

Ibn Ḥazm's Jurisprudential Insight And Style Of Reasoning In The Al-Muhallā Bi'l Athār

Dr. Abdul ghaffar¹, Dr. Muhammad Sultan Khan², Muhammad Junaid Anwer³

¹ Lecturer, Department of Fiqh and Shariah, The Islamia University of Bahawalpur.

² Assistant Professor, Department of Quranic Studies, The Islamia University of Bahawalpur-

³ Lecturer, Department of Fiqh and Shariah, The Islamia University of Bahawalpur.

Abstract

Ibn Ḥazm was born to Ahmed bin Saeed, a minister of Andalusia. They were educated like the children of princes and ministers. He was A benefactor of the Umayyads and remained their minister. After leaving the field of politics, he became involved in teaching and learning and became a famous jurist and muḥadith of his time.

He has authored on almost every subject, but has worked extensively on jurisprudence and the principles of jurisprudence and has authored about 27 books and journals. Local archaeology and rulings on the principles of rulings made them immortal in outward jurisprudence. They use a lot of reasoning and a lot argument when describing problems. In order to prioritize his positive, he also on an issue, expresses the views and reactions other Jurists. Ibn Ḥazm has used detailed arguments to prove any Sharī'a rule from Qu'rān, Ḥadīth, Ijmā', Qawl-e- ṣahābi, Dalīl and Istashab. They always derive problem from the outer words of a Qu'rān and Sunnah And reject his contemporaries. And later famous jurists and narrators have paid homage to him for his scholarly work.

Keywords: jurist ,muḥadith, Sharī'a, Qu'rān ,Hadīth, Dalīl, Ijmā', Qawl-e- ṣahābi ,Istashab.

Introduction

The name and lineage of Imam Ibn Hazm is: Abu Muhammad Ali bin Ahmad bin Saeed bin Hazm bin Ghalib bin Salih bin Khalaf bin Maadan bin Sufyan bin Yazid¹. His great-grandfather "Yazid" was of Persian origin and early Islam and was the ally of Yazid bin Abi Sufyan, the brother of Hazrat Muawiyah². When the Umayyads went to Andalusia after the fall of Damascus and established the government of Abd al-Rahman Dakhl, Ibn Hazm's great-grandfather Bin Madan was also with him³. Your family has been a lifelong supporter of Benawamia. Ibn Hazm (384-456 AH) according to (994-1064 AD) was born in the famous city of Cordoba in Andalus⁴. At that time, the Umayyad government of Andalus was in decline, apparently it was the kingdom of Hisham II Al-Muayyed, in fact, due to his young age, the power⁵ was in the hands of

Muhammad bin Abi Amir al-Mansur⁶. Ibn Hazm's father was the minister of Al-Mansur and his son Al-Muzaffar⁷.

Ibn Hazm grew up in the environment of Naz and Naam, received his primary education at home. After the death of his father, he was the minister of Banu Umayyah. After the political downfall of the family of Muhammad Ibn Abi Amir, they left Cordoba and arrived in Valencia in 407 AH during the Caliphate of Abdul Rahman IV al-Murtaza⁸. During this time, you had to face other problems like imprisonment.

He memorized the Holy Qur'an in his childhood, memorized poems and learned to read and write. He writes that when I regained my senses, I knelt down in front of the respected teacher Abu al-Qasim Abdul Rahman bin Yazid Azdi. His friend was Abu Husayn bin Ali al-Fasi who A big profit came from.⁹ He used to

stick with Ibn Hazm like a shadow. He used to give them the opportunity to participate in the gatherings of scholars and sheikhs and taught them himself. Abul Qasim Abd al-Rahman Azdi read the Qur'an, Hadith, grammar and vocabulary.

In Andalusia at that time Fiqh Maliki had the status of official religion, his inclination was initially towards Fiqh Maliki. However, after knowing that Imam Shafi'i had criticized Maliki's jurisprudence, he was attracted to Shafi'i jurisprudence, after that he was introduced to Hanafi fiqh and other schools of jurisprudence until he became particularly attracted to the Zahari School. The reason for the popularity of fiqh al-Zahari was narrated by Imam al-Dhahabi from Umar bin Wajib that we were studying fiqh al-Maliki in Valencia when Ibn Hazm began to express his surprise at some of his problems. The problem was discovered and when the audience presented its explanation, Ibn Hazm raised a new objection on it, On this, one of the people present said angrily that this is not a disease of your bus. Ibn Hazm became very anxious, sometimes he would get up, and sometimes he would sit down. Then he settled down and studied jurisprudence diligently and in the meantime, his knowledge started unraveling and his depth of knowledge was revealed. It was only a few months later that he returned to the same assembly, debated successfully and said that the truth is true. I do ijtihad with obedience and am not bound by any religion¹⁰. In this way, he became attached to the religion of Dawood Zahari and started inviting only the visible texts of the Book and Sunnah¹¹.

Ibn Hazm was a great jurist of Andalus in his time. He is considered to hold the position of absolute mujtahid in religion. He wrote about thirty-seven books on jurisprudence and principles of jurisprudence, which is proof of his being a jurist. His available books and resources are as follows:

الإحکام في أصول الأحكام، النبذة الکافية في أحكام أصول الدين، مراتب الإجماع في العبادات والمعاملات والاعتقادات، إبطال القياس والرأي والتقليد، رسالة ملخص إبطال القياس والرأي والاستحسان والتقليد والتعليق، حجة الوداع، رسالتان أجاب بهما عن رسالتين سئل فيها سؤال التعنیف، رسالة في الرد

على الهاتف من بعد، رسالة التوفيق على شارع النجاة، رسالة التلخيص لوجوه التخلص، رسالة البيان عن حقيقة الإيمان، رسالة الإمام، رسالة في الفاضل تجري بين المتكلمين في الأصول، رسالة في الغناء الملهم أمباح هو أم محظوظ، نبذة في البيوع، رسالة في ألم الموت وإبطاله، ظل العمامة وطوق الحمامنة في فضل القربة والصحابة، رسالة نكت الإسلام، كتاب المجلى وهو المتن الذي عمل عليه كتاب المحلى، كتاب الإقبال في شرح الخصال الجامعة لجمل شرائع الإسلام في الواجب والحلال والحرام والسنة والإجماع، الرسالة، رسالة الأصول، كتاب في ما جرى بين ابن حزم وأبي الوليد الباجي من مناظرة، يوجد عند أبي تراب الظاهري، رسالة في مسألة الكلب وغيرها. Apart from this, there are books and magazines on jurisprudence and principles of jurisprudence which are not available. In his era, he deviated from the prevailing principle of inference and relied only on texts and consensus and prohibited imitation for all general and special purposes¹².

Ibn Hazm codified Fiqh Zahari in the fifth century of Hijri. In this regard, he wrote four books containing his fatwa and jurisprudential opinions. . First of all, he wrote Kitab al-Khasal al-Hafiz for Jamal Shar'i-e-ul-Islam, covering two volumes, then he wrote an extensive and detailed commentary on Kitab al-Isal. He summarized it in al-Majla and at the end he wrote a summary of al-Isal and a short summary of al-Majla with al-Aqr¹³, Which is the basic book of Al Zahiri jurisprudence. It is one of the few great books of Islamic jurisprudence. . In this book, the Qur'an, Hadith, sayings of the companions, sayings of the followers and followers of the followers, sayings of Imam Arbaa, the jurisprudential opinions of the Imams up to the first half of the fifth century A.H. and criticism on them are available. These features have brought Al-Muhalli-e-Bal-e-Atar to the level of Dairat al-Ma'arif in the jurisprudence of the Qur'an and Hadith. Looking at this book, it seems as if it is a book of hadith. The reason for this is that Ibn Hazm has given many reasons for Ahad Yath Mubarka in every issue. The entire evidence of the hadiths mentioned in the problems has been explained and the narrators of the hadith have also been discussed in terms of cross-examination and revision. can be understood. Ibn Hazm has elaborately discussed almost all the problems that arose up to his time regarding

practical life. In the above mentioned article, Ibn Hazm's jurisprudential insight and reasoning style are described under the following headings:

I. Ibn Hazm's jurisprudential insight

Ibn Hazm was a great jurist and muhadith of his time. Your contemporaries, whether they were opponents or supporters, are convinced of his academic ability and ability, and those who came later are also convinced. can go:

