humans. As we know that no ruling from one issue was moved to the ruling of another issue, we know that no *qiyās* occurred as animals are not obliged, prohibited or permitted anything.

We also know with certainty that the Messenger of Allah did not take the *'illah* of hereditary solely from camels and apply it to humans; instead, we know that hereditary is something more general; heredity applies to all living organisms, in general. It is impossible for heredity to exist solely because of the existence of camels and because camels have it; it must be applied to humans. And as it is general, it is not possible that this is *qiyās*, as an *'illah* for *qiyās* can not already be encompassed by something general.

This narration instead invalidates their entire method, as the Prophet ﷺ told him that a dark camel can be born from a red camel. With this statement, the Prophet ﷺ invalidated the method of it being obligatory to apply the same ruling to two things because of them seeming similar in some of their attributes. It is impossible for anyone with the least amount of intellect to use *qiyās* of the children of humans to the children of camels, while *qiyās* is only according to them returning a *far'* to the *aṣl* because of a similar *'illah* between them as long as it is not something from texts already. Humans do not resemble others in some aspects of hereditary because of the reason that a dark camel can be born from red camels and also not any other animals. It is instead known by necessity that camels are not different from humans in pregnancy; there remains then no place for any *qiyās* here.

If *qiyās* would be necessary here, then the reproduction of humans being from hereditary, for the reason of *qiyās* from the reproduction of camels is the same as saying *ṣalāt ul-maghrib* is only obligatory because of *qiyās* from the obligation of *ṣalāt ul-dhuhr*. And *zakāh* is only obligatory because of *ṣalāh* being obligatory.

They themselves cannot come to an agreement on this narration being the clarification of *qiyās* for the fourth source of evidence in the religion. Ibn Daqīq Al-'īd said there is no indication of *qiyās* in this narration as it is only related to *wujūdī* matters not with *aḥkām*.[96] I mentioned before also

[96] Ihkam Ul-Ahkam Sharh 'Umdah Al-Ahkam 2/204

that there is nothing affirmative mentioned in the narration. Only possibilities are presented.

Their claim that the man only used the wrong *qiyās* only is against their method. According to their own conditions for a *qiyās*, it was not a *qiyās* in the first place. As they believe the man did not present an *'illah*, and according to them a *qiyās* cannot exist with no *'illah*, the contradiction is very evident.

This narration would only ever indicate *qiyās* if it would indicate that humans resemble other humans in some aspects of hereditary because of the reason that a dark camel can be born from red camels. And we do not know any creation of Allāh that believes this. They also concur that *qiyās* is a separate fourth source in the religion besides Qur'ān, *sunnah*, and *ijmā'*, yet they claim to conclude *qiyās* from a narration where a man is asking for Qur'ān and *sunnah*, a narration that has not a single trace of clarification of what *qiyās* is and all the dozens of conditions which they created for *qiyās*.

All of these are also the words of the infallible, they concur in the first place that any words of the Prophet ﷺ are an *aṣl* and can never have a *far'*, while *qiyās* is moving a *far'* to an *aṣl*. Using any words of Allah and His Messenger to indicate is moving an *aṣl* to another *aṣl*, this is impossible, according to their own conditions. But we still clarify how it even beyond that has not a single trace of evidence for *qiyās*. All of this applies to all other narrations which will be mentioned by the will of Allah. There not being any indication of *qiyās* in this narration is also the view of Al-Bukhari, Ibn Ḥazm, Wamid Ibn Ramzi Ibn Siddiq Al-'Umarī and Muqbil Ibn Hadi Al-Wādi'i, Muqbil said, "None of these narrations indicate any *qiyās*."[97] He also means the following narrations that will be mentioned by the will of Allah. There is no power or strength except by Allāh.

[97] Ijabat ul-Sa'il, pg 309

The Narration Regarding The Sale Of Dried Dates For Fresh Dates

They also mention the narration which is narrated on the authority of Sa'd said, "The Messenger of Allah was asked about (the sale of) fresh dates with dried dates, and he said to those who were around him, 'Does the fresh dates decrease (in weight or volume) when they dry out?' They said, 'Yes,' so he prohibited that."[98]

As for the claim that the Prophet ﷺ used *'ilal* and *qiyās* regarding the sale of fresh dates for dried dates, this is false because this narration is nothing but about the *ribā* of dates in general, the Prophet ﷺ said, "Do not sell dates for dates, except equal for equal, kind for kind, and the payment being made on the spot; but do sell dates for salt and salt for dates, payment being made on the spot, as you wish."[99]

It is *ribā* to sell dates for dates except if it is without delay and equal in amount, so the dates must be equal in weight and the Prophet ﷺ inquired wanting to know nothing but if it is equal in weight, which is why he asked if it decreases in size if becomes dry as fresh dates are much heavier in weight, so there is not a single place for *qiyās* or *'ilal* in this.

There is no evidence in this narration for declaring *ta'līl* from among the sources of the religion and also not that that a mentioned *'illah* can be used for rulings other than the issue where the *'illah* is mentioned by Allāh and his Messenger. And also they are the first ones to oppose this narrations, as for *ḥanafiyyah* they allow the sale of dried dates for fresh dates without any restriction.[100] And the *mālikiyyah* and *shāfi'iyyah*, all of them allow selling fresh dates for dried dates with the condition that the dates are still on the date trees (*bay' al-'arāyā*).[101] And all of them allow selling *jadīd* for dried dates while *jadīd* dates are that which have shrunken alot.

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[98] Sunan Al-Nasa'i 4546, 7/524
[99] Musnad Al-Shafi'i 1394, 3/174
[100] Al-Asl by al-Shaybani 2/413
[101] Al-Ma'unah 'Ala Madhab 'Alim al-Madinah pg. 1018 | Al-Tamhid Lima Fi al-Muwatta' 2/326 | Al-Umm by al-Shafi'i 3/25, 3/54

How someone oppose an *ʻillah* he claims is the source of *ʻilal* in *aḥkām*. They are nothing other than those who Allāh said about, “They declare it *ḥalāl* [for] one ear and they declare it *ḥarām* [for] one year” [9:37]. If they would remain consistent with this *ʻillah* in every single thing, only then would they go according to their own method. But they are a people that do not follow *nuṣūṣ* and also not their own method. There is no power or strength except by Allāh.

The Narration Regarding Kissing During The Fast

It has been narrated on the authority of Jabir Ibn Abdullah, "Umar Ibn Al-Khattab said, 'I got excited one day and kissed [my wife] when I was fasting. I went to the Messenger of Allah ﷺ and said, 'Today I have done a horrible thing, I kissed [my wife] while I am fasting. The Prophet ﷺ said, 'What do you think of rinsing your mouth with water when you are fasting?' I said: 'There is nothing wrong with that.' The Prophet ﷺ said, 'So what?'"[102]

If this were the only narration on the annulment of *qiyās*, it would be sufficient, as Umar thought that the act of kissing breaks the fast based upon *qiyās* from the prohibition of intercourse. This is because he said, "Today I have done a severe thing." The prophet ﷺ then told him that even if things are similar or different in some of their attributes, that does not imply that they have to be the same in ruling. The Prophet ﷺ clarified that rinsing the mouth does not break the fast, and if it reaches the throat on purpose, then it breaks the fast. The Prophet ﷺ also clarified that intercourse does break the fast, but kissing does not break the fast.

This is, in reality, an annulment of *qiyās*, as there is no similarity between kissing and rinsing the mouth. They say, "Maybe the Prophet ﷺ did *qiyās* from kissing to the act of rinsing the mouth instead of kissing to intercourse." We say, according to their method, they do not accept *qiyās* except when there are two things that share similarity in an attribute between them. If we were to use their method, we know that kissing is closer to intercourse than rinsing the mouth, as both kissing and intercourse are actions of pleasure. So kissing and intercourse are similar to each other, not rinsing the mouth to kissing. Therefore, Umar thought he had committed a sin like intercourse based on the *qiyās* he had in his mind, believing it to be the same, which is why he told the Messenger of Allah ﷺ that he had done a severe thing that day. The Prophet ﷺ then only gave an example of rinsing the mouth, intending with it that one must not conclude that rulings are the same just because some attributes between them resemble each other, and when some do not. With this, the Prophet ﷺ separated the rulings on rinsing the mouth, drinking, kissing, and intercourse and concluded that

[102] Musnad Ahmad 382, 1/439

matters resembling each other in some of their attributes do not, in of themselves, imply that they have the same ruling.
Then they say, "The Prophet ﷺ did *qiyās* about what leads to intercourse, which is kissing, and about what leads to eating, which is rinsing the mouth, and that these acts alone cannot break the fasts as both acts do not include what it leads them to in the end, which is either intercourse or eating. When the Prophet ﷺ asked him: 'What do you think of,' this implies that the Prophet ﷺ agreed with Umar using *qiyās*, as the Prophet ﷺ did not reject Umar using it. The Prophet ﷺ only invalidated his *qiyās* and corrected it with the correct *qiyās*. There is a similarity between rinsing the mouth and kissing because they are both ways by which, if the person continues, it leads them to breaking the fasts. For rinsing the mouth, it is eating, and for kissing, it is intercourse."

The answer: There are three claims made, the first claim implies that rinsing the mouth is akin to kissing because both actions supposedly lead to something greater; kissing leads to intercourse, while rinsing the mouth leads to eating. This claim is false. In the majority of cases, rinsing the mouth, whether for *wuḍū'* or other reasons, does not lead to eating, whereas kissing one's spouse often leads to intercourse or other sexual activity. Umar's statement, "Today I have done a severe thing," regarding kissing invalidates the claim that rinsing the mouth and kissing share a similarity due to both leading to either eating or intercourse.

As we mentioned before, kissing is closer to intercourse than rinsing the mouth without any doubt, as both kissing and intercourse bring pleasure. So, kissing and intercourse are similar to each other, while rinsing the mouth is not similar whatsoever to kissing. Umar may Allah be pleased with him mistakenly thought he had committed a sin similar to intercourse based on the faulty *qiyās* he had in his mind, assuming it to be the same, and he told the Prophet ﷺ that he had done a severe thing that day. It cannot be denied that kissing shares an *'illah* with intercourse, while rinsing the mouth is completely unrelated to kissing, sharing no *'illah* with kissing, it is from their conditions that they take the strongest *'illah* and forsake unrelated. Moreover, every action that exists can potentially lead to another action. Using the reason of an action leading to something else is then invalid, because everything that exists inherently leads to something else, even if the impact or influence is minimal or insignificant, this is unrelated to *qiyās*. *qiyās* is intended to look into matters that share similarity between them while recognizing that there may be dissimilarity between other things so that only those things with the same similarity in a specific attribute receive

the same ruling, while other dissimilar things have different rulings. Not a matter that shares similarity with every single thing that exists.
The second claim is that the question of the Prophet ﷺ to Umar, "What do you think of," implies that he must have agreed with the method of *qiyās* Umar used. This is false because the Prophet ﷺ asked many times the question, "What do you think of," and this never implied inherently that he agrees with every single thing mentioned to him before the question is asked. The Prophet ﷺ also said at the end of the narration, "So what?" The word in Arabic is, "*famah,*" this word implies reprimanding and an order to abstain.[103] Which is without doubt about the view of Umar including his *qiyās*. If the Messenger of Allah would have validated his view which includes his *qiyās* it implies the belief that kissing the wife breaks the fast is the correct view and none of them believe in that.

The third claim is that the Prophet ﷺ invalidated Umar's *qiyās* and then used a valid *qiyās*. From everything we mentioned, it can be concluded with certainty that what the Prophet ﷺ said is not from *qiyās*, as *'illah* is a pillar of *qiyās* which has no place in this incident. It is also not possible for the Prophet ﷺ himself to make use of *qiyās* and not to show some indication towards it, as everything the Prophet ﷺ says is from *waḥī*. While those who use *qiyās* claim it is a separate evidence in itself besides Qur'ān, *sunnah*, and *ijma'*. When Umar said, "I kissed [my wife] while I am fasting," he did not know the permissibility of kissing during fasting. The Prophet ﷺ asked him, "What do you think if you rinse your mouth with water when you are fasting?" And Umar replied, "There is nothing wrong with that." The question was to indicate a close situation where a person is not far from swallowing water; it was only to make him realize that the only thing that breaks the fast is if water enters the stomach. And that kissing the wife is allowed because of the clarification that nothing other than actually swallowing food or water breaks the fast. Not that kissing the wife is allowed only because of the ruling of rinsing the mouth being allowed, as they both have no resemblance whatsoever. The close situation indicated by the Prophet is also not something we clarified before, about something leading to something else; that is false.

So since there is no resemblance between kissing and rinsing the mouth we know that the Messenger of Allah did not take the ruling of another issue and applied it to the ruling of kissing during the fast and he also did not take

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[103] Lisan Al-'Arab 15/472
Taj Al-'Arus Min Jawahir Al-Qamus 40/508

the *'illah* of another issue and apply it to the ruling of kissing during the fast. Given that all of this is now acknowledged and established, it's evident that no *qiyās* occurred. Instead, the Messenger of Allah posed the question to educate him on the principle that similarity or dissimilarity in one aspect does not necessarily warrant the application of the same ruling. If this narration would indicate *qiyās* it would imply that the Messenger of Allah only allowed kissing the wife during the fast, only because of the reason that there is nothing wrong with rinsing the mouth, we do not know any creation of Allah that has uttered such before. There is no power or strength except by Allāh.

The Narration Regarding The Debts Of Allah

It has been narrated on the authority of Ibn Abbas, “A man came to the Messenger of Allah ﷺ and said, ‘O Messenger of Allāh, my mother has died [while] she had fasts to observe from the month [of *ramaḍan*]. Should I complete [them] on her behalf?’ Thereupon the Prophet ﷺ said, ‘Would you not pay the debt if your mother had died [without her having paid it]?’ He said: ‘Yes.’ The Prophet ﷺ said, ‘The debt of Allāh is the most deserving to be paid off.’”[104]

From another *ṭarīq* it has been narrated on the authority of Ibn Abbas, “A man said, ‘O Messenger of Allāh! My father has died and he did not perform *ḥajj*; should I perform *ḥajj* on his behalf?’ The Prophet ﷺ said, ‘Do you not think that if your father owed a debt that you would pay it off?’ The man said, ‘Yes.’ The Prophet ﷺ said, ‘The debt owed to Allāh is the most deserving to be paid off.’”[105]

The *shafi’iyyah*, *ḥanafiyyah*, and *mālikiyyah* all oppose these narrations because they do not allow making up fasts for the one who passes away, and not just for those who pass away; they do not allow making up fasts on behalf of anyone. The *mālikiyyah* and *ḥanafiyyah* also say that the debts of the people precede the debts of Allāh because Allāh is in no need of anything. While they hear the words of the Prophet ﷺ, “The debt owed to Allāh is the most deserving to be paid off.” Yet they say, “No the debts owed to the people are more deserving to be paid off than the debts of Allah.”

We do not know an innovation in religion that is uglier and more repugnant than this, because the people of innovation did not authenticate the *ḥadīth*, so they are more excusable for abandoning them. While these innovators agree with us that a *khabar ul-wāḥid* (solitary narration) from the upright narrators is an absolute truth that cannot be opposed, while they have no valid criticism of these chains of transmission, they proceed to openly oppose them. It is beyond doubt that whoever receives these authentic narrations and acknowledges its authenticity, then he permits opposing what is authentically narrated from the Messenger of Allah by following the statements of Abu Hanifa, Malik or Al-Shafi’i may Allah have mercy on them, or anything other than the words of Allah and his

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[104] Sahih Muslim 1148
[105] Sunan Al-Nasa’I 2639

Messenger, he is a disbeliever, whose blood and wealth are lawful to be taken, and he is akin to Jews and Christians. As for someone who acknowledges its authenticity of such a chain and rules by it in religion, but believes it is not valid, he is wicked, shameless, and lacking in modesty, openly flaunting his opposition. We seek refuge in Allah from both of these approaches, as they lead to destruction and abandonment of all rulings.

As for us, there is no indication for any *qiyās* in this narration. Allāh says in the verse of inheritance, "After any bequest which was made or debt" [4:12]. Allāh made debts here general. What Allāh obliges on our wealth is called a debt. And from texts, we get to know that certain orders of Allāh are also referred to as debts and that they have the highest priority and are the most deserving to be fulfilled.

While the narration about making up fasts for others is authentically narrated from Ibn Abbas, Aisha, and Buraidah, most of the adherents to *qiyās* go with the view that making up fasts for others is also invalid.

Al-Hafidh Ibn Hajar said, "The people of *ḥadīth* have allowed and validated making up fasts for those who have passed away. It is the view of Abu Thawr and a group of the *shafi'i muḥaddithīn*. But Al-Shafi'i, Malik, and Abu Hanifah said, 'There is no making up fasts for those who have passed away.' And Ahmad, Ishaq, and Abu Ubaid said, 'There is no making up fasts for those who pass away except if it was from vows.' Because of a restriction (*taqyīd*) in a narration of Aisha."[106]

The adherents to *qiyās* claim that this narration is a guidance towards *qiyās*, and some of them claim *ijmā'* on it. Al-Qurtubi said, "When the Prophet ﷺ said, 'The debt of Allāh is most deserving to be paid off.' It is not literally the most deserving by *ijmā'*. The debts of the servants of Allāh are more deserving than the debts of Allāh because the Muslims are in need of it while Allāh is not in need of anything, and there is *ijmā'* on this. This is also the view of Ibn al-Arabi al-Maliki."[107]

The claim of *ijmā'* and that the debts of Allāh are not most deserving are both false. Al-Hafidh Ibn Hajar said, "The debts of Allāh preceding the debts of the Muslims is one of the views of al-Shafi'i."

Their claims imply a direct opposite to the *manṭūq* (apparent) understanding of these narrations. Most of them align with Al-Qurtubis viewpoint, giving precedence to the debts of the people over the debts of Allāh.

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[106] Tuhfat Al-Ahwadhi 3/335
[107] Tafsir Al-Qurtubi 4/152

They say, “The Prophet ﷺ guided the people to *qiyās* about paying off the debts of Allāh from *ḥajj* on behalf of others because of the reason that it is allowed to pay off the debts of others in matters which are not the debts of Allāh.”

The answer: These poor individuals speak with the misguided opinions, based on *taqlīd* of those who are fallible. This is a clear fabrication attributed to the religion of Allah. The Prophet ﷺ never said regarding the *‘illah* of the ruling, “Because of the reason the ruling of paying off the debts of Allah is so-and-so, the ruling of paying off the debts of Allah is the same.” And only if this would be the case it would be a *qiyās*, which is something that did not happen according to anyone with even a modicum of comprehension. And while Allah made a very clear difference in the ruling of His debts and the debts of the people, because His debts precede the debts of the people. There is then not a single indication for *qiyās*.

They say, “In case of a person's demise with outstanding obligatory *zakāh* or having not performed the obligatory *ḥajj*, along with unpaid debts to others, the debts owed to people take precedence over the debts owed to Allāh.”

This is what they understand from the *āyah*, “After any bequest which was made or debt” [4:12]. If a person who has passed away missed fulfilling their obligations of paying *zakāh* or performing *ḥajj*, there are varying opinions among the adherents to *qiyās*. The majority of them hold the view that the debts owed to Allāh are no longer obligatory to be paid off after their passing, unless a bequest (*waṣiyyah*) is made that specifically includes those debts. Ahmad and Al-Shafi’i said, “*zakāh* and *ḥajj* are all paid from *ra’s ul-māl*.”

In a situation where a person passes away and does not leave sufficient inheritance, while having both debts to Allāh in the form of missed fasts, *ḥajj*, or *zakāh*, as well as debts to the people, Al-Qurtubi claimed *ijmā’* that the debts of the people take precedence over the debts of Allāh. This claim is false with no evidence presented and contradicts the *manṭūq* understanding of the narrations. Ibn Hajar, on the other hand, holds the opposite view, stating that there is *ikhtilāf* on whether the debts of the people or the debt of Allāh should be given priority.

As for the *muta’akhirūn* from the adherents to *qiyās*, they claim that these narrations are a guidance towards *qiyās*, there is no doubt that these narrations indicate nothing from *qiyās*. There is only in it guidance in understanding *‘umūm* as it is necessary. This becomes clear when from the words of the Prophet ﷺ, “Do you not think that if she owed a debt that you

would pay it off?" She answered, "Yes." This indicates that she knew the *walī* of the one passing away pays off the debts of the one that passed away. As she knows that, there remains no valid reason to limit paying off debts for the people only leaving off the debts of Allāh. Otherwise there is no value in her question and also not to the answer she got from the Prophet ﷺ. She was unsure about the issue and she did what was obligatory on her, which is to ask and refer the matter to the Messenger of Allah ﷺ if she is unsure. There could be many possibilities why she asked the question, among them is that the debts of Allāh were not from the customs (*'urf*) among the Arabs before Islam. She could also have done *ta'wīl* of the *āyāt*.

The order from the Prophet ﷺ is *'umūm* (general), which implies that *qiyās* is not possible. One of the conditions they set for *qiyās* is that it cannot already be encompassed by a general order, otherwise, it is not *qiyās*. What confirms that the order is general is that the Prophet ﷺ said, "The debt owed to Allāh is most deserving to be paid off." The word "debt" was used to indicate the *ḥuqūq* of Allāh. This implies that fasting and *ḥajj* are the exact same to property owed to people, making all of them a debt. There is no preventative measure from this being part of the same general ruling.

The verse, "After any bequest which was made or debt," [4:12] clarifies that debts must be paid off in general. And the narrations in this chapter only confirm that pilgrimage and fasting are part of this general ruling of paying off debts.

They say, "If that ruling would be general, then the prayer would also fall under the same category, making it a debt, and the *walī* of the deceased person who missed prayers would be obligated to make up all the missed prayers on their behalf."

Their question also applies to their own method regarding performing *ḥajj* on behalf of someone else; they consider it an act of obedience just like the prayer. This is especially true for those who claim that it is permissible to make up any missed prayer for a living person, regardless of the time. The term "debt" is not used for every single religious obligation. Debts are specifically related to the *dhimmah*, which is that which is obligatory to fulfill. While *ḥajj* and *ṣiyām* are both additionally named debts by the Messenger of Allah, the same did not occur for *ṣalāh*; there is no text declaring it a debt of Allah. If there were texts clarifying that prayers are debts of Allah, it would indeed be obligatory to pay all of them off by praying it on behalf of them. Their argument, claiming that the *manṭūq* of the narration is left off due to the possibility of *ṣalāh* being related to debts, is not acceptable; there is no certain evidence presented for this false claim.

We firmly state that the *manṭūq* of the narration must be taken, and ṣalāh is not considered a debt in the same context as *ḥajj* and *ṣiyām*.[108]

They say, "If we were to accept your claim, then there would be no reason for the Prophet ﷺ to inquire about paying off debts from others, and the purpose behind those questions would become meaningless. The answer to the questioner would be limited to a simple "yes" without any further elaboration or inquiry."

They also say, "It is possible that the debts mentioned in the verse, "After any bequest which was made or debt," [4:12] refers specifically to property debts and not every single debt in general. Otherwise, everyone would have to wait until every single missed fast is made up for the deceased, and the distribution of their money would have to be delayed until all of that is completed. And if your claim is correct, then why did the Prophet ﷺ not directly refer to the verse instead of using *qiyās*?"

Their first claim, that the Prophet ﷺ would only say "yes" and not ask the question as it would render the questioning meaningless, is completely false for two certain reasons. Firstly, it is an example put forth by the Messenger of Allah, because it is acknowledged that the *'illah* of people having debts does not inherently indicate that the debts of Allah precede the debts of others. This is something they themselves acknowledge; that this *'illah* is not used at all, and there cannot exist any *qiyās* without an *'illah* by the agreement of those whose difference is considered. Since we know that there was no *qiyās* involved, it is only an example put forth. Allah the Most Exalted says, "Indeed, Allah does not feel shy in citing any parable, be it that of a gnat or even something more lowly. Now, as for those who believe, they know it is the truth from their Lord; while those who disbelieve say, 'What could Allah have meant by this parable?' By this, He lets many go astray, and by this, He makes many find guidance" [2:26]. It is an act of *kufr* for to impose a saying on the Messenger of Allah as anything he says is from revelation. So it is irrelevant and unnecessary and even prohibited for us to speculate about the reason why he asked the question and affirm a made up reason for it, whether we know it or not does not change that no *qiyās* took place. The example put forth has benefits; we do not affirm this as the reason, however, it has benefits. It clearly serves as a *ta'kīd* that *ḥajj* and *ṣiyām* are indeed part of the general order of paying off debts and they precede the debts of others. It is not possible to understand anything else from this narration.

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[108] Al-Fawa'id Al-Fiqhiyyah pg. 259

Secondly, there are other narrations where the Prophet ﷺ provides the same answers about the debts of Allāh taking precedence over the debts of people, without asking the question. It is narrated on the authority of Ibn Abbas, "Sa'd Ibn 'Ubadah asked the Messenger of Allah ﷺ, 'My mother has died and she could not fulfill her vow which she had taken.' The Prophet said ﷺ said, 'Fulfill it on her behalf.'" [109] And it is narrated on the authority of Aisha that the Prophet ﷺ said, "Whoever dies with an obligatory fast on him, then his *walī* makes up the fast for him."[110] These obligations imply the same as the narrations where it is mentioned that *ḥajj* and *ṣiyām* are debts. Those narrations provide additional information that *ḥajj* and *ṣiyām* are also considered debts and that they take precedence over all other debts owed by the people.

Regarding the claim that the verse is specific to property only, implying that distribution of inheritance would have to wait until the debts of *ḥajj* and *ṣiyām* are fulfilled if they were not done by the deceased person, Glory be to Allah! These very claims are the exact questions that was asked to the Prophet ﷺ about the debts of *ḥajj* and *ṣiyām*. And the Prophet ﷺ explicitly clarified that these are the debts that take precedence over the debts of the people. If it would not then there would remain absolutely no meaning to any narrations on these topics, which is false to believe. As most of them reject making up the debts of Allāh, or it preceding the debts of the people. They all believe in the principles of *'umūm* and *khuṣūṣ*, and here they abandon the pricple of *'umūm* when the Prophet ﷺ himself placed *ḥajj* and *ṣiyām* in the general order of paying off debts and emphasized that they are most deserving to be paid off.

They say, "So if a Muslim passes away with remaining fasts from *ramaḍān* and was unable to perform *ḥajj*, you wait until all of this is fulfilled before the heirs and creditors receive their share of the wealth?"

The answer: When any Muslim passes away, the first thing done with his property is paying of the debts of Allah. These debts include missed *zakāh*, *kaffārah*, *ḥajj*, fasting and any other debts owed to Allah. After settling these debts, if there is any remaining property, it is used to pay off other creditors. If there is still property left after settling all debts, it is used to cover the cost of enshrouding the deceased. If there is still property remaining after this, then bequests are paid from one third of what is left, and anything beyond that is inherited by the heirs.

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[109] Ta'liqat Al-Hassan 'Ala Sahih Ibn Hibban 6/404
[110] Sahih Al-Bukhari 1952

They also say, “The obligation of paying off the debts of Allah falls off after a person's death, because of the verse, ‘And that there is not for *al-insān* except that for which he strives.’ [53:39] And other similar verses.”

While this verse is indeed general, except that the principle of *‘umūm* is of various types. Had the verse been, “There is not for *insān*, except that for which he strives,” without *alif* and *lām*, which is not in these verses, it would invalidate making up any acts of worship for anyone, except what is specifically ordered to be paid off such as *ḥajj* and *ṣiyām*, from this general verse. Therefore, there is no evidence for them even if that were the case with this verse. However, in the verse, it is mentioned with *alif* and *lām* “*al-insān*” instead of “*insān*.” This negates taking the definition with its complete general meaning. The verse does not contradict what we are ordered; there is nothing for a man except that he strives for what Allāh and His Messenger have ordained. The Prophet ﷺ himself obliged the *walī* of a deceased person, who had missed obligatory fasts, to make up those fasts on his behalf, the same for *ḥajj*. Those who oppose this, while obliging the making up of *ḥajj* for the living, freeing slaves, and giving charity, use this verse to argue against fasting, leading to contradictions in their stance. Even if it were considered a bequest for *ḥajj*, freeing slaves, or giving charity, then a bequest can also be made for fasting, while they oppose this as well

The narration attributed to the Messenger of Allah, wherein he said, “When a man dies, his acts come to an end, except for three: recurring charity, knowledge (by which people) benefit, or a pious son who prays for him (for the deceased),” does not imply anything about the prohibition of fasting for the deceased person. Even if it did, which it doesn't, the *walī* fasting for the deceased would be an additional ruling, and such rulings are not left out; they are accepted and acted upon. All narrations suggesting that the Prophet ﷺ did not accept fasting for a deceased person are weak. As for the *salaf*, it is also the view of Tawus and Hammad that it is obligatory for the *walī* of the deceased to fast on his behalf for the missed obligatory fasts.

All of them also abandon the *qiyās* of fasting for the ones that passed away if they made a bequest to performing *ḥajj* on behalf of the deceased, they are *ahl ul-qiyās* as they claim but are the first ones to abandon *qiyās*.

If it is said, “What about *zakāh*?” The answer: The word “debt” applies in Arabic also for every single thing Allah obliged on our property, this includes *zakāh* and *kaffārah* as well.

If only those individuals would heed their own words, they would realize that there is nothing more concerning than the statement that suggests, “If the Messenger of Allah instructs us to fast and perform *ḥajj* on

behalf of others, and if he tells us that settling the debts owed to Allah takes precedence over settling debts owed to people, then it becomes obligatory to abandon this order. It is impermissible to fast on behalf of others or to use this narration. Despite this, we still maintain that this narration signifies *qiyās* as the fourth source of evidence in religion, and that this narration indicates that transactions such as selling honey for more or less than its value is prohibited, as are transactions like exchanging ram meat for rabbit meat, or selling cotton for more cotton."

Blessed is Allah, the Lord of the mankind, *jinn* and all that exists! How ugly and repugnant this is to those who see with the eye of truth. They should feel ashamed when a narration they are the first ones to disobey, opposing directly what it entails and continue to let their tongues utter the analogy from this narration, when there is absolutely no basis for analogy in it. And we seek refuge in Allah from being abandoned.

The Narration Regarding Ordering Mu'adh To Judge With *Ra'ī*

It is attributed that on the authority of some companions of Mu'adh Ibn Jabal, "When the Messenger of Allāh ﷺ intended to send Mu'adh Ibn Jabal to Yemen, he asked him, 'How will you judge when the occasion of deciding a matter arises?' He replied, 'I will judge in accordance with the book of Allah.' The Prophet ﷺ then asked, '[What will you do] if you do not find the answer in the book of Allah?' He replied, '(I will act) in accordance with the *sunnah* of the Messenger of Allāh ﷺ.' The Prophet ﷺ then asked, '(What will you do) if you do not find the answer in the *sunnah* of the Messenger of Allāh ﷺ and in the book of Allah?' He replied, 'I will do my best with my *ra'ī*.' The Prophet ﷺ then patted him on the breast and said, 'Praise be to Allāh Who has helped the messenger of His Messenger to find something which pleases the Messenger of Allāh.'"[111]

This narration is in all of its *marfū' ṭuruq* weak. The problems with its *asānīd* are that Al-Harith Ibn 'Amr is unknown (*majhūl*), and his *shuyūkh* (his companions mentioned in the narration) are also all unknown. There are only acceptable *mawqūf* narrations with the same meaning and no *mawqūf* is ever an evidence as they are not the words of the Messenger of Allah. It is not allowed to use the narration of Mu'adh because of its weakness. There is also no one from the era of the *ṣaḥābah* that mentioned anything regarding this event and also no one from the era of the *tābi'ūn*.

Al-Hafidh Ibn Hajar said, "Al-Tirmidhi said, 'We do not know anything about Al-Harith except that he is mentioned in this *isnād* and its *isnād* is disconnected.' Al-Bukhari said, '[The narration of] Al-Harith narrating about the companions of Mu'adh is weak, nothing about [the status of] Al-Harith is known except this (weak) narration.' Al-Daratuqni said, 'Ibn Mahdi said, 'Shu'bah narrating from Abu 'Awn is *mursal* and the groups that are mentioned as well.' It being *mursal* is the most correct view.' Ibn Hazm Al-Dhahiri said, 'The narration is weak, because Al-Harith and his *shuyūkh* are all unknown, some people claim this narration has *tāwatur* and that is a lie because no one other than Abu 'Awn narrated it from Al-Harith, how can that then be *mutawātir*?' Abd Al-Haqq Al-Ishbili Al-Dhahiri said, 'This narration is not connected, no authentic version exists of this narration.' Ibn Al-Jawzi said, 'This narration is weak, even if all

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[111] Sunan Abi Dawud 3592

those scholars had mentioned this narration in their books and depended on it.' Ibn Tahir said, 'Know that I examined this narration from both the smaller and greater *masānīd* and asked *ahl ul-'ilm* about this narration and found nothing for this narration other than two *isnāds* for it. First is from Shu'bah and the other from Muhammad Ibn Jabir who narrated from Ash'ath Ibn Abi Al-Sha'tha' who narrated from a man from Thaqif who narrated from Mu'adh, and they are both weak.'"[112]. Ibn Al-Mulaqqin said, "This narration is mentioned often repeatedly in the books of the *fuqaha'*, *uṣūliyīn*, *muḥaddithīn* and they rely on it but it is weak according to *ijmā'* of *ahl ul-naql*."[113] Ibn Dihyah Al-Dhahiri said in his book refuting Abu Bakr Ibn Al-'Arabi about this narration, "This narration is well known among those weak in *fiqh*, it has no basis; therefore, it must be rejected."[114] Al-Jurqani said, "This narration is *bāṭil* (false)."[115] Abu Dawud said, "This narration is not authentic in its *musnad* form[116]. The narration is also declared weak by Al-'Uqayli, Al-Busiri, Ibn Kathir, Ibn Hajar, Al-'Iraqi, Shu'ayb Al-Arna'ut, Al-Shaykh Husain Asad, Al-Albani,[117] Al-Musnad Al-Musannaf Al-Mu'allal[118] and others.

Certain individuals attempted to enhance the credibility of Al-Harith as a narrator, pointing to Ibn Hibbans *tawthīq* (declaring a narrator to be reliable) of him. Al-Zarkashi makes reference to this in his Al-Mu'tabar. It appears that Al-Zarkashi may have had some misunderstandings regarding Ibn Hibbans *tawthīq* methodology. Ibn Hibbans approach involves affirming the reliability of narrators for whom there are is not known any *jarḥ* criticism for. He explicitly explains this method in his *al-thiqāt*.[119]

Ibn Hibbans inclusion of numerous unknown narrators in his *al-thiqāt*, about whom absolutely no information is known, is false. He grants *tawthīq* to these narrators based solely on the absence of any *jarḥ* except in the case of narrators who are explicitly *majhūl*. So if Ibn Hibban includes someone who is *majhūl* in his *al-thiqāt* his *tawthīq* is not relied upon unless someone agrees with Ibn Hibbans *tawthīq* of a narrator, which is unusual by the

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[112] Al-Talkhis Al-Habir 4/445-448
[113] Al-Badr Al-Munir 9/534
Tahqiq al-Mu'tabar Page 67
[114] Al-Badr Al-Munir 5/214
[115] Al-Abatil 101
[116] Al-'*ilal* 1001
[117] Da'if Sunan Al-Tirmidhi 154
[118] Al-Musnad Al-Musannaf Al-Mu'allal 11025, 24/479
[119] Al-Thiqat 1/13

scholars of *ḥadīth*. Al-Harith is also not the only problem in the narration; there are also unknown *shuyūkh* (the companions of Mu'adh mentioned in the narration) from whom Al-Harith himself narrates. These *shuyūkh* are all unknown, and someone else, also unknown (Al-Harith), claims that they are from the companions of Mu'adh, which is again attributed to Al-Harith.

What is often falsely used as an argument to strengthen this narration is that the companions of Mu'adh being unmentioned is not a defect, this argument is used by Al-Dhahabi, Ibn Al-Qayyim, Ibn Rajab. This claim has no value, it is a false method to make *tawthīq* of unmentioned narrators other than the companions of the Messenger of Allah, especially since the one that claimed in this narration that it was the companions of Mu'adh is himself *majhūl*. The companions of Mu'adh being unknown is also not the only defect in this narration, they are the following: *irsāl*, *jahālah* of Al-Harith Ibn 'Amr, *jahālah* of the companions of Mu'adh and the weakness of Muhammad Ibn Sa'id Ibn Hassan and Al-Shadhakuni who is a liar.

As for Al-Dhahabi he had *Iḍṭirāb* about the status of Al-Harith and he can not be relied on regarding Al-Harith, he once claimed he was not *majhūl* but a *ṣadūq*. While he says about him in Al-Mizan that he is indeed *majhūl*. There is not a single indication to raise the status of *jahālah* of Al-Harith

Al-Zarkashi also mentions Al-Kathari who said, "Regarding Al-Harith Ibn 'Amr, it should be noted that he is no longer considered unknown, as Ibn Sa'd has shed light on his lineage, stating that he is the son of his brother Al-Mughira Ibn Shu'bah. This information has clarified his identity and lineage."[120]

The claim that a narrator's lineage alone is sufficient to determine their virtuousness and knowledge is false, as it disregards the essential criteria required by *ahl ul-'ilm* for *tawthīq*. None of them ever recognized that merely knowing the name of a narrator's name or father is enough information to ascertain their reliability. *Tajrīḥ* (criticism) has been applied to some sons of the greatest *ṣaḥābah*, which indicates that more than just lineage must be known to establish a narrator's trustworthiness. To consider someone as known solely based on their kinship, without any other relevant information, leaves them in an unknown status. This method of determining reliability is rejected by all *muḥadithūn* and *fuqaha'*, except when it concerns the *ṣaḥābah* only, not anyone after them.

Some of them such as Ibn Al-Qayyim have attempted to strengthen the weak narration of Mu'adh by citing a narration from a man accused of

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[120] Al-Mu'tabar Pg. 67-68, Maqalat of Al-Kawthari pg. 60-61

fabricating narrations, Ibn Al-Qayyim did this by citing Abu Bakr Al-Khatib who said, “It has been claimed that ‘Ubadah Ibn Nusay narrated from Abd Ur-Rahman Ibn Ghanm, who, in turn, narrated from Mu’adh and this *isnād* is fully connected, with all the narrators in the narration known for their trustworthiness.”[121]

But al-Khatib does not mention the complete *isnād* which Ibn Ul-Qayyim blindly mentions from him, he does not mention the *isnād* and also not the *matn*. Al-Zarkashi also blindly uses this also from Al-Khatib to cease the state of the narrators being unknown who narrated from Mu’adh. But this narration is also false, this narration includes Muhammad Ibn Sa’id Ibn Hassan who got crucified for his *zandaqah*. There is however *ibhām* (a narrator is not mentioned) of him in the narrations[122]. But it becomes clear that the was indeed a narrator of this narration from the *ṭarīq* applied by Al-Nasa’i, Al-Jurqani and Ibn Asakir: Al-Hasan Ibn Hammad Sajjadah > Yahya Ibn Sa’id Al-Amawi > Muhammad Ibn Sa’id Ibn Hassan > ‘Ubadah Ibn Nusay[123]. So Its complete *isnād* which they did not mention includes a narrator who got crucified for his *zandaqah* who is not upright and is also not known for his memory. There is another *ṭarīq* of this narration applied by Ibn Asakir: Sulayman Al-Shadhakuni > Al-Haytham Ibn Abd al-Ghaffar > Sabrah Ibn Ma’bad > ‘Ubadah[124]. Al-Shadhakuni who is in the chain is a liar. There is no difference of opinion among the scholars of *ḥadīth* that he is forsaken and not used for any narration. There is not a single other *ṭarīq* for this narration. This declares the narration weak. And that is only regarding the *isnād* of that narration, because the *matn* that comes along with it has nothing to do with their method and nothing to do with *qiyās*, it goes against all of what they conclude from the narration. As for the *matn* this narration, “Muadh Ibn Jabal said, ‘When the Messenger of Allāh ﷺ sent me to Yemen, he said, ‘Do not pass any judgment or make any decision except on the basis if what you know. If you are uncertain about a matter, wait until you understand it fully, or write to me concerning it.’’’”[125]

If this is well understood, it becomes evident that the claim that the entire *ummah* accepted and acted upon this narration is nothing more than a false claim made by Al-Juwayni, Ibn Al-Qayyim, Al-Zarkashi, and others.

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[121] I’lam Al-Mawqi’in 1/155
[122] Al-Nukat Al-Dharaf 8/422
[123] Sunan Ibn Majah 55, Al-Abatil 102, Tarikh Dimashq 16/310
[124] Tarikh Dimashq 7481, 58/411
[125] Sunan Ibn Majah 55

Even if they argue that Ibn Taymiyyah considered the narration as *jayyid*, it must be known that the conclusion of *jayyid* is a lenient stance from the *muta'akhirīn* (later scholars), and it is not acted upon unless there is substantial evidence to authenticate it, which they have failed to present as it does not exist. It is from the false claims that the entire *ummah* accepted and acted upon this narration when dozens scholars of *ḥadīth* weakened them with compelling evidence as mentioned earlier. Moreover, those who use that narration themselves reject certain parts of the narration and selectively utilize only specific aspects of it.

They also argue that this narration bears similarity to other accepted narrations, which contributes to its acceptance. Ibn Al-Qayyim cites Abu Bakr Al-Khatib, who stated, "*Ahl ul-'ilm* have cited this narration (of Mu'adh) and utilized it as evidence, so we follow their lead and assume its authenticity, just as we did with other narrations where the Prophet ﷺ said, 'No bequest must be made to an heir.' And what the Prophet ﷺ said regarding the sea, 'Its water is purifying and its dead (animals) are lawful (to eat).' And when the Prophet ﷺ said, 'If both parties in a business transaction differ (on the price of an article), and they have witnesses between them, the statement of the owner of the article will be accepted (as correct) or they may annul the transaction.' And when the Prophet ﷺ said, 'The blood money must be paid by the near male relations.' Although these narrations are not authentic, they are accepted by the scholars, which provides us with certainty to use them without needing to inquire further about their *isnād*. Similarly, with the narration of Mu'adh, since it has been widely used as evidence, we no longer find it necessary to investigate its chain of narrators, we believe and take from it."[126]

Al-Khatib and those who follow him in this matter are mixing truth with falsehood. There is no doubt that the narration of Mu'adh is weak. However, all the other narrations mentioned by Al-Khatib are authentic and their authenticity is well-established among the scholars of *ḥadīth*; there is no doubt about their authenticity. Therefore, his claim that these narrations are weak but still accepted by the scholars is false, and his attempt to apply the same reasoning to the *ḥadīth* of Mu'adh is also baseless. Such a method holds no valid meaning, and we find the approval of this method to be not far from *kufr* as it invalidates the *aḥkām*.

Al-Zarkashi also argued the possibility of *taṣḥīḥ* (declaring a narration authentic) for the narration of Mu'adh based on the method of the

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[126] I'lam Al-Mawqi'in 1/155

muḥadithīn due to *shawāhid* (supporting narrations). He claimed that the narration carries a similar meaning to the narration where the Prophet ﷺ said, "If a judge strives [to get the correct conclusion] and gets it right, then he receives two rewards." Previous discussion focused solely on the weakness in the chain of narration of the Mu'adh.

It cannot be concluded from the narration mentioned by Al-Zarkashi that the reason a judge arrives at a right or wrong conclusion is solely because of *qiyās*, nor that the term *ijtihād* itself refers specifically to *qiyās*. Their claim that the narration of Mu'adh indicates *qiyās* is false. They also argue that it is similar to the narration of the Prophet ﷺ about using *ra'ī*, which is also defined as *ijtihād*. However, even if this were the case, they lack evidence for using it to indicate their method. *Ra'ī* is applying the most suitable ruling for a certain situation, none of this has any direct connection to *qiyās*. As it has no relation to *qiyās*, it also has no connection to the narration of *ijtihād*. These *shawāhid* are then no evidence for them for the narration of Mu'adh. We will soon by the will of Allah clarify further in detail how the meaning of this narration also does not align with the method of those who deduce *qiyās* from it, which invalidates also the false claim of Al-Zarkashi.

What is additionally perplexing is Ibn al-Qayyim's view, as he stated, "How [could it be weak] when Shu'bah, who is the leading figure in the narration of Mu'adh, and some scholars of *ḥadīth* have remarked, 'If you see Shu'bah in the chain of narration, then hold on to it tightly."[127] Ibn Al-Qayyim further claimed, "Whoever places Shu'bah between him and Allāh has obtained certainty in evidence for his religion."[128]

This speech is nothing but an adornment that includes falsehood, as it implies that anyone who narrates after Shu'bah, regardless of their weakness, is overlooked, indicating not a single restriction. Even if a disbeliever were in the chain of narration, it must still be considered authentic according to this claim. Such a claim is unknown and not accepted by *ahl ul-ḥadīth*. What is known, however, is that Shu'bah stated he only narrates a *ḥadīth* from a *thiqah*. This did happen in the narration of Mu'adh as he narrated it from Abu 'Awn, who is a *thiqah*, and nothing more can be concluded from it. The numerous unknown narrators who preceded Abu 'Awn in the chain of narration render it weak. Merely having some reliable narrators in the chain does not inherently make a narration authentic; there

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[127] I'lam Al-Mawqi'in 1/155
[128] I'lam Al-Mawqi'in 3/132

are numerous possibilities for weaknesses. Ibn Al-Qayyims exaggerated stance on this matter is a serious issue. He failed to understand that the only point is that Shu'bah only narrates from reliable narrators, but it doesn't imply the narration is preserved if the worst of people are in the chain. As mentioned before, dozens from the scholars of *ḥadīth* have consistently weakened this narration for which there is certain evidence, and Ibn Al-Mulaqqin narrated *ijmā'* from *ahl ul-naql* on its weakness.

We will now clarify in detail how they have no relation to the meaning of the narration by the will of Allah. According to this weak narration of Mu'adh, it indicates a certain order he follows to deduce rulings. He first tries to find the answer in the Qur'ān; if he finds the answer there, he concludes the ruling. If not, then he continues to search for it in the *sunan* of the Prophet ﷺ. And if he does not find it there, he uses his own *ra'ī* to deduce the ruling. However, this specific order of deducing rulings is unanimously rejected by all scholars of Islām, because a *mujtahid* must look into both the Qur'ān and *sunan* of the Messenger of Allah ﷺ together. They cannot be used separately to deduce rulings. Ahmad may Allah be pleased with him said, "Whoever interprets the Qur'ān from the apparent without looking in to the evidences from the *sunan* of the Prophet ﷺ or the *ṣahābah*, brings an interpretation from *ahl ul-bid'ah*, because a verse of the Qur'ān may be general while the *sunan* of the Prophet ﷺ make clauses that it is for something specific."[129]

Allāh the Most Exalted says, "Allāh instructs you concerning your children [that there is] for a male a share equal to that of two females [for Inheritance]" [4:11]. Whoever derives the ruling solely first from Qur'ān, without using both at the same time must, by virtue of that conclusion, accept the inheritance rights for any of his children, regardless of whether the inheritor is an infidel or a Muslim. However, it becomes evident from the *sunan* of the Prophet ﷺ that only a Muslim is entitled to inherit, not an infidel, and that no inheritance is to be taken from any infidel. Al-Isnawi Al-Shafi'i said, "Al-Ghazali, Al-Amidi, Ibn Al-Hajib (*mālikiyyah* and *shāfi'iyyah*) and others all mention that it is not allowed to stick with the general meanings from both Qur'ān and the *sunan* of the Prophet ﷺ except after the specifications have been sought first."[130] This is also mentioned

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[129] Al-Musawwadah Fi Usul Al-Fiqh pg. 179
[130] Al-Tamhid Fi Takhrij Al-Furu' 'Ala Al-Usul pg. 364

explicitly by Ala' Al-Din Al-Bukhari.[131] Their views invalidate everything mentioned in the weak narration of Mu'adh.

According to the *muta'akhirun*, in this weak narration, *ra'ī* means *qiyās*. They attribute *qiyās* to this narration but, at the same time, they consider the first two methods mentioned in this weak narration of Mu'adh to be false and agree that it is misguidance. One of the most false approaches is to selectively accept a part of a narration while rejecting another part, especially when the Prophet ﷺ himself praised all of the ideas of Mu'adh in the weak narration, and they affirm its authenticity.

One of their greatest *a'immah*, Al-Juwayni said, "Mu'adh Ibn Jabal would alter his approach if he couldn't reach a conclusion using Qur'ān alone, and then he would turn to the *sunan* of the Prophet ﷺ. If he still couldn't find the answer, he would resort to using his *ra'ī*. It is not permissible to claim that by *ra'ī*, he meant deriving rulings from the Qur'ān and the *sunan* of the Prophet ﷺ together, because if that would be the case, he would have simply continued relying on the Qur'ān and *sunan* of the Prophet ﷺ without mentioning a third method alongside them.[132]

Al-Juwayni here also confirms here that *qiyās* is independent of Qur'ān and the *sunan* of the Prophet ﷺ, as we mentioned in the conditions of *qiyās*. If any ruling could be derived from the Qur'ān and the *sunan*, Mu'adh would have utilized them, and only in the absence of Qur'ān and the *sunan* would he resort to *qiyās*. So, they view *qiyās* as a complete separate and distinct fourth source of evidence apart from the Qur'ān and *sunan* of the Prophet ﷺ.

A *mujtahid* may reach a conclusion in a ruling based solely on what is apparent, but his certainty in the correctness of the ruling may vary. For instance, a judge may give a verdict on a case, being certain of the ruling, but the evidence relied upon testimonies, and as the case unfolds, it might be discovered that the judgment did not align with the actual facts of the matter. Some people have claimed that this is termed as *ra'i*, they mention the narration that the Prophet ﷺ said, "I decide between you on the basis of my *ra'ī* in cases about which no revelation has been sent down to me."[133] This narration is weak. This has been narrated from a total of five *ṭuruq* and all of them are through Usamah Ibn Zayd Al-Laythi and he is weak,[134] there

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[131] Kashf Al-Asrar 'An Usul Fakhr Al-Islam Al-Bazdawi 3/377
[132] Al-Burhan 2/17
[133] Sunan Abi Dawud 3585
[134] Al-Musnad Al-Musannaf Al-Mu'allal 394, 1/556 | 19318, 40/399

is not a single other *ṭarīq* with this wording. Every single thing ordered by Allah and his Messenger is clear and free of doubt, a judge making judgments based from witnesses is also a clear order, doing exactly as the Messenger of Allah ordered, all of this is free of doubt, no matter what the outcome may be.

And all of those who use the narration the weak narration of Mu'adh also agree that *ijmā'* is a third source of evidence after Qur'ān and *sunnah* and there is no *ijmā'* for what Mu'adh was praised for in the narration.

The narration of Mu'adh concludes as evidently false and fabricated. It is impossible for Allah, the Almighty, to say, "Today I have completed for you your religion" [5:3], or to say, "We have neglected nothing in the Book" [6:38], or to say, "A clarification for everything" [16:89]. It is impossible for the Messenger of Allah to then state, "There has been revealed about the religion that which is not in the Qur'ān and *sunnah*." And it is clearly impossible for Allah to address the Prophet ﷺ directly, saying, "And We have also sent down unto you the *dhikr* (*sunnah*) that you may explain clearly to men what is sent down to them" [16:44], while the Messenger of Allah contradicts this by stating, "There has occurred in the religion that which is not made clear to the Messenger and there has occurred in the religion that which the Messenger has not made clear." It is impossible that the Messenger of Allah says, "Then the people will take ignorant ones as their authority, who will give verdicts without knowledge, they will be misguided and will misguide astray."[135] But that he then suggests the permissibility of passing judgments in the religion based on *ra'ī*. All of these claims amount to blatant falsehood.

There where those among the *tābi'īn* who narrated about the *ṣaḥābah* deceit and evident falsehood, exemplified by individuals like Al-Harith Al-A'war and others who were accused of lying. So it is prohibited to accept a narration from an unknown person whose identity or condition is not known. Regarding the *tawātur* claim, anyone can potentially make such a claim for every single *ḥādith*. For instance, if one were to mention the narration transmitted through the route of Ibn Al-Mubarak wherein the Messenger of Allah stated, "The most disastrous group from my *ummah* are those who use *qiyās* with their *ra'ī*, making the *ḥalāl ḥarām* and the *ḥarām ḥalāl*," claiming it as transmission from the whole community (*naql ul-kawāf*), would there be any difference in this claim and theirs? Nevertheless, those who lack restraint will say whatever they please. However, it is certain

[135] Sahih Muslim 2673

that transmission from the whole community (*naql ul-kawāf*) entails *tawātur*, which necessitates essential knowledge. Allah commands, “If you differ in anything amongst yourselves, refer it to Allâh and His Messenger, if you believe in Allah and in the Last Day” [4:59]. It is clear that any disagreement must be referred only to Allah, meaning the Qur’ān, and to the Messenger, meaning the words of the Messenger of Allah, without any mention of returning any issue to *qiyās*. So, it is established that every difference of opinion should be referred only to the Qur’ān and the words of the Messenger of Allah. *qiyās* is neither the Qur’ān nor the words of the Messenger of Allah and therefore should not be consulted in such matters.

There is not a single indication of *qiyās* in the narration of Mu’adh, neither in wording nor in any indication toward it. *ra’ī* means giving the most suitable, safest, and most cautious ruling, whereas *qiyās* is ruling on an issue not covered by the Qur’ān and *sunnah*, based on a similarity between it and another issue covered by the Qur’ān and *sunnah*, regardless of whether it is the best, most cautious, or safest approach.

The same applies to the narration where the Prophet ﷺ said, “If a judge does ijtihad and he is mistaken then he gets one reward, and if he does *ijtihād* and is correct then he gets two rewards.” There is no indication of qiyas in this narration; it merely permits *ijtihād*, which is not *qiyās* or *ra’ī*. *ijtihād* simply entails exerting effort to seek a ruling from the Qur’ān and *sunnah*. Whoever seeks guidance from the Qur’ān and *sunnah* in an issue has performed *ijtihād*, and if their effort is in accordance with the Qur’ān and *sunnah*, they receive two rewards: one for seeking the truth and one for being correct. If their conclusion is incorrect, they still receive one reward for seeking the truth. It is undeniable that some individuals are granted insight by Allah while others are not, such as Jabir and Sa’d misunderstanding the verse about *kalālah*, Umar not comprehending it, and Uthman holding a view regarding the permissibility of marrying two sisters who are slaves. It is however impossible for a ruling to be obscure to every single Muslim. There is no power or strength except by Allāh. The Most High, the Most Great.

The Narration Regarding Making Up The Same Prayer Twice Being Likened To *Ribā*

It is narrated on the authority of Imran Ibn Al-Husain, "We traveled with the Messenger of Allah ﷺ. When it was late we fell in a deep sleep, till the heat of the sun woke us up. The first man to wake up was hurrying, but the Prophet ﷺ ordered the people to be calm. We then moved away from the place we slept in, when the sun rised we performed *wuḍū'*. The Prophet ﷺ then ordered Bilal to call the *adhān*. We then prayed two *rak'ahs* before *fajr*, then the *iqāmah* was called and we prayed. They said, 'O Mesenger of Allāh, do we not repeat the prayers in their times?' The Prophet ﷺ said, 'Does your Lord prohibit you from *ribā*, but at the same time accept it from you?'"[136] (meaning: making up prayers is once, not twice as repeating it twice would then be like *ribā*).

They say, "The Prophet ﷺ used *qiyās* by likening the act of performing makeup prayers multiple times to the principle of *ribā*."

We contend that this claim is false for multiple reasons. Firstly, Al-Hasan Al-Basri narrates this from 'Imran Ibn Al-Husain, there exists a disparity of views regarding whether Al-Hasan Al-Basri ever heard from 'Imran Ibn Al-Husain. Some claim that he did not, while others claim the opposite. And the final statements concerning *ribā* within this narration have only been narrated through weak *asānid*, thereby rendering only the remaining words of the narration authentic, thereby invalidating every single claim made with this narration.

Jabir Ibn Abdullah said, "The Prophet ﷺ was in debt to me and bestowed an additional sum when settling it."[137] This bears without doubt a closer resemblance to *ribā* than the instance of exceeding the number of makeup prayers. It is well-established from the Prophet ﷺ that engaging in sexual intercourse during daylight hours of *ramaḍān* necessitates fasting for fifty-eight, fifty-nine, or sixty days to atone for that single day. If their understanding of *qiyās* were to hold true based on the initial narration from the Prophet ﷺ, then all of these cases would be the exact same *ribā* as the initial narration.

Al-Mālikiyyah and *al-shāfi'iyyah* also contest what is mentioned in this narration, rejecting *adhān* for missed prayers, and they also dismiss

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[136] Musnad Ahmad 19963
[137] Sunan Abi Dawud 3347

performing the two voluntary *rak'ahs* before the *ṣubḥ* prayer (obligatory *fajr* prayer) when a prayer is omitted. Using a narration as evidence while concurrently rejecting other aspects of that same narration is among the gravest errors. The methodology derived from this narration contradicts numerous other narrations.

The accurate understanding of this narration is that it invalidates the method of *qiyās*, as everyone in it aimed to perform two prayers instead of just one, even though Allāh has prohibited transgressing the established limits and adding regulations that Allāh did not mandate. The word *ribā* in Arabic means an increment or addition. If it would be authentic, then the Prophet ﷺ in the narration clearly prohibited nothing other than any form of increase or addition that goes beyond what is prescribed. It is universally acknowledged that *qiyās* entails augmentation and the introduction of additional rulings. When Allāh prohibited only the six types of *ribā*, they augmented that list by including other foods and measures through *ribā*. These augmentations are itself *ribā*, which Allāh prohibited. Therefore, if the final statements of this narration were proven authentic, it would indeed negate the application of *qiyās*.

There is absolutely no room for the application of *qiyās* within this narration, and there exists no connection whatsoever between it and any aspect of *qiyās*. The term *ribā* comprehensively encompasses all forms of increase or augmentation in the religion, and in this specific narration, it pertains exclusively to an increase in acts of worship. The prohibition of *ribā* extends generally to everything that is established is from texts and anything that transgresses the texts is in general false.

Even if there were to exist any instance of *qiyās* within Qur'ān or *sunan*, which is in reality not possible as it goes against the conditions of *qiyās* and which in reality does not exist in anything from Qur'ān and *sunnah*, there would be no evidence for them if such a *qiyās* would be mentioned, because it is then something Allāh and His Messenger ﷺ have ruled. As for what they say from that which Allah and His Messenger did not say, it is false and not allowed to say. Such a case would never imply imply that a single ruling can elevate *qiyās* to a fourth source within the religion. The addition of matters beyond what Allāh and His Messenger ﷺ ordained is false and not permissible within the realm of religious discourse. Allāh has established obligations and prohibitions within His book and through the words of His Messenger ﷺ. He hasn't granted permission to anyone to impose, mandate, or allow anything that Allāh or his Messenger

ﷺ have not explicitly commanded, prohibited, or allowed. Anyone who attempts such action transgresses the boundaries defined by Allāh.

If they say, “If all knowledge would be clear then the scholar and the ignorant would be the exact same and if al knowledge would be unclear then the scholar and the ignorant would be the same. So it is established that some is clear and some is unclear and we must use *qiyās* on what is unclear by returning to what is clear.”

This is false because if some would be clear and some would be unclear then the ignorant and the scholar would be the same in that which is unclear and clear. As for us every single knowledge is clear from the religion, Allah the Most Exalted says, “We have neglected nothing in the Book” [6:38], And He says, “A clarification for everything” [16:89]. So the Messenger of Allah has clarified everything of the revelation to the humankind. Whoever says otherwise is a *kāfir* according to *ijmā’* of the *ummah*. As it is established that the Messenger of Allah clarified everything, then every single thing is clear and all praise is for Allah. The only thing way something can be unclear to someone is by him opposing the clarification or abandoning looking into it, and persisting into false methods which is not a method for understanding the *sharī’ah*. Or other reasons, such as negligence or illness that impedes understanding. If anything in the religion were unclear, then the ignorant would never comprehend anything, which implies what they claim as unclear. Since it is established that the scholar can provide evidence on matters that seem ‘unclear’ to the ignorant and clarify them, it is established that all knowledge in the religion is clear. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

The Narration Regarding Diseases

It is narrated on the authority of Abu Huraira, “The Messenger of Alalh ﷺ said, ‘[There exists] no contagious diseases conveyed to others without Allāh's permission; nor any evil omen in the month of Safar; nor [any Hamah.’ A bedouin said, ‘O Messenger of Allāh. What about the camels in the desert that look like deers, but when a mangy camel mixes with them they all get infected with mange?’ The Prophet ﷺ answered, ‘Then who conveyed the mange disease to the first camel with mange?’”[138]

No instance of *qiyās* is evident from this narration. It solely reflects the people's belief that disease has an inherent ability to spread by itself. The Prophet ﷺ invalidated this claim by informing us that it is Allāh who allows its transmission, and nothing transpires without His consent. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

[138] Sahih Al-Bukhari 5770

The Narration Regarding The Cessation Of Knowledge

It is narrated on the authority of Safwan Ibn ‘Assal, “The Messenger of Allah ﷺ encouraged seeking knowledge before it goes away. A man asked him, ‘How could it go away, while we learned and taught it to our children?’ The Prophet ﷺ got angry and said, ‘Was the *tawrāh* and the *injīl* not in the hands of *ahl ul-kitab*, did that have any value for them?’”[139]

We maintain that this narration stands as one of the most compelling arguments against their position, as they draw *qiyās* from it. In this narration, The Prophet ﷺ explicitly stated that anyone forsaking the Qur’ān and neglecting to act upon it is has forsaken knowledge and treads the path of the Jews and Christians. The advocates of *qiyās* align with this pattern, for they forsake the Qur’ān and *sunnah* in favor of *qiyās*, we seek refuge in Allah from deserting.

Then it is said to them: You hang on to the similarity made by the Prophet ﷺ here about the acts of those who are prevented from success from his *ummah* in that to the act of the Christians and Jews of abandoning their book. We concede the aptness of this comparison made by the Prophet ﷺ. We only reject ruling the Muslims who do that with the same ruling who it is similar to from the Jews and Christians. As for *ahl ul-qiyās* their method implies that if anyone that does not seek knowledge before it goes away the same as the Jews and Christians in fighting, enslavement, *jizyah*. If they apply their method as it is necessary, they have joined the *sufriyyah* and *azāriqah*. The cycle returns to them, as they themselves abandon the judgments of the Qur’ān in favor of *qiyās*. Should they reject the necessity of this obligation upon themselves, they inherently contradict their own standpoint. Even in the hypothetical scenario where Qur’ān and the *sunan* contained elements of *qiyās* that they currently lack, it would still not amount to evidence supporting their position.

This narration would only indicate towards *qiyās* if the Messenger of Allah had made that ruling for the Muslims for the mere reason the book was in the hands of the Christians and Jews and that it was not of any value for them. It is known by certainty that the Messenger of Allah did not inform us that he made that ruling for the reason the books did had no value to the Christians and the Jews while it was in their hands. This is something

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[139] Al-Mu’jam Al-Kabir 7398, 8/70

only shown to us for *ta'kīd*. And then if that would be the reason then what we mentioned from the applying the rulings that are made for the Jews and Christians such as fighting, enslavement and *jizyah* becomes necessary. As for us, we believe and affirm the similarity made by the Prophet ﷺ as a *ta'kīd* without falsely using it to create new rulings. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

The Narration Regarding Milking An animal Without The Permission Of Its Owner

It is narrated on the authority of Ibn Umar, "The Prophet ﷺ said, 'An animal must not be milked without the permission of its owner. Would any of you like it if someone would come to his store, break his container and take away his food? The udders of the animals are the stores of their owners where their provision is kept, so nobody should milk the animals of anyone else, without the permission of its owner.'"[140]

This narration is barely mentioned among any of the *uṣūliyīn* concerning the topic of *qiyās*, from them Al-Nawawi said, "This narration affirms *qiyās* and a similarity between issues. The Prophet ﷺ used *qiyās* from the udders of the animals to the stores where provision is kept and others. And he made milk which is in the udders similar to food which is kept as provision, with the meaning that it is not allowed to take from it without permission."[141]

This narration does not indicate *qiyās*, because the Prophet ﷺ in this narration first prohibited milking without the permission of the owner, then he asked us if we would like if someone would come to our store and break our containers and take away our food. This is the Prophet ﷺ directly including an issue to a general ruling. Because it is not allowed to take property from a Muslim except with his permission in general. Then the Prophet ﷺ told us that the udders of the animals are the stores of their owners where their provision is kept and that nobody must take milk of others without the permission. This is still nothing other than the Prophet ﷺ placing the issue within the general order of not taking property from Muslims in general. The Prophet ﷺ asking such questions enables us to understand it easier that this issue is indeed part of a general order, and it serves as a *ta'kīd*.

This narration would only be *qiyās* if the general order not to take property from Muslims without permission would not exist, and this is something against *ijmā'* of the *ummah*. All of them agree that if an issue is already covered by a general ruling that *qiyās* can not be used as I mentioned in the conditions of *qiyās*.

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[140] Sahih Muslim 2303
[141] Sharh Al-Nawawi 'Ala Muslim 12/32

The comparisons put forth by the Messenger of Allah ﷺ stand as exemplars of comparisons. We duly acknowledge the absolute accuracy of it and appropriateness of this comparison, which a Muslim can not oppose. The Messenger of Allah ﷺ said, "A believer who recites the Qur'ān and acts upon it is like a citron whose fragrance is sweet and whose taste is sweet, a believer who does not recite the Qur'ān is like a date which has no fragrance but has a sweet state, a hypocrite who does not recite the Qur'ān is like the colocynth which has no fragrance and has a bitter taste, and the hypocrite who recites the Qur'ān is like basil whose fragrance is sweet but whose taste is bitter."[142]

It is universally understood that no underlying *'ilal* exists connecting a citron or a date to a believer. These examples, even without any shared *'ilal* or resemblance, remain among the best of examples. Anything spoken by the Prophet ﷺ is from direct revelation (*waḥī*), which inherently cannot be attributed to *qiyās*, as consensus holds that *qiyās* stands independently from Qur'ān and *sunnah*. Our objection lies solely in assigning an equal ruling to a matter based solely on a reason presented in a comparison of two. In this narration, the Prophet ﷺ did not prohibit the act of stealing milk from cows owned by others due to any specific reason other than theft, which is already prohibited in general between Muslims. Here, the Prophet ﷺ only elucidated that milking someone else's cow without permission is theft. Their misunderstanding lay in not recognizing that this act falls under the general prohibition of theft. Therefore, the Prophets ﷺ intent was to clarify that milking another person's cow without permission is indeed theft and falls under the general prohibition of stealing, as the Prophet ﷺ said, "Your blood and property are for each other prohibited."[143] If this would ever be *qiyās* then milking without the permission of the owner which is stealing would only be prohibited because of the reason we do not like it if someone would come to our store and break the containers and take away our food, and because of that it would mean that this reason would be obligatory to be used to prohibit, and oblige other matters, which none of them affirm as the reason for this ruling and also do not use it for other issues. It is known with certainty that this is not the reason made for the ruling and that the Prophet ﷺ made us understand that milking without the permission of the owner falls under stealing in general.

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[142] Sahih Al-Bukhari 5059
[143] Sahih Al-Bukhari 105

The Narration Regarding The Prayer Taking Away Sins Like Water Takes Away Dirt

It is narrated on the authority of Uthman, "The Messenger of Allah ﷺ said, 'Do you think that if there was a river in the courtyard of anyone of you, and he bathed in it five times each day, would there be any dirt left on him?' They said, '[There would be] nothing on him.' The Prophet ﷺ said, 'Prayer takes away sins like water akes away dirt.'"[144]

The Prophet ﷺ said in another narration, "The prayer is like a deep river of sweet water running by your door into which you plunge five times a day. How much of your dirtiness do you think that will leave? You do not realize what his prayer has brought him."[145]

This narration is not mentioned by anyone from the *uṣūliyīn* in discussions surrounding *qiyās*. But we will still mention it for more clarification. In this particular narration, the Prophet ﷺ presents only an illustrative example, and his examples, sourced directly from revelation, stand as the most impeccable and accurate. The prophet ﷺ drew these parallels, which ensures their similarity, but with a distinction: while sins are forgiven through prayer, its not for the same reason water removes dirt. Instead, prayers literally cleanse sins, much like bathing cleanses dirt. What has been mentioned earlier applies for these narrations as well and also for every single other example presented by Allah and his Messenger. These narrations affirm nothing from *qiyās*, as the fact that things resemble each other is not something that we reject. These narrations earlier invalidate *qiyās* because the Messenger of Allah did not because of that similarity make them the same in ruling, which is the definition of *qiyās*. What we reject is making rulings because of the reason of a similarity. The Messenger of Allah did not say that prayer takes away sins because of the reason there is no dirt left on someone if he bathes five times a day. This narration only clearly shows us that there is a similarity between prayer taking away sins and bathing five times a day from a certain aspect, this is something no Muslim can reject. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

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[144] Sunan Ibn Majah 1397
[145] Muwatta' Malik Riwayah Yahya 91

The Narration Regarding The Reward Of Permissible Intercourse

It is narrated on the authority of Abu Dharr said, "Some people said to the Messenger of Allah ﷺ, 'The rich have taken away all the rewards. They observe prayers as we do and give *ṣadaqah* out of their surplus wealth. Upon this the Prophet ﷺ said, 'Has Allāh not prescribed for you a way, by which you can also give *ṣadaqah*?' In every *tasbīḥ*, *takbīr*, *taḥmīd*, *tawhīd* is a *ṣadaqah*, and in enjoining of good is a *ṣadaqah*, and in forbidding evil is a *ṣadaqah*, and in *buḍ'* (sexual intercourse) with the spouse, there is a *ṣadaqah*.' They said, 'O Messenger of Allāh, is there reward for him who satisfies his sexual need among us?' The Prophet ﷺ said, 'Tell me, if he were to satisfy it with something forbidden, would it not be a sin on his part? Similarly, if he were to satisfy it with what is permissible, he would be rewarded.'"[146]

They say, "There is evidence in this narration for the validity of *qiyās al-'aks*. The Prophet ﷺ established a contrasting ruling for the permissible act of the *far'*—in this context, referring to lawful intercourse—opposite to the *aṣl*, associated with forbidden intercourse. This distinction arises due to the presence of a conflicting *'illah* within the *ḥukm* which is prohibition of the *aṣl* (forbidden intercourse). The Prophet ﷺ acknowledged the *far'* with rewards, recognizing its status as permissible intercourse, while concurrently emphasizing the *aṣl* as transgressing due to its prohibition."

The adherents of *qiyās* have differed on *qiyās al-'aks*, Al-Baqillani, Ibn 'Abdan, Abu Hamid Al-Ghazali[147] and others prohibited and oppose those who believe in it. The majority of them however affirm it.

Qiyās al-'aks is affirming the opposite ruling for the *far'* from the *aṣl* because of the existence of an opposite *'illah* between the *far'* and *aṣl*, instead of a similarity in the *'illah* with *qiyās*. *Qiyās al-'aks* is also a false method just as *qiyās* is. The Prophet ﷺ did not tell us that opposition in *'ilal* imply opposite rulings, anyone that affirms this has lied against the Prophet ﷺ, he only told us that in this case the one that satisfies it with something forbidden sins and that the one that satisfies it with what is permissible is rewarded. None of these two rulings are a *far'*, because they concur as

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[146] Sahih Muslim 1006
[147] Al-Tahbir Sharh Al-Tahrir 7/3128, 7/3512 | Al-Musawwadah Fi Usul Ul-Fiqh pg. 425

clarified in the chapter of the conditions of *qiyās* that a *far'* is something that is not covered already by Qur'an and *sunnah*. There is no doubt that the rewards for satisfying sexual need with what is permissible does not originate from this narration. It was something the Prophet ﷺ did without any doubt before this narration and all of his actions are *mandūb* (recommended). If *qiyās* is done from an *aṣl* to another *aṣl* it is false without any doubt and in reality not *qiyās* as we said earlier that it is from their own conditions that it must be from an *aṣl* to a *far'*. Even if the Prophet ﷺ made satisfying sexual needs with what is permissible recommended because of the reason prohibited intercourse is prohibited, we do not reject that Allah and his Messenger can make reasons for rulings, this instead occurs often and we affirm the reason made only for that ruling without exceeding that place. What we only reject is using that reason for other issues or falsely claiming *qiyās al-'aks*, while *qiyās* in general is not possible with this narration as clarified.

It is in reality impossible for any narration of these narrations to be *qiyas*, because there is no difference of opinion that merely a reason made for a ruling never implies *qiyas*, and that it is only *qiyas* when a ruling of the *aṣl* is moved to the ruling of the *far'*, because of a similar reason between them. It is known with certainty that a sole reason mentioned does not mean that the ruling that the reason was because of a *far'*, this is falsehood. In order to affirm *qiyas*, there must be one issue that has a ruling from texts, and another than has no texts and an *'illah* similar between them.

Anyone that believes in *qiyās al-'aks* has abandoned *qiyas*, because all of them say, "The ruling of an issue is that which is similar to it," and here they say, "The ruling of an issue is that which is opposite to it." It cannot get any more contradictory than this.

qiyās al-'aks is from the false methods, Allāh says, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41]. And Ali May Allah be pleased with him indicated the falsehood of *qiyās al-'aks*, when he said, "If the religion would be based on *ra'ī*, it would be more important to wipe the under part of the shoe than the upper, but I have seen the Messenger of Allah ﷺ wipe over the upper part of his shoes."[148] He also indicated here the falsehood of *ta'līl*, any *qiyās* and *ra'ī*. There is no doubt that *qiyās al-'aks* is taking the opposite, which is some adjustment, any adjustment to any rulings of Allāh is without any doubt false. There is also no doubt that there is no matching *'ilal* in the narration which goes against the conditions of

[148] Bulugh Ul-Maram 60

qiyās, what the adherents of *qiyās* however affirm, concluded from this narration is *qiyās al-'aks*, as mentioned before. There is no disagreement among anyone that everything uttered by the Prophet ﷺ is inherently the truth, and any claim made by others devoid of direct evidence from Allāh and His Messenger ﷺ is clearly false. The Prophet ﷺ never guided the formulation of rulings based on divergent reasons associated with the *'illah* of their respective rulings. Such claims are all false.

Their method does not only entail that an *'illah* ceases in cases with two opposites, if the ruling tied to it also ceases, which would not be far from the truth. Their method regarding this is instead that when there are two opposite *'illahs* that both must take the opposite ruling. This is a clear transgression for which there is no evidence, and it is something they cannot remain consistent with. It is possible for rulings to have opposite *'ilal* while they are not necessarily the opposite in ruling.

The Prophet ﷺ in the narration first clarified that engaging in lawful intercourse with one's spouse gets a *ṣadaqah*. Upon repeated queries, the Prophet ﷺ, through *waḥī*, conveyed an opposing ruling, the benefit from this is clarification and ensurity. This indicates that the ruling designating recommended marital intimacy is not solely because of the reason that it is the opposite of prohibited intercourse.

They concur that not everything ruled as *ḥalal* means *mandūb* or *mustaḥabb*. The term *ḥalal* indicates the opposite of *ḥaram*, while the actions like giving *ṣadaqah*. We ask them: Do you deduce from this narration that intercourse is only permissible or that it is recommended, if they say it is only permissible and not recommended, we say: Do you not see how this claim invalidates the he Prophet ﷺ mentioning *ṣadaqah* in relation to intercourse, leaving much of the narration devoid of meaning? And if they agree it is recommended, then they are indeed correct, which implies them to dismiss *qiyās al-'aks* entirely, aligning with the view of Al-Qarafi that the opposite of recommendation is disliking[149] If they say, "But the opposing notion to *ḥarām* isn't solely *ḥalāl*; it includes both *ḥalāl* and the recommended." We say: Indeed, this isn't the case, and this perspective aligns with Abu Bakr Ibn Al-Arabis stance[150]. We say: If you concur that the opposing notion encompasses not only disliking but also prohibition, then it's impossible to dismiss the existence of multiple *'ilal*. Attempting to

[149] Tafsir Ibn 'Arafah 2/636
[150] Ahkam Ul-Qur'an 1/598

confine it to a solitary *'illah* without additional evidence, which is unavailable, becomes then untenable.

They say, "But the Prophet ﷺ referred to intercourse as *ḥalāl* in the narration, and it is the opposite of *ḥarām* intercourse." We say: We have already made it evident that the Prophet ﷺ indeed referred to *ḥalāl* intercourse as the opposite of *ḥarām* intercourse, and this binary contrast is universally known. However, both you and we acknowledge that the opposite of *ḥalāl* is not confined solely to *ḥarām*; it also encompasses disliking and recommendation if it's the opposite of *ḥarām*. This illustrates the existence of multiple opposites, which contradicts the claim of inferring *qiyās* here solely based on one opposite, we clarified before that it is from the conditions of *qiyās* that there must not exist other interfering *'ilal*

If *qiyās al-'aks* were obligatory and applicable, the Prophet ﷺ would have utilized all these *'ilal* for various rulings, a concept that doesn't align with reality. Instead, we understand the matter to be exactly as the Prophet ﷺ described it. This aligns with the fact that if the opposite notion to *ḥalāl*, which is *ḥarām*, were solely considered, the other *'illah* of the opposing notion to *ḥalāl*, which is disliking, is omitted. There would be no distinction between selecting either one, as they are indeed direct opposites if *qiyās* were ever applicable. Similarly, the opposing notion to recommendation is also disliking and even prohibition, while all at once, the ruling for intercourse with one's wife remains recommended. These contradictions surface from the claim of deducing *qiyās* from a single narration. So, this contradicts their entire claim about this narration.

If they say, "But the Prophet ﷺ stated that the opposite of *ḥalāl* intercourse is *ḥarām* intercourse, so he selectively chose the prohibited aspect, omitting disliking and others." The answer: Firstly, it is nothing but a lie to attribute that the Prophet ﷺ intended to choose that *'illah* among the other *'ilal* utter. Secondly, we have acknowledged as mentioned before that one of the opposites of *ḥalāl* intercourse is indeed *ḥarām* intercourse, a fact universally accepted among Muslims. What we reject here is the idea of affirming a ruling for a matter solely based because of the reason of an opposition in their *'illah*, which clearly did not happen in the narration. And even if it were hypothetically true, which it isn't, we've also mentioned that if *qiyās al-'aks* were obligatory and applicable, the Prophet ﷺ would need to apply all these *'ilal* for various rulings, an idea that does not exist. Instead, we understand that the Prophet ﷺ responded directly from *waḥī* without ever advocating *qiyās al-'aks*, without clarifying or even implying it. There can't be any indication for something that the Prophet ﷺ never commanded to

apply for other rulings. So, whatever the Prophet ﷺ stated regarding comparisons or opposing rulings remains as it was.

What we intended to indicate is that this narration indicates the falsehood of *qiyās* as it invalidates the conditions they themselves set for *qiyās*, as clarified earlier. We have clarified that they oppose the pillars of *qiyās* by claiming this narration indicates *qiyās.* From those pillars, we clarified that it is the *'illah*, and they concur that a *qiyās* cannot exist without an *'illah*. If the *'illah* of this issue were to be that it is because of the reason of two opposite rulings, then it is from their own conditions that this *'illah* must be *muṭṭaridah* (consistent), meaning that it must be applicable in every single case possible and it must not contradict with other *'ilal*. It is known by necessity that there are dozens of two opposite rulings which have various *'ilal* other than this *'illah*, this declares the *'illah* they claim regarding this issue as false and there can be no *qiyās* without an *'illah.*

There is no doubt that an *'illah* being the reason for two issues being different in rulings is without any doubt the most false *'illah*, ever as it has no value, it is not any different from the one that says, "Praying in so-and-so condition is prohibited and a prayer in so-and-so condition is permissible because of the reason they are different in their rulings," or "Pilgrimage in so-and-so manner is prohibited and pilgrimage in so-and-so manner is permissible because of the reason they are the opposite in their ruling," or "Sales are prohibited in so-and-so manner and permissible in so-and-so manner because of the reason they are different in their ruling." Anyone with the least amount of intellect can comprehend that this is the most baseless *'illah* ever. We instead know with certainty that the Prophet ﷺ made a similarity however he willed and the similarities Allah and His Messenger make, are the greatest similarities, none of it implies any qiyas. And one of the benefits we can clearly observe from it is that it becomes clearer for the listener and serves a *ta'kīd*.

This narration also goes against the conditions they set for an *'illah* because they believe something is only the *'illah* of the *mu'allal* from texts if the following words are used, "*min ajli*," "*li sabab*," "*li ajli kadha*," "*li 'illah*," "*innā*," "*idhan*," "*min*," "*li 'illah*," and the letters, "*lām*," "*bā'*," "*fā'*." And none of these are used by the Prophet ﷺ in the narration.

Many proponents of *qiyās al-'aks* also claim that intercourse only becomes rewarding when performed with the intention of obeying Allāh. This view directly contradicts *qiyās al-'aks*, as if *qiyās al-'aks* were obligatory due to its effect as the opposing notion to prohibition, it would be applicable in this narration as a general sense without necessitating any

specific conditions. The reliance on intention as a determining factor renders *qiyās al-'aks* invalid in this issue, since the opposite of what is prohibited is generally permissible without specific conditions. The *'illah* they claim is that it is the opposite, but as they place this condition it implies that they do not believe it is the opposite of prohibited intercourse. Considering that not every *ḥalāl* action is inherently rewarding, it becomes untenable to claim that it is the direct opposite in this matter.

The narration entails the people inquiring whether intercourse falls under rewarding actions or not, seeking clarification from the Prophet ﷺ. However, even before their inquiry, the Prophet ﷺ had already designated it as a rewarding action. His designation was not based on the reasoning that the opposite of the ruling is prohibition. Moreover, it's evident beyond doubt that even before this narration emerged, people were well-aware of the concepts of prohibited and permissible intercourse without ever concluding that their classification as such solely rested on the *'illah* of two opposing rulings.

It is from their claim regarding this narration that permissible intercourse is the *far'* and that the *aṣl* is forbidden intercourse, this is from the gravest lies, it was widely known prior to the narration that bearing children carries immense rewards, with the process commencing through intercourse, which itself is rewarding. This establishes that the attribution of regardfulness to permissible intercourse isn't solely rooted due to it being antithetical to prohibited intercourse. There is then no ruling of an *aṣl* moved to *far'*, so no *qiyas* took place.

So in this narration in conclusion no *qiyās* took place as no *far'* was moved to an *aṣl* and there was in reality no *'illah* mentioned by the Prophet ﷺ. The *'illah* they claim about two opposite rulings is false as there are other interfering *'ilal* and the claimed *'illah* is absolutely baseless, it is also not *muṭṭaridah*. This narration is instead only a similarity made by the Prophet ﷺ as he willed, and this similarity made by him in reality invalidates *qiyās* because *qiyās* in reality is making two issues the same in rulings because of a similarity in a certain an aspect. and here the Prophet ﷺ is clearly making two different rulings. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

The Narration Regarding A Man Asking Permission To Fornicate

It is narrated on the authority of Abu Umamah, "A young man came to the Prophet ﷺ and said, 'O Messenger of Allah! Give me permission to commit *zinā* (unlawful sex).' The people surrounded him and rebuked him, saying, 'Stop! Stop!' But the Prophet ﷺ said, 'Come close.' The young man came to him, and he ﷺ said, 'Sit down.' So he sat down. The Prophet ﷺ said, 'Would you like it (unlawful sex) for your mother?' He said, 'No, by Allah, may I be ransomed for you.' The Prophet ﷺ said, 'Neither do the people like it for their mothers.' The Prophet ﷺ said, 'Would you like it for your daughter?' He said, "No, by Allah, may I be ransomed for you." The Prophet ﷺ said, 'Neither do the people like it for their daughters.' The Prophet ﷺ said, 'Would you like it for your sister?' He said, 'No, by Allah, may I be ransomed for you.' The Prophet ﷺ said, 'Neither do the people like it for their sisters.' The Prophet ﷺ said, 'Would you like it for your paternal aunt?' He said, 'No, by Allah, O Allah's Messenger! may I be ransomed for you.' The Prophet ﷺ said, 'Neither do the people like it for their paternal aunts.' The Prophet ﷺ said, 'Would you like it for your maternal aunt?' He said, 'No, by Allah, O Allah's Messenger! may I be ransomed for you.' The Prophet ﷺ said, 'Neither do the people like it for their maternal aunts.' Then the Prophet ﷺ put his hand on him and said, 'O Allah, forgive his sin, purify his heart and guard his chastity.' After that the young man never paid attention to anything of that nature."[151]

This narration is barely mentioned in the books of the *uṣūliyīn*, there are very few,[152] unlike the narrations mentioned above. It is very evident that no *qiyās* was used here, even according to the adherents of *qiyās*. There can be no disagreement that *zinā* is not prohibited because of the reasons we dislike it for the sister, mother, maternal aunt and paternal aunt, even if it may be the case. As clarified before it is not possible to use a *qiyās* from an *aṣl* to another *aṣl*, and there is no *far'* here moved back to any *aṣl*, because there is no difference of opinion that *zinā* with the sister, mother, maternal aunt and paternal aunt is all prohibited even before this incident. None of them in reality believe that *zinā* is only prohibited because of *qiyās*, No one, except those with a defective understanding, believes that *zinā* is prohibited

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[151] Musnad Ahmad 22211

[152] Fath Al-Baqi 'Ala Mandhumah Al-Maraqi 2/77

because of *qiyās*. This narration is not much different than if someone were to ask, “Are the five daily prayers really obligatory?” and receive the response, “You fast every single day during the days of *ramaḍān*, you pay zakāh anually, performed umrah and hajj, and ask if the prayer is obligatory?” Such questions in this manner, without becoming the reason to oblige, prohibit or allow have benefits, such as understanding what the reality of the initial question asked and its implications. None of the answer indicates We will further clarify, by the will of Allah, why even *‘ilal* that are mentioned by text cannot be used for *qiyās* in great detail and that it is in reality the method of the majority, and when something is exactly considered an *‘illah*, and the difference between benefits derived from obligations and prohibitions, and if an actual *‘illah* is established for them. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

The Narration Regarding Women Being The Counterpart Of Men

It is narrated on the authority of Aisha, "The Prophet ﷺ was asked about a person who found moisture (on his body or clothes) [after waking up], but did not remember having a sexual dream. The Prophet ﷺ said, 'He must take perform *ghusl*. Then he was asked about a person who remembered that he had a sexual dream but did not find moisture. The Prophet ﷺ said, 'Ghusl is not necessary for him.' Umm Salamah then asked, 'Is washing necessary for a woman if she sees that (in her dream)?' The Prophet ﷺ said, 'Yes. Woman are counterpart (*shaqā'iq*) of men.'"[153]

This narration is declared weak in Al-Musnad Al-Musannaf Al-Mu'allal,[154] this narration is not free from Abdullah Ibn Umar Ibn Hafs Ibn 'Asim Al-Umari, and he is not a *thiqah*.

Al-Bukhari said regarding him, "Yahya Ibn Sa'id declared him weak."[155]

Abdullah Ibn Ahmad Ibn Hanbal said, "I asked Yahya Ibn Ma'in about Abdullah Ibn Umar Al-Umari, he said, 'He is weak.'

And I also asked by father (Ahmad), he said so-and-so.'"[156]

Al-Marrudhi said, "I asked Ahmad Ibn Hanbal about Abdullah Ibn Al-Umari, he was not pleased with him, he said, '*layyin ul-ḥadīth*.'" [157] (these are words indicating *jarḥ*)

Al-Nasa'i said, "Abdullah Ibn Umar Ibn Hafs Ibn 'Asim Ibn Umar Ibn Al-Khattab is weak."[158]

As for the meaning of *shaqīq* as mentioned in the narration, it means something that is similar to something. This narration is from the greatest evidences against them as never was this *sabab* given them being similar itself, made the reason for all existing rulings to be the same for both genders other than the issue mentioned in the narration. This narration would only be *qiyās* if the ruling of men and women in an issue were made the same because of this narration. We do not reject the affirmation of a *sabab* on one issue.

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[153] Sunan Abi Dawud 236
[154] Al-Musnad Al-Musannaf Al-Mu'allal 6747, 36/417
[155] Al-Tarikh Al-Kabir 5/145
[156] Al-Du'afa' by Al-'Uqayli 3/281
[157] Su'alat of Al-Marrudhi 124
[158] Al-Du'afa' Wal-Matrukin 325

It is obligatory on men to attend the *jumu'ah* and congregational prayers, while both are not obliging for women. Men and women are the same in the rulings of the prayer and obligatory alms. A woman can not travel for non-obligations except accompanied with the husband or a *mahr*am. A man can travel however he wants without his wife and without his *maḥram*. They are the same regarding fearing *zinā*. The rulings for clothings for women differ from men, it is not allowed to wear *qamīṣ*, *'imāmah*, *sarāwīl* for men during *iḥrām* while it is allowed for women, and hey have the same ruling for wearing perfume, that it is prohibited. It is obligatory on men to pray in congregation with an *imām* at Muzdalifah for the Subh prayer. While it is allowed for women to leave from Muzdalifah before that. They are similar in rulings other than that during the *iḥrām*. *Ighārah* is obligatory on men while it is not for women. The testimony of two women equals that of one men. Our opponents here do not make the rulings for women here in these cases the same for men and do not make the rulings of men the same for women. They do not use *qiyās* in any of those cases and others cases to make it the same and there no *ijmā'* in any of those cases. The *diyah* of a woman is half of a man. Many of the *qā'isūn* make them equal till a certain, they do this regarding issues of the *diyah* and then forsake making them the same for other rulings and do not use *qiyās* in those cases. The *ḥadd* on a woman is the same as that of a man regarding issues like *qadhf*, *khamr*, *zinā*, *qatl* and *qat'*. Some of the *qā'isūn* make the genders different in ruling of *taghrīb* (expelling from the city) because of *zinā* between men and women. Some of them also make the *ḥadd* of *riddah* different between men and women. They claim that men must be killed for *riddah* but not women. In these cases they abandon *qiyās* as they do not apply it everywhere. A man may marry four women and get slave girls while a woman can not marry any man except one and may not get slaves. They do not use *qiyās* here in any of these cases.

These are enough examples from the many where they contradict their method and claim a matter is because of *qiyās* while they can not produce any evidence that it is because of *qiyās* and then at the same time abandon their own method when it is related to other issues. A man may marry four women and get slave girls while a woman may not marry except one and may not get slaves. They do not perform *qiyās* here in any of these cases. These are enough examples from the many where they contradict their method and claim a matter is because of *qiyās* while they can not produce any evidence that it is because of *qiyās* and then at the same time abandon their own method when it is related to other issues. So since we know with

certainty women being counterpart of men was not the reason for hundreds of rulings being the same, and instead different, we know that the *sabab* in this narration mentioned can not ever be used for any issue other than to affirm it for this narration only. And that it is prohibited to transgress.

Since we find the rulings of men and women to be different very often and to be the same very often, only according to texts, it becomes false without any doubt to claim that they are the same in one case because of *qiyās* when there is only mention of one gender. Because they are similar or different is never because of the reason of *qiyās* this is the utmost clarity on the falsehood of their method.

Our opponents here admit themselves that this is not *qiyas*, because they do not make the rulings of men and women in these issues all the same, and do not apply the rulings of men when they are meant for women. They do not use *qiyās* in any of those cases and others to apply it for the other and there is no *ijmā'* in any of those cases. The *diyah* of a woman is half of a man.

Some of *qa'isīn* make the genders different in ruling for *taghrīb* (expelling from the city) for *zinā* between men and women. Some of them also make the *ḥadd* of *riddah* different between men and women. They believe that men must be killed for *riddah* but not women. In these cases they abandon *qiyās* as they do not apply it everywhere, especially since it is an *'illah* that is *manṣūṣah*, this is one of the many certain evidences on the falsehood of *qiyās*, as they claim that rulings must be the same because they seem similar and a group exaggerates in the use of *qiyās* with an *'illah* that is *manṣūṣah*, while none of them use this *'illah* and have abandoned it. This narration affirms our view that an *'illah* only is applicable for where it came with, and must not be placed anywhere else. And has not a single trace of evidence for any of their method and in invalidates it from the begin till the end. And All praise is due to Allah, there is no power or strength except by Allāh.

The Narrations Regarding The Prophet ﷺ Consulting The Companions And Making Use Of *Ra'ī*

This topic comprises two issues: *ra'ī* and the exact subjects which the Prophet ﷺ sought consultation from his companions.

As for *ra'ī*, if they mention the narration where the Prophet ﷺ said, "Verily, I am only a human and the plaintiffs bring to me their disputes, perhaps some of them are more eloquent than others. I judge according to what I hear from them. So, he whom I, by my judgment, give the undue share out of the right of a Muslim, I in fact give him a portion of Hell Fire."[159]

And if they say, "This indicates that some *ra'ī* is allowed and according to you, *ra'ī* is something other than Qur'an and *sunnah*, but *qiyās* is also something other than Qur'an and *sunnah*, so this indicates the permissibility of both *qiyās* and *ra'ī*."

The answer: This narration is not an evidence for anything other than Qur'an and *sunnah*, because the Prophet ﷺ did what he himself ordered; issue judgments based on the apparent from the evidence or an oath. narration is about nothing other than the mere obligation of issuing judgments from the apparent and that we are not burdened to look into the *bāṭin*. Nothing of this indicates permitting what is prohibited and what is prohibiting that which is allowed and obliging that which is not obligatory, in any possible way, no one with a modicum of comprehension can understand otherwise regarding this narration.

