**IQRA NATIONAL UNIVERSITY**

**Final Term Assignment**

**SEMESTER FALL 2020**

**SUBJECT Islamic Studies/Ethics**

ID: 12163

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| Q1. | Write down a detail note on ijma? |

Definition

• Literal meaning: -determination, resolution and agreement upon something. • Technical meaning: “the agreement of the mujtahids (jurists) from among community of Muhammad (peace be upon him) after his death in a certain period of time upon a rule of Islamic law.”

Conditions for the validity of ijma’

1. The agreement must take place among mujtahids. Mujtahid is a person who is qualified to exercise ijtihad.
2. The agreement must be unanimous.
3. The mujtahids must belong to the Islamic community.
4. The agreement of mujtahids must be held after the death of Allah’s Conditions.
5. The agreement must be among the mujtahids of one period, even though some mujtahids of subsequent periods may differ from them. 6
6. The agreement should be held on a rule of Islamic law (in legal matter).
7. The mujtahids should have relied upon a sanad for deriving their opinion. Sanad is the evidence (proof) upon which the mujtahids rely on, for arriving upon an agreement Messenger (peace be upon him).

Types of Ijma’

There are two types of ijma’: 1) Explicit Ijma’ (ijma’ sarih): “one in which the legal opinions of all the mujtahids of one period converge in relation to legal issue, and each one of them states his opinion explicitly.” • This is realized sometimes by their meeting in one place and examining an issue in question and finally they express a unanimous opinion. • It may also take’s place when an issue occurred and every mujtahids give the same legal opinion.

2) Silent or tacit ijma’ (ijma’ sukuti): • It takes place when some mujtahid, one or more, give a legal opinion with regard to specific rule about a particular legal issue, then the rest of them are informed of this opinion and they keep silent and they neither acknowledge it nor object to it.

Position of Ijma’ as a Source of Islamic Law Position of express ijma’ • The majority of Muslim jurists, particularly the jurists of four well-known schools of law, are in agreement that express ijma’ is an authoritative source of Islamic law. • It is incumbent on the Muslim to follow the legal rule of Islamic law that derived from ijma’ as similar to the rule established by the text of the Qur’an and the Sunnah. • The legal rule based on ijma’ is definitive and it is not permitted to oppose it. • In addition, the mujtahids are not allowed to exercise ijtihad on the legal issue that has been settled through ijma’.

Proof and Justification of Ijma’ as a Source of Islamic Law It is established by the Qur’an and the Sunnah.

• The Qur’an: “O ye who believe! Obey Allah and Obey the Messenger and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger…” (al-Nisa’(4):59)

The word ‘uli al-amr means ulama’ (scholars) of the community. Thus the agreement of the mujtahids is bound to follow.

• The Sunnah; There are many Sunnahs indicated that the Muslim community is infallible in their agreement. Although each of this Sunnah is probable if it stands independently but collectively they are definitive and convey the same idea. This make adherence to ijma’ is obligatory on the Muslims. • “My community will not agree on mistake.” • “My people will not agree on an error” • I prayed to Allah, the Exalted, that my community may not agree on error, and He gave it to me.” • “Allah’s hand is over the community”

The position of silent ijma’ • The Muslim jurists have different of opinion regarding the position of silent ijma’. 1-The first view is the view of Imam Shafi’i and the Malikis. They holds that the silent ijma’ is not considered to be ijma’ nor a probable proof. The argument: • Silence cannot be considered as consent to the opinion expressed by others. Since no statement can be attributed to a silent person. • Possibly he might have kept his silent due to respect for the one who expressed the opinion, for fear of that person, or he could not form his opinion about that problem and so on. • Silence, therefore, cannot be considered as an evidence of agreement.

2.The second view, majority of the Hanafi jurists and some of the Hanbali jurists, maintains that silent ijama’ is an ijma’ like an explicit ijma’. It is legally binding and definitive source. • The argument is that silence is an evidence of consent if there is no any circumstantial evidence that indicated otherwise, and if there is no any constraint to express the opinion. • It is improbable that the jurists abstain from pronouncing a correct rule of Islamic law. • The third group is the opinion of some jurists of the Hanafi and Shafi’i. They hold that silent ijma’ is not ijma’ but it is a probable proof. • The argument of this view is that ijma’ is the agreement of all mujtahids, but silent ijma’ does not fulfill this condition. However, it is considered as a proof because the opinion expressed by some jurists is not opposed by anyone.