1.1 Plural reasoning

Argument refers to finding an argument to determine the Shariah ruling in any given problem. This argument is also called Adlat al-Sharia. Ibn Hazm presents many arguments to explain his position. Among the Adalah Shari'ah, they bring arguments from the Qur'an, Hadith, Ijmaa, evidence, and Istisahab, as Ibn Hazm writes here while giving arguments for his creed in the issue of negation of genealogy:
وهذا أيضاً كالمذكورة ذكرنا قبل لانه ليس فيه أنه جله
الحد والحدود لا تقام بالظنون الكاذبة والزيادة في
الحديث كذب وتبليغ الحد المذكور إلى ثمانين كذب
بلا شك من قطع بذلك فبطل تعقهم بهذا الخبر جملة
ثم نظرنا في ذلك فوجدنا الله تعالى قد أوجب في
القفف بالزنا الحد وجاءت به السنة الصحيحة وصح
به الإجماع المتيقن فكان هذا هو الحق¹⁴

This problem is also the same as we have mentioned earlier that there will be no limit and no limit will be established due to false suspicion and abuse of the Holy Hadith is a lie. And it is also a lie to extend the limit to these lashes. It is invalid to link these punishments with the Holy Hadith. Then we pondered over this issue and we saw that Allah Ta'alaa has imposed a limit on fornication and fornication, and this is proven by the correct Sunnah and Ijmaa Mutiqeen. So this is the truth.

"We found this from the Messenger of Allah, may Allah bless him and grant him peace, he said: Indeed, your blood, your wealth, your honor and your body are forbidden to you."¹⁵

وقد قال تعالى: (ذلك حدود الله فلا تعتدوها). [البقرة: 229] وقال تعالى: (ولا تعتدوا أن الله لا يحب المعنتين) [البقرة: 190]
حرم الله تعالى العداوة وضرب الآثار بغير برهان من

العدوان وحرم تعالى أن تتعدى حدوده وأثبات حد بغير برهان
 تعد لحدود الله تعالى¹⁶

And research is the commandment of Allah Almighty that these are the limits of Allah, do not go near them. There is another commandment and Allah Almighty has declared cruelty and killing someone without reason as haram. Determining this punishment without reason falls under the category of transgressing the limits of Allah Ta'alaa.

1.2 Abundance of evidence

Ibn Hazm often presents arguments to explain his position, such as whether or not it is necessary to protect property in order to limit theft in Kitab al-Surqah. He writes that Allah says:

فوجدنا الله تعالى يقول (والسارق والسارقة فاقطعوا
أيديهما --)[المائدah: 38] فوجب بنص القرآن أن كل من
سرق فالقطع عليه وأن من اكتسب سرقة فقد استحق بنص
كلام الله تعالى جزاء لكتبه ذلك قطع يده نكالا وبالضرورة
الحسيبة وباللغة يدرى كل أحد يدرى اللغة أن من سرق من
حرز أو من غير حرز فإنه سارق وأنه قد اكتسب سرقة¹⁷

So we found this word of Allah Almighty for the punishment of the thief: And cut off the hands of both the male thief and the female thief. Therefore, due to the text of the Qur'an, it is obligatory that whoever steals, his hand should be cut off. Whoever commits the act of theft, as a punishment, it is strictly forbidden by the text of the word of Allah. The sense of need is also the same and it is also understood literally that anyone who steals a safe or unsafe property, then he is a thief.

After that, it is written that there is no dispute about his being a thief. So when he was proved to be a thief, due to the text of the Qur'an, it became obligatory for him to be cut off, so it is not permissible to make a distinction in this ruling. A person who says that Allah Ta'alaa means a person who has stolen the safe property, by means of the source of suspicion or by such a claim that is devoid of evidence, So this is the one who is giving such news from Allah Ta'alaa, which Allah Ta'alaa himself did not tell, nor did His Messenger (peace be upon him)

tell it on behalf of Allah Ta'ala. So this person is a liar against Allah Ta'ala. He has said something that he is not aware of. So this is a great courage. We narrated the sayings of Hazrat Aisha, Abdullah bin Zubair, Saeed bin Al-Masayb, Abdullah bin Ubaidullah, Hasan Basri, Abr Ahim Nakhai, Ubaydullah bin Abi. According to Bakra, the person who steals must be completely punished, even if he stole from unsecured property. Ibn Hazm says that this is the text of the Qur'an and the Sunnah of the Prophet (P.B.U.H)¹⁸.

Next he writes that

فروينا من طريق البخاري نا أبو الوليد - هو الطيالسي - والثيث
- هو ابن سعد - عن ابن شهاب عن عروة عن عائشة " ان
قريشاً أهتمهم المرأة المخزومية التي سرقت ذكر الحديث،
وفيه أن رسول الله ﷺ قام خطب فقال: يا أيها الناس إنما ضل
من كان قبلكم إنهم كانوا إذا سرق الشريف ترکوه وإذا سرق
الضعيف فيهم أقاموا عليه الحد وأيم الله لو أن فاطمة بنت محمد
سرقت لقطع محمد يدها¹⁹" " ومن طريق البخاري نا موسى
بن اسماعيل نا عبد الواحد الاعمش قال: سمعت أبا صالح
سمعتم أبا هريرة يقول: قال رسول الله ﷺ: لعن الله السارق
يسرق البيضة فتقطع يده ، ويسرق الحبل فتقطع يده.²⁰

As Bukhari has narrated from Hazrat Aisha that a woman of Banu Makhzoom tribe of Quraysh was accused of theft. Mentioned this hadith and the Messenger of Allah ﷺ gave a sermon about this event: O people! The nations before you went astray because when a big one among them stole, they would let him go, and when a weak person stole, they would panelized him. By Allah! If Fatima bint Muhammad had stolen, Muhammad would have cut off her hand. Another hadith on the authority of Hazrat Abu Huraira that the Prophet (peace be upon him) said: May Allah curse the thief who steals an egg and his hand be cut off or he steals a rope and His hand should be cut off.

After that, Ibn Hazm writes in al-Muhalla that فقضى رسول الله صلى الله عليه وسلم بقطع السارق جملة ولم يخص عليه السلام حرزاً من غير حرز {وما ينطق عن الهوى إن هو إلا وحيٌ يوحى} [النجم: 3-4] ، {وما كان ربك نسيا} [مرثى: 64] وقال تعالى: {اليوم أكملت لكم

دينكم} [المائدah: 3] وأما الإجماع فإنه لا خلاف بين أحد من الأمة كلها في أن السرقة هي الاختفاء بأخذ الشيء ليس له ، وأن السارق هو المخنق بأخذ ما ليس له ، وأنه لا مدخل للحرز فيما اقتضاه الاسم ، فمن أقحم في ذلك اشتراط الحرز فقد خالف الإجماع على معنى هذه اللفظة في اللغة.²¹

So the Messenger of Allah, peace and blessings of Allah be upon him, ordered to cut off the thief's hand, and he did not distinguish safe property from unsafe property. Because Allah Almighty says: And (the Messenger) does not speak of his own will, except what is revealed to him. He further said: And your Lord is not forgetful. And Allah Almighty says: Today We have completed your religion for you. And the whole ummah is unanimous on this view that stealing means secretly taking something that is not in one's possession. And a thief would be secretly taking another's property. Haraz has no involvement in it and the word theft also requires the same. So whoever included the condition of Haraz in the meaning of theft, he opposed the consensus.

When Ibn Hazm brings arguments, he does not go deep rationally and tries to infer the problem from the appearance of the text. In this way, he infers the problems by bringing many arguments from the Qur'an, Hadith and consensus.

1.3 Criticism of the views of other jurists

Ibn Hazm describes any problem and explains it from Quran and Hadith. After that they present the sayings of the Companions and Imams. Then the arguments of the above-mentioned Imams are copied and rejected one by one. Sometimes they reject the opinion of the opponent in the light of their own principle, such as the rejection of the Hanafi and the opinion of the Malikis with Malik bin Anas. In the same way, they reject the opinions of Imams in the issues of Qul without evidence, Qiyyas, Istihsan etc. Then he establishes the priority of his position among them and criticizes the

opinions of the rest of the imams and finally proves its correctness by supporting his position in the light of sahih hadeeth, such as in the issue of whether the limits are the cause of doubt. Will be removed from or not.²²

Ibn Hazm says that the opinion of a group is that the boundaries are broken due to doubts, those who strictly follow it are Imam Abu Hanifa and his companions. This is also the creed of Malikiyyah and Shafi'ah. Our Companions means Ahle. The religion of Zawahir is that it is not halal to abolish boundaries due to doubts, nor is it permissible to establish boundaries due to doubts. This is the right of Allah. Exceeding it is not permissible. Therefore, when the limit is not proven, it is not permissible to establish it because of doubt²³.