And if they mention the narration attributed to the Prophet ﷺ where he decided to grant property to 'Uyayna Ibn Hisn and Al-Harith Ibn 'Awf for the purpose of reconciliation. When questioned if it was his *ra'ī* or a revelation from Allāh, the Prophet ﷺ responded, "It is my *ra'ī*."[160]

We say: Every single chain regarding this narration is weak, it is not free from Abd Al-Rahman Ibn Rafi', he is *majhūl*. And 'Uqbah Ibn Sinan Al-Dharra' is weak, he is not a *ḍābiṭ*.

And also this narration has various wordings, among them is that the Prophet ﷺ was asked, "Is it something you love to do, or something Allāh ordered?" With this possibility, as all of these narrations are about the exact

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[159] Sahih Al-Bukhari 7169
[160] Al-Mu'jam Al-Kabir 5409, 6/28

same incident, exact same time and exact same people, it is obligatory to choose the correct one, and this is only if this narration would ever be authentic.

If they mention the narration where the Prophet ﷺ ordered the commanders of an army, "When you invade the fortress and its people offer to surrender and want the matter referred to Allah's ruling, then do not allow this, for you do not know whether or it goes according the ruling of Allāh regarding them. But let them surrender and have the matter referred to your ruling and make a decision about them later on as you wish."[161]

This narration is from the greatest evidences against them, there is clear indication in this narration that the Prophet ﷺ ordered not to attribute anything to Allāh without certainty, meaning that he does must then do nothing but *ijtihād* according to his ability from the words of Allah and His Messenger. This narration invalidates their view that every *mujtahid* is rewarded even if they are wrong, as the Prophet ﷺ clearly ordered not to attribute anything one has no certainty of to Allah. And there is also a clear indication in this, invalidating their view of their prohibition of *ijtihād*. The Prophet ﷺ never ordered them obedience to falsehood in this narration which is very evident, there is only the obligation in this narration to perform *ijtihād* and the obligation to follow it if there is nothing better than it and that it must not be attributed to Allah as it is not from the religion. Nothing is more evident than the words of the Prophet ﷺ, "You do not know whether it goes according the ruling of Allāh or not." There is no doubt that if there would be access to texts of the Prophet ﷺ that nothing would be permissible except for obedience to that alone. The truth is that the Prophet ﷺ invalidated in this narration any *ra'ī* and *qiyās* as he told him that anything anyone says from his own self that it is not from the religion of Allah and ordered him *ijtihād*. The Prophet ﷺ said also said, "Indeed a lie upon me is not like a lie upon anyone else."[162]

And if they mention the narration attributed to the Prophet ﷺ, that he said, "I decide between you on the basis of my *ra'ī* in cases about which no revelation has been sent down to me."[163]

This narration is weak and we have clarified the weakness of it before. This has been narrated from a total of five *ṭuruq* and all of them are through

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[161] Sunan Abi Dawud 2612
[162] Sahih Muslim 4, 1/10
[163] Sunan Abi Dawud 3585

Usamah Ibn Zayd Al-Laythi and he is weak,[164] there is not a single other *ṭarīq* with this wording

If they also bring up the narration where the Prophet ﷺ was with an army and encountered Al-Hubbab Ibn Al-Mundhir, who posed a question to the Prophet ﷺ, receiving an answer. Al-Hubbab then inquired whether it was a matter of *ra'ī* or a revelation from Allāh, to which the Prophet ﷺ replied, "It is my *ra'ī*."[165]

The answer: This narration is false, the intermediate between Ibn Ishaq and the men of *banu salamah* is unknown. Al-Hakim attempted to connect it,[166] the chains are however filled with *majāhīl*.

Al-Umawi also narrated it, but one of the narrators is Al-Kalbi who is a liar.[167]

Ibn Hajar attempted[168] to connect it through the route of Ibn Ishaq > Yazid Ibn Ruman > 'Urwah. This route mentioned by Ibn Hajar, does not exist in the books of Ibn Ishaq, while this route also weak, the narration is *mursal*, 'Urwah never met Ibn Al-Mundhir.[169]

Al-Bayhaqi also narrated this from another *mursal* route,[170] which is disconnected not *musnad*.

There does not exist a single other route for this narration, so it is weak and must be abandoned.

If they mention the narration that the Prophet ﷺ said to Sa'd, "You have judged according to Allah's command."[171]

The answer: The Prophet ﷺ has spoken the truth and *ahl ul-qiyās* have lied. Anything that is from Qur'an and *sunnah* is without any doubt the command of Allah, anyone either says something correct or false, when it is correct it is the command of Allah, which is from nothing other than the Qur'an and *sunnah* and anything that is false is not the command of Allah. If anyone claims that the Prophet inquired a ruling from Sa'd and that Sa'd became a source of evidence in the religion, he has indeed become a *kāfir mushrik murtadd*.

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[164] Al-Musnad Al-Musannaf Al-Mu'allal 394, 1/556 | 19318, 40/399
[165] Sirah Ibn Hisham 1/620
[166] Al-Mustadrak 'Ala Al-Sahihayn 5801, 5802, 3/482
[167] Fiqh Al-Sirah by Al-Ghazali pg, 224
[168] Al-Isabah 1/302
[169] Maqasid Al-Shar'ah by Ibn 'Ashur 3/132
[170] Dala'il Al-Nubuwwah 3/31
[171] Sahih Al-Bukhari 3804

If they mention the narration where Umar said, “I agreed with my Lord, may He be glorified and exalted, in three matters, or my Lord agreed with me in three matters, I had said, ‘O Messenger of Allah, why don't you take the *maqārn* of Ibrahim as a place of prayer? Then Allah revealed the verse, ‘And take you (people) the *maqārn* (place) of Ibrahim [or the stone on which Ibrahim stood while he was building the *ka’bah* as a place of prayer’ [2:125]. And I had said, ‘Why do you not tell the mothers of the believers to observe *ḥijāb*, for both righteous people and evildoers enter upon you?’ Then the verse of *ḥijāb* was revealed. And I heard something about the Mothers of the Believers, so I talked to them and told them, ‘You should stop bothering the Messenger of Allah ﷺ, or Allah will replace you with wives who are better than you and are Muslims.’ Then I came to one of the Mothers of the Believers and she said, ‘O 'Umar, is it the case that the Messenger of Allah ﷺ cannot admonish his wives so that you come and admonish them?’ So I stopped, then Allah, may He be glorified and exalted, revealed the verse, ‘It may be if he divorced you (all) that his Lord will give him instead of you, wives better than you Muslims, believers, obedient’” [66:5].[172]

The answer: This narration is from the greatest evidences against them, because nothing that Umar said ever became obliging, and no one acted upon it, except when revelation from Allah was revealed to His Prophet ﷺ. And Umar also inquired it to the Prophet ﷺ, and everyone is obliged to seek Qur’an and sunnah when they do not know. We ask all of them: Do you believe Umar ever became the source of those rulings? If they say, “Yes,” They apostate, if they say, “No,” they have returned to the truth.

We then ask them: In any consulting (*shūrah*), did the Prophet ﷺ ever inquire from the *ṣaḥābah* about the prayer, the regulations governing *zakāh*, fasting, *ḥajj*, what is prohibited to consume, or cases where bloodshed is permissible? If anyone affirms any of it they have apostated by *ijmā’*. The Prophet ﷺ never claimed that the opinions of those participating in *mushāwirah* (consultation) carried the authority of *ḥujjah* (evidence) on their own. On the contrary, Allāh orders us to ultimately refer matters back to Him, even in cases of consultation, as Allāh says, “And consult them in the matter; once you make a decision, put your trust in Allāh” [3:159]. And Allāh also says, “And know that among you is the messenger of Allāh, if he were to [ever] obey you in much of the matter, you would be surely in difficulty” [49:7].

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[172] Musnad Ahmad 160

This directly invalidates all of their arguments. Allāh explicitly prohibited any obedience to any false *ra'ī* from His *ṣahābah* in numerous matters. Instead, all the *ṣaḥābah*, *humankind* and *jinn* are duty-bound to obey the Prophet ﷺ. *Mushāwirah* is exclusively reserved for issues like *ghazw* (military expeditions) and organizing armies. The Prophet ﷺ never made judgments without divine revelation. If the Prophet ﷺ himself did not, then how could anyone else? While anyone that believes that the sources for rulings is other than Qur'an and *sunnah* alone is an infidel. When the Prophet ﷺ was asked about matters for which there was no specific revelation, he would respond by saying, "Nothing was revealed to me regarding it except the general verse which is applicable to everything (encompasses the issue because it is general)."[173]

This also indicates the validity of resorting to general rulings (*'umūm*) in the absence of specific or exceptional circumstances in a given ruling. The Prophet ﷺ, when questioned about something for which there was no revelation, would simply say, "Leave me as long as I have left you."[174]

Allāh the Most exalted also says, "He shares his ruling with none in partners" [18:26]. And He says, "Then We put you, [O Prophet], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know" [45:18]. And He says, "I am obliged to say nothing concerning Allāh except the truth" [7:105]. And He says, "I have not said to them anything except what You have ordered me to" [5:117]. And He says, "They said, 'Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh'" [3:154]. And He says, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109].

These were all narrations regarding the Prophet ﷺ, they further mention the narration regarding about the companions.

They cite the narration where that Qaradhah Ibn Ka'b said, "Umar sent us to Kufah, and Umar went with us to Sirar (nearby Madinah), he then said to us, 'Do you know why I came with you (till) here?' We said, 'For the right Allah made on the companions (for respecting us, as we are companions as well).' Umar said, 'That too, but I mainly came with you regarding a talk and for you to remember it. You will enter upon a people with the Qur'ān in their hearts, like the rumbling of a boiling pot, and if they

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[173] Sahih Al-Bukhari 4678
[174] Muwatta' Malik, Riwayah Muhammad Ibn Al-Hasan 996

see you they will surrender to you, so lessen yourself in narrating narrations about the Prophet (to them), as long as i am with you."[175]

The answer: Allah saved Umar from ever wanting to lessen narrating narrations. The directive of Umar was only out of *iḥtiyāṭ* for these specific people in Kufah with these specific attributes, as long as they were with Umar accompanied, it is very possible that he knew something about the people with these specific attributes, and the harm they would cause. There is no other possibility at all. To assume that Umar, who possessed an extensive amount of narrations from the Prophet ﷺ, would instruct everyone in general to minimize their involvement in *ḥadīth* is an unsubstantiated claim that lacks coherence.

If they mention the narration that Aisha said, "Do you not feel surprised at Abu Huraira? He came (one day) and sat beside the nook of my apartment and began to narrate (about the Prophet). I was hearing while I was engaged in extolling Allah (in prayer). He stood up before I finished (my prayer). If I were to meet him I would have warned him in stern words that the Prophet did not talk so quickly as you talk."[176]

This indicates nothing other than that Aisha was only against the way Abu Hurairah narrated in this specific case, and not in any way against him narrating about the Prophet ﷺ, this is very evident from the narration, it is not possible nor allowed to assume otherwise from Aisha.

And if they mention the narration that Abu Hurairah said, "If I were to narrate you every single thing I know, you would throw trash at me."[177]

This is true because not every single thing someone narrates is the truth, it can be from a liar, unreliable, someone with a weak memory or someone unknown. All of this is without any doubt rejected, this is not understood in any other way.

If they mention the narration which is attributed to Ibn Mas'ud, that he said, "It is the case that you do not narrate to the people a narration, which their minds can not grasp except that it becomes a *fitnah* for some of them."[178]

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[175] Sahih Ibn Majah 26
[176] Sahih Muslim 2493
[177] Musnad Ahmad 10972, 10977
[178] Muqaddimah Sahih Muslim 14

This narration is weak, it is *munqati'*, because the narration of Ubaidullah Ibn Abdullah Ibn 'Utbah Ibn Mas'ud from the uncle of his father Abdullah Ibn Mas'ud is *mursalah* and Harmalah Ibn Yahya is weak.[179]

If they mention the narration from Abu Hurairah that he said, "I have memorized two kinds of knowledge from the Prophet ﷺ. I have propagated one of them to you and if I propagated the second, then my pharynx (throat) would be cut (I would be killed)."[180]

This does not indicate at all that the narrations of the Prophet ﷺ were hidden, or that Abu Hurairah kept narrations hidden. This indicates nothing other than the reaction from the people of misguidance about the words of the Prophet ﷺ.

And if they mention what is attributed to Abu Hurairah, that he said, "I have just narrated to you narrations, which Umar would have hit me for with a stick, if I did it during his time."[181]

It is not known what narrations exactly he narrated and about who. It is not allowed to falsely assume that Umar would have hit him for conveying the narrations of the Prophet ﷺ.

And this correct understanding applies for all narrations from the *salaf* regarding narrating only to those who are able to understand.

Allah the Most Exalted said, "And whatsoever the Messenger gives you, take it; and whatsoever he forbids you, abstain." [59:7].

And He said, "The Prophet who can neither read nor write, who believes in Allah and His Words, and follow him so that you may be guided." [7:158].

And He said, "And verily, you (O Muhammad) are indeed guiding (mankind and *jinn*) to the Straight Path, the Path of Allah." [42:52-53].

It is not possible follow his orders and not to transgress it except through narrations about him, so how can anyone assume that Umar and others ordered opposing what Allah ordered.

The Prophet ﷺ said, "May Allah beautify a man who hears a saying of mine, so he understands it, remembers it, and conveys it."[182]

The Prophet ﷺ also said, "Take from me (my teaching)! Take from me (my teaching)!"[183]

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[179] Da'if Al-Jami' Al-Saghir Wa Ziyadatihi 5023
[180] Sahih Al-Bukhari 120
[181] Jami' Bayan Al-'Ilm Wa Fadhlihi 1913
[182] Jami' Al-Tirmidhi 2658
[183] Sahih Muslim 1690

The Prophet ﷺ also said, “Convey regarding me (my teachings)!”[184]

We have clarified everything with the utmost clarity. Some companions only said what they said out of fear that lies would be attributed to the Prophet ﷺ, or they would only speak regarding specific people. There is no other option. There is no indication in any of this that the companions made use of *qiyās*. We do not reject that they made use of *ra’ī*, with the meaning that they would choose the best option for a situation and *iḥtiyāṭ*.

Allāh says, “So do as you are commanded” [2:68].

And Allāh says, “And if they had intended to go forth, they would have prepared for it [some] preparation. But Allāh disliked their being sent, so He kept them back, and they were told: 'Remain [behind] with those who remain” [9:46].

And Allāh says, “Nay, but (man) has not done what He commanded him” [80:23].

All of this indicates that the *āthār* of the *salaf* do not mean *qiyās*.

It is well known that it is obligatory to carry out the orders of Allāh, this rule is unrestricted, not restricted. And making it necessary to follow the best of means. For this reason the *uṣūliyūn* have said that what is in the way of an obligation must also be completed to fulfill the obligation. Meaning that the manner how *aḥkām* are to be carried out is known by *ijtihād*, *ra’ī*, *ijtihād* and selecting the best of means, except that none of these mean *qiyās* at all.

Allāh says, “Fight in the cause of Allāh against those who fight against you” [2:190]. This verse encompasses the concept of warfare. This includes the methods and weaponry used, as well as other aspects of preparing for war. Determining these details involves *ijtihād* and *ra’ī*, and their application evolves over time according to the requirements and circumstances. Therefore, it is false to claim that the use of firearms or cannons is the result of *qiyās*, merely because swords were used in the past.

A similar perspective can be applied to the verse concerning *wuḍū’*, where water is unrestricted. However, the manner in which water is obtained and used varies. It is misleading to claim that using tap water is solely the result of *qiyās*, based on the previous use of vessels and wells.

Mushāwarah regarding warfare only involves seeking advice to formulate the most effective strategy for victory, as previously elucidated. Umar's *shūrah* was his chosen method to implement certain *aḥkām*. The gathering of the *maṣāḥif* was a means to promote the obedience of Allāh,

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[184] Sahih Al-Bukhari 3461

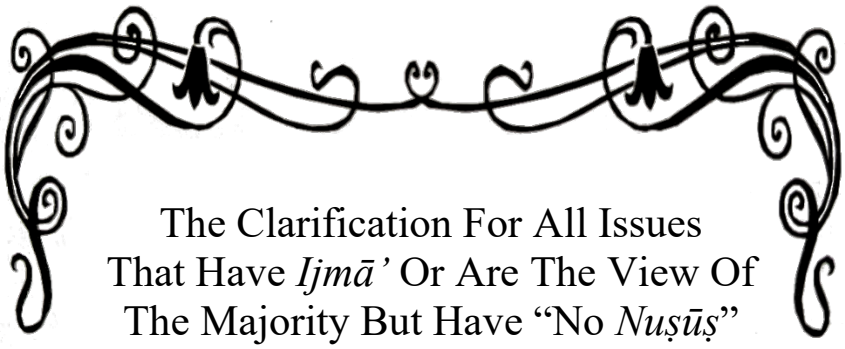
facilitating teaching, recitation, sharing, and propagation of the Qur'ān. The recording of Qur'ānic recitations in the present day follows the same method. So it is false to claim that all these practices are solely derived from *qiyās*, such as recording the Qur'ānic recitations being based on the reason that the Qur'ān is recited aloud. And All praise is due to Allah, there is no power or strength except by Allāh.

Regarding There Being No Prophet After Our Prophet ﷺ

They say, “The Prophet ﷺ said, ‘There is no Prophet after me. So according to you there can be a Messenger instead of a Prophet as a Messenger is not mentioned, it is only about a Prophet.”

The answer: This is a lie. Because this is among the concise words that have comprehensive meanings which are given to the Prophet ﷺ. All Messengers are Prophets and not all Prophets are Messengers. If it would be the case that the Prophet ﷺ would have said, “There is no Messenger after me. It could then be possible for there to be a Prophet after him, if this would be the only narration on the topic.” But the Prophet ﷺ said, “There is no Prophet after me.” So there is also no Messenger after him. Because all Messengers are without any doubt Prophets. It is not possible for there to exist any Messenger that is not a Prophet So it is then established that their claims are all false. If it would be true as they claim it to be which we seek refuge in Allāh from, there would still be no evidence in that for *qiyās* in anything from the religion and there being no prophet after the Prophet ﷺ has not a single relation to prohibit selling figs for wheat except for equal exchange. The Prophet ﷺ also said, “Indeed Messenger-ship and Prophethood has ended, there will be no Messenger after me, and also no Prophet.”[185]

[185] Al-Ahkam Al-Wusta 1/88



The Clarification For All Issues That Have *Ijmā'* Or Are The View Of The Majority But Have "No *Nuṣūṣ*"

This encapsulates their entire argument from Qur'ān and *sunnah*. We've made it clear that all the evidence they present is in reality all against them and invalidate *qiyās*. Anyone with even a modest level of reasoning can perceive that everything they use to indicate *qiyās* lacks any semblance of evidence. The majority of their arguments are based on weak narrations. We acknowledge the existence of similarities in matters, and we, all praise be to Allāh, have a greater understanding of these similarities. We affirm what needs to be affirmed and have a better belief in them than they do. Our objection is solely to equating these matters by imposing identical rulings and using *ta'līl*, applying the same ruling due to a certain similarity between them. We reject the act of legislating, obligating, prohibiting, or permitting based on mere similarities, contrary to what Allāh or the Prophet ﷺ have ordained. This is our stance.

Some among them claim *ijmā'* on the validity of the method of *qiyās* without delving into the matter. This claim is entirely false without a shred of doubt. We are absolutely certain that it has never been authentically narrated from anyone from the *ṣaḥābah* affirming that the method of *qiyās* is the truth, neither through reliable nor weak narrations, except for one weak narration we previously mentioned from Umar.

In contrast, there is a consensus (*ijmā'*) from the *ṣaḥābah* on the invalidity and fallacy of every single *qiyās*. It is an established and known with certainty by every son of Adam who understands Islam whether Muslim or infidel, that all the *ṣaḥābah* unanimously agreed to follow and obligate whatever was revealed by Allāh and His Messenger, as long as it has not been abrogated. They also unanimously agreed that no one is

allowed to prohibit, permit, or impose any ruling that is not from Allāh or His Messenger. Furthermore, they all concurred that the Messenger of Allah ﷺ did not leave his *ummah* in obscurity concerning any aspect of the religion and clarified everything to the people. These agreements are unanimous among the *ṣaḥābah*, from the first to the last, beyond any doubt. Anyone that disagrees with this is an infidel. But since they unanimously agree without a shadow of doubt, it is evident that *qiyās* is invalid. According to those who believe in it, *qiyās* pertains to newly emerging matters in the religion for which Allāh did not reveal a ruling in the Qur'ān, and neither did His Messenger elucidate a ruling. There is no doubt that if any of the *ṣaḥābah* were to hear this, they would disassociate themselves from anyone who follows the methodology of the adherents to *qiyās*.

The *ṣahābah*, numbering in tens of thousands, have left behind a vast amount of knowledge. *Ḥadīth* has been narrated from about one thousand three hundred of them, cited by name. As for *fiqh* and *fatāwa*, it has been narrated from approximately one hundred forty of them, known by name. Not a single one among them ever mentioned the permissibility of *qiyās*, nor did they order it, except for one weak narration attributed to Umar, as clarified in detail earlier.

Regarding the use of *'ilal* and *ta'līl*, used by the proponents of *qiyās*, to find validity in *qiyās*, we can state with certainty that none of the *ṣahābah*, *tābi'īn*, or *tābi'u al-tābi'īn* ever mentioned or anything supported this approach. This was an invention of the companions of Al-Shafi'i, followed by the companions of Abu Hanifah and then the companions of Malik. This is an established fact known to both us and them. Nothing has ever been narrated from any of the *imāms* on this topic except their companions. There are not even weak narration, let alone an authentic narrations from the *ṣahābah*, *tābi'īn*, or *tābi'u al-tābi'īn* indicating *ta'līl*. None of them engaged in *ta'līl* of a ruling, extracting an *'illah* and using it as an *'alāmah* for that ruling. And then using *qiyās* based on that *'illah* for anything that matches, as they believe that *qiyās* is invalid otherwise.

They all concur with us that none of the *ṣahābah*, *tābi'īn*, or *tābi'u al-tābi'īn* ever uttered the words or terms related to *qiyās*. Moreover, none of them ever indicated its meaning; if they had known it, they would not have concealed it. So, it is evident with certainty that there is a *ijmā'* indicating the falsehood of *qiyās*.

Many of the advocates of *qiyās* are forced to retreat from mentioning the words *'ilal* and *ta'līl* of *aḥkām*, and the term *qiyās*, and they resort to using words like *tashbīh tamthīl*, and *tandhīr*, while evading the meanings

associated with these words. The definitions for these words align with their original understanding, they are the same as *qiyās*. As for their *istiḥlāl*, there is no significant difference between them and those who permit *khamr* under the name *nabīdh*. The least ones to use *qiyās* are the companions of Ahmad and *aṣḥāb ul-ḥadīth*, who do not adhere to *taqlīd*. Some companions of Malik and a very few from the companions of Abu Hanifah fall into this category.

It is impossible for anyone to permit anything in this matter, and for anyone with even a modicum of intellect to claim *ijmā'* on this matter. There exist more than twenty thousand issues narrated from the *ṣaḥābah*, and not a single one of them hints at *qiyās*, except for one weak narration, as previously elucidated, which we previously clarified in the greatest of details.

There are approximately ten other matters which the proponents of *qiyās* falsely assume it to be *qiyās*, while in reality, it bears no resemblance to *qiyās*. Moreover, they all concur with us that there has never been anything narrated regarding *qiyās* from the *ṣaḥābah* during the lifetime of the Prophet ﷺ.

We seek refuge in Allāh from any religion besides the religion of Allāh and from any innovation unrelated to Islam. If *qiyās* were true, traces of the Prophet ﷺ clearly elucidating and acting upon it would never cease to exist. One of the most glaring falsehoods is to permit *qiyās* in the religion while the Prophet ﷺ left no clear guidance on how to perform *qiyās*, when to use it, and what to apply it to and all of its conditions. It is evident that *qiyās* is false beyond any doubt.

As for *ra'ī*, this was used of many among them. However, there is no conceivable way for any of them to have elevated their *ra'ī* to become a ruling in the religion. Most proponents of *qiyās* reject *istiḥsān* and *ra'ī* unless they align with *qiyās* and an *'illah*. The majority of later scholars from the *ḥanafiyyah* and *mālikiyyah* have adopted this approach, following the methodology of the *shāfi'iyyah*, abandoning the methods of their earlier scholars who relied on *ra'ī* and *istiḥsān*.

In the next chapters we will clarify, by the will of Allah, in detail every single claim of them that there are issues that have an *ijmā'* which is because of *qiyās*, afterwards we will clarify every single narration attributed to the companions which they use to indicate the use of *qiyās* from them.

They say, "Issues exist that have *ijmā'* with no *nuṣūṣ* and that indicates that it is because of *qiyās*."

The answer: We have clarified before in detail that an *ijmā'* can not exist without *nuṣūṣ*, and we have clarified in detail before that every single narration used does not indicate anything about their view of *ijmā'*.

Certainly, when delving into the *āthār* of the *salaf*, one will encounter a wealth of *ijtihād* and *ra'ī*. It's widely accepted among scholars, including *ahl ul-qiyās*. Except that these approaches from them were *istinbāṭ* of the *nuṣūṣ*. It is known that *ijtihād* encompasses various methodologies. Among them are *istinbāṭ* of the *nuṣūṣ* and reconciling seemingly contradictory texts, among other methods. It is then false to label *ijtihād* as *qiyās*, attempting to equate it with *qiyās* as the fourth source of deriving religious rulings. Similarly, *ra'ī*, too, encompasses several facets that set it apart from *qiyās*. This includes deducing rulings from the text when a *mujtahid* is uncertain about its correctness. We've already discussed this in detail. It's essential to clarify that various narrations mistakenly equate *ra'ī* with *qiyās*.

It is incorrect for scholars of knowledge to claim that the *ijtihād* and *ra'ī* of the *salaf* can be used to validate *qiyās* as the fourth distinct source of religious evidence. Yet, numerous staunch proponents of *qiyās* continue to argue that it can be directly derived from the Athar of the *salaf* and *ijmā'*. For instance, Al-Sarkhasi contends that the evidence in favor of *qiyās* from the practices of the *salaf* is exceedingly abundant. Al-Amidi claims that consensus among the *ṣahābah* existed regarding the use of *qiyās* in situations where there were no explicit textual references. Al-Juwayni and ‘Ala Al-Din Al-Bukhari likewise claim *ijmā'*.

However, as one delves deeper into the *āthār* of the *salaf*, it becomes increasingly evident that the alleged consensus on *qiyās* as the fourth source of the religion is not substantiated. Among the *ṣahābah*, there is no trace of any substantial support for *qiyās*; instead, they criticized and rejected it. Those who claim such consensus are challenged to provide a substantial number of authentic narrations, yet they are unable to produce even one. We have previously explored this topic at great length, and based on the preceding discussion, it can be confidently said that the claimed consensus on *qiyās* is false, and many scholars do not agree with the existence of *ijmā'* on it.

The significant presence of *āthār* from the *salaf*, which consistently reject *qiyās*, indicates the falsehood of claiming an *ijmā'*. Their argument for *ijmā'* draws from the *fatāwa* of the *ṣaḥābah*, all of which we will thoroughly examine and demonstrated that it lacks substantiating evidence for their claims.

Alis statement, “If the religion would be based on *ra’ī*, it would be more important to wipe the under part of the shoe than the upper, but I have seen the Prophet ﷺ wipe over the upper part of his shoes,”[186] directly signifies his rejection and dismissal of *ta’līl*, *qiyās al-‘aks*, and any form of *qiyās* and *ra’ī*. This represents just one of the many teachings from the *salaf* that disapprove of *qiyās* and *ra’ī*, and we will discuss all existing *āthār* from the *salaf* on this topic, by the will of Allah.

Moreover, it is worth questioning the validity of claiming a consensus (*ijmā’*) on *qiyās*, considering the numerous variations and types of *qiyās* that exist. As previously mentioned, proponents of *qiyās* often cite cases from the actions of *ṣaḥābah*, arguing that these align with their method of *qiyās* and the specific conditions they have established. For example, al-Sarkhasi mentions cases of *mushāwarah* (consultation) between the Prophet ﷺ and *ṣaḥābah* regarding warfare, ‘Ala al-Din Al-Bukhari discusses the *shurah* (consultative council) convened by Umar, and Al-Shaykh Al-Khudhari and Ibn Rajab reference the instance where Uthman gathered the *maṣāḥif* (copies of the Qur’ān). We will clarify by the will of Allah, that there is no evidence in any of these claims.

We will now clarify in detail every single claim of them regarding issues that have *ijmā’* but no *nuṣūṣ*, by the will of Allah, the Most Exalted.

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[186] Sunan Abi Dawud 162, 1/63

Regarding The Letter Of Umar to Abu Musa Ordering The Use Of *Qiyās*.

There are two narrations attributed to Umar in which he sends letters to explicitly use *qiyās*. The first letter is sent by Umar to Abu Musa, *Al-Qā'isūn* exaggerate in concluding *qiyās* from this narration. The second letter from Umar is to Al-Qadhi Shuraih, this letter has no indication for *qiyās*, this is something all *qā'isūn* agree on, they only use the first letter as evidence for *qiyās*. Firstly, we will mention the *matn* of the narration, then we will clarify all of its *ṭuruq*, "Sa'id Ibn Abi Burdah said that he published the letter of Umar he had with him and said, 'This is the *kitāb* (letter) of Umar.' He then read it to Sufyan from this sentence onwards, 'To Abu Musa al-Ashari, if you are in doubt about an issue which you do not find in Qur'ān and *sunnah* then think deeply about it and look at its similarities and examples and after that use *qiyās* of that which is the most beloved to Allāh and the *sunnah* of the Prophet ﷺ and then pass a judgment in light of that.'"

The first *ṭarīq* is from Ja'far Ibn Burqan > Ma'mar Al-Basri > Abu Al-'Awam > Sufyan Al-Thawri > Idris Al-Awdi, "I came to Sa'id Ibn Abi Burdah and asked him about the letters of Umar which he wrote to Abu Musa and Abu Musa had bequeathed to Abu Burdah books, he spread them. I saw in a letter in it the narration returning to Abu Al-'Awam > Umar.[187]

The second *ṭarīq* is from Sufyan Ibn 'Uyainah > Idris Al-Awdi > Sa'id Ibn Abi Burdah, "Umar wrote a letter to Abu Musa."[188]

The third *ṭarīq* is from Ja'far Ibn Burqan > Ma'mar Al-Basri > Abu Al-'Awam, "Umar wrote a letter."[189]

The fourth *ṭarīq* is from Ahmad Ibn Umar > Abd Ul-Rahman Ibn Al-Hasan Al-Shafi'i > Al-Qadhi Ahmad Ibn Muhammad Al-Karji > Muhammad Ibn Abdullah Al-'Alaf > Ahmad Ibn Ali Ibn Muhammad Al-Warraq > Abdullah Ibn Sa'd > Abu Abdullah Muhammad Ibn Yahya Ibn Abi Umar Al-'Adani > Sufyan > Idris Al-Awdi > Sa'id Ibn Abi Musa Al-Ash'ari Ibn Abi Burdah > his father, "Umar wrote a letter to Abu Musa."[190]

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[187] Musnad Al-Faruq 2/435 | I'lam Al-Mawqi'in 2/158 | Tarikh Dimashq 32/71, 3461 | Sunan Al-Daraqutni 4/207, 4381 | Sunan Al-Kubra 6/65

[188] Sunan Al-Daraqutni 5/369, 4472

[189] Ma'rifah Sunan Wal-Athar 14/240-241, 19792

[190] Ihkam Fi Usul Al-Ahkam 7/146 | Tarikh Baghdad 10/449 | Tarikh Dimashq 32/72 | Sunan Al-Sughra 3260

The fifth *ṭarīq* is from Yahya Ibn Muhammad Sa'id > Yusuf Ibn Musa Al-Qattan > Ubaidullah Ibn Musa > Abd Ul-Malik Ibn Al-Walid Ibn Ma'dan > his father.[191]

The sixth *ṭarīq* is from Waki' > Sufyan > a man > Al-Sha'bi > Umar.[192]

The seventh *ṭarīq* is from Qatadah > Umar.[193]

The eight *ṭarīq* is from Ubaidullah Ibn Abi Humaid > Abu Al-Malih Al-Hudhali > Umar.[194]

All of these are weak, as for the first, Idris Al-Awdi, is a name shared by two individuals. Both of them are narrators from the *tabi'īn*. It is possible that the narrator, Idris, in all chains he is mentioned, could be either Idris Ibn Yazid Al-Awdi, a *thiqah* (reliable) and widely recognized figure with a biographical entry in Al-Tahdhib, or Idris Ibn Subaih Al-Awdi, whose status is *majhūl*. Abu Hatim and Al-Dhahabi declared the latter as *majhūl*. Ibn 'Adiy claimed that these two are the same person. Ibn Hajar quoted Ibn 'Adiys perspective and leaned towards it. However, Ibn 'Adiys which Ibn Hajar leaned towards is false with no evidence presented. And if we would assume that Idris Al-Awdi is the one that is a *thiqah,* he is then someone from the seventh generation and he is speaking about Abu Musa by himself, not through someone else, while he without any doubt could not have met Abu Musa or heard anything from him directly.

As for the second Sa'id Ibn Abi Burdah did not even meet, see, hear anything from Ibn Umar, let alone Umar. He died after 130 AH.

As for the third, Abu Al-'Awam is Abd Ul-Aziz Ibn Al-Rabi' he never met, saw or hear anything from Umar.

As for the fourth, the narrators between Sufyan and Al-Karji are filled with *majhūl* narrators. Sa'id Ibn Abi Burdah through Abu Musa al-Ashari is *munqati'* (broken). When this chain is attributed to Umar, the chain has even more discontinuity (*inqiṭā'*).

As for the fifth Abd Ul-Malik Ibn Al-Walid Ibn Ma'dan is weak and his father is *majhūl*. Abd Ul-Malik Ibn Al-Walid Ibn Ma'dan is declared weak by Al-Azdi, Al-Bukhari, Al-'Uqayli, Al-Nasa'i, Abu Hatim Al-Razi, Ibn Hibban, Ibn Hajar Ibn Hazm, Bashar 'Awwad and others.[195] Yahya Ibn Ma'in was the only from those whose view matter to describe him as *ṣālih*,

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[191] Al-Faqih Wal-Mutafaqqih 2/200 | Sunan Al-Daraqutni 2/132-33, 4425, 4426
[192] Ansab Al-Ashraf 10/389
[193] Usul Ul-Fiqh by Ibn Muflih 3/1323
[194] This *ṭarīq* is included in the sources above
[195] Tahdhib Al-Kamal 2/628, 8/355, 18/ 431, 2/628 | Ikmal Tahdhib Al-Kamal 8/355 | Tahdhib Al-Tahdhib 2/628, Al-Jarh Wal-Ta'dil 5/373, Taqrib Al-Tahdhib 1/629

and there is no evidence for his credibility. As for his father he is *majhūl*, absolutely nothing is known about him, Ibn Hibban is not relied upon his *tawthīq* of *majāhīl*. There exists *irsāl* (disconnection) between Al-Walid and Umar, Abu Hatim declared it as *munqati'*.

As for the sixth, there is an unknown narrator.

As for the seventh Qatadah heard nothing from Umar.

As for the eighth, Ubaidullah Ibn Abi Humaid is weak, he is declared weak by Al-Bukhari and Ahmad and Abu Bakr Al-Hudhali is also weak. And Abu Al-Malih heard nothing from Umar.

There are also defects in this narration in general, The statement attributed to the narrator, claiming that he disseminated a letter from Umar and declared it to be from Umar, denotes a case of a *mursal ṣahīfah*. In terms, this aligns with a disconnected *wijādah*, and a *wijādah* refers to a narrator encountering a written text from a teacher whom they did not directly meet. In assessing the validity of the *mutūn* (texts) within such *wijādahs*, authenticity can be established if there are corroborative indicators (*qara'in*). This approach parallels the verification of manuscript authorship, *mursal wijādahs* are, however, rigorously scrutinized and barely authenticated. There are no *qara'in* for this narration.

Those who believe in the authenticity of the narration failed to present evidence for its publication during Umars or Abu Musas era. Witnesses are also absent, which renders the claim of its authenticity false due to the lack of *qara'in*, especially considering that the *salaf* had no awareness of anything regarding this event. The letter is also unsupported by any authentic *isnād* from any of the *ṣahābah*, these are merely false claims attributed to Umar.

This letter is not transmitted from any *ṣahābī* with a reliable chain, except for the chains we mentioned about Umars letter to Abu Musa. Among the *tābi'ūn*, there are very few narrations, most weak. The most strongest among them has two *'illahs*. The rest of all chains are all weak. One such chain attributed to the *ṭarīq* Abdullah Ibn Abi Hamid, he is universally agreed upon for its weakness, even deemed *matrūk*. Its *isnād* is further compromised due to *mu'dhal*. Another *ṭarīq* from Abd Ul-Malik Ibn Al-Walid Ibn Ma'dan, has three significant *'ilal*. His father, Al-Walid Ibn Ma'dan, has an uncertain status in terms of virtue. There exists *irsāl* (disconnection) between Al-Walid and Umar, Abu Hatim declared it as *munqati'*. There are also a multitude of *majāhīl* in it.

Contrary to scholarly consensus regarding *ḥadīth*, Al-Albani falsely authenticated Umars letter through the chains we mentioned earlier from Al-

Daraqutni, an evaluation that hinges on presumptuous assumptions regarding Idris al-Awdis lineage. This approach further implies authenticating the *mursal wijādah* with no corroborative indicators. Al-Albani acknowledges instances of *i'dhāl* and *ibhām* within the chains, yet contends that relying on such narrations suffices, using a weak methodology.

Ahl ul-ḥadīth universally acknowledges the caution regarding *mursal wijādahs*. Ibn Hajar, upon reviewing the chains sourced from Al-Daraqutni, Al-Bayhaqi, and Ibn Hazm, noted that these chains are strengthened due to the existence of the written letter. The claims of Ibn Hajar here do not indicate authenticity, it only indicates a certain degree of reinforcement. This augmented strength does not reach the state to authenticate the narration. Describing a narration as stronger than its initial appearance is a common assessment among *ḥadīth* scholars, yet this label does not inherently confer authenticity. Even with this heightened strengthening, the pivotal aspect of substantial evidence for authenticity remains absent, consistent with the range of reasons previously expounded upon.

Bashar 'Awwad Ma'ruf said, "The esteemed scholar *shaykh* Ahmad Shakir May Allāh have mercy on him staunchly defended Umar's letter. He said, 'When it comes to Abd Ul-Malik, there exists a divergence of opinion about his status. The only one to cast doubt on him was Ibn Hazm. Abd Ul-Malik is rather categorized as *mutawassiṭ*.' It is widely acknowledged that 'Allamah Ahmad Shakir had a pronounced inclination towards avoiding the weakening of narrators. Know that Ibn Hazm wasn't the only one to criticize Abd ul-Malik's reliability. Preceding Ibn Hazm, the eminent *imām ul-muḥaddithīn* Al-Bukhari had already addressed Abd Ul-Malik's weakness.[196] It can be inferred from his statements that Abd Ul-Malik could even be considered *matrūk* (not just weak). Abu Hatim Al-Razi said regarding him, 'He is weak.'[197] Ibn Hibban said regarding him, 'His narrations face strong rejection, rendering them unsuitable for use for arguments. None of his narrations hold credibility for substantiating any point.'[198] These assessments, all of them critical (*jarḥ*), originate from sources beyond Ibn Hazm. Al-Nasa'i said regarding him, 'He is not strong.' Ibn 'Adiy said, 'He narrated narrations which are not to be followed by

[196] Tarikh al-Kabir, Volume 5, Tarjamah 1420
[197] Al-Jarh Wal-Ta'dil, Volume 5, Tarjamah 1745
[198] Al-Majruhun Volume 2, Page 135

anyone.'[199] Al-Hafidh Ibn Hajar said, 'He is weak.' Ibn Ma'in was the only one claiming that he is a man of virtue, a claim unsupported by any evidence. It is in such a case false to suggest, as Ahmad Shakir did, that there exists a difference of opinion in such a matter. The accurate perspective aligns with Ibn Hazms viewpoint. Turning to his father, Al-Walid Ibn Ma'dan, al-Dhahabis words followed after quoting Ibn Hazm, 'Al-Walid Ibn Madan was the only one to narrate this about the narration of Umar.'[200] Ibn Hibban said, 'His narrations can be deemed acceptable, but only when they originate from sources other than his son.'[201] An exception which does not occur to the narrations attributed to Umar. Subsequently, Ahmad Shakir cites certain chains of narration and then concludes authenticity for the narration. However, each and every *isnād* he references are both weak and *marāsīl*. Al-*imām* Al-Bukhari, in this regard, stated, 'Al-Walid Ibn Ma'dan al-Duba'i narrating about Umar is *mursal*.'[202] Abu Hatim said, 'Al-Walid Ibn Ma'dan al-Duba'i narrating about Umar's letter to Abu Musa is *mursal*.'[203] The greatest *muḥaddithūn* unanimously contend that Marasil holds no evidential weight. In addition, he (Ahmad Shakir) claims about the narration that Idris Ibn Yazid Ibn Abd Ul-Rahman al-Awdi sought out Sa'id Ibn Abi Burdah and inquired about the letters attributed to Umar. And that Sa'id Ibn Abi Burdah related that his father Abu Burdah had received the letters from Abu Musa, claiming that they were transmitted via *waṣiyyah*, and subsequently published them. Sa'id Ibn Abi Burdah, his son, was a young *tābi'ī* who had not encountered Umar nor even Ibn Umar. Considering the perspectives of Ibn ul-Qayyim and other scholars regarding the *ummah*'s acceptance of this narration (and other claims), they authenticate it using their method, as for the method of *ḥadīth* it is something else." [204]

Regarding *istidlāl* of the letter. Even in the hypothetical situation where one might assume its authenticity, an assumption contradicted by the certain evidence clarified in detail, there exists no conceivable alignment between the term *qiyās* as understood by the *uṣuliyīn* and its application in Umar's letter. Moreover, its equally untenable to classify it as a standalone fourth evidence alongside the Qur'ān, *sunnah*, and *ijmā'*. This false claim stands

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[199] Tahdhib ul-Kamal, Volume 18, Page 432
[200] Al-Mizan Volume 4, Page 349
[201] Al-Thiqat Volume 5, Page 494
[202] Tarikh al-Kabir, Volume 8, al-Tarjamah 2537
[203] Al-Jarh Wal-Ta'dil, Volume 9, Tarjamah 75
[204] Al-Muhalla 1/359-360 edition: Bashar 'Awwad

apart from Umar's stance. It is impossible that Umar would endorse the shedding of blood or the appropriation of others wealth based solely on perceived resemblances that a *qā'is* might discern from unrelated rulings.

Regarding Umar's statement, "If you are in doubt about an issue which you do not find in the Qur'ān or the *sunnah*, then think deeply about it and look at its similarities and examples, and after that use *qiyās* that which is closest to the Book of Allāh and *sunnah* of the Prophet ﷺ, and then pass a judgment in light of that." A possible *ta'wīl* from the perspective of the author of this letter is that he intended examples and similarities that are universally accepted by both advocates and critics of *qiyās*. Comparable to instances found from *tanqīḥ al-manāṭ*, a process that sifts through a text to deduce implicit grounds for issuing a ruling, discarding insignificant or extraneous details. So, when an example or resemblance surfaces, not explicitly stated (*manṭūq*) in the text but implied (*mafhūm*), and still supported by evidence from Qur'ān and *sunnah* through direct *istinbāṭ* (deductive reasoning), we term it as *naṣṣ*, *dhāhir*, or *istidlāl* as long as it is included within general rulings if it is not mentioned by its wording, whereas others label it falsely as *qiyās*, when it does not go according to the conditions of *qiyās* in the first place. An exemplar is the narration from Jabir, wherein he stated, "The Prophet ﷺ stayed in Tabuk for twenty days, shortening his prayers." What we are certain of is that the Prophet ﷺ embarked on a journey, subsequently staying resident for a period of twenty days, during which he shortened his prayers, and then he returned to Madinah. From an apparent perspective, we comprehend that the ruling of shortening prayers is associated with both the entire duration of travel and the span of time spent in residence. However, within the narration, other contextual details are mentioned, which bear no significance, such as whether the travel was motivated by *ighārah* or any other reason, the specific season of travel, the distance covered, and other particulars which hold no bearing in deriving legal rulings. Should anyone believe that every single detail mentioned in a narration must impact a ruling for it to be effective, without it having been made as a reason, they would be compelled to argue: The ruling of shortening prayers only applies during the summer, under the condition that the distance is of a certain length. This line of reasoning, however, renders matters excessively specific in relation to irrelevant factors. This approach can be extended to any other subject and its associated narrations. In reality, the factors mentioned in such contexts are merely incidental, and each instance of concurrence (*muwāfaqah*) does not

inherently qualify as evidence deserving consideration; it lacks the capacity to significantly impact a ruling.

This is why the concept of shortening prayers (*qaṣr*) is connected to the entirety of travel and timed residence. Whether the journey is for *ighārah*, seeking knowledge, trade, or any other purpose, the ruling of shortening prayers applies. Likewise, whether the travel occurs in winter, spring, or summer, the application remains consistent. In situations where the Prophet's ﷺ actions lack explicit wording (*manṭūq*), the bounds of generality are only understood from this manner of refining attributes *tanqīḥ al-awṣāf*. This is the methodology adopted by most scholars of knowledge, whether they accept or reject *qiyās*. However, variations exist in the application of these principles to *furū'*, stemming from differences in grasping the attributes of each narration and discerning the intended attribute from those that are irrelevant.

One of the illustrative examples are the narrations where its stated that the Prophet ﷺ wiped over the *'imāmah*. If someone claims, "There is no narration of the Prophet ﷺ wiping on anything other than the *'imāmah*." We counter: This claim has no value because the Prophet ﷺ did not tell us the reason, he did not say that wiping is only on the *'imamah* or the *khimār*. What we understand from the actions of the Prophet ﷺ of wiping over the *'imamah* is that direct contact with the head using the hand is not obligatory. This understanding also leads us to the conclusion that anything can be wiped upon, regardless of its thickness or thinness. We pose the question to them: If a companion described, "The Prophet ﷺ wiped over a yellow *'imamah* made of cotton, folded three times," would you then prohibit wiping over a white, green, or red *'imamah* made of cotton, folded ten times? Or, if a companion described that the Prophet ﷺ wiped over two black *khuffain* (leather socks), would you prohibit wiping over white *khuffain*? If their stance is that anything the narrator adds to the main action constitutes innovation in religion, their position is false and problematic. Conversely, if they disregard what the narrator describes, they are return to the truth. This issue will be clarified later in greater depth, by the will of Allah.

It is enough of a response that this narration is from the words of other than Allah and His Messenger so it must be rejected. The amount of times with which the *madhāhib* abandon the views of Umar, and only accept them when they align with those of their forefathers, holds considerable significance. and even in this narration they themselves oppose the views of Umar. They also oppose many matters that Umar mentioned in the letter.

Abu Hanifah, Malik and Al-Shafi'i are among them, who use this letter as an evidence, while they allow the testimony of the lashed person who consumed *khamr* and the fornicator as long as they repent. Malik and Al-Shafi'i allow the testimony of the lashed *qādhif* if they repent. Which is all against what is mentioned in the entire letter of Umar, which is long. If they try to claim *ijmā'* then the view of Al-Awza'i invalidates that as he does not allow their testimonies the same way it is in the letter of Umar which they falsely authenticate. They also allow the testimony of the brother on behalf for his brother and the testimony of the slave, on behalf of his master. They do not conclude their testimonies false as it is mentioned in the letter of Umar, due to being close relatives. It is also false to claim *ijmā'* on this as Uthman Al-Batti and others rejects their testimonies. It is from the most false methods to conclude evidences from one part of narrations while opposing the other part. And also the words used in the letter about depending on what is most similar to the truth, closest to Allāh and most beloved to Allāh, to conclude a ruling based from this is false and fabricated without any doubt. A *qā'is* does not know what he assumes to be similar is what is most beloved to Allāh, or that it is closest to him or His Book. This is what they affirm to be authentic. And no one with the least amount of knowledge can ever be able to ascribe these words with certainty that it is the most beloved to Allah. We do not know anything except about a matter except that it can either be truth or false. Whatever is false is not allowed to be applied for rulings and whatever is the truth, it can never be said regarding it that it only resembles what is the truth. What is the truth instead is always called the truth without any doubt. So using this letter for *qiyās* is false in any possible way.

What is authentic from Umar is instead him invalidating every single *qiyās*. It is narrated on the authority of Al-Sha'bi, "Shuraih wrote a letter to inquire Umar. Umar wrote back to him a letter saying, 'Rule with what is in the Book of Allah, if it is not in the Book of Allah, then rule with the *sunnah* of the Messenger of Allah. If it is not in the Book of Allah and also not in the *sunnah* of the Messenger of Allah, then rule by that which the *ṣāliḥūn* have ruled with. If it is not in the Book of Allah, nor in the *sunnah* of the Messenger of Allah, nor that which the *ṣāliḥūn* have ruled with, then if you wish, go ahead (perform *ijtihād*), and if you wish leave it. I do not see leaving it except that it is better, *al-ṣalamu 'alaykum*.'"[205]

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[205] Sunan Al-Kubra 5911

This is an order to abandon *qiyās* completely and also the choice Umar gave to abandon a ruling if a person does not find that new occurring issue in the Book of Allah, the *sunnah* or *ijmā'* invalidates it. This alone invalidates the claim that Umar ordered *qiyās*, let alone the certain evidences for the weakness of that letter.

Another certain reason why by necessity that letter is a fabrication without any doubt is that Umar said as mentioned before, "Depend on that which is the most similar to the truth and closest to Allah and the Most beloved to him and rule in the light of that."

If they say, "When you rule, do you affirm certainty on a *khabar ul-wāḥid* narrated by someone upright, or do you say it is false, or do you say it resembles the truth? This is the same thing you used against us." The answer is that a *khabar ul-wāḥid* from upright narrators which is connected is the truth and the witness of two upright Muslims is also the certain truth. Except that we say that if a narration is authentic and connected by upright narrators, whose virtue is agreed upon then it is the truth, different from witnesses. Others said, "Every single person, whether in witnesses or narrations are either all the certain truth from Allah or they are false." This is false and it is not allowed to say that it only resembles the truth or is the most similar to the truth, we do not agree with them regarding this. We only discuss here what they narrate about Umar with the wording used in the letter, "That which is the most similar to the truth," we clarified the falsehood of this wording. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

Regarding The *Ijmā'* Of The *Ummah* On The *Istikhlāf* Of Abu Bakr

They say, "This happened based on *qiyās* when the Prophet ﷺ appointed Abu Bakr to lead the prayer. And also Umar said to Al-Ansar, 'Maintain your *imām*s contentment, the one, the Prophet ﷺ endorsed for your prayers by appointing him to lead you."

The answer: This claim is false and must not be affirmed. If the only evidence for Abu Bakr's precedence in the *khilāfah* is the Prophets ﷺ instructions for him to lead prayer, with the Prophet ﷺ himself praying behind him, then Ali would be just as deserving of the *khilāfah*. The Prophet ﷺ prayed behind Ali in Madinah during the *ghazwah* of *tabūk*, one of the Prophets ﷺ final *ghazawāt*.

If they say, "But Abu Bakr leading the prayer was from the last orders ever done by the Prophet ﷺ."

The answer: Despite this, Ali's virtue did not diminish. Therefore, any claim of abrogation (*naskh*) is baseless, rendering their argument devoid of substance. Moreover, Ali's virtue even grew after he led the prayer at *ghazwah* of *tabūk*. The Prophets ﷺ choice to have Abu Bakr lead the prayer wasn't due to any deficiency in Ali that wasn't present during *ghazwah* of *tabūk*. Similarly, the Prophet ﷺ appointing Ali to lead the prayer in Madinah during the year of *tabūk* wasn't because he was considered superior to Abu Bakr. Consequently, Abu Bakr leading the prayer holds no relevance to the concept of *khilāfah*.

The scholars hold only two distinct views concerning Abu Bakr's *khilāfah*: The first claim that the Prophet ﷺ himself declared Abu Bakr as the first *khilāfah*, appointing him as the leader for all Muslims after the Prophets ﷺ passing. This is our perspective, and we will expound upon it, by the will of Allah. One of our supporting arguments is the *ijmā'* of the entire *ummah*, as they all referred to him as the *khalīfah* of the Prophet ﷺ. If any of them intended by this term that Abu Bakr was the Prophet's ﷺ *khalīfah* solely for leading prayers, then Abu Bakr would have been granted this title during the Prophets ﷺ lifetime. However, it is universally agreed upon that he earned this title only after the passing of the Prophet.

If the intended meaning were, "*khalīfah* of the Prophet ﷺ for prayer," not for leading the *ummah*, then he would not have been any more deserving of this title at that time than Abu Ruhm Kulthum Ibn Al-Husayn Al-Ghifari, Ibn Umm Maktum, and Ali. The Prophet ﷺ permitted all of them to lead

prayers in Madinah. Similarly, ‘Attab Ibn Usayd Ibn Al-‘Is Ibn Umayyah Ibn Abdi Shams led prayers in Makkah, and Uthman Ibn Abi Al-‘As Al-Thaqafi led prayers in Ta’if at the Prophets ﷺ behest. Khalid Ibn Said Al-‘As Ibn Umayyah Ibn Abd Shams also led prayers in San’a‘. Since the entire *ummah* agrees that none of the mentioned individuals who led prayers were referred to as *khalīfah* of the Prophet ﷺ, neither during his lifetime nor after his passing, nor even when the *khalīfah* was established after the passing of the Prophet ﷺ. We are absolutely certain that there is no relation whatsoever between leading prayers and holding the *khilāfah*.

Furthermore, the Muslims bestowed the *khilāfah* upon him because he was the most qualified among them, and the principle of *‘imāmah* dictates that it should be entrusted to the best candidate.

They say, “But the *anṣār* initially resisted Abu Bakr's appointment. And Umar said, “If someone precedes in taking the *khilāfah* than me, then they are better than me. And if no one precedes me then no one better than me owns the *khilāfah*, meaning the Prophet ﷺ.”

The answer: There is no evidence to support these claims; and it contradicts their position. The *anṣār* did not abandon their Abu Baker based on *ra’ī* while they held a position of authority, being the residents, and among the early converts to Islam. They did not oppose the consensus of *ahl ul-mashriq wal-maghrib*, nor did they oppose the entire Arab populace and others, who all embraced Islam, whether by choice or coercion. Their later acceptance was based on being informed of the orders of the Messenger of Allah ﷺ which are explicit directives appointing Abu Bakr, not merely their own opinions or the opinions of others among the *muhājirīn*.

Regarding Umar's statement, it is his *ra’ī*, It is from the mistakes of an *‘ālim*, which no one is free from after the passing the Messenger of Allah. There are many cases a scholar can make mistakes, a few examples for that is that Umar once remarked to Ibn Abbas, when Ibn Abbas informed him that the Prophet ﷺ said that Umar would enter Paradise, Umar replied to Ibn Abbas, “Your knowledge is very little.”[206] While it is mentioned in the Qur’ān about *ahl ul-ḥudaybiyyah* that which indicates that Umar is from the people of *jannah* and the Messenger of Allah ﷺ himself said that he is from the people of *jannah*. These are matters Umar was not aware of and there exists plenty of them which does not diminish any of his virtue but it necessitates possibility of there existing many matters many of them were not aware, just like any other companion and anyone after the Messenger of

[206] Al-Tabaqat Al-Kubra 3/352

Allah ﷺ till the day of Judgement. And the day the Prophet ﷺ passed away, Umar said, "By Allāh the Prophet ﷺ did not pass away!"[207] And Umar, May Allah be pleased with him made *takfīr* of Hatib Ibn Abi Balta'ah and requested the Prophet to kill him, and the Prophet invalidated his view.[208] He had also prohibited women from places high *mahr*.[209] He abandoned applying the *ḥadd* of *zinā* on a woman that admitted herself that she did prostitution.[210] He also wanted to burn the house of Fatimah,[211] He also taught that kissing breaks the fast and the Prophet ﷺ invalidated his view.[212] He also said to a woman that married a slave who he wanted to stone her for, "A Muslim is no longer allowed for you."[213] He also made a *ḥadd* of eighty lashes whoever prefers him, or anyone over Abu Bakr.[214] He also burned the house of the one that sold *khamr,*[215] and he did not know the verse of *kalālah*.[216] Know that none of these diminish his virtue and that he is instead rewarded for all of these once for his wrong *ijtihād*, these cases however indicate that the companions are not an evidence, and that nothing they say is to be followed except what they narrate from the Prophet ﷺ. The narrations obliging following the companions indicate nothing other than following them in the *khilāfah* and following what they narrate regarding the Prophet ﷺ, as everything else is impossible, as it is clear from the examples presented.

Umar returned to the truth when Abu Bakr reminded him of the verse when he claimed that the Prophet did not pass away, "Muhammad is no more than a Messenger, and indeed (many) Messengers have passed away before him. If he dies or is killed, will you then turn back on your heels (as disbelievers)? And he who turns back on his heels, not the least harm will he do to Allāh; and Allāh will give reward to those who are grateful" [3:144].

And when the Prophet ﷺ wanted a book to be written while he was sick, the sickness that led to his passing. As Ibn Abbas said, "As the Prophet ﷺ neared his final moments, there were individuals present at his home, including Umar. The Prophet ﷺ said, 'Come, I will write for you a

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[207] Sunan Ibn Majah 1627
[208] Musnad Al-Bazzar 1/308, 196 | Al-Mustadral 'Ala Al-Sahihayn 8/199, 7184
[209] Al-Musannaf by Abd Al-Razzaq 6/180, 10420
[210] Al-Musannaf by Abd Al-Razzaq 7/406, 13653
[211] Al-Musannaf By Ibn Abi Shaybah 7/432, 37045
[212] Musnad Ahmad 382, 1/439
[213] Al-Musannaf by Abd Al-Razzaq 7/209, 12817
[214] Fadha'il Al-Sahabah 1/300, 396
[215] Al-Musannaf by Abd Al-Razzaq 10051, 7/76
[216] Jam' Al-Jawami' 14/727

document; you will not go astray after that.' Thereupon Umar said, 'Verily the Prophet ﷺ is deeply afflicted with pain. The Prophet ﷺ is clearly in great pain. You have the Qur'ān with you; Allāh's Book is sufficient for us.' Those who were present in the house differed. Some of them said, 'Bring him the writing material so that Allāh's Messenger can write the document for you by which you would never go astray after it.' And some among them said what Umar had already said. When they indulged in nonsense and began to dispute in the presence of Allāh's Messenger ﷺ he said, 'Get up (and go away).' Ubaidullah said, 'Ibn Abbas used to say, 'There was a heavy loss, indeed a heavy loss, that, due to their dispute and noise. Allāh's Messenger ﷺ could not write (or dictate) the document for them.''"[217]

And Ibn Abbas said, 'Thursday! And how great that Thursday was! The ailment of Allāh's Messenger ﷺ became worse (on Thursday) and he said, 'Bring me something [to write on] so that I may write to you something after which you will never go astray.' The people (present there) differed in this matter, and it was not right to differ before a Prophet.' Some said, 'What is wrong with him? Do you think he is delirious (seriously ill)? Ask him (to understand his state).' So they went to the Prophet ﷺ and asked him again. The Prophet ﷺ said, 'Leave me, for my present state is better than what you call me for.'"[218]

These are from the mistakes of an *'ālim* which the people before us warned of. Allāh knows that there would be *ikhtilāf* among us. One group deviates in a matter and another is guided. They said what they said for whatever their prevention was to prevent the good. Which if it would be written we would never be misguided after it. The events surrounding this *ḥadīth* continue to hold significance for us; they bring us sadness and leave a lasting wound. We are confident that Allāh, in His wisdom, would not have allowed the Prophet ﷺ to write a book ensuring no one would stray thereafter without providing clarification.

That clarification is as follows, it is narrated from the authority of Aisha, "The Messenger of Allah ﷺ was in his final illness and asked me, 'Bring Abu Bakr and your brother, so that i can write a document. I fear that someone else might be desirous (of succeeding him) and that some claimant may say, 'I am more deserving of it (*khilāfah*).' While Allāh and the *mu'minūn* reject (as a *khalīfah*) anyone except Abu Bakr.'" [219]

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[217] Sahih al-Bukhari 7366
[218] Al-Jam' Bayn Al-Sahihayn 980, 2/10
[219] Sahih Muslim 2387

It is also narrated that this narration occurred at the onset of the Prophets ﷺ illness. We understand that this pertains to the document that was intended to be written on the day of *khamīs*, just four days before the passing of the Prophet ﷺ, as narrated by Ibn Abbas. This aligns with what Umar mentioned earlier. Initially, at the start of his illness, the Prophet ﷺ intended to have it written seven days before the day of *khamīs*. However, when the day of *khamīs* arrived, the Prophet ﷺ desired to have it written, but his condition worsened. The Prophet ﷺ passed away the following day of *ithnayn*, after an illness that lasted for twelve days. So, there is no doubt that the content of this book was all related to the *khilāfah* of Abu Bakr, and all narrations regarding this were in reality about the *khilāfah* after him, aimed at ensuring the *ummahs* continued guidance after him.

This is another certain evidence against those who claim that Abu Bakr obtained the *khilāfah* solely because he led the congregational prayers, as there is not a single *'illah* or substantive connection between leading prayers and being the *khalīfah* for all Muslims worldwide. Leading a prayer can be performed by anyone, including a slave or someone lacking expertise in matters of governance, wealth, jurisprudence, and military strategy. In contrast, the *khilāfah* can only be entrusted to a just *qurashi* individual who is well-versed in governance, wealth management, jurisprudence, and military strategy, among other essential attributes.

In essence, prayer is not related to the concept of *'imāmah al-kubrā*, it is only defined as *'imāmah al-sughrā*, this is what many of them concur on, *'Imāmah* itself does also not entail leading prayers. Therefore, it is not permissible, according to the principles of *qiyās*, to establish an analogy that places *'imāmah* as the foundational element and prayer as a mere derivative of *'imāmah*. Such an argument lacks validity according to the methodologies advocated by any of the scholars.

Furthermore, Salim, the freed slave of Abi Hudhaifah, used to lead the most prominent among the *muhājirīn*, including Umar, during the Prophets time ﷺ. However, it was not permissible for Salim to assume the role of *khalīfah*, even though he excelled in recitation of the Qur'an. Similarly, individuals like Abu Dharr, Ubay Ibn Ka'b, Mu'adh Ibn Jabal, Zayd Ibn Thabit, and Ibn Mas'ud were consistently the most qualified to lead the congregation in prayer when they were present, except in the presence of an *amīr* or in the house with the owner present. This preference was based on their exceptional virtues and proficiency in Qur'ānic recitation. However, none of them were ever considered part of *ahl ul-khilāfah*, as that requires entirely different qualifications. Abu Dharr was also not even from *ahl ul-*

wilāyat and also not from *ahl ul-iḍṭilā'*. The Prophet ﷺ said to Abu Dharr, "O Abu Dharr, I perceive you as weak and I desire for you what I desire for myself. Do not govern even two individuals, and refrain from managing an orphans property."[220]

The Messenger of Allah ﷺ also designated Khalid Ibn Al-Walid, 'Amr Ibn Al-'As, and Usamah Ibn Zayd as an *amīr* while there were those that were better than them in, recitation of the Qur'ān, were earlier to migrate to Medina, knowledge of *fiqh*, and age. These are the conditions for leading prayers (*imāmah*) and are distinct from the criteria for leadership (*imārah*). The prerequisites for *imārah* encompass qualities like competency in governance (*siyāsah*), bravery in battle, kindness, absence of humiliation, justice, firmness without cruelty or violence, good moral character without extravagance, the ability to discern people's qualities in their behavior, patience, avoidance of sin, and knowledge of religious obligations. If individuals like 'Amr, Khalid, and Usamah, who fulfill the conditions for *imārah*, were present alongside Abu Dharr, even if they would not be *umarā'* it would not be fitting for them to lead congregational prayers except for Abu Dharr. In cases where governance for peace and war is required, 'Amr, Khalid, and Usamah are more qualified than Abu Dharr and Ubay. The evidence for this claim lies in the previous mentions, as the Prophet ﷺ specifically selected Khalid, Usamah, and 'Amr for certain responsibilities, not Abu Dharr or Ubay, despite the latter two being superior to 'Amr, Usamah, and Khalid in virtue by a significant degree. During the Battle of Mu'tah, many of the notable leaders and noble Muslims were martyred, yet none could have led the *imārah* better than Khalid Ibn al-Walid. Therefore, it is without any doubt established that *khilāfah* is unrelated to the act of prayer. So it is without any doubt false to claim that Abu Bakr's *khilāfah* was determined through an analogy based on prayer.

If they say, "If the Prophet ﷺ had explicitly stated that Abu Bakr would be his successor, there would be no *ikhtilāf* afterward."

The answer: This is a very false and weak claim which none other than the *jāhil* says. By Allāh there is never *ikhtilāf* in anything except over texts from Allāh and his Messenger ﷺ, there is no *ikhtilāf* over anything else. The claim the person makes is no different than if someone would say: It is not possible for there to ever exist *ikhtilāf* among scholars of the *ummah* if there exists narrations on a topic. Any claim that the narration of the Prophet ﷺ

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[220] Sahih Muslim 1826

about *istkhlāf* of Abu Bakr has *ta'wīl* or that it is *mansūkh* is false with not a single evidence.

We previously mentioned the possibility that they may not have been aware or understood these matters, just as they differed on issues like inheritance for non-close relatives, witnesses for sales, the obligation of written contracts, division of *khumus*, distribution of *ṣadaqāt*, collection of *jizyah*, the manner of recitation in prayer, intentions for actions, fasting practices, criteria for *zakāh*, *mut'ah* during *ḥajj*, *qirān* and *faskh* for *ḥajj*, and numerous other issues, even though they have all based on clear texts. Just as disagreements arose regarding the *khilāfah*, they occurred in all these other matters as well, the existence of texts on issues does not imply the existence of a consensus of the *ummah*, while it is absolutely obligatory not to differ with the texts, it is still possible for differences to exist.

It is narrated on the authority of Abdullah said, "When the Prophet ﷺ passed away, the *anṣār* said, 'Let there be an *amīr* from among us and an amīr from among you.' Then Umar came to them and said, 'Do you not know that the Messenger of Allāh commanded Abu Bakr to lead the people in prayer? Who among you could accept to put himself ahead of Abu Bakr?' They said, 'We seek refuge with Allāh from putting ourselves ahead of Abu Bakr.'"[221]

As previously clarified, there are no corresponding reasons (matching *'ilal*) between prayer and *khilāfah* to make any possible *qiyās* between them. The view of Umar was mere *ra'ī*. And Ubada Ibn Al-Samit said, "We swore allegiance to Allāh's Messenger agreeing to hear and obey in time of difficulty and time of ease, in what we liked and what we disliked, to give way to others interests, not to dispute about government with those in power, and to say what was right wherever we were, not fearing for Allāh's sake what anyone who blamed us might say."[222]

One of the wondering aspects of their use of *qiyās* is applying it to Abu Bakr's succession while claiming there are no explicit texts supporting it, yet they use *qiyās* based on leading the prayer, ignoring the direct narrations about the order of the Prophet ﷺ appointing Abu Bakr's as the *khalīfah*. It is also narrated that the Prophet ﷺ said, "Follow the ones that will be after me: Abu Bakr and Umar." While they use this to argue for *taqlīd* and the validity of what a companion utters, they do not use this for *istkhlāf* of Abu Bakr. If this narration were authentic, it would also imply Abu Bakr's as the

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[221] Sunan Al-Nasa'i 777, 2/74
[222] Sahih Muslim 1840

khalīfah after the passing of the Prophet ﷺ. Narrations that are of this quality, like the narrations about following the four rightly guided caliphs, or their *sunnah*, such narrations are about nothing other following what they narrate from the Messenger of Allah, and obeyinng them as the *khalīfah*, absolutely nothing other than this. Their *sunnah*, is nothing other following the words and actions of Allah and His Messenger alone. Their claim that succession is solely based on an analogy from prayer is false from every perspective. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

Regarding Abu Bakr Fighting *Ahl Ul-Riddah*

They say, “Abu Bakr fought *ahl ul-riddah* with all *ṣaḥābah* because of *qiyās* drawn from the one not performing the prayer. It is also narrated that Abu Bakr said, ‘I will fight whoever makes a difference between *ṣalāh* and *zakāh*.’ Abu Bakr used *qiyās* here for the two issues, making them the same in ruling; he did not say these two are the same because of that verse.” Al-Amidi said, “As for *ijmā’*, it is the strongest evidence for *qiyās* and that is because *ṣaḥābah* all agreed on the *qiyās* Abu Bakr used, as it was an issue that occured for which there is no texts for and no one ever rejected this *qiyās* from *ṣaḥābah*.”[223]

The answer: The rebuttal to this claim is clear and exposes their false attribution and lies regarding Abu Bakr's stance. Allāh protected Abu Bakr from this misguidance, and their lies are as evident as the sun. Abu Bakr did not proclaim, “I will fight them because they differentiate between *ṣalāh* and *zakāh*.” Rather, he stated, “I will combat those who differentiate between *ṣalāh* and *zakāh* by adhering to Allāh's command,” as Allāh instructs in the verse, “Kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they repent, establish *ṣalāh*, and give *zakāh*, then let them have their way” [9:5]. Abu Bakr implemented this directive when he engaged in battle against them, not the false deduction from *qiyās*, which is not applicable in this case. Abu Bakr was correct in enforcing combat against those who differentiated between *ṣalāh* and *zakāh*, exactly as Allāh mandated equal treatment for both in the verse, fighting anyone who neglected either. There is no *aṣl*, *far’*, or any *‘illah* making *qiyās* false in this scenario. It would be more appropriate for them to follow Abu Bakr by not making distinctions when there are clear *nuṣūṣ*. However, they persist in their methodology, with some even claiming that *zakāh* is valid without intention, while *ṣalāh* is not valid without intention. They also argue that prayer is obligatory for a slave, but *zakāh* is not obligatory for a rich slave. For other *nuṣūṣ*, they manipulate classifications, labeling some as specific (*makhṣūṣ*), others as general (*‘umūm*), some as obligatory, and some as recommended. Their varying views abound, revealing inconsistencies in their approach.

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[223] Al-Ihkam Fi Usul Al-Ahkam by Al-Amidi 4/35

The *ṣaḥābah* would contradict Abu Bakr's stance by referring to what the Prophet ﷺ said: I have been commanded to fight people till they bare witness that there is none worthy of worship in truth except Allāh. If they do so their blood and property are granted protection from me except if it is taken with right, the accountability lies further with Allāh.

ṣaḥābah who utilized this *ḥadīth* seemed to overlook the Ayah we previously mentioned from Surah Al-Tawbah, verses al-Sayf. This verse was familiar to all *ṣaḥābah* as it was recited to the masses during Abu Bakr's *ḥajj* in the 9th year after Hijrah. Also both Abu Hurairah and Ibn Umar narrated directly from the Prophet ﷺ the instruction to fight people until prayer is established and *zakāh* is given.[224]

If it weren't for the verses in Surah Al-Sayf and the orders of the Prophet ﷺ to fight until people establish prayer and give *zakāh*, the *ṣahābah* would not have changed their previous view of only initiating a fight till the people testify to the oneness of Allāh only. However not everyone is familiar with all the narrations, except when reminded.

Abu Huraira recounted, “When the Prophet ﷺ passed away and Abu Bakr became his successor and some of the Arabs reverted to disbelief, Umar said, ‘O Abu Bakr! How can you fight these people when the Prophet ﷺ said, ‘I have been ordered to fight the people till they say, ‘None has the right to be worshiped but Allāh, and whoever says, ‘None has the right to be worshiped but Allāh. His life and property is protected from me, unless it is taken with right, and his account will be with Allāh.’’’ Abu Bakr said, ‘By Allāh! I will fight whoever differentiates between *ṣalāh* and *zakāh* as *zakāh* is a right to be taken from property. By Allāh! If they refuse to pay me even one young goat they used to pay to the Prophet ﷺ I will fight with them for withholding it.’ Umar said: 'By Allāh, ‘It was nothing, except that I noticed that Allāh opened Abu Bakr's chest towards the decision to fight, therefore I realized that his decision was right.’’’[225]

Ahl ul-qiyās use this story as evidence based on two ideas. First is that fighting the one that does not pray is a matter well established among *ṣaḥābah*. Second is that Abu Bakr did not know *dalīl* from Qur’ān and *sunnah* that necessitates fighting the one withholding from paying the *zakāh* and he only fought them with *ṣaḥābah* using the evidence that necessitates fighting the one not praying which does not cover the ruling for it for *zakāh*,

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[224] Sahih Al-Bukhari 25
[225] Sahih Al-Bukhari 6526

but he still used it for *zakāh* as well because of *i'tibār* and moving the ruling.

The second idea is full of falsehood and the truth affirms the opposite. As for the saying of Abu Bakr, "I will fight whoever differentiates between *ṣalāh* and *zakāh*." Nothing indicates that he said that because of *qiyās*. Anyone knows that if someone says, "There is no difference between *ghusl* and *tayammum*." That he can mean nothing more than that it is possible to pray with both, even if both have very specific rulings to them. Knowing that the possibility of prayer with both is affirmed in Qur'an and *sunnah*. And everyone can know by ease that if someone says regarding the *diyah*, "There is no difference between killing on purpose and on accident." That he only means that *diyah* is possible in both, that it is affirmed from the Qur'an and *sunnah* and not because of *qiyās*, even if both types of killing have their specific rulings.

What affirms this further is that Abu Bakr said, "*Zakāh* is a right to be taken from property." This affirms that it was *istinbāṭ* from the *ḥadīth* Umar mentioned to Abu Bakr as in the *ḥadīth* Umar mentioned, "The Prophet ﷺ said, 'His life and property is protected from me, unless it is taken with right, and his account will be with Allāh.'"

Ibn Hajar said, "Abu Bakr did not use *qiyās* as an evidence only for fighting those who withhold from paying it. Abu Bakr concluded it from the *ḥadīth* Umar mentioned from the Prophet ﷺ, 'His life and property is protected from me, unless it is taken with right.' And Abu Bakr then said, '*Zakāh* is a right to be taken from property.' In this story there is also evidence that some of *sunnah* can be unknown to some of the greatest *ṣahābah* and known by others. So *ra'ī* is not looked into even if it seems strong when there is Qur'ān and *sunnah* available."[226]

From what Ibn Hajar said it seems clear that he means that Abu Bakr used both *qiyās* and *nuṣūṣ* at the same time, which is absolutely false. It is not possible to use both *qiyās* and *nuṣūṣ* at the same time, which has become very clear now and will be even more clear from what will be discussed later, by the will of Allah.

And it is not possible to ever assume that *al-ṣiddīq* fought the people, shed blood because of the mere similarities he thought of between *ṣalāh* and *zakāh*. And also there is no difference between them and the one who says, "Since it is obligatory to fight the ones who do not pray, it is obligatory to fight those who delay performing *ḥajj*. And it is obligatory to fight the liars

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[226] Fath Al-Bari 1/63

and talebearers and other sinners." If the matter would be *qiyās* then it is not possible to limit the *qiyās* to fighting the one withholding only and it must be used for many rulings between the two in other rulings such as if it is allowed not to pay *zakāh* due to being poor or debt then *ṣalāh* is also not performed due to sickness. Or since *zakāh* is repeated often throughout the days and nights then some *zakāh* must be given for every profit. And other rulings in the exact same manner. This is because of the conditions of *qiyās* which we have clarified in great detail, without these conditions it can not ever be a *qiyās*.

They ask, "If Abu Bakr fought both those who did not pray and those who withheld from paying *zakāh* because of *nuṣūṣ* and not *qiyās*, then why did he not mention the *nuṣūṣ* during his debate with Umar?"

The answer: As for him not directly mentioning the *naṣṣ* for the ruling of it, there is no difference in that claim and if we would say to them, "He also did not say that he believed that because of *qiyās*." And there is also no difference in that claim and if we would say to them, "Abu Bakr also did not mention the direct *naṣṣ* on fighting those who do not pray and not even Umar mentioned it in the narration which *qa'isūn* use." Instead everyone with the least amount of knowledge of *aḥkām* knows that fighting those who withhold from paying *zakāh* is well established in *nuṣūṣ* mentioning fighting those who do not pray also. And this can also be indicated as clarified before that this is exactly what Abu Bakr meant without any use of *qiyās*.

Allāh the Most Exalted says, "Kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they repent, establish ṣalāh, and give zakāh, then let them have their way" [9:5]. Allāh made repentance, entering Islam, performing the prayers and paying *zakāh* the reason to let people have their way. There is however no preventative that there can exist other reason to fight.

Ibn Kathir also very clearly believed that Abu Bakr *al-ṣiddīq* only depended on the verse for fighting those who withhold from paying *zakāh* and not for any *qiyās* and also not for any other reason.[227]

What affirms it even further is that the Prophet ﷺ also said, "I have been commanded to fight people until they testify that there is no true god except Allāh, and that Muhammad is the Messenger of Allāh, and perform *ṣalāh* and pay *zakāh*. If they do so, they will have protection of their blood

[227] Tafsir Ibn Kathir 2/336

and property from me except when justified by Islam, and then account is left to Allāh."[228]

It is also narrated from *ṭuruq* that Abu Bakr did use the narration of the Prophet ﷺ with the mention of not letting anyone have their way except if they pray and pay *zakāh*, which is another certain evidence that ends all of their false claims. It is narrated from the authority of Anas Ibn Malik said, "When the Prophet ﷺ passed away, the Arabs apostated. Umar said:, 'How will you fight the Arabs?' Abu Bakr said, 'It is because the Prophet ﷺ said, 'I have been commanded to fight people until they testify that there is no true god except Allāh, and that Muhammad is the Messenger of Allāh, and perform *ṣalāh* and pay *zakāh*. If they do so, they will have protection of their blood and property from me except when justified by Islam. By Allāh, if they withhold from me a young goat that they used to give to the Messenger of Allāh, I will fight them for it.'"[229]

What affirms it even further that Abu Bakr did use the verse is that Ibn Zayd attributed the verse, "But if they repent, establish *ṣalāh*, and give *zakāh*, then let them have their way" [9:5], to Abu Bakr.[230] So there remains not a single reason for *qiyās* in this matter from any possible way. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

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[228] Sahih Al-Bukhari 25
[229] Sunan Al-Nasa'I 3969, 7/76 | Muntaqa Al-Akhbar 1/189 | Nayl Al-Awtar 1/337 | Sunan Al-Daraqutni 2/89
[230] Tafsir Al-Tabari Jami' Al-Bayan 11/362

Regarding The *Ijmā'* Of Uthman Removing Six Of The *Aḥruf*

Their claim that Uthman removed six *aḥruf* from the seven that were revealed with the Qur'ān from Allāh and that there came into existence an *ijmā'* on that, is one of the most heinous lies ever claimed. Uthman is protected by Allāh from apostasy after accepting Islam. Even those who hold grudges against Uthman have never made such malicious claims. We do not disapprove of any of Uthman's actions. There is no distinction between discarding a *qirā'ah* that Allāh revealed and discarding an verse revealed by Allāh. *Tallāhi*, whoever knowingly and purposefully allows this, despite its prohibition, has undoubtedly left Islam because it is a denial of Allāh's words. Allāh the Most exalted said, "Verily, We, it is We Who have sent down the *dhikr* (Qur'ān and *sunan*) and surely, We will guard it" [15:9]. And He said, "Indeed, upon Us is its collection [in your heart] and [to make possible] its recitation. And when We have recited it [through Gabriel], then follow its recitation. Then upon Us is its clarification [to you]" [75:17-19]. It is incumbent upon everyone to adhere to the recitations that Allāh revealed. Whoever permits reciting in other than the *aḥruf* which Allāh revealed is undoubtedly an apostate. Every element of the Qur'ān, from its letters, words, verses, to chapters, is *waḥī* ordained by Allāh. The manner in which the revelation came to the Prophet ﷺ and how he conveyed it to others is established. It is impermissible for anyone to change the composition, altering the sequence of letters, words, verses, or chapters, either from later to earlier or vice versa.

Uthman was aware that no one during his time was immune from errors or misconceptions, and there were hypocrites among the people who outwardly appeared as Muslims but concealed disbelief. Therefore, he burned all the false copies made of the Qur'ān in the presence of the *ṣahābah*, and made correct copies. The purpose of this gathering was solely to compile the Qur'ān among the *ṣahābah*, and it did not involve any alterations to its content, nothing was decreased and nothing was added. Then, he distributed these *muṣḥafs* to every city of the Muslims, ensuring that any confusion regarding the different *qirā'āt* would be resolved. If anyone in a city was unsure or deliberately trying to alter the letters or words, they could refer back to the authentic version. Uthman's action was meant to remove any potential discrepancies and preserve the correct recitation of the Qur'ān. It is impossible for Uthman to have done what the

ignorant assume. Islam spread from Raqqa to Khorasan, from Yemen to Azerbaijan, and there were more than one hundred thousand copies of the *muṣḥaf* in the possession of the Muslims. There was no city or village left without someone knowledgeable in the Qur'ān, teaching it and leading the prayers according to its recitation. The seven *aḥruf* were always preserved and protected, as they are part of the divine revelation, and Allāh Himself has promised to safeguard His message. The protection and preservation of Allāh's words are inviolable.

It is narrated on the authority of Ibn Al-Zubair, "I said to Uthman Ibn 'Affan (while he was collecting the Qur'ān) regarding the verse, 'Those of you who die and leave wives…' [2.240] 'This Verse was abrogated by another verse. So why should you write it? (Or leave it in the Qur'ān)?' Uthman said, 'O son of my brother! I will not change anything from its place.'"[231]

It is narrated on the authority of Anas Ibn Malik, "Hudhaifa Ibn Al-Yaman went to Uthman at the time when the people of Syria and the people of Iraq were waging war to conquer Armenia and Azerbaijan. Hudhaifa was afraid of their (the people of Syria and Iraq) differences in the recitation of the Qur'ān, so he said to Uthman, 'O Amir ul-Mu'minin! Save this nation before they differ about the Book (Qur'ān) as Jews and the Christians did before.' Uthman then sent a message to Hafsah saying, 'Send us the manuscripts of the Qur'ān so that we may compile the Qur'ānic materials in perfect copies and return those manuscripts to you.' Hafsah sent them to Uthman. Uthman then ordered Zaid Ibn Thabit, Abdullah Ibn Al-Zubair, Sa'id Ibn Al-'As and Abdul Rahman Ibn Al-Harith Ibn Hisham to rewrite the manuscripts in perfect copies. Uthman said to the three Quraishi men, 'In case you disagree with Zaid Ibn Thabit on any point in the Qur'ān, then write it in the Language of Quraish, as the Qur'ān was revealed in their language.' They did so, and when they had written many copies, Uthman returned those original manuscripts to Hafsah. Uthman then also sent to every Muslim province one copy of what they had copied, and ordered that all the other Qur'ānic materials, whether written in fragmentary manuscripts or whole copies, be burnt."[232]

These two narrations from Uthman ensured the creation of perfect copies, emphasizing that it is forbidden to alter anything from the Qur'ān, including all *qirā'āt*, as they are an integral part of the Qur'ān itself.

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[231] Sahih Al-Bukhari 4530, 4/31
[232] Sahih Al-Bukhari 4987, 6/183

Anything other than these two mentioned in the narrations was burned because they did not belong to the Qur'ān without any doubt.

It is narrated on the authority of Ubay Ibn Ka'b said said, "The Prophet ﷺ was near the tank of Banu Ghifar, then Jibril came to him and said, 'Allāh has commanded you to recite to your people the Qur'ān with one *ḥarf*.' Upon this he said, 'I ask from Allāh pardon and forgiveness. My people are not capable of doing it.' Jibril then came for the second time and said, 'Allāh has commanded you that you should recite the Qur'ān to your people in two *ḥarfs*.' Upon this the Prophet ﷺ again said, 'I seek pardon and forgiveness from Allāh, my people would not be able to do so.' Jibril then came for the third time and said, 'Allāh has commanded you to recite the Qur'ān to your people in three *aḥruf*.' Upon this he said, 'I ask pardon and forgiveness from Allāh. My people would not be able to do it.' He then came to him for the fourth time and said, 'Allāh has commanded you to recite the Qur'ān to your people in seven *aḥruf*, and they are right in whichever *ḥarf* they recite [from the seven].'"[233]

The purpose of the seven *aḥruf* was to facilitate the recitation for people. Therefore, anyone with even a modicum of comprehension understands that it would be false to abandon six of the *aḥruf* and stick to only one, under the assumption that it was to cease difficulty. If this claim were true, it would contradict the words of the Prophet ﷺ and go against Allāhs promise to preserve the Qur'ān. And it is rejecting the saying of the Prophet to the low amount of *aḥruf*, "My people are not capable of doing it." So according to them Uthman returned the matter to something the *ummah* could not bear again. And when the Prophet ﷺ said that, "My people are not capable of doing it, for the low amount of *aḥruf* till seven." Allāh did then not reject the saying of the Prophet ﷺ and also not Jibril, then can those *mujrimūn* come and claim that they were able to? As according to them Uthman returned the matter to what it was before. This is nothing but *kufr* and the one believing this is without any doubt a *mushrik*. And Also Allāh gave us those *aḥruf* as a *fāḍilah* to us, then those *mujrimūn* would have to claim that that *fāḍilah* has ended.

It is narrated on the authority of Anas Ibn Malik, "The people differed over Qur'ān during the generation of Uthman. This reached Uthman, Uthman said regarding it, 'They either attribute lies [regarding Qur'ān] or they differ regarding it. Those further away from me are most of those who lie and have grammar mistakes.' Uthman then ordered the *ṣahābah* of the

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[233] Sahih Muslim 821, 1/562

Prophet ﷺ, ‘Come together and write for the people [the Qur’ān].’ They then wrote it. When the *ṣahābah* would differ on an verse they would say, ‘This is what the Prophet ﷺ recited to so-and-so.’ They would then send that person a message (for confirmation), ‘How did the Prophet ﷺ recite it to you?’ The person would describe how the Prophet ﷺ recited it for him and they would write that.’”[234]

This was the approach of Uthman and the *ṣahābah* present, as they made copies of the Masahif and only burned what had been intentionally or accidentally altered, which includes that none of the preserved seven *aḥruf* were ever limited to one only. They were all preserved instead. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

[234] Sharh Ma’ani Al-Athar 3118, 8/132

Regarding a *Qurashi* Becoming The *Khalīfah* Of All Muslims If The Current *Imām* Of The Muslims Passes Away.

They say, "There is *ijmā'* of the *ummah* on an *imām* taking the *khilāfah* if the current *imām* of the Muslims passes away or if there is no *imām*, while there is no *nuṣūṣ* for this."

The answer: There is no evidence for them in this for *qiyās* because there are authentic *nuṣūṣ* regarding the obligation of obedience to the the Muslims in authority and there are authentic *nuṣūṣ* from the Prophet ﷺ obliging obedience to the *a'immah* and the obligation of giving *bay'ah*. And there is *ijmā'* of the entire *ummah* that it is not allowed to remain in a state with no *bay'ah* for more than three days. These suffice for the obligation to always have an *imām* if the next *imām* passes away. If that person fulfills the conditions to be an *imām* such as being a *qurashi* ﷺ and everything else we mentioned before, those attributes of an *imām* are all mentioned by the Prophet ﷺ, whoever has those attributes then the Prophet ﷺ ordered him to come forth and singling him out to carry out orders as long as he remains just from all of the *sharī'ah*. And there is not a single place for *qiyās* in this. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

Regarding Menstruation And *Tayammum*.

They say, “The menstruating woman is only ordered to use *tayammum* if there is no water during a travel because if *qiyās* on the *junub*.”

The answer: This is false and we seek refuge in Allāh that a menstruating women is ordered that because of *qiyās*. There is instead *nuṣūṣ*, which is also what Allāh said when he ordered distancing from the menstruating woman till they are pure. Allāh said, “Therefore keep away from women during menses and go not unto them till they are purified (from menses and performed *ghusl*). And when they have purified themselves, then go in unto them as Allāh has ordained for you (go in unto them in any manner as long as it is in their vagina)” [2:222]. So Allāh ordered them to purify themselves in general and the Prophet ﷺ said, “The earth has been made for me a place of prostration and a means of purification.”[235]

And the earth is a means of purification the same way water is by *nuṣūṣ*. And it is known by *ijmā’* that earth is not used for *tayammum* for anything as long as there is water available, except the sick one, or who *nuṣūṣ* has made exceptions for. And the menstruating woman is made part of this by *nuṣūṣ* in that manner. Whoever makes a difference between menstruation and *junub* from it being allowed for the menstruating to recite Qur’ān and prohibited for the *junub* should know that he abandoned *qiyās*. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

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[235] Sunan Al-Nasa’I 736, 2/56

Regarding *Zakāh* On Bisons.

They say, "*Zakāh* is obliging on bisons because there is *zakāh* on obliging on cows, it is only obligatory for bisons because they are similar, and this is without any doubt *qiyās*."

The answer: There are matters that can be similar and have the same ruling and also matters that are not similar and still get the same ruling, if it is according the Arabic language. Bisons are types of cows from a language perspective, not from *qiyās*. When the obligation is narrated to pay *zakāh* on cows, then *zakāh* is obliging on all cows which includes Bisons from a language perspective. If this would not be the case then *zakāh* would not be obliging on Bisons at all, so the similarity has no value here. This is the same for *al-bukht al-'arabī, al-nujūb, al-maḥārī, and al-fawālij* they are all called camels and types of camels. And also *ḍa'n* (sheep) and *mā'iz* (goat) they are both called *ghanam* (cattle). Some people said, "*Bukht* is the sheep type of a camel and a bison is the sheep type of cows." We have witnessed *marīsiyyah* donkeys, which are egyptian donkeys, *fajjālīn* donkeys and *muṣāmidah* donkeys and clearly saw that these have more differences in them than the differences between a bison and a cow and other cows from its types, this invalidates the idea that rulings are only the same because of a similarity. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

Regarding The *Mīqāt* Of *Dhatu ʻIrq* For *Ḥajj*.

They say: Umar created the *mīqāt* of *dhatu ʻirq* because of *qiyās*.

The answer: Most of *qa'isūn* themselves believe this was *manṣūṣ* from the Prophet ﷺ just as we do, and that it was not a matter related with *qiyās* or *ra'ī*. The Messenger of Allah said, " The place for the people of Madinah to put on the iḥrām is *dhu al-hulaifah*, and on the other road (Sham and Egypt) it is *al-juhfah*. For the people of Iraq it is *dhatu ʻirq*, for the people of Najd it is *qarn*, and for the people of the Yemen it is *yalamlam*."[236]

It is also narrated on the authority of Aisha, "The Prophet ﷺ designated *dhul-hulaifah* as the *mīqāt* for the people of Madinah, *al-juhfah* for the people Sham and Egypt, *dhatu ʻirq* for the people Iraq, *qarn* for the people of Najd and *yalamlam* for the people of Yemen."[237]

Regarding this narration, Bashar 'Awwad Ma'ruf falsely claimed this narration weak. It is a false claim.

The narration is authentic, all its narrators are *thiqāt*, and it is fully connected, he falsely claimed like some that the addition of *dhatu ʻirq* alone mentioned in the narration was the mistake of Aflah Ibn Humayd Ibn Nafi' and that everything else in the narration is authentic. This is a claim without any evidence, the *ziyadah* (addition) of a *thiqah* is always accepted. The narration is also authentic according to Muhammad Al-Amin Al-Shanqiti[238], Al-Albani [239], Ahmad Shakir, Ibn Hazm, Al-San'ani[240], Ibn Hajar[241], Ibn 'Adiy, Al-Nawawi, Al-Dhahabi, Abu Al-'Abbas Al-Qurtubi, Al-'Iraqi[242], Rif'at Ibn Fawzi Abd Al-Muttalib[243], Ibn Taymiyyah[244], Al-Rafi'i and others.[245]

The claim that Iraq did not exist back then, there is no value to that for anyone that has the least amount of comprehension, the Prophet ﷺ also made the *mīqāt* in other narrations for which there is no disagreement on its

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[236] Sahih Muslim 1138
[237] Sunan Al-Nasa'I 2656, 5/125
[238] Adwa' Al-Bayan 5/348
[239] Sahih Sunan Al-Nasa'I 2/563
[240] Al-Tahbir Li Idah Ma'ani Al-Taysir 3/207
[241] Fath Al-Bari 3/390
[242] Al-Bahr Al-Thajjaj Fi Sharh Sahih Al-Imam Muslim Ibn Al-Hajjaj 22/136
[243] Kitabah Al-Sunnah Fi 'Ahd Al-Nabi pg. 40
[244] Sharh 'Umdah Al-Fiqh 4/181
[245] Fath Al-Bari 3/390

authenticity, which where also not conquered, such as the *mīqāt* for Sham, the people of *nawāḥī*.