Basis of ijma’ (sanad al-ijma’)

• The legal theorists hold that there must be some proof to which the mujtahis refer to in their agreement. • They are in agreement that the Qur’an and the Sunnah can be a proof for ijma’. E.g. of ijma’ based on the Qur’an; The prohibition of marriage with grandmother and granddaughter. This ijma’ is relied on the verse “Prohibited to you (for marriage) your mothers, daughters…” (al-Nisa’(4):23). The jurists hold that the meaning of mother is an origin and daughter is a branch. E.g. of ijma’ based on the Sunnah. Ijma’ on the portion of grandmother in inheritance is one-sixth. This ijma’ is based on the Sunnah where the Messenger awarded one-sixth to the grandmother. • However, the jurists have different of opinion regarding to other proof like qiyas and public interest (maslahah).

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| Q3. | Explain what is Qiyas? |

INTRODUCTION

Qiyas, Arabic qiyās, in Islamic law, analogical reasoning as applied to

the deduction of juridical principles from the Qurʾān and the Sunnah

(the normative practice of the community). With the Qurʾān, the

Sunnah, and ijmāʿ (scholarly consensus), it constitutes the four

sources of Islamic jurisprudence (uṣūl al-fiqh).

The need for qiyas developed soon a’fter the death of Muhammad,

when the expanding Islamic state came in contact with societies and

situations beyond the scope of the Qurʾān and the Sunnah. In some

cases ijmāʿ legitimized a solution or resolved a problem. Very often,

however, qiyas was used to deduce new beliefs and practices on the

basis of analogy with past practices and beliefs.

BASIS OR VALIDITY

No clear authorities of qiyas in the Quran.

However, the Scholars quoted several proofs from the Quran and

Sunnah as well as the practice of the Companions as an indirect

evidence to support the utilization of qiyas:

SURAH AL-NISA’ 4:59

“… then if you quarrel of anything, refer it to Allah and the

Messenger…”

The Scholars have reasoned that a dispute can only be referred to

Allah and the Prophet by following the signs/indications found in the

Quran and Sunnah.