لقول رسول الله ﷺ: "إِنْ دَمَّأْكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ وَأَبْشَارَكُمْ عَلَيْكُمْ حِرَامٌ"²⁴

As the Prophet ﷺ said: Your blood, your property, your honor and your body are not halal.

When the limit(Panalty) is established, it is not permissible to discard it due to doubts²⁵. As Allah Ta'alā says:

(تَنَاهُ حَدُودُ اللَّهِ فَلَا تَعْتَدُوهَا) [البقرة: 229]

These are the limits established by Allah, so do not cross them.

Ibn Hazm says that when we pondered over the arguments of these jurists, we found that there is no text or word from the Prophet (peace and blessings of Allah be upon him) that is proven. These sayings of some Companions have been taken in ways that are not authentic²⁶. As is the saying of Umar bin Khattab on the authority of Ibrahim Nakhai, and on the authority of Qasim bin Abd al-Rahman, it is the saying of Hazrat Abdullah bin Masoud:

"ادْرُوا الْحُدُودَ مَا أَسْتَطَعْتُمْ"²⁷

Abolish the limits from Muslims as far as possible.

Similarly, it is narrated from Hazrat Aisha that the Messenger of Allah, peace and blessings be upon him, said:

ادْرُوا الْحُدُودَ عَنِ الْمُسْلِمِينَ مَا أَسْتَطَعْتُمْ"²⁸

As far as possible, remove the limits from the Muslims.

Similarly, Hazrat Abu Hurairah quotes that

ادْفِعُوا الْحُدُودَ مَا وَجَدْتُمْ مَدْفَعًا²⁹

As long as there is an argument that rejects the limits, stop the limits through it.

Similarly, Umar bin Khattab and Ibn Masud both say that

ادْرُوا عَنْ عِبَادِ اللَّهِ الْحُدُودَ فِيمَا شَبَهَ عَلَيْكُمْ³⁰

Remove the limits from the servants of Allah in any matter in which there is doubt.

Ibn Hazm criticizes these hadiths and says that they are not worthy of argument, because the hadith is through the method of Abd al-Razzaq, that is mursal, The saying of Umar bin Al-Khattab through the method of Ibrahim Nakhai is also mursal, Because Ibrahim Nakhai was born about fifteen years after the death of Hazrat Umar. And in the same way, the saying of Abdullah bin Masoud is transmitted through Qasim bin Abdul Rahman bin Abdallah bin Masoud, So the traditions that have been transmitted from some of the companions of the Messenger of Allah

ادْرُوا الْحُدُودَ مَا أَسْتَطَعْتُمْ

According to Ibn Hazm, these hadiths are not correct. And if this word is used, it will lead to the invalidation of limits in any case. This is against the consensus and religion of the people of Islam and against the Qur'an and Sunnah.³¹ According to Ahl al-Zawahir, it is not halal to remove boundaries due to suspicion, and similarly it is not permissible to establish boundaries due to suspicion. This is the right of Allah, which is not permissible to be abused. Ibn Hazm brought this hadith through Imam Bukhari³².

That the Messenger of Allah ﷺ said:

"الْحَلَالُ بَيْنَ الْحَرَامِ بَيْنَ وَبَيْنِهِمَا أُمُورٌ مُشْتَبِهَةٌ فَمَنْ تَرَكَ مَا اشْتَبَهَ عَلَيْهِ مِنَ الْإِثْمِ كَانَ لَمَّا اسْتَبَانَ أَنْتَرَكَ وَمَنْ اجْتَرَأَ عَلَى مَا يُشَكُّ فِيهِ مِنَ الْإِثْمِ أَوْ شَكَّ أَنْ يَوْقَعُ مَا اسْتَبَانَ وَالْمُعَاصِي حَمَى اللَّهُ مَنْ يَرْتَعْ حَوْلَ الْحَمَى يُوشَكُ أَنْ يَوْقَعَهُ"³³

"The halal is clear and the haraam is clear, and there are some suspicious matters between them, so whoever abandons that which is suspected of being a sin, he will also abandon that which is a clear sin, and whoever commits such acts Whoever is suspected of committing a sin, he will be involved in an open sin, and sins are the pastures of Allah, and whoever

grazes animals around the pasture is close to entering that pasture."

So this is correct and this is our religion.³⁴

2. Argument Style:

Ibn Hazm's style of reasoning is that when he explains the doctrines and arguments of other jurists about a problem and also criticizes them, then while explaining the arguments on his own doctrine, he explains this problem with the evidence of Sharia, i.e. the Qur'an, the Hadith., Ijmaa, the opinion of the Sahabi and Istisahab prove it. Ibn Hazm's reasoning style in deriving problems is as follows:

2.1 Argument Style from the Holy Qur'an:

Ibn Hazm recognizes the Qur'an as the source of jurisprudence and tries as much as possible that the first problem is derived from the Qur'an, just as all the other jurists agree that the first problem is derived from the Qur'an. Be it from Majeed, Ibn Hazm writes in this regard:

وَلَا خَالِفٌ بَيْنَ أَحَدٍ مِّنَ الْفُرَقِ الْمُتَنَمِّيَةِ إِلَى الْمُسْلِمِينَ
مِنْ أَهْلِ السُّنْنَةِ وَالْمَعْتَزَلَةِ وَالْخَوَارِجِ وَالْمَرْجَنَةِ
وَالْزِيَّدِيَّةِ فِي وُجُوبِ الْأَخْذِ بِمَا فِي الْقُرْآنِ³⁵

There is no difference of opinion regarding the derivation of obligation from the Qur'an among all the sects attributed to Muslims, whether they are Ahl al-Sunnah, Mu'tazila, Kharijite, Marjiyyah or Zaydiyya.

According to Ibn Hazm, when deriving a problem from the Holy Qur'an, the following rules of jurisprudence and principles of jurisprudence will be taken into consideration:

- Tafsir of the Holy Qur'an will be done from the Qur'an or from the Hadith Mutawatara or from the consensus of the Companions³⁶.
- Leaving aside the apparent and literal meanings of the jurisprudential terms in the Holy Qur'an, their Shariah meanings will be taken, such as the Shariah meanings of Salat, Zakat, Hajj and Fasting, and not the apparent meaning.³⁷
- Ibn Hazm derives problems from the apparent Qur'an, according to him, the matter of the Qur'an is for obligation and not for prohibition. In the same way, the general word will remain

in its generality, because its generality is obvious, but when its exception, appropriation or abrogation is proved by another verb, then its generality will end, as the Almighty said. Is:

إِنْ يَتَبَتَّهُوا يُغْفَرُ لَهُمْ مَا قَدْ سَلَفَ.

"If they repent, He (ALLAH) will forgive their past sins."

In this verse, their word has come for a condition, which is general, so according to Ibn Hazm, it includes all polytheists and non-polytheists. According to all the Companions of Al-Zawahir, the revelations of the commands and prohibitions contained in the Holy Quran and the words of the Messenger of Allah, may Allah bless him and grant him peace. will be taken and imposed on the obligation, unless there is an argument that turns these orders and prohibitions from obligation to nadab or abhat.³⁹

- The text will not be interpreted and only the apparent meaning will be taken, as Ibn Hazm writes:

وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَجْعَلَ آيَةً عَنْ ظَاهِرِهَا
وَلَا خَبْرًا عَنْ ظَاهِرَةٍ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ
{بِلِسَانِ عَرَبِيٍّ مُّبِينٍ ، الشَّعْرَاءَ: 59:
وَقَالَ تَعَالَى ذَامًا لِّقَوْمٍ {يَحْرِفُونَ الْكَلْمَ عَنْ
مَوَاضِعِهِ، المائدة: 13} ⁴⁰

It is not permissible for anyone to change a verse or news from its appearance, because Allah Almighty says that this Qur'an is in Arabic, and Allah has condemned the people who change the words from their appearance.

. According to Ibn Hazm, abrogation refers to a commandment reaching its end and changing it completely⁴¹.