Most *ḥanafiyyah*, *ḥanābilah*, *shāfi'iyyah*, and Al-Hattab among the *mālikiyyah*, and 'Ataa Ibn Abi Rabah from the *salaf* all also affirm that *dhatu 'irq* is *manṣūṣ* and that it is not rooted from the *qiyās* or *ra'ī* of anyone, and that it is from none other than the Prophet ﷺ.[246]

They also claim, "It is also narrated that Umar made the *mīqāt dhatu 'irq* when a few people asked him for a *mīqāt* in Iraq." There is no evidence in any of that to assume that the Prophet ﷺ did not make the *mīqāt* for Iraq. It is possible for people to forget a ruling or maybe they were not aware of it existing, this is something which applies for every ruling. The fact that the same issue is inquired to some companions and them giving an answer which is the same as what the Prophet ﷺ did, does not indicate that the ruling only exists because of the companion. Even if it would ever be the case which it is not, that it is only from the actions of Umar we would not accept *dhatu 'irq* as a *mīqāt*.

As for the claim that *dhatu 'irq* is based on a *qiyās* drawn from *dhul-hulaifah* is completely false and nothing of it makes sense. It is not known how this *qiyās* is concluded and what is used for it *qiyās*. The *mawāqīt* are all different. *Dhu al-hulaifah* is ten days away and *al-juhfah* is three days away. *Qarn* is about two days away. *Yalamlam* is one day away. It is not possible to conclude *dhatu 'irq* from *qiyās* from any of these as there is not a single *'illah* matching between them. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

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[246] Al-Mawsu'ah Al-Fiqhiyyah 21/164

Regarding Considering Three Kilograms Of Barley To Be The Same As One And A Half Kilograms Of Wheat

It is narrated on the authority of Ibn Umar, "The Prophet ﷺ enjoined *zakāh* of *ramaḍān*, three kilograms of dates or three kilograms of barley, so the people considered that equivalent to one and a half kilograms of wheat."[247]

They say, "So there is *ijmā'* on using *qiyās*."

Their claim of unanimous agreement (*ijmā'*) on using *qiyās* is false. They conveniently overlook the opposing views within their own schools, like the *mālikiyyah* and *shāfi'iyyah*, demonstrating their inconsistency. Anyone acknowledging this contradiction must realize they are upholding falsehood while opposing the truth.

It is from the wonders, to cite a matter as evidence while simultaneously opposing it. This is not an isolated instance; they have used this approach before. Abu Hanifah, for instance, deduces a four-day option for *khiyār* (the option extended to one or more of the parties in a sales contract to rescind the sale, upon the appearance of a defect) based on *qiyās* from a narration where the Prophet ﷺ said, "If anyone buys a sheep whose udder has been tied up he has three days in which to decide whether to keep it or not; but if he returns it he must return with it three kilograms of any grain except wheat."[248]

While the second part of the narration contradicts his other views. If asked if he accepts the second part of mentioned in this narration, he would say, "No." This inconsistency also extends to Malik, his companions, like Ibn Al-Jahm and Ibn Abi Zayd, and many others who follow their methods. One example is their stance on breaking the vessels of *khamr* (intoxicants) based on narrations regarding burning the goods and spoils of individuals who lie about spoils. They use these narrations to justify breaking the vessels, yet simultaneously claim that it is not permissible to burn the goods—a glaring contradiction. Additionally, they claim that *mahr* (dower) cannot be less than three *dirhams* based on a narration suggesting it cannot be less than ten *dirhams* (even though this narration is considered weak).

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[247] Sunan Al-Nasa'i 2500, 5/46
[248] Sahih Muslim 1524

As for the narration about Ibn Umar that the people considered three kilograms of barley to be the same one and a half kilograms of wheat, Ibn Umar who they narrate from himself is not pleased with that view and opposes it. Nafi' said, "Abdullah Ibn Umar would always pay the *zakāt al-fiṭr* in dates, except once he paid it in barley."[249]

Abu Mijlaz said to Ibn Umar, "Wheat is better than dates. Ibn Umar answered, 'I give for *zakāt al-fiṭr* the way my companions gave, they chose a way in the matter and I like to follow that as well.'"[250]

'Iyadh Ibn Abdillah said, "Abu Sa'id was asked about *zakāt al-fiṭr* and Abu Sa'id answered, 'I do not pay except for what I used to pay during the time of the Prophet ﷺ, three kilograms of dates or three kilograms of barley, or three kilograms of raisins, or three kilograms of cheese.' He was then asked, 'What about one and a half kilograms of wheat?' He answered, 'No, that is what Mu'awiyah went with. I do not accept it and do not act upon it.'"[251]

Could it possibly get any worse than claiming an *ijmā'* on a viewpoint, which Ibn Umar explicitly contradicts by stating that the *ṣaḥābah* followed a contrary stance? Therefore, it can be affirmed with absolute certainty, based on the statements of Aisha and Ibn Umar, when they mentioned the actions of the people, it was solely to illustrate what was practiced, while they themselves rejected it. This rejection was shared by many others as well. It is also false to claim it is because of *qiyās* while there are besides *nuṣūṣ* many other methods to conclude rulings such as *ra'ī* and *iḥtiyāṭ* which was used by *ṣaḥābah*. We know with certainty that there was no *qiyās* used, because if that would be the case then they would apply the *'ilal* to conclude more rulings on the topic of *ribā* with the same method. But since we know with certainty that none of them ever did *ta'līl* we know that it was all due to *iḥtiyāṭ* and not *qiyās* as there is no evidence for their claim. And All praise is due to Allah, there is no power or strength except by Allāh. The Most High, the Most Great.

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[249] Muwatta' Malik 991, 2/404
[250] Al-Amwal of Ibn Zanjuwayh 2390, 3/249
[251] Sharh Ma'ani Al-Athar 3110, 2/42

Regarding The Ruling Of *Muḍārabah*

There is nothing about *muḍārabah* which is *qirāḍ*, related to *qiyās*, nor does this ruling which is either allowed, prohibited or obligatory imply the existence of a fourth source of evidence within the religion. *muḍārabah* is one of the kinds of partnership contracts, it is called a sleeping partnership. It means that someone gives his money to another to trade it on his behalf on the condition that the latter receives a pre-established portion of the profit, like a half or a third, while loss is incurred by the investor alone. The partner providing money is called the investor (*rabb ul-māl*). And the partner actively running the business is called the managing partner (*muḍārib*). The money given is called a capital. One of the key conditions for a valid *muḍārabah* is that the capital is not guaranteed, and the financier does not specify a fixed amount; instead, they are entitled to a share of the profits as agreed upon between the parties. So, *qirāḍ* does not align with anything related to *qiyās* and in reality contradicts it, as it involves capital without a guarantee and lacks a specific amount for the financier, even in cases of false payment. This applies to all other claimed *ijmā'āt* on different issues. Therefore, the claim that these are based on *qiyās* is false and contradictory.

Sleeping partnership would occur in times of *jāhilīyyah*. *Quraysh* were people of trade, they had no income other than trade. The sick and ones unable to would give property to someone who actively does business with the capital. The Prophet ﷺ acknowledged this in the times of Islam and all Muslims continued this act, there is no difference of opinion regarding this. The Prophet ﷺ knew about it and never prohibited it. He himself would be the managing partner of Khadijah and Khadijah being the investor.[252]

There is clear evidence that the Prophet ﷺ elaborated on all obligations, permissibilities, and prohibitions in great detail. Everything agreed upon is can not be except if it is derived from the Prophet's ﷺ teachings without a doubt, providing absolute certainty. Since people can only reach *ijmā'* on matters aligned with *sharī'ah* and supported by textual evidence (*nuṣūṣ*), it is evident that this *ijmā'* is not rooted in *qiyās*. And in this case it is known by necessity that the Prophet ﷺ permitted *muḍārabah*.

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[252] Sirah Ibn Hisham 1/188

It must also be known that the people themselves hold differing views on *qiyās*, making it impossible for them to reach a consensus on a single Fiqh issue through *qiyās*.

The Prophet ﷺ was also in the presence of many practicing *qirāḍ* and from many of the topic of selling he never forbade *qirāḍ*. This was very well known to be practiced and the Prophet ﷺ never prohibited it. Those who claim this is *qiyās* with an *ijmā'* that has no *naṣṣ* are ignorant about other adherents of *qiyās* who acknowledge that *qirāḍ* is against *qiyās*. Al-Kasani said regarding *qirāḍ*, "For this issue we abandon *qiyās* and use instead the Qur'an and *sunnah*."[253]

[253] Al-Bada'i' Al-Asana'i' 6/79

Regarding The Ruling Of *Ta'zīr*

Regarding the *ijmā'* of applying *ta'zīr* on the sinner. They say, "There is *ijmā'* on *qiyās* for which there is no *naṣṣ* for."

The answer: There is not a single indication for *qiyās* in *ta'zīr*. We do not utilize *ta'zīr* except for the reason that it is from *nuṣūṣ*, the Prophet ﷺ said, "Not more than ten lashes is used except for *ḥudūd*."[254]

As for imprisoning (*sajn*), it is only to stop him from harming others or stopping him from escaping a right he has to fulfill, while he is able to fulfill it only, not for any other reason. This can be concluded from the general verse, where Allāh, the Most Exalted said, "And cooperate in righteousness and piety, and do not cooperate in sin and aggression" [5:2]. He has a limit he can not transgress and stopping him from the sin and transgression is obligatory. He must repent and perform the right he must fulfill or him passing away in it if it was by means of *qiṣāṣ*, anyone that knows *qiyās* knows with certainty that none of this can be indicated with *qiyas*. This is only related regarding doing the best of ones ability to fulfill the obligations.

[254] Sahih Al-Bukhari 6848, 8/174

Regarding The *Ijmā'* Of Facing The *Qiblah*

They say, "*Qiyās* is necessary when the *qiblah* is unknown."

The answer: This is false, there is no *qiyās* performed here and and there is no order to perform *qiyās*, there is also no *qiyās* possible whem facing the *qiblah* according to anyone that knows what *qiyās* is with all its conditions. This is related earlier to *ra'ī*, not *istiḥsān* or *qiyās*, while it is nothing like *ra'ī*. Allāh says, "Wheresoever you are, turn your faces towards it (when you pray)" [2:150]. We determine the *qiblah*'s direction through indications, which some wrongly identify as *qiyās*. Discerning the *qiblah*'s direction is entirely distinct from *qiyās*. There is no connection between determining the *qiblah*'s direction and *qiyās*, *ra'ī*, or *istiḥsān*. There is no asbsolutely no *qiyās* possible here, The person is also not burdened to know the *ra'ī* of every single person. He can face if he is unable to know, any direction. He also does not depend on their *istiḥsān*, he is not burdened to create new rulings because of the reason he does not know the *qiblah*. He is not burdened to move a *far'* to an *aṣl*. It is then known that getting to know the direction of the *qiblah* is not related to *qiyās*, *ra'ī* and also not *istiḥsān*. The topic of facing the *qiblah* would only ever become *qiyās* if the *ka'bah* would ever be lost and that we then face *bayt al-maqdis* based on *qiyās* from the *ka'bah* because of the reason that it used to be the *qiblah* before, or to Madinah. It would be *kufr* for anyone to believe anything from this. While this exact false view is akin to the one that says, "If exchanging wheat for wheat at a later date is prohibited, then exchanging figs for figs at a later date must also be prohibited." The only possible indication for getting to know the *qiblah* is knowing where stars appear and the sun or through a compass.

Regarding The Ruling Of Zakāh On Clothes

They say, "You do not oblige *zakāh* on clothes because of a *qiyās* drawn from the reason that *zakāh* is not obligatory on donkeys. Allāh the Most Exalted says, "Take *ṣadaqah* (*zakāh*) from their wealth" [9:103]. And Allāh says, "And give *zakāh*" [2:43]. It is from your method to take these orders as general which you abandoned, these orders include clothes tradable commodities."

The answer: This is false, we never abandoned taking *zakāh* from the general. When Allāh did not mention in the two verses the amount that is to be taken for *zakāh* and also not when it is supposed to be taken. It becomes not allowed for anyone to assume it is about a certain property and due on a certain time and at a certain date. Because he does not know how much is supposed to be taken or how less or from what it is supposed to be taken and on which day. He does not know if it is everyday, once a month or once a year, or once in a lifetime, this is a *mujmal* which required a *mubayyan*. This is the exact same with the verses obliging prayer. We clarified the reason for this in great detail in *kitāb al-zakāh*. So it becomes obligatory to seek clarification for that in other *nuṣūṣ*. And we can find that the Prophet ﷺ said at *ḥajjah al-wadā'*, "Verily your blood and property are for each other forbidden," he said this after the following verse was revealed, "Establish the *ṣalāh* and give *zakāh*." With certainty it was also revealed after the verse, "Take *ṣadaqah* (*zakāh*) from their wealth" [9:103]. With certainty from all Muslims because the two verses were revealed very early after *hijrah*. So it becomes obligatory not to take the wealth from any Muslim except if it is allowed through *nuṣūṣ*. And whatever the Prophet ﷺ ordered to be taken for *zakāh* must be taken, as long as he does not say anything what exactly must be taken then it is not allowed to take any for anyone. With this it becomes invalid to take *zakāh* from clothes and also *'urūḍ al-tijārah*. And the Prophet ﷺ also said, "There is no *zakāh* on other than (the word *dūna* is used for "other than") five *awsuq* of *ḥabbu* (wheat and barley) or dates (any) *zakāh*."[255]

Dūna in the Arabic language can mean, "Other than," and it can also mean, "Less than." Allāh the Most Exalted says, "And you have no protectors other than (*dūn*) Allāh" [11:113]. So nothing is to be taken from anything other than dates, wheat and barley except what becomes

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[255] Al-Jam' Bayna Al-Sahihayn 1466, 2/37

additionally obliging through *nuṣūṣ* on its obligation. If there is then ever a mention of *zakāh* being obligatory on clothes specifically, then it must only be given once in a lifetime, except if that mention indicates that it must be anually. If there is additional clarification when it must be given and the amount of it then that is used as well, but none of this exists for clothes. There is *ijmā'* that there is no *zakāh* due on clothes taken tor other than business. There is no difference according to anyone that there is no *zakāh* on it. As they are the ones that oblige *qiyās*, they must draw the *qiyās* for clothes from wheat, barley, dates, gold and silver as they are all dead, not alive. *Qiyās* of clothes drawn from gold, silver, wheat, barley and dates are more likely than a *qiyās* of clothes drawn from a donkey, donkeys are not more earlier to be used for *qiyās* for clothes than cattle and camels. Because clothes only come from the skins or plants or what is different such as silk which also comes from animals (bugs). A *qiyās* according to them must always be the most similar and must not have that which is more similar to it, if *qiyās* would ever be true. The correct *qiyās* here would be in that case a *qiyās* of clothes not used for business to clothes used for business. Similarly Al-Malikiyyah oblige *zakāh* on the non pasturing animals because of *qiyās* on the pasturing animals. They also say, "Silver and gold are combined for other than business, just as they are combined for business and between other *'urūḍ al-tijārah*."

So know that this is absolutely unrelated to *qiyās*, the issues they mention here are more unrelated than every other topic we have clarified.

Regarding The Obligation Of *Zakāh* On Gold.

They say, “There is *zakāh* on gold because of there being *zakāh* on silver.”

The answer: This is false just as the one before, because there is *nuṣūṣ* for the obligation of *zakāh* on gold which is a right of Allāh. This is very well known. The amounts of gold and when it is supposed to be paid are all mentioned by *nuṣūṣ* and has not a single place for *qiyās*.

Regarding The Ruling On Emancipating A Share In A Slave

They say, “You include the slave-girl as well in the ruling because of *qiyās*.”

The answer: This is false because *nuṣūṣ* regarding this ruling have mention the word, “*mamlūk*,” and this word in Arabic encompasses a male and female slave. The word *‘abd* encompasses certain type, while *‘abīd* counts for both genders, because is either *‘abd* or *‘abdah* according to *ahl ul-lughah*.

Regarding The Ruling Of *Muzāra'ah*

They say, "The Prophet ﷺ said, 'Every condition that it not from the book of Allāh is false.' While you allow *musāqah* and *muzāra'ah* for half of the produce, you could say that the permissibility for this is the actions of the Prophet ﷺ at *khaybar*. But you allow other than receiving half of the produce, such as one third or one fourth, while the Prophet ﷺ only received half of the produce and anything other than that is not mentioned by texts, so one third and one fourth only become permissible because of *qiyās* drawn from the permissibility of half."

Here is a matter we have to make pay attention to as: Our companions prohibited *muzāra'ah* (sharecropping) which is a partnership pertaining to farming land wherein the landlord hands over the land to someone to plant it in exchange for part of its harvest and produce. It is also called *mukhābarah* and it is also called *musāqah* which is to appoint someone to look after ones trees in return for a defined portion of its fruits.

One of the last actions of the Prophet ﷺ before he passed away was giving land and getting half of its produce from crops, fruits and trees. Abu Bakr and the companions continued this act. It becomes then obligatory to specify out this as something permissible from the prohibition of renting out lands. And this permissibility is also the abrogator of what was prohibited previously from giving land to get some of its produced.

It is narrated on the authority of Ibn Umar said, "(My father) Umar Ibn Al-Khattab deported the Jews and the Christians from the land of the *ḥijāz* and when the Prophet ﷺ got supremacy over the people of *khaybar* he intended to expel the Jews from it, for when the land was conquered it belonged to Allah, His Messenger and the Muslims. But the Jews asked the Prophet ﷺ to leave them on condition that they should do all the cultivation and have half the produce, and he replied, 'We shall confirm you on that condition as long as we wish,' So they were confirmed till Umar deported them during his period of rule to Taima and Jericho."[256]

We seek refuge in Allāh from ever allowing less than a half because of *qiyās*. What we say and follow is nothing but the texts and *ijmā'* of the *ummah*, without difference from anyone accepting a half and other divisions with certainty. There is *nuṣūṣ* for the permissibility of half and *ijmā'* on divisions. We allow half of the produce and anything that is less than a half

[256] Sahih Muslim 1551

through nothing other than texts, because we know with certainty that if two people form an agreement on half of the produce that their agreement encompasses that which is one third and more, and that which is one fourth and more and that which is one fifth and more. Another certain evidence is that Allah said, “And do not forget the graciousness (*faḍl*) among you” [2:237]. So as the agreement on one half is permissible, then an agreement on everything less than that is a *faḍl*. There is no doubt that a half consists of that which is less than that, it becomes then without any doubt permissible to have an agreement on less than a half. The Prophet ﷺ also Himself gave one fourth, one third and other divisions, so this is all allowed.

Regarding The Rulings Of *Mahr Al-Mithl*, *Ḍamān* and *Nafaqāt*

They also say, "The rulings of giving value to destroyed items (*ḍamān* for *mutlafāt*), a woman getting a dowry the amount of whom she is equal to at the time of her marriage in age, beauty, wealth, intellect, religion, from her sisters, aunts cousins, (*mahr al-mithl*) and spending on the wife and relatives (*nafaqāt*), have all no *nuṣūṣ* so it becomes obligatory to return to *qiyās*."

The answer: Their claim has clear answers for their questions, know that every time anyone says, "So-and-so issue has no *naṣṣ* so we must use *qiyās*," has himself invalidated *qiyās* because *qiyās* according to all of them, as we clarified in the chapter on the conditions of *qiyās* that *qiyās* must return to a *naṣṣ* which is the *aṣl*, otherwise it is not a *qiyās*.

So anyone that claims any issue, including this one that *qiyās* is a must because of "lacking *nuṣuṣ*," is a liar. We have instead clear general orders that encompass these rulings. Allāh says, "Then whoever transgresses the prohibition against you, you transgress likewise against him" [2:194]. And He says, "If you punish, then punish them with the like of that with which you were afflicted" [16:126]. Is there anything that is more clear than this? Is this not anything but clear texts regarding every single case in which any damaged property and the obligation of bringing that which is destroyed or to pay the value damaged? Then what meaning is there for a *qiyās* to oblige the value of destroyed clothes which is worth one hundred *dīnārs* on the one that destroyed it, to bring a similar one, and to pay its value if he can not find a similar one. There is not a single possible *qiyās* here at all. It is only following the general order to the best of ones ability which the Prophet ﷺ as well ordered. As for *mahr al-mithl* it is as well from *nuṣūṣ* of the Prophet ﷺ. It is narrated on the authority of 'Alqamah, "Ibn Mas'ud was asked about a man who married a woman, but did not stipulate a *mahr* or consummate the marriage with her before he died. Ibn Mas'ud said, 'She must have a *mahr* to woman who are similar to her, no less and no more; she has to observe the *'iddah*, and she is entitled to inherit.' Ma'qil Ibn Sinan Al-Ashja'i stood up and said, 'The Messenger of Allāh passed a similar judgment among us concerning Birwa' Bint Washiq.' And Ibn Masud rejoiced at that."[257]

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[257] Musnad Ahmad 18460, 30/406

As for spending on the wife, parents and relatives, the Prophet ﷺ obliged the man to spend and provide clothing on the wife, parents and relatives, this is very well known. It is sufficient to know that it all falls under the general order of cooperating in righteousness and piety, and not helping them when they are in need is cooperating in sin and aggression, this applies for any Muslim in general. Providing clothing, food, shelter are all part of it, not helping the any Muslim while they are hungry, naked, thirsty, cold is all *munkar* to neglect it is *munkar* and to continue to add on top of that *isrāf* of ones own property is even worse. It is all opposite of *ma'rūf*, righteousness and piety.

The Messenger of Allah also said, "Begin with yourself and if there is anything left, give it to your family. If there is anything left after your family (has been taken care of), then give it to your relatives. If there is anything left after your relatives (have been taken care of), then (give it) to such and such (meaning that it should be distributed in front of him, on his right and on his left)."[258]

Allāh says, "And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully" [17:26].

And Allāh says, "And do good to parents, kinsfolk, orphans, the poor, the neighbor who is near of kin, the neighbor who is a stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess" [4:36].

Allāh obliged the rights of the poor, wayfarer, kinsfolk to be fulfilled. He also obliged *iḥsān* to parents, kinsfolk, the poor, the neighbor, and the slaves. And *iḥsān* necessitates everything we mentioned and preventing from causing any harm to them. So there is no place for *qiyās* in any of what they mentioned and it is also unknown what is used for *qiyās*.

The exact same applies for the issue of *arsh*.

We only oblige Whatever is obliging from *nuṣūṣ* as long as it is not from *nuṣūṣ* it is not obliging and rejected and nor carried out. We do not find any *nuṣūṣ* to oblige any of this and also not that it can ever prohibit exchanging oak nuts for more oak nuts. These rulings would be indicated using *iḥtiyāṭ* if texts would be absent instead of *qiyās*, while we reject both.

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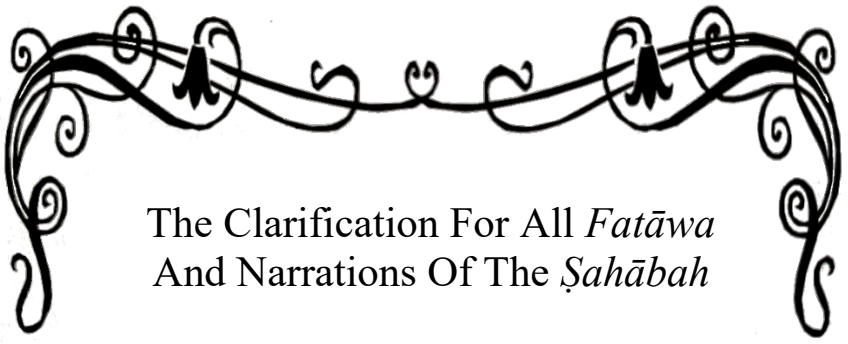
[258] Sahih Muslim 997



The Clarification For All *Fatāwa* And Narrations Of The *Ṣahābah*

It is now clear that there are no words of Allah and His Messenger affirming anything of their method and that there is also no *ijmā'* on their method. And All praise if for Allah, the Most Exalted. We will now, by the will of Allah also clarify that not a single companion ever said anything affirming *qiyas* and that none of their words indicate anything from *qiyas*.

Regarding Ibn Abbas Considering Anything Other Than Food To Be The Same In Ruling As Food

It is narrated on the authority of Abbas, "The Messenger of Allāh ﷺ said, 'Whoever buys food, let him not sell it until he has taken full possession of it.'" Ibn Abbas said, "I think everything [else] is like food (the same ruling as food)."[259]

The answer: It is false to claim *qiyās* to be the fourth source of evidence in the religion from this as many of *ahl ul-qiyās* disbelieve in this narration. They do not agree that anything other than food must have the same ruling as food, a view held by Ibn Abbas himself. Instead, they believe that property other than food can be sold even without full possession, a perspective also shared by the *mālikiyyah*. Using a narration as evidence to support a contradictory stance is impossible. Moreover, Ibn Abbas did not express his viewpoint with absolute certainty regarding its correctness; he merely said that he thinks that it might apply similarly to things other than food. This aligns with our understanding that *ṣaḥābah* did not affirm absolute certainty or correctness when using *ra'ī*, which is a widely acknowledged. Their *ra'ī* were speculative and not affirmed as definitive rulings by themselves. *Qiyās*, as understood by its proponents, does not align with the approach Ibn Abbas mentioned in this narration. Therefore, it is evident that this narration has no relevance to *qiyās*.

And also the ruling Ibn Abbas thought was in reality already made general by *nuṣūṣ* of the Prophet ﷺ, so there remains not a single place for *qiyās*. It is narrated on the authority of Hakim Ibn Hizam said, "I asked the Prophet ﷺ, 'O Messenger of Allāh, a man comes to me and wants me to sell him something which is not in my possession. Should I buy it for him from the market?' The Prophet ﷺ replied, 'Do not sell what you do not possess.'"[260]

The Prophet ﷺ made the ruling general, so it does not only apply for food. So anything other than food also applies to the ruling based from *nuṣūṣ* of the Prophet ﷺ not due to any *qiyās*. There are other narrations only mentioning food, but that indicates no limit as there are authentic narrations making everything general.

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[259] Sahih Muslim 1525
[260] Sunan Abi Dawud 3503

If they say, “Perhaps he mentioned it without considering the *nuṣūṣ* and because of that relied on *qiyās*.”

We counter: Firstly, it is inaccurate to deduce that if they were unaware of the *nuṣūṣ*, *qiyās* is the immediate alternative. There is no certain evidence for this assumption, especially since they themselves oppose it being *qiyās*. Secondly, Ibn Abbas did not affirm his perspective with certainty, invalidating any claim he used *qiyās*. It is false not to affirm any aspect, as assuming that *ṣaḥābah* derived conclusions without a shred of evidence is false. The *ṣahābah*, being the most dedicated followers of *aḥādīth*, deserve to be acknowledged as such. It is false to assume that they disregarded a narration that aligned with their own viewpoint and instead resorted to *qiyās*.

The View Of Ibn Abbas Regarding The *Diyah* Of Teeth And Fingers

In *al-muwaṭṭa'*, it is narrated that Marwan dispatched Abu Ghatfan to inquire of Ibn Abbas about the *diyah* for molar teeth. Ibn Abbas answered, "Five camels." Abu Ghatfan also inquired if the *diyah* for the front teeth is the same as the molar teeth. Ibn Abbas answered, "It is sufficient to consider (*i'tibār*) the fingers as the example for that, as their blood moneys are all the same.[261]

It is false to assume that Ibn Abbas used *qiyās* to declare the ruling of the teeth being all the same because of the *diyah* of the fingers being the same. Instead declaring from this the *qiyās* is closer to what actually happened here. Ibn Abbas narrated himself from the Prophet ﷺ that the *diyah* for all teeth are the same and that the *diyah* for all teeth are the same. It is also narrated on the authority of Al-Sha'bi, "I was with Shuraih, and a man went to him, inquiring, 'Is the *diyah* for all fingers ten camels?' He answered, 'Exalted is Allāh! The pinky finger and the thumb are the same. Woe to you! Indeed, the *sunnah* has prohibited *qiyās*; adhere to it (the *sunnah*) and do not deviate!'"[262]

There is no evidence for them in the narration of Ibn Abbas when he said, "Why did you not do *i'tibār*, they are all the same, even if it is benefits differ." This is because he only intended to say, "Why did you not find clarity (*bayān*) for that in [what is known regarding] the fingers." Because *'ibārah* of a matter is what elucidates it (has *bayān*). And that means, "Why did you not ascertain that differing of the benefits of a matter does not necessitate the differing of the *diyah*." He could also mean, "Why did you not reflect on the fingers and realize that differences in their benefits do not necessitate differences in the *diyah*, just as differences do not mandate differences in rulings, similar to teeth."

This is very clear from Ibn Abbas invalidating all *qiyās* and *'ilal* that it should necessitate according to those who believe in *qiyās* similar rulings. Because they say, "The *diyah* is only a compensation for a damaged body part." Then they apply *qiyās* from the ruling of *diyah* on hearing to losing eyesight. Because of their benefits being equal. Ibn Abbas invalidated this and ordered them to return to the texts only and rejected making the fingers

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[261] Muwatta Malik Riwayah Yahya 2498, 4/418
[262] Al-Fikr Al-Sami Fi Tarikh Fiqh Al-Islami 1/386

an *aṣl* and teeth a *far'* to be used for *qiyās*. And he also rejected making teeth an *aṣl* and the fingers to be a *far'* to be used for *qiyās*. He instead made them all the same as one. This is against *qiyās*. Because those who believe in it say: *qiyās* is only returning the *far'* to the *aṣl*. And there is no *aṣl* here and also no *far'*. As Authentic *marfū'* texts mention that all fingers are the same and that teeth are the same. So their falsehood of their claims has become very evident.

Ibn Abbas went with what was ordered the Prophet ﷺ only and never likened the rulings of fingers with the teeth made the ruling because of the fingers, he instead saw them all as the same as one in general which is exactly what is ordered by the Prophet ﷺ, "This and that are equal (meaning the little finger and the thumb). The *diyah* for the fingers and toes is the same, and that for the teeth is the same; the incisor and the molar teeth are the same, ten camels for each."[263]

There is no evidence in any of this for *qiyās* as the fourth source of evidence in the religion. It is instead invalidating *ta'līl* and *qiyās*. Because Marwan did *ta'līl* that *diyah* is a compensation of the afflicted body part and that that necessitates the body part of the *diyah* to be greater. This is the same *ta'līl* as *ahl ul-qiyās* in reality. Ibn Abbas indicated the falsehood of that and contradicted his view by saying that fingers have different values and that yet their *diyah* is the same, this is directly invalidating *'ilal* in reality and there is in invalidating *'ilal* also invalidation of *qiyās* as *qiyās* is only through an *'illah* so this narration invalidates *qiyās* without any doubt.

The certain evidence for that is that *qiyās* is with almost no difference only applying a ruling to which there is no *nuṣūṣ* for because of a ruling which does have *nuṣūṣ*. Or through a ruling which is differed over to a ruling which has *ijmā'* . And there is no *ijmā'* on fingers which can be used for *qiyās* to conclude the ruling on molar teeth. *Ikhtilāf* is very apparent regarding this ruling. Ibn Al-Musayyib said, "Umar judged for the teeth in the front of the mouth each five eight year old camels) And for the molars one four year old camels."[264]

Sa'id Ibn Al-Musayyib said, "Umar made the *diyah* for the thumb fifteen camels. The index finger and middle finger ten camels. The ring finger nine camels. And for the pinkie seven camels."[265]

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[263] Sunan Abi Dawud 4559
[264] Musannaf Abd Al-Razzaq 17507, 9/347
[265] Musannaf Abd Al-Razzaq 17698, 9/384

So it becomes false to claim *ijmā'* on the fingers to be used for *qiyās* for the teeth and molars.

There is instead *nuṣūṣ* from Ibn Abbas narrating from the Prophet ﷺ that all fingers and teeth are the same as mentioned before, which is authentic without any doubt. It is also authentic according to Ibn Hazm, Al-Tirmidhi, Bashar 'Awwad Ma'ruf, Al-Arna'ut, Al-Albani, Samir Ibn Amir Al-Zuhri and others.

What is earlier and more deserving to be said regarding the narration of Ibn Abbas is, "*Qiyās* being invalid to be drawn for the *diyah* of the fingers is an *'ibrah* that raises the possibility for the falsehood of it also for the *diyah* of the teeth." This is the correct approach to the narrations and the correct *i'tibār* which goes along with all other narrations on the topic and also what is *marfū'*.

The Debate Of Ibn Abbas With Abu Hurairah

It is narrated on the authority of Ja'far Ibn Burqan, "Abu Hurairah used to perform *wuḍū'* [if he ate] what the fire had touched and that reached Ibn Abbas. Ibn Abbas sent a message to him, saying, 'If I were to use fat for my beard, would that invalidate my *wuḍū'*?' Abu Hurairah replied, 'O son of my brother if you narrate *aḥādīth* from the Prophet ﷺ, do not set forth examples for them by arguing!'"[266]

The answer: *qiyās* has no relevance in this matter. Ibn Abbas himself narrated regarding the Prophet ﷺ that he would eat food touched by fire without performing *wuḍū'*. This narration from him is widely known. Therefore, Ibn Abbas did not abandon performing *wuḍū'* for food touched by fire due because of the reason fat does not invalidate *wuḍū'* rather, he followed the *nuṣūṣ* (direct sources). In reality he only questioned Abu Hurairah regarding the ruling of using fat in the narration to ascertain if *wuḍū'* is valid with fat or not. Both *ṣahābah* had narrations on this topic. So, using *qiyās* to oppose the opposite view would be false and invalid. Both narrations stem from the *nuṣūṣ* of the Prophet ﷺ, and most of them agree that as long as there are *nuṣūṣ*, all *qiyās* is deemed invalid and false. Ibn Abbas very clearly meant nothing more than to inquire if heated fat or boiled water invalidates the *wuḍū'*, this is only him asking to know, he did not ever say, "Because of the reason heated fat does not invalidate the *wuḍū'* it establishes that everything that everything that is cooked does not invalidate the *wuḍū*," this would not be a *qiyās* but a mere utterence of falsehood.

When Abu Hurairah said, "Do not set forth examples if you are told of *aḥādīth*," it negates two aspects. Firstly, *qiyās*, as *qiyās* involves setting forth examples for the religion, which Allāh has not permitted. Abu Hurairah prohibited this. Secondly, it prohibits asking excessive questions, a practice also prohibited by the Prophet ﷺ. Since we know that the question was not related to *qiyās* and that both *ṣahābah* used narrations, the second aspect applies specifically to Ibn Abbas, while Abu Hurairah simultaneously prohibited *qiyās* entirely. And Abu Hurairah simultaneously prohibited *qiyās* entirely.

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[266] Al-Musannaf by Abd Al-Razzaq 672, 1/174

This narration is also found in a longer, authentic version, it is narrated on the authority of Abdullah Ibn Ibrahim Ibn Qaridh, "Abu Hurairah ate bits of cheese and then performed *wuḍū'*. He remarked, 'Do you know why I performed *wuḍū'*? It is because I ate bits of cheese. Ibn Abbas said to him, 'I do not care if you perform *wuḍū'* for that. I bear witness that I saw the Prophet ﷺ eat meat that touched the fire and proceed to prayer without performing *wuḍū'* in between them.' Abu Hurairah said, 'And I heard the Prophet ﷺ say, 'Perform *wuḍū'* if you eat what has touched the fire.'' Ibn Abbas inquired, 'O Abu Hurairah, shall we then perform *wuḍū'* for fat and hot water?' Abu Hurairah responded, 'O son of my brother, if you hear a *ḥadīth* from the Prophet ﷺ, then do not apply examples to them.' Ibn Abbas asked, 'So should I perform *wuḍū'* for what you find *ḥalāl* in the book of Allāh, just because it touched the fire?' Abu Hurairah then collected pebbles and said, 'I bear witness, to the number of these pebbles, that the Prophet ﷺ ordered, 'Perform *wuḍū'* after eating what has touched the fire.''''[267]

Anyone that understands the pillars and conditions of *qiyās*, knows with certainty that no *qiyās* was ever uttered here by Ibn Abbas. Because nothing of what he asked has any *iṭṭirād* or a coherent *'illah*. Because that which is prohibited in general does not imply the invalidity of the *wuḍū'* without any difference among them, the same for that which is allowed, as certain matters that are permissible invalidate the *wuḍū'*. It becomes then clear that if these questions were meant as an argument that it would not have any relation to *qiyās* but mere *ra'ī*, which did occur during the time of the companions.

We do however not find any rejection of Ibn Abbas to what Abu Hurairah said. If he would show rejection he would tell him have informed him that it is abrogated, since we know that he did not reject it, we know that he only asked to know the answers to his questions only without intending any *qiyās* or *ra'ī* for it. And both of them also used *aḥādīth* of the Prophet ﷺ, which affirms with certainty that none of them believed what they believed because of any *qiyās* or *ra'ī*. The adherents to *qiyās* concur that *qiyās* can not invalidate *nuṣūṣ* of the Prophet ﷺ. It is also known additionally to this that Ibn Abbas invalidated *qiyās* in other narrations which we will mention, by the will of Allah. And Ibn Abbas also did not reject it when Abu Hurairah told him not to put forth examples for the narrations he is told about. Which is an order to abstain from *qiyās* and questioning.

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[267] Al-Jami' Al-Sahih Li Al-Sunan Wal-Masanid 23/375

Regarding Ma'mar And Sa'd Considering Wheat The Same As Barley

It is narrated on the authority of Abdullah Ibn Yazid said, "Zayd ibn 'Ayyash said that he once asked Sa'd ibn Abi Waqqas about the sale of *bayḍā'* (wheat) for *sult* (barley). Sa'd asked him which was the better and when he told him *bayḍā'*, he forbade the transaction. Sa'd said, 'I heard the Prophet ﷺ being asked about selling dried dates for fresh dates, and the Prophet ﷺ said, 'Do the dates diminish in size when they become dry?'' When he was told that they did, he forbade that."[268]

It is narrated on the authority of Busr Ibn, "Sa'id Ma'mar Ibn Abdullah said, 'I sent my slave with three kilograms of wheat and said to him, 'Sell it, and then buy with it barley.'' The slave went away and he got three kilograms of barley and about another three kilograms on top of that. When he came to Ma'mar he informed him about that, whereupon Ma'mar said to him, 'Why did you do that? Go back and return that, and do not accept but weight, for weight, for I used to hear the Prophet ﷺ say, 'Food (may be sold) for food, of same quantities only'. He (one of the narrators) said, 'Our food in those days consisted of barley.' It was said to him (Ma'mar) that (wheat) is not like that (barley). He replied, 'I am afraid that they are similar.'"[269]

They say, "Sa'd Ibn Abi Waqqas prohibited selling *bayḍā'* (wheat) for *sult* (*sult* is a type of *sha'īr*, which is barley). And Ibn Abbas included anything other than food for the prohibition of selling food before taken full possession of it, do you make them from those who lie upon Allāh?"

They also say, "Why did Sa'd consider wheat and barley to be the same as one, while the Prophet ﷺ allowed selling wheat for more barley.

They also say, "Ma'mar assumed barley to be the same because of wheat."

The answer: That is not because of *qiyās*, There is a valid reason according to us for their view, and that is that it is narrated about both Sa'd and Abd Al-Rahman Ibn Al-Aswad that when the fodder of their donkey ran out, he ordered his two slaves to take *ḥinṭah* (also wheat) and to buy with that *sha'īr* (barley) and not to take except in equal weight and equal quantity. They only wanted to take what their donkey is able to carry each

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[268] Muwatta' Malik 2312, 4/901
[269] Al-Jam' Bayna Al-Sahihayn 3067, 3/ 510

day so they prevented exchange except with the exact same amount, because it would else lead to delaying to receive it fully leading to a debt sale by delaying (*nasī'ah*) which is prohibited, so he ordered his slaves not to take any more. So it was only due to the prohibition of *nasī'ah* not anything other than that.[270]

There is ijm*ā'* of the *ummah* that a delayed sale of wheat for barley is prohibited.[271]

Another reason why this cannot indicate any *qiyās* in any possible way is because there is no doubt that anyone with the least amount of intellect can comprehend that there is no similarity between wheat and barley except that it is food. There are many differences between wheat and barley, wheat grains are larger and wider compared to barley grains. Barley grains are more elongated and have a thicker husk than wheat grains. Wheat belongs to the Triticum genus, while barley belongs to the Hordeum genus. Wheat is commonly used to make bread, pasta, noodles, and pastries due to its gluten content. Barley is used as animal fodder, in soups, stews, and as a key ingredient in brewing beer and whisky. If barley would be the same as wheat because of a similarity which is what *qiyās* is, then spelt and rye would be more deserving to be made similar, because they are more similar to wheat than barley is to wheat. As they are only similar under the aspect of food, this similarity that it is food is also found in dates, so it defeats any purpose of *qiyās*. We know then with certainty that the only reason Sa'd mentioned this narration is because the Prophet ﷺ made *ribā* for all types of dates whether it is fresh or dried and concluded it to be all the same type. Sa'd made in this same manner wheat and barley one type. Not because of *qiyās* but because of *iḥtiyaṭ* that both of them might mean the exact sam ething, just as dry and fresh dates are both the exact same type. The reason that it can not be *qiyās* is because there are no *'ilal* similar between wheat barley and dates and if it would be the case that it was because of *'ilal* the same ruling which means that it is the same ruling because of *qiyās*. Sa'd would not only make wheat and barley from the same type but also every single other food that would share that same *'illah*. But we know with certainty that that Sa'd and no one from *ahl ul-qiyās* ever did that and we also know with certainty that there is no *'ilal* between them and that Sa'd because of that in reality invalidated *qiyās*. So we also know then with certainty that Sa'd only made them the same type because of *iḥtiyaṭ* them to

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[270] Al-Musannaf by Abd Al-Razzaq 14190, 8/33
[271] Maratib Al-Ijma' pg. 404

be the same, just as dry dates and fresh dates are also dates not something other than dates.[272]

There is also no evidence in them for any of this as it is all instead only because of precaution (*iḥtiyāṭ*) from Ma'mar Ibn Abdullah, not him obliging anything and not affirming any certainty. The reason for that is because Ma'mar only said that he is afraid it to be similar and never affirmed certainty for the similarity. And also the *ḥanafiyyah* and *shāfi'iyyah* do not believe in any of this as they allow the sale of wheat for more barley. There is no argument for anyone that opposes some of what he tries to use as an argument, especially as a source of evidence in the religion.

As for us, we only the mention the views of *ṣaḥābah*, while we only in the obligation of following the Prophet ﷺ for two reasons only with no third to it: Firstly so that a *jāhil* does not claim *ijmā'* and for us to show him his false claims. And that there is no *ijmā'* whatsoever on *qiyās* or any other. And secondly if anyone uses the views of *ṣaḥābah* or anyone other than the Prophet ﷺ, we show them, contradicting the views of other *ṣaḥābah* and that the *ṣaḥābah* at many times disagrees and opposes the one using their view for other matters, to show them that they oppose those who they view in of itself as an *ḥujjah* which is false without no doubt.

There is also no difference in assuming all these views they mention to be from *ra'ī* and *iḥtiyāṭ* earlier than because of *qiyās* as there is no evidence that it is from any of the three specifically, so affirming that for Sa'd an Ma'mar is false. What confirms that some of *ṣaḥābah* did *iḥtiyāṭ* for this issue is because Ma'mar said regarding wheat and barley, "I am afraid they are similar," they never affirmed the ruling ever, or obliged the people into it. None of them ever transgressed to the point like *qa'isūn* where they all claim different *'ilal* for *ribā* and prohibit selling oak nuts for more oak nuts and rice for more rice and many other matters.

As for Ibn Abbas included anything other than food for the prohibition of selling food, we clarified that in great detail before. And as for the narration about the sale of dried dates with fresh dates, we have also clarified it in detail before.

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[272] Al-Tamhid 12/143

Regarding The Inquiry Of Abu Sa'id

It is narrated on the authority of Abu Nadra, "I asked Ibn Umar and Ibn Abbas about *ṣarf* (conversion) of gold with gold, they did not find any harm in that. I was sitting in the company of Abd Sa'id Al-Khudri and asked him about this exchange, and he said, 'Whatever is addition is *ribā*.' I refused to accept it on account of the statement of Ibn Abbas and Ibn Umar. He said, 'I am not narrating to you except what I heard from the Prophet ﷺ.' There came to him the owner of a date-palm with three kilograms of dried dates, and the dates of the Prophet ﷺ were of that color, the Prophet ﷺ said to him, 'Where did you get these dates?' I said, 'I went with six kilograms and exchanged that for three kilograms of dates, because the prices in so and so are so and so and the price of that market is so and so.' The Prophet ﷺ said, 'Woe to you! You have dealt in *ribā*, when you want to do it (the sale of dates for more or less dates), you must [first] sell your dates for another currency and then with the help of that currency buy the dates you like.' Abu Sa'id said, 'Is the sale of dates for more or less dates more deserving to be *ribā* or is it the sale of silver for silver?' I subsequently went to Ibn Umar and he prohibited me from that sale, but I did not go to Ibn Abbas. He (the narrator) said, 'Abu Al-Sahba narrated to me, 'He asked Ibn Abbas in Makkah, and he too prohibited it.'"[273]

The answer: This is not *qiyās* because the prohibition of selling silver for more and less silver comes from *nuṣūṣ* of the Prophet ﷺ. The Prophet said ﷺ, "Do not sell gold for gold or silver for silver unless both are of equal weight."[274]

And the Prophet ﷺ said, "Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like, payment being made hand to hand. He who made an addition to it, or asked for an addition, in fact dealt in usury. The receiver and the giver are equally guilty."[275]

It is impossible for Sa'id to know the prohibition of the Prophet ﷺ of selling silver for silver except in equal weight and then look in to *qiyās*. So this has then nothing to do with *qiyās* at all. Because *qiyās* is according to those who believe in it, to apply a ruling to which there is no *nuṣūṣ* for similar to a ruling which there is *nuṣūṣ* for. So Sa'id was aware about the

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[273] Sahih Muslim 1595
[274] Sahih Muslim 1584
[275] Al-Jami' Al-Sahih 33/463

nuṣūṣ of selling silver for silver, and was also aware of the ruling of selling dates for dates, so it becomes false to claim that one of them is only had their view based from a *qiyās* drawn of the other, since he was aware of both rulings and also was aware that it is from the Prophet ﷺ.

If they say, "Why did Sa'id then say that?"

The answer: We do not doubt Abu Nadrah likely altered Abu Sa'id's words, omitting crucial meanings. The same way he did in the initial part of the *ḥadīth*, when he said, "I asked Ibn Umar and Ibn Abbas about *ṣarf* of gold with gold but they did not find any harm in that." This is doubtful. Because there is no harm according to anyone from the *ummah* in *ṣarf*, if it is according to *nuṣūṣ*, not having any *tafāḍul* (difference in weight), and that *tafāḍul* is possible in the sale of silver for gold. So this is doubtful from Abu Nadrah, and he did the same for Abu Sa'id, there is no other possibility at all. As it is not possible for those who are more *thiqah* than Abu Nadrah to narrate from Abu Sa'id that heard from the Prophet ﷺ himself prohibiting *tafāḍul* silver for silver and that it is *ribā,* and then that Abu Sa'id still does not depend on the prohibition because of that, except by a *qiyās* drawn from the prohibition of selling dates for dates with *tafāḍul*. It is impossible for anyone possessing even a modicum of intellect to accept such a claim.

And all of *ahl ul-qiyās* do not even view such *qiyās* to be ever valid as well as they are all *manṣūṣ*. There is also no *'ilal* whatsoever ever similar between dates and silver. So, every contention has been thoroughly addressed, and all praise is due to Allah.

Regarding The *Ḥadd* Of Consuming *Khamr*

Abu Bakr, Umar, Uthman, Ali, Al-Hasan Ibn Ali, Abdullah Ibn Ja'far, and all the *ṣahābah* in their presence, Ahmad, Dawud, Abu Thawr, Al-Shafi'i and a group from *shāfi'iyyah* concur on applying forty lashes for the one consuming *khamr*, which is the truth. We intend to elucidate this truth comprehensively, by the will of Allah, and that it is not allowed for anyone to ever oppose this. On the other hand, adherents of the *ḥanafi*, *māliki*, and *ḥanbali madhab* believe in eighty lashes, they claim these eighty lashes are because of *qiyās* and that there is *ijmā'* on this *qiyās*. [276] We will provide an extensive rebuttal to this perspective, elucidating its fallacy in great detail, by the will of Allah.

As for all narrations mentioned on the topic.

It is narrated on the authority of 'Ikrimah, "Umar sought advise from the people on the *ḥadd* of consuming *khamr*. Umar said to them, 'The people have consumed *khamr* and raved.' Ali said to Umar, 'If someone becomes drunk he raves and if he raves he does *firyah*.' Make his *ḥadd*, the *ḥadd* of *firyah* (the *ḥadd* of *qadhf*, which is a complete other *ḥadd*).' So Umar made his *ḥadd firyah* of eighty lashes.'"[277]

This narration is weak because it is *mursal*, 'Ikrimah never met Ali and also not Umar. The *irsāl* in this narration is very evident, this is also the view of Ibn Hazm, Ahmad Shakir, Shu'ayb Al-Arna'ut, Abd Al-Aziz Al Turayfi, Al-Albani and many others.[278]

It is narrated on the authority of Thawr Ibn Zayd Al-Dili, "Umar sought advice from the people regarding the *ḥadd* of *khamr*. Ali said to him, 'We view the *ḥadd* of him to be eighty, because if he consumes it, he becomes drunk, and if he becomes drunk he raves and if he raves he tells false lies.' Umar then lashed him eighty times."[279]

This is weak because it is *munqati'*, there is no difference among anyone that Thawr Ibn Zayd al-Dili is from the followers of the *tābi'īn* who never met Umar.[280]

It is narrated on the authority of 'Amir Al-Shabi, "Umar sought advise about the *ḥadd* of *khamr*. Abd Al-Rahman Ibn 'Awf said to him, 'This man

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[276] Al-Mawsu'ah Al-Fiqhiyyah 15/246
[277] Al-Musannaf by Abd Al-Razzaq 13542, 7/377
[278] Silsilah Al-Ahadith Al-Da'ifah 2108, 5/126
[279] Muwatta' Malik 3117, 5/234
[280] Al-Badr Al-Munir Fi Takhrij Al-Ahadith 8/716

lied about Qur'ān, he must be lashed eighty times.' So they made eighty lashes a *sunnah*."[281]

This is weak, the irsāl in this is very apparent, Al-Sha'bi never met Umar, no one ever opposed this. This is also the view of Ahmad Shakir, Ibn Hazm and many others.[282]

It is narrated on the authority of Abd al-Rahman Al-Sulami said, "Ali said, 'A group of people from Syria consumed *khamr* that day they were with Yazid Ibn Abi Sufyan, they said, 'It is *ḥalāl*.' They made *ta'wīl* of the verse, 'Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)' [5:93].' He sent a message about them to Umar. Umar told them to sent them to him before they spread corruption. When they arrived at Umar. Umar sought advise about them to the people. They said, 'O *amīr ul-mu'minīn* we think they have lied about Allāh and ordained as a religion Allāh has not permitted, strike their necks.' Ali was silent. Umar said, 'What do you think O Abu Al-Hasan?' He said, 'I think that you should ask them to repent, if they repent they get eighty lashes for consuming *khamr*. If they do not repent then strike their necks off as they lied about Allāh and ordained for themselves a religion which Allāh has not permitted.' Umar then asked them to repent and they repented and then lashed them eighty times."[283]

This is the *mawṣūl isnād* from Abd Al-Rahman Al-Sulami from Al-Tahawi mentioned by al-Hakim. Al-Dhahabi, Al-Hakim, Al-Dhahabi and Ahmad Shakir declared as authentic, but the reality is that it is weak which is also the view of Abu Hatim, Ibn Hazm, Muhammad Subhi Ibn Hasan Hallaq, Al-San'ani, Sa'd Al-Shathri, Al-Fas'awi, Abd Al-Rahman al-Shuqir and others. Because 'Ataa suffered from memory impairment. And Ibn Fudhail is from those who narrated from 'Ataa Ibn Al-Sa'ib after he suffered from memory impairment (*ikhtilāṭ*).[284] This is also the same way narrated from Muharib Ibn Dithar and that one is *mursal* also.

It is narrated on the authority of Ibn Abbas said, "Those who drank *khamr* used to be beaten during the lifetime of the Prophet ﷺ with the hand and shoes and sticks till he passed away. During the *khilāfah* of Abu Bakr there were more drinking than during the lifetime of the Prophet ﷺ. Abu

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[281] Jam' Al-Jawami' 16/576,
[282] Irwa' Al-Ghalil Fi Takhrij Ahadith Manar Al-Sabil 2643, 8/268
[283] Sharh Ma'ani Al-Athar 4899 3/154
[284] Al-Jarh Wal-Ta'dil 6/334 | Tahdhib Al-Kamal 20/92 | Al-Musnad Al-Musannaf Al-Mu'allal 23/345, 10518 | Al-Ma'rifah Wal-Tarikh 3/84

Bakr said, ‘We should make a *ḥadd* for them similar to the beating during the lifetime of the Prophet ﷺ.’ Abu Bakr lashed forty times till he passed away. Umar after him also lashed forty times till a man came from the *muhājirīn* and when Umar was about to order him to be lashed, the man said, ‘Do not lash me between me and you is the book of Allāh.’ Umar said, ‘In which book of Allāh did you find that you should not be lashed?’ The man said, ‘Allāh says in his book, ‘Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)’ [5:93]. I am from those who believe and do righteous deeds. I was with the Prophet ﷺ at [the battle of] *badr*, *uḥud*, *khandaq* and others.’ Umar said to those present, ‘Are you not going to reply to what he said?’” Ibn Abbas said, “‘That verse was revealed as an excuse for those of the past and is a *ḥujjah* against those *mukallaf* after the verse. The excuse is for those before the verse was revealed when it was all not prohibited. Allāh says, ‘O believers! Intoxicants, gambling, idols, and drawing lots for decisions are all evil of Satans handiwork. So shun them so you may be successful’ [5:90].’ Umar said, ‘You (Ibn Abbas) spoke the truth. What do you think should be done with them?’ Ali said, ‘If someone becomes drunk he raves and if he raves he tells false lies. Make his *ḥadd firyah*.’ So Umar made his *ḥadd*, the *ḥadd* of *firyah* (the *ḥadd* slandering chaste men/women) of eighty lashes.”[285]

We say: This is weak, all *ṭuruq* from this narration include Yahya Ibn Fulaih Ibn Sulayman and he is weak, there is not enough known about him to affirm his credibility as a narrator, Ibn Hajar is the only one that mentioned a *tarjamah* of him with not enough information. It is earlier concluded that he is weak than credible. He is declared weak by Al-Nasa’i[286], Abu Hatim[287], Yahya Ibn Ma’in[288], Ali Ibn Al-Madini[289], Abu Ahmad Al- Hakim[290], Abu dawud Al-Sijistani[291], he is also declared weak by Ibn Hazm, Khalid Ibn DayfAllāh[292] Sa’d Ibn Abdullah Ala Humayyid[293],

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[285] Al-Sunan Al-Kubra 5269, 5/137 | Al-Mustadrak ‘Ala Al-Sahihayn 8132, 4/417 | Sunan Al-Daraqutni 4/211, 3344
[286] Tahdhib Al-Kamal 23/317 | Tahdhib Al-Tahdhib 3/403
[287] Al-Jarh Wal-Ta’dil 7/84
[288] Al-Kamil Fi Al-Dhu’afa‘ 7/144
[289] Tahdhib Al-Tahdhib 3/403
[290] Tahdhib Al-Tahdhib 3/403
[291] Tahdhib Al-Kamal 23/317
[292] Tibyan Fi Takhrij Wa Tabwib Ahadith Bulugh Al-Maram 494, 5/342 | 298, 4/150
[293] Al-I’tisam 2/371

and others. The narration is also declared weak by Ibn Hazm, Al-San'ani[294], Al-Albani[295], and others.

It is narrated on the authority of Ibn Wabarah Al-Kalbi, "Khalid Ibn Al-Walid sent me to Umar. When I arrived at him he was with Uthman, Abd Al-Rahman Ibn 'Awf, Ali, Talha and Zubair they were leaning in the *masjid*. I said to them, 'Khalid Ibn Al-Walid sent me to you, to tell you, 'The people got heavily engaged in consuming *khamr* and argue about its punishment.' Ali said, 'If someone becomes drunk he raves and if he raves he tells false lies, make his *ḥadd firyah* of eighty lashes.' Umar said, 'Let your companion carry this out.' So Khalid lashed eighty times. The lashing of Umar was also eighty. When Umar saw a weak drunk man he would lash him forty times. When he would come across someone heavily engaged in *khamr* he would lash him eighty times, he used to lash both forty and eighty times."[296]

We say: Its *isnād* is weak. Ibn Wabarah is *majhūl* and there exists absolutely no case of anyone ever calling him a *thiqah* and no one ever affirmed his credibility, he is *majhūl* and there exists no *tarjamah* about him. Ibn Hajar claimed that there he wrote a *tarjamah* about him in Tahdhib al-Tahdhib, but the *tarjamah* does not exist in any of his books and no one wrote anything ever about him. Al-Albani also declared him *majhūl*.[297] This narration is also weak according to Ibn Hazm, Al-Albani, Al-San'ani, Abd Al-Rahman al-Shuqir, and others.

It is narrated from Usamah Ibn Zayd, that Al-Zuhri said, "Abd al-Rahman Ibn Azhar said to us, 'I saw the Prophet ﷺ go around the people asking them about the house of Khalid Ibn Al-Walid. Then a drunk person came and the Prophet ﷺ ordered those around him to beat and him cast dust on him. After his time Abu Bakr ordered forty lashes on the drunk one and after his time Umar ordered forty lashes.'"[298]

We say: There is in this *isnād* specific mention that Al-Zuhri heard from Abd Al-Rahman Ibn Azhar, but Usamah Ibn Zayd was wrong, he had al-*tawahhum* (delusive imagination, meaning imagining something that has not yet happened). Ahmad may Allah have mercy on him said very clearly that Al-Zuhri did not hear from Abd Al-Rahman Ibn Azhar, Abu Zur'ah, Abu

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[294] Ijabah Al-Sa'il Sharh Bughyah Al-Amil pg. 173
[295] Irwa' Al-Ghalil 2378, 8/47
[296] Sunan Al-Daraqutni 3321, 4/196
[297] Irwa' Al-Ghalil 7/111
[298] Musnad Al-Bazzar 3454, 8/377

Hatim and al-Daraqutni all also said that Al-Zuhri never heard from Abd Al-Rahman Ibn Azhar.[299]

These narrations, which they attempt to use as evidence, can be dissected into three key aspects: First, that the additional lashing is justified by *firyah* (*qadhf*). Second, establishing that the additional lashing is a mandatory *ḥadd* punishment. Third, attribution of the cause of this *ḥadd* to Ali, suggesting it is because they will rave and then engage in *firyah* (*qadhf*). All of these aspects only stem from the previously mentioned narrations, all their *asānīd* are weak as clarified before.

There are only other authentic narrations on this subject that make no mention of any of these aspects, and those narrations affirm our view.

Even if they use any of those weak narrations clarified before would ever be authentic, it would still not be a conclusive evidence for their position. This is due to the fact that these narrations also mention Abu Bakr implementing forty lashes as the *ḥadd* for *khamr*. If it were permissible for Umar to arbitrarily increase this number, it would imply follow that those succeeding Umar could alter it once more, so changing the *ḥadd* initially established by Umar, or even reduce it, all without any distinction.

If Abu Bakr's enactment of the forty-lash *ḥadd* for *khamr* in the presence of all the *ṣaḥābah*, including Umar and numerous others, is not a certain evidence, then Umar's decision to increase it to eighty lashes, in the presence of a smaller gathering of *ṣaḥābah* with many having already passed away, is even less likely to be regarded as convincing evidence.

Their false claim of an *ijmā'* on eighty lashes contradicts and permits the contradiction of the actual consensus on forty lashes. Therefore, anyone who denies the existence of a consensus on forty lashes, a consensus that Abu Bakr enforced in front of all the *ṣaḥābah*, while affirming the fabricated message of Umar to Abu Musa Al-Ash'ari as a consensus, has deviated from the truth.

And there is clear mention that Umar did not make the number eighty an obligatory *ḥadd* punishment for *khamr*. This can be clearly deduced from the authentic narrations on the topic, while all the narrations we have mentioned so far are considered weak. It is evident that Umar only added lashing beyond forty as *ta'zīr*, as indicated in the narrations we have mentioned, where he lashed someone heavily engaged in *khamr* eighty times, whereas he would lash the weaker offenders forty times. Additionally, Uthman was known to administer both forty and eighty lashes.

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[299] Al-Musnad Al-Musannaf Al-Mu'allal 8976, 19/376 | Irwa' Al-Ghalil 8/46

It is self-evident to anyone with a modicum of intellect that if eighty lashes were obligatory, there would be no room for altering the punishment by increasing or decreasing it, as no one ever decreased it lower than forty. So, these narrations do not support their position; rather, they contradict it, even if these narrations were ever to be deemed authentic.

Allāh has protected Ali and other companions from this false attribution, which is replete with flaws, for several reasons. Among them is the fact that it is impermissible for any Muslim to believe that Umar and Ali could legislate in Islam the Qur'ān and *sunnah*.

And in the narrations we have mentioned, both Umar and Ali rejected those who did not believe in the prescribed punishment (*ḥadd*) and accused them of establishing a religion that Allāh had not sanctioned. It is impossible for Ali to reject those who establish an unauthorized religion while simultaneously endorsing an unauthorized religion himself. No one with even a modicum of intellect would accept this. There is also no difference between increasing the lashes for the *ḥadd* of *khamr* and increasing or decreasing the lashes for the *ḥadd* of *zinā*, modifying the *rak'ahs* of the *dhuhr* prayer, or instituting or abolishing prayers other than the five daily prayers and *jumu'ah*. The same applies to introducing a *ḥadd* for engaging in *ribā*, all of which constitute acts of disbelief to alter.

What is widely known, with authenticated chains of transmission, is that Ali administered forty lashes to Al-Walid Ibn 'Uqbah when he consumed *khamr* during the *khilāfah* of Uthman. Therefore, there is no doubt that Ali viewed the *ḥadd* punishment as forty lashes, not eighty. He considered any punishment beyond forty lashes as *ta'zīr*. This narration clearly refutes their false beliefs. It is essential to recognize that not everyone who consumes *khamr* becomes intoxicated; a small dosage may not lead to drunkenness, yet the *ḥadd* punishment still applies. Similarly, not all individuals who are intoxicated necessarily engage in falsehoods; some remain silent, engage in remembrance of Allāh, ponder the hereafter, cry, and make supplications. So, not all individuals who rave necessarily tell false lies.

Even a *mubarsam* (someone afflicted by a mental disorder causing hallucinations) may rave without uttering falsehoods. It is crucial to note that not everyone who tells false lies is subject to a *ḥadd* punishment. Individuals who are asleep or those suffering from insanity may also tell false lies, yet they are not liable for *ḥadd* punishment. Consequently, it is evident and well-understood that the statements attributed to Ali are unrelated to *ḥudūd* (prescribed punishments). Ali was well aware and

applied the *ḥadd* punishment as forty lashes, reserving any additional punishment for *ta'zīr*, provided these narrations attributing to him statements about drunkenness, raving, and falsehoods are authentic. It is indisputable that these statements attributed to Ali are falsehoods as established before, and they contradict the established principles of Islamic jurisprudence, and anyone well-versed in Ali's jurisprudential teachings would acknowledge this fact.

What is even more false on their part is their claim that, "*ḥudūd* are not applied if it is doubtful." Ironically, they themselves apply *ḥudūd* punishments based on the most uncertain of doubts, claiming that anyone who consumes *khamr* should be lashed eighty times because it's possible they raved and engaged in *qadhf*.

There is no greater absurdity than imposing the *ḥadd* punishment for *qadhf* on someone who consumes *khamr* merely out of the "fear" that they might engage in *qadhf*, especially when there is no evidence of any actual *qadhf*.

Furthermore, if it were indeed the case that the *ḥadd* punishment for consuming *khamr* is always tied to *qadhf*, then where is the *ḥadd* punishment for *khamr* itself? And if the *ḥadd* punishment is attributed to *khamr*, then where is the *ḥadd* punishment for *qadhf*? It is not permissible for anyone to diminish or neglect a *ḥadd* punishment because of another unrelated offense.

And also if they were to follow these weak narrations attributed to Ali, they would obligate upon themselves to apply severe penalties. For instance, if anyone becomes intoxicated and subsequently raves, according to their method, they would need to execute him for apostasy. Likewise, if an individual who consumed *khamr* became drunk and then committed *zinā*, they would be obliged to stone or lash him. If someone who consumed *khamr* became drunk and subsequently stole, they would be required to amputate his hand. Or if a person consumed *khamr*, became intoxicated, raved, and in the process damaged property, they would have to apply all these penalties. Failure to do so would indicate a departure from their own methodology and the abandonment of applying eighty lashes. We say with absolute certainty that this fabricated *ḥadd* punishment is a false attribution to Ali, a statement he never made.

Abd al-Rahman Ibn 'Awf is also entirely free to ever claim that a drunk man who lied about the Qur'ān should receive "eighty lashes." This is utterly impossible; how could anyone lie about Allāh or the Qur'ān and then be liable for only eighty lashes? The punishment of eighty lashes for *firyah*

is reserved solely for *qadhf* of *zinā* (slandering someone of having committed *zinā*). If *ahl ul-qiyās* mistakenly believe these narrations to be authentic, then they should uniformly prescribe eighty lashes for anyone who lies about anything, including lying about someone committing *kufr*, making false accusations (*tuhmah*), theft, or falsehoods related to the Qur'ān and Allāh. However, they neither express such beliefs nor act accordingly. It is evident that they disbelieve in the authenticity of these narrations; they selectively used them as the foundation of their false methodology while abandoning the principle of *qiyās* in these matters, recognizing the falsehood that would result from endorsing them.

As for the authentic narrations on the topic.

It is narrated on the authority of Anas said, "A man who had consumed *khamr* was brought to the Prophet ﷺ, so lashes him forty times with two palm branches. Abu Bakr did similarly [during his *khilāfah*], and at the time Umar became *khalīfah* he sought advise from the people. Abd Al-Rahman Ibn 'Awf said to him, 'The lightest penalty is eighty lashes, so Umar ordered that.'"[300]. So it is well-established that any punishment other than forty lashes is considered *ta'zīr*.

It is narrated on the authority of 'Ubaid Ibn 'Umair, "The one that would consume *khamr* would be beaten with hands and shoes. That is the manner it happened during the lifetime of the Prophet ﷺ and also the lifetime of Abu Bakr. And also during some of the time of the *khilāfah* of Umar. Umar then became afraid that they would become drunk and then lashed them forty times, when he saw that they would not stop he lashed them sixty times and if they still would not stop he lashes them eighty times, he then said, 'This is the lightest punishment.'"[301]

It is narrated on the authority of 'Ataa Ibn abi Marwan, "My father said, 'Al-Najashi came to Ali while he consumed *khamr* during *ramaḍān*. He then lashed him eighty times and ordered him to be imprisoned, he then took him out the next day and then lashed him twenty times and said to him, 'I only lashed you twenty times for breaking the fast during the daytime and for sinning.'"[302]

It is narrated on the authority of 'Umair Ibn Sa'id, "Ali Ibn Abi Talib said, 'If I were to carry out the prescribed *ḥadd* on a man, and he died as a result, it would not trouble me, except in the case of one who drank *khamr*

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[300] Sunan Al-Tirmidhi 1443
[301] Al-Musannaf by Abd Al-Razzaq 1354, 7/377
[302] Sharh Ma'ani Al-Athar 4895, 3/153

(intoxicants). In such a situation, if the person died, I would pay the *diyah* to his family, because the Prophet ﷺ did not specify a particular its number (besides forty), it is only something we made up by argument.'"[303]

It is narrated on the authority of Hudain Ibn Al-Mundhir Abu Sasan, "I saw that Walid was brought to Uthmin Ibn 'Affan as he had prayed two *rak'ahs* of the *ṣubḥ* (obligatory *fajr*) prayer, and then he said, 'Should I increase for you the prayer?' But then two men bore witness (against Walid). One of them was Humran who said that he had drunk *khamr*. The second one gave a witness that he had seen him vomiting. Uthman said, 'He would not have vomited *khamr* unless he had drunk it.' He said, 'Ali, stand up and lash him.' Ali said, 'Hasan, stand up and lash him.' Thereupon Hasan said, 'Let him suffer the heat (of the *khilāfah*) who has enjoyed its coolness (meaning let Uthman and his judges carry it out).' Ali said, 'O Abdullah Ibn Ja'far, stand up and lash him, and he began to lash him and Ali counted the lashes until it became forty.' Ali said, 'Stop now, the Prophet ﷺ used forty lashes, and Abu Bakr also used forty lashes, and Umar used eighty lashes, and all these are from the *sunnah*, but forty lashes is dearest to me.'"[304]

These narrations clearly affirm our stance, which is that anything beyond the forty lashes implemented by Umar was only because of *ta'zīr*. At times, he added an extra twenty lashes, and on occasion, forty more. Ali and Ibn Mas'ud occasionally ordered an additional sixty lashes. Ali made it abundantly clear that the Prophet ﷺ never prescribed anything beyond forty lashes for *ḥadd*; those who hold a contrary belief reject the established *āthār*.

During Uthman's *khilāfah*, in the presence of Al-Hasan, Abdullah Ibn Ja'far, and other *ṣahābah*, Ali consistently ordered and executed only forty lashes.

Umar and Abd Al-Rahman stated that when the narrations mention the lightest punishment, it is irrefutable that the base punishment is forty lashes, and anything beyond that constitutes *ta'zīr*. Therefore, they administered the least severe form of *ta'zīr*, neither obligating more nor less, as such variations are inherent to *ta'zīr*.

If there were no *mursal* or weak narrations suggesting that the Prophet ﷺ lashed eighty times, then anyone claiming, "The *ḥadd* punishment for *khamr* is eighty lashes," would be considered apostate. Those who consider

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[303] Musnad Ahmad 1084, 2/328
[304] Musnad Ahmad 2/395, 1229

these weak narrations as authentic would be excused for their *ijtihād*, and their error would be rewarded with one reward.

Those who persistently attribute the eighty lashes solely to Umar tend to overlook the fact that he augmented it by forty as a form of *ta'zīr*, and the same applies to others who followed suit. Subsequently, they consider these eighty lashes as an obligatory, fixed *ḥadd* punishment. Consequently, they should also logically advocate for the burning of the houses of those who sell *khamr* based on Umar's actions. Safiyyah Bint Abi Ubaid said, "Umar found in the house of Ruwaishid Al-Thaqafi *khamr* and burned his house, Umar said to him, 'What is your name?' He said, 'Ruwaishid.' Umar said, 'You are *fuwaisiq* (*tasghīr* form of a *fāsiq* (sinner).'"[305]

If they say, "Umar stated that he would no longer enforce *taghrīb* (expelling those who drink *khamr* to another city)."

We affirm: After implementing the punishment of eighty lashes for those drinking *khamr*, Umar later reduced the lashes to forty and sixty for such offenders.[306] According to their method, they would also have to administer eighty lashes to those who favor Ali over Abu Bakr or Umar, and likewise to those who prefer Umar over Abu Bakr. This is because both Umar and Ali expressed this ruling in the presence of *ṣaḥābah*.[307]

From what we have mentioned it is established that there was no *ijmā'* as they claim of eighty lashes after the Prophet ﷺ ordered it to be forty during his lifetime. It is further more clear that Umar used to lash more than forty because of *ta'zīr*.

According to their claim that eighty lashes would be considered *ijmā'*, it would mean that Uthman, Ali, Abu Ja'far, Al-Hasan, and their followers all opposed this *ijmā'*. Accusing the *sahābah* of opposing *ijmā'* would imply that they committed disbelief. However, we firmly believe that the *sahābah* are free from disbelief, and they would never oppose the truth or invent laws that Allāh has not ordained. If they say, "Then why did he say that eighty lashes is *sunnah*?" The answer is that it is acknowledged by anyone that *ta'zīr* is indeed part of the *sunnah*. If they say, "But *Ta'zīr* should not exceed ten lashes according to you," the answer is it is possible that Umar might have chosen to apply *ta'zīr* for every cup of *khamr* consumed, which is a valid practice. We must not ever assume that they fabricated a ruling when there are various possibilities within the *sunnah*, while they are the

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[305] Al-Musannaf by Abd Al-Razzaq 10051, 7/76
[306] Al-Musannaf by Abd Al-Razzaq 13541 7/377
[307] Al-Shari'ah by Al-Ajurri 1813, 5/2326 | Fadha'il Khulafa' Al-Rashidin 169

most deserving to follow those options. As for Alis other statement that there is no lashing for the one drinking *khamr*, he did in reality affirm a punishment for it, what he only meant was that whatever is besides forty is not part of the *ḥadd* the Prophet ﷺ obliged on the one consuming *khamr*. It is clear that Umar was the first to implement eighty lashes, while previously, it was forty lashes, and attributing an opposition to Umar is false.

Al-Sa'nani, in response to their arguments claiming a consensus (*ijmā'*) on applying eighty lashes based on *qiyās*, remarks, "The narrations attributed to Ali are all weak, and it is highly questionable whether it can ever be understood as eighty lashes. What is attributed to Ali, where he supposedly said, 'If someone becomes drunk, he raves, and if he raves, he engages in *firyah*. Make his *ḥadd* the *ḥadd* of *firyah*,' the meaning of this statement is exceedingly unclear. The one who raves is not considered *mukallaf* (legally responsible), and there is no *ḥadd* punishment for such a persons *qadhf* (false accusation) if what is meant by *firyah* in Ali's statements is indeed *qadhf*. This is because the term *firyah* is more general and can not be limited to *qadḥf*."

Regarding Umar's utilization of eighty lashes as the "lightest" punishment, Al-San'ani said, "If it is argued that this practice is based on *qiyās*, we would counter by stating that it does not align with *qiyās al-iṣṭilāḥī* (the way scholars of *qiyās* used analogy as clarified in the chapter on the conditions of *qiyās*). There is simply no correlation between being intoxicated and engaging in *qadhf*; it is purely a matter of mere *ra'ī*. Therefore, claiming *ijmā'* in this case is fundamentally false. This is why a group of the *a'immah* chose and adhered to the view that the *ḥadd* punishment for *khamr* is only forty lashes."[308]

[308] Ijabah Al-Sa'il Sharh Bughyah Al-Amil pg. 174

Regarding The Inheritance Allocated To The Grandfather

It is narrated on the authority of Al-Sha'bi, "Umar initially avoided discussing the *farā'iḍ* (inheritance shares) allocated to the grandfather, until he himself became one. He expressed, 'In my opinion, and Abu Bakr's as well, the grandfather is more entitled to it than the brother.' Umar also expressed his intention to consult the people on this matter. He inquired, 'Did any of you hear anything from the Prophet regarding this issue?' A man responded, 'I witnessed the Messenger of Allāh grant him one third.' Umar asked, 'Who concurs with him?' The man replied, 'I do not know.' Another individual stated, 'I saw the Prophet allocate one sixth to him.' Umar questioned, 'Who agrees with him?' Again, the response was, 'I do not know.' Zayd Ibn Thabit was consulted, and he put forth an example, comparing it (the issue) to branches of a tree that divide, although the precise details escape me. Eventually, he assigned one third to the grandfather. Al-Thawri said, 'It has reached me that he (Zayd Ibn Thabit) said, 'O *amīr al-mu'minīn*, it's like a tree planted, with its branches dividing, and those branches dividing further into two. Why should the first branch be deemed more significant and deserving than the second?' He then sought Ali's opinion, and Ali put forth the example of a valley with a river, so assigning one sixth as the share for the brother. It has also reached me that when Umar asked Ali, he put forth an example of a river dividing into streams, and those streams further dividing into two. He asked, 'Do you [not] believe that if the water in this middle stream were to dry up, it would all revert to just two streams?' Al-Sha'bi stated, 'Zayd would grant one third to the brother, while Ali would allot one sixth for the brother.'"[309]

This narration is very weak, there is very clear *inqiṭā'* in it present. 'Isa Ibn Abi 'Isa al-Hannat is *matrūk*. And 'Amir al-Sha'bi never heard from Umar, this defect has preceded in the narrations before, this is something very well known. This is also the view of Ibn Hazm, Bashar 'Awwad Ma'ruf, Mashur Ibn Hasan, and others.

This narration is also mentioned in other *ṭuruq* by al-Bayhaqi and Ibn Wahb.[310] Those *ṭuruq* are not free from Abd Al-Rahman Ibn Abi Zayd, and he is weak. He is declared weak by Abu Al-Fath Al-Azdi, Abu Hatim, Ibn

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[309] Al-Musannaf by Abd Al-Razzaq 19058, 10/ 265
[310] Al-Sunan Al-Kubra by al-Bayhaqi 12429, 6/404

Hibban, Ibn Hajar, Al-Daraqutni, Al-Dhahabi and Salih Ibn Muhammad Jazarah. This narration is also a *wijādah*, this *ṭarīq* is also declared weak by Bashar ‘Awwad Ma’ruf, Mashur Ibn Hasan, Ibn Hazm and others.

There is one other *ṭarīq* from Al-Daraqutni, which is also weak. Al-Hakim, Al-Dhahabi and Ahmad Shakir falsely declared it authentic. This *ṭarīq* is however not free from Ibn Lahi’ah who is without any doubt weak and he is the only to narrate it from this *ṭarīq*. This *ṭarīq* is also declared weak by Ibn Hazm and Bashar ‘Awwad Ma’ruf.[311]

Even if any of these narrations were would ever be authentic, there would still be no scope for *qiyās* based on them, because neither a river nor a tree, in any circumstance, can claim a share of inheritance, whether it be one-sixth or one-third. Anyone who possess even a modest comprehension is aware that these scenarios lack any underlying *‘illah* that corresponds to the issues, making any form of *qiyās* false and contradictory to their established principles and criteria for *qiyās*. It becomes evident that it is solely a matter of *ra’ī*. And it is not rejected that some *ṣaḥābah* used *ra’ī*. Moreover, it is firmly established that none of these examples were ever articulated by *ṣaḥābah*, as all these narrations are undeniably weak. The *ṣahābah* were renowned for their precision and would never have made such claims. Those who affirm these narrations for the purpose of *qiyās* are invalidating their own method of *qiyās*. As it contradicts their established principles and criteria of *qiyās*. This is very evident.

[311] Sunan Al-Daraqutni 4140, 5/164

Regarding The *Mukātab* Slave.

The *mukātab* slave, is the slave who buys himself for an agreed sum to be paid later, once the agreed sum is paid, he is free.

They say, “Ali and Zayd Ibn Thabit used *qiyās* regarding the *mukātab* slave.”

They refer to when Ali was asked regarding the *mukātab* that leaves off wealth when he passes away. Ali answered, “The wealth that the *mukātab* slaves leaves off is used to pay off his *kitābah* (the agreed sum) and whatever remains is for his children as inheritance.”[312]

The explanation is that Ali held multiple perspectives on this issue. Firstly, there is this narration attributed to him. Furthermore, Ali expressed another view, “The *mukātab* achieves freedom in correlation with the payments made for their liberation. The *ḥadd* punishment is proportionate to the amount they paid for their release. Additionally, their inheritance is allocated in proportion to the funds contributed for their emancipation.” Zayd Ibn Thabit shares this same viewpoint. Ali and Zayd Ibn Thabit's views are indeed accurate and align precisely with the *nuṣūṣ*.

This certainty stems from the understanding that if a *mukātab* slave passes away without completing the contract, then all the wealth for the agreed sum goes to the owner, because it is a debt, and we mentioned before that the wealth of a person when he passes away belongs initially to the creditors. If the slave had enough wealth and fully fulfilled their contract and had leftover wealth after passing, that surplus is utilized as inheritance for their free children and relatives. Any remaining wealth, as long as the contract is unfulfilled, is entirely owned by the master. If the wealth doesn't suffice and the contract is incomplete, the *kitābah* obligation ceases.This correct understanding is concluded by the saying of the Prophet ﷺ, “The *mukātab* slave gains freedom proportionate to the payments made for purchasing their freedom. The *ḥadd* punishment is applied to them in proportion to the amount they have paid for their freedom. Their inheritance is distributed in proportion to the funds contributed towards purchasing their freedom.”[313]

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[312] Al-Musannaf by Abd Al-Razzaq 13416, 7/ 342
[313] Sunan Al-Nasa’I 4811, 8/46

Some Claims That The *Salaf* Used *Qiyās*

It has been said that Al-Dhahhak and Qatadah said regarding the verse, "And you certainly know the first creation; then why do you not take lesson (heed)," [56:62] "This means why do you not take lesson from the *qudrah* of Allāh of the resurrection and do S*qiyās* of it to the first creation."[314]

It has been said that Al-Sha'bi said, "We use *qiyās* on the *zakāh* of cows, if the amount of cows is higher than forty."[315]

And that Ibrahim Al-Nakha'I said, "We would not memorize everything we were asked about. But we would know an issue because of using *qiyās*."[316]

And that Ibrahim Al-Nakha'I said, "I would hear a *ḥadīth* and conclude a hundred rulings with *qiyās* with that *ḥadīth*."[317]

Know that for these attributed statements, there is never any *isnād* provided in any existing book. It is among the most false claims to attribute these to them. The *salaf* had instead an *ijmā'* on the falsehood of *qiyās* as we will clarify soon, by the will of Allah.

[314] Fath Al-Qadir by Al-Shawkani 5/189
[315] Jami' Bayan Al-'Ilm Wa Fadhlihi 1645
[316] Jami' Bayan Al-'Ilm Wa Fadhlihi 1646
[317] Jami' Bayan Al-'Ilm Wa Fadhlihi 1647

Regarding The Passing Of ‘Ammar And Hamzah

This is regarding Ali's response upon learning of Muawiyah's statement after ‘Ammar's death. When it was said to Mu’awiyah, “The Prophet ﷺ said, ‘*Al-fi’ah al-bāghiyah* will kill ‘Ammar. Mu’awiyah responded, ‘The only one who killed him is the one who encouraged him to fight that day (meaning Ali).’ This information reached Ali, and in response, Ali remarked, ‘If that is the case, then the Prophet ﷺ killed Hamzah (by inviting him to fight).’”[318]

The answer: It is essential to emphasize that labeling this as *qiyās* is utterly absurd. It primarily concerns the killing of righteous individuals who were alongside him. Ali merely pointed out the inconsistency in Mu’awiyah's viewpoint, which attributed the killing solely to the one who urged him to fight. It was more of a counterargument (*ilzām*) than a direct answer. This can be likened to the positions of *ḥanafiyyah* and *mālikiyyah*, who claim that a marriage contract involving a slave girl's emancipation as her *mahr* is invalid. To this, we respond by highlighting that, according to their view, the Prophet's ﷺ marriage to Safiyyah would also be invalid. If they persist in this belief, they apostate, but if they deny it, they contradict their own principles. Similarly, the perspective of *ḥanafiyyah*, stating that an oath with only one witness contradicts the Qur’ān, implies that all of the Prophet's ﷺ rulings are invalid according to their stance. If they maintain this belief, they apostatize, but if they disavow it, they contradict their own methodology. Likewise, the view of *mālikiyyah*, claiming that a healthy person's prayer while sitting being leaded in prayer, while the *imām* is sick and seated, is invalid, suggests that the prayers of all those who prayed behind the Prophet ﷺ during his illness and subsequent sitting would be considered invalid, this implies that the Prophet's ﷺ order for everyone to sit when the *imām* sits would be deemed false. If they persist in this belief, they apostatize, but if they disavow it, they contradict themselves. Many of them also do not believe in the authenticity of this narration.[319]

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[318] Al-Tadhkirah Bi Awhwal Al-Mawtwa Wa Umur Al-Akhirah pg. 1089
[319] Al-Badr Al-Munir Fi Takhrij Al-Ahadith 8/548

Regarding Ali And The *Khawārij*

A story similar to the one just mentioned involves Ali and the *khawārij*. The incident took place during a disagreement between Ali and the people of Syria. When Ali intended to write a letter, they wrote in it his title as, "Ali, *amīr al-mu'minīn*." Some of those close to Ali and 'Amir objected to including the title, suggesting that only his name and his father's name should be written. Ali accepted this suggestion. The *khawārij* then claimed that as the title "*amīr al-mu'minīn*" was removed, that it signifies Ali's withdrawal from authority. In response, Ali recounted how the Prophet ﷺ had done the same when Suhail Ibn 'Amr refused to allow the term, "Muhammad the Messenger of Allah," ﷺ to be written on the peace treaty during the time of *ḥudaybiyyah*. The Prophet ﷺ removed "The Prophet" and wrote, "Muhammad Ibn Abdullah," instead. Ali pointed out that if this action implied withdrawal from Prophethood, one would have to conclude the same for the Prophet ﷺ.[320]

The answer: This narrative aligns with the previously mentioned story and does not indicate anything from the method of *qiyās*. It emphasizes the importance of adhering strictly to the example of the Prophet ﷺ and what their view would necessitate if they would follow it. The removal of these titles from the written documents is not derived from *qiyās* between them. Such examples will continue to be relevant until the Day of Judgment. Comparing it to writing "fire" on a piece of paper and then erasing it does not remove fire from the Earth. This perspective held by the *khawārij* is seen as irrational and indicative of their limited intellect, as they were largely ignorant Bedouins. Anyone with even a basic level of intelligence knows that the removal of a verse from a physical object (like a document) does not erase it from the hearts and minds of believers. Therefore, connecting *qiyās* and Ali's statement is misleading, as *qiyās* is according to those who believe in it: determining what is forbidden, obligatory, or permissible when there is no specific textual evidence, based on similarities in other texts. In this case, there is no prohibition, obligation, or permission being established through *qiyās*, without any *'illah*, and without any *far'* moved to an *aṣl*.

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[320] Al-Amwal by Ibn Zanjuwayh 655, 1/396

Regarding Ibn Abbas And The *Khawārij*

Regarding Ibn Abbas's response to the *khawārij* when they rejected the application of two rulings during the events of the day of Siffin - specifically, the rulings of Allāh regarding marital relations and the valuation of a rabbit as one fourth of a Dirham.

It is narrated on the authority of Abu Zumayl, "Ali Ibn Abi Talib dispatched Ibn Abbas to the *ḥarūriyyah* (*khawārij*) to engage with them. They said, 'Welcome, Ibn Abbas, what brings you?' I said to them, 'I come to you from the companions of the Prophet, the Emigrants, the Helpers, and from the Prophet's cousin and son-in-law. The Qur'an was revealed to them, so they are more knowledgeable about its understanding than you. None of them is among you. I will convey to you what they say, and I will convey to them what you say.' Then some of them moved away from Ibn Abbas, Ibn Abbas said, 'Tell me what grievances you have against the companions of the Messenger of Allah and his cousin.' They said, 'Three.' Ibn Abbas said, 'What are they (that which you hate about the companions)?' They said, 'Their ruling of men, regarding issues it belongs to Allah. The ruling is for none but Allah. As for the second: He fought but did not imprison or take war booty if they were disbelievers it is allowed to do that, if they are Muslims it is not allowed. And he removed the title '*amīr al-mu'minīn*.' from his own name.' Ibn Abbas said, 'Do you have anything other than this?' They said, 'No.' Ibn Abbas said, 'If were to recite to you the Book of Allah and inform you about the *sunnah* of the Prophet, will you return [to the truth]?' They said, 'Yes.' Ibn Abbas said, 'Do you not see the statement of Allah the Most Exalted, 'O you who believe! Do not kill the game while you are in a state of *Ihrām*, and whosoever of you kills it intentionally, the penalty is an offering, brought to the *ka'bah*, of an eatable animal equivalent to the one he killed, as adjudged by two just men among you' [5:95]. You are correct the judgment is for none other than Allāh, while He has also judged about killing game; Allah give here to men the judge by them deciding the compensation for killed game during *ihrām* . So I ask you then by Allah, is the matters of solving disputes and protecting the spilling of blood better (has more importance) or the ruling or a [mere] rabbit [killed during ihram]? They sayd, 'Yes.' Ibn Abbas said, 'And Allah says, 'If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators' [4:35]. So I ask you by Allah, is solving disputes, the judgment of men regarding the relatives and saving their blood better (more important) or a matter or the marriage of a woman?' They said, 'Yes.' Ibn

Abbas said, ‘As for your claim that he (Ali) fought but did not take prisoners and did not take booty, do you take your mother Aisha and permit doing to her that which you permit to other (female) prisoners? If you say, ‘It is allowed to do to her that which is allowed with other slaves,’ you have apostated. Allah says, ‘The Prophet is closer to the believers than their own selves, and his wives are their (believers’) mothers (as regards respect and marriage)’ [33:6]. You are between two misguidances, do you step out of this?’ They said, ‘Yes.’ Ibn Abbas said, ‘As for Ali not including his title, I bring you that which you are pleased with. The Prophet said to Ali on the day of *ḥudaybiyyah* …. (same text as in the narration before.’”[321]

The answer: This is not authentic because there are *mubhamāt* in the narration. Even if it were authentic, it would not provide any evidence for *qiyās*. We fervently seek refuge in Allāh from ever assuming that Ali, Mu’awiyah, Ibn Abbas, May Allah be pleased with them or any other companion formulated rulings to safeguard the Muslim community based on analogies between the rulings for hunting rabbits and those governing marital relations. Such an assumption would only be asummed by those bereft of sound judgment.

The rulings for both these matters are derived solely from *nuṣūṣ*. Allāh says, “And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result” [4:59]. Allāh orders any dispute about anything of the religion to be referred to Allāh and his Messenger. The obligation is then *taḥkīm* of the book of Allāh and the sayings of the Prophet ﷺ. The disputes that occurred between Ali and Mu’awiyah are very well known, no one with the least amount of knowledge about *āthār* can be ignorant of it. There is no doubt that Ibn Abbas intended to emphasize the obligation to return *taḥkīm* to the Qur’ān and *sunnah*. There is no doubt that the *khawārij* are mistaken in shedding the blood of Muslims. If this were considered *qiyās*, then it would imply that the blood of the *ummah* would be saved because of the rulings governing marital relations and hunting, which is undoubtedly false.

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[321] Sunan Al-Kubra by Al-Nasa’i 8522, 7/480

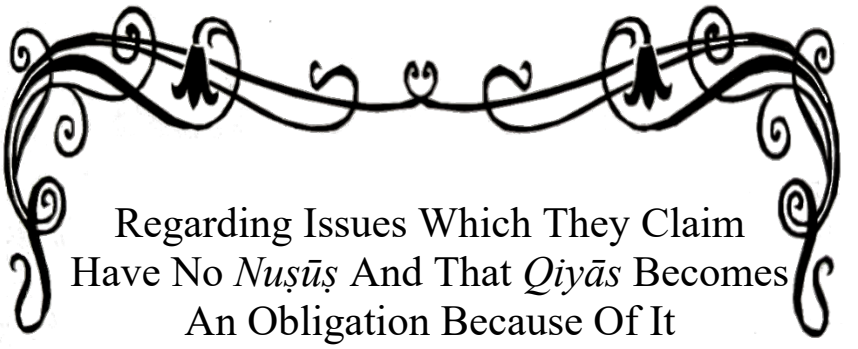
Regarding Umar Killing A Group Of People

It is narrated on the authority of Sa'id ibn Al-Musayyab, "Umar ibn Al-Khattab took action by killing five or possibly seven individuals as retribution for the secret and deceitful murder of one man. Umar declared, 'Had all the people of San'a' united against him, I would have killed them all.'"

Ibn Juraij added, "Abd Al-Karim and Abu Bakr expressed that Umar was not certain in that matter. However, Ali intervened and asked him, 'O *amīr al-mu'minīn*, do you also believe that if a group of individuals cooperated in stealing a camel, with each of them taking a portion of the stolen animal, they should all be subject to the same punishment?' Umar said, 'Yes.'"[322]

The answer: There is not a single *qiyās* related to this because none of it is an *aṣl* for the other and none a *far'* for the other. Instead there is *nuṣūṣ* to kill everyone that kills and to cut the hands of everyone that steals as in the example of Ali everyone stole. These distinct issues do not depend on each other's existence, and one is not superior to the other. Allāh says, "And there is (a saving of) life for you in *qiṣāṣ*" [2:179]. And Allāh says, "The retribution for an evil act is an evil one like it" [42:40]. And Allāh says, "And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands" [5:38]. Allāh did exclude in both matters the one that assisting the act by doing what deserves that punishment, they are instead included in general. And otherwise Ali would only reject Umar, differing in choosing one of the punishments instead of the other. Which we would reject as well the same way if that would ever be the case. So if this narration would ever be authentic, which it is not, would have no relation to *qiyās*.

[322] Muwatta' Malik 3246, 5/281



Regarding Issues Which They Claim Have No *Nuṣūṣ* And That *Qiyās* Becomes An Obligation Because Of It

This encompasses all the arguments they use regarding the *fatāwa* of the *ṣahābah* of the Prophet ﷺ. We have meticulously clarified that their *fatāwa* bear no connection whatsoever to *qiyās*. These *fatāwa* are either based on weak narrations or are entirely unrelated to *qiyās*. It is evident that the *ṣahābah* of the Prophet ﷺ are entirely exempt from the use of *qiyās*. We say with absolute certainty that they neither used *'ilal* nor possessed an understanding of it akin to how *qa'isūn* utilized it, which is the sole means through which *qiyās* can be deemed valid. There exists a unanimous consensus, with unwavering certainty, that none of them were familiar with the concept of *qiyās*. *Qiyās* is as a *bid'ah* that emerged during the second generation and subsequently spread in the third. And, the practices of *taqlīd* and *ta'līl* were introduced during the fourth generation and became more widespread in the fifth. The *ḥujjah* of Allāh is firmly established in following solely Qur'ān and al-*sunnah* while disregarding all other aspects, including *qiyās ra'ī* and *taqlīd*. All praise if for Allah, the Most Exalted, before we get into invalidating the entire method of *ahl ul-qiyās*, we will first clarify the issues which they exaggerate against us, without any right, and show them their contradictions regarding them, by the will of Allah.