**One way of achieving this is to identify the rationale of the rulings**

**and apply them to disputed matters, in case both issues in question**

**share the same rationale = Qiyas**

**SURAH AL-NISA’ 4:105**

**“We have sent to you the book with the Truth so that you may judge**

**among people by means of what Allah has shown you”.**

**Based on the above verse, a judgment may be based on the guidance**

**that Allah has clearly given or on that which bears close similarity to**

**it.**

**Thus, exercising qiyas is considered as following the guidance of the**

**Quran.**

**The Quran specifies the rationale of its law either explicitly or by**

**reference to its objectives.**

**ORIGIN**

**Imam abu hanifa was introduced the term of qiyās. Qiyas, Arabic**

**qiyās, in Islamic law, analogical reasoning as applied to the deduction**

**of juridical principles from the Qurʾān and the Sunnah and ijma.**

**MEANING**

**to evaluate or measure**

**equality**

**aggregate of both (equation and evaluation)**

**DEFINITION**

**Generally,**

**The principle of analogy applied in the interpretation of points of**

**Islamic law not clearly covered in the Quran or sunna : analogical**

**inference or deduction**

**In Islamic point of view,**

**IMAM ABU HANIFA;**

**“Qiyās is an extension of law from an original text by which the**

**process is applied to a particular case by means of a common illat,**

**which cannot be ascertained merely by interpreting the text.”**

**ACCORDING TO MALIKIS:**

**“Qiyās is the accord of deduction with the original text in respect of**

**the illat or the effective cause of its laws.”**

**ACCORDING TO SHAFII’S:**

**“Qiyās is the accord of a known thing with a know by reasons of**

**equality of one with the other in respect of effective cause.”**

**For example**

**There is no explicit quranic verses or hadits that told muslim about**

**smoking. But some scholars consider smoking as "haraam"**

**(forbidden) using qiyas :**

**scientific research told us that smoking has a harmful effect for our**

**body (health). Quran say that muslims are forbidden to do something**

**harmful to their body.**

**2) Alcoholic beverage is considered haraam (in hadits) because although**

**it has benefit for human health but the negative effect is much bigger**

**than its benefit. So as smoking.**

**ESSENTIAL CONDITION OF ANALOGY:**

**Only a jurists of a Mujtahid is competent to make “Qiyas” and**

**Qiyas of every text of Quran and Hadith is not permissible.**

**2. The law in the text must not be intended to be restricted to a**

**particular fact or event.**

**3. According to Hanfis and Malikis analogical deduction can be based**

**on existing analogical deduction but some Shafi’s and Hambelies**

**recognize such a deduction.**

**4. Analogy must be applied to the effective cause and not the**

**language of the text.**

**Analogy must be based upon a text, which is comprehendible, by**

**human mind.**

**Analogy must not be opposed to Quran or Sunnah**

**The deduction must not lead to a change in the law of text.**

**GENERAL PRINCIPLES OR VALID CONDITIONS**

**General Rules for the Valid Application of Qiyâs: There are a number**

**of guidelines that must be observed for qiyâs to be correctly applied.**

**We will mention these in a very brief and summarized form:**

**Textual injunction about original case should not be exceptional.**

**Law of original case should not contradict human reasons.**

**Law must be extend on legal grounds.**

**After causion the text law of original must not be changes.**

**AREAS OF SCHOLARLY AGREEMENT REGARDING THE**

**VALIDITY OF QIYÂS AS A FORM OF REASONING:**

**Muslims are all agreed that qiyâs is a valid approach to reasoning in**

**the following areas of inquiry:**

. Worldly matters: for instance, comparing one medicine to another or

pricing one product on the basis of the price of similar products in the

market.

2. Any qiyâs that was carried out by the Prophet (peace be upon

him): since its consideration become certain on account of its taking

place in a context of certainty. The scholars of Ahl al-Sunnah are also

in agreement that qiyâs cannot be applied to certain matters.

LAWS DERIEVED BY QIYAS

INTOXICATING DRUGS

Drugs like cocaine ,LSD and opium were not found during the time of

Prophet Muhammad (PBUH) , so nothing was directly said about

them.

However the Prophet (PBUH) had said:

“every intoxicant is khamr , so every intoxication is haram.”

2. TRANSACTION OF SALE

According to Holy Quran verse all transaction of sale are forbidden

after the call of Friday prayer. On the analogy or qiyās of this

injection all kinds of business such as hirring , borrowing working iin

offices , factories and similar other engagement with prevent a man

from offering prayer is forbidden.

3. ABOLUTION

Wazu is not valid even if the smallest portion of the body, which has

to be washes remain dry. And water for wazu must be clean and clear

CLASSICAL EXAMPLES OF QIYAS

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The Quran forbids selling or buying of goods after the last call for

Friday prayers until the end of the prayer as stated in Surah al-

Jumuah 62:9.

By analogy, this prohibition is extended to all kinds of transactions

and activities such as agricultures, administrations and others.

The Prophet SAW said in a Hadith that, “The killer shall not inherit

(from the victim)”. By analogy, this ruling is extended to bequests

(wasiyyah), which would implicate that the killer cannot benefit from

the will of his victim.

According to a Hadith, it is forbidden for a man to make an offer of

betrothal to a woman who is already engaged to another man unless

the latter discontinues the relationship or has totally abandoned his

offer. The illah is to avoid conflict and hostility among people. By

analogy, the same rule is extended to all other transactions in which

the same illah is found to be operative.

ARGUMENTS AGAINST QIYAS

Mainly the Zahiri school (Ibn Hazm) and some Mu’tazilah, Ibn Hazm

argued:

The rules of Shari’ah are conveyed in the form of command,

prohibition and permissibility. Should there be no clear text in respect

of any matter, it would fall under permissibility. Thus there is no room

for analogy in the determination of the ahkam.

(ii) Al-An’am 6:89

“We have neglected nothing in the Book”.

Al-Nahl 16:89

“We reveal the Book as an explanation for everything”.

Al-Maidah 5:4

“This day, I perfected your religion for you, and completed My favor

upon you”.

(iii) Identifying the ‘illah in qiyas is an exercise in speculation,

therefore qiyas rests on conjecture which must not be allowed to form

the basis of a legal ruling.

Al-Najm 53:28

“Conjecture avails nothing against the truth”

(iv) Qiyas is forbidden by the Qur’an.

Al-Hujurat 49:1

“Do not press forward before God and his Messenger, and fear

God…”

Which means that the believers must avoid legislating on matters on

which the lawgiver has chosen to remain silent.

The Prophet said in a hadith:

“Ask me not about matters which I have not raised. Nations before

you were aced with their destruction because of excessive questioning

and disputation with their prophets. When I command you to do

something, do it to the extend that you can, and avoid what I have

forbidden”.

REASONS FOR QIYĀS

Following are the two strong reasons for making use of analogy or

qiyās;

**Worldly matters: for instance, comparing one medicine to another or**

**pricing one product on the basis of the price of similar products in the**

**market.**

**2. Any qiyâs that was carried out by the Prophet (peace be upon**

**him): since its consideration become certain on account of its taking**

**place in a context of certainty. The scholars of Ahl al-Sunnah are also**

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**for analogy in the determination of the ahkam.**

**(ii) Al-An’am 6:89**

**“We have neglected nothing in the Book”.**

**Al-Nahl 16:89**

1. The growing needs of society

2. The expantion of Islamic society.

CONCLUSSION

To conclude that qiyās is a method of deciding problem by analogical

deduction from known to unknown. it discovers law but does not

create a law.

