

The Approach of Al-Zarkashi to The Roles of Mutlaq and Muqayyad in Understanding the Divine Revelation

Yusuf Olawale Uthman, Owa-Onire

Faculty of Islamic Studies, Department of Tafsir, Ibn Haldun University, Turkey

Email: yusuf.uthman@ibnhaldun.edu.tr

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Abstract

This study intends to focus on reviewing some previously recorded materials to discuss the approach of az-Zarkashi (d. 794/1392, see page 3 footnote for his short history) to the roles of an absolute word (*mutlaq*) and delimited word (*muqayyad*) in understanding the divine revelations. The method of az-Zarkashi is been chosen for thgis research due to his huge influence in the fields of principles jurisprudence (Usul al-fiqh), Quranic science, and its exegesis. The efforts employed by az-Zarkashi in the book named Bahru'l-Muhit fi Usul al-Fiqh on the topic of this paper which is *mutlaq* and *muqayyad* in the section of Usul al-fiqh, and his work on Quranic sciences (see also page 3) increases the interest in studying the research topic of our current paper. Without a doubt, many of the ambiguities about the Quranic exegesis and Hadith and the likes will be in the clarified stage by applying the available theory in the az-Zarkashi's work regarding the terms *mutlaq* and *muqayyad*. However, this study aims to shed more light on the way of deriving the proper understanding and better interpretative method to the two Islamic devine revelations; which are basically known as the Qur'an and the prophetic tradition (Hadith).

Keywords: Revelation, Qur'an, Sunnah, Usul al-Fiqh, az-Zarkazhi.

INTRODUCTION

As it was known to the Islamic scholars the primary duty and traditional theory of the principle of Islamic jurisprudence elaborate the proper interpretation of the "Quran and Hadith", to help engage the rule of reasonings about the divine revelations. The delimited (*muqayyad*) and absolute (*mutlaq*) are known to be among the logical terms of usul al-fiqh, which can also be categorized as contexts that shares topics between the principle of jurisprudence and Quranic Science (*Usul al-Fiqh* and *Ulum al-Quran*) with a similar analysis in its applications on the Islamic law and Quranic exegesis.

However, the two terminologies (*mutlaq and muqayyad*) are counted among the essential topics of Islamic fundamental rules or principle of jurisprudence (*usul al-fiqh*), so, therefore, special attention and further study to the principle of (*mutlaq*) wording and its relationship with the second term (*muqayyad*) is quite needed. Since there is a need for quality knowledge, in order to derive an Islamic ruling. Therefore, studying the texts of the Qur'an and the Hadith correctly will certainly become a compulsory task for Islamic scholars. Thus, this research focuses on the examination of the classic literature while reviewing al-Zarkashi's

analytical attention to *mutlaq and muqayyad* in his book "*Babru al-mubit*". Hence some of the modern works are also consulted for the elucidation and proper investigation of the subject matter (*Mutlaq and Muqayyad*) comprehensively.

Initially, we are studying in this paper to gain more understanding of the correct uses of the two *usul* terms absolute *Mutlaq* and delimited *Muqayyad* in the context of the Qur'an and the Sunnah, so this article is connected to the revelations, while it has to do with an Islamic dripline (*usul al-fiqh*). Therefore, the first section of the article deals with elaborating on the concept Islamic of revelations, and the notion of *usul al-fiqh* with a short explanation on its importance in understanding the revelations. In the second section, the terms *mutlaq* and *muqayyad* are expounded in the sense of meanings, conditions of carrying the absolute *mutlaq* to the restricted *muqayyad*, and another related aspect of these words to the Islamic text. While the third section of the article intended to showcase the main case study of the research, which is the approach of az-Zarkashi to the *mutlaq* and *muqayyad* in understanding the sacred Islamic revelation. Consequently, these suggested plans of the research perhaps will later link to resorts in a beneficiary conclusion that provided a clear picture for the investigated topic.

