

Qiyas in IBN Arabi's Perspective

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Abstract- This study is an attempt to uncover Ibn Arabi's approach in qiyas (analogy). Qiyas is a controversial matter amongst Muslim scholars; the majority advocate qiyas, while a few reject it. Ibn Arabi had a neutral methodology in which he neither wholly rejected nor thoroughly adopted qiyas, instead using qiyas to produce easiness and relief from extra obligations (taklif) and vice versa. Although Ibn Arabi justified his refusal to use qiyas, he used it without distinct justification in some places, which contravenes his methodology. The study has clearly pictured these apparently equivocal points, removed ambiguity, and charted the course of Ibn Arabi in qiyas.

Index Terms- Evidence, Ibn Arabi, Hukum , Qiyas, Reflection.

I. INTRODUCTION

Born in Spain in 1165, Ibn 'Arabi is at once the most influential and the most controversial Muslim thinker to appear over the past nine hundred years. The Sufi tradition looks back upon him as "the greatest master" (ash-shaykh al-akbar), by which is meant that he was the foremost expositor of its teachings. Ibn 'Arabi's massive al-Futuhat al-makkiyya ("The Meccan Openings") provides more text than most prolific authors wrote in a lifetime. Few specialists would even claim to have read the whole Futuhat. Even so, "reading" is one thing, "understanding" something else. Ibn 'Arabi has always been considered one of the most difficult of authors. This is due to many factors. Consistently high level of discourse, constantly shifting perspectives, a diversity of styles. In addition, he is a remarkably original thinker, so much so that, according to Chittick, he had no real predecessor. Compared even to al-Ghazali (1058– 18 December 1111), Ibn 'Arabi represents a radical break. Though a mystic and though many of his works speak of visions and unveilings, the vast majority of his writings are argued out with rational precision that puts him into the mainstream of Muslim scholarship¹.

His works reflect versatility which is an important point should be taken into account when studying his works, surveying his sayings has shown when and how to extract a decisive conclusion, unless otherwise retracing his sayings background it is evitable to arrive at fundamental conception.

Ibn Arabi uses figurative language in diverse passages of his writings aiming at symbolic connotations not the real sense of the words, figuring out the intended meanings is then intractable, the rationale principle that conducive to incompetent results is the usage of terms by Ibn Arabi regardless of their actual senses, he conceivably mention qiyas without intending its juridical

sense, for this reason, handful scholars had fallen into misunderstanding and didn't arrive at the truth in their endeavor for exposing his approach and methodology in this exact term .

Ibn Arabi also differs from other writers and authors, he did not follow their steps in the conventional approach of writing, he himself referred to his process in composing " We didn't organize the arrangement of this book (Al Futuhat) by our own, if it had been so (by intellectual reflection) it would have not thus as per the logical classification of the book, the likeness of this as in the Ayat (Guard your prayers, and the middle prayer) **Baqara 238** amongst Ayat relating to marriage, divorce and Edda of death. This text reveals that he is not completely lying under other writers' circumstances, but under what the flashes of the divine inspiration direct him.

Therefore, his works require profound study along with serious engaging his language and preceding intimacy with his rhetoric and terms to attain a potentially accurate understanding.

One sign of the mysteries of Ibn 'Arabi's rhetoric is that this unique type of writing can—or indeed must be repeatedly re-read over time: each time one comes back, thinking that this or that passage is familiar, entirely new meanings are suggested and revealed, and essential points that one had earlier ignored or taken for granted suddenly take on new significance .

Hence identifying qiyas in Ibn Arabi's view can be accessed by an analytically intensive study to unfold the real meaning of it which supposedly disappeared and hidden into allegorical styles. Gleaning out the actual meaning, however, will be difficult, Ibn Arabi did not intend to pass over the fact of qiyas -at least within the jurisprudential scope or domain-. Nor he entirely pictured the issue from the eye of a jurist, he sometimes argues as a Gnostic, while he speaks in others as a jurist, we can see him Additionally neither, so any unsupported argumentation with firmly fixed proofs would be superficial and does not harvest any value and contingently be counterproductive, Ibn Arabi's sayings have been classified and related according to the background wherefrom they issued, and dichotomized qua a jurist, and qua a Gnostic, for taking up his sayings without classifying them, therefore, causes confusion in comprehension and understanding his intentions . This paper aims at resolving his exoterically contradicting opinions on qiyas.

II. WHAT IS QIYAS

Qiyas is "part of Islamic Law(Shari'a) that which subject to modification according to the need and requirements of the changing times and it is this part of the Islamic Law which endows it with broad possibilities of growth and advancement

¹ Chittick, William C. *Ibn Arabi: Heir to the Prophets*. Oxford: Oneworld, 2005. P.1-2.

and makes it fully capable of fulfilling all the needs of an expanding human society in every age"².

Qiyas provided classical Muslim jurists with a method of deducing laws on matters not explicitly covered by the *Quran* or Sunnah without relying on unsystematic opinion (ray or hawa). According to this method, the ruling of the *Quran* or Sunnah may be extended to a new problem provided that the precedent (asl) and the new problem (far) share the same operative or effective cause (illa). The illa is the specific set of circumstances that trigger a certain law into action.³

Hence, the analogy itself is established by finding a connective held in between the origin and the new case, a connective that has been aptly termed an 'indicative sign,'⁴ which provides a criterion of commonality between the two.

From an epistemological point of view, the most important feature of the hukums⁵ concluded through analogy by 'illa is their being disputable.

Identifying the 'illa involves intellectual exertion on the part of the jurist, who determines it by recourse not only to the semantics of a given text but also to his understanding of the general objectives of the law.