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| Q4. | In the light of Quran and sunnah explain justice? |

The Qur'an is the principal source of Islamic law, the Sharia. It contains the rules by which the Muslim world is governed (or should govern itself) and forms the basis for relations between man and God, between individuals, whether Muslim or non-Muslim, as well as between man and things which are part of creation. The Sharia contains the rules by which a Muslim society is organized and governed, and it provides the means to resolve conflicts among individuals and between the individual and the state.

There is no dispute among Muslims that the Qur'an is the basis of the Sharia and that its specific provisions are to be scrupulously observed. The Hadith and Sunna are complementary sources to the Qur'an and consist of the sayings of the Prophet and accounts of his deeds. The Sunna helps to explain the Qur'an, but it may not be interpreted or applied in any way which is inconsistent with the Qur'an.

Copy-boards held safely out of view on their heads, students in Djenné, Mali recite a Qur'an passage from memory. (Aramco World Magazine, September-October, 1991; photo Brynn Bruijn).  
Though there are other sources of law—i.e., ijma', (consensus), qiyas, (analogy), ijtihad, (progressive reasoning by analogy)—the Qur'an is the first and foremost source, followed by the Hadith and Sunna. Other sources of law and rules of interpretation of the Qur'an and the Hadith and Sunna follow in accordance with a generally accepted jurisprudential scheme.

And nor shall we be punishing until we had sent them an Apostle.  
Qur'an 17:15

The Qur'an contains a variety of law-making provisions and legal proscriptions interspersed throughout its chapters (suwar) and verses (ayat). A number of rules exist for interpreting these provisions, such as the position of a given ayah within the context of the surah, which in turn is interpreted in accordance with its place in the sequence of revelations, its reference to other revelations, and its historical context in relation to particular conditions which existed at the time of the given revelation. These and other rules are known as the science of interpretation (ilm usul aI-fiqh). According to these rules, for example, one initially is to refer to a specific provision and then to a general provision dealing with a particular situation. No general provision can be interpreted to contradict a specific provision, and a specific rule will supersede a general proposition. A general provision, however, is always interpreted in the broadest manner, while a specific provision is interpreted in the narrowest manner. Reasoning by analogy is permitted, as are applications by analogy, except where expressly prohibited. Simplicity and clear language are always preferred. Similarly, the clear spirit of certain prescriptions cannot be altered by inconsistent interpretations. A policy-oriented interpretation within the confines of the rules of jurisprudence is permissible and even recommended, as is the case with the doctrine of ijtihad (progressive reasoning by analogy).

"Avoid condemning the Muslim to Hudud whenever you can, and when you can find a way out for the Muslim then release him for it. If the Imam errs it is better that he errs in favor of innocence (pardon) than in favor of guilt (punishment)."  
The Prophet's Hadith

"Were people to be given in accordance with their claim, men would claim the fortunes and lives of (other) people, but the onus of proof is on the claimant and the taking of an oath is incumbent upon him who denies."  
The Prophet's Hadith

Muslim scholars do not consider Islam to be an evolving religion, but rather a religion and legal system which applies to all times. It is, therefore, the application that is susceptible to evolution. Indeed, the provisions of the Qur'an are such that by their disciplined interpretation, with the aid of the Hadith and Sunna and other sources of interpretation, Islam can, as intended, provide the solution to contemporary social problems.

Fourteen centuries ago Islam was a spiritual, social, and legal revolution. Its potential for effecting progress remains unchanged. This is essentially the belief of enlightened fundamentalist Muslims. Islamic fundamentalism is not, therefore, a regressive view of history and contemporary reality. Islam at the height of its civilization, between the seventh and eleventh centuries, was neither repressive nor regressive. It was a progressive, humanistic, and legalistic force for reform and justice.

Lo! Allah commandeth you that ye restore deposits to their owners, and , if ye judge between mankind, that ye judge justly. Lo! comely is this which Allah admonisheth you. Lo! Allah is ever Hearer, Seer.  
Qur'an 4:58

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| Q2. | In the light of Quran write down a note on truth? |

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ.

***O you who believe! be careful of (your duty to) Allah and be with the true ones. (Surah Tawbah 9:119)***

Shaykh Tabarsi has said that in the recitation of Ibne Masood and Ibne Abbas it is: ‘be with the true ones.’ means that ‘follow the religion of the one practices what he preaches and be their friend and companion’.

And it is related from Ibne Abbas that ‘be with Ali and his companions’.

It is related from Imam Sadiq (a.s.) that be with the Aale Muhammad.

In Basair it is related from Imam Baqir (a.s.) that ‘Sadeqeen’ means ‘We.