Regarding Cleansing After Urination Or Defecation

They say, “According to you, anyone after urination of defecation must always bring three stones and cleanse himself using that, because the Prophet ﷺ said, ‘When one of you needs to relieve themselves, they must bring along three stones to use for cleansing, as these will suffice for it.’”[323]

The answer: If this narration would be authentic and if it would be the only narration narrated on the topic, it would indeed be an obligation without any doubt, only then. Allah the Most Exalted said, “But no, by your Lord, they can have no Faith, until they make you (O Prophet) judge in all disputes, and find in themselves no resistance against your decisions, and accept (them) with full submission” [4:65].

It is however additionally on the authority of Anas, “When the Prophet ﷺ would entered the privy, a servant and I used to carry a skin of water and a pointed staff, and he would cleanse himself from defecation and urine with the water.”[324]

And the Prophet ﷺ said, “All the earth has been made a mosque for us, and its soil is made a means of cleansing if we do not find water.”[325]

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[323] Sunan Abi Dawud 40, 1/30
[324] Sahih Al-Bukhari 152, 1/42
[325] Sahih Al-Bukhari 335

Regarding The Ruling Of *‘Awl*

There is no *‘awl* in anything from the inheritance shares. *‘Awl* is for instance regarding the inheritance shares for a case with husband or wife, a sister, a maternal aunt, or, two sisters, or the paternal aunt and two maternal uncles. Or if the shares are for a husband or wife, two parents, and a daughter, or two daughters.

The apparent of these shares are: one half, one half, and one third; or one half, one half, and two thirds; or one half, one half, and a sixth, and so forth, so in such cases the numerator exceeds the denominator.

So, the people have differed about this issue, some of them said, “From the shares of every single one of them, a certain amount is reduced till it becomes possible to distribute it equally.”

They do this by gathering all of their denominators and splitting the property between them within that one denominator. Such as if there is a case where the shares are for the husband, wife, two sisters and two maternal aunts. The shares for this are: two thirds, one third, one half and one sixth. This is a case where the numerator exceeds the denominator. So they say regarding this, “The husband gets one half which is three sixth, the mother gets one sixth, the numerator is then four. The two sisters get two thirds, and this becomes four sixth. Now the numerator is eight while the denominator is six. The two sisters of the mother get one third, which is two sixth, the numerator is then ten. The property is then distributed between them based on this share of the numerator being ten. Now the husband gets three of that ten, which is now less than one third. The mother which had one sixth, now gets one tenth. The two sisters which had two thirds, now get four tenth the two maternal aunts which had one third now get two tenth And in this manner this is done for every single case where the numerator exceeds the denominator.”

The first one to utter this view was Zayd Ibn Thabit, then Umar agreed with him, which is narrated authentically from them. This view is also narrated about Ali[326], Ibn Mas’ud[327], Al-‘Abbas which is not authentic from them. It is the view and narrated with authentic narrations from Shuraih and a very few *tabi’īn*.

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[326] Al-Musannaf by Ibn Abi Shaybah 31852, 16/262
[327] Al-Musannaf by Abd Al-Razzaq 19074, 10/271

It is also the view of Abu Hanifah, Malik, Al-Shafi'i and Ahmad.[328] It is among the easiest of matters for their companions to claim *ijmā'* on a matter when these concur, and that opposition to it is strange, and that their opponents are wrong because of that, these are mere false claims, we seek refuge in Allah from such.

It is narrated on the authority of Kharijah Ibn Zayd Ibn Thabit, "My father Zayd Ibn Thabit, was the first one to ever use *'awl*."[329]

This is enough evidence to indicate the falsehood of *'awl*, that it is merely a view that came into existence with no Qur'an and *sunnah* for it, it is only an *iḥtiyāt* from some of the *salaf*.

As for the view that *'awl* is not allowed, it is the view of Ibn Abbas.[330]

It is narrated on the authority of Ubaidullah Ibn Abdullah Ibn 'Utbah Ibn Mas'ud, "Ibn Abbas said, 'Do you [really] think that the One (Allah) who counts the amount of sand particles, made regarding property a half, another half and a third. There exists only two halves, three thirds or four fourths.'"[331]

It is also narrated on the authority of Ubaidullah Ibn Abdullah Ibn 'Utbah Ibn Mas'ud, "I went with Zufar Ibn Aws to Ibn Abbas, we spoke with him, till the topic of inheritance began, Ibn Abbas said, 'Do you [really] think that the One (Allah) who counts the amount of sand particles, made regarding property a half, another half and a third. The two halves have the property, where is the additional one third?' Zufar said to him, 'O Ibn Abbas, who was the first one to use *'awl*?' Ibn Abbas said, 'Umar Ibn Al-Khattab, when he came across the shares and (then) offset some for the other, he was a cautious person (did it because of *iḥtiyāt*). He (Umar) had said, 'By Allah I do not know which one Allah preceded and also not who he delayed. I do not find any case which is larger (numerator exceeding the denominator), except that I divide that proverty with divisions. So everyone gets their right in any *'awl*.'' Ibn Abbas said, 'By Allah, if he only preceded those Allah preceded, there would not be a single case of *'awl*.' Zufar said, 'O Ibn Abbas How did Allah precede [them]?' Ibn Abbas said, 'Those who in every single case of inheritance of, inherit, they are not omitted by Allah from inheriting and only [occasionally] move to a different fraction. As for those that are delayed, they are those who in all cases of inheritance, when

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[328] Al-Hawi Al-Kabir 8/129
[329] Sunan by Sa'id Ibn Mansur 33
[330] Sunan by Sa'id Ibn Mansur 35 | Al-Musannaf by Ibn Abi Shaybah 31839, 16/258
[331] Sunan by Sa'id Ibn Mansur 36

omitted from their share only get what remains. As for those who are preceded, they are the husband, who gets a half. If someone else participates in the inheritance that puts him out of that, he returns to one fourth, he does not cease from this ever. The wife gets one fourth, if she is put away, she gets one eighth, she does not cease from this ever. The mother gets one third, if she is put away, she gets one sixth, she does not cease from this ever. These are the shares which Allah preceded. As for those that are delayed, they are the sisters and daughters, they have one half and more and two thirds. If other shares put them away from that, they get nothing, except if there remains any property. If there is a case, that includes both those Allah preceded and those he delayed, then those who are preceded get all of their exact shares completely. If anything remains it is for those that are delayed. If nothing remains then those that are delayed get nothing.'"[332]

A group of the *salaf* followed Ibn Abbas declaring *'awl* as false, such as 'Ataa, Muhammad Ibn Ali Ibn Abi Talib, Muhammad Ibn Ali Ibn Al-Husayn, Muhammad Ibn Al-Hanafiyyah.[333] It is also the view of Dawud and all of our companions and others.

We must look into what those who believe in *'awl* use as evidence, we find that they mention what Umar said regarding not knowing who Allah preceded and who He delayed.

The *muta'kahirīn*, added, "None of them is more likely to be omitted than the other, so what is necessary is that they are like creditors, the executor of the bequest is the one that causes trouble from their rights. So we must from all of them decrease some of their share."

They also say, "Rejecting *'awl* implies contradiction in one case."

The answer: There is no evidence in anything in this for *'awl*.

As for the saying of Umar, "I do not know who Allah preceded and who he delayed," he has spoken the truth. Except that we are certain without any doubt that Allah has not burdened us with that which he has not clarified to us. As it was obscured for Umar, it does not imply that it was obscured for Ibn Abbas. The one that is not aware of a ruling is not an evidence against the one that is aware of it. Umar was not aware of the ruling that *mahr* can be expensive, he was also not aware of *kalālah*, and many other matters which we mentioned before. None of this is an evidence against those that do know the rulings.

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[332] Sunan Al-Kubra by Al-Bayhaqi 6/253

[333] Al-Hawi Al-Kabir 8/130, Nihayah Al-Matlab 9/138

As for them making it similar to creditors and the executor of a bequest, it is a false similarity. Because if property would extent on the manner their method, then the creditors and the executor of the bequest would also extent. They would then find that after the division of the creditor, the property of the creditors and the ones to execute the bequest would be divided forever, even after it extended to them and this is not the same for *'awl*.

Everything Allah created in this world, paradise, hell and the throne are not more than two halves, three thirds, four fourths, six sixths, eight eighths, and so on. It is then a false claim that Allah burdened us the impossible, that which we are not able to. And it is more false that he would burden us an exit for that which is not possible, while he has not clarified how, what, and when we must do it.

As for their claim, "None of them are earlier of being omitted than the others that have a share, this is why we must omit all of them at the same time."

It is said to them: You do not have to omit anyone inheritor, whom Allah made fractions for with your *ra'ī*, and *iḥtiyāt*.

As for the claim that those who deny *'awl*, contract in a case. We will clarify this in detail soon, by the will of Allah, that it is not contradictory.

As everything they claim is false, it becomes obligatory to look into what those who invalidate *'awl* use as evidence. We find that Ibn Abbas in the narrations mentioned previously, has clarified in detail the certain evidence which no one is able to oppose. Such as when he informed the people that Umar was the first one to use it, and that Umar admitted himself that he did not know the meaning Allah intended. So it is without any doubt a mere *ra'ī*, with no preceding *sunnah*. This is a sufficient certain evidence for its falsehood.

As for Ibn Abbas, he described his view, that it is from texts of Qur'an and *sunnah*, which is then the truth, and also that *'awl*, does not occur except in cases with both parents, a husband and wife, sisters and daughters only.

There is no doubt, from anyone with the least level of comprehension that Allah did not intend to give more of the shares, which is without any doubt impossible of the property. We find that there are three certain evidences for the view of Ibn Abbas, first is that what he said regarding preceding those who Allah never in any inheritance case omitted before those who are omitted from some inheritance cases, and that they only get what remains. Second is that the *'aql* by necessity understands that those whom Allah obliged to receive the inheritance and those who are never

prevented in any case inherit before those who sometimes inherit and sometimes do not. Because those whom Allah never prevented from inheritance cannot be prevented by anyone from what Allah prescribed for them from their share. And for anyone who sometimes inherits and sometimes does not, we know with certainty that they inherit only after those who always inherit, with no other option

We find that the husband and wife, two parents always inherit in every single possible case.

And we find that the sisters sometimes inherit and sometimes do not inherit.

And we find that the daughters do not inherit except after the heirs that are with them.

This is the clearest of clarifications, there is no way to deviate from this matter.

As for the cases they claim we contradict, they claim it to be the case of a husband, a mother, two paternal aunts and two maternal aunts. They say.

They also claim we contradict regarding the case of the mother and two sisters, or sisters of the father only, or mother only.

As for the case of the husband, mother, two paternal aunts, two maternal aunts: There is no contradiction here, because the two paternal aunts sometimes inherit the exact fraction mentioned and sometimes do not except what remains, so they are not given anything except if there is texts for them. And there is not in this case for the mother except one sixth, because the deceased has brethren, so the husband must get one half from texts and the mother one sixth from texts, these added to each other concludes two third and the two maternal aunts get the remaining one third according to texts.

As for the case with the husband, mother, and two maternal aunts. The husband and the mother always inherit. As for the two maternal aunts, they sometimes inherit and sometimes do not inherit. It is not allowed to prevent, whom we are certain is obliged the inheritance in any case forever. And it is not allowed for the one that only in some cases inherits, to inherit except after the those whom we are certain must inherit and after they received their fraction in full. If anything remains, those who only sometimes inherit. If nothing remains they get nothing, as nothing is within the ability of the *mukallaf* except this, or opposition to Qur'an with claims with no certain evidence. So the husband gets one half, the mother one third, and nothing remains except one sixth. The maternal uncles get nothing other than this, as nothing else remains.

Everyone that understands this knows that *'awl* itself is not the *qiyās*. It is only the math to calculate the *farā'iḍ* for certain cases. Everyone knows that math has nothing to do with *qiyās* and that it is not possible to claim any *qiyās* here in any possible manner. It is only a false *ra'ī*, from which the falsehood is clear. All praise if for Allah, the Most Exalted

The Issue Of Urinating In Stagnant Water

If they say, "Regarding the narration where the Prophet ﷺ said, 'None of you must urinate in stagnant water and then wash [by] using it.'[334] Do you then permit taking *wuḍū'* from a bucket someone else urinated in or a bucket someone defecated in, or any other spot than a bucket?"

This is something none of us ever said, all of us concur that it is instead always invalid for anyone to take *wuḍū'*, *ṭahārah* or *ghusl* from a place that has any type of impurity, such as urine, excretion, carrion, blood, swines and anything that is impure can be known from the smell, color and taste, this is an additional ruling besides the narration prohibiting urinating in stagnant water, it is not allowed to abandon rulings for. As long as impurities such as blood, urine or defecation is noticed through smell, taste or color it becomes invalid to use it for consumption, *wuḍū'*, *ṭahārah* or *ghusl* for anyone, both the urinator and anyone else. But when no impurity appear in the water, no color, smell or taste is changed then it becomes allowed for anyone other than the urinator to make use of it, because for the urinator there is a general prohibition, and for anyone other than him, there is only the prohibition of avoiding impurities.

That which is pure does not become impure by coming into contact with the impure, and the impure does not become pure by coming into contact with the pure. That which is *ḥalāl* does not become *ḥarām* by coming into contact with *ḥarām*, and that which is *ḥarām* does not become *ḥalāl* by coming into contact with *ḥalāl*. The impure is impure as it is, and the pure is pure as it is, except if there are texts mentioning a change in ruling, then there is nothing other than obedience towards it.

If water were to become impure because of coming into contact with the impure, then nothing would ever be pure. Because if water were to be dropped on the impure to wash it, it would have become impure, and like this, rivers and even oceans that are never stagnant would be ruled impure. Because if water becomes impure by coming into contact with the impure, it would be obligatory for water to be impure which comes into contact with it, and like this, forever.

As for when the color, taste, or smell changes of that which is pure by coming into contact with the impure or prohibited, it is in such cases not possible to use what is allowed except by using what is prohibited, and

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[334] Sahih Muslim 282

using that which is prohibited regarding consuming and in prayer is prohibited. So it becomes obligatory to prevent this, not because that which is pure and *ḥalāl* became prohibited or impure, if it were possible to distinguish the prohibited and impure, it would be *ḥalāl* according to its state. The same would be if the impure or prohibited is on a pure body, if it were removed, then the impure did not become pure, and the prohibited did not become allowed.

The same is when the attributes of anything such as the impure or prohibited change, then the word of that which was impure cannot be applied anymore. It changed to another word according to its state, which is something that is permissible. It is not that thing which was impure or prohibited anymore; instead, it became something other than that.

The same is when water, which is always pure, has some attributes that change, it can then no longer be called water to which the ruling applies. It has instead changed to another word which is prohibited or impure, such as when juice changes to *khamr*, or when *khamr* changes to vinegar, or when a chicken eats swine meat and changes inside the chicken, which is permissible. Or when water changes to urine and food becomes excretion.

Many of those who believe in *qiyās* and *'ilal* do not fear of telling lies against Allāh and his Messenger ﷺ, they fear it more to attribute a false saying to humans such as their *a'immah* they make *taqlīd* of.

If it is said, "You believe that if someone urinates in a cup and pours that in stagnant water, that he is not prohibited from doing that, and that it is only prohibited if he urinates in it directly. And that if someone defecates in it that anyone can make use of it for purification, and that if someone urinates in it directly that it is permissible for everyone else."

This is because the Prophet ﷺ said, "Do not urinate," and He said, "In stagnant water." Urinating is the act of emptying the liquid in the bladder, it is not something other than that in the Arabic language, this act is combined to avoiding from directing it in stagnant water. The one that urinates in a cup and spills it in the stagnant water, does the act of spilling it in stagnant water, he is not someone that urinated in stagnant water. There is no other way of understanding this. As for anyone making use of such water, it is not allowed if the taste, color or smell changes as clarified before.

This ruling is similar to the permissibility of selling the *niṣāb* of *zakāh* right before the time is due on purpose, in the aspect that both obligations do not apply due to a slight difference and that the exact same result appears, whether this is done on purpose or not, the permissibility of selling the *niṣāb*

for *zakāh* right before the time is due is also the view of Abu Hanifah And Al-Shafi'i.[335]

And the permissibility of buying back the *zakāh* given to *ahl ul-ṣadaqāt* or getting it gifted back from them, and the permissibility of this is also the view of 'Ikrimah, Makhul[336], Abu Hanifah, Al-Awza'i and Al-Shafi'i.[337]

The Prophet ﷺ did not prohibit the one that spills urine from a cup into stagnant water, he only prohibited the verb of urinating in stagnant water, so the urinator only not the one spills a cup. There is however no doubt that this can be prohibit for other matters, if it is thrown in a well which causes difficulty for Muslims as most of the times the water becomes unusable due to the attributes of the water changing as clarified before.

Some of the current *dhāhiryyah* have said against this issue, "Ibn Hazm did not allow this, no *dhāhiri* has ever said such, Ibn Hazm clearly said that only if the urine flows to the stagnant water that it is prohibited, and he meant here if it flows to it without having intended it, not having done it on purpose, in such a case it is permissible, not if he did it on purpose. So it is not allowed to urinate in a cup on purpose and spill it in the stagnant water as this is on purpose. Do you not see that the one that kills by accident is not a killer on purpose and that the married fornicator is not the unmarried fornicator and that the traveler is not the resident."

Ibn Aqil *al-dhāhiri* also declared this view from the *dhāhiryyah* as false.[338]

The part they added about the intention is incorrect, because the intention would only matter if someone accidentally urinated directly in stagnant water, not if he did it indirectly, because then he has not urinated in the water in the first place. And since when does this accident allow him to make use of that water for any purification or consumption? In such cases he only does not fall into sin, while the ruling remains.

If they say, "What do you then say about the punishment of *khamr?* The Prophet ﷺ only lashed those who drank *khamr*, there is no mention of him lashing the one that ate it."

The answer: It must be known that both of these are without any doubt prohibited, this question is specifically about the *ḥadd* of *khamr*. This ruling has been prohibited in general and apply for both the one drinking, eating or

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[335] Al-Mawsu'sah Al-Fiqhiyyah 10/79
[336] Al-Amwal by Ibn Zanjuwayh 1594 | Al-Musannaf by Ibn Abi Shaybah 10613
[337] Mukhtasar Ikhtilaf Al-'Ulama' 1/439
[338] Ibn Hazm Khilal Alfa 'Am 1/143

consuming it in any possible manner, because the Prophet ﷺ said, "Every intoxicant (*muskir*) is *khamr*." And a *muskir* is anything that makes a person lose intellect (drunk).[339] The way someone becomes intoxicated does then not matter and the Prophet ﷺ applying the punishment on the one that is intoxicated in a specific manner does not negate other possibilities, then The Prophet ﷺ said, "Every *khamr* is prohibited," that which confirms this further is that Anas said, "The Prophet ﷺ lashed regarding *khamr*…"[340] Without specifying drinking, this indicates that the punishment is applied on anyone that becomes drunk in any possible way.

Even if it would be the case that the *ḥadd* would only be applied on the one drinking it, there is nothing to be questioned if that would be the case as all *ḥudūd* have its conditions, no matter how close someone gets towards the punishment. The conditions for the *ḥadd* of fornication is a private part entering a private part and exiting it specifically, there is for nothing other than that, no matter how much it is similar to *zinā*, while it is sinful it is, no *ḥadd* for *zinā* applied.

If it is said, "It is narrated that the Prophet ﷺ prohibited drinking poison, then what about the one eating it?"

The answer: It is indeed narrated that the Prophet ﷺ once prohibited drinking poison specifically, but it is additionally narrated that the Prophet ﷺ said, "Whoever kills himself with poison, then his poison will be in his hand, to continually take it in the hell fire, dwelling in that state eternally."[341] This makes it general.

They themselves make a clear difference between eating and drinking, no matter how similar it seems, Muhammad Ibn Al-Hasan Al-Shaybani Al-Hanafi said, "Whoever takes an oath not to drink milk or honey, but then eats it, then his oath does not break. Because eating is not the same as drinking."[342]

If it is said, "What about the one that urinates in a *masjid*? The Prophet ﷺ prohibited urinating in a masjid, is it then allowed according to you to urinate in a cup and spill that?"

The answer: In this specific issue, urine is prohibited in general, it is not allowed to have any urine on the ground, walls, doors or anything of the

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[339] Al-Misbah Al-Munir 1/281
[340] Sahih Al-Bukhari 6776
[341] Sunan Al-Tirmidhi 2043
[342] Al-Asl by Muhammad Ibn Al-Hasan Al-Hanafi 3/310 | Ishraf 'Ala Madhahib Al-'Ulama' 7/163

masjid in any possible way. The Prophet ﷺ said, “These *masājid* are not suitable for anything of this urine.”[343] This is a very clear general order of the Prophet ﷺ which no one is allowed to oppose.

All of these answers indicate the correctness of our method regarding the issue of urinating in a cup and spilling it in stagnant water, as the Prophet ﷺ in all issues where it is general, made it general. It is not difficult for the Prophet ﷺ to generalize any of these issues. Allah said, “And your Lord is never forgetful” [19:64].

If it is said, “Then what about spitting in the *masjid*? The Prophet ﷺ prohibited this also in the *masājid*?”

The answer: This is as well prohibited in general, in any possible manner, because the Prophet ﷺ said, “The spit in the *masjid* is a sin, and its expiation is to bury it.”[344]

The spit (*buṣāq*) means any liquid produced in your mouth (saliva) which is outside the mouth. As long as it is inside the mouth it is called saliva (*rīq*) and as long as it is outside the mouth it is a spit[345] and can not be in anything of the *masjid*.

If it is said, “So now we have the prohibition of spitting and urinating, but what about the one that defecates in the *masjid?* Or the one that brings excrement and throws it inside the *masjid?*”

The answer: There is a clear general order of the Prophet ﷺ of keeping any *masjid* clean. Aisha said, “The Prophet ordered us that the *masājid* must be kept clean and be perfumed.”[346] This also covers every other question of before.

These are the clear orders of the Prophet ﷺ, it is never difficult for him to prohibit which Allah willed to be prohibited and to oblige that which Allah willed to oblige and to allow that which Allah willed to allow through revelation, Allah, the Most Exalted said, “And your Lord is never forgetful” [19:64]. And it is established that anything which is not prohibited is permissible, no matter how similar it is to become prohibited, had Allah willed it would have been prohibited.

And it is said to those who exaggerate regarding this topic: According to many of you, specifically the *shāfi’iyyah* and the *ḥanābilah* semen of

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[343] Sahih Muslim 285
[344] Sunan Al-Nasa’i 723
[345] Taj Al-‘Arus 25/83
[346] Sunan Abi Dawud 455

humans is pure[347], then what do you do with a stagnant water a man spilled a gallon of semen in from an animal which is permissible to consume? Some of you have explicitly allowed consumption of semen, such as Abu Zayd Al-Marwazi.[348]

As for us any semen of humans, whether dead or alive, infidel or Muslim can not be consumed as it is not allowed to eat anything from a human except what is specifically made permissible, there is nothing that permits this specifically.[349]

This is all while those who are greater than them have allowed making use of liquid in impurities fell in, which affirm our method, such as Ali, Ibn Mas'ud, Ibn Abbas, Ibn Umar, Abu Musa Al-Ash'ari, Abu Sa'id Al-Khudri, Al-Qasim, Salim, 'Ataa, Al-Layth and others.[350]

Ibn Hazm said, "The strangest thing is that they differentiate between running and stagnant water. They argue that if running water is mixed with impurities while its rear remains pure, they can be certain that the impurity flowed away. They allow the use of the water that has a flow, even though the impurity initially mixed with it. They are part of the exact thing which they rejected initially. If they say, 'We do not differentiate between running and stagnant water (for any reason), except that there is a prohibition (from the Prophet) only regarding urinating in stagnant water.' We say: You are right, this is the truth, and in this exact manner from that narration we make a difference between the prohibition mentioned regarding the urinator and between anyone who is not included in the prohibition, and they are anyone that is not directly the urinator. There is no way for an evidence to make a difference between that which they take from the narration and between that which they abandoned, and Allah is the One Who brings the success.[351]

Ibn Hazm said, "Abu Hanifah said, 'If one side of water in a pond is moved and the other side after that movement does not move, then if anyone urinates in it however he wants, he can use it for *wuḍū'* and *ghusl*, if it is less than that (a pond), then it is not allowed to use it for *wuḍū'* and *ghusl*.'[352] He added to the narration what is not part of it such as prohibiting the one that did not urinate, he opposed the narration by permitting it in some cases of much and less water, and for the urinator to use it for *wuḍū'*

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[347] Al-Mawsu'ah Al-Fiqhiyyah 39/141
[348] Majmu' Sharh Al-Muhadhab 2/556
[349] Al-Mawsu'ah Al-Fiqhiyyah 39/380
[350] Al-Istidhkar 27/222-227 | Al-Awsat 2/420-430
[351] Al-Muhalla 2/307
[352] Al-Natf Fi Al-Fatawa 1/6 | Al-Mabsut 1/70-71

and *ghusl*. The same for Al-Shafi'i regarding water if it is two hundred twenty-five liters or less than two hundred twenty five liters[353], he opposed the narration just as Abu Hanifah opposed it and added to it just as Abu Hanifah added. As for Malik, he opposed everything, he said, 'If the water does not change with his urine, then he can make use of it for *wuḍū'* and *ghusl*.' And in sometimes he added, 'If the water is a lot.'[354] So their reliance to this narration is completely invalid, because of their oppositions to it. As for us, we take from it just as it is mentioned, and All Praise is for Allah."[355]

Ibn Hazm said, "As for them defaming us for making a difference between the urinator mentioned in the narration and the non-urinator who is not mentioned in the narration and between the rat that enters ghee which is mentioned in the narration and between him entering oil or something prohibited entering ghee which is also not mentioned in the narration, it is all a baseless, false defamation, all of which returns back to them. If they would contemplate on their own words, they would have known that they are the wrong ones for making a difference between the urinator mentioned by the texts and the non-urinator which is not mentioned by the texts. Our differentiation between the urinator and the non-urinator is not different from the differentiation you made regarding stagnant water mentioned in the narration and running water which is not mentioned in the narration. Otherwise, tell us, what is that which obliges a difference between stagnant and running water, but does not oblige a difference between the urinator and the non-urinator? Anything that is mentioned in the narration does not transgress with its ruling to that which is not mentioned in it without other texts. And like how they differentiate between the one plundering water, and it becomes prohibited for him to drink it and use it, while it is permissible for the one that did not plunder it, is the one that urinates and the one that did not urinate, nothing but like the fornicator and the non-fornicator, the stealer and non-stealer, the consumer of *khamr* and the non-consumer of *khamr*, the praying person and the non-praying person? Everything has its term and ruling. Is there anything more hideous and an apparent mistake than when there is a clear text regarding the urinator, that it is changed to the ruling of the non-urinator? Is this not like changing the ruling of the stealer to the non-stealer, the ruling of the fornicator to the non-fornicator, and the

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[353] Al-Umm 2/11
[354] Al-Tafri' 1/216-217 | Al-Nawadir Wal-Ziyadat 1/75-76
[355] Al-Muhalla 2/311-312

ruling of the praying person to the non-praying person? We seek refuge in Allah from this.

If they were to only listen to their own selves, the *mālikiyyah* and *shāfi'iyyah* would reject their own differences between touching the private part with the palm which invalidates the *wuḍū'* and between the touch with the back of the hand which dous not break the *wuḍū'*.[356] And the *mālikiyyah* would have rejected their own difference between the ruling of the noble woman and the low woman regarding marriage.[357] Allah never made a difference between the private parts regarding *taḥlīl*, *taḥrīm*, *ṣadāq* and *ḥadd*. And the *mālikiyyah* and *shāfi'iyyah* would have rejected their difference regarding the ruling of dried dates and unripe dates regarding *'arāyā*.[358] And the *mālikiyyah* make a difference with us regarding what a dog enters his tongue into and what he enters his tail into. They also make a difference between the urine of the cow and the urine of the horse[359], while no text has declared this difference. The worst is them differentiating regarding the excrement of chickens that are free and chickens that are confined.[360] And their difference between the urine of a sheep if it drinks impure water and between the urine if it drinks pure water. They also make a difference between beans and between itself. They make it for *zakāh* with lathyrus one type[361], while they make them two different type regarding sales.[362] Every single one with intellect knows that the difference between the urinator and the defecator has come with the texts by mentioning only one without the other. This is a clearer difference between beans of yesterday and beans of today for which no texts exist at all (and any of their other differences).

And the *shāfi'iyyah* make a difference between urine of that comes out the urethral meatus, they believe this part can not become pure except with stones, and between the exact same urine if it reaches the glans penis which can not become pure except with water.[363] And they make a difference between the urine of the infant and between his excrement, regarding sprinkling water (on the urine) and washing it (as no washing is obligatory

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[356] Al-Hawi Al-Kabir 1/197 | Al-Mudawwanah 1/118 | Al-Istidhkar 3/35
[357] Al-Istidhkar 16/35, 16/47 | Al-Tahdhib Fi Ikhtisar Al-Mudawwanah 1/146
[358] Tahdhib Ibn Al-Baradhi'I 3/339
[359] Al-Mudawwanah 1/128, 1/116 | Al-Nawadir Wal-Ziyadat 1/82, 1/80, 1/85
[360] Al-Mudawwanah 1/116 | Al-Nawadir Wal-Ziyadat 1/70
[361] Al-Mudawwanah 1/384
[362] Al-Istidhkar 20/34-35
[363] Al-Umm 2/50 | Al-Awsat 1/474-475

for urine). This is the exact same thing they rejected about us. And those *ḥanafiyyah* make a difference between the urine of sheep in wells, which invalidates any usage of it and between the exact same amount (which invalidates usage of that) if that exact same urine falls on the clothes, which does not invalidate (using it). And they make a difference between the urine of camels in a well which invalidates it even if it is one drop, and between the excrement of a camel, which does not invalidate the water. This is the exact same thing they opposed us on. They also make a difference between the excrement of horses which occurs on clothes if it is more than the amount of a *dirham*, it invalidates the prayer, and between the urine of the exact same horse which occurs on clothing, which does not invalidate the prayer, except if that urine covers one forth of the clothing according to Abu Hanifah and the amount of the distance between the tip of the pinky finger and the thumb according to Abu Yusuf Al-Hanafi, which invalidates it only then.[364] And Zufar Al-Hanafi said, 'The urine of the animals which is permissible to be eaten is all pure but its excrement is impure.'[365]And this is the exact same thing which they rejected about us. They also make a difference between the amount of vomit that fills the mouth and that the amount that does not fill the mouth.[366] They also make a difference between urine on the body, which can not get cleaned by anything other than water and between urine on the clothes which can get cleaned by other than water.

If we would continue, it would fill an entire book.

If they say, 'Who said this view of yours that there is a difference between the urinator and the defecator stagnant water before you?'

We say: The Messenger of Allah, who did not come with falsehood, when he clarified us the ruling of the urinator and remained silent regarding the defecator and the one that spits in it and the one that blows his nose out in it. But instead you tell us: Who from the children of Adam made any of your differences before you? From the difference between the urine of sheep in the well and its urine on clothes and the urine of sheep on the body and its urine on the clothes and between the urine of the sheep that drinks impure water and the sheep that drinks pure water and between the urine on the urethral meatus and glans penis, and every other difference mentioned. This is that which no one has ever said before you. And all praise is for Allah, the Lord of all that exists. We do not reject a saying directly from the Qur'an

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[364] Al-Asl 1/73, 1/83 | Al-Mabsut 1/54-55
[365] Mukhtasar Ikhtilaf Al-'Ulama' 1/130-131 Al-Istidhkar 3/213
[366] Al-Asl 1/63 | Mukhtasar Ikhtilaf Al-'Ulama' 1/162

and *sunnah*, even if we do not know anyone that said it. This is what they reject and do, the blame is upon them, not necessary on us. We only reject with the utmost rejection a saying in the religion of Allah, and against Allah, which Allah and His Messenger said, this is, by Allah the actual *munkar*, even if the everyone on earth said it."[367]

The Prophet ﷺ also said when he was asked about a rat entering fat (ghee), he answered, "If it (the ghee) is solid, then throw it (the rat) away and whatever surrounds it (the rat). And if it (the ghee) is fluid then do not come close to it."[368]

It is not allowed to apply this ruling for other than rats and also not other than ghee, such as oil, fat or a cat and dog, this is something the majority of them oppose, which is our method, in the exact same manner we understand the narration regarding the difference between the urinator, the one spilling urine and the defecator, which no one in reality is allowed to oppose. This exact method of ours is the exact same as that of the companions.

Rashid said, "Ibn Umar was asked about a rat entering ghee, he said, 'If it is fluid then throw all of it away, if it is solid then throw away the rat and that which surrounds it and eat what remains.'"[369]

Nafi' said, "Ibn Umar was asked about a rat entering one hundred forty four liters of oil, he said, 'Use it for lightning and as a flavor (for food).'"[370]

There is not a single difference between this and our view regarding the differences between the urinator, the one spilling urine and the defecator. And All praise is for Allah, the Most Exalted.

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[367] Al-Muhalla 2/317-322
[368] Sunan Abu dawud 3842
[369] Sunan Al-Kubra by Al-Bayhaqi 9/353
[370] Al-Musannaf By Abd Al-Razzaq 1/86, 286

Regarding A Judge Issuing Judgments When He Is Angry

They say, "The Prophet ﷺ said, 'No one must pass judgments between two when he is angry.'[371] According to you, it is then allowed when he is scared, sad, starving, happy or in any other circumstance."

The state of anger is always prohibited under any circumstance, and all other circumstances among the ones you mentioned are not in of itself prohibited, any of these are only prohibited if it is known that it makes a judge rule with other than the Book of Allah and the *sunnah* of His Messenger, because this is in general prohibited. No one with intellect can say to the judge unrestrictedly, 'Do not judge for you are hungry,' or sad.

[371] Sahih Muslim 1717

Regarding Sacrificing A Blind Animal

They say, “The Prophet ﷺ prohibited slaughter for the sacrifice an one-eyed animal, so it is false to say that it is allowed to use a blind animal”

The answer: We do not allow a blind animal because of clear texts from the Prophet ﷺ. Ali said regarding the sacrifices, “The Prophet ﷺ ordered us to pay great attention to the eye and the ear.”[372]

If it would not be for this narration, the prohibition of using one-eyed animals would as well indicate the prohibition, because one eyed in Arabic in reality is *‘awar* which means unable to see with one of the eyes. And the one that is completely blind without any doubt has one blind eye.[373]

[372] Sunan Ibn Majah 3143, 4/319
[373] Taj Al-‘Arus 13/154

Regarding Looking At The Women A Man Wants To Marry

They say, “According to you a man that wants to marry a woman is allowed to look at everything from the woman except the private parts, because the Prophet ﷺ said regarding a woman a man wants to marry, “Look at her.”[374]

Some among the *dhāhiriyyah* believed in this, they say, “The original order is to lower the gaze from looking at women, then we find this order to look at her, so we know that the obligation of lowering the gaze does not apply for the one that wants to marry.”

This is however incorrect, Allah made two *zīnah’s* for a woman as a ruling, the *dhāhirah*, what she can to everyone, which are the face and hands, which we know from additional certain evidences, and the *bāṭinah* which is what Allah prohibited to be seen from her and prohibited her to show, this is everything else of a woman, other than the face and hands. She is not allowed to show this except for the men mentioned in the verse which was revealed after the sixth *hijri* year, “And tell the believing women to... And not expose their *zīnah* except that which apparent (the *dhāhirah* as mentioned before)... And not expose their *zīnah* except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons...” [24:31].

A man is additionally ordered not to look at women in general, as Allah ordered lowering the gaze for men in general. Then there is the exception of looking at a woman who a man wants to marry.

All of these rulings must be combined, as it is possible, the Prophet ﷺ only ordered, “Look at her.” A man that wants to marry only looks then at the *dhāhirah* and allowing looking at the *bāṭinah* in such a case is transgressing the limits set by Allah, this is an additional ruling above the ruling of looking at the *dhāhirah*, this requires additional evidences from the words of the Prophet ﷺ for its permissibility, which is not authentically narrated on the topic, and Allah did not include the man that wants to marry a woman among the men who are allowed to look at the *bāṭinah*.

The narration that the Prophet ﷺ said, “When one of you asks a woman in marriage, if he is able to look at what will induce him to marry from her,

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[374] Sunan Al-Nasa’I 3247

he should do so,"[375] this narration is not free from Muhammad Ibn Ishaq Ibn Yasar, the author of the *sīrah*, and he is not a *thiqah*.[376]

Their view implies that if a man wants to see beyond the *dhāhirah* into the *bāṭinah* that she who also want to marry, is obliged to take off what she wears, as it is an order of the Prophet ﷺ and it is obligatory to cooperate on that which is good and prohibited to cooperate on that which is evil.
It is evident that the ruling of a woman taking off to show the *bāṭinah* which she is obliged to cover except from those mentioned in the verse something is an additional ruling. While the obligation of the Prophet ﷺ was only to look, not for her to take off anything. The man then only looks at what she is permitted to show to anyone other than those who can see the *bāṭinah*.

This understanding applies to other rulings as well, when the Prophet ﷺ ordered beating the children after age ten, if they do not pray.[377] This does not indicate that you can bruise the children or hit them with a hit that kills him, only because of the reason hitting became permissible, this false method indicates abandoning other narrations.[378] This is from the certain indications for this method.

And when Allah ordered beating the women if we fear they will sin, He said, "As to those women on whose part you see ill-conduct (sin), admonish them, refuse to share their beds, and beat them" [4:34]. This does not indicate that we can break their bones and hit them with a killing hit, only because we are allowed to hit them when we fear that they will sin. Instead we hit them without transgressing other rulings. as Allah ordered regarding the wife, "You must not treat them with harshness" [4:19]. And He ordered, "Live with them honorably" [4:19].

And another example is when the Prophet ﷺ allowed gold for women[379], it does not imply that she can go out wearing it, only because he allowed it for them, Allah said, "And do not display yourselves like that of the times of ignorance" [33:33]. This is the correct understanding that also applies for the permissibility of looking at a woman a man wants to marry, any claim that it is permissible to look at everything requires additional certain evidences which do not exist.

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[375] Sunan Abi Dawud 2082
[376] Al-Musnad Al-Musannaf Al-Mu'allal 20/499 9425, 5/404 2750
[377] Sunan Abi Dawud 495
[378] Sahih Al-Bukhari 5997
[379] Sunan Ibn Majah 3597

And when the Prophet ﷺ obliged perfume on men and women for the day of *jumu'ah*, it does not imply that they can wear it outside such that that men can smell her, this is specifically prohibited.[380]

For all of these there are additional rulings related to them, and all of them must be combined as long as it possible.

[380] Sunan Ibn Majah 5126

Regarding Beating The One Walking In Front Of The Prayer Instead Of Killing

They say, “It is narrated that the Prophet ﷺ said, ‘When any of you prays facing something which conceals him from people and someone wishes to pass in front of him, he must turn him away; but if he refuses to go, then he must fight him, for he is a satan.’[381] So according to you if he hits him but does not kill him, he sins.”

The answer: This depends on the ability and the circumstance. Because the Prophet ﷺ said, “When any of you prays… And someone wishes to pass.” So this ruling is not applied if he is not in front of him anymore. The Prophet ﷺ also said, “Then he must fight him.” This fighting depends on the ability of the person, if a person is able to do nothing other than a push, then he does not sin for that.

From the strangest matters is that Abu Al-Walid Al-Baji said regarding this narration who they look up to, “This narration is interpreted to mean cursing and being violent.”[382]

[381] Sunan Abi Dawud 700
[382] Al-Muntaqa Sharh Al-Muwatta’

Regarding Sacrificing A Sheep Older Than Two Years

They say, "The majority of the scholars allow sacrificing a sheep older than two years (*musinnah, thani*), while you say it is not allowed to slaughter sheeps that are older than two years, because of the narration where the Prophet ﷺ said, 'Do not slaughter except a *musinnah* (up to two years old), except if it becomes difficult, slaughter then a *jadha'ah* (the age between one and two years) from the sheep.'[383] While a *thaniyyah* is older than a *jadha'ah*! How is this possible?"

This is not our view, we do not allow slaughtering as a sacrifice any *jadha'ah* from any sheep in any circumstance, we allow only anything other than a *jadha'ah*, which is a *thani* and older.

As for the narration you mentioned, it is weak because Abu Zubayr is a *mudallis* and he did not say in the narration that he heard it from Jabir, which he himself admitted, from the *ṭarīq* of Al-Layth Ibn Sa'd.[384] This narration is that which Abu Al-Zubayr was alone in narrating from Jabir Ibn Abdullah. This narration is also narrated by Abu Dawud[385], Ibn Majah[386], Al-Nasa'i[387], Ibn Khuzaymah[388], and others and none of them ever mention that he clearly heard from him, except what is narrated from Abu 'Awanah[389], this is however *mu'allaq* and can not be used as evidence, there is not a single *mutāba'ah* for this narration.

There are other narrations narrated regarding the permissibility of using a *jadha'ah* for sacrifices, but all of these are abrogated the moment the Prophet ﷺ said to Abu Burdah, "No *jadha'ah* will be valid for anyone after you."[390]

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[383] Sahih Muslim 1963, 13
[384] Dhu'afa' by Al-'Uqayli 4/167-168 | Al-Kamil by Ibn 'Adi 6/124 | Al-Mughni Fi Al-Dhu'afa' 2/633 | Mizan Al-I'tidal 4/37
[385] Sunan Abi Dawud 2797
[386] Sunan Ibn Majah 3141
[387] Sunan Al-Kubra 4/342, 4452 | Al-Mujtaba 4378
[388] Sahih Ibn Khuzaymah 2918
[389] Mustakhraj Abu 'Awanah 5/74, 7843
[390] Sahih Muslim 1961, 5

Regarding The Prohibition Of Cannibalism

Some of them inquired, “Where do you then find the prohibition for eating the flesh of humans?”

Eating anything from any human is prohibited, whether they are infidels or Muslims, whether they are alive or dead, and whether it is a small or large part, even the nails, hairs and skin can not be eaten. Allah the Most Exalted said, “And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it” [49:12]. So it is not allowed to eat anything Muslim.

It is also obligatory to place any dead body, whether Muslim or infidel in the grounds, and this obligation applies for any body part, no matter how small it is. For the Muslims specifically, it must be washed, ensrhouded, followed by a funeral prayer. The Prophet ﷺ ordered on the day of *badr* to put the twenty four corpes of the leaders of Quraish in a well of stones.[391] Any body part that is eaten is a body part that is not burried, it goes against this order.

The Prophet ﷺ also forbade mutilating Muslims and infidels in general if the body is dead.[392] Leaving a body without burrying it alone is already mutilating, and eating it is without any doubt mutilating.

The Prophet ﷺ also ordered when *banū quraidhah* was killed to dig a ditch and to place them in that.

The Prophet ﷺ also ordered Ali Ibn Abi Talib when Ali told the Prophet ﷺ that his uncle passed away to dig his father in a grave who was also an infidel.[393]

So the one who does not place the bodies in the ground but instead eats them has not fulfilled the obligation. If anyone also eats any dead body in general then he mutilates him, even with a single bite and every single mutilation is in general prohibited for Muslims and infidels.

Another indication for its prohibition is that when Allah said, “Unless you slaughter it [before its death].” [5:3]. Allah prohibited eating any *maitah* and eating what has not been slaughtered before it died.

None of this is prohibited because of any *qiyās*.

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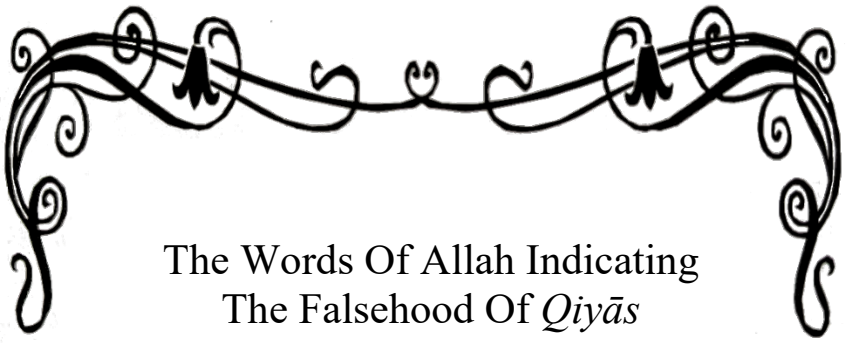
[391] Sahih Al-Bukhari 3976
[392] Sahih Al-Bukhari 2474
[393] Sirah Ibn Hisham 2/240



The Words Of Allah Indicating The Falsehood Of *Qiyās*

Now that everything has been cleared, we will now clarify the certain evidences for the falsehood of *qiyās*, by the will of Allah. Before we mentioned some of the verses, some of what is known by the Prophet ﷺ on the topic. Here we will mention all of them collectively to make it more clear. Allāh said, "And Allāh will establish and make apparent the truth by His Words, however much the Mujrimun (criminals, disbelievers, polytheists, sinners) may hate it" [10:82].

And He said, "Their Messengers said to them, 'We are no more than human beings like you, but Allāh bestows His Grace to whom He wills of His slaves. It is not ours to bring you an authority (proof) except by the Permission of Allāh'" [14:11].

And He said, "O you who believe! Make not a decision in advance before Allāh and His Messenger, and fear Allāh. Verily! Allāh is All-Hearing, All-Knowing. O you who believe! Do not raise your voices above the voice of the Prophet ﷺ nor speak aloud to him in talk as you speak aloud to one another, lest your deeds become worthless while you perceive not" [49:1-2].

And He said, "Say, 'Tell me, what Allāh has sent down to you of provision! And what you have decided to prohibit and allow [from it]?' Say, 'Has Allāh allowed you to do so, or do you invent a lie against Allāh?' And what will be the supposition of those who invent falsehood about Allāh on the Day of Resurrection? Truly, Allāh is full of Bounty to mankind, but most of them are ungrateful" [10:59-60].

And He said, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have

neglected nothing in the Book, then. unto their Lord they (all) will be gathered" [6:38].

And He said, "So do as you are commanded" [2:68].

And He said, "We (angels) do not descend but with the command of your Lord. To Him belongs what is in front of us and what is behind us and what is in between; and your Lord is never forgetful" [19:64].

And He said, "When you do not bring them a sign, they say: 'Why do you not invent one? Say, 'I follow only what is revealed to me by my Lord. This Book is nothing but evidence from your Lord and a guide and mercy to true believers'" [7:203].

And He said, "And when Our verses are recited to them as clear evidences, those who do not expect the meeting with Us say: 'Bring us a Qur'ān other than this or change it. Say: [O Prophet]: 'It is not for me to change it on my own accord. I follow nothing but what is revealed to me. Indeed I fear, if I should disobey my Lord, the punishment of a tremendous Day. Say: 'If Allāh had willed, I would not have recited it to you, nor would He have made it known to you, for I had remained among you a lifetime before it. Do you not then understand?. So who is more unjust than he who forges a lie against Allāh or denies His signs? Indeed, the Mujrimun (criminals, sinners, disbelievers and polytheists) will never be successful!" [10:15-17].

And He said, "And He knows whatever there is in the land and in the sea; not a leaf falls, except that he knows it. There is not a grain in the darkness of the earth nor anything fresh or dry, except that it is written in a manifest book" [6:59].

And He said, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109].

And He said, "And We did not send any Messenger except with the language of his people, in order that he might make (the Message) clear for them" [14:4].

And He said, "And follow that which is revealed to you from your Lord. Indeed Allāh is All-Aware of what you do" [33:2].

And He said, "These are two certain evidences from your Lord" [28:32].

And He said, "I have perfected your religion for you, completed My Favour upon you" [5:3].

And He said, "Say [O prophet], 'I am not different from the other messengers, and I do not know what will be done with me or with you. I

follow nothing except what is revealed to me, and I am only a clear warner'" [46:9].

And He said, "I have chosen you (for prophet-hood), So listen to that which will be revealed (to you)" [20:13].

And He said, "I am obliged to say nothing concerning Allāh except the truth" [7:105].

And He said, "I have not said to them anything except what You have ordered me to" [5:117].

And He said, "And whatever the Messenger brings you—accept it, and whatever he forbids you—abstain from it" [59:7].

And He said, "So let those who oppose the Messengers commandment beware, lest a trial afflict them or a painful punishment afflict them" [24:63]

And He said, "And when we heard the guidance (Qur'ān and *sunan*), we believed in it" [72:13]

And He said, "They said, ''Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh" [3:154].

And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!'" [11:13].

And He said, "So be patient for the decision of your Lord and obey neither a sinner nor a disbeliever among them" [76:24]

And He said, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74]

And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48]

And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17]

And He said, "Allāh intends to make clear to you [the lawful from the unlawful]" [4:26] … Verily, His Command, when He intends a thing, is only that He says to it, "Be!" - and it is!" [36:82]

And He said, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity" [6:119]

And He said, "Indeed lost are they who have killed their children, foolishly, without knowledge, and have forbidden that which Allāh has provided for them, inventing a lie against Allāh. They have indeed gone astray and were not guided" [6:140]

And He said, “And it is the day when the unjust bites his hands, saying, ‘If only I had followed the way with the Messenger! Woe to me! I wish I had not taken so-and-so as a close friend! He (Satan) definitely made me stray away from *dhikr* (Qur’ān and *sunan*) after it had come to me.’ And Satan has always been a betrayer of man. And the messenger will say: 'O my Lord, my people had taken this Qur’ān as a thing to be deserted” [25:27-30].

And He said, “And know that among you is the Messenger of Allāh. If he were to obey you in much of the matter you would be in difficulty, but Allāh has endeared to you the faith and has made it pleasing in your hearts and has made hateful to you disbelief, defiance and disobedience. Those are the [rightly] guided” [49:7].

And He said, “But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, We will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!” [4:115].

And He said, “The response of the (way of the) believers when they are called to Allāh and His Messenger that he (the messenger) may judge between them has always been to say, ‘We have heard and obeyed, for those are the successful’” [24:51].

And He said, “And (We have sent you as a Messenger) lest, in case they suffered a calamity because of what their hands put forth [of sins] and [they would] say, ‘Our Lord, why did You not send a messenger to us, so that we might have followed your verses and been among the believers?’” [28:47].

And He said, “It is not for any believing man or believing woman, when Allāh and His Messenger have decreed a command, to have a choice in their affair. And whoever disobeys Allāh and His Messenger, then he has strayed into evident misguidance” [33:36].

And He said, “But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission” [4:65]

And He said, “And when they hear what was sent down to the Messenger, you see their eyes overflowing with tears for what they recognize of the truth; they say: 'Our Lord, we have attained faith, so write us down with those who bear witness” [5:83].

And He said, “Our Lord, we have attained faith in what You have sent down and we have followed the Messenger, so inscribe us among those who bear witness” [3:53].

And He said, “Are you more knowledgeable or Allāh?” [2:140].

And He said, “O Dawud, indeed We have made you a *khalīfah* upon the earth, so judge between the people in truth and do not follow [any] desire, as it will lead you astray from the way of Allāh” [38:26].

And He said, “And obey Allāh and His Messenger, and do not disagree with each other lest you falter and your strength depart. And be patient. Indeed, Allāh is with the patient” [8:46]

And He said, “And verily, this (Allāhs commandments) is My path that is straightforward. So, follow it, and do not follow (any other) paths, lest they should make you deviate from His way. This He has ordained for you that you may become the pious” [6:153]

And He said, “And they say, ‘The Most Gracious (Allāh) has begotten a son (or children).’ Glory to Him! They [whom they call children], are but honored slaves. They do not speak until He has spoken, ˹only˺ acting at His command” [21:26-27].

And He said, “And when it is said to them, ‘Come to what Allāh has revealed and to the Messenger, you see the hypocrites turning away from you in aversion’” [4:61].

And He said, “And We made the *qiblah* (prayer direction towards Jerusalem) which you used to face, only so We may distinguish the one who follows the Messenger from the one who turns on his heels. And it was indeed difficult, except for those whom Allāh has guided” [2:143].

And He said, “[This is] a Book whose verses are perfected and then presented in detail from [one who is] All-Wise and All-Aware” [11:1].

And He said, “And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur’ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur’ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought” [16:44-45].

And He said, “Say, ‘Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision.’ Say, ‘They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them).; Thus We explain the verses in detail for people who have knowledge” [7:32].

And He said, “And Allāh has brought you out from the wombs of your mothers not knowing a thing” [16:78] … And Allāh teaches you. And Allāh is Knowing of all things” [2:282] … As also We have sent in your midst a messenger from among you, who recites to you Our verses, and purifies you, and teaches you the Book (Qur’ān) and the wisdom (*sunan*), and teaches you what you did not know” [2:151] … Say: 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know” [7:33].

And He said, “O Messenger! Proclaim (the Message) which has been sent down to you from your Lord. And if you do not, then you have not conveyed His Message. Allāh will protect you from mankind. Verily, Allāh guides not the people who disbelieve” [5:67].

And He said, “They have no knowledge about it. They only follow conjecture, but conjecture is of no avail against the truth” [53:28].

And He said, “Say, ‘If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)” [34:50].

And He said, “Indeed, We have revealed to you, [O Prophet], the Book in truth so you may judge between the people by that which Allāh has shown you. And do not be for the deceitful an advocate” [4:105].

And He said, “We have sent down to you the Book as an explanation of everything, and as a guidance, mercy and glad tidings for the Muslims” [16:89]

And He said, “So once We have recited a revelation ˹through Gabriel˺, follow its recitation ˹closely˺. Then it is surely upon Us to make it clear ˹to you˺” [75:18-19].

And He said, “And you uttered with your mouths that of which you had no knowledge and thought it was insignificant while it was, in the sight of Allāh, tremendous” [24:15].

And He said, “And your Lord creates whatsoever He wills and chooses: no choice have they (in any matter)” [28:68].

And He said, “And judge, [O prophet], between them by what Allāh has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allāh has revealed to you” [5:49].

And He said, “That is because those who disbelieve follow falsehood, while those who believe follow the truth from their Lord. Thus does Allāh set forth for mankind their parables” [47:3].

And He said, “Then have they not reflected over the word [what is sent down to the Prophet], or has there come to them that which had not come to their forefathers? Or did they not know their Messenger, so they are toward him disacknowledging?” [23:68].

And He said, “The Prophet is closer to the believers than their ownselves” [33:6].

And He said, “Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allâh guides whom He wills to the Straight Path” [2:213].

And He said, “O you who have believed, do not prohibit the good things which Allāh has made lawful to you and do not transgress” [5:87].

And He said, “And verily, among them is a party who distort the Book with their tongues (as they read), so that you may think it is from the Book, but it is not from the Book, and they say: 'This is from Allāh, but it is not from Allāh; and they speak a lie against Allāh while they know it” [3:78].

And He said, “And what is there, after truth, but error?” [10:32].

And He said, “And do not follow a thing about which you have no knowledge. Surely, the ear, the eye and the heart, each one of them shall be interrogated about” [17:36].

And He said, “Do not mix truth with falsehood” [2:42].

And He said, “Had your Lord willed, He would have made all the people a single community. But, they will continue to differ except those shown mercy” [11:118-119].

And He said, “Thus Allāh judges; nothing can reverse His judgment” [13:41].

And He said, “And do not be like those who became divided and fell into disputes after the clear signs had come to them. And for them there is grave punishment” [3:105].

And He said, “Say, ‘Bring forward your witnesses who will testify that Allāh has prohibited this.’ And if they testify, do not testify with them. And do not follow the desires of those who deny Our verses and those who do not believe in the Hereafter” [6:150].

And He said, “And hold firmly to the rope of Allāh all together and do not become divided” [3:103].

And He said, “And to Allāh return all matters (for decision)” [8:44].

And He said, “He shares his Hukm (ruling) with none in partners” [18:26].

And He said, “Or do they have partners who have legislated for them as religion that which Allāh has not ordained? And had it not been for a decisive Word (gone forth already), the matter would have been judged between them” [42:21].

And He said, “Then We put you, [O Prophet], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know” [45:18].

And He said, “O Prophet, why do you prohibit [yourself from] what Allāh has made lawful for you, seeking the approval of your wives? And Allāh is Forgiving and Merciful” [66:1].

And He said, “Fight those who do not believe in Allāh nor in the Last Day, and do not prohibited what Allāh and His Messenger have prohibited” [9:29].

And He said, “O you who believe! Ask not about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qur’ān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. Before you, a community asked such questions, then on that account they became disbelievers” [5:101-102].

And He said, “And We appointed leaders from among them who guided (people) under Our command, when they observed patience, and kept firm belief in Our verses” [32:24].

And He said, “And do not say lies concerning that which your tongues describe: 'This is lawful and this is unlawful, in order to fabricate lies and attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed” [16:116].

And He said, “And he does not speak out of desire it is only a revelation revealed [to him]” [53:3-4].

And He said, “We said, ‘Go down from it, all of you.’ And when guidance comes to you from Me, anyone who follows My guidance will have no fear, nor will they grieve” [2:38].

And He said, “Was not the covenant of the Book taken from them that they would not say about Allâh anything but the truth” [7:169].

And He said, “No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)” [42:10].

And He said, “Never was it (the Qur’ān) a narration invented, but a confirmation of what was before it and a detailed explanation of all things and guidance and mercy for a people who believe” [12:111].

And He said, “Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies” [7:3].

And He said, “After this, it is you who kill one another and drive out a party of you from their homes, assist (their enemies) against them, in sin and transgression. And if they come to you as captives, you ransom them, although their expulsion was forbidden to you. Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment. And Allāh is not unaware of what you do” [2:85].

And He said, “Had it been from other than Allāh, they would surely have found therein many a contradiction” [4:82].

And He said, “Have you seen the one who takes as his god his own Hawa (desire)?” [25:43].

And He said, “And whoever does not judge by what Allāh has sent down, then, they are the disbelievers” [5:44].

And He said, “But those among them who did wrong changed the word that had been told to them. So We sent on them a torment from the heaven in return for their wrong-doings” [7:162].

And He said, “O you who believe, if you fear Allāh, He will provide you with a criterion (a criterion to judge between right and wrong)” [8:29].

And He said, “Say, ‘Is it the two males He has forbidden or the two females or that which the wombs of the two females contain?’ Or were you witnesses when Allāh charged you with this? Then who is more unjust than one who invents a lie about Allāh to lead mankind astray without knowledge?” [6:144].

And He said, “Then they found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us” [18:65].

And He said, “The postponing (of a Sacred Month) is indeed an addition to disbelief: thereby the disbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allāh, and make such forbidden ones lawful. The evil of their deeds is made fair-seeming to them. And Allāh guides not the people who disbelieve” [9:37].

And He said, “Have you not seen those who claim to have believed in what was revealed to you, [O Prophet], and what was revealed before you? They wish to refer legislation to false deities while they were commanded to reject it; and Satan wishes to lead them far astray” [4:60].

And He said, “Say, ‘If ˹all˺ humans and jinn were to come together to produce the equivalent of this Qur’ān, they could never bring forth any like of it no matter how much assistance they lent one another’” [17:88].

And He said, “And I do not intend to differ from you in that which I have forbidden you” [11:88].

And He said, “Is it not sufficient for them that We have sent down to you the Book (the Qur’ān) which is recited to them? Verily, herein is mercy and a reminder (or an admonition) for a people who believe” [29:51].

And He said, “And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result” [4:59].

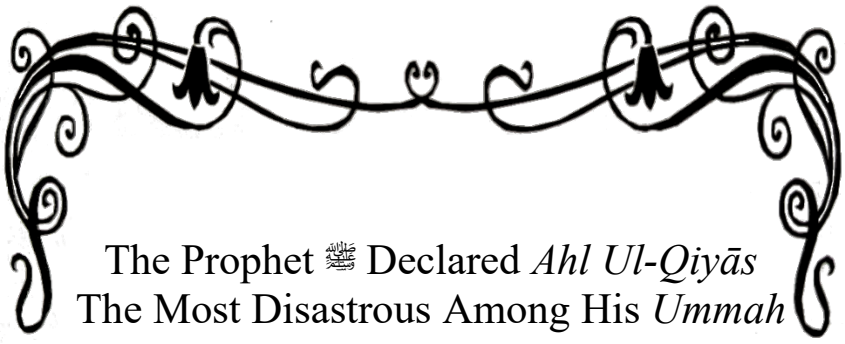
And He said, “Verily, We, it is We Who have sent down the Dhikr (Qur’ān and *sunan*) and surely, We will guard it” [15:9].

And He said, “These are the limits (Rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers” [2:229].

And He said, “And We have not revealed to you the Book, [O Prophet], except for you to make clear to them that wherein they have differed” [16:64].

And He said, “Say (O Prophet), ‘I do not tell you that with me are the treasures of Allāh, nor (that) I know the Unseen; nor do I tell you that I am an angel. I follow nothing except what is revealed to me.’ Say, ‘Are the blind and the one who sees equal? Will you not then take thought?’” [6:50].

And He said, “And they say, ‘Never will the Fire touch us, except for [a few] numbered days.’ Say, ‘Have you taken a covenant with Allāh? For Allāh will never break His covenant. Or do you say about Allāh that which you do not know?’” [2:80].



The Prophet ﷺ Declared *Ahl Ul-Qiyās* The Most Disastrous Among His *Ummah*

It is narrated on the authority of ‘Awf Ibn Malik said, “The Prophet ﷺ said, ‘My *ummah* will split up in over seventy sects. The most disastrous among them are those who use *qiyās* among their opinion, they make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*.”[394]

Al-Tabarani narrated it in his *al-mu’jam al-kabīr*, Al-Bazzar, and Al-Hakim, Ibn Abd Al-Barr, Ibn ‘Adi, Ibn Hazm and Al-Khatib declared it authentic. The *isnād* for this narration is indeed authentic and we will clarify this is in the greatest of details, by the will of Allah. We will first explain the meaning of the narration and then provide a detailed analysis of the *isnād*s authenticity.

As for the meaning of the narration, the statement, “They use *qiyās* among their opinion, they make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*,” implies that they use *qiyās* as a legislative method, not as a means of deductive reasoning (*istinbāṭ*) or *tanfīdh*.

If they say, “Some of the sects that emerged from the *ummah* exhibit extremism, so how can the narration indictate that the most destructive sect is the one that used *qiyās*? How can this ever authentic?”

The answer: It is not at all strange to consider the use of *qiyās* in a legislative method as one of the worst tribulations (*fitnah*) for the *ummah*, even when compared to other sects. This is because the lesson derived from it has a broad impact on the entire *ummah*. It is well-known that the *fitnah* involving internal conflicts, killings, and wealth disputes following the era of *khilāfah al-rāshidah* (the caliphate of the rightly guided) was more

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[394] Al-Mustadrak ‘Ala Al-Sahihayn 6325, 3/631

significant than the *fitnah* of apostasy, even though apostasy is deemed the gravest calamity. The reason for this is that the *fitnah* of apostasy was swiftly ended during the *khilāfah* of Abu Bakr, and the *fitnah* of *khawārij* was curtailed in the time of Ali. In contrast, the *fitnah* involving worldly pursuits and conflicts with rulers has persisted, advancing from one generation to the next.

'Uqbah Ibn 'Amir said, "One day the Prophet ﷺ went out and asked Allāh's forgiveness for the martyrs of the battle of *uḥud* after eight years. It seemed that by so doing, he bid farewell to the living and the dead. He then came back, rose to the pulpit and said 'I shall be your precursor; I am a witness for you (before Allāh), and I will be present before you at the River (*ḥawḍ al-kawthar*). By Allāh I can see with my own eyes the Hawd from this place. I am not afraid that you will associate anything with Allāh in worship after my passing, but I fear that you will vie with one another for the life of the world.'"[395]

Likewise, the use of *qiyās* in a legislative manner is not at all surprising when the Prophet ﷺ referred to *qa'isīn* as the most disastrous sect in comparison to others. This parallels the Prophet's concern ﷺ, as mentioned earlier, regarding the *fitnah* of vying for worldly gains being more concerning than apostasy.

In the context of the narration about *qiyās*, it is important to clarify that the Prophet's admonition ﷺ is directed towards those who engage in unrestricted *qiyās*, with exceptions made for those who limit its application based on their knowledge of *nuṣūṣ* acquired through research. These individuals resort to *qiyās* only when explicit *nuṣūṣ* for a particular matter are absent. Because they do not reject the *nuṣūṣ* they are aware of, as we explained in our previous definition of *ra'ī.* They are not held accountable for the sin of unrestricted *qiyās*. However our belief maintains that all forms of *qiyās* are invalid and incorrect, even when some individuals claim that there are situations where no *nuṣūṣ* are available, it is only the case when an individual in a certain case might not be aware of *nuṣūṣ*. The narration primarily concerns those who engage in unrestricted *qiyās*, as well as those who formulate rulings that are not rooted in Islamic principles.

Some *ahl ul-qiyās* say: What is rejected in the narration is only the one that does *qiyās* in the light of his opinion. As for who does *qiyās* what is similar to al-*nuṣūṣ*, the Prophet did not reject that.

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[395] Sahih Muslim 2296

The answer: There is no evidence for making these two different in ruling. Because *qiyās* itself is always in the light of the opinion of a fallible human it is never from the Wahyain itself.

Furthermore, the Prophet's ﷺ statement: They use *qiyās* with their *ra'ī*, they make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*, signifies that they relied on the opinions of fallible humans instead of *nuṣūṣ*, making fallible human reasoning a legislative method, turning away from the legislation revealed by Allāh.

Ibn Abd Al-Barr cited these narrations in opposition against some of those who use *ra'ī*, *dhann*, and *qiyās*.[396]

Since even *qa'isīn* themselves find *qiyās* without a basis reprehensible, it essentially holds no substance and is essentially just a form of *ra'ī*. In this case, *ra'ī* is falsely attributed to the realm of *sharī'ah* with embellished statements, where mere fallible opinions are presented as though they were part of the revealed *waḥī*. Hiding the corruption of it from the people. Many of those attribute themselves to *'ilm*, they inherit *ra'ī* generation after generation and create new arguments to defend those *ra'īs*. In this manner *qiyās* becomes like a huge building which must be destroyed. All that effort into blindly inheriting those *ra'ī*s could be used to search for the truth, because most of their false *ra'ī* have become false paces of reference for those who busy themselves with knowledge with *ra'ī* of fallible humans.

If they say, "How can this narration be applicable when these forms of *qiyās* and *ra'ī* are attributed to the greatest scholars of the *ummah*, such as Abu Hanifah, Al-Shafi'i, and many others?"

The answer: The response can be divided into two aspects. Firstly, as we mentioned earlier, some of the jurists (*fuqahā'*) used to confine *qiyās* to matters for which they had no knowledge of explicit textual evidence (*nuṣūṣ*), as if they were compelled to resort to *qiyās* in situations where *nuṣūṣ* were absent for them. They did not intend to reject the *nuṣūṣ*. Secondly, we do not believe that the problems arising from the use of *ra'ī* and *qiyās* in a legislative manner stem from these *imām*s themselves. Instead, it depends on and arises from those who blindly followed them after them.

This narration indicates the importance and obligation of restricting every matter solely to the Qur'ān and *sunnah*, without ever resorting to *ra'ī* or *qiyās* in a legislative capacity.

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[396] Jami' Bayan Al-'Ilm Wa Fadhlihi 1997, 2/1038

If it is said, "There is only the prohibition of false *qiyās*, as the Prophet ﷺ said, 'They will use *qiyās* with their *ra'ī*.'"

The answer: Even if this would be the case, then every single *qiyās* is a *ra'ī*, so there is then still no evidence in this that only some *qiyās* is prohibited. The truth is that the Prophet ﷺ used in the narration the *ḥarf* "*bā'*" before he said, "Their *ra'ī*," and among the meanings of *bā'*, is "from" or "among," such as when Allah said, "Wipe your heads." [5:6] He used here the *ḥarf* "*bā'*" before the heads, this indicates that wiping some of the head is sufficient, as the meaning is then, "Wipe from the head." There are other definitions of *ḥarf* "*bā'*" such as *isti'ānah*, but we know that it is this definition with certainty as we presented before the certain evidence that saying anything about the religion from sources other than the words of Allah and His Messenger is false. So the meaning is, "The most disastrous among them are those who use *qiyās* among their opinion." This indicates then that *qiyās* which is false is used by them, among the many other false sources based on their opinions.

As for the *asānīd* of the narration. We will now, by the will of Allah, discuss and clarify the authenticity of this narration. The most important *ṭuruq* are four.

As for the *ṭarīq* of Nu'aym Ibn Hammad Al-Khuza'i. The narration from this *ṭarīq* is applied by Al-Tabarani, Al-Bazzar, Al-Hakim, Ibn 'Adi, Ibn Abd al-Barr, and Ibn Hazm.

Al-Tabarani said, "Yahya Ibn Uthman Ibn Salih > Nu'aym Ibn Hammad > 'Isa Ibn Yunus > Hariz Ibn Uthman > Abd al-Rahman Ibn Jubair Ibn Nufair > his father > 'Awf Ibn Malik > … (And then the same *matn* as mentioned previously.)"

This *isnād* is at the least amounts of considerations *jayyid* or *ḥasan*, according to their conditions, but is in reality authentic, which will become clear soon, by the will of Allah.

As for Al-Hakim, he applied his narration from Muhammad Ibn Mu'ammal Ibn Al-Hasan > Al-Fadhl Ibn Muhammad Ibn al-Musayyib > Nu'aym Ibn Hammad… From here till the end of the *isnād* is the same as the one of Al-Tabarani. Al-Hakim authenticated this on the condition of the two Shaykhayn. Al-Dhahabi did not comment on it in his *talkhīṣ* of *al-mustadrak*.

As for Ibn 'Adi, he applied it from Ibn Hammad > 'Isam Ibn Rawwad > Nu'aym Ibn Hammad… Till the end of the *isnād*, in the same way as Al-Tabarani. Regarding 'Isam Ibn Rawwad, Abu Ahmad al-Hakim called out for his softness as mentioned by Al-Dhahabi in his *al-mīzān*. Except that Ibn

‘Adi and others do not critique the authenticity of his narrations from Nu’aym Ibn Hammad.

As for Ibn Hazm and Ibn Abd Al-Barr, the *isnād* according to them becomes moderate because of Nu’aym Ibn Hammad is hearing from Ibn Al-Mubarak instead of ‘Isa Ibn Yunus after Nu’aym. This *ṭarīq* goes as following: Nu’aym Ibn Hammad > Ibn al-Mubarak > ‘Isa Ibn Yunus… Till the end of the *isnād* as mentioned before.

This does not affect the authenticity at all because it is very possible that Nu’aym Ibn Hammad heard from Ibn Al-Mubarak who is a great *imām* and that he then heard from ‘Isa Ibn Yunus directly. This is supported by the fact that Nu’aym Ibn Hammad clearly said that Ibn Yunus narrated it to him according of Al-Tabarani, al-Hakim and Ibn ‘Adi.

A group of the *a’immah* critiqued this *ṭarīq* of Nu’aym Ibn Hammad. Anyone that looks carefully in their critiques will know that they only critiqued him because of the *matn* of this narration, not its *isnād*. While they themselves authenticate other *aḥādīth* of this exact authenticity and *aḥādīth* that are even weaker than it. They persist to weaken this narration based on two reasons. One of them is claiming that Nu’aym Ibn Hammad is weak and the second is that Hariz Ibn Uthman is weak. We will now clarify the cases of these two men, by the will of Allah.

As for Nu’aym Ibn Hammad, Ibn ‘Adi, Ibn Hibban, Ibn Abi Hatim, Al-Khatib, Al-Dhahbi (in his *al-mīzān*), Ibn Hajar (in his *tahdhīb al-tahdhīb*) all wrote a *tarjamah* (biography) of him. In conclusion, he is from the great *a’immah*. Many great *thiqāt*, well-known *a’immah* have narrated from him. Al-Bukhari narrated from him in his al-Sahih in a *maqrūn* manner (narrated from him in combination, if that narrator is followed by other narrators). Muslim also narrated from him in his *muqaddimah*. Al-Darimi, al-Dhuhli, Al-Juzajani, Yahya Ibn Ma’in, Abu Hatim Al-Razi, Abu Zur’ah Al-Dimashqi, Abu Isma’il Al-Tirmidhi, Ya’qub Ibn Sufyan and many others also narrated from him. What indicates him being a *thiqah* is the narrations narrated from him by *a’immah* and *ahl ul-sunan* they all narrated from him except Al-Nasa’i.

He is declared a *thiqah* by Ahmad, Ibn Ma’in, Abu Zakariyya, Al-‘Ijli, Abu Hatim, Ibn Hibban

Al-Hafidh Abu Mansur said, “One of the indications of Nu’aym Ibn Hammad’s religion and trustworthiness is his return to the truth when he realized his mistake and acknowledges his error. He does not hesitate to accept the truth, as returning to the truth is better than persisting in falsehood. Persisting in falsehood only distances one further from the truth.”

Abu Zakariya said, “Nu’aym Ibn Hammad is truthful and reliable. I know him better than anyone else. He used to accompany me at Basrah.”[397]

Nu’aym Ibn Hammad was from the *a’immah* who were trialed with *imām* Ahmad regarding *khalq* Al-Qur’ān. Him and *imām* Ahmad were from the four or five who maintained the *fitnah*. He passed away in prison. What is worthy is that *imām* Ahmad, Ibn Ma’in, Abu Zakariya, Abu Hatim were from those contemporary with Nu’aym Ibn Hammad who all called him reliable and trustworthy. And also Al-Bukhari and Muslim used his narrations, what is also important is Ibn Hibban declaring him reliable. His method is depended upon, while he is easy going in *tawthīq* of *majāhīl*. He is still on the other hand known to be very strict in criticizing *thiqāt* who are known to have made mistakes. If Ibn Hibban would have found many mistakes from Nu’aym Ibn Hammad he would not include him among *thiqāt*.

And also Ibn ‘Adi said, “What is rejected from Nu’aym Ibn Hammad is what I mentioned before and I hope that his remaining *aḥādīth* are authentic.”

Ibn ‘Adi mentioned some narrations from him where Nu’aym is the only one narrating. And this does not indicate a defect in Nu’aym who is a well known *thiqah imām*. There is known from many great *thiqāt* who have double the amount and more of being the only one narrating a narration and that was never a defect of them.

What Ibn ‘Adi mentioned from him are only two narrations who are strange in Matn. One of them, “The worshiper that does not know *fiqh* is like a donkey in the mill.” And the second is, “Covering the head at daytime is an accompaniment and at night it is adornment.” Nu’aym Ibn Hammad narrated both these narrations from Baqiyyah till the end of the *isnād*. And Baqiyyah is Ibn Al-Walid and he does very false *tadlīs*. Which is also mentioned by Ibn Al-Mubarak and others, it is also the view of Ibn Hibban, al-Dhahabi and Al-Bayhaqi mentioned *ijmā’* that the narrations of Baqiyyah are not evidence. And also Baqiyyah Ibn al-Walid did not mention that he heard these two narrations and only narrated them with *‘ananah*.

What is important to know from this is that Nu’aym Ibn Hammad is not at all to blame for those strange narrations. There is no doubt that the accusation against Baqiyyah precedes any accusation against Nu’aym Ibn Hammad. Al-Dhahabi said that Baqiyyah was the possessor of strange things and wonders and he has rejected matters. And besides that the defect

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[397] Tahdhib Al-Kamal 6451, 29/466-481

of those narrations can rely on many other narrators in those narrations also, so it is false to attribute any of that to Nu'aym Ibn Hammad. And it can not be any defect that Nu'aym Ibn Hammad was the only one narrating it from Baqiyyah.

As for those who criticize Nu'aym Ibn Hammad they are Al-Nasa'i, Al-Hafidh Muhammad Ibn Ahmad Ibn Hammad al-Dulabi, Abu al-Fath Al-Azdi, Al-Hafidh Abd Al-Ghani Al-Misri and Al-Daraqutni. All of these did not witness Nu'aym Ibn Hammad. The one oldest one of them was Al-Nasa'i. It is not known if Al-Nasa'i was an adult before Nu'aym Ibn Hammad passed away. And the next oldest one is Ibn Hammad Al-Dulabi who was only four years old when Nu'aym Ibn Hammad passed away.

Abu Yahya said, "I asked Yahya Ibn Ma'in regarding Nu'aym Ibn Hammad, he said, 'Nu'aym is well known with seeking.' Then Yahya blamed him and said, 'He would narrate from other than *thiqāt*.'"

There is no doubt that the *tafarrud* of a *thiqah* is accepted and there is no evidence to reject any of it, he declared him in another place a *thiqah*. There is no doubt our view is the truth as those who critique him do not present a single actual evidence and never heard anything of him and never witnessed him. While the great *a'immah* who did witness and heard him all declared him a *thiqah* (trustworthy and reliable) such as Ahmad, Ibn Ma'in, Abu Zakariyya, Al-'Ijli, Abu Hatim and Ibn Hibban. There is not a single evidence presented by those who claim he is weak. The only thing they can mention is that they reject some of his narrations or they say he was the only one narrating some narrations which are very few which can never be any defect as clarified before.

Some of those who were strict from *Ahl ul-ḥadīth* exaggerated in claiming something for what was done very little falsely necessitates weakness. Some of them weaken narrators by collecting statements from narrators to make a claim, there is no evidence for this method to weaken narrators.

As for al-Nasa'i who is known to be strict and stubborn regarding Tajrih (criticism). He said, "Nu'aym is weak." And in another place, "He is not reliable."

As for Ibn Hammad al-Dulabi he narrated the narration of him regarding *qiyās* and claimed that Nu'aym Ibn Hammad fabricated that narration.

Abu Ali Al-Naysaburi Al-Hafidh, said, "I heard Abu Abd Al-Rahman Al-Nasa'i mentioning the excellence of Nu'aym ibn Hammad and his precedence in knowledge, understanding, and traditions. Then he was asked

about accepting his hadith, then he said, “Him being the only one narrating some narrations different from well-known scholars has increased to the extent that it is not relied upon.”

The *tawthīq* of others precedes the *taḍ’īf* of Al-Nasa’i, as it is well known that he was too strict on narrrators.[398]

There is not a single evidence presented by Ibn Hammad Al-Dulabi other than rejecting the *matn* of the narration falsely. This is why Ibn Hajar mentions from Ibn ‘Adi that Al-Dulabi is accused for what he claimed regarding the firmness of Nu’aym. Ibn Hajar made an excuse for Al-Dulabi because he mentioned it from an unknown old man. Meaning that accusation made regarding Nu’aym was not from Al-Dulabi himself.

As for Abd al-Ghani al-Misri he claimed that everyone that narrated from ‘Awf Ibn Malik the narration about the falsehood of *qiyās* from ‘Isa Ibn Yunus all only took it from Nu’aym Ibn Hammad. And that because of this narration Nu’aym is rejected by many *ahl ul-‘ilm* of *ḥadīth*. The claim of Abd Al-Ghani Al-Misri is against the very apparent and made claims that do not have a single evidence ever presented. The narration was narrated from ‘Isa Ibn Yunus by many other than Nu’aym, from them more than three reliable narrations who were contemporary to Nu’aym Ibn Hammad. This is why al-Dhahabi mentions three of those who went in accordance with Nu’aym Ibn Hammad in narrating that about the falsehood of *qiyās* from ‘Isa Ibn Yunus. Al-Dhahabi said, “Those four (those three besides Nu’aym), it is not possible for them to gather upon falsehood. If it would ever be a mistake it would be from ‘Isa Ibn Yunus.”[399]

So it becomes then very well known that it is mere claims from Abd Al-Ghani with no evidence ever presented.

As for Abu Al-Fath Al-Azdi he concludes his claim from a group of *majāhīl* who said regarding Nu’aym Ibn Hammad that he would fabricate *ḥadīth* and fabricate stories regarding criticizing Abu Hanifah. These are all from *majāhīl* and Al-Hafidh Ibn Hajar also rejected attributing this saying to Nu’aym Ibn Hammad, which Al-Azdi claimed, he said that Al-Azdi has no knowledge of what he talked about. Al-Azdi makes also alot of mistakes and speaks before proper thinking. Al-Laknawi said regarding him, “He excessively criticized narrators and has a large compilation regarding criticized narrators, he criticized narrators by himself whom no one has

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[398] Siyar A’lam Al-Nubala’ 9/228 | Al-Mughni Fi Al-Dhu’afa‘ 2/239 | Hadi Al-Sari pg. 387, 461

[399] Al-Mizan Al-I’tidal 4/267-268

preceded him regarding such narrators."[400] Al-Dhahabi and Ibn Hajar have said the same regarding him.

The criticism towards Al-Azdi for this as becomes apparent from the biography of him by Al-Khatib.[401] Him critiquing narrators like Nu'aym Ibn Hammad falsely only led to a criticism of himself.

As for Al-Daraqutni he says regarding Nu'aym Ibn Hammad that he is an *imām* of the *sunnah* but had a lot of delusion. This is akin to what we mentioned before about Ibn 'Adi regarding Nu'aym, that he rejects som narrations from him. We already clarified those narrations and that Nu'aym Ibn Hammad is not the reason for its weakness. And even if we would assume from those narrations alone that it was from the mistakes of Nu'aym Ibn Hammad, those mistakes would be very little that does not imply any criticism.

In any case Al-Daraqutni is requested to present evidence for his claims. But as there is no evidence for any of them, it remains obligatory to accept the narrations of a *thiqah*. The same as what Al-Daraqutni said about Nu'aym, he claimed the same regarding Salih Ibn Muhammad Al-Asadi and Abu Dawud. And none of these are accepted as criticism as there is no evidence for any of them.

Criticism against someone who is *thiqah* (trustworthy and reliable) and whose virtue is well known, due to merely rejecting the *matn* of the narration is a grave mistake. This mistake occurred from many *mufassirīn*, *muḥaddithīn*, and *nuhāh*. Critiquing authentic *adillah* is from the method of the *kuffar*, we clarified this issue in great detail before. What is sufficient to know regarding this is that Allāh said, "Rather, they have denied that which they encompass not in knowledge and whose interpretation has not yet come to them. Thus did those before them deny" [10:39]. And Allāh says, "The disbelievers say of the believers, Had it been ˹something˺ good, they would not have beaten us to it. Now since they reject its guidance, they will say, "This is˺ an ancient fabrication!" [46:11]. The trustworthy, reliability, virtuousness of a narrator with the authenticity of an *isnād* is a *shar'ī dalīl*.

Someone of knowledge must be consistent and accept from others what he accepts from himself as the same method. Would they accept it ever if someone claims *imām al-jalīl* Abu Hanifah is weak? While the *muḥaddithūn* critiquing Abu Hanifah is more severe compared to Nu'aym Ibn Hammad by many degrees, quadruple the time compared to Nu'aym Ibn Hammad.

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[400] Al-Raf' Wal-Takmil pg. 271
[401] Tarikh al-Baghdad 2/243-244

Many of A'immat ul-*ḥadīth* claimed he was weak, there are also many narrations found from al-*salaf* critiquing Abu Hanifah.

The source for critiquing Abu Hanifah comes from the strictness of the *muḥaddithīn*, or from false understanding. What must be known is that critiquing *thiqāt* is not accepted except with proper details, whether it is Abu Hanifah or Nu'aym Ibn Hammad. If it would be accepted and applied with no proper details it leads to closing the chapter of *aḥādīth* completely.

As for Hariz Ibn Uthman Al-Himsi. He is the second narrator that some critiqued, while he is a well known *thiqah*, he is counted among the highest ranks of *tawthīq*.

Mu'adh Ibn Mu'adh said regarding him, "I do not know if I saw in Syria anyone better than Hariz Ibn Uthman."

Ahmad said regarding him, "*thiqātun thiqātun thiqah*," being mentioned twice indicates the complete precision, reliability, trustworthiness of the narrator.

Ahmad also said, "There is no one in Syria more solid than Hariz."

Abu Hatim said, "He has good narrations, I do not know anyone in Syria more solid than him, he is more solid than Safwan Ibn 'Amr and Abu Bakr Ibn Abi Maryam while they are also certainly *thiqāt*."

He is also declared *thiqah* by Yahya Ibn Ma'in, Yahya Al-Qattan, Al-Daraqutni, Duhaym.[402]

Ibn Al-Madini said, "We never ceased to see our companions declaring him a *thiqah*. Al-Bukhari used his narrations in his al-Sahih and narrated two narrations from him. *Ahl ul-sunan al-arba'ah* also used his narrations.

Some criticize Hariz Ibn Uthman with the claim that he went astray regarding Ali and that he hated Ali. Except that this accusation does not necessitate rejecting his narrations. That is for two reasons. First is that the validity of accusations does not depend on what is apparent.

Al-imām al-jarḥ wal-ta'dīl Abu Hatim said, "According to me it is not authentic what has been said regarding his opinions (on Ali)."

Al-Khatib al-Baghdadi also said, "It has been said regarding him that he had bad opinions and had corruption beliefs, which is incorrect."

Abu Muhammad Ibn Hazm said, "Hariz Ibn Uthman is a *thiqah*, we narrated about him and he is free from the accusations claimed about him."

Al-Bukhari said, "Abu Al-Yaman said, 'Hariz would criticize Ali, but later he stopped that.'"

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[402] Al-Jami' Fi Al-Jarh Wal-Ta'dil 820, 1/158

Al-Khatib and Ibn Hajar mention the narrations about him being free from those accusations. Perhaps the reason those accusations are false is because of what Ibn Hajar narrated from Ibn 'Ammar, he said regarding Hariz Ibn Uthman: They would accuse him that he belittled Ali, but they would still narrate from him, use his narrations as argument and they would not abandon him. And also the narrations about him going astray regarding Ali have many *nakārah* (lacking in accuracy) in them."

Ibn Hajar narrated from Ghanjar that he said, "It was said to Yahya Ibn Salih, 'Why do you not write the narrations from Hariz?' He answered, 'How could I write about a man whom I prayed *fajr* with for seven years and he would not exit the *masjid* except till he cursed Ali seventy times.'"

Ibn Hibban said, "He used to curse Ali in the morning seventy times and in the evening seventy times. He used to be a caller towards his *madhab*, his narrations are rejected."[403]

This narration of Ghanjar which Ibn Hajar mentioned is narrated from a *majhūl* narrator, there is no value in these narrations attributed to Hariz. That is because Ghanjar said, "It was said to Yahya Ibn Salih." So it is very possible that he took this from a *majhūl* narrator. Just as the *isnād* between Ghanjar and Yahya Ibn Salih is not evident from what Ibn Hajar narrated.

We mentioned previously also that the claimed method of Hariz is not authentic according to Abu Hatim, al-Khatib al-Baghdadi and Ibn Hazm. There is also much *nakārah* in these narrations attributed to him. Everyone that hates even Iblis *al-la'īn* does not burden themselves to curse him that amount every morning and every evening. And those who even hate Ali do not burden themselves to curse him this often daily. Then how about a man who is declared a *thiqah* by the greatest *a'immah* of *al-jarḥ wal-ta'dīl*. Many of them declared *tawthīq* of him with four phrases.

And also the second reason is that even if that claimed view was actually from Hariz. It would not affect his virtuousness, liability and truthfulness. That is because Hariz Ibn Uthman is from the young *tabi'īn* and his generation had *fitnah*. The matter was not as clear as it was after that time and now. This is why you will find many *inḥirāf* regarding Uthman and Ali, May Allah be pleased with them, from many of *tabi'īn* and the followers of *tabi'īn*. And also many of the great *salaf* and narrators did the exact same. They are all mistaken for that false view and excused and none of their mistakes ever necessitates *tafsīq* of them. Because *tafsīq* is only done after they see the evidence and understand the evidence, which is not

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[403] Tahdhib al-Tahdhib 2/207-210

narrated from them that they came across it. So it does not necessitate *tafsīq* and also not rejection of their narrations. If we would ever be easy going in critiquing *thiqāt* for the reason of any of their wrong views it would lead to closing the chapter of *ḥadīth*, leading towards *kufr*.

Regarding *inḥrāf* about Ali they use the narration of the Prophet ﷺ regarding Ali that Ali said, "The Prophet ﷺ made a covenant with me that none would love me but a *mu'min*, and none would hate me but a *munāfiq*."[404]

Except that this narration does not imply critiquing *thiqāt* because of their mentioned methods, because the covenant made with Ali is from the types of covenants made to the *anṣār* as mentioned in the narration of Al-Barra', he said, "The Prophet ﷺ said about the *anṣār*, 'Only a *mu'min* loves them, and only a *munāfiq* hates them. Allāh loves him who loves them and Allāh hates him who hates them."[405]

This is from the covenants the same way it is mentioned in Qur'ān and *sunnah* regarding the one eating *ribā*, consuming *khamr* and the one not paying *zakāh* and other prohibitions, which are not known except through a narration about the Prophet ﷺ. The *'aql* and *fiṭrah* oblige answering narrations from the Prophet ﷺ. And it is known that every matter of the religion is a *ḥujjah* if it's from *nuṣūṣ*. The one opposing it is not critiqued except after opposing it when the *naṣṣ* reaches him and he understands it. And it is never mentioned that *ḥujjah* was established against him. So the virtuousness of any Muslim is not affected at all by a wrong view. There are limits to these views but the view of Hariz and many of the *tābi'īn* regarding Ali and Uthman did not reach any of that.

As for the *ṭarīq* of Abdullah Ibn JaFar' al-Raqqi, Al-Khatib al-Baghdadi applied it. He said, "Ali Ibn Ahmad al-Razzaz told us > Ahmad Ibn Salman al-Najjad > Hilal Ibn al-'Ala > Abdullah Ibn JaFar' > 'Isa Ibn Yunus > Hariz Ibn Uthman > Abd al-Rahman Ibn Jubair Ibn Nufair > His father > 'Awf Ibn Malik al-Ashjaiy… (And then the same Matn as mentioned previously.)"

This *isnād* is *ḥasan* all narrators are *thiqāt* and having good narrations, except for Ali Ibn Ahmad al-Razzaz, Al-Dhahabi called him truthful. And Al-Khatib said regarding him, "He is not far from being truthful," this term indicates the reliability of a narrator. As for Abdullah Ibn Ja'far Al-Raqqi, he is a *thiqah* and from the narrators of Al-Sahihayn he went in accordance

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[404] Sunan Al-Nasa'i 5022, 8/117
[405] Sahih Al-Bukhari 3783

with Nu'aym Ibn Hammad in narrating from 'Isa Ibn Yunus. This *isnād* also strengthens the *isnād* of Nu'aym Ibn Hammad.

As for the *ṭarīq* Ibn Suwayd Ibn Said al-Hadathani, Ibn 'Adi Applied it in Al-Kamil and Al-Khatib, Ja'far Al-Firyabi told him from Suwayd Ibn Sa'id > 'Isa Ibn Yunus > Hariz Ibn Uthman > Abd Al-Rahman Ibn Jubair Ibn Nufair > His father > 'Awf Ibn Malik… And then the same *matn* as mentioned previously, except that this *matn* mentions that those who use *qiyās* are the most evil, and in another *isnād* from Suwayd Ibn Sa'id it also mentions them being the most disastrous (*fitnah* causing), which is the same manner as from Nu'aym Ibn Hammad.

This *isnād* has not a single critique except for Suwayd Ibn Sa'id. Ibn 'Adi, Al-Khatib and Al-Dhahabi wrote a biography of him. As for the *tawthīq* (reliability and truthfulness) of Suwayd Ibn Sa'id. Muslim used him in his *ṣaḥīḥ*. Al-Baghawi said, "He was from the memorizers and Ahmad would choose him for his children and they would hear from him." Abu Hatim said, "He is truthful, but used to mislead." Al-'Ijliy also declared him a *thiqah* and many others as well.

As for those who declared him weak, they were Yahya Ibn Ma'in, Al-Bukhari, Ali Al-Madini, Al-Nasa'i and Ibn Hibban. The reason he was declared weak is because Suwayd Ibn Sa'id became old and blind at the later part of his life and that he used to accepts some wording or a *ḥadīth* reported to him by a narrator and began himself to narrate it although he had not narrated it previously (*talqīn*). Him doing *talqīn* at the later part of his life is claimed by Al-Bukhari.

What must be known first of all is that Suwayd Ibn Sa'id is a *thiqah*. But if it would be established ever that he did *talqīn* at the later part of his life and he became blind, then only his narrations when he is older are weak which is when he lost his eye sight. Affirming this accusation is not an easy matter, as the one critiquing one often only depends on his criticism by the sole existence of narrations that he rejects and believes from his research that it is simply a mistake from the narrator purpose or not on purpose or Talqin or other forms of defects. These claims are then not free from mistakes even if they come from the greatest *a'immah* of *ḥadīth*.