III. THE LANGUAGE OF IBN ARABI

Ibn al-Arabi is misunderstood because his use of language refuses stability and reification. He uses various language formats in order to avoid being constrained. So one quickly learns to avoid pigeon-holing him.⁶

We can see this example, when he discussed Tayammum, He used the concept of tayammum as a worship being performed with dust as a metaphor for depicting the state of Taqleed, then he linked the relationship between water and purification (Tahara), and between Taqleed and tayammum by crossing over, water as knowledge. Knowledge is the means by which one gains access to commune with the Divine Presence. Even when knowledge is lacking, we must still keep communion with the Divine, so when we do not find water, we must "perform Tayammum." Which is being performed by (sand or dust) to symbolize the lowness?.

² Maudoodi, Syed Abdul Ala., *The Islamic Law and Constitution*. Translated and edited by Khurshid Ahmad, Vol. 1. Lahore: Islamic Publications, 1969, p. 60

³ "Qiyas." In *The Oxford Dictionary of Islam*, edited by John L. Esposito. *Oxford Islamic Studies Online*, <http://www.oxfordislamicstudies.com/article/opr/t125/e1936> (accessed 31-Dec-2015).

⁴ Van Ess, 'The Logical Structure of Islamic Theology'. in *Logic in Classical Islamic Culture*, ed. G. E. von Grunebaum (Wiesbaden, 1970), p. 34. The common Arabic terms are wasf, 'alāma, and amāra, all of which are subsumed under the generic term 'illa. See Aziz Al-Azmeh, *Ibn Khaldun: An Essay in Reinterpretation* (Budapest: Central European University Press, 2003), 117.

⁵ hukm can be described as the determinative property of things. What is right and what is wrong, what is good and bad, appropriate and inappropriate is determined by the hukm of Allah and His messenger. See. Winkel, Eric. *Islam and the living law, The Ibn Al-arabiI approach*, Oxford University Press, 2nd Impression 2000, P. ix.

⁶ Ibid, P. viii.

Dust" metaphorically warns us about whence we came. So, in the absence of water (The knowledge), the only low way to approach the Divine when knowledge is lacking is taqlid, so tayammum crosses over to taqlid, and the entire discussion of tayammum may be linked metaphorically with the issue of taqlid. This allegory was not intended to speculate the authentic meanings of the terms used in as much as to crossing over the connotative significances of water and earth.⁷

Two ways, then, for accomplishing a state of purity conducive to the conversation with one's Lord, knowledge (water) and taqlid (tayammum). The first represents the status of the perfect elite (Alkhassa) and the second of the ordinary seekers (Assalikoon)⁸

All the aforementioned is an explanatory preamble to evince that when he argued qiyas he did not in several passages plan to expose the real senses of it, while sometimes he intended, in other words, not for whereabouts the existence of the word qiyas necessarily implies the technical meaning of the term, he would use it metaphorically as in Tayammum and Taqleed. Moreover, in various passages Ibn Arabi argued assorted topics regardless of their jurisprudential or doctrinal backgrounds.

IV. IBN ARABI QUA A GNOSTIC

The Divine Knowledge is typically not gained by intellectual reflection or speculation, it is an endowment from Allah to the faithful servants of Him, those who exercise such high spiritual rank do not effectively depend upon the intellectual activities to arrive at hukums (Ahkam) as long as their spiritual faculties undergird them to identify the hukums, and wherever the space of Kashf extends the reasoning space shrinks.

The passages below are scattered in diverse loci of *Al Futuhat Al Makkiya* show Ibn Arabi's esoteric and gnostic character; they have been rearranged according to the relevance of the topic and themes of concern and then followed by analytic and explanatory comments to unveil the potentially real senses.

Ibn Arabi says: Know that the sources of the hukums which the Jurists have unanimously agreed upon are three: The Book, Sunna, and Consensus, they have differed about Qiyas some profess qiyas while other disclaim it and this is my stance, Allah says (So be afraid of Allah, and Allah teaches you), (O you who believe! If you obey and fear Allah, He will grant you Furqan a criterion [(to judge between right and wrong), **Anfal 29**, (O you who believe Fear Allah, and believe too in His Messenger (Mohammed), He will give you a double portion of

⁷ See, Winkel, Eric. "*Ibn 'Arabi's Fiqh: Three Cases from the Futuhat*." The Muhyiddin Ibn 'Arabi Society". Accessed december 24, 2015. <http://www.ibnarabisociety.org/articles/ibnarabifiqh.html>. with modification.

⁸ Water (Divine knowledge) and Tayammum (Taqleed) mentioned in a poem attributed to Ibn Arabi:

Do wudu' with the water of the unseen if you have a secret.

Otherwise, do tayammum with good earth or stone.

Go forward if you are an imam

and pray the Dhuhr prayer at the beginning of 'Asr

This is the prayer of those with gnosis of their Lord.

If you are one of them, then sprinkle the land with the sea. Ibn 'Ajiba, (Iqâdh Al-Himam), commentary on the Hikam, translated by Aisha Bwelly.

His Mercy, and He will give you a light by which you shall walk (straight)), and He will forgive you. **Alhadid 28**. And also, He says about Khidr (A Servant whom We had bestowed mercy from Us, and whom We had taught knowledge from Us) **Alkahaf 65**. Allah has correspondingly made bestowing Divine knowledge on his Servants as a result of his mercy, and Taqwa(fearing of Allah) is lawful. Hence, Taqwa is bound to be the essence of his hukum. Therefore, Taqwa is obligatory in any case that we look for its hukum.⁹

AlJunaid says: (Our knowledge is restricted due to the Book and Sunna) which they are the two producing sources of hukum; Consensus (Ijma') and Analogy are the two derived whose validity depends upon the Book and Sunna¹⁰.