And it is narrated from Imam Ridha (a.s.) that ‘sadeqoon’ means the Holy Imam (a.s.) who with their obedience are going to completely verify Allah and His Prophet (S).

And in Manaqib, from Sunni chains of narrators, it is narrated from Ibne Umar that ‘be with Muhammad and Ahle Bayt (a.s.).

In the book Kamaluddeen there is a tradition from Imam Ali (a.s.) that when this verse was revealed, Salman (r.a.) asked: O Messenger of Allah, is this verse general or special? The Prophet replied: It is ordered for all general people and all the Believers ordered to this. And ‘Sadeqeen’ are specially my brother Ali and after him his successors the day of judgement.

Shaykh Tusi in Majalis has narrated from Imam Sadiq (a.s.) that ‘be with the true ones.’ means ‘be with Ali Ibne Abi Talib (a.s.)’.

Ali Ibne Ibrahim has said that ‘Sadaqeen’ are the Holy Imams.[1](https://www.al-islam.org/hayat-al-qulub-vol3-allamah-muhammad-baqir-al-majlisi/part-15-quranic-verses-based-variations-word#f_35dab66d_1)

Second Verse:

وَمَنْ يُطِعْ اللَّهَ وَالرَّسُولَ فَأُوْلَئِكَ مَعَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ مِنْ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ وَالصَّالِحِينَ وَحَسُنَ أُوْلَئِكَ رَفِيقًا.

***And whoever obeys Allah and the Apostle, these are with those upon whom Allah has bestowed favors from among the prophets and the truthful and the martyrs and the good, and a goodly company are they! (Surah Nisa 4:69)***

In Misbahul Anwar it is narrated by Anas, that one day the Holy Prophet (S) prayed the morning prayers with us and after that turned his holy face towards us, so I asked the Prophet about the Tafsir of this verse. He replied: ‘prophets’ refers to me, ‘the truthful’ refers to my brother Ali Ibne Abi Talib (a.s.), ‘martyrs’ refers to my uncle Hamza, ‘pious’ refers to my daughter Fatima (s.a.) and both her sons, Hasan and Husain (a.s.).

Kulaini has related from Furat Ibne Ibrahim and he from Imam Ali (a.s.), that when Allah will gather the future and the past people, from them we seven will be the best people who are from the children of Abdul Muttalib. The Prophets (a.s.) are the best amongst the creatures of Allah, and our Prophet are better than all of them.

After this are the vicegerents of the Prophets who are the best in the nations and the Vicegerents of our Prophets are better than all the previous Vicegerents and after the vicegerents our martyrs are best of all the martyrs and Hazrat Hamza is the leader of the martyrs and he is great and Hazrat Ja’far whom Allah has bestowed two wings, with which he flies with the angels in Paradise, Allah has not given this blessing to anyone before him and it is that affair that Allah has blessed the Ummat of Muhammad Mustafa (S). Then both the grandsons of the Prophet (S), Hasan and Husain (a.s.) and then is the Mahdi of this Ummat, and Allah will make anyone He wishes the Mahdi from our Ahlul Bayt. And then he recited this verse:

أُوْلَئِكَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ.

***These are they on whom Allah bestowed favors…(Surah Maryam 19:58)***

Also Sulaiman Dailami narrated that he says that I was in the presence of Imam Sadiq (a.s.), suddenly his great companion Abu Baseer entered and he was breathing heavily and when he sat down the Imam asked: O! Aba Muhammad, why are you breathing so heavily? He replied: May I be sacrificed for you, my breathing has come up and my bones have become thin and my death has come near. I don’t know what would be my condition in the hereafter. Imam said: O, Aba Muhammad, you talk like this! He said: Why I should not say so? The Imam said: Allah has mentioned you in the Quran, when He said:

***And whoever obeys Allah and the Apostle, these are with those upon whom Allah has bestowed favors from among the prophets and the truthful and the martyrs and the good, and a goodly company are they! (Surah Nisa 4:69)***

In this verse the ‘prophets’ refers to the Holy Prophet (S) and we are ‘the truthful’ and you (all Shias) are the ‘good’. After saying this the Imam said: You keep your name ‘good’ as Allah has named you thus.

Kulaini has narrated from Abu Saba through reliable chains of narrators that Imam Baqir (a.s.) told him: Help me through piety. Whoever from you meets Allah with piety, for him there will be salvation and opening near Allah, because Allah says:

And whoever obeys Allah and the Apostle…

The Apostle is from us; from us are the truthful, martyrs, pious and it is incumbent upon Allah that He gathers our Shias and friends with the prophets, the truthfuls, the martyrs and the pious.