An example for that is that Suwayd Ibn Said narrated from Abu Mu'awiyah > Al-A'mash > 'Atiyyah > Abu Sa'id said, "The Prophet ﷺ said, 'Al-Hasan and Al-Husain will be the leaders of the youth of Paradise.'"[406]

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[406] Al-Mu'jam Al-Kabir 2615, 3/39

Yahya Ibn Ma'in claims that this narration is false from Abu Mu'awiyah as none other than Suwayd Ibn Sa'id narrated it. This critique from Yahya Ibn Ma'in was also followed by Al-Hasan Al-Daraqutni till he found out that Yahya Ibn Ma'in was wrong regarding it. Al-Khatib Al-Baghdadi said, "Abu Al-Hasan Al-Daraqutni said, 'We never ceased to think that the ruling of this narration is just as Yahya said it to be and that Suwayd got himself in to a great matter with this narration. Till we entered Egypt in year 57 and there I found this narration in *musnad* Abu Ya'qub Ishaq Ibn Ibrahim Ibn Yunus Al-Baghdadi who is known as Al-Manjaniqi and he was a *thiqah*. He narrated from Abu Kuraib and he from Abu Muawiya in the exact same manner as Suwayd did. So the narration from Suwayd narrating from Abu Mu'awiyah is authentic.'"[407]

Al-Khatib clearly says that who heard from Suwayd while he could see then his narration is *ḥasan* and Al-Khatib also did not say that the narration is weak. The only defect in him is after he lost his eye sight which was in the later part of his life.

As for the *ṭarīq* of Abu Ubaidullah Ahmad Ibn Abd Al-Rahman Ibn Wahb, Ibn 'Adiy applied it in Al-Kamil and Al-Khatib Al-Baghdadi, he said, "Abu Sa'd Al-Malini told us > Abdullah Ibn 'Adi > 'Isa Ibn Ahmad > Abu Ubaidullah Ahmad Ibn Abd al-Rahman Ibn Wahb > My uncle > 'Isa Ibn Yunus > Safwan Ibn 'Amr > Abd al-Rahman Ibn Jubair Ibn Nufair > His father > 'Awf Ibn Malik: the Prophet ﷺ said, 'There will be in the end of times people who make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl* and they use *qiyās* in issues among their opinion.'"

There does not exist a *tarjamah* for 'Isa Ibn Ahmad. What becomes known however from the narrations of Ibn 'Adi is that he is 'Isa Ibn Ahmad Ibn Yahya. There is a mistake in his nickname in the print, it is sometimes mentioned as 'Isa Ibn Ahmad Al-Sufi and sometimes Al-Sadafi. And according to Al-Khatib it is Al-Adani. Ibn 'Adi narrated from him in Egypt. What Ibn 'Adi mentions and Al-Khatib from Al-Hafidh Abd Al-Ghani Ibn Sa'id indicate the firmness of the narration of Abu Ubaidullah Ahmad Ibn Abd Al-Rahman Ibn Wahb as it was used by Muslim. Anyone that rejects this narration does so only because of Ahmad Ibn Abd Al-Rahman Ibn Wahb.

Abu Hatim al-Razi, Ibn 'Adi, al-Dhahabi, Ibn Hajar all wrote a biography about him. There is difference of opinion regarding his *tawthīq*.

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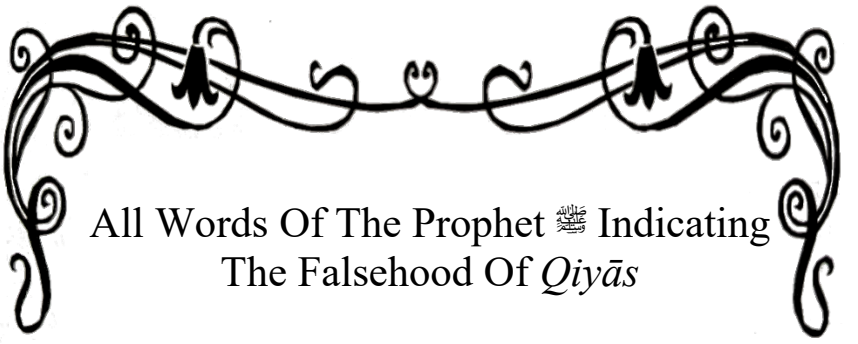
[407] Tarikh al-Baghdad 9/231-232

Muslim narrated from him in his *ṣaḥīḥ* and many of the *a'immah* narrated from him such as Ibn Khuzaymah, Abu Hatim, Ibn Jarir, Al-Saji and others. Muhammad Ibn Abdullah Ibn Abd Al-Hakam and Abd al-Malik Ibn Shuayb Ibn al-Layth declared him a *thiqah*. Harun Ibn Sa'id Al-Ayli said, "Abu Ubaidullah would only be asked about us, we would not ask regarding his case. He would read for us."

But Abu Hatim, Abu Zu'rah both critiqued him with equivocal statements. And Ibn Yunus also declared him weak. Ibn 'Adi mentions that he saw *shuyūkh* in Egypt all have a consensus on declaring him weak. Ibn Adi' did not mention the names of the *shuyūkh*. The reason for declaring him weak according to them is due to a few narrations of him from his uncle Abdullah Ibn Wahb. Ibn 'Adi did however say that everything he rejects can be accepted from him, even when others did not narrated from his uncle. From the benefits of this *isnād* is that the Shaykh of 'Isa Ibn Yunus is Safwan Ibn 'Amr and not Hariz Ibn Uthman and Safwan is Ibn 'Amr Ibn Haram Al-Himsi who is a *thiqah*.

So it is very clear from the four *ṭuruq* mentioned that they all are about 'Isa Ibn Yunus Ibn Abi Ishaq Al-Sabi'i who is *thiqātah thabt* (reliable and solid, description of a narrator implying that he is unblemished and very accurate). He is from the narrators of the *ṣaḥīḥayn*.



All Words Of The Prophet ﷺ Indicating The Falsehood Of *Qiyās*

The Prophet ﷺ said, “My *ummah* will split up in over seventy sects. The most disastrous among them are those who use *qiyās* among their opinion, they make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*.”[408] This is authentic as clarified.

The Prophet ﷺ said, “I left for you two matters, as long as you hold on to it, you will not be misguided: The book of Allāh and the *sunnah* of the Messenger ﷺ of Allāh.”[409]

The Prophet ﷺ said, “Whoever interprets with his *ra’ī* the Qur’ān takes his place in the hellfire,”[410]

The Prophet ﷺ said, “Allāh does not take away the knowledge, by taking it away from (the hearts of) the people, but takes it away by the death of the 'Ulama, till when none of them remains. People will then take from ignorants who when consulted will give their verdict without knowledge. They are misguided and misguide.”[411]

The Prophet ﷺ said, “This *ummah* will use the book of Allāh and the *sunnah* of his Messenger for a while. Then they will use *ra’ī*, when they will use that, they will be misguided.”[412]

The Prophet ﷺ said, “Beware of *dhann*! For *dhann* is the most false form of talk.”[413]

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[408] Al-Mustadrak ‘Ala Al-Sahihayn 6325, 3/631
[409] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 1389, 1/755
[410] Musnad Ahmad 2069, 3025
[411] Sahih Al-Bukhari 100, 1/31
[412] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 1998
[413] Sahih Al-Bukhari 5134, 5144

The Prophet ﷺ said, “The greatest sinner amongst the Muslims, is the one who asked about what had not been prohibited for the Muslims and it became prohibited for them because of him persistently asking about it.”[414]

Mu’awiyah said, “The Prophet ﷺ prohibited difficult in depth questioning regarding issues.”[415]

Abu Hurairah said, “The Prophet ﷺ delivered a sermon to the people, saying, ‘O people Allāh has obliged for you *ḥajj*, so perform *ḥajj*.’ A man inquired, ‘O Messenger of Allāh, do we have to do it every year?’ He repeated this question thrice. The Prophet ﷺ responded, ‘Indeed, if I were to say ‘yes,’ it would indeed become an annual obligation for you, as long as you have the capability to fulfill it. However, leave me just as I leave you. The destruction of nations before you came as a result of their excessive questioning and disputes about their prophets. Therefore, if I forbid you from something, refrain from it, and if I command you to do something, perform it to the best of your ability.’”[416]

Jabir Ibn Abdullah said, “We were with the Prophet ﷺ and he drew a line (in the sand), then he drew two lines to its right and two to its left. He said, ‘This is the path of satan.’ Then he put his hand on the middle line and said, ‘This is the path of Allāh.’ Then he recited the verse, ‘And verily, this (Allāhs commandments) is My path that is straightforward. So, follow it, and do not follow (any other) paths, lest they should make you deviate from His way.’ [6:153]”[417]

The Prophet ﷺ said, “The best discourse is the book of Allāh, the best guidance is what is revealed to Muhammad, and the worst matters are innovation for every innovation is misguidance. I am closer to the believers than themselves.”[418]

The Prophet ﷺ said, “After me there will be men who make known to you (their falsehood), from what you reject. And they will reject what you know (from the *sunan*). There is no obedience to who disobeys and do not act according their *ra’ī*.”[419]

The Prophet ﷺ said, “No *mu’min* has complete *īmān* except if his desires follow what is revealed to me.”[420]

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[414] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 2048
[415] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 2038
[416] Sahih Al-Bukhari 7288
[417] Al-Shari’ah by Al-Ajurri 13, 1/293
[418] Sahih Muslim 867
[419] Al-Madkhal Ila Al-Sunan Al-Kubra 206
[420] Al-Madkhal Ila Al-Sunan Al-Kubra 209

The Prophet ﷺ said, “Indeed Allāh has made a parable of the path that is straightforward: at the sides of the path there are walls with open doors, each door having a curtain. There is a caller at the head of the path calling, and a caller above it calling, ‘Allāh calls to the Home of Peace (Paradise) and guides whom He wills to the Straight Path’ [10:25]. The doors which are on the sides of the path are the *ḥudūd* of Allāh (limits set by Allāh); no one transgresses the *ḥudūd* of Allāh except that curtain is lifted, and the one calling from above it is his Lord.”[421]

The Prophet ﷺ said, “Beware of innovations. Indeed the most evil matters are innovations, every innovation is a misguidance and every misguidance is in the fire.”[422]

The Prophet ﷺ said, “Six are cursed by me and all Prophets that preceded me: the one that adds on to the book of Allāh, the one rejecting *qadar*, the one who rules with tyranny by which he honors whom Allāh has debased, and he dishonors whom Allāh has honored, and the one who makes *ḥalāl* what Allāh made *ḥarām*, and the one from my family who makes *ḥalāl* what Allāh made *ḥarām*, and the abandoner of my *sunnah*.”[423]

Jabir said, “Umar came to the Prophet ﷺ with a book (from the jews and christians) he found. The Prophet ﷺ then became angry and said, ‘Is there misguidance in it O Ibn Al-Khattab. By him in whose hands is my soul. I have certainly come to all of you with pure whiteness. If Musa were alive, he would do nothing but follow me.”[424]

The Prophet ﷺ said, “Indeed for every act, there is a zeal, and every zeal has a slackening. Whoever turns to the *sunnah* [even] while he is slackened has been guided, and whoever when slackened turns to anything else perishes.’”[425]

The Prophet ﷺ said, “Whoever does an anything contrary to our way will have it rejected.”[426]

The Prophet ﷺ said, “Whoever turns away from my *sunnah* is not from me.”[427]

The Prophet ﷺ said, “My *ummah* will split into seventy-three sects. One of them is in *jannah* and seventy two in the fire. You will certainly follow

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[421] Sunan Al-Tirmidhi 2859
[422] Al-Sunnah by Ibn Abi ‘Asim 25, 1/16
[423] Al-Mustadrak ‘Ala Al-Sahihayn 3983
[424] Al-Sunnah by Ibn Abi ‘Asim 50
[425] Al-Sahih Al-Musnad Mimma Laysa Fi Al-Sahihayn 802, 1/525
[426] Al-Sunnah by Ibn Abi ‘Asim 52
[427] Sahih Muslim 1401

the ways of those who came before you, arms length by arms length, forearms length by forearms length, hand span by hand span, until even if they entered a hole of a mastigure (lizard) you will enter it too." The people asked said, "O Messenger of Allāh, do you mean [they will follow] the Jews and the Christians?" The Prophet ﷺ said, "Who else?"[428]

Ibn Umar said, "[My father] Umar saw 'Utarid Al-Tamimi standing in the market (and selling) the silk garments, and he was the person who went to (courts of) kings and got (high prices) for these garments from them. Umar said, "O Messenger of Allāh, I saw 'Utarid standing in the market with a silk garment; could you buy it and wear it for (receiving) the delegations of Arabs when they visit you? You may wear it on Friday also.' Thereupon, the Prophet ﷺ said, 'He who wears silk in this world has no share in the Hereafter.' Later on when these silk garments were presented to the Prophet ﷺ he presented one silk garment to Umar and presented one also to Usama Ibn Zayd and gave one to Ali Ibn Abu Talib. the Prophet ﷺ then said, 'Tear them and make head coverings for your ladies.' Umar came carrying his garment and said, 'O Messenger of Allāh, you have sent it to me, whereas you had said yesterday about the (silk) garment of 'Utarid what you had to say.' The Prophet ﷺ said, 'I have not sent it to so that you can wear it, I only sent It to you so that you may derive benefit out of it.' Usamah wore the garment (presented to him) and appeared to be brisk, the Prophet ﷺ looked at him with a look by which he perceived that the Messenger of Allāh ﷺ rejects what he had done. Usama said, 'O Messenger of Allāh, why is it that you look at me like this, whereas you yourself gave it to me?' He said, 'I never sent it to you to wear it, I only sent It to you so that you may tear it and make out head covering for your wives.'"[429]

Umar said. "I remember going against the order of the Prophet ﷺ with my *ra'ī* by *ijithād*, by Allah I did not want to diminish the truth. This was on the day Abu Jandal and the book were with the Prophet ﷺ, and the people of Makkah. He said, 'Write: In the Name of Allah.' They said, 'We believe what you say, but if you could write as you wrote, 'In your name, O Allah.' Then the Prophet was pleased with that, but I rejected it, till the Prophet ﷺ said, 'You saw me pleased with it, but you reject it?' So I became pleased with it."[430]

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[428] Al-Musannaf by Ibn Abi Shaybah 37376, 7/479
[429] Sahih Muslim 2068, 3/1639
[430] Musnad Al-Bazzar 148

The Prophet ﷺ said, “Whoever issues a verdict without *‘ilm* (Qur’an and sunnah only, as Allah said, ‘We have no *‘ilm* except what you have taught us’ [2:32]), the sin is on the one issuing the verdict.”[431]

The Prophet ﷺ said, “They killed him, may Allah kill them! Could they not ask when they did not know? The cure for ignorance is inquiry (the Qur’an and *sunnah*).”[432]

Abu Hurairah said, “The Messenger of Allah ﷺ spoke about treasure and *zakāh* on camels, cattle, horses, and weight. Then the Prophet was asked about donkeys and he replied, ‘Nothing has been revealed to me regarding donkeys except this comprehensive verse which includes everything, ‘So whoever does good equal to the weight of an atom shall see it; and whoever does evil equal to the weight of an atom shall see it.’’’”[433]

The Prophet ﷺ said, “The Children of Israel were not destroyed until the number of those born among them from the offspring of slaves of other nations increased. They began to adopt *qiyās* in the religion, and thus they perished and were ruined.”[434]

The Prophet ﷺ said, “Whoever says regarding the religion with his *ra’ī*, kill him.”[435]

The Prophet ﷺ said, “You do not know whether (your ruling) goes according the ruling of Allāh regarding them or not.”[436]

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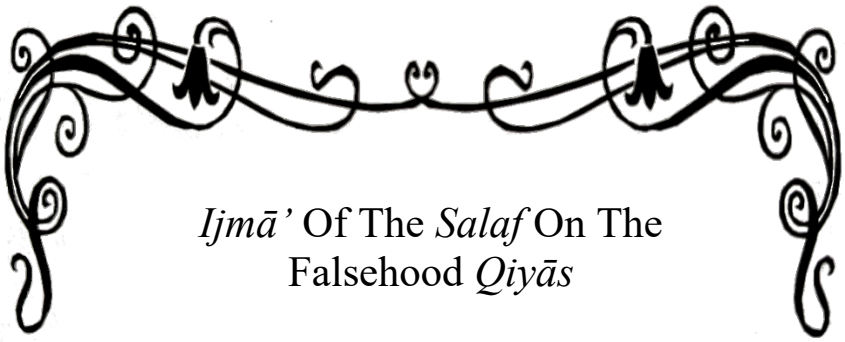
[431] Al-Jami’ Al-Sahih Li Al-Sunan Wal-Masanid 8/447
[432] Al-Jami’ Al-Sahih Li Al-Sunan Wal-Masanid 8/448
[433] Sahih Al-Bukhari 4963
[434] Al-Fiqh Wal-Mutafaqqih 1/451
[435] Al-Fiqh Wal-Mutafaqqih 1/451
[436] Sunan Abi Dawud 2612



Ijmā' Of The *Salaf* On The Falsehood *Qiyās*

It is now clear that the Prophet ﷺ did not use any qiyās, did not teach us how to use it, when it must be used, its pillars and forty conditions, and that he instead explicitly prohibited it. It is also now clear that none of the companions ever used *qiyās*, from what has preceded and that none of them had any *ijmā'*, regarding a single issue because of *qiyās*. We will now additionally clarify that the *salaf* instead had an *ijmā'* on the falsehood of *qiyās*. Numerous narrations from *ṣaḥābah* explicitly reject the validity of *qiyās*. We've previously touched upon a few of these narrations. We will now mention all of them from *ṣaḥābah*, then the *tābi'ūn* and subsequent generations, by the will of Allah.

Abu Hurairah said to Ibn Abbas, "O son of my brother, if you hear a *ḥadīth* from the Prophet ﷺ, then do not apply examples to them."[437]

Samurah Ibn Jundub said, "The Prophet ﷺ said, 'Do not call your sons Yasar, Rabah, Najih and also not Aflah.'" Samurah said, "Is there anyone present with these names?" It was said, "No." Samurah said, "The only prohibited names are these four, do not add on to them any."[438]

Samurah Ibn Jundub firmly opposed the use of *qiyās* and maintained that it constituted an extension of the Prophet's teachings ﷺ. He invalidated anyone who would say, "So this ruling should also apply to Khayrah, Sa'd, and Faraj, because they have the same ugliness" Instead us and Samurah would say, "Did the Prophet ﷺ mention Sa'd? Did he mention Faraj? Did he

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[437] Al-Jami' Al-Sahih Li Al-Sunan Wal-Masanid 23/375
[438] Sunan Abi Dawud 4958, 4/290

mention Khayrah in the *nuṣūṣ*?" Samurah pointed out that the Prophet ﷺ never permitted the derivation of additional rulings what is not explicitly mentioned in *nuṣūṣ*. If it is claimed that the mention in the narration about the prohibition of names besides the four is directly from the Prophet ﷺ and not from Samurah, the response is that this would further invalidate the argument, as it would introduce another *marfū'* narration directly prohibiting *qiyās* and instructing adherence solely to the *nuṣūṣ*.

'Ubaid Ibn Fayruz said, "I said to Al-Barra Ibn 'Azib, 'Tell me about the sacrificial animals that the Prophet ﷺ disliked or prohibited.' He then said that the Prophet ﷺ said, 'There are four that are not valid as sacrifices: the animal that clearly has one bad eye, the sick animals that is obviously sick, the lame animal with an obvious lamp, and the animal that is so emaciated that it is as if there is no marrow in its bones.' Fayruz said, 'And I dislike sacrificing if an animal has defects in its horns or ears.' Al-Barra' said, 'What you dislike, forget about it, and do not make it forbidden for anyone.'"[439]

Umar said, "Beware from the companions of *ra'ī*, for they are the enemy of the *sunan*"

Yazid Dhu Misr said, "I came to 'Utbah Ibn Abd Al-Sulami and said, 'O Abu al-Walid, I went out seeking sacrificial animals. I did not find anything which attracted me except an animal whose teeth have fallen, but I dislike prohibit it. What do you say about it?' He said, 'Why did you not bring it to me?' He said, 'Glory be to Allāh. Is it lawful for you and not lawful for me?' He said, 'Yes, you doubt and I do not doubt. The Messenger of Allāh ﷺ has only forbidden an animal whose ear has been uprooted so much so that its hole appears (outwardly), and an animal whose horn has broken from the root, and an animal which has totally lost the sight of its eye, and an animal which is so thin and weak that it cannot go with the herd, and an animal with a broken leg (and not anything other than that.'"[440]

Abdullah ibn Abbas said, "The people during the times of ignorance time used to eat some food and not eat other food, considering them dirty. Then Allāh sent His Messenger and sent down His Book, allowing what is *ḥalāl* and prohibited what is *ḥarām*; so what He made *ḥalāl* is *ḥalāl*, what he *ḥarām* is *ḥarām*, and what he said nothing about is *ḥalāl*."[441]

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[439] Al-Sunan Al-Kubra 4444, 4/339
[440] Sunan Abi Dawud 2803, 4/428
[441] Sunan Abi Dawud 3800, 3/354

Abu Hilal said, “I asked Qatadah regarding an issue and he said, ‘I don’t know.’ Then Abu Hilal said tell it with *ra’ī*. Qatadah replied, ‘I have not answered anything with *ra’ī* for forty years.’”[442]

Abu Bakr said, “What land would shelter me if I said regarding the Qur’ān with my *ra’ī*.”[443]

Masruq said, “A writer wrote regarding an issue Umar gave a fatwa on, ‘This is what Allāh showed umar.’ Umar scolded him and told him to change it to, ‘This is Umars *ra’ī*, if it is correct it is from Allāh if it is wrong it is from Umar.’”[444]

Al-Mu’alla Ibn Ziyad Ibn Al-Hasan, “When Umar was walking in some streets of Madinah, a man stepped on his heel and broke his shoes. Umar then lashed him. The man said, ‘O *amīr al-mu’minīn* you hit me and oppressed me. By Allāh I did not intend to break your shoe.’ Then the whip was thrown to him and Umar said to him, ‘Take it and use it for *qiṣaṣ*. Some people said, ‘Forgive *amīr al-mu’minīn*.’ Umar said, ‘I do not want his forgiveness. However if you wish I can lead you to something better. He recited the verse, ‘But if anyone remits the retaliation by way of charity, it shall be for him an expiation’ [5:45].’ Umar said, ‘I will remit it by way of charity.’ Umar then brought a slave and gave it to him as a servant.’”[445] Umar prohibited *qiyās* to accept forgiveness because of what is *manṣūṣ* from Sadaqah while their *‘illah* are the same.

Mujahid said, “Umar Ibn Al-Khattab prohibited *mukā’alah*, meaning *qiyās*.”[446]

Ali said, “If the religion would be based on *ra’ī*, it would be more important to wipe the under part of the shoe than the upper, but I have seen the Prophet ﷺ wipe over the upper part of his shoes (245).”[447] This is directly Ali rejecting and invalidating *ta’līl*, *qiyās al-‘aks* any *qiyās* and *ra’ī*.

Shuraih said, “I only give verdicts from the narrations of the Messenger ﷺ of Allāh.”[448]

Al-A’mash said, “I asked Abu Wa’il, ‘Did you take part in the battle of Siffin?’ He said. ‘Yes, and I heard Sahl Ibn Hunaif (when he was blamed for lack of zeal for fighting) saying, ‘[You should not consider me a coward

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[442] Al-Jami’ Al-Sahih Li Al-Sunan Wal-Masanid 8/453
[443] Al-Musannaf by Ibn Abi Shaybah 30107, 6/136
[444] Sunan Al-Kubra 20348, 10/197
[445] Al-Ihkam Fi Usul Al-Ahkam 8/28
[446] Al-Madkhal Ila Al-Sunan Al-Kubra 211
[447] Bulugh Al-Maram (edition of Mahir Yasin Al-Fahl) 60
[448] Al-Madkhal Ila Al-Sunan Al-Kubra 231

but] blame your false *ra'ī*. I saw myself on the day of Abu Jandal (inclined to fight), and if I had the power of refusing the order of Allāh's Apostle then, I would have refused it (and fought the infidels bravely). Allāh and His Apostle know (what is convenient) better. Whenever we put our swords on our shoulders for any matter that terrified us, our swords led us to an easy agreeable solution before the present situation (of disagreement and dispute between the Muslims).'"[449]

Abu Abd al-Rahman al-Sulami said, "Umar said on the *minbar*, 'O people indeed Qur'ān is the words of Allāh. Do not use your desires to understand it. Indeed Islam has for that cut the head of men, they entered it by force and without force. The obligations are made very clear and the *sunan* have been made. There is no place in any of it for anyone to say something from himself. Follow and do not deviate, as there is full sufficiency in it. Carry out what is *muḥkam* and believe in what is *mutashābih*.'"[450]

Al-Nazzal Ibn Sabrah said, "A man and woman went to Ibn Mas'ud regarding a prohibition. He said, 'Indeed Allāh has made the matter clear. Whoever adds to the matter from his own—it has already been made clear. Whoever opposes it then by Allāh we reject it.'"[451] Ibn Masud called every obligation, prohibition and everything permitted other than what is from *nuṣūṣ* that which opposes Allāh and his Messenger ﷺ. This is a very clear indication of him invalidating *qiyās*.

Ibn Mas'ud said, "There does not pass by a year except that each passing year becomes worse. And with that I do not mean a year having more rain, or more drought and also not regarding a ruler. I mean that the best of you and the scholars will be gone and there will appear a people performing *qiyās* in the light of their opinion and with they attack Islam."[452]

Ibn Umar said, "Knowledge is of three: The apparent of Qur'ān, the non-abrogated *sunan* and to say, 'I do not know (if there is no answer to an issue).'"[453]

Ibn Umar said, "O Jabir, you are of the *fuqāha'* from the people of Basrah, you will be asked for *fuqāha'*. Do not issue *fuqāha'* except by the

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[449] Al-Madkhal Ila Al-Sunan Al-Kubra 218
[450] Al-Shari'ah by Al-Ajurri 155, 1/490
[451] Musnad Al-Darimi 104, 1/233
[452] Al-Mu'jam Al-Kabir 8551, 9/105
[453] Sunan Abi Dawud 2858

apparent of Qur'ān and the non-abrogated *sunan* of the Messenger ﷺ of Allāh."[454]

Al-Shaibani said, "I heard Ibn Abi Awfah say, "The Prophet ﷺ prohibited *nabīdh* made in green earthenware jars. I said, 'What about white ones?' He said, 'I do not know.'"[455] If *qiyās* would ever be allowed according to Ibn Abi Awfa he would have said, "What is the difference between green and white?" In the exact same manner *qa'isūn* say, "What is the difference between fat and oil." And as they say, "What is the difference between a dead rat and a cat." And as they say, "What is the difference between rice and wheat." They mention these all in the issues related to them which we have also mentioned many times before. They do this in the same manner. Ibn Abi Awfa instead stopped where the *naṣṣ* stopped and did not transgress.

Muhammad Ibn Jubair bin Mutim said, "Mu'awiyah got angry that 'Amr Ibn Al-'As said that there would be a king from the tribe of Qahtan. Mu'awiyah said to them, 'I have heard that some men amongst you speak about matters which are neither from Qur'ān nor have been told by the Prophet ﷺ. Those men are the ignorant amongst you, beware of such hopes as make the people go astray.'"[456]

Yazid Ibn 'Amirah said, "Mu'adh Ibn Jabal said, '*Fitnah* will increase, and words will be innovated, that does not come from the book of Allāh and also not from the *sunan* of the Prophet ﷺ. Beware! I warn you from it. It is an innovation and misguidance.' He repeatedly said this thrice."[457]

Umar Ibn al-Khattab said while he was on the minbar in front of all the companions, "O people, indeed *ra'ī* from the Prophet ﷺ is always correct because he only does what Allāh reveals to him. As for us, it is mere assumptions."[458]

Umar said, "*Ahl ul-ra'ī* have become the enemies of the *sunan*, When they do not they are perished for using *ra'ī* to compete with it the *sunan*."[459] Umar Ibn al-Khattab said, "The *sunnah* is (only) what Allāh and his Messenger ﷺ made a *sunnah*, do not make your false *ra'ī* a *sunnah* for the *ummah*."[460]

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[454] Al-Tarikh Al-Kabir 2188, 2/709
[455] Sunan Al-Nasa'i 5621, 8/304
[456] Al-Jami' Al-Sahih Li Al-Sunan Wal-Masanid 16/392
[457] Mu'jam Al-Kabir 1087, 20/114
[458] Jami' Bayan Al-'Ilm Wa Fadhlihi 2000, 2/1040
[459] Jami' Bayan Al-'Ilm Wa Fadhlihi 2001, 2/1041
[460] Jami' Bayan Al-'Ilm Wa Fadhlihi 2014, 2/1047

Umar, Ibn Umar, Ibn Mas'ud, Abu Hurairah, Muadh Ibn Jabal, Samurah Ibn Jundub, Ibn Abbas, Al-Barra Ibn 'Azib, Abdullah Ibn Abi Awfah, Mu'awiyah from the companions of the Prophet all rejected and invalidated *qiyās* and they all rejected anything that does not exist in Qur'ān and not in the *sunan* of the Prophet ﷺ, which includes *ra'ī*, *ta'līl* and any other method. There does not exist authentically any opposition to this view from anyone of *ṣaḥābah*. There are some narrations that they used *ra'ī*, we have clarified many times that none of them would ever oblige their own *ra'ī* as a ruling.

As for the *tābi'ūn* and those after them, Abd Al-Aziz Ibn Rufay' said, "'Ataa was asked about something, he answered, 'I do not know.' He was then asked, 'Say what you think.' 'Ataa said. 'I feel shy before Allah, lest anyone follow the religion through my *ra'ī*'"[461]

Al-A'mash said, "I have not heard Ibrahim Al-Nakha'i say anything with his *ra'ī'* regarding anything."[462]

Muhammad Ibn Sirin said, "*Qiyās* is an evil omen. The first one to ever perform *qiyās* was Iblis and perished. The sun and moon only got worshiped because of *qiyās*."[463]

Shuraih Al-Kindi Al-Qadhi said, "Woe to you! The *sunnah* came before your *qiyās*, follow and do not innovate!"[464]

Al-Hasan Al-Basri said regarding the verse, "You created me from fire and you created him from soil" [7:12], "Iblis used *qiyās* and he was the first one to use *qiyās*."[465]

Al-Rabi Ibn Khutaim said, "Beware of a man claiming Allāh has prohibited an issue (with no evidence from *nuṣūṣ*). Allāh will say to him, 'You have lied, I did not prohibit that.' Or if he says, 'Allāh has allowed this!' Allāh will say, 'You have lied I did not allow that and I have not commanded it.'"[466]

Abu Nadrah said, "Abu Salamah came to Basrah and he said to Al-Hasan, 'Are you al-Hasan? I didn't like to meet anyone in Basrah more than you, however it has reached me that you give *fatwa* based upon *ra'ī*, so do

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[461] Al-Jami' Al-Sahih Li Al-Sunan Wal-Masanid 8/451
[462] Al-Jami' Al-Sahih Li Al-Sunan Wal-Masanid 8/452
[463] Al-Madkhal Ila Al-Sunan Al-Kubra 223
[464] Musnad Al-Darimi 204, 1/283
[465] Jami' Bayan Al-'Ilm Wa Fadhlihi 1674, 2/892
[466] Jami' Bayan Al-'Ilm Wa Fadhlihi 2090, 2/1075

not give *fatawa* based upon *ra'ī*. Give *fatwa* only based from the *sunan* of the Prophet ﷺ or the book of Allāh .”[467]

Ashhab said, “Malik was asked regarding the *ikhtilāf* the *ṣahābah* of the Prophet ﷺ. Malik answered, ‘They can be incorrect and correct, so look in to the matter (to find what is from the *nuṣūṣ*).’”[468]

Ibn Al-Qasim said, “I heard Malik and Al-Layth both say regarding the *ikhtilāf* of the *ṣahābah* of the Prophet ﷺ, ‘It is not like how the people say that in their differencing there is a broadening to take more rulings, they can be wrong and correct.’”[469]

Ibn al-Qasim said, “I heard from Malik that he said, ‘The *ṣahābah* of the Prophet ﷺ are sometimes wrong and sometimes correct, and upon you is *ijtihād* (from *nuṣūṣ*).’”[470]

Ashhab said, “Malik was asked regarding someone who takes from someone trustworthy the *āthār* from the *ṣahābah* of the Prophet ﷺ and if within the *ṣahābah* disagreement there is an expansion to take more, malik said, ‘No by Allāh, [he is followed] only if he is correct and truth is only in one not in two differing opinions.’”[471]

Malik said, “We only use mere assumptions and we do not affirm certainty with it.”[472]

Ma'n Ibn ‘Isa said, “I heard Malik say, ‘I am only a human, I make mistakes and I can be correct. Look into my *ra'ī*, whatever from it goes according to the Qur'ān and *sunan* then take from it. And anything that does not go according to it then abandon it.’”[473]

Malik Ibn Anas said, “None of those who came before us dared to claim, ‘This is *ḥarām*, and this is *ḥalāl*.’ Instead, they would express preferences such as, ‘We disapprove of this action’ or ‘We consider this action to be meritorious’ or ‘This should be done in this manner.’”[474]

Al-Qa'nabi said, “I entered upon Malik during his illness which he passed away on and I saw him crying and I asked what made him cry, he said, ‘Why should I not cry, I am the most deserving of crying than anyone.

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[467] Musnad Al-Darimi 165, 1/263
[468] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1694, 2/905
[469] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1695, 2/906
[470] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1697, 2/906
[471] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1700, 2/906
[472] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1445, 1/777
[473] Jami' Bayan Al-‘Ilm Wa Fadhlihi 1435, 1/775
[474] Jami' Bayan Al-‘Ilm Wa Fadhlihi 2091, 2/1075

I wish that I could be lashed for every single *fatwa* i spoke of with *ra'ī*. I wish that i had never given any *fatwa* with *ra'ī*.'"[475]

Malik said, "The situation never ceased being upright till Abu Hanifah used *qiyās* and he did not succeed."[476]

Malik said, "If Abu Hanifah would go against the *ummah* with the sword, that would be easier for the *ummah* than him showing the *ummah qiyās* and *ra'ī*."[477]

Malik said, "The Prophet ﷺ has passed away and with it the religion has been completed, only the *āthār* of the Prophet ﷺ must be followed and the *ṣaḥābah*, as for *ra'ī* it must not be followed. Whoever follows a *ra'ī*, then there is always someone with a better *ra'ī* and this his will never cease to happen."[478]

Malik said, "The Prophet ﷺ is the *imām* of the Muslims and the master of the worlds. When he would be asked about anything he would not answer except with waḥī."[479]

Ibn Wahb said, "If I were to write everytime Malik said, 'I do not know,' it would fill the pages."[480]

Hammad Ibn Zayd said, "It was said to Ayyub, 'Why do you not look in to my *ra'ī*.' Ayub said, 'It would be said to a donkey, 'Why do you not move the food from your stomach up again to chew it again?'' The donkey would say. 'I hate chewing falsehood.'"[481]

Yahya Ibn Sa'id said, "A man came to Sa'id Ibn Al-Musayyib and asked him about a matter. He wrote it and also asked about his *ra'ī*. He then also wrote that. Then a man from among the company of Sa'id Ibn Al-Musayyib said, 'Should your *ra'ī* be written o Abu Muhammad.' Sa'id then said to the man, 'Give it (the paper) to me. He then took it and burned it.'"[482]

Al-Sha'bi said, "A group of people came to Zayd Ibn Thabit and asked him about issues. He answered it for them and they wrote it down. He then

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[475] Jami' Bayan Al-'Ilm Wa Fadhlihi 2081, 2/1072
[476] Jami' Bayan Al-'Ilm Wa Fadhlihi 2102, 2/1079
[477] Jami' Bayan Al-'Ilm Wa Fadhlihi 2103, 2/1079
[478] Jami' Bayan Al-'Ilm Wa Fadhlihi 2117, 2/1085
[479] Jami' Bayan Al-'Ilm Wa Fadhlihi 1578, 2/ 838
[480] Jami' Bayan Al-'Ilm Wa Fadhlihi 1575, 2/ 838
[481] Jami' Bayan Al-'Ilm Wa Fadhlihi 2085, 2/1079
[482] Jami' Bayan Al-'Ilm Wa Fadhlihi 2075, 2/1070

said, ‘Perhaps everything I told you is false, I only did *ijtihād* in the light of my *ra’ī*.’”[483]

Al-Sha’bi said, “I witnessed Shuraih, when a man came to him, he said, ‘O Abu Umayyah, what is the *diyah* of the fingers?’ Shuraih said, ‘Ten for each finger.’ The man said, ‘Glory be to Allāh, are these really the same?’ He indicated the thumb and pinkie. Shuraih said, ‘Glory be to Allāh, is your ear and hands the same? The ear is covered by hair and '*imāmah*. There is half for it and also half in the *diyah* of the hand. Woe to you. The *sunnah* precedes your *qiyās*. Follow and do not deviate. You will never deviate as long as you take from *athar*.’ Abu Bakr said, ‘Al-Sh’abi told me that he said, ‘O Hudhali if the most noble one of you would be killed and this child in his bed, would the *diyah* of them be the same?’ He said, ‘Yes.’ Al-Sha’bi said, ‘Then where is the *qiyās*?’”[484]

Al-Sha’bi said, “Memorize from me three important matters. First, If you ask about an issue and you are given an answer, do not follow it up with, ‘But what about…’ Allāh says, ‘Have you seen the one who takes as his god his own desire?’ [25:43]. Second, if you are asked about an issue, then do not ever perform *qiyās*. It is possible for you to make *ḥarām* what is *ḥalāl*, and make *ḥalāl* what is *ḥarām*. Third, if you are asked about that which you do not know then say, ‘I do not know.’”[485]

Al-Sha’bi said, “Look at the *ahl al-ra’ī*, if they tell you from the *ṣahābah* of the Prophet ﷺ then take from it. And if they tell you from their *ra’ī*, take it then throw it all in the toilet (and urinate on it), beware of *qiyās*! if you take from it you make *ḥarām* what is *ḥalāl* and the *ḥalāl ḥarām*.”[486]

Al-Sh’abi said, “Whatever comes to you from the *sunan* then take from it, and whatever they utter from their *ra’ī* then urinate on it.”[487]

Al-Sha’bi said, “Beware of *qiyās*! By him in whose hands is my soul. If you were to take from *qiyās* you would make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*. Memorize what comes to you from the *ṣahābah* of the Messenger ﷺ of Allāh.”[488]

Al-Sha’bi said, “You perished when you abandoned *āthār* and used *qiyās*. I hate this *masjid* of them more than the church in my city.”[489]

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[483] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 2069, 2/1068
[484] Musnad Al-Darimi 204, 1/283
[485] Hilyah Al-Awliya’ 4/319
[486] Ta’wil Mukhtalaf Al-Hadith 110
[487] Al-Jami’ by Ma’mar Ibn Rashid 20476, 11/256
[488] Jami’ Bayan Al-‘Ilm Wa Fadhlihi 2016, 2/ 1047
[489] Al-Madkhal Ila Al-Sunan Al-Kubra 228

Al-Sha'bi said, "You only perished when you left the *āthār* and took from *qiyās*."[490]

Abdullah Ibn Bishr said, "Masruq Ibn Al-Ajda' was asked about an issue, he said, 'I do not know.' They said, 'Use *qiyās*,' he replied, 'I fear that my foot may slip after it was once firm [16:94].'"'[491]

'Ataa Ibn Abi Rabah said regarding the verse, "If you dispute over anything return the matter to Allāh and his Messenger" [4:59], "To Allāh, means to the book of Allāh and to His Messenger, means to the *sunnah* of the Messenger ﷺ of Allāh."[492]

Maymun Ibn Mahran said regarding the verse, "If you dispute over anything, return the matter to Allāh and his Messenger" [4:59] "To Allāh, means to the book of Allāh and and to his Messenger, means to him when he is alive and to his *sunan* when he passes away."[493]

Abbas Ibn Al-Faraj Al-Riyashi said, "It was said to Al-Asma'I, 'Al-Khalil Ibn Ahmad sees *qiyās* as false. He said, 'He took this from Iyas Ibn Muawiyah.'"'[494]

Ibn Shubrumah said, "Me and Abu Hanifah came to Ja'far Ibn Muhammad Ibn Ali, and he said to Abu Hanifah, 'Fear Allāh and do not use *qiyās* in the religion among your opinion. Me, you and everyone else will stand before of Allāh. We will say (when questioned about *fatwa*), 'Allāh, and his Messenger said.' While you and your companions will say, 'We heard (the narrations) and used our *ra'ī*.' And Allāh will do with us and you as he wants."[495]

Abdullah Ibn Ubaid Ibn Umair said, "A man came to my father and asked him about a rabbit, 'What makes this prohibited?' He said, 'They claim it is impure.' He said, 'I dont know.' He said, 'The one that knows when it is impure, knows when it is pure. Indeed Allāh did not leave out anything except that he clarified it. Whatever Allāh says it is exactly as he said it to be. And whatever his Messenger says, is exactly as he said it to be. Whatever they did not clarify is a mercy and leave that, do not search for it.'"'[496]

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[490] Jami' Bayan Al-'Ilm Wa Fadhlihi 2017, 2/ 1048
[491] Al-Fiqh Wal-Mutafaqqih 1/458
[492] Jami' Bayan Al-'Ilm Wa Fadhlihi 1413, 1/765
[493] Jami' Bayan Al-'Ilm Wa Fadhlihi 1414, 1/766
[494] Al-Ihkam Fi Usul Al-Ahkam 8/34
[495] Sharaf Ashab Al-Hadith pg. 76
[496] Al-Musannaf by Abd Al-Razzaq 8694, 4/516

Sufyan Ibn ‘Uyainah said, “I asked Malik about the one that entered *iḥrām* at Madinah inside the prescribed *mawāqīt*. He said, ‘The one doing that opposes Allāh and his Messenger ﷺ.’ And fear that a trial may afflict them or a painful punishment in the hereafter. Did you not hear the Ayah, “‘So let those who oppose the Messengers commandment beware, lest a trial afflict them or a painful punishment afflict them” [24:63]. While the Prophet ﷺ only ordered entering *iḥrām* at the borders of the Mawaqit (293).

Yazid said: I heard Waki Ibn al-Jarrah say to Yahya Ibn Salih al-Wuhadhi: 'O Abu Zakariya, be careful from *ra’ī*, for I heard Abu Hanifah say: 'Urinating in the mosque is better than some of their *qiyās* (294).

Ibn Shabawayh said, “Whoever wants knowledge of the grave , then upon him is the *athar*, whoever wants knowledge of bread, then upon him is *ra’ī*.’”[497]

Abu Bakr Ibn Abd Al-Rahman Al-Nasafi said, “Our scholars would call Abu Bakr Ibn Isma’il ‘Abu Thamud,’ because he was from the companions of *ḥadīth*, then became the companions of *ra’ī* , Allah says, ‘As for Thamûd, We showed them guidance, but they preferred blindness over guidance’ [41:17].”[498]

Yunus ibn Sulaiman As-Saqati, said, “I looked into the matter, and behold, there are both *ḥadīth* and *ra’ī*. So, I found in the hadith the mention of the Lord, His Lordship, His Majesty, and His greatness, and the mention of the Throne, and the description of Paradise and Hellfire, and the mention of the prophets and messengers, and what is lawful and unlawful, and the exhortation to maintain family ties, and the encouragement to do good deeds. Then I looked into the *ra’ī*, and behold, therein are deceit, betrayal, and cunning, and severing of family ties, and the gathering of evil.”[499]

Abdullah Ibn Al-Hasan Al-Hisinjani said, “I was at Egypt and saw a judge in a *masjid*, i heardh im saying, ‘The poor companions of *ḥadīth* did not know *fiqh*,’ so I went to him and said to him, ‘The companions of the Prophet differed on the wounds of men and women, what did Ali say? What did Zayd Ibn Thabit say? What did Abdullah Ibn Mas’ud say?’ Then he was silenced, I said to him, ‘You claim that the scholars of *ḥadīth* do not excel in *fiqh*, and I am among the humblest of the scholars of *ḥadīth*. I asked you about these matters, and you couldn't answer them. How then do you

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[497] Sharaf Ashab Al-Hadith pg. 75
[498] Sharaf Ashab Al-Hadith pg. 75
[499] Sharaf Ashab Al-Hadith pg. 75

criticize a people for not excelling in something when you yourself do not excel in it.'"[500]

Abu 'Amir Al-Hasan Ibn Muhammad Al-Nawasi said, 'Abu Zayd Al-Faqih recited to some scholars of *shāsh*, 'All speech other than Qur'an is *zandaqah*, except the ḥadīth and except knowledge in the religion. And knowledge is what follows, '*ḥaddathanā*,' what is beyond that is the *waswās* of satan.'"[501]

Hammad Ibn Abi Hanifah said, "My father (Abu Hanifah) said, 'Whoever does not abandon *qiyās* for rulings is no *faqīh*."[502]

Al-Badakhshi, "The truth is that what is well known from Ahl Ul-Bayt, such as Al-Baqir, Al-Sadiq and others, is that they rejected *qiyās*. And it is well known that Abu Hanifah, Al-Shafi'i and Malik used it. this is also the same way Al-Fanari mentioned it."[503]

Al-Hafidh Ibn Hajar said, "Ibn Battal claimed, 'The first one that rejected *qiyās* was Ibrahim Al-Nadham.' Some people responded to Ibn Battals claim that it is well affirmed that Ibn Mas'ud from the *ṣaḥābah* and 'Amir Al-Sha'bi and Muhammad Ibn Sirin from the *tabi'īn* rejected it."[504]

Hicham Ibn Urwah said, "My father said, 'The matter of Bani Israil did not cease being upright till the next generation invented *ra'ī*, then Banu Israil became misguided.'"[505]

Sufyan said, "The religion is only from *āthār*,"[506]

It is also very well known from Ibn Qutayba Al-Dinawari the rejection of *qiyās*.[507]

Ibn Taymiyyah also mentioned that some of the *ḥanābilah* went with the view that *qiyās* is not a *ḥujjah*.[508]

Abu Hanifah claimed that a person who issues rulings based on *qiyās* cannot be considered a true *faqīh*. Additionally, we've previously discussed Malik's viewpoint on the inadequacy of *qiyās*. If, despite these statements from Abu Hanifah and Malik, *qiyās* is found to be used, it signifies a

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[500] Sharaf Ashab Al-Hadith pg. 76
[501] Sharaf Ashab Al-Hadith pg. 79
[502] Al-Musannaf by Abd Al-Razzaq 14939 8/214
[503] Minhaj Al-'Uqull 3/19
[504] Fath Al-Bari 13/352
[505] Jami' Bayan Al-'Ilm Wa Fadhlihi 2015, 2/1047
[506] Jami' Bayan Al-'Ilm Wa Fadhlihi 2022, 2/1049
[507] Ta'wil Mukhtalaf Al-Hadith pg. 102-127
[508] Al-Musawwadah 3/372-373

difference of opinion, and it becomes obligatory to prioritize the statements that align with the Qur'ān and *sunnah*.

It is also important to know that the *qiyās* utilized by Abu Hanifah and Malik differ from the *qiyās* used by their companions, as their method include for *istikhrāj* of *'ilal*. That from Abu Hanifah was primarily akin to *ra'ī*, which they never firmly validated. Al-Tahawi mentions that Abu Hanifah acknowledged this method but remained open to embracing any superior approach if presented. His stance reflects a willingness to adapt to better reasoning when it emerged.

The prevalence of *qiyās* now doesn't validate its correctness, but rather, it indicates its falsehood and corruption. In line with the Prophet's warnings ﷺ, the widespread acceptance of certain practices or beliefs doesn't indicate their truthfulness. He instead cautioned that falsehood could become widespread while the truth may become obscured or neglected. This indicates the importance of careful scrutiny and adherence to the principles of the Qur'ān and *sunnah* to distinguish between what is valid and what is false.

The Prophet ﷺ said, "Islam began as a small religion and will return to the state in which it began (being small). Then blessed will be the few [who hold to it]."[509]

The Prophet ﷺ also said, "Verily Islam started small and it will again return to the state of being small just as it started, and it will recede between the two mosques just as the serpent crawls back into its hole (just as it began at Makkah to Madinah it will return there)."[510]

The Prophet said, "Islam began small and will return being small, so glad tidings to the few." It was said, :Who are the strangers?" He said, "Those who have left their families and tribes."[511]

Al-Bukhari said, "Chapter: The Prophet ﷺ would not respond or say, 'I do not know,' except if it is a case there is nothing revealed on him from *waḥī*. He never said anything from *ra'ī* and *qiyās*."[512]

This makes it very clear that the *madhab* of Al-Bukhari was that *qiyās* is not *ḥujjah* in the religion and that it is limited to *waḥī* only and that there is no third source of evidence for the religion. And that *ra'ī* has no place in *tashrī'*.

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[509] Sunan Ibn Majah 3987, 5/125
[510] Sahih Muslim 146, 1/90
[511] Al-Musannaf by Ibn Abi Shaybah 34366, 7/83
[512] Fath Al-Bari 13/247

To clarify it even further Al-Bukhari said after that, “Chapter: The Prophet ﷺ teaching his *ummah*, men and women, what Allāh had taught him, no *ra’ī* and no *tamthīl* (*qiyās*).”[513]

It is very well known from terms used by *uṣūliyīn* that *tamthīl* is *qiyās*, we mentioned this before as well.

It becomes even more clear when *imām* Al-Bukhari said, “Chapter: What has been said regarding the *ijtihād* of the judge from what Allāh has revealed (*waḥī*). Allāh says, ‘And whosoever does not judge by that which Allāh has revealed, such are the wrong-doers’ [5:45]. The Prophet ﷺ praised the wise one when he gives a ruling and does not do it from his own self.”[514]

So a judge according to Al-Bukhari does *ijtihād* to explain the revealed *waḥī*, in a way not to bring anything from his own self. There is no place for *ra’ī* in *tashrī’* at all.

The wonders come from people who claim the *madhab* of Al-Bukhari was other than this because of him also saying, “Chapter: Who likens a known *aṣl* to a clarified *aṣl*…”[515]

What is only correct is that what Al-Bukhari here said goes in accordance to what has preceded from prohibiting *qiyās* and prohibiting *tashrī’* with *ra’ī*. *Tashbīh* according to Al-Bukhari is between an *aṣl* with another *aṣl* to only make the one questioning understand, to bring the meaning of a matter clearer to him. It is not applying a *far’* to an *aṣl* which is the method of *qa’isīn*. And Al-Bukhari also said that the two ruling of two *aṣl*s are clarified by Allāh. He does not mean that one of them is unclear and one of them is clear and that the unclear one takes the ruling of the clear one because of a similarity. Which is the only definition of *qiyās*, it is not something othet than that.

This affirms an *ijmā’* of the *salaf* on the abandonment of *qiyās*, deeming it not a valid *ḥujjah*. Moreover, it emphasizes that only *waḥī* holds *ḥujjah* status, since no one after the prophets is sinless. We've established the absence of definite *qiyās* from the *ṣaḥābah*; they never expressed *qiyās* akin to *qa’isīn* in any of their words.

These developments only emerged during the fourth generation, coinciding with the onset of *taqlīd*. *Qiyās* was introduced by the *tābi’īn*, approached only through *ra’ī*, *iḥtiyāṭ*, and *dhann*—never obliging adherence to *qiyās* or affirming its truth. They refrained from endorsing it in writing as

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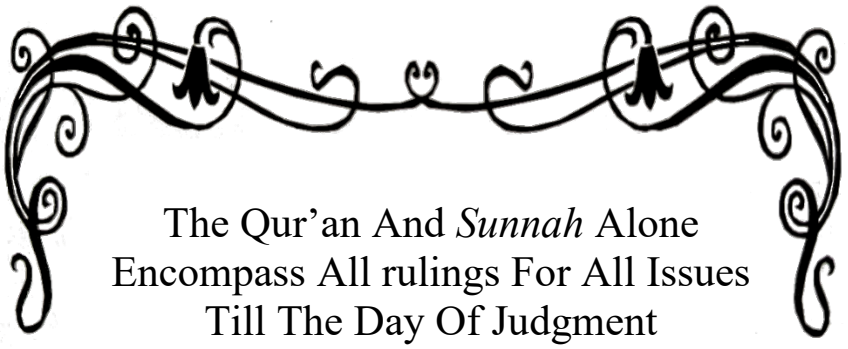
[513] Fath Al-Bari 13/249
[514] Fath Al-Bari 13/254
[515] Fath al-Bari 13/252

well. Many instances exist where *naṣṣ* contradicts all forms of *qiyās*, prompting agreement to abandon it. We've never encountered a situation where a *qiyās*-derived order stemmed from *naṣṣ*. Furthermore, consensus aligns on rejecting *qiyās* in specific cases. If *qiyās* would ever be valid, a unanimous consensus against it would not ever be possible. Those using *qiyās* ultimately forsake it in many issues. We will discuss this soon, by the will of Allah.



The Qur'an And *Sunnah* Alone Encompass All rulings For All Issues Till The Day Of Judgment

This is a point of contention among *qa'isūn*. Those who use this argument appear to assume that new, emerging issues will never cease to exist (infinite) while *nuṣūṣ* will come to an end (finite). And that this is the reason that *qiyas* must be used. It's undeniable that those who hold this view introduce additional methods, such as *ijmā'*, *qiyās*, *al-maṣāliḥ al-mursalh*, *iḥtiyāṭ*, and other approaches, beyond the Qur'ān and *sunnah* to address these evolving issues.

Al-Juwayni Al-Shafi'i said, "We are certain that the newly arising issues, which scholars from the time of the *ṣaḥābah* addressed, are an augmentation over *nuṣūṣ*, too numerous to enumerate or restrict. If they say, 'Their *fatāwa* are derived solely from the apparent *nuṣūṣ* and rulings inferred from a general understanding of *nuṣūṣ*.' One must ask them, 'Do you really think that the apparent and what is deduced from *nuṣūṣ* alone suffice for every single issue?' Upon closer examination, one will find that approximately 90% of *fatāwa* and *'aqdiyah* are primarily a product of *ra'ī* and *istinbāṭ*, largely unrelated to *nuṣūṣ*. *nuṣūṣ* only cover about 1% of all *aḥkām*."[516]

Al-Amidi quotes this perspective from Al-Juwayni and agrees with Juwayni's false viewpoint.[517]

This perspective is false for several reasons. First and foremost, it contradicts the manifest meaning of the Qur'ān and *sunnah*. Allāh says, "I have completed your religion for you, completed My Favour upon you"

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[516] Al-Burhan 2/ 764-768
[517] Al-Ihkam (By al-Amidiy), Volume 4, Page 25

[5:3]. Except that *qa'isūn* believe that the religion continues to complete itself with the *ra'ī* of fallible humans, suggesting that the *sharī'ah* is predominantly composed of human assumptions and opinions. While Allāh says, "O you who have believed, obey Allāh and obey the Messenger and those in authority among you" [4:59]. It is an obligation to refer all matters to Allāh and His Messenger ﷺ. It is therefore inappropriate for a *faqīh* to claim that the majority of *fiqh* is solely based on mere *ra'ī* or *dhann* And Allāh says, "No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)" [42:10]. So, it is well-established that any differences among people concerning matters of *sharī'ah* must ultimately be subjected to Allāh's ruling. There is no room in *qa'isīn*'s perspective for these matters to be based on the opinions of fallible humans.

It is false to presume that newly arising issues are infinite. While *qiyās* is finite and does not encompass all newly emerging matters, this is well-recognized. They themselves use additional methods beyond *qiyās* to arrive at many rulings, and these methods vary among different *madhāhib*. Even the next method they might use is not infinite; it, too, has its limits and is finite. Therefore, according to their claim, they would have to never cease creating new methods to conclude rulings, as all methods are finite, whereas newly arising issues are not. So, the claim that new emerging issues are limitless is without any doubt false.

As they admit *qiyās* is finite, it is a false claim that *qiyās* must be used in order to cover new occurring issues, as they would endlessly need new methods with their method.

Allāh who revealed al-*waḥī*, the Creator of everything. Without a doubt, Allāh has structured everything in such a way that newly arising issues cannot escape what is necessitated by the Qur'ān and *sunnah*. No issue is left unaddressed, whether in small or large numbers. The Qur'ān, being the direct speech of Allāh, meticulously details His attributes, leaving no room for ambiguity or omission. It is impossible for any of its meanings to become obsolete. The *aḥkām* extend beyond the Qur'ān alone, encompassing the imperative to follow the Prophet ﷺ, who was endowed with *jawāmi' al-kalim* (comprehensive speech). His teachings are broader in scope than newly emerging issues. Given our acknowledgment that the *aḥkām* are unending, it is irrefutable that everything else is created and finite, including newly arising issues, which are inherently limited in their variety.

Ibn Al-Qayyim said, “A group of individuals have claimed that *nuṣūṣ* alone cannot adequately address newly arising issues. Some have even taken an extreme stance, claiming that not even 1% of *nuṣūṣ* are sufficient for addressing these new matters. They argue that *qiyās* is more necessary than *nuṣūṣ*. However, this perspective arises because they do not understand *nuṣūṣ*, rather than the quantity of *nuṣūṣ* available. Those who hold this view contend that *nuṣūṣ* are finite and limited and that newly emerging issues are infinite. This argument is false for several reasons: Firstly, the perpetuity of a type of issue does not preclude the possibility of applying a single ruling to all instances of that type, under that term. Secondly, all actions fall under the category of *a'rāḍ* and will eventually come to an end. Thirdly, the claim of infinite issues is false, as the actions of human beings are finite and will continue to be so until the Day of Judgment. For instance, relatives are categorized into two types: those that are permitted to marry such as daughters of paternal uncles, paternal aunts, maternal aunts and maternal uncles and there are those that are prohibited. Similarly, what invalidates *wuḍū'* is limited, and anything outside these specific conditions does not invalidate it. This same principle applies to what invalidates fasting, what necessitates *ghusl*, what requires *'iddah* (waiting period after divorce or death of a spouse), and what actions are prohibited for a *muḥrim*. There are many other examples. If the *fuqahā'* of the *madhāhib* can create methods to cover what they consider permissible and prohibited, then Allāh and His Messenger ﷺ, who were sent with concise yet comprehensive guidance, are the most capable of addressing these issues. This is evident in the responses of the Prophet ﷺ regarding various matters. For instance, he declared, ‘All intoxicants are *ḥarām*,’ and he said, ‘Every introduced act that does not belong to us is rejected.’ He also stated, ‘Every condition created that is not in the book of Allāh is false,’ and he affirmed, ‘Everything belonging to a Muslim is inviolable for a Muslim: his honor, his blood, and his property.’ And every statement concerning Allāh, including matters related to religion and His commandments, in the absence of *nuṣūṣ* from Him and His Messenger ﷺ regarding the obligation, prohibition or permissibility mentioned by name is *ḥarām*.”[518]

And Ibn Taymiyyah said, “This is their view, it suggests that many emerging are in need of *qiyās* due to a perceived absence of explicit evidence from the Qur’ān and *sunnah*. Such a view is only held by

[518] I’lam al-Mawqi’in 1/333-334

individuals with limited knowledge of the Qur'ān, *sunnah*, and their Adillah for *aḥkām*."[519]

Al-Shawkani also firmly rejects Juwaynis statement and anyone who shares his belief and refuted it.[520]

Ibn Taymiyyah and Ibn al-Qayyim's responses indicate a significant disagreement among scholars regarding the necessity of *qiyās*. According to Al-Juwayni, a *faqīh* is compelled to use *qiyās* because direct derivation from the Qur'ān and *sunnah* can not cover all emerging issues, and the meanings of textual evidence may not suffice.

In contrast, Ibn Taymiyyah, Ibn Al-Qayyim, and those who followed them maintain that *nuṣūṣ* alone is adequate for addressing all newly occurring issues in the religion, which is the truth. However, they concede that a *faqīh* is compelled to *qiyās* if that *faqīh* is unable to find *nuṣūṣ* for a specific issue, this does not mean that they reject the existence of *nuṣūṣ* for that issue, it is only if a *faqīh* in a certain case does not know the *naṣṣ* for it. While it is still false, this is closer to the truth, than the method of other adherents to *qiyās*.

The truth is that the statement that *nuṣūṣ* are not enough is false and leads to *kufr*. It implies that Allāh has not completed the religion for us and left certain aspects of the *sharī'ah* unclear or unexplained. This claim contradicts the words of Allāh when He, the Most Exalted clearly stated that He has completed and perfected the religion for us. Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And He says, "I have completed your religion for you, completed My Favour upon you" [5:3].

And He says, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

And He says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

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[519] Al-Ma'arij al-Wusul Min Majmu'ah al-Rasa'il al-Kubrah 1/209
[520] Irshad Al-Fuhul pg. 184

And He says, “Say, ‘If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)’” [34:50].

And He says, “Say, ‘'Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision.’ Say, ‘They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them).’ Thus We explain the verses (Islamic laws) in detail for people who have knowledge” [7:32].

And He says, “They do not speak until He has spoken, ˹only˺ acting at His command” [21:26-27].

Their approach involves prohibiting something in the *sharī’ah*, which then requires examining the reason for its prohibition and extending the prohibition to anything similar in one aspect. This is not what *‘aql* comprehends, the *‘aql* never goes beyond prohibiting, obliging, or permitting based on anything other than *nuṣūṣ*. There is no difference in anything according to *‘aql*; there is no distinction between a goat and a swine unless Allāh prohibits one and allows the other. So, they invalidate the arguments of *‘aql* and contradict it. It is also pointed out to them that if any two things sharing similarity in one aspect must have the same ruling regarding prohibition, permission, or obligation, then there would be no difference between them and those who claim the opposite, stating that any two things in the world, sharing similarity in a particular aspect, must result in differing rulings regarding permission, obligation, or prohibition, and not the same ruling as they claim.

Another certain evidence that indicates the falsehood of the claim that *qiyās* is required because of no *nuṣūṣ* covering the issues, anyone who beliefs this does not know what *qiyās* is, its pillars and forty conditions. The certain evidence is that *qiyās* is always in every single case only possible with an *aṣl* and the *aṣl* is always nothing other than Qur’an and *sunnah*. So *qiyās* can not exist without a *naṣṣ* from Qur’an and *sunnah*, if anyone then claims that *qiyās* is needed because of no *nuṣūṣ*, he has invalidated himself *qiyās* in reality and affirmed that *qiyās* can not cover those issues. So, know that anyone that claims that *qiyās* must be needed for these new occurring issues because there are no *nuṣūṣ*, has not only spoken falsehood in general, but has also invalidated *qiyās*, his own method.

They say, “The least amount for *mahr* is what allows amputating the hand because it is a body part. The private parts are a body part which become permissible through an unknown amount of property which is then

the *mahr*. And the hand is also a body part and that it becomes allowed to cut, but by a known amount of property. So they must have the same ruling.

The answer: Then, you must apply this *qiyās* to the amount what permits the striking of the back, which is also a body part, for consuming *khamr*, an action that doesn't involve any monetary cost. So why not consider then an amount that costs nothing as the *mahr*, as both involve body parts? Since both cases are essential, it is false to prioritize the *qiyās* of the amount that allows cutting a hand over the amount that permits striking the back, which doesn't require any wealth. Moreover, the back is closer to the private parts than the hand, and neither the private parts nor the back are cut; so, they share more similarities.

When it comes to the *ta'līl* of *ribā*, every group that puts forth an *'illah* to support its position ends up challenging and nullifying the *'illah* presented by the other *madhāhib*, which is intended for *qiyās*. This exact contradiction applies to many other issues as well.

Some of them say, "We only resort to *qiyās* when two narrations are in conflict; in such cases, we examine which narration is most pertinent to the issue and use it for *qiyās*."

The answer: we have previously addressed the fallacy in this argument. Let's further elucidate, by the will of Allah. This claim is false because there is no room for *qiyās* in this context. When faced with two conflicting narrations, two contradictory Qur'ānic verses, or a narration that contradicts a Qur'ānic verse, none of them holds a superior claim to obedience over the other. Moreover, the choice of one narration for obedience does not take precedence over the other because they all originate from *waḥī* by Allāh. Claimed *ijmā'* does not bolster a viewpoint, and *ikhtilāf* do not weaken one either.

While certain narrations have *ijmā'*, there is *ikhtilāf* concerning others. When a narration from the Prophet ﷺ is established as authentic, adherence to it becomes obligatory, regardless of opposing viewpoints. So, the claim that one of the two conflicting narrations must be discarded is false. Instead, it is imperative to uphold obedience to all authentic narrations, provided it is feasible, and in the absence of clear instances of *naskh* or *takhṣīṣ*.

A contradiction emerges in their approach. On one hand, it is narrated that amputation of the hand is warranted only for theft exceeding four *dīnār*. Simultaneously, there are narrations that advocate cursing and amputation for offenses as minor as stealing an egg. They claim that they then follow only what is universally agreed upon in such cases and discard anything that is differed upon, which would be the narration of four *dīnār*. In these cases

they do not uphold the verse which has unanimous agreement and is general, “And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands as a recompense for that which they committed, a punishment by way of example from Allāh” [5:38]. Instead, they claim that amputation is not applicable in these cases because the theft involves an amount less than four *dīnār*, relying on a differed upon *naṣṣ*, despite their method to follow what is agreed upon. They further contradict this exact method. Because regarding the narration, “One suckling or two does not make marriage unlawful.” They Dismiss it in favor of the apparent meaning of the verse regarding the issue. This is contrary to the method they just used regarding amputating the hand. While both narrations are authentic but differed upon.

Some of them said, “Our method of *qiyās* and *ta’līl* is similar to your method regarding two or more contradicting *nuṣūṣ*.”

The answer: When two narrations contradict, the correct method is to combine them, as both are valid truths and must be obeyed if authenticated. This approach is not feasible with two conflicting *qiyās* cases, nor is it applicable to two contradictory *ta’līl* cases for many reasons. In cases of contradictions within Qur’ānic verses or narrations, it becomes obligatory to extract from them the abrogating (*nāsikh*), additional ruling, or specification (*takhṣīṣ*). In situations where there is no historical context to clarify abrogation in any possible way, it is either an additional ruling, constituting additional *sharī’ah* that cannot be abandoned, or it is a specification. However, none of these possibilities are applicable to two opposing *qiyās* cases or *ta’līl* cases. This is because there is no established *naskh* for them, and there is no hierarchy to distinguish one above the other among two conflicting *qiyās* approaches. Therefore, their assumption is entirely invalid, and they find themselves in an untenable position with no viable solution.

Some of them who do not fear Allāh said, “*qiyās* is stronger than *khabar ul-wāḥid*.”

The answer: This is said by Abu Al-Faraj *al-māliki*, he claims this because of the possibility of forgetfulness in *khabar ul-wāḥid* and purposeful lies, as for *qiyās*, he says there is nothing wrong in it except for fearing mistakes for making similarities that can be clearly observed. There is no worse *bid’ah* known than this method, it is also very contradicting. It is said to the *jāhil* who believes this, “Tell us, do you use *qiyās* based on *khabar ul-wāḥid* or not?” If he says, “No.” They are disingenuous because they frequently use such narrations as the basis for *qiyās*, as exemplified in

the analogy drawn from the minimum amount of dowry being the same amount for which a hand is amputated in cases of theft.

Furthermore, we remind them of their stances on assigning value to destroyed items (*ḍamān*), where they use the value of the item rather than an equal value. This practice is based on narrations related to emancipating a share in a slave, the time for *khiyār* (the option extended to one or more parties in a sales contract to rescind the sale upon the appearance of a defect), and *muṣarrāh* (livestock with a full udder). Similarly, they argue for the *ṭahārah* (ritual purity) of the *mustaḥāḍah* based on the narration of the *muṣarrāh*. If these individuals claim that they do not use *qiyās* on *khabar ul-wāḥid* yet admit to use it for these cases, it becomes evident that they utilize narrations even weaker than *khabar ul-wāḥid*, exposing the inherent contradictions within their views.

They also say, "The *aṣl* is stronger than the *far'* and the *maqīs* is the *far'* and the *maqīs 'alayh* is the *aṣl* and *qiyās* is the *far'*."

According to their views, if *qiyās* is considered stronger than *khabar ul-wāḥid*, then the *far'* would be deemed stronger than the *aṣl*. However, they simultaneously claim that the *aṣl* is stronger than the *far'*, indicating a clear contradiction within their views.

Furthermore, in most of their positions, they forsake the apparent meaning of the Qur'ān in favor of *khabar ul-wāḥid*, and they subsequently abandon *khabar ul-wāḥid* in favor of *qiyās*. According to their stance, this implies that *qiyās* is stronger than the Qur'ān. This is a perplexing claim, given that *qiyās* is fundamentally based on the principles found in the Qur'ān and *sunnah*. Moreover, they prioritize the views of their own *a'immah* over what *qiyās* logically necessitates. For example, they uphold the view that if someone sells an item at a certain price and then buys it back at a lower price, it is valid. Similarly, they maintain that one must continue *ṣalāh* if their nose bleeds or in cases of *ḥadath* (ritual impurity). In these instances, they prefer *dhann* over *qiyās*, claiming that it is *khabar ul-wāḥid*. This further accentuates their contradictions, as they acknowledge that *khabar ul-wāḥid* is stronger than *qiyās*, even though they typically classify *khabar ul-wāḥid* as *dhann* and *qiyās* as certainty. This, in turn, reveals another inconsistency in their belief system, where *dhann* is regarded as stronger than *yaqīn*

In reality, *dhann* is *bāṭil* (false) as indicated by Quranic verses. For instance, Allāh states, "They have no knowledge about it. They only follow conjecture (*dhann*), but conjecture is of no avail against the truth" [53:28]. the Prophet ﷺ referred to *dhann* as the most false form of talk. So, *dhann* is

not the truth, and anything that is not the truth is falsehood. Therefore, according to their stance, falsehood, represented by *dhann*, is considered stronger than *qiyās*, leading to the counterintuitive conclusion that *qiyās* is even more false than falsehood.

In summary, the claim that *khabar ul-wāḥid* may involve forgetfulness, errors, or lies is primarily associated with the views of the *mu'tazilah* and *khawārij*. We have consistently emphasized the obligation to accept *khabar ul-wāḥid* with compelling evidence. Therefore, anyone who claims that *khabar ul-wāḥid* is susceptible to forgetfulness, errors, or lies is using arguments that are fundamentally false and contradicts the established principles of reliable narration, so representing a form of discourse that is considered highly false and is explicitly prohibited, as previously discussed.

Abd al-Aziz al-Harbi said: "In our present era, the necessity for *qiyās* is at its lowest, as the texts from the *sunan* have been abundantly served like never before. They have been presented in ways that greatly simplify the effort required, allowing for quick comprehension."[521]

If they say, "Show us every single how every single new issue can be covered by *nuṣūṣ* of Qur'ān and *sunnah*."

We say: We will as this is an obligation on us, by the will of Allāh, the Most Exalted. The *aḥkām* of the *sharī'ah* from the first to the last, are of three types with no fourth to it: First is *farḍ* (obligation), there must be belief in this and action upon. Second is *ḥarām* (prohibited) It must be avoided by saying that it is, believing in it and by acting upon it. Third is *ḥalāl*, which is *mubāḥ* (permissible) to do and *mubāḥ* to leave out. As for *makrūh* and *mandūb* they fall under *mubāḥ*, because what is *makrūh*, the one doing it does not sin, if the one doing it would be sinning it would be *ḥarām* and not *makrūh*. But instead the one leaving it is rewarded and there is no sin on the one doing it. As for *mandūb*, the one abandoning it does not sin, if it would be then it would be *farḍ* not *mandūb*, instead the one doing it is rewarded and there is no sin for who abandons it. These are the *aqsām* of the *sharī'ah* by *ijmā'* of every Muslim and it is also known by necessity of the *'aql*. Indeed, Allāh affirms this principle, He says, "He it is Who created for you all that is on earth" [2:29]. And Allāh ays: He has explained to you in detail what is forbidden to you, except under compulsion of necessity" [6:119].

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[521] Al-Khulasah Fi Usul Al-Fiqh 'Ala Minhaj Ahl Al-Dhahir pg. 88

Therefore, it is understood from these two verses that everything in the world and every action is considered *mubāḥ*, *ḥalāl*, unless Allāh and His Messenger ﷺ have explicitly clarified its prohibition by their precise wording, or general. When we encounter anything prohibited by *nuṣūṣ* or established by *ijmā'* through precise wording, we declare it as *ḥarām*. However, if we do not find specific prohibition in the *manṣūṣ* or if there is no *ijmā'* on the matter, then it is *ḥalāl*.

Allāh reaffirms this principle in many verses. Allāh says, "O you who have believed, do not prohibit the good things which Allāh has made lawful to you and do not transgress" [5:87].

Allāh clarifies here that everything that exists is *ḥalāl* for us except what he clarified the prohibition for and he prohibited us from transgressing what he ordered us. So whoever prohibits anything Allāh and His Messenger ﷺ have said nothing about and there is also no *ijmā'* on, transgresses and disobeys Allāh.

Allāh additionally also says, "Say, 'Bring forward your witnesses who will testify that Allāh has prohibited this. And if they testify, do not testify with them. And do not follow the desires of those who deny Our verses and those who do not believe in the Hereafter'" [6:150].

So it is known from this verse anything we have mentioned without any doubt, that everything for which there is no mention for its prohibition by wording from Allāh or his Messenger ﷺ then it is *ḥalāl* and not allowed for anyone to witness anyone prohibiting it.

And Allāh says, "And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59].

And Allāh says, "O you who believe! Ask not about things which, if made plain to you, may cause you trouble" [5:101].

Indeed, Allāh makes it clear that whatever He commands through the Qur'ān and the *sunnah* of the Prophet ﷺ is obligatory to obey. The opposite of obeying is disobeying, and whoever disobeys incurs sin. Likewise, whoever fails to do what they are ordered to do has not obeyed. Allāh also prohibits us from asking excessive questions, and it is incorrect to claim that the verse about questioning is only related to inquiries similar to those made by Abdullah Ibn Hudhaifah to the Prophet ﷺ, such as, "Who is my father?"[522]

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[522] Sahih Muslim 2360

Allāh invalidates their claim. Allāh says, “Before you, a community asked such questions, then on that account they became disbelievers” [5:102]. So, it is evident that this pertains to matters of the *sharā’i‘*, and anyone who rejects it commits apostasy, while anyone who abandons it is misguided. It is absolutely certain that as long as there is no *nuṣūṣ* indicating that something is not obligatory, it is not obligatory.

Is there anything in the world beyond this? Is there any new emerging issue for which we are unable to declare its obligation? As long as there are *nuṣūṣ* affirming its obligation, we hear and obey, and it becomes obligatory. Anyone who rejects its obligation is a *kāfir*. If it is an issue for which there are no *nuṣūṣ*, then the one claiming its obligation is a liar, and the issue is not obligatory. Similarly, if someone claims, “So and so issue is *ḥarām*,” we say: If you have *nuṣūṣ* prohibiting it, then it is indeed *ḥarām*, and we hear and obey. If there are no *nuṣūṣ* to for your claim, then you are making a false claim, and the issue is *ḥalāl*, not *ḥarām*.

Every ruling is determined through this method, and it is well-established that *nuṣūṣ* encompass every single ruling that arises until the Day of Judgment. There is no way for any ruling to exist without being covered by *nuṣūṣ*. Narrations from the Prophet ﷺ are also narrated with the exact same meaning as the verses, “Leave me as I leave you, for the people who were before you were ruined because of their questions and their differences over their prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can.”[523]

This narration encapsulates everything we have discussed. The Prophet ﷺ clarified that if he prohibits something, it becomes obligatory to abstain from it, and if he orders something, it becomes obligatory to perform it to the best of one's ability. If Allāh and His Messenger ﷺ have neither prohibited nor ordered something, it becomes obligatory not to search for a ruling on it. This obligation applies to all Muslims; they must not impose prohibitions or obligations that Allāh and His Messenger ﷺ did not establish through their explicit guidance. When an action is neither *ḥarām* nor obligatory, it is permissible. There are no categories beyond these three: prohibited (*ḥarām*), obligatory (*wājib, farḍ*), and permissible (*ḥalāl, mubāḥ*). If two of these categories become invalid, the third becomes obligatory. This is the method of *nuṣūṣ*, *sam’*, and *‘aql*.

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[523] Sahih Al-Bukhari 7288

The *'aql* cannot comprehend any other method, and anything beyond this is misguidance and falsehood, as advocated by the proponents of *qiyās*. They mistakenly liken intercourse to eating and dates to hazelnuts, and claim that the amount of theft necessitating the cutting of the hand is equivalent to the *mahr* (dower).

We can also pose the same question to them: If, according to your perspective, there are new issues without established rulings in the Qur'ān and *sunnah*, how do you deal with them? This question is necessary for them, not for us, as we firmly believe that such cases are absolutely false. So, tell us, when you encounter a new issue, do you abandon the application of any ruling, or do you yourselves create a ruling? There is no third option. And elaborate on your ruling: Is it from Allāh and His Messenger ﷺ? If they say yes, they contradict themselves because they initially claimed that these are issues without established rulings in the *nuṣūṣ*. If they say it's a ruling from a source other than Allāh and His Messenger ﷺ, then we dissociate ourselves from it, as any ruling not derived from the religion of Allāh is unacceptable. This suffices to clarify our stance, and it becomes evident that the alternative view is false.

The Prophet ﷺ said, "The Muslim who causes the greatest offense among fellow Muslims is the one who raises inquiries about matters that were initially permissible, but due to their questioning, these matters are subsequently declared forbidden."[524]

This *ḥadīth* illustrates that as long as there is no explicit prohibition from Allāh and His Messenger ﷺ, an action is not *ḥarām*. This principle extends to obligations as well.

Abu Hurairah said, "The Prophet ﷺ delivered a sermon to the people, saying, 'O people Allāh has obliged for you *ḥajj*, so perform *ḥajj*.' A man inquired, 'O Messenger of Allāh, do we have to do it every year?' He repeated this question thrice. The Prophet ﷺ responded, 'Indeed, if I were to say 'yes,' it would indeed become an annual obligation for you, as long as you have the capability to fulfill it. However, leave me just as I leave you. The destruction of nations before you came as a result of their excessive questioning and disputes about their prophets. Therefore, if I forbid you from something, refrain from it, and if I command you to do something, perform it to the best of your ability.'"[525]

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[524] Sahih Muslim 2358
[525] Sahih Al-Bukhari 7288

Absolutely, in this narration, the Prophet ﷺ is making clear that if something is not mandated, it is not obligatory. And whatever is obligatory must be done according to one's ability. And whatever the Prophet ﷺ has not forbidden is *ḥalāl*, and everything he has prohibited is *ḥarām*. There is no room for *qiyās* to create options; it has never been explicitly clarified, neither by Allāh nor by His Messenger ﷺ. The *nuṣūṣ* encompasses every possible matter that people may have differences about, as well as every new issue that will arise until the Day of Judgment.

Allāh says, “Or do they have partners who have legislated for them as religion that which Allāh has not ordained? And had it not been for a decisive Word (gone forth already), the matter would have been judged between them” [42:21]. This verse makes it clear that anything not derived from *nuṣūṣ* is essentially ordaining something that Allāh has not allowed, which aligns with the concept of *qiyās*, and this is prohibited. Furthermore, Allāh warns against those who distort the Book with their tongues, making it seem like it is from the Book when it is not. As Allāh says, “And verily, among them is a party who distort the Book with their tongues (as they read), so that you may think it is from the Book, but it is not from the Book, and they say: 'This is from Allāh, but it is not from Allāh; and they speak a lie against Allāh while they know it” [3:78].

Therefore, with absolute certainty, anything that does not have explicit wording from the Qur’ān and *sunnah*, or is encompassed within a general word from Qur’an *sunnah*, whether it involves obligations or prohibitions, cannot be derived through *qiyās*, as it is not indicated by any of the *nuṣūṣ*. It is, therefore, considered to be from a source other than Allāh and His Messenger ﷺ, and whatever is not from Allāh and His Messenger ﷺ is false. As Allāh warns, “These are the limits (rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers” [2:229, 65:1].

It is imperative to understand that when Allāh and His Messenger ﷺ prohibit something, and anyone other than Allāh and His Messenger ﷺ prohibits it based on *qiyās*, or if they permit what Allāh and His Messenger ﷺ have prohibited because of *qiyās*, or if they obligate something that Allāh and His Messenger ﷺ did not mandate because of *qiyās*, or if they omit something that Allāh and His Messenger ﷺ have obligated because of *qiyās*, all of these actions amount to transgressing the limits set by Allāh and are acts of oppression.

And Allāh says, “But those among them who did wrong changed the word that had been told to them. So We sent on them a torment from the

heaven in return for their wrong-doings" [7:162]. This is about the exact same as before. Anyone who attempts to deduce a judgment of Allāh using *ra'ī* or *qiyās* concerning matters that are forbidden (*ḥarām*) or obligatory (obliging) without *nuṣūṣ* falls under this stern condemnation. And Allāh says, "Are you more knowledgeable or Allāh?" [2:140].

Allāh describes his words when he said: We have sent down to you the Book as an explanation of everything, and as a guidance, mercy and glad tidings for the Muslims" [16:89]

And when he said, "So once We have recited a revelation ˹through Gabriel˺, follow its recitation ˹closely˺. Then it is surely upon Us to make it clear ˹to you˺" [75:18-19].

And when he said, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you the *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45]. Allāh explicitly states that the responsibility for explaining anything including the principles of *sharī'ah* rests solely with Him and His Messenger ﷺ, and not with *ra'ī* or *qiyās*. Rather, it is exclusively entrusted to the textual guidance of the Qur'ān and the *sunnah*. Anything outside of this framework constitutes misguidance.

Allāh says, "Say, 'Is it the two males He has forbidden or the two females or that which the wombs of the two females contain?' Or were you witnesses when Allāh charged you with this? Then who is more unjust than one who invents a lie about Allāh to lead mankind astray without knowledge?" [6:144]. Any saying not rooted in Allāh's guidance is a false claim made against Him. Allāh's guidance calls upon us to adhere to His and His Messenger's teachings ﷺ, refraining from exceeding the boundaries set by them, and avoiding the imposition of prohibitions or obligations that they did not establish. Therefore, anything contrary to the words of Allāh and His Messenger ﷺ is unquestionably falsehood.

Allāh says, "Is it not sufficient for them that We have sent down to you the Book (the Qur'ān) which is recited to them? Verily, herein is mercy and a reminder (or an admonition) for a people who believe" [29:51]. Allāh makes it clear that the recitation of Qur'ān alone is sufficient and that any Tawil that deviates from *nuṣūṣ* or *ijmā'* is invalid. We are directed not to seek guidance from any other source beyond the words of Qur'ān and al-*sunnah*. Allāh emphasizes this in the verse, "No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One

is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)" [42:10].

Allāh says, "And if you dispute over anything, refer it to Allāh and the Messenger ﷺ, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. Allāh has explicitly prohibited resorting to *taḥākum* and resolving disputes through any source other than Himself and the words of the Prophet ﷺ. This means that turning to anyone besides the Prophet ﷺ, including *ra'ī* or *qiyās*, is strictly forbidden and invalid. Allāh indicates the seriousness of this by saying, "If you should believe in Allāh and the Last Day." Therefore, it is incumbent upon all Muslims upon whom the *ḥujjah* is established to distance themselves from such practices and reject any false *ta'wīl* from anyone in favor of adhering strictly to the *ta'wīls* derived from the Qur'ān, *sunnah*, *ijmā'*, or the Arabic language. Allāh admonishes against attributing falsehood to Him, saying, "And do not say lies concerning that which your tongues describe, 'This is lawful and this is unlawful, in order to fabricate lies and attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed'" [16:116].

Allāh has explicitly forbidden the act of making rulings, whether they involve prohibition, obligation, or permission, and He has characterized anyone engaging in such actions as a liar. Allāh says, "Say, 'Tell me, what Allāh has sent down to you of provision! And what you have decided to prohibit and allow [from it]?' Say, 'Has Allāh allowed you to do so, or do you invent a lie against Allāh?' And what will be the supposition of those who invent falsehood about Allāh on the Day of Resurrection? Truly, Allāh is full of Bounty to mankind, but most of them are ungrateful" [10:59-60]. Allāh labels as a liar anyone who prohibits, permits, or obliges without explicit permission from Him. This categorization corresponds to the description of *qa'isīn*.

Allāh says, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74].

And Allāh says, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48].

And Allāh says, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17].

And Allāh says, “Or they say: 'He (the Prophet) forged it (the Qur’ān). Say, “Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!” [11:13].

Allāh clearly states that no examples must be presented for Him, and this serves as a clear rejection of the concept of *qiyās* and a prohibition against it. *Qiyās* involves presenting examples to apply the same rulings as those found in *nuṣūṣ*, whether it be obligations, prohibitions, or permissions. Allāh emphasizes His omniscience, acknowledging that He possesses knowledge beyond our comprehension. If Allāh intended for anything outside of the explicit *manṣūṣ* to be treated in the same way, He would have provided guidance and a method for it. Allāh's wisdom is beyond doubt, and He never neglects to teach us what is necessary, as Allāh says, “And your Lord is never forgetful” [19:64].

And Allāh says, “And We did not send any Messenger except with the language of his people, in order that he might make (the Message) clear for them” [14:4].

It is an established fact that the Prophet ﷺ was sent with the Arabic language and used it as a means of clarification, and Allāh says, “And he does not speak out of desire it is only a revelation revealed [to him]” [53:3-4].

Every clarification provided by the Prophet ﷺ is a divine revelation (*waḥī*) from Allāh. It is indisputable that each word in a language holds a specific and exclusive meaning, and there is no interchangeability between them. Wheat is never referred to as figs, salt is never associated with raisins, dates are never mistaken for rice, and barley is never confused with oak nuts. Likewise, intercourse is never synonymous with eating, and eating is never refferred to as intercourse. A killer is never identified as *mudhāhir*, and *mudhāhir* is never used to describe a killer.

Lisān has established that all legal rulings are contingent upon the precise meanings of words in the language and nothing else. Allāh chose Muhammad as His Messenger ﷺ exclusively with the Arabic language. It is a well-established fact that when there are *nuṣūṣ* from the Qur’ān or *sunnah* associated with a particular word and its corresponding ruling, it is obligatory to apply that ruling in accordance with what the word itself necessitates. It is equally essential not to exceed the boundaries of the rulings as established by the Prophet ﷺ. Any attempt to introduce additions or subtractions from these rulings, whether by using *qiyās* to expand them or applying *takhṣīṣ* to restrict them, is tantamount to altering the essence of the religion. At times, such understanding may augment religious practices,

while at other times, they may negate or selectively apply certain textual references based on unwarranted *qiyās*, leading to claims of specificity for false reasons. Examples include the views of the *ḥanafiyyah* on issues like *musarrāh* and *iqra'* among slaves, as well as the opinions of the *mālikiyyah* concerning the completeness of fasting for someone who eats forgetfully and their stance on the *ḥadīth* related to performing *ḥajj* for the sick and deceased and hundreds of other examples.

Allāh says, “They are but names which you have named - you and your fathers - for which Allāh has sent down no authority. They follow but a guess and that which they themselves desire, whereas there has surely come to them the Guidance from their Lord!” [53:23]. *Qiyās* is one such name within the religion for which Allāh has not granted permission, and there is no revealed evidence supporting it. It is merely conjecture and opinion without any doubt. For instance, the attempt to liken *ribā* to concepts such as food, weight, measure, or saving is based on false assumptions and inappropriate labels not sanctioned by Allāh. And Allāh says, “Was not the covenant of the Book taken from them that they would not say about Allāh anything but the truth” [7:169]. This verse indicates the solemn covenant to speak only the truth about Allāh. And Allāh says, “And Allāh will establish and make apparent the truth by His Words, however much the Mujrimun (criminals, disbelievers, polytheists, sinners) may hate it” [10:82]. Allāh says that there must be nothing said regarding Allāh except the truth And Allāh says that he will establish and make apparent the truth by His Words.

Indeed, as emphasized by Allāh, anything that does not originate from the words of Allāh and His Messenger ﷺ cannot be considered the truth. Allāh says regarding his Messengers, “Their Messengers said to them, ‘We are no more than human beings like you, but Allāh bestows His Grace to whom He wills of His slaves. It is not ours to bring you *sulṭān* (evidence) except by the Permission of Allāh’” [14:11]. This verse elucidates that the Prophets, who are the truthful ones, cannot present evidence (*sulṭān*) from themselves without the permission of Allāh. *Sulṭān* refers to authoritative evidence (*ḥujjah*). Therefore, any evidence or proof that Allāh has not granted permission for through His divine words is false. Allāh's guidance is clear, and He has never permitted *qiyās* as a valid source of evidence in matters of religion.

Allāh says, “Allāh has not made for any man two hearts inside his body. Neither has He made your wives whom you declare to be like your mothers backs, your real mothers (*dhihār*), nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the

truth, and He guides to the (Right) Way" [33:4]. And Allāh says, "None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie" [58:2]. Allāh's explicit guidance firmly prohibits anyone from assigning a motherly status to anyone other than the woman who gave birth, and likewise, it restricts the term "son" to those born through natural childbirth. While Allāh also made our mothers those who did not give birth to us such as the wives of the Prophet ﷺ and through breastfeeding. So it is established from this that if Allāh makes a ruling that it becomes necessary without *ta'līl* and that the one that wants to give a ruling on an issue that has no *nuṣūṣ* for it, similarly to a ruling that does have *nuṣūṣ* comes with something *munkar*. And it is not for anyone to say what Allāh has not said, there is in this sufficiency. We acknowledge the wives of the Prophet ﷺ as our mothers in terms of *taḥrīm* because this designation is established through specific textual evidence. We do not use ever *qiyās* to equate our relationship with them to that with our biological mothers. This underscores our obligation to adhere strictly to the explicit *nuṣūṣ* without drawing unwarranted comparisons to other rulings.

They say regarding the verse, "This day I have completed your religion for you, completed My Favour upon you." [5:3]. And regarding the narration, where the Prophet ﷺ said the Thursday before is passing, "Bring me something [to write on] so that I may write to you something after which you will never go astray." And regarding the narration of Aisha, "*Waḥī* was never revealed any more than before his passing." They say regarding these, "So there were many rulings revealed additionally after the verse, 'This day I have completed your religion for you, completed My Favour upon you.'" [5:3].

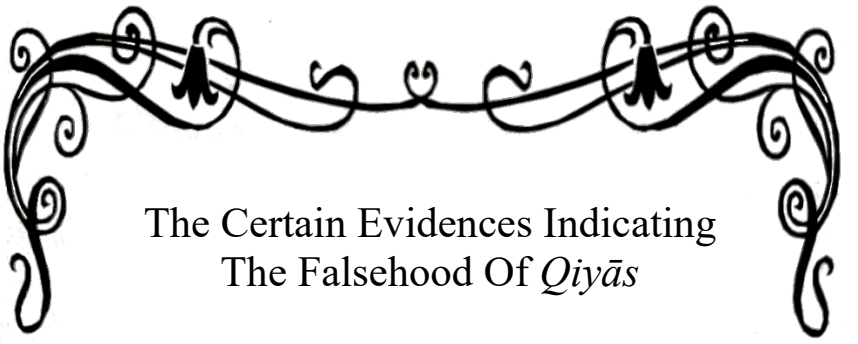
And other *ahl ul-jahl* also mention the narration about the book the Prophet ﷺ wanted to write and agree with the acts of Umar regarding that book.

The answer: these arguments are entirely baseless, and they resemble the arguments put forth by disbelievers and heretics. A Muslim must not express any viewpoint in the manner they do. Their first claim denies the words of Allāh in the Qur'ān, suggesting that there are aspects of the religion that were left incomplete, which contradicts the clear Qur'ānic verse. As for the other individuals who support the narrative about the book the Prophet ﷺ wanted to write and concur with Umar's actions, we have previously explained in detail why Umar's actions were incorrect. Following such actions is nothing but *kufr* for the one following those actions not Umar himself.

All these *nuṣūṣ*, or textual references, align with the truth and do not contradict one another in any conceivable manner. The verse affirming the completeness of the religion was revealed on the day of *'arafah* during *ḥajjat al-wadā'*, three months before the passing of the Prophet ﷺ. Even if subsequent *sharā'i'* revelations occurred, they would not contradict this verse, as the religion remains complete at all times, and Allāh has the authority to abrogate or augment it as He wills. This prerogative solely belongs to Him. It is known that the Prophet ﷺ ordered the expulsion of all non-believers from the Arabian Peninsula just before his passing. This *shar'* (divine legislation) had never been revealed before. If it had, the Prophet ﷺ would not have permitted them to reside in the region. The purpose of the verse is to emphasize that Allāh alone is responsible for overseeing the completion of the religion. Whatever is perfected by Him is beyond modification by anyone else, whether through *qiyās* or *ra'ī*. This is abundantly clear.

Regarding the Prophet's directive ﷺ to write a book on the Thursday, four days before his passing, that book was intended solely to designate Abu Bakr as the next *khalīfah* of the Muslims. Those who opposed the writing of this book, such as Umar and others, were in error, but their intentions were noble, and they are excused. They are rewarded for the goodness of their intentions, even though the Prophet ﷺ instructed them to leave his presence for arguing about the book he wished to write. There was also opposition to this book from a group of the *anṣār* on the day of *saqīfah*.