Pondering the passage shall soon make clear that this relates to Gnosticism not to intellectuality or jurisprudence, he cited some verses of the Holy Quran to prove that Taqwa produces divine knowledge, and whenever a hukum is required the Taqwa is either. He also cited the story of Khidr a Servant whom Allah had bestowed mercy from Him, and whom He had taught knowledge, all the verses of the Holy Quran cited refer to divine knowledge or kashf he here is arguing how to attain knowledge by Taqwa not by reasoning we see these allusions of how to realize the Divine knowledge in his letter to al-Razi he says " I have come across some of your writings, and [have witnessed] the imaginative faculty (al-quwwa al-mutakhayyila) with which Allah has assisted you and the sound thinking that it evinces. When a soul seeks nourishment through its own acquisition (kasb) it does not find the sweetness of generosity (jud) and bestowal (wahb) and is amongst those who eat from beneath themselves¹¹. But a spiritual man (rajul)is one who eats from above himself"¹². And he supports his sayings with the Holy Quran as He says, had they observed the Torah and the Gospel and that which was sent down unto them from their Lord, they would surely have received nourishment from above them and from beneath their feet. **Alma'ida 66**.

Ibn Arabi here speaks as a Gnostic a man of kashf who does not tend to reasoning as long as he has the faculty of identifying rules by kashf. So this passage is not cohesively fit to illustrate the real trend of Ibn Arabi in qiyas, wherefore he said:" they have differed about Qiyas some profess, and other disclaim and this is my stance" then he said Allah says (So be afraid of Allah, and Allah teaches you).The conclusion of Taqwa is receiving nourishment(Divine knowledge) from above.

Another Theosophical esoteric passage elucidates the metaphoric sense of qiyas he says: " Qiyas to those who adopt it is a manifestation of the Lord in the quality of a servant(of Allah) and the manifestation of a servant in the quality of the Lord by a Lord's command, and if it were not by the Lord's command it should not be adopted as a source of rules, as for the manifestation of the Lord in the quality of a servant does not require obligatory command in it, for it may be by calling upon

and requesting with a formula of commanding , although the two must be obeyed yet they have different significances, this is the secret of Qiyas in deduction, it is to perform qiyas by applying the absent (Algha'ib) to the witness(Ashshahid) for a rationally suggested effective cause combines between the absent and the present according to what each requires.¹³

This passage obviously does not belong to Fiqh or qiyas in the exact sense of the words, his language here sounds otherwise explained unintelligible, he still speaks qua a Gnostic, qiyas reveals the divine hukum, and Allah exclusively establishes divine hukum, when qiyas as a human endeavor benefits to discover or to find out a hukum -which is the function of Allah-it seems as though the adopter partakes- so to say- Allah in establishing hukum, hence he says:" Qiyas to those who adopt it is a manifestation of the Lord in the quality of a servant(of Allah) and the manifestation of a servant in the quality of the Lord by a Lord's command" however this function is considered legal because it is done by a Lord's command, and if it were by other than the lord's command it would not be legal. He uses this metaphoric analogy to conclude that qiyas must build upon a plain text from the Quran or Sunna (Lord's command) , he also similitudes what represents the direct command which needs no qiyas and the indirect which requires reasoning analogy to extract hukum, the first as a servant's manifestation in the quality of the Lord, and the latter(qiyas) as a manifestation of the Lord in the quality of a servant. Two parallel lines. First, the direct, plain text or command that needs no qiyas and must be obligatory accepted and obeyed by Mukalafs. Second the hukum arrived at by qiyas that must be obeyed either but not has the same authoritativeness of the first, still must be obeyed hence he says:" as for the manifestation of the Lord in the quality of a servant does not require obligatory command in it, for it may be by calling upon and requesting in a formula of commanding, although the two must be obeyed yet they have different significances". Then he subsequently says: ", this is the secret of qiyas" and for qiyas here is the manifestation of the Lord in the quality of a servant, this servant cannot precisely know what is the right hukum of Allah, so he called it the absent (Algha'ib), unlike the direct command which is here the manifestation of a servant in the quality of the Lord which needs no qiyas.

This notion seems clear when he argues qiyas in another locus he says: " Judging on the basis of Qiyas from those who are not prophets (of Allah) is considered an arbitrary hukum in the religion of Allah (Islam) for qiyas(practically) is an extension of the effective cause (illa) to another new case, and no one can ascertain that this transitive (illa) is the determination of Allah, for if he had wanted it he would have disclosed it on the tongue of his messenger(Mohammed) and commanded to extend it, this might fairly be acceptable if the (Illa) were identified, so what do you think if the jurist himself extracts illa by his mere speculation and passes it over to be applied to another identical case, this process might be unwarrantedly applying illa to extend beyond its explicitly prescribed areas of application.¹⁴

He has declared his terms for acceptance qiyas, the prophet here has unambiguously the right to judge on basis of qiyas, because he only can identify the exact 'illa that leads to the right

⁹Ibn Arabi, *Alfutuh al-makkiya, Dar sadir, Beirut, vol2, p162*.

¹⁰ *Ibid*.