There is a tradition in Khisal that the Prophet (S) said that there are three truthful ones: Ali Ibne Abi Talib, Habib Najjar and the believer of the people of Firon.

In Uyoon Akhbar Ridha it is narrated from the Hazrat that the Holy Prophet (S) said that in every Ummah there is one ‘truthful’ (Siddiq) and one ‘discriminator’ (Farooq) and the ‘truthful’ and the ‘discriminator’ of this Ummah is Ali Ibne Abi Talib (a.s.).

Ali Ibne Ibrahim has narrated that ‘prophets’ means the Holy Prophet (S), ‘truthful’, Ali Ibne Abi Talib (a.s.), ‘martyrs’, Hasan and Husain (a.s.) and ‘good’ are the other holy Imams (a.s.).

…and a goodly company are they…is the Qaem Aale Muhammad (Imam Mahdi).

Ibne Mahyar has narrated from Abu Ayyub Ansari that ‘truthful’ (Siddiq) are three: Hizqeel, the believer of the people of Firon, Habib Najjar, the person of Yasin and Ali Ibne Abi Talib (a.s.), and he is the best of all.

It is narrated from Imam Sadiq (a.s.) that once an angel having twenty heads came to the Holy Prophet (S). The Prophet wanted to kiss his hand but he stopped him and said that you are the most respected one near Allah among all the creatures of this world and of the heavens. The name of that angel was Mahmud. When the angel turned, the Prophet saw that it was written between his shoulders:

There is no god but Allah, Muhammad is the messenger of Allah and Ali is the greatest truthful (Siddiq-e-Akbar).

The Prophet asked him: My friend, since when is this written between your shoulders. He replied: Ten thousand years before Allah created Adam.

Third Verse:

مِنْ الْمُؤْمِنِينَ رِجَالٌ صَدَقُوا مَا عَاهَدُوا اللَّهَ عَلَيْهِ فَمِنْهُمْ مَنْ قَضَى نَحْبَهُ وَمِنْهُمْ مَنْ يَنْتَظِرُ وَمَا بَدَّلُوا تَبْدِيلًا.

***Of the believers are men who are true to the covenant which they made with Allah: so of them is he who accomplished his vow, and of them is he who yet waits, and they have not changed in the least. (Surah Ahzab 33:23)***

Traditions on the circumstances of the revelation of this verse mention two aspects:

First: the verse was revealed in praise of Imam Ali (a.s.) and his near ones. As mentioned in Majmaul Bayan there is a tradition from Imam Ali (a.s.) that: I, my uncle Hamza, my brother Ja’far, the son of my uncle, Ubaidah, had promised to the Holy Prophet (S) that for the pleasure of Allah and His Prophet they would fulfil the task, so my companions were steadfast and they were the first martyrs in the way of Allah and after that I was left for some assignments that Allah wished to complete through me. So Allah, sent this verse:

…so of them is he who accomplished his vow…

So those who fulfilled their promises were Hamza, Ja’far and Ubaidah and I, by Allah, am waiting for martyrdom because I have not change anything in religion.

In the same way Ibne Mahyar and Ali Ibne Ibrahim have narrated from Imam Baqir (a.s.), and in the tradition of Ali Ibne Ibrahim ‘Nahab’ denotes death.

Secondly this verse is said to be in praise of the perfect believer as Kulaini narrates in an authentic tradition from Imam Sadiq (a.s.) that the faithful are of two types. The first is the one who has made a covenant to Allah and has fulfilled his promise completely, as Allah says:

***Of the believers are men who are true to the covenant which they made with Allah… (Surah Ahzab 33:23)***

And is that believer who is not afraid of the terrors of this world and the hereafter and his example is like that of stalk of grass, sometimes it bents due to the wind and sometimes it is straight. In the same way sometimes he is under the pressure of the self and is sometimes he is protected. It is this believer who is fearful of the terror of the world and the hereafter and he is in need of intercession and he himself is unable to intercede for others, but his end is good.

Also, there is a tradition of Imam Sadiq (a.s.) that he said to Abu Baseer that: Allah has mentioned you in the Quran, when He said:

***Of the believers are men who are true to the covenant which they made with Allah… (Surah Ahzab 33:23)***

Then he said: Indeed, you have fulfilled your promise that Allah had taken from you, that is our Wilayat; and you have not chosen others in our place.

Also, it is narrated by the same Imam (a.s.) that the Holy Prophet (S) said: O Ali one who befriends you has certainly fulfilled his promise and the one who doesn’t befriends you, so he waits and everyday the sun which rises on him is related to the sustenance and faith.

It has come in many traditions that when Imam Husain (a.s.) was in the desert of Kerbala, whenever any of his companions was martyred and another used to bid farewell, the Imam used to recite this very verse.