As for the literature review in this study, the classic period had registered many important works on the subject study, for instance: *Al-fusul fi al-usul*,¹ *Al-Lam'u fi usul al-fiqh*² *Al-burahn fi usul al-fiqh*³, as the classic recorded literature, with the huge contribution in expressing the subject matter of this research. Meanwhile, the next authoritative work which needs to be mentioned in the case study of this research is *Babru al-mubit fi usul al-fiqh* (*The Comprehensive Argument in the Principle of Jurisprudence*) of az-Zarkashi⁴ Definitely, the work of az-Zarkashi in the Qur'anic science and its *exegesis* which is *al-Burhan fi Ulum al-Quran* is by far notable and recognized in the field of *tafsir*. According to Ibn Hajar al 'Asqalani (d. 1449/852), The book *Al-Burhan* was written in form of a script with az-Zarkashi's handwriting, and it was found to be among the wonderful work and very interesting textbook, the author has mentioned more than forty topics of Qur'anic science in it.⁵ Then we have the work of al-Suyuti *al-itqan fi ulum al-Quran*, upon the chosen terms for this work. Hence, in accordance with the modern period and late-era, there is a published thesis in Turkish on the topic, which is named: *mutlaq and muqayyad in usul al-fiqh*.⁶

¹The author: Abū Bakr Aḥmad ibn 'Alī al-Rāzī al-Jaṣṣāṣ (d 370/981)

²The author: Al-Mu'ayyad fid-din Abu Nasr Hibat Allah b. Abi 'Imran Musa b. Da'ud ash-Shirazi (d. 470/1077)

³The author: Dhia' ul-Dīn 'Abd al-Malik ibn Yūsuf al-Juwaynī al-Shafī'ī (d. 478/1085)

⁴A short history of al-Zarkashi = (According to Wahil 'Abdul'Rahman, who is an editor to the work of al-Zarkashi "al-Burhan fi Ulum al-Qur'an", he maintained that al-Zarkashi, Muhammad bn Bahadur Abu 'Abdillah Badr Din, is a great jurist and exegete and well knowledgeable and a follower of Shafi'i's madhab, he was born in Egypt, in the year (b.745H) he is said to be traced to a family of Turk in his origin, he work with his father in making cloths with thread, he later leave this job for Islamic knowledge and he has several works in the field of usul al-fiqh and in Quranic and Hadith sciences, and in another field of knowledge. He died (rd) in the year 794H. Among his works in usul al-fiqh, *al-Babru'l-mubit fi usul al-fiqh*. It is a book which this research focuses its study on). see: al-Zarkashi, Abu 'Abdullah Badrudin Muhammad b. 'Abdullah b. Buhadir. *al-Burhan fi 'Uluḥi al-Qur'an*. (Egypt: Dāru at-Tawfiqiyyah li'Turath, 2012), pp. 4-5.

⁵Al-Asqalani, Abu al-Fadil Ahmad bn 'Ali bn Muhammad bn Hajar. *Hinmbahu al-Gamr bi Anabi al-'Umri*. (Egypt: al-Majlis al-A'ala li'Shuhun Islamiyyah, 1969), v. 1, pp. 47.

⁶Sarı, Murat, *Fıkah Usulünde Mutlak ve Mukayyed / haz. Murat Sarı. (Danışman: Yrd. Doç. Dr. Bayram Demir)-2016.*

The most connected articles to our work are: *İslam Hukuk Metodolojisinde Mutlak ve Mukayyet (The Absolute and the Qualified Words in the Source Methodology of Islamic Jurisprudence)*,⁷ *İslam Fıkah Usulünde Mutlak'ın Mukayyed'e Hamli (The Attribution Of Absolute Into Conditional In Islamic Law Method)*,⁸ *Modern Fıkah Usûli Kitaplarında Mutlakın Mukayyete Hamli Meselesinde Gösterilen Bazı Örneklerin Yeterliliği Sorunu (The Problem of Adequacy for The Examples Set Forth on The Issue of "Carrying The Absolute to The Restricted" in The Contemporary Methodology of İslamic Jurisprudence Books)*.⁹ Also, there are articles written in Arabic with the names: *al-mutlaq wa al-muqayyad wa ba'd atharii al-fiqhiyah*, "Absolute and delimited and some of its jurisprudential implications."¹⁰, *al-mutlaq wa al-muqayyad*, "Absolute and delimited."¹¹, *Athar usul al-fiqh fi tafsir al-Qurtabi al-mutlaq wa al-muqayyad u'muzajan*, *The effect of Usul al-Fiqh on the interpretation of al-Qurtabi al-Mutlaq and muqayyad as a case study*.¹² Nevertheless, the concept of the subject matter of this research, which is studying the terms Absolute and delimited to understand the revelation has been dealt within the above-mentioned works, but not in the same perspective and system adopted method by this research.