¹¹ *To this point Ibn Arabi speaks of the knowledge gaining by reasoning and intellectual activities.*

¹² *Mohammed Rustom, Ibn Arabi's letter to Fakhr al-din al-razi: a study and translation, Journal of Islamic Studies, oxford university press, Published online 4 January 2014. pp. 113–137.*

¹³Ibn Arabi, *Alfutuh al-makkiya, vol2. p166*.

¹⁴ *Ibid, vol3. p337.*

decision and judgment, a prophet has a permanent access to the Divine which undergirds him always to know the truth without the need for qiyas, this faculty is not available for those who depends on reasoning in deducting rules, though their hukums are likely to arrive at truth inconclusively, still qiyas for those who are not prophets (men of unveiling or Kashf) is not a decisive proof the cause evoked Ibn Arabi to say: "no one can ascertain this transitive (illa) is the determination of Allah, for if he had wanted it he would have disclosed it on the tongue of his messenger...". Then he criticized those who deduct 'illa and extend it to be applied to other cases.

When Ibn Arabi talked on the Mahdi as a man of divine knowledge, he deemed him that he ought not to incline to or use qiyas in inferencing rules in the Religion of Allah.

He says: "For this reason, it is incumbent on the Imam that he knows what is learned through divine inspiration and what is ordinarily supposed through analogy. However, the Mahdi does not know this--I mean the knowledge acquired by analogy--in order to pass hukum according to it, but only so that he can avoid it! For the Mahdi only judges according to what the angel delivers to him from what is with Allah (the inspiration) Allah has sent him to guide him rightly.¹⁵

And he added: "So that is the true Mohammedan Shar'-what the Mahdi determines- the one such that Mohammed if he were alive (on earth) and that particular case were presented to him, would pass hukum on it in the same way as this Imam. For Allah will teach him (by inspiration) that this is the Mohammedan Shar' and will, therefore, forbid him (to follow the hukums arrived at by) qiyas, despite the existence of the textual indications, Allah has bestowed on him. And this is why Allah's Messenger said, in describing the Mahdi, that "He follows in the traces of my footsteps, and he makes no mistake." Through this he informed us that (the Mahdi) is a follower (of the Prophet), not one who is, and that he is (divinely) protected from error (ma'sum) since the only (possible) meaning of someone's being protected from error is that they do not make mistakes. Thus, if the Messenger (Mohammed) pronounced a hukum (in some matter), no mistake is ascribed to him, since "he does not speak from passion, but it is only an inspiration (wahy) inspired in him", and likewise, qiyas is not permissible in a place where the Messenger is to be found.¹⁶

Now the Prophet does exist and is to be found (here and now) with the People of Unveiling (Kashf), and, therefore, they only take their (inspired understanding of the appropriate divine) judgment from him. This is the reason why the truthful and sincere don't depend on any (legal) school he is with the Messenger (Mohammed) alone, whom he directly witnesses, just as the Messenger is with the divine inspiration (wahy) that is sent down to him. Thus, the notification of the (appropriate divine) hukum concerning the particular events and cases is sent down from Allah to the hearts of the truthful and sincere, true knowers, informing them) that this is the hukum of the Shar' that was sent with the Messenger of Allah.¹⁷

As it seems the words here do not refer to any jurisprudence or the scholarly language of jurists, he speaks of the highest spiritual rank may ever be attained. I think what have been just said do not need comments or to a factitious exegesis.

Another passage pictures his awareness of qiyas in the domain of Gnosticism he says: "Be aware of using Qiyas in (the acquisition of) Divine Knowledge, for if you have attained realization there would be no need for Qiyas, as it is (Qiyas) from the cases which the people of speculation have committed error by using it (to extract the hukum of a new case according to the common similarity between another which its rule is identified)¹⁸".

Realization (Tahqiq) is contrastive to intellectuality, the more converging from realization, the more diverging from reasoning, for this reason, he considered whosoever pursuing realization should not seek it in scholarly learning.

V. IBN ARABI QUA A JURIST

Jurisprudence is based on intellectual proofs and explicit scriptural indications. Therefore, the language of pure mysticism and spirituality would supposedly disappear here, and no countenances of metaphysical or theosophical symbolization will be in a confrontation. The rhetoric here seems different from that of Gnosticism, no kashf, no signs of mystic phenomena all here must be in the reasoning framework, the following passages reflect the jurisprudential aspects of Ibn Arabi.

VI. THE LEGITIMACY OF QIYAS

Before widely discussing his methodology in qiyas, the following passages constitute the legitimacy of qiyas in his point of view.

He says: "scholars differed in Qiyas whether it is a definite evidence or not, however, sometimes a very persistent need requires to adopt it not to disclaim as it implies rational faces leading to a right decision, while in some loci might these countenances not appear, so it is not a definite evidence like the individual Hadith (Hadeeth Alahad) which the scholars agreed upon to regard as a speculative evidence (Zanni), so let Qiyas be considered like it if it is undoubtedly obvious.¹⁹

This is a confirmation that Qiyas is parallels to the individual hadith in deducting legal rules, individual hadith is a speculative evidence (Zanni), so let qiyas be like it, we might from time to time yet again see Ibn Arabi giving superiority to obvious Qiyas (qiyas jali) over the individual hadith as Qiyas is an outcome of the mujtahid which the Law-Giver has authorized it. If it had not been the mujtahid relied upon evidence in regarding qiyas, he would have no authority to judge by it. This statement is an implicit recognition that qiyas is legal.