Fourth Verse:

وَالَّذِينَ آمَنُوا بِاللَّهِ وَرُسُلِهِ أُوْلَئِكَ هُمْ الصِّدِّيقُونَ وَالشُّهَدَاءُ عِنْدَ رَبِّهِمْ لَهُمْ أَجْرُهُمْ وَنُورُهُمْ.

***And (as for) those who believe in Allah and His apostles, these it is that are the truthful and the faithful ones in the sight of their Lord: they shall have their reward and their light… (Surah Hadid 57:19)***

In Khisal there is a tradition from Amirul Momineen (a.s.), that there is no Shia who would do such a thing that we have refrained him from. And he would not die until a misfortunate befalls him, so that it will be a compensation for his sins, or his wealth is destroyed or his child dies or some disease inflicts him. Or some misfortune befalls him. And if any sin remains on him, his soul comes out of the body very painfully. Whoever from our Shias dies, he is either a Truthful or a Martyr, because he has verified our Mastership. And his friendship is for us and his enmity is on account of us, and his aim with it, is the pleasure of Allah and he has brought the right faith on Allah and His Prophet. Allah says:

And (as for) those who believe in Allah and His apostles…

In Majmaul Bayan there is tradition of the Holy Prophet (S) in the explanation of this verse:

…they shall have their reward and their light…

That for them there is the reward for their worship and the light for their faith, with which they get the guidance for Paradise.

Ayyashi has narrated from Minahal Qassab that: I said to Imam Sadiq (a.s.): O Hazrat, pray that Allah gives me martyrdom. The Imam replied that on whatever condition a believer dies, he is a martyr. Then to prove his point he recited the same verse.

Also there is a tradition from Haris bin Mughira that once I was present in the service of Imam Baqir (a.s.) when he said that whoever from you is aware of the Shia religion and who awaits for our pleasure and does good work, he is as if he is in the service of Qaem Aale Muhammad (a.s.) and he has fought with his sword, Nevertheless by Allah he I like that person who has been in the service of the Holy Prophet (S) has fought along with him with his sword, by Allah it is as if he were with the Holy Prophet (S) in his tent and then was martyred in the way of Allah. And there is a verse in the Quran in your praise. The narrator asked: May I be sacrificed for you, which verse is it? He replied: And (as for) those who believe in Allah and His apostles…

Then he said by Allah you are the truthful and the martyr in the view of Allah.

There is a tradition in Tahzib that a person said that I was in the service of Imam Zainul Aabedeen (a.s.), when a discussion about martyrs was in progress. One of those present said: If a person dies due to dehydration, he is a martyr. Another said: If a wild beast tears a person he is also a martyr. In the same way some other said: I don’t believe that a person killed in any way to be a martyr except in the way of Allah. The Imam said: If it is so, martyrs would be very less. Then he recited the above verse and said: This verse is in praise our Shia.

Barqi in Mahasin has narrated from Imam Husain (a.s.) that he said: There is no Shia but he is either a ‘truthful’ or a martyr. Zaid Ibne Arqam said: May I be sacrificed for you, who is a martyr? Although many of them die on the bed. Imam said: May be you have not read the Quran that Allah says in Surah Hadid:

And (as for) those who believe in Allah and His apostles…

Zaid says: I felt as if I have never read this verse in the Quran. Then the Imam said: If martyrdom was limited to what they say, the martyrs would be very few.

Fifth Verse:

فَمَنْ أَظْلَمُ مِمَّنْ كَذَبَ عَلَى اللَّهِ وَكَذَّبَ بِالصِّدْقِ إِذْ جَاءَهُ أَلَيْسَ فِي جَهَنَّمَ مَثْوًى لِلْكَافِرِينَ. وَالَّذِي جَاءَ بِالصِّدْقِ وَصَدَّقَ بِهِ أُوْلَئِكَ هُمْ الْمُتَّقُونَ.

***Who is then more unjust than he who utters a lie against Allah and (he who) gives the lie to the truth when it comes to him; is there not in hell an abode for the unbelievers? And he who brings the truth and (he who) accepts it as the truth… these are they that guard (against evil). (Surah Zumar 39: 32-33)***

Shaykh in Majalis and Ibne Shahr Aashob in Manaqib have narrated from Amirul Momineen (a.s.) that ‘Sidq’ (truthfulness) refers to the Wilayat of we Ahlul Bayt (a.s.).

