

Constructing Evidence Based on Two Premises among Theorists of Islamic Jurisprudence: A Study in Elucidating the Cause of Disagreement

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Abstract

This study investigates the origin of the discrepancy among Islamic jurisprudence thinkers regarding the construction of evidence based on two premises. I have delineated the locus of disagreement in the issue as strictly limiting the construction of evidence to two premises only. The disagreement is divided into two schools of thought: some believe that constructing evidence does not depend solely on two premises, while others hold that it does depend only on two premises. After all, I have explained why there is dispute in this case, and it all comes down to one thing: the legal definition of proof. This explanation has to do with the foundational ideas of jurisprudence. The study ends with a number of recommendations, such as carrying out a thorough investigation to define evidence in jurisprudence, contrasting it with the definition in logic, and examining the proof offered by academics who endorse the use of two premises in the construction of evidence. It also recommends studying the jurisprudential rules related to constructing evidence and their impact on legal arguments. May Allah grant success.

Keywords: Directory Building, Two Introductions, Cause of Disagreement, Fundamentals of Jurisprudence

INTRODUCTION

Understanding the reasons for differences of opinion is among the most important sciences that a diligent scholar, a legal expert, or a judge must familiarize themselves with. It is essential to comprehend its meanings, realize its outcomes, and no excuse is valid for ignorance in this matter. Some scholars have arranged the idea that one does not become a jurist until they understand the places of disagreement, their causes, and their effects on the branches of Islamic jurisprudence and related issues. Until a camel fits through a needle's eye, someone who is ignorant of the science of difference and its origins cannot be regarded as a jurist. Such a person can neither draw conclusions for new cases based on precedents already established, nor draw comparisons between the visible and invisible. Instead, they can only provide muddled and inaccurate information to others. Error rates are high, errors happen often, and jurisprudential knowledge is still elusive. Al-Subki (2012)

I wanted to create this scholarly study, "Constructing Evidence on Two Premises Among the Fundamentalists: A Study in Explaining the Cause of Disagreement," in order to shed light on the underlying causes of these disparities.

The research challenge is that the evidence building stops at two premises, and it is also unclear where researchers differ and why, as well as how to define "the fundamental cause of disagreement."

The purpose of the study is to identify the sources of scholarly disagreement and their causes, as well as the actuality of evidence production among fundamentalists based on two hypotheses.

This research is important because it sheds light on the reasons behind disagreements and the efforts made by scholars to arrive at the truth. These efforts are not made for fun; rather, they are meant to unearth the unadulterated truth, comprehend the theories and supporting data held by the researchers, and comprehend how they arrive at the conclusions they draw from the data in order to support their positions on controversial topics. This research is noteworthy in addition for being innovative in that it focuses on investigating the reasons behind disagreements in basic topics.

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After looking through earlier research, I was unable to locate any basic study that concentrated on the aspect of the reason for disagreement in this matter, addressing it in a unique way and combining it into a single thorough study.

METHODOLOGY

I used both analytical and inductive approaches when writing this paper:

The Inductive Approach I used the induction method for compiling the scientific data. This required me to look over the fundamental books and pull out pertinent information on the subject, which I then positioned correctly. I gave credit to the original authors of the works I cited. When I used an exact quote, I enclose the text in quote marks ".." I took the hadiths out of their trustworthy origins. I just ascribed hadiths that came from either or both of the Sahihain (the two Sahihis). If it came from somewhere else, I took it from the trustworthy books, noting the hadith number (if any) along with the page, volume, and chapter. If the hadiths were numbered, I also explained their validity or lack thereof.

Analytical Method: In order to address the issue, I had to analyze the texts that I had acquired. The researcher was able to determine the factors that influenced the problem by using this technique.

Clarification of Research Terminologies

The definition of evidence, according to scholars of the principles of Islamic jurisprudence, falls under two schools of thought:

The first school defines evidence as that which, through sound reasoning, leads to the desired informative conclusion. This definition is considered more general and absolute, and is the understanding adopted by many scholars of the principles of Islamic jurisprudence. It is also considered to be closer to the conventional usage (Al-Zarkashi, 2013). The second school defines evidence as that which leads to knowledge through sound reasoning, thereby excluding indications, as they lead to conjecture (Al-Razi, 2015).

With these two definitions, we find that scholars have taken two paths in defining evidence: what leads to knowledge is called evidence, and what leads to conjecture is called an indication. As I observed, those who follow the first definition consider evidence to be related to both certainty and conjecture, whereas those who follow the second definition specifically associate evidence with certainty, excluding conjecture.

In terms of terminology, a premise is understood in three ways: The first is that which knowledge and its discussions depend on in terms of initiation. The second is that which is essential for the conjunctive analogy in deductive reasoning, which can be either a minor or a major premise, also known as a component of analogy. The third meaning relates to the validity of evidence.

