

Methods of Effective Causes

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ABSTRACT

Methods of identification of the effective causes (*Masalik al-'Illa'*) are based on inductive logic and analogy (*Qiyas*), which means that the search can be particular rather than universal. *Qiyas*, however, takes place through comparison between the qualities of two different parts. This study introduces these paths and shows the experimental scientific rules on which they depend. Besides, light is shed on the degree of the appropriateness of these paths to the issues of jurisprudence and their degrees of certainty. These methods have been used in experimental sciences among Muslims in the Middle Ages, also contributed to the development of modern of new scientific methods for modeling.

Keywords: identification, logic

INTRODUCTION

The issue of 'Illa constitutes the most important part of Qiyas/analogy and reasoning. The definition of 'Illa/ cause that is relevant to the Hukm (ruling/judgment) requires the development of various methods known by the name of Masalik. The Masalik/ methods aim to determine the 'Illa that can be appropriate to the Hukm/ ruling because "the *Fari'* (the new case or phenomenon that carry several attributes which indicate the validity of using Qiyas by agreement) does not indicate that each attribute of the original attributes is valid to be 'Illa/ cause.... and if we agree that the indication of these texts regarding an attribute of the original attributes was imposed on us when we were asked to give it some consideration, then that attributes must have a certain reasonable specific meaning that can be distinguished from other attributes"¹. The Moslem scholars differ in their views regarding the ability of *Maslaik al-'Illa'* to determine the right 'Illa / effective cause, which appears in their attitude regarding Sabr and Taqseem (examination and isolation of attributes). *al-Sabr wa al-Taqseem* for al-Ghazali are generally considered correct evidence that cause doubt/ skepticism in causality .² However, al-Juwaini does not consider Sabr and Taqseem alone sufficient to reach by the compelling assumption of

truth (al-Zann al-Ghalib) by cause.³ al-Zarkashi compares Sabr and Taqseem to conditional syllogism .⁴

We notice that the difference is between two views: **the first view** deals with Masalik al-'Illa as experimental probable methods. Here, the issues of phenomena of Fiqh/ jurisprudence are considered changing phenomena rather than stable, and require methods of research that are based on experiment and possess flexibility to deal with changes. Besides, the issues of jurisprudence study are particular and specific ones that are studied only by inductive methods in which it is possible to move from the *particular into the universal*.

The second view refers these Masalik to the formal logic, which is purely intellectual, and is characterized by stability of rules and definitive rulings, discusses fixed issues, and depends on metaphysical concepts that do not exist in reality. This is an deductive study that moves from the universal to the particular and deals with *al-Mahiyya / quiddity* that is known by the names genus (*jins*), species (*naw'*) and (*fasl*) differentia.

I think that Masalik al-'Illa operate according to inductive logic which is characterized by discussing the changing corporeal events. These Masalik deal with the

relation between the attributes of two particular issues, and determines the similar and different attributes between them. Masalik al-'Illah aim to determine the 'Illah that is appropriate to be ruled. In this sense, the Masalik are based on the principle of causality, which refers to the experimental search that leads to the cause that leads to a specific effect.

al-Sabr wa al-Taqseem / Examination and Isolation of Attributes

al-Sabr and al-Taqseem are considered some of the most important parts of Masalik/ methods of 'Illah. They depend on experience/ experiment to reach the real effective cause that should be a clear, controlled, transcending, appropriate, and considerate description. These conditions are probable and hypothetical rather than definitive, and are so instable that it will be possible for them to change from one state to another. They are also characterized by relativity as they depend on the assessment of the Mujtahid and are connected to the differences between the minds of the searchers and Mujtahideen. It is enough for the Mujtahid to say, "I searched and examined, but did not find anything except these things; if I get additional 'Illah/ cause, I will show it, otherwise what obliges me should obliges you." ⁵ Since these conditions have a subjective rather than objective dimension and therefore, they remain an issue of disagreement among Mujtahideen. Being an experimental method, Sabr and Taqseem/ (examination and Isolation of attributes) remain exposed to refutation and criticism, which constitute an open unlimited system, and that gives the opportunity for development and expansion. al-Ghazali says that the appropriate/ relevant attribute "is the one that increases in its clarity through research, investigation and examination, and by contemplation rises to the rank of al- ' Aqliyyat (intellectual sciences)." ⁶ Increased research and experimentation is a method that the experimental researcher uses in order to be sure of the result and the more experiments he makes, his trust increases in the result to the highest possible degree, but it cannot reach the final degree of definite certainty. The confirmation and consideration of 'Illah / cause is made by inference and not by a copied evidence from a text or consensus. al-Sabr means examination and experiment, and from it we got the word 'Misbar', which means a 'probe'. Taqseem means 'determination ' of attributes that can be 'Illah in Asl/ origin and one of those attributes could be the 'Illah. Taqseem examines the attributes one by one in light of the required conditions in the cause/ 'Illah and the kinds of related considerations.