Ali Ibne Ibrahim says: After this Imam mentioned about the enemies of Ahlul Bayt (a.s.) and about those who attribute false things to Allah and the Holy Prophet (S) and claim the position they do not deserve. Then he said:

Who is then more unjust than he who utters a lie against Allah and (he who) gives the lie to the truth when it comes to him…

It means the one who desires the right of Ahlul Bayt (a.s.) which was brought by the Holy Prophet (S). Then Allah mentioned the Holy Prophet (S) and Amirul Momineen (a.s.):

***And he who brings the truth and (he who) accepts it as the truth… 39:33***

In a tradition from Amirul Momineen (a.s.) in Majmaul Bayan and according to other Imams (a.s.) it means: ‘he who brings the truth’ refers to the Holy Prophet (S) and ‘(he who) accepts it’ refers to Ali Ibne Abi Talib (a.s.).

Sixth Verse:

وَبَشِّرْ الَّذِينَ آمَنُوا أَنَّ لَهُمْ قَدَمَ صِدْقٍ عِنْدَ رَبِّهِمْ.

***…and give good news to those who believe that theirs is a high rank with their Lord. (Surah Yunus 10:2)***

Kulaini from Ali Ibne Ibrahim and Ayyashi has narrated that ‘a high rank’ means the Holy Prophet (S) and the Holy Imams (a.s.) that is their intercession and Mastership. Kulaini has also narrated from the same Imam that it refers to the Wilayat of Imam Ali (a.s.). Ayyashi has also narrated similarly.

QIYAS AS ASOURCE OF ISLAMIC LAW

INTRODUCTION

Qiyas, Arabic qiyās, in Islamic law, analogical reasoning as applied to

the deduction of juridical principles from the Qurʾān and the Sunnah

(the normative practice of the community). With the Qurʾān, the

Sunnah, and ijmāʿ (scholarly consensus), it constitutes the four

sources of Islamic jurisprudence (uṣūl al-fiqh).

The need for qiyas developed soon a’fter the death of Muhammad,

when the expanding Islamic state came in contact with societies and

situations beyond the scope of the Qurʾān and the Sunnah. In some

cases ijmāʿ legitimized a solution or resolved a problem. Very often,

however, qiyas was used to deduce new beliefs and practices on the

basis of analogy with past practices and beliefs.

BASIS OR VALIDITY

No clear authorities of qiyas in the Quran.

However, the Scholars quoted several proofs from the Quran and

Sunnah as well as the practice of the Companions as an indirect

evidence to support the utilization of qiyas:

1. SURAH AL-NISA’ 4:59

“… then if you quarrel of anything, refer it to Allah and the

Messenger…”

The Scholars have reasoned that a dispute can only be referred to

Allah and the Prophet by following the signs/indications found in the

Quran and Sunnah.

One way of achieving this is to identify the rationale of the rulings

and apply them to disputed matters, in case both issues in question

share the same rationale = Qiyas

2. SURAH AL-NISA’ 4:105

“We have sent to you the book with the Truth so that you may judge

among people by means of what Allah has shown you”.

Based on the above verse, a judgment may be based on the guidance

that Allah has clearly given or on that which bears close similarity to

it.

Thus, exercising qiyas is considered as following the guidance of the

Quran.

The Quran specifies the rationale of its law either explicitly or by

reference to its objectives.

ORIGIN

Imam abu hanifa was introduced the term of qiyās. Qiyas, Arabic

qiyās, in Islamic law, analogical reasoning as applied to the deduction

of juridical principles from the Qurʾān and the Sunnah and ijma.

MEANING

1. to evaluate or measure

2. equality

3. aggregate of both (equation and evaluation)

DEFINITION

Generally,

The principle of analogy applied in the interpretation of points of

Islamic law not clearly covered in the Quran or sunna : analogical

inference or deduction.

In Islamic point of view,

1. IMAM ABU HANIFA;

“Qiyās is an extention of law from an original textby which the

process is applied to a particular case by means of a common illat,

which can not be ascertained merely by interpretin the text.”

2. ACCORDING TO MALIKIS:

“Qiyās is the accord of deduction with the original text in respect of

the illat or the effective cause of its laws.”

3. ACCORDING TO SHAFII’S:

“Qiyās is the accord of a known thing with a know by reasons of

equality of one with the other in respect of effective cause.”

For example

There is no explicit quranic verses or hadits that told moslems about

smoking. But some scholars consider smoking as "haraam"

(forbidden) using qiyas :

1) scientific research told us that smoking has a harmful effect for our

body (health). Quran say that moslems are forbidden to do something

harmful to their body.

2) Alcoholic beverage is considered haraam (in hadits) because although

it has benefit for human health but the negative effect is much bigger

than its benefit. So as smoking.

ESSENTIAL CONDITION OF ANALOGY:

1. Only a jurists of a Mujtahid is competent to make “Qiyas” and

Qiyas of every text of Quran and Hadith is not permissible.