Therefore, according to Ibn Hazm, the specification that the commandment is specific to an individual and the exception that making certain exceptions from the command will not be rejected. According to them, the specification, specification and exception are three different things.⁴²

2 Arguments from Hadith:

The second source of Islamic Sharia is the Hadith of the Prophet ﷺ, in which there are

rules and interpretations of the Holy Qur'an. In this regard, Ibn Hazm says that the Qur'an is the main authority in the rules of the Sharia. In the Qur'an, obedience to the Messenger of Allah, ﷺ. And the decree of Allah in the attribute of His Messenger is that they do not speak of their own will, but speak only what has been revealed to them.⁴³

It is proved from the Holy Qur'an that Hadith is one of the three principles (Qur'an, Hadith and Ijama'ah)⁴⁴.

Ibn Hazm considers only the sayings as proof. In his opinion, the knowledge of laws and rulings is obtained only from the sayings. The reason for this is that the Messenger of Allah, peace and blessings of Allah be upon him, was responsible for preaching and preaching is done by sayings. The sayings of the Prophet ﷺ are an example for us, and an example is desirable, not obligatory. In its argument, they present this Quranic verse:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ⁴⁵

According to Ibn Hazm, if it was obligatory to follow the pattern, then the words of the verse would be like this "لَقَدْ كَانَ عَلَيْكُمْ"

With these words, it would be obligatory on the believers to follow the example and it would not be said that you are an example for them⁴⁶.

In the opinion of Ibn Hazm, the actions of the Messenger of Allah (ﷺ) are obligatory when he (ﷺ) is actually implementing an order of the Book and the Sunnah, or if the action is compatible with this action, as he said:

صلوا كَمَا رأيْتُمْنِي، اصْلِي⁴⁷

Pray as if you see me praying.

In hadith, regarding acceptance and rejection, these rules are taken into account:

. Khabar – e – Wahid:

Ibn Hazm is convinced of the authenticity of Khabar Wahid. According to them, the definition and command of Khabar Wahid is:

ما نقله الواحد عن الواحد فإذا اتصل برواية العدول إلى رسول الله ﷺ وجب العمل به ووجب العلم بصحته أيسرا⁴⁸

"One person narrates from another person and the chain of this hadith is transmitted from the Messenger of Allah, peace and blessings of Allah be upon him. It is obligatory to act on

such a report and it is also obligatory to believe in its authenticity."

• Hadith Mursal:

According to Ibn Hazm, Mursal is a hadith whose chain of narrators is one or two narrators. A Mursal tradition would be unpopular and not an argument, because it is from unknown narrators, until we know the status of this minor narrator.⁴⁹

Ibn Hazm writes about the transmission of hadiths in support of related hadiths

وأما المرسل الذي لا إجماع عليه فهو مطروح على ما ذكرنا لأنه لا دليل عن قبوله البتة فهو داخل في جملة الأقوال التي إذا جمع عليها قبلت وإذا اختلفت فيها سقطت وهي كل قولة لم يأت بقصيلها باسمها نص⁵⁰

"If there is no consensus on such a transmitted tradition, it will be invalid, as we have mentioned, because there is no reason to accept it. Therefore, it will be included in those sayings that should be accepted when there is a consensus on them. And when there is a difference between them, then they are rejected and this is every saying, the details of which have not been narrated."

• Munqat'e (Disconnect):

According to Ibn Hazm, a disconnected hadith is not a valid proof. The disconnection of a chain of transmission is not acceptable because the narrator is an anonymous narrator. Explaining the argument of this position, Ibn Hazm writes in Al-Nabzat al-Kafiyah that we will not accept any news that is not proven by texts or consensus. Therefore, despite the acceptance of the tradition of the transmitted, disconnected, transgressor or unknown narrator, neither the Qur'an nor the Sunnah is valid, nor is it verified by consensus. The rest are only those traditions that are related to the chain of transmission, even if it is a single story.⁵¹

The reason for the lack of number of narrations regarding acceptance is this verse:

فَلَوْلَا نَفَرَ مِنْ كُلِّ فَرْقَةٍ مِنْهُمْ طَائِفَةٌ لَيَنْقَضُوا فِي الدِّينِ⁵²

"It did not happen that a few people from each group would go out and

learn the knowledge of religion and understand it."

3. Reasoning by Ijmaa (Consequences):

According to Ibn Hazm, consensus is the third source of external jurisprudence after Quran and Hadith. He writes in Al-Ahkam that such an Ijmaa, which is frequent and related to a religious issue that goes back to the Messenger of Allah ﷺ, is acceptable, But such an Ijmaa which is without text cannot be accepted, rather it will be disbelief and misguidance. He further writes that the concept of consensus without text is not possible. This text will either be the decree of the Messenger of Allah, which is transmitted and preserved in the books of Hadith, Or it will be an action which is narrated from him like a saying, or a speech, these are also preserved in the books of hadith. Apart from these reasons, whoever claims to hold consensus on something, we will give him the trouble of proving the validity of his claim⁵³.

Ibn Hazm classifies the levels of consensus in such a way that there will be consensus in every matter which is related to a Shariah issue and there is agreement on this Shariah issue whether it is of the Companions or the Tabieen or the followers of the Tabieen or the scholars, but the basis of this consensus is Be based on the text and no one has disagreed on this issue before⁵⁴. When the Companions or all the jurists of the Ummah have a consensus about an issue, they state it as a proof. So it is known that according to Ibn Hazm, consensus is a proof, and from this he infers rulings in al-Mahli, for example in issue 2169. Explaining that if the thief wants to issue a limit on himself, will the limit be issued or not? Explaining the example of consensus in this issue, he writes:

أما إقامته الحد على نفسه فحرام عليه ذلك بإجماع الأمة كلها ،
وأنه لا خلاف في أنه ليس لسارق أن يقطع يد نفسه ، بل إن فعل
ذلك كان عند الأمة كلها عاصيا⁵⁵

"It is forbidden for a thief to impose a limit on himself because of the consensus of the Ummah. No one disagrees with this, but whoever does

this will be a sinner in the eyes of the entire Ummah."

Similarly, Ibn Hazm also mentions a type of Ijmaa, Iql Ma Qayil, according to him, Iql Ma Qayil refers to the minimum amount of ruling on which all the jurists agree and by which the duty is discharged from the responsibility⁵⁶ or the common point of view of the scholars of Islam in a controversial matter which is agreed upon by all and it is considered as one of the types of consensus. It is from Allah Ta'ala and there is no doubt that it is obligatory to adopt that which is agreed upon by all⁵⁷.

2.4 Argument style from Qul Sahabi:

Ibn Hazm only takes the opinion of the Sahabi as an argument that no one has opposed, otherwise they do not consider it as evidence, such as whether a limit can be placed in a mosque or not. There should not be restrictions in the mosque in this issue. After narrating three hadiths, he brought this effect of Hazrat Umar⁵⁸ أتى عمر بن الخطاب رجل في حد ، فقال : أخرجه من المسجد ثم اضربه⁵⁹ قال أبو محمد هذا خبر صحيح ، قد صح⁶⁰

A person was brought to Umar ibn al-Khattab regarding the matter of limits, so he said to take him out of the mosque and then beat him. Ibn Hazm says that this report is correct and the research called it correct.

2.5 Argument from Istishab:

According to Ibn Hazm, the evidence of Shariah is the Book of Allah, the Sunnah of the Prophet (peace and blessings of Allah be upon him) and Ijmaa. Opinion and Qiyyas have no influence in the Sharia, even if the issues are not known from the texts, nor what will be the way to find out the verdict of consensus. In order to solve such problems, Ibn Hazm takes the path of Istihab al-Hal, which he calls Argument. Istihab is derived from Musahibat, which means keeping the commandment in the past due to the absence of change.

Ibn Hazm uses this principle of Istishab in Shari'i problems in such a way that according to him, all objects have the original state of existence, the proof of which is all the verses in

which the creation and subjugation of the universe are explained for man, as the Almighty says:

"هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعاً⁶¹

It is He Who has created for you all things that are on earth.

On the basis of these verses, Ibn Hazm declares the original state of the objects and the prohibition, unless there is an order to change this state from their state to sanctity, On the other hand, some verses state that all the objects whose sanctity was intended by Allah have been declared:

"وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ"⁶²:

Describe all the things that he has forbidden you.

The apparent conclusion of the verse is that the objects whose sanctity is proved by evidence will be considered haram and other objects will remain in their original state due to the rule of Istishab. Ibn Hazm has mentioned this in his book Al-Ahkam while responding to those people who say that if there is no text in a problem, then what will be the form of consensus based on the texts? Therefore, both the verses agree that we do not accept the claim that there is no text about a problem.