THE REVELATION

The Qur'an is known to be the divine revelation (*wahyu*) from Allah to the prophet, meanwhile fundamentally, the revelation is classified into two groups: 1) **Recited revelation:** it is referred to in Arabic as (*wahy mathu*), in other words is called the Qur'an with its outstanding inimitability *I'jaz*. 2) **Non-recited revelation:** in Arabic, this kind of revelation is known as (*wahy ghayr mathu*) which also can be called the sunnah of the prophet (PBUH).¹³ Following the classification of the revelation, it is better to have definitions about each of them in accordance with their characteristics.

THE QURAN AND THE SUNNAH

As a verbal noun, the root word in Arabic is *qara'a* which means (to read), and the word "Qur'an" literally means 'reading' or 'recitation'. Meanwhile, technically it can be defined as "the holy book, that includes the word of Allah revealed to Prophet Muhammad in human language Arabic and transmitted to the interlocutors by continuous testimony or *tawatir*. Kamali, maintained that researcher Von Denffer mentioned in his work *ulum al-Qur'an* that: the Quran contained 114 suras and 6235 ayas of unequal length. The shortest surah consists of four and the longest consists of two-hundred and eighty-sixes ayat, respectively. Every chapter of the Qur'an has a separate title. The longer surahs come first, following the shorter ones. Which appear at the end of the Qur'an. Both the arrangement of the ayas and the surahs

⁷ Şahin, O. (2015) *İslam Hukuk Metodolojisinde Mutlak ve Mukayyet*, sayı: 26, s. 11-37.

⁸ Uslu, R. (2017). *İslam Fıkah Usulünde Mutlak'ın Mukayyed'e Hamli*, cilt: X, sayı: 54, s. 1039-1043.

⁹ Karataş, N. (2020). *Modern Fıkah Usûli Kitaplarında Mutlakın Mukayyete Hamli Meselesinde Gösterilen Bazı Örneklerin Yeterliliği Sorunu = The Problem of Adequacy for the Examples Set Forth on the Issue of "Carrying the Absolute to the Restricted" in the Contemporary Methodology of Islamic Jurisprudence Book*, cilt: VI, sayı: 2, s. 821-852.

¹⁰ Burhli Abdel-Fattah, Lounis Abdel-Rahim. *al-mutlaq wa al-muqayyad wa ba'd atharii al-fiqhiyah "Absolute and restricted and some of its jurisprudential implications*, 2019.

¹¹ Al-Kuwaidi, M. M.; Muhammad M. (2015). *Mutlaq wa al-muqayyad. "Absolute and restricted. :251-312.*

¹² Farman I. I. (2013). *Athar usul al-fiqh fi tafsir al-Qurtabi al-mutlaq wa al-muqayyad u'muzajan*, "The effect of Usul al-Fiqh on the interpretation of al-Qurtabi al-Mutlaq and muqayyad as a case study. 2, no. 20.

¹³ Al-Alwani, T. J. (1990). "Usul Al Fiqh Al Islam, Source Methodology in Islamic Jurisprudence." p. 6.

are endorsed and finalized by the prophet in the last year of his life. According to this order, the Qur'an starts with surah al-Fatihah and ends with surah al-Nas.¹⁴

The Sunnah literally means way or path. However, technically, the concept of the sunnah includes anything which does not appear in or it appeared in the Qur'an but gained more clarifications and narrated from the prophet, and is about his sayings, doings, and his opinion about things.¹⁵ However, every statement of the prophet as it is explained constitutes his Sunnah, it may be what is applicable to his Ummah in general or part of his companions, or a ruling that is applied to his personal affairs. This means that the Islamic ruling, law, and principles are based on what was initially derived from the above-mentioned sources, that is Qur'an and Sunnah.¹⁶