An explicit estimation for qiyas is noticed when he says: "There ought no divine injunctions be revealed after the Prophet Mohammed's death, save the ijihad which the Law-giver has mainly accredited in inferring the legal rules from The Book or Suuna, and here I mean by Sunna the Hadith not qiyas and I

¹⁵ Morris, James W, and William Chittick. "The Mahdi and His Helpers." The Muhyiddin Ibn 'Arabi Society. Accessed December 24, 2015. http://www.ibnarabisociety.org/articlespdf/sp_mahdi.pdf..

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid, vol2. p507.

¹⁹ Ibn Arabi, *Alfutuh al-makkiya*, vol2. p162.

mean here by the qiyas is applying a new case (fari') to a new case not the legal that suggest to apply the new case to original case (ASL) this kind of Qiyas (latter) has been warranted by the Law-giver and considered the fourth source of legislation as the consensus the third".²⁰

He here professes the legal qiyas, and speaks of it as the fourth source of rules, as well as the Ijtihad which qiyas is considered a branch of it, the Shari'a has honored the Ijtihad as it is the outcome of a Mujtahid, whereby hukum can be identified whether be right or wrong most of these hukum arrived at by qiyas the outcome of a Mujtahid, he indicated to this case saying: " since the messenger of Allah authorized the decisions of Mujtahids, the Divine Providence still being inspired to them and will continue thus (in order to arrive at the right decisions), a mujtahid may reach a decision about a new case which its rule has been unidentified for a long time- by an evidence from the Book or Sunna or an obvious Qiyas".²¹

He mentioned the obvious qiyas as a heuristic proof for identifying rules. We see him approaching qiyas more closely when he confessed that Allah had known that his servants would uphold qiyas as a source of proofs. He says: " Allah had known that his servants would adopt Qiyas as a source of rules after the prophet's death, hence He caused the prophet to assemble the prayers by preceding the prayer of afternoon(Asr) and delaying the prayer of the evening (Maghrib)²², consequently, this event has been an original case whereby the qiyas adopters can extract rules of the delaying and preceding the prayers of as such events, the Law-Giver has authorized the hukum of the Mujtahids due to these hukum are their outcome , for this reason, there will be no right for those who disclaim Qiyas or deny it as a source of rules, whereas Qiyas is the outcome of the Mujtahids which the Law-Giver has legalized, by the same token the advocates of Qiyas should not protest against the disclaimers of qiyas, for disclaiming is also an outcome of the Mujtahids and whoever(either disclaimers or advocates) opposes to accept the counterpart's ijtihad(either accepting qiyas or rejecting it) is as if he has disobeyed the determination of the Law-Giver²³ .

Ibn Arabi vigorously affirms the necessity and importance of qiyas (in the wider sense of "intellectual inquiry" or reflection, nazar 'aqli) for arriving at the basic principles of faith (Attributes of Allah, believing., etc.). The following text is considered extremely evident of the importance of qiyas in deducting rules whether be concerned with intellectual or juristic inquiries.

He says: We have arrived at by intellectual reflection as in ((Do they not reflect in the dominion of the heavens and the earth) **Alaraf 185**, or ((Do they not reflect? There is no madness in their companion (Mohammed) **Alaraf 184** and as such similar verses in the Quran. The Law-Giver thus recognizes the intellectual reflection in demonstrating the existence of Allah, (the greatest tenet) then he honors the intellectual reflection in demonstrating the oneness of Deity when He commanded us to

see that there is no god but Allah by intellectual evidence, then we saw with rational evidence what should the Deity necessarily be, as like we were ordered to believe in his prophet and revelations and what should the prophet presents to demonstrate the validity of his prophethood, so we considered his signs and what evidence he had organized to prove his prophethood all these fundamental pillars have been based on intellectual reflection, and qiyas is a kind of intellectual reflection, All these pillars were recognized and perceived by rational and reasoning reflection if one falls others will hence as well. Do you think Allah permitted us to use qiyas in demonstrating his existence (the greatest tenet) and forbid us from using it to arrive at and extract a hukum of a new case we couldn't find its ruling in the Book, Sunnah, and consensus?. It is our firm that it necessarily has a hukum and that when the other exits have been closed no other way out but in restoring to the primordial hukum (the intellectual reflection) and try to find the basis of the effective cause from the Book or the Sunnah, then we attempt to apply the same identified effective cause – frequently be the same as in the new case- to to infer the right verdict. Thus our approach in similar cases.²⁴

As if Ibn Arabi here wonders how one could imagine that Allah has transmitted us to the intellectual reflection to let us assuredly and certainly know his existence which is the cornerstone or the core tenet of the faith and then forbid us from using this intellectual reflection (qiyas) to arrive at a sub-juristic hukum which potentially worth nothing compared with the domain which Allah permitted us to use qiyas in it?, that refers as if in an axiomatical conclusion he replies: that is impossible. However, he professes qiyas as a way for inferring as he stated in the absence of a plain text from the Book or Sunna. But Ibn Arabi had a certain and particular approach in qiyas, not to entirely admit the full sense of it as other jurisprudents do, still qiyas in his criteria a proof of possibility (Zanni), can't rely upon to conclude a decisive verdict.

This stance is not quite queer it is the majority's either, but Ibn Arabi had a particular scope towards qiyas nevertheless he professed it, but still in the narrowest extents of usage, he always eschews using qiyas as long as this procedure is within possibility, but if there is no exit but by using it he will restore to this source, another passage shows the domain of performing qiyas .