Quranic text "هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعاً" proves the condition of all objects and the second verse "وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ" To the prohibited items. Therefore, the remaining items will be declared halal based on the first text⁶³.

2.6 Rejection of Qiyyas (Presumption):

Ibn Hazm declares Qiyyas to be invalid, however, instead of Qiyyas, he takes evidence as a source. Rulings negate speculation in religion. وذهب أصحاب الظاهر إلى إبطال القول بالقياس في الدين جملة، وقالوا: لا يجوز الحكم البينة في شيء من الأشياء كلها، إلا بنص كلام الله تعالى، أو نص كلام النبي ﷺ، أو بما صح عنه من فعل أو إقرار، أو إجماع علماء الأمة كلها⁶⁴

"In all the rulings of the religion, the Companions of Al-Zawahir invalidate the Qiyyas and their opinion is that it is not permissible to impose a ruling in any of the rulings of the Shariah, except through the text of the

Word of God or the text of the hadith, or that The ruling may be proved by the actions or confessions of the Prophet (ﷺ) or by the consensus of the scholars of the entire Ummah."

Similarly, in Al-Nabzat al-Kafiyyah, regarding those things on which the ruling was not revealed, under this chapter, Ibn Hazm says:
 وَقَالَ تَعَالَى {لَا تَسْأَلُوا عَنِ اسْتِيَاءٍ إِنْ تَدْ لَكُمْ شَوْرُونَ وَإِنْ تَسْأَلُوا عَنْهَا جِئْنَ يَنْزَلُ الْفُرْقَانَ تَدْ لَكُمْ عَنْهَا إِنْ تَدْ لَكُمْ شَيْءٌ فَلَا شَيْءٌ فِي الْعَالَمِ مُخْرَجٌ عَنْ هَذَا الْحُكْمِ فَبَطَلَتِ الْحَاجَةُ إِلَى الْقِيَاسِ جَمِيلَهُ وَصَحَّ أَنَّهُ لَا يَحْلُّ الْحُكْمُ بِهِ الْبَيْنَةُ فِي الدِّينِ⁶⁵

As evidence, they present the word of Allah: {Ask not about those things, if they appear to you, they will cause you pain, and if you ask about them when the Qur'an is revealed, they will become clear to you} Nothing in the world is outside of this order. Therefore, the need for speculation has completely disappeared. And he says that the correct thing is that it is not halal to impose any order in religion with it (i.e. with speculation).

From this, it is known that Ibn Hazm says that deriving rulings from Qiyas is illegitimate. He explains the sources of Shariat in Al-Nabza. After presenting the arguments on the three sources of religion, they reject the Qiyas. Explaining their own and Ahl al-Zawahar's creed about speculation, they say that

قد صَحَّ عَنْ جَمِيعِ الصَّحَابَةِ رَضِيَ اللَّهُ عَنْهُمُ الْاجْمَاعُ عَلَى إِبْطَالِ الْقِيَاسِ وَالرَّأْيِ لِأَنَّهُمْ أَهْلُ الْإِسْلَامِ وَجَمِيعُ أَهْلِ الْإِسْلَامِ يَعْتَقِدُونَ بِلَا شَكْ طَاعَةُ الْقُرْآنِ وَمَا سَنَهُ رَسُولُ اللَّهِ ﷺ وَتَحْرِيمُ الشَّرْعِ فِي الدِّينِ عَنْ غَيْرِ اللَّهِ تَعَالَى وَهَذَا اجْمَاعٌ مَانِعٌ مِنَ الرَّأْيِ وَالْقِيَاسِ لِأَنَّهُمَا غَيْرُ الْمَنْصُوصِ فِي الْقُرْآنِ وَالسُّنَّةِ⁶⁶

"All the companions of the Prophet, may God bless him and grant him peace, are unanimous in refuting the suppositions and opinions, because they and all the people of Islam believe and believe that obedience to the Qur'an and the Sunnah of the Messenger of God, may God's prayers and peace be upon him, is unquestionable and it is not permissible for anyone other than Allah Ta'ala to order the sanctity and status in the religion in the Shari'ah.

This is a consensus that prevents opinion and Qiyyas because there is no text of Qiyyas in the Qur'an and Sunnah."

Ibn Hazm describes speculation as the work of Satan and compares finding reasons in the Shari'ah to the work of Iblis, as he writes:
 وَأَنْ أَوْلَى مَا عَصَى اللَّهُ تَعَالَى بِهِ فِي عَالَمِنَا هَذَا الْقِيَاسُ وَهُوَ قِيَاسٌ إِبْلِيسٌ عَلَى أَنَّ السَّجْدَةَ لَا مَسْأَطٌ عَنْهُ لَأَنَّهُ خَيْرٌ مِّنْهُ إِذَا إِبْلِيسٌ مِّنْ نَارٍ وَآدَمٌ مِّنْ طِينٍ . . . وَنَحْنُ نَبْرَا إِلَى اللَّهِ تَعَالَى مِنَ الْقِيَاسِ فِي الدِّينِ⁶⁷

"And that the first thing that Allah has caused disobedience in our world is supposition. It is the supposition of Iblis that he made Adam fall because he did not prostrate because he is better than him, just as Satan is from fire and Adam is from clay.

3. Simplicity and Smoothness in Reasoning:

A jurist does not explain any given problem in the same way, sometimes he explains the problem in a simple way and sometimes he goes into very deep arguments that the reader or jurist or usulist has to think about. If the Ahl al-Zawahir take the appearance of the text, then they explain the problems in a very simple way and do not even give rational arguments, so Ibn Hazm's reasoning is very simple, like in the problem of the punishment of a thief. . This problem has been proved in a single sentence with simplicity like the most expert Fiqh from the Qur'an, Sunnah and Ijmaa Ummah:

قال الله تعالى: (والسارق والسارقة فاقطعوا أيديهما جزاء بما كسبا نكالا من الله) [المائدah:38] فوجب القطع في السرقة بنص القرآن. ونص السنة واجماع الامة⁶⁸

. "Allah, the Exalted, is disbelieving, cut off the hands of both male and female thieves. This is the recompense of what they have done and a severe punishment from Allah. Due to the Qur'an and the text of the Sunnah and the consensus of the Ummah, it is cut off in the case of theft." Yad is obligatory."

Silasat means that the jurist has used a lot of reasoning while explaining the problems and has piled up arguments. For example, Mandt states the following arguments using multiple reasoning to justify the sentence of exile⁶⁹ Which shows the smoothness in the jurisprudence. Presenting so many arguments with such fluency only from the Qur'an and Hadith is only for a jurist and Muhadith like Ibn Hazm, so he writes:

عَنْ أَبْنَى عُمَرَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ضَرَبَ وَغَرَبَ وَأَنَّ أَبَا يَكْرَمْ ضَرَبَ وَغَرَبَ وَأَنَّ عُمَرَ ضَرَبَ وَغَرَبَ قَالَ وَفِي الْتَّابِعِ عَنْ أَبِي هُرَيْرَةَ وَرَيْدَ بْنِ خَالِدٍ وَغَبَادَةَ بْنِ الصَّامِتِ قَالَ أَبُو عِيسَى حَدَّيْثُ أَبْنَى عُمَرَ حَدَّيْثٌ غَرِيبٌ رَوَاهُ عَيْنُ وَاحِدٍ عَنْ عَبْدِ اللَّهِ بْنِ إِدْرِيسَ فَرَفَعُوهُ وَرَوَى بَعْضُهُمْ عَنْ عَبْدِ اللَّهِ بْنِ إِدْرِيسِ هَذَا الْحَدِيثُ عَنْ عَبْدِ اللَّهِ عَنْ تَافِعٍ عَنْ أَبْنَى عُمَرَ أَنَّ أَبَا يَكْرَمْ ضَرَبَ وَغَرَبَ وَأَنَّ عُمَرَ ضَرَبَ وَغَرَبَ⁷⁰

It is narrated from Hazrat Ibn Umar that the Prophet ﷺ also flogged and punished exiles. In this chapter, there are also narrations from Hazrat Abu Huraira, Zayd bin Khalid and Ubadah bin Samit. The hadith of Ibn Umar is poor. Some narrators narrate this hadith from Abdullah bin Idris, he from Ubaidullah, he from Nafi, and he from Ibn Umar that Abu Bakr gave (the unmarried) a hundred lashes and exiled him. Similarly, Hazrat Umar He was also flogged and exiled."