Exemplification of the types of the sunnah as it was mentioned above, Sunnah *Qawliyyah* (verbal): Consists of the utterances of the Prophet (saw) in relations with any topic, for instance in a Hadith that was narrated by Imam Ahmad: "He who cheats is not one of us." this is a narrated statement by the prophet (saw). Then the next part is *Sunnah Taqririyyah* (Approval): It includes the approval of the Prophet (saw), to what was done in his presence without any disapproval from him on such an action. For example, the Prophet (saw) approved the way women prayed in the mosque; distinct from the men, but in the same room. The last part is *Sunnah Fa'aliyyah* (Actions): or the prophet's actions and practices, like the way he (saw) used to pray or perform Hajj (pilgrimage).¹⁷

MEANING OF USUL AL-FIQH

The term *usul* is an Arabic (plural of *asl*) means source, while *fiqh* means to understand ordinarily or have the understanding as a habit (*sejjiyyah*). Hence the word (*al-fiqh*) means *al-fahm* (understanding). It has a Qur'anic root and as it is used in this ayah: Q7:178 "they have hearts with which they understand not"¹⁸ the Qur'an asks believers to open their hearts to understand things.¹⁹ It was said that Zamakshari, maintained that the real meaning of *al-fiqh* is (*al-shiqqu or al-fathu*, to split and to open). Similarly, Ghazali defines *al-fiqh* as an act of understanding (*fahm*), forethought (*tadabbur*), and insight (*basirat*) in the issues pertaining to religion.²⁰ All the notions that are mentioned above were happened to be the literal meanings of the words *usul* and *al-fiqh*.

The meaning of *usul al-fiqh* according to Fakhr al-Din al-Razi, is the aggregate, considered as legal evidence that, when it is studied properly, will lead to definite knowledge of a *sharia'ah* ruling or to at least a common-sensible assumption about the same way by which such proofs are testified to a ruling and the status of the particular Islamic law.²¹ The concept

¹⁴Kamali, Mohammad Hashim. *Principles of Islamic jurisprudence*. The Islamic Text Society, 1991, p. 22.

¹⁵Al Alwani, "Usul Al Fiqh Al Islam, Source Methodology in Islamic Jurisprudence, p.6

¹⁶ Ibid

¹⁷Hilal, Abu Tariq, and Abu Esmail al-Beirawi. "Understanding Usul Al-Fiqh. (India: Revival Publications Okhla New Delhi, 2007), p. 60.

¹⁸ Q7:178 " لهم قلوب لا يفقهون بها "

¹⁹Al-'A'araf: 7/179

²⁰Mughal, Justice R. Dr, and Munir Ahmad. "Islamic Jurisprudence." Available at SSRN 1903980 (2000). p. 51-52.n

²¹Fakhr al Din al Razi, *Al Mabsul Fi 'Ilm Usul al Fiqh*, edited by Dr. Taha Jabir al 'Alwani, Riyadh, Imam ibn Sa'ud Islamic University, p.94.

of *usul al-fiqh* in *al-waraqot* of *Juwayni* is the act of understanding the rules of the Islamic law (al-sharia) which is derived with the aid of independent reasoning (*al-ijtihad*).²² Through the lexical and technical definitions of *usul al-fiqh* in the above lines, it is absolute that its science and methodology enhance the ability to study sharia knowledge. It provides the jurist (*mujtahid*) with appropriate legal proof that builds a self-qualification (*Malakah*) and the dependent opinion (*ijtihad*) in Islamic law and sharia ruling.²³