By this examination and test, the Taqseem excludes the attributes that cannot be a cause / 'Illah, and maintains what is valid to be a cause, and by this exclusion and maintenance, Taqseem reaches the ruling/ Hukm that the attributes is a cause/ 'Illah. ⁷

The Moslem 'Ulema disagreed on the justification of Hukm/ ruling. One group maintained that one ruling cannot be justified by more than one cause; the

majority maintained that the justification of a Hukm/ruling by several causes/ 'Illah is not prohibited. ⁸ al-Sabr and al-Taqseem consist of two stages: *the first* is Taqseem, which means collecting all the possible attributes and classifying them to find out which ones can be valid causes to the origin. *The second stage* is al-Sabr, which means the examination of the attributes according to the required conditions that make them valid causes / 'Illah. After the examination of the attributes, the Mujtahid excludes or deletes the inappropriate/ irrelevant attributes and keeps the valid ones till he reaches the suitable and appropriate cause/ 'Illah or the most relevant one to the Hukm/ ruling. The process of Sabr/ examination is done through a comparison between the attribute that is supposed to be a relevant 'Illah, and the existing Hukm/ ruling. This is an operation that the researcher performs in order to reveal the relationship between two events or issues and the degree of influence of a specific event or issue on another event or issue. In other words, the researcher attempts to prove that any change in the cause/ 'Illah affects the Hukm/ ruling.

al-Sabr and al-Taqseem is two kinds: one moves between negation and affirmation, and this is the 'limited' and the other is the non-limited, where the clue to the negation of a certain causality/ 'Illiyah, which is not in the attribute, is hypothetical, and this is the popular one (Montasher). The first type implies the limitation of the attributes that can be used for justification against the analogized one and examining it according to the analogized one, and the cancellation of the invalid ones by depending on its clue. That cancellation is made by its being 'cancelled' or by being a *coextensive* attribute or has some breach, or break or concealment or confusion. Consequently, the rest is attributed to causality ⁵. Some researchers think that Sabr and Taqseem is a mental operation and one of the methods to confirm the cause/ 'Illah definitively ⁹. This claim is in contradiction with Sabr and Taqseem as an inductive operation that depends on 'sense,' rather than the on 'mind/ intellect'. The rules of mental logic are definite and absolute like mathematics, for instance, but the rules of sensible logic are probable, and its field is the experimental sciences.

Methods of Eliminating the Invalid Attribute of Causality

There are two main methods of invalidating the attribute of causality ¹⁰:

- 1) Elimination refers to the Mujtahid's realization that the attribute that he kept confirmed the Hukm/ ruling in a way without needing the eliminated attribute. This method is called 'elimination' or 'expulsion' or 'abolishment' and in that case, the 'eliminated' attribute has no effect on the ruling/ Hukm.
- 2) Tardiyyah/ Exclusion: it takes place when the attribute that the Mujtahid eliminates is cancelled because the people did not accept or give any consideration. It comes in two kinds:

- a) Absolute Exclusion, which is cancelled immediately in Ahkam / rulings such as 'tallness,' 'shortness,' 'blackness,' and the like. These attributes are not valid to justify the rulings of inheritance, punishment, atonement, etc...OR
 - b) In the Discussed Ruling: this means that what was eliminated from the genus that we are familiar with among the public belongs to the genus of the caused issue, even if they considered it something else, e.g. the attribute of masculinity and femininity was considered in witnesses and judgment, guardianship in marriage and inheritance, but was eliminated in rulings of emancipation.
- 3) Absence of a Clue that the public considered this attribute as one of the kinds of considerations, and the absence of the occasion is merely a result that exists in the researcher's mind, and therefore, it is sufficient to say: "I searched, but did not find."
 - 4) al-Munasaba/ Relevance/ Appropriateness: it is the suitability and compatibility between the attribute and the Hukm/ ruling that is based on legislation that achieves an intended interest by the people – to bring them a benefit or repeals an adversity such as "intoxication" which is an attribute that is inappropriate to "prohibition of Hukm/ruling," irrespective of the color of the wine, or whether it is of liquid or not, or its taste is so and so. "Intoxication" is the appropriate attribute that makes wine prohibitive out of other things.

These methods are used to examine the attributes. The inappropriate and irrelevant attributes are kept away and the appropriate ones are kept for the Hukm/ruling. So, the Sabr (examination) and Taqseem (isolation of attributes) constitute a procedure whose function is to define the real effective cause. The researcher collects all the attributes that are related to a certain issue, and then he examines and investigates them on the basis of their closeness or remoteness to the Hukm/ruling. In this way, he gets two groups. The inappropriate attributes are put away from being used as a cause/ 'Illa for Hukm/ruling, and the attributes that can probably be a cause/ 'Illa for Hukm/ruling are kept.

The method of defining the cause/ 'Illa differs from the two tracks of Sabr and Taqseem on the one hand, and Munasaba /relevance/appropriateness on the other. al-Mujtahid in Sabr and Taqseem method specifies the valid attribute for justification, while in the Munasaba/relevance/appropriateness method, the Mujtahid specifies the attribute that is relevant to the Hukm/ruling. In other words, the method of Sabr and Taqseem aims to classify and examine different attributes that the Mujtahid thinks can possibly be the appropriate cause/ 'Illa for the ruling, while the method of Munasaba/ relevance/ appropriateness goes beyond Sabr and Taqseem and deals with the relevance of the attribute to the Hukm/ruling directly. Besides, relevance and appropriateness depend on the clues

that exist in the texts and consensus, while Sabr and Taqseem deal with clues that have no texts.

The Attitude of Moslem 'Ulema about Sabr and Taqseem

The Moslem scholars have various attitudes regarding Maratib al-Yaqin / ranks of certainty in Sabr and Taqseem. al-Ghazali generally considers them correct evidence that leads to doubt/ skepticism in causality without differentiation between its being limited or widespread.² al-Qurtuby, however, does not consider Sabr and Taqseem evidence and says that the evidence to causality here is al-Munasaba/ relevance/appropriateness, but al-Sabr is evidence to the attribute, and thus, Sabr is a condition and not evidence.⁴ In another place, he says that Sabr is not one of the methods of 'Illa/cause, but serves the relevant/ appropriate attribute⁴ . This means that evidence for Qurtubi is the legal evidence that is represented in the Holy Koran, Sunna and consensus.

Another group of Moslem scholars/ 'Ulema' refer Sabr and Taqseem to "Burhan al-Khof" (*Reductio ad absurdum*, which is a Latin term from Greek philosophy). It means: "reduction to absurdity." It is also known as *argumentum ad absurdum* (Latin) which means: "argument from absurdity. This is a common form of argument which seeks to demonstrate that a statement is true by showing that a false, untenable, or absurd result follows from its denial or in turn to demonstrate that a statement is false by showing that a false, untenable, or absurd result follows its acceptance). Some Moslem scholars use this argument and believe that Sabr and Taqseem, like "reduction to absurdity", lead to definitive certainty. Both Elkia al-Harasi, Abu al-Hassan al-Tabari (1058-1110) argue that Sabr and Taqseem lead to definitive certainty which is called "reduction to absurdity".⁴ This is in line with al-Baqalani's view that the evidence does not deal with the 'Illa /cause itself but proves its "absurdity," invalidation and nullification. By the confirmation of the invalidity of one of the two opposites, the validation confirmation of the other becomes compulsory. Ibn Arabi also considered it as certain definitive evidence.⁵

The view that considers Sabr and Taqseem a method of skepticism/ doubt deals with it as an inductive experimental method that is based on probability, and cannot claim to have definitive certainty, because this claim is in contradiction with the nature of the inductive method. However, those who argue that Sabr and Taqseem lead to definitive certainty, considering it an inductive method, depend on pure mental reasoning more than sense-perception and induction. Therefore, they treat it (Sabr and Taqseem) as *logical reduction to absurdity*.