And there arose opposition from *shī'ah*, and a group from them left Islam. The matter of that book is what saddens *ahl ul-islām*. If that book had been written by the Prophet ﷺ then the *ikhtilāf* on *imāmah* could have ended and no one would go misguided on the topic. But Allāh says, "So that Allāh might accomplish a matter already ordained (in His Knowledge)" [8:44]. This was from the mistakes of an *'ālim*, we mean Umar, may Allah be pleased with him, that day and he warned us himself for these things later as well. We say and firmly believe that whatever the Prophet ﷺ intended to write the book that day, if it would be additional *shar'* such as prohibitions, permissions, obligations, or abrogations, he would not have refrained from providing clarity due to Umar's opinion or anyone else's. He knows from *waḥī* that it would still be complete regarding the *wilāyah* of Abu Bakr. Because of the narrations we mentioned that the Prophet ﷺ had already said that all *mu'minūn* reject anyone as a *khalīfah* except Abu Bakr.



The Certain Evidences Indicating The Falsehood Of *Qiyās*

Many of them believe in *qiyas* because of *qiyās al-ghā'ib ila al-shāhid* (anaology of the absent based on the present). The 'present,' refers to what is known through sensation or necessity even if it is not perceptible. And the 'absent,' refers to what is beyond sensation not within any of the senses. Inferencing the absent by the present implies, inferring what is unseen based on what is seen; that is, the present testifies to what is before the senses and eyes, while the absent is its counterpart, indicating the imperceptible.

The application of *qiyās al-ghā'ib ila al-shāhid* in matters of *sharā'i'* is false and misleading. If they attempt to use this as an evidence, they admit that a *far'* is something no one can comprehend, which goes against *qiyās* amd the religion, as no one can do what is impossible to comprehend. Every single Muslim knows that there is nothing hidden in the religion for the Muslims, Allāh sent the Prophet ﷺ to clarify everyone every single thing about the religion. Allāh the Most Exalted said, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

The Prophet ﷺ is one of two with no third to it: He either made everything clear to the people about every matter thing that has to be known or he did not clarify every single thing that must be known. Whoever says the second is an infidel by *ijmā'* of the *ummah*. Regarding the first, that the

Prophet ﷺ meticulously elucidated all essential knowledge, there exists undeniable certainty that this indeed transpired.

There is then absolutely no room within the religion for the acceptance of their false approach suggesting concealed matters. This particular approach is adopted by certain *mutakallimīn* affiliated with *ashā'irah*. However some of their other scholars, like Al-Jurjani and Al-Razi vehemently refuted and debunked this approach, declaring it as false. Those who adhere to this approach engage in *istikhrāj* (deduction) of *aḥkām* that were not revealed to the Prophet ﷺ by Allāh. These deductions pertain to matters that are, in reality, concealed from us, and we ought to reject them. However, they affirm these deductions, and this affirmation constitutes *kufr* for anyone who declares or believes in them. This stance directly contradicts the Prophet's ﷺ declaration when he stated, "O Allāh! have I not conveyed it? O Allāh be witness [to it that I have conveyed],"[526] affirming that he had faithfully conveyed the entirety of Allāh's guidance, every single ruling, without any hidden aspects.

They argue: The *nuṣūṣ* are either *khafī* (unclear) or *jalī* (clear). If all of them were clear, then a scholar and an ignorant person would have equal understanding. If all were unclear, then no one would comprehend it. Therefore, *qiyās al- jalī* is necessary to understand the unclear.

The answer: This approach is false since all *aḥkām* (laws and rulings) are inherently clear. Allāh's words affirm this, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45]. The Prophet ﷺ emphasized this clarity by stating, "O Allāh! have I not conveyed it?"[527]

It is impermissible for any Muslim to believe that Allāh instructed His Messenger to elucidate every aspect of the religion and then failed to do so. Such a belief must not take root in anyone's mind. We are certain that the Prophet ﷺ indeed elucidated every facet of the religion, leaving no ambiguity in any of the *aḥkām*.

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[526] Sahih Muslim 2887
[527] Ibid.

Umar said, “O people, the *sunnah* and obligations have been clearly outlined for you. You have been left with utmost clarity, where the nights are as illuminating as the days, except if a person deliberately misleads.”[528]

However, there are individuals who may struggle to grasp the words conveyed in Qur’ān or *sunnah* for various reasons. Yet, some person's inability to comprehend does not render the information inherently unclear or prevent others from understanding it. This can be observed distinctly, as evidenced when Umar faced difficulty comprehending the verse of *al-kalālah*, while others had no such difficulty. Hafsah affirmed that Umar persistently struggled to comprehend it. So, it is evident that Umar faced a challenge in understanding, not due to the lack of clarity in the verses, but because of his individual struggle. the Prophet ﷺ also affirmed, “What is *ḥalāl* is clear, and what is *ḥarām* is clear. In between, there are ambiguous matters that many people do not know.”[529]

He did not say that the *mutashābihāt* (ambiguous matters) are unknown to everyone, but rather that some individuals lack understanding of them. In such cases, those lacking understanding must inquire those with knowledge, as Allāh says, “Then ask Ahl ul-Dhikr (those who know Qur’ān and *sunnah*), if you do not know” [16:43]. He did not suggest resorting to *qiyās* if one is uncertain. So, the false claim of certain individuals becomes evidently clear.

The truth is that the religion is inherently clear, and it's only certain individuals who may struggle to comprehend due to lack of diligence or abandonment of exploration. Even scholars might face difficulty in understanding, either by delving into inappropriate word meanings or being engrossed in other matters. However, many scholars find the religion entirely clear. If it were not so, an ignorant person would never comprehend anything, which is untrue, and those unable to understand would not be accountable for carrying out the obligatory acts.

They contend, “When we see two eggs hit each other and break, we deduce that all other eggs break in the same way, using *qiyās*.”

The answer: None of this indicates *qiyās*, as we said before that a *far’* can only be something that can be comprehended, because no one is burdened with that which can not be comprehended, and no one knows the similarities between two matters if the other is something which can not be comprehended.

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[528] Jami’ Bayan Al-‘Ilm Wa Fadhlihi
[529] Sahih Al-Bukhari 47, 1/18

Our understanding is not derived from *qiyās*. Rather, we comprehend this through immediate sensory perception and necessary inference that a less solid object, such as an egg, breaks upon impact with a more solid object, resulting in fragmentation or deformation. We do not say: Since an egg is similar to another egg, it becomes necessary to break if it collides with a solid object. This claim is clearly false. This argument actually invalidates the use of *qiyās*. Eggs from vipers, geckos, and small birds, while falling under the broad category of egg, significantly differ in attributes. Yet, they all break when they come into contact with a more solid object.

If we were to craft an object resembling an ostrich egg by emulating most of its attributes using phytelephas and filling it with water, it would only share an outer body resemblance with a partridge egg. When subjected to impact by a stone, it wouldn't break like a partridge egg. While it still would resemble eggs in some of their attributes the same way only some eggs resemble each other in only some of their attributes as they are different in some ways but still called eggs.

So, it's evident that similarity alone does not compel identical rulings. Their claim that knowledge of egg breakage is solely based on previous observations is false and false. Understanding that an object will break does not hinge on mere similarity, which dictates it should break in the same way as another.

The accurate viewpoint is that everything categorized under a specific term in the language inherits its associated rulings, regardless of whether it shares similarities or not. A large, round, black grape resembles the eyes of a small black cow from a certain aspect, while they resemble, they have different terms. And this resemblance doesn't mandate similar nature, or similar rulings. Similarly, the comparison between a white grape and a black eye does not necessitate a difference in nature despite differing appearances, while they are encompassed by the exact same term. So Applying rulings based on similarities is absolutely false; the appropriate approach is to assign rulings based on names (terms) alone.

We emphasize that if the Prophet ﷺ provides a ruling for a specific term, all subsequent references to that term inherit the same ruling. As for *qiyās*, which we reject, it involves assigning a ruling to a term lacking direct *nuṣūṣ* but sharing similarity in one aspect with existing *nuṣūṣ*. Such as the ruling of *najāsah* falling in oil taking the same ruling as a rat entering ghee. And whatever is similar to that method. We firmly denounce this false methodology.

People possess an understanding of the intrinsic nature of things before encountering them. Only a *jāhil* or mentally unsound individual would reject this. It is universally acknowledged that a child, without prior exposure to fire, instinctively avoids it, showcasing an inherent awareness of danger. Similarly, a young child instinctively uses their hands to protect themselves, unaware that hitting can cause harm. They also refrain from biting even before the growth of teeth, understanding the potential harm it can cause. This instinctive behavior is also observed in animals that cannot communicate verbally. For example, a young bull attempts to butt using its head, even when lacking horns, and animals instinctively use their claws for defense before they are fully developed.

In this manner, we understand that the fundamental nature of any object can transform through rejection or alteration of its structure upon interaction with a solid entity with velocity. In this manner we acknowledge that fire on Earth and under the celestial sphere burns, not due to *qiyās*, an approach invalid in matters of *sharā'i'*. Fire has maintained its burning state since its creation, except for the fire experienced by Ibrahim. It is incorrect to extend it by *qiyās* to anyone other than him.

It is an undeniable fact that eggs are bound to break upon encountering any solid force with velocity. In early Islam, the exchange of wheat more or less wheat was permissible for a certain period. Likewise, various aspects of *sharī'ah* have changed before the passing of the Prophet ﷺ. No practice became obligatory until explicitly stipulated by *nuṣūṣ*, and nothing was deemed *ḥarām* until expressly specified by *nuṣūṣ*. Historically, there has never been a compulsion to use *qiyās* for deriving new rulings. Even now, it remains unnecessary when there is no *nuṣūṣ* for the purpose of prohibition, obligation, or permission.

They also say, "The contents of a nut and a pomegranate can be inferred based on a single characteristic through *qiyās* derived from prior observations. Without this, one might assume the contents to be empty or something different from their usual form. This logic applies to heads as well; their contents are brains, and similarly, the stomach contains internal organs. It's evident that a human baby cannot be born from a donkey. Moreover, the certainty that living entities will eventually experience death is also derived through *qiyās*."

The answer: This argument is among the most false claims they make. No person of even the slightest intellect would ever believe that just because we understand the contents of a pomegranate, nuts, stomach, head, or any other entity, or know that a human cannot be born from a donkey, it implies

and obliges in the religion that: oil becomes impure if a bird dies in it, but not if a hundred scorpions perish in it. Or that selling fruit for more or less fruit is *ḥarām*, yet selling apples for more or less apples is deemed *ḥalāl*. Or that if a cat dies in a well, forty buckets of water must be removed from it, but if a single drop of urine falls into it, the entire well is to be emptied. Or that touching the anus breaks the *wuḍū'*, while touching the breasts does not. All of this are their views, there is absolutely no correlation between this line of reasoning and any of the rulings derived from *qiyās*.

Someone who believes these approaches are comparable lacks intellectual depth. The primary natural instincts mentioned are inherent, placed by Allāh in human hearts, yet the mechanism of this knowledge remains unknown. A belief is either substantiated by evidence or remains a baseless claim. Validity stems from *nuṣūṣ*, necessitated by Allāh's declaration, not false claims.

If children see a pomegranate they will try to open it, in the exact way he saw others do it. If that is *qiyās* according to them then according to you, a child knows how to use *qiyās* in the religion in the exact same manner as you because of opening pomegranates.

If they would ever reflect on the world and nature, its various types, specifics and symptoms none of them would use any of these to claim *qiyās*. Their attempt to equate natural processes with *qiyās* is a contrived concept and doesn't seek the face of Allāh.

Their method is also not far from the one that calls *khinzīr* (swine): *ayl* (deer), to permit a swine and to prohibit a deer. allowing the former and forbidding the latter. These conclusions expose the weakness and fallacy of their approach, one they struggle to distance themselves from.

Their false claim are indicated by asking: Is the relationship between figs and wheat identical to that between nuts and nuts, or pomegranates and pomegranates, or humans and humans? If anyone foolishly agrees, they oblige paying *zakāh* for wheat by using figs and oak nuts on its behalf. No sensible Muslim beliefs this claim. Furthermore, if one vows not to eat wheat but consumes figs, they break their oath, exposing the fallacy of their *qiyās*-based reasoning.

These false arguments invalidate their own standpoint and affirm our approach. Pomegranates are distinct from nuts, just as cats differ from rats, and oil is unlike ghee. Reasonable individuals readily acknowledge this. When the Prophet ﷺ prohibited trading wheat for more wheat, the prohibition applies exclusively to wheat, not other commodities. Similarly,

when he directed disposing of ghee contaminated by a rat's demise, it pertains strictly to such ghee, not any other substance.

On the contrary, their prohibition of selling oak nuts for more or less oak nuts based on *qiyās* from wheat, or requiring spilling oil based on *qiyās* from ghee, is akin to claiming that whatever is inside almonds is the same as what is inside of pomegranates. This comparison is utterly untrue. Their *qiyās* methodology involves falsely applying it from one term to another, representing a false approach.

We pose another question to them: Since you claim children know death because of *qiyās*, is your understanding of the inevitability of death the same as your understanding of the rulings such as prayers, *zakāh*, fasting, and rulings regarding transactions and *nikāḥ*? If they claim it's the same, it implies they don't need the guidance of the Prophet ﷺ, implying they knew the *sharī'ah* before being taught—an absurd claim no one would make.

Furthermore, we ask them: Was the outer covering of a pomegranate ever identical to that of almonds? If they affirm this, they are stating a falsehood. If they deny, we inquire: Was there ever a time *khamr* and trading wheat for more or less wheat were *ḥalāl*? If they concur, which is the truth, admitting it was allowed for a period before being prohibited, they acknowledge that such rulings aren't contingent on the physical similarities of almond and pomegranate covers. Nature, created by Allāh, remains constant since the dawn of creation, unlike the evolving *sharī'ah*, abrogated and replaced over time. Anyone comparing sensory knowledge of nature to the changing *sharī'ah*, before the passing of the Prophet ﷺ, which is known only through authoritative texts (*nuṣūṣ*), is clearly misguided.

They also claim, "*Qiyās* entails additional benefits beyond the *nuṣūṣ*."

The response remains steadfast: In matters of the religion, there are no additional benefits beyond the *nuṣūṣ*, nor must anything be subtracted. Transgressing these boundaries is the epitome of falsehood— claiming the addition of "benefits" over the *nuṣūṣ*.

They say, "Your understanding of *fiqh* by taking the apparent resembles the action of a slave when his master said to him, 'Bring me a washtub and a jug.' Then the slave brings both to him, with no water in the jug. The master then says to him, 'Where is the water?' The slave answers, 'You did not order me to bring it with water, you only ordered me to bring you a washtub and a jug, and I do not do anything except what you ordered me.'"

The answer: And your understanding of *fiqh* indeed mirrors the actions of a slave in reality. When the master instructs a slave, “Whenever I command you, do that and anything resembling it,” and then imparts the concept of *qiyās*, the slave commits it to memory and accepts it. Later, upon finding his master suffering from a fever and the master requesting the slave to bring a doctor, the slave returns with some of his companions. The master queries, “Has someone passed away?” The slave responds, “No one.” The master inquires further, “Then why are those who perform *ghusl* for the deceased, those with burial materials, and a coffin all here?” The slave retorts, “Didn't you command me to carry out actions resembling your orders?” The master acknowledges, “Yes.” The slave concludes, “You ordered me to fetch a doctor, not specifically for your fever. The *‘illah* (reasoning) behind fetching a doctor resembles nothing but death, and death implies procuring those who perform *ghusl*, burial materials, and a coffin. So, I brought everything as you instructed.”

Regarding the slave they mentioned earlier, there is no fault in his method, as it's entirely plausible that the master might utilize these items for various purposes, such as selling or displaying them to others. As for the slave in our example, his approach mirrors the exact method of the *qa’isīn*.

They argue, “You claim that when the Prophet ﷺ issues a ruling on a specific matter, it applies universally to everything described by that term. This is *qiyās*.”

The answer: We have previously explained this approach. The belief is that the Prophet ﷺ was sent to judge every type of creation in the world, using the wording that encompasses their meanings. He cannot address that which is not yet created, beyond mentioning the word of the ruling. This implies that the ruling applies to everything the word signifies, unless the Prophet ﷺ explicitly specifies or makes exceptions for individual, as seen when he told Abu Burda Ibn Niyar, “Yes but it will not be valid for anyone besides you.”[530]

They argue, “Then why do you not say regarding when the Prophet ﷺ ordered Fatimah Bint Abu Hubaish about when she had *istiḥāḍah*, that it is only a valid ruling for anyone whose name is Fatimah?”

The response: The Prophet ﷺ did not specify that this ruling only applies to all women named Fatimah. He only stated that menstrual blood is black and recognizable. He outlined the necessary actions to take when it begins and when it ends. The Prophet ﷺ directed the implementation of the

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[530] Sunan Al-Nasa’I 1581, 3/190

required procedures for menstruation, purification, and *istiḥāḍah* whenever they occur, making it applicable to any woman experiencing these situations.

We also present a counter argument and state: the Prophet ﷺ mentioned about *istiḥāḍah* blood, "It is only an *'irq* (vein)." He explicitly explained that menstrual blood is black and easily recognizable. If, based on *qiyās*, you conclude that red, yellow, and brown blood must have the same ruling as black blood and all categorized as menstrual blood, then it implies that the same *qiyās* must be applied to every vein that releases blood from a woman's body, like nosebleeds and wounds, similar to *istiḥāḍah*. Otherwise, you contradict your own method and abandon *qiyās*.

It is evident to anyone with even a basic level of intellect that if *qiyās* were to hold true, a bleeding vein would be more analogous to another bleeding vein than the *qiyās* of prohibiting selling oysters and chestnuts based on the prohibition of selling wheat and dates for more. Some *ḥanafiyyah*, have indeed implemented this reasoning. Since they require *wuḍū'* to be broken due to any bleeding vein because of the *mustaḥāḍahs* vein, it then becomes obligatory to apply the same principle for *ghusl* as it is obligated for the *mustaḥāḍah*. There is no escaping the necessity of this conclusion.

They argue, "We do not know if the bodies of the Chinese people are like ours except through *qiyās* from what we witnessed before."

The response: This claim is akin to the arguments we have already clarified in detail. We don't need *qiyās* to establish this knowledge; it's a matter of common sense. Everyone knows with necessity that our knowledge of the one who is divorced thrice is not allowed for the one that divorced her except after she marries and has intercourse with that husband, is not anything like our knowledge of knowing if Chinese people are humans like us. He could instead be allowed for her after a thousand divorces without requiring her to marry someone else, if it were not for the *nuṣūṣ*. This is the same for selling wheat for wheat and other ruling mentioned by *nuṣūṣ*. These matters could have existed being allowed for thousands of years with none of them being prohibited before and not obliging. And bodies have never been unable to move or be still, and human bodies have not been any different in shape the way it is ever. The one who resembles *sharā'i'* to nature is in a worse state than who is insane because he selects the method of the one who is insane while the insane one is excused.

If they were to listen to themselves, they would realize how their own claims contradict them. Our knowledge that there are humans in China until the Day of Judgment, based on our knowledge that we are humans, is the exat same our knowledge from *nuṣūṣ* that any wheat, whether it is in China, India, or any place where Allāh creates wheat until the Day of Judgment, is prohibited to be sold for more or less wheat.

However, for them, it would be necessary to apply this method wherever it implies. Since they extend the ruling of selling wheat to figs and rice, they must also extend the ruling of human bodies to the bodies of mules and claim, "The mules of China have the same body as humans because the relation between rice and wheat is like the relation between mules and humans, with no difference."

Furthermore, they are compelled, given their practice of making *qiyās* from the unseen to the seen, to claim that angels and *ḥūr al-'ayn* are made of flesh and blood, just like humans. Their method implies that angels can get sick, become intoxicated, and die, just as humans do, and that there are among them Farmers, salt sellers, and individuals engaged in various activities, just like humans. If they accept this, they would contradict and invalidate their own method of making *qiyās* from the unseen to the witnessed.

Indeed, the reality is that there is nothing concealed from reason (*'aql*) that the *'aql* can affirm that nothing is unclear or hidden from the *nuṣūṣ* of the *sharī'ah*.

Their argument persists, "Everything resembles something from a certain aspect, so it is obligatory to conclude a ruling from where they resemble (the most)."

The answer: This claim lacks evidence and is a groundless claim, devoid of straightforward reasoning. In reality, if two things share similarity in one aspect, they are simply what they are in that aspect. One is not more deserving of consideration than the other based on a single similarity, nor is one more likely to be the *aṣl* or *far'* than the other. Neither is more appropriate for *qiyās*. Just as Zayd is not more likely to be a human than 'Amr, and Khalid's donkey is not more likely to be a donkey than Ahmad's donkey. This principle applies to everything else in the world.

Similarly, in matters of the *sharī'ah*, the wheat of Baghdad is not more likely or earlier to be prohibited for selling for more wheat than the wheat of Al-Andalus. Likewise, the fat of Madinah, if a rat dies in it while it is fluid, is not more likely or deserving of the ruling to be spilled than the fat of Egypt. There is no doubt about this.

The fact that if two things have much similarity but still have different terms, is a certain indication that a mere resemblance was not that which causes both of them to have the same terms. In the exact same way rulings of two issues do not become the same because of the reason they resemble the most, this has become very evident with all that has preceded.

Their fallacy regarding attributing the same ruling to something that resembles another type in some of its attributes is pure falsehood, for many reasons. Firstly, it is a ruling with no evidence. the Prophet ﷺ said, "Cursing a believer is like killing him." Every Muslim knows that there are no greater similarities than those defined by Allāh and His Messenger. It is certain and well-known that cursing a believer is akin to killing him, and the entire *ummah* concurs unanimously that cursing a believer does not permit shedding the blood of the one cursing, just as it becomes permissible for actual killing. There is no *diyah* (blood money) obligation in the same way it is for actual killing, and the amount of examples for this are many. Therefore, the claim that, "Two things sharing similarity in one aspect in *sharī'ah* must have the same ruling if the second ruling is not mentioned by *nuṣūṣ*," is completely invalid and false.

That which also indicates the falsehood of their claim is that: virtually every entity in the world inherently shares similarities with others, whether in attributes or limitations. This ubiquitous similarity is intrinsic to the diverse nature of existence, encompassing the *muḥdath*, *jism*, and *'araḍ*. Moreover, these similarities intensify with increasing resemblance between two entities. If their methodology were rigorously applied, designating something as *ḥarām* would swiftly extend to an impractical universal, indicating the prohibition of everything that exists, given the similarities they share among various aspects. If they were to pursue this extreme interpretation consistently, they would inadvertently lead themselves towards apostasy. Conversely, rejecting this understanding implies relinquishing their false approach. This indicates the inconsistency and impracticality of their stance, the importance of abiding by the defined boundaries set by Allāh and His Messenger—permitting, forbidding and obliging based only on their explicit directives.

Moreover, if we follow their line of reasoning to its logical conclusion, a troubling paradox emerges. If one thing being deemed *ḥalāl* implies universal permissibility due to similarity in certain aspects, it obliges that everything in existence would be considered *ḥalāl*, leading to a perilous theological dilemma. Should they accept this *lāzim*, they apostate.

Conversely, rejecting this understanding would necessitate renouncing their false method of *qiyās*.

Adding to the complexity, it is also very possible for situations to arise where both *ḥalāl* and *ḥarām* aspects coexist in an entity. This would compel them to simultaneously classify something as both *ḥalāl* and *ḥarām*, a clear demonstration of the impracticality and inconsistency of their methodology.

The only valid course is to adhere to the prohibitions, permissions and obligations outlined by Allāh and His Messenger only, never overstepping the boundaries set by Allāh.

It is said to those who believe in *qiyās*: What you declare obligatory or prohibited based on *qiyās* or *ra'ī*, who is the one that obliged or prohibited that issue, did Allāh and his Messenger rule that or anything other than Allāh and his Messenger? There is no third option. If they say, "Allāh and his Messenger ruled it." This is a very evident lie, they are burdened to bring where they found Allāh and his Messenger rule it obligatory or prohibited. There is no difference of opinion that the ruling of Allāh and his Messenger are not known except through the words of Allāh and his Messenger, either from Qur'ān or the narrations of the reliable narrators. If the ruling is not from any text from Allāh or his Messenger, then it is know with certainty that the one ascribing that ruling to Allah and his Messenger is a liar without any doubt and has said about Allāh without knowledge and this is made similar to *shirk* and a bequest from satan, Allāh the Almighty says, "My Lord has only forbidden immoralities, what is apparent of them and what is concealed — and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

And if they say, "Someone other than Allāh and his Messenger prohibited it or declared it obligatory." This is false because it is an institution of a religion which Allāh has not ordained. Allāh the Most Exalted says, "Or do they have partners with Allāh who have instituted for them a religion which Allāh has not ordained?" [42:21]. As they concur that it is a method of deriving rulings that are not from the words of Allāh and His Messenger, they acknowledge that they have ruled which Allāh did not rule and institute as a religion which Allāh has not allowed, this is false by *ijma'*.

If they say, "The ruling was from Allāh and his Messenger but he they did not mention it." This is false without any doubt, it is not possible for Allāh and his Messenger to oblige us rulings without clarifying it to us. Allāh the Most Exalted protected us from that when he said, "Allāh does not

burden a soul except what it is able to" [2:286]. It is not in our ability to ever know what Allāh and his Messenger intend except when He or His Messenger clarify us, so this is false as no one can be burdened with that which they are unable to.

If they say, "The ruling is something Allāh and His Messenger have not said regarding it, but the Qur'ān and *sunnah* show an indication towards it." It is said to them, "Provide your certain evidences if you are truthful" [2:111]. Where is your certain evidences for it in the Qur'ān and *sunnah*? This does not exist, it is a mere claim that is free from certain evidences just as their claim that when Allāh prohibited the sale of wheat for more wheat that it inherently indicates the prohibition of selling figs for more figs, this is a mere claim with no evidences and a saying about Allāh which he did not say about himself.

There would only ever exist an indication for *qiyās* if Allāh or His Messenger would have said, "If Allāh or His Messenger rule an issue, then rule everything that is similar to it from a certain aspect the same and use the *'illah* of any ruling from texts for any issue with no texts that goes along with that *'illah the same*." If this exist it would be a clear obligation for *qiyās*, as for what they utter without knowledge and only depend on conjecture, none of it is an evidence. They believe the scholar is burdened to create as many rulings as possible because of that false method. While the Messenger of Allah said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets." Such an order does not exist from Allah or his Messenger, and if it would be the case that it did exist, then all *aḥkām* would become invalid as Allah, in all of His creation, has instilled similarities, everything sharing certain attributes, yet differing in their *jismiyyah* and *'arḍiyyah*. If such a saying would exist then it would necessitate that everything in the world is all the same ruling, either prohibited, obligatory or permissible. And this is impossible, it invalidates all of the *sharī'ah* we seek refuge in Allāh from this.

If they say, "The ruling of an issue is only given with the same ruling of what is similar to it if there are texts from the words of Allah and His Messenger for that *'illah*." This is false because it attributes statements to Allah, which he did not say about himself. There is no way for us to know the *'illah*, which is the sign of a ruling except if there are texts from Allāh and his Messenger clarifying it being the *'illah* for that ruling. The method of using an *'illah* which is from texts for *qiyās* would only be the truth, if Allah or His Messenger would have ordered, "If a ruling in the Qur'ān and

sunnah is associated with an *'illah*, then wherever that *'illah* is found, apply the same ruling as the one associated with it." Such an order does not exist, neither within the texts nor within the *aḥkam*. Anyone that looks in to their use of *'ilal* will ascertain its falsity, given the multitude of contradictions it entails such as their differences on the six types *ribā* occurs for *ribā al-bay'*.

Regarding their claim, "Allāh and His Messenger did not say anything directly about *qiyās*, but they indicated it." This is a mere claim that no one can substantiate. Bring forth the certain evidence for its obligation beyond mere claims, and bring the certain evidence that because of that the *'illah* of *ribā* is weight, food, storage and that the *'illah* of *mahr* is that a body part becomes permissible, and never will they bring any certain evidence.

And it is also said to them: If there is no ruling from Allāh for the method of *ra'ī* and *qiyās* which you use, then tell us how that ruling stands with Allāh. Does the ruling become the ruling of Allāh once you make a ruling with *ra'ī* and *qiyās* or does it not become the ruling of Allāh? There is no third option. If they say, "Allāh rules with our ruling once we make a ruling." The one saying such apostates as they position themselves rulers over Allāh compelling Him to abide by their devised rulings with *ra'ī*, *qiyās*, and *'ilal*. Especially when all of their rulings with that method are contradictory**,** which among them represents what Allah has ruled if this is your stance? Allah is exalted above all such claims. And if they concede that Allah did not rule with what they rule through *ra'ī*, *qiyās*, then they admit to legislating in the religion what Allah has not legislated.

We also ask them: What is the precise necessity of *qiyās*? Is it for matters governed by texts or those lacking such texts for their rulings? There is no third option. If they claim, "For matters governed by textual evidence," then they admit to opposing and contradicting Allah's orders, a stance no Muslim upholds. And if they argue, "We require it for matters that have no texts," as is their perspective, we say: Such a need does not exist; Allah the Most Exalted invalidated it with His statement, "We have not neglected anything in the book" [6:38], and His statement, "Clarification for everything" [6:89]. Whatever Allah and His Messenger did not inform us about is never obligatory, and we do not comprehend Allah's intentions except through what is conveyed to us in the Qur'an and *sunnah*.

Whoever likens anything in the texts to something else and does *qiyās*, uses an aspect he identifies between them to equate their rulings, whether due to a shared similarity or an *'illah* he perceives between them. No one is incapable of opposing the one using a certain qiyas by applying the *'illah* the other used for other issues than what the former finds that *'illah* to be

according to him, and no one is unable to find other similarities to establish similar rulings. Some may discern a different *'illah* for a ruling than what someone else assumes it to be, or someone might identify another similarity between issues and use that to establish uniform rulings. This is something that is filled in the books of those who believe in *qiyās*, all of them invalidate the *qiyās* of each other.

And also it is posed to the adherents of *qiyās*: What is the difference between you and the one that prohibits *qiyās* because of the reason two issues differ in their attributes from certain aspects, even if they would be similar in other aspects. If they say, "If this were the case then *qiyās* would be false, but we also know that nothing exists in the world except that they are different from each other in some of their attributes." We say: Indeed, and we add to that, there is also nothing in the worlds except that they are similar to each other in some aspect. Then what justifies using the reason that they are similar in one aspect earlier and more likely than using the reason that they differ as the reason not to use *qiyās*?

Know that they are unable to provide any response to this question except to say, "We consider which aspect has the most similarity," or to say, "We do not use *qiyās* except with the *'illah* of the ruling." It's said to them: Then you invalidate every single similarity except what has the most similarity. This clearly indicates that similarity in of itself does not mean that the rulings must be the same because if similarity in of itself would mean that the rulings are the same then it would lead to that a small similarity would also necessitate the same ruling even if it is from one aspect only. If a few similarities between two things do not necessitate that the rulings are the same then it indicates that *qiyās* that no *qiyās* is applies for any resemblance, whether much or less. If any resemblance would oblige *qiyās* then it would also for a few similarities. This applies for *ta'līl* as well.

And it is said to them: What you believe about *'ilal* does not cease to either be *'ilal* that are mentioned and applied to certain rulings by Allah and His Messenger, or *'ilal* from any source other than Allah and His Messenger. If the *'ilal* are from that which Allah and His Messenger stated in the Qur'an and *sunnah*, then we affirm and believe that the ruling which has come with that *'illah* applies to nothing other than that specific ruling. It is not permissible to transgress it by applying that *'illah* to other issues. Those who do so exceed the bounds, making rulings without certain evidence, relying on mere conjecture with no trace of evidence that the *'illah* is what Allah ordained for any issue that seems to share the same

'illah. If they fabricate *'ilal* from sources other than the Qur'an and s*unnah*, it is absolutely false because there is no certain evidence for this method, and all the concerns mentioned before apply here as well. There is no way out of this.

There is a group that claims it is possible for the rulings of the religion to originate from *qiyās*. This claim is false for the following reasons: Firstly, it contradicts *ijma'*, no one before them ever suggested such a possibility. Secondly, it is impossible because if the religion originates, it is always without *qiyās* , as *qiyās* , according to all its believers, involves applying the rulings from the Qur'an and *sunnah* to an issue not mentioned in them. *Qiyās* inherently requires textual evidence; so, it cannot initiate itself. They agree that *qiyās* is separate from the Qur'an and *sunnah*. Thirdly, it is said to those who believe in this: Are you not certain that Allah sent His Messenger, and there were people who believed and apostatized? Everyone who believed during that time was not obligated to perform any prayer, fasting, *zakāh*, *ḥajj*, *ṭalāq*, '*itq*, '*iddah*, *ḥudūd*, prohibition of *khamr*, and other rulings of *Islām*, except what the women and *Anṣār* gave *bay'ah* for on the night of *al-'aqabah*. The obligation of prayer was revealed two years after prophethood, and the obligation of *zakāh*, fasting, *ḥajj*, the rulings of *ṭalāq* and *ḥudūd*, prohibition of khamr, *zinā*, and other rulings were revealed in *Madīnah*. Therefore, it is certain that the obligation of following the rulings only arises after the revelation reaches individuals. And that the prohibition and obligation of matters are solely from Allah, conveyed through the tongue of the Messenger of Allah. This was the state of Muslims without any distinction before the revelation was revealed and during the lifetime of the Messenger of Allah. If rulings were to originate from *qiyās*, the *ṣaḥābah* would have known about it and used it, yet no Muslim among them ever claimed they could make rulings during the Prophet's lifetime without his order. The people after the *ṣaḥābah* are even further from it being permissible for them to do so. If they argue, "This was only during Prophet's lifetime," The answer is: Since you acknowledge it is not possible for anyone, you must provide certain evidence that this applies specifically to Prophet's time from the Qur'an and *sunnah* and that anyone after his life is allowed to use *qiyās* and *ra'ī*. We seek refuge in Allah from this belief, as it constitutes disbelief, permitting arbitrary rulings.

If they say, "But *qiyās* is referring what is not *manṣūṣ* to what is *manṣūṣ*, so the verses about returning the issue to Allah and His Mesenger then indicates the permissibility of *qiyās*." The answer: This claim is not exempt from the fact that what you conclude is either what Allah and His

Messenger ordered, said, or did, or it is anything other than that. It is undoubtedly anything other than what Allah and His Messenger said, ordered, or did, and anything fitting this description is not what is referred to Allah and His Messenger, so the obligation remains unfulfilled. Moreover, if it were as they claim, then all that was previously stated applies here too: no one knows the limits of *qiyās* with certain evidences from the Qur'an and *sunnah*, no one knows what is correct from what is wrong, how it must be applied, when it must be applied, and all the certain evidences for the thirty-eight conditions they made up from the Qur'an and *sunnah*. There are no certain evidences of Allah ever ordering or teaching us any *qiyās*. If it were as they claim, then anyone could claim any false *ra'ī* or *qiyās* as "Referring the matter to Allah and His Messenger." Instead Allāh did not allow returning to anything other than *qiyās* and ordered returning to nothing other than Qur'ān and *sunnah*. The falsehood of their claim is very evident.

As for the words of the Messenger of Allah invalidating *qiyās*, it is narrated that he said, "O people Allāh has obliged *ḥajj*, so perform *ḥajj*." A man asked him, "Is it every year O Messenger of Allah?" Then he remained silent till he was asked thrice. Then the Messenger of Allah said, "If I were to say, 'yes,' it would become obligatory according to what you are capable of doing. Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."[531]

This narration from the many indicates the falsehood of *qiyās* because the Messenger of Allah stated that there is no ruling except if he orders it, and no prohibition except if he prohibits it. Anything he orders must be carried out to the best of one's ability, and anything he prohibits must be abstained from. Anything he remains silent about is left as a mercy for us, allowing us to either do it or leave it. Anything beyond this is false, and *qiyās* is clearly included within this falsehood. This narration emphasizes that his orders are obligations until he provides further clarification, and anything he prohibits remains prohibited until he clarifies otherwise. There is no necessity for him to repeat an order for it to become an obligation.

Another aspect of this narration that decisively invalidates *qiyās* is Prophet's prohibition of asking questions. *qiyās* essentially involves asking questions about obligations and prohibitions to fabricate *'ilal* for the rulings,

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[531] Sahih Muslim 1337

aiming to apply those rulings to other issues. By ordering everyone in general to refrain from questioning him until he issues a prohibition or obligation, the Messenger of Allah prohibited *ta'līl* and obligates adhering only to what he commands and prohibits. Anything else before he issues a prohibition or obligation is disregarded and not to be considered.

Another clear indication that this narration declares *qiyās* false is that the man did *qiyās* on pilgrimage based on that prayers are repeated, and that fasting is repeated, and that obligatory alms are repeated. Then the Messenger of Allah invalidated this *qiyās*, and he ordered them with that which Allah ordered from abandoning questioning.

The Messenger of Allah said, "Indeed Allāh has made obligations, so do not neglect them, and He has placed limits which you must not transgress, and he has remained silent about other matters out of mercy for you, not out of forgetfulness, so do not seek themout."[532]

The Messenger of Allah said, "*Ḥalāl* is what Allāh made *ḥalāl* and *Ḥarām* is what Allāh made *ḥarām*, anything he is silent about is that which he had pardoned."[533]

If they say, "*Qiyās* is something that cannot be obscured from anyone; everyone knows it by necessity, and there is no need to clarify it." The answer: Cleaning oneself after relieving oneself is also a matter not obscured from anyone, yet it was clarified by Allah and His Messenger. If even this is need to be clarified, then *qiyās*, which is according to them the fourth source of evidence in the religion, would be the most in need of it. How can there be no evidence for using a method as evidence in the religion? And let the one who says such reflect at the huge amount of differences in their *'ilal* and their differences in their *furū'*. If it were something everyone simply knows, then there would not be so many differences, the amount of differences to it are without any doubt more than the issue of excrement.

As for *ijmā'*, the *ummah* has unanimously agreed that Allah has clarified all rulings through the tongue of His Messenger. Whoever claims that *qiyās* is also clarified and ordered to be used must provide certain evidence, and there is no possibility for its existence. Let the one who believes in Allah and believes in the narration from *ṭarīq* of Salman, "Your

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[532] Sunan Al-Daraqutni 4/184
[533] Sunan Al-Tirmidhi 1726

Prophet teaches you everything, even excrement,"[534] think: Why did the Messenger of Allah leave the clarification of *qiyās*, its pillars, its conditions, whether it is obligatory or allowed only, when it must be carried out, and how, while it is from the *uṣūl* of the *sharī'ah*? Did the Messenger of Allah not know, while he was given all good, that the *'illah* for the six types of *ribā al-bay'* is food, weight, measure, and storing, yet he never clarified any of that? Allah says, "And your Lord is never forgetful" [19:64]. Anyone who comprehends even a small amount of this knows that such attribution cannot be attributed to the Messenger of Allah, and everything he did not clarify is rejected. Allah says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119]. Knowledge is from none other than Allah, and without any doubt, we mankind lack knowledge about *qiyās*, its pillars, when it must be used, and how it must be used, the dozens conditions it has. It is this lack of knowledge that has led mankind astray by their own desires, without any doubt.

The *ḥanafiyyah* also agree that it is not allowed to perform any *qiyās* for issues of *ḥudūd* and *kaffārat*. [535] They are asked about the difference between these two issues compared to all other issues in the religion, and the one who twists these two for all other issues in the religion and allows *qiyās* in *ḥudūd* and *kaffārat* only, while prohibiting *qiyās* in everything else. The *shāfi'iyyah* do not allow *qiyās* as long as there are texts available[536], while Allah the Most Exalted says, "We have not neglected anything in the book" [6:38]. As for the *mālikiyyah*, *qiyās* only originated from the latecomers among them, as it is narrated from Mālik that he prohibited *qiyās* and transgressing the texts and that he repented from every single *ra'ī.*

The one who uses *qiyās* is not a *kāfir* or even a sinner (*fāsiq*) if it is done with *ijtihād*; instead, he is rewarded once and excused, while his view, which was by means of *qiyās*, is wrong. If anyone were to pray towards other than the *qiblah* with *ijtihād*, not knowing the correct direction, they are rewarded once but mistaken and excused. If anyone prayed towards other than the *qiblah* on purpose without being forced to, believing it is correct while knowing the direction, they apostate without any difference of opinion. And if anyone changed the Qur'ān unknowingly, he is excused,

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[534] Sahih Muslim 262
[535] Sharh Mukhtasar al-Tahawi 2/417, 7/393
[536] Al-Muhadhab by al-Shirazi 2/197

mistaken, and excused, whether it be one letter, one word, or a whole Ayah. If he does it on purpose, he apostates without any difference. So none of them can follow those scholars in their *ijtihād*, which is known to be wrong; only what they are correct in is followed, which is then in reality nothing but the words of Allah and His Messenger. Only those scholars who performed *ijtihād* are excused for a mistake, not the one who knowingly follows a wrong view.

Regarding the existence of every single upcoming issue being covered by the texts and *qiyās* not ever being needed, we will clarify this now by the will of Allah. All of the religion of Islām is of three types with no fourth to it: obligatory (*wājib* and *farḍ* both are the same), the one not doing it sins; prohibited (*ḥarām*), the one doing it sins; and permissible (*mubāḥ* and *ḥalāl*, both are the same), the one doing it or leaving it does not sin. And we find that Allāh the Most Exalted says, "He it is Who created for you all that is on earth" [2:29]. And He says, "O you who believe! Do not ask about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qur'ān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. A people asked such questions before you; then they became thereby disbelievers" [5:101-102].

These two Ayahs indicate that everything Allāh created is *ḥalāl* for us, not *ḥarām*, as He has created it for us, and that nothing is obligatory on us except what He and his Messenger have obliged us. And Allāh the Almighty has said, "He has clarified to you what is prohibited for you" [6:119]. And Allāh says, "O you who believe! Obey Allāh and obey the Messenger and those of you who are in authority. (And) if you differ in anything refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59]. And the Messenger of Allah said, "Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

All of this indicates that everything Allah has prohibited on the tongue of the Messenger of Allah is what he has clarified with its exact name. And everything he has prohibited, it is obligatory to leave it, and that everything he orders us must be done according to our ability. As long as there is nothing obligatory or prohibited, then it is allowed to leave or do it, and it is pardoned. Allah says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119].

As for the proofs from the *'aql* invalidating *qiyās*, the *'aql* can never comprehend what is prohibited and what is allowed, and also not what is obligatory. Allāh the Most Exalted says, "O you who believe! If you obey and fear Allāh, He will grant you Furqan (a clarification to judge between right and wrong)" [8:29]. And He says, "O you who believe! Fear Allāh, and believe in His Messenger. He will give you a double portion of His Mercy, and He will give you a light by which you shall walk (straight). And He will forgive you" [57:28]. And He says, "They found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us" [18:65]. Allāh says, "So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything" [2:282].

A Muslim must fear Allah from becoming from these astray with his own desires without knowledge. Allah says, "Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided" [16:125]. Whoever goes astray with his desires has transgressed in that which he has become misguided without difference, and He has clearly clarified what is prohibited. This covers every ruling in the world till the day of judgment.

Some of them say, "You invalidate *qiyās* by using *qiyās* and also invalidate the use of *'aql* by discrediting *qiyās* as evidence."

The answer: We do not use *qiyās* believing in its validity; rather, we use it to demonstrate your inconsistency and the fallacy in your method of *qiyās*. This exposes the flaws in some of your own positions. There is nothing more misleading than using something as evidence while simultaneously invalidating conclusions drawn with it. You affirm the validity of *qiyās* and believe in it, whereas we merely use it to illustrate everything it implies and what you are compelled to because of it. We do not validate it, believe in it, or base any arguments on it. Nothing associated with it is obligatory upon us. Something only becomes necessary by using it is when there is actual belief in it, like how we belief in *akhbār al-āḥād*, act upon it and affirm its certainty. It would not be necessary on the one that does not believe in it, which is a false belief. To establish something as necessary, arguments must be used based on what the opponents themselves believe.

Some of them say, "From the evidences supporting the idea that when two things share similarity in one aspect, they should have the same ruling can be found in Allāh's challenge to the Arabs. Allāh challenged them to produce something similar to the Qur'ān and clarified that if they could, it would be false. This is because something false can only be similar to

falsehood, and something true can only be similar to the truth. Therefore, both share the same ruling."

The answer: This argument, while accurate, doesn't indicate their method; in reality, it contradicts it. What is similar to falsehood, in the aspects related to its falseness, is undoubtedly false. This is how we counter *qiyās* with *qiyās*, making it evident that the entire method is false. What resembles falsehood in the aspect of being created, or the aspect being a form of speech, this alone does not make it false. Instead, it may lead to disbelief because disbelief is a form of speech, lying is a form of speech, the Qur'ān is speech, and the truth is also expressed through speech. It becomes clear that these aspects themselves do not necessitate identical rulings in other respects. This exposes the fallacy of their argument.

We don't deny that a word can have multiple meanings or applications. However, we maintain that every word used outside of its designated meaning, where Allāh or His Messenger ﷺ placed it in the *sharā'i'* or where *ahl ul-lughah* positioned it for understanding, is indeed false and represents a distortion of words from their intended places. Such actions are clearly prohibited by *nuṣūṣ*. On the other hand, every word in its proper context is true. Consequently, we do not base judgments on a false method of relocating words. Wheat remains wheat, dates remain dates, and anything resembling wheat but not actually being wheat is not wheat. Similarly, anything resembling gold but not actually being gold is not gold, and anything that appears to be *ḥarām* but is not explicitly mentioned as such in the textual evidence and is also not encompassed within a general ruling is not *ḥarām*. This principle applies to every single matter.

They say, "*Ahl ul-dhāhir* reject the possibility of similarity in matters."

The answer: This is a false accusation. We have never denied the possibility of things being similar. Instead, we have affirmed this and explained in great detail how it invalidates their method. Our understanding of similarities between matters is thorough. What we reject is the application of rulings to something solely because it is similar to another ruling in one aspect, by obligating, prohibiting, or permitting it without texts for it from Allāh, His Messenger ﷺ. This is what we reject, and it is undeniably a falsehood.

They say, "*Ahl ul-dhāhir* reject using *'aql* as evidence."

The answer: This is false. We affirm the use of *'aql* as evidence, while they are the ones who reject it. Our *'aql* affirms that nothing can be prohibited, obligated, or permitted without textual evidence from Allāh or His Messenger ﷺ. In contrast, they rely on their *'uqūl* to prohibit and

legislate matters in the *sharā'i'* without clear textual evidence from Allāh, His Messenger ﷺ, or the consensus of the *ummah*. This is what contradicts the use of *'aql* .

They also say, "*Mīzān* on the Day of Judgment is evidence for *qiyās*."

The answer: This claim is baseless. For the *mīzān* on the Day of Judgment, there are a clear and explicit texts that it will occur. *Qiyās* has no relevance to the measurement of the actions of the servants, the recompense of the *muḥsin* for their good deeds, the consequences of the *musī'* for their bad deeds, the forgiveness for the one who repents after a major sin, the forgiveness for minor sins through avoidance of major sins, or the fate of those persisting in major sins. None of these matters can be compared to *qiyās* because the presence of *mīzān* on the Day of Judgment and the multiplication of good deeds by ten to seven hundred times and the bad deed only being one, this can not ever be compared to *qiyās* even according to them and their method.

They also inquire, "Tell us about your perspective on *dalīl*. Is it based solely on *nuṣūṣ* or does it involve elements beyond *nuṣūṣ* alone? If you claim it relies solely on *nuṣūṣ*, then demonstrate this to us. And if you claim it goes beyond *nuṣūṣ*, then you contradict your stance against *qiyās*."

The answer: We have previously expounded on this extensively in the chapter dedicated to *dalīl*. Here, we will provide a concise explanation, by the will of Allah. *Dalīl* encompasses what is inferred directly from a *naṣṣ* itself, even if it extends beyond the explicit words mentioned in the *naṣṣ*. For instance, when Allāh states, "Verily, Ibrahim was, without doubt, forbearing, used to invoking Allāh with humility, and was repentant" [11:75]. We conclusively know from this that he was not unintelligent, wasteful with wealth, ascertained through certainty and necessity. And also the statement of the Prophet ﷺ, "Every intoxicant is a *khamr* and every *khamr* is *ḥarām*." This necessitates the prohibition for anything that intoxicates, all because of using these wordings alone. Our *dalīl* is exclusively rooted in *nuṣūṣ* and consensus (*ijmā'*), with no reliance on anything else.

They say, "There are no *nuṣūṣ* regarding inheritance for some of the free individuals and some of the slaves, *ḥudūd*, *diyah*, *nikāḥ*, *ṭalāq*, *jināyāt*."

The answer: The individual making this claim should seek understanding before speaking, as *nuṣūṣ* exist for inheritance in general, encompassing all sons, daughters, fathers, mothers, brothers, sisters, close relatives, and spouses. So, none of these categories falls outside the scope of *nuṣūṣ*; they all remain encompassed by its generality. It is narrated from Ibn

Abbas and Ali that the Prophet ﷺ stated, “When a *mukātab* slave who has made an agreement to purchase his freedom gets blood-money or an inheritance, he can inherit in accordance with the extent to which he has been emancipated.”[537]

Therefore, it is established that, specifically from *nuṣūṣ*, the slave is included in the inheritance provisions, even the *mukātab* slave. Some scholars have argued that for the *mukātab* slave, inheritance is determined according to the extent of their freedom, while others have stated that they have no inheritance at all. The latter view contradicts the *nuṣūṣ* and lacks any evidence. The correct view, in line with *nuṣūṣ* and reason, is that they have inheritance proportionate to the degree of their freedom. The same applies to *ḥudūd* and *diyah*. It is incorrect to claim that the *ḥudūd* of slaves are the same due to the narration of Ibn Abbas concerning the *mukātab*. This specific narration indeed indicates the distinction between a slave and a free person.

Regarding *nikāḥ*, *nuṣūṣ* clearly state that any slave who marries without the permission of their master commits *zinā*. The slave that is partially emancipated is not a complete slave and also not completely free. A partially emancipated slave does not transition to a different legal status but remains subject to the same rules. Slaves can only marry with the permission of their owners. As for *ṭalāq*, it follows the general *nuṣūṣ* related to divorce, similar to free individuals. In the case of *jināyāh* and *shahādah* (witness testimony), there is no distinction from free individuals made by Allah and His Messenger, as no *nuṣūṣ* prevent such occurrences for any slave, and there is no *ijmā’* on this matter.

They also split *qiyās* into various types. One type is *qiyās al-mafhūm*, which is similar to the *qiyās* where a slave must be freed as a penalty for killing, because of the precedent of a slave being due for *dhihār*. Another type is *qiyās al-’illah*, which is identifying a shared *‘illah* (rationale), like the *‘illah* common to both *nabīdh* and *khamr*, which is intoxication. There is *qiyās al-shabah*, and it's within this category that differences among their scholars arise.

Some argue that the basis for this type of *qiyās* should be the amount of attributes found in the *‘illah*. For instance, if an issue has five attributes indicating permissibility while only four attributes indicate prohibition in that issue, they contend that the five attributes outweigh the four, resulting in a ruling of permissibility. Others, however, claiming that it should be

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[537] Sunan Al-Kubra 5002, 5/51

based on resemblances in shapes, such as likening a slave and free non-slaves to animals because both can be owned.

They argue that if two matters share similarity in three aspects, they should receive the same ruling. *Qiyās al-shabah* also further divides into other types, including *qiyās ul-shabah al-ḥukmi* (*qiyās* based on the similarity of rulings). In this form of analogy, the *far'* is linked to the *aṣl* because of their shared similarity in rulings. For instance, consider *wuḍū'*, which falls under the category of *ṭahārah*. They argue that it requires *niyyah* just like *tayammum*, drawing an analogy between *wuḍū'* and *tayammum* since both pertain to *ṭahārah*. Additionally, there is *qiyās al-shabah al-ṣūri* (*qiyās* based on the similarity of forms), where the *far'* is linked to the *aṣl* because of their resemblance in form. For example, the second sitting during prayer is connected to the first sitting not because they share a similar ruling, but due to their similar form.

Qiyās al-shabah is mostly used by *shāfi'iyyah*. Most companions of Abu Hanifah all opposed *qiyās al-shabah* and others such as Abu Mansur Al-Baghdadi, Abu Bakr Al-Baqillani and Al-Qadhi Abu Zayd, Abu Ishaq al-Marwazi, al-Sayrafi, they all reject it. Abu Ishaq al-Shirazi rejects *qiyās al-shabah* as there are no *'ilal* involved and there is no *'illah* that necessitates a ruling with *qiyās al-dālalah*.[538]

The other types do involve *'ilal* such as *iṭṭirāḍ* which is applying a ruling whenever an Illah is present in any other issue and *qiyās al-'illah*.

We categorically declare these methods as false and also their claims riddled with contradictions, lacking any substantiated evidence. Their claim that a slave must be freed for causing death due to a slave being owed in *dhihār* is labeled as '*mafhūm*,' (understood) but there is nothing '*mafhūm*' in this matter. Such a ruling applies only to a believing (*mu'min*) slave, and given that they use *qiyās* in this context, they must also accept the application of compensation – either fasting or feeding for sixty days – for the act of causing death, just as it is prescribed for *dhihār*. This inconsistency is glaring and very evident.

Regarding their claim about *qiyās al-'illah* and the prohibition of *nabīdh* based on *qiyās* with the prohibition of *khamr* is nothing but falsehood, the Prophet ﷺ explicitly stated in general, "Every intoxicant is a *khamr*, and every *khamr* is prohibited." The Prophet ﷺ ruled all intoxicants equally, without singling out grapes, dates, figs, honey, or any other substance. If a substance induces intoxication, it is subject to the same

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[538] Al-Lum'a Fi Usul Al-Fiqh pg. 101

ruling, and he declared with certainty that all intoxicants are considered *khamr* and, therefore, prohibited. The differentiation between grape *khamr* and others is against clear texts; rather, they are all treated equally based from *nuṣūṣ*. If you have understood all that preceded before, then this matter is very clear.

If they say, "Why do you not declare *takfīr* upon someone who deems *nabīdh* of figs, which is intoxicating, permissible, just as you do declare *takfīr* upon someone who deems intoxicating grape juice permissible?"

The answer: We only declare *takfīr* upon someone who deems intoxicating grape juice permissible when the evidence is established against them, while they understand it. If an ignorant person does so without knowledge of the *ijmā'* on its prohibition, we do not declare *takfīr* on them until they understand the *nuṣūṣ* or *ijmā'*. Similarly, we do not declare *takfīr* on someone who deems intoxicating *nabīdh* of figs permissible due to their ignorance of the evidence against it. However, if someone, knows the *nuṣūṣ* regarding it and understands it, but opposes those *nuṣūṣ* of the Prophet ﷺ regarding the prohibition of all intoxicants by permitting it, then they unquestionably apostate.

In response to their view that they measure the amount of attributes of what is permissible and what is prohibited and apply the ruling that outweighs the other, we counter: Let us consider a scenario where the attributes of permissibility and prohibition are equal; what becomes the ruling then? And what is the evidence from *nuṣūṣ* for this method? If they claim they would prohibit it as a precaution (*iḥtiyāṭ*), we argue that just as they can prohibit it by *iḥtiyāṭ*, they can also allow it for the reason to ease. There is no difference between both claims. It can be permitted for the sake of ease, Allāh says, "Allāh intends for you ease, and He does not want to make things difficult for you" [2:185]. So if they then say: We will then allow it. We ask them again: Why do you not prohibit it? Allāh says, "Perhaps you dislike something which is good for you" [2:216]. So, their argument collapses, as neither side holds more weight in terms of evidence, and both are equally deserving of consideration. And Allāh says, "And do not say lies concerning that which your tongues describe, 'This is lawful and this is unlawful, in order to fabricate lies and attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed'" [16:116].

Also, if the attribute being similar to prohibition were to necessitate prohibition, and the attribute being similar to permissibility were to necessitate permission, and if one were to measure which has more

attributes of prohibition or permissibility, there would be a continuous situation where what is *ḥalāl* becomes *ḥarām* and what is *ḥarām* becomes *ḥalāl* simultaneously. This is an impossibility. Therefore, it is clear that similarity alone does not inherently determine whether something is *ḥalāl* or *ḥarām*, regardless of the number of attributes involved.

Some of them have said regarding the verse, "They ask you (O Prophet) concerning *khamr* and gambling. Say, 'In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit'" [2:219].

They say, "Allāh in the verse weighed the sin more heavily than the benefit and used that to prohibit it."

The answer: This is a lie attributed to Allāh. It would imply a contradiction between two *aṣl*s regarding *khamr* and gambling. First is benefit and second sin. This contradiction is acknowledged even by those who put forth this understanding. Who decided the order of sin and benefit regarding *khamr* and gambling? There was a time when these practices were allowed without any associated sin. The most honorable *ṣahābah*, including Abd Al-Rahman Ibn 'Awf, Sa'id Ibn Abi Waqqas, Hamzah, Abu Ubaidah Ibn Al-Jarrah, Suhail Ibn Bayda', Ubay Ibn Kab, Abu Dujanah, Abu Talha, Abu Ayyub, Mu'adh Ibn Jabal, Abdullah Ibn 'Amr Ibn Haram, and many others, consumed *khamr* all together for over ten years. This practice continued even after the *hijrah*, with some individuals partaking on the day of *uḥud*, during which some became martyrs. Did something or someone other than Allāh introduce sin into these substances after all these years? Their claim that, "Allāh prohibited it because of the sin and intoxication in it," is completely false. For over a decade, these substances were not associated with sin, and *khamr* has always been intoxicating since its creation by Allāh. Therefore, their argument that prohibition resulted from the increasing weight of sin is fundamentally false and represents one of the gravest falsehoods that can be attributed to Allāh.

As for their claim that humans and slaves are similar to animals due to the fact that they can be owned, we emphatically reject this claim, and merely mentioning it exposes the fallacy of their approach.

If they nullify the application of rulings to things that do not yet exist based on their similarity to existing matters according to one aspect between them, as opposed to what is derived from *nuṣūṣ*, then they are, instead, using our method of invalidating rulings based on analogy (*al-tashābuh*). This involves applying rulings that are not derived from *nuṣūṣ*.

They say, "The belief that *qiyās* is false is shared by certain groups, including Ibrahim Al-Nadham, Muhammad Ibn Abdullah Al-Iskafi, Ja'far

Ibn Harb, Ja'far Ibn Mubashir, 'Isa al-Murad, Abu 'Afar, the *rāfiḍah*, and some of the *khawārij*. Some among them even argue that it is permissible to marry the sons' daughters and grandmothers, and that the consumption of swine brains is allowed."

The answer: When they claim that these groups reject *qiyās*, they overlook the fact that there are more misguided *qā'isīn* as well, such as Abu Hudhail Al-'Alaf, Abu Bakr Ibn Kaysan Al-Asam, Jahm Ibn Safwan, Bishr Ibn Al-Mu'tamir, Ma'mar, Bishr Al-Mirrisi, the *azāriqah*, Ahmad Ibn Ha'it, and many others. Some of these proponents even argue that children who are not burdened anything are obliged the exact same as adults in every single ruling because of *qiyās*, believe in metempsychosis, permit the killing of children, and use *qiyās* to claim that both Heaven and Hell will ultimately come to an end, among various other false beliefs and claims.

Those who advocate for *qiyās* are posed with the following question: Has Allāh not sent Muhammad ﷺ as a Messenger to all of humanity, including the *jinn*? And was not the first call he made to people to believe in the declaration, "*Lā ilaha illa Allāh*," and to reject all forms of worship other than Allāh, including idols and other deities? Didn't he explicitly convey that he is merely a Messenger of Allāh ﷺ and that there is no other *sharī'ah* in this religion except what he conveys? And hasn't it been made clear that there is no imposition of any ruling in the world—be it an obligation, prohibition, or permission—except what he brings? The unanimous response of both Muslims and non-Muslims is undoubtedly in the affirmative. There is no doubt or dispute regarding this fundamental premise. Since there is a complete consensus on this matter, and no room for doubt or disagreement, there is no need for *qiyās* and false *ra'ī*. Islam, in its essence, did not contain any prohibitions or obligations until Allāh revealed the *sharā'i'*. Whatever Allāh commands becomes obligatory, whatever He forbids becomes prohibited, and whatever He has not explicitly commanded or forbidden is permissible. This is an inherent and well-known truth, recognized by the innate disposition (*fiṭrah*) and rational faculties of every individual. Therefore, there is never a necessity for *qiyās* and false *ra'ī*. Whoever imposes or forbids anything without *nuṣūṣ* is introducing a law that Allāh has not permitted and is making claims that should never be made. This is supported by undeniable and clear evidence.

Furthermore, we pose the question: What is the basis for *qiyās*, is it derived from *nuṣūṣ* or from other than *nuṣūṣ*? If they claim it is derived from *nuṣūṣ*, they are in opposition to *ijmā'* and are perilously close to disbelief. No one has ever claimed such a thing before, and it is a statement

that no one can reasonably make, as *qiyās* always involves an *aṣl* being linked to a *far'*. There can be no *aṣl* except that it is based on *naṣṣ*, and according to their method, the *far'* always pertains to a matter not explicitly covered by the *aṣl*.

If they say, "It is derived from something other than *nuṣūṣ*." We say: Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And He says, "I have completed your religion for you, completed My Favour upon you" [5:3].

And He says, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

And He says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

And He says, "Say, 'If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)'" [34:50].

And He says, "Say, 'Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision. Say: 'They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them). Thus We explain the verses (Islamic laws) in detail for people who have knowledge'" [7:32].

And He says, "And they say, 'The Most Gracious (Allāh) has begotten a son (or children). Glory to Him! They [whom they call children], are but honoured slaves. They do not speak until He has spoken, ˹only˺ acting at His command'" [21:26-27].

The Prophet ﷺ said, "O Allāh! have I not conveyed it? O Allāh be witness [to it that I have conveyed]."[539]

Abdullah Ibn Mas'ud said, "Indeed, whoever seeks knowledge must turn to the Qur'ān, for within it lies knowledge encompassing the beginning and the end of *'ilm*."[540]

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[539] Sahih Muslim 2887

[540] Al-Musannaf by Ibn Abi Shaybah 38585, 20/146

This exact sentiment has also been said by Masruq and Al-Zuhri, establishing that everything in the religion is explicitly *manṣūṣ* and requires no reliance on *qiyās*.

They say, "*Qiyās* is only applied to issues that emerge in contemporary times, these are issues that occur are *furū'* which we return to the *uṣūl* (*nuṣūṣ*).

The answer: this claim is false because within the religion, everything falls only under the categories of obligations, prohibitions, or permissibility. There is no room for a fourth category, and it is impossible to definitively distinguish between the *aṣl* and the *far'* in these matters. So their argument is fundamentally false. It is an established fact that all *aḥkām* are *uṣūl*, as they are all from *nuṣūṣ*. The only *ikhtilāf* that can exist is regarding *uṣūl* matters, anything that is obligatory, prohibited, or permissible in areas like *wuḍū'*, *ṣalāh*, *zakāh*, *ḥajj*, *buyū'*, *nikāḥ*, *ṭalāq*, *ḥudūd*, *'aqdiyah* and many others.

If they say: We do not dispute that Allāh and His Messenger ﷺ have not left out any essential knowledge. We acknowledge that the Prophet ﷺ thoroughly clarified everything. However, we distinguish between two types of *nuṣūṣ*: the first is *nuṣūṣ* with explicit wording specifying the ruling, and the second is *nuṣūṣ* that implies the ruling through *dalālah*. We refer to this latter type as *qiyās*, which involves contemplating the *'illah* (cause) of the ruling. Whenever this *'illah* is found, we apply the corresponding ruling. This approach aligns with *jawāmi' al-kalim* (concise and comprehensive words) given to the Prophet ﷺ."

The answer: These claims lack substantiated evidence. *Dalālah* is either conveyed through the Arabic language, with precise meanings provided in the Qur'ān and *sunnah*, or it is nonexistent. Attempting to categorize *dalālah* into two types is false, as is proposing that *dalālah* has no basis in the language used in the Prophet's address ﷺ. Since it is from this type it is false. No one is allowed to attribute this to Allāh and also not to his Messenger ﷺ.

Moreover, there is no *bayān* and no *tanbīh* in the argument of them trying to teach the rules of *mahr*, while the exact amount of *mahr* is not explicitly mentioned from *nuṣūṣ* ever authentically. Such as them teaching that the minimum amount of it becomes the amount where the thief's hand is cut off. And them teaching us that the term "eating" means intercourse, as they say, "Since *kaffārah* is obliging on intercourse on purpose during day times of *ramaḍān*, *kaffārah* then becomes also obliging because of that on who eats on purpose during the day times of *ramaḍān*. Or that "nuts" means

"salt," or that "accidents" means what is done on purpose. This approach places an unbearable burden on individuals, assumes they possess knowledge of the unseen, and imposes rulings based on false assumptions.

As for words which are concise but comprehensive in meaning, the correct understanding is that it is a single word can encompass various meanings with only a few words used for description. We provided examples for this before, to clarify it further it is also when Allāh said, "So whoever has assaulted you, then assault him in the same way that he has assaulted you" [2:194]. In these words, one can deduce numerous implications. Such as cutting the body part for a body part, breaking a body part for a body part, wounds for a wound, hitting for a hit, taking property and many other meanings that can be concluded from the meaning of the verse. And also from when the Prophet ﷺ said, "No retaliation is payable for a wound caused by a dumb animal."[541]

And the examples for this are many from the Prophet ﷺ, and the rulings from this are many, which are all directly from Allah and His Messenger. As for the one who omits the intended meanings and does not convey them as they should be, according to the Arabic language through which we are addressed, but instead seeks to use it as evidence to avoid what is clearly conveyed through the Arabic language, then this is akin to the actions of satan, who desires harm for the religion.

If they say, "We do not disagree on the obligation of returning any issue to Allah and His Messenger, we instead affirm it and *qiyās* is a source of returning the matters to Allah and His Messenger. So every single verse Allah ordered us to return to him and His Messenger for the issues, does not contradict *qiyās* and instead is an order for us to use *qiyās*, because we return the *far'*, which is any issue, to the *aṣl*, which is Qur'an and *sunnah*."

The answer: We ask them, "Is that ruling which you created using *qiyās* for that issue that the ruling of Allah and His Messenger or is it your created ruling?" If they say, "It is the ruling of Allah and His Messenger," they have become stubborn and are ordered to show where Allah or His Messenger ruled that issue with that ruling. And they have in reality invalidated *qiyās* and have gone against it. Because the ruling of the *far'* is without any difference between them not that which Allah and His Messenger ruled. As everything Allah and His Messenger ruled is always only the *aṣl* and never the *far'*. If they claim it is the ruling of Allah and the Messenger they have returned an *aṣl* to another *aṣl*. And if they admit, "It is not the ruling of

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[541] Sunan Al-Tirmidhi 1377 3/54

Allah and His Messenger," then they have returned nothing to Allah and His Messenger! There is no difference between them and any made up false method, which you concur on its falsehood claiming they have 'returned' the matter to Allah and His Messenger.

If they say, "We do not claim that if a new issue arises in our current time, that nothing encompasses it in the Qur'ān and *sunnah*. What we do say is that some new issues can be deduced from the *nuṣūṣ*, while others require *dalīl* as we mentioned before."

The answer: This is accurate, but only if the *dalīl* they mention is unidirectional and aligns with our beliefs, not theirs. However, when that *dalīl* involves multiple possibilities, it falls into two categories. Either there are other *nuṣūṣ* that clarify what Allāh intends with those various possibilities or there is *ijmā'*, which is also our view. Conversely, if there are no *nuṣūṣ* or *ijmā'* elucidating what is meant, it is false. No one is permitted to attribute such a thing to Allāh or His Messenger ﷺ

If they say, "Finding similarities between *dalīl*s is one manner using *dalīl* to find the intended meaning by Allāh."

We say: This is a false claim which is in need of evidences to support it, they will not cease to fail presenting it as it does not exist. There is no difference in this and if someone claims that a saying of a fallible human from the scholars is itself evidence to know the intended meanings of Allāh. They themselves disagree regarding the extent of similarity required for a ruling. Some of them attribute a characteristic as the *'illah* for a ruling, while others disagree and propose a different *'illah*. All of this is based on methods with no evidence to support it."

Some of them make an *'illah* valid if it has *iṭṭirāḍ* (consistency) with its informations. Which is completely false because *ṭarḍ* (consistency) is only valid after the validity of an *'illah*. As *ṭarḍ* (consistency) is only about a *far'* that becomes necessary as a ruling after the validity of an *'illah*, otherwise it is false. It is impossible for an *aṣl* to be dependent on the validity of the *furū'*.

And also since they differ in *ṭarḍ* of *'ilal*, then someone that does *ṭarḍ* to affirm a ruling is not any different from someone that does no *ṭarḍ* to invalidate a ruling, these are all methods not allowed in the religion. Such as the *ṭarḍ* of Al-Shafi'i about the *'illah* of *ribā* being food, while Malik and Abu Hanifah opposed it and Abu Hanifah claimed it to be measurement and weight. Malik and Al-Shafi'i opposed that, Malik claimed it saving property, while Abu Hanifah and Al-Shafi'i opposed that.

If they saym “Show us all the new issues that arise being explicitly mentioned by *nuṣūṣ*.”

We say: If we cannot provide such *nuṣūṣ*, our inability to do so does not serve as evidence against Allāh or His Messenger ﷺ. It suffices to understand that Allāh has clarified every matter related to the religious rulings until the Day of Judgment. The Prophet ﷺ said already addressed how issues arising issues must be dealt with he said, “Leave me as I leave you, for the people who were before you were ruined because of their questions and their differences over their prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can.”[542]

So, it is known that as long as Allāh and His Messenger ﷺ have not addressed an issue, it is neither obligatory nor prohibited. It remains permissible by necessity. Whoever claims that something is prohibited must provide evidence from Allāh or His Messenger ﷺ. If they do, we will hear and obey; otherwise, it is a false claim. Similarly, whoever claims something is obligatory must provide an order from Allāh or His Messenger ﷺ. If they do, we will hear and obey; otherwise, it is false. It is then established through this clear *naṣṣ* that every order of the Prophet ﷺ is an obligation upon us, except when we are unable to fulfill it entirely, in which case we are still obligated to perform as much as we can. Likewise, everything he prohibits is considered *ḥarām*, except if the Prophet ﷺ specifically clarifies that it is *makrūh* or recommended. Therefore, there is nothing within the religion except that it is always clarified by *nuṣūṣ*.

We then also reverse this question to them and say to them: You claim that there is a similarity in Qur’ān and *sunnah* for every newly occurring issue. Now, we challenge you with the very same question about these contemporary issues you mentioned, such as a *dīnār* falling into an inkwell. Show us the similarities to such cases in Qur’ān and *sunnah*, especially when you admit that there are no *nuṣūṣ* addressing them. How will you establish rulings for these situations? Will you rely on your own opinions? Doing so would create a religion of fallible human making, not the religion of Allāh. This approach exposes the inconsistency in their arguments, revealing the falsehood therein.

We also say to them: You and all Muslims agree that all religious rulings can be derived from explicit texts (*nuṣūṣ*). There is no disagreement on this point, whether one follows *qiyās* or not. It is universally accepted

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[542] Sahih Al-Bukhari 7288

that *qiyās* cannot be applied in the absence of *nuṣūṣ* to base it upon. We respond by saying: If *qiyās* is, according to your perspective, a valid method, then you must use it for all matters, including those on which we differ and those on which you permit *qiyās* but we prohibit it. If you refrain from using *qiyās* in these cases, you would be abandoning your own method. We don't say that this is correct; it is only valid within your false methodology. There is nothing more false than a method that invalidates itself.

We also present this question to them: There are numerous issues on which you and the entire *ummah* agree to abstain from using *qiyās*. For example, when a killer repents from their sin, the requirement of *qiṣāṣ* (retaliation) is not omitted for them by anyone, and *qiyās* is not applied because of the similarity between a killer who repents and one who does not, both being deserving of the *ḥadd* (prescribed punishment). Similarly, everyone agrees that *qiyās* cannot be used to equate *ghasb* (forceful stealing) with *sariqah* (stealthy stealing), even though both involve the act of stealing property intentionally. Likewise, there is a consensus against applying *qiyās* to the compensation for feeding as a result of accidental killing and the compensation of fasting for *dhihār*. Many such examples exist.

If *qiyās* were a valid method, it would be impermissible and impossible to abandon it according to *ijmā'*, just as it is impossible to abandon the truth found in the Qur'ān and the words of the Prophet ﷺ that are authentic. The truth is never abandoned except through the specification of other *nuṣūṣ* or the presence of an abrogating text. This necessity leads to the conclusion that *qiyās* is false.

We also ask them to clarify whether, according to their perspective, ruling based on similarity between two cases without explicit textual evidence is equivalent to ruling based on *nuṣūṣ* or *ijmā'*. Is it due to an *'illah* connecting the two rulings, making the new ruling an *'alāmah* (sign) of the previous ruling? Or is it based on some aspect of similarity between the two cases? Or is it merely a case of *muṭārafah* (being treated similarly) without any specific reason for doing so? There is no fourth option.

If they claim that *muṭārafah* is the basis, without an *'illah* or similarity, this claim is false, unsupported by any evidence, and universally rejected.

If they claim that it is due to similarity in some aspect between the cases, we ask them to provide evidence that such similarity necessitates and obliges the establishment of a ruling. However, there is no evidence to

support their claim, and we have already thoroughly explained why this claim is entirely false.

If they claim that it is due to an *'illah* connecting the two rulings, we ask them to prove that the *'illah* they are using is indeed the *'illah* for the ruling. Various schools of thought often propose different *'ilal* for the same rulings, and these *'ilal* can contradict each other without any clear evidence to support them. And the same question applies, there is no evidence that similarity in *'illah* implies similarity in ruling.

If they argue that the *'illah* is derived from *nuṣūṣ*, we accept this but we say that the *'illah* must correspond to the specific rulings mentioned in those *nuṣūṣ*. It cannot be arbitrarily applied to other rulings.

If they claim that the *'illah* is not derived from *nuṣūṣ*, we reject this as false. Such an approach contradicts the Qur'ān, *ijmā'*, and rationality.

If they claim that the consensus of their group is the basis for the *'illah*, we respond that *ijmā'* necessitates consensus without any differences. We accept *ijmā'* when it is established beyond doubt, and *ijmā'* is nothing other than texts.

If they claim that the *'illah* is their own understanding, we reject this interpretation as non-binding and insufficient as evidence. They must provide substantial evidence to support their claims if they are truthful.

There has also been *nuṣūṣ* from Qur'ān about the falsehood of *qiyās*. We will mention all of them later, by the will of Allāh. We will now only mention what is sufficient, by the will of Allah, Allāh says, "O you who believe! Make not a decision in advance before Allāh and His Messenger ﷺ, and fear Allāh. Verily! Allāh is All-Hearing, All-Knowing. O you who believe! Do not raise your voices above the voice of the Prophet nor speak aloud to him in talk as you speak aloud to one another, lest your deeds become worthless while you perceive not" [49:1-2].

And Allāh says, "Allāh says, "And do not follow a thing about which you have no knowledge. Surely, the ear, the eye and the heart, each one of them shall be interrogated about" [17:36].

And Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And Allāh says, "We (angels) do not descend but with the command of your Lord. To Him belongs what is in front of us and what is behind us and what is in between; and your Lord is never forgetful" [19:64].

The *nuṣūṣ* invalidate *qiyās* and forbid any religious pronouncement without *nuṣūṣ*, as *qiyās* involves making judgments about matters beyond our knowledge and goes against the preordained decisions of Allāh and His Messenger ﷺ.

If *ahl ul-qiyās* say, “Perhaps your rejection of *qiyās* is based on ignorance, following something without knowledge, and a predetermined decision made before Allāh and His Messenger ﷺ.”

We will demonstrate, by the will of Allāh, that the rejection of *qiyās* is in alignment with the *nuṣūṣ* we have mentioned. Allāh says, “And Allāh has brought you out from the wombs of your mothers not knowing a thing” [16:78].

This verse affirms with certainty that humans come into this world devoid of any knowledge.

And Allāh also says, “And Allāh teaches you. And Allāh is Knowing of all things” [2:282].

And Allāh says, “As also We have sent in your midst a messenger from among you, who recites to you Our verses, and purifies you, and teaches you the Book (Qur’ān) and the wisdom (*sunan*), and teaches you what you did not know” [2:151].

Therefore, it is indisputable that Allāh sent Muhammad as His Messenger ﷺ to teach us what we did not know previously. So, what he teaches us regarding matters of the religion is the absolute truth, and what he does not teach is false and impermissible to affirm as part of the religion.

Allāh also condemns Iblis, the accursed one, saying, “He only orders you to evil and immorality and to say about Allāh what you do not know” [2:169].

And Allāh says, “Say: 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know” [7:33].

These verses make it abundantly clear, through the texts of the Qur’ān, that we were born into this world without knowledge, and Allāh forbids us from making statements about Him without knowledge. Allāh warns that Iblis encourages people to say about Allāh what they do not know.

Therefore, it is established from these verses that speaking without knowledge, whether it involves *qiyās* or any other belief propagated by misguided groups like the *rawāfiḍ* and others, is equivalent to speaking about Allāh without knowledge and is *ḥarām*. Such actions amount to obeying the orders of Iblis. True knowledge and truth can only come from

Allāh and His Messenger ﷺ. Consequently, we can only speak about Allāh in accordance with what Allāh and His Messenger ﷺ have taught us. Since Allāh and His Messenger ﷺ have not ordained *qiyās*, have not taught us how to use it, when to use it, its limits, its pillars and forty conditions, it is without a doubt *ḥarām* and constitutes an act of following satams orders. We have also previously elucidated that everything they use as evidence for *qiyās* is invalid.

And even if, hypothetically, there were no certain evidence to prove the falsehood of *qiyās* (which is not the case), it would still remain sufficient that there is no certain evidence to establish the existence of *qiyās*. This alone is certain evidence for the invalidity and falsehood of *qiyās*. This is because it is incumbent upon us not to obligate anything within the religion without certain evidence. Therefore, it is also obligatory upon us to invalidate any false claim made regarding the religion until certain evidence is presented to validate its legitimacy. This is the certain proof for which no alternative exists.

Ibn Arabi, the misguided, said, "Among the greatest evidences against *qiyās* is that Allah said, 'And do not say regarding those who are killed in the Way of Allah, 'They are dead,' Nay, they are living but you perceive not.' [2:154]. Allah described those killed in the Way of Allah as alive with their Lord and that they have provision. Allah prohibited calling them dead, and negated knowledge of those that inflict any of them to the dead in the aspect of absence of senses and breath. This is from the greatest evidences on the falsehood of *qiyās*. Because those who believed the *mujāhidīn* were killed in the Way of Allah only believed it based on their *qiyās* of this to the one that is not killed in the Way of Allah, due to an *'illah* that encompasses these two, based from the aspect that they saw both of them slain, not breathing, without sense and that they both do not refraining from what is will be done to them. Organs, tearing skins, eating carnivores and carnivores, and the transformation of their bodies into worms and wear and tear, so they did *qiyās* and were mistaken. And there is no *qiyās* that is more clear than this and no *qiyās* more accurate in *'illah* than this, and while that was the case Allah declared it false, and made a clear difference between the one killed in the Way of Allah and the one not killed in the Way of Allah. 'And do not say regarding those who are killed in the Way of Allah, 'They are dead,' Nay, they are living but you perceive not. [2:154]. He said to them, "That judgment that you have judged me is not knowledge," and if it is not knowledge, it is not true, and if it is not correct, it is not permissible to judge it with our knowledge of the words of Allah that it is not true. But you

do not perceive, then he denied them the knowledge that gave them the *qiyās*. It is false, as from the words of Allah, so what do you think (then how about) about the *qiyās* of the jurists regarding arising issues and the *qiyās* of the *shāhid* to the *ghā'ib* regarding (that which is only) the knowledge of Allah, they are far away (from the truth), Allah has said the truth and *ahl ul-qiyās* have lied. They have lied against Allah, and Allah says, "There is nothing like him" [42:11]."[543]

It is narrated by the authority Ibn Umar, "[My father] Umar saw 'Utarid Al-Tamimi standing in the market (and selling) the silk garments, and he was the person who went to (courts of) kings and got (high prices) for these garments from them. Umar said, "O Messenger of Allāh, I saw 'Utarid standing in the market with a silk garment; could you buy it and wear it for (receiving) the delegations of Arabs when they visit you? You may wear it on Friday also.' Thereupon, the Prophet ﷺ said, 'He who wears silk in this world has no share in the Hereafter.' Later on when these silk garments were presented to the Prophet ﷺ he presented one silk garment to Umar and presented one also to Usama Ibn Zayd and gave one to Ali Ibn Abu Talib. the Prophet ﷺ then said, 'Tear them and make head coverings for your ladies.' Umar came carrying his garment and said, 'O Messenger of Allāh, you have sent it to me, whereas you had said yesterday about the (silk) garment of 'Utarid what you had to say.' The Prophet ﷺ said, 'I have not sent it to so that you can wear it, I only sent It to you so that you may derive benefit out of it.' Usamah wore the garment (presented to him) and appeared to be brisk, the Prophet ﷺ looked at him with a look by which he perceived that the Messenger of Allāh ﷺ rejects what he had done. Usama said, 'O Messenger of Allāh, why is it that you look at me like this, whereas you yourself gave it to me?' He said, 'I never sent it to you to wear it, I only sent It to you so that you may tear it and make out head covering for your wives.'"[544]

The Prophet ﷺ firmly rejected Umar's attempts to draw parallels between sole ownership, selling, benefiting, and wearing items that were initially prohibited. Similarly, the Prophet ﷺ dismissed Usamah's efforts to liken ownership to wearing. Both Umar and Usamah resorted to *qiyās*, but the Prophet ﷺ clearly invalidated these analogies. In these narrations, there are two possible methods: one suggests that the Prophet ﷺ initially prohibited the wearing of silk, but later permitted if it becomes a gift, a

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[543] Futuhat Al-Makkiyyah 3/219-220
[544] Sahih Muslim 2068, 3/1639

notion that is *kufr* to hold. Alternatively, it can be understood that the Prophet ﷺ clarified that the prohibition of silk was specifically related to men wearing it, and anything not explicitly mentioned as prohibited retained its default status of permissibility. Umar and Usamah made an error by applying *qiyās*, but they corrected themselves by abandoning it and following the guidance of the Prophet ﷺ.

Abu Tha'labah Al-Kushani Jurthoom Ibn Nashir said, "The Prophet ﷺ said, 'Verily Allāh has laid down religious obligations, so do not neglect them; and He has set limits, so do not overstep them; and He has forbidden matters, so do not violate them; and He has remained silent about matters, out of compassion for you, not forgetfulness, so do not seek after them."[545]

We ask them: elaborate us on any *qiyās*-based principles you use in deriving rulings. If their response is that *qiyās* involves applying a ruling—whether obligatory, permissible, or prohibited—to an issue which is similar in ruling, based on a shared underlying cause (*'illah mustakhrajah*) between the issue and the ruling what is *manṣūṣ*, or due to significant similarity between the the issue and the ruling. We say: You claim that which has no evidence to it whatsoever. None of the *ṣaḥābah* expressed such views. They also never uttered a word like any of this. They unanimously agree that the entirety of the *sharī'ah*, from its beginning till the end, can be derived from *nuṣūṣ*, and uniformly acknowledge, without any difference of opinion, that the entire *sharī'ah* cannot stem from *qiyās* alone.

Another undeniable evidence in this regard is the universal principle fact that whatever is necessary for all cases must also be necessary for some cases. Since all *sharā'i'* can only be derived from *nuṣūṣ*, it is impossible for the entire *sharā'i'* to be established through *qiyās*, and it is then impossible for any part of the *sharā'i'* to be solely rooted in *qiyās*. The reason for the impossibility of the entire *sharā'i'* being based on *qiyās* is that there must always be existing *nuṣūṣ* upon which *qiyās* can be applied.

Another undeniable evidence can be seen in the following scenario posed to the proponents of *qiyās*: If you argue that since Allāh prohibited cutting the hand of a thief for theft below three *dirhams* or ten, that because of that it must also be prohibited for a person giving less than 3 *dirhams* as *mahr*. And that if *kaffārah* is mandated for deliberate intercourse during *ramaḍān*'s daylight hours, it must likewise because of that be mandated for anyone intentional eating during the same time. And that if shaving one's head without necessity during *iḥrām* is prohibited, it must because of that

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[545] Sunan Al-Daraqutni 4/183

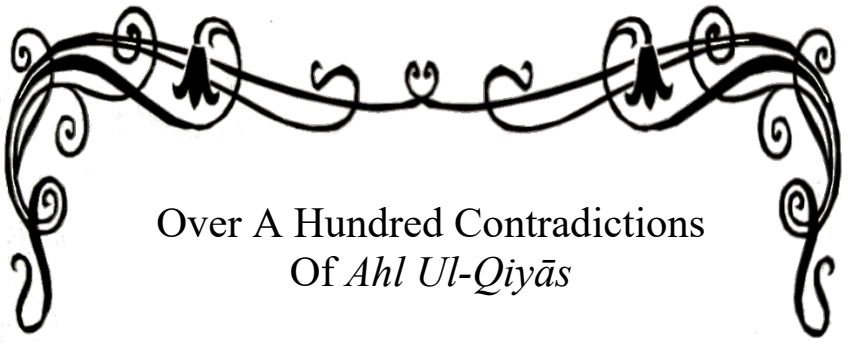
extend to shaving hair from the sexual organs during *iḥrām*. And as for selling wheat for more or less wheat on the spot, it also becomes because of that prohibited to sell barley for barley on the spot. Some argue, "No, because of that selling iron for more or less iron on the spot becomes prohibited instead." And others say, "No, because of that selling cabbage for more or less cabbage on the spot becomes prohibited instead." They also say, "Since it is allowed to keep dogs for hunting and cattle after their prohibition, it must become permissible to sell them." And that since one-third is permitted for *waṣiyyah* (bequest) for the bequeathed, it becomes because of that allowed to sell fruits before their wellness (in appearance) if it is less than one-third for the vinegrower. If they claim that Allāh and his Messenger ﷺ permitted, prohibited, or mandated creating such rulings based on such reasoning, then they are directly fabricating falsehood against Allāh and his Messenger ﷺ and distorting the true essence of the religion. This is the method of *qiyās* and it is inventing a set of rulings and a *sharī'ah* without the permission of Allāh and his Messenger—a blatant deviation from the true orders of Allah and His Messenger.

If they ask us in the same manner we asked them, but that regarding us it is about a *musnad khabar al-wāḥid* narrated by upright narrators. We say: This is necessary on you in the same manner you pose it against us. As for us we do not increase anything and we limit it to what is included from *nuṣūṣ* only. Allāh prohibited, obliged and permitted everything that is authentically known from narrations of the Prophet ﷺ and whatever reaches us from those narrations we accept any of it and apply any of it. As for them, it is said to them: Is every *qiyās* that *ahl ul-qiyās* carry out always correct or is there among *qiyās* as well. There is no other option. If they say, "All *qiyās* that exists in the world is correct," then they abandon their method and oblige the impossible that matters can be both *ḥarām* and *ḥalāl* and obligatory at the same time. If they say, "*Qiyās* is sometimes wrong and sometimes correct," then we say: How do you get to know what is correct from what is wrong regarding *qiyās*? And there is never any answer to this, there is no certain evidence ever which all of them can agree on that it is what decides false *qiyās* from the correct. Amd whatever has no way of being the truth then it is false.

If they say to us, "Is then all *āthār* and *āḥādīth* correct according to you, or is there among them false and some correct."

We say: Every single narration that is authentic, narrated from *thiqāt*, from the Prophet ﷺ then it is the truth, because this is what Allah and His Messenger explicitly ordered us, and it is never allowed for anyone to

abandon what is mentioned in it except if it there is a certain case of a *naskh* or *takhṣīṣ*. And there is also never any case of a *qiyās* doing *naskh* ever.



Over A Hundred Contradictions Of *Ahl Ul-Qiyās*

We will now by the will of Allah mention some of the *qiyās ahl ul-qiyās* contradict and in issues which they claim *qiyās* on because of a similarity, which implies them to apply the same ruling to other issues which they would themselves never accept and they themselves also never mention. If it would be the case we would mention every single *qiyās* they contradict, it would be larger than this book.

Most of them do not draw *qiyās* from their view on water added to *najāsah*, to *najāsah* added to water, they do not make these the same, they make a difference between these two with no evidence. They claim the evidence for it is when the Prophet ﷺ ordered applying water on urine. But there is no evidence in any of this. As there is no other possible way to clean urine from clothes, only a *jāhil* uses that as an argument. Some of them agree with us such as *ṣāḥib al-mufhim* that that narration is specific only.

Some of them do not draw *qiyās* from their view regarding the obligation of spilling what a dog licked, to the view that it is sufficient to wash the vessel which a dog licked, instead of spilling it. They also do not believe in using other than water to clean it.

Most of them make a difference between water in which *najāsah* falls and between other liquids in which *najāsah* falls. They also establish a specific threshold for water, deeming it impure only when it reaches a certain quantity. However they do not set this threshold for liquid other than water at all, even when they are present in large quantities. Only some, like Abu Thawr, have drawn *qiyās* from non-water liquids to water regarding the threshold after which it can become impure.

Some of them make a difference between the ruling of water in a well and water from other sources. They do not draw *qiyās* to rule them the same

by following the claims of other scholars regarding it. While they disobey the Prophet ﷺ and many *fuqahā'* regarding *muṣarrah*, wiping on the '*imāmah* and also the ruling of the *muṣḥaf*, and over one thousand issues.

They also make a difference between water contaminated by something rotten in a stream and the corresponding rulings if other *najāsah* falls into it.

Some of them draw *qiyās* from a swine to a dog regarding the ruling of cleaning what is licked by them for one or seven times. And some of them do not draw *qiyās* here. And some of them draw *qiyās* that it is not only regarding swines or dogs, instead all animals which are prohibited and disliked to eat. And some of them do not draw this *qiyās*. And some draw *qiyās* what does not have blood from carrion animals to what does have blood. They believe it makes everything *najis* upon contact. While some of them do not believe that. None of them use the swine which should be the dirtiest animal, while nothing has been said regarding the obligation of spilling what it licks or the obligation to clean it, to extend all animals to the ruling of the swine so that none of them are obliged to be cleaned, except for the dog specifically.

Some of them draw *qiyās* from scorpions, beetles, worms to rule them the same as flies. But they do not include animals such as rats. And when the Prophet ﷺ ordered the dipping of a fly's wing into water, none among them contend that this order must be applied to creatures like scorpions, beetles, worms, or at the very least, to different species of flies.

Some of them draw *qiyās* from the stool and urine from animals which are allowed to eat from, based of the meat of the animal. In order to allow eating the stool and urine, while they do not draw *qiyās* from stool and urine to the blood which is always prohibited to eat from any animal.

Some of them draw *qiyās* from the tail of the dog to its tongue, while some of them do not use this *qiyās*.

Most of them draw *qiyās* from wiping on wounds to the ruling of wiping on the socks, while they do not use the permissibility of wiping on the '*imāmah* to the ruling of wiping on the socks instead. Some of them did use this *qiyās*, while Every single one of them draw *qiyās* from taking off the socks after wiping them to the ruling of shaving the hair and cutting the nails after wiping the feet or washing the feet.

Some of them do not draw *qiyās* from the permissibility of praying the obligatory prayer with *tayammum* to the permissibility of praying the voluntary prayer with *tayammum*. Some of them do draw this *qiyās*. The first group contradicts as they draw *qiyās* from the permissibility of

individuals with *wuḍū'* praying behind those with *tayammum* due to the permissibility of those with *tayammum* praying behind those with *wuḍū'*.

From the wonders is their *qiyās* of obliging a menstruating woman to wait three days after mer menstruation ends for her to become pure, because of Thamud given three days of respite before the thunderous blast, and *muṣarrah*. This ridicilous *qiyās* prohibits her from praying fifteen obligatory prayers, and obliges three days of breaking the fast, but prohibit the *qiyās* of wiping on the *'imāmah* because of the reason the *khuffain* can be wiped.

Some of them use *qiyās* on the urine of animals from which the meat is permissible on each other. Some of them use *qiyās* from these animals based on what caused the urine, if it was from them drinking *najāsah*, then the urine is *najis*, and if it was from pure water, then it is pure. They do the exact same for the stool of the animal. But they do not do this for the meat of the animal, they allow eating its meat, no matter how much stool, urine or *najāsah* or *maitah* (carrion), eats swine meat, such an animal consumes.

Most of them do not draw *qiyās* of *nabīdh* of figs to allow *wuḍū'* with it because of the permissibility to use *nabīdh* of dates for *wuḍū'* during travels. The *qiyās* of *nabīdh* of figs on dates has also been drawn by Abu Hanifah.

Most of them prohibit speaking during the *adhān* based on *qiyās* drawn from the prohibition of speaking during the prayer. While they contradict and do not allow its opposite instead as they allow *adhān* without *wuḍū'*.

Some of them allow performing *wuḍū'* in the opposite manner, from the end to the beginning, but they do not allow performing the *adhān* in the opposite manner from its end to its beginning and also not *ṭawāf*. They do not draw *qiyās* to apply it to other than *wuḍū'* such as *ṭawāf*, *adhān* and *ṣalāh*. Some of them did use *qiyās* on all of that but prohibit some of it and allow some.

Some of them made a difference between obligatory prayer and voluntary prayer. They allow one to lead the voluntary for whom it is allowed to lead the obligatory prayer. This is contradicting as they do not allow women to lead other women in any prayer, while some of them did allow women to lead any prayer.