THE MEANING OF MUTLAQ AND MUQAYYAD AND THE WAY OF ITS APPLICATIONS

Literally, the absolute (*mutlaq*) means without any limitation and something free. While the technical meaning of *mutlaq* means a subject matter concerning a performance of which the restriction is not applied to any particular time.²⁴ *Mutlaq*: It means a word that is a free, and unspecified word in its nature. In other words, it is also known as the limited meaning but indicates an uncertain concrete entity.²⁵ According to Zarkashi, the absolute is what is indicated by the essence without any restriction, and it initially remains absolute in meaning. Many of the scholars said similar to this view; Imam al-Gazzali in *Al-Mustafa*, defined the *mutlaq* as a word that has many indications, but all based on one meaning.²⁶ An example of *mutlaq* in the Qur'an is "let them free a slave before they touch one another" Q58:03, in this noble verse, there is no restriction about the type of slave to be set free. It can be any man or woman, believer of non-believer, youth or adult, the phrase mentioned without any adjective that can restrict it and that is why is called *mutlaq*.²⁷

On the other hand, literally, *muqayyad* means a context that indicates the real meaning of its word with some addition of restrictions. As an example, "A fastened horse" cannot continue moving because of the restriction, and the rope that is used to tie a Camel restricts it.²⁸ The scholars also defined the *muqayyad* differently just as they have it on the *muqayyad*, however, all meanings have the same understanding. According to Wahbah Zuhaili (d. 1436/2015), *muqayyad* is a special statement that indicated a common person and is restricted with some adjectives or attributions. Hence, the word restriction can be well implied another definition that expounds that, *muqayyad* is the word that indicates unspecified individuals, by connecting to some restriction with adjectival attributions. For an instant the part of the adjectives concerning the *muqayyad* areas listed below:

²²Muhammad Nabeel Musharraf, *The Waraqot of Imam al-Haramayn al-Juwayni, a classical manual of Usul Al Fiqh*. 2015. p. 15.

²³ (This claim was stated by the current researcher, in order to mention some of the benefits of *usul al-fiqh* in the short form to avoid long notes on the part of its concept).

²⁴ Mughal, Justice R. Dr, and Munir Ahmad, pp. 123.

²⁵ Karataş, Nizamettin. *Modern Fıkıh Usûlü Kitaplarında Mutlakın Mukayyete Hamli Meselesinde Gösterilen Bazı Örneklerin Yeterliliği Sorunu*, pp. 824.

²⁶al-Zarkashi, Abu 'Abdullah Badrudin Muhammad b. 'Abdullah b. Buhadir, *al-Babru al-Mubıt fi Usul al-Fiqh*, v. 5, pp. 5.

²⁷ Lunis 'Abdul-Rahim, Burehli 'Abdul-Fatah, Herizi 'Aadil, Karitis 'Umar. *Mutlaq wa muqayyad wa ba'dh A'tharibi al-Fiqhiyyah*. (Algeria: Kuliyyah 'Ulum al-Insaniyyah wa al-'Ijtima'iyah, 2019), pp. 16.

²⁸ "حصان مقيد "و" مقيد الجميل"

A restriction by an adjective (*sifah*): the Quranic sentence, Q4:92: (the freeing of a believing slave)²⁹, as we can see that the freeing is been restricted with a believing slave and not any slave like the situation in the what is stated in *mutlaq*. Restriction by condition (*shart*): this aspect is cleared in the statement “And whosoever finds not [the means], let him fast two consecutive months”³⁰ the condition is to fast in two months without any gap if the believing slave is not found, the restriction here is now based on the condition; which is whoever finds the needed should resort to fasting as it is mentioned in the above ayah. Restriction by ending or until (*gayab*): example of this is in Q2:187 (Then complete the fast until the sunset)³¹, the fast was restricted in the verse until an end which is the beginning of the night.³² These are the appropriate meanings of *mutlaq* and *muqayyad* in both literal and technical expressions.

THE CONDITIONS OF CARRYING (HAML) MUTLAQ TO THE MUQAYYAD IN ZARKASHI'S WORK AND APPLICATION OF THE TERMS IN UNDERSTANDING THE ISLAMIC REVELATION

Verily, studying the law and conditions on carrying the *mutlaq* and *muqayyad* can be established by explaining the categories of these conditions, in the first place; it includes an investigation if a word has been made as *mutlaq* without restriction, in this case, it will therefore remain absolute. Likewise, the *muqayyad* without *mutlaq* will remain its restriction. But if the two vary, such as when the context is absolute in a place and a restriction in another place, we will now find out if the meaning of condition and adjective in a sentence is evidence or not. The 'ulama of *usul* agreed that when these two features are not evidenced in the *muqayyad* it will not be carried to *mutlaq*, and when it is evidence, it will be then carried to *mutlaq* which is absolute speech.³³