He says: " Adam disobeyed, except due to depending upon his misinterpretation (Ta'weel), and Satan disobeyed but because of relying only on the outward aspects(Zahir) without understanding the authentic significances and intentions, so not every qiyas (analogy) should be correct, nor ought to every (Zahir) be incorrect. To the same extent, if you judge on the basis of qiyas you will cross the boundaries of the Shari'a, and if only adhere to exterior significance(Zahir) you will miss immense knowledge, hence, be Zahri in applying the obligations of shari'a and perform qiyas in other domains outside Shari'a, Having done thus you would lighten the burden on the Umma which is the intention of the prophet Mohammed.²⁵

He has established a rule governing the process of extracting rules from texts, it says not to depend entirely upon

²⁰ *Ibid* vol4. P 75.

²¹ *Ibid* vol4. p 269.

²² Denotes to the hadith narrated by bukhari " Narrated 'Abdullah bin 'Umar":I saw Allah's Apostle delaying the Maghrib(evening) prayer till he offered it along with the 'Isha' prayer whenever he was in a hurry during the journey.

²³ Ibn Arabi, *Alfutuhat al-makkiya* vol1. p 471.

²⁴ *Ibid* vol2. p 163.

²⁵ *Ibid* vol4. p 400.

inner implications(esoteric) and indulge in this trend, nor to utterly rely on external implications(exoteric) without realizing the indications of them. He referred to take the moderated way in interpreting texts in order to arrive at the verdicts.

VII. THE UNCERTAINTY OF QIYAS

Although Ibn Arabi professes the legitimacy of qiyas, he also argues the uncertainty(Zanniyat) of it, the cause that has made the qiyas an object of diversity among jurists. He cited the following example to illustrate the uncertainty of qiyas.

Ibn Arabi compared between two images of two kinds of people to nullify qiyas- or more precisely to prove that qiyas does not always lead to the correct decisions. First, those who died in the cause of Allah, whom Allah valued them as alive not dead (Think not of those who are killed in the way of Allah as dead. Nay, they are alive, with their Lord and they have provision)Al Umran 169 . Second, those who physically died, he says " Whoever thinks that the two are dead is however because these two kinds of people are in common with the same outer resemblances of breathlessness, motionlessness..etc, but in effect they are entirely different for the first Allah has informed us not to consider them as dead, whereas qiyas may cause to consider them as dead since they are of the same features of the dead – as in outer form only- yet this hukum is not true for the first are not dead in the eyes of Allah, this qiyas, although is clear and obvious but not true, so what do you think about other kinds of qiyas which the jurists perform in new cases.²⁶

VIII. DOES QIYAS CAUSE TO FURTHER OBLIGATIONS

Then he shifts from the uncertainty of qiyas to another reason which in his point of view evokes to lessen the performing of qiyas to the least areas as when as possible. Ibn Arabi believes that the Shari' (Law-Giver) wants to facilitate injunctions and ease them whenever hardship arises, so he evaluates qiyas – in few times- as an excess burden may cause to include commandments on Mukallaf, the unlike of the Shari'a's objectives, Prophet Mohammed also disliked to be consistently questioned about verdicts of every case as this probably conjure to cause the obligation of further commandments which would have never been revealed yet unless for insisting on interrogations, for this reason, Ibn Arabi did not welcome qiyas too much.²⁷

For his refusal to use qiyas, the Shari'a includes both "the rules (Hukums) Allah recommended primordially (ibtida'an)" and "what was sent down at the request of the community," so that "if they had not requested them, then that injunctions would have been not revealed." The Prophet's saying was therefore intended to eschew the unnecessary augmentation of these religious injunctions and the resulting burden of obligation on his community.

He then presented reasonable grounds for the limitation of judging by qiyas, he says : " The Messenger of Allah would love to diminish and lessen the divine injunctions upon his

community (Umma), however performing qiyas causes the contrary, the jurists have preoccupied themselves in what the Messenger of Allah hated, even though they win the reward for using qiyas for their good will in spite of faulting in doing that, the community is not binding with what issues from other than Allah and his messenger, so what qiyas or/and personal opinions produce the community is in case of permission either to uphold or to reject , and if they uphold they are right for qiyas is the outcome of the Mujtahid which the Law-giver has esteemed and sanctioned it, though we are commanded to consult the people of Dhikr (The Holy Quran), Allah says (Verily, we, it is we who have sent down the Dhikr, and surely we guard it (from corruption)) **Alhijir 9**.²⁸

The uncertainty of qiyas means not to widen and broaden its use, the cause which had Ibn Arabi to criticize some jurists for their performing qiyas to extract obvious hukum.

He argues that not all kinds of qiyas are fit for being of heuristic characteristics, he criticized the scholars for their using qiyas in domains that a hukum could have been arrived at without restoring to qiyas, for instance, he blamed those who judged by qiyas in this case, the scholars call such qiyas Alawla (analogy of priority), his criticism focused on the misuse of this kind of qiyas , he refuted performing it: " The comparability of this is a man hitting his father with a stick or whatever it might be, the people of qiyas said this event (case) is silent there is no explicit scriptural indication (Nas) from the Book or Sunna to establish the rule of hitting, but since the Lord says: (Say not (to your parents) 'oof' (a sound of contempt)", nor rebuke them, but speak to them with words of respect)**Isra' 23**, that logically implies prohibition of hitting because we have been commanded not to show even a bit of non-respect like "to say oof " how it would be if we hit them then?.