We notice that some Moslem scholars/'Ulema do not differentiate between Sabr and Taqseem on the one hand, and Conditional Qiyas (analogy/ syllogism) on the other. Al-Zarkahsi (794h./1374 AD), maintains that "The logicians call Sabr and Taqseem a detailed

conditional Qiyas (analogy/ syllogism), and if not, they call them Muttassil/ Connected."⁴ Some Moslem scholars/'Ulema consider Sabr and Taqseem and Conditional Qiyas as one thing, which indicates that there is a certain problem/ complexity in distinguishing between the big differences between the two methods.

Conditional Qiyas/ analogy/ syllogism is based on induction and necessary adherence (Luzoom), and depends on the principle of *coherence and incoherence/ conformity and paradox* (tatabuq wa tanaqudh), which is a purely mental logic and is definitive in its indication. Through conditional Qiyas, a movement from the General to the Particulars takes place. Besides, the logical limits are based on genus and differentia, which are metaphysical concepts.

On the other hand, Sabr is based on 'induction and probability' and depends on similarity and difference and it is an experimental concrete logic that has doubtful/ skeptic indication. A movement from the particular to the general takes place through it. Sabr and Taqseem depend on concrete sense-perception that deal with casual attributes of objects rather than essential attributes.

These differences between the two methods are considered essential as each one depends on a different logic. Logical Qiyas analogy/ syllogism is based on mental concepts such as quiddity and generality that lack realistic existence outside the mind/ intellect, while Sabr and Taqseem exist in the external existence and deal with concepts that accept experiment and examination such as attributes, 'Illa/ cause and the particular.

Tanqih al-Manat

Tanqih in language means "editing and distinguishing". The word *Manat* in Fiqh means (basis of the rule), and it was adopted as a term to be used in the process of *ijtihad* in the 'Illa. 'Tanqih al-Manat' for the Fundamentalists is that type of *ijtihad* that is concerned with accurate perception of the empirical world. In other words, it deals with conforming the stable cause/ 'Illa by a text or consensus or any other method in a certain particular or event other than the one on which the text was given. Establishment of evidence that the cause/ 'Illa exists in the Far'i / new case/phenomenon as it exists in the origin, is considered confirmation of the Manat/basis of the rule.¹⁰

Takhrij al-Manat roughly means "extraction of the grounds" of a divine ruling. al-Ghazali gives an example of it saying: giving a ruling of prohibition of a certain place without mentioning the name of the place or the basis of the rule. An obvious example would be that the ground for the prohibition of *khamr* (grape wine) is its capacity to intoxicate. We infer the basis of the rule and say: It is prohibited because it intoxicates, which is the cause/ 'Illa. Then we make analogy about *khamr*/ wine. This is an analogous reasoning. There was a lot of

disagreement on 'analogical reasoning' and those who believe in 'external concrete indicants' refuse it, besides the Mu'tazila of Baghdad and all Shiites. For us, it is impossible to control the 'Illa/ cause and we can teach it by hinting, gestures, text indications and signs, which are related to the content. It can be taught also by Sabr where we can find evidence/ indicant that requires justification. If we get three parts, for example, and two of them are invalidated and cancelled, then the third becomes a fixed cause/ 'Illa by inference and induction, and will not be separated from *Tahqiq al-Manat* (which is that type of *ijtihad* that is concerned with accurate perception of the empirical world.). The evidence/ indicant can possibly be based on the inferred attribute, which can be effective by consensus, and it is attached to it (evidence), and is never separated, except in cases, where it has no effect.² Thus, we see that *Tanqih al-Manat* is basically concerned with defining the true effective 'Illa out of a number of attributes that refer to the Hukm/ruling.¹¹ The scholars/ 'Ulema were different in their attitudes regarding the independence of the method of *Manat*. al-Saffi al-Hindi says: the truth is that *Tanqih al-Manat* is a special Qiyas that goes under the Qiyas Mutlaq/ absolute analogy. Fakhr al-Razi claimed that that method is the method of Sabr and Taqseem, and it should not be considered another category."⁵ We notice the similarities between *Tanqih al-Manat* and Sabr and Taqseem in the following cases:

- a) In both methods, the Mujtahid collects the probable attributes, and then examines them in order to reach the cause 'Illa for the Hukm/ruling
- b) The Mujtahid uses the method of induction and inference to determine the cause/ 'Illa. This method is based on texts in order to determine the Manat/ grounds / base of rules and the 'Illa that are not mentioned in the method of Sabr and Taqseem.
- c) The attribute that the Mujtahid chooses in both methods is the effective one, which means that it removes the Mujtahid's doubt and after the examination, he becomes certain that this attribute is the 'Illa for the Hukm/ruling.

The difference between *Tanqih al-Manat* and Sabr and Taqseem is that the first exists where the text tells about *Manat al-Hukm*. However, it is neither refined nor pure of irrelevant elements that are related to 'Illa. However, Sabr and Taqseem exist when there is no text regarding *Manat al-Hukm*. They are used to achieve knowledge about 'Illa and not refining it. Besides, collecting the attributes in *Tanqih al-Manat* is limiting, while in Sabr and Taqseem it can be limited once, and non-limited on the other.

Dawaran/ Revolving around the Cause

Scholars have different views regarding the validity of *Dawarn* as an indicant/evidence to the 'Illa. al-Ghazali defines *Dawaran* as the existence of Hukm/ruling because of the existence of attribute, and absence of

ruling due to the absence of the attribute, and this takes place only if the attribute constitutes a cause/ 'Illa. Dawaran cannot be a confirming way to causality because it benefits from other things, otherwise, it is a matter of fact"¹² because an attribute that exists with the ruling cannot justify a ruling.⁶ Besides, the 'ma'lul/ effect cannot be an 'illa/ cause, because it is the effect of the cause. The essence and the casual are connected, in spite of the fact that one of them is not a cause of the other. That is similar to the relation of paternity and filiation, guest-host father-son relation.

al-Ghazali opposes the idea that says: "that if the attribute is confirmed, the ruling is confirmed with it, and if it disappears, the ruling disappears with it indicates that it is an attribute" and he justifies his opposition by giving the example of "wine" and says: the specific smell is connected with the intensity of wine, and prohibition is lifted when it disappears, and returns when it returns. This is not a cause/ 'Illa but is connected to 'Illa. This is so because existence at the time of existence is called "coextensiveness," and the increase of the opposite is not a condition in legal causes, and there is no effect to its existence or absence. al-Ghazali stipulates the consideration of Tard /Exclusion/ Coextensiveness" as a 'proof' to join Sabr and Taqseem to it. Such Sabr is a 'proof' in mere coextensiveness (al-Tard) even if the cumcoextensiveness (al-'Aks) does not join it."²

However, some Mu'tazilites say that "Dawaran/inseparability/revolving" indicates absolute causality and the people understood that he means "doubt in causality" on condition of absence of "Mazahem" because legal 'Illa does not require ruling by itself, but it is a sign, and if the Hukm/ruling revolves with the attribute, the doubt is most likely definite.⁵

The Dawaran method depends on the principle of causality, which indicates conjunction of 'Illa and Ma'loul/ *cause and effect*, positively or negatively, but they do not take place simultaneously; the cause must exist before the effect.