In contrast, according to al-Mawardi (d. 974/1058), the meaning of *muqayyad* will be considered in the specific context (*khas*), and the law of restriction will be applied, the example of this claim is Q4:43 (But if you are ill, or on a journey, or one of you has come from satisfying a call of nature, or you have touched women, and you find no water, then resort to clean earth)³⁴. This verse also establishes an important easing of the rules of ritual purity by allowing the substitution of clean earth for water in circumstances where one is ill (and so unable to look for water or in fear that washing with water will increase one's illness) or on a journey and unable to find water³⁵. But, if it is general, one is of cause free of restriction law, an example of that is in the Q4:101 (When you travel upon the earth, there is no blame upon you for shortening your prayers if you fear that the disbelievers may attack you; verily the disbelievers are your manifest enemy)³⁶. As it was understood in this

Q4:92²⁹ “فتحرير رقبة مؤمنة”

Q4:92³⁰ “فمن لم يجد فصيام شهرين متتابعين”

Q2:187³¹ “ثم أتموا الصيام الى الليل”

³²Sari, Murat, *Fikah Usulünde Mutlak ve Mukayyed*, pp.13-14.

³³al-Zarkashi, *al-Babru al-Mubtî fi Usul al-Fiqh*, v. 5, pp. 8-9.

Q4:43³⁴ “ وإن كنتم مرضى أو على سفر أو جاء أحد منكم من الغائط أو لامستم النساء فلم تجدوا ماء فتيمموا صعيدا طيبا”

³⁵ Nasr, Seyyed Hossein, et al. *The Study Quran*. (Harperone: An Imprint of Haper Collins Publisher, 2015), pp. 382.

Q4:101³⁶ “وإذا ضربتم في الأرض فليس عليكم جناح أن تقصروا من الصلاة إن خفتم أن يفتنكم الذين كفروا إن الكافرين كانوا لكم

عدوا مبينا”

noble verse, the fear is not the condition on shortening their prayer, since there is a general phrase; when you travel throughout the earth, the general word removes the constriction.³⁷

In the second part of expatiating the ruling and conditions on carrying *mutlaq* and *muqayyad* to each other, is the aim after emphasizing the proof of restriction in a restricted statement. These types of rulings from Zarkashi's work are shortly shown in the tables below:

Tabel: 1

Perceptions of When the Restriction Is a Condition of Restricted Speech In The Rules of Carrying (*Haml*) *Mutlaq* And *Muqayyad*

1. Deference in reason and ruling	Here none of the two phrases is carried to each other with an agreement by scholars, an example is <i>a restriction of witness with just, and the stating the absolute of slave in the expiation (kafarah)</i> . ³⁸
2. Agree on the reason and ruling	An example of this type is when someone is told; if you pronounce <i>Zibar</i> you should free a slave, and in another place, the same ruling is said like this: if you pronounce <i>Zibar</i> you should free a believing slave. That is why the word in Q2:196, (Whosoever finds not [the means], let him fast three days) is restricted with "Mutatabi'at" that is in (<i>sequences</i>) as it is in the recitation of <i>Ibn Mas'ud</i> (d. 32/622). Another example is when someone said " <i>eat the breakfast with me today</i> " and the person replies with " <i>I sure I will not eat</i> " the absolute speech here will be carried to restriction so it will not be extended to another day. Scholars on this part are Abu Hanifah (d. 150/767), al-Maturidi, and other, notable scholars. ³⁹
3. Deference in reason but not in the ruling	This is applied by basing the expiation of <i>Ziabr</i> on absolute speech and restricting it with the belief in expiating of killing, whereas the ruling here is the same thing, which is the necessity of freeing the slave. ⁴⁰

Table: (2)

³⁷Ibid, v. 5 pp. 9.

³⁸ Ibid, v. 5, pp. 9.

³⁹ Ibid, v. 5, pp. 10.