In summary, logical premises are those rules and issues upon which the science of the principles of Islamic jurisprudence relies, and upon which it depends in terms of understanding, deduction, arranging arguments, and compiling evidence to reach the desired conclusions (Al-Yamani, 2021).

About the idea of the fundamental cause of disagreement: Since there isn't a discrete science that employs this terminology, I haven't discovered a precise definition of the causes of disagreement in early scholarship. There aren't any early academic publications that are exclusively devoted to these causes. However, when they clarify or allude to it in their discussions on contentious matters, one can ascertain the cause through the examination of opposing viewpoints and the supporting data.

As a result, the science of dispute includes the reasons of disagreement as a chapter and component. Determining the science of disagreement as a separate art and discipline with its own texts and categories is crucial. A definition of disagreement concerning its conception and occurrence has been put forth.

As a result, I define "the fundamental cause of disagreement" as that which pinpoints the origin of disagreement on important matters and provides the imams' perspectives for their varied remarks on these matters.

Scholars' Opinions and Their Evidences in the Research Issue

There is no dispute among scholars regarding the construction of evidence based on one, two, three, or more premises; the focus here is on the flexibility in the number of premises. However, the scholars' disagreement lies in limiting the construction of evidence to only two premises, and this is where the debate arises, based on two opinions:

The first opinion: The construction of evidence does not depend solely on two premises; hence, the number of premises can be increased or decreased. (Al-Juwayni, 2017) Proponents of this view argue with two evidences:

A- That reasoning towards the desired conclusion can be based on a single premise if no others are needed. The need cannot be restricted to a specific number that is equal for everyone in all cases, so limiting it to two premises, more or less, is arbitrary. (Ibn Taymiyyah, 2005)

B- They also argue that the term 'analogy' in Arabic implies a comparison or transfer between two known entities. This does not hold true in the case of only two premises and a conclusion, as the conclusion after the two premises has no meaning and is merely a repetition of the premises in different words. (Al-Juwayni, 2017)

The second opinion: The construction of evidence is limited to only two premises, as stated in Al-Bahr Al-Muhit (Al-Zarkashi, 2013). Al-Shatibi says: Every legal evidence is based on two premises: the first relates to the verification of the basis of the ruling, and the second pertains to the legal ruling itself. The first is theoretical, established either by necessity or through thought and consideration, and by theoretical, I do not mean opposite to necessary. The second is traditional, and this is evident in every legal or rational issue; it is valid to say that the first relates to the verification of the basis and the second to the ruling, but the focus here is on explaining legal issues. (Al-Shatibi, 2018)

Proponents of this second opinion support their view with three evidences:

If the informative objective is unknown, the evidence must contain something that induces knowledge or conjecture about it, termed the middle term. The middle term must be applicable to the subject (minor premise), and the predicate must be applicable or inapplicable to it (major premise), hence the necessity of two premises. (Al-Isfahani, 2006)

The legislator has ruled on the actions of the responsible persons, whether unconditionally or conditionally, necessitated by one of the premises, the traditional one. The ruling does not apply until it is confirmed that it is the basis of that ruling, either unconditionally or conditionally, which is the requirement of the theoretical premise, and this is evident in legal matters. (Al-Shatibi, 2018)

A single premise cannot produce a result any more than a male can reproduce without a female, or vice versa. A conclusion is derived from the combination of two premises, as stated in Al-Bahr Al-Muhit. (Al-Zarkashi, 2013)

RESULTS

After gathering expert perspectives and analyzing the available data, the researcher discovered that the root of the dispute is the technical definition of proof, which has to do with core principles.

The logicians' definition of evidence is often adopted by experts of Islamic law, who state that the construction of evidence is predicated only on two premises.

On the other hand, those who adhere to the definition of evidence as understood by scholars of the principles of Islamic jurisprudence may argue against the requirement that evidence must be constructed on only two premises, suggesting instead that evidence can be built on several premises.

DISCUSSION

From the aforementioned results, it is clear that the researcher's findings align with those stated by Al-Bannani, who noted: "Know that evidence, according to logicians, is the name for the combination of the minor and

major premises. However, for scholars of the principles of Islamic jurisprudence (Usuliyyun), it is the entity that, through contemplation of its state and description, leads to the desired objective. Thus, it is singular, contrasting with the logicians' view." (Al-Bannani, 2018)

DISCUSSION

Finally, the researcher makes a few recommendations in light of the current research findings:

It is recommended to conduct a comprehensive study on the definition of evidence in Islamic jurisprudence and to compare it with the definition of evidence in logic. This could explore differences in understanding and the significance attributed to premises in the construction of evidence.

Analyze the evidence presented by scholars who support the use of two premises in constructing evidence, as well as those scholars who see the necessity of using only one premise.

It is advised to study the foundational rules related to the construction of evidence and their impact on legal arguments. It might also be helpful to investigate regulations pertaining to the requirement for multiple premises and the verification of the ruling's grounds. Underline the importance of researching the causes of disagreement on fundamental topics and make clear how they are related to one another.

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