(The Quran) mentioned the prohibition of saying "oof" – and it is a little thing, and beating with a stick is more harmful – the admonishment (tanbīh) from the Law-giver is with the lesser toward the highest, and so there is inexorably something of qiyas on it. The "saying of oof" and the striking with a stick bring together the harm , so comparing "the striking with a stick" – the thing the text has passed over in silence (al-maskūt) – to the "saying oof" – the thing the text articulated (al-mantūq) ultimately hitting is more harmful , the jurists in this case have inferred the rule (prohibition of hitting) by using qiyas (comparing hitting to prohibition of saying oof) with the common effective cause (illa) which is (Harm) here , this qiyas is called Analogy of priority (Qiyas Alawla) due to the effective cause in the new case (Hitting here) is more obvious than in the original case (Prohibition of saying oof).²⁹

Ibn Arabi narrows the domain of using qiyas to the most potential areas, it seems that he does not tend to this kind of qiyas either, justifying that this case is not in need for qiyas since we can find an explicit indication from the Book to extract the hukum of hitting from it, the Quran says (be good to your parents) and being good to parents means not to hit them, therefore, we can infer from this synopsis (mujmal) the property about everything that is " objurgation", consequently, hitting them is forbidden as per this text, not to qiyas.

²⁶ Ibid vol2. p 146..

²⁷ Ibid vol2. p 165.

²⁸ Ibid vol3. p 230.

²⁹ Ibid,vol2. p371.

Ibn Arabi here holds that when the text seems to pass over something in silence, the solution is not in identifying an articulated text (mantuq) and performing qiyas, but in examining the entire synopsis of the Quran and Sunna in order to extract the hukum and to eschew unwarranted qiyas. The absence of articulated words also has meanings, if each word of the Shari'a means something, then the absence of a word also has meanings, and man, if he is not to transgress against the word of Allah, is not to fill Allah's silence for him. The gaps in the law are part of its plenitude.

The Ibn Arabi's averting of performing qiyas could distinctly be seen when he admonished to ask those who offer verdicts on the basis of the Book (the Holy Quran) and Sunna, other than through qiyas or personal opinion, he says : " It is mandatory for a questioner if he addresses a juristic inquiry to a Mufti to say:"; I want the divine hukum(whether from the Book or Sunna) concerning this event(case). If the Mufti offered him the hukum from the Book or Sunna (of the concerned case) the questioner should take this hukum decisively, because the Mufti here is only a transmitter of the divine hukum, that is to say the Mufti has not passed this hukum over on the basis of qiyas or his own opinion, but if the Mufti does not, the questioner then has to look for the people of Dhikr(Quran) and Hadith³⁰

The above passage illustrates clearly the eschewing of Ibn Arabi to qiyas, as when as possible as if he says be away from performing qiyas since there still be the competence to deduct rules from the Quran or Sunna.

All the aforementioned would not reflect a distinct trend of Ibn Arabi to qiyas, his passages seemed to have been labeled with ambiguity and perplexity, some passages showed he adopted qiyas while other the contrary, but this vague will vanish when we see Ibn Arabi himself judges on the basis of qiyas in many juristic inquiries, still the most important is identifying his curriculum at this point.

Investigating and surveying demonstrated that some juristic questions lie under the domain of qiyas; this proves that he did not utterly reject qiyas, nor he received it all in all.

The following passages will give a support of confidence and certainty that he performed qiyas, did not reject it entirely and would overuse it in some specific extents if it has an agreement and reconciliation with the objectives of the Shari'a as he determined.

Ibn Arabi inferred the validity of the child's pilgrimage (Hajj attifil) on the basis of qiyas he says: " the Law-Giver has accredited the validity of this Hajj by explicit scriptural indication (Nas)³¹ along with qiyas, for Hajj could be legally performed by substitution (Niyaba), then it should a fortiori accepted in the right of the child.

An obvious using of qiyas, he analogized between the Hajj of substitution and the child's Hajj to conclude that the child's Hajj is valid, he extracted this hukum by reasoning because the Hajj of substitution is authorized despite this kind of Hajj is

being performed on behalf of others, so it is all the more so to be the child's Hajj valid for he/she performs it by oneself.

This kind of qiyas called qiyas Alawla(analogy of priority), for the 'illa here in the fari'(validity of the Hajj of the child), is more obvious than in the asl,(validity of the Hajj by substitution).What is performed by oneself has the even greater force of logic to be more legally accepted than that done by substitution.

Table 1
shows the process of qiyas

The Asl(origin)	The 'illa Annexing factor	The far' (conclusion)
The Hajj of substitution	What is being performed by oneself is logically more acceptable to be validated than by substitution	the validity of the Hajj of the child

Ibn Arabi also inferred that a Muslim who is waiting for performing Hajj is virtually considered in Hajj, like a Muslim who is waiting for the prayer is considered in prayer as long as he is waiting for the prayer, he extracted this hukum from the messenger's Hadith saying: " A person is considered in prayer as long as he is waiting for the prayer". He analogized between whoever waiting for the prayer to whoever waiting for the Hajj, so waiting for the Hajj is analogous to waiting for the prayer.

Table 2

The Asl	The 'illa	The Far'(conclusion)
Whoever waiting for the prayer is considered in prayer as long as he or she is waiting for the prayer.	Waiting for obligatory worship rituals to perform	Whoever waiting for the Hajj is considered in Hall as long as he or she is waiting.

Ibn Arabi here analogizes waiting for the Hajj to the waiting for the prayer to pass over the same conclusion.

The most obvious of arriving at a hukum on the basis of qiyas is when he analogized the feeding and fasting of the penalty of killing the game (Sayd) to the feeding and fasting of the ransom (Fidya) of a man shaved his head for harm or sickness while he is in Ihram³².

³⁰ Ibid vol2. p 265.

³¹ Muslim (2378) narrated that Ibn 'Abbaas (may Allah be pleased with him) said: A woman lifted up a child of hers and said: O Messenger of Allah, is there Hajj for this one? He said: "Yes, and you will have the reward."