Another hadith has been brought from Hazrat Nafi that he narrates from Safiya bint Abi Ubayd:

أَنْ رَجُلًا وَقَعَ عَلَى جَارِيَةَ بَكْرٍ فَأَحْبَلَهَا فَاعْتَرَفَ وَلَمْ يَكُنْ أَحْسَنَ فَأَمْرَرَ بَهَابُو بَكْرٍ فَجَلَدَهُ مائةً ثُمَّ نَفَى⁷¹

"A man fell in love with a virgin slave-girl by whom she became pregnant, the man confessed adultery while he was not a muhsan, so Hazrat Abu Bakr ordered about him, so he was flogged and He was also exiled."

وعن ابن هشام عن يحيى بن عبد الرحمن بن حاطب عن أبيه ان حاطبا توفي واعتق من صلى من رفيقه وصام وكانت له وليدة نوبية قد صلت وصامت وهي اعجمية لم تفقه فلم يرعه الا حملها فذهب إلى عمر فزع ا قال له عمر: أنت الرجل الذي لا تأتي بخير فأرسل إليها عمر أحبلت؟ فقالت نعم من مرعش

بدرهمين فإذا هي تستهل به وصادفت عنده على بن أبي طالب وعثمان بن عفان وعبد الرحمن بن عوف فقال: أشيروا علي وعثمان جالس فاضطجع فقال علي وعبد الرحمن قد وقع عليه الحال قال: أشر علي يا عثمان قال: قد أشار عليك أخواك قال: أشر علي أنت قال أراها تستهل به كأنها لا تعلمه وليس الح الا على من علمه فأمر بها فجلدت مائة وغربها⁷²

The third argument has been brought from Hazrat Ata that an unmarried person will be given a hundred lashes and will also be exiled for one year.

عَنْ أَبِي هُرَيْرَةَ وَرَبِيدَ بْنِ خَالِدٍ قَالُوا كَمَا عَذَّ رَسُولُ اللَّهِ ﷺ فَأَتَاهُ رَجُلٌ فَقَالَ أَشْتُكَ اللَّهَ لَمَا قَضَيْتُ بَيْنَنَا بِكِتابِ اللَّهِ فَقَالَ حَصْمُهُ وَكَانَ أَفْقَهَ مِنْهُ أَفْضَى بَيْنَنَا بِكِتابِ اللَّهِ وَأَدْنَى لِي حَتَّى أَفُولَ فَلَمْ قَالَ إِنَّ أَبْنِي كَانَ عَسِيقًا عَلَى هَذَا وَإِنَّهُ رَأَى بِأَمْرِ أَبِيهِ فَاقْتُدِيَتْ مِنْهُ بِمِائَةَ شَاةٍ وَحَادِمٍ فَسَأَلَثُ رَجَالًا مِنْ أَهْلِ الْعِلْمِ فَأَخْبَرَثُ أَنَّ عَلَى أَبْنِي جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ وَأَنَّ عَلَى امْرَأَةٍ هَذَا الرَّجْمُ فَقَالَ رَسُولُ اللَّهِ ﷺ وَالَّذِي نَفْسِي بِبَيْدِهِ لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتابِ اللَّهِ الْمِائَةُ الشَّاةُ وَالْحَادِمُ رَدُّ عَلَيْكَ وَعَلَى ابْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ وَأَغْدُ يَا أَتَيْسُ عَلَى امْرَأَةٍ هَذَا فَإِنْ اعْتَرَفْتُ فَأَرْجُمُهَا قَالَ هِشَامٌ فَعَدَا عَلَيْهَا فَاعْتَرَفَتْ فَرَجَمَهَا⁷³

Hazrat Abu Huraira and Zayd bin Khalid say that we were with the Messenger of Allah, peace and blessings be upon him, when a man came and said: I swear to you that you will judge between us according to the Book of Allah. This was wiser than you to decide between us, according to the book of Allah and allow me to submit. He said, say! He said, "My son was employed by him and he committed adultery with his wife, so I gave him a ransom of one hundred goats and one slave. Then I inquired from some learned men, and I was told that my son He will be flogged and sentenced to exile for one year and his wife will be stoned. Then the Messenger of Allah (ﷺ) said: By the One in Whose custody is my life, I will judge between you according to the Book of Allah, a hundred goats. And the slave will be returned to you and your son will receive a hundred lashes and exile for one year, and O Anas! Going to his wife in the

morning and stoning her if she confesses to adultery. Hisham says that Anas went to his wife in the morning and she confessed, so they stoned her.

The fourth argument is given by Ibn Hazm from the time of Hazrat Ali:

عَنْ الْعَلَاءِ بْنِ بَدْرٍ قَالَ : فَجَرَتْ امْرَأَةٌ عَلَى عَهْدِ عَلَيِّ بْنِ أَبِي طَالِبٍ وَقَدْ تَرَوَجَتْ ، وَلَمْ يُدْخَلْ بِهَا فَاتِيَّ بِهَا عَلَيِّ " فَجَلَدَهَا مِائَةً ، وَنَقَّافَا سَنَةً إِلَى نَهْرَيْ كَرْبَلَاءَ⁷⁴

The punishment of free and slave limits is different from each other which is:

وَكِتَابُ اللَّهِ تَعَالَى هُوَ وَحْيُهُ وَحْكَمَهُ مَعَ أَنَّ اللَّهَ تَعَالَى يَقُولُ فِي الْقُرْآنِ : (وَمَا يُنْطِقُ عَنِ الْهُوَيِّ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَى) [النَّجْم: 3-4] فَهَذَا نَصُّ الْقُرْآنِ فَانْ كُلَّ مَا قَالَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَعَنْ وَحْيٍ مِنَ اللَّهِ تَعَالَى يَقُولُهُ ، وَقَالَ تَعَالَى : (فَعَلَيْهِنَ نَصْفُ مَا عَلَى الْمُحْسِنَاتِ مِنِ الْعِذَابِ) [النِّسَاء: 25] وَفَرْقُ عَلَيْهِ السَّلَامِ بَيْنِ حَدِّ الْمُمْلُوكِ وَحَدِّ الْحَرِّ فِي حَدِيثِ ابْنِ عَبَّاسٍ وَعَلَى الَّذِي أُورَدَنَا قَبْلَ فِي بَابِ حَدِّ الْمَالِكَيْ فَصَحَ النَّصُّ أَنَّ عَلَى الْمَمَاكِيْ دَكُورَهُمْ وَأَنَّا ثُمَّ نَصْفُ حَدِّ الْحَرِّ وَالْحَرَّةِ وَذَلِكَ جَلْدٌ خَمْسِينَ وَنَفْيٌ سَنَةً أَشْهَرٌ⁷⁵

"There is a revelation in the Book of Allah, and the commandment of Allah is this: And (the Messenger) does not speak of his own will, except what is revealed to him. Therefore, what is in the word of Allah is also a text, and what the Messenger of Allah He has said that it is also a revelation from Allah Ta'ala. Allah Ta'ala says that the punishment of free women is half of the punishment on them. The Messenger of Allah (peace and blessings of Allah be upon him) distinguished between the punishment of a free woman and a slave. Narrated by Hazrat Abbas. I have mentioned that which has been passed above and this punishment is half of freedom and his punishment is fifty lashes and six months' exile."

Ibn Hazm has also brought another argument on exile:

عَنْ زَيْدِ بْنِ خَالِدِ الْجُهْنَى قَالَ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُ فِيمَنْ رَأَى
وَلَمْ يُحْصِنْ جَلْدًا مِائَةً وَتَعْرِيبَ عَامٌ⁷⁶

On the authority of Zayd bin Khalid Jahni, he said: I heard the Prophet (peace and blessings of Allah be upon him) ordering an unmarried adulterer to receive one hundred lashes and exile for one year.

