

Qiyas as a Source of Hukm Shar'i

From the Sheffield School of Shar'iah

(Shows one of the ways how Islam is relevant for all time)

Meaning of Qiyas in Arabic Language:

Measurement/Analogy

Definition in Usooli Terminology:

Qiyas refers a new matter to the root of the old matter because they share the same Divine reason in order to ascertain the rule for the new matter.

Therefore Qiyas as juristic term in the extension of a Shar'i ruling from an original case to a new case due to a similar divine underlying reason.

e.g.

"O you who have attained to faith! When the call to prayer is sounded on the Junirnah (congregation), hasten to the remembrance of Allah, and leave all worldly commerce : this is for your own good, If you but new it. And when the prayer is ended, disperse freely on the earth and seek to obtain Allah's bounty; but remember Allah often, so that you attain to a happy state!" [TMQ Al Jummah :9-10]

The verse mentions that, when the call to prayer is given, one should leave all worldly commerce. The verse doesn't mention to stop such things as eating, sleeping, swimming, attending lectures, playing on sega megadrive etc...

The verse however mentions that when the prayer is over, disperse and seek Allah's bounty. This indicates that there is a reason to leave commerce. the reason being that we will be preoccupied and will forget prayer.

The application of qiyas for this example would be for any activity be it commerce.

Root of old matter = buying & selling

Divine Rule = Haram during Jumma prayer

Divine Reason = Keep you preoccupied

New matter = swimming

Apply Qiyas:

Does the new matter share the same divine reason? If yes, then it has the same rule. Since swimming keep you preoccupied during jumma prayer it is prohibited during this time. The same applies to all other activities.

NB. Root (AsI) is the incident whose rule is mentioned in a verse, hadith or ijma.

The daleel is the Qur'an and Sunnah since qiyas is being done on the basis of a verse or Hadith. When a text mentions a divine reason for a rule, extending this rule to any other issue having the same reason is considered another application for the text of the verse or Hadith.

The master of Qiyas was Imam Abu Hanifa, known famously as Imam ahlul bai i.e. Imam of the intellectual people or Imam of the people of opinion.

Some of the Zahiri School do not call the above process Qiyas but Ijtihad.

There are specific guide-line and requirement for Qiyas in usul al fiqh. One such guide-line is that there should be no exiting ruling from the Qur'an, Sunnah and Ijma as Sahabah for the case.

e.g.

Does a woman have to remove the nail polish before performing Wudu?

Some people claim that She does not have to remove nail polish in order to perform wudu, and they justify it by mis-applying qiyas on the performance of Mas-ah (wiping over the socks).

Qiyas cannot be applied in this situation because the Verse regarding wudu explicitly orders to wash all parts of the hands. Polish prevents water from reaching the nail. Qiyas cannot be applied here because, the text about wiping over socks is not presented with a divine reason, hence cannot be extended to other things. Also wudu is part of Ibadat (ritual act) which are taken explicitly from the text).

Some of the Requirements of Qiyas Are:

The original ruling has to be taken from Qur'an, Sunnah, Ijma as Sahaba (not from another qiyas).

The text must contain the justification for the ruling (i.e. divine reason, we cannot use our intellect to assume a reason).

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