The evidence for the opinion rotation/revolving certainly signifies causality of a certain quality that depends on the observance of the nature of things, because the laws of nature are result of observing the natural relationship between the cause and its effect.¹³

Al-Qarafi says that Dawaranat are the essence of experience which occur frequently so that they indicate 'absoluteness' and "definiteness" but probably will not. This is the source of disagreement on the view that 'Dawaran' can yield "certainty" among some groups, and ' skepticism' among others, or probably does not give any benefit because of refutations....repetition can be once or twice, and in this case, the preference is to increase or decrease of repetition.¹⁴ Dawaran is used to test the experiment, which is the relationship between 'Illa and ma'lul/ *cause and effect*. This test is done via repetition of the experiment through which the

suitability between 'Illa and Ma'lul / *cause and effect* are confirmed, or refutation of the effect of 'Illa and ma'lul/ *cause and effect* is confirmed. The more repetition, the more correct results are obtained. Dawaran is used also in experimental sciences such as medicine, "and many rules in medicine are proved by experiment, which is Dawaran itself."¹⁵

Moslem scholars distinguish between *certain mental knowledge* and *ordinary certain knowledge*. The first is concerned with 'mental necessities,' while the second is concerned with "experimental sciences' and it depends on experiment and habit; "the intended thing is not the mental certain knowledge because the mind cannot be anything that revolves with the Munasaba but 'Illa/cause; the intended thing is the 'ordinary certain knowledge,' and undoubtedly, conjunction of Mauasaba and Dawaran generally yields 'certainty'¹⁶. This means that ordinary certainty is not inevitable, but probable and depends on increase of repetition. Here, it is impossible to achieve any absolute certainty, but because of absence of other variables, such as holding another lecture on theology at the same time, makes us believe that our deductions can be true at the highest degree of probability.¹⁷

Coextensiveness (Tard)

Coextensiveness is the confirmation of the Hukm/ruling with the attribute that we do not know that it is appropriate, neither required for appropriateness in all the issues that are different from the issue of conflict; in other words, its existence in all the conditions except the issue in conflict, where it is believed to be 'Illa, and consequently, the issue in conflict is attributed to the prevailing and more general.¹⁰

al-Sarkhasi defines Tard as the existence of Hukm/ruling at the existence of attribute. For some scholars, the ruling exists when the attribute exists and does not exist if it does not exist¹."

The Moslem scholars/ 'Ulema disagree on the idea whether Tard is an argument/reasoning (hujja) or not. Some of them, such as the jurists and scholastic theologians (Mutakallimum/ Kalamists) say that it is not an argument at all, but some Fundamentalists ('Usulis) regard it as absolute argument. al-Karakhi says that it is accepted polemically but we cannot rely on it in action or in *fatwa*.⁵

Ibn Taymiyya says that Tard by itself is not an indicant/evidence to the correctness of 'Illa; but coextensiveness and cumcoextensiveness are evidence to its correctness.¹⁸ Some 'Usulists/Fundamentalists consider Tard and Dawaran to be one thing, but al-Shoukani does not agree and says that the difference between Tard and Dawaran is that Tard is a comparison regarding 'existence' but not 'absence/non-existence' while Dawaran is a kind of comparison in existence and non-existence.⁵

Summary

It is possible to say that Masalik al-'Illa (methods of identification of causes) constitute different research methods that aim to determine the correct effective cause. These methods follow the approach of induction because they are experimental and start from the particular or a specific issue or event. They are also considered as methods that work within the logic of Qiyas al-Tamthil / analogy of likeness that depends on comparison between two specific parts to determine the similar attributes between them.

Basically, induction is based on a hypothesis that supposes the existence of species which possess specific attributes and constitute a specific species/kind. However, Qiyas al-Tamthil/ analogy of likeness discusses the mutual relationship between the particular definite attributes that are common in one species. The relationship between issues in Qiyas al-Tamthil is a causative relationship between variables in existence and non-existence; it is not a necessary inevitable relationship but one that depends on experiment and habitual practice.

These Masalik/ methods suit the nature of the changing fiqh / jurisprudence issues because these methods are established on unstable variables that are subject to changes of context and objective conditions. Therefore, these Masalik/ methods are considered non-certain probabilities among Moslem scholars/"Ulema because they depend on sense-perception and experience rather than on strict logical rules.

Methods of identification of effective causes were used by the scientists who worked on the sources of jurisprudence and Natural Sciences in the Middle Age, These Methods (which) are based on principles like causality, these methods were used in Islamic probability, variables, and concrete seen phenomena. These methods contribute to the development of new scientific methods for modeling. For the importance of this contribution, I am in process of conducting research compared between Islamic research methods and the modern scientific methods and examine the impact of Islamic Methods on the evolution of the methods used today in various sciences.

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