On exile, Ibn Hazm presents this hadith as an argument:

عَنْ نَافِعٍ عَنْ أَبْنِ عُمَرَ أَنَّ أَبَا بَكْرَ ضَرَبَ وَغَرَبَ وَأَنَّ عُمَرَ
ضَرَبَ وَغَرَبَ وَلَمْ يَذْكُرُوا فِيهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
وَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ النَّفِيُّ رَوَاهُ أَبُو
هُرَيْرَةَ وَزَيْدُ بْنُ خَالِدٍ وَعَبَادَةً بْنُ الصَّامِتِ وَغَيْرُهُمْ عَنِ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ
النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْهُمْ أَبُو بَكْرٍ وَعُمَرُ وَعَلِيٌّ وَأَبْيَانُ
كَعْبٍ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَأَبُو ذَرٍ وَغَيْرُهُمْ وَكَذَلِكَ رُوِيَ عَنْ
غَيْرِ وَاحِدٍ مِنْ فَقَهَاءِ التَّابِعِينَ وَهُوَ قَوْلُ سُفْيَانَ التَّوْرِيِّ وَمَالِكِ
بْنِ أَئْسٍ وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ⁷⁷

"There is a hadith from Nafi and he narrates from Ibn Umar that Abu Bakr flogged and exiled. Hazrat Umar also flogged and punished the exile, but he did not mention the Prophet's flogging and exile. Exile from the Prophet ﷺ is proven. Hazrat Abu Hurairah, Zayd bin Khalid, Ubadah bin Samit and other companions narrated from the Prophet ﷺ. It is the same practice. It has been narrated in the same way from several jurists of the Tabieen. Sufyan Thauri, Malik bin Anas, Abdullah bin Mubarak, Shafi'i, Ahmad and Ishaq also have the same opinion.

Ibn Hazm brings another proof that Hazrat Ubada bin Samit says that the Messenger of Allah, peace and blessings be upon him, said: حُذُوا عَنِي قَدْ جَعَلَ اللَّهُ لَهُنَّ سَبِيلًا الْبَكْرُ بِالْبَكْرِ جَلْدًا مِائَةً وَتَعْرِيبَ سَنَةٍ⁷⁸ Find out the order of religion from me. So Allah has set a path for these women: goat, adultery with a goat will be punishable by imprisonment for one year.

In addition to this, they also present other arguments. So these arguments prove that the adulterer will be punished with exile in addition to whipping or 100 lashes. Ibn Hazm works with reasoning in a very simple way and takes only the apparent meaning of the text in imitation arguments and imitation arguments instead of rational ones. There is no depth at all in Ibn Hazm's reasoning style. And they explain the rules of the problems only from the manifest texts.

4. Opinion of Scholars on the Jurisprudence of Ibn Hazm:

Ibn Hazm was a great jurist and muhaddith of his time. Your friends, contemporaries and even your envious and enemies have also appreciated your academic excellence and services. Following are the views of some of his contemporaries about his jurisprudence:

Qazi Saeed bin Ahmad bin Saeed, who is among his students, writes in praise of his teacher:

كان أبو محمد بن حزم أجمع أهل الأندلس قاطبة لعلوم الإسلام، وأوسعهم معرفة مع توسعه في علم اللسان، ووفر حظه من البلاغة، والشعر، والمعرفة بالسير والأخبار⁷⁹

Ibn Hazm was one of the comprehensive people of Islamic studies of the people of Andalus, He also had a lot of knowledge in linguistics, rhetoric, poetry, travel and hadith and he also had knowledge of it."

Ibn Hayyan al-Andalsi, who was one of his opponents, writes with reference to Ibn Hazm:

كان أبو محمد حامل فنون من حديث وفقه وجدل ونسب، وما يتعلق بأذنيات الأدب، مع المشاركة في كثير من أنواع التعليم القديمة من المنطق والفلسفه. وله في بعض تلك الفنون كتب كثيرة⁸⁰

Ibn Hazm was unique in all the arts related to hadith, jurisprudence, debate, genealogy, knowledge and literature. He was the author of many books on ancient logic and

philosophy and some of them on the arts."

The students of Imam Hamidi Ibn Hazm write about the academic ability of their teacher:

كان حافظاً عالماً بعلوم الحديث وفقهه، مستبطاً للأحكام من الكتاب والسنة، متقناً في علوم جمةٍ، عملاً بعلمه، زاهداً في الدنيا بعد الرياسة التي كانت له ولأبيه قبله في الوزارة وتنتير الملك، متواضعاً ذا فضائل جمة وتأليف كثيرة في كل ما تحقق به من العلوم، وجمع من الكتب في علم الحديث، والمصنفات، والمستن达ات كثيراً.⁸¹

He was a Hafiz of the sciences of Hadith and Fiqh, deriving rulings from the Book and Sunnah, an expert in sciences and arts and practicing his knowledge. His compilations on many sciences. He collected many books and manuscripts in the science of Hadith.

Ibn Khalqan writes about Ibn Hazm:

كان حافظاً عالماً بعلوم الحديث مستبطاً للأحكام من الكتاب والسنة بعد أن كان شافعياً المذهب فانتقل إلى مذهب أهل الظاهر وكان متقناً في علوم جمةٍ عملاً بعلمه زاهداً في الدنيا بعد الرياسة التي كانت له ولأبيه من قبله في الوزارة وتنتير الملك متواضعاً ذا فضائل جمة وتأليف كثيرة وجمع من الكتب في علم الحديث والمصنفات والمستنادات⁸²

Ibn Hazm was a scholar of Hadith and deduced rulings from the book and Sunnah. First he was a Shafi'i sect, then he moved to the religion of Ahl al-Zahir. He was an expert in many sciences. They were the ones who practiced their knowledge. They abandoned the ministry in the state that they and their father got, and adopted the Turkish world. He had many virtues and knowledge of hadith, writings and compilations in musnads

Apart from this, Ibn Khalqan has also highlighted many works of Ibn Hazm.

Ibn Taymiyyah writes about Ibn Hazm's jurisprudential insight and methodology:

وإن كان أبو محمد بن حزم في مسائل الإيمان والقدر أقوم من غيره وأعلم بالحديث وأكثر تعظيمًا له ولأهلة من غيره، لكن

قد خالط من أقوال الفلاسفة والمعتزلة في مسائل الصفات ما صرفة عن موافقة أهل الحديث في معاني مذهبهم في ذلك سوله من التمييز بين الصحيح والضعيف والمعروفة بأقوال السلف ما لا يكاد يقع مثله لغيره من الفقهاء. **وَتَعْظِيمُ أَمَّةَ الْأَمَّةِ وَعَوْمَاهَا لِلشَّيْءِ وَالْحَدِيثِ وَأَهْلِهِ فِي الْأَصُولِ وَالْفُرُوعِ مِنَ الْأَقْوَالِ وَالْأَعْمَالِ**⁸³

Abu Muhammad Ibn Hazm was more firm than others (other scholars) in matters of faith and destiny. Scholars of hadith were great scholars. They were highly respected scholars of Hadith and Ahl al-Hadith. But they included the sayings of philosophers and Mu'tazila in matters of attributes, which led them to deviate from the religion of Ahl al-Hadith. So they adapted the word and they adapted the meaning. . Ibn Hazm differentiates between authentic and weak hadith. He has the knowledge of the sayings of the Salaf, which other than him, the jurists have very little. In their principles and branches, the Sunnah, Hadith and the sayings and deeds of the people of Hadith are respected by the Imams of the Ummah.

Jalaluddin Suyuti writes about Ibn Hazm:

كان صاحب فنون وورع وزهد وإليه المنتهي في الذكاء والحفظ وسعة الدائرة في العلوم أجمع أهل الأندلس قاطبة لعلوم الإسلام وأوسعهم مع توسعه في علوم اللسان والبلاغة والشعر والسير والأخبار⁸⁴

Ibn Hazm Sahib was an artist, pious and ascetic, he is at the extreme in terms of knowledge, memorization and breadth in Islamic sciences. The people of Andalus have a consensus that Ibn Hazm is Bahr Zakhar in Islamic sciences. Studies related to language, rhetoric, poetry, travel and newspaper

Firuzabadi writes about Ibn Hazm:

إمام في الفنون وزير هو بعد أبيه للمطرفي ترك الوزارة " ⁸⁵ وأقبل على التصنيف ونشر العلم

Ibn Hazm was an imam in the arts. He succeeded his father as the minister of Muzaffar but left the ministry and

turned to writings and spreading knowledge.

Many of his works have been described by Feroze Abadi in the same book.

5. Results of Research Paper:

The following scientific findings emerged from this article:

1. Ibn Hazm is a great jurist and Muhaddith of Zahari jurisprudence. His famous works al-Muhalla and al-Ahkam not only keep the jurisprudence alive, but he himself is alive because of it. The issues discussed in al-Mahla reveal his further view of jurisprudence.
2. His extensive writings on jurisprudence and principles of jurisprudence show his jurisprudence.
3. Ibn Hazm derives problems from the apparent words of the Qur'an and Hadith and rejects Qiyyas.
4. Ibn Hazm has used the Qur'an, Hadith, Ijmaa, Qul Sahabi, Evidence and Istishab.