Some of them do not allow voluntary prayer behind the one praying obligatory prayer while it is allowed to pray the obligatory behind the one praying voluntarily. And some of them use *qiyās* to make it all the same.

All of them do not draw *qiyās* prohibiting the traveler from praying fully (four cycles) behind the resident *imām* because of the prohibition for the residents to shorten the prayer for the travelers behind. The worst of these is that they do not draw *qiyās* completing the prayer fully for the

people of Makkah at *mina* because of praying fully for the people of *mina* at Makkah.

Some of them do not draw *qiyās* on the permissibility of praying any obligatory prayer behind a sinner from the rulers, because of the permissibility of praying *jumu'ah* behind them. Some of them did use *qiyās* here and ruled them all the same.

Some of them do not draw *qiyās* on beginning with a *takbīr* for the one standing after the two *rak'ahs* to the ruling of *takbīr* during the *rukū'*, *sujūd* or raising from the *sujūd*, some of them make these all the same.

Some of them do not draw *qiyās* on building (continuing the prayer after *ṭahārah*) on the prayer after *ḥadath*, because of the obligation to build on after cleaning a bleeding nose. Some of them made these all the same.

Some of them do not draw *qiyās* on the obligation of building before having done two *sajdahs*, because of the obligation of building after having done the two *sajdahs*. Some of them did draw *qiyās* on both and made all the same.

Some of them do not draw *qiyās* for the forehead and feet touching *najāsah* during the prayer because of the ruling when the hands and knees touch *najāsah* during the prayer. And some of them made all of it the same. Those who only draw *qiyās* for some of them contradict even further as they do not draw *qiyās* on the permissibility of the feet and knees touching other than earth or what grows on it to the the permissibility of touching the forehead and hands on it. They make the two different.

Some of them do not draw *qiyās* from the one affirming certainty that *ḥadath* occured for who doubts their *wuḍū'* to the one affirming certainty of *wuḍū'*, for who doubts *ḥadath*. Some of them made all of it the same.

Some of them do not draw *qiyās* for a lot of *sahw* to little amount of *sahw*. For a little amount of *sahw* they say *sujūd* is valid. And for many *sahw* that the whole prayer must be repeated. From them are those who say, "Saying the *salām* forgetful requires *sujūd* only. But say speaking forgetful requires repeating the whole prayer. But breaking the prayer for a *ḥadath* that causes difficulty does not invalidate the prayer."

Some of them draw *qiyās* to combine gold and silver for *zakāh* because of the reason goats and sheep are combined for *zakāh*, but they abandon the *qiyās* of making a difference based from the between raisins and dates for *zakāh*. And some them use this difference to separate instead of combine. From the wonders is that they allow paying gold on behalf of silver and silver on behalf of gold, but they do not allow paying sheeps on behalf of goats and also no goats on behalf of sheep, and also no barley on behalf of

wheat or wheat on behalf of barley, while some of them allow paying all of this based on a value because of *qiyās*.

Some of them made a difference between income from sold commodities for trade and between the profits that come from that. They see for *ghallah* (income from rent or livestock) starting from the beginning and for *ribḥ* (profit from trading) that it must be added to all property of the year, but they do not draw *qiyās* of each other in the opposite manner.

They oblige the debts of the people, but do not oblige the debts of Allah, except on one third of the property, they do not draw *qiyās* in the opposite manner, some of them made both the same.

Some of them do not draw *qiyās* on ornaments, even if it is loaned or for wearing based on the obligation of *zakāh* on the fodder of cattle and cows. Some of them did oblige *zakāh* on ornaments but omitted it on the fodder. Some of them dreaw *qiyās* by omitting the obligation on both because of the reason it is not obligatory on one of the two. From the wonders is that the one that omits *zakāh* on both still obliges on ornaments bought for trade.

Some of them made a difference between slaves of slaves and did not see them as masters and also not as masters of their masters in the obligation of *zakāt al-fiṭr*. But they oblige on the slaves of the slaves of *ahl ul-dimmah* taking from them that which is taken from the masters of their master if they trade

Some of them oblige *zakāh* on raddish oil, but do not oblige it on lupine, they do not draw *qiyās* to make them the same.

Some of them oblige *zakāh* on the seeds of myrtus communis, but do not oblige it on oak nuts and they do not draw *qiyās* to make them the same.

They also say whoever eats forgetful during the prayer, then the fast does not break. Others take the opposite view and say that speaking forgetful does not break the prayer but that Hadath always breaks the prayer even if it is with difficulty and that everyone that eats forgetful breaks the fast.

Some of them do not draw *qiyās* of debts to pawn regarding enshrouding, they believe enshrouding with pawning precedes it from debts. Some of them make them the same.

Some of them do not draw *qiyās* from mudabbar (slave free if the owner passes away) tp the *muḥtakar* (that which is withhold till its value increases), some of them made the same.

Some of them do not draw *qiyās* of two partners of fruit and crops to two partners of cattle. Some of them made them the same.

Some of them believe there is *zakāh* on radish oil, but do not draw *qiyās* to oblige it on lupine as well.

Some believe there is *zakāh* on the seeds of myrtus but they do not draw *qiyās* to oblige *zakāh* on oak nuts.

Some of them do not draw *qiyās* for the debt on the pawn for the shroud, they claim shroud is more deserving than the debt, but do not believe it more deserving than the pawn. Some made these two the same.

Some of them made a difference between the one that gives another person money to eat his profit and between the *aṣl* of it being for the owner of a property which can be cattle and he gives someone the born cattle from the original cattles, while the original cattles are for the owner. They believe there is for cattle *zakāh*, but they do not believe in *zakāh* for its profit while it is trade of property and also not on the trader and also not who has the *aṣl*. And they also do not use *qiyās* for one to the other.

Some of them say, "Cattle are not valid for *zakāh* except after the age of five and older and from goats one year or older. Based on *qiyās* drawn from the ruling what is allowed to sacrifice." They allow it for cows, camels, sheeps. Others but do not use *qiyās* to allow others from what is allowed to sacrifice. They also do not use the ruling of cattle for the ruling of cows and camels and also not the ruling of camels and sheep for the ruling of cattle.

Some of them say, "Whoever replaces gold for silver, pays for the other with the first year," they do not draw *qiyās* from this to the one that replaces a cow for a camel or the one that replaces cattle for a goat

Some of them believe that *zakāh* is taken from olives based on *qiyās* drawn from the ruling that *zakāh* is obligatory on dates and grapes.

Some of them believe there is *zakāh* on rice and corn for *zakāt ul-fiṭr* based on *qiyās* drawn from the ruling that it is obliging on wheat and barley. But they do not allow olives for *zakāt ul-fiṭr* based on *qiyās* drawn from the ruling of dates and raisins. And they do not oblige paying flour based on *qiyās* drawn from the ruling of wheat. While they did use *qiyās* drawn from the ruling on wheat to prohibit selling flour for more wheat and claim its *ribā al-bay'*.

Some of them omit *zakāh* on what is traded with livestock, but do not draw *qiyās* to omit it from slaves who are purchased to trade.

Some of them oblige *zakāh* on honey, seeds, and fruit if it's from *zakātable* lands (*arḍ al-'ushriyyah*). While they omit all of it for taxable lands (*arḍ al-kharājiyyah*). But, they do not omit *zakāh* from livestock even if it is taxable lands. So they do not draw *qiyās* from the ruling of bees to livestock and also not livestock to bees.

Some of them omit paying *zakāh* on tangible property and livestock, for the insane and the non-adult because of *qiyās* drawn from the ruling that an insane and a non-adult do not have to pray. While they still oblige paying *zakāh* on them for fruits and crops. Others say, "This is because there is a right on *zakāh* of crops and fruit."

Some of them draw *qiyās* from the one that touches on purpose and releases semen to the one that has intercourse on purpose, and oblige him making up the fast and oblige the same *kaffārah* as intercourse, but they do not use *qiyās* of the one that takes medicine on purpose through his nose and finds it in his throat to the one that eats on purpose and do not oblige *kaffārah* on him.

Some of them draw *qiyās* of the one that is unconscious during the month of *ramaḍān* to the one that is sick, and because of that oblige them making up the fast, but they do not use *qiyās* by obliging the unconscious to make up mist prayers, while some of them do bolige the unconscious.

Some of them oblige the husband that forces his wife to intercourse during the daytime of *ramaḍān* to pay *kaffārah* also on her behalf and to fast on her behal, but they do not use *qiyās* to oblige the *wali* making up the fasts on the one that passes away with missed obligatory fasts. They also oblige them *kaffārah*.

They do not draw *qiyās* of the one that vomits on purpose by omitting the *kaffārah* from him, *qiyās* of eating compared to vomiting is better than *qiyās* of intercourse to eating. Some of them did draw this *qiyās*

Some of them make a difference between the ruling of who sees the *hilāl* of *shawwāl* and the one seeing the *hilāl* of *ramaḍān*; they do not make them the same with *qiyās*. Some of them do use this *qiyās*.

They do not draw *qiyās* to make the ruling of the menstruating woman who purifies, an infidel that becomes Muslim and the traveler that becomes resident during the day times of *ramaḍān* the same as the one that gets the news after *fajr* that the *hilāl* of *ramaḍān* had been seen yesterday. They must oblige them not to eat and drink the remaining day. They then draw *qiyās* for the obligation to make these up, except for the infidel that becomes Muslim. They do not use *qiyās* to oblige him to make it up.

The worst of this is that they draw *qiyās* of a fly entering the throat of anyone to the one that eats on purpose regarding making up the fasts, but at the same time they omit *qiyās* here to apply to who takes out with their tongue what is the size of a fly and then swallows it on purpose during the day times of *ramaḍān*. They say, "The fast is valid and there is no making up for that fast."

Some of them draw *qiyās* to claim that the menstruating woman is the same as the insane regarding making up fasts for *ramaḍān*. But they do abandon this *qiyās* as they do not use it for the obligation of *ḥudūd* by making them the same.

They make a difference between the one having intercourse and the one eating, they say, "Intercourse obliges rulings which eating doe not oblige. Intercourse obliges *ghus*, a *ḥadd*, a *mahr*, and eating and drinking does not olbige any of this. Eating obliges a fine, which this is not obliging because of intercourse. Eating from the property of the friend is allowed, and it is not allowed to have intercourse with the slaves he owns," because of this some do not oblige *kaffārah* on the one eating.

Some of them draw *qiyās* that the unconscious one during *ramaḍān* on the sick one regarding making up the fasts, but they do not use *qiyās* to oblige making up prayers for the unconscious. While some of them did use this *qiyās*.

Some of them do not draw *qiyās* for those who break the fasts which they make up from missed fasts of *ramaḍān*, by obliging them *kaffārah*, while it is obligatory in cases where *kaffārah* is obligatory, some of the *salaf*, did follow this view.

They also oblige *kaffārah* on the husband doing *dhihār* of his wife and on the woman who had intercourse during *ramaḍān*. While the Prophet ﷺ heard these cases and did not oblige anything. They also do not draw *qiyās* to oblige the wife doing *dhihār* of her husband *kaffārah* because of the reason the husband is obliged it. While the majority of the *salaf* had obliged *kaffārah* on the woman doing *dhihār* of her husband.

They draw *qiyās* that eating on purpose during *ramaḍān* must pay *kaffārah* just as it is obliging on the one having intercourse. But they do not oblige *kaffārah* on the one breaking his prayer on purpose, while prayer has a greater sanctity than fasting.

Some of them draw *qiyās* to oblige the one that breaks his fast during *ramaḍān* forgetful to make it up the same as the one doing it on purpose. While they do not oblige *kaffārah* on them. And they also do not use *qiyās* of the one eating forgetful to the one vomiting forgetful, they omit its obligation for one of them but not the other.

Some of them make a difference between rulings related with intention and they do not use *qiyās* on all of them. Some allow ablution without intention. While they do not allow prayer except with intention. And some of them do not allow ablution except with intention while they allow

obligatory fasting without intention. Some obliged intention for all, while they exclude it for *ḥajj*.

Regarding the obligatory compensation during *iḥrām*, some of them say, "Whoever throws away ticks from himself does not have to feed the poor. But if he throws it away from his animal then he must feed the poor," they do not use *qiyās* on each other.

Some of them do not draw *qiyās* for the issue permitting the killing of rats even if it does not cause harm to the prohibition to kill crows and kites if it does not cause harm.

Some of them believe in the obligation of recompense of who kills a cat, but they do not draw *qiyās* from that to include the leopard in the same ruling.

They also draw *qiyās* for the permissibility to kill a leopard based on *qiyās* drawn to kill beasts of prey. But at the same time they do not draw *qiyās* for killing a falcon based on the previous drawn *qiyās* about crows and hikes. While regarding the falcon they do believe there is recompense for it.

Some of them do not draw *qiyās* that the *muḥrim* can stay in a vehicle based on the ruling that they can stay in a tent. They believe the obligation of f*idyah* on the one staying in a vehicle. And also a ship. But they do not use *qiyās* of obliging *fidyah* on the one that walks in the shadow of the vehicle.

Some of them do not draw *qiyās* that the one using fat or oil for the inside of his hands and feet is obliged to pay *fidyah* because of it being obliging when it is used for outside of the hand.

Some of them do not draw *qiyās* for the prohibition of eating what the *muḥrim* slaughtered to prohibit eating what is slaughtered by a stealer and plunderer as they allow eating from it. Some of them allowed everything.

Some of them do not draw *qiyās* that the crime of the slave is upon himself alone, to the view that game hunted by the slave is not upon the culprit.

Some of them draw *qiyās* of some hunted game on the fetus of a woman, but not in the opposite manner.

And some of them do not draw qiyās its prohibition on the *muḥrim* that slaughtered his game outside the *ḥaram* to the permissibility of slaughtering game inside the *ḥaram* if it is entered from outside the *ḥaram*

Some of them draw *qiyās* for the one that killed a lion to the ruling of the one that killed a wolf. They do not believe there to be compensation for them. But they do not draw *qiyās* for the one killing an eagle and aquila to the ruling of killing kites and crows. They believe that there is for aquila and

eagle compensation, but they do not draw *qiyās* here to extend that to the one killing a lion or swine because of the ruling on the one killing wolf. While they believe that there is compensation for the lion and swine.

Some of them say, "If the *qārin* kills a game, there is one recompense obliging. They do not use *qiyās* of that to the *qārin* that invalidates his *ḥajj*, obliging him two *hadis*. Some of them did use a *qiyās* on each other, some obliged two *hadis* and others obliged because of that on both only one.

Some of them say, "If a handsome slave enters Makkah he must enter *iḥram*, and this is not upon the Muslim who is a non-Arab, nor upon a modest slave girl who is for sale."

Most of them make a difference between fasting on behalf of someone else and between *ḥajj* on behalf of someone else. They do not make it the same as charity and freeing slaves on behalf of someone else. They use for this the verse, "And that there is not for man except that [good] for which he strives" [53:39]. If this verse according to them prohibits fasting on the behalf of others it must also prohibit charity on behalf of others with no difference. They then say *ḥajj* on behalf of others is allowed only through bequests, while they still do not allow fasting on behalf of others even if they did bequested it.

They do not draw *qiyās* for the one that stays at *'arafah* before the sunset and then departs not returning back to it that night. While they say, "The *ḥajj* of the one not staying at *muzdalifah* till the sunrise of the day of sacrifice is invalid."

Some of them do not draw *qiyās* from who does not depart from *'arafah* with the *imām* regarding the permissibility of combining the prayers at *muzdalifah* to the one who does not pray the prayer with the *imām* at *'arafah*.

Some of them draw *qiyās* of *hadi* to *uḍḥiyah* regarding what is valid, but they do not use *qiyās* of *dhabḥ* and *naḥr* before the *imām*, whichever is valid before the *imām* regarding *hadi* is invalid for *uḍḥiyah*.

They do not draw *qiyās* from the ruling on the blind one regarding the obligation of *ḥajj* to the one not able to walk. Regarding the obligation of *ḥajj* being omitted from them.

They draw *qiyās* regarding the residents of *dhu al-ḥulaifah* which is two hundred fifty miles away from Makkah on the residents of *yalamlam* who are thirty miles away from Makkah, they also say there is no *hadi* needed from them if they do *tamattu'*. They do not draw *qiyās* to make both the same and others. They also do not draw *qiyās* from the two to shorten the

prayer and break the fasts. Others did make them all the same except for prayer.

They do not draw *qiyās* on the one wearing a thorn thawb which is afterwards stitched during *iḥrām* without necessity wearing it one day to the one wearing it lesser than one day for no necessity,

Some of them do not draw *qiyās* from the prohibition of killing predatory beasts for a *muḥrim* which do not cause harm and obliging compensation for that, to the view that it is allowed to kill wolves even if they do not cause harm and there is no compensation for that. Very few of them use *qiyās* that the one killing on accident is the same as the one killing on purpose. They oblige compensation for all of it, they do not believe the one killing on purpose is obligated to *kaffārah*.

Some of them draw *qiyās* by omitting compensation on the one that killed a transgressing predatory beast because of *ḍamān* being omitted from the one killing a transgressing camel. Some did draw using such *qiyās*. They believe there is *ḍamān* on the one killing a transgressing camel while they do not believe in compensation on the one killing a transgressing predatory beast. Some of them used *qiyās* on all of them.

Some of them do not draw *qiyās* on the non-*muḥrim* who kills game at the *ḥaram* in Makkah by obliging him recompense, to the *muḥrim* who kills game outside the *ḥaram*. They oblige fasting on the *muḥrim*, but they allow nothing other than recompense for the one outside the *ḥaram*, some of them made the two similar.

They also do not draw *qiyās* that the one killing an animal at Madinah which is a *ḥarām* and obliging compensation on him the same way it is all obliging on the one killing it at Makkah. Some of the *salaf* and *khalaf* did oblige it.

They do not draw *qiyās* regarding the prohibition of selling milk of women in a bottle to the permissibility of selling other milks in bottles.

Some of them do not draw *qiyās* of the prohibition of a sale before handing over before splitting up regarding gold for gold and silver for silver to the permissibility of completing a sale before handing it over and before splitting up regarding the sale of wheat for wheat, barley for barley, dates for dates, salt for salt. They prohibit such a sale specifically for gold for gold and silver for silver, while they allow it for other commodities.

Some of them do not draw *qiyās* of their prohibition of selling stomach fat for more or less meat to the permissibility of selling the fat of the back for more or less meat, some of them made these rulings the same.

Some of them also do not draw *qiyās* on the prohibition of selling the back of an animal for more or less of its meat to permitting the sale of any other body parts of an animal for more. Some of them made all of it similar.

Some of them draw *qiyās* for the sale of fresh dates for dried dates to the sale of new dried dates to old dried dates.

Some of them draw *qiyās* on the sale of flour more ore less wheat to prohibit making *nabīdh* of fresh dates and dried dates, They say, "They are both the same."

Some of them draw *qiyās* from the prohibition of selling flour for wheat to prohibit the sale of fresh dates for dried dates.

Some of them do not draw *qiyās* on who sells the wealth of others without the permission of the owner from who buys from him without their permission. Some make both the same.

Some of them do not draw *qiyās* on selling who became deaf to the one that is born deaf.

Some of them do not draw *qiyās* from the sales of the intoxicated, to the intoxicated divorcing his wife. They permit and validate his divorces but invalidate his sales. Some did *qiyās* to invalidate all of it. Some did *qiyās* to validate all of it.

Some of them do not draw *qiyās* from the permissibility of *salam* (a sale whereby goods are delivered at a future date and sale price is paid in full in advance. Goods must be defined and the date of delivery fixed. Ownership of the salam goods is transferred immediately) on fat to meat. Some of them validate and allow all of it.

Some of them do not draw *qiyās* from the permissibility of *salam* on salty fish to their view of prohibiting *salam* on tender fish.

Some of them do not draw *qiyās* from the falsehood of *sarf* and departing before handing over the properties to their view of the validity of *iqālah* with departing before handing over the properties quick.

Some of them do not draw *qiyās* from the prohibition of more or less in exchanging flour for wheat to their permissibility of exchanging more or less milled wheat for wheat, while both of them are wheat.

The worst of this is that they do not draw *qiyās* from the permissibility of selling small unripe dates (*balaḥ*) for more or less dried dates (*tamr*) to their prohibition of selling large unripe dates for dried dates.

Some of them do not draw *qiyās* for the permissibility of selling what dries from peaches and pears with each other for more or less to the prohibition of selling raisins, wheat, figs, oak nuts with each other for more or less from the same type.

Some of them draw *qiyās* food for food regarding *ribā*. but they do not draw *qiyās* of minerals with minerals regarding *ribā*. They allow the sale of metal for more or less metal, and the sale of metal for copper, gold, silver graphite and all other minerals.

Some of them do not draw *qiyās* of their saying declaring all cotton types the same for *zakāh* to their view of it being the differences of cotton with sales.

Some of them do not draw *qiyās* from their prohibition of the sale of fat with milk or cheese with milk or oil for olives to their view of permitting the sale of wheat for more or less flour and also not to their view of permitting the sale of milled wheat for more or less wheat.

Some of them do not draw *qiyās* from declaring fat of cows and cattle are the same type and from declaring the meat of ewes, rams, rabbits and donkeys are the same one type. To their view the oil of of olives, oil of sesame and the oil of radish are all different types, and to the view of allowing selling these with each other for more or less

But they do not allow the sale of *nabīdh* of dates for more or less *nabīdh* of raisins. And they do not allow more or less sales between meat of camels and meat of rabbits, and also not btween the meat of donkeys and the meat of ram.

Some of them do not draw *qiyās* on from their prohibition of selling grapes for juice at all to their view of allowing the sale of grapes for more grape vinegar. While vinegar from grapes can exist without it ever becoming juice.

Some of them do not draw *qiyās* from their view of prohibiting the sale of milk for fat at all because they are from the exact same type. to their view of allowing the sale of milk of ewes for fat .

They also do not draw *qiyās* regarding the prohibition of selling wheat for wheat by endeavor without weighing it. While they allow that for selling meat for meat from the same type. While they also do not allow selling gold for silver by endeavor without weighing. While they do allow wheat for dates by endeavor without weighing.

They also do not draw *qiyās* regarding the prohibition of selling grilled meat for more or less raw meat. While they allow selling meat cooked for raw more or lessmeat.

They also say meat and fat are from the exact same type they also say starling, grus and ostrich are all from the exact same type. While they at the same time say the cooked meat of an ostrich and its raw meat are two different types by which it becomes allowed to sell it for more.

Some of them do not draw *qiyās* on the permissibility of selling one whole chicken for two whole chickens. While they prohibit the sale of the meat of chicken for the meat of two chickens.

Some of them do not draw *qiyās* from the prohibition of selling one ewe while excluding its skin while being a resident to the permissibility of such a sale as a traveler.

Some of them drawed *qiyās* from the permissibility of *salam* regarding property which can be counted and has a measure to permit *salam* with that which has a weight, but they do not draw *qiyās* from the permissibility of *salam* instantly to also permit postponing it, while they prohibit it, some of them did use this *qiyās*.

Some of them do not draw *qiyās* from their view of marrying off an orphan who is ten years old due to poverty to their view of prohibiting the private parts for necessities.

Some of them draw *qiyās* by prohibiting intercourse in the anus because of the prohibition of intercourse in the vagina of a woman who is not the wife. But they do not extend this *qiyās* to the one that has intercourse with an animal.

They also do not draw *qiyās* from the plunderer one to one stealing by means of stealth and also not to highwayman. While all of them take without right. The plunderer is more similar to the highwayman than the one having intercourse in the anus is to the one having intercourse with other than the wife. Because the anus is not a vagina, while the plunderer and the highwayman are all in the same manner in taking property and scaring people. Especially since they draw *qiyās* that the one drinking *khamr* and the plaintiff claiming fornication are the same in ruling. This is severe contradiction.

If they say *ṣaḥābah* drew *qiyās* from the one drinking *khamr* to the Qadhif we clarified this in the most clearest of details before.

They forget their own method as they claim they do not use *qiyās* on *ḥudūd* and anything that has specified numbers. Their false method leads them to obliging *ḥadd* on the one drinking blood, eating carrion and swine meat.

Some of the *fuqahā'* such as Al-Awza'I did draw *qiyās* on these because of the ruling of the ruling of the one consuming *khamr* and they claim there is eighty lashes on anyone drinking blood, eating meat and for eating swine meat.

Some even used *qiyās* that if someone steals, consumes *khamr* and then fornicates but then repents that the *ḥadd* for all of that is omitted because of the ruling this is allowed for the highwayman, this is the view of ‘Urwah.

And some of them do not use *qiyās* for all of those because of the highwayman but draw them to the ruling if the killer, while the one killing is not at all in *ḥudūd* more similar than the highwayman is with them.

Some of them draw *qiyās* from the killer that can be forgiven from the *ḥadd* to the ruling of the unmarried fornicator. But they do not continue drawing this *qiyās* to the apostate, and also not the highwayman before he is caught, or if the *imām* forgives fighting them.

Allāh made *khamr*, gambling, slaughtering on stone altars and arrows for seeking luck or decision the same. It becomes then obligatory and necessary on them to oblige the *ḥadd* of *khamr* on the one gambling, slaughtering on stone altars and the one using arrows for seeking luck or decision exactly the same as the *ḥadd* of *khamr* as Allāh made them all the same.

Some of them do not draw *qiyās* from their permissibility to buy a part of a joint ownership to the prohibition of its pawn, gifting and charity.

Most of them draw *qiyās* from the ruling selling when the *ādhān* to *jumu’ah* is called to *nikāḥ* and leasing by either allowing all of it or prohibiting all of it during the *ādhān* of *jumu’ah*.

Some of them do not draw *qiyās* from their view of allowing two open sinners as the witnesses for *nikāḥ* who are free, to their view of invalidating the *nikāḥ* if the ones witnessing were slaves.

And some do not draw *qiyās* from the view that when any idolater that marries an idolatress with the *mahr* being *khamr* or a swine and that when they both become Muslim that there is nothing on them, to the view that if the *mahr* is not exactly *khamr* or swine that she can then have its value for *khamr* and for swine *mahr al-mithl*.

Some do not draw *qiyās* from the validity of a divorce issued by the *dhimmi* to them omitting the *‘iddah* from the *dhimmiyyah* divorced by a *dhimmi*.

Some of them do not draw *qiyās* from their view that the period of a slave regarding *‘unnah* (unable to have intercourse) is six months and the period of *īlā’* is two months, that the period of the missing female slave is two years, that the divorce of the slave is two, that the *‘iddah* of a slave girl is two menstruations, to apply this addition also that the slave can marry four, that he must fast two months for *dhihār* and also that for intercourse on the daytime of *ramaḍān*, manslaughter, the testimonies for a slave and slave

girl for *li'ān* is four like the free man and woman and that the ‘iddah of a *mustaḥāḍah* slave is one year like the free woman.

Some of them did draw this *qiyās* to apply it to these of such cases. They make the ruling of the slave in everything half the ruling of the free.

Others among them said, "The period of a slave regarding *īlā'* is four months and he can not marry more than two wives." While Abu Hanifah said, "The *'iddah* of a slave girl is two menstruation periods. If he passed away then it is half the *'iddah* of a free woman. A slave can not marry more than two wives."

And Abu Hanifah said, "The fasting of a slave for *dhihār* is the same amount as a free man. A free woman does not become prohibited for her husband who is a slave except after three divorces. The period of a slave regarding *'unnah* who has a free wife and a slave girl is the same as the period of a free man."

Malik said, "A slave can marry four wives from free women and slave girls. The fasting of a slave for *dhihār* is the same fasting as a free man. The *'iddah* of a slave girl after divorceis with *shuhūr* for three months like the free woman."

Al-Shafi'i said, "The *'iddah* of a slave girl is two menstruations. If the husband passes away with *shuhūr*, it is half the *'iddah* of a free woman. A free woman and slave girl become prohibited for the slave with two divorces. A slave does not marry except two. The period of a slave that has *'unnah* is the same as a free man and also fasting for *dhihār* is the same as a free man."

All of them here contradict the *qiyās* of one another in this issue alone. This is the exact same in all other *aḥkām* with no difference.

They concur on the falsehood of *qiyās* using the ruling of fasting for *dhihār* for other *aḥkām* of the slave. There is also no *ijmā'* on that because Qatadah and others differed. They did not agree that half the ruling for the slave from the ruling of the free except for *'iddah* when the husband passes away *'iddah* of menstruation and divorce of the slave and slave girl. And there is also no *ijmā'* on that as Ibn Sirin said, "The *'iddah* of the slave girl is like the *'iddah* of the free woman regarding the passing away of the husband and Aqra." It is also known of Ibn Abbas as he ordered his slave to return to his wife while she was a slave girl that was divorced twice.

Some of them do not use *qiyās* from their view that if the man looks at the vagina of the woman he divorced during the *'iddah* with desire she can then return to him, to their view that if he looks as any other place of her

body other than the vagina with desire that she can not return and also not if he touches her body with desire.

Some of them do not draw *qiyās* on their view that whoever says to his wife, "You are my woman," intending divorce. They do not view this as divorce, to their view that if he says to her, "Get up!," while intending divorce, that it is a valid divorce.

Some also do not use *qiyās* from their view regarding the one saying to his wife, "Choose!," and she answers, "I choose myself." And he says, "By that she is divorced," to their view that if he says to her, "Divorce yourself," she answers, "I divorce myself," or she says, "I choose myself. None of them view this to be divorce while they say, "If he says to her, 'I do not own you,'" they view this to be divorce.

They also do not draw *qiyās* from their view regarding the one that says to his wife, "You are divorced like the mountain," He makes her one *raj'iyyah* (divorced once only), to the view that if he says to her, "You are divorced like the greatness of the mountains," that the divroce is *bā'inah* (counts as 3 divorces).

Some also do not draw *qiyās* from their view regarding the one that says to his wife, "Choose! Choose! Choose!" Then she says, "I chose myself the first one." Or if she says, :The second, or The last option," that it is then one divorce only to—the view that if someone says to his wife, "Choose! Choose! Choose!" Then she says, "I chose for myself one," then it is then three divorces.

Some of them also do not draw *qiyās* from their view on *takhyīr* to *tamlīk*.

Some of them also do not draw *qiyās* regarding the one that to his wife who had intercourse, "You are *ḥarām* for me just as swines, carrion and blood is *ḥarām* to me," that this counts as three divorces, to the one to who had no intercourse with his wife and says the same except that he says afterwards that he did not intend except one divorce, that he must take an oath and it becomes then only one divorce and they can return together if they want.

They do not draw *qiyās* of that to the one that says to the wife, "You are *bāttah* (divorced thrice)," that it is three divorces.

Some do not draw *qiyās* from the one that says to the wife, "I have freed your way," who is obliged to take an oath on what he intended, to the one that says to his wife, "*ḥabluki 'ala ghāribiki*," (meaning: go wherever you want). That this implies three divorces if he had intercourse with her and if he did not have intercourse it is one only.

Most of them do not draw *qiyās* from their view regarding the one that doubts whether he had divorced that she is then divorced, to their view regarding the one that says to his wife, "If you hide from me this matter," you are divorced, or if he says to her, "If you annoy me you are divorced." She then tells her something he does not know if she hide it or not. She says, "I did not annoy you," and he does not know if she spoke the truth or if she lied: there is no divorce for this.

Some of them do not draw *qiyās* on the permissibility paying *kaffārah* before breaking any oath on the view that the *kaffārah* of the oath of *īlā'* can not happen except after breaking the oath.

They do not draw *qiyās* from their view that if anyone is unable to provide for the wife for two months that they must be separated to the one that has difficulty paying the *mahr* for two years that they must then be separated also.

Some of them do not draw *qiyās* from their view of invalidating *li'ān* from the blind and the one lashed for *ḥudūd* as their testimony is invalid to their view that *li'ān* does not become invalid from a sinner who is open about the invalidity of his testimony.

Some of them do not draw *qiyās* on the *'iddah* of the *mustaḥāḍah* from divorce for one year, whether she dinstguishes the blood or not and whether she had accustommed days or not, to their view that her *'iddah* if the husband passes away is four months and ten days.

Some of them do not draw *qiyās* of their view that there is retaliation for killing between Muslim, infidel and slaves to their view that there is for anything other than killing no retaliation between a slave and free.

Some of them do not draw *qiyās* of their view that ten people can be killed for one to the view that two hands are not amputated for one hand and also not two eyes for one eye.

Some of them do not use *qiyās* of retaliating by using stones or an arrow, based from the ruling of killing the *zāni* with stones and the *muḥārib* with stones.

Some of them prohibit shaving the mustache and only allow trimming it, they do not draw *qiyas* from drawing to shaving.

Some of them do not use *qiyās* of allowing killing a woman, while she is killed for *zinā* and for retaliation, to the ruling of an apostate woman.

Everything we have presented should suffice to illustrate the amount of contradictions within this false methodology, and we have only touched on a small fraction of the numerous contradictions that exist. One could potentially compile thousands of pages delving into their contradictions.

Regarding any claims they might make, particularly if they claim, "But there is *ijmā'* on abandoning what you are proposing," their claim falls into one of two categories, with no third to it. It is either true, and they are stating the truth, or it is false, and they are not being truthful. If it is indeed true that there is *ijmā'* on abandoning the views we have mentioned which contradicts their *qiyās*, it conclusively demonstrates that there is *ijmā'* on falsehood of *qiyās*. If *qiyās* would ever be valid, it would not be possible for *ijmā'* to exist ever its falsehood. If they contend that their rejection of *qiyās* is based on *nuṣūṣ* for a particular issue, let it be known that each *qiyās* we oppose them in is supported by *nuṣūṣ* that contradict their *qiyās*.

If they claim, "We abandon *qiyās* due to a *dalīl* which is not from *nuṣūṣ*," the answer is that such a claim is not comprehensible, and it defies the intellect to suggest that any evidence could be stronger than *nuṣūṣ*. This is an impossibility.

Moreover, every single one of them uses *qiyās* sparingly and abandons it in the majority of cases. If *qiyās* would ever have been a valid method, they would be in error for forsaking it while recognizing its validity. Conversely, if *qiyās* would be false, they would be mistaken for using it.

Some of them say, "We do not use *qiyās* on these issues because they are odd."

This claim is false and indicates the falsehood of *qiyās* by their own agreement, because nothing within *sharī'ah* can be considered "odd." Anything that originates from Allāh and His Messenger ﷺ is the truth, and the truth is never "odd." The only thing that can be deemed odd is falsehood.

Some of them say, "We do not use *qiyās* on a *far'*"

This is false just as the claim of before. There is no such thing as a *far'* in *sharī'ah*. Everything that is derived from Allāh, His Messenger ﷺ, or *ijmā'* is the *aṣl*. There is no concept of a *far'* in *sharī'ah*.

Some of them say, "Rulings of *ḥudūd* and *kaffārāt* (expiations) are not derived from *qiyās*."

There is no difference between this claim and if someone who says, "*'Ibādāt* and *aḥkām* related to the private parts are not determined through *qiyās*." Those who differentiate between some rulings and others are claiming falsehood. This indicates nothing other than their agreement on the impossibility of applying *qiyās* to any aspect of religion. While they still impose *ḥudūd* on a *lūṭi* through *qiyās* and mandate numerous *kaffārāt* based on *qiyās*. In doing so, they directly contradict their earlier claim. These

contradictions resemble a form of intellectual playfulness and inconsistency, and we seek refuge in Allāh from the trials they face.

Some of them say, "You also at many times abandon *nuṣūṣ*."

The answer is, and Allāh, exalted be he, the source of strength: This is a lie, there does not exist from anyone of us (*the dhāhiriyyah*) any case where in which we abandon *nuṣūṣ* except for four cases to which there is no fifth: First is certain evidence for *naskh* or *takhṣīṣ* by another *naṣṣ*, it is not allowed for anyone to oppose this. Second is that it is a *naṣṣ* that has not reached us which is a very apparent excuse. Allāh burdens not a person beyond his scope. Third is that some of us believed that every *mudallis* is rejected except if he says, "*ḥaddathana* or *anba'ana*," which is falsehood. And others from our companions believe in the acceptance all the narrations of a *mudallis* if he does not make false *tadlīs* to reliable narrators, except if it is established that he made *tadlīs*. This is what is correct and what we believe in. There is certain evidence for all of that and certain evidence can never be contradicted. Fourth is that some of us believed that if two narrations contradict in a case where *naskh* is not possible that then those two narrations are abandoned and using any of them is not allowed as it would be speaking without knowledge, which is a mistake, others from our companions believed in the obligation of using both narrations as additional rulings, which is the truth and is what we believe in. All the praises and thanks be to Allāh there is not anyone of us abandoning any authentic narration that reached any of us for the saying of fallible humans other than the Prophet ﷺ, not by *qiyās* or *ra'ī*.

They, on the other hand, neglect *nuṣūṣ* in favor of *ra'ī*, *hawa*, and *taqlīd*. And they disregard authentic narrations and even *qiyās*, as we have illustrated in significant detail. This approach is replete with contradictions and inconsistencies.

Allāh, the Most Exalted, as he said, "And those who differ therein are full of doubts. They have no (certain) knowledge, they follow nothing but conjecture" [4:157].

And He said, "But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65].

And He said, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (*ḥujjah*) against Allāh after the messengers" [4:165].

And He said, “What is there after the truth, except misguidance*”* *[*10:32].

And He said, “Do not be like those who differed and divided*”* [3:105].

And He said, “And do not dispute with one another” [8:46].

And He said, “Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path” [2:213].

And He said, “Truly, the religion with Allāh is Islam. Those who were given the Scripture did not differ except, out of mutual jealousy, after knowledge had come to them. And whoever disbelieves in the verses of Allāh, then surely, Allāh is Swift in calling to account” [3:19].

And He said, “And We have not revealed to you the Book, except for you to make clear to them that wherein they have differed” [16:64].

And He said, “That is because Allāh has sent down the Book in truth. And verily, those who disputed as regards the Book are far away in opposition” [2:176].

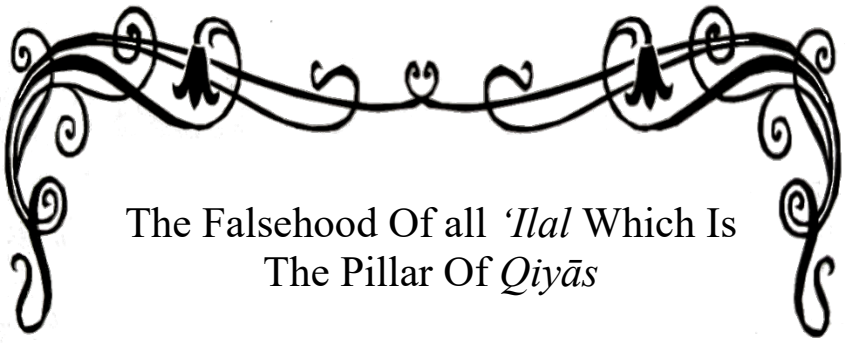
And He said, “And We gave them clear proofs of the matter [of religion]. And they did not differ except after knowledge had come to them - out of jealous animosity between themselves. Indeed, your Lord will judge between them on the Day of Resurrection concerning that over which they used to differ” [45:17].

And And He said Allāh says, “And indeed We settled the Children of Israel in an honourable dwelling place, and provided them with good things, and they differed not until the knowledge came to them. Verily, Allāh will judge between them on the Day of Resurrection in that in which they used to differ” [10:93].

And He said, “If Allāh had willed, succeeding generations would not have fought against each other, after clear Verses of Allāh had come to them, but they differed - some of them believed and others disbelieved. If Allāh had willed, they would not have fought against one another, but Allāh does what He likes” [2:253].

And He said, “And if your Lord had so willed, He could surely have made mankind one nation but they will not cease to differ except those whom Allāh has given mercy” [11:118-119].

And He said, “If you differ in anything amongst yourselves, then refer it to Allāh and His Messenger” [4:59].



The Falsehood Of all *'Ilal* Which Is The Pillar Of *Qiyās*

Among those who oppose *qiyās*, there is a divergence of opinion. A certain group among them says that if Allāh designates something as the reason for a particular ruling, that ruling applies in any issue where that reason is found. They say, "An example for that is the saying of the Prophet ﷺ when he prohibited slaughtering with the teeth, the Prophet ﷺ said regarding its prohibition, 'It is because the teeth is a bone.' So every single bone is prohibited to use for slaughtering. Another example is when the Prophet ﷺ said regarding a rat stepping in to fat, 'If it is in liquid state (opposite of solid), then do not go near it.' It being in a liquid state is made as a reason not to come close to it, so whenever anything liquid is found with *najāsah* mixed in it, it is then obligatory not to come near it."

Abu Sulayman (Dawud), along with every all other *dhahirs*, rejects this belief. Only a minority of individuals, whose opinions hold no weight in the *dhahiriyyah*, believe in it, such as Al-Qasani and the likes of him.

Some have claimed that Dawud made use of *qiyās* from which the *'illah* is *manṣūṣah* and *qiyās al-jali*. This all began with Taj Al-Din Ibn Al-Subki claiming that Dawud wrote some papers that he called, "*al-uṣūl*." and that he said in it, "*Qiyās* is not permissible and also not *istiḥsān*. It is not allowed for when the Prophet ﷺ prohibits something, for anyone other than him to prohibit that which the Prophet ﷺ did not prohibit because of them sharing a resemblance except if the Prophet ﷺ informs us about its *'illah*, the reason it is prohibited, such as when he said that the reason for the sale of wheat for more or less wheat being measure and when he ordered to wash clothing because of blood or when he ordered killing so-and-so because it is

black, everything that is not from this is transgression, everything that is not mentioned by *nuṣūṣ* is pardoned."[546]

This is not from Dawud without any doubt, for the following reasons: Al-Qasani who used to be among the companions of Dawud, but later opposed him and the *dhahiriyyah* in the issues of both *furū'* and *uṣūl*. Ibn Hazm said regarding Al-Qasani that he also believed in *qiyās* from which the *'illah* is *manṣūṣah* and this is then from the exact matters he opposed Dawud in from *uṣūl*.

Al-Subki himself said, before he mentioned from this attributed "*al-uṣūl*" to Dawud, that he saw a *risalāh* from Dawud where he rejected every single type of *qiyās* as Al-Subki also admitted himself. Only after he mentioned the *risalāh*, he mentioned the quote we mentioned before attributed to Dawud and that quote is something he and no Dhahiri ever uttered, as will be even more evident, by the will of Allah. Al-Subki said regarding the *risalāh* in which Dawud rejected every single *qiyās*, "I came across a lengthy letter of Dawud (may Allāh have mercy on him) which he sent to Abu Al-Walid Musa ibn Abi Al-Jarud, which indicated his profound knowledge of argumentation and his proficiency in debate. My intention in mentioning it now is that its content serves as a response to Abu Isma'il Al-Muzani (may Allāh have mercy on him) in his refutation of Dawud's rejection of *qiyās*. He criticized Al-Muzani severely for it. I did not find in this book a single word indicating that he affirms any aspect of *qiyās*. Rather, his words explicitly reject it entirely, even though he did not explicitly state so. This letter that I have, the original of which is authentic and old, I believe was written around the year three hundred or even earlier."[547]

There is mention in that firse false quote, that Dawud believed the *'illah* of the prohibition on the sale of wheat for wheat was a measure, and if were to actually use this *'illah* he would be obliged prohibit the sale of many other commodities for each other. While Dawud and no other Dhahiri ever believed that *ribā al-bay'* exceeds the six types.[548]

Dawud, his companions, Ibn Hazm, and every single *dhāhiri* also affirm that breastfeeding can not happen except with the breasts directly without any intermediate between them.[549] While there is a narration from

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[546] Tabaqat Al-Shafi'iyyah Al-Kubra 2/290
[547] Tabaqat Al-Shafi'iyyah Al-Kubra 2/290
[548] Al-Muhalla 12/314, edition: Bashar 'Awwad
[549] Al-Muhalla 10/186

the Prophet ﷺ said, "Suckling is only that which is the result of hunger." If he would have used this *'illah* then he would have included matters that are than direct breastfeeding by using that *'illah*.

Ibn Hazm also says that no *dhāhiri* ever used *qiyās* by using an *'illah* that is manṣūṣah. He also says that Dawud and every single *dhāhiri* said it is prohibited to make use of an *'illah* that is manṣūṣah for any ruling other than where Allāh and his Messenger themselves placed that *'illah* in.

Ibn Hazm said, "Dawud, and all of his companions (the *dhāhiriyyah*) said, "Whatever has no *nuṣūṣ*, it is then not allowed to say about anything of it that the ruling of it is because of such and such reason. Allāh does not do anything from the *aḥkām* and also not anything other than the *aḥkām* for a specific reason. If Allah or his Messenger ﷺ say regarding a matter that it is because of a reason (*sabab, min ajli, li'anna, li*). We then only know that Allāh made those reasons specific for the *naṣṣ* it is mentioned in. It does not imply using those reasons for any other ruling except for where Allah and his Messenger ﷺ mentioned those reasons for their specific rulings."[550]

Siddiq Hasan Khan said, "To conclude, Dawud and no *dhāhiri* ever used *qiyās*, even if the *'illah* is *manṣūṣah*."[551]

Al-Shawkani also said, "Dawud and no other *dhāhiri* ever used *qiyās* with an *'illah* that is *manṣūṣah*."[552]

And Ibn Hazm also mentioned many debates, many arguments used by the *dhāhiriyyah* before him, including Dawud on the falsehood of *qiyās* with an *'illah* that is *manṣūṣah*, we will mention all of these as here as well, by the will of Allah. Dawud would have been rejected for this in the exact same manner Al-Qasani was rejected for him affirming this method. Instead Al-Qasani was the one that opposed him affirming this method. There is then no doubt that this is something Dawud never said, May Allah have mercy on him.

As for those that believe in *'ilal* and *qiyās*, they mention the verse to indicate their corrupt method, "And there is (a saving of) life for you in *qiṣāṣ* (the Law of Equality in punishment)' [2:179]. They say, "Allāh made saving of a life a reason for the existence of *qiṣāṣ*."

Everyone with the least capability to distinguish knows that there is not understood from this verse the prohibition of selling oak nuts for dates on a specified time. Whoever claims this, his lie is not obscure from anyone and

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[550] Al-Ihkam Fi Usul al-*aḥkām* 8/77
[551] Al-Jami' Li Ahkam Wa Usul Al-Fiqh
[552] Irshad Al-Fuhul 2/95

it is very evident. And then they themselves are also the first ones to abandon this *ta'līl* because all of them agree that there is no *qiṣāṣ* against the master for his slave regarding killing and also not against the father for the killed son. They have invalidated the exact *'illah* which they claim as a source for the *sharī'ah* and a pillar for their *madhab*. And the *ḥanafiyyah* also invalidate *qiṣāṣ* against the killer of his partner on purpose. And the *mālikiyyah* and the *shāfi'iyyah* concur that there is no *qiṣāṣ* that the slave can carry out against a free person, not against a *dhimmi*. and also not against a Muslim if they harm him.[553] With this they invalidate from where they take a pillar from their method as they do not apply that *'illah* in these scenarios. Allah made life a reason for the existence of *qiṣāṣ* and it is not allowed for anyone to transgress by using this reason for any other issue.

As for the *ḥadīth* which they mention about the teeth being a bone. Every single bone, using other than the teeth is allowed for slaughtering, the Prophet ﷺ is not unable to do what those *munkhariṣūn* do with *'ilal*. If slaughtering with any bone would be prohibited as they claim, then the Prophet ﷺ would not limit it to the point of mentioning teeth only. To reach the same conclusion as them on prohibiting slaughtering with any bone, the *nuṣūṣ* would have to be around the meaning, "Whatever item makes the blood flow and jugular vein cut from animals, then eat it as long as it is not a bone or a nail." There is also no doubt that if it would be the case that any bone is prohibited to use for slaughtering then there would remain no meaning at all in mentioning one type of bone from the thousand types of bones which is in this case teeth. It would be instead *talbīs*, nor clarification. It is then known with certainty that bones are not prohibited from using in slaughtering's except for teeth only, the same is the saying for the other narrations they mentioned without any difference.

Those who oppose us in this are in severe contradiction in the mentioned narrations. Because the Prophet ﷺ in the same narration also said, "As for the nail, it is a knife from *ḥabashah*." It becomes necessary on them, when they made the saying of the Prophet ﷺ, "Because it is a bone," a reason to prohibit any bone from using in slaughtering, to then also make the saying of the Prophet ﷺ, "As for the nail, it is a knife from *ḥabashah*," a preventative for using any knives from *ḥabashah* while this is something none of them say. They instead limit it to the point of prohibiting

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[553] Al-Muntaqa Sharh Al-Muwatta' by Al-Baji 7/122 | Al-Tabsirah by Al-Lakhmi 13/6478 | Al-Umm by al-Shafi'i 7/318

slaughtering with the nail only. If they would for the teeth not include any bone other than teeth then it would be better for them. But this is how *ahl ul-khaṭa'* contradicts.

As for the companions of Malik and Abu Hanifah, while they had exaggerated in *qiyās* over *nuṣūṣ* in many of their statements, they here in this case abandon *qiyās* completely and allow slaughtering with any bone, but are very wrong as they also allow using any teeth as long as it flows blood and limit the prohibition on teeth that do not flow the blood they also allow using any nail as long as it can break, this is wrong from them and a deficiency in in their method.

Allāh says, "These are the limits (rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229]. If *ta'līl* would ever be the truth then whatever Allāh or his Messenger ﷺ state as a reason would be more correct without any doubt from anyone with the least amount of intellect than an *'illah qa'isūn* use without any evidence.

What is correct is that any tooth and any nail is not allowed to be used for slaughtering whether they flow the blood or if they do not. Whatever is other than them from bones and *ḥabashi* knives are all allowed to be used for any slaughtering.

If they say, "But an *ijmā'* is what prevents us from using the *ta'līl* on prohibiting *ḥabashi* knives."

We say: And there is *ijmā'* on the correctness of our view and on the invalidity of *ta'līl* and that we must not transgress by using *manṣūṣ* reasons to use that for what is not from *nuṣūṣ*. If *ta'līl* would ever be true then it would not be possible for there to exist *ijmā'* on its opposite.

And after that we ask them the exact same questions we asked them about *qiyās*, "Who is the one that ruled it as your position, Allāh and His Messenger or something other than Allāh and his Messenger?" If they say, "Allah and His Messenger," It is said: Show us where Allah or His Messenger have said that this *'illah* which you claim is is indeed general, and never will they ever present it, had it been the case that the Prophet ﷺ indeed had made that reason itself a general ruling, it would have been general without any doubt. But since the Prophet ﷺ only mentioned a reason for that ruling, it becomes nothing more than a reason for that ruling alone.

Then everything else applies here in the exact same manner as *qiyās*, as using an *'illah* to create a ruling is *qiyās* especially since their *'ilal* are all different and are all mere claims without any certain evidence. It is from that which is impossible that Allāh makes in his religion rulings that contradict

each other in the exact same issue, while Allāh says, “If it would be from other than Allāh, they would find many differences” [4:82]. And Allāh says, “[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (*ḥujjah*) against Allāh after the messengers” [4:165]. Allāh says, “What is there after the truth, except misguidance” [10:32]. And Allāh says, “Do not be like those who differed and divided” [3:105]. And Allāh says, “And do not dispute with one another” [8:46]. No one is ever able to know the *‘illah* of a prohibition, permissibility, or an obligation except if Allāh and his Messenger tell us about it. Otherwise the one claiming an *‘illah* says nothing but with conjecture, something that Allāh and his messenger did not say which is absolutely false, Allāh has prohibited this, he said, “The things that my Lord has indeed forbidden are... And saying things about Allāh of which you have no knowledge” [7:33]. So *ta’līl* which they claim with their desires which Allāh and his Messenger did not say which is obligatory to obey are all lies without any doubt. The first time sin Allāh was ever disobeyed with in this world is *ta’līl* of the orders of Allāh without *nuṣūṣ*, abandoning following the apparent and transgressing away by changing orders into others. That is the saying of Allāh about his enemy Iblis, that he said to Adam, “Your Lord did not forbid you this tree except that you become angels or become of the immortal” [7:20]. Iblis the cursed, made up an *‘illah* for the prohibition of Allāh from eating from the tree and changed with that the order of Allāh from its apparent, all of this is the exact same as *ta’līl* they use and we seek refuge in Allāh from this. It is also sufficient for the falsehood of *ta’līl* that none of the *ṣahābah* ever said a word about it, saying it is going against the their *ijmā’*.

It is narrated on the authority of Anas, “Once we waited for the Prophet ﷺ till it was midnight or about midnight. He came and led the prayer, and after finishing it, he addressed us and said, ‘All the people prayed and then slept and you had been in prayer as long as you were waiting for it.’”[554]

The Prophet ﷺ made waiting for the prayer, to be the same as being in prayer and made waiting for the prayer to be a choice for delaying *‘atamah* (the *‘ishā’* prayer). So as long as someone waits for *‘atamah* prayer which is the *‘ishā’* prayer, he is in prayer. According to their method this would apply for prayers other than *‘atamah* prayer such as *‘aṣr* and *maghrib*. They do not apply this *‘illah* for the choice of delaying *‘aṣr* and *maghrib*, this indicates that they have clearly abandoned their method.

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[554] Sahih Al-Bukhari 575, 1/216

So as it is the case that a mentioned *'illah* can not be a thing that in of itself must be used for any case other than where it is mentioned in, then those who created this method are all mistaken and this method being false becomes apparent as it can not be as they acknowledge themselves be something that can be applied for every other case.

The Prophet ﷺ also said, "When any of you prays facing something which conceals him from people and someone wishes to pass in front of him, he should turn away; but if he refuses to go, he should turn him away forcibly, for he is a satan."[555]

The Prophet ﷺ clearly made the reason for the ruling of anyone that passes in front of the one praying using a *sutrah* that they are a satan. And it is from their method then to apply the ruling of killing to anyone human that is also a satan.

The Prophet ﷺ also said, "A woman advances in the form of a satan and retires in the form of a satan."[556]

Abu Hurayrah said, "The Messenger of Allah saw a man pursuing a pigeon, the Prophet ﷺ said, 'A satan is pursuing a female satan.'"[557]

The Prophet ﷺ also said, "A single rider (traveler on an animal) is a devil and a pair of riders are a pair of devils, but three are a company of rider."[558]

According to them their ruling is all the spilling of blood, otherwise they have abandoned their method.

The Prophet ﷺ also said about *istiḥāḍah* blood, "It is only an *'irq* (vein)." He explicitly explained that menstrual blood is black and easily recognizable. If, based on *qiyās*, you conclude that red, yellow, and brown blood must have the same ruling as black blood and all categorized as menstrual blood, then it implies that the same *qiyās* must be applied to every vein that releases blood from a woman's body, like nosebleeds and wounds, similar to *istiḥāḍah*. Otherwise, you contradict your own method and abandon *qiyās*.

It is evident to anyone with even a basic level of intellect that if *qiyās* were to hold true, a bleeding vein would be more analogous to another bleeding vein than the *qiyās* of prohibiting selling oysters and chestnuts based on the prohibition of selling wheat and dates for more. Some

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[555] Sahih Muslim 505
[556] Sahih Muslim 1404
[557] Sunan Abi Dawud 4940
[558] Sunan Abi Dawud 2607

ḥanafiyyah, have indeed implemented this reasoning. Since they require *wuḍū'* to be broken due to any bleeding vein because of the *mustaḥāḍahs* vein, it then becomes obligatory to apply the same principle for *ghusl* as it is obligated for the *mustaḥāḍah*. There is no escaping the necessity of this conclusion.

A group among them who do not fear Allāh say that which is worse than this and they say, "The Prophet ﷺ orders with an order and says what is not allowed, but he says it for another reason for what he wants."

They also say, "This is the same as when the Prophet ﷺ said, 'I thought of giving orders for firewood to be collected. And then he mentioned burning the houses of those who do not pray in congregations.' This act of burning is something that is not allowed. He only mentioned it to indicate the severity harsh, not that he wanted that to be carried out."

They also say, "The order of the Prophet ﷺ to wash the vessel a dog licked seven times is not obligation it is only an action of him to warn the people of taking dogs as they would harm the *muhājirīn*. And also when the Prophet ﷺ ordered a poor man to pray two *rak'ahs* during the *khuṭbah* of the Prophet ﷺ on *jumu'ah*.[559] *Rukū'* during the *khuṭbah* is not allowed, he only ordered him so that people would notice him and give charity to him. the Prophet ﷺ also ordered *faskh* of *ḥajj*, which is something not allowed, it was only to show them the permissibility if *'umrah* during the months of *ḥajj*."

The answer: and in this exact manner they have many mistakes. Whoever says anything like that, if he would not be excused for his ignorance and weak intellect then no one would deserve the removal of his head and his property to be taken earlier than a person who says such. Because they attribute that the Prophet ﷺ orders with falsehood and attribute lies to him.

Do you really think that the Prophet ﷺ would ever be unable to order others to give charity as he ordered them many times and would instead order someone to perform a *rukū'* which is according to them not allowed, in order to make people notice the poor person and for that to make them give charity.

Do you really think that the *ṣaḥābah* did not know that *'umrah* is in the months of *ḥajj* possible, the Prophet ﷺ did *'umrah* with them before that during the months *ḥajj*s two *'umrahs* consecutive after three *'umrahs* which he could not complete, *'umrat ul-ḥudaybiyyah*, *'umrat ul-qaḍā'* and his *'umrah from al-ji'irrānah* after the conquest of Makkah and all of them

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[559] Sunan Al-Nasa'i 1408, 3/106

were during the months of *ḥajj*, before *ḥajjat ul-wadā'*. These are some of the many examples of it being possible to perform *'umrah* during the months of *ḥajj*, it is not because of false *ta'līl*. There is also many orders narrated of the Prophet ﷺ to perform *'umrah* during the months of *ḥajj* and he also himself with his wives and many *ṣahābah* did *'umrah* after conquest of Makkah. These are all sufficient to conclude for *'umrah* being in the months of *ḥajj*. And yet they indulge in what is not allowed at all and attribute lies to the Prophet ﷺ.

It is narrated on the authority of Ma'mar said, "I said to Ubaidullah Ibn Umar said, 'Do you know if the Prophet ﷺ applied retaliation on the one taking fifty oaths (for the issue of *qasāmah*)?' He said, 'No [he did not].' I said, 'What about Abu Bakr?' He said, 'Also not.' I said, 'What about Umar?' He said, 'No.' I said, 'For what is the person then taking oaths for?' He said, 'I said that to Malik and he had said, 'The orders of the Prophet ﷺ are not abandoned because of deceptions.''"[560]

This is the truth which is not allowed to oppose by anyone and this is also the method of the *a'immah*. Then from them appeared mistakes which no fallible human is saved from after the Prophet ﷺ, and yet those *muqallidūn* perform *taqlīd* of their mistakes. They disobey who they perform *taqlīd* of in reality: not to understand the order of the Prophet ﷺ by deceptions.

If they mention *ṣaḥābah* performing *wiṣāl* (extended fasting). We say: The Prophet ﷺ also prohibited them from performing *wiṣāl*. It is only accepted from the Prophet ﷺ as it is only allowed for him. The Prophet ﷺ said regarding it, "I am not like any of you, if I sleep, Allāh feeds me and gives me drink."[561]

It is a punishment for them to do extended fasting, not anything rewardful as it is prohibited. It is allowed for the *imām* to prevent a person from eating for one day as long as he is certain that the time won't cause death as a *tankīl*.

We will now clarify the contradictions of the companions of *'ilal*, and then the falsehood of *'ilal* completely by the will of Allah.

Those who use *'ilal* use as evidence verses whose apparent indicates some rulings being because of some conditions that take place. From them is the verse where Allāh mentioned the killing of one person his own brother, from the sons of Adam. Allāh says, "Because of that, We decreed

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[560] Al-Musannaf by Abd Al-Razzaq 18276, 10/37
[561] Muwatta' Malik 831

upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And Our messengers had certainly come to them with clear proofs. Then indeed many of them, [even] after that, throughout the land, were transgressors" [5:32]

We say: This is from the greatest evidences against them, because Allāh did not oblige this except for Banu Israil only. If it would be an *'illah* which is *muṭṭaridah* as they claim then it would be obligatory on every single human. If they do say, "It is an obligation on all humans," we ask them: What do you then say about all major sinners, is that corruption on the land, or is it not corruption on the land? Nothing is a corruption except what is from the *nuṣūṣ* directly called corruption on the land and that is for nothing except *muḥārabah* only. If they say, "Major sinners are all corrupters on the land." We show them that the consumer of *khamr*, stealer, Muslims who do *ribā*, eating the food of orphans, unmarried *zāni*, eating meat of swine, carrion and blood, the plunderer and *qādhif* are then all corrupters on the land and yet it is still not allowed to kill any of them, while you are the one claiming the *'illah* here. Instead the one who kills them deserves retaliation, so they have invalidated their method if they claim that the mentioned verse applies to us because in that verse there is mention of killing every single corrupter on the land.

If they say nothing from major sins is corruption on land except for al-*muḥārabah*. We then show them that a married *zāni* is killed while it is not corruption, their method of *'illah* is then completely invalidated. Because in the verse there is mention that no one is killed except for retaliation or for corruption. A married *zāni* did not kill a soul and did also not spread corruption, while he still must be killed while the one that kills him is not like someone that kills all of mankind.

If they say, "The married *zāni*, intercourse with the woman of the father, apostasy, consuming *khamr* a fourth time after having been lashed thrice are all corruption and anything other than these are not corruption on the land." If they claim this they argue with not a single evidence because the Prophet ﷺ made an old *zāni* who had intercourse with his neighbor whose man is a *mujāhid* in the cause of Allāh a worse sin than other *zunāt* whether they are married or if they are not married, except that the non married is in any case not killed even if it is worse in sin than some married *zunāt* in certain cases. The married *zunāt* are in any case always killed.

And also this saying of them invalidates their method in *'ilal*, as nothing is an *'illah* except where Allāh states it to be and they still say, "A

major sin is not corruption except where Allāh stated it to be and wherever Allāh ordered the killing of a person." With this their method of using an *'illah* wherever it is found becomes invalid from the *nuṣūṣ*. While this is exactly our method except that we do not call it *'illah* or *sabab*. Because no *nuṣūṣ* has ever come with that naming. If there is nothing between us except for the naming then the *ikhtilāf* is uplifted. We only are against them using their method with that name. Allāh says, "They said ˹to one another˺, 'Do not march forth in the heat. Say, ˹O Prophet,˺, 'The Fire of Hell is far hotter!'"[9:81]. This verse is sufficient for the invalidity of all *'ilal* because Allāh said that *jahannam* is of heat and that the world is also of heat then Allāh differentiated their rulings and ordered them to be patient on the heat of the world and rejected them not going forth on the world and ordered them at the same time to distance themselves from the heat of *jahannam* and to not be patient with that ever.

They also mention the verse, "So when Zaid had accomplished his desire from her (divorced her), We gave her to you in marriage, so that (in future) there may be no difficulty to the believers in respect of (the marriage of) the wives of their adopted sons" [33:37].

We say: There is no evidence in this for them, because it is only *naṣṣ* in this that as the Prophet ﷺ married the woman of Zayd, while he had already adopted him before, and at the same time we are ordered to follow the Prophet ﷺ in permitting and prohibiting, his marriage with her implies permissibility of marrying the ex-wives of the adopted sons. Before prophethood, the Prophet ﷺ had adopted Zayd Ibn Harithah, this is exactly what we say. If this would indicate *'illah* as they claim then it would be necessary on them to marry the ex-wives of their adopted sons. Since they do not oblige that without difference of opinion, their assumptions are invalidated that Allāh marrying the Prophet ﷺ with Zaynab is an *'illah*. There is instead clear *nuṣūṣ* for obligating *taḥlīl* what Allāh has allowed for her Messenger ﷺ only.

They also use the verse where Allāh says, "What Allāh gave as booty (fay') to His Messenger from the people of the townships - it is for Allāh, His Messenger, the kindred, the orphans, the poor, and the wayfarer, in order that it may not become a fortune used by the rich among you" [59:7].

We say: This is only just as it is mentioned without any additions to it. Because we know that there is many wealth that was not divided in the division which is mentioned in the verse. They are instead distributed in various manners, whether the *'illah* is present or not. So if it would be the case that the division mentioned in the verse is only so that it won't become

a fortune used by the rich then that *'illah* would be used for other properties such as *ghanīmah* and others which is never the case, so what they argue with this verse is then false and everything is then false except that Allāh only willed this for *fay'* which comes from that which the Muslims used no expedition, cavalry or camelry for so that in that case specifically for *fay* does not become a fortune used by the rich. The ruling in this case must not be transgressed and be applied for other cases.

They also mention the verse, "So that mankind will have no argument against Allāh after the messengers" [4:165].

There is no evidence in this for them because there has never been a case ever of an argument existing against Allāh, not before the Messengers ﷺ and also not after. Instead With Allāh is the perfect proof and argument. Allāh says, "He cannot be questioned as to what He does, but they will be questioned" [21:23]. Allāh also said, "In order that you may warn a people whose forefathers were not warned, so they are heedless" [36:6].

They also mention the verse, "[By] that We recompensed them for their transgression (*baghī*)" [6:146]. We say: There is no evidence in this for them, it is instead an evidence against them because Allāh stated in the verse that he recompensed them for their transgression with types of punishments that soon took place on earth, from swallowing, a thunderous blast, stoning and others. If transgression would be an *'illah* for the occurrence of recompense then it would be necessary and obligatory for there to exist a recompense for the *bughāt* from the Muslims of our time and from the nations before us, after those punished in the verse.

We also witness that there are infidels around our time who are like *bughāt* from other times. At the same time we also have from the Muslims *ahl ul-baghī* who are similar to the *bughāt* of other times. There are those who demand more than its actual value deceivingly and there are those among the Muslims of our time practicing acts of the people of *lūṭ*. There are also those who perform clear *kufr*. Just as some of these were done by the other nations.

And none of the Muslims of our time and the infidels were recompensed the same way as those mentioned in the verses of other times. Since we know that, we know that *baghī* is not an *'illah* for the occurrence of recompense like the recompense of the previous nations. Because an *'illah* is a thing that is *muṭṭaridah* forever, it is something that never transgresses ever and instead always goes along consistently, otherwise it is not an *'illah*. It is then only correct to say that *baghī* from them was a specific *sabab* for their recompense and it is false to claim that it is a *sabab*

for other than them so that anyone after them receives the same recompense, this is false and does not happen. Our method is then that *asbāb* must not be transgressed ever from the places Allāh or his Messenger ﷺ placed them in themselves. It is not something that becomes necessary to occur for every single case, which is a contradictory claim and brings conclusions which are rejected by every single one of them as mentioned before. Since it is not something that can be applied in every single case, even according to themselves, it is something that is not necessary and not obligatory at the very least and with every single thing we clarified it becomes prohibited to apply this method as it is attributing lies to Allāh and His Messenger ﷺ. It is also not a *sabab* which becomes obligatory to be applied only in some cases leaving out every single case, this is against the meaning of *'illah*, and is even more false. So all of their methods become invalid without any doubt.

Now it is evident that there are valid *asbāb* which is different from the false *asbāb* which they claim in rulings, applying it is nothing but an attribution of lies without any certain evidence.

They also mention the verse, "So they destroyed their houses by their [own] hands and the hands of the believers. Then take admonition, O you with eyes (to see)" [59:2].

And they mention the verse in the same chapter, "This is because they opposed Allāh and His Messenger." [59:4].

There is no evidence in any of these for them. Because *muḥāribūn* of our time and *ahl ul-ilḥād*, they oppose Allāh and his Messenger ﷺ and the same for atheists and the people of the book of our time and their houses are not destroyed by their hands and also not the hands of the Muslims, they do not destroy it but instead build it. It is then known without doubt that opposition to Allāh and his Messenger ﷺ is not an *'illah* for there to occur destruction of houses and also not a *sabab* for houses to be destroyed, it is only a *sabab* for those mentioned in that verse only because of their opposition. If Allāh mentions a matter with a *sabab* for a ruling then that is affirmed only for that place the *sabab* is not used for any other issue.

They also mention the verse, "Satan only wants to cause between you animosity and hatred through intoxicants and gambling and to avert you from the remembrance of Allāh and from prayer. So will you not desist?" [5:91]

They say, "These are from the *'ilal* for the prohibition for these and staying away for them."

There is no evidence for them in any of this for many reasons.

Firstly earning money and other matters avert from the remembrance of Allāh and also the prayer and causes animosity and hatred, while it is not prohibited. the Prophet ﷺ said, “By Allāh, it is not poverty that I fear for you, but I fear that this world will be opened up with its wealth for you as it was opened to those before you; and you vie with one another over it as they did and eventually it will ruin you as it ruined them.”[562]

This is exactly as we say, gaining money itself is not prohibited, as for when it includes what is prohibited with it then it does. And also gambling was something very well known to occur before it became prohibited, it would even before it was prohibited as well cause animosity and hatred with very little benefit. And also a very little amount of it has no mention in the verse, as a very little amount does not cause hatred and animosity. We also find many people to cry as they are intoxicated and remember the hereafter and death often and fear *jahannam* and praise Allāh. And they often make *tawbah* for their sins, many of them also stop consuming it believe in its dangers.

As this is all established, it is then true that Allāh did not make the will of satan as mentioned in the verse a *sabab* for its prohibition ever. Allāh instead prohibited it as he willed. *Khamr* was *ḥalāl* for sixteen years during Islam, the upright consumed it with the Prophet ﷺ all aware about it and he never reject it. If what Allāh said about it averting from remembrance of Allāh and prayers and satan causing hatred and animosity would be an *‘illah* for prohibition, then we would not ever find anything going along with that *‘illah* except that it would always be a prohibited. Because *khamr* is never ceased being intoxicating and satan never ceased wanting to cause animosity and hatred between us and *khamr* was *ḥalāl* still with these attributes. It then becomes false for intoxication to be the *‘illah* for prohibition, not even a *sabab*. Not after the time it was revealed and also not before it at all. Because when Allāh says, “Satan only wants to cause between you animosity and hatred through intoxicants and gambling” [5:91].

Allāh only told about the evil thoughts of satan regarding us only. Allāh did not say ever that what satan wants is an *‘illah* for the prohibition of something and also not a *sabab*. It is not allowed for anyone to say anything regarding Allāh that which he did not say himself and also not his Messenger ﷺ.

Whatever satan wants from causing animosity and hatred between the Muslims about *khamr* and gambling is only for after the prohibition and that

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[562] Sunan Ibn Majah 3996, 5/133

specific prohibition only, because the one consuming *khamr* after the prohibition is averting himself from the remembrance of Allāh and from prayer being against the upright.

They also mention verse, “For wrongdoing on the part of the Jews, We made prohibited for them the good which had been lawful to them” [4:160].

There is no evidence in this for them because we also do wrong from the beginning of the day till the end of the day, and because of the the good we had did not become prohibited. Wrongdoing is then not an *‘illah* to prohibit the good food. As for *asbāb* it is also not a *sabab* except in this verse alone.

They also mention the verse, “In order that the people of the Scripture (Jews and Christians) may arrive at a certainty [that this Qur’ān is the truth as” [74:31].

We say: This is against them because the mentioned ruling does not necessitate all people of the book to arrive at certainty, there is instead among them those who are not certain, and there are those who insist on doubting and continue lying and continue their *shirk*, if it would be an *‘illah* for their certainty then we would not find anyone that is not certain.

They also use mention the verse, “So take off your shoes; for you are in the sacred valley, Tuwa” [20:12]

There is no evidence for them in any of this, because if being at the sacred valley of Tuwa would imply the *‘illah* of taking off the shoes or if it would be a *sabab* then it would be obligatory on us as well to take off our shoes at the sacred valley, Tuwa and at the *ḥarām*. Since we are not obliged any of it without any difference of opinion, then our method that if Allāh makes a matter a *sabab* for a ruling for a certain issues, it becomes not a *sabab* except for where Allāh mentioned or his Messenger ﷺ placed that *sabab*.

This is everything they mention regarding *‘ilal* from the Qur’ān we will now mention it from the *sunan*, by the will of Allah.

From the *sunan* they that the Prophet ﷺ said, “I only prohibited you because of the people who were coming to you (for them to benefit from it), now eat, give charity and store it.”[563]

The most deserving people to be ashamed of themselves before Allah by using this narration for their method, are *ahl ul-qiyās*. Because they invalidate the *sabab* which they consider an *‘illah* in the exact place it got placed by the Prophet ﷺ. They also do not use *qiyās* over this *‘illah*

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[563] Sunan Abi Dawud 2821

anything, yes, they also do not use it for the exact same case is mentioned in the narration. They instead disobey it and allow storing sacrificial meay however anyone wants, even if there are people coming. Does the one that invalidates the words of the Prophet ﷺ regarding the prohibition of storing when people coming for more than three days, allowing opposition it, not feel any shame to use he disobeys and to then also use it as evidence for a false method of affirming *'ilal* and that the sale of almonds for almonds at a later date is not allowed? This is indeed a corrupt creation, the result from many evils, including ignorance, lack of modesty, lack of piety, excessive nervousness, indifference to truth, severe oppression, lack of advice, and weakness of mind. We seek refuge in Allah from all of this.

As for us, we say that the Prophet ﷺ made a *sabab* for the prohibition of storing sacrificial meat for more than three days if there are people coming at the sacrifice, whenever this is the case it is prohibited to store the meat for more than three days, if ther eis no people coming up at the sacrifice then anyone can store the meat however they wish, obeying the command of the Prophet ﷺ which nothing abrogated, our view is also that of Ali Ibn Abi Talib and Abdullah Ibn Umar.

They also mention the narration where the Prophet ﷺ said, "Allāh has prescribed seeking permission because of protection against glance."[564]

This goes along with our view because we do not reject the possibility of *nuṣūṣ* stating certain reasons mentioned for the existence of certein *aḥkām*. What we reject is transgressing those limits set, to others by placing those *aḥkām* where it does not belong, for which there is no *nuṣūṣ* for. And innovating reasons which are not from the words of Allah and His Messenger. There are also other narrations narrated, the Prophet ﷺ said, "He who looks into the house of people without their consent, it is permissible for them to put out his eyes."[565]

There is also no evidence in the narration for them because they are the most disobedient to the narration, most of *ahl ul-qiyās* oppose what is in this narration, because the one that looks in the house of the other and the one looked at breaking the eyes of the one looking, there is nothing on him, they oppose this, they oppose retaliation against the one breaking the eyes.[566]

It is never understood from this narration, the prohibition of selling one kilograms of walnuts for one kilograms of walnuts at a specified date. This

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[564] Sahih Muslim 2156, 3/1698
[565] Musnad Ahmad 7605
[566] Nayl Al-Awtar Sharh Muntaqa Al-Akhbar 7/35

proves how false their method is as none of these narrations ever indicate that it is obligatory or even permissible to move a reason to anywhere other than the rulings it came with to create new rulings oneself. We do not reject *nuṣūṣ* of the Prophet ﷺ ever including when he gives an *'illah* for a ruling, then we affirm that *'illah* for that ruling. As for what their method, we do not accept any of it. Allāh says, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (*ḥujjah*) against Allāh after the messengers" [4:165]. What the Prophet ﷺ ruled here is the truth that can not ever be opposed As for everything else that comes from them, it is merely transgressing the limits of Allāh and ruling what Allāh and his Messenger did not rule with, which is all false. In order to know the *'illah* of anything it needs to be informed by Allāh and his Messenger and the Prophet ﷺ said, "By Allāh I am the most knowledgeable about Allāh than them."[567] And those who believe in *ta'līl*, they are not any different from the one that says, "When Allāh cuts the hand of the stealer we cut other than the hand of the stealer." And like this for all other *'ilal*, there is in this sufficiency.

They also say, "The husband who does *dhihār* to his wife, saying, "You are to me like the back of my mother," because such a saying *munkar* and a *zūr*, it becomes an *'illah* for *kaffārah*.

They invalidate their exact *ta'līl* here and acknowledge that if a woman says to her husband, "You are like the back of my mother," that there is then no *kaffārah* is obliging on her.

Allāh says, "Neither has He made your wive whom you declare to be like your mothers backs, your real mothers. Nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the truth" [33:4].

Allāh made what a man says to his wife, "You are to me like the back of my mother," the same as claiming adopted sons to be the real sons and he did not oblige *kaffārah* for both of them, but instead only in one. It is then established that matters having a similarity do not imply them to be similar in ruling, so their sayings about *ta'līl* are all false as the *'illah* which they claim did not apply in another ruling which is of the exact same attribute and there is no *kaffārah* on both, only one. This is one of the many indication on the absolute falsehood of their method.

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[567] Sahih Al-Bukhari 5750

Some of the *fuqahā'* have even obliged *kaffārah* on the woman if she is the one doing *dhihār* of her husband, the same as *dhihār* if the husband does it of his wife. Especially if they falsely claim *ijmā'* that the one slandering a man of fornication is lashed eighty times because of *qiyās* from the ruling of men, where is that *ijmā'* here?

This is everything they have to mention from the *sunan*. The conclusion is that everything Allāh and his Messenger ﷺ have mentioned then it is the truth and everything they add on to it with their *ra'ī*, which is anything other than Qur'ān and *sunnah* then it is false and fabricated lie.

They are the exact same as the one that says, "When Allāh prohibits, or obliges a matter as he wants, then I also oblige as I want, because Allāh prohibits and obliges so I can do it too."

It is authentic from the Prophet ﷺ that he said about the prohibition of praying when the sun rises and when it sets, "Pray the *ṣubḥ* Prayer, then stop praying when the sun is rising till it is fully up, for when it rises it comes up between the horns of the devil, and the infidels prostrate themselves to it at that time. Pray the *'aṣr* prayer; then cease prayer till the sun sets, for it sets between the horns of the devil, and at that time the infidels prostrate themselves to it."[568]

And for praying during the time the sun reaches it zenith and it being prohibited till it moves away from the zenith, the Prophet ﷺ said, "Until the sun is directly overhead at midday, and that is the time when the gates of Hell are opened and it is stoked up. So do not pray until the shadows appear."[569]

If this from the apparent would be *ra'ī* and *iḥtiyāṭ* then praying at those times would be better and earlier, and an opposition to the infidels. Because when at those times they worship the sun while we worship Allāh alone.

This is the attribute of their method on *'ilal* which is false. It is then only correct to say that it is not allowed for anyone to perform *ta'līl* of the religion and also not allowed for anyone to say something is *sabab* for a certain ruling except if there is *nuṣūṣ* for a *sabab* being for a ruling.

And not every single thing that seems like an *'illah* is an *'illah*, we previously clarified the exact meanings of *'ilal* and are of no need to repeat. We will here present examples to make clear when exactly something is an *'illah* in verses and narrations. The narration that Ibn Abbas said, 'A woman from the tribe of Juhainah came to the Prophet ﷺ and said, 'My mother had

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[568] Musnad Ahmad 17019, 28/237
[569] Sunan Ibn Majah 1252

vowed to perform *ḥajj*, but she died before fulfilling her vow. Must I perform *ḥajj* on her behalf? The Prophet (ﷺ) said, 'Yes perform *ḥajj* on her behalf. Had there been a debt on your mother, would you have paid it or not? So, pay off the debt of Allāh, for He is most deserving of settlement of His debt'"[570]

The obligation to pay off the debts of Allāh in this narration is not made a reason tied to performing *ḥajj* on behalf of the mother. The obligation to pay off the debts of Allāh remain general and not for *ḥajj* alone,

The verse where Allāh says, "What Allāh gave as booty (*fay'*) to His Messenger from the people of the townships - it is for Allāh, His Messenger, the kindred, the orphans, the poor, and the wayfarer, in order that wealth should not circulate among those of you who are rich" [59:7].

In this verse it is made a clear reason so this verse alone does not indicate in of itself that no wealth may ever in general may circulate among those among us who are rich, this reason remains tied to the ruling mentioned in the verse.

And when the Prophet ﷺ said, "[There are] three [types of persons to whom] Allāh will neither speak to them on the Day of Resurrections, nor look at them: A man who takes a false oath that he has been offered for a commodity a price greater than what he has actually been offered. And a man who takes a false oath after the *'aṣr* (prayer) in order to grab the property of a Muslim through it. And a man who forbids others to use the remaining superfluous water. To such a man Allāh will say on the Day of Resurrection, 'Today I withhold My Blessings from you like you prevented [giving] a surplus which your hands did not create.'"[571]

This is a narration with no reason attached. This is a general threat for preventing giving anything surplus.

And the narration from Anas, that he said, "Once the Prophet ﷺ delayed the *'ishā'* prayer till midnight. He turned to us after the prayer and said, 'All the people slept after offering their prayers, but you did not cease being in the prayer as long as you waited'"[572]

As for this narration there is no reason attached to the reasoned, there is also nothing reasoned mentioned, so this type of reward applies to any

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[570] Sahih Al-Bukhari 1852
[571] Sahih Al-Bukhari 7446
[572] Sahih Al-Bukhari 847

prayer. According to them however there is a reason attached and they oblige themselves of using that reason for other issues

And we mentioned before the verse, “And they ask you about menstruation. Say, ‘It is harm, so keep away from wives’” [2:222].

That this harm which is made as a reason for the reasoned which is menstruation does not in of itself apply for anything else, except that there is additional evidences that it applies also for the prohibition of anal intercourse as clarified before

And the narration of Kabshah Bint Ka‘b Ibn Malik (wife of Ibn Abu Qatada), she said, “Abu Qatadah visited me and I poured out water for him for ablution. A cat came and drank some of it, and he tilted the vessel for it till it had had a drink. When he saw that I looked at him he asked, ‘Are you surprised, my niece?’ When I said that I was, he said that the Prophet ﷺ said, ‘It is not impure; it is only one of those [male or female] who go round among you.’”

Here it not being impure is tied to the reason that they are those who go around among us and this reason does not apply for anything other than cats.

Some of them argue for obliging the method of *’ilal* and that *aḥkām* are only with *‘ilal* because words are are derived from one another in the language.

Ishtiqāq is attributing one word to another because they have the basic letters in common and share the same meaning. This is one of the ways to distinguish fact from allegory. It means derivation which is to form a word or more from another word such that the original word implies the derived word and is indicative of it; for example the word *rubūbiyyah* (lordship), it is derived from the noun *rabb* (lord). So the noun *rabb*, implies *rubūbiyyah* and more. The same applies to all of Allāh's beautiful Names, such as *Al-‘Alīm*, *Al-Raḥīm*, and others. There are four kinds of *ishtiqāq*. First is *ṣaghīr* (small): when there is a word is derived from another word by changing its form while retaining a correlation in meaning and the radicals (root consonants) of the original word in the same order, for example the verb *ḍaraba* (beat) is derived from *ḍarb* (beating).

Second is *kabīr* (big): when there is a correlation between the two words in meaning and the radicals are retained but not in the same order; for example *ḥamida* (praised) is derived from *madḥ* (praise).

Third is *akbar* (bigger): when there is a correlation between the two words in meaning and they share only some of of the radicals and their order; for example *khariqa* (tore apart) and *kharaba* (ruined).

Fourth is *kubbār* (biggest) or *naḥt* (coining): where a new word is coined from letters taken from two words or more, for example, *basmala* means saying *bismillah*.

So they claim that words are *mushtaqqah* in the language. We say: Even if this would be true then there would be no evidence for them in that as there is no *sabab* in *ishtiqāq* that links affirming *'ilal* in the *aḥkām*, then how when it is all false as well.

Correct *ishtiqāq* is only creating new words from an attribute from the like of it. Like naming *abyaḍ* from the word *bayāḍ*, and *muṣalla* from *ṣalāh* and *fāsiq* from *fisq* and anything that is similar to that. None of this obliges naming *abyaḍ* (white) that which has no *bayāḍ* (whiteness) in it. And it also does not imply calling a *muṣalli* (praying person), if he does not pray, and also not a *fāsiq* if he does no *fisq*. There is not a single thing in this that indicates anything of *qiyās*. It also is not anywhere near the saying of wheat being prohibited to sell for more or less wheat because of the reason it being something edible, or because of it being measurable or because of being able to store it. There is absolutely no relation of correct *ishtiqāq* to any of their method on *'ilal*.

Everything other than what we mentioned about *ishtiqāq* is false and that is to say that every word has an *'ilm*, that every word has a type, manner or attribute. Every single *ishtiqāq* in those manners are false.

Such as when they say, "Horses are only called *khayl* because of them having *khuyalā'* (pride). *Bāzi* (falcon) is forceful (*bāziyan*) because of its ascending. *Qārūrah* (bottle), is called *qārūrah* because of something settling in it. *Khābiyah* (vat, barrel) is called *khābiyah* because of what is hidden (*takhabba*) in it."

We say: This method is false and it implies matters which it can not free itself from no matter what. Firstly: You must call your head *khābiyah* because your brain is hidden in it (*makhbū*'). And to call the earth *khābiyah* because of it hiding everything that is hidden in it. And to call your nose *bāziyan* because of its length and to call the heavens and clouds *bāziyan* because of them being ascended. And to call a mountain and a castle *bāziyan* because of their enormous height. And to call your stomach *qārūrah* because of your intestines being settled in them. And to call a well a *qārūrah* because of water being settled in it. And to call people that have pride 'horses' because of them having pride. Whoever believes in this I among those who have deficiency in proper thinking.

Secondly: If you derive horses from *khuyalā'* or *qārūrah* from *istqirār* (settling) or *khābiyah* from hiding (*khab'*). Then where did you derive

khuyalā', *istqirār* and *khab'* from? This implies an endless circle which there is no escape from and that is that everything is derived from another. This is insanity to the core, this is creating things to which there is no beginning for and also no end for. This is *kufr* as it indicates everything existing for eternity, while it is *kufr* it is at the same time also something impossible and false. While this method of *ishtiqāq* is false without any doubt as clarified, the ones who believe in it never ever brought any evidence for this false method.

And also the one that claims that horses are *mushtaqqah* (derived) from *khuyalā'*, his false claim is not earlier or precedes the claim of the one who says, "Rather *khuyalā'* is derived from horses," there is no difference between the two and they are both false with not a single trace for evidence.

There has been established certain evidence on the falsehood of this method, because there does not exist any *khuyalā'* except when there are horses available and none of them ever existed before the other, from this and what we mentioned before this method has become invalid. If what they say would be true then a lion or tiger would deserve earlier to be called a horse because they have more *khuyalā'* than a horse. And an eagle would be more deserving to be *buzāt* than hawks or falcons because they can go higher and faster than them. And also bottles, this word must be preceded by perfume boxes.

This invalidates every single thing related to their method. Every single thing we mentioned about *ishtiqāq* is also the view that if Abu 'Ubaidah Hassan Ibn Malik the *lughawi* may Allāh have mercy on him, he was the utmost knowledgeable in the Arabic language.

They also say, "We find that juice can be mixed with others, which can be called *khamr* while it is still *ḥalāl*, if the mix becomes strong then it becomes *ḥarām khamr*. If the strongness of it is gone it is then not called *khamr* anymore, but called vinegar. We then know that the *'illah* is *ḥarām*, and it becoming *ḥarām* because of its reason, and that is what caused it to be *khamr*, which is the strongness."

This is absolutely false, where do you get it from that this strongness which you claim means *khā'*, *mīm* and *rā'*. There must be for every essence various attributes, all completely different from other attributes of an essence, which makes every single person understand that the word of that is not the same as another word. So that which has strongness must have a different word from that which does not have strongness, this is to make people understand the meanings of the words that is being told, otherwise no one would understand anything, this is the exact same for every single thing

that exists, except what a language fails to encompass, or if its people fail to do it. As Allāh willed it to be.

The first to speak the Arabic language was Isma'il while *khamr* was something known before the existence of Isma'il on earth. Because *khamr* is from the words Allāh taught its names to Adam. Allāh says, "And He taught Adam all the names (of everything)" [2:31]. Allāh said that in general, without any word specified which he did not teach. *Khamr* was then the same as it is now, intoxicating and strong, while it was not called *khamr*, from this the falsehood they show becomes apparent. *Khamr* is defined in every language with a word other than *khamr*, their languages do not prevent that, their rulings do not change because of that nor did *khamr* because permissible for them because of its name being different according to them. We do not find anything that is called *khamr* except that it is always intoxicating at any time, any nation and at any place except for *khamr* in *jannah*, so their claims have been invalidated.

And the Arabs have sixty-five words to define *khamr*[573], we do not find any of it being compelled to be left.

They also say, "Wheat being food, prohibited if it is sold for more or less, is the *'illah* for defining that as *ribā*."

This claim is not different than the claim about *khamr*, the same answer applies against them here without any difference.

They also say: The *'illah* for freeing the slave in *dhihār* being a Muslim is because of the obligation of the slave being in a good state like freeing a slave for killing.

We say this is corrupt, and ruling mistakes by using mistakes and claims upon claims. Their method like this is the exact same as if 'Amr says, "Zayd owes me one *dirham*." 'Amr is asked, "Do you have evidence?" 'Amr says, "Yes." He is asked, "What is your evidence?" 'Amr says, "Because Umar owes me one *dirham*." He is then again asked, "What is your evidence for him owing you one Dirham?" 'Amr answers, "My evidence for that is that Zayd owes me one Dirham."

He wants to make his claim correct because of another claim he got and both are false without any trace of evidence for them. This method is not from *ahl ul-'uqūl* and also their claim that the slave which must be freed in both cases most be in a good solid state is false without a trace of evidence. How can *qiyās* be used over it can not be except a Muslim only.

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[573] Tahdhib Al-Alfadh by Ibn Sikkit pg 211-223 | Al-Mukhassas by Ibn Sidah 11/72-81

Some of them said, "The *'illah* of that is that it is a atonement (*kaffārah*) of a sin."

We say: There is not on the one that kills someone by accident any sin at all. So their corrupt *ta'līl* has become invalid. And also this is the same as any of the claims of before, there is no evidence for it.

And what is the difference between them and the one that says, "Freeing a Muslim slave for killing is only obligatory because it is a atonement (*kaffārah*) for the killing, so anything other than killing there is no Muslim obligatory." There is no way out of this, all of these are mere claims with no evidence, and there is no way out of the one that invalidates what they affirm and affirm what they invalidate.

And know that it is not possible for any of them to claim an *'illah* for any *aḥkām*, except that it is possible for their opponents to always bring another *'illah* by which he can claim that the ruling only became because of that *'illah*, there is no way out from any of this, and in Allah the Most Exalted we seek refuge in.

This is all they have caused tumult with, the falsehood of which is clarified as clear as daylight, without any ambiguity or obscurity. All praise be to Allah, the Lord of all worlds. And now, with the help and strength of Allah, there is none worthy of worship except Him, we proceed to invalidate the method of *'ilal* from any aspect of the religion. And it is with Allah's guidance that success is achieved.

We say to those who say, "The *aḥkām* of the *sharī'ah* has come all with *'ilal*."

We say: Tell us about these *'ilal* which you believe in: is it from the actions of Allāh and from his rulings? Or is it from the actions of other than him and rulings of other than him? Or is it not from the actions of Allāh and also not from the actions other than Allāh? There is no fourth possibility.

If they say, "It is from the actions of other than Allāh and from the rulings of other than Allāh," if they hold this view they believe in a creator other than Allāh and a creator of rulings other than Allāh, and make that creator something which obliges Allāh to do that which that creator does.

And if they say, "It is not from the actions of Allāh and also not from the actions from other than Allāh," then they believe that there are matters in the creation that do not have a creator, or they are rulers above Allāh with that and that they make the *ḥalāl*, *ḥarām*, *farḍ* and judge above Allah the Most Exalted, this is nothing but *kufr* and the method of the atheists.

If they say, "It is indeed from the actions of Allāh." We then say: Tell us about it, is it something Allāh did because of an *'illah* or for something

other than an *'illah*? If they say, "Allāh did it because of a reason other than for an *'illah*," they have departed their false method and acknowledge that Allah does not do things for an *'illah*

It is said to them: What is that which obliges the *aḥkām* to exist because of *'ilal*, while the first actions which are the *'ilal* for the *aḥkām* are not because of *'ilal*. This is a claim without any certain evidence. If they say, "Allāh did it because of another *'ilal*," they are asked again about those *'ilal* the same way they were asked about it before and in that manner forever.

There are only two choices for them with no third to it: they either acknowledge that the actions of Allāh are done without there necessarily being an *'illah* for it, and if they acknowledge this they abandon their false method. Or they continue believing in *'ilal* which leads them to the belief in actions which have no ending to them and actions that have no a beginning which is *kufr* and a departing from the *sharī'ah* by *ijmā'* of the *ummah*.

May Allah disfigure the statement that forces its speaker into such situations, it is then established that their method regarding *'ilal* has become invalidated, and that our method, that Allah Almighty does as He pleases, not for any specific *'ilal*, which is indicates by the certain necessary evidences which cannot be escaped from. And success is with Allah, the Most High.

It is also enough of an evidence that all of the *ṣaḥābah* from the first to the last one of them and every single one from the *tābi'īn* from the first to the last of them and all followers of the *tābi'īn* from the first to the last one of them, there is not anyone among them that ever said, "Allāh does a thing fro the *sharī'ah* because of an *'illah*." This is a corrupt *bid'ah* that appeared from the *muta'akhirīn* from those who believe in *qiyās*.

We do not reject the existence of *asbāb* for some rulings, we instead affirm it and say by it. However we say: These *asbāb* only are where Allāh or his Messenger ﷺ wanted them to be at and it is not allowed for anyone to transgress by using them for any other issue, they must stay wherever they are placed from by *nuṣūṣ* as clarified before.