⁴⁰ Ibid, pp. 13-14.

Doctrines Of Scholars on Carrying (*Ham*) The Mutlaq to Muqayyad in The Work of Zarkashi
During Differences in Reason but Not In The Ruling

1. Mutlaq is carried to <i>muqayyad</i> due to linguistic status without evidence	In the absence of evidence, the speech will be carried to <i>mutlaq</i> according to the verbal status of the language, because restriction of one of the speeches will necessitate the restriction of the other speech verbally, an example of this is in Q33:35 (<i>And the men who remember Allah often and the women who do so</i>), and in the just and witness Q2:282 (<i>And bring to witness two witnesses from among your men</i>) it will be carried to Q65:2 (<i>And bring to witness two just men from among you</i>). Also, the type of this rule is in carrying the absolute of freeing in the expiation of Ziahr and the oath on freeing restricted with the faith in the and its penance is to feed the poor of killing. The ruling here is one while the reason is different, as it was said by scholars that are noted in the Shafi'i's doctrine. ⁴¹
2. Mutlaq is not carried to muqayyad with the same context except with evidence from analogy or other evidence	In this section, Imam Shafi'i (d. 767/820) expounds that there is no analogy of <i>mutlaq</i> from Qur'an on the stated word, he expounds that whoever claims otherwise means that the witness of slave and fools will be acceptable, because Allah said in Q65:2 (<i>And bring to witness two just men from among you</i>); and it was mentioned in another place in the Q2:282 (<i>And bring to witness two witnesses from among your men</i>), this second verse is absolute will be judge and analogize based on what is stated down in the book, therefore anything apart from the just is not permissible. ⁴²
3. Carrying to the heaviest ruling	In this part, if the rule of <i>mutlaq</i> is the heaviest ruling then it will be carried to its absolute, and it will not be restricted except with evidence. Hence, if the rule of restriction is the heaviest ruling; <i>mutlaq</i> will be carried to <i>muqayyad</i> , and carrying to <i>mutlaq</i> in this situation will not occur except with evidence. Meanwhile, the thickening of the speech and the heavy characteristics is a compulsion, and what is compulsion can't be removed with assumption.
4. Carrying based on whether the word is adjective or subject	The perception here is that Mutlaq will be carried to <i>muqayyad</i> if we have the ruling on the adjective, like the Iman in freeing of the believing slave. But such will not

⁴¹ Ibid, v. 5, pp. 14-15.

⁴² Ibid, v. 5, pp. 16

	happen if the ruling is on subject or substance, as the restriction of the elbow in ablution and not in tayammum.
5. When <i>mutlaq</i> cannot be carried to <i>mutlaq</i>	That means, it cannot be done, not in the way of analogy nor way of word context, this is the doctrine of Hanifis; by stating that restricting a word in a place does not necessitate restricting the like in another place. Just as specifying the general in a palace is not necessitate its restriction in another place. Further, the reason for this ban of carrying is that restricting the freeing of slaves with faith is an increment on the statement which can be called abrogation and the abrogation cannot be restricted with the analogy. ⁴³

DIFFERENCE BETWEEN GENERAL ('AM) AND ABSOLUTE (MUTLAQ)

General ('*am*) is the second type of word with regard to the meaning for which it is provided (*ma'na maudu' la hu*). Technically, the general is a word that is made once for unrestricted members of a meaning. However, the difference between a general and an absolute word is that a general one is used for all its members at once, whereas an absolute one is applied to each of its members which is not determined. Therefore, instead of one, the other is taken as a substitute. For example, in the phrase "*Tabrir raqabah*" (to release a slave), the word "*raqabah*" is absolute because it means any member.⁴⁴

WORDS OF THE GENERAL (ALFAZ "UMUM):