³² Al Tirmidhi narrated that Ka'b bin 'Ujrah said: "By the one in Whose Hand is my soul! This Ayah was revealed referring to my case: 'And whosoever of you is ill or has an ailment on his scalp (necessitating shaving) he must pay Fidyah of either fasting or giving charity, or a sacrifice. (2:196)'" He said: "We were with the Messenger of Allah at Al-Hudaibiyah and we were in a state of Ihram. The idolaters had held us back, and I had a good deal of hair, and the lice were falling on my face. The Prophet passed by me and said: 'The lice on your head are bothering you?'" He said: "I said: 'Yes.' He said: 'Then shave.' And this Ayah was

He says: " Whoever does not find to pay penance (Kaffara) of killing an animal (as a game) while he is in Ihram our hukum in this case is to seek for the nearest Kaffara in likeness to such which requires to offer a sacrificial animal (Hadyi) or feeding or fasting, we couldn't find but the Kaffara of that who shaved his head while he is in a state of Ihram because of harm or sickness he must pay Fidyah of either fasting or giving charity, or a sacrifice, so the three mentioned in the Kaffara of the killer of the game which the Law-Giver has imposed on fasting for three days, or feeding six needy persons, half sa' of food for every needy person.

Table 3

The Asl	The 'illa	The Far'(conclusion)
The Kaffara of that who shaved his head while he is in a state of Ihram because of harm or sickness is to pay Fidyah of either fasting or giving charity, or a sacrifice	The similarity between the two Kaffaras	The kaffara of whoever killed a sayd while he is in a state of ihram also has to pay Fidyah of either fasting or giving charity, or a sacrifice.

Ibn Arabi here also used analogy between two kaffaras: The first(asl) which its hukum is articulated while the second's is silent to conclude the same hukum due to the likeness between them.

IX. CONCLUSION

As a conclusion Ibn 'Arabi's personal reactions against qiyas, related to two reasons:

First : He believes that people of Kashf do not need qiyas to identify the Hukums of events or issues that may arise, in light of the fact that qiyas is a kind of intellectual reflection, depends thoroughly on logic rules, two given or assumed propositions (premises), each of which shares a term with the conclusion, and shares a common or middle term not present in the conclusion, qiyas, then, is a method of arriving at a legal decision on the basis of evidence in which a common reason, or an effective cause, is applicable, Hence it is a mental system operating by reasoning which the people of Kashf do not tend to rely upon in extracting hukums rather than their inner intuition.

Second: Qiyas in his eyes causes to an increment of legal obligations on the community, which is contrary to the Prophet's intention.

So this is what prevents him from speaking on the basis of analogy concerning the Religion of Allah--all the more so because he also knows that the intention of the Prophet was to lighten the burden of (religious) obligation on this community. That was why the Prophet used to say "Leave me alone (without

revealed. Mujahid said: "The fasting is for three days, the feeding is six needy people, and the sacrifice is a sheep or more." Jami' at-Tirmidhi » Chapters on Tafsir, <http://sunnah.com/urn/639630>. Accessed on June, 16, 2016.

requesting any further religious precepts) so long as I leave you alone," and why he used to dislike being questioned about religion, out of fear of (unnecessarily) increasing the (divine) commandments (Hukums.)

Ibn 'Arabi while rejecting qiyas for himself in few cases does not necessarily reject the usage of qiyas wholly, Ibn Arabi opposes to qiyas qua a man of Kashf, so every statement belongs to him relating to rejecting qiyas lies under his being of a man of kashf whose Divine knowledge empowers him to identify the Hukums of whatever event or issue would arise, at the same time we see him embraces qiyas and uses it qua a jurist, so every statement that adopts and supports qiyas lies under his being of a man of Fiqh (jurisprudence), Therefrom we should distinguish between his sayings whether their source is the scope of a jurist or a Gnostic.

Ibn Arabi does not incline to qiyas if there could a text be available to infer hukums unless he couldn't find, but it seems that he has opposed his axiom in case that qiyas would lessen or exempt an obligation or command charged on Mukalafs, he recognized that the Law-Giver has intrinsically established Hukums on leniency, it is the core spirit of the Shari'a, therefore all other than this is considered subject to it, in other words, he may not follow what he had determined about qiyas and act against if this lead to the easiness, for example, he supposed using qiyas when he presented his opinion about whoever had sexual intercourse with his wife before standing on the mount of Arafah during Hajj he analogized menstruation to sexual intercourse trying to absolve Mukalafs from the invalidity of Hajj³³. qiyas, in this case, is considered illegal because of the dissimilarity between the origin and the new case and no common 'illa could be found to combine, this qiyas called qiyas ma'a al-fariq (Analogy of incommensurables), but he sacrificed his rules in the case of achieving the core intention of the Shari'a (leniency), so everything seems forgivable as long as flows in the way of fulfilling this characteristic, at the same time he also averted from using qiyas although it is obvious and extremely legal when he tried to exempt the women whom her husband had sexual intercourse with her in the morn-day of Ramadan from Kaffara³⁴.

Two opposed cases first using illegal qiyas although against all rules of performing correct qiyas in order to free from the burden and second averting from using qiyas although it is obvious to exempt from obligation, so bringing leniency is more important than to use or misuse of qiyas whether it be legal or illegal.³⁵Therefore, the case of performing qiyas would be relative in opposing to attaining easiness and relief which he has esteemed it as the core intention of the Shar'. Hence, all other aspects are insignificant.

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³⁴ Ibid.

³⁵ Ibid.

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