Those who believe in that method, if it would be said to them, "Say something false on purpose," none would be able to say a thing more false than their method of *'ilal*.

From that is that that they make rulings from other than the words of Allāh and His Messenger ﷺ. Allah and His Messenger did not declare the *sabab* for any of the issues they falsely ruled when they moved the *sabab* there.

And when they say that the prohibition of selling wheat for more or less wheat has a *sabab* and *'illah* and that because of that *sabab* they prohibit selling steal for more or less steal, and rice for more or less rice, and convolvulus scammonia for more or less convolvulus scammonia.

And then there are many examples where the Prophet ﷺ made a ruling because of a *sabab* and while it is from their methods, they still disobey the Prophet ﷺ and abandon everything that is mentioned and do the exact opposite. Like when the Prophet ﷺ prohibited storing sacrificial meat for more than three days because of people attending. They say, "People coming in is not a *sabab* and if it occurs it is not necessary to leave storing sacrificial meat." This is truly the opposite of the truth.

If they say, "ou reject *'ilal*, but you accept *asbāb*, what is the difference between the two?"

The answer: The difference between *'illah*, *sabab*, *'alāmah* and *gharaḍ* are all very clear and very apparent and none of them imply any *ta'līl* and do not necessitate any ruling with *qiyās*.

'Illah is a word for every single attribute which the existence for implies another thing. *'Illah* is a thing that does not ever leave the *ma'lūl* (passive participle of *'illah*), if it is something that does depart, then it is not an *'illah*, which we also clarified before. *'Illah* is a word that necessitates something in the second word which is the *ma'lūl*. Such as fire existing is an *'illah* of burning and ice forming because of the *'illah* of freezing. The first does not ever come in to existence if the second does not take place. The first also never takes place before the second ever.

As for *sabab*, it is anything done or leading to something because of a reason, it may also not be done as the person wants. Anger can be the *sabab* leading to victory. Those who won may also lose even if the *sabab* is available. A *sabab* is not something necessary for what it leads to. It is not something that has to exist for what it led to once. It may be another thing that leads to it the other time.

Gharaḍ is the purpose for why an act is done. It becomes necessary after the act. The *gharaḍ* in the example mentioned previously may be so that they can cease the anger after the act of winning. Cessation of a thing is non-existence and cessation of anger is being in a state of not being angry. Anger is the *sabab* for winning if it led to it. And cessation of anger may be the *gharaḍ* for winning. So everything we mentioned then is different in meanings.

'Alāmah is a sign, it is an attribute which two or more humans agreed on. If one of them sees that attribute, they know what must happen,

depending on what they agreed on. Like when the Prophet ﷺ said to Ibn Masud, "The sign that you have been permitted to come in (the house) is that the curtain is raised or that you hear me speaking quietly until i forbid you."[574]

Raising the curtain and hearing the Prophet ﷺ was made an *'alāmah* for activating what comes along with it, which is the permissibility to come in the house of the Prophet ﷺ.

Or when the Prophet ﷺ said, "I recognise the voice of the *ash'ariyyah* tribe when they recite the Qur'ān as they arrive during the night and I also recognise their encampment from the recital of the Qur'ān during the night time. Although I have not seen their encampments when they encamp during the day time."[575]

Hearing the voice of the *ash'ariyyah* when they recite Qur'ān was an *'alāmah* for the Prophet ﷺ to know the location of their encampments.

There is another meaning for *'alāmah* which is to place signs to guide people the road and signs for soldiers to know the place of their leader.

Some of them also call *'ilal* '*ma'āni*' (meanings). And this is very false there is no other meaning for *ma'na* other than it being a *tafsīr* (explanation) for a word. An example for *ma'na* is if someone says, "What is the *ma'na* of *ḥarām*?" Then the answer to that is, "Everything which is not allowed to do." Or if it is said, "What is the meaning of *farḍ*?" Then the answer to that is, "Everything that is not allowed to abandoned." Or if it is said, "What is *mīzān*?" The answer is, "A tool which makes the measures clear." And whatever is similar to this is the meaning of *ma'na*.

And all of this does not affirm *'illah* for the *sharā'i'* and also not *qiyās*. Because about *'alāmah* when we get to know it, we know that it is only a thing which can be known by what it has been described as. And it becomes impossible to use that to know other matters. We mentioned that *'alāmah* is a sign something knows for its description and its description then activates an additional order that comes along when that sign occurs, which is known for its descriptions. It is then false to use it for anything other than it would be the case for it to be used for other matters then it would not be an *'alāmah* for what it is made.

Since all these five definitions we mentioned have all different meanings, each of them being different from the other, with each having its own limits. It becomes necessary then to use the exact meaning for the exact

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[574] Sunan Ibn Majah 139, 1/49
[575] Sahih Al-Bukhari 4232, 5/138

words and not to use one by intending the other. So that it can be understood clearly and so that it does not cause any confusion like others who mixed up the definitions of the five they mentioned to make it mean that which creates false methods. The origin of what causes afflictions and blindness is mixing up the definitions of words.

Since we have clarified the five: *'illah*, *gharaḍ*, *sabab*, *'alāmah*, *ma'na* and all of their definitions being different, we treated and cured the sickness of *ahl ul-'ilal* who are *ahl ul-qiyās* who apply the word *'illah* in the *sharī'ah* to mean *sabab*. Which brings him into beliefs which are not allowed to believe, that the *sharā'i'* that Allāh ordained were only for *'ilal* which caused it to be ordained. Which is attributing lies to Allāh by claiming that he ordained *'ilal* while he did not mention any of it and also not his Messenger ﷺ. And also did not allow any of it in any general form or in any possible way.

We do not reject in any way possible that Allāh did make certain things a *sabab* for what he ordained from the *sharā'i'*. We accept and affirm that wherever it comes from *nuṣūṣ*, such as when the Prophet ﷺ said, "The greatest sinner amongst the Muslims is one who asked about a matter which had not been forbidden for the Muslims and it became forbidden for them because of his persistently asking about it."[576]

Other examples are Allāh making the *kufr* of the *kāfir* at his death a *sabab* for him to enter *jahannam* for eternity. And Allāh making death on *īmān* a *sabab* to enter *jannah* for eternity. And that stealing with certain conditions become a *sabab* for the occurance of amputation of the hand. And for slandering with certain conditions being a *sabab* forthere to occur lashing. And fornication with certain conditions fulfilled being the *sabab* for the occurrence of stoning or lashing. And like this we affirm any *sabab* as it is mentioned and reject anything that is not mentioned.

We do not say that all of the *sharā'i'* is because of *asbāb*, we instead say: None of it is because of a reason unless there is *naṣṣ* for the *sabab*. Whatever is besides that it is only ordained by Allāh as he willed it to be as he does whatever he wills. As for us we do not make *ḥalāl*, *ḥarām* nor oblige by claiming *asbāb* which do not belong in their place and we also do not add anything and do not decrease anything from the *nuṣūṣ* because of it.

We do not say anything except for what Allāh and His Messenger ﷺ have said. We do not transgress it in any way possible and we do not leave

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[576] Sahih Muslim 2358

out anything they have said. This is the religion which no one is allowed to oppose, there is no valid belief other than this.
Allāh, the Most Exalted said, “He cannot be questioned as to what He does, while [only] they will be questioned” [21:23]. Allāh tells us about a difference between us and him alone. That there does not exist for his actions any questioning such as, ‘Why?’ and ‘How?’ Since it is not allowed for us to ask him about anything including his *aḥkām* for anything, then all *asbāb* become completely false, as it is impossible to acquire that knowledge, except for what Allāh and his Messenger ﷺ have said or done and mentioned the reason for it, which also that which must not be asked about. It is not allowed for anyone to ask, “Why was this *sabab* made for this ruling and not the other ruling?” It is also not to say, “Why was this made a *sabab* while the other rulings do not have the same *sabab* mentioned for their rulings while they seem similar?” Whoever asks such a question is sick and disobeys Allāh as he opposes the words of Allah the Most Exalted, “He cannot be questioned as to what He does” [21:23]. Whoever asks Allāh about what he does is a sinner Allah also said, “[Only] they will be questioned,” [21:34] this is a clear clarification that it becomes obligatory to negate all *‘ilal* from Allāh by necessity. It becomes not allowed and impossible for anyone to ask about anything he does. We oblige the question to anyone who claims anything, “Where did you get this from?” If he clarifies that his view is exactly as Allah or His Messenger said, we oblige obedience to it and it is then not *qiyās* nor an *‘illah* as clarified in detail. If he does not bring anything from the exact words of Allah and His Mesesnger regarding that which he uttered, his view is thrown to the wall, his matter is rejected, not accepted and no one is pleased with it.

This is the ruling for *’illah*, *gharaḍ*, *sabab*, *‘alāmah* and *ma’na*. We clarified them all in great detail, we have said nothing except exactly as Allāh and his messenger ﷺ have said. A clarification with different words is not considered different if the correct meaning is understood from it. The Prophet ﷺ is not only sent to Arabs only. He is sent for all mankind that exists including the people of every single language and *jinn*. It is then necessary for every single one to have some sort of clarification by which they can understand the apparent and intended meanings from the words of Allāh mean. We only mention this so that a *jāhil* does not show up to say, “What you say is not exactly *manṣūṣ* from Qur’ān.” We show the reality of how matters are understood and are supposed to be understood and the meaning of what we show is very apparent from Qur’ān and *sunnah*.

Know now that al-*'ilal* are all negated from the actions of Allāh and from all his *aḥkām*, because there is no *'illah* binding except who would be forced.

And know that *asbāb* are also all negated from the actions of Allāh and from all his *aḥkām* except what he states himself from in the *nuṣūṣ* or his Messenger.

As for *gharaḍ* from the actions of Allāh, then it is not anything other than what he has said himself as well. *Gharaḍ* is sometimes to take a lesson by having *taqwa* and abstaining from falling in to sin. And sometimes it is to enter *jannah* for whoever Allāh wills to enter *jannah* or *jahannam* for whoever he wills.

Every single thing we are told about the *gharaḍ* of Allāh from having *i'tibār*, him entering whoever he wills to *jannah* or *jahannam* and the reasons he states are all as he wills, all of these are all actions from his actions and *aḥkām* from his *aḥkām*. There is no *sabab* and no *gharaḍ* from other than he mentioned himself at all, and no additional sabab or *gharaḍ*, for the reaons he mentioned. Allāh says, "He cannot be questioned as to what He does" [21:23]. If it would not be the case that Allāh stated that he wanted from us *i'tibār* and him to enter *jannah* or *jahannam* whoever he wills, then we would not believe nor say it as it is supposed to be, we would believe in Allāh and remain saying exactly as he and his Messenger ﷺ does, we would have absolutely no knowledge that it would be in that manner as we can only get to know about the religion only through Allāh and his Messenger ﷺ. It would then be a thing that he and his Messenger ﷺ never mentioned. But when we with certainty that it is mentioned, so we affirm and believe in it and do not ever transgress it.

This is the reality of *īmān* which is indicated by certain evidences from both *ḥissiyyah* and *'aqliyyah*.

The evidences for that is that *sabab* and *gharaḍ* are either of three with no fourth to it. They are either created by Allah, or they are uncreated by anything, or they are created by other than Allah. Whoever says they are uncreated with no origin apostates, because he makes a thing in the heavens and earth that does never cease. And whoever says they are created by other than Allāh, apostates as well, because he makes a creator other than Allāh.

It is then established that they are creations of Allāh. There is certain evidence that everything other than Allāh is created by Allāh, It is then also known that *gharaḍ* and *sabab* are then created by Allāh and there is now also only two options, with no third to them. Either creating them was also due to a *sabab* or *gharaḍ*, or it was not due to another *sabab* or *gharaḍ*. If it

would be the first that it being created is also due to a *sabab* or *gharaḍ* then it becomes necessary it becomes that for their creation there was another *sabab* or *gharaḍ*, and so on till the affirmation of amounts and creations that have no ending for them, and this is *kufr*.

If Allāh would make them not for a *sabab* and also not a *gharaḍ*, which is our view, then it can only with that be affirmed that Allāh made it however he wills, with there not being any follow up to his actions and *aḥkām*. Only if sates it himself only that he did it for a *gharaḍ* which he wanted or for a *sabab*, it is affirmed. As for when it is not mentioned then we are certain that Allāh did it however he wanted it to be not binded to a *sabab* and also no *gharaḍ*, and it is a lie to affirm it in such cases. If it would not be for *nuṣūṣ* that mentioned a *sabab* and *gharaḍ* specifically it would not be ever allowed for anyone to say, "Allāh did this and this for this *sabab*," and also not allowed for anyone to claim that Allāh wanted it to be that way. Allāh says, "These are the limits (rulings) of Allāh, so do not transgress them" [2:229].

It is said to the one that believes in *'ilal* and makes them attributes in matters that he finds and assumes to be similar in another matter and obliges because of that the same in ruling for both: You do not cease being contradictory using the attributes in matters which you oblige rulings with, as those attributes oblige rulings other than those which you oblige. Indeed you then invalidate the ruling of similarities between matters which your opponents use against you, you acknowledge then that there remains no meaning in obliging the same ruling because of one attribute being similar. What your opponents use against you with opposing attributes while you find similar attributes is not earlier to be followed than what you follow, they are all the same without a single difference.

An example for that from the many is that you say, "Since *nabīdh* is similar to *khamr* in strongness, it becomes obligatory to prohibit it as well because of that." While your opponents say to you, "Since intoxicating *nabīdh* is similar to juice in that it does not make the one that makes it *ḥalāl* an apostate, it must be permissible because of that." You opposed the similarity your opponents came with while they oppose the similarity you came with.

This establishes that if two matters are similar in one aspect, that it does not imply a similarity in ruling. And that if it would be obligatory to look into what is similar, then there must also be looked in to opposing aspects which they claim is from their method, while they do not do any of it as it it is evident.

Some of them say, “The *‘illah* for the prohibition of selling wheat for more or less wheat is because it is something edible.”
Others say, “The *‘illah* for it is because of it being something measurable.”

And others say, “The *‘illah* for it is because of being able to store it.”

Every single one of these are false and oppose the other and declare the other false. All of them agree with that on the invalidity of *ta’līl* without any. An *‘illah* one group claims is not more worthier than the *‘illah* another group claims. Not only some of these are false, all of them are. Without any evidence.

How can someone who fears being questioned by Allah on the Day of Judgment find it easy to come up with an *‘illah* that they have never found, neither for Allah nor His Messenger ﷺ for the exact ruling they claim it in, then use it to justify their actions in religion? Indeed, attributing such excuses to Allah falsely or to His Messenger ﷺ entails lying about Allah or making the Messenger ﷺ say what he did not say. Such attribution must not be directed towards Allah nor His Messenger ﷺ. This is an invention of a religion from one's own desires, leading to destruction. We seek refuge in Allah from both of them, and from Allah alone comes success.

A group among them prevents *takhṣīṣ* of *’ilal*, but they themselves at the same time make the *‘illah* for *ribā makhṣūṣ* (specific) for selling dried dates for fresh dates, because of the narration about *‘arāya*. [577]

They agree that the *nuṣūṣ* invalidated their *‘ilal*, if it were to be valid there would be no *naṣṣ* invalidating it. Because the truth can not get invalidated. It is also not possible for an authentic *ḥadīth* to invalidate another authentic *ḥadīth* except by *naskh* only.

If the necessary *‘ilal* which you claim, exist in the rulings of the religion from prohibition or permissibility, then it would never be different, just as the *‘aqli* never differ. Some more examples for that are that if strongness or intoxication would be an *‘illah* for *khamr* to be prohibited then *khamr* would be prohibited since the time Allāh created them. As *khamr* was since Allāh created it always severe and intoxicating. It was allowed in the begin of Islam for a very long time, while it had the exact same effects as it has its effects now. There was not a single time *khamr* was not intoxicating. It becomes then false to claim that strongness is an *‘illah* for its prohibition, in the same way Allāh made fire coming in to existence an *‘illah* of burning and any liquid vaporizing in to the sky Allāh created them that way and it is always like that unlike the false claim that strongness is an

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[577] Sahih Muslim 1538

'illah for its prohibition. Except what Allāh specified out from the fire of Ibrahim. It was always that way since Allāh created *jahannam* May Allāh save us from it. Allāh says, "As often as their skins are roasted through, We shall change them for other skins that they may taste the punishment" [4:56]. They are placed under our heavy question and try to scream their way in pain out of it. Whatever is correct has not a single way out.

Some of them say, "It is only an *'illah*, Wherever Allāh made it to be an *'illah*."

This view implies that they have abandoned their method on *'ilal* completely and the method of *qiyās*. And a way back to *nuṣūṣ*. If they do so then there remains no other difference between us and them other than the difference in naming a *ḥukm 'illah*. If they were to say, "No *ḥukm* is obliging except what Allāh or his Messenger ﷺ state it," they would concur with everything we say. But they remain hanging on to the word *'illah*, as it is *mushtarak* (a polysemous word). This is again turning from something correct to something false and transgressing *nuṣūṣ* to what is not *manṣūṣ*, which they themselves agree on that it is not allowed.

Some of them say, "In cases there are *akhbar al-āḥād* used, while they are an evidence in obliging actions, they are not an evidence in providing knowledge of a matter. Then do not reject our belief regarding *'ilal* even if it is sometimes contradictory."

We say: Everything we mentioned previously remains applicable in this case. Because we do not reject something being an evidence in its correct place and it not being an evidence when it is not in its place or topic. We only reject your claim regarding *'illah* being an obligatory, necessary evidence for a ruling in some cases in a topic without direct *nuṣūṣ* for it and it not being an evidence in the same topic but different aspects of it, this is that which we vehemently reject, not what is other than it. As for a *khabar al-wāḥid al-musnad* from a *ṭarīq* with upright narrators, then it is always obliging an act forever if it is from the Prophet ﷺ according to everyone.

Then we differ, a group said among them, "It does not suffice for knowledge at all, if there is mention in it about known matters then it suffices for knowledge."

Another group said, "It does provide knowledge if it is from the Prophet ﷺ." The correct view is that *akhbar al-āḥād* from reliable narrators always provides knowledge and certainty, so their claim is not a *lāzim* against us.

Regarding the wisdom in the actions of Allah being related to *'ilal*, they also say, "Allah, *Al- Ḥakīm* (the all-wise) does not do anything except for a sound *'illah*. And *Al-Safīh* (the stupid) does not do anything for any *'illah*." They do *qiyās* of their creator to themselves and say, "Allāh does not do anything except for his servants to benefit from it," and they use these arguments to affirm *'ilal*.

It is from the sound *'aqīdah* that any attributes affirmed for Allah can not be likened to the creation, Just as when we affirm *istiwā'* and *'uluww* for Allah, and here they are doing the absolute opposite. Affirming an attribute for Allah because of the reason the created does matters in a certain manner.

These arguments which they make from the origins of their methods are not far from being the origin of every *kufr* on earth. By looking in this origin, it did not originate from anyone other than the *dahriyyah* (atheists) who make it from their certain evidences to invalidate the existence of a creator when they see matters that which do not go according to what they are accustomed to which they see as a good thing. And that there must exist an *'illah* for anything that is done or made. And also since there exists an *'illah* for everything then there must also exist an *'illah* for what is already an *'illah* and so on as an infinite regression but without any beginning.

This saying is also the origin of those who say, "The creator of the heavens and earth is only the *nafs* and it is not possible for a god to create evil in the world."

This saying is also the origin of those who say, "The heavens and earth will never stop existing, and its creator will also never cease existing." Because they make the *'illah* of creation, the very existence of Allāh and his existence never ceases then his creation will also never cease to exist.

This saying of theirs is also the origin of those who say that the heavens and earth have two creators such as the *manawiyyah* and *daysaniyyah* because they say, "Allāh is *far'* exalted from not doing anything for a *ḥikmah* that has no benefit for his servants." Because of this they say that there is another creator besides Allāh creating evil and corruption. Allāh is far exalted from any of this.

It is also the origin of those who believe in metempsychosis because they say, "It is impossible for the All-Wise to punish those who do not sin. And it is impossible to punish a people for others to take a lesson from it or to recompense others because of that. Or that he is able to recompense without harming, all of this is doing things without any purpose. When we see that Allāh punishes children with illnesses, wounds, hunger and lets

other animals kill others and we know from that that those sins are then without purpose then we know then they used to be before they were born in their current life that they used to be sinful in their life before from the lives of animals and humans."

This is also the origin of those who claim prophethood to be false such as the *barahimah* and whoever follows them who say, "It is not from *ḥikmah* for Allāh to send a Prophet ﷺ while Allāh knows that there will still be those who will not believe."

May Allāh protect us from these tribulations.

The cursed Iblis whispers these *'ilal* about the *aḥkām* and then they became part of his cursed method which we mentioned.

The companions of the the *dhāhir* are all free from this method they seek protection in Allāh from ever transgressing the limits Allāh set and to ever question why a ruling is revealed and to prohibit anything their creator and Messenger ﷺ did not prohibit or to oblige what their creator and his Messenger ﷺ did not oblige and to allow that which their creator and his Messenger ﷺ did not allow. They never exceed beyond what they are told by Allāh or his Messenger ﷺ and they sought guidance by light of Allāh completely which is the only method by which we can ever get to know what we are burdened to know which distinguishes the truth from the falsehood, with the *nuṣūṣ* of Allāh and his Messenger ﷺ as there is not a single other path to success for the *ākhirah* except through the *wahī*.

The first misguidance on this topic is the *qiyās* of them that Allāh is like them. They say, "A wise person among us will do anything for an *'illah*, so Allāh the All-Wise must then also be in that manner."

It is said to them: How many times did Allah and His Messenger state an *'illah* and how many times did they not state an *'illah*? The amount of times there is no *'illah* far exceeds the amount the *'illah* is stated, even if there was only one case there was no *'illah* stated, there is then one ruling according to you that happened without a wisdom

They agree that *qiyās* is making a thing similar to another because of an *'illah*, so they make themselves similar to Allāh in that regard. Allāh has negated this falsehood of them when Allāh said, "There is nothing like Him" [42:11].

It is more correct when using this method, that since a wise one among us does anything for an *'illah* that then Allāh the All-Wise is nothing like that and does nothing because of an *'illah*.

Allāh is far exalted from what they claim as Allāh does not have limits. It is *kufr* without *ta'wīl* to deny this. There is no difference in what they say

and the one that says, “Since we find anyone that does anything always as a *jism* then Allāh, the doer of whatsoever He wills must also be a *jism*.”

Only mentioning this is sufficient to indicate the falsehood. Any wise human only is wise if he follows the commands of his creator Allāh by leaving what he prohibited. This is the only necessary *sabab* on the wise one among the humans and *jinn*, not to do anything except for the benefit by which he can benefit from in the hereafter.

As for Allāh *Al-Bārī* he never ceased ever to be one without anything like him without anything before him. And also, we do not name Allāh Al-*Hakīm* and by that using it as a method for *istidlāl* ever. And also not because of the *‘aql* necessitating Allāh to be called *Hakīm*. We only affirm the name *Hakīm* because he has called that himself, there is also not any *mushtaqqah* derived from *Al-Hakīm* else they would have to call him *‘āqil* and so on with names that are not from the *nuṣūṣ*.

As for their saying that Allāh does things for the benefit of his servants. Allāh rejected that when he said, “And We send down of the Qur’ān that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss” [17:82]. Not all wrongdoers are infidels. Then where is the benefit for the wrongdoers in not increasing them except in loss? They will instead remain in worse harm and worse corruption. These are all necessary on those who believe in *‘ilal* but Allāh said regarding them, “But he whom He sends astray, for him you will find no *wali* (guiding friend) to lead him (to the right Path)” [18:17]. They are asked: Is Allāh granting benefit for everyone or only some people? If they say, “For everyone,” this is a clear lie as we just mentioned the verses about the wrongdoers. And Allāh also did not send Musa ever for the benefit of Fir’awn. And Allāh also did not send the Muhammad for the benefit of Abu Jahl, instead only harm them in this world and the hereafter, and this is the same for every infidel, because if Allāh did not send prophets who would be rejected by those infidels only then would they benefit and for their hereafter.

And also there is nothing of benefit in this heavens and earth except that it in some way includes some harm for the other. What creates benefit for Zayd by him corrupting ‘Amr, what wisdom is there in any of that? Such a person is according to them and us stupid. And Allāh causes all of it while he is the most just of all judges, according to them what we witness and do is wisdom from Allāh. It becomes then necessary on their false method to affirm that “stupidity” as well for Allāh, from the stupidity witnessed from these people, far exalted is Allah from these beliefs and anything it implies.

Animals have animosity for each other as we can witness and fight for no reason their own species such as goats, kangaroos, roosters or partridges and killing for reasons other than eating is a waste against wisdom. And Allāh causes all of these actions and lets them dominate each other without a punishment on the killer and also nothing for the family of the killed. While Allāh is the most judge of all judges. So what they claim that Allāh does not do anything except for the benefit of his creation is false and the truth with necessity is that he does whatever he wants whether we witness it to be a benefit or not, Allāh the Most Exalted said, “He cannot be questioned as to what He does, while (only) they will be asked” [21:23]. And He said, “(He is the) Doer of whatsoever He wills” [85:16]. And He said, “Thus Allāh judges; nothing can reverse (adjust) His judgment” [13:41]. They continue to question why rulings are revealed as if they do not read these verses and act upon them.

We find that Allāh created affection for the spouses so that they can obey him and made it for others till they disobey and it keeps them busy from the prayers on time. A virtues person can be afflicted with leprosy the same as an evil person is and a virtues person like an evil person can be healthy. A group of people can be afflicted with tribulations and remain patient while another group of people start disbelieving. And a group of people can also be saved from tribulations and be thankful and another group start disbelieving. An upright person can live a long life the same way an evil person does the same way, they may pass away in earlier ages of their life, earlier than the evil person, Allāh says, “And let not the disbelievers think that Our postponing of their punishment is good for them. We postpone the punishment only so that they may increase in sinfulness. And for them is a disgracing torment” [3:178]. And Allāh says, “Do they think that in wealth and children with which We enlarge them. We hasten unto them with good things. Nay, [it is a Fitnah (trial) in this worldly life so that they will have no share of good things in the Hereafter] but they perceive not” [23:55-56]. Allāh tells that he only postponed them to only harm themselves later, not for their benefit. And Allāh says, “And let not their wealth or their children amaze you. Allahs Plan is to punish them with these things in this world, and that their souls shall depart (die) while they are disbelievers” [9:85]. Allāh says, “Those are the ones whose hearts Allāh does not want to purify (from disbelief and hypocrisy)” [5:41]. Allāh makes it clear that their claim, “Allāh only does anything only for the benefit of his servants,” is all false. And what is meant with the servants of Allāh is all of

creation as all of the creation of Allāh are his servants as Allāh is the creator of all of them.[578]

And also it would have been more beneficial for anyone to enter *jannah* without any *taklīf* without any action needed and also not any difficulty.

They mention verse, where Allāh says, "We do not abrogate a verse or cause it to be forgotten except that We bring forth [one] better than it or similar to it" [2:106]

There is no evidence in this for them. Because a *nāsikh* only becomes a better benefit for any Muslim the moment Allāh makes it a better benefit, not before that. It has never been a condition for it to be better for us except when Allāh wills it to be for this specific matter without a *sabab* and no *'illah*. It is also said to them:Is a *nāsikh* only good if it abrogates what comes before it or can what is before the abrogation also be something good? If they say, "It can be what is good for us before the *naskh*, then they invalidate what they are going towards with his verse. And they admit that Allāh prevented had us what was good for a long time, as it is evident from the verse. And if they say, "It only becomes good after the *naskh* of the previous order."

It is said to them: And what is it that which necessitates it then to become something good for us. And what is it which necessitates it changing for it to be good for us. Is it an *'illah* that rules over Allāh or is it Allāh doing it however he wills it to be? If they say, "The *'illah* rules over Allāh then they are apostates by *ijmā'* of the *ummah*." If they say, "It is only because it is however Allāh willed it to be," then they return to the saying that Allāh does however he wills with no bound *'illah* on his actions whatsoever. He does not will what he does not do. Allāh willed misguidance for who is misguided and did not will guidance for him and also no benefit. This is clarified when Allāh said, "And We have put coverings over their hearts lest they should understand it (the Qur'ān), and in their ears deafness" [17:46]. And when Allāh said, "Allāh has set a seal upon their hearts and upon their hearing, and over their vision is a veil. And for them is a great punishment" [2:7]. What goodness or benefit is there in Allāh Setting a seal on their hearts and deafness in their ears. We seek refuge in Allāh in wanting that from us.

If they say, "Allāh wants good for them by wanting them to call upon Allāh to want good for them."

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[578] Majmu' Al-Fatawa 10/155

The answer: We find dogs to be ugly in shape and swines were created impure while horses have *barakah* in their foreheads. Then which *'illah* and which *sabab* caused them to be this way and what caused some of them to be *najis* while others having *barakah*. And what did any of them do to deserve any of that before they were able to do anything. And which *'illah* obliged him to create the amount he has currently created, without creating more than currently or less. *Khuld* is a blind rat which is created without eyes, and a deep-sea lobster, golden mole. While hawks, owls and eagles have three hundred sixty-degree vision. And viperdae are more dangerous than *khuld* and it has sharp eyes.

If they say, "Allāh made that all to take a lesson from it and Allāh may punish children with illnesses to compensate and reward the parents."

Then this is all clear falsehood. All of us know that there is no corruption between humans and creatures greater than punishing someone to give someone else for it money. Or to punish someone that has no sin for others to take a lesson, or for others to reward from that. While this all is done by Allāh the most just of all judges. While we can all witness this it becomes completely false to claim that Allāh is limited to do anything for the benefit of his servants who are any of his creatures and that Allāh is All-Wise in the manner like we are Wise.

And what difference is there in slaughtering a young animal for our benefit and between slaughtering a young one among us, like if 'Amr would slaughter his own son for the benefit of Zayd? Except that Allāh willed to allow the first regarding slaughtering of animals and did not will for the latter about slaughtering a child and prohibited that. If it would be the case that he allowed it and prohibited the other then it would remain just from Allāh and a *ḥikmah*, but when Allāh did not do it then the act as it is remains prohibited and a waste.

Allāh allowed imprisoning the women of the *mushrikīn* and their children by force (except if they are from *ahl ul-dhimmah*) and us owning them and taking their wealth by force because of the sins of their parents. The evidence that it is due to the sins of their fathers is because if they would be Muslims then it would be prohibited on any Muslim to imprison their children. What made their children take the burden of the sins of others and what makes benefit from the children of Muslims earlier than the benefit of the sons of the infidels? Would the one that does that to the children of Muslims not be among the worst of the oppressors? And what specifies out the bodies of souls that can speak from the bodies of lions, donkeys and horses.

If they say, “There is in imprisoning their children benefit for them because they will become Muslims.”

The answer, “If that is the case then allow imprisoning the children of *ahl ul-dhimmah* so that they can become Muslims as that is more benefitting for them.

If they say, “But they are those who life with us.”

The answer: If that is the reason then let the children of *ahl ul-ḥarb* life among you, otherwise you contradict what you use as an argument and you leave *qiyās* and did not utilize *‘ilal* as it should be according to your method.

There can be no difference of opinion from anyone with the least amount of intellect that if we were to be created in *jannah* and are let known the severe blessings in *jannah* like the angels then it would be the most benefitting for all of us, except that they say, “Allāh is not able to do what he did not do.” Because of this they have departed from Islam.

In any case, all of *‘ilal* has been invalidated in any way possible and with every possible view answered. Allāh created at the time of the Prophet ﷺ a people and they witnessed his miracles and believed and created others in the most far places in the world they do not know a single name with Muhammad, the Prophet ﷺ, and follow those with the worst of names and descriptions. All of these have no *‘ilal* to it. The only thing that happened is that Allāh willed it to be that way and t there is nothing worthy of worship in truth except Allāh.

And Allāh ordered us to take *jizyah* from *ahl ul-tathlīth* and they are the Christians and prohibited us from killing them and prohibited us from taking their wealth, while they allow the killing of us and fighting us. While it is prohibited for us to stay with the *thanawiyyah* who believe in two gods, while *tathlīth* is worse in *kufr* than *thanawiyyah*. And the *thanawiyyah* do not allow hurting and also not killing us and also not taking our wealth. While Allāh ordered killing them wherever we may find them if they do not repent and accept Islam, nothing else is accepted from them other than Islam.

The insane said, “It is because the origin in the beliefs of the Christians correct.”

We say: This is a lie, *tathlīth* (trinity) has never been ever correct, nothing more than false beliefs just like *thanawiyyah* without any difference. We do not know anything more than that the *nuṣūṣ* which are the only thing that separates them from Christians, Jews and Magians with no *‘illah*.

If they say, “If they die and pass away that is a *maṣlaḥah* for them as they will join who does not talk.”

We say: If that is a *maṣlaḥah* for them then, according to you, killing would be allowed as that brings *maṣlaḥah* without requiring *jizyah* from them. And this goes directly against when Allāh said, “And let not the disbelievers think that Our postponing of their punishment is good for them. We postpone the punishment only so that they may increase in sinfulness. And for them is a disgracing torment” [3:178].

Allāh rejects their sayings of *maṣāliḥ* here completely as it is the opposite of *maṣāliḥ* in any way possible.

Some of them say, “Allāh prohibited the swine because of what it eats.”

We say: This is false and attributing lies to Allāh. An old male goat and chicken eat more false things than a chicken and Allāh still allowed eating them, chickens even eat the excrement of swines.

They say, “You agree with us that it is obligatory to be grateful a *mun’im* and to Allāh, this indicates an agreement of you with us for the *‘aql* necessitates some *shar’*.

We say: This is a lie, we never agree with them ever that gratefulness to Allāh being obligatory except after Allāh said, “And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination” [31:14].

And after Allāh said, “Nay! But worship Allāh (Alone and none else), and be among the grateful” [39:66].

And after Allāh said, “And [remember] when your Lord proclaimed: 'If you are grateful, I will surely increase you [in favor]; but if you deny, indeed, My punishment is severe” [14:7].

And from many *nuṣūṣ* of the Prophet on the obligation, if it weren't for those *nuṣūṣ* then it would not be obligatory on anyone to be grateful.

Whoever obliges *sharā’i‘* before it is ever mentioned from *sam’* does not reject the view of the *khawārij* who say, “The moment the Prophet was sent it became obligatory on every single living person to follow every single ruling of the religion, from *buyū’*, *ṭalāq*, *nikāḥ*, all *‘ibādāt* if anyone dies before knowing all rulings then they die as a *kāfir* in to the hellfire.

This is a *taklīf* that no one is ever able to endure and to oblige *sharā’i‘* before *nuṣūṣ* is an further greater *taklīf*. Allāh says, “Verily, Allāh does what He wills” [22:14].

They ask, "Does rejecting *ta'līl* from the actions of Allah itself lead to *ibṭāl ul- qiyās*? Do you reject *qiyās* because of rejecting *ta'līl* from the actions of Allah?"

The answer: Rejecting *ta'līl* from the actions of Allāh itself does not imply the falsehood of *qiyās* completely, it does invalidate most of it. Rejecting *ta'līl* from the actions of Allāh only invalidates matching *'ilal*, but not for example *qiyās* based on stable ratio legis (*al-waṣf al-munḍabiṭ*). *Qiyās* based on stable ratio legis has a similar definition as our definition of *'illah* which we clarified before, two examples for it is the *'illah* of *ḥudūd* being deterring or breaking the fast during the travel for the *'illah* of difficulty.

Rejecting *ta'līl* from the actions of Allah does not imply rejecting *ta'līl* from the *shar'* of Allah. Because the *shar'* is reasoned itself (*mu'allal*), with *aḥkām* and actions. What is only rejected is *ta'līl* which has not come with the *shar'*, that has no place for our senses to perceive it and also not the 'Aql.

Then there is also a difference between claiming an *'illah* for something, which necessitates for Allah to perform an act, leaving or a *shar'*, and an *'illah* which Allah himself makes with his will, his *ḥikmah*, his *qahr* for an act, leaving off or a *shar'*.

We only reject the first one, Allah is *Hakīm* and '*Alīm*. His actions and his *shar'* are *mu'allal* (reasoned) itself with the *ḥikmah* of Allah, with that which he mentioned the reason for and we do not know his *ḥikmah* except what he has taught us from that or what our *'aql* can sense with certainty. And none of that is moved to other places.

Qiyās is from the manners of the *'aql* in *istinbāṭ* which is presumptive, used to reveal the differing influencing [*'illah*] or by negating it.

The ruling according to the majority as it is the understanding of the *shar'*, is that the addressing of Allah requires from everyone obedience, with the heart, tongue and with actions. The purpose of obedience is seeking the pleasure of Allah, to be saved from the hell fire and to enter paradise, this is the general *ḥikmah* and the sufficient complete *'illah*. Because everyone that is *mukallaf* from *jinn* and mankind are not created except to obey Allah. This does however not negate the possibility of the *ḥikmah* of the *shar'* applying for its details. What is prohibited is only two: First is not obeying Allah till the *ḥikmah* is known which is false, it is instead obligatory for every *mukallaf* to instantly obey Allah any *naṣṣ* that reaches if he understands it and has the ability what is requested from obedience. The second, basing any *shar'i* ruling from any *shar'i ḥikmah*, while the *ḥikmah*

is not mentioned by any *nuṣūṣ*, "certain" *istinbāṭ* or assuming possibility, with the condition for it to be based from a *ḥikmah* by means of *ijtihād* in a place with no *naṣṣ* for its name. Because the ruled from a *naṣṣ* with its wording is more specific than its meaning. We only say that the *ḥikmah* is an authorized purpose for a *mujtahid* to seek it with those two methods mentioned. Because *Hakīm* is from the names of Allah and his attributes, Allah described his governing the *shar'* with *ḥikmah* in twenty verses in the book of Allah and Allah urges the *'aql* of *mukallafīn* to ponder and to have *i'tibār*. The *ḥikmah* can be a worldly benefit which is from *nuṣūṣ* such as *qiṣāṣ* to achieve security and it can be *istinbāṭ* to achieve a religious benefit. The *mujtahid* gives preponderance that *ḥikmah* is religious and to lessen the measures on the day of judgment. A *mukallaf* will not yearn after this *istinbāṭ* as he will find in the religion of his creator that he is responsible for bliss and that the *kuffār* are rebuked for consuming pleasure in their worldly life. It is obligatory on a *mujtahid*, whether he can find a *ḥikmah* or not, to not affirm with certainty that it is the intention of the *shar'* so that he does not speak about Allah without knowledge. The *ḥikmah* is only the [end] result of obeying him. For example some people write books regarding the prayer benefitting the body which is a worldly matter, it is not allowed for a *mujtahid* or anyone to affirm that these benefits are the intention of the *shar'* from the obligatory prayers, or any part of it. It can instead be however said that *ḥikmah* is attained by obeying the ruling of Allah and carrying it out. This is the difference between *ḥikmah* of the *shar'* and *ḥikmah* of obedience. A Muslim may be able to go through hardship better because of prayer and attain protection from many mistakes, this is a valid *ḥikmah* as Allah says: "Verily, the prayer prevents from *faḥshā'* (great sins of every kind, unlawful sexual intercourse) and *munkar* (disbelief, polytheism, and every kind of evil wicked deed)" [29:45]. And Allah orders us to seek help in patience and the prayer. And the Prophet ﷺ said, "My comfort has been provided in the prayer." Those who guard the five daily prayers properly have a lot of worldly benefits, that is the result of obedience and the *ḥikmah* of the *tashrī'*, its knowledge is with Allah. There are matters which are prohibited for anyone to seek its *ḥikmah* for completely, such as the *mutashābihāt* which are the broken letters, the *dhuhr* prayer being four *raka'āt* instead of five or three. And *maghrib* being three *raka'āt* instead of two or four. Stoning *jamarāt* seven times, kissing the black stone, the *ḥadd* being eighty, or forty for specific crimes instead of one hundred fifty or only ten for *ta'zīr*. The ruling for these is as Allah says, "He cannot be questioned as to what He does" [21:23]. Allah says, "(He is the) Doer of whatsoever He

wills" [85:16]. Allah says, "Thus Allah judges; nothing can reverse (adjust) His judgment" [13:41]. So when we know that a *ḥikmah* is from the texts it is affirmed and any *ḥikmah* that is not mentioned by the texts, it can be said regarding it that it is the result of obedience, but it can not be affirmed as the *ḥikmah* intended for it by Allah. And none of the *ḥikmahs* which is from texts can be used for the places it does not belong. And a *ḥikmah* that is not mentioned can not be affirmed in the first place. So if it is claimed that we reject *ḥikmah*, it is a false claim which none of us believe.

Following the apparent (*dhāhir*) is not stubbornness on literalism, it is only seeking the truth on the issue, whatever is not indicated by the language from *nuṣūṣ* and what the *'aql* can not comprehend, it is not a *naṣṣi* issue. What is often claimed from students of knowledge, and what is instead very well known is the claim, "Taking the apparent means taking the clear and abandoning the unclear," meaning, "If that which is indicated is unclear it does not become the apparent until it is clear." This is falsehood and misguidance. The reality is that the apparent (*dhāhir*) means that which is clear and that which is unclear. And what is not the apparent is what the *dhāhir* negates to indicate, Abd al-Qahir Al-Jurjani said on behalf of the *mufassirīn*, "They dislike using words for which the meaning of does not indicate."[579]

This is the best phrase for the limits of taking from the apparent from *nuṣūṣ*, as long as the meaning of the words do not indicate it, it is not the *dhāhir*. And whatever does indicate it with its meaning, then it is the *dhāhir* whether it is clear or unclear. The *dhāhir* of the *naṣṣ* is of two: the most general *lughawi*, *'urfi* apparent which does not deviate from the words used by the speaker. The second is the specific intent of the speaker.

The first are all the possibilities that are permissible from a *lughawi* perspective. Such as using the word *'ayn* to mean a spring instead of eyesight and many others. Every possibility of a meaning that cannot be linked to the word in language or rhetoric is not the apparent. The speaker's intent is more specific than the general meanings of the language. If what is claimed to be intended by the speaker is not from the apparent, then it is not apparent; Rather, it is a claim about the speaker what he did not actually say, and this is the exact same case with those who do that with the words of Allah.

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[579] Asrar Al-Balaghah pg. 393

They say, “Everything that is done for no *‘illah* is useless (*‘abath*).”
We have already clarified this before partially, here we will clarify it in great detail, by the will of Allah. So we look into what they use as evidence for this claim, and we find that they mention the verse, “Our Lord! You have not created (all) this without purpose” [3:191].

And the verse, “And We created not the heaven and the earth and all that is between them without purpose” [38:27].

And the verse, “Did you think that We created you with no purpose” [23:115].

And the verse, “Does man think that he will be left neglected” [75:36].

The answer: As for the verse, “Does man think that he will be left neglected (*suda*)” [75:36]. This is only about that Allāh will not leave us with *suda* which is the *muhmal*, that Allāh will not leave us without rulings, without a prohibition that we must avoid, without an obligation that we must carry out or what is permissible for us.

As for the verse, “Did you think that We created you with no purpose” [23:115]. Allāh used the word, *‘abath* here, meaning, “’Did you think that We created you aimlessly like animals and that you would not be returned to Us for retribution and resurrection?” As Allāh says in the exact same verse, “Did you think that We created you with no purpose, and that you would not be brought back to Us?” [23:115].

As for the verse, “Our Lord! You have not created (all) this without purpose” [3:191]. And the verse, “And We created not the heaven and the earth and all that is between them without purpose” [38:27].

These two verses mean, “We did not create these things aimlessly, outside of evident wisdom; rather, We created them as evidence of Our power.” Allāh created it as evidence of His wisdom and power.

That which clarifies these verses is that Allāh also said, “I have not created the jinn and mankind except to worship Me” [51:56]. ‘Without purpose’ (*bāṭil*) mentioned in these two verses mean nothing more than these creations are there for us to reflect on. We clarified this in great detail before when we clarified the meaning of *i’tibār*, about reflecting on the creations of Allāh only. Allāh says, “Do they not look at the camels, how they are created?” [88:17]. What indicates this further as that the exact same verses they mention completely is, “Those who remember Allāh (always and in prayers) standing, sitting, and lying down on their sides, and think deeply (reflect) about the creation of the heavens and the earth, (saying): ‘Our Lord! You have not created (all) this without purpose, glory to You!

(Exalted are You above all that they associate with You as partners). Give us salvation from the torment of the Fire'" [3:191].

None of these verses indicate in any possible way that we are obliged to make up ourselves reasons why Allāh has made rulings and use that reason to use that ruling other issues. This is from the falsehoods that can never be understood from these verses.

None of these verses indicate that we can transgress the reasons mentioned by Allah and that we can use those reasons to apply it to issues which he has not mentioned that reason for. If these verses would be according to their false understanding it would still remain obligatory to limit where Allah placed the limits and not to say about Allah and His religion without knowledge.

And all of the actions of Allāh are just and *ḥikmah*. This is because Allāh, exalted be He, places every existent thing in its proper place, and He is the *ḥakīm* who has no *ḥākīm* above Him, and there is no one to overturn His ruling. Allāh says, "He cannot be questioned as to what He does, while (only) they will be asked" [21:23]. And Allāh says, "(He is the) Doer of whatsoever He wills" [85:16]. And Allāh says, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41]. And All of these verses must be used, it is not obligatory to abandon some for the other, as that is the case it becomes impossible for any of these verses to indicate their method.

Allāh never burdened us to do any of their method. The fact that All actions of Allāh is a *ḥikmah* does not mean that we can make up *'ilal* ourselves and make up rulings ourselves. Allāh says, "Is not Allāh the Most Just of all judges" [95:8]. This verse indicates that every single thing Allah does has a *ḥikmah*, none of this indicates their method regarding Allah being obliged to anything for the benefit of the Muslims, or anything regarding their method of benefits (*maṣlaḥah*). All of it is transgression from the limits set by Allah.

We also say to those who believe in *ta'līl* and that all of it is a *ḥikmah* and everything else is *'abath*, "Tell us what is the *'illah* of the prohibition of dead meat, blood, swine meat, and a fifth wife and other rulings? There is never any way for any *'illah* of these rulings and others. Then where do you get it from to use *ta'līl* only for some rulings by false claims without everything else? If it would ever be the truth then it would be obligatory to apply it everywhere.

And we also ask them: Is *ta'līl* obligatory or not obligatory? If they say, "It is obligatory." The we say: Then you have opposed your view here as you do not apply it for every single ruling. And we also say to them: Did

Allāh ever order you to look into why he made rulings and apply that rulings to create other rulings yourself or did he not ever order it? If they say, "He did order it." Then we say: This is a very evident lie against Allāh as there is no certain evidence for that. And if they say, "He did not order it but he also did not prohibit it." Then we say: Then you are using a method which Allāh did not ever oblige as a pillar from your method, anything from this attribute is rejected. And he has lied as there is many indications for the prohibition of *ta'līl* as we clarified and it has become as evident as the sun, it will become more evident soon, by the will of Allah.

Know that the *'aql*, senses, thought and imagination are from the strengths of the soul. There are however things that the *'aql* can not know itself except that it declares ut false, such as the one looking for *'ilal* making them a necessity for the rulings of the religion, there is nothing in the *'aql* except the obligation of obeying the One the Creator only, in anything he orders. As for the *'illah* necessary for the prohibition of swine meat and the permissibility of a goat or the obligation of the prayer after the decline of the sun and the prohibition before *zawāl* or for the prayer to be four *raka'āt* or three or fasting one month of *ramaḍān* without fasting on *dhu al-ḥijjah* or *ḥajj* to Makkah in *dhu al-ḥijjah* without other months. Killing the one that fornicates while he is married whether the husband forgives her or not or her father. Or the prohibition of killing the one that has killed someone if the *walī* forgives, or absolutely any ruling, all of this is initially not in the *'aql* and the same for all other rulings and the same for all actions of Allāh, he created the donkey humiliated and mockery and he made the horses to ride and has placed *'aql* in humankind and has superiority on a dog over an antelope and allowed for us to slaughter some animals and created some animals with wings and some under water and some that eat each other and some that can pronounce and others ignorant and others with two feet and others with four and some six and some more and some without feet and he created the lion being valiant, having courage and the apes weak, having no courage. And so the Creator creates everything. The *'aql* is only a strength by which a soul can distinguish between all that exist based on their ranks and witness what it is upon from its real attributes only and it negates what is not from it. This is the reality of the limit of *'aql*.

Allāh creates everything without any *'illah* that is obligatory on him to create. The certain evidence for that is that if Allāh would do anything for an *'illah* then that *'illah* would either never cease to be with him, or it would be a created *muḥdath*. There is no third option. If it would never cease to be with him, then there are two things that are impossible: first is that there is

something else with Allāh that never ceases and this invalidates *tawḥīd* which has certain evidence for it. Second is that if the *'illah* of what is created would not cease, then the creation would also never cease because an *'illah* never departs from its *ma'lūl*, which is that which is tied to an *'illah*. And if it departs from the *ma'lūl* it can not be called an *'illah* for what it is tied to. And also if there would be an *'illah* that is obliging for Allāh to create for his creation, then he would be forced for that *'illah*, and this is an exit from *ilāhiyyah*.

Then we move to the second type: If anyone claims that there must be an *'illah* for every single thing that exists and that it is other wise *'abath*, if they reject that it is created then we tell them about this second type: If you then agree that an *'illah* is created then there must be another *'illah* for that *'illah*, if it is necessary for a created thing to be for an *'illah* then that must also be for the second and third and so on forever, this necessitates that there are beings that create things without a limit to their amount and this is false, everything that is created has a limited amount, place and time, and everything that whose amount can be limited is finite so this becomes false and All praise is for Allāh.

If they say, "No Allāh created an *'illah* for the *ma'lūl* but that *'illah* is without an *'illah*." They are asked: Your claim is that Allāh creates everything for an *'illah*, which you call a *ḥikmah*, and you agree and admitted that an *'illah* is created, this must then also have an *'illah* otherwise you contradict yourself, where do you then get it from that Allāh creates some things for an *'illah* and other things not for an *'illah*? There is no other option at all.

]If they then agree that Allāh is not obliged to create anything for an *'illah* and that there are only somethings with an *'illah* and not everything then, we ask them further: Where do you then set the limit? That which Allāh and his Messenger said that a ruling which is a creation is for a certain reason or for anything other than that?

If they say, "Allāh still creates an *'illah* for anything other than that."

Then they have clearly spoken falsehood as it is impossible to ever indicate a limit for this claim it is a claim about the unseen. The answer without any doubt is that the limit is where Allāh and his Messenger set the *'illah* and the rulings they mentioned an *'illah* for, this establishes that no one can use the reasons Allah and His Messenger used for issues other than that where they mentioned them. This is absolute certain evidence that it is not possible to ever claim that an *'illah* can ever be made up for other rulings or that an *'illah* can be moved from one ruling to another, anyone

that does that contradicts all of this and there is never a single way for a certain evidence for him.

Their method implies that everything Allah and his Messenger did not specify a *'illah* for then *'abath*? And it contradicts making a difference between *manṣūṣah 'illah* and ghayr *manṣūṣah*.

What is sufficient for the falsehood of this is that they acknowledge that *qiyās* is the truth then they precede to abandon *qiyās* for *istiḥsān* which is the opposite of *qiyās*. The opposite of the truth can be nothing other than falsehood. If *qiyās* would be the truth in an issue and *istiḥsān* which is the opposite then leaving *qiyās* for *istiḥsān* implies nothing other than that the truth is left for falsehood. And if *istiḥsān* would be the truth then *qiyās* which is abandoned is false, which is also its opposite. And also there is no *istiḥsān* from anyone that is earlier to be followed than that of someone else.

Regarding *ta'līl* based on wisdom (*ḥikmah*) or general benefits (*manāfi'*) and harms (*mafāsid*), everything mentioned before applies for this method as well. It is false to change a ruling to a different place merely to achieve a benefit or prevent harm without certain evidence to support placing that ruling in a different place, wherever it may be found. It is known that establishing religious rulings leads to numerous benefits and prevents many harms. Some of these benefits and harms may be known while others are not. Therefore, making the achievement of a specific benefit or prevention of a specific harm a reason to change a ruling to any different place without certain evidence to necessitate it leads to many juridical errors.

An example of this is temporary marriage (*mut'ah*). Its abrogating (*nāsikh*) prohibition has been established in multiple authentic narrations, including the narration of Saburah Al-Juhani, who said that he was with the Messenger of Allāh (peace be upon him) and he said, "O people! I had permitted you to engage in temporary marriage with women, but Allāh has forbidden it (now) until the Day of Resurrection. So he who has any (woman with this type of marriage contract) must let her off, and do not take back anything you have given to them (as dower)."[580] Saburah clarified in some narrations by Muslim that this was during the year of the Conquest of Mecca, affirming that it is the abrogator that abrogates any ruling before it.

The important point here is that when considering the wisdom behind the prohibition of temporary marriage, such as that it destabilizes social

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[580] Sahih Muslim 1406

bonds and potentially leads to adultery, it is absolutely invalid to equate it with adultery. This is a false justification because if adultery and temporary marriage were one and the same due to an *'illah* common between them, then the Prophet ﷺ would have prohibited temporary marriage at the onset of the Meccan period when the prohibition of adultery was revealed. Since he did not do so and only prohibited temporary marriage in a later period after the migration, we understand that temporary marriage in the form it existed back then differs from adultery. It is impossible for temporary marriage in its old form to be adultery, as the Prophet ﷺ had initially permitted it and then prohibited it. It is impossible for the Prophet ﷺ to permit something obscene, and there is a significant difference in jurisprudence between your claim regarding temporary marriage being invalid due to the prohibition against it and your claim that it is adultery.

So from rulings benefits and wisdom can be witnessed without any doubt, this fact is not rejected. But it is never allowed to claim that the wisdom that is noticed is what was intended with the ruling and was the intention of Allāh when he made that ruling, this is saying about Allāh and his Messenger without knowledge, everyone can claim a different wisdom and some may not see the wisdom themselves. And what is even more false is to claim that wisdom is what was intended with a ruling from Allāh and then use that wisdom to make other rulings, this is directly transgressing the limits set by Allāh.

We say to them: Tell us about *ta'līl* of *ḥikmah* and *manāfi'* which you believe in. Can every single Hikmah change rulings or can it not change rulings? If they say, It can not always change rulings." Then they admitted its falsehood and they acknowledge that it becomes false and sometimes correct and if we were to ask them to bring certain evidence from Qur'ān and *sunnah* that distinguishes between the correct and false from this they would not be able to bring a single letter about *ta'līl*, let alone *ta'līl* of *ḥikmah* and *manāfi'*. If they say, "We only apply it everywhere." Then we say: Then why do you not then also believe that a person that is a resident who has hardship can shorten his prayer? Because you believe with certainty that it is permissible to shorten the prayer during a travel is only because of it causing hardship. If they say, "But the Prophet ﷺ never did it." Then we say: And the Prophet ﷺ also never ordered any creation of Allāh to do *ta'līl* of any ruling of the religion and also not to look into any benefits or wisdom and to affirm that and use that to change rulings. And also since they believe it is because of hardship then they also oblige themselves to only shorten prayers during a travel if there is hardship only, not if there is

no hardship. This indicates clearly the falsehood of their method and this is only one example from the many. And also most of those who believe in *qiyās* do not believe in using this type of *ta'līl*.[581] And All praise is for Allāh

[581] Al-Ihkam of Al-Amidi 3/186-188, 212-223

The Falsehood Of *Qiyās Jali*, *Qiyās* with a *Manṣūṣah ʻIllah*, *Taʻm īm Ḥukm Ul-ʼIllah*

If you have understood all that we clarified before then you understand that this method is also corrupt, we will here continue to clarify its falsehood further here, by the will of Allah.

All of these three types of *qiyās* are the same *qiyās*, they say regarding them. "Whenever Allah or His Messenger mention a reason for a ruling, we must use the ruling that reason came with every time that reason is applicable."

Some of of *ahl ul-dhāhir* have said to hem, "What do you say about a human that says during his lifetime or right before passing away, 'Free my slave Maymun because he is black.' While he has many black slaves, do you then free all of them because of the *ʻillah* black based upon *qiyās* from Maymun, or do you not free all of them except for Maymun alone? If they say, 'We free all of them,' then they contradict their own *fatāwa*, and oppose *ijmāʼ*. If they say, 'We do not free except for Maymun.' Then they have abandoned their method of *ʻilal* and *qiyās* and return to the truth." They have said what is correct and we will mention additional clarification to, by the will of Allah.

Do you not see that anyone would always inquire additionally what exactly that *ʻillah* mentioned entails? When he gave the reason, 'Because he is black.' Anyone with even a modicum of comprehension knows that he initially only frees Maymun and that he can not get to know, if he must free the remaining black slaves or not, except after asking it again.

The Prophet ﷺ ordered the commanders of an army, "When you invade the fortress and its people offer to surrender and want the matter referred to Allāhs ruling, then do not allow this, for you do not know whether or it goes according the ruling of Allāh regarding them. But let them surrender and have the matter referred to your ruling and make a decision about them later on as you wish."[582]

This narration from the Prophet ﷺ indicates a very clear order not to attribute anything to Allāh, including his religion and his rulings without certainty and that attributing a matter to a any human is better without

[582] Sunan Abi Dawud 2612

certainty than attributing it to Allāh, even if what is attributed is false. the Prophet ﷺ said, “Indeed a lie upon me is not like a lie upon anyone else.”[583]

If *qiyās* and *‘ilal* would be allowed then saying it without knowing with certainty that it is from Allāh or his Messenger ﷺ would be allowed and the sayings of the humans and their ruling would be more worthy than the sayings of Allāh and his Messenger ﷺ. But since all of them agree that whoever says, “Free my slave Salim, because he is black, while he has many black slaves, that then Salim only is freed, to prevent freeing who is not ordered to be freed and fearing changing the order of the one who gave the bequeathed

They should fear Allāh for what they said regarding the prohibition of the Prophet ﷺ to slaughter with the teeth because of it being a bone and his order to spill fat if in it dies a rat. Those rulings must not be transgressed in any way to every bone and and every fat, and every dog and every cat. And when the Prophet ﷺ ordered the one urinating in stagnant water not to take *wuḍū’* from it and also not *ghusl*. This is not transgressed to prohibit defecating in it. and also not anything other than urine only.

Some of them clamored, “We would free all other black slaves as well if the bequestor would say, ‘Free my slave Salim because he is black,’ and would say after that, ‘And do *i’tibār*.’ We would then be obliged to free all black slaves.”

The answer: This is corrupt of them for two reasons. Firstly, even if he said that, it does not in any way possible indicate freeing all black slaves, because making *i’tibār* is not more likely to mean *qiyās*, which is false, than, “Do *i’tibār* of my situation which I am in, and hurry to obedience to Allāh, do not oppose my bequest.”

And also whoever uses this false answer obliges himself not to ever any *qiyās* from any of the *aḥkām*, except if there is in every single narration or verse the mention at the end the order to perform *i’tibār* which does not exist in anything from the *aḥkām* and also not a single narration, from here once more the falsehood of *qiyās* and *‘ilal* becomes clear once more. Especially since we clarified the correct meaning of *i’tibār* in the greatest of details.

The question we imposed remains. We add additionally to it: Even if he had then said, “Perform *i’tibār*,” if he then said on another day after freeing the slaves, “Slaughter my goat because he is lame,” while he has many lame goats, are you then going to slaughter all lame goats he has because of what

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[583] Sahih Muslim 4, 1/10

he said yesterday with his order of freeing his slave and to make *i'tibār* then? While he only said ordered *i'tibār* once for one of the orders but not the other. Is then the order to make *i'tibār* once sufficient? Or do you not perform *i'tibār* except if it is always repeated in all of his orders? If they say, "Ordering *i'tibār* once is sufficient." They have abandoned *ijmā'*, and it is not that which they believe in reality. If they would believe that they would believe also in that which has not a single trace of evidence, claiming falsehood. And if they admit that they do not believe that it indicates an *i'tibār* for every ruling they have abandoned *qiyās* as the other option implies looking for a word in every single verse and *ḥadīth*, this is something that does not exist.

Some of them say, "The speech of humans may be false and have no *ḥikmah* (wisdom). While the speech of Allāh is always *ḥikmah*."

If these reasons mentioned by the human when he made his bequests are not wisdom, then what is this wisdom which you mean? There is nothing false about the speech of humans on bequests which is a matter Allāh, His Messenger ﷺ and *ijmā'* of the entire *ummah* have allowed, it does not ever come close to becoming *makrūh* let alone prohibited and everything allowed is not false. Since they agree with us that bequests is allowed, it becomes apparent that it is truth and their falsehood becomes apparent.

We ask them: Why do you exaggerate and insist believing the falsehood which has no *ḥikmah* in it from the sayings of Abu Hanifah, Malik and Al-Shafi'i, while there is certain *ḥikmah* in the words of Allāh and His Messenger ﷺ, to a point that you do not take from the *nuṣūṣ* except what goes according the sayings of those three, their companions and others. You insist on going against the *sunan* and *ijmā'* for falsehood.

Our companions from *ahl ul-dhāhir* have said against *'ilal* and *qiyās*, "Allāh prohibited the people from asking his Messenger ﷺ and ordered them to limit to what they are able to understand from what is ordered only. If what was intended from the text would be also that which is not heard from the Prophet ﷺ (also texts), then they would be obliged to ask to attain understanding and to learn. Since they were prohibited from asking questions, it is established that they are oblied nothing other than that which they are taught from the Prophet alone."

What is meant with, "If what was intended from the text would be also that which is not heard from the Prophet ﷺ," is *qiyās* with an *'illah* that is *manṣūṣah*.

Some of companions of *'ilal* and *qiyās* answered, "The only prohibited question in that narration was to question about his father only."

The answer: This is a blatant lie because *nuṣūṣ* make it very apparent that whatever this person says is false, no reason was mentioned that indicates specification for that reason. The verse rejects whatever he said, after the prohibition of questioning Allah says, "Before you, a community asked such questions, then on that account they became disbelievers" [5:102]. Talha said regarding the verse, "We were forbidden from questioning the Prophet ﷺ anything." And Anas said, "We were prohibited from Qur'ān to ask the Prophet ﷺ about anything, so we liked it when a wise man from among the people of the desert came and asked him and we listened."[584]

The Prophet ﷺ said, "The greatest sinner amongst the Muslims is one who asked about a matter which had not been forbidden for the Muslims and it became forbidden for them because of his persistently asking about it."[585]

The Prophet ﷺ said, "Leave me with what I left with you. When I tell anything to you, then take it from me. The people before you were only destroyed by their excessive questioning and disagreeing with their Prophets. Abstain from what I forbid you and do what I command you to the best of your ability."[586]

Making an *'illah* a general ruling wherever it is found, or making it any ruling other than where it is placed by texts is *qiyās*. It is *qiyās* with an *'illah* that is *manṣūṣah*. If a ruling is tied to an *'illah* (*sabab*) which is mentioned by texts, then the ruling and what must be done is to apply that *'illah* for the ruling it came with only, and that mentioned *'illah* is only a general ruling if there are other texts that clarify clearly it being a general ruling. So an *'illah* is never in of itself a ruling, nor does it move to other issues. All as clarified before.

Another example for that is that if a man says to his agent, "Give this charity to Zayd because he is poor." There are two possibilities, he either ordered him to give the charity to Zayd only, or he ordered him to give it to Zayd and everyone else that is poor. One of these is not more likely than the other, no one can with certainty affirm that, it is not known unless there is additional evidence that clearly rule it as general. So it covers Zayd with certainty, as for other than Zayd that are also poor, it can not be known except with additional certain evidence. What can be known from this and

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[584] Al-Sunan Al-Kubra 2412, 3/89
[585] Sahih Muslim 2358
[586] Sunan Al-Tirmidhi 2679

such orders is that there only might be a relation between giving charity and poorness but this relation alone does not make it in of itself general.

The exact same is if a father says to his son, "Marry so-and-so woman for her religion," or "For her beauty," Or if he says, "Divorce your wife because of her bad character." None of this means that he ordered divorcing every single woman which he would have that has a bad character or the obligation of marrying women only for their religion or beauty, none of this applies with certainty except to what it is tied to, anything other than that is not known with any certainty. The same is if someone says to his agent, "Sell this house, because it is far and give its reward to Sa'id because he is smart."

As for things that can be general, we said that it must have additional evidences that it is prohibited in general, such as if a man says to his son, "Do not eat this because it is poisoned." While this is prohibited in general without any doubt, it does in itself not indicate its prohibition in general. In these cases, there is always evidence that he reason given is also a clear ruling from texts.

Everything we have said is in reality view of the majority. Because the majority of those who believe in *qiyās* went with the view that an *'illah* is that is tied to a ruling mentioned from Qur'ān and *sunnah* is of itself not enough for the obligation to apply *qiyās* to everything else that has that *'illah* and also not from the *'aql*. But they still apply this *qiyās* because they additionally believe that Allāh allowed *qiyās* for them. So the majority also believe in the exact same thing as us accept that they still do it because they believe *qiyās* is permissible. If they would not believe in *qiyās* they would also not have applied *qiyās* by using a *far'* returned to the ruling of the *aṣl* even if the *'illah* is *manṣūṣah*.

Al-Husayn Ibn Al-Qasim, "The only reason that texts (from Qur'ān and *sunnah*) tied to an *'illah* are not sufficient (to place that *'illah* to anywhere other than where the *'illah* belongs) according to the majority is because of the possibility of it being merely something that must be accepted and obeyed. If it is said, '*Khamr* has been prohibited due to intoxication, the *'illah* is assumed to be intoxication and assumed to be applied for anything that is intoxicating.' While it is the case that this can be assumed, it is prevented to apply *qiyās* without an additional order. Abu Talib validated the view of the majority correct (that an *'illah* that is *manṣūṣah* can in of itself not be applied for anywhere other than where Allāh and his Messenger used it for), because a ruling that has an *'illah* that is *manṣūṣah* does not preclude the possibility that the *'illah* may relate solely to the ruling it came

with from the *nuṣūṣ* only. Because if it's *'illah* would extend and include anything else it loses its validity. For instance, a father might believe that giving his son a garment or a coin encourages obedience and a path of righteousness, but if he increases this, it might lead to corruption. In this manner, Allāh Almighty said, 'If Allāh were to increase provision for His servants, they would commit tyranny throughout the earth. But He sends down in an amount that He wills. Indeed, He is, of His servants, Acquainted and Seeing' [42:27]. So it is then not allowed to apply that which is not *manṣūṣ* explicitly to what is *manṣūṣ*, except if there are additional evidences which would make it a valid *qiyās*"[587]

As for the *qiyās* part as clarified before it is false, as for what he and the majority say about the *'illah* that is *manṣūṣ*, it is correct and it is the exact same clarified before.

As for Al-Shawkani, he said, "They only differ if taking an *'illah* that is *manṣūṣah* is *qiyās* or if it is something which is taking directly from the texts, to the first, that it is *qiyās* is the view of the majority and to the second is the view of those who reject *qiyās*"[588]

Al-Shawkani, may Allah have mercy on him, also claimed that there is no difference of opinion in using an *'illah* that is *manṣūṣah*, this is a false claim.

Abu Al-Walid Al-Baji also affirms that an *'illah* that is *manṣūṣah* does not make it a general ruling such that anything that has that *'illah* gets that ruling if it would not be the case that *qiyās* is permitted, he does not believe it becomes a general ruling. He also said, "If someone says, 'I have freed my slave Salim due to his blackness.' Or if someone says to his agent, 'Free him for his blackness.' The majority of those who believe in *qiyās* say, 'If it is known from him [additionally] that he intended with that to free black slaves, then they are freed even if he did not mention them. But if it is not known additionally known from him that he intended that then it is limited only for that slave, and this is the Madhab of Malik."[589]

It has become known from the *ḥanābilah* that an *'illah* that is *manṣūṣah* is a general ruling and wherever that *'illah* is found takes the ruling where that *'illah* was mentioned from the *nuṣūṣ*

And also an *'illah* that is *manṣūṣah*, it can be from two types with no third to it: the *'illah* can either seem similar to a compound amount of things

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[587] Hidayah Al-'Uqul Ila Ghayah Al-Su'al 2/480-482
[588] Irshad al-Fuhul pg. 185
[589] Ihkam al-Fusul pg 481-482, 541-545

or it can apply completely for everything. What is most of the cases the possibility is that it is compound and only seems to apply for a few things not every single thing that exists with that *'illah*. Since this is the case there is no certain evidence to choose one of the two and this method becomes then false. The only certainty is limiting it to the ruling it came with alone.

And also claiming that such an *'illah* is general is false because the apparent and what is certain is always only that the *'illah* applies with the ruling it came with, everything other than that are only assumptions, and it is not the apparent. Allāh says, "And they ask you about menstruation. Say, 'It is harm, so keep away from wives'" [2:222]. Keeping away during her menstruation is because it is harmful. And keeping away here means only Intercourse due to *marfū'* evidences for that. And intercourse in Arabic (*wat'*) means the male private part entering the anus or the vagina. We know in this case that staying away from her here as an *'illah* applies to both intercourse in the anus and vagina as both have certain *marfū'* evidences. So an *'illah* that is *manṣūṣah* is only an evidence for the sole reason that there are additional certain evidences from Qur'ān and *sunnah* for it. Not for anything other than that. If there would be no evidence then the *'illah* must remain in its place with its ruling where Allāh placed it.

Kabsha Bint Ka'b Ibn Malik (wife of Ibn Abu Qatada) said, "Abu Qatadah visited me and I poured out water for him for ablution. A cat came and drank some of it, and he tilted the vessel for it till it had had a drink. When he saw that I looked at him he asked, 'Are you surprised, my niece?' When I said that I was, he said that the Prophet ﷺ said, 'It is not impure; it is only one of those [male or female] who go round among you.'"[590]

There is difference of opinion on the authenticity of this narration, but what we intend to clarify is that the *'illah* mentioned here does not apply for animals other than cats. Those who believe in *qiyās* here apply this *'illah* for all animals that are among the humans except that all of them make exceptions to it and all of them have many differences to what must be excluded from all animals because it indicates that the left over foods of all animals that are among humans. Some make only the swine an exception, which is the view if Malik, some only make the dog and swine an exception which is the view of Al-Shafi'i and some make all predatory beasts an exception which is the view of Ibn Al-Qasim. And others made the exception that meat which is permissible then its left overs are also

[590] Al-Mujtaba 68

permissible, if its meat is prohibited then it's left over food are impure. As for the *ḥanābilah* they went with the view from this that the left over food from hunting birds, mules and donkeys are impure. And Ibn Qudamah said that the left over food of any animal that is smaller than a cat such as a rat, weasel or insects are all pure not impure.

This is a difference which they have using this method in only one example and this happens for almost every single place where there is an *'illah manṣūṣah*.

And also if it would be allowed to use an *'illah* that is *manṣūṣah* as a general ruling without additional evidence for it from Qur'ān and *sunnah* then it leads to accepting also things that seem like an *'illah* but are not mentioned in the form of an *'illah*. We mentioned the forms of *'illah* before. An example is the narration that the Prophet ﷺ said, "If skin is tanned it is pure."[591]

The one that believes in *qiyās* can claim from this that the skin is pure because of the reason of tanning and then he will sat everything that has the effect of tanning or is tanned then it is pure, no matter what it is, meat or organs of others. Or the narration that the Prophet ﷺ said, "Whoever revives a dead land, it is his."[592] They will say, "So whoever revives anything it is his even if it is other than a land."

And also their method regarding the narration about *zakāh* on the freely grazing livestock this, this is all false and the form (*ṣīghah*) of *ta'līl* is not even mentioned in these narrations but this view leads to that.

There are also many instances of a clear divergence between the ruling and the *'illah*. This occurs when there might be an impediment to implementing a specific ruling despite the presence of its *'illah*. Likewise, there could be an indication necessitating a clear diversion of the apparent from the *'illah*, Allāh the Most Exalted said, "So they prostrated, except for Iblis; he was of the *jinn*, so he deviated from the command of his Lord" [Surah Al-Kahf: 50]. It is known that Iblis deviated by disbelief, and it is clear from the verse that the *'illah* of his disbelief was that he was of the *jinn*. This is a very clear example of our method and another certain evidence for it. Because among the *jinn*, there are believers and disbelievers. The noble verse does not indicate that disbelief applies to the *jinn* in general. We also know that Iblis is not the only disbelieving *jinn*. So the *'illah* that being from the *jinn* is disbelief is without any doubt not for all *jinn* and also

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[591] Sunan Abi Dawud 4123
[592] Sunan Al-Tirmidhi 1379

not for Iblis alone. It is instead known from additional texts that there are disbelieving and believing *jinn*. This directly invalidates the view of the minority who believe an *'illah* that is *manṣūṣah* in of itself must be applied wherever that *'illah* is found.

And also Allāh says, "And (remember) when your Lord said to the angels, 'Verily, I am going to place on earth a successive authority.' They said: 'Will You place therein those who will make mischief therein and shed blood, - while we glorify You with praises and thanks and sanctify You.' He (Allāh) said: 'I know that which you do not know'" [2:30].

The angels thought a successive authority was tied to the *'illah* of those who make mischief therein and shed blood because of the fact that the progeny of the *jinn* would do this. It is then established that Allāh rejected this and told them, "I know that which you do not know." It is known that what they thought as an *'illah* can not be applied for everything that is an authority.

For example, you say, "Zaid was among the wealthy, so he spent in the way of Allāh." Here, the news is specific to Zaid from the category of the wealthy. As for the occurrence of the news without Zaid from the wealthy, it does not add more than it being permissible.

We will mention now some of the great amount of their contradictions, indicating the corruptness of their method. If we were to mention everything it would fill thousands of pages.

The Prophet ﷺ said, "Let the curse of Allāh upon the Jews that fat was declared forbidden for them, but they melted it and then sold it and ate from its price."[593]

According to this, they would have to accept according to their method to prohibit the sale of everything that is prohibited to eat. But they do not do that, most of them allow selling dung and there is also no difference of opinion from anyone that eating an animal while it is alive is prohibited without any difference of opinion and they do not differ in the permissibility of selling them.

They do the same with the sayings of the Prophet ﷺ for *istiḥāḍah*, "For it is an '*irq*." It becomes obligatory according to their method to make every flowing '*irq* in the body the same ruling as *istiḥāḍah*. The same way they made the flowing effect of oil an *'illah* for the prohibition if a rat dies in it based upon *qiyās* from the prohibition if the rat dies in butter.

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[593] Sahih Al-Bukhari 2223

But they instead contradict, and this is an agreement among them for abandoning *'ilal* and *qiyās* in this manner as they do not apply it according to their method as it should be. Falsehood becomes at times accompanied and at other times it is abandoned, the only correct method is then our view, that whatever is a *sabab* at a certain place from *nuṣūṣ* with a certain ruling then it does not ever take the same ruling again in another place except if there is *nuṣūṣ* for that.

Allāh says, "Indeed the polytheists are impure, so let them not approach *al-masjid al-ḥarām*" [9:28]. Some of them say regarding the verse, "The *'illah* for it here is to keep the *al-masjid al-ḥarām* clean. We say: Use this *'illah* for every single *masjid* then as it fits the conditions for *iṭṭirād* perfectly it becomes necessary on them also to as *ḥajj* is obligatory to Makkah for it to be also be applicable for Madinah, since Madinah is according to those who use *'ilal* is greater than Makkah, if they should perform *iṭṭirād* the way it should be, but if they would apply it in these cases they would apostate without any doubt.

They must also perform *qiyās* on the obligation of compensating hunting at Madinah because of its prohibition there based upon *qiyās* from its obligation for hunting at Makkah. Some *tābi'ūn* used *qiyās* here among the *a'immah*. If they do not perform *qiyās* in these they contradict their method and leave *qiyās* as it should have been applied.

They also say, "The *'illah* of *ḥudūd* is to scold and to deter."

The answer: This is a lie, if that would be the case then forgiveness would not be something possible for killing a soul. And forgiveness would not be possible for *zinā* with slave girl and also not for *sariqah*. If it would be the case then *sariqah* which is stealing by stealth would not be earlier to deserve *ḥadd* than *ghaṣb* which is stealing forcefully. And *khamr* would not be earlier deserving of *ḥadd* than pork and *ribā*. And *qadhf* for *zinā* would not be earlier than *qadhf* of *kufr* or for leaving the prayer. *Zinā* would not be deserving of it more than leaving the prayer. So if that would be the *'illah* then it would be necessary and obligatory to have *ḥudūd* on every single sin that exists but instead for that *ta'zīr* exists. So the falsehood of their claim has become apparent.

The *'illah* of *qaṣr* of the prayer of traveling is because of hardship that is why it is narrated multiple times from one, two and three days. The answer is that this is from among the worst lies ever and most contradictory. Firstly, the claim that the origin for *qaṣr* is because of hardship. If Hardship would be the reason, then a sick person would deserve to perform *qaṣr* while he is not traveling earlier than a traveler who is not sick. These would

deserve to shorten the prayer by a great amount more than a traveler that is healthy fit and young who travels using a car or plane, with having the best of meals during the drive and steps out however he wills and steps in however he wills if it is with car and has airco on for the shortest amount of *qaṣr*. While if a person is sick he has difficulties moving his arms, legs, it hurts to speak depending on the illnesses which can cause great difficulty. This *'illah* is indeed a severely disastrous misguidance. And they still do not make the ruling of *qaṣr* similar between a sick person and a traveler. While the ruling of sickness and traveling are made the same by Allāh for breaking the fasts of *ramaḍān* and for permissibility of *tayammum*. While they claim that *'illah* and there exist other rulings with them being similar, none of the *mu'allilūn* ever allowed a sick person only without traveling to do *qaṣr*. Which a sick person would be more in need of according to their false method.

Even if it would ever be the case which it is not that the *'illah* of shortening the prayer is hardship which we seek refuge from in Allāh. Then where is the hardship in who gets brought by car or plane, with having the best of meals during the drive and steps out however he wills and steps in however he wills if it is with car and has air conditioner on for the shortest amount of *qaṣr*. There is not a single hardship in any of these no matter the age of the person traveling. The *ṣahābah* used to do *qaṣr* with for only one kilometer distance which is not a hardship on anyone that lives on earth who is not sick. So the *'ilal* they claim are all completely false and no one can ever get to know anything about these matters except if Allāh or his Messenger mentioned it who are not asked for the reason they reveal matters.

They also make *ta'līl* of *shuf'ah* (right of preemption) of lands and the issue of emancipating a slave who is jointly owned, if the partner emancipates his share in the jointly owned slave then he must be freed by that partner completely, they say that the *'illah* is to prevent harm for the partner. They contradict severely because they also say that there is no *shuf'ah* for *jawhar* and slaves, animals, swords or clothes. Every single human with the least amount of intellect knows that the harm that can be caused to those is far greater with a shared partnership and moving ownership of it by charity or selling than ownership of lands. They should then as it is necessary for them, perform *qiyās* on *shuf'ah* of figs and dates on the *shuf'ah* of lands because of fearing harm to the partner. And to also perform *qiyās* on the gifting his share to the partner because of the ruling of his selling. So that they can say, "His partner is more entitled to have it as a

gift than others so that there may not be harm." This is all necessary for them.

If they return to the *nuṣūṣ* they have sought guidance and then it becomes obligatory not to ever use *qiyās* and not to transgress where Allāh and his Messenger ﷺ set the limits from the *nuṣūṣ*. And not to perform *qiyās* of *shuf'ah* on figs and other fruits without other tradeable items because of it being that which appears on lands or trade.

They should also do *qiyās* of imprisoning a shared slave on lands with wells of water based from emancipating a share in a shared slave because of them both including harm. This is how falsehood becomes clear and the severe contradiction. There is sufficient contradiction in what we have mentioned.

Allāh made *ḥadd* for *zinā* but did not make that for the one that has intercourse with animals while both are prohibited and he made *ḥadd* for *qadhf* of *zinā* but did not make a *ḥadd* like that for the one that does *qadhf* that someone did *kufr*. While this is worse than *zinā* and he made *ḥadd* for *sariqah* ten *dirhams* and he did not make that for the one that does *ghaṣb* of ten thousand *dīnārs* while this is a worse sin. And he made a *ḥadd* for consuming a sip of *khamr* but did not make a *ḥadd* for the one that drinks liters of urine or blood while all of it is prohibited. And he made a *ḥadd* for Hirabah but Allāh did not according to them make a *ḥadd* for *riddah* which is false and while it is worse. So their lies have become apparent and their claims about the *'illah* of *ḥudūd* being deterring and rebuking have all become false. If it would be as they said then all of the sins and major sins we mentioned would be earlier to be deterred and to be rebuked than the *ḥudūd* Allāh made as he wills without any *'illah* that he mentioned for them. There is not any *'illah* known for *ḥudūd*. Allāh made them and ordered them as he willed, he is not questioned why he did and for what reason it is and what its benefits are at all. No one is ever allowed to say about Allāh and his Messenger with that which they do not know. What we only know is that there is a torment, exemplary punishment and a disgrace only for the one doing what requires *ḥudūd*, and a *kaffārah* all as Allāh and his Messenger said, and none of that do they use as the *'illah*. If deterring and rebuking would be the *'illah* then lashing one hundred eighty times would be more of a rebuttal and a deterring than only eighty and cutting both hands, till the elbow or entire arm would be more of a deterring and rebuttal than only the hand. And cutting the tongue for the one doing *qadhf* would be more deterring and a rebukkal than lashing eighty times only. This is a certain

evidence on the falsehood of *ta'līl* and this is only one issues of the many they apply this method in.

Some of them also say, "The *'illah* of which our opponents would use against us could be an *'illah* to be used against them. An example for that is when the *ḥanafiyyah* and *mālikiyyah* say, 'Since standing at *'arafah* is not valid except to what it is connected to which is in this case *iḥrām*. And *i'tikāf* is not valid except with what it is connected to which is fasting,' the *shāfi'iyyah* say, 'Since there is no need to fast when standing at *'arafah*, then it becomes necessary that fasting is not a condition for *i'tikāf*.'"

We say: The answer is that the *'illah* they all use here is for specific cases. Standing at *'arafah* and remaining and residence in one place for *i'tikāf* are both specific rulings. Their books are filled with these distortions and false methods from their late comers. Them burdening others to bring *'ilal* for every single ruling while they all disagree in almost every single issue indicates the severe falsehood of this method.

We will conclude this chapter by mentioning the words of Allah that indicate the falsehood of their corrupt method. The book of Allāh is the absolute truth that destroys all falsehood. And everything that is false vanishes, whoever rejects this we recite the verse where Allāh, the Most Exalted said, "Nay, We fling (send down) the truth (this Qur'ān and *sunan*) against the falsehood, so it destroys it, and behold, falsehood vanishes. And for you is destruction for that which you ascribe to Allāh" [21:18].

And Allah said, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31].

And Allāh said, "And your Lord creates whatsoever He wills and chooses: no choice have they (in any matter). Glorified be Allâh, and exalted above all that they associate (as partners with Him)" [28:68].

And Allah said, "(He is the) Doer of whatsoever He wills" [85:16]

And Allah said, "Verily, His Command, when He intends a thing, is only that He says to it, 'Be!' - and it is!" [36:82].

And Allah said, "He cannot be questioned as to what He does, while [only] they will be questioned" [21:23].

And Allah said, "See what examples they have put forward for you. So they have gone astray, and never can they find a way" [17:48].

And Allah said, "And no example or similitude do they bring, but We reveal to you the truth (against that similitude or example), and the better explanation thereof" [25:33].

These verse are sufficient for the complete prohibition of *ta'līl* a *mu'allil* after knowing this disobeys Allāh.

When Allāh said, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31]. Allāh clarified us in utmost clarity that searching for the *'illah* of what Allāh intended is misguidance which is searching for the reason. The verse is not about the prohibition of searching for the intended meanings. Because it is obligatory to search for the intended meaning for every seeker of knowledge and for every single Muslim if it is a topic he must know about.

Allāh said, "Do not approach this tree, lest you be among the wrongdoers. But Satan whispered to them to make apparent to them that which was concealed from them of their private parts. He said: 'Your Lord did not forbid you this tree except that you become angels or become of the immortal. And he (Satan) swore by Allāh to them both (saying), 'Verily, I am one of the sincere well-wishers for you both.' So he made them fall, through deception. And when they tasted of the tree, their private parts became apparent to them, and they began to fasten together over themselves from the leaves of Paradise. And their Lord called to them, 'Did I not forbid you from that tree and tell you that Satan is to you a clear enemy?' They said, 'Our Lord, we have wronged ourselves, and if You do not forgive us and have mercy upon us, we will surely be among the losers'" [7:19-24].

Allāh also says about the story about Iblis when he refused to perform *sujūd*, "He (Iblis) said, 'I am better than him. You created me from fire, while You created him from clay'" [38:76].

Allah also said, "And indeed Iblis did prove true his thought (*dhann*) about them: and they followed him, all except a group of true believers" [34:20].

The mistake of Adam was only from two aspects. First is him leaving the prohibition of Allāh by not taking it as an obligation. Second is him accepting the saying of Iblis when Allāh prohibited them from the Tree that it is only because of an *'illah* which is for them not to become Immortal. With certainty these *nuṣūṣ* clarify that *ta'līl* of Allāhs orders are sinful, false and lies attributed to Allāh.

The first thing that was ever used to disobey Allāh was *qiyās* without any doubt, which is the *qiyās* of Iblis that he does not have to perform *sujūd* because of him being better than Adam as Iblis is from Fire and Adam from soil. And also *ta'līl* was one of the very first things that Iblis ever did when he said that Allāh prohibited them from the Tree that it is only because of an

'illah which is for them not to become immortal. There is then no doubt that Iblis was the first to ever perform *qiyās* and the first to ever perform *ta'līl* in the *sharā'i'*, *qiyās*, *dhann*, *taqlīd* as they followed the *dhann* of Iblis and *ta'līl*, these are all the methods of Iblis and the religion of Iblis and it is opposing the religion of Allāh. We seek refuge in Allāh from any *qiyās* and any *ta'līl* and to affirm any *'illah* from the *sharī'ah*.

Allah also said, "But Allah's (torment) reached them from a place whereof they expected it not" [59:2]. Their method of *'ilal* is nothing but expectations, while Allah has clarified that his rulings are that which no one is able to expect.

And Allāh says, "Fighting has been enjoined upon you, even though you dislike it. But it maybe that you dislike something which is good for you, and you like something which is bad for you. Allāh knows and you do not know" [2:216].

Allāh tells regarding people who were ordered to give charity, "Those who disbelieve say to those who believe, 'Should we feed one whom, if Allāh had willed, He would have fed?' You are not but in clear error" [36:47]. This is nothing but rejection from Allāh about those who did *ta'līl* because they meant, "If Allāh wanted to feed those then he would have fed them without burdening us to feed them." There is not a single doubt that these *nuṣūṣ* establish the prohibition on any *ta'līl* from any order and anything Allāh and his Messenger ﷺ come with. The only thing that must be done is to follow it and accept it.

Allāh says, "For wrongdoing on the part of the Jews, We made unlawful for them certain good foods which had been lawful to them" [4:160]. They did wrong and it became prohibited for them, we do wrong and none of the good foods are prohibited for us which are allowed, for that reason.

And the Prophet ﷺ said, "You will follow the false ways of those who came before you so completely and literally that if they should go into the hole of a mastigure, you too will go there. We said, 'O Messenger of Allāh. Do you mean the Jews and the Christians?' He answered, 'Who else?'"[594]

We will do wrong as they did nothing is prohibited for us from that which was prohibited for them. Since that is not the case then *ta'līl* becomes also false and invalid to use. And we know that Allāh made their wrongdoing a *sabab* to prohibit for them what was prohibited for them and our wrongdoing was not made a *sabab* to prohibit us for what became

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[594] Sahih Al-Bukhari 3439

prohibited for us. So it is then known that there is not a single place for *ta'līl* and that Allāh should do a matter because of another thing, instead he does however he wills no matter what the place is and what the matter it is about. And he does that which he did differently in other places in any way he wills. He does not do the same thing in another matter because of him doing it in the previous matter that is absolutely false.

Allāh says, "So take off your shoes; for you are in the sacred valley, Tuwa" [20:12]. For Musa at the sacred valley of Tuwa, taking the shoes of was a *sabab*. As for if we are there and every other sacred place such as Makkah, we do not have to remove our shoes. If it would be an *'illah* it would be necessary for us to also remove our shoes there,Makkah and any other sacred place.

Allāh says, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31]. This verse is sufficient for the prohibition of *ta'līl* in anything of the religion and also for the prohibition of saying, "Why was this prohibited while this is allowed," and also the one that says, "Wheat in exchange for wheat was only prohibited because of it being a measurable or something that can be stored, or something that can be eaten." This is all a false *bid'ah*.

It is also known that the amount of differences regarding issues because of *qiyās* so much that thousands of pages can be written numerating them contradicting each other. While we know with certainty that differences of opinions prohibited by Allāh, the Most Exalted, as he said, "And those who differ therein are full of doubts. They have no (certain) knowledge, they follow nothing but conjecture" [4:157].

And He said, "But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65].

And He said, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (*ḥujjah*) against Allāh after the messengers" [4:165].

And He said, "What is there after the truth, except misguidance*"* *[*10:32].

And He said, "Do not be like those who differed and divided*"* [3:105].

And He said, "And do not dispute with one another" [8:46].

And He said, "Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in

truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path" [2:213].

And He said, "Truly, the religion with Allāh is Islam. Those who were given the Scripture did not differ except, out of mutual jealousy, after knowledge had come to them. And whoever disbelieves in the verses of Allāh, then surely, Allāh is Swift in calling to account" [3:19].

And He said, "And We have not revealed to you the Book, except for you to make clear to them that wherein they have differed" [16:64].

And He said, "That is because Allāh has sent down the Book in truth. And verily, those who disputed as regards the Book are far away in opposition" [2:176].

And He said, "And We gave them clear proofs of the matter [of religion]. And they did not differ except after knowledge had come to them - out of jealous animosity between themselves. Indeed, your Lord will judge between them on the Day of Resurrection concerning that over which they used to differ" [45:17].

And And He said Allāh says, "And indeed We settled the Children of Israel in an honorable dwelling place, and provided them with good things, and they differed not until the knowledge came to them. Verily, Allāh will judge between them on the Day of Resurrection in that in which they used to differ" [10:93].

And He said, "If Allāh had willed, succeeding generations would not have fought against each other, after clear Verses of Allāh had come to them, but they differed - some of them believed and others disbelieved. If Allāh had willed, they would not have fought against one another, but Allāh does what He likes" [2:253].

And He said, "And if your Lord had so willed, He could surely have made mankind one nation but they will not cease to differ except those whom Allāh has given mercy" [11:118-119].

And He said, "If you differ in anything amongst yourselves, then refer it to Allāh and His Messenger" [4:59].

And Allah Almighty knows best, and to Him belongs abundant praise. And all of their assumptions are invalidated. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

So it is established from everything we mentioned that there is no *qiyās* in the religion of Allah and no *'illah* for any orders of Allāh and for none of his actions, from the first till the end, it is also not allowed to make a ruling similar to another. Their method is a *bid'ah* that appeared in the fourth century, no *ṣaḥābi* and no *tābi'ī* never spoke regarding it. It is an issue that satan casted on the Muslims.

We have Finished clarifying the certain evidence on the falsehood of ruling by *qiyās* in the religion of Allāh the exalted. We seek great rewards. It has become clear to anyone just that *qiyās* is misguidance, sin, and a *bid'ah* which is not allowed for anyone to rule with in the religion. Let any person fear his Lord and not persist in opposing the truth. Let not the desire of directing persistence for a short time be the regret for a long time. Soon he will stand before the Knower of the unseen. Let him who rules by other than what Allāh revealed and the words of the Prophet ﷺ to us beware. What will his *ḥujjah* be when he is asked about it? Be certain that the one who will be asked, "With what did you rule?" If his answer is, "By your words and the words of your Messenger ﷺ sent to us." He frees himself from consequence. Whoever adds on to that or transgresses it will see in the end, he will return the issue by *taqlīd* of his forefathers, *ra'ī* and *qiyās* as an answer. Soon you will remember what I am saying to you. And I entrust my affairs to Allāh. Allāh Alone is Sufficient for me, and He is the Best Disposer of affairs.

We finish everything here, all praise be to Allāh, the Lord of the worlds. Peace and blessings of Allāh be upon our master Muhammad, His servant, His messenger. There is no power or strength except by Allāh. The Most High, the Most Great.

تم الكتاب بحمد الله بارينا ... ومن بلا شك بعد الموت يحيينا
يا رب اغفر لعبد كان كاتبه ... يا قارئ الخط قل بالله آمينا
آمين آمين لا أقنع بواحدة ... حتى أضيف إليها ألف آمينا
وقد علمت بأن اليد بالية ... تحت التراب ويبقى خطها حينا
يا قارئ الخط في العينين تنظُرهُ ... لا تنس كاتبه في الخير واذكرُه
وهب له دعوة لله خالصة ... لعلها من صروف السوء تنفعُه
أموتُ ويبقى كل ما قد كتبته ... فيا ليت من يتلو كتابي دعا ليا
لعل إلهي يعفو عني بفضله ... ويغفر تقصيري وسوء فعاليا
لقد كتبت كتابي هذا محتسبًا ... للأجر والفوز من ربي بحسناه
وسائلًا دعوة ممن يطالعه ... بحُسنِ خاتمة يوم ألقاه
إني سألتك بالله الذي خضعت ... له السماوات فهو الواحد الباري
مهما تصفحته استغفر لكاتبه ... لعل كاتبه ينجو من النار