¹ Al-Dahhabi, Shams al-Din, Muhammad bin Ahmad, Tazkira tul Huffaz, Dar al-Kutub al-Il-Imiya, Beirut, Lebanon, 1st edition, 1419 AH-1998, 3/227; Ibn Kathir, Abu Al-Fida, Ismail Ibn Kathir, Al-Badayyyah and Nahayyyah, Dar al-Fikr, Beirut, 1398 AH/1978, 11/91

² Yusuf bin Taghri Bardi bin Abdallah, Al-Njoom al-Zahira fi Maluk Misr wal Cairo, Ministry of Culture and Guidance, Dar Al-Kutub, Egypt, 5/75

³ Ibn Khalqan, Shams al-Din Ahmad, Death of al-Ayyan, Manshurat al-Sharif al-Razi, Qom, Iran, 1324 AH/1908 AD, 3/325

⁴ Bishkawal, Khalaf bin Abd al-Malik, Al-Sala in the History of the Imams of Andalusia, Al-Khanji Library, Second edition, 1374 AH - 1955 AD, p:396

⁵ According to Muhammad bin Abi Amir known as Al-Mansur (357 to 394 AH) (937 to 1002 AD), he was the real ruler of the era of Caliph Hisham. His rule lasted for 27 years and he did 52 jihads. He was a great mujahid, pious, excellent administrator and appreciator of scholars. During the reign of Caliph al-Hakim II, he abolished the al-Mukuki concubines and transformed Andalusia into a strong Islamic

5. Ibn Hazm has narrated many blessed hadiths with fluency while giving arguments. The authenticity of these hadiths has been explained and the narrations have been examined and modified. This is the glory of a great man like Ibn Hazm

6. Sometimes they reject the opinion of the opponent in the light of their own principles, such as the rejection of the Hanaf and the rejection of the opinion of the Malikis from Malik bin Anas.
7. They prove the problems with extreme simplicity, abundance of evidence and many arguments. His arguments show smoothness and depth of knowledge.
8. Ibn Hazm's friends, contemporaries, contemporaries and those who came later have acknowledged his jurisprudence and magnificence.

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⁶ Awais, Abdul Halim, Dr., Ibn Hazm Andalusi and Juda in historical and cultural research, translator: Muhammad Raees Al-Nandwi, titled "Sirat Hafiz Ibn Hazm Andalusi, a comprehensive introduction to the scientific and historical services", Department of Islamic Research, Jamia Salafiyyah, Banaras, India, first edition, 1405 AH- 1985, p: 15

⁷ Ibn Hazm, Ali bin Ahmad bin Saeed, Al-Andalusi, Towq al-Hammamah fi al-alfa-wal-alaf, Al-Arabaya Foundation for Studies and Publishing, Beirut/Lebanon, second edition - 1987, p.311

⁸ Ibn Hazm, Tawq al-Hamamah, p. 262

⁹ Ibn Hazm, Tawq al-Hamamah, p: 273

¹⁰ Al-Dhabi, Taqirat al-Nab, 3/228

¹¹ Al-Dhabi, Taqirat al-Nab, 3/228

¹² Ibn Hazm, Ali Ibn Ahmad Ibn Saeed, Al-Mahla Bal Atar, Kitab al-Hudood, Chapter Al-Qazf, Dar al-Afaq al-Jadidah, Beirut, 1/85.

- ¹³ Katani, Muhammad al-Muntasir Ballah bin Muhammad Zamzami, Mujam Fiqh Ibn Hazm, Dar al-Kitab al-Ulamiyyah, Beirut, 2009, Preface, p. 15
- ¹⁴ Ibn Hazm, Ali Ibn Ahmad Ibn Saeed, Al-Mahla Bal Atar, Kitab al-Hudood, Chapter Al-Qazf, Dar al-Afaq al-Jadidah, Beirut, 11/268.
- ¹⁵ Al Muslim, Muslim bin Al Hajjaj, Sahih Muslim, Kitab Al Qasamah wa al Muharibeen wa al Qisas, Bab Taghliz tahrif al Dima wa Al eraz wa al amwal, Dar Ihya Al kutub Al Arabiya, Qahira, 1334, hadith no: 1679
- ¹⁶ Ibn Hazm, al-Muhalla, Kitab al-Hudood, chapter al-Qazf, 11/268
- ¹⁷ Ibn Hazm, al-Muhalla, Kitab al-Sarqah, 11/326
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- ¹⁹ Al Bukhari, Muhammad bin Ismael, Sahih Bukhari, Kitab Al hudud wa ma yahzur min Al hudud, Bab karahiya al shafa fi al had iza rafa ila sultan, Dar tauq al nijat, Beirut, 1st edition, 1422, hadith: 6788
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- ²¹ Ibn Hazm, al-Muhalla, Kitab al-Sarqah, 11/327
- ²² Ibn Hazm, al-Muhalla, 11/153
- ²³ Ibn Hazm, al-Muhalla, 11/153
- ²⁴ Al Muslim, Muslim bin Al Hajjaj, Sahih Muslim, Kitab Al Haj, bab hajjat al nabi, hadith: 1218. Al Bukhari, Muhammad bin Ismael, Sahih Bukhari, hadith: 1557
- ²⁵ Ibn Hazm, al-Muhalla, 11/153
- ²⁶ Ibn Hazm, al-Muhalla, 11/153
- ²⁷ Al-Sanaani, Abd al-Razzaq bin Hammam bin Nafi, Al Musannaf, Kitab al-Talaq, Chapter Aifaa Al-Hadd, Majlis al-Ilami, Al-Hind, Beirut, Al-Tabb Al-Thania: 1403 AH, Number of Hadith: 13641
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³⁰ Ibn abi Shaibah, Al musannuf, Kitab al hudud, bab fi dar al hudud bi shubhat, hadith: 29085

³¹ Ibn Hazm, al-Muhalla, 11/154

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³³ Al Bukhari, Muhammad bin Ismael, Sahih Bukhari, Kitab al Buoe, bab al halal bayyin wal haram bayyin wa baynahuma mushtabihat, hadith: 2051

³⁴ Ibn Hazm, al-Muhalla, 11/155

³⁵ Ibn e Hazm ,Ali bin Ahmad Bin Saeed, *Al-Ahkam Fi Usool ul Ahkam*, (Dār ul Kutub ul Ilmiah, Beirut), 1/94.

³⁶ Ibid, 1/70.

³⁷ Ibid, 1/95.

³⁸ Al-Qu'rān 38: 8.

³⁹ Ibn e Hazm, *Al-Ahkam, Al Juz al Salis*, 1/275

⁴⁰ Ibn e Hazm, Al Nabaz Fi *Usool ul Fiqh*, P 36-37.

⁴¹ Ibn-i-Hazm, Al-Ahkam, Al-Jaz IV, 1/475

⁴² Ibn-i-Hazm, Al-Ahkam, Al-Jaz IV, 1/481

⁴³ Al-Qu'rān 4: 53.

⁴⁴ Ibn e Hazm, *Al-Ahkam, Al Juz ul Awal*, 1/95.

⁴⁵ Al-Qu'rān 21: 33

⁴⁶ Ibn e Hazm, *Al-Ahkam, Al Juz ul Sani*, 2/150.

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⁴⁸ Ibn e Hazm, *Al-Ahkam, Al Juz ul Awal*, 1/106.

⁴⁹ Ibn e Hazm, *Al-Ahkam, Al Juz ul Sani*, 1/145.

⁵⁰ Ibid, 1/206.

⁵¹ Ibn Hazm, Ali bin Ahmad bin Saeed, Al-Nabza Kafiyyah fi Ahakm Asul al-Din, Dar al-Kutub al-Elamiya, Beirut, 1405 AH, p. 31

⁵² Al-Qu'rān 22: 9.

⁵³ Ibn e Hazm, *Al-Ahkam, Al Juz ul Rabay*, 1/545.

⁵⁴ Ibn e Hazm ,Ali bin Ahmad , Muratab ul Ijma Fil Ibadat ,(Dār ul Kutub ul Ilmiah, Beirut),P 12.

⁵⁵ Ibn Hazm, Al-Muhalla Balatsar, Kitab al-Hudud, 11/134

⁵⁶ Ibn e Hazm, *Al-Ahkam, Al Juz ul Khamis*, 2/47.

⁵⁷ Ibid

⁵⁸ Ibn Hazm, Al-Muhalla Balasar, Kitab al-Hudoood, 11/123

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