All nouns are preceded with the 'al', whether it is plural and it is a plural noun, a noun of the genus, or a noun singular. Plural of genus nouns. Nouns preceded with "al" of the genus (*lam from jins*). Singular or plural is relative to the proper name and the relative is for the comprehensive. All those nouns which have the meaning of group or association, e.g.: *Ma'sharun* (narrow), *'Ammatun* (the whole), *Kafatun* (all), *Qatibatun* (whole), *Rabtun* (group), *Qaumun* (people), *Jama'atun* (union), *Jam'un* (plural), *Jami'un* (all). As an example, it has been mentioned in the Qur'an that (We have created from water every living being.) [Q17:21]. In this glorious verse of the Holy Qur'an, a general rule has been stated that We have created every living object with the help of water. Here the statement of the general rule is due to the presence of a circumstance of the obstacle of particularity.⁴⁵

Moreover, among the applications in the study, there is the part of conditions mentioned in Zarkashi's work, where the revelation gained an understandable meaning by utilizing the rule of *mutlaq* and *muqayyad*. For an instance, it is well understood that if "*al-muhrim kill hunts* during *ihram* and decides to give it out to poor; he will distribute it by sharing it to three poor and above, this is because we understood in the Quranic revelation that it should be given to many people and that is the Q5:95 (*or an expiation: the feeding of needy people, the smallest is three*), although it is mentioned in the expiation of damage in the pilgrimage given to the

⁴³ Ibid, v. 5, pp. 18.

⁴⁴ Mughal, Justice R. Dr, and Munir Ahmad, pp. 144-145.

⁴⁵ Ibid. Pp. 146.

collection bound of being six for each poor person half of a saa', and that is not carried to absolute in the plural on this restricted, that happened only because in the carrying there is increase orbs, which are three poor. If not so it should be carried on the restriction.⁴⁶

Consequently, as for the second revelation which is Hadith, the implementation of *mutlaq* and *muqayyad's* ruling is undertaken at the point of joining the terms together in their carrying rule. Thus, it is understandable in the ruling that if we can combine them, it might appoint their work then the *mutlaq* can be carried to *muqayyad*. Just as it was mentioned by Ibn al-Rif'ah (d. 1247/1310) in "al-Matlab" *fi al-usul wa Tbdimar*. The rule is also in line with Hadith of Ibn Umar (d. 73/ 693): "If anyone buys a slave who possesses property. His property belongs to the seller unless the buyer makes a provision"⁴⁷, in another narration: « And whoever purchases a slave who has property, then his property is for the one who sold him unless the buyer made it a condition. »⁴⁸. The first narration requires that some slaves do not have money, so there is the addition of ownership in it, and the money, in this case, is what his owner offers to him, and not every slave owned by the buyer can be referred to as money.⁴⁹

However, the second includes all slaves, the addition here is the specific affairs and does not specify ownership, and it is carried to its clothes because every slave must have his clothes. It said: this narration is absolute, carried on what we have mentioned here about the situation of the slaves. It is better like that than to restrict it to the case of the master's ownership of the money. Therefore, it said: The absolute should not be applied by carrying it to the restricted here in the Hadith, because the combination between the two is possible.⁵⁰

CONCLUSION

The role played by the rules of *Usul's* terms; *mutlaq* and *muqayyad* in gaining the accurate meaning of Islamic revelation has been acknowledged. This is assured, by reviewing the work of al-Zarkashi on this subject of the study. Meanwhile, through the main study from al-Bahr al-Muhit fi Usul al-Fiqh, the reached concluding on absolute and restricted speech stated that; absolute remains on its absoluteness until the arrival of evidence to indicate its restriction, and cannot be carried except with conditions. Likewise, the restriction is based on the restricted direction and its necessity to take it since no evidence made it absolute. Moreover, when the reason and ruling are the same then absolute is carried to restriction, but if the situation varies, in which the ruling is different but the reason is one; absolute cannot be carried to restricted speech. On the other hand, if the ruling of a context is one and the reason is different, the right approach as it was explained by Zarkashi is to carry the absolute restriction with evidence from analogy or another textual component.

⁴⁶ Zarkashi, v.5, pp. 22.

⁴⁷ Sunan Abi Da'ud: 24, : 3433.

⁴⁸ Jami' al-Tirmidhi: 14, : 1244.

⁴⁹ al-Zarkashi, *al-Burhan fi 'Ulumi al-Qur'an*, v. 5, pp. 30.

⁵⁰